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of America

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PROCEEDINGS AND DEBATES OF THE 99th CONGRESS, FIRST SESSION

SENATE—*Thursday, January 3, 1985*

The third day of January being the day prescribed by the Constitution of the United States for the annual meeting of the Congress, the 1st session of the 99th Congress commenced this day at 12 noon.

The Senate assembled in its Chamber at the Capitol.

The Senate was called to order by the Vice President.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Almighty God, Lord of history and the nations, make Your presence known and felt in this Chamber today. Grant that this swearing-in will be more than a formality—routine and perfunctory. Help each Senator to make his pledge with a deep sense of dedication to public service. May it be a commitment to integrity in the profound high trust placed in this body by a sovereign people.

In this critical hour of human affairs, when strong, honest, trustworthy leadership is desperately needed, grant that the Senators will take seriously their mandate, and be honorable in intention and purpose, as the 99th Congress opens for business.

Save us, Lord, from immaturity which cannot handle the prestige of high office—from love of power which breeds abuse—and arrogance in power which corrupts. Make this a moment of noble covenant which will honor public office and translate into actions by which truth, justice, and peace prevail. In the name of Him who is truth. Amen.

RESIGNATION AND APPOINTMENT

The VICE PRESIDENT. The Chair lays before the Senate a letter of resignation and a certificate of appointment to fill the vacancy caused by the resignation. Without objection, the reading will be waived, and the documents will be printed in the RECORD.

The documents ordered to be printed in the RECORD are as follows:

U.S. SENATE,
Washington, DC, December 27, 1984.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to inform you that I am resigning from my Senate seat effective at the start of business January 2, 1985.

Your help in this matter is greatly appreciated.

Sincerely,

PAUL E. TSONGAS,
U.S. Senator.

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT,
Boston, MA.

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Massachusetts, I, Michael S. Dukakis, the Governor of said State, do hereby appoint John F. Kerry a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the resignation of Paul E. Tsongas, is filled by election, as provided by law.

In testimony whereof, I have hereunto subscribed my name and caused the Great Seal of Massachusetts to be affixed, at Boston this 2nd day of January, in the Year of Our Lord One Thousand Nine Hundred and Eighty-Five.

MICHAEL S. DUKAKIS,
Governor,
Commonwealth of Massachusetts.

CREDENTIALS

The VICE PRESIDENT. The Chair lays before the Senate the credentials of 33 Senators elected for 6-year terms beginning January 3, 1985. Without objection, the reading will be waived, and the documents will be printed in the RECORD.

The documents ordered to be printed in the RECORD are as follows:

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF MONTANA

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

Know Ye That I, Ted Schwinden, Governor of the State of Montana, do hereby certify that at a General Election held in the State of Montana, on the 6th day of November, A.D. 1984, pursuant to Section 13-15-504 of the Montana Code Annotated of the said State, Max Baucus was duly elected to the office of United States Senator in and for the State of Montana, having received the highest number of votes for said office as appears from a certified copy of the abstract of votes cast at said election now on file in my office.

And by virtue of the power vested in me by the Constitution, and in pursuance of the laws, I do hereby commission the said Max Baucus to be United States Senator and authorize and empower him to execute and discharge all and singular, the duties appertaining to said office, and enjoy all the privileges and immunities thereof for a period of six years, beginning January 3, 1985.

In testimony whereof, I have hereunto subscribed my name and caused the Great Seal of the State of Montana to be affixed at Helena, Montana, the twenty-seventh day of December in the year of our Lord One Thousand Nine Hundred Eighty-four and in the Two Hundred Ninth year of the Independence of the United States of America.

By the Governor:

TED SCHWINDEN,
Governor.

STATE OF TENNESSEE.

CERTIFICATE OF ELECTION TO U.S. SENATOR

This is to Certify, that at the General Election held on the 6th day of November, A.D. 1984, Albert Gore, Jr., was duly elected as United States Senator from the State of Tennessee, as appears from the official returns and certificates on file in the Office of Secretary of State.

In Testimony Whereof I, Lamar Alexander, Governor of the State of Tennessee, have hereunto set my hand and caused the Great Seal of the State to be affixed, at the Capitol, in Nashville, on this 12th day of December, A.D., 1984.

LAMAR ALEXANDER,
Governor.

STATE OF MICHIGAN,
EXECUTIVE OFFICE, LANSING.

CERTIFICATE OF ELECTION FOR 6-YEAR TERM

TO THE PRESIDENT OF THE U.S. SENATE:

This is to certify that on the sixth day of November, 1984, Carl Levin, was duly chosen by the qualified electors of the State of Michigan a Senator of the United States for the term of six years, beginning on the third day of January 1985.

Given under my hand and the Great Seal of the State of Michigan this 17th day of

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

December in the Year of our Lord One Thousand Nine Hundred Eighty-Four and of the Commonwealth One Hundred Forty-Six.

By the Governor:

JAMES J. BLANCHARD,
Governor.

CERTIFICATE OF ELECTION TO THE U.S. SENATE

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the Sixth day of November, 1984, Howell Heflin was duly chosen by the qualified electors of the State of Alabama a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the Third day of January, 1985.

Witness: His excellency our governor George C. Wallace, and our seal hereto affixed at the capitol this Seventeenth day of December in the year of our Lord 1984.

By the Governor:

GEORGE C. WALLACE,
Governor.

STATE OF COLORADO.

CERTIFICATE OF ELECTION FOR 6-YEAR TERM

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the sixth day of November, 1984, William L. "Bill" Armstrong was duly chosen by the qualified electors of the State of Colorado a Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning on the third of January, 1985.

Witness: His excellency our Governor Richard D. Lamm, and our seal hereto affixed at this fourteenth day of December, in the year of our Lord, 1984.

RICHARD D. LAMM,
Governor.

STATE OF WEST VIRGINIA.

A PROCLAMATION

Whereas, From the certificate of the Board of Canvassers of the several counties of West Virginia, it appears that, at the General Election held on November 6, 1984, the vote for the United States Senator was as follows:

Counties	Rockefeller	Raese	Radin	Other
Barbour	2,969	3,873	17	
Berkeley	8,415	9,765	19	
Boone	7,483	4,295	43	
Braxton	3,385	2,723	22	
Brooke	7,874	3,192	94	
Cabell	18,213	18,075	204	
Calhoun	1,443	1,722	15	
Clay	2,192	1,544	11	
Doddridge	880	2,216	12	
Fayette	12,417	6,605	89	
Gilmer	1,436	1,911	14	
Grant	1,173	3,183	11	
Greenbrier	6,400	6,339	100	
Hampshire	2,882	2,961	16	
Hancock	10,688	4,432	108	
Hardy	2,243	2,071	15	
Harrison	16,782	16,951	76	2
Jackson	4,579	6,700	55	12
Jefferson	5,838	3,778	107	
Kanawha	42,226	44,267	410	16
Lewis	2,856	4,852	34	
Lincoln	5,538	4,312	25	
Logan	11,543	5,746	55	
Marion	14,860	11,565	85	
Marshall	8,718	7,611	145	
Mason	6,330	6,053	22	
McDowell	8,493	3,964	57	
Mercer	10,669	12,295	92	
Mineral	5,320	5,508	22	
Mingo	9,604	3,195	28	
Monongalia	15,946	11,583	130	
Monroe	2,746	3,075	5	
Morgan	2,098	2,614	4	
Nicholas	5,144	3,920	34	
Ohio	13,922	9,458	228	
Pendleton	1,619	1,735	22	
Pleasants	1,681	1,937	11	
Pocahontas	2,127	2,147	10	
Preston	4,152	6,559	22	
Putnam	6,267	8,286	78	
Raleigh	16,979	11,866	151	
Randolph	5,092	5,684	91	
Ritchie	1,280	3,206	23	
Roane	2,206	3,943	50	2
Summers	2,738	2,808	39	
Taylor	2,634	3,898	0	
Tucker	1,516	2,306	6	
Tyler	1,591	2,838	16	
Upshur	2,838	5,441	73	
Wayne	9,089	7,855	35	
Webster	2,312	1,446	8	
Wetzel	4,499	3,596	42	
Wirt	938	1,356	2	
Wood	15,285	20,513	216	
Wyoming	6,085	4,906	0	
Total	374,233	344,680	3,299	32

Now, therefore, I, John D. Rockefeller IV, Governor of the State of West Virginia, by virtue of the authority vested in me by Chapter 3, Article 6, Section 11, of the Code of West Virginia, do hereby proclaim that Jay Rockefeller was elected a member of the United States Senate for the term beginning the third day of January, 1985, and ending the third day of January, 1991.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

Done at the Capitol, in the City of Charleston, State of West Virginia, this the 14th day of December, in the year of our Lord, One Thousand Nine Hundred Eighty-four, in the One Hundred Twenty-second year of the State.

By the Governor:

JOHN D. ROCKEFELLER IV,
Governor.

STATE OF ARKANSAS.

PROCLAMATION: CERTIFICATE OF ELECTION FOR 6-YEAR TERM

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the sixth day of November, 1984, the Honorable David Pryor was duly chosen by the qualified electors of the State of Arkansas as a Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning on the 3rd day of January, 1985, the vote being:

Hon. David Pryor	502,341
Hon. Ed Bethune	373,615

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed this 12th day of December 1984.

BILL CLINTON,
Governor.

STATE OF MINNESOTA.

CERTIFICATE OF ELECTION FOR 6-YEAR TERM

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1984, Rudy Boschwitz was duly chosen by the qualified electors of the State of Minnesota a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1985.

Witness: His excellency our governor Rudy Perpich, and our seal hereto affixed at the State Capitol this third day of December in the year of our Lord 1984.

By the Governor:

RUDY PERPICH,
Governor.

CERTIFICATE OF ELECTION

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the sixth day of November, 1984, Strom Thurmond was duly chosen by the qualified electors of the State of South Carolina a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1985.

Witness: His excellency our governor Richard W. Riley, and our seal hereto affixed at Columbia, South Carolina, this twelfth day of December, in the year of our Lord, 1984.

By the Governor:

RICHARD W. RILEY,
Governor.

BY AUTHORITY OF THE STATE OF DELAWARE

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

Be it known, An election was held in the State of Delaware, on Tuesday, the sixth day of November, in the year of our Lord one thousand nine hundred and eighty-four that being the Tuesday next after the first Monday, in said month, in pursuance of the Constitution of the United States and the Laws of the State of Delaware, in that behalf, for the election of a Senator for the people of the said State, in the Senate of the United States.

Whereas, The official certificates or returns of the said election, held in the several counties of the said State, in due manner made out, signed and executed, have been delivered to me according to the laws of the said State, by the Superior Court of the said counties; and having examined said returns, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Senator, I have found Joseph R. Biden, Jr., to be the person highest in vote, and therefore duly elected Senator of and for the State in the Senate of the United States for the Constitutional term to commence at noon on the third day of January in the year of our Lord one thousand nine hundred and eighty-five.

I, Pierre S. du Pont IV, Governor, do, therefore, according to the form of the Act of the General Assembly of the said State and of the Act of Congress of the United States, in such case made and provided, declare the said Joseph R. Biden, Jr. the person highest in vote at the election aforesaid, and therefore duly and legally elected Senator of and for the State of Delaware in the Senate of the United States, for the Constitutional term to commence at noon on the third day of January in the year of our Lord one thousand nine hundred and eighty-five.

Given under my hand and the Great Seal of the said State, in obedience to the said Act of the General Assembly and of the said Act of Congress, at Dover, the tenth day of December in the year of our Lord one thousand nine hundred and eighty-four and in the year of the Independence of the United States of America the one hundred and ninth.

By the Governor:

PIERRE S. DU PONT IV,
Governor.

CERTIFICATE OF ELECTION FOR 6-YEAR TERM

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1984, Mark O. Hatfield was duly chosen by the qualified electors of the State

of Oregon a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning at noon on the 3rd day of January 1985.

Witness: His excellency our Governor, Victor Atiyeh, and the Seal of the State of Oregon hereto affixed at Salem, Oregon this 6th day of December, in the year of our Lord 1984.

By the Governor:

VICTOR ATIYEH,
Governor.

STATE OF IOWA.

CERTIFICATE OF ELECTION FOR 6-YEAR TERM

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the sixth day of November, 1984, Tom Harkin was duly chosen by the qualified electors of the State of Iowa a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1985.

Witness: His Excellency our Governor Terry E. Branstad, and our seal hereto affixed at Des Moines, Iowa, this 3rd day of December in the year of our Lord 1984.

TERRY E. BRANSTAD,
Governor.

STATE OF ALASKA.

CERTIFICATE OF ELECTION FOR 6-YEAR TERM

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1984, Ted Stevens was duly chosen by the qualified electors of the State of Alaska a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1985.

Witness: His excellency our governor Bill Sheffield, and our seal hereto affixed at Juneau, Alaska, this 4th day of December, in the year of our Lord, 1984,

By the Governor:

BILL SHEFFIELD,
Governor.

STATE OF NEW JERSEY.

CERTIFICATION OF ELECTION FOR 6-YEAR TERM

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1984, Bill Bradley was duly chosen by the qualified electors of the State of New Jersey as a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1985.

Witness: His excellency our Governor Thomas H. Kean, and our seal hereto affixed at Trenton this 4th day of December, in the year of our Lord 1984.

By the Governor:

THOMAS H. KEAN,
Governor.

CERTIFICATE OF ELECTION FOR 6-YEAR TERM

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1984, Pete V. Domenici was duly chosen by the qualified electors of the State of New Mexico a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 1985.

Witness: His excellency our Governor Toney Anaya, and our seal hereto affixed at the Executive Offices in Santa Fe, New Mexico, the Capital, this 30th day of November, in the year of our Lord 1984.

By the Governor:

TONEY ANAYA,
Governor.

THE COMMONWEALTH OF MASSACHUSETTS

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the sixth day of November, nineteen hundred and eighty-four, John F. Kerry was duly chosen by the qualified electors of the Commonwealth of Massachusetts a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred and eighty-five.

Witness: His Excellency our Governor, Michael S. Dukakis, and our seal hereto affixed at Boston, this fifth day of December, in the year of our Lord nineteen hundred and eighty-four.

By the Governor.

MICHAEL S. DUKAKIS,
Governor.

STATE OF SOUTH DAKOTA.

CERTIFICATE OF ELECTION

This is to certify, That on the sixth day of November, nineteen hundred and eighty-four, at a general election, Larry Pressler was duly chosen by the qualified voters of the State of South Dakota to the office of United States Senator for the term of six years, beginning the third day of January, nineteen hundred and eighty-five.

In witness whereof, We have hereunto set our hands and caused the Seal of the State to be affixed at Pierre, the Capital, this twenty-sixth day of November, nineteen hundred and eighty-four.

WILLIAM J. JANKLOW,
Governor.

THE STATE OF NEW HAMPSHIRE

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the sixth day of November, nineteen hundred and eighty-four, Gordon J. Humphrey was duly chosen by the qualified electors of the State of New Hampshire a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred and eighty-five.

Witness: His Excellency our Governor John H. Sununu and our Seal hereto affixed at Concord this twenty-eighth day of November, in the year of Our Lord one thousand nine hundred and eighty-four.

By the Governor, with advice of the Council:

JOHN H. SUNUNU,
Governor.

STATE OF NORTH CAROLINA

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the Sixth day of November, 1984, Jesse Helms was duly chosen by the qualified electors of the State of North Carolina a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 1985.

Witness: His excellency our Governor James B. Hunt, Jr., and our seal hereto affixed at the Capitol this Twenty-Eighth day of November, in the year of our Lord 1984.

By the Governor:

JAMES B. HUNT, JR.,
Governor.

STATE OF GEORGIA.

CERTIFICATE OF ELECTION FOR 6-YEAR TERM

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1984, Sam Nunn was duly chosen by the qualified electors of the State of Georgia a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1985.

Witness: His excellency our governor Joe Frank Harris, and our seal hereto affixed at the Capitol, in the City of Atlanta, this 28th day of November, in the year of our Lord 1984.

By the Governor:

JOE FRANK HARRIS,
Governor.

COMMONWEALTH OF KENTUCKY.

CERTIFICATE OF ELECTION FOR 6-YEAR TERM

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

Know Ye, That Mitch McConnell, having been duly certified, that on the 6th day of November, 1984, was duly chosen by the qualified electors of the State of Kentucky a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1985.

I hereby invest the above named with full power and authority to execute and discharge the duties of the said office according to law. And to have and to hold the same, with all the rights and emoluments thereunto legally appertaining, for and during the term prescribed by law.

In testimony whereof, I have caused these letters to be made patent, and the seal of the Commonwealth to be hereunto affixed. Done at Frankfort, the 29th day of November in the year of our Lord one thousand nine hundred and eighty-four and in the one hundred and ninety-third year of the Commonwealth.

By the Governor:

MARTHA LAYNE COLLINS,
Governor.

CERTIFICATE OF ELECTION FOR 6-YEAR TERM

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the sixth day of November, 1984, William S. Cohen was duly chosen by the qualified electors of the State of Maine a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 1985.

Witness: His excellency our Governor Joseph E. Brennan, and our seal hereto affixed at Augusta, Maine this twenty-sixth day of November, in the year of our Lord, 1984.

By the Governor:

JOSEPH E. BRENNAN,
Governor.

STATE OF KANSAS.

CERTIFICATE OF ELECTION

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the sixth day of November, nineteen hundred eighty-four, Nancy Landon Kassebaum was duly chosen by the qualified electors of the State of

Kansas a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the third day of January, nineteen hundred eighty-five.

Witness: The Honorable John Carlin, our Governor, and our seal hereto affixed at Topeka, this twenty-ninth day of November, in the year of our Lord nineteen hundred eighty-four.

By the Governor:

JOHN CARLIN,
Governor.

THE STATE OF TEXAS

This is to certify, that at a general election held on Tuesday, November 6th, A.D. 1984, Phil Gramm was duly elected U.S. Senator.

In testimony whereof, I have hereunto signed my name and caused the Seal of State to be affixed at the City of Austin, this the 27th day of November A.D., 1984.

MARK WHITE,
Governor.

STATE OF LOUISIANA.

ELECTION PROCLAMATION

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that J. Bennett Johnston, having received a majority of votes cast at the primary election held September 29, 1984 and having been unopposed at the general election held November 6, 1984, was duly chosen by the qualified electors of the State of Louisiana a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred and eighty-five.

Witness our official signatures at the City of Baton Rouge, this the 7th day of November, A.D., 1984.

EDWIN W. EDWARDS,
Governor.

STATE OF NEBRASKA.

CERTIFICATE OF ELECTION FOR 6-YEAR TERM

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1984, J.J. Exon was duly chosen by the qualified electors of the State of Nebraska a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1985.

Witness: His excellency our Governor Robert Kerrey and our seal hereto affixed at Lincoln, Nebraska this 3rd day of December 1984, in the year of our Lord nineteen hundred and eighty-four.

By the Governor:

ROBERT KERREY,
Governor.

STATE OF ILLINOIS

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the sixth day of November, nineteen hundred and eighty-four, Paul Simon was duly chosen by the qualified electors of the State of Illinois, a Senator from said State, to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, nineteen hundred and eighty-five.

Witness: His Excellency our Governor, James R. Thompson, and our seal hereto affixed at the City of Springfield this Twenty-sixth day of November, in the year of our Lord nineteen hundred and eighty-four.

By the Governor:

JAMES R. THOMPSON,
Governor.

STATE OF IDAHO.

CERTIFICATE OF ELECTION FOR 6-YEAR TERM

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1984, James A. McClure was duly chosen by the qualified electors of the State of Idaho a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1985.

Witness: His excellency our governor David H. Leroy, and our seal hereto affixed at Boise, Idaho this twenty-third day of November, in the year of our Lord, 1984.

By the Governor:

DAVID H. LEROY,
Acting Governor.

COMMONWEALTH OF VIRGINIA.

CERTIFICATE OF ELECTION FOR 6-YEAR TERM

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1984, John W. Warner was duly chosen by the qualified electors of the Commonwealth of Virginia a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1985.

Witness: His excellency our governor, Charles S. Robb, and our seal hereto affixed at Richmond this 26th day of November, in the year of our Lord, 1984.

By the Governor:

CHARLES S. ROBB,
Governor.

STATE OF RHODE ISLAND
and Providence Plantations.

"CERTIFICATE OF ELECTION FOR 6-YEAR TERM

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the sixth day of November, 1984, Claiborne DeB. Pell was duly chosen by the qualified electors of the State of Rhode Island a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1985.

Witness: His Excellency our Governor, J. Joseph Garrahy, and our seal hereto affixed at Providence this nineteenth day of November, in the year of our Lord, 1984.

By the Governor:

J. JOSEPH GARRAHY,
Governor.

STATE OF MISSISSIPPI.

CERTIFICATE OF ELECTION FOR 6-YEAR TERM

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, A.D., 1984, Thad Cochran was duly chosen by the qualified electors of the State of Mississippi a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1985.

Witness: His Excellency, our Governor, William A. Allain, and the Great Seal of the State of Mississippi hereto affixed at Jackson, Mississippi, this 19th day of November, A.D., 1984.

By the Governor:

WILLIAM A. ALLAIN,
Governor.

STATE OF OKLAHOMA.

CERTIFICATE OF ELECTION FOR 6-YEAR TERM

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1984, David L. Boren was duly chosen by the qualified electors of the State of Oklahoma as Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1985.

Witness: His excellency our governor George Nigh, and our seal hereto affixed at Oklahoma City, Oklahoma this 9th day of November, in the year of our Lord 1984.

By the Governor:

GEORGE NIGH,
Governor.

CERTIFICATE OF ELECTION FOR 6-YEAR TERM

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1984, Alan K. Simpson was duly chosen by the qualified electors of the State of Wyoming a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 1985.

Witness: His excellency our governor Ed Herschler, and our seal hereto affixed at Cheyenne, Wyoming, this 14th day of November, in the year of our Lord 1984.

By the Governor:

ED HERSCHLER,
Governor.

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. The Senators-elect will now present themselves in groups of four, escorted from the rear of the Chamber by the sitting Senator from their State, for the administration of their oath of office.

The clerk will read the names of the first group.

The legislative clerk called the names of Mr. ARMSTRONG, Mr. BAUCUS, Mr. BIDEN, and Mr. BOREN.

The VICE PRESIDENT. The Senators will come forward.

These Senators, escorted by Mr. HART, Mr. BYRD, Mr. ROTH, and Mr. NICKLES, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. BOSCHWITZ, Mr. BRADLEY, Mr. COCHRAN, and Mr. COHEN.

These Senators, escorted by Mr. DURENBERGER, Mr. LAUTENBERG, Mr. DOLE, and Mr. RUDMAN, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally sub-

cribed to the oath in the Official Oath Book.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. DOMENICI, Mr. EXON, Mr. GORE, and Mr. GRAMM.

These Senators, escorted by Mr. BINGAMAN, Mr. ZORINSKY, Mr. SASSER, and former Senator Albert A. Gore, Sr., of Tennessee, and Mr. TOWER, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. HARKIN, Mr. HATFIELD, Mr. HEFLIN, and Mr. HELMS.

These Senators, escorted by Mr. GRASSLEY, Mr. PACKWOOD, Mr. DENTON, and Mr. EAST, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. HUMPHREY, Mr. JOHNSTON, Mrs. KASSEBAUM, and Mr. KERRY.

These Senators, escorted by Mr. RUDMAN, Mr. BYRD, Mr. DOLE, and Mr. KENNEDY, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. LEVIN, Mr. MCCLURE, Mr. MCCONNELL, and Mr. NUNN.

These Senators, escorted by Mr. RIEGLE, Mr. SIMPSON, and former Senator Cooper of Kentucky, Mr. FORD, and Mr. MATTINGLY, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. PELL, Mr. PRESSLER, Mr. PRYOR, and Mr. SIMON.

These Senators, escorted by Mr. CHAFEE, Mr. ABDNOR, Mr. BUMPERS, and Mr. DIXON, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

[Applause, Senators rising.]

The VICE PRESIDENT. The clerk will read the names of the next group.

The legislative clerk called the names of Mr. SIMPSON, Mr. STEVENS, Mr. THURMOND, and Mr. WARNER.

These Senators, escorted by Mr. WALLOP and former Senator McGee of Wyoming, Mr. MURKOWSKI, Mr. HOLLINGS, and Mr. TRIBLE, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

[Applause, Senators rising.]

CALL OF THE ROLL

The VICE PRESIDENT. The majority leader is recognized.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[Quorum No. 1 Leg.]

Abdnor	Gorton	Murkowski
Andrews	Gramm	Nickles
Armstrong	Grassley	Nunn
Baucus	Harkin	Packwood
Biden	Hart	Pell
Bingaman	Hatch	Pressler
Boren	Hatfield	Proxmire
Boschwitz	Hawkins	Pryor
Bradley	Heflin	Quayle
Bumpers	Heinz	Riegle
Byrd	Helms	Roth
Chafee	Hollings	Rudman
Cochran	Humphrey	Sarbanes
Cohen	Inouye	Sasser
D'Amato	Johnston	Simon
Danforth	Kassebaum	Simpson
DeConcini	Kasten	Specter
Denton	Kennedy	Stafford
Dixon	Kerry	Stennis
Dole	Lautenberg	Stevens
Domenici	Leahy	Thurmond
Durenberger	Levin	Trible
East	Lugar	Wallop
Evans	Mathias	Warner
Exon	Matsunaga	Weicker
Ford	Mattingly	Wilson
Garn	McClure	Zorinsky
Goldwater	McConnell	
Gore	Moynihan	

Mr. SIMPSON. I announce that the Senator from Nevada [Mr. HECHT], the Senator from Nevada [Mr. LAXALT], and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

Mr. BYRD. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from North Dakota [Mr. BURDICK], the Senator from Florida [Mr. CHILES], the Senator from California [Mr. CRANSTON], the Senator from Connecticut [Mr. DODD], the Senator from Missouri [Mr. EAGLETON], the Senator from Ohio [Mr. GLENN], the Senator from Louisiana [Mr. LONG], the Senator from Montana [Mr. MELCHER], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Maine [Mr. MITCHELL] are necessarily absent.

The VICE PRESIDENT. A quorum is present.

LIST OF SENATORS BY STATES

Alabama. Howell Heflin and Jeremiah Denton.

Alaska. Ted Stevens and Frank H. Murkowski.

Arizona. Barry Goldwater and Dennis DeConcini.

Arkansas. Dale Bumpers and David Pryor.

California. Alan Cranston and Pete Wilson.

Colorado. Gary Hart and William L. Armstrong.

Connecticut. Lowell P. Weicker and Christopher J. Dodd.

Delaware. William V. Roth and Joseph R. Biden.

Florida. Lawton Chiles and Paula Hawkins.

Georgia. Sam Nunn and Mack Mattingly.

Hawaii. Daniel K. Inouye and Spark M. Matsunaga.

Idaho. James A. McClure and Steven D. Symms.

Illinois. Alan J. Dixon and Paul Simon.

Indiana. Richard G. Lugar and Dan Quayle.

Iowa. Charles E. Grassley and Tom Harkin.

Kansas. Robert Dole and Nancy Landon Kassebaum.

Kentucky. Wendell H. Ford and Mitch McConnell.

Louisiana. Russell B. Long and J. Bennett Johnston.

Maine. William S. Cohen and George J. Mitchell.

Maryland. Charles McC. Mathias and Paul S. Sarbanes.

Massachusetts. Edward M. Kennedy and John Kerry.

Michigan. Donald W. Riegle and Carl Levin.

Minnesota. Dave Durenberger and Rudy Boschwitz.

Mississippi. John C. Stennis and Thad Cochran.

Missouri. Thomas F. Eagleton and John C. Danforth.

Montana. John Melcher and Max Baucus.

Nebraska. Edward Zorinsky and J. James Exon.

Nevada. Paul Laxalt and Chic Hecht.

New Hampshire. Gordon J. Humphrey and Warren Rudman.

New Jersey. Bill Bradley and Frank R. Lautenberg.

New Mexico. Pete V. Domenici and Jeff Bingaman.

New York. Daniel Patrick Moynihan and Alfonse M. D'Amato.

North Carolina. Jesse Helms and John P. East.

North Dakota. Quentin N. Burdick and Mark Andrews.

Ohio. John Glenn and Howard M. Metzenbaum.

Oklahoma. David L. Boren and Don Nickles.

Oregon. Mark O. Hatfield and Bob Packwood.

Pennsylvania. John Heinz and Arlen Specter.

Rhode Island. Claiborne Pell and John H. Chafee.

South Carolina. Strom Thurmond and Ernest F. Hollings.

South Dakota. Larry Pressler and James Abdnor.

Tennessee. Jim Sasser and Albert Gore, Jr.

Texas. Lloyd Bentsen and Phil Gramm.

Utah. Jake Garn and Orrin G. Hatch.

Vermont. Robert T. Stafford and Patrick J. Leahy.

Virginia. John W. Warner and Paul S. Trible.

Washington. Slade Gordon and Daniel J. Evans.

West Virginia. Robert C. Byrd and Jay Rockefeller.

Wisconsin. William Proxmire and Bob Kasten.

Wyoming. Malcolm Wallop and Alan K. Simpson.

NOTIFICATION TO THE PRESIDENT

Mr. DOLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 1) informing the President of the United States that a quorum of each House is assembled.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 1) reads as follows:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed by the Vice President to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The VICE PRESIDENT. Pursuant to the resolution, the majority and minority leaders are appointed as members of the committee.

IMPROVING SENATE PROCEDURES

Mr. BYRD. Mr. President, I send a resolution to the desk. It is a simple resolution. I ask for its immediate consideration.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 2) to improve Senate procedures.

Mr. DOLE. Mr. President, I object.

The VICE PRESIDENT. Objection is heard. the resolution goes over under the rule.

The text of the resolution follows:

S. RES. 2

Resolved, That (a) the Senate hereby authorizes and directs that there be both television and radio broadcast coverage (together with videotape and audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be—

(1) provided in accordance with provisions of this resolution;

(2) provided continuously at such times as the Majority Leader and Minority Leader jointly agreed by a non-debatable motion, voted on without intervening action, and to be concluded by joint agreement by non-debatable motion of the Majority and Minority Leaders voted on without intervening action except for any time when a meeting with closed doors is ordered; and

(3) provided that during any television and/or radio broadcasts, time shall be divided and controlled in such way as to assure equal time to both the Majority and Minority Parties; and

(4) provided subject to the provisions pertaining to the Senate gallery contained in the following Standing Rules of the Senate: rule XIX, paragraphs 6 and 7; rule XXV, paragraph 1(n); and rule XXXIII, paragraph 2; and

(5) provided that the Senate shall be in session on Mondays, Tuesdays, and Thursdays, with committee meetings scheduled on days and/or times the Senate debate is not to be televised.

SEC. 2. The radio and television broadcast of Senate proceedings shall be—

(a) supervised and operated by the Senate, and

(b) made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other news gathering, educational, or information distributing entity as may be authorized by the Committee on Rules and Administration to receive such broadcasts.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are recognized to speak by the Presiding Officer (including Senators who are so recognized with the consent of another Senator to interrupt such other Senator).

SEC. 4. (a) The broadcast coverage by radio and television of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures);

(2) employ necessary expert consultants; and

(3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality "live" audio and color video signal of such proceedings, and (B) provide an archive-quality audio and color video tape recording of such proceedings:

Provided, That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for the employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) make audio and video tape recordings of Senate proceedings, (3) make copies of such recordings available, upon payment to him of a fee fixed therefor by the Committee on Rules and Administration, to Members of the Senate and to each person described in subsections (b) (1) and (3) of section 2 of this resolution, and (4) retain for ninety days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States copies of such recordings: *Provided,* That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations.

(d) The Librarian of Congress and the Archivist of the United States shall each receive, store, and make available to the public, at no cost for viewing or listening on the premises where stored and upon payment of a fee equal to the cost involved through distribution of taped copies, recordings of Senate proceedings transmitted to them by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 5. (a) As soon as practicable after the necessary equipment has been installed, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Such test period shall end on such date as may be agreed upon by the majority leader, the minority leader, the chairman of the Committee on Rules and Administration, and the ranking minority member of such committee.

(b) During such test period—

(1) final procedures for camera direction control shall be established;

(2) coverage of Senate proceedings shall not be transmitted, except that, at the direction of the chairman of the Committee on Rules and Administration, such coverage may be transmitted over the coaxial cable system of the Architect of the Capitol; and

(3) recordings of Senate proceedings shall be made and retained by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 6. The use of tape duplications of broadcast coverage of the proceedings of the Senate for political or commercial purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political or commercial purposes.

SEC. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations

made by this resolution, as it deems necessary to assure the proper implementation of the purposes of this resolution.

SEC. 8. Such funds as may be necessary (but not in excess of $2,500,000) to carry out this resolution shall be expended from the contingent funds of the Senate.

SEC. 9. Rule XXVI, paragraph 7.(a)(1), is amended to read as follows:

"7. (a)(1) Except as provided in this paragraph, each committee and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the committee are physically present, and no report or legislative or executive measure or matter from a committee shall be accepted at the desk except on the representation of the committee chairman that it was not reported by polling."

SEC. 10. Rule XXX, paragraph 1(b), is amended to read as follows:

"(b) When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie over one day for consideration; after which it may be read a second time, after which amendments may be proposed. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty."

SEC. 11. Rule XII, paragraph 1, is amended by striking the first clause thereof and inserting in lieu thereof the following:

"Except as provided in subparagraph 5 of this rule, when the yeas and nays are ordered."

SEC. 12. Rule XII is amended by adding at the end thereof the following new paragraphs:

"5. Whenever the Majority Leader, with concurrence of the Minority Leader, shall determine, the names of Senators voting upon any roll call shall be recorded by electronic device. Senators shall have not more than fifteen minutes from the beginning of the roll call to have their vote recorded.

6. The Majority Leader, with concurrence of the Minority Leader, may announce that any recorded vote that is scheduled to or does occur immediately after another recorded vote shall be no longer than five minutes in duration."

SEC. 13. Paragraph 4 of rule XVI of the Standing Rules of the Senate is amended—

(1) by inserting "(a)" after "4"; and

(2) by adding at the end of such paragraph the following new subparagraph:

"(b) If a point of order is made by any Senator against an amendment to a general appropriations bill on the ground that such amendment proposes general legislation or proposes a limitation or restriction not authorized by law and is to take effect or cease to be effective upon the happening of a contingency, it shall not be in order to raise the defense of germaneness unless there is House legislative language on that subject contained in the bill."

SEC. 14. Rule VIII of the Standing Rules of the Senate is amended by inserting at the end thereof the following new paragraph:

"3. Debate on any motion to proceed to the consideration of any matter, other than an amendment to the Standing Rules of the Senate, made at any time other than the morning hour shall be limited to two hours, to be equally divided between and controlled by the Majority Leader and Minority Leader or their designees, at the conclusion of which, without any intervening action, the Senate shall proceed to vote on the motion."

SEC. 15. Rule XVII, paragraph 5, of the Standing Rules of the Senate is amended to read as follows:

"5. Any measure or matter reported by any standing committee shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to Members for at least two calendar days (excluding Sundays and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate. This paragraph—

(1) may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate; and

(2) shall not apply to—

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

(B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress."

SEC. 16. Rule XV of the Standing Rules of the Senate is amended—

(1) by inserting after "Motions" in the caption a semicolon and the following: "GERMANENESS";

(2) by adding at the end thereof the following new paragraph:

"6. (a) At any time during the consideration of a bill or resolution, it shall twice be in order during a calendar day to move that no amendment, other than the reported committee amendments, which is not germane or relevant to the subject matter of the bill or resolution, or to the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall thereafter be in order. The motion shall be privileged and shall be decided after one hour of debate, without any intervening action, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators present and voting, then any floor amendment not already agreed to (except amendments proposed by the Committee which reported the bill or resolution) which is not germane or relevant to the subject matter of the bill or resolution, or the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall not be in order.

"(c) When a motion made under subparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a bill or resolution, points of order with respect to questions of germaneness or relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"(d) Whenever an appeal is taken from a decision of the Presiding Officer on the question of germaneness of an amendment, or whenever the Presiding Officer submits the question of germaneness or relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officer or hold the amendment germane or relevant shall be two-thirds of the Senators present and voting. No amendment proposing sense of the Senate or sense of the Congress language that does not directly relate to the measure or matter before the Senate shall be considered germane.

SEC. 17. Paragraph 7 of Rule XXII of the Standing Rules of the Senate is amended to read as follows:

"7. Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

" 'Is it the sense of the Senate that the debate shall be brought to a close?' "

And if that question shall be decided in the affirmative by two-thirds of the Senators present and voting-except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators duly chosen and sworn-then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, or a complete substitute and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate. Whenever an appeal is taken under this rule from a decision of the Presiding Officer on the question of germaneness of an amendment, the vote necessary to overturn the decision of the Presiding Officer shall be two-thirds of the Senators present and voting.

"After no more than twenty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the time to be equally divided and controlled by the majority leader and minority leader, or their designee, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins.

"If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

"No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

"After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with.".

NOTIFICATION TO THE HOUSE

Mr. BYRD. Mr. President, I send a resolution to the desk and I ask for its immediate consideration.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 3) informing the House of Representatives that a quorum of the Senate is assembled.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution reads as follows:

S. RES. 3

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Mr. CHAFEE addressed the Chair.

The VICE PRESIDENT. The Senator from Rhode Island is recognized.

HOUR OF DAILY MEETING

Mr. CHAFEE. Mr. President, I send a resolution to the desk dealing with the hour of convening and I ask for its immediate consideration.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 4) fixing the hour of daily meeting of the Senate.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution reads as follows:

S. RES. 4

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

Mr. MATHIAS addressed the Chair.

The VICE PRESIDENT. The Senator from Maryland is recognized.

COUNTING OF THE ELECTORAL VOTES

Mr. MATHIAS. Mr. President, I send to the desk Senate Concurrent Resolution No. 1 to provide for a joint session of the Congress to meet on the 7th day of January next for the purpose of counting the electoral votes.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 1) to provide for the counting on January 7, 1985, of the electoral votes for President and Vice President of the United States.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution reads as follows:

S. CON. RES. 1

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall meet in the Hall of the House of Representatives on Monday, the 7th day of January 1985, at 1 o'clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter "A"; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The VICE PRESIDENT. Pursuant to the resolution, the Senator from Maryland [Mr. MATHIAS] and the Senator from Kentucky [Mr. FORD], are appointed as tellers on the part of the Senate.

The majority leader.

ELECTION OF THE PRESIDENT PRO TEMPORE OF THE SENATE

Mr. DOLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The VICE PRESIDENT. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 5) to elect the Honorable Strom Thurmond, of the State of South Carolina, to be President pro tempore of the Senate of the United States.

Mr. BYRD addressed the Chair.

The VICE PRESIDENT. The Democratic leader is recognized.

Mr. BYRD. Mr. President, I am going to present an amendment shortly to substitute the name of the Honorable JOHN C. STENNIS, the Senator from the State of Mississippi, for the name of the distinguished Senator from South Carolina, Mr. THURMOND.

I think it would be appropriate at this time to note that Mr. STENNIS is with us today under circumstances that would have greatly discouraged most people from doing so. But Senator STENNIS is a very special person who is determined to fulfill his responsibilities and duties to this institution as long as God permits him to do so. The people of his State undoubtedly support him in that.

He has provided a shining inspiration—not just in this late circumstance but also throughout his career for the rest of us who would like to try to emulate the conduct and the dedication to duty, so apparent in the national service rendered by this distinguished—very distinguished—Senator from Mississippi.

I have no illusions, of course, as to the outcome of this amendment, but I think that the Senate owes the distinguished Senator from Mississippi its recognition for the services that he has so assiduously performed over the many years that he has served in this Senate.

He is No. 1 in seniority in this Senate. He is a Senator who, as I have said many times before, acts like a Senator, talks like a Senator, looks like a Senator, and is a Senator's Senator. Not only do the people of Mississippi do themselves proud by repeatedly sending this Senator back to the Senate, but they also recognize his importance to the Senate and the contributions that he will continue to make to this great Nation, through his work here.

So I ask for a vote on the amendment, which I send to the desk.

Mr. HOLLINGS addressed the Chair.

The VICE PRESIDENT. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I do not mean to seem facetious because I agree with everything that our distinguished colleague, the minority leader, has stated about our able colleague from Mississippi, Senator STENNIS.

I think the most outstanding characteristic of the distinguished Senator from Mississippi is that he really hails from the HOLLINGS' clan of South Carolina. [Laughter.] He should head up the family reunion. I would love to referee between two South Carolinians there.

I would simply state that as distinguished is the Senator from Mississippi, Mr. STENNIS, he is most distinguished for the priorities of the Presidency of the U.S. Senate itself and that he be the first to second the nomination of Senator THURMOND, my senior colleague, as our President pro tempore.

AMENDMENT NO. 1

Mr. BYRD. Mr. President, I send my amendment to the desk and ask for its immediate consideration.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1 as follows:

At the appropriate place strike "the Honorable Strom Thurmond, a Senator from the State of South Carolina" and insert in lieu thereof "the Honorable John C. Stennis, a Senator from the State of Mississippi".

The VICE PRESIDENT. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from West Virginia [Mr. BYRD].

The amendment (No. 1) was rejected.

The VICE PRESIDENT. Is there further debate on the resolution? If not, the question is on agreeing to the resolution of the Senator from Kansas, Mr. DOLE.

The resolution (S. Res. 5) was agreed to.

Mr. THURMOND. Mr. President, on this historic opening of the 99th Congress, I could not let this day pass without recognizing my good friend and distinguished colleague, the senior Senator from Mississippi, JOHN STENNIS.

As my colleagues are all aware, JOHN is continuing to recover from serious surgery, and all of us are pleased to see him here today for the opening of this Congress.

In fact, his presence here today is an indication of the courage and dedication to duty that has characterized Senator STENNIS' entire public service career—which spans three decades in the Senate alone.

I have been privileged to serve with Senator STENNIS since I first came to the Senate in 1954, and I have the utmost respect and admiration for this fine gentlemen. He is recognized throughout his home State, and indeed throughout the entire Nation, as a man of great principle and integrity who has truly earned the distinction of "Dean of the United States Senate."

He has served as chairman of two of the Senate's most powerful and prestigious committees—Armed Services and Appropriations—and distinguished himself as an effective and articulate leader for a strong national defense and fiscal integrity in government.

Although a native of Mississippi, Senator STENNIS' family roots are firmly planted in my home State of South Carolina, where his daughter and her husband still reside in the Greenville area. I can assure my colleagues that the name of JOHN C. STENNIS is well-known in South Carolina, where the people of my State know him as a man of great ability and dignity.

As the senior Democrat serving in the Senate, the position of President pro tempore, which I am honored to hold, would go to Senator STENNIS if his party held a majority of seats in this body. There is no doubt that he would serve with distinction in that leadership position, and since we have chosen new Senate officers today, I wanted to take this opportunity to commend him on his many years of outstanding service to his State and our Nation.

The majority leader addressed the Chair.

The VICE PRESIDENT. The majority leader is recognized.

ELECTION OF SENATOR STROM THURMOND AS PRESIDENT PRO TEMPORE OF THE SENATE FOR THE 99TH CONGRESS

Mr. DOLE. Mr. President, I would like to congratulate the distinguished senior Senator from South Carolina on his re-election as President pro tempore of the Senate. But, first, I would like to pay my respects to the distinguished Senator from Mississippi.

When I first came to the Senate, my predecessor, Senator Carlson, said "Keep your eye on one man. If you do what this man does in the Senate, and act like he does in the Senate, you are going to have a lot of respect from your colleagues." That man was Senator STENNIS. Senator Carlson and Senator STENNIS were close friends. They formed a prayer breakfast group together. They worked very closely together.

I had an opportunity recently to visit Senator STENNIS in the hospital. He would not let me in the room until he was seated. He did not want me to visit him while he was in bed.

We had a good visit. We talked about a lot of things. But he is an outstanding Member of this body, and in any other circumstances I would be compelled to vote for you, Senator STENNIS. But I would also say that we have an outstanding candidate who has been elected, Senator THURMOND. Senator THURMOND has certainly meant a lot to this body. He is a senior Member in every way. He has been chairman of the Judiciary Committee for 4 years, and under that chairmanship we have enacted a number of major pieces of legislation.

So, Senator THURMOND, I speak, I think, for all Senators, Republicans and Democrats, in extending congratulations to you for a job well done and congratulating you in your re-election for more years of service in the Senate.

Mr. President, I can think of no individual more highly deserving of this position than my good friend STROM THURMOND. During his service as President pro tempore of the Senate in the 97th and 98th Congresses, Senator THURMOND fulfilled the responsibilities and duties of that high office with great dedication and vigor. His long and productive public career reveals that he is a man of great principle and integrity.

In addition, his chairmanship of the Judiciary Committee over the past 4 years has produced a list of accomplishments of which he and all Americans can be justly proud. Under STROM THURMOND's aggressive leadership, the Judiciary Committee has been one of the most active and productive of all Senate committees, ushering into law last year, among other measures, the most comprehensive crime bill ever considered by the Congress.

Having worked closely with this dedicated man over the years, I have witnessed first hand his keen devotion to our Nation. His unbounded talent and sound judgment are the cornerstones of his true patriotism and love for America. As a representative of the people of South Carolina, STROM THURMOND has handled his duties in the U.S. Senate with the utmost dignity and responsibility.

Our Nation is much stronger and safer today because STROM THURMOND, as a long time member of the Senate Armed Services Committee, has emphasized the necessity of rebuilding our national defense system and pursued peace through strength. Today, as senior member and chairman of the Military Construction Subcommittee, he ably supervises one of the most important aspects of our military complex.

We are fortunate that STROM THURMOND has taken such a strong interest in Veterans' Affairs, where he is ranking majority member, and authored many important pieces of legislation which are crucial to the services our veterans deserve.

We also look forward to the continued hard work and dedication to duty that STROM THURMOND has exhibited as a member of the Labor and Human Resources.

Mr. President, I want to take this opportunity to congratulate STROM THURMOND for being re-elected President pro tempore. The U.S. Senate and our Nation will long benefit from the loyal service of this true statesman.

We are looking forward to participating in your next election in 1990.

The VICE PRESIDENT. The President pro tempore will proceed to the desk, escorted by the minority leader and the majority leader, for the purpose of taking the oath.

The President pro tempore, escorted by Senator DOLE and Senator BYRD, advanced to the desk of the Vice President; the oath was administered to him by the Vice President; and he subscribed to the oath in the official oath book.

[Applause, Senators rising.]

Mr. BYRD. Mr. President, will the distinguished majority leader yield to me?

Mr. DOLE. I am happy to yield.

Mr. BYRD. Mr. President, I think the RECORD should show that our distinguished senior Senator [Mr. STENNIS]—I say senior in point of service with respect to both parties—our senior Senator on this side of the aisle received every vote cast by the minority Senators and, had the minority been the majority, of course, our distinguished senior Senator would have been the President pro tempore. This is an indication of the great respect in which the Senator from Mississippi is held by all of his colleagues. I hope he will be with us a long time.

[Applause, Senators rising.]

Mr. BYRD. Mr. President, I thank the distinguished majority leader for yielding.

NOTIFICATION TO THE PRESIDENT

Mr. DOLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be stated.

The legislative clerk read as follows:

A Senate resolution (S. Res. 6) notifying the President of the United States of the election of a President pro tempore.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to as follows:

Resolved, That the President of the United States be notified of the election of the Honorable Strom Thurmond, a Senator from the State of South Carolina, as President pro tempore.

CONGRATULATIONS TO THE PRESIDENT PRO TEMPORE

Mr. DOLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be stated by title.

The legislative clerk read as follows:

A Senate resolution (S. Res. 7) congratulating the Honorable Strom Thurmond on his election as President pro tempore of the United States Senate.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to as follows:

S. RES. 7

Resolved, That the majority leader and the minority leader of the Senate, on behalf of the Senate, congratulate the Honorable Strom Thurmond, of South Carolina, upon his election as President pro tempore of the United States Senate.

NOTIFICATION TO THE HOUSE OF REPRESENTATIVES OF ELECTION OF A PRESIDENT PRO TEMPORE OF THE SENATE

Mr. DOLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be stated by title.

The legislative clerk read as follows:

A Senate resolution (S. Res. 8) notifying the House of Representatives of the election of a President pro tempore of the Senate.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to as follows:

Resolved, That the House of Representatives be notified of the election of the Honorable Strom Thurmond, a Senator from the State of South Carolina, as President pro tempore.

CONGRATULATIONS TO ELECTED LEADERS OF THE SENATE

The VICE PRESIDENT. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I send to the desk four resolutions and ask for their immediate consideration.

The VICE PRESIDENT. Without objection, the resolutions will be stated by title and the resolutions will be considered en bloc.

The legislative clerk read as follows:

A Senate resolution (S. Res. 9) congratulating the Honorable Robert Dole on his election as majority leader of the United States Senate.

A Senate resolution (S. Res. 10) congratulating the Honorable Alan Simpson on his election as assistant majority leader of the United States Senate.

A Senate resolution (S. Res. 11) congratulating the Honorable Robert Byrd on his election as minority leader.

A Senate resolution (S. Res. 12) congratulating the Honorable Alan Cranston on his election as minority whip of the United States Senate.

(The President pro tempore [Mr. THURMOND] assumed the chair.)

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolutions?

There being no objection, the resolutions were considered and agreed to as follows:

S. RES. 9

Resolved, That the President pro tempore of the Senate, on behalf of the Senate, congratulates the Honorable Robert Dole, of Kansas, upon his election as majority leader of the United States Senate.

S. RES. 10

Resolved, That the President pro tempore of the Senate, on behalf of the Senate, congratulates the Honorable Alan Simpson, of Wyoming, upon his election as assistant majority leader of the United States Senate.

S. RES. 11

Resolved, That the President pro tempore of the Senate, on behalf of the Senate, congratulates the Honorable Robert Byrd, of West Virginia, upon his election as minority leader of the United States Senate.

S. RES. 12

Resolved, That the President pro tempore of the Senate, on behalf of the Senate, congratulates the Honorable Alan Cranston, of California, upon his election as minority whip of the United States Senate.

ELECTION OF JO-ANNE L. COE AS SECRETARY OF THE SENATE

Mr. DOLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be stated.

The legislative clerk read as follows:

A Senate resolution (S. Res. 13) electing Jo-Anne L. Coe as Secretary of the Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to, as follows:

S. RES. 13

Resolved, That Jo-Anne L. Coe, of Virginia, be, and she is hereby, elected Secretary of the Senate, beginning January 3, 1985.

ADMINISTRATION OF OATH TO THE SECRETARY OF THE SENATE

The PRESIDENT pro tempore. The Secretary will proceed to the desk, escorted by the majority leader, to take the oath of office as Secretary of the Senate.

The Honorable Jo-Anne L. Coe, escorted by the Honorable ROBERT DOLE, advanced to the desk of the Vice President; the oath prescribed by law was administered to her by the President pro tempore.

[Applause, Senators rising.]

NOTIFICATION TO THE PRESIDENT

Mr. DOLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

A Senate Resolution (S. Res. 14) notifying the President of the United States of the election of a Secretary of the Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to as follows:

S. RES. 14

Resolved, That the President of the United States be notified of the election of the Honorable Jo-Anne L. Coe, of Virginia, as Secretary of the Senate.

LEADERSHIP TRIBUTES AND ASSURANCES OF COOPERATION

Mr. BYRD. Mr. President, before I present this resolution to the Senate, I should like to commend the distinguished Senator from Kansas [Mr. DOLE], who has been elected as the majority leader in the Senate and as the leader of his party. He is a man who is greatly talented, has great ability, and we all know he has a personality that rightly wins friends on both sides of the aisle, from Members of both parties. I congratulate him on the honor that has been accorded him by his party in the Senate.

I am confident that he is going to do his job well. It will be a pleasure for us to cooperate with Senator DOLE when we can on this side of the aisle, and, where we cannot, we will be able, hopefully, to suggest other approaches and to do so with good grace and with respect for the distinguished majority leader and his party in the Senate.

(Applause, Senators rising.)

Mr. DOLE. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD. Yes; I yield.

Mr. DOLE. Mr. President, first, I thank my distinguised colleague from West Virginia. We have had a number of opportunities to visit since my election as majority leader. For that, I am very thankful to my colleagues. We will obviously work together where we can. I have nothing but the greatest respect for the distinguished Senator from West Virginia. I advise him to be a bit patient with me while I learn the rules half as well as he knows the rules. Otherwise, I look forward to an exciting 1985 working with the minority leader and Members on both sides of the aisle to do what I think we must do. That is to address the Federal deficit.

Mr. BYRD. I thank the distinguished majority leader.

NOTIFICATION TO HOUSE OF REPRESENTATIVES OF ELECTION OF SECRETARY OF THE SENATE

Mr. BYRD. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be stated.

The legislative clerk read as follows:

A Senate resolution (S. Res. 15) notifying the House of Representatives of the election of a Secretary of the Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to as follows:

S. RES. 15

Resolved, That the House of Representatives be notified of the election of the Honorable Jo-Anne L. Coe, of Virginia, as Secretary of the Senate.

COMMENDATION OF WILLIAM F. HILDENBRAND

Mr. DOLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 16) to commend William F. Hildenbrand.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 16) with its preamble, reads as follows:

S. RES. 16

Whereas, at the beginning of the Ninety-ninth Congress William F. Hildenbrand will have fulfilled four years of service as the Secretary of the United States Senate; and

Whereas, as an elected officer of the Senate, both as Secretary for the Minority and Secretary of the Senate, the said William F. Hildenbrand has performed the duties and discharged the responsibilities of his offices with unfailing dedication and a high degree of efficiency; and

Whereas, the said William F. Hildenbrand has upheld the high standards and traditions of the Office of Secretary of the Senate with abiding devotion; and

Whereas, he has gained trust, confidence, and respect of his associates and the Members of the United States Senate; Now, therefore, be it

Resolved, That the Senate recognizes the notable contributions of William F. Hildenbrand to the Senate and to his Country and express to him its appreciation and gratitude for his long, faithful, and outstanding service.

AUTHORIZATION FOR ADMINISTRATION OF OATH OF OFFICE TO THE HONORABLE JAY ROCKEFELLER OF WEST VIRGINIA ON JANUARY 15, 1985

Mr. BYRD. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 17) authorizing the President of the Senate to administer the oath of office to the Honorable Jay Rockefeller of West Virginia.

The resolution (S. Res. 17) was agreed to, as follows:

S. RES. 17

Resolved, That the President of the Senate be, and he is hereby, authorized to administer the oath of office to the Honorable Jay Rockefeller of West Virginia in the Senate Chamber on January 15, 1985, and that the said oath, when administered as herein authorized, shall be accepted and received by the Senate as the oath of office of the said Jay Rockefeller.

EXTENSION OF TIME FOR TRANSMISSION OF BUDGET MESSAGE AND ECONOMIC REPORT

Mr. DOLE. Mr. President, I send a joint resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 6) extending the time within which the President may transmit the budget message and the economic report to the Congress and extending the time within which the Joint Economic Committee shall file its report.

Mr. MOYNIHAN. Mr. President, will the majority leader have the kindness to tell us what are the extensions involved?

Mr. DOLE. It would be February 4 on the budget, February 7 on the economic report.

Mr. MOYNIHAN. The budget would come subsequent to the State of the Union Message, or would it be the other way around?

Mr. DOLE. Mr. President, may we have order?

The PRESIDENT pro tempore. The Senate will be in order. Senators will take their seats.

Mr. DOLE. It is my understanding that the budget will precede the State of the Union Message, which I think is now temporarily set for February 6.

Mr. MOYNIHAN. It will precede?

Mr. DOLE. Yes.

Mr. MOYNIHAN. I thank the majority leader.

The joint resolution (S.J. Res. 6) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 6

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) notwithstanding the provisions of section 201 of the Act of June 10, 1922, as amended (31 U.S.C. 1105), the President shall transmit to the Congress not later than February 4, the Budget for the Fiscal Year 198 ; (b) notwithstanding the provisions of section 3 of the Act of February 20, 1946, as amended (15 U.S.C. 1022), the President shall transmit to the Congress not later than February 7, the Economic Report; and (c) notwithstanding the provisions of clause (3) of section 5(b) of the Act of February 20, 1946 (15 U.S.C. 1024(b)), the Joint Economic Committee shall file its report on the President's Economic Report with the House of Representatives and the Senate not later than

SEC. 2. That (a) notwithstanding the provisions of section 605(a) of the Congressional Budget and Impoundment Control Act of 1974 (31 U.S.C. 11(a)), the President shall submit to the Senate and the House of Representatives the estimates required to be submitted by said subsection for the Fiscal Year 198 not later than the date on which the President transmits to the Congress the budget for the Fiscal Year 198 , and (b) notwithstanding the provisions of section 605(b) of the Congressional Budget and Impoundment Control Act of 1974, the Joint Economic Committee shall submit to the Committees on the Budget of both Houses the evaluation required to be submitted by said subsection for the Fiscal Year 198 not later than the date on which the report for the Fiscal Year 198 pursuant to section 5(b)(3) of the Employment Act of 1946 (15

U.S.C. 1024b) is filed with the Senate and House of Representatives.

EXTENSION OF LIFE OF JOINT COMMITTEE ON THE INAUGURAL

Mr. MATHIAS. Mr. President, I send to the desk Senate Concurrent Resolution 2, to extend the life of the Joint Committee on the Inaugural.

The PRESIDENT pro tempore. The concurrent resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 2) to extend the life of the Joint Committee on the Inaugural.

The concurrent resolution was agreed to, as follows:

S. CON. RES. 2

Resolved by the Senate (the House of Representatives concurring), That effective from January 3, 1985, the joint committee created by Senate Concurrent Resolution 122 of the Ninety-eighth Congress, to make the necessary arrangements for the inauguration, is hereby continued with the same power and authority.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, I have a number of unanimous-consent requests which have been cleared. I will go through them as quickly as I can.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDENT pro tempore. The Senate will be in order.

AUTHORIZATION FOR ETHICS COMMITTEE TO MEET

Mr. DOLE. Mr. President, I ask unanimous consent that for the duration of the 99th Congress, the Ethics Committee be authorized to meet during the session of the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR SENATORS TO PRESENT MEASURES AT THE DESK

Mr. DOLE. Mr. President, I ask unanimous consent that during the 99th Congress, Senators may be allowed to bring to the desk bills, joint resolutions, concurrent resolutions, and simple resolutions, for referral to appropriate committees.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION TO REFER TREATIES AND NOMINATIONS ON THE DAY THEY ARE RECEIVED FROM THE PRESIDENT

Mr. DOLE. Mr. President, I ask unanimous consent that for the duration of the 99th Congress, it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day.

Mr. BYRD. Mr. President, may we have order in the Senate, so that Senators can understand the distinguished majority leader when he makes the request?

The PRESIDING OFFICER (Mr. WALLOP). The Senate will be in order.

Without objection, the request of the majority leader is agreed to.

ORDER FOR TIME LIMITATION ON ROLLCALL VOTES

Mr. DOLE. Mr. President, I ask unanimous consent that for the duration of the 99th Congress, there be a limitation of 15 minutes each upon any rollcall vote, with the warning signal to be sounded at the midway point, beginning at the last 7½ minutes, and when rollcall votes are of 10-minute duration, the warning signal be sounded at the beginning of the last 7½ minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR MEMBERS OF THE STAFF TO RECEIVE REPORTS AT THE DESK WHEN PRESENTED BY A SENATOR

Mr. DOLE. Mr. President, I ask unanimous consent that during the 99th Congress it be in order for the proper members of the staff to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER DESIGNATING DAILY ASSIGNMENT OF LEADERSHIP TIME

Mr. DOLE. Mr. President, I ask unanimous consent that the majority and minority leaders may daily, as during the past Congresses, have up to 10 minutes each on each calendar day following the prayer and the disposition of the reading of, or the approval of, the Journal.

The PRESIDING OFFICER. Without objection, it so ordered.

ORDER GRANTING PRIVILEGE OF THE FLOOR TO THE PARLIAMENTARIAN OF THE HOUSE OF REPRESENTATIVES

Mr. DOLE. Mr. President, I ask unanimous consent that the Parliamentarian of the House of Representatives and his three assistants be given the privilege of the floor during the 99th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROCEDURES FOR PRIVILEGE OF THE FLOOR DURING THE 99TH CONGRESS

Mr. DOLE. Mr. President, I ask unanimous consent that for the duration of the 99th Congress, Senators be allowed to leave at the desk with the Journal clerk a list of no more than two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted on the list, and that the Sergeant at Arms be instructed to rotate such staff members as space allows.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRINTING OF CONFERENCE REPORTS

Mr. DOLE. Mr. President, I ask unanimous consent that, notwithstanding the provisions of the Legislative Reorganization Act, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report, unless specific request is made in the Senate in each instance to have such a report printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE COMMITTEE ON APPROPRIATIONS TO TAKE CERTAIN ACTION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Appropriations be authorized during the 99th Congress to file reports during adjournments or recesses of the Senate on appropriation bills including joint resolutions, together with any accompanying notices of motions to suspend rule XVI, pursuant to rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposed amendment shall be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO TAKE CERTAIN ACTION

Mr. DOLE. Mr. President, I ask unanimous consent that, for the duration of the 99th Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossments of all Senate-passed bills and resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to House amendments to Senate amendments to House bills and resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY TO RECEIVE AND SIGN

Mr. DOLE. Mr. President, I ask unanimous consent that during the duration of the 99th Congress when the Senate is in recess or adjournment, that the Secretary of the Senate be authorized to receive and appropriatelyt refer messages from the President of the United States and, with the exception of House bills and joint resolutions, messages from the House of Representatives and that the President of the Senate, the President protempore be authorized to sign duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVISION FOR ADJOURNMENT OF BOTH HOUSES

Mr. DOLE. Mr. President, I send to the desk a concurrent resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 3) providing for an adjournment of the Senate from January 7, 1985, to January 21, 1985, and an adjournment of the House from January 7, 1985, to January 21, 1985.

The concurrent resolution (S. Con. Res. 3) was agreed to, as follows:

S. CON. RES. 3

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Monday, January 7, 1985, at the conclusion of the joint session to count the electoral votes, it stand adjourned until 4:00 p.m. on Monday, January 21, 1985, and when the House of Representatives adjourns on January 7, it stand adjourned until 10:00 a.m. on Monday, January 21, 1985, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of the concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

ORDER OF BUSINESS ON JANUARY 21, 1985

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate reconvenes on Monday, January 21, 1985, the reading of the Journal be dispensed with, no resolutions come over under the rule, that the call of the calendar be dispensed with, and that following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business not to exceed 30 minutes in length, with statements limited therein to 5 minutes each, and that the morning hour be deemed to have expired.

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The minority leader reserves the right to object.

There being no objection, the request of the majority leader is agreed to.

THE GENEVA RESOLUTION

Mr. DOLE. Mr. President, we had hoped at this time to take up a resolution concerning the Geneva meeting of the Secretary of State and the Soviet Foreign Minister. We are clearing that with the distinguished chairman of the Armed Services Committee and the chairman of the Foreign Relations Committee. Hopefully we could do that within the next few moments.

THE AGENDA

Mr. DOLE. Mr. President, I wish at this time to take only a few moments to explain what I think could happen in the next 60 days.

The next 60 days are likely to be busy ones for the Senate. On January 7, 1985, the Senate will convene at 12 noon for the sole purpose of participating in a joint meeting of the House and Senate to count electoral ballots. No rollcall votes will be conducted. Although not scheduled to meet again in working session until the week of January 21, the majority leader is hopeful that a great deal of work can be accomplished in the interim period.

During this period of time before the Inauguration, we expect that working groups will meet to discuss the administration's budget proposals and begin the process of identifying those areas of potential agreement. Working groups will also be asked to review the recommendations for changes in the Senate rules as suggested by the so-called Quayle report. The majority leader hopes that Members from both sides of the aisle will be involved in this review so that, when the Senate returns, rapid action can be taken on those areas of agreement.

In addition to work being done on the suggested changes in the rules, progress might also be made during this interim on the recommendations for changes in the committee structure. This morning the chairman of the Republican conference, my distinguished colleague from Rhode Island, Senator CHAFEE, announced his appointments to the Committee on Committees. I am hopeful that the committee can begin its discussions on the suggestions incorporated in the Quayle Committee report. Obviously the committees need to get on with the business of organizing and the more quickly the decisions are made, the better.

I might add as an aside that we cannot expect the distinguished minority leader to move ahead until we take action on our side.

The Senate is scheduled to return for business January 21, 1985, Inauguration Day. On January 21 the Senate will meet at 4 p.m. for a brief time in order to receive nominations and conduct any necessary business. No rollcall votes will be conducted.

During the remainder of that first week, the Senate will be scheduled to meet at 12 noon each day. To the extent possible, decisions might be made on rules changes.

In February, the Senate expects to be in session, with the exception of the Lincoln Day recess scheduled for February 11 to February 17. February 18 is a Federal holiday. However, the Senate will convene at 12 noon for the sole purpose of the reading of Washington's Farewell Address. On that day, no business will be conducted, nor will there be any rollcall votes.

As many of my colleagues are aware, I believe that one of the most serious issues facing this country to be the looming Federal deficit. On February 4, 1985, we will receive the administration's budget for fiscal year 1986. Hopefully action on the budget might well begin, at least on the committee level, early in the month.

During the month of February, the majority leader also hopes that action can be completed on the nomination of Mr. Edwin Meese to be Attorney General.

As I indicated at the outset, it is my hope that the next 2 months can be fruitful ones. I certainly look forward to working with the distinguished minority leader and all Members of the Senate as we start this year.

Mr. BYRD. Mr. President, I thank the distinguished majority leader for laying out for all Senators what he sees as the likely program for the next few weeks.

Mr. President, I would hope that we on this side of the aisle might be apprised of what the President intends to include in his budget, what reductions he intends to propose therein, what his ideas are for reducing the budget deficits, and I would hope that the President would be able to submit a balanced budget to the Senate.

I hope that the Members of the minority, especially those on the Budget Committee, will be apprised as soon as possible of what the President has in mind insofar as the budget is concerned.

Mr. DOLE. Mr. President, I will indicate now to the minority leader that I obviously will keep him apprised, and as soon as we have any information that I think may be helpful to all of us in the Senate I will certainly notify the minority leader.

Mr. BYRD. I thank the distinguished majority leader.

ORDER FOR THE RECORD TO REMAIN OPEN UNTIL 5 P.M. TODAY

Mr. DOLE. Mr. President, I now ask unanimous consent that the record remain open until 5 p.m. today for the introduction of bills, resolutions, and submissions of statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATION ON FINAL ASCERTAINMENT OF ELECTORS FOR PRESIDENT AND VICE PRESIDENT

The PRESIDING OFFICER. If the majority leader will yield for a statement, the Chair lays before the Senate a communication from the Administrator of General Services transmitting, pursuant to law, certified copies of the final ascertainment of the Electors for President and Vice President which are ordered to lie on the table.

I thank the majority leader.

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business not to exceed 2 hours in length, with statements limited therein to 3 minutes each, with the exception of the distinguished Senator from New Hampshire, who will be permitted to address the Senate for not to exceed 30 minutes; provided further that no limitation apply to the two leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEVERAL SENATORS addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, the Senate is now operating under the resolution providing for routine morning business?

The PRESIDING OFFICER. The Senator is correct.

TV AND ELECTRONIC VOTING DEVICES IN THE SENATE

Mr. BYRD. Mr. President, I shall introduce for referral later today various proposals intended to open the way, hopefully, for television and radio broadcasts of debate in the Senate.

The principal problem, as I see it—and I attempt to look at this matter through the eyes of a former majority leader and through the eyes of the present minority leader—is that of assuring Members on both sides of the aisle and particularly the minority that they will be recognized in a fair and equitable fashion and receive equal time when the debate in the Senate is being broadcast.

I also am introducing proposals to provide for electronic voting in the Senate as now occurs in the House of Representatives and in many State legislatures.

I also propose to amend rule XXII in ways that would relieve the Senate of the kind of abuses that have occurred so many times heretofore after cloture has been invoked.

I am also proposing that the Senate be in session Mondays, Wednesdays, and Thursdays for floor action and that no committee meetings may occur when the Senate is being televised. Committees could meet on days of the week when the Senate is not in session, or before and after Senate sessions that are being televised.

I have to say also that I believe that, until we move in this direction, the Senate will continue to be unable to hold our own with respect to the media coverage at the White House and in the other body. The Senate at the present time is somewhat of an unknown institution in this country to many people. They think of Congress as being the House of Representatives. Of course, the Senate is also a House of the Congress. At the present time, the White House and the House of Representatives are seen much on television. The Senate should also move in this direction. The American people are entitled to see and hear what the Senate is doing. As Woodrow Wilson once said, "The informing function of the Congress is as important as is the legislative function." The practical problems facing TV and radio broadcasts in the Senate are difficult but not insurmountable. The Senate has vastly different rules from those of the House.

It is imperative that the minority be protected and have its equal access to time when and if such Senate broadcasts begin. And it is not easy to provide such equity in the time agreements under which we normally approach many of the more controversial measures that come before this body. But we should make the effort to do so. My proposals provide for proceeding with audio and video coverage on a trial basis so that the bugs can be ironed out.

I shall offer these and other rules changes for referral, and I hope that the Senate Committee on Rules and Administration will consider these proposals as soon as it is possible for that committee to do so.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, if I might just take a moment to thank my peers for selecting me as the assistant majority leader of the Senate, I consider that a great honor and a rugged responsibility, and it is my intention to serve the leader as his lieutenant, he indeed being the captain of this particular body as the majority leader. He has my deepest admiration and respect. That has been very evident. I have shared that with him many times in the past for he is an absolutely extraordinary legislator.

To Senator ROBERT BYRD, who also commands my deep regard and respect, who is an extraordinary parliamentarian, he and I have had some thoughtful differences of opinion on various items.

I have learned much from him. He has been a fine counselor and assistant, and a great source of information to me since I came here.

So it is my wish that we can smooth the duties in this body, reach out across the aisle not for purposes of obtaining votes, but for the purposes of legislating. We are all in this one together. There is much to do. The American people look toward us. They are tired of partisanship for partisanship's sake. It is a feckless exercise when performed. I have never engaged in it in my 20 years in legislating, and the Presiding Officer and I both served in the same legislative body before we came here. Both of us know what a feckless issue that can be when you just become involved and enmeshed in partisanship for no other purpose.

So with that, I hope we might bring a genuine frankness and honesty to our deliberations and a sensitivity toward the needs of others on the other side of the aisle. We are a legislature. We should be about the issue of legislating. That is what is expected of us. Let us be about our business. I hope we can do that in the spirit of cooperation. I look forward very much to working with Senator CRANSTON, also the whip on the other side of the aisle, a man I have served with on the Veterans' Affairs Committee.

And so to those on the other side of the aisle, to our leader, I pledge my support and my best assistance.

Mr. STAFFORD addressed the Chair.

Mr. BYRD. Will the Senator yield?

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I thank the distinguished majority whip for his perceptions, observations, and good intentions.

I know that he has the ability to do a tremendous job on that side of the aisle. I am confident that there will be many times when we will work together on matters of mutual concern. I congratulate the distinguished Senator. The Senator knows that I served here with his father, and that I am proud to see his illustrious son elected to be assistant Republican leader in the Senate. We have no doubt that the record will reflect well upon the actions of the distinguished Senator from Wyoming in the days ahead.

Mr. STAFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

FORMER SENATOR GEORGE DAVID AIKEN

Mr. STAFFORD. Mr. President, George David Aiken of Putney, VT, who graced the Senate with his service for more than 30 years until he retired a decade ago, died in Vermont on November 19, 1984, while the Congress was in recess.

I know that all those who served in the Senate with George Aiken remember him with affection and with respect. I suspect that others who came to know him after his retirement feel the same way.

It is only fitting that Members of this body be given the opportunity to express their feelings about George Aiken. The leadership has agreed to a special order to set aside time for Members of the Senate to pay their respects to our former colleague, and I take this opportunity to invite each of you to participate.

The special order to permit Members of the Senate to pay their respects to George Aiken is set for Tuesday, January 22d.

SENATOR RUDY BOSCHWITZ

Mr. DURENBERGER. Mr. President, earlier today I had the distinct honor and special personal privilege of accompanying RUDY BOSCHWITZ to the desk of the U.S. Senate for the beginning of his service in a second term as a U.S. Senator from Minnesota.

RUDY and I came to this body together as a result of the 1978 elections. We were the "Minnesota Massacre" in those days. In 1978, and for the first time in a very long time in Minnesota, the Republican Party held both seats in the U.S. Senate and the governorship at the same time. The 1978 Minnesota election provided the opportunity to sweep all three of those elective offices in one year because of very unique circumstances—the elevation of a former Minnesota Senator to the Vice Presidency—the death of another Senator who had served the State and the Nation as Senator, Vice President and then Presidential nominee of his party. So those were unique days in the history of our State. And perhaps in the history of the country. RUDY and I believed that we were here to herald a change in the public spirit and the sense that the people had for the Government. The "Minnesota Massacre" did, in fact, point to the changes which swept the Nation in 1980 and brought a Republican majority to the U.S. Senate.

When we got here, we found that we were the Minnesota Twins. Two freshman from the same party and same State were bound to be compared. For a time we were not particularly comfortable with the comparisons. Those who have observed our work over the past 6 years know that we are very different. We knew that in 1978. We came here for different reasons, from very different backgrounds and had different goals and objectives. After a time, and I suspect particularly now that we have both been reelected, the need to compare us, one with the other, has disappeared and our linkage as Minnesota Republicans is only a minor aspect of the public perception.

But the bond between us remains close and personal. My admiration for RUDY, the strengths he brings to the Senate, his devotion to his family and community, and his qualities as friend and colleague grows each year. On this special day for he, his wife Ellen and his sons Gerry, Ken, Dan and Tom, I wanted to make sure that the RECORD contained the story of RUDY BOSCHWITZ. It is a remarkable story—the path by which he came to the U.S. Senate. It is the American story.

Assessing RUDY BOSCHWITZ' future in the U.S. Senate, a Minnesota editor once predicted that he "will become a person of national prominence because of his understanding and staunch support of the small businessman and farmer."

RUDY built his reputation during his 15 years as a Minnesota businessman—prior to his election to the Senate in November 1978. He frequently took the lead to show what a relatively small business can do to counter the forces of inflation and increasingly high prices from suppliers.

As head of Plywood Minnesota, a mass merchandiser of paneling, cabinets, and carpet, RUDY campaigned for the "little guy" through a number of efforts, including: A Plywood Minnesota price freeze—when inflation raged—a "Don't Do It, Dupont" movement to hold down prices on carpet fiber, and well-publicized divorces from large suppliers who wouldn't hold the line on prices.

During his Senate campaign, RUDY stressed that our Government needs more representatives from business; men and women who truly understand fiscal responsibility, and have a working knowledge of free enterprise.

"Free enterprise," RUDY says, "should not connote a series of corporate giants growing larger. It means that people have access into the economic mainstream and that the economic system responds to supply and demand."

In the Senate—a body which currently has 60 lawyers—RUDY is among the dozen or so who have had active business careers, and among only three or four who were entreprenuers.

BOSCHWITZ' belief in free enterprise is deeply rooted. An immigrant to America at the age of 5, he was born in Berlin in 1930 during the declining days of the Weimar Republic. His father, whom RUDY cites as the most eminent of his heroes, sensed what was ahead in Hitler's Germany and took his family on a vacation to Czechoslovakia. The family eventually settled in New Rochelle, NY, and began to rebuild their lives.

Some 43 years later BOSCHWITZ told a crowd at a reception following his swearing in as a U.S. Senator of his gratitude to a system that allowed a boy who got off the boat at the age of 5 to achieve so much and attain one of the highest offices our Nation has to offer.

RUDY attended college at Johns Hopkins University and received his law degree, at age 22, from New York University. He served in the U.S. Army Signal Corps, practiced law for a couple of years, but then decided to make some real money.

He began his business career with his brother's fledgling firm in Oshkosh, WI. In 1963 RUDY moved to Minnesota, took over an old railroad building in a Twin Cities suburb, and began Plywood Minnesota, an enterprise that grew in 15 years to include 68 warehouse stores in 8 States.

Though his involvement in politics began quite by chance, RUDY's participation is based upon his belief that a person who has received much from the American system needs to return it as well.

As Minnesota's Republican National Committeeman from 1971 through 1978 and now as a Senator, and as a private citizen as well, he has followed his practice of returning. He has served as Minnesota State Chairman for a number of organizations including the American Cancer Society—3 years, the Minnesota Mental Health Association—1 year, the Minnesota Kidney Foundation—2 years, and the Lubavitch House in St. Paul—many years, and that's only a small sampling of his many involvements.

He and his wife Ellen have moved to McLean, VA, with their two younger sons, Dan, 18, and Tom, 15. Sons Gerry, 23 and Ken, 22, graduated from two small Minnesota colleges, Gerry from Carleton in Northfield and Ken from Macalester in St. Paul. They are now associated with Plywood Minnesota.

A jogger, RUDY's quiet moments—there are few—are spent listening to music and reading a variety of newspapers and magazines, newsletters and books on political history. Mostly, BOSCHWITZ says, "I work."

ORDER FOR RECESS UNTIL MONDAY, JANUARY 7, 1985

Mr. SIMPSON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon on Monday, January 7, 1985. That con-

sent motion has been cleared with the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I yield to the Senator from New Hampshire.

THE SILENT SCREAM

Mr. HUMPHREY. Mr. President, a new film has just been released. It is so new, I doubt that more than a few hundred Americans have seen it. Yet it is a film that I believe millions of Americans will see before long, and I believe it is a film that will change American history.

The film lets us see something no human being had ever seen until just recently. Such a film was not possible to make because technology did not exist until now.

I want to tell my colleagues about the narrator of the film. His name is Bernard Nathanson. Bernard Nathanson is a specialist in obstetrics and gynecology and practices in New York.

In the 1960's Dr. Nathanson was an activist in the movement to repeal State laws that prohibited abortion. In fact he was a founder of the National Association for the Repeal of Abortion Laws, the most active and successful of such organizations. I say successful, because he and his colleagues achieved their goal when the Supreme Court in 1973 overturned the abortion laws and abortion became legal and increasingly widespread.

After the 1973 decision, Dr. Nathanson became the director of the largest abortion clinic in the world. Some 60,000 abortions were performed during his tenure.

Today, Dr. Nathanson is one of the leading antiabortion advocates in the world, and probably the most eloquent. How did it happen? What changed the mind of this once ardent advocate of abortion?

The evolution of Dr. Bernard Nathanson parallels the evolution of fetology as a medical specialty. Fetology is the medical care of the human fetus. Fetology is a new specialty. In fact, in 1973, when the Supreme Court struck down the laws prohibiting abortion, fetology was so early in its development it was not yet recognized as a medical specialty.

In 1973, the human fetus could not be seen on an x-ray film until the end of the fourth month of pregnancy, when bones had sufficiently calcified, and so, since the human fetus was invisible to us, it was easy to dismiss abortion as simply the removal of amorphous tissue.

But then in the 1970's, came the refinement of ultrasound, and a window on the womb was opened up to those who cared to look. Realtime ultrasound revealed in a continuous motion picture the human child in the womb. The first scientific papers based on the use of realtime ultrasound in fetology began appearing in 1976, technology was advancing rapidly.

Realtime pictures show the tiny heart beating at 4 weeks. Organs are studied, and indeed surgery performed on the unborn child to correct defects detected by ultrasound. Eye movements are seen at 20 weeks. Sexual organs are identified at 14 weeks. The child is seen to breathe, just like us, and to increase the rate when subjected to stress, just like us. His legs and arms and even fingers become visible to us. In short, realtime ultrasound shows us not a vague "product of conception" but a human being, a child, in the womb.

The new film about which I began my remarks is a film about the child in the womb. It features realtime ultrasound images of a child not yet born. Its title is "The Silent Scream." The title is most apt, for the ultrasound images show an abortion being performed—they show a living human being, a 12-week child in the womb, being torn apart by an abortionist's instruments. "The Silent Scream" shows an abortion from the victim's vantage point.

Mr. President, I urge every American to view this film. And, while the transcript of the sound track is much less revealing than the film itself, the effect is still profound. Before placing the transcript in the RECORD, I wish to acknowledge the 1984 copyright owned by American Portrait Films of Anaheim, CA, and to thank that firm for permitting me to use the transcript in this fashion.

Mr. President, I ask unanimous consent to place in the RECORD the transcript of the film, "The Silent Scream."

My remarks from this point are those of Dr. Bernard Nathanson, former abortionist, now one of the world's leading pro-life advocates.

THE SILENT SCREAM

Now we can discern the chilling silent scream on the face of this child who is now facing imminent extinction.

My name is Bernard N. Nathanson. I'm a physician, practicing obstetrician and gynecologist. And I think I've had a passing experience in matters of abortion. Now, when I was a medical student, in 1949, we had no such science as fetology. We were taught that the unborn child, the fetus, was something in the uterus but it was really an article of faith as to whether or not it was a human being, and whether or not that human being had any unique personal qualities. But the whole story has changed since the 1970's. It was at that time that the science of fetology exploded in the medical community. It exploded by means of the introduction of great new technologies such as ultrasound imaging, electronic fetal heart monitoring, fetology, hysteroscopy, radio immuno chemistry and a host of other dazzling technologies which today constitute in fact the corpus of the science of fetology.

Realtime ultrasound, that is, imaging of the child in motion, has been available as a clinical tool since 1976. The room for the ultrasound examination consists of a conventional examining table as well as the ultrasound imaging device itself, a bulky appearing machine here.

Now the pregnant woman is positioned on the table for the examination. The abdomen is suitably draped. The head of the instrument is now placed over the uterus. This device in turn consists basically of a crystal which sends out pulsing high frequency sound waves and a transducer which collects the echoes of these waves. The echoes are then collated by a computer which in turn assembles them into a recognizable image of the living unborn child, and the child can be imaged by either a linear scan which is useful for later pregnancies or a sector scan which is more accurate for delineating the child in an early pregnancy such as this one. The image reconstructed from the echo pattern is capable of truly amazing resolution, and so discerning is this instrument that the tiny valves of the heart can be studied as they snap open and shut during the contractions of the heart.

Mothers and fathers for the first time have been afforded a view of their unborn child by this spectacular technology. And those technologies, those apparatuses and machines which we now use every day have convinced us that beyond question the unborn child is simply another human being, another member of the human community, indistinguishable in every way from any of us.

Now for the first time we have the technology to see abortion from the victim's vantage point. Ultrasound imaging has allowed us to see this, and so for the first time we are going to watch a child being torn apart, dismembered, disarticulated, crushed and destroyed by the unfeeling steel instruments of the abortionist.

What we are looking at here is a depiction of the development of this child in its prenatal stage of life, from virtually the very beginnings to the end of that stage. We have here the child at 4 weeks, at 8 weeks, at 12 weeks, at 16 weeks, at 18 weeks, at 20 weeks and at 28 weeks.

(At this point Mr. MATTINGLY assumed the Chair.)

Mr. HUMPHREY. Mr. President, I would parenthetically interject here that in this part of the film, Dr. Nathanson is showing models of the human fetus at the various age levels. Now I return to the script.

As you can see there is no revolutionary or dramatic change in the form or in the substance of this person throughout this developmental stage. Now this little person, at 12 weeks, is a fully formed absolutely identifiable human being. He has had brain waves for at least 6 weeks, his heart has been functioning for perhaps 8 weeks, and all the rest of his human functions are indistinguishable from any of ours.

Now this book is "Williams Obstetrics," the 16th edition, written in 1980. It is a standard textbook used throughout every medical school in the United States. Preface of this book, published in 1980, cautions us as follows, "Happily we have entered an era in which the fetus can be rightfully considered and treated as our second patient. Who would have dreamed even a few years ago that we could serve the fetus as physician." Traditional medical ethics and precepts command us that we must not destroy our

patients, that we are pledged to preserve their lives. Now let's see what abortion does to this, our second patient.

We have then the 12 week unborn child in the uterus, the uterus being this muscle surrounding the child. When the abortionist commences the procedure, he will first place this instrument, which is known as a speculum, into the woman's vagina and will then open it in order to visualize the cervix, the neck of the womb, here. Having visualized the cervix, the abortionist then takes this instrument which is known as a tenaculum, and fastens it securely through the speculum, onto the cervix in this manner, clamping shut the tenaculum and getting a firm grasp on the cervix.

The next instrument which is brought into play is called the sound. This instrument is then introduced into the uterus and it is then removed, the abortionist having ascertained exactly how deep and in fact how large the uterus is. And then this set of dilators, these metallic, curved instruments are used to effect the opening of the cervix in order to introduce finally the abortion instruments themselves. The abortionist first introduces the most slender of these instruments into the cervix to dilate the cervix, turns the instrument around to a slightly larger end, introduces that end, and then works his way through the various graduated, increasingly larger ends of this dilating instrument. He will then take the instrument known as the suction apparatus which is opened, it is in a sterile container prior to the actual use of the instrument, and then this will be inserted through the dilated cervix up into the uterus and will then puncture the sac surrounding the child allowing the amniotic fluid to escape.

The instrument then will come into direct contact with the child and with a pressure of approximately 55 or so millimeters of mercury applied to the end of this instrument as it is attached to a long, thick suction tubing at this end and to the abortion instrumentation, that is the machine at the other end. The suction tip will begin to tear the child apart. The pieces of the body are torn away, one by one, until finally all that remains are shards of the body and the head itself. The head will be too large to come through this instrument itself. This will necessitate the introduction of this instrument called a polyp forcep into the uterus through the already dilated cervix and the abortionist will then attempt to grasp the free floating head of the child in the uterus between the rings of this instrument. The head is then crushed, the contents of the head removed and finally the bones of the head, and the abortion is then effectively at an end.

We've seen what the 12 week child appears on the ultrasound screen. And we have also seen the mechanics, the actual steps of a 12 week abortion. Now for the first time we're going to see a film made with realtime ultrasound imaging of a 12 week abortion. Bear in mind that this is not an unusual instance, a late abortion. This is one of the 4,000 or so a day—done every day—in the United States.

This film was made at an abortion clinic. The physician who performed the abortion was a young man who was working in two different abortion clinics at the time. He had already done close to 10,000 abortions in his young life. When he was asked to attend the editing session to view the film, he was so appalled at what he had done that he left the room momentarily, came back to finish the editing, but never again did another abortion. The young woman who used the realtime ultrasound camera was a feminist and a strong pro-abortionist, but she too was so moved by what she saw at the editing session that she never again discussed the subject of abortion. Now let's turn to the actual film itself.

We are now looking at a sector scan of a realtime ultrasound imaging of a 12 week unborn child. The child is orientated in this direction. You are looking now at the head of the child here, the body of the child here, and this image is the child's hand approaching its mouth. Looking a little more closely at the child, we can discern the eye, or the orbit of the eye here, the nose of the child here, the mouth of the child here, and we can even look at the ventricle of the brain here. This is a fluid filled space in the brain. We see the body of the child here with the ribs in silhouette and the spine of the child at the back. This rather granular area of tissue at the top of the sector appears to be the placenta, or afterbirth, of the child. And we can begin to see down here the thighs, the lower extremities of the child coming off the body in this manner.

Now, let's move to the action. We now see the heart beating here in the child's chest. The heart is beating at a rate of approximately 140 a minute. And we can see the child moving rather serenely in the uterus. One can see it shifting position from time to time. It is still orientated in this manner, and the mouth is receiving the thumb of the child, the child again is moving quietly in its sanctuary. Now this shadow which we are seeing down at the bottom of the screen is the suction tip. We have colored the suction tip deliberately in order for you to discern it more clearly. But the abortionist has now dilated the cervix and is now inserting this suction tip which you can see moving back and forth across the screen. You will note, that as the suction tip which is now over here, moves toward the child, the child will rear away from it and undergo much more violent, much more agitated movements. The child is now moving in a much more purposeful manner. Its orientation changes from time to time, it is rearing again here. Now the suction tip has not actually touched the child, even though the child is extremely agitated, and moving in a violent manner.

The child has now moved back to the profile view and the suction tip is flashing once again across the screen. The child's mouth is now open and we will see that again on a freeze frame in a moment. But this suction tip, which you can see moving violently back and forth on the bottom of the screen is the lethal instrument which will ultimately tear apart and destroy the child. It is only after the fluid has been broken, the sac has been disrupted, that the tip will actually come against the child. But we can see the tip moving back and forth as the abortionist seeks the child's body.

Once again we see the child's mouth wide open in a silent scream in this particular freeze frame. This is the silent scream of a child threatened imminently with extinction. Now the heart rate has speeded up dramatically and the child's movements are violent at this point. It does sense agression in its sanctuary. It is moving away, one can see it moving to the left side of the uterus in an attempt, a pathetic attempt, to escape the inexorable instruments which the abortionist is using to extinguish its life.

Now the heart has again perceptibly speeded up. We can time this at approximately 200 beats per minute. And there is no question this child senses the most mortal danger imaginable. The membrane has now been punctured and the fluid has escaped. One no longer sees that large reservoir of fluid surrounding the child. But once the fluid has been drained off the suction tip has now been firmly clamped to the child's body, and the child is being pulled in a downward direction by the abortionist's suction tip with a negative pressure applied to it and the body is now being torn systematically from the head. The head of the child being in this direction here.

I am now outlining the child's head. The lower extremities have already been lost and we see the suction tip flashing from time to time in the screen as a typhoon like series of echoes, and the child is being tugged back and forth, as the suction tip has now been applied to the body and the abortionist is exerting his traction on the child in this manner. The child's head is still discernible here. The body is no longer discernible. It has now been torn from the head. What we see now is the head itself with what is called the midline echo of the head and the spicules or fragments of bone.

Now this head, which I am outlining here, on this 12 week child is simply too large to be pulled in one piece out of the uterus. The abortionist is going to have to employ this instrument, the polyp forcep in an attempt to grab the head. The abortionist will attempt to crush the head with this instrument, in this manner, and remove the head piecemeal from the uterus. The abortionist and the anethesiologist have a secret language between them which shields them from the grizzly reality of what is going on. The abortionist and the anethesiologist together refer to the head of this child which is now being sought, as number one. And the anethesiologist will inquire of the abortionist, "Is number one out yet? Are we finished?"

We now see, intermittently, the shanks, or blades, of this instrument appearing in the image here. The head tends to float freely in the uterus, here are the shanks or blades of the instrument coming across here, and the head is now being locked on by this polyp forcep and the head is being pulled down toward the cervix. Now all we see remaining are simply the shards, the broken fragments, the pieces of tissue which document that there was once a living defenseless tiny human being here.

In considering the impact of abortion on our society, let's look at some figures as to what has actually happened in the last 20 years. We have reliable figures indicating that in 1963, long before abortion became legalized by the infamous Roe versus Wade decision there were approximately 100,000 illegal abortions done annually in the United States, and very few legal abortions. In 1973, the first year in which that Roe versus Wade decision prevailed in this country, there were 750,000 abortions done and in 1983, the last year for which we have full and complete figures, there were 1.5 million abortions.

Now let's look at abortion as an industry. Last year, there were 1.5 million abortions done in this country, and the average cost of an abortion is about three to four hundred dollars per operation. This has created an industry in this country of about five to six hundred million dollars a year which would qualify to be on the Fortune 500 list of largest indsutries in the world. Ninety percent of these moneys are going into the pockets of physicians and the remainder into the

pockets of the entrepreneurs who run the clinics.

Now we've had some recent investigations on the question of these clinics. Clinics are being franchised out like fast food services across the country. We know there are chains of them in California and through the Southwest, and even in the Southeast of the United States, and there is some evidence now, that increasingly these clinics are falling into the hands of the mob, of the crime syndicate here in the United States, and that this money, abortion money, is tainted, not only by the blood of the innocent victims of abortion, but by the dark hand of the crime syndicate in the United States.

When discussing abortion, we must also understand that the unborn child is not the only victim. Women themselves are victims just as the unborn children are. Women have not been told of the true nature of the unborn child, they have not been shown the true facts of what an abortion really is. Women, in increasing numbers, hundreds, thousands, even tens of thousands, have had their wombs perforated, infected, destroyed. Women have been sterilized and castrated, all as a result of an operation of which they have had no true knowledge. This film, and other films which may follow like it, must be made a part of the informed consent for any woman before she submits herself to a procedure of this sort.

I accuse the National Abortion Rights Action League, I accuse Planned Parenthood and all its co-conspirators in the abortion industry, of a consistent conspiracy of silence of keeping women in the dark with respect to the true nature of abortion. And I challenge all those purveyors of abortion to show this realtime video tape or one similar to it to all women before they consent to abortion.

You know, I think I know a little bit about abortion. I was one of the founders of NARAL in 1969. It's now known as the National Abortion Rights Action League. And for a period of two years I was the director of the largest abortion clinic in the Western world.

Since those times we have a science which is known as fetology, which has allowed us to study the human fetus, and all of those studies have concluded without exception that the unborn child is a human being, indistinguishable from any of us and an integral part of our human community. Now, the destruction of a living human being is no solution to what is basically a social problem. And I believe a resort to such violence is an admission of scientific and even worse, ethical impoverishment.

Somehow I refuse to believe that Americans who have put men on the moon, can't devise a better solution than the resort to violence. I think we should all here and now devote ourselves to an untiring effort to devise a better solution, a solution compounded equally of love, and compassion, and a decent regard for the overriding priority of human life. Let's all, for humanity's sake, here and now, stop the killing.

Mr. President, that concludes the transcript of the film "The Silent Scream."

Just as the abortionist and the anesthesiologist, according to Dr. Nathanson, have a secret language among them to disguise the true nature of what they are doing, so has our society created a secret language to shield each of us from the true reality of abortion. Too many think of abortion as a procedure to remove some amorphous tissue from the womb. In fact, when we look through the window on the womb with realtime ultrasound, we see that the unborn child is just that—a child and a human being.

I congratulate Dr. Nathanson, once one of the world's foremost advocates and practitioners of abortion, for the courage and the intellectual honesty to examine new evidence emerging since the 1973 decision, and for not only changing his mind but also for his actively seeking to redress this grievous wrong.

QUORUM CALL

Mr. ABDNOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EVANS). Without objection, it is so ordered.

CONSTITUTIONAL AMENDMENT TO BALANCE THE FEDERAL BUDGET

Mr. HEFLIN. Mr. President, the first bill I introduced as a Senator in 1979, proposed a constitutional amendment to balance the Federal budget. Since that time, I and many of my colleagues have worked to formulate a consensus approach to curb Federal spending. In the 97th Congress, the Senate did pass a constitutional amendment to balance the Federal budget, but Congress as an entire body has yet to enact this vital legislation. Unfortunately, the House's failure to pass this amendment has only allowed the Federal deficit more time to increase at an alarming rate.

It is with a sense of frustration and urgency that I rise today to introduce Senate Joint Resolution 7, a Senate joint resolution, once again proposing a constitutional amendment to require the Federal Government to achieve and maintain a balanced budget.

I am convinced that Congress and the administration do not have the willpower to cut Government spending and balance the Federal budget without a constitutional amendment providing the discipline to do so. Maybe, as some argue, there is no need for a constitutional amendment, but the helter-skelter fiscal irresponsibility demonstrated within the past 25 years indicates otherwise.

For much of the history of this great Nation, a balanced Federal budget was part of our "unwritten constitution." In the first 100 years of this Republic, a balanced or surplus budget was the norm. There have been periods in our history when the exigencies of war or recession have necessitated operating the budget with a deficit—but initially there were always attempts to balance the lean years with the more prosperous ones. In the past two decades, however, Americans have seen higher and higher levels of deficits, taxes, and spending. Legislators tend to look at each program separately, not realizing that every dollar appropriated becomes part of a larger debt, a debt that is threatening the economic stability of our Nation.

In 1789, when the Constitution was adopted, Thomas Jefferson warned, "the public debt is the greatest of dangers to be feared by a republican government." Somewhere we lost sight of our forefathers' admonitions.

In 1963, 174 years after the adoption of our Constitution, the national debt was $300 billion. Today, as we begin the new year, 1985, the total Federal debt is $1,622,966,000,000. It has taken less than 25 years to more than triple our national debt. Currently, on an annual basis, we are operating at a defict of approximately $200 billion. If we continue our current course, it will take less than 5 years to double the existing debt.

As we look at the millions of Americans out of work, the high interest rates, and the increasing number of businesses forced to close their doors each year, we can no longer pretend that the economic ills will simply disappear. Recently, there have been periods of economic improvement, but if we stop to commend ourselves on the improvements we will fail to see that ultimately our present fiscal policy will lead to economic disaster. We can no longer pretend that mounting Federal deficits are a means of achieving future economic stability.

As the debt grows, the interest required in paying the principal consumes an ever increasing share of the Federal budget. In 1984, the interest alone on the national debt was $153 billion.

I cannot promise that the amendment I am offering today is a panacea for all the economic tragedies plaguing our country. But it is part of a pledge that I made to the people of Alabama when I came to the Senate—to bring Federal spending under control. It is a pledge I intend to honor.

Senate Joint Resolution 7 is very similar to legislation passed by the Senate in the 97th Congress, Senate Joint Resolution 58. The Senate, by a vote of 69 to 31 passed a measure on August 4, 1982, to balance the Federal budget. However, the legislation fell short of the required two-thirds vote in the House of Representatives.

In the 98th Congress, I sponsored and cosponsored legislation aimed at curbing the bias toward Federal spend-

ing. Senate Joint Resolution 5, introduced by the distinguished chairman of the Senate Judiciary Committee, Senator THURMOND, was reported out of the Senate Judiciary Committee on September 13, 1984, by an overwhelming majority. Unfortunately, in the closing days of the 98th Congress, the Senate leadership was unable to bring the measure before the full Senate for a vote.

I am convinced that we can no longer use the simple rhetoric that we, as elected officials "will do our best to control Federal spending," our best is not good enough. Elected officials are constantly bombarded with requests from different organized lobbyist groups to help one program or another. Well, it is time we listened to a larger lobbying group—a group that while not as well organized is just as powerful and just as worthy of our attention as any other lobbying group—the American taxpayer. All over this country, individuals and States, are demanding a policy of fiscal restraint. Thirty-two of our States have petitioned Congress under a provision of article V of the Constitution, to call a constitutional convention to consider a balanced Federal budget. With the addition of two more States, Congress will have abdicated its responsibility to another body—something which has never occurred in the history of our Nation.

I believe that a convention would be unwise and certainly would be unnecessary of this body fulfills its own duties for providing the leadership in this area.

The legislation I am introducing today retains most of the language from Senate Joint Resolution 58, with some needed additions.

Section 1 of the proposed amendment requires a three-fifths vote of each House of Congress before the Federal Government can engage in deficit spending. This requirement establishes the norm that spending will not exceed receipts in any fiscal year. If the Government is going to spend money, it should and must have the money on hand to pay for the goods and services required. Under this section, Congress would be required to adopt an initial statement prior to each fiscal year, and this statement would be subject to the limitations established in this section.

I have included with section 1, language which was offered as an amendment to Senate Joint Resolution 58 by Senator Randolph, Senator DENTON, and myself, allowing for an exception to the requirements of this article in the event of a threat to the national security of the United States. Section 3 of the proposed constitutional amendment authorizes Congress to waive any of the requirements imposed upon it by the amendment in a year in which a declaration of war is in effect. While this exception to the general requirements of the amendment is necessary, in my judgment, it does not go far enough for there may be times when our Nation is facing a threat to its national security short of war. Congress must be given the necessary flexibility to respond rapidly when such national emergencies arise. Indeed, there have been at least 183 instances in which American troops were deployed abroad without a formal declaration of war. The language I have added to section 1 would ensure the Congress' ability to respond to emergencies of this type in a timely way, and with the resources necessary to deal with that emergency.

The language of this exception has been drafted in a manner designed to safeguard against its misuse. First, a budget must be adopted by the Congress prior to each fiscal year. Second, if after the adoption of the budget, there arises a threat to the national security of the United States and is declared so by a joint resolution adopted by a majority vote of the whole number of each House of Congress, only then can Congress provide for additional outlays for the defense of the Nation in order to finance a response to the threat to national security.

Section 2 operates in conjunction with section 1 to ensure a balanced budget. Under this section, a spending ceiling is established, requiring Congress to adopt a level of receipts for each fiscal year that represents a proportion of the national economy no greater than that for the prior year. Therefore, revenues could not grow at a rate exceeding the growth of national income. Congress would not be entitled to spend at increased levels resulting from inflated tax revenues. This spending ceiling could only be overcome by a vote of a majority of the whole number of each House of Congress.

Section 3 authorizes Congress to waive the requirements imposed upon it by this amendment for a fiscal year in which a declaration of war is in effect.

Section 4 is a definitional section also retaining the language of Senate Joint Resolution 58. This section defines the terms "receipts" and "outlays" in the broadest possible sense so as to reflect the intent of this amendment to fully cover Government spending.

Section 5 states that there will be no further increases in the national debt except upon a three-fifths majority vote of each House of Congress. This language was offered as an amendment to Senate Joint Resolution 58 by Senators ARMSTRONG and BOREN, and adopted to that bill. In my judgment, this section adds needed specificity to the constitutional amendment.

Section 5 also contains an exception in the case of a threat to our national security. If additional outlays are approved for the defense of the Nation under the threat to national security provisions of section 1, Congress may increase the amount of the public debt by a joint resolution approved by a majority vote of both Houses. However, the public debt may only be increased under this section to the extent of the additional outlays.

Finally, section 6 establishes the effective date of the amendment as the second fiscal year following its ratification.

Mr. President, we cannot afford to let another Congress or another year go by without resolving to do more than out best to balance the Federal budget. As elected officials both in the executive and legislative branch we must do what it takes to once again restore America to a sound financial basis.

Economic stability is not a partisan issue. Deficit spending cannot be blamed on one branch of Government or one political party. It has simply been a way of life that must not be corrected.

But in our attempts to balance the Federal Budget, we must remember that these problems did not arise overnight—nor can they be solved overnight. My legislation offers not a cure-all, but a blueprint for progress and stability.

Our forefathers not only cherished public credit, but protected it to ensure our future.

If we fail to act now, we not only risk economic disaster but we will be guilty of mortgaging the future of our children and grandchildren. We do not have the right to deprive future generations of the opportunity to do a better job than we have done.

I urge my colleagues to support the passage of this amendment, one of the most significant additions to the constitution since the bill of rights.

Mr. President, I ask unanimous consent that the joint resolution that I send to the desk be printed in the RECORD.

Thank you, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution follows:

S.J. RES. 7

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Prior to each fiscal year, the Congress shall adopt a statement of receipts and outlays for that year in which total outlays are no greater than total receipts. The

Congress may amend such statement provided revised outlays are no greater than revised receipts. Whenever three-fifths of the whole number of each House of the Congress shall deem it necessary, Congress in such statement may provide for a specific excess of outlays over receipts by a vote directed solely to that subject, except that if Congress, after the adoption of the statement of receipts and outlays, should find the Nation with an unforeseen and imminent threat to the national security and so declare by a joint resolution adopted by a majority of the whole number of each House of Congress, the Congress may then, by a majority vote of the whole number of each House of Congress, provide for such additional outlays for the defense of the Nation as are necessary to finance the military response to the emergency which would cause the total outlays set forth for such year in such statement to be greater than the receipts set forth for such year in such statement. The Congress and the President shall ensure that actual outlays do not exceed the outlays set forth in such statement.

"SEC. 2. Total receipts for any fiscal year set forth in the statement adopted pursuant to this article shall not increase by a rate greater than the rate of increase in national income in the last calendar year ending before such fiscal year, unless a majority of the whole number of each House of Congress shall have passed a bill directed solely to approving specific additional receipts and such bill has become law.

"SEC. 3. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect.

"SEC. 4. Total receipts shall include all receipts of the United States except those derived for borrowing and total outlays shall include all outlays of the United States except those for repayment of debt principal.

"SEC. 5. On and after the date this article takes effect, the amount of the Federal public debt limit as of such date shall become permanent and there shall be no increase in such amount unless three-fifths of the whole number of each House of Congress shall have passed a joint resolution providing for such increase and such joint resolution has become law; however, a joint resolution approved by a majority of the whole number of each House of Congress shall be sufficient to increase the amount of the Federal public debt limit if additional outlays are approved for the defense of the Nation under the threat to national security provisions of section 1, but only to the amount of such additional outlays.

"SEC. 6. This article shall take effect for the second fiscal year beginning after its ratification.".

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I have two bills which I shall shortly offer to accomplish the purpose of putting these bills on the calendar.

Obviously, I will be using rule XIV.

S. 46—A BILL TO PROTECT THE LIVES OF UNBORN HUMAN BEINGS

Mr. HELMS. Mr. President, I send to the desk a bill, and ask that the first reading be in order.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill to protect the lives of unborn human beings.

UNBORN CHILDREN'S CIVIL RIGHTS ACT OF 1985

Mr. HELMS. Mr. President, as a result of the Supreme Court's 1973 decision legalizing abortion, America is now witnessing a staggering loss of human life on a daily basis. It is estimated that as many as 4,000 unborn babies now lose their lives each day in the United States. This is utterly intolerable, and the new Congress should act to remedy it at the earliest possible point.

That is why I am today introducing the Unborn Children's Civil Rights Act of 1985 and starting the procedure to have it place directly on the Senate Business Calendar. Although the specifics of this bill may be new to my colleagues, the general purposes are the same as the antiabortion amendment I proposed to the debt limit bill in late summer of 1982. As many of my colleagues will recall, there was extensive debate on it at that time.

In essence, the bill seeks to accomplish four things. First, it puts Congress clearly on record as finding that Roe against Wade was erroneously decided and that the Constitution sanctions no right to abortion. Second, it amends title 42, United States Code, so that nothing therein could be construed to authorize abortion funding and that no appropriations of Congress can be used to pay for or support abortion. In this regard, it effects a permanent defunding of abortion, thereby relieving Congress of annual fights over abortion restrictions in appropriations bills.

Third, it stops certain indirect Federal support for abortion by providing protection against discrimination at federally funded institutions for individuals who object in conscience to abortion and by curtailing attorneys' fees in abortion-related cases. Fourth, it provides for appeals to the Supreme Court as of right if a Federal court declares State regulation of abortion unconstitutional. As a practical matter, this provision will assure Supreme Court reconsideration of the abortion issue in the future.

Mr. President, I know that today's opening session of the 99th Congress is scheduled to be a short one, and therefore I will not consume further time to explain the provisions of this bill. There will be ample opportunity for that later.

I ask unanimous consent, Mr. President, that the full text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

A bill to protect the lives of unborn human beings.

S. 46

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Unborn Children's Civil Rights Act of 1985".

SEC. 2. Congress finds that—

(a) scientific evidence demonstrates that abortion takes the life of an unborn child who is a living human being;

(b) a right to abortion is not secured by the Constitution;

(c) in Roe v. Wade, 410 U.S. 113, and Doe v. Bolton, 410 U.S. 179, the Supreme Court erred in not recognizing the humanity of the unborn child and the compelling interest of the States to protect the life of each person before birth.

SEC. 3. At an appropriate place in title 42, United States Code, add the following:

"SEC. . Nothing contained in this title shall be construed to authorize the use of funds appropriated by Congress to take the life of an unborn child, and no such funds may be used for such purpose; provided, however, that such funds may be used for only those medical procedures required to prevent the death of either the pregnant woman or her unborn child so long as every reasonable effort is made to preserve the life of each.

"SEC. . Nothing contained in this title shall be construed to authorize the use of funds appropriated by Congress to promote, encourage, counsel for, refer for, pay for (including travel expenses), or do research on any procedure to take the life of an unborn child, and no such funds shall be used for such purposes; provided, however, that such funds may be used in connection with only those medical procedures required to prevent the death of either the pregnant woman or her unborn child so long as every reasonable effort is made to preserve the life of each.

"SEC. . Nothing contained in this title shall be construed to authorize the United States to enter into any contract for insurance that provides for payment or reimbursement for any procedure to take the life of an unborn child, and the United States shall not enter into any such contract; provided, however, that the United States may enter into contracts for payment or reimbursement for only those medical procedures required to prevent the death of either the pregnant woman or her unborn child so long as every reasonable effort is made to preserve the life of each.

"SEC. . No institution, organization, or other entity receiving Federal financial assistance shall (a) discriminate against any employee, applicant for employment, student, or applicant for admission as a student on the basis of such person's opposition to procedures to take the life of an unborn child or to counseling for or assisting in such procedures, or (b) require any employee or student to participate, directly or indirectly, in a health insurance program which includes procedures to take the life of a child or which provides counseling or referral for such procedures.

"SEC. . Notwithstanding any other provision of Federal law, attorneys' fees shall not be allowable in any civil action involving, directly or indirectly, a law, ordinance, regulation, or rule prohibiting or restricting procedures to take the life of an unborn child."

SEC. 4. At the end of the first sentence of section 1252 of Title 28, United States Code, add the following new paragraph:

"Notwithstanding the absence of the United States as a party, should any State or its subdivisions enforce or enact a law, ordinance, regulation, or rule prohibiting procedures to take the life of an unborn child,

and such law, ordinance, regulation, or rule is declared unconstitutional in an interlocutory or final judgment, decree, or order of any court of the United States, any party in such a case may appeal to the Supreme Court."

Mr. HELMS. Mr. President, I ask for a second reading.

The PRESIDING OFFICER. Is there objection?

Mr. HEFLIN. I object on behalf of the minority.

The PRESIDING OFFICER. Objection is heard.

Mr. HELMS. I thank the Chair.

S. 47—A BILL TO RESTORE THE RIGHT OF VOLUNTARY PRAYER IN PUBLIC SCHOOLS AND TO PROMOTE THE SEPARATION OF POWERS

Mr. HELMS. Mr. President, I send a bill to the desk, and ask for first reading.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 47) to restore the right of voluntary prayer in public schools and to promote the separation of powers.

VOLUNTARY SCHOOL PRAYER ACT OF 1985

Mr. HELMS. Mr. President, I am today introducing my voluntary school prayer bill. This bill is the same as my bill from the 98th Congress which unfortunately was not considered by the Senate before adjournment sine die.

Mr. President, this bill is substantially similar to my legislation that twice passed the Senate in 1979, only to die in the House Judiciary Committee without ever reaching the House floor for a vote. It is also substantially similar to the amendment I offered to the debt limit bill in 1982 which received 53 votes in favor of it on a tabling motion before being set aside on a procedural motion.

Mr. President, the purpose of this bill is to restore freedom to the States to allow voluntary prayer, Bible reading, and religious meetings in the public schools. Through a series of Supreme Court decisions, this freedom—elementary to the drafters of the Constitution—has been taken away from the States. It is time we in Congress did something to restore this fundamental American liberty.

Mr. President, my bill takes advantage of the congressional authority, given explicitly in article III of the Constitution, to regulate the general jurisdiction of the inferior Federal courts and the appellate jurisdiction of the Supreme Court. The bill curtails such jurisdiction so that Federal courts no longer have the power to hear cases involving voluntary prayer, Bible reading, and religious meetings in the public schools.

The result is that such cases become exclusively a matter for the States to handle as they see fit. In effect, prayer would be a local option. This result is fully consistent with the original purpose of the establishment clause of the first amendment, which was to prohibit the establishment of a national church and to leave the remaining issues of church-state relations strictly with the States.

Mr. President, some of my friends have advocated that we adopt a constitutional amendment to correct the courts and restore the freedom to pray in the schools. That is one approach among many which the Constitution allows, and it is an approach that I have supported in the past and still favor today.

But, Mr. President, it is not the only way for Congress to correct erroneous Federal court rulings, nor in my opinion is it the best. The Constitution provides several other more direct ways for Congress to check abuses of the judicial branch, including control of jurisdiction, Senate confirmation of judicial appointments, specific congressional enforcement of constitutional provisions, and impeachment.

As is well known, the constitutional amendment process was intentionally set up to be difficult. The normal procedure is for a two-thirds vote in both Houses of Congress followed by ratification from three-quarters of the State legislatures. This procedure presents an extremely heavy burden to meet. The framers of the Constitution specifically wanted it this way to protect the constitutional text from constant change.

If, however, Congress relegates itself solely to the amendment process to correct judicial errors and usurpations, then the very difficulty of the amendment process would thus serve to subvert the Constitution rather than to preserve it.

In this school prayer matter, Mr. President, the problem has arisen, not because of the text of the Constitution, but because of the outright judicial distortions of that text. The text is fine, and the text never prohibited voluntary prayer in the public schools, as American history and experience before the Supreme Court's first prayer decision in 1962 so clearly attest. The text leaves the matter of school prayer, along with all matters of church-state relations, exclusively up to the States. Thus, although we could add a specific constitutional amendment on school prayer, we do not have to do so in order to restore this fundamental freedom.

The problem in the prayer matter, as in so many areas of constitutional law, is runaway Federal judges bent on imposing their own personal views of good public policy on the American public irrespective of the Constitution. More often than not in recent years, these views have been hostile to both the Constitution and longstanding American traditions. It is no understatement to say that American society has been radically altered in the recent past because of activist Federal judges.

We in Congress have tolerated this judicial usurpation long enough in many areas of the law, particularly in the area of school prayer, and it is time to put a stop to it.

Mr. President, I know that today's opening session of the 99th Congress is scheduled to be a short one, and therefore I will not take further time to explain the provisions of this bill. There will be ample opportunity for that later.

I ask unanimous consent, Mr. President, that the full text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 47

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Voluntary School Prayer Act of 1985".

SEC. 2. (a) Chapter 81 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§———. Appellate jurisdiction; limitations

"(a) Notwithstanding the provisions of sections 1253, 1254, and 1257 of this chapter, the Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any case arising out of any State statute, ordinance, rule, regulation, practice, or any part thereof, or arising out of any Act interpreting, applying, enforcing, or effecting any State statute, ordinance, rule, regulation, or practice, which relates to voluntary prayer, Bible reading, or religious meetings in public schools or public buildings.

"(b) As used herein, 'voluntary' means an activity in which a student is not required to participate by school authorities.".

(b) The section analysis of chapter 81 of title 28 is amended by adding at the end thereof the following new item:

"———. Appellate jurisdiction; limitations.".

SEC. 3. (a) Chapter 85 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§———. Limitations on jurisdiction

"Notwithstanding any other provision of law, the district courts shall not have jurisdiction of any case or question which the Supreme Court does not have jurisdiction to review under section 1259 of this title.".

(b) The section analysis at the beginning of chapter 85 of title 28 is amended by adding at the end thereof the following new item:

"———. Limitations on jurisdiction.".

SEC. 4. The amendments made by this Act shall take effect on the date of enactment, except that such amendments shall not apply to any case which, on such date of enactment, was pending in any court of the United States.

Mr. HELMS. Mr. President, I ask for the second reading.

Mr. HEFLIN. Mr. President, while I am not personally disagreeing with the intent of the distinguished Senator from North Carolina, and intend to

support such, I do object on behalf of the minority.

The PRESIDING OFFICER. Objection is heard.

Mr. HELMS. Mr. President, perhaps it ought to be stated for the record that the Senator from Alabama is simply following the procedures of the Senate. As I stated at the outset, my purpose only was to accord the bills being placed on the calendar, and that will happen on the next legislative day and that is the reason the Senator from Alabama objected. He objected procedurally, not because he is opposed to the bills but because that is the way things are done around here. In order to move something to the calendar, we have to go through the rule XIV procedure. But I do thank the Senator from Alabama.

S. 48—GUARANTEEING SOCIAL SECURITY BENEFITS

Mr. HELMS. Mr. President, I send to the desk a bill for appropriate reference. I ask that it be stated.

The PRESIDING OFFICER. The bill will be read the first time.

The legislative clerk read as follows:

A bill (S. 48) to amend title II of the Social Security Act to provide for the issuance of a certificate of guaranteed tax-exempt benefits to each individual who is entitled to an old-age insurance benefit under such title or who is 62 years of age and entitled to any other benefit under such title, and for other purposes.

Mr. HELMS. Mr. President, the pending legislation, which will be referred, I am sure, to the Finance Committee, is intended to guarantee full Social Security benefits to everyone who has earned or will earn them, and to back that guarantee with the full faith and credit of the United States. The Social Security Guarantee Act of 1985, is almost identical to a part of a comprehensive package to strengthen the Social Security retirement system I first proposed in 1983. I reintroduced this section of that bill again this past September.

The Senate has passed 12 of the 25 sections of my comprehensive package. The bill I am now introducing is one of the 13 sections not adopted, but it is the most important part of my Social Security plan.

Mr. President, constant efforts are being made to strengthen our Social Security system. Changes have been made, but the task is not finished by any means. Now, in the 99th Congress, we have the opportunity to go a step further and to guarantee for all our citizens a system on which they can depend for their retirement years.

We must act now. In 1935 16 workers supported each Social Security recipient. Now three workers support each recipient. During the next two decades the system will have to borrow more than $2 trillion. Fewer than two workers will be supporting each retired person. The system's former Chief Accountant, A. Haeworth Robertson, warns that in order to honor obligations to today's workers, workers in the future may be required to pay 40 percent of their income in payroll taxes. Employee taxes would go up to $5,000 for the worker earning $20,000. As the number of recipients increase and the number of contributors decrease, the burden of the system will be borne by fewer and fewer workers. With each passing day, the Social Security system continues to strangle economically the American worker rather than to ensure a secure economic future.

Today Social Security beneficiaries cannot count on getting full benefits because the Supreme Court ruled in 1960 (*Fleming* v. *Nestor*, 363 U.S. 603) that the Federal Government can renege on Social Security benefits at any time. It is not surprising then, that most Americans, young and old, are pessimistic about ever collecting a dime from Social Security. Older Americans despair because they fear losing an important source of income. Young Americans do not believe they will receive the benefits they are paying for now.

Mr. President, I will not sit back and watch the Social Security system cripple the American worker and threaten the economic security of the Social Security recipient. For too long, the Social Security system has been used as a political football to scare the elderly and to create pessimism among our young. We must end this political rhetoric and present to the American people an honest plan to secure retirement funds for ourselves and for our children.

The bill I am introducing will help restore confidence in the system. Under my plan, Mr. President, every person who pays into Social Security would receive, upon retirement, a certificate made out in their name. It would be an obligation backed by the "full faith and credit of the United States." This bond would guarantee Social Security benefits. In addition, each recipient would have a legal remedy to sue the Government in Federal court for the amount guaranteed. Never again would a retired American fear their Social Security benefits could be cut by an act of Congress, the courts, or any other agency of the Government. No one could ever—let me emphasize, ever—be denied the credits they have earned or will earn under the Government system.

Mr. President, citizens of North Carolina, as well as other parts of this great country, know of my strong commitment to a reliable retirement system. The bill I am introducing today underscores that commitment.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

S. 48

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title II of the Social Security Act is amended by adding at the end thereof the following new section:

"CERTIFICATE OF GUARANTEED TAX-EXEMPT BENEFITS

"SEC. 234. (a) The Secretary shall issue to each individual who is entitled to an old-age insurance benefit, or who has attained age 62 and is entitled to any other benefit under this title, a certificate or guaranteed tax-exempt benefits. Such certificate shall be issued at the time such individual first becomes entitled to a benefit under this title, or attains age 62, whichever is later.

"(b) The certificate issued pursuant to this section shall pledge the full faith and credit of the United States to guarantee that benefits shall be paid to such individual (and to other individuals on the basis of such individual's wages and self-employment income) under the provisions of this title as in effect on the date of issuance of such certificate (or as such benefits may be increased thereafter by Congress or under any automatic cost-of-living adjustment), and that such benefits shall not be subject to the tax on income under subtitle A of the Internal Revenue Code of 1954.

"(c) The certificate issued under this section shall also contain—

"(1) a statement of the total amount of the taxes paid by such individual and his employers under sections 3101(a), 3111(a), and 1401(a) of the Internal Revenue Code of 1954 with respect to such individual's wages and self-employment income; and

(2) a statement that the certificate is nonnegotiable and nontransferrable.

"(d)(1) Any individual who is entitled to an old-age insurance benefit under this title, or who has attained age 62 and is entitled to any other benefit under this title, may bring a claim against the Secretary in the appropriate court of the United States for payment of any benefit guaranteed by this section for which payment is due (plus interest for the period for which payment of such benefit has been withheld, at a rate equal to the rate specified in section 201(d)).

"(2) In any action brought under this section in which the plaintiff substantially prevails, the court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred.

"(3) The remedies provided for in this section shall be in addition to and not in lieu of any other remedies provided by law.".

(b) The amendment made by subsection (a) shall apply to all individuals entitled to a monthly benefit under title II of the Social Security Act on or after the date of the enactment of this Act. The Secretary shall issue such certificates to those individuals who have attained age 62 and are entitled to such benefits on the date of the enactment of this Act within six months after such date of enactment, in the same manner as if they had first become entitled to an old-age insurance benefit on such date of enactment.

Mr. HELMS. Mr. President, I thank the Chair for his indulgence. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I wish to thank the distinguished Senator from Alabama, Mr. HEFLIN, for objecting to the second reading of the two bills which, just a few minutes ago, were introduced by the distinguished Senator from North Carolina, Mr. HELMS.

As was explained by Mr. HELMS, the distinguished Senator from Alabama was merely performing a function under rule XIV of the Standing Rules of the Senate which will provide that the bills eventually will go on the calendar. By virtue of the fact that the distinguished Senator from Alabama did object, I think that the RECORD should show again that his objection does not necessarily mean that he opposes the bills or that he supports them. So nothing should be read into the fact that he objected to them. If I had been on the floor, I would have done so. I appreciated the action by the distinguished Senator from Alabama.

A TIME TO SPEAK OUT

Mr. MATHIAS. Mr. President, Ecclesiastes is one of the most beautiful books of the Old Testament. It is also one of the wisest. And, of all the wise and beautiful passages in Ecclesiastes, none is more compelling than Chapter 3. While every verse in Chapter 3 contains counsel of rare value, one verse in particular commends itself to our attention today. It follows those beautiful opening lines—"To every thing there is a season and a time to every purpose under the heaven"—and speaks of there being "a time to keep silence, and a time to speak . . ."

Mr. President, today in the United States, and more particularly in this area and in this body, it is a time to speak—a time to speak out against the vicious wave of terrorist attacks that has been launched recently against abortion facilities throughout the country. We have a special responsibility in this regard as lawmakers and as either full- or part-time residents of an area that has witnessed eight such attacks in less than 3 years, four of these in the past 3 months. Nationwide, 24 abortion facilities were attacked last year.

Mr. President, we are not dealing here with the question of how one feels about abortion. No one in this Chamber, I am sure, is entirely comfortable with the idea of abortion. I certainly am not. But abortion is legal and constitutionally protected and has been adjudged to be by the Supreme Court. The issue is not abortion—the issue is terrorism.

So far, very few public figures have condemned these terrorist attacks, although many have been outspoken about terrorism encountered abroad. We have heard it said that these attacks on abortion clinics are not terrorist because they are not politically motivated. But I do not think any would argue the thesis that the various Muslim extremist groups are any less terrorist because they are activated by religious rather than political motives. It is not the motive, but the method, that makes a terrorist.

Just as we cannot condone terrorism abroad, we cannot condone it at home. Honorable men and women must speak out now. Silence leads nowhere but to the brink of disaster.

As we consider our duty in this area that is so charged emotionally for all of us, it is useful to remember the very poignant reflections of Pastor Martin Niemoller, who survived the scourge of Nazism in Germany to tell of his personal experience. He said:

> When they came for the Communists, I didn't speak out because I wasn't a Communist. When they came for the Jews, I didn't speak out because I wasn't a Jew. When they came for the Catholics, I didn't speak out because I wasn't a Catholic. Finally, when they came for me, there was no one left to speak out.

Clearly, silence can sometimes be as resonant as speech. Our silence now could echo down the corridors of time—corridors that would surely be strewn with the pillars of the wrecked edifice of a republic founded on the rule of law.

For the sake of that republic, we must take alarm at the slightest feint in the direction of our laws and our liberties. Let us not make Pastor Niemoller's fatal mistake. Let us speak out now against this violence and let us continue to speak until there is no corner of this land hospitable to those who defy the law.

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Mr. GORTON. Mr. President, few events will be remembered longer than those which transpired on January 1, 1985. Facing formidable opponents from the great University of Oklahoma, up against oddsmakers and pollsters, and in spite of the notorious "horse and buggy scheme" led by Booner and Sooner, representatives of the University of Washington produced victory and found immortal glory on the gridiron of the Orange Bowl.

More dramatic or deserved victories have scarcely been achieved. Led by the unsurpassed coaching of Don James and his staff, the Huskies combined a brilliant game plan with disciplined, inspired execution. They moved the football and scored often and especially when they had to in the fourth quarter of the game. They rushed for nearly 200 yards against the best defense against the rush in college football. The Husky defense, clearly also one of the stingiest in the country, rose to the occasion as it had throughout the fall by forcing crucial turnovers and stopping the Sooner attack. All this against a team observers around the country felt might be the best in the land.

Quarterbacks Sicuro and Millen, running backs Robinson and Fenney, receivers Greene and Pattison, and defensemen Meamber, Rodgers, and the incomparable Holmes, exemplied the best that football can produce in individual and team accomplishment. To be sure, it is in the realm of team effort that the University of Washington performed most admirably, and for which this university's teams are becoming famous around the nation. In the hearts of Husky fans everywhere, there is no doubt about who was No. 1 on New Year's Day!

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. GORTON assumed the chair.)

Mr. EVANS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A TEAM EFFORT

Mr. EVANS. Mr. President, I rise to join with my senior colleague from Washington in commenting on the events of January 1 in Miami.

I had the privilege of being in the Orange Bowl, of watching the University of Washington Huskies as they won a hard-fought, splendid game against a team which I truly believed up to that time was No. 1 in the Nation.

But perhaps as important or more important than all of the comments of my senior colleague is the fact that the pride we feel in the University of Washington is not just in the record of the team but the way in which the team does its job.

Coach James has on several occasions been named the "Coach of the Year" nationally, including this year. He richly deserves that honor, for he typifies the very best of college coaching. He is a person who is looked up to universally by his team members, by the representatives of the university, and by the entire State which he serves.

So, it is not only splendid to see the record of the University of Washington but to honor the way in which

that record was compiled and the outstanding representatives each member of that team make not only for the university but as examples to the young men who will come after them in years following.

REPORT ON COMMUNICATION WITH THE PRESIDENT

Mr. DOLE. Mr. President, I wish to indicate that the distinguished minority leader, Senator BYRD, and I have talked with the President, Ronald Reagan. He expressed his best wishes to the two of us and all of our colleagues and indicated he was happy to see us back in Washington. I hope that continues throughout the year and next year. He expressed his hopes that we could come to grips with some of the problems. He indicated this was a unique time and an opportunity in a sense to deal with some of the very serious problems.

I mentioned to the President we were certainly going to be cooperative wherever we can be and that we will be working together, myself and Senator BYRD with our colleagues on both sides of the aisle, where we can, to work with the administration and with the President.

That, in essence, I think sums up my part of the conversation. I am happy to yield to the distinguished minority leader.

Mr. BYRD. Mr. President, I can add nothing to what the distinguished majority leader has said, inasmuch as his statement is an accurate statement with reference to our conversation.

Mr. DOLE. I thank the distinguished minority leader.

S. 49—PROTECTING FIREARM OWNERS' CONSTITUTIONAL RIGHTS, CIVIL LIBERTIES, AND RIGHTS TO PRIVACY

Mr. DOLE. Mr. President, I send a bill to the desk on behalf of Senator MCCLURE, Senator HATCH, Senator SYMMS, Senator THURMOND, and Senator DENTON and ask for first reading.

The PRESIDING OFFICER. The clerk will read.

The assistant legislative clerk read as follows:

A bill (S. 49) to protect firearm owners' constitutional rights, civil liberties, and rights to privacy.

Mr. DOLE. Mr. President, I ask that the bill be read a second time.

Mr. BYRD. Mr. President, I object. I do so not as any indication that I might be opposed to the substance of the bill—I may very well be supportive of it. But, in order to fulfill the functions required under rule XIV and get the bill on the calendar, which is what the authors of the bill hope to do, I have objected.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCLURE. Mr. President, I am today introducing legislation which would correct some of the more egregious abuses in the 1968 Gun Control Act. With one minor exception—made necessary to accommodate legislative changes made by the 98th Congress—the bill is identical to an amendment on last year's continuing resolution. That amendment was supported on two separate occasions by Senate votes of 63-31 and 77-20, respectively. The single change would shift the responsibility for storing and maintaining out-of-business and multiple sales records from the General Services Administrator to the National Archivist. It was originally the intent of the administration and the Senate that the Archives, which was previously a part of the General Services Administration, be the repository for these records. However, because the 98th Congress severed the Archives from the GAO, it is now necessary to specify this in statutory language.

My staff and I have discussed this matter with the chairman of the Senate Judiciary Committee and his staff; and it is our opinion that, because this bill is very similar to a proposal approved unanimously by the Senate Judiciary Committee last year, it would be appropriate to bring it directly onto the Senate calendar under rule XIV.

When Congress enacted the Gun Control Act of 1968, it intended to curb violent firearms crime by controlling the sale, transportation, and possession of guns. Did this approach work? No; it did not. Extensive hearings and study of the actual enforcement of this law clearly show that the ones who bear the brunt of this law are not necessarily the most dangerous criminals. The ones who have been harassed by the enforcement of this act are often innocent men and women who have bungled their paperwork. Punishment has been swift and severe. While genuine criminals are all too often let free to roam the streets, these law-abiding gun owners and dealers have had their property unconstitutionally seized and held and their businesses and lives ruined. People who have done their best to comply with the law are forced to bear the stigma of Federal felons.

We have a duty to provide for the legal protection of the citizens of this country, and when the force of the law is directed at the innocent, and does nothing to the guilty, we are neglecting that duty.

My colleagues on the Judiciary Committee have worked long and hard, as I have, to hammer out changes in the law that will prevent the abuses we have seen. This law touches on many people, on many branches of the Government. We have labored to balance the need for effective law enforcement with the right of honest citizens to constitutional protections. We have all spent time ironing out our differences on this complicated and emotionally charged issue.

At length, we arrived at a compromise that solved the major problems. I have met with representatives from different groups in the firearms rights community, and I believe that we now have a piece of legislation that everyone can honestly support. The bill was unanimously voted out of committee.

The Firearm Owners Protection Act is designed to correct demonstrated abuses in present law. It would make the following reforms:

Define "engaging in the business" to clarify who needs a Federal firearms license;

Liberalize the interstate sale of firearms when these sales are legal in both State of sale, and State of purchase;

Mandate an element of criminal intention for prosecution and conviction of Federal firearms law violations;

Clarify procedures for dealer sales of firearms from his private collection;

Permit inspection of dealer's records for reasonable cause;

Require mandatory penalties for the use of a firearm during a Federal crime;

Limit seizure of firearms;

Provide for the return of seized firearms, and grant attorney's fees in spiteful or frivolous suits;

Allow the interstate transportation of unloaded, inaccessible firearms.

The bill would not do the following:

Allow "mail order" sales of firearms;

Allow unlicensed pawn shop gun sales;

Restrict legitimate inspection of records.

In short, this bill has been painstakingly crafted to focus law enforcement on the kinds of Federal firearms law violations most likely to contribute to violent firearms crime. Enactment of this amendment into law will insure that the intent of Congress is carried out.

We must compel the enforcing agency to stop harassing honest people and to direct their efforts at the violent criminals who give all gun owners a bad name. This can only be done by changing present Federal firearms law. We must change that law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 49

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that the rights of citizens to keep and bear arms under the second amendment to the United States Constitution; their rights to security against illegal and unreasonable searches and seizures

under the fourth amendment; their protections against uncompensated taking of property, double jeopardy, and assurance of due process of law under the fifth amendment; and their rights against unconstitutional exercise of authority under the ninth and tenth amendments; require additional legislation to correct existing firearms statutes and enforcement policies. The Congress further finds that additional legislation is required to reaffirm its intent, as expressed in section 101 of title I of the Gun Control Act of 1968, that "it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity, . . ." or "to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes."

TITLE I—AMENDMENTS TO TITLE 18, UNITED STATES CODE (18 U.S.C. 921-928)

AMENDMENTS TO SECTION 921

SEC. 101. Section 921 of title 18, United States Code, is amended—

(1) in subsection (a)(10) by deleting the words "manufacture of" and inserting in lieu thereof the words "business of manufacturing";

(2) in subsection (a)(11)(A) by deleting the words "or ammunition";

(3) in subsection (a)(12) by deleting the words "or ammunition";

(4) in subsection (a)(13) by deleting the words "or ammunition";

(5) by amending subsection (a)(20) to read as follows:

"(20) The term 'crime punishable by imprisonment for a term exceeding one year' shall not include (A) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices, or (B) any State offense classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less: Provided, however, That what constitutes a conviction shall be determined in accordance with the law of the jurisdiction in which the proceedings were held: Provided further, That any conviction which has been expunged, or set aside or for which a person has been pardoned or has had his or her civil rights restored shall not be considered a conviction under the provisions of this Act, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms."; and

(6) in subsection (a) by inserting new paragraphs (21) and (22) after paragraph (20), to read as follows: "(21) The term 'engaged in the business' means—

"(A) As applied to a manufacturer of firearms, a person who devotes time, attention, and labor to manufacturing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms manufactured.

"(B) As applied to a manufacturer of ammunition, a person who devotes time, attention, and labor to manufacturing ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the ammunition manufactured.

"(C) As applied to a dealer in firearms, as defined in section 921(a)(11)(A), a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms. The term shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or hobby, or who sells all or part of his personal collection of firearms.

"(D) As applied to a dealer in firearms, as defined in section 921(a)(11)(B), a person who devotes time, attention, and labor to engaging in such activity as a regular course of trade or business with the principal objective of livelihood and profit. The term shall not include a person who makes occasional repairs of firearms or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms.

"(E) As applied to an importer of firearms, a person who devotes time, attention, and labor to importing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms imported.

"(F) As applied to an importer of ammunition, a person who devotes time, attention, and labor to importing ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the ammunition imported.

"(22) The term 'with the principal objective of livelihood and profit' means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection.

AMENDMENTS TO SECTION 922

SEC. 102. Section 922 of title 18, United States Code, is amended—

(1) by amending subsection (a)(1) to read as follows:

"(1) for any person (A) except a licensed importer, licensed manufacturer, or licensed dealer to engage in the business of importing, manufacturing, or dealing in firearms, or in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce; and (B) except a licensed importer or licensed manufacturer to engage in the business of importing or manufacturing ammunition, or in the course of such business, to ship, transport, or receive any ammunition in interstate or foreign commerce";

(2) in subsection (a)(2)—

(A) By deleting the words "or ammunition"; and

(B) by deleting the words "or licensed dealer for the sole purpose of repair or customizing," and inserting in lieu thereof the words, "licensed dealer, or licensed collector;";

(3) by amending clause (B) of subsection (a)(3) to read as follows: "(B) shall not apply to the transportation or receipt of a firearm obtained in conformity with the provisions of subsection (b)(3) of this section,";

(4) in subsection (b)—

(A) by deleting in paragraph (2) "or ammunition" each place it appears;

(B) by deleting clause (A) in paragraph (3) and inserting in lieu thereof the following: "(A) shall not apply to the sale or delivery of any firearm to a resident of a State other than a State in which the licensee's place of business is located if the sale, delivery and receipt fully comply with the legal conditions of sale in both such States: Provided, however, That any licensed manufacturer, importer or dealer shall be presumed, in the absence of evidence to the contrary, to have had actual knowledge of the State laws and published ordinances of both States,";

(C) by inserting "and" before "(B)" in paragraph (3);

(D) by striking out ", and" in clause (B) of paragraph (3) and inserting in lieu thereof a semicolon;

(E) by repealing clause (C) of paragraph (3); and

(F) by deleting from paragraph (5) "or ammunition except .22 rimfire ammunition";

(5) in subsection (d)—

(A) by deleting "licensed importer, licensed manufacturer, licensed dealer, or licensed collector" the first time they appear and inserting in lieu thereof "person";

(B) by deleting in paragraph (3) the word "or" following the semicolon;

(C) by replacing the period in paragraph (4) with a semicolon; and

(D) by inserting after paragraph (4) the following:

"(5) who, being an alien, is illegally or unlawful in the United States;

"(6) who has been discharged from the Armed Forces under dishonorable conditions; or

"(7) who, having been a citizen of the United States, has renounced his citizenship.";

(6) in subsection (g)—

(A) by deleting the words "is under indictment for, or who" in paragraph (1);

(B) by deleting in paragraph (3) the word "or" following the semicolon;

(C) by inserting after paragraph (4) the following:

"(5) who, being an alien, is illegally or unlawfully in the United States;

"(6) who has been discharged from the Armed Forces under dishonorable conditions; or

"(7) who, having been a citizen of the United States, has renounced his citizenship;"; and

(D) by deleting the words "to ship or transport any firearm or ammunition in interstate or foreign commerce" and inserting in lieu thereof the words "to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.";

(7) in subsection (h)—

(A) by inserting after the word "any" and before the word "person" the words "individual who to his knowledge and while being employed by any";

(B) by deleting the words "is under indictment for, or who" in paragraph (1);

(C) by deleting in paragraph (3) the word "or" following the semicolon;

(D) by inserting after paragraph (4) the following:

"(5) who, being an alien, is illegally or unlawful in the United States;

"(6) who has been discharged from the Armed Forces under dishonorable conditions; or

"(7) who having been a citizen of the United States, has renounced his citizenship;"; and

(E) by deleting the words "to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce" and inserting in lieu thereof the words "in the course of such employ-

ment to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce."; and

(8) by inserting after subsection (m) a new subsection to read as follows:

"(n) It shall be unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.".

AMENDMENTS TO SECTION 923

SEC. 103. Section 923 of title 18, United States Code, is amended—

(1)(A) in subsection (a)—

(i) by deleting the words "No person shall engage in business as a firearms or ammunition importer, manufacturer, or dealer until he has filed an application with, and received a license to do so from the Secretary." and inserting in lieu thereof the words "No person shall engage in the business of importing, manufacturing, or dealing in firearms, or importing or manufacturing ammunition, until he has filed an application with and received a license to do so from the Secretary."; and

(ii) by deleting the words "and contain such information", and inserting in lieu thereof the words "and contain only that information necessary to determine eligibility for licensing.";

(B) in subsection (a)(3)(B) by deleting the words "or ammunition for firearms other than destructive devices";

(2) in subsection (b) by striking out "and contain such information", and inserting in lieu thereof "and contain only that information necessary to determine eligibility for licensing";

(3) in subsection (c) by adding at the end thereof the following: "*Provided, however,* That nothing in this chapter shall be construed to prohibit a licensed manufacturer, importer, or dealer from maintaining and disposing of a personal collection of firearms, subject only to such restrictions as apply in this chapter to dispositions by a person other than a licensed manufacturer, importer, or dealer: *Provided further,* That if any firearm is so disposed of by a licensee within one year of its transfer from his business inventory into his personal collection or if such disposition or any acquisition is made for the purpose of willfully evading the restrictions placed upon licensees by this chapter, then such firearm shall be deemed part of his business inventory.";

(4) in subsection (e) by inserting before the word "Violated" the word "willfully";

(5) in subsection (f)—

(A) by inserting the words "de novo" before the word "judicial" in paragraph (3);

(B) by adding the words ", whether or not such evidence was considered at the hearing held under paragraph (2)." after the words "to the proceeding" in paragraph (3); and

(C) by inserting at the end thereof the following new paragraph:

"(4) If criminal proceedings are instituted against a licensee alleging violations of this chapter or regulations promulgated thereunder, and the licensee is acquitted of such charges, or such proceedings are terminated, other than upon motion of the Government prior to trial upon such charges, the Secretary shall be absolutely barred from denying or revoking any license granted under the provisions of this chapter where such denial or revocation is based in whole or in part on the facts which form the basis of such criminal charges. No proceedings for the revocation of a license shall be instituted by the Secretary more than one year after the filing of the indictment or information.";

(6) by amending subsection (g) to read as follows:

"(g)(1) Each licensed importer, licensed manufacturer, and licensed dealer, shall maintain such records of importation, production, shipment, receipt, sale, or other disposition, of firearms at his place of business for such period, and in such form, as the Secretary may by regulations prescribe. Such importers, manufacturers and dealers shall not be required to submit to the Secretary reports and information with respect to such records and the contents thereof, except as explicitly required by the Act entitled 'An to protect firearms owners' constitutional rights, civil liberties and rights to privacy'. The Secretary, when he has reasonable cause to believe a violation of this law has occurred, and that evidence thereof may be found on such premises may, upon demonstrating such cause before a Federal magistrate, and securing from him a warrant authorizing entry, enter during business hours the premises (including places of storage) of any licensed firearms importer, licensed manufacturer, licensed dealer, licensed collector or any licensed importer or manufacturer of ammunition, for the purposes of inspecting or examining (1) any records or documents required to be kept by such licensed importer, licensed manufacturer, licensed dealer, or licensed collector under the provisions of this chapter or regulations issued under this chapter, and (2) any firearms or ammunition kept or stored by such licensed importer, licensed manufacturer, licensed dealer, or licensed collector, at such premises. The Secretary may inspect the inventory and records of a licensed importer, licensed manufacturer, or licensed dealer without such cause or warrant, (A) for a reasonable inquiry during the course of a criminal investigation of a person or persons other than the licensee; or (B) no more than once in any twelve consecutive months, upon reasonable notice, but no criminal charges shall be brought against the licensee based upon such inspection except for willful violations of the record-keeping requirements of this chapter or sales or other dispositions of firearms to prohibited persons; or (C) when such inspections or inquires may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation. The Secretary may inspect the inventory and records of a licensed collector without such reasonable cause or warrant (A) no more than once in any twelve consecutive month period, upon reasonable notice, but no criminal charges shall be brought against such licensee based upon such inspection except for willful violations of the recordkeeping requirements of this chapter or sales or other dispositions of firearms to prohibited persons; or (B) when such inspections or inquiries may be required for determining the disposition of one or more particular firearms in the course of a bona fide criminal investigation. At the election of a licensed collector, the annual inspection of records and inventory permitted under this paragraph shall be performed at the office of the Secretary designated for such inspections which is located in closest proximity to the premises where the inventory and records of such licensed collector are maintained. Such procedure shall not be construed as authorizing the Secretary to seize any records or other documents other than those records or documents constituting material evidence of a violation of law. If the Secretary seizes such records or documents, copies shall be provided the licensee within a reasonable time. The Secretary may make available to any Federal, State, or local law enforcement agency any information which he may obtain by reason of the provisions of this chapter with respect to the identification of persons prohibited from purchasing or receiving firearms or ammunition who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition and he may provide information to the extent such information may be contained in the records required to be maintained by the provisions of this chapter, when so requested by any Federal, State, or local law enforcement agency.

"(2) Each licensed collector shall maintain in a bound volume the nature of which the Secretary may by regulations prescribe, records of the receipt, sale, or other disposition, of firearm. Such records shall include the name and addresses of a firearm. Such collector shall not be required to submit of a firearms. Such collector shall not be required to submit to the Secretary reports and information with respect to such records and the contents thereof, except as explicitly required by the Act entitled 'An Act to protect firearms owners' constitutional rights, civil liberties and rights to privacy'.

"(3)(A) Within thirty days of the absolute discontinuance of the business of a licensee, any records maintained by such licensee under this chapter shall be delivered to the joint custody of the Archivist of the United States and the Secretary to be stored in a records center maintained and operated by the Archivist, unless state law or local ordinance requires delivery to another authority, in which event the Archivist and the Secretary may arrange for delivery to such authority.

"(B) The Secretary shall have access to records stored under this paragraph solely for the purposes of tracing firearms, organizing and preserving such records, and certifying to facts on the basis of such records in any court or any administrative proceeding of the United States or of any state. The Secretary may remove such records from the record center maintained by the Archivist only in connection with proceedings in any court or any administrative proceeding of the United States or of any state.

"(C) the Archivist may promulgate regulations governing the storage, processing and servicing of records stored under this paragraph: *Provided,* That no such regulations may restrict the authority of the Secretary under this paragraph to have access to or to remove such records.

"(D) Notwithstanding any other provision of law, the Archivist shall dispose of records kept by licensed dealers and licensed collectors, and records relating to the disposition of firearms kept by manufacturers and importers, and stored under this paragrpah twenty years after such records are received by the Archivist and the Secretary.

"(4)(A) each licensee shall, when required by letter issued by the Secretary, and until notified to the contrary in writing by the Secretary, submit on a form specified by the Secretary, for the periods and at the times specified in such letter, all record information required by this chapter or such lesser

record information as the Secretary in his letter may specify.

"(B) The Secretary may authorize the information to be submitted in a manner other than that prescribed in subparagraph (A) of this paragraph when it is shown by a licensee that an alternate method of reporting is reasonably necessary and will not unduly hinder the effective administration of this chapter.

"(C) No warrant shall issue nor shall any criminal charges be brought against the licensee based solely upon information provided pursuant to the provisions of this paragraph.

"(5)(A) Each licensee shall prepare a report of multiple sales or other disposition whenever the licensee sells or otherwise disposes of, at one time or during any five consecutive business days, two or more pistols, or revolvers, or any combination of pistols and revolvers totaling two or more, to an unlicensed person. The report shall be prepared on a form specified by the Secretary and forwarded to the office specified thereon not later than the close of business on the day that the multiple sale or other disposition occurs.

"(B) Ten years after receiving any report submitted under subparagraph (A) of this paragraph, the Secretary shall deliver such report to the joint custody of the Archivist of the United States and the Secretary to be stored in a records center maintained and operated by the Archivist, subject to the provisions of sections 923(g)(3) (B) and (C) of this title. Notwithstanding any other provision of law, the Archivist shall dispose of records stored under this subparagraph ten years after such records are received by the Archivist and the Secretary.

"(C) No record, form, or information delivered, submitted, or forwarded pursuant to this paragraph or paragraph (3) or (4) of this subsection may be kept by the Secretary at a centralized location, nor shall it be entered into a computer for storage or retrieval."; and

(7) by amending subsection (j) to read as follows:

"(j) A licensed importer, licensed manufacturer, or licensed dealer may, under regulations prescribed by the Secretary, conduct business temporarily at a location other than the location specified on the license if such other location is in the State which is specified on the license. Records of receipt and disposition of firearms transactions conducted at such temporary location shall include the location of the sale or other disposition and shall be entered in the permanent records of the licensee and retained on the location specified on the license. Nothing in this subsection shall authorize any licensee to conduct business in or from any motorized or towed vehicle. Notwithstanding the provisions of subsection (a) of this section, a separate fee shall not be required of a licensee with respect to business conducted under this subsection. Except for records directly related to receipts, sales, or other dispositions of firearms made at the temporary premises within the period of time the licensed importer, licensed manufacturer, or licensed dealer conducted the business of which such receipts, sales, or other dispositions were a part, nothing in this subsection shall be construed to authorize the Secretary to inspect or examine the inventory or records of a licensed importer, licensed manufacturer, or licensed dealer at any location other than the location specified on the license. Nothing in this subsection shall be construed to diminish in any manner any right to display, sell or otherwise dispose of firearms or ammunition which is in effect prior to the date of enactment of the Act entitled 'An Act to protect firearms owners' constitutional rights, civil liberties and rights to privacy'.".

AMENDMENTS TO SECTION 924

SEC. 104. Section 924 of title 18, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) Whoever—

"(1) knowingly makes any false statement or representation with respect to the information required by the provisions of this chapter to be kept in the records of a person licensed under this chapter, or in applying for any license or exemption or relief from disability under the provisions of this chapter;

"(2) knowingly violates subsections (a)(4), (a)(6), (f), (g), (h), (i), (j), or (k) of section 922;

"(3) knowingly imports or brings into the United States or any possession thereof any firearm or ammunition in violation of section 922(l);

"(4) knowingly violates any provisions of this section; or

"(5) willfully violates any other provision of this chapter,

shall be fined not more than $5,000, or imprisoned not more than five years, or both, and shall become eligible for parole as the Board of Parole shall determine: *Provided*, That no person shall be prosecuted under this subsection where the conduct of such person involves simple carelessness.".

(2) by amending subsection (c) to read as follows:

"(c)(1) Whoever, during and in relation to any crime of violence, including a crime of violence which provides for an enhanced punishment if committed by the use of deadly or dangerous weapon or device, for which he may be prosecuted in a court of the United States, uses a firearm, or carries a firearm in furtherance of any such crime of violence, shall, in addition to the punishment provided for such crime of violence, be sentenced to imprisonment for a term of five years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to imprisonment for a term of ten years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall the term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the crime of violence in which the firearm was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein: *Provided*, That no person shall be sentenced under this subsection if he establishes to the satisfaction of the court that the use of the firearm or destructive device was to protect his person or the person of another from the good faith perception of immediate danger other than the danger which was the direct result of the commission of or attempt to commit a felony by either such person and the court must find that a sentence under this subsection would constitute a severe and substantial miscarriage of justice and such court must provide in writing each finding of fact and law necessary to establish the applicability of this proviso.

"(2) For purposes of this subsection the term 'crime of violence' means an offense that is a felony and—

"(A) has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or

"(B) that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.".

(3) by amending subsection (d) to read as follows:

"(d)(1) Any firearm or ammunition involved in or used in any knowing violation of subsections (a)(4), (a)(6), (f), (g), (h), (i), or (k) of section 922, or knowing importation or bringing into the United States or any possession thereof any firearm or ammunition in violation of section 922(l), or knowing violation of section 924, or willful violation of any other provision of this chapter or any rule or regulation promulgated thereunder, or any violation of any other criminal law of the United States, or any firearm or ammunition intended to be used in any offense referred to in paragraph (3) of this subsection, where such intent is demonstrated by clear and convincing evidence, shall be subject to seizure and forfeiture, and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5845(a) of that Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter: *Provided*, That upon acquittal of the owner or possessor, or dismissal of the charges against him other than upon motion of the Government prior to trial, the seized firearms or ammunition shall be returned forthwith to the owner or possessor or to a person delegated by the owner or possessor unless the return of the firearms or ammunition would place the owner or possessor or his delegate in violation of law. Any action or proceeding for the forfeiture of firearms or ammunition shall be commenced within one hundred and twenty days after such seizure.

"(2)(A) In any action or proceeding for the return of firearms or ammunition seized under the provisions of this chapter, the court shall allow the prevailing party, other than the United States, a reasonable attorney's fee, and the United States shall be liable therefor.

"(B) In any other action or proceeding under the provisions of this chapter, the court, when it finds that such action was without foundation, or was initiated vexatiously, frivolously, or in bad faith, shall allow the prevailing party, other than the United States, a reasonable attorney's fee, and the United States shall be liable therefor.

"(C) Only those firearms or quantities of ammunition particularly named and individually identified as involved in or used in any violation of the provisions of this chapter or any rule or regulation issued thereunder, or any other criminal law of the United States, or as intended to be used in any offense referred to in paragraph (3) of this subsection, where such intent is demonstrated by clear and convincing evidence, shall be subject to seizure, forefeiture, and disposition.

"(3) The offenses referred to in paragraphs (1) and (2)(C) of this subsection are—

"(A) any crime of violence, as that term is defined in section 924(c)(2) of this title;

"(B) any offense punishable under the Controlled Substances Act (21 U.S.C. 801 et

seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.);

"(C) any offense described in sections 922(a)(1), 922(a)(3), 922(a)(5), or 922(b)(3) of this title, where the firearm or ammunition intended to be used in any such offense is involved in a pattern of activities which includes a violation of any offense described in sections 922(a)(1), 922(a)(3), 922(a)(5), or 922(b)(3) of this title;

"(D) any offense described in section 922(d) of this title where the firearm or ammunition is intended to be used in such offense by the transferor of such firearm or ammunition;

"(E) any offense described in sections 922(i), 922(j), 922(l), 922(n), or 924(b) of this title; and

"(F) any offense which may be prosecuted in a court of the United States which involves the exportation of firearms or ammunition.".

AMENDMENTS TO SECTION 925

SEC. 105. Section 925 of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) by deleting the words "has been convicted of a crime punishable by imprisonment for a term exceeding one year (other than a crime involving the use of a firearm or other weapon or a violation of this chapter or of the National Firearms Act)" and inserting in lieu thereof the words "is prohibited from processing, shipping, transporting, or receiving firearms or ammunition";

(B) by inserting the word "transportation," after the word "shipment";

(C) by deleting the words "and incurred by reason of such conviction,"; and

(D) by adding after the words "the public interest." the words "Any person whose application for relief from disabilities is denied by the Secretary may file a petition with the United States district court for the district in which he resides for a judicial review of such denial. In a proceeding conducted under this subsection, the scope of judicial review shall be governed by section 706 of title 5, United States Code. The court may in its discretion admit additional evidence where failure to do so would result in a miscarriage of justice."; and

(2) in subsection (d)—

(A) by deleting the words "may authorize" and inserting in lieu thereof the words "shall authorize";

(B) by deleting the words "the person importing or bringing in the firearm or ammunition establishes to the satisfaction of the Secretary that"; and

(C) by deleting in paragraph (3) the words "generally recognized and particularly"; and

(D) by deleting the words "may permit" and inserting in lieu thereof the words "shall permit".

AMENDMENTS TO SECTION 925

SEC. 106. Section 926 of title 18, United States Code, is amended by—

(1) inserting "(a)" before "The Secretary" the first place it appears;

(2) inserting the word "only" after the word "prescribe";

(3) deleting the words "as he deems reasonable" and inserting in lieu thereof the words "as are";

(4) deleting the words "The Secretary shall give reasonable public notice, and afford interested parties opportunity for hearing, prior to prescribing such rules and regulations" and inserting in lieu thereof the words: "Provided, That no such rule or regulation promulgated after the effective date of this Act may require that records required to be maintained under this chapter or any portion of the contents of such records, be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or any political subdivision thereof, nor that any system of registration of firearms, firearms owners, or firearms transactions or dispositions be established: Provided further, That nothing in this section shall be deemed to expand or restrict the Secretary's authority to inquire into the disposition of one or more firearms pursuant to a criminal investigation."; and

(5) inserting at the end thereof the following:

"(b) The Secretary shall give not less than ninety days public notice, and shall afford interested parties opportunity for hearing, prior to prescribing such rules and regulations.

"(c) The Secretary shall not prescribe regulations that require purchasers of black powder under the exemption provided in section 845(a)(5) of title 18, United States Code, to complete affidavits or forms attesting to that exemption.".

AMENDMENTS TO SECTION 927

SEC. 107. Section 927 of title 18, United States Code, is amended by inserting before the period at the end thereof the following: ": *Provided however*, That any provision of any legislation enacted, or of any rule or regulation promulgated, by any State or a political subdivision which prohibits or has the effect of prohibiting the transportation of a firearm or ammunition in interstate commerce through such State, when such firearm is unloaded and not readily accessible, shall be null and void.".

EFFECTIVE DATE

SEC. 108. (1) All amendments (including any repeals) made by this Act shall become effective one hundred and eighty days after the date of enactment of this Act. At that time the Secretary shall publish and provide to all licensees a compilation of the State laws and published ordinances of which licensees are presumed to have knowledge pursuant to chapter 44 of title 18, United States Code, as amended by this Act. All amendments to such State laws and published ordinances as contained in the aforementioned compilation shall be published in the Federal Register, revised annually, and furnished to each person licensed under chapter 44 of title 18, United States Code, as amended by this Act.

The provisions of sections 103(5)(C), 104(2), 105, and 107 of this Act shall be applicable to any action, petition, or appellate proceeding pending on the effective date of this Act. In considering any petitions for Presidential pardons submitted by persons convicted of violations of chapter 44 of title 18, United States Code, prior to the effective date of this Act, the Congress recommends that consideration be given to whether the violation would have been punishable under this Act, and to the purposes and findings contained in the preamble thereto.

TITLE II—AMENDMENTS TO TITLE VII OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

SEC. 201. Title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (sections 1201, 1202, and 1203 of the appendix to title 18, United States Code) is hereby repealed.

EXTENDING THE PERIOD FOR THE PAYMENT OF EXPENSES OF THE TEMPORARY SELECT COMMITTEE ON THE COMMITTEE SYSTEM

Mr. DOLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 18) to extend the period for the payment of expenses of the temporary Select Committee on the Committee System.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I do not intend to object. May I ask about the duration of the period that is contained in the resolution?

The PRESIDING OFFICER. The clerk will read the resolution.

The assistant legislative clerk read as follows:

S. RES. 18

Resolved, That section 5 of Senate Resolution 127, Ninety-eighth Congress, agreed to June 6, 1984, is amended by striking out "December 15, 1984" and insert in lieu thereof "February 13, 1985".

Mr. BYRD. Mr. President, the distinguished Senator from Kentucky, Senator FORD, who is the ranking member on the Rules Committee and who is also ranking on the Quayle ad hoc committee, has cleared this resolution, and therefore, there is no objection on our part.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 18) was agreed to.

ARMS CONTROL NEGOTIATIONS

Mr. DOLE. Mr. President, I send a resolution to the desk on behalf of myself and the distinguished minority leader, Senator BYRD, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 19) expressing the sense of the Senate regarding the upcoming meeting in Geneva of the Secretary of State with the Soviet Foreign Minister, and for other purposes.

Mr. DOLE. Mr. President, I ask that the resolution be read.

The PRESIDING OFFICER. The clerk will read.

The assistant legislative clerk read as follows:

S. RES. 19

Whereas the control and reduction of nuclear arms are among the most pressing problems confronting the world;

Whereas all reasonable efforts, consistent with the national security of the United

States and the responsibilities of the United States as the leader of the Free World, need to be undertaken in pursuit of nuclear arms control and reduction;

Whereas the issue of nuclear arms control and reduction must be pursued on the basis of the national interest of the United States without regard for partisan considerations;

Whereas the control and reduction of nuclear arms are central to the relations of the United States with the Soviet Union, the only other nation on Earth possessing a comparable nuclear arsenal; and

Whereas the President has declared that one of the highest priority goals of his second administration is to pursue nuclear arms control and reduction talks with the leaders of the Soviet Union which are aimed at the mutual, balanced, and verifiable reduction of the strategic arsenals of both countries: Now, therefore, be it

Resolved, That the Senate hereby—

(1) commends the commitment by the President to make nuclear arms control and reduction talks with the Government of the Soviet Union a high priority goal of his second administration;

(2) offers full support for any effort by the President to engage the Government of the Soviet Union in dialogue and negotiations in pursuit of agreements to control and reduce the nuclear arsenals of the United States and the Soviet Union;

(3) urges the President to approach such talks with creativity and flexibility consistent with the requirements of the security of the United States and the security of those nations that are allies and friends of the United States;

(4) extends to Secretary of State Shultz full support for his efforts and best wishes for success in his meetings with Foreign Minister Gromyko in Geneva January 7-8, which are aimed at setting a more concrete agenda for the resumption of nuclear arms control and reduction negotiations in the immediate future, negotiations to which both the United States and the Soviet Union have agreed; and

(5) recommends that the President include, as official observers on the United States delegation to any formal negotiations which take place, a bipartisan group of Senators, designated upon the recommendation of the Majority Leader and the Minority Leader of the Senate.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Is there objection to the request of the Senator from Kansas?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, this is a day which, by tradition, is largely occupied by important ceremonial and organizational activities. Today, though, with the support of the distinguished minority leader, I would ask that the Senate put aside this tradition briefly and consider immediately one substantive resolution, which I have sent to the desk.

This resolution deals with what may be the most important issue which any of us in the 99th Congress will face: The issue of the control and reduction of nuclear arms.

I need not dwell on the importance of this issue. It is central to our national security. It is central to our relations with our most formidable adversary, the Soviet Union. And it is central to the peace—indeed, to the very existence—of the civilized world as we know it. On these grounds alone, the issue of nuclear arms control is a fitting focus for the first substantive act of this new Senate.

But there is another reason for us to act now. As we all know, Secretary of State Shultz will be leaving for Geneva this Saturday, to engage Soviet Foreign Minister Gromyko in an initial round of talks aimed at setting an agenda for follow-on arms control negotiations. As he begins those talks, Secretary Shultz needs, and he deserves, our strong support.

If history is a guide, the Russians are going to be tough and effective negotiators. They will try to exploit any chinks they see in our negotiating armor, any divisiveness, any impatience. If we let them know now that we are united in our wish for sound and verifiable arms control agreements—united in our determination to work hard and patiently for such agreements—and united in our support for the administration's efforts to achieve them—our prospects for success will be much greater.

This resolution also serves other ends. It recognizes the success of the administration's strategy in getting these talks started and, in so doing, encourages the continuation of the negotiating process.

It underscores the deep interest of the Senate, as an institution, in nuclear arms control, both as an issue and as a negotiating process. It makes clear that this body intends to play its constitutionally mandated role in helping shape and confirm our country's arms control policies and strategies.

It also recommends a mechanism for appropriate and responsible Senate input into the negotiating process, through a body of designated Senate observers from both sides of the aisle, which, I would say, was the idea of the distinguished minority leader, Senator BYRD. Fully, cognizant of the executive's primacy in carrying out our foreign policies, these Senators would not be negotiators. The Secretary of State, or other officials designated by the President, would have the sole authority to speak for our Government to the Soviet representatives in the intricate bargaining process which will inevitably characterize these negotiations. But these Senators would serve as this body's channel for information and feedback as formal negotiations ensue, so the the Senate could more knowledgeably play the ratifying or other role which might later be required.

The distinguished minority leader, I know, has already been in communication with the President on this matter, and I, too, have discussed it with administration representatives, including the Secretary of State.

We will certainly want to have further discussions, to insure that the functions and responsibilities of Senate observers are as clearly delineated as possible. In that regard, and for the information of the Senate, I would like to include in the RECORD a letter which I received yesterday from Acting Secretary of State Ken Dam, which gives some initial thoughts on the State Department's perception of what role these observers might best play.

Finally, the resolution which I offer can be an important first manifestation of what I hope—what I plan—will be an on-going process to reestablish a bipartisan spirit in this body's consideration of vital national security and foreign policy issues. The distinguished minority leader and I have worked together on this resolution. Without his support and his substantive contributions, we could not hope to see its passage today. Without the support of the Democratic Members of this body, its passage would have far less meaning and impact.

I would also indicate we have cleared the resolution on this side with the distinguished chairman of the Armed Services Committee, Senator GOLDWATER, and with the distinguished chairman of the Foreign Relations Committee, Senator LUGAR.

Rebuilding this spirit of bipartisanship will not be a quick or easy process. But it is a task we must undertake, and there is no issue more important on which to begin than the issue of nuclear arms control. There is no time better to begin than right now.

Mr. President, I have asked for the immediate consideration of this resolution and the support of all Senators for its immediate passage.

Mr. President, I ask unanimous consent that the letter to which I refer be made a part of the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, January 2, 1985.

HON. ROBERT DOLE,
U.S. Senate

DEAR SENATOR DOLE: In the Secretary's absence, I would like to follow-up on our breakfast meeting and share some further thoughts with you regarding Senator Byrd's proposal for Senate observers on the negotiating team.

It would aid our efforts if, once formal negotiations are underway, the negotiating team and the Secretary could have available the advice of the Senate on a continuing basis. To this end, in addition to our normal consultations with the Congress, it would be useful if you and Senator Byrd could designate a small group of Senators with which to consult on a regular basis. We would keep this group fully informed on the status of the negotiations: they would also be wel-

come to meet with the delegations at the negotiations where they would be provided full briefings on the status of the negotiations. We will seek to have them meet with the Soviet delegates as well.

We will discuss this approach with the House Leadership and see if they are interested in forming a similar group.

The Secretary greatly appreciates your draft resolution that supports our efforts to seek meaningful reductions in nuclear weapons with the Soviet Union. It is our hope that in the near future the Soviet Union will be prepared to engage in serious negotiations.

I look forward to working closely with you in the new year.

Sincerely yours,

KENNETH W. DAM,
Acting Secretary.

Mr. BYRD. Mr. President, I am pleased to cosponsor and coauthor this resolution supporting the resumption of arms control negotiations with the Soviet Union—negotiations which I hope will result in an agreement with the Soviet Union deserving of the approval of the Senate. I understand that the talks that will take place in Geneva on January 7 and 8 are preliminary, and are for the purpose of establishing an agenda and a structure for the resumption of formal negotiations in the near future. I am hopeful that these preliminary discussions between Secretary of State George Shultz and Soviet Foreign Minister Andrei Gromyko will succeed in establishing such an agenda and structure.

I do not presume that the conclusion of responsible arms control agreements, particularly those which might provide for reductions in the military muscle of our Nation and of the Soviet State, will come quickly or easily. The Soviets are well known as tough negotiators, and this process will take some time. Nevertheless, we must negotiate, persistently and with creativity, to fully explore the possibilities for responsible agreements.

The Soviets are a brutal adversary. Since we inhabit the world together, and since each of the two superpowers possess the means to destroy the other with nuclear weaponry, agreements which serve our national interest, which reduce the risk of war and the misunderstandings which lead to war, which are fair, verifiable and clear, and which save the Nation money to be better spent elsewhere—these are worth our best efforts.

I am, therefore, pleased to join the distinguished Republican leader, Mr. DOLE, in commending the commitment by the President to making arms control negotiations a high priority goal in his second term. I am pleased to extend the Secretary of State, Mr. Shultz, my full support for his efforts to set the stage for the resumption of negotiations with the Soviets. I wish him every success.

Mr. President, any accord with the Soviet Union to restrict, control, or reduce our strategic weapons will carry considerable weight for our country. It will vitally affect our national security, and the security of all of our constituents. Such an agreement must be, I believe, supported by a substantial national consensus to stand the test of time. Such a consensus is best achieved through the traditional treatymaking process which has been followed in the field of strategic arms control agreeements entered into by the United States. The role of the Senate is, of course, central to this process. In order for the Senate to be more informed on a regular basis about the progress of the negotiations which may take place, I suggested to the President by telephone on December 9, 1984, that a small, bipartisan group of Senators, to be appointed by the majority and minority leaders, be afforded observer status on our delegation to any arms control negotiations which may occur as a result of the Shultz-Gromyko meetings. I followed up this discussion with a letter to the President on December 11, 1984. As I stated in that letter, it should be of benefit to the knowledge and understanding of all Senators if access to the negotiating sessions were to be established on a regularized basis. In addition, I believe the informal reactions and views of Senators to any ongoing talks should be of real value to our negotiating team at a time before final decisions of specific issues are made.

The President's initial reaction to my suggestion was positive, and I am pleased that the distinguished Republican leader has joined with me in including a recommendation for observers in the resolution now before the Senate. I have discussed this proposal with a number of my colleagues on this side of the aisle as well as with Mr. DOLE. I appreciate his remarks on the need for the Senate to work in bipartisan way on those issues which are of such national magnitude as this. On matters of foreign policy, and particularly superpower relations, we are stronger as a nation when we speak with one voice. Bipartisanship in foreign affairs, in our relations with the rest of the world, has been a wise tradition for the United States—and I can assure my friend from Kansas that I will continue to make every effort to strengthen it in every possible instance. I am sure the specific details of the arrangements for a Senate observer group can be developed in a fashion satisfactory to both the administration and the Senate over the next several weeks.

I am pleased to join Mr. DOLE in sponsoring this sense of the Senate resolution—as he has stated, it is fitting that this resolution be the first item on the agenda of the 99th Congress. There is a fresh promise for renewed efforts to control the nuclear arsenals of the two great powers, to build better safeguards against misunderstanding. I know I speak for my colleagues in wishing the Secretary of State the best in his discussions with Mr. Gromyko.

Mr. DOLE. Mr. President, I will only add one additional word. I want to thank the distinguished minority leader for his strong support and for his suggestion, that we do have observers.

Mr. President, I would only say at this time I am certain we can define more precisely the role of the observers but it would be my thought, at least on this side of the aisle, that we are looking at Senators who have some experience in the area, and I think that one Senator, through no choice of his own, must leave the Intelligence Committee, Senator Wallop, of Wyoming.

Obviously, Mr. President, I would clear such appointments with the appropriate committee chairmen, but I have in mind such Senators as Senator Wallop and others who may serve on the Armed Services Committee and the Foreign Relations Committee.

Mr. President, it is an opportunity. I think in our private discussions we have talked about the need to make certain there is some outline, some specificity, on what the observers should or should not do.

Mr. President, I am very pleased that we have the resolution before the Senate.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 19), with its preamble, was agreed to.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Wilson). Without objection, it is so ordered.

APPOINTMENTS TO SELECT COMMITTEE ON INTELLIGENCE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Senate Resolution 400 of the 94th Congress and Senate Resolution 4 of the 95th Congress, appoints the following Senators to the Select Committee on Intelligence:

The Senator from Minnesota [Mr. DURENBERGER], Chairman.

The Senator from Delaware [Mr. ROTH].

The Senator from Maine [Mr. COHEN].

The Senator from Utah [Mr. HATCH].

The Senator from Alaska [Mr. MURKOWSKI].

The Senator from Pennsylvania [Mr. SPECTER].

The Senator from Nevada [Mr. HECHT].

The Senator from Kentucky [Mr. MCCONNELL].

The Senator from Vermont [Mr. LEAHY], Vice Chairman.

The Senator from Texas [Mr. BENTSEN].

The Senator from Georgia [Mr. NUNN].

The Senator from Missouri [Mr. EAGLETON], 2-year term.

The Senator from South Carolina [Mr. HOLLINGS] 4-year term.

The Senator from New Jersey [Mr. BRADLEY], 6-year term.

The Senator from Oklahoma [Mr. BOREN], 8-year term.

Mr. BYRD. Mr. President, the 8-year limitation on service on the Intelligence Committee will result in several members leaving the committee today if this resolution is not adopted. Extended delay in making Intelligence Committee assignments could jeopardize our oversight responsibility and, thus our national security.

As I understood it, the distinguished occupant of the Chair read Mr. LEAHY's name as being the ranking member on the Democratic side. Am I correct?

The PRESIDING OFFICER. Under the pending resolution, the vice chairman will be Mr. LEAHY.

Mr. BYRD. So Mr. LEAHY will be the vice chairman?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. I thank the Chair. That is in accordance with my recommendation.

Also, I wish to make clear that my recommendations to the President pro tempore were as follows: that Mr. EAGLETON be appointed for a 2-year term; that Mr. HOLLINGS be appointed for a 4-year term; that Mr. BRADLEY be appointed for a 6-year term; and that Mr. BOREN be appointed for an 8-year term.

I have thus staggered the terms of the four new appointees to that committee from this side of the aisle.

Also, it is my recommendation that Messrs. LEAHY, BENTSEN, and NUNN each be appointed to complete 8-year terms on the committee.

Members are, of course, appointed by the President pro tempore of the Senate, upon the recommendations of the majority leader and the minority leader.

I hope these statements will clarify any questions that Senators or persons other than Senators may have.

Mr. DOLE. Mr. President, let me also indicate that both the majority leader and the minority leader felt it important that we take care of this committee today, because with the pending Shultz-Gromyko talks and the need for Members to have some time in January to apprise themselves of some of the areas that the Intelligence Committee will cover, it would give them some opportunity, when we are not otherwise occupied, to spend a great deal of time on this effort.

I am not certain how many requests for vacancies the minority leader received, but the majority leader first had 13 and finally 15 requests, before I handed in the paper.

In order to comply with Senate Resolution 400 to have a member of the Judiciary, Foreign Relations, and Armed Services, plus additional at large members, there obviously are some who will be dissappointed, because there are two or three Appropriations Committee members who desired committee membership.

In any event, we spent a great deal of time this morning in the Republican conference talking about 2A committees and 1B committee; and I must say that there is a general consensus that we should stick to the current rule.

It seemed to me that I would be in a rather bad position to come to the floor, because we had one Member who wanted to stay another 8 years or 4 years, to immediately suggest that, well, even though we are thinking about tightening up the committees, I want to stand here and ask for the first exception to be granted.

I know that is a disappointment to the Senator from Wyoming [Mr. WALLOP], who has done an excellent job on this committee, but it is difficult to tell other Senators that they cannot serve on the committee. Senator WALLOP thinks it should be a permanent committee, just as the Finance Committee and others are. With that in mind, we are not going to stagger the terms of the five appointed. They will all have 8-year appointments, on the theory that if there is some effort for a joint committee with the House or some need to change it when we get into the other committee structures, we can make those changes at that time. I think the minority leader has a good point in staggering those appointments. It is our thought, when we get into committee structure and committee organization, that this is one that has been subject to some discussion and some consideration.

So, in my view, we have on this side of the aisle three members of the A who have had experience; and those three members—DURENBERGER, ROTH, and COHEN—will leave after this Congress. In the 100th Congress, there will be three vacancies.

Excuse me: Senator DURENBERGER leaves after 2, Senator ROTH after 4, and Senator COHEN after 6.

So we believe we have a good representation on the committee.

APPOINTMENTS TO THE INTERPARLIAMENTARY UNION

The PRESIDING OFFICER. In accordance with 22 U.S.C. 276, as amended, the Chair makes the following appointments to the Senate delegation to the Interparliamentary Union during the 99th Congress:

Senator ROBERT STAFFORD, of Vermont, Chairman.

Senator QUENTIN BURDICK, of North Dakota, Vice Chairman.

NOMINATION OF EDWIN MEESE III

Mr. DOLE. Mr. President, I wish to report on another phone call I have had from the President, this one a few moments ago.

Earlier today, the distinguished minority leader and the Senator from Kansas told the President that we were prepared to do business, and the President called me back, with a suggestion in mind. It is with respect to the Meese nomination.

The President hopes we can find some way to take care of this nomination at the very earliest opportunity. I indicated to him that we had some problem because the committees have not been designated, but that I would be visiting with the minority leader and would be happy to visit with the President further.

I know there are some who oppose the nomination. I am certain there will be 2 or 3 days or more of hearings, but I hope we can report the nomination to the Senate floor and move as quickly as we can on that nomination.

Obviously, Mr. Meese would like his nomination confirmed prior to the so-called Lincoln Day recess, in order to give him those 7, 8, or 9 days to settle in at the Justice Department, in the event his nomination is confirmed.

I indicated to the President that we would try to meet that schedule. It may not be possible, but I wanted to make that point, since the President just raised it with me.

BRIGHAM YOUNG UNIVERSITY—NATIONAL CHAMPION

Mr. HATCH. Mr. President, I rise today on an occasion that I have to admit I would never have dreamed of during my days as a college student. As I am sure every sports fan in the country is now aware, Brigham Young University has been named the national champion of collegiate football. As an alumnus of this great university, as well as the Senator from the great State of Utah, I am as proud of this accomplishment as anyone.

Before we go any further, I think that we should give credit where it is really due. I want to congratulate Lavell Edwards and his staff on a job well done. Coach Edwards has been

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the head football coach at BYU for the past 12 years and has compiled a record that stands among the most successful in the Nation. In addition, I have come to know Coach Edwards as a man who is interested in the future of the young men who play for him. He is dedicated to the school and those that have followed his career know that he has turned down many lucrative offers from other universities and professional teams. His choice to remain at BYU is a testimony of his love for this fine institution.

During the tenure of Lavell Edwards the fortunes of BYU football teams have steadily improved. From a team that was happy to win half of its games and draw 25,000 fans, BYU has now progressed to be a team that is consistently mentioned as a power; a team that time and again leads the nation in passing; a team that currently possesses the longest winning streak in college football; a team that is considered the cradle of great quarterbacks, and a team that plays to a sold out stadium of 60,000-plus fans.

Last September I drove with my family to Pittsburgh to watch BYU take on the powerful and then third ranked Pitt Panthers. The night before I happened to run into Coach Edwards and his all-American quarterback, Robbie Boscoe, in the lobby of the hotel. At that time he told me that he felt this was one of the finest teams he has had. He emphasized the strong defense, led by such stalwarts as Kyle Morrell and Leon White and anchored by Jim Hermann. He told me that a lot of people were going to be a little surprised the next day. He was, of course, worried about the game. He was coming into Pitt Stadium with a new quarterback, having seen Steve Young graduate to the professional ranks the previous year. He said at that time, "All Robbie has to do is complete a few passes and he will be just fine. He has as good an arm as any quarterback I have coached." The next day, as I sat in the stands and watched this young man lead his team to a comeback victory I was hoarse from cheering. At the time I thought this was the greatest victory in BYU football history. I thought back on Coach Edwards' words and I knew that another quarterback had arrived.

Throughout the year I watched as the Cougars kept on winning and slowly moved up in the national rankings. As one who is unaccustomed to such heady rankings, I watched half with hope for continued success and half with fear that the bubble would burst. It didn't. Victory followed victory until the team record stood at 13-0, the only undefeated and untied record among the major football powers.

Mr. President, I am also aware that my colleagues from the great State of Washington had hoped to take the floor today to claim the national championshp for the University of Washington. They are truly an excellent football team, and I offer my congratulations to them for an excellent season. Their victory in the Orange Bowl on New Year's night was certainly an exciting time for these young men and their coaches. My hat is off to Coach Don James of the University of Washington. He demonstrated a great deal of class in the manner in which he handled the controversy surrounding who is number one. All football fans can look forward to next September when these two fine collegiate teams will meet on the gridiron in Provo, UT.

In closing, I again want to congratulate the young men of the Brigham Young University football team, the fine athletic director of the university, Glen Tuckett, the president of BYU, Jeffery Holland, and especially the student body, for it is really their team.

"We're number one": It has a nice ring to it and something that I hope we will be saying again next year at BYU. But whether or not the Cougars win a national football championship the student body and the alumni will know that in fact they are No. 1.

THE U.N.'S PRIORITIES

Mr. THURMOND. Mr. President, I would like to call to the attention of my colleagues an editorial printed in the December 29, 1984, issue of the Charleston News & Courier. The editorial is entitled "The U.N.'s Priorities," and concerns a recent vote by the United Nations to spend $73.5 million for a lavish international conference center to be built in Ethiopia.

Mr. President, this is a very wasteful expenditure. That same amount of money could be put to more humanitarian uses, such as: Inoculate 1 million Ethiopian children against all the most common childhood killers in Africa or, feed 125,000 Ethiopian families for a year.

Instead, Mr. President, this money will be used to build an unnecessary convention center to make an unpopular Marxist dictatorship look good. This is the same Communist government that recently chose to spend more than $100 million to celebrate a decade of Marxist rule rather than use the money to feed their starving masses. The task of feeding starving Ethiopians has now fallen to the charity of other nations.

Mr. President, actions such as this by the United Nations make a mockery of the purpose that institution was created to serve. I urge all my colleagues to read this editorial, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Charleston News & Courier, Dec. 29, 1984]

THE U.N.'S PRIORITIES

Who says those people in the glass tower on New York's East River have muddled priorities? Why, just the other day they voted 122-5, with 16 abstentions, to spend $73.5 million for a lavish international conference center to be built—you guessed it—in Ethiopia!

Once in place, the center will accommodate the occasional meetings of the Economic Commission for Africa, one of the U.N. agencies. But it wasn't the commission that demanded the lavish palace for their sporadic meetings. It was Ethiopia's Marxist government that insisted the center be ostentatious enough to handle all sorts of international conferences.

In a bout of sanity in that otherwise insane world of international intrigue, a member of the U.S. Mission to the United Nations not only spoke out against such an extravagance when millions of Ethiopians are starving but went on to list more needed things $73.5 million could pay for such as:

Inoculate one million Ethiopian children against all of the most common childhood killers in Africa.

Drill 25,000 wells complete with pumps which would provide enough fresh water for 12.5 million Ethiopians.

Enough cash to feed 125,000 Ethiopian families for a year.

Supply neighboring Chad with all of its cereal import needs for a year.

But then again, the Marxist-Leninists running around in Addis Ababa, guided by their Cuban and Soviet advisors, don't see things with that perspective. They want to host their chums on a first-class basis and get the U.N. to foot the bill, not them.

ROBERT R. COKER OF HARTSVILLE, SC, JANUARY 3, 1985

Mr. THURMOND. Mr. President, during the recess between the end of the 98th Congress and the start of the 99th Congress, it was brought to my attention that Mr. Robert R. Coker of Hartsville, SC, was honored by the National Cotton Council for his efforts in regard to the Boll Weevil Eradication Program.

Mr. President, Robert R. Coker is truly deserving of this honor. As far back as 1958, Mr. Coker exerted efforts to resolve problems confronting cotton growers as a result of boll weevil infestation. His tireless work in this area has begun to pay off with big dividends for cotton farmers. In 1978, the U.S. Department of Agriculture initiated a 3-year boll weevil eradication trial program in North Carolina and Virginia. The trial program was a technical and biological success. The pest was eradicated from the trial areas, and cotton yields have increased.

As a result of this success, a new expanded Boll Weevil Eradication Program was developed in 1983 that invokes 59,000 acres of planted cotton in North Carolina and 68,000 acres in South Carolina. The goal of the program is to eliminate boll weevil populations in these areas by 1986.

Mr. President, efforts of dedicated agricultural scientists like Robert Coker have helped cotton make a strong comeback in the Southeast. In recent years planted acreage has sharply increased, yields have improved, and profitability has returned to this once beleaguered industry.

Mr. President, again I commend Mr. Coker on his efforts, and I congratulate him and the entire domestic cotton industry on the success they have experienced in this important program—a program that I have been pleased to strongly support.

Mr. President, I ask unanimous consent that an article from the September 24, 1984 edition of the Hartsville Messenger concerning Mr. Coker be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Hartsville Messenger, Sept. 24, 1984]

COKER RECEIVES PLAQUE

The man whose burning desire is to be "a pallbearer at the funeral of the last boll weevil" has won high recognition from his peers.

Robert R. (Bob) Coker, Hartsville, cotton producer and former seed company executive, was recently presented a plaque from the National Cotton Council in recognition of being the guiding force that made the weevil eradication program a reality.

Presenting the plaque at the Council's recent board meeting, North Carolina cotton producer Marshall Grant told the 79-year-old Coker, "With your vigor and the progress being made in this project, I do believe you'll achieve your objectives of being the last boll weevil's pallbearer."

Grant noted that Coker and a fellow South Carolinian, the late Skeet McLaurin, introduced a resolution at the Council's 1958 annual meeting declaring the boll weevil to be the No. 1 enemy of efficient cotton production and calling on the Council to begin plans to eliminate the weevil at the earliest possible time. The resolution met with standing applause by Council delegates and was adopted unanimously.

"From the day on, Bob Coker's name has been synonymous with boll weevil eradication," Grant said.

Coker, was named chairman of a special Council committee on boll weevil eradication the following year. Under his leadership, a boll weevil research laboratory was established at Mississippi State University and a pilot eradication experiment was conducted in the southern part of the state. In 1972, Coker named a special technical committee to draw up an overall master plan for eradication. It was in presenting this plan to Agriculture Secretary Earl Butz in 1973 that Coker made his now-famous statement about yearning to be the weevil's pallbearer.

Grant pointed out that Coker succeeded in convincing Congress, USDA, and federal budget officials to go along with the program.

"The quadrupling of cotton acreage in the Carolinas, the addition of seven new gins, and the 75 percent reduction in chemical applications in the area all attest to the success of Bob Coker's idea and his willingness to follow up with 26 years of work to make it happen," he said. "No other one project has as much potential for lowering the cost of cotton production."

In accepting the plaque, Coker, a former Council president, described himself as "overwhelmed by gratitude."

He said the Council had given "full unqualified, and enthusiastic" support to the effort. "More cooperation has come from many people—not the least of which are producers," Coker stated. He also singled out J. Ritchie Smith, the Council's technical services director who retired last year, for his extended work in behalf of the eradication program.

HALLMARK'S 75TH ANNIVERSARY

Mrs. KASSEBAUM. Mr. President, I wish to take a moment to note an event next week, on January 10, that is an important one for Kansas City and that I think says something about who we are and what we are as a people.

Next Thursday marks the 75th anniversary of the founding of Hallmark Cards, Inc. While that may seem unremarkable in the rush of today's events, in fact the story of Hallmark and its founding by Joyce C. Hall and his brother, Rollie B. Hall, is remarkable. It is an event worth noting because it is a tribute to those values that built not only the Hallmark corporation but our Nation.

It was 75 years ago that an 18-year-old man arrived in Kansas City with a shoebox full of postcards and an idea. Joyce Hall, even at the age of 18, was already a man because circumstance and poverty had forced him to be. He did not take poverty as a personal insult or even as a burden. Instead, he viewed it as a spur to move ahead and to better his situation and himself.

Years later, Joyce Hall wrote: "I never could sit around waiting for things to happen; it's more fun making them happen."

That brief comment sums up how Hallmark was built through years of painstaking labor, through initiative and hard work, through intelligence and foresight, and through an obsession with quality.

What began with a shoebox and an idea now is an international corporation with operations in 15 States and sales worldwide. Today, Hallmark sells 12 million greeting cards and related items every day of the year. That is ample evidence of the truth in Hallmark's slogan, "When you care enough to send the very best."

The theme for Hallmark's 75th anniversary—"Commitment to Excellence"—celebrates the values that Joyce Hall instilled in his company from its founding. They are values that still propel Hallmark under the leadership of his son, Donald J. Hall.

Hallmark is to be congratulated for 75 years of business growth and expansion, for enriching the communities in which it lives and for its enduring commitment to excellence in everything that bears the Hallmark name.

I congratulate Hallmark, its founders, its present leaders, and its thousands of employees for 75 years of achievement that stand as a testament to all that is good in the American dream and all that is vital to America's future.

RETIREMENT OF JACK FLOYD

Mrs. HAWKINS. Mr. President, on January 11, 1985, a retirement ceremony will be held honoring Jack Floyd, executive director of the Memorial Hospital of Sarasota, FL, who is retiring after 26 years of dedicated service. I take this opportunity to commend and congratulate Jack on a job well done.

Jack, who is greatly respected throughout the entire Sarasota area, has devoted countless hours to help make his community a better place to live and work. He has been a driving force in cost-effective health care services and has been responsible for the growth of the Memorial Hospital from 198 beds to a 788-bed medical center. He has received the Florida Hospital Research Foundation Award of Merit for his outstanding contribution in his profession.

Jack has also worked tirelessly on behalf of numerous charitable organizations. These include the United Way, the Sarasota Welfare Home, and Kiwanis Club.

Somehow, Jack has also found the time to become actively involved in many professional organizations. Among these are the Florida Hospital Association, the Florida chapter of the Hospital Finance Management Association, the West Central Florida Hospital Council, and the Florida Hospital Research and Education Foundation.

Jack Floyd has been a driving force in the community for many years. His contributions have been many, and I'm sure he will be sorely missed by his colleagues at the Memorial Hospital. His dedication and involvement in the community is a model for all to follow.

I congratulate Jack on this memorable occasion, and wish him and his wife, Doris, and their three children, all the best in their future endeavors.

NOW WE KNOW: NUCLEAR WINTER IS A CLEAR POSSIBILITY

Mr. PROXMIRE. Mr. President, in 1983, the Defense Department asked the National Research Council, which is run by the National Academy of Science, to make a study of the possible "nuclear winter" consequences of nuclear war. On December 11, 1984, the Council released that study. The study found "a clear possibility" that a major nuclear war would generate

enough smoke and dust to blot out the Sun in the Northern Hemisphere and cause a severe drop in temperature.

The Defense Department deserves commendation for calling for this study. The results of this study provide no certainty. But they do raise the definite prospect that in addition to the terrible devastation that would surely befall the combatants in a nuclear war, most of the human beings on Earth might suffer an unprecedented catastrophe. Through the combination of bone-chilling temperatures, weeks of darkness, radiation, disease and starvation, a major nuclear war might all but extinguish life on Earth.

The big fact that emerged from this study was the immense uncertainty. The Council could not tell us that a nuclear winter will certainly follow a nuclear war, or will not. They simply do not know. What are the odds? They cannot tell us. They can tell us that nuclear winter is "a clear possibility." The Council recommended "a major research effort" by the Federal Government to narrow the uncertainties.

Mr. President, this finding by the Nation's most respected scientific experts in a report commissioned by the Department of Defense should add greater urgency than ever to our arms control and peace efforts. For the first time, it now appears possible that a major war involving the superpowers could lead to the end of mankind on Earth. It has been obvious for a long time that any war involving superpowers would almost certainly lead to a nuclear response from the losing side. Indeed, leaders of this country have actually declared that we will not renounce first use of nuclear weapons for that very reason. The first use of such weapons could be at a very low level, a level that would not threaten nuclear winter. But, in all likelihood, the response to such first use would be a rapid escalation of nuclear attacks, perhaps in a matter of hours. The threat of nuclear winter could persuade both of the major nuclear countries to redesign their nuclear weapons drastically.

The nuclear winter threat will put a premium on weapons that can be delivered with pinpoint precision and low kilotonnage exactly on target. Because nuclear winter is a phenomenon of burning cities' targets outside of cities, missile sites, submarine pens, onground bomber concentrations will be selected targets. But let us not kid ourselves: such a war would be so terrible, the stakes so immense, that military targets in or near cities would not be immune. Indeed, in both superpowers, and especially in the Soviet Union, most military targets are near large population centers.

In World War II, the most devastating blow to Nazi Germany was the intense fire bombing of Hamburg, with the loss of tens of thousands of German defense workers in a single air raid with conventional weapons. How tempting to carry out the standby nuclear war scenario of a few years ago and hit Leningrad with more than 40 nuclear warheads and Moscow with more than 100, with a comparable allocation to other Soviet cities. Such a strike—in a matter of a very few hours—could totally destroy the Soviet Union. Oh, yes, there would be retaliation; but there would very likely be vast nuclear retaliation against the United States in any event once we fired the first tactical nuclear weapons in defense of NATO.

Conceivably, we can design nuclear weapons that would not trigger a nuclear winter. But without inconceivable restraints on both sides, after a nuclear war started, we could not possibly confine it to any finite nuclear megatonnage. Think of it. Both the United States and the Soviet Union are sitting on thousands of nuclear warheads. Each has what the Defense Department's commissioned study shows has the "clear possibility" of igniting a nuclear winter that could destroy most—maybe all—of mankind. As our top leaders have said over and over again, we should not engage in any military action unless we intend to do whatever it takes to win. We must win. It sounds so logical until we recognize that what it takes to win may very possibly bring on a nuclear winter that would destroy most or all of the people who live on this Earth, including our own countrymen. Some victory.

PROPOSAL THAT THE UNITED STATES AND U.S.S.R. JOINTLY COMMEMORATE THE 40TH ANNIVERSARY OF THE LINKUP OF THEIR ARMED FORCES WHICH SEALED THE DEFEAT OF NAZI GERMANY IN WORLD WAR II

Mr. MATSUNAGA. Mr. President, as are many of my distinguished colleagues, I am a veteran of World War II who served in Europe during the multipronged offensive from the south, the east, and the west, that finally crushed fascism in Italy and the awful Nazi regime in Germany. Memories of that period are sharply etched in my memory. Among them is an event, or rapid series of events, whose 40th anniversary will take place this spring. I am referring to the historic linkup of American and Soviet forces on April 25, 1945, near the Elbe River in what is now East German, as President Harry S. Truman announced: "The enemy has been cut in two."

Mr. President, it has occurred to me that, at a time when the superpowers are seeking ways to reduce tensions that have set the world on edge, it would be fitting to commemorate jointly the historic linkup that sealed the fate of nazism and that reminds us today that even ideological antagonists can find unity in a higher cause. Combat veterans of World War II representing the United States, the U.S.S.R., and their allies, might participate in the commemoration ceremonies, as well as active-duty military personnel and civilian officials. I have, therefore, composed a letter to President Reagan suggesting that he approach President Chernenko on this subject, perhaps through Secretary Shultz when he meets Foreign Minister Gromyko in Geneva next week.

The letter clearly states that the proposal makes no pretensions to reconcile fundamental differences between the United States and the U.S.S.R. Rather, it is submitted with the belief that contacts between the American and Soviet peoples that remind us of our common humanity can only serve the cause of peace and are worth pursuing in that spirit. Finally, the letter suggests that Presidents Reagan and Chernenko might care to link such commemoration ceremonies with ceremonies commemorating another historic event that, by an extraordinary coincidence, also took place on April 25, 1945—namely, the initial convening of the United Nations in San Francisco.

Mr. President, I ask unanimous consent to have my letter printed in the RECORD at this time and I invite those of my colleagues who are interested in signing it to contact me directly, since it is important that the letter be dispatched no later than tomorrow.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 2, 1985.

THE PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: April 25, 1945, will mark the 40th anniversary of one of the most dramatic events of World War Two that holds special significance at this point in our history. At 11:30 a.m. on April 25, 1945, a patrol from G Company, 273rd Regiment, 69th Infantry Division, 1st U.S. Army, spotted a Russian soldier on horseback in the farming village of Leckwitz, about two miles from the Elbe River in what is now East Germany. The long-awaited linkup of two armed forces which had united to crush the Nazi military machine had occurred. Word passed quickly up the two chains of command. Other contacts between advance units followed. By afternoon, American and Russian soldiers were cheering and embracing each other up and down the line. The following afternoon the linkup was formalized when Major General Emil F. Reinhardt, commander of our 69th Infantry, met Major General Vladimir Rusakov, commander of the Russian 58th Guards Infantry Division, across the Elbe from Torgau. According to one historian, "the order of the day included camaraderie, photographs, newsreel cameras, a hastily assembled feast with a main dish of fried eggs, dancing in the streets, and toast after toast after toast."

During the forty years since American and Russian soldiers celebrated their common victory, the U.S. and U.S.S.R. have established themselves as the most powerful nations on earth, and as archrivals who hold the fate of all earth's peoples in their hands. At a time when the superpowers are seeking ways to reduce tensions that have set the world on edge, we believe it would be fitting to commemorate the historic linkup that sealed the fate of Nazism, invoking the spirit of Harry Truman, when he announced to the American people:

"The Anglo-American armies under the command of General Eisenhower have met the Soviet forces where they intended to meet—in the heart of Nazi Germany. The enemy has been cut in two . . . Nations which can plan and fight together shoulder to shoulder in the face of such obstacles of distance and of language and of communications as we have overcome, can live together and can work together in the common labor of the organization of the world for peace."

We have no illusions about the nature of the Soviet regime. But we believe, as we know you do also, that the American people and the Soviet people do not want war, and that contacts between the two peoples that remind us of our common humanity can only serve the cause of peace. Joint commemoration of April 25, 1945, will help make us aware that even ideological antagonists can find unity in a higher cause.

Permit us to suggest, therefore, that you contact President Chernenko and propose that ceremonies be jointly arranged to commemorate the 40th anniversary of the U.S.-Soviet linkup at the Elbe. Perhaps the message could be transmitted by secretary of State Shultz during his meeting in Geneva next week with Foreign Minister Gromyko. The commemorative ceremonies might be attended by veterans of the participating units and by active duty forces of the U.S. and U.S.S.R. and their allies. Ranking civilian officials might also participate.

Joint commemoration of April 25, 1945, will not reconcile U.S.-Soviet differences, by any means. Neither will any other single initiative. But we believe that the sentiments awakened by a joint commemoration of April 25, 1945, can only serve as a positive force, a source of inspiration perhaps, for reducing tensions in our troubled world.

Should you choose linking those commemorative activities with other activities commemorating the 40th anniversary of the convening of the United Nations in San Francisco, which, by an extraordinary coincidence, also occurred on April 25, 1945, you would, of course, enjoy our wholehearted support.

Sincerely,

SPARK MATSUNAGA,
U.S. Senator.

Mr. MATSUNAGA. One final footnote, Mr. President. After I had drafted my letter to President Reagan, I was delighted to learn that my thoughts evidently were on the same wavelength with those of the distinguished columnist for the New York Times, Mr. James Reston. Yesterday's New York Times carried a column by Mr. Reston under the headline "Dates to Remember." Although it did not mention April 25 specifically, the column called attention to the approaching 40th anniversaries of the conclusion of World War II and the founding of the United Nations, and it proposed that the United States and the Soviet Union "set aside a few days in 1985 to celebrate together the days when they did something in common." The column is a blend of that humanity and wisdom which has earned Mr. Reston a special, honored place in contemporary affairs, and in American history in my view, and I ask unanimous consent that it be printed in the RECORD at this time, so that those who missed it might profit from Mr. Reston's remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DATES TO REMEMBER

(By James Reston)

WASHINGTON.—Nineteen eighty-five marks the 40th anniversary of two important dates in the history of U.S. Soviet relations: the end of the Second World War and the beginning of the United Nations' long, tormented search for peace.

It would be interesting if the United States and the Soviet Union set aside a few days in 1985 to celebrate together the days when they did something in common. For they have disagreed for so long now about everything that they can't quite believe they can agree on anything.

This is the psychological cancer that is growing in the world: a general acceptance of pessimism and even cynicism about whether these two clumsy nuclear giants will ever really work together, even marginally, for a safer world.

It's unreasonable to suppose that Secretary of State Shultz and the Soviet Foreign Minister, Andrei Gromyko, meeting in Geneva next week, will make much progress on the control of nuclear weapons on earth let alone in outer space.

This is the hardest part of the tangle, the end result and not the cause of 40 years of distrust. But if they start at the beginning, the two might at least be able to agree on the possibility of compromise, if not peace, and use 1985 to recall their common sacrifices and hopes.

There's no doubt that the 40th anniversary of the end of World War II will be celebrated. The question is whether Washington and Moscow will celebrate it together in remembrance of their cooperation or celebrate it separately, each taking credit for their common victory and adding to their present disunity.

It all depends on how the thing is done and who's invited to the ceremony. It could be a vengeful remembrance of victory over the Nazis and the Japanese militarists, or a reminder of the fantastic revival of Germany and Japan and their reconciliation with the peaceful family of nations.

The chances are that less attention will be paid to the 40th anniversary of the signing of the United Nations Charter in San Francisco on June 26, 1945. If so, this would be a misjudgment of history, for if the U.N. has "failed" as many people suppose, the fault lies with its member nations—particularly with its five principal "veto powers"—and not with the principles of its Charter.

The tragedy of these 40 years is simply that the nations have not been faithful to the principles of the Charter they signed in San Francisco. Maybe the Charter expected too much, but the signatories committed themselves in a solemn treaty to do certain things that are worth remembering:

"To practice tolerance and live together in peace with one another as good neighbors . . .

"To take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression . . ."

All this, of course, has been violated, like the vows of a marriage, and after 40 years of violation, the principles are even being mocked by "realists" as the illusions of "dreamers." But there's nothing wrong with dreaming, with a gun on the night table, and keeping alive the hopes and promises of better days.

It may be that the greatest danger at the beginning of 1985 is the growing conviction that reconciliation among the nations, the races and the diverse political, economic and religious ideologies is unattainable and maybe even impossible.

History in our own time and in centuries past does not support an assumption of endless conflict. The French and the Germans have composed their ancient enmities. We have forgotten to "Remember Pearl Harbor" as President Roosevelt advised us to do.

The religious wars went on for centuries on the contested theory that there was only one road to eternal life, but even these conflicts were finally composed when the balance of power finally led to compromise and the spirit of toleration.

At the turn of the New Year, the United States and the Soviet Union are in a way at another fork in the road, where, as Robert Frost once said, the road taken and the road not taken make all the difference.

Anniversaries as symbols have their uses. Whoever divided time into years seemed to know that we all need a pause for reflection about where we've been and where we're going, and nobody needs such a pause at the beginning of the New Year more than the old men who now preside over the Kremlin and the White House.

OATH OF OFFICE

Mr. PRESSLER. Mr. President, on December 18, in Humboldt, SD, I took the oath of office in a ceremony in the West Central School before Helen Marie Sieverding, a notary public. The ceremony was attended by school children and other invited guests. I ask unanimous consent that a copy of the certificate of oath be inserted in the CONGRESSIONAL RECORD. I also ask unanimous consent that an editorial from the Madison Daily Leader commenting on the ceremony also be inserted in the CONGRESSIONAL RECORD. It is an eloquent summary of my reasons for taking my oath of office before my fellow South Dakotans, and I am grateful to the editor for saying it so well.

Mr. President, as we begin the work of this 99th Congress, 1st session, the electoral process has again allowed the citizens of this great Nation to demonstrate their choices on how they wish to be governed. It is very important to maintain the highest degree of communication with the people we represent.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OATH OF OFFICE—HON. LARRY PRESSLER, DEC. 18, 1984

(Oath required by the Constitution and by Law, to be taken by U.S. Senators under Rule II)

I, Larry Pressler, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: so help me God.

[From the Madison (SD) Daily Leader, Dec. 19, 1984]

PRESSLER REMEMBERS ROOTS

We attended the swearing-in ceremony for Sen. Larry Pressler Tuesday in Humboldt, where the former 4-H'er formally began his second term in the U.S. Senate.

It would be easy for Sen. Pressler to forget his roots on a farm near Humboldt and in the Humboldt school system. He could easily spend more time with political bigwigs and at embassy parties in Washington.

The swearing-in could have taken place in Sioux Falls in a more glittering spot than the West Central school gym.

But that gym, small as it is, is where Pressler used to play basketball, and the featured speaker Tuesday was Glenn Schrader, the retired county agent who worked with 4-H clubs when Larry took a prize-winning electric motor exhibit to Chicago for a national club congress.

Others on the stage included his mother, who handled correspondence for his early campaigns, and his former English teacher, who read congratulatory letters from Pres. Ronald Reagan and Sen. Jim Abdnor.

With the limited number of chairs in the gym set aside for bigger folks, grade school kids sat on the floor and watched the swearing-in ceremony, performed by a local notary public, a woman who works in the Humboldt bank.

We think the event couldn't help but make an impression on the youngsters . . . to see close up a local farm boy who went on to become student body president at USD, a Rhodes scholar and a graduate of Harvard Law School.

It is said that America is one of the few places where any youngster can grow up to become president.

Admittedly, the chance of that happening is remote, but the youngsters at Humboldt know for sure that they have a chance to go on from West Central, acquire an excellent education and make an important contribution to their state and nation, whatever their chosen field.

PRESIDENT REAGAN'S PROCLAMATION OF HUMAN RIGHTS DAY AND WEEK AND BILL OF RIGHTS DAY

Mr. PROXMIRE. Mr. President, in December of last year, President Reagan issued a proclamation which made December 10, 1984, Human Rights Day, the week of December 10, Human Rights Week, and December 15, 1984, Bill of Rights Day.

In this proclamation, President Reagan presented several points important to our consideration of the Genocide Convention. He reminded us that our Bill of Rights made us the first Nation to establish rights based upon the principle that certain rights are inherently given to every member of humanity. The President noted that it is our responsibility to advance basic rights. He urged us not to forget those whose rights have been denied.

President Reagan's words remind us why the United States worked so earnestly in creating the Genocide Convention. We have been a human rights leader. But his words remind us how we fail to be consistent with our proud heritage as long as we do not ratify this important treaty. As we continue to neglect ratification, we go from first place in earlier urging for the treaty, toward last place in making our formal proclamation against genocide. We go from speaking out, to silence. We neglect to speak out for those who cannot.

Mr. President, I ask unanimous consent that President Reagan's proclamation to which I have referred be printed in the RECORD.

There being no objection, the ordered to be printed in the RECORD, as follows:

PROCLAMATION 5287 OF DECEMBER 10, 1984—BILL OF RIGHTS DAY, HUMAN RIGHTS DAY AND WEEK, 1984

(By the President of the United States of America)

A PROCLAMATION

On December 15, 1791, our Founding Fathers celebrated the ratification of the first ten amendments to the Constitution of the United States—a Bill of Rights that has helped guarantee the freedoms that all Americans cherish.

For the first time in the history of nations, our Founding Fathers established a written Constitution with enumerated rights based on the principle that the rights to life and liberty come not from the prerogative of government, but inhere in each person as a fundamental human heritage. Americans believe that all persons are equal in their possession of these unalienable rights and are entitled to respect because of the immense dignity and value of each human being. With these great principles in mind, the Founding Fathers designed a system of government limited in its powers, based upon just laws, and resting upon the consent of the governed.

When Americans first proclaimed this noble experiment in self-government and human liberty, it seemed to some to be a utopian, unrealistic ideal. Today, virtually every nation in the world has adopted a written constitution expressing in varying degrees fundamental human rights. One hundred and fifty-seven years after the ratification of our Bill of Rights, on December 10, 1948, the United Nations adopted the Universal Declaration of Human Rights affirming an international consensus on behalf of the human rights and individual liberties that we value so highly.

Thirty-six years after the adoption of the Universal Declaration of Human Rights, however, it is clear that this consensus is often recognized more on paper than in practice. Throughout the world, many governments nominally adhere to the Universal Declaration of Human Rights while suppressing free elections, independent trade unions, due process of law, and freedom of religion and of the press.

The United States recognizes a special responsibility to advance the claims of the oppressed; to reaffirm the rights to life and liberty as fundamental rights upon which all others are based; and to safeguard the rights to freedom of thought, conscience, and religion. As we are free, we must speak up for those who are not.

As Americans, we strongly object to and seek to end such affronts to the human conscience as the incarceration in the Soviet Union of men and women who try to speak out freely or who seek to exercise the basic right to emigrate; the harsh treatment accorded one of the great humanitarians of our time, Andrei Sakharov; the denial of basic human rights and self-determination in Eastern Europe and the Baltic states; the failure of the Polish authorities to establish an effective dialogue with the free trade union movement in that country; the manifest injustices of the apartheid system of racial discrimination in South Africa; the persecution of the Baha'i religious minority in Iran; the lack of progress toward democratic government in Chile and Paraguay; the campaign against the Roman Catholic Church in Nicaragua; the suppression of freedom in Cuba and Vietnam; the brutal war waged by Soviet troops against the people of Afghanistan; and the continuing Vietnamese occupation of Kampuchea.

The American people recognize that it is the denial of human rights, not their advocacy, that is the source of world tension. We recall the sacrifices that generations of Americans have made to preserve and protect liberty around the world. In this century alone, tens of thousands of Americans have laid down their lives on distant battlefields to uphold the cause of human rights. We honor and cherish them all. Today, it is with an abiding sense of gratitude and reverence that we remember the great gift of freedom that they bequeathed to us.

As we give special thought to the blessings that we enjoy as a free people, let us not forget the victims of human rights abuses around the world.

Now, therefore, I, Ronald Reagan, President of the United States of America, do hereby proclaim December 10, 1984, as Human Rights Day and December 15, 1984, as Bill of Rights Day, and call on all Americans to observe the week beginning December 10, 1984, as Human Rights Week.

In witness whereof, I have hereunto set my hand this 10th day of Dec., in the year of our Lord nineteen hundred and eighty-four, and of the independence of the United States of America the two hundred and ninth.

RONALD REAGAN.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

THIRD SPECIAL MESSAGE FOR FISCAL YEAR 1985 MESSAGE FROM THE PRESIDENT RECEIVED DURING THE SINE DIE ADJOURMENT—PM 1

Under the authority of the order of the Senate of October 11, 1984, the Secretary of the Senate, on November 29, 1984, during the sine die adjournment of the Congress, received the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Labor and Human Resources, and the Committee on Rules and Administration:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report 14 new deferrals of budget authority for 1985 totaling $5,266,251,741 and three revised deferrals now totaling $6,114,100,232. The deferrals affect International Security Assistance, the Departments of Defense, Energy, Interior and Labor, the General Services Administration, and the Panama Canal Commission.

The details of these deferrals are contained in the attached report.

RONALD REAGAN.

THE WHITE HOUSE, *November 29, 1984.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, the comulative report on rescissions and deferrals for November 1, 1984; jointly, pursuant to the order of January 30, 1975, to the Committees on Appropriations, Budget, Armed Services, Agriculture, Nutrition, and Forestry, Energy and Natural Resources, Labor and Human Resources, the Judiciary, Foreign Relations, Finance, Commerce, Science, and Transportation, and Governmental Affairs.

EC-2. A communication from the Comptroller General transmitting, pursuant to law, a report entitled "U.S. Sweetener/Sugar Issues and Concerns"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3. A communication from the Principal Deputy Assistant Secretary of Defense (Comptroller) transmitting, pursuant to law, a report on certain transfers of appropriated funds; to the Committee on Appropriations.

EC-4. A communication from the Assistant Secretary of the Army transmitting, pursuant to law, a report on a decision to convert the administrative and installation support activity at the Army Aviation Systems Command, St. Louis, Mo. to performance under contract; to the Committee on Armed Services.

EC-5. A communication from the Assistant Secretary of the Army transmitting, pursuant to law, a report on a decision to convert the Directorate of Engineering and Housing, Fort Belvoir, Va. to performance under contract; to the Committee on Armed Services.

EC-6. A communication from the Assistant Secretary of the Navy transmitting, pursuant to law, a report on a decision to convert the food services function at Pacific Missile Test Center, Point Magu, Calif. to performance under contract; to the Committee on Armed Services.

EC-7. A communication from the Assistant Secretary of the Navy transmitting, pursuant to law, a report on a decision to convert the audiovisual services function at the U.S. Naval Academy, Annapolis, Md. to performance under contract; to the Committee on Armed Services.

EC-8. A communication from the Chairman of the National Research Council transmitting, pursuant to law, a report on the use of CB's by intercity bus drivers; to the Committee on Commerce, Science, and Transportation.

EC-9. A communication from the Administrator of the Energy Information Administration transmitting, pursuant to law, a report on current State-level stocks, supply, and price statistics for No. 2 distillate; to the Committee on Energy and Natural Resources.

EC-10. A communication from the Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, a report on the nondisclosure of safeguards information by the NRC for the quarter ended September 30, 1984; to the Committee on Environment and Public Works.

EC-11. A communication from the Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, a report on abnormal occurances at licensed nuclear facilities, April-June 1984; to the Committee on Environment and Public Works.

EC-12. A communication from the Secretary of the Navy transmitting a draft of proposed legislation to authorize payment of a predeparture transfer allowance to employees transferring to a foreign area from U.S. territories or possessions; to the Committee on Governmental Affairs.

EC-13. A communication from the D.C. Auditor transmitting, pursuant to law, a report on D.C. contracts with former D.C. officials; to the Committee on Governmental Affairs.

EC-14. A communication from the Executive Director/Administrator of the Federal Labor Relations Authority transmitting, pursuant to law, the Authority's 1983 government in the sunshine report; to the Committee on Governmental Affairs.

EC-15. A communication from the Executive Director of the Commodity Futures Trading Commission transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-16. A communication from the Chairman of the Merit Systems Protection Board transmitting, pursuant to law, the fifth annual report of the Board; to the Committee on Governmental Affairs.

EC-17. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "GAO's Third Biennial Report on the Transfer of Excess and Surplus Federal Personal Property to Nonfederal Organizations"; to the Committee on Governmental Affairs.

EC-18. A communication from the Chairman of the Harry S. Truman Scholarship Foundation transmitting, pursuant to law, the annual report of the Foundation for 1983-84; to the Committee on Labor and Human Resources.

EC-19. A communication from the Secretary of the Senate transmitting, pursuant to law, a report on receipts and expenditures of the Senate from April 1 through September 30, 1984; ordered to lie on the table.

EC-20. A communication from the Acting Director, Office of Legislative Affairs, Agency for International Development, transmitting, pursuant to law, a report on AID allocation levels by country; to the Committee on Appropriations.

EC-21. A communication from the Acting Assistant Secretary of the Army transmitting, pursuant to law, a report on a decision to convert the Provost Marshal Support Services at Headquarters, 1st Infantry Division, Fort Riley, Kansas to performance under contract; to the Committee on Armed Services.

EC-22. A communication from the Principal Deputy Assistant Secretary of Defense transmitting, pursuant to law, a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter ended September 30, 1984; to the Committee on Armed Services.

EC-23. A communication from the Secretary of Defense transmitting, pursuant to law, the annual report of the Reserve Forces Policy Board for fiscal year 1983; to the Committee on Armed Services.

EC-24. A communication from the Acting Assistant Secretary of State transmitting, pursuant to law, a report on certain properties to be transferred to the Republic of Panama under the Panama Canal Treaty of 1977; to the Committee on Armed Services.

EC-25. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, the quarterly report on HUD-owned Multifamily Project Negotiated Sales; to the Committee on Banking, Housing, and Urban Affairs.

EC-26. A communication from the Chairman of the Securities and Exchange Commission transmitting the 1983 annual report of the Securities Investor Protection Corporation; to the Committee on Banking, Housing, and Urban Affairs.

EC-27. A communication from the Executive Secretary of the Department of Transportation transmitting, a substitute letter of transmittal for a report previously submitted; to the Committee on Commerce, Science, and Transportation.

EC-28. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on negotiated contracts for the quarter ended September 30, 1984;

to the Committee on Commerce, Science, and Transportation.

EC-29. A communication from the Chairman of COMSAT transmitting, pursuant to law, the 21st annual report of COMSAT; to the Committee on Commerce, Science, and Transportation.

EC-30. A communication from the Secretary of Energy transmitting, pursuant to law, the quarterly report on the Strategic Petroleum Reserve for the quarter ended September 30, 1984; to the Committee on Energy and Natural Resources.

EC-31. A communication from the Acting Administration of the General Services Administration transmitting, pursuant to law, certificates of ascertainment of the electors of President and Vice President of the United States chosen in each of the States on November 6, 1984, and received from the Executives of the various States; Ordered to lie on the table.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOLE:

S. 1. A bill requiring reductions in outlays for the fiscal years 1986, 1987, and 1988; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other have thirty days of continuous session to report or be discharged.

By Mr. BYRD (for Mr. CRANSTON):

S. 2. A bill to amend certain Federal laws to prohibit mandatory retirement, eliminate barriers to the employment of older workers, and provide incentives for part-time and full-time employment of such workers; to the Committee on Labor and Human Resources.

By Mr. BYRD (for Mr. CRANSTON (for himself, Mr. HART, and Mr. GLENN)):

S. 3. A bill to amend title II of the Social Security Act to provide that the combined earnings of a husband and wife during the period of their marriage shall be divided equally and shared between them for benefit purposes, so as to recognize the economic contribution of each spouse to the marriage and ensure that each spouse will have social security protection in his or her own right; to the Committee on Finance.

By Mr. BYRD: (for Mr. CRANSTON (for himself, Mr. RIEGLE, Mr. DODD, and Mr. KENNEDY)):

S. 4. A bill to provide assistance and coordination in the provision of childcare services for children living in homes with working parents, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BYRD: (for Mr. CRANSTON (for himself and Mr. MELCHER)):

S. 5. A bill to require the executive branch to enforce applicable equal employment opportunity laws and directives so as to promote pay equity by eliminating wage-setting practices which discriminate on the basis of sex, race, ethnicity, age or disability and result in discriminatory wage differentials; to the Committee on Governmental Affairs.

By Mr. BYRD (for Mr. CRANSTON):

S. 6. A bill to amend title 38, United States Code, to make certain improvements in Veterans' Administration health-care programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BYRD (for Mr. CRANSTON (for himself, Mr. MOYNIHAN, Mr. MATSUNAGA, Mr. INOUYE, Mr. RIEGLE, Mr. METZENBAUM, and Mr. DODD)):

S. 7. A bill to amend title XIX of the Social Security Act to provide Medicaid coverage for certain low-income pregnant women; to the Committee on Finance.

By Mr. BYRD (for Mr. CRANSTON (for himself, Mr. SIMPSON, Mr. MATSUNAGA, Mr. STAFFORD, Mr. SPECTER, Mr. BRADLEY, Mr. BURDICK, Mr. CHILES, Mr. COHEN, Mr. DODD, Mr. FORD, Mr. GLENN, Mr. HART, Mr. HATFIELD, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. LEAHY, Mr. LEVIN, Mr. MATHIAS, Mr. METZENBAUM, Mr. PELL, Mr. PRESSLER, Mr. PROXMIRE, Mr. PRYOR, Mr. SASSER, Mr. WILSON, Mr. BYRD, and Mr. KERRY)):

S. 8. A bill to grant a Federal charter to the Vietnam Veterans of America, Inc; to the Committee on the Judiciary.

By Mr. BYRD (for Mr. CRANSTON):

S. 9. A bill to amend title 38, United States Code, to authorize the guaranty of qualified adjustable rate mortgages and to increase the maximum amounts of Veterans' Administration loan guaranties; to the Committee on Veterans' Affairs.

S. 10. A bill to amend the Federal Reserve Act to provide for the increased responsiveness and accountability of the Federal Reserve System to Congress and citizens, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HEINZ (for himself, Mr. SPECTER, Mr. GRASSLEY, Mr. MOYNIHAN, Mr. THURMOND, Mr. HEFLIN, Mr. HOLLINGS, Mr. LEVIN, Mr. RIEGLE, Mr. FORD, Mr. HATCH, Mr. GARN, Mr. SIMPSON, Mr. QUAYLE, Mr. BOSCHWITZ, Mr. GLENN, Mr. DENTON, Mr. DURENBERGER, Mr. DIXON, and Mr. MATHIAS):

S. 11. A bill to amend the Steel Import Stabilization Act; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 12. A bill to protect communications among Americans from interception by foreign governments, and for other purposes; to the Committee on Foreign Relations.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 13. A bill for the relief of Rockland County; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. BENTSEN):

S. 14. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mrs. HAWKINS, Mr. PRYOR, and Mr. D'AMATO):

S. 15. A bill to authorize the Secretary of Health and Human Services to make grants to States for the purpose of increasing the ability of States to provide drug abuse prevention, education, treatment, and rehabilitation, and for other purposes, to authorize the Attorney General to make grants to States for the purpose of increasing the level of State and local enforcement of State laws relating to production, illegal possession, and transfer of controlled substances; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN:

S. 16. A bill entitled the "National Nuclear Power Personnel Training Act of 1985; to the Committee on Environment and Public Works.

By Mr. MOYNIHAN (for himself and Mr. RIEGLE):

S. 17. A bill to establish an independent agency, governed by a bipartisan board, to administer the old-age, survivors, and disability insurance program under title II of the Social Security Act, the supplemental security income program under title XVI of such Act, and the medicare program under title XVIII of such Act, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. BRADLEY, Mr. LEVIN, Mr. CRANSTON, Mr. KENNEDY, Mr. MATSUNAGA, Mr. DODD, Mr. RIEGLE, Mr. METZENBAUM, and Mr. SARBANES):

S. 18. A bill to extend for one year the conditional ceiling on Federal matching for foster care and the temporary provision authorizing Federal matching for foster care maintenance payments for certain children voluntarily placed on foster care; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 19. A bill to amend part A of Title IV of the Social Security Act to provide for grants to States for programs to assist pregnant teenagers and teenage mothers who might otherwise become long-term recipients of aid to families with dependent children; to the Committee on Finance.

By Mr. ROTH (for himself and Mr. EVANS):

S. 20. A bill to provide for a two-year budget process, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has thirty days of continuous session to report or be discharged.

By Mr. MOYNIHAN:

S. 21. A bill to redesignate the Department of Commerce as the Department of Trade and Commerce to consolidate all functions relating to international trade in the Department of Trade and Commerce; and for other purposes; to the Committee on Governmental Affairs.

By Mr. PROXMIRE:

S. 22. A bill to amend the Communications Act of 1934 in order to recognize, strengthen, and further the objectives of the first amendment in relationship to radio and television broadcasting and television broadcasting stations; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN (for himself and Mr. HEINZ):

S. 23. A bill to reauthorize trade adjustment assistance for workers and firms; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. BAUCUS, Mr. DECONCINI, and Mr. D'AMATO):

S. 24. A bill to amend the Safe Drinking Water Act to provide for the protection of certain recharge areas overlying sole source undergound water supplies; to the Committee on Environment and Public Works.

By Mr. MOYNIHAN (for himself, Mr. SYMMS, and Mr. D'AMATO):

S. 25. A bill to amend the Deficit Reduction Act of 1984 to make permanent the decrease in the holding period required for long term capital gain treatment; to the Committee on Finance.

By Mr. INOUYE:

S. 26. A bill to amend subchapter I of chapter 73 of title 38, United States Code, to authorize the payment of incentive special pay to Veterans' Administration health care providers who obtain an advanced academic

degree relating to public health; to the Committee on Veterans' Affairs.

By Mr. MOYNIHAN (for himself, Mr. MATHIAS, Mr. BUMPERS, Mr. EAGLETON, Mr. GLENN, Mr. KENNEDY, Mr. LEAHY, Mr. METZENBAUM, and Mr. SARBANES):

S. 27. A bill to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUYE:

S. 28. A bill to amend title 38, United States Code, to modify the qualifications required for appointment to the positions of Chief Medical Director, Deputy Chief Medical Director, and Associate Deputy Chief Medical Director of the Veterans' Administration; the Committee on Veterans' Affairs.

By Mr. HATCH (for himself and Mr. DECONCINI):

S. 29. A bill to amend titles 18 and 28 of the United States Code to eliminate, and establish an alternative to, the exclusionary rule in Federal criminal proceedings; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 30. A bill to provide a limitation on discharge of raw sewage by New York City; to the Committee on Environment and Public Works.

By Mr. PRYOR:

S. 31. A bill to amend the Agricultural Act of 1949 to permit the Secretary of Agriculture to use surplus government-owned commodities to make disaster payments for the 1984 and 1985 crops of wheat, feed grains, cotton, and rice; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. KASSEBAUM (for himself Mr. GRASSLEY, Mr. BIDEN and Mr. BAUCUS):

S. 32. A bill to provide for a one-year, across-the-board freeze on Federal spending; to the Committee on Finance.

By Mr. BYRD (for Mr. LONG):

S. 33. A bill to establish a National Commission on Reduction of the Federal Deficit; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of with instructions that if one committee reports, the other committee have thirty days of continuous session to report or be discharged.

By Mr. INOUYE:

S. 34. A bill to allow the psychiatric or psychological examinations required under chapter 313 of title 10, United States Code, relating to offenders with mental disease or defect to be conducted by a psychiatric nurse practitioner or a clinical nurse specialist; to the Committee on the Judiciary.

By Mr. ROTH (for himself and Mr. EAGLETON):

S. 35. A bill to establish a Commission on More Effective Government, with the declared objective of improving the quality of government in the United States and of restoring public confidence in government at all levels; to the Committee on Governmental Affairs.

By Mr. ABDNOR:

S. 36. A bill to amend the Internal Revenue Code of 1954 to provide an exemption for agricultural vehicles from the requirements of section 280F of such Code (relating to limitation on certain property used for personal purposes); to the Committee on Finance.

By Mr. HATCH (for himself and Mr. THURMOND):

S. 37. A bill to provide for civil rights in public schools; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 38. A bill to make scholarships available to provide psychologists for Indians; to the Committee on Labor and Human Resources.

S. 39. A bill to establish the position of Associate Director for Special Populations in the National Institute on Alcohol Abuse and Alcoholism and in the National Institute on Drug Abuse; to the Committee on Labor and Human Rsources.

By Mr. HATCH (for himself, Mr. THURMOND, and Mr. DECONCINI):

S. 40. A bill to provide procedures for calling Federal constitutional conventions under Article V for the purpose of proposing amendments to the United States Constitution; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 41. A bill to amend title 10, United States Code, to provide that the Chief of the Army Nurse Corps be appointed in the regular grade of brigadier general; to the Committee on Armed Services.

By Mr. NICKLES (for himself and Mr. SYMMS):

S. 42. A bill to facilitate the efficient use of barter in managing agricultural commodities and the stocks of the National Defense Stockpile; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MATTINGLY (for himself, Mr. EVANS, Mr. BIDEN, Mr. THURMOND, Mr. ARMSTRONG, and Mr. KASTEN):

S. 43. A bill to provide that each item of any general or special appropriation bill and any bill or joint resolution making supplemental, deficiency, or continuing appropriations that is agreed to by both Houses of the Congress in the same form shall be enrolled as a separate bill or joint resolution for presentation to the President; to the Committee on Rules and Administration.

By Mr. THURMOND (for himself, Mr. HOLLINGS, Mr. HELMS, Mr. EAST, Mrs. HAWKINS, Mr. DENTON, and Mr. TRIBLE):

S. 44. A bill to grant the consent of the Congress of the Southeast Interstate Low-Level Radioactive Waste Management Compact; to the Committee on the Judiciary.

By Mr. DOLE (for Mr. SYMMS (for himself, Mr. MCCLURE, Mr. ZORINSKY, Mr. HELMS, and Mr. STEVENS)):

S. 45. A bill to amend title 18, chapter 44, United States Code, to provide clarification of limitations on controls of the interstate movement of firearms, and to prohibit the use of Federal funds to political subdivisions which implement certain gun control ordinances; to the Committee on the Judiciary.

By Mr. HELMS (for himself and Mr. HUMPHREY):

S. 46. A bill to amend the Civil Rights Act to protect the lives of unborn human beings; read the first time.

By Mr. HELMS (for himself and Mr. DENTON):

S. 47. A bill to restore the right of voluntary prayer in public schools and to promote the separation of powers; read the first time.

By Mr. HELMS:

S. 48. A bill to amend title II of the Social Security Act to provide for the issuance of a certificate of guaranteed tax-exempt benefits to each individual who is entitled to an old-age insurance benefit under such title or who is 62 years of age and entitled to any other benefit under such title, and for other purposes; to the Committee on Finance.

By Mr. DOLE (for Mr. MCCLURE (for himself, Mr. HATCH, Mr. SYMMS, Mr. THURMOND, and Mr. DENTON)):

S. 49. A bill to protect firearm owners' constitutional rights, civil liberties, and rights to privacy; read the first time.

By Mr. INOUYE:

S. 50. A bill to amend titles XVIII and XIX of the Social Security Act to provide that mental health specialist services shall be covered under part B of medicare and shall be a required service under medicaid; to the Committee on Finance.

By Mr. STAFFORD (for himself, Mr. CHAFEE, Mr. DURENBERGER, Mr. HUMPHREY, Mr. HART, Mr. MOYNIHAN, Mr. MITCHELL, Mr. BAUCUS, Mr. LAUTENBERG, and Mr. CRANSTON):

S. 51. A bill to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; to the Committee on Armed Services and the Committee on Environment and Public Works, jointly.

By Mr. STAFFORD (for himself, Mr. CHAFEE, Mr. DURENBERGER, Mr. HUMPHREY, Mr. MOYNIHAN, Mr. MITCHELL, Mr. BAUCUS, and Mr. LAUTENBERG):

S. 52. A bill entitled "The Acid Rain Control Act of 1985"; to the Committee on Environment and Public Works.

By Mr. STAFFORD:

S. 53. A bill to amend the Clean Water Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. D'AMATO:

S. 54. A bill to establish a Federal annuity program to compensate participants in private pension plans which terminated before July 1, 1974, for nonforfeitable pension benefits which were lost by reason of the termination, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. STEVENS (for himself, and Mr. MURKOWSKI):

S. 55. A bill to establish an Ocean and Coastal Resource Management and Development Fund from which coastal States and territories shall receive block grants, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ABDNOR:

S. 56. A bill to amend the Internal Revenue Code of 1954 to modify the application of the imputed interest and interest accrual rules; to the Committee on Finance.

S. 57. A bill to provide for a graduated reduction of the budget deficit of the Federal Government; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee has thirty days of continuous session to report or be discharged.

By Mr. DANFORTH (for himself, Mr. BENTSEN, Mr. CHAFEE, and Mr. MITCHELL):

S. 58. A bill to amend the Internal Revenue Code of 1954 to increase research activities, to foster university research and scientific training, and to encourage the contribution of scientific equipment to institutions of higher education; to the Committee on Finance.

By Mr. GOLDWATER:

S. 59. A bill to amend the Federal Election Campaign Act of 1971 to limit excessive expenditures and to provide for more timely and complete public reporting of campaign gifts and spending; to the Committee on Rules and Administration.

By Mr. INOUYE:

S. 60. A bill to amend title 5, United States Code, to provide payments under Federal employee health benefits plans for services of mental health specialists and to provide mental health benefits and services under such plans; to the Committee on Governmental Affairs.

By Mr. FORD:

S. 61. A bill for the relief of Ljubica Warren; to the Committee on the Judiciary.

S. 62. A bill to amend the Age Discrimination in Employment Act of 1967 to exempt state law enforcement officers from such Act; to the Committee on Labor and Human Resources.

By Mr. GOLDWATER:

S. 63. A bill to encourage the rendering of in-flight emergency care aboard aircraft by requiring the placement of emergency first aid medical supplies and equipment aboard aircraft and by relieving appropriate persons of liability for the provision and use of such equipment and supplies; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE (for himself, Mr. LAXALT, and Mr. DECONCINI):

S. 64. A bill to amend title 35 of the United States Code for the purpose of creating a uniform policy and procedure concerning patent rights in inventions developed with Federal assistance, and for other purposes; to the Committee on the Judiciary.

By Mr. DOLE (for himself and Mr. DANFORTH):

S. 65. A bill to improve the transfer of technology from government laboratories to the public and for other related purposes; to the Committee on the Judiciary.

By Mr. GOLDWATER:

S. 66. A bill to amend the Communications Act of 1934 to eliminate willful or malicious interference with communications; to the Committee on Commerce, Science, and Transportation.

By Mr. GORE:

S. 67. A bill to amend the Agricultural Adjustment Act of 1938 to prohibit the importation of tobacco which has been grown or processed using pesticides and other chemicals whose use has been prohibited in this country for health reasons; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HART (for himself and Mr. PRYOR):

S. 68. A bill to prohibit the use of appropriated funds for the production of lethal binary chemical weapons; to express the sense of the Congress on achieving an international agreement to ban the production and stockpiling of chemical weapons; and to express the further sense of the Congress encouraging the improvement of defenses against the effects of the use of chemical weapons on the Armed Forces of the United States; to the Committee on Armed Services.

By Mr. HART:

S. 69. A bill to designate certain additional lands in the State of Colorado as components of the National Wilderness Preservation System; to the Committee on Energy and Natural Resources.

By Mr. INOUYE (for himself, Mr. DECONCINI, Mr. MATSUNAGA, Mr. RIEGLE, Mr. HOLLINGS, Mr. SYMMS, and Mr. WARNER):

S. 70. A bill to establish a temporary program under which parenteral diacetylmorphine will be made available through qualified pharmacies for the relief of intractable pain due to cancer; to the Committee on Labor and Human Resources.

By Mr. DOLE:

S. 71. A bill to amend the Internal Revenue Code of 1954 to clarify the application of the imputed interest and interest accrual rules; to the Committee on Finance.

By Mr. INOUYE:

S. 72. A bill to amend titles XVIII and XIX of the Social Security Act to provide that mental health counselor services shall be covered under part B of medicare and shall be a required service under medicaid; to the Committee on Finance.

S. 73. A bill to amend the Job Training Partnership Act to include American Samoans in the Native American Employment and Training Programs; to the Committee on Labor and Human Resources.

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 74. A bill to amend titles XVIII and XIX of the Social Security Act to provide that the services of a pediatric nurse practitioner or pediatric clinical nurse specialist shall be covered under part B of medicare and shall be a required service under medicaid; to the Committee on Finance.

By Mr. INOUYE:

S. 75. A bill to amend the Internal Revenue Code of 1954 to provide a credit for the purchase of child restraint systems used in motor vehicles; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 76. A bill to amend title XVIII and XIX of the Social Security Act to provide that the services of a psychiatric nurse practitioner or a psychiatric clinical nurse specialist shall be covered under part B of medicare and shall be a required service under medicaid; to the Committee on Finance.

S. 77. A bill to amend titles XVIII and XIX of the Social Security Act to provide that the services of a gerontological nurse practitioner or gerontological clinical nurse specialist shall be covered under part B of medicare and shall be a required service under medicaid; to the Committee on Finance.

S. 78. A bill to amend title XVIII and XIX of the Social Security Act to provide that clinical social worker services shall be covered under part B of medicare and shall be a required service under medicaid; to the Committee on Finance.

By Mr. INOUYE:

S. 79. A bill to provide that a student enrolled in a graduate program in psychology shall be eligible for student loans under the health professions student loan program; to the Committee on Labor and Human Resources.

S. 80. A bill to transfer the National Institute of Mental Health to the National Institutes of Health; to the Committee on Labor and Human Resources.

By Mr. BUMPERS (for himself and Mr. PRYOR):

S. 81. A bill to create a Federal Crop Insurance Corporation field office within the State of Arkansas; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INOUYE:

S. 82. A bill to amend title 38, United States Code, to provide that the Administrator of Veterans' Affairs may furnish outpatient dental services and treatment for nonservice-connected disability to any war veteran who has a service-connected disability of 50 per centum or more; to the Committee on Veterans Affairs.

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 83. A bill to amend title XVIII of the Social Security Act to provide that services furnished by a clinical social worker shall be reimbursable under medicare when furnished by a health maintenance organization to a member of that organization; to the Committee on Finance.

By Mr. INOUYE:

S. 84. A bill to incorporate the Pearl Harbor Survivors Association; to the Committee on the Judiciary.

By Mr. DECONCINI:

S. 85. A bill to amend title 38, United States Code, to revise the formula for the payment of dependency and indemnity compensation (DIC) to the surviving spouses of veterans who die on active duty or from service-connected disability; to the Committee on Veterans' Affairs.

By Mr. DOLE (for himself, Mr. GORTON, Mrs. KASSEBAUM, Mr. HATFIELD, Mr. ANDREWS, Mr. DANFORTH, Mr. D'AMATO, Mr. HATCH, Mr. COHEN, Mr. BAUCUS, Mr. METZENBAUM, Mr. DOMENICI, Mrs. HAWKINS, Mr. WARNER, Mr. QUAYLE, Mr. PACKWOOD, Mr. PRESSLER, Mr. GRASSLEY, Mr. ROTH, Mr. MATSUNAGA, Mr. COCHRAN, Mr. CHAFEE, Mr. STEVENS, MR. SPECTER, Mr. ABDNOR, Mr. TRIBLE, Mr. BRADLEY, Mr. MATHIAS, Mr. HUMPHREY, Mr. MURKOWSKI, Mr. HEINZ, and Mr. SYMMS):

S. 86. A bill to amend the laws of the United States to eliminate gender-based distinctions; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 87. A bill to specify that health maintenance organizations may provide the services of psychologists; to the Committee on Labor and Human Resources.

By Mr. D'AMATO:

S. 88. A bill to amend the Internal Revenue Code of 1954 to provide that restrictions on the allowance for depreciation and the investment credit for property leased by a tax-exempt entity not apply to certain correctional facilities leased by State and local governments.

By Mr. INOUYE (for himself, Mr. CRANSTON and Mr. MATSUNAGA):

S. 89. A bill to recognize the organization known as the National Academies of Practice; to the Committee on the Judiciary.

By Mr. LAXALT:

S. 90. A bill for the relief of Jose F. Malaxechevarria and his wife Myrna Arlyn Malaxechevarria; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. 91. A bill to authorize the Secretary of the Interior to enter into a cooperative agreement to maintain the gravesite of Samuel "Uncle Sam" Wilson and to erect and maintain tablets or markers at such gravesite in commemoration of the progenitor of the national symbol of the United States; to the Committee on Energy and Natural Resources.

By Mr. LAXALT:

S. 92. A bill for the relief of Jesus Aldecoaotalora and his wife Pilar Aldecoaotalora; to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 93. A bill to amend the Internal Revenue Code of 1954 to provide that individual income tax rates not be adjusted to reflect increases in the Consumer Price Index; to the Committee on Finance.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 94. A bill regarding limitations on benefits under police and firemen's pension plans; to the Committee on Finance.

By Mr. MATSUNAGA:

S. 95. A bill for the relief of Laurelee Ruth Jordan; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

S. 96. A bill for the relief of Rogelio Baldos Valle Tabaco; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

S. 97. A bill for the relief of Julieta Rabara Rasay; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

S. 98. A bill for the relief of Cirilo Raagas Costa and Wilma Raagas Costa; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

S. 99. A bill for the relief of Yung Ja Byun, and her children, Hye Ja Byun, Hye Ryung Byun, and Yung Eun Byun; to the Committee on the Judiciary.

By Mr. KASTEN:

S. 100. A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO:

S. 101. A bill to provide equitable treatment for certain fresh vegetables produced in the United States; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. LONG):

S. 102. A bill to authorize appropriations for the maritime construction differential subsidy for fiscal year 1986, to promote a strong United States merchant marine, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MATSUNAGA:

S. 103. A bill for the relief of Marcelino Valdez and Gloria Valdez; to the Committee of the Judiciary.

By Mr. THURMOND (for himself, Mr. MOYNIHAN, Mr. BIDEN, Mr. D'AMATO, Mr. KENNEDY, Mr. HATCH, Mr. GRASSLEY, Mr. DENTON, Mr. SPECTER, Mr. METZENBAUM, Mr. NICKLES, Mrs. HAWKINS, Mr. PELL, Mr. STAFFORD, Mr. ZORINSKY, Mr. COCHRAN, Mr. GORTON, Mr. ABDNOR, Mr. NUNN, Mr. QUAYLE, Mr. CRANSTON, Mr. ARMSTRONG, Mr. PROXMIRE, Mr. COHEN, Mr. BUMPERS, Mr. HECHT, Mr. MATHIAS, Mr. GLENN, Mr. EAST, Mr. BAUCUS, Mr. LEVIN, Mr. LAXALT, Mr. MATSUNAGA, Mr. DECONCINI, and Mr. GARN):

S. 104. A bill to amend Chapter 44, Title 18, United States Code, to regulate the manufacture and importation of armor piercing bullets; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

S. 105. A bill for the relief of Goldhorn Cheng, Cheng-Hwa Lee Cheng, Shih-Chuang Cheng, Shih-Huang Cheng, and Shih-Kang Cheng; to the Committee on the Judiciary.

S. 106. A bill for the relief of Amadeo Sembrano Timbol, his wife Hannah Apla Sangkula Timbol, his son Abel Sangkula Timbol, and his daughter Schiraliz Timbol; to the Committee on the Judiciary.

S. 107. A bill for the relief of Keiko Ota; to the Committee on the Judiciary.

S. 108. A bill for the relief of Micawla Agno Rasay; to the Committee on the Judiciary.

S. 109. A bill for the relief of Da Ying Huang and Shao Lan Huang, husband and wife, and their child Si Jing Huang; to the Committee on the Judiciary.

S. 110. A bill for the relief of Kam Hon Wong and his wife Po Kwan Wong; to the Committee on the Judiciary.

S. 111. A bill for the relief of Charlie Tan Supnet; to the Committee on the Judiciary.

S. 112. A bill for the relief of Raymond W. Milling; to the Committee on Governmental Affairs.

S. 113. A bill for the relief of the heirs, successors, or assigns of Sadae Tamabayashi; to the Committee on the Judiciary.

S. 114. A bill for the relief of Clayton Timothy Boyle and Clayton Louis Boyle, son and father; to the Committee on the Judiciary.

S. 115. A bill for the relief of Judge Louis LeBaron; to the Committee on the Judiciary.

S. 116. A bill for the relief of Herbert T. Matsuo, Patrick Wayne Matsuo, Susan Villarta, and the estate of Arline L. Matsuo; to the Committee on the Judiciary.

S. 117. A bill for the relief of Commander Bernard E. Hartnett, United States Navy; to the Committee on the Judiciary.

S. 118. A bill for the relief of Dr. Samuel J. Wong and Mrs. Agnes J. Wong, husband and wife; to the Committee on the Judiciary.

By Mr. PRYOR (for himself and Mr. BUMPERS):

S. 119. A bill to designate the H.K. Thatcher Lock and Dam; to the Committee on Environment and Public Works.

By Mr. MOYNIHAN (for himself, Mr. BENTSEN, Mr. SYMMS, Mr. SASSER, Mr. D'AMATO, Mrs. HAWKINS, Mr. COCHRAN, Mr. CHILES, Mr. PRESSLER, Mr. INOUYE, Mr. ABDNOR, and Mr. GORTON):

S. 120. A bill to amend the Tax Reform Act of 1984 to provide a transitional rule for the tax treatment of certain air travel benefits provided to employees of airlines; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 121. A bill to provide financial assistance for demonstration grants designed to address the special needs of gifted and talented elementary and secondary school students who are Indian, Native Hawaiian, or Native American Pacific Islanders, including American Samoans, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PRYOR (for himself and Mr. RIEGLE):

S. 122. A bill to reorganize the Department of Health and Human Services by establishing an independent agency, governed by a bipartisan board, to administer the old-age, survivors, and disability insurance program and the supplemental security income program under titles II and XVI of the Social Security Act, to provide appropriate delegations of authority to such agency from the General Services Administration and the Office of Personnel Management, and for other purposes; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S. 123. A bill to amend titles XVII and XIX of the Social Security Act to provide that psychologist services shall be covered under part B of medicare and shall be a required service under medicaid; to the Committee on Finance.

By Mr. DURENBERGER (for himself, Mr. STAFFORD, Mr. BAUCUS, and Mr. HUMPHREY):

S. 124. A bill entitled the "Safe Drinking Water Amendments of 1985"; to the Committee on Environment and Public Works.

By Mr. PRYOR:

S. 125. A bill to amend the Internal Revenue Code of 1954 to require that the revenues of any new taxes be used to reduce the Federal deficit, and for other purposes; to the Committee on Finance.

S. 126. A bill to improve the Department of State; to the Committee on Foreign Relations.

S. 127. A bill to authorize the Secretary of Health and Human Services to conduct a clinical trial to determine the efficiency and economic feasibility of providing medicare coverage for personal emergency response systems; to the Committee on Finance.

By Mr. PRYOR (for himself and Mr. BUMPERS):

S. 128. A bill to amend the Federal Property and Administrative Services Act; to the Committee on Governmental Affairs.

By Mr. WEICKER:

S. 129. A bill for the relief of Therese Nyuwir Poupele Kpoda; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 130. A bill to amend title XVIII of the Social Security Act to clarify that payment may be made under part A of the medicare program for diagnostic or therapeutic services provided by a psychologist under an arrangement with a hospital to an inpatient of such hospital who is entitled to benefits under such part; to the Committee on Finance.

S. 131. A bill to amend parts A and B of title XVIII of the Social Security Act to provide that a nurse practitioner or clinical nurse specialist may recertify the need for certain services originally certified by a physician; to the Committee on Finance.

S. 132. A bill to amend section 1086 of title 10, United States Code, to provide for payment under the CHAMPUS program of certain health care expenses incurred by certain members and former members of the uniformed services and their dependents to the extent that such expenses are not payable under medicare, and to make a conforming amendment to section 613 of title 38, United States Code; to the Committee on Armed Services.

S. 133. A bill to authorize capitation grants to graduate programs in psychology; to the Committee on Labor and Human Resources.

S. 134. A bill to provide for a program for the education of gifted and talented children; to the Committee on Labor and Human Resources.

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 135. A bill to amend titles XVIII and XIX of the Social Security Act to provide that professional nurse services shall be covered under part B of medicare and shall be a required service under medicaid; to the Committee on Finance.

S. 136. A bill to amend title 5 of the United States Code to provide payments under Government health plans for services of nurses not performed in connection with a physician; to the Committee on Governmental Affairs.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 137. A bill to permit the exclusion from gross income of certain work-related sick pay received by New York City police officers; to the Committee on Finance.

By Mr. D'AMATO:

S. 138. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income amounts distributed from individual retirement accounts and certain qualified trusts which are attributable to tax-exempt interest; to the Committee on Finance.

By Mr. HATCH:

S. 139. A bill to amend title VIII of the Act commonly called the Civil Rights Act of 1968 to revise the procedures for the enforcement of fair housing, and for other purposes; to the Committee on the Judiciary.

By Mrs. HAWKINS:

S. 140. A bill to amend the Child Abuse Amendments of 1984 to encourage States to enact child protection reforms which are designed to improve legal and administrative proceedings regarding the investigation and prosecution of sexual child abuse cases; to the Committee on Labor and Human Resources.

S. 141. A bill to amend the Board for International Broadcasting Act of 1973 to provide for a special Radio Liberty program of Russian language broadcasting for the Jewish population of the Soviet Union; to the Committee on Foreign Relations.

By Mr. D'AMATO:

S. 142. A bill to promote the safety of children receiving day care services by establishing a national program for the licencing of child day care providers, establishing a clearinghouse for information with respect to criminal records of employees of day care centers, and establishing a hotline for reporting of abuse of children receiving day care services, and for other purposes; to the Committee on Labor and Human Resources.

S. 143. A bill to amend chapter 37 of title 31, United States Code, to authorize contracts retaining private counsel to furnish collection services in the case of indebtedness owed the United States; to the Committee on Governmental Affairs.

S. 144. A bill to require the Secretary of Agriculture to conduct a pilot project involving the redemption of food stamp coupons through uninsured financial institutions; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INOUYE:

S. 145. A bill to amend section 1861(b) of the Social Security Act to authorize reimbursement for the services of certain interns in psychology under part A of the medicare program; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 146. A bill to amend title XVIII of the Social Security Act to provide for medicare coverage of services performed by a nurse-midwife; to the Committee on Finance.

By Mr. PROXMIRE (for himself, Mr. LEVIN, Mr. SARBANES, and Mr. HART):

S. 147. A bill to prohibit United States banks from making loans to enterprises in South Africa and to ban new investment by United States corporations in South Africa and for other purposes in order to distance the United States from the abhorrent apartheid policies of the South African Government and to send a clear signal to that regime to modify those racist policies or face further economic isolation; to the Committee on Foreign Relations.

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 148. A bill to amend title 5 of the United States Code to provide payments under Government health plans for services of nurse-midwives not performed in connection with a physician; to the Committee on Governmental Affairs.

By Mr. PRYOR:

S. 149. A bill on binary chemical weapons; to the Committee on Armed Services.

By Mr. HATCH (for himself, Mr. THURMOND, Mr. DECONCINI, Mr. GRASSLEY, and Mr. DENTON):

S. 150. A bill entitled the "Freedom of Information Reform Act"; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 151. A bill to amend title 10, United States Code, to prohibit persons from furnishing care as clinical psychologists to members and former members of the uniformed services and their dependents unless such persons meet certain professional qualifications; to the Committee on Armed Services.

S. 152. A bill to authorize the sale of certain fish in the State of Hawaii; to the Committee on Commerce, Science, and Transportation.

S. 153. A bill to amend the Central, Western, and South Pacific Fisheries Development Act to extend the appropriations authorization through fiscal year 1988; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself and Mr. STEVENS):

S. 154. A bill to amend the Internal Revenue Code of 1954 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts for use by the United States Olympic Committee; to the Committee on Finance.

By Mr. INOUYE:

S. 155. A bill to amend title XVIII of the Social Security Act to authorize payment to be made for psychologist services provided by, or under arrangements made by, a hospice program; to the Committee on Finance.

S. 156. A bill to amend title XVIII of the Social Security Act to require that medicare providers also participate in the civilian health and medical program of the uniformed services (CHAMPUS); to the Committee on Finance.

S. 157. A bill to amend the Native American Programs Act of 1974 to authorize the provision of financial assistance to agencies serving Native American Pacific Islanders (including American Samoan Natives); to the Select Committee on Indian Affairs.

S. 158. A bill for the relief of Ms. Kikuko Satake; to the Committee on the Judiciary.

S. 159. A bill for the relief of Susan Rebola Cardenas; to the Committee on the Judiciary.

S. 160. A bill for the relief of Jose U. Miranda, Violete Amore Miranda, and Michael Joseph Miranda; to the Committee on the Judiciary.

S. 161. A bill for the relief of Arron P. K. Yung; to the Committee on the Judiciary.

S. 162. A bill for the relief of Pauline M. Lucas; to the Committee on the Judiciary.

S. 163. A bill for the relief of Mrs. Wo Chih-Chu Liao and sons, Chung-Chi, Feng-Yi, and Chi-Hung; to the Committee on the Judiciary.

S. 164. A bill for the relief of Mrs. Araceli Gushiken; to the Committee on the Judiciary.

S. 165. A bill for the relief of Mr. Vergil Rey Ravarra Flores; to the Committee on the Judiciary.

S. 166. A bill for the relief of Mr. Clarito Maximo Felipe; to the Committee on the Judiciary.

S. 167. A bill for the relief of Mr. Clement Esmail; to the Committee on the Judiciary.

S. 168. A bill for the relief of Mr. Shik-Yu Wong; to the Committee on the Judiciary.

S. 169. A bill for the relief of Ms. Loida Queja Caberto; to the Committee on the Judiciary.

S. 170. A bill for the relief of Edward Lee Hatai Mou Sing Ching; to the Committee on the Judiciary.

By Mr. QUAYLE (for himself and Mr. BOSCHWITZ):

S. 171. A bill to provide additional market credit options for developing nations with expanding economies and to expand markets for United States agricultural commodities abroad, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SPECTER:

S. 172. A bill entitled the "Professional Football Stabilization Act of 1985"; to the Committee on the Judiciary.

By Mr. STAFFORD (for himself and Mr. LEAHY):

S. 173. A bill to settle and adjust the claim of the Tehran American School for $13,333.94; to the Committee on the Judiciary.

By Mr. GORE:

S. 174. A bill to provide for the designation of 20 regional centers for the treatment of Alzheimer's disease and related dementia and for other purposes; to the Committee on Labor and Human Resources.

By Mr. INOUYE:

S. 175. A bill to limit the costs resulting from acts of negligence in health care and to improve the level of health care services in the United States, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PROXMIRE:

S. 176. A bill to require a charge for meals furnished to certain high-level Government officers and employees in the executive branch and for meals furnished in Senate dining facilities; to the Committee on Governmental Affairs.

By Mr. HART (for himself, Mr. PELL, Mr. SIMON, Mr. RIEGLE, Mr. ANDREWS, Mr. STENNIS, and Mr. MOYNIHAN):

S. 177. A bill to authorize a national program of improving the quality of education; to the Committee on Labor and Human Resources.

By Mr. STAFFORD (for Mr. SYMMS (for himself, Mr. STAFFORD, Mr. BENTSEN, Mr. BURDICK, Mr. CHAFEE, Mr. EVANS, Mr. MITCHELL, and Mr. MOYNIHAN)):

S. 178. A bill to approve the Interstate and Interstate Substitute Cost Estimates, to amend title 23 of the United States Code, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INOUYE:

S. 179. A bill to eliminate the requirement that eight members of the District of Columbia Commission on Mental Health shall be physicians; to the Committee on Governmental Affairs.

S. 180. A bill to amend title 10, United States Code, to eliminate the restrictions on the types of medical care that the uniformed services may provide, directly or by contract, to dependents of members of the uniformed services; to the Committee on Armed Services.

S. 181. A bill to permit educational institutions with graduate programs in psychology to apply for grants and contracts to provide educational assistance to individuals from disadvantaged backgrounds; to the Committee on Labor and Human Resources.

S. 182. A bill to authorize the Secretary of Health and Human Services to make grants for the planning, development, establishment and operation of poison control centers; to the Committee on Labor and Human Resources.

S. 183. A bill to direct the Secretary of the Army to determine the validity of the

claims of certain Filipinos who assert that they performed military service on behalf of the United States during World War II, and for other purposes; to the Committee on Armed Services.

S. 184. A bill to authorize reduced postage rates for certain mail matter sent to Members of Congress; to the Committee on Governmental Affairs.

S. 185. A bill to revise the laws regarding the transportation of Government cargoes in United States-flag vessels; to the Committee on Commerce, Science, and Transportation.

S. 186. A bill to further the development and maintenance of an adequate and well-balanced American merchant marine by requiring that certain mail of the United States be carried on vessels of United States registery; to the Committee on Commerce, Science, and Transportation.

S. 187. A bill to increase the role of the Secretary of Transportation in administering section 901 of the Merchant Marine Act, 1936; to the Committee on Commerce, Science, and Transportation.

S. 188. A bill to amend the Shipping Act, 1916, to provide for jurisdiction over common carriers by water engaging in foreign commerce to and from the United States utilizing ports in nations contiguous to the United States; to the Committee on Commerce, Science, and Transportation.

S. 189. A bill to provide for consideration of certain policy objectives in order to promote the development maintenance of an efficient ocean transportation system, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 190. A bill to amend title 10, United States Code, to authorize former members of the armed forces who are totally disabled as the result of a service-connected disability to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are permitted to travel on such aircraft; to the Committee on Armed Services.

S. 191. A bill to require that imports of fresh ginger root meet all the requirements imposed on domestic fresh ginger root; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INOUYE (for himself, Mr. BOREN, Mr. DENTON, Mr. MATSUNAGA, Mr. NICKLES, and Mr. THURMOND):

S. 192. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit distribution of certain State-inspected meat and poultry products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INOUYE (for himself, Mr. HOLLINGS, Mr. HEFLIN, Mr. LAUTENBERG, Mr. RIEGLE, and Mr. EXON):

S. 193. A bill to authorize funds for the U.S. Travel and Tourism Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN:

S. 194. A bill to identify, commemorate, and preserve the legacy of historic landscapes of Frederick Law Olmsted, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself and Mr. HATFIELD):

S.J. Res. 1. Joint resolution calling for a mutual and verifiable freeze and reduction in nuclear weapons; to the Committee on Foreign Relations.

By Mr. HATCH (for himself and Mr. DECONCINI):

S.J. Res. 2. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary silent prayer or reflection; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. HATCH, Mr. DENTON, Mr. EAST, Mr. ABDNOR, Mr. NICKLES, Mr. HELMS, and Mr. WARNER):

S.J. Res. 3. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. BOREN, Mr. GLENN, Mr. NUNN, Mr. KASSEBAUM, Mr. THURMOND, Mr. BENTSEN, Mr. INOUYE, Mr. BOSCHWITZ, Mr. JOHNSTON, Mr. KENNEDY, Mr. HELMS, Mr. LAUTENBERG, Mr. RIEGLE, and Mr. HOLLINGS):

S.J. Res. 4. Joint resolution to designate the week of March 24, 1985, through March 30, 1985, as "National Skin Cancer Prevention and Detection Week"; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. DECONCINI, Mr. GRASSLEY, Mr. DENTON, Mr. NICKLES, Mr. ZORINSKY, Mr. DANFORTH, Mr. HUMPHREY, Mr. EAGLETON, Mr. BOSCHWITZ, Mr. JOHNSTON, and Mr. THURMOND):

S.J. Res. 5. Joint resolution to amend the Constitution to establish legislative authority in Congress and the States with respect to abortion; to the Committee on the Judiciary.

By Mr. DOLE:

S.J. Res. 6. Joint resolution extending the time within which the President may transmit the Budget Message and the Economic Report to the Congress and extending the time within which the Joint Economic Committee shall file its report; considered and passed.

By Mr. HEFLIN:

S.J. Res. 7. Joint resolution proposing an amendment to the Constitution altering Federal budget procedures; to the Committee on the Judiciary.

By Mr. STAFFORD (for Mr. SYMMS (for himself, Mr. STAFFORD, Mr. ABDNOR, Mr. BURDICK, Mr. CHAFEE, Mr. DURENBERGER, and Mr. EVANS)):

S.J. Res. 8. Joint resolution to approve the Interstate and Interstate Substitute Cost Estimates, to amend title 23 of the United States Code, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRAMM:

S.J. Res. 9. Joint resolution proposing an amendment to the Constitution relating to Federal budget procedures; to the Committee on the Judiciary.

By Mr. KENNEDY:

S.J. Res. 10. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men; to the Committee on the Judiciary.

By Mr. MATTINGLY (for himself, Mr. EVANS, Mr. THURMOND, and Mr. ARMSTRONG):

S.J. Res. 11. Joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation; to the Committee on the Judiciary.

By Mr. DOLE (for Mr. SYMMS):

S.J. Res. 12. Joint resolution expressing the sense of the Senate with respect to the Convention on the Prevention and Punishment of the Crime of Genocide; to the Committee on Foreign Relations.

By Mr. THURMOND (for himself, Mr. HATCH, Mr. DECONCINI, Mr. GRASSLEY, Mr. DENTON, Mr. HEFLIN, Mr. SPECTER, Mr. ABDNOR, Mr. BOREN, Mr. COCHRAN, Mr. D'AMATO, Mr. GARN, Mr. GOLDWATER, Mrs. HAWKINS, Mr. HECHT, Mr. LUGAR, Mr. MATTINGLY, Mr. MCCLURE, Mr. NICKLES, Mr. NUNN, Mr. PACKWOOD, Mr. PROXMIRE, Mr. QUAYLE, Mr. SYMMS, Mr. TRIBLE, Mr. WALLOP, Mr. WILSON, Mr. ZORINSKY, Mr. LAXALT, Mr. EAST, Mr. EXON, Mr. HELMS, Mr. SIMPSON, and Mr. DANFORTH):

S.J. Res. 13. Joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget and tax limitation; to the Committee on the Judiciary.

By Mr. GOLDWATER:

S.J. Res. 14. Joint resolution authorizing the President to advance Lieutenant General Ira C. Eaker, USAF (ret.) and Lieutenant General James H. Doolittle, USAF (ret.) to the grade of general on the retired list; to the Committee on Armed Services.

By Mr. DECONCINI (for himself, Mr. GRASSLEY, Mr. HATFIELD, Mr. QUAYLE, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. PROXMIRE, Mr. DOMENICI, Mr. BOREN, Mr. NICKLES, Mr. HEFLIN, Mr. BUMPERS, Mr. SYMMS, Mr. COHEN, Mr. LUGAR, Mr. DURENBERGER, Mr. BOSCHWITZ, Mr. BIDEN, Mr. EXON, Mr. D'AMATO, Mr. PRESSLER, Mr. CHILES, Mr. INOUYE, Mr. DIXON, Mr. LEAHY, Mr. SASSER, Mr. HARKIN, and Mr. SIMON):

S.J. Res. 15. Joint resolution to designate May 7, 1985, as "Helsinki Human Rights Day"; to the Committee on the Judiciary.

By Mr. PRESSLER:

S.J. Res. 16. Joint resolution expressing support for the Rural Electrification Administration; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE:

S. Res. 1. Resolution informing the President of the United States that a quorum of each House is assembled; considered and agreed to.

By Mr. BYRD:

S. Res. 2. Resolution to improve Senate procedures; submitted and read.

S. Res. 3. Resolution informing the House of Representatives that a quorum of the Senate is assembled; considered and agreed to.

By Mr. CHAFEE:

S. Res. 4. Resolution fixing the hour of daily meeting of the Senate; considered and agreed to.

By Mr. DOLE:

S. Res. 5. Resolution to elect the Honorable Strom Thurmond, of the State of South Carolina, to be President pro tempore of the Senate of the United States; considered and agreed to.

S. Res. 6. Resolution notifying the President of the United States of the election of a President pro tempore; considered and agreed to.

By Mr. DOLE (for himself and Mr. BYRD):

S. Res. 7. Resolution congratulating the Honorable Strom Thurmond on his election as President pro tempore of the United States Senate; considered and agreed to.

By Mr. DOLE:

S. Res. 8. Resolution notifying the House of Representatives of the election of a President pro tempore of the Senate; considered and agreed to.

By Mr. THURMOND:

S. Res. 9. Resolution to congratulate the Honorable Robert Dole on his election as Majority Leader of the United States Senate; considered and agreed to.

S. Res. 10. Resolution to congratulate the Honorable Alan Simpson on his election as Assistant Majority Leader of the United States Senate; considered and agreed to.

S. Res. 11. Resolution to congratulate the Honorable Robert Byrd on his election as Minority Leader of the United States Senate; considered and agreed to.

S. Res. 12. Resolution to congratulate the Honorable Alan Cranston on his election as Minority Whip of the United States Senate; considered and agreed to.

By Mr. DOLE:

S. Res. 13. Resolution electing Jo-Anne L. Coe as Secretary of the Senate; considered and agreed to.

S. Res. 14. Resolution notifying the President of the United States of the election of a Secretary of the Senate; considered and agreed to.

By Mr. BYRD:

S. Res. 15. Resolution notifying the House of Representatives of the election of a Secretary of the Senate; considered and agreed to.

By Mr. DOLE:

S. Res. 16. Resolution to commend William F. Hildenbrand; considered and agreed to.

By Mr. BYRD:

S. Res. 17. Resolution authorizing the President of the Senate to administer the oath of office to the Honorable Jay Rockefeller, of West Virginia; considered and agreed to.

By Mr. QUAYLE:

S. Res. 18. Resolution to extend the period for the payment of expenses of the temporary select committee on the committee system; considered and agreed to.

By Mr. DOLE (for himself and Mr. BYRD):

S. Res. 19. Resolution expressing the sense of the Senate regarding the upcoming meeting in Geneva of the Secretary of State with the Soviet Foreign Minister, and for other purposes; considered and agreed to.

By Mr. BYRD:

S. Res. 20. Resolution to amend the cloture rule of the United States Senate; to the Committee on Rules and Administration.

S. Res. 21. Resolution to prohibit polling from Committees; to the Committee on Rules and Administration.

S. Res. 22. Resolution to improve the rule of treaties; to the Committee on Rules and Administration.

S. Res. 23. Resolution to provide for electronic voting in the Senate; to the Committee on Rules and Administration.

S. Res. 24. Resolution to limit legislative amendments to general appropriations bills; to the Committee on Rules and Administration.

S. Res. 25. Resolution to limit time on the motion to proceed; to the Committee on Rules and Administration.

S. Res. 26. Resolution to provide for a two-day rule in lieu of a three-day rule for the United States Senate; to the Committee on Rules and Administration.

S. Res. 27. Resolution to provide for germaneness or relevancy of amendments; to the Committee on Rules and Administration.

S. Res. 28. Resolution to improve Senate procedures; to the Committee on Rules and Administration.

S. Res. 29. Resolution to improve Senate procedures; to the Committee on Rules and Administration.

By Mr. HEINZ (for himself and Mr. GLENN):

S. Res. 30. Resolution to authorize the printing, for Committee use, of the report entitled "Developments in Aging: 1984"; to the Committee on Rules and Administration.

By Mr. QUAYLE (for himself and Mr. FORD):

S. Res. 31. Resolution to improve the operation of the committee system of the Senate, and for other purposes; to the Committee on Rules and Administration.

By Mr. STEVENS:

S. Res. 32. Resolution to reform the Standing Rules of the Senate; to the Committee on Rules and Administration.

By Mr. HATCH:

S. Res. 33. Resolution proposing an amendment to the Senate rules relating to statements of constitutional authority; to the Committee on Rules and Administration.

By Mr. D'AMATO:

S. Res. 34. Resolution condemning the government of the Union of Soviet Socialist Republics for five years of forced and oppressive military occupation of Afghanistan in the face of popular resistance to Soviet imperialism; to the Committee on Foreign Relations.

By Mr. GOLDWATER:

S. Res. 35. Resolution to express the sense of the Senate relative to discriminatory and unduly restrictive state and local regulation of home satellite antennas; to the Committee on Commerce, Science, and Transportation.

By Mr. GOLDWATER:

S. Res. 36. Resolution to express the sense of the Senate relative to unduly restrictive state and local regulation of amateur radio antennas; to the Committee on Commerce, Science, and Transportation.

By Mr. PRYOR:

S. Res. 37. Resolution regarding small business and agricultural representatives on the Federal Reserve Board; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. D'AMATO:

S. Res. 38. Resolution to commemorate the fiftieth anniversary of the establishment of the First Foreign Trade Zone in New York City; to the Committee on Finance.

By Mr. MATHIAS:

S. Con. Res. 1. Concurrent resolution to provide for the counting on January 7, 1985, of the electoral votes for President and Vice President of the United States; considered and agreed to.

By Mr. MATHIAS:

S. Con. Res. 2. Concurrent resolution to extend the life of the Joint Committee on the Inaugural; considered and agreed to.

By Mr. DOLE:

S. Con. Res. 3. Concurrent resolution providing for an adjournment of the Senate from January 7, 1985 to January 21, 1985, and for an adjournment of the House from January 7, 1985 to January 21, 1985; considered and agreed to.

By Mr. MOYNIHAN (for himself, Mr. KENNEDY and Mr. DODD):

S. Con. Res. 4. Concurrent resolution calling on the President to appoint a special envoy for northern Ireland; to the Committee on Foreign Relations.

By Mr. QUAYLE (for himself and Mr. FORD):

S. Con. Res. 5. Concurrent resolution to establish a Joint Committee on Intelligence Oversight; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE (for himself, Mr. DOMENICI, and Mr. GORTON):

S. 1. A bill requiring reductions in outlays for the fiscal years 1986, 1987, and 1988; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

MAJOR SPENDING REDUCTIONS FOR THE NEXT THREE FISCAL YEARS

S. 1—REDUCING SPENDING FOR FISCAL YEARS 1986, 1987, AND 1988

Mr. DOLE. Mr. President, today I am pleased to introduce as S. 1 legislation requiring major spending reductions in each of the next 3 fiscal years. These spending reductions will constitute a major assault on our No. 1 problem: Federal deficits that are careening out of control. I am pleased to say that the distinguished chairman of the Budget Committee, Senator DOMENICI, joins me in introducing this legislation.

Let me say at the outset that this is just a modest first step toward launching our legislative efforts in the 99th Congress to reduce spending and bring the deficit under control. As drafted, S. 1 states a goal most everyone agrees on: Reducing the deficit as a percentage of the gross national product so that by fiscal year 1988 it would decline to 2 percent. The percentage prescribed for fiscal year 1986 is 4 percent, and for fiscal year 1987, 3 percent. These are essentially the targets Dave Stockman has proposed for President Reagan and which the administration is working toward in preparing their budget. They are consistent with most of the freeze proposals that have been discussed and with the growing consensus that spending has to be our first line of attack in dealing with the deficit.

SETTING GOALS

Mr. President, I believe this legislation is important because it sets goals that we very much need to meet—goals that are essential to our economic well-being. But I do not pretend that this bill is the answer to our problems, because clearly it is only a beginning. In many ways I would have preferred to have a specific budget plan to lay before Congress, or at least specific deficit numbers or spending reduction numbers that we should achieve. But as everyone knows, the specific numbers keep shifting, and the President's budget will not be available for about a month. So it is best that we proceed with goals we do know, goals we can define, and goals

that should govern the budget debate for the remainder of this year. That is what S. 1 is all about. It is my hope, and I beleive Senator DOMENICI shares that hope, that this proposal can later become the vehicle for legislation action in the Senate to reduce the deficit.

In other words, at the appropriate time when we finally agree on a plan, we would substitute that plan for the bill I am introducing today.

I think cutting the budget has to be our top priority. The deficit is a problem. I do not share the view that some suggest that we do not worry about deficits. I might say some of those happen to be in the Republican Party.

But just yesterday Senator PACKWOOD and myself and other Members, Democrats and Republicans, in the Finance Committee held hearings. We had before us four economists who gave us their views, and without exception they all indicated that the deficit was a No. 1 problem and the deficit should be addressed.

I am convinced there are a number of us on both sides of the aisle to put together something that will have a positive impact on deficit reduction and on sustained economic growth.

Our witnesses yesterday were Alan Greenspan, Martin Feldstein, Paul Craig Roberts, and Charles Schultze. They represent a broad range of economic views, and I think they did an excellent job in pointing out what would happen, how much interest rates would fall if we take credible action on the deficit.

TOP PRIORITY

It is no overstatement to say that cutting the deficit must be the top priority of the new Congress. The health of our economy is the key to everything we try to achieve, both as individuals and as a nation. Without a strong economy, we cannot afford to aid the weak and the hungry around the world. Without a strong economy we lessen the reputation for leading the free world in the vanguard of human progress. And without a strong economy we lack the resources to strengthen our defenses, and the credibility we need to negotiate with the Soviet Union on our own terms. So in a very real sense, the deficit problem is linked to every one of our endeavors.

DEFICIT IS THE PROBLEM

Mr. President, let there be no doubt that reducing the deficit is the key to a healthy economy. As I said, just yesterday the Finance Committee held a hearing, organized with the able direction of the new chairman of that committee, BOB PACKWOOD, to examine just that question. Four distinguished economists—diverse individuals who do not always agree on such matters—concurred in the judgment that spending reductions that bring the deficit down would have a major favorable impact on the economy in terms of interest rates, growth, and jobs and investment over the long term. These witnesses—Alan Greenspan, Martin Feldstein, Paul Craig Roberts, and Charles Schultze—represent a broad range of economic viewpoints, yet they agreed that reducing Federal spending is probably the most vital task this Congress can address itself to. I hope their testimony will be widely read, and I am glad to have had the opportunity to join Senator PACKWOOD in conducting that hearing.

The reasons why our colleagues in the economics profession are worried are not hard to find. Deficits in the $200 billion range drain resources from the private sector, cause uncertainty in financial markets that raises interest rates, and undermine our trading position by keeping the dollar high. That means that until deficits are reduced, our economic recovery has a serious instability built into it. That instability must and will be removed, because the general welfare of the Nation is at stake.

GUIDING CHOICES

I hope that the introduction of S. 1 will help make several things clear that can guide our choices in dealing with the deficit. First, strong growth in the economy will not continue unless we have spending cuts that reduce the Government's absorption of resources. A stable and responsible monetary policy is, of course, a necessary precondition for stable growth. Second, considering major tax changes at this time would be highly controversial—particularly with the President, if they raise revenue—and might impede progress on the deficit. Besides, most revenue raisers would not have a positive effect unless linked to spending cuts of a greater magnitude. So I continue to prefer a separate track for now on deficit reduction and tax reform proposals such as that made by the Treasury.

All of this translates into a mandate to attack spending first and foremost as a means of controlling deficits. Once we have done that, and satisfied the financial markets that we are serious and will stick to our program, we can consider further options. But today we must begin focusing on the immediate challenge, and I hope that S. 1 will help do that.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That outlays for the fiscal years 1986, 1987, and 1988 shall be reduced from projected current services levels so as to reduce the percentage of gross national product that the Federal deficit comprises to 4 percent in fiscal year 1986, 3 percent in fiscal year 1987, and 2 percent in fiscal year 1988.

By Mr. HEINZ (for himself, Mr. SPECTER, Mr. GRASSLEY, Mr. MOYNIHAN, Mr. THURMOND, Mr. HEFLIN, Mr. HOLLINGS, Mr. LEVIN, Mr. RIEGLE, Mr. FORD, Mr. HATCH, Mr. GARN, Mr. SIMPSON, Mr. QUAYLE, Mr. BOSCHWITZ, Mr. GLENN, Mr. DENTON, Mr. DURENBERGER, Mr. DIXON, and Mr. MATHIAS):

S. 11. A bill to amend the Steel Import Stabilization Act; to the Committee on Finance.

STEEL IMPORT STABILIZATION ACT AMENDMENTS

Mr. HEINZ. Mr. President, I am today introducing legislation intended to insure effective implementation of the President's steel program.

On September 18 of last year, the President announced his intention to limit imports of steel mill products to 18.5 percent of apparent domestic consumption. That level would be a significant reduction from the over 26 percent of the last few months. The 18.5-percent figure would be achieved primarily through bilateral arrangements with importing countries, although the administration subsequently made clear its determination to take other actions should bilateral negotiations not be successful in some cases.

Subsequently, on December 19, the administration announced the successful conclusion of agreements with Japan, Korea, Brazil, Mexico, South Africa, Australia, and Spain. The shares of apparent domestic consumption allocated those countries, along with an estimated amount for the European Community, which is party to a separate kind of agreement dating back to 1982, is approximately 15.5 percent. Obviously that leaves very little room for other countries, particularly Canada, if the 18.5-percent limit is not to be breached. Nevertheless, the negotiations that were successful largely came in on target, and Ambassadors Brock and Lighthizer are to be commended for their hard work and tough negotiating.

There remain, however, a number of loose ends to be tied if the President's steel program is to be effective. This legislation is intended to address one of those loose ends.

First, negotiations must be concluded with the remaining suppliers, including Argentina, Finland, Austria, Thailand, several Eastern European countries and a number of others who suddenly seem to be in the steel business, no doubt encouraged by importers trying to find new sources of product. If such negotiations do not succeed, then unilateral action must be taken, either through antidumping or countervailing duty cases initiated by the Department of Commerce or through section 301 actions taken by

the President. In view of the very large dumping margins found against some of these countries, such as over 200 percent in one Argentine case, unilateral action would probably be more effective in excluding these countries from the market than negotiated agreements. In any event, if the total program is to be effective and diversion from one supplier to another is to be prevented, restraints must be global—all suppliers must be covered.

Second, Canada must be dealt with. The President made clear in his September 18 decision that no agreement with Canada would be required. Nevertheless, they remain a significant source of supply and a potential route of diversion. Negotiations have begun and should continue to encourage the Canadians to be reasonable and to refrain from filling the gaps caused by agreements with other producers.

Third, the question of product diversion must be addressed. Several of the agreements reached so far specify only an aggregate limit. Negotiations on specific category sublimits have yet to occur, most notably with Japan, which at 5.8 percent, is our largest foreign supplier.

The issue of product diversion is important because of its potential for distorting the domestic market, raising our prices, and transferring the benefits of this program overseas. As is clear from our experience with the Japanese voluntary restraint on autos, if quantity is limited, foreign manufacturers will change their product mix in favor of their highest value items in an effort to maximize profits on limited sales. Such action distorts the market here by creating artificial increased competition for some products and decreased competition for others—primarily the low profit items that all companies like to avoid. This kind of "cream-skimming" is a particular threat in the case of relatively undifferentiated nonretail commodities like steel, and it will seriously disadvantage the domestic producers that are supposed to be benefiting from this program.

In addition, the absence of specific category sublimits permits large-scale imports of specific products over a short period of time that could adversely affect particular target companies or plants in the United States.

Because of these potential market distortions, Mr. President, our negotiators have worked hard to include sublimits for specific steel mill product categories in each agreement. In most cases they have succeeded. In the case of Japan, however, sublimits have not yet been agreed to, a major omission and yet another example of Japanese unwillingness to cooperate with the United States on major trade policy issues.

The legislation I am introducing today is designed to attack this Japanese recalcitrance. It directs the U.S. Trade Representative to negotiate sublimits within the Japanese agreement for 27 categories of steel mill products—a number sufficient to protect against the diversion I just discussed. In addition, the bill declares that if such negotiations are unsuccessful, the U.S. Trade Representative is required to set the 27 sublimits unilaterally. Finally, a Presidential waiver is provided if the President concludes that use of this provision would be detrimental to achieving the goals of the national steel policy he announced on September 18.

Mr. President, I have discussed this bill with members of the administration, and I rather expect they will ultimately take the position they oppose it—on the grounds the Congress should not be dictating the form and content of executive negotiations. No administration has ever liked the Congress to tell it what to do, and this one is no exception. At the same time, however, I can say with certainty that the administration shares my belief that sublimits must be a part of the Japanese agreement, as well as all the others, and that 27 is an appropriate number of such sublimits. Without question, our negotiators will be working to that end in their upcoming meetings with Japanese officials later this month.

Thus our objectives are the same, and there is no question in my mind that however reluctantly received the authority contained in this bill may be, it will be used with alacrity if the negotiations are unsuccessful, assuming the bill is passed quickly, which I expect to be the case, as I intend to seek a hearing in the Finance Committee as soon as the committee organizes for the 99th Congress.

Mr. President, Ambassadors Brock and Lighthizer have made a good deal of progress on steel since September 18—not as much as I would have liked, and no doubt more than others wanted. But I think we can all agree that when the President has announced a program such as this, it is in our collective interest to see that it is implemented effectively in line with his goals. In other words, we should all want it to work. The only alternative to the success of this program will be renewal of the quota legislation I introduced last year with 28 cosponsors. Enactment of the bill I am introducing today is consistent with the President's program and essential to its success. I hope all Senators will support it.

Mr. President, I ask that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 11

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 805 of the Steel Import Stabilization Act (Public Law 98-573) is amended by adding at the end thereof the following new subsection:

"(d)(1) With respect to any bilateral arrangement as defined in section 804(1) negotiated with Japan and Korea that provides for a limitation on steel products imports based on an aggregate percentage of apparent domestic consumption of steel products, the U.S. Trade Representative shall further negotiate the apportionment of such aggregate limit among the subcategories specified in paragraph (2) of this subsection. If such negotiations are not successfully concluded within 30 days of the date of enactment of this subsection, the U.S. Trade Representative shall unilaterally apportion the aggregate limit among the subcategories, and may revise such subcategories from time to time as he deems appropriate, and the Secretary of the Treasury, in exercising his authority under subsection (c) of this section, shall restrict entry into the United States of steel products in such subcategories to the limits specified by negotiation or unilateral action, as the case may be.

"(2) The subcategories among which the aggregate limit referred to in paragraph (1) shall be apportioned are as follows:

Subcategory	TSUSA
(A) Hot rolled sheet and strip	607.6610. 607.6710. 607.6720. 607.6730. 607.6740. 607.6900. 607.8100. 607.8320. 607.8342. 608.1920. 608.2120. 608.2320.
(B) Cold rolled sheet and strip (including black plate, and heat resisting).	607.6200. 607.6400. 607.8350. 607.8355. 607.8360. 607.8600. 607.9315. 607.9320. 608.1940. 608.2145. 608.2150. 608.2340. 608.3100. 608.3810. 608.3820. 608.4700. 608.5510. 608.5520. 608.5900. 608.6710. 608.6720.
(C) Coated sheet (including galvanized sheet, terne plate, and other metallic coated).	608.0100. 608.0730. 608.1310. 608.1320. 608.1330. 608.1340. 608.1350. 608.1440. 609.1790.
(D) Electrical sheet and strip	607.9205. 607.9210. 608.3900.
(E) Other sheet and strip (including tin plate and tin free steel).	607.9600. 607.9700. 607.9900. 609.1710.

Subcategory	TSUSA
(F) Stainless sheet and strip (excluding cladding grade 434 stainless steel certified by the importer of record or ultimate consignee to be used in the manufacture of stainless steel clad aluminum automobile trim and excluding grade 253 MA and 254 SMO stainless steel).	607.7610 (excluding stainless steel sheet over 71 inches in width). 607.9010 (excluding stainless steel sheet over 71 inches in width). 607.9020 (excluding stainless steel sheet over 71 inches in width). 608.2900 (excluding stainless steel strip not over 0.05 inch in thickness certified by the importer of record or ultimate consignee to be used in the manufacture of stainless steel flapper valves for compressors). 608.4300 (excluding stainless steel strip not over 0.05 inch in thickness certified by the importer of record or ultimate consignee to be used in the manufacture of stainless steel flapper valves for compressors). 608.5700.
(G) Carbon plate	607.6620 (excluding semi-finished products over 6 inches in thickness produced by rolling on a primary (slabbing) mill). 607.6625. 607.9400. 608.0710. 608.1100.
(H) Alloy plate	607.7803 (excluding semi-finished products over 6 inches in thickness produced by rolling on a primary (slabbing) mill). 607.7806. 607.9100. 608.1420.
(I) Stainless plate (excluding cladding grade 434 stainless steel certified by the importer of record or ultimate consignee to be used in the manufacture of stainless steel clad aluminum automobile trim and excluding grade 253 MA and 254 SMO stainless steel).	607.7603 (excluding semi-finished products over 6 inches in thickness produced by rolling on a primary (slabbing) mill). 607.7606. 607.9005.
(J) Standard pipe	610.3231. 610.3234. 610.3241 (if standard pipe). 610.3242. 610.3243 (if standard pipe). 610.3254 (if standard pipe). 610.3262 (if standard pipe). 610.4948 (if standard pipe). 610.4951. 610.4953 (if standard pipe). 610.4955 (if standard pipe). 610.4956 (if standard pipe). 610.4957 (if standard pipe). 610.4966 (if standard pipe). 610.4967 (if standard pipe). 610.4969 (if standard pipe). 610.4970 (if standard pipe). 688.3000.
(K) Structural pipe and tube	610.3227 (if structural pipe). 610.3241 (if structural pipe). 610.3243 (if structural pipe). 610.3252 (if structural pipe). 610.3254 (if structural pipe). 610.3258 (if structural pipe). 610.3262 (if structural pipe). 610.3264 (if structural pipe). 610.3945 (if structural pipe). 610.3955 (if structural pipe). 610.4045 (if structural pipe). 610.4055 (if structural pipe). 610.4245 (if structural pipe). 610.4255 (if structural pipe). 610.4345 (if structural pipe). 610.4355 (if structural pipe). 610.4925 (if structural pipe). 610.4928 (if structural pipe). 610.4953 (if structural pipe). 610.4955 (if structural pipe). 610.4956 (if structural pipe). 610.4970 (if structural pipe). 610.4976 (if structural pipe).
(L) Line pipe	610.3208. 610.3209. 610.3212. 610.3213. 610.3254 (if line pipe). 610.3258 (if line pipe). 610.3262 (if line pipe). 610.3264 (if line pipe). 610.3711. 610.3712. 610.3713. 610.3751 (if line pipe). 610.4931. 610.4933. 610.4936. 610.4967 (if line pipe). 610.4970 (if line pipe). 610.5211. 610.5214. 610.5216.
(M) OCTG	610.3216. 610.3219. 610.3233. 610.3249. 610.3252 (if OCTG). 610.3256. 610.3258 (if OCTG). 610.3721. 610.3722. 610.3925. 610.3935. 610.4035. 610.4225. 610.4235. 610.4325. 610.4335. 610.4942. 610.4944. 610.4946. 610.4954. 610.4955 (if OCTG). 610.4956 (if OCTG). 610.4957 (if OCTG). 610.4966 (if OCTG). 610.4967 (if OCTG). 610.4968. 610.4969 (if OCTG). 610.4970 (if OCTG). 610.5221. 610.5222. 610.5226. 610.5240. 610.5242. 610.5243. 610.5244 (if OCTG).
(N) Mechanical tubing	610.3221. 610.3227 (if mechanical tubing). 610.3243 (if mechanical tubing). 610.3252 (if mechanical tubing). 610.3254 (if mechanical tubing). 610.3258 (if mechanical tubing). 610.3728. 610.3732. 610.3751 (if mechanical tubing). 610.3945 (if mechanical tubing). 610.3955 (if mechanical tubing). 610.4045 (if mechanical tubing). 610.4055 (if mechanical tubing). 610.4245 (if mechanical tubing). 610.4255 (if mechanical tubing). 610.4345 (if mechanical tubing). 610.4355 (if mechanical tubing). 610.4500. 610.4600. 610.4925 (if mechanical tubing). 610.4928 (if mechanical tubing). 610.4948 (if mechanical tubing). 610.4956 (if mechanical tubing). 610.4957 (if mechanical tubing). 610.4966 (if mechanical tubing). 610.4967 (if mechanical tubing). 610.4969 (if mechanical tubing). 610.4976 (if mechanical tubing). 610.5229 (if mechanical tubing). 610.5242 (if mechanical tubing). 610.5244 (if mechanical tubing).
(O) Pressure tubing	610.3000. 610.3100. 610.3205. 610.3243 (if pressure tubing). 610.3500. 610.3600. 610.3704. 610.3751 (if pressure tubing). 610.4920. 610.4967 (if pressure tubing). 610.5206. 610.5209. 610.5229 (if pressure tubing). 610.5244 (if pressure tubing).
(P) Stainless pipe and tube (including heat resisting).	610.3701. 610.3727. 610.3731. 610.3741. 610.3742. 610.4045 (if containing by weight less than 1 percent carbon and over 11.5 percent chromium, or covered if containing by weight less than 0.3 percent carbon and 4 percent to 11.5 percent inclusive, chromium). 610.4055 (if containing by weight less than 1 percent carbon and over 11.5 percent chromium, or covered if containing by weight less than 0.3 percent carbon and 4 percent to 11.5 percent inclusive, chromium). 610.4345 (if containing by weight less than 1 percent carbon and over 11.5 percent chromium, or covered if containing by weight less than 0.3 percent carbon and 4 percent to 11.5 percent inclusive, chromium). 610.4355 (if containing by weight less than 1 percent carbon and over 11.5 percent chromium, or covered if containing by weight less than 0.3 percent carbon and 4 percent to 11.5 percent inclusive, chromium). 610.5202. 610.5204. 610.5229 (if containing by weight less than 1 percent carbon and over 11.5 percent chromium, or covered if containing by weight less than 0.3 percent carbon and 4 percent to 11.5 percent inclusive, chromium). 610.5230. 610.5231. 610.5234. 610.5236.
(Q) Hot finished bars (including hollow bar and hollow drill steel).	606.8310. 606.8330. 606.8350. 606.8600. 606.9105. 606.9700. 607.0500. 607.0700. 607.0900. 610.4800. 610.5130. 610.5160.
(R) Cold finished bars	606.8805. 606.8815. 606.9110. 606.9900.
(S) Reinforcing bar	606.7900. 606.8100.
(T) Structurals (including fabricated structurals, and sheet piling).	609.8005. 609.8015. 609.8035. 609.8041. 609.8045. 609.8205. 609.8210. 609.8225. 609.8230. 609.8400. 609.8600. 609.8800. 609.9000. 609.9600. 609.9800. 652.9400. 652.9600. 652.9700. 653.0000.
(U) Small bar shapes	609.8050. 609.8070. 609.8090. 609.8215. 609.8220. 609.8235. 609.8240.
(V) Rails and railway products	610.2010. 610.2020. 610.2100. 610.2500. 610.2600. 646.3020. 690.2500. 690.3000.
(W) Wire rods	607.1400. 607.1700. 607.2200. 607.2300. 607.3200. 607.4100. 607.4800. 607.5900.

Subcategory	TSUSA
(X) Wire	609.2000.
	609.2100.
	609.2200.
	609.2500.
	609.2800.
	609.3040.
	609.3340.
	609.3500.
	609.3600.
	609.3700.
	609.4010.
	609.4040.
	609.4055.
	609.4065.
	609.4125.
	609.4165.
	609.4315.
	609.4365.
	609.4530.
	609.4560.
	609.7000.
	609.7200.
	609.7500.
	609.7600.
	642.9600.
	642.9700.
(Y) Stainless wire	609.3020.
	609.3020.
	609.4510.
	609.4540.
(Z) Wire products (including wire rope and strand)	646.2500.
	646.2622.
	646.2624.
	646.2626.
	646.2628.
	646.2642.
	646.2644.
	646.2646.
	646.2648.
	609.4120.
	642.0200.
	642.3510.
	642.3530.
	642.3570.
	642.9000.
	642.9100.
	642.1105.
	642.1120.
	642.1142.
	642.1144.
	642.1146.
	642.1200.
	642.1610.
	642.1650.
(AA) Semi-finished	606.6705.
	606.6710.
	606.6715.
	606.6720.
	606.6725.
	606.6730.
	606.6735.
	606.6740.
	606.6903.
	606.6906.
	606.6909.
	606.6912.
	606.6915.
	606.6918.
	606.6921.
	606.6923.
	606.6926.
	606.6929.
	606.6932.
	606.6935.
	606.6938.
	606.6941.
	606.6944.
	606.6947.
	607.6620 (if semi-finished products over 6 inches in thickness produced by rolling on a primary (slabbing) mill).
	607.7603 (if semi-finished products over 6 inches in thickness produced by rolling on a primary (slabbing) mill).
	607.7803 (if semi-finished products over 6 inches in thickness produced by rolling on a primary (slabbing) mill).

By Mr. MOYNIHAN:

S. 12. A bill to protect communications among Americans from interception by foreign governments, and for other purposes; to the Committee on Foreign Relations.

FOREIGN SURVEILLANCE PREVENTION ACT OF 1985

Mr. MOYNIHAN. Mr. President, I rise today, the first day of the 99th Congress, to introduce the Foreign Surveillance Prevention Act of 1985. I introduced similar legislation in previous Congresses, in July 1977 and again in November 1981, in an effort to address what must properly be regarded as the gravest threat to Americans' right to privacy which has yet arisen. I refer to the well-known Soviet practice of making use of its diplomatic establishments in this country to monitor the telephone conversations of Americans on a truly sweeping scale.

In 1982, I had occasion to raise this issue in a letter to the New York Times. The citizens of Glen Cove had expressed concern about what was going on behind the walls of the Soviet estate located in their city. I wrote:

> Unless I am hugely mistaken, spying is going on. More precisely, eavesdropping through the interception of telephone conversations transmitted by microwave.
>
> We have this from Arkady Shevchenko, formerly Under Secretary General of the United Nations and the most senior Soviet representative to that organization. Last spring on Canadian television (as reported by the A.P.) he stated: "All the top floors of the (Glen Cove) building are full of sophisticated equipment . . . to intercept all conversations of anything which is going on. . . . At least 15 or 17 technicians were working . . . to do this job."

It is not secret that other Soviet diplomatic facilities in New York as well as Washington, DC and San Francisco engage in similar electronic surveillance.

The actions our Government has taken to date have been essentially defensive in nature, expensive and slow to take effect. The Carter administration decided to bury the Federal Government's telephone lines and those of some of its defense contractors; unhappily, this left the rest of us still relatively defenseless. In an interview with David Burnham, reported in the October 7, 1984 New York Times, the head of communications security at the National Security Agency, Walter Deeley, reminded us that U.S. telephone calls remain vulnerable to Soviet electronic surveillance. In Mr. Deeley's words, "They are having us for breakfast. We're hemorrhaging."

More recently, President Reagan issued a national security decision directive which calls for substantial improvements in communications security. While this is a welcome and long overdue development, the measures called for in the directive are quite costly. According to Time magazine ("Is It Safe to Use the Phone?", October 29, 1984), implementation will cost $6 to $8 billion over the next 10 years. Moreover, the actions proposed are, like those of the Carter administration, essentially defensive.

Mr. President, it seems to me that much more is required of our Government. Our Constitution obliges the Government of the United States to ensure that the rights it guarantees—not least the right of privacy—are not violated. It is not for nothing that officials of our Nation are enjoined to protect the Constitution against all enemies, foreign and domestic.

While the Soviet Union may choose to abuse its diplomatic immunity from prosecution under our criminal laws, there is no privilege which entitles its personnel to remain in the United States. This legislation would require the President, upon learning of illegal electronic surveillance by a foreign mission, to demand that it be discontinued and, failing that, declare the diplomats involved persona non grata and expel them.

I do not suggest that such action would be appropriate in every case. Rather, the bill would allow the President to forbear from taking such action if he determined that to do so would seriously compromise intelligence sources and methods.

Nor do I suggest that this bill would obviate all defensive measures. As the Time article points out, the Soviets have listening posts in Cuba which can intercept American communications.

What this legislation would do is reaffirm in a singularly American way that the United States will not tolerate gross invasions of the privacy of its citizens by a totalitarian power which denies even the most elementary privacy rights to its own citizens. I believe this is a principle that all Members of this body can support without qualification.

Mr. President, I ask unanimous consent that the text of the bill, my statement on this legislation of November 18, 1981 and the news articles and letter to which I referred in my remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 12

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That this Act may be cited as the "Foreign Surveillance Prevention Act of 1985".

SEC. 2. The Congress finds that—

(1) the widespread use of electronic surveillance and the interception of telecommunications by foreign governments pose a serious threat both to the national security of the United States and to the rights of privacy and association guaranteed to Americans by the Constitution;

(2) that such electronic intelligence activities by foreign governments have been, and are being, carried on under the guise of normal diplomatic relations with the United States; and

(3) that the President of the United States, constitutionally charged with the conduct of the Nation's foreign relations and with the protection of the Constitution of the United States, has the primary responsibility to protect the rights and interests of American citizens as they may be

jeopardized by the electronic intelligence activities of foreign powers.

SEC. 3. Whenever the President of the United States has reason, based upon information in his possession, to believe that in any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, any individual on whom diplomatic immunity has been conferred by the United States, is willfully engaging in electronic surveillance on behalf of a foreign power, the President shall—

(a) so inform the chairman and ranking minority member, or, in his discretion, the members of the Committee on the Judiciary of the House of Representatives, the Committee on the Judiciary of the Senate, the Select Committee on Intelligence of the Senate, and the Select Committee on Intelligence of the House of Representatives;

(b) so inform those persons, if any, reasonably believed to be particular targets of such surveillance in order that they may take such precautions as they consider advisable, unless he shall determine that to do so would seriously compromise sources or methods of intelligence gathering by the United States;

(c) so inform the Ambassador or Chargé d'Affaires or other representative of such foreign power, and shall demand that such foreign power immediately cease such surveillance, unless he shall determine that to do so would seriously compromise sources or methods of intelligence gathering by the United States; and

(d) thirty days after such demand is made, if the electronic surveillance has not ceased, declare such individual to be persona non grata in the United States, and shall demand that he leave the United States immediately, unless the President shall determine that to do so would cause serious damage to the national security of the United States.

SEC. 4. DEFINITIONS.—As used in this Act—

(a) "electronic surveillance" means the interception of wire or radio communications through the use of any electronic, mechanical, or other device;

(b) "wire or radio communication" means any communication made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, radio, cable, or other like connection between the point of origin and the point of reception furnished or operated by any person engaged as a common carrier in providing or operating such facilities for the transmission of interstate or foreign communications;

(c) "person" means any individual, partnership, association, joint stock company, trust, or corporation;

(d) "electronic, mechanical, or other device" means any device or apparatus which can be used to intercept a wire or radio communication other than any telephone or telegraph instrument, equipment or facility, or any component thereof, furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business;

(e) "foreign power" means—

(i) a foreign government or any component thereof, whether or not recognized by the United States;

(ii) a faction of a foreign nation or nations, not substantially composed of United States persons;

(iii) an entity, which is openly acknowledged by a foreign government or governments to be directed and controlled by such foreign government or governments;

(iv) a foreign-based political organization, not substantially composed of United States persons; or

(v) an entity which is directed and controlled by a foreign government or governments; and

(f) "common carrier" shall have the same meaning which is given the term by section 153(h) of title 47 of the United States Code.

By Mr. MOYNIHAN:

S. 1860. A bill to protect communications among Americans from interception by foreign governments, and for other purposes; to the Committee on Foreign Relations.

FOREIGN SURVEILLANCE PREVENTION ACT OF 1981

● Mr. MOYNIHAN. Mr. President, in July 1977, I introduced the Foreign Intelligence Surveillance Act which addressed what must properly be regarded as the gravest threat to Americans' right to privacy which has yet arisen. I refer to the well-known Soviet practice of making use of its diplomatic establishments in this country to monitor the telephone conversations of Americans on a truly enormous scale.

Through the use of sophisticated electronic technology, the Soviets have been able to eavesdrop on the private telephone conversations of thousands upon thousands of Americans. Whatever the intelligence value of such activity—and perforce it must be substantial—there would exist here a profound problem even if the Soviets had never been able to make use of the information gained in this ongoing effort. For the Constitution of the United States obligates the Government of the United States to insure that the guarantees of the Constitution are not violated. It is not for nothing that we are enjoined to protect the Constitution of the United States against all enemies, foreign and domestic.

I return to this subject today, for the failure of the disclosures of this Soviet activity to stir a proper response in this country is more striking than it has ever been. Let us remember that the information regarding Soviet eavesdropping has been in the public domain since 1975. Indeed, the first reports of it were neither obscure, nor unofficial. The report of the Commission of CIA Activities within the United States, chaired by the late Nelson Rockefeller, said the following on June 6, 1975:

"While making large-scale use of human intelligence sources, the communist countries also appear to have developed electronic collection of intelligence to an extraordinary degree of technology and sophistication for use in the United States and elsewhere throughout the world, and we believe that these countries can monitor and record thousands of private telephone conversations. Americans have a right to be uneasy if not seriously disturbed at the real possibility that their personal and business activities which they discuss freely over the telephone lines be recorded and analyzed by agents of foreign powers."

The bill I introduced on July 21, 1977, called on the President to take forceful action, including the expulsion of foreign diplomatic personnel, to put a stop to widespread electronic eavesdropping being perpetrated by the Soviet Union against the citizens of the United States. At that time, I said:

"The violation of privacy by electronic means, the use of sophisticated electronics equipment to intercept telephone calls, data transmissions, and the like has become a major enterprise of the principal totalitarian government in the world, that of the Soviet Union. Through the use of machinery installed at its diplomatic missions around the United States—in New York, in Washington, D.C. in San Francisco—Soviet espionage services have eavesdropped on "hundreds of thousands, even millions" of Americans (so the Chicago Tribune reported in June of 1975) and have presumably used the information gained thereby to advance the national interests of the Soviet Union. Private communications of all sorts have been violated—and on a scale that dwarfs any previous surveillance effort by friend or foe alike.

"Yet a curious—even eerie—unwillingness exists to confront not merely the dimensions of the problem, but also to imagine that we in the United States can do anything about this! I have stated that I regard it as the responsibility of the government of the United States to protect the right of privacy of all citizens, regardless of whether the threat comes from our own government or foreign governments. I believe that the Fourth Amendment to the Constitution, which protects the right to privacy, is under assault by foreign powers, and that it is time for the U.S. Government to do something about it.

"I cannot stress too strongly that modern technology has given to foreign espionage a new dimension which needs to be understood in this country. The targets of Soviet interception of telephone communications now include our businesses, our banks, our brokerage houses, as frequently as our government agencies. Soviet espionage seeks to penetrate into other aspects of American life—commercial, intellectual, political—as much as it seeks illegal entry into the councils of governments. This is precisely why the problem is now one of interest to all Americans in their daily lives—not an abstract problem for intelligence operatives in trench coats.

"The principle here is simple: so far as electronic surveillance is concerned our law defines what Americans cannot do to each other; it is time for a law which says what foreign governments cannot do to us."

Since then the administration has taken some actions in this area. On November 20, 1977, the New York Times reported that:

"President Carter has approved a broad Government program to make it more difficult for the Soviet Union, other nations or businesses to eavesdrop on telephone communications in the United States.

"Under the program, Federal research on how to improve telephone security will be increased. Nearly all Government telephone messages in Washington, New York and San Francisco are in the process of being routed through underground cables, rather than over the more frequently used but less secure microwave radio towers, and private industry is being actively encouraged to develop and use more secure telephone equipment.

"The officials also said that the United States had made a direct diplomatic approach to the Soviet Union about its eavesdropping here, in connection with the discussions of the high levels of microwave radiation discovered in the vicinity of the American Embassy in Moscow."

More recently, the New York Times revealed some detail about a special unit set

up as a result of the 1977 decision to combat such eavesdropping. In a March 26, 1979 article David Burnham reported that:

"The Special Project Office was created to encourage businesses and Federal agencies to protect 'sensitive information' that, experts in the National Security Council say, could be useful to a potential enemy even though it cannot be classified or otherwise controlled by the Government.

"The office is the result of several years of secret debate among the top security advisers of President Carter and former President Gerald R. Ford about ways to secure public and private telephone messages, transmitted throughout the United States by microwave towers or satellites, against interception efforts by the Soviet Union and perhaps other countries.

"Charles K. Wilk, a staff member of the Special Project Office, told a group of communication officials at a convention in Dallas recently that there was no question that 'some sensitive Government information is vulnerable to interception and exploitation and should be better protected.'

"In discussing the vulnerability of some private companies, Mr. Wilk said that 'the Federal Government plans to raise awareness and encourage the use of improved protections.'

"Both Mr. Bortz and Mr. Wilk cautioned against overreaction by the public. 'The Federal Government is not suggesting that everyone's telephone calls are being monitored,' Mr. Wilk said.

"Creation of an agency to curb Soviet surveillance activities in the United States began with a special study conducted by the National Security Council under President Ford.

"During the study, such far-reaching remedies as the abandonment of the widespread use of microwave telecommunication towers and the encouragement of the use of underground cables were considered. But the Council decided at the end of the Ford Administration that the decision should be left to the incoming President.

"Shortly after Mr. Carter took office, the Council resumed its consideration of methods to stop Soviet eavesdropping, and decided about a year ago to adopt a far more modest approach than had been considered by the previous Administration."

And, Mr. President, last Saturday, November 14, 1981, the Times again reported on Soviet espionage activity in New York City where, according to FBI officials, the Bureau's own phones are stamped "not secure" because of Soviet eavesdropping. I ask that it be reprinted in the Record.

The actions which our Government has taken to date have been essentially defensive in nature and have been slow to take effect. At best, they can solve only part of the problem and only until such time as the Soviets develop new methods of counteracting our efforts to block their eavesdropping.

For these reasons, I am obliged to reintroduce my legislation today to stiffen our Nation's opposition to these electronic assaults on the privacy of our people. A democratic society has much of which it can be proud and among these things are openness and respect for the rights of individuals. These characteristics, which we cherish, should not become the playthings of the intelligence apparatus of a totalitarian state.

By reintroducing this legislation, I do more than call attention to our inadequate response to date. I also suggest that the pattern of avoidance which so far has characterized our response can and must be broken. For it is a matter of self-defense, plain and simple, and yet our passivity suggests that we are losing that basic instinct. It is more than time for this subject to be removed from the realm of technological exotica and placed squarely in its proper place—that is, an urgent subject for both our foreign and domestic policies.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"NEW YORK TERMED 'HUB' OF FOREIGN SPIES IN U.S.

"(By Leslie Maitland)

"From the Soviet residence in the Riverdale section of the Bronx, where rooftop equipment permits surveillance of telephones throughout the Northeast, to Russian emigre communities in Brooklyn, where the Federal Bureau of Investigation fears that 'sleeper' Soviet agents live in disguise, American and Russian agents are fighting each other for information.

"Largely because New York City is the home of the United Nations and its many delegates, but also because of its pre-eminence as a business capital in an age when manufacturing advance represent the secrets many foreign governments are most eager to share in, the city is the focus of international espionage efforts.

"According to the FBI, for example, even its own telephones are subject to eavesdropping by Soviet agents. Its own intelligence activities have made the bureau aware of that danger. Every telephone in the bureau's foreign-counterintelligence section is therefore marked with a sticker warning that it is 'not secure.' And for sensitive communication, agents use a sparate, special scrambler phone that requires a different code each day from the National Security Agency in Maryland.

"Understandably, perhaps, espionage is a subject that bureau officials have not discussed often in public. In addition to security reasons for keeping silent, they are subject to criticism both for laxity and for overzealousness. But in a recent series of interviews, the F.B.I.'s foreign counterintelligence experts in New York described some of their methods of operation, their efforts to stymie espionage by other countries and the importance of New York City as a spying center.

"While F.B.I. accounts of intelligence activities cannot be substantiated in most respects because of their secret nature, the agency's descriptions offer a revealing look at what it says are its activities in intelligence gathering.

"According to Donald J. McGorty, the special agent in charge of the bureau's Sino-Satellite foreign counterintelligence section—which focuses on every country but the Soviet Union—New York is actually 'the largest base for foreign intelligence-gathering.'

" 'New York is the hub' he said. 'There are many more diplomats here than anywhere else—even Washington. Even countries with whom we do not have diplomatic relations and who have no embassies have missions at the United Nations. And anyplace these people have establishments, there's an opportunity for espionage.'

"Not all the spying in the city, however, is actually directed at the United States, Mr. McGorty said. Some of it constitutes 'third-country recruitment'—the development of a Libyan spy, for example, by Soviet agents here. The United Nations makes the city a prime location for such enlistment.

"TARGETS OF U.S. AGENTS

"Agents in the Sino-Satellite section devote most of their attention to representatives of 20 so-called 'criteria countries,' designated as top priorities. Under guidelines from the Attorney General, Mr. McGorty said, the bureau needs no specific information or suspicious move to touch off an investigation of a criteria country's actions, but it must be able to present 'specific and articulable facts' to support arguments for inquiries into noncriteria countries.

"He declined to name all of the target countries, but said they included Libya, Communist-bloc countries and the Palestine Liberation Organization. He added that more than 2,000 officials of criteria countries either worked or lived in New York City.

"R. Jean Gray, the special agent in charge of Soviet counterintelligence, said that among more than 600 people the Russians have working in New York, 110 have diplomatic immunity, which extends to their spouses.

" 'About 35 percent of the people with immunity are suspected to be officers of Soviet intelligence services,' Mr. Gray said. 'Experience has indicated that among the remainder, a significant percentage are also members of Soviet intelligence services or are coopted to carry out tasks for those services from time to time.'

"F.B.I. HAS 300 ON THE CASE

"By contrast, the bureau has more than 300 agents assigned to foreign counterintelligence in New York, many less than it had at the height of the Cold War. With détente, the ranks were reduced, but in the past five or six years, chilling trends led to the adding of personnel.

"Mr. McGorty and Mr. Gray say the bureau's espionage mandate is not primarily to gather information, but to detect and prevent spying by foreign agents. This obviously requires identifying spies in the city's foreign population, which calls for delicate judgments as to whether someone is acting outside the scope of his stated diplomatic functions.

"We have to find out who the players are before they play ball," Mr. McGorty said. The easiest way to accomplish that, he added, is to "get one of them to work for us so we'll know what they're up to." The prime recruits are intelligence agents from target countries, but the job of enlisting them is not easy.

"An initial approach, Mr. McGorty said, is generally disguised as simple friendliness. Bureau agents (who are not allowed to operate outside the United States and cannot enter the gates of the United Nations) pose as lawyers or accountants while hobnobbing in the bars and restaurants frequented by representatives of other countries. Overtures are gradual, while agents work at cultivating confidence.

"SHOPPING IN SUPERMARKETS

"In some cases, he said, female F.B.I. agents are dispatched to supermarkets or beauty parlors used by a target's wife to enlist the woman's help in influencing her husband to shift his sympathies.

"Making contact with Soviet targets has become particularly difficult since the opening of their residential complex in the Riverdale section of the Bronx, Mr. Gray said.

"They travel in by special bus from Riverdale together every morning and go back there together every night," he said. "At lunch, they eat in the cafeteria at the Soviet

Mission. They don't have a lot of pocket money. You don't find them carousing around town."

"Besides having to evaluate whether Soviet employees are really serving a legal function in New York, the bureau has also faced a problem in discerning whether spies are being slipped in among the 400 Soviet emigres who arrive in the country each month.

"MAY BECOME TAXI DRIVERS

"'It used to be they would take a name from a tombstone in Michigan or someplace of someone who died at the age of 2 and write for a birth certificate and spend years creating a false identity.' Mr. Gray said. 'Now all they have to do is send him in as a Soviet emigre. An illegal may come in and spend five years driving a taxi, but then be called into action.'

"'By then,' the agent continued, 'he may even be a citizen, and he's learned the language. Maybe then he seeks a job with Grumman Aerospace, saying that in Russia he was an engineer.' At that point he grains access to potentially important information.

"The bureau has been attempting to develop a profile of the sort of person who may be only masquerading as a refugee. When suspicion arises, Mr. Gray said, 'we try to interview them, or we try to neutralize their activities by interviewing everyone they're talking to—or else we notify the Immigration Service that the person should be returned."

"In some cases, he said, the spy may not be posing as a refugee, but actually be an emigre unwillingly pressed into service as a Soviet agent—threatened, for example, with reprisals against family members still in the Soviet Union.

"CONCERN ABOUT TECHNOLOGY

"Ideally, bureau officials said, reluctant Soviet spies can be utilized as double agents to funnel misinformation. But this can be tricky, for the bureau may be deceived into believing it has a double agent working for the United States, when the spy is really a triple agent—a Soviet agent really working for the Soviets while pretending to the F.B.I. to have switched his loyalty.

"'You can be reeled in for a year before you realize you've been hooked,' Mr. Gray said.

"'The transfer of American technology to criteria countries—of growing concern, not just Customs Service and the Commerce Department—is regarded as a major focus of current spying efforts.

"'Our only salvation is that they can't possibly assimilate all they're getting,' Mr. McGorty said. He added that his agents regularly instructed companies with top-secret government contracts about how to guarantee security."

[From the New York Times, Aug. 15, 1982]

MOSCOW'S BIG EARS IN GLEN COVE

To the EDITOR:

Karen Polk's reminiscences of childhood fantasies of espionage going on behind the walls of the Soviet estate in Glen Cove ["What Lurked Behind the Glen Cove Fence," Op-Ed Aug. 7] ends with some adult questions about what is going on there.

Unless I am hugely mistaken, spying is going on. More precisely, eavesdropping through the interception of telephone conversations transmitted by microwave.

We have this from Arkady Schevchenko, formerly Under Secretary General of the United Nations and the most senior Soviet representative to that organization. Last spring on Canadian television (as reported by the A.P.) he stated: "All the top floors of the [Glen Cove] building are full of sophisticated equipment . . . to intercept all conversations of anything which is going on. . . . At least 15 or 17 technicians were working . . . to do this job."

In 1977, I raised this general subject—Soviet eavesdropping—within the councils of the Carter Administration. The response ought to be better known. Convinced there was a threat, the Federal Government decided to bury its own telephone lines and those of its defense contractors, leaving the rest of us relatively defenseless.

I therefore introduced legislation requiring the President, upon learning of such illegal activity by a foreign mission, to demand that it be discontinued and, failing that, declare the diplomats involved persona non grata and expel them.

The Times, on July 25, 1977, supported the principles reflected in the bill, stating: "If a member of the Soviet Embassy were caught stealing and shipping economic data back home, our authorities would, we hope, see to it that he was shipped back home. The blunt fact is that a foreign government on American shores is spying on American citizens. And notwithstanding the niceties of diplomatic immunity and extraterritoriality and rigamarole, the response should be equally blunt."

Still there was no response from the executive branch. At a hearing on April 21, 1977, by the Senate's Select Committee on Intelligence, I asked the then general counsel to the Central Intelligence Agency whether he did not consider the Soviet intrusion into our telephone system a violation of citizens' Fourth Amendment rights. The counsel replied that the Fourth Amendment only protects citizens against violations of rights by their own government!

I have reintroduced the bill (now S. 1860). If the current Administration would but nod, it would pass. In the meantime, it might let off lecturing the people of Glen Cove about their duties to respect the civil rights of Soviet diplomats.

DANIEL PATRICK MOYNIHAN,
U.S. Senator from New York.

WHAT LURKED BEHIND THE GLEN COVE FENCE

(By Karen Polk)

GLEN COVE, N.Y.—I grew up in a house a stone's throw from a nondescript fence that marked the back end of the Killenworth estate here. The fence surrounds the 37 acres and mansion used by the Soviet Union's delegation to the United Nations for its summer residence.

As children, my friends and I fantasized that the place was a hotbed of Soviet espionage, occupied by men wearing black coats, and all of them resembling Aleksei N. Kosygin. There was no doubt in our minds that the fence at the end of the block (most likely electrified) marked the outer reaches of Siberia beyond which no one ventured. The bold explorer who did make it over to the other side for a peek was the object of admiration and fear: He had made it there and back.

Our fantasies were products of a kind of cold war perspective that pitted us against them, G.I. Joe against the Reds. We spent endless hours plotting our righteous assault with 007 spy rifles on the army that surely hid behind the mansion walls.

The disclosure in May that the estate was the home of sophisticated espionage equipment used to spy on important industries on Long Island came as no big surprise to me, now an adult. I knew all along that there was a real reason why no one but the delivery boy from the local market was allowed within the estate complex. And I knew that those were real F.B.I. men perched on top of the nearby Y.M.C.A. building with binoculars. All this only served to reinforce everything my friends and I had imagined to be true as children.

By contrast, Glen Cove officials acted surprised. The Federal Government was mute. The F.B.I. would neither confirm nor deny the reports that were originally carried on Canadian television and described the intelligence equipment at the estate.

Mayor Alan M. Parente and the City Council voted to revoke the recreational passes that had been given to residents of the estate. They reasoned that since Killenworth was a diplomatic residence that paid no taxes to the city and that was engaged in spying, of all things, against the better interests of our nation, Glen Cove would protest in the only manner in its power: It would keep the Russians off the beaches, tennis courts and golf course.

At that time, the Council's action seemed oddly appropriate. In the fantasy world in which we still regarded the Russian presence here, the Mayor was the bold explorer who stood up to the Reds. For a while there was little reaction. The Federal Government was indifferent. The Mayor had made it there and back.

The other day, the State Department finally reacted by requesting that the City Council reinstate the recreational privileges. The wording of the letter was strong and stated that Glen Cove was interfering in the proper conduct of international affairs. Washington was seriously concerned that the Soviet diplomats be given the proper privileges.

The affair assumed storybook proportions, and the news media have evoked a comparison with "The Mouse That Roared." It was Glen Cove against the Reds—and now the Feds as well. The whole thing seemed a little silly—Us against Them; our raised tennis rackets and golf clubs faced off against nuclear warheads.

There is more to this story though. A few months ago, someone took pot shots with a rifle at windows on the estate. They used real bullets. In years past, demonstrations outside the gates, which open on to a well-traveled road leading to the local high school, were accompanied by bomb threats and the discovery of mysterious packages at the entrance. The whole thing isn't really so silly after all.

The city has taken action and the Government has referred the issue to the Justice Department. And now the Soviet regime has retaliated by barring our diplomats in Moscow from using a beach on the Moskva River.

Why didn't the State Department ever inform any Glen Cove administration about the seriousness or the extent of the Soviet operations going on within its boundaries? And why is the city then left with none other than the ridiculous policy of revoking tennis passes to protest a spying operation that seems to operate with impunity?

All recent attempts by Glen Cove to learn anything about the operation have been met by statements from the F.B.I. that the information is classified. There is probably spying going on, the Bureau says, but its lips are sealed about details.

Intelligence operations have always thrived under a veil of secrecy. Equally, fantasies and misconceptions and delusions and

even silliness thrive on the mystery of intelligence operations. Maybe our childhood imaginings were not farfetched, and then again maybe they were. We don't really know for sure. But at least now we know a little bit better who is responsible for perpetuating them.

[From the New York Times, Oct. 7, 1984]

500,000 MORE SPY-PROOF PHONES PROPOSED BY TOP SECURITY AGENCY

(By David Burnham)

Washington, Oct. 6—The National Security Agency is proposing that the Government and industry be equipped with as many as 500,000 telephones that can be secured against interception

The Agency is convinced that the Soviet Union and the other nations are obtaining important intelligence from United States telephone.

Although cloaked in secrecy, a program like the one the agency proposes could cost hundreds of millions of dollars. The project could also lead to a new role for the intelligence agency in private industry. Under the proposal, production of the secure phones would begin in two years.

REAL SECURITY THREAT IS SEEN

The decision by the largest and most secretive American intelligence organization to propose a major effort to combat telephone eavesdropping was disclosed by Walter G. Deeley, the senior official in charge of protecting government communications.

He said in an interview that electronic eavesdropping by the Soviet Union, other countries he did not name and corporations posed a genuine threat to the security of the United States.

"I want the country to be aware that if we don't protect our communications, it can do a great deal of damage to us," Mr. Deeley said. "this is a problem that goes to the very fabric of our society. It is not just a worry of the national security agencies."

MOVE BY CARTER ADMINISTRATION

He said he believed the United States was in "deep trouble," adding: "They are having us for breakfast. We're hemorrhaging. Your progeny may not enjoy the rights we do today if we don't do something."

A Reagan Administration official familiar with intelligence matters agreed there was a surveillance problem, but he also said no final decision had been made to go beyond research or to request money to produce the phones.

In August, the National Security Agency sent a letter to more than 2,000 major corporations saying, "The U.S. has initiated an effort to develop lowcost, user-friendly secure telephone instruments."

The number of secure telephones currently used by Government agencies is classified information. But the Carter Administration said there were 100 such phones in the Government, and it planned to buy 150 more. The cost of each phone then was $35,000. The Reagan Administration has bought an unknown number of additional secure phones.

The phones proposed by the National Security Agency would be used by the Central Intelligence Agency, the Defense and State departments, military contractors and other private corporations such as banks that handle information of possible use to a foreign power.

BACKING COMPUTER RESEARCH

The National Security Agency was set up by President Truman in a secret executive order in 1952 to conduct electronic intelligence all over the world and protect the sensitive messages of the United States.

It has used its secret budget, now estimated at $4 billion a year, to make itself a major sponsor of advanced computer research, and it has played an important covert role in shaping national communication policy. Its top officials almost never grant on-the-record interviews.

"Anyone making a phone call to the West Coast or Boston from the Washington area has no idea how the conversation will be transmitted," Mr. Deeley said. "It might go via fiber optics, conventional cable, microwave towers or one of the 19 domestic satellites. If it is going via satellite you can presume the other guy is listening to it."

SECURING COMPUTER DATA

Asked for specific examples of electronic espionage, he said he could not disclose them because they were classified. Citing individual cases, he said, would give the Russians important clues about the ability of the United States to detect their efforts.

Mr. Deeley said his agency was developing a similar program to improve the security of computerized data. "This area has blown up extraordinarily fast," he said. "In many ways computerized data is more harmful than telephones because it's all record information.

"The financial institutions have become aware of this problem. The insurance companies are becoming aware. The rest of the private sector companies are just now beginning to see that if they are going to survive, they have to protect their communications."

He said increasing American use of communication satellites and microwave transmission towers made it economically possible for almost any nation and many large corporations to intercept messages, then use high-speed computers to sort them out.

CONGRESSMAN OPPOSES MOVE

A spokesman for the American Telephone and Telegraph Company said he could not estimate the amount of telephone traffic that was subject to relatively easy interception because it was transmitted by microwave towers or satellites. But he added that one rough indicator was that 70 percent of A.T.&T.'s domestic equipment and 60 percent of its overseas equipment transmitted telephone messages through the atmosphere rather than by cable, which is harder to intercept.

Few members of Congress other than members of the Senate and House Intelligence Committees are aware of the National Security Agency's plan. One exception is Representative Glenn English, Democrat of Oklahoma and chairman of the House Government Operations Subcommittee on Information. In a letter Sept. 24 to the General Accounting Office, a Congressional investigative arm, he said, "There can, of course, be no objection to maintaining adequate security for classified information."

He said, however, that he knew "from past experience that the national security bureaucracy has a tendency to require a degree of protection for classified information that may be excessive." He added, "Technological security measures are very expensive, and my concern is that the unnecessary use of these measures is a waste of scarce Federal funds."

UNCLASSIFIED STUDY IS ASKED

Mr. English asked the G.A.O. to prepare an unclassified report on whether the proposed protective measures were necessary and worth the cost.

Henry Geller, director of the National Telecommunications and Information Administration in the Carter Administration and now the head of the Washington Center for Public Policy Research of Duke University, raised questions about the project.

He said that when the Carter Administration studied Soviet eavesdropping, it decided that its biggest security agency should be responsible for assuring the communications security of the American military and American intelligence services but that the Commerce Department should be responsible for working with private companies.

"There was a strong belief in the Carter Administration that the United States has a long and important tradition that the telephone systems and broadcasting groups are independent, privately owned entities," he said. "Adopting a plan that gives the N.S.A., a branch of the Pentagon, an important role in the communication network of private corporations and civilian agencies of government is a significant policy change that should be carefully examined by Congress before it is adopted."

FIVE CONTRACTS AWARDED

Mr. Deeley said his agency's concern prompted it earlier this year to award five of the major American communication companies small contracts to conduct individual studies; the object would be to determine whether they could mass-produce a low-cost, easy-to-use telephone that would be difficult to intercept. The companies are A.T. & T, the GTE Corporation, the ITT Corporation, the Motorola Corporation and the RCA Corporation.

Mr. Deeley did not describe the telephones, but experts in the field said each would presumably have a small computer that would transform the voice signals into a stream of coded digits. They said this would require time and expensive equipment for an outsider to decode the message.

However, after the coded message was transmitted by conventional means to another special telephone, the receiving unit's computer could quickly turn the digits back into an understandable voice.

As a result of the preliminary studies supported by his agency, Mr. Deeley said that he hoped to get bids on the project in November and sign an agreement with two of the five companies before the end of this year, and that production of the devices could begin before the end of 1986. "We're talking about a half a million phones," Mr. Deeley said.

While the Carter Administration paid $35,000 for each such phone, Mr. Deeley said the N.S.A. hoped that mass production could cut the cost.

"Communications security is like insurance," he said. "It has no intrinsic value until it is needed. Some people buy insurance, some don't. If you are a responsible person with a family, you take out a little term insurance. If you aren't, you buy a case of beer."

Mr. Deeley said a major investment in secure telephones by the private sector would result in a substantial reduction of the cost of such equipment for the Federal Government.

"If Exxon or Hanover Trust want to protect themselves," he said, "they ought to be able to get the right equipment to achieve that goal. If they don't care about other people reading their mail, that's their business."

IS IT SAFE TO USE THE PHONE?

The tapping of telephone conversations has long been recognized as a security threat, and the rise in microwave and satellite transmission of conversations has made electronic eavesdropping easier than ever. Yet even though all Presidents since Franklin Roosevelt have conducted much of their business over secure, or scrambled, phone lines, the U.S. has been bewilderingly slow in dealing with another potentially enourmous security problem: most Government and business officials daily discuss sensitive matters over ordinary, unsecured equipment.

As new technology has increasingly enabled global adversaries to sort through vast amounts of airborne telebabble in search of key words and phrases, ordinary telecommunications have become a priceless source of intelligence for the Soviet Union and, possibly, other nations. Says New York Democrat Daniel Patrick Moynihan, Vice Chairman of the Senate's Select Committee on Intelligence: "The targets of Soviet interception of telephone communications now include our businesses, our banks, our brokerage houses, as frequently as our Government agencies . . . Private communications of all sorts have been violated, and on a scale that dwarfs any previous surveillance effort by friend or foe."

Now the Reagan Administration is belatedly moving to stanch this immense intelligence drain. The President has quietly signed a document known as National Security Decision Directive No. 145. It gives overall responsibility for ensuring the security of communications in the Government and the defense industry to the National Security Agency (NSA), the secrecy-shrouded behemoth whose primary function since its founding in 1952 has been the collection and analysis of other nations' communication traffic. Under Reagan's directive, the NSA will search for ways of protecting the integrity of sensitive telecommunications and federal computer information, which increasingly are two interrelated parts of a common technology. Estimated cost over the next ten years: $6 billion to $8 billion.

The most visible part of the stepped-up security will be a massive increase in the use of secure telephones, which have so far been parceled out to federal officials with unusual frugality. Less than four years ago, intelligence sources say, the combined networks of secure telephones operated by the Federal Government probably numbered just upwards of 1,000 units. That total has risen steadily under the Reagan Administration; the exact number is secret, but unofficial estimates put the new total at between 2,000 and 3,000 units. One reason the Government has been slow to install scrambled lines has been the cost: each secure unit runs about $31,000. Another has been complaints from users that voice quality is poor. Even so, concedes Walter Deeley, the NSA's deputy director for communications security, a study he conducted last year on communications security showed telephones to be the biggest leakage problem.

Working with five of the nation's largest manufacturers of telephone equipment, (AT&T, ITT, Motorola, RCA and GTE), NSA officials believe technology has been developed that will lead to what Deeley, in computer jargon calls "a user-friendly secure phone" at a cost of less than $2,000 a unit. Scrambling units in current use weigh about 70 lbs. and take up the space of two filing-cabinet drawers. Electronics experts expect the new units to employ small, inexpensive microcircuits built directly into the telephone receiver. The scrambler converts signals produced by conversation into electronic "white noise" that is meaningless until disencrypted, or unscrambled, on the other end of the line.

Deeley predicts that production of the new generation of secure phones will begin within two years. By the end of the decade, NSA officials plan to install half a million of them: 200,000 in Government offices and an additional 300,000 in private companies that have access to classified or sensitive Government information. Within ten years they expect the total number of secure telephones in the U.S. to reach 2 million, or about one out of every 120 of the nation's horns. "Communication security is not like guns, ships or bullets," says Deeley. "It's sort of like insurance; it has no intrinsic value at a particular moment. But we must become serious about it."

Many experts are also concerned that there is leakage of valuable technical information through foreign eavesdropping on the telecommunications of private firms. The Commerce Department had considered a program to encourage private businesses to take more security measures, but the Government now tends to rely on competitive pressures to force companies to guard their secrets.

The U.S. began losing physical control of its telecommunications in the 1960s, when more and more began to be transmitted through the air waves rather than through cables. AT&T currently estimates that it uses satellites or microwave towers for 70% of its domestic traffic and 60% of its traffic abroad. Both forms of atmospheric transmission are easily interceptible on Soviet listening equipment that is doubtless installed in the U.S.S.R.'s diplomatic properties in the U.S. and elsewhere. The Kremlin's listening post in Cuba, for example, can pick up virtually all traffic from U.S. domestic communication satellites. Says an NSA official: "They just sit down there with their huge vacuum cleaner and suck everything up." In recent years the Soviets have developed computers that can cull such intelligence with much more sophistication than earlier models, and not just in search of defense secrets. "A computer can put together those bits and pieces," says an NSA official. "And even if the vast majority of what was said is unclassified, the other side can put it together and save billions in research." Indeed, U.S. officials are convinced that the Soviets are targeting telecommunications involving U.S. space shuttle personnel in an effort to do just that.

Though cutting back on the Soviet Union's ability to eavesdrop is the primary purpose of the new telesecurity program, U.S. officials point out that it could also foil surveillance attempts by other rivals, including unscrupulous economic competitors. Moreover, as Reagan has pointed out, the same technology used in foreign intelligence operations is increasingly available to "terrorist groups and criminal elements."

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 13. A bill for the relief of Rockland County, NY; to the Committee on the Judiciary.

RELIEF OF ROCKLAND COUNTY, NY

Mr. MOYNIHAN. Mr. President, I rise today, the first day of the 99th Congress, to introduce legislation that would authorize Federal financial assistance to the government of Rockland County, NY, to help defray the county's expenses in connection with the so-called Brinks robbery-murder trial. This bill is identical to the legislation introduced in the House by my distinguished colleague from New York, Congressman GILMAN.

It is unusual legislation for a unique case—one with prohibitive costs for a small county and a compelling Federal interest in prosecuting the defendants, warranting special consideration for the costs of the trial.

The crime is well known: The glare of national publicity that surrounded the crime significantly complicated the county's job of prosecuting the suspects, lasting some 32 months. The five defendants—two wanted by the FBI for crimes committed with underground terrorist groups—were held in the county's custody for 9 months, under heavy guard. The county also had to provide electronic screening devices, closed-circuit television cameras, weapons, and other items for the trial, at its own expense. In all, Rockland County had to hire 88 additional guards for the trial, at a cost of more than $5 million.

A grant of $500,000 from the Law Enforcement Assistance Administration block grant funds in 1982 was a welcome first step, but clearly not enough to defray the trial's substantial cost. Rockland County, with a population of just over 250,000, surely should not be expected to bear the financial burden of this extraordinary case without further assistance from the Federal Government.

The Federal interest in this case is readily apparent and the Federal Government's recognition of the need to provide financial assistance already has been demonstrated. I urge my colleagues in the Senate to give this legislation serious consideration, and provide the taxpayers of Rockland County the relief which they deserve.

S. 13

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General of the United States (hereinafter referred to as the "Attorney General") shall reimburse the government of Rockland County, New York, for all reasonable expenses incurred in connection with the transfer and trial of the criminal actions entitled *"People of the State of New York* v. *Katherine Boudin, David Gilbert, Judith Clark, Samuel Brown, and Donald Weems"* (Rockland County indictments numbered 81-285; 82-6; transferred to Orange County) and *"People of the State of New York* v. *Katherine Boudin and Samuel Brown"* (Rockland County indictments numbered 81-285; 82-6; transferred to Westchester County). Reimbursement under this Act shall be made to Rockland County for all reasonable expenses directly incurred as a result of these criminal actions, as well as for those reasonable expenses indirectly incurred as a result of the changes of venue in these actions to other locations within New

York State. Reimbursable items include, but are not limited to—

(1) the cost of prosecuting the defendants;

(2) the cost of providing and maintaining court room security in these criminal actions; and

(3) the cost of ensuring and maintaining the safety and security of the defendants and the residents of the State of New York in connection with these criminal actions.

SEC. 2. The government of Rockland County shall keep accurate and detailed records pertaining to all reasonable expenses incurred in connection with these trials. Such records shall remain subject to audit and reexamination by the Attorney General and Comptroller General of the United States for three years after the date of enactment of this Act. Following the completion of each criminal action described in section 1, the government of Rockland County shall submit to the Attorney General a final and detailed report disclosing all reasonable expenses incurred in connection with these criminal actions. The Attorney General shall examine each report and determine the amount of reimbursement for which Rockland County is eligible under this Act.

SEC. 3. There are hereby authorized to be appropriated for any fiscal year beginning on or after October 1, 1985 such sums as may be necessary to carry out the purposes of this Act.

Mr. D'AMATO. Mr. President, today I again am cosponsoring legislation to relieve Rockland County, NY, of part of the truly extraordinary burdens it has had to bear as a result of the notorious Brink's murder and robbery case.

On October 21, 1981, a gang of terrorists held up a Brink's armored truck at the Nanuet Shopping Mall in Rockland County. They murdered a security guard and two local policemen. Two criminal cases resulting from these crimes have been tried in New York State courts. Rockland County, as the place of original venue, has had to bear the full brunt of the costs of these trials, which now exceed $5 million.

During the 98th Congress, on September 19, 1984, I testified before the House Judiciary Committee's Subcommittee on Administrative Law and Governmental Relations in support of the forerunner of this bill, H.R. 5763, introduced by Congressman Gilman. I applaud the Congressman and Senator Moynihan for introducing this legislation in the 99th Congress.

The cases for which we seek reimbursement are no ordinary local matters. These cases have received national publicity as the "trials of the century." Defendants in both cases are identified with a number of radical and revolutionary groups, including the Weather Underground and the Black Liberation Army. They have declared their ultimate purpose to be the creation of a separate nation out of five Southern States. Most of the costs of the Brink's trials are directly attributable to the round-the-clock courthouse and jailhouse security precautions the notoriety of the defendants has made necessary.

The bill I cosponsor today has been modified from the ones I have previously supported to reflect the suggestions offered by the Congressmen present at last September's hearing. It provides for very careful and detailed recordkeeping and reporting by Rockland County and auditing by the Justice Department.

I urge my colleagues to give this carefully crafted legislation their full support.

Thank you, Mr. President.

By Mr. MOYNIHAN (for himself and Mr. BENTSEN):

S. 14. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Finance.

HAZARDOUS SUBSTANCE RESPONSE ACT

Mr. MOYNIHAN. Mr. President, I rise today to introduce, along with my distinguished colleague Senator BENTSEN, legislation to amend the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to establish a new tax on the disposal and long-term storage of hazardous waste. This tax would serve two purposes. It would provide an additional source of revenue to finance an expanded Superfund, and it would provide a new incentive for better hazardous waste management practices.

The Superfund program was created in 1980—by the CERCA law—to fund the cleanup of the Nation's abandoned hazardous waste dump sites. CERCLA establishes a tax on 42 chemical feedstocks, crude oil, and imported petroleum products to finance the $1.6 billion Superfund. The tax was designed to collect 86 percent of the $1.6 billion trust fund, with the remaining 14 percent coming from general revenues. The current Superfund tax expires on September 30, 1985.

The bill I am introducing today would establish a so-called waste-end tax—that is, a tax on the disposal and long-term storage of hazardous waste—to take effect on January 1, 1986. The tax rates in the bill are designed to raise $1.5 billion over 5 years, or about $300 million per year.

Mr. President, as we once again address the issue of how best to finance the Superfund program—and we look to new revenue sources—I believe it most reasonable and wise to consider a tax on the disposal and long-term storage of hazardous waste. I hope my colleagues will agree and I urge them to join in support of such a tax.

I ask unanimous consent that the full text of the bill and a summary be printed in the RECORD in full.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 14

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. Short Title, This Act may be cited as the "Hazardous Substance Response Act of 1985"

SEC. 102. Title II of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended adding a new subtitle as follows:

"Subtitle D—Imposition of Tax on Disposal or Long-Term Storage of Hazardous Waste

"SEC. 241. Chapter 38 of the Internal Revenue Code of 1954 is amended by adding the following new subchapter:

"Subchapter D—Tax on Disposal or Long-Term Shortage of Hazardous Waste

"Section 4691. Imposition of Tax
"Section 4692. Definitions
"Section 4693. Records, Statements and Returns

"SECTION 4691. IMPOSITION OF TAX

"(a) GENERAL RULE.—There is hereby imposed a tax on (1) the receipt of a hazardous waste for disposal at a qualified hazardous waste disposal facility or (2) long-term storage of a hazardous waste in a qualified hazardous waste storage facility.

"(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be:

(1) $45 for each ton of hazardous waste which is disposed of by landfill, in waste piles, or by surface impoundment;

(2) $25 for each ton of hazardous waste which is disposed of by ocean dumping or land treatment;

(3) $5 for each ton of hazardous waste which is disposed of by underground injection;

(4) $45 for each ton of hazardous waste which is placed in long-term storage.

"(c) ALTERNATIVE COMPUTATION OF TAX.—Under regulations provided by the Secretary, if the owner or operator of a qualified hazardous waste disposal or qualified hazardous waste long-term storage facility can establish the amount of water of the hazardous waste deposited for disposal or for long-term storage, then such owner or operator may elect to pay a tax of $50 per ton on the amount of waste deposited for disposal or storage, reduced by the weight of water, in lieu of the taxes that would otherwise be paid under this section.

"(d) EXCLUSION FOR CERTAIN WASTES.—The tax imposed by subsection (a) shall not apply to the following:

"(1) The disposal or long-term storage of wastes which are, as of the date of enactment of this Act, exempt from regulation as a hazardous waste under Section 3001 of the Solid Waste Disposal Act, as amended. In the event that any such waste is determined by the Administrator of the Environmental Protection Agency, following studies as required under Section 8002 of such Act, to pose a potential danger to human health and environment, and the Administrator of the Environmental Protection Agency promulgates regulations for the disposal of such waste, then the Administrator shall transmit to both Houses of Congress, along with such regulations, his recommendation for imposing a tax, if any, on the disposal or long-term storage of such waste. A tax shall be imposed under subsection (a) on such waste only when authorized by Act of Congress.

"(2) The disposal or long-term storage of wastes which are not, as of the date of enactment of this Act, identified or listed under Section 3001 of the Solid Waste Disposal Act. A tax shall be imposed under subsection (a) on such waste only when authorized by Act of Congress.

"(3) The disposal or long-term storage of wastes in a surface impoundment which (a) contains treated waste water during the secondary or tertiary phase of a biological treatment facility subject to a permit issued under section 402 of the Clean Water Act (or which holds such treated waste water after treatment and prior to discharge), and (b) is in compliance with generally applicable ground water monitoring requirements for facilities with permits under section 3005(c) of the Solid Waste Disposal Act.

"(4) The disposal or long-term storage of (a) any waste by any person in the course of carrying out any removal or remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 if such disposal is carried out in accordance with a plan approved by the Administrator of the Environmental Protection Agency or the State, (b) any waste removed from any facility listed on the National Priorities List (NPL), or (c) any waste removed from a facility for which notification has been provided to the Administrator of the Environmental Protection Agency pursuant to the provisions of Section 105 or 103(c) respectively, Title I, of the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

"(e) LIABILITY FOR THE TAX.—The tax imposed by this section shall be imposed on the following:

"(1) The owner or operator of the qualified hazardous waster disposal facility or qualified hazardous waste storage facility at which the hazardous waste is disposed of or stored.

"(2) In the case of hazardous waste that is required by regulation to be disposed of or stored at a qualified hazardous waste disposal facility or a qualified hazardous waste storage facility but is disposed of or stored for a long term at other than a qualified hazardous waste disposal facility or a qualified hazardous waste storage facility, the person disposing of the hazardous waste.

(f) CREDIT FOR PRIOR TAX.—(1) A credit shall be allowed in the computation of any tax due under this section on the disposal of a hazardous waste for any tax previously paid under this section by the disposer on the long-term storage of such hazardous waste.

"(2) In the event that a person who has paid a tax under this section on the long-term storage of a hazardous waste causes such hazardous waste to be delivered to and received by another person who is the owner or operator of a qualified hazardous waste disposal facility, then such person who paid the tax on the long-term storage shall be allowed a credit for such tax in the computation of any tax subsequently due on the long-term storage or disposal of a hazardous waste.

"(3) For purposes of determining any credit allowances for fungible waste under the provisions of paragraphs (1) and (2), it shall be presumed that the last of such waste placed in a qualified hazardous waste storage facility shall be the first to be removed from such facility.

"(g) FRACTIONAL PART OF TON.—In the case of a fraction of a ton, the tax imposed by this section shall be the same fraction of the amount of such tax imposed on a whole ton.

"(h) PROSPECTIVE APPLICATION OF TAX.—The taxes imposed in this section shall not apply to the hazardous waste which is received for disposal or placed into long-term storage prior to the effective date of this Act.

"(i) TERMINATION.—The taxes imposed in this section shall not apply after September 30, 1990.

"SECTION 4692. DEFINITIONS

"(a) DEFINITIONS.—For purposes of this subchapter:

"(1) DISPOSAL.—The term 'disposal' means the discharge, deposit, injection, dumping or placing of any hazardous waste into or on any land or water so that such hazardous waste may enter the environment. 'Disposal' shall not include the treatment or reclamation of hazardous waste or the storage of hazardous waste in a facility described in the definition of 'Qualified Hazardous Waste Storage Facility' below.

"(2) LONG-TERM STORAGE.—The term 'long-term storage' means remaining within the confines of a qualified hazardous waste storage facility for one year or more. For the purpose of determining the length of time in storage, it shall be presumed in the case of fungible waste that the last waste placed in a qualified hazardous waste stroage facility shall be the first to be removed from such facility.

"(3) QUALIFIED HAZARDOUS WASTE STORAGE FACILITY.—The term 'qualified hazardous waste storage facility' means any storage facility, waste pile or surface impoundment, permitting of accorded interim status under Section 3005 of the Solid Waste Disposal Act. 'Qualified hazardous waste storage facilities' shall not include any hazardous waste treatment facilities.

"(4) WASTE PILE.—The term 'waste pile' is a quantity of hazardous waste heaped together as a means of storage as defined under regulations promulgated by the Administrator or the Environmental Protection Agency pursuant to Section 3005 of the Solid Waste Disposal Act.

"(5) SURFACE IMPOUNDMENT.—The term 'surface impoundment' is an impoundment in which quantities of hazardous wastes are collected as a means of storage as defined under regulations promulgated by the Administrator of the Environmental Protection Agency pursuant to Section 3005 of the Solid Waste Disposal Act.

"(6) QUALIFIED HAZARDOUS WASTE DISPOSAL FACILITY.—The term 'qualified hazardous waste disposal facility' means any disposal facility permitted or accorded interim status under Section 3005 of the Solid Waste Disposal Act or under Section 102 of the Marine Protection, Research and Sanctuaries Act, or Part C of the Safe Drinking Water Act. 'Qualified hazardous waste disposal facility' shall not include any hazardous waste treatment facilities.

"(7) HAZARDOUS WASTE TREATMENT FACILITIES.—The term 'hazardous waste treatment facilities' means any facility employing any method, technique, or process designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to convert such waste to a non-hazardous waste.

"(8) TREATMENT.—The term 'treatment', when used in connection with hazardous waste, means a method, technique or process designed to change the physical, chemical or biological character or composition of any hazardous waste so as to convert such a waste to a non-hazardous waste; except that there may be a byproduct or residue from such method, technique or process that would be considered a hazardous waste under Section 3001 of the Solid Waste Disposal Act.

"(9) HAZARDOUS WASTE.—The term 'hazardous waste' means any waste:

"(A) identified or listed under Section 3001 of the Solid Waste Disposal Act, other than waste the regulation of which has been suspended by Act of Congress, and

"(B) subject to the recording or record-keeping requirements of Section 3002 and 3004 of such Act.

"(10) TON.—The term 'ton' means 2000 pounds.

"(11) RECEIPT.—The term 'receipt' means the act of the owner or operator of a qualified hazardous waste disposal facility by which such owner or operator, at an off-site facility, signs, or is required by regulation to sign, the manifest or shipping pages accompanying the hazardous waste, or at an on-site facility, enters, or is required to do so by regulation, the description and quantity of the hazardous waste in the qualified hazardous waste disposal facility operating record.

"(12) NON-HAZARDOUS WASTE.—The term "non-hazardous waste" means any waste that is not identified or listed as hazardous waste and Section 3001 of the Solid Waste Disposal Act. Non-hazardous waste shall include the air and water effluents permitted by the federal government or by delegated state agencies under the Clean Air Act or Clean Water Act.

"(13) RECLAMATION OF HAZARDOUS WASTES.—The term 'reclamation of hazardous waste' means any hazardous waste that is processed to recover a usable product or any such waste that is regenerated. The term also includes hazardous wastes that are employed as an ingredient (including use as an intermediate) in an industrial process to make a product. The term also includes hazardous wastes that are employed in a particular function or application as an effective substitute for a commercial product. The term does not include hazardous wastes that are reused in a manner analogous to land disposal or incineration, including but not limited to, hazardous wastes that are used to produce products that are applied to land or hazardous wastes burned for energy recovery used to produce a fuel or contained in fuels.

"SECTION 4693. RECORDS, STATEMENTS, AND RETURNS

"Every person who disposes of, or stores hazardous wastes for one year or more subject to taxation under this subchapter shall keep records, render such statements, make such returns, and comply with rules and regulations as the Secretary may prescribe to ensure proper assessment, payment, and collection of the taxes imposed by Section 4691. The Secretary shall consult with the Administrator of the Environmental Protection Agency to ensure that records, statements, and returns required to be kept, rendered, and made under this section shall be consistent, to the extend possible, with the reports required to be submitted to the Administrator under the Solid Waste Disposal Act. The Secretary may require any person who generates, transports, disposes of, or stores hazardous wastes for one year or more and who is required to maintain records under the Solid Waste Disposal Act, the Marine Protection, Research and Sanctuaries Act or the Safe Drinking Water Act, to submit copies of such reports or make such reports available to the Secretary as required."

"SEC. 242. The Table of Subchapters for Chapter 38 of the Internal Revenue Code of 1954 is amended by adding the following at the end thereof:

"Subchapter D—Tax on Disposal or Long-Term Storage of Hazardous Waste."

"SEC. 243(a). EFFECTIVE DATE.—The amendments made by this Act, unless other-

wise provided, shall take effect January 1, 1986.

(b) STUDY.—Not later than January 1, 1987, and annually thereafter, through 1989, the Secretary of the Treasury, in consultation with the Administrator of the Environmental Protection Agency, shall submit to Congress a report on the amount of revenues being collected in accordance with this subchapter and his recommendations, if any, for changes in the tax imposed under this subchapter in order to—

(1) raise an amount of revenue equivalent to the anticipated amount of revenue from the tax originally imposed under this subchapter,

(2) ensure that the tax is discouraging the disposal of waste in an environmentally unsound manner, and

(3) ensure that the tax is being collected with maximum administrative feasibility.

SEC. 103. Section 221(b)(1) of the Comprehensive, Environmental Response, Compensation and Liability Act of 1980 is amended by adding a new sub-paragraph as follows:

"(F) the amounts received in the Treasury under section 4691 of the Internal Revenue Code of 1954.

HAZARDOUS SUBSTANCES RESPONSE ACT OF 1985—SUMMARY

OBJECTIVES

1. To provide an additional source of revenue to supplement the feedstock tax in financing an expanded Superfund.

2. To provide an incentive for better hazardous waste management practices.

TAXABLE EVENT

Receipt of hazardous waste for disposal or long-term storage (one year or more) at a qualified hazardous waste disposal or storage facility regulated under the Resources Conservation and Recovery Act (RCRA).

Disposal includes use of landfills, ocean dumping, deep well injection, land treatment, and surface impoundments. Each of these events involves the placement of hazardous waste in or on the land or water.

Long-term storage of hazardous waste for one year or more would also be taxed. This provision is included to close a potential tax loophole—that is, to discourage the placement of hazardous waste in storage as a way of avoiding the tax on disposal.

Treatment that renders hazardous waste non-hazardous and recycling waste are not taxable events.

TAXPAYER

The owner or operator of the RCRA regulated disposal or storage facility. It is the owner or operator of the facility who performs the taxable event and is currently obligated under RCRA to maintain disposal and storage records.

In the case of hazardous waste not disposed of or stored in a RCRA regulated facility, the person who disposes of the waste is required to pay the tax. This provision is included to discourage "midnight" or illegal dumping of hazardous waste—that is even a midnight dumper would be liable to pay the tax, or suffer the penalties that the IRS would impose for non-payment.

TAXABLE MATERIAL

Hazardous waste which is, at the time of enactment of this amendment, listed or defined as hazardous under the provisions of the Resource Conservation and Recovery Act.

Any wastes removed from the RCRA list will no longer be subject to the tax.

Any wastes added to the RCRA list after the date of enactment of this amendment will not be subject to the tax unless there is an Act of Congress specifying their taxation.

TAX IMPOSITION

The tax rates shall be as follows:

$45 per ton for disposal by landfill, waste pile or surface impoundment.

$25 per ton for disposal by ocean dumping or land treatment.

$5 per ton for disposal by underground injection.

$45 per ton for long-term storage.

NOTE: These rates differ by method of disposal in order to take into consideration, to some extent, the water content generally found in wastes disposed of by such methods. The amendment also includes an alternative tax computation method whereby the taxpayer would also be allowed the option of calculating a dry weight tax (at $50 per ton of dry weight) with submission of proof of water content.

REVENUE

The tax is structured to raised just over $300 million annually, or about $1.5 billion over five years.

EFFECTIVE DATE AND TERMINATION

The tax would take effect on January 1, 1986 and end on September 30, 1990.

REPORTS AND RECORDS

The amendment provides for the use, to the maximum extent possible, of existing records and reporting requirements. The RCRA requirements, ocean dumping and Underground Injection Control (UIC) regulations together provide for recordkeeping which, either as it currently exists or with slight modification, provide the necessary data and records for assessing the tax.

TAX EXCLUSIONS

High Volume, Low Toxic Wastes. Wastes currently exempted from regulation under section 3001 of the Solid Waste Disposal Act e.g. fly ash, mine tailings, drilling fluids, etc., are not subject to the tax under this amendment. Such wastes could only be taxed by a future Act of Congress.

Superfund Sites. Wastes removed from Superfund sites are not subject to the tax under this amendment.

Waste Water Treatment. Waste disposal of or stored in surface impoundments that are part of certain waste water treatment facilities permitted under section 402 of the Clean Water Act are not subject to tax under this amendment.

TAX CREDIT PROVISIONS

A person who has paid a tax on the long-term storage of a hazardous waste, which is subsequently disposed of and subject to the disposal tax, would be entitled to a credit for the tax paid on the storage of such waste.

By MOYNIHAN (for himself, Mrs. HAWKINS, Mr. PRYOR, and Mr. D'AMATO):

S. 15. A bill to authorize the Secretary of Health and Human Services to make grants to States for the purpose of increasing the ability of States to provide drug abuse prevention, education, treatment, and rehabilitation, and for other purposes, to authorize the Attorney General to make grants to States for the purpose of increasing the level of State and local enforcement of State laws relating to production, illegal possession, and transfer of controlled substances; to the Committee on Labor and Human Resources.

STATE AND LOCAL NARCOTICS CONTROL ASSISTANCE ACT

Mr. MOYNIHAN. I rise today, this first day of the 99th Congress, to introduce the State and Local Narcotics Control Assistance Act of 1985. I am pleased to be joined by Senator HAWKINS, Senator PRYOR, and Senator D'AMATO in introducing the legislation.

This bill is based on legislation I introduced in the 98th Congress to address the scourge of drug abuse in this country—since that time the problem has worsened and, unless Congress acts, will be worse still by this time next year. At stake is not only the incidence of crime, overdose deaths, and property loss associated with drug abuse, but the loss of a measurable portion of our young people, consumed by the unstaunched tide of illegal drugs into this country.

The problem is getting worse. Heroin use increased 4 percent in 1983; marijuana use, 5 percent; cocaine use, today's lethal new "drug of choice," fully 12 percent. Cocaine-related emergency room cases in New York City hospitals reached a 3-year high in 1984, and deaths from use of PCP, known on the the street as "Angel Dust" and perhaps the most toxic narcotic of all, rose 50 percent in 1983.

In my home State of New York, Julio Martinez, director of the New York State Division of Substance Abuse Services, estimates that fully 22 percent of our State's population—3.2 million people—have recently abused marijuana, cocaine, heroin, PCP, pills, and other drugs. Half could be described as regular abusers of both narcotic and nonnarcotic drugs. If we fail to take strong action, the numbers of nonnarcotic abusers are expected to increase 20 percent in the next 3 years, and the numbers of narcotic abusers by 10 percent.

Perhaps the most tragic are the statistics, recently released by the Division of Substance Abuse Services, on drug use among secondary school students in New York. Fully 60 percent of our secondary school children—more than 900,000 students—reported having tried illegal drugs. Incredibly, 31 percent of all seventh grade students said they had tried illegal drugs while in elementary school. Drug abuse by students so young, children by any definition, cannot be explained simply as youthful curiosity. Children use drugs because they are made available to them, by pushers.

Many of these children will continue and intensify their drug use, condemning themselves to lackluster academic performance, disciplinary problems in school and at home, and eventually, failure in the job market and in-

creased prospects of committing serious crimes.

The connection to crime is not a casual one. The typical heroin addict, it is estimated, commits 209 crimes each year, costing more than $55,000, to support his or her drug habit. The national cost reaches hundreds of millions of dollars. Sixty percent of New York State prisoners have histories of drug abuse. Roughly one-quarter of all murders committed in New York City and Miami, FL, are drug related.

Experience has taught us to be wary of simple solutions. I first became involved in this terrible problem in 1969, when as special adviser for urban affairs to President Nixon, I tried to close the so-called French Connection, then the main artery of illegal drug flow into this country. The French Connection was easily traceable—poppies harvested in Pakistan and Turkey were sent to Marsailles for processing, thence to our country for sale as heroin. At President Nixon's request, I traveled to Istanbul and Paris, where I tried to persuade government officials that our problem was their problem, too—or would be, unless action was taken. Our efforts were successful, and we persuaded those governments to help us break the French Connection.

The victory, predictably, was temporary. Drug supplies dropped, prices rose, and casual users were forced out of the market, so to speak. But the international drug network, like a Hydra, grows two new heads for every one severed. The French Connection was supplanted by the new Southeast Asian Connection, the new Middle Eastern Connection, the new Mexican Connection, and the new South American Connection.

We cannot abandon our efforts, but we must proceed with realistic and practical responses. This bill would provide $125 million in grants, administered through the Department of Justice, to assist State and local efforts to catch, prosecute, and incarcerate those who violate drug laws, and to destroy illegal drug supplies. The legislation also would provide $125 million in grants, administered through the Department of Health and Human Services, for programs to treat and rehabilitate victims of drug abuse, and to educate the public, especially school children, of the dangers of drug abuse, to prevent those problems from arising. Specifically, $1 million has been set aside for the distribution of public service announcements, in cooperation with private businesses, warning against drug use.

This bill will not solve the Nation's drug problem. It would, however, support a more comprehensive response, on both the State and local levels. Too often we overlook these aspects of the drug abuse crisis—the administration of justice once pushers are caught, the eradication of drug supplies, and the rehabilitation of drug abusers. We must fight a battle on two fronts, to cut supply and demand. Until that connection is made, we will continue to be plagued with connections from abroad.

I urge my colleagues to join me in this effort, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 15

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "State and Local Narcotics Control Assistance Act of 1985".

AUTHORITY TO MAKE GRANTS

SEC. 2. (a) The Secretary of Health and Human Services may make grants to States for planning, establishing, maintaining, coordinating, and evaluating projects for the development of more effective prevention, education, treatment, and rehabilitation programs and activities to deal with the abuse of controlled substances.

(b) For purposes of making grants under subsection (a), the Secretary shall take into consideration—

(1) the nature and extent, throughout the State involved or in any part of such State, of the need for more effective prevention, education, treatment, and rehabilitation programs and activities to deal with the abuse of controlled substances,

(2) the availability of State and local resources to satisfy such need, and

(3) the recommendations of the Attorney General of the United States regarding those populations, areas, and localities in a State which have or are likely to have, an exceptional need for such programs and activities.

(c) To request a grant under subsection (a), the chief executive officer of a State shall submit an application to the Secretary at such time and in such form as the Secretary may require by rule. Such application shall include a description of—

(1) the level of current State and local expenditures for prevention, education, treatment, and rehabilitation programs and activities relating to the abuse of controlled substances,

(2) the kinds and extent of the need for such programs and activities, and

(3) the manner in which a grant received under subsection (a) would be expended to satisfy such need.

(d) As a condition of receiving a grant under subsection (a), the chief executive officer of the State involved shall agree on behalf of such State—

(1) to designate a single State agency which will distribute such grant to appropriate State and local government entities, local educational agencies, and private nonprofit entities to carry out the purposes specified in such subsection,

(2) to be accountable for the expenditure of such grant, and

(3) with respect to such grant, to prepare and submit reports and audits in a manner consistent with the requirements of subsection (a) and subsection (b) (1)-(4) of section 1916 of the Public Health Service Act (42 U.S.C. 300x-5).

(e) (1) No part of a grant made under this section may be used to supplant State or local funds that would be available to such State or unit of local government in the absence of such grant.

(2) Not more than 5 percent of a grant made under this section may be used for costs incurred to administer such grant.

(3) Not less than 20 percent of the grants made under this section shall be made to private, nonprofit entities.

(f) The Secretary is authorized to spend not more than $1,000,000 of the amount appropriated under section 9 (b) for any fiscal year for the dissemination of public service announcements in the media to educate the public concerning the dangers of abusing controlled substances, using appropriate private organizations and business concerns in the preparation of such announcements to the extent feasible.

LAW ENFORCEMENT GRANTS

SEC. 3. (a) The Attorney General of the United States may make grants to States which apply under section 4, for the purpose of assisting States and units of local government—

(1) to provide additional personnel, equipment, facilities, personnel training, and supplies for more widespread apprehension of persons who violate State laws relating to the production, possession, and transfer of controlled substances and to pay operating expenses (including the purchase of evidence and information) incurred as a result of apprehending such persons,

(2) to provide additional personnel, equipment, facilities, personnel training, and supplies for more widespread prosecution of persons accused of violating such State laws and to pay operating expenses in connection with such prosecution,

(3) to provide additional personnel (including judges), equipment, personnel training, and supplies for more widespread adjudication of cases involving persons accused of violating such State laws, to pay operating expenses in connection with such adjudication, and to provide quickly temporary facilities in which to conduct adjudications of such cases.

(4) to provide additional correctional facilities (including the expansion of existing prisons) for the detention of persons convicted of violating State laws relating to the production, possession, or transfer of controlled substances, and to establish and improve treatment and rehabilitative counseling provided to drug dependent persons convicted of violating State laws, and

(5) to conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled substances may be extracted.

(b) The Attorney General shall make grants under subsection (a) based on the relative needs of the States, taking into consideration—

(1) the nature and extent, throughout the State involved or in any part of such State, of problems arising in the enforcement of State laws relating to the production, possession, and transfer of controlled substances, and

(2) the availability of State and local resources to resolve such problems.

APPLICATIONS TO RECEIVE GRANTS

SEC. 4. To request a grant under section 3, the chief executive officer of a State shall submit to the Attorney General an application at such time and in such form as the Attorney General may require by rule.

(1) Such application shall include a statewide strategy for the enforcement of State laws relating to the production, possession, and transfer of controlled substances. Such strategy shall be prepared after consultation with State and local officials whose duty it is to enforce such laws. Such strategy shall include a description of—

(A) the level of current State and local expenditures directly attributable to the enforcement of State laws relating to the production, possession, and transfer of controlled substances,

(B) the kinds and extent of problems arising in the enforcement of such State laws, and

(C) the manner in which a grant received under section 3 will be expended to alleviate such problems.

(2) The chief executive officer of such State shall designate and identify in such application a single State agency which will distribute to appropriate State and local government entities, as determined by such State, any grant received under section 3.

(3) Such application shall identify each of the 5 general purposes specified in section 3(a) for which such grant is requested and, with respect to each such purpose, the amount of funds requested for such purpose and the specific uses for which a grant received for such purpose will be expended.

(4) The chief executive officer of such State shall agree, in such application and on behalf of such State, to comply with the requirements of sections 5, 6, and 7 as a condition of receiving a grant under section 3.

STATE AND LOCAL PARTICIPATION

SEC. 5. (a) No part of a grant made under section 3 may be used to supplant State or local funds that would be available to such State or unit of local government in the absence of such grant.

(b) A grant made under section 3 may not be expended for more than 90 percent of the cost of the identified uses, in the aggregate, for which such grant is received to carry out any one of the 5 general purposes specified in section 3(a). The non-Federal portion of the expenditures for such uses shall be paid in cash.

(c) Not more than 5 percent of a grant made under section 3 may be used for costs incurred to administer such grant.

REPORTS

SEC. 6. (a) Each State which receives a grant under section 3 shall submit to the Attorney General, for each year in which any part of such grant is expended by a State or local government entity, a report which contains—

(1) infromation specifying—

(A) the number of arrests made for violations of State law relating to the production, possession, and transfer of controlled substances,

(B) the number of convictions resulting from such arrests,

(C) the quantity and kinds of controlled substances seized in connection with such arrests, and

(D) the value of property forfeited to the State in connection with the enforcement of such laws,

(2) a summary of the activities carried out with such grant and an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 4(1), and

(3) such other information as the Attorney General may require by rule.

Such report shall be submitted in such form and by such time as the Attorney General may require by rule.

() Not later than 90 days after the end of each fiscal year for which grants are made under section 3 (a), the Attorney General shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that includes with respect to each State—

(1) the aggregate amount of such grants made to such State for such fiscal year.

(2) the amount of such grants expended for each of the 5 general purposes specified in section 3 (a), and

(3) a summary of the information provided in compliance with subsection (a) (2).

EXPENDITURE OF GRANTS; RECORDS

SEC. 7. (a) The aggregate amount of a grant shall be obligated not later than 2 years after such grant is received by a State. Any part of such grant which is not so obligated shall be repaid by such State to the Attorney General upon the expiration of such 2-year period.

(b) If any part of a grant make under section 3 is used for any purpose for which such part is received by a State, or by a State or local government entity, then the State which received such grant shall promptly repay to the Attorney General an amount equal to such part.

(c)(1) Each State which receives a grant under section 3 shall keep, and shall require units of local government which receive any part of such grant to keep, such records as the Attorney General may require by rule to facilitate an effective audit.

(2) The Attorney General and the Comptroller General of the United States shall have access, for the purpose of audit and examination, to any books, documents, and records of States which receive grants, and of State and local government entities which receive any part of a grant, made under section 3 if, in the opinion of the Attorney General or the Comptroller General, such books, documents, and records are related to the receipt or use of any such grant.

DEFINITIONS

SEC. 8. For purposes of this Act—

(1) the term "Attorney General" means the Attorney General of the United States,

(2) the term "controlled substance" has the meaning given such term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)),

(3) the term "correctional facility" means any place for the confinement of persons convicted of violating State law,

(4) the term "drug dependent person" has the meaning given such term in section 2(q) of the Public Health Service Act (42 U.S.C. 201(q)),

(5) the term "local educational agency" means

(A) any local educational agency as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1065; and

(B) the governing authority of any nonprofit elementary or secondary school;

(6) the term "nonprofit elementary or secondary school" means

(A) any elementary or secondary school as defined in section 198(a)(7) of the Elementary and Secondary Education Act of 1965 owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and

(B) any school of any agency of the United States;

(7) the term "Secretary" means the Secretary of Health and Human Services;

(8) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

(9) the term "State law" means a State law the violation of which is punishable by a term of imprisonment exceeding one year or by death, and

(10) the term "unit of local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, any agency of the District of Columbia government or the United States Government performing functions in and for the District of Columbia, or an Indian tribe.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. (a) There is authorized to be appropriated $125,000,000 for fiscal year 1986, and such sums as are necessary for fiscal years 1987, 1988, 1989, and 1990 to carry out section 2.

(b) There are authorized to be appropriated $125,000,000 for fiscal year 1986 and such sums as are necessary for fiscal years 1987, 1988, 1989, and 1990 to carry out section 3(a).

Mrs. HAWKINS. Mr. President, I am very pleased to be joining Senator MOYNIHAN today in the introduction of the State and Local Narcotics Control Assistance Act of 1985.

This legislation is designed to provide needed support for States and localities in dealing with the drug abuse problem. This support would be in form of Federal grants in fiscal year 1986 to help State and local governments catch, prosecute, and incarcerate drug offenders, treat and rehabilitate drug abusers, and educate the public about the dangers of drug use.

It was just last year, Mr. President, that for the first time in the history of polls in America, the issue of drug-related crime was judged to be of the greatest concern to the American people. The problems caused by the use of illicit narcotics are having such an impact in our society right now that we must expend every possible effort to find solutions. Drugs are victimizing our children, and threatening our national security and safety. This vicious destroyer of young lives attacks on every social, civic, and economic level, and we must address the needs of individual communities in dealing with the problems created by drug abuse.

It is for this reason that I have joined Senator MOYNIHAN, representing with great distinction the State of New York which along with my State of Florida is most affected by the scourge of drug abuse, in introducing this proposal. This bill would: First, authorize the Secretary of Health and Human Services to make grants to States for the purpose of increasing the ability of the States to provide drug abuse prevention, education, treatment, and rehabilitation; and

second, authorize the Attorney General to make grants to States for the purpose of increasing the level of State and local enforcement of State laws relating to production, illegal possession, and transfer of controlled substances. Together, Senator MOYNIHAN and I want to "put some teeth" in the power of State and local governments to deal with this escalating problem. For the necessary counteroffensive to drug abuse to be effective, it must be fought, and therefore funded, simultaneously on two fronts.

I am especially pleased at the inclusion of two particular sections in this bill, Mr. President. We are all aware of the influence the visual media has on young minds, of the need to create a positive kind of peer pressure to help kill the demand for illicit drugs. For this reason, I have requested funding for public service announcements to educate the public to the dangers of using drugs. Appropriate private organizations and business concerns would be used in the preparation of such announcements through Federal funds authorized to the Secretary of Health and Human Services.

Also, to direct needed assistance to a previously unaddressed area, I have requested that Federal funds be authorized to support private, nonprofit groups working to achieve the eradication of drug abuse. Groups like the National Federation of Parents for a Drug-Free Youth, and Project SMART, for example, have long received the praise they deserve, and now I want to see them get the Federal assistance they deserve, as well.

Mr. President, as chairman of the Senate Subcommittee on Alcoholism and Drug Abuse, and the Senate Drug Enforcement Caucus, I will work for the passage of each and every provision of this legislation aimed at addressing the savage threat of drug abuse. I urge my colleagues to join me in supporting this important initiative.

I wish to take this opportunity to applaud the efforts of Senator MOYNIHAN in the introduction of this proposal, and offer him my most stringent efforts in acheiving the enactment of the State and Local Narcotics Control Assistance Act.

Mr. D'AMATO. Mr. President, today I am cosponsoring a revised version of the State and Local Narcotics Control Assistance Act. I commend the original sponsors of this bill, Senator MOYNIHAN and Congressman RANGEL; and I commend Senator HAWKINS for her efforts to refine this legislation. The need for a massive commitment of Federal resources to help State and local governments and private agencies cope with the drug abuse epidemic continues. I look forward to early hearings on this important bill.

This legislation authorizes the Secretary of Health and Human Services to make grants to States and private agencies to enable them to provide more drug abuse prevention, education, treatment, and rehabilitation services. It also authorizes the Attorney General to make grants to States to increase and improve enforcement of State and local antidrug laws.

An explosion in the availability and use of drugs has been followed by intolerable increases in drug-related crime. Local law enforcement, education, and social service agencies have been overwhelmed by the volume. They need our help and commitment. And they need it now.

Operation Pressure Point, a major drug crackdown on the Lower East Side of New York City, has shown that a massive commitment of Federal, State, and local resources to drug law enforcement can succeed. In the early months of Operation Pressure Point, robberies in the targeted area were reduced by 50 percent and burglaries were reduced by 35 percent. Also as a result of this crackdown, the number of persons seeking treatment and rehabilitation swelled dramatically

This bill seeks to apply the lessons of Operation Pressure Point on a national scale. This bill authorizes $125 million in fiscal year 1986, and such sums as may be necessary in fiscal years 1987 through 1990, to assist prevention, education, treatment, and rehabilitation programs. Twenty percent of such grants must be made to private, nonprofit agencies. Up to $1 million is authorized for any fiscal year for the dissemination of public service announcements to educate the public concerning the dangers of drug abuse. It also authorizes $125 million for fiscal year 1986 to increase State and local drug law enforcement and such sums as may be necessary for that purpose in fiscal years 1987 through 1990.

This money will be dedicated to strengthening the following areas of the criminal justice system:

First, apprehension of violators of State laws relating to the production, possession, and transfer of drugs;

Second, prosecution of such violators;

Third, adjudication of narcotics cases;

Fourth, expansion and construction of correctional facilities for incarceration and treatment of drug dependent criminals; and

Fifth, eradication of wild or illegally grown drug crops.

The approach represented by this legislation must become part of a coordinated and comprehensive war on drugs at the Federal, State, and local levels. We need to educate our children much more effectively about the dangers of drug abuse. This effort must begin at the earliest grade levels. We must demand international cooperation, not only to eradicate drugs at their source, but also to interrupt international trafficking in them and to apprehend drug law fugitives.

We need an interdiction effort that deters drug traffickers and disrupts the smuggling networks. We must seize the profits and proceeds of the illicit drug industry and effectively combat money laundering. The revolving door criminal justice system must be overhauled. Today's system favors the criminal. In New York City, 20,000 persons had more than 7 felony arrests in the last decade without a single conviction; 473,849 persons had one felony arrest in that same period. At the Federal level, there are more drug law fugitives than there are DEA agents. According to the Justice Department, only 55 percent of all drug law defendants are ever incarcerated for their crimes, and their actual time served averages only about 3 years.

The enactment of the Comprehensive Crime Control Act last year was a major step forward in our war on drugs. I urge my colleagues to give the State and Local Narcotics Control Assistance Act the same measure of support that they gave to that groundbreaking legislation.

Thank you, Mr. President.

By Mr. MOYNIHAN:

S. 16. A bill entitled the "National Nuclear Power Plant Personnel Training Act of 1985"; to the Committee on Environment and Public Works.

NATIONAL NUCLEAR POWER PLANT PERSONNEL TRAINING ACT

Mr. MOYNIHAN. Mr. President, I rise today, the first day of the 99th Congress, to introduce legislation to establish the National Academy for Nuclear Power Safety, to provide comprehensive and standard training for the civilian men and women who operate the Nation's civilian nuclear powerplants.

We are in the age of commercial nuclear power—79 plants are operating today, providing 13 percent of the Nation's electricity—but we have paid too little attention to what is known as the sociology of the workplace. We have simply taken the old standards and practices developed for coal fired powerplants, and applied them to the workplace for nuclear reactors. When someone makes a mistake at the controls of an oil or coal fired plant, damage can and does occur. Lights go out; a bearing, a belt or some larger mechanical part can be destroyed. It is a wholly different matter with nuclear plants, as we learned at Three Mile Island. You can put a whole city or a whole State at risk.

We must find a way to ensure that everyone involved in the operation of nuclear reactors has the skills to do so. The Nuclear Regulatory Commission [NRC] reports that human error is involved in 38 percent of all events at nuclear powerplants that could lead to

significant accidents. These errors are made by licensed and nonlicensed operators, instrument technicians, mechanical and electrical maintenance personnel, and engineering plant/test personnel. There are some 56,000 people employed in nuclear-related jobs at powerplants in this country. About 5,000 of these—operators and senior operators—are tested and licensed by the NRC. A high school education is all that is required for the entry level operator position. The utilities run their own training programs, which are reviewed but not formally accredited by the NRC. As such there is a general lack of uniformity among existing training programs.

After studying these programs, the staff of the NRC concluded:

. . ., there is currently a general lack of a demonstrated relationship between the requirements of each nuclear powerp lant job and qualifications and training programs provided for individuals performing the job.

Consequently, existing training and qualifications programs are widely divergent in terms of accepted practice in the professional training community.

This must change.

Since the Three Mile Island incident, more attention has been paid to the training and qualification requirements of nuclear powerplant personnel. The NRC has established a Human Factors Division—with a very modest budget—to examine these issues. There has been some improvement, but as the NRC staff concluded, much is left to be done.

In the summer of 1979, the utility industry formed a voluntary nonprofit membership organization, the Institute of Nuclear Power Operations [INPO], to advise companies on a variety of technical matters related to nuclear powerplant safety. One of INPO's four major activities is the development of industry-wide standards for personnel training programs and accreditation for the individual training programs of utilities that meet these standards. INPO, however, does not provide any training or instruction, but only reviews the training procedures of its member utilities. This is a worthy undertaking, but it is not enough.

In 1980, Congress passed legislation—section 307 of Public Law 96-295—directing the NRC to study the feasibility of requiring mandatory standard training programs. Two years later, Congress directed the NRC to promulgate regulations or other appropriate guidance concerning the qualifications and training of civilian nuclear powerplant operators, supervisors, technicians, and other appropriate operating personnel. Unhappily, little has come of these directives. On November 27, 1984, the NRC announced its intention to amend the licensing regulations for reactor operators. The Commission recommended limited changes in examination requirements for operators, but no mandatory training programs were proposed. The training and qualification requirements for other plant personnel—technicians, engineers, supervisors, and so forth—were not addressed at all.

It is time to consider a new approach, and I propose today a National Academy for Nuclear Power Safety to train nuclear powerplant personnel. There are ample precedents; we have Federal academies training nongovernment personnel in fire protection and mine safety. The Academy would provide training for a fee based on its actual costs. The Academy would offer to a variety of plant personnel a basic course of instruction in nuclear power operations, as well as onsite instruction at nuclear plants to deal with the unique aspects of operating individual reactors.

Mr. President, we should approach commercial nuclear reactor training in much the same way as Adm. Hyman Rickover did when he designed the Navy's nuclear training program. I believe that this Academy would allow us to do just that. There is much at stake here. Let us give it careful consideration.

Mr. President, I ask unanimous consent that the full text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 16

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FINDINGS, PURPOSES, AND DEFINITIONS

SEC. 101. The Congress finds that—

(1) There are some 56,000 people working in nuclear-related jobs at civilian nuclear power plants throughout the United States and it is estimated that an additional 30,000 will have to be hired by 1991; and

(2) The operation of civilian nuclear power plants in a manner that is productive of human health and safety requires that plant personnel be adequately trained;

(3) Approximately 38 percent of all events that could lead to potentially significant accidents at civilian nuclear power plants involve human errors;

(4) Existing programs for training nuclear power plant personnel lack uniformity and often are not consistent with accepted professional training practices;

(5) Industry group efforts to accredit the training programs of individual utilities are valuable and worthwhile but alone are not adequate;

(6) There is a need to improve and standardize professional training for nuclear power plant personnel.

SEC. 102. The purposes of this Act are—

(1) To ensure the availability of qualified and adequately trained personnel to operate civilian nuclear power plants in a manner that is protective of human health and safety; and

(2) To ensure that civilian nuclear power plant personnel are trained consistent with the rules and regulatory guidance issued by the Nuclear Regulatory Commission.

SEC. 103. Definitions as used in this Act—

(1) "Academy" means the National Academy for Nuclear Power Safety;

(2) "Civilian nuclear power plant" means any production or utilization facility licensed under Section 103 of the Atomic Energy Act;

(3) "Commission" means the Nuclear Regulatory Commission.

TITLE II—NATIONAL ACADEMY FOR NUCLEAR POWER SAFETY

SEC. 201. (a) ESTABLISHMENT.—The Nuclear Regulatory Commission shall establish, at the earliest practicable date, a National Academy for Nuclear Power Safety.

(b) PURPOSE. The purpose of the Academy shall be to provide training to civilian nuclear power plant operators, senior operators, supervisors, technicians, engineers and other appropriate personnel in nuclear-related positions.

SEC. 202.—(a) SUPERINTENDENT.—The Academy shall be headed by a Superintendent, who shall be appointed by the President, by and with the advice and consent of the Senate. In exercising the powers and duties under this Act, the Superintendent shall report to and be responsible to the Commission.

(b) TERM OF OFFICE.—The Superintendent shall serve for a term of four years and may be reappointed.

(c) DUTIES OF THE SUPERINTENDENT.—The Superintendent shall—

(1) develop and revise curricula for training programs and courses of instruction, in consultation with the Academic Advisory Board;

(2) establish standards for admission to the Academy, in consultation with the Academic Advisory Board;

(3) develop criteria for awarding certificates of training, in consultation with the Academic Advisory Board;

(4) appoint such teaching staff or other personnel as may be necessary and appropriate;

(5) establish fees and other charges for attendance at the Academy or for instruction provided by Academy personnel;

(6) enter into such contracts and take such actions as may be necessary to carry out the purposes of the Academy.

SEC. 203. (a) TRAINING.—The Superintendent shall, in consultation with the Academic Advisory Board and subject to the approval of the Commission, establish one or more training programs or courses of instruction for civilian nuclear power plant personnel. Such programs or courses may be conducted for the purpose of qualification or re-qualification of nuclear power plant personnel, or for the purpose of providing continuing education, on-the-job training or instruction in special safety guidance.

(b) TYPES.—There shall be, at a minimum, a training program or course of instruction for each position for which the Commission requires a license pursuant to Section 107 of the Atomic Energy Act.

(c) CONTENT.—Each training program or course shall, at a minimum, include instruction in subject areas that the Commission has identified, either by rule or regulatory guidance, as being necessary and appropriate for the safe operation of civilian nuclear power plants.

SEC. 204. (a) ADMISSIONS.—The Superintendent is authorized to admit to the programs or courses given by the Academy individuals who meet the standards for admissions established by the Superintendent, in consultation with the Academic Advisory

Board and subject to the approval of the Commission. Admission standards may vary by program or course of instruction. Admission standards shall be consistent with Commission rules or regulatory guidance as they relate to qualification, education and experience requirements for each category of civilian nuclear power plant personnel.

SEC. 205. (a) INSTRUCTION FEE.— Each individual participating in a training program or course of instruction provided by the Academy shall be required to pay a fee for such a program or course. Such fee shall be set at an amount equal to the cost to the Academy of providing such training.

SEC. 206. (a) ACADEMIC ADVISORY BOARD.— There shall be established an Academic Advisory Board for the Academy. Such Board shall consist of seven (7) members to be appointed by the President, by and with the advice and consent of the Senate. The President shall designate one (1) member as Chairman.

(b) TERMS.—Each member shall serve for a term of four (4) years. The terms of the members first taking office shall expire as follows: one (as designated by the President) at the end of one year, two (as designated by the President) at the end of two years, two (as designated by the President) at the end of three years, and two (as designated by the President) at the end of four years.

(c) COMPOSITION.—In nominating persons for the Academic Advisory Board, the President shall ensure that the membership of the Board be balanced, with broad representation from various interests, backgrounds, occupations and experience appropriate to the responsibilities of the Board.

(d) RESPONSIBILITIES.—The Academic Advisory Board shall advise the Superintendent on the Academy's curricula and admissions standards, and on any other matters related to the Academy's training programs and courses as determined appropriate by the Superintendent, subject to the approval of the Commission.

(e) COMPENSATION.—Each member of the Academic Advisory Board shall be reimbursed for any expenses actually incurred by him in the performance of his duties as a member of such Board.

SEC. 207. (a) BOARD OF VISITORS.—There shall be established for the Academy a Board of Visitors composed of the following—

(1) the Chairman of the Senate Committee on Environment and Public Works, or his designee;

(2) three other members of the Senate designated by the President pro tempore of the Senate;

(3) the Chairman of the House Committee on Interior and Insular Affairs or his designee;

(4) the Chairman of the House Committee on Energy and Commerce, or his designee;

(5) three other members of the House designated by the Speaker; and

(6) six persons designated by the President.

(b) TERMS.—The persons designated by the President shall serve for three years.

(c) DUTIES.—The function of the Board of Visitors shall be to review annually the program of the Academy and to make comments and recomendations to the Superintendent, Commission, and Congress regarding the operation of the Academy and any improvements therein that the Board of Visitors deems appropriate.

(d) COMPENSATION.—Each member of the Board of Visitors shall be reimbursed for any expenses actually incurred by him in the performance of his duties as a member of such Board.

SEC. 208. PERSONNEL APPOINTMENTS.—Appointments of a teaching staff may be made, subject to the approval of the Commission, without regard to the provisions of Title 5, United States Code, governing appointments in competitive service, and, with respect to temporary and intermittent services, to the same extent as is authorized by Section 3109 of Title 5, United States Code.

SEC. 209. PHYSICAL FACILITIES.—The Academy shall be located on such site as the Commission selects.

SEC. 210. COORDINATION.—In establishing and conducting training programs or courses under this Title, the Superintendent and the Commission shall take full advantage of applicable resources and information available from other departments and agencies of the Federal Government, business and industry groups or associations, and public interest groups.

SEC. 211. (a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the provisions of this Title such sums as may be necessary.

(b) CONSTRUCTION.—Of the sums authorized to be appropriated under subsection (a), such sums as may be necessary shall be available for the construction of facilities of the Academy on the site selected under Section 209.

(c) EQUIPMENT.—Of the sums authorized to be appropriated under subsection (a), such sums as may be necessary shall be available for the purchase or leasing of equipment to be used in the training programs or courses of instruction offered by the Academy.

TITLE III—DUTIES OF THE NUCLEAR REGULATORY COMMISSION

SEC. 301. OPERATORS' LICENSE REQUIREMENTS.—As a condition of a license issued under Section 107 of the Atomic Energy Act, the Commission shall, as appropriate, require certification of successful completion of the applicable training programs or courses of instruction offered by the Academy.

SEC. 302. COMMERCIAL LICENSE REQUIREMENTS.—As a condition of a license issued under Section 103 of the Atomic Energy Act, the Commission shall, as appropriate, require a licensee to employ personnel that have successfully completed the applicable training programs or courses of instruction offered by the Academy.

NATIONAL NUCLEAR POWERPLANT PERSONNEL TRAINING ACT OF 1985—SUMMARY

TITLE I

Sec. 101: Findings.

Sec. 102: Purposes.

To ensure the availability of qualified and adequately trained personnel to operate civilian nuclear power plants; and

To ensure that civilian nuclear power plant personnel are trained consistent with the rules and regulatory guidance issued by the Nuclear Regulatory Commission (NRC).

Sec. 103: Definitions.

TITLE II

Sec. 201: Establishment.

Directors the NRC to establish, as soon as practicable a National Academy for Nuclear Power Safety to provide training to civilian nuclear power plant operators and related personnel.

Sec. 202. The Academy shall be headed by a presidentially appointed Superintendent, who shall report to the NRC, and serve a four-year term (the Superintendent may be reappointed).

The Superintendent shall (in consultation with the Academic Advisory Board):

Develop and revise curricula for training programs and courses of instruction;

Establish standard for admission to the Academy;

Develop criteria for awarding certifications of training;

Appoint teaching staff and other personnel;

Establish fees and other charges for attendence and instruction; and

Enter into contracts and take other actions as necessary to carry out the purposes of the Academy.

Sec. 203: Training.

The Superintendent is directed to establish one or more training programs for civilian nuclear power plant personnel.

There shall be, at a minimum, a training program or course of instruction for each position licensed pursuant to sec. 107 of the Atomic Energy Act.

Each training program or course of instruction shall include, at a minimum, instruction in subject areas that the NRC has identified, either by rule or regulatory guidance, as being necessary and appropriate for the safe operation of civilian nuclear power plants.

Sec. 204: Admissions.

Directs the Superintendent to establish admissions standards.

Admission standards shall be consistent with the rules or regulatory guidance of the NRC as they relate to qualifications, education and experience requirements for each category of civilian nuclear power plant personnel.

Sec. 205: Fees.

Directs the Superintendent to establish fees for instruction equal to the cost to the Academy of providing the training.

Sec. 206: Academic Advisory Board.

Authorizes the establishment of a seven-member Academic Advisory Board to advise and assist the Superintendent on the Academy's training and admissions programs.

Sec. 207: Board of Visitors.

Authorizes the establishment of a fifteen-member Board of Visitors to review the Academy's programs, and to report its findings and recommendations annually to the NRC and to Congress.

Sec. 208: Personnel appointments.

Authorizes the appointment of a teaching staff.

Sec. 209: Physical facilities.

Authorizes the NRC to locate the Academy at its discretion.

Sec. 210: Coordination.

The Superintendent and the Commission shall take full advantage of applicable resources and information available from other departments and agencies of the Federal Government, and business and industry groups or associations, and public interest groups.

Sec. 211: Appropriations.

Authorizes the appropriation of such sums as shall be necessary to carry out the provisions of the Act.

TITLE III

Sec. 301: Operators' License Requirement.

Requires certification of successful completion of the training program as a condition licensing an operator.

Sec. 302: Commercial License Requirement.

Requires commercial licensees to employ personnel who have successfully completed applicable training programs or courses of instruction offered by the Academy.

By Mr. MOYNIHAN (for himself and Mr. RIEGLE):

S. 17. A bill to establish an independent agency, governed by a bipartisan board, to administer the Old-Age, Survivors, and disability insurance program under title II of the Social Security Act, the Supplemental Security Income Program under title XVI of such act, and the Medicare Program under title XVIII of such act, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY ADMINISTRATIVE REORGANIZATION ACT

Mr. MOYNIHAN. Mr. President, I rise today, the first day of the 99th Congress to introduce legislation to reorganize the Social Security Administration as an independent agency, governed by a 5-member bipartisan board. I am pleased that the distinguised senior Senator from Michigan, Senator RIEGLE, is joining me in introducing this legislation.

This legislation would establish the independent agency to administer the Old Age, Survivors and Disability Insurance Programs, the Hospital and Supplementary Medical Insurance Programs, and the Supplemental Security Income Program—the network of vital programs created since 1935 to provide insurance for virtually all Americans in the event of old age, death, disability, or sickness.

The reason is simple: the operations of the Social Security Administration would be improved, and public confidence in the system strengthened, by establishing Social Security as an independent agency.

This is not a new idea—just one lately forgotten. The original Social Security Act of 1935 established an independent Social Security Board to administer the programs; and in 1939, Social Security Programs were made a part of the independent Federal Security Agency, where they remained until 1953. Only at that time, nearly 20 years after passage of the Social Security Act, was the Social Security Administration made part of the newly-formed Department of Health, Education and Welfare. There, it has remained.

Almost 30 years later in 1981, the National Commission on Social Security urged the President and Congress to create an independent agency to administer the Old-Age, Survivors, Disability, Medicare, SSI and Medicaid Programs. In 1983, the President's Commission on Social Security Reform, on which I proudly served, stated its support for the concept of Social Security as an independent agency. The time has come to act on these recommendations.

The size of these programs, and their importance to nearly every American, recommend the establishment of SSA as an independent agency. Simply put, the Social Security Administration has outgrown the Department of Health and Human Services. The benefits paid through the Social Security, Medicare, and SSI Programs comprise more than 85 percent of the Department's entire budget. In 1953, 6 million Americans received monthly Social Security checks; 31 years later, that number had increased sixfold. Thirty-six million Americans receive monthly Social Security checks today, and 29 million aged and disabled citizens receive Federal insurance for the costs of hospitalization and medical treatment. Four million more of our most needy blind, aged, and disabled citizens receive SSI assistance.

The independent agency established under this legislation would be governed by a bipartisan, five member Board of Directors, appointed by the President for staggered 15-year terms. The appointment of the Directors would be subject to the advice and consent of the Senate. This Board would be responsible for Agency policy, including annual budget and legislative recommendations, and would provide the President and Congress with research, policy and actuarial analysis. The Commissioner also would devise and administer plans to improve the effectiveness of the Agency's programs, and advise the Board and Congress on the impact of legislative changes.

Our social insurance programs have long enjoyed near universal support, and earned this support by assuring tens of millions of Americans a dependable retirement income, basic health insurance coverage during old age, and protection in the event of disability. The system has also earned a well-deserved reputation for administrative efficiency, fairness and public responsiveness, but recently this reputation has been tarnished. Difficulties have arisen in the SSI Program, hundreds of thousands of disability beneficiaries have been wrongfully terminated, and the system's computer system has deteriorated.

By establishing the Social Security Administration as an independent agency governed by a bipartisan board, we can help restore the high levels of efficiency and fairness for which SSA was long famous, and insulate its vital programs from more partisan politics.

I urge my colleagues to join me in this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 17

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act, with the following table of contents, may be cited as the "Social Security Administrative Reorganization Act".

Table of Contents

Sec. 1. Short title and table of contents.
Sec. 2. Establishment of an independent Social Security Agency; Social Security Board.
Sec. 3. Commissioner of Social Security.
Sec. 4. Transfer of functions.
Sec. 5. Transitional rules.
Sec. 6. Budgetary and fiscal affairs of the Social Security Agency.
Sec. 7. Technical and conforming amendments; rules of construction.
Sec. 8. Reports assessing organizational changes.
Sec. 9. Effective date and interim rules.

ESTABLISHMENT OF AN INDEPENDENT SOCIAL SECURITY AGENCY; SOCIAL SECURITY BOARD

SEC. 2. (a) Section 701 of the Social Security Act is amended to read as follows:

"SOCIAL SECURITY AGENCY; SOCIAL SECURITY BOARD

"SEC. 701. (a) There is hereby established, as an independent agency of the executive branch of the Government, a Social Security Agency (hereafter in this title referred to as the 'Agency').

"(b)(1) The Agency shall be headed by a Social Security Board (hereafter in this title referred to as the 'Board').

"(2) (A) Except as provided in subparagraph (B), the Board shall be composed of five members appointed by the President, by and with the advice and consent of the Senate.

"(B) For the period ending January 31, 1982, the Board shall be composed of three members appointed by the President, by and with the advice and consent of the Senate.

"(C) The members shall be chosen, on the basis of integrity, impartiality, and good judgment, from among individuals who, by reason of education, experience, and attainment, are exceptionally qualified to serve on the Board.

"(3)(A) Except as provided in subparagraphs (B) and (C), members shall be appointed for terms of fifteen years. A member of the Board may be removed only pursuant to a finding by the President of neglect of duty or malfeasance in office. The President shall transmit any such finding to the Speaker of the House of Representatives and the Majority Leader of the Senate not later than five days after the date on which such finding is made.

"(B) Of the members first appointed—

"(i) one shall be appointed for a term ending October 1, 1989,

"(ii) one shall be appointed for a term ending October 1, 1992,

"(iii) one shall be appointed for a term ending October 1, 1995,

"(iv) one shall be appointed for a term beginning February 1, 1989, and ending October 1, 1998, and

"(v) one shall be appointed for a term beginning February 1, 1989, and ending October 1, 2001.

as designated by the President at the time of appointment. Such members shall be appointed after active consideration of recommendations made by the Chairman of the Committee on Ways and Means of the House of Representatives and of recommendations made by the Chairman of the Committee on Finance of the Senate.

"(C) Any member appointed for a term after the commencement of such term shall be appointed only for the remainder of such term. A member may, with the approval of the President, serve for not more than one year after the expiration of his or her term until his or her successor has taken office.

"(4) (A) Except as provided in subparagraph (B), not more than three members of the Board shall be of the same political party.

"(B) For the period ending January 31, 1989, not more than two members of the Board shall be of the same political party.

"(5) A member of the Board may not, during his or her term as member, otherwise serve as an officer or employee of any government. If any member of the Board becomes an officer or employee of any government, he or she may continue to serve as a member of the Board not more than 30 days after the date he or she becomes an officer or employee of such government.

"(6) (A) Except as provided in subparagraph (B), three members of the Board shall constitute a quorum.

"(B) For the period ending January 31, 1989, two members of the Board shall constitute a quorum.

"(C) A lesser number may hold hearings.

"(7) A member of the Board shall be designated from time to time by the President to serve as Chairperson of the Board.

"(8) The Board shall meet at the call of the Chairperson or a majority of its members.

"(c) The Board shall—

"(1) govern by regulation the old-age, survivors, and disability insurance program under title II, the supplemental security income program under title XVI, and the medicare program under title XVIII,

"(2) appoint a Commissioner of Social Security, as described in section 702, to act for the Board as the chief operating officer of the Agency responsible for administering such programs,

"(3) make annual budgetary recommendations relating to the Agency and defend such recommendations before the appropriate committees of each House of the Congress,

"(4) make recommendations to the Congress and the President as to the most effective methods of providing economic security through social insurance, and, in consultation with the Commissioner of Social Security, as to legislation and matters of administrative policy concerning such programs,

"(5) provide the Congress and the President with the ongoing actuarial and other analysis undertaken by the Agency with respect to such programs and any other information relating to such programs, and

"(6) conduct policy analysis and research relating to such programs.

"(d)(1) The Office of the Board shall include an Office of the Actuary, to be headed by a Chief Actuary appointed by the Board. To the extent provided by the Board, the Office of the Actuary shall assist the Board in carrying out its actuarial functions.

"(2) The Office of the Board shall include an Office of Policy and Legislation, to be headed by a Director of Policy and Legislation appointed by the Board. To the extent provided by the Board, the Office of Policy and Legislation shall assist the Board in carrying out its functions relating to policy analysis, research, and legislation.

"(3) The Office of the Board shall include an Office of General Counsel, to be headed by a General Counsel appointed by the Board. The General Counsel shall serve as the principal legal counsel in the Agency and shall provide necessary legal advice and services to the Board and the Commissioner.

"(4) The Office of the Board shall include an Ombudsman, to be appointed by the Board. The Ombudsman shall represent the concerns of the public, including beneficiaries, with respect to the old-age, survivors, and disability insurance program under title II, the supplemental security income program under title XVI, and the medicare program under title XVIII, to the Board and the Commissioner.

"(5)(A) The Board shall appoint such additional attorneys, actuaries, and other employees as it considers necessary to carry out its functions.

"(B) The Board may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such technical or professional employees as the Board considers appropriate, and such employees may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(C) The Board may procure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

"(D) Notwithstanding section 3133 of title 5, United States Code, the Director of the Office of Personnel Management shall authorize for the Agency a total number of Senior Executive Service positions equal to 150 percent of the number of such positions existing in the Social Security Administration of the Department of Health and Human Services on the day before the date of the enactment of the Social Security Administrative Reorganization Act, and the total number of such positions authorized for the Agency pursuant to such section 3133 shall not at any subsequent time be less than such number.

"(E) In addition to the positions of the Agency in the Executive Schedule specified in subchapter II of chapter 53 of title 5, United States Code, the Board may establish additional positions at levels IV and V of the Executive Schedule.

"(d)(1) The Board may establish, alter, consolidate, or discontinue such organizational units or components within the Agency as the Board considers necessary or appropriate to carry out its functions, except that this paragraph shall not apply with respect to any unit or component established by this Act.

"(2) The Board may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, with respect to the functions of the Board under this section. Within the limitations of such delegations, redelegations, or assignments to officers or employees of the Agency, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Board.

"(e) There shall be in the Agency an Office of the Inspector General, to be headed by an Inspector General appointed in accordance with the Inspector General Act of 1978.

"(f)(1) The Board, the Secretary, and the Secretary of the Treasury shall consult with each other and shall develop rules, regulations, practices, and forms which, to the extent appropriate for the efficient administration of titles II, XVI, and XVIII and the other provisions of this Act and the applicable provisions of the Internal Revenue Code of 1954, are designed to reduce duplication of effort, duplication of reporting, conflicting or overlapping requirements, and the burden on beneficiaries and other persons of compliance with the provisions of this Act.

"(2) In order to avoid unnecessary expense and duplication of functions, the Board, the Secretary, and the Secretary of the Treasury may make such arrangements or agreements for cooperation or mutual assistance in the performance of their functions under titles II, XVI, and XVIII and the other provisions of this Act and the applicable provisions of the Internal Revenue Code of 1954 as they find to be practicable and consistent with law.".

(b)(1) Section 5313 of title 5, United States Code (relating to level II of the Executive Schedule), is amended by adding at the end thereof the following new item:

"Chairperson of the Social Security Board, Social Security Agency.".

(2) Section 5314 of such title (relating to level III of the Executive Schedule) is amended by adding at the end thereof the following new item:

"Members of the Social Security Board, Social Security Agency (4).".

(3) Section 5315 of such title (relating to level IV of the Executive Schedule) is amended by adding at the end thereof the following new items:

"Inspector General, Social Security Agency.

"Chief Actuary, Social Security Agency.

"Director of Policy Analysis and Legislation, Social Security Agency.

"General Counsel, Social Security Agency.

"Ombudsman, Social Security Agency.".

COMMISSIONER OF SOCIAL SECURITY

SEC. 3. (a) Section 702 of the Social Security Act is amended to read as follows:

"COMMISSIONER OF SOCIAL SECURITY

"SEC. 702. (a) There shall be in the Agency an Office of the Commissioner, to be headed by a Commissioner of Social Security (hereinafter in this title referred to as the 'Commissioner') appointed by the Board. The Commissioner shall be chosen from among individuals who are, by reason of experience and attainment, especially qualified to manage a large-scale organization of the Government.

"(b)(1) The Commissioner shall be appointed for a term of five years, except that—

"(A) an individual appointed Commissioner for a term after the commencement of such term shall be appointed only for the remainder of such term,

"(B) an individual may, with the approval of the Chairperson of the Board, serve as Commissioner after the expiration of his or her term for not more than one year until his or her successor has taken office, and

"(C) the individual first appointed to the Office of Commissioner shall serve for a term ending January 31, 1989.

An individual may be appointed as Commissioner for successive terms, and

"(2) An individual may be removed from the office of Commissioner before completion of his or her term only upon the vote of a majority of the full membership of the Board, pursuant to a finding by the Board of neglect of duty or malfeasance in office. The Board shall transmit any such finding to the Speaker of the House of Representatives and the Majority Leader of the Senate not later than five days after the date on which such finding is made.

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"(3) Except as provided in paragraph (6) of subsection (c), an individual serving as Commissioner may not, during his or her term as Commissioner, otherwise serve as an officer or employee of any government. If an individual serving as Commissioner becomes an employee of any government, he or she may continue to serve as Commissioner not more than 30 days after the date on which he or she becomes an officer or employee of such government.

"(c) The Commissioner shall—

"(1) constitute the chief operating officer of the Agency, responsible for administering, in accordance with applicable statutes and regulations, the old-age, survivors, and disability insurance program under title II, the supplement security income program under title XVI, and the medicare program under title XVIII,

"(2) establish and maintain an efficient and effective operational structure for the Agency,

"(3) devise and implement long-term plans to promote and maintain the effective implementation of such programs,

"(4) make annual budgetary recommendations of the Agency for the ongoing administrative costs of the Agency and defend such recommendations before the Board and before the appropriate Committees of each House of the Congress,

"(5) advise the Board and the Congress of the effect on the administration of such programs of proposed legislative changes in such programs,

"(6) serve as Secretary of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Trust Fund, the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust Fund, and

"(7) report in December of each year to the Board and the Congress concerning the administrative endeavors and accomplishments of the Agency.

"(d)(1) The Commissioner may establish, alter, consolidate, or discontinue such organizational units or components within the Office of the Commissioner as the Commissioner considers necessary or appropriate to carry out his or her functions.

"(2) The Commissioner may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, with respect to the administration of the old-age, survivors, and disability insurance program under title II, the supplemental security income program under title XVI, and the medicare program under title XVIII to such officers and employees as the Commissioner may find necessary. Within the limitations of such delegations, redelegations, or assignments, all officials acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Commissioner.

"(3)(A) The Commissioner shall appoint such additional employees as he or she considers necessary to carry out his or her functions.

"(B) The Commissioner may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such technical or professional employees as the Commissioner considers appropriate, and such employees may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(C) The Commissioner may procure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

"(D) The Commissioner may delegate such powers of appointment and procurement to any of the employees in the Office of the Commissioner as he or she determines appropriate.

"(4) To the extent requested by the Commissioner, the Director of the Office of Personnel Management shall delegate to the Commissioner, pursuant to section 1104 of title 5, United States Code, and subject to applicable limitations under such title relating to delegations under such section, functions relating to—

"(A) recruitment and examination programs for entry level employees, and

"(B) classification and standards development systems and pay ranges for those job categories identified by the Commissioner in assuming such delegation.

The Director of the Office of Personnel Management shall provide any assistance requested by the Commissioner in assuming any such delegation.".

(b)(1) Section 5313 of title 5, United States Code (relating to level II of the Executive Schedule) is further amended by adding at the end thereof the following new item:

"Commissioner of Social Security, Social Security Agency.".

(2) Section 5315 of such title is amended by striking out the following item:

"Commissioner of Social Security, Department of Health and Human Services.".

TRANSFER OF FUNCTIONS

SEC. 4. (a) There are transferred to the Social Security Agency all functions carried out by the Secretary of Health and Human Services with respect to the programs and activities the administration of which is vested in the Social Security Agency by reason of this Act and the amendments made thereby. The Social Security Board shall prescribe such regulations as are necessary to allocate such functions in accordance with sections 701 and 702 of the Social Security Act (as amended by this Act).

(b)(1) There are transferred from the Department of Health and Human Services to the Social Security Board, for appropriate allocation by the Board by regulation in the Social Security Agency—

(A) the personnel employed in connection with the functions transferred by this Act and the amendments made thereby, and

(B) the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, or used in connection with such functions, arising from such functions, or available, or to be made available, in connection with such functions.

(2) Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) The position of Commissioner of Social Security in the Department of Health and Human Services is abolished.

TRANSITIONAL RULES

SEC. 5. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, promulgated, granted, or allowed to become effective, in the exercise of functions (A) which were exercised by the Secretary of Health and Human Services (or his delegate), and (B) which relate to functions which, by reason of this Act, the amendments made thereby, and regulations prescribed thereunder, are vested in the Social Security Board or the Commissioner of Social Security (as the case may be), and

(2) which are in effect at the time this Act takes effect,

shall (to the extent that they relate to functions described in paragraph (1)(B)) continue in effect according to their terms until modified, terminated, suspended, set aside, or repealed by such Board or Commissioner (as the case may be).

(b) The provisions of this Act (including the amendments made thereby) shall not affect any proceeding pending at the time this Act takes effect before the Secretary of Health and Human Services with respect to functions vested (by reason of this Act, the amendments made thereby, and regulations prescribed thereunder) in the Social Security Board or the Commissioner of Social Security, except that such proceedings, to the extent that they relate to such functions, shall continue before such Board or Commissioner (as the case may be). Orders shall be issued under any such proceeding, appeals taken therefrom, and payments shall be made pursuant to such orders, in like manner as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, suspended, or repealed by such Board or Commissioner (as the case may be), by a court of competent jurisdiction, or by operation of law.

(c) Except as provided in this subsection—

(1) the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect; and

(2) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No cause of action, and no suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Department of Health and Human Services, shall abate by reason of the enactment of this Act. Causes of action, suits, actions, or other proceedings may be asserted by or against the United States and the Social Security Agency, or such official of such Agency as may be appropriate, and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of a party, enter an order which will give effect to the provisions of this subsection (including, where appropriate, an order for substitution of parties).

(d) This Act shall not have the effect of releasing or extinguishing any criminal prosecution, penalty, forfeiture, or liability incurred as a result of any function which (by reason of this Act, the amendments made thereby, and regulations prescribed thereunder) is vested in the Social Security Board or the Commissioner of Social Security.

(e) Orders and actions of the Social Security Board and the Commissioner of Social Security in the exercise of functions vested in such Board or Commissioner (as the case may be) under this Act (and the amendments made thereby) shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been taken by the Secretary of Health and Human Services in the exercise of such functions immediately preceding the effective date of this Act. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review

that apply to any function so vested in such Board or Commissioner shall continue to apply to the exercise of such function by such Board or Commissioner (as the case may be).

(f) In the exercise of the functions vested in the Social Security Board or the Commissioner of Social Security under this Act, the amendments made thereby, and regulations prescribed thereunder, such Board or Commissioner (as the case may be) shall have the same authority as that vested in the Secretary of Health and Human Services with respect to the exercise of such functions immediately preceding the vesting of the same in such Board or Commissioner, and actions of such Board or Commissioner shall have the same force and effect as when exercised by such Secretary.

BUDGETARY AND FISCAL AFFAIRS OF THE SOCIAL SECURITY AGENCY

SEC. 6. Section 703 of the Social Security Act is amended to read as follows:

"BUDGETARY AND FISCAL AFFAIRS OF THE SOCIAL SECURITY AGENCY

"SEC. 703. (a) Appropriations requests of the Social Security Agency for staffing and personnel shall be based upon comprehensive workforce plans. The entire amount of appropriations provided for the administrative costs of the Social Security Agency shall be apportioned in the time period provided in title 31, United States Code, for apportionment and shall be apportioned for the entire period of availability without restriction or deduction by the apportioning officer or employee of the Office of Management and Budget or any other entity within the executive branch of the Federal Government, except as otherwise provided in this section.

"(b)(1) Authority of the Social Security Agency for automated data processing procurement and facilities construction shall be provided in the form of contract authority covering the total costs of such acquisitions, to be available until expended.

"(2) Amounts necessary for the liquidation of contract authority provided pursuant to this section are hereby made available from the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, Federal Hospital Insurance Trust Fund, and the Federal Supplemental Medical Insurance Trust Fund to the extent that the Social Security Board, with the concurrence of the Secretary of the Treasury, determines that any of such amounts to be provided from such Trust Fund are not necessary to meet the current obligations for benefit payments from such Trust Fund.

"(3) Funds appropriated for the Social Security Agency to be available on a contingency basis shall be apportioned only upon the occurrence of the stipulated contingency, as determined by the Social Security Board and reported to each House of the Congress.

"(c)(1) To the extent requested by the Commissioner, the Commissioner shall have—

"(A) all authorities permitted to be delegated under the provisions of Federal law codified under title 40 of the United States Code, that the Commissioner considers are necessary for the acquiring, operating, and maintaining of the facilities needed for the administration of programs for which the Commissioner is given responsibility under this Act,

"(B) all authorities permitted to be delegated under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759), relating to the lease, purchase, or maintenance of automated data processing equipment, and

"(C) the authority to contract for any automated data processing equipment or services which the Commissioner considers necessary for the efficient and effective operation of such programs.

"(2) The Administrator of the General Services Administration shall provide any assistance requested by the Commissioner in assuming the delegations required under paragraph (1).".

TECHNICAL AND CONFORMING AMENDMENTS: RULES OF CONSTRUCTION

SEC. 7. (a) Title II (other than subsections (a), (b), and (c) of section 201), part B of title XI, title XVI (relating to supplemental security income for the aged, blind, and disabled), and title XVIII (other than subsection (b) of section 1817 and subsection (b) of section 1841) of the Social Security Act are each amended—

(1) by striking out, wherever it appears therein, "Secretary of Health and Human Services" or "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Commissioner",

(2) by striking out, wherever it appears therein, "Department of Health and Human Services" or "Department of Health, Education, and Welfare" and inserting in lieu thereof "Social Security Agency",

(3) by striking out, wherever it appears therein, "Department" (but only if it is used in reference to the Department of Health and Human Services or the Department of Health, Education, and Welfare) and inserting in lieu thereof "Social Security Agency", and

(4) by striking out, wherever it appears therein, each of the following words (but, in the case of any such word only if such word refers to the Secretary of Health and Human Services or to the Secretary of Health, Education, and Welfare): "Secretary", "Secretary's", "his", "him", and "he", and inserting in lieu thereof (in the case of the word "Secretary") "Commissioner", (in the case of the word "Secretary's") "Commissioner's", (in the case of the word "his") "the Commissioner's", (in the case of the word "him") "the Commissioner", and (in the case of the word "he") "the Commissioner".

(b)(1) Subsections (a) and (b) of section 201 of such Act are each amended—

(A) by striking out "Secretary of Health, Education, and Welfare" each place it appears and inserting in lieu thereof "Commissioner of Social Security", and

(B) by striking out "such Secretary" each place it appears and inserting in lieu thereof "the Commissioner of Social Security".

(2) Section 201(c) of such Act is amended—

(A) in the first sentence, by striking out "shall be composed of" and all that follows through "ex officio" and inserting in lieu thereof the following: "shall be composed of the Chairperson of the Social Security Board, and the Secretary of the Treasury, ex officio"; and

(B) by striking out "Social Security Administration" in the fourth sentence and inserting in lieu thereof "Social Security Agency".

(c)(1) Section 402 of such Act is amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary".

(2) Section 411 of such Act is amended—

(A) in subsection (a), by striking out "Secretary" and inserting in lieu thereof "Commissioner, at the request of the Secretary," and by striking out "Social Security Administration" and inserting in lieu thereof "Social Security Agency"; and

(B) in subsection (b), by striking out "Secretary" each place it appears and inserting in lieu thereof "Commissioner".

(d)(1) Section 704 of such Act is amended—

(A) by inserting "and the Commissioner" after "Secretary" the first place it appears;

(B) by inserting "each" after "shall ";

(C) by striking out "the functions with which he is charged" and inserting in lieu thereof "his or her functions"; and

(D) by striking out "of such" each place it appears and inserting in lieu thereof "of each such".

(2) Section 709(b)(2) of such Act is amended by striking out "(as estimated by the Secretary)" and inserting in lieu thereof "(as estimated by the Commisioner)".

(3) Title VII of such Act is further amended by adding at the end thereof the following new section:

"DUTIES OF SECRETARY

"SEC. 713. The Secretary shall perform the duties imposed upon him by this Act and shall also have the duty of studying and making recommendations as to the most effective methods of providing economic security and as to legislation and matters of administrative policy concerning the programs administered by the Secretary and related subjects; except that nothing in this section shall be construed to require the Secretary to make studies or recommendations with respect to programs administered by the Social Security Agency.".

(e)(1) Section 1101(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(10) The term 'Commissioner' means the Commissioner of Social Security.".

(2) Section 1102 of such Act is amended by striking out "and the Secretary of Health, Education and Welfare" and inserting in lieu thereof "the Secretary of Health and Human Services, and the Commissioner of Social Security".

(3) Section 1106(a) of such Act is amended—

(A) by inserting "(1)" after "(a)";

(B) by striking out "Federal Security Agency" and inserting in lieu thereof "applicable agency";

(C) by striking out "Administrator" and inserting in lieu thereof "head of the applicable agency"; and

(D) by adding at the end thereof the following new paragraph:

"(2) For purposes of this subsection and subsection (b)—

'"(A) the term 'applicable agency' means—

"(i) the Social Security Agency, with respect to matter transmitted to or obtained by such Administration or matter disclosed by such Agency,

"(ii) the Department of Health and Human Services, with respect to matter transmitted to or obtained by such Department or matter disclosed by such Department, or

"(iii) the Department of Labor, with respect to matter transmitted to or obtained by such Department or matter disclosed by such Department, and

"(B) the term 'head of the applicable agency' means, in the case of the Social Se-

curity Agency, the Commissioner of Social Security.".

(4) Section 1106(b) of such Act is amended—

(A) by striking out "Secretary" and inserting in lieu thereof "head of the applicable agency"; and

(B) by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "applicable agency".

(5) Section 1106(c) of such Act is amended—

(A) by striking out "the Secretary" the first place it appears and inserting in lieu thereof "the Commissioner or the Secretary"; and

(B) by striking out "the Secretary" each subsequent place it appears and inserting in lieu thereof "such Commissioner or Secretary".

(6) Section 1106(d) of such Act is amended by inserting "the Commissioner and" after "this section".

(7) Section 1106(e) of such Act is amended—

(A) by striking out "by the Secretary" and inserting in lieu thereof "by the Commissioner, the Secretary,"; and

(B) by inserting "or the Commissioner" after "Secretary" the second and third places it appears.

(8) Section 1107(b) of such Act is amended by striking out "the Secretary of Health, Education, and Welfare" and inserting in lieu thereof "the Commissioner or the Secretary".

(9) Section 1110 of such Act is amended—

(A) by striking out "Secretary" each place it appears and inserting in lieu thereof "Commissioner";

(B) by striking out "he", "his", and "him" each place they appear and inserting in lieu thereof "the Commissioner", "the Commissioner's", and "the Commissioner", respectively; and

(C) by striking out "or makes them himself", in subsection (b)(1), and inserting in lieu thereof "or the Commissioner makes them".

(10)(A) Subsections (a), (b), and (i) of section 1122 of such Act are each amended by inserting "Commissioner and the" before "Secretary" each place it appears.

(B) Subsection (c), (d), (e), and (f) of such section are each amended—

(i) by striking out "the Secretary" each place it appears and inserting in lieu thereof "the Commissioner or the Secretary (as the case may be)"; and

(ii) by striking out "titles XVIII and XIX" each place it appears and inserting in lieu thereof "title XVIII or title XIX (as the case may be)".

(C) Subsection (j) of such section is amended by striking out "the Secretary" and inserting in lieu thereof "the Commissioner".

(11) Section 1123 of such Act is amended by striking out "Secretary" and inserting in lieu thereof "Commissioner".

(12) (A) Section 1124(a)(1) of such Act is amended—

(i) by inserting "(or, with respect to programs established under title XVIII, the Commissioner)" after "the Secretary";

(ii) by inserting ", the Commissioner," after "the Secretary" the first and second places it appears; and

(iii) by striking out "Secretary in" and inserting in lieu thereof "Secretary or the Commissioner, as the case may be, in".

(B) Section 1124(b) of such Act is amended by inserting "or the Commissioner, as the case may be" after "Secretary".

(13) Section 1126 of such Act is amended—

(A) by inserting ", the Commissioner," after "Secretary" each place it appears;

(B) by striking out "in the Department of Health, Education, and Welfare" and inserting in lieu thereof "in the Department of Health and Human Services, or the Inspector General in the Social Security Agency, as the case may be,"; and

(C) by striking out "notify the" and inserting in lieu thereof "notify such".

(14) Section 1127 of such Act is amended by striking out "Secretary" and inserting in lieu thereof "Commissioner".

(15)(A) Subsections (a) and (b) of section 1128 of such Act are each amended—

(i) by inserting "(or, with respect to title XVIII, the Commissioner)" after "Whenever the Secretary",

(ii) by striking out ", the Secretary";

(iii) by inserting "the Commissioner" after "(1)";

(iv) by inserting "the Secretary or the Commissioner (as the case may be)" after "(2)(A)";

(v) by inserting "the Secretary" before "may" in paragraph (2)(A);

(vi) by inserting "the Secretary" after "(B)"; and

(vii) in paragraph (3) of subsection (a) only, by inserting "the Secretary or the Commissioner (as the case may be)" after "(3)".

(B) Subsection (c) of such section is amended by inserting "or the Commissioner, as the case may be," after "Secretary" each place it appears.

(C) Subsection (d) of such section is amended—

(i) by inserting "or the Commissioners, as the case may be," after "Secretary" each place it appears; and

(ii) by striking out "Secretary's final decision" and inserting in lieu thereof "the final decision of the Secretary or the Commissioner, as the case may be,".

(16)(A) Subsection (a) of section 1128A of such Act is amended—

(i) in paragraph (1) by inserting "(or, with respect to claims under title XVIII, the Commissioner)" after "that the Secretary",

(ii) in paragraph (1)(B) by inserting "or the Commissioner" after "Secretary" the first place it appears, and

(iii) in paragraph (1)(B) by striking out "Secretary" the second and third places it appears and inserting in lieu thereof "Commissioner".

(B) Subsections (b) and (c) of such section are each amended by inserting "(or, with respect to claims under title XVIII, the Commissioner)" after "Secretary" each place it appears.

(C) Subsection (d) of such section is amended—

(i) by inserting "or the Commissioner" after "Secretary" each place it appears, and

(ii) by inserting "or the Commissioner's" after "Secretary's".

(D) Subsection (e) of such section is amended—

(i) by inserting "or the Commissioner (as the case may be)" after "the Secretary" the first place it appears, and

(ii) by inserting "or the Commissioner" after "Secretary" the second and third places it appears.

(E) Subsection (f) of such section is amended by inserting "or the Commissioner" after "Secretary" each place it appears.

(F) Subsection (g) of such section is amended by inserting "or the Commissioner's" after "Secretary's".

(17)(A) Section 1129 of such Act is amended by inserting "(in consultation with the Social Security Administration)" after "Secretary" in the second sentence of subsection (a) and in subsection (b)(1).

(B) Section 1129(b)(2) of such Act is amended by striking out "title XVIII or XIX" and inserting in lieu thereof "title XIX and the Commissioner may waive such requirements of title XVIII".

(18)(A) Section 1131 of such Act is amended by striking out "Secretary" each place it appears and inserting in lieu thereof "Commissioner".

(B)(i) Subsections (d) and (f) of section 6057 of the Internal Revenue Code of 1954 are each amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Commissioner of Social Security".

(ii) The caption of section 6057(d) of such Code is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Commissioner of Social Security".

(f) Section 1817(b) of such Act is amended—

(1) by striking out "shall be composed of" and all that follows through "ex officio" and inserting in lieu thereof "shall be composed of the Chairperson of the Social Security Board and the Secretary of the Treasury, ex officio";

(2) by striking out "Administrator of the Health Care Financing Administration" and inserting in lieu thereof "Commissioner of Social Security"; and

(3) by striking out "Chief Actuarial Officer of the Health Care Financing Administration" and inserting in lieu thereof "Chief Actuary of the Social Security Agency".

(g) Section 1841(b) of such Act is amended—

(1) by striking out "shall be composed of" and all that follows through "ex officio" and inserting in lieu thereof "shall be composed of the Chairperson of the Social Security Board and the Secretary of the Treasury, ex officio";

(2) by striking out "Administrator of the Health Care Financing Administration" and inserting in lieu thereof "Commissioner of Social Security"; and

(3) by striking out "Chief Actuarial Officer of the Health Care Financing Administration" and inserting in lieu thereof "Chief Actuary of the Social Security Agency".

(h) The Inspector General Act of 1978 is amended—

(1) in section 2(1), by striking out "and the Veterans' Administration" and inserting in lieu thereof "the Veterans' Administration, and the Social Security Agency";

(2) in section 9(a)(1), by striking out "and" at the end of subparagraph (M), and by adding at the end thereof the following new subparagraph:

"(O) of the Social Security Agency, to the extent provided in the Social Security Administrative Reorganization Act, the functions of the Inspector General of the Department of Health and Human Services relating to the administration of the old-age, survivors, and disability insurance program under title II of the Social Security Act, the supplemental security income program under title XVI of such Act, and the medicare program under title XVIII of such Act; and";

(3) in section 11(1), by striking out "or" after "Transportation" and inserting in lieu thereof a comma, and by inserting after "Affairs," the following: "or the Commissioner of Social Security of the Social Security Agency,"; and

(4) in section 11(2), by striking out "or" after "Transportation", and by inserting after "Veterans' Administration," the following: "or the Social Security Agency,".

(i)(1) Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to the Department of Health and Human Services with respect to such Department's functions under the old-age, survivors, and disability insurance program under title II of the Social Security Act, the supplemental security income program under title XVI of such Act, or the medicare program under title XVIII of such Act, such reference shall be considered a reference to the Social Security Agency.

(2) Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to the Secretary of Health and Human Services with respect to such Secretary's functions under such programs, such reference shall be considered a reference to—

(A) the Social Security Board, with respect to functions described in section 701 of the Social Security Act (as amended by this Act), and

(B) the Commissioner of Social Security, with respect to functions described in section 702 of the Social Security Act (as amended by this Act).

(3) Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to any other officer or employee of the Department of Health and Human Services with respect to such officer or employee's functions under such programs, such reference shall be considered a reference to the appropriate officer or employee of the Social Security Agency.

REPORTS ASSESSING ORGANIZATIONAL CHANGES

SEC. 8. (a) Five years after the date of the enactment of this Act, the Social Security Board, the Comptroller General of the United States, and the Secretary of Health and Human Services shall each submit to each House of the Congress a report setting forth in detail an assessment of the organizational changes made by this Act and the amendments made by this Act.

(b) Not later than one year after the date of the enactment of this Act, the Social Security Board, the Comptroller General of the United States, and the Secretary of Health and Human Services shall submit to each House of the Congress their recommendations for further technical and conforming amendments necessary to effectively and efficiently carry out the purposes of this Act.

EFFECTIVE DATE AND INTERIM RULES

SEC. 9. (a)(1) Sections 2, 3, 4, 5, and 7 of this Act shall take effect October 1, 1986.

(2) Notwithstanding the effective date set forth in paragraph (1), effective on the date of the enactment of this Act—

(A) the initial members of the Social Security Board may be appointed before such effective date, after the date of the enactment of this Act, and the Commissioner of Social Security, the Inspector General, the Chief Actuary, the Director of Policy Analysis and Legislation, and the General Counsel of the Social Security Agency may be appointed by such Board at any time after such initial members of the Social Security Board have been appointed,

(B) the persons appointed under subparagraph (A) shall be compensated from the date they first take office, at the rates provided for in the amendments to title 5, United States Code, made by sections 2(b) and 3(b) of this Act,

(C) such compensation and related expenses of such persons shall be paid from funds available in the Department of Health and Human Services for the functions vested in the Social Security Agency by this Act and the amendments made thereby, and

(D) the Social Security Board and the Commissioner of Social Security may each utilize, as appropriate, the services of such officers, employees, and other personnel of the Department of Health and Human Services, and funds appropriated to the functions of such Department to be transferred by this Act and the amendments made thereby, for such period of time as may reasonably be needed to facilitate the orderly implementation of this Act.

(b) The amendment made by section 6 of this Act shall apply with respect to fiscal years beginning on or after October 1, 1986.

Mr. MOYNIHAN (for himself, Mr. BRADLEY, Mr. LEVIN, Mr. CRANSTON, Mr. KENNEDY, Mr. MATSUNAGA, Mr. DODD, Mr. RIEGLE, Mr. METZENBAUM, and Mr. SARBANES):

S. 18. A bill to extend for 1 year the conditional ceiling on Federal matching for foster care and the temporary provision authorizing the Federal matching for foster care maintenance payments for certain children voluntarily placed in foster care; to the Committee on Finance.

FOSTER CARE CEILING EXTENSION

Mr. MOYNIHAN. Mr. President, I rise today, the first day of the 99th Congress, to introduce legislation that would extend for 1 year two provisions of the Adoption Assistance and Child Welfare Act.

I am pleased to be joined by my distinguished friends and colleagues, Senators BRADLEY, LEVIN, CRANSTON, MATSUNAGA, KENNEDY, DODD, RIEGLE, METZENBAUM, and SARBANES.

This legislation would enable the States for one more year, to claim Federal matching funds for the costs of children placed in foster care under voluntary placement agreements between the agency and the children's parents. This legislation also would maintain Federal assistance for children, often handicapped or emotionally disturbed, whose parents place them in foster care so the child can receive treatment services. Under this provision, the States also could continue to transfer funds allocated to them for foster care under title IV-E to title IV-B child welfare services. In this way, States can reduce the use of foster care as a means of protecting children, instead providing preventive and reunification services supported by Child Welfare Services funds. In the last fiscal year 1984, the States transferred an estimated $42 million from their foster care allocations to use for child welfare services.

This has been a fine and successful program, one deserving reauthorization. On July 17, 1980, President Jimmy Carter signed the Adoption Assistance and Child Welfare Act, after nearly 3 years of congressional consideration. This act represented a basic reform of the country's child welfare system, providing the States with fiscal incentives to redirect their child welfare services from institutional care to services designed to help families stay together or to reunify families already separated. In this effort, the act mandated procedural reforms as well, including development of case plans, case reviews with a dispositional hearing after 18 months of child care, and inventories of children in foster care. Finally, the act established a subsidized adoption program for children with special needs—mentally, physically, or emotionally handicapped children.

This law restructured an important part of national social policy, by providing States incentives to move away from a system built around foster care—expensive both financially and emotionally—to a system encouraging adoption, and the stability it can provide children.

The program has worked. The Department of Health and Human Services reports that Federal adoption subsidies for the States, through title IV-E Adoption Assistance, have risen sharply—from an average of 289 children per month in just 3 States in 1981, to an estimated 8,000 children in 45 States in the last fiscal year. Eight of nine States surveyed in a recent HHS Study reported significant fiscal savings for subsidized adoptions, instead of foster care, with the average annual savings at $886 per child. In her annual report to Congress concerning this act, Secretary Margaret M. Heckler reported:

The number of children in foster care declined from more than 500,000 in 1977 to 243,000 in 1982;

The duration of placement of children in foster care dropped from an average of 47 months in 1977 to an average of 35 months in December 1982;

The number of foster care children available for adoption declined from 102,000 in 1977 to 50,000 in 1982.

In 1980, when we enacted this law, we authorized two provisions for 4 years—Federal funding for children voluntarily placed in foster care, and the States, authority to transfer funds allocated for foster care under title IV-E to child welfare services under title IV-B of the Social Security Act. Four years would be sufficient time to study the operations and effectiveness of these two approaches, to collect sufficient data to analyze these two provisions of Public Law 96-272. How effective would they be in encouraging the States to make permanent provisions for children in foster care, either re-

turning them to their natural parents or by finding them adoptive homes?

President Carter signed the legislation into law on June 17, 1980, but the Department of Health and Human Services did not issue the necessary regulations for more than 2 years, not until 1982. Under these conditions, only 20 States submitted claims for Federal matching funds for adoption assistance in 1982. While the number of States submitting claims for adoption assistance grew to 40 in 1984, we still have little data on the characteristics of the children whose parents voluntarily place them in foster care, and insufficient information about the preventive and reunification services provided by the States. The most recent evidence available from the Department of Health and Human Services, Secretary Heckler's July 1984 report to Congress, documents the number of federally assisted adoptions, by State, only through 1982.

In 1982, 21 States chose to transfer foster care funds, some $20 million, to child welfare services. By 1984, some 40 States used this option, transferring $42 million, but we have no data yet on how the States are making use of this financing mechanism.

The commitment to this program is building steadily. One year after the legislation was enacted, the administration proposed to fold the program, along with several others, into the social services block grant, and cut funds for this block grant by 25 percent. Congress rejected this proposal. The next year, the administration proposed once again to consolidate these child welfare programs, reduce their total funding by 18 percent, and distribute these funds to the States in a child welfare block grant. And again, the Congress rejected this proposal.

I commend Secretary Heckler for her pledge, in her July 1984 report to Congress, that her Department will "build upon rather than change the basic structures implemented by Public Law 96-272." To do so, I would ask the Department to collect the necessary data, as mandated by Congress in the original legislation, so we may evaluate all aspects of this important program.

For our part, let us go on record in support of the structure and intent of Public Law 96-272, and work to preserve legislation which encourages the States to make permanent provisions for children now in foster care.

I ask unanimous consent that the full text of the legislation appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 18

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 474(b) of the Social Security Act is amended—

(1) in paragraphs (1), (2)(B), and (4)(B), by striking out "1981 through 1985" and inserting in lieu thereof "1981 through 1986";

(2) in paragraph (2)(A)—

(A) by striking out "and" at the end of clause (iv),

(B) by striking out the period at the end of clause (v) and inserting in lieu thereof "; and", and

(C) by adding after clause (v) the following new clause:

"(vi) with respect to fiscal year 1986, only if the amount appropriated under section 420 for such fiscal year is equal to $266,000,000."; and

(3) in paragraph (5)(A)—

(A) by striking out "October 1, 1985" and inserting in lieu thereof "October 1, 1986", and

(B) by striking out "fiscal year 1984 and 1985" in clause (ii) and inserting in lieu thereof "fiscal years 1984, 1985, and 1986".

(b) Section 474(c) of such Act is amended in paragraphs (1) and (2) by striking out "1981 through 1985" and inserting in lieu thereof "1981 through 1986".

(c)(1) Section 102(a)(1) of the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96-272) is amended by striking out "October 1, 1985" and inserting in lieu thereof "October 1, 1986".

(2) Section 102(c) of such Act is amended by striking out "October 1, 1985" each place it appears and inserting in lieu thereof "October 1, 1986".

By Mr. MOYNIHAN:

S. 19. A bill to amend part A of title IV of the Social Security Act to provide for grants to States for programs to assist pregnant teenagers and teenage mothers who might otherwise become long-term recipients of Aid to Families With Dependent Children; to the Committee on Finance.

PREGNANT TEENAGERS ASSISTANCE

Mr. MOYNIHAN. Mr. President, I rise today, the first day of the 99th Congress, to introduce legislation on a matter of grave concern to us all, long-term welfare dependency among families headed by teenage mothers.

The problems of teenage pregnancy have reached truly shocking proportions. In 1981, nearly half of all births to women under 20 were out-of-wedlock—a 58-percent increase over 1970, when 31.5 percent of all births to teenagers were out-of-wedlock. In two decades, the number of out-of-wedlock births to teenage mothers increased 2.5 times—from less than 100,000 births in 1960 to more than 250,000 in 1979.

There are serious consequences, indeed, associated with early childbearing. Most teen mothers fail to finish high school and consequently face bleak job prospects, increasing their prospects of finding themselves on welfare. In a 1981 New York City survey, fully 90 percent of all young mothers aged 15 to 17 were unemployed 9 months after delivering their first child. Without jobs, 66 percent found themselves on public assistance. Although 5 of 6 teenager mothers surveyed said they wanted to return to school or get a job, nearly half could not do so because child care services were not available. The income for those teen mothers who did find jobs was but half what women who gave birth in their twenties and after earn. And consider this: The proportion of teen mothers on public assistance in this survey—66 percent—is fully twice the level of all new mothers.

New York City is not alone. Dr. Wendy Baldwin, Chief of Demographic and Behavioral Sciences at the National Institute for Child Health and Human Development, in testimony before the Select Committee on Children, Youth, and Families, on July 20, 1983, reports that nationally:

> Women who become mothers while adolescents exhibit reduced educational and occupational attainment, lower income, and increased welfare dependency relative to their peers.

Dr. Baldwin made special mention of the lasting effects of early childbearing, stating:

> The effect of adolescent childbearing on education is especially important since it affects occupation and earnings. A decade after high school women who became mothers early were more likely to be working than their classmates but in jobs of lower pay and prestige and with less job satisfaction. Several studies have shown that the effect of an early age first birth on occupational attainment is a function of reduced education, and, to a lesser extent, of increased family size.

Dr. Baldwin makes another point worthy of our notice today. Women who begin bearing children as teenagers are more likely to find themselves dependent on welfare for a protracted period of time. Teen parents often are prevented from achieving their educational and career goals and, as a consequence, are more reliant on public assistance. Today, more than 60 percent of all women on AFDC were teenagers when they had their first child. In 1975, $8.55 billion in Federal spending for AFDC, Medicaid, food stamps, and foster care went to teenage mothers and their children. This is an enormous sum, indeed.

It is quite clear that adolescent parents are not only more likely to require welfare, but also are more likely to be dependent on welfare for a long term, than are more mature parents. This is a recent finding by Mary Jo Bane and David Ellwood, of Harvard University. In The Dynamics of Welfare Dependency: The Routes to Self-Sufficiency, Bane and Ellwood examines the characteristics of those on welfare for long periods of time. They found:

> There are dramatic differences in the length of AFDC spells among different groups of recipients. Women who become a female head by having a child, nonwhites, high school dropouts, mothers with many children, and those without previous earnings all have longer spells of AFDC.

They also found that three-fourths of all spells on AFDC began when a

woman became the head of the family, while only 12 percent began when a woman with children lost her job.

Obviously we must continue to provide forms of public assistance—AFDC, Medicaid, food stamps, and foster care services—to poor adolescent mothers and their children. But the pervasive and long-term character of the consequences of early childbirth is deeply disturbing. Long-term welfare dependency among adolescent mothers is dimming the future of thousands of young Americans.

The legislation I am introducing today, Mr. President, would address this situation directly, in a deliberate effort to reduce the long-term welfare dependency of so many families headed by teenage mothers. This legislation is designed to provide assistance and services to help these young mothers remain in school or find employment. The bill would support a package of particular services—child care, employment training, job placement, and academic and vocational education—that are the essential components of any effort to avert long-term welfare dependency in teenage parents. This measure, I would note, is similar to legislation I introduced in October 1984, S. 3084. It is my belief, my hope, that the services supported by this measure could enable thousands of adolescent parents to achieve real self-sufficiency.

This legislation would provide Federal grants to support States efforts to provide the services poor young mothers need to complete their educations and prepare themselves for employment. States applying for these funds would identify areas with a high incidence of teenage pregnancy, and funds would be targeted to low-income areas. States also would be directed to better coordinate the administration of Federal funds currently directed to teenage mothers—funds from Social Services Block Grant, the Job Training and Partnership Act, the Work Incentive Program, and the Maternal and Child Care Block Grant. In its applications for these funds, a State would produce a plan to target a specified core of services to teen mothers, to help them achieve greater self-sufficiency—day care services, so teen mothers can attend school or work; and employment training and job placement services, so teen mothers can gain the skills to support their children.

This measure is not intended to replace existing Federal initiatives, but to complement them. Existing programs—such as the Adolescent and Family Life Demonstration Project and title X of the Public Health Service Act—are important in efforts to discourage teenage sexual activity and provide family planning services. Indeed, in areas where the proportions of young people enrolled in family planning clinics have risen, adolescent birth rates correspondingly have fallen.

As we begin this Congress, I do invite my colleagues to join in the effort to find the best way to stem the alarming trend of long-term welfare dependency among these teenage parents. As a first step, I urge my colleague to join me in supporting this legislation. Any success, I would add, will provide dual benefits: Increased self-reliance for the teenage parent, and decreased costs for public assistance programs.

I ask unanimous consent that the full text of the legislation appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 19

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part A of title IV of the Social Security Act is amended by adding at the end thereof the following new section:

"GRANTS FOR SERVICE PROGRAMS FOR PREGNANT TEENAGERS AND TEENAGE MOTHERS

"SEC. 416. (a) In addition to amounts payable to States under section 403, the Secretary shall make grants to States in accordance with this section, subject to the amounts appropriated pursuant to subsection (d). The purpose of such grants shall be to assist States in carrying out programs which—

"(1) prevent long-term dependency upon aid to families with dependent children;

"(2) permit pregnant teenagers and teenage mothers to remain in school;

"(3) provide job counseling, employment readiness, job placement, and academic and vocational education services to pregnant teenagers and teenage mothers; and

"(4) integrate and coordinate services otherwise available to pregnant teenagers and teenage mothers.

"(b)(1) In order to receive a grant under this section a State must provide assurances to the Secretary that such grant shall be used to carry out a program which—

"(A) provides child day care, job training, job placement, and academic and vocational education services for pregnant teenagers and teenage mothers, and requires that each pregnant teenager or mother participate in a program leading to a high school diploma (or the equivlent) or in a job training program;

"(B) establishes a coordinated service network consisting of the services described in subparagraph (A) and other services available for pregnant teenagers and teenage mothers under title XX, part B of this title, the State program under title V, and the Job Training Partnership Act;

"(C) provides such services in an area or areas within the State which have a large number of low-income teenage mothers;

"(D) provides for maximum utilization of existing services, including those offered by private, nonprofit service providers;

"(E)(i) provides without charge any child day care services and transportation which may be necessary to allow the pregnant teenager or teenage mother to participate in the program, and

"(ii) provides child day care services, at a charge which is related to income, for a period of six months after completion of the high school diploma (or equivalent) or job training program, as may be necessary to allow the pregnant teenager or teenage mother to be employed; and

"(F) is administered by the same agency which administers the State plan under section 402, the same agency which administers the State plan approved under part B of this title, or the same agency which administers the block grant under title XX.

"(2) for purposes of this section, 'pregnant teenagers' and 'teenage mothers' means only pregnant women or mothers who are age 18 or under, or who are secondary school students.

"(c)(1) Any State receiving a grant under this section for a fiscal year shall provide a report to the Secretary at the close of such fiscal year which shall include the number and characteristics of individuals served by the State program, the services provided, and the results achieved. Such report shall also include data on the number of cases and the amounts of the aid to families with dependent children provided under this part for the fiscal year, broken down by the age of the parent or caretaker relative receiving such aid, by race, and by location within the State. The State shall also require each entity providing services under the State program to report to the State with respect to the number and characteristics of the individuals served by such entity, the services provided, and the results achieved.

"(2) The Secretary shall establish a systematic reporting system capable of yielding comprehensive data on which service figures and program evaluations shall be based. On or before each January 1 the Secretary shall submit to the Congress a report describing the activities supported under this section during the fiscal year ending on the preceding September 30, including, at a minimum, the number and characteristics of persons served, the services provided, the results achieved, and the Secretary's plans and recommendations for the future.

"(d) For purposes of making grants to States under this section there are authorized to be appropriated $75,000,000 for fiscal year 1986 and for each fiscal year thereafter.".

By Mr. ROTH (for himself and Mr. EVANS):

S. 20. A bill to provide for a 2-year budget process, and for other purposes; jointly, pursuant to the order of August 4, 1977, to the Committee on the Budget and the Committee on Governmental Affairs, with instructions that if one committee reports, the other committee has 30 days of continuous session to report or be discharged.

FEDERAL BUDGET REFORM ACT

Mr. ROTH. Mr. President, today I rise to reintroduce S. 20, the Federal Budget Reform Act. Senator EVANS joins me in sponsoring S. 20.

It is clear that there is growing momentum for a 2-year budget process. Senator DOMENICI has agreed that the Budget Committee and the Governmental Affairs Committee will hold joint hearings on this legislation. The Governmental Affairs Committee, which shares jurisdiction on the budget process, has already held hear-

ings on this issue during the past two Congresses. Alice Rivlin, former Director of the Congressional Budget Office, Charles Bowsher, Comptroller General, and Governor John Sununu, representing the National Governors Association, have all testified favorably on the legislation. Several other groups have expressed interest in a 2-year budget process, including the Grace Commission and the National Association of Public Administration.

Briefly, S. 20, would establish a 2-year budget cycle. The first session of each Congress would be devoted to budget and appropriations. Early in the year, the Congress would agree to a single binding budget resolution, which would prescribe spending and revenue limits for the 2-year period beginning in the next January. Within the framework of the budget resolution, the Congress would then approve an omnibus appropriation bill, which would combine the 13 annual appropriation bills into 1 2-year bill. The second session of each Congress would be devoted to considering authorizations and to oversight activities.

S. 20 would allow each new President and Congress to put their policies into place in the first year of their respective terms. Under S. 20, budget policy would go into effect in the second session of each term, as it now does under normal circumstances. I believe this approach to a biennial timetable would promote accountability to the public for budget decisions. Under alternative timetables, budget decisions would not actually go into effect until the election of the next Congress.

In conclusion, my legislation would streamline the cumbersome aspects of the current process while strengthening the overall control of the Congress over the Federal budget. S. 20 would provide us with more time for oversight and for careful review of authorizations. Recipients of Federal funds would have a clearer basis for planning. Stability and coherence would be promoted in the broad framework of our fiscal policy decisions.

Mr. President, I hope that Members who despair of the budget process will examine this legislation. I believe they will find a comprehensive and realistic alternative to our annual problems with the budget process.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 20

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Budget Reform Act".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act—

(1) to establish a process through which the Federal budget will be adopted for a two-year period;

(2) to improve congressional control over the Federal budget process;

(3) to streamline the requirements of the budget process in order to promote better accountability to the public;

(4) to improve the legislative and budgetary processes by providing additional time for congressional oversight and other vital legislative activities;

(5) to provide stability and coherence for recipients of Federal funds; and

(6) to implement other improvements in the Federal budget process.

TWO-YEAR CONGRESSIONAL BUDGET PROCESS

SEC. 3. (a) Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621(2)) is amended by striking out "each year" and inserting in lieu thereof "every two years".

(b)(1) Section 3(1) of such Act (2 U.S.C. 622(1)) is amended—

(A) by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period"; and

(B) by striking out "such year" and inserting in lieu thereof "such period".

(2) Section 3(4) of such Act (2 U.S.C. 622(4)) is amended to read as follows:

"(4) The term 'concurrent resolution on the budget' means—

"(A) a concurrent resolution setting forth the congressional budget for the United States Government for a two-year fiscal period as provided in section 301; or

"(B) a concurrent resolution on the budget revising the congressional budget for the United States Government pursuant to section 304.".

(3) Section 3 of such Act (2 U.S.C. 622) is further amended by adding at the end thereof the following new paragraphs:

"(6) The term 'two-year fiscal period' means the period of two years beginning on January 1 of each even-numbered year.

"(7) The term 'omnibus appropriation bill' means the bill providing new budget authority for a two-year fiscal period for all departments, agencies, and authorities of the Government.

"(8) The term 'supplemental appropriation bill' means a bill providing new budget authority for a two-year fiscal period for one or more departments, agencies, or authorities of the Government, which is considered in accordance with section 307(c).".

(c)(1) Section 202(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 602(a)(1)) is amended—

(A) by inserting "omnibus" before "appropriation bills";

(B) by striking out "and other" and inserting in lieu thereof "supplemental appropriation bills,"; and

(C) by striking out "or providing budget authority or" and inserting in lieu thereof "budget authority, and bills authorizing or providing".

(2) Section 202(f) of such Act (2 U.S.C. 602(f)) is amended—

(A) by striking out "April 1 of each year" in paragraph (1) and inserting in lieu thereof "April 15 and July 15 of each odd-numbered year";

(B) by striking out "fiscal year commencing on October 1 of that year" in paragraph (1) and inserting in lieu thereof "two-year fiscal period beginning on January 1 of the succeeding year";

(C) by striking out "such fiscal year" each place it appears in paragraph (1) and inserting in lieu thereof "such two-year fiscal period";

(D) by redesignating paragraph (2) as paragraph (3), and (in such paragraph) by striking out "paragraph (1)" and inserting in lieu thereof "paragraphs (1) and (2)"; and

(E) by inserting after paragraph (1) the following new paragraph:

"(2) On January 15 and July 15 of each even-numbered year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate such revisions of the report required by paragraph (1) as may be necessary with respect to the two-year fiscal period in progress.".

(d) Section 300 of such Act (2 U.S.C. 631) is amended to read as follows:

"TIMETABLE

"SEC. 300. The timetable with respect to the congressional budget process for any Congress (beginning with the One-hundredth Congress) is as follows:

"FIRST SESSION

"On or before:	Action to be completed
January 2	Committees submit oversight reports to their respective Houses.
15th day after Congress meets.	President submits his budget for the two-year fiscal period beginning in the succeeding calendar year, including current services budget.
March 31	Committees and joint committees submit views and estimates to Budget Committees with respect to two-year fiscal period.
April 15	Congressional Budget Office submits report to the Budget Committees with respect to the two-year fiscal period beginning on January 1 of the succeeding year.
April 30	Budget Committees report concurrent resolution on the budget for the two-year fiscal period to their respective Houses.
May 15	Committees report bills and resolutions authorizing new budget authority.
May 31	Congress completes action on concurrent resolution on the budget for the two-year fiscal period.
June 15	House Appropriations Committee reports the omnibus appropriation bill for the two-year fiscal period.
July 15	President and Congressional Budget Office report to the Budget Committees.
July 31	House completes action on the omnibus appropriation bill for the two-year fiscal period.
7th day after Labor Day.	Senate Appropriations Committee reports the omnibus appropriation bill for the two-year fiscal period.
September 30	Senate completes action on the omnibus appropriation bill for two-year fiscal period.
September 30	Congress completes action on bills and resolutions providing new spending authority for two-year fiscal period.
October 15	Congress completes action on the omnibus appropriation bill for two-year fiscal period.
	"SECOND SESSION
"January 1	Two-year fiscal period begins.
January 15	President and Congressional Budget Office report to Budget Committees.
July 15	President and Congressional Budget Office report to Budget Committees.
During session	Committees conduct oversight on programs and activities within their jurisdiction.".

(e)(1)(A) The section heading for section 301 of such Act (2 U.S.C. 632) is amended by striking out "first".

(B) The item relating to section 301 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out "first".

(2) Section 301(a) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)) is amended—

(A) by striking out "May 15" in the subsection heading and inserting in lieu thereof "May 31 of each odd-numbered year";

(B) by striking out "May 15 of each year" in the first sentence and inserting in lieu thereof "May 31 of each odd-numbered year";

(C) by striking out "first" before "concurrent resolution on the budget" in the first sentence;

(D) by striking out "fiscal year beginning on October 1 of such year" and inserting in lieu thereof "two-year fiscal period beginning on January 1 of the succeeding year"; and

(E) by striking out "an appropriate" in paragraph (2) and inserting in lieu thereof "a recommended".

(3) Section 301(b) of such Act (2 U.S.C. 632(b)) is amended to read as follows:

(b) Additional Matters in Concurrent Resolution.—The concurrent resolution on the budget referred to in subsection (a) may also require any other procedure which is considered appropriate to carry out the purposes of this Act.".

(4) Section 301(c) of such Act (2 U.S.C. 632(c)) is amended—

(A) by striking out "March 15 of each year" and inserting in lieu thereof "March 31 of each odd-numbered year"; and

(B) by striking out "fiscal year beginning on October 1 of such year" in paragraph (2) and inserting in lieu thereof "two-year fiscal period beginning on January 1 of the succeeding year".

(5) Section 301(d) of such Act (2 U.S.C. 632(d)) is amended—

(A) by striking out "first" each place it appears before "concurrent resolution on the budget" in the first and third sentences;

(B) by striking out "fiscal year" in the first sentence and inserting in lieu thereof "two-year fiscal period";

(C) by striking out "April 15 of each year" in the third sentence and inserting in lieu thereof "April 30 of each odd-numbered year";

(D) by striking out "fiscal year beginning on October 1 of such year" in the third sentence and inserting in lieu thereof "two-year fiscal period beginning on January 1 of the succeeding year";

(E) by striking out "five fiscal" in paragraph (6) and inserting in lieu thereof "six";

(F) by striking out "such fiscal year" in such paragraph and inserting in lieu thereof "the first year in such two-year fiscal period,"; and

(G) by striking out "each fiscal year in such period" and inserting in lieu thereof "each two-year fiscal period in such six-year period".

(6) Section 301(e) of such Act (2 U.S.C. 632(e)) is amended—

(A) by striking out "set for" in paragraph (1) and inserting in lieu thereof "set forth";

(B) by striking out "first" before "concurrent resolution on the budget" in paragraph (2);

(C) by inserting "referred to in subsection (a)" after "concurrent resolution on the budget" in such paragraph; and

(D) by striking out "fiscal year" in such paragraph and inserting in lieu thereof "two-year fiscal period".

(f) Section 302(c) of such Act (2 U.S.C. 633(c)) is amended by striking out "or 310".

(g)(1) The section heading for section 303 of such Act (2 U.S.C. 634) is amended by striking out "FIRST".

(2) The item relating to section 303 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out "First concurrent" and inserting in lieu thereof "Concurrent".

(3) Section 303(a) of the Congressional Budget Act of 1974 (2 U.S.C. 634(a)) is amended—

(A) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period";

(B) by striking out "first" before "concurrent resolution on the budget" in the matter following paragraph (4);

(C) by inserting "referred to in section 301" after "concurrent resolution on the budget" in the matter following paragraph (4);

(D) by striking out "year" in the matter following paragraph (4) and inserting in lieu thereof "period"; and

(E) by striking out "pursuant to section 301" in the matter following paragraph (4).

(4) Section 303(b) of such Act (2 U.S.C. 634(b)) is amended by striking out "fiscal year" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "two-year fiscal period".

(h) Section 304 of such Act (2 U.S.C. 635) is amended—

(1) by striking out "first" before "concurrent resolution on the budget";

(2) by inserting "referred to in section 301" after "concurrent resolution on the budget";

(3) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period";

(4) by striking out "pursuant to section 301" after "has been agreed to"; and

(5) by striking out "most recently agreed to" and inserting in lieu thereof "if the concurrent resolution on the budget making such revisions, and any conference report thereon, is agreed to by a rollcall vote of two-thirds of the Members of the Senate and the House of Representatives duly chosen and sworn".

(i)(1) Section 305(a)(3) of such Act (2 U.S.C. 636(a)(3)) is amended—

(A) by striking out "first" before "concurrent resolution on the budget";

(B) by inserting "referred to in section 301(a)" after "concurrent resolution on the budget"; and

(C) by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(2) Section 305(b) of such Act (2 U.S.C. 636(b)) is amended—

(A) by striking out ", except that, with respect to the second required concurrent resolution referred to in section 310(a), all such debate shall be limited to not more than 15 hours" in paragraph (1);

(B) by striking out "first" before "concurrent resolution on the budget" in paragraph (3);

(C) by inserting "referred to in section 301(a)" after "concurrent resolution on the budget" in such paragraph; and

(D) by striking out "fiscal year" in such paragraph and inserting in lieu thereof "two-year fiscal period".

(j)(1) Section 307 of such Act (2 U.S.C. 638) is amended to read as follows:

"OMNIBUS APPROPRIATION BILL REQUIRED

"Sec. 307. (a) Point of Order.—Except as provided in subsection (c), it shall not be in order in the House of Representatives or the Senate to consider any bill or resolution providing new budget authority for a two-year fiscal period other than an omnibus appropriation bill.

"(b) Deadlines.—(1) The Committee on Appropriations of the House of Representatives shall report to the House of Representatives an omnibus appropriation bill for a two-year fiscal period by June 15 of the year preceding the year in which such period begins.

"(2) The House of Representatives shall pass an omnibus appropriation bill for a two-year fiscal period by July 31 of the year preceding the year in which such period begins.

"(3) The Committee on Appropriations of the Senate shall report to the Senate an omnibus appropriation bill for a two-year fiscal period by the seventh day after Labor Day of the year preceding the year in which such period begins.

"(4) The Senate shall pass an omnibus appropriation bill for a two-year fiscal period by September 30 of the year preceding the year in which such period begins.

"(5) Congress shall complete action on an omnibus appropriation bill for a two-year fiscal period by October 15 of the year preceding the year in which such period begins.

"(c) Supplemental Appropriation Bill Permitted.—It shall be in order in the House of Representatives or the Senate to consider a supplemental appropriation bill for a two-year fiscal period at any time after the Congress adopts a concurrent resolution on the budget pursuant to section 304 which revises the concurrent resolution on the budget agreed to pursuant to section 301 for such two-year fiscal period, or the most recently agreed to concurrent resolution on the budget for such two-year fiscal period, as the case may be.

"(d) Amendments.—It shall not be in order in the House of Representatives or the Senate to consider any amendment providing new budget authority for a two-year fiscal period unless such amendment is an amendment to an omnibus appropriation bill or a supplemental appropriation bill.".

(2) The item relating to section 307 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 307. Omnibus appropriation bill required.".

(k)(1) Section 308(a) of the Congressional Budget Act of 1974 (2 U.S.C. 639) is amended—

(A) by inserting "to its House an omnibus appropriation bill, a supplemental appropriation bill, or" after "either House reports" in the matter preceding paragraph (1);

(B) by striking out "to its House" after "a bill or resolution" in the matter preceding paragraph (1);

(C) by striking out "new budget authority (other than continuing appropriations) or" before "new or increased tax expenditures" in the matter preceding paragraph (1);

(D) by striking out "fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "two-year fiscal period";

(E) by striking out "a bill or resolution providing new budget authority" in paragraph (1) and inserting in lieu thereof "an omnibus appropriation bill or a supplemental appropriation bill";

(F) by striking out "or resolution" in paragraph (1)(A);

(G) by striking out "fiscal year" in paragraph (1)(A) and inserting in lieu thereof "two-year fiscal period";

(H) by inserting a comma after "a projection" in paragraph (1)(B);

(I) by striking out "5 fiscal" in paragraph (1)(B) and inserting in lieu thereof "6";

(J) by striking out "such fiscal year" in paragraph (1)(B) and inserting in lieu thereof "the first year in such two-year fiscal period,";

(K) by striking out "or resolution" in paragraph (1)(B);

(L) by striking out "each fiscal year in such period" in paragraph (1)(B) and inserting in lieu thereof "each two-year fiscal period in such 6-year period";

(M) by striking out "or resolution" in paragraph (1)(C);

(N) by striking out "fiscal year" in paragraph (2)(A) and inserting in lieu thereof "two-year fiscal period";

(O) by striking out "such year" in paragraph (2)(A) and inserting in lieu thereof "such period";

(P) by inserting a comma after "a projection" in paragraph (2)(B);

(Q) by striking out "5 fiscal" in paragraph (2)(B) and inserting in lieu thereof "6";

(R) by striking out "such fiscal year" in paragraph (2)(B) and inserting in lieu thereof "the first year in such two-year fiscal period,";

(S) by striking out "each fiscal year in such period" in paragraph (2)(B) and inserting in lieu thereof "each two-year fiscal period in such 6-year period"; and

(T) by striking out "fiscal year" each place it appears in the last sentence and inserting in lieu thereof "two-year fiscal period".

(2) Section 308(b) of such Act (2 U.S.C. 639(b)) is amended—

(A) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period"; and

(B) by striking out "such year" each place it appears and inserting in lieu thereof "such period".

(3) Section 308(c) of such Act amended—

(A) by striking out "Five Year" in the subsection heading and inserting in lieu thereof "Six-Year";

(B) by striking out "each fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "each two-year fiscal period";

(C) by striking out "5 fiscal years beginning with such fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "6 years beginning with the first year in such two-year fiscal period";

(D) by striking out "each fiscal year" each place it appears in paragraphs (1), (2), and (3) and inserting in lieu thereof "each two-year fiscal period"; and

(E) by striking out "such period" each place it appears in paragraphs (1), (2), and (3) and inserting in lieu thereof "such 6-year period".

(l)(1) Section 309 of such Act (2 U.S.C. 640) is amended to read as follows:

"COMPLETION OF ACTION ON BILLS PROVIDING CERTAIN NEW SPENDING AUTHORITY

"SEC. 309. Except as otherwise provided pursuant to this title, not later than September 30 of each odd-numbered year, the Congress shall complete action on all bills and resolutions providing new spending authority described in section 401(c)(2)(C) which is to become effective during the two-year fiscal period beginning on January 1 of the succeeding year.".

(2) The item relating to section 309 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 309. Completion of action on bills providing certain new spending authority.".

(m)(1)(A) The section heading of section 310 of the Congressional Budget Act of 1974 (2 U.S.C. 641) is amended by striking out "SECOND REQUIRED CONCURRENT RESOLUTION AND".

(B) The item relating to section 310 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out "Second required concurrent resolution and reconciliation" and inserting in lieu thereof "Reconciliation".

(2) Section 310(a) of the Congressional Budget Act of 1974 (2 U.S.C. 641(a)) is amended—

(A) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

"SEC. 310. (a) REPORTING OF CONCURRENT RESOLUTION.—At any time after the concurrent resolution on the budget referred to in section 301 for a two-year fiscal period has been agreed to, and before the end of such two-year fiscal period, the Congress may adopt a concurrent resolution for such two-year fiscal period which shall, to the extent necessary—";

(B) by striking out "such fiscal year" each place it appears in paragraph (1) and inserting in lieu thereof "such two-year fiscal period"; and

(C) by inserting "or prior two-year fiscal periods, as the case may be" before the semicolon in paragraph (1)(B).

(3) Section 310 of such Act (2 U.S.C. 641) is amended by striking out subsection (b) and by redesignating subsections (c) through (f) as subsection (b) through (e), respectively.

(4) Section 310(c) of such Act (2 U.S.C. 641(c)), as redesignated by paragraph (3) of this subsection, is amended—

(A) by striking out "subsection (c)" and inserting in lieu thereof "subsection (b)"; and

(B) by striking out "September 25 of each year" and inserting in lieu thereof "60 days after the date on which the concurrent resolution referred to in subsection (a) is agreed to".

(5) Section 310(d) of such Act (2 U.S.C. 641(d)), as redesignated by paragraph (3) of this subsection, is amended—

(A) by inserting "concurrent resolutions referred to in subsection (a)," after "consideration in the Senate of" in paragraph (1);

(B) by inserting a comma after "reconciliation bills" in such paragraph; and

(C) by striking out "subsection (c)" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "subsection (b)".

(6) Section 310(e) of such Act (2 U.S.C. 641(e)), as redesignated by paragraph (3) of this subsection, is amended—

(A) by striking out "the concurrent resolution on the budget required to be reported under subsection (a) for the fiscal year beginning on October 1 of such year, and, if a" and inserting in lieu thereof "any";

(B) by striking out "is" before "required to be reported"; and

(C) by striking out "subsection (c) for such fiscal year, unless the Congress has completed action on that bill or resolution, or both" and inserting in lieu thereof "subsection (b) for a two-year fiscal period".

(n)(1) Section 311(a) of such Act (2 U.S.C. 642(a)) is amended—

(A) by striking out "section 310(a) for a fiscal year" and inserting in lieu thereof "section 301(a) for a two-year fiscal period";

(B) by striking out "section 310(c)" and inserting in lieu thereof "section 310(b)";

(C) by striking out "any bill, resolution, or amendment providing additional new budget authority for such fiscal year," and inserting in lieu thereof "any omnibus appropriation bill or supplemental appropriation bill for a two-year fiscal period or any amendment thereto, any bill or resolution";

(D) by inserting "any bill or resolution" before "reducing revenues"; and

(E) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(2) Section 311 of such Act (2 U.S.C. 642) is further amended—

(A) by redesignating subsection (b) as subsection (c) and in such subsection—

(i) by striking out "subsection (a)" and inserting in lieu thereof "subsections (a) and (b)"; and

((ii) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period"; and

(B) by inserting after subsection (a) the following new subsection:

(b) ENROLLMENT PROHIBITED.—No omnibus appropriation bill for a two-year fiscal period, supplemental appropriation bill for such a period, or bill or resolution providing new spending authority described in section 401(c)(2)(C) for such a period shall be enrolled if the amount of new budget authority or new spending authority described in section 401(c)(2)(C) provided in that bill or resolution would cause the appropriate level of total new budget authority or total budget outlays set forth in the most recently agreed to concurrent resolution on the budget for such two-year fiscal period to be exceeded.".

(o)(1) Section 401(a) of such Act (2 U.S.C. 651(a)) is amended by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(2) Section 401(b) of such Act (2 U.S.C. 651(b)) is amended—

(A) by striking out "fiscal year" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "two-year fiscal period"; and

(B) by striking out "during the calendar year in" in paragraph (1) and inserting in lieu thereof "after the date on".

(p) Section 402(a) of such Act (2 U.S.C. 652(a)) is amended—

(1) by striking out "preceding the beginning of such fiscal year" and inserting in lieu thereof "of the odd-numbered year preceding the year in which such two-year fiscal period begins"; and

(2) by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(q) Section 403(a) of such Act (2 U.S.C. 653(a)) is amended—

((1) by striking out "fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year" in paragraph (1) and inserting in lieu thereof "two-year fiscal period in which it is to become effective and in the two succeeding two-year fiscal periods";

(2) by striking out "fiscal year" the first place it appears in paragraph (2) and inserting in lieu thereof "two-year fiscal period"; and

(3) by striking out "four fiscal years following such fiscal year" in such paragraph and inserting in lieu thereof "two succeeding two-year fiscal periods".

(r) Section 904(b) of the Congressional Budget Act of 1974 (2 U.S.C. 621) is amended by striking out "title III or IV" and inserting in lieu thereof "'title III (except section 304 or section 311(b)) or title IV".

(s)(1) Section 1012(a) of the Impoundment Control Act of 1974 (2 U.S.C. 683(a)) is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(2) The last sentence of section 1013(a) of such Act (2 U.S.C. 684(a)) is amended by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(3) Section 1014(e) of such Act (2 U.S.C. 685(e)) is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(t) Paragraph 8(b) of rule XXVI of the Standing Rules of the Senate is amended by striking out "March 31" and inserting in lieu thereof "January 4".

(u)(1) Clause 1(b)(4) of rule X of the Rules of the House of Representatives is amended by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(2) Clause 4(a)(1)(A) of rule X of the Rules of the House of Representatives is amended by inserting "odd-numbered" after "each".

(3) Clause 4(a)(2) of rule X of the Rules of the House of Representatives is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(4) Clause 4(b)(2) of rule X of the Rules of the House of Representatives is amended—

(A) by striking out "first"; and

(B) by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(5) Clause 4(f) of the Rules of the House of Representatives is amended by striking out "annually" each place it appears and inserting in lieu thereof "biennially".

(6) Clause 4(g) of rule X of the Rules of the House of Representatives is amended—

(A) by striking out "March 15 of each year" and inserting in lieu thereof "March 31 of each odd-numbered year"; and

(B) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(7) Clause 4(h) of rule X of the Rules of the House of Representatives is amended by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(8) Clause 2(l)(1)(C) of rule XI of the Rules of the House of Representatives is repealed.

(9) Clause 4(a) of rule XI of the Rules of the House of Representatives is amended by striking out "on general appropriations bills and on joint resolutions continuing appropriations for a fiscal year if reported after September 15 preceding the beginning of such fiscal year" and inserting in lieu thereof "on omnibus appropriation bills and supplemental appropriation bills".

(10) Clause 1 of rule XLIX of the Rules of the House of Representatives is amended—

(A) by striking out the comma after "301" and inserting in lieu thereof "or"; and

(B) by striking out ", or 310".

(11) Clause 2 of rule XLIX of the Rules of the House of Representatives is amended by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

SUBMISSION OF PRESIDENT'S BUDGET

SEC. 4. (a) Section 1101 of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) 'two-year fiscal period' has the meaning given to such term in paragraph (6) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(6)).".

(b)(1) Section 1103 of title 31, United States Code, is amended—

(A) by inserting "or two-year fiscal period, as the case may be," after "fiscal year"; and

(B) by inserting "or period" after "that year".

(2) Section 1104 of title 31, United States Code, is amended—

(A) by striking out "deficiency and" in subsection (a); and

(B) by inserting "or prior two-year fiscal period, as the case may be," after "fiscal year" in subsection (c).

(3) Section 1105(a) of title 31, United States Code, is amended—

(A) by striking out "each regular session of Congress" in the matter preceding paragraph (1) and inserting in lieu thereof "the first regular session of each Congress";

(B) by striking out "for the following fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "for the two-year fiscal period beginning on January 1 of the succeeding year";

(C) by striking out "fiscal year for which the budget is submitted and the four fiscal years after that year" in paragraph (5) and inserting in lieu thereof "two-year fiscal period for which the budget is submitted and the first two two-year fiscal periods immediately following that two-year fiscal period";

(D) by striking out "fiscal year for which the budget is submitted and the four fiscal years after that year" in paragraph (6) and inserting in lieu thereof "two-year fiscal period for which the budget is submitted and the first two-year fiscal periods immediately following that two-year fiscal period";

(E) by inserting "or the prior two-year fiscal period, as the case may be" after "fiscal year" in paragraph (7);

(F) by inserting "or the current two-year fiscal period, as the case may be" after "fiscal year" in paragraph (8);

(G) by inserting "or the prior two-year fiscal period, as the case may be" after "prior fiscal year" in subparagraph (A) of paragraph (9);

(H) by inserting "or the current two-year fiscal period, as the case may be" after "current fiscal year" in subparagraph (B) of paragraph (9);

(I) by striking out "fiscal year" in subparagraph (C) of paragraph (9) and inserting in lieu thereof "two-year fiscal period";

(J) by striking out "fiscal year" in subparagraph (A) of paragraph (12) and inserting in lieu thereof "two-year fiscal period";

(K) by striking out "4 fiscal years after that fiscal year" in subparagraph (B) of paragraph (12) and inserting in lieu thereof "first two two-year fiscal periods following such two-year fiscal periods following such two-year fiscal period";

(L) by striking out "fiscal year" in paragraph (13) and inserting in lieu thereof "two-year fiscal period";

(M) by striking out "year" in paragraph (14) and inserting in lieu thereof "period";

(N) by striking out "fiscal year" in paragraph (16) and inserting in lieu thereof "two-year fiscal period";

(O) by striking out "fiscal year" each place it appears in paragraph (17) and inserting in lieu thereof "two-year fiscal period";

(P) in paragraph (18)—

(i) by inserting "or prior two-year fiscal period, as the case may be" after "fiscal year", and

(ii) by inserting "or period" after "that year" each place it appears; and

(Q) in paragraph (19)—

(i) by inserting "or prior two-year fiscal period, as the case may be" after "fiscal year", and

(ii) by inserting "or period" after "that year" each place it appears.

(4) Section 1105(b) of title 31, United States Code, is amended by striking out "each year" and inserting in lieu thereof "each even-numbered year".

(5) Section 1105(c) of title 31, United States Code, is amended—

(A) by striking out "fiscal year for" each place it appears and inserting in lieu thereof "two-year fiscal period for";

(B) by inserting "or current two-year fiscal period, as the case may be," after "current fiscal year"; and

(C) by striking out "that year" and inserting in lieu thereof "that 2-year fiscal period".

(6) Section 1105(d) of title 31, United States Code, is amended by inserting "or current two-year fiscal year period, as the case may be," after "fiscal year".

(7) Section 1105 of title 31, United States Code, is further amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding any other provision of law, the President shall include in the budget submitted under subsection (a) proposed budge authority, direct loans, and commitments to guarantee loan principal, and estimates of outlays and receipts for all activities of all departments, establishments, and instrumentalities of the Federal Government, except Government-sponsored corporations to the extent financed by wholly private funds.".

(8) Section 1106(a) of title 31, United States Code, is amended—

(A) by striking out "July 16 of each year" in the matter preceding paragraph (1) and inserting in lieu thereof "July 16 of each odd-numbered year";

(B) by striking out "fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "two-year fiscal year period";

(C) by striking out "fiscal year" in paragraph (1) and inserting in lieu thereof "two-year fiscal period";

(D) by striking out "4 fiscal years following the fiscal year" in paragraph (2) and inserting in lieu thereof "first two two-year fiscal periods following the two-year fiscal period";

(E) by striking out "fiscal years" in paragraph (3) and inserting in lieu thereof "two-year fiscal periods"; and

(F) by striking out "fiscal year" in paragraph (3) and inserting in lieu thereof "two-year fiscal period".

(9) Section 1106(b) of title 31, United States Code, is amended—

(A) by inserting "(1)" after the subsection designation;

(B) by striking out "April 11 and July 16 of each year" and inserting in lieu thereof "July 16 of each odd-numbered year";

(C) by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period";

(D) by striking out "submitted before July 16" and inserting in lieu thereof "required under this subsection"; and

(E) by adding at the end thereof the following new paragraph:

"(2) On January 15 and July 15 of each even-numbered year, the President shall submit to the Congress a revision of the statement required by paragraph (1) with respect to the current two-year fiscal period.".

(c)(1) Section 1107 of title 31, United States Code, is amended—

(A) by striking out "Deficiency and supplemental" in the section heading and inserting in lieu thereof "Supplemental"; and

(B) by striking out "deficiency and" in the text thereof.

(2) The table of sections of chapter 11 of title 31, United States Code, is amended by striking out the item relating to section 1107 and inserting in lieu thereof the following new item:

"1107. Supplemental appropriations.".

(d) Section 1108(b) of title 31, United States Code, is amended—

(1) by striking out "deficiency and" in paragraph (1) thereof; and

(2) by striking out "deficiency or" in paragraph (2) thereof.

(e)(1) Section 1109(a) of title 31, United States Code, is amended—

(A) by striking out "Before November 11 of each year," in the first sentence and inserting in lieu thereof "At the time the President submits the budget for a two-year fiscal period under section 1105 (beginning with the budget submitted for the two-year fiscal period beginning on January 1, 1988,";

(B) by inserting "a statement of" before "the estimated budget outlays" in the first sentence;

(C) by striking out "the following fiscal year" in the first sentence and inserting in lieu thereof "such two-year fiscal period";

(D) by striking out "that year" in the first sentence and inserting in lieu thereof "that period";

(E) by inserting "or current two-year fiscal period, as the case may be," after "current fiscal year" in the first sentence; and

(F) by striking out "those budget outlays and budget authority are" and inserting in lieu thereof "the statement of budget outlays and budget authority is".

(2) Section 1109(b) of title 31, United States Code, is amended—

(A) by striking out "estimated budget outlays and proposed budget authority" and inserting in lieu thereof "Statement of estimated budget outlays and proposed budget authority submitted under subsection (a)"; and

(B) by striking out "January 1 of each year" and inserting in lieu thereof "March 31 of each odd-numbered year".

(f)(1) Section 1110 of title 31, United States Code, is amended—

(A) by striking out "a fiscal year" and inserting in lieu thereof "a two-year fiscal period (beginning with the two-year fiscal period commencing January 1, 1988";

(B) by striking out "year before the year in which the fiscal year" and inserting in lieu thereof "even-numbered year before the year in which the two-year fiscal period";

(C) by striking out "one year" and inserting in lieu thereof "one two-year fiscal period"; and

(D) by striking out "fiscal years" and inserting in lieu thereof "two-year fiscal periods".

(2) The table of sections of chapter 11 of title 31, United States Code, is amended by striking out the item relating to section 1110 and inserting in lieu thereof the following new item:

"1110. Advance requests for authorizing legislation.".

(g) Section 1114 of title 31, United States Code, is amended by striking out "each year" each place it appears and inserting in lieu thereof "biennially".

CONVERSION TO BIENNIAL FISCAL PERIOD

SEC. 5. (a) Section 1102 of title 31, United States Code, is amended to read as follows:

"§ 1102. Fiscal year

"In all matters of accounts, receipts, expenditures, estimates, and appropriations—

"(a) there shall be, through September 30, 1987 a fiscal year of the United States commencing on October 1 of each year and ending on September 30 of the following year; and

"(b) there shall be, beginning on January 1, 1988, a two-year fiscal period of the United States beginning on January 1 of each even-numbered year and ending on December 31 of the succeeding odd-numbered year.

"Accounts of receipts and expenditures required under law to be published each year shall be published for the fiscal year or two-year fiscal period, as the case may be.".

(b)(1) Section 105 of title 1, United States Code, is amended—

(A) by striking out "year ending September 30" and inserting in lieu thereof "two-year fiscal period ending December 31"; and

(b) by striking out "calendar year" and inserting in lieu thereof "odd-numbered year in which the two-year fiscal period ends".

(2) The provisions of paragraph (1) of this subsection shall be effective with respect to Acts making appropriations for the support of the Government for any two-year fiscal period commencing on or after January 1, 1988.

(c)(1) Any law providing for an authorization of appropriations for the fiscal year 1977 or any fiscal year through the fiscal year 1987 shall be construed as referring to the fiscal year ending on September 30 of the calendar year having the same calendar year number as the fiscal year number.

(2) Any law providing for an authorization of appropriations for the fiscal year 1987 or any fiscal year thereafter shall be construed as referring to the one-year period—

(A) which is within a two-year fiscal period; and

(B) which begins on January 1, of the calendar year having the same calendar year number as such fiscal year number and ending on December 31 of such calendar year.

(d) Effective January 1, 1988, any provision of law which respect to the Senate which contains an October 1 date which relates to the beginning of a fiscal year shall be treated as referring to January 1 of the succeeding calendar year within a two-year fiscal period, and any provision of law with respect to the Senate which contains a September 30 date which relates to the end of a fiscal year shall be treated as referring to December 31 of the same calendar year within a two-year fiscal period.

(e) As soon as practicable, the President shall prepare and submit to the Congress—

(1) after consultation with the Committees on Appropriations of the House of Representatives and the Senate, budget estimates for the United States Government for the period commencing October 1, 1987, and ending on December 31, 1987, in such form and detail as he may determine; and

(2) proposed legislation he considers appropriate with respect to changes in law necessary to provide authorizations of appropriations for that period.

(f) The Director of the Office of Management and Budget shall provide by regulation, order, or otherwise for the orderly transition by all departments, agencies, and instrumentalities of the United States Government and the government of the District of Columbia from the use of the fiscal year in effect on the date of enactment of this Act to the use of the new two-year fiscal period prescribed by section 1102 of title 31, United States Code. The Director shall prepare and submit to the Congress such additional proposed legislation as he considers necessary to accomplish this objective.

ACCOUNTING PROCEDURES

SEC. 6. (a) Section 1301(c) of title 31, United States Code, is amended—

(1) by striking out "a regular, annual" and inserting in lieu thereof "an"; and

(2) by striking out "fiscal year" and inserting in lieu thereof "two-year fiscal period".

(b) Section 1306 of title 31, United States Code, is amended by striking out "annually" and inserting in lieu thereof "biennially".

(c) Section 1308 of title 31, United States Code, is amended by inserting ", two-year fiscal period," after "fiscal year" each place it appears.

(d) Section 1512(a) of title 31, United States Code, is amended by striking out "deficiency or".

(e) Section 1513 of title 31, United States Code, is amended—

(1) by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period"; and

(2) by striking out "entire year" and inserting in lieu thereof "entire two-year fiscal period".

(f) Section 1515 of title 31, United States Code, is amended by striking out "deficiency or" each place it appears.

(g) Section 1534 of title 31, United States Code, is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

(h)(1) Section 1552(a) of title 31, United States Code, is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following new paragraphs:

"(1) The obligated balance is transferred—

"(A) for any fiscal year commencing on or after October 1, 1976 and ending before October 1, 1987, on September 30th of the 2d fiscal year after the period of availability ends; and

"(B) for the period commencing on October 1, 1987, and ending on December 31, 1987, and for any two-year fiscal period commencing on or after January 1, 1988, on December 31 of the two-year fiscal period following that period or the two-year fiscal period or periods, as the case may be, for which the appropriation is available for obligation.

to an appropriation account of the agency responsible for paying the obligation. Amounts transferred from all appropriation accounts for the same general purpose are merged in the account for paying obligations.

"(2) The unobligated balance is withdrawn at the end of the period of availability for obligation and reverts to the Treasury or, if derived only from a special or trust fund and not otherwise provided, reverts to the fund from which derived. The withdrawal shall be made not later than—

"(A) for any fiscal year commencing on or after October 1, 1976, and ending before October 1, 1987, the November 15 occurring after the period of availability ends; and

"(B) for the period commencing on October 1, 1987, and ending on December 31, 1987, and for any two-year fiscal period commencing on or after January 1, 1988, November 15 of the year following such period or November 15 of the first even-numbered year following the end of such two-year fiscal period, as the case may be, in which the period of availability for obligation expires.

When the head of the agency decides that part of a withdrawn unobligated balance is required to pay obligations and make adjustments, that part may be restored to the appropriate account.".

(2) Section 1552(c) of title 31, United States Code, is amended by inserting "or two-year fiscal period, as the case may be," after "fiscal year".

(3) Section 1552(d) of title 31, United States Code, is amended by striking out "2d complete fiscal year after the fiscal year" and inserting in lieu thereof "two-year fiscal period after the two-year fiscal period or periods".

(i) Section 1554 of title 31, United States Code, is amended by striking out "fiscal" each place it appears.

(j) Section 1555 of title 31, United States Code, is amended by striking out "2 consecutive fiscal years" and inserting in lieu thereof "a full two-year fiscal period".

(k) Subsection (d) of section 3530 of title 31, United States Code, is amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "two-year fiscal period".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 7. (a) Section 2(a) of the Permanent Appropriation Repeal Act, 1934 (48 Stat. 1225) is amended—

(1) by striking out "Effective July 1, 1935, the" and inserting in lieu thereof "The"; and

(2) by striking out "annual" and inserting in lieu thereof "biennial".

(b) Section 4 of the Permanent Appropriation Repeal Act, 1934 (48 Stat. 1227) is amended—

(1) by striking out "Effective July 1, 1935, all" and inserting in lieu thereof "All";

(2) by striking out "annually" and inserting in lieu thereof "biennially";

(3) by striking out "one fiscal year" and inserting in lieu thereof "two-year fiscal period"; and

(4) by striking out "following fiscal year" and inserting in lieu thereof "following two-year fiscal period".

(c) Section 9 of the Permanent Appropriation Repeal Act, 1934 (24 U.S.C. 21b), is amended by striking out "fiscal year 1936 annual" and inserting in lieu thereof "two-year fiscal period beginning on January 1, 1988, biennial".

(d) Section 385c of title 25, United States Code, is amended—

(1) by striking out "August 7, 1946" and inserting in lieu thereof "December 31, 1987"; and

(2) by striking out "annually" and inserting in lieu thereof "biennially".

(e) Section 331 of title 31, United States Code, is amended—

(1) by inserting "or prior two-year fiscal period, as the case may be" after "prior fiscal year" each place it appears in subsection (a);

(2) by striking out "fiscal years" in paragraph (2) of subsection (a) and inserting in lieu thereof "two-year fiscal periods"; and

(3) by inserting "or prior two-year fiscal period, as the case may be," after "prior fiscal year" each place it appears in subsections (b) and (c).

(f) Section 1321(b) of title 31, United States Code, is amended by striking out "annual" and inserting in lieu thereof "biennial".

(g) Section 1322(a) of title 31, United States Code, is amended by striking out "September 30" and inserting in lieu thereof "December 31".

EFFECTIVE DATE

SEC. 8. The provisions of this Act and the amendments made by this Act shall take effect on the first day of the One-hundredth Congress, except that the amendments made by sections 3(s), 6, and 7 of this Act shall take effect on January 1, 1988.

FISCAL YEAR 1987

SEC. 9. Notwithstanding the provisions of sections 3, 4, 5, 6, 7, and 8 of this Act and the amendments made by such sections—

(1) the provisions of the Congressional Budget and Impoundment Control Act of 1974 (as such provisions were in effect on the day before the effective date of this Act) shall apply with respect to concurrent resolutions on the budget for such fiscal year, bills and resolutions providing new budget authority or new spending authority for such fiscal year, bills and resolutions authorizing the enactment of new budget authority for such fiscal year, the rescission and deferral of budget authority for such fiscal year, and the responsibilities of the Director of the Congressional Budget Office for such fiscal year; and

(2) the provisions of the Impoundment Control Act of 1974 (as such provisions were in effect on the day before the effective date of this Act) shall apply to the rescission and deferral of budget authority for the period beginning on October 1, 1987, and ending on December 31, 1987.

By Mr. MOYNIHAN:

S. 21. A bill to redesignate the Department of Commerce as the Department of Trade and Commerce to consolidate all functions relating to international trade in the Department of Trade and Commerce, and for other purposes; to the Committee on Governmental Affairs.

DEPARTMENT OF TRADE AND COMMERCE ACT OF 1985

Mr. MOYNIHAN. Mr. President, I rise today, on this first day of the 99th Congress, to introduce S. 21, legislation to transform the current Department of Commerce into a new Department of Trade and Commerce.

Our Nation's difficulties with foreign trade are well known. Our trade deficit has reached truly shocking levels: based on the most recent Department of Commerce data, the 1984 merchandise trade deficit will be about $130 billion, and even our current account deficit will be in the range of $100 billion. This is more than twice the record trade deficit of a year earlier; more than four times the trade deficit in 1981. These unprecendented trade deficits are depressing our economy, despite equally unprecedented budget deficits: While domestic demand was growing at a healthy 5.7 percent during the third quarter of 1984, gross national product grew by only 1.9 percent—because much of that demand was fulfilled by foreign-produced goods.

Things were not always this bad. For 25 consecutive years following World War II, from 1946 to 1970, the United States always ran trade surpluses on its merchandise account. Times, then, have changed. As old markets contract, competition for them intensifies. Some of our trading partners subsidize their exports, and generously, but that is not the whole story. Put simply, quite apart from any subsidies they may receive from their own governments, for several years foreign industries have been receiving a huge subsidy from our own Government, as a result of the overvalued dollar.

Over the past 4 years, the dollar has appreciated about 60 percent against an average of other major currencies. The overvalued dollar makes American made goods more expensive in foreign markets, while foreign-produced goods become much cheaper in the American market. We have, in short, priced ourselves out of many world markets.

There is yet another reason for our deteriorating trade balance. Alone among the major nations of the world, we do not have one central place in our Government to coordinate information, policies, and assistance to promote our exports. Alone among the major nations of the world, we do not have one central place to which business and local governments can turn for help in promoting exports.

It is time to recognize that the world economy has changed, and to organize ourselves to make the most of the present-day realities. Crucial to this is the recognition that our Government must play a greater role in trade. We may accept this only reluctantly, insisting it is not so. But accept it we must, because it is so.

In its early years, the Department of Commerce was enormously useful, helping to create a truly national economy within the United States out of the regional economies that grew up in the first half of the 19th century. That work is done. Now, the Department should turn to the challenge of our own time—defining the role our national economy can play in a newly competitive world.

The Department can begin to do so, if we consolidate all the various trade-related responsibilities, currently strewn across the Government among seven cabinet departments and more than a half-dozen agencies and offices. There would be in one place the trade-related responsibilities currently carried out by the Departments of State, Treasury, Energy, Labor, Defense, Agriculture, and Commerce, as well as the Office of the Special Trade Representative in the Executive Office of the President, the Export-Import Bank, the International Trade Commission, the International Development Corporation Agency, the Overseas Private Investment Corporation, and the Small Business Administration. Under this legislation, the functions of the present Commerce Department would be organized in a new subdepartment devoted to domestic commerce, directed by an undersecretary.

The United States has long resisted state direction or planning of matters concerning international trade. We persist in speaking as we have for a half-century. We conjure up images of a world in free trade, failing to notice that the kind of economies assumed for such trade have, for the most part, passed from the world scene.

What is to be done? One course would have us continue to slide toward protectionism, sideways as it were,

moving from one industry to another. Responding to some bit of damage after the fact with policies that ultimately bring more damage. There is an alternative: A coherent trade policy based on trade reorganization.

Mr. President, this is not a proposal to reshuffle a few offices within the Government, append a new name, and erect a new building. This is a thoughtful response to the disturbing patterns of current world trade. Alone among the major nations of the world, the United States lacks a cabinet position, one of full prestige and authority devoted to the Nation's role in the world economy. It is little wonder that America has yet to develop a coherent policy to address our trade problem. We do little or nothing, waiting for an invisible hand to sweep away the trade deficit. We have waited long enough; the problem will not simply correct itself. We need to organize, to collect all the trade-related functions of government in a single department responsible for making and coordinating trade policy. And we ought to do so soon. Delay condemns our trade policy to inaction, indecision, and inertia.

The bill I introduce today is the same one I introduced 2 years ago, on the first day of the 98th Congress. It is the broadest proposal on the table. I am not necessarily committed to including every function or office. But I am extremely serious when I say that the debate over trade reorganization must not be merely a diversion from our trade problems. It must be the means for taking effective action to address our trade problems.

I urge my colleagues to join me in this effort, and I ask unanimous consent that the full text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 21

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Trade and Commerce Act of 1985".

FINDINGS

SEC. 2. The Congress finds and declares that—

(1) the responsibility for developing and implementing the trade policy of the United States is divided among the Departments of Agriculture, Commerce, Defense, Energy, Labor, State, Transportation, and the Treasury, the United States Trade Representative, the International Development Corporation Agency, the International Trade Commission, the Small Business Administration and various other agencies;

(2) this division of trade responsibilities is cumbersome and has hindered efforts to expand international trade and to enforce the trade agreements of the United States, based upon the principles agreed to under the auspices of the General Agreements on Tariffs and Trade;

(3) it is in the national interest to promote the export of American goods and services, aid local and state governments in their efforts to increase local export activities, and to encourage overseas investment and foreign investment in the United States, thereby creating domestic employment opportunities;

(4) international trade has become an increasingly important component of the national income of the United States with exports presently accounting for over 10 per centum of the gross national product;

(5) free international trade will more efficiently allocate the world's resources, increasing output and raising living standards for all trading nations;

(6) free trade between nations breaks down social and cultural barriers and leads to greater understanding and cooperation among the peoples of the world; and

(7) the creation of a Cabinet-level Department of Trade and Commerce will promote these objectives and help facilitate the development and implementation of a coordinated and coherent international economic policy for the United States.

DEFINITIONS

SEC. 3. As used in this Act, unless othewise provided or indicated by the context—

(1) the term "Department" means the Department of Trade and Commerce or any component thereof;

(2) the term "Secretary" means the Secretary of Trade and Commerce;

(3) the term "department" means an executive department under section 101 of title 5, United States Code;

(4) the term "agency" has the same meaning as provided in section 551(1) of such title; and

(5) the term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

ESTABLISHMENT OF DEPARTMENT

SEC. 4. (a)(1) The Department of Commerce is redesignated the Department of Trade and Commerce.

(2) The Secretary of Commerce is redesignated the Secretary of Trade and Commerce. The Secretary shall have the rank and status of Ambassador Extraordinary and Plenipotentiary with respect to International Trade and investment matters.

(b) There shall be in the Department an Under Secretary of International Trade who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary of International Trade shall be the head of an international trade division within the Department and shall perform such fuctions as the Secretary may prescribe.

(c) There shall be in the Department an Under Secretary of Domestic Commerce who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary of Domestic Commerce shall be the head of a domestic commerce division within the Department and shall perform such functions as the Secretary may prescribe.

(d) There shall be in the Department separate offices for—

(1) strategic trade;

(2) financing and credit for international trade;

(3) the collection and analysis of information concerning the distribution of economic resources throughout the domestic economy; and

(4) such other offices as the Secretary considers appropriate.

(e) The Secretary shall prescribe the order by which the officers of the Department shall act for, and exercise the powers of, the Secretary during the absence or disability of the Secretary or in the event of a vacancy in the office of the Secretary.

FUNCTIONS

SEC. 5. (a) The Secretary shall—

(1) exercise leadership, under the direction of the President, in international trade and domestic commerce matters;

(2) develop and coordinate the policies of the United States for the promotion of beneficial international trade relationships with respect to industrial and agricultural products, services, raw materials, and investment;

(3) negotiate agreements relating to the international trade of the United States and assert and protect the rights of the United States under such agreements;

(4) protect American industry, agriculture, and labor from unfair and injurious foreign trade practices;

(5) seek and promote new trade and commercial opportunities in foreign countries for American goods, services, and investment;

(6) assist in financing international trade between the United States and foreign countries;

(7) administer and enforce customs and related laws;

(8) promote and undertake the development, collection, analysis, and dissemination of technical statistical, economic, and other information relating to domestic and international trade and investment including analysis of the distribution of the supplies and flows of capital, labor, and other resources among the sectors of the national economy and the long-term implication of such distribution; and

(9) assist State and local government efforts to increase exports.

(b) In carrying out his functions, the Secretary shall consult, exchange information, and carry on joint planning, research, and other activities with the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, the Secretary of Labor, the Secretary of State, the Secretary of Transportation, the Secretary of the Treasury, and the heads of such other departments and agencies as the Secretary considers appropriate.

(c) The Secretary shall jointly study, with the Secretary of Agriculture, the Secretary of Commerce, the Secretary of State, the Secretary of the Treasury, and the heads of such other departments or agencies as the Secretary considers appropriate, how Federal policies and programs can ensure that international trade and commerce systems most effectively serve both national and international economic needs. The Secretary shall include in the annual report required by section 8 of this Act an account of the studies and activities conducted under this subsection, including any legislative recommendations which the Secretary determines desirable.

(d) The Secretary shall consult with the Secretary of Defense in carrying out the functions transferred by section 6(f).

(e) The Secretary shall consult with the Secretary of Agriculture in carrying out the functions transferred by section 6(l).

TRANSFERS TO THE DEPARTMENT OF TRADE AND COMMERCE

SEC. 6. (a) There are transferred to the Secretary all functions of the United States Trade Representative and the Office of the United States Trade Representative in the Executive Office of the President.

(b) The Export-Import Bank of the United States is transferred to the Department.

(c) The Overseas Private Investment Corporation is transferred to the Department.

(d)(1) The Trade and Development Program of the International Development Cooperation Agency is transferred to the Department.

(2) There are transferred to the Secretary all functions of the Director of the International Development Cooperation Agency with respect to or being administered through the Trade and Development Program.

(e)(1) The United States Customs Service of the Department of the Treasury is transferred to the Department.

(2) There are transferred to the Secretary all functions of the Secretary of the Treasury or the Department of the Treasury with respect to or being administered through the United States Customs Service.

(f) There are transferred to the Secretary all functions of the Secretary of Defense with respect to export of strategic materials which functions are administered by the Assistant Secretary of Defense (International Security Affairs). Such functions shall be administered by the head of the office of strategic trade established pursuant to section 4(d)(1).

(g) There are transferred to the Secretary all functions of the Secretary of Energy with respect to the importation and exportation of energy and energy-producing materials, including fuels, which functions are being administered by the Assistant Secretary of Energy for International Affairs.

(h) There are transferred to the Secretary all functions of the Secretary of Labor or the Department of Labor with respect to or being administered through the Office of Trade Adjustment Assistance of the Department of Labor.

(i) There are transferred to the Secretary all functions of the Secretary of State, the Department of State, and officers and components of such Department relating to international trade and investment as determined by the Director of the Office of Management and Budget.

(j) There are transferred to the Secretary all functions of the Secretary of Transportation with respect to the importation and exportation of transportation systems and equipment which functions are being administered by the Assistant Secretary of Transportation for Policy and International Affairs.

(k) There are transferred to the Secretary all functions of the Secretary of the Treasury, the Department of the Treasury, and officers and components of such Department relating to international trade and investment as determined by the Director of the Office of Management and Budget.

(l) There are transferred to the Secretary all functions of the Secretary of Agriculture, the Department of Agriculture, and officers and components of such Department relating to the export of agricultural products as determined by the Director of the Office of Management and Budget.

(m) The United States International Trade Commission is transferred to the Department.

(n) There are transferred to the Secretary all functions of the Small Business Administration with respect to extensions of credit and revolving lines of credit to enable small business concerns to engage in export and import business.

ADMINISTRATIVE PROVISIONS

SEC. 7. (a) In addition to the authority contained in any other Act authorizing functions transferred to the Secretary by this Act, the Secretary is authorized, subject to the civil service and classification provisions of title 5, United States Code, to select, appoint, employ, and fix the compensation of such officers and employees, including investigators, attorneys, and hearing examiners, as are necessary to carry out the provisions of this Act, and to prescribe the authority and duties of such officers and employees.

(b) The Secretary may obtain services as authorized by section 3109 of title 5, United States Code, at rates not to exceed $100 per day for individuals unless otherwise specified in an appropriation Act.

(c) In addition to the authority to delegate and redelegate functions contained in any other Act authorizing functions transferred to the Secretary by this Act, the Secretary may delegate his functions to such officers and employees of the Department as he may designate, and may authorize such successive redelegations of such functions as he may find appropriate.

(d) The Secretary may make such rules and regulations as may be necessary or appropriate to administer and manage the functions of the Secretary or the Department.

(e)(1) The Secretary is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as the Secretary shall find to be desirable in the interest of economy and efficiency in the Department, including such services as—

(A) a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its components;

(B) central messenger, mail, telephone, and other communications services;

(C) office space, central services for document reproduction, and for graphics and visual aids; and

(D) a central library service.

(2) The capital of the fund shall consist of any appropriations made for the purpose of providing working capital and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. Such funds shall be reimbursed in advance from available funds of agencies and offices in the Department, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus of the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain such fund. There shall be transferred to the fund the stocks of supplies, equipment, other assets, liabilities, and unpaid obligations relating to the services which the Secretary determines, with the approval of the Director of the Office of Management and Budget, will be performed.

(f) The Secretary shall cause a seal of office to be made for the Department of such design as he shall approve, and judicial notice shall be taken of such seal.

(g)(1) The Secretary is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Secretary. Property accepted pursuant to this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

(2) For the purpose of Federal income, estate, and gift taxes, property accepted under paragraph (1) shall be considered as a gift or bequest to or for use of the United States.

(3) Upon the request of the Secretary, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund provided for in paragraph (1). Income accruing from such securities, and from any other property held by the Secretary pursuant to paragraph (1), shall be deposited to the credit of the fund, and shall be disbursed upon order of the Secretary.

(h) The Secretary is authorized to appoint, without regard to the classification and civil service provisions of title 5, United States Code, such advisory committees as may be appropriate to assist the Department in the performance of its functions.

(i)(1) Subject to the provisions of the Federal Property and Administrative Services Act of 1949, the Secretary is authorized to make, enter into, and perform such contracts, grants, leases, cooperative agreements, or other similar transactions with Federal or other public agencies (including State and local governments) and private organizations and persons, and to make such payments, by way of advance or reimbursement, as the Secretary may determine necessary or appropriate to carry out functions of the Secretary or the Department.

(2) Notwithstanding any other provision of this Act, no authority to enter into contracts or to make payments under this Act shall be effective except to such extent or in such amounts as are provided in advance under appropriation Acts. This subsection shall not apply with respect to the authority granted under subsection (g) of this section.

(j)(1) The Secretary is authorized, upon the written request of any person, or any State, territory, possession, or political subdivision thereof, to (A) make special statistical studies relating to international trade and domestic commerce, (B) prepare from the records of the Department special statistical compilations, and (C) furnish transcripts of such studies and compilations of the Department upon the payment of the actual cost of such study or compilation by the person or body requesting such work.

(2) All moneys received by the Department in payment for any study or compilation prepared under paragraph (1) shall be deposited in a separate account to be administered under the direction of the Secretary. Such moneys may be used, in the discretion of the Secretary, for the ordinary expenses incidental to the preparation of any such study or compilation or to secure in connection therewith the services of persons who are not officers or employees of the United

States, to such extent or in such amounts as are provided in advance in appropriation Acts.

(k)(1) The Secretary is authorized to enter into contracts, to such extent or in such amounts as are provided in appropriation Acts, with educational institutions, public or private agencies or organizations, or persons for the conduct of research into any aspect of the problems related to the programs of the Department which are authorized by statute.

(2) The Secretary shall require a showing that any institution, agency, organization, or person with which the Secretary expects to enter into any contract pursuant to this subsection have the capability of doing effective work. The Secretary shall furnish such advice and assistance to any such institution, agency, organization, or person as the Secretary determines will best carry out the functions of the Department, participate in coordinating all research initiated under this subsection, and indicate the lines of inquiry which the Secretary considers most important. The Secretary shall encourage, and assist in the establishment and maintenance of, cooperation by and between all institutions, agencies, organizations, or persons with which the Secretary enters into contracts under this subsection, and between such institutions, agencies, organizations, and persons and other research organizations, the Department, and other Federal departments and agencies.

(3) The Secretary may disseminate in the form of reports or publications to public or private agencies or organizations, or individuals such information as the Secretary finds pertinent on the research carried out pursuant to this section.

(4) This subsection does not modify or repeal any provision of law administered by the Department which authorizes contracts for research.

ANNUAL REPORT

SEC. 8. The Secretary shall, as soon as practicable after the end of each fiscal year, prepare and transmit a written report to the President on the activities of the Department during such fiscal year, including activities under section 5(c) of this Act. The President shall submit such report to the Congress.

TRANSFER MATTERS

SEC. 9. (a) The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, in connection with the functions, offices, and agencies transferred by this Act, are, subject to section 1531 of title 31, United States Code, transferred to the Department for appropriate allocation.

(b) The transfer of personnel pursuant to subsection (a) of this section shall be without reduction in classification or compensation for one year after such transfer.

(c) Any person who, on the day preceding the effective date of this Act, held a position compensated in accordance with the Executive Schedule, and who, without a break in service, is appointed in the Department to a position having duties comparable to those performed immediately preceding his appointment shall continue to be compensated in his new position at not less than the rate provided for his previous position, for the duration of his service in his new position.

(d) In the exercise of the functions transferred under this Act, the Secretary shall have the same authority as was exercised by the head of the department or agency exercising such functions immediately preceding their transfer, and the actions of the Secretary in exercising such functions shall have the same force and effect as when exercised by the head of the department or agency from whom such functions are transferred.

(e)(1) The Director of the Office of Management and Budget, at such time as the Director provides, may make such determinations as may be necessary with regard to the functions, offices, agencies, or portions thereof, transferred by this Act, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, offices, agencies, or portions thereof, as may be necessary to carry out the provisions of this Act. The Director shall provide for such further measures and dispositions as may be necessary to effectuate the purposes of this Act, and for the termination of the Office of United States Trade Representative.

(2) After consultation with the Director of the Office of Personnel Management, the Director of the Office of Management and Budget is authorized, at such time as the Director of the Office of Management and Budget provides, to make such determinations as may be necessary with regard to the transfer of positions within the Senior Executive Service in connection with functions, offices, and agencies transferred by this Act.

SAVINGS PROVISIONS

SEC. 10. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act by (A) any department or agency, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction; and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the President, the Secretary, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this Act takes effect before any department or agency or any component thereof, the functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Department. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary, by a court of competent jurisdiction, or by operation of law.

(c) Except as provided in subsection (e)—

(1) the provisions of this Act shall not affect actions commenced prior to the date this Act takes effect, and

(2) in all such actions proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

(d) No action or other proceeding commenced by or against any officer in his official capacity as an officer for any department or agency from whom functions are transferred by this Act shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency from which functions are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of action and actions with respect to a function, offfice, or agency transferred by this Act, or other proceedings may be asserted by or against the United States or an official of the Department as may be appropriate and, in an action pending when this Act takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(e) If before the date on which this Act takes effect, any department, office, or agency, or any officer thereof in his official capacity, is a party to an action, and under this Act—

(1) such office or agency is transferred to the Department, or agency; or

(2) any function of such department, office, agency, or officer is transferred to the Secretary,

such action shall be continued with the Secretary or other appropriate official of the Department substituted or added as a party.

(f) Orders and actions of the Secretary in the exercise of the functions transferred under this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the head of the department, office, or agency in exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, actions upon the record, or administrative review that apply to any functions transferred by this Act shall apply to the exercise of such functions by the Secretary.

(g)(1) Reference in any other Federal law to the Department of Commerce (or any office or agency thereof) or to the Secretary of Commerce shall be deemed to mean the Department or the Secretary, respectively.

(2) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any department, office, or agency, or any officer thereof, the functions of which are so transferred, shall be deemed to mean the Secretary or the Department.

TERMINATION

SEC. 11. The Office of the United States Trade Representative is terminated.

CONFORMING AMENDMENTS

SEC. 12. (a) Section 19(d)(1) of title 3, United States Code, is amended by striking out "Secretary of Commerce" and inserting in lieu thereof "Secretary of Trade and Commerce".

(b) Section 101 of title 5, United States Code, is amended by striking out "The Department of Commerce." and inserting in lieu thereof "The Department of Trade and Commerce.".

(c)(1) Section 5312 of title 5, United States Code, is amended—

(A) by striking out the item relating to the Secretary of Commerce and inserting in lieu thereof the following:

"Secretary of Trade and Commerce"; and

(B) by striking out the item relating to the Special Representative for Trade Negotiations.

(2) Section 5314 of title 5, United States Code, is amended by striking out the items relating to the Under Secretary of Com-

merce and the Deputy Special Representatives for Trade Negotiations and by adding at the end thereof the following:

"Under Secretary of International Trade of the Department of Trade and Commerce.

"Under Secretary of Domestic Commerce of the Department of Trade and Commerce.".

(3) Section 5315 of title 5, United States Code, is amended—

(A) by striking out the item relating to the Assistant Secretaries of Commerce and inserting in lieu thereof the following:

"The Assistant Secretaries of Trade and Commerce (8).''; and

(B) by striking out the item relating to the General Counsel of the Department of Commerce and inserting in lieu thereof the following:

"The General Counsel of the Department of Trade and Commerce.".

(4) Section 5316 of title 5, United States Code, is amended—

(A) by striking out the item relating to the Commissioner of Customs, Department of the Treasury and by inserting in lieu thereof the following:

"Commissioner of Customs, Department of Trade and Commerce."; and

(B) by striking out "Department of Commerce" each place it appears and inserting in lieu thereof in each such place "Department of Trade and Commerce."

(d) Section 242(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1872(a)) is amended by striking out "United States Trade Representative" and inserting in lieu thereof "Secretary of Trade and Commerce who shall be Chairman".

(e)(1) The first sentence of section 231 of the Foreign Assistance Act of 1961 (22 U.S.C. 2191) is amended by striking out "Secretary of State" and inserting in lieu thereof "Secretary of Department of Trade and Commerce".

(2) The first paragraph of section 233(b) of such Act (22 U.S.C. 2193(b)) is amended by striking out the third sentence thereof, and by inserting in lieu thereof the following:

"The Secretary of Trade and Commerce shall be a permanent voting member of the Board, ex officio.".

(3) Section 233(c) of such Act (22 U.S.C. 2193(c)) is amended by adding at the end thereof the following new sentence: "The President of the Corporation shall report to the Secretary of Trade and Commerce.".

(f)(1) Section 3(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(a)) is amended to read as follows:

"(a) The Export-Import Bank of the United States is established as an independent agency within the Department of Trade and Commerce.".

(2) Section 3(b) of such Act (12 U.S.C. 635a(b)) is amended by inserting after the first sentence the following new sentence: "The President of the Bank shall report to the Secretary of Trade and Commerce.".

(3) The first sentence of section 3(c) of such Act (12 U.S.C. 635a(c)) is amended to read as follows: "There shall be a Board of Directors of the Bank consisting of the President of the Export-Import Bank of the United States, who shall serve as Chairman, the First Vice President of the Bank who shall serve as Vice Chairman, the Secretary of Trade and Commerce, and two additional persons appointed by the President of the United States by and with the advice and consent of the Senate.".

(g) The first section and section 2 of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2071 and 2072) and section 301 of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075) are amended by striking out "the Treasury" each time it appears and by inserting in lieu thereof "International Trade and Commerce".

(h) The first sentence of section 330(a) of the Tariff Act of 1930 (19 U.S.C. 1330(a)) is amended to read as follows: "The United States International Trade Commission (referred to in this title as the 'commission') is an independent agency within the Department of Trade and Commerce and shall be composed of six commissioners who shall be appointed by the President, by and with the advice and consent of the Senate.".

SEPARABILITY

SEC. 13. If any provision of this Act and the amendments made by this Act or the application thereof to any person or circumstances is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

SEC. 14. (a) This Act and the amendments made by this Act shall take effect ninety days after the date on which the Secretary first takes office, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Notwithstanding subsection (a), any of the officers provided for in this Act may be appointed in the manner provided for in this Act at any time after the date of enactment of this Act. Any such officer shall be compensated from the date he first takes office at the rates provided for in this Act. Such compensation and related expenses of any such officer shall be paid from funds available for the functions to be transferred to the Department pursuant to this Act.

INTERIM APPOINTMENTS

SEC. 15. (a) If one or more officers required by this Act to be appointed by and with the advice and consent of the Senate has entered upon office on the effective date of this Act and notwithstanding any other provision of law, the President may designate an officer in the executive branch to act in such office for one hundred and twenty days or until the office is filled as provided in this Act, whichever occurs first.

(b) Any officer acting in an office due to a designation by the President under subsection (a) shall receive compensation at the rate prescribed for such office.

By Mr. PROXMIRE:

S. 22. A bill to amend the Communications Act of 1934, in order to recognize, strengthen, and further the objectives of the first amendment in relationship to radio and television broadcasting stations; to the Committee on Commerce, Science, and Transportation.

FIRST AMENDMENT CLARIFICATION ACT OF 1985

Mr. PROXMIRE. Mr. President, today I am introducing the First Amendment Clarification Act of 1985.

This bill is similar to a measure I first introduced in 1975 and then again in 1977, 1979, 1981, and 1983.

The major goal of this legislation is to give fuller meaning to our first amendment's guarantee of freedom of the press by abolishing the so-called fairness doctrine and the equal time rule.

FREE PRESS RIGHTS

The first amendment forbids the Congress from passing any law that might diminish our right to have a free press.

But, unfortunately, Congress has enacted a law which does just that. I refer, of course, to the Communications Act, which has abridged the rights of a part of the free press.

Other means of mass communication—newspapers, magazines, pamphlets, books, and motion pictures—have kept their free press rights. But not broadcasting.

In the most recent Roper poll released by the television information office, 65 percent of the respondents said that they got their news information from television while 18 percent cited radio. Clearly, television and radio are the dominant source of news for the American people. Yet, because of governmental controls like the fairness doctrine and the equal time rule, broadcasters are second-class citizens when it comes to first amendment rights.

Freedom of the press is for the benefit of all Americans. If television and radio, the most popular disseminators of news and opinion, continue to be tied down by stifling Government regulation, the people of this Nation will continue to be the losers.

Mr. President, my bill aims to change this situation by giving broadcasters more of the first amendment freedom they deserve.

PURPOSE DEFINED

The first section of my bill defines its purpose: To recognize and confirm the applicability of the first amendment to broadcasting and to strengthen and further the objectives of the first amendment.

This purpose is to be accomplished by removing certain statutory regulatory restrictions placed on broadcasters operating under the Communications Act of 1934.

Section 2 of my bill deals with the definition of "public interest, convenience, and necessity" under which broadcasters operate.

That phrase in the Communications Act is currently used to make broadcasters accountable to the Federal Communications Commission, after the fact, for everything they put on the air.

My proposal makes it clear that the term "public interest, convenience, and necessity" cannot be construed to give the FCC jurisdiction to require that any person be provided broadcast time, or to require that any viewpoint be given broadcast time.

Section 3 of my bill repeals that part of the Communications Act which permits the FCC to revoke the license of

any station that willfully refuses or fails to allow a candidate for Federal office to buy reasonable amounts of broadcast time.

SECTION 315 REPEALED

Section 4 repeals section 315 of the Communications Act of 1934. Section 315 contains both the equal time rule and the basis for the FCC's Fairness Doctrine.

The equal time rule requires that when a candidate for public office is given or sold time, any other candidate for that same office must be given an equal opportunity.

That sounds great. But the equal time rule is an abridgment of the first amendment. It is governmental control over a part of the free press.

The Fairness Doctrine of the FCC requires that broadcasters afford reasonable opportunities for the presentation of contrasting viewpoints on controversial issues of public importance.

Unlike the equal time requirement, the Fairness Doctrine does not call for each viewpoint to receive the same amount of air time. Nor does it require that the other viewpoint be given in the same program.

Again, that sounds fine. But the Fairness Doctrine, like the equal time rule, violates the first amendment. Once more, a segment of the free press is being regulated by the Government.

PUBLIC BROADCASTING

Section 5 deals with a first amendment problem contained in section 396(g)(1)(A) of the Communications Act of 1934, which authorizes the Corporation for Public Broadcasting to facilitate the full development of educational broadcasting in which programs of high quality, obtained from diverse sources, are to be made available to noncommercial educational television or radio stations. But this must be done with strict adherence to objectivity and balance in all programs or series of programs of a controversial nature.

Such a Government-imposed standard is inappropriate and undesirable. Trying to enforce it can result in a chilling effect on the free play of ideas which public broadcasting should help promote.

By simply deleting this standard, section 5 of my bill is designed to solve the first amendment problem it poses.

Finally, section 6 of my bill repeals the prohibition on political editorializing by noncommercial educational broadcasting stations. This section of the current law, aimed at licensees, seems clearly unconstitutional.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 22

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND STATEMENT OF PURPOSE

SECTION 1. (a) This Act may be cited as the "First Amendment Clarification Act of 1985".

(b) It is the purpose of this Act to recognize and confirm the applicability of and to strengthen and further the objectives of the first amendment of the Constitution of the United States by removing statutory and regulatory restrictions on broadcasters operating under the Communications Act of 1934.

DEFINITION OF PUBLIC INTEREST, CONVENIENCE, AND NECESSITY

SEC. 2. Section 309 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(j) Notwithstanding any other provision of this part, effective on and after the date of the enactment of this subsection for the purposes of this part, the term 'public interest, convenience, and necessity' may not be construed to give the Commission jurisdiction to require the provision of broadcast time to any person or for the expression of any viewpoint.".

REPEAL OF LICENSE OR CONSTRUCTION PERMIT REVOCATION POWER RELATING TO FACILITIES FOR CANDIDATES FOR FEDERAL PUBLIC OFFICE

SEC. 3. Section 312(a) of the Communications Act of 1934 is amended by inserting "or" at the end of clause (5), striking out the semicolon and "or" at the end of clause (6) and inserting in lieu thereof a period, and striking out clause (7).

REPEAL OF SECTION 315 RELATING TO FACILITIES AND CANDIDATES FOR PUBLIC OFFICE

SEC. 4. Section 315 of the Communications Act of 1934 is repealed.

REPEAL OF CERTAIN LIMITATIONS ON CORPORATION FOR PUBLIC BROADCASTING

SEC. 5. Section 396(g)(1)(A) of the Communications Act of 1934 is amended by striking out all beginning with the comma following "telecommunications entities" to the semicolon at the end thereof.

REPEAL OF PROHIBITION OF POLITICAL EDITORIALS

SEC. 6. Section 399 of the Communications Act of 1934 is repealed.

By Mr. MOYNIHAN (for himself and Mr. HEINZ):

S. 23. A bill to reauthorize trade adjustment assistance for workers and firms; to the Committee on Finance.

TRADE ADJUSTMENT ASSISTANCE REAUTHORIZATION

Mr. MOYNIHAN. Mr. President, I rise today, the first day of the 99th Congress, to introduce legislation to reauthorize the trade adjustment assistance [TAA] program. I am pleased to be joined by my distinguished friend and colleague, Senator HEINZ. Our bill would extend the TAA program—which will expire on September 30 of this year—for another 6 years.

My colleagues know of our concern with certain aspects of the program, and of our continuing interest and desire to reform TAA. In the coming months I will introduce additional legislation to reform the program in various ways. Appropriate eligibility criteria, sources of secure and adequate funding, ways to enhance the effectiveness of worker retraining, and firm and industry assistance, are all areas of great interest.

We are introducing this simple reauthorization bill today to facilitate prompt congressional consideration, and because we believe that the program must be maintained.

Trade adjustment assistance represents a commitment made to the American worker two decades ago, at the time of the Kennedy round of multilateral trade negotiations. We recognized then that while open trade is essential to a healthy domestic economy, important segments of our work force are adversely affected by import competition. Trade adjustment assistance addresses the needs of affected workers, helping them while they are unemployed and enabling them to receive training for new jobs in different sectors of the economy.

Indeed, the success of the Tokyo round of the multilateral trade negotiations—the last great achievement of GATT—resulted in part because the American labor movement supported the further lowering of tariffs. The labor movement's support was maintained in the knowledge that the TAA program would protect American workers from the adverse consequences of some of these governmental trade decisions.

The benefits of tariff reduction and trade liberalization have been appreciable, and widespread; the costs in terms of worker displacement have been much more focused. It is for workers in the effected industries, and the individual companies, that the TAA program exists.

The need persists. The most recent figures by the Department of Commerce show that our trade deficit in 1984 reached the truly unprecedented level of $126 billion. In 1 year. That is more than twice the record deficit of only 1 year ago; and more than four times as large as our trade deficit in 1981.

That deficit translates directly into lost job opportunities. Alfred Eckes, of the International Trade Commission, has estimated that for every billion-dollar increase in the trade deficit, 25,000 new job opportunities are lost. That means in the last 4 years, our trade deficit has cost American workers 2½ million job opportunities—with more than 50 percent of that in the last year alone.

We might listen more carefully to the Ruth Dunham's of our land. For 28 years, Ruth Dunham has been a lathe and saw operator in a clothespin plant in West Paris, ME, a town that has seen imports close down its shoe and textile concerns. Last April, she told a reporter for the Wall Street

Journal that "you'd think the Government would look out for people in this country." She was expressing a simple but fundamental desire: she wants to continue working.

Can we not listen to the Ruth Dunhams? We can start by insisting on enforcement of the existing remedies against unfair trade practices, remedies provided for in the GATT agreements. But that will not be enough. There will continue to be American workers displaced as a result of tough—yet fair—international competition. Our task must be to facilitate, to the extent possible, the movement of American workers into jobs in industries with a future. Which is to say, jobs that are internationally competitive.

That is what TAA is all about. TAA has flaws; the program could use some improvement. But the basic idea is sound. The TAA program, even as is, should be extended.

I urge my colleagues to join me, and I ask unanimous consent that the full text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 23

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Section 245 of the Trade Act of 1974 (19 U.S.C. 2317 is amended by striking out "each of the fiscal years 1982 through 1985" and inserting in lieu thereof "each of the fiscal years 1982 through 1991".

(b) Section 285 of such Act is amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1991".

By Mr. MOYNIHAN (for himself, Mr. BAUCUS, Mr. DECONCINI, and Mr. D'AMATO):

S. 24. A bill to amend the Safe Drinking Water Act to provide for the protection of certain recharge areas overlying sole source underground water supplies; to the Committee on Environment and Public Works.

SOLE SOURCE AQUIFER PROTECTION ACT

Mr. MOYNIHAN. Mr. President, I rise today, the first day of the 99th Congress, to introduce the Sole Source Aquifer Protection Act of 1985, to protect our Nation's valuable ground water resources. I have done so before, on February 23, 1982 and again on April 18, 1983, and the need today is no less great.

The legislation is designed to protect critical underground water supplies that provide a region's sole source of drinking water.

Section 1424e of the Safe Drinking Water Act, the Members of this body will recall, established a procedure to formally designate sole source aquifers. Thus far, 17 aquifers have been designated. This legislation would enable the Environmental Protection Agency to assist State and local governments in their efforts to protect these underground water supplies, by offering matching grants for planning and implementation, as well as technical guidance.

Over the last two decades, our Nation has repeatedly recognized the need to protect surface water. The Clean Water Act of 1972 set in place a massive national effort to monitor and control the discharge of dangerous pollutants into surface waters. Since then, the Federal Government has spent nearly $30 billion to construct municipal wastewater treatment plants. In addition, Congress enacted the Resource Conservation and Recovery Act and the Superfund to prevent future Love Canals and respond to land-based hazardous waste sites with which we still must live.

At the same time, we have neglected to protect our Nation's undergound supplies with similar efforts. Historically, the safety of ground water supplies has been the responsibility of our State and local governments. A variety of Federal statutes do provide some protection from particular sources of ground water pollution. Yet, according to a recent study by the Office of Technology Assessment, the focus of Federal programs has been too narrow. Environmental controls have been established only for the most obvious sources, and Federal drinking water standards have been developed for only a few substances. Equally important, some of the most effective preventive strategies to maintain good ground water quality have rarely been applied.

We now realize how seriously the activities on the land above an aquifer can and do affect the quality of the ground water below and its viability as a water supply for future generations. As precipitation diffuses through the land surface and recharges the ground water, it carries with it substances that have leaked into the soil or been placed on the land. In many cases, water passing through a relatively small, well defined land area can recharge a large ground water reservoir. Careful protection of these recharge zones is one of the cheapest and most effective means of maintaining good ground water quality. Comprehensive ground water protection, then, involves much more than proper landfill design and other technological controls. It involves as well careful planning of the location, design, and intensity of human activities in ground water recharge zones.

Long Island, in my home State of New York, is an excellent case in point. In the mid-1970's, in the words of the Suffolk County, Long Island Health Commissioner Dr. David Harris, we came to "the shocking discovery that our Long Island ground water was contaminated with chemicals." Improved testing techniques produced this discovery, and after extensive testing, it became apparent that the ground water was vulnerable to almost all soluble organic compounds. According to Dr. John Dowling, Nassau County Health Commissioner, over the last 30 years, 54 public supply wells have been abandoned or deepened because of ground water contamination.

On Long Island, the prime recharge zone in an area known as the Central Suffolk Pine Barrens, tract of approximately 110,000 acres. The early settlers of Long Island, saw the Pine Barrens as an area useless for farming or grazing. As a result, it has arrived as the largest undeveloped tract of land on Long Island. Far from barren, the Pine Barrens is rich in one very special resource—ground water.

Three million people on Long Island depend today on the aquifer as their sole source of drinking water, while the island's porous soil makes these aquifers especially vulnerable to contamination. Today, the deep waters that supply so many of Long Island's residents are still relatively clean. Water drawn from Long Island's Magothy Aquifer fell as rain decades ago, and much of this water passed through the soils of the Pine Barrens, and thereby ensure the purity of the water supply for decades to come.

This legislation would provide a framework for Federal-State cooperation to help protect critical recharge areas such as the Pine Barrens. Any region in the Nation designated by the EPA as a sole source aquifer could qualify for support to protect critical recharge zones. With this Federal assistance, State and local governments could undertake a broad range of measures, to ensure that their community development proceeds in a manner compatible with water quality.

Participation in the special protection area program would be entirely optional. This legislation, I would note, will not involve the Federal Government in local land use decisions. Nor would it establish a new regulatory structure, or call for new regulations.

The sole source aquifer designation, provided under the Safe Drinking Water Act of 1974, was intended to control Federal development activities in regions entirely dependent on ground water for drinking supplies. Experience has shown that without broader planning and management, this designation cannot control many activities which adversely affect the quality of ground water. This legislation would help do so.

I urge my colleagues to join me, and I ask unanimous consent that the text and a summary of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 24

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Sole Source Aquifer Protection Act of 1985".

SEC. 2. Part C if title XIV of the public Health Service Act (the "Safe Drinking Water Act") is amended by inserting the following new section at the end thereof:

"PROTECTION OF CRITICAL GROUND WATER RECHARGE AREAS

"SEC. 1426. (a) Recognizing the dependence of the Nation on its groundwater resources, it is hereby declared to be the policy of the Congress that the Federal Government shall cooperate with States and municipalities in the preparation and implementation of regional plans for protection of critical groundwater recharge areas.

"(b) The Congress finds that—

"(1) almost half of the Nation's citizens depend on groundwater for potable water supplies;

"(2) scientific evidence is mounting of contamination of groundwater by toxic organic compounds, nutrients, salts, and other pollutants in all regions of the country;

"(3) groundwater contamination, once it occurs, is extremely difficult to mitigate;

"(4) certain areas overlying a sole source aquifer are particularly critical in maintaining high quality groundwater because of their relatively high rates of existing or potential recharge or proximity to major zones of withdrawal;

"(5) prevention of pollution of high quality groundwater and protection of its critical recharge watershed area cost substantially less than measures to mitigate harm following contamination; and

"(6) there exists no established process to coordinate Federal, State, and local authorities who share responsibilities in the protection of groundwater resources.

"(c) The purposes of this section are—

"(1) to establish procedures for the designation of special protection areas, defined by hydrogeology, water quality, and land use as of critical importance in maintaining water quality in the designated sole source area;

"(2) to establish procedures for the development and implementation of a site-specific comprehensive management plan for each designated special protection area; and

"(3) to establish guidelines for Federal-State cooperation in the planning, funding, and implementation required to carry out the purposes of this section; and

"(4) to provide Federal financial assistance to States and their municipalities in the development and implementation of policies to protection critical groundwater recharge areas but not to impose substantive limitations on State and local land use authorities.

"(d)(1) Upon designation of a sole or principal source area, pursuant to section 1424(e), any one or several municipalities within such area may petition the Governor of the State in which the area is located to apply for the designation of 'special protection area' within such area.

"(2) A petition under this subsection shall propose boundaries for the special protection area and further shall evaluate whether—

"(A) the proposed special protection area is a recharge zone for significant volumes of groundwater with drinking water supply potential;

"(B) the groundwater which is recharged through the proposed special protection area is of high quality;

"(C) portions within the sole or principal source area are already contaminated with toxic organics, nutrients, salts, or other pollutants;

"(D) maintenance of high quality in the ground water recharged through the proposed special protection area would have significant economic, social, and ecological benefits for the sole or principal source area; and

"(E) degradation of groundwater recharged through the proposed special protection area would have significant economic, social, and ecological costs for the area.

"(e) Within one hundred and eighty days following receipt of a petition under this section, the Governor, considering the criteria set forth in subparagraphs (A) through (E) of subsection (d)(2), shall approve or disapprove the petition. If the Governor approves such petition, he shall—

"(1) propose the boundaries of the special protection area;

"(2) designate or, if necessary, establish a planning entity to develop a comprehensive management plan (hereinafter in this section referred to as the 'plan') for the special protection area with adequate representation of municipalities to assure their participation throughout the planning process;

"(3) establish technical and citizens advisory committees, hold hearings, and take other appropriate steps to assure and encourage public participation; and

"(4) establish procedures for review, approval, and adoption of the plan pursuant to State law and offer assistance to municipalities and other public agencies with authority, pursuant to State law, to implement the plan.

"(f)(1) Pursuant to approval of the petition as set forth in subsection (e), the Governor shall submit to the Administrator—

"(A) proposed boundaries of the special protection area; and

"(B) a description of the planning entity and the technical and citizens advisory committees.

"(2) Within sixty days after submission of the items referred to in paragraph (1) to the Administrator, the Administrator shall approve or disapprove the Governor's proposed boundaries and the designated planning entity.

"(3) The Administrator may approve the Governor's proposed boundaries and the designated planning entity if he finds that—

"(A) the boundaries are based on the criteria set forth in subparagraphs (A) through (E) of subsection (d)(2) of this section and the purposes of section 1424(e); and

"(B) the planning entity has the authority, pursuant to State law, and the technical expertise to prepare the plan.

"(4) If the Administrator disapproves either the Governor's proposed boundaries or the designated planning entity, he shall submit his reasons for disapproval to the Governor. The Governor may resubmit his request at his discretion.

"(5) If the Administrator approves the Governor's proposed boundaries and the designated planning entity, he may provide to the State, on a matching basis, a grant of 50 per centum to the costs incurred in preparing the petition and developing the plan. The designated planning entity, through the Governor, shall be eligible for such planning funds for a period not to exceed two years.

"(g)(1) A planning entity designated under this section shall be authorized and directed to prepare a comprehensive management plan consistent with the purposes of this Act for the special protection area. In order for a plan to qualify for funding under this Act, such plan shall be designed to maintain the quality of the groundwater recharged through the special protection area through maintenance, to the maximum extent possible, of the natural vegetative and hydrogeologic conditions. Such plan shall include but not be limited to—

"(A) a determination of the quality of the existing groundwater recharged through said special protection area and the natural recharge capabilities of the special protection area water shed;

"(B) an identification of existing and potential point and nonpoint sources of groundwater degradation, groundwater flow patterns, and the relationship between surface water management and groundwater recharge;

"(C) recommendations for groundwater quality standards designed to maintain existing groundwater quality or improve existing groundwater quality if prevailing conditions fail to meet drinking water standards, pursuant to this Act and State law;

"(D) a map showing the detailed boundary of the special protection area;

"(E) a resource assessment which suggests the amount, location, and type of human development and activity which the ecosystem can sustain while still maintaining existing ground and surface water quality and protecting unique ecological features related to maintenance of water quality;

"(F) proposal of limits on Federal, State, and local government, financially assisted activities and projects which, directly or indirectly, may contribute, in any way whatsoever, to any degradation of such groundwater or any loss of natural surface and subsurface infiltration or purification capability of the special protection area watershed;

"(G) development of a comprehensive statement of land use management as it pertains to the maintenance and enhancement of groundwater quality and quantity;

"(H) proposal of limits on land uses in the special protection area which might have an adverse impact on water quality, recharge capabilities, or both;

"(I) consideration and proposal of specific techniques, including, but not limited to clustering, transfer of development rights, and other innovative measures sufficient to achieve the objectives of this section;

"(J) consideration of the establishment of a State institution to facilitate and assist in funding a development transfer credit system;

"(K) proposal to designate specific areas within the special protection area suitable and appropriate for public acquisition for fee or less than fee interests; and

"(L) a program for State and local implementation of the plan described in this subsection in a manner that will insure the continued, uniform, consistent protection of the special protection area in accord with the purposes of this section.

"(2) During the development of the comprehensive management plan, the planning entity shall—

"(A) consult with appropriate officials of any municipality or State or Federal agency which has jurisdiction over lands and waters within the boundaries of the special protection area;

"(B) transmit any draft and final plan to all appropriate municipalities for review and comment;

"(C) consult with interested professional, scientific, and citizen organizations;

"(D) consult with the technical and citizen advisory committees which shall be established by the Governor; and

"(E) conduct public hearings, pursuant to State law, at places within the special protection area, and at such places as may be appropriate, for the purpose of providing interested persons and municipalities with an opportunity to comment on any aspect of the plan.

"(h) Upon completion of the process set forth in subsection (g) or an equivalent process acceptable to the Governor and the Administrator, the planning entity shall submit the plan to the Governor for review. The Governor shall approve or disapprove the plan. In his review of the plan, the Governor shall consider whether—

"(1) the plan will achieve the stated water quality objectives of the plan and this section and protect the ecological value of the special protection area which may be significant to maintain water quality;

"(2) the plan requires the exercise of land use and zoning measures to the greatest extent practicable to regulate the use of land and water resources in a manner consistent with the purposes of this section;

"(3) the planning entity has afforded adequate opportunity, including public hearings, for public involvement in the preparation and review of the plan, has considered such review and comment in the plan as submitted to him;

"(4) written assurances have been received from appropriate municipalities that the recommended implementation program identified in the plan will be initiated within a reasonable time after the approval of the plan by the Administrator;

"(5) the necessary authority and resources exist, pursuant to State law, to assure implementation of the plan at the State and local level; and

"(6) a separate management entity should be designated or established, pursuant to State law, to implement the plan.

"(i)(1) The Governor shall submit a plan approved pursuant to subsection (h) to the Administrator for review. Within one hundred and twenty days, the Administrator shall approve the plan or submit in writing to the Governor his reasons for not approving it. If approval is not given, the Governor shall have ninety days to resubmit a modified plan to the Administrator. In his review, the Administrator shall consider the criteria set forth in subsection (g)(1), and after consultation with the Secretary of Defense, shall determine whether the national defense mission of military installations or related production facilities within, contiguous or adjacent to the special protection area have been adequately provided for.

"(2) If the Administrator approves the plan, he may provide to the State or the appropriate subdivision thereof on a matching basis a grant of 50 per centum of the costs of implementing certain features of the plan including but not limited to public land acquisition within the special protection area and a land credit exchange institution, pursuant to State law, but in no case shall the grant exceed $25,000,000.

"(j)(1) There are authorized to be appropriated to carry out subsections (e) and (g) for development of the plan, and for making grants under subsection (f)(5), $10,000,000 for each of the years ending September 30, 1986; September 30, 1987; and September 30, 1988.

"(2) There are authorized to be appropriated for grants to implement the plan pursuant to subsection (i)(2), $10,000,000 in the year ending September 30, 1986; $25,000,000 in the year ending September 30, 1987; and $50,000,000 for each years ending September 30, 1988; and September 30, 1989, such sums to remain available until expended.

"(3) Funds authorized under this subsection shall only be used to carry out the activities set forth in this section. No funds authorized in this subsection may be used to carry out activities authorized by the Clean Water Act, the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, or other sections of the Safe Drinking Water Act.

"(k) For the purposes of this section—

"(1) the term 'plan' means the comprehensive management plan developed pursuant to subsection (g) or an equivalent process approved by the Governor of the State and the Administrator;

"(2) the term 'land credit exchange institution' means any institution established under State law to facilitate the exchange, transfer, acquisition, and donation of development rights, conservation easements, or other partial interests in land; and

"(3) the term 'recharge' means the downward flow of water to the water table.".

Mr. D'AMATO. Mr. President, today Senator MOYNIHAN and I are reintroducing a bill, the Sole Source Aquifer Protection Act of 1985 which amends the Safe Water Drinking Act. This important legislation was originally introduced in the 98th Congress, but failed to receive the serious consideration this issue warrants.

In light of the threat to much of our Nation's water source from ground water contamination, I urge the Senate to move quickly on this bill in the coming session. If we are to heed the predictions and warnings of the experts, we must now take steps to ensure the United States does not experience a water crisis like the energy crisis of the 1970's.

Ground water for potable water supplies is depended on by almost all nations. Throughout this country, there is mounting scientific evidence of ground water contamination. Unfortunately, this contamination is usually irreversible.

In 16 Massachusetts communities, 25 communities in Pennsylvania, and 22 communities in New York, public water supplies have been discovered to be contaminated. Due to organic contamination, about 100 drinking wells surrounding a landfill in Jackson Township, NJ, have been closed. Under the Rocky Mountain Arsenal near Denver, CO, 30 square miles of the shallow aquifer table are contaminated by chemical byproducts from the manufacture of pesticides and herbicides. A number of domestic stock and irrigation wells have been temporarily abandoned and two have been permanently closed. Unless we act to preserve the quality of its aquifers, Long Island's ground water contamination problem may become a critical one.

Three aquifers are depended on by Long Island residents for their water supplies. About 2.8 million people currently depend solely on these three aquifers as a source of drinking water. This dependence creates a potentially critical situation. Plentiful rainfall combined with highly porous soils, maximize the potential for contaminants to leak into the ground water. Furthermore, some parts of Long Island are in overdraft. This, coupled with saltwater intrusion is a problem.

Through the authority of the Safe Drinking Water Act, the Environmental Protection Agency has designated the aquifers underlying Long Island as sole source. This means that they are the sole or principal source of drinking water for the area. If contaminated, it would create a significant hazard to public health. Nevertheless, contamination has occurred from many sources. Some of these leaking landfill dumpsites, aging gasoline storage tanks, failing septic tank systems, accidental, illegal, or improperly regulated discharges, and last, runoff and drainage from agricultural areas.

Most of the pollutants recently detected in ground water are in minute amounts. Because of this, scientists and toxicologists are uncertain about the health effects of consuming water contaminated with trace levels of organic substances.

However, some believe that the cumulative effect has increased the risk of illness and cancer. The health of Long Island residents and the future economic growth of Long Island is contingent on the prevention of further ground water pollution. There must be prudent watershed management involving Federal, State, and local participation in order to accomplish this goal. On Long Island, this policy will involve the cooperative development and management of a comprehensive plan to protect the Long Island Pine Barrens. Beneath the Pine Barrens, there is the most important and least polluted ground water.

This bill provides for a partnership among Federal, State, and local offices. The role of the Federal Government will primarily be one of coordination, technical, and financial assistance. This bill provides for the establishment of designated special protection areas which contain sole source aquifers. The designation of these areas will assure that sole source areas are protected and managed in such a way as to maintain or improve existing water quality. This amendment also authorizes $180 million for planning and implementation of plans for the special protection areas and land acquisitions. The States will match Federal funds dollar for dollar.

It is now time for Congress to focus on the critical problems facing the water quality of our Nation. The solution presented by this bill will prevent the degradation of water quality. The price of prevention is well worth the cost of insuring perhaps our country's most precious resource—water.

Thank you, Mr. President.

By Mr. MOYNIHAN (for himself, Mr. SYMMS, and Mr. D'AMATO):

S. 25. A bill to amend the Deficit Reduction Act of 1984 to make permanent the decrease in the holding period required for long-term capital gain treatment; to the Committee on Finance.

DEFICIT REDUCTION ACT AMENDMENTS

Mr. MOYNIHAN. Mr. President, I rise today, the first day of the 99th Congress, to introduce legislation to make a permanent part of the tax code the 6-month holding period for long-term capital gain tax treatment.

On the first day of the 98th Congress, January 26, 1983, I introduced S. 25, legislation to reduce the holding period for long-term capital gains from 1 year to 6 months. This measure, in an amended form, was, included as section 1001 of the Deficit Reduction Act, signed into law by the President on July 18, 1984. Under the terms of the Deficit Reduction Act, however, the provision for the 6-month holding period will expire on January 1, 1988, at which time the holding period once again would be 1 year. This legislation, S. 25 in the 99th Congress, would repeal that sunset date.

I first came to Washington with the administration of John F. Kennedy, and I well recall his cogent explanation of investment as the engine driving our economy. "we want prosperity," President Kennedy told the chamber of commerce in April 1962, "and in a free enterprise system there can be no prosperity without profit. We want a growing economy, and there can be no growth without the investment that is inspired and financed by profit." That, at least, has not changed since 1962.

Nor will it change by 1988. Long-term investment will be just as important to our Nation's economic health then as it was when the Congress enacted the 6-month holding period last year. The same laws and regularities of economic life will prevail. Markets will allocate capital most efficiently when investors face as few disincentives as possible in their search for the highest return. Many investors will be reluctant to shift resources to more productive uses if they must wait a year to claim the capital gains rate on their current investments.

If we agree that investment, as opposed to consumption, should be accorded preferential tax treatment, surely a year is too protracted a period to qualify for such treatment.

The Nation's economy—indeed, our very prosperity—is tied to long-term investment. Let us encourage investment over the long term, by removing a legislative landmine—a provision that less than 3 years from now would automatically double the holding period for long-term capital gains tax treatment.

I urge my colleagues to join me, and I ask unanimous consent that the full text of the legislation appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 25

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (e) of section 1001 of the Deficit Reduction Act of 1984 (relating to decrease in the holding period required for long-term capital gain treatment) is amended by striking out ", and before January 1, 1988".

Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of legislation introduced by my good friend from New York, Senator MOYNIHAN, to repeal the sunset date on the 6-month capital gains holding period.

Prior to passage of the Deficit Reduction Act of 1984, the minimum holding period before assets could receive preferential capital gains tax treatment was 12 months. Since coming to the Senate in 1981, I have exerted considerable effort attempting to reduce the 12-month capital gains holding period. I feel strongly that the 12-month holding period deterred long-term investment and savings. The effect was to force individuals to hold assets longer than economic sense dictated just to receive preferential tax treatment. It is my belief that savings and investment should not be based on tax considerations.

Recognizing this fact, Congress passed a reduction of the capital gains holding period from 12 months to 6 months as part of the Deficit Reduction Act of 1984. This was a major step toward removing tax considerations from personal investment strategies. The shorter capital gains holding period will encourage buying and selling of equities and, thus, increase taxable brokerage commissions.

However, the Deficit Reduction Act reduced the capital gains holding period to 6 months only for assets purchased through December 31, 1987. By sunsetting this important change in law, Congress only did half the job. The legislation we are introducing today will correct this problem by making the 6-month capital gains holding period a permanent part of the tax code.

Thank you, Mr. President.

By Mr. INOUYE:

S. 26, A bill to amend subchapter I of chapter 73 of title 38, United States Code, to authorize the payment of incentive special pay to Veterans' Administration health care providers who obtain an advanced academic degree relating to public health; to the Committee on Veterans' Affairs.

INCENTIVE PAY FOR VA HEALTH CARE PROVIDERS WHO OBTAIN ADVANCED PUBLIC HEALTH DEGREES

Mr. INOUYE. Mr. President, today I am introducing legislation in order to provide our Nation's VA health care practitioners with an incentive to obtain advanced training relating to public health.

Mr. President, as our Veterans' Administration's population grows older, it is becoming increasingly important that VA health care practitioners have advanced training in order to be truly responsive to these unique needs. Further, the time has also come to recognize the extraordinarily complex nature of health care and, in my judgment, our Nation's schools of public health are, indeed, well-qualified to provide this additional training to employees of the Veterans' Administration.

My proposal, if enacted, would authorize a $2,500 pay bonus for individuals employed full time in the Department of Medicine and Surgery or a proportional amount of a $1,500 per annum pay bonus for individuals employed part time.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 26

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter I of chapter 73 of title 38, United States Code, is amended—

(1) by redesignating section 4119 as section 4120; and

(2) by inserting after section 4118 the following new section:

"§ 4119. Incentive special pay for health care providers

"(a) The Administrator may pay incentive special pay to any person appointed under this chapter to a position referred to in section 4103 or 4105 of this title (including any person appointed under section 4114 of this title to such a position) who—

"(1) executes an agreement with the Administrator to complete a specified period of service in the Department of Medicine and Surgery; and

"(2) obtains a masters degree in public health or another advanced academic degree relating to public health from an institution of higher education which the Administrator feels is in the best interest of the Veterans' Administration.

"(b)(1) The amount of incentive special pay which the Administrator may pay under this section to any person may not exceed—

"(A) $2,500 per annum in the case of any person employed full time in the Department of Medicine and Surgery; and

"(B) a proportional amount of $1,500 per annum in the case of any person employed part time in the Department, as provided in paragraph (2) of this subsection.

"(2) The propositional amount of the incentive special pay payable under paragraph (1)(B) of this subsection shall be calculated on the basis of the ratio which the part-time employment of such person in the Department bears to full-time employment.

"(c)(1) An agreement entered into with the Administrator by any person under subsection (a)(1) of this section shall specify a period of one year of service in the Department of Medicine and Surgery or such longer period of service, not exceeding four years, as the person requests. Any such person who entered into an agreement under this section and has not failed to refund any amount which the person became obligated to refund under the agreement shall be eligible to enter into a subsequent agreement under this section.

"(2)(A) Any such agreement shall provide that the person entering into the agreement with the Administrator, in the event that such person voluntarily, or because of misconduct, fails to complete at least one year of service, or such longer period of service as provided for in the first sentence of paragraph (1) of this subsection, pursuant to such agreement, shall be required to refund the total amount received under this section, unless the Chief Medical Director determines, in accordance with regulations prescribed under subsection (f) of this section, that such failure is necessitated by circumstances beyond the control of the person.

"(B) Any such agreement shall specify the terms under which the Veterans' Administration and the person may elect to terminate such agreement.

"(3) Any person who enters into an agreement with the Administrator under this section is eligible to receive incentive special pay beginning on the date the agreement is entered into, or the date the person becomes employed, whichever date is later.

"(d) Any amount of incentive special pay payable under this section shall be paid in biweekly installments.

"(e)(1) Except as provided in paragraph (2) of this subsection, any additional compensation provided as incentive special pay under this section shall not be considered as basic pay for the purposes of section 5551, 5552, or 5595 of title 5, chapter 81 of such title, or any other provision of law creating an entitlement to benefits based on basic pay.

"(2) Additional compensation paid as incentive special pay under this section to any full-time employee shall be included in basic pay for the purposes of chapter 83 of title 5. Notwithstanding the preceding sentence, special pay paid to any full-time employee shall be included in average pay, as defined in section 8331(4) of such title, for the purpose of computing an annuity under such chapter only if—

"(A) the annuity is paid under section 8337 of such title or under subsection (d) or (e) of section 8341 of such title; or

"(B) the employee has completed not less than 15 years of full-time service in the Department of Medicine and Surgery (except that, regardless of the length of such employee's service, incentive special pay may not be included by reason of this clause in average pay in computing an annuity that commences before October 1, 1985, and only one-half of any incentive special pay paid after the effective date of this section may be included by reason of this clause in average pay in computing an annuity that commences on or after October 1, 1985, but before October 1, 1990).

"(3) Any additional compensation provided as incentive special pay under this section shall be considered as annual pay for the purposes of chapter 87 of title 5, relating to life insurance for Federal employees.

"(f) The Administrator shall prescribe such regulations as he considers necessary to carry out this section.".

(b) The table of sections at the beginning of such chapter is amended by striking out the item relating to section 4119 and inserting in lieu thereof the following:

"4119. Incentive special pay for health care providers.

"4120. Relationship between this subchapter and other provisions of law.".

SEC. 2. The amendments made by the first section shall take effect October 1, 1985.

By Mr. MOYNIHAN (for himself, Mr. MATHIAS, Mr. BUMPERS, Mr. EAGLETON, Mr. GLENN, Mr. KENNEDY, Mr. LEAHY, Mr. METZENBAUM, and Mr. SARBANES):

S. 27. A bill to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands, and for other purposes; to the Committee on Energy and Natural Resources.

AMERICAN CONSERVATION CORPS ACT

Mr. MOYNIHAN. Mr. President, I rise today, the first day of the 99th Congress, to reintroduce legislation to establish an American Conservation Corps [ACC] to provide unemployed youths between the ages of 16 and 25 the opportunity to perform badly needed conservation work across the Nation in year round and summer programs. The ACC is patterned after the highly successful Civilian Conservation Corps [CCC] of the New Deal era.

The bill I submit today is virtually identical to legislation unanimously approved by the Senate last year, but pocket vetoed by President Reagan on October 31, 1984. The few changes reflect administration objections voiced in a message accompanying the veto. I am pleased to list as original cosponsors of this measure Senators MATHIAS, BUMPERS, EAGLETON, GLENN, KENNEDY, LEAHY, METZENBAUM, and SARBANES.

The struggle to enact ACC legislation—through seven congressional hearings, eight committee or subcommittee markups, and four rollcall votes in the House of Representatives—has been long, indeed. First introduced as the Public Lands Rehabilitation, Conservation, and Improvement Act of 1981 (H.R. 4861), the ACC was first passed by the House on June 9, 1982, by a 291-to-102 vote. The House voted again, in December 1982, to approve the ACC, but the Senate did not act on H.R. 4861. Nor did the Senate act on S. 2061, a companion bill that Senator MATHIAS and I had introduced on February 3, 1982.

On January 26, 1983, the first day of the 98th Congress Senator MATHIAS and I reintroduced the ACC legislation as S. 27. Our measure attracted bipartisan support from 22 cosponsors. Representative SEIBERLING, chairman of the House Interior and Insular Affairs Subcommittee on Public Lands and National Parks, introduced a companion bill, H.R. 999, which was passed by the House by an overwhelming vote of 301 to 87 on March 1, 1983. On May 13, 1983, the Senate Energy and Natural Resources Committee voted 18 to 1 to report H.R. 999 as a shell authorization bill, and Senator MATHIAS and I set about working with committee members to draft a compromise amendment to be offered as a substitute. Negotiations on the amendment, which was to delineate program details, required more than 1 year. On October 3, 1984, the amendment was agreed to in the Senate by unanimous consent; 6 days later the Senate amendment was concurred to, and H.R. 999, as amended, was passed by the House by a 296-to-75 vote.

Despite such overwhelming support, President Reagan pocket vetoed the measure, arguing that "the private sector is much more likely to offer young people promising career opportunities than temporary make-work Federal job programs such as the American Conservation Corps." I would respond by noting first the success of 27 functioning State and local corps programs—all of which have earned overwhelming support among youth employment and resource management authorities and, more importantly, the participants themselves. Nor would anyone deny the success of the CCC 50 years ago.

The need for a national ACC is persistent and great. The simple, sad truth of the current economic recovery is that it has passed by our chronically unemployed youth, many of whom have never held a job. Malcolm S. Forbes noted as much stating in the August 1983 issue of Forbes magazine:

> The economic recovery isn't going to meet the youth employment need that plagues virtually all our cities. With a renewed Civilian Conservation Corps we can make a real beginning in tackling the problem.

Let me outline changes made in the previous legislation to meet some of the administration's objections.

First, funding would be reallocated, with more emphasis given on State programs. Funding for State programs—to be administered through the Department of the Interior—has been increased from 35 percent of total funds to 50 percent. The shares available for the Departments of the Interior and Agriculture—for Federal programs—have been reduced from 25

percent for each to 20 percent; 5 percent will still be available for the Bureau of Indian Affairs, and another 5 percent—down from 10—will be available to other Federal agencies.

Second, an administrative cost cap has been imposed.

Third, and finally, authorizations have been frozen at $75 million annually for fiscal years 1985-87. The program will not grow larger during its 3 years of authorization.

Mr. President, as I noted earlier, the ACC legislation I am introducing today is the result of more than 3 years of very careful negotiations and development. This bill has been shaped by disparate concerns to ensure that the work done is of high priority, and not merely leaf raking. No Forest Service jobs would be displaced. The participants will work hard, while learning self-discipline and a work ethic. Unnecessary costs are avoided by locating residential centers near the work to be done and near the enrollees' homes. Enrollees will be given every opportunity to learn job skills and obtain education.

Mr. President, the budget deficit looms before us. Some programs need to be cut. But it remains the Nation's best interest to put some of our unemployed youth to work restoring and preserving our deteriorating natural, historic, and cultural resources and facilities. The ACC will be cost effective—as previous programs have demonstrated—and it will be successful. I urge my colleagues to support it.

I ask unanimous consent that the full text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 27

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "American Conservation Corps Act of 1985.".

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 2. (a) FINDINGS.—The Congress finds that—

(1) conserving or developing natural and cultural resources and enhancing and maintaining environmentally important lands and waters through the use of the Nation's young men and women, is beneficial not only to the youth of the Nation by providing them with education and work opportunities, but is also beneficial for the Nation's economy and its environment; and

(2) through this work experience opportunity, the Nation's youth will further their understanding and appreciation of the natural and cultural resources in addition to learning basic and fundamental work ethics including discipline, cooperation, understanding to live and work with others, and learning the value of a day's work for a day's wages.

(b) PURPOSE.—It is the purpose of this Act to—

(1) enhance and maintain conservation, rehabilitation, and improvement work on Federal and non-Federal public lands and Indian lands, improve and restore Federal and non-Federal public lands and Indian lands, resources, and facilities, conserve energy and restore and maintain community lands, resources, and facilities;

(2) establish an American Conservation Corps to carry out a program to improve, restore, maintain, and conserve these lands and resources in the most cost-effective manner;

(3) assist State and local governments in carrying out needed non-Federal public land and resource conservation, rehabilitation, and improvement projects;

(4) provide for implementation of the program in such manner as will foster conservation and the wise use of natural and cultural resources through the establishment of working relationships among the Federal, State, and local governments, Indian tribes, and other public and private organizations; and

(5) increase (by training and other means) employment opportunities for young men and women including, but not limited to, those who are economically, socially, physically, or educationally disadvantaged and who may not otherwise be productively employed.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) The term "Federal public lands" means any lands or waters (or interest therein) owned or administered by the United States.

(2) The term "non-Federal public lands" means any lands or waters (or interest therein) owned or administered by any agency or instrumentality of a State or local government.

(3) The term "program" means the conservation, rehabilitation, and improvement program established by this Act.

(4) The term "program agency" means any Federal agency or instrumentality with responsibility for the management of any public or Indian lands, any State agency designated by the Governor to manage the program in that State, and the governing body of any Indian tribe.

(5) The term "Indian tribe" means any Indian tribe, band, nation, or other group which is recognized as an Indian tribe by the Secretary of the Interior. Such term also includes any Native village corporation, regional corporation, and Native group established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1701 et seq.).

(6) The term "Indian" means a person who is a member of an Indian tribe.

(7) The term "Indian lands" means any real property owned by an Indian tribe, any real property held in trust by the United States for individual Indians or Indian tribes, and any real property held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States.

(8) The term "employment security service" means the agency in each of the several States with responsibility for the administration of unemployment and employment programs and the oversight of local labor conditions.

(9) The term "chief administrator" means the head of any program agency as that term is defined in paragraph (4).

(10) The term "enrollee" means any individual enrolled in the American Conservation Corps in accordance with section 5.

(11) The term "crew leader" means an enrollee appointed under authority of this Act for the purpose of supervising other enrollees engaged in work projects pursuant to this Act.

(12) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(13) The term "economically disadvantaged" with respect to youths has the same meaning given such term in section 4(8) of the Job Training Partnership Act.

PUBLIC LANDS CONSERVATION, REHABILITATION, AND IMPROVEMENT PROGRAM

SEC. 4. (a) ESTABLISHMENT OF PROGRAMS.—There is hereby established within the Department of the Interior and the Department of Agriculture an American Conservation Corps.

(1) ESTABLISHMENT OF PROGRAM ON FEDERAL PUBLIC LANDS.—Not later than ninety days after the enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, after consultation with the Secretary of Labor, shall establish and administer a conservation, rehabilitation, and improvement program on Federal public lands and Indian lands to carry out the purposes of this Act.

(2) ESTABLISHMENT OF PROGRAM ON NON-FEDERAL PUBLIC LANDS.—The Secretary of the Interior, after consultation with the Secretary of Agriculture and the Secretary of Labor, shall establish and administer a conservation, rehabilitation, and improvement program on non-Federal public lands to carry out the purposes of this Act.

(b) REGULATIONS AND ASSISTANCE.—The Secretary of the Interior and the Secretary of Agriculture, after consultation with the Secretary of Labor, shall jointly promulgate the regulations necessary to implement the programs established by subsection (a). Within thirty days after the enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall establish procedures to give Federal and non-Federal program agencies and other interested parties, including the public, adequate notice and opportunity to comment upon and participate in the formulation of such regulations. The Secretary of the Interior and the Secretary of Agriculture shall provide assistance, consistent with the terms of this Act, to program agencies for the establishment and operation of residential and nonresidential American Conservation Corps centers and for the implementation by the American Conservation Corps of projects designed to carry out the purposes of this Act.

(c) PROJECTS INCLUDED.—The programs established under this section may include projects such as—

(1) wildlife habitat conservation, rehabilitation, and improvement;

(2) rangeland conservation, rehabilitation, and improvement;

(3) recreational area development, maintenance, and improvement;

(4) urban revitalization;

(5) historical and cultural site preservation and maintenance;

(6) fish culture and habitat maintenance and improvement and other fishery assistance;

(7) road and trail maintenance and improvement;

(8) erosion, flood, drought, and storm damage assistance and control;

(9) stream, lake, and waterfront harbor and port improvement, and pollution control;

(10) insect, disease, rodent, and fire prevention and control;

(11) improvement of abandoned railroad bed and right-of-way;

(12) energy conservation projects and renewable resource enhancement;

(13) recovery of biomass from public lands, particularly forestlands;

(14) reclamation and improvement of strip-mined land; and

(15) forestry, nursery, and silvicultural operations.

(d) PREFERENCE FOR CERTAIN PROJECTS.—The programs shall provide a preference for those projects which—

(1) will provide long-term benefits to the public;

(2) will instill in the enrollee involved a work ethic and a sense of public service;

(3) will be labor intensive; and

(4) can be planned and initiated promptly.

(e) LIMITATION TO FEDERAL AND NON-FEDERAL PUBLIC LANDS.—Projects to be carried out under the program shall be limited to projects on Federal and non-Federal public lands or Indian lands except where a project involving other lands will provide a documented public benefit as determined by the Secretary of the Interior or the Secretary of Agriculture. The regulations promulgated under subsection (b) shall establish the criteria necessary to make such determinations.

(f) CONSISTENCY.—All projects selected and carried out under this Act for conservation, rehabilitation, or improvement of any Federal or non-Federal public lands or Indian lands shall be consistent with the provisions of law and policies relating to the management and administration of such lands, with all other applicable provisions of law, and with all management, operational, and other plans and documents which govern the administration of the area.

(g) CONSERVATION CENTERS.—(1) Each program agency may apply for approval of conservation centers to carry out projects under this Act.

(2) Applications for approval of conservation centers on Federal public lands shall be submitted to the Secretary of the Interior or the Secretary of Agriculture in such manner as is provided for by the regulations promulgated under subsection (b). Applications for the approval of conservation centers on non-Federal public lands or Indian lands shall be submitted to the Secretary of the Interior. No application may be submitted to the Secretary of the Interior or the Secretary of Agriculture before the 30-day period for review and comment by the appropriate State Job Training Coordinating Council (established under the Job Training Partnership Act), if any, which shall consult with the appropriate Private Industry Council, or Councils, in the area in which a project is carried out. Comments of the State Job Training Coordinating Council and Private Industry Council shall be forwarded to the Secretary at the time the grant application is submitted.

(3) No grant or other agreement may be entered into under this section unless an application is submitted to and approved by the Secretary of the Interior or the Secretary of Agriculture, as the case may be. Each application shall contain—

(A) a comprehensive description of the objectives and performance goals for the conservation center and a description of the types of projects to be carried out, including a description of the types and duration of training and work experience to be provided;

(B) a plan to make arrangements for certification of the training skills acquired by enrollees under this Act;

(C) a plan to make arrangements for the award of academic credit by educational institutions and agencies to enrollees for competencies developed under training programs or from work experience under this Act;

(D) an estimate of the number of enrollees and crew leaders necessary for the proposed projects, the length of time for which the services of such personnel will be required and the services which will be required for their support;

(E) a description of the facilities and equipment to be available for use in the center;

(F) a plan for managing the conservation center, supplying the necessary equipment and material, and administering the payroll; and

(G) such other information as the Secretary of the Interior and the Secretary of Agriculture shall prescribe.

(4) In approving the location and type of conservation centers, the Secretary of the Interior and the Secretary of Agriculture shall give due consideration to—

(A) the proximity of the center to the work to be done;

(B) the cost and means of transportation available between the center and the homes of the enrollees who may be assigned to those centers;

(C) the access of economically, socially, physically, or educationally disadvantaged youths to the centers; and

(D) the cost of establishing the center.

Every effort shall be made to assign youths to residential or nonresidential centers as near to their homes as practicable.

(5)(A) Every conservation center shall have sufficient supervisory staff appointed by the chief administrator which may include enrollees who have displayed exceptional leadership qualities.

(B) No project shall be undertaken without the on-site presence of knowledgeable and competent supervision, and all projects undertaken shall be documented in advance in an approved written project plan.

(h) LOCAL GOVERNMENT PARTICIPATION.—Any State carrying out a program under this Act shall provide a mechanism under which local governments within the State may be approved by the State to participate in the program and to carry out projects in accordance with the requirements of this Act.

(i) AGREEMENTS.—Program agencies may enter into contracts and other appropriate arrangements with local government agencies and nonprofit organizations for the management of conservation centers under the program.

(j) JOINT PROJECTS.—The Secretary of the Interior and the Secretary of Agriculture are authorized to develop jointly with the Secretary of Labor regulations designed to allow, where appropriate, joint projects in which activities supported by funds authorized under this Act are coordinated with activities supported by funds authorized under employment and training statutes administered by the Department of Labor (including the Job Training Partnership Act). Such regulations shall provide standards for approval of joint projects which meet both the purposes of this Act and the purposes of such employment and training statutes under which funds are available to support the activities proposed for approval. Such regulations shall also establish a single mechanism for approval of joint projects developed at the State or local level.

ENROLLMENT, FUNDING, AND MANAGEMENT

SEC. 5. (a) ENROLLMENT IN PROGRAM.—(1)(A) Enrollment in the American Conservation Corps shall be limited to individuals who, at the time of enrollment, are—

(i) unemployed;

(ii) not less than sixteen or more than twenty-five years of age (except that programs limited to the months of June, July, and August may include individuals not less than fifteen years and not more than twenty-one years of age at the time of their enrollment); and

(iii) citizens (including those citizens of the Northern Mariana Islands as defined in Public Law 98-213 (97 Stat. 1459)) or lawful permanent residents of the United States.

(B) Special efforts shall be made to recruit and enroll individuals who, at the time of enrollment, are economically disadvantaged.

(C) In addition to recruitment enrollment efforts required in subparagraph (B), the Secretary of the Interior and the Secretary of Agriculture shall make special efforts to recruit enrollees who are socially, physically, and educationally disadvantaged youths.

(D) Notwithstanding subparagraph (A), a limited number of special corps members may be enrolled without regard to their age so that the corps may draw upon their special skills which may contribute to the attainment of the purposes of the Act.

(2) Except in the case of a program limited to the months of June, July, and August, individuals who at the time of applying for enrollment have attained age sixteen but not attained age nineteen, and who are no longer enrolled in any secondary school shall not be enrolled unless they give adequate written assurances, under criteria to be established by the Secretary of the Interior and the Secretary of Agriculture, that they did not leave school for the express purpose of enrolling. The regulations promulgated under section 4(b) shall provide such criteria.

(3) The selection of enrollees to serve in the American Conservation Corps in any conservation center shall be the responsibility of the chief administrator of the program agency. Enrollees shall be selected from those qualified persons who have applied, to or been recruited by, the program agency, a State employment security service, a local school district with an employment referral service, an administrative entity under the Job Training Partnership Act, a community or community-based nonprofit organization, the sponsor of an Indian program, or the sponsor of a migrant or seasonal farmworker program.

(4)(A) Except for a program limited to the months of June, July, and August, any qualified individual selected for enrollment may be enrolled for a period not to exceed twenty-four months. When the term of enrollment does not consist of one continuous twenty-four-month term, the total of shorter terms may not exceed twenty-four months.

(B) No individual may remain enrolled in the American Conservation Corps after that individual has attained the age of twenty-six, except as provided in section 5(a)(1)(B).

(5) Within the American Conservation Corps the directors of centers shall establish and stringently enforce standards of

conduct to promote proper moral and disciplinary conditions. Enrollees who violate these standards shall be transferred to other locations, or dismissed, if it is determined that their retention in that particular center, or in the Corps, will jeopardize the enforcement of such standards or diminish the opportunities of other enrollees. Such disciplinary measures will be subject to expeditious appeal to the appropriate Secretary.

(b) SERVICES, FACILITIES, SUPPLIES, ET CETERA.—The program agency shall provide quarters, board, limited and emergency medical care, transportation from conservation centers to work sites, and other services, facilities, supplies, and equipment. Whenever possible, the Secretary of the Interior and the Secretary of Agriculture shall make arrangements with the Secretary of Defense to have such logistical support provided by a military installation near the proposed center, including the provision of temporary tent centers where needed. Basic standards of work requirements, health, nutrition, sanitation, and safety for all conservation centers shall be established and enforced.

(c) REQUIREMENT OF PAYMENT FOR CERTAIN SERVICES.—Enrollees shall be required to pay a reasonable portion of the cost of room and board provided at conservation centers into rollover funds administered by the appropriate Secretary. Such payments and rates are to be established after evaluation of costs of providing the services. The rollover funds established pursuant to this section shall be used solely to defray the costs of room and board for enrollees. The Secretary of the Interior and the Secretary of Agriculture are authorized to make available to program agencies surplus food and equipment as may be available from Federal programs.

FEDERAL AND STATE EMPLOYEE STATUS

SEC. 6. (a) IN GENERAL.—Enrollees, crew leaders, and volunteers are deemed as being responsible to, or the responsibility of, the program agency administering the project on which they work. Non-Federal program agencies shall be required as a minimum to provide tort claims protection and work related injury benefits to enrollees and crew leaders. Except as otherwise specifically provided in the following paragraphs, enrollees and crew leaders in Federal projects for which funds have been authorized pursuant to paragraphs (2), (3), (4), and (5) of section 13(a) shall not be deemed Federal employees and should not be subject to the provisions of law relating to Federal employment:

(1) For purposes of subchapter I of chapter 81 of title 5, United States Code, relating to the compensation of Federal employees for work injuries, enrollees and crew leaders serving Federal program agencies shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provision of that subchapter shall apply, except—

(A) the term "performance of duty" shall not include any act of an enrollee or crew leader while absent from his or her assigned post of duty, except while participating in an activity authorized by or under the direction and supervision of the Secretary of the Interior or the Secretary of Agriculture or the conservation supervisory staff (including an activity while on pass or during travel to or from such post of duty); and

(B) compensation for disability shall not begin to accrue until the day following the date on which the injured enrollee's or crew leader's employment is terminated.

(2) For purposes of chapter 171 of title 28, United States Code, relating to tort claims procedure, enrollees and crew leaders or Federal projects shall be deemed employees of the United States within the meaning of the term "employee of the Government" as defined in section 2671 of title 28, United States Code.

(3) For purposes of section 5911 of title 5, United States Code, relating to allowances for quarters, enrollees and crew leaders shall be deemed employees of the United States within the meaning of the term "employee" as defined in that section.

(b) AMENDMENT OF TITLE 5.—Section 8332(b) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (11);

(2) by striking out the period at the end of paragraph (12) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (12) the following new paragraph:

"(13) service as an enrollee or crew leader only if the enrollee or crew leader in the American Conservation Corps later becomes subject to this subchapter.".

USE OF VOLUNTEERS

SEC. 7. Where any program agency has authority to use volunteer services in carrying out functions of the agency, such agency may use volunteer services for purposes of assisting projects related to conservation centers established under this Act and may expend funds made available for those purposes to the agency, including funds made available under this Act, to provide for services or costs incidental to the utilization of such volunteers, including transportation, supplies, lodging, subsistence, recruiting, training, and supervision. The use of volunteer services permitted by this section shall be subject to the condition that such use does not result in the displacement of any enrollee.

TENNESSEE VALLEY AUTHORITY

SEC. 8. The Board of Directors of the Tennessee Valley Authority may accept the services of volunteers and provide for their incidental expenses to carry out any activity of the Tennessee Valley Authority except policy-making or law or regulatory enforcement. Such volunteers shall not be deemed employees of the United States Government except for the purposes of chapter 81 of title 5 of the United States Code, relating to compensation for work injuries, and shall not be deemed employees of the Tennessee Valley Authority except for the purposes of tort claims to the same extent as a regular employee of the Tennessee Valley Authority would be under identical circumstances.

SPECIAL RESPONSIBILITIES

SEC. 9. (a) PAY.—(1) The rate of pay for enrollees shall be 95 percent of the pay rate for members of the Armed Forces in the enlisted grade E-1 who have served for four months or more on active duty, from which a reasonable charge for enrollee room and board shall be deducted by the program agency.

(2) Enrollees shall receive $50 cash incentive stipends for every three months of enrollment in the program.

(3) The rate of pay for crew leaders shall be at a wage comparable to the compensation in effect for grades GS-3 to GS-7.

(b) COORDINATION.—The Secretary of the Interior and the Secretary of Agriculture and the chief administrators of other program agencies carrying out programs under this Act shall coordinate the programs with related Federal, State, local, and private activities.

(c) CERTIFICATION AND ACADEMIC CREDIT.—Pursuant to the provisions of paragraphs (B) and (C) of section 4(g)(3), the Secretary of the Interior and the Secretary of Agriculture shall provide guidance and assistance to program agencies in securing certification of training skills or academic credit for competencies developed under this Act.

(d) RESEARCH AND EVALUATION.—The Secretary of the Interior and the Secretary of Agriculture shall provide for research and evaluation to—

(1) determine costs and benefits, tangible and otherwise, of work performed under this Act and of training and employable skills and other benefits gained by enrollees, and

(2) identify options for improving program productivity and youth benefits, including improved alternatives for: organization, subjects, sponsorship, and funding of work projects; recruitment and personnel policies; siting and functions of conservation centers; work and training regimes for youth of various origins and needs; and cooperative arrangements with programs, persons, and institutions not covered under this Act.

(e) DEMONSTRATIONS.—The Secretary of the Interior and the Secretary of Agriculture may authorize pilot or experimental projects to demonstrate or test new or alternative arrangements or subjects of work and training for programs under this Act, which may include alternative identified under subsection (d)(2).

(f) CCC SITES.—The Secretary of the Interior, after consultation with the Secretary of Agriculture, shall study sites at which Civilian Conservation Corps activities were undertaken for purposes of determining a suitable location and means to commemorate the Civilian Conservation Corps. Not later than one year after the date of the enactment of this Act, the Secretary of the Interior shall submit a report to the Congress containing the results of the study carried out under this section. The report shall include cost estimates and recommendations for any legislative action.

(g) STUDY.—(1) Program agencies shall not use more than 10 per centum of the funds available to them to provide training and educational materials and services for enrollees and may enter into arrangements with academic institutions or educational providers, to include local educational agencies, community colleges, four-year colleges, area vocational-technical schools and community based organizations, for academic study by enrollees during nonworking hours to upgrade literacy skills, obtain a high school diploma or its equivalency, or college degree, or enhance employable skills. Enrollees who have not obtained a high school diploma or its equivalency shall have priority to receive services under this subsection. Whenever possible, an enrollee seeking study or training not provided at his or her conservation center shall be offered assignment to a conservation center providing such study or training.

(2) Standards and procedures with respect to the awarding of academic credit and certifying educational attainment in programs conducted under paragraph (1) shall be consistent with the requirement of applicable State and local law and regulations.

(h) GUIDANCE AND PLACEMENT.—Program agencies shall provide such job guidance and placement information and assistance

for enrollees as may be necessary. Such assistance shall be provided in coordination with appropriate State, local, and private agencies and organizations.

ANNUAL REPORT

SEC. 10. The Secretary of the Interior and the Secretary of Agriculture shall prepare and submit to the President and to the Congress at least once each year a report detailing the activities carried out under this Act. Such report shall be submitted not later than December 31 of each year following the date of enactment of this Act. The report shall describe (1) conservation work procedures, accomplishments, and benefits; (2) the short-term post-program experience of enrollees, including data on the number of those terminating from the program who are unemployed, employed, have left the labor force, and are enrolled in further education and shall also report on the long-term impacts of the program on the employability of enrollees; (3) other youth benefits; and (4) problems and opportunities encountered in carrying out the Act which require attention. The Secretary of the Interior and the Secretary of Agriculutre shall include in such report such recommendations as each considers appropriate.

LABOR MARKET INFORMATION

SEC. 11. The Secretary of Labor shall make available to the Secretary of the Interior and the Secretary of Agriculture and to any program agency under this Act such labor market information as is appropriate for use in carrying out the purposes of this Act.

EMPLOYEE APPEAL RIGHTS

SEC. 12. (a) FEDERAL EMPLOYEES.—In the case of—

(1) the displacement of a Federal employee (as defined in paragraph (1) of section 7511(a) of title 5, United States Code) or the failure to reemploy such a Federal employee from a reemployment priority list or return a Federal employee from furlough affected under title 5, United States Code, part 351 or part 752, contrary to a certification under section 13(b) (1) or (2), or

(2) the displacement of such a Federal employee by reason of the use of one or more volunteers under section 7 of this Act,

such employee is entitled to appeal such action to the Merit Systems Protection Board under section 7701 of title 5, United States Code.

(b) OTHER INDIVIDUALS.—In the case of—

(1) the displacement of any other individual employed (either directly or under contract with any private contractor) by a program agency or grantee, or the failure to reemploy an employee in layoff status, contrary to a certification under section 13(b) (1) or (2), or

(2) the displacement of such individual by reason of the use of one or more volunteers under section 7 of this Act,

the requirements contained in section 144 of the Job Training Partnership Act (Public Law 97-300) shall apply, and such individual shall be deemed an interested person for purposes of the application of such requirements.

(c) DEFINITION.—For purposes of this section, the term "displacement" includes, but is not limited to, any partial displacement through reduction of nonovertime hours, wages, or employment benefits.

AUTHORIZATION OF APPROPRIATIONS

SEC. 13. (a) DISTRIBUTION OF FUNDS.—Of the sums appropriated pursuant to subsection (f) to carry out this Act for any fiscal year—

(1) not less than 50 per centum shall be made available to the Secretary of the Interior for expenditure by State program agencies;

(2) not less than 20 per centum shall be made available to the Secretary of the Agriculture for expenditure by program agencies within the Department of Agriculture;

(3) not less than 5 per centum shall be made available to the Secretary of Agriculture, under such terms as are provided for in regulations promulgated under section 4(b), for expenditure by other Federal program agencies and for demonstration projects or projects of special merit carried out by any program agency or by any nonprofit organization or local government which is undertaking or proposing to undertake projects consistent with the purposes of this Act;

(4) not less than 20 per centum shall be made available to the Secretary of the Interior for expenditure by program agencies within the Department of the Interior; and

(5) not less than 5 per centum shall be made available to the Secretary of the Interior for expenditure by the governing bodies of participating Indian tribes. Fifteen per centum of the amount disbursed to State program agencies under paragraph (1) (or to local governments within the State where subsection (c) applies) shall be divided equally among the States and 85 per centum of such amount shall be distributed among such States proportionately according to the total youth population of such States between the ages of fifteen and twenty-five (as determined on the basis of the most recent census). Any State receiving funds for the operation of any conservation center shall be required to provide not less than 15 per centum of the cost of operation of such center. Any State receiving funds for any fiscal year shall provide not less than 10 per centum of such funds to local governments approved by the State under section (4)(h) to carry out projects under this Act unless no such local government in that State is approved before the end of such fiscal year. In any case where no such local government is approved before the end of such fiscal year, such 10 per centum may be expended by the State in accordance with this Act.

(b) AWARDS OF GRANTS.—The Secretary of the Interior and the Secretary of Agriculture shall not make any grant to, or enter into any agreement with any program agency for the funding of any conservation center under this Act unless such agency certifies that projects carried out by the conservation center will not—

(1) result in the displacement of individuals currently employed (either directly or under contract with any private contractor) by the program agency concerned (including partial displacement through reduction of nonovertime hours, wages, or employment benefits);

(2) result in the employment of any individual when any other person is in a layoff status from the same or substantially equivalent job within the jurisdiction of the program agency concerned; or

(3) impair existing contracts for services.

(c) STATE SHARE TO LOCAL GOVERNMENTS.—If, at the commencement of any fiscal year, any State does not have a program agency designated by the Governor to manage the program in that State, then during such fiscal year each local government within such State may establish a program agency to carry out the program within the political subdivision which is under the jurisdiction of such local government. In any such case, the State share (or a reasonable protion thereof, including amounts authorized to be appropriated pursuant to subsection (f) for such State) may be made available by the Secretary of the Interior for expenditure by such local government program agencies to carry out the program within such political subdivisions. Such local government program agencies shall be in all respects subject to the same requirements as State program agencies. Where more than one local government within a State has established a program agency under this subsection, the Secretary of the Interior shall allocate funds between such agencies in such manner as he deems equitable.

(d) PAYMENT TERMS.—Payments under grants under this section may be made in advance or by way of reimbursement and at such intervals and on such conditions as the Secretary of the Interior or the Secretary of Agriculture, as appropriate, finds necessary.

(e) USE OF FUNDS.—Contract authority under this Act shall be subject to the availability of appropriations. Funds provided under this Act shall only be used for activities which are in addition to those which would otherwise be carried out in the area in the absence of such funds. Not more than 10 per centum of the funds made available to any program agency for projects during each fiscal year may be used for the purchase of major capital equipment.

(f) The regulations under section 4(b) shall establish appropriate limitations on the administrative expenses of Federal and non-Federal program agencies carrying out programs under this Act. Such limitations shall insure that administrative expenses of such programs shall be minimized to the extent practicable taking into consideration the purposes of this Act and the nature of the programs carried out under this Act.

(g) APPROPRIATION LEVELS.—There is authorized to be appropriated for the purposes of carrying out this Act $75,000,000 for each of the fiscal years 1985 through 1986. Funds appropriated under this Act shall remain available until expended.

Mr. BUMPERS. Mr. President, I am pleased to join Senator MOYNIHAN in cosponsoring the American Conservation Corps bill which would establish a new civilian conservation corps.

Congress last year overwhelmingly passed legislation that would have created an American Conservation Corps, which would have put unemployed young people to work rehabilitating our Federal lands. Unfortunately, President Reagan vetoed the bill. I will be among the many Senators and Representatives who will be working again this year to bring the corps to life.

The American Conservation Corps would be largely modeled on the Civilian Conservation Corps of the 1930's. It would have provided jobs for up to 37,000 young people, and the jobs would not have been meaningless make work. Typical projects would include forestry, range land conservation, and recreational area improvement.

For much of the 98th Congress we had administration witnesses and others appear before congressional committees testifying about the dete-

riorating condition of our national parks, our national forest recreation areas, our wildlife refuges, and other public lands. The pressure on these areas continues to mount—a combination of heavier recreational use and increased mineral exploitation.

Previous experience with the Youth Conservation Corps showed that such programs can get work accomplished for less money than would be required if private firms were contracted. So far as most Members of Congress are concerned, the American Conservation Corps would not only be cost effective but would provide jobs for disadvantaged young people who will otherwise remain unemployed.

We only need to remember that much of the timber we are now harvesting from our national forests was seeded under the old CCC's to understand the value of an updated conservation program today.

Modifications to last year's bill include a constant $75 million authorization over 3 years, a 10-percent administrative cost cap, and a revised funding distribution mix which increases the States' share to 50 percent and reduces the Departments of Agriculture and Interior shares to 20 percent each.

Again, I am proud to be a cosponsor of this bill which I have actively supported for the last three Congresses. At a time when pressures on public lands are increasing and funds for maintaining the lands are in short supply, a targeted and effective conservation corps is not only desirable but necessary. I hope that the Senate can move quickly on this bipartisan proposal.

By Mr. INOUYE:

S. 28. A bill to amend title 38, United States Code, to modify the qualifications required for appointment to the positions of Chief Medical Director, Deputy Chief Medical Director, and Associate Deputy Chief Medical Director of the Veterans' Administration; the Committee on Veterans' Affairs.

Mr. INOUYE. Mr. President, today I am introducing legislation to authorize that the individual appointed to the position of Chief Medical Director, Deputy Chief Medical Director, and Associate Deputy Chief Medical Director of the Veterans' Administration may be a member of one of the several health care professions which currently are employed by the Veterans' Administration, rather than be restricted to doctors of medicine.

In my judgment, the time has come to legislatively recognize the truly interdisciplinary nature of health care within our Nation.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the ordered to be printed in the RECORD, as follows:

S. 28

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (1) of section 4103(a) of title 38, United States Code, is amended by striking out "a qualified doctor of medicine," and inserting in lieu thereof "a person qualified under section 4105 of this title for appointment to a position referred to in subsection (a)(1), (a)(2), (a)(3), (a)(5), (a)(6), (a)(7), or (a)(8) of such section,".

(b) Paragraph (2) of such section is amended by striking out "a qualified doctor of medicine," and inserting in lieu thereof "a person qualified for appointment to the position of Chief Medical Director,".

(c) Paragraph (3) of such subsection is amended by striking out "a qualified doctor of medicine," and inserting in lieu thereof "a person qualified for appointment to the position of Chief Medical Director,".

By Mr. HATCH (for himself and Mr. DECONCINI):

S. 29. A bill to amend titles 18 and 29 of the United States Code, to eliminate, and establish an alternative to the exclusionary rule in Federal criminal proceedings; to the Committee on the Judiciary.

ALTERNATIVE TO THE EXCLUSIONARY RULE

Mr. HATCH. Mr. President, the Senate and indeed the entire Nation was gratified by the enactment of the Comprehensive Crime Control Act of 1984. This new law has placed many new and valuable tools in the hands of our Federal law enforcement officers as they carry on the battle against crime. The bail reform provisions of the act should prevent dangerous criminal suspects from perpetrating further crimes pending trial or pending appeals after conviction. The sentencing provisions should provide uniformity and stiffer penalties for Federal offenses. The list of benefits provided by the act, however, must not obscure the message that criminal justice reform is not complete. Many important legislative changes to deter crime, such as the capital punishment bill, were not included in the Comprehensive Crime Control Act of 1984. Perhaps the chief item of unfinished criminal justice reforms in terms of detecting crime and apprehending criminals is finding a suitable alternative to the exclusionary rule. Accordingly, I am introducing today a bill to replace the exclusionary rule in Federal criminal proceedings with alternatives more likely to ensure enforcement of the fourth amendment.

The exclusionary rule, or the suppression doctrine, is a judicial policy mandating the inadmissibility of evidence obtained unreasonably according to current fourth amendment standards. Thus, the rule has the potential, as the Chief Justice has noted, of "excluding from evidence the traditional corpus delicti in a murder of kidnapping case." *Stone* v. *Powell,* 428 U.S. at 502 (1976). In other words, credible and probative evidence, often critical to conviction, seized in the heat of apprehending a suspected felon is excluded from court consideration solely because a court deliberating months later feels it was obtained in an unreasonable fashion. As the rule now operates, a criminal, who in fact committed a dreadful violent crime and may have been caught in the act, is set free, not bcause he is innocent but because the evidence necessary to establish his guilt is deemed to have been unreasonably seized.

The fourth amendment provides:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath and affirmation, and particularly describing the place to be searched, and the persons or things to be seized. (U.S. Constitution, Amendment IV).

Although the fourth amendment triggers its judicial application, the exclusionary rule is not a part of the Constitution, but a court-made rule of evidence that was not adopted for Federal courts until 1914, *Weeks,* v. *U.S.* 232 U.S. 383 (1914), and State criminal trails until 1961, *Mapp* v. *Ohio,* 367 U.S. 643 (1961). See also authorities cited in Rader, "Legislating a Remedy for the Fourth Amendment," 23 S. Tex. L.J. 585 (1982).

Whereas a law enforcement officer acting in violation of the fourth amendment should be held responsible for his actions, the exclusionary rule instead is custom made to deter the prosecutor, not those law enforcement officers, guilty of committing the illegal acts. The exclusionary rule is succinctly explained by the distinguished legal authority Dean Wigmore:

The Doctrine of *Weeks* v. *United States* also exemplifies a trait of our Anglo-American judiciary peculiar to the mechanical and unnatural type of justice. The natural way to do justice here would be to enforce the healthy principle of the fourth amendment directly, i.e., by sending for the high-handed, over-zealous marshal who had searched without a warrant, imposing a thirty-day imprisonment for his contempt of the constitution, and then proceeding to affirm the sentence of the convicted criminal. But the proposed indirect and unnatural method is as follows:

"Titus, you have been found guilty of conducting a lottery: Flavius, you have confessedly violated the constitution. Titus ought to suffer imprisonment for crime, and Flavius for contempt. But no! We shall let you both go free. We shall not punish Favius directly, but shall do so reversing Titus' conviction. 8 Evidence § 2184 (3d ed. 1940).

In England, as well as throughout the Commonwealth generally, the illegality of a seizure does not prevent evidence from being admissible in criminal proceedings. Also, police violators of the law are held personally accountable for their transgressions.

This English precedent has direct relevance to our own fourth amendment. The roots of our fourth amend-

ment are evident in the maxim cited by Lord Coke that "every man's house is his castle." Recent studies indicate that in the turbulent times just prior to the American revolution, the English prohibitions against unreasonable searches were enforced against officers of the king by a suit for damages. See Rader, "Legislating a Remedy for the Fourth Amendment," 23 S. Tex. L. J. 585 (1982). In the famous case of *Entick* v. *Carrington*, 19 Howell's State Trials 1029 (1765), the English court awarded enormous damages to the victim of an illegal search even though it was conducted by one of the king's own ministers. The First Congress must have been aware of this landmark case and in the absence of any explicit remedy for violations of the fourth amendment must be assumed to have preferred existing remedies for its enforcement, namely the remedy of the Entick case.

Despite this evidence about the First Congress's likely preferences for enforcement of their language, the judge-made exclusionary rule has gained prominence in the United States, alone among world criminal justice systems. While the Entick remedy had the virtue of punishing offending officer who performed an illegal search and still permitting proper consideration of probative evidence, the suppression doctrine excludes the otherwise guilty criminal as well as the offending law enforcement official from answering for their misconduct. Both malefactors are freed to again break the law.

A number of Supreme Court Justices have questioned the wisdom of the exclusionary rule. Mr. Justice Black, in a concurring opinion in *Wolf* v. *Colorado*, 388 U.S. 25 (1949), stated:

> The Federal Exclusionary Rule is not a command of the fourth amendment but is a judicially created rule of evidence which Congress might negate.

Again, in *Linkletter* v. *Walker*, 381 U.S. 618, 648 (1965), Mr. Justice Black said:

> The inference I gather from these repeated statements is that the rule is not a right or privilege accorded to defendants charged with crime but is a sort of punishment against officers in order to keep them from depriving people of their Constitutional rights. In passing I would say that if that is the sole purpose, reason, object and effect of the rule, the court's action in adopting it sounds more like law-making than construing the Constitution.

More recently, Chief Justice Burger stated:

> It creates a damage remedy not provided for by the Constitution and not enacted by Congress.

Clearly indicating his view regarding the deleterious effect the exclusionary rule has on justice. In *Bivens* v. *Six Unknown Federal Narcotic Agents*, 403 U.S. 388 (1971), Chief Justice Burger recommended this course of action:

> Reasonable and effective substitutes can be formulated if Congress would take the lead, as it did for example in 1946 in the Federal Tort Claims Act. I see no insurmountable obstacle to the elimination of the Suppression Doctrine if Congress would provide some meaningful and effective remedy against unlawful conduct by government officials.

It seems then that the Supreme Court has thrown down the gauntlet. Now Congress must answer the challenge.

The rule's adamant demand for a perfect trial is without constitutional foundation. In criminal prosecutions, the sixth amendment maintains that the accused be given a speedy and public trial, not necessarily a perfect trial. In addition, the Supreme Court has repeatedly interpreted the due process clause of the 5th and 14th amendments to require that a "fair trial" be provided, not the aforementioned perfect trial. The concept of a fair trial is an important one. Mr. Justice Rehnquist, in *Michigan* v. *Tucker*, 417 U.S. 433 (1974), stated:

> Just as the law does not require that a defendant receive a perfect trial, only a fair one, it cannot realistically require that policemen investigating serious crimes make no errors whatsoever.

The protection of the citizenry is the foremost responsibility of the law enforcement officer; his first priority is to remove nefarious persons such as rapists, murderers, and kidnapers from the streets. In the performance of his duties, the policeman may sometimes err. The exclusionary rule does not distinguish between flagrant violations and accidental errors.

For example, it does not distinguish between clearly unreasonable searches of one's home and simple misstatements of information on a search warrant. Regardless of the magnitude of the error of the policeman, the rule mandates the suppression of evidence obtained in violation of the fourth amendment. The release of a convicted murderer due to an error in a search warrant may be necessitated by the exclusionary rule.

Under the rule, evidence considered to have been obtained illegaly is not permitted into trial, and if causal connection is determined, even the most credible kinds of evidence may be deemed "tainted" and also excluded from the trial. Causal connection refers to the judicial decision that where additional evidence is believed to have been gathered as a result of illegally seized evidence, it shall be subject to the exclusionary rule. For example, the body of a victim is inadmissible evidence at trial if the body was found as a result of a confession of a pickpocket being held illegally by law enforcement officers.

In our society, differing types of criminal elements are present. There are criminals such as gamblers and pickpockets who seek monetary gain by committing crimes against property. There are also criminals such as rapists and child molesters who commit violent crimes against the person. The exclusionary rule, however, does not differentiate between heinous crimes against the person such as rape, child abuse, or homicide and simple monetary crimes. Its use allows the same reversal for a convicted child molester, on the grounds of the illegality of the search and seizure, as it does a convicted gambler.

Our courts also make a distinction insofar the penalties meted out to the convicted criminal. The Court demarcates misdemeanors and more serious felony crimes. The penalties established are based on the magnitude of the crime committed. Conviction of a misdemeanor elicits a penalty ranging from a fine or probation to 1 year imprisonment in prison. Conviction of a serious felony crime elicits a penalty ranging from 1 year incarceration in a State or Federal penitentiary to the death penalty. Whereas the courts take into consideration the gravity of the crime, the exclusionary rule does not distinguish the misdemeanor from the more serious felony crime. The rule releases a convicted gambler the same as a convicted killer, totally ignoring the gravity of the crime.

The primary reason for the institution of the exclusionary rule was to deter abusive law enforcement practices. However, there is little substantive proof that the exclusionary rule is an effective deterrent. Mr. Justice White, in his dissenting opinion in *Stone* against *Powell*, stated:

> As time went on after coming to the bench I became convinced that *Weeks* v. *United States*, (Citations omitted), and *Mapp* v. *Ohio* had overshot their mark insofar as they aimed to deter lawless action by law enforcement personnel and that in many of its applications the exclusionary rule was not advancing that aim in the slightest and that in this respect it was a senseless obstacle to aiming at the truth in many criminals trials. 428 U.S. 465, 537 (1967).

In the Janis case, Justice Blackmun, speaking for the Court, cited a long list of empirical studies into the effectiveness of the suppression doctrine as a deterrent of fourth amendment violations and concluded: "No empirical observer has yet been able to establish with any assurance whether the rule has a deterrent effect even in the situations in which it is now applied." (428 U.S. at 449 n. 22). The burden of proof should be upon advocates of the exclusionary rule to demonstrate that it accomplishes its purpose. After nearly 24 years, that burden of proof has still not been satisfied. It is time to try something with a greater chance of success.

It has even been suggested that the exclusionary rule promotes illicit conduct by law enforcement officers.

Since the rule is conviction-oriented, it is only brought to play at the trial stage of criminal proceedings when law enforcement officials are seeking a conviction, it permits harassment or seizure of contraband by officers who have no intention of a conviction while providing no direct punishment to the officer who may have violated fourth amendment rights. In some instances, the rule diminishes abidance of the law and compels officers to turn to illegal means of law enforcement; that is, false testimony. Where, then, lies the protection for the innocent victim of illegal searches and seizures required by the fourth amendment? Assuming an illegal search and seizure is committed upon a law-abiding citizen, the rule offers him little help, remedy, or protection—certainly no compensation.

Prof. Virgil Peterson's thoughts as to the ineffectiveness of the rule in its protection of the innocent are expressed well:

> Rejection of the evidence does nothing to punish the wrongdoing official while it may and likely will, release the wrongdoing defendant. It deprives society of its remedy against one lawbreaker because he has been pursued by another. It protects one against whom incriminating evidence is discovered, but does nothing to protect innocent persons who are the victims of illegal but fruitless searches. (In restrictions of the law of search and seizure, 52 Northwestern Univ. L. Rev. 46 at 55 (1958).

Further proof is found in a report from the American Bar Association's Division of Judicial Administration. A relevant section reads:

> Not only has the rule failed to achieve its stated purpose, but it has imposed substantial costs on society in the process. First, the exclusionary rule affords no protection or remedy to innocent persons whose fourth amendment rights have been infringed. Justice Frankfurter noted that the exclusion of evidence is a remedy which directly serves only to protect those upon whose person or persons something incriminating has been found . . . next it is clear that the exclusionary rule imposes a single, inflexible, and drastic sanction without regard to the nature, circumstances or degree of police misconduct.

To ascertain the validity of the many criticisms of the exclusionary rule, an empirical study was conducted in Chicago in 1971-72. The study was administered by the U.S. Department of Justice and the University of Chicago Law School. The results indicated the ineffectiveness of the rule as a deterrent to abusive law enforcement practices and illustrated the lopsided protections the rule gives for violations of the fourth amendment rights. Instead of protecting the innocent law-abiding citizen, the rule releases the criminal as well as the offending law enforcement official from answering for his misconduct. In a brief (amicus curiae) submitted by the district attorney of Alameda County in the case of People against Cahan, the district attorney stated:

> (The) net result of the exclusionary rule is that the persons who will benefit the most, in fact almost exclusively, are the blackmailer, the kidnapper, the big-time narcotic peddler, the racketeer, the dishonest gambler who preys in devious ways upon a gullible public, the panderer and procurer, the entrepreneur of syndicated prostitution, who like the pimp, lives off the earnings of prostitutes, and other types of organized syndicated crimes 44 Cal. 2d 434 (1955).

In recent Supreme Court decisions concerning the exclusionary rule, Justices have continued to echo the fact, which was first introduced in *Wolf* v. *Colorado*, 338 U.S. 25 (1949), that the rule is "judicially created and one which Congress might negate." The bill I propose today is in response both to the cries of these Justices of the Supreme Court and to our fellow Americans, who are increasingly becoming victims of violent criminal acts.

My bill, comprised of two major provisions, would eliminate the exclusionary rule, thus permitting evidence not be held inadmissible, when obtained in violation of fourth amendment rights by Federal law enforcements officials, in a Federal criminal trial. Also, my bill would allow for redress for innocent persons of fourth amendment violations. Federal law enforcement officials who violate fourth amendment rights will not be afforded protection by this bill; but they will instead be required to answer for their actions. Both provisions are needed.

The first provision would require the addition of a new section, section 3505—elimination of the exclusionary rule—in chapter 223 of title 18 of the United States Code. It would eliminate the exclusionary rule as it pertains to Federal criminal proceedings. The proof of innocence or guilt must be based on the truth. In my opinion, truth is denied when courts are not given the opportunity to judge evidence solely on the basis of its reliability. By eliminating the exclusionary rule, all evidence would be available to the trial judge for his determination as to its relevance to the case.

The second provision would add a new chapter, 172—illegal search and seizure—to title 28 of the United States Code. It would provide a civil tort remedy for individuals whose fourth amendment rights have been violated by Federal law enforcement officials. It would define Federal officials who would be subject to appropriate discipline for violating fourth amendment rights, and it would stipulate that the U.S. Government would be held liable for the actions of its officials who violate fourth amendment rights.

It would also set forth the standards for recovery of actual damages and such punitive damages, up to but not to exceed $25,000, as the court may award. Finally, it would provide the court the opportunity to award any claimant who prevails in such action reasonable attorney fees, and other litigation costs reasonably incurred as the court may deem appropriate. Thus, this second provision would offer the protection guaranteed by the fourth amendment of the U.S. Constitution as well as act as a deterrent to potential violations of searches and seizures by Federal law enforcement officials.

In a recent case, the Supreme Court adopted an exception to the exclusionary rule which permits the admission of illegally seized evidence if the seizure was undertaken in the good faith belief that it was in conformity with the fourth amendment. Senior Judge Malcolm Wilkey of the District of Columbia Court of Appeals has commented with great insight on the need for legislative correction beyond the good faith exception:

> The proposed remedy has a certain plausibility, and it will have one favorable result: fewer guilty criminals will be set free by the application of the exclusionary rule. However, the guilty going free because the constable blundered is only the most visible of the many evils associated with the exclusionary rule. There are also evils which in the aggregate are greater than sometimes freeing the guilty criminal, *and each and every one of these is preserved by this proposed "remedy."*
>
> Looking back at the list of existing evils in Part I above, it is clear that only the first evil will be partially corrected by the adoption of the good faith exception. *Each and every one of the other eleven listed evils will be retained after the proposed good faith exception remedy goes into effect.* For example, the good faith exception does not purport to give innocent victims of illegal searches and seizures any remedy at all; only the truly guilty will continue to benefit by the exclusionary rule (Cost 2). All internal disciplinary efforts of law enforcement agencies will be totally negated by the continued retention of the exclusionary rule in any form (Cost 3). The necessity to determine whether the officer acted in "good" or "bad" faith makes impossible any effective disciplinary remedy by either law enforcement agencies or outside review boards. Discipline of the officer will always undermine the prosecution of the case, if there remains any chance that the search can be found sufficiently illegal to invoke the exclusionary rule. The burden on the court is in no way lightened; it will still be necessary to determine in every criminal trial whether the officer acted in "good" or "bad" faith (Cost 4). This is now and will continue to be an unabated waste of judicial resources (Cost 5 and 6). The necessity of determining good or bad faith will be an outright encouragement to perjury, even as now (Cost 7); similarly, the retention of the rule for "bad faith" searches makes hypocrites out of judges (Cost 8). We could go down the list of remaining evils listed and see that each and every one would still be present if the proposed good faith exception is adopted.
>
> *In addition to perpetuating the present evils, the proposed good faith exception will create an additional evil:*
>
> Cost 13: The "good faith" exception puts a premium on ignorance and lack of training

in law enforcement agencies. The ideal police recruit will be the "noble savage" who never heard of the Constitution. He will be able to do many illegal things in perfect "good faith."

In order to give my colleagues the benefit of the rest of Judge Wilkey's observations about the exclusionary rule, I will include his article at the conclusion of my remarks.

This is perhaps a good time to look at the suppression doctrine from one final vantage point—that of the courts.

The exclusionary rule forces the courts to accept suppression motions on all evidence claimed to have been obtained in violation of the fourth amendment rights. This has admittedly doubled the court calendar. The other bills continue to request that courts decide whether the evidence should be admissible in court at a suppression hearing. Thus, the exclusionary rule would remain a time consuming, added burden on the court system.

Even innocent persons subjected to illegal searches and seizures, who are arrested as a result of the illegal searches and seizures, must wait for a date on the court calendar just for a suppression hearing, and then, whether or not the evidence is found to be admissible, they must wait yet another date of the court calendar for their trial. If the innocent person cannot afford bail, he probably will have to wait for his trial date confined in a local jail. On the other hand, if an alleged child molester can afford bail, he will await his trial date back in society among children.

My proposed bill would not allow this injustice to occur. It would free up the court's calendar by eliminating the need for an extra proceeding prior to trial, thereby allowing the courts to handle cases in a more timely and expeditious manner. The speed with which the courts could handle cases would insure the release of innocent persons faster as well as speed up the removal of criminals from the streets.

Congress enacted legislation to allow civil tort actions to be taken against State authorities who abuse their powers. 42 U.S.C. 1983 (1970):

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

Congress should offer redress when Federal law enforcement officials violate fourth amendment rights. The bill I propose offers just such a remedy.

In conclusion, the exclusionary rule has not lived up to its expectations. The court which created the rule has itself found many exceptions to its application and has hinted at the need to rectify its shortcomings by legislation. This bill would permit the Federal courts to pursue truth by allowing admission of probative evidence. It would also create a working deterrent to fourth amendment violations. It would also provide a remedy for the innocent person whose fourth amendment rights may now be violated with relative impunity.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 30. A bill to provide a limitation on discharge of raw sewage by New York City; to the Committee on Environment and Public Works.

RAW SEWAGE ABATEMENT ACT OF 1985

Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation to address a regional water quality problem that has plagued New Jersey for decades. I refer to the unconscionable practice, by the city of New York, of dumping hundreds of millions of gallons of raw sewage a day into the Hudson-Raritan Estuary, which washes New Jersey's shores.

Today the city of New York is dumping approximately 230 million gallons of raw sewage a day into the Hudson and East Rivers. This practice has gone on for decades, Mr. President, unabated by legal action by the Interstate Sanitary Commission, a tristate body with environmental responsibilities for the New Jersy, New York, and Connecticut area, entreaties and enforcement actions by the Environmental Protection Agency; and two court-ordered deadlines to cease this practice which have long passed.

New York City is the only major municipality in the country which still does not provide at least preliminary treatment of its wastes. In fact, the city of New York is responsible for dumping over two-thirds of the raw sewage discharged in the entire Nation. It does so because of the absense of sewage treatment plants in two major drainage areas in New York City, encompassing parts of Manhattan and Brooklyn.

The city of New York is now building the North River and Red Hook sewage treatment plants to treat these wastes under court-ordered deadlines. By August 1, 1986, it is supposed to have the North River plant on line to treat up to 170 million gallons of sewage and wastes a day. By August 1, 1987, it is supposed to have the Red Hook treatment plant on line to treat 60 million gallons a day of waste. By those dates, the respective plants are required to achieve advanced preliminary treatment. They are not required to provide secondary treatment until 1991 and 1989 respectively.

These deadlines are dictated by a consent decree signed by the city of New York in December 1982. This decree is the third such consent decree that the city of New York has entered into with respect to these facilities. The first was signed in 1977; the second in 1979. Both of these decrees were renegotiated to extend the city's deadline for complying with the Clean Water Act. No fines or penalties were ever levied against the city for failure to comply with earlier court-ordered deadlines. In each case, EPA simply extended New York's deadlines.

Mr. President, these consent decrees have been negotiated by a small number of parties—the city, the State of New York, the EPA, and a district court judge—none of whom are accountable directly to the public. In essence, they have served as a legal cover for the city. This cozy arrangement has resulted in special treatment for the city of New York under the Clean Water Act. It has contributed to continued degradation of regional waters.

As a result of these arrangements, legal action initiated by the Interstate Sanitary Commission decades ago has not resulted in the abatement of raw sewage dumping by the city. If New York complies with the deadlines in its current consent decree, it will not even begin to provide secondary treatment for the wastes for these drainage areas until 5 years after it was required to do so by its first consent decree.

Mr. President, this legislation is guided by a simple aphorism drawn from the sports world: three strikes and you're out.

Simply stated, it will impose a cap on raw sewage discharges from the drainage areas in the city of New York currently without treatment plants if the city fails to meet the deadlines for achieving advanced preliminary treatment contained in its current consent decree. These deadlines are August 1, 1986, for the North River plant in Manhattan and August 1, 1987, for the Red Hook plant in Brooklyn.

If these deadlines are met, the cap will be unnecessary because all raw sewage discharges will cease. If the city fails to meet these deadlines, a cap will be imposed in the drainage area in violation of the decree. It will stay in effect until the city brings the affected plant online and it operates successfully for 6 months.

The cap imposed by this amendment will be based on the annual average daily discharge of raw sewage between March 15, 1985, and March 15, 1986, for the North River drainage area, and March 15, 1986, and March 15, 1987, in the Red Hook drainage area, or the 12 months preceding operation of the plants, whichever is earlier. If the city misses its consent decree deadlines, it will be in violation of this amendment if it discharges, in any 30-day period, more raw sewage than the annual

daily average discharged during the applicable baseline year.

Mr. President, this legislation combines the use of the carrot and the stick.

It provides a strong incentive for the city to have both of these plants online as soon as possible. It directs the EPA to work with the city to end raw sewage discharges at the earliest possible date.

If New York City does not meet its deadlines, the amendment provides for tough penalties unless the city is prevented from complying by circumstances beyond its control.

The imposition of a cap on raw sewage discharges, upon a violation of the consent decree, in effect says to the city of New York, "You cannot continue to grow without restraint if you cannot treat your wastes."

Upon violation of the cap, the city would be subject to the enforcement provisions in section 309 of the Clean Water Act. These penalties would be in addition to those provided for violation of the consent decree. They include tough civil and criminal penalties, and would enable EPA to seek a temporary or permanent injunction against the city, to bring civil actions against the city, and to initiate criminal prosecution in cases of negligence or falsification of records.

With the changes proposed this year to section 309 of the Clean Water Act, a violation of the cap imposed by this amendment could result in substantial penalties of up to $50,000 a day. A violation stemming from a criminal conviction could lead to imprisonment.

Finally, Mr. President, the legislation states that it is the sense of the Congress that EPA should not extend the deadlines in the city's existing consent decree any further.

Mr. President, this bill has been very carefully crafted to take account of so-called acts of God, and other circumstances which are beyond the city's control. Thousands of cities around this Nation, large and small, with far fewer resources than the city of New York, have struggled to comply with the Clean Water Act. Not one other major city in the country is discharging raw sewage into waterways. Only three other States even have discharges of raw sewage exceeding 10 million gallons a day. Even the well publicized situation in Boston involves partially treated sewage in a volume that is just one-tenth of the total discharged by New York City every day.

New Jersey has had its share of water quality problems. But not one New Jersey municipality is discharging raw sewage. Treatment plants in northern New Jersey are all achieving advanced preliminary treatment, and the major plants serving this area are achieving secondary treatment.

The New Jersey Department of Environmental Protection has imposed approximately 50 sewer hookup bans in New Jersey, currently affecting about 75 communities, to improve compliance with the Clean Water Act. Several communities may finance the upgrading of their sewage treatment plants to secondary treatment without any Federal or State aid. In some cases, the Department of Environmental Protection in New Jersey is requiring private sector parties to contribute to local efforts to upgrade sewage treatment facilities as the price of securing a sewer hookup permit and proceeding with planned development.

Mr. President, I regret the regional tension that has arisen over this issue. New Jersey and New York do not need to grow at each other's expense. Regional growth is good for both States.

By the same token, Mr. President, this growth should be accompanied by appropriate environmental protection. It must not come at the expense of the environment. It must not come at the expense of New Jersey's tourist and commercial and recreational fishing industries.

Should New York continue past environmental practices, New Jersey would be the loser twice. It would suffer from a competitive disadvantage, by following a clean growth strategy while New York City pursued growth unlimited by environmental concerns.

It would also suffer as the continued recipient of New York's pollution.

This legislation will provide strong incentives for New York City to comply with its consent decree without unfairly penalizing the city.

Mr. President, I am very pleased that the chairman of the Environment and Public Works Committee, the Senator from Vermont, Senator STAFFORD, has seen fit to include this bill—of such vital importance to New Jersey—in the committee legislation he is introducing today to renew the Clean Water Act. Last year, I had planned to offer this bill as an amendment to S. 431, the Clean Water Act Amendments of 1983, when that legislation was brought before the full Senate for consideration. Unfortunately, S. 431 was never scheduled for Senate floor action last year, and it died when Congress adjourned in mid-October.

Mr. President, I know it is the intention of Senator STAFFORD, and the chairman of the Subcommittee on Environmental Pollution, Senator CHAFEE, to hold early hearings on reauthorization of the Clean Water Act and to report it out of the committee as soon as possible after we convene. I share that goal and look forward to working with them in this important legislation. I very much appreciate Senator STAFFORD'S willingness to include my legislation, the Raw Sewage Abatement Act, in his larger bill and his accommodation of New Jersey's environmental needs.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 30

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Raw Sewage Abatement Act of 1985".

LIMITATION ON DISCHARGE OF RAW SEWAGE BY NEW YORK CITY

SEC. 2. (a)(1) If the wastewater treatment plant identified in the conset decree as the North River plant has not achieved advanced preliminary treatment as required under the terms of the consent decree by August 1, 1986, the city of New York shall not discharge raw sewage from the drainage areas of such plant (as defined in the consent decree) into navigable waters after such date in an amount which is greater for any 30-day period than an amount equal to 30 times the average daily amount of raw sewage discharged from such drainage area during the 12-month period ending on the earlier of the date on which such plant becomes operational or March 15, 1986 (as determined by the Administrator of the Environmental Protection Agency), except as provided in subsection (b).

(2) If the wastewater treatment plant identified in the consent decree as the Red Hook plant has not achieved advanced preliminary treatment as required under the terms of the consent decree by August 1, 1987, the city of New York shall not discharge raw sewage from the drainage area of such plant (as defined in the consent decree) into navigable waters after such date in an amount which is greater for any 30-day period than an amount equal to 30 times the average daily amount of raw sewage discharged from such drainage area during the 12-month period ending on the earlier of the date on which such plant becomes operational or March 15, 1987 (as determined by the Administrator of the Environmental Protection Agency), except as provided in subsection (b).

(b)(1) In the event of any significant interruption in the operation of the North River plant or the Red Hook plant caused by an event described in subparagraphs (A), (B), or (C) of paragraph (5) occurring after the applicable deadline established under subsection (a), the Administrator of the Environmental Protection Agency shall waive the limitation of subsection (a) with respect to such plant, but only to such extent and for such limited period of time as may be reasonably necessary for the city of New York to resume operation of such plant.

(2) In the event that the volume of precipitation occurring after the applicable deadline established under subsection (a) causes the discharge of raw sewage to exceed the limitation under subsection (a), the Administrator of the Environmental Protection Agency shall waive the limitation of subsection (a) with respect to either or both such plants, but only to such extent and for such limited period of time as the Administrator determines to be necessary to take into account the increased discharged caused by such volume of precipitation.

(3) In the event that an increase in discharges from the North River drainage area

constituting a violation of subsection (a)(1) is due to a random or seasonal variation, and that any sewer hookup occurring, or permit for a sewer hookup granted, after July 31, 1986, is not responsible for such violation, the Administrator of the Environmental Protection Agency shall waive the limitation of subsection (a)(1), but only to such extent and for such limited period of time as the Administrator determines to be reasonably necessary to take into account such random or seasonal variation.

(4) In the event that an increase in discharges from the Red Hook drainage area constituting a violation of subsection (a)(2) is due to a random or seasonal variation, and that any sewer hookup occurring, or permit for a sewer hookup granted, after July 31, 1987, is not responsible for such violation, the Administrator of the Environmental Protection Agency shall waive the limitation of subsection (a)(2), but only to such extent and for such limited period of time as the Administrator determines to be reasonably necessary to take into account such random or seasonal variation.

(5) The Administrator of the Environmental Protection Agency shall extend either deadline under paragraph (1) or (2) of subsection (a) to such extent and for such limited period of time as may be necessary required to take into account any—

(A) act of war,

(B) unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight, or

(C) other circumstances beyond the control of the city of New York, such circumstances not to include (i) the unavailability of Federal funds under section 201 of the Federal Water Pollution Control Act, (ii) the unavailability of funds from the city of New York or the State of New York, or (iii) a policy decision made by the city of New York or the State of New York to delay the achievement of advanced preliminary treatment at the North River plant or Red Hook plant beyond the applicable deadline in subsection (a).

(c) Except as otherwise provided in subsection (b), any violation of subsection (a) shall be considered to be a violation of section 301 of the Federal Water Pollution Control Act, and all provisions of such Act relating to violations of such section 301 shall apply.

(d) For purposes of this section, the "consent decree" is the consent decree entered into by the Environmental Protection Agency, the city of New York and the State of New York, on December 30, 1982, relating to construction and operation of the North River and Red Hook wastewater treatment plants.

(e) The Administrator of the Environmental Protection Agency shall work with the city of New York to eliminate the discharge of raw sewage by such city at the earliest practicable date.

(f) Nothing in this section shall be construed as modifying the terms of the consent decree.

(g) It is the sense of the Congress that the Administrator of the Environmental Protection Agency should not agree to any further modification of the consent decree with respect to the schedule for achieving advanced preliminary treatment.

(h)(1) The provisions of this section shall remain in effect with respect to the North River drainage area until such time as the North River plant has achieved advanced preliminary treatment (as defined in the consent decree) for a period of six consecutive months.

(2) The provisions of this section shall remain in effect with respect to the Red Hook drainage area until such time as the Red Hook plant has achieved advanced preliminary treatment (as defined in the consent decree) for a period of six consecutive months.

(i) The Administrator of the Environmental Protection Agency shall establish and carry out a program within available funds to implement the monitoring activities which may be required under subsection (a) by December 1, 1984. The Administrator of the Environmental Protection Agency shall establish the methodologies, data base, and any other information required for making determinations under subsection (b) for the North River drainage area (as defined in the consent decree) by July 31, 1986, unless the requirements of subsection (h)(1) have been satisfied, and for the Red Hook drainage area (as defined by the consent decree) by July 31, 1987, unless the requirements of subsection (h)(2) have been satisfied. In carrying out such program, if the Administrator finds that a violation of subsection (a) has occurred, the Administrator shall also determine, within 30 days after such finding, whether a provision of subsection (b) applies. If the Administrator requires information from the city of New York in order to determine whether a provision of subsection (b) applies, the Administrator shall request such information. If the city of New York does not supply the information requested by the Administrator, the Administrator shall determine that subsection (b) does not apply. The city of New York shall be responsible only for such expenses as are necessary to provide such requested information. Enforcement action pursuant to subsection (c) shall be commenced at the end of such 30 days unless a provision of subsection (b) applies.

By Mr. PRYOR:

S. 31. A bill to amend the Agricultural Act of 1949, to permit the Secretary of Agriculture to use surplus Government-owned commodities to make disaster payments for the 1984 and 1985 crops of wheat, feed grains, cotton, and rice; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICUTLURAL DISASTER PAYMENT-IN-KIND ACT OF 1985

Mr. PRYOR. Mr. President, today I am introducing the Agricultural Disaster Payment-in-Kind Act of 1985. This bill is similar to S. 1439, a bill I introduced in the 98th Congress, which would have given the Secretary of Agriculture the authority to make disaster payments to eligible producers of wheat, feed grains, cotton, and rice for the 1983-85 crops. The bill I'm introducing today gives the Secretary that authority, but applies it only toward the 1984 and 1985 crops of wheat, feed grains, cotton, and rice. Also, Mr. President, I intend to propose this measure when we consider the comprehensive 4-year farm bill later in the year.

Mr. President, many of our Nation's agricultural producers have experienced serious losses the last several years due to natural disasters. Currently, when a disaster occurs they are eligible for disaster loans from the Farmers Home Administration, and also, they may be eligible for disaster payments from the Department of Agriculture. The disaster payments, however, are discretionary, and I think one of the reasons they're not made is due to the cost involved, even though in many instances I think they are warranted.

The bill I'm introducing today provides the Secretary of Agriculture with another tool when a disaster occurs. Instead of making disaster payments in cash, he could, at his discretion, make them in the form of surplus commodities.

There are other steps we could take, Mr. President, and as we begin debate on the next farm bill I hope we can have a meaningful discussion in this Chamber over ways to provide a helping hand to our Nation's agricultural producers. This bill is designed to add another tool to the Secretary in allowing us to assist our producers through a very difficult period.

I ask unanimous consent that the bill be printed in the RECORD, and I urge my colleagues to support this effort in the months ahead.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 31

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Disaster Payment-In-Kind Act of 1983".

DEFINITIONS

SEC. 2. Effective for the 1984 and 1985 crops of wheat, feed grains, cotton, and rice, section 408 of the Agricultural Act of 1949 (7 U.S.C. 1428) is amended by adding at the end thereof the following new subsection:

"(n)" 'surplus government-owned commodities' means barley, corn, cotton, dry edible beans, flaxseed, grain sorghum, oats, rice, soybeans, sunflower seeds, wheat, or any other agricultural commodity, which is owned and held by the Commodity Credit Corporation and not obligated for any other purpose under any other provision of law.".

WHEAT

SEC. 3. Effective for the 1984 and 1985 crops of wheat, section 107B(b)(2) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(b)(2)) is amended by adding at the end thereof the following new subparagraph:

"(E) The Secretary may use cash or surplus government-owned commodities, or both, to make disaster payments required under subparagraph (A) or (B).".

FEED GRAINS

SEC. 4. Effective for the 1984 and 1985 crops of feed grains, section 105B(b)(2) of the Agricultural Act of 1949 (7 U.S.C. 1444b-1(b)(2)) is amended by adding at the end thereof the following new subparagraph:

"(E) The Secretary may use cash or surplus government-owned commodities, or both, to make disaster payments required under subparagraph (A) or (B).".

COTTON

SEC. 5. Effective only for the 1984 and 1985 crops of cotton, section 103(g)(4) of the Agricultural Act of 1949 (7 U.S.C. 1444(g)(4)) is amended by adding at the end thereof the following new subparagraph:

"(E) The Secretary may use cash or surplus government-owned commodities, or both, to make disaster payments required under subparagraph (A) or (B).".

RICE

SEC. 6. Effective only for the 1984 and 1985 crops of rice, section 101(i)(3) of the Agricultural Act of 1949 (7 U.S.C. 1441(i)(3)) is amended by adding at the end thereof the following new subparagraph:

"(E) The Secretary may use cash or surplus government-owned commodities, or both, to make disaster payments required under subparagraph (A) or (B).".

By Mrs. KASSEBAUM (for herself, Mr. GRASSLEY, Mr. BIDEN, and Mr. BAUCUS):

S. 32. A bill to provide for a 1-year, across-the-board freeze on Federal spending; to the Committee on Finance.

1-YEAR FEDERAL SPENDING FREEZE

Mrs. KASSEBAUM. Mr. President, as we commence the first session of a new Congress, the 99th, much has changed—yet, in terms of the problems we face, much remains the same. We continue to reap the benefits of an unabated economic recovery, however, the dangers of unprecedented deficits continue to loom large on the economic horizon.

Last Congress, I joined with three of my colleagues in this body in authoring a bipartisan program to achieve meaningful deficit reduction through an across-the-board freeze on Federal spending. The KGB plan, as it came to be known, evolved as a major alternative to the deficit downpayment plan which ultimately became law. However, the KGB freeze was supported by fully one-third of the Members of this body at the time of last year's budget debate.

Today, I am joining with the Senator from Iowa [Mr. GRASSLEY], the Senator from Delaware [Mr. BIDEN], and the Senator from Montana [Mr. BAUCUS] in reintroducing the KGB freeze. We continue to believe that a comprehensive program of spending restraint must be legislated as soon as possible. We believe a bipartisan plan is a necessity and that such a plan must freeze everything across the board.

The bill we are introducing would be effective in putting us on a course of significant deficit reduction. Our 1-year freeze would save $35 billion in the first year and $170 billion over the next 3 years. Mr. President, I ask that the text of the bill be printed in full at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 32

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FREEZE ON BUDGET AUTHORITY

SEC. 1. (a) It shall not be in order in the Senate or House of Representatives to consider any bill or resolution making appropriations if the enactment of such bill or resolution, as recommended by the respective committee on appropriations, would cause the aggregate total budget authority for function 050, national defense, to exceed $292,900,000,000 in fiscal year 1986.

(b) It shall not be in order in the Senate or House of Representatives to consider any bill or resolution making appropriations if the enactment of such bill or resolution, as recommended by the respective committee on appropriations, would cause the aggregate total budget authority for non-defense discretionary activities to exceed $139,800,000,000 in fiscal year 1986.

(c) For the purposes of this section, budget authority shall be determined on the basis applicable for fiscal year 1985.

(d) The provisions of subsection (a) or (b) of this section may be waived or suspended in the Senate by a majority vote of the members voting, a quorum being present, or by unanimous consent of the Senate.

(e) It is the sense of Congress that the unprecedented magnitude and persistence of current and projected federal budget deficits must be addressed in a comprehensive strategy to moderate increases in defense spending while continuing the effective constraints on nondefense discretionary programs. To assure the success of such an initiative, the foregoing procedural restraints, in addition to the total aggregate spending limitations pursuant to the Congressional Budget Act of 1974, as amended, are necessary on budget authority both for defense and for nondefense discretionary programs for fiscal year 1986.

FREEZE ON HOSPITAL REIMBURSEMENTS

SEC. 2. (a) Notwithstanding any other provision of this act (or any amendments made by this act) or any provision of title XVIII of the Social Security Act, the "applicable percentage increase" under section 1886(b)(3)(B) of the Social Security Act for any twelve-month cost reporting period or fiscal year beginning on or after October 1, 1985, and before October 1, 1986, shall be 0 percent.

(b) The Secretary of Health and Human Services shall report to the Congress within 45 days after the date of the enactment of this act with respect to suggested methods for assuring that hospitals will not increase amounts charged to patients who are not entitled to benefits under title XVIII of the Social Security Act in order to compensate for amounts not paid by reason of the limitation under subsection (a).

FREEZE ON PHYSICIAN REIMBURSEMENT

SEC. 3. (a)(1) Section 1842(b)(4) of the Social Security Act is amended—

(A) in subparagraph (S), by striking out "15" and inserting in lieu thereof "27:"

(B) in subparagraph (B), by striking out "15" and inserting in lieu thereof "27;" and

(C) in subparagraph (C), by striking out "1985" and inserting in lieu thereof "1986."

(2) Section 1842(b)(4)(D) is amended—

(A) by striking out "1985" and inserting in lieu thereof "1986;"

(B) by striking out "1986" and inserting in lieu thereof "1987;"

(C) by striking out the "12" following "for all of the" and inserting in lieu thereof "24;" and

(D) by striking out "15" and inserting in lieu thereof "27."

(b) Section 1842(l)(1) is amended by deleting "15" and inserting in lieu thereof "27."

FREEZE ON COST-OF-LIVING ADJUSTMENTS

SEC. 4. (a) Notwithstanding any other provision of law, no increase shall be made in payments or benefit amounts under any provision of law which would otherwise require such increase to become effective during fiscal year 1986 as a result of changes in—

(1) the Consumer Price Index (or any component hereof); or

(2) any other index which measures costs, prices, or wages.

(b) No person shall be entitled to any increase in payments or benefit amounts under any provision of law if payment thereof is denied by reason of this section.

(c) Notwithstanding any other provision of law, any change in—

(1) the Consumer Price Index (or any component thereof); or

(2) any other index which measures costs, prices, or wages, which would have resulted in any increase in payments or benefits amounts during fiscal year 1986 but for the provisions of subsection (a) shall not be taken into account for purposes of determining any increase in payments or benefit amounts during fiscal year 1987 or any fiscal year thereafter.

Mrs. KASSEBAUM. The contrasts between this bill and the administration's unofficially announced approach to deficit reduction are dramatic. When priced from the same baseline, both plans achieve approximately the same level of deficit reduction. Those savings are achieved, however, in decidedly different fashions.

The administration's announced desire to freeze Federal spending "in the aggregate" is replete with selective increases balanced through selective program reductions and eliminations. Of particular significance is the proposed increase for spending on defense that must be offset by nondefense discretionary spending and entitlement reductions. The lack of equity in such a tradeoff eliminates any possibility that the administration's plan can generate the public or congressional support crucial for enactment.

By choosing to exempt Social Security from program restraint, while freezing automatic cost-of-living adjustments in all other Federal benefit programs, the administration has introduced an additional element of inequity in its program that further guarantees its political unacceptability. How can we, in our capacity as legislators, justify freezing the benefits of veterans, of retired civil servants, of railroad retirees, and of those on subsistence programs while selectively exempting the single largest category of Federal program beneficiaries from spending restraint.

I, for one, believe that further actual dollar reductions in programs for child nutrition, WIC, legal services, student

aid, and the elimination of programs for agricultural conservation and low-income weatherization cannot pass the Congress. Yet this is exactly what the administration indicates it will propose in its plan to freeze spending in the aggregate.

Because the administration has chosen to construct its freeze on a series of subjective decisions to increase spending for certain programs while reducing funding for others, it has missed the opportunity to neutralize the political obstacles to achieving economic progress against deficits. By proposing selective reductions rather than uniform restraint, the administration has chosen to eschew the equity issue, and has in fact handed that argument to the program constituencies targeted for reductions. As the past 3 years have demonstrated, that is a prescription for failure.

On the other hand, an across-the-board freeze guarantees equity of sacrifice. With almost every American and with every beneficiary of Federal spending sharing the burden of deficit reduction, the element of equity is introduced into the freeze concept. It is equity of sacrifice which affords an across-the-board freeze political acceptability. This is the approach we have taken in the bill we are introducing today.

The KGB freeze would clearly and unequivocally establish deficit reduction as a national priority. Every segment of the budget would be frozen in place without the need for protracted debate over program benefits and relative priorities. That is, in my view, the only way we are ever going to be able to achieve meaningful deficit reduction in the face of entrenched program defenses by special interest constituencies.

Freezing everything, across-the-board, would reduce the deficit by $35 billion in the first year. These savings are not based on fuzzy projections; they are direct and immediate. A freeze would demonstrate that Congress is fiercely determined to address the deficit problem now—not later.

Last year during Senate Budget Committee deliberations, a bipartisan consensus began to evolve in support of the KGB freeze. Although the freeze was rejected by the committee on a close vote, it went to the Senate floor with the momentum necessary to mount a major challenge to the administration-sponsored "deficit down payment." The vote by which the plan was rejected in May was reversed in the final days of the last Congress when two-thirds of the Senate voted in support of further action on the KGB freeze as embodied in the Tsongas amendment to the debt ceiling bill.

Mr. President, I hope we can begin immediately to give consideration to the deficit problems that threaten our economic future. When that issue is before this body, I shall join with my colleagues from Iowa, Delaware, and Montana in advocacy of the measure we have introduced today.

Mr. BAUCUS. Mr. President, I rise to join Senators GRASSLEY, KASSEBAUM, and BIDEN in reintroducing a 1-year, across-the-board Federal budget freeze.

Three nights ago the clock in Times Square counted down the final seconds of 1984 and brought in the New Year. And earlier today, the clocks in Washington counted down the final moments of the 98th Congress and brought in the 99th.

But there's another clock ticking: the deficit clock. It shows that the Federal budget deficit is increasing by $22 million an hour. At this rate, the deficit will exceed $200 billion again this year, and total Federal debt will double over the next 6 years, until it exceeds $3 trillion.

These huge and persistent deficits have serious economic consequences.

First, these deficits inflate the international value of the dollar, making imports cheaper and exports more expensive. This is a major reason that we will have a $130 billion merchandise trade deficit this year, signifying a shift of about 4 million jobs overseas.

Second, these deficits endanger sustained economic growth and threaten higher interest rates. As Dr. Alice Rivlin told the Finance Committee last year, "There is a significant risk that the high real interest rates resulting from the deficits could cause the current expansion to stall * * * *"

Third, these deficits mortgage our children's future. Until now, every generation of Americans has tried to create a better life for the next generation. But now, we're requiring the next generation to bail us out. This is wrong. As Jefferson said, "We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves."

The Helena, MT, Independent Record summarized the situation well a few weeks ago, saying that "the nation's economic welfare hangs on reducing the deficit."

Virtually all economists agree. As President Ford's Chief Economic Advisor, Alan Greenspan, told the Finance Committee yesterday, there is "a very broad consensus * * * that deficits that now confront us are too large, threaten the economy, and must be reduced as quickly as possible."

But politically, that's hard to do. Everybody wants to cut the deficit out of somebody else's pocket: conservatives want to cut only social spending; liberals want to cut only defense spending. The result is a political "gridlock" that prevents us from accomplishing anything.

THE FREEZE

There is a way to break this gridlock: a 1-year, across-the-board spending freeze on all Federal programs: discretionary domestic programs, defense programs, and entitlement programs.

The freeze is not a perfect solution. Every one of the four of us—every one of our colleagues in the Senate—has programs we'd like to enhance and programs we's like to cut more. But today, we do not have the luxury of negotiating piecemeal agreements on a program-by-program basis. We must each give up something for the good of our children and our Nation. Shared sacrifice is needed for the common good.

A freeze can be and should be rapidly enacted. It will give us a real start on the deficit problem. A freeze is a shock—it stops us dead. It permanently lowers the base for spending and so provides lasting savings. It stops the hemorrhage while we debate changes in the structure of the budget and the role of Government.

Everybody can argue for some exceptions. I would hope that in the end we will exempt programs for the poorest of our citizens. But in the beginning we start with the proposal for an across-the-board freeze.

That's why Senators BIDEN, GRASSLEY, KASSEBAUM and I are reintroducing our 1-year spending freeze proposal. This proposal would freeze fiscal 1986 discretionary domestic spending and defense budget authority at fiscal 1985 levels, and eliminate cost-of-living adjustments for 1 year. As a result, the freeze would reduce the deficit by about $35 billion in 1986 and by a total of about $168 billion by 1988.

BALANCE AND FAIRNESS

As I have worked on deficit reduction efforts for the past year, I have continuously argued that a deficit reduction package must meet three fundamental standards.

The first standard is fairness. No groups should be singled out for cuts. For example, the elderly and the poor must not be forced to accept cuts in Social Security, Medicare, and Medicaid, unless others are forced to make equally significant sacrifices.

The second standard is balance. Any package must include cuts in defense spending as well as in domestic spending. No programs should be off limits.

The third standard is bipartisanship. The deficit is not a partisan problem. Republicans and Democrats must work together to find a solution.

The beauty of this freeze we're proposing is that it meets all three of these criteria.

It's fair because every category of Federal spending will be subject to the same deficit reduction approach.

It's balanced because defense spending restraint would be as significant a component of deficit reduction as entitlement program restraint.

It's bipartisan because Senator KASSEBAUM, Senator BIDEN, Senator

GRASSLEY and I have foresworn partisanship to offer this proposal together.

ALL FREEZES ARE NOT CREATED EQUAL

Since the President and his administration newly discovered the deficit, we have been reading and hearing a great deal about a budget "freeze." It's hard to find anyone who doesn't like the freeze concept. The President is said to be considering a freeze. The new majority leader of the Senate says we need a "freeze plus," and articles pop up explaining different freezes.

The freeze is in danger of becoming the new and apparently simple solution to our incredible deficit problem. But caveat emptor—let the buyer beware. As the Washington Post pointed out in a recent editorial, not all freezes are created equal. And none are painless and simple.

The appeal of a budget freeze—and its apparent simplicity—is that if offers shared pain. This is only true if there are in fact no sacred cows—if programs are treated alike.

If the stories emanating from discussions at the White House are correct, this is not the kind of freeze the President is considering. According to reports, the President may propose an "overall freeze" within which some programs will grow and others shrink. But the President has pledged not to touch social security COLA's; he continues to argue that his defense increases cannot be reduced at all; interest payments cannot be frozen. Thus the President's "freeze" isn't a case of shared sacrifice: there are sacred cows. And as a result, the cuts in other programs will have to be drastic.

There is bipartisan support for the "freeze" concept if the sacrifice is truly shared. But many of us are unlikely to vote for something just because it is called a "freeze". We want to know what's under the label—increasing defense programs and slashing agriculture, veterans, and education programs is not a freeze. If the President and his staff don't know that, they don't know how serious the problem they face is—and that's bad for all of us.

CONCLUSION

During last year's budget debate, our freeze proposal was defeated. But, as the budget process wore on, more and more Senators began to reconsider the freeze. By the end of last session, we had enough support to adopt a resolution requiring the Senate to consider the freeze before the debt limit is increased again.

Mr. President, the adoption of this resolution showed that many Senators have come to the same conclusion that the four of us have: the deficit will not go away by itself; the deficit has serious negative effects on our future; we must put our differences aside to reduce it. This will be neither painless nor simple. Only necessary.

I am confident that, this Congress, we will gain enough additional support to enact the freeze, and thereby take an important first step toward substantial long-term deficit reduction.

By Mr. INOUYE:

S. 34. A bill to allow the psychiatric or psychological examinations required under chapter 313 of title 18, United States Code, relating to offenders with mental disease or defect to be conducted by psychiatric nurse practitioner or a clinical nurse specialist; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, today I am introducing legislation to amend the mental health portions of the Federal Criminal Code in order to ensure that whenever the issue of mental incompetency or mental aberration is raised within our Federal courts, that the services of qualified psychiatric nurse practitioners and psychiatric clinical nurse specialists will be readily available to the court.

My proposal reflects the growing interdisciplinary nature of mental health within our Nation and is highly consistent with the comprehensive recommendations adopted by the American Bar Association last year as proposed by its Standing Committee on Association Standards for Criminal Justice in its Criminal Justice Mental Health Standards.

In essence, our Nation's professional nurses are truly autonomous professionals and, in my judgment, the time has come to expressly recognize their expertise throughout the relevant aspects of our various Federal laws.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 34

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (b) of section 4247 of title 18, United States Code, as amended by Public Law 98-473, is amended by—

(1) striking out "or" after "certified psychiatrist" and insert in lieu thereof a comma; and

(2) inserting after "clinical psychologist," the following: "psychiatric nurse practitioner, or clinical nurse specialist,".

By Mr. ROTH (for himself and Mr. EAGLETON):

S. 35. A bill to establish a Commission on More Effective Government, with the declared objective of improving the quality of government in the United States and of restoring public confidence in government at all levels; to the Committee on Governmental Affairs.

COMMISSION ON MORE EFFECTIVE GOVERNMENT

Mr. ROTH. Mr. President, I am reintroducing today, on behalf of myself and Senator Eagleton, legislation to establish a Citizen's Commission on More Effective Government. This legislation was first introduced by me and Senator EAGLETON in 1981 and it passed the Senate in the last session of Congress. The legislation is modeled after the review commission initiated by Congress under the leadership of President Truman and headed by President Hoover in 1947-49. Like its predecessor body, this Commission's chief objective is to develop recommendations which when put into effect will help improve the effectiveness and efficiency of government.

I am firmly convinced the time is right for a thorough review of the structure and functions of government and I ask my colleagues to support this legislation.

I ask unanimous consent that a summary of the purposes and major provisions of this bill be printed in the RECORD, together with a copy of the bill.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 35

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF POLICY

SECTION 1. It is the policy of the Congress to develop a blueprint for better government in the United States, to set in motion processes by which the Federal Government can more effectively and responsively serve the people for whom it was created and can more rationally meet its present and future challenges, both national and international, and to encourage and justify the full restoration of public confidence in government at all levels.

ESTABLISHMENT OF COMMISSION

SEC. 2. For the purpose of carrying out the policy set forth in section 1, there is hereby established a commission to be known as the Commission on More Effective Government (in this Act referred to as the "Commission").

IMPLEMENTATION OF POLICY BY COMMISSION

SEC. 3. (a) In carrying out the policy set forth in section 1, the Commission shall consider and study the management, operation, and organization of the executive branch and of the independent regulatory agencies of the Federal Government, including the relationships of such entities to each other, to the other branches of the Federal Government, to their State and local governmental counterparts, and to the private sector. Such study and consideration shall give particular attention to the extent to which such relationships and established patterns of action meet or fail to meet governmental responsibilities and are adequate to meet the challenges of the future. Where appropriate and necessary, the Commission's consideration and study shall include the extent to which the policies implemented by the executive branch and the independent regulatory agencies detract from or enhance governmental management, operation, and organization.

(b) On the basis of its considerations and study under subsection (a), the Commission

shall make recommendations, including but not limited to specific proposals for changes in Federal laws, regulations and administrative practices, to promote economy, effectiveness, efficiency, and managerial and political accountability, and to improve services and management in the transaction of the public business. Such recommendations shall include, where appropriate, recommendations for altering the present distribution of functions and activities among the Federal agencies and among the Federal, State, and local governments.

(c) In carrying out its consideration and study under subsection (a), the Commission shall avail itself of relevant information and data gathered by such public and private organizations and individuals as it deems appropriate.

ORGANIZATION OF THE COMMISSION

SEC. 4. (a) The Commission shall be composed of eighteen members as follows:

(1) Six appointed by the President of the United States; a maximum of three from the executive branch, and the balance, persons who are not Federal officials.

(2) Six appointed by the Speaker of the House of Representatives; a minimum of two and a maximum of three from the House of Representatives, and the balance, persons who are not current Members of the House of Representatives.

(3) Six appointed by the President pro tempore of the Senate, upon the recommendations of the majority and minority leaders of the Senate; a minimum of two and a maximum of three from the Senate, and the balance, persons who are not current Members of the Senate.

Members of the Commission shall to the maximum extent possible be chosen from among persons who have particular knowledge and expertise in the major areas of the Commission's consideration and study. Of the members appointed by the President, one shall have had experience in government at the State or local level; of the members who are not Federal officials appointed by the Speaker of the House of Representatives, one shall have had governmental experience at the local level; and of the members who are not Federal officials appointed by the President pro tempore of the Senate, one shall have had governmental experience at the State level. In considering individuals for membership, preference shall be given to persons with a broad knowledge and understanding of the working of the Federal system of the United States of America.

(b)(1) Of the members appointed by the President from persons who are not Federal officials under subsection (a)(1), three shall be from the major political party which is not the party of the President, and at least two shall be persons not engaged in partisan political activity.

(2) Of the members appointed from the House of Representatives under subsection (a)(2), one shall be from the political party which is the majority party in the House and one shall be from the political party which is the minority party in the House. At his discretion, the Speaker may appoint either a second incumbent Representative from the majority party in the House or a former Representative from that same party. Of the remaining three members appointed under such subsection, two shall be persons not engaged in partisan political activity. Of these three remaining members one shall be from the political party which is the minority party in the House. In appointing members under subsection (a)(2) who are from the political party which is the minority party in the House, the Speaker shall obtain the advice and consent of the minority leader of the House.

(3) Of the members appointed from the Senate under subsection (a)(3), one shall be from the political party which is the majority party in the Senate and one shall be from the political party which is the minority party in the Senate. At his discretion, the President pro tempore of the Senate may appoint either a second incumbent Senator from the majority party in the Senate or a former Senator from that same party. Of the remaining three members appointed under such subsection, two shall be persons not engaged in partisan political activity. One of these three remaining members shall be from the political party which is the minority party in the Senate.

(4) For the purposes of this Act, the term "persons not engaged in partisan political activity" shall mean persons who for at least six months prior to appointment as a member of the Commission, have not occupied or sought elected public office, or have not served as an official of a State or national political party.

(c) The President shall select a Chairman from among the Commission members who are not Federal officials at the time of appointment. The selection by the President of the Chairman shall be subject to the approval of a majority vote of the members of the Commission, conducted by secret ballot. The Commission shall elect from among its members a Vice Chairman from the major political party which is not the party of the Chairman. The Commission shall adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, its organization, and its personnel.

(d) Ten members of the Commission shall constitute a quorum.

(e) Any vacancy in the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made. Any individual appointed to fill a vacancy in the Commission shall be of the same political party as his predecessor.

(f) An individual who is appointed to the Commission in the status of a Member of Congress or in the status of a person in the executive branch of the Government, and who thereafter ceases to have such status, shall nevertheless continue as a member of the Commission and shall (if he has returned to private life except for his membership on the Commission) be treated as an individual appointed from private life for purposes of compensation under section 5.

COMPENSATION OF COMMISSION MEMBERS

SEC. 5. (a) The members of the Commission who are Members of Congress or who are in the executive branch of the Government shall serve on the Commission without any compensation in addition to that received for their services as Members of Congress or in the executive branch. The members of the Commission from private life shall each be paid compensation at a rate equal to the rate of basic pay in effect for level IV of the Executive Schedule when engaged in the performance of the duties vested in the Commission.

(b) All members of the Commission shall be reimbursed for travel as authorized by section 5703 of title 5, United States Code, subsistence, and other necessary expenses incurred by them in the peformance of the duties vested in the Commission.

COMMISSION STAFF

SEC. 6. (a) The Commission shall have power to appoint, terminate, and fix the compensation of such personnel as it deems advisable to assist in the performance of its duties, without regard to the civil service laws and without regard to the provisions of title 5, United States Code (or of any other law) relating to the number, classification, or compensation of employees. The Commission may also procure, as authorized by section 3109 of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch but at rates not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of the General Schedule. The Chairman and Vice Chairman shall select an executive director for the Commission contingent upon confirmation by the Commission members.

(b) Service of an individual as a member of the Commission (or of an advisory council or committee under section 7) or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Commission (or of such an advisory council or committee), or as an employee of the Commission, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

ADVISORY COUNCILS AND COMMITTEES

SEC. 7. The Commission may establish (without regard to the Federal Advisory Committee Act) such advisory councils and advisory committees as it may deem appropriate to provide specialized assistance in the performance of the duties vested in the Commission by this Act. Members of such advisory councils and committees, while attending meetings of such councils or committees or while otherwise serving at the request of the Commission away from their homes or regular places of business (unless otherwise eligible for travel and subsistence expenses under chapter 57 of title 5, United States Code), may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay.

POWERS OF THE COMMISSION

SEC. 8. (a) The Commission or any member authorized by the Commission may, for the purpose of carrying out this Act, hold such hearings and sit and act at such times and places, take such testimony, have such printing and binding done, enter into such contracts and other arrangements (with or without consideration or bond, to such extent or in such amounts as are provided in appropriation Acts, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)), make such expenditures, and take such other actions as the Commission or such member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such member. The provisions of the Federal

Advisory Committee Act shall not apply to the Commission established under this Act.

(b) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Government such information, suggestions, estimates, and statistics as the Commission may require for the purpose of this Act; and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

(c) Upon request of the Commission, the head of any Federal agency is authorized to make any of the facilities and services of such agency available to the Commission or to detail any of the personnel of such agency to the Commission, on a reimbursable basis, to assist the Commission in carrying out its duties under this Act, unless the head of such agency determines that urgent, overriding reasons will not permit the agency to make such facilities, services or personnel available to the Commission and so notifies the Chairman in writing.

(d) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) No officer or agency of the United States shall require the Commission to submit any report, recommendation, or other matter to any such officer or agency for approval, comment, or review before submitting such report, recommendation, or other matter to the Congress or to the President.

MEETINGS, PUBLIC INVOLVEMENT, REPORTS, EXPIRATION

SEC. 9. (a) The Commission shall first convene no later than six months after the date of enactment of this Act, and shall meet from time to time thereafter, as its members deem appropriate.

(b) Consistent with other provisions of this Act, the Commission shall structure its operations and activities to assure the appropriate and meaningful involvement of the public in its deliberations. In doing so, the Commission shall consider the desirability of holding public hearings, particularly in locations outside of the District of Columbia and of establishing toll-free telephone lines or other mechanisms whereby members of the public can readily contribute suggestions for Commission consideration.

(c) The Commission shall from time to time submit to the Congress and the President such reports as it may deem appropriate with respect to its activities under this Act. One year after the date of enactment of this Act, the Commission shall report to the Congress and the President on its agenda and its progress. Twenty-four months after the date of enactment of this Act, the Commission shall submit to the Congress and the President its final report with respect to such activities, including all of its findings and recommendations.

(d) Ninety days after the submission to the Congress and the President of its final report under subsection (c), the Commission shall cease to exist, except as provided under section 11(b).

PREPARATION FOR THE COMMISSION

SEC. 10. Upon enactment of this Act, the Comptroller General of the United States, the Director of the Congressional Research Service, the Director of the Congressional Budget Office, the Director of the Office of Technology Assessment, and the Chairman of the Advisory Commission on Intergovernmental Relations shall begin to prepare briefing papers for the Commission. Such briefing papers shall catalog and synthesize any recent reports, analyses, and recommendations of the respective organizations, and shall contain such other information deemed by the head of each such organization to be pertinent to the work of the Commission. The briefing papers shall be completed no later than four months after the date of enactment of this Act.

MONITORING AND FOLLOWUP ON COMMISSION RECOMMENDATIONS

SEC. 11. (a) For a period of four years after the Commission ceases to exist, the Comptroller General of the United States shall monitor the implementation of the recommendations of the Commission, and shall report periodically to the Congress and the President on the actions being taken to implement such recommendations.

(b) For a period of eighteen months after the Commission ceases to exist, a portion of the staff of the Commission shall continue to seek the consideration and implementation of the recommendations of the Commission. During such period, such staff shall be under the supervision of and shall report to the Director of the Office of Management and Budget.

(c) Upon submission of the Commission's final report to the President under section 9(c), the Director of the Office of Management and Budget, in coordination with the executive agencies, shall take action to (1) formulate the views of the executive agencies on the recommendations of the Commission; (2) to the extent practicable within the limits of their authority and resources, carry out recommendations of the Commission in which they concur; and (3) propose legislation needed to carry out or to provide authority to carry out other recommendations of the Commission in which they concur. At least once every six months, the Director of the Office of Management and Budget shall report to the Congress and the President on the status of action taken or to be taken as provided herein. A final report on the final disposition of the recommendations shall be submitted within four years after the submission of the Commission's final report under section 9(c).

EXPENSES OF THE COMMISSION

SEC. 12. There are hereby authorized to be appropriated $10,000,000 to carry out this Act.

SUMMARY—S. 35

On January 5, 1981, Senators Roth and Eagleton introduced S. 10, to create a Commission on More Effective Government. The bill was reported favorably by the Committee on Governmental Affairs on July 9th of that year and passed the Senate on December 7th. The bill was reintroduced as S. 35 and again passed the Senate.

The legislation is modeled after the review commission initiated by the Congress under the leadership of President Truman and headed by former President Hoover in 1947-49. Like its predecessor body, the chief objective of the Commission authorized by S. 35 is to develop recommendations which can improve the effectiveness of government and eliminate many of the structural problems which prevent agencies from managing programs efficiently. When put into effect, effective reforms based on such recommendations will help reverse the dismaying decline in public trust in governmental institutions.

Federal expenditures and activities have expanded enormously over the past two and a half decades, and the relationships between the Federal Government and this nation's citizens, its private sector and its other levels of government have grown increasingly tangled and complex. This legislation proposes that the Commission look in depth at the structure and operation of the Federal Executive Branch and at how these factors, together with the relationships which have developed among units of that branch with each other, with other levels of government and with our private institutions, affect the quality and efficiency of delivery of governmental services.

Based on this review, the Commission is to report within twenty-four months to the Congress and the President its final recommendations for improving governmental effectiveness, accountability and economy in meeting its responsibilities now and in the future. To avoid unnecessary duplication, the Commission is directed to review the large body of relevant information on improving the structure and operation of government already gathered by various public and private institutions and individuals.

Commission membership will include eighteen persons with records of accomplishment in government or private life or both. The group will be a bipartisan one appointed jointly by the Executive Branch and the Congress. The leadership of both Houses of Congress and the President will each appoint six Commissioners.

It has been thirty years since the Legislative and Executive Branches have collegially sponsored an effort to bring this country's best leadership talent and intellectual resources to bear on problems of government. Doing so again is the primary objective of S. 35.

By Mr. ABDNOR:

S. 36. A bill to amend the Internal Revenue Code of 1954 to provide an exemption for agricultural vehicles from the requirements of section 28F of such Code (relating to limitation on certain property used for personal purposes); to the Committee on Finance.

PAPERWORK REDUCTION FOR FARMERS AND RANCHERS

Mr. ABDNOR. Mr. President, today I am introducing legislation to eliminate needless bureaucratic paperwork for farmers and ranchers required by the Deficit Reduction Act of 1984.

In the name of fairness and for the good of the country, Congress has sought ways to plug tax loopholes and to increase tax compliance. No one can argue against such laudable objectives and honorable intentions. However, there is a point beyond which reason is exceeded. My legislation would prevent that from occurring.

Among many other provisions, the Deficit Reduction Act attempts to clamp down on tax avoidance which is based upon the deduction of vehicle expenses when such expenses are not truly related to business usage. But the tentative Internal Revenue Service rule to accomplish that purpose

simply is not workable for the farm sector. The measure I am introducing would exempt farmers and ranchers from the recordkeeping requirements outlined in the IRS regulations printed in the October 24, 1984, Federal Register, beginning on page 42701.

My motivation is not to extend special treatment to a select group of taxpayers. Nor is it my intention to protect a "loophole" from being closed, or to promote tax evasion. My reasoning is straightforward: Time-consuming logging of mileages, times, dates, purposes of travel is not reasonable for farmers and ranchers.

Farming is a very specialized, highly seasonal occupation, demanding complete and undivided attention during many crucial periods in the food production process. Planting and harvesting are two obvious times when farming operations require absolute concentration, and where this recordkeeping would interfere with work.

Burdening farmers with paperwork is inefficient and, for that matter, would jeopardize the ability of farm families to do their job if arbitrary accounting procedures are forced upon them and disrupt farm management decisions at crucial times. I, for one, think it is inadvisable and inappropriate to try to make farmers into file clerks for the IRS. It's unfair, unnecessary, and it won't work.

The farm sector—our most important and vital industry—has endured 4 long years of recession. This is not the time to heap insult upon injury by forcing yet another regulatory requirement upon beleaguered farmers and ranchers. I urge my colleagues to join me in modifying and correcting this unfair and bureaucratic rule.

By Mr. HATCH (for himself and Mr. THURMOND):

S. 37. A bill to provide civil rights in public schools; to the Committee on the Judiciary.

PUBLIC SCHOOL CIVIL RIGHTS ACT OF 1985

Mr. HATCH. Mr. President, in the last two Congresses, I have introduced legislation to provide adequate civil rights for our public school students. Each Congress, this bill has been approved by the Subcommittee on the Constitution. Assistant Attorney General Bradford Reynolds has described well the principle that drives this legislation.

> * * * there is no more important struggle than * * * ensuring for the next generation of students, and generations to come, an enhanced educational environment in our public schools that provides to all those of school-age an equal opportunity to attend the school of their choice, free from racial discrimination.

I enthusiastically echo Mr. Reynolds' statement. The civil rights of our public school students is of such vital importance and the inequities inherent in mandatory busing as a so-called remedy for racial discrimination is of such repungance that this bill is among the most significant steps Congress might take to restore the full civil rights of our students. Educational excellence, not busing to achieve some notion of racial balance, is what our public schools need. In fact, busing—a form of governmental discrimination based on race—interferes often with excellence in education.

This situation is accurately reflected by Mr. David Armor, who commented before the Constitution Subcommittee in May of 1981:

> I think we have to get rid of remedies that in fact are not remedies at all and that simply make the problem worse.

I think the time is right for us to end this form of discrimination that masquerades as a remedy and instead devote our energies to enhanced educational opportunities. Accordingly, I am today introducing a bill to enforce constitutional guarantees that individual rights shall not be abridged on the basis of race, color, or national origin.

Many Senators may express feelings of regret that we must again reconsider this topic. I can understand and empathize with those feelings. After all, this problem, assigning students to public schools on the basis of race, was supposed to be solved in 1954 by the momentous Supreme Court decision of *Brown* v. *Board of Education*, 347 U.S. 483. Again the Senate thought it had prohibited the consideration of race when assigning students to public schools in 1964 when it enacted the Civil Rights Act. Therefore, when we are still striving to convince judicial policymakers decades later that students should be allowed to attend schools without regard for race or color, I can understand why the task would become frustrating. Nonetheless the basic constitutional principle that race should not determine what schools our students may attend must not be abridged.

This principle was clearly enunicated by the venerable Justice John Marshall Harlan in his dissent to the Plessy against Ferguson case. Plessy upheld a Louisiana statute requiring "equal but separate accommodations for the white and colored races" in passenger trains, 163 U.S. 540, 551 (1896). Justice Harlan dissented with the thought that "our Constitution is color-blind," (Id. at 559). These few words captured the essence of our 14th amendment prohibition against deprivation of life, liberty, or property without due process of law and against denial of equal protection of laws.

Harlan's dissent laid the foundation for the Court's ruling in the Brown case 58 years later. In Brown the Court found that—

> The Constitution of the United States, in its present form, forbids, so far as civil and political rights are concerned, discrimination by the General Government or by the States against any citizen because of his race, 347 U.S. at 499.

In other words, race and color were not to play any role whatsoever in decisions relative to school district boundaries and school attendance. Race was not to be used in assessing the rights of "any citizen"; certainly racial assessments were not to benefit one group at the expense of another.

It is ironic that the Brown Court mentioned one of the same phenomenons that social scientists are today citing in their condemnation of busing: the stigma of inferiority associated with the victims of racial separation. The Brown Court explained the significance of this stigma when it said:

> To separate students from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.

I bring up this language because Congress is trying to do today the same thing that Brown tried to do in 1954; Congress is trying to end racial discrimination and make our educational legislation sound. Unfortunately, our current busing policy is actually nurturing racial discrimination and its stigma of inferiority. This was made clear to me by the testimony of the witnesses before the Constitution Subcommittee's hearings on school busing.

Brown was not the only case that established the principle that the 14th amendment prohibited States from taking cognizance of race. The *Loving* case, 388 U.S. 1 (1967), for instance, struck down a Virginia statute prohibiting interracial marriage. The Court clearly stated that classifying marriage rights on the basis of race was "unsupportable." The *Anderson* case, 375 U.S. 399 (1964), declared unconstitutional any racial designation of candidates on an election ballot. In *Evans*, 396 U.S. 435 (1970), the Court clarified that provisions in a will leaving property to a city for a public park which the will expressly stipulated could never be used by blacks could not be honored. Each of these cases understood and carried out the intent of the case that the 14th amendment forbid consideration of racial classifications of any kind in administering societal programs.

Congress has attempted to statutorily implement the Brown decision. The most notable attempt was, of course, the Civil Rights Act of 1964. Title IV of the act contains several provisions designated to make national education policy colorblind. Section 401(b) defined "desegregation" as:

> The assignment of students to public schools and within such school without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial balance.

The second part of this section was authored by Congressman Cramer of

Florida. He explained clearly that the provision was necessary to prevent de facto segregation, or chance segregation caused by housing patterns and adherence to the neighborhood school concept, from becoming the object of congressionally approved desegregation schemes. Cramer, and the 88th Congress, equated the terms de facto segregation and racial imbalance (110 CONGRESSIONAL RECORD 1508).

The Senate version of the Civil Rights Act added two more amendments to insure that congressional policy would not be misconstrued to countenance any assignment of students to schools on the basis of race (section 407 of the act). The section authorizing the Attorney General to bring school desegregation suits, states that—

nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another in order to achieve such racial balance. 42 U.S.C. 2000c-6(a).

Moreover section 410 clarified that—

nothing in this title shall prohibit classification and assignment for reasons other than race, color, religion, or national origin 42 U.S.C. 2000c-9.

Both Senate amendments were drafted and approved to prevent defacto segregation, as opposed to de jure or legally enforced segregation, from becoming a justification for the extreme remedy of busing, or assigning students to schools on the basis of race.

Senator Hubert Humphrey of Minnesota, floor manager for the bill in the Senate, explained that these amendments were intended to make doubly clear that title IV did not authorize the Attorney General to correct racial imbalance and in general—

to soothe fears that title IV might be read to empower the Federal Government to order the busing of children around a city in order to achieve a certain racial balance or mix in schools. 110 Cong. Rec. 12714.

Senator Humphrey stated that he was relying on the recent decision in *Bell* v. *School of Gary*, 324 F. 2nd. 209 (1963), in stating that Federal officials were not required to correct segregation unless it had been enforced by past laws.

This provision was included in the Civil Rights Act to expressly note that racial discrimination was not to be identified soley through use of numerical or statistical evidence rather than through some demonstration of wrongful intent by some individual or group of individuals. Unfortunately, the courts have disregarded this express language and instead relied upon evidence of racial imbalances within schools as proof of unlawful discrimination. Rather than placing the burden upon those alleging discrimination to demonstrate some indentifiable act of discrimination, the courts have instead allowed discrimination to be adduced by evidence that some ideal racial proportion has not been achieved.

Harmful intent to discriminate was replaced with statistics that showed, for whatever reason, that more of one race than another were in a particular school or classroom. The defendant, therefore, not only had to demonstrate an absence of a corrupt state of mind, but had to show an affirmative commitment to a racially balanced institution. Treating individuals without regard to race was no longer enough, the defendant had to consider race at least to the degree that the court found proper. The problem, of course, is that no defendant could be sure in advance of adjudication if his notion of racial balance would be the same as the court's. Meantime, students had to be classed again according to race.

This in not the intent of the Constitution or Congress. Instead of considering each child in a school district only as a student, Federal courts classify students according to race. When the numerical ratio between the classes is unsatisfactory according to some subjective notion of racial balance, some black students or some white students are legally required to be hauled to a distant school simply because they are black or white. This is precisely the injustice that Brown and the Civil Rights Act intended to terminate. Prior to Brown, some students were legally required to be hauled to a distant school simply because of their race. It is a tragedy that we are still fighting to secure civil rights for our public school students.

Some commentators on this problem will undoubtedly note that the situation today is different than it was before Brown, that assigning students to schools on the basis of race is necessary to eradicate the vestiges of past legal segregation. To that my response is clear; we are not going to put an end to racial discrimination by perpetuating distinctions based on race. School busing is nothing more than assigning students to schools on the basis of race. I repeat, Mr. President, we will never end discrimination by discriminating.

The hearings in the Constitution Subcommittee have substantiated the ill effects of a discriminatory school-busing policy. The subcommittee's hearings have demonstrated that past unconstitutional segregation—racial segregation enforced by law—is not a significant cause of existing racial imbalances in public schools.

Whatever the cause of racial imbalances in public school, the assignment of students to public schools on the basis of race—busing—results only in more segregation by inducing large numbers of families to migrate from the school systems being subjected to busing mandates or to seek alternatives to public school education. For example, according to Constitution Subcommittee witness David Armor, between 1976 and 1980 Los Angeles lost nearly one-half of its students through a combination of demographic decline and racial "flight" from Federal "desegregation" decrees. Busing not only is not the solution, it actually aggravates the problem.

Since assignment of students to public schools on the basis of race cannot be justified as a means of preventing or undoing racial discrimination by school authorities, such assignment is itself an unjustifiable practice of racial discrimination in violation of the 14th amendment.

Mr. President, I might add that there is a very apparent remedy for the kind of unconstitutional segregation prohibited by Brown. If a school authority has legally enforced a policy of racial segregation through school district reorganization, school closings, or other acts of State government, a court could always issue an injunction suspending all implementation of the segregative law or policy. Where such injunctions are not scrupulously obeyed, a court could institute contempt of court proceedings to secure compliance with its order.

My proposed bill will enforce constitutional guarantees that individual rights shall not be abridged on the basis of race, color, or national origin. The first three sections of the bill declare that forced busing has caused a greater separation of the races, instead of improving relations between the races.

Busing has caused more friction, caused more disruption in education, and caused more chaos in community relations than existed before it was instituted. In addition, these sections state the Constitution Subcommittee's findings that busing violates constitutional guarantees against discrimination on the basis of race.

The operative provision of my bill would utilize Congress authority under the 14th amendment and article III, section 1, to withdraw the jurisdiction of lower Federal courts to issue any order requiring the assignment of students to schools on the basis of race or which has the effect of excluding any student from any public school on the basis of race.

Article III of the Constitution vests the judicial power of the United States in "one Supreme Court, and in such inferior courts as the Congress may from time to time to establish." An uninterrupted chain of Supreme Court holdings have explained that this provision of the Constitution gives Congress "plenary control over the jurisdiction of the Federal courts." *Bro. of Railroad Trainmen* v. *Toledo, P&W RR. Co.* 321 U.S. 50, 63 (1944). Just a few examples of Supreme Court expla-

nation of this article will suffice to establish the soundness of this bill's action:

For, the Power which Congress possess to create courts of inferior jurisdiction, necessarily implied the power to limit the jurisdiction of those courts. *U.S.* v. *Hudson*, 7 Cranch 32, 33 (1812).

In the doctrine so often ruled in this court, that the judicial power of the United States, although it has its origin in the Constitution, is (except in enumerated instances and applicable exclusively to this court) dependent for its distribution and organization, upon the action of Congress, who possess the sole power of creating tribunals (inferior to the Supreme Court) for the exercise of the judicial power, and of investing them with jurisdiction either limited, concurrent, or exclusive, and of withholding jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good. *Cary* v. *Curtis*, 3 Howard 236 (1845).

The subordinate judicial tribunals of the United States can exercise only such jurisdiction, civil and criminal, as may be authorized by acts of Congress. *Kentucky* v. *Powers*, 201 U.S. 1, 24 (1905).

The decision with respect to inferior federal court, as well as the task of defining their jurisdiction, was left to the discretion of Congress. That body was not constitutionally required to create inferior Art. III Courts to hear and decide cases within the judicial power of the United States, including those criminal cases arising under the laws of the United States. Nor, if inferior courts were created, was it required to invest them with all the jurisdiction it was authorized to bestow under Article III . . . Congress plainly understood this, for until 1875, Congress refrained from providing the lower federal courts with general federal question jurisdiction. Until that time the State courts provided the only forum for vindicating many important federal claims. *Palmore* v. *U.S.* 411 U.S. 389 (1973).

This summary of the article III powers of Congress could be expanded to include statements by Chief Justice John Marshall, Chief Justice Stone, or Chief Justice Earl Warren and the message would always be the same. Regardless of whether constitutional issues or property issues or Federal question issues are at stake, there is no constitutional right to have a claim adjudicated in Federal courts. See *Allen* v. *McCurry*, 101 S. Crt., 411 (1981). Instead Congress may decide to grant State courts, bound as they are by the supremacy clause and subject to Supreme Court review, exclusive original jurisdiction to hear and decide certain kinds of cases. In fact, this is precisely the intent of the "may from time to time ordain and establish" language of the Constitution. To give greater insight into this power of Congress, I will include at the close of this statement the testimony given by Harvard Law Professor Paul Bator at Constitution Subcommittee hearings.

My legislation is also based on section 5 of the 14th amendment. That section specifically grants Congress the power "to enforce by appropriate legislation, the provisions of" the amendment. By specific language, this constitutional provision grants Congress authority to legislate remedies for violations of equal protection.

The section does, however, place Congress in a leading role in the selection of remedies for violations of the 14th amendment. Therefore, it is entirely proper for Congress to determine that assignment of students to public schools on the basis of race is not an appropriate or effective remedy for unconstitutional segregation. The manner in which Congress would choose under this bill to limit this counterproductive remedy, if indeed this could be called a remedy at all, is to withdraw the jurisdiction of lower Federal courts to issue orders that would assign students to schools on the basis of race.

This bill implements Congress article III authority to withdraw the jurisdiction of lower Federal courts to order busing. Those courts may still entertain lawsuits alleging racial discrimination and may use any remedy, including those mentioned in section 3 of the bill, but they may not employ busing. This bill does not, however, limit or affect in the slightest the power of the State courts or the Supreme Court on appeal to use whatever remedies they may deem appropriate. This provision should insure that the policy enunciated by Brown and incorporated into the Civil Rights Act is implemented in Federal courts, this is, race is not to be a factor in school assignments.

In some instances, the Supreme Court already has found egregious constitutional violations and imposed as "a last resort" an order assigning students to schools on the basis of race. *See Swann* v. *Charlotte*, 402 U.S. 1 (1971). The bill does not automatically vacate existing busing orders. Instead, it authorizes school board authorities or other individuals subject to such orders to reopen these cases and subject them to a new standard. If the court cannot make five conclusive findings based on clear and convincing evidence, that party will be entitled to relief from the order. The five findings will require the court to reconsider its former rulings in light of the policies of this bill as expressed by the findings sections.

Unless the court can make the findings under the difficult evidentiary burden of "clear and convincing evidence," the order will be vacated. The four findings are: first, the act which caused the order to be instituted intentionally caused, and in the absence of continuance of the order, will continue intentionally to cause, students to be excluded from public schools on the basis of race; in making this finding the court must look for evidence of wrongful intent, not merely a showing that some amorphous notion of racial balance was not achieved; second, the totality of circumstances have not changed; in making this finding the court should determine whether the passage of time and the effect of this act have provided relief from intentional segregation; third, no other remedy, including those in this bill, would halt the intentional segregation and make busing unnecessary; fourth, the economic, social, and educational benefits of the order have clearly outweighed the economic, social, and educational costs of the order; and fifth, the busing required by the order does not consume more than 30 minutes to travel time daily or 10 miles of travel distance daily. The fifth finding required by the court to leave busing in force is similar to the amendment proposed by Senator JOHNSTON and approved by the Senate in the 97th Congress. While it is indeed patterned after the Johnston amendment's attempt to impose reasonable limits on busing, this is more modest in several significant respects: First, this bill does not purport to abridge the jurisdiction of the Supreme Court, which will not be subject to the limits of this legislation when considering whatever, remedies for discrimination it deems proper. Second, while the Johnston amendment would have immediately outlawed any busing order not within the time and distance limits, this amendment simply requires a court, in the event that an existing busing order has been challenged in court, to find that the time and distance limits are in effect before permitting the busing to continue. Third, these time and distance limits are part of a larger bill that recommends alternative remedies to busing and focuses the court on other findings in addition to these reasonable time and distance limits.

Mr. President, I would hasten to add that this new standard for reopening cases which have imposed busing would not amount to a balancing of constitutional rights. Constitutional rights, of course, must not be made subject to a balancing test. We are not, however, discussing constitutional violations, but the appropriate remedy for an established violation. Once a violation is found, Congress may provide standards to help the courts find the best remedy. Those standards may include weighing the costs of the remedy against its benefits. A remedy which is no remedy at all but an egregious violation in its own right should not be tolerated. Assigning students to schools on the basis of race is just that—more of a constitutional violation than a constitutional remedy.

Section — of this proposed legislation details this bill's answer to a point raised by University of Virginia Law School Professor Laurens Walker:

Under title 28 of the United States Code, section 1441, defendants in State court actions would have the opportunity to remove school desegregation cases from the State courts to the Federal courts. Hence it might

be argued that, as a practical matter, if this legislation were enacted the combination of this general removal stature and the proposed legislation would eliminate the busing remedy throughout our court system.

It is not this bill's intent to eliminate State courts' authority in school busing cases, and section 6 of this bill prevents their circumvention.

Perhaps I can help explain this proposed legislation by succinctly stating what this bill does not do: This bill does not forbid discrimination suits in Federal courts, but does circumscribe a single remedy; this bill does not forbid State courts from ordering busing if they deem that an appropriate remedy; this bill does not permit litigants to avoid State-ordered busing remedies by moving their case to inferior Federal courts where such remedies would be forbidden. Thus, pursuant to principles of federalism, States—through their court systems—would retain discretion to remedy discrimination as they see fit. They would retain discretion even to order busing, which in my opinion would be a mistake. Nonetheless, the State courts are a more proper forum for busing debates and mandates than are the Federal courts. If any court is going to use this extreme remedy, it ought to be a court which is intimately associated with the community to be affected, recognizing, of course, that even State courts are ultimately accountable to the Constitution and the review of the Supreme Court.

This bill, Mr. President, should provide the lasting solution necessary to deliver public schools from the torments of racial discrimination. As long as we attempt to frustrate the clear policy of Brown and the Civil Rights Act by treating individuals under the Constitution with anything other than a colorblind standard, we will continue to experience upheavals such as have rocked many of our cities and States over the past few years. In conclusion, I would like to include a speech delivered by Assistant Attorney General Reynolds on the subject of schoolbusing and the 14th amendment.

Mr. President, I ask unanimous consent that this speech and the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 37

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public School Civil Rights Act of 1985".

SEC. 2. The Congress finds that—

(1) the assignment of students to public schools on the basis of or with regard to race, color, or national origin by inferior Federal courts—

(A) violates constitutional and legal guarantees that individuals shall not be denied equal protection of the law;

(B) violates constitutional and legal guarantees that individual rights shall not be abridged on the basis of race, color, or national origin;

(C) has failed to demonstrate educational benefits commensurate with the disruption caused by such assignment;

(D) has failed to demonstrate social benefits commensurate with the disruption caused by such assignment;

(E) has contributed to a significant deterioration of public schools in the districts subject to such orders regarding assignment by inducing large numbers of families to migrate away from such districts;

(F) has contributed to the deterioration of public education by removing the neighborhood school as the focus of such education;

(G) has disrupted the education of countless schoolchildren who must endure lengthy transportation to and from school each day, and, as a result, must often forego participation in extracurricular activities occurring after school;

(H) has eroded community commitment to public schools and public education;

(I) interferes with the right of parents to make decisions regarding the education of their children;

(J) disrupts racial harmony by characterizing and classifying students on the basis of race or color and assigning them to schools on such basis;

(K) diverts significant amounts of financial resources away from direct improvement of the quality of education;

(L) usurps the responsibilities and traditional functions of State and local authorities to provide an educational system meeting the distinct needs of the community; and

(M) undermines public respect for the Government and its system of administering law and justice;

(2) past unconstitutional segregation, such as racial segregation enforced by law, is not a significant cause of existing racial imbalances in public schools,

(3) since assignment of students to public schools on the basis of or with regard to race cannot be justified as a means of preventing or undoing racial discrimination by school authorities, such assignment is itself an unjustifiable practice of racial discrimination by the Government in violation of the fourteenth amendment; and

(4) Whatever the basic cause of racial imbalance in the public schools, assignment of students to public schools on the basis of or with regard to race, color, or national origin results in more segregation of the races by inducing large numbers of families to migrate away from school systems subject to such assignment or by inducing large numbers of families to seek alternatives to public school education.

SEC. 3. (a) The Congress finds the remedies listed in subsection (b) are available for unconstitutional segregation exclusive of court orders which assign students to public schools on the basis of or with regard to race, color, or national origin, finding that such orders themselves have the effect of excluding students from public schools on the basis of or with regard to race, color, or national origin.

(b) The remedies which the Congress finds are available are—

(1) legal injunctions suspending all implementation of a segregative law or other racially discriminatory Government action;

(2) contempt of court proceedings where such injunctions are not scrupulously obeyed;

(3) programs without coercion or numerical quotas or specific goals based on racial balance that permit students to voluntarily transfer to other schools within the school district where they reside; and

(4) other local initiatives and plans to improve education for all students without regard to race, color, or national origin.

SEC. 4. The Congress, pursuant to its authority and powers granted under article III of the Constitution, and under section 5 of the fourteenth amendment to the Constitution, enacts the provisions of this Act in order to protect public school students against discrimination on the basis of or with regard to race, color, or national origin.

SEC. 5. Section 1343 of title 28, United States Code, is amended by designating the current language as section (a) and adding at the end thereof the following:

"(b)(1) Notwithstanding any other provision of law, no inferior court established by Congress shall have jurisdiction to issue any order requiring the assignment or transportation of any student to public elementary or secondary schools on the basis of or with regard to race, color, or national origin or to issue any order which excludes any student from any public school on the basis of or with regard to race, color, or national origin.

"(2) In the case of court orders entered prior to the date of this Act that require the assignment or transportation of any student to a public elementary or secondary school on the basis of or with regard to race, color, or national origin or which excludes any student from any school on the basis of or with regard to race, color, or national origin, any individual or school board or other school authority subject to such an order shall be entitled to seek relief from such order in any court and unless that court can make conclusive findings based on clear and convincing evidence that—

"(1) the acts that gave rise to the existing court order intentionally and specifically caused, and in the absence of the order would continue intentionally and specifically to cause, students to be assigned to or excluded from public schools on the basis of or with regard to race, color, or national origin; for purposes of this finding, these 'acts that gave rise to the existing court order and intentionally and specifically caused and in the absence of the order would continue intentionally and specifically to cause, students to be assigned to or excluded from public schools on the basis of race, color, or national origin' (including but not limited to school district reorganization, school boundary line changes, school construction, and school closings) shall not include legitimate efforts to employ public education resources to meet public education needs without regard to race, creed, or national origin,

"(2) the totality of circumstances have not changed since issuance of the order to warrant reconsideration of the order,

"(3) no other remedy, including those mentioned herein, would preclude the intentional and specific segregation,

"(4) the economic, social, and educational benefits of the order have clearly outweighed the economic, social, and educational costs of the order, and

"(5) either—

"(a) the total actual daily time consumed in travel by schoolbus for any student does not exceed thirty minutes unless such transportation is to and from a pulic school closest to the student's residence with a grade level identical to that of the student; or

"(b) the total actual round trip distance traveled by school bus for any student does not exceed 10 miles unless the actual round trip distance traveled by schoolbus is to and

from the public school closest to the student's residence with a grade level identical to that of the student, then such plaintiffs shall be entitled to relief which is consistent with the provisions of this subsection and the Public School Civil Rights Act of 1981 from such order.".

SEC. 6. Chapter 89 of title 28 of the United States Code (relating to district courts' removal of cases from State courts) is amended by adding after section 1455(c) the following new subsection:

"(d) A civil action in any State court seeking a judgment for any relief described in this Act may not be removed to any district court of the United States.".

STATEMENT OF WILLIAM BRADFORD REYNOLDS

It is a particular pleasure to have this opportunity to share this evening with you. The National Association of Neighborhood Schools has long been an organization that holds the abiding respect of many of us for the courageous and principled position it has staked out and defended in the area of school desegregation. I and a majority of Americans—black and white, brown and red, old and young—applaud you for daring to place our children's education needs ahead of our courts' transportation preferences. Largely through your untiring efforts, neighborhood public schools are today beginning to experience a welcome revival. All I can say is: don't let up now that we are seeing some progress; there is no more important struggle than the one you are fighting to ensure for the next generation of students, and generations to come, an enchanced educational environment in our public schools that provides to all those of school-age an equal opportunity to attend the school of their choice, free from racial discrimination.

This evening I would like to take a few minutes to review the desegregation efforts of this Administration, focusing briefly on the initiatives we have taken, and why; the progess that has been made; and what, as I see it, the future holds.

We can all feel a degree of satisfaction, I think, that the experiment with forced busing as the principal—indeed, in many instances, the sole—remedial tool to desegregate a public school district is largely over. I am not so naive as to believe that court-ordered transportation of young students to distant schools far removed from home, parents, and neighborhood has ended entirely, but I can state with full conviction that often times tragic consequences of this tool of social engineering have been exposed, and, the ranks of its proponents are woefully depleted and in disarray.

I do not need to spend much time explaining to this group why a broad national consensus has gathered in opposition to forced busing. In many respects, forced busing was the prescription for its own destruction. It rested, in the first instance, on a most precarious foundation—that is, the misguided notion that the desegregation command in *Brown* v. *Board of Education* required a perfect racial balance in all classrooms throughout the offending school district. *Brown*, of course, contained no such requirement. Indeed, quite to the contrary, *Brown II* explicitly underscored that "maximum integration" of schoolrooms is not the principal concern of the law; rather, the Supreme Court stated, "[at] stake [was] the personal interest of the plaintiffs in admission to public schools . . . on a [racially] nondiscriminatory basis." 349 U.S. at 300.

As we all know in the early 1970's the *civil rights* issue of racial neutrality in student assignments was consumed by the *social* issue of racial proportionality in the classroom. Blame cannot properly be laid entirely at the doorstep of the Supreme Court. To be sure, it ruled in 1971, in *Swann* v. *Charlotte-Mecklenberg Board of Education*, that race-conscious pupil assignments and mandatory student transportation are available remedial tools of school desegration. But nowhere has the Court said—in *Swann* or elsewhere—that forced busing is constitutionally required. Rather, as made clear in *Swann*, it is but one of a number of remedial devices, to be used, if at all, only when "practicable," "reasonable," "feasible," "workable," and "realistic." 402 U.S. at 16. And, even at that, the *Swann* majority cautioned against reading ...to its acceptance of busing as an available desegration remedy any "substantive right [to a] particular degree of racial balance." *Id* at 24.

Nonetheless, lower federal courts throughout the 1970's largely ignored the *Swann* admonition. Modest use of a transportation remedy where "practicable" to assist the desegration effort was, regrettably, misread as a judicial license to bus large numbers of children long distances to remote schools to achieve racial proportionality in all the classrooms.

Rather than achieving racial balance, however, this preoccupation with mandatory busing has generally produced racial isolation on a broader scale. In case after case, economically able parents have refused to permit their children to travel unnecessary distances to attend public schools, choosing instead to enroll them in private schools or to move beyond the reach of the desegregation decree. Justice Powell has commented on this phenomenon in the following terms:

"This pursuit of racial balance at any cost . . . is without constitutional or social justification. Out of zeal to remedy one evil, courts may encourage or set the stage for other evils. By acting against one-race schools, courts may produce one-race school systems." [1]

After more than a decade of court-ordered busing, the evidence is overwhelming that the effort to desegregate through wholesale reliance on race-conscious student assignment plans has failed. The damage to public education wrought by mandatory busing is evident in city after city: Boston, Cleveland, Detroit, Wilmington, Memphis, Denver, and Los Angeles are but a few of the larger and thus more celebrated examples. Nor is it difficult to understand why. The flight from urban public schools contributes to the erosion of the municipal tax base which in turn has a direct bearing on the growing inability of many school systems to provide a quality public education to their students—whether black or white. Similarly, the loss of parental support and involvement—which often comes with the abandonment of a neighborhood school policy—has robbed many public school systems of a critical component of successful educational programs.

Tragically, those who suffer the most are the very ones that the proponents of mandatory busing intended to be the greatest beneficiaries—that is, the blacks and other minorities left within the inner city public school systems. It is they who, from most accounts, have little to show educationally as a result of the past decade of court-imposed student assignment plans. Although findings are not absolutely conclusive in this regard, a major study released by the National Institute of Education in May of this year strongly indicates that racial-balance desegregation remedies have been ineffective in providing a better education for minority students. As David J. Armor, a noted desegregation expert, states in the report:

"The very best studies available demonstrate no significant and consistent effects of desegregation on Black achievement. There is virtually no effect whatsoever for math achievement, and for reading achievement the very best that can be said is that only a handful of grade levels from the 19 best available studies show substantial positive effects, while the large majority of grade levels show small and inconsistent effects that average out to about 0."

Small wonder, then, that this Administration committed itself to the pursuit of a different remedial approach to achieve the desegregation ideal announced in *Brown*—one premised on consensus, not conflict. Our focus turned away from forced transportation and concentrated instead on desegregating dual school systems through an emphasis on voluntary student transfer techniques and expanded educational opportunities designed to attract students to the public school, not drive them away. Our remedial program has as its centerpiece special magnet schools and other curriculum enhancement programs that provide educational incentives to all children in the system. And, as the Constitution demands, the choice of schools is left to each student—with a full range of transfer options—not to some preconceived assignment plan superimposed on the public school system by well-intentioned judges who misperceive racial percentages and classroom proportionality as a measurement of equal opportunity.

It is a bit too early to declare the magnet program a complete desegregation success. There are, however, a number of encouraging indicators and very few discouraging ones. The Justice Department has utilized its new remedial approach—one could call it: "desegregation through reinvigorated education"—in a variety of situations: from a large metropolitan area like Chicago to a small rural school district like Port Arthur, Texas. One of the best (or at least one of the most comprehensive) magnet programs was put in place late last year in Bakersfield, California. As expected, we are finding that magnet schools do indeed attract students, and—when strategically placed and carefully designed—can provide the needed incentive for white and black pupils to attend the same schools by choice, not by coercion.

In fact, a recent Department of Education survey of some 45 magnet programs in 15 school districts provided encouraging confirmation that "urban school districts can desegregate quite comprehensively by relying heavily on magnets. . . ." As that report observes:

"Citizens have been subjected to thirty years of political rhetoric about "forced busing," destruction of "the neighborhood school," and coercive intrusion into local control over education. As the imperative to desegregate takes hold in a community, therefore, residents brace for the worst to happen. The rhetoric leads voters toward the equivalent of a manmade disaster. Against the backdrop of this vision, magnets appear to be urgently desirable. A magnet

[1] *Estes* v. *Metropolitan Branches of the Dallas N.A.A.C.P.*, 444 U.S. 437, 450 (1980) (Powell, Jr., joined by Stewart and Rehnquist, J. J., dissenting from dismissal of certiorari as improvidently granted).

can be designed to be receptive, hospitable, safe, educative, *and* desegregatively lawful."

We certainly are finding that to be the case. And, if one needs further evidence of the viability of this alternative remedial approach, consider this my friends: even the NAACP has just recently, in the Cincinnati school desegregation case, embraced the magnet school concept as an acceptable desegregation option.

In short, the Federal courts are, with increasing regularity, turning to the magnet alternative (in lieu of forced busing) to desegregate dual school systems; the most avid proponents of mandatory student assignments are beginning to rely on voluntary transfer measures that utilize educational enhancements as the principal incentive factor; and both Houses of Congress have voiced a strong preference for accomplishing the desegregation objective through means other than forced busing. Against this backdrop, it is just a matter of time—and not much time, at that—before communities will be permitted to return the neighborhood public schools to their neighborhoods, with sufficient flexibility in attendance requirements to ensure that all children in the system, without regard to race, creed or national origin, will be accorded the full range of educational opportunities in a desegrated school environment.

That is essentially the status, as I see it, of the busing question today. Before closing, let me quickly allude to what the future holds. One of the important issues currently being litigated in cases around the country concerns the *scope* of relief that can be awarded in a desegregation suit. The Supreme Court has spoken on several occasions on the limits of judicial authority in fashioning relief in a school, case.[2] Generally speaking, an intradistrict violation—that is, a violation limited in extent to the boundaries of a single district—requires intradistrict relief. In a recent case, however, that is currently pending in the Supreme Court on a petition for certiorari, *Leggett* v. *Liddell*, Nos. 83-1386, 83-1721 and 83-1838, the district court and the Eighth Circuit Court of Appeals, held the State responsible for all transfer costs resulting from students electing to commute daily from any of 23 suburban school districts into the city, and *vice versa—i.e., interdistrict* transfers—notwithstanding that the State was found responsible for an *intradistrict* violation only. The Supreme Court's response bears watching. The Justice Department is arguing in *Liddell* that the Supreme Court should adhere to its earlier pronouncements in the school desegregation areas and hold that the Federal courts lack the remedial power to order such a result.

One last issue deserves special mention. One of the most troublesome features of school desegregation decrees is that they never seem to come to and end. For reasons that have never been altogether clear, there appears to be a general reluctance among district court judges who have fashioned relief in a school case to acknowledge many years—in some cases decades—later that the terms of the decree have long since been satisfied and that it is time to return the administration of the public schools to the elected officials who sit on the school board. As you know, the term of art that is used to signify the point at which the segregated, or dual, system has been dismantled is "unitariness"—the segregated (or dual) school district has become desegregated (or unitary) in accordance with the court-ordered plan.

I have stated on a number of occasions, and will repeat here, that one of the most important issues of the 1980's in the field of school desegregation is, in my opinion, when, and under what circumstances, a school district under court order is entitled to a judicial declaration of unitariness, thereby releasing it from the court's jurisdiction. That issue is squarely before the district court in Colorado, where the Denver school board in the much-celebrated *Keyes* desegregation litigation is asking the court, some eight years after implementation of the court-ordered plan, for a declaration of unitariness.

We have joined in the Denver school board's request, urging the court to measure unitariness, not in terms of rigid racial percentages or the degree of racial balance throughout the school system, but rather in terms of the school board's good faith efforts to comply, to the fullest extent practicable, with the desegregation requirements imposed by the decree. If, the school officials have fully and faithfully complied with the terms of a comprehensive desegregation plan, we argue that a declaration of unitariness should follow—even if some schools in the system due to factors such as demographic shifts, beyond the school board's control, may never have attained (or, even if attained, not continued to maintain) the precise racial percentages for student enrollment contemplated in the court-ordered plan.

It is hightime that our Federal courts released their hold on school districts that have been in compliance for some time with comprehensive desegregation decrees. Our public schools far better serve the educational needs of our youth if run by those who are answerable to the electorate for the decisions made than if left under the supervision of the Judiciary beyond the time necessary to cure fully the constitutional violation. There is, I sense, a growing unease among educators that, in the name of desegregation, we have in many instances surrendered to the courts the day-to-day responsibility of operating our public schools—all too often with disappointing results. I therefore anticipate that the unitariness issue will begin to be joined with greater intensity in the months ahead.

I have, I am sure, gone on too long. Let me conclude by returning to my opening remarks. School desegregation is as critical an issue on the civil rights agenda as any we face today. Discrimination on account of race, whether it occurs in the admissions office, the schoolyard, or the classroom is intolerable and must be eradicated in its entirety wherever it occurs. At the same time, however, we cannot lose sight of the fact that the desegregation effort affects in a most crucial way the lives, aspirations and opportunities of our children. It serves no useful purpose to claim a racial-balance victory if in the process we have effectively destroyed—or even seriously hindered—the educational potential of an entire generation of public school students. Regrettably the preoccupation with forced busing has left just such a legacy in too many jurisdictions.

Now, through your efforts and those of many others, the country appears to have altered its course, and returned to the ideals reflected in *Brown* v. *Board of Education*, where equal education, not transportation, is the predominant theme, and where the purpose is to afford all public school students, without regard to race, color or ethnic origin, an enhanced educational experience in a desegregated school environment free from unlawful discrimination. Your organization has been instrumental in helping to reshape public attitudes and policies along these lines, and I thank you for allowing me to share this time with you.

[2] *Milliken* v. *Bradley*, 418 U.S. 717 (1974) (*Milliken I*); *Milliken* v. *Bradley*, 433 U.S. 267 (1977) (*Milliken II*); *Pasadena City Bd. of Educ.* v. *Spangler*, 427 U.S. (1976); *Dayton Bd. of Educ.* v. *Brinkman*, 433 U.S. 406 (1977).

By Mr. INOUYE:

S. 38. A bill to make scholarships available to provide psychologists for Indians; to the Committee on Labor and Human Resources.

INDIAN PSYCHOLOGY SCHOLARSHIPS

Mr. INOUYE. Mr. President, today I am introducing legislation, very similar to that enacted into public law last year, which would authorize scholarships for those American Indians who wish to become psychologists.

This provision is almost technical in nature and would ensure that, in the redrafting of the Indian Health and Education Codes, the intent of the Congress which was expressed during the 98th Congress is, in fact, implemented.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 38

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 338G of the Public Health Service Act (42 U.S.C. 254 (r)) is amended by inserting "psychologists," after "pharmacists,".

By Mr. INOUYE:

S. 39. A bill to establish the position of Associate Director for Special Populations in the National Institute on Alcohol Abuse and Alcoholism and in the National Institute on Drug Abuse; to the Committee on Labor and Human Resources.

ESTABLISH A NEW POSITION FOR SPECIAL POPULATIONS

Mr. INOUYE. Mr. President, today I am introducing legislation which would amend the U.S. Public Health Service Act in order to formally establish a position of Associate Director for Special Populations in the National Institute on Alcohol Abuse and Alcoholism and in the National Institute on Drug Abuse.

During our deliberations on the 1930 Mental Health Systems Act (Public Law 96-398), the Congress of the United States established a position of Associate Director for Minority Concerns within the National Institute of Mental Health. This year, the Senate Appropriations Committee directed this individual to develop a comprehensive report for us highlighting her accomplishments to date and to pro-

vide us with legislative recommendations for future action.

At the time that we enacted this particular provision, we also gave serious consideration to establishing similar positions within the other two institutes of the Alcohol, Drug Abuse, and Mental Health Administration [ADAMHA]. In fact, such legislation passed the U.S. Senate for both institutes on May 7, 1979. Unfortunately, my proposals for those institutes did not become public law; however, I feel the time has now come to once again renew our efforts in this area. Without question, members of our Nation's minorities have truly unique and pressing concerns in both the Alcohol Abuse and Alcoholism areas which must be affirmatively addressed.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 39

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 502 of the Public Health Services Act is amended by adding at the end thereof the following new subsection:

"(f)(1) The Director shall designate an Associate Director for Special Populations.

"(2) The Secretary, acting through the Associate Director for Special Populations, shall—

"(A) develop and coordinate prevention, treatment, research, and administrative policies and programs to assure increased emphasis on the needs of women and minorities for the prevention and treatment of alcoholism and alcohol abuse and related problems;

"(B) support programs and projects relating to the delivery of services to women and minorities for the prevention and treatment of alcoholism and alcohol abuse and related problems, including demonstration programs and projects;

"(C) develop a plan to increase the representation of women and minorities in service delivery and manpower programs for the prevention and treatment of alcoholism and alcohol abuse and related problems;

"(D) support programs of basic and applied social and behavioral research on the problems of women and minorities relating to alcoholism and alcohol abuse;

"(E) study the effects of discrimination by institutions against alcoholics or alcohol abusers;

"(F) develop systems to assist women and minority individuals who are alcoholics or alcohol abusers in adapting to, and coping with, the effects of discrimination;

"(G) support and develop research, demonstration, and training programs designed to eliminate institutional discrimination against alcoholics and alcohol abusers; and

"(H) provide increased emphasis on the concerns of women and minorities in training programs, service delivery programs, and research activities of the Institute."

(b) Section 503 of such Act is amended by adding at the end thereof the following new subsection:

"(e)(1) The Director shall designate an Associate Director for Special Populations.

"(2) The Secretary, acting through the Associate Director for Special Populations, shall—

"(A) develop and coordinate prevention, treatment, research, and administrative policies and programs to assure increased emphasis on the needs of women and minorities for the prevention and treatment of drug abuse and related problems;

"(B) support programs and projects relating to the delivery of services to women and minorities for the prevention and treatment of drug abuse and related problems, including demonstration programs and projects;

"(C) develop a plan to increase the representation of women and minorities in service delivery and manpower programs for the prevention and treatment of drug abuse and related problems;

"(D) support programs of basic and applied social and behavioral research on the problems of women and minorities relating to drug abuse;

"(E) study the effects of discrimination by institutions against drug abusers;

"(F) develop systems to assist women and minority individuals who are drug abusers in adapting to, and coping with, the effects of discrimination;

"(G) support and develop research, demonstration, and training programs designed to eliminate institutional discrimination against drug abusers; and

"(H) provide increased emphasis on the concerns of women and minorities in training programs, service delivery programs, and research activities of the Institute.".

(c) The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act or October 1, 1985, whichever is later.

By Mr. HATCH (for himself, Mr. THURMOND, and Mr. DECONCINI):

S. 40. A bill to provide procedures for calling Federal constitutional conventions under article V for the purpose of proposing amendments to the U.S. Constitution; to the Committee on the Judiciary.

PROCEDURES FOR CALLING CONSTITUTIONAL CONVENTIONS

Mr. HATCH. Mr. President, the proposed Constitutional Convention Implementation Act of 1985 is identical to S. 119 approved unanimously by the full Senate Judiciary Committee during the 98th Congress. It would establish clear procedures to be followed in the case of applications for a constitutional amending convention under article V of the Constitution. I would call to the attention of my colleagues Senate Report 98-594 which fully describes the provisions of this proposal.

By Mr. INOUYE:

S. 41. A bill to amend title 10, United States Code, to provide that the Chief of the Army Nurse Corps be appointed in the regular grade of brigadier general; to the Committee on Armed Services.

REGARDING THE CHIEF OF ARMY NURSE CORPS

Mr. INOUYE. Mr. President, today I am introducing legislation to amend title 10 of the United States Code, in order to provide that the individual who is selected as Chief of the Army Nurse Corps shall, by statute, be appointed in the regular grade of brigadier general.

In my judgment, such a statutory modification would provide this important corps with the type of congressional recognition which it so richly deserves.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 41

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3069(b) of title 10, United States Code, is amended by adding at the end thereof the following new sentence: "If the officer appointed as the Chief holds a lower regular grade, such officer shall be appointed in the regular grade of brigadier general.".

SEC. 2. The amendment made by this Act shall become effective on the first day of the first month following the month in which this Act is enacted.

By Mr. NICKLES (for himself and Mr. SYMMS):

S. 42. A bill to facilitate the efficient use of barter in managing agricultural commodities and the stocks of the national defense stockpile; to the Committee on Agriculture, Nutrition, and Forestry.

BARTER PROMOTION ACT OF 1985

Mr. NICKLES. Mr. President, I am pleased to introduce today, with my distinguished colleague, Mr. SYMMS, the Barter Promotion Act of 1985. This legislation is designed to aid the sagging farm economy and bolster national security. It will facilitate the use of barter by simplifying existing legislative and regulatory barriers.

Barter is possible under present legislative authority. As a matter of fact, President Reagan pursued a very successful transaction in 1981 with Jamaica to obtain 400,000 tons of bauxite for 9,143 metric tons of milk products. Some private companies are presently involved in international barter. An informal intergovernmental task force meets regularly to discuss potential barter opportunities and internal mechanics of barter transactions. All in all, however, very little activity in barter is evident and yet I believe barter can and should be an effective additional tool in our agriculture and foreign policy.

A modern barter program was successfully conducted from 1950 to 1969 when commodities owned by the Commodity Credit Corporation [CCC] worth nearly $1.7 billion, were exchanged for strategic materials. The program stagnated when CCC inventories were depleted and national defense stockpile needs were revamped.

The CCC continues to struggle with the problems of surplus farm prod-

ucts. CCC presently owns 359 million bushels of wheat, a vitally needed food in the drought stricken countries of Africa. The Payment-in-Kind [PIK] Program took 20 million acres out of production, yet supplies of surplus commodities remain high. Grain surpluses brought about by record production continue to darken prospects of a stronger market. As of December 1, 1984, the dairy surplus owned by CCC consisted of 296 million pounds of butter, 798 million pounds of cheese, and 1.2 billion pounds of dry milk. The Dairy Price Support Program for 1984 totaled $1.5 billion.

I am constantly amazed at the negative approach of the Federal Government to farm problems. We have the best farmers in the world. There are starving people all over the world. Yet, we tell the farmers not to grow crops; we purchase the surplus commodities for which we then pay storage costs; and then we appropriate nonexistent funds to send food to the hungry people in this world.

We should be using barter as a commonsense approach to help our farmers live up to their potential as well as to provide food to the hungry and to obtain needed strategic materials for our national security.

This legislation would facilitate the use of barter by coordinating the interagency transactions through the Executive Office of the President. It would encourage the utilization of private enterprise to make the necessary trading arrangements and allow multilateral barter while protecting agricultural prices and cash sales; both of which were proven successful practices in the 1960's. The bill also requires a report from the Secretary of Agriculture on the activities of the task force; in particular, the actions taken to promote the barter of domestic commodities for strategic and critical materials needed by the United States. Cooperation between the involved Federal agencies would be enhanced by changes in the interagency accounting methods. It would remove the provision that the CCC must be reimbursed for the Government-owned commodities involved in a barter. Barter is presently the only program requiring this reimbursement.

This legislation, Mr. President, derived from the lessons of the history of modern barter practices, was introduced in the last Congress by my good friend, John Tower. I am pleased to sponsor the Barter Promotion Act of 1985 and encourage my colleagues to take time for a comprehensive study and subsequent enactment of legislation necessary to promote barter as an additional and effective method of foreign agricultural trade.

By Mr. MATTINGLY (for himself, Mr. EVANS, Mr. BIDEN, Mr. THURMOND, Mr. ARMSTRONG, and Mr. KASTEN):

S. 43. A bill to provide that each item of any general or special appropriation bill and any bill or joint resolution making supplemental, deficiency, or continuing appropriations that is agreed to by both Houses of the Congress in the same form shall be enrolled as a separate bill or joint resolution for presentation to the President; to the Committee on Rules and Administration.

SEPARATE ENROLLMENT OF APPROPRIATIONS

Mr. MATTINGLY. Mr. President, today I introduce legislation designed to grant line-item veto authority on appropriation bills to the President.

My legislation, with the original cosponsored by Senators EVANS and BIDEN will provide the President with a critically needed tool in the Executive workshop that will be required to aid in conquering the problems posed by the federally crested enormous debt.

Under the provisions of this legislation that has been crafted, the President would have the authority to veto separate, or individual portions of any appropriations bill. This legislation contains a sunset clause mandating the expiration of this new authority in 2 years unless it is specifically renewed by the Congress. Thus, what we propose is no more than a 2-year test program of a budgetary mechanism that has been successfully used by the Chief Executives of 43 States in our Union.

If the President decides to exercise the authority granted to him under this proposal and veto a section of an appropriation bill, Congress still maintains the right to review his action and, by a two-thirds vote of both Houses, reject his veto.

The concept that we envision does not grant any significant new authority to administrative officers of the Congress. Under my proposals, the Gephardt rule, the enrolling clerks of the appropriate House are to enroll the separate sections and paragraphs of an appropriation bill as separate pieces of legislation and transmit these newly enrolled bills to the President for signature or veto. These clerks, however, are bound by the work of the Congress and have no authority to change in any way the legislation that has been agreed to by both Houses.

It is Congress which will continue to control the content of the legislation that is transmitted to the President; it is Congress which will continue to be the sole determinant of the form in which the legislation is passed; and it is the Congress that will continue to retain its constitutional right to override a Presidential veto if it so desires.

As it is with any piece of legislation that we pass, there remain unanswered questions about the impact and effect of line item veto authority being exercised by the President. However, if we are to adopt a position that says that all questions about all effects of legislation passed by this body must be known and quantified prior to passage, then we should adjourn today because clearly, such a standard will be impossible to meet.

My proposal offers a very real opportunity to reduce Federal spending and restrain the growth of the Nation's deficit. Adoption of this legislation, along with other, much needed fiscal and monetary reforms, will create the type of economic environment that will stimulate growth, saving and investment and which will eliminate the rationale that is being bandied about as proof of the need for a tax increase.

We should be prepared to conclusively demonstrate to the American people that it is not our intent to raise taxes and the best way to do that is to show through the adoption of such mechanisms as the line item veto that we are not afraid of new ideas and that we recognize that yesterday's solutions will not help solve today's problems.

Along with the bill that I am introducing today to legislatively grant item veto authority to the President, I am also introducing an amendment to the Constitution granting the same authority. I introduce the latter piece of legislation, Senate Joint Resolution 11, as a basis of discussion for those who believe such a course of action should be examined. I believe, however, that the Senate can best serve the American people by swiftly considering and adopting the administrative changes that have been recommended by me and my colleagues.

Such an approach will provide this essential authority to the President on an expedited basis and will be a concrete demonstration of the Senate's intent to take the tough steps that will be necessary to put our economic house in order.

By Mr. THURMOND (for himself, Mr. HOLLINGS, Mr. HELMS, Mr. EAST, Mrs. HAWKINS, Mr. DENTON, and Mr. TRIBLE):

S. 44. A bill to grant the consent of the Congress of the Southeast Interstate Low-Level Radioactive Waste Management Compact; to the Committee on the Judiciary.

CONGRESSIONAL CONSENT TO THE SOUTHEAST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT

Mr. THURMOND. Mr. President, in behalf of myself, Senators HOLLINGS, HELMS, EAST, HAWKINS, DENTON, and TRIBLE, I am today reintroducing legislation to give congressional consent to the Southeast Interstate Low-Level Radioactive Waste Management Compact. Although some progress was

made in the 98th Congress with respect to consideration of low-level nuclear waste compact legislation, none of the original compacts submitted to Congress have yet received Congressional approval, largely for reasons that I will describe later. As its title suggests, the primary purpose of this compact is to provide for the management and disposal of the low-level radioactive waste in the southeastern region of the country. The member States are Alabama, Georgia, Florida, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

The compacting process, in which almost all States have been engaged for the last several years, was essentially initiated by passage of the Low-Level Radioactive Waste Policy Act of 1980. Signed into law 3 days before Christmas of 1980, Public Law 96-573 established the policy that each State is responsible for disposal of the low-level radioactive commercial waste generated within its borders and that such waste can be most safely and efficiently managed on a regional basis. It also authorized States to enter into interstate compacts to establish and operate regional disposal facilities for such low-level waste. States of course did not need such prior authorization to enter into an interstate compact. Express authorization is not unusual, however, in instances where Congress wishes to encourage States to enter into compacts in a specific area of activity.

The 1980 Policy Act required subsequent approval of the compacts by Congress, a step which would have been required in any event by article I, section 10, clause 3 of the Constitution, which provides that "(n)o State shall, without consent of Congress * * * enter into any Agreement or Compact with any other State * * *." Perhaps the most significant provision of the act was the authority given to congressionally approved compacts to exclude waste generated outside that compact region after January 1, 1986.

Passage of the 1980 Policy Act was a major step toward addressing a problem which had previously received far less attention than the issues of high-level nuclear waste disposal and interim storage of commercial spent fuel. This lack of interest could largely be attributed to the fact that there were three commercial sites open and providing adequate storage space. So long as this was the case, there was little incentive for other States to consider opening additional sites, an action that would likely embroil them in the troublesome issues involved in siting, licensing, constructing and operating new sites.

On the other hand, from the standpoint of a State hosting one of the existing low-level waste disposal sites, this situation was clearly an unacceptable one. It placed three States—South Carolina, Washington, and Nevada—in the position of shouldering the entire responsibility for disposing of waste generated in all 50 States. The fundamental unfairness and inefficiency of this system was clearly brought into light in the summer of 1979 when the Governors of Nevada and Washington temporarily closed those sites, and the Governor of South Carolina announced that the amount of waste accepted at the Barnwell, SC, site would be significantly reduced in the future. By these actions, South Carolina, Washington, and Nevada sent a clear warning signal to other States and to the Federal Government that action needed to be taken. An immediate crisis was averted, however, when the Washington and Nevada sites were reopened in late 1979.

In response to this situation, I offered, and the Senate adopted, an amendment regarding low-level waste disposal to S. 2189, the high-level waste disposal bill which reached the Senate floor in the summer of 1980. My amendment, a precursor to the Low-Level Policy Act, authorized and encouraged States to enter into interstate compacts for the disposal of low-level waste on a regional basis. It also gave compacts entered into pursuant to that provision the authority to exclude waste generated outside the compact area as of the date of congressional approval. Several House Members, including Congressman DERRICK of South Carolina, pursued similar legislation in the House and secured its inclusion in the House nuclear waste bill. In December 1980, when the House and Senate were unable to agree on portions of the bills dealing with high-level waste disposal, the low-level waste disposal provisions were split out of the larger bills and enacted into law.

Most of the States responded promptly to passage of the Low-Level Policy Act, although none have gone so far as to open new low-level waste disposal sites. They have organized themselves into six regional groups: the northeast, southeast, midwest, central, northwest, and Rocky Mountain regions. Several States have so far decided not to join a regional compact but have instead chosen to pursue the course of establishing their own low-level disposal site. Compacts have been negotiated in each of the six regions, and most have been introduced in or ratified by the various State legislatures. Four of the compacts were submitted to the 98th Congress for its approval, although Congress has not assented to any of them.

In the Senate these bills were (and, as reintroduced, will be) referred to the Judiciary Committee which, pursuant to the Senate rules, has jurisdiction over interstate compacts generally. On the House side, the counterpart consent legislation is within the jurisdiction of the Energy and Commerce Committee and the Interior Committee.

Mr. President, in the last Congress the Senate Judiciary Committee held four hearings on these compacts. As chairman, I placed the compacts on the committee agenda for action last summer. However, strong opposition expressed by several committee members and the threat of an extended filibuster on the compacts prevented the committee from reporting consent legislation to the Senate.

Throughout the 98th Congress, efforts were made to resolve contentious issues which have thus far prevented congressional consent to these several regional compacts. Foremost among the issues in dispute has been the question of post-1985 access to the then existing disposal sites for waste generators located outside the compact regions which contain those operating sites. Regrettably, this issue has risen to the forefront because of the tardy actions of State officials outside the sited regions in addressing the responsibilities clearly reserved to them under the 1980 Policy Act—namely those of making arrangements, on their own or in cooperation with surrounding States, for the safe disposal of low-level radioactive waste generated within their respective State borders. Having failed to develop alternative disposal plans and sites in a timely manner, and faced with the prospect that congressional consent to the compacts of sited regions would give those regions the power to exclude out-of-region waste beginning in 1986, these States have prevailed on their congressional Representatives to block action on the compacts. This political situation, coupled with questions belatedly raised by the Justice Department with respect to the several compact consent bills, combined to prevent favorable action on the legislation by the Senate Judiciary Committee and by Congress.

Mr. President, it is of vital importance that the 99th Congress promptly consider and consent to these compacts. Approval of the compacts would spur the States to go forward with the actual process of siting, constructing, and licensing new sites for their respective regions. Development of a regional system of disposal sites is the only way in which the burden of low-level waste disposal will be equitably divided. For far too long, Washington, Nevada, and South Carolina have shouldered the responsibility for disposing of waste generated by the entire Nation. I cannot emphasize too strongly the depth of feeling in my State that the status quo is not acceptable, and I am prepared to support any reasonable actions which South Carolina officials decide are necessary to protect the health and safety of the people of our State, in the event con-

gressional consent to the compacts, including the agreement negotiated by States in the southeastern region, is not forthcoming this year. The compacting process, which I helped to initiate in 1980, offers the best means of resolving the institutional and political issues pertaining to disposal of low-level radioactive waste. As chairman of the Judiciary Committee, I shall make every effort to bring the compact consent legislation before the Senate as soon as possible. Already, I have written to Senators encouraging them to reintroduce compact consent legislation for the region in which their State is represented (if their State has elected to enter into an interstate compact). I encourage those regions which did not submit their compacts previously to promptly bring them before Congress. Most importantly, I call on all State officials who have been involved in this process to press forward with renewed vigor in their negotiations to resolve, in an equitable and reasonable manner, the several compact-related issues which remain in dispute, including the post-1985 access issue.

Fundamentally, the matter of handling low-level nuclear waste is a State issue and responsibility, as underscored by the 1980 Low-Level Nuclear Waste Policy Act. It is far preferable for the States to work out an acceptable solution to these issues, and for Congress to then grant its consent to an agreement (or agreements) negotiated among the States, rather than Congress attempting to impose its will on the States (or the burden of low-level nuclear waste disposal otherwise being abrogated to the Federal Government). Mr. President, with hard work and a willingness on the part of all concerned parties to make reasonable accommodations, this issue can be resolved satisfactorily this year. I shall certainly work toward this objective, and I urge others to cooperate in this most important effort.

Mr. HOLLINGS. Mr. President, once again I am pleased to join my distinguished colleagues in sponsoring this essential piece of legislation.

It is very unfortunate that this legislation did not pass last year. By forming compacts, South Carolina and many other States have kept their end of the bargain set forth by the Low-Level Radioactive Waste Policy Act of 1980. They have acted to take care of their own low-level nuclear waste. Now it is time for Congress to keep its part of that 1980 bargain. It is time for Congress to give consent to the compacts before us, including the Southeast Compact, and thus activate the provision that says that no region with an approved compact need take waste from outside that region after January 1, 1986. That was the bargain Congress enacted into law in 1980: any region that responsibly handles its own nuclear waste no longer has to take waste from outsiders.

But during the last session of Congress, some Members from States without their own compacts blocked congressional consent. These States have had 4 years to find a way to take care of their own waste. But they have delayed, and now want South Carolina to keep taking their garbage. They want Congress to break the 1980 bargain that was made with the people of my State and with the people of those other States that have acted responsibly.

This behavior is totally unacceptable to me and to the citizens of South Carolina. For years, we have been the "good neighbors" who take other people's waste. In recent years, that has meant taking over 40 percent of the Nation's low-level waste. This has got to stop.

Mr. President, I tell my colleagues very candidly that South Carolina is quite prepared to shut down our low-level nuclear burial ground if this compact is blocked. South Carolina has shut down the site before, in the late 1970's, and if necessary will do it again. South Carolina officials, especially our distinguished Governor, have been very patient over the years. But our patience is rapidly coming to an end.

There is also an important irony here that should be noted by every Member of this body. The burial ground located in Barnwell County, SC, is limited in size and filling rapidly. Even if our compact is approved and we take only southeastern waste in the future, the entire burial site will be filled by the end of this decade. If other States succeed in forcing South Carolina to continue taking their waste as well, the site will fill much more quickly. In the end, no one in the Eastern United States will have a place to put this dangerous material. Any State that thinks it simply can continue to pour all of this waste into South Carolina is deluding itself. No matter what happens to the compacts this year, each region inevitably will need to bite the bullet and establish its own disposal site. Every State should understand that.

Mr. President, all of us want to avoid a major confrontation of this matter. The way to do that is for each State and for the Congress to live up to their responsibilities under the Low-Level Radioactive Waste Policy Act. I ask my colleagues, particularly those from the Northeast, to work with us for the ratification of the pending compacts, including the Southeast Compact. Time on this issue is running very short.

By Mr. INOUYE:

S. 50. A bill to amend titles XVIII and XIX of the Social Security Act to provide that mental health specialist services shall be covered under part B of Medicare and shall be required service under Medicaid; to the Committee on Finance.

MEDICARE COVERAGE OF MENTAL HEALTH SERVICES

Mr. INOUYE. Mr. President, today I am introducing legislation to ensure that the services of mental health specialists will be readily available.

The bill which I am introducing today would ensure that each of our Nation's mental health professionals, whether they be psychologists, clinical social workers, psychiatric nurse practitioners, clinical specialists, or psychiatrists, will be recognized as autonomous providers under both the Medicare and Medicaid Programs. My proposal would also ensure that their services shall be a required benefit under State Medicaid plans.

Mr. President, in my judgment, it is very much in our national interest to increase the availability of mental health services under each of our Federal programs.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 50

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1861(s)(2) of the Social Security Act is amended—

(1) by striking out "and" at the end of subparagraph (H);

(2) by adding "and" at the end of subparagraph (I); and

(3) by adding at the end thereof the following new subparagraph:

"(J) mental health specialist services;".

(b) Section 1861 of such Act is amended by adding at the end thereof the following new subsection:

"Mental Health Specialist Services

"(ee)(1) The term 'mental health specialist services' means services performed by a mental health specialist (as defined in paragraph (2)) which the mental health specialist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) of the State in which such services are performed, whether or not the mental health specialist is under the supervision of, or associated with, a physician or other health care provider.

"(2)(A) The term 'mental health specialist' means an individual who is a psychologist (as defined in subparagraph (B)), a clinical social worker (as defined in subparagraph (C)), a psychiatric nurse practitioner or clinical specialist (as defined in subparagraph (D)), or a psychiatrist (as defined in subparagraph (E)).

"(B) The term 'psychologist' means an individual who—

"(i) is licensed or certified at the independent practice level of psychology by the State in which he so practices,

"(ii) possesses a doctorate degree in psychology from a regionally accredited educational institution, or for those individuals who were licensed or certified prior to January 1, 1978, possess a master's degree in psy-

chology and are listed in a national register of mental health service providers in psychology which the Secretary deems appropriate, and

"(iii) possesses two years of supervised experience in health service, at least one year of which is postdegree.

"(C) The term 'clinical social worker' means an individual who—

"(i) possesses a master's or doctor's degree in social work,

"(ii) after obtaining such degree has performed at least two years of supervised clinical social work, and

"(iii) is licensed or certified as such in the State in which he practices, or if such State does not license or certify clinical social workers, is listed in a national register of social workers who, by education and experience, qualify as health care providers in clinical social work.

"(D) The term 'psychiatric nurse practioner or clinical specialist' means an individual who—

"(i) is licensed to practice nursing by the State in which the individual practices nursing,

"(ii) possesses a master's degree or higher degree in psychiatric nursing or a related field from an accredited educational institution, and

"(iii) is certified as a psychiatric nurse by a duly recognized national professional nurse organization.

"(E) The term 'psychiatrist' means a physician who—

"(i) is described in clause (1) of section 1861(r), and

"(ii) is board certified by the American Board of Psychiatry and Neurology or has successfully completed a minimum of three years of approved graduate medical training in psychiatry.".

(c) Section 1833(c) of such Act is amended by striking out all that follows "purposes of subsections (a) and (b)" and inserting in lieu thereof "no more than $1,000".

SEC. 2. (a) Section 1905(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (17);

(2) by redesignating paragraph (18) as paragraph (19); and

(3) by inserting after paragraph (17) the following new paragraph:

"(18) mental health specialist services (as defined in section 1861(ee)); and".

(b) Section 1902(a) of such Act is amended—

(1) by striking out "paragraphs (1) through (5) and (17)" in paragraph (10)(A) and inserting in lieu thereof "paragraphs (1) through (5), (17), and (18)";

(2) by striking out "paragraphs (1) through (5) and (17)" in paragraph (10)(C)(iv) and inserting in lieu thereof "paragraphs (1) through (5), (17), and (18)"; and

(3) by striking out "paragraphs numbered (1) through (17)" in paragraph (10)(C)(iv) and inserting in lieu thereof "paragraphs numbered (1) through (18)".

SEC. 3. (a) The amendments made by the first section of this Act shall be effective with respect to services performed on or after the first day of the first month which begins more than 60 days after the date of the enactment of this Act.

(b)(1) Except as provided under paragraph (2), the amendments made by section 2 shall be effective with respect to payments under title XIX of the Social Security Act for calendar quarters beginning more than 60 days after the date of the enactment of this Act.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by section 2, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

By Mr. STAFFORD (for himself, Mr. CHAFEE, Mr. DURENBERGER, Mr. HUMPHREY, Mr. HART, Mr. MOYNIHAN, Mr. MITCHELL, Mr. BAUCUS, Mr. LAUTENBERG, and Mr. CRANSTON):

S. 51. A bill to extend and amend the Comprehensive Environmental Response, Compensation and Liability Act of 1980, and for other purposes; to the Committee on Environment and Public Works.

By Mr. STAFFORD (for himself, Mr. CHAFEE, Mr. DURENBERGER, Mr. HUMPHREY, Mr. MOYNIHAN, Mr. MITCHELL, Mr. BAUCUS, and Mr. LAUTENBERG):

S. 52. A bill entitled the "Acid Rain Control Act of 1985"; to the Committee on Environment and Public Works.

By Mr. STAFFORD:

S. 53. A bill to amend the Clean Water Act, and for other purposes; to the Committee on Environment and Public Works.

ENVIRONMENTAL LEGISLATION

Mr. STAFFORD. Mr. President, I am taking the earliest possible opportunity to introduce several bills for consideration by the Environment and Public Works Committee and I ask unanimous consent that they be printed in the RECORD. These bills include the Superfund Improvement Act of 1985, the Acid Rain Control Act of 1985, the Clean Water Act Amendments of 1985, and Federal-aid highway legislation. Senator DURENBERGER is also today introducing a bill to amend the Safe Drinking Water Act.

The Committee on Environment and Public Works completed action on all of these issues in the 98th Congress; none was taken up by the Senate. Failure to act on any of three of these issues—highways, Superfund, or clean water—means Federal funds will not be available for those programs. Failure to act on any one of the five means losing ground to environmental contamination, or infrastructure decay, or both.

This early introduction is intended to signal that the committee will take up these issues early in the 99th Congress and, I believe, have bills ready for Senate action on most, if not all, no later than this spring.

I would like now to discuss briefly each of the bills I have mentioned:

FEDERAL-AID HIGHWAY LEGISLATION

Mr. President, the Federal-aid highway legislation being introduced today represents unfinished business from the 98th Congress. It is my hope, however, that this critically needed legislation will be promptly acted upon by the 99th Congress.

With the start of the new year and the new Congress, Senator SYMMS and I are taking the earliest opportunity to seek approval of an interstate cost estimate [ICE] and interstate substitute cost estimate [ISCE]. Passage is vital and will result in immediate transportation benefits nationwide as $7 billion in interstate construction and interstate substitute funds are freed and released to the States.

Last year, we were able to win only an interim 6-month ICE-ISCE approval, instead of the customary, and far more appropriate, 2-year approval. The highway trust fund is intended as a stable, long-term funding source, one which States can steadily rely on as they go about the necessary multiyear planning for major transportation projects. The nickel-a-gallon gasoline increase in 1983 was to provide the additional funding needed for large-scale road rehabilitation and completion of the Interstate Highway System.

Instead, today we have a severely disrupted highway program—delayed contracts, unrealized jobs, unmet transportation needs, and unavailable funds. This is all taking place despite the accumulation in the highway trust fund of $7 billion in tax moneys collected from higway users for the construction and repair of our Nation's roads.

I will not review the many attempts made last year to win congressional approval of an ICE and ISCE. The two bills being introduced today are similar to previous initiatives:

First, Senate Joint Resolution 312—the so-called clean ICE and ISCE, and

Second, S. 3024 which passed the Senate last October. Let me say that these are two options. Indeed, there may be other alternatives, but I believe these measures provide a useful starting point for serious discussion.

My preference is for the immediate approval of a clean bill containing the 18-month ICE and ISCE approval and a provision which would permit administrative release of these funds in the future. However, I recognize that others favor additional items. At this time though, the primary reason for highway legislation is approval of the two estimates with the subsequent release of $7 billion in funds already authorized and urgently needed by the States. Any policy changes, new authorizations, or other controversial issues will, I fear, once again hinder efforts to pass this legislation.

I am encouraged by the growing and widespread support for a clean bill. A

month ago the American Association of Transportation and Highway Officials passed a resolution urging enactment of legislation that would:

First. Approve an ICE and ISCE that will allow funding for these programs to be released immediately, and which will not compromise the integrity of the Federal highway trust fund.

Second. Permit the Federal Highway Administration to develop in cooperation with the States all future cost estimates unless Congress has acted prior to the expiration of the previous cost estimate.

Third. Recognize that, in the interest of meeting the immediate need to pass an ICE and ISCE, projects identified in H.R. 5504 and S. 3024 of the 98th Congress should be dropped from consideration, and no new issues should be added.

The National League of Cities has also recently adopted a resolution calling for prompt approval of an ICE and ISCE, along with the administrative release provision. The Institute of Transportation Engineers has taken similar action. Mr. President, I would like to ask that copies of all three resolutions appear in their entirety in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

AASHTO RESOLUTION REGARDING THE ICE-ISCE SITUATION

1. Whereas Congress has established a national goal of completion of the National System of Defense and Interstate Highways by 1990; and

2. Whereas Congress in the Surface Transportation Assistance Act of 1982 (STAA) increased the federal motor fuel tax from 4¢ to 9¢ per gallon to insure adequate funding for completion of the National System of Defense and Interstate Highways, Interstate transfer projects, and the 85% Minimum Allocation program, among other purposes; and

3. Whereas Congress has authorized funding for completion of the National System of Defense and Interstate Highways; and

4. Whereas the Federal Highway Administration has been unable to distribute to the states the authorized funding for construction of the National System of Defense and Interstate Highways, funding for Interstate transfer projects and funds under the 85% Minimum Allocation program, due to the lack of approval of an Interstate Cost Estimate (ICE) and Interstate Substitute Cost Estimate (ISCE); and

5. Whereas this lack of approval of an Interstate Cost Estimate and Interstate Substitute Cost Estimate has resulted in $7 billion previously approved for Interstate construction being frozen and unavailable for use even while states are ready to build remaining critical gaps in the Interstate System and approved Interstate substitute projects, and utilize funding under the 85% Minimum Allocation program to meet other critical highway needs; and

6. Whereas the continued freezing of this $7 billion will delay needed projects, disrupt state programs and delay the creation of some 200,000 jobs and other economic benefits promised by the Surface Transportation Assistance Act of 1982, and results in the unnecessary prolongation of highway safety hazards and traffic congestion for thousands of Americans; and

7. Whereas a survey of 43 states just completed by the American Association of State Highway and Transportation Officials (AASHTO) has identified 219 highway projects that would have been placed under contract by the states before February 1, 1985 if an approved ICE and ISCE had been available before the 98th Congress adjourned, the total value of these delayed contracts being in excess of $1,214.5 million; and

8. Whereas the AASHTO survey of 43 states also revealed the dramatic impact further delay in approving the ICE and ISCE will have on the states on a month-by-month basis in 1985, resulting in a growing breach of trust with the highway users who are daily paying revenues into the federal Highway Trust Fund that are now essentially impounded by the lack of an approved ICE and ISCE:

Now therefore be it resolved that the member departments of the American Association of State Highway and Transportation Officials call for immediate Congressional action in the 99th Congress in this critical situation, to enact legislation that will:

(1) Approve an ICE and ISCE that will allow funding for these programs to be released immediately, and which will not compromise the integrity of the federal Highway Trust Fund.

(2) Permit the Federal Highway Administration to develop in cooperation with the states all future cost estimates unless Congress has acted prior to the expiration of the previous cost estimate.

(3) Recognize that, in the interest of meeting the immediate need to pass an ICE and ISCE, projects identified in H.R. 5504 and S. 3024 of the 98th Congress should be dropped from consideration, and no issues should be added.

Be it further resolved, that copies of the Resolution be sent to the appropriate Committees of Congress, the Secretary of Transportation of the United States and other interested parties.

PROPOSED RESOLUTION NO. 24—INTERSTATE CONSTRUCTION ESTIMATE AND INTERSTATE SUBSTITUTION COST ESTIMATES

Whereas, Congress has established a national goal of completion of the national system of Defense and Interstate Highways by 1990; and

Whereas, Congress, in the Surface Transportation Assistance Act of 1982, increased the federal motor fuel tax from 4 cents per gallon to 9 cents per gallon to insure adequate funding for completion of the Interstate highway system; and

Whereas, The Federal Highway Administration has been unable to distribute the authorized funding for construction of Interstate highways because of the failure of Congress to approve the Interstate Cost Estimate and Interstate Substitution Cost Estimate; and

Whereas, This failure of Congress has caused $7.2 billion previously approved for Interstate construction and substitute highway and transit construction to be unavailable for obligation; and

Whereas, Non-expenditure of this $7 billion will delay needed projects, increase the cost of highway construction due to inflation, disrupt state programs, delay the creation of some 200,000 jobs and other economic benefits projected under the Surface Transportation Assistance Act of 1982, and adversely impact highway safety.

Now therefore be it resolved that the National League of Cities calls upon Congress to (1) expeditiously approve the Interstate Cost Estimate and Interstate Substitution Cost Estimate without additions or amendments to it and (2) enact legislation to permit the Federal Highway Administration to develop all future cost estimates and administratively apportion the funds unless Congress acts to disapprove the estimates by a date certain.

INSTITUTE OF TRANSPORTATION ENGINEERS,
Washington, DC, December 17, 1984.

Hon. ROBERT STAFFORD,
Chairman, Senate Committee on Environment and Public Works, Washington, DC.

DEAR SENATOR STAFFORD: At the 54th Annual Meeting of the Institute of Transportation Engineers in San Francisco, the membership assembled passed the attached resolution concerning the Interstate Cost Estimate (ICE). This reiterates the Institute's concern over the delay in passing an ICE, expressed repeatedly during the past year in oral and written testimony to Congress.

The Institute is the scientific and professional society of those responsible for planning, designing, implementing, and managing the highway and public transportation systems of the world. We have 7,000 members in 70 countries, with approximately 6,000 in the United States. The Institute represents professionals at all levels of government, consultants, and industry.

In addition to urging the passing of ICE, the membership also took note of the significant increase in the number of individual specific local projects included as "line items" included in recent proposed legislation with funding to be provided from the Highway Trust Fund. As stated in the resolution, the funding priority for such projects should continue to be determined by transportation professionals working with state and local officials in accordance with identified needs and expected project benefits.

The Institute respectfully requests that immediate steps be taken to allow for passage of an Interstate Cost Estimate unencumbered by funding for specific projects early in the next Congress.

Sincerely,

MELVIN B. MEYER,
President.

RESOLUTION

Whereas, Congressional delay in approving an Interstate Cost Estimate (ICE) covering the remainder of fiscal year 1984 and all of 1985 has delayed distribution of funds for Interstate construction, Interstate transfer highway and transit substitute projects, and the minimum highway allocations to states, and

Whereas, highway funding legislation pending before Congress contains a significant increase in the number of individual specific local projects included as "line items" for funding out of the Highway Trust Fund, and

Whereas, these circumstances are delaying the needed transportation improvement projects and could ultimately lead to a program driven by political pressures,

Now therefore be it resolved, that the membership assembled at the 54th annual

meeting of the Institute of Transportation Engineers urges immediate passage by Congress of the interstate cost estimate, and be it further

Resolved, that funding for individual local projects not be mandated in national legislation, but rather be determined by transportation professionals working with State and local officials to determine the priority of improvements in accordance with identified needs and expected project benefits.

RESOLUTION ON INTERSTATE COST ESTIMATE

Whereas, the United States Congress failed to pass the Interstate Cost Estimate, and

Whereas, this prevents the Federal Highway Administration from allocating Federal Interstate funds to the respective states, and

Whereas, this causes an undue hardship on the respective states—and especially Minnesota—by delaying completion of the Interstate system;

Now therefore, be it resolved that Minnesota Good Roads, Inc. urges the Minnesota Congressional delegation to make passage of an Interstate Cost Estimate its highest priority when Congress convenes in January, 1985.

Be it further resolved that copies of this Resolution be distributed to the Minnesota Congressional delegation and to the Chairmen of the House and Senate Public Works Committees.

Mr. STAFFORD. Mr. President, Last year, it became all too apparent that the ICE and ISCE approvals were going to be held hostage for other items. Even with increased funding for the Federal-Aid Highway Program, highway and bridge needs among the States and localities far outweigh available funds. Historically, this program has functioned well because of the tradition of a Federal-State partnership, with the priority of specific projects being set by State and local decisionmakers who are most familiar with their areas' transportation needs. I strongly believe that the program should be continued on that basis and that issues apart from the essential ones should wait until major, reauthorizing legislation is considered in 1986.

I want to thank Senator SYMMS, the distinguished Transportation Subcommittee chairman, and Senator BENTSEN, who served so ably as ranking minority member of the subcommittee and with the 99th Congress will become the ranking minority committee member.

Extensive hearings were held last year and the issues have been discussed at length. Now is the time for action to approve the interstate estimates and to assure the release of funds to the States without further delay.

SUPERFUND IMPROVEMENT ACT OF 1985

I am also introducing the Superfund Improvement Act of 1985. It is essentially a combination of Superfund amendments reported from the committee during the last Congress by a vote of 17 to 1 with some other relatively minor Superfund amendments adopted by the Senate last year by a vote of 93 to 0.

There is one change, however. Because there was some controversy regarding the victims assistance provisions of last year's committee bill, it is possible that a modified version will be advanced during this year's committee consideration. Therefore, with the assent of the sponsor of those provisions, Senator MITCHELL, the bill contains only a blank where that language was found.

In addition to the Superfund Improvement Act, I am proposing two amendments to it. The first proposes a taxing scheme for raising the $7.5 billion, 5-year extension proposed by the committee last year. I am introducing this amendment to assure that if the need for floor action on extremely short notice arises, there will be a taxing scheme available to the Senate which has been widely circulated and examined.

The second amendment I am offering would establish a private right of action for the victims of hazardous substances released into the environment. I expect that there will be considerable debate prior to the committee or Senate votes on this proposal and am introducing it now so that there will be ample opportunity for the serious consideration it deserves.

To assure availability of these proposals, they are printed in the RECORD under "Amendments Submitted".

CLEAN WATER ACT AMENDMENTS OF 1985

Mr. President, I am introducing today a bill to reauthorize and amend the Clean Water Act. The bill would make needed improvements in the Nation's Water Pollution Control Program and assure that we can continue to build upon the progress achieved over the last 12 years by the Clean Water Act.

My colleagues will recall that we came very close last year to reauthorizing major portions of the Clean Water Act. Thanks in large part to the tireless efforts of my friend and colleague Senator CHAFEE, the Committee on Environment and Public Works completed work on the basic reauthorization bill, S. 431, in July of 1983. Shortly thereafter, the committee reported S. 2006, a bill designed to combat nonpoint source or runoff pollution. During the following year, the committee developed a small number of consensus amendments that we intended to offer on the floor to correct certain deficiencies in S. 431.

As it turned out, we were unable to bring these bills to a vote on the floor. Had we been able to do so, I am confident that the bills and the committee amendments would have passed. The bill I am introducing today simply combines the language of S. 431 and S. 2006, with modifications that would have been made by the package of committee amendments.

Mr. President, this bill also addresses important issues related to the reauthorization of the Sewage Treatment Plant Construction Grants Program. Last year's bill did not reauthorize this program because its present authorization expires at the end of this fiscal year.

The bill I am introducing today would reauthorize the Construction Grants Program for another 5 years at its present funding level of $2.4 billion. I believe that sustained Federal support at this level is essential to maintain the water quality gains of the past decade in the face of anticipated increases in sewage flows.

I anticipate that the Congress also will want to reevaluate the formula for allotment of appropriated funds to the States. The bill makes no specific proposal for a new allotment formula; it leaves the issue open.

THE ACID RAIN CONTROL ACT OF 1985

Finally, I am introducing the Acid Rain Control Act of 1985 on behalf of myself and several other members of the Committee on Environment and Public Works. The bill is quite straightforward and should be familiar to those who have followed the acid rain debate. It consists of two sections from the Clean Air Act reauthorization approved by the Committee on Environment and Public Works during the 98th Congress.

The first section requires that emissions of sulfur dioxide in a 31-State region of the Eastern United States be reduced. over a 10-year period by 10 million tons. The second section is composed of several amendments to section 126 of the Clean Air Act, which deals with the abatement of interstate air pollution. Both of these provisions are fundamentally the same as proposals which have circulated since 1980 and should contain no surprises. Having said that, however, I would like to make a personal observation regarding this bill.

Since becoming chairman of the Committee on Environment and Public Works in 1981, I have consistently expressed the view that acid rain should be viewed not as an isolated issue, but as a single manifestation of the problems created by air pollution in general. Even though that has been my personal view, it was apparent that the public sentiment was to couch the debate in terms of "acid rain," with attention focusing on dead or dying lakes in New England, the Adirondacks, Canada, and the Upper Midwest. In that context, the tonnage-reduction approach contained in the committee bill and other proposals, including one of my own, perhaps made sense.

But over the past 5 years our knowledge base has increased substantially.

In 1979, I offered a floor amendment to the so-called oil back out bill. That amendment was to prevent aggravation of the acid rain problem which might result from the coal conversions contained in President Carter's proposal. I regret to say that my amendment failed. That was at least in part because at that time the only demonstrated damage that my colleagues and I could cite was to a few lakes and streams. Even that was disputed by opponents of acid rain control.

But since 1979, we have learned a great deal more regarding the damage done by acid rain. There is no longer any credible dispute over whether lakes and streams are being killed. They are, and in large numbers. Moreover, it is now becoming increasingly clear that forests are almost certainly being damaged as well, probably throughout the Eastern United States, not just in its northeastern reaches. Most distressing is the rapidly accumulating evidence that current levels of acidic compounds are, in fact, resulting in adverse health effects. For the use of my colleagues and others I am attaching a summary of the current state of knowledge of the impacts of airborne acidity and its impacts on human health, and ask unanimous consent that it be printed. This table summarizes a conference held on November 15 and 16, 1984 at the National Institute of Environmental Health Sciences at the Research Triangle Park in North Carolina.

I believe the conference confirmed what I have long believed: Acid rain poses a threat not only to the lakes, streams, crops, and forests of the United States, but to our people as well, especially sensitive groups such as the young, elderly, and those with lung diseases. Evidence of this is accumulating not only in the United States, but in other countries as well.

In the context of, as critics would say, "a few fish" a tonnage reduction approach to acid rain control might make sense. But in a broader context—when we are discussing not just a few States, but the entire continent—such a limited approach should be reexamined. That is what I have been doing for the past several months and hope to continue during January. Some persons are asking, with increasing legitimacy, if we shouldn't shift our focus from the goal of reducing emissions by 8 million or 10 million or 12 million tons, to a goal of doing our best, regardless of the total reduction which that ultimately yields.

Those questions are being asked not only because of the steadily mounting evidence, but because of the increasingly distinct possibility that some provisions of the Clean Air Act are inadequate to deal with the problem at hand. For example, when the law was enacted, we required that air pollution be reduced to levels which were not a threat to human health. But instead of reducing air pollution, companies built huge smoke stacks, spreading the pollution over ever larger areas.

Confronted with this evasion of the law's purpose—which was to reduce air pollution, not spread it—Congress enacted amendments in 1977. They required that polluters be given credit only for stacks built as high as good engineering practice demanded. It is only today, 7 years after enactment and then only after a court order, that this provision is being implemented. But even now, there are stories in the press that the law's requirement will be avoided yet again by allowing companies to bubble their pollution, thus resulting in only small reductions or perhaps none at all.

In the face of this, some are asking whether one possible approach is to amend the Clean Air Act to deal with tall stacks and acid rain in a simple and straightforward way. Perhaps the proper solution is not to mandate a tonnage reduction, but to mandate an emission limit, say, of 0.80 pounds per million Btu.

And perhaps we need to require more than the use of computer models or bubble calculations for sulphur dioxide emissions to determine our policy toward tall stacks.

Frankly, I am unsure whether these are good ideas or bad ideas or somewhere in between. But what I am convinced of is that we must ask ourselves whether the proper solution to the acid rain problem is not to demand the achievement of a target, but to demand best efforts.

During the month of January I hope to answer this question to my own satisfaction. Depending on my conclusions, I may introduce another acid rain control bill and, to that end, would appreciate any suggestions which other Members might have. In the meantime, I am satisfied that whether a reduction of 10 million tons of sulphur dioxide is the best approach, we should certainly accept no less. This bill will accomplish that.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the table and the bills were ordered to be printed in the RECORD, as follows:

SUMMARY OF MAJOR ISSUES CONCERNING EXPOSURES TO AIRBORNE ACIDITY AND THEIR HUMAN HEALTH EFFECTS

Question	Answer	Applicable conditions	Knowledge gaps	Reference
1. Have health effects from exposure to ambient acidic aerosols been demonstrated in the past?	Yes	~600 cases—resp. morbidity primary H_2SO_4—point source av. exposure ≃ 160 $\mu g/m^3$	Diagnostic criteria. Exposure variability in time and space	Kitagawa ('84).
2. Do current North American exposures to ambient acidic aerosols produce measurable health effects?	Uncertain, but likely	Asthma admissions—secondary aerosol	H^+ vs. surrogate $SO_4^=$	Bates ('84).
		Wheeze—primary plume aerosol	H^+ vs. surrogate SO_2	Schenker ('83).
		Excess daily mortality—secondary aerosol	H^+ vs. surrogate $SO_4^=$	Özkaynak.*
3. What are current North American exposures to ambient acidic aerosols?	max. ≃30 $\mu g/m^3$ as H_2SO_4 (6 hr. av.)	Summer, rural N.E. United States	Spatial, diurnal and seasonal variations	Lioy ('83).
4. What are the effects of single brief exposures to acidic aerosols on respiratory mechanics?	Transient bronchoconstriction in exercising asthmatics	100 $\mu g/m^3$ H_2SO_4—adolescents. 350 $\mu g/m^3$ H_2SO_4—adults	Effects in more severely disabled patients	Koenig ('83), Utell.*
	Persistent reduction in DL_{CO} in guinea pigs	≤40 $\mu g/m^3$ H_2SO_4	Significance to human health effects	Amdur ('84).
5. What are the effects of single brief exposures to acidic aerosols on particle clearance from the lungs?	↑—mucociliary clearance, ↓—mucociliary clearance, ↑—alveolar clearance, ↑—activation of macrophages	≤ 100 $\mu g/m^3$ H_2SO_4—humans, ≤ 250 $\mu g/m^3$ H_2SO_4—rabbits, > 500 $\mu g/m^3$ H_2SO_4—humans, > 750 $\mu g/m^3$ H_2SO_4—rabbits, 1000 $\mu g/m^3$ H_2SO_4—rabbits, 1000 $\mu g/m^3$ H_2SO_4—rabbits	Effects on lung epithelium	Schlesinger.*
6. What are the effects of repetitive exposures to acidic aerosols on lung structure and function?	↑ secretory cells, ↑ epithelial thickness, ↑ alveolar clearance	250–500 $\mu g/m^3$, 1 h/day, 5 d/wk—rabbits	Progression of epithelial changes	Schlesinger.*
7. What are the implications of persistent structural and functional alterations in the lung to the pathogenesis of chronic respiratory disease?	T–B tree—unknown, of concern because early changes parallel those from cigarette smokers	Repetitive daily exposure to irritants—stimulation of mucus secretion	Effects on respiratory mechanics and symptoms at later stages	
	Alveolar region—unknown, of concern because persistent inflammation can lead to abnormal repair processes	Continuous mild inflammatory response	Effects of macrophage activation and protracted recruitment of inflammatory cells and fibroblasts. Structural changes in deep lung	
8. Are there especially sensitive subgroups in the population? If so, who are they?	Yes: asthmatics, esp. adolescents and with vigorous exercise	Bronchoconstriction—100 $\mu g/m^3$ H_2SO_4 or 0.3 ppm NO_2	Effects in more severely disabled patients	Utell.*
9. Do other ambient pollutants potentiate the effects of acidic aerosols on the respiratory tract?	Yes	Summarized in Schlesinger's paper*	Other mixtures, sequences of exposures	
10. What are the critical knowledge gaps that limit our ability to assess the health impact of inhalation exposures to acidic aerosols?	(a) Systematic data on the spatial and temporal distribution of population exposures. (b) Extension and refinement of population response studies in relation to acid aerosol exposures. (c) Progression of changes in lung structure during repetitive daily exposures of experimental animals to acidic aerosols, oxidants, and their mixtures, with concurrent measurements of particle clearance and respiratory mechanical function. (d) Response of normal healthy and asthmatic human volunteers to mixtures of acidic aerosols and oxidant vapors under controlled conditions of exposure and exercise intensity.			

*Presentation in session I, this conference.
↑ An acceleration in rate.
↓ A retardation in rate.

S. 51

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the Superfund Improvement Act of 1985.

TITLE I

INDIAN TRIBES

SEC. 101. (a) Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended.

(1) by striking "and" at the end of paragraph (31), striking the period at the end of paragraph (32), and adding a new paragraph as follows:

"(33) 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village but not including any Alaska Native regional or village corporation, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and";

(2) in paragraph (16) by striking "or" the last time it appears and by inserting before the semicolon at the end thereof the following: ", any Indian tribe, or, if such resources are subject to a trust restriction on alienation, any member of an Indian tribe".

(b) Section 104(c)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following: "In the case of remedial action to be taken on land or water held by an Indian tribe, held by the United States in trust for Indians, held by a member of an Indian tribe (if such land or water is subject to a trust restriction on alienation), or otherwise within the borders of an Indian reservation, the requirements of this paragraph for assurances regarding future maintenance and cost-sharing shall not apply, and the President shall provide the assurance required by this paragraph regarding the availability of a hazardous waste disposal facility.".

(c) Section 104(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting "or Indian tribe" after the phrase "political subdivision thereof" both times that phrase occurs, and by inserting "or Indian tribe" after the phrase "political subdivision" both times that phrase occurs.

(d) Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(1) in subsection (a) by inserting "or an Indian tribe" after "State";

(2) In subsection (f) by inserting after "State" the third time that word appears the following: "and to any Indian tribe for natural resources belonging to, managed by, controlled by, or appertaining to such tribe, or held in trust for the benefit of such tribe, or belonging to a member of such tribe if such resources are subject to a trust restriction on alienation:"; by inserting "or Indian tribe" after "State" the fourth time that word appears; by adding before the period at the end of the first sentence the following: ", so long as, in the case of damages to an Indian tribe occurring pursuant to a Federal permit or license, the issuance of that permit or license was not inconsistent with the fiduciary duty of the United States with respect to such Indian tribe"; and by inserting "or the Indian tribe" after "State government";

(3) in subsection (i) by inserting "or Indian tribe" after "State" the first time it appears; and

(4) in subsection (j) by inserting "or Indian tribe" after "State" the first time it appears.

(e) Section 111 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(1) in subsection (b) by inserting before the period at the end thereof the following: ", or by any Indian tribe or by the United States acting on behalf of any Indian tribe for natural resources belonging to, managed by, controlled by, or appertaining to such tribe, or held in trust for the benefit of such tribe, or belonging to a member of such tribe if such resources are subject to a trust restriction on alienation";

(2) in subsection (c)(2) by inserting "or Indian tribe" after "State";

(3) in subsection (f) by inserting "or Indian tribe" after "State"; and

(4) in subsection (i) by inserting after "State," the following: "and by the governing body of any Indian tribe having sustained damage to natural resources belonging to, managed by, controlled by, or appertaining to such tribe, or held in trust for the benefit of such tribe, or belonging to a member of such tribe if such resources are subject to a trust restriction on alienation,".

(f) Section 112(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as rewritten by this Act) is amended by adding before the period at the end of the proviso the following: ", nor against an Indian tribe until the United States, in its capacity as trustee for the tribe, gives written notice to the governing body of the tribe that it will not present a claim or commence an action on behalf of the tribe or fails to present a claim or commence an action within the time limitations specified in this subsection".

(g) Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following new section:

"INDIAN TRIBES

"SEC. 116. The governing body of an Indian tribe shall be afforded substantially the same treatment as a State with respect to the provisions of section 103(a) (regarding notification of releases), section 104(c)(2) (regarding consultation on remedial actions), section 104(e) (regarding access to information), section 104(i) (regarding cooperation in establishing and maintaining national registries), and section 105 (regarding roles and responsibilities under the national contingency plan and submittal of priorities for remedial action, but not including the provision regarding the inclusion of at least one facility per State on the national priority list).".

COMMUNITY RELOCATION

SEC. 102. (a) The second sentence of paragraph (23) of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting after "not otherwise provided for," the phrase "costs of permanent relocation of residents where it is determined that such permanent relocation is cost effective or may be necessary to protect health or welfare," and by striking out the semicolon at the end thereof and inserting in lieu thereof a period and the following: "In the case of a business located in an area of evacuation or relocation, the term may also include the payment of those installments of principal and interest on business debt which accrue between the date of evacuation or temporary relocation and thirty days following the date the permanent relocation is actually accomplished or, if permanent relocation is formally rejected as the appropriate response, the date on which evacuation or temporary relocation ceases. In the case of an individual unemployed as a result of such evacuation or relocation, it may also include the provision of assistance identical to that authorized by sections 407, 408, and 409 of the Disaster Relief Act of 1974: *Provided,* That the costs of such assistance shall be paid from the Trust Fund;".

(b) Section 104(c)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting before "authorized by subsection (b) of this section," the phrase "for permanent relocation or".

ALTERNATIVE WATER SUPPLIES

SEC. 103. Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, is amended by striking the period at the end of paragraph (30) and inserting in lieu thereof a semicolon; and by adding after new paragraph (33) the following new paragraph:

"(34) 'alternative water supplies' includes, but is not limited to, drinking water and household water supplies.".

STATE CREDIT

SEC. 104. (a) Section 104(c)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking "The President shall grant the State a credit against the share" and all that follows down through the end of such section 104(c)(3) and inserting in lieu thereof the following: "In determining the portion of the costs referred to in this section which is required to be paid by a participating State, the President shall grant the State a credit for amounts expended or obligated by such State or by a political subdivision thereof after January 1, 1978, and before December 11, 1980, for any response action costs which are covered by section 111(a) (1) or (2) and which were incurred at a facility or release listed pursuant to section 105(8). Such credit shall have the effect of reducing the amount which the State would otherwise be required to pay in connection with assistance under this section.".

(b)(1) Section 104(d)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new sentence: "For the purposes of the last sentence of subsection (c)(3) of this section, the President may enter into a contract or cooperative agreement with a State under this paragraph under which such State will take response actions in connection with releases listed pursuant to section 105(8)(B), using non-Federal funds for such response actions, in advance of and without any obligation by the President of amounts from the Fund for such response actions.".

(2) Section 104(c)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is further amended by adding the following sentence: "The President shall grant the State a

credit against the share of costs for which it is responsible under this paragraph for any reasonable, documented, direct out of pocket non-Federal funds expended or obligated by the State under a contract or cooperative agreement under the last sentence of subsection (d)(1).".

FUNDING OF REMEDIAL ACTION AT FACILITY OWNED BY A STATE OR POLITICAL SUBDIVISION BUT OPERATED PRIVATELY

SEC. 105. Section 104(c)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(1) by amending section 104(c)(3)(C)(ii) to read as follows:

"(ii) 50 per centum (or such greater amount as the President may determine appropriate, taking into account the degree of responsibility of the State or political subdivision for the release) of the capital, future operation, and future maintenance costs of the response action relating to a release at a facility, primarily used for treatment, storage, or disposal, that was owned and operated by the State or a political subdivision thereof at the time of any disposal of hazardous substances in such facility. For the purpose of subparagraph (c)(ii) of this paragraph, the term 'facility' does not include navigable waters or the beds underlying those waters."; and

(2) by adding at the end thereof the following: "In the case of any State which has paid, at any time after the date of the enactment of the Superfund Improvement Act of 1985, in excess of 10 percent of the costs of remedial action at a facility owned but not operated by such State or by a political subdivision thereof, the President shall use money in the Fund to provide reimbursement to such State for the amount of such excess.".

SELECTION OF REMEDIAL ACTIONS

SEC. 106. Section 104(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended to read as follows:

"(4)(A) The President shall select appropriate remedial actions determined to be necessary to carry out this section which, to the extent practicable, are in accordance with the national contingency plan and which provide for cost-effective response. In evaluating the cost-effectiveness of proposed alternative remedial actions, the President shall take into account the total short- and long-term costs of such actions, including the costs of operation and maintenance for the entire period during which such activities will be required.

"(B) Remedial actions in which treatment which significantly reduces the volume, toxicity or mobility of the hazardous substances is a principal element, are to be preferred over remedial actions not involving such treatment. The offsite transport and disposal of hazardous substances or contaminated materials without such treatment should be the least favored alternative remedial action, where practicable treatment technologies are available.

"(C) Remedial actions selected under this paragraph or otherwise required or agreed to by the President under this Act shall attain a degree of cleanup of hazardous substances, pollutants and contaminants from the environment and of control of further release at a minimum which assures protection of human health and the environment. Such remedial actions shall be relevant and appropriate under the circumstances presented by the release or threatened release of such substance, pollutant, or contaminant.

"(D) No permit shall be required under subtitle C of the Solid Waste Disposal Act for the portion of any removal or remedial action conducted pursuant to this Act entirely onsite: *Provided,* That any onsite treatment, storage, or disposal of hazardous substances, pollutants or contaminants shall comply with the requirements of subparagraph (C).

"(E) Subject to the requirements of this paragraph, the President shall select the appropriate remedial action which provides a balance between the need for protection of public health and welfare and the environment at the facility under consideration, and the availability of amounts from the Fund to respond to other sites which present or may present a threat to public health or welfare or the environment, taking into consideration the relative immediacy of such threats.".

STATE AND FEDERAL CONTRIBUTIONS TO OPERATION AND MAINTENANCE

SEC. 107. Section 104(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new paragraphs:

"(5) For the purposes of paragraph (3) of this subsection, in the case of ground or surface water contamination, completed remedial action includes the completion of treatment or other measures, whether taken onsite or offsite, necessary to restore ground and surface water quality to a level that assures protection of human health and the environment. With respect to such measures, the operation of such measures for a period up to five years after the construction or installation and commencement of operation shall be considered remedial action. Activities required to maintain the effectiveness of such measures following such period or the completion of remedial action, whichever is earlier, shall be considered operation or maintenance.

(7) "During any period after the availability of funds received by the Trust Fund under sections 4611 and 4661 of the Internal Revenue Code of 1954 or section 221(b)(2) of this Act, the Federal share of the payment of costs for operation and maintenance pursuant to paragraph (3)(C)(i) or paragraph (5) of this subsection shall be from funds received by the Trust Fund under section 221(b)(1)(B).".

SITING OF HAZARDOUS WASTE FACILITIES

SEC. 108. Section 104(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new paragraph:

"(7) Effective four years after the date of enactment of this paragraph, the President shall not provide any remedial actions pursuant to this section unless the State in which the release occurs first enters into a contract or cooperative agreement with the President providing assurances deemed adequate by the President that the State will assure the availability of hazardous waste treatment or disposal facilities acceptable to the President and in compliance with the requirements of subtitle C of the Solid Waste Disposal Act with adequate capacity for the destruction, treatment, or secure disposition of all hazardous wastes that are reasonably expected to be generated within the State during the 20-year period following the date of such contract or cooperative agreement and to be disposed of, treated, or destroyed."

COOPERATIVE AGREEMENTS

SEC. 109. Section 104(d)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking all of the existing paragraph (other than that added by this Act) and substituting the following:

(d)(1) Where the President determines that a State or political subdivision has the capability to carry out any or all of the actions authorized in this section, the President may, in his discretion, enter into a contract or cooperative agreement and combine any existing cooperative agreements with such State or political subdivision to take such actions in accordance with criteria and priorities established pursuant to Section 105(8) of this title and to be reimbursed from the Fund for the reasonable response costs and related activities associated with the overall implementation, coordination, enforcement, training, community relations, site inventory and assessment efforts, and administration of remedial activities authorized by this Act. Any contract made hereunder shall be subject to the cost-sharing provisions of subsection (c) of this section."

HEALTH-RELATED AUTHORITIES

SEC. 118. (a) Section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting "(1)" after "(i)", by redesignating paragraphs (1), (2), (3), (4), and (5) as subparagraphs (A), (B), (C), (D), and (E), and by adding the following new paragraphs:

"(2) The Agency for Toxic Substances and Disease Registry shall provide consultations upon request on health issues relating to exposure to hazardous or toxic substance, on the basis of available information, to the Environmental Protection Agency, State officials, and local officials. Such consultations to individuals may be provided by States under cooperative agreements established under this Act.

"(3)(A) The Administrator shall perform a health assessment for each release, threatened release or facility on the National Priority List established under section 105. Such health assessment shall be completed not later than two years after the date of enactment of the Superfund Improvement Act of 1985 for each release, threatened release or facility proposed for inclusion on such list prior to such date of enactment or not later than one year after the date of proposal for inclusion on such list for each release, threatened release or facility proposed for inclusion on such list after such date of enactment. The Administrator shall also perform a health assessment for each facility for which one is required under section 3005(j) of the Solid Waste Disposal Act and, upon request of the Administrator of the Environmental Protection agency or a State, for each facility subject to this act or subtitle C of the Solid Waste Disposal Act, where there is sufficient data as to what hazardous substances are present in such facility.

"(B) The Administrator may perform health assessments for releases on facilities where individual persons or licensed physicians provide information that individuals have been exposed to a hazardous substance, for which the probable source of such exposure is a release. In addition to other methods (formal or informal) of providing such information, such individual persons or licensed physicians may submit a petition to the Administrator providing such information and requesting a health

assessment. If such a petition is submitted and the Administrator does not initiate a health assessment, the Administrator shall provide a written explanation of why a health assessment is not appropriate.

"(C) In determining sites at which to conduct health assessments under this paragraph, the Administrator of the Agency for Toxic Substances and Disease Registry shall give priority to those facilities or sites at which there is documented evidence of release of hazardous substances, at which the potential risk to human health appears highest, and for which in the judgment of the Administrator of such Agency existing health assessment data is inadequate to assess the potential risk to human health as provided in subparagraph (E).

"(D) Any State or political subdivision carrying out an assessment shall report the results of the assessment to the Administrator of such Agency, and shall include recommendations with respect to further activities which need to be carried out under this section. The Administrator of such Agency shall include the same recommendation in a report on the results of any assessment carried out directly by the Agency, and shall issue periodic reports which include the results of all the assessments carried out under this paragraph.

"(E) For the purposes of this subsection and section 111(c)(4), the term 'health assessments' shall include preliminary assessments of the potential risk to human health posed by individual sites and facilities, based on such factors as the nature and extent of contamination, the existence of potential for pathways of human exposure (including ground or surface water contamination, air emissions, and food chain contamination), the size and potential susceptibility of the community within the likely pathways of exposure, the comparison of expected human exposure levels to the short-term and long-term health effects associated with identified contaminants and any available recommended exposure or tolerance limits for such contaminants, and the comparison of existing morbidity and mortality data on diseases that may be associated with the observed levels of exposure. The assessment shall include an evaluation of the risks to the potentially affected population from all sources of such contaminants, including known point or nonpoint sources other than the site or facility in question. A purpose of such preliminary assessments shall be to help determine whether full-scale health or epidemiological studies and medical evaluations of exposed populations shall be undertaken.

"(F) At the completion of each health assessment the Administrator shall provide the Administrator of the Environmental Protection Agency and each affected State with the results of such assessment, together with any recommendations for further action under this subsection or otherwise under this Act.

"(G) In any case in which a health assessment performed under this paragraph (including one required by section 3005(j) of the Solid Waste Disposal Act) discloses the exposure of a population to the release of a hazardous substance, the costs of such health assessment may be recovered as a cost of response under section 107 of this Act from persons causing or contributing to such release of such hazardous substance or, in the case of multiple releases contributing to such exposure, to all such releases.

"(4) Whenever, in the judgment of the Administrator, it is appropriate on the basis of the results of a health assessment, the Administrator shall conduct a pilot study of health effects for selected groups of exposed individuals, in order to determine the desirability of conducting full scale epidemiological or other health studies of the entire exposed population. Whenever in the judgment of the Administrator it is appropriate on the basis of the results of such pilot study, the Administrator shall conduct such full scale epidemiological or other health studies as may be necessary to determine the health effects for the population exposed to hazardous substances in a release or suspected release.

"(5) In any case in which the results of a health assessment indicate a potential significant risk to human health, the Administrator shall consider whether the establishment of a registry of exposed persons would contribute to accomplishing the purposes of this subsection, taking into account circumstances bearing on the usefulness of such a registry, including the seriousness or unique character of identified diseases or the likelihood of population migration from the affected area.

"(6) The Administrator shall conduct a study, and report to the Congress within two years after the date of enactment of the Superfund Improvement Act of 1985, on the usefulness, costs, and potential implications of medical surveillance programs as a part of the health studies authorized by this section. Such study shall include, at a minimum, programs which identify diseases for which an exposed population is at excess risk, provide periodic medical testing to screen for such diseases in subgroups of the exposed population at highest risk, and provide for a mechanism to refer for treatment individuals who are diagnosed as having such diseases.

"(7) If a health assessment or other study carried out under this subsection contains a finding that the exposure concerned presents a significant risk to human health, the President shall take such steps as may be necessary to reduce such exposure and eliminate or substantially mitigate the significant risk to human health. Such steps may include the use of any authority under this Act, including, but not limited to—

"(1) provision of alternative water supplies, and

"(2) permanent or temporary relocation of individuals.

"(8) In any case which is the subject of a petition, a health assessment or study, or a research program under this subsection, nothing in this subsection shall be construed to delay or otherwise affect or impair the authority of the President or the Administrator of the Environmental Protection Agency to exercise any authority vested in the President or such Administrator under any other provision of law (including, but not limited to, the imminent hazard authority of section 7003 of the Solid Waste Disposal Act) or the response and abatement authorities of this Act.

"(9)(A) The Administrator shall, within six months after the date of enactment of the Superfund Improvement Act of 1985, prepare a list of at least one hundred hazardous substances which the Administrator, in his sole discretion, determines are those posing the most significant potential threat to human health due to their common presence at the location of responses under section 104 or at facilities on the National Priority List or in releases to which a response under section 104 is under consideration. Within twenty-four months after enactment, the Administrator shall prepare a list of an additional one hundred or more such hazardous substances. The Administrator shall not less often than once every year thereafter add to such list other substances which are frequently so found or otherwise pose a potentially significant threat to human health by reason of their physical, chemical, or biological nature.

"(B) For each such hazardous substance listed pursuant to subparagraph (A), the Administrator shall assess whether adequate information on the health effects of such substance is available. For any such substance for which adequate information is not available (or under development), the Administrator shall assure the initiation of a program of research designed to determine the health effects (and techniques for development of methods to determine such health effects) of such substance. Where feasible, such program shall seek to develop methods to determine the health effects of such substance in combination with other substances with which it is commonly found. Such program shall include, but not be limited to—

"(i) laboratory and other studies to determine short, intermediate, and long-term health effects;

"(ii) laboratory and other studies to determine organ-specific, site-specific, and system-specific acute and chronic toxicity;

"(iii) laboratory and other studies to determine the manner in which such substances are metabolized or to otherwise develop an understanding of the biokinetics of such substances; and

"(iv) where there is a possibility of obtaining human data, the collection of such information.

"(C) In assessing the need to perform laboratory and other studies, as required by subparagraph (B), the Administrator shall consider—

"(i) the availability and quality of existing test data concerning the substance on the suspected health effect in question;

"(ii) the extent to which testing already in progress will, in a timely fashion, provide data that will be adequate to support the preparation of toxicological profiles as required by subparagraph (F) of this paragraph; and

"(iii) such other scientific and technical factors as the Administrator may determine are necessary for the effective implementation of this subsection.

"(D) In the development and implementation of any research program under this paragraph, the Administrator of the Agency for Toxic Substances and Disease Registry and the Administrator of the Environmental Protection Agency shall coordinate such research program implemented under this paragraph with programs of toxicological testing established under the Toxic Substances Control Act and the Federal Insecticide, Fungicide and Rodenticide Act. The purpose of such coordination shall be to avoid duplication of effort and to assure that the hazardous substances listed pursuant to this subsection are tested thoroughly at the earliest practicable date. Where appropriate in the discretion of the Administrator and consistent with such purpose, a research program under this paragraph may be carried out using such programs of toxicological testing.

"(E) It is the sense of the Congress that the costs of research programs under this paragraph be borne by the manufacturers of the hazardous substance in question, as required in programs of toxicological testing

under the Toxic Substances Control Act. Where this is not practical, the costs of such research programs should be borne by parties responsible for the release of the hazardous substance in question. To carry out such intention, the costs of conducting such a research program under this paragraph shall be deemed a cost of response for the purposes of recovery under section 107 of such costs from a party responsible for a release of such hazardous substance.

"(F) Based on all available information, including data developed and collected on the health effects of hazardous substances under this paragraph, the Administrator shall prepare toxicological profiles sufficient to establish the likely effect on human health of each of the substances listed pursuant to subparagraph (A). Such profiles shall be revised and republished as necessary, but no less often than once every five years. Such profiles shall be provided to the States and made available to other interested parties.

"(10) All studies and results of research conducted under this subsection (other than health assessments) shall be reported or adopted only after appropriate peer review. Such peer review shall be conducted by panels consisting of no less than three nor more than seven members, who shall be disinterested scientific experts selected for such purpose by the Administrator on the basis of their reputation for scientific objectivity and the lack of institutional ties with any person involved in the conduct of the study or research under review. Support services for such panels shall be provided by the Agency for Toxic Substances and Disease Registry.

"(11) In the implementation of this subsection and other health-related authorities of this Act, the Administrator is authorized to establish a program for the education of physicians and other health professionals on methods of diagnosis and treatment of injury or disease related to exposure to toxic substances, through such means as the Administrator deems appropriate. Not later than one year after the date of enactment of the Superfund Improvement Act 1985, the Administrator shall report to the Congress on the implementation of this paragraph.

"(12) For the purpose of implementing this subsection and other health-related authorities of this Act, the President shall provide adequate personnel to the Agency for Toxic Substances and Disease Registry, which shall be no fewer than one hundred full time equivalent employees.

"(13) The activities described in this subsection and section 111(c)(4) shall be carried out by the Agency for Toxic Substances and Disease Registry established by paragraph (1), either directly, or through cooperative agreements with States (or political subdivisions thereof) in the case of States (or political subdivisions) which the Administrator of such Agency determines are capable of carrying out such activities. Such activities shall include the provision of consultations on health information, and the conduct of health assessments, including those required under section 3005(j) of the Solid Waste Disposal Act, health studies and registries.".

(b) Section 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended—

(1) by inserting "in accordance with subsection (n) of this section and section 104(i)," after "(4)"; and

(2) by striking "epidemiologic studies" and inserting in lieu thereof "epidemiologic and laboratory studies and health assessments".

(c) Section 111 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following new subsection:

"(n) For fiscal year 1985, not less than $18,000,000 and, for each fiscal year thereafter, not less than five per centum of all sums appropriated from the Trust Fund or $50,000,000, whichever is less, shall be directly available to the Agency for Toxic Substances and Disease Registry and used for the purpose of carrying out activities described in subsection (c)(4) and section 104(i), including any such activities related to hazardous waste stored, treated, or disposed of at a facility having a permit under section 3025 of the Solid Waste Disposal Act. Any funds so made available which are not obligated by the beginning of the fourth quarter of the fiscal year in which made available shall be made available in the Trust Fund for other purposes.".

(d) Section 3005 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(j) EXPOSURE INFORMATION AND HEALTH ASSESSMENTS.—(1) Beginning on the date nine months after the enactment of the Solid Waste Disposal Act Amendments of 1984, each completed application for a permit under subsection (c) for a landfill or surface impoundment shall be accompanied by information reasonably ascertainable by the owner or operator on the potential for the public to be exposed to hazardous wastes or hazardous constituents through releases related to the unit. At a minimum, such information must address—

"(A) reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;

"(B) the potential pathways of human exposure to hazardous wastes or constituents resulting from the releases described under subparagraph (A); and

"(C) the potential magnitude and nature of the human exposure resulting from such releases.

The owner or operator of a landfill or surface impoundment for which a completed application for a permit under subsection (c) has been submitted prior to such date shall submit the information required by this paragraph to the Administrator (or the State, in the case of a State with an authorized program) no later than the date nine months after such date of enactment.

"(2) The Administrator (or the State, in the case of a State with an authorized program) shall make the information required by paragraph (1), together with other relevant information, available to the Agency for Toxic Substances and Disease Registry established by section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Whenever in the judgment of the Administrator of such Agency, the Administrator, or the State (in the case of a State with an authorized program), a landfill or a surface impoundment poses a substantial potential risk to human health, due to the existence of releases of hazardous constituents, the magnitude of contamination with hazardous constituents which may be the result of a release, or the magnitude of the population exposed to such release or contamination, the Administrator of the Agency for Toxic Substances and Disease Registry shall conduct a health assessment in connection with such facility in accordance with section 104(i)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and take other appropriate action with respect to such risks as authorized by section 104(b) and (i) of such Act.

"(3) Any member of the public may submit evidence of releases of or exposure to hazardous constituents from such a facility, or as to the risks or health effects associated with such releases or exposure, to the Administrator of the Agency for Toxic Substances and Diseases Registry, the Administator, or the State (in the case of a State with an authorized program).".

(e) Section 104(i)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by—

(1) striking "the Surgeon General of the United States" and inserting in lieu thereof "the Secretary of Health and Human Services";

(2) inserting in the second sentence thereof after "of said Agency" the following: "(hereinafter in this subsection referred to as 'the Administrator')";

(3) striking "chromosomal testing" in subparagraph (D) and inserting in lieu thereof "appropriate testing".

PUBLIC PARTICIPATION

SEC. 111. Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following new subsection:

"(j) Before selection of appropriate remedial action to be undertaken by the United States or a State or before entering into a covenant not to sue or to forebear from suit or otherwise settle or dispose of a claim arising under this Act, notice of such proposed action and an opportunity for a public meeting in the affected area, as well as a reasonable opportunity to comment, shall be afforded to the public prior to final adoption or entry. Notice shall be accompanied by a discussion and analysis sufficient to provide a reasonable explanation of the proposal and alternative proposals considered.".

LOVE CANAL PROPERTY ACQUISITION

SEC. . Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding a new subsection as follows:

"(k) In determining priorities among releases and threatened releases under the National Contingency Plan and in carrying out remedial action under this section, the Administrator shall establish a high priority for the acquisition of all properties (including nonowner occupied residential, commercial, public, religious, and vacant properties) in the area in which, before May 22, 1980, the President determined an emergency to exist because of the release of hazardous substances and in which owner occupied residences have been acquired pursuant to such determination.".

NATIONAL CONTINGENCY PLAN—HAZARD RANKING SYSTEM

SEC. 112. Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting "(a)" immediately following "105." and by adding the following at the end thereof:

"(b) Not later than twelve months after the date of enactment of the Superfund Improvement Act of 1985, the President shall revise the National Contingency Plan to re-

flect the requirements of such amendments. The portion of such Plan known as 'the National Hazardous Substance Response Plan' shall be revised to provide procedures and standards for remedial actions undertaken pursuant to this Act which are consistent with amendments made by the Superfund Improvement Act of 1985 relating to the selection of remedial action.

"(c) Not later than twelve months after the date of enactment of the Superfund Improvement Act of 1985 and after publication of notice and opportunity for submission of comments in accordance with section 553 of title 5, United States Code, the President shall by rule promulgate amendments to the hazard ranking system in effect on September 1, 1984. Such amendments shall assure, to the maximum extent feasible, that the hazard ranking system accurately assesses the relative degree of risk to human health and the environment posed by sites and facilities subject to review. The President shall establish an effective date for the amended hazard ranking system which is not later than eighteen months after the date of enactment of the Superfund Improvement Act of 1985 and such amended hazard ranking system shall be applied to any site or facility to be newly listed on the National Priority List after the effective date established by the President. Until such effective date of the regulations, the hazard ranking system in effect on September 1, 1984, shall continue in full force and effect.".

STATE AND LOCAL GOVERNMENT LIABILITY

SEC. 113. Section 107(d) of the Comprehensive Environmental Response, Compensation, and Liability Act to 1980 is amended by inserting "(1)" after "(d)" and adding the following new language:

"(2) No State or local government shall be liable under this title for costs or damages as a result of nonnegligent actions taken in response to an emergency created by the release of a hazardous substance, pollutant, or contaminant generated by or from a facility owned by another person.".

CONTRACTOR INDEMNIFICATION

SEC. 114. Section 107(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting after paragraph (1) the following new paragraph and redesignating the succeeding paragraph accordingly:

"(2) The Administrator may, in contracting or arranging for response action to be undertaken under this Act, agree to hold harmless and indemnify a contracting party against claims, including the expenses of litigation or settlement, by third persons for death, bodily injury or loss of or damage to property arising out of performance of a cleanup agreement to the extent that such claim does not arise out of the negligence of the contracting party.".

DIRECT ACTION

SEC. 115. (a) Section 108 (c) and (d) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended to read as follows:

"(c) In any case where the owner or operator is in bankruptcy, reorganization, or arrangement pursuant to the Federal Bankruptcy Code or where with reasonable diligence jurisdiction in the Federal Courts cannot be obtained over an owner or operator likely to be solvent at the time of judgment, any claim authorized by section 107 and 111 may be asserted directly against the guarantor providing evidence of financial responsibility. In the case of any action pursuant to this subsection, such guarantor shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if any action had been brought against the owner or operator by the claimant and which would have been available to the guarantor if an action had been brought against the guarantor by the owner or operator.

"(d) The total liability under this Act of any guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the owner or operator under this Act: *Provided,* That nothing in this subsection shall be construed to limit any other State or Federal statutory, contractual or common law liability of a guarantor to its owner or operator including, but not limited to, the liability of such guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim: *Provided further,* That nothing in this subsection shall be construed, interpreted or applied to diminish the liability of any person under section 107 or 111 of this Act or other applicable law.".

(b) Section 108(b)(2) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended by adding the following: "Financial responsibility may be established by any one, or any combination, of the following: insurance, guarantee, surety bond, letter of credit, or qualification as a self-insurer. In promulgating requirements under this section, the President is authorized to specify policy or other contractual terms, conditions, or defenses which are necessary or are unacceptable in establishing such evidence of financial responsibility in order to effectuate the purposes of this Act.".

VICTIM ASSISTANCE PROGRAM

SEC. 116. * * *.

FUND USE OUTSIDE FEDERAL PROPERTY BOUNDARIES

SEC. 117. Section 111(e)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting before the period a colon and the following: *"Provided,* That money in the Fund shall be available for the provision of alternative water supplies (including the reimbursement of costs incurred by a municipality) in any case involving groundwater contamination outside the boundaries of a federally owned facility in which the federally owned facility is not the only potentially responsible party.".

STATUTE OF LIMITATIONS

SEC. 118. Section 112(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended to read as follows:

"(d) No claim may be presented, nor may any action be commenced, under this title—

"(1) for the costs of response, unless that claim is presented or action commenced within three years after the date of completion of the response action;

"(2) for damages under subparagraph (C) of section 107(a), unless that claim is presented or action commenced within three years after the date on which final regulations are promulgated under section 301(c) or within three years after the date of the discovery of the loss and its connection with the release in question or the date of enactment of this Act, whichever is later; or

"(3) for any other damages, unless that claim is presented or action commenced within three years after the date of the discovery of the loss and its connection with the release in question or the date of enactment of this Act, whichever is later: *Provided, however,* That the time limitations contained in this paragraph shall not begin to run against a minor until he reaches eighteen years of age or a legal representative is duly appointed for him, nor against an incompetent person until his incompetency ends or a legal representative is duly appointed for him. No claim may be presented or action be commenced under this paragraph for any damages if, prior to the date of enactment of the Superfund Improvement Act of 1985, the statute of limitations which would otherwise apply under this paragraph has expired.".

JUDICIAL REVIEW

SEC. 119. Section 113(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended to read as follows:

"SEC. 113. (a)(1) Review of any regulation promulgated under this Act may be had upon application by any interested person in the Circuit Court of Appeals of the United States for the District of Columbia or in any United States Court of Appeals for a circuit in which the applicant resides or transacts business which is directly affected by such regulation. Any such application shall be made within one hundred and twenty days from the date of promulgation of such regulation, or after such date only if such application is based solely on grounds which arose after such one hundred and twentieth day. Any matter with respect to which review could have been obtained under this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement or to obtain damages or recovery of response costs.

"(2)(A) If applications for review of the same agency action have been filed in two or more United States Courts of Appeals and the Administrator has received written notice of the filing of the first such application more than thirty days before receiving written notice of the filing of the second application, then the record shall be filed in that court in which the first application was filed. If applications for review of the same agency action have been filed in two or more United States Courts of Appeals and the Administrator has received written notice of the filing of one or more applications within thirty days or less after receiving written notice of the filing of the first application, then the Administrator shall promptly advise in writing the Administrative Office of the United States Courts that applications have been filed in two or more United States Courts of Appeals, and shall identify each court for which he has written notice that such applications have been filed within thirty days or less of receiving written notice of the filing of the first such application. Pursuant to a system of random selection devised for this purpose, and within three business days after receiving such notice from the Administrator, the Administrative Office thereupon shall select the court in which the record shall be filed from among those identified by the Administrator. Upon notification of such selection, the Administrator shall promptly file the record in such court. For the purpose of review of agency action which has previously been remanded to the Administrator, the record shall be filed in the United States Court of Appeals which remanded such action.

"(B) Where applications have been filed in two or more United States Courts of Ap-

peals with respect to the same agency action and the record has been filed in one of such courts pursuant to subparagraph (A), the other courts in which such applications have been filed shall promptly transfer such applications to the United States Court of Appeals in which the record has been filed. Pending selection of a court pursuant to subparagraph (A), any court in which an application has been filed may postpone the effective date of the agency action until fifteen days after the Administrative Office has selected the court in which the record shall be filed.

"(C) Any court in which an application with respect to any agency action has been filed, including any court selected pursuant to subparagraph (A), may transfer such application to any other United States Court of Appeals for the convenience of the parties or otherwise in the interest of justice.".

CLARIFICATION OF PREEMPTION LANGUAGE

SEC. 120. Section 114(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting after the first sentence thereof the following: "Nothing in this section shall preclude any State from requiring any person to contribute to a fund to pay (1) the costs of the non-Federal share or other State responsibilities under section 104(c)(3), or (2) the direct and indirect costs of response actions at facilities or locations where the President has not responsed under this Act or in addition to response actions taken under this Act, or, (3) any other management, enforcement, or administration activities related to response actions or other cleanup of hazardous substances or hazardous wastes.".

FEDERAL FACILITIES

SEC. 121. Section 115 of the Comprehensive Environmental, Compensation, and Liability Act of 1980 is amended by inserting before the period at the end thereof a colon and the following: *"Provided,* That with respect to a Federal facility or activity for which such duties or powers are delegated to an officer, employee or representative of the department, agency or instrumentality which owns or operates such facility or conducts such activity, the concurrence of the Administrator (and the responsible State official where a cooperative agreement has been entered into) shall be required for the selection of appropriate remedial action and the administrative order authorities of section 106(a) are hereby delegated to the Administrator".

ADMINISTRATIVE CONFERENCE RECOMMENDATION

SEC. 122. The Congress finds that Recommendation 84-4 of the Administrative Conference of the United States (Adopted June 29, 1984) is generally consistent with the goals and purposes of the Comprehensive Environmental Response, Compensation, and Liability Act of 1982, and that the Administrator should consider such Recommendation and implement it to the extent that the Administrator determines that such implementation will expedite the cleanup of hazardous substances which have been released into the environment.

AUTHORIZATION OF APPROPRIATIONS

SEC. 123. (a) Section 221 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended by striking "as provided in this section" in subsection (a); striking paragraphs (2) and (3) of subsection (b); and by striking subsection (c).

(b) Section 303 of the Comprehensive Environmental Compensation and Liability Act of 1980 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 303. (a) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Emergency Response Fund for fiscal year—

"(A) 1981, $44,000,000,
"(B) 1982, $44,000,000,
"(C) 1983, $44,000,000,
"(D) 1984, $44,000,000,
"(E) 1985, $44,000,000,
"(F) 1986, $206,000,000,
"(G) 1987, $206,000,000,
"(H) 1988, $206,000,000,
"(I) 1989, $206,000,000, and
"(J) 1990, $206,000,000.

plus for each fiscal year an amount equal to so much of the aggregate amount authorized to be appropriated under subparagraphs (A) through (I) as has not been appropriated before the beginning of the fiscal year involved".

"(b) TRANSFER OF FUNDS.—There shall be transferred to the Response Trust Fund—

"(1) one-half of the unobligated balance remaining before the date of the enactment of this Act under the Fund in section 311 of the Clean Water Act, and

"(2) the amounts appropriated under section 504(b) of the Clean Water Act during any fiscal year.

"(c) EXPENDITURES FROM RESPONSE TRUST FUND.—

"(1) IN GENERAL.—Amounts in the Response Trust Fund shall be available in connection with releases or threats of releases of hazardous substances into the environment only for purposes of making expenditures which are described in section 111 (other than subsection (j) thereof) of this Act, as in effect on the date of the enactment of the Superfund Improvement Act of 1985, including—

"(A) response costs,

"(B) claims asserted and compensable but unsatisfied under section 311 of the Clean Water Act,

"(C) claims for injury to, or destruction or loss of, natural resources, and

"(D) related costs described in section 111(c) of this Act.

"(2) LIMITATIONS ON EXPENDITURES.—At least 85 percent of the amounts appropriated to the Response Trust Fund shall be reserved—

"(A) for the purposes specified in paragraphs (1), (2), and (4) of section 111(a) of this Act, and

"(B) for the repayment of advances made under section 223(c), other than advances subject to the limitation of section 223(c)(2)(C)."

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Acid Rain Control Act of 1985.

INTERSTATE TRANSPORT AND ACID PRECURSOR REDUCTION

SEC. 1. Title I of the Clean Air Act is amended by adding the following new part:

"PART E—INTERSTATE TRANSPORT AND ACID PRECURSOR REDUCTION

"FINDINGS AND PURPOSES

"SEC. 180. (a) The Congress finds that—

"(1) the long-range transport of pollutants and their transformation products is an interstate and international problem;

"(2) current levels of emissions of air pollutants from existing sources as well as increased emissions from new and existing sources threaten public health and welfare and the environment in States and countries other than those in which emitted;

"(3) reduction of total regional atmospheric loading of pollutants such as sulfur oxides and nitrogen oxides will enhance protection of public health and welfare and the environment;

"(4) more effective regulation of the interstate transport of air pollutants is needed in order to protect the health and welfare of the citizens of downwind States and the economic growth opportunities of downwind States; and

"(5) in particular,

"(A) the deposition of acid compounds from the atmosphere is causing and contributing to widespread long-term ecosystem degradation;

"(B) the principal source of the acid compounds in the atmosphere, and their precursors, is the combustion of fossil fuels;

"(C) the problem of acid deposition is of national and international significance and cannot be addressed adequately without Federal intervention;

"(D) control strategies and technology for precursors to acid deposition exist now that are economically feasible; and

"(E) current and future generations of Americans will be more adversely affected by delayed action, so that efforts to remedy the problem should commence now.

"(b) The purposes of this part are to—

"(1) protect public health and welfare and the environment from any actual or potential adverse effect caused by ambient concentrations or deposition of air pollutants, including the products of atmospheric transformation of pollutants; and

"(2) preserve the rights and responsibilities of States to protect the public health and welfare and the environment of their citizens from air pollution originating in other States.

"ESTABLISHMENT OF REGION

"SEC. 181. There is hereby established a long-range transport corridor, hereafter referred to as the "acid deposition impact region," consisting of the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

"RESEARCH AND SPECIAL STUDIES

"SEC. 182. (a) The Administrator shall conduct a study of air pollution problems associated with the long-range transport of pollutants in the portions of the continental United States not included in section 181. Not later than two years after the enactment of this section, the Administrator shall report to the Congress the results of such study.

"(b)(1) The Acid Precipitation Task Force established under title VII of the Energy Security Act (Public Law 96-294) shall submit to the Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives, two comprehensive reports, one by December 31, 1985, and one by December 31, 1987, which shall present the

findings of the research conducted under section 704(b) of such Act, including recommendations, based upon existing scientific knowledge, for reducing acid deposition and its effects.

"(2) In addition to any other funds authorized to be appropriated for the Acid Precipitation Task Force for the purposes of carrying out the activities required by section 704 of title VII of the Energy Security Act, there are authorized to be appropriated $10,000,000 in each of the fiscal years 1985, 1986, 1987, 1988, and 1989.

"(c) The Task Force established by title VII of the Energy Security Act shall also conduct and support research on advanced flue-gas cleaning and precombustion fuel treatment technologies and inherently low-emission combustion processes (including atmospheric and pressurized fluidized bed combustion).

"(d)(1) Not later than six months after enactment of this section there shall be established an Acid Precipitation Scientific Review Board with not more than 15 members who shall be appointed by the National Academy of Sciences.

"(2) The Board shall examine and consider all available information regarding the causes, extent and potential environmental impacts of acid deposition, including a review of all the activities being performed by the Acid Precipitation Task Force under section 704(b) of the Energy Security Act.

"(3) The Board shall submit to the Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives at least two comprehensive reports, one not later than June 30, 1986, and one not later than June 30, 1988, on the results of its examination undertaken in accordance with paragraph (2), including a review of the report(s) submitted to the Committees of Congress by the Task Force as required by subsection (b)(1) of this section, together with the Board's own recommendations for reducing acid deposition and its effects.

"(4) There are authorized to be appropriated $1,000,000 for each of fiscal years 1985 through 1988, for the purposes of carrying out the activities required by this subsection.

"(e)(1) Promptly after the date established by section 185, the Administrator shall submit to the Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives a report describing the emission limitation and other enforceable measures adopted by the States and approved by the Administrator under section 184(b) or in effect under section 185, for all States in the acid deposition impact region established by section 181.

"(2) The Office of Technology Assessment shall analyze the environmental benefits to be gained through the implementation of the control requirements described by the Administrator in accordance with paragraph (1) of this subsection, the costs of implementing such control requirements, and any potential effects on coal production or markets of implementing such control requirements, on both an aggregate regional and a State-by-State basis. The Office of Technology Assessment shall report its findings to the Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives no later than six months after the submission of the report required in paragraph (1).

"(f) Upon receipt of the reports required by subsections (b)(1), (d), (e)(1), and (e)(2), the Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives shall conduct hearings on the matters contained in such reports and take such other action as each such committee deems appropriate.

"(g) The Administrator shall develop an inventory of sources of oxides of nitrogen in the acid deposition impact region established by section 181 and in each State thereof. Not later than four years after enactment of this part the Administrator shall report to the Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives on (1) the inventory of sources of oxides of nitrogen developed under this subsection, (2) control technology and methods for new and existing sources for oxides of nitrogen, and (3) any recommendations for requirements to reduce existing emissions or control new emissions of oxides of nitrogen to reduce acid deposition.

"(h) The Administrator and the Secretary of the Treasury shall jointly conduct a study of the potential for a system of fees on the generation of electrical energy in the acid deposition impact region established by section 181, to be used to finance the reductions in emissions required by this part, including the equitable distribution of the funds resulting from such fees. A report of such study shall be submittal to the Congress not later than six months after submittal of the report required by subsection (e)(1) of this section.

"(i)(1) The Administrator is authorized to conduct or make grants to any State or interstate agency for the purposes of conducting the development, refinement and practical demonstration of new, improved, or innovative methods of neutralizing or restoring the buffering capacity of acid altered bodies of water that no longer can support game fish species; and methods of removing from bodies of water toxic metals or other toxic substances mobilized by acid deposition, and to include in such grants such amounts as necessary for the purpose of reports, plans and specifications in connection therewith.

"(2) Grants under this subsection shall not be made for any project in an amount exceeding 75 per centum of the costs thereof as determined by the Administrator.

"(3) Grants under this subsection shall not be made for any project that involves bodies of water that did not contain game fish as established by State law prior to 1970.

"(4) For the purposes of this subsection there are hereby authorized to be appropriated $5,000,000 for each of the fiscal years 1985, 1986, and 1987.

"ACID PRECURSOR CONTROLS

"SEC. 183. (a) There shall be achieved a reduction in annual emissions of sulfur dioxide in the acid deposition impact region established under section 181 of this Act of ten million tons from the total actual annual level of such emissions between January 1, 1980, and December 31, 1980. Such reduction shall be achieved pursuant to a phased reduction and completed no later than January 1, 1994.

"(b)(1) Emissions of sulfur dioxide from major stationary sources which did not begin operation before January 1, 1981, or which have increased emissions since January 1, 1981 (to the extent of such increase), calculated on an annual basis, shall be added to the amount of sulfur dioxide which the State in which such sources are located is required to reduce not later than January 1, 1994, under 184(a).

"(2)(A) Such emissions shall not be so added in any State which during 1980 had no major stationary source which was a utility boiler which had an actual annual average emission rate greater than 1.2 pounds of sulfur dioxide per million British thermal units of heat input.

"(B) Increases in emissions of sulfur dioxide from utility boilers which are coal capable as defined under section 301(a) of the Fuel Use Act and which convert to the use of coal as a primary fuel shall be so added only to the extent such emissions from a particular source exceed 1.5 pounds of sulfur dioxide per million British thermal units of heat input on an annual average.

"(c) Other than as provided in subsection (b)(2)(B), no major stationary source in such region which began operation before January 1, 1981, shall increase its actual rate of emissions of sulfur dioxide over that experienced by such source during calendar year 1980, unless there has been identified for such source a simultaneous net reduction in emissions of sulfur dioxide at one or more points in such region—

"(1) in excess of the emissions which potentially would result from the proposed increase in emission rate, and

"(2) not otherwise required by a State implementation plan under section 110 of this Act or under section 184 or 185 of this part.

This subsection shall not apply to increases in actual rates of emissions of sulfur dioxide from sources in any State in which for each major stationary source of sulfur dioxide which was a utility boiler the emission limitation in effect under an applicable implementation plan at the time of such increases is less than or equal to 1.2 pounds of sulfur dioxide per million British thermal units of heat input on an annual average.

"(d) No major stationary source of sulfur dioxide shall commence operation after January 1, 1994, in such region unless there has been identified for such source a simultaneous net reduction in emissions of sulfur dioxide at one or more points in such region—

"(1) in excess of the emissions which potentially would result from the proposed new source, and

"(2) not otherwise required by a State implementation plan under section 110 of this Act or under section 184 or 185 of this part.

This subsection shall not apply to any major stationary source which adopts the best available control technology, as defined in section 169(3) or 171(3) as appropriate for the location of the proposed new source, and which attains at least the most stringent emission limitation shown by an adequate operating history to have been achieved in practice by a major stationary source of the same size, type, and class within the region established under section 181 of this Act.

"(e) No major stationary source of oxides of nitrogen in such region which began operation before January 1, 1981, shall increase its actual rate of emissions of oxides of nitrogen as measured in pounds of oxides of nitrogen per million British thermal units of heat input over the greater of that

experienced by such source during calendar year 1980, or during the thirty-day period (excluding days on which such source did not operate) immediately preceding the date of enactment of this subsection, unless there has been identified for such a simultaneous net reduction in emissions of oxides of nitrogen at one or more points in such region—

"(1) in excess of the emissions which potentially would result from the proposed increase in emission rate, and

"(2) not otherwise required by a State implementation plan under section 110 of this Act.

The preceding sentence shall not apply to emissions of oxides of nitrogen from utility boilers which are coal capable as defined under section 301(a) of the Fuel Use Act and which convert to the use of coal as a primary fuel.

"STATE SULFUR DIOXIDE REDUCTION REQUIREMENTS

"SEC. 184. (a)(1) Each State shall be required to achieve within its borders a reduction in annual sulfur dioxide emissions equal to that fraction of ten million tons which is the ratio of all the actual utility emissions in such State in excess of 1.2 pounds of sulfur dioxide per million British thermal units of heat input averaged over the period January 1, 1980, to December 31, 1980, to the total in all States in the region of all the actual utility emissions in excess of 1.2 pounds of sulfur dioxide per million British thermal units of heat input averaged over such period.

"(2) The Governors of any two or more States within the region may by agreement reallot among agreeing States the reductions required under subsectin (a)(1): *Provided*, That the total reductions equal the total required under subsection (a)(1).

"(b)(1) Not later than twenty-four months after the enactment of this part, each State shall adopt enforceable measures to achieve the reduction in sulfur dioxide emissions required by subsection (a) of this section, including emission limitations and schedules for compliance for sources within such State and other means of emission reduction in accordance with section 186 of this Act. The Governor of such State shall submit such measures to the Administrator for review in accordance with paragraph (2) of this subsection and section 110(a)(3), and to the Governors of all other States in the acid deposition impact region for comment.

"(2) Review and approval of measures submitted under this subsection shall be as provided in section 110(a)(3). The Administrator shall approve such measures submitted under paragraph (1) of this subsection if, taking into consideration the comments of Governors of other States in such region, the Administrator finds that such measures—

"(A) contain enforceable requirements for continuous emission reduction,

"(B) contain requirements for monitoring by the source and enforcement agencies to assure that the emission limitations are being met, and

"(C) are adequate to achieve the reduction in sulfur dioxide emissions for such State required pursuant to subsection (a) of this section within the time specified in section 183(a) of this Act.

"(3) Not later than thirty-six months after the enactment of this part, each major stationary source subject to an emission limitation established under this subsection shall notify the Governor of the State in which it is located of its intended method of compliance. The Governor shall submit such notifications to the Administrator.

"(4)(A) Not later than sixty months after the enactment of this part, each major stationary source which pursuant to the requirements of this subsection states that it will comply with an emission limitation through the use of fuel substitution shall be in compliance with such emission limitation.

"(B) Not later than sixty months after the date of enactment of this part, each major stationary source which pursuant to this subsection states that it will comply with an emission limitation established under this subsection through the installation of a technological system of continous emission reduction or the replacement of existing facilities with new facilities with substantially lower emissions, or any other means except fuel switching, shall enter into binding contractual commitments to acquire, install, or construct such system or facilities.

"(5) Each emission limitations, schedule for compliance or other measure adopted and approved under this subsection shall be deemed a requirement of the State implementation plan approved or promulgated for such State under section 110 of this Act.

"(6) In the case of any major stationary source in a State listed in section 181, which is not by December 31, 1985, in full compliance with the applicable implementation plan for sulfur dioxide in effect on January 1, 1981, the owner or operator of such source shall be subject to:

"(A) the emission limitation established by section 185 for all facilities in such State owned or operated by such owner or operator, and

"(B) a noncompliance penalty established under sectioin 120 for each such source or facility, including each electric generating facility, for the period from the original date for compliance under the applicable implementation plan until actual compliance with the emission limitation established under this paragraph.

"MAJOR STATIONARY SOURCE SULFUR DIOXIDE REDUCTION REQUIREMENTS

SEC. 185. In any State in the acid deposition impact region established by section 181 of the Act which has not in accordance with section 184(b)(1) of this Act adopted measures to achieve the reduction required by section 184(a) of this Act within twenty-four months after enactment of this part, or which has not had such measures approved by the Administrator under section 184(b)(2) of this Act within six months after the submission of such measures, the owner or operator of each fossile-fuel-burning electric generating facility which is a major stationary source which is not subject to section 111(a) shall comply with an emission limitation or limitations for all such facilities owned or operated by the same entity in such region equivalent to an average among such facilities of 1.2 pounds of sulfur dioxide per million British thermal units of heat input on a thirty-day average. The owner or operator of each such facility shall submit to the Administrator a plan and schedule of compliance for achieving such emission limitation or equivalent emission reduction in accordance with section 186 of this Act, not later than three years after the enactment of this part or six months after the date on which such owner or operator becomes subject to such emission limitation, whichever is later. The Administrator shall approve such plan and schedule for compliance if it—

"(A) contains enforceable requirements for continuous emission reduction;

"(B) contains requirements for monitoring by the source and enforcement agencies to assure that the emission limitations are being met; and

"(C)(i) in the case of a source that proposes to comply with the emission limitation through use of fuel substitution, will achieve the emission reduction required by this section no later than twenty-four months after such plan is submitted, or

"(ii) in the case of a source that proposes to comply with the emission limitation through installation of a technological system of continuous emission reduction or replacement of existing facilities with new facilities with substantially lower emissions, or any other means except fuel switching, contains enforceable requirements that such source, within twenty-four months after such plan is submitted, enter into binding contactual commitments to acquire, install or construct such system or facilities.

Failure of such owner or operator to submit such approvable plan and schedule within the time provided in this section, failure to comply with the plan and schedule of compliance, and failure to achieve the emission reduction required by the dates required by this section, shall be violations of emission limitations for the purposes of sections 113, 120, and 304 of this Act.

"ENFORCEABLE EMISSION REDUCTION PROGRAMS

"SEC. 186. (a) For the purposes of maintaining the limitation on emissions required by section 183(c) of this Act or attaining emission reductions required by section 183(a), 184, or 185 of this Act, the following methods or programs for net emission reduction may be used, in addition to enforceable continuous emission reduction measures, by a State or the owner or operator of a source, if emission limitations under such methods or programs are enforceable by the Federal Government, States other than those in which the emissions occur, and citizens under section 304 of this Act:

"(1) least emissions dispatch to meet electric generating demand at existing generating capacity;

"(2) retirement of major stationary sources at an earlier date than provided in schedules on file with the Federal Regulatory Commission, the Internal Revenue Service, or State utility regulatory agencies;

"(3) investments in energy conservation where reductions in emissions can be identified with such investments;

"(4) trading of emission reduction requirements and actual reductions on a State or regional basis, for which States and the Administrator are authorized to establish emission reduction banks or brokerage institutions to facilitate such trading; and

"(5) precombustion cleaning of fuels.".

INTERSTATE POLLUTION

SEC. 2. (a) Section 110(a)(2)(E) of the Clean Air Act is amended—

(1) by inserting "or sources" after "source";

(2) by striking "prevent" and inserting in lieu thereof "interfere with"; and

(3) by inserting after "visibility," the following: "or (III) contribute to atmospheric loadings of pollutants or their transformation products which may reasonably be anticipated to cause or contribute to an adverse effect on public health or welfare or the environment in any other State or foreign country,".

(b) Section 123 of the Clean Air Act is amended as follows:

(1) in the second sentence of subsection (c), by striking "immediate vicinity" and inserting in lieu thereof "impact area";

(2) in the fourth sentence of subsection (c), by striking all that language preceding "prohibit" and inserting in lieu thereof "The Administrator may";

(3) adding a new subsection (d) as follows:

"(d) The Administrator shall within one year of enactment of the Clean Air Act Amendments of 1984 complete a review of the emission limits for all existing major sources which have come into existence since 1970 or which have raised the stack height since 1970, in order to determine whether emission limits for such sources are inappropriately based upon modeling credit for stack height above good engineering practice. If emission limits are determined to be inappropriately based, the Administrator shall require the State, within six months, to correct the emission limit to conform with requirements of this section. It shall be the burden of the operator of each such source to demonstrate the correct stack height credit to be used in determining proper emission limits.".

(c) Section 126 of the Clean Air Act is amended as follows:

(1) by adding a new subsection as follows:

"(d) Emission of an air pollutant which, by itself or in combination, reaction, or transformation, adversely affects the public health or welfare of another State, is in violation of this section.".

(2) in subparagraph (B) of subsection (a)(1), by striking "in excess of the national ambient air quality standards";

(3) in subsection (b)—

(A) in the first sentence, following "major source", by inserting "or group of sources";

(B) by striking "110(a)(2)(E)(i)" and inserting in lieu thereof "110(a)(2)(E) or this section";

(4) in subsection (c)—

(A) in the first sentence, following the words "violation of", inserting "this section and";

(B) striking "110(a)(2)(E)(i)" wherever it appears and inserting in lieu thereof "110(a)(2)(E) or this section";

(C) in paragraph (2) insert before the period the phrase, "or to continue operation in violation of subsection (d) more than two years after the date of such finding without the installation of reasonably available control technology".

(d) Section 302(h) of the Clean Air Act is amended by inserting "precipitation," following "Effects on" the second time it appears and by inserting before the period a comma and "whether caused by transformation, conversion, or combination with other air pollutants."

(e) Section 304(a)(1) of the Clean Air Act is amended by inserting—

(i) inserting a comma after "Act";

(ii) striking "or"; and

(iii) inserting at the end thereof the following: "or (C) section 126,".

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Clean Water Act Amendments of 1985".

AUTHORIZATION

SEC. 101. (a) Section 104(u)(1) of the Clean Water Act is amended by inserting immediately following "1982" the phrase ", and not to exceed $22,770,000 per fiscal year for the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, and September 30, 1989".

(b) Section 104(u)(2) of the Clean Water Act is amended by inserting immediately following "1982" the phrase ", and not to exceed $3,000,000 per fiscal year for the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, and September 30, 1989".

(c) Section 104(u)(3) of the Clean Water Act is amended by stiking "and" after "1981," and by inserting immediately following "1982" the phrase ", and not to exceed $1,500,000 per fiscal year for the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, and September 30, 1989".

(d) Section 106(a)(2) of the Clean Water Act is amended by striking "and" after "1981" and inserting in lieu thereof a comma and by inserting ", 1986, 1987, 1988, and 1989" immediately following "1982".

(e) Section 112(c) of the Clean Water Act is amended by striking "and" after "1981," and inserting immediately following "1982" the phrase ", and $7,000,000 per fiscal year for the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, and September 30, 1989".

(f) Section 314(c)(2) of the Clean Water Act is amended by striking "and" after "1981," and inserting immediately following "1982" the phrase ", and $30,000,000 per fiscal year for fiscal years 1986, 1987, 1988 and 1989".

(g) Section 517 of the Clean Water Act is amended by striking "and" after "1981," and inserting immediately following "1982" the phrase ", and $160,000,000 per fiscal year for the fiscal years ending September 30, 1986, September 30, 1987, September 30, 1988, and September 30, 1989".

CHESAPEAKE AND NARRAGANSETT BAYS

SEC. 102. Title I of the Clean Water Act is amended by adding at the end thereof the following new section:

"CHESAPEAKE AND NARRAGANSETT BAYS

"SEC. 117. (a) The Administration shall continue the Chesapeake Bay program and shall establish and maintain in the Environmental Protection Agency an Office, Division, or Branch of Chesapeake Bay Programs to–

"(1) collect and make available, through publications and other appropriate means, the results of and other information pertaining to research and other activities that address the environmental quality of the Chesapeake Bay (herein after 'the Bay');

"(2) coordinate all Federal research projects pertaining to the Bay;

"(3) conduct research to determine the impact of sediment deposition in the Bay and to identify the sources, rates routes, and distribution patterns of such sediment deposition; and

"(4) conduct research on the impact of natural and man-induced environmental changes on the living resources of the Bay and the relationships between such changes. Particular emphasis shall be placed on researching the impact of pollutant loadings of nutrients, chlorine, acid precipitation, dissolved oxygen, and toxic pollutants, including organic chemicals and heavy metals. Special attention shall be given to the impact of such changes on the striped bass.

"(b)(1) The Administrator shall, at the request of the Governor of a State affected by the interstate management plan developed pursuant to the Chesapeake Bay program (hereinafter 'the plan'), make a grant for the purpose of implementing the management mechanisms contained in the plan if such State has, within one year after the date of enactment of the Clean Water Act Amendments of 1985, approved and committed to implement all or substantially all aspects of the plan. Payments for such purposes may be made to the States as hereinafter provided, subject to such terms and conditions as the Administrator considers appropriate.

"(2) A State or combination of States may elect to avail itself of the benefits of this subsection by submitting to the Administrator a comprehensive proposal to implement management mechanisms contained in the plan which shall include (A) a description of proposed abatement actions which the State commits to take within a specified time period to reduce pollution in the Bay and to meet applicable water quality standards, and (B) the estimated cost of the abatement actions proposed to be taken during the next fiscal year. If the Administrator finds that such proposal is consistent with the national policies set forth in section 101(a) of this Act and will contribute to the achievement of the national goals set forth in section 101(a) of this Act he shall approve such proposal and shall finance the costs of implementing segments of such proposal; except that Federal grants under this subsection shall not exceed 55 per centum of the costs of implementing the plan in any fiscal year and shall be made on condition that non-Federal sources provide the remainder of the cost of implementing the plan during such fiscal year.

"(3) Administrative costs in the form of salaries, overhead or indirect costs for services provided and charged against programs or projects supported by funds made available under this subsection shall not exceed in any one fiscal year 10 per centum of the annual Federal grant made to a State under this subsection.

"(c) Any State or combination of States that receives a grant under subsection (b) shall, within 18 months after the date of receipt of a Federal grant under subsection (b) and biennially thereafter, report in conjunction with EPA to the Congress on progress made in implementing the interstate management plan developed pursuant to the Chesapeake Bay program.

"(d)(1) The Administrator shall, at the request of the Governor of an affected State, after consultation with appropriate Federal and State agencies and other interested persons, make a grant for purposes of assessing the principal factors having an adverse effect on the environmental quality of the Narragansett Bay, as perceived by both scientists and users, in conjunction with developing and implementing a management program to improve such Bay's water quality. Payments for such purposes may be made to the States as hereinafter provided, subject to such terms and conditions as the Administrator considers appropriate.

"(2) A State may elect to avail itself of the benefits of this subsection by submitting to the Administrator a full and complete description of the program it proposes to establish and administer under State law. The Administrator shall approve each such submitted program, within 3 months of receipt of such program, if the applicant demonstrates to the satisfaction of the Administrator that the applicant will—

"(A) establish a committee of representatives from various units of Federal, State, and local governments, research and educational institutions, and concerned groups and individuals on the Narragansett Bay, to provide advice on the design and implementation of a management program and to co-

ordinate communication on issues affecting the Narragansett Bay's water quality;

"(B) coordinate, subsequent to a review of presently ongoing research, research and abatement programs that will most efficiently address those principal factors having an adverse effect on the Narragansett Bay's water quality; and

"(C) undertake, subsequent to an analysis of all environmental sampling data being collected on the Narragansett Bay, methods for improving such data collection, particularly with respect to toxic pollutants; establish a continuing capacity for collecting, storing, analyzing and disseminating such data; institute a sampling program where deficiencies are found to exist in present sampling programs; and develop and, as soon as practicable but within three years after enactment of the Clean Water Act Amendments of 1985, implement management practices and measures (including land use requirements) to reduce to the greatest extent feasible pollutant loadings in such Bay and to improve such Bay's water quality.

"(3) If the Administrator approves a program submitted under paragraph (2) of this subsection, he shall finance the costs of implementing segments of such program, except that Federal grants under this subsection shall not exceed 55 per centum of the costs of implementing the program in any fiscal year and shall be made on condition that non-Federal sources provide the remainder of the cost of implementing the plan during such fiscal year.

"(4) Any State that avails itself of the benefits of this subsection shall, not later than two years after issuance of a Federal grant under this subsection and annually thereafter, report to the Administrator on progress made in implementing a management program to improve the water quality of Narragansett Bay.

"(e) There are hereby authorized to be appropriated the following sums, to remain available until expended, to carry out the purposes of this section:

"(1) $3,000,000 per fiscal year for the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988, to carry out subsection (a);

"(2) $10,000,000 per fiscal year for the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988, to carry out subsection (b); and

"(3) $1,500,000 per fiscal year for the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988, to carry out subsection (d).".

SMALL FLOWS CLEARINGHOUSE

SEC. 103. Section 104(q) of the Clean Water Act is amended by adding the following new paragraph:

"(4) Notwithstanding section 205(d) of this Act, from funds that are set aside by States under section 205(i) of this Act and not obligated by the end of the twenty-four month period provided under section 205(d), the Administrator shall award a grant under this section in the amount of $1,000,000 or such unobligated amount, whichever is less, in each year, to support a National Clearinghouse to collect and disseminate information on small flows and innovative or alternative technologies, consistent with paragraph (3).".

COMPLIANCE DATES

SEC. 104. (a) Section 301(b)(2)(C) of the Clean Water Act is amended by striking "not later than July 1, 1984," and inserting immediately after "of this paragraph" the following "as expeditiously as practicable but in no case later than three years after the date such limitations are promulgated under section 304(b), or three years after July 1, 1983, whichever is later, but in no case later than July 1, 1987".

(b) Section 301(b)(2)(E) of the Clean Water Act is amended by striking "not later than July 1, 1984," and inserting in lieu thereof "as expeditiously as practicable but in no case later than five years after the date such limitations are promulgated under section 304(b), or three years after July 1, 1983, whichever is later, but in no case later than July 1, 1987, compliance with".

(c) Section 301(b)(2)(F) of the Clean Water Act is amended by inserting "as expeditiously as practicable but in no case" and striking "not" after "subparagraph (A) of this paragraph" and by striking "July 1, 1984" and inserting in lieu thereof "three years after July 1, 1983".

(d) Section 301(b) of the Clean Water Act is amended by adding the following new paragraph:

"(3)(A) for effluent limitations under paragraph (1)(A)(i) of this subsection promulgated after January 1, 1982, and requiring a level of control substantially greater or based on fundamentally different control technology than under permits for such industrial category issued before such date, compliance as expeditiously as practicable but in no case later than three years after the date such limitations are promulgated under section 304(b), or three years after July 1, 1983, whichever is later, but in no case later than July 1, 1987; and

"(B) for any effluent limitation in accordance with paragraph (1)(A)(i), (2)(A)(i), or (2)(E) of this subsection established only on the basis of section 402(a)(1) in a permit issued after enactment of the Clean Water Act Amendments of 1985, compliance as expeditiously as practicable but in no case later than three years after the date such limitations are established, and in no case later than July 1, 1987.".

OCEAN WAIVER

SEC. 105. (a) Section 301(h)(5) of the Clean Water Act is amended to read as follows:

"(5) sources introducing waste into such treatment works are in compliance with all applicable pretreatment requirements and the applicant has assured continued compliance with such requirements and, in the case of any treatment works serving a population of five thousand or more, the applicant has adopted and is enforcing a program to control the entrance of toxic pollutants from industrial sources into such treatment works, comparable to that required by section 402(b)(8);".

(b) Section 301(h) of the Clean Water Act is amended by—

(1) in paragraph (7), striking the period immediately after "the permit" and inserting in lieu thereof a semicolon.

(2) adding immediately after paragraph (7) the following new paragraph:

(8) the applicant at the time such modification becomes effective will be discharging effluent which has received at least primary or equivalent treatment. For the purposes of this paragraph, "primary or equivalent treatment" means treatment by screening, sedimentation, and skimming adequate to remove at least 30 percent of the biological oxygen demanding material and of the suspended solids in the treatment works influent, and disinfection, where appropriate.";

(3) in that portion of subsection (h) following new paragraph (8) as added by this Act,

(A) adding immediately after the first sentence thereof the following new sentence: "Such marine water must exhibit characteristics assuring that water providing dilution does not contain significant amounts of previously discharged effluent from such treatment works."; and

(B) adding at the end thereof the following: "No permit issued under this subsection shall authorize the discharge of any pollutant into saline estuarine waters which at the time of application do not support a balanced indigenous population of shellfish, fish and wildlife, or allow recreation in and on the waters or which exhibit ambient water quality below applicable water quality standards adopted for the protection of public water supplies, shellfish, fish and wildlife or recreational activities or such other standards necessary to assure support and protection of such uses. The prohibition contained in the preceding sentence shall apply without regard to the presence or absence of a causal relationship between such characteristics and the applicant's current or proposed discharge.".

(c) Section 301(j)(1)(A) of the Clean Water Act is amended by inserting before the semicolon the following: ", except that a publicly owned treatment works which prior to December 31, 1982, had a contractural arrangement to use a portion of the capacity of an ocean outfall operated by another publicly owned treatment works which has applied for or received a modification under subsection (h) of this section, may apply for a modification of subsection (h) in its own right not later than thirty days after the enactment of the Clean Water Act Amendments of 1985".

WATER QUALITY-BASED EFFLUENT LIMITATIONS AFTER BAT ATTAINMENT

SEC. 106. (a) Section 305 of the Clean Water Act is amended by adding the following new subsection:

"(c) Each State shall prepare and submit to the Administrator and the Congress within two years after the enactment of the Clean Water Act Amendments of 1985, and revise biennially thereafter, an identification of—

"(1) those waters within or adjacent to such State which after the application of effluent limitations required under section 301(b)(2) of this Act cannot reasonably be anticipated to attain or maintain (A) water quality standards for such waters reviewed, revised or adopted in accordance with section 303(c)(2)(B) of this Act, due to toxic pollutants, or (B) that water quality which shall assure protection of public health, public water supplies, agricultural and industrial uses, and the protection and propagation of a balanced population of shellfish, fish and wildlife, and allow recreational activities in and on the water; and

"(2) those waters within or adjacent to such State which are public water supplies or otherwise important to public health protection, or which have a high quality use designation, and which because of such use and current or potential pollution are of high priority to such State.

In the case of any State which fails to submit the identification required by paragraph (1), or which submits an incomplete identification, the Administrator shall promptly prepare an identification in accordance with paragraph (1).".

(b) Section 304(a) of the Clean Water Act is amended by adding the following new paragraphs:

"(7) The Administrator, after consultation with appropriate State agencies and on the basis of criteria and information published under paragraphs (1) and (2) of this subsection, shall develop and publish, within nine months after the date of enactment of the Clean Water Act Amendments of 1985, guidance to the States on performing the identification required by section 305(c)(1) of this Act.

"(8) The Administrator, after consultation with appropriate State agencies and within two years after the date of enactment of the Clean Water Act Amendments of 1985, shall develop and publish information on methods for establishing and measuring water quality criteria for toxic pollutants on other bases than pollutant-by-pollutant criteria, including biological monitoring and assessment methods.".

(c) Section 303(c)(2) of the Clean Water Act is amended by inserting "(A)" after "(2)" and by adding the following new subparagraph:

"(B) Whenever a State reviews water quality standards pursuant to paragraph (1) of this subsection, or revises or adopts new standards pursuant to this paragraph, such State shall adopt criteria for all toxic pollutants listed pursuant to section 307(a)(1) of this Act, the discharge or presence of which in the affected waters could reasonably be expected to interfere with those designated uses adopted by the State, as necessary to support such designated uses. Such criteria shall be specific numerical criteria for such toxic pollutants and in addition may include criteria based on biological monitoring or assessment methods consistent with information published pursuant to section 304(a)(8). Particular attention shall be given to toxic pollutants which are highly persistent in the environment, bioaccumulative, or known or suspected carcinogens, mutagens, or teratogens. Nothing in this section shall be construed to limit or delay the use of effluent limitations or other permit conditions based on or involving biological monitoring or assessment methods.".

(d) Section 303(d) of the Clean Water Act is amended by adding the following new paragraph:

"(4) Not later than two years after the submittal of the identification required by section 305(c)(1) of this Act, each State shall establish effluent limitations for point sources discharging into each portion of the navigable waters identified under section 305(c)(1)(A) as necessary to attain applicable water quality standards, taking into account any substantial nonpoint source contributions of toxic pollutants and existing or planned controls on all sources. Such effluent limitations shall be incorporated into permits under section 402 of this Act, which shall provide for compliance as expeditiously as practicable, but in no event later than three years after the establishment of such effluent limitation.".

(e)(1) Section 302(a) of the Clean Water Act is amended by (1) inserting after "in the judgment of the Administrator" the phrase ", or as identified under section 305(c)"; and (2) inserting after "protection of" the phrase "public health,".

(2) Section 302(b) of the Clean Water Act is amended to read as follows:

"(b)(1) Prior to establishment of any effluent limitation pursuant to subsection (a) of this section, the Administrator shall publish such proposed limitation and within ninety days of such publication hold a public hearing.

"(2)(A) The Administrator, with the concurrence of the State, may issue a permit which modifies the effluent limitations required by subsection (a) of this section for pollutants other than toxic pollutants, if the applicant demonstrates at such hearing that (whether or not technology or other alternative control strategies are available) there is no reasonable relationship between the economic and social costs and the benefits to be obtained (including attainment of the objective of this Act) from achieving such limitation.

"(B) The Administrator, with the concurrence of the State, may issue a permit which modifies the effluent limitations required by subsection (a) of this section for toxic pollutants for a single period not to exceed five years, if the applicant demonstrates to the satisfaction of the Administrator that such modified requirements (1) will represent the maximum degree of control within the economic capability of the owner and operator of the source, and (2) will result in reasonable further progress beyond the requirements of section 301(b)(2) toward the requirements of subsection (a) of this section.".

(f) Section 304 of the Clean Water Act is amended by adding the following new subsection:

"(l) Not later than three years after the date of enactment of the Clean Water Act Amendments of 1985, the Administrator shall publish regulations providing guidelines for effluent limitations under subsection (b)(2) of this section and section 306 for categories of sources discharging significant amounts of toxic pollutants referred to in section 301(b)(2)(C), for which guidelines have not previously been published.".

INDIRECT DISCHARGE OF CONVENTIONAL POLLUTANTS

SEC. 107. Section 402 of the Clean Water Act is amended by adding at the end thereof the following new subsection:

"(m) In issuing a permit under this section, the Administrator shall not require pretreatment by dischargers of conventional pollutants identified pursuant to section 304(b)(4) of this Act as a substitute for municipal treatment adequate to meet the requirements of a permit issued under this section for a treatment works (as defined in section 212 of this Act) which is publicly owned if such discharger is in compliance with all applicable requirements of local pretreatment programs approved under subsection (b)(8) of this section. Nothing in this subsection shall affect the Administrator's authority under sections 307 and 309 of this Act, affect State and local authority under sections 307(b)(4) and 510 of this Act, relieve such treatment works of its obligations to meet requirements established under this Act, or preclude such works from pursuing whatever feasible options are available to meet its responsibility to comply with its permit under this section.".

CIVIL AND CRIMINAL PENALTIES

SEC. 108. (a) Section 309(d) of the Clean Water Act is amended by striking '$10,000" and inserting in lieu thereof "$25,000".

(b) No State shall be required to modify a permit program approved or submitted under section 402 of the Clean Water Act as a result of the amendment made by subsection (a) of this section before July 1, 1986.

(c) Section 309 of the Clean Water Act is amended by adding a new subsection (g) as follows:

"(g)(1) In addition to any other relief provided, whenever on the basis of any information available to him the Administrator finds that any person is in violation of section 301, 302, 303, 306, 307, 308, 318, or 504 of this Act, or is in violation of any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by him or by a State, or in a permit issued under section 404 of this Act by a State, he may after notifying the State in which the violation occurs assess a civil penalty of not more than $10,000 per day of violation, not to exceed $75,000 in total.

"(2) No civil penalty may be assessed under this subsection unless the person accused of the violation is given notice and opportunity for a hearing with respect to the violation. Such hearing shall not be subject to the requirements of section 554 or 556 of title 5, United States Code.

"(3) In determining the amount of penalty assessed pursuant to this subsection, the Administrator shall take into account the nature, circumstances, extent and gravity of the violation or violations, and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, and such other matters as justice may require.

"(4) Any person against whom a civil penalty is assessed under this subsection may obtain review thereof in the appropriate district court of the United States by filing a notice of appeal in such court within thirty days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Administrator. The Administrator shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed. If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order or after the appropriate court has entered final judgment in favor of the Administrator, the Administrator may request the Attorney General of the United States to institute a civil action in an appropriate district court of the United States to collect the penalty, and such court shall have jurisdiction to hear and decide any such action. In hearing such action, the court shall have authority to review the violation and the assessment of the civil penalty de novo.

"(5) The Administrator may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, or documents in connection with hearings under this subsection. In case of contumacy or refusal to obey a subpena issued pursuant to this paragraph and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the administrative law judge or to appear and produce documents before the administrative law judge, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(6) Action taken by the Administrator pursuant to this subsection shall not affect or limit the Administrator's authority to enforce any provision of this Act: *Provided, however,* That the discharge of pollutants which is penalized administratively under this subsection shall not be the subject of a

civil penalty under section 309(d) or section 311(b) of this Act in a civil action commenced by the Administrator.".

(d) Section 309(c) of the Clean Water Act is amended to read as follows:

"(c)(1) Any person who (A) negligently violates section 301, 302, 303, 306, 307, 308, 318, or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator or by a State, or any requirement imposed in a pretreatment program approved under section 402(b)(8) of this Act or in a permit issued under section 404 of this Act by the Secretary of the Army or by a State, or who (B) negligently introduces into a sewer system or into a publicly owned treatment works any pollutant or hazardous substance which causes or may reasonably be anticipated to cause personal injury or property damage, or causes such treatment works to violate any effluent limitation or condition in any permit issued to the treatment works under section 402 of this Act by the Administrator or a State, shall be punished by a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one year, or by both.

"(2) Any person who (A) knowingly violates section 301, 302, 303, 306, 307, 308, 318, or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator or by a State, or any requirement imposed in a pretreatment program approved under section 402(b)(8) of this Act or in a permit issued under section 404 of this Act by the Secretary of the Army or by a State, or who (B) knowingly introduces into a sew system or into a publicly owned treatment works any pollutant or hazardous substance which causes or may reasonably be anticipated to cause personal injury or property damage, or causes such treatment works to violate any effluent limitation or condition in any permit issued to the treatment works under section 402 of this Act by the Administrator or a State, shall be punished by a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than one year, or by both.

"(3) Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or by both.

"(4) If a conviction is for a violation of paragraph (1), (2), or (3) of this subsection committed after a first conviction of such person under the same paragraph, the maximum punishment under the respective paragraph shall be doubled with respect to both fine and imprisonment.

"(5) For the purpose of paragraphs (1), (2), and (3), the term 'person' shall mean, in addition to the definition contained in section 502(5) of this act, any responsible corporate officer.

"(6) For the purpose of paragraphs (1) and (2), the term 'hazardous substance' shall mean (A) any substance designated pursuant to section 311(b)(2)(A) of this Act, (B) any element, compound, mixture, solution, or substance designated pursuant to section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (D) any toxic pollutant listed under section 307(a) of this Act, and (E) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act.".

PARTIAL NPDES PROGRAM APPROVAL

SEC. 109. (a) Section 402(b) of the Clean Water Act is amended by—

(1) inserting ", or part of a permit program in accordance with paragraph (10) of this subsection," immediately after "its own permit program" in the first full sentence; and

(2) adding at the end thereof the following new paragraph:

"(10) In the event a Governor submits a plan to administer part of a permit program, the Administrator may approve such plan upon a showing that—

"(A)(i) the plan provides for administration of permit program components which represent a significant and identifiable part of the State program authorized by this section; and

"(ii) the plan provides for and the State agrees to make all reasonable efforts to assume administration of the remainder of the program by a specified future date not to exceed five years from submission of the State's initial plan; or

"(B)(i) the plan provides for administration of a permit program for one or more discharge categories such as Federal facilities, municipal or industrial categories, or any other category of dischargers which represent a significant and identifiable part of the permit program in the State; and

"(ii) the plan covers all categories of discharges under the jurisdiction of the State agency or department responsible for administering the plan and represents a complete permit program for all categories of discharges contained in the plan. For purposes of the preceding sentence, 'a complete permit program,' means one for which adequate authority exists to carry out each of the activities listed in paragraphs (1) through (9) of this subsection.".

(b) Section 402(c)(1) of the Clean Water Act is amended by striking "as to those navigable waters" and inserting in lieu thereof "as to those activities and discharges".

(c) Section 402(c) of the Clean Water Act is amended by adding a new paragraph (4) as follows:

"(4) In the event a determination is made (A) by a State to return administration of the program to the Administrator or (B) by the Administrator to withdraw approval pursuant to paragraph (3) of this subsection, return of administration or withdrawal of approval may only be made of the entire program currently being administered by the State.".

NPDES PERMIT TERM AND REOPENER

SEC. 110. (a) Section 402(b)(1)(B) of the Clean Water Act is amended to read as follows:

"(B) are for fixed terms not exceeding ten years, unless a permit includes a waiver or modification of any otherwise applicable requirement under sections 301(c), (g), (h), or (m) of this Act, in which case such permit shall be for a fixed term not exceeding five years;".

(b) Section 402(b)(1)(D) of the Clean Water Act is redesignated as section 402(b)(1)(E), and a new section 402(b)(1)(D) is inserted after section 402(b)(1)(C) to read as follows:

"(D) shall be promptly modified whenever new or revised requirements under sections 301, 302, 303, 304, 307, 403, or 405 are established which are more stringent than any requirement in the permit or which control pollutants not limited in the permit and such modification implements these new or revised requirements;".

JUDICIAL REVIEW AND AWARD OF FEES

SEC. 111. (a) Section 509(b)(1) of the Clean Water Act is amended by (1) striking the phrase "transacts such business" and inserting in lieu thereof, "transacts business which is directly affected by such action"; and (2) striking "ninety" and "ninetieth" and inserting in lieu thereof "one hundred and twenty" and "one hundred and twentieth", respectively.

(b) Section 509(b) of the Clean Water Act is amended by adding at the end thereof the following new paragraphs:

"(3)(A) If applications for review of the same agency action have been filed under paragraph (1) of this subsection in two or more Circuit Courts of Appeals of the United States and the Administrator has received written notice of the filing of one or more applications within thirty days or less after receiving written notice of the filing of the first application, then the Administrator shall promptly advise in writing the Administrative Office of the United States Courts that applications have been filed in two or more Circuit Courts of Appeals of the United States, and shall identify each court for which he has written notice that such applications have been filed within thirty days or less of receiving written notice of the filing of the first such application. Pursuant to a system of random selection devised for this purpose, the Administrative Office thereupon shall, within three business days of receiving such written notice from the Administrator, select the court in which the record shall be filed from among those identified by the Administrator. Upon notification of such selection, the Administrator shall promptly file the record in such court. For the purpose of review of agency action which has previously been remanded to the Administrator, the record shall be filed in the Circuit Court of Appeals of the United States which remanded such action.

"(B) Where applications have been filed under paragraph (1) of this subsection in two or more Circuit Courts of Appeals of the United States with respect to the same agency action and the record has been filed in one of such courts pursuant to paragraph (3)(A), the other courts in which such applications have been filed shall promptly transfer such applications to the Circuit Court of Appeals of the United States in which the record has been filed. Pending selection of a court pursuant to paragraph (3)(A), any court in which an application has been filed under paragraph (1) of this subsection may postpone the effective date of the agency action until fifteen days after the Administrative Office has selected the court in which the record shall be filed.

"(C) Any court in which an application with respect to any agency action has been filed under paragraph (1) of this subsection, including any court selected pursuant to paragraph (3)(A), may transfer such application to any other Circuit Court of Appeals

of the United States for the convenience of the parties or otherwise in the interest of justice.

"(4) In any judicial proceeding under this subsection, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing or substantially prevailing party whenever it determines that such award is appropriate.".

(c) Section 505(d) of the Clean Water Act is amended by inserting "prevailing or substantially prevailing" before "party" in the first sentence thereof.

NONPOINT SOURCE POLLUTION

SEC. 112. (a) Title III of the Clean Water Act is amended by adding the following new section:

"NONPOINT SOURCE POLLUTION MANAGEMENT PROGRAM

"Sec. 319 (a)(1) Each State, by itself or in combination with adjacent States, shall, after notice and opportunity for public comment, submit to the Administrator, within eighteen months after the date of enactment of the Clean Water Act Amendments of 1985, a proposed nonpoint source pollution management program which shall—

"(A) identify those waters within its boundaries which without additional action to control nonpoint sources of pollution cannot reasonably be expected to attain or maintain (i) applicable water quality standards, or (ii) the goals and requirements of the Act;

"(B) designate categories or subcategories of nonpoint sources of pollutants or, where appropriate, particular nonpoint sources, that contribute significant pollution loadings to the waters identified under subparagraph (A);

"(C) identify best management practices which will be undertaken to reduce pollutant loadings resulting from each category, subcategory or particular nonpoint source designated under subparagraph (B);

"(D) identify programs (including, as appropriate, nonregulatory or regulatory programs for enforcement, technical assistance, financial assistance, education, training, technology transfer, and demonstration projects) to achieve implementation of the best management practices by the categories, subcategories and particular nonpoint sources designated under subparagraph (B);

"(E) include a schedule containing annual milestones for (i) utilization of the program implementation methods identified in subparagraph (D), and (ii) implementation of the best management practices identified in subparagraph (C) by the categories, subcategories, or particular nonprofit sources designated under subparagraph (B). Such schedule shall provide for utilization of the program implementation methods and implementation of best management practices at the earliest practicable date;

"(F)(i) include a statement from the attorney general of such State or States (for the attorney for those State water pollution control agencies which have independent legal counsel) that the laws of such State or States, as the case may be, provide adequate authority to carry out the described program, or what additional authorities would be necessary to do so, and (ii) if this statement identifies additional needed authorities, include a schedule and commitment by the State to seek such authorities as expeditiously as practicable; and

"(G) include an identification of Federal financial assistance programs and Federal development projects for which the State will review individual assistance applications or development projects for their effect on water quality pursuant to the procedures set forth in Executive Order 12372 as in effect on September 17, 1983, to determine whether such assistance applications or development projects would be consistent with and further the purposes and objectives of the program prepared under this subsection. For the purposes of this paragraph, identification shall not be limited to the assistance programs or development projects subject to the Executive Order 12372 but may include any programs listed in the most recent Catalog of Federal Domestic Assistance which may have an effect on the purposes and objectives of the State's nonpoint source pollution management program.

"(2) In developing the nonpoint source management program required by this section, the State (A) may rely upon information developed pursuant to sections 208, 303(e), 304(f), and 305(b), and other information as appropriate, and (B) may utilize appropriate elements of the waste treatment management plans developed pursuant to section 208(b), to the extent such elements are consistent with and fulfill the requirements of this section.

"(3) In developing and implementing the management program described in this subsection, a State may make use of local agencies or organizations.

"(b)(1) Within six months of the date of receipt of a proposed nonpoint source management program, the Administrator shall, after notice and opportunity for public comment, make a determination whether the State's proposed management program meets the requirements of subsection (a)(1) of this section.

"(2) If the Administrator determines that the proposed management program does not meet the requirements of subsection (a)(1) of this section, he shall within six months of receipt of the proposed program notify the State of any revisions or modifications necessary to obtain approval. The State shall thereupon have an additional three months to submit its revised management program and the Administrator shall approve or disapprove such revised program within three months of receipt.

"(3) Pursuant to paragraph (1) or (2) of this section, the Administrator shall approve those State management programs that he determines meet the requirements of subsection (a)(1) of this section.

"(4) If the Administrator fails to approve the State management program pursuant to paragraph (1) of this subsection or fails to notify the State of necessary revisions pursuant to paragraph (2) of this subsection within six months of receipt of the State program, or if he fails to approve or disapprove the program pursuant to paragraph (2) of this section within three months of receipt of the revised program, the program shall be deemed to have been approved by the Administrator.

"(c) If a State fails to submit a nonpoint source pollution management program that the Administrator determines meets the requirements of subsection (a)(1) of this section, the Administrator shall notify such State, and within thirty months after the date of enactment of the Clean Water Act Amendments of 1985, after consultation with appropriate Federal and State agencies and other interested persons, carry out the requirements of subsections (a)(1)(A) and (B) of this section for such State. Upon completion of this requirement, the Administrator shall report to Congress on his actions pursuant to this section.

"(d)(1) The Administrator shall award grants, subject to such terms and conditions as the Administrator considers appropriate, to assist States in the implementation of management programs which have been approved pursuant to subsection (b) of this section. Such grants shall not exceed 75 per centum of the costs of implementing the program in any fiscal year and shall be made on condition that non-Federal sources provide at least 25 per centum of the costs that receive funding under this subsection.

"(2)(A) Two-thirds of the funds appropriated in any fiscal year for grants under this section shall be made available for allotment to the several States in accordance with the following table:

State	*Percentage allotment*
Alabama	1.56
Alaska	.50
Arizona	1.95
Arkansas	1.43
California	6.37
Colorado	2.19
Connecticut	.68
Delaware	.50
District of Columbia	.50
Florida	2.66
Georgia	2.04
Hawaii	.50
Idaho	1.20
Illinois	4.03
Indiana	2.07
Iowa	2.39
Kansas	2.78
Kentucky	1.32
Louisiana	1.56
Maine	.55
Maryland	1.03
Massachusetts	1.25
Michigan	2.67
Minnesota	2.43
Mississippi	1.40
Missouri	2.44
Montana	2.46
Nebraska	2.26
Nevada	1.78
New Hampshire	.50
New Jersey	1.62
New Mexico	1.93
New York	4.22
North Carolina	1.90
North Dakota	2.14
Ohio	3.14
Oklahoma	2.05
Oregon	1.75
Pennsylvania	2.97
Rhode Island	.50
South Carolina	1.09
South Dakota	1.94
Tennessee	1.50
Texas	8.08
Utah	1.36
Vermont	.50
Virginia	1.60
Washington	1.58
West Virginia	.60
Wisconsin	1.90
Wyoming	1.39
Guam	.10
Northern Marianas	.10
Pacific Trust Territories	.10
Puerto Rico	.72
Samoa	.10
Virgin Islands	.10
Total	100.00

"(B) One-third of the funds appropriated in any fiscal year for grants under this section shall be made available to the Administrator who shall make grants in response to applications from States if the Administra-

tor determines such grants are necessary and appropriate to assist such States in—

"(i) controlling particularly difficult or serious nonpoint source pollution problems, including, but not limited to, problems resulting from mining activities;

"(ii) implementing innovative methods or practices for controlling nonpoint sources of pollution, including both regulatory of nonregulatory programs where the Administrator deems appropriate;

"(iii) controlling interstate nonpoint source pollution problems; or,

"(iv) providing financial assistance for implementation by an Indian tribe, within the reservation, of an approved management program: *Provided*, That any such Indian tribe shall be subject to all terms and conditions of this section applying to a State. Financial assistance to any one reservation under this clause shall not exceed one-third of 1 per centum of the total amount appropriated for grants for each year.

"(3) The funds allotted to the States pursuant to paragraph (2)(A) of this subsection for a fiscal year shall remain available for obligation for the fiscal year for which appropriated. The amount of any such allotments not obligated by the end of such fiscal year and any unobligated funds remaining under paragraph (2)(B) of this subsection shall be reallotted by the Administrator for the next fiscal year on the basis of the table in paragraph (2)(A).

"(4) States may use funds from grants made pursuant to this section for financial assistance to persons only to the extent that such assistance is related to the costs of demonstration projects.

"(5) No grant shall be made to a State under this section unless the Administrator determines, on the basis of information provided by the State and from other relevant sources, that the State is implementing the program satisfactorily in terms of the requirements and objectives of this section.

"(6) The Administrator may request such information, data, and reports as he may deem necessary to make the determination of continuing eligibility for grants under this section.

"(7) For the purpose of this section, there are authorized to be appropriated, to remain available until expended, $70,000,000 for the fiscal year ending September 30, 1986, $100,000,000 for the fiscal year ending September 30, 1987, and $130,000,000 for the fiscal year ending September 30, 1988.

"(e) Each State shall report to the Administrator on an annual basis concerning (1) its progress in meeting the schedule of milestones submitted pursuant to subsection (a)(1)(E) of this section, and (2) to the extent that appropriate information is available, reductions in nonpoint source pollutant loading and improvements in water quality resulting from implementation of the management program.

"(f) The Administrator shall—

"(1) transmit to the Office of Management and Budget and the appropriate Federal departments and agencies a list of those assistance programs and development projects identified by each State under subsection (a)(1)(G) for which individual assistance applications and projects will be reviewed pursuant to the procedures set forth in Executive Order 12372 as in effect on September 17, 1983. Beginning not later than sixty days after receiving notification by the Administrator, each Federal department and agency shall modify existing regulations to allow States to review individual development projects and assistance applications under the identified Federal assistance programs and shall accommodate, according to the requirements and definitions of Executive Order 12372, as in effect on September 17, 1983, the concerns of the State regarding the consistency of such applications or projects with the State nonpoint source pollution management program;

"(2) collect and make available, through publications and other appropriate means, information pertaining to management practices and implementation methods, including, but not limited to, (A) information concerning the costs and relative efficiencies of best management practices for reducing nonpoint source pollution; and (B) available data concerning the relationship between water quality and implementation of various management practices to control nonpoint sources of pollution; and

"(3) submit to the Congress, within thirty six months of enactment of the Clean Water Act Amendments of 1985, a report which on the basis of information submitted by the States pursuant to subsections (a) and (e) of this section, and other information as appropriate:

"(A) describes the management programs being implemented by the States by types and amount of affected waters, categories and subcategories of nonpoint sources, and types of best management practices being implemented;

"(B) describes the experiences of the States in adhering to schedules and implementing best management practices;

"(C) describes the amount and purpose of grants awarded pursuant to subsection (d) of this section;

"(D) identifies, to the extent that information is available, the progress made in reducing pollutant loads and improving water quality in the waters of the United States; and

"(E) indicates what further actions need to be taken to attain and maintain in those waters (i) applicable water quality standards and (ii) the goals and requirements of the Act.".

(b) Section 304(k)(1) of the Clean Water Act is amended by inserting after the word "Act" the following: "and nonpoint source pollution management programs approved under section 319 of this Act.".

STORMWATER RUNOFF FROM MINING OPERATIONS

SEC. 113. Section 402(l) of the Clean Water Act is amended by inserting "(1)" after "(l)" and by adding the following new paragraph:

"(2) The Administrator shall not require a permit under this section nor impose effluent limitations, nor shall the Administrator directly or indirectly require any State to require such a permit or impose such limitations, for discharges of stormwater runoff from mining operations of oil or gas exploration, production, processing, or treatment operations, composed entirely of flows from conveyances or systems of conveyances (including pipes, conduits, ditches, and channels) used for collecting and conveying precipitation runoff and not contaminated with process wastes, overburden, raw materials, toxic pollutants, hazardous substances in excess of reportable quantities, or oil or grease.".

ANTI-BACKSLIDING

SEC. 114. (a) Section 402 of the Clean Water Act is amended by adding the following new subsection:

SEWAGE SLUDGE

SEC. 115. (a) Section 405(d) of the Clean Water Act is amended by inserting "(1)" after "(d)", by striking "(1)", "(2)" and "(3)" and inserting in lieu thereof "(A)", "(B)" and "(C)", and by adding the following new paragraph:

"(n) In the case of effluent limitations established on the basis of subsection (a)(1)(B) of this section, a permit may not be renewed, reissued or modified solely on the basis of effluent guidelines promulgated under section 304(b) subsequent to the original issuance of such permit, to contain effluent limitations which are less stringent than the comparable effluent limitations in the previous permit. If the source has installed the treatment facilities required to meet the effluent limitations in the previous permit and has properly operated and maintained the facilities but has nevertheless been unable to achieve the previous effluent limitations, the limitations in the renewed, reissued or modified permit may reflect the level of pollutant control actually achieved (but shall not be less stringent than required by effluent guidelines in effect at the time of permit renewal, reissuance or modification).".

(b) Section 402(a)(1) of the Clean Water Act is amended by inserting "(A)" after "either" and by inserting "(B)" after "this Act, or".

"(2)(A)(i) Not later than six months after the enactment of the Clean Water Act Amendments of 1985, the Administrator shall identify those toxic pollutants which on the basis of available information on their toxicity, persistence, concentration, mobility, or potential for exposure, may be present in sewage sludge in concentrations which may adversely affect public health or the environment.

"(ii) Not later than eighteen months after enactment of the Clean Water Act Amendments of 1985, the Administrator shall identify those toxic pollutants not identified under subparagraph (A)(i) which may be present in sewage sludge in concentrations which may adversely affect public health or the environment.

"(B)(i) Not later than eighteen months after the enactment of the Clean Water Act Amendments of 1985, the Administrator shall publish regulations specifying acceptable management practices for sewage sludge containing each toxic pollutant identified under subparagraph (A)(i) and establishing numerical limitations for each such pollutant for each use identified under paragraph (1)(A). Such management practices and numerical limitations shall be adequate to protect public health and the environment from any reasonably anticipated adverse effects of such pollutant. Such regulations shall require compliance no later than six months after their publication.

"(ii) Not later than thirty months after the enactment of the Clean Water Act Amendments of 1985, the Administrator shall publish regulations specifying acceptable management practices for sewage sludge containing each toxic pollutant identified under subparagraph (A)(ii) and establishing numerical limitations for each such pollutant for each such use identified under paragraph (1)(A). Such management practices and numerical limitations shall be adequate to protect public health and the environment from any reasonably anticipated adverse effects of such pollutant. Such regulations shall require compliance no later than six months after their publication.

"(iii) For purposes of this subparagraph, if, in the judgment of the Administrator, it is not feasible to prescribe or enforce a numerical limitation for a pollutant identified under paragraph (2)(A), he may instead promulgate a design, equipment, management practice, or operational standard, or combination thereof, which in his judgment is adequate to protect public health and the environment from any reasonably anticipated adverse effects of such pollutant. In the event the Administrator promulgates a design or equipment standard under this subsection, he shall include as part of such standard such requirements as will assure the proper operation and maintenance of any such element of design or equipment.

"(C) Nothing in this section authorizes the establishment of any requirement or time for compliance which is less stringent than required by any other law.".

INTERSTATE DISPUTE RESOLUTION

SEC. 116. (a) Section 402(d)(2) of the Clean Water Act is amended by inserting "(A)" after "(2)", by striking "(A)" and "(B)" and inserting in lieu thereof "(i)" and "(ii)" respectively, and by adding the following subparagraph:

"(B) In the case of the failure of any State to accept the recommendations of another State whose waters may be affected by the issuance of a permit, submitted in accordance with subsection (b)(5), the Administrator shall determine whether any violation of a water quality requirement (including a standard) of the affected State or adverse effect on public health of the affected State will result from the issuance of such permit. If the Administrator so determines, the Administrator shall object to the issuance of such permit. Any such determination shall be provided in writing to the affected State and such determination or such objection shall be reviewable in the appropriate Circuit Court of Appeals under section 509(b) of this Act as the issuance or denial of a permit under section 402.".

(b) Section 402(b)(1) of the Clean Water Act is amended by adding the following:

(b)(1) Section 308(a)(4) of the Clean Water Act is amended by inserting "405," before the phrase "and 504".

(2) Section 505(f) of the Clean Water Act is amended by striking "or" where it appears before "(6)", and inserting before the period a semicolon and the following: "or (7) a regulation under section 405(d) of this Act,".

(3) Section 509(b)(1)(E) of the Clean Water Act is amended by striking "or 306" and inserting in lieu thereof "306, or 405".

"(F) shall be reconsidered for termination or modification at any time a State other than that in which the source is located provides notice that the permitted discharge is causing the violation of a water quality requirement (including any standard) of such State or adversely affecting the public health of such State and seeks a modification of such permit;".

(c) Section 511 of the Clean Water Act is amended by adding a new subsection (e) as follows:

"(e) Any State or municipality the water quality of which is adversely affected by pollutants from another State may petition the Administrator who, upon determining on the record after opportunity for Agency hearing pursuant to 5 U.S.C. 554, 556, and 557 that such pollution is causing the violation of a water quality requirement (including any standard) of such State or adversely affecting the public health of such State, shall issue an order restraining any person causing or contributing to such pollution or providing such other relief as is appropriate, taking into account the goals and requirements of this Act and other equitable consideration. In no case shall such order or other relief based solely on this subsection supersede or abrogate rights to quantities of water which have been established by interstate water compacts, Supreme Court decrees, or State water laws. This subsection shall not apply in any case in which section 402(d)(2)(B) or section 402(b)(1)(F) is available.".

PRESERVATION OF OTHER RIGHTS

SEC. 117. (a) Section 505(e) of the Clean Water Act is amended by inserting "(1)" after "(e)" and by adding the following new paragraphs:

"(2)(A) Nothing in this Act shall be construed, interpreted, or applied to displace, preempt, or limit the rights or liabilities of any person under State common law. Any person injured by an act or activity within the field covered by this Act may file an action and be granted relief which is provided under the statutory or common law of the State in which such person resides or the State in which the claim arose. Such action may be filed in Federal district court in accordance with section 1332 of title 28, United States Code.

"(B) Nothing in this Act shall affect or modify in any way the liabilities of any person under other Federal statutes for damages caused by noncompliance with any requirement of this Act or any permit issued under this Act.

"(3) In any case involving the application of State common or statutory law to an instance where a discharge of pollutants arising in another State is alleged to have an adverse effect on the public health or welfare or the attainment of any water quality requirement of such State or municipality, a State or municipality shall be considered a citizen of such State for the purpose of filing an action in, or seeking removal to, a Federal district court pursuant to section 1332 of title 28, United States Code.".

(b) The amendments made by this section shall not apply in any dispute involving claims of interstate water pollution, wherein a State or municipality is the defending party, which is pending as of the enactment of this Act (or has been finally adjudicated), and on which the Supreme Court of the United States has rendered a decision.

HAZARDOUS WASTE PRETREATMENT STUDY

SEC. 118. Section 516 of the Clean Water Act is amended by adding the following new subsection at the end thereof:

"(f) The Administrator shall, not later than two years after the date of the enactment of the Clean Water Act Amendments of 1985, submit a report to the Congress concerning hazardous wastes identified or listed under section 3001 of the Solid Waste Disposal Act which are excluded from regulation pursuant to subtitle C of the Solid Waste Disposal Act under regulations exempting mixtures of domestic sewage and other wastes that pass through a sewer system to a publicly owned treatment works for treatment. Such report shall specify the types and quantities of such hazardous wastes which are exempted pursuant to such regulations and shall include recommendations respecting whether or not other provisions of law applicable to such mixtures are adequate to protect human health and the environment from hazards associated with such wastes or whether regulation of such mixtures under subtitle C of the Solid Waste Disposal Act is necessary for such purpose.".

AD VALOREM TAX DEDICATION

SEC. 119. For the purposes of complying with section 204(b)(1) of the Clean Water Act, the ad valorem tax user charge system of the Town of Hampton, New Hampshire, shall be deemed to have been dedicated as of December 27, 1977. The Administrator of the Environmental Protection Agency shall review such ad valorem tax user charge system for compliance with the remaining requirements of section 204(b)(1) and related regulations of the Agency.

LIMITATION ON DISCHARGE OF RAW SEWAGE BY NEW YORK CITY

SEC. 120. (a)(1) If the wastewater treatment plant identified in the consent decree as the North River plant has not achieved advanced preliminary treatment as required under the terms of the consent decree by August 1, 1986, the City of New York shall not discharge raw sewage from the drainage area of such plant (as defined in the consent decree) into navigable waters after such date in an amount which is greater for any 30-day period than an amount equal to 30 times the average daily amount of raw sewage discharged from such drainage area during the 12-month period ending on the earlier of the date on which such plant becomes operational or March 15, 1986 (as determined by the Administrator of the Environmental Protection Agency), except as provided in subsection (b).

(2) If the wastewater treatment plant identified in the consent decree as the Red Hook plant has not achieved advanced preliminary treatment as required under the terms of the consent decree by August 1, 1987, the City of New York shall not discharge raw sewage from the drainage area of such plant (as defined in the consent decree) into navigable waters after such date in an amount which is greater for any 30-day period than an amount equal to 30 times the average daily amount of raw sewage discharged from such drainage area during the 12-month period ending on the earlier of the date on which such plant becomes operational or March 15, 1987 (as determined by the Administrator of the Environmental Protection Agency), except as provided in subsection (b).

(b)(1) In the event of any significant interruption in the operation of the North River plant or the Red Hook plant caused by an event described in subparagraph (A), (B), or (C) of paragraph (5) occurring after the applicable deadline established under subsection (a), the Administrator of the Environmental Protection Agency shall waive the limitation of subsection (a) with respect to such plant, but only to such extent and for such limited period of time as may be reasonably necessary for the City of New York to resume operation of such plant.

(2) In the event that the volume of precipitation occurring after the applicable deadline established under subsection (a) causes the discharge of raw sewage to exceed the limitation under subsection (a), the Administrator of the Environmental Protection Agency shall waive the limitation of subsection (a) with respect to either or both such plants, but only to such extent and for such limited period of time as the Administrator determines to be necessary to take into account the increased discharge caused by such volume of precipitation.

(3) In the event that an increase in discharges from the North River drainage area constituting a violation of subsection (a)(1)

is due to a random or seasonal variation, and that any sewer hookup occurring, or permit for a sewer hookup granted, after July 31, 1986, is not responsible for such violation, the Administrator of the Environmental Protection Agency shall waive the limitation of subsection (a)(1), but only to such extent and for such limited period of time as the Administrator determines to be reasonably necessary to take into account such random or seasonal variation.

(4) In the event that an increase in discharges from the Red Hook drainage area constituting a violation of subsection (a)(2) is due to a random or seasonal variation, and that any sewer hookup occurring, or permit for a sewer hookup granted, after July 31, 1987, is not responsible for such violation, the Administrator of the Environmental Protection Agency shall waive the limitation of subsection (a)(2), but only to such extent and for such limited period of time as the Administrator determines to be reasonably necessary to take into account such random or seasonal variation.

(5) The Administrator of the Environmental Protection Agency shall extend either deadline under paragraph (1) or (2) of subsection (a) to such extent and for such limited period of time as may be reasonably required to take into account any—

(A) act of war,

(B) unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight, or

(C) other circumstances beyond the control of the city of New York, such circumstances not to include (i) the unavailability of Federal funds under section 201 of the Federal Water Pollution Control Act, (ii) the unavailability of funds from the city of New York or the State of New York, or (iii) a policy decision made by the city of New York or the State of New York to delay the achievement of advanced preliminary treatment at the North River Plant or Red Hook plant beyond the applicable deadline in subsection (a).

(c) Except as otherwise provided in subsection (b), any violation of subsection (a) shall be considered to be a violation of section 301 of the Federal Water Pollution Control Act, and all provisions of such Act relating to violations of such section 301 shall apply.

(d) For purposes of this section, the "consent decree" is the consent decree entered into by the Environmental Protection Agency, the city of New York, and the State of New York, on December 30, 1982, relating to construction and operation of the North River and Red Hook wastewater treatment plants.

(e) The Administrator of the Environmental Protection Agency shall work with the city of New York to eliminate the discharge of raw sewage by such city at the earliest practicable date.

(f) Nothing in this section shall be construed as modifying the terms of the consent decree.

(g) It is the sense of the Congress that the Administrator of the Environmental Protection Agency should not agree to any further modification of the consent decree with respect to the schedule for achieving advanced preliminary treatment.

(h)(1) The provisions of this section shall remain in effect with respect to the North River drainage area until such time as the North River plant has achieved advanced preliminary treatment (as defined in the consent decree) for a period of six consecutive months.

(2) The provisions of this section shall remain in effect with respect to the Red Hook drainage area until such time as the Red Hook plant has achieved advanced preliminary treatment (as defined in the consent decree) for a period of six consecutive months.

(i) The Administrator of the Environmental Protection Agency shall establish and carry out a program for the monitoring activities which may be required under subsection (a) by December 1, 1984. The Administrator of the Environmental Protection Agency shall establish the methodologies, data base, and any other information required for making determinations under subsection (b) for the North River drainage area (as defined in the consent decree) by July 31, 1986, unless the requirements of subsection (b)(1) have been satisfied, and for the Red Hook drainage area (as defined by the consent decree) by July 31, 1987, unless the requirements of subsection (h)(2) have been satisfied. In carrying out such program, if the Administrator finds that a violation of subsection (a) has occurred, the Administrator shall also determine, within 30 days after such finding, whether a provision of subsection (b) applies. If the Administrator requires information from the city of New York in order to determine whether a provision of subsection (b) applies, the Administrator shall request such information. If the city of New York does not supply the information requested by the Administrator, the Administrator shall determine that subsection (b) does not apply. The city of New York shall be responsible only for such expenses as are necessary to provide such requested information. Enforcement action pursuant to subsection (c) shall be commenced at the end of such 30 days unless a provision of subsection (b) applies.

TITLE II—CONSTRUCTION GRANT AMENDMENTS

AUTHORIZATION

SEC. 201. Section 207 of the Clean Water Act is amended by striking "and September 30, 1985," and inserting in lieu thereof "September 30, 1985, September 30, 1986, September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990,".

ALLOCATION

SEC. 202. (a) Section 205(c) of the Clean Water Act is amended by adding the following new paragraph:

"(3) Sums authorized to be appropriated pursuant to section 207 for the fiscal year 1986, 1987, 1988, 1989, and 1990 shall be allotted for each such year by the Administrator not later than the tenth day which begins after the date of enactment of the Clean Water Act Amendments of 1985. Sums authorized for such fiscal years shall be allotted in accordance with the following table:

States:
Alabama
Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
District of Columbia
Florida
Georgia
Hawaii
Idaho
Illinois
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Maryland
Massachusetts
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
New York
North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Utah
Vermont
Virginia
Washington
West Virginia
Wisconsin
Wyoming
Samoa
Guam
Northern Marianas
Puerto Rico
Pacific Trust Territories
Virgin Islands

(b) Section 207(e) of the Clean Water Act is amended by striking "and 1985," each place it appears and inserting in lieu thereof "1985, 1986, 1987, 1988, 1989, and 1990,".

SET ASIDES

SEC. 203. (a) Section 207(g)(1) of the Clean Water Act is amended by striking "1985" and inserting in lieu thereof "1990".

(b) Section 207(i) of the Clean Water Act is amended by striking "and September 30, 1985," and inserting in lieu thereof September 30, 1985, September 30, 1986, September 30, 1987, September 30, 1988, September 30, 1989, and September 30, 1990".

Mr. LAUTENBERG. Mr. President, I am pleased to join my distinguished colleague from Vermont, the chairman of the Environment and Public Works Committee, as an original cosponsor of legislation to reauthorize the Nation's Superfund program.

The cleanup of abandoned toxic waste sites is a top priority for New Jersey. In no other State is the Superfund program more important. Fully 95 of the 786 sites on the National Priority List for cleanup are in New Jersey. The most dangerous site in the country, the Lipari landfill, is located in the suburbs of Camden. These is not one county in New Jersey free of sites which threaten human health and the surrounding environment. Therefore, I applaud Senator STAFFORD's hard work last year to strengthen and renew Superfund and his inten-

tion to put Superfund at the top of our committee's agenda this year.

Mr. President, it is vital that the Congress take up consideration of the Superfund program as soon as possible. The Superfund program expires in September. It is imperative that Superfund be reauthorized with sufficient lead time so that the Environmental Protection Agency can gear up to run an expanded and accelerated program.

The legislation that we are introducing today is virtually identical to the bill approved by a vote of 17 to 1 by the Environment and Public Works Committee last September. This bill was subsequently referred to the Senate Finance Committee, where it languished in the waning hours of the 98th Congress.

In an effort to gain Senate approval, Senator BRADLEY and I offered an amendment, similar to the legislation approved by the Environment and Public Works Committee, during consideration of the continuing resolution in early October. Unfortunately, opposition to Superfund renewal by the administration hindered approval of the bill.

The legislation that we are introducing today directs and authorizes funds for the testing of toxic chemicals most commonly found at Superfund sites. It requires that health assessments be done at every site listed on the National Priority List and that a more effective program be established for providing information to citizens who are worried about the health ramifications of exposure to nearby abandoned waste sites.

It requires that EPA replace household water, when warranted by conditions around a site. This provision, which I offered in committee, requires that our citizens have at least the very basics: not only clean water to drink, but also to bathe in, to wash their clothes in, and to use for other essential household purposes.

The bill also refines the Federal-State relationships under Superfund, which are one of the most critical elements of any effective cleanup program. This is one of the areas that I devoted substantial attention to in committee because of its importance to a successful program. I was very appreciative that the committee saw fit to adopt these amendments. They would clarify the right to the States to raise their own funds; extend the statute of limitations for filing natural resource damage claims; allow States to get credit for State money spent to clean up Superfund sites eligible for Federal assistance; and to assure that the treatment of ground and surface water be considered a part of the cleanup.

Mr. President, while this bill is a good starting point it is modest in scope. It does not contain the administrative assistance program for compensating victims of toxic exposure included in last year's bill. Nor does it contain a cause of action for seeking relief in Federal courts. I expect that the committee will be very active on these important issues this year. The pilot administrative program offered by my colleague, Senator MITCHELL, represented a good first step, and I look forward to working with him and other members of the committee in fashioning victims' compensation provisions.

In addition, a number of issues were left unresolved last year in an effort to forge a strong consensus late in the session last year. Mr. President, I ask unanimous consent that the text of my additional views to the Environment and Public Works Committee report on last year's bill be inserted in the RECORD at the conclusion of my remarks. These views indicate the areas that I would like to see added as amendments to the bill introduced today.

BHOPAL

The recent tragedy in Bhopal, India, raises several critical issues relevant to the reauthorization of Superfund. The lethal release of methyl isocyanate by the Union Carbide plant swept over the populated city early in the morning. Investigations have confirmed that plant personnel fled, emergency equipment failed to work, and evacuation measures were not instituted until after the release of the poisonous gas. In the wake of the worst industrial accident in history, citizens and officials around the globe are asking, Could it happen to us?

Nowhere is the question of safety more important than in the State of New Jersey. The State is the most densely populated State in the Nation. It is also the third largest producer of chemicals. Recent incidents in the State, including an explosion that released malathion into the air over heavily populated areas, are cause for reevaluation of safety precautions and emergency response capabilities in New Jersey and other communities across the Nation.

Federal emergency response authorities stem for Superfund. In fact, EPA has carried out more emergency response actions than planned cleanup actions, although most people associate the Superfund program with the cleanup of abandoned toxic waste sites.

The Bhopal incident raises a host of questions the Congress should pursue during consideration of Superfund legislation:

What percentage of the American public lives within 10, 20, or 50 miles of facilities that handle hazardous materials?

Do we know what these materials are and what hazards they present to adjacent communities?

What is the adequacy of emergency procedures of State and Federal Governments to respond to environmental disasters?

Does the National Response Team set up under Superfund have the capability to provide or coordinate essential services in the event of a disaster?

How would relief funds be made available during and immediately following an emergency?

How would victims of exposure be compensated?

To what extent do current liability provisions under Superfund encourage the institution of safety measures?

Are penalties for nonreporting of releases steep enough?

In addition to these response issues, the specter of daily exposure to chemicals emitted as byproducts of chemical processes has been raised by Bhopal. To respond to spills and leaks of chemicals, we need to know where facilities are located, what chemicals they use or produce, and in what volume these chemicals are released on a routine basis.

I intend to introduce amendments to Superfund this year to address some of these issues. It is my hope that Congress will consider my legislation within the context of reauthorization of Superfund.

NEED TO EXPAND SUPERFUND

Mr. President, the long-awaited studies mandated by Superfund were issued in December. They confirm that we cannot afford to delay the expansion and acceleration of the Superfund program. No longer can anyone dispute that the time for study has ended. The major findings of the studies are persuasive. EPA expects that over 2,000 sites will be listed on the National Priority List. Another 22,000 sites are candidates for the NPL. If these sites are added at the current ratio of one to every six, the list may grow to 3,700 to 4,200 sites. These figures could be substantially increased as more active hazardous waste facilities, municipal and industrial landfills, mining waste sites, leaking underground storage tanks and sites contaminated by radioactive wastes and pesticides become eligible for Superfund action. More than half of the 25 most commonly found substances at Superfund sites are known or suspected carcinogens, and substances from over 75 percent of these sites have infiltrated into ground water sources.

It is our responsibility to give EPA the direction and resources to effectively mitigate the dangers these toxics present. There is no question that the job is a very large one, and that significant resources will be needed to make the Superfund an effective program. EPA estimates that the average cost of cleaning up an abandoned waste site is over $8 million. This figure does not take into ac-

count inflation, deteriorating conditions at many abandoned waste sites, compensation for damages to natural resources, and, of critical importance to the State of New Jersey, the long-term costs of maintaining cleaned-up sites. The choice made between completely cleaning up sites, or simply containing wastes, will also influence cleanup costs.

Given these assumptions, EPA estimates that the cleanup of the first 1,800 Superfund sites will cost between $11.7 and $22.7 billion. This range reflects the assumption that responsible parties will contribute 50 percent of the cleanup costs in calculating the $11.7 billion figure and 40 percent calculating the $22.7 billion figure. Recovery from responsible parties has been about 25 percent, a much lower figure.

Clearly, the program will have to be funded at a level far higher than the original $1.6 billion. Last year, the Senate Environment and Public Works Committee recommended a funding level of $7.5 billion over the next 5 years. The House of Representatives approved a funding level of $10.2 billion. To adequately fund this vital public health program, the Congress will have to increase Superfund resources significantly. While our bill does not contain a funding title, which will be developed primarily in the Finance Committee, I will support proposals to expand and broaden the existing tax base. Last year, the Environment and Public Works Committee developed information on a number of proposals to spread the tax burden. This was an important effort which should be renewed this year.

Mr. President, it is my hope that we can proceed rapidly with Superfund reauthorization. I applaud Chairman STAFFORD for putting this legislation at the top of our committee's agenda. In my State of New Jersey, not 1 of the 95 sites on the NPL has been completely cleaned up. This is an intolerable situation. I intend to work hard with my colleagues on the Environment and Public Works Committee, and with the Finance Committee, to strengthen this program which is of such critical importance to New Jersey.

There being no objection, the views were ordered to be printed in the RECORD, as follows:

EXHIBIT 1: ADDITIONAL VIEWS OF SENATOR LAUTENBERG ON S. 2892

The chairman and ranking minority member of the committee have exercised vital leadership in securing nearly unanimous committee approval of S. 2892. I hope the Senate will make consideration of this bill a high priority before the 98th Congress adjourns.

The importance of an expanded and accelerated Superfund Program cannot be understated. Citizens who live in continual fear of contaminated ground water, air, and soil from abandoned waste sites deserve to have this program implemented as quickly and effectively as possible. The sheer magnitude of the task, and the need for the Environmental Protection Agency and the States to make managerial and financial commitments without a loss of continuity, requires that the Superfund Program be reauthorized well before it expires in October 1985.

In the interest of assuring timely action on S. 2892, the committee considered a 5-year $7.5 billion reauthorization of current programs. Members of the committee were provided with the opportunity to offer amendments, and several were adopted that will improve the existing Superfund Program. To facilitate committee consideration of S. 2892, however, several important issues were not considered. I hope the Senate will be able to address them when it considers S. 2892.

S. 2892 does not address the pace of the program. Superfund sites are being added to the national priority list at an astounding rate. Currently, there are 546 sites on the NPL. Over the next several years, the Environmental Protection Agency expects the list to grow to 1,400 to 2,200 sites. Every effort should be made to ensure that EPA has adequate resources to initiate cleanups and that it do so as quickly as possible. This may require an increase in funding and direction about the pace at which sites are added to the NPL and the speed with which remedial investigations feasibility studies and remedial actions are undertaken.

Another issue related to the cleanup of sites is the determination of "how clean is clean." The committee gave this issue considerable attention. It resolved that the Agency or State carrying out a remedial action should be provided with flexibility in determining how much should be cleaned up. S. 2892 requires that the degree of clean-up always meets the test of protection of human health and the environment. It is my view that removal of hazardous substances, pollutants, or contaminants should be the preferred method of cleanup unless compelling evidence indicates another solution better serves the public health and environment.

The Superfund Program must be responsive to the citizens that live in the vicinity of an abandoned waste site or site of a release under the act. Citizens should have the opportunity to petition EPA if a release or the threat of a release poses imminent and substantial endangerment to human health or the environment and also to petition EPA to carry out nondiscretionary duties under the act. Citizen suit provisions under other environmental statutes have made programs more responsive to the public and have generally improved Agency regulation and enforcement of such laws.

Mr. LAUTENBERG. Mr. President, I am also pleased to join the chairman, Senator STAFFORD, and many of my distinguished colleagues of the Environment and Public Works Committee, as an original cosponsor of legislation to control acid rain.

For over 3 years, Congress has been debating the shape of an acid rain control program. The Environment and Public Works Committee has twice approved strong acid rain control programs as part of the reauthorization of the Clean Air Act. Twenty-seven days of hearings and 33 markups on the Clean Air Act, including 10 days of hearings specifically on acid rain, were held, and over 5,000 pages of a hearing record was compiled. It is my sincere hope that acid rain controls will finally be put into place in the 99th Congress.

Every day that we delay, another 100,000 tons of sulfur dioxide pollution is spewed out over our cities, our forests and crops, and rivers and streams. While the evidence amasses that this pollution causes slow but pervasive degradation of our natural resources, and damages buildings, bridges, and priceless monuments in the United States, the Congress has remained immobilized.

The legislation introduced today is identical to the bill approved by the Environment and Public Works Committee last March. Approval of acid rain legislation was my first vote as a member of the committee. The legislation would put into action a program to reduce sulfur dioxide emissions by over 40 percent. The bill requires that this reduction be achieved by January 1, 1994, and that phased reductions be made in the interim.

It is not a perfect bill, but it represents an important step toward mitigating one of the most troublesome environmental problems of the decade.

Other nations have moved forward with significant programs to cut emissions of sulfur and nitrogen oxides. Canada is pledged to a 50-percent reduction of its smelter and powerplant sulfur dioxide emissions. Three other countries in Europe have joined the call for a 50-percent reduction. Two of the countries represent the industrial hub of Europe: France and West Germany. The third country is Norway. Together, 10 countries have pledged to reduce their emissions by at least 30 percent over the next decade in a cooperative effort to stem this urgent international problem.

We need to take action in the Congress before we lose irreplaceable national treasures; lakes and streams, crops and forest land, and historical monuments, and, perhaps more importantly, the health of our young and elderly.

In the late 1970's, poisoned lakes in the Adirondacks drew the attention of citizens across the country. Last year, the Office of Technology Assessment reported that 9,000 lakes and 117,000 miles of streams are at risk in States east of or bordering on the Mississippi River. Scientists are now discovering that the problem extends further west to Colorado and all the way to California and Washington State.

Today, red spruce from Maine to North Carolina are in decline, mirroring what has happened in West Germany, where the Government estimates that fully 50 percent of the forests are dead or dying.

The corrosion of buildings, monuments and water supply systems are

also exacting an economic toll that the national academy of sciences estimated in 1978 exceeded $2 billion per year. In fact, destruction from acid rain is so widespread that today some car warranties will not fully cover paint damage from so-called chemical fallout. Oldsmobile warranties warn of airborne pollutants attacking vehicle paints, particularly along the northeastern seaboard.

In my home State of New Jersey, there is tremendous concern about acid rain. New Jersey's own pine barrens are at risk. It is one of seven regions identified by the Environmental Protection Agency as most vulnerable to acid rain. Correlation of acidified streams and reduced productivity of pines in the Lebanon State Forest was the first indication on the eastern seaboard that acid rain may be damaging our forests.

Also, in the Kittatinny Mountains to the north, three lakes are immediately threatened. The acidity is at levels endangering trout and bass breeding. State scientists fear that metal deposits found in Kittatinny Lake samples could contaminate the water supplies of the central highland reservoirs.

Even more disturbing is the evidence building on health effects. Some recent studies indicate that more people may die prematurely from airborne sulfates each year than die on our Nation's highways.

Mr. President, what we know today is compelling.

In 1981 the National Academy of Sciences confirmed that sulfur dioxide and nitrogen oxides are the cause of acid rain. NAS recommended a 50-percent reduction in acid deposition.

Two years later, the NAS issued a second landmark report. It concluded that reductions in sulfur dioxide emissions would lead to direct and proportional reductions in acid rain.

On the heels of the NAS report, a presidentially appointed panel of scientists—appointed by President Reagan—reiterated that concrete action to reduce sulfur dioxide emissions was in order.

The panel clearly stated that the risks of waiting to get more information far outweighed the risks of acting, and that waiting could result in irreversible damage to the environment.

Mr. President, in 1970, the Clean Air Act was passed. That act set out a mandate for cleaning up the emissions from our factories and our cars. The technology for accomplishing this task was then only on the drawing boards. Today, that technology is working. It has reduced some automobile emissions by 90 percent and reduced sulfur dioxide emissions by 20 percent.

In America and in New Jersey, we have the finest engineers and scientists in the world. We have the evidence and the know how to put an acid rain program in place. What is needed is the political will to do so.

From a small movement that originated in New England, public support for acid rain control has grown steadily. The National Clean Air Coalition and the Canadian Coalition on Acid Rain have gathered the membership of groups numbering in the millions to work for acid rain controls.

It is my hope that 1985 is the year we confront our regional differences and concerns, and enact a meaningful acid rain control program.

Mr. MITCHELL. Mr. President, I am pleased to consponsor the Superfund Improvement Act of 1985. The bill we introduce today is virtually identical to the legislation approved by the Committee on Environment and Public Works last year.

It is critical that this legislation be enacted into law this year because the authorization for the program expires in September 1985.

There is no environmental problem of more importance to the American people than the thousands of abandoned hazardous waste sites across this country. No area of the United States is immune from the threat of chemical contamination of our air, our water and land. No person is immune from the threat to his or her health and well-being from toxic chemicals in the environment.

It is indeed ironic that this is the legacy of the modern chemical technology which has so improved our standard of living. The Environmental Protection Agency estimates that there could be as many as 22,000 potentially hazardous waste sites in this country.

The Congress acted in 1980 to address this problem by enacting the Superfund law. We enacted a law which was based on the principle that those who are responsible for chemical harm should bear the costs of that harm. This was the basis for both the strict liability standard of the law, and the taxation of chemical feedstocks to fund the cleanup of sites.

Today we are introducing legislation to extend the life of the Superfund law for another 5 years. In the 4 years since we enacted the original statute, we have learned that the magnitude of the problem is far greater than we expected. The $1.6 bill fund authorized in 1980 will probably clean up only 170 of the 546 worst sites now on EPA's priority list. The average cost of cleaning up each site has increased from an estimated $2.5 million in 1980 to $4.5 million in 1983 to $6.5 million in 1984.

We are proposing a modest bill which will permit the continuation of the current program at a slightly increased pace.

EPA officials have stated that the current program—130 site cleanups a year—would cost $5.2 billion over 5 years. This estimate is misleading. It does not include the cost of payment of natural resource claims authorized under the current law. Although claims of $2.7 billion have been filed, none have yet been paid. Moreover, EPA's cost estimate assumes no inflation between 1986 and 1990, and no increase in construction costs at sites. It was these factors in part that led the members of the Environment and Public Works Committee last year to recommend a Superfund Program of $7.5 billion over 5 years.

VICTIM ASSISTANCE

The law now makes no provision for compensation to the human victims of exposure to hazardous chemicals. Compensation is, however, available for damage to natural resources owned by State and Federal authorities. As I have said since 1980, this represents a misguided set of priorities which elevates things over people.

For 4 years, I have been advocating the addition of compensation for injury to persons to the Superfund law, through a combination of judicial and administrative remedies.

It is necessary and justified that each of these avenues provide resource to people injured from exposure to hazardous substances. Together, these kinds of remedies place injury to people on the same footing as damage to property. I am convinced, by the record of the Environment Committee and the general debate over the past years, that a genuine need for this kind of compensation exists. And I am convinced that we, as a society, will provide such compensation in a comprehensive fashion. We will provide it because ultimately, the equity of shifting the burden of harm from the victim to the responsible party will be self-evident and irrefutable.

The bill we introduce today does not contain a detailed recommendation on victim compensation. This should not be construed to mean that we do not intend to address that issue. I will introduce legislation in the near future on that subject, and I intend to offer such a proposal in the Environment Committee this year.

The legislation we adopted last year established a demonstration program of administrative victim assistance in five States to be selected by EPA. I personally believe that such a program could be and should be operated from the human health threat of hazardous substances in the environment. I am therefore at this time reexamining the various suggestions put forth during the Superfund debate last year, with respect to victim assistance. I hope to develop a proposal which is both workable and equitable, and more comprehensive in scope.

Mr. President, this is a modest piece of legislation. It does not expand greatly the regulatory authorities of the current law. It is essentially a re-

authorization of the current program. We must move expeditiously to enact it.

Mr. MOYNIHAN. Mr. President, I would like to commend Senator STAFFORD for introducing on this first day of the 99th Congress amendments to the Clean Water Act. We on the Environment and Public Works Committee worked hard during the last Congress to develop legislation that would expand our efforts to improve the quality of the Nation's waters. In spite of the progress made in the past decade by sewage treatment and other controls, additional attention must be paid to toxic pollutants and nonpoint source pollution. This bill will continue last year's efforts to achieve these goals.

I would also like to speak to the provision that would limit discharges of raw sewage by the city of New York. This language was the culmination of weeks of negotiation among all four Senators from New York and New Jersey, as well as Representative JIM HOWARD.

It is certainly imperative that such discharges near New York City and more than 200 other locations across the United States end as soon as possible. New York City is making a major effort to do so; two sewage treatment plants now are under construction—North River and Red Hook—and soon will eliminate continuous raw discharges to the Hudson River and New York Harbor.

The larger of the two plants, North River, is an engineering marvel. Perched on a huge concrete slab over the Hudson, it will collect, pump, and treat up to 200 million gallons of sewage every day. A thousand workers are at work on the site, and the plant is scheduled to be ready by November 1985. I would note that a consent agreement among New York City, New York State, and the Environmental Protection Agency does not require completion until 6 months later. The second plant, Red Hook, is similarly ahead of schedule and will be treating waste by December 1986.

In view of New York City's aggressive program to eliminate the discharge of raw sewage, I saw no need for this provision. This legislation will not hasten completion of the two treatment facilities, where work is already proceeding as rapidly as possible. I also believe that any strategy to improve water quality should be applied nationwide. The Environmental Protection Agency has identified 242 locations in the United States where sewage is not treated. Yet this amendment would affect only New York City's discharges. I agreed to it because it is carefully worded to ensure that New York City will not be punished for circumstances beyond its control.

Finally, I would like to put this legislation into perspective. Improving the quality of our Nation's waters will require a variety of regulatory and management efforts. Elimination of raw municipal sewage is clearly important, but we are close to achieving that goal. Other water pollution problems are even more critical—industrial discharges of heavy metals and toxic organic chemicals, nonpoint source pollution, and others. Let us resolve to focus our attention and efforts on these largely unaddressed problems. I suggest enactment of the Clean Water Act amendments as a first step.

Mr. D'AMATO. Mr. President, I rise today to comment briefly on the Clean Water Act, which is being reintroduced today by my distinguished colleague from Vermont, the chairman of the Environment and Public Works Committee. Section 120 of this act addresses the concerns of the State of New Jersey with respect to the continued discharge of raw sewage by New York City. At the same time, this provision offers New York City sufficient protection from events beyond its control that might otherwise have triggered a ban contained in a version of the provision considered by the House during the 98th Congress.

Mr. President, I applaud the spirit of compromise behind the drafting of this section. Senators MOYNIHAN, LAUTENBERG, and BRADLEY, along with Congressman HOWARD, are to be commended for their commitment to working out an agreement which will ensure that these waters are protected, while at the same time establishing realistic goals that New York can, and will, meet. In fact, I expect that New York will be ahead of schedule in accomplishing these goals.

This amendment explicitly states that the Environmental Protection Agency shall be responsible for the monitoring required to ascertain the levels of sewage discharge. In this way, New York will not be expected to bear a greater financial burden under the act than is borne by other communities across the Nation.

At the same time, this amendment offers protection to the city so that it will not be a victim of actions or occurrences beyond its control. Specifically, it provides an exemption should either plant come on line, but break down for reasons beyond the control of the city of New York, or if the plants could not be brought on line for reasons beyond the control of the city, such as an act of God, an act of war, or a strike, or if the violation of the cap was due to increased rainfall, or random or seasonal fluctuations. Finally, the section provides for a sunset provision for the raw sewage discharge cap on each of the plants, and it makes clear that the cap applies only to the drainage areas involved, not to the entire city.

Mr. President, I am pleased we have reached this compromise, and, once again, I applaud my colleagues for the cooperation which made this agreement possible.

SUPERFUND IMPROVEMENT ACT OF 1985

Mr. HUMPHREY. Mr. President, I am pleased to join Senator STAFFORD and other members of the Committee on Environment and Public Works today as a cosponsor of the Superfund Improvement Act of 1985.

It is particularly significant that this legislation is being introduced on this, the first day of the 99th Congress. The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, or Superfund, will expire at the end of the present fiscal year. However, the work of the Superfund Program has just begun. Thousands of hazardous waste sites, including many in my State, await action under the program. It is absolutely imperative that the Congress moves quickly to reauthorize this important environmental statute.

We have learned a great deal over the initial years of the Superfund Program. Importantly, we now have a better understanding of the scope of the problem, and it is far larger than originally anticipated. Further, it has become clear that we must devote considerably more resources than we have in the past to the clean up of these sites. Indeed, the Environmental Protection Agency recently told the Congress that their projections for per-site clean-up costs have risen to well over $8 million.

In New Hampshire, where we seem to have more than our share of hazardous waste sites, I have had the opportunity to work closely with local, State, and Federal officials in the cleanup efforts. I have seen first hand that there are many areas where we can improve the program to make it work better and faster.

The Committee on Environment and Public Works spent a great deal of time in the last Congress looking into the scope, problems, and priorities of the program. I believe that the results of the committee's work, which are largely reflected in the bill being introduced today, successfully address needed expansion and improvements to the Superfund Program. I am particularly pleased that the bill as introduced also contains a provision that will provide for a program to increase our understanding of health effects associated with Superfund sites.

Mr. President, it is very important that we move quickly on a Superfund extension. I urge my colleagues to actively support speedy consideration of this legislation.

Mr. President, today I am also pleased to join Senator STAFFORD and several colleagues as a cosponsor of the Acid Rain Control Act of 1985.

The threats to our fragile environment which continue to be posed by acid deposition have been well documented in several major scientific studies. We know that large sections of our country are at substantial risk because of acid rain. Not only are invaluable natural resources at risk, but so is the economic well being of those who depend upon our rivers, lakes, forests, and farms for their livelihood.

It is clear that the time for further study has passed, and the time for action is upon us. That is what makes the introduction of this legislation today so important. I commend the chairman of the Committee on Environment and Public Works for his continued leadership on this issue. It is particularly important that this legislation is being introduced on this, the first day of the 99th Congress.

Last year the committee reported a similar acid rain control provision to the full Senate where it was never taken up. We cannot afford to let that happen again this year.

Mr. President, I hope that the early introduction of this legislation serves as a signal to this body that the time for action on acid rain has arrived.

By Mr. D'AMATO:

S. 54. A bill to establish a Federal Annuity Program to compensate participants in private pension plans which terminated before July 1, 1974, for nonforfeitable pension benefits which were lost by reason of termination, and for other purposes; to the Committee on Labor and Human Resources.

TERMINATED PENSIONERS' SURVIVAL ACT

Mr. D'AMATO. Mr. President, I rise today to introduce the Terminated Pensioners Survival Act. This legislation will assure that those who have worked throughout an entire lifetime will be able to retire in dignity. I believe the Federal Government has a duty to help those people whose pension rights were not protected by the Employee Retirement Income Security Act of 1974 [ERISA]—to so-called pension losers.

During the 98th Congress, I introduced identical legislation in the Senate. I also participated in hearings held by the House Subcommittee on Labor-Management Relations on September 20, 1984, where companion legislation was then under consideration. Although the last Congress adjourned without taking any action on this issue, I am confident the 99th Congress will act to make certain that workers who have been promised and may have contributed to a retirement plan will not spend their retirement years unable to afford the necessities of life.

It is of the utmost importance that prompt action be taken to restore a measure of retirement economic security to a class of citizens that grows smaller as the years pass by. Time is literally running out for the tens of thousands of pension losers, many of whom are experiencing retirements fraught with financial worries and the need for extreme self-sacrifice in order to make ends meet. The pension losers are people who built their hopes and dreams for a decemt retirement on the promise of a pension—a pension which they had earned with years of hard work.

Pension losers are workers who satisfied the prerequisites of their company pension plans. Unfortunately, they lost out on these pensions when their companies went bankrupt prior to enactment of ERISA on September 2, 1974. Pension losers lost their benefits not only to company bankruptcies, but also to pension plan terminations caused by company closings and relocations.

When ERISA was enacted, numerous protections for workers' retirement plans were initiated. The primary goal of ERISA was to ensure that workers covered under private pension plans receive the benefits to which they are entitled. In order to achieve this goal, the landmark legislation provided many protections, including: Fiduciary standards, funding standards, reporting and disclosure rules, plan termination insurance, and new tax-qualifications rules. However, it did not protect those workers who simply had the bad luck to have contributed to a pension plan which terminated before the arbitrary cutoff date established with ERISA's passage.

At the time of ERISA's enactment 10 years ago, there were an estimated 125,000 pension losers who had vested in pension plans which had terminated between 1942 and 1974. Since 1974, the number of pension losers has decreased dramatically to about 83,000. The number of potential recipients under my bill continues to shrink, as actuarial tables predict, and surviving pension losers struggle to maintain their dignity—a dignity that often disappears in the fight against inflation, gas and electric bills, food bills, and dwindling savings.

It is difficult to understand the plight of pension losers without examining first-hand what it has meant to specific people to lose their pension. One such pension loser is Mr. Michael Fletutor of Hudson, NY. Mr. Fletutor worked 32 years for Gifford-Wood Co., Inc. He was vested in the company's pension plan, yet never received any benefits. Recently, I contacted Mr. Fletutor again and he related a story typical of many pension losers. He told me how he and his wife struggle to pay their monthly bills with their Social Security checks and their personal savings.

They have serious worries about the future:

> . . . Hospitalization has been really tough . . . I have hyper-tension and high blood pressure while my wife is a diabetic . . . My wife really worries about financial problems. I tell her that we will manage. We will live life like this as long as we can and when our savings are gone, we will just have to sell our house.

Are these the kind of "golden retirement years" we have provided for some of our senior citizens? Enactment of the bill which I am introducing today would be an important first step in rectifying the injustice that has been done. This legislation will provide annually, beginning at age 65, $75 for every year a pension loser worked toward his or her pension plan. In order to qualify, a worker must have fulfilled the vesting requirements of the terminated pension plan. For example, a person who worked 20 years for a company would receive $1,500 a year. Clearly, such compensation is minimal in comparison to the contributions these workers made to their plans and to what the plans would have paid out had they remained solvent.

The pension losers' legislation has built-in limitations both as to the size of Federal expenditures and the number of recipients. The qualified beneficiaries are a finite group which can only decrease with time. The average annual cost of benefits paid out through this program will be about $42 million. At the program's highest point, its third year, it will reach $61 million and then taper down to $38 million by its fifth year. These figures are based on the latest CBO draft review, made in September 1984, of their previous 1982 cost estimate.

It is important for us to reflect on the fact that, although this class of approximately 83,000 people has been categorized as "pension losers," they are certainly not losers in terms of what the have contributed to this country. They are the workers who built America—they worked, sacrificed, and suffered through the worst economic depression ever experienced by this country and they lived through the hardships of World War II—many are service veterans. I am talking about the kind of people who don't ask for a handout. It is our job now, as responsible legislators, to pay them back on their investment in this Nation.

Passage of this needed legislation will restore a measure of financial security for pension losers who worked many years to earn their pensions. If we fail to move this legislation, then pension losers will continue to grasp fruitlessly for the financial security that has so painfully eluded them since the enactment of ERISA.

Mr. President, I ask unanimous consent that the text of my bill be printed in its entirety in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 54

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Terminated Pensioners' Survival Act".

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) The terms "State" and "United States" have the meanings set forth for such terms in paragraph (10) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002).

(2) The terms "participant", "beneficiary", "nonforfeitable", and "defined benefit plan" have the meanings set forth in paragraphs (7), (8), (19), and (35), respectively, of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002).

(3) The term "early terminated plan" means a defined benefit plan—

(A) which is described in subsection (a) of section 4 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1003) and is not described in subsection (b) of that section, and

(B) the termination date of which (as determined by Secretary of Labor) was before July 1, 1974.

(4) The term "qualified participant" means an individual who—

(A) was a participant in an early terminated plan,

(B) had immediately before the termination a nonforfeitable benefit under the plan, and

(C) has not received payment in full of such benefit by reason of the termination of the plan.

(5) The term "qualified spouse" means an individual who is the widow (within the meaning of section 216(c) of the Social Security Act (42 U.S.C. 416(c)) or the widower (within the meaning of section 216(g) of such Act (42 U.S.C. 416(g)) of a qualified participant.

ENTITLEMENT TO ANNUITY

SEC. 3. (a) A qualified participant who is alive on the effective date set forth in section 13 is entitled, subject to subsection (d), and upon approval under this Act of a claim therefor, to an annuity computed under section 4(a).

(b) A qualified spouse who is alive on the effective date set forth in section 13 is entitled, subject to subsection (d), and upon approval under this Act of a claim therefor, to an annuity computed under section 4(b).

(c)(1)(A) The annuity of a qualified participant commences on the day after the later of—

(i) the effective date set forth in section 13, or (ii) the date on which the qualified participant attains sixty-five years of age.

(B) The annuity of a qualified participant and the right thereto terminate at the end of the last calendar month preceding the day on which the qualified participant dies.

(2)(A) The annuity of a qualified spouse of a qualified participant commences on the latest of—

(i) the effective date set forth in section 13, (ii) the first day of the month in which the qualified participant dies, or

(iii) if the qualified participant dies before attaining 65 years of age, the first day of the month in which the qualified participant would have attained such age but for the qualified participant's death.

(B) The annuity of a qualified spouse and the right thereto terminate at the end of the last calendar month preceding the day on which the qualified spouse dies.

(d) Entitlements to annuities under this section shall take effect only to such extent or in such amounts as are provided in advance in appropriation Acts.

COMPUTATION OF ANNUITY

SEC. 4. (a) The annuity computed under this subsection (relating to a qualified participant) in connection with any early terminated plan is equal to—

(1) the product of $75 and the number of years of service of the qualified participant under the plan, reduced by

(2) the amount of nonforfeitable pension benefits under the plan (if any)—

(A) to which the qualified participant is entitled, and

(B) which remain payable as of the effective date set forth in section 13 or any later date.

(b) The annuity computed under this subsection (relating to the qualified spouse of a qualified participant) in connection with an early terminated plan is equal to the greater of—

(1) 50 percent of the amount determined under paragraph (1) of subsection (a) in connection with such qualified participant, reduced by

(2) the amount of nonforfeitable pension benefits under the plan (if any)—

(A) to which the qualified spouse is entitled, and

(B) which remain payable as of such date or any later date.

CLAIM REQUIREMENTS

SEC. 5. (a) Claims for annuities under this Act shall be in such form as the Secretary of Labor shall by regulation prescribe.

(b) Claim forms shall be made available to the public by the Social Security Administration in local offices of the Administration, and completed claim forms may be filed at such local offices. The Administration shall promptly forward any such completed claim forms to the Secretary of Labor. The Secretary of Labor shall provide the Administration with claim forms necessary to carry out this subsection.

(c)(1) Claims for annuities under this Act which meet the requirements of subsection (a) and of paragraph (2) of this subsection shall be approved by the Secretary.

(2)(A) A claim meets the requirements of this paragraph if the claim includes evidence sufficient to establish that the claimant is a qualified participant or qualified spouse.

(B) Evidence which may be relevant for purposes of subparagraph (A) includes, but is not limited to—

(i) employment and payroll records of the applicable employer who, alone or together with others, maintained the early terminated plan,

(ii) documents and records of the early terminated plan,

(iii) relevant correspondence, and

(iv) affidavits.

(C) In considering claims for annuities under this Act, the Secretary of Labor shall consider, on the request of a claimant or the claimant's representative, in addition to any other relevant evidence—

(i) a comparison of employment and payroll records which were maintained under chapter 21 of the Internal Revenue Code of 1954 (relating to Federal Insurance Contributions Act) or under the Social Security Act (42 U.S.C. 301 et seq.) with records maintained by the Internal Revenue Service relating to the qualification status of trusts forming part of a stock bonus, pension, or profit-sharing plan under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1954 (relating to pension, profit-sharing, stock bonus plans, etc.), and

(ii) records maintained under the Welfare and Pension Plans Disclosure Act of 1958.

ADMINISTRATIVE APPEALS

SEC. 6. (a)(1) The Secretary of Labor shall send any individual whose claim under this Act is denied by the Secretary a written notice of the denial. Such notice shall include the reason for the denial and shall set forth the procedures required to be followed in order to obtain review under this Act.

(2) Any such individual whose claim is denied is entitled to—

(A) a reasonable time, but not less than thirty days after receipt of the written notice of denial described in paragraph (1), to request a review and to furnish affidavits and other documentary evidence in support of the request;

(B) be represented by an attorney or other representative; and

(C) unless a hearing is undertaken under subsection (b), a written decision and the specific reasons therefor at the earliest practicable date.

(b)(1) The Secretary may, and, upon the request (made within fifteen days after receipt of the notice referred to in subsection (a)(1)) of any individual entitled to such notice, shall, provide by regulation for a hearing which shall be before an administrative law judge appointed under section 3105 of title 5, United States Code, or any other employee of the Department of Labor designated by the Secretary (hereinafter in this subsection referred as as the "presiding official") and which may be in lieu of or in addition to the review requested under subsection (a). Any such hearing shall be conducted in accordance with the requirements of this subsection and section 554 and 555 of title 5, United States Code.

(2) The presiding official shall, on the basis of evidence presented at the hearing, affirm, modify, or reverse any earlier applicable findings of fact and decision under this Act.

(3) In the course of any such hearing, the presiding official may administer oaths and affirmations, examine witnesses, and receive evidence. Evidence may be received at any such hearing even though inadmissible under rules of evidence applicable to court procedure.

(4)(A) For the purpose of any such hearing, the presiding official may issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence which relates to any matter under investigation or in question before such official.

(B) The attendance of witnesses and production of evidence at the designated place of the hearing may be required from any place in the United States or in any territory or possession thereof.

(C) Subpenas issued by the presiding official shall be served by anyone authorized by such official—

(i) by delivering a copy thereof to the individual named therein, or

(ii) by registered mail or by certified mail addressed to such individual or at such individual's last dwelling place or principal place of business.

(D) A verified return by the individual so serving the subpena setting forth the manner of service or, in the case of service by registered mail or be certified mail, the return post office receipt therefor signed by the individual so served shall be proof of service.

(E) Witnesses so subpenaed shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States.

(5) In the case of contumacy by, or refusal to obey a subpena duly served upon, any person, any district court of the United States for the judicial district in which the person charged with contumacy or refusal to obey is found or resides or transacts business, upon application by the Secretary, shall have jurisdiction to issue an order requiring the person to appear and give testimony, or to appear and produce evidence, or both. Any failure to obey such order of the court may be punished by the court as contempt thereof.

(c)(1) The findings and decisions of the presiding official under subsection (a) or (b) shall be binding upon all individuals involved.

(2) No finding of fact or decision of the presiding official shall be reviewed by any person, tribunal, or governmental agency except as provided in section 7.

(3) No action against the United States, the Secretary of Labor, or any officer or employee thereof shall be brought under section 1331 or 1346 of title 28, United States Code, to recover on any claim arising under this Act.

JUDICIAL REVIEW

SEC. 7. (a) Any individual, after any final decision made after a hearing under section 6(b), irrespective of the amount in controversy, may obtain a review of the decision by a civil action commenced within sixty days after the mailing to the individual of notice of such decision or within such further time as the Secretary of Labor may allow.

(b) Any action commenced under this section shall be brought in—

(1) the district court of the United States for the judicial district in which the plaintiff resides, or in the judicial district in which is located the plaintiff's principal place of business, or

(2) if the plaintiff does not reside within any such judicial district and the plaintiff's principal place of business is not located in any such district, in the United States District Court for the District of Columbia.

(c) As part of any answer by the Secretary of Labor, the Secretary shall file a certified copy of the transcript of the record, including the evidence upon which the findings and decision complained of are based.

(d) The court shall enter, upon the pleadings and transcript of the record a judgment affirming, modifying, or reversing the decision, with or without remanding the case for a rehearing.

(e) The findings under section 6(b) as to any fact, if supported by substantial evidence, shall be conclusive. In any case in which a claim has been denied because of failure of the claimant to submit proof in conformity with any regulation prescribed under section 4, the court shall review only the question of conformity with such regulations and the validity of the regulations.

(f)(1) The court shall, on the motion of the Secretary made before the Secretary files the Secretary's answer, remand the case to the Secretary for further action by the Secretary. The court may, at any time, on good cause shown, order additional evidence to be taken before the Secretary.

(2) The Secretary shall, after the case is remanded, and after hearing such additional evidence if so ordered—

(A) modify or affirm the earlier findings of fact or decision, or both, under section 6(b), and

(B) file with the court any such additional and modified findings of fact and decision, and a transcript of the additional record and testimony upon which the Secretary's action in modifying or affirming was based.

(3) Any such additional or modified finding of fact or decision shall be reviewable only to the extent provided for review of the original finding of fact or decision.

(g) The judgment of the court shall be final except that it shall be subject to review in the same manner as a judgment in other civil actions.

(h) Any action instituted in accordance with this section shall survive notwithstanding any change in the person occupying the office of Secretary or any vacancy in such office.

PAYMENT OF ANNUITIES

SEC. 8. (a)(1) Each annuity is stated as an annual amount, one-twelfth of which, fixed to the nearest dollar, constitutes the monthly rate payable during the month after the month or other period for which it had accrued.

(2) Any individual whose claim for an annuity under this Act is approved after the date on which the annuity commences under paragraph (1)(A) or (2)(A) of section 3(c) shall be paid the total amount of the annuity payments for months before the date on which the claim is approved in the form of a lump-sum payment.

(b) Upon a final decision under section 6, or upon the final judgment of any court of competent jurisdiction under section 7, that any individual is entitled to one or more annuity payments under this Act—

(1) the Secretary of Labor shall certify to the Secretary of the Treasury—

(A) the name, address, and social security account numbers of the individual so entitled to receive such payments,

(B) the amount of such payments, and

(C) the time at which such payments should be made, and

(2) the Secretary of the Treasury, through the Division of Disbursement of the Department of the Treasury, shall make such payments—

(A) in accordance with the certification of the Secretary of Labor, and

(B) to the extent practicable, together with any payments of benefits made to the individual under the Social Security Act through such Division.

(c)(1) The Secretary of the Treasury shall promptly notify the Secretary of Labor of each annuity under this Act which terminates.

(2) The Secretary of the Treasury shall transmit quarterly to the Secretary of Labor a report setting forth the following information in connection with the last quarter:

(A) the number of annuities in pay status as of the end of the last quarter;

(B) the number of annuities which terminated during the last quarter; and

(C) the total amount paid as annuity payments under this Act during the last quarter.

(d)(1) Payment due an individual mentally incompetent or under other legal disability may be made to the person who is constituted guardian or other fiduciary by the law of the State of residence of the claimant or is otherwise legally vested with the care of the claimant or the claimant's estate. If a guardian or other fiduciary of the individual under legal disability has not been appointed under the law of the State of residence of the claimant, payment may be made to any person who is responsible for the care of the claimant, and the payment bars recovery by any other person.

(2) Determinations under paragraph (1) shall be made by the Secretary of Labor and certified to the Secretary of the Treasury.

(e)(1) Payments under this Act which would otherwise be made to a person under this Act shall be made (in whole or in part) to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation. Any payment under this paragraph to a person bars recovery by any other person.

(2) Paragraph (1) shall only apply to payments made by the Secretary of the Treasury under this Act after the date of receipt by both the Secretary of the Treasury and the Secretary of Labor of written notice of such decree, order, or agreement, and such additional information and documentation as the Secretary of Labor may prescribe.

(3) As used in this subsection, the term "court" means any court of any State.

(f)(1) Amounts payable under this Act are not assignable, either in law or equity, or subject to execution, levy, attachment, garnishment, or other legal process, except as otherwise may be provided by Federal law.

(2) Recovery of payments under this Act may not be made from an individual in any case in which the Secretary of Labor determines that the individual is without fault and recovery would be against equity and good conscience.

INTERAGENCY COORDINATION AND COOPERATION

SEC. 9. (a) The Secretary of Labor may make such arrangements or agreements with other departments, agencies, or establishments of the United States for cooperation or mutual assistance in the performance of their respective functions under this Act as are necessary and appropriate to avoid unnecessary expense and duplication of functions.

(b) The Secretary of Labor may use, as appropriate, on a reimbursable or other basis, the facilities or services of any department, agency, or establishment of the United States or of any State or political subdivision thereof, including the services of any of its employees, with the lawful consent of such department, agency, or establishment.

(c)(1) Each department, agency, or establishment of the United States shall cooperate with the Secretary of Labor and, to the extent necessary and appropriate, provide such information and facilities as the Secretary may request for his assistance in the performance of the Secretary's functions under this Act.

(2) The Secretary of Health and Human Services shall provide the Secretary of Labor with such records, determined by the Secretary of Labor to be necessary to carry out the purposes of this Act, as the Secretary of Labor may request.

(3) Section 6103(j) of the Internal Revenue Code of 1954 (relating to statistical use of returns and return information) is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph:

"(4) DEPARTMENT OF LABOR.—Returns and return information shall be open to inspection by or disclosure to officers and employees of the Department of Labor whose official duties require such inspection or disclosure for the purpose of, but only to the extent necessary in, considering such returns and return information pursuant to section 5(c)(2)(C) of the Terminated Employee Pension Restoration Act of 1980. Such inspection or disclosure shall be permitted only upon written request which sets forth the specific reason or reasons why such inspection or disclosure is necessary and which is signed by the head of the bureau or office of the Department of Labor requesting the inspection or disclosure.".

DELEGATION OF POWERS AND DUTIES

SEC. 10. The Secretary of Labor may delegate to any officer or employee of the Department of Labor designated by the Secretary any of the powers and duties conferred upon the Secretary by this Act to the extent necessary to effectively carry out the purposes of this Act.

REGULATIONS

SEC. 11. The Secretary of Labor shall, before the effective date set forth in section 13, prescribe the initial regulations necessary to carry out the provisions of this Act. Regulations under this Act shall be prescribed by the Secretary of Labor in consultation, as appropriate, with the Secretary of the Treasury and the Secretary of Health and Human Services.

AUTHORIZATION OF APPROPRIATIONS

SEC. 12. (a) There is authorized to be appropriated for the fiscal year beginning October 1, 1981, to the Department of Labor such sums as are necessary for the purpose of carrying out its functions under this Act (including reimbursable expenses incurred by any other department, agency, or instrumentality of the United States or of any State or political subdivision thereof).

(b) There are authorized to be appropriated to the Department of the Treasury for the purpose of making annuity payments under this Act such sums as are necessary to make such payments beginning with the fiscal year beginning on October 1, 1981, and continuing until the last such payment is made.

EFFECTIVE DATE

SEC. 13. The preceding provisions of this Act (other than sections 11 and 12) shall take effect 180 days after the date of the enactment of the Act.

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 55. A bill to establish an Ocean and Coastal Resources Management and Development Fund from which coastal States and territories shall receive block grants, and for other purposes; to the Committee on Commerce, Science and Transportation.

OCEAN AND COASTAL RESOURCES MANAGEMENT BLOCK GRANTS

Mr. STEVENS. Mr. President, I am pleased to introduce legislation today that is of prime importance to our Nation's future domestic energy supply and crucial to the continued protection of our precious ocean and coastal resources. This Outer Continental Shelf revenue sharing legislation will invest a small portion of our Outer Continental Shelf [OCS] revenue receipts in coastal States to improve the evaluation and development of offshore resources.

The need to increase our utilization of the Outer Continental Shelf is obvious. This legislation does not just allocate funds for the development of energy related resources. It encompasses the contributions the OCS can make in the full use of our coastal resources such as the harvesting of our fisheries and the efficient use of our ports to increase exports.

The Congress has fashioned a series of policies and enacted a number of programs to address concerns generated by the multiple use concept of our Nation's coast. Wisely, Congress has seen that the State governments, guided by national policy, are the proper stewards of the public trust in our Nation's coastline. Fisheries research and management, port development, coastal management, mitigation of the impacts of energy development, as well as the development of general infrastructure have all been federally established and financed. They have been administered by the States, with close cooperation with local governments, according to each State's needs and priorities.

Unfortunately, budgetary constraints now threaten the State/Federal partnership in the management of America's coastal resources in its present form. The State governments are being asked to assume a greater portion of national responsibilities. The benefits of coastal resource development must be shared along with the assumption of management responsibilities.

The Outer Continental Shelf Revenue Sharing Act is an ideal way to achieve the balance of responsibility between the Federal, State, and local governments. OCS revenue sharing would compensate the States for the impacts of federally initiated development. It is only with regard to OCS oil and gas development that the Federal Government has yet to acknowledge that States need and deserve financial support to evaluate and cope with the attendant impacts of offshore development.

The bill I introduce today is the same legislation that was conferenced between the House of Representatives and the Senate last fall. It is the product of a great deal of time and effort to address the concerns of coastal States with the protection and development of the Outer Continental Shelf and other coastal resources. Among its most pertinent provisions, the bill provides: First, funding as a share of OCS receipts subject to the appropriations process; second, allocation of funds based on coastal population, shoreline milage, and coastal energy facilities, as well as contribution to oil and gas leasing and production; third, eligible uses of the funds to be oriented to OCS and coastal development research, education and planning problems, and development of all coastal resources; fourth, flexibility for the States to distribute funds according to each's unique needs with direction that 33 percent go to coastal communities; fifth, recognition of the national nature of the Outer Continental Shelf by distributing minimum funding to all coastal States and territories.

In summation, Mr. President, I believe this legislation to be crucial to the future viability of our Nation's energy supplies. OCS revenue sharing would help relieve the coastal States' reservations about OCS leasing and development off their shorelines. It involves long-term fiscal prudence, balanced decisionmaking, and the recognition of the importance of all coastal resources. I am confident that if funds are shared with the States through this legislation, OCS receipts to the Treasury will be enhanced.

By Mr. ABDNOR:

S. 56. A bill to amend the Internal Revenue Code of 1954 to modify the application of the imputed interest and interest accrual rules; to the Committee on Finance.

IMPUTED INTEREST AND INTEREST ACCRUAL APPLICATION MODIFICATION

Mr. ABDNOR. Mr. President, I rise today on the first day of the new Congress to introduce legislation that should have been passed last October. My bill will prohibit the Internal Revenue Service from requiring sellers to charge high rates of interest when they finance the sale of property.

In an effort to eliminate many of the abuses prevalent in orginal-issue, deep-discount bonds, the Deficit Reduction Act of 1984, Public Law 98-369, contained a provision that, beginning July 1, 1985, will require a seller who finance the sale of real property to charge a high rate of interest or the Internal Revenue Service will impute an interest rate of 120 percent of the appropriate Government security.

What this means in simple terms is government-mandated high interest rates on the sale of homes, farms and small businesses.

At a time when virtually every Member of the U.S. Congress is chastising high rates and the harm they are doing to the economy, when my colleagues on both sides of the aisle assign to others the blame for high interest rates. I cannot believe these same Members support congressionally mandated high interest rates.

We criticize bankers because they won't lower their interest rates, yet we prohibit a retiring farmer from lower-

ing his interest rate to a young farmer trying to get into business. Although we don't hesitate to blame the Federal Reserve, the White House, Wall Street and others for high interest rates, we still have the gall to mandate high interest rates on farmers, small businesses and homeowners.

Fortunately, I am sure the people back home recognize these imputed interest rate provisions for exactly what they are—a blatant grab by Congress for more tax revenue without any regard to the effect on our Nation's small businesses, homeowners, and farmers.

This tax grab has the effect of increasing the cost of the sale to the seller, forcing the seller to absorb the higher cost, cancel the deal, or increase the price to the buyer. All of us should realize these options could have the effect of preventing a new family from owning their first home, a young man from buying a farm, or a young woman from purchasing the local drugstore.

Yes, Congress gives a lot of lip service to the economic benefits of capital gains taxation. But, with its action this summer and fall, Congress has taken away the opportunity for middle class Americans to enjoy capital gains benefits. The injustice is clear, the effect is obvious, and the time for correction is now.

In the last Congress I introduced S. 2822, which would have exempted the sale or exchange of a farm or business from the imputed interest portions of the Tax Code. I watched with interest the progress, or lack thereof, on the imputed interest legislation introduced by the Senator from Montana [Mr. MELCHER].

This situation was so appalling to me that, in August, I was prepared to attach to the Treasury appropriations bill a provision to prevent the Treasury Department from using any funds to implement or enforce the imputed interest sections of the Tax Code as they relate to the sale or exchange of a residence, farm or small business.

Unfortunately, because this provision was beyond the scope of the conference committee, needed unanimous consent of both Houses, and because Members were prepared to object, my amendment could not be attached to the conference report.

Then, in October, Senators JEPSEN and DOLE came to the body of the Senate with a proposal that passed the Senate without a single dissenting vote. That vote of support gave me a great deal of hope that Congress would truly resolve this terrible situation once and for all.

However, on October 11, the day before adjournment, Senator DOLE came to the floor with the news that the chairman of the House Ways and Means Committee would agree only to a 6 month deferral during which loans under $2 million would be subject to the 9-percent test rate and farm property loan interest would be accounted for on the cash method by both the buyer and seller.

This is fine until July 1, 1985, but after that the problem will be as bad as ever. That is why I rise today to reintroduce the Jepsen-Dole imputed interest compromise. It was good, reasonable legislation in October and it is good legislation today.

At this time, I ask unanimous consent that the original speech of Senator DOLE upon joining Senator JEPSEN in proposing Senate Amendment No. 7083 be inserted in the RECORD at the end of my remarks.

In his speech, Senator DOLE mentions that in the effort to correct the abuses in place prior to the enactment of the Deficit Reduction Act, Congress was "not . . . intending to force average Americans to restructure their sales of property to conform with any prescribed notion of what fair interest rates were."

The original Finance Committee report, the Ways and Means Committee report, and the Conference Committee report bear out that there was no intent to force small businesses, farmers and ranchers, or homeowners to charge higher interest rates when they sell. Not once is the effect of this provision with regard to average seller-financed real property sale mentioned in any committee report.

Congress has been given 6 months to resolve this problem. With all due respect to the number crunchers at the Joint Taxation Committee, if nothing is done, the newly enacted imputed interest provisions will not reduce the deficit but will increase the deficit because retiring farmers won't be able to sell their farm to new farmers, prospective first-time homeowners won't be able to afford the payments, and small businesses will only be affordable to the chain stores. If this happens, three American institutions—the homeowner, farmer, and shopkeeper—will die untimely and needless deaths.

Mr. President, I urge my colleagues to support this legislation once again to get the Government out of the business of mandating high interest rates. Thank you.

I ask unanimous consent the text of the bill be reprinted at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR DOLE

Mr. DOLE. Mr. President, this summer we enacted the imputed interest and original issue discount provisions of the Deficit Reduction Act to close loopholes which were estimated to reduce Federal receipts by approximately $2.2 billion within the next 3 years. We were not, however, intending to force average Americans to restructure their sales of property to conform with any perscribed notion of what fair interest rates were. There has been a lot of confusion on this matter and it is understandable. The concepts are complex, but the potential for abuse was real and reform was necessary.

THE ABUSES THAT SHOULD BE PROHIBITED

It may be useful to describe in summary form the type of abuses that were intended to be prohibited. There are two major types of games that taxpayers could play using the imputed interest rates and accounting rules that were in place prior to the enactment of the Deficit Reduction Act. First, by using a combination of low interest rates and the installment method of accounting, taxpayers could defer tax on installment payments beyond what they would be possible if they were required to account for economic interest in an appropriate way. Second, and more importantly, taxpayers could state deliberately low interest rates in order to argue that their basis in property which was purchased in a transaction with seller financing was far in excess of the real value of that property according to any reasonable estimate of that value. By doing this, the taxpayer could take unreasonably high amounts of investment tax credits and correspondingly high depreciation deductions. These deductions could far outweigh the value of interest-paid deductions which would be available if the real value of the property were used amounts were recharacterized as interest.

The Internal Revenue Service could argue that the fair market value of the property really was not as high as the taxpayer was claiming and thus disallow some of the credits and depreciation, but reputable law firms were giving opinions that the taxpayer had a reasonable basis for taking the position that the low rates of interest could be used as a basis for determining the value of the property.

These were not hypothetical cases—they were real and prospectuses were printed showing how investors take advantage of this tax reduction scheme.

LIMITATIONS ARE APPROPRIATE

We did not, however, intend to adversely affect the average American who decided that it was in his best interest to provide financing in order to sell a piece of property. While it is undoubtedly appropriate to conform the tax laws to economic reality, the practical reality that some taxpayers are less sophisticated than others should also be taken into account.

This amendment strikes a balance between our rightful concern that tax abuses should be curtailed and the concern that average Americans should not have to be a tax specialist in order to comply with the law. The amendment will conform the tax law to economic reality for large transactions with the greatest potential for abuse to the economic reality of the deal. It will, however, not require individuals selling their residences or their vacation homes, people selling their small businesses or their family farm to learn any substantial new rules with respect to the calculation or reporting for tax purposes of interest when they finance their sale.

The amendment also addresses the concern that even larger sales of real estate were being forced to recharacterize too much of their gain from a transaction as interest income rather than gain. And finally, the amendment provides additional relief, on a transitional basis, to give taxpayers more time even in the larger transactions to adapt to the new rules. Of course, there are a number of additional protections to make

the application of the tax law in these types of transactions fairer recognizing the need for stability in interest rates in order to avoid discouraging the sales of property.

A COMPROMISE SOLUTION

Probably the best indication that this is a reasonable compromise between the needs of taxpayers and the concerns of the Federal Treasury is the groups who have helped us design it and who unequivocally support it. These groups include the American Land Development Association, the National Apartment Association, the National Association of Homebuilders, the National Association of Realtors, the National Federation of Independent Business, the National Multi-Housing Council, and the National Small Business Association. Mr. President, this is a very broad spectrum of support. To my knowledge, the only groups who have not endorsed this compromise represent those who engage in the largest commercial real estate transactions with the greatest opportunity for tax abuse. The groups who represent the average taxpayer—people selling their own homes or farms, people selling their business, and people building single family homes and apartment buildings—all support this compromise.

TREASURY'S POSITION

On the other side, Treasury also believes that this compromise goes far to meet the objections of taxpayers while curtailing the worst abuses. They would still prefer the provisions enacted this summer, but acknowledge that changes of the type included in this amendment are appropriate. They support this amendment although they think we may have provided too much relief for taxpayers.

This Senator acknowledges that this is not the simplest legislation that would be possible. However, the structure of the amendment reflects the fact that this is a compromise which reflects the special needs of taxpayers in different positions. We worked carefully with representatives of these taxpayers to assure that we accommodated their needs without spending up new loopholes. I am confident we have succeeded.

The compromise follows:

IMPUTED INTEREST COMPROMISE

1. RESIDENCES

a. General rule

A person who sells his residence or vacation home residence with a purchase price of $250,000 or less would be subject to a 9 percent imputed interest test rate.

If commercial interest rates went down, Treasury would have the authority to lower the 9 percent rate. They would not have authority to raise the 9 percent rate.

The 9 percent rate would apply to both principal residences (at the time of the sale) and vacation homes. Vacation homes would be defined as residences on which depreciation was not allowable for the 2 years before the sale. Inventory property (e.g., a homebuilder's inventory) would not qualify for this rule.

If the purchase price is greater than $250,000, the applicable test rate would be a weighted "blend" of 9 percent and 100 percent of the applicable Federal rate.

No sale-leasebacks would be allowed and both buyer and seller would account for the transaction on a cash basis.

b. Dealer property

A homebuilder or realtor selling a residence which he holds in inventory and sells for a purchase price of $250,000 or less would be subject to an imputed interest rate of 80 percent of the applicable Treasury rate (10.5 percent for the first 6 months of 1985).

The 80 percent rate would apply to sales of homes to be occupied by the owner. It would not apply to residences on which depreciation is claimed by the buyer. If the buyer subsequently took depreciation on the property, the benefit of the 80 percent rate would be recaptured.

If the purchase price is greater than $250,000, the applicable test rate would be a weighted "blend" of 80 percent of the Federal rate and 100 percent of the applicable Federal rate.

For borrowings to carry seller-financing, interest deductions on the borrowing would be limited to current interest income, including imputed interest, recognized on seller financing; deferred interest deductions would be allowed on a pro-rate basis as the homebuyer made payments on his mortgage.

The seller would account for the seller financing on an accrual basis under the original issue discount rules.

2. FARMS AND RANCHES

A farm or ranch with a purchase price of not more than $2 million would also be subject to a 9 percent test rate.

Treasury would have authority only to lower the rate, if appropriate.

The property must have been used by any person (not necessarily the seller) as a farm or ranch for the 3 prior years and the purchasers must intend to use the property as a farm or ranch.

If the purchase price is over $2 million, the test rate will be a weighted blend of 9 percent and the applicable Federal rate.

No sale-leasebacks would be allowed, both buyer and seller would account for the transaction on a cash basis, and the 9 percent rate would not apply to new section 38 (investment tax credit) property. The seller would not be required to liquidate his farm interests.

3. SMALL BUSINESS

This rule would apply only to businesses with a value of no more than $1 million. The sale of a business with a purchase price of $1 million or less would be subject to a 9 percent test rate.

Treasury would have the authority only to lower the rate, if appropriate.

The 9 percent rate would apply to sale of a complete line of such business and to a sale of an ownership interest in such a business

If the business is worth more than $1 million, then the test rate will be a weighted "blend" of 9 percent and 100 percent of the applicable Federal rate.

No sale-leasebacks would be allowed, both the buyer and seller would account for the transaction on a cash basis, and the 9 percent rate would not apply to new section 38 property.

4. MEDIUM-SIZED REAL ESTATE TRANSACTIONS

For sales of real property involving no more than $4 million of deferred payments, the applicable rate would be 80 percent of the applicable Federal rate (about 10.5 percent for the first 6 months of 1985).

Payments under the agreement would not extend for more than 12 years. Any amount exceeding the $4 million amount would be subject to a rate equal to 100 percent of the applicable Federal rate. Buyer and seller would account for the transaction on a cash basis.

5. LARGE REAL ESTATE TRANSACTIONS

For sales of property involving more than $4 million of deferred payments, the test interest rate would be 100 percent of the applicable Federal rate.

The maximum rate for transactions subject to the 100 percent of the Federal rate would be 11 percent for the first 6 months of 1985. Thereafter, the rate could be increased no more than 50 basis points (0.5 percent) every 6 months until the rate equaled 100 percent of the applicable Federal rate.

The payments would be accounted for under the original issue discount rules.

Eighty percent of interest due under the contract would be required to be paid currently.

6. OTHER TRANSACTIONS

Transactions not meeting any of the preceding rules would have a test rate of 110 percent of the applicable Federal rate

7. ASSUMPTIONS

Assumptions of loans originally entered into before date of enactment of these rules would be grandfathered under pre-Deficit Reduction Act rules. Sales of principal residences and vacation homes would also be exempt from the new assumption rules together with other transactions where the Secretary of Treasury determined there was no tax avoidance problem.

8. LIMITATION OF INCREASE IN RATES

If applicable Federal rate increases by more than 2 percent during a 6-month period, the imputed interest test rate generally may not be increased by more than half the amount of the increase (with a minimum of 1 percent).

If there is a significant drop in interest rates, the Secretary of Treasury may reduce the imputed interest rate to reflect the drop in rates.

Mr. DOLE. I am pleased that we were able to work out a compromise bill on imputed interest that satisfies the legitimate tax policy concerns which led to the administration's original proposal, and also satisfies the concerns of homeowners, farmers and ranchers, small businesses, and the major real estate associations that have endorsed the compromise.

I have every reason to believe the bill should also be satisfactory to Members, since it permits nonabusive seller financing to be provided on terms essentially similar to existing practice in the real estate industry, while preventing tax shelters that overvalue the tax bais of depreciable property or mismtach the timing of interest income and interest deductions.

The only remaining concern that I am aware of relates to the problem of complexity. I would like to address that concern in detail. Despite the fact that the compromise bill is long—I believe it will not be complex or difficult to apply in practice.

Although there are essentially five new rules in the bill, the vast majority of transactions will be clearly within one rule or another. And once the seller or his real estate agent knows which rule applies—the rules are relatively simple and straightforward to apply.

RULE NO. 1. HOMEOWNERS

The vast majority of homeowners selling their principal residences or vacation homes have one very simple rule to apply. Seller financing must provide for 9 percent compound interest, and interest income and deductions are accounted for on the cash

basis. In the relatively infrequent case where a home is sold for more than $250,000, the required interest rate is not 9 percent but a blended interest rate somewhat higher than 9 percent. The blend is simple artithmetic calculation that I am confident every licensed realtor and every seller of a $250,000 residence will be able to compute.

RULE NO. 2. FARMS AND RANCHES

Every farmer or rancher selling farm land or ranch property for less than $2 million also has a very simple rule to apply. The transaction must state 9 percent compound interest, and income and deductions are computed on the cash method. If the sale exceeds $2 million a blended interest rate applies involving a simple arithmetic computation, and accounting is done on the accrual method. Once again, these computations are not at all burdensome or complex in the context of a $2 million transaction.

RULE NO. 3. SMALL BUSINESSES

Any small businessman selling his business, or a separate line of business, or buying out one or more of his partners also has a simple rule. The 9-percent interest rate applies, and cash method accounting applies. Only if the business is worth more than $1 million does the owner have to think about anything else. And the same arithmetic blending formula for interest rates applies for such larger businesses.

RULES 4. SMALL REAL ESTATE TRANSACTIONS

For all small real estate transactions, involving less than around $1 million, the rule is also simple. State an interest rate equal to 80 percent of the Federal rate on a note no longer than 12 years, and the imputed interest rules are satisfied. That will satisfy the exception for transactions with less than $4 million of deferred payments.

RULE NO 5. LARGER ESTATE TRANSACTIONS

For sale of real estate involving more than $4 million of deferred payments—about a $1 million purchase price if all interest is deferred—there are several options, and several computations that must be done if a taxpayer wants to figure out all of his choices. But, again, $1 million real estate deals are not done today without figuring the tax consequences and the options for different kinds of depreciation and other tax benefits. So I do not believe it will be too complex to offer sophisticated real estate investors some choices on the imputed interest rules.

S. 56

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX TREATMENT OF CERTAIN DEFERRED PAYMENTS.

(a) REDUCTION IN INTEREST RATES UNDER SECTION 483.—Section 483 of the Internal Revenue Code of 1954 (relating to interest on certain deferred payments) is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (h), (i), and (j), and

(2) by striking out subsection (e) and inserting in lieu thereof the following new subsections:

"(e) REDUCED RATE OF INTEREST IN CASE OF CERTAIN SALES OF RESIDENCES, FARMS, OR TRADES OR BUSINESSES.—

"(1) IN GENERAL.—In the case of any debt instrument arising from a sale or exchange to which this subsection applies, the discount rate under subsection (b) or (c)(1)(B) shall be the rate prescribed by the Secretary in regulations but shall not be greater than 10 percent and 9 percent, respectively.

"(2) SALES OR EXCHANGES TO WHICH THIS SUBSECTION APPLIES.—This subsection shall apply to any of the following sales or exchanges:

"(A) RESIDENCES.—Any sale or exchange of a residence by an individual, an estate, or a testamentary trust, but only if—

"(i) either—

"(I) such residence on the date of such sale or exchange (or in the case of an estate or testamentary trust, on the date of death of the decedent) was the principal residence (within the meaning of section 1034) of the individual or decedent, or

"(II) during the 2-year period ending on such date, no substantial portion of such residence was of a character subject to an allowance under this title for depreciation (or amortization in lieu thereof) in the hands of such individual or decedent, and

"(ii) such residence was not at any time, in the hands of such individual, estate, testamentary trust, or decedent, described in section 1221(1) (relating to inventory, etc.).

"(B) FARMS.—Any sale or exchange by a qualified person of—

"(i) real property which was used as a farm (within the meaning of section 6420(c)(2)) at all times during the 3-year period ending on the date of such sale or exchange, or

"(ii) tangible personal property which was used in the active conduct of the trade or business of farming on such farm and is sold in connection with the sale of such farm,

but only if such property is sold or exchanged for use in the active conduct of the trade or business of farming by the transferee of such property.

"(C) TRADES OR BUSINESSES.—

"(i) IN GENERAL.—Any sale or exchange by a qualified person of any trade or business.

"(ii) APPLICATION WITH SUBPARAGRAPH (B).—This subparagraph shall not apply to any sale or exchange of any property described in subparagraph (B).

"(iii) NEW SECTION 38 PROPERTY.—This subparagraph shall not apply to the sale or exchange of any property which, in the hands of the transferee, is new section 38 property.

"(3) DOLLAR LIMITATION.—

"(A) IN GENERAL.—Paragraph (1) shall apply to any debt instrument to the extent that the sales price does not exceed the applicable limit with respect to such sale or exchange.

"(B) APPLICABLE LIMIT DEFINED.—For purposes of this paragraph, the term 'applicable limit' means the limit determined in accordance with the following table:

"If the transaction is described in:	The limit is:
Paragraph (2)(A)	$250,000
Paragraph (2)(B)	$2,000,000
Paragraph (2)(C)	$1,000,000.

"(4) BLENDED RATE WHERE SALES PRICE EXCEEDS APPLICABLE LIMIT.—In the case of any sale or exchange to which this subsection applies with respect to which the sales price exceeds the applicable limit—

"(A) TEST RATE.—The discount rate under subsection (c)(1)(B) shall, in lieu of the rate under paragraph (1), be equal to the sum of—

"(i) 9 percent, multiplied by a fraction the numerator of which is the applicable limit and the denominator of which is the sales price, and

"(ii) 110 percent of the applicable Federal rate, multiplied by a fraction—

"(I) the numerator of which is the sales price minus the applicable limit, and

"(II) the denominator of which is the sales price.

In the case of a transaction described in paragraph (2)(A), clause (ii) shall be applied by substituting '100 percent' for '110 percent'.

"(B) IMPUTED RATE.—The discount rate under subsection (b) shall, in lieu of the rate under paragraph (1), be equal to the rate determined under subparagraph (A) by substituting '10 percent' for '9 percent' and, except in the case of any transaction described in paragraph (2)(A), '120 percent' for '110 percent' each place it appears.

"(C) RATES AS ADJUSTED.—For purposes of this paragraph, if the Secretary prescribes, pursuant to paragraph (1), a lower discount rate under subsection (c)(1)(B) or (b) than the maximum rate allowed under paragraph (1), such lower rate shall apply in lieu of '9 percent' or '10 percent' in subparagraphs (A)(i) or (B), respectively.

"(5) AGGREGATION AND ALLOCATION RULES.—For purposes of this subsection, except as provided in regulations—

"(A) DEBT INSTRUMENTS.—All debt instruments arising from a transaction (or any series of related transactions) shall be treated as 1 debt instrument.

"(B) SALES AND EXCHANGES.—All sales and exchanges which are part of the same transaction (or a series of related transactions) shall be treated as 1 sale or exchange.

"(C) PRORATION OF APPLICABLE LIMIT WHERE MORE THAN ONE PERSON HOLDS AN INTEREST.—In the case of a sale or exchange of any property (or a trade or business) described in paragraph (2) with respect to which there is more than 1 owner, the applicable limit under paragraph (3) shall be apportioned among each owner on the basis of the ratio which the fair market value of such owner's interest bears to the fair market value of all interests of such owners.

"(6) APPLICATION WITH SUBSECTION (h).—In the case of any qualified sale (as defined in subsection (h)(2)), the applicable limit determined under paragraph (3) shall be reduced by the amount of any debt instrument to which subsection (h)(1) applies.

"(7) DEFINITIONS.—For purposes of this subsection—

"(A) QUALIFIED PERSON DEFINED.—The term 'qualified person' means—

"(i) a person who—

"(I) is an individual, estate, or testamentary trust,

"(II) is a corporation which immediately prior to the date of the sale or exchange has 35 or fewer shareholders, or

"(III) is a partnership which immediately prior to the date of the sale or exchange has 35 or fewer partners,

"(ii) is a 10-percent owner of a farm or a trade or business,

"(iii) pursuant to a plan, disposes of—

"(I) an interest in a farm or farm property, or

"(II) his entire interest in a trade or business and all substantially similar trades or businesses, and

"(iv) the ownership interest of whom may be readily established by reason of qualified allocations of the type described in section 168(j)(9)(B), one class of stock, or the like).

"(B) 10-PERCENT OWNER DEFINED.—The term '10-percent owner' means a person having at least a 10-percent ownership interest, applying the attribution rules of section 318 (other than subsection (a)(4)).

"(C) SALES PRICE DEFINED.—The term 'sales price' means the sum of—

"(i) money and fair market value of property received in the sale or exchange, plus

"(ii) the stated principal amount of any debt instrument issued in such sale or exchange.

"(D) TRADE OR BUSINESS DEFINED.—

"(i) IN GENERAL.—The term 'trade or business' means any trade or business, including any line of business, qualifying as an active trade or business within the meaning of section 355.

"(ii) RENTAL OF REAL PROPERTY.—For purposes of this subparagraph, the holding of real property for rental shall not be treated as an active trade or business.

"(f) SPECIAL TEST RATES FOR SALES OR EXCHANGES INVOLVING CERTAIN REAL PROPERTY.—

"(1) IN GENERAL.—In the case of any sale or exchange to which this subsection applies, subsection (c)(1)(B) shall be applied by substituting—

"(A) '80 percent' for '110 percent' in the case of any debt instrument described in paragraph (3), and

"(B) '100 percent' for '110 percent' in the case of any debt instrument described in paragraph (4).

"(2) SALES OR EXCHANGES TO WHICH THIS SUBSECTION APPLIES.—

"(A) IN GENERAL.—Except as provided in this paragraph, this subsection applies to any sale or exchange of—

"(i) land, or

"(ii) real property described in subparagraph (D) or (F) of subsection (c)(2) of section 168 (whether or not such property is of a character subject to an allowance under this title for depreciation (or amortization in lieu thereof) in the hands of the purchaser),

including de minimis amounts of tangible personal property associated with such real property.

"(B) CERTAIN PROPERTY NOT INCLUDED.—This subsection shall not apply to any sale or exchange—

"(i) of new section 38 property, or

"(ii) with respect to which the transferor and transferee are related persons.

"(3) DEBT INSTRUMENTS TO WHICH 80 PERCENT RATE APPLIES.—A debt instrument is described in this paragraph if—

"(A) the term of the instrument (determined with regard to any extension or renewal) is not greater than the lesser of—

"(i) 12 years, or

"(ii) in the case of a debt instrument issued in exchange for recovery property, ⅔ of the shortest recovery period under section 168 for such property, and

"(B) the total deferred payments under such instrument, when added to the sum of the total deferred payments under all other debt instruments issued in connection with the sale or exchange—

"(i) to which this paragraph applies, and

"(ii) which were issued before such instrument was issued,

do not exceed $4,000,000.

"(4) DEBT INSTRUMENTS TO WHICH 100 PERCENT RATE APPLIES.—A debt instrument is described in this paragraph if—

"(A) the rate of interest stated in the instrument is not less than the applicable Federal rate,

"(B) such instrument provides for—

"(i) the unconditional payment each year of at least 80 percent of the interest so stated, or

"(ii) after the close of the 2-year period beginning on the date such instrument was issued the instrument provides the unconditional payment each year of all interest accruing thereunder for that year, and

"(C) such instrument is not described in paragraph (3).

"(5) SPECIAL RULES FOR DETERMINATION OF DISCOUNT RATES.—

"(A) IN GENERAL.—If the applicable Federal rate determined under section 1274(d) for any period after June 30, 1985 (other than the Federal short-term rate) exceeds by more than 2 percentage points such rate for the preceding period as limited by this paragraph, such applicable Federal rate shall not exceed the greater of—

"(i) the sum of—

"(I) such applicable Federal rate for such preceding period, plus

"(II) one-half of such excess, or

"(ii) the highest such applicable Federal rate during the 2-year period before the period for which such determination was made after the application of this paragraph.

"(B) SPECIAL RULES FOR 1985 AND 1986.—NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IN THE CASE OF ANY SALE OR EXCHANGE WITH RESPECT TO WHICH A BINDING CONTRACT WAS ENTERED INTO DURING 1985 OR 1986—

"(i) TEST RATE.—The discount rate for purposes of applying subsection (c)(1)(B) to any debt instrument described in paragraph (3) shall not be greater than the rate determined in accordance with the following table:

"For contracts entered into during the period:	The rate is:
Jan. 1–June 30, 1985	10.5
July 1–Dec. 31, 1985	11
Jan. 1–June 30, 1986	11.5
July 1–Dec. 31, 1986	12.

For purposes of applying subsection (c)(1)(B) to any debt instrument described in paragraph (4), the discount rate shall not be greater than the rate determined in accordance with the table, plus one-half percentage point.

"(ii) IMPUTED RATE.—The discount rate for purposes of applying subsection (b) to any debt instrument described in paragraph (3) or (4) shall not be greater than the rate determined under clause (i), plus 1 percentage point.

"(6) AGGREGATION RULES.—For purposes of this subsection, all sales and exchanges which are part of the same transaction (or a series of related transactions) shall be treated as 1 sale or exchange.

"(7) RELATED PERSON DEFINED.—For purposes of this subsection and subsection (g), the term 'related person' means a person who is related (within the meaning of section 267(b) or section 707(b)(1)) to another person other than a qualified 5-percent or less partner (within the meaning of section 267(e)(5)(B)).

"(g) SPECIAL RULES FOR APPLICATION OF THIS SECTION.—For purposes of this section—

"(1) APPLICATION OF SUBSECTIONS (e) AND (f).—In the case of any sale or exchange, either subsection (e) or subsection (f) may be applied, but not both.

"(2) TREATMENT OF ASSUMPTIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if, after December 31, 1984, any person—

"(i) assumes any debt obligation issued after October 15, 1984, or described in subparagraph (C), in connection with the sale or exchange of any property, or

"(ii) takes such property subject to any such debt obligation,

and the terms and conditions of such debt obligation are not changed, then this section shall apply only to the person assuming, or taking property subject to, such obligation and the obligation shall be treated as issued by the purchaser to the seller in the transaction in which such obligation was assumed or the property taken subject to such obligation.

"(B) OTHER ASSUMPTIONS.—In the case of any assumption to which subparagraph (A) does not apply, the rules regarding assumptions as in effect prior to the enactment of the Deficit Reduction Act of 1984 shall apply.

"(C) OBLIGATIONS DESCRIBED IN THIS SUBPARAGRAPH.—A debt obligation is described in this subparagraph if such obligation—

"(i) was issued on or before October 15, 1984, and

"(ii) was assumed (or property was taken subject to such obligation) in connection with the sale or exchange of property (including a deemed sale under section 338(a)) the sales price of which is greater than $100,000,000.

"(D) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to effect the purpose of this subsection, including regulations relating to tax-exempt obligations, government subsidized loans, or other similar instruments.

"(E) CERTAIN EXEMPT TRANSACTIONS.—The Secretary shall prescribe regulations under which any transaction shall be exempt from the application of this paragraph if such exemption is not likely to significantly reduce the tax liability of the purchaser by reason of the overstatement of the adjusted basis of the acquired asset.

"(3) FAIR MARKET VALUE RULE IN POTENTIALLY ABUSIVE CASES.—In the case of any potentially abusive situation (within the meaning of section 1274(b)(3)(B)), the principal amount of any debt instrument received in any sale or exchange of property to which this section applies shall be the fair market value of such property adjusted to take into account other consideration involved in the transaction.

"(4) SALE-LEASEBACKS.—Subsections (e) and (f) shall not apply to any sale or exchange if, pursuant to a plan, the transferor or any related person leases such property.

"(5) RULES NOT TO APPLY WHERE PREPAYMENT PROHIBITED.—Subparagraph (A) of paragraph (1) shall not apply to any obligation arising from a loan from a third-party creditor, pursuant to which the obligor is not permitted to pay the instrument prior to maturity.

"(6) NO IMPUTATION RATE WHERE RESTRICTIONS ON STATED INTEREST APPLY.—Except as otherwise provided in regulations, in any case in which State law applicable to a transaction prohibits the parties from stating interest sufficient to satisfy the applicable rate under subsection (c)(1)(B), the rate under subsection (b) shall be considered equal to the rate so applicable under subsection (c)(1)(B).".

(b) INTEREST INCOME AND DEDUCTIONS COMPUTED ON CASH BASIS IN CERTAIN CASES.—

(1) IN GENERAL.—Section 1274 of such Code (relating to determination of issue price in the case of certain debt instruments issued for property) is amended by adding at the end thereof the following new subsection:

"(e) SPECIAL RULES FOR CERTAIN SALES OR EXCHANGES TO WHICH INTEREST RULES OF SECTION 483 APPLY.—Notwithstanding any other provision of this subpart—

"(1) TRANSACTIONS TO WHICH SECTION 483(e) APPLIES.—In the case of any sale or exchange to which section 483(e) applies—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any inclusion in income or deduction under this title with respect to

interest on any debt instrument issued in connection with such sale or exchange shall be computed on the cash receipts and disbursements method of accounting.

"(B) SALES PRICE EXCEEDS APPLICABLE LIMIT.—In any case in which the sales price exceeds the applicable limit under section 483(e)(3)—

"(i) except in the case of any transaction to which section 483(e)(2)(A) applies, subparagraph (A) shall not apply, and

"(ii) the discount rates under subsections (c)(3) and (b)(2)(B) shall be equal to the rates determined under subparagraphs (A) and (B) of section 483(e)(4).

"(2) TRANSACTIONS TO WHICH SECTION 483(F) APPLIES.—In the case of any sale or exchange to which section 483(f) applies—

"(A) TRANSACTIONS WITH 80 PERCENT TEST RATE.—

"(i) IN GENERAL.—Except as provided in clause (ii), any inclusion in income or deduction under this title with respect to interest on any debt instrument described in section 483(f)(3) shall be computed on the cash receipts and disbursements method of accounting.

"(ii) SPECIAL RULE FOR TRANSACTIONS NOT QUALIFYING FOR 80 PERCENT TEST RATE.—Clause (i) shall not apply to any debt instrument issued in such sale or exchange if, in addition to such instrument, a debt instrument not described in section 483(f)(3) is issued in such sale or exchange.

"(B) TRANSACTIONS TO WHICH SUBPARAGRAPH (A) DOES NOT APPLY.—

"(i) IN GENERAL.—Except in the case of property described in subsection (e)(2)(A) of section 483, if subparagraph (A) does not apply to any debt instrument issued in such sale or exchange, subsection (c)(3) shall be applied—

"(I) in the case of any debt instrument described in section 483(f)(4), by substituting '100 percent' for '110 percent', and

"(II) in the case of any debt instrument described in section 483(f)(3), by substituting '80 percent' for '110 percent'.

"(ii) SPECIAL RULES FOR 1985 AND 1986.—In the case of any debt instrument to which clause (i) applies issued during 1985 or 1986, the discount rate under subsection (c)(3) shall not be greater than the rate determined under section 483(f)(5).

"(3) SPECIAL RULE FOR HOLDING AND TRANSFER OF DEBT OBLIGATION.—

"(A) Paragraphs (1)(A) and (2)(A) shall apply to the holder of a debt obligation only if such obligation is—

"(i) held by the first obligee of such obligation or such obligee's spouse or estate, and

"(ii) secured by the property sold or exchanged in the transaction in which such obligation is issued.

"(B) Except as otherwise provided in regulations, in the case of a transfer of property by the obligor in which the obligation is not satisfied and the transferee does not become liable to pay such obligation to the first obligee, any deduction for interest on any indebtedness paid or incurred by the transferee to the immediate transferor attributable to such obligation shall be deferred until such time as such deduction would have been allowed if such obligation had been assumed by the transferee.

"(C) In any case in which the transferee assumes or takes property subject to any obligation under subparagraph (A) or is considered to do so under subparagraph (B), the transferee shall compute the amount of the deduction for any interest on such obligation on the cash receipts and disbursements method of accounting.

"(4) SUBSECTION ALSO TO APPLY TO DEBT USED TO CARRY OBLIGATIONS.—In any case in which an obligor of a debt obligation to which paragraph (1)(A) or (2)(A) applies pays or incurs interest on indebtedness to carry such debt obligation, any deduction for such interest shall be deferred to the extent necessary to achieve a proper matching of interest income and expense.

"(5) REGULATIONS TO PREVENT ABUSE OF REQUIRED CASH ACCOUNTING.—The Secretary may by regulation prescribe rules to prevent the mismatching of interest income and interest deductions in connection with obligations on which interest is computed on the cash receipts and disbursements method of accounting.

"(6) OTHER RULES APPLY.—For purposes of this subsection, rules similar to the rules under subparagraphs (B) and (D) of section 483(g)(2) shall apply.".

(2) SPECIAL RULE FOR ASSUMPTIONS.—Paragraph (4) of section 1274(c) of such Code (relating to debt obligations to which section applies) is amended by adding at the end thereof the following new subparagraph:

"(G) TREATMENT OF ASSUMPTIONS.—

"(i) IN GENERAL.—Except in the case of property described in subsection (e)(2)(A) of section 483, if, after December 31, 1984, any person—

"(I) assumes any debt obligation issued after October 15, 1984, or described in clause (ii) in connection with the sale or exchange of any property, or

"(II) takes such property subject to any such debt obligation,

and the terms and conditions of such debt obligation are not changed, then this section shall apply only to the person assuming, or taking property subject to, such obligation and the obligation shall be treated as issued by the purchaser to the seller in the transaction in which such obligation was assumed or the property taken subject to such obligation.

"(ii) OBLIGATION DESCRIBED IN THIS CLAUSE.—A debt obligation is described in this clause if such obligation—

"(I) was issued on or before October 15, 1984, and

"(II) was assumed (or property was taken subject to such obligation) in connection with the sale or exchange of property (including a deemed sale under section 338(a)) the sales price of which is greater than $100,000,000.

"(iii) CERTAIN EXEMPT TRANSACTIONS.—The Secretary shall prescribe regulations under which any transaction would be exempt from the application of this subparagraph if such exemption would not significantly reduce the tax liability of the purchaser by reason of the overstatement of the adjusted basis of the acquired asset.

"(iv) OTHER ASSUMPTIONS.—In the case of any assumption to which subparagraph (A) does not apply, the rules regarding assumptions as in effect prior to the enactment of the Deficit Reduction Act of 1984 shall apply.

"(v) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to effect the purpose of this subsection, including regulations relating to tax-exempt obligations, government subsidized loans, or other similar instruments.".

(c) SPECIAL RULES FOR CERTAIN SALES OR EXCHANGES OF RESIDENCES BY DEALERS IN SUCH PROPERTY.—

(1) IN GENERAL.—Section 1274 of such Code is further amended by adding at the end thereof the following new subsection:

"(f) SPECIAL RULES FOR CERTAIN SALES OR EXCHANGES OF RESIDENCES BY DEALERS IN SUCH PROPERTY.—Notwithstanding any other provision of this subpart—

"(1) IN GENERAL.—In the case of any debt instrument described in paragraph (4) arising from a sale or exchange to which this subsection applies—

"(A) subsection (c)(3) shall be applied by substituting '80 percent' for '110 percent', and

"(B) subsection (b)(2)(B) shall be applied by substituting '110 percent' for '120 percent'.

"(2) SALES OR EXCHANGES TO WHICH THIS SUBSECTION APPLIES.—

"(A) IN GENERAL.—This subsection applies to any sale or exchange of any residence by a dealer who holds such residence as section 1221(1) property to a person who intends to occupy such residence if the sales price of such residence does not exceed $250,000.

"(B) PRORATION OF APPLICABLE LIMIT WHERE MORE THAN ONE PERSON HOLDS AN INTEREST.—In the case of a sale or exchange of any property described in subparagraph (A) with respect to which there is more than 1 owner, the applicable limit under subparagraph (A) shall be apportioned among each owner on the basis of the ratio which the fair market value of such owner's interest bears to the fair market value of all interests of such owners.

"(3) BLENDED RATE WHERE SALES PRICE EXCEEDS $250,000.—In the case of any sale or exchange to which this subsection would otherwise apply with respect to which the sales price exceeds $250,000—

"(A) TEST RATE.—The discount rate under subsection (c)(3) shall, in lieu of the rate under paragraph (1)(A), be equal to the sum of—

"(i) 80 percent, multiplied by a fraction the numerator of which is $250,000 and the denominator of which is the sales price, and

"(ii) 100 percent of the applicable Federal rate, multiplied by a fraction—

"(I) the numerator of which is the sales price minus $250,000, and

"(II) the denominator of which is the sales price.

"(B) IMPUTED RATE.—The discount rate under subsection (b)(2)(B) shall be the rate under paragraph (1)(B).

"(4) DEBT INSTRUMENT.—A debt instrument is described in this paragraph if it provides conspicuous notice to the obligor in a manner prescribed by regulations that if the obligor of such instrument places the residence in service in a trade or business the depreciation rules under section 168(f)(16) shall apply.

"(5) SALES PRICE DEFINED.—For purposes of this subsection, the term 'sales price' means—

"(i) money and fair market value of property received in the sale or exchange, plus

"(ii) the stated principal amount of any debt instrument issued in such sale or exchange.

"(6) RULES RELATING TO INTEREST TO CARRY DEALER OBLIGATIONS ARISING UNDER THIS SUBSECTION.—

"(A) EXCESS DEDUCTIONS DISALLOWED.—For each year the interest expense paid or incurred on any debt incurred or continued to carry any dealer obligation shall be disallowed to the extent such expense exceeds interest income includable with respect to such dealer obligation for such year.

"(B) DISALLOWED INTEREST EXPENSE ALLOWED IN SUBSEQUENT YEARS.—For any year the amount of disallowed interest expense shall be allowed as a deduction with respect

to any dealer obligation in an amount equal to the disallowed interest expense as of the close of such year (not including any amount previously allowed under this subparagraph) multiplied by a fraction—

"(i) the numerator of which is the sum of the principal payments on such dealer obligation made in such year, and

"(ii) the denominator of which is the total amount of principal outstanding on such dealer obligation at the beginning of such year.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) DEALER OBLIGATION DEFINED.—The term 'dealer obligation' means an obligation arising pursuant to a transaction to which paragraph (1) of this subsection applies.

"(ii) DISALLOWED INTEREST EXPENSE DEFINED.—The term 'disallowed interest expense' means the aggregate amount of interest expense disallowed under subparagraph (A) with respect to any dealer obligation.

"(D) NO INFERENCE.—Nothing in this paragraph shall be construed to imply that any transaction described in this paragraph is or is not subject to the rules of section 453B, and any determination of such issue shall be made as if this paragraph had not been enacted.".

(d) RULE WHERE SPECIAL STATE LAW APPLIES.—Section 1274 of such Code is further amended by adding at the end thereof the following new subsection:

"(g) NO IMPUTATION RATE WHERE RESTRICTIONS ON STATED INTEREST APPLY.—Except as otherwise provided in regulations, in any case in which State law applicable to a transaction prohibits the parties from stating interest sufficient to result in an adequate stated interest in the transaction, a rule similar to the rule of section 483(g)(6) shall apply.".

(e) CONFORMING AMENDMENTS.—Paragraph (4) of section 1274(c) of such Code (relating to certain excepted debt instruments) is amended—

(1) by striking out subparagraphs (A) and (B),

(2) by striking out "section 483(e)" and "SECTION 483(e)" in subparagraph (F) and the heading to subparagraph (F), respectively, and inserting in lieu thereof "section 483(i)" and "SECTION 483(i)", respectively, and

(3) by redesignating subparagraphs (C), (D), (E), and (F) as subparagraphs (A), (B), (C), and (D), respectively.

(f) DEPRECIATION.—Subsection (f) of section 168 of such Code (relating to accelerated cost recovery system) is amended by adding at the end thereof the following new paragraph—

"(16) SPECIAL RULES FOR CERTAIN RESIDENCES.—In the case of any debt instrument described in section 1274(f)(1), the original principal amount of the debt instrument shall be deemed to be the lesser of—

"(A) the stated principal amount, or

"(B) the imputed principal amount determined by applying section 1274(f) using a discount rate of 110 percent of the applicable Federal rate at the time the debt was issued.".

(g) FAIR MARKET VALUE IN POTENTIALLY ABUSIVE SITUATIONS.—Subparagraph (B) of section 1274(b)(3) of such Code (relating to fair market value rule in potentially abusive situations) is amended in clause (ii), by striking out "or" at the end of subclause (III), by redesignating subclause (IV) as subclause (V), and by adding after subclause (III) the following new subclause:

"(IV) deferred interest, or".

(h) DETERMINATION OF APPLICABLE FEDERAL RATE.—

(1) IN GENERAL.—Paragraph (1) of section 1274(d) of such Code (relating to determination of applicable Federal rate) is amended by adding at the end thereof the following new subparagraph:

"(E) AUTHORITY FOR SECRETARY TO DETERMINE RATE MORE FREQUENTLY.—If there is a significant decrease in any applicable Federal rate following any 6-month test period referred to in subparagraph (B), the Secretary may determine the applicable Federal rate on the basis of a more recent period (not less than 30 days) as he determines appropriate to reflect such decrease.".

(2) SPECIAL RULE FOR 1984.—

(A) IN GENERAL.—In the case of any debt instrument issued during the first 6 months of 1985 pursuant to a sale or exchange for which a binding contract was entered into during 1984, the applicable Federal rate for purposes of sections 483 and 1274 of the Internal Revenue Code of 1954 shall be 10 percent.

(B) PARAGRAPH NOT TO APPLY.—Subparagraph (A) shall not apply to any debt instrument to which section 483(e) or (f) of the Internal Revenue Code of 1954, as amended by this section, applies.

(i) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 41 of the Deficit Reduction Act of 1984.

By Mr. ABDNOR:

S. 57. A bill to provide for a graduated reduction of budget deficit of the Federal Government; referred jointly pursuant to the order of August 4, 1977, to the Committees on the Budget and Governmental Affairs with instructions that if one committee reports, the other committee has 30 days of continuous session to report or be discharged.

DEFICIT REDUCTION ACT

Mr. ABDNOR. Mr. President, huge Government budget deficits have our country in serious financial straits. In 1980, the Federal budget deficit was about $60 billion. It was nearly triple that amount last year.

These deficits have already put us in uncharted economic waters. The Congressional Budget Office projects that the crisis will continue to worsen and that between 1984 and 1989 deficits will average 5.4 percent of the gross national product. This compares with an average of 1.7 percent for the period 1965 to 1981. As a result, interest on the national debt is skyrocketing and is far and away the most rapidly growing segment of the Federal budget.

By now, two things are clear. First, huge deficits are a driving force behind high interest rates. Second, they contribute to an overvalued dollar, and that in turn aggravates our trade deficits, which are already at record levels.

As a South Dakotan, I'm especially aware of the impact on agriculture. Our farmers and ranchers are on the ropes through no fault of their own. In fact, they are by far the most efficient producers of food the world has ever seen.

The blame lies with Congress. A $175 billion deficit is simply not a responsible way to run this country, and our agricultural sector is paying an especially steep price for this irresponsibility—through higher costs and lost markets.

And it's not just farmers who are hurt; main street businesses are suffering too.

I would be encouraged by all the talk of reducing deficits if there were reason to believe it is anything more than rhetoric. The plain truth is that Congress has a lot of great talkers, but it has even greater spenders.

The only way we are going to achieve progress toward a balanced budget is to hamstring Congress so it can't continue to spend billions more than the taxes it takes in. That isn't a very nice way to put it, but Congress has demonstrated over and over again that it simply cannot be trusted to manage this country in a fiscally responsible fashion. When it comes to money, Members of Congress are like little kids in a candy store—they can't control themselves.

An amendment to the Constitution is one way of clamping down on Congress. I wish we didn't have to resort to such a drastic step, but there's little choice. That's why I have long been a cosponsor of the balanced budget amendment and am again an original cosponsor of that measure in this, the 99th Congress.

Still, as much as I support the amendment, I have much concern about what happens until the time it becomes law. Even if Congress passed it today, ratification by the States could be a lengthy process.

For this reason, I am today reintroducing my bill which would require immediate action to reduce the deficit. This legislation mandates steady progress over a 9-year period toward a balanced budget. The bill contains no "sacred cows." Every area is subject to scrutiny for savings. This is one Senator who is willing to do whatever it takes to get our budget under control.

My bill sets out a mandatory schedule of reductions in the deficit. Congress would be committed to adopting a budget which will reduce the fiscal year 1986 budget deficit by about $40 billion below current expectations and continue further reductions each year until 1994, when deficits would be eliminated. During the first 2 years, at least two-thirds of the reduction in the deficit must be in the form of spending reductions.

But, if Congress continues to refuse to do its job, the President is granted a carefully defined power to rescind spending authority and prevent Congress from busting the budget. If still further action proves necessary to

meet the deficit-reduction targets contained in the bill, spending is to be reduced across the board. But, one way or another, deficits will steadily decline and the budget will be balanced over time.

This legislation is one of the most comprehensive, responsible, and doable long-range budget plans my colleagues will see, and I'm pleased that Senator DOMENICI has agreed to hold Budget Committee hearings on my bill.

Congress should be willing to commit itself to making measured progress in reducing deficits, and Congress should be willing to live within the budget it adopts. Enactment of this bill is a practical and achievable step to see that we don't let deficits continue to spiral out of control pending passage and ratification of the balanced budget amendment.

I urge my Senate colleagues to join me in getting serious about controlling Federal deficit spending. The continuation of the economic recovery as well as the future of our country depend upon our living up to our responsibility. And the American people have a right to expect no less.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 57

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Deficit Reduction Act".

SEC. 2. (a) Title III of the Congressional Budget Act of 1974 is amended by inserting after section 301 the following new section:

"LIMITS ON BUDGET DEFICIT

"SEC. 301A. (a) IN GENERAL.—Notwithstanding any other provision of law, it shall not be in order in the Senate or the House of Representatives to vote on the question of agreeing to any concurrent resolution on the budget or any amendment thereto or any conference report thereon for the fiscal year beginning October 1, 1985, or for any subsequent fiscal year, if the adoption of such concurrent resolution, such amendment, or such concurrent resolution in the form recommended in such conference report, would cause—

"(1) the amount of the deficit set forth as appropriate for such fiscal year in such concurrent resolution to exceed the maximum deficit amount specified for such fiscal year in subsection (b); or

"(2) (A) the recommended amount by which the revenues of the Federal Government should be increased for such fiscal year, as set forth in such concurrent resolution, to exceed an amount equal to 50 percent (33 percent in the case of fiscal years beginning after September 30, 1985, and before October 1, 1987) of the amount (if any) by which the current services deficit for such fiscal year exceeds the deficit amount set forth as appropriate for such fiscal year in such concurrent resolution, or

"(B) the recommended amounts by which current services budget authority provided for such fiscal year, and current services spending authority effective in such fiscal year are to be reduced, as set forth in such concurrent resolution, to be insufficient to reduce current services outlays during such fiscal year by an amount not less than 50 percent (67 percent in the case of fiscal years beginning after September 30, 1985, and before October 1, 1987) of the amount (if any) by which the current services deficit for such fiscal year exceeds the deficit amount set forth as appropriate for such fiscal year in such concurrent resolution.

"(b) PROCEDURE.—A point of order raised pursuant to subsection (a) may be raised only at the conclusion of debate and before a vote is taken on a concurrent resolution on the budget, an amendment thereto, or a conference report thereon. If any such point of order is sustained by the presiding officer of the House in which it is raised, an affirmative vote of two-thirds of the Members of such House duly chosen and sworn shall be required to sustain an appeal of such ruling. Debate on any such appeal shall be limited to two hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees. An appeal of such a point of order is not subject to a motion to table.

"(c) WAIVER PROHIBITED.—The provisions of this section may not be waived pursuant to section 904(b).

"(d) INAPPLICABILITY IN TIME OF WAR.—In any fiscal year in which a declaration of war is in effect, the provisions of subsection (a) shall not apply to—

"(1) any concurrent resolution on the budget that is considered pursuant to section 304 and revises the concurrent resolution on the budget most recently agreed to for such fiscal year, and

"(2) any concurrent resolution on the budget considered during such fiscal year for the fiscal year succeeding such fiscal year if a declaration of war will be in effect during such succeeding fiscal year.

"(e) DEFINITIONS.—For purposes of subsection (a)—

"(1) the term 'maximum deficit amount' means, with respect to any fiscal year, an amount equal to the product obtained by multiplying the amount of the deficit for the fiscal year ending September 30, 1983, by the applicable percentage;

"(2) the term 'deficit' means, with respect to any fiscal year, the amount by which the amount of total budget outlays of the Federal Government for such fiscal year exceeds the amount of the total revenues of the Federal Government for such fiscal year; and

"(3) the term 'applicable percentage' means—

"(A) with respect to the fiscal year beginning October 1, 1985, 85 percent;

"(B) with respect to the fiscal year beginning October 1, 1986, 70 percent;

"(C) with respect to the fiscal year beginning October 1, 1987, 55 percent;

"(D) with respect to the fiscal year beginning October 1, 1988, 45 percent;

"(E) with respect to the fiscal year beginning October 1, 1989, 35 percent;

"(F) with respect to the fiscal year beginning October 1, 1990, 25 percent; and

"(G) with respect to the fiscal year beginning October 1, 1991, 15 percent;

"(H) with respect to the fiscal year beginning October 1, 1992, 5 percent; and

"(I) with respect to the fiscal year beginning October 1, 1993, and each succeeding fiscal year, zero percent.".

(b) (1) Section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622) is amended by adding at the end thereof the following new paragraphs:

"(6) The term 'current services deficit' means, with respect to any fiscal year, the amount by which the amount of current services outlays of the Federal Government for such fiscal year exceeds the amount of current law revenues of the Federal Government for such fiscal year.

"(7) The term 'current services budget authority' means, with respect to any fiscal year, the total amount of budget authority which would be necessary to carry out programs and activities of the Federal Government during such fiscal year at the same level as such programs and activities were carried out in the preceding fiscal year without any policy change (as determined on the basis of estimates made by the Director of the Congressional Budget Office).

"(8) The term 'current services outlays' means, with respect to any fiscal year, the total amount of outlays which would be necessary to carry out programs and activities of the Federal Government during such fiscal year at the same level as such programs and activities were carried out in the preceding fiscal year without any policy changes (as determined on the basis of estimates made by the Director of the Congressional Budget Office).

"(9) The term 'current services spending authority' means, with respect to any fiscal year, the total amount of spending authority described in section 401(c)(2)(C) which would be necessary to be effective in such fiscal year to carry out programs and activities of the Federal Government during that fiscal year without policy changes and at the same level as such programs and activities were carried out during the preceding fiscal year (as determined on the basis of estimates made by the Director of the Congressional Budget Office).

"(10) The term 'current law revenues' means, with respect to any fiscal year, the total amount of revenues that would be received by the Federal Government in such fiscal year if no law were enacted to change the amount of revenues received in the Treasury during such fiscal year (as determined on the basis of estimates made by the Director of the Congressional Budget Office).".

(2) Subsection (b) of section 904 of such Act (2 U.S.C. 621 note) is amended by striking out "or IV" and inserting in lieu thereof "(except section 301A) or title IV".

(3) The table of contents in subsection (b) of the first section of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 note) is amended by inserting after the item relating to section 301 the following new item:

"Sec. 301A. Limits on budget deficit.".

SEC. 3. (a) Section 310 of the Congressional Budget Act of 1974 (2 U.S.C. 641) is amended to read as follows:

"DEFICIT REDUCTION PROCEDURE

"SEC. 310. (a) IN GENERAL.—Any concurrent resolution on the budget considered under section 301 or section 304 for a fiscal year shall, to the extent necessary, specify—

"(1) the total amount by which—

"(A) current services budget authority provided for such fiscal year under laws enacted before the date of adoption of such concurrent resolution;

"(B) new current services budget authority authorized to be enacted for such fiscal year;

"(C) current services outlays for such fiscal year that are associated with the current law budget authority referred to in subparagraphs (A) and (B); and

"(D) current services spending authority described in section 401(c)(2)(C) for such fiscal year;

contained in laws, bills, and resolutions within the jurisdiction of a committee, is to be changed and direct that committee to determine and recommend changes to accomplish a change of such total amount and to report such determinations and recommendations in accordance with subsection (b) by a date specified in such concurrent resolution;

"(2) specify the amount by which budget authority initially provided for fiscal years preceding such fiscal year, and budget outlays associated with such budget authority, contained in laws, bills, and resolutions within the jurisdiction of a committee are to be changed and direct that committee to determine and recommend changes to accomplish a change of each such total amount and to report such determinations and recommendations in accordance with subsection (b) by a date specified in such concurrent resolution;

"(3) specify the total amount by which current law revenues for such fiscal year are to be changed and direct the committees having jurisdiction to determine and recommend changes in the laws, bills, and resolutions to accomplish a change of such total amount and to report such determinations and recommendations in accordance with subsection (b) by a date specified in such concurrent resolution;

"(4) specify the amount by which the statutory limit on the public debt is to be changed and direct the committees having jurisdiction to recommend such change and to report such recommendations in accordance with subsection (b) by a date specified in such concurrent resolution; and

"(5) specify and direct any combination of the matters described in paragraphs (1), (2), (3), and (4).

"(b) DEFICIT REDUCTION MEASURES.—

"(1) IN GENERAL.—If a concurrent resolution on the budget is agreed to which, in accordance with subsection (a), contains directions to one or more committees to determine and recommend changes in laws, bills, or resolutions, and—

"(A) only one committee of the House or the Senate is directed to determine and recommend changes, that committee shall promptly make such determination and recommendations and shall, by the date specified pursuant to subsection (a), report to its House a deficit reduction bill or a deficit reduction resolution, or both, containing such recommendations; or

"(B) more than one committee of the House or the Senate is directed to determine and recommend changes, each such committee so directed shall promptly make such determination and recommendations, whether such changes are to be contained in a deficit reduction bill or deficit reduction resolution, and shall, by the date specified pursuant to subsection (a), report such recommendations to the Committee on the Budget of its House, which upon receiving all such recommendations, shall report to its House a deficit reduction bill or deficit reduction resolution, or both, carrying out all such recommendations without any substantive revision.

"(2) DEFINITION.—For purposes of this subsection, a deficit reduction resolution is a concurrent resolution directing the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be, to make specified changes in bills and joint resolutions which have not been enrolled.

"(c) COMPLETION OF DEFICIT REDUCTION PROCESS.—Congress shall complete action on any deficit reduction bill or deficit reduction resolution reported under subsection (b) not later than 60 days after the adoption of the concurrent resolution requiring such bill or resolution to be reported.".

(b)(1) The table of contents in subsection (b) of the first section of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 note), as amended by section 2(b)(3), is further amended—

(A) by striking out "Adoption of first concurrent resolution" in the item relating to section 301 and inserting in lieu thereof "Annual adoption of concurrent resolution";

(B) by striking out "First concurrent resolution" in the item relating to section 303 and inserting in lieu thereof "Concurrent resolution"; and

(C) by striking out "Second required concurrent resolution and reconciliation process" in the item relating to section 310 and inserting in lieu thereof "Deficit reduction procedure".

(2) Paragraph (4) of section 3 of such Act (2 U.S.C. 622) is amended—

(A) by adding "and" after the semicolon at the end of subparagraph (A);

(B) by striking out subparagraph (B); and

(C) by striking out "(C) any other" and inserting in lieu thereof "(B) a".

(3) Section 300 of the Congressional Budget Act of 1974 (2 U.S.C. 631) is amended—

(A) by striking out "first" in the item relating to April 15 and in the second item relating to May 15;

(B) by striking out the items relating to September 15 and September 25; and

(C) by inserting after the item relating to May 15 the following new item:

"July 15.....	Congress completes action on deficit reduction bill or deficit reduction resolution, or both, implementing concurrent resolution on the budget.".

(4) (A) The heading of section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632) is amended to read as follows:

"ANNUAL ADOPTION OF CONCURRENT RESOLUTION".

(B) Subsection (a) of section 301 of such Act (2 U.S.C. 632) is amended—

(i) by striking out "the first concurrent resolution on the budget" in the first sentence and inserting in lieu thereof "a concurrent resolution on the budget"

(ii) by striking out "and" at the end of paragraph (6);

(iii) by redesignating paragraph (7) as paragraph (10); and

(iv) by inserting after paragraph (6) the following new paragraphs:

"(7) the total amount of the current law revenues of the Federal Government;

"(8) the total amount of the current services outlays of the Federal Government;

"(9) the current services deficit of the Federal Government; and".

(C) Section 301(b) of such Act is amended—

(i) by striking out "first concurrent resolution on the budget" and inserting in lieu thereof "concurrent resolution on the budget referred to in subsection (a)"; and

(ii) by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1) the deficit reduction procedure described in section 310; and"; and

(iii) by striking out the matter that follows paragraph (2).

(D) Section 301(d) of such Act is amended by striking out "first" each place it appears.

(E) Section 301(e) of such Act is amended—

(i) by striking out "set for" in paragraph (1) and inserting in lieu thereof "set forth"; and

(ii) by striking out "first concurrent resolution on the budget" each place it appears and inserting in lieu thereof "concurrent resolution on the budget referred to in subsection (a)".

(5) Subsection (c) of section 302 of such Act (2 U.S.C. 633) is amended by striking out "or 310".

(6) (A) The heading of section 303 of such Act is amended by striking out "FIRST".

(B) Subsection (a) of section 303 of such Act (2 U.S.C. 634) is amended by striking out "first concurrent resolution on the budget" in the matter following paragraph (4) and inserting in lieu thereof "concurrent resolution on the budget referred to in section 301(a)".

(7) Section 304 of such Act (2 U.S.C. 635) is amended—

(A) by striking out "first concurrent resolution on the budget" and inserting in lieu thereof "concurrent resolution on the budget referred to in section 301(a)"; and

(B) by striking out "pursuant to section 301".

(8)(A) Paragraph (3) of subsection (a) of section 305 of such Act (2 U.S.C. 636) is amended by striking out "first concurrent resolution on the budget" and inserting in lieu thereof "concurrent resolution on the budget referred to in section 301(a)".

(B) Subsection (b) of section 305 of such Act is amended—

(i) by striking out ", except that" and all that follows through "15 hours" in paragraph (1); and

(ii) by striking out "first concurrent resolution on the budget" in paragraph (3) and inserting in lieu thereof "concurrent resolution on the budget referred to in section 301 (a)".

(9) Paragraph (2)(A) of subsection (a) of section 308 of such Act (2 U.S.C 639) is amended by striking out "first concurrent resolution on the budget" and inserting in lieu thereof "concurrent resolution on the budget referred to in section 301(a)".

(10) Paragraph (1) of section 309 of such Act (2 U.S.C. 640) is amended by striking out ", and other than the reconciliation bill for such year, if required to be reported under section 310(c)".

(11)(A) Subsection (a) of section 311 of such Act (2 U.S.C. 642) is amended to read as follows:

"(a) LEGISLATION SUBJECT TO POINT OF ORDER.—After the Congress has completed action on the concurrent resolution on the budget referred to in section 301(a) for a fiscal year, and, if a deficit reduction bill or resolution, or both, for such fiscal year are required to be reported for such fiscal year, after that bill has been enacted into law or that resolution has been agreed to, it shall not be in order in either the House of Representatives or the Senate to consider any bill, resolution, or amendment providing new budget authority for such fiscal year, providing new spending authority described in section 401(c)(2)(C) to become effective

during such fiscal year, or reducing revenues for such fiscal year, or any conference report on any such bill or resolution, if—

"(1) the enactment of such bill or resolution as reported;

"(2) the adoption and enactment of such amendment; or

"(3) the enactment of such bill or resolution in the form recommended in such conference report;

would cause the appropriate level of total new budget authority or total budget outlays set forth for such fiscal year in the most recently agreed to concurrent resolution on the budget for such fiscal year to be exceeded, or would cause the total amount of revenues received by the Treasury for such fiscal year to be less than the recommended level of Federal revenues set forth in such concurrent resolution for such fiscal year.".

(B) Section 311 of such Act is further amended by adding at the end thereof the following new subsection:

"(c) PROCEDURE.—If a point of order raised pursuant to subsection (a) is sustained by the presiding officer of the House in which it is raised, an affirmative vote of two-thirds of the Members of such House duly chosen and sworn shall be required to sustain an appeal of such ruling. Debate on any such appeal shall be limited to two hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees. An appeal of such a point of order is not subject to a motion to table.".

(12) Clause (1) of Rule XLIX of the Rules of the House of Representatives is amended by striking out ", 304, or 310" and inserting in lieu thereof "or 304".

SEC. 4. Section 1105 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(e)(1) Except as provided in paragraph (2), the amount set forth in any Budget submitted to the Congress pursuant to subsection (a) for any fiscal year with respect to the estimated expenditures necessary to support the Government for such fiscal year may not exceed the amount set forth in such Budget with respect to the estimated receipts of the Government for such fiscal year by an amount that is greater than the maximum deficit amount established for such fiscal year under section 301A of the Congressional Budget Act of 1974.

"(2) For any fiscal year with respect to which the President determines that, for reasons of national security or economic necessity, the adoption of a Budget that complies with the requirements of paragraph (1) is not feasible, and submits to the Congress a written statement of the reasons for such determination, the President may submit two Budgets only one of which complies with the requirements of paragraph (1).".

SEC. 5. (a) Title X of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end thereof the following new part:

"PART C—IMPOUNDMENT PROCEDURES FOR DEFICIT REDUCTION

"DEFINITIONS

"SEC. 1021. For purposes of this part—

"(1) the term 'spending authority' shall have the meaning given to such term in section 401(c)(2);

"(2) the term 'maximum deficit amount' shall have the meaning given to such term in section 301A(b)(1);

"(3) the term 'deficit' shall have the meaning given to such term in section 301A(b)(2); and

"(4) the term 'applicable percentage' shall have the meaning given to such term in section 301A(b)(3).

"PERIODIC REPORTS ON ESTIMATED DEFICIT

"SEC. 1022. (a) On November 1, February 1, and May 1 of each fiscal year, the Director of the Congressional Budget Office shall transmit to the Congress and the President a report based upon the most reliable information available at the time such report is transmitted. Such report shall contain—

"(1) an estimate of the total budget outlays of the Federal Government for such fiscal year;

"(2) an estimate of the total revenues of the Federal Government for such fiscal year;

"(3) a specification of the amount (if any) by which the amount estimated pursuant to paragraph (1) exceeds the amount estimated pursuant to paragraph (2); and

"(4) a specification of the amount (if any) by which the amount specified pursuant to paragraph (3) exceeds the deficit amount set forth as appropriate for such fiscal year in the concurrent resolution adopted for such fiscal year under section 301.

"(b) In the first report required under subsection (a) for any fiscal year with respect to which a deficit reduction bill, or a bill or joint resolution incorporating changes directed by a deficit reduction resolution (as defined in section 310(b)(2)), or both, becomes law, the Director of the Congressional Budget Office shall specify—

"(1) the amount by which such law or laws would cause the total amount of revenues of the Federal Government for such fiscal year to exceed the amount of current law revenues set forth in the concurrent resolution on the budget adopted for such fiscal year under section 301 if economic conditions during such fiscal year were the same as the economic conditions assumed for such fiscal year in such concurrent resolution;

"(2) the amount by which such law or laws would reduce the total amount of the outlays of the Federal Government for such fiscal year below the amount of current services outlays set forth in such concurrent resolution for such fiscal year if economic conditions during such fiscal year were the same as such assumed economic conditions;

"(3) the amount by which a deficit reduction bill enacted pursuant to a concurrent resolution on the budget for such fiscal year—

"(A) adopted under section 301,

"(B) setting forth as appropriate for such fiscal year a deficit amount equal to the deficit amount set forth as appropriate for such fiscal year in the concurrent resolution on the budget adopted for such fiscal year under section 301, and

"(C) recommending that the total amount of the revenues of the Federal Government for such fiscal year be increased by the maximum amount by which such total amount may be increased by a concurrent resolution on the budget that complies with the requirements of section 301A(a)(2)(A) for such fiscal year,

would cause the total amount of revenues of the Federal Government for such fiscal year to exceed the amount of current law revenues set forth in such concurrent resolution for such fiscal year; and

"(4) the amount by which a deficit reduction bill enacted pursuant to a concurrent resolution on the budget for such fiscal year—

"(A) adopted under section 301,

"(B) setting forth as appropriate for such fiscal year a deficit amount equal to the deficit amount set forth as appropriate for such fiscal year in the concurrent resolution on the budget adopted for such fiscal year under section 301, and

"(C) recommending that the total amount of the budget outlays of the Federal Government for such fiscal year be reduced by the minimum amount by which such outlays may be reduced by a concurrent resolution on the budget that complies with the requirements of section 301A(a)(2)(B) for such fiscal year,

would reduce the amount of the total outlays of the Federal Government for such fiscal year below the total amount of current services outlays set forth in such concurrent resolution for such fiscal year.

"SPECIAL MESSAGE PROPOSING RESCISSIONS TO REDUCE DEFICIT

"SEC. 1023. (a) Not later than 30 days after receiving any report under section 1022 that specifies an amount pursuant to paragraph (4) of subsection (a) of such section, the President shall transmit to the Congress a special message that proposes rescissions of budget authority for the fiscal year to which such report relates in an amount that will reduce the total budget outlays of the Federal Government for such fiscal year by an amount equal to the amount specified under such paragraph (as determined on the basis of estimates made by the Director of the Congressional Budget Office).

"(b)(1)(A) A special message transmitted under subsection (a) pursuant to a report transmitted under section 1022 for a fiscal year may propose rescissions of budget authority for such fiscal year with respect to any program, project, activity, or account of the Federal Government with respect to which the President determines that it is desirable to reduce outlays (except the budget authority provided by section 1305(2) of title 31, United States Code, for payment of interest on the public debt).

"(B) No rescission proposed in such special message pursuant to this paragraph may reduce the total amount of outlays for any program, project, activity, or account of the Federal Government for the fiscal year to which special message relates by an amount in excess of 10 percent of the total amount of outlays that would be made for such program, project, or activity for such fiscal year but for this paragraph (as determined on the basis of estimates made by the Director of the Congressional Budget Office).

"(C) If pursuant to this paragraph the President proposes to rescind for a fiscal year budget authority with respect to spending authority described in section 401(c)(2)(C), the special message proposing such rescission shall describe the changes that will be made in the program or programs to which such spending authority relates for such fiscal year if the Congress enacts a bill rescinding such budget authority.

"(2)(A) If the total amount of the rescissions proposed in such special message pursuant to paragraph (1) are insufficient to reduce the total outlays of the Federal Government for such fiscal year by an amount equal to the amount specified pursuant to section 1022(a)(4) in the report to which such special message relates, such special message shall propose additional rescissions of budget authority for such fiscal year with respect to each program, project, activity,

and account of the Federal Government (including programs, projects, activities, and accounts with respect to which budget authority is proposed to be rescinded under paragraph (1)).

"(B) A rescission proposed pursuant to this paragraph with respect to any program, project, activity, or account shall reduce the total amount of outlays for such program, project, activity, or account by an amount equal to the product of—

"(i) the amount of outlays that would be made for the program, project, activity, or account for the fiscal year to which the special message proposing such rescission relates but for this subparagraph (as determined on the basis of estimates made by the Director of the Congressional Budget Office), and

"(ii) the percentage that will, if multiplied by the total amount of outlays that would be made for every program, project, activity, or account of the Federal Government for such fiscal year but for this paragraph, produce an amount that is equal to the remainder obtained by subtracting—

"(I) the total amount by which rescissions proposed in such special message under paragraph (1) would reduce the total amount of outlays of the Federal Government for such fiscal year, from

"(II) the amount specified pursuant to section 1022(a)(4) in such special message.

"(C)(i) A special message transmitted under subsection (a) shall describe the changes that will be made in any program for which spending authority described in section 401(c)(2)(C) has been enacted if the President is required under section 1024 to withhold from obligation and expenditure budget authority proposed to be rescinded with respect to such spending authority pursuant to this paragraph.

"(ii) Changes proposed in a program pursuant to clause (i) may include (I) a pro rata reduction in the payments that would otherwise be required by law to be made under such program, and (II) changes promoting the efficient administration of such program, but may not include any change in the requirements established by law with respect to eligibility for, or entitlement to, payments under such program.

"(D) No rescission may be proposed under subparagraph (A) with respect to the budget authority provided by section 1305(2) of title 31, United States Code, for payment of interest on the public debt.

"(3)(A) Except as provided in subparagraph (B), rescissions proposed pursuant to paragraphs (1) and (2) in a special message may not reduce the total outlays of the Federal Government by an amount that exceeds the amount specified pursuant to section 1022(a)(4) in the report to which such special message relates.

"(B) If the President proposes to rescind budget authority with respect to spending authority described in section 401(c)(2)(C) pursuant to paragraph (1), the President shall also include in the special message proposing such rescissions an alternative proposal to rescind budget authority in accordance with paragraph (2) in an amount that will reduce the total amount of budget outlays of the Federal Government for the fiscal year to which such special message relates by an amount equal to the amount by which the rescissions proposed pursuant to paragraph (1) with respect to such spending authority would reduce such total amount of outlays if such proposed rescissions became law. The President may withhold from obligation and expenditure budget authority proposed to be rescinded pursuant to this subparagraph only if a bill rescinding budget authority with respect to such spending authority does not become law within the period of time specified in section 1024.

"(c)(1) Except as provided in paragraph (2) and in section 1024, the provisions of part B of this title shall apply to the consideration of a special message transmitted under subsection (a).

"(2) For purposes of this section, the 45-day period referred to in sections 1011 and 1012(b) of such part shall be deemed to refer to a period of 30 calendar days.

"EFFECTS OF RESCISSION BILL

"SEC. 1024. (a) If, within 30 calendar days after both Houses of the Congress have received a special message transmitted by the President pursuant to section 1023 for a fiscal year, a rescission bill is enacted and becomes law that rescinds the budget authority of the Federal Government for such fiscal year that was proposed to be rescinded in such message, the President shall withhold from obligation and expenditure the budget authority rescinded by such rescission bill.

"(b)(1) If, within 30 calendar days after both Houses of the Congress have received a special message transmitted by the President pursuant to section 1023 for a fiscal year, a rescission bill is enacted and becomes law that rescinds budget authority of the Federal Government for such fiscal year in an amount that will reduce the total outlays of the Federal Government for such fiscal year by the amount by which such total outlays would be reduced by the rescissions of budget authority proposed in such special message (as determined on the basis of estimates made by the Director of the Congressional Budget Office), the budget authority proposed to be rescinded in such special message shall be made available for obligation and expenditure (except to the extent that such rescission bill rescinds the budget authority proposed to be rescinded in such message).

"(2) If a rescission bill enacted pursuant to this subsection provides for the rescission of budget authority with respect to spending authority described in section 401(c)(2)(C), it shall be accompanied by a report specifying the changes to be made in the program or programs to which such spending authority relates in order to carry out such rescission (if such changes differ from the changes in such program or programs that are proposed by the President pursuant to paragraphs (1)(C) and (2)(C) of section 1023(b)).

"(c)(1) If, within 30 calendar days after both Houses of the Congress have received a special message transmitted by the President pursuant to section 1023 for a fiscal year, a rescission bill is enacted and becomes law that rescinds budget authority of the Federal Government for such fiscal year in an amount that will reduce the total outlays of the Federal Government for such fiscal year by an amount that is less than the amount by which such total outlays would be reduced if a rescission bill were enacted rescinding the budget authority proposed to be rescinded in such special message (as determined on the basis of estimates made by the Director of the Congressional Budget Office), the President shall—

"(A) withhold from obligation and expenditure the budget authority rescinded by such rescission bill, and

"(B) withhold from obligation and expenditure budget authority proposed to be rescinded for such fiscal year in such special message (other than budget authority proposed pursuant to section 1023(b)(1) to be rescinded with respect to spending authority described in section 401(c)(2)(C)) in an amount that will reduce the total budget outlays of the Federal Government for such fiscal year by an amount which, when added to the amount by which such outlays are reduced for such fiscal year under such rescission bill, equals the amount by which such total outlays would be reduced if the rescissions proposed in such special message were enacted (as determined on the basis of estimates made by the Director of the Congressional Budget Office); and

"(C) implement any changes described in such message pursuant to section 1023(b)(2)(C) that are necessary to carry out the requirements of subparagraph (B).

"(2) If a rescission bill enacted pursuant to this subsection provides for the rescission of budget authority with respect to spending authority described in section 401(c)(2)(C), it shall specify the changes to be made in the program or programs to which such spending authority relates in order to carry out such rescission (if such changes differ from the changes in such program or programs that are proposed by the President pursuant to paragraphs (1)(C) and (2)(C) of section 1023(b)).

"(3) Notwithstanding subparagraph (B) of paragraph (1), the President may not rescind any budget authority proposed to be rescinded in a special message if a rescission bill is enacted and becomes law under this subsection that specifically disapproves the rescission of such budget authority.

"(d) Notwithstanding section 1012(b) or any other provision of law, if no rescission bill with respect to a special message transmitted under subsection (a) becomes law under subsection (b) or (c) within 30 calendar days after receipt by both Houses of the Congress of such special message, the President shall—

"(1) carry out the rescissions of budget authority proposed in such special message for such fiscal year (other than budget authority proposed pursuant to section 1023(b)(1) to be rescinded with respect to spending authority described in section 401(c)(2)(C); and

"(2) implement any changes described in such message pursuant to section 1023(b)(2)(C).

ENFORCEMENT OF MANDATED SPENDING REDUCTIONS; LIMITATIONS ON REVENUE INCREASES

"SEC. 1025. (a) If, in the first report transmitted under section 1022 for any fiscal year, an amount is specified pursuant to paragraph (1) of subsection (b) of such section that exceeds the amount specified pursuant to paragraph (3) of such subsection, the President shall, within 30 days after receiving such report, transmit to the Congress a special message proposing rescissions of budget authority for such fiscal year in an amount sufficient to reduce the total outlays of the Federal Government for such fiscal year by an amount that, when added to the amount by which such outlays will be reduced by any rescissions intended to be proposed for such fiscal year under section 1023 during such 30-day period, equals the amount obtained by subtracting the amount specified pursuant to paragraph (2) of subsection (b) of section 1022 from the product obtained by multiplying—

"(1) the amount specified in such report pursuant to paragraph (4) of such subsection, and

"(2) the quotient obtained by dividing—

"(A) the amount specified in such report pursuant to paragraph (1) of such subsection, by

"(B) the amount specified in such report pursuant to paragraph (3) of such subsection.

"(b) Any rescission of budget authority proposed in a special message transmitted under subsection (a) shall be subject to the requirements of section 1023(b)(2) and to the provisions of section 1024.".

(b) The table of contents in subsection (b) of the first section of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 note) is amended by adding at the end thereof the following new items:

"PART C—IMPOUNDMENT PROCEDURES FOR DEFICIT REDUCTION

"Sec. 1021. Definitions.
"Sec. 1022. Periodic reports on estimated deficit.
"Sec. 1023. Special message proposing rescissions to reduce deficit.
"Sec. 1024. Effects of rescission bill.
"Sec. 1025. Enforcement of mandated spending reductions; limitations on revenue increases.".

SEC. 6. (a)(1) There is established a National Bipartisan Commission on the Budget (hereafter in this section referred to as the "Commission"). The Commission shall be composed of fifteen private citizens of the United States appointed as follows:

(A) five members appointed by the President, no more than three of whom shall be of the same political party;

(B) five members appointed by the President pro tempore of the Senate, three of whom shall be appointed upon the recommendation of the Majority Leader of the Senate, and two of whom shall be appointed upon the recommendation of the Minority Leader of the Senate; and

(C) five members appointed by the Speaker of the House of Representatives, two of whom shall be appointed upon the recommendation of the Minority Leader.

(2) Initial appointments required to be made by paragraph (1) shall be made not later than thirty days after the date of the enactment of this Act.

(3) The Chairman of the Commission shall be elected by a majority vote of the members of the Commission.

(4) A vacancy on the Commission shall not alter its powers and shall be filled in the same manner in which the original appointment was made.

(b) The Commission shall—

(1) review the budget submitted by the President for fiscal year 1986;

(2) review such other budget proposals or information as the members of the Commission shall deem relevant;

(3) consult with other private and public sector experts for recommendations about reforms that would best address Federal budget deficits; and

(4) make recommendations for levels of spending and changes in the laws of the United States which may be necessary to reduce the budget deficit of the Federal Government in accordance with section 301A of the Congressional Budget Act of 1974 (as added by section 2 of this Act) and to achieve a balanced budget by fiscal year 1994.

(c) The Commission may, for the purpose of carrying out subsection (b), hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(d)(1) The heads of the executive agencies and the legislative agencies shall, to the extent permitted by law, provide the Commission such information as it may require for the purpose of carrying out its functions.

(2) Members of the Commission shall serve without compensation. However, members may be allowed travel expenses, including per diem in lieu of subsistence, in the same amount as persons employed intermittently in the Government service are allowed expenses under sections 5702 and 5703 of title 5, United States Code. Such expenses shall be paid equally from the contingent fund of the Senate and the contingent fund of the House of Representatives.

(e) The Commission shall transmit to the President and to each House of Congress a report not later than August 1, 1985. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such levels of spending, legislation, and administrative actions as it considers appropriate.

(f) The Commission shall cease to exist thirty days after submitting its report pursuant to subsection (e).

SEC. 7. No law enacted after the date of the enactment of this Act shall waive or limit any provision of this Act, or any amendment to the Congressional Budget and Impoundment Control Act made by this Act, unless such law does so in specific terms, referring to this Act or to the amendment made by this Act, and declaring that such law waives or limits this Act or such amendment.

By Mr. DANFORTH (for himself and Mr. BENTSEN):

S. 58. A bill to amend the Internal Revenue Code of 1954 to increase research activities, to foster university research and scientific training, and to encourage the contribution of scientific equipment to institutions of higher education; to the Committee on Finance.

HIGH TECHNOLOGY RESEARCH AND SCIENTIFIC EDUCATION ACT

Mr. DANFORTH. Mr. President, Senator BENTSEN and I are today introducing legislation which I believe is of extreme importance to the U.S. economy and our position in world trade. The Commerce Department has just issued a study showing that the high technology industry continues to be one of the few sectors to contribute positively to the U.S. balance of trade. This has historically been the case, and even now, when we are faced with a record trade deficit, exports of R&D-intensive products far exceed imports of those products.

Yet, Mr. President, we are being challenged by our trading partners, particularly the Japanese, who are each year increasing their share of such markets as computers and other high-tech electronic apparatus. In the last 20 years, Japan has far outspent the United States in R&D, as a percentage of gross national product. If we hope to maintain our superiority in technological innovation over our competitors, we must maintain and increase the level of R&D that is performed in the United States.

Because of the tremendous societal benefits that flow from the performance of R&D, it is appropriate for the Government to support such activities. Traditionally, the Federal Government has taken a lead role in funding basic research, through grants to universities and other nonprofit research organizations. Support is also appropriate where R&D activities may have commercial goals. This is because, as the Treasury Department noted in testimony before the Ways and Means Committee last summer:

> Where the market rewards for R&D expenditures do not match society's need for technological innovation, it falls appropriately upon Government to supply additional incentive.

The R&D credit was originally enacted in 1981 to provide just such an incentive. The credit is designed to reward increased R&D activity, and is available only for R&D expenditures that exceed the average of such expenditures for the previous 3 years. Based on the limited information that is available to date, the credit has been a success. In 1981, R&D expenditures increased by over 40 percent, compared to the previous year. In 1982, there was a 38-percent increase in R&D. Considering that these were both recessionary years, these increases are particularly impressive.

When enacted, the R&D credit was not made permanent, and is scheduled to expire at the end of this year. The bill we are introducing today would make the credit a permanent part of the law. This bill will be familiar to Members because the Senate passed this bill last year as part of the Deficit Reduction Act of 1984. (Only minor modifications have been made in this version of the bill. Unfortunately, when we conferred with the House on that bill, we were unable to keep this provision in the package. This was principally because the credit was not expiring until 1985, and Representatives of the House on the Conference Committee did not want to address the issue until this year.

Today we are facing the deadline. It is essential that the credit be renewed, and, I believe, made permanent. And it is essential that action be taken as soon as possible. Let me explain the reason for this urgency. R&D expenditures are made by companies pursuant to plans that are formulated years in advance. Most R&D projects are long-term endeavors, spanning 5 to 10 years or, in some cases, even longer. They are not activities that can be turned on and off like a light switch.

As such, R&D budgets cannot be influenced by last minute changes in the tax law. If we as a body wish to see the

incentive effect of the R&D credit continue, then we must act quickly to persuade those who make these decisions that the credit will continue, and that they may safely take it into account in planning their R&D budgets for the coming years. I am afraid that the very existence of the sunsetting provision in current law already had a dampening effect on R&D spending since the availability of the credit after 1985 has remained an uncertainty.

As I mentioned, this bill was passed by the Senate in 1984. In addition to making the credit permanent, it narrows the definition of the types of R&D activities that qualify for the credit in order to target the credit to truly innovative, technological research. (There had been concern that the present law definition was too loose, and, as a result, I, my staff, the Treasury Department, the Finance Committee staff, and the Joint Committee staff spent a great deal of time last year developing this tight definition.) The bill also provides incentives for corporate support of university research efforts. With the modification in the definition of qualifying research, the Treasury Department last year supported the passage of an extension of the credit. Since an extension of the credit is included in the Treasury proposal on fundamental tax reform, I must assume that they continue to support the credit.

Mr. President, this bill also has the support of the Coalition for the Advancement of Industrial Technology, or CAIT, which is an organization made up of 49 companies involved in R&D activities, eight high-tech trade associations, and 15 universities which are also involved in basic research and research training. I have a brief summary of the provisions of the bill and a detailed description. I ask unanimous consent that they, and the text of the bill, be printed in full in the RECORD.

There being no objection, the material was/were ordered to be printed in the RECORD, as follows:

FACT SHEET REGARDING THE "HIGH TECHNOLOGY RESEARCH AND SCIENTIFIC EDUCATION ACT OF 1985"

SUMMARY

I. Improvement and extension of the R&D credit

1. The R&D credit is made permanent.

2. The definition of qualified research for R&D credit purposes is tightened to eliminate any taxpayer abuses of the R&D credit and to ensure that the credit is targeted to fulfill its original purpose of encouraging technological innovation.

3. The R&D credit is made available to start-up corporations, to research joint ventures composed of corporations, and to other qualifying joint ventures of partners with existing businesses to which the research relates.

II. Promotion of university research and scientific education

A. Credit for Corporate Payments to Universities for Basic Research

The Act creates a new credit equal to 20 percent of that portion of a corporation's payments to universities and other qualified non-profit, tax-exempt organizations for basic research which exceeds a fixed, historical maintenance-of-effort floor. This maintenance-of-effort floor is equal to 1% of the corporation's average annual R&D budget (including university basic research payments) over 1981-1983. A second threshold requirement also is used to prevent corporations from merely diverting their generalized charitable university giving to creditable support of university basic research.

B. Enhanced Deduction for Corporate Donations of Scientific Equipment to Colleges, Universities, and Vocational Schools

The Act expands the present enhanced deduction to corporate contributors of scientific and technical equipment and apparatus given to colleges, universities, junior colleges, and post-secondary vocational schools for use in research or research training by means of the following:

Eligible uses of the property are expanded to include direct education in the sciences as well as research and research training;

Donations of computer software are made eligible for the deduction;

Donations of state-of-the-art equipment used in the taxpayer's trade or business are made eligible for the deduction.

C. Clarification of Exclusion From Income of Scholarships, Grants, and Student Loan Forgiveness Received by Certain Graduate Students in the Sciences

The Act clarifies that scholarships, grants, and student loan forgiveness received by graduate students will be excluded from such student's gross income, even though he or she is required to perform future teaching services for any of a broad class of institutions of higher education as a condition of receiving such scholarship, grant, or loan forgiveness.

DETAILED DESCRIPTION OF THE "HIGH TECHNOLOGY RESEARCH AND SCIENTIFIC EDUCATION ACT OF 1985"

I. IMPROVEMENT AND EXTENSION OF THE R&D CREDIT (TITLE I OF THE ACT)

A. R&D credit made permanent (sec. 101)

The Act eliminates the current sunset provision under which the R&D credit is due to expire on December 31, 1985, thereby making the credit permanent.

B. Improvement of the R&D credit through clarification and tightening of the definition of qualified research for credit purposes (sec. 102)

1. The Act adopts a new definition of qualified research for R&D purposes that is entirely separate from the definition of research or experimentation for section 174 deduction purposes. The new credit definition adopts as its starting point the definition of R&D for financial accounting purposes, subject to various modifications.

2. In general, qualified research for R&D credit purposes means (i) planned search or critical investigation (including basic research) undertaken for the purpose of discovering information which may be potentially useful in the development of a technologically new or improved business component of the taxpayer or (ii) applying the results obtained from a research activity or other knowledge to develop a technologically new or improved business component of the taxpayer, including the conceptual formulation, design, testing, and reformulation of hypotheses regarding elements of the business component and the design, construction, and testing of prototypes, models, and pilot plants.

3. "Technologically new or improved"—

Two-fold requirement:

(i) The new or improved characteristics of the business component (defined below) are "technological in nature"; and

(ii) Substantially all of the activities undertaken in developing or improving such component are part of a process of experimentation relating to such factors as new or improved function, performance, efficacy, reliability, safety, quality, or reduced cost, rather than to style, taste cosmetic, or seasonal design factors.

(a) "Technological"—

Clarifies that the R&D credit is limited to technologically-based products and processes (including software), as opposed to financial services, advertising, and the like.

Whether the new chacteristics or improvements are technological in nature is determined by whether the process necessary to develop such characteristics or improvements ultimately relies on principles of physical science, biological science, chemical science, computer science, or engineering.

(b) Substantially all of the activities are part of experimentation directed toward functional changes—

"Substantially all" is to be determined on the basis of all of the facts and circumstances, with relative costs incurred being evidence as to "substantially all" and with such costs including costs of support and supervision of R&D.

4. Item which must be technologically new or improved: Concept of a "business component"—

The objective at which qualified research is directed for R&D credit purposes—a business component—is defined to include a product, computer software, process, technique, formula, or invention to be offered for sale, lease, license, or used by the taxpayer in a trade or business.

The "technologically new or improved" test is applied first at the level of the product or process as a whole. If the test is not satisfied at that level, the test is reapplied at the next most significant subset of elements of the product or process. This "shrinking back" of the product or process will continue until either a subset of elements of the product or process that satisfies the test is reached or the most basic element of the product or process is reached and such element fails to satisfy the test.

5. The Act's revised definition of qualified research narrows the category of eligible activities for R&D credit purposes in the following principal ways:

(i) First, the limitation of eligible R&D activities for credit purposes only to those directed toward functional improvements (*e.g.*, function, performance, reliability, etc.) eliminates the entire category of style, cosmetic, taste, and seasonal design improvements often undertaken purely for marketing purposes and eliminates all improvements in which cosmetic changes dominate functional changes.

(ii) Second, by requiring that the new or improved characteristics be technological in nature, and by expressly excluding research relating to management techniques and management-based changes in production processes, the Act not only substantially limits the ability of the food, apparel, and

retail and wholesale trade sectors to claim the R&D credit, but also bars most service industries, including banking and other financial and insurance services, from claiming the credit.

(iii) Third, by requiring that the product or process be developed by the process of experimentation, including the development, tasting, elimination, and refinement of hypotheses, the Act's revised definition for credit purposes excludes a whole range of product development activities in which the design alternative required to reach the desired result for the business component as a whole is readily discernible from the start and readily attainable without the significant uncertainty reflected in the process of testing and experimentation.

(iv) Fourth, the exclusions with respect to duplication (subsection (d)(2)(E)), activities after the beginning of commercial production generally (subsection (d)(2)(A)), planning for commercial production, and adaptation of an existing product to specific customer needs (subsection (d)(2)(C) will provide a clearer and more enforceable line which will foreclose a taxpayer from claiming the credit with respect to activities which no longer constitute product development but instead are part of the initial stages of commercial production or which constitute mere tinkering with or copying of a product already on the market.

(v) Finally, the Act seeks to ensure that software developed by the taxpayer for its internal use (other than in R&D, or a plant process) will qualify for the credit only where such internal software surmounts a high threshold of innovation, thereby drastically reducing the credit claimed by financial and service sectors, as well as significantly reducing the credit for software developed in-house for use in general and administrative (G&A) activities.

C. Availability of the R&D credit for start-up companies and joint research ventures (sec. 103)

1. The Act addresses the problem of the unavailability of the R&D credit under current law to start-up corporations which lack an active, ongoing business but which are undertaking research activities in an effort to create such a business. The Act provides that in-house and contract research expenses paid or incurred by a regular corporation (*i.e.*, a corporation other than an S corporation, a personal holding company, or a service organization (such as an incorporated doctor)) will constitute qualified research expenses for credit purposes if the corporation undertakes the research with the intention to use the results thereof in the active conduct of a present or future trade or business. In this way, the credit would be made available to a start-up corporation as well as to an existing corporation participating in a new research endeavor seeking to expand and diversify beyond its existing trade or business.

2. The Act clarifies that, in general, in the case of research being conducted in partnership form, the trade or business test is applied at the partnership level, and the credit is apportioned among the partners in accordance with the provisions of section 704 which govern partnership allocations generally. However, the Act carves out two exceptions to this general rule: (1) in the case of a joint research venture comprised of regular corporations; and (2) where not all of the members of the joint venture are regular corporations, but *each* member's own trade or business would satisfy the "in carrying on" test with respect to the partnership's research expenditures. In situations in which either of these exceptions applied, the research expenses will flow through to the partners, with the trade or business test being applied, and the credit computation being made, at the partner level.

II. PROMOTION OF UNIVERSITY RESEARCH AND SCIENTIFIC EDUCATION (TITLE II)

A. Expansion of the credit for university basic research (sec. 201)

1. a. *new flat rate credit*

The proposed legislation creates a new tax credit equal to 20 percent of that portion of a corporation's payments to universities (and other qualified non-profit, tax-exempt organizations for basic research) which exceeds a fixed, historical "minimum university basic research" floor. These amounts which exceed the floor—termed "incremental university basic research amounts"—are made ineligible for the present R&D credit and are excluded from the corporate taxpayer's base year research expenses for purposes of calculating the corporation's R&D credit available under present law. The amounts which fall below the floor remain eligible for the present R&D credit and are included in the corporation's base period for purposes of calculating the present R&D credit.

b. *floor for amounts eligible for flat rate credit*

The fixed "minimum university basic research" floor for the new flat rate credit is defined as 1% of the annual average of the corporate taxpayer's combined qualified in-house research expenses, contract research expenses, and university basic research payments for the base period composed of the period from 1981 through 1983.

Example—

B Corporation makes total university basic research payments in 1985 of $400,000. For purposes of the new flat rate credit, the base period is 1981, 1982, and 1983. The corporation's annual average for these three years of its qualified research expenditures is $15,000,000. Accordingly, the "minimum university basic research" floor for purposes of the flat rate credit is $150,000 (1% of $15,000,000). The amount of 1985 university research payments in excess of this floor, $250,000, is eligible for the new 20% flat rate credit, for a total flat rate credit of $50,000. Sixty-five percent of the remaining portion of university payments that are below the floor is eligible, as under present law, for the 25% incremental R&D credit.

c. maintenance-of-effort requirement for non-research *donations to universities by the taxpayer*

The portion of a corporation's payments to universities for basic research that is eligible for the new flat rate credit is reduced to the extent that the corporation's general (*i.e.*, not designated for research purposes) charitable giving to all universities falls below historical levels (the annual average of undesignated payments for three of the immediately preceding four years as selected by the taxpayer).

2. The proposed legislation adds to the category of qualified organizations to whom corporate payments for basic research are eligible for the credit an organization that is tax-exempt under section 501(c) (3) or (c) (6), is organized and operated primarily to promote university scientific research, and expends on a current basis substantially all of its funds through grants and contracts for such university basic research.

3. The proposed legislation limits the university basic research credit to transfers of cash, thereby making equipment donations ineligible for the credit.

B. Enhanced deduction in section 170 for corporate donations of scientific equipment to post-secondary schools (sec. 202)

The Act expands the present enhanced deduction in section 170 by means of the following:

Eligible uses of the property are expanded to include direct education as well as research and research training;

Donations of computer software are made eligible for the deduction;

Donations of state-of-the-art equipment used in the taxpayer's trade or business are made eligible for the deduction.

1. *Eligible equipment*

Scientific or technical equipment or apparatus that is new inventory in the hands of the taxpayer or is used in the taxpayer's business and is not more than three years old;

Computer software developed or purchased by the contributor;

Installation equipment and replacement parts.

2. *Eligible uses*

Substantially all of the use of the contributed property is for direct education of students and faculty, research or experimentation (within the meaning of section 174), or research training in the United States in mathematics, engineering, the physical or biological sciences, or advanced computer science.

3. *Eligible donors*

All regular corporations (non-pass-through entities).

4. *Eligible recipients*

Universities, colleges, junior colleges, post-secondary vocational schools, and an association of these institutions.

5. *Amount of the allowable deduction*

a. new scientific equipment, computer *hardaware, and computer software*

Fair market value, limited to the lesser of (i) the sum of basis and one-half of the ordinary income gain that would have been realized by the contributor had the new inventory property instead been sold or (ii) twice basis.

b. state-of-the-art scientific equipment *used in the taxpayer's business*

The lesser of (i) fair market value or (ii) 150 percent of basis (computed without regard to adjustments for depreciation) less accumulated depreciation.

C. Clarification of exclusion from income of scholarships, grants, and student loan forgiveness received by certain graduate students (sec. 203)

The Act clarifies that scholarships, grants, and student loan forgiveness received by graduate students in all fields will be excluded from such student's gross income, even though he or she is required to perform future teaching services for any of a broad class of institutions of higher education as a condition of receiving such scholarship, grant, or loan forgiveness.

III. EFFECTIVE DATES AND TRANSITION RULE

The amendments made by the proposed legislation are generally effective for taxable years beginning after December 31, 1985. However, if the taxpayer so elects, the revised definition of qualified research may be applied in post-1985 determination years for purposes of determining base period research expenses for base period years beginning before January 1, 1986. In such case, the base period research expenses for pre-1986 base period years cannot be reduced

below a level that would cause growth in qualified research expenses under the new definition to exceed the growth level that would have occurred had the old definition been applied in both the determination year and the base period year.

THE RESEARCH AND DEVELOPMENT TAX CREDIT SHOULD BE EXTENDED AND MADE MORE COST-EFFECTIVE IN 1985

This paper explains why the research and development tax credit—Section 30 of the Internal Revenue Code—which is scheduled to expire at the end of 1985, should be extended, targeted, and strengthened in 1985:

The national interest requires U.S. industry to maintain world technological leadership through aggressive R&D.

Other nations, principally Japan, are vigorously challenging U.S. technological supremacy through tax incentives, subsidies, and other means of support.

Government promotion of innovation through R&D is necessary to offset systematic private R&D underinvestment. Private firms underinvest in R&D because of the fact that competitors, customers, and others will capture much of the gains generated by their own R&D expenditures.

Overall social benefits from R&D are much higher than the private gains of the individual company making a given R&D investment. The leading study put the average difference at a 56% social rate of return for R&D, compared to a 25% private rate of return.

Tax expenditures are superior to a massive direct government grant program as a means of offsetting market disincentives to R&D investment.

U.S. high technology industries are subject to effective corporate tax rates 50%-60% higher than the economy-wide corporate average—despite their importance to the nation's future and their comparatively great need for capital for investment and for R&D.

Even if a flat-tax, low-rate regime were adopted, the need would persist for specific tax incentives to counter private sector under-investment in R&D, and to counter competing nations' R&D subsidy and other promotional measures. The Treasury has retained the R&D credit in its reform plan.

THE R&D TAX CREDIT—WHAT IT IS AND HOW IT WORKS

A. Existing Law.

Originally adopted in the Economic Recovery Tax Act of 1981, the R&D tax credit provisions in I.R.C. Section 30 provide for a credit against the Federal income tax of 25 percent of a taxpayer's expenditures on specified categories of research and development in excess of the average of the amount spent on R&D in the preceding three years. In other words, the benefit applies only to enterprises when and to the extent that their R&D spending increases over immediately previous levels.

As noted above, Section 30 expires at the end of 1985.

B. The Senate-Passed 1984 Refinement of the R&D Credit.

The Senate version of the Deficit Reduction Act of 1984 extended and strengthened the R&D credit. (The provision was adopted by the conference, however, on the ground that the House had not held harings on the issue and action could be postponed until 1985, since expiration of the existing provisions would not occur until the end of 1985.) The Senate made four changes in the existing credit, all of which make for a more cost-effective provision:

1. The credit was made permanent. This step is necessary to make the credit a genuinely stable incentive for corporate decision-makers considering R&D proposals. As the National Science Foundation has observed: "R&D is exceptionally risky for any individual company. Much R&D pays off only after five, ten years or more when current management may be long departed."

2. The definition of research and development expenditures qualified to generate a tax credit was tightened and targeted, as stated in the Senate Finance Committee Report, to include only "research and experimental activities designed to produce a technologically new or improved business component where the new or improved characteristics are functional rather than stylistic or cosmetic."

3. The requirement that R&D be used for the conduct of the taxpayer corporation's "trade or business" was modified to permit start-up companies to gain the credit from R&D directed at a trade or business they intend to carry on in the future.

4. Provisions relating to R&D grants to universities were modified to provide for a larger incentive for corporations to fund basic research in university laboratories than to conduct it on their own.

C. The Treasury Proposal to Extend the Credit.

The Treasury Department's modified flat-tax proposal eliminates many corporate tax credits and deductions. However, in recognition of the national interest in promoting technologically oriented R&D, the Treasury proposal includes a provision similar to that passed by the Senate earlier this year, discussed above, in which the credit "would be extended [but only] for three years and targeted more effectively toward productivity-enhancing innovations." The Treasury proposal does not include the Senate's enhanced incentive for corporate-funded university basic research.

I. THE NATIONAL INTEREST REQUIRES U.S. INDUSTRY TO MAINTAIN WORLD TECHNOLOGICAL LEADERSHIP THROUGH AGGRESSIVE R&D

The importance of maintaining U.S. industry's technological leadership is undisputed. As Congress' Office of Technology Assessment recently observed:

"[Staying] highly competitive in electronics and other technologically driven industries, with U.S. firms remaining leaders in innovation, in international trade, and in sales and profits [is] necessary if the United States is to maintain its standard of living, its military security, and if the U.S. economy is to provide well-paying and satisfying jobs for the Nation's labor force."

R&D is the key to keeping our technological lead and staying competitive; the Congressional Budget Office reported in its April 1984 study, Federal Support for R&D and Innovation, that:

"A strong R&D effort is characteristic of American industries that are effective international competitors, while industries with severe competitive problems invest significantly less in R&D."

Promoting R&D promotes the high technology sector, in which employment grew 50% faster during the 1970s than in the economy as a whole, and which accounted for 44% of total U.S. manufacturing exports by 1980.

In addition, the output of the high technology sector furnishes other, more traditional industries with the means to sustain or regain their own international competitiveness.

The Office of Technology Assessment has noted that high technology microelectronics products in particular "are probably distributed more widely through the rest of the U.S. economy than the output of any other industry."

The Japan Economic Journal has referred to semiconductors as "the crude oil of the 1980s."

The ultimate effects of R&D are impossible to measure. But, as William J. Baroody, Jr., President of the American Enterprise Institute, observed in introducing a recent AEI symposium:

"Many economists believe that a clear causal relationship links basic research, industrial innovation, productivity improvement, and economic growth. They point to the slowdown in spending on research and development . . . as a cause of the productivity slump of the 1970s . . . . Another slowdown in the performance of research and development could have serious implications for economic growth and employment through the end of this century."

II. OTHER NATIONS, PRINCIPALLY JAPAN, ARE VIGOROUSLY CHALLENGING U.S. TECHNOLOGICAL SUPREMACY THROUGH TAX INCENTIVES, SUBSIDIES, AND OTHER MEANS OF SUPPORT

According to a report prepared for the Cabinet Council on Commerce and Trade, the United States has lost world export market share in eight out of ten high technology industries over the past fifteen years. In the semiconductor industry, Japan has rapidly increased its share not only of world markets (from 33% to 38% in the last year), but of the U.S. market in particular (from 23% to 39% in the last year). In one important category, 64 kilobyte random access memory ("RAM") microchips, Japan succeeded in capturing 70% of the world market.

The drive of foreign nations to overtake the U.S. is managed everywhere by systematic programs of incentives, subsidies, trade barriers, and other forms of governmental support. Japan, for example, currently has in place an R&D tax credit similar to the U.S.—for which strengthening revisions are being considered—as well as large deductions and reserve allowances specifically for high technology developers and exporters. Taiwan, West Germany, France, the United Kingdom, and Canada all similarly provide R&D tax credits and various additional incentives.

The seriousness of this challenge cannot be ignored. As Data Resources, Inc. observed in a major 1984 Report on U.S. Manufacturing Industries directed by the late Otto Eckstein:

"In [high technology] fields [where one firm or one nation typically dominates world markets] it is very difficult to recapture market position if it is ever lost. Indeed, it is hard to find an example of a lead that was regained. . . . Once the lead is lost, profitability diminishes, resources shrink, and management is pressed into shortsighted, defensive, cost-cutting moves that soon produce a further loss of market share. A nation that casually surrenders leading industrial positions through policies of neglect will find it difficult to stage a comeback, particularly if the period of non-competitiveness stretches on for more than a few years."

III. GOVERNMENT PROMOTION OF INNOVATION THROUGH R&D IS NECESSARY TO OFFSET SYSTEMATIC PRIVATE R&D UNDERINVESTMENT

A. Private Firms Systematically Tend to Underinvest in R&D.

It is widely acknowledged that private firms tend to underinvest in R&D. The reasons are simple:

R&D is always risky and therefore more difficult to justify than an alternative investment;

Worse, even if a particular R&D project were to prove successful, an individual private firm can rationally anticipate that much of the benefits from the project will in effect be appropriated by its competitors, customers, and others.

The most comprehensive and probably the most respected of the several economic studies confirming the above underinvestment pattern found that:

The private rate of return for R&D investments averaged 25% pretax;

The social rate of return averaged 56%;

In high technology fields, with high rates of competition, innovation, and successful imitation of competitor's new products, the gap between private and social rates of return was much higher than the average.

In the United States, these factors inhibiting R&D are exacerbated by additional market circumstances. A recent study by Paine Webber Mitchell Hutchins, Inc. concluded that "[T]he average Japanese semiconductor company has a cost of capital that is at least 35% lower than its average . . . U.S. competitor. . . ."

B. The Current Structure of the U.S. Corporate Tax is Unfavorable to High Technology Enterprise.

In sharp contrast to the encouragement given innovation by our major competitor nations, the current structure of the U.S. corporate tax establishes an environment comparatively unfavorable to high technology enterprise:

The Accelerated Cost Recovery System (ACRS) does not generally assist companies in the high technology sector, because the rate of innovation in both products and manufacturing processes in high technology fields is so rapid that useful lives of plant and equipment are generally too short to gain ACRS benefits;

The Joint Committee on Taxation recently found that high technology companies averaged an effective tax rate approximately 60% higher than the average corporate taxpayer in 1982—even with the R&D credit in effect (without it, effective rates in the high technology field would have been 10 to 20% higher than they have been).

IV. TAX EXPENDITURES ARE SUPERIOR TO DIRECT GOVERNMENT GRANTS AS A MEANS OF OFFSETTING MARKET DISINCENTIVES TO R&D INVESTMENT

Of the two approaches available to government to increase the general level of productive civilian R&D, tax incentives are far preferable to a large grant program. As the National Science Foundation testified before the House Ways & Means Subcommittee on Oversight in August 1984:

"Using a mechanism that encourages increased industrial R&D, yet lets industry, not Government, decide where the increases will be directed is . . . sound. Federal officials cannot do as good a job at identifying the specific technologies and products likely to make the greatest economic contribution as America's numerous small and large businesses."

Similarly, CBO Director Rudolph Penner testified that "A grant program might also have the tendency to reward grantsmanship more than scientific originality and skill."

Representative Ed Zschau, Co-Chairman of the House Republican High Technology Task Force, put the point cogently:

"To suggest that some sort of government bureau or council will recognize [technical and market] opportunities better than the people on the firing line in the private sector is pure folly."

Moreover, apart from the comparative merits of direct government R&D funding versus R&D incentives, such government funding for civilian R&D as exists is declining. Pursuant to policies of the current administration, the overall level of Federal civilian R&D expenditures declined over 25% between FY 1980 and FY 1984, from $19.5 billion (in 1982 dollars) to an estimated $14.0 billion, according to CBO.

One purpose for the adoption of the R&D credit in 1981 was to take up the slack left by the administration's major cuts in Federal R&D direct spending. Given the fact that, in CBO's words, "the U.S. performance has been near the bottom" for two decades in the percentage of its GNP devoted to civilian R&D, it would be particularly anomalous to further cut support, by permitting the R&D credit to expire.

V. SINCE ITS ADOPTION IN 1981, THE R&D CREDIT HAS STRENGTHENED CIVILIAN R&D IN THE U.S.

Prior to 1981-82—which saw the most severe recession since the 1930s—R&D spending has, like all investment, dropped dramatically. But during this past recession, when R&D credit was in effect for the first time:

Total corporate R&D spending increased from $30.5 billion in 1980 to $35.4 billion in 1981 to $39.2 billion in 1983.[1]

During this period investment in plant and equipment dropped (consistent with normal recession behavior), by 4.8% in 1982, and in 1983 was still 3.7% below its 1981 level.

On basis of past relationships between GNP and R&D, by 1984 R&D spending exceeds GNP predicted levels by as much as $7.7 billion per year.

Since the credit has been in effect, the pace of American industry's R&D growth has generally matched that of its toughest international competitors—again, in contrast to the pattern of the late 1960s and 1970s. According to the Report on U.S. Manufacturing Industries recently issued by Data Resources, Inc., between 1965-67 and 1978-80, the percentage of sales revenue devoted to R&D by all U.S. manufacturing industries declined by more than 35%, while Japan and West Germany showed an increased percentage of GNP devoted to nondefense or space R&D.

Increases in R&D have been particularly dramatic in high technology fields. For example, a Smith-Barney survey of 25 randomly selected computer manufacturers showed that 22 of the companies increased their R&D spending as a percentage of sales revenue between 1980 and 1984. In the computer industry as a whole R&D outlays rose by 19.5% in 1983 compared to 1982, representing a total of almost 44% of pre-tax profits.

Of course, the tax aspects of a decision to invest in a given R&D project are but one of a number of factors. But the record contains substantial indications that the R&D credit played the stimulative role it would be expected to play in helping support the strong R&D spending of the past three years:

The General Accounting Office found that, of 86 companies it surveyed which claimed the credit, 56 were encouraged by the credit to initiate new research projects, and that these 56 companies spent 95% of the R&D expenditures of all 86 in the sample;

Numerous executives with major R&D responsibilities—from such enterprises as IBM, Hewlett-Packard, Digital Equipment Corporation, and several high technology trade associations gave specific testimony to the House Ways & Means Oversight Subcommittee about the contribution made by the credit to R&D decision-making.

The record is particularly impressive, in light of the economic circumstances, and limitations built into the R&D provisions to reduce its revenue impact, especially the feature limiting the credit to increments in R&D spending.

VI. QUESTIONS RAISED ABOUT THE EFFECT OF THE CREDIT DO NOT JUSTIFY BLOCKING ITS EXTENSION

Several questions have been raised about the effect of the R&D credit. These questions provide no basis for declining to extend the credit—though some of the questions do point to revising the existing credit provisions in Section 30 to make the section more targeted and stronger.[2] As noted above, the version passed in 1984 by the Senate made significant cost-effective improvements compared with current law. As concluded by the National Science Foundation, which sponsored most of the empirical work from which the bulk of these questions have arisen:

"Taking into consideration the structural problems with the present R&D credit and doubts about the cost sensitivity of R&D expenditures, the response to the credit thus far seems surprisingly strong."

In brief, here are the main questions that have been raised about the credit:

1. In one study sponsored by NSF, Professor Mansfield of the University of Pennsylvania has concluded that the data he collected indicate that, over the first half of the life of the existing credit provisions, the credit may have stimulated less R&D spending than the amount of revenue lost to the Treasury during the same period by the credit. However, as NSF explained, in reference to Professor Mansfield's observation:

"That the estimated R&D increases are lower than the estimated revenue losses should not surprise or discourage us. . . . The proper measure of success is whether the benefits accruing to the country from the increased industrial R&D outweigh the revenue losses of the credit by a sufficient margin."

NSF's analysis is particularly compelling, in light of the widely confirmed determination by academic and other experts that (a) returns on R&D are frequently very high, and (b) that the "social" return—all the benefits to all social elements affected by a particular innovation—are much higher than the private benefits captured by the

[1] Some observers have noted that the current upswing in U.S. corporate R&D actually began in 1979, two years before the credit was adopted. However, an NSF analysis concluded that a great deal of this pre-1981 increase was generated by the special late 1970s pressures for crash energy conservation programs and for compliance with new health, safety, and environmental regulations.

[2] At the House Ways & Means Oversight Subcommittee hearings held August 2-3, 1984, all of the numerous governmental and academic authorities who testified agreed that government financial promotion of civilian R&D is necessary, because of the public importance of R&D and because of the recognized pattern of private sector underinvestment.

company responsible for the particular R&D in question.[3]

As the intense and successful efforts of America's competitors show, it is well understood that the public benefits of R&D are far greater than the amount expended by individual companies on particular R&D projects.

2. A second question about the efficacy of the credit has been raised by Professor Robert Eisner, an advocate of direct government R&D grants rather than tax incentives. Professor Eisner's work was also sponsored by NSF. His point relates to the incremental structure of the credit. He notes that each R&D expenditure resulting in a credit also adds to the taxpayer's base for calculating future benefits, thereby reducing future benefits. Hence he concludes that the only value of the credit inheres in the time value of money, and that it is actually worth only about 4-6% of a given increment in R&D expenditures, rather than 25%.

Eisner's critique understates the value of the credit, especially to a corporate decisionmaker with an expectation of constantly rising R&D budgets. In any given year, the crucial fact about the credit from the standpoint of corporate decisionmakers is that it will reduce the net financial statement impact of a given R&D project in that year by 25%. Granted, that benefit will be partially offset by the addition to the corporation's R&D base for calculating the credit in future years. But the future offset cannot be precisely estimated.

Moreover, if the expectation is that R&D expenditures will continue consistently to grow, then at any given point in time, the credit will still appear to the decision-maker to have a meaningful positive impact on the cost/benefit analysis associated with a particular R&D decision.

3. A third question, also raised by Professor Eisner, is based on a comparison he made between the R&D activity performed by companies that claimed the credit on their 1981 tax returns and the amount of R&D performed by another group of companies that for were not eligible for the credit. Finding little difference between the amount of R&D performed by the two groups, Eisner concludes that the credit did not significantly affect aggregate R&D levels.

Eisner's analysis on this point is severely flawed, for several reasons. The most significant defect is that he takes no account of the generous (three-year) carryback and (fifteen-year) carryfordward features of the current credit provisions—which witnesses before the Oversight Subcommittee confirmed significantly influenced decisionmaking for companies not in a position to claim the credit for the tax years covered by Eisner's study (1981 and 1982).

[3] Apart from whether it focused on the right question, Professor Mansfield's analysis was based on survey data that may present an incompete picture and constitute an unreliable basis for his conclusions about the impact of the credit on R&D investment decisions. His study, based on questions directed to publicly unknown officials in unnamed companies, suggests a relatively small corporate response in some industries, but a significant response in others (e.g., instruments). However, his data on R&D spending for the computer, electrical, and electronics industries are inconsistent with actual industry numbers. Thus, it appears likely that his survey missed some major R&D-intensive companies, where the beneficial effects of the credit have been most apparent.

VII. WHAT IS NEEDED NOW: A PERMANENT, MORE COST-EFFECTIVE R&D CREDIT

The United States must keep its position at the cutting edge of industrial innovation. To do that, in the face of the formidable challenges from our competitors in Western Europe and especially the Far East, some measure of Federal support is necessary, in view of the aggressive governmental programs of other nations and in light of the demonstrated gap between private sector R&D and socially optimal levels. A tax incentive approach is clearly preferable to a large affirmative grant program.

What is needed now is to build on the initial experience of the past three years, to make the R&D tax credit more targeted and more productive. In 1984, the Senate made appropriate changes in the current R&D credit provisions—by limiting its application to functional and technologically oriented research and development, by creating a comparatively more generous credit for corporate basic research contracted out to universities, by making the credit available to start-up companies without an existing trade or business, and, most of all, by making the credit permanent. What is needed now is simply to enact a sharpened, cost-effective revision of existing Section 30. The 1984 Senate bill is a good beginning.

S. 58

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "High Technology Research and Scientific Education Act of 1985."

(b) AMENDMENT OF THE 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

TITLE I—THE CREDIT FOR INCREASING RESEARCH ACTIVITIES

SEC. 101. PERMANENT R&D CREDIT.

Section 221 of the Economic Recovery Tax Act of 1981 (Public Law 97-34), 95 Stat. 172, hereby is amended by striking in paragraph (1) of subsection (d) the words ", and before January 1, 1986." and by inserting a period immediately following the words "June 30, 1981" and is further amended by striking the last sentence in subparagraph (d)(2)(A).

SEC. 102. MODIFICATION OF THE DEFINITION OF QUALIFIED RESEARCH FOR CREDIT PURPOSES.

Subsection (d) of section 30 is amended to read as follows:

"(d) QUALIFIED RESEARCH.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified research' means—

"(A) a planned search or systematic investigation (including basic research) undertaken for the purpose of discovering information which may be useful in the development of a technologically new or improved business component of the taxpayer or a number of the same controlled group of corporations as the taxpayer, or

"(B) applying the results obtained from an activity described in subparagraph (A) or other knowledge to develop a technologically new or improved business component of the taxpayer or a number of the same controlled group of corporations as the taxpayer, including the conceptual formulation, design, and testing of hypotheses regarding elements of the business component and the design, construction, and testing of prototypes, models, and pilot plants.

"(2) EXCLUSIONS.—The term 'qualified research' does not include—

(A) any activity with respect to a technologically new or improved business component after the beginning of commerical production (as defined in paragraph (6)) of such component, except that otherwise qualified research undertaken to determine the safety of any product designed for human use and consumption or the efficacy of any product designed to promote public health and safety shall qualify under paragraph (1) regardless of when such research is performed;

"(B) any development of plant processes, machinery, or techniques for commercial production of a technologically new or improved business component, except where such process, machinery, or technique itself constitutes a technologically new or improved business component (within the meaning of paragraphs (3) and (4) of this subsection);

"(C) any adaptation of an existing business component to a particular customer's requirement or need as part of a continuing commercial activity where such adaptation will not result in a technologically new or improved business component;

"(D) any efficiency surveys, management studies, management techniques, market research, market testing and development (such as advertising or promotions), routine data collections (other than data collections relating to a process of experimentation as defined in paragraph (4)), or routine or ordinary testing or inspection of materials or business components for quality control;

"(E) any development or improvement of a business component where the predominant portion of any related activity which would constitute qualified research but for this subparagraph constitutes duplication;

"(F) except to the extent provided for by regulations to be prescribed by the Secretary, any activity with respect to computer software that is separately developed by or for the benefit of the taxpayer specifically for the internal use of such taxpayer other than for use in—

"(i) qualified research, or

"(ii) a production process that utilizes a business component with respect to which a credit is allowable under this section;

"(G) any activity conducted outside of the United States;

"(H) any activity in the social sciences, arts or humanities;

"(I) any activity to the extent funded by any grant, contract, or otherwise by any person (or any governmental entity) other than the taxpayer; and

"(J) any activity undertaken for the purpose of ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral (including oil and gas).

"(3) TECHNOLOGICALLY NEW OR IMPROVED.—A business component of the taxpayer shall be treated as 'technologically new or improved' if—

"(A) the new or improved characteristics of such component are technological (as defined in paragraph (7)) in nature, and

"(B) substantially all of the activities undertaken in developing or improving such component that qualify under section 174 constitute elements of a process of experimentation (within the meaning of paragraph (4)) relating to such factors as new or

improved function, performance, efficacy, reliability, quality, safety, or reduced cost, rather than to style, taste, cosmetic, or seasonal design factors.

Solely for purposes of subparagraph (B), any activities that are excluded under paragraph (2) or that relate to the duplication (as defined in paragraph (8)) of a business component by the taxpayer shall not be treated as an activity undertaken in developing or improving a business component of the taxpayer.

"(4) EXPERIMENTATION.—For purposes of this section, the term 'process of experimentation' shall mean a process in a field of science or technology involving steps of—

"(A) formulating technological objectives and specifications for a technologically new or improved business component,

"(B) developing hypotheses with respect to each of a sequence of interconnected design decisions because of uncertainty as to whether any particular design alternative for the business component as a whole that is ultimately produced from such sequence will fulfill the desired set of technological objectives and specifications,

"(C) testing and analyzing (such as modeling and simulation) the hypotheses to determine the ability of each to achieve the desired result with respect to the relevant design decision, and

"(D) refining or discarding such hypotheses and other hypotheses within the sequence of design decisions, or selecting alternative hypotheses, on the basis of the knowledge derived from the tests and analyses and documentation, if any, of such technological knowledge as to function and performance.

"(5) BUSINESS COMPONENT.—

"(A) IN GENERAL.—The term 'business component' means a product, process, computer software, technique, formula, or invention to be offered for sale, lease, or license, or to be used by the taxpayer in a trade or business.

"(B) SUBSET OF ELEMENTS.—If the requirements of paragraph (3) are not met with respect to a product, process, or software but are met with respect to one or more elements thereof, the most significant set of elements of such product, process, or software with respect to which the requirements of paragraph (3) are met shall be treated as a business component.

"(6) BEGINNING OF COMMERCIAL PRODUCTION.—The term 'beginning of commercial production' means any activity after the business component has been developed to the point where it constitutes a finished business component which meets the functional and economic requirements of the taxpayer for such component and is ready for commercial sale or use. If the business component cannot be offered for sale or use in a particular country, jurisdiction, or other defined geographical area until approval is obtained from a governmental agency or other regulatory authority, the 'beginning of commercial production' shall be determined separately with respect to each area and shall not be deemed to commence with respect to such area prior to the date upon which such approval is obtained.

"(7) TECHNOLOGICAL.—The term 'technological' means pertaining to or predicated upon principles of the physical sciences, biological sciences, chemical sciences, engineering, or computer science.

"(8) DUPLICATION.—The term 'duplication' means any activity related to the reproduction of an existing business component of the taxpayer or of another taxpayer from a physical examination of the component itself or from plans, blueprints, detailed specifications, or publicly available information with respect to such component."

SEC. 103. AVAILABILITY OF THE CREDIT TO CORPORATIONS AND TO CERTAIN JOINT RESEARCH VENTURES.

(a) IN GENERAL.—Subsection (b) of section 30 is amended by adding at the end thereof the following new paragraphs:

"(4) AVAILABILITY TO CORPORATIONS.—All in-house research expenses and contract research expenses paid or incurred by a taxpayer which is a regular corporation shall constitute qualified research expenses if, at the time such research expenses are paid or incurred, the principal purpose of such taxpayer is to use the results of the research in the active conduct of a present or future trade or business of the taxpayer or of a member of the same controlled group of corporations as the taxpayer.

"(5) TRADE OR BUSINESS REQUIREMENT AND ALLOCATION IN THE CASE OF PARTNERSHIPS.—

"(A) TRADE OR BUSINESS PARTNERSHIPS.—An in-house research expense or contract research expense paid or incurred by a partnership is a qualified research expense of the partnership if (i) the expense is paid or incurred by the partnership in carrying on a trade or business of the partnership as determined at the partnership level without regard to the trade or business of any partner, or (ii) each partner is a regular corporation (as defined in subsection (f)(6)) and the partnership meets the requirements of paragraph (4) as applied at the partnership level without regard to the trade or business of any partner. In the case of a partnership to which this subparagraph applies, the credit under this section shall be apportioned among the partners in accordance with section 704.

"(B) OTHER PARTNERSHIPS OF REGULAR CORPORATIONS.—In the case of an in-house research expense or a contract research expense that is paid or incurred by a partnership to which subparagraph (A) is inapplicable, where each partner is a regular corporation (as defined in subsection (f)(6)) such research expense shall be treated as paid or incurred directly by the partners for purposes of subsection (b) and shall be apportioned among the partners in accordance with the provisions of section 704.

"(C) OTHER PARTNERSHIPS OF TRADE OR BUSINESS PARTNERS.—In the case of an in-house research expense or a contract research expense that is paid or incurred by a partnership to which subparagraph (A) is inapplicable, where, if each partner had conducted directly the research conducted by or on behalf of the partnership all such research expenses paid or incurred by the partnership would have been paid or incurred by that partner in carrying on a trade or business of that partner, such expenses shall be treated as qualified research expenses (within the meaning of subparagraph (b)(1)) paid or incurred directly by the partners and shall be apportioned among the partners in accordance with the provisions of section 704.

(b) PASS-THRU.—Paragraph (2) of section 30(f) is amended to read as follows:

"(2) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.".

(c) CONTROLLED GROUP OF CORPORATIONS.—Subparagraph (B) of section 30(f)(5) is amended to read as follows:

"(B) the determination shall be made without regard to subsection 1563(a)(4), subsection 1563(e)(3)(C), and, except for purposes of paragraph (1) of this subsection, subsection 1563(b)(2)(C)."

(d) REGULAR CORPORATION.—Subsection (f) of section 30 is amended by adding at the end thereof the following:

"(6) REGULAR CORPORATION.—For purposes of this section, the term 'regular corporation' means any corporation other than—

"(A) an S corporation,

"(B) a service organization (as defined in section 414(m)(3)), and

"(C) except to the extent provided in regulations, a personal holding company (as defined in section 542).".

SEC. 104. EFFECTIVE DATE; TRANSITION RULE.

(a) EFFECTIVE DATE.—The amendments made by sections 101, 102, and 103 of title I of this Act generally shall apply to taxable years beginning after December 31, 1985. However, the amendments made by section 102 shall not apply with respect to the determination of base period research expenses (as defined in section 30(c) of the Code) for taxable years beginning before January 1, 1986 except to the extent that the taxpayer makes an election pursuant to subsection (b).

(b) TRANSITION RULE.—If the taxpayer so elects, base period research expenses for each taxable year beginning before January 1, 1986 may be recomputed for determination years (as defined in section 30(c)(2)(A) of the Code) beginning after December 31, 1985 on the basis of the definition of qualified research expenses as applicable for taxable years beginning after December 31, 1985. In such case, the qualified research expenses for any base period year beginning before January 1, 1986 shall be not less than an amount determined by multiplying the qualified research expenses for that base period year as computed under the definition applicable to taxable years beginning before January 1, 1986 by a fraction the numerator of which is qualified research expenses for the determination year as computed under the definition applicable for taxable years beginning after December 31, 1985 and the denominator of which is qualified research expenses for the determination year as computed under the definition applicable for taxable years beginning before January 1, 1986.

TITLE II.—PROMOTION OF UNIVERSITY RESEARCH AND SCIENTIFIC EDUCATION

SEC. 201. EXPANSION OF THE CREDIT FOR UNIVERSITY BASIC RESEARCH.

(a) CREDIT FOR UNIVERSITY BASIC RESEARCH PAYMENTS IN EXCESS OF FIXED BASE.—Subsection (a) of section 30 is amended to read as follows:

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to—

"(1) 25 percent of the excess (if any) of—

"(A) the qualified research expenses for the taxable year, over

"(B) the base period research expenses; and

"(2) 20 percent of the amount of the incremental university basic research expenditures (as determined under subsection (e)).".

(b) DEFINITIONS AND SPECIAL RULES RELATING TO PAYMENTS FOR UNIVERSITY BASIC RESEARCH.—Subsection (e) of section 30 is amended to read as follows:

"(e) PAYMENTS TO COLLEGES, UNIVERSITIES, AND CERTAIN QUALIFIED ORGANIZATIONS FOR BASIC RESEARCH.—

"(1) INCREMENTAL UNIVERSITY BASIC RESEARCH EXPENDITURES.—The amount of incremental university basic research expenditures taken into account under subsection (a)(2) shall be the amount by which the total university basic research payments of the taxpayer exceed the sum of—

"(i) the minimum university basic research amount, and

"(ii) the maintenance-of-effort amount.

"(2) DEFINITIONS RELATING TO UNIVERSITY PAYMENTS.—

"(A) TOTAL UNIVERSITY BASIC RESEARCH PAYMENTS.—For purposes of this section, the term 'total university basic research payments' means the sum of all amounts of money paid or incurred in any taxable year by a corporation to qualified organizations, pursuant to a written agreement between the corporation and such organization, for basic research which (except in the case of an organization that is described in subparagraph (C) or (D) of paragraph (e)(4)) is to be performed by such organization.

"(B) MINIMUM UNIVERSITY BASIC RESEARCH AMOUNT.—For purposes of this section, the term 'minimum university basic research amount' means an amount equal to 1 percent of the average of the sum of—

"(i) all in-house research expenses,

"(ii) all contract research expenses (other than amounts treated as contract research expenses under paragraph (3)(B)), and

"(iii) 65 percent of the total university basic research payments, for each of the three taxable years immediately preceding the taxable year beginning after December 31, 1983.

"(C) MAINTENANCE-OF-EFFORT AMOUNT.—For purposes of this section, the term 'maintenance-of-effort amount' shall mean the excess of—

"(i) the average of the undesignated donations paid or incurred by the taxpayer during those three of the immediately preceding four taxable years as are elected by the taxpayer, over

"(ii) the amount of undesignated donations paid or incurred by the taxpayer in the taxable year.

"(D) UNDESIGNATED DONATIONS.—For purposes of this section, the term 'undesignated donations' means the total of amounts paid or incurred by the taxpayer to all institutions of higher education (within the meaning of section 3304(f)) that are described in section 170(b)(1)(A)(ii)—

"(i) for which a deduction was allowable under section 170, and

"(ii) which were not designated by the taxpayer for use for the purposes described in paragraph (2)(A).

"(3) SPECIAL RULES.—

"(A) EXCLUSION FROM INCREMENTAL CREDIT CALCULATION.—For purposes of determining the amount of credit allowable under subsection (a)(1) of this section for any taxable year, the amount of incremental university basic research expenditures taken into account under subsection (a)(2) shall not be treated as a qualified research expense under subsection (a)(1)(A) and shall not be included in the computation of base period research expenses under subsection (a)(1)(B).

"(B) NON-INCREMENTAL UNIVERSITY BASIC RESEARCH AMOUNT.—65 percent of the amount that is determined by subtracting the amount of incremental university basic research expenditures taken into account under subsection (a)(2) from total university basic research payments (as defined in paragraph (a)(A)) shall be treated as a contract research expense.

"(C) TRADE OR BUSINESS QUALIFICATION.—Total university basic research payments shall be treated as an amount paid or incurred in carrying on a trade or business of the taxpayer in the taxable year in which it is paid or incurred (without regard to the provisions of subsection (b)(3)(B)).

"(4) QUALIFIED ORGANIZATION.—For purposes of this subsection, the term 'qualified organization' means—

"(A) any educational organization which is described in section 170(b)(1)(A)(ii) and which is an institution of higher education (within the meaning of section 3304 (f)),

"(B) any other organization which—

"(i) is described in section 501(c)(3) and is exempt from tax under section 501(a),

"(ii) is organized and operated primarily to conduct scientific research, and

"(iii) is not a private foundation, or

"(C) any organization which—

"(i) either is described in section 501(c)(3) and is not a private foundation or is described in section 501(c)(6),

"(ii) is exempt from tax under section 501(a),

"(iii) is organized and operated primarily to promote scientific research by qualified organizations (within the meaning of subsection (e)(4)(A)) pursuant to written research agreements, and

"(iv) expends on a current basis substantially all of its fund that is segregated and specially dedicated for the purpose of receiving and disbursing the amounts described in paragraph (2)(A), through grants or contracts for basic research by an organization described in subsection (e)(4)(A).

"(D) any organization not described in subparagraph (B) or (C) which—

"(i) is describe in section 501(c)(3) and is exempt from tax under section 501(a) and is not a private foundation,

"(ii) is established and maintained by an organization established before July 10, 1981, which meets the requirements of clause (i),

"(iii) is organized and operated exclusively for purposes of making grants pursuant to written research agreements to organizations described in paragraph (e)(4)(A) for purposes of basic research, and

"(iv) makes an election, revocable only with the consent of the Secretary, to be treated as a private foundation for purposes of this title (other than section 4940, relating to excise tax based on investment income).

"(5) BASIC RESEARCH.—The term 'basic research' means any original investigation for the advancement of scientific knowledge not having a specific commercial objective, except that such term shall not include—

"(A) basic research conducted outside of the United States, and

"(B) basic research in the social sciences or humanities.

"(6) CERTAIN CORPORATIONS NOT ELIGIBLE.—For purposes of this subsection, the term 'corporation' (as defined in section 7701(a)(3)) shall not include—

"(A) an S corporation (as defined in section 1361(a)),

"(B) a personal holding company (as defined in section 542), and

"(C) a service organization (as defined in section 414(m)(3)).".

SEC. 202. DEDUCTION FOR CERTAIN CONTRIBUTIONS OF SCIENTIFIC AND TECHNOLOGICAL PROPERTY.

(a) IN GENERAL.—Section 170 is amended—

"(1) by striking out paragraph (4) of subsection (e),

"(2) by redesignating subsections (i), (j), (k), and (l) as subsections (j), (k), (l), and (m), respectively, and

"(3) by inserting after subsection (h) the following new subsection:

"(i) CONTRIBUTIONS OF SCIENTIFIC AND TECHNOLOGICAL PROPERTY FOR CERTAIN PURPOSES.—

"(1) AMOUNT OF DEDUCTION.—In the case of a qualified research or education contribution, the amount of the deduction shall not be reduced under subsection (e) but shall be determined under paragraph (4) of this subsection.

"(2) QUALIFIED RESEARCH OR EDUCATION CONTRIBUTION.—For purposes of this subsection, the term 'qualified research or education contribution' means a charitable contribution by a corporation of qualified scientific property to—

"(A) an educational organization which—

"(i) is described in section 170(b)(1)(A)(ii), and

"(ii) is an institut'on of higher education (as defined in subsection (i)(7)(C)), or

"(B) is an association—

"(i) substantially all of the members of which are educational organizations described in section 170(b)(1)(A)(ii) that are institutions of higher education,

"(ii) which is described in section 501(c)(3) and is exempt from tax under 501(a), and

"(iii) which is not a private foundation.

"(3) QUALIFIED SCIENTIFIC PROPERTY.—For purposes of this subsection, the term 'qualified scientific property' means tangible personal property (including for purposes of this subsection computer software) (i) described in section 1221(1) or (ii) used in carrying on the trade or business of the taxpayer (within the meaning of section 1231(b)), but only if—

"(A) such contribution is made through the governing body of the donee,

"(B) such property is scientific or technological equipment or apparatus, replacement parts therefor, or computer software, substantially all of the use of which by the donee is for direct education of students or faculty, research and experimentation (within the meaning of section 174), or research training, in the United States in mathematics, the physical, biological, or chemical sciences, engineering, or advanced computer science,

"(C) such contribution is made—

"(i) in the case of tangible personal property described in section 1221(l), not later than 6 months after the date upon which the manufacture, construction, or assembly of the property is substantially completed, or

"(ii) in the case of tangible personal property used in a taxpayer's trade or business (as defined in section 1231(b)), not more than 3 years after the property is first placed in service,

"(D) in case of a contribution of tangible personal property that is described in section 1221(1), such property is manufactured or produced (within the meaning of section 954(d)(1)(A) and the regulations thereunder) by the taxpayer and the taxpayer is regularly engaged in the business of manufacturing or producing such property and selling or leasing such property,

"(E) in the case of a contribution of tangible personal property described in section 1221(1), the original use of such property is by the donee,

"(F) the property is not transferred by the donee in exchange for money, other property, or services within 5 years of the date of the original transfer to the donee,

"(G) the taxpayer receives from the governing body of the donee a written statement, executed under penalties of perjury, representing that—

"(i) the property meets the requirements of subparagraph (J), and

"(ii) the use and disposition of the property by the donee will be in accordance with the provisions of subparagraphs (B) and (F),

"(H) except in the case of property that is computer software or replacement parts, the fair market value of the property transferred exceeds $250,

"(I) such property is accompanied by the same warranty or warranties normally provided by the manufacturer in connection with a sale of the equipment or apparatus transferred, and

"(J) such property is functional and usable in the condition in which it is transferred for the purposes described in paragraph (3)(B), without the necessity of any repair, reconditioning, or other similar investment by the donee.

"(4) AMOUNT OF ALLOWABLE DEDUCTION.—The amount of the deduction allowable under paragraph (1) shall be—

"(A) in the case of tangible personal property described in section 1221(1), the fair market value of the property, limited to the lesser of (A) the sum of the taxpayer's basis in the property and one-half of the amount of gain which would not have been long-term capital gain if the property had been sold by the taxpayer at its fair market value (determined at the time of such transfer), or (B) twice the taxpayer's basis in the property; and

"(B) in the case of tangible personal property that is used in the taxpayer's trade or business (as defined in section 1231(b)), the lesser of—

"(i) the fair market value of the property, or

"(ii) 150 percent of the taxpayer's basis in the property (without regard to adjustments under section 1016) less any adjustments under section 1016(a).

"(5) PROPORTION OF PRODUCTS SOLD LIMITATION.—The deduction otherwise allowable under subsection (a) of section 170 shall not be allowed in the case of a contribution of otherwise qualified scientific property (excluding property used in the taxpayer's trade or business), where the taxpayer's total qualified research or education contributions of such property under this section in the taxable year, as determined on a product-by-product basis, exceed 20 percent of the number of units of each such product sold by the taxpayer in the ordinary course of its business in that taxable year.

"(6) SPECIAL RULE FOR LEASE RETURNS.—Solely for purposes of this section, tangible personal property used in carrying on the trade or business of the taxpayer (within the meaning of section 1231(b)) shall be deemed to include tangible personal property described in section 1221(1) that has been placed in service within the immediately preceding three taxable years by customers of a taxpayer who is described in subsection (i)(3)(d) of this section pursuant to lease arrangements with the taxpayer and which has been returned to the taxpayer pursuant to the terms of such lease arrangements.

"(7) DEFINITIONS.—For purposes of this subsection—

"(A) SUBSTANTIALLY ALL.—The term 'substantially all' shall mean at least 80 percent.

"(B) CORPORATION.—The term 'corporation' shall not include—

"(i) an S corporation (as defined in section 1361(a)),

"(ii) a personal holding company (as defined in section 542), or

"(iii) a service organization (as defined in section 414(m)(3)).

"(C) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means an educational institution in any State which—

"(i) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate,

"(ii) is legally authorized within such State to provide a program of education beyond high school,

"(iii) provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, or offers a program of training to prepare students for gainful employment in a recognized occupation, and

"(iv) is a public or other nonprofit institution.".

SEC. 203. EXCLUSION FROM GROSS INCOME OF CERTAIN SCHOLARSHIPS, GRANTS, AND STUDENT LOAN FORGIVENESS.

(a) IN GENERAL.—Part III of subchapter B of chapter I is amended by inserting after section 117 the following new section:

"SEC. 117A. SCHOLARSHIPS, FELLOWSHIP GRANTS, AND STUDENT LOAN FORGIVENESS RECEIVED BY CERTAIN GRADUATE STUDENTS.

"(a) GENERAL RULE.—In the case of a qualified individual, gross income does not include—

"(1) any amount received—

"(A) as a scholarship,

"(B) as a fellowship grant, or

"(C) as qualified student loan forgiveness, including the value of contributed services and accommodations; and

"(2) any amount received to cover expenses for—

"(A) travel,

"(B) research,

"(C) clerical help, or

"(D) equipment.

which are incidental to such a scholarship or to a fellowship grant, but only to the extent that the amount is so expended by the recipient.

"(b) QUALIFIED INDIVIDUAL.—For the purposes of this section, the term 'qualified individual' shall mean a student who is attending a qualified educational organization, who possesses a bachelor's degree or its equivalent, and who is engaged in postgraduate study as a degree candidate.

"(c) QUALIFIED EDUCATIONAL ORGANIZATION.—For purposes of this section, the term 'qualified educational organization' shall mean an educational institution which—

"(1) is described in section 170(b)(1)(A)(ii),

"(2) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate,

"(3) is legally authorized within such State to provide a program of education beyond high school,

"(4) provides an educational program for which it awards a bachelor's or higher degree.

"(d) QUALIFIED STUDENT LOAN FORGIVENESS.—For purposes of this section, the term 'qualified student loan forgiveness' shall mean the forgiveness of a loan received by a qualified individual (as defind in subsection (b)) for the purpose of financing his postgraduate course of study, but only to the extent that—

"(1) the amount represented by the loan was expended for qualified tuition and related expenses (as defined in subsection (f)(2)),

"(2) such student is required in a written loan agreement, as a condition of receiving such forgiveness of the loan, to perform teaching services for any of a broad class of qualified educational organizations (as defined in subsection (c)) upon completion of his postgraduate course of study.

"(e) LIMITATION.—In the case of a qualified individual, subsection (a) shall not apply to that portion of any amount received which represents payment for teaching, research, or other services in the nature of part-time employment required during his postgraduate course of study as a condition of receiving the scholarship, the fellowship grant, or qualified student loan. If teaching, research, or other services are required of all candidates (whether or not recipients of scholarships, fellowship grants, or qualified student loans) for a particular degree at a qualified educational organization as a condition to receiving such degree, such teaching, research, or other services shall not be regarded as part-time employment within the meaning of this paragraph.

"(f) SCHOLARSHIPS AND FELLOWSHIP GRANTS NOT INCLUDABLE MERELY BECAUSE THERE IS A REQUIREMENT OF FUTURE SERVICE IN TEACHING.—

"(1) IN GENERAL.—If—

"(A) an amount received by a qualified individual would be excludable under subsections (a) and (e) as a scholarship or fellowship grant, but for the fact that such individual is required to perform teaching services for any of a broad class of qualified educational organizations upon completion of his postgraduate course of study, and

"(B) the individual establishes that, in accordance with the terms of the scholarship or grant, such amount was used for qualified tuition and related expenses, gross income shall not include such amount.

"(2) QUALIFIED TUITION AND RELATED EXPENSES DEFINED.—For purposes of this subsection, the term 'qualified tuition and related expenses' shall mean—

"(A) tuition and fees required for the enrollment or attendance of a qualified individual as a student at a qualified educational organization, and

"(B) fees, books, supplies, and equipment required for courses of instruction at a qualified educational organization.".

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by inserting after the item relating to section 117 the following new item:

"SEC. 117A. SCHOLARSHIPS, FELLOWSHIP GRANTS, AND STUDENT LOAN FORGIVENESS RECEIVED BY CERTAIN GRADUATE SCIENCE STUDENTS.".

SEC. 204. EFFECTIVE DATE

The amendment made by sections 201, 202, and 203 of title II of this Act shall apply to taxable years beginning after December 31, 1985.

By Mr. GOLDWATER:

S. 59. A bill to amend the Federal Election Campaign Act of 1971 to limit excessive expenditures and to provide for more timely and complete public reporting of campaign gifts and spend-

ing; to the Committee on Rules and Administration.

FEDERAL ELECTION CAMPAIGN EXPENDITURE LIMITS ACT

Mr. GOLDWATER. Mr. President, the most expensive election in U.S. history was completed 2 months ago. New funding records were set for Presidential and congressional candidates. Contributions by political action committees rose to a higher percentage of total congressional campaign receipts that ever before.

The problems of what this unprecedented rise in campaign spending means to the Nation and when it will end are lost in the rush to raise even more money to pay off old debts or begin campaign treasuries for the next election. Few people seem to care that present campaign law, as applied since the decision of the U.S. Supreme Court on January 30, 1976, in Buckley against Valeo, has opened the doors for virtually unchecked huge independent and personal political spending and that this spending threatens the very basis of the free election process. The Nation is now enduring what one legal commentator has called "the new Constitutional right to buy elections."

Mr. President, my concern is that unchecked, runaway campaign spending is corrupting the political process by making candidates vulnerable to special interest influence and creating the impression of undue influence even where it may not exist. Also, I believe that huge campaign spending is distorting campaigns by giving more and more control to consultants who specialize in the packaging and marketing of candidates and superficial issues.

Voting participation is bound to decline as public perception increases that only the voice of a big giver counts, not the vote of an individual citizen who cannot afford to make large political donations.

This mood will deny elected officials the public trust needed to sustain them in making difficult decisions for the good of the public at large. And the demands of the fundraising treadmill will force more and more office holders to neglect their duties to patronize big donors and PAC events around the Nation. The 3-day legislative week is already becoming commomplace in Washington, DC, so that Members can escape town to fulfill the never-ending quest for campaign funds.

Mr. President, I believe the answer to these dangers is simple. We must set a rational ceiling on total congressional and Presidential campaign spending by all sources, the candidates themselves, political parties, PAC's and individuals.

In the last Congress I introduced a bill, S. 1684, to amend the Federal Election Campaign Act of 1971 to limit excessive political expenditures. The need for tight spending limits is greater now than ever and I am today reintroducing the same legislative proposal.

My bill would restrict spending by each candidate in Presidential races to $15 million in primaries and $25 million in the general election, an adequate sum to get a candidate's message across. The cost of raising funds would count against these ceilings. These dollar limits would be reinforced by a prohibition against fundraising for the general election of the Presidential race until June 1 of the year of the election and by shortening the length of Presidential campaigns. The bill would cut down the time of the general election to 6 weeks by providing that no nominating convention can be held before the first Monday in September of the year of the election, instead of in July or August.

Senate campaign spending would be limited to no more than 12 cents per voting age citizen in primary elections and 22 cents in general elections, except that in smaller States a minimum of $150,000 in primaries and $250,000 in the final election would be permitted. Using current population data, the minimum would apply in 16 States.

Spending in House races would be limited to $100,000 in primaries and another $100,000 in general elections, with an exception for the six States which are single Member districts. The Senate statewide ceiling would apply in these States.

Spending by congressional candidates out of their own pockets would be included in computing the total expenditures allowed under the new law. Other individual spending, not under the control of a candidate, would be limited to $5,000 in each of the 535 legislative campaigns.

Also, the bill calls for more timely and complete public reports. A copy of all reports filed would be made available for inspection for the first time at each candidate's headquarters. An additional report not called for by present law before the election would have to be filed covering the now hidden period between 20 and 10 days prior to the election. Major categories of spending would have to be identified on all public reports for the first time and PAC's would be required to reveal their connections with associated groups in all fundraising letters.

Finally, the bill will repeal the public financing of Presidential elections. Not only am I skeptical about allowing control over huge sums of the taxpayers' dollars rest with possibly self-interested governmental administrators, but I doubt the effectiveness of public financing in light of the loophole which allows candidates to have millions and millions of dollars spent on their behalf by supposedly independent individuals and groups.

Mr. President, I believe strongly that the Nation is facing a crisis of liberty from unchecked campaign spending. We must prove to the people that elective office is not for sale. We must convince the public that elected officials are what the framers intended—agents of the sovereign people, not the hired hands of rich givers.

With the bicentennial of the U.S. Constitution fast approaching, I can think of no better way we could return to the first principles on which our Republic was founded then to cleanse the political process of the taint of excessive campaign spending and of actual or perceived control by special interest groups.

By Mr. INOUYE:

S. 60. A bill to amend title 5, United States Code, to provide payments under Federal employee health benefits plans for services of mental health specialists and to provide mental health benefits and services under such plans; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEE MENTAL HEALTH BENEFITS

Mr. INOUYE. Mr. President, today I am introducing legislation to amend the Federal Employees' Health Benefit Program to ensure that the services of qualified clinical social workers will be readily available to Federal employees and their families.

The bill which I propose today would also expressly authorize the services of psychiatric nurse specialists.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 60

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8901 of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (8);

(2) by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraphs:

"(10) 'mental health specialist' means a psychiatrist, a clinical psychologist, a clinical social worker, or a psychiatric nurse specialist;

"(11) 'psychiatrist' means a physician who—

"(A) is described in paragraph (1) of section 1861(r) of the Social Security Act; and

"(B)(i) is certified by the American Board of Psychiatry and Neurology; or

"(ii) has successfully completed not less than three years of graduate medical training in psychiatry approved by the Director of the Office of Personnel Management;

"(12) 'clinical psychologist' means an individual who—

"(A) is licensed or certified for private practice of psychology by the State in which the individual practices psychology;

"(B)(i) has been awarded a doctorate degree in psychology by an institution of higher education that is accredited by a nationally recognized regional accrediting agency or association; or

"(ii) in the case of any individual who was licensed or certified as described in subparagraph (A) of this paragraph before January 1, 1978, has been awarded a master's degree in psychology and is listed in a national register of providers of mental health services specializing in psychology which national register is recognized by the Secretary of Health and Human Services; and

"(C) has not less than two years of supervised experience in providing health care services including at least one year of such experience after the date of the award of the degree referred to in the applicable clause of subparagraph (B) of this paragraph;

"(13) 'clinical social worker' means an individual who—

"(A) has been awarded a master's or doctorate degree in social work;

"(B) has performed at least two years of supervised clinical social work after the date of the award of such degree; and

"(C)(i) is licensed or certified as a clinical social worker by the State in which the individual practices social work; or

"(ii) in the case of a clinical social worker who practices in a State that does not license or certify clinical social workers, is listed in any national register of clinical social workers recognized by the Secretary of Health and Human Services; and

"(14) 'psychiatric nurse specialist' means an individual who—

"(A) is licensed as a nurse by the State in which the individual practices nursing;

"(B) has been awarded a master's or higher degree with a specialization in psychiatric nursing or a related specialty by an institution of higher education accredited by a nationally recognized regional accrediting agency or association; and

"(C) is certified as a psychiatric nurse by a national professional nurse organization recognized by the Secretary of Health and Human Services; and

"(15) 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.".

SEC. 2. Section 8902(k) of title 5, United States Code, is amended—

(1) by striking out "a clinical psychologist or optometrist, licensed or certified as such under Federal or State law, as applicable," and inserting in lieu thereof "an optometrist, licensed or certified as such under Federal or State law, as applicable, or a mental health specialist,"; and

(2) by striking out "such a clinical psychologist or optometrist" and inserting in lieu thereof "such an optometrist or mental health specialist".

SEC. 3. Section 8904 of title 5, United States Code, is amended—

(1) by adding at the end of paragraph (1) the following new item:

"(G) Mental health benefits."; and

(2) by adding at the end of paragraph (2) the following new item:

"(G) Mental health services.".

SEC. 4. The amendment made by this Act shall take effect with respect to contracts or plans in effect under chapter 89 of title 5, United States Code, after December 31, 1985.

51-059 O-86-6 (Pt. 1)

By Mr. FORD:

S. 62. A bill to amend the Age Discrimination in Employment Act of 1967 to exempt State law enforcement officers from such act; to the Committee on Labor and Human Resources.

AGE EXEMPTIONS FOR LAW ENFORCEMENT OFFICERS

Mr. FORD. Mr. President, today I am reintroducing legislation to correct what I feel is an unintended consequence of legislation passed in 1974 which expanded coverage of the Age Discrimination in Employment Act [ADEA] to State and local employees. Until 1974, State law enforcement personnel were not covered by ADEA.

The legislation I am reintroducing today is identical to S. 2425, which I introduced last Congress. Although no action was taken on that bill in the 98th Congress, I am hopeful that the Senate Labor Subcommittee and the full Labor and Human Resources Committee will review this legislation early in the 99th Congress.

State law enforcement agencies were free to structure retirement policies for their officers which provided more generous retirement benefits in return for early mandatory retirement.

State law enforcement agencies have long recognized early retirement as necessary to both attract and maintain the youthful and vigorous work force which the hazards of the job demand. In light of recent lawsuits brought by EEOC under provisions of the ADEA, retirement policies of State law enforcement agencies across the Nation are being jeopardized. Because I do not believe that Congress intended to threaten the quality of State law enforcement protection when it expanded the ADEA to State employees, the legislation I am reintroducing today would exempt State law enforcement personnel from the act.

Since 1947, Congress has recognized the need for early retirement benefits for Federal law enforcement personnel and has provided special early retirement benefits to all Federal employees whose duties are primarily investigating, apprehending, or detaining persons suspected or convicted of committing Federal crimes.

Throughout the years, these same provisions have been extended to Federal employees of correctional institutions and Federal firefighters. By 1977, about 52,000 employees in various Federal agencies and the District of Columbia were covered under the special retirement program for Federal law enforcement and firefighters personnel, including employees in the FBI, Bureau of Prisons, Immigration and Naturalization Service, U.S. Customs Service, Internal Revenue Service, U.S. Secret Service, and the U.S. Postal Service.

Congress has consistently maintained that the need for early retirement policies for these employees has been to improve and maintain the quality, efficiency, and productivity of law enforcement activities by making it a "young man's service." In 1974, Congress passed Public Law 93-350 which established, effective January 1978, mandatory retirement at age 55, or upon completion of 20 years of covered service, for all covered Federal law enforcement and firefighting personnel. Congress emphasized in the legislative history of that bill that the special retirement provisions were necessary to insure a work force young enough to cope with the unusual physical and emotional requirements of those positions. Although there was no floor debate in the Senate on this issue, debate on the House floor clearly indicated the concern of Congress that the goal of mandatory retirement be met: To maintain a relatively young and vigorous staff of law enforcement and firefighting personnel capable of carrying out the demanding and hazardous duties of their positions by replacing older personnel who, because of the stringent physical requirements of their positions and the unusual mental and emotional stress associated with those positions, were no longer able to perform at top efficiency.

Mr. President, I contend that the goal of mandatory retirement provisions of State law enforcement agencies is no less necessary than that expounded by Congress for Federal law enforcement personnel. In fact, the need for special retirement provisions for Federal law enforcement personnel was justified based on State special retirement provisions. And although the need for special retirement benefits for Federal law enforcement and firefighting personnel has been questioned over the years, Congress has let those provisions firmly stand.

In 1978 during debate of legislation which amended the ADEA to raise the mandatory retirement age to 70 for non-Federal employees, the issue of early retirement for Federal law enforcement personnel was raised. Consequently, the House Subcommittee on Compensation and Employees Benefits, House Committee on Post Office and Civil Service, held 6 days of hearings between September 27 and December 1, 1977, on special Federal retirement provisions. The overwhelming feeling of those who testified was that since 1947 Congress had consistently recognized the need for special retirement benefits for Federal law enforcement officials due to the hazardous and demanding duties of their positions and that those duties required a relatively young and vigorous work force which could best be maintained by encouraging early retirement.

Testimony at those hearings indicated that although factors other than age, such as the results of rigorous routine medical exams, might serve as

an alternative basis for mandatory retirement, such alternative tests had not been satisfactorily developed by the medical community so as to be workable and dependable. Furthermore, such procedures would be costly to administer and produce unreliable results. Witnesses contended that until methods can be developed which reliably correlate the requirements of a special job and the measurable physical and emotional fitness of an individual employee, age is the only way of measuring fitness. Although age may seem to be an arbitrary measurement, it can be proved that after a certain age, physical ability and activity generally decline. The subcommittee took no action following those hearings to either narrow or repeal the mandatory retirement provisions for Federal law enforcement personnel.

When Congress expanded coverage of the ADEA to State and local employees in 1974, there was no indication of what effect this action might have on State law enforcement personnel either in the committee reports or during the floor debates in the House and Senate. But today, the effects of that extension are being felt in my home State of Kentucky, as well as in many other States which are suddenly finding themselves in court defending mandatory retirement policies for State law enforcement personnel.

There can be no doubt that the same concerns which have led Congress to uphold mandatory retirement for Federal law enforcement personnel apply equally to State law enforcement personnel. The duties of State law enforcement personnel are equally hazardous, equally demanding, and equally stressful. The duties of State law enforcement personnel similarly require a youthful and vigorous work force. The demands of State law enforcement personnel equally deserve the recognition that such hazardous service warrants special early retirement policies with generous benefits to compensate for both the rigorous effects of the duties performed and the financial needs of a relatively young retiree.

Unfortunately, by extending the ADEA to State employees, Congress unintentionally, and with no public debate on the consequences, also effectively eliminated the ability of State law enforcement agencies to structure effective special retirement policies for State law enforcement personnel.

The bill I am reintroducing to day seeks to rectify this consequence by exempting State law enforcement personnel from the Age Discrimination in Employment Act. I have been a long and ardent supporter of the act and the protection it affords older Americans in the work force. I do not, and would not, support a wholesale repeal of the act as it pertains to State and local employees. However, recognizing the historic importance Congress has given the special needs of Federal law enforcemnt personnel in exempting them from the ADEA, I can see no less need in exempting similar workers on the State level. Like the Federal exemption, my bill exempts only those State employees whose duties are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of a State, or the enforcement of traffic laws of a State, or both. Like the Federal exemption, my bill also exempts these law enforcement employees who are transferred to a supervisory position.

The National Governors Association, at its August 1983 meeting, adopted a policy position urging the adoption of legislation to exempt State law enforcement officials from the ADEA. Similary, the National Association of Attorneys General adopted a resolution at its June 1983 meeting supporting legislation which would resolve this inconsistency in retirement coverage between Federal and State law enforcement officials. In September 1983, the National Troopers Coalition issued a resolution calling on Congress to enact legislation exempting State law enforcement officials from the ADEA. Finally, in April 1984, the American Association of Motor Vehicle Administrations endorsed this legislation.

Clearly, there is a national need for such legislation and the bill which I am reintroducing is designed to address the legitimate needs of a limited sector of State employees. This bill is not intended to open the door to far-reaching repeal of the ADEA. It is not an indictment of the older worker nor does it purport to establish a precedent for early retirement. This bill does seek to recognize that in a very few occupations, age is a significant factor in job performance; and in the case of law enforcement personnel, is the only reasonably controllable factor. This bill does not seek to increase the kind or number of occupations exempted under ADEA, but simply addresses an inconsistency in the application of the ADEA between the identical needs of Federal and State law enforcement personnel and extends only to that specific State group.

Last Congress, several State Governors and administrators endorsed this legislation. Those supporting this legislation last Congress include Gov. Martha Layne Collins of Kentucky, Gov. Mark White of Texas, Gov. Toney Anaya of New Mexico, Gov. Michael Dukakis of Massachusetts, Gov. James R. Thompson of Illinois, Gov. John Evans of Idaho, Gov. Lamar Alexander of Tennessee, Gov. Dick Thornburgh of Pennsylvania, Gov. Allen I. Olson of North Dakota, and Gov. Joe Frank Harris of Georgia. State administrators supporting this legislation in the 98th Congress included Commissioner Morgan T. Elkins of the Kentucky State Police, Col. John Dempsey, chief of the Colorado State Patrol, and Commissioner Gus A. Wood III of the Tennessee Department of Safety. I know that several of my colleagues received correspondence from these officials requesting their support of this legislation. I hope my colleagues will be able to review this legislation and join with me as cosponsors of it.

I will fight long and hard for the rights of older Americans to remain, free from discrimination, in this Nation's work force. At the same time, I will fight long and hard to ensure that the safety and well-being of all older Americans is preserved by young and vigorous State law enforcement personnel who are physically and emotionally capable of protecting not only the elderly but all citizens.

By Mr. GOLDWATER:

S. 63. A bill to encourage the rendering of in-flight emergency care aboard aircraft by requiring the placement of emergency first aid medical supplies and equipment aboard aircraft and by relieving appropriate persons of liability for the provision and use of such equipment and supplies; to the Committee on Commerce, Science, and Transportation.

IN-FLIGHT MEDICAL EMERGENCIES ACT

Mr. GOLDWATER. Mr. President, I send to the desk a bill designed to encourage in-flight emergency care aboard aircraft by requiring the placement of emergency equipment, supplies, and drugs aboard aircraft and by relieving appropriate persons of liability for the provision and use of such emergency equipment supplies and drugs. This bill, if enacted, will be cited as the In-Flight Medical Emergency Act.

Mr. President, I first introduced the proposal in May 1983 as S. 314. The bill I am introducing today is identical to the amended version reported by the Commerce Committee last May. Unfortunately, it never was acted upon by the full Senate.

The bill would basically direct the Federal Aviation Administration to devise a medical kit to be carried on board commercial aircraft for the treatment of in-flight medical emergencies that might arise. It would also, through a Good Samaritan clause, relieve appropriate persons from liability related to the use of the kit.

Current FAA regulations do require certain passenger-carrying aircraft to carry a first aid kit. These kits are very basic and are required only to contain bandages, splints, burn ointments, and other first aid items. The purpose stated in the regulations for

such kits is to treat injuries likely to occur in flight or in a minor accident.

These basic kits are inadequate and outmoded, considering the types of life-threatening emergencies that might and have occurred during commercial flights. There have been many instances wherein individuals have suffered attacks which could have easily been treated by a physician or trained medical technician had the proper equipment been available. The whole idea behind this bill is to make available to a physician or other trained personnel the proper equipment and drugs in order to be able to treat a patient on an emergency basis until the aircraft can land where appropriate treatment is available.

Mr. President, this bill would direct the FAA to issue final rules requiring aircraft carrying passengers for compensation to carry sufficient first aid medical supplies and equipment for the rendering of emergency care aboard the aircraft in response to in-flight medical emergencies. It would also relieve licensed medical personnel, the airline, and the air crew from liability arising from the carriage and use of the kits, so long as they did not act recklessly or with gross negligence. This Good Samaritan clause is absolutely necessary in order to insure that physicians and medical technicians would voluntarily provide their services in such an emergency.

Mr. President, I think it is easy to see the need for such legislation. If only one life is saved as a result of these kits, then it will all have been worthwhile. The cost of these kits which is not likely to be significant should not even be considered when one thinks of the possibilities of the lifesaving potential they hold.

I think it is high time to get on with this idea and I urge my colleagues to join me in cosponsoring this legislation as soon as possible.

By Mr. DOLE (for himself, Mr. LAXALT, and Mr. DECONCINI):

S. 64. A bill to amend title 35 of the United States Code for the purpose of creating a uniform policy and procedure concerning patent rights in inventions developed with Federal assistance, and for other purposes; to the Committee on the Judiciary.

By Mr. DOLE (for himself, and Mr. DANFORTH):

S. 65. A bill to improve the transfer of technology from Government laboratories to the public and for other related purposes; to the Committee on the Judiciary.

UNIFORM PATENT PROCEDURES ACT AND THE FEDERAL LABORATORY TECHNOLOGY UTILIZATION ACT

Mr. DOLE. Mr. President, these two bills are designed to help promote productivity by clearing away many of the barriers that exist between federally funded research efforts and the commercialization of inventions resulting from those efforts.

Economic productivity is much like the weather: Everybody talks about it—corrective action is harder to come by. Some believe that the way to increase productivity is through more intervention by Federal planners. Others, like myself, have a sneaking suspicion that too much Federal bureaucracy has been a big part of the problem. I believe the answer lies not with more government, but with more reliance upon private entrepreneurship and academic experimentation. And we start by clearing away the unnecessary Federal legal and regulatory obstacles that crowd the path leading from a test tube, or a drawing board to the marketplace.

Five years ago, I was pleased to join our former colleague, Birch Bayh, in working to eliminate much of the tangle of bureaucratic brambles that impeded the ability of universities and small businesses to transform federally assisted research into a patented invention. Specifically, with the enactment of Public Law 96-517, we established, for the first time, a rule in favor of university and small business ownership of inventions developed. What's more, university and industry collaborative research is now at an all-time high, and whole new technologies, such as biotechnology, have flourished as a result.

Two years ago, President Reagan followed up with a memorandum instructing Federal agencies to apply the same criteria to all contractors, whenever possible. And I've returned to the field to propose the next logical step with the introduction of the Uniform Patent Procedures Act. Consistent with the President's directive, this bill would extend the principles of the 1980 law to large business contractors and repeal all existing laws which are inconsistent with those principles. Specifically, by establishing a clear and consistent presumption in favor of invention ownership for all contractors, the bill would eliminate once and for all the hodgepodge of agency patent requirements built up over the years and have the further effect, I believe, of luring research investments from large business with their specialized skills, technological expertise, and healthy respect for a dollar.

For a quarter of a century—just about as long as I've been in this city—efforts have been underway to develop a comprehensive, uniform Government patent policy. In this Congress, we have the opportunity to take the final major step by enacting this proposal which simply helps the free enterprise system to do what it does best: Produce new products the public seeks; create new jobs the public requires.

The impetus for the second bill I am introducing also derives from the 1980 Bayh-Doyle Act. Specifically, it is designed to enable the Federal laboratories to enter into the kinds of joint research and licensing arrangements that research universities have had such successful experiences with as a result of Public Law 96-517.

With about $17 billion going to the Federal laboratories, which employ nearly one-sixth of the Nation's research workers, there is broad agreement that ways must be found to increase the flow of technology from these labs to the private sector, yet as was indicated during hearings held last year by Senator MATHIAS' Subcommittee on Patents, Copyrights, and Trademarks on Government Patent Policy, too few labs are entering into the type of collaborative R&D arrangements with universities and business that are necessary to accomplish that goal. As Secretary Baldrige has emphasized, the basic stumbling block is that the labs perceive themselves as unable to enter into such joint efforts because of organizational and legal constraints.

As a consequence, this bill would expressly permit agency heads to authorize lab directors to undertake a wide range of cooperative R&D arrangements. The labs, for instance, could negotiate and issue patent licenses, assign ownership rights, and require outside parties to pay royalties for the right to use Government inventions. The bill also provides for direct payment of at least 15 percent of royalties so received to lab investors. The universities have found such royalty sharing to be a powerful incentive for inventors to contribute to commercialization efforts.

The labs would be able to keep royalties they receive after payments to investors, which should serve as an incentive for lab directors for outside collaboration on R&D leading to inventions of practical applications, consistent with the lab's mission.

The bill would further permit lab inventors to own their inventions if the Government has an insufficient interest in seeking its own patent. Finally, the bill would authorize the Secretary of Commerce to issue guidelines to help agencies make the best use of these new authorities.

Mr. President, America's future demands the liberation of her keenest intellects and broadest imaginations. Over and over, throughout our history, our system of free enterprise, with its incentives and rewards for the new and innovative, has replaced what was adequate for one generation with what is superior for the next. Far better than government, that system can explore new realms of possibility. But it cannot compete with foreign challenges with one hand tied behind its back. With these bills, I propose to untie a few knots.

Mr. President, I ask that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 64

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Uniform Patent Procedures Act of 1985".

SEC. 2. (a) Title 35 of the United States Code is amended by adding after chapter 18, as redesignated herein, a new chapter as follows:

"CHAPTER 19—PATENT RIGHTS IN INVENTIONS MADE WITH FEDERAL ASSISTANCE BY OTHER THAN SMALL BUSINESS FIRMS OR NONPROFIT ORGANIZATIONS

"Sec.
"212. Policy and objective.
"213. Definitions.
"214. Responsibilities.
"215. Disposition of rights.
"216. March-in rights.
"217. Background rights.

"§ 212. Policy and objectives

"In addition to the policy and objectives set forth in section 200 of this title, it is the further policy and objective of the Congress to ensure that all inventions made with Federal support are used in a manner to promote free competition and enterprise.

"§ 213. Definitions

"As used in this chapter, the term—

"(1) 'Administrator' means the Administrator of the Office of Federal Procurement Policy or his or her designee;

"(2) 'contract' means any contract, grant, or cooperative agreement entered into between any Federal agency (other than the Tennessee Valley Authority) and any person other than a small business firm or nonprofit organization (as defined in section 201 of this title) where a purpose of the contract is the conduct of experimental, developmental, or research work; such term includes any assignment, substitution of parties or subcontract of any tier entered into or executed for the conduct of experimental, developmental, or research work in connection with the performance of that contract;

"(3) 'contractor' means any person or entity (other than a Federal agency, nonprofit organization, or small business firm, as defined in section 201 of this title) which is a party to the contract;

"(4) 'Federal agency' means an executive agency (as defined in section 105 of title 5, United States Code), and the military departments (as defined in section 102 of title 5, United States Code);

"(5) 'Government' means the Government of the United States of America;

"(6) 'invention' means any invention or discovery which is or may be patentable or otherwise protectable under this title, or any novel variety of plant which is or may be protectable under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.);

"(7) 'practical application' means to manufacture (in the case of a composition or product), to practice (in the case of a processor method), or to operate (in the case of a machine or system), in each case, under such conditions as to establish that the invention is being utilized and that its benefits are, to the extent permitted by law or Government regulations, available to the public on reasonable terms or through reasonable licensing arrangements;

"(8) 'Secretary' means the Secretary of Commerce or his or her designee; and

"(9) 'subject invention' means any invention of a contractor conceived or first actually reduced to practice in the performance of work under a contract: *Provided,* That, in the case of a variety of plant, the date of determination (as defined in section 41(d) of the Plant Variety Protection Act (7 U.S.C. 2401(d)) must also occur during the period of contract performance.

"§ 214. Responsibilities

"(a) The Secretary shall issue regulations applicable to all Federal agencies implementing the provisions of the chapter, and the Secretary shall proscribe standard patent rights provisions for use under this chapter. The regulations and the standard patent rights provisions shall be subject to public comment before their issuance.

"(b) In order to obtain consistent practices under this chapter and chapter 18 of this title, the Secretary is authorized and directed (i) to consult with and advise Federal agencies concerning the effective and consistent implementation of these chapters, and (ii) to obtain from the agencies information and data relating to agency practices under these chapters.

"§ 215. Disposition of rights

"(a) Subject to subsection (c) of this section and to section 216 of this title, each contractor may elect to retain title, either worldwide or in such countries as it may choose, to any subject invention: *Provided, however,* That a Federal agency may, at the time of contracting, limit or eliminate this right, place additional restrictions or conditions on the contract that go beyond those set forth in subsection (c) of this section, expand the rights of the Government to license or sublicense, and alter or eliminate the contractor's right under paragraph (6) of subsection (c) of this section if—

"(1) it is determined by a Government authority which is authorized by statute or Executive order to conduct foreign intelligence or counterintelligence activities that this is necessary to protect the security of such activities;

"(2) it is determined that the contractor is not located in the United States or does not have a place of business located in the United States, or is subject to the control of a foreign government;

"(3) it is determined, on a case-by-case basis, that there are exceptional circumstances requiring such action to better promote the policies and objectives of sections 200 and 212 of this title;

"(4) it is determined that the contract includes the operation of a Government-owned contractor operated facility of the Department of Energy primarily dedicated to that Department's Naval nuclear propulsion or weapons related programs and all contract limitations under this subparagraph are limited to inventions occuring under the above two programs of the Department of Energy.

"(b)(1) Each determination required by subsection (a) of this section shall be in writing and, except in the case of paragraph (1) of subsection (a) of this section, the agency shall, within thirty days after the award of the applicable contract, file with the Secretary a copy of each such determination. In the case of a determination under subsection (a)(3) of this section, the statement shall include an analysis supporting the determination and justifying the limitations and conditions being imposed. If the Secretary believes that any individual determination or pattern of determinations is contrary to the terms, policy, or objectives of this Act, the Secretary shall so advise the head of the agency concerned and the Administrator and recommend corrective actions.

"(2) Whenever the Administrator has determined that one or more Federal agencies are utilizing the authority of paragraph (2) or (3) of subsection (a) in a manner that is contrary to the terms, policy, or objectives of this Act, the Administrator is authorized to issue policies, procedures, and guidelines describing classes of situations in which agencies may not utilize the provisions of paragraph (2) or (3) of subsection (a).

"(c) In accordance with the regulations issued by the Secretary, each contract that the Government or any Federal agency acting on behalf of the Government may enter into shall employ a patent rights clause containing appropriate provisions to effectuate the following:

"(1) That the contractor disclose each subject invention to the Federal agency within a reasonable time after it becomes known to contractor personnel responsible for the administration of patent matters, and that the Federal Government may receive title to any subject invention not disclosed to it within such time.

"(2) That the contractor make a written election within two years after disclosure to the Federal agency (or such additional time as may be approved by the Federal agency) whether the contractor will retain title to a subject invention: *Provided,* That in any case where publication, on sale, or public use, has initiated the one year statutory period in which valid patent protection can still be obtained in the United States, the period for election may be shortened by the Federal agency to a date that is not more than sixty days prior to the end of the statutory period: *and provided further,* That the Federal Government may receive title to any subject invention in which the contractor does not elect to retain rights or fails to elect rights within such times.

"(3) That a contractor electing rights in a subject invention agrees to file a patent application prior to any statutory bar date that may occur under this title due to publication, on sale, or public use, and shall thereafter file corresponding patent applications in other countries in which it wishes to retain title within reasonable times, and that the Federal Government may receive title to any subject inventions in the United States or other countries in which the contractor has not filed patent applications on the subject invention within such times.

"(4) With respect to any invention in which the contractor elects rights, the Federal agency shall have a nonexclusive, nontranferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States any subject invention throughout the world: *Provided,* That the funding agreement may provide for such additional rights; including the right to assign or have assigned foreign patent rights in the subject invention, as are determined by the agency as necessary for meeting the obligations of the United States under any treaty, international agreement, arrangement of cooperation, memorandum of understanding, or similar arrangement, including military agreement relating to weapons development and production.";

"(5) that the agency may require written reports on the commercial use or other forms of utilization or efforts toward obtaining commercial utilization made by the

contractor or its licensees or assignees with respect to any subject invention to which the contractor elects title, pursuant to this section: *Provided,* That any such report, as well as any information on utilization of efforts toward obtaining utilization obtained as part of a proceeding under section 216 of this title, shall be treated by the Federal agency as commercial or financial information obtained from a person and privileged or confidential and not subject to disclosure under the Freedom of Information Act (5 U.S.C. 552);

"(6) that the contractor, in the event a United States patent application is filed by or on its behalf or by any assignee of the contractor, will include within the specification of such application and any patent issuing thereon, a statement specifying that the invention was made with Government support and that the Government has certain rights in the invention;

"(7) that the contractor, in cases when it does not elect to retain title to a subject invention, shall retain a nonexclusive, royalty free, paid-up, worldwide license, including the right to sublicense affiliates, subsidiaries, and existing licensees to whom the contractor is legally obligated to sublicense in any subject invention to which the Government obtains title, which license shall be revocable only to the extent necessary for the Government to grant an exclusive license: *Provided, however,* That the contractor shall not be entitled to such a license if the contractor has fraudulently failed to disclose the subject invention; and

"(8) such other administrative requirements that the Secretary determines to be necessary to effectuate the rights of the Government as specified in this chapter, which are not inconsistent with this chapter.

"(d)(1) A Federal agency may, at any time, waive all or any part of the rights of the United States under this section or section 216 of this title to any subject invention or class of subject inventions made or which may be made under a contract or class of contracts if the agency determines that—

"(A) the interests of the United States and the general public will be best served thereby; or

"(B) the contract involves cosponsored, cost-sharing or joint venture research or development and the contractor or other sponsor or joint venturer is required to make a substantial contribution of funds, facilities, or equipment to the work performed under the contract.

"'(2) The agency shall maintain a record, which shall be available to the public and periodically updated, of determinations made under paragraph (1) of this subsection.

"(3) In making determinations under paragraph (1) of this subsection, the agency shall consider at least the following objectives:

"(A) encouraging wide availability to the public of the benefits of the experimental, developmental, or research programs in the shortest practicable time;

"(B) promoting the commercial utilization of such inventions;

"(C) encouraging participation by private persons (including the most highly qualified persons) in the Government-sponsored experimental, developmental, or research programs; and

"(D) fostering competition and preventing the creation or maintenance of situations inconsistent with the antitrust laws of the United States.

"(4) With respect to contracts in which an agency invokes paragraphs (1) through (4) of subsection (a) of section 215, a Federal agency may, after a subject invention has been identified, waive any limits or additional restrictions or conditions placed on a contractor beyond those set forth in sections 215 and 216 and may allow the contractor to retain the license rights set forth in subsection (c)(7) of this section if such license rights were otherwise limited in the contract.

"(e) If a contractor does not elect to retain worldwide title to a subject invention, the Federal agency may consider and, after consultation with the contractor, grant request for retention of rights by the inventor on such terms and conditions as the agency deems appropriate, subject to section 216 of this Act.

"(f) In any case when a Federal employee is a coinventor of any subject invention, the Federal agency employing such coinventor is authorized to transfer or assign whatever rights it may aquire in the subject invention from its employee to the contractor subject to the same conditions set forth in this title as are applicable to the rights the contractor derived through its own contract.

"§ 216. March-in-rights

"(a) Where a contractor has elected to retain title to a subject invention under section 215 of this title, the Federal agency shall have the right (unless waived under subsection (d) of section 215 of this title), pursuant to policies, procedures, and guidelines of the Secretary and subject to the provisions of subsection (b) of this section, to grant or require the contractor or his assignee or exclusive licensee to grant a nonexclusive, partially exclusive, or exclusive license to a responsible applicant or applicants, upon terms reasonable under the circumstances, if the head of the agency or his designee determines that such action is necessary—

"(1) because the contractor, assignee, or licensee has not taken, or is not expected to take within a reasonable time, effective steps to achieve practical application of the invention;

"(2) to alleviate serious health or safety needs which are not reasonably satisfied by the contractor, his assignees or licensees; or

"(3) to meet requirements for public use specified by Federal regulation which are not reasonably satisfied by the contractors, his assignees or licensees.

"(b) A determination made pursuant to this section shall not be considered a contract dispute and shall not be subject to the Contract Disputes Act (41 U.S.C. 601 et seq.). Any contractor assigneee, or exclusive licensee adversely affected by a determination under this section may, at any time within sixty days after the date the determination is issued, file a petition in the United States Claims Court, which shall have jurisdiction to determine the matter de novo and to affirm, reverse, or modify as appropriate, the determination of the Federal agency.

"§ 217. Background rights

"(a) Nothing contained in this chapter shall be construed to deprive the owner of any background patent or of such rights as the owner may have under such patent.

"(b) No contract shall contain a provision allowing a federal agency to require the licensing to third parties of inventions owned by the contractor that are not subject inventions unless such provision has been approved by the agency head and a written justification has been signed by such agency head. Any such provision will clearly state whether the licensing may be required in connection with the practice of a subject invention, a specifically identified work object, or both. The agency head may not delegate the authority to approve such provisions or to sign the justification required for such provisions.

"(c) A Federal agency will not require the licensing of third parties under any such provision unless the agency head determines that the use of the invention by others is necessary for the practice of a subject invention or for the use of a work object of the contract and that such action is necessary to achieve practical application of the subject invention or work object. Any such determination will be made on the record after an opportunity for an agency hearing, and the contractor shall be given prompt notification of the determination by certified or registered mail.".

(b) The table of chapters for title 35, United States Code, is amended by adding immediately after the item relating to chapter 18 as redesignated herein the following:

"19. Patent rights in inventions made with Federal assistance by other than small business firms or nonprofit organizations.".

(c) Chapter 18 of title 35, United States Code is amended—

(1) by deleting everything in subsection 210(c) between the word "authorized" and the period at the end of that subsection.

(2) by adding the following new paragraph at the end of section 202:

"(g) A Federal agency may at any time waive all or any part of the rights of the United States under paragraphs (c)(4) through (8) of this section, section 203, and section 204 of this chapter, to any subject inventions made under a funding agreement or class of funding agreements if the agency determines (1) that the interests of the United States and the general public will be best served thereby; or (2) the funding agreement involves cosponsored, cost sharing or joint venture research or venturer is required to make or has made a substantial contribution of funds, facilities, or equipment to the work performed under the funding agreement. The agency shall maintain a record, which shall be available to the public and periodically updated, of determinations made under this paragraph. In making such determinations under clause (A) of this paragraph, the agency shall consider at least the following objectives:

"(1) encouraging the wide availability to the public of the benefits of the experimental, developmental, or research program in the shortest practicable time;

"(2) promoting the commercial utilization of such inventions;

"(3) encouraging participation by private persons, including the most highly qualified persons, in Government-sponsored experimental, developmental, or research programs."; and

SEC. 3. (a) Section 205(a) of the Act of August 14, 1946 (7 U.S.C. 1624(a)), is amended by striking out the last sentence thereof.

(b) Section 501(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 951(c)) is amended by striking out the last sentence thereof.

(c) Section 106(c) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1395(c)) is repealed.

(d) Section 12(a) of the National Science Foundation Act of 1950 (42 U.S.C. 1871(a)) is repealed.

(e)(1) Section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182) is repealed: *Provided, however,* That such section shall continue to be effective with respect to any application for a patent in which the statement under oath referred to in such section has been filed or requested to be filed by the Commissioner of Patents and Trademarks prior to the effective date of this Act.

(2) The item relating to section 152 in the table of contents of the Atomic Energy Act of 1954 is amended to read as follows:

"Sec. 152. Repealed".

(f) The National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by—

(1) repealing subsections (a)-(h) and (j) of section 305 thereof (42 U.S.C. 2457): *Provided, however,* That subsections (c), (d), and (e) of such section shall continue to be effective with respect to any application for patents in which the written statement referred to in subsection (c) of such section has been filed or requested to be filed by the Commissioner of Patents and Trademarks prior to the effective date of this Act;

(2) striking out in section 306(a) thereof (42 U.S.C. 2458(a)), "(as defined by section 305)", and by striking "the Inventions and Contributions Board, established under section 305 of this Act" and inserting in lieu thereof "an Inventions and Contributions Board which shall be established by the Administrator within the Administration"; and

(3) striking out in section 203(c) thereof (42 U.S.C. 2473(c)), the following: "(including patents and rights thereunder)".

(g) Section 6 of the Act of July 7, 1960 (30 U.S.C. 666), is repealed.

(h) Section 4 of the Helium Act Amendments of 1960 (50 U.S.C. 167b) is amended by striking out all after "utilization" and inserting in lieu thereof a period.

(i) Section 32 of the Arms Control and Disarmament Act (22 U.S.C. 2572) is repealed.

(j) Subsection (e) of section 302 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 302(e)) is repealed.

(k) Subsections (a) through (k), (m), and (n) of section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908) are repealed.

(l) Section 5(d) of the Consumer Product Safety Act (15 U.S.C. 2054(d)) is repealed.

(m) Section 3 of the Act of April 5, 1944 (30 U.S.C. 323), is repealed.

(n) Section 8001(c)(3) of the Solid Waste Disposal Act (42 U.S.C. 6981(c)(3)) is repealed.

(o) Section 6(e) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3705(e)) is repealed.

(p) Section 10(a) of the Act of June 29, 1935 (7 U.S.C. 427i(a)) is amended by striking the last sentence thereof.

(q) Section 427(b) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 937(b)) is amended by striking the last sentence thereof.

(r) Section 306(d) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1226(d)) is amended by striking the first two sentences thereof.

(s) Section 21(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2218(d)) is repealed.

(t) Section 6(b) of the Solar Photovoltaic Energy Research, Development, and Demonstration Act of 1978 (42 U.S.C 5585(b)) is amended by striking "7, 8, and 9" and inserting in lieu thereof "7 and 8".

(u) Section 12 of the Native Latex Commercialization and Economic Development Act of 1978 (7 U.S.C. 178j) is repealed.

(v) Section 408 of the Water Research and Development Act of 1978 (42 U.S.C. 7879) is repealed.

(w)(1) Section 173 of the United States Synthetic Fuels Corporation Act of 1980 (42 U.S.C. 8773) is repealed.

(2) The item relating to section 173 in the table of sections of the Energy Security Act (42 U.S.C. 8701 et seq.) is amended to read as follows:

"Sec. 173. Repealed.".

SEC. 4. Nothing in this Act shall be deemed to convey to any person immunity from civil or criminal liability, or to create any defense to actions, under any antitrust law of the United States.

SEC. 5. (a) This Act shall take effect six months after the date of enactment of this Act.

(b) After the effective date of this Act, each Federal agency is authorized, notwithstanding any other law governing the disposition of rights in subject inventions, to allow a contractor or an inventor to retain title to subject inventions made under contracts awarded prior to the effective date of this Act, subject to the same terms and conditions as would apply under this Act had the contract been entered into after the effective date of this Act.

SEC. 6. Within twenty-four months after the date of enactment of this Act and every two years thereafter, the Secretary of Commerce shall submit to Congress a report of the implementation of chapters 18 and 19 of title 35, United States Code, including any recommendations for legislative or administrative changes to better achieve the policies and objectives of such chapters.

S. 65

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Laboratory Technology Utilization Act of 1985."

SEC. 2. Cooperative research and development arrangements.

Each Federal agency is authorized to permit laboratories of the agency to—

(a) enter into cooperative research and development arrangements (subject to such review procedures as the agency deems appropriate) with other Federal agencies, units of State or local government, industrial organizations, universities, or other persons including licensees of inventions owned by the Federal agency or general partners of research and development limited partnerships. Under such arrangements the laboratory may—

(1) accept funds, services, and property from collaborating parties and provide services and property to collaborating parties;

(2) grant or agree to grant in advance to a collaborating party, without regard to the provisions of 35 USC 208 and 209 patent licenses or assignments, or options thereto, in any invention made by a government employee under the arrangement, retaining such rights as the Federal agency deems appropriate;

(3) waive, in whole or in part, any right of ownership which the Government may have under any other statute to any inventions made by a collaborating party or employee of a collaborating party under the arrangement; and

(b) negotiate licensing agreements under 35 USC 207 or other authorities for government owned inventions made at the laboratory and other inventions of Federal employees that may be voluntarily assigned to the government.

SEC. 3. Distribution of royalties.

(a) Any royalties or other income received by the laboratory from the licensing or assignment of inventions under section 2 of this Act or under 35 USC 207 or other authority shall be disposed of as follows:

(1) At least 15 percent of the royalties or other income received each year by the laboratory on account of any invention shall be paid to the inventor or co-inventors if they were employees of the agency at the time the invention was made; provided that payments made under this subsection are in addition to the regular pay of the employee and to any awards made to that employee, and such payments shall not affect the entitlement to or limit the amount of the regular pay or other awards to which the employee is otherwise entitled or eligible.

(2) The balance of any royalties or related income earned during any fiscal year may be retained by the laboratory up to an amount equal to 5 percent of the budget for that year of the laboratory involved; provided that these funds must be used or obligated by the end of the fiscal year subsequent to the one in which they are received either (A) for mission-related research and development of the laboratory, (B) to support development and education programs for employees of the laboratory, (C) to reward employees of the laboratory for inventions of value to the Government that will not produce royalties, (D) to further scientific exchange to and from the laboratory, or (E) for payment of patenting costs and fees and other expenses incidental to the administration and licensing of inventions, including the fees or costs for the services of other agencies or other persons or organizations for invention management and licensing services. Any funds not so used or obligated by that time shall be paid to the Treasury of the United States. If the balance for any laboratory exceeds 5 percent of the annual budget of the laboratory, then 75 percent of the excess shall be paid to the Treasury of the United States and the remaining 25 percent shall be used for the purposes listed in (A)-(E), above, by the end of the fiscal year subsequent to the one in which they were received, and any funds not so used or obligated by that time shall be paid to the Treasury of the United States.

(3) In the event the invention was one assigned to the agency either (i) by a contractor, grantee, or the holder of a cooperative agreement of the agency or (ii) by an employee of the agency that was not working in a laboratory at the time the invention was made, then for purposes of this section the agency unit that funded or employed the assignee shall be considered to be a laboratory.

(b) Agencies shall report annually to the appropriate oversight and appropriations committees of the Senate and House of Representatives detailing the amount of royalties or other income referred to in subsection 3(a) received and the expenditure of such royalties or income.

SEC. 4. Duties of the Secretary.

(a) The Secretary of Commerce, in consultation with other Federal agencies, shall—

(1) develop and disseminate to appropriate agency personnel techniques and procedures for Federal laboratories and agencies to use on a voluntary basis to aid in the early determination of the commercial potential of new technologies generated in performance of Federal laboratory research;

(2) develop and administer training courses and materials to increase the awareness of laboratory researchers regarding the

commercial potential of inventions and to educate laboratory personnel in methods and options for commercialization which are available to the Federal laboratories, including research and development limited partnerships;

(3) develop and disseminate to appropriate agency personnel model provisions for use on a voluntary basis in cooperative research and development arrangements; and

(4) upon request, furnish advice and assistance to laboratories concerning their cooperative research and development programs and projects.

(b) Two years after the date of enactment of this Act, and every two years thereafter the Secretary shall submit a report to the President and the Congress on the use by the agencies and the Secretary of the authorities under this Act. Other Federal agencies shall cooperate with the Secretary in providing information necessary to prepare the reports.

SEC. 5. Employee activities.

(a) It shall be the policy of the Government to encourage the efforts of Government employees or former employees to obtain commercialization of inventions made by them while they were in the service of the United States, and it shall not be a violation of the provisions of 18 USC 207 for former employees or the partners of employees to negotiate licenses or cooperative research and development arrangements relating to such inventions with Federal agencies, including the agency with which the employee is or was formerly employed. Federal employees or former employees who receive royalty payments or participate (whether as a principal of, a consultant to, or an employee of an organization that is attempting to commercialize the invention, or otherwise) in efforts to commercialize their inventions shall not, because of such receipt or participation, be deemed to be in violation of section 201, 203, 205, 207, 208, or 209 of Title 18 of the United States Code. In the case of an active employee of the Government, this section is not intended to negate any requirements which the agency may have concerning the need for approval of outside employment to prevent substandard levels of performance.

(b) Upon the request of a Government employee or former employee who made an invention during the course of his employment with the Government to which the Government has the right of ownership, the agency shall allow the inventor to retain title to the invention (subject to reservation by the Government of a nonexclusive, nontransferable, irrevocable, paid up license to practice or have practiced the invention throughout the world by or on behalf of the Government) unless the agency intends to file for a patent application in order to promote commercialization of the invention. However, such a request need not be granted if this would be inconsistent with the obligations of the Government to other parties under a cooperative research and development arrangement or otherwise or if the agency intends to transfer its ownership rights to another party that was a co-inventor or which employed a co-inventor of the invention. In addition, the agency may condition the inventor's title on the timely filing of a patent application or statutory invention registration in cases when the Government determines that it has or may have a need to practice the invention.

(c) For purposes of this section, Federal employees include "special Government employees" as defined at 18 USC 202.

SEC. 6. Definitions.

As used in this Act—

(1) "cooperative research and development arrangement" means any agreement, but not a procurement contract as that term is used at 31 USC 6303, between one or more Federal agencies and one or more non-Federal parties under which the agency (or agencies collectively) through one or more laboratories provides personnel, services, facilities, equipment, or other resources (but not funds to non-Federal parties) and the non-Federal parties provide funds, personnel, services, facilities, equipment, or other resources towards the conduct of specified research or development efforts which are consistent with the missions of the agency.

(2) "Federal agency" means any executive agency as defined at 5 USC 105 and the military departments as defined at 5 USC 102;

(3) "invention" means any invention or discovery which is or may be patentable or otherwise protectable under Title 35 of the United States Code, or any novel variety of plant which is or may be protectable under the Plant Variety Protection Act (7 USC 2321 *et. seq.*);

(4) "laboratory" means a facility or group of facilities owned, leased, or otherwise used by a Federal agency, a substantial purpose of which is the performance of research and development by Government employees;

(5) "made" when used in conjunction with "inventions" means conceived or first actually reduced to practice; and

(6) "Secretary" means the Secretary of Commerce or his or her designee or delegee.

SEC. 7. Relationship to other laws.

Nothing in this Act is intended to limit or diminish existing authorities of any agency.

By Mr. GOLDWATER:

S. 66. A bill to amend the Communication Act of 1934 to eliminate willful or malicious interference with communications; to the Committee on Commerce, Science, and Transportation.

ELIMINATION OF WILLFUL INTERFERENCE WITH COMMUNICATIONS

Mr. GOLDWATER. Mr. President, today I am reintroducing a bill to statutorily prohibit willful or malicious interference to radio communications.

NEED FOR LEGISLATION

The Federal Communications Commission [FCC] recently has noted a signficant increase in the number of complaints alleging willful or malicious interference to radio signals. I have personally listened to some of this interference on my own equipment. Just one individual can prevent effective communications by many other persons.

There is a great demand for radio spectrum, and only a limited amount available. We must ensure that we use it wisely and in the public interest. Unfortunately this errant behavior increasingly prevents effective use of the frequencies in a number of different services. Sometimes the objectionable interference is created by an operator intentionally transmitting on a channel when another operator is already using it. At other times whistles, tapes, records, or other types of obnoxious noises are transmitted for the sole purpose of interrupting or preventing other uses of the frequency.

All too often this type of interference can be heard on amateur, citizen's band, marine, and other frequencies. But that is not all. This type of interference increasingly is appearing on frequencies used by private land mobile services, public safety services such as police and fire departments, and Government communications networks such as those of the Federal Aviation Administration and the Department of Defense.

Enactment of this bill is needed because the present law is neither comprehensive nor clear. Section 303(m)(1)(E) of the Communications Act authorizes the FCC to suspend the licenses of persons who cause willful or malicious interference, but application appears to be limited to FCC licensees, and sanctions limited to suspension of the operator's license. The FCC does have regulations which specifically prohibit willful or malicious interference by commercial, amateur, and citizen band radio operators (47 CFR sec. 13.69, 95.413(a)(3), 97.125 [1983]), but the penalty for such operation is just $500 under section 502 of the Communications Act. By prohibiting this activity on the face of the Communications Act, a violation will be subject to the greater penalties provided by section 501 of the act.

Also, interference which can be received outside the United States is prohibited by article 18 of the International Radio Regulations Treaty (Geneva, 1979), which is annexed to the International Telecommunication Convention. The United States ratified the latest version of this treaty in September 1983. This bill would further insure that our obligations under this treaty are carried out to the maximum extent possible. I think that the reported increase in willful and malicious interference indicates that the present provisions just aren't enough. This interference to authorized communications simply must be stopped in order to insure the reliability of the authorized public interest and safety uses of the radio waves.

ANALYSIS OF PROVISIONS

The purpose of this bill is to clarify and strengthen present law that prohibits willful and malicious interference on the radio waves. Such activities would be absolutely prohibited and penalties for such behavior significantly increased in order to deter such harmful behavior.

Section 1. This is merely a technical amendment to correct a section number of the Communications Act. It would renumber one of two identically numbered sections passed 3 years ago.

Section 2. The term "willful or malicious interference" is the same as is already used at section 303 of the Communications Act and in FCC regula-

tions, referred to above. Examples of what I mean by this term are set forth in the following FCC opinions:

First, transmissions, including those of unmodulated carriers, recorded material, music, and threats, purposefully made directly over the ongoing transmissions of other operators, *Harold R. Claypoole*, 95 F.C.C.2d 331 (1983).

Second, long, continuous transmissions of computer voice synthesized audio signal or ticking clock on a frequency known by defendant to be that used as a repeater input frequency without monitoring the repeater output frequency to determine whether others were using it, without regard to requests that a different frequency be used for defendant's "tests," and transmissions initiated when others were on the frequency, *Henry C. Armstrong III*, 92 F.C.C.2d 485 (1983).

Third, initiation of transmissions when others were already using the frequency, including changes in frequency which coincided with changes made by parties attempting to evade the interference, *Kenneth L. Gilbert*, 92 F.C.C.2d 126 (1982).

Fourth, whistling on frequency for a long period of time for jamming purposes, *Donald E. Miller*, 69 F.C.C.2d 1740 (1978).

By citing these particular cases by no means do I intend to limit the definition of the bill's terms to just the activities described in these examples. These are but examples of some of the types of interference to which this legislation is addressed.

The term "radio communication" as used in this bill is to be liberally construed within the definition presently set forth at section 153(b) of the Communications Act. The term is there defined and I intend it as used in this bill to encompass all signals. The bill's prohibition applies to interference with any authorized use of the radio spectrum, including noncommunicative uses, such as authorized radar signals. "Signals" and "communication" are not to be narrowly construed as in some State court opinions, such as those in *People* v. *Faude*, 388 N.Y.S.2d 562 (1976) and *People* v. *Moore*, 401 N.Y.S.2d 440 (1978).

On the other hand, interference not directly caused by transmission is not addressed by this bill. For example, some stereo amplifiers, television sets, and telephones malfunction when they are near an operating radio transmitter. More often than not the problem is caused by the improper design of the consumer equipment experiencing the interference.

In 1982 Congress approved section 108 of Public Law 97-259, which authorizes the FCC to establish minimum performance standards for home electronic equipment and systems to reduce their susceptibility to radio frequency energy. This bill is not addressed to this type of interference problem, nor are its provisions to be construed as applying to interference caused by susceptibility of equipment to radio frequency energy. In such cases the interference problem is not caused by or solvable at the transmitter.

This bill solely applies to purposeful interference caused to be radiated by the violator. Such radiation may include that of the fundamental, harmonic, or other radiated frequencies.

Introduction of this bill is not to be construed as evidence that such activities are not now prohibited under both domestic and international law. Willful and malicious interference is now prohibited, but enactment of this bill is needed to clarify and strengthen present law.

Section 1362 of title 18 of the United States Code prohibits interference with facilities owned or operated by the U.S. Government. This bill also would apply in any case of willful or malicious interference with the communications of Government facilities. Often FCC assistance is required to investigate interference to Government communications. Enactment of this bill would provide a statutory basis of the Commission to investigate such incidents and seek prosecution by the U.S. Attorney based upon violation of both the Criminal Code and the Communications Act.

CONCLUSION

Mr. President, I think that enactment of this bill would substantially assist the Commission in curtailing willful and malicious interference. It would elevate such activity to a criminal offense pursuant to section 501 of the Communications Act, which provides both for a fine of up to $10,000 and for imprisonment of up to 1 year for the first offense, and the same fine and up to 2 years' imprisonment for repeated offenses. Under the Sentencing Reform Act of October 1984, the fine was increased to a maximum of $25,000 for misdemeanors and $250,000 for felonies.

As I mentioned above, section 502 presently makes violations of the Commission's regulations or international treaty provisions a crime, but the maximum penalty is $500. Section 503 provides for substantial civil money penalties, up to $5,000 per case, but requires completion of detailed administrative proceedings during which the interference may continue. This legislation would enable the FCC to seek immediate judicial action to stop the interference, make such purposeful interference a criminal matter, and provide for significant penalties and even imprisonment in appropriate cases.

Mr. President, I hope that word of this legislation, and its passage, will be sufficient to convince those that engage in these objectionable activities to cease doing so. Otherwise I expect the Commission to use these provisions aggressively to eliminate the increasing number of willful or malicious interference problems which are seriously impairing communications. If this still is inadequate, I am prepared to introduce even tougher legislation to authorize forfeiture of the equipment used to cause interference and to require disqualification of those convicted from being licensees in the future. But I sincerely hope and expect that the provisions of this bill will be sufficient to significantly reduce if not eliminate this type of interference.

The FCC has informed me that this amendment would not have a significant impact on present or projected Commission budgetary requirements.

By Mr. GORE:

S. 67. A bill to amend the Agricultural Adjustment Act of 1938 to prohibit the importation of tobacco which has been grown or processed using pesticides and other chemicals whose use has been prohibited in this country for health reasons; to the Committee on Agriculture, Nutrition, and Forestry.

TOBACCO IMPORTS LEGISLATION

Mr. GORE. Mr. President, today I am introducing legislation to accomplish the modest objective of prohibiting the importation of tobacco into this country which has been grown using pesticides and other chemicals whose use has been prohibited for health reasons in the United States. I am introducing the bill at this time so that this issue will be on the agenda for discussion early this year. The legislation is similar to a proposal offered by Congressman CHARLIE ROSE in the past, and he deserves a great deal of credit for initiating the proposal. It is identical to H.R. 6418, which I introduced in the House of Representatives in the 98th Congress.

The bill is designed to protect both the American farmer and the health of the American people. It will give American farmers an opportunity to compete more fairly with their foreign competitors.

In recent years, the amount of foreign tobacco imported into this country has increased dramatically. Currently, close to one-third of the tobacco in American cigarettes is imported. In 1969 the United States imported only 9 million pounds of foreign-grown tobacco. By 1983 we were importing 240,000 metric tons of tobacco annually, an increase of 1,900 percent over 1969 and 30 percent over 1982 alone. By 1983, imports of unmanufactured tobacco let into this country exceeded $743 million.

In the United States tobacco farmers are required to abide by strict regulations which prohibit the use of a number of pesticides and other chemicals, such as paraquat, DDT, dieldrin, endrin, toxaphene, and others, all of which have been banned for health reasons. Yet, we have imposed absolutely no such restrictions on tobacco being imported into the United States.

In fact, no agency of the Federal Government knows or keeps track of what pesticides or other chemicals are used on tobacco being imported into the United States despite the potential health hazard posed by this problem and despite the extraordinary disadvantage this puts American farmers at in competing with their foreign counterparts.

Our failure to act harms America's tobacco farmers seriously and jeopardizes the 50 to 54 million Americans who smoke. Six hundred billion cigarettes a year are smoked by Americans, one-third of the tobacco in those cigarettes comes from foreign producers, yet we have no information about what hazardous substances contaminate that tobacco. We do not even have records of the countries from which we import and have never attempted to determine what their policies are with regard to substances banned for use in the United States. How can the American farmer compete? How can the American consumer protect himself or herself, if we do not even collect this vital information?

There is serious reason for concern. Turkey, Bulgaria, Lebanon, and Zimbabwe are all large suppliers of imported tobacco leaf; yet, the only survey ever done about the use of pesticides and other chemicals used abroad, a survey conducted last year by the State Department, produced no information about the chemicals used in those countries. What the survey did reveal is that many countries do permit the use of pesticides banned from use in the United States. For example, tobacco from Thailand is imported into the United States; but we know that Thailand permits the use of DDT, dieldrin, endrin, and paraquat, each of which has been banned in this country for health reasons. In the Philippines, the only chemical banned is DDT. In New Zealand and Australia, DDT is used to treat the soil. Unfortunately, what we know about this issue is less than what we do not know.

To some, the bill may appear to be motivated by protectionist concerns. Nothing could be further from the truth. This bill only seeks to place foreign producers of tobacco on the same ground as our American farmers. The United States not only has a right to impose these health and safety restrictions on imported products, it has an obligation to its citizens to do so. There is no reason for imported tobacco to be exempt from these requirements. What this bill does with regard to tobacco, we already do for most products imported into the United States. For example, we require importers of foreign automobiles to meet our pollution and safety standards. Importers of all machinery and consumer products are required to comply with health and safety standards applicable to all products sold in the United States. We already also require cigarette packages imported into the United States to comply with the labeling provisions of the Federal Cigarette Labeling and Advertising Act. The United States is not the first country to impose the requirements I am proposing. West Germany has gone even further by prohibiting the importation of tobacco containing any chemical or additive not on an approved list.

In conclusion, the bill represents a cautious, reasonable approach to a potentially serious problem. It is legislation that directly benefits both the American farmer and the American consumer.

By Mr. HART (for himself and Mr. PRYOR):

S. 68. A bill to prohibit the use of appropriated funds for the production of lethal binary chemical weapons; to express the sense of the Congress on achieving an international agreement to ban the production and stockpiling of chemical weapons; and to express the further sense of the Congress encouraging the improvement of defenses against the effects of the use of chemical weapons on the Armed Forces of the United States; to the Committee on Armed Services.

SENSE OF THE CONGRESS—LETHAL BINARY WEAPONS

Mr. HART. Mr. President, today, together with my colleague Senator PRYOR, I am introducing legislation to prohibit all funding for the production of a new generation of binary weapons. In my judgment, the legislation we have crafted represents both good national security policy and a means for reducing defense expenditures. This bill also expresses the sense of the Senate that the Defense Department should place the highest priority the improvement of American capabilities to defend against the effects of chemical weapons. It further calls upon President Reagan to intensify ongoing efforts with the Soviet Union and other nations, to achieve a mutual and verifiable ban on the production and stockpiling of chemical weapons.

A major new, costly chemical weapons initiative will not make this Nation or our allies more secure. Improvement of defensive measures against chemical attack and the maintenance of our existing stockpile are essential, but the construction of new binary chemical weapons is a needless waste of national resources.

The United States already possesses a large and usable chemical arsenal which more than meets our essential military requirements. There is simply no justification for producing new chemical weapons which would duplicate our existing capabilities.

Moreover, U.S. forces will remain a target for attack—despite the size of our chemical arsenal—until they are as well trained and well equipped to fight in a contaminated environment as the forces of the Warsaw Pact and the Soviet Union. Improved American defensive capabilities are the key to eliminating any incentive an adversary might have to use chemical weapons first in combat.

Finally, Mr. President, the production of new binary chemical weapons will be expensive. Cost estimates run as high as $2 to $3 billion over the coming decade. In light of the extraordinary need for fiscal restraint, we must ensure that all defense expenditures are essential to our national security. New binary chemical weapons do not meet that requirement. Efforts to improve our defenses against chemical attack do.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 68

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, an agency of the Government may not obligate or expend appropriated funds after the date of enactment of this Act for the production of lethal binary chemical munitions.

(b) As used in subsection (a), the term "lethal binary chemical munitions" shall have the same meaning given such term in section 818(b) of the Department of Defense Authorization Act, 1976 (Public Law 94-106; 50 U.S.C. 1519).

SEC. 2. It is the sense of the Congress that the President should intensify ongoing efforts to achieve an agreement with the Government of the Union of Soviet Socialist Republics and the governments of other countries establishing a mutual and verifiable ban on the production and stockpiling of chemical weapons.

SEC. 3. It is, further, the sense of the Congress that the Department of Defense should, on a priority basis, improve the capabilities of the Armed Forces of the United States to detect the use of chemical weapons in attacks on the Armed Forces and to protect members of the Armed Forces against the effects of the use of such weapons.

By Mr. HART:

S. 69. A bill to designate certain additional lands in the State of Colorado as components of the National Wilderness Preservation System; to the Committee on Energy and Natural Resources.

COLORADO WILDERNESS ACT OF 1985

Mr. HART. Mr. President, today I am pleased to reintroduce legislation to protect nearly 770,000 acres of the most spectacular, unspoiled Federal lands in Colorado's Rocky Mountains. This legislation, the Colorado Wilderness Act of 1985, will create 11 new wilderness areas, adding exceptional diversity to the existing wilderness system lands in Colorado. The bill also expands seven existing wilderness

areas, adding new landforms and ecosystems, enlarging several areas to accommodate heavy usage from surrounding population centers, and establishing more geographically manageable boundaries for certain areas designated in previous years.

This legislation marks the final step in the U.S. Forest Service comprehensive review of public lands in Colorado. Following study of nearly 6.5 million acres during the RARE I and RARE II process, Congress in 1980 added 1.4 million acres to the wilderness system in Colorado. The 1980 Colorado Wilderness Act brought total wilderness acreage in the State to 2.6 million acres. In addition, the 1980 act established 18 study areas and directed the Forest Service to review each of these during the ensuing 3-year period to determine their suitability for inclusion in the wilderness system. At this time, the Forest Service has completed its final review and recommendations for 15 of the areas proposed in this legislation.

Thus, the legislation I am introducing today is necessary to complete final action on the areas set aside for further study in 1980. Yet, this legislation is more than a simple conclusion of the Forest Service wilderness process in our State.

This legislation offers us an opportunity to eliminate documented threats to several of Colorado's pristine and undisturbed mountain areas. These lands are best suited for wilderness preservation, but are threatened by various exploration and development activities. This activity threatens to permanently foreclose thousands of acres from wilderness designation if pending leases for exploration and development are acted upon before passage of this bill. These areas, unroaded and undisturbed by human activities, deserve the full protection afforded by wilderness designation in order to preserve their outstanding natural characteristics.

At the same time, I recognize the value and importance of many competing uses of our national forest lands, many of which are incompatible with wilderness designation. Our national forests provide opportunities for skiing, motorized recreation, energy, timber, and water resource development. In developing this legislation, I have sought to balance these competing interests and eliminate many potential conflicts.

This bill is the product of more than 2 years of work by many Coloradans. The process began with a review of Forest Service data on characteristics of each of the so-called study areas—information about their wilderness, resource and recreational attributes. This information was augmented by Coloradans living near the areas, and reports developed by my staff after careful onsite inspection of each of the areas. Next, I sought the advice and recommendations of numerous Coloradans and organizations representing a variety of interests. State and local government officials provided vital economic impact information and helped identify competing interests which proved helpful in proposing the most appropriate management recommendation for the parcel of land involved.

Not surprisingly, the wide variety of participants in the development of this wilderness proposal identified a number of conflicts, including existing and proposed energy and mineral development activities, ski area development and management, private lands, established motorized recreation, proposed timber management, and development of existing water rights. To accommodate these and other conflicts, boundaries have been adjusted to preserve alternative use options.

In short, this legislation reflects the best efforts of many Coloradans who have commented and worked together during the past 2 years, to balance our many competing interests in the public lands. There is perhaps no more important place for us to seek balance than in the allocation and management of public lands. Balance in development. Balance in preservation, and balance which enables us to make the wisest use of this Nation's great natural wealth—both for ourselves and future generations.

As lengthy as this process has been, it is not yet over. Many more legitimate, existing conflicts are likely to be identified during consideration of this and other Colorado wilderness proposals. I am encouraged, however, by the spirit of cooperation demonstrated by members of the Colorado congressional delegation during consideration of this very matter last year.

A great deal of progress was made toward eventual enactment of a Colorado wilderness bill during the 98th session of Congress. The House of Representatives considered and passed legislation recommending 580,000 acres as wilderness. In addition, the Senate Energy and Natural Resources Committee held hearings in order to seek comment from numerous Coloradans and a variety of organizations representing different interests. With their suggestions, and the progress made late last year, I am confident a solid consensus can be established and the fate of many beautiful untouched areas in Colorado determined once and for all during the 99th Congress.

Mr. President, the legislation I am introducing today is a simple addition to and modification of the present wilderness lands system in Colorado. This legislation does not alter any of the important land management provisions of the 1980 Colorado Wilderness Act with respect to release for multiple use, grazing, insect control, buffer zones or other decisions made during consideration of that act.

It was suggested late last year that another management provision be included in the Colorado wilderness legislation; namely, the existence and extent of Federal reserved water rights in wilderness areas. The provision suggested specified that neither already designated wilderness areas in Colorado nor those proposed for designation have any reserved Federal water rights arising from their wilderness status.

This is an issue—the relationship between wilderness designations and reserved Federal water rights—which Congress has never explicitly addressed.

The issue has arisen in Colorado as the United States has begun to quantify in State court the extent of its reserved water rights—the rights to unappropriated water within Federal lands which Congress has reserved from the public domain. In its claims for reserved rights to the national forest lands in Colorado, the Forest Service did not seek any additional quantity of water for national forest lands reserved as wilderness. The Sierra Club has filed suit in U.S. district court, seeking an order that the Forest Service should assert additional water rights for the wilderness areas. The court recently ruled against the U.S. preliminary motion to dismiss the case.

I have not included a reserved water rights provision in this legislation, but look forward to consideration and resolution of this important and controversial matter. I believe a sweeping renunciation of any and all Federal reserved water rights in wilderness areas amounts to an overreaction to a lawsuit whose full dimensions have not emerged since neither of the parties involved has yet filed their briefs. Further, and much more troubling, I believe inclusion of this provision in Colorado wilderness legislation could effectively create two separate classes of wilderness—one for our State and one for all other States.

Mr. President, Colorado is impressive in may respects, but most people think first of our mountains when they think of our State. As our cities become more crowded and as competition for diminishing natural resources increases, the value of the relatively few untouched areas becomes more important to people. This has been proven by increasing use of our mountain areas for recreation and growing pressure to protect those areas while they remain pristine.

Although our interests and needs in the national forests are varied, the 11 national forests in Colorado are vast enough to accommodate many competing interests. This legislation will protect the most magnificent of those

lands, lands which are for the most part unspoiled by human intrusion. It also leaves those lands with the most promising economic potential, as identified by the Forest Service and others, free for nonwilderness uses. No mineral resources have been locked away which are not readily available today and in the foreseeable future. Prime timber has been left for potential harvesting for commercial and fuelwood purposes. No planned or potential water development will be hindered by this legislation. No lands included in the bill have vast proven petroleum potential. And finally, no proposed development or expansion of existing ski areas will be impaired by the proposed wilderness in this legislation. Moreover, I have made every effort to eliminate most established, existing motorized recreational use areas, including snowmobile and trailbike trails, and four-wheel drive vehicle roads.

Mr. President, political and economic pressure to develop energy and other resources on our lands continues to mount. Increasing needs for secure domestic supplies of energy will ensure much of Colorado's lands are devoted to energy and related development in the future. At the same time, population growth in Colorado and other parts of the West points to a growing demand for wilderness recreation.

Fortunately our public lands are vast enough that preserving additional untouched and pristine areas in Colorado will not prevent us from meeting other needs, including energy, water, and mineral development. I believe this legislation strikes a careful balance between many competing needs, preserving the best of what is special and unique about Colorado, while not inhibiting legitimate development of needed resources.

As the 99th Congress opens today, I urge all concerned Coloradans to once again renew their efforts and work with our congressional delegation to resolve the few remaining wilderness questions in Colorado.

Mr. President, I ask unanimous consent that a description of the proposed wilderness areas, and the text of this bill be included in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACT SHEET: 1985 COLORADO WILDERNESS BILL

The 1985 Colorado wilderness bill is necessary to determine the status of eighteen Colorado areas set aside by Congress for further study following passage of the 1980 Colorado Wilderness Act. These areas include:

Twelve areas designated by Congress as Wilderness Study Areas. Congress directed the U.S. Forest Service to review and report to Congress within three years the suitability or unsuitability of these areas for wilderness designation.

Six Further Planning Areas identified by the Forest Service during the RARE II process for further study for possible inclusion in the wilderness preservation system.

The 1985 Colorado wilderness bill proposes creation of ten new wilderness areas and modifies and expands the boundaries on seven established wilderness areas. The legislation proposes the addition of approximately 770,000 acres to the wilderness system in the State of Colorado.

The legislation is subject to existing provisions of law, agreed upon by the 1980 Colorado Wilderness Act, pertaining to release of lands not found suitable for wilderness, grazing in wilderness, and buffer zone language.

Decisions on each area are the result of careful review of existing and potential conflicting uses, including recreational vehicle use, mineral, oil, gas, water and timber.

Numerous Coloradans and a wide variety of organizations have commented on the proposed areas, including conservationists, local and county officials, the oil and gas, and mineral extraction industries. These participants have identified certain conflicts and boundaries have been adjusted in order to preserve alternative use options. For example, portions preserve certain established trail bike and four wheel drive roads. Boundary adjustments were made in other areas to exclude certain known mineralized pockets and prevent obstacles to the development of potential ski areas and existing water rights in the proposed Williams Fork and St. Louis Peak Wilderness areas.

Service Creek: Included in the bill is a wilderness area of 50,540 acres in the Routt National Forest, Routt County, Colorado. This area is located ten miles southeast of Steamboat Springs, Colorado, and on the northernmost portion of the Gore Mountain Range. This area is home to large numbers of elk and popular for hiking, cross country skiing and other outdoor activities. This area was designated for further study in the 1980 Colorado Wilderness Act.

Buffalo Peaks: Included in this bill is a wilderness area of 57,430 acres in the Pike-San Isabel National Forest, in Lake, Chafee and Park counties, Colorado. This area is located ten miles southeast of Leadville and one of the most productive bighorn sheep areas in the State of Colorado.

Cannibal Plateau: Included in this bill is a wilderness area of 63,700 acres in the Gunnison National Forest, Hinsdale County, Colorado. This area is two miles northeast of Lake City, Colorado, and contains the largest alpine tundra area south of Alaska in addition to many bird and animal species.

Davis Peak: Included in this bill is a wilderness area of 22,340 acres in the Routt National Forest, Routt County, Colorado. This area is located north of Steamboat Springs, Colorado, and a logical addition to the established Mt. Zirkel Wilderness Area.

Fossil Ridge: Included in this bill is a wilderness area of 55,560 acres in the Gunnison National Forest, Gunnison County, Colorado. This area is located eight miles northeast of Gunnison, Colorado, and characterized by high peaks and stream-fed alpine lakes. It is located in proximity to several population centers and provides home for many species of wildlife including elk, mountain goats, golden eagles and peregrine falcons.

Greenhorn: Included in this bill is a wilderness area of 22,360 acres in the San Isabel National Forest, Pueblo County, Colorado. This area is located on the southern end of the Wet Mountain Range and approximately 20 miles southwest of Pueblo, Colorado. This area serves as a readily accessible and popular recreation area for south central Colorado and provides home for an abundant population of wildlife including but not limited to deer, Pine Marten, bighorn sheep, elk, and greenback cutthroat trout.

Lost Creek: Included in this bill is a wilderness area of 11,000 acres in the Pike-San Isabel National Forest, Park County, Colorado. This area is located southwest of Denver and is a geographically logical addition to the established Lost Creek Wilderness Area.

Oh Be Joyful: Included in this bill is a wilderness area of 5,500 acres in the Gunnison National Forest, Gunnison County, Colorado. This area is located four miles northwest of Crested Butte, Colorado, and is a logical addition to the existing Raggeds Wilderness Area. This area is known for its glacial alpine meadows and valleys and provides home for an abundant population of wildlife.

Piedra: Included in this bill is a wilderness area of 49,180 acres in the San Juan National Forest, Archuleta and Hinsdale Counties, Colorado. This area is 30 miles west of Pagosa Springs, Colorado, and provides important migration routes between summer and winter range for elk and deer as well as serving as an important watershed for nearly 41,000 acre feet of water.

St. Louis Peak: Included in this bill is a wilderness area of 13,000 acres in the Arapaho National Forest, Grand County, Colorado. This area is approximately 60 miles west of Denver and nine miles south of Fraser, Colorado, and consists of high rugged timberline peaks.

Vasquez Peak: Included in this bill is a wilderness area of 13,000 acres in the Arapaho National Forest, Grand and Jackson Counties, Colorado. This area is approximately nine miles south of Fraser, Colorado, and adjacent to the proposed St. Louis Peak Wilderness Area.

Sangre de Cristo: Included in this bill is a wilderness area of 248,000 acres in the Pike-San Isabel National Forest, Saguache, Alamosa and Custer Counties, Colorado. This mountain range is five miles south of Salida, Colorado, and 30 miles northeast of Alamosa, Colorado. This area of the state is among the most prized recreational ranges and provides home for many wilderness species including black bear, cougar, elk, bighorn sheep, peregrine falcons and eagles.

Spruce Creek: Included in this bill is a wilderness area of 8,000 acres in the White River National Forest, Pitkin County, Colorado. This area is located northeast of Aspen, surrounded on three sides by the existing Hunter-Fryingpan wilderness. It is a roadless tract, providing critical migrating routes between summer and winter range for deer and elk; in addition, Spruce Creek is the home of the declining Colorado cutthroat trout. Other reported wilderness species in the area include the mountain lion, lynx, white tailed ptarmigan, and hairy woodpecker and others. The tourist attractions of the clean air and water of this area are essential to the local economy. Aspen and Pitkin counties are supportive of wilderness designation for Spruce Creek.

West Needles and Weminuche Additions: Included in this bill is a wilderness area of 33,000 acres in the San Juan National Forest, San Juan County, Colorado. This area is located between the towns of Durango and Silverton, adjoining the western boundary of the existing Weminuche Wil-

derness Area. Split by the Narrow Gauge Railroad running through the Animas River Gorge, the area's pristine beauty is enjoyed by tourists marvelling at the rugged slopes of the Animas River Gorge. Hikers, backpackers, hunters and fishermen also enjoy the popular hiking trails and the spectacular views of the San Juan Range. The state flower of Colorado, the Colorado Columbine, grows in abundance with other wildflowers on the slopes.

South San Juan: Included in this bill is a wilderness addition of 32,800 acres in the San Juan and Rio Grande National Forests, Archuleta, Mineral and Rio Grande Counties, Colorado. The V-Rock and Montezuma Peak areas are additions to the established South San Juan Wilderness Area, located some 50 miles south and east of Alamosa, Colorado, and characterized as among the wildest and primitive areas of the state.

Spanish Peaks: Included in this bill is a wilderness area of 19,250 acres in the San Isabel National Forest, Las Animas County, Colorado. This area is located 20 miles southwest of Walsenburg, Colorado, and best known for twin volcanic peaks rising nearly 6,000 feet in elevation above the surrounding plains. This area is important to fish and wildlife populations, recreation and important drainage.

Wheeler: Included in this bill is a wilderness area of 29,350 acres in the Rio Grande National Forest, Mineral County, Colorado. This area is an addition to the established La Garita Wilderness near Creede, Colorado, and best known for the Wheeler Geologic Study Area containing unusual and spectacular rock formations.

Big Blue: Included in this bill is a wilderness area of 1,500 acres in the Bureau of Land Management Gunnison Basin Resource Area, Ouray County, Colorado. This area is an addition to the established Big Blue Wilderness Area approximately 15 miles west of Lake City, Colorado. This addition to the existing wilderness will protect the high altitude portion of the Big Blue watershed.

Williams Fork: Included in this bill is a wilderness area of approximately 40,000 acres in the Arapaho National Forest, Summit County, Colorado. This area is characterized by high alpine peaks and located in proximity to a growing population center and the Interstate 70 corridor from Denver.

S. 69

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Colorado Wilderness Act of 1985".

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act, the following lands in the State of Colorado are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the San Isabel National Forest, which comprise approximately fifty-seven thousand four hundred and thirty acres, as generally depicted on a map entitled "Buffalo Peaks Wilderness—Proposed", dated November 1983;

(2) certain lands in the Arapaho National Forest, which comprise approximately eleven thousand one hundred sixty acres, as generally depicted on a map entitled "St. Louis Peak Wilderness—Proposed", dated November 1983;

(3) certain lands in the Uncompaghre National Forest and in the Bureau of Land Management Gunnison Basin Resource Area, which comprise approximately sixty-three thousand seven hundred acres, as generally depicted on a map entitled "Cannibal Plateau Wilderness—Proposed", dated November 1983;

(4) certain lands in the Gunnison National Forest, which comprise approximately fifty-five thousand five hundred and sixty acres, as generally depicted on a map entitled "Fossil Ridge Wilderness—Proposed", dated November 1983;

(5) certain lands in the San Isabel National Forest, which comprise approximately twenty-two thousand three hundred and sixty acres, as generally depicted on a map entitled "Greenhorn Mountain Wilderness—Proposed", dated November 1983;

(6) certain lands in the White River National Forest, which comprise approximately eight thousand acres, as generally depicted on a map entitled "Hunter-Fryingpan Wilderness Additions—Proposed", dated November 1983; and which are hereby incorporated in and shall be deemed a part of the Hunter-Fryingpan Wilderness as designated by Public Law 95-327;

(7) certain lands in the Rio Grande National Forest, which comprise approximately twenty-nine thousand three hundred fifty acres, as generally depicted on a map entitled "La Garita Wilderness Additions—Proposed", dated November 1983; and which are hereby incorporated in and shall be deemed a part of the La Garita Wilderness as designated by Public Law 88-577;

(8) certain lands in the Routt National Forest, which comprise approximately twenty-two thousand three hundred and forty acres, as generally depicted on a map entitled "Mt. Zirkel Wilderness Additions—Proposed", dated November 1983, and which are hereby incorporated in and shall be deemed a part of the Mt. Zirkel Wilderness as designated by Public Law 88-577;

(9) certain lands in the San Juan National Forest, which comprise approximately forty-nine thousand one hundred and eighty acres, as generally depicted on a map entitled "Piedra Wilderness—Proposed", dated November 1983;

(10) certain lands in the Gunnison National Forest, which comprise approximately five thousand five hundred acres, as generally depicted on a map entitled "Raggeds Wilderness Additions—Proposed", dated November 1983, and which are hereby incorporated in and shall be deemed a part of the Raggeds Wilderness as designated by Public Law 96-560;

(11) certain lands in and adjacent to the Rio Grande and San Isabel National Forests, which comprise approximately two hundred forty eight thousand acres, as generally depicted on a map entitled "Sangre de Cristo Wilderness—Proposed", dated November 1983;

(12) certain lands in the Routt National Forest, which comprise approximately fifty thousand five hundred and forty acres, as generally depicted on a map entitled "Service Creek Wilderness—Proposed", dated November 1983;

(13) certain lands in the San Juan National Forest, which comprise approximately thirty-two thousand eight hundred acres, as generally depicted on a map entitled "South San Juan Wilderness Additions—Proposed", dated November 1983, which are hereby incorporated in and shall be deemed a part of the South San Juan Wilderness as designated by Public Law 96-560;

(14) certain lands in the Arapaho National Forest, which comprise approximately thirteen thousand acres, as generally depicted on a map entitled "Vasquez Peak Wilderness—Proposed", dated November 1983;

(15) certain lands in the San Juan National Forest, which comprise approximately thirty-three thousand acres, as generally depicted on a map entitled "Weminuche Wilderness Additions—Proposed", dated November 1983, and which are hereby incorporated and shall be deemed a part of the Weminuche Wilderness as designated by Public Law 93-632;

(16) certain lands in the San Isabel National Forest, which comprise approximately nineteen thousand two hundred and fifty acres, as generally depicted on a map entitled "Spanish Peaks Wilderness—Proposed", dated November 1983;

(17) certain lands in the Pike National Forest, which comprise approximately eleven thousand acres, as generally depicted on a map entitled "Lost Creek Wilderness—Proposed", dated November 1983, and which are hereby incorporated in and shall be deemed a part of the Lost Creek Wilderness as designated by Public Law 96-560;

(18) certain lands in the Arapaho National Forest, which comprise approximately forty thousand acres, as generally depicted on a map entitled "Williams Fork Wilderness—Proposed", dated June 1984, and which shall be known as the Williams Fork Wilderness; *Provided, however,* That subject to valid existing rights, the Williams Fork Further Planning Area as generally depicted on said map shall be managed, until Congress determines otherwise, to maintain its presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System; *Provided, further,* That no right, or claim of right, to the diversion and use of water from the Williams Fork Further Planning Area by the Board of Water Commissioners of the City and County of Denver shall be prejudiced, diminished, altered, or affected by this section, and this section shall not be construed to impair, impede, or interfere with the exercise of such rights in a manner affecting the Williams Fork Further Planning Area's presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System; and

(19) certain lands in the Bureau of Land Management Gunnison Basin Resource Area, which comprise approximately one thousand five hundred and five acres, as generally depicted on a map entitled "American Flats Wilderness—Proposed", dated November 1983, and which are hereby incorporated in and shall be deemed a part of the Big Blue Wilderness as designated by Public Law 96-560.

(b) The lands depicted on the map referred to in subsection (a)(19) which are within the jurisdiction of the Secretary of the Interior and managed through the Bureau of Land Management are hereby transferred to the Secretary of Agriculture and incorporated in and deemed to be a part of the Uncompahgre National Forest.

(c) As soon as practicable after this Act takes effect, the Secretary of Agriculture and the Secretary of the Interior, as appropriate shall file the maps referred to in subsection (a) and legal descriptions of each wilderness area designated by subsection (a) with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, United States House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That

correction of clerical and typographical errors in such legal descriptions may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture, or the Director of the Bureau of Land Management, Department of Interior, as appropriate.

SEC. 3. Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture or the Secretary of the Interior, as appropriate, in accordance with the provisions of the Wilderness Act (Public Law 88-577, 78 Stat. 892) governing areas designated by that Act as wilderness areas, except that, with respect to any area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. (a) Section 2(e) of Public Law 95-237 and sections 105 and 106 of Public Law 96-560 are repealed.

(b) Section 107 of Public Law 96-560 is amended to read:

"SEC. 107. (a) The Congress finds that—

"(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II);

"(2) the Congress has made its own review and examination of National Forest System roadless areas in Colorado and of the environmental impacts associated with alternative allocations of such areas.

"(b) On the basis of such review, the Congress hereby determines and directs that—

"(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in States other than Colorado, such statement shall not be subject to judicial review with respect to National Forest Systems lands in the State of Colorado;

"(2) with respect to the National Forest System lands in the State of Colorado which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), except those lands remaining in wilderness study upon enactment of this Act, that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976 (Public Law 94-588), to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time the Secretary of Agriculture finds that conditions in a unit have significantly changed;

"(3) areas in the State of Colorado reviewed in such final environmental statement or referenced in subsection (d) and not designated wilderness or remaining in wilderness study upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

"(4) in the event that revised land management plans in the State of Colorado are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

"(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of Colorado for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

"(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term—revision—shall not include an amendment to a plan.

"(d) The provisions of this section shall also apply to National Forest System roadless lands in the State of Colorado which are less than five thousand acres in size".

Mr. INOUYE (for himself, Mr. DECONCINI, Mr. HOLLINGS, Mr. SYMMS, and Mr. WARNER):

S. 70. A bill to establish a temporary program under which parenteral diacetylmorphine will be made available through qualified pharmacies for the relief of intractable pain due to cancer; to the Committee on Labor and Human Resources.

COMPASSIONATE PAIN RELIEF ACT

Mr. INOUYE. Mr. President, although, over the past two decades, a great deal of progress has been made in treating cancer, this year an estimated 800,000 Americans will be diagnosed as having cancer, and over 400,000 will die from this disease. It has been estimated that about 20 percent of terminal cancer patients suffer significant pain, and that about 10 percent of them do not obtain relief from currently prescribed medications. In human terms, these precentages mean that as many as 8,000 Americans may die in agony this year because of the intractable pain associated with terminal cancer.

Health care providers across America feel that if the best analgesic known to man, diacetylmorphine, or heroin, were available, as it is in Great Britain and many other countries around the world, for terminal cancer patients, that relief could be obtained for many of these patients. Their arguments are summed up in the New England Journal of Medicine of August 23, 1984, in an article by Dr. Allen M. Mondzac. In brief, Dr. Mondzac points out that British doctors have prescribed heroin for 30 percent of terminal cancer patients in pain, and in hospices, that figure is as high as 80 percent. Some of the ways that heroin is broken down and becomes effective in the human brain have never been studied. When given by mouth it is not much more effective than morphine, but when injections are needed because of persistent vomiting or general inability to take medication by mouth, heroin is markedly different from morphine and has unique and superior properties, both in terms of effectiveness and in terms of the relatively small amounts of material that must be injected into the emaciated body of a cancer victim.

Research completed at Georgetown University's Vincent T. Lombardi Cancer Research Center has confirmed that heroin is an effective analgesic for the control of cancer pain. Onset of action is more rapid than for morphine, giving relief of pain and a sense of well-being sooner. It is particularly appropriate in the terminal phase of cancer, in which patients frequently cannot take medication by mouth, need increasingly large doses, and have little body tissue into which to give large injections.

The American Nurses Association, representing those professionals who attend most closely at the bedside of dying patients, has gone on record as supporting the availability of heroin for prescription for these patients. The Canadian Medical Association has asked its Government to change its regulations so that terminal cancer patients may have heroin under medical supervision.

Mr. President, there is a great fear of narcotics in America today and, of course, it is a fear that is justified, because addiction to drugs has caused untold misery for hundreds of thousands of people, and for society itself. This fear has led physicians, in the opinion of many, to be overly conservative in prescribing pain relievers for dying cancer patients. The same fear that prevents adequate use of available medications serves as a basis for opposition to prescribed heroin for the small segment of humanity that concerns us now.

Is it necessary that this pitiful group of people, dying in agony, make a sacrifice because of our narcotics addiction problem? The proposed legislation which Senators DECONCINI, HOLLINGS, SYMMS, MATSUNAGA, RIEGLE, and I are introducing today has rigorous safeguards to prevent the drug from being introduced to the general public.

Prof. Arnold Trebach, director of the Institute on Drugs, Crime, and Justice at American University, has

calculated that if all the heroin estimated to be needed in this country for our program were somehow simultaneously taken from pharmacies all across the land, it would constitute less than 3 percent of the 8 tons of illicit heroin already on the street annually. Professor Trebach has said also:

[We] seem to be saying that cancer patients must suffer so that we can keep this drug away from dope fiends. In practical terms, this position represents a cruel irony because our massive interdiction and enforcement programs are failing, utterly, to keep heroin out of the veins of street addicts. In ethical terms, this position is a perversion of every moral principal that rests close to the gentler hearts of people. It is time the moral perversion stopped.

William F. Buckely, Jr., in an editorial supporting the availability of heroin for terminal cancer pain, also noted this irony:

The irony is that anybody in a major city can acquire the knowledge necessary to buy heroin from a dirty little pimp, but licensed doctors may not administer the identical drug to men and women—and children—literally dying from excruciating pain.

The American Psychiatric Association has made an official statement endorsing the—

Principle that the effectiveness of relief of pain in terminal cancer patients should take priority over a concern about "addiction" of the terminal cancer patient and should take priority over a concern about medication diversion to addicts.

Mr. President, the Washington Post, the New York Times, the Los Angeles Times, and dozens of other newspapers across the country, have all given thoughtful editorial support to legislation to provide merciful relief for these cancer patients. We ask that representative editorial support to legislation to provide merciful relief for these cancer patients. We ask that representative editorials from the Washington Post of March 26, 1984, entitled "An Act of Mercy"; from the Los Angeles Times of November 9, 1983, entitled "Relief for the Terminally Ill"; and from the New York Times of July 23, 1984, entitled "The Value of Heroin," as well as Mr. Buckley's column of March 25, 1982, entitled "Heroin for the Terminally Ill," be printed in the RECORD.

Would that it were possible to insert in the RECORD a segment on CBS "Sixty Minutes" of December 2, 1984, entitled "Just What the Doctor Ordered." It shows the faces of British patients in hospitals and hospices, most of whom died within weeks after they were filmed, as they describe the agony they had suffered and the relief they had been given by doctors and nurses able to use heroin. If our distinguished colleagues could see those faces, we have no doubt that they would feel urgently that Americans in pain should have the same hope.

The bill being offered today provides for limited prescription of heroin, by physicians, for terminal cancer patients in hospitals, with more than adequate safeguards against diversion, for a 5-year trial period. It is intended to reflect a determination on the part of the U.S. Senate that prevention of pain in terminal cancer patients be given a very high priority in our Nation.

Mr. President, I request unanimous consent that the test of this bill be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 70

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Compassionate Pain Relief Act".

SEC. 2. The Congress finds the following:

(1) Cancer is a progressive, degenerative, and often painful disease which afflicts one out of every four Americans and is the second leading cause of death.

(2) In the progression of terminal cancer, a significant number of patients will experience levels of intense and intractable pain which cannot be effectively treated by presently available medication. The effect of the pain often leads to a severe deterioration in the quality of life of the patient and heartbreak for the patient's family.

(3) The therapeutic use of parenteral diacetylmorphine is not permitted in the United States but extensive clinical research has demonstrated that it is a potent, highly soluble painkilling drug when properly formulated and administered under a physician's supervision.

(4) Making parenteral diacetylmorphine available to patients through controlled channels as a drug for the relief of intractable pain due to terminal cancer is in the public interest. Diacetylmorphine is successfully used in Great Britain and other countries for relief of pain due to cancer.

(5) The availability of parenteral diacetylmorphine for the limited purposes of controlling intractable pain due to terminal cancer will not adversely effect the abuse of illicit drugs or increase the incidence of pharamacy thefts.

(6) The availability of parenteral diacetylmorphine will enhance the ability of physicians to effectively treat and control intractable pain due to terminal cancer.

(7) It is appropriate for the Federal Government to establish a temporary program to permit the use of pharmaceutical dosage forms of parenteral diacetylmorphine for the control of intractable pain due to terminal cancer.

SEC. 3. (a) Not later than three months after the date of the enactment of this Act, the Secretary of Health and Human Services (hereinafter in this Act referred to as the "Secretary") shall issue regulations establishing a program under which parenteral diacetylmorphine may be made available to hospital pharmacies and other such pharmacies as may be prescribed by the Secretary for dispensing pursuant to written prescriptions of physicians to individuals for the relief of intractable pain due to terminal cancer (hereinafter in this section referred to as "the program"). For purposes of the program, an individual shall be considered to have terminal cancer if there is histologic evidence of a malignancy in the individual and the individual's cancer is generally recognized as a cancer with a high and predictable mortality. It is the intent of Congress that the Secretary primarily utilize hospital pharmacies for the dispensing of diacetylmorphine, but it is also recognized that humanitarian concerns might necessitate the availability of diacetylmorphine to other than hospital pharmacies provided that a significant need is shown and that adequate protection against diversion is available.

(b) The Secretary shall provide for the manufacture of parenteral diacetylmorphine for dispensing under the program using adequate methods in, and adequate facilities and controls for, the manufacturing, processing, and packing of such drug to preserve its identity, strength, quality, and purity.

(c) Under the program parenteral diacetylmorphine may only be made available, upon application, to pharmacies registered under section 302 of the Controlled Substances Act that also meet such qualifications as the Secretary may by regulation prescribe. An application for parenteral diacetylmorphine shall—

(1) be in such form and submitted in such manner as the Secretary may prescribe; and

(2) contain assurances satisfactory to the Secretary that—

(A) the applicant meets special requirements as the Secretary may prescribe respecting the storage and dispensing of parenteral diacetylmorphine; and

(B) parenteral diacetylmorphine provided under the application will be dispensed through the applicant upon the written prescription of a physician registered under section 302 of the Controlled Substances Act to dispense controlled substances in schedule II of such Act.

(d) Requirements prescribed by the Secretary under paragraph (b) and (c)(2)(A) shall be designed to protect against the diversion into illicit channels of parenteral diacetylmorphine distributed under the program.

(e) A physician registered under section 302 of the Controlled Substances Act may prescribe parenteral diacetylmorphine for individuals for the relief of intractable pain due to terminal cancer. Any such prescription shall be in writing as prescribed by the Secretary by regulations.

(f) The Federal Food, Drug, and Cosmetic Act and titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 shall not apply with respect to—

(1) the importing of opium,

(2) the manufacture of parenteral diacetylmorphine, and

(3) the distribution and dispensing of parenteral diacetylmorphine,

in accordance with the program.

SEC. 4. (a) Not later than the second month beginning after the date of the enactment of this section and every third month thereafter until the program is established under section 3, the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on the activities undertaken to implement the program; and each year after the program is established and while it is in effect, the Secretary shall report to such committees on the activities under the program during the period for which the report is submitted.

(b) Upon the expiration of fifty-six months after the date the program is established, the Comptroller General of the United States shall report to the committees referred to in subsection (a) on the ac-

tivities under the program during such fifty-six months.

SEC. 5. The program established under section 3 shall terminate upon the expiration of sixty months after the date the program is established.

SEC. 6. The Secretary of Health and Human Services shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate not later than six months after the date of the enactment of this Act—

(1) on the extent of research activities in the management of pain which have received funds through the National Institutes of Health,

(2) on the ways in which the Federal Government supports the training of health personnel in pain management, and

(3) recommendations for expanding and improving the training of health personnel in pain management.

SEC. 7. The Secretary may at any time six months after implementation of the program modify or terminate the program if in the Secretary's judgment it is no longer needed or to prevent substantial diversion of the diacetylmorphine.

[From the Washington Post, Mar. 26, 1984]

AN ACT OF MERCY

Chances are that Congress won't accomplish much in this presidential election year, but there is one piece of business that it should not fail to complete. It should pass legislation—with an impressive and growing bipartisan list of sponsors in both houses—that would legalize the carefully controlled use of heroin in the treatment of cancer patients dying in intractable pain.

One of the curiosities of medical practice in this country is that hundreds of billions are spent to prolong life, but relatively little attention is paid to making sure that patients survive in a tolerable degree of comfort and alertness. Modern medicine keeps promising better painkillers, and new methods of administration may offer patients more continuous relief from currently available drugs. But—as experts testifying recently before Chairman Henry Waxman's health subcommittee strongly asserted—many patients now die in needless agony because they are denied access to heroin, the one drug that could relieve their pain.

Heroin has come into increasing use as a painkiller in Great Britain in recent years because of its demonstrated superiority in treating certain cancer patients. Heroin acts faster than morphine and other widely used painkillers, and it can also be administered in smaller doses—an important consideration in treating emaciated patients. Moreover, unlike other potent drugs, it does not make the patient comatose, depressed, nauseous or hallucinatory. As a result, patients are able to remain alert, communicate with other family members and, because anxiety and depression are relieved, may also live longer.

Heroin was banned from medical practice in this country in 1924 because of fears that it would be diverted to illegal street use—an unwarranted fear that still motivates opponents of the proposed legislation. Since only very small quantities of the drug would have to be kept by hospitals—most cancer patients do not suffer intractable pain—the same precautions used to guard other street-valuable drugs would be adequate to prevent misuse. To be on the safe side the proposed legislation adds still further controls.

Right now hundreds, perhaps thousands, of cancer patients are racked with pain while their families watch in despair. In testifying before the Waxman committee, Dr. Allen Mondzac, chairman of the D.C. Medical Society's Cancer Committee, noted that "right now, in America, we know of a drug which is the most potent, effective, soluble and rapidly active narcotic ever created. It is not available. I do not understand this." Neither do we.

[From the Los Angeles Times, Nov. 9, 1983]

RELIEF FOR THE TERMINALLY ILL

Abhorrence of heroin and the national commitment to eradicate its abuse have led to an unreasonable resistance to legislation that would permit the use of this drug in the one justifiable form—to relieve the agony of terminally ill cancer patients. There is now an opportunity to correct that, and to open to hundreds of Americans a relief from the terrible pain that responds to no other analgesic.

Sen. Daniel K. Inouye (D-Hawaii) has taken the lead with the support of 15 other senators, Republicans and Democrats, brought together by the overwhelming evidence that doctors require this added tool if they are to relieve the otherwise intractable pain of many cancer patients. One of the group, Sen. Dennis DeConcini (D-Ariz.), is now planning to offer the proposal as an amendment to the National Institutes of Health reauthorization act. It deserves the support of all members of Congress.

Under present regulations, doctors must rely on morphine in controlling pain. It has proved effective in most cases. Tests in the United States, reported last year in scientific journals, found the two drugs of equal effectiveness. But many patients develop a tolerance to morphine over a prolonged period, and the drug loses its effectiveness. Heroin has proved effective in these cases. In Great Britain, where doctors have the option of morphine or heroin, the use of heroin is increasing rapidly because of its demonstrated superiority in certain cases. Forty-seven nations now permit the medical use of heroin.

One advantage of heroin is its potency. "A small subgroup of patients requiring large, intramuscular injections could benefit from heroin because it is more water-soluble as well as more potent than morphine," it was reported in Medical News. In cases of this sort, more massive injections of morphine forced into the emaciated bodies of the dying patient can be a source of additional severe pain.

Nothing in the proposed legislation can address a fundamental problem in the United States. That problem is the failure of many physicians to comprehend pain control, now a highly developed specialization in the medical profession. Ignorance of new techniques and reliance on programs geared to timetables rather than to the comfort of patients have left many people unnecessarily in intractable pain, according to experts.

The proposed legislation would limit heroin to terminal cancer patients in licensed hospitals, with peer review required for any doctor's decision to use it. That may prove unreasonably restrictive, particularly because it would deny applications in the home-oriented hospice program how being funded by Medicare. But it is a start. And Inouye's staff is convinced that the understandable horror of heroin abuse precludes going farther at this time.

"We have to take whatever we can get," according to Judith H. Quattlebaum, president of the National Committee on the Treatment of Intractable Pain. To do less would be a cruel rejection of this additional tool for controlling acute suffering.

THE VALUE IN HEROIN

Heroin is a curse for otherwise healthy addicts. But it is also a potent analgesic, valued by many physicians in treating the pain of terminally ill cancer patients. That is why Representative Henry Waxman's bill authorizing strictly limited use in hospitals and hospices deserves support.

First synthesized in Britain in 1874, heroin replaced morphine as the most popular injectable painkiller. It was legally used—and abused—in the United States until 1924, when Congress outlawed its import and manufacture.

Since then, dozens of other powerful analgesics have been synthesized, most of them addicting. But in Britain, heroin remains the painkiller of choice whenever addiction risk is a secondary consideration, and for good reason.

According to Dr. Allen Mondzac, director of the Warwick Cancer Clinic at George Washington University, heroin's high potency combined with its solubility make it the most efficient drug for controlling pain in extremely ill patients. In addition, the euphoric effect that so attracts addicts counteracts the depression experienced by chronic users of other painkillers.

The Reagan Administration, fearing that the drug would be diverted to the illegal market, opposes Government manufacture of heroin and distribution through hospital and hospice pharmacies. There is undoubtedly some risk that a trickle of Government heroin would be added to the river of illegally imported narcotics. But as long as physicians believe that heroin is better than any other drug for easing the trauma of dying cancer patients, that risk ought to be worth taking

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[From the News American, Baltimore, MD, Mar. 25, 1982]

HEROIN FOR THE TERMINALLY ILL

(By William F. Buckley, Jr.)

Finally, somebody has got around to introducing an amendment to the Controlled Substances Act, designed to make it possible to administer heroin to some patients dying of cancer. The hero in the case is Sen. Daniel Inouye of Hawaii, and the word "hero" is not used flippantly, because inevitably there will be those who accuse the senator of adding to the drug problem. A little thought, and a little patience, will dispose of these charges, but not everyone is willing to give a little thought, or to show a little patience, in discussing the problem of heroin. What would be ideal is to bring together the critics of Mr. Inouye's bill and some human beings who, as I write, are screaming (I do not use a metaphor) with pain.

Here are some interesting figures brought out by Sen. Inouye in his speech introducing S. 2013. There are 400,000 Americans alive today who within the next 12 months will die of cancer. Eighty thousand of those condemned will suffer "significant" pain. And of these, 8,000 will experience agony that is not mitigated by such prescriptions as are currently allowed. After a while, morphine just doesn't work with some people.

Why it took so long to come through with a medically reliable experiment is something to wonder about, inasmuch as the use of heroin has been outlawed since 1924. Anyway, thanks to the Vince Lombardi

Cancer Research Institute of Georgetown, an experiment was conducted. Forty-eight cancer patients suffering serious pain were injected, one-half with heroin, one-half with morphine, by nurses who did not know which substance they were administering. It transpired that the patients rated heroin as two and one-half times more effective than morphine in bringing relief.

This experiment, together with accumulated testimony from Great Britain and from 37 other countries that tolerate carefully supervised use of heroin brought an endorsement from the *New England Journal of Medicine* and subsequently from the American Psychiatric Association.

Senator Inouye's bill, backed now by 15 members of the Senate, an ideologically uncolored coalition ranging from left (Sen. Carl Levin, D-Mich.) to right (Sen. Steven Symms, R-Idaho), is cautious in several wholly understandable respects. The medical doctor in charge of a patient for whom the use of heroin might be appropriate must first himself recommend the drug's use and then submit his recommendation to a medical review board. If the recommendation is there sustained, the hospital will dispense the heroin from supplies made available by the Department of Health and Human Services from the abundant heroin now confiscated under current laws.

A strict accounting is envisioned, so that the amount of heroin released must correspond with the amount administered. Moreover, Senator Inouye's bill calls for reconsideration of the program after five years. It is difficult to think of anything he left out, save possibly a provision that anyone receiving the heroin and not dead within 90 days must be given an overdose.

It is difficult, Mr. Inouye having stepped forward and broken the taboo, to imagine Congress not acting favorably on this proposal. If it does so, although the legislative credit goes to Mr. Inouye, the moral credit goes to Mrs. Judith Quattlebaum, the president of the National Committee on the Treatment of Intractable Pain (9300 River Road, Potomac, Md. 20854).

She has fought for this bill for five years. During that period, 40,000 Americans have died in needlessly aggravated pain. She has dogged legislators, accumulated scientific evidence, written to newspapers (the bill has received a number of editorial endorsements, including a most vigorous one from the *Detroit News* and the *Federal Times*).

Almost every week, an additional senator steps forward to associate himself with the Inouye bill. So will it prove, I think, popular in the House.

It has been remarked that nothing is easier to get used to than other people's pain. This is unhappily correct, and perhaps necessarily so, because if one were as much involved in mankind as John Donne said we should be, there could be no happiness, ever. With Mrs. Quattlebaum we'll be entitled to such happiness as is due to those helpful in relieving the misery of others.

[From the New England Journal of Medicine]

IN DEFENSE OF THE REINTRODUCTION OF HEROIN INTO AMERICAN MEDICAL PRACTICE AND H.R. 5290—THE COMPASSIONATE PAIN RELIEF ACT

(By Allen M. Mondzac, M.D.)

Heroin has been in continuous use since its creation in England by Wright in 1874. The drug was synthesized by acetylating morphine and is therefore a semisynthetic narcotic. Its chemical name is diacetylmorphine, or diamorphine. It was named heroin by the Bayer Company of Germany, which first marketed it widely, in 1898. The drug met with great success and was used as a narcotic analgesic, antitussive, and antidyspnea agent. Heroin was widely prescribed, and many users became addicted. This result was inevitable since little was understood about narcotics and drug addiction.

In what can be described as a panic reaction of the federal government to curb the growing problem of opiate addiction in America, the manufacture and importation of heroin was banned in the United States by the Harrison Narcotics Act of 1924. The legislation was intended to supplant the 1914 Harrison Act, which restricted the use of cocaine and opiates to medical purposes and required a licensed physician's prescription to obtain the drugs. After passage of the 1924 law, although use was not prohibited, it dropped off considerably. In 1956 all hospitals and private physicians who had retained heroin had to relinquish it. Jefferson Hospital in Philadelphia obtained permission from the Bureau of Narcotics and Dangerous Drugs to keep its supply, which it had used judiciously since 1924, until it relinquished the remainder in 1960. Since that time there has been no legal heroin in the United States. It should be noted that in Britain the medical use of heroin continued despite the American legislation and has increased, especially for pain control. In 1970 Congress passed Public Law 91-513, which gave the Office of the Attorney General power to move heroin from schedule I to schedule II, if it so desired.

Since 1974 a grass-roots movement led by the National Committee for the Treatment of Intractable Pain, headed by its founder, Judith Quattlebaum, has been trying to make heroin available again in the United States for pain control The Compassionate Pain Relief Act (H.R. 5290), introduced by the Honorable Henry Waxman in February 1984, is the culmination of 10 years of work by the committee. The bill provides a mechanism for the reintroduction of heroin into American medicine.

I would like to discuss the chemical and pharmacologic properties of heroin that make it unique, and then the benefits of H.R. 5290 and how its passage into law will help American society.

Heroin has been studied very little, considering that it has been used for 100 years. Scientists have seemed afraid to tamper with this strong opiate. Most studies have compared it with morphine.[1-3] They have shown that diacetylmorphine has an earlier onset of action than morphine, causes less nausea and vomiting, and induces more sedation.[4] When heroin is given orally it is rapidly and completely absorbed and deacetylated promptly in the liver to morphine and 6-alpha-mono-acetylmorphine. It acts as a pro-drug for morphine.[3] Most researchers consider oral heroin to be the same as morphine, although the pharmacokinetics of an important metabolite of heroin, 6-acetylmorphine, have never been studied in human beings.[3] The absorption of oral heroin is 1.5 times greater than that of morphine, and the potency of heroin is 2.5 times greater. Increasing the dose of oral morphine can abolish this difference in potency, but it is assumed that the increased dose will be tolerated. These facts have not been addressed in the literature. Furthermore, in the most widely cited study comparing oral heroin and morphine and showing them to be equal, both treatment groups received other medications for pain (steroids, phenothiazines, antidepressives, and benzodiazepines).[1] The author of this study[1] questioned his findings and suggested that other results might be obtained if the narcotics were used in a purely single-drug study. This observation has been ignored by workers who have used these data to demonstrate the similarity of heroin to morphine. Therefore, oral heroin, which has not been adequately studied, may be more than just a pro-drug for morphine and may yet have an important role in pain relief.

When given parenterally, heroin is markedly different from morphine. Both heroin and acetylated morphine are detectable in the blood after injections.[3] The rapid organ clearance and uptake by the brain, limited only by blood flow, allow high levels of heroin to be reached in the brain, where the drug is hydrolyzed to 6-acetylmorphine and morphine and where these metabolites are retained. This phenomenon is undoubtedly due to the chemical structure of heroin and to plasma binding and lipid solubility.[5] These data irrefutably distinguish heroin from morphine and account for the unique and superior properties of parenteral heroin: rapidity of onset, power to sedate, lack of nausea, increased potency (2.5 times greater than morphine),[4] and high potential for addiction.

Although trials comparing long-term oral heroin administration with long-term oral morphine administration have been carried out,[1] such studies have not been performed with parenteral heroin and morphine. Twycross, who reportedly showed the similarity of the two oral drugs in his self-admittedly flawed study,[1] denies the feasibility of a similar comparison of the parenteral drugs. He states "it has never been suggested that morphine is better than diamorphine [heroin] and . . . results would still leave diamorphine with the practical advantage of being more soluble."[4] This high solubility is one of heroin's other unique chemical properties; up to 120 mg can be given in an injection of 0.2 ml, and the average therapeutic dose can be dissolved in less than 0.1 ml. Because of the limited solubility of morphine, doses including equivalent analgesia would require a 20-ml injection—an unwieldy and painful procedure if the injection is given subcutaneously or intramuscularly. Twycross estimates that, excluding patients who receive heroin for less than 24 hours, 10 to 19 percent of cancer patients in a hospice setting may need the drug, when only solubility and injection size are used as criteria for need.[4] The solubility of heroin, combined with its rapid onset, short duration of effect, little or no induction of nausea, and high analgesic potency make it the drug of choice when parenteral narcotics are needed.

Unfortunately research in the United States that compares parenteral morphine with parenteral heroin has been limited to single-dose studies in postoperative patients[2] or patients with chronic pain.[3,6] These widely cited studies show no clinical difference between parenteral morphine and heroin. This conclusion is very misleading because these studies have no relation to the repeated use of heroin for chronic pain. There has been no study in cancer patients that has evaluated regular use of parenteral heroin for chronic pain.

Because of the unique properties that heroin possesses, one can easily agree with researchers in the field who state that even with the present, limited knowledge of narcotic actions, there is a group of patients who will require heroin because of its solu-

bility [4] and unique properties [7] and because of the biovariability in response to narcotics that may exist among patients with cancer.[8,9]

Because of its solubility, Dilaudid (hydromorphone) has been proposed as a substitute for heroin.[7,10] A new ultrasoluble form of hydromorphone, called Dilaudid-HP, has been marketed by Knoll Pharmaceuticals. Although Dilaudid has been shown to be more potent than morphine, there are unfortunately no studies comparing Dilaudid or Dilaudid-HP with heroin in clinical situations. The one available study, which compares single-dose Dilaudid with heroin for preoperative patients, indicated that Dilaudid has more side effects and less analgesic efficacy than heroin.[11] Because of the well-recognized individual variations in drug tolerance and analgesic response, the place of Dilaudid-HP in the analgesic armamentarium is unclear. It is not acceptable as a substitute for heroin at present.

H.R. 5290—The Compassionate Pain Relief Act—provides a means to reintroduce heroin into American medicine. If this measure becomes law, American doctors will join their British colleagues in having a choice about the right analgesic for their patients. Physicians in this country will be given the freedom and responsibility to provide heroin to patients who need it—those who are not helped by the available drugs for pain.

The Waxman bill provides a comprehensive and intelligent system for distributing heroin. Since all evidence seems to point to the superiority of parenteral to oral heroin, the bill provides for the availability of the parenteral form only. H.R. 5290 also states specifically that heroin would be available only to patients with cancer in "situation where conventional analgesics are ineffective or contraindicated," which would limit the number of potential users and the amount of heroin that would be in circulation or in any pharmacy at a given time. Fear of criminal diversion of even this limited amount of heroin to addicts has clouded the thinking of the Department of Health and Human Services, the American Medical Association, and the American College of Physicians. All these institutions are opposed to reintroducing heroin into medical practice because of this fear. In the light of the pioneer work of Beaver [7] and Twycross,[12] the fear of addiction and dependency among patients should no longer be an issue. In fact, the widely accepted narcotics Dilaudid and morphine have a potential for addiction that is identical to that of heroin.

The Waxman bill as amended and approved in March 1984 by the Committee on Energy and Commerce would allow distribution of heroin by prescriptions written by physicians registered under Section 302 of the Controlled Substances Act, and then only through hospice or hospital pharmacies. This would drastically limit the number of pharmacies that would stock heroin, and should quiet the fears of those who say that there will be widespread thefts of legal heroin. Hospital pharmacies have always stocked morphine, Dilaudid, barbiturates, and amphetamines. Indeed, some now stock marijuana (delta-9-tetrahydrocannabinol) tablets for nausea, which are distributed through hospital pharmacies under a program of the National Cancer Institute and the Drug Enforcement Administration. Data from the Drug Enforcement Administration for 1982 show that robberies at retail pharmacies accounted for 96 percent of robberies for drugs, but that robberies of hospital pharmacies represented only 3 percent of robberies in the same period.[13] In the United Kingdom, where heroin consumption for pain is rising (from 51 kg in 1971 to 150 kg in 1982),[14] theft from pharmacies is not a problem. Chief Inspector H. B. Spear of the Home Office (Great Britain) submitted testimony to the Waxman committee, stating that "the lawful availability of heroin poses no greater security threat than for other similar drugs." He also noted that when thefts did occur, they involved the whole stock of drugs, not just heroin. In the Waxman bill, the rules for physicians writing prescriptions for heroin would be more stringent than those in effect in Britain, since British doctors can prescribe both oral and parenteral forms for the treatment of any medical condition except addiction (for which only specifically appointed doctors may prescribe).

Since one could argue that the crime-ridden, lawless, frontier-style, gun-slinging, amoral United States is not like well-behaved, decorous Great Britain, opponents of the bill believe that criminal diversion would occur here in spite of police surveillance of hospital and hospice pharmacies stocking heroin. Professor Arnold Trebach, a noted criminologist, has pointed out some interesting data in his testimony before the Waxman committee, on the projected impact of such criminal diversion. Taking the ratio of morphine use to heroin use in Britain (7:3) and applying it to the use of morphine in the United States in 1982, he estimated that the amount of heroin that might be used under the Waxman bill would be 228 kg per year. After quoting estimates by government agencies that 4 to 10 metric tons of illegal heroin come into the United States every year, he assumed that if through some disaster the 228 kg of legal heroin were diverted by criminals and added to the amount on the street, it would account for only 4 per cent of the total amount of illegal heroin in the United States. This startling statistic indicates how unimportant the problem of criminal diversion is as compared with actual heroin use. Furthermore, it shows that under controlled distribution, the Waxman bill would not cause any major increase in existing addiction problems, pharmacy thefts, or criminal activity.

The bill wisely calls for a review of heroin use every three months by the Secretary of Health and Human Services and the House Health Subcommittee and also sets up a trial period of four years. These provisions would allow ongoing review to provide guidelines for the future.

Since I have stated what the bill would not do, I will now state its most important effects and why I am in favor of it. (1) It would give American doctors a wider choice of analgesics to use. (2) It would remove from American doctors the stigma and the terror laid on the profession by the 1924 Harrrison Narcotics Act, which held that doctors could not safely and prudently prescribe a potent narcotic like heroin. (3) It would end the antiquated posture of the drug-enforcement bureaucracy, which prevents cancer patients from receiving a narcotic that they may need medically. (4) It would allow creative researchers of pain relief to stop trying to prove that heroin is not good and to discover why it is good and to use that knowledge constructively. It would enable them to understand why during the largest evaluation of heroin in vivo—the British experience since 1874—doctors gave heroin to 30 percent of all cancer patients in hospices. (5) Finally, the bill shows that the government would accept addicting and potent narcotics and trust physicians and patients with them. In this atmosphere, new ideas, new drugs, and new approaches would develop.

The "heroin movement" created in 1974 by the National Committee for the Treatment of Intractable Pain has fostered the atmosphere that now exists in the United States, where pain research, terminal care, and studies on the comfort of patients are beginning. Now, pain control is discussed openly on rounds; nurses and doctors are starting to be concerned, not about addiction, but about giving enough of the right narcotic to the suffering patient. American medicine is ready to have heroin again.

ALLEN M. MONDZAC, M.D.

REFERENCES

1. Twycross RG. Choice of strong analgesic in terminal cancer: diamorphine or morphine? Pain 1977; 3:93–104.

2. Kaiko RF, Wallenstein MS, Rogers AG, Grabinski PY, Houde RW. Analgesic and mood effects of heroin and morphine in cancer patients with postoperative pain. N Engl J Med 1981; 304:1501–5.

3. Inturrisi CE, Max MB, Foley KM, Schultz M, Shin S-U, Houde RW. The pharmacokinetics of heroin in patients with chronic pain. N Engl J Med 1984; 310:1213–7.

4. Twycross RG, Lack SA. Symptom control in far advanced cancer: pain relief. London: Pitman, 1983:190–9.

5. Oldendorf WH, Hyman S, Braun L, Oldendorf SZ. Blood brain barrier: penetration of morphine, codeine, heroin, and methadone after carotid injection. Science 1972; 178:984–6.

6. Beaver WT, Schein PS, Hext MA. A comparison of the analgesic effect of intramuscular heroin and morphine in patients with cancer pain. Proc Am Soc Clin Oncol 1981; 22:420.

7. Beaver WT. Management of cancer pain with parenteral medication. JAMA 1980; 244:2653–7.

8. *Idem.* Are synthetic narcotics adequate substitutes for opium derived alkaloids? In: Bonica J, ed. Advances in neurology. Vol. 4. New York: Raven Press, 1974:519–23.

9. Säwe J, Dahlström B, Paazlow L, Rane A. Morphine kinetics in cancer patients. Clin Pharmacol Ther 1981; 30:629–35.

10. Brandt EW. Pain killers: an alternative to heroin. The Washington Post. April 6, 1984:A22.

11. Loan WB, Morrison JD, Dundee JW, Clarke RSJ, Hamilton RC, Brown SS. Studies of drugs given before anaesthesia XVII: the natural and semisynthetic opiates. Br J Anaesth 1969; 41:57–63.

12. Twycross RG, Wald SJ. Long-term use of diamorphine in advanced cancer. In: Bonica JJ, Albe, Fessard D, eds. Advances in pain research and therapy. New York: Raven Press, 1976:653–61.

13. Report from the committee on energy and commerce, U.S. House of Representatives. Compassionate pain relief act. 1984; 98–689:1–12.

14. Trebach A. New perspectives on heroin in cancer treatment. Am J Hospice Care 1984; 1:12–3.

Mr. DECONCINI. Mr. President, I am pleased to cosponsor the Compassionate Pain Relief Act, designed to relieve the suffering of terminally ill cancer patients whose disease is accompanied by severe, intractable pain. This bill will create a temporary pro-

gram through which diacetylmorphine, more commonly known as heroin, will be made available for this limited purpose. Although heroin is generally recognized as one of the most effective and potent analgesics known, it is by law not currently available for medical use.

The medical use of heroin for terminally ill cancer patients is needed to relieve a particular type of pain suffered by these patients. That is intractable pain—pain that cannot be controlled by available drugs and conventional techniques. It is pain so intense and unrelenting that the patients who suffer from it often cannot sleep, eat, or have any sort of normal existence because of the debilitating nature of their agony. The pain is omnipresent, and the suffering patient endures it without relief throughout the final days of his or her life. In one horrible and graphic case, an elderly woman was in such agony that she literally ate her bottom lip completely off from clenching her teeth so tightly.

Mr. President, cancer touches everyone's lives. Statistics show that 1 out of every 4 Americans and 1 out of every 3 families will be affected by cancer, which is this country's second leading cause of death. This year alone, more than 400,000 persons will die from cancer. Of these 400,000, approximately 1 in 10 will encounter extreme pain, but most will, thankfully, have this pain controlled by available drugs such as dilaudid and morphine. Nevertheless, estimates are that about 8,000 people will suffer through their last days in intractable pain. They will live in unrelievable pain because the medications available to them under present law do not have the capacity to adequately relieve that pain. In many cases, however, diacetylmorphine could effectively reduce their suffering.

The medical value of heroin is well known and its medical use is permitted in over 40 foreign countries. It is available and widely used by physicians in England for the treatment of pain due to cancer. In fact, use of heroin in England for the treatment of pain has risen threefold in recent years. In the United States, however, there is still considerable difference of opinion regarding the value of heroin. For example, a representative of the U.S. Food and Drug Administration has testified in the House that heroin offers no unique advantages over other available analgesics. Many distinguished oncologists and physicians, however, such as Dr. William Regelson of the Medical College of Virginia, Dr. Allen M. Mondzac of George Washington University, Dr. Herbert Berger of the New York Medical College, and Dr. William Beaver of the Lombardi Cancer Institute at Georgetown University recognize heroin as one of the most effective analgesics known to medical science, and advocate its use in the treatment of terminally ill cancer patients who cannot obtain relief from currently available pain killers.

In addition to these physicians, a growing and diverse list of people and organizations support the use of heroin to treat intractable pain resulting from cancer. Last year 19 U.S. Senators ranging across partisan lines and political philosophies cosponsored a similar bill. They were Senators INOUYE, GOLDWATER, LEAHY, MATSUNAGA, PELL, Randolph, RIEGLE, SYMMS, Tsongas, WARNER, GLENN, ABDNOR, LEVIN, HATFIELD, PACKWOOD, DOMENICI, HOLLINGS, and MCCLURE. In addition, there were 31 cosponsors of a companion bill on the House side. That bill, H.R. 5290, sponsored by Congressman WAXMAN, received unanimous approval of the House Subcommittee on Health and Environment on March 21 and was passed by the full Energy and Commerce Committee on April 12, 1984. It was defeated on the House floor in September 1984.

Others who have spoken out in favor of this humane use of heroin include columnists William F. Buckley, Jr., Stephen Rosenfeld, and Smith Hempstone; newspapers such as the Washington Post, the Los Angeles Times, the Arizona Daily Star, and over 50 others; noted theologians such as the Reverend John Sheehan of Marquette University; and, of course, the thousands of people who are members of the National Committee on the Treatment of Intractable Pain.

The national committee—a private organization of physicians, nurses, lawyers, clergymen, and scholars, as well as cancer patients and their families—has worked diligently for this merciful change in the law. The American Psychiatric Association has endorsed the idea that relief from the intractable pain of cancer should take precedence over concern that the dying patient might become addicted or that medical heroin might be diverted to illicit purposes.

These and a growing number of people and groups support the use of diacetylmorphine to treat terminally ill cancer victims whose bodies are wracked by pain that other analgesics cannot relieve. I know that there are Members of this Senate who would hesitate in voting for such legislation because they have been assured that there are currently analgesics available that would provide the same relief as heroin. There is considerable evidence, however, that for many cancer patients this is not the case. Heroin possesses certain inherent characteristics that make it a superior analgesic for certain patients suffering from intractable pain.

First, heroin has a more rapid onset of relief than other drugs.

Second, while heroin gives the same maximum analgesic effect as morphine, milligram for milligram it is 2 to 2½ times as potent. It is also highly soluble. Since less volume is therefore required for intramuscular injection, this means a significant decrease in the discomfort of patients who are suffering from muscle wasting and who are unable to tolerate frequent, high volume injections of morphine.

Third, heroin produces less side effects, such as nausea and depression, than many other analgesics.

Fourth, heroin may provide new pain relief to certain terminal cancer patients who have built up a very high tolerance to other analgesic drugs.

Finally, use of heroin, the speedy and consistent action of which not only relieves pain but reduces anxiety, can be a major step in treatment that keeps patients alert and enjoying life for a significant time, protected from the pain and despair of their illness.

The temporary program established by this amendment would not only provide relief to many patients whose suffering is currently unrelievable, but would also allow an objective evaluation of the true value of diacetylmorphine as a treatment for the pain caused by terminal cancer.

Mr. President, the only possible objection to this amendment can come from those who are concerned about the potential diversion of diacetylmorphine into illegal channels. Such fears are not only groundless, but they also display a cruel irony. As William F. Buckley has noted, "The irony is that anybody in a major city can acquire the knowledge necessary to buy heroin from a dirty little drug pimp, but licensed doctors may not administer the identical drug to men and women—and children—literally dying from excruciating pain."

Mr. President, for my colleagues who have shared my initial concern about possible diversion of medical heroin into the streets, let me assure them that I firmly reject this as an argument against the amendment. I assure my colleagues that I did not lightly reach that conclusion. As cochairman of the Senate Drug Caucus, as a former prosecutor who made a name for myself in the narcotics interdiction effort, and as a legislator who has fought throughout my career in the Senate in opposition to illicit drug use, it is clear that I will never endorse a proposal which might have a favorable impact on illegal drug dealing.

This bill has adequate safeguards to reasonably guard against diversion. First, the amendment does not legalize the use of heroin or change its status as a schedule I drug under the Controlled Substances Act. Rather, it simply creates a temporary program through which the drug is made available under tight controls to a limited

number of pharmacies. Heroin will be made available to terminally ill cancer patients primarily through hospital pharmacies approved under section 302 of the Controlled Substances Act; it will not be available at the corner drugstore. In addition, the Secretary of Health and Human Services is given the authority to promulgate such additional regulations as are necessary to assure the safe manufacture, processing, packing and distribution of the heroin to assure its quality, purity, and distribution within legitimate channels. The Secretary will also report regularly to the Congress on implementation of the program and results. Finally, the program automatically sunsets in 5 years or at the discretion of the Secretary before then.

Significantly, Mr. President, burglaries of hospital pharmacies have not been a problem in practice. Hospital pharmacy burglaries represent only 2.5 percent of all pharmacy burglaries. These pharmacies already carry morphine, dilaudid and other narcotic drugs; the addition of heroin will not significantly increase the incidence of burglaries. In addition, most illegal diversion involves oral formulations of drugs. This amendment specifically limits heroin availability to parenteral, or intramuscular, form.

To encourage continuing research into alternatives for the relief of intractable pain, the amendment provides that the Secretary of Health and Human Services shall report to committees of the House and Senate on the extent of pain management research funded through the National Institutes of Health, on the manner of Government support of the training of health personnel in pain management, and on recommendations for improving such pain management training.

The 5-year period this temporary program is in effect will allow an objective evaluation of whether diacetylmorphine has a place in medical pain-relief techniques in America. Such a temporary program has ample precedent. In fact, for many years the National Cancer Institute [NCI] has operated a drug development program through its Division of Cancer Treatment. The NCI's so-called "Group C" program provides a variety of medications—drugs such as THC, the active ingredient in marijuana, that can give therapeutic benefits to certain patients—to cancer physicians for use in treatment. This "Group C" drug development program provides an appropriate model for implementing and controlling the distribution of diacetylmorphine.

Mr. President, heroin is by no means a panacea. It will not cure cancer nor will it eliminate all of the problems related to pain management. It will not automatically be the proper choice for treating the majority of cancer patients and it will not even be uniformly effective in all cases of intractable pain. What it will do, however, is offer desperately needed relief to many of the 8,000 patients who currently die after constant and excruciating suffering. The availability of diacetylmorphine under careful medical control, while allowing virtually no chance for illicit diversion, will provide hope to many of those men, women, and children who must now face their final days of life with only the prospect of unending agony.

Mr. President, this bill is the opportunity for each Member of this body to assure that hope—to help end the needless suffering of thousands of Americans. With its passage, we will have made a clear statement about our and the country's concern for the dying and about the treatment of pain generally. We will also have overcome the misplaced priorities that for so many years have precluded the legitimate use of a drug that, despite its potential for abuse, also has the potential for medical relief of otherwise intractible human suffering. I urge my colleagues to join me in helping relieve a horrible and unnecessary tragedy, and in restoring a measure of comfort and dignity to the lives of many terminal cancer patients and their families.

By Mr. DOLE:

S. 71. A bill to amend the Internal Revenue Code of 1954 to clarify the application of the imputed interest and interest accrual rules; to the Committee on Finance.

IMPUTED INTEREST AND INTEREST ACCRUAL RULES CLARIFICATION

Mr. DOLE. Mr. President, today I am introducing a bill to make permanent changes in the imputed interest rules of the Tax Code. These changes would accomplish two important goals. First, they will enable legitimate, nonabusive business transactions to use seller financing, and avoid imputed interest, on substantially more favorable terms than would be allowed under the permanent rules of the Tax Reform Act of 1984.

Second, they will ensure that abusive tax shelters and aggressive, tax motivated deals will not be able to gain undue and unintended tax benefits, from understating the interest element of deferred payment transactions or from arranging for an intentional mismatch of interest income and interest deductions.

The bill I am introducing today contains the same provisions approved by the Senate late last year as an amendment to H.R. 5361. That amendment was worked out with the cooperation and support of the distinguished Senator from Montana, Senator MELCHER, who had expressed serious objections to the original rules proposed by the Treasury Department and included in the 1984 Tax Act. It was also supported by the Treasury Department and a broad coalition of business and real estate associations.

Mr. President, I ask unanimous consent to include in the RECORD a copy of a letter of support for the amendment that was signed on October 3, 1984, by seven major business and real estate associations as well as the bill.

Mr. President, unfortunately the Senate amendment was not accepted by the House of Representatives. The other body was not eager at that time to consider permanent legislation in this area, and so a temporary measure was agreed to as a compromise. That temporary measure will not apply to transactions after June 30, 1985.

I believe that permanent changes are needed in this area, and that the compromise agreed to by the Senate last year should be the basis for such changes. I know that there were some concerns raised about the complexity of the Senate compromise, and there may be room for improvements in that regard. I look forward to working with all parties concerned with this important area of the tax law, and hope that a good bill can be enacted in the next few months.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 3, 1984.

The undersigned organizations support the Dole Compromise with respect to the OID and imputed interest rules regarding seller-financed property. The Compromise addresses major problems affecting the abilty of Americans to buy and sell residential and commercial real estate and small businesses and farms. The Compromise addresses areas of concern to the U.S. Treasury while protecting the legitimate needs of our members and the public. We believe that if these changes are enacted and properly implemented there should be no further need for major legislative changes in this area during this or the next Congress. Therefore, we unequivocally urge you to support the Dole Compromise.

American Land Development Association.
National Apartment Association.
National Association of Homebuilders.
National Association of Realtors.
National Federation of Independent Business.
National MultiHousing Council.
National Small Business Association.

S. 71

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX TREATMENT OF CERTAIN DEFERRED PAYMENTS.

(a) REDUCTION IN INTEREST RATES UNDER SECTION 483.—Section 483 of the Internal Revenue Code of 1954 (relating to interest on certain deferred payments) is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (h), (i), and (j), and

(2) by striking out subsection (e) and inserting in lieu thereof the following new subsections:

"(e) REDUCED RATE OF INTEREST IN CASE OF CERTAIN SALES OF RESIDENCES, FARMS, OR TRADES OR BUSINESSES.—

"(1) IN GENERAL.—In the case of any debt instrument arising from a sale or exchange to which this subsection applies, the discount rate under subsection (b) or (c)(1)(B) shall be the rate prescribed by the Secretary in regulations but shall not be greater than 10 percent and 9 percent, respectively.

"(2) SALES OR EXCHANGES TO WHICH THIS SUBSECTION APPLIES.—This subsection shall apply to any of the following sales or exchanges:

"(A) RESIDENCES.—Any sale or exchange of a residence by an individual, an estate, or a testamentary trust, but only if—

"(i) either—

"(I) such residence on the date of such sale or exchange (or in the case of an estate or testamentary trust, on the date of death of the decedent) was the principal residence (within the meaning of section 1034) of the individual or decedent, or

"(II) during the 2-year period ending on such date, no substantial portion of such residence was of a character subject to an allowance under this title for depreciation (or amortization in lieu thereof) in the hands of such individual or decedent, and

"(II) during the 2-year period ending on such date, no substantial portion of such residence was of a character subject to an allowance under this title for depreciation (or amortization in lieu thereof) in the hands of such individual or decedent, and

"(ii) such residence was not at any time, in the hands of such individual, estate, testamentary trust, or decedent, described in section 1221 (1) (relating to inventory, etc.).

"(B) FARMS.—Any sale or exchange by a qualified person of—

"(i) real property which was used as a farm (within the meaning of section 6420 (c)(2)) at all times during the 3-year period ending on the date of such sale or exchange, or

"(ii) tangible personal property which was used in the active conduct of the trade or business of farming on such farm and is sold in connection with the sale of such farm,

but only if such property is sold or exchanged for use in the active conduct of the trade or business of farming by the transferee of such property.

"(C) TRADES OR BUSINESSES.—

"(i) IN GENERAL.—Any sale or exchange by a qualified person of any trade or business.

"(ii) APPLICATION WITH SUBPARAGRAPH (E).—This subparagraph shall not apply to any sale or exchange of any property described in subparagraph (B).

"(iii) NEW SECTION 38 PROPERTY.—This subparagraph shall not apply to the sale or exchange of any property which, in the hands of the transferee, is new section 38 property.

"(3) DOLLAR LIMITATION.—

"(A) IN GENERAL.—Paragraph (1) shall apply to any debt instrument to the extent that the sales price does not exceed the applicable limit with respect to such sale or exchange.

"(B) APPLICABLE LIMIT DEFINED.—For purposes of this paragraph, the term 'applicable limit' means the limit determined in accordance with the following table:

"If the transaction is described in:	The limit is:
Paragraph (2)(A)	$250,000
Paragraph (2)(B)	2,000,000
Paragraph (2)(C)	1,000,000

"(4) BLENDED RATE WHERE SALES PRICE EXCEEDS APPLICABLE LIMIT.—In the case of any sale or exchange to which this subsection applies with respect to which the sales price exceeds the applicable limit—

"(A) TEST RATE.—The discount rate under subsection (c)(1)(B) shall, in lieu of the rate under paragraph (1), be equal to the sum of—

"(i) 9 percent, multiplied by a fraction the numerator of which is the applicable limit and the denominator of which is the sales price, and

"(ii) 110 percent of the applicable Federal rate, multiplied by a fraction—

"(I) the numerator of which is the sales price minus the applicable limit, and

"(II) the denominator of which is the sales price.

In the case of a transaction described in paragraph (2)(A), clause (ii) shall be applied by substituting '100 percent' for '110 percent'.

"(B) IMPUTED RATE.—The discount rate under subsection (b) shall, in lieu of the rate under paragraph (1), be equal to the rate determined under subparagraph (A) by substituting '10 percent' for '9 percent' and, except in the case of any transaction described in paragraph (2)(A), '120 percent' for '110 percent' each place it appears.

"(C) RATES AS ADJUSTED.—For purposes of this paragraph, if the Secretary prescribes, pursuant to paragraph (1), a lower discount rate under subsection (c)(1)(B) or (b) than the maximum rate allowed under paragraph (1), such lower rate shall apply in lieu of '9 percent' or '10 percent' in subparagraphs (A)(i) or (B), respectively.

"(5) AGGREGATION AND ALLOCATION RULES.—For purposes of this subsection, except as provided in regulations—

"(A) DEBT INSTRUMENTS.—All debt instruments arising from a transaction (or any series of related transactions) shall be treated as 1 debt instrument.

"(B) SALES AND EXCHANGES.—All sales and exchanges which are part of the same transaction (or a series of related transactions) shall be treated as 1 sale or exchange.

"(C) PRORATION OF APPLICABLE LIMIT WHERE MORE THAN ONE PERSON HOLDS AN INTEREST.—In the case of a sale or exchange of any property (or a trade or business) described in paragraph (2) with respect to which there is more than 1 owner, the applicable limit under paragraph (3) shall be apportioned among each owner on the basis of the ratio which the fair market value of such owner's interest bears to the fair market value of all interests of such owners.

"(6) APPLICATION WITH SUBSECTION (h).—In the case of any qualified sale (as defined in subsection (h)(2)), the applicable limit determined under paragraph (3) shall be reduced by the amount of any debt instrument to which subsection (h)(1) applies.

"(7) DEFINITIONS.—For purposes of this subsection—

"(A) QUALIFIED PERSON DEFINED.—The term 'qualified person' means—

"(i) a person who—

"(I) is an individual, estate, or testamentary trust,

"(II) is a corporation which immediately prior to the date of the sale or exchange has 35 or fewer shareholders, or

"(III) is a partnership which immediately prior to the date of the sale or exchange has 35 or fewer partners,

"(ii) is a 10-percent owner of a farm or a trade or business,

"(iii) pursuant to a plan, disposes of—

"(I) an interest in a farm or farm property, or

"(II) his entire interest in a trade or business and all substantially similar trades or businesses, and

"(iv) the ownership interest of whom may be readily established by reason of qualified allocations of the type described in section 168 (j)(9)(B), one class of stock, or the like).

"(B) 10-PERCENT OWNER DEFINED.—The term '10-percent owner' means a person having at least a 10-percent ownership interest, applying the attribution rules of section 318 (other than subsection (a)(4)).

"(C) SALES PRICE DEFINED.—The term 'sales price' means the sum of—

"(i) money and fair market value of property received in the sale or exchange, plus

"(ii) the stated principal amount of any debt instrument issued in such sale or exchange.

"(D) TRADE OR BUSINESS DEFINED.—

"(i) IN GENERAL.—The term 'trade or business' means any trade or business, including any line of business, qualifying as an active trade or business within the meaning of section 355.

"(ii) RENTAL OF REAL PROPERTY.—For purposes of this subparagraph, the holding of real property for rental shall not be treated as an active trade or business.

"(f) SPECIAL TEST RATES FOR SALES OR EXCHANGES INVOLVING CERTAIN REAL PROPERTY.—

"(1) IN GENERAL.—In the case of any sale or exchange to which this subsection applies, subsection (c)(1)(B) shall be applied by substituting—

"(A) '80 percent' for '110 percent' in the case of any debt instrument described in paragraph (3), and

"(B) '100 percent' for '110 percent' in the case of any debt instrument described in paragraph (4).

"(2) SALES OR EXCHANGES TO WHICH THIS SUBSECTION APPLIES.—

"(A) IN GENERAL.— Except as provided in this paragraph, this subsection applies to any sale or exchange of—

"(i) land, or

"(ii) real property described in subparagraph (D) or (F) of subsection (c)(2) of section 168 (whether or not such property is of a character subject to an allowance under this title for depreciation (or amortization in lieu thereof) in the hands of the purchaser),

including de minimis amounts of tangible personal property associated with such real property.

"(B) CERTAIN PROPERTY NOT INCLUDED.—This subsection shall not apply to any sale or exchange—

"(i) of new section 38 property, or

"(ii) with respect to which the transferor and transferee are related persons.

"(3) DEBT INSTRUMENTS TO WHICH 80 PERCENT RATE APPLIES.—A debt instrument is described in this paragraph if—

"(A) the term of the instrument (determined with regard to any extension or renewal) is not greater than the lesser of—

"(i) 12 years, or

"(ii) in the case of a debt instrument issued in exchange for recovery property, ⅔ of the shortest recovery period under section 168 for such property, and

"(3) the total deferred payments under such instrument, when added to the sum of the total deferred payments under all other debt instruments issued in connection with the sale or exchange—

"(i) to which this paragraph applies, and

"(ii) which were issued before such instrument was issued,

do not exceed $4,000,000.

"(4) DEBT INSTRUMENTS TO WHICH 100 PERCENT RATE APPLIES.—A debt instrument is described in this paragraph if—

"(A) the rate of interest stated in the instrument is not less than the applicable Federal rate,

"(B) such instrument provides for—

"(i) the conditional payment each year of at least 80 percent of the interest so stated, or

"(i) after the close of the 2-year period beginning on the date such instrument was issued the instrument provides the unconditional payment each year of all interest accruing thereunder for that year, and

"(C) such instrument is not described in paragraph (3).

"(5) SPECIAL RULES FOR DETERMINATION OF DISCOUNT RATES.—

"(A) IN GENERAL.—If the applicable Federal rate determined under section 1274 (d) for any period after June 30, 1985 (other than the Federal short-term rate) exceeds by more than 2 percentage points such rate for the preceding period as limited by this paragraph, such applicable Federal rate shall not exceed the greater of—

"(i) the sum of—

"(I) such applicable Federal rate for such preceding period, plus

"(II) one-half of such excess, or

"(ii) the highest such applicable Federal rate during the 2-year period before the period for which such determination was made after the application of this paragraph.

"(B) SPECIAL RULES FOR 1985 AND 1986.—Notwithstanding any other provision of this section, in the case of any sale or exchange with respect to which a binding contract was entered into during 1985 or 1986—

"(i) TEST RATE.—The discount rate for purposes of applying subsection (c)(1)(B) to any debt instrument described in paragraph (3) shall not be greater than the rate determined in accordance with the following table:

"For contracts entered into during the period:	The rate is:
Jan. 1–June 30, 1985	10.5
July 1–Dec. 31, 1985	11
Jan. 1–June 30, 1986	11.5
July 1–Dec. 31, 1986	12.

For purposes of applying subsection (c)(1)B) to any debt instrument described in paragraph (4), the discount rate shall not be greater than the rate determined in accordance with the table, plus one-half percentage point.

"(ii) IMPUTED RATE.—The discount rate for purposes of applying subsection (b) to any debt instrument described in paragraph (3) or (4) shall not be greater than the rate determined under clause (i), plus 1 percentage point.

"(6) AGGREGATION.—For purposes of this subsection, all sales and exchanges which are part of the same transaction (or a series of related transactions) shall be treated as 1 sale or exchange.

"(7) RELATED PERSON DEFINED.—For purposes of this subsection and subsection (g), the term 'related person' means a person who is related (within the meaning of section 267(b) or section 707(b)(1)) to another person other than a qualified 5-percent or less partner (within the meaning of section 267(e)(5)(B)).

"(g) SPECIAL RULES FOR APPLICATION OF THIS SECTION.—For purposes of this section—

"(1) APPLICATION OF SUBSECTIONS (E) AND (F).—In the case of any sale or exchange, either subsection (e) or subsection (f) may be applied, but not both.

"(2) TREATMENT OF ASSUMPTIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if, after December 31, 1984, any person—

"(i) assumes any debt obligation issued after October 15, 1984, or described in subparagraph (C), in connection with the sale or exchange of any property, or

"(ii) takes such property subject to any such debt obligation,

and the terms and conditions of such debt obligation are not changed, then this section shall apply only to the person assuming, or taking property subject to, such obligation and the obligation shall be treated as issued by the purchaser to the seller in the transaction in which such obligation was assumed or the property taken subject to such obligation.

"(B) OTHER ASSUMPTIONS.—In the case of any assumption to which subparagraph (A) does not apply, the rules regarding assumptions as in effect prior to the enactment of the Deficit Reduction Act of 1984 shall apply.

"(C) OBLIGATIONS DESCRIBED IN THIS SUBPARAGRAPH.—A debt obligation is described in this subparagraph if such obligation—

"(i) was issued on or before October 15, 1984, and

"(ii) was assumed (or property was taken subject to such obligation) in connection with the sale or exchange of property (including a deemed sale under section 338(a)) the sales price of which is greater than $100,000,000.

"(D) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to effect the purpose of this subsection, including regulations relating to tax-exempt obligations, government subsidized loans, or other similar instruments.

"(E) CERTAIN EXEMPT TRANSACTIONS.—The Secretary shall prescribe regulations under which any transaction shall be exempt from the application of this paragraph if such exemption is not likely to significantly reduce the tax liability of the purchaser by reason of the overstatement of the adjusted basis of the acquired asset.

"(3) FAIR MARKET VALUE RULE IN POTENTIALLY ABUSIVE CASES.—In the case of any potentially abusive situation (within the meaning of section 1274(b)(3)(B)), the principal amount of any debt instrument received in any sale or exchange of property to which this section applies shall be the fair market value of such property adjusted to take into account other consideration involved in the transaction.

"(4) SALE-LEASEBACKS.—Subsections (e) and (f) shall not apply to any sale or exchange if, pursuant to a plan, the transferor or any related person leases such property.

"(5) RULES NOT TO APPLY WHERE PREPAYMENT PROHIBITED.—Subparagraph (A) of paragraph (1) shall not apply to any obligation arising from a loan from a third-party creditor, pursuant to which the obligor is not permitted to pay the instrument prior to maturity.

"(6) NO IMPUTATION RATE WHERE RESTRICTIONS ON STATED INTEREST APPLY.—Except as otherwise provided in regulations, in any case in which State law applicable to a transaction prohibits the parties from stating interest sufficient to satisfy the applicable rate under subsection (c)(1)(B), the rate under subsection (b) shall be considered equal to the rate so applicable under subsection (c)(1)(B).".

(b) INTEREST INCOME AND DEDUCTIONS COMPUTED ON CASH BASIS IN CERTAIN CASES.—

(1) IN GENERAL.—Section 1274 of such Code (relating to determination of issue price in the case of certain debt instruments issued for property) is amended by adding at the end thereof the following new subsection:

"(e) SPECIAL RULES FOR CERTAIN SALES OR EXCHANGES TO WHICH INTEREST RULES OF SECTION 483 APPLY.—Notwithstanding any other provision of this subpart—

"(1) TRANSACTIONS TO WHICH SECTION 483(e) APPLIES.—In the case of any sale or exchange to which section 483(e) applies—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any inclusion in income or deduction under this title with respect to interest on any debt instrument issued in connection with such sale or exchange shall be computed on the cash receipts and disbursements method of accounting.

"(B) SALES PRICE EXCEEDS APPLICABLE LIMITS.—In any case in which the sales price exceeds the applicable limit under section 483(e)(3)—

"(i) except in the case of any transaction to which section 483(e)(2)(A) applies, subparagraph (A) shall not apply, and

"(ii) the discount rates under subsections (c)(3) and (b)(2)(B) shall be equal to the rates determined under subparagraphs (A) and (B) of section 483(e)(4).

"(2) TRANSACTIONS TO WHICH SECTION 483(f) APPLIES.—In the case of any sale or exchange to which section 483(f) applies—

"(A) TRANSACTIONS WITH 80 PERCENT TEST RATE.—

"(i) IN GENERAL.—Except as provided in clause (ii), any inclusion in income or deduction under this title with respect to interest on any debt instrument described in section 483(f)(3) shall be computed on the cash receipts and disbursements method of accounting.

"(ii) SPECIAL RULE FOR TRANSACTIONS NOT QUALIFYING FOR 80 PERCENT TEST RATE.—Clause (i) shall not apply to any debt instrument issued in such sale or exchange if, in addition to such instrument, a debt instrument not described in section 483(f)(3) is issued in such sale or exchange.

"(B) TRANSACTIONS TO WHICH SUBPARAGRAPH (A) does not apply.—

"(i) IN GENERAL.—Except in the case of property described in subsection (e)(2)(A) of section 483, if subparagraph (A) does not apply to any debt instrument issued in such sale or exchange, subsection (c)(3) shall be applied—

"(I) in the case of any debt instrument described in section 483(f)(4), by substituting '100 percent' for '110 percent', and

"(II) in the case of any debt instrument described in section 483(f)(3), by substituting '80 percent' for '110 percent'.

"(ii) SPECIAL RULES FOR 1985 AND 1986.—In the case of any debt instrument to which clause (i) applies issued during 1985 or 1986, the discount rate under subsection (c)(3) shall not be greater than the rate determined under section 483(f)(5).

"(3) SPECIAL RULE FOR HOLDING AND TRANSFER OF DEBT OBLIGATION.—

"(A) Paragraphs (1)(A) and (2)(A) shall apply to the holder of a debt obligation only if such obligation is—

"(i) held by the first obligee of such obligation or such obligee's spouse or estate, and

"(ii) secured by the property sold or exchanged in the transaction in which such obligation is issued.

"(B) Except as otherwise provided in regulations, in the case of a transfer of property by the obligor in which the obligation is not satisfied and the transferee does not become liable to pay such obligation to the first obligee, any deduction for interest on any indebtedness paid or incurred by the transferee to the immediate transferor attributable to such obligation shall be deferred until

such time as such deduction would have been allowed if such obligation had been assumed by the transferee.

"(C) In any case in which the transferee assumes or takes property subject to any obligation under subparagraph (A) or is considered to do so under subparagraph (B), the transferee shall compute the amount of the deduction for any interest on such obligation on the cash receipts and disbursements method of accounting.

"(4) SUBSECTION ALSO TO APPLY TO DEBT USED TO CARRY OBLIGATIONS.—In any case in which an obligor of a debt obligation to which paragraph (1)(A) or (2)(A) applies pays or incurs interest on indebtedness to carry such debt obligation, and deduction for such interest shall be deferred to the extent necessary to achieve a proper matching of interest income and expense.

"(5) REGULATIONS TO PREVENT ABUSE OF REQUIRED CASH ACCOUNTING.—The Secretary may by regulation prescribe rules to prevent the mismatching of interest income and interest deductions in connection with obligations on which interest is computed on the cash receipts and disbursements method of accounting.

"(6) OTHER RULES APPLY.—For purposes of this subsection, rules similar to the rules under subparagraphs (B) and (D) of section 483(g)(2) shall apply.".

"(2) SPECIAL RULE FOR ASSUMPTIONS.—Paragraph (4) of section 1274(c) of such Code (relating to debt obligations to which section applies) is amended by adding at the end thereof the following new subparagraph:

"(G) TREATMENT OF ASSUMPTIONS.—

"(i) IN GENERAL.—Except in the case of property described in subsection (e)(2)(A) of section 483, if, after December 31, 1984, any person—

"(I) assumes any debt obligation issued after October 15, 1984, or described in clause (ii) in connection with the sale or exchange of any property, or

"(II) takes such property subject to any such debt obligation,

and the terms and condition of such debt obligation are not changed, then this section shall apply only to the person assuming, or taking property subject to, such obligation and the obligation ahall be treated as issued by the purchaser to the seller in the transaction in which such obligation was assumed or the property taken subject to such obligation.

"(ii) OBLIGATION DESCRIBED IN THIS CLAUSE.—A debt obligation is described in this clause if such obligation—

"(I) was issued on or before October 15, 1984, and

"(II) was assumed (or property was taken subject to such obligation) in connection with the sale or exchange of property (including a deemed sale under section 338(a)) the sales price of which is greater than $100,000,000.

"(iii) CERTAIN EXEMPT TRANSACTIONS.—The Secretary shall prescribe regulations under which any transaction would be exempt from the application of this subparagraph if such exemption would not significantly reduce the tax liability of the purchaser by reason of the overstatement of the adjusted basis of the acquired asset.

"(iv) OTHER ASSUMPTIONS.—In the case of any assumption to which subparagraph (A) does not apply, the rules regarding assumptions as in effect prior to the enactment of the Deficit Reduction Act of 1984 shall apply.

"(v) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to effect the purpose of this subsection, including regulations relating to tax-exempt obligations, government subsidized loans, or other similar instruments.".

(c) SPECIAL RULES FOR CERTAIN SALES OR EXCHANGES OF RESIDENCES BY DEALERS IN SUCH PROPERTY.—

(1) IN GENERAL.—Section 1274 of such Code is further amended by adding at the end thereof the following new subsection:

"(f) SPECIAL RULES FOR CERTAIN SALES OR EXCHANGES OF RESIDENCES BY DEALERS IN SUCH PROPERTY.—Notwithstanding any other provision of this subpart—

"(1) IN GENERAL.—In the case of any debt instrument described in paragraph (4) arising from a sale or exchange to which this subsection applies—

"(A) subsection (c)(3) shall be applied by substituting '80 percent' for '110 percent', and

"(B) subsection (b)(2)(B) shall be applied by substituting '110 percent' for '120 percent'.

"(2) SALES OR EXCHANGES TO WHICH THIS SUBSECTION APPLIES.—

"(A) IN GENERAL.—This subsection applies to any sale or exchange of any residence by a dealer who holds such residence as section 1221(1) property to a person who intends to occupy such residence if the sales price of such residence does not exceed $250,000.

"(B) PRORATION OF APPLICABLE LIMIT WHERE MORE THAN ONE PERSON HOLDS AN INTEREST.—In the case of a sale or exchange of any property described in subparagraph (A) with respect to which there is more than 1 owner, the applicable limit under subparagraph (A) shall be apportioned among each owner on the basis of the ratio which the fair market value of such owner's interest bears to the fair market value of all interests of such owners.

"(3) BLENDED RATE WHERE SALES PRICE EXCEEDS $250,000.—In the case of any sale or exchange to which this subsection would otherwise apply with respect to which the sales price exceeds $250,000—

"(A) TEST RATE.—The discount rate under subsection (c)(3) shall, in lieu of the rate under paragraph (1)(A), be equal to the sum of—

"(i) 80 percent, multiplied by a fraction the numerator of which is $250,000 and the denominator of which is the sales price, and

"(ii) 100 percent of the applicable Federal rate, multiplied by a fraction—

"(I) the numerator of which is the sales price minus $250,000, and

"(II) the denominator of which is the sales price.

"(B) IMPUTED RATE.—The discount rate under subsection (b)(2)(B) shall be the rate under paragraph (1)(B).

"(4) DEBT INSTRUMENT.—A debt instrument is described in this paragraph if it provides conspicuous notice to the obligor in a matter prescribed by regulations that if the obligor of such instrument places the residence in service in a trade or business the depreciation rules under section 168(f)(16) shall apply.

"(5) SALES PRICE DEFINED.—For purposes of this subsection, the term 'sales price' means—

"(i) money and fair market value of property received in the sale or exchange, plus

"(ii) the stated principal amount of any debt instrument issued in such sale or exchange.

"(6) RULES RELATING TO INTEREST TO CARRY DEALER OBLIGATIONS ARISING UNDER THIS SUBSECTION.—

"(A) EXCESS DEDUCTIONS DISALLOWED.—For each year the interest expense paid or incurred on any debt incurred or continue to carry any dealer obligation shall be disallowed to the extent such expense exceeds interest income includable with respect to such dealer obligation for such year.

"(B) DISALLOWED INTEREST EXPENSE ALLOWED IN SUBSEQUENT YEARS.—For any year the amount of disallowed interest expense shall be allowed as a deduction with respect to any dealer obligation in an amount equal to the disallowed interest expense as of the close of such year (not including any amount previously allowed under this subparagraph) multiplied by a fraction—

"(i) the numerator of which is the sum of the principal payments of such dealer obligation made in such year, and

"(ii) the denominator of which is the total amount of principal outstanding on such dealer obligation at the beginning of such year.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) DEALER OBLIGATION DEFINED.—The term 'dealer obligation' means an obligation arising pursuant to a transaction to which paragraph (1) of this subsection applies.

"(ii) DISALLOWED INTEREST EXPENSE DEFINED.—The term 'disallowed interest expense' means the aggregate amount of interest expense disallowed under subparagraph (A) with respect to any dealer obligation.

"(D) NO INFERENCE.—Nothing in this paragraph shall be construed to imply that any transaction described in this paragraph is or is not subject to the rules of section 453B, and any determination of such issue shall be made as if this paragraph had not been enacted.".

"(d) RULE WHERE SPECIAL STATE LAW APPLIES.—Section 1274 of such code is further amended by adding at the end thereof the following new subsection:

"(g) NO IMPUTATION RATE WHERE RESTRICTION ON STATED INTEREST APPLY.—Except as otherwise provided in regulations, in any case in which State law applicable to a transaction prohibits the parties from stating interest sufficient to result in an adequate stated interest in the transaction, a rule similar to the rule of section 483(g)(6) shall apply."

(e) CONFORMING AMENDMENTS.—Paragraph (4) of section 1274(c) of such Code (relating to certain excepted debt instruments) is amended—

(1) by striking out subparagraphs (A) and (B),

(2) by striking out "section 483(e)" and "SECTION 483(e)" in subparagraph (F) and the heading to subparagraph (F), respectively, and inserting in lieu thereof "section 483(i)" and "SECTION 483(i)", respectively, and

(3) by redesignating subparagraphs (C), (D), (E), and (F) as subparagraphs (A), (B), (C), and (D), respectively.

(f) DEPRECIATION.—Subsection (f) of section 168 of such Code (relating to accelerated cost recovery system) is amended by adding at the end thereof the following new paragraph—

"(16) SPECIAL RULES FOR CERTAIN RESIDENCES.—In the case of any debt instrument described in section 1274(f)(1), the original principal amount of the debt instrument shall be deemed to be the lesser of—

"(A) the stated principal amount, or

"(B) the imputed principal amount determined by applying section 1274(f) using a discount rate of 110 percent of the applicable Federal rate at the time the debt was issued.".

(g) FAIR MARKET VALUE IN POTENTIALLY ABUSIVE SITUATIONS.—Subparagraph (B) of section 1274(b)(3) of such Code (relating to fair market value rule in potentially abusive situations) is amended in clause (ii), by striking out "or" at the end of subclause (III), by redesignating subclause (IV) as subclause (V), and by adding after subclause (III) the following new subclause:

"(IV) deferred interest, or".

(h) DETERMINATION OF APPLICABLE FEDERAL RATE.—

(1) IN GENERAL.—Paragraph (1) of section 1274(d) of such Code (relating to determination of applicable Federal rate) is amended by adding at the end thereof the following new subparagraph:

"(E) AUTHORITY FOR SECRETARY TO DETERMINE RATE MORE FREQUENTLY.—If there is a significant decrease in any applicable Federal rate following any 6-month test period referred to in subparagraph (B), the Secretary may determine the applicable Federal rate on the basis of a more recent period (not less than 30 days) as he determines appropriate to reflect such decrease.".

(2) SPECIAL RULE FOR 1984.—

(A) IN GENERAL.—In the case of any debt instrument issued during the first 6 months of 1985 pursuant to a sale or exchange for which a binding contract was entered into during 1984, the applicable Federal rate for purposes of sections 483 and 1274 of the Internal Revenue Code of 1954 shall be 10 percent.

(B) PARAGRAPH NOT TO APPLY.—Subparagraph (A) shall not apply to any debt instrument to which section 483 (e) or (f) of the Internal Revenue Code of 1954, as amended by this section, applies.

(i) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 41 of the Deficit Reduction Act of 1984.

By Mr. INOUYE:

S. 72. A bill to amend titles XVIII and XIX of the Social Security Act to provide that mental health counselor services shall be covered under part B of Medicare and shall be a required service under Medicaid; to the Committee on Finance.

SOCIAL SECURITY ACT AMENDMENTS

Mr. INOUYE. Mr. President, today I am introducing legislation in order to amend our Nation's Medicare and Medicaid Programs in order to ensure that a new breed of mental health practitioner, the mental health counselor, will be recognized as an autonomous provider under these two important Federal health programs.

Mr. President, individuals who are licensed by the various States as mental health counselors, typically possess a master's or doctoral degree in counseling, mental health counseling, community counseling, or a similar degree. Further, under the provisions of my bill, for these practitioners to be autonomously reimbursed, we would require that after obtaining such a degree, the individual must have at least 2 years of supervised clinical counseling experience.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 72

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1861(s)(2) of the Social Security Act is amended—

(1) by striking out "and" at the end of subparagraph (H);

(2) by adding "and" at the end of subparagraph (I); and

(3) by adding at the end thereof the following new subparagraph:

"(J) mental health counselor services;".

(b) Section 1861 of such Act is amended by adding at the end thereof the following new subsection:

"Mental Health Counselor Services

"(ee)(1) The term 'Mental Health Counselor services' means services performed by a mental health counselor (as defined in paragraph (2)) which the mental health counselor is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) of the State in which such services are performed, whether or not the mental health counselor is under the supervision of, or associated with, a physician or other health care provider.

"(2) The term 'mental health counselor' means an individual who—

"(A) possesses a master's or doctor's degree in counseling, mental health counseling, community counseling, or similar degree title,

"(B) after obtaining such a degree has performed at least two years of supervised clinical counseling, and

"(C) is licensed or certified as such in the State in which he practices, or if such State does not license or certify mental health counselors, is certified by the National Academy of Certified Clinical Mental Health Counselors and listed in such organization's Register of Certified Clinical Mental Health Counselors.".

SEC. 2. (a) Section 1905(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (17);

(2) by redesignating paragraph (18) as paragraph (19); and

(3) by inserting after paragraph (17) the following new paragraph:

"(18) mental health counselor services (as defined in section 1861(ee)); and".

(b) Section 1902(a) of such Act is amended—

(1) by striking out "paragraphs (1) through (5) and (17)" in paragraph (10)(A) and inserting in lieu thereof "paragraphs (1) through (5), (17), and (18)";

(2) by striking out "paragraphs (1) through (5) and (17)" in paragraph (10)(C)(iv) and inserting in lieu thereof "paragraphs (1) through (5), (17), and (18)"; and

(3) by striking out "paragraphs numbered (1) through (17)" in paragraph (10)(C)(iv) and inserting in lieu thereof "paragraphs numbered (1) through (18)".

SEC. 3. (a) The amendments made by the first section of this Act shall be effective with respect to services performed on or after the first day of the first month which begins more than 60 days after the date of the enactment of this Act.

(b)(1) Except as provided under paragraph (2), the amendments made by section 2 shall be effective with respect to payments under title XIX of the Social Security Act for calendar quarters beginning more than 60 days after the date of the enactment of this Act.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by section 2, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

By Mr. INOUYE:

S. 73. A bill to amend the Job Training Partnership Act to include American Samoans in the Native American Employment and Training Programs; to the Committee on Labor and Human Resources.

AMERICAN SAMOAN JOB TRAINING

Mr. INOUYE. Mr. President, today I am introducing legislation to amend the native American provision of the Job Training Partnership Act—Public Law 97-300—our Federal Employment and Training Program, in order to expressly authorize that American Samoan peoples will be deemed eligible for these important programs. As a provision of Public Law 97-300, the U.S. Department of Labor was directed to conduct a comprehensive report on the unique employment needs of these native American peoples. Mr. President, when the U.S. Senate passed this important legislation, we had included a provision which would have authorized programs for those American Samoans residing in Hawaii as participants. In order to obtain sufficient information to carefully consider my proposal, the conferees instead agreed to direct the Department to conduct this comprehensive report. Although I have not yet received a formal copy of the Department's final report, my review of its preliminary draft indicated that, in fact, American Samoans experience very serious employment problems, especially in Hawaii and California.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 73

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 401(a)(1) of the Job Training Partnership Act (hereafter in this Act referred to as the "Act") is amended—

(1) by striking out "and"; and

(2) by inserting before the semicolon a comma and the following: "and American Samoan communities".

(b) Section 401(c)(1)(B) of the Act is amended by inserting after "Hawaiian na-

tives" the following: "and American Samoan Natives".

(c) Section 401(h)(1) of the Act is amended by inserting after "Native Americans" the first time it appears a comma and the following: "including American Samoans".

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 74. A bill to amend titles XVIII and XIX of the Social Security Act to provide that the services of a pediatric nurse practitioner or pediatric clinical nurse specialist shall be covered under part B of Medicare and shall be a required service under Medicaid; to the Committee on Finance.

SOCIAL SECURITY ACT AMENDMENTS PERTAINING TO NURSES

Mr. INOUYE. Mr. President, today, Senator MATSUNAGA and I are introducing legislation that would amend the Medicare and Medicaid Programs in order to ensure that the services of pediatric nurse practitioners and/or pediatric clinical nurse specialists would be directly reimbursable under these two important programs.

Under the provisions of our proposal, the Department of Health and Human Services would be directed to initiate a special 5-year demonstration program for these practitioners in order to provide the Congress of the United States with sufficient information in order to ensure that an informed decision is made regarding the possibility of ultimately providing complete autonomy for our Nation's pediatric nurse practitioners and pediatric clinical nurse specialists throughout all aspects of Medicare and Medicaid.

Presently, under the Department of Defense CHAMPUS Program, these practitioners are deemed truly autonomous providers and, from all that I have heard, these services are well received.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 74

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1861(s)(2) of the Social Security Act is amended—

(1) by striking out "and" at the end of subparagraph (H);

(2) by adding "and" at the end of subparagraph (I); and

(3) by adding at the end thereof the following new subparagraph:

"(J) pediatric nurse practitioner or pediatric clinical nurse specialist services;".

(b) Section 1861 of such Act is amended by adding at the end thereof the following new subsection:

"Pediatric Nurse Practitioner or Clinical Nurse Specialist Services

"(ee)(1) The term 'pediatric nurse practitioner or pediatric clinical nurse specialist services' means services performed by a pediatric nurse practitioner or pediatric clinical nurse specialist (as defined in paragraph (2)) which the pediatric nurse practitioner or pediatric clinical nurse specialist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) of the State in which such services are performed, whether or not the pediatric nurse practitioner or pediatric clinical nurse specialist is under the supervision of, or associated with, a physician or other health care provider.

"(2) The term 'pediatric nurse practitioner or pediatric clinical nurse specialist' means an individual who—

"(A) is a registered nurse and is licensed to practice nursing in the State in which the pediatric nurse practitioner or pediatric clinical nurse specialist services are performed; and

"(B)(i) holds a master's degree in pediatric nursing or a related field from an accredited educational institution, or

"(ii) is certified as a pediatric nurse practitioner or pediatric clinical nurse specialist by the duly recognized professional nurses association.".

SEC. 2. (a) Section 1905(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (17);

(2) by redesignating paragraph (18) as paragraph (19); and

(3) by inserting after paragraph (17) the following new paragraph:

"(18) pediatric nurse practitioner or pediatric clinical nurse specialist services (as defined in section 1861(ee)); and".

(b) Section 1902(a) of such Act is amended—

(1) in paragraph (10)(A), by striking out "paragraphs (1) through (5) and (17)" and inserting in lieu thereof "paragraphs (1) through (5), (17), and (18)";

(2) in paragraph (10)(C)(iv), by striking out "paragraphs (1) through (5) and (17) of section 1905(a) or the care and services listed in any 7 of the paragraphs numbered (1) through (17)" and inserting in lieu thereof "paragraphs (1) through (5), (17), and (18) of section 1905(a) or the care and services listed in any 7 of the paragraphs numbered (1) through (18)".

SEC. 3. (a) The amendments made by the first section of this Act shall be effective with respect to services performed—

(1) on or after the first day of the first month which begins more than 60 days after the date of the enactment of this Act; and

(2) before January 1, 1988.

(b)(1) Except as provided under paragraph (2), the amendments made by section 2 shall be effective with respect to payments under title XIX of the Social Security Act for calendar quarters beginning—

(A) more than 60 days after the date of the enactment of this Act; and

(B) before January 1, 1988.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by section 2, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

By Mr. INOUYE:

S. 75. A bill to amend the Internal Revenue Code of 1954 to provide a credit for the purchase of child restraint systems used in motor vehicles; to the Committee on Finance.

CHILD RESTRAINT PURCHASERS' TAX CREDIT

Mr. INOUYE. Mr. President, today I am introducing legislation which would amend the Internal Revenue Code in order to provide a tax credit for the purchase of child restraint systems used in motor vehicles.

Mr. President, my proposal is modeled after a provision in the State of Hawaii's tax code which has been well-received by my constituents. It is an unfortunate fact that injuries have not replaced infectious diseases as a leading cause of death and disability among younger Americans. For example, I understand that half of all Americans aged 1 to 14, who died in 1983, died from injuries sustained in car and bicycle accidents, fires, falls, drowning, and the ingestion of toxic substances. The U.S. Department of Transportation recently informed me that, although child safety seat use has increased from 13 percent in 1979 to almost 29 percent today, the Department's investigations have indicated that only in about 15 percent of the cases where tethered seats are being used, are they being used correctly. Further, for nontethered restraints, in only approximately 60 percent of the time that they are being used are they being used correctly. This is in spite of the fact that we know that if properly restrained, over 50 percent of the children who died in automobile accidents would have been saved and 65 percent would have been less severely injured.

Mr. President, the most recent figures made available to me by the National Transportation Safety Board reported that in the years 1978 through 1982, nearly 3,400 child passengers under the age of 5 were killed in traffic accidents and more than 250,000 were injured.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 75

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREDIT FOR PURCHASE OF CHILD RESTRAINT SYSTEMS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to nonrefundable personal credits) is amended by adding at the end thereof the following new section:

"SEC. 25A. PURCHASE OF CHILD RESTRAINT SYSTEM.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for

the taxable year an amount equal to the costs incurred by the taxpayer during such taxable year if purchasing a qualified child restraint system for any child of the taxpayer.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED CHILD RESTRAINT SYSTEM.—The term 'qualified child restraint system' means any child restraint system which meets the requirements of section 571.213 of title 49 of the Code of Federal Regulations.

"(2) CHILD RESTRAINT SYSTEM.—The term 'child restraint system' has the meaning given to such term by section 571.213 of title 49 of the Code of Federal Regulations.

"(3) CHILD.—The term 'child' has the meaning given to such term by section 151(e)(3).".

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25 the following new item:

"Sec. 25A. Purchase of child restraint system.".

SEC. 2. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1984.

By Mr. BUMPERS (for himself and Mr. PRYOR):

S. 81. A bill to create a Federal Crop Insurance Corporation field office within the State of Arkansas; to the Committee on Agriculture, Nutrition, and Forestry.

TO ESTABLISH A FEDERAL CROP INSURANCE CORPORATION IN ARKANSAS

Mr. BUMPERS. Mr. President, along with Senator PRYOR I am today introducing a bill to require the Federal Crop Insurance Corporation to establish and maintain a field operations office in Arkansas.

Since early in 1983, we have been vigorously urging for very persuasive reasons that the FCIC establish a separate field operations office in Arkansas, but our efforts at persuasion have been unavailing. Before 1984, Arkansas was included in the Jackson, MS, field operations office along with the States of Mississippi, Louisiana, and Alabama. In 1983, the Jackson district received more that twice the amount of insurance premiums than the next highest district—in premiums—located in Columbia, SC. Also, the Jackson district had more acres enrolled in the program than any other district in the Nation.

Because of the refusal of the Corporation to staff the Jackson district adequately, however, the backlog of casework became unbearable. For Arkansas farmers covered by Federal crop insurance, the time required to collect on claims commonly exceeded 1 year, which was completely unacceptable. In April 1984, with the situation already critical, the FCIC was again urged in the strongest possible terms to establish a separate Arkansas field operations office. The manager of the FCIC expressed sympathy with our plight, but refused our request and instead declared his intention to move Arkansas to the Nashville, TN field office, a move that was accomplished later in the year. I vigorously opposed this move, because I knew that it would not come close to meeting Arkansas' legitimate needs.

Although the Nashville office was not as busy, the staff there was more geared to tobacco produced in the district States of Tennessee and Kentucky, and other crops produced in these two States. The staff was largely without knowledge and experience in handling Arkansas' major crops, most noticeably rice.

This situation has not been acceptable to the farmers in Arkansas, and I completely agree with them. The creation of a separate field operations office in Arkansas is completely justified by the facts. In 1983-84, each of six States—North Dakota, Missouri, Iowa, South Dakota, Nebraska, and Illinois—had a field operations office that serviced the farmers of that State alone. Interestingly, Arkansas had more units insured than either South Dakota or Illinois, and more insured units than in all of the States served by the Washington district or the Davis, CA, and Harrisburg, PA, districts combined. What's more, there were more premiums received from Arkansas farmers than from farmers in Missouri, Iowa, South Dakota, Nebraska, or Illinois—and more Arkansas premiums than those received from all the States served by eight other field operations districts. Finally, Arkansas has a greater percentage of its potentially insurable acreage insured than 41 of the 47 States covered by Federal crop insurance.

As I hope my colleagues will recognize, the case for an Arkansas office to serve Arkansas farmers is compelling. Of course, it would have been a happier result if the FCIC had accomplished this administratively, as it certainly could have done under current law. If the FCIC had done what it should have, it would not have been necessary for us to bring this matter before the Senate in legislative form. Last year, report language was included in the fiscal year 1985 agriculture appropriations bill stating the expectation of the committee that the corporation establish an office within Arkansas expeditiously. I certainly hope that the Corporation will heed the committee's expectation. Meanwhile, I commend this bill to my colleagues, and urge its swift and favorable consideration.

Mr. PRYOR. Mr. President, I'm pleased to join my distinguished colleague from Arkansas [Mr. BUMPERS] in this effort to establish a regional office of the Federal Crop Insurance Corporation in the State of Arkansas. I think this is a good bill that's being introduced, and one that will help the farmers of the State of Arkansas who purchase Federal crop insurance. Also, Mr. President, I think enactment of this proposal would be helpful to the overall operation of the crop insurance program.

For the last few years, Mr. President, I've been concerned over the type of service the farmers of the State of Arkansas receive after they've purchased crop insurance, and then sustained a loss. Many farmers in Arkansas, after filling out the necessary forms certifying their losses, have experienced long delays before the claim is paid. Also, many of them have been frustrated when they've tried to inquire about the status of their particular claim.

In the 98th Congress, I introduced the Federal Crop Insurance Prompt Payments Act, which would have set a specific timetable for payment of claims, and if it wasn't met, the agency would have had to pay the farmer interest on the amount of the claim. Most of the provisions of this bill have now been incorporated into FCIC regulations. This will be helpful to our producers.

Another problem occurred, however, and that was the enormous caseload faced by the Jackson, MS, office of the FCIC. This office was far and away the largest office in terms of premiums collected and claims processed. Along with other members of the Arkansas delegation I met with officials of the agency on several occasions in an effort to work out a solution.

Last year, Mr. President, the State of Arkansas, which at that time was served by the Jackson, MS, office was transferred to the office located in Nashville, TN. The Nashville office was responsible for claims filed in the States of Tennessee and Kentucky. However, most of the cases—in fact, the vast majority of the cases—in that office dealt with tobacco or feed grains. Although soybeans are grown in each of those States, they aren't a major crop, like they are in Arkansas, and to the best of my knowledge, no rice is grown in either State. As most Members of the Senate are aware, rice is a major crop in Arkansas, and we lead the Nation in rice production. Further, we have cotton that is covered under FCIC policies.

Mr. President, after reviewing the regional structure of the agency, it became apparent to me that the State of Arkansas, standing alone, was larger than several of the existing regional offices. And also, that due to the volume of Federal crop insurance in Arkansas, a regional office was warranted. The bill being introduced today by Mr. BUMPERS would statutorily make the State of Arkansas a crop insurance region. It is a good move. It will improve the service to the agricultural producers, and I believe it will make the operations of the agency

more efficient and responsive to the needs of American agriculture.

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 76. A bill to amend titles XVIII and XIX of the Social Security Act to provide that the services of a psychiatric nurse practitioner or psychiatric clinical nurse specialist shall be covered under part B of Medicare and shall be a required service under Medicaid; to the Committee on Finance.

SOCIAL SECURITY ACT AMENDMENTS

Mr. INOUYE. Mr. President, Senator MATSUNAGA and I today are introducing legislation in order to amend our Nation's Medicare and Medicaid Programs to ensure that psychiatric nurse practitioners and psychiatric clinical nurse specialists will be deemed truly autonomous practitioners under both of these programmatic initiatives.

In my judgment, for too long a period of time now, our various Federal statutes have required that these professional practitioners can only perform under the supervision or referral of members of another profession.

We have been able to modify the Department of Defense CHAMPUS Program in order to ensure that these individuals will be truly autonomous providers and, it is my hope that we will be able to modify Medicare and Medicaid in a similar fashion.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 76

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1861(s)(2) of the Social Security Act is amended—

(1) by striking out "and" at the end of subparagraph (H);

(2) by adding "and" at the end of subparagraph (I); and

(3) by adding at the end thereof the following new subparagraph:

"(J) psychiatric nurse practitioner or psychiatric clinical nurse specialist services;".

(b) Section 1861 of such Act is amended by adding at the end thereof the following new subsection:

"Psychiatric Nurse Practitioner or Psychiatric Clinical Nurse Specialist Services

"(ee)(1) The term 'psychiatric nurse practitioner or psychiatric clinical nurse specialist services' means services performed by a psychiatric nurse practitioner or psychiatric clinical nurse specialist (as defined in paragraph (2)) which the psychiatric nurse practitioner or psychiatric clinical nurse specialist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) of the State in which such services are performed, whether or not the psychiatric nurse practitioner or psychiatric clinical nurse specialist is under the supervision of, or associated with, a physician or other health care provider.

"(2) The term 'psychiatric nurse practitioner or psychiatric clinical nurse specialist' means an individual who—

"(A) is a registered nurse and is licensed to practice nursing in the State in which the psychiatric nurse practitioner or psychiatric clinical nurse specialist services are performed; and

"(B)(i) holds a master's degree or higher decree in psychiatric nursing or a related field from an accredited educational institution, or

"(ii) is certified as a psychiatric nurse practitioner or psychiatric clinical nurse specialist by the duly recognized professional nurses association.".

(c) Section 1833 (c) of such Act is amended by striking out all that follows "purpose of subsections (a) and (b)" and inserting in lieu thereof "no more than $1,000".

SEC. 2. (a) Section 1905(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (17);

(2) by redesignating paragraph (18) as paragraph (19); and

(3) by inserting after paragraph (17) the following new paragraph:

"(18) psychiatric nurse practitioner or psychiatric clinical nurse specialist services (as defined in section 1861(ee)); and".

(b) Section 1902 (a) of such Act is amended—

(1) in paragraph (10)(A), by striking out "paragraphs (1) through (5) and (17)" and inserting in lieu thereof "paragraphs (1) through (5), (17), and (18)";

(2) in paragraph (10)(C)(iv), by striking out "paragraphs (1) through (5) and (17) of section 1905(a) or the care and services listed in any 7 of the paragraphs numbered (1) through (17)" and inserting in lieu thereof "paragraphs (1) through (5), (17), and (18) of section 1905(a) or the care and services listed in any 7 of the paragraphs numbered (1) through (18)".

SEC. 3. (a) The amendments made by the first section of this Act shall be effective with respect to services performed on or after the first day of the first month which begins more than 60 days after the date of the enactment of this Act.

(b) (1) Except as provided under paragraph (2), the amendments made by section 2 shall be effective with respect to payments under title XIX of the Social Security Act for calendar quarters beginning more than 60 days after the date of the enactment of this Act.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by section 2, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 77. A bill to amend titles XVIII and XIX of the Social Security Act to provide that the services of a gerontological nurse practitioner or gerontological clinical nurse specialist shall be covered under part B of Medicare and shall be a required service under Medicaid; to the Committee on Finance.

NURSE SERVICES COVERAGE UNDER MEDICARE

Mr. INOUYE. Mr. President, Senator MATSUNAGA and I, today are introducing legislation to modify our Nation's Social Security Act in order to ensure that the services of gerontological nurse practitioners and gerontological clinical nurse specialists will be readily available under both Medicare and Medicaid.

There can be no question that, as our Nation's elderly continue to become a larger segment of our overall population, it is becoming increasingly important for us to establish comprehensive health care programs targeted toward their unique needs. There is, without question, a shortage of gerontological nurse practitioners. The Senate Appropriations Committee has received testimony from numerous witnesses that their services are badly needed. However, I do not feel that it is really realistic to assume that we will ever be able to fill this void unless we are willing to modify those Federal health care programs which provide for reimbursement for health care in order to ensure that they will, in fact, be deemed autonomous providers.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 77

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1861(s)(2) of the Social Security Act is amended—

(1) by striking out "and" at the end of subparagraph (H);

(2) by adding "and" at the end of subparagraph (I); and

(3) by adding at the end thereof the following new subparagraph:

"(J) gerontological nurse practitioner or gerontological clinical nurse specialist services;".

(b) Section 1861 of such Act is amended by adding at the end thereof the following new subsection:

"Gerontological Nurse Practitioner or Gerontological Clinical Nurse Specialist Services

"(ee)(1) The term 'gerontological nurse practitioner or gerontological clinical nurse specialist services' means services performed by a gerontological nurse practitioner or gerontological clinical nurse specialist (as defined in paragraph (2)) which the gerontological nurse practitioner or gerontological clinical nurse specialist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) of the State in which such services are performed, whether or not the gerontological nurse practitioner or gerontological clinical nurse specialist is under the supervision of, or associated with, a physician or other health care provider.

"(2) The term 'gerontological nurse practitioner or gerontological clinical nurse specialist' means an individual who—

"(A) is a registered nurse and is licensed to practice nursing in the State in which the gerontological nurse practitioner or gerontological clinical nurse specialist services are performed; and

"(B)(i) holds a master's degree in gerontological nursing or a related field from an accredited educational institution, or

"(ii) is certified as a gerontological nurse practitioner or gerontological clinical nurse specialist by the duly recognized professional nurses association.".

SEC. 2. (a) Section 1905(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (17);

(2) by redesignating paragraph (18) as paragraph (19); and

(3) by inserting after paragraph (17) the following new paragraph:

"(18) gerontological nurse practitioner or gerontological clinical nurse specialist services (as defined in section 1861(ee)); and".

(b) Section 1902(a) of such Act is amended—

(1) in paragraph (10)(A), by striking out "paragraphs (1) through (5) and (17)", and inserting in lieu thereof "paragraphs (1) through (5), (17), and (18)";

(2) in paragraph (10(C)(iv), by striking out "paragraphs (1) through (5) and (17) of section 1905(a) or the care and services listed in any 7 of the paragraphs numbered (1) through (17)" and inserting in lieu thereof "paragraphs (1) through (5), (17), and (18) of section 1905(a) or the care and services listed in any 7 of the paragraphs numbered (1) through (18)".

SEC. 3. (a) Section 1861(j)(4) of the Social Security Act is amended by striking out "and" at the end of clause (A) and by inserting before the semicolon the following: ", and (C) provides that a gerontological nurse practitioner or gerontological clinical nurse specialist (as defined in subsection (ee)(2)) shall be available, on at least a consultant basis, to assure that necessary gerontological nursing services are furnished to patients".

(b) The first sentence of section 1905(c) of such Act is amended by striking out "and" at the end of clause (3) and by inserting before the period the following: ", and (5) provides that a gerontological nurse practitioner or gerontological clinical nurse specialist (as defined in section 1861(ee)(2)) shall be available, on at least a consultant basis, to assure that necessary gerontological nursing services are furnished to patients".

SEC. 4. (a) The amendments made by the first section of this Act shall be effective with respect to services performed on or after the first day of the first month which begins more than 60 days after the date of the enactment of this Act.

(b)(1) Except as provided under paragraph (2), the amendments made by section 2 shall be effective with respect to payments under title XIX of the Social Security Act for calendar quarters beginning more than 60 days after the date of the enactment of this Act.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by section 2, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

(c) The amendments made by section 3 shall become effective on the first day of the first month which begins more than 60 days after the date of the enactment of this Act.

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 78. A bill to amend titles XVIII and XIX of the Social Security Act to provide that clinical social worker services shall be covered under part B of Medicare and shall be a required service under Medicaid; to the Committee on Finance.

SOCIAL WORKER SERVICES COVERAGE UNDER MEDICARE

Mr. INOUYE. Mr. President, today Senator MATSUNAGA and I are introducing legislation which would amend our Nation's Medicare and Medicaid Programs in order to provide for the autonomous recognition of the services of our Nation's clinical social workers.

Without question, our Nation's clinical social workers provide a very significant proportion of our Nation's mental health care and also have an excellent track record in both administration and program development.

It is my personal goal to amend every one of our Federal health care programs in order to ensure that ultimately, these practitioners will be deemed truly autonomous providers as they currently are under the Department of Defense CHAMPUS Program.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 78

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1861(s)(2) of the Social Security Act is amended—

(1) by striking out "and" at the end of subparagraph (H);

(2) by adding "and" at the end of subparagraph (I); and

(3) by adding at the end thereof the following new subparagraph:

"(J) clinical social worker services;".

(b) Section 1861 of such Act is amended by adding at the end thereof the following new subsection:

"CLINICAL SOCIAL WORKER SERVICES

"(ee)(1) The term 'clinical social worker services' means services performed by a clinical social worker (as defined in paragraph (2)) which the clinical social worker is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) of the State in which such services are performed, whether or not the clinical social worker is under the supervision of, or associated with, a physician or other health care provider.

"(2) The term 'clinical social worker' means an individual who—

"(A) possesses a master's or doctor's degree in social work,

"(B) after obtaining such degree has performed at least two years of supervised clinical social work, and

"(C) is licensed or certified as a clinical social worker in the State in which the clinical social worker services are performed, or in those States which do not provide for licensure or certification, is listed in a national register of social workers who, by education and experience, qualify as health care providers in clinical social work.".

(c) Section 1833(c) of such Act is amended by striking out all that follows "purposes of subsections (a) and (b)" and inserting in lieu thereof "no more than $1,000".

SEC. 2. (a) Section 1905(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (17);

(2) by redesignating paragraph (18) as paragraph (19); and

(3) by inserting after paragraph (17) the following new paragraph:

"(18) clinical social worker services (as defined in section 1861(ee)); and".

(b) Section 1902(a) of such Act is amended—

(1) by striking out "paragraphs (1) through (5) and (17)" in paragraph (10)(A) and inserting in lieu thereof "paragraphs (1) through (5), (17), and (18)";

(2) by striking out "paragraphs (1) through (5) and (17)" in paragraph (10)(C)(iv) and inserting in lieu thereof "paragraphs (1) through (5), (17), and (18)"; and

(3) by striking out "paragraphs numbered (1) through (17)" in paragraph (10)(C)(iv) and inserting in lieu thereof "paragraphs numbered (1) through (18)".

SEC. 3. (a) The amendments made by the first section of this Act shall be effective with respect to services performed on or after the first day of the first month which begins more than 60 days after the date of the enactment of this Act.

(b)(1) Except as provided under paragraph (2), the amendments made by section 2 shall be effective with respect to payments under title XIX of the Social Security Act for calendar quarters beginning more than 60 days after the date of the enactment of this Act.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by section 2, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

By Mr. INOUYE:

S. 79. A bill to provide that a student enrolled in a graduate program in psychology shall be eligible for student loans under the Health Professions Student Loan Program; to the Committee on Labor and Human Resources.

ELIGIBILITY UNDER THE HEALTH PROFESSIONS STUDENT LOAN PROGRAM

Mr. INOUYE. Mr. President, today I am introducing legislation which would provide that graduate students in psychology shall be deemed eligible

for our Nation's Health Manpower Student Loan Program.

The bill which I am introducing today was adopted by the conferees last congressional session during their deliberations on the Health Manpower Reauthorization Act which, unfortunately, was vetoed by the President.

In my judgment, it is very important and in our Nation's best interest that our Nation's psychology graduate students be deemed eligible for these important student loan programs, especially given the increasing clinical and scientific evidence highlighting the importance of the psychosocial aspects of health care.

Mr. President, I request unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 79

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 740(a) of the Public Health Service Act is amended by inserting before the period at the end thereof the following: ", or with any public or nonprofit private institution which has a graduate program in psychology (as defined in section 737(3)) and which is located in a State".

(b) Section 740(b)(4) of such Act is amended by striking out "or" before "doctor of veterinary medicine", and by inserting before the semicolon at the end thereof the following: ", or a doctoral degree in psychology".

(c) Section 741(b) of such Act is amended by striking out "or" before "doctor of veterinary medicine", and by inserting before the period at the end thereof the following: ", or a doctoral degree in psychology".

(d) Section 741(c) of such Act is amended by inserting after "veterinary medicine," the following: "or in a graduate program in psychology (as defined in section 737(3)),".

(e) Section 741(f)(1)(A) of such Act is amended by inserting before the semicolon at the end thereof the following: ", or a doctoral degree in psychology'.

(f) Section 741(f)(1)(B) of such Act is amended by inserting before the simicolon the following: ", or in a graduate program in psychology (as defined in section 737(3))".

(g) Section 741(1) of such Act is amended by striking out "or podiatry" and inserting in lieu thereof "podiatry, or psychology".

(h) The amendments made by this Act shall be effective with respect to loans made on or after the date of the enactment of this Act.

By Mr. INOUYE:

S. 80. A bill to transfer the National Institute of Mental Health to the National Institutes of Health; to the Committee on Labor and Human Resources.

NATIONAL INSTITUTE OF MENTAL HEALTH TRANSFER ACT

Mr. INOUYE. Mr. President, today I am introducing legislation which would amend the authority within the Department of Health and Human Services of the National Institutes of Health [NIH] in order to transfer the National Institute of Mental Health [NIMH] to the NIH.

Mr. President, I have proposed such a transfer over the past several years now and have been pleased that at various times, my colleagues on the Senate Appropriations Committee have also raised this issue directly with the Department of Health and Human Services.

In my judgment, the time has come to significantly increase our Federal commitment to the research and clinical training programs of the National Institute of Mental Health and, in order to accomplish that objective, I feel that it would be appropriate for the NIMH to become formally part of the NIH, which is, without question, the hallmark of our Federal research initiatives.

I am aware that the Institute of Medicine recently completed its report on various reorganizational proposals for the NIH; however, in all candor, I am not satisfied that they gave serious enough consideration to the move which I am proposing today.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 80

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the "National Institute of Mental Health Transfer Act of 1985".

SEC. 2. (a) The National Institute of Mental Health is transferred to the National Institutes of Health.

(b) Section 504 of the Public Health Service Act is redesignated as section 455 of such Act, and is amended—

(1) by redesignating the second and third sentences of subsection (a) as paragraph (2) of such subsection; and

(2) by striking out the first sentence of such subsection and inserting in lieu thereof the following:

"(1) There is established as a division of the National Institutes of Health, the National Institute of Mental Health (hereinafter in this part referred to as the 'Institute') to administer the programs and authorities of the Secretary with respect to mental health.".

SEC. 3. (a)(1) Subsection (a) of section 501 of the Public Health Service Act is amended by striking out "Alcohol, Drug Abuse, and Mental Health Administration" and inserting in lieu thereof "Alcohol and Drug Abuse Administration".

(b) Subsection (b) of such section is amended—

(1) by striking out "the National Institute of Mental Health,"; and

(2) by striking out the comma after "Alcholism".

(c) Subsection (c) of such section is amended—

(1) by striking out "Alcohol, Drug Abuse, and Mental Health" in the first sentence of paragraph (1) and inserting in lieu thereof "Alcohol and Drug Abuse";

(2) by striking out "drug abuse, and mental health" in subparagraph (A) of such paragraph and inserting in lieu thereof "and drug abuse";

(3) by striking out the comma after "Alcoholism" in the first sentence of paragraph (2)(A) and inserting in lieu thereof "and";

(4) by striking out "Drug Abuse, and the National Institute of Mental Health" in such sentence and inserting in lieu thereof "Drug Abuse"; and

(5) by striking out "drug abuse, and mental illness" each place it appears in the second sentence of such paragraph and inserting in lieu thereof "and drug abuse".

(d) Subsection (e) of such section is amended—

(1) by striking out "the National Institute of Mental Health," each place it appears; and

(2) by striking out the comma after "Alcholism" each place it appears.

(e) The heading for title V of such Act is amended—

(1) by striking out "THE NATIONAL INSTITUTE OF MENTAL HEALTH,"; and

(2) by striking out the comma after "ALCHOLISM".

By Mr. INOUYE:

S. 82. A bill to amend title 38, United States Code, to provide that the Administrator of Veterans' Affairs may furnish outpatient dental services and treatment for nonservice-connected disability to any war veteran who has a service-connected disability of 50 per centum or more; to the Committee on Veterans' Affairs.

OUTPATIENT DENTAL SERVICE FOR VETERANS

Mr. INOUYE. Mr. President, I am introducing legislation today which would provide for outpatient dental care of any war veteran who is 50 percent or more disabled as a result of his military service. Veterans will be eligible for this care even if their dental problems are unrelated to their service injuries.

Legislation passed by the 91st Congress provides medical and outpatient care for veterans of all wars who were totally and permanently disabled by service-related injuries. This law, Public Law 91-102, was designed to care for the medical needs that would arise during their lives, but would be unrelated to their military wounds. It, however, specifically forbids payment for outpatient dental care. My bill seeks to fill the gap left by Public Law 91-102.

According to one estimate, approximately 175,000 veterans would be eligible for dental care if this bill is passed. Currently, these men get free care only if their problems are directly related to their service disability. But, as the disabled American veterans noted when they urged me to introduce this measure, many veterans live on limited, fixed incomes. Dental costs are rising along with everything else in these inflationary times, and an increasing number are being forced to go without proper dental care because they cannot afford it.

Mr. President, I request unanimous consent tnat the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 82

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 612(b)(1) of title 38, United States Code, is amended—

(1) by striking out "or" at the end of clause (G);

(2) by striking out the period at the end of clause (H) and inserting in lieu thereof a semicolon and "or"; and

(3) by adding at the end thereof the following:

"(5) from which a veteran of any war who has a service-connected disability rated as 50 per centum or more is suffering.".

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 83. A bill to amend title XVIII and XIX of the Social Security Act to provide that services furnished by a clinical social worker shall be reimbursable under Medicare when furnished by a health maintenance organization to a member of that organization; to the Committee on Finance.

HMO REIMBURSABLE SOCIAL WORKER SERVICES

Mr. INOUYE. Mr. President, today Senator MATSUNAGA and I are introducing legislation to amend our Nation's Medicare Program in order to ensure that when a Health Maintenance Organization [HMO] desires to utilize the services of a clinical social worker, they will be deemed truly autonomous within the scope of their State practice act.

During the 98th Congress, we were successful in amending this same provision of the Medicare statute in order to ensure that HMO's will be able to utilize professional psychologists when they so desire.

Our Nation's clinical social workers have a long and illustrious track record of providing high quality mental health care and, accordingly, I feel that the time has now come to amend our various Federal health statutes in order to provide for their explicit inclusion.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 83

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1861(s)(2)(H)(ii) of the Social Security Act is amended—

(1) by inserting "or by a clinical social worker (as defined in subsection (ee))" after "clinical psychologist (as defined by the Secretary)"; and

(2) by striking out "incident to his services" and inserting in lieu thereof "incident to such clinical psychologist's services or clinical social worker's services".

(b) Section 1861 of such Act is amended by adding at the end thereof the following new subsection:

"CLINICAL SOCIAL WORKER

"(ee) The term 'clinical social worker' means an individual who—

"(1) possesses a master's or doctor's degree in social work;

"(2) after obtaining such degree has performed at least two years of supervised clinical social work; and

"(3) is licensed or certified as a clinical social worker in the State in which the services are performed, or, in the case of a State which does not provide for licensure or certification, is listed in a national register of social workers who, by education and experience, qualify as health care providers in clinical social work.

SEC. 2. (a) The amendments made by the first section of this Act shall be effective with respect to services performed on or after the first day of the first month which begins more than 60 days after the date of the enactment of this Act.

By Mr. INOUYE:

S. 84. A bill to incorporate the Pearl Harbor Survivors Association; to the Committee on the Judiciary.

PEARL HARBOR SURVIVORS ASSOCIATION

Mr. INOUYE. Mr. President, I am proud to introduce before this distinguished body, a bill to incorporate the Pearl Harbor Survivors Association. This measure would bestow Federal recognition on this most honorable private nonprofit association.

Mr. President, the devastation of December 7, 1941, is still fresh for many of us, but for untold thousands, it was the catalyst for a personal sacrifice that could never be exceeded. The Pearl Harbor Survivors Association is comprised of men and women who defended our Nation against the onslaught of the Japanese attack on the Pacific fleet at Pearl Harbor. Since 1941, survivors of the Pearl Harbor attack have formed many local and regional groups, and there are now 127 active chapters located in almost every State. Their national organization, the Pearl Harbor Survivors Association, was incorporated in Missouri in 1958.

Today there are an estimated 15,000 surviving members of the U.S. Armed Forces who served at Pearl Harbor and in the area of Oahu during the December 7 attack. Of that number, the Pearl Harbor Survivors Association has an active membership of 7,990 men and women. Anyone who was a member of the Armed Forces on Oahu or was stationed aboard a ship located within 3 miles of the island on December 7, 1941, is eligible to join. Members must either have been honorably discharged or still be a member of the Armed Forces. The association conducts regular chapter, district, and State meetings, and a biennial national convention.

The motto of the organization is "Keep America Alert," which this association strives to accomplish through the preservation of historical mementos and chronicles of the Pearl Harbor attack, as well as preserving the gravesites of those who were killed in the attack. Their ultimate mission is to stimulate Americans to take a more active interest in the affairs and future of our Nation.

The Pearl Harbor Survivors Association is truly unique because it will only exist as long as there are actual survivors of Pearl Harbor. In my judgment, this association fulfills all of the necessary requirements to warrant a Federal charter. In all candor, Mr. President, this recognition is the least that we can do to honor the survivors of this infamous attack.

I am most proud to sponsor this legislation and I wish to insert in the RECORD a statement by the Pearl Harbor Survivors Association. I believe that it best summarizes the purposes of the organization.

Mr. President, at this time I request unanimous consent that the Pearl Harbor Survivors Association's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMEMBER PEARL HARBOR

On that peaceful Sunday morning, December 7th, 1941, an enemy attack force hit Pearl Harbor with all its fury of death and destruction. In only thirty short minutes the attackers accomplished their most important mission; they had wrecked the battle force of the United States Pacific Fleet. We also lost half of the military aircraft on the island. We accounted for ourselves as military, by fighting back, not yet aware that history had been thrust upon us. Pearl Harbor was the actual beginning of the great war which was to change the entire structure of the world. We Americans who were there demonstrated that we were prepared to give our lives, and did give them when necessary. Our sacrifices at Pearl Harbor united the nation and gave rise to a determination to protect and keep the American freedom. Our sacrifice alerted a relaxed nation, brought it to its feet and caused it to win World War II. The lesson we learned by our sacrifice will not be easily forgotten. Many of us are no longer of use as sailors, soldiers, marines, and airmen. We must make ourselves useful at home, by dedicating ourselves to the principles of freedom; by doing everything within our power to bring about a commitment of patriotism. We survivors who are still alive, for those who did not survive, can never permit ourselves to become vulnerable again. "Remember Pearl Harbor."

By Mr. DOLE (for himself, Mr. GORTON, Mrs. KASSEBAUM, Mr. HATFIELD, Mr. ANDREWS, Mr. DANFORTH, Mr. D'AMATO, Mr. HATCH, Mr. COHEN, Mr. BAUCUS, Mr. METZENBAUM, Mr. DOMENICI, Mrs. HAWKINS, Mr. WARNER, Mr. QUAYLE, Mr. PACKWOOD, Mr. PRESSLER, Mr. GRASSLEY, Mr. ROTH, Mr. MATSUNAGA, Mr. COCHRAN, Mr. CHAFEE, Mr. STEVENS, Mr. SPECTER, Mr. ABDNOR, Mr. TRIBLE,

Mr. BRADLEY, Mr. MATHIAS, Mr. HUMPHREY, Mr. MURKOWSKI, Mr. HEINZ, and Mr. SYMMS):

S. 86. A bill to amend the laws of the United States to eliminate gender-based distinctions; to the Committee on the Judiciary.

SEX DISCRIMINATION IN THE UNITED STATES CODE REFORM ACT

Mr. DOLE. Mr. President, on December 21, 1981, President Reagan signed Executive Order 12336 establishing the task force on legal equity for women. The task force was established to "provide for the systematic elimination of regulatory and procedural barriers which have unfairly precluded women from receiving equal treatment from Federal activities." The order further assigned to the Attorney General the responsibility to complete a review of Federal laws and to identify and report to the President any language or provision that "unjustifiably differentiates or which effectively discriminates, on the basis of sex."

In June of 1982, the Attorney General completed his first report pursuant to the Executive Order. This report listed over 100 Federal statutes still containing some form of overt, gender bias. Early in the 98th Congress, with the President's support, I introduced legislation to revise or eliminate the vast majority of these identified statutes. The Senate Judiciary Committee subsequently approved the bill, unanimously, along with an amendment containing corrective language for additional sex-based laws identified in the Attorney General's final report. The bill was unanimously approved by the full Senate; unfortunately, no action was taken by the House. As a consequence, I am reintroducing the identical bill today and hope that in this Congress, both Houses will see fit to promptly pass it.

The bill would revise or eliminate over 150 statutory provisions that still contain some form of overt, substantive, gender bias. A few of these are clearly obsolete and would be repealed. The substantive effect of some others has already been negated through agency action or court decision, in which case they would be amended to conform to existing practice and case law. A number of these laws, however, are of continuing applicability. Thus, while the impact of the bill should not be overstated, it should also be emphasized that the proposal involves more than simple technical changes to language. On the contrary, a number of the changes will benefit individuals who, in a variety of relatively narrow areas, may still be subjected to unfair discrimination under the law.

Mr. President, this legislation represents an important and necessary, albeit modest, step in the continuing effort to achieve full equality for women under the law. Though each of the laws to be amended may be of minimal impact, their cumulative effect is to imply an inferior or dependent status for women. Today, Americans overwhelmingly believe that men and women should be treated as equal partners in society. Our Nation's laws should reflect that fact, in both form and substance.

Mr. GRASSLEY. Mr. President, I am pleased to join our new majority leader, Senator DOLE, in sponsoring a bill to eliminate gender-based distinctions in Federal laws. This bill enjoyed broad support in the last Congress and I urge my colleagues to act expeditiously to enact this needed reform into law.

This legislation is a modest, yet very important step, in promoting equal and fair application of our Federal laws. My own State of Iowa enacted a similar measure in 1980 and is now in the process of "cleansing" its code of all language which is discriminatory on its face.

While passage of this legislation will not result in sweeping changes, the more than 100 revisions in sex-based terminology will provide equal treatment in certain areas of the Social Security Act and Railroad Retirement Act where determinations of benefits reflect sex distinctions. Many of the changes will also eliminate remaining sex biases in the Coast Guard, Naval and Marine Reserve statutes.

I support the swift enactment of this necessary step in continuing efforts to achieve legal equality.

By Mr. INOUYE:

S. 87. A bill to specify that health maintenance organizations may provide the services of psychologists; to the Committee on Labor and Human Resources.

HMO'S MAY PROVIDE SERVICES OF PSYCHOLOGISTS

Mr. INOUYE. Mr. President, I am introducing legislation that would amend the basic Health Maintenance Organizations [HMO's] authorization act in order to expressly ensure that those HMO's who desire to utilize psychologists, shall, in fact, be authorized by this important statute.

Presently, there are some 400 psychologists who are employed by HMO's across the Nation and who are functioning to the fullest extent of their State practice act. The authority for their employment comes under the generic phrase of the current HMO statute of "other health professional" which, given the professional maturity of our Nation's psychologists, I feel is no longer appropriate.

Incidentially, during the last session of Congress, we were able to have the Medicare statute modified in order to ensure that HMO's would be able to bill for the services of their psychologists on an autonomous basis.

Mr. President, I request unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 87

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraphs (1) and (2) of section 1302 of the Public Health Service Act are amended by inserting "psychologist," after "podiatrist," each place it appears.

(b) Paragraph (4) of such section is amended by striking out "and podiatrists" and inserting in lieu thereof "podiatrists, and psychologists".

(c) Paragraph (5) of such section is amended by inserting "psychology," after "optometry,".

By Mr. D'AMATO:

S. 88. A bill to amend the Internal Revenue Code of 1954 to provide that restrictions on the allowance for depreciation and the investment credit for property leased by a tax-exempt entity not apply to certain correctional facilities leased by States and local governments; to the Committee on Finance.

PRISON CONSTRUCTION PRIVATIZATION ACT

Mr. D'AMATO. Mr. President, I am today reintroducing my Prison Construction Privatization Act of 1984. I originally introduced this legislation on August 2, 1984, as S. 2903.

The Prison Construction Privatization Act of 1984 will provide important incentives to the private sector to become more involved in prison, jail, and detention center construction and rehabilitation. This principally will be done by exempting these activities from the sale/leaseback restrictions recently enacted in the Deficit Reduction Act of 1984.

My purpose in introducing this legislation is to address a problem that is national in scope: prison overcrowding. Today, Mr. President, 30 States have their entire prison systems or individual facilities within their systems under court order to relieve overcrowding. In 1983 alone, over 21,000 prison inmates were released early as a result of overcrowding. I feel strongly that the Federal Government should play a role in solving this problem.

I am reintroducing the Prison Construction Privatization Act today with some minor modifications. As I stated earlier, my bill exempts certain correctional facilities from the sale/leaseback restrictions of the recently passed tax bill. The legislation I am introducing today cleans up the language defining a qualified correctional facility. In addition, the new Task Force on Violent Crime has recommended a 4-year, $2 billion Federal assistance program to finance the construction of State prisons.

My bill, however, would open up a new avenue of funding for correctional facilities by providing Federal tax incentives to private firms. Not only is the sale/leaseback approach less costly than direct Federal appropriations, but it also adds private cost controls to prison and jail rehabilitation and construction.

Today, prison overcrowding is one of the most serious problems America faces. The situation has reached epidemic proportions. Presently, 30 States have their entire prison systems or individual jails within their systems under court order to alleviate overcrowding. Judges have ruled that conditions in these jails and prisons represent cruel and unusual punishment and, thus, violate the inmates' constitutional rights. The following States are under court order to relieve prison overcrowding:

Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Nevada, Ohio, Oklahoma, Rhode Island, Tennessee, Texas, Utah, Georgia, Illinois, Iowa, Missouri, New Hampshire, New Mexico, Virginia, Washington, and West Virginia.

Additional States, while not yet under court order, have dangerously high populations.

Occupancy in our Nation's prisons is not expected to decline in coming years. Rather, expected increases will make today's problem look small by comparison. According to a study by the General Accounting Office [GAO], prison population will increase from 391,597 in 1983 to 528,193 by 1990. Available prison space, however, will only increase from 332,444 in 1983 to 419,869 in 1990. This will result in a 25.8 percent or 108,324 shortfall.

The crisis is upon us. Judges in many jurisdictions have already begun ordering prisoners released because of overcrowding. The New York City detention center at Riker's Island was ordered to release 613 of its inmates in November 1983 because of overcrowding. In June 1983, New Orleans was forced to erect outdoor tents to house prisoners. In 1983 alone, 21,420 inmates were released prematurely nationwide due to overcrowding. The problem has grown worse in 1984. And worse yet, even after such releases take place, no new criminal can be sentenced without releasing still another prisoner.

According to "The Privatization of Corrections," a draft report prepared by Abt Associates for the National Institute of Justice, as of March 1, 1984, 105,684 new prison beds are planned or proposed for construction over the next 10 years by States to deal with overcrowding. State corrections departments estimate that total costs for these desperately needed prison spaces will top $5 billion in Government outlays through 1994.

Prison construction is not the only enormous expense facing State and local governments. Our Nation's infrastructure is rapidly declining and is badly in need of repair and replacement. In New York State alone, the Joint Economic Committee of Congress estimates that $108.8 billion may be needed by the year 2000 to repair and restore decaying infrastructure. This figure includes funding for mass transit, waste water, bridges, highways, rail, and airports.

Where is the money going to come from? With our Federal budget deficit of such concern, new spending programs must be limited. Will taxpayers agree to foot the bill?

Today, State and local prisons and jails are often financed through general obligation bonds. Voter approval must be obtained before the bonds can be issued. Prison construction bond issues are not popular among voters and often are rejected in favor of financing more visible projects.

With the problem so enormous and financing so hard to come by, we must find new, imaginative ways to build or rehabilitate prisons, jails, and detention centers.

The private sector can offer assistance and expertise in correctional services in several ways. Many private firms have recently become involved in the financing, construction, and management of prisons, as well as participating in work-release programs and prison industries. Several successful detention centers built by private firms for use by local government are presently in operation.

Lease financing of detention facilities has occurred in several parts of the country as a result of the shortage of traditional financing alternatives. E.F. Hutton has arranged a $30.2 million issue for a jail and sheriff's facility in Jefferson County, CO, as well as a $50 million jail project for Philadelphia. In addition, the Corrections Corporation of America, the National Corrections Corporation, and Behavioral Systems Southwest have financed jails and illegal alien detention centers in Houston, Pasadena, and San Diego. Experience has shown that private firms can construct facilities cheaper than a government entity.

Sale/leasebacks by a government entity will further encourage this privatization process. Under these agreements, a private firm agrees to own, finance, and construct a prison or jail. The facility is then leased to a government entity for a specific number of years. At the end of the lease period, the government entity has an option to buy the facility. During the ownership period, the private firm or group of investors receive tax benefits such as investment tax credits, rehabilitation tax credits, and accelerated depreciation.

Sale/leasebacks by government entities, however, were severely curtailed in the recently enacted Deficit Reduction Act of 1984—H.R. 4170. This bill denies the rehabilitation tax credit and repeals the accelerated cost recovery system [ACRS] for sale/leaseback transactions by government entities.

These new restrictions were enacted because Congress felt, rightly, that certain entities have used sale/leasebacks for no economically useful purpose, but merely were raiding the Federal Treasury as a substitute for raising their own local taxes. Prior to passage of H.R. 4170, a government entity would sell and lease back an existing structure to a group of investors. The investors would obtain generous tax benefits and the government entity would make lease payments. However, no new project was undertaken and no economically useful activity was furthered. H.R. 4170 has eliminated this abuse.

My bill will allow sale/leaseback transactions between government entities and private investors to resume solely for the purpose of State and local prison, jail, and detention center rehabilitation and construction. However, my bill contains safeguards to avoid past abuses associated with sale/leasebacks, while still encouraging the privatization of correctional facilities. The legislation generally exempts new State and local prison and jail rehabilitation and construction from the sale/leaseback provisions of H.R. 4170. However, to receive the rehabilitation tax credit and accelerated depreciation, the structure must be placed in original service no later than 90 days after the signing of a binding contract for use of the structure as a prison facility. In addition, the facility must be used 100 percent for housing prisoners and necessary related facilities. This will effectively avoid the most common abuses associated with sale/leasebacks.

It is important to stress that our prison problem is immediate. The use of sale/leasebacks will allow government entities to quickly finance prison construction through the private sector. Through Federal tax incentives, the private sector can become involved in this pressing public problem.

State and local governments do not have the necessary funds to build new prisons or jails on their own. Private firms, however, have the resources available. The private sector is the means to finance and construct these badly needed facilities. My bill will unleash $1.5 billion of these funds for badly needed prisons without forcing local governments to go to the polls.

CBO estimates that my bill will only cost $16 million in 1985 and an average of $65.5 million per year through 1989. I feel that this is a small price to pay considering the magnitude of the

problem. It is an even smaller price to pay when compared to the threat of releasing ever increasing numbers of criminals into our midst, not because they have served their time, not because they have been rehabilitated, but merely because of overcrowding.

Sale/leasebacks for prison construction need to be exempted from the restrictions imposed by H.R. 4170. With prisons and jails increasingly being forced to release violent criminals due to overcrowding, time is running out. Sale/leasebacks by government entities offer an inexpensive solution to this problem.

Mr. President, I urge my colleagues on both sides of the aisle to support this legislation. Mr. President, I ask unanimous consent that my bill be printed in the RECORD at the conclusion of my remarks.

Thank you, Mr. President.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 88

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Prison Construction Privatization Act of 1985."

SEC. 2. That (a) paragraph (3) of section 168(j) of the Internal Revenue Code of 1954 (defining tax-exempt use property) is amended by adding at the end thereof the following new subparagraph:

"(E) EXCEPTION FOR QUALIFIED CORRECTIONAL FACILITIES.—

"(i) IN GENERAL.—The term 'tax-exempt use property' shall not include a qualified correctional facility which is leased by any State or political subdivision thereof or any agency or instrumentality of the foregoing.

"(ii) AGREEMENT TREATED AS LEASE.—For purposes of this title, if any agreement with respect to a qualified correctional facility is characterized by all parties to the agreement as a lease and a tax-exempt entity described in clause (i) is the lessee under such agreement, then—

"(I) such agreement shall be treated as a lease, and

"(II) the lessor shall be treated as the owner of the property and the lessee shall be treated as the lessee of the property.

"(iii) QUALIFIED CORRECTIONAL FACILITY.—For purposes of this subpargraph, the term 'qualified correctional facility' means any property which is devoted exclusively for use as a prison, jail, or other detention facility (including any related facility) and which—

"(I) is leased by a tax-exempt entity within 90 days after the property is originally placed in service by the lessor or lessee, or

"(II) is leased by a tax-exempt entity within 90 days of the completion of a substantial rehabilitation (within the meaning of section 48(g)(3)) of the property by the lessor or lessee.".

(b) The amendments made by this section shall apply to property placed in service after December 31, 1983, in taxable years ending after such date.

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 89. A bill to recognize the organization known as the National Academies of Practice; to the Committee on the Judiciary.

NATIONAL ACADEMIES OF PRACTICE

Mr. INOUYE. Mr. President, today Senators CRANSTON, MATSUNAGA, and I are introducing legislation to provide a Federal charter for the National Academies of Practice.

The National Academies of Practice represents outstanding practitioners in each of the various health care disciplines: dentistry, medicine, nursing, optometry, osteopathy, podiatry, social work, psychology, and veterinary medicine.

When fully established, each of the various national academies will possess 100 distinguished practitioners selected from their peers. It is my expectation that this umbrella organization will be able to provide the Congress of the United States and the executive branch with considerable health policy expertise, especially from the perspective of those individuals who are in the forefront of actually providing the necessary care.

Mr. President, I request unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 89

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled

CHARTER

SECTION 1. The National Academies of Practice organized and incorporated under the laws of the District of Columbia, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. The National Academies of Practice (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

PURPOSES OF CORPORATION

SEC. 3. The purposes of the corporation shall be to honor persons who have made significant contributions to the practice of applied psychology, dentistry, medicine, nursing optometry, osteopathy, podiatry, social work, veterinary medicine, and other health care professions, and to improve the practices in these professions by disseminating information about new techniques and procedures.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(64) National Academies of Practice.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit for such fiscal year required by section 3 of the Act referred to in

section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this charter is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code.

TERMINATION

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act the charter granted hereby shall terminate.

By Mr. D'AMATO:

S. 91. A bill to authorize the Secretary of the Interior to enter into a cooperative agreement to maintain the gravesite of Samuel "Uncle Sam" Wilson and to erect and maintain tablets or markers at such gravesite in commemoration of the progenitor of the national symbol of the United States; to the Committee on Energy and Natural Resources.

COMMEMORATION OF UNCLE SAM

Mr. D'AMATO. Mr. President, I rise today to introduce legislation to maintain the gravesite of Samuel "Uncle Sam" Wilson and to erect and maintain tablets or markers at such gravesite in commemoration of the progenitor of the national symbol of the United States. I introduced identical legislation in the 98th Congress.

Uncle Sam has taken the leading role in every major event in American history for the past 150 years. The symbol "Uncle Sam" is known, recognized, and respected by every country in the world and what it stands for, democracy. He survives through times of war and peace, times of plenty and lean, and times of great expectation and dismal outlook to represent the American ideal.

"Uncle Sam" really lived and his nickname was given as the new symbol of the United States during his lifetime. As few men become legends in their own time, it would be a travesty to fail to honor a man who became this country's symbol while he lived after he has died. I urge the Senate to favorably consider this legislation.

Mr. President, I ask unanimous consent that the full text of this legislation be printed in the RECORD at the conclusion of my remarks.

Thank you, Mr. President.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 91

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to commemorate the life of Samuel "Uncle Sam" Wilson, the progenitor of the national symbol of the United States, the Secretary of the Interior is authorized to enter into contracts or cooperative agreements in accordance with section 2(e) of the Act approved August 21, 1935 (16 U.S.C. 462) to maintain the gravesite of "Uncle Sam" Wilson in Oakwood Cemetery, Troy, New York, and to erect and maintain at such gravesite such tablets or markers as the Secretary deems appropriate.

By Mr. MATHIAS:

S. 93. A bill to amend the Internal Revenue Code of 1954 to provide that individual income tax rates not be adjusted to reflect increases in the Consumer Price Index; to the Committee on Finance.

REPEAL OF TAX BRACKET INDEXING

● Mr. MATHIAS. Mr. President, I would like to take this opportunity to wish my colleagues, old and new, a happy and constructive new year. As we begin the new year and this new Congress, we should, like the Roman god Janus, look to the future while keeping an eye on the lessons of the past. We come in to the 99th Congress with many important issues left unresolved. But one issue dwarfs all others—the Federal deficit.

Since Congress adjourned less than 3 months ago, the deficit has risen by more than $85 billion. Total deficit figures for 1984 are estimated at over $180 billion. Within the next few years we will have yearly deficits in excess of $200 billion. This year interest payments to finance our debt will eat up 16 percent of our budget. By 1989, we will spend as much on financing the debt as we currently spend on defense. Clearly, the first order of business of the 99th Congress must be to rein in the galloping growth of our deficit.

In previous years, there have been many attempts in the Congress to bring these deficits under control. Last year, for example, several of my colleagues and I offered a budget proposal that would have taken $206 billion off the deficit. Unfortunately, the Senate rejected that alternative as well as several other alternatives advanced by other Senators. These alternatives, although differing in important details, all shared the goal of getting these deficits down significantly. However, all failed. The best we were able to do was to come up with a minuscule downpayment on the deficit.

Now we are faced with the inevitable consequences of our failure. Although the domestic impact of the current deficits is yet to be fully felt, our buying on borrowed money is having drastic international consequences. The large deficits support high real interest rates and these interest rates in turn artificially increase the value of the dollar. Foreign capital is attracted to our country, away from where it is desperately needed by debtor developing nations. In addition, the overvalued dollar makes our exports noncompetitive, and acts as a subsidy to imports. The result: a $120 billion trade deficit—the largest in our history. For the first time in modern memory, the United States is dependent on foreign loans. We are becoming and may already have become a debtor nation. Continued long-term deficits will send interest rates soaring, rekindle inflation, depress investment, limit job opportunities, and increase our trade deficit.

Deficit reduction will not be easy. It will require sacrifice from every quarter and make demands on the personal integrity of each of us. No portion of the population should be forced to share a disproportionate amount of this deficit burden. We cannot, for example, balance the budget on backs of just the Federal employees, the poor, or the elderly. We, in Congress, must make the hard, reasoned choices between reducing the deficits and our other national priorities.

As we enter the new year, leaving behind 1984, we should also leave behind Orwellian budget proposals that reduced the deficit in name only. We need concrete proposals that are both fair and effective. That is why today I reintroduce a bill to repeal indexing.

I have opposed indexing taxes since the proposal was introduced in the 1981 tax bill. Indexing is designed to correct one of the perceived flaws of our graduated income tax system—bracket creep. And, in theory, an indexing provision sounds fair. But, in fact, a Congressional Budget Office study indicates that, over the past 15 years, overall tax rates have been roughly what they would have been had taxes been indexed. During this time, Congress targeted tax cuts to advance budgetary policies as well as to offset inflation. Indexing would eliminate that flexibility.

Indexing institutionalizes inflation and puts Congress in fiscal handcuffs. The automatic escalators built into many Government expenditures make the situation worse. Congress has indexed many long-term contracts, military and civil service salaries, Social Security, Government pensions, and other entitlements. With the beginning of tax indexing, the Government is placed in an impossible situation, with revenues ratcheting down at the same time these built-in cost-of-living increases ratchet up Federal outlays. It is worth noting here that Argentina, Brazil, and Israel, three of the most tortured economies in the world, are also three of the most highly indexed.

In the coming weeks, the Senate will review many proposals for reducing Federal spending—all will involve inflicting pain on some sector of the populace. This proposal is pain free. It

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would hurt no one. It is fair and could reduce the deficit by $51 billion over the next 3 years.

Repealing indexing will not solve our problems. We will still have to agonize over hard choices. That will take time. But, meanwhile, the economy holds its breath, waiting for some indication that the Congress means business. We can send a positive signal now by repealing indexing and we should.

I ask unanimous consent that the text of the bill be printed at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 93

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) REPEAL OF INDEXATION.—Subsection (f) of section 1 of the Internal Revenue Code of 1954 (relating to adjustments in tax tables so that inflation will not result in tax increases) is hereby repealed.

(b) DEFINITION OF ZERO BRACKET AMOUNT.—Subsection (d) of section 63 of such Code (defining zero bracket amount) is amended to read as follows:

"(d) ZERO BRACKET AMOUNT.—For purposes of this subtitle, the term 'zero bracket amount' means—

"(1) $3,400 in the case of—

"(A) a joint return under section 6013, or

"(B) a surviving spouse (as defined in section 2(a)),

"(2) $2,300, in the case of an individual who is not married and who is not a surviving spouse (as so defined),

"(3) $1,700 in the case of a married individual filing a separate return, or

"(4) zero in any other case.".

(c) PERSONAL EXEMPTIONS.—Section 151 of such Code (relating to allowance of deductions for personal exemptions) is amended—

(1) by striking out "the exemption amount" each place it appears and inserting in lieu thereof "$1,000"; and

(2) by striking out subsection (f).

(d) RETURN REQUIREMENTS.—

(1) AMENDMENTS TO SECTION 6012.—

(A) Clause (i) of section 6012(a)(1)(A) of such Code (relating to persons required to make returns of income) is amended by striking out "the sum of the exemption amount plus the zero bracket amount applicable to such individual" and inserting in lieu thereof "$3,300".

(B) Clause (ii) of section 6012(a)(1)(A) of such Code is amended by striking out "the sum of the exemption amount plus the zero bracket amount applicable to such individual" and inserting in lieu thereof "$4,400".

(C) Clause (iii) of section 6012(a)(1)(A) of such Code is amended by striking out "the sum of twice the exemption amount plus the zero bracket amount applicable to a joint return" and inserting in lieu thereof "$5,400".

(D) Paragraph (1) of section 6012(a) of such Code is amended by striking out "the exemption amount" each place it appears and inserting in lieu thereof "$1,000".

(E) Paragraph (1) of section 6012(a) of such Code is amended by striking out subparagraph (D).

(2) AMENDMENTS TO SECTION 6013.—Subparagraph (A) of section 6013(b)(3) of such Code (relating to when joint return deemed filed) is amended—

(A) by striking out "the exemption amount" each place it appears and inserting in lieu thereof "$1,000",

(B) by striking out "twice the exemption amount" each place it appears and inserting in lieu thereof "$2,000", and

(C) by striking out the last sentence thereof.

(e) EFFECTIVE DATE.—The amendments made by this Act shall apply with respect to taxable years beginning after December 31, 1984.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 94. A bill regarding limitations on benefits under police and firemen's pension plans; to the Committee on Finance.

POLICE AND FIREMEN'S PENSION PLANS

Mr. D'AMATO. Mr. President, I am reintroducing legislation to correct an inequity in section 235(e) of the Tax Equity and Fiscal Responsibility Act of 1982. My bill is identical to legislation I introduced in the 98th Congress, S. 136. This provision requires that pension payments under qualified defined benefit plans be limited to $75,000, actuarily reduced for those who retire before age 55. This actuarial reduction limits a pension for someone who retires at age 40 to $26,741. Procedural safeguards are included in this section for those who retire due to disability and for those whose benefits are the result of collective bargaining.

Unfortunately, the 32,000 police officers and firefighters covered under the New York State qualified pension plan are unprotected by these safeguards. Benefits have been set without collective bargaining since 1974. Twenty-three thousand members of this plan are eligible to retire at half pay after 20 years of service. A recent analysis by the deputy comptroller of New York State revealed that there are currently 1,100 active members of the plan—3.4 percent of the total membership—whose retirement benefits would exceed allowable limits should they choose early retirement. The first of these individuals is eligible for retirement in a few months.

This places my State in an extremely unenviable position. To pay the full benefits due these police officers and firefighters would violate the 1982 tax law. This, of course, could lead to the disqualification, by the Internal Revenue Service, of the entire New York State pension plan. On the other hand, to limit pension benefits to the amounts specified in TEFRA, and thus deny retirees the payments which they have anticipated and to which they are entitled, would violate article 5, section 7, of the State constitution. Neither of these options is satisfactory.

The solution to this dilemma which I am again proposing would provide our Nation's police officers and firefighters with a slightly higher early retirement benefit than that allowed under TEFRA. This would be done by applying normal age 62 retirement benefit limitations to police officers and firefighters at age 55. Actuarial reduction for early retirement would still be required. Thus, the maximum allowable benefits at age 40, following 20 years of service, would become $32,089. It is only fair that those public servants who lay their lives on the line for us every day of the year should not be denied the full retirement benefits which they have earned and on which they have based their plans for the future.

This change, which would cost the Federal Government nothing, should be given the highest priority. The new pension limits take effect in New York on April 1, 1983. We should not risk the disqualification of an entire State qualified pension plan.

Mr. President, I ask unanimous consent that this legislation be printed in the RECORD in full following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 94

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. . LIMITATION ON BENEFITS UNDER POLICE AND FIREMEN'S PENSION PLANS.

(a) IN GENERAL.—Paragraph (2) of section 415(b) of the Internal Revenue Code of 1954 (relating to annual benefit) is amended by adding at the end thereof the following new subparagraphs:

"(F) SPECIAL LIMITATION FOR QUALIFIED POLICE OR FIREMEN'S PENSION PLANS.—In applying subparagraph (C) with respect to a participant in a qualified police or firemen's plan, '55' shall be substituted for '62' each place it appears.

"(G) QUALIFIED POLICE OR FIREMEN'S PLAN DEFINED.—For purposes of this paragraph, the term 'qualified police or firemen's plan' means a defined benefit plan—

"(i) which is maintained by a State, or political subdivision thereof, for the benefit of all full-time employees of any police department or fire department that is organized and operated by such State or political subdivision to provide police protection, firefighting services, or emergency medical services for any area within the jurisdiction of such State or political subdivision,

"(ii) under which benefits are determined solely by reference to the length of service of the employee in—

"(I) such a police or fire department, or

"(II) the armed forces of the United States, and

"(iii) which requires, as a condition of participation of any employee in the plan, that the sum of—

"(I) the number of years such employee was employed on a full-time basis by such State or political subdivision in such a police or fire department, plus

"(II) the number of years such employee served in the armed forces of the United States (to the extent such years are taken into account under the plan),

equals or exceeds 20 years.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if it had been included in section 235 of the Tax Equity and Fiscal Responsibility Act of 1982.

By Mr. KASTEN:

S. 100. A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; to the Committee on Commerce, Science, and Transportation.

PRODUCT LIABILITY ACT

Mr. KASTEN. Mr. President, I am pleased today to reintroduce the Uniform Product Liability Act. I do so at a time when the problem of product liability has clearly become a national one. As has been suggested in the development of this bill, fair and balanced uniform Federal product liability law can bring about great benefits for our country. The bill I am introducing today is substantially the same as the bill reported by the Committee on Commerce, Science, and Transportation in the 98th Congress. However, a provision limiting the award of punitive damages to a single judgment has been deleted from the bill. And, I have added a provision to clarify that the bill does not affect State or Federal environmental laws. The Product Liability Act can and will improve the safety of products. By placing clear responsibility on people who make unsafe products, it will bring about the manufacture of safer products. It will reduce product hazards and do so without 1 cent spent for additional regulation.

Today, manufacturers are faced with a myraid of conflicting rules. In many States, under laws that were enacted or created decades ago, they can escape responsibility for negligent acts. For example, in one of our major States, a person can lose his right to sue before he even knows of an injury. In some States, in the District of Columbia, Maryland, and Virginia for example, a person can lose his right to sue for harms caused by a defective product when he has been only slightly at fault. In other States, a thoughtful manufacturer who wishes to improve the safety of his product, will be penalized by the law, and his own good conduct can be used against him in product liability litigation.

A Federal product liability law will also benefit American manufacturers in competition with foreign companies both here and abroad. A recent study prepared for the Department of Commerce concluded that American manufacturers are at a competitive disadvantage because they pay high product liability premiums for each product manufactured in the United States, whereas foreign companies pay far lower premiums based on the much lower rate of product liability claims in their home markets. A Federal product liability law, by establishing clear and objective rules of liability, will reduce, if not eliminate, the current insurance cost disadvantage under which American exporters now labor.

Finally, uniform product liability rules will help to stabilize insurance premiums. Recent data indicate that product liability insurance rates are on the increase. Unless the rules of product liability are clarified and made uniform, continued premium increases are likely.

The Federal product liability bill will end all of these problems and provide clear, decisive incentives for safety. Its incentives for safety continue even after a product has been placed in the marketplace. Under the bill, manufacturers will have a continuing burden to make consumers aware of defects in products that are already in the marketplace. This is a new and essential means of providing safety for the American people.

The Product Liability Act will address a second goal—one that has become crystal clear in the last 2 months. Our product liability system and our legal system in general has been sullied by lawyer greed. In product liability suits, the lawyers are reaping rewards greater than the victims. This is simply wrong. The jumbled system of law that we have leads to litigation, litigation, and more litigation. Plantiffs and defendants literally run around the Nation bringing suits in States where the law will most benefit them. The Federal product liability law will end this. Presently, even when an issue is finally decided in a particular State, a slight change in the composition of a court can bring about radical changes in the law. Without uniform rules regarding liability, a legal issue resolved after hundreds of thousands of dollars of litigation can be totally relitigated and opened again and again. There is simply no stability in an area essential to interstate commerce.

My legislation will put money for injuries back into the hands of the victims, rather than in the pockets of lawyers.

I would like to add a personal note about this bill. There have been more hearings and comments about it than any other bill that has been before the Commerce Committee during my tenure in the U.S. Senate. I have learned from those comments and criticisms. We have not sought and do not seek to enact a bill that will benefit manufacturers—in spite of such criticisms from the plaintiffs' bar. My concern is that plaintiffs' attorneys' criticisms are not really motivated by concerns for safety or victims, but by preserving a system of chaos that enhances the importance of lawyers and generates large fees. On the other hand, we have had helpful criticisms from consumer groups, and we have addressed them.

We have sharply modified our approach to punitive damages, and the bill I am introducing will permit multiple awards if a manufacturer has engaged in reckless behavior. We have ended once and for all any opportunity of a manufacturer to defend his case simply by pointing to other manufacturers who have done the same thing. We have opened the courthouse doors for thousands of victims who would be barred by old fashioned and arbitrary statutes of limitations. We have made crystal clear that our bill will not in any way attempt to walk into other areas of law, specifically environmental harms. This bill will provide a fair and balanced product liability law for our Nation.

Under any rational system of tort law, which is inherently based on wrongdoing, some persons may not be able to recover. This is a basic legal fact which is almost universally true under State law today. Nevertheless, if a person has used a product in an intended way and is innocent of negligence, we need to explore new ideas as to how such persons should be compensated. At present, out bill calls for very careful and balanced studies in those areas with quick reports to Congress. I am interested in further suggestions and comments about this area, which is one in which I have a great deal of interest.

In the last Congress, I explored the possibility of addressing this problem directly through some system of compensating these claimants. I understand that other Senators are working on proposals that will address this matter. I welcome this interest, and can assure my colleagues that these proposals will receive careful attention. My hope is that any such proposal will be consistent with the need to balance the budget and reduce Federal spending.

In sum, we come forward with a fair and balanced Federal product liability bill. It has benefited from the hearings in the 97th and 98th Congresses and the modifications and changes that have been made. This bill does not contain the limitation of a single award of punitive damages for each product defect, which was contained in the prior bill. This bill contains language based on a proposal from Senator STAFFORD which makes it clear that the bill does not preempt or affect State or Federal laws providing for the recovery of damages or other judicial relief for pollution of the environment. All of these changes and a large number of improvements proposed by Senator GORTON in the last Congress are contained in this bill. I should also mention that after the Commerce Committee reported S. 44 last year, the bill was sequentially referred by unanimous consent to the Labor Committee for consideration of those provisions that arguably could preempt a State or Federal worker compensation statute. I value the Labor Committee's input in this area, and I intend to

work with the chairmen and ranking minority members of the Commerce and Labor Committees to work out an acceptable agreement again this year.

The Product Liability Act does not address the liability of manufacturers or construction companies arising out of accidents at the site of manufacturing or construction activities. It covers only the liability of manufacturers for injuries caused by defective products after they enter the stream of commerce. Therefore, the Product Liability Act does not in any way affect the legal liability of the owner or operator of the facility at Bhopal, India, nor would it apply to the liability of the owner or operator of a facility if any such accident occurred in the United States.

It is time to make our product liability system assure the manufacture of safe products. It is also time for product liability law to address the concerns of injured parties and the rights of manufacturers. It is not the purpose of the system to make lawyers wealthy and, with your help, we will end that situation once and for all.

I ask unanimous consent that a text of the bill and a section-by-section analysis be printed at this point in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Product Liability Act".

DEFINITIONS

SEC. 2. As used in this Act—

(1) "claimant" means any person who brings a product liability action, and if such an action is brought through or on behalf of an estate, the term includes the claimant's decedent, or if such an action is brought through or on behalf of a minor, the term includes the claimant's parent or guardian;

(2) "clear and convincing evidence" is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established; the level of proof required to satisfy this standard is more than that required under preponderance of the evidence, but less than that required for proof beyond a reasonable doubt;

(3) "commerce" means trade, traffic, commerce, or transportation (A) between a place in a State and any place outside of that State; or (B) which affects trade, commerce, or transportation described in clause (A);

(4) "exercise of reasonable prudence" includes conduct of an ordinary person or class of persons, in the same or similar circumstances, exercising the care, attention, knowledge, intelligence, and judgment that society requires of its members for the protection of their own interests and the interest of others;

(5) "express warranty" means any affirmation of fact, promise, or description relating to a product, but does not include a general opinion about, or general praise of, a product or its quality; the term does not require that a manufacturer use the terms "warrant" or "guarantee", or that the manufacturer have the specific intention to make an express warranty;

(6) "harm" means (A) physical damage to property other than the product itself; (B) personal physical illness, injury, or death of the claimant; or (C) mental anguish or emotional harm of the claimant caused by the claimant's personal physical illness or injury; the term does not include commercial loss;

(7) "manufacturer" means (A) any person who is engaged in a business to design or formulate and to produce, create, make, or construct any product (or component part of a product); (B) a product seller with respect to all aspects of a product (or component part of a product) which are created or affected when, before placing the product in the stream of commerce, the product seller designs or formulates and produces, creates, makes, or constructs an aspect of a product (or component part of a product) made by another; or (C) any product seller not described in clause (B) which holds itself out as a manufacturer to the user of the product;

(8) "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity);

(9) "practical technological feasibility" means the technical, medical, and scientific knowledge relating to the safety of a product which, at the time of production or manufacture of a product, was developed, available and capable of use in the manufacture of a product, and economically feasible for use by a manufacturer;

(10) "preponderance of the evidence" is that measure or degree of proof which, by the weight, credit, and value of the aggregate evidence on either side, establishes that it is more probable than not that a fact occurred or did not occur;

(11) "product" means any object, substance, mixture or raw material in a gaseous, liquid or solid state which is capable of delivery itself, or as an assembled whole in a mixed or combined state or as a component part or ingredient, which is produced for introduction into trade or commerce, which has intrinsic economic value, and which is intended for sale or lease to persons for commercial or personal use; the term does not include human tissue, blood, or organs;

(12) "product seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, installs, prepares, blends, packages, labels, markets, repairs, maintains, or otherwise is involved in placing a product in the stream of commerce; the term does not include—

(A) a seller of real property;

(B) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(C) any person who—

(i) acts in only a financial capacity with respect to the sale of a product; and

(ii) leases a product under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor;

(13) "product user" means any person, including the claimant's employer, who owns, operates, or has control of a product;

(14) "reasonably anticipated conduct" means the conduct which is expected, ordinary, and familiar of the class of persons likely to use or be exposed to the product; and

(15) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

PREEMPTION OF OTHER LAWS

SEC. 3. (a) No person may recover for any loss or damage caused by a product except to the extent that the loss or damage constitutes harm. A civil action for loss or damage caused to a product itself or for commercial loss is not a product liability action, and shall be governed by applicable commercial or contract law.

(b)(1) This Act supersedes any State law regarding recovery for any loss or damage caused by a product to the extent that this Act establishes a rule of law applicable to any civil action brought against a manufacturer or product seller for loss or damage caused by a product, including any action which before the effective date of this act would have been based on (A) strict or absolute liability in tort; (B) negligence or gross negligence; (C) breach of express or implied warranty; (D) failure to discharge a duty to warn or instruct; or (E) any other theory that is the basis for an award for damages for loss or damage caused by a product. Any issue arising in such an action that is not governed by any such rule of law shall be governed by applicable State law. This Act shall not be construed to waive or affect any defense of sovereign immunity asserted by any State under any provision of law.

(2) Nothing in this Act shall be construed to supersede any Federal law, except the Federal Employees Compensation Act.

(3) Nothing in this Act shall be construed to waive or affect any defense of sovereign immunity asserted by the United States.

(4) Nothing in this Act shall be construed to affect the applicablity of any provision of the Foreign Sovereign Immunities Act of 1976 (28 U.S.C. 1602 et seq.).

(c)(1) Nothing in this Act shall be construed to supersede—

(A) any environmental protection law that authorizes a State or a person to institute an action for civil damages, civil penalties, injunctions, restitution, cost recovery, punitive damages or any other form of relief resulting from contamination or pollution of the environment, or the threat of such contamination or pollution, caused by any product defined by State or Federal law as a toxic substance or waste, hazardous substance or material, hazardous waste or other contaminant or pollutant;

(B) a right arising under the common law of a State to bring an action to abate a nuisance or otherwise protect against contamination or pollution of the environment, or the threat of such contamination or pollution, caused by any product; or

(C) any law relating to a civil action for loss or damage, cleanup costs, civil penalties or injunctive relief, if the loss or damage for which a remedy is sought was caused by the release into the environment, or the threat of release into the environment, of a toxic substance or waste, hazardous substance or material, hazardous waste or other contaminant or pollutant.

(2) As used in this subsection—

(A) "contaminant or pollutant" includes (i) anything defined or designated as a contaminant or pollutant under any Federal or State law, and (ii) any element, substance, compound, mixture or organism which, after release into the environment and upon exposure, ingestion, inhalation, impact, attachment or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, injury, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring;

(B) "environment" has the meaning given to such term in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8));

(C) "hazardous substance" has the meaning given to such term in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14));

(D) "hazardous waste" has the meaning given to such term in section 101(29) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(29));

(E) "law" means any law or authority, whether statutory or common; and

(F) "release" has the meaning given to such term in section 101(22) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(22), and, in addition, the term includes any depositing or placing into the environment.

(d) Nothing in this Act is intended to affect in any way application of any rule of law regarding whether a claimant must identify the manufacturer of the product that caused the claimant's harm.

(e) The district courts of the United States shall not have jurisdiction over any civil action arising under this Act, based on sections 1331 or 1337 of title 28, United States Code.

RESPONSIBILITY OF MANUFACTURERS

SEC. 4. In any product liability action, a manufacturer is liable to a claimant if—

(1) the claimant establishes by a preponderance of the evidence that—

(A) the product was unreasonably dangerous in construction or manufacture, as defined in section 5(a);

(B) the product was unreasonably dangerous in design or formulation, as defined in section 5(b);

(C) the product was unreasonably dangerous because the manufacturer failed to provide adequate warnings or instructions about a danger connected with the product or about the proper use of the product, as defined in section 6; or

(D) the product was unreasonably dangerous because the product did not conform to an express warranty made by the manufacturer with respect to the product, as defined in section 7; and

(2) the claimant establishes by a preponderance of the evidence that the unreasonably dangerous aspect of the product was a proximate cause of the harm complained of by the claimant.

PRODUCT CONSTRUCTION AND DESIGN

SEC. 5. (a) A product is unreasonably dangerous in construction or manufacture if, when the product left the control of the manufacturer, it deviated in a material way—

(1) from the design specifications, formula, or performance standards of the manufacturer; or

(2) from otherwise identical units manufactured to the same manufacturing specification or formula.

(b)(1) A product is unreasonably dangerous in design or formulation if, at the relevant point in time—

(A) the manufacturer knew or, through the exercise of reasonable prudence, should have known about the danger which allegedly caused the claimant's harm; and

(B) a reasonably prudent person in the same or similar circumstances would not have manufactured the product or used the design or formulation that the manufacturer used.

(2) A product is not unreasonably dangerous in design or formulation if the manufacturer proves by a preponderance of the evidence that, at the relevant point in time—

(A) a means to eliminate the danger that caused the harm was not within practical technological feasibility, and the benefits and usefulness of the product to the public outweighed the likelihood and probable seriousness of the harm;

(B) the harm was caused by an unavoidably dangerous product; or

(C) the harm was caused by an unsafe aspect of a product which was an inherent characteristic of the product and which would be recognized by the ordinary person who uses or consumes the product with the ordinary knowledge common to the community.

(3) As used in paragraph (2)(B), "an unavoidably dangerous product" means a product that, at the relevant point in time—

(A) is useful and desirable to the public;

(B) has a known but reasonable risk which, in light of the state of scientific and technical knowledge at that time, can not be made safe without impairing the effectiveness of the product's intended and ordinary use; and

(C) would have been made by a reasonable manufacturer using that particular design or formulation.

(4) As used in this subsection, "relevant point in time" means the earlier of the time of manufacture of a product or certification of an aircraft or its parts or accessories by the Federal Aviation Administration.

PRODUCT WARNINGS OR INSTRUCTIONS

SEC. 6. (a) A product is unreasonably dangerous because of the failure of the manufacturer to provide warnings or instructions about a danger connected with the product or about the proper use of the product if—

(1) adequate warnings or instructions were not provided, under subsection (b); or

(2) adequate post-manufacture warnings or instructions were not provided, under subsection (c).

(b) A product is unreasonably dangerous for lack of adequate warnings or instructions if, at the time the product left the control of the manufacturer—

(1) the manufacturer knew or, through the exercise of reasonable prudence, should have known about the danger which allegedly caused the claimant's harm;

(2) the manufacturer failed to provide the warnings or instructions that a reasonably prudent person in the same or similar circumstances would have provided with respect to the danger which caused the harm alleged by the claimant, given the likelihood that the product would cause harm of the type alleged by the claimant and given the seriousness of that harm; and

(3) those warnings or instructions, if provided, would have led a product user in the course of reasonably anticipated conduct either to decline to use the product or to use it in a manner so as to avoid harm of the type alleged by the claimant.

(c)(1) A product is unreasonably dangerous for lack of post-manufacture warings or instructions if, after the product left the control of the manufacturer—

(A) the manufacturer knew or, through the exercise of reasonable prudence, should have known about the danger which allegedly caused the claimant's harm; and

(B) adequate post-manufacture warnings or instructions would have been provided by a reasonably prudent person in the same or similar circumstances, given the likelihood that the product would cause harm of the type alleged by the claimant and given the seriousness of that harm.

(2) A product is not unreasonably dangerous under this subsection if the manufacturer made reasonable efforts to provide adequate post-manufacture warnings or instructions to a product user or to another person, in accordance with subsection (d).

(d) Where warnings or instructions are required under subsection (b) or (c), such warnings and instructions shall be given to the product user, unless—

(1) in light of the practical and economic difficulties of giving the warnings or instructions directly to the product user, the likelihood that the product would cause harm of the type alleged by the claimant, and the probable seriousness of that harm, a reasonably prudent person would have given such warnings or instructions to a third person, including an employer, who could be expected to take action to avoid the product user's harm or to assure that the risk of harm is explained to the product user; or

(2) the product is one which may be legally used only by or under the supervision of a using or supervising expert, in which case the manufacturer shall act with reasonable prudence to warn or instruct the expert.

(e) A product is not unreasonably dangerous for lack of warnings regarding—

(1) dangers that are obvious;

(2) the consequences of product misuse, as defined in section 9(c); or

(3) the consequences of product alterations or modifications, as defined in section 9(d).

As used in paragraph (1) of this subsection, "dangers that are obvious" are those dangers, including the magnitude of the danger, of which a product user in the course of reasonably anticipated conduct or a person identified in subsection (d), if applicable, would have been aware without a warning and dangers, including the magnitude of the danger, which were a matter of common knowledge to persons in the same or similar position as the claimant.

PRODUCT EXPRESS WARRANTY

SEC. 7. (a) A product is unreasonably dangerous because it did not conform to an express warranty made by the manufacturer if—

(1) the product failed to conform to such warranty; and

(2) the failure of the product to conform to such warranty caused the claimant's harm.

(b) A product may be unreasonably dangerous for failure to conform to an express warranty although the manufacturer did not engage in negligent or fraudulent conduct in making the express warranty.

RESPONSIBILITY OF PRODUCT SELLERS

SEC. 8. (a) In any product liability action, a product seller other than a manufacturer is liable to a claimant, if the claimant establishes by a preponderance of the evidence that—

(1)(A) the individual product unit which allegedly caused the harm complained of was sold by the defendant;

(B) the product seller failed to exercise reasonable prudence with respect to the product; and

(C) such failure to exercise reasonable prudence was a proximate cause of the claimant's harm; or

(2)(A) the product seller made an express warranty, independent of any express warranty made by a manufacturer as to the same product;

(B) the product failed to conform to such warranty; and

(C) the failure of the product to conform to such warranty caused the claimant's harm.

(b)(1) In determining whether a product seller is subject to liability under subsection (a)(1), the trier of fact may consider the effect of the conduct of the seller with respect to the construction, inspection, or condition of the product, and any failure of the seller to transmit adequate warnings or instructions about the dangers and proper use of the product.

(2) A product seller shall not be liable under this Act where there was no reasonable opportunity to inspect the product in a manner which would or should, in the exercise of reasonable care, have revealed the aspect of the product which allegedly rendered it unreasonably dangerous.

(c) A product seller shall be treated as the manufacturer of a product and shall be liable for harm to the claimant caused by a product as if it were the manufacturer of the product if—

(1) the manufacturer is not subject to service of process under the laws of the State in which the action is brought; or

(2) the court determines that the claimant would be unable to enforce a judgment against the manufacturer.

DETERMINATION OF RESPONSIBILITY IN A PRODUCT LIABILITY ACTION

SEC. 9. (a) All claims under this Act shall be governed by the principles of comparative responsibility. Comparative responsibility attributed to the claimant's conduct shall not bar recovery in a product liability action, but shall reduce any damages awarded to the claimant in an amount proportionate to the responsibility of the claimant.

(b)(1) In any product liability action, the court, unless otherwise agreed by all parties, shall instruct the jury to answer special interrogatories (or, if there is no jury, the court shall make findings) indicating—

(A) the total amount of damages to each claimant for that claimant's harm; and

(B) the percentage of total responsibility for each claimant's harm attributable to each claimant, each defendant, each third-party defendant, and to any other cause or person who is not a party to the action (other than the claimant's employer or coemployee, where the provisions of section 10 apply).

(2) In making the determinations specified in paragraph (1)(B), evidence of conduct defined in subsections (c), (d), (e), and (f) shall be considered. For purposes of this subsection, the court may determine that two or more persons are to be treated as a single party.

(3) The percentage attributable under paragraph (1)(B) to each defendant or each third-party defendant shall be determined by—

(A) subtracting the percentage of responsibility attributable to the claimant and to any other cause or person who is not a party to the action (other than the claimant's employer or coemployee, where the provisions of section 10 apply) from 100 percent; and

(B) allocating the percentage which is the result of the subtraction under subparagraph (A) among the defendants and third-party defendants according to their individual responsibility for the claimant's harm.

(c) Evidence that misuse of a product by any person other than the claimant's employer or coemployee (where the provisions of section 10 apply) has caused all or a portion of the claimant's harm shall be considered in determining the percentage of total responsibility for the claimant's harm allocable under subsection (b). Misuse shall be considered to occur when a product is used for a purpose or in a manner which is not consistent with the reasonable anticipated conduct of users, which may include use for a purpose or in a manner which is not consistent with adequate warnings or instructions available to the user or failure of a person who would reasonably be expected to train another person or otherwise provide for the safe use of the product and who does not train or provide for the safe use of the product.

(d)(1) Evidence that an alteration or modification of the product by any person other than the claimant's employer or coemployee (where the provisions of section 10 apply) has caused all or a portion of the claimant's harm shall be considered in determining the percentage of total responsibility for the claimant's harm allocable under subsection (b). Alteration or modification shall be considered to occur when a product is changed in a manner which is not consistent with the reasonably anticipated conduct of users, which may include a change in the product design or formulation, or a change in or removal of warnings, instructions, or safety devices that accompanied the product.

(2) Alteration or modification shall not be considered to occur if—

(A) ordinary wear and tear of a product has occurred;

(B) the alteration or modification was in accordance with instructions or specifications of the manufacturer or product seller; or

(C) the alteration or modification was made with the express consent of the manufacturer or product seller.

(e) Evidence that the conduct of the claimant involving negligence, contributory negligence, or assumption of risk has caused all or a portion of the claimant's harm shall be considered in determining the percentage of total responsibility for the claimant's harm allocable under subsection (b). Conduct of the claimant involving negligence, contributory negligence, or assumption of risk shall be considered to occur—

(1) when the claimant, while using the product, was injured by a defective condition of which he was not aware and which would have been apparent, without inspection, to a reasonably prudent person; or

(2) when the claimant knew about the product's defective condition, understood that there was a risk of harm and the potential severity of that harm, and voluntarily used the product or voluntarily assumed the risk of harm from the product.

(f) Evidence of product misuse, alteration, or modification, as defined in subsections (c) and (d), by the claimant's employer or coemployee (where the provisions of section 10 apply) or other acts or omissions by the claimant's employer or coemployee shall be considered on the issue of whether the employer's or coemployee's misuse, alteration, modification, or other act or omission was a superseding cause of the claimant's harm.

(g) The court shall—

(1) unless section 10(a) requires a different result, enter judgment against each defendant or third-party defendant determined to be liable in accordance with its individual percentage of responsibility, as determined under subsection (b), or, where a defendant or third-party defendant is jointly and severally liable with another person, enter judgment against the defendant or third-party defendant on the basis of joint and several liability; and

(2) state in the judgment each party's percentage of responsibility for the claimant's harm.

Joint and several liability and contribution among joint tortfeasors shall be determined in accordance with applicable State law, except that the basis for contribution shall be each joint tortfeasor's percentage of responsibility for the claimant's harm.

(h) Upon motion made by a joint tortfeasor not later than 1 year after judgment is entered, the court shall determine whether all or part of the amount for which another joint tortfeasor is responsible is uncollectible from contribution from that joint tortfeasor, and shall reallocate any uncollectible amount among the other joint tortfeasors, according to their comparative percentages of responsibility. The joint tortfeasor whose responsibility is reallocated is nonetheless subject to contribution and to any continuing liability to the claimant.

EFFECT OF WORKERS' COMPENSATION BENEFITS

SEC. 10. (a) In any product liability action in which damages are sought for harm for which the person injured is or would have been entitled to receive compensation under any State or Federal workers' compensation law, the judgment entered against each defendant and third-party defendant found liable shall be determined by applying the defendant's percentage of responsibility, as determined under section 9(b), to the amount remaining after the claimant's total damages, as determined under section 9(b)(1)(A), are reduced by the sum of the amount paid as workers' compensation benefits for that harm and the present value of all workers' compensation benefits to which the employee is or would be entitled for the harm. Where a defendant or third-party defendant is jointly and severally liable with another person, the judgment against the defendant or third-party defendant shall be entered on the basis of joint and several liability, and the court shall state in the judgment each party's percentage of responsibility for the claimant's harm. The determination of workers' compensation benefits by the trier of fact in a product liability action shall have no binding effect on and shall not be used as evidence in any other proceeding.

(b) Unless the manufacturer or product seller has expressly agreed to indemnify or hold an employer harmless for harm to an employee caused by a product neither the employer nor the workers' compensation insurance carrier of the employer shall have a right of subrogation, contribution, or implied indemnity against the manufacturer or product seller or a lien against the claimant's recovery from the manufacturer or product seller if the harm is one for which a

product liability action may be brought under this Act.

(c) In any product liability action in which damages are sought for harm for which the person injured is or would have been entitled to receive compensation under any State or Federal workers' compensation law, no third-party tortfeasor may maintain any action for implied indemnity or contribution against the employer or any coemployee of the person who was injured.

(d) Nothing in this Act shall be construed to affect any State or Federal workers' compensation law provision which prohibits a person who is or would have been entitled to receive compensation under any such law, or any other person whose claim is or would have been derivative from such a claim, from recovering in any action other than a workers' compensation claim against a present or former employer or workers' compensation insurer of the employer or any coemployee for harm caused by a product. Such other actions shall be prohibited, except that nothing in this Act shall be construed to affect any State or Federal workers' compensation law which permits recovery based on a claim of an intentional tort by the employer or coemployee where the claimant's harm was caused by such an intentional tort.

(e) As used in this section, "employer" does not include a State, where the State is acting in its capacity as an employer.

(f) Without regard to when the harm giving rise to the claim occurred, the provisions of this section do not apply to any person subject to or covered by the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.), as amended.

TIME LIMITATION ON LIABILITY

SEC. 11. (a)(1) If any product is a capital good, no claim alleging unsafe design or formulation as provided in section 5(b), or failure to give adequate warnings or instructions as provided in section 6(a), may be brought for harm caused by such a product more than 25 years from the date of delivery of the product to its first purchaser or lessee who was not engaged in the business of selling or leasing the product or using the product as a component in the manufacture of another product.

(2) As used in this subsection, "capital good" means any product, other than a motor vehicle, or a vessel, aircraft, or railroad used primarily to transport passengers, or any component of any such product, if it is also of a character subject to allowance for depreciation under the Internal Revenue Code of 1954, as amended, and was—

(A) used in a trade or business;

(B) held for the production of income; or

(C) sold, leased, or donated to a governmental or private entity for the production of goods, for training, for demonstration, or other similar purposes.

(b) Subsection (a) is not applicable if—

(1) the manufacturer or product seller intentionally misrepresented facts about the product or fraudulently concealed information about the product, and that conduct was a cause of the claimant's harm;

(2) the harm of the claimant was caused by the cumulative effect of prolonged exposure to a defective product; or

(3) the harm, caused within the period referred to in subsection (a), did not manifest itself until after the expiration of that period.

(c) Nothing in subsection (a) shall affect the right of any person who is subject to liability for harm under this Act to seek and obtain contribution or indemnity from any other person who is responsible for that harm.

PUNITIVE DAMAGES

SEC. 12. (a)(1) Punitive damages may be awarded to any claimant who establishes by clear and convincing evidence that the harm suffered was the result of the reckless disregard of the manufacturer or product seller for the safety of product users, consumers, or persons who might be harmed by the product. Except as provided in subsection (e), punitive damages may not be awarded in the absence of a compensatory award.

(2) As used in this subsection, "reckless disregard" means conduct manifesting a conscious, flagrant indifference to the safety of those persons who might be harmed by a product. A negligent choice among alternative product designs or warnings, when made in the ordinary course of business, does not by itself constitute "reckless disregard".

(b) The trier of fact, in determining under subsection a) whether punitive damages should be awarded, shall consider—

(1) the manufacturer's or product seller's awareness of the likelihood that serious harm would arise from the sale or manufacture of a product;

(2) the conduct of the manufacturer or product seller upon discovery that the product caused harm or was related to harm caused to users or others, including whether upon confirmation of the problem the manufacturer or product seller took appropriate steps to reduce the risk of harm;

(3) the duration of the conduct and any concealment of it by the manufacturer or product seller; and

(4) whether the harm suffered by the claimant was partly the result of the claimant's own negligent conduct.

(c) If the trier of fact determines under subsection (a) that punitive damages should be awarded to a claimant, the court shall determine the amount of those damages. In making that determination, the court shall consider—

(1) all relevant evidence relating to the factors set forth in subsection (b);

(2) the profitability of the conduct to the manufacturer or product seller; and

(3) the total effect of other punishment imposed upon the manufacturer or product seller as a result of the misconduct, including punitive damage awards to persons similarly situated to the claimant and the severity of other penalties to which the manufacturer or product seller has been or may be subjected.

(d) Notwithstanding the provisions of section 13, a manufacturer or product seller may introduce relevant evidence of post-manufacturing improvements in defense of punitive damages.

(e) In any action in which the alleged harm to the claimant is death and the applicable State law provides, or has been construed to provide, for damages only punitive in nature, a defendant is liable for any such damages regardless of whether a claim is asserted under this section, and the recovery of any such damages shall not bar a claim under this section.

SUBSEQUENT REMEDIAL MEASURES

SEC. 13. (a) Except as provided in subsection (b), evidence of any measure taken after an event, which if taken previously would have made the event less likely to occur, is not admissible.

(b) This section does not require the exclusion of evidence of a subsequent measure in an action alleging a product was unreasonably dangerous in design or formulation, if offered to impeach a witness for the manufacturer or product seller who has expressly denied the feasibility of such a measure.

STATUTE OF LIMITATIONS

SEC. 14. Any civil action brought under this Act shall be barred unless the complaint is filed within 2 years of the time the claimant discovered or, in the exercise of reasonable prudence, should have discovered the harm and its cause, except that any such action of a person under legal disability may be commenced within 2 years after the disability ceases. If the commencement of such an action is stayed or enjoined, the running of the statute of limitations under this section shall be suspended for the period of the stay or injunction.

SEPARABILITY CLAUSE

SEC. 15. If any provision of this Act or the application of it to any person or circumstance is held invalid, the remainder of this Act and the application of the provision to any other person or circumstance shall not be affected by that invalidation.

EFFECTIVE DATE

SEC. 16. (a) This Act shall be effective 60 days after the date of its enactment, and shall apply to all product liability actions commenced on or after that date, including any action in which the harm or the conduct which caused the harm occurred before the effective date.

(b) If any provision of this Act would shorten the period during which a manufacturer would otherwise be exposed to liability, the claimant may, notwithstanding the otherwise applicable time period, bring any such action within 1 year after the effective date of this Act.

PRODUCT LIABILITY REVIEW PANEL

SEC. 17. (a) The Judicial Conference of the United States shall establish a Product Liability Review Panel (hereinafter in this section referred to as the "Panel") to conduct the studies required by this section. The Panel shall consist of three individuals selected on the basis of their expertise regarding civil actions and recovery for loss or damage caused by a product.

(b) The Panel shall conduct a study of the need for Federal legislation providing appropriate and predictable benefits, compensation or damages, through efficient and expeditious means, to any claimant who, through no fault of the claimant, is harmed by a product and who is unable to recover in any civil action based on liability in tort either because—

(1) the manufacturer of the product did not know and could not in the exercise of reasonable prudence have known at the relevant point in time (as defined in section 5(b)(4) about the danger that caused the harm; or

(2) the product that caused the harm was unreasonably dangerous (as defined in this Act), but the manufacturer could not be identified.

The result of the study required by this section shall be submitted to the Congress within 18 months after the date of enactment of this Act.

(c) The Panel shall conduct a study to determine the feasibility or availability, or both, of providing compensation without regard to fault to claimants for any loss or damage caused by a product. The study shall include an assessment of current legislative or other actions regarding that com-

pensation undertaken by Federal and State governments. The results of the study shall be submitted to the Congress within 2 years after the date of enactment of this Act, and shall contain recommendations for future legislative or other actions to provide compensation without regard to fault to claimants for any loss or damage caused by a product.

(d)(1) The Panel shall conduct an ongoing review of the adequacy of existing common law and statutory remedies in providing recovery for any loss or damage caused by a product.

(2) As part of the review required by this subsection, the Panel shall evaluate—

(A) the nature, adequacy, and availability of remedies and compensation under present law in providing recovery for any loss or damage caused by a product;

(B) the nature and scope of substantive, procedural and evidentiary barriers to that recovery, including statutes of limitation and statutes of repose, and the role of those barriers in the legal system; and

(C) the scope of liability for loss or damage caused by a product under present law and the consequences, including insurability, of any changes in that liability.

(3) The Panel shall submit the results of the review required by this subsection at such times as it considers appropriate, but in no event less often than January 15 of each year in which occurs the first session of a Congress.

(e) A member of the Panel who is not an officer or employee of the Federal Government shall be entitled to receive compensation at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule pursuant to section 5332 of title 5, United States Code, for each day (including traveltime) during which the member is engaged in the actual performance of the duties of the Panel.

(f) There are authorized to be appropriated for the purposes of this section such sums as may be necessary is fiscal year 1985. Such sums shall remain available until expended.

REVIEWABILITY

SEC. 18. It is the intent of the Congress that, in other than exceptional cases, the Supreme Court of the United States shall not review issues relating solely to the sufficiency of the evidence in cases arising under this Act which have been finally decided by the highest court of any State.

SECTION-BY-SECTION—PRODUCT LIABILITY ACT

SEC. 1. Short Title.—This section of the bill provides that the legislation may be cited as the Product Liability Act.

SEC. 2. Definitions.—Several terms used in the legislation are defined in this section. Most importantly, (1) a "manufacturer" includes not only a person engaged in a business to produce, make, or construct a product, but also a product seller which either holds itself out as a manufacturer or acts as a manufacturer with respect to a given product; (2) a "product seller" is any person, leasing, installing or packaging a product or otherwise placing it in commerce, but this term excludes sellers of real property, professionals, and certain financial entities; and (3) "reasonably anticipated conduct" is the conduct expected, ordinary and familiar of the class of persons likely to use or be exposed to the product.

SEC. 3. Preemption of Other Laws.—This section provides that state law regarding recovery for loss or damage caused by a product is superseded to the extent the Act provides a rule of law on an issue, without regard to state law theories of strict liability in tort, negligence, breach of warranty, failure to warn or instruct, or misrepresentation, which previously governed such an action. Civil actions for harm to a product itself or for commercial loss are not product liability actions. Purely economic harms have traditionally been a matter of commercial law, not tort law. The Act does not expand the jurisdiction of the federal courts, nor does it preempt other federal laws (except FECA) or state environmental laws.

SEC. 4. Responsibility of Manufacturers.—This section provides that in any product liability action, a manufacturer is liable if the claimant establishes by a preponderance of the evidence that (1) the product is unreasonably dangerous in construction, in design, because of a failure to provide adequate warnings or instructions, or because the product did not conform to an express warranty, and (2) the unreasonably dangerous aspect of the product was a proximate cause of the harm complained of by the claimant.

SEC. 5. Product Design and Construction.—A product is unreasonably dangerous in construction or manufacture if it deviated from the manufacturer's design specification or formula. A manufacturer is, then, strictly liable for mismanufactured products if the deviation in the product caused the claimant's harm.

A product is unreasonably dangerous in design or formulation if (1) the manufacturer knew or, through the exercise of reasonable prudence, should have known about the danger which caused the claimant's harm, and (2) a reasonably prudent person would not have made the product or used the design that the manufacturer used. A product is not unreasonably dangerous in design if (1) a means to eliminate the danger was not within practical technological feasibility and the benefits and usefulness of the product to the public outweighed the likelihood and probable seriousness of the harm; (2) the harm was caused by an unavoidably dangerous aspect of the product (*e.g.*, the risks of rabies vaccine injections are unavoidable because they cannot be eliminated without impairing the vaccine's benefits); or (3) the harm was caused by an unsafe aspect of a product that was inherent in the product (e.g., the sharp edge of a knife).

SEC. 6. Product Warnings or Instructions.—A product is unreasonably dangerous because of a failure to provide adequate warnings or instructions if (1) the manufacturer knew or, through the exercise of reasonable prudence, should have known of the existence of the danger which caused the claimant's harm; (2) the manufacturer failed to provide warnings that a reasonably prudent person would have provided; and (3) the warnings or instructions would have prevented harm to a product user in the course of reasonably anticipated conduct. In addition, the manufacturer may be responsible for failure to warn if, after the product was made, the manufacturer discovered or should have discovered the danger which caused the claimant's harm and failed to provide post-manufacture warnings to the claimant as a reasonably prudent person would have done.

Warnings or instructions must be given to a product user unless they were provided to certain classes of persons who could be expected to pass the warning on to the users. A manufacturer is not liable for failure to warn about obvious dangers, consequences of misuse, alteration or modification.

SEC. 7. Product Failure to Conform to Express Warranty.—A manufacturer is strictly liable for breach of express product warranties where the breach of the warranty caused the claimant's harm.

SEC. 8. Responsibility of Product Sellers.—This section provides that a product seller is liable if, by a preponderance of the evidence, the seller's own lack of reasonable care in handling the product or the seller's own breach of an express product warranty was a proximate cause of claimant's harm. In such situations, the seller is responsible only for harms it causes through its own fault. Where, however, the manufacturer is not subject to service of process or is determined to be judgment-proof, the seller may be responsible for harms attributable to the manufacturer. This section will reduce litigation costs by taking the seller out of suits in which he is not responsible. At the same time, it permits recovery by the claimant if the responsible manufacturer cannot be served.

SEC. 9. Determination of Responsibility in a Product Liability Action.—Under this section, the claimant's own conduct, contributory negligence, or assumption of risk does not bar recovery, but reduces compensatory damages awarded to the claimant by an amount proportionate to the claimant's responsibility. The section provides that manufacturers and product sellers shall be responsible for their own conduct. This comports with the purpose of the Act which is to place incentives for risk prevention on those best able to implement that goal.

In apportioning responsibility among those who caused the harm, evidence that a misuse or alteration of a product caused the claimant's harm is relevant. Product misuse or alteration by another will not reduce the manufacturer's or seller's responsibility if it was reasonably anticipated conduct.

This section does not alter rules of joint and several liability or rules of contribution among joint tortfeasors, except that contribution shall be based on each joint tortfeasor's percentage or responsibility for the harm.

SEC. 10. Effect of Workers' Compensation Benefits.—Under current workers' compensation statutes, the employer pays workers' compensation benefits in every workplace injury case. This section does not affect workers' compensation statutes, but provides that the workers' compensation system and the tort system are kept separate. Thus, it provides that, in accord with the principle of workers' compensation, the employer is immune from tort liability and shall not transfer responsibility for workers' compensation benefits. Damages in a product liability action would be reduced by the amount paid to the claimant under any state or federal worker compensation law. This reduction does not affect the amount the claimant receives today, but takes the place of the employer's subrogation lien, unless the manufacturer or product seller had expressly agreed to indemnify an employer.

SEC. 11. Time Limitation on Liability.—If a product is a capital good, no claim alleging unsafe design or failure to warn in a product liability action may be brought for harm caused by the product more than 25 years after delivery to the first buyer or lessee not engaged in the business of selling or leasing the product. Capital good is defined as a

product used in trade or business or held for the production of income.

These limitations on liability are not applicable if (1) the manufacturer or product seller intentionally misrepresented or fraudulently concealed information about the product; (2) the claimant's harm was caused by the cumulative effect of prolonged exposure to the product; or (3) the harm did not manifest itself until after the time limitation. Thus, claims for certain harms, such as harms from drugs, which do not manifest themselves until many years after product use, would not be barred by this section.

SEC. 12. Punitive Damages.—Punitive damages may be assessed if the claimant proves liability for compensatory damages and he establishes by clear and convincing evidence that the harm suffered was the result of the reckless disregard of the manufacturer or product seller for the safety of product users.

Reckless disregard means conduct manifesting a conscious, flagrant, indifference to the safety of persons who might be harmed by a product.

Following a determination by the trier of fact that punitive damages should be assessed, the judge determines the amount of damages.

SEC. 13. Subsequent Remedial Measures.—Evidence of corrective measures taken by a manufacturer or product seller after a harm has occurred would not be admissible in court to prove liability. This preserves this incentive for manufacturers and product sellers to improve their products.

SEC. 14. Statute of Limitations.—This section provides a two-year statute of limitations for all product liability actions under which the two-year time period does not begin to run until the claimant discovers or should have discovered *both* his harm and its cause. This "discovery rule" is more favorable to claimants than the "time of injury rule" followed by many states.

SEC. 15. Separability Clause.—A determination that a provision of the Act is invalid or that the application of it to any person or circumstance is invalid will not affect the remainder of the Act.

SEC. 16. Effective Date.—This Act will apply to all actions commenced on or after the effective date, including any action which harm or the conduct which caused the harm occurred before the effective date.

SEC. 17. Product Liability Review Panel.—Under this provision, the Judical Conference is to appoint a three-member panel of legal experts to conduct a continuous study of the tort system and to suggest changes to the Congress, including ways to compensate persons who are injured by defective products but who are unable to prove negligence or to identify the manufacturer.

SEC. 18. Reviewability.—This section states Congress' intent that the United States Supreme Court shall not review issues relating solely to the sufficiency of evidence.

By Mr. D'AMATO:

S. 101. A bill to provide equitable treatment for certain fresh vegetables produced in the United States; to the Committee on Finance.

FRESH VEGETABLE AND POTATO TRADE ACT

Mr. D'AMATO. Mr. President, I rise today to introduce the Fresh Vegetable and Potato Trade Act. This legislation, which is identical to a bill I sponsored in the 98th Congress, is of vital importance to our Nation, as well as to our vegetable producers, for farmers comprise the economic backbone of our country.

We still face a very real threat from across our nothern border. The increased importation of perishable produce from Canada has reached staggering proportions. Growers in the northern States have been hard hit by competition from farmers who are subsidized by the Canadian Federal and Provincial treasuries. The rise in Canadian potato imports, for instance, was 300 percent over the last 3 years. These imports are depressing prices at the market and forcing many American farmers out of business. And while our Government has taken action to protect the specialty steel makers and the automobile industry, no similar action seems forthcoming to help our farmers.

Vegetable farmers, in particular, often compete with subsidized produce from foreign countries and are, therefore, frequently faced with a flooded market. As a solution to this problem, this legislation would establish a commodity surtax designed to be imposed only for limited periods, and only when agricultural imports are injuring a specific commodity for a certain period of time.

Economic injury often results when subsidized commodities are imported during periods of heavy U.S. production. Since the declared value of a shipment at the point of entry into the United States often is not accurate, it is necessary to provide, periodically, a temporary surtax on commodities when an increased volume of imports is ruled by the Agriculture Department to have resulted in depressed domestic market prices.

My legislation requires the Agriculture Department to monitor various commodities, including cabbages, carrots, celery, lettuce, red and yellow onions, potatoes, and radishes. However, any fresh vegetable may be added to this list by petitioning the Secretary and securing a declaration that economic injury is being caused or threatened by subsidized imports.

The Agriculture Department will determine, by examining volume and prices, the extent of the economic tax impact on our domestic growers. Should injury be determined for a particular commodity, a surtax system would be put into effect.

There will be times, Mr. President, when such a surtax will not be necessary. At other times, however, a surtax can provide the difference that will allow our farmers to compete on a more equal footing than is now possible.

The vegetable industry has been suffering severely. The plight of our northeastern farmers who must compete with subsidized produce from a foreign country must not be overlooked. While our farmers receive no governmental assistance, Canadian produce is subsidized in several ways, including low-interest loans to farmers, substantial transportation subsidies, stabilization payments for crop production, and an export promotion program designed to garner a greater share of the produce market in the Northeast.

I believe that this agricultural surtax system is a fair method of ensuring that our agricultural economy is eroded no further by imported vegetables and potatoes. Though we cannot control nature and eliminate droughts, floods, and other natural disasters, we can rectify the problem of falling prices caused by the deliberate subsidization by competing nations.

Mr. President, I ask unanimous consent that my legislation be printed in the RECORD in its entirety at the conclusion of my remarks.

Thank you, Mr. President.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fresh V. etable and Potato Trade Act."

SEC. 2. As used in this Act:

(1) The term "article" means a specific vegetable category commodity entered into trade in a terminal market.

(2) The term "benchmark price" means, with respect to articles in a vegetable category, a price, computed for each month within the applicable marketing season, that equals—

(A) 85 per centum of the average monthly market price for domestic and imported articles in that category for the same month during the thirty-six-month period immediately preceding the month for which such computation is made; or

(B) if the Secretary considers that the benchmark price computed under subparagraph (A) is abnormally high or low because of harvest variations, 90 per centum of the average monthly market price for domestic and imported articles in that category for the same month during the sixty-month period immediately preceding the month for which such computation is made.

(3) The term "imported articles" means articles that have been entered, or withdrawn from warehouse for consumption, within the customs territory of the United States.

(4) The term "market price" means the sale price at which imported articles in a vegetable category are bought and sold in the course of trade at the three terminal markets having the heaviest volume of imports of such articles. The market price shall be based on such quantity of measure as the Secretary deems appropriate for purposes of carrying out the Act.

(5) The term "marketing season" means the marketing season in the United States for vegetables, that are produced in the United States, of a kind like those in a vegetable category, as determined by the Secretary.

(6) The term "Secretary" means the Secretary of Agriculture.

(7) The term "terminal market" means a marketing area in the United States at which major shipments of imported articles in a vegetable category are introduced into domestic commerce.

(8) The term "vegetable category" means each of the following classifications, identified by reference to the appropriate item numbers of the Tariff Schedules of the United States (19 U.S.C. 1202), of vegetables, if fresh:

(A) Cabbages provided for in item 135.30.

(B) Carrots provided for in items 135.41 and 135.42.

(C) Celery provided for in items 135.60 and 135.61.

(D) Lettuce provided for in item 136.60 and 136.61.

(E) Red onions and yellow onions, of the type produced for storage holdings, provided for in item 136.93.

(F) Potatoes provided for in items 137.25, 137.26, 137.28, and 137.29.

(G) Radishes provided for in item 137.40.

The Secretary, for the purposes of this Act, may add for the duration of a marketing season any classification of fresh vegetable provided for in such Schedules as a vegetable category if a United States producer of vegetables of that kind petitions the Secretary for such addition and the Secretary concludes that economic injury is being caused or threatened to United States producers of articles in that category after applying the criteria in section 3(a) and (b)(2).

SEC. 3. (a) During each week of the marketing season, the Secretary shall monitor the market prices paid for articles in each vegetable category. If the Secretary finds, on the basis of such monitoring, that the average market price paid for articles in any vegetable category during a week does not equal 90 per centum of the average price for such category for such week in the immediately preceding three years, the Secretary shall, within five working days, publish notice thereof in the Federal Register designating that vegetable category as a depressed vegetable category.

(b) The Secretary shall, with respect to articles in each vegetable category designated as a depressed vegetable category under subsection (a)—

(1) monitor on a daily basis the market prices paid for articles in such category; and

(2) monitor on a weekly basis the volume of imported articles in such category that is sold in commerce at terminal markets.

(c) If the Secretary determines, on the basis of the monitoring required under subsection (b) regarding a vegetable category that is depressed, that—

(1) the average market price for articles in that category for any week in the marketing season was below the benchmark price for such category; and

(2) the volume of imported articles in that category that was sold in commerce at terminal markets during such week exceeds by 5 per centum or more the volume of imported articles in that category sold at terminal markets during the equivalent seven-day period in calendar year 1978;

the imported articles in that vegetable category shall be presumed to be causing, or threatening to cause, economic injury to United States producers of like vegetables.

SEC. 4. (a)(1) Within two working days after making a determination under section 3(c) regarding imported articles in a vegetable category, the Secretary, by publication of notice thereof in the Federal Register, shall (A) issue notice of such determination, and (B) establish a surtax period for such category which shall be the one hundred and eighty-day period commencing on the next Thursday which occurs not less than five days after the date on which such determination was made. The Secretary shall at the time of such publication notify the exporting countries of articles in such category of such establishment.

(2) The Secretary may extend a surtax period established under paragraph (1) by an additional ninety days if he determines that the conditions which led to the establishment of the initial one hundred and eighty-day surtax period are still in effect at the close of the initial period.

(b)(1) There is imposed on all articles in a vegetable category to which a determination under section 3(c) applies that are entered, or withdrawn from warehouse for consumption, in the customs territory of the United States during each week within the surtax period a surtax for that week, the amount of which shall be computed on a weekly basis in accordance with subsection (c) by the Secretary on the basis of the applicable market prices.

(2) A surtax imposed under this Act shall be treated for all purposes of the customs laws as a duty which is in addition to any other duty imposed on the entry or withdrawal from warehouse of articles in the vegetable category concerned.

(c)(1) For purposes of this section—

(A) The term "computation period" means the seven-day period that ends on a Wednesday in the two weeks before the week in which a surtax week begins.

(B) The term "surtax week" means each seven-day period, beginning on a Thursday, that is within a surtax period established under subsection (a).

(2) The surtax imposed under subsection (b) for each surtax week on imported articles within a vegetable category shall be determined on the basis of the relationship between the average daily market price paid during the applicable computation period for articles in such category, and the applicable benchmark price for such article, as follows:

(A) If there is no difference between such market price and benchmark price—

(i) no surtax shall apply during the surtax week if no surtax is in effect for the immediately preceding surtax week; or

(ii) the surtax for the surtax week shall be the same as the surtax, if any, in effect for the immediately preceding surtax week.

(B) If such market price is below the benchmark price, the surtax for the surtax week shall be—

(i) an amount equal to the difference between such prices, if there is no surtax in effect for the immediately preceding surtax week, or

(ii) an amount equal to such difference plus the amount of any surtax in effect for the immediately preceding surtax week.

(C) If such market price exceeds such benchmark price—

(i) no surtax shall apply during the surtax week if no surtax is in effect for the immediately preceding surtax week, or

(ii) the surtax for the surtax week shall be the amount of the surtax in effect for the immediately preceding surtax week reduced by the amount of such excess (but not below zero).

(3) For purposes of determining under paragraph (2) the surtax to be imposed during the first surtax week in any surtax period, a surtax shall be determined under paragraph (2)(B) on the basis of the findings of the Secretary under section 3(c)(1) on the imported articles concerned and such surtax shall be treated as being in effect during the week before such first surtax week.

(d) The Secretary shall certify to the Secretary of the Treasury the surtax, or absence thereof, as determined under subsection (c) for each surtax week within the surtax period established for a vegetable category. The Secretary of the Treasury shall take such action as may be necessary or appropriate to levy and collect any such surtax so certified, including the requirement of additional bond to secure payment of a surtax.

SEC. 5. The Secretary and the Secretary of the Treasury shall each issue such regulations as may be necessary and appropriate to carry out this Act.

By Mr. INOUYE (for himself and Mr. LONG):

S. 102. A bill to authorize appropriations for the maritime construction differential subsidy for fiscal year 1986, to promote a strong U.S. merchant marine, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MARITIME CONSTRUCTION AUTHORIZATION

Mr. INOUYE. Mr. President, the history of the U.S. merchant marine since World War II has been one of steady decline. At the end of World War II our merchant fleet was unrivaled; today it ranks 11th.

Not too long ago Admiral Rowden, commander of the Military Sealift Command, publicly said that "Much more needs to be done to revitalize the commercial aspects of our merchant fleet to meet the balance of the military and economic requirements for sealift in time of national emergency."

Some of the recent statistics I have seen illustrate how precipitous this decline has become, and the perilous state of our merchant marine:

As of January 1, 1980, there were 533 oceangoing vessels in the privately owned active U.S. merchant fleet. As of July 1, 1984, that number had declined to 406.

In 1980 there were 27 commercial shipyards in our active shipbuilding mobilization base, and total average employment of production workers in those yards was 94,900.

By the end of 1983, there were only 24 shipyards because 3 were forced to close since they had no orders.

And the total average employment of production workers was 84,700, or down 10,000.

Today no U.S. shipyard is building a deepwater vessel for our foreign trades.

In 1980, 72.7 percent of our liner trades moved on foreign bottoms. In 1983, however, foreign flags increased their shares to 75.5 percent.

With respect to our total international trade—liner, dry, and liquid bulk—foreign flags carried 96.3 percent in 1980, and 94.2 percent in 1983. Although it appears we have increased

our total share of cargo, the figures are misleading because the absolute tonnage carried has gone down.

Mr. President, the causes of the ills afflicting our maritime industry are many and complex, and the Government and the industry must share the blame. With regard to the Government's shortcomings, I hasten to add that no one administration or Congress is responsible.

Nevertheless, at a time when all other nations engaged in maritime trade are heavily subsidizing their shipping and shipbuilding through various protectionist devices, this administration has chosen to discontinue construction differential subsidy [CDS]—one of the conerstones of our maritime policy. This, of course, explains why no U.S. shipyard today is building a deepwater vessel for our foreign trades.

Mr. President, when the administration discontinued the construction differential subsidy [CDS] program it not only seriously affected our commercial shipbuilding industry, it created a serious dilemma for our subsidized fleet. Simply stated: "This fleet has replacement obligations and must be updated and modernized". Without CDS it is impossible for that segment to build in U.S. shipyards and remain competitive. On the other hand, if subsidized operators build foreign they cannot receive operating subsidy [ODS].

In addition to eliminating the CDS Program, the administration has admantly refused to raise the statutory ceiling of $12 billion on the highly successful title XI ship construction loan guarantee program which is administered at not cost to the Government. Simply stated, the title XI program helps build ships in U.S. shipyards, and has never cost the Government a penny.

Mr. President, we must recognize what every other shipbuilding country in the world recognizes. The price of entry includes Government assistance in one form or another. The CDS Program is not without its faults, and there may be more efficient ways for the Government to promote commercial shipbuilding in U.S. yards, so that our merchant fleet may be expanded and modernized.

While we are in the process of seeking more efficient ways to promote commercial shipbuilding, I do not believe it is prudent to abandon the CDS Program, however. Indeed, our experience over the past 4 years has proven how ill advised this is.

Accordingly, I am introducing legislation which would authorize $300 million for the CDS Program; raise the maximum CDS payment from 50 percent to 60 percent of the contract price; and raise the statutory ceiling of the title XI Program to $15 billion.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated without fiscal year limitation as the appropriation Act may provide for the use of the Department of Transportation, for the fiscal year 1986 not to exceed $300,000,000 for acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships.

SEC. 2. Section 502(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1152(b)) is amended by striking "50 per centum" and inserting in lieu thereof "60 per centum".

SEC. 3. Section 1103(f) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1273(f)), is amended by striking "$12,000,000,000" and inserting in lieu thereof "$15,000,000,000".

By Mr. THURMOND (for himself, Mr. MOYNIHAN, Mr. BIDEN, Mr. D'AMATO, Mr. KENNEDY, Mr. HATCH, Mr. GRASSLEY, Mr. DENTON, Mr. SPECTER, Mr. METZENBAUM, Mr. NICKLES, Mrs. HAWKINS, Mr. PELL, Mr. STAFFORD, Mr. ZORINSKY, Mr. COCHRAN, Mr. GORTON, Mr. ABDNOR, Mr. NUNN, Mr. QUAYLE, Mr. CRANSTON, Mr. ARMSTRONG, Mr. PROXMIRE, Mr. COHEN, Mr. BUMPERS, Mr. HECHT, Mr. MATHIAS, Mr. GLENN, Mr. EAST, Mr. BAUCUS, Mr. LEVIN, Mr. LAXALT, Mr. MATSUNAGA, and Mr. DECONCINI):

S. 104. A bill to amend chapter 44, title 18, United States Code, to regulate the manufacture and importation of armor piercing bullets; to the Committee on the Judiciary.

REGULATION OF ARMOR PIERCING BULLETS

Mr. THURMOND. Mr. President, I am pleased to introduce today a bill which will limit the manufacture and importation of armor-piercing bullets. This legislation is identical to S. 2766, which I introduced last year at the request of the administration. That bill was co-sponsored by nearly every Member of the Senate, and a companion measure introduced by Representatives JACK BROOKS and JOHN DINGELL enjoyed widespread bipartisan support in the House. Moreover, it was endorsed by numerous police organizations, the National Rifle Association, and Handgun Control, Inc. S. 2766 was unanimously approved for reporting by the Committee on the Judiciary on June 26, 1984.

Mr. President, the bill which I am introducing today is the product of extensive work on the part of the administration, members of the Committee on the Judiciary, and other interested parties, including the two Senators from New York—Senator MOYNIHAN and senator D'AMATO. Last year, the Criminal Law Subcommittee of the Judiciary Committee held hearings on the complex and seemingly unresolvable problem of armor-piercing bullets. During that hearing, the subcommittee heard testimony about the difficulties in fashioning a definition of armor-piercing bullets that would strike an appropriate balance between the legitimate concerns of both law enforcement personnel and law-abiding hunters and sportsmen. The subcommittee also heard testimony about the need to provide strong Federal penalties for those who use or carry firearms and possess armor-piercing bullets while committing a violent felony. Furthermore, witnesses urged legislation which would minimize the availability of potentially dangerous ammunition to those bent upon criminal misuse.

This bill would define "armor-piercing ammunition" as solid projectiles or projectile cores constructed from specified metals. Projectiles which the Secretary of the Treasury finds to be primarily intended to be used for sporting purposes are specifically excluded. This ammunition could not be manufactured or imported, except under very limited circumstances.

First, armor-piercing ammunition could be manufactured or imported for the use of government agencies. Specifically, this is intended to cover law enforcement or intelligence agencies. Alternately, armor-piercing ammunition could be manufactured for exportation only. As a result, after the effective date of this Act, manufacturers and importers will no longer be permitted to sell armor-piercing ammunition to licensed dealers. Finally, manufacturers and importers of armor-piercing ammunition would pay the same license fee as those who manufacture or import destructive devices, such as explosives—$1,000 per year. This is considerably more than the current fees of $10 and $50.

In addition to the restrictions on manufacturing and importing such ammunition, the bill would provide mandatory penalties for using or carrying a firearm and possessing armor-piercing ammunition during the commission of a violent felony. Probation, parole, and concurrent sentences with respect to those penalties would be prohibited. While I am pleased to note that similar provisions were included in the Comprehensive Crime Control Act of 1984, which was signed into law last October 12—Public Law 98-473—those penalties would be improved in the bill which I am introducing today because of the better definition.

Mr. President, this bill codifies in many respects a commendable initiative by the administration. This bill

will limit the proliferation of ammunition which might be sought by persons determined to engage in crime at all costs, but which has no real sporting purpose. I believe that it achieves an infinitely fair balance between the legitimate interests of law enforcement and sportsmen.

Mr. President, I ask unanimous consent that the bill which I am introducing today be printed in the RECORD at the close of my remarks. In the event that my colleagues would like additional information about this bill, I refer them to the administration's submission of last year which is reprinted in the RECORD on June 14, 1984.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 921(a)(17) of title 18 of the United States Code is redesignated as section 921(a)(17)(A), and a new subparagraph (B) is added to section 921(a)(17) to read as follows:

"(B) The term 'armor piercing ammunition' means solid projectiles or projectile cores constructed from tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium. The term shall not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes, frangible projectiles designed for target shooting or any projectile which the Secretary finds is primarily intended to be used for sporting purposes. The term 'solid' in the first sentence of this subparagraph means made entirely from one or more of the substances specified therein, but may include the presence of trace elements of other substances.".

SEC. 2. Section 922(a) of title 18 of the United States Code is amended—

(a) by striking out "and" at the end of paragraph (5);

(b) by striking out the period at the end of paragraph (6) and inserting in lieu thereof "and"; and

(c) by adding after paragraph (6) the following:

"(7) for any person to manufacture or import armor piercing ammunition, except that this paragraph shall not apply to (A) the manufacture or importation of armor piercing ammunition for the use of the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof, or (B) the manufacture of armor piercing ammunition for the sole purpose of exportation.".

SEC. 3. Subparagraph (A) of section 923(a)(1) of title 18 of the United States Code is amended to read as follows:

"(A) of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee of $1,000 per year;".

SEC. 4. Subparagraph (C) of section 923(a)(1) of title 18 of the United States Code is amended to read as follows:

"(C) of ammunition for firearms, other than ammunition for destructive devices or armor piercing ammunition, a fee of $10 per year.".

SEC. 5. Subparagraphs (A) and (B) of section 923(a)(2) of title 18 of the United States Code are amended to read as follows:

"(A) of destructive devices, ammunition for destructive devices or armor piercing ammunition, a fee of $1,000 per year; or

"(B) of firearms other than destructive devices or ammunition for firearms other than destructive devices, or ammunition other than armor piercing ammunition, a fee of $50 per year.".

SEC. 6 Section 924(c) of title 18 of the United States Code is amended (a) by striking the period at the end of paragraph (2) and adding in lieu thereof a comma and the word "or" and (b) by adding a new paragraph (3) to read as follows:

"(3) during and in relation to the commission of a violent felony uses or carries a firearm and is in possession of armor piercing ammunition capable of being fired in that firearm shall, in addition to the punishment provided for the commission of such felony, be sentenced to a term of imprisonment for not less than five years. Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a violation of this subsection, nor place him on probation, nor shall the term of imprisonment run concurrently with any other term of imprisonment, including that imposed for the felony in which the armor piercing ammunition was used or carried. No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed herein. For the purpose of this paragraph, the term violent felony means (A) a felony (which may be prosecuted in a court of the United States) that has as an element, the use, attempted use, or threatened use of physical force against the person or property of another, or (B) any other felony (which may be prosecuted in a court of the United States) that, by its nature involves a substantial risk that physical force against the person or property of another may be use in the course of its commission.".

SEC. 7. The amendments shall take effect on the date of enactment of this Act, except that sections 3, 4, and 5 shall take effect on the first day of the first calendar month which begins more than ninety days after the date of the enactment of this Act.

Mr. DENTON. Mr. President, I am pleased to join my distinguished colleague from South Carolina, Mr. THURMOND, as an original cosponsor of a bill which will amend chapter 44, title 18, United States Code, to regulate the manufacture and importation of armor-piercing ammunition. The bill strikes an appropriate balance between the need to make our law enforcement officers as safe as possible and the need to maintain the second amendment rights of law-abiding citizens.

The bill would limit the manufacture and importation of armor-piercing ammunition to the military and other Federal, State or local government agencies who may have legitimate needs for this type of ammunition. Additionally, the bill would provide for a mandatory penalty on the possession of armor-piercing ammunition during the commission of a violent felony. Specifically, the bill would:

First, set up a definition of armor-piercing ammunition which excludes sporting ammunition;

Second, make illegal the manufacture and importation of armor-piercing ammunition, except for use by the Government or for exportation;

Third, set up a $1,000 licensing fee for manufacturers and importers of armor-piercing ammunition; and

Fourth, set up a minimum mandatory sentence of not less than 5 years for persons who use or carry armor-piercing ammunition during the commission of a violent felony.

The bill was engendered out of a concern among law enforcement officials, legislators, and the general public at large that certain types of armor-piercing ammunition are readily available on the commercial market and that such ammunition poses a severe threat to the safety of our law enforcement officials. The bill addresses these concerns without restrictions or interfering with the legitimate use of firearms for hunting, trap or skeet shooting, formal or informal target shooting or gun collecting. The bill restricts the misuse of armor-piercing ammunition without impacting on sporting ammunition. The bill has the support of the National Rifle Association and various law enforcement organizations.

I commend Senator THURMOND for sponsoring the legislation, and I urge my remaining colleagues to join as cosponsors.

Thank you Mr. President.

Mr. MOYNIHAN. Mr. President, I am pleased to rise today, the first day of the 99th Congress, to join my distinguished colleagues Senator THURMOND and Senator BIDEN, in introducing legislation to ban the manufacture and importation of armor-piercing ammunition and to establish mandatory penalties for possession of such ammunition during the commission of violent Federal felonies.

This proposal is identical to S. 2766, which we introduced in the 98th Congress. That bill enjoyed the support of the administration and the cosponsorship of 96 Members of this body, as well a the endorsement of the National Rifle Association and many National and State police organizations.

"Cop-killer" is a chillingly apt moniker for these bullets, which serve no purpose but to kill and wound police officers, Federal law enforcement officers—even Presidents and other public officials—when they are wearing bulletproof vests. The bullets do not fit pistols normally used for practice shooting; they are useless for stopping game hunted by sportsmen; they are unnecessary for self-defense. In military parlance, these are "offensive weapons," ones which endanger the lives of thousands of police officers protected by bulletproof vests.

Our legislation would ban the manufacture and importation of solid projectiles and projectile cores made of

tungsten alloys, steel, brass, iron, beryllium copper, or depleted uranium. Such bullets travel at a greater speed than do normal bullets, and they do not collapse upon impact. The bill would not ban shotgun shot used for hunting, nor would it ban the manufacture of armor-piercing bullets for export or for use by law enforcement or military agencies.

I do regret that the proposal also would not preclude the sale of cop-killer bullets distributed previously to firearms dealers. I share the concern of many police groups that the lack of sale restrictions weakens this legislation, and do hope that the Senate will consider seriously including such restrictions in the bill.

Since the development of Kevlar and other materials used in bulletproof vests more than a decade ago, flexible body armor has saved the lives of more than 400 police officers. From 1974 to 1983, the number of law enforcement officials killed in the line of duty declined 43 percent. This past September, a Long Island police officer's life was saved when a criminal's bullet failed to penetrate his vest.

That policeman would not have been so fortunate, had his assailant loaded his shotgun with a cop-killer bullet. In a test conducted by the California State Police, one armor-piercing bullet, the KTW variety, penetrated four bulletproof vests and five Los Angeles County phone books stacked behind them. According to the chief of the San Diego Police Department, W.B. Kolender, 9 of the 21 persons killed in the massacre at the McDonald's restaurant in San Ysidro, CA, last July, were slain by armor-piercing bullets imported from Czechoslovakia. And, I would add, dozens of police and SWAT officers positioned outside the restaurant were at risk as well from that ammunition.

Police chiefs and police departments around the country know all too well of the grave danger posed by cop-killer bullets, and have joined the call to ban them. Legislation to ban cop-killer bullets has been endorsed by the National Association of Police Organizations, the Federal Law Enforcement Officers Association, the Fraternal Order of Police, the International Brotherhood of Police Organizations, the International Union of Police Organizations, the National Sheriffs' Association, the International Association of Chiefs of Police, the National Troopers' Coalition, the National Organization of Black Law Enforcement Officers, and hundreds of State and local law enforcement agencies. In my own State, such a measure has been unanimously endorsed by both the New York City Council and the New York State Assembly.

It has been a long struggle to bring this matter to the attention of Congress. In the 97th Congress, on February 22, 1982, I introduced S. 2128, my first attempt to ban cop-killer bullets; it received support from two cosponsors. Representative MARIO BIAGGI of New York, who also has been a tireless advocate of this cause, introduced identical legislation, H.R. 5437, in the House of Representatives. In the first month of the 98th Congress, on February 22, 1983, I introduced S. 555, legislation identical to the bill I had proposed the previous year. Representative BIAGGI again offered identical legislation. I was joined on S. 555 by 19 cosponsors, and I asked the administration to support a ban on cop-killer bullets. On May 31, 1983, Mr. Robert McConnell, Assistant Attorney General, wrote to say that the administration would support only penalties for criminal possession of armor-piercing ammunition, but not a ban on their manufacture, importation, or sale.

The effort continued, and the Judiciary Committee agreed to hold hearings on S. 555 last March. At those hearings, police officers representing many of the law enforcement agencies I have mentioned—officers who wear bulletproof vests and who run the risk every day of encountering criminals armed with bullets that can pierce those vests—testified for a more comprehensive ban on the ammunition.

On June 14, 1984, after much negotiation, a compromise was reached, albeit imperfect, and, with the support of the administration, Senators THURMOND, BIDEN, KENNEDY, and I introduced S. 2766. Twelve days later, the Senate Judiciary Committee reported out S. 2776 favorably.

When, near the end of last year's session, the measure had not yet been considered by the full Senate, I offered S. 2766 as an amendment to an omnibus spending bill. Unfortunately, the Senate chose not to act on the legislation at that time. And so, at the close of the 98th Congress, no ban was enacted on cop-killer bullets. The Nation's police were told to wait.

We still can, and must, act to reduce the threat armor-piercing bullets pose to law enforcement officers across the country. Speaking before the National Sheriffs' Association last June, President Reagan said, "I fully expect to be signing a cop-killer bullet bill before this Congress adjourns." For the thousands of policemen and policewomen who have pleaded for this legislation, I urge the Senate in the new Congress to give the President that opportunity, denied him in the last Congress. Now is the time to pass a strong and comprehensive ban on the manufacture and importation of this lethal ammunition.

Mr. GRASSLEY. Mr. President, I am pleased to join as a cosponsor of legislation to ban the manufacture and sale of specially hardened bullets that were capable of penetrating the soft body armor worn by many of our Nation's law enforcement officers.

This legislation carefully balances the rights of law abiding citizens and the need to protect law enforcement and other personnel who are equipped with "bullet proof" vests. This balance has not been easy tc strike. It has taken years of study by the Treasury Department and others to define legislation that would outlaw those bullets made for illegal use, without also banning various hunting ammunitions made with steel-jackets or other substances that were capable of being fired by a handgun, and that are used for hunting and other legal purposes.

I am pleased to support legislation that has been so carefully constructed.

By Mr. PRYOR (for himself and Mr. BUMPERS):

S. 119. A bill to designate H.K. Thatcher Lock and Dam; to the Committee on Environment and Public Works.

DESIGNATING THE H.K. THATCHER LOCK AND DAM

Mr. PRYOR. Mr. President, I am joined by my colleague, the senior Senator from Arkansas, Mr. BUMPERS, in introducing legislation today that will honor one of the great pioneers in river navigation and development, and will commemorate for future generations, the leadership and contributions of an Arkansan who has made a difference.

Mr. President, H.K. Thatcher of Camden, AR, my hometown, has for over 40 years been the single most important factor in the development of the Ouachita River in Arkansas and Louisiana. As a young man growing up in Camden I came to know at an early age that this man, who had devoted his entire adult life to the economic development of the Ouachita River basin, was the most respected authority on river navigation in the area, and perhaps within the State of Arkansas. He is well known by the congressional committee chairmen before whom he has testified for so many years. I should add, Mr. President, that Mr. Thatcher was a very effective spokesman for the interests that he represented, and the development that we now see on the Ouachita River is proof of his influence in the Congress.

The legislation that we are introducing today to honor H.K. Thatcher will authorize the Army Corps of Engineers to name the lock and dam on the Ouachita River at Calion, AR, the H.K. Thatcher Lock and Dam. This facility is now known simply as the Calion Lock and Dam. We were asked to take this action by the Ouachita River Valley Association, and efforts will be made in the House of Representative, by Congressman BERYL ANTHONY to seek a similar change.

Mr. President, Mr. Thatcher's colleagues and fellow Arkansans know his

place in our State's history and I urge the Senate to approve this bill so the rest of the Nation will know.

I ask unanimous consent, Mr. President, that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Calion Lock and Dam located on the Ouachita River near Calion, Arkansas, is named and designated as the "H.K. Thatcher Lock and Dam". Any reference in a law, map, regulation, document, record, or other paper of the United States to such lock and dam shall be held to be a reference to the "H.K. Thatcher Lock and Dam".

By Mr. MOYNIHAN (for himself, Mr. BENTSEN, Mr. SYMMS, Mr. SASSER, Mr. D'AMATO, Mrs. HAWKINS, Mr. COCHRAN, Mr. CHILES, Mr. PRESSLER, Mr. INOUYE, Mr. ABDNOR, and Mr. GORTON):

S. 120. A bill to amend the Tax Reform Act of 1984 to provide a transitional rule for the tax treatment of certain air travel benefits provided to employees of airlines; to the Committee on Finance.

TAX TREATMENT OF AIRLINE EMPLOYEES' TRAVEL BENEFITS

Mr. MOYNIHAN. Mr. President, I rise today, the first day of the 99th Congress, to offer legislation to correct an unintended effect of a provision of the Tax Reform Act of 1984, one affecting thousands of American men and women working for the Nation's airlines. I am pleased that my good friends and colleagues, Senators BENTSEN, SYMMS, SASSER, D'AMATO, HAWKINS, COCHRAN, CHILES, PRESSLER, INOUYE, ABDNOR, and GORTON have joined me in introducing this legislation.

The Tax Reform Act of 1984 maintains the nontaxable status of certain services provided to employees, including the traditional practice by airlines of providing free or reduced cost standby air travel to their employees. The recent tax legislation, however, stipulated that these flight benefits may be offered only to employees in the airline line of business. The so-called line-of-business rule was adopted to prevent conglomerates from providing employees in one line of business, such as hotels, tax-free benefits from another line, such as car rentals.

The new rules have had an unforeseen and unintended effect on many employees of Pan Am World Services, Inc. Many of them were employees of Pan American World Airways, Inc., and were transferred to Pan Am World Services, fully expecting that their flight benefits, long considered part of their compensation, would remain nontaxable. While Pan Am World Services, Inc., does not itself operate an airline, as the current line-of-business rule would require, its employees are directly involved in the airline's operation, in the maintenance and servicing of airplanes, airports, and aerospace facilities. The intent of the line-of-business rule, as I understood it when it was introduced in the Finance Committee, was to discourage large conglomerates from providing employees excessive amounts of nontaxable compensation, not to withhold traditional benefits from the employees of Pan Am World Services.

Many of these employees, I would add, are stationed abroad. They accepted such assignments with the understanding that their standby air travel benefits would provide them ready means to occasionally return to their homes in the United States. I also would mention that many of these employees are working under contracts with the Federal Government, operating airfields and communications systems around the world where there are no regional facilities available to our armed services. They are doing important work, often under disagreeable or dangerous circumstances. These employees have always shared the same tax-free flight benefits that Pan American Airways employees have enjoyed; now, a technicality in the 1984 tax law will take them away.

Mr. President, the legislation we introduce today would provide a narrow extension of the line-of-business rule to cover Pan Am World Services, Inc., employees, and applies only to persons employed as of September 12, 1984. This rule would protect only those who had legitimately anticipated continued nontaxable standby air travel benefits, not new employees.

At the conclusion of the last Congress, the chairman of the Senate Finance Committee, now the distinguished majority leader, Senator DOLE, agreed on the floor of this Chamber to hold hearings on this matter early in 1985. I would hope that the new chairman of the Finance Committee, my friend and colleague Senator PACKWOOD, will agree to do so as well.

Mr. President, I urge my colleagues to support this worthy legislation, and I ask unanimous consent that a copy of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 531 of the Tax Reform Act of 1984 is amended by redesignating subsections (g) and (h) as subsections (h) and (i), respectively, and inserting after subsection (f) the following new subsection:

"(g) DETERMINATION OF LINE OF BUSINESS IN CASE OF AFFILIATED GROUP OPERATING AIRLINE.—If, as of September 12, 1984—

"(1) an individual was an employee (within the meaning of section 132 of the Internal Revenue Code of 1954, including subsecton (f) thereof) of one member of an affiliated group (as defined in section 1504 of such Code) and was eligible for non-additional-cost services in the form of air transportation provided by another member of such affiliated group,

"(2) at least 50 percent of the individuals performing services for the first such corporation were or had been employees of or had previously performed services for the second such corporation, and

"(3) the primary business of the affiliated group was air transportation of passengers, then, for purposes of applying paragraphs (1) and (2) of section 132(a) of the Internal Revenue Code of 1954, with respect to no-additional-cost services and qualified employee discounts provided for such individual by such other member, the employer of such individual shall be treated as engaged in the same line of business as such other member. For purposes of the preceding sentence and section 132 of the Internal Revenue Code of 1954, an individual who is performing services for the first such corporation who is an employee of the second such corporation shall be treated as also an employee of the first such corporation.".

Mr. BENTSEN. Mr. President, I am pleased to join my good friend from New York in introducing this bill which will correct an unfair and unintended result of the Deficit Reduction Act of 1984. This bill is similar to a bill, S. 2995, that my colleague and I introduced in the waning days of the 98th Congress. Although the full Senate did not have the opportunity to address this bill before adjournment, I hope my colleagues will join me in calling for the earliest possible consideration of this measure.

The Deficit Reduction Act added to the Internal Revenue Code for the first time a detailed set of rules governing the taxation of fringe benefits. Our principal intent in enacting this set of rules was to make it clear once and for all that customary fringe benefits received by employees are not subject to income taxation. For years, the Treasury Department had proposed to tax fringe benefits, and the Congress had repeatedly enacted legislation precluding action by Treasury. Last year, we felt it was time to set forth the tax-free status of fringe benefits in the code.

Another purpose of codifying the fringe benefit provisions in the code was to put an end to certain practices felt to be improper. Thus, we inserted a nondiscrimination standard into the law, so that employers cannot deprive lower-paid employees of the same fringe benefits offered to those higher on the ladder. We also put limits on the extent to which employees can receive as a fringe benefit free or discounted goods or services that are outside the the employees' line of business. What we did not intend to do in

enacting the new rules was to cut back on legitimate benefits that current employees are enjoying. Rather, we made every effort to enact reasonable transition rules and exceptions to protect existing arrangements.

Unfortunately, we were not aware of the situation of the employees of Pan Am World Services. That company is an affiliate of Pan Am World Airways, and for years its employees have received airline passes as a fringe benefit. Those passes have been a significant inducement to the employees to work for the company—the passes have been available both during years of employment as well as during retirement. A number of employees have worked many years for the company in the expectation of receiving the passes during retirement. And many of the employees have transferred to the company in recent years from Pan Am World Airways, in the expectation that the airline pass privileges would continue.

Mr. President, the new fringe benefit rules will cause the airline passes received by the employees of Pan Am World Services to be treated as taxable income. This is so because of the line-of-business requirement of the new rules. Since these rules became effective the first of 1985, it is expected that Pan Am World Services will cancel the passes rather than either follow all the expensive recordkeeping and withholding requirements associated with the payment of taxable compensation or pay the new excise tax set forth in the new tax rules.

The bill that my colleagues and I have introduced today will simply provide a fair and reasonable transition rule for Pan Am World Services. The amendment will permit the current employees of the company to continue to receive airline passes tax free. The bill will not apply to new employees—new employees will join the company with the knowledge that the company may not provide them with free airline passes. I believe that the bill is a fair solution to an unfair problem caused by the Deficit Reduction Act of 1984, and I hope we can act on the measure soon.

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 121. A bill to provide financial assistance for demonstration grants designed to address the special needs of gifted and talented elementary and secondary school students who are Indian, Native Hawaiian, or Native American Pacific Islanders, and for other purposes; to the Committee on Labor and Human Resources.

NATIVE AMERICAN GIFTED AND TALENTED EDUCATIONAL ASSISTANCE ACT

Mr. INOUYE. Mr. President, today, Senator MATSUNAGA and I are introducing legislation which would amend our Nation's educational statutes in order to authorize the Secretary of the U.S. Department of Education to establish special demonstration programs designed to address the unique needs of gifted and talented elementary and secondary school students who are American Indian, Native Hawaiian, or Native American Pacific Islanders (including American Samoans).

Mr. President, the bill which we are introducing today would authorize that up to $3 million be made available for this purpose during the next 3 fiscal years and would give a priority to programs developed by our Nation's community colleges.

In our judgment, it is very much in our national interest for the Federal Government to actively ensure that the true potential leadership of tomorrow's native Americans is given every opportunity to develop their potential to the fullest.

It is an unfortunate fact that unless the Federal Government reaches out to these talented individuals, we are afraid that it is unlikely that, as a Nation, we will ever have the opportunity to reap the benefit of their potential contributions.

It is sad, but nevertheless true, that native Americans simply are not given the type of educational resources that they so richly deserve. For the peoples that we have targeted in our legislative proposal, there is a special Federal responsibility for ensuring that this no longer is the case.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Native American Gifted and Talented Educational Assistance Act of 1985".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to make demonstration grants to public agencies and nonprofit private organizations designed to address the special educational needs of elementary and secondary school students who are Indian, Native Hawaiian, or Native American Pacific Islanders (including American Samoans).

DEFINITIONS

SEC. 3. For the purpose of this Act—

(1) the term "elementary school" has the same meaning given that term under section 198 (a) (17) of the Elementary and Secondary Education Act of 1965;

(2) the term "local educational agency" has the same meaning given that term under section 198 (a) (10) of the Elementary and Secondary Education Act of 1965;

(3) the term "Indian" has the same meaning given that term under section 4 of the Indian Self-Determination and Education Assistance Act;

(4) the term "institution of higher education" has the same meaning given that term by section 1201 (a) of the Higher Education Act of 1965;

(5) the term "junior or community college" has the same meaning given that term under section 322 (a) (4) of the Higher Education Act of 1965;

(6) the term "Native Hawaiian" means any individual whose ancestors were natives of the area which consisted of the Hawaiian Islands prior to 1778;

(7) the term "secondary school" has the same meaning given that term under section 198 (a) (7) of the Elementary and Secondary Education Act of 1965;

(8) the term "Secretary" means the Secretary of Education;

(9) the term "State" has the same meaning given that term by section 198 (a) (16) of the Elementary and Secondary Education Act of 1965; and

(10) the term "State educational agency" has the same meaning given that term by section 198 (a) (17) of the Elementary and Secondary Education Act of 1965.

DEMONSTRATION GRANTS FOR GIFTED AND TALENTED CERTAIN ELEMENTARY AND SECONDARY SCHOOL STUDENTS

SEC. 4. (a) The Secretary is authorized to make grants to, and to enter into contracts with, public agencies and private nonprofit organizations, especially institutions of higher education, junior and community colleges, State educational agencies, and local educational agencies for demonstration projects designed to address the special needs of elementary and secondary school students who are Indians, Hawaiian Native, or Native American Pacific Islanders (including American Samoans)

(b) Demonstration projects assisted under this Act may include—

(1) the identification of the special educational needs of gifted and talented children who are eligible for assistance under this Act,

(2) the conduct of educational activities which hold reasonable promise of making substantial progress toward meeting the educational needs of such gifted and talented children;

(3) leadership programs designed to replicate programs for such children throughout the appropriate area, including the dissemination of information on the demonstration projects conducted with assistance under this Act; and

(4) appropriate research, evaluation and related activities pertaining to the special needs of such gifted and talented children.

(c)(1) No grant may be made and no contract may be entered into under this section unless an application is submitted to the Secretary in such form, in such manner and containing or accompanied by such information as the Secretary determines necessary to carry out the provisions of this section.

(2) The requirements of section 557 of the Education Consolidation and Improvement Act of 1981 (relating to the participation of pupils and teachers in private elementary and secondary schools) shall apply to demonstration projects assisted under this section unless such requirements cannot legally be met in the State (as determined by the State educational agency of the State in which the applicant for funds under this section is located).

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. There are authorized to be appropriated $3 million for the fiscal year 1986 and each of the three succeeding fiscal years.

By Mr. PRYOR (for himself and Mr. RIEGLE):

S. 122. A bill to reorganize the Department of Health and Human Services by establishing an independent agency, governed by a bipartisan board, to administer the old-age, survivors, and disability insurance program and the supplemental security income program under titles II and XVI of the Social Security Act, to provide appropriate delegations of authority to such agency from the General Services Administration and the Office of Personnel Management, and for other purposes; to the Committee on Governmental Affairs.

INDEPENDENT SOCIAL SECURITY AGENCY

Mr. PRYOR. Mr. President, today I am introducing legislation to create an independent Social Security agency to administer the old-age and survivors, disability, and supplemental security income benefit programs. I believe this change is clearly needed, and I urge my colleagues to join me in this effort. I introduced identical legislation in 1984, and although congressional hearings were held on the issue, no action was taken.

In 1935, the Social Security Program was established to provide some stability and insurance in old age against the loss of income in retirement. The size and scope of this agency has grown dramatically—in 1940 less than $1 billion in benefits were paid out, but by 1985 Social Security Administration expenditures are expected to be $200 billion, or 30 percent of the Federal domestic expenditures. In that year, SSA will issue approximately 600 million checks to over 40 million recipients. This is in addition to the administrative work necessary to process 6.2 million new claims, and action to keep present claims in order and accurate. And SSA's responsibilities will only increase as our population continues to age. By 1990 some estimate that almost $400 billion in benefits will be paid out.

It comes as no surprise—considering SSA's broad range of responsibilities, the recent concerns over the financial stability of the trust funds and general national budget concerns, and SSA's history of operating and management problems—that public confidence in this most important agency is at an all-time low.

One of the major factors contributing to SSA's operating and management problems has been the lack of strong and consistent leadership. Over the last 12 years there have been nine different commissioners of the Social Security administration, each with his own priorities and directives from the Administration by which he was appointed. And since January 1983, when then-Commissioner John Svahn was nominated for Under Secretary of the Department of Health and Human Services, the Senate has not received a nomination for this most important position. Thus, the Congress has found it necessary to draft, debate, and approve two historic pieces of Social Security legislation, the 1983 reform bill and the 1984 disability reform bill, without a confirmed commissioner.

The structure of the legislation I am introducing would greatly improve the stability and continuity of the leadership at Social Security. The five-member board with staggered 10-year terms and a board-appointed commissioner with a 5-year term should prevent the frequent turnover and extended vacancies in leadership experienced in recent years.

But beyond these concerns, independence of the Social Security Administration at this time is a logical proposal. This agency has unique responsibilities, and its activities affect nearly every citizen in the United States at one time or another. Social Security benefits are funded through combined employer-employee contributions, and this program should not be viewed in the same manner as other general revenue financed programs are. Yet, as but one of the agencies under the Health and Human Services umbrella, Social Security has not received the independent attention it should have relative to its size and degree of importance to all Americans.

While administrative independence from the Department of Health and Human Services would not, or itself, correct all the Social Security Administration's management and image problems, and automatically restore public confidence, I believe that, as a separate agency organized under the structure in this legislation, the Social Security Administration should be able to attract capable management personnel and be held more accountable for its responsibilities. In addition, a separate agency, headed by a governing board which develops program policy, and manageed by an able administrator, will help to depoliticize Social Security issues, and insulate beneficiaries from the threat of precipitous benefit reductions and arbitrary budget cutting measures.

I also believe that this legislation would greatly improve the structure of the appeals council, and enhance procedural fairness in what has been an adjudicative nightmare over the last several years. During discussion on this legislation I would hope that some consideration be given to legisalation which I introduced in 1983 and plan to reintroduce which would create an independent review commission for Health and Human Services administrative law judges.

Perhaps one of the best arguments for restructuring the Social Security agency has been the deplorable manner in which the triannual reviews of disabled individuals have been conducted. These reviews are an excellent example of a way in which a simple directive to an agency can result in the wholesale benefit terminations of thousands of truly disabled individuals with the sole purpose of saving program dollars. These terminations represent a very dark period in our Nation's history. If the Social Security Administration had been an independent agency, free of political pressure, the crisis we have recently weathered with regard to Social Security disability might never have occurred.

In addition, over the last few years there has been growing concern over the interest yield on trust fund reserve investments, particularly in light of Social Security's recent financial crisis. I believe that a board of directors responsible for developing program policy could place emphasis on the investment of trust fund reserves and look forward to a higher yield on our citizens' contributions to Social Security through a carefully planned and monitored investment policy.

Originally the Social Security program was administered by an independent agency, governed by a board of directors. The 1981 Commission on Social Security and the 1983 Commission on Social Security Reform both recommended restoration of this original independent administrative structure for Social Security. On June 12, 1984, the Congressional Panel on Social Security Organization, headed by the distinguished former Comptroller General of the United States, Elmer B. Staats, recommended to the Congress a somewhat different independent administrative structure. I believe the legislation I am introducing today incorporates the best recommendations of previous studies and proposes an organizational structure that meets the unique requirements of this agency.

Last year Congressman ROYBAL, the distinguished chairman of the Select Committee on Aging, introduced identical legislation in the House. His staff is currently engaged in negotiations with Congressman PICKLE's Social Security Subcommittee staff on the independent Social Security agency issue. I expect that Chairman ROYBAL will introduce independent Social Security agency legislation this year.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Social Security Reorganization Act of 1984".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Establishment of Social Security Agency as an independent agency; Social Security Board.
Sec. 3. Commissioner of Social Security.
Sec. 4. Social Security Ombudsman; Citizens' Advisory Committee.
Sec. 5. Transfer of functions.
Sec. 6. Transitional rules.
Sec. 7. Budgetary and fiscal affairs of the Social Security Agency.
Sec. 8. Technical and conforming amendments; rules of construction.
Sec. 9. Reports assessing organizational changes.
Sec. 10. Beneficiary bill of rights.
Sec. 11. Effective date and interim rules.

ESTABLISHMENT OF SOCIAL SECURITY AGENCY AS AN INDEPENDENT AGENCY; SOCIAL SECURITY BOARD

SEC. 2. (a) Section 701 of the Social Security Act is amended to read as follows:

"SOCIAL SECURITY AGENCY; SOCIAL SECURITY BOARD

"Establishment

"SEC. 701. (a) There is hereby established, as an independent agency of the executive branch of the Government, a Social Security Agency (hereinafter in this title referred to as the 'Agency').

"Social Security Board

"(b)(1) The Agency shall be headed by a Social Security Board (hereinafter in this title referred to as the 'Board').

"(2) The Board shall be composed of five members appointed by the President, by and with the advice and consent of the Senate. The members shall be chosen, on the basis of their integrity, impartiality, and good judgment, from among individuals who, by reason of their education, experience, and attainments, are exceptionally qualified to perform the duties of members of the Board.

"(3)(A) Except as provided in subparagraphs (B) and (C), members shall be appointed for terms of ten years. A member may be nominated by the President for appointment to a term of office only if the term of office commences before or during the President's then current term of office. A member of the Board may be removed only pursuant to a finding by the President of neglect of duty or malfeasance in office. The President shall transmit any such finding to the Speaker of the House of Representatives and the majority leader of the Senate not later than five days after the date on which such finding is made.

"(B) Of the members first appointed—

"(i) one shall be appointed for a term ending January 31, 1989,

"(ii) one shall be appointed for a term ending January 31, 1991,

"(iii) one shall be appointed for a term ending January 31, 1993,

"(iv) one shall be appointed for a term commencing February 1, 1989, and ending January 31, 1995, and

"(v) one shall be appointed for a term commencing February 1, 1989, and ending January 31, 1997,

as designated by the President at the time of appointment. Such members shall be appointed after active consideration of recommendations made by the chairman of the Committee on Ways and Means of the House of Representatives and of recommendations made by the chairman of the Committee on Finance of the Senate.

"(C) Any member appointed for a term after the commencement of such term shall be appointed only for the remainder of such term. A member may, at the request of the President, serve for not more than one year after the expiration of his or her term until his or her successor has taken office.

"(4) Not more than three members of the Board shall be of the same political party.

"(5) A member of the Board may not, during his or her term as member, otherwise serve as an officer or employee of any government. If any member of the Board becomes an officer or employee of any government, he or she may continue as a member of the Board for not longer than the thirty-day period beginning on the date he or she becomes such an officer or employee.

"(6) Three members of the Board shall constitute a quorum, except that two members shall constitute a quorum until February 1, 1989. A lesser number may hold hearings.

"(7) A member of the Board shall be designated from time to time by the President to serve as Chairperson of the Board.

"(8) The Board shall meet at the call of the Chairperson or a majority of its members.

"Functions of the Board

"(c) The Board shall—

"(1) govern by regulation the old-age, survivors, and disability insurance program under title II and the supplemental security income program under title XVI,

"(2) appoint a Commissioner of Social Security, as described in section 702, to act for the Board as the chief operating officer of the Agency responsible for administering such programs,

"(3) constitute five of the members the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund,

"(4) make annual budgetary recommendations relating to the Agency and defend such recommendations before the appropriate committees of each House of the Congress,

"(5) make recommendations to the Congress and the President as to the most effective methods of providing economic security through social insurance, and, in consultation with the Commissioner of Social Security, as to legislation and matters of administrative policy concerning such programs,

"(6) provide the Congress and the President with the ongoing actuarial and other analysis undertaken by the Agency with respect to such programs and any other information relating to such programs, and

"(7) conduct policy analysis and research relating to such programs.

"Office of the Board

"(d)(1) The Office of the Board shall include an Office of the Actuary, to be headed by a Chief Actuary appointed by the Board. To the extent provided by the Board, the Office of the Actuary shall assist the Board in carrying out its actuarial functions.

"(2) The Office of the Board shall include an Office of Policy and Legislation, to be headed by a Director of Policy and Legislation appointed by the Board. To the extent provided by the Board, the Office of Policy and Legislation shall assist the Board in carrying out its functions relating to policy analysis, research, and legislation.

"(3) The Office of the Board shall include an Office of General Counsel, to be headed by a General Counsel appointed by the Board. To the extent provided by the Board, the General Counsel shall serve as the principal legal counsel in the Agency.

"(4)(A) The Board shall appoint such additional attorneys, actuaries, and other employees as it considers necessary to carry out its functions.

"(B) The Board may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such technical or professional employees as the Board considers appropriate, and such employees may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(C) The Board may procure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

"(D) Notwithstanding section 3133 of title 5, United States Code, the Director of the Office of Personnel Management shall authorize for the Agency a total number of Senior Executive Service positions equal to 150 percent of the number of such positions in the Social Security Administration of the Department of Health and Human Services as of immediately before the date of the enactment of the Social Security Reorganization Act of 1984, and the total number of such positions authorized for the Agency pursuant to such section 3133 shall not at any subsequent time be less than such number.

"(E) In addition to the positions of the Agency in the Executive Schedule specified in subchapter II of chapter 53 of title 5, United States Code, the Board may establish additional positions at levels IV and V of the Executive Schedule.

"Organization of the Agency; Delegation of Functions

"(d)(1) The Board may establish, alter, consolidate, or discontinue such organizational units or components within the Agency as the Board considers necessary or appropriate to carry out its functions, except that this paragraph shall not apply with respect to any unit or component established by this Act.

"(2) The Board may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, with respect to the functions of the Board under this section. Within the limitations of such delegations, redelegations, or assignments to officers or employees of the Agency, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Board.

"Inspector General

"(e) There shall be in the Agency an Office of the Inspector General, to be headed by an Inspector General appointed in accordance with the Inspector General Act of 1978.

"Coordination Between the Agency, the Department of Health and Human Services, and the Department of the Treasury

"(f)(1) The Board, the Secretary, and the Secretary of the Treasury shall consult with each other and shall develop rules, regulations, practices, and forms which, to the extent appropriate for the efficient administration of titles II, XVI, and XVIII and the other provisions of this Act and the applicable provisions of the Internal Revenue Code of 1954, are designed to reduce duplication of effort, duplication of reporting, conflicting or overlapping requirements, and the burden on beneficiaries and other persons

of compliance with the provisions of this Act.

"(2) In order to avoid unnecessary expense and duplication of functions, the Board, the Secretary, and the Secretary of the Treasury may make such arrangements or agreements for cooperation or mutual assistance in the performance of their functions under titles II, XVI, and XVIII and the other provisions of this Act and the applicable provisions of the Internal Revenue Code of 1954 as they find to be practicable and consistent with law.".

(b)(1) Section 5313 of title 5, United States Code (relating to level II of the Executive Schedule), is amended by adding at the end thereof the following new item:

"Chairperson of the Social Security Board, Social Security Agency.".

(2) Section 5314 of such title (relating to level III of the Executive Schedule) is amended by adding at the end thereof the following new item:

"Members of the Social Security Board, Social Security Agency (4).".

(3) Section 5315 of such title (relating to level IV of the Executive Schedule) is amended by adding at the end thereof the following new items:

"Inspector General, Social Security Agency.

"Chief Actuary, Social Security Agency.

"Director of Policy Analysis and Legislation, Social Security Agency.

"General Counsel, Social Security Agency.".

COMMISSIONER OF SOCIAL SECURITY

SEC. 3. (a) Section 702 of the Social Security Act is amended to read as follows:

"COMMISSIONER OF SOCIAL SECURITY

"Establishment

"SEC. 702. (a) There shall be in the Agency an Office of the Commissioner, to be headed by a Commissioner of Social Security (hereinafter in this title referred to as the 'Commissioner') appointed by the Board.

"Term; Appointment; Removal

"(b)(1) The Commissioner shall be appointed for a term of five years, except that—

"(A) the individual first appointed to the office of Commissioner shall serve for a term ending December 31, 1989,

"(B) an individual appointed Commissioner for a term after the commencement of such term shall be appointed only for the remainder of such term, and

"(C) an individual may, at the request of the Chairperson of the Board, serve as Commissioner after the expiration of his or her term for not more than one year until his or her successor has taken office.

An individual may be appointed as Commissioner for successive terms.

"(2) An individual may be removed from the office of Commissioner before completion of his or her term only upon the vote of a majority of the full membership of the Board, pursuant to a finding by the Board of neglect of duty or malfeasance in office. The Board shall transmit any such finding to the Speaker of the House of Representatives and the Majority Leader of the Senate not later than five days after the date on which such finding is made.

"Functions of the Commissioner

"(c) The Commissioner shall—

"(1) constitute the chief operating officer of the Agency, responsible for administering, in accordance with applicable statutes and regulations, the old-age and survivors insurance program under title II and the supplemental security income program under title XVI,

"(2) establish and maintain an efficient and effective operational structure for the Agency,

"(3) devise and implement long-term plans to promote and maintain the effective implementation of such programs,

"(4) make annual budgetary recommendations of the Agency for the ongoing administrative costs of the Agency and defend such recommendations before the Board and before the appropriate Committees of each House of the Congress,

"(5) advise the Board and the Congress of the effect on the administration of such programs of proposed legislative changes in such programs,

"(6) serve as Secretary of the Board of Trustees of the Federal Old-Age, Survivors, and Disability Insurance Trust Fund and the Federal Disability Insurance Trust Fund, and

"(7) report in December of each year to the Board and the Congress concerning the administrative endeavors and accomplishments of the Agency.

"Office of Hearings and Appeals; Chief Administrative Law Judge

"(d)(1) There shall be in the Office of the Commissioner an Office of Hearings and Appeals, to be headed by a Chief Administrative Law Judge. The Chief Administrative Law Judge shall be appointed by the Board from among individuals recommended by the Commissioner who have served for not less than five years as an administrative law judge in the Agency, in the Social Security Administration in the Department of Health and Human Services, or any combination thereof. The Chief Administrative Law Judge shall assist the Commissioner in carrying out responsibilities of the Commissioner relating to hearings under this Act.

"(2) The Chief Administrative Law Judge shall be appointed for a term of five years, except that—

"(A) the individual first appointed to the office of Chief Administrative Law Judge shall serve for a term ending December 31, 1990,

"(B) an individual appointed Chief Administrative Law Judge for a term after commencement of such term shall be appointed only for the remainder of such term, and

"(C) an individual may, at the request of the Chairperson of the Board, serve as Chief Administrative Law Judge after the expiration of his or her term for not more than one year until his or her successor has taken office.

An individual may be appointed as Chief Administrative Law Judge for successive terms.

"(3) An individual may be removed from the office of Chief Administrative Law Judge before completion of his or her term only upon the vote of a majority of the full membership of the Board, pursuant to a finding by the Board of neglect of duty or malfeasance in office. The Board shall transmit any such finding to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate not later than five days after the date on which such finding is made.

"Organization of the Office of the Commissioner; Delegation of Functions

"(e)(1) The Commissioner may establish, alter, consolidate, or discontinue such organizational units or components within the Office of the Commissioner as the Commissioner considers necessary or appropriate to carry out his or her functions, except that this paragraph shall not apply with respect to the Chief Administrative Law Judge and the Office of Hearings and Appeals.

"(2) The Commissioner may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, with respect to the administration of the old-age, survivors, and disability insurance program under title II and the supplemental security income program under title XVI, to such officers and employees as the Commissioner may find necessary. Within the limitations of such delegations, redelegations, or assignments, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Commissioner.

"(3)(A) The Commissioner shall appoint such additional employees as he or she considers necessary to carry out the his or her functions.

"(B) The Commissioner may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such technical or professional employees as the Commissioner considers appropriate, and such employees may be paid without regard to the provisions of chapter 51 and subchapter II of chapter 53 of such title relating to classification and General Schedule pay rates.

"(C) The Commissioner may procure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

"(D) The Commissioner may delegate such powers of appointment and procurement to any of the employees in the Office of the Commissioner as he or she determines appropriate.

"(4) To the extent requested by the Commissioner, the Director of the Office of Personnel Management shall delegate to the Commissioner, pursuant to section 1104 of title 5, United States Code, and subject to applicable limitations under such title relating to delegations under such section, functions relating to—

"(A) recruitment and examination programs for entry level employees, and

"(B) classification and standards development systems and pay ranges for those job categories identified by the Commissioner in assuming such delegation.

The Director of the Office of Personnel Management shall provide any assistance requested by the Commissioner in assuming any such delegation.".

(b)(1) Section 5313 of title 5, United States Code (relating to level II of the Executive Schedule) is further amended by adding at the end thereof the following new item:

"Commissioner of Social Security, Social Security Agency.".

(2) Section 5315 of such title (relating to level IV of the Executive Schedule) is further amended by adding at the end thereof the following new item:

"Chief Administrative Law Judge, Social Security Agency.".

(3) Section 5315 of such title is further amended by striking out the following item:

"Commissioner of Social Security, Department of Health and Human Services.".

SOCIAL SECURITY OMBUDSMAN; CITIZENS' ADVISORY COMMITTEE

SEC. 4. (a) Section 703 of the Social Security Act is amended to read as follows:

"SOCIAL SECURITY OMBUDSMAN; CITIZENS' ADVISORY COMMITTEE

"Social Security Ombudsman

"SEC. 703. (a) There shall be in the Agency an Office of the Ombudsman, to be headed by a Social Security Ombudsman (hereinafter in this title referred to as the 'Ombudsman') appointed by the Board.

"Term, Appointment, and Removal of Ombudsman

"(b)(1) The Ombudsman shall be appointed for a term of five years, except that—

"(A) the individual first appointed to the office of Ombudsman shall serve for a term ending December 31, 1991,

"(B) an individual appointed Ombudsman for a term after commencement of such term shall be appointed only for the remainder of such term, and

"(C) an individual may, at the request of the Chairperson of the Board, serve as Ombudsman after the expiration of his or her term for not more than one year until his or her successor has taken office.

An individual may be appointed as Ombudsman for successive terms.

"(2) An individual may be removed from the office of Ombudsman before completion of his or her term only upon the vote of a majority of the full membership of the Board, pursuant to a finding by the Board of neglect of duty or malfeasance in office. The Board shall transmit any such finding to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate not later than five days after such finding is made.

"Functions of the Ombudsman

"(c) The Ombudsman shall—

"(1) represent the concerns of the public, including beneficiaries, relating to the old-age, survivors, and disability insurance program under title II and the supplemental security income program under title XVI, to the Commissioner, the Board, the President, and the Congress, and

"(2) conduct such studies and surveys of the administrative effectiveness and program policy goals of the Agency as he or she considers appropriate or as requested by the Citizens' Advisory Committee.

"Staff of the Ombudsman

"(d) The Ombudsman shall appoint such additional employees as he or she considers necessary to carry out his or her functions and may procure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

"Citizens' Advisory Committee

"(e)(1) There shall be in the Office of the Ombudsman a Citizens' Advisory Committee (hereinafter in the subsection referred to as the 'Committee').

"(2) The Committee shall consist of—

"(A) three members appointed by the Board,

"(B) three members appointed by the Speaker of the House of Representatives (in consultation with the Chairperson of the Committee on Ways and Means and the Chairperson of the Committee on Government Operations), and

"(C) three members appointed by the majority leader of the Senate (in consultation with the chairperson of the Committee on Finance and the chairperson of the Committee on Governmental Affairs).

"(3)(A) The members of the Committee shall be chosen on the basis of their integrity, impartiality, and good judgment, from among individuals who, by reason of their education, experience, and attainments, are exceptionally qualified to perform the duties of members of the Committee.

"(B) Of the members appointed under each of subparagraphs (A), (B), and (C) of paragraph (2)—

"(i) one shall be appointed from individuals representing the interests of employers (including self-employed individuals),

"(ii) another shall be appointed from individuals representing the interests of employees, and

"(iii) the remaining member shall be appointed from individuals representing the interests of beneficiaries.

"(4)(A) Except as provided in subparagraphs (B) and (C), the appointed members shall be appointed for terms of three years.

"(B) Of the members first appointed—

"(i) the member appointed under paragraph (2)(A) representing the interests of employees, the member appointed under paragraph (2)(B) representing the interests of employers, and the member appointed under paragraph (2)(C) representing the interests of beneficiaries shall each be appointed for a term of one year,

"(ii) the member appointed under paragraph (2)(A) representing the interests of employers, the member appointed under paragraph (2)(B) representing the interests of beneficiaries, and the member appointed under paragraph (2)(C) representing the interests of employees shall each be appointed for a term of two years, and

"(iii) the member appointed under paragraph (2)(A) representing the interests of beneficiaries, the member appointed under paragraph (2)(B) representing the interests of employees, and the member appointed under paragraph (2)(C) representing the interests of employers shall each be appointed for a term of three years.

"(C) Any member appointed for a term after the commencement of such term shall be appointed only for the remainder of such term.

"(5) Members of the Committee appointed under paragraph (2) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Such members, while attending meetings or conferences thereof or otherwise serving on the business of the Committee, shall be paid at rates fixed by the Board, but not exceeding $100 for each day, including traveltime, during which they are engaged in the actual performance of duties vested in the Committee; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(6) The Committee may engage such technical assistance as may be necessary to carry out its functions. The Ombudsman shall make available to the Committee such secretarial, clerical, and other assistance available in the Office of the Ombudsman, and the Commissioner shall make available any pertinent data prepared by the Office of the Commissioner, as the Committee may require to carry out its functions.

"(7) The Committee shall—

"(A) prepare and transmit to each House of the Congress a biennial report, in May of each odd-numbered year, assessing the administration and objectives of the old-age, survivors, and disability insurance program under title II and the supplemental security income program under title XVI, and

"(B) as it considers appropriate, request, and assist in the preparation of, studies and surveys by the Ombudsman pursuant to subsection (c)(2).".

(b) Section 5315 of title 5, United States Code (relating to level IV of the Executive Schedule) is further amended by adding at the end thereof the following new item:

"Social Security Ombudsman, Social Security Agency.".

TRANSFER OF FUNCTIONS

SEC. 5. (a) There are transferred to the Social Security Agency all functions carried out by the Secretary of Health and Human Services with respect to the programs and activities the administration of which is vested in the Social Security Agency by reason of this Act and the amendments made thereby. The Social Security Board shall prescribe such regulations as are necessary to allocate such functions in accordance with sections 701, 702, and 703 of the Social Security Act (as amended by this Act).

(b)(1) There are transferred from the Department of Health and Human Services to the Social Security Board, for appropriate allocation by the Board by regulation in the Social Security Agency—

(A) the personnel employed in connection with the functions transferred by this Act and the amendments made thereby, and

(B) the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, or used in connection with such functions, arising from such functions, or available, or to be made available, in connection with such functions.

(2) Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) The position of Commissioner of Social Security in the Department of Health and Human Services is abolished.

TRANSITIONAL RULES

SEC. 6. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, promulgated, granted, or allowed to become effective, in the exercise of functions (A) which were exercised by the Secretary of Health and Human Services (or his delegate), and (B) which relate to functions which, by reason of this Act, the amendments made thereby, and regulations prescribed thereunder, are vested in the Social Security Board or the Commissioner of Social Security, and

(2) which are in effect at the time this Act takes effect,

shall (to the extent that they relate to functions described in paragraph (1)(B)) continue in effect according to their terms until modified, terminated, suspended, set aside, or repealed by such Board or Commissioner (as the case may be).

(b) The provisions of this Act (including the amendments made thereby) shall not affect any proceeding pending at the time this Act takes effect before the Secretary of Health and Human Services with respect to functions vested (by reason of this Act, the amendments made thereby, and regulations prescribed thereunder) in the Social Security Board or the Commissioner of Social Security, except that such proceedings, to the extent that they relate to such functions, shall continue before such Board or Com-

missioner (as the case may be). Orders shall be issued under any such proceeding, appeals taken therefrom, and payments shall be made pursuant to such orders, in like manner as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or repealed by such Board or Commissioner (as the case may be), by a court of competent jurisdiction, or by operation of law.

(c) Except as provided in this subsection—

(1) the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect; and

(2) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No cause of action, and no suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Department of Health and Human Services, shall abate by reason of the enactment of this Act. Causes of action, suits, actions, or other proceedings may be asserted by or against the United States and the Social Security Agency, or such official of such Agency as may be appropriate, and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of a party, enter an order which will give effect to the provisions of this subsection (including, where appropriate, an order for substitution of parties).

(d) This Act shall not have the effect of releasing or extinguishing any criminal prosecution, penalty, forfeiture, or liability incurred as a result of any function which (by reason of this Act, the amendments made thereby, and regulations prescribed thereunder) is vested in the Social Security Board or the Commissioner of Social Security.

(e) Orders and actions of the Social Security Board and the Commissioner of Social Security in the exercise of functions vested in such Board or Commissioner (as the case may be) under this Act (and the amendments made thereby) shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been taken by the Secretary of Health and Human Services in the exercise of such functions immediately preceding the effective date of this Act. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function so vested in such Board or Commissioner shall continue to apply to the exercise of such function by such Board or Commissioner (as the case may be).

(f) In the exercise of the functions vested in the Social Security Board or the Commissioner of Social Security under this Act, the amendments made thereby, and regulations prescribed thereunder, such Board or Commissioner (as the case may be) shall have the same authority as that vested in the Secretary of Health and Human Services with respect to the exercise of such functions immediately preceding the vesting of the same in such Board or Commissioner, and actions of such Board or Commissioner shall have the same force and effect as when exercised by such Secretary.

BUDGETARY AND FISCAL AFFAIRS OF THE SOCIAL SECURITY AGENCY

SEC. 7. Title VII of the Social Security Act is further amended by adding at the end thereof the following new section:

"BUDGETARY AND FISCAL AFFAIRS OF THE SOCIAL SECURITY AGENCY

"Apportionment of Appropriations

"SEC. 711. (a) Appropriations requests of the Social Security Agency for staffing and personnel shall be based upon comprehensive workforce plans. The entire amount of appropriations provided for the administrative costs of the Social Security Agency shall be apportioned in the time period provided in title 31, United States Code, for apportionment and shall be apportioned for the entire period of availability without restriction or deduction by the apportioning officer or employee of the Office of Management and Budget or any other entity within the executive branch of the Federal Government, except as otherwise provided in this section.

"Appropriations for Administrative Expenses; Contract Authority; Availabilty of Trust Funds; Contingent Appropriations

"(b)(1) Authority of the Social Security Agency for automated data processing procurement and facilities construction shall be provided in the form of contract authority covering the total costs of such acquisitions, to be available until expended.

"(2) Amounts necessary for the liquidation of contract authority provided pursuant to this section are hereby made available from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund to the extent that the Social Security Board, with the concurrence of the Secretary of the Treasury, determines that any of such amounts to be provided from either such Trust Fund are not necessary to meet the current obligations for benefit payments from such Trust Fund.

"(3) Funds appropriated for the Social Security Agency to be available on a contingency basis shall be apportioned only upon the occurrence of the stipulated contingency, as determined by the Social Security Board and reported to each House of the Congress.

"Mandatory Delegations from Administrator of General Services

"(c)(1) To the extent requested by the Commissioner, the Commissioner shall have—

"(A) all authorities permitted to be delegated under title 40, of the United States Code, that the Commissioner considers are necessary for the acquiring, operating, and maintaining of the facilities needed for the administration of programs for which the Commissioner is given responsibility under this Act,

"(B) all authorities permitted to be delegated under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759), relating to the lease, purchase, or maintenance of automated data processing equipment, and

"(C) the authority to contract for any automated data processing equipment or services which the Commissioner considers necessary for the efficient and effective operation of such programs.

"(2) The Administrator of the General Services Administration shall provide any assistance requested by the Commissioner in assuming the delegations required under paragraph (1).".

TECHNICAL AND CONFORMING AMENDMENTS; RULES OF CONSTRUCTION

SEC. 8. (a) Title II (other than section 201, section 231(c), section 226, and section 226A) and title XVI of the Social Security Act are each amended—

(1) by striking out, wherever it appears therein, "Secretary of Health and Human Services" or "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Commissioner",

(2) by striking out, wherever it appears therein, "Department of Health and Human Services" or "Department of Health, Education, and Welfare" and inserting in lieu thereof "Social Security Agency",

(3) by striking out, wherever it appears therein, "Department" (but only if it is not immediately succeeded by the words "of Health and Human Services" or "of Health, Education, and Welfare", and only if it is used in reference to the Department of Health and Human Services or the Department of Health, Education, and Welfare) and inserting in lieu thereof "Social Security Agency", and

(4) by striking out, wherever it appears therein, each of the following words (but, in the case of any such word only if such word refers to the Secretary of Health and Human Services or to the Secretary of Health, Education, and Welfare): "Secretary", "Secretary's", "his", "him", and "he", and inserting in lieu thereof (in the case of the word "Secretary") "Commissioner", (in the case of the word "Secretary's") "Commissioner's", (in the case of the word "his") "the Commissioner's", (in the case of the word "him") "the Commissioner", and (in the case of the word "he") "the Commissioner".

(b)(1) Section 201(a)(3) of such Act is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Commissioner".

(2) Section 201(c) of such Act is amended—

(A) in the first sentence, by striking out "shall be composed of" and all that follows down through "ex officio" and inserting in lieu thereof the following: "shall be composed of the members of the Social Security Board, the Secretary of the Treasury, and the Secretary of Health and Human Services, all ex officio";

(B) by inserting after the first sentence the following new sentence: "The Chairperson of the Social Security Board shall be the Chairperson of the Board of Trustees."; and

(C) in the seventh sentence (before application of subparagraph (B)), by striking out ": *Provided*, That the certification shall not refer to economic assumptions underlying the Trustee's report".

(3) Section 201(g)(1)(A) of such Act is amended—

(A) in clause (i), by striking out "by him and the Secretary of Health, Education, and Welfare" and inserting in lieu thereof "by him, the Commissioner, and the Secretary of Health and Human Services", and by striking out "by the Department of Health, Education, and Welfare and the Treasury Department" and inserting in lieu thereof "by the Social Security Agency, the Department of Health and Human Services, and the Department of the Treasury";

(B) in clause (ii), by striking out "method prescribed by the Board of Trustees under paragraph (4)" and inserting in lieu thereof "applicable method prescribed under paragraph (4)", by striking out "the Secretary of Health, Education, and Welfare" and inserting in lieu thereof "the Commissioner and the Secretary of Health and Human Services", and by striking out "the Department of Health, Education, and Welfare" and inserting in lieu thereof "the Social Security

Agency and the Department of Health and Human Services"; and

(C) by striking out the last sentence and inserting in lieu thereof the following: "There are hereby authorized to be made available for expenditure, out of any or all of the Trust Funds, such amounts as the Congress may deem appropriate to pay the costs of the part of the administration of this title and title XVI for which the Commissioner is responsible, the costs of title XVIII for which the Secretary of Health and Human Services is responsible, and the costs of carrying out the functions of the Social Security Agency, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1954 other than those referred to in clause (i) of the first sentence of this subparagraph.".

(4) Section 201(g)(1) of such Act is amended—

(A) in the fourth sentence of subparagraph (A), by inserting "(if any)" after "amounts"; and

(B) by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraphs:

"(B) After the close of each fiscal year—

"(i) the Commissioner shall determine (I) the portion of the costs, incurred during such fiscal year, of administration of this title and title XVI and of carrying out the functions of the Social Security Agency, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1954 (other than those referred to in clause (i) of the first sentence of subparagraph (A)), which should have been borne by the general fund in the Treasury, (II) the portion (if any) of such costs which should have been borne by the Federal Old-Age and Survivors Insurance Trust Fund, and (III) the portion (if any) of such costs which should have been borne by the Federal Disability Insurance Trust Fund, and

"(ii) the Secretary of Health and Human Services shall determine (I) the portion of the costs, incurred during such fiscal year, of administration of title XVIII which should have been borne by the general fund in the Treasury, (II) the portion (if any) of such costs which should have been borne by the Federal Hospital Insurance Trust Fund, and (III) the portion (if any) of such costs which should have been borne by the Federal Supplementary Medical Insurance Trust Fund,

except that the determination of the amounts to be borne by the general fund in the Treasury with respect to expenditures incurred in carrying out such functions specified in section 232 shall be made pursuant to the applicable method prescribed under paragraph (4) of this subsection.

"(C) After the determinations under subparagraph (B) have been made for any fiscal year, the Commissioner and the Secretary of Health and Human Services shall each certify to the Managing Trustee the amounts (if any) which should be transferred from each of the Trust Funds to the general fund in the Treasury and from the general fund in the Treasury to each of the Trust Funds, in order to ensure that each of the Trust Funds and the general fund in the Treasury have borne their proper share (if any) of the costs, incurred during such fiscal year, for (i) the part of the administration of this title and title XVI for which the Commissioner is responsible, (ii) the part of the administration of title XVIII for which the Secretary of Health and Human Services is responsible, and (iii) carrying out the functions of the Social Security Agency, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1954 (other than those referred to in clause (i) of the first sentence of subparagraph (A)). The Managing Trustee shall transfer any such amounts in accordance with any certification so made.".

(5) Section 201(g)(2) of such Act is amended, in the second sentence, by striking out "established and maintained by the Secretary of Health, Education, and Welfare" and inserting in lieu thereof "maintained by the Commissioner", and by striking out "Secretary shall furnish" and inserting in lieu thereof "Commissioner shall furnish".

(6) Section 201(g)(4) of such Act is amended to read as follows:

"(4) The Commissioner shall utilize the method prescribed pursuant to this paragraph, as of immediately before the date of the enactment of the Social Security Reorganization Act of 1984, for determining the costs which should be borne by the general fund in the Treasury of carrying out the functions of the Commissioner, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1954 (other than those referred to in clause (i) of the first sentence of paragraph (1)(A)). If at any time or times thereafter the Commissioner considers such action advisable, it may modify the method of determining such costs.".

(7) Section 201(i)(1) of such Act is amended to read as follows:

"(i)(1) The Managing Trustee may accept on behalf of the United States money gifts and bequests made unconditionally to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, or the Federal Supplementary Medical Insurance Trust Fund or to the Social Security Agency, the Department of Health and Human Services, or any part or officer thereof, for the benefit of any of such Funds or any activity financed through such Funds.".

(8) Subsections (j) and (k) of section 201 of such Act are each amended by striking out "Secretary" each place it appears and inserting in lieu thereof "Commissioner".

(9)(A) Section 201(l)(1) of such Act is amended—

(i) by striking out "Managing Trustee" the first place it appears and inserting in lieu thereof "Social Security Board";

(ii) by striking out "Managing Trustee may borrow" and inserting in lieu thereof "Managing Trustee, on the request of the Board, shall borrow"; and

(iii) by striking out "he determines" and inserting in lieu thereof "the Board determines".

(B) Section 201(l)(3)(A) of such Act is amended—

(i) by striking out "Managing Trustee" and inserting in lieu thereof "Social Security Board";

(ii) by striking out "he shall make" and inserting in lieu thereof "the Managing Trustee shall make"; and

(iii) by striking out "he determines" and inserting in lieu thereof "the Board determines".

(C) Section 201(l)(3)(B)(i) of such Act is amended—

(i) by striking out "Managing Trustee" and inserting in lieu thereof "Social Security Board"; and

(ii) by striking out "he shall transfer" and inserting in lieu thereof "the Managing Trustee shall transfer".

(D) Section 201(l)(3)(B)(iii)(II) of such Act is amended by striking out "Secretary" and inserting in lieu thereof "Social Security Board".

(E) Section 201(l)(3)(C)(ii) of such Act is amended, in the last sentence, by striking out "The Managing Trustee may" and inserting in lieu thereof "To the extent requested by the Social Security Board, the Managing Trustee shall".

(F) Section 201(l)(4) of such Act is amended by striking out "Board of Trustees" and inserting in lieu thereof "Social Security Board".

(10) Section 201(m)(3) of such Act is amended by striking out "Secretary of Health and Human Services" and inserting in lieu thereof "Commissioner".

(c) Section 231(c) of such Act is amended by striking out "Secretary determines" and inserting in lieu thereof "Commissioner and the Secretary jointly determine".

(d)(1) Section 402 of such Act is amended by striking out "Administrator" each place it appears and inserting in lieu thereof "Secretary".

(2) Section 411 of such Act is amended—

(A) in subsection (a), by striking out "Secretary" and inserting in lieu thereof "Commissioner, at the request of the Secretary,", and by striking out "Social Security Administration" and inserting in lieu thereof "Social Security Agency"; and

(B) in subsection (b), by striking out "Secretary" each place it appears and inserting in lieu thereof "Commissioner".

(e)(1) Section 704 of such Act is amended in the heading by inserting "BY THE SECRETARY" after "REPORTS".

(2) Section 709(b)(2) of such Act is amended by striking out "(as estimated by the Secretary)" and inserting in lieu thereof ", as estimated by the Commissioner or the Secretary (whichever administers the program involved),".

(3) Title VII of such Act is further amended by adding at the end thereof the following new section:

"DUTIES OF SECRETARY

"SEC. 712. The Secretary shall perform the duties imposed upon him by this Act and shall also have the duty of studying and making recommendations as to the most effective methods of providing economic security and as to legislation and matters of administrative policy concerning the programs administered by the Secretary and related subjects; except that nothing in this section shall be construed to require the Secretary to make studies or recommendations with respect to programs administered by the Social Security Agency.".

(f)(1) Section 1101(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(10) The term 'Commissioner' means the Commissioner of Social Security.".

(2) Section 1106(a) of such Act is amended—

(A) by inserting "(1)" after "(a)";

(B) by striking out "Federal Security Agency" and inserting in lieu thereof "applicable agency";

(C) by striking out "Administrator" and inserting in lieu thereof "head of the applicable agency"; and

(D) by adding at the end thereof the following new paragraph:

"(2) For purposes of this subsection and subsection (b)—

"(A) the term 'applicable agency' means—

"(i) the Social Security Agency, with respect to matter transmitted to or obtained

by such Administration or matter disclosed by such Agency,

"(ii) the Department of Health and Human Services, with respect to matter transmitted to or obtained by such Department or matter disclosed by such Department, or

"(iii) the Department of Labor, with respect to matter transmitted to or obtained by such Department or matter disclosed by such Department, and

"(B) the term 'head of the applicable agency' means, in the case of the Social Security Agency, the Commissioner.".

(3) Section 1106(b) of such Act is amended—

(A) by striking out "Secretary" and inserting in lieu thereof "head of the applicable agency"; and

(B) by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "applicable agency".

(4) Section 1106(c) of such Act is amended—

(A) by striking out "the Secretary" the first place it appears and inserting in lieu thereof "the Commissioner or the Secretary"; and

(B) by striking out "the Secretary" each subsequent place it appears and inserting in lieu thereof "such Commissioner or Secretary".

(5) Section 1107(b) of such Act is amended by striking out "the Secretary of Health, Education, and Welfare" and inserting in lieu thereof "the Commissioner or the Secretary".

(6) Section 1110 of such Act is amended—

(A) by striking out "Secretary" each place it appears and inserting in lieu thereof "Commissioner";

(B) by striking out "he", "his", and "him" each place they appear and inserting in lieu thereof "the Commissioner", "the Commissioner's", and "the Commissioner", respectively; and

(C) by striking out "or makes them himself", in subsection (b)(1), and inserting in lieu thereof "or the Commissioner makes them".

(7) Section 1127 of such Act is amended by striking out "Secretary" and inserting in lieu thereof "Commissioner".

(8) Section 1131 of such Act is amended by striking out "Secretary" each place it appears and inserting in lieu thereof "Commissioner".

(g) Subsections (a) and (f) of section 1817 of such Act are amended by striking out "Secretary of Health, Education, and Welfare" each place it appears and inserting in lieu thereof "Commissioner".

(h) The Inspector General Act of 1978 is amended—

(1) in section 2(1), by striking out "and the Veterans' Administration" and inserting in lieu thereof "the Veterans' Administration, and the Social Security Agency";

(2) in section 9(a)(1), by striking out "and" at the end of subparagraph (M), and by adding at the end thereof the following new subparagraph:

"(O) of the Social Security Agency, to the extent provided in the Social Security Reorganization Act of 1984, the functions of the Inspector General of the Department of Health and Human Services relating to the administration of the old-age, survivors, and disability insurance program under title II of the Social Security Act and of the supplemental security income program under title XVI of such Act; and";

(3) in section 11(1), by striking out "or" after "Transportation" and inserting in lieu thereof a comma, and by inserting after "Affairs," the following: "or the Commissioner of Social Security of the Social Security Agency,"; and

(4) in section 11(2), by striking out "or" after "Transportation", and by inserting after "Veterans' Administration," the following: "or the Social Security Agency,".

(i)(1) Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to the Department of Health and Human Services with respect to such Department's functions under the old-age, survivors, and disability insurance program under title II of the Social Security Act or the supplemental security income program under title XVI of such Act, such reference shall be considered a reference to the Social Security Agency.

(2) Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to the Secretary of Health and Human Services with respect to such Secretary's functions under such programs, such reference shall be considered a reference to—

(A) the Social Security Board, with respect to functions described in section 701 of the Social Security Act (as amended by this Act), and

(B) the Commissioner of Social Security, with respect to functions described in section 702 of the Social Security Act (as amended by this Act).

(3) Whenever any reference is made in any provision of law (other than this Act or a provision of law amended by this Act), regulation, rule, record, or document to any other officer or employee of the Department of Health and Human Services with respect to to such officer or employee's functions under such programs, such reference shall be considered a reference to the appropriate officer or employee of the Social Security Agency.

REPORTS ASSESSING ORGANIZATIONAL CHANGES

SEC. 9. (a) Five years after the date of the enactment of this Act, the Social Security Board, the Comptroller General of the United States, and the Secretary of Health and Human Services shall each submit to each House of the Congress a report setting forth in detail an assessment of the organizational changes made by this Act and the amendments made by this Act.

(b) Not later than one year after the date of the enactment of this Act, the Social Security Board, the Comptroller General of the United States, and the Secretary of Health and Human Services shall submit to each House of the Congress their recommendations for further technical and conforming amendments necessary to effectively and efficiently carry out the purposes of this Act.

BENEFICIARY BILL OF RIGHTS

SEC. 10. Title VII of the Social Security Act is further amended by adding at the end thereof the following new section:

"BENEFICIARY BILL OF RIGHTS

"Principles for Implementation of Act

"SEC. 713. (a) The provisions of this Act should be implemented consistent with the following principles:

"(1) All persons should be treated fairly and equitably by the Social Security Board, the Commissioner, and the Secretary with proper regard and protection for their rights under this Act, their constitutional rights, and their privacy.

"(2) The Social Security Board, the Commissioner, and the Secretary should not discriminate against persons on account of their age, sex, race, creed, color, handicap, national origin, or economic condition.

"(3) The Commissioner and the Secretary should each maintain prompt, professional, and effective service which is accessible and responsive to the communities and persons which they serve.

"(4) Each beneficiary under this Act should receive timely and proper payment of benefits to which he or she is entitled. Benefits under this Act should not be reduced, ceased, or withheld by the Commissioner or the Secretary or assigned to any representative payee by the Commissioner or the Secretary without due process of law or without adequate safeguards to protect those who may be adversely affected by any injustices or undue hardships which may result from such actions.

"(5) Each beneficiary under this Act should be provided a personal conference with a competent officer or employee of the Social Security Agency or the Department of Health and Human Services with respect to any determination by the Commissioner or the Secretary (as the case may be) which adversely affects him or her.

"(6) In any administrative matter subject to appeal under this Act, each beneficiary should be provided a full, fair, and impartial evidentiary hearing before an administrative law judge who is authorized to render independent judgment of the issue, consistent with applicable laws and regulations, and who is not subject to coersion, discrimination, or interference with, in the exercise of his responsible judgment.

"Enforcement of Principles

"(b) In carrying out their responsibilities under this Act, the Social Security Board and the Secretary, pursuant to authority otherwise available, shall take any action, including the issuance of rules, regulations, or directives, which is consistent with the provisions of this Act and which the Social Security Board or the Secretary (as the case may be) determines is necessary to ensure that the administration of this Act is based on and embodies the principles set forth in subsection (a) and that such principles are publicly displayed in each office of the Social Security Agency.".

EFFECTIVE DATE AND INTERIM RULES

SEC. 11. (a)(1) Sections 2, 3, 4, 5, 6, and 8 of this Act shall take effect October 1, 1986.

(2) Notwithstanding the effective date set forth in paragraph (1), effective on the date of the enactment of this Act—

(A) the initial members of the Social Security Board whose terms of office begin before February 1, 1989, may be appointed before such effective date, after the date of the enactment of this Act, and the Commissioner of Social Security, the Social Security Ombudsman, the Inspector General, the Chief Actuary, the Director of Policy Analysis and Legislation, and the General Counsel of the Social Security Agency may be appointed by such Board at any time after such initial members of the Social Security Board have been appointed,

(B) the persons appointed under subparagraph (A) shall be compensated from the date they first take office, at the rates provided for in the amendments to title 5, United States Code, made by sections 2(b), 3(b), and 4(b) of this Act,

(C) such compensation and related expenses of such persons shall be paid from funds available in the Department of Health and Human Services for the functions vested in the Social Security Agency

by this Act and the amendments made thereby, and

(D) the Social Security Board and the Commissioner of Social Security may each utilize, as appropriate, the services of such officers, employees, and other personnel of the Department of Health and Human Services, and funds appropriated to the functions of such Department to be transferred by this Act and the amendments made thereby, for such period of time as may reasonably be needed to facilitate the orderly implementation of this Act.

(b) The amendment made by section 7 of this Act shall apply with respect to fiscal years beginning on or after October 1, 1986.

By Mr. INOUYE:

S. 123. A bill to amend titles XVII and XIX of the Social Security Act, to provide that psychologist services shall be covered under part B of Medicare and shall be a required service under Medicaid; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I am introducing legislation to modify our Nation's Medicare and Medicaid programs in order to ensure that the services of professional psychologists will be truly autonomous throughout both of these important initiatives.

This is a matter on which I have been working with my colleagues in the Senate Finance Committee for well over a decade now and I was pleased that back in 1978, a formal day of hearings was held on this issue.

It is an unfortunate fact that mental health care under the Social Security Act is simply not given the priority that it deserves. Not only is the basic benefit less than that provided for physical health care, but, further, the law does not provide for the type of professional autonomy for each of the mental health disciplines which reflects the current state of practice across our Nation.

Clinical psychologists, for example, receive on the average of 5½ years of graduate professional training which includes at least 1 full year of a clinical internship. Not only are they trained in various therapeutic and diagnostic skills, but they also are on the cutting edge of developing various innovative programs such as biofeedback services and crisis intervention care.

During the last congressional session, we are successful in amending the Federal Criminal Code in order to ensure that their practitioners would be given complete parity whenever the issue of mental competence was raised in the Federal criminal system. Further, in the closing hours of the 98th Congress, my colleagues on the Senate Finance Committee were supportive of modifying the HMO Medicare provision to ensure, for the first time, that psychologists in HMO's would be deemed autonomous professionals. Hopefully, during this session of Congress we will be able to similarly modify other relevant aspects of the Medicare and Medicaid Programs.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 123

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1861(s)(2) of the Social Security Act is amended—

(1) by striking out "and" at the end of subparagraph (G);

(2) by adding "and" at the end of subparagraph (H); and

(3) by adding at the end thereof the following new subparagraph:

"(I) psychologist services;".

(b) Section 1861 of such Act is further amended by adding at the end thereof the following new subsection:

"PSYCHOLOGIST SERVICES

"(ee)(1) The term 'psychologist services' means services performed by an individual who is a psychologist (as defined in paragraph (2)) that such individual is legally authorized to perform under the law (or the regulatory mechanism provided by law) of the State in which such services are performed, whether or not such individual is under the supervision of, or associated with, a physician or other health care provider.

"(2) The term 'psychologist' means an individual who (A) is licensed or certified at the independent practice level of psychology by the State in which such individual so practices, (B) possesses a doctorate degree in psychology from a regionally accredited educational institution, or in the case of an individual licensed or certified prior to January 1, 1978, possesses a master's degree in psychology and is listed in a national register of mental health service providers in psychology approved by the Secretary, and (C) possesses at least two years of supervised experience in health service, at least one year of which is postdegree.".

SEC. 2. (a) Section 1905(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (17);

(2) by redesignating paragraph (18) as paragraph (19); and

(3) by inserting after paragraph (17) the following new paragraph:

"(18) psychologist services (as defined in section 1861(ee)); and".

(b) Section 1902 (a) of such Act is amended—

(1) by striking out "paragraphs (1) through (5) and (17)" in paragraph (10)(A) and inserting in lieu thereof "paragraphs (1) through (5), (17), and (18)";

(2) by striking out "paragraphs (1) through (5) and (17)" in paragraph (10)(C)(iv) and inserting in lieu thereof "paragraphs (1) through (5), (17), and (18)"; and

(3) by striking out "paragraphs numbered (1) through (17)" in paragraph (10)(C)(iv) and inserting in lieu thereof "paragraphs numbered (1) through (18)".

SEC. 3. (a) The amendments made by the first section of this Act shall be effective with respect to services performed on or after the first day of the first month which begins more than sixty days after the date of the enactment of this Act.

(b)(1) Except as provided in paragraph (2), the amendments made by section 2 of this Act shall be effective with respect to payments under title XIX of the Social Security Act for calendar quarters beginning more than sixty days after the date of the enactment of this Act.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act that is determined by the Secretary of Health and Human Services to require State legislation in order for the plan to meet the additional requirements imposed by the amendments made by section 2, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

By Mr. DURENBERGER (for himself, Mr. STAFFORD, Mr. BAUCUS, and Mr. HUMPHREY):

S. 124. A bill entitled "Safe Drinking Water Amendments Act of 1985"; to the Committee on Environment and Public Works.

SAFE DRINKING WATER ACT AMENDMENTS OF 1985

Mr. DURENBERGER. Mr. President, I am today introducing amendments to the Safe Drinking Water Act of 1974. These amendments will extend the authorization for the program and make substantive changes in the structure of existing law. These amendments are cosponsored by Senator STAFFORD, the distinguished chairman of the Senate Committee on Environmental and Public Works, and by Senators BAUCUS and HUMPHREY who also serve on the Environmental Committee.

For a time it looked like there might be a chance to reauthorize the Drinking Water Act in the last few days of the 98th Congress. After months of hearings and discussions, the House Energy and Commerce Committee reported a bill which was passed by the other body a few days later. That bill was not unlike legislation that I had introduced in March of 1984 and it appeared that the prospects for quick and successful action were good.

The Committee on Environment and Public Works proceeded to mark up on a bill and reported it to the floor of the Senate. However, disputes over sections on groundwater protection and the health standard contained in the act ultimately prevented the Senate from taking action in the waning days. Although Agency officials, staff of the House and the Senate and representatives of various segments of the public with an interest put in their best efforts to reach agreement on all the differences between the House and Senate language, a complete package was not achieved.

Mr. President, I review this history in part to explain the nature of the introduction I am making today. In addition to the bill incorporating a reauthorization and substantive changes, I

am also introducing amendments to the bill. There are three amendments covering the health standard, disposal of production brines and judicial review of Agency actions under SDWA. These amendments reflect issues that remained unresolved at the conclusion of the last Congress. To make sure that the committee has all the necessary language before it when it proceeds to markup in this Congress, I offer these amendments to be printed in the RECORD. My introduction of each of these items should not be interpreted as an intention to support such amendments, or amendments of a similar nature, at markup.

In most respects, the bill I am offering today is the same as the legislation reported in the last Congress. However, there is one change incorporated in the bill which deserves mention. Senator MOYNIHAN on behalf of the city of New York strenuously objected to the filtration language in the bill reported by the committee. Working with EPA, New York City and State officials and Senator MOYNIHAN, we have been able to craft a new filtration section which achieves the same level of protection for public health without making large systems of good quality like the New York City water supply system go through unnecessary governmental redtape.

Mr. President, the Safe Drinking Water Act was passed by the Congress in 1974 to address the problem of contamination of public water systems by synthetic organic chemicals. Studies by the Environmental Protection Agency early in the decade had found high concentrations of these contaminants in the drinking water of several major U.S. cities. It was the toxic soup syndrome that the Congress intended to eliminate with this statute. More than 10 years later, Congress can take little satisfaction in the effectiveness of the law.

The Safe Drinking Water Act was an amendment to the Public Health Act. Since the 1960's, the Public Health Service had been establishing health standards for drinking water. In 1974 there were a handful of standards primarily for inorganics, conventional pollutants, and biological contaminants. In 1974, Congress sought to build on the work of the Public Health Service. It assigned the program to EPA and instructed the Agency to set standards for every contaminant that may have any adverse effect on human health. Today, there are still only a handful of standards. The Environmental Protection Agency has done virtually nothing to use the authority granted to it by the Congress in the Safe Drinking Water Act to protect public health. The amendments we offer today are designed to correct that deficiency.

The corrections take two major forms. First, the bill will require the Administrator to issue standards for a list of chemical contaminants by a date certain. The chemicals listed have already been noticed by EPA in the Federal Register as matters of concern. If the Administrator should decide that any particular contaminant on this list does not pose a threat to human health, the Administrator may publish a finding that regulation by standard setting is not necessary in his judgment.

But even this automatic listing process will not assure that every contaminant of drinking water that threatens health is reviewed by the Agency. Therefore a second step is included in the bill. The bill requires EPA to establish a schedule that will assure monitoring for unregulated contaminants by all public water supply systems. If this monitoring should indicate contamination, even if there is no national health standards for the contaminant, the water supply system is required to notify the public, the State agency and those consuming the water of the presence of the contaminant.

Mr. President, there is one final issue that I need to mention in these introductory remarks. The subject is groundwater protection. The Safe Drinking Water Act currently on the books provides the principal form of protection for groundwater quality in the United States. SDWA establishes a program to regulate the injection of hazardous waste into underground depositories. Today, 59 percent of all the hazardous waste disposed of in the United States is injected by deep well into the underground.

The bill I am introducing and the legislation which passed the House in the last Congress seeks to build further protection for groundwater quality into the drinking water law. Both contain modest programs to protect aquifers which provide the sole source of drinking water for a community. The House bill also contained an omnibus groundwater protection program. And both bills tighten up the existing regulation of underground injection of hazardous waste.

Mr. President, I am one who strongly believes that the Federal Government needs to take further steps to protect groundwater quality. In fact, I believe that omnibus legislation is necessary. But I do not think that groundwater protection should be addressed by the Congress in the context of amendments to the Drinking Water Act. A new demonstration program on sole source aquifers is appropriate. Tightening the existing injection control program is appropriate. But if we set out to develop an across-the-board program to protect the groundwater resource, then I think that we should do so in a separate bill. It is likely to take us some time for hearings, thought and discussion. Not much time. We can get it done in this Congress, if we are diligent. But the effort to develop a national groundwater policy should not retard our efforts to fix the drinking water program.

I intend to begin hearings on groundwater protection early in February, or as soon thereafter as committee assignments are made. We need to look at the recent report of the Office of Technology Assessment. We need to look at the EPA groundwater strategy, at existing State protection programs, at the contaminants and the sources. After a series of hearings but not much later than April of this year, I intend to introduce groundwater protection legislation. But it is my sincere hope that well before the first of April the bill I am introducing today will be back before the full Senate and that the prospects for sending it to the President at an early date are good.

I know that the chairman of the Environment Committee shares those sentiments. The Safe Drinking Water Act is high on his list of priorities. And I have appreciated his support for my efforts to reauthorize and correct the program at an early date.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Safe Drinking Water Act Amendments of 1985."

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Sec. 8. Technical Assistance to Small Systems.
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PROTECTION OF UNDERGROUND SOURCES OF DRINKING WATER

Sec. 10. Restrictions on Hazardous Waste Injection and Regulation of State Programs.
Sec. 11. Enforcement of Underground Injection Control Program.
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GENERAL PROVISIONS

Sec. 13. Authorization of Appropriations.

PUBLIC WATER SYSTEMS

NATIONAL PRIMARY DRINKING WATER REGULATIONS

SEC. 2. (a) Section 1412(a) of the Safe Drinking Water Act is amended to read as follows:

"(a) Effective on the date of enactment of the Safe Drinking Water Act Amendments of 1985, each national interim primary drinking water regulation promulgated under this section before such date of enactment shall be deemed to be a national primary drinking water regulation under subsection (b). No such regulation shall be required to comply with the standards set forth in subsection (b)(2) unless such regulation is amended to establish a different maximum contaminant level after the date of enactment of such amendments.".

(b) Section 1412(b) of the Safe Drinking Water Act is amended by striking paragraphs (1), (2) and (3), and inserting in lieu thereof the following;

"(b)(1)(A) In the case of the 14 contaminants listed in the Advance Notice of Proposed Rulemaking published in volume 47, Federal Register, page 9352, not later than 15 months after the date of enactment of the Safe Drinking Water Act Amendments of 1985, the Administrator shall—

"(i) simultaneously propose maximum contaminant level goals and national primary drinking water regulations and, after opportunity for public comment, simultaneously publish maximum contaminant level goals and promulgate national primary drinking water regulations for those contaminants which may have any adverse effect on the health of persons; or

"(ii) make and publish in the Federal Register a determination that promulgation of a national primary drinking water regulation is not justified under the criterion in clause (i). Such determination by the Administrator shall be considered a final agency action for purposes of judicial review under Chapter VII of Title V of the United States Code.

"(B) In the case of each of the contaminants listed in the Advance Notice of Proposed Rulemaking published in volume 48, Federal Register, page 45502, not later than 36 months after the date of enactment of the Safe Drinking Water Act Amendments of 1985, the Administrator shall—

"(i) simultaneously propose maximum contaminant level goals and national primary drinking water regulations and, after opportunity for public comment, simultaneously publish maximum contaminant level goals and promulgate national primary drinking water regulations for those contaminants which may have any adverse effect on the health of persons; or

"(ii) make and publish in the Federal Register a determination that promulgation of a national primary drinking water regulation is not justified under the criterion in clause (i). Such determination by the Administrator shall be considered a final agency action for purposes of judicial review under Chapter VII of Title V of the U.S. Code.

"(C)(i) The Administrator shall publish maximum contaminant level goals and simultaneously promulgate national primary drinking water regulations for each substance (other than a substance referred to in subparagraph (A) or (B) for which a national primary drinking water regulation was promulgated) which, in the judgment of the Administrator, may have any adverse effect on the health of persons. On January 1, 1988, and at annual intervals thereafter, the Administrator shall publish a list establishing priorities for the review of substances (other than substances referred to in subparagraph (A) or (B)) which may require regulation under this Act in order to prevent known or anticipated adverse effects on the health of persons. Such priorities shall be based upon the extent to which such contaminant occurs in public water systems throughout the United States or on the known or anticipated adverse effects of such substance on the health of persons. In establishing such priorities the Administrator's consideration shall include, but not be limited to, substances regulated as toxic water pollutants under section 307 of the Clean Water Act and substances registered as pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act.

"(ii) For each contaminant listed on the priority list, the Administrator shall, within three years of listing,

"(I) simultaneously propose a maximum contaminant level goal and a national primary drinking water regulation and, after opportunity for public comment, simultaneously publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for those contaminants which may have adverse effects on the health of persons; or

"(II) make and publish in the Federal Register a determination that promulgation of a national primary drinking water regulation is not justified under the criterion in subclause (I). Such determination by the Administrator shall be considered a final agency action for purposes of judicial review under Chapter VII of Title V of the U.S. Code.

"(2) Each maximum contaminant level goal established under this subsection shall be set at the level at which no known or anticipated adverse effects on the health of persons occur and which allows an adequate margin of safety. Each national primary drinking water regulation for a contaminant for which a maximum contaminant level goal is established under this subsection shall specify a maximum level for such contaminant which is as close to the maximum contaminant level goal as is feasible.

"(3) The Administrator may, after opportunity for public comment, change maximum contaminant level goals, or the list established under paragraph (C), and shall simultaneously with such change, amend the national primary drinking water regulations concerned accordingly.

"(4) For the purposes of this subsection, the term 'feasible' means feasible with the use of the best technology, treatment techniques and other means which the Administrator finds, after examination for efficacy under field conditions and not solely under laboratory conditions, are available (taking cost into consideration). For the purpose of paragraph (2), the use of granular activated carbon is available (taking costs into consideration) for the control of synthetic organic chemicals, and any technology, treatment technique, or other means found to be the best available for the control of synthetic organic chemicals must be at least as effective in controlling synthetic organic chemicals as the use of granular activated carbon.

"(5) Each national primary drinking water regulation which establishes a maximum contaminant level shall list the technology, treatment techniques, and other means which the Administrator finds to be feasible for purposes of meeting such maximum contaminant level, but a primary drinking water regulation under this paragraph shall not require that a specified technology, treatment technique, or other means be used for purposes of meeting such contaminant level.".

"(6)(A) The Administrator is authorized to promulgate a national primary drinking water regulation that requires the use of a treatment technique in lieu of establishing a maximum contaminant level, if the Administrator makes a finding that it is not economically or technologically feasible to ascertain the level of the contaminant. In such case, the Administrator shall identify those treatment techniques which, in the Administrator's judgment, would prevent known or anticipated adverse effects on the health of persons to the extent feasible. Such regulations shall specify each treatment technique known to the Administrator which meets the requirements of this paragraph, but the Administrator may grant a variance from any such specified treatment technique in accordance with section 1415(a)(3).

"(B) If any contaminant referred to in paragraphs (b)(1) (A) or (B) is listed under this paragraph (and a national primary drinking water regulation requiring the use of treatment techniques is simultaneously promulgated under this paragraph for such contaminant), the listing and promulgation under this paragraph shall be made on the date referred to in paragraphs (b)(1) (A) and (B) for the establishment or primary drinking water regulations.

"(C)(i) Not later than 12 months after the enactment of the Safe Drinking Water Act Amendments of 1985, the Administrator shall propose and promulgate national primary drinking water regulations specifying criteria under which filtration (including coagulation and sedimentation, as appropriate) is required as a treatment technique for public water systems supplied by surface water sources. In promulgating such rules, the Administrator shall consider the quality of source waters, protection afforded by watershed management, treatment practices (such as disinfection and length of water storage) and other factors relevant to protection of health.

"(ii) In lieu of the provisions of section 1415 the Administrator shall specify procedures by which the State determines which public water systems within its jurisdiction shall adopt filtration under the criteria of clause (i). The State may require the public water system to provide studies or other information, to assist in this determination. The procedures shall provide notice and opportunity for public hearing on this determination. If the State determines that filtration is required, the State shall prescribe a schedule for compliance by the public water system with the filtration requirement. A schedule shall require compliance as expeditiously as practicable (as the state may reasonably determine).

"(iii) Within 18 months from the time that the Administrator establishes the criteria and procedures in this subparagraph, a State with primary enforcement responsibility shall adopt any necessary regulations to implement this subparagraph. Within two years of adoption of such regulations the State shall make determinations regarding filtration for all the public water systems within its jurisdiction supplied by surface waters.

"(iv) If a State does not have primary enforcement responsibility for public water systems, the Administrator shall have the same authority to make the determination in clause (ii) in such State as the State would have under that clause. Any filtration requirement or schedule under this subpara-

graph shall be treated as if it were a requirement of a national primary drinking water regulation.

"(D) The Administrator shall propose and promulgate regulations requiring disinfection as a treatment technique for all public water systems. The Administrator shall promulgate a rule specifying criteria that will be used by the Administrator or delegated State authorities to grant variances from this requirement according to the provisions of sections 1415(a)(1)(B) and 1415(a)(3), prior to implementation of this paragraph. The Administrator or the delegated State authority shall, to the extent feasible, provide technical assistance to small public water systems in complying with this subsection.

(d) Paragraphs (4) and (5) of section 1412(b) of the Safe Drinking Water Act are amended by striking "Revised national" both times the words occur and inserting both times in lieu thereof "National". Paragraphs (4), (5) and (6) of section 1412(b) of the Safe Drinking Water Act are redesignated as paragraphs (7), (8), and (9) respectively.

"(e) Section 1412(e) of the Safe Drinking Water Act is amended to read as follows:

"(f) The Administrator shall provide the Science Advisory Board, established under the Environmental Research, Development and Demonstration Act of 1978, an opportunity to comment prior to proposal of a maximum contaminant level goal and national primary drinking water regulation.".

ENFORCEMENT

SEC. 3. (a) Section 1414(a)(1)(A) of the Safe Drinking Water Act is amended by inserting "and such public water system" after the words "notify the State".

"(b) Section 1412(a)(1)(B) of the Safe Drinking Water Act is amended to read as following:

"(B) If beyond the thirtieth day after the Administrator's notification the State has not commenced appropriate enforcement action, the Administrator shall issue an order under subsection (g) requiring the public water system to comply with such regulation or requirement or shall commence a civil action under subsection (b).".

(c) Section 1414(a)(2) of the Safe Drinking Water Act is amended by striking the words "he may commence a civil action under subsection (b)" and inserting the following: "he shall issue an order under subsection (g) requiring the public water system to comply with such regulation or requirement or shall commence a civil action under subsection (b)".

(d) Section 1414 of the Safe Drinking Water Act is amended by adding at the end thereof the following new subsection:

"(g)(1) In any case in which the Administrator is authorized to bring a civil action under this section with respect to any regulation, schedule, or other requirement, the Administrator also may issue an order to require compliance with such regulation, schedule, or other requirement.

"(2) An order issued under this subsection shall not take effect until after notice and opportunity for public hearing and, in the case of a State having primary enforcement responsibility, until after the Administrator has provided the State with an opportunity to confer with the Administrator regarding the proposed order. A copy of any order proposed to be issued under this subsection shall be sent to the appropriate State agency of the State involved if the State has primary enforcement responsibility for public water systems in that State. Any order issued under this subsection shall state with reasonable specificity the nature of the violation. In any case in which an order under this subsection is issued to a corporation, a copy of such order shall be issued to appropriate corporate officers.

"(3)(A) Any person who violates, fails, or refuses to comply with an order under paragraph (2) shall be liable to the United States for a civil penalty of not more than $25,000 per day of violation.

"(B) Whenever a civil penalty sought by the Administrator under this paragraph does not exceed a total of $5,000, the penalty shall be assessed by the Administrator after notice and opportunity for a hearing on the record in accordance with section 554 of title 5 of the United States Code. The Administrator shall have the discretion to compromise, modify, or remit, with or without conditions, any civil penalty assessed under this subsection against any person.

"(C) Whenever a civil penalty sought by the Administrator exceeds $5,000, the penalty shall be assessed by a civil action brought by the Administrator in the appropriate United States district court (as determined under the provisions of title 28 of the United States Code).

"(D) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court of appeals has entered final judgment in favor of the Administrator, the Attorney General shall recover the amount for which such person is liable in any appropriate district court of the United States. In any such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.".

"(e) Section 1414 of the Safe Drinking Water Act is amended by striking the words "Failure by State to Assure" from the title.

PUBLIC NOTIFICATION

SEC. 4. (a) Section 1414(c) of the Safe Drinking Water Act is amended by striking everything after the sentence "The Administrator shall by regulation prescribe the form, manner, and frequency for giving notice under this subsection," to the sentence beginning "The Administrator may also require" and inserting the following: "Within 12 months after the date of enactment of the Safe Drinking Water Act Amendments of 1985, the Administrator shall amend such regulations to provide for different types and frequencies of notice based on the differences between violations which are intermittent or infrequent and violations which are continuous or frequent. Such regulations shall also take into account the seriousness of any potential adverse health effects which may be involved. Notice of any violation of a maximum contaminant level and any other notice of a violation designated by the Administrator as continuous or posing a serious potential adverse health effect shall be given no less frequently than every three months and in no case shall notice be given less frequently than annually. Such notice shall include notification in a newspaper of general circulation serving the area served by the public water system. Notice under this subsection shall provide a clear and readily understandable explanation of the violation, the steps that the system is taking to correct such violation, and the necessity for seeking alternative water supplies, if any, until the violation is corrected. Until such amended regulations are promulgated, the regulations in effect on the date of enactment of the Safe Drinking Water Act Amendments of 1985 shall remain in effect.".

VARIANCES

SEC. 5. (a) Section 1415(a)(1)(A) of the Safe Drinking Water Act is amended by striking the word "despite" and inserting in lieu thereof the following: ". A variance may only be issued to a system after the system's".

(b) Section 1415(a)(1)(A) of the Safe Drinking Water Act is amended by striking the word "best" before technology; by striking the word "generally" before the word "available" and inserting in lieu thereof the word "best"; and by adding after "(taking costs into consideration.)" the following: "The Administrator shall propose and promulgate his finding of the best available technology, treatment techniques or other means available for each contaminant for purposes of this subsection at the time he proposes and promulgates a maximum contaminant level for each such contaminant. The Administrator's finding of best available technology, treatment techniques or other means for purposes of this subsection may vary depending on the number of persons served by the system or for other physical conditions related to engineering feasibility and costs of compliance with maximum contaminant levels as considered appropriate by the Administrator.".

(c) Section 1415(a)(1)(A) of the Safe Drinking Water Act is amended by striking the words "within one year of the date" and inserting in lieu thereof "at the time".

(d) Section 1415(a)(1)(A)(ii) of the Safe Drinking Water Act is amended by adding after the words "water system of such" the word "additional".

EXEMPTIONS

SEC. 6. (a) Section 1416(b)(1) of the Safe Drinking Water Act is amended by striking the words "within one year of the date" and inserting in lieu thereof "at the time".

(b) Section 1416(b)(2)(A)(i) of the Safe Drinking Water Act is amended by striking the word "interim" and striking the words "not later than January 1, 1984" and inserting in lieu thereof "not later than 12 months after the date of enactment of the Safe Drinking Water Act Amendments of 1985.

(c) Section 1416(b)(2)(A)(ii) of the Safe Drinking Water Act is amended by striking the word "revised"; and by striking the words "not later than seven years after the date such requirement takes effect" and inserting in lieu thereof "other than a regulation referred to in section 1412(a), 12 months after the date of the issuance of the exemption".

(d) Section 1416(b)(2)(B) of the Safe Drinking Water Act is amended to read as follows:

"(B) The final date for compliance provided in any schedule in the case of any exemption may be extended by the State (in the case of a State which has primary enforcement responsibility) or by the Administrator (in any other case) for a period not to exceed 3 years after the date of the issuance of the exemption if the public water system establishes that—

"(i) the system cannot meet the standard without capital improvements which cannot be completed within the period of such exemption;

"(ii) in the case of a system which needs financial assistance for the necessary improvements, the system has entered into an agreement to obtain such financial assistance; or

"(iii) the system has entered into an enforceable agreement to become a part of a regional public water system; and

the system is taking all practicable steps to meet the standard.

"(C) In the case of a system which does not serve more than 500 service connections and which needs financial assistance for the necessary improvements, an exemption granted under subsection (b)(2)(A) (i) or (ii) may be renewed for one or more additional 2-year periods if the system establishes that it continues to meet the requirements of subsection (B).".

MONITORING FOR UNREGULATED CONTAMINANTS

SEC. 7. (a) Section 1445(a) of the Safe Drinking Water Act is amended by adding at the end thereof the following: "In requiring a public water system to monitor under this subsection, the Administrator may take into consideration the system size and the contaminants likely to be found in the system's drinking water.".

(b) Section 1445(a) of the Safe Drinking Water Act is amended by adding "(1)" after "(a)" and adding the following at the end thereof:

"(2) Not later than 18 months after date of enactment of the Safe Drinking Water Act Amendments of 1985, the Administrator shall promulgate regulations for every public water system to conduct a monitoring program for unregulated contaminants. Such regulations shall require monitoring of drinking water supplied by the system, and shall vary the frequency and schedule of monitoring requirements for systems based on the number of persons served by the system, the source of supply, and the contaminants likely to be found. Each system shall be required to monitor at least once within five years of the effective date of such regulations unless the Administrator requires more frequent monitoring.".

"(3) Regulations under paragraph (2) shall list unregulated contaminants for which systems may be required to monitor, and shall include criteria by which the primary enforcement authority in each State could show cause for deletion of a contaminant from the designated list. The primary State enforcement authority may delete contaminants for an individual system, in accordance with these criteria, with an approved assessment of the contaminants potentialiy to be found in the system. Any such State must submit an assessment to the Administrator which shall be regarded as approved 60 days after its submission unless the Administrator disapproves the assessment.

"(4) Notification of the availability of the results of the monitoring program required under paragraph (2), and notification of the availability of the results of the monitoring program referred to in paragraph (5), shall be given to the persons served by the system and the Administrator.

"(5) The Administrator may waive the monitoring requirement of this subsection for a system which has conducted a monitoring program after January 1, 1983, if the Administrator determines the program to have been consistent with the regulations promulgated under this section.

"(6) Any system supplying less than 150 service connections shall be regarded as complying with this subsection if such system provides water samples according to the rules established by the Administrator. There are authorized to be appropriated $30,000,000 in the fiscal year ending September 30, 1986 to remain available until expended to carry out the provisions of this subsection."

TECHNICAL ASSISTANCE

SEC. 8. (a) Section 1442 of the Safe Drinking Water Act is amended by adding the following new subsection:

"(g) The Administrator is authorized to provide technical assistance to small public water systems to enable such systems to achieve and maintain compliance with national drinking water regulations. Such assistance may include 'circuit-rider' programs, training, and preliminary engineering studies. There are authorized to be appropriated to carry out this subsection $10,000,000 for each of the fiscal years 1986 through 1989.".

TAMPERING WITH PUBLIC WATER SYSTEMS

SEC. 9. Part D of the Safe Drinking Water Act is amended by adding the following new section at the end thereof:

"TAMPERING WITH PUBLIC WATER SYSTEMS

"SEC. 1432. (a) Any person who tampers with a public water system shall be fined not more than $50,000, or imprisoned for not more than 5 years, or both.

"(b) Any person who attempts to tamper, or makes a threat to tamper, with a public drinking water system shall be fined not more than $20,000, or imprisoned for not more than 3 years, or both.

"(c) The Administrator may bring a civil action in the appropriate United States district court (as determined under the provisions of title 28 of the United States Code) against any person who tampers, attempts to tamper, or makes a threat to tamper with a public water system. The court may impose on such person a civil penalty of not more than $50,000 for such tampering or not more than $20,000 for such attempt or threat.

"(d) For the purposes of this section, the term 'tamper' means—

"(1) to introduce a contaminant into a public water system with the intention of harming persons; or

"(2) to otherwise interfere with the operation of a public water system with the intention of harming persons.".

PROTECTION OF UNDERGROUND SOURCES OF DRINKING WATER

RESTRICTIONS ON UNDERGROUND INJECTION OF HAZARDOUS WASTE AND REGULATION OF STATE PROGRAMS

SEC. 10. (a) Section 1421(b)(2)(A), section 1422(c)(1), and section 1425(a)(1) of the Safe Drinking Water Act are each amended by inserting "or natural gas storage operations" after "production".

(b) Part C of the Safe Drinking Water Act is amended by adding at the end thereof the following new sections:

"PROHIBITION ON HAZARDOUS WASTE INJECTION

"SEC. 1426. (a) No hazardous waste may be disposed of by underground injection—

"(1) into a formation which contains (within one quarter mile of the well used for such underground injection) an underground source of drinking water; or

"(2) above such a formation.

The prohibitions established under this section shall take effect 6 months after the enactment of the Hazardous and Solid Waste Amendments of 1985 except in the case of any State in which identical or more stringent prohibitions are in effect before such date. The prohibition established under this subsection shall be treated for purposes of this Act as a prohibition established pursuant to an applicable underground injection program.

"(b) Subsection (a) shall not apply to the injection of contaminated ground water into the aquifer from which it was withdrawn, if—

"(1) such injection is—

"(A) a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, or

"(B) part of corrective action required under the Solid Waste Disposal Act intended to clean up such contamination;

"(2) such contaminated ground water is treated to substantially reduce hazardous constituents prior to such injection; and

"(3) such response action or corrective action will, upon completion, be sufficient to protect human health and the environment.

"(c)(1) Each State which assumes primary enforcement responsibility under this Act shall adopt a program to carry out the prohibition established under paragraphs (1) and (2) of subsection (a) (unless such State has adopted and is carrying out a more stringent prohibition).

"(2) The Administrator shall promulgate regulations to carry out the prohibitions established under paragraph (1) and (2) of subsection (a) for each State which is not exercising primary enforcement responsibility under this Act for enforcement of such prohibitions.

"(d) The term 'hazardous waste' as used in this section means any hazardous waste, as defined in the Solid Waste Disposal Act, which is listed or identified under section 3001 of that Act.".

"REGULATION OF STATE PROGRAMS

"SEC. 1427. (a) No later than 18 months after enactment of the Safe Drinking Water Act Amendments of 1985, the Administrator shall revise regulations issued under this Act to require ground water monitoring at locations and in such a way that would provide the earliest possible detection of fluid migration into, or in the direction of, underground drinking water sources from a Class I injection well unless the Administrator or delegated State authority concludes, on the basis of the applicant's demonstration, that such monitoring is not necessary because no potential exists for migration from the injection zone that may be harmful to human health or the environment.

"(b) The Administrator shall submit a report to Congress no later than September, 1987, summarizing the results of State surveys, currently required by the Administrator, three years after the delegation of the program, under this section to a primary State enforcement authority. The report shall include the following information:

"(1) the numbers and categories of Class V wells which discharge non-hazardous waste into or above an underground source of drinking water.

"(2) the primary contamination problems associated with different categories of these disposal wells, and

"(3) recommendations for minimum design, construction, installation, and siting requirements that should be applied to protect ground water from such contamination wherever necessary.".

ENFORCEMENT

SEC. 11. (a)(1) Section 1423(a)(1) of the Safe Drinking Water Act is amended by striking out all after the first sentence and substituting the following: "If beyond the thirteenth day after the Administrator's notification the State has not commenced ap-

propriate enforcement action, the Administrator shall issue an order under subsection (d) requiring the person to comply with such requirement or shall commence a civil action under subsection (b)(1).".

(2) Section 1423(a)(2) of the Safe Drinking Water Act is amended by striking the words "he may commence a civil action under subsection (b)(1)" and substituting the following: "he shall issue an order under subsection (d) requiring the person to comply with such requirement or shall commence a civil action under subsection (b)(1).".

(3) Section 1423(b)(1) of the Safe Drinking Water is amended by striking out the first sentence thereof and substituting the following: "Civil actions referred to in paragraphs (1) and (2), subsection (a) shall be brought in the appropriate United States district court and such court shall have jurisdiction to require compliance with any requirement of an applicable underground injection program.".

(b) Section 1423(b)(1) of the Safe Drinking Water Act is amended by striking in the last sentence "$5,000" and substituting "$25,000" and striking "60" and substituting "30".

(c) Section 1423 of the Safe Drinking Water Act is amended by adding the following new subsection at the end thereof:

"(d)(1) In any case in which the Administrator is authorized to bring a civil action under this section with respect to any requirement of an applicable underground injection control program, the Administrator may also issue an order to require compliance with such requirement.

"(2) An order issued under this subsection shall not take effect until after notice and opportunity for public hearing and, in the case of a State having primary enforcement responsibility for underground water sources (within the meaning of section 1422(b)(3) or 1425(c)) until after the Administrator has provided the State with an opportunity to confer with the Administrator regarding the proposed order. A copy of any order proposed to be issued under this subsection shall be sent to the appropriate State agency involved if the State has primary enforcement responsibility. Any order issued under this subsection shall state with reasonable specificity the nature of the violation. In any case in which an order under this subsection is issued to a corporation, a copy of such order shall be issued to appropriate corporate officers.

"(3)(A) Any person who violates, or fails or refuses to comply with an order under paragraph (2) shall be liable to the United States for a civil penalty of not more than $25,000 per day of violation.

"(B) Whenever the civil penalty sought by the Administrator under this paragraph does not exceed $5,000, the penalty shall be assessed by the Administrator after notice and opportunity for a hearing on the record in accordance with section 554 of title 5 of the United States Code. The Administrator shall have the discretion to compromise, modify, or remit, with or without conditions, any civil penalty assessed under this subsection against any person.

"(C) Whenever the civil penalty sought by the Administrator under this paragraph exceeds $5,000, the penalty shall be assessed by a civil action brought by the Administrator in the appropriate United States district court (as determined under the provisions of title 28 of the United States Code).

"(D) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court of appeals has entered final judgment in favor of the Administrator, the Attorney General shall recover the amount for which such person is liable in any appropriate district court of the United States. In any such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.".

(d) Section 1423 of the Safe Drinking Water Act is amended by striking the words "FAILURE OF STATE TO ASSURE" from the title.

CRITICAL AQUIFER PROTECTION AREA DEMONSTRATION PROGRAM

SEC. 12. Part C of the Safe Drinking Water Act is amended by adding the following new section:

"CRITICAL AQUIFER PROTECTION AREA DEMONSTRATION PROGRAM

SEC. 1428(a) The purpose of this section is to establish procedures for development, implementation, and assessment of demonstration programs designed to protect critical aquifer protection areas located within areas designated as sole or principal source aquifers under section 1424(e) of the Safe Drinking Water Act.

(b) For purposes of this section, critical aquifer protection area means an area located within an area for which an application for designation as a sole or principal source aquifer pursuant to section 1424(e) has been submitted to or approved by the Administrator as of the date of enactment of this section and which satisfies the criteria established by the Administrator under subsection (d).

(c) Any State, municipal, or local government or political subdivision thereof or any planning entity (including any interstate regional planning entity) that identifies a critical aquifer protection area over which it has authority or jurisdiction may apply to the Administrator for the selection of such area for a demonstration program under subsection (e). Any applicant shall consult with other appropriate government or planning entities with authority or jurisdiction in such area prior to application. The application shall include a certification by the Governor that the plan is consistent with State laws, regulations, and policies.

(d) Within 12 months of the date of enactment of this section, the Administrator shall, by rule, establish criteria for identifying critical aquifer protection areas under this section. In establishing such criteria, the Administrator shall consider the following:

(1) the existence of one or more recharge zones through which significant volumes of ground water flow to an underground source of drinking water;

(2) the number of persons or the proportion of population using the ground water as a drinking water source;

(3) the availability of alternative supplies of drinking water;

(4) the vulnerability of the aquifer to contamination due to hydrogeologic characteristics;

(5) the economic, social and ecological benefits that would result to the area from maintenance of high quality water recharging the aquifer; and

(6) the economic, social, and ecological costs that would result from degradation of the quality of recharged water.

(e) An application submitted to the Administrator by any applicant shall propose boundaries for the critical aquifer protection area within their jurisdiction and may include a comprehensive management plan for the proposed protection area. Such plan shall be designed to maintain the quality of the ground water in the critical protection area through maintenance, to the maximum extent possible, of the natural vegetative and hydrogeological conditions. The following elements may be included in such a protection plan:

"(A) a map showing the detailed boundary of the critical protection area;

"(B) a determination of the quality and quantity of the ground water recharged within the critical protection area;

"(C) an identification of existing and potential point and nonpoint sources of ground water degradation, ground water flow patterns, and the relationship between surface water management and ground water quality and recharge;

"(D) a resource assessment of the amount, location, and type of human development and activity which the ecosystem can sustain while still maintaining existing ground and surface water quality and protecting unique ecological features related to maintenance of water quality;

"(E) specific actions and management practices to be implemented in the critical protection area to prevent adverse impacts on water quality and recharge capabilities;

"(F) a program for State and/or local implementation of the plan in a manner that will insure the continued, uniform, consistent protection of the critical protection area in accord with the purposes of this section;

"(G) adequate personnel, funding, and authority to carry out the plan;

"(H) proposed limits on activities and projects financially assisted by Federal, State, or local government which may contribute to degradation of such ground water or any loss of natural surface and subsurface infiltration or purification capability of the critical protection area watershed;

"(I) consideration of specific techniques, which may include clustering, transfer of development rights, and other innovative measures sufficient to achieve the objectives of this section;

"(J) consideration of the establishment of a State institution to facilitate and assist in funding a development transfer credit system.".

(f) Within 120 days after receipt of an application under this section, the Administrator must approve or disapprove the application based on a determination that the critical protection area satisfies the criteria established under subsection (d) and that a demonstration program for the area would provide a useful model for other ground water protection programs. Any petitioner may modify and resubmit any application which is not approved. Upon approval of an application, the Administrator may enter into a cooperative agreement with the applicant to establish a demonstration program. Such program shall include the development and implementation of a plan for the protection of the ground water recharged through the critical aquifer protection area.

(g) Upon entering a cooperative agreement under subsection (e), the Administrator may provide to the applicant, on a matching basis, a grant of 50 per centum of the costs of developing and implementing the plan established under this section. The total amount of grants under this section for any one aquifer, designated under section 1424(e), shall not exceed $2,000,000 in any fiscal year.

(h) No funds authorized under this subsection may be used to fund activities

funded under other sections of this Act or the Clean Water Act, the Solid Waste Disposal Act, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, or other federal statutes.

(i) No funds authorized to be appropriated under this section may be used to clean up individual sources of contamination or to bring such sources into compliance with Federal, State or local statutes.

(j) Nothing under this section shall be construed to amend, supercede or abrogate rights to quantities of water which have been established by interstate water compacts, Supreme Court decrees, or State water laws; or any requirement imposed or right provided under any Federal or State environmental or public health statute.

(k) There are authorized to be appropriated for the purposes of this section $25,000,000 for each of the fiscal years 1986 through 1989.

GENERAL PROVISIONS

AUTHORIZATION OF APPROPRIATIONS

SEC. 13. (a) Section 1442(f) of the Safe Drinking Water Act is amended by inserting the following at the end thereof: "There are authorized to be appropriated to carry out subsection (a)(2)(B), $9,600,000 for the fiscal year 1985, $11,300,000 for the fiscal year 1986, $11,300,000 for the fiscal year 1987, $11,300,000 for the fiscal year 1988, and $11,300,000 for the fiscal year 1989. There are authorized to be appropriated to carry out the provisions of this section (other than subsection (g), subsection (a)(2)(B), and provisions relating to research), $42,000,000 for the fiscal year 1985, $47,000,000 for the fiscal year 1986, $47,000,000 for the fiscal year 1987, $47,000,000 for the fiscal year 1988, and $47,000,000 for the fiscal year 1989.".

(b) Section 1443(a)(7) of the Safe Drinking Water Act is amended by adding the following at the end thereof: "For the purposes of making grants under paragraph (1) there are authorized to be appropriated $40,000,000 for the fiscal year 1985, $45,000,000 for the fiscal year 1986, $45,000,000 for the fiscal year 1987, $45,000,000 for the fiscal year 1988, and $45,000,000 for the fiscal year 1989.".

(c) Section 1443(b)(5) of the Safe Drinking Water Act is amended by adding the following at the end thereof: "For the purpose of making grants under paragraph (1) there are authorized to be appropriated $25,000,000 for the fiscal year 1985, $28,000,000 for the fiscal year 1986, $28,000,000 for the fiscal year 1987, $28,000,000 for the fiscal year 1988, and $28,000,000 for the fiscal year 1989.".

(d) Section 1441(f) of the Safe Drinking Water Act is amended by striking out "in effect" and all that follows and substituting "in effect for more than one year.".

By Mr. PRYOR:

S. 125. A bill to amend the Internal Revenue Code of 1954, to require that the revenues of any new taxes be used to reduce the Federal deficit, and for other purposes.

DEFICIT REDUCTION TRUST FUND

Mr. PRYOR. Mr. President, today I am reintroducing a bill to establish a Deficit Reduction Trust Fund and provide that any new revenues generated by new tax laws and received by the Treasury Department after today shall be put into the fund.

In November 1983, I first presented this idea during Finance Committee deliberations on deficit reduction proposals. Since then it has generated considerable interest and support. I am, therefore, pleased to reintroduce legislation to implement this concept.

Mr. President, the purpose of this measure is simple—to put any new revenues into a fund that is off limits and make sure that the money is used for deficit reductions.

For several years every candidate for Congress has attacked Government spending and criticized budget deficits. Everyone wants prompt action in bringing down the horrendous budget deficits we face—current estimates of about $200 billion per year until the end of this decade.

The debt limit went over the $1 trillion mark 3 years ago. It took us over 200 years to reach that awful figure; yet, we will reach the $2 trillion figure before 1990 at the current rate. In short, we are rolling up new debt at an unbelievable rate, and in the process we are putting severe and unreasonable burdens on future generations.

We all know the problem, Mr. President. The question is—how do we tackle these deficits and get them down? Everyone has his or her own solution. Although the deficit cries out for action, it may be that little will be done about the problem this year. Regardless, we need to have the necessary machinery in place so that if new revenues are used to tackle the deficits in the future, that those efforts could be successful.

Accordingly, I am proposing a trust fund concept. I want to make it clear, Mr. President, that this legislation does not deal with taxes in any way—that debate is for another day—but it does set up a trust fund that will be used for deficit reduction. If we are going to reduce the deficit, we should do so, and not use any new revenues to start new programs, or expand existing ones. It is for this reason that my bill also contains a provision which would prohibit any new program from being started while the budget contains a deficit.

Mr. President, I know that some will disagree with the trust fund idea, but I believe it is the proper way to proceed. Trust funds have worked very well in this country when they have been used, and I think the American people have supported their creation when the money going into the fund was used for a specific purpose.

The most familiar example is the trust fund set up to build the Interstate Highway System. We used the new revenues flowing into that fund to build an extraordinary highway system, and it has worked very well. Another example is the fund set up by the Dingell-Johnson Act which provides money for the promotion of sport fishing. Both of these examples prove that if we commit ourselves to the task at hand, and use the trust fund, it will work.

Mr. President, I would like to point out that other steps could be taken in addition to what I'm proposing today. For example, a budget freeze would be workable and would give the trust fund an opportunity to begin to reduce the debt. I joined the efforts of many Senators the last 2 years, and I will certainly work with them again.

Another example, Mr. President, would be the proposed constitutional amendment to balance the budget, which I also supported. It would provide the necessary structure for the Congress to eliminate annual deficits, and I think a deficit reduction trust fund would work very well in conjunction with that amendment.

Mr. President, this proposal provided a useful mechanism that can be helpful in holding the line on Government spending, reducing deficits, and getting our fiscal affairs in order.

I ask unanimous consent, Mr. President, that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter A of chapter 98 of the Internal Revenue Code of 1954 (relating to establishment of Trust Funds) is amended by adding at the end thereof the following new section:

"SEC. 9504. DEFICIT REDUCTION TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established within the Treasury of the United States a trust fund to be known as the 'Deficit Reduction Trust Fund' which shall consist of such amounts as may be appropriated to such fund under this section.

"(b) APPROPRIATION OF CERTAIN AMOUNTS TO TRUST FUND.—

"(1) IN GENERAL.—There are hereby appropriated to the Deficit Reduction Trust Fund amounts equivalent to the revenues received into the Treasury of the United States by reason of any provision of law enacted after January 1, 1985.

"(2) EXTENSIONS.—No amount shall be appropriated to the Deficit Reduction Trust Fund under paragraph (1) with respect to any revenues received into the Treasury of the United States by reason of any provision of an Act or joint resolution which merely extends a tax, or any other provision of law, that was in effect on September 10, 1984.

"(c) EXPENDITURE OF FUNDS FROM TRUST FUND.—Amounts in the Deficit Reduction Trust Fund shall be available only:

(1) to pay at maturity, or to redeem or purchase before maturity, obligations of the Federal Government included in the public debt which are canceled and retired upon such payment, redemption, or purchase, but only to the extent provided by appropriations Acts and joint resolutions; and

(2) to the extent such funds are not expended before the last day of the Fiscal year pursuant to the provisions of subparagraph (1) above, to be transferred to the

general receipts account of the Department of the Treasury on the last day of each fiscal year.

(b)(1) Subsection (b) of section 9602 of such Code (relating to investment) is amended by adding at the end thereof the following new paragraph:

"(4) NO APPLICATION TO DEFICIT REDUCTION TRUST FUND.—This subsection shall not apply to the Deficit Reduction Trust Fund."

(2) The table of contents for subchapter A of chapter 98 of such code is amended by adding at the end thereof the following new section:

"Section 9504. Deficit Reduction Trust Fund.".

SEC. 2. (a) No appropriation may be made for any deficit fiscal year with respect to any program for which appropriations for fiscal year 1986 were not authorized.

(b) For purposes of this section, the term "deficit fiscal year" means any fiscal year beginning after fiscal year 1985 for which the total budget outlays specified in the first concurrent resolution for such fiscal year exceed the revenues specified in such concurrent resolution.

By Mr. PRYOR:

S. 126. A bill to improve the Department of State; to the Committee on Foreign Relations.

CREATION OF THE POSITION OF UNDER SECRETARY OF STATE FOR AGRICULTURAL AFFAIRS

Mr. PRYOR. Mr. President, today I am introducing legislation that would create within the Department of State the position of Under Secretary for Agricultural Affairs.

I propose this new senior position because it has become clear that agriculture policy is being made today by those officials who make foreign policy. Time and again, foreign policy decisions are made with little consideration of the effect of the decisions on American farmers.

Because the State Department has assumed a major role in agriculture matters, we need to make certain that the State Department has experts on hand who understand the effects on agriculture of U.S. foreign policy. The Foreign Service must be made more aware of the domestic consequences of its actions.

The most obvious example of a foreign policy decision's backfiring on our own people is the recent grain embargo directed against the Soviet Union. There are times, such as the 1979 invasion of Afghanistan, when it is necessary to take dramatic steps to counter Soviet aggression, and the U.S. farmer will be the first one to step forward to support appropriate efforts. But the results of the embargo were not what the policymakers had in mind.

The only countries to benefit from the action were Argentina, Australia, and Canada, whose grain exports to the U.S.S.R. soared. The Soviet Union apparently suffered no ill effects at all. So who was hurt by the embargo? Only the American farmer, who saw his grain market sharply reduced, his prices lowered, and his future buyers made suspicious of his reliability as a supplier.

In the past decade, there have been four embargoes of agricultural goods. We must make it convincingly clear to our customers around the world that they should not expect embargoes from the United States. They should expect us to be reliable suppliers. Any uncertainty about the reliability of U.S. food exports will cause our trading partners to make arrangements with other suppliers.

An agriculture specialist understands this. The average diplomat may not. A high-level State Department official attuned to the special cosideration of American agricultural policy might have advised against the embargo or at least made sure its effects on farmers were fully considered.

Agricultural products account for 20 percent of all U.S. exports and contribute $26 billion to the balance of trade. Agricultural exports account for $95 billion of our domestic economic activity and provide 1.2 million jobs. Each extra $1 billion in exports creates as many as 35,000 new jobs.

Today, however, depressed farm prices and high production costs are creating an enormous hardship for our farmers. Increased agricultural trade would provide a welcome outlet for farm products and create jobs in food processing industries. The European Community is already seeking to expand its exports to the Third World, and an aggressive role by State Department officials here and abroad will be necessary if we are to maintain our preeminence as a supplier of the world's food.

Aggressive U.S. export policies will expand trading partnerships, especially in the developing nations, and where trade increases, so does U.S. influence.

We must remember that it is not just the Commerce Department and the Agricultural Department that have a responsibility to encourage U.S. exports. The State Department has recognized its role in the promotion of agricultural exports. As former Secretary of State Alexander Haig stressed in a cable to all U.S. ambassadors:

> The effort to promote agricultural exports is one of major importance for the United States. I consider it a major objective of our overseas missions. I know that I can count on you to take a strong personal interest in the achievement of this objective in your country.

The State Department has also been working with the Farm Bureau and labor unions to increase exports of processed foods. Many of the farmers I have spoken with, however, believe that State needs to give a higher priority to, and be much more aggressive with, agricultural exports. This is especially true of the Public Law 480 Food-for-Peace Program.

Before we can see an expansion of U.S. food sales abroad, however, we need to get rid of some of the barriers that stand in the way of fair competition for food customers, particularly the rigid protectionst policies of Japan and the European Community. Not surprisingly, serious trade disputes increase tensions and damage overall relations with the countries involved.

U.S. Foreign Service personnel are in an ideal position to monitor the slightest changes in trade policy around the world, and under the guidance of an Under Secretary for Agricultural Affairs their efforts could help to head off the creation of the sort of trade barriers which the Special Trade Representative is now trying to eliminate.

In the area of trade promotion the Secretary of Agriculture and Special Trade Representative have made commendable efforts but there is a need for an agricultural expert at a high level within the State Department. Moreover, there are many issues which fall under the day-to-day purview of the State Department that require the input of an official who is aware of the domestic importance of U.S. agriculture and be sensitive to its needs.

An extremely sensitive issue has been the matter of Commodity Credit Corporation guarantees of loans to Poland and Romania for the purchase of U.S. farm goods. The foreign policy ramifications of this controversy are varied and difficult to predict, but before this issue is resolved, the American farmer must be considered and consulted.

The Caribbean Basin Initiative is directed not only at the Caribbean region but also at our own producers of certain agricultural products.

As the Administrator of the Food-for-Peace Program, promoter of agricultural exchange programs, and monitor of economic trends abroad, the State Department is closely involved with the activities of the U.S. farmers and is in a position to affect the farmer in numerous bilateral and multilateral negotiations.

In testimony before the Senate Agriculture Committee, Assistant Secretary of State for Economic and Business Affairs, Robert D. Hormats acknowledged "the State Department's special role in meshing our trade, economic, and foreign policy interests." The creation of an Under Secretary of State for Agricultural Affairs is a logical step toward improved management of our trade policy, our foreign policy, and our agricultural policy.

More often than not, agriculture and foreign policy objectives coincide, and our farmers will enthusiastically support U.S. foreign policy if only they feel that their own interests are being represented. Today, however, the American farmer has little or no access to the makers of our foreign policy. We need to provide a perma-

nent, specialized conduit for the concerns of the farmer. We need a link between the striped pants in Foggy Bottom and the overalls in our fields that produce so much of the world's food.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 126

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Act entitled "An Act to strengthen and improve the organization and administration of the Department of State, and for other purposes", approved May 26, 1949 (22 U.S.C. 2652), is amended—

(1) by inserting in the first section "an Under Secretary of State for Agricultural Affairs," after "Management,"; and

(2) by adding at the end thereof the following:

"SEC. 6. (a) The Under Secretary of State for Agricultural Affairs, referred to in the first section and appointed pursuant to section 2, shall be appointed from among individuals having experience in the international commerce of agricultural commodities.

"(b) The Under Secretary for Agricultural Affairs shall be responsible to the Secretary of State for matters pertaining to agricultural affairs, including United States policy toward the export of agricultural commodities.".

(b) The seventh undesignated paragraph of section 5314 of title 5, United States Code, is amended by inserting "and an Under Secretary of State for Agricultural Affairs" after "Management".

By Mr. PRYOR:

S. 127. A bill to authorize the Secretary of Health and Human Services to conduct a clinical trial to determine the efficiency and economic feasibility of providing Medicare coverage for personal emergency response systems; to the Committee of Finance.

CLINICAL TRIAL OF MEDICARE COVERAGE FOR HOME EMERGENCY RESPONSE SYSTEMS

Mr. PRYOR. Mr. President, today I am introducing legislation which upon approval would provide the Congress with significant new information which will help us to decide how we can best use new technologies to help elderly and disabled citizens remain in their homes and to conserve valuable health care dollars.

In my more than 20 years of public service, I have witnessed the development of many programs which have helped to significantly improve the quality of life for older Americans. One major area, however, in which we have been painfully negligent, has been in the development of a health care network within which the elderly and disabled are encouraged and able to remain in their homes for as long as possible, despite the fact that the elderly are better served when they are helped to maintain their independence. New technologies have provided us with a variety of new devices which may prove very effective in eliminating the need for costly institutionalization. Among these are the emergency response systems that have been developed over the last 10 years or so.

Emergency response systems have three basic components: First, the electronic communication equipment located in the home which signals for outside assistance; second, the 24-hour response center which receives the emergency signal; third, the local emergency response organization—which could be a local relative or neighbor, local police, visiting nurses, ambulance service, or hospital—which responds to the emergency signal.

While there is widespread use of these response systems—it is estimated that they are available in every State—there is no consistent coverage of this service. Currently, some States provide coverage of emergency response systems under section 2176 community-based health care Medicaid waivers, and several other States have developed State-funded programs to provide these services. The Older Americans Act also funds such systems under title II. So there is a broad concensus in the State and local communities that such a service can be helpful, particularly for the frail elderly who live alone.

In 1975 the National Center for Health Services Research authorized a study based in Boston of the usefulness of emergency response systems in the Boston-Cambridge area. Results of the study were favorable, but there have been no additional, comprehensive studies of these systems. And the Boston study did not explore the effectiveness of such systems in rural areas, where it is suspected that they might be even more effective in allowing the elderly to remain in their homes.

The legislation which I am introducing today is a slightly modified version of S. 2941, which I introduced in the 98th Congress. That legislation was not acted upon because of the abbreviated legislative session in 1984. The legislation authorizes the Secretary of Health and Human Services to conduct a clinical trial to determine the efficiency and economic feasibility of providing Medicare coverage for personal emergency response systems. The legislation specifies that the Secretary must consider, during the course of the study, a broad range of health, psychological, and environmental characteristics of the group under study, as well as a control group. The Secretary must report back to the Congress within 3 years on the outcome of the study.

Mr. President it is my hope that this study will provide us with the most comprehensive and conclusive evidence to date on the usefulness of home emergency response systems.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CLINICAL TRIAL

SECTION 1. (a) In order to determine the efficiency and economic feasibility of providing medicare coverage under title XVIII of the Social Security Act for personal emergency response systems, the Secretary of Health and Human Services (hereinafter in this Act referred to as the "Secretary") shall conduct a clinical trial in which—

(1) beneficiaries of medicare coverage under such title voluntarily participate in such trial and are randomly arranged into an experimental group which receives access to personal emergency response systems described in section 2 and a control group which does not receive such access;

(2) agencies which offer medical, public safety, or similar services as their primary function establish and maintain such response systems (hereinafter in this Act referred to as "monitoring agencies"); and

(3) such monitoring agencies monitor and respond to signals for emergency medical assistance transmitted over such response systems by notifying medical personnel or other persons designated to attend to members of the experimental group.

(b) To facilitate the purpose of the clinical trial, the Secretary shall examine data from such trial and consider—

(1) the effect access to personal emergency response systems has on members of the experimental group, including—

(A) changes in their physical and psychological health,

(B) changes in their disability or impairment status,

(C) causes of, or circumstances involving, their death or recovery from any illness or injury,

(D) their use of medical services, including number and causes of hospitalization, visits with physicians, admissions to nursing homes, and use of home health services, and

(E) their use of other medical, public safety, or similar services provided by monitoring agencies;

(2) the personal characteristics of members of the experimental and control groups, including their—

(A) race, age, and sex, and

(B) social relations and living arrangements with relatives, friends, and neighbors before and during the clinical demonstration;

(3) the frequency, purpose, and outcome of use of any personal emergency response system by members of the experimental group;

(4) the total health care expenditures incurred by members of the experimental group as compared with those incurred by members of the control group, including—

(A) health care costs reimbursable under medicare, and

(B) other health insurance payments or health care expenses paid by, or on behalf of, such persons; and

(5) the costs, including acquisition and operation expenditures, of providing personal emergency response systems for members of the experimental group.

(c) For purposes of such trial, the Secretary may, only to the extent provided in advance in appropriation Acts, enter into a contract with each monitoring agency which assures the Secretary that such agency will provide, maintain, and monitor the personal emergency response system throughout such trial.

CRITERIA FOR EACH PERSONAL EMERGENCY RESPONSE SYSTEM

SEC. 2. For purposes of the clinical trial, each personal emergency response system shall include—

(1) communication equipment located in the home of any member of the experimental group which transmits signals for emergency medical assistance over an existing telephone line to a 24-hour response center;

(2) a 24-hour response center operated by a monitoring agency to monitor such incoming signals; and

(3) medical personnel or other persons designated to attend to any member of the experimental group whenever emergency medical assistance is requested for such member.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

REPORT

SEC. 4. The Secretary shall, within three years after the date of the enactment of this Act, transmit a report to the Congress containing the findings and conclusions of the clinical trial authorized by this Act, along with any legislative recommendations concerning the efficiency and economic feasibility of providing medicare coverage under title XVIII of the Social Security Act for personal emergency response systems.

By Mr. PRYOR (for himself and Mr. BUMPERS):

S. 128. A bill to amend the Federal Property and Administrative Services Act of 1949 and Executive Order No. 12348 of February 25, 1982 (47 FR 8547); to the Committee on Governmental Affairs.

Mr. PRYOR. Mr. President, on May 17 of last year I introduced legislation to prohibit the U.S. Army Corps of Engineers from proceeding with plans to sell some 850 acres of land currently owned by the Federal Government around Bull Shoals Lake in northern Arkansas. This sale of land declared to be excess to corps' needs was initiated pursuant to Executive Order 12348 dated February 25, 1982, which was designed to reduce Federal ownership of land in an effort to help reduce the Federal deficit. The bill I introduced was adopted by the Senate as an amendment to other legislation, but was not included by the conferees in the final bills.

Today I am reintroducing this legislation along with my colleague from Arkansas, Mr. BUMPERS, and I ask the committee that will consider it to act swiftly before the corps can carry out its intentions. The people of Arkansas do not want to see these lands opened to private development. This lake is a major attraction in Arkansas and Missouri and draws attention nationally. I cannot believe that further high in-density development of the lakeshore here would not create multimillion-dollar problems later on in the future.

Last February I wrote a letter to the Assistant Secretary of the Army for Civil Works to express my concerns about the effects that this proposed sale would have on the lake and on the people who live around the lake. I also expressed my doubts about the miniscule effect this sale would have on any effort to reduce the Federal deficit. It is my opinion that this sale would lead to commercial development in the area and has the definite potential for resulting in pollution of the lake. I am convinced that the people who have already purchased homes on the lake for retirement and recreational purposes would feel a breach of faith has occurred if lands that they were assured would remain in public ownership and in their natural state were suddenly cleared and readied for condominium development.

I also expressed my concern for another group of persons who will be affected by this action. I am speaking of the people who had to give up their lands when the Army Corps of Engineers built the Bull Shoals Lake project. Should the Federal Government take these lands and then decide 30 years later that they are no longer necessary to project and sell them to private development companies?

The answer I received in reply from the Assistant Secretary indicated that he intended to proceed with the sale.

Mr. President, I do not oppose all sales of Federal land to private investors. Perhaps we do have too much land lying fallow in public ownership. Maybe some sales could be advantageous in reducing the Federal deficit. I am very much in favor of that. But I do not want to make a judgment on that issue here.

The 850 acres on Bull Shoals Lake will not make even a small dent in the Federal deficit. The Army has already spent $69,095.98 in surveys alone preparing for this sale.

The real issue is the future of this lake, the inevitable pollution, and the effects this will have on Arkansas tourist industries. The people of Marion and Baxter Counties have already told me they do not want to see this land sold. Accordingly, Mr. President, the legislation I offer today is very simple. My bill will deny the right of any Federal agency to transfer title to these lands to any private owner. I do not intend that an agency of the Government be denied the right to alter its use of the property or to transfer title to another agency of the Government for purposes of the public interest. I would see no problem with the development of public parks or wildlife management areas for example.

I believe the people of Arkansas and the United States will be better served by retaining Government ownership of these lands and I call on my colleagues in the Senate to support me in this effort.

By Mr. INOUYE:

S. 130. A bill to amend title XVIII of the Social Security Act, to clarify that payment may be made under part A of the Medicare Program for diagnostic or therapeutic services provided by a psychologist under an arrangement with a hospital to an inpatient of such hospital who is entitled to benefits under such plan; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I am introducing legislation which would modify title XVIII of the Social Security Act, the Medicare Program, in order to clarify that payments may be made under part A of the program for diagnostic or therapeutic services provided by psychologists, under an arrangement with a hospital for Medicare beneficiaries.

This legislative proposal will not result in any increased Federal funding, but will make expressly clear in the fundamental statute the current regulations. In my judgment, as we continue to make every effort to curtail our Nation's escalating health care costs, it is becoming increasingly important that we ensure that we give sufficient priority to innovative approaches which have demonstrated their cost effectiveness.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1861(b)(3) of the Social Security Act is amended by inserting "(including a psychologist (as defined in subsection (ee)))" after "others" the first place it appears.

(b) Section 1861 of such Act is further amended by adding at the end thereof the following new subsection:

"(ee) The term 'psychologist' means an individual who (1) is licensed or certified at the independent practice level of psychology by the State in which such individual so practices, (2) possesses a doctorate degree in psychology from a regionally accredited educational institution, or in the case of an individual licensed or certified prior to January 1, 1978, possesses a master's degree in psychology and is listed in a national register of mental health service providers in psychology approved by the Secretary, and (3) possesses at least two years of supervised experience in health service, at least one year of which is postdegree.".

(c) The amendments made by this Act shall be effective with respect to services performed on or after the first day of the first month that begins more than sixty days after the date of the enactment of this Act.

By Mr. INOUYE:

S. 131. A bill to amend parts A and B of title XVIII of the Social Security Act, to provide that a nurse practitioner or clinical nurse specialist may recertify the need for certain services originally certified by a physician; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I am introducing legislation to modify parts A and B of our Nation's Medicare and Medicaid Programs in order to provide that nurse practitioners or clinical nurse specialists will be deemed authorized to recertify the need for continued services, for example, under Home Health Care.

Under my proposal, it will still be required that a physician make the initial determination; however, after that point in time, experienced members of the nursing profession would be deemed authorized to continue the care.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) section 1814(a)(2) of the Social Security Act is amended by striking out "(and recertifies" and inserting in lieu thereof "(and the physician, or, in the case of a service described in subparagraph (A), (B), (C), or (D), the physician or a nurse practitioner or clinical nurse specialist recertifies".

(b) Section 1835 (a)(20 of such Act is amended by striking out "(and recertifies" and inserting in lieu thereof "(and the physician, or, in the case or home health services, the physician or a nurse practitioner or clinical nurse specialist recertifies".

SEC. 2. The amendments made by this Act shall apply with respect to recertifications made on or after the date of the enactment of this Act.

By Mr. INOUYE:

S. 132. A bill to amend section 1086 of title 10, United States Code, to provide for payment under the CHAMPUS program of certain health care expenses incurred by certain members and former members of the uniformed services and their dependents to the extent that such expenses are not payable under Medicare, and to make a conforming amendment to section 613 of title 38, United States Code; to the Committee on Armed Services.

Mr. INOUYE. Mr. President, today I am introducing legislation to provide for continuing coverage under the Department of Defense Civilian Health and Medical Program of the Uniformed Services [CHAMPUS] for those retirees who reach the age of eligibility for Medicare.

Under our current law, when an individual CHAMPUS beneficiary becomes eligible for coverage under Medicare, he or she automatically loses his or her CHAMPUS entitlement. This is not common practice in the private sector and I understand it can be especially traumatic for those families who live overseas. My proposal would make CHAMPUS a second payor to Medicare and only require the Department to cover those services not covered by Medicare.

During the last Congress, legislation was enacted by the Senate Veterans' Affairs Committee which addressed this problem for those CHAMPUS eligibles who derive their entitlement under the CHAMPVA program. I understand that this constitutes approximately 5 percent of the total CHAMPUS beneficiary population. Essentially, their eligibility for CHAMPUS becomes reinstituted once any part of their Medicare coverage is exhausted. My bill would provide similar entitlement for the remaining 95 percent of CHAMPUS population and, further, provide that CHAMPUS will cover expenses that might be in excess of those covered by Medicare.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1086(c) of title 10, United States Code, is amended by striking out the second sentence.

(b) Section 1086(d) of such title is amended to read as follows:

"(d)(1) The provisions of section 1079(j)(1) of this title shall apply to a plan covered by this section.

"(2)(A) The amount of a benefit payable under a plan covered by this section for items or services for which payment is made under part A or B of title XVIII of the Social Security Act or any other insurance, medical service, or health plan referred to in such section 1079(j)(1) shall be reduced by the sum of—

"(i) the amount of the payment made for such items or services under such part;

"(ii) the amount of the payment made for such items or services under any such other insurance, medical service, or health plan; and

"(iii) the amount of an appropriate payment under subsection (b).

"(B) A plan covered by this section shall not be considered a group health plan for the purposes of paragraph (2) or (3) of section 1862(b) of the Social Security Act.

"(C) A person claiming a benefit under a plan covered by this section by reason of the application of this paragraph shall certify the cost charged for items or services to which the claim relates and the amounts referred to in subparagraphs (A)(i) and (A)(ii) that relate to the items or services. A certification made under the first sentence of this subparagraph may be accepted for the purposes of determining the benefit payable under this section.".

SEC. 2. Subsection (d) of section 613 of title 38, United States Code, is repealed.

SEC. 3. The amendments made by this Act shall take effect with respect to items or services provided after the date of enactment of this Act.

By Mr. INOUYE:

S. 133. A bill to authorize capitation grants to graduates programs in psychology; to the Committee on Labor and Human Resources.

Mr. INOUYE. Mr. President, today I am introducing legislation to amend the basic Health Professions Capitation Grant Program in order to authorize that up to $5 million annually be made available for the training of students in psychology.

My proposal would provide institutions of higher learning with $2,000 for each full-time student enrolled in such a program during any given fiscal year. The legislation which I am introducing today is very similar to that presently in effect for our Nation's schools of medicine, osteopathy, dentistry, public health, veterinary medicine, optometry, pharmacy, and podiatry.

In my judgment, this proposal merely reflects the growing maturity of our Nation's psychology training programs.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) section 770(a) of the Public Health Service Act is amended—

(1) by inserting a comma and "and to graduate programs in psychology," after "podiatry" in the first sentence;

(2) by inserting "and graduate programs" before the period in such sentence;

(3) by inserting "or graduate program" after "school" in the second sentence; and

(4) by adding at the ends thereof the following new paragraph:

"(7) For the fiscal year ending September 30, 1986, and each of the succeeding fiscal years, each graduate program in psychology shall recieve $2,000 for each full-time student enrolled in such program in the school year beginning in such fiscal year.".

(b) Section 770(b) of such Act is amended—

(1) by inserting a comma and "or graduate programs in psychology" after "podiatry";

(2) by inserting "or graduate program" after "category of schools";

(3) by inserting "or graduate program's" after "school's";

(4) by inserting "or graduate program" before "subsection (a)";

(5) by inserting "or graduate programs" before "of the same category";

(6) by inserting "or graduate program" after "such school"; and

(7) by inserting "or graduate programs" before "of that category".

(c) Section 770(c) of such Act is amended—

(1) by inserting "or graduate program" after "a school" the first four places it appears in paragraph (1);

(2) by striking out "or" before "to a graduate degree" in the first sentence of paragraph (2); and

(3) by inserting a comma and "or to a doctoral degree in psychology or an equivalent degree" before the period in such sentence.

(d) Section 770(d) of such Act is amended—

(1) by inserting "or a new graduate program in psychology," after "podiatry,"; and

(2) by inserting "or graduate program" after "the school" each place it appears.

(e) Section 770(e) is amended by adding at the end thereof the following new paragraph:

"(9) There are authorized to be appropriated $5,000,000 for the fiscal year ending September 30, 1986, and each of the succeeding years, for payments under grants under this section to graduate programs in psychology.".

(f) Section 771(a) of such Act is amended—

(1) by inserting "or graduate program" after "any school" in the matter preceding paragraph (1);

(2) by inserting "or graduate program" after "the school" the first and third places it appears in paragraph (1); and

(3) by inserting "or as a graduate program in psychology," after "podiatry," in paragraph (2).

(g) Section 772(b) of such Act is amended—

(1) by inserting "or a graduate program in psychology," after "podiatry," in clause (1); and

(2) by inserting "or graduate program" after "school" each place it appears in clause (2).

(h) Part E of title VII is amended by adding at the end thereof the following new section:

"DEFINITION

"SEC. 773. For purposes of this part, the term 'graduate program in psychology' means a graduate program in a public or nonprofit private institution in a State which—

"(1) provides training leading to a doctoral degree in psychology or an equivalent degree;

"(2) prepares the individual receiving such degree for licensure by a State as a psychologist; and

"(3) is accredited in the manner described in section 701(5).".

By Mr. INOUYE:

S. 134. A bill to provide for a program for the education of gifted and talented children; to the Committee on Labor and Human Resources.

GIFTED AND TALENTED CHILDREN

Mr. INOUYE. Mr. President, today I am introducing legislation to amend the Elementary and Secondary Education Act of 1965 in order to once again establish targeted programs directed at the many unique and pressing needs of our Nation's gifted and talented children.

It is unfortunately all-too-often the case that these individuals are overlooked by our Nation's educational policymakers because of a concern that, in an era of budget tightening, they simply do not need any special additional resources. Simply stated, this is not the case, as has been well-documented in a number of the educational policy reports issued during the past several years.

For example, a careful reading of A Nation At Risk will find numerous references to this population. Unfortunately, this includes a finding that "over half of the population of gifted students do not match their tested ability with comparable achievement in school" and that "despite widespread publicity about an overpopulation of teachers, severe shortages of certain kinds of teachers exist: * * * among specialists in education for gifted and talented".

Mr. President, the legislation which I am proposing today will again establish the Office of Gifted and Talented within the U.S. Department of Education and, further, will authorize that $40 million be expended during the next 5 fiscal years for programs targeted to these future leaders of our Nation.

My proposal also authorizes the Secretary of the Department of Education to begin a modest discretionary grant program which would include demonstration projects.

Mr. President, I especially feel that it is important that we target programs for our Nation's gifted and talented towards those families who are Native Americans; for, unfortunately, without a special Federal initiative among these families, we are afraid that these individuals, in particular, will not be able to reach their full potential.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Elementary and Secondary Education Act of 1965 is amended by inserting at the appropriate place in the Act the following:

"TITLE IX—ADDITIONAL PROGRAMS

"PART A—GIFTED AND TALENTED CHILDREN

"SHORT TITLE; PURPOSE

"SEC. 901. (a) This part may be cited as the 'Gifted and Talented Children's Education Act'.

"(b) The Congress finds and declares that—

"(1) the Nation's greatest resource for solving critical national problems in areas of national concern is its gifted and talented children,

"(2) unless the special abilities of gifted and talented children are developed during their elementary and secondary school years, their special potentials for assisting the Nation may be lost, and

"(3) gifted and talented children from economically disadvantaged families and areas often are not afforded the opportunity to fulfill their special and valuable potentials, due to inadequate for inappropriate educational services.

"(c) It is the purpose of this part to provide financial assistance to State and local educational agencies, institutions of higher education, and other public and private agencies and organizations, to assist such agencies, institutions and organizations to plan, develop, operate, and improve programs designed to meet the special educational needs of gifted and talented children.

"DEFINITION

"SEC. 902. For the purposes of this part, the term 'gifted and talented children' means children and, whenever applicable, youth, who are identified at the preschool, elementary, or secondary level as possessing demonstrated or potential abilities that give evidence of high performance capability in areas such as intellectual, creative, specific academic, or leadership ability, or in the performing and visual arts, and who by reason thereof, require services or activities not ordinarily provided by the school.

"AUTHORIZATION OF APPROPRIATIONS; APPORTIONMENT OF APPROPRIATIONS

"SEC. 903. (a) For the purpose of carrying out this part, there are authorized to be appropriated $40,000,000 for the fiscal year 1986 and for each of the four succeeding fiscal years.

"(b)(1) From the amounts appropriated under subsection (a) for each fiscal year, the Secretary shall reserve $3,000,000 or 15 percent, whichever is greater, for carrying out the provisions of section 905, relating to discretionary programs.

"(2) The remainder of the sums appropriated under subsection (a) for each fiscal year shall be available to carry out the provisions of section 904, relating to State programs.

"STATE PROGRAMS

"SEC. 904. (a) From the amounts available in any fiscal year under section 903(b)(2), the Secretary shall make grants to State educational agencies for the Federal share of the cost of planning and carrying out programs designed to meet the educational needs of gifted and talented children at the preschool, elementary, and secondary levels. Such programs may include—

"(1) inservice training of personnel to teach such children;

"(2) demonstration programs designed to develop special techniques for teaching such children, together with assessments of the programs; and

"(3) State leadership programs to assist in extending programs for such children throughout the State.

"(b) The Secretary shall, in each fiscal year, allot the amounts appropriated pursuant to section 903(a) and available under section 903(b)(2) in accordance with the provisions of section 906.

"(c) Each State educational agency desiring to receive a grant under this section shall submit an application at such time, in such manner and containing such information as is necessary for the purposes of this section. Each such application shall contain assurances that—

"(1) funds paid to the State educational agency will be expended solely to programs and projects which—

"(A) are designed to identify the educational needs of gifted and talented children, especially programs described in clauses (1) through (3) of subsection (a),

"(B) are of sufficient size, scope, and quality to hold reasonable promise of making substantial progress toward meeting such needs, and

"(C) give appropriate consideration to the particular educational needs of disadvantaged gifted and talented children;

"(2)(A) the State educational agency will reserve from funds made available under this section in each fiscal year not more than 10 per centum of such funds for the purpose of administration, technical assistance, coordination, and statewide planning related to programs and projects designed to meet the needs of gifted and talented children;

"(B) the State educational agency will distribute, on a competitive basis, not less than 90 per centum of the funds made available under this section for payments to local educational agencies within the State which apply to the State educational agency, with due regard for the quality of activities proposed in the application of the local educational agencies;

"(3) the State educational agency will use at least 50 per centum of the funds made available under this section for programs and projects which include a component for the identification and education of disadvantaged gifted and talented children from low-income families;

"(4) the State educational agency and the local educational agencies within the State may use funds made available under this section to acquire instructional equipment only if such equipment will enhance the program or project for which such funds are furnished;

"(5)(A) the requirements of section 557 of the Education Consolidation and Improvement Act of 1981 (relating to participation of pupils and teachers in private elementary and secondary schools) are met unless such requirements cannot legally be met in the State (as determined by the State educational agency);

"(B) the State educational agency will not approve the application of a local educational agency within the State for assistance under this section unless the State educational agency determines that in designing the proposal subject to the application the needs of children in nonprofit private elementary and secondary schools have been taken into account through the consultation with private school officials and by other appropriate means; and

"(6) the State educational agency will provide to local educational agencies within the State, which are unable to compete due to smaller size or lack of financial resources, technical assistance in preparing proposals and in planning, developing, and operating programs under this section.

"(d) The Secretary shall approve any application which meets the requirements of subsection (c) and not disapprove any such application without first affording an opportunity for a hearing.

"DISCRETIONARY PROGRAMS

"SEC. 905. (a) From the amounts available in any fiscal year under section 903(b)(1) the Secretary may—

"(1) make grants to State educational agencies, local educational agencies, institutions of higher education, and other public and private agencies and organizations, to assist them, to provide leadership training of personnel engaged in the education of gifted and talented children;

"(2) make grants to, or enter into contracts with, public agencies, private organizations or institutions which together or singly constitute a clearinghouse to disseminate information about programs, services, resources, research, methodology, and media materials for the education of gifted and talented children;

"(3) conduct, either directly or by grant or contract, a program of research, evaluation, and related activities pertaining to the education of gifted and talented children, to pay the Federal share of the cost of such grants or contracts.

"(b)(1) No grant may be made and no contract may be entered into under this section unless an application is submitted to the Secretary in such form, in such manner, and containing such information, as is necessary for the purposes of this section.

"(2) The requirements of section 557 of the Education Consolidation and Improvement Act of 1981 (relating to the participation of pupils and teachers in private, elementary and secondary schools) shall apply to programs and projects under this section unless such requirements cannot legally be met in the State (as determined by the State educational agency of the State in which the applicant for funds under this section is located).

"STATE ALLOTMENTS

"SEC. 906. (a)(1) In each fiscal year the Secretary shall allot, from amounts available under section 903(b)(2), not more than 1 per centum among—

"(A) Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands;

"(B) programs for children and teachers in elementary and secondary schools operated for Indian children by the Department of the Interior; and

"(C) programs authorized for children and teachers in overseas dependent schools of the Department of Defense,

in accordance with their respective needs.

"(2) From the remainder of such sums in any such fiscal year, the Secretary shall allot to each State which has an application meeting the requirements of section 904—

"(A) $50,000, plus,

"(B) an amount which bears the same ratio to such remainder as the number of children in the State aged 5 to 17 years, inclusive, bears to the number of children in all States.

"(3) For the purpose of this subsection, the term 'State' means the several States, the Commonwealth of Puerto Rico, and the District of Columbia.

"(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Secretary determines will not be required for such fiscal year shall be available for reallotment from time to time, on such dates during such year as the Secretary may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use for such year; and the total of such reduction shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year from funds appropriated under section 903 shall be deemed part of its allotment under section (a) for such year.

"ADMINISTRATION

"SEC. 907. (a) The Secretary shall designate an administrative unit within the Department of Education to administer the programs and projects authorized by this part and to coordinate all programs for gifted and talented children and youth administered by the Department of Education.

"(b) Notwithstanding any other provision of law, any Indian tribe, or Hawaiian organization certified by the Governor for the purpose of this part, which operates schools for its children shall be deemed to be a local educational agency for the purposes of this part.

"FEDERAL SHARE

"SEC. 908. the Federal share for any fiscal year shall be 90 per centum, except that the Federal share for programs and projects involving the participation of students in nonprofit private elementary and secondary schools shall be 100 per centum.".

"SEC. 2. (a) Section 561(a)(1) of the Education Consolidation and Improvement Act of 1981 is amended by striking out "part C" and inserting in lieu thereof "parts A and C".

"(b) Section 581 of such Act is amended by striking out "part C" and inserting in lieu thereof "parts A and C" and by striking out "gifted and talented children".

"(c) Section 582 of such Act is amended—

"(1) by striking out subclause (A) of clause (3) of such section; and

"(2) by redesignating subclasues (A), (B), (C), (D), and (E) as subclause (A), (B), (C), and (D), respectively.

"(d) Section 587(a)(1) of such Act is amended by striking out "part C" and inserting in lieu thereof "parts A and C".

"(e) Section 1001(i) of the Elementary and Secondary Education Act is amended to read as follows:

"(i) The term 'secretary' means the Secretary of Education.".

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 135. A bill to amend titles XVIII and XIX of the Social Security Act, to provide that professional nurse services shall be covered under part B of Medicare and shall be a required service under Medicaid; to the Committee on Finance.

Mr. INOUYE. Mr. President, today Senator MATSUNAGA and I are introducing legislation which would amend the Medicare and Medicaid Programs in order to provide that the services of professional nurses would be made available throughout both of these programs to the fullest extent of the authority granted these practitioners by the various State practice acts.

My bill would ensure that there would be no Federal requirement of supervision of professional nurses by members of any other discipline.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 135

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1861(s)(2) of the Social Security Act is amended—

(1) by striking out "and" at the end of subparagraph (H);

(2) by adding "and" at the end of subparagraph (I); and

(3) by adding at the end thereof the following new subparagraph:

"(J) professional nurse services;".

(b) Section 1861 of such Act is amended by adding at the end thereof the following new subsection:

"Professional Nurse Services

"(ee)(1) The term 'professional nurse services' means services performed by or under the direct supervision of a professional nurse (as defined in paragraph (2)) which the professional nurse is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) of the State in which such services are performed, whether or not the professional nurse is under the supervision of, or associated with, a physician or other health care provider.

"(2) The term 'professional nurse' means an individual who is a registered nurse and is licensed to practice nursing in the State in which the professional nurse services are performed.".

SEC. 2. (a) Section 1905(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (17);

(2) by redesignating paragraph (18) as paragraph (19); and

(3) by inserting after paragraph (17) the following new paragraph:

"(18) professional nurse services (as defined in section 1861 (ee)); and".

(b) Section 1902(a) of such Act is amended—

(1) by striking out "paragraphs (1) through (5) and (17)" in paragraph (10)(A) and inserting in lieu thereof "paragraphs (1) through (5), (17), and (18)";

(2) by striking out "paragraphs (1) through (5) and (17)" in paragraph (10)(C)(iv) and inserting in lieu thereof "paragraphs (1) through (5), (17), and (18)"; and

(3) by striking out "paragraphs numbered (1) through (17)" in paragraph (10)(C)((iv) and inserting in lieu thereof "paragraphs numbered (1) through (18)".

SEC. 3. (a) The amendments made by the first section of this Act shall be effective with respect to services performed on or after the first day of the first month which begins more than 60 days after the date of the enactment of this Act.

(b)(1) Except as provided under paragraph (2), the amendment made by section 2 shall be effective with respect to payments under title XIX of the Social Security Act for calendar quarters beginning more than 60 days after the date of the enactment of this Act.

(2) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by section 2, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 136. A bill to amend title 5 of the United States Code, to provide payments under Government health plans for services of nurses not performed in connection with a physician; to the Committee on Governmental Affairs.

Mr. INOUYE. Mr. President, today Senator MATSUNAGA and I, are introducing legislation to amend title 5 of the United States Code in order to expressly provide for payments under the Federal Employees' Health Benefit Program for the services of nurses.

My provision would also ensure that the services of these professional individuals would be made available without any requirement of supervision by practitioners of any other discipline. In essence, this proposal would allow our Nation's professional nurses to perform to the fullest extent of their State practice acts.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8902(k) of title 5, United States Code, is amended by striking out "or optometrist" each place it appears and inserting in lieu thereof ", optometrist, or nurse".

SEC. 2. The amendment made by the first section of this Act shall apply to contracts entered into on or after the date of the enactment of this Act.

By Mr. D'AMATO:

S. 137. A bill to permit the exclusion from gross income of certain work-related sick pay received by New York City police officers; to the Committee on Finance.

EXEMPTING NEW YORK CITY POLICE FROM IRS REVENUE RULINGS

Mr. D'AMATO. Mr. President, I rise today to reintroduce the necessary corrective legislation to protect those New York City police officers who have been hurt unjustifiably by IRS Revenue Ruling 83-77 issued on May 9, 1983. The ruling stipulates that individuals who receive pay while on leave may not have their wages excluded from Federal taxation. The ruling exempts compensation due to service-connected injury or sickness if local statute specifically attests to this fact. The problem, however, is that New York City statutes do not specify that sick pay for the city's police officers is strictly due to job-related injuries. My bill is identical to legislation I introduced in the 98th Congress, S. 1436.

The IRS ruling retroactively punishes over 2,000 police officers who received sick pay prior to May 9, 1983. Men and women who each day lay their lives on the line will be forced to pay back taxes because of injuries suffered on the job. I am not speaking of wealthy people with smart tax lawyers, but honest cops. These people are guilty of only following the letter of the law. Can we in good conscience allow the inequity inherent in the retroactive application of this IRS ruling to go unchallenged?

To rectify the prospective problem, New York City's police officers are trying to add new language to the appropriate local statute and thus conform with the IRS ruling. The IRS, however, is now conducting audits of the more than 2,000 police officers retroactively impacted by the ruling to determine the back taxes owed. Many of the individuals audited are retired and without sufficient means to pay these back taxes. Through no fault of their own, more than 2,000 retired and active police officers will have to pay thousands of dollars to comply with the IRS ruling.

Mr. President, my bill will exempt New York City police officers from the retroactive impact of IRS Revenue Ruling 83-77 if documentation proves that sick pay was received from service-related illness or injury. I see no reason why honest individuals should be punished for complying with the then existing interpretation of the law. It is not my intention to rewrite tax law or overstep the legitimate purview of the IRS. Rather, I hope to add equity to IRS Ruling 83-77. The prospective nature of the ruling will remain as the IRS originally envisioned. Only the police officers harmed by the retroactive impact of the ruling will be assisted by this legislation. In this way, the police officers of New York City who have given so much to society will not be needlessly punished by the Government.

Mr. President, I ask unanimous consent that this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SICK PAY FOR NEW YORK CITY POLICE FOR WORK-RELATED INJURIES EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Notwithstanding any regulation or ruling under section 104(a) of the Internal Revenue Code of 1954 to the contrary, any payments received during the 3-year period ending May 9, 1983, by a police officer employed by the City of New York, New York, under terms of a union contract between such city and the Patrolmen's Benevolent Association for work-related injuries shall not be included in the gross income of such police officer.

(b) CERTIFICATION.—Subsection (a) shall apply to payments described in such subsection if such police officer received a certification that such injury was work-related from his employer before May 9, 1983.

By Mr. D'AMATO:

S. 138. A bill to amend the Internal Revenue Code of 1954, to exclude from gross income amounts distributed from individual retirement accounts and certain qualified trusts which are attributable to tax-exempt interest; to the Committee on Finance.

MUNICIPAL FINANCE RESCUE ACT

Mr. D'AMATO. Mr. President, today I introduce the Municipal Finance Rescue Act to diversify the range of investments available to individuals contributing to individual retirement accounts [IRA's] and KEOGH plans and, at the same time, provide a much needed infusion of funding for city and State governments. My proposal would permit the distribution of income from IRA and KEOGH plans to be tax-exempt if the income was derived from investments in State or local bonds.

My bill would provide the municipal bond market with over $20 billion a year in additional funds, with only a negligible cost to the Treasury in the first year, and $100 million in each of the following 2 years, according to estimates completed by the Congressional Budget Office.

As part of the Economic Recovery Tax Act of 1981 [ERTA], Congress greatly expanded the use of IRA's and retirement plans for self-employed individuals [KEOGH's]. Congress expanded these investment vehicles because of concern that a large number of the country's workers would otherwise face the prospect of retiring without the resources needed to provide adequate income levels.

IRA's and KEOGH's have been a tremendous success. In 1982, over $28 billion flowed into IRA and KEOGH instruments. Individuals received substantial tax breaks, while our Nation's economy was stimulated by the accumulation of investment capital. IRA and KEOGH plans provide two tax benefits: Contributors enjoy a current tax deduction for contributions, and investment income earned is tax-deferred until withdrawal.

The tax-exempt municipal market is the primary source of funding for State and local governments. Without this avenue of financing, local governments would simply be unable to provide essential services for their citizens.

My legislation will be desperately needed if the Treasury Department's tax reform proposal, or similar reform plan, were enacted into law. Although I am sure we all agree that tax simplification is desperately needed, the Treasury proposal will radically alter the ability of State and local governments to raise funds. This will force officials to cut discretionary spending, which primarily benefits social- and safety-related services.

First, repeal of the deduction for State and local taxes will make the relative tax burden of local taxpayers that much greater. For a high tax State such as New York, repeal of this vital deduction will be crippling. The middle class, which already bears an awesome burden, would be devastated. Repeal of the deduction for State and local taxes has the effect of raising taxes without increasing revenues for States, counties, or cities. This means that State and local officials could not raise revenues through higher taxes without facing a popular revolt.

Second, banks would have virtually no incentive to buy municipal bonds under the Treasury reform proposal. In the 1970's, banks owned roughly half of all municipal bonds. Today, banks only own one-third of all outstanding tax-exempt securities. Banks are increasingly not participating in the tax-exempt market for a number of reasons, including: declining profitability, deregulation of interest rates on deposits, leasing transactions that earn tax benefits, and increased loan demand. Now, the Treasury Department has proposed repealing the current 80-percent deduction for interest expenses incurred on debt used to purchase municipal bonds. This would terminate almost all incentives for banks to purchase tax-exempt securities. Without banks participating in the market for municipal bonds, cities and States will face higher interest rates to attract investors. Of course, higher interest rates result in higher State and local taxes.

Third, the Treasury Department proposes to eliminate all private purposes industrial development bonds [IDB's], such as low-income housing, sewage and waste water treatment, and resource recovery. These public purpose activities often cannot be canceled. Without low cost IDB's, taxable bonds must be issued and/or taxes increased to finance these necessary projects.

Fourth, Federal budget cuts in areas like general revenue sharing, UDAG's, and mass transit operating assistance will hurt the credit quality of State and local governments. With the decline in credit quality, cities and States will have a harder time selling their bonds resulting in higher interest rates.

Fifth, lower marginal tax rates, inherent in a flat tax, remove most of the incentive to purchase municipal bonds. This is not to say that I oppose lower tax rates. Only that an unintended impact of lower tax rates is that the market for municipal bonds is that much smaller. That is, high marginal tax rates offer incentive to shelter income. The lower tax rates are, the less the incentive to shelter income.

In toto, municipal finance will undergo a radical change as a result of the Treasury tax reform plan. The market for municipal bonds will shrink. the ability of cities and States to raise taxes will disappear because of repeal of the deduction for State and local taxes. Termination of public purpose IDB's will raise costs for State and local governments, where will towns, cities, counties, and State raise money to finance necessary projects?

My proposal, Mr. President, would help rectify this problem. By allowing individuals who invest their IRA or KEOGH contributions in municipal bonds to receive tax-exempt distributions of investment income, we would not be creating another tax shelter—we would simply be returning to the municipal bond market a potential pool of capital which would be lost with the enactment of tax reform. Furthermore, my proposal would not mandate that any funds be directed into municipal securities. It would simply give contributors to IRA's and KEOGH's this option.

IRA's and KEOGH's in the past have had a beneficial effect on savings and on the economy in general, but unfortunately have contributed to the deterioration of the municipal bond market because all tax-deferred income distributions from an IRA or KEOGH are treated as ordinary income. Individuals saving for retirement have no incentive to place their contributions in tax-exempt assets. This is because interest rates on municipal bonds are lower than rates on taxable bonds. Thus, the overall yield on an IRA net of tax would be lower if the funds were invested in municipal securities, as opposed to in taxable bonds. The result is that billions of dollars in IRA's and KEOGH's are now being funneled into taxable investments, rather than into city and State bonds.

In 1982, there were 14.5 million individuals participating in IRA's and 965,000 participating in KEOGH's. Many of these people would benefit from my proposal. In fact, the Congressional Budget Office [CBO] estimates that if this bill had gone into effect in fiscal year 1984, up to 12 million people would have invested at least part of their IRA contributions in tax-exempt obligations. This is because IRA funds can be distributed before a person retires, as early as age 59½. Because these people are still working, many of them are in a tax bracket high enough to benefit from the special tax status afforded municipal bonds. CBO estimates that these people could invest up to $15–$20 billion the first year, and $23–$24 billion the second year, a much needed infusion of capital into the municipal bond market.

As I noted, the revenue loss from this program is estimated to be very small, negligible the first year and only about $100 million a year for the 2 years following. This is surely a small price to pay for the tremendous benefits of a stimulated municipal bond market and additional savings incentives for individuals planning for retirement.

Mr. President, I ask unanimous consent that the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Municipal Finance Rescue Act."

SEC. 2. EXCLUSION OF DISTRIBUTIONS ATTRIBUTABLE TO TAX-EXEMPT INTEREST.—

(a) INDIVIDUAL RETIREMENT ACCOUNTS.—

(1) IN GENERAL.—Subsection (d) of section 408 of the Internal Revenue Code of 1954 (relating to tax treatment of distributions) is amended by adding at the end thereof the following new paragraph:

"(7) TAX-EXEMPT INTEREST.—Any distribution from an individual retirement account shall not be included in the gross income of the distributee to the extent such distribution is attributable to interest received by such account which would have been exempt from the tax imposed by this chapter if such interest had been received by any other person.".

(2) EARLY DISTRIBUTIONS AND DISQUALIFICATIONS.—Subsection (f) of section 408 of such Code (relating to additional tax) is amended—

(A) by inserting "(determined without regard to subsection (d)(7))" after "gross income for such taxable year" in paragraph (1), and

(B) by inserting "(determined without regard to subsection (d)(7))" after "gross income" each place it appears in paragraph (2).

(b) QUALIFIED PLANS BENEFITING SELF-EMPLOYED INDIVIDUALS OR OWNER-EMPLOYEES.—Subsection (a) of section 402 of such Code (relating to taxation of beneficiary of employees' trust) is amended—

(1) by striking out "paragraphs (2) and (4)" in paragraph (1) and inserting in lieu thereof "paragraphs (2), (4), and (9)", and

(2) by adding at the end thereof the following new paragraph:

"(9) EXEMPT INTEREST.—Any distribution from a trust described in section 401 (a) which—

"(A) is exempt from taxation under this title by section 501 (a), and

"(B) is part of a plan that provides for contributions or benefits for employees some or all of whom are employees within the meaning of section 401 (c),

shall not be included in the gross income of the distributee to the extent such distribution is attributable to interest received by the trust which would have been exempt from the tax imposed by this chapter if such interest had been received by any other person.".

SEC. 3. EFFECTIVE DATE.—

(a) INDIVIDUAL RETIREMENT ACCOUNTS.—The amendments made by section 1 (a) shall apply to taxable years beginning after the date of enactment of this Act.

(b) QUALIFIED PLANS.—The amendments made by section 2 (b) shall apply to plan years beginning after the date of enactment of this Act.

By Mrs. HAWKINS:

S. 140. A bill to amend the Child Abuse Amendments of 1984, to encourage States to enact child protection reforms which are designed to improve legal and administrative proceedings regarding the investigation and prosecution of sexual child abuse cases; to the Committee on Labor and Human Resources.

CHILDREN'S JUSTICE ACT

Mrs. HAWKINS. Mr. President, today I am introducing important new legislation designed to protect the sexually abused children of America and to enhance the chances of successful prosecution of child molesters.

The concept behind the Children's Justice Act is very simple. The legislation provides much needed funds earmarked to the States for sexual child abuse programs if the State demonstrates its interest in protecting children by enacting reforms in three areas. Reforms are needed to: First, reduce the trauma to the child victim; second, enhance the chances of successful prosecution of child molesters, and third, protect the child from abuse or further abuse.

The legislation does not mandate these reforms, nor does it stifle innovation by specifying which reforms the States should enact. It highlights some of the most successful and proven reforms, those recommended by either the Attorney General's Task Force on Family Violence or the ABA's National Center for Child Advocacy and Protection. The need for these reforms and their success has been well documented.

Under the category of reforms designed to reduce the trauma to the child victim, the legislation cites such reforms as coordinating court proceedings, avoiding duplicate interviews and providing a witness advocate or guardian adlitem. The need for these reforms is great. Often a child is so traumatized by the administrative and court proceedings that they often wonder just who is on trial.

I would like to read portions of letters of victims and their families to better illustrate this point.

From a victim of child pornography:

On several occasions I have been threatened with prison for contempt of court or not cooperating, not once has anyone outside my family and friends expressed any concern for my well being—which over the past year has been hampered by violent nightmares. Tell me, Ms. Hawkins, is this usual treatment for a victim of child pornography? Mr. Reagan is on television now, saying: There is a tradition in this country that you are innocent until proven guilty. What am I guilty of to deserve this treatment? Being 10 years old a decade after my birth? Being taken advantage of by a trusted family friend? I will apologize for neither.

Another parent wrote:

Some of us are waiting to see if the judge is going to be creative enough so that these children won't have to come face to face with the abusers. If they—the children, don't have to face them, then I'm all for it and so's my son. But if they have to face them, then I don't know what we'll do.

From a mother whose daughter was sexually molested:

I would like someone to print an article about the injustice of the victims in sexual abuse cases when videotapes are not used and children are forced to face their attackers in a courtroom. I think the public needs to be aware of what happens to victims and their families when they decide to report and prosecute child abusers. . . . So much of our story wasn't told in the courtroom because of not being able to extract the testimony from Wendy that was necessary. She was terrified into silence by his presence. What a shame that this man is now free to continue with his perverted lifestyle and harm other innocent children and their unsuspecting parents.

Videotaping of a child's testimony not only reduces the trauma to that child victim, it can also improve the chances of successful prosecution of child molesters. A primary reason for the low rate of prosecution of child molesters is the fact that the rules of evidence discredit a child's testimony and many prosecutors are reluctant to pursue prosecution based solely on the testimony of the child victim. Since the nature of the crime is such that there are rarely witnesses or corroborative evidence, the child molester can hide behind these archaic laws and rules of evidence.

Although every State except Nebraska has repealed archaic statutes which require corroboration of sexual child abuse, as a practical matter, most prosecutors are reluctant to pursue prosecution based solely on the child's testimony. The reason lies in the archaic and erroneous legal assumption that a child's testimony is somehow suspect. This is based on old and erroneous assumptions that a child's memory is more malleable and less trustworthy than an adult's. But recent studies have disputed this assumption. The Journal of Social Issues devoted a recent issue to studies of children as witnesses. The findings of the experts are best summed up by Dr. Goodman, director of the Program in Psychology and the Law at the University of Denver. She stated:

Investigators often fail to question children properly, or due to a lack of understanding of children's cognitive abilities elicit what appears to be inconsistent testimony. Many district attorneys are hesitant to pursue cases which rely on children's testimony for fear that no one will believe the children. Even if a case is pursued, attorneys are reluctant to put a child on the stand out of concern for his or her emotional well-being and for fear that the child will not be able to withstand cross-examination. Such judgements, however, are likely to be based on biases, and beliefs rather than on solid grounds.

It is time, Dr. Goodman notes, that these institutions were replaced with solid evidence and deeper understanding.

Therefore, reforms are needed in the rules of evidence to facilitate a child's testimony in a case of sexual child abuse. The most popular and proven reforms are videotaping, which has been adopted by at least 12 States since 1977 and a statutory hearsay exception which has been adopted by at

least 6 States since 1982. Other suggested reforms designed to enhance prosecution of child molesters include specific statutory definitions of child abuse, a longer statute of limitations, elimination of the marital privilege, and consideration of the evidentiary viability of a sexually abused child syndrome.

The third area in which reform is vitally needed is to protect the child from abuse or further abuse. Suggested reforms include civil protection orders, granting the court authority to order the accused abuser out of the home instead of forcing the child to flee to a shelter; treatment and counseling programs, for both the abused child and the abuser, in order to break the cycle of abuse; and prevention programs within the local school curriculums.

Mr. President, these reforms are vital if we are to assure the abused, neglected and exploited children of our Nation that we hear and will respond to their cry for help.

Mr. President, I ask unanimous consent that a copy of this bill, the Children's Justice Act, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Children's Justice Act".

SEC. 2. The Child Abuse Amendments of 1984 (Public Law 98-457) is amended by adding at the end thereof the following new title:

"TITLE IV—CHILDREN'S JUSTICE GRANT

"DECLARATION OF POLICY

"GRANTS AUTHORIZED

"SEC. 401. The Secretary of Health and Human Services (hereinafter in this title referred to as the 'Secretary') is authorized to make additional grants to States under section 4(a) of the Child Abuse Prevention and Treatment Act for identification, treatment, and prevention of sexual abuse in accordance with ther eligibility requirements of this title.

"ELIGIBILITY OF ASSISTANCE

"SEC. 402. (a) A State is eligible for assistance under this title if the Secretary determines, that not later than one year after the date of enactment of this title, the State has enacted legal and administrative changes with respect to the investigation and prosecution of child sexual abuse cases as provided in subsection (b).

"(b) (1) A State shall have in effect a child sexual abuse program which includes at least one statute or administrative procedure to carry out the purposes of the categories described in paragraphs (2), (3), and (4).

"(2) A State shall provide for the handling of child sexual abuse cases in a manner which reduces the trauma to the child victim. Administrative procedures consistent with the reduction of trauma may include—

"(A) the establishment of interdisciplinary teams of child abuse professionals such as law enforcement officers, child protective service workers, prosecutors, child's advocates, mental health professionals, and medical personnel for handling child sexual abuse cases;

"(B) coordinated court proceedings for handling intrafamily child sexual abuse; or

"(C) providing for specialized training of law enforcement, legal, judicial, and child welfare personnel to deal with child sexual abuse victims.

"(3) A State shall establish reforms designed to improve the chances of successful prosecution or legal action against child molesters. Such reforms may include—

"(A) a specific definition of child sexual abuse;

"(B) modifications of certain evidentiary restrictions such as the hearsay rule, the corroboration requirement, and the qualification of child sexual abuse victims as witnesses to allow for the age of child sexual abuse victims; or

"(C) establishing procedures for the videotaping of victims statements and testimony to protect the child sexual abuse victim from trauma.

"(4) In order to improve procedures to protect children from sexual abuse, a State shall establish administrative statutory reforms such as—

"(A) providing a guardian *ad litem* who is assigned to make an independent investigation and report to court on recommendations regarding what action should be taken that would be in the best interests of child;

"(B) granting courts authority to grant civil protection orders to protect children from further abuse; or

"(C) providing treatment programs for the child molester and sexually abused child.

"(c) The categories of statutes and administrative procedures described in paragraphs (2), (3), and (4) of subsection (b) are intended to be general guidelines for State action. Each State is encouraged to develop innovative approaches toward achieving the objectives described in subsection (b).

"REGULATIONS

"SEC. 403. As soon as practicable after the enactment of this title, the Secretary shall issue such regulations as may be necessary to implement sections 401 and 402. In establishing regulations under this section the Secretary shall consider the purposes of this title.

"AUTHORIZATION

"SEC. 404. There are hereby authorized to be appropriated for the purposes of this title $12,000,000 for the fiscal years 1986 and 1987.".

By Mrs. HAWKINS:

S. 141. A bill to amend the Board for International Broadcasting Act of 1973, to provide for a special Radio Liberty Program of Russian language broadcasting for the Jewish population of the Soviet Union; to the Committee on Foreign Relations.

RADIO MACCABEE

Mrs. HAWKINS. Mr. President, the state of Soviet Jewry has reached desperate straits. Emigration has come almost to a standstill. From its peak in 1979 of over 51,000, the flow of Jewish emigration from the U.S.S.R. has fallen off to 1,314 in 1983, and at current rates, will be less than 1,000 for 1984. Reports are reaching the United States with saddening regularity of increasing persecution and harassment of the Jewish community in the Soviet Union, especially those who are willing to speak out concerning their desire to emigrate from the Soviet Union. These refusniks have been beaten, imprisoned, exiled, and placed in mental institutions. They have had their jobs taken from them; they have had their families threatened; in short, the Soviet Government is doing everything in its power to make their lives a living hell.

For a period during the 1970's the Soviets permitted a relatively diverse group of dissident organizations and causes to surface and gain recognition. Lithuanian Catholics, Moslems, Baptists, Pentacostals, scientists and writers all voiced their dissent with the Soviet regime through Samizdat publications that became known in the West. Toward the end of the Breszhnev era, however, and into the Andropov, and now the Chernenko period, Soviet authorities began to crack down on dissident groups. The crackdown was effective, and today these groups have been driven underground.

The exception has been the Soviet Jews. With their courage, their contacts in the West, and their effective organization, they have kept the plight of Soviet Jewry in the eye of the West though the emigration of Soviet Jews has dropped off drastically.

Faced with the might of the Soviet Government, their battle to gain freedom and begin a new life elsewhere assumes herioc proportions. Yet it is easy to see how they could get discouraged. The Soviet authorities actively seek to limit their contact with the West, and the nature of Soviet society prevents them from learning of and gaining support from the efforts or accomplishments of their compatriots.

What is needed is to enhance the ability of the community of Soviet Jews in general, and the refusnik community in particular, to know what is going on in the Soviet Union regarding those events and circumstances that affect them. I believe that the groundwork for such an effort already exists in the form of Radio Liberty. Since the 1950's Radio Liberty has broadcast news about the Soviet Union to people living in the Soviet Union, and today Radio Liberty does include limited programming of special interest to the Jewish community in the Soviet Union. But I believe that in the face of such persecution and harassment as that community is now facing, additional programming is called for. The legislation that I am introducing meets that need.

The purpose of the legislation is to create a "Radio Maccabee Program of Radio Liberty." This new program would be responsible for surveying the broadcast needs of the Jewish community in the Soviet Union with a view to

creating radio programming to meet those needs. It would also set up a framework by which to assure that the Radio Maccabee Program enjoys the same input into editorial and programming decisions as is enjoyed by other elements of Radio Liberty. In order to ensure that this new program, involving new and previously unbudgeted responsibilities for Radio Liberty, gets off to a good start, $3 million has to be authorized to cover such construction, hiring, library, and other expenses as is necessary to assure quality broadcasts.

The amount of money involved here is relatively small, and yet the amount of benefit that could come from it is almost incalculable. Mr. President, I hope that my colleagues will support me in this endeavor and help reassure the brave refusnik community in the Soviet Union that we have not forgotten them or their cause.

By Mr. D'AMATO:

S. 142. A bill to promote the safety of children receiving day care services by establishing a national program for the licensing of child day care providers, establishing a clearinghouse for information with respect to criminal records of employees of day care centers, and establishing a hotline for reporting of abuse of children receiving day care services, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL CHILD PROTECTION ACT

Mr. D'AMATO. Mr. President, I rise today to introduce the National Child Protection Act. The National Child Protection Act will assure the safety and healthy development of our children. It will identify abusers and will help prevent child abuse. Mr. President, our children deserve nothing less.

It is almost impossible to acquire data about the incidence and prevalence of sexual abuse in day care centers. The problem is complicated by several factors, including the difficulty of distinguishing confirmed sexual abuse from reported sexual abuse.

The limited data now collected on sexual abuse by the American Humane Association and the National Center on Child Abuse and Neglect of the U.S. Department of Health and Human Services is not indicative of how widespread sexual abuse is in day care centers. It illustrates, however, that sexual abuse of children is a matter that we should be concerned about.

Nationally, in 1976, there were 1,955 sexual abuse cases reported. In 1981, however, this figure had grown nearly tenfold to 17,594. Much of this increase might be attributed to widespread publicity and the attention focused on this topic in recent years. However, the numbers strongly suggest that something needs to be done.

The problem is the sexual abuse, exploitation, and molestation of children. The National Child Protection Act does not attempt to solve all the problems that our children encounter, but it will help to alleviate this serious situation occurring across our country. Enactment of this legislation will provide us with needed information to accurately detect and deter the sexual abuse of children. We will not only be able to locate sexual abuse, but will be able to prevent sexual abuse.

This legislation sends a message to molesters and child abusers. We will not tolerate them in our day care centers or anywhere else. This outlandish behavior and harm to our children must be discouraged. It must cease, and it must cease now.

The need for regulatory standards governing child programs to assure the safety and health of our children has become ever more necessary following charges of child abuse filed against the staff of day care centers and schools in Chicago, Minneapolis, Cullman, AL, and Manhattan Beach, CA. Seven teachers at the Virginia McMartin Preschool in Manhattan Beach were charged with sexually abusing 180 children over a period of 10 years. This is outrageous. The children might have been in a prostitution ring, or used in pornographic films and photography. More recently, at the Praca Day Care Center in the Bronx, NY, and other centers, there has been sexual abuse reported. The accused at these facilities, and at others, may be found innocent. But, at the same time, our children are becoming fearful, and rightfully so. Parents are worried. We must ease their fears. The National Child Protection Act can do this and a lot more.

We can no longer wait, nor can we take the chance that these incidents will not occur again. We need to have a national reporting system of cases of sexual abuse. This national listing of abusers would be available to day care centers and to law enforcement agencies, not to the general public.

Mr. President, this reporting mechanism will decrease the incidence of sexual abuse. A child molester would not be able to transfer from center to center or from State to State and continue to abuse children. The reporting system would be uniform at all centers and in each State. There would be no disparity in the data collected. There would be a uniform reporting system on sexual abusers.

To assure a comparable system in each State, the Department of Health and Human Services would provide the guidelines for all States to follow. The States would be responsible for making certain that every day care center follow the same procedures. A toll free (800) phone number would be available 24 hours a day, 7 days a week, for anyone to report the abuse of a child. It is a national priority that we have this nationwide system.

Some States have taken it upon themselves to assure the safety and welfare of our children. For example, bills have been passed in State legislatures that allow the conviction of a child molester solely on the basis of the victim's testimony. Other States have taken additional steps. However, many day care facilities are monitored much more loosely. Many only require minimal health and safety standards. Some do not have licensing requirements. Licensing regulations vary widely from State to State and are often subject to change.

Due to the growing number of two-income families, there will probably be an increase in the number of children attending day care. We must not allow them, nor the ones presently attending, to suffer any harm. It is in the best interest of this country that we help children develop to their fullest potential. Children should have available the best educational and developmental resources possible. They are our future. For this reason, there should be quality day care services throughout the United States, not just in a few centers in a few States. To assure a safe and healthy development of our children, the highest standards of day care must be provided at all day care centers.

Adequate screening and licensing of all day care providers can bring us closer to this goal. Not just anyone should be responsible for the education and safety of our chilren. I recognize the significant contributions made by many day care directors and staff. However, to remove the bad from the good, there should be a check on all employees, aides, and volunteers working with our youth at our day care centers. This system would be a fair system that is cognizant of dedicated hard working men and women. Based on guidelines set forth by the Department of Health and Human Services, this system would be quick, efficient, and simple, and it would be the same in each State. It seems only reasonable to provide this background screening information for the sake of our children.

Screening, however, is not enough. We must have qualified personnel at our day care centers. Our children deserve the best. We need more than minimal standards for training and certification of day care center staff and directors.

For example, in 1980 it was reported that only 10 States and the District of Columbia required caregivers to have degrees beyond a high school diploma. When States do require higher education, many do not specify that they should be in early childhood education or child development.

It is only feasible and reasonable that those working with our children be qualified to do so. It is most noteworthy that many centers require that caregivers hold a "Child Development Associate Credential." It has been estimated that approximately 13,000 people in the United States have this credential. This is a significant step in the right direction, but more training and qualifications may be necessary to assure the healthy and best possible development for our children. Therefore, I would like the Department of Health and Human Services to closely assess this concern and I have required this assessment in my legislation.

The National Child Protection Act is not a big spending bill. It does asks, however, that we make certain that our children are safe and are given the best opportunity for healthy development. This legislation will not require the implementation of major changes by centers or States. They can implement these guidelines for the benefit of our children with only minor changes in their present structure. Those that do not feel that our children are worth this extra protection do not need to receive funding for their programs. After all, title XX is for the benefit of our children, not for the destruction of innocent lives.

Mr. President, I strongly believe that we can expediently provide a system that is in the best interest of our children. The Secretary of the U.S. Department of Health and Human Services, along with a National Advisory Panel, created by this legislation, can develop guidelines that will work toward the benefit of our children. This panel will help our Nation respond to this desperate situation. These leaders of child day care and representatives of the public serving on the panel will be an invaluable asset in directing and developing guidelines for the safety and healthy development of our children. This panel will consist of the Secretary of the Department of Health and Human Services, four appointed by the President of the United States, four appointed by the Speaker of the House of Representatives, and four appointed by the President pro tempore of the Senate.

The attached is the estimated cost of this legislation to the Federal Government (Congressional Budget Office):

ESTIMATED COST TO THE FEDERAL GOVERNMENT

[By fiscal years; in thousands of dollars]

	1985	1986	1987	1988	1989
Estimated authorization levels:					
National clearinghouse	360	380	400	420	440
Advisory panel	17	18	19	20	20
Total authorization levels	377	398	419	440	460
Total outlays	300	394	413	435	456

Note.—Basis of the estimate: The cost associated with the new Federal legislation reflect the 1984 funding levels for the current national clearinghouse on child abuse and the current Advisory Board on Child Abuse and Neglect adjusted in the outyears for inflation. The estimate assumes full appropriation of authorized amounts for each fiscal year. The estimated outlays reflect the spending patterns of current programs.

The provisions in this legislation go a long way in promoting what we all want. This legislation, Mr. President, promotes the social, emotional, physical, and cognitive development of our children. It prevents the molestation of our children. Therefore, I urge my colleagues to recognize the importance of this bill and to join me in passing this legislation for our children.

Our children, families, and country are calling upon us for help. We must respond with the speedy passage of the National Child Protection Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 142

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Child Protection Act".

AMENDMENT TO TITLE XX

SEC. 2. Title XX of the Social Security Act is amended by adding at the end thereof the following new section:

"LICENSING AND INFORMATION WITH RESPECT TO PROVIDERS OF CHILD DAY CARE SERVICES

"SEC. 2008. (a) As a condition for receiving any funds under this title, a State must have in effect a program under which—

"(1) the State will require the licensing and monitoring of all providers of child day care services in accordance with the standards established by the Secretary pursuant to subsection (b);

"(2) the State will provide information to the Secretary with respect to all individuals providing child day care services or employed by providers of child day care services, and with respect to all individuals convicted of child abuse, child molesting, or similar crimes, in accordance with subsection (c); and

"(3) the State will have in effect a toll-free telephone hotline for the reporting of any allegations of child abuse, child molestation, or similar acts committed by any individual providing child day care services or by any employee of a provider of child day care services, in accordance with subsection (d).

"(b)(1) The Secretary shall be regulation establish standards and guidelines for State licensing and monitoring of providers of child day care services. Such standards and guidelines shall assure the safety, health, and developmental potential of children while receiving child day care services, and shall promote the social, emotional, physical, and cognitive growth of such children while receiving such services. The standards and guidelines shall include provisions for assuring that only adequately trained individuals provide such services

"(2) The Secretary shall determine a uniform definition of 'child day care services', and of a 'provider of child day care services', which shall apply for purposes of this section, and which will assure that the maximum feasible number of children shall be protected under the provisions of this section.

"(c)(1) The Secretary shall establish a national file of the names, addresses, and social security numbers of all individuals convicted of crimes involving child abuse, child molestation, or such similar acts which the Secretary determines ought to be included in such file for the purpose of protecting children receiving child day care services.

"(2) Each State shall report to the Secretary the name, address, and social security number of any individual convicted in such State of child abuse, child molestation, or a similar act which the Secretary has determined under paragraph (1) ought to be included in the national file. For purposes of this paragraph the Secretary shall establish a uniform reporting system which shall apply to all the States.

"(3) Each State shall require that no individual or provider may be licensed to provide child day care services in such State if such individual, or any employee of such provider, has been convicted of a crime which has been reported (by any State) to the Secretary and is contained in the national file. Each State must, for purposes of ensuring compliance with this subsection, request the Secretary to check the names of each individual seeking a license to provide child day care services, and each employee of a provider seeking such a license, against the list of names contained in the national file, prior to granting such license.

"(d) Each State shall establish a toll-free telephone hotline for the reporting of any allegations of child abuse, child molestation, or any similar act designated by the Secretary for inclusion in the national file, committed by an individual providing child day care services, or by an employee of a provider of such services. The State must provide follow-up investigation of each such allegation in accordance with standards established by the Secretary under regulations.

"(e)(1) There is established an 'Advisory Panel on Child Protection', hereafter in this section referred to as the 'Panel'. The Panel shall consist of 13 members as follows:

"(A) four members appointed by the President, one of whom shall be designated as the Chairman;

"(B) four members appointed by the Speaker of the House of Representatives;

"(C) four members appointed by the President pro tempore of the Senate (upon recommendation of the Majority Leader and the Minority Leader); and

"(D) the Secretary of Health and Human Services, ex officio.

"(2) It shall be the duty of the Panel to advise the Secretary with respect to the standards and guidelines issued under this section, and to propose any recommendations for changes in such standards and guidelines which may be appropriate.

"(3) Members of the Panel who are not employees of the United States shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be compensated at a per diem rate established by the Secretary for each day (including traveltime) during which they are engaged in the actual business of the Panel. Any member of the Panel engaged in the actual business of the Panel away from his home or place of business may be allowed travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in

the Government service employed intermittently.

"(4) The Secretary shall make available to the Panel such clerical and other assistance, and any pertinent data prepared by the Secretary, as the Panel may require to carry out its functions.".

EFFECTIVE DATE

SEC. 3. (a) The Secretary of Health and Human Services shall promulgate all regulations required under section 2008 of the Social Security Act within 90 days after the date of the enactment of this Act.

(b) The requirements of section 2008 of the Social Security Act shall apply to States beginning 180 days after the date of the enactment of this Act.

By Mr. D'AMATO:

S. 143. A bill to amend chapter 37 of title 31, United States Code, to authorize contracts retaining private counsel to furnish collection services in the case of indebtedness owed the United States; to the Committee on Governmental Affairs.

FEDERAL DEBT RECOVERY ACT

Mr. D'AMATO. Mr. President, I rise today to reintroduce the Federal Debt Recovery Act. This legislation is identical to S. 1668, which I had cosponsored with Senator Percy during the 98th Congress. On July 25, 1984, the Senate overwhelmingly passed S. 1668 by a vote of 96 to 1; however, the House was unable to complete action on companion legislation, H.R. 6218, prior to adjournment and the bill died.

This bill will assist the Federal Government in reducing the staggering amount of delinquent debt now owed it. It will provide the Justice Department with authority to retain private counsel to conduct litigation to recovery nontax debts.

The need for this legislation is clear: the GAO has reported that "debts owed the Government are enormous and growing each year, with billions of dollars delinquent." According to the Office of Management and Budget, there are now more than $16 billion in nontax delinquencies. The Justice Department is charged with the responsibility to litigate most Federal debt collection cases, but it lacks the staff and the resources necessary to process the mammoth volume of cases referred to it.

On October 25, 1982, the President signed into law the Debt Collection Act. Among other things, the act allows Federal agencies to charge interest and penalties on delinquent debt, offset the salaries of Federal employees owing delinquent debts to the Federal Government, report delinquent debtors to credit bureaus, and use private sector contractors to collect debts owed the Federal Government.

Although the Debt Collection Act provided for the use of private collection agencies, it did not permit the use of private firms to assist in the litigation of Government debt. Testimony at the Senate Governmental Affairs Subcommittee hearing on May 25, 1983, made clear that the use of private attorneys would put real teeth into Federal debt collection.

The Justice Department has tens of thousands of student loan cases and other Federal debts backlogged in U.S. attorneys' offices throughout the country. The Justice Department does not have the computer capacity and personnel to handle the huge volume of delinquent debt cases now awaiting litigation; meanwhile, the statute of limitations will run out on many of these cases. Debtors will continue to get the message that, if they fail to meet their responsibility to repay their debts, nothing is likely to happen to them.

Serious and substantial Federal criminal and civil cases such as narcotics offenses, fraud, tax evasion, and antitrust violations inundate our U.S. attorneys' offices. In the face of such clear and pressing priorities, is it reasonable to continue to burden the Justice Department with the responsibility to pursue debt collection cases, many of which involve small dollar amounts? I think not. The limited resources of the Department should be directed to essential tasks, and not drained away in an attempt to process this avalanche of litigation.

I was recently informed that the Justice Department has well over 21,000 student loan cases referred by the Education Department awaiting litigation. Further, one assistant U.S. attorney handling debt collection cases in a large metropolitan area recently told the Department of Education that more than 2,500 cases were backlogged in her office, cases which were her sole responsibility.

In July of 1983, the Justice Department testified on this bill before the Senate Governmental Affairs Committee and urged the committee to act promptly to enact this legislation. Justice's testimony was unqualified and enthusiastic about this bill and their belief that it will add to the Government's ability to prosecute debt collection cases aggressively.

I have been gratified by the bipartisan support this legislation has received in Congress. It also has been strongly supported by the Department of Education, the Office of Management and Budget, and others interested in reducing the enormous amount of debt owed the Federal Government.

The measure I am introducing today is the product of extensive discussion and deliberation with the Justice Department, the House of Representatives, the Department of Education, and many others with expertise in the field of debt collection. During the summer of 1983, I worked closely with the Justice Department to draft a compromise bill, introduced as S. 1668, which modified the original bill I had introduced with Senator Percy (S. 1356). After lengthy discussion, we agreed to a compromise that gave the Justice Department the power to contract with private law firms for legal services. Further, we agreed that the heads of Federal agencies could then refer cases directly to the law firms hired by Justice.

When S. 1668 was passed by the Senate, it included several important amendments which had been agreed to by all interested parties. First, "collection services" was changed to "legal services," in order to clarify that Federal agencies should not bypass the cost-effective use of collection agencies in recovering delinquent debt. Litigation was intended only to be a tool of last resort.

Second, a provision which gave collection agencies the power to refer cases directly to private firms was deleted. This was done to ensure that Federal agencies have the option to decide whether or not a contract with a collection agency would give the collection agency the power to make direct referrals. Nothing in the bill precluded such contracts from being written.

Third, the Justice Department was authorized to recall any claim referred to private counsel, if such action was in the public interest. This authority was intended to be reserved for exceptional, rather than routine, cases.

Fourth, it adopted the reporting requirement language of its House companion legislation.

All of these improvements, crafted into the final version of S. 1668, are included in the bill I am introducing today. In addition, various floor amendments which were adopted are also included: The Justice Department must use its best efforts to retain more than one law firm from each U.S. judicial district where a contract is awarded; legal fees must be reasonable; and the GAO must make an annual audit to determine the adequacy of competition for the contract and the Justice Department's diligence in retaining private counsel.

It is vital that debtors be certain that their creditors will seek legal remedies in cases of nonpayment. Without such certainty, there is little motivation for recalcitrant debtors to meet their obligations. The Federal Government currently faces a large obstacle to successful debt collection because many debtors, including many of those with the ability to pay, choose not to do so because they believe that no legal remedies will be pursued against them. Unfortunately, in tens of thousands of cases they are right.

This bill will help change this situation. In addition, it will not authorize any additional budget authority for fiscal year 1985 other than that already available to the Justice Department. Any fiscal year 1985 costs in-

curred from the bill would be absorbed from existing funds.

This legislation will create more effecient, cost-effective debt collection by the Federal Government. It also will help restore the good faith and integrity which should be present in successful debtor-creditor relationships.

Mr. President, I urge that my colleagues join me in supporting this important bill and voting for its passage during the 99th Congress, and I ask unanimous consent that the entire text of this legislation be printed in the RECORD at the conclusion of my remarks.

Thank you, Mr. President.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 143

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 3718 of title 31, United States Code, is amended by inserting "or (e)" after "subsection (a)".

(b) Such section is further amended by adding at the end thereof the following new subsection:

"(e)(1) The Attorney General may make contracts retaining private counsel to furnish collection services, including representation in negotiation, compromise, settlement, and litigation, in the case of any claim of indebtedness owed the United States and referred to the private counsel under paragraph (2) of this subsection. Each such contract shall include such terms and conditions as the Attorney General considers necessary and appropriate, including a provision specifying the amount of the fee to be paid to the private counsel under such contract or the method for calculating such fee.

"(2) The head of an executive or legislative agency may refer to a private counsel retained under paragraph (1) of this subsection claims of indebtedness owed the United States arising out of activities of such agency.

"(3) Notwithstanding sections 516, 518(b), 519, and 547 (2) of title 28, United States Code, a private counsel retained under paragraph (1) may represent the United States in litigatior. in connection with collection services furnished pursuant to a contract entered into under paragraph (1) of this subsection.

"(4) A contract under paragraph (1) of this subsection shall include—

"(A) a provision permitting the Attorney General to terminate such contract if he finds that termination of such contract is in the public interest;

"(B) a provision permitting the head of any executive or legislative agency which refers a claim under such contract to resolve a dispute regarding such claim, to compromise such claim, or to end a collection action on such claim; and

"(C) a provision requiring the private counsel to transmit monthly to the Attorney General and the head of the executive or legislative agency referring a claim under such contract a report on the services relating to such claim rendered under such contract during the month and the progress made during such month in collecting such claim under such contract.

"(5) Notwithstanding the fourth sentence of section 803(6) of the Fair Debt Collection Practices Act (15 U.S.C. 1692a(6)), a private counsel performing collection services pursuant to a contract made under paragraph (1) of this subsection shall be considered a debt collector for the purposes of such Act.

"(6) The Attorney General shall transmit to the Congress quarterly a report on the activities of the Department of Justice to recover indebtedness owed the United States and referred to the Department of Justice for collection. Each such report shall include a list of all uncollected indebtedness referred to the Department of Justice for collection, shall separately specify any uncollected indebtedness which was covered by a contract terminated by the Attorney General under paragraph (4)(A) of this subsection, and shall describe the progress made by the Department of Justice in collecting the indebtedness during the period covered by the report.".

SEC. 2. Not later than 60 days after the date of enactment of this Act, the Attorney General of the United States shall transmit to the Congress a report on the actions taken under section 3718(e) of title 31, United States Code (as added by subsection (b) of the first section of this Act).

By Mr. D'AMATO:

S. 144. A bill to require the Secretary of Agriculture to conduct a pilot project involving the redemption of food stamp coupons through uninsured financial institutions; to the Committee on Agriculture, Nutrition, and Forestry.

CONCERNING THE REDEMPTION OF FOOD STAMPS

Mr. D'AMATO. Mr. President, I rise today to offer legislation that would significantly aid our decaying inner cities in their efforts to revitalize. This legislation, which is identical to a bill I introduced in the 98th Congress, establishes a demonstration project whose goal is to ascertain the feasibility of allowing credit unions which do not have deposit insurance to redeem food stamps.

In my State of New York, one pressing example of the need for this legislation exists in the South Bronx. This area, long the symbol of urban decay, is struggling, largely on its own, to recapture the prosperity it once enjoyed. There are many credit unions, but few banks, which serve this area. These institutions, however, are extremely hampered by their inability to redeem food stamps. Because many of the people who live in the area depend on food stamps to meet at least a portion of their nutritional needs, merchants who serve the local population seek financial institutions which can redeem them to do their business. This legislation will establish whether those institutions can serve that need while still complying with established Federal performance standards.

Mr. President, I ask unanimous consent that the entire text of this legislation be printed in the RECORD at the conclusion of my remarks.

Thank you, Mr. President.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 144

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture shall conduct a pilot project under which five financial institutions not insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation are permitted to redeem coupons accepted by retail food stores under the food stamp program and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the pilot project no later than two years after the date of the enactment of this Act.

By Mr. INOUYE:

S. 145. A bill to amend section 1861 (b) of the Social Security Act to authorize reimbursement for the services of certain interns in psychology under part A of the Medicare Program; to the Committee on Finance.

MEDICARE REIMBURSEMENT OF PSYCHOLOGY INTERN SERVICES

Mr. INOUYE. Mr. President, today I am introducing legislation which will authorize the coverage of psychology internship programs under the teaching provisions of our Nation's Medicare statutes.

Mr. President, for all practical purposes, the students under these psychology programs provide the same type and intensity of care which their medical colleagues do.

As our Nation's population continues to grow older, it is especially important that we ensure that the psychosocial aspects of care are given sufficient priority.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 145

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1861(b)(3) of the Social Security Act is amended by inserting "(including services provided in a hospital by an intern in psychology under a teaching program approved by the American Psychological Association)" after "hospital" the second place it appears.

(b) The amendment made by subsection (a) shall apply to services performed on or after the first day of the first month that begins more than sixty days after the date of the enactment of this Act.

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 146. A bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of services performed by a nurse-midwife; to the Committee on Finance.

MEDICARE COVERAGE OF NURSE-MIDWIFE SERVICES

Mr. INOUYE. Mr. President, today Senator MATSUNAGA and I are intro-

ducing legislation which would modify the Medicare Program in order to ensure that the services of certified nurse-midwives would be readily available to those individuals under the program who desire them.

Presently, certified nurse-midwives are deemed autonomous providers under the Department of Defense CHAMPUS Program, as well as under the Medicaid Program.

The legislation which I am introducing today would not only make the services of certified nurse-midwives readily available to the approximately 1,000 future mothers who receive reimbursement under Medicare annually, but more importantly, will make it expressly clear throughout the Medicare and Medicaid statutes that these individuals are truly autonomous providers. Not only does nurse-midwifery have an outstanding track record, but recent evidence indicates that it is highly cost effective and well respected by beneficiaries.

Mr. President, I request unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1861(s)(2) of the Social Security Act is amended—

(1) by striking out "and" at the end of subparagraph (H);

(2) by adding "and" at the end of subparagraph (I); and

(3) by adding at the end thereof the following new subparagraph:

"(J) certified nurse-midwife services;".

(b) Section 1861 of such Act is amended by adding at the end thereof the following new subsection:

"CERTIFIED NURSE-MIDWIFE SERVICES

"(ee)(1) The term 'certified nurse-midwife services' means services furnished by a certified nurse-midwife (as defined in paragraph (2)) which the certified nurse-midwife is legally authorized to perform under State law (or the State regulatory mechanism provided by State law), whether or not the certified nurse-midwife is under the supervision of, or associated with, a physician or other health care provider.

"(2) The term 'certified nurse-midwife' means a registered nurse who has successfully completed a program of study and clinical experience meeting guidelines prescribed by the Secretary, or has been certified by an organization recognized by the Secretary, and performs services in the area of management of the care of mothers and babies throughout the maternity cycle.".

(c)(1) Section 1905(a)(17) of such Act is amended by striking out "as defined in subsection (m)" and inserting in lieu thereof "as defined in section 1861(ee)(2)".

(2) Section 1905 of such Act is amended by striking out subsection (m).

SEC. 2. The amendments made by this Act shall be effective with respect to services performed on or after the first day of the first month which begins more than sixty days after the date of the enactment of this Act.

By Mr. PROXMIRE (for himself, Mr. LEVIN, Mr. SARBANES, and Mr. HART):

S. 147. A bill to prohibit U.S. banks from making loans to enterprises in South Africa and to ban new investment by U.S. corporations in South Africa and for other purposes in order to distance the United States from the abhorrent apartheid policies of the South African Government and to send a clear signal to that regime to modify those racist policies or face further economic isolation; to the Committee on Foreign Relations.

SOUTH AFRICAN HUMAN RIGHTS ACT OF 1985

Mr. PROXMIRE. Mr. President, the bill I am sending to the desk in behalf of the Senator from Michigan [Mr. LEVIN], the Senator from Maryland [Mr. SARBANES], and myself, is designed to make clear to the South African Government that its unjust and immoral policy of apartheid is not acceptable to the United States and must be changed if American corporations are to continue to play a growing role in that country's economy.

Exactly what is apartheid and why should it concern our country? Apartheid is the system in South Africa designed by the white community in 1948 to ensure their absolute rule over the black majority. The 4½ million whites maintain their rule over 21 million blacks by denying blacks the right to vote, denying them educational opportunities, denying them economic and social opportunities, and by requiring them to live in separate, segregated areas. In effect, the whites have adopted a system of dehumanizing the black population in order to maintain their own privileged rule. The minority whites enforce their system through reliance on a harsh and repressive police rule backed up by the strongest military force on the African continent. That force very possibly has a nuclear capability.

Why is it any business of the United States to try to change this abhorrent system in South Africa? First, our history, values, and institutions place Americans in basic sympathy with people seeking political freedom and civil liberties throughout the world. Such a policy is not only right but it helps strengthen our own national security by ensuring that our relations with other countries are not based solely on accommodating values of repressive regimes but rather on the enhancement of democratic values. American participation in both World Wars I and II was to help ensure the survival of such values in this world. After World War II our country, in framing and urging adoption of the UN Charter and the Declaration of Human Rights, formally committed itself to the advancement of political freedom and human rights beyond its shores. We must not falter in that effort now.

Second, it is in America's national interest to be on the side of the black majority who oppose the South African Government's inhuman policies. Ultimately, the blacks will win out in their just struggle and it is important for America to have been on their side in their days of difficulty.

Over a quarter of a century ago, after the true nature of South Africa's ugly apartheid policy became clear, President Eisenhower denounced it and his administration voted in the UN for a resolution condemning that policy. A few weeks ago, another Republican President of the United States, Ronald Reagan, also protested South Africa's racist policies. Yet that regime has persisted in making its immoral system ever more impervious to change despite a long history of international protest.

Neither President Eisenhower nor any subsequent President has sought the cooperation of Congress in adopting measures that make clear to South Africa our abhorrence of its benighted policies. What could we do? We could bring strong economic pressures to bear on South Africa. After all, we are South Africa's biggest trading partner. Our exports to South Africa and our imports from South Africa exceed that of any other country and they are increasing. Also, with the exception of the United Kingdom, the United States has the biggest investment in South Africa of any country in the world. That investment, too, is growing rapidly. In 1950 before President Eisenhower expressed his disapproval of South African apartheid, America's total investment in South Africa was only about $140 million. Today it is nearly 20 times as high. It is in excess of $2.6 billion. Loans by American banks to South Africa are even larger. They are about $3.7 billion. And $600 million of these loans are to the racist promulgators of apartheid itself the South African Government.

So what have we done about this apartheid system our Presidents have deplored as an affront to human dignity. We have increased our investment there by more than 20-fold. Our banks have used the deposits of U.S. citizens, to make huge loans to that racist government. We have become South Africa's most important trading partner and our citizens last year imported $450 million worth of gold coins minted by that government to help its foreign exchange earnings. These actions speak louder than any words of condemnation our Presidents may utter. Since this administration like others before it, will not act; it is time for Congress to take the lead and move beyond rhetoric in dealing with the white minority.

Last year legislation was introduced in the House of Representatives to ban new investment by U.S. corpora-

tions in South Africa; to require U.S. businesses operating in South Africa to meet the same fair employment standards for blacks we require of firms in this country; to ban the South African gold coin, the Kruggerand; and to ban new bank loans by U.S. banks to enterprises in South Africa and to ensure that any loans by American banks to the South African Government be limited to education, health, and housing facilities that are available for use by all citizens without discrimination. That bill swept through the House without opposition and with strong support not only from Democratic liberals but from conservative Republicans as well. There was no expressed opposition. The legislation was attached to the export Administration Act. The Senate had no comparable provisions dealing with South Africa in its export bill. House and Senate conferees faced a choice of: first, taking the House South Africa provisions in their entirety; second, taking none of the House provisions on South Africa; or third, compromising and taking some of the House proposals. The bill died in conference, in part because the administration persuaded a majority of the five Senate conferees not to accept the South African provisions incorporated into the House bill nor even a compromise including some of those provisions. I favored taking all of the House provisions.

In my judgment, if the Senate as a body had had a chance to vote on the South African provisions in the House bill, it would have supported them by a big margin. Because it is necessary to renew the Export Administration bill in 1985, we should have an opportunity to bring the South African measures adopted by the House before the Senate early this year. I drafted a bill designed to do exactly that. I intend to attach my bill as an amendment to the Export Administration Act when the bill comes before the Senate early in 1985.

This legislation would at long last provide significant and effective economic sanctions against South Africa and pressure its government to end its racist apartheid policies. It is modest, limited legislation. It would not require the withdrawal of American firms or their investment in South Africa. It would not prevent the reinvestment of profits made there. It would, however, stop new American bank loans and investment and would require the President to persuade other nations to adopt similar measures. It also would, in stopping the sale of the Krugerrand in America, reduce South Africa's foreign exchange earnings by 10 percent. Taken together these measures would put real pressure on that government to begin changing its system in a fundamental way or face further economic isolation.

Some will argue that such economic pressures will not work and its best to work with the existing regime and persuade it by words to change its unjust policies. We heard these same "go slow and try and coax the whites to change" arguments prior to our own civil rights revolution. That revolution was won, however, only after laws were enacted making fair treatment of all our citizens compulsory. In the same way we, and other Western nations, have tried a moderate, coaxing effort with South Africa for over a quarter of a century. This administration in particular has totally emphasized friendship and winning the confidence of the white elite through a policy it calls constructive engagement—with no success. Repression of blacks has gotten worse. My proposal lets the South African Government know that change must begin. It does not require us to end all economic or trade relations but there is a clear, implied threat that further action can and will be taken if true reform does not begin. These moderate measures will strengthen the hand of those white South Africans who are arguing for change and there are many of them.

I want to make clear that the provisions in my bill to stop the importation of the Krugerrand and other South African gold coins is in no way designed to prohibit American citizens from owning gold. The Canadian and Mexican Governments market similar gold coins, and our own Treasury Department markets a gold medallion. The prohibition will not prevent our citizens who want gold coins from purchasing and owning them. Neither will my provision make illegal the holding of existing Krugerrands or lower their value. It will only prohibit the new importation of such coins from South Africa.

Let me emphasize again that my proposals are not drastic. The House passed them with bipartisan support in 1983 and I am sure they will do so again in 1985. Japan, Norway, and Sweden already ban most new investments by their nationals in South Africa. Our country already has economic sanctions, including investment controls, in place against many countries around the world including the Soviet Union, Vietnam, Cambodia, Poland, and Cuba because of their human rights violations. Doing the same with regard to South Africa, then, is consistent with our present practices elsewhere and is in our own national interest. I assure my Senate colleagues that I will push this legislation and urge their support for this bill.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 147

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "South African Human Rights Act of 1985".

TITLE I—INVESTMENT IN SOUTH AFRICA

PROHIBITION

SEC. 101. The President shall, not later than 90 days after the date of the enactment of this Act, issue regulations prohibiting any United States person from making any investment in South Africa. For purposes of the preceding sentence, the term "investment" means—

(1) establishing or making a loan or other extension of credit for the establishment of a business enterprise in South Africa, including a subsidiary, affiliate, branch, or office in South Africa; and

(2) investing funds in an existing enterprise in South Africa, including making a loan or other extension of credit, except that this paragraph shall not be construed to prohibit—

(A) an investment which consists of earnings derived from an enterprise in South Africa established before the date of the enactment of this Act and which is made in that enterprise; or

(B) the purchase of securities on a securities exchange.

The President may issue such licenses or orders as are necessary to carry out this section.

NEGOTIATIONS

SEC. 102. The President shall, by means of both bilateral and multilateral negotiations including through the United Nations, attempt to persuade other governments to adopt restrictions on new investment in and bank loans to South Africa. He shall make an annual report to Congress on the status of such negotiations.

ENFORCEMENT; PENALTIES

SEC. 103. (a) The President shall take the necessary steps to insure compliance with the regulations issued pursuant to section 101, including establishing mechanisms to monitor compliance with such regulations. The President may also hold hearings, issue subpoenas, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and production of all books, papers, and documents relating to any matter under investigation.

(b)(1) Any United States person, other than an individual, that violates the regulations issued pursuant to section 101 of this Act or any license or order issued under this title shall be fined not more than $1,000,000.

(2) Any individual who violates the regulations issued pursuant to section 101 of this Act or order issued under this title shall be fined not more than $50,000, or imprisoned not more than five years or both.

(c)(1) Whenever a United States person violates the regulations issued pursuant to section 101 of this Act or any license or order issued under this title—

(A) any officer, director, or employee of such person, or any natural person in control of such person who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice,

shall, upon conviction, be fined not more than $10,000, or imprisoned not more than five years, or both.

(2) A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the United States person committing the violation itself.

TERMINATION OF PROHIBITION

SEC. 104. If the President determines that the Government of South Africa has made substantial progress toward the full participation of all the people of South Africa in the social, political, and economic life in that country and toward an end to discrimination based on race or ethnic origin, the President shall submit that determination, and the basis therefor, to the Congress. The regulations issued pursuant to this title, and any license or order issued under this title, shall terminate upon enactment of a joint resolution approving such determination.

TITLE II—LABOR STANDARDS

ENDORSEMENT AND IMPLEMENTATION OF FAIR EMPLOYMENT PRACTICES

SEC. 201. Any United States person who—

(1) has a branch or office in South Africa, or

(2) controls a corporation, partnership, or other enterprise in South Africa,

in which more than twenty people are employed shall take the necessary steps to insure that, in operating such branch, office, corporation, partnership, or enterprise, those principles relating to employment practices set forth in section 202 of this Act are implemented.

STATEMENT OF PRINCIPLES

SEC. 202. (a) The principles referred to in section 201 of this Act are as follows:

(1) Desegregating the races in each employment facility, including—

(A) removing all race designation signs;

(B) desegregating all eating, rest, and work facilities; and

(C) terminating all regulations which are based on racial discrimination.

(2) Providing equal employment for all employees, including—

(A) assuring that any health, accident, or death benefit plans that are established are nondiscriminatory and open to all employees, whether they are paid a salary or are compensated on an hourly basis; and

(B) implementing equal and nondiscriminatory terms and conditions of employment for all employees and abolishing job reservations, job fragmentation, apprenticeship restrictions for blacks and other nonwhites, and differential employment criteria, which discriminate on the basis of race or ethnic origin.

(3) Establishing equal pay for all employees doing equal work, including—

(A) establishing and implementing, as soon as possible, a wage and salary structure which is applied equally to all employees, regardless of race, who are engaged in equal work;

(B) reviewing the distinction between hourly and salaried job classifications, and establishing and implementing an equitable and unified system of job classifications which takes into account such review;

(C) eliminating inequities in seniority and ingrade benefits so that all employees, regardless of race, who perform similar jobs are eligible for the same seniority and ingrade benefits.

(4) Establishing a minimum wage and salary structure based on a cost-of-living index which takes into account needs of employees and their families.

(5) Increasing, by appropriate means, the number of blacks and other nonwhites in managerial, supervisory, administrative, clerical, and technical jobs for the purpose of significantly increasing the representation of blacks and other nonwhites in such jobs, including—

(A) developing training programs that will prepare substantial numbers of blacks and other nonwhites for such jobs as soon as possible, including—

(i) expanding existing programs and forming new programs to train, upgrade, and improve the skills of all categories of employees, and

(ii) creating on-the-job training programs and facilities to assist employees to advance to higher paying jobs requiring greater skills;

(B) establishing procedures to assess, identify, and actively recruit employees with potential for further advancement;

(C) identifying blacks and other nonwhites with high management potential and enrolling them in accelerated management programs;

(D) establishing and expanding programs to enable employees to further their education and skills at recognized education facilities; and

(E) establishing timetables to carry out this paragraph.

(6) Taking reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing, transportation, schooling, recreation, and health, including—

(A) providing assistance to black and other nonwhite employees for housing, health care, transportation, and recreation either through the provision of facilities or services or providing financial assistance to employees for such purposes, including the expansion of creation of in-house medical facilities or other medical programs to improve medical care for black and other nonwhite employees and their dependents; and

(B) participating in the development of programs that address the education needs of employees, their dependents, and the local community.

(7) Recognizing labor unions and implementing fair labor practices, including—

(A) recognizing the right of all employees, less of racial or other distinctions, to self-organization and to form, join, or assist labor organizations, freely and without penalty or reprisal, and recognizing the right to refrain from any such activity;

(B) refraining from—

(i) interfering with, restraining, or coercing employees in the exercise of their rights of self-organization under this paragraph,

(ii) dominating or interfering with the formation or administration of any labor organization or sponsoring, controlling, or contributing financial or other assistance to it,

(iii) encouraging or discouraging membership in any labor organization by discrimination in regard to hiring, tenure, promotion, or other condition of employment,

(iv) discharging or otherwise disciplining or discriminating against any employee who has exercised any rights of self-organization under this paragraph, and

(v) refusing to bargain collectively with any organization freely chosen by employees under this paragraph;

(C) allowing employees to exercise rights of self-organization, including solicitation of fellow employees during nonworking hours, allowing distribution and posting of union literature by employees during nonworking hours in nonworking areas, and allowing reasonable access to labor organization representatives to communicate with employees on employer premises at reasonable times;

(D) allowing employee representatives to meet with employer representatives during working hours without loss of pay for purposes of collective bargaining, negotiation of agreements, and representation of employee grievances;

(E) regularly informing employees that it is company policy to consult and bargain collectively with organizations which are freely elected by the employees to represent them; and

(F) utilizing impartial persons mutually agreed upon by employer and employee representatives to resolve disputes concerning election of representatvies, negotiation of agreements or grievances arising thereunder, or any other matters arising under this paragraph.

(b) The Secretary may issue guidelines and criteria to assist persons who are or may be subject to this title in complying with the principles set forth in subsection (a) of this section. The Secretary may, upon request, give an advisory opinion to any person who is or may be subject to this title as to whether that person is subject to this title or would be considered to be in compliance with the principles set forth in subsection (a).

ADVISORY COUNCILS

SEC. 203. (a) The Secretary shall establish in South Africa an Advisory Council (1) to advise the Secretary with respect to the implementation of those principles set forth in section 202 (a), and (1) to review periodically the reports submitted pursuant to section 204 (a) and, where necessary, to supplement the information contained in such reports. The Advisory Council shall be composed of ten members appointed by the Secretary from among persons representing trade unions committed to nondiscriminatory policies, the United States Chamber of Commerce in South Africa, and the South African academic community, and from among South African community and church leaders who have demonstrated a concern for equal rights. In addition to the ten appointed members of the Advisory Council, the United States Ambassador to South Africa shall be a member of the Advisory Council, ex officio.

(b) The Secretary shall establish in the United States an American Advisory Council to make policy recommendations with respect to the labor practices of United States persons in South Africa and to review periodically the progress of such persons in carrying out the provisions of section 201 of this Act. The American Advisory Council shall be composed of 11 members appointed by the Secretary from among qualified persons, including officers and employees of the Department of State, the Department of Commerce, the Department of Labor, and the Equal Employment Opportunity Commission, and representatives of labor, business, civil rights, and religious organizations. The Secretary shall publish in the Federal Register any recommendations made by the American Advisory Council under this subsection.

(c) Members of the Advisory Council in South Africa and of the American Advisory Council shall be appointed for 3-year terms,

except that of the members first appointed, three on each Council shall be appointed for terms of two years, and three on each Council shall be appointed for terms of one year, as designated at the time of their appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term.

(d) The United States Ambassador to South Africa shall provide to the Advisory Council in South Africa the necessary clerical and administrative assistance. The Secretary shall provide such assistance to the American Advisory Council.

(3) Members of the Advisory Council in South Africa and of the American Advisory Council shall serve without pay, except that, while away from their homes or regular places of business in the performance of services for the respective Councils, members of the Advisory Councils shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

ENFORCEMENT; SANCTIONS

SEC. 204. (a) Each United States person referred to in section 201 of this Act shall submit to the Secretary (1) a detailed and fully documented annual report on the progress of that person in complying with the provisions of this title, and (2) such other information as the Secretary determines is necessary.

(b) In order to insure compliance with this title and any regulations issued to carry out this title, the Secretary

(1) shall establish mechanisms to monitor such compliance, including onsite monitoring with respect to each United States person referred to in section 201 of this Act at least once in every two-year period;

(2) shall make reasonable efforts within a reasonable period of time to secure such compliance by means of conference, conciliation, mediation, and persuasion;

(3) shall, in any case in which the Secretary has reason to believe that any person has furnished the Secretary with false information relating to the provisions of this title, recommend to the Attorney General that criminal proceedings be brought against such person; and

(4) may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and production of all books, papers, and documents relating to any matter under investigation.

(c) The Secretary shall, within ninety days after giving notice and an opportunity for a hearing to each United States person referred to in section 201 of this Act, make a determination with respect to the compliance of that United States person with the provisions of this title and any regulations issued to carry out this title.

(d)(1) Any United States person with respect to whom the Secretary makes a determination under subsection (c) or (f) of this section either that the person is not in compliance with this title or any regulations issued to carry out this title, or that the compliance of the person with this title or those regulations cannot be established on account of a failure to provide information to the Secretary or on account of the provision of false information to the Secretary, may not export any goods or technology directly or indirectly to South Africa.

(2)(A) In addition to the penalties set forth in paragraph (1), the Secretary may impose upon any United States person subject to those penalties—

(i) if other than an individual, a fine of not more than $1,000,000, or

(ii) if an individual, a fine of not more than $50,000.

(B)(i) Any officer, director, or employee of a United States person subject to the penalties set forth in subparagraph (A), or any individual in control of that United States person, who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation involved, and (ii) any agent of such United States person who knowingly and willfully carried out such act or practice, shall be subject to a fine, imposed by the Secretary, of not more than $10,000.

(C) A fine imposed under subparagraph (B) may not be paid, directly or indirectly, by the United States person committing the violation involved.

(D) The payment of any fine imposed under this paragraph shall be deposited in the miscellaneous receipts of the Treasury. In the event of the failure of any person to pay a fine imposed under this paragraph, the fine may be recovered in a civil action in the name of the United States brought by the Secretary in an appropriate United States district court.

(3) Any United States person who exports any goods or technology in violation of paragraph (1) of this subsection shall, in addition to any other penalty specified in this title, be fined, for each such violation, not more than five times the value of the exports involved or $50,000, whichever is greater, or imprisoned not more than five years, or both. For purposes of paragraph (1) and this paragraph, "goods" and "technology" have the same meanings as are given those terms in paragraphs (3) and (4) of section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415).

(e) The Secretary shall issue an order carrying out any penalty imposed under paragraph (1) or (2) of subsection (d).

(f)(1) The Secretary shall, at least once in every two-year period, review and, in accordance with subsection (c), make a redetermination with respect to the compliance of each United States person referred to in section 201 of this Act with the provisions of this title and any regulations issued to carry out this title.

(2) In the case of any United States person with respect to whom the Secretary makes a determination under subsection (c) or paragraph (1) of this subsection either that the person is not in compliance with this title or any regulations issued to carry out this title, or that the compliance of the person with this title or those regulations cannot be established on account of a failure to provide information to the Secretary or on account of the provision of false information to the Secretary, the Secretary shall, upon the request of that person and after giving that person an opportunity for a hearing, review and redetermine that person's compliance within sixty days after that person files the first annual report pursuant to subsection (a) of this section after the negative determination is made.

(g) Any United States person aggrieved by a determination of the Secretary under subsection (c) or (f) of this section may seek judicial review of that determination in accordance with the provisions of chapter 7 of title 5, United States Code.

(h) The Secretary shall submit an annual report to the Congress on the compliance of those United States persons referred to in section 201 of this Act with the provisions of this title.

REGULATIONS

SEC. 205. (a) The Secretary shall, after consulting with the Advisory Councils established pursuant to section 203 of this Act, issue such regulations as are necessary to carry out this title. Such regulations shall be issued not later than one hundred and eighty days after the date of the enactment of this Act. The Secretary shall establish dates by which United States persons must comply with the different provisions of this title, except that the date for compliance with all the provisions of this title shall not be later than one year after the date of the enactment of this Act.

(b) Before issuing final regulations pursuant to subsection (a), the Secretary shall publish in the Federal Register the regulations proposed to be issued and shall give interested persons at least thirty days to submit comments on the proposed regulations. The Secretary shall, in issuing the final regulations, take into account the comments so submitted.

WAIVER OR TERMINATION OF PROVISIONS

SEC. 206. (a) In any case in which the President determines that compliance by a United States person with the provisions of this title would harm the national security of the United States, the President may waive those provisions with respect to that United States person if the President publishes each waiver in the Federal Register and submits each waiver and the justification for the waiver to the Congress and if the Congress enacts a joint resolution approving the waiver.

(b) Upon a written determination by the President that the Government of South Africa has terminated its practice of systematic racial discrimination and allows all the people of South Africa, regardless of race or ethnic origin, to participate fully in the social, political, and economic life in that country, the provisions of this title and any regulations issued to carry out this title shall cease to be effective.

TITLE III—PROHIBITION ON LOANS AND IMPORTATION OF GOLD COINS

LOANS TO SOUTH AFRICA

SEC. 301. (a) No bank operating under the laws of the United States may make any loan directly or through a foreign subsidiary to the South African Government or to any corporation, partnership, or other organization which is owned or controlled by the South African Government, as determined under regulations issued by the Secretary. The prohibition contained in this subsection shall not apply to loans for educational, housing, or health facilities which are available to all persons on a totally nondiscriminatory basis and which are located in geographic areas accessible to all population groups without any legal or administrative restriction.

(b) The prohibition contained in subsection (a) of this section shall not apply to any loan or extension of credit for which an agreement is entered into before the date of the enactment of this Act.

GOLD COINS

SEC. 302. No person, including any bank operating under the laws of the United States, may import into the United States any South African krugerrand or any other

gold coin minted in South Africa or offered for sale by the South African Government.

ENFORCEMENT; PENALTIES

SEC. 303. (a) The Secretary, in consultation with the Secretary of the Treasury and the Secretary of Commerce, shall take the necessary steps to insure compliance with the provisions of this title, including—

(1) issuing such regulations as the Secretary considers necessary to carry out this title;

(2) establishing mechanisms to monitor compliance with the provisions of this title and any regulations issued pursuant to paragraph (1) of this subsection;

(3) in any case in which the Secretary has reason to believe that a violation of this title has occurred or is about to occur, referring the matter to the Attorney General for appropriate action; and

(4) in any case in which the Secretary has reason to believe that any person has furnished the Secretary with false information relating to the provisions of this title, referring the matter of the Attorney General for appropriate action.

(b)(1) Any person, other than an individual, that violates section 301 or 302 of this Act shall be fined not more than $1,000,000.

(2) Any individual who violates section 301 of this Act shall be fined not more than $50,000, or imprisoned not more than five years, or both.

(3) Any individual who violates section 302 of this Act shall be fined not more than five times the value of the krugerrands or gold coins involved.

(c)(1) Whenever a person other than an individual violates section 301 or 302 of this Act—

(A) any officer, director, or employee of such person or any natural person in control of such person, who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice, shall, upon conviction, be fined not more than $10,000, or imprisoned not more than five years, or both.

(2) A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

WAIVER BY PRESIDENT

SEC. 304. The President may waive the prohibitions contained in sections 301 and 302 of this Act for a period of not more than one year if the President determines that the Government of South Africa has made substantial progress toward the full participation of all the people of South Africa in the social, political, and economic life in that country and toward an end to discrimination based on race or ethnic origin, if the President submits any such determination, and the basis for the determination, to the Congress, and if the Congress enacts a joint resolution approving the determination.

TITLE IV—REIMPOSITION OF EXPORT CONTROLS

AMENDMENT TO THE EXPORT ADMINISTRATION ACT

SEC. 401. Section 6 of the Export Administration Act of 1979 is amended by adding at the end thereof the following new subsection:

"(l) EXTENSION OF CERTAIN CONTROLS.—Those export controls imposed under this section which were in effect on February 28, 1982, and ceased to be effective on March 1, 1982, September 15, 1982, or January 20, 1983 (except those controls with respect to the 1980 summer Olympic games), shall become effective on the date of the enactment of this subsection, and shall remain in effect until 1 year after such date of enactment. At the end of that 1 year after such date of enactment. At the end of that 1 year period, any of those controls made effective by this subsecion may be extended by the President in accordance with subsections (b) and (f) of this section."

TITLE V—NUCLEAR EXPORTS

SEC. 501. Notwithstanding section 17(d) of the Export Administration Act of 1979 or any; other provision of law—

(1) no license may be issued for the export to a non-nuclear-weapon state of goods or technology which are to be used in a nuclear production or utilization facility, or which, in the judgment of the Secretary, are likely to be diverted for use in such a facilily;

(2) no authorization to engage, directly or indirectly, in the production of any special nuclear material in a non-nuclear-weapon state may be given;

(3) no license may be issued for the export to a non-nuclear-weapon state of component parts of other items or substances especially relevant from the standpoint of export control because of their significance for nuclear explosive purposes; and

(4) no retransfer to a non-nuclear-weapon state of any goods, technology, special nuclear material, components, items, or substances described in paragraphs (1), (2), and (3) may be approved; unless the country to which the goods, technology, components, items or substances will be exported or retransferred, or in which the special nuclear material is to be produced, maintains International Atomic Energy Agency safeguards on all its peaceful nuclear activities. The restrictions contained in the preceding sentence shall apply to any decision made after August 1, 1983 to issue a license described in paragraph (1) or (3), to give an authorization described in paragraph (2), or to approve a retransfer described in paragraph (4). The restrictions contained in this subsection shall not apply in a particular case if the President determines by executive order that to apply the prohibition in that case would be seriously prejudicial to the achievement of United States nonproliferation objective or would otherwise jeopardize the common defense and security and if, at least 60 days before the export, retransfer, or other activity authorized is carried out, the President submits that Executive order, together with the reasons for his determination, to the Congress.

TITLE VI—GENERAL PROVISIONS

COOPERATION OF OTHER DEPARTMENTS AND AGENCIES

SEC. 601. (a) Each department and agency of the United States shall cooperate with the Secretary in carrying out the provisions of this title, incuding, upon the request of the Secretary, taking steps to insure compliance with the provisions of this title and any regulations issued to carry out this title.

(b) The Secretary may secure directly from any department or agency of the United States information necessary to enable the Secretary to carry out the Secretary's functions under this title.

DEFINITIONS

SEC. 602. For purposes of this title—

(1) the term, "United States persons" means any United States resident or national and any domestic concern (including any permanent domestic establishment of any foreign concern);

(2) the term "Secretary" means the Secretary of State;

(3) the term "South Africa" includes the Republic of South Africa; any territory under the administration, legal or illegal, of South Africa; and the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana, and Venda; and

(4) a United States person shall be presumed to control a corporation, partnership, or other enterprise in South Africa if—

(A) the United States person beneficially owns or controls (whether directly or indirectly) more than 50 per centum of the outstanding voting securities of the corporation, partnership, or enterprise;

(B) the United States person beneficially owns or controls (whether directly or indirectly) 25 per centum or more of the voting securities of the corporation, partnership, or enterprise, if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(C) the corporation, partnership, or enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(D) a majority of the members of the board of directors of the corporation, partnership, or enterprise are also members of the comparable governing body of the United States person;

(E) the United States person has authority to appoint a majority of the members of the board of directors of the corporation, partnership, or enterprise; or

(F) the United States person has authority to appoint the chief operating officer of the corporation, partnership, or enterprise.

APPLICABILITY TO EVASIONS OF TITLE

SEC. 603. (a) Title II of this Act shall apply to any United States person who undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of title II of this Act or any regulations issued to carry out that title.

(b) Title III of this Act shall apply to any bank operating under the laws of the United States, or to any other person, who or which undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of title III of this Act or any regulations issued to carry out that title.

(c) The regulations issued pursuant to title I of this Act shall apply to any United States person who undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of those regulations.

CONSTRUCTION OF TITLE; SEVERABILITY

SEC. 604. (a) Nothing in this Act shall be construed as constituting any recognition by the United States of the homelands referred to in section 602 (3) of this Act.

(b) If any provision of this Act or the application of this Act to any person or circumstance is held invalid, neither the remainder of this Act nor the application of that provision to other persons or circumstances shall be affected thereby.

Mr. LEVIN. Mr. President, I am honored to join with my distinguished colleague, Senator PROXMIRE, in introducing the South Africa Human Rights Act of 1985. Many of the provisions of this legislation are identical to the

South Africa restrictions which were attached to the House version of the Export Administration Act with overwhelming bipartisan support on October 27, 1983.

On March 1, 1984, I took to the Senate floor to urge my colleagues who will be Senate conferees on this most vital legislation to accede to the House and accept title III of the Export Administration Act, the U.S. Policy Toward South Africa Act of 1983, which would have:

Established a set of legally enforceable fair employment standards for U.S. firms operating in South Africa with more than 20 employees;

Prohibited U.S. bank loans to the South African Government, except for loans made for educational, housing, and health facilities which are available on a totally nondiscriminatory basis in areas open to all population groups;

Prohibited the importation into the United States of Kruggerands or any other gold coin minted or offered for sale by the South African Government; and

Prohibited new investment by U.S. corporations in South Africa.

Mr. President, Senator PROXMIRE fought strenuously during the 6-month conference on the Export Administration Act to have the House provisions directed at exerting pressure on South Africa included in the final version of the bill. Unfortunately, no agreement could be reached and the bill died in conference.

Although his efforts were unsuccessful in the short run, the introduction of this bill today demonstrates his long-term commitment to insisting the Government of South Africa afford all its citizens the basic human and political rights to which they are entitled.

In addition to the four provisions I have just mentioned, the bill we are introducing today will also reimpose foreign policy controls, effective in the Carter administration, on certain exports to the South African police and military entities. It will also tighten controls on nuclear-related exports to South Africa, which has refused to sign the nuclear nonproliferation treaty.

There is a need for these additional controls. In 1977, the U.N. Security Council, with U.S. support, imposed a mandatory ban on the sale to South Africa of arms and of equipment for use by that country's military or police forces. Unfortunately, this has been circumvented under the current administration.

In 1982, a U.S. export license was issued for the sale of 2,500 electric cattle prods, also known as shock batons, that were used for crowd control by South African police, and in another case mechanical gear that could be used for 155mm howitzers was given an export license. An administration official indicated "human error" on the part of the Commerce Department in the approval of the electric cattle prods.

According to a U.S. General Accounting Office [GAO] report on U.S. nuclear exports released in September 1983, South Africa was the third largest recipient of U.S. nuclear exports between July 1, 1981, and June 30, 1982. The administration approved seven nuclear-related exports to South Africa during that time period. Additonally, the Department of Energy granted a license in October 1983 for U.S. companies to service the Koeberg nuclear power reactor, despite tremendous congressional opposition. The Department of Energy granted a total of 13 licenses for nuclear transfers to South Africa in 1983.

In a January 1984 report issued by the American Friends Service Committee [AFSC] entitled, "Military Exports to South Africa—A Research Report on the Arms Embargo," Washington Office Director of AFSC Jim Matlack revealed:

> It is now evident that the Administration has been presiding over a brisk flow of military technology to South Africa. The volume of this trade is much greater than has ever been reported, according to disclosures under the Freedom of Information Act in November 1983. The information released shows that the State Department has authorized commercial sales of more than $28.3 million worth of military equipment to South Africa during fiscal years 1981-1983—the highest levels to South Africa on record.

The State Department has continued to license the sale of munitions list items to South Africa, as the documents released to AFSC have shown.

The Carter administration was successful in reducing the flow. In 1978, the State Department issued 4.6 million dollars' worth of munitions list licenses for sales to South Africa, followed by $25,000 in 1979; there are no licenses on record for 1980. According to disclosures made by the State Department's Office of Munitions Control to AFSC, officials there authorized 29 separate exports of munitions list commodities to South Africa during fiscal years 1981-83. The licenses covered military goods worth $28.3 million—far more than the total value of commercial military exports to Pretoria for the entire previous 30 years.

Mr. President, implementation of the economic sanctions which I mentioned at the beginning of my statement will demonstrate to South African blacks that the United States is prepared to exert new pressures for their political enfranchisement. These restrictions will indicate to the world that the United States does not have a double standard for human rights by race and that it is prepared to adopt sanctions against South Africa as well as Poland and the Soviet Union.

Opponents of these restrictions have argued that the provisions would antagonize blacks by depriving them of employment. But the employment effects, according to a House Subcommittee on Africa report, would be minimal because the actual economic impact of the restrictions is modest. Furthermore, black leaders have indicated that blacks would be prepared to suffer in the short run for long-run purpose. As the late Steve Biko said:

> The argument is often made that the loss of foreign investment would hurt blacks the most. It would undoubtedly hurt blacks in the short run because many of them would stand to lose their jobs. But it should be understood in Europe and North America that foreign investment supports the present economic system of political injustice. . . . If Washington is really interested in contributing to the development of a just society in South Africa, it would discourage investment in South Africa. We Blacks are perfectly willing to suffer the consequences! We are accustomed to suffering.

Similar sentiments were expressed by Nobel Peace Prize recipient Bishop Desmond Tutu during a recent hearing of the House Subcommittee on Africa.

Mr. President, Stanley Greenberg, who is the associate director of Yale University's Southern Africa research program, has rebutted this argument that foreign investment and economic growth by themselves will improve the plight of blacks in South Africa. He testified before the House Subcommittee on Africa in September of 1983:

> This easy association between economic growth and political reform lacks a historic foundation in South Africa; more than a century of industrial development has been accompanied by more, not less, racial discrimination. The pressures for change and reform are rooted not in this economic logic but in the political struggles that have accompanied it—protests, civil disorders, strikes, and organization, internal and external. Businessmen in South Africa have demanded or proved receptive to racial reform only when black political opposition compelled it. If the United States hopes to encourage reform in South Africa, it must align our country, not simply with abstract economic forces and the state, but the political initiatives of the black majority.

I appreciate the administration's most recent statements indicating that the South African Government must do more to improve the lives of its black majority. However, the United States must go beyond words in demonstrating to South Africa our concern and intentions. I believe that this legislation which Senator PROXMIRE and I are introducing today provides some of the additional real actions which are necessary to achieve that goal.

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 148. A bill to amend title 5 of the United States Code, to provide payments under Government health plans

for services of nurse-midwives not performed in connection with a physician; to the Committee on Governmental Affairs.

NURSE-MIDWIFE GOVERNMENT PLAN

Mr. INOUYE. Mr. President, today, Senator MATSUNAGA and I are introducing legislation to amend title 5 of the United States Code in order to ensure that our Nation's Federal employee will have ready access to the services of certified nurse-midwives, if they so desire.

During the last session of the Congress, the Senate Committee on Governmental Affairs held hearings on the Federal Employees Health Benefit Plan and, at that time, I had the opportunity to bring to my colleagues attention the importance of ensuring that certified nurse-midwifery services will be readily available. These services are highly cost-effective and are truly of the highest quality of care.

I understand from the General Accounting Office [GAO] that presently 91.5 percent of Federal employee enrollees have enrolled in plans which do have access to nurse-midwifery care.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 8902(k) of title 5, United States Code, is amended by striking out "or optometrist" each place it appears and inserting in lieu thereof ", optometrist, or certified nurse-midwife".

(b) Section 8901 of such title is amended—

(1) by striking out "and" at the end of paragraph (8),

(2) by striking out the period at the end of paragraph (9) and inserting in lieu threof "; and", and

(3) by adding at the end thereof the following new paragraph:

"(10) 'certified nurse-midwife' has the same meaning given to such term by section 1905(m) of the Social Security Act.".

SEC. 2. The amendments made by the first section of this Act shall apply to contracts entered into on or after the date of the enactment of this Act.

By Mr. PRYOR:

S. 149. A bill on binary chemical munitions; to the Committee on Armed Services.

Mr. PRYOR. Mr. President, today I am reintroducing a bill to delete all funding for the production of chemical munitions and equipment associated with those weapons. The bill I'm introducing also expresses the sense of the Senate that we intensify ongoing efforts in the Committee on Disarmament to achieve a mutual, verifiable ban on chemical weapons with the Soviet Union and other countries. The bill I'm introducing is the same as S. 994, a bill I introduced in the last Congress on April 7, 1983.

Also, Mr. President, I am joining my distinguished colleague, from Colorado, Mr. HART, in introducing a similar bill banning the production of chemical weapons, but that bill also contains a provision expressing the sense of the Congress that our Defense Department undertake immediate steps to help our Armed Forces detect a chemical weapons attack, and more importantly, defend themselves from such an attack.

Mr. President, as most Members of the Senate are aware, we've not produced chemical weapons in this country since 1969, when production was halted by then-President Richard Nixon. However, when the present administration came into office a proposal was made to renew production. Although certain moneys were approved a couple of years ago, in the current fiscal year, we rejected funding for production of chemical weapons production. This bill simply continues that policy.

Mr. President, I support efforts to maintain our existing stockpile and to continue defensive measures. Our present supply is more than adequate, with thousands of tons of chemical weapons stored across the country and in other parts of the world. These stockpiles should be good for many years to come.

But, Mr. President, it is wrong to produce new binary weapons at this time for the following reasons:

First, it is an unnecessary expenditure of funds at a time when we're faced with enormous Federal budget deficits. Although the fiscal year 1984 budget request was only $157 million, funding for the production of these weapons in later years could cost several billions of dollars. This will bloat the defense budget, and I'm afraid it will end up denying funds for other, more critical, defense needs. Therefore, proposing production of new binary weapons does not show thoughtful defense decisionmaking.

Second, production of new binary weapons adds nothing to our national security. Our existing weapons systems, including our current stockpile of chemical weapons, provides a formidable deterrent. It is not necessary to produce new binary weapons that could become unstable, as well as increasingly difficult and expensive to store and maintain.

Third, the production of new chemical weapons could begin a new arms race that would undermine efforts that are being made for a mutual and verifiable chemical and toxic weapons treaty. Steps have been taken by the present administration, in the Committee on Disarmament, to negotiate a ban on new production of these weapons, and I think a ban on further production in this country, coupled with intensified efforts, would be helpful.

Finally, Mr. President, Western Europe would be a major potential battlefield for the use of chemical weapons. But, our allies there have become increasingly restive about plans to produce new chemical weapons and almost certainly will not allow them to be stored on their soil. Germany, in particular, has made it very clear that it will not harbor additional supplies, and that they will not train their people to use it. Virtually all chemical weapons, in other words, would have to be stored in the United States, far from where they are most likely to be used.

The time has come, Mr. President, to put an end to these hateful and indiscriminate weapons whose main victims are innocent civilians. As a rule, gas does not kill soldiers. Soldiers are equipped with masks and protective clothing that make them invulnerable. It kills civilians who have no protection from aerosol clouds that cause fatalities many miles from their detonation points.

World opinion is on our side. It would be in our best interest, and those of the Soviets, to move ahead and reach an agreement to once and for all ban these weapons. We must do all that we can to create the right kind of environment for this agreement, and we must be very careful about the message that we send to the Soviets and the rest of the world.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 149

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, no agency of the Government may obligate or expend appropriated funds after the date of the enactment of this Act for the production of lethal binary chemical munitions.

(b) For the purposes of this section, the term "lethal binary chemical munitions" means (1) any toxic chemical (solid, liquid, or gas) which is intended to be used to produce injury or death to human beings through its chemical properties, and (2) any device, instrument, apparatus, or contrivance, including any components or accessories thereof, intended to be used only to disperse or otherwise disseminate any such toxic chemical.

SEC. 2. It is the sense of Congress that the President should immediately continue and intensify the efforts in the Committee on Disarmament with the Government of the Union of Soviet Socialist Republics, and other countries, to achieve an agreement establishing a mutual, verifiable ban on the production and stockpiling of chemical weapons.

By Mr. HATCH (for himself, Mr. THURMOND, Mr. DECONCINI, Mr. GRASSLEY, and Mr. DENTON):

S. 150. A bill entitled the "Freedom of Information Reform Act"; to the Committee on the Judiciary.

FREEDOM OF INFORMATION REFORM ACT

Mr. HATCH. Mr. President, I am pleased to introduce the Freedom of Information Reform Act which was unanimously approved by the Senate in the 98th Congress. The unanimous bipartisan support for this legislation predates even the 98th Congress. In the 97th Congress, the Senate Judiciary Committee voted 17 to 0 in favor of a broader version that won Senate approval last Congress. The compromises which made this bill successful were largely forged in the 97th Congress. At that time, members of the Judiciary Committee, most notably myself and Senator LEAHY, met regularly with representatives of the news media, public interest groups, the business community, law enforcement agencies, and the Reagan administration. The reform proposals which emerged from that taxing process eliminate many of the serious flaws in the Freedom of Information Act. Yet the reforms would preserve the act's function of permitting the public to acquire information from Government agencies. The bill's success at balancing the need for reform with preservation of the mission of the act won acclaim from the participants in the negotiation process. The Reagan administration endorsed the package and the Washington Post accurately noted:

It is quintessentially American to believe that the people control the government and that they have a right to know what the government is doing. The Judiciary Committee bill preserves that right. Washington Post, May 25, 1982, page A16.

Since this bill won the endorsement of both press and administration leaders, the Constitution Subcommittee has held several more days of hearings and further fine-tuned several of the bill's provisions to accommodate comments made by journalists and press representatives. In all, the Constitution Subcommittee has held more hearings on the FOIA reform and oversight than any other committee in congressional history. The subcommittee has held over 10 hearings and heard over 80 expert witnesses from every conceivable vantage point.

The product of this extended effort is the Freedom of Information Reform Act, which has passed the Senate unanimously last Congress. The House of Representatives did not consider this bill on the floor in the last Congress, but my meetings with the House subcommittee chairman in charge of information policy lead me to believe that the House will pass some FOIA reforms in this Congress.

The success of this bill in the Senate owes much to the untiring efforts and cooperation of Senator PATRICK LEAHY I would particularly like to thank him for his support and diligence in arriving at this reasonable solution to several of FOIA's acknowledged problems. In addition, I commend Chairman THURMOND of the Judiciary and the ranking member of the Constitution Subcommittee, Senator DECONCINI, for their cosponsorship and contributions in bringing this bill to its current position of bipartisan support.

This bill reshapes the Nation's information policy by clarifying several important difficulties posed by ambiguous or overly broad language within FOIA. It deals with such diverse topics as protection of law enforcement informants, protection of criminal investigations and techniques, confidentiality of trade secrets and business information, protections against invasions of personal privacy, and various procedural reforms, such as assessment of appropriate user fees and guidelines for using FOIA in lieu of court-supervised discovery procedures.

LEGISLATIVE BACKGROUND OF FOIA

The need for refinements in FOIA's language and policy takes on more meaning in the context of the law's history. Some of the underlying policies of the act trace their roots back to the first amendment debates in the First Congress.

Because a representative democracy requires an informed citizenry and also confidentiality for many Government functions, the first amendment was crafted to secure a climate of free information without creating a constitutional right to obtain information from the Government.

The first amendment was part of a larger and more complex constitutional scheme which contemplated some balancing of privacy, confidentiality, and openness to insure the overriding goal of a free and secure society. In the First Congress, as is still the case today, the primary issue concerning the first amendment was whether it would give constitutional effect to common-law principles which balanced confidentiality and openness needs or embody libertarian concepts which generally favored open information policies regardless of the consequences.

James Madison, who submitted the first draft of the amendment to the Congress, attempted to constitutionally codify his own expansive libertarian notions in the broadest possible language. Madison was persuaded that an absolute individual right to know was the only way to prevent the problems of censorship the colonials had endured under the rule of the Crown. Madison urged the First Congress to adopt language stating:

"No State shall violate the equal rights of conscience or the freedom of the press." (Annals of Congress 1789–1791, vol. 1–441, 753–4.)

This was not adopted. Its failure was not, however, a vote for government censorship powers, but a recognition that traditional common-law rules prohibited prior restraint without the potential for precluding confidentiality when necessary to protect freedom, such as in "military operations and foreign negotiations," to use the examples of George Mason. (Jonathan Eliot, Ed., The debates in the several State conventions on the adoption of the Federal Constitution," Vol. 3, 170.)

The language of the first amendment, which was adopted, however, did not then or now comprise a constitutional freedom of information act, as former Justice Stewart has stated. (Potter Stewart, "Or of the Press" 26 Hastings Law Journal 631, 636 (1975).) Instead, in the words of one of the members of the Constitutional Convention, James Wilson:

"What is meant by liberty of press is that there should be no antecedent restraint upon it; but every author is responsible when he attacks the security or welfare of the government, or the safety, character, and propriety of the individual." James Wilson, Pennsylvania and the Constitution, at 308.

The first amendment clearly was a compromise between Madison's libertarian concept of expansive free conscience rights and the view of Alexander Hamilton and others that amendments were unnecessary.

What the Congress gave the Nation was a constitutional provision that prevented most censorship, but created no affirmative rights of individual citizens to compel the Government to disclose information. While the amendment clearly prohibits Congress from enacting prior restraints on publication, it makes no assertions about the Government's duty to provide information. In fact, the Government may even exercise prior restraint of information the public already has in some circumstances, such as in the face of a clear and present danger. (249 U.S. 47 (1919).) The popular notion of a constitutional public right to know, in the words of Prof. David O'Brien, "has no basis in the text or historical background of either the Constitution or the first amendment." (David M. O'Brien, "The Public's Right to Know," at 166 (1981).)

Although the public does not possess an enforceable constitutional right of access to governmental information, the concept of an informed electorate was a vital interest of the New Republic which the First Congress intended to secure with the first amendment's proscription of prior governmental restraint of individual's communications. This interest in openness gave rise to FOIA. The general interest in an informed citizenry has commanded attention in public policy debates recently as Congress has moved to grant and expand statutory rights to gain access to governmental information in the

absence of an enforceable constitutional right.

The first statutory attempt to clearly define the parameters of public access to Government information came in section 3 of the Administrative Procedure Act of 1946 [APA]. (Pub. L. 79-404, 3, 60 Stat. 238 (1947).) In addition to requiring Federal agencies to index their files and make information available to the public, the act also provided certain disclosure exemptions. Under section 3, administrative officials were permitted to withhold any information "requiring secrecy in the public interest." Information could be withheld when the person seeking the material was not "properly and directly concerned," where the information was "held confidential for good cause found," or "when the information sought was related to the internal management" of a Government agency or department. (Pub. L. 79-404, 3, 60 Stat. 238 (1946).)

Despite section 3's intention to increase governmental disclosure, its vague terms often denied access to records which had little need to be protected. An individual's request could be denied because the agency did not find him "directly concerned" with the matter. Once an information request had been denied, a requester had no means to appeal the decision because section 3 did not provide a remedy for unlawful withholding.

A. THE FREEDOM OF INFORMATION ACT OF 1966

As Congress became more aware of the limitations built into section 3, amendatory legislation was introduced. The debates on this legislation stressed the need to provide citizens with adequate information to be responsible voters. For instance, Congressman John Moss asserted:

[O]ur system of government is based on the participation of the governed * * * We must remove every barrier to information about—and understanding of—Government activities consistent with our security if the American public is to be adequately equipped to fulfill the ever more demanding role of responsible citizenship. (112 Cong. Rec. 13641 (1966).)

The purpose of the 1966 Freedom of Information Act, as stated by the Senate report, was to change the emphasis from withholding to disclosure while providing adequate protection for vital confidential Government activities. (—Stat.—(1966) Current version of 5 U.S.C. 552 (1976).) This was accomplished by mandating disclosure and creating standards for withholding that could be easily understood and applied by the agencies and the courts.

With its exemptions, Congress clearly recognized individual privacy rights and the need for some confidentiality in Government. As noted above, Congressman Moss acknowledged the need to restrict disclosures that might endanger our society. The Senate report emphasized the same principle.

It is not an easy task to balance the opposing interests, but it is not an impossible one either. It is not necessary to conclude that to protect one of the interests, the other must of necessity, either be abrogated or substantially subordinated. Success lies in providing a workable formula which encompasses, balances, and protects all interests, yet places emphasis on the fullest responsible disclosure. (S. Report 813.)

For the next 8 years, FOIA was often criticized. Even a Federal court called it poorly drafted. (*Washington Research Project Inc.* v. *Dept. of H.E.W.*, 366 F. Supp. 939 (D.C.D.C. 1973).) Some critics went beyond legal analysis of the act to charge that it failed to provide the open access to Government files that it had promised. An insightful observation of this aspect of FOIA's history, however, noted that these critics "seem to have [had] unreasonably high expectations. To satisfy such critics, the act would have needed divine powers to reverse human nature and compel the silent to speak." (Clark, "Holding Government Accountable: The amended Freedom of Information Act", 84 Yale L.J. 741, 747-8 (1975).)

B. THE 1974 AMENDMENTS

After several years and in response to charges that FOIA had failed to keep its promises, Congress undertook to amend the act. The primary catalyst for this legislative reaction was the Watergate incident. As the break-in was uncovered, skepticism about the executive branch swept through Congress, transforming the amendment of the 1966 act into an ethical issue.

In this emotionally charged atmosphere, the Senate bill to provide "open Government" passed on a vote of 64 to 17, and by a vote of 349 to 2 in the House in October 1974. President Ford vetoed the bill because it jeopardized law enforcement functions. The veto was easily overridden in the House by a vote of 372 to 31 on November 20. In the Senate, however, the vote was very narrow (64 to 27)—exceeding the required two-thirds vote by 3.

Some of the inherent defects of the 1974 amendments were recognized by many Members of the Senate at the time of the override vote. Of greatest concern were the disclosure standard required by law enforcement agencies and the threats to personal privacy. As Senator Hruska stated:

[I]t is extremely difficult if not impossible to prove that information, if disclosed, would invade a person's privacy or would impair the [law enforcement] investigation. The magnitude of such a task and the standards of harm that are defined in the amendment create serious doubt as to whether such a provision is workable aside from questionable in its wisdom.

I cannot support the enrolled bill because it emphasizes the right to know to the detriment of the right of privacy and security and the interests of us all in a responsive government. 120 Cong. Rec. S. 36873 (1974).

To some degree, the specific issues of FOIA were clouded by the overriding issues and passions of the Watergate era. Some Senators attempted to focus on the specific FOIA issues by proposing amendments implementing improvements suggested by President Ford. This attempt, which was summarily rejected, would have incorporated a standard of disclosure to protect law enforcement agencies.

The overly optimistic cost estimate of the bill provides one apparent example of the hasty consideration given the amendments due to the distractions of the Watergate scandal. Although the 1974 amendments limited fee collections, expanded access to government documents, and enhanced the availability of court-awarded attorneys fees for FOIA lawsuits, the House reported that the bill would cost only $50,000 to $100,000 per year. This low figure should have been suspect because, additionally, agencies were required to absorb the cost of most of the expensive part of responding to a FOIA request, the reviewing of records to determine whether any portion could or should be classified as exempt. While no one knows the exact cost of FOIA today, estimates begin at $61 million and rise from there. Responding to a single request made by a renegade CIA agent has cost taxpayers over $500,000. Had Congress taken the time necessary to completely and adequately assess the implications of amending, FOIA, it may have recognized the inherent problem of costs and avoided the resultant economic imbalance.

President Ford realized the impracticality of the costs provisions, in his message to the House explaining his veto. He pointed out that the law enforcement agencies would be economically hampered because the agencies could not afford to hire the large number of highly trained personnel necessary to review requested confidential files and records. Today the FBI has hired over 300 people and spends well over $12 million annually to comply with FOIA.

The Constitution Subcommittee hearings in the 97th and 98th Congress were the most extensive oversight of FOIA yet undertaken. A major complaint which dominated those seven hearings was that the confidentiality of informants and investigations is jeopardized by the threat of FOIA disclosure of sensitive information. The documentation of this complaint at the hearings served to confirm the findings which have been compiled on the deleterious effects of FOIA on law enforcement. In 1978 the Senate Judiciary Subcommittee on Criminal Law concluded that:

It can safely be said that none [of the sponsors of FOIA] foresaw the host of difficulties the legislation would create for the law enforcement community, nor did they foresee the utilization that would be made of the act by organized crime and other criminal elements or the damage it would do to the personal security of individual citi-

zens * * * Informants are rapidly becoming an extinct species because of fear that their identities will be revealed in response to a FOIA request.

In that same year the General Accounting Office released a study detailing 49 instances of potential informants refusing to cooperate with law enforcement authorities due to FOIA. In 1979, FBI Director Webster supplied documentation of over 100 instances of FOIA interference with law enforcement investigations or informants. In 1981, his list was expanded to 204 examples. In 1983, even more examples were brought out by his testimony. In fact, no fewer than five different reports studying the impact of FOIA have concluded that the act has harmed the ability of law enforcement officers to enlist informants and carry out confidential investigations. Among these, the Attorney General's 1981 Task Force on Violent Crime found that FOIA should be amended because it is used by lawbreakers "to evade criminal investigation or to retaliate against informants." A 1982 Drug Enforcement Adminstration study documented that 14 percent of DEA's investigations were "aborted or significantly compromised" by "FOIA-related problems."

The Judiciary Committee hearings have indicated also that FOIA is being misused by businesses in an effort to obtain valuable trade secrets. The testimonies are replete with such examples of abuse by business concerns of the spirit and original purpose of FOIA. For example, Mr. Jack Pulley, an attorney with the Dow-Corning Corp., told us of an article entitled "Freedom of Information Act: Strategic Opportunities and Threats," in which the authors described how FOIA could be used to gain what they called "a differential competitive advantage."

Currently the standard of protection, "trade secrets and commercial or financial information obtained from a person privileged and confidential," presumes that all "confidential" information will be protected, but supplies no statutory definition for "confidential." Instead the Senate report specified that information "customarily not released to the public by the person from whom it was obtained" would be exempt. The House report extended protection to any information given the government in confidence "whether or not involving commerce or finance." Despite the breadth of protection intended by Congress, a Federal court unilaterally narrowed the exemption years later by requiring a submitter to demonstrate a "substantial competitive harm" in order to qualify for exemption. (*National Parks* v. *Morton*, 498 F. 2d 765 (D.C. Cir. 1974).) This broader test requires agencies and courts to guess about the economic impacts of disclosure and has led to numerous "reverse FOIA" lawsuits as submitters have attempted to protect proprietary data against release to commercial requesters who believe that the act, under current standards, can be used to learn valuable information about competitors.

The current standard has also been held to offer no protection to nonprofit submitters, such as hospitals, universities, and scientific researchers, because they cannot show economic injury if the product of their research is disclosed.

In addition, the extensive Constitution Subcommittee hearings in the 97th and 98th Congresses revealed other aspects of FOIA in need of fine-tuning. As mentioned earlier, the expanding costs of the act to the taxpayer suggested that those who directly benefit by requesting information should readily accept the responsibility of paying the cost of producing the information. The Government agencies' inability to comply with the act's short time limits recommended a more workable time schedule for complying with requests in the event of a backlog of requests or other unusual circumstances. Revising the act's second exemption to provide adequate protection for law enforcement manuals and instructions to investigators, auditors, or negotiators, was another aspect of the testimony. Removing important limitations on the exemption designed to guarantee personal privacy also emerged as an important aspect of FOIA reform.

A new exemption to protect Secret Service records was featured as a subject worthy of the protection currently given geological data and sensitive information about regulation of financial institutions under current exemptions 8 and 9.

The hearings also noted the need to reconsider the factors governing current determinations of types of information that may be released because they are "reasonably segregable" from classified or exempt portions of a requested record. Clearly giving away too many pieces of a sensitive record might, in the hands of a sophisticated requester, defeat the protections intended by the classification or exemption. Another item discussed was the propriety of requests from certain classes of requesters, including aliens, imprisoned felons, or parties in litigation with the Government who have access to information via the alternative route of discovery under the Federal Rules of Civil Procedure. These matters each became an element of the bill approved by the Judiciary Committee unanimously last Congress.

FEES AND WAIVERS

CURRENT SITUATION

Existing law allows agencies to collect only the costs of searching for and duplicating requested records. These costs are only a fraction of the true costs of answering an FOIA request. The cost of reviewing documents, editing out exempt material, and other processing accounts for the bulk of the expense of FOIA. Fees currently may be waived or reduced when furnishing the information can be considered as primarily benefiting the general public.

CURRENT POLICY IMPLICATIONS

Congressional reports in 1974 estimated that FOIA would only cost between $40,000 and $100,000 annually governmentwide. Instead, direct costs—not counting litigation expenses and other indirect costs—amounted to nearly $60 million in 1980. Moreover, agencies collect only about 2 percent of the costs of the act in search and duplication fees. In one case, a single FOIA request for CIA documents cost the public nearly $500,000 to process. (*Agee* v. *CIA*, 517 F. Supp. 1335, 1342 N. 5.) In addition to the subsidy questions presented by current fee policies, the lack of a uniform fee schedule has made it difficult for a requester to predict the cost of particular documents.

BILL PROVISION

The bill would authorize the Office of Management and Budget to issue guidelines aimed at developing a uniform schedule of fees and processing procedures for all agencies. Under the bill, agencies could charge fees for "all costs reasonably and directly attributable to" search, duplication and other FOIA processing activities. No fee would be charged whenever the costs of routine fee collection and check processing would be likely to exceed the amount of the fee itself. Half of all fees collected would be retained by agencies to fund their FOIA operations unless an agency was determined not to have been in substantial compliance with applicable time limits. In addition, an agency could charge a fair value fee for commercially valuable technological information generated or purchased by the Government at substantial cost.

Fee waivers for search and duplication charges would be authorized when, as under existing law, an agency determines that it is in the public interest to furnish the information. New processing charges would be subject to waiver for various types of public interest groups, providing that the agency determines that the information is not requested for a commercial use.

TAX LIMITS: CURRENT SITUATION

Section (a)(6) of title 5, United States Code, requires an agency to make an initial determination within 10 days of receipt of a request whether to disclose the records. If the agency decides within that period to withhold the requested records, it must notify the requester of the reasons for the exemption within the same period. The requester may then choose to

appeal the denial, in which case the agency has 20 working days to determine the appeal.

By notice to the requester, an agency may extend these time limits for an additional 10 days in three narrowly defined "unusual circumstances." If an agency fails to comply with any of these statutory deadlines, the requester is deemed to have exhausted his administrative remedies and may immediately file a suit in a district court to compel disclosure. Section 552(a)(6)(C) permits a court to grant extra time to an agency in "exceptional circumstances" where the agency can show it is also exercising "due diligence."

CURRENT POLICY IMPLICATIONS

The sheer volume and complexity of requests often make compliance with current time limits unrealistic. When pressed to hastily process requests, the agencies often perfunctorily deny requests or erroneously release information that should be exempt. Moreover, agencies with a substantial backlog simply cannot respond to important news media requests in a timely fashion.

BILL PROVISION

This section retains the 10-day time limit provision in existing law, but would allow agencies to take 30-working-day extensions in "unusual circumstances." The bill would broaden the definition of "unusual circumstances" to include new categories of such circumstances.

The bill contains new language providing that an agency shall not be considered to have violated the act's time limits unless and until a court rules on the matter. In addition the bill would require agencies to draft regulations giving expedited access to requesters who demonstrate a compelling need.

DUPLICATIVE REQUESTS

CURRENT LAW AND POLICY IMPLICATIONS

Agencies are currently burdened with numerous requests for records consisting mainly of newspaper articles, magazine articles, and other records publicly available. Nonetheless, the act requires agencies to act as the world's largest library reference service. In other instances, the agencies receive multiple requests from the same party for the same information as the requester tries to update his information occasionally. The act now requires the agencies to send the same information time after time.

BILL PROVISION

The bill allows the agency to supply the requester with an existing index of records or charge full duplication costs without regard to any fee waiver provisions.

BUSINESS CONFIDENTIALITY PROCEDURES

CURRENT LAW

A businessman or other private party who submits information to a Government agency in compliance with a mandatory order has no statutory right to notice that his records have been requested by a third party. Although a requester has a statutory right to de novo review in a Federal district court to challenge an adverse agency decision, a submitter of information has no similar rights when an agency decides to release information the submitter considers secret or confidential.

CURRENT POLICY IMPLICATIONS

Hearings have indicated that valuable trade secrets have been disclosed by agency inadvertance and that this may occur at some agencies without any notice whatsoever to the owner of the private information. In short, FOIA's objective of protecting private information while disclosing public information is frustrated by the common practice of commercial espionage.

BILL PROVISIONS

The bill would provide mandatory notice to any submitter of confidential information sufficient to inform him of the request for his records and to afford him an opportunity to object to potential disclosure. In the event the agency decides to disclose the record anyway, the submitter would have a right of de novo review of the agency decision in a Federal district court.

JUDICIAL REVIEW

CURRENT LAW

Federal district courts do not currently have jurisdiction to review de novo an agency's decision to disclose confidential business information. FOIA currently does not have a statute of limitations.

CURRENT POLICY IMPLICATIONS

A requester of business information enjoys appeal rights not shared by the submitter of information who has equal or greater interests to protect. The absence of a statute of limitations means that any denied FOIA request may become the subject of a lawsuit compelling disclosure years after an agency may have considered the matter closed. Thus, evidence relevant to the case may have disappeared by the time the lawsuit compelling disclosure is filed.

BILL PROVISIONS

Federal courts are given jurisdiction to review "reverse FOIA" suits brought to protect confidential business information against agency disclosure. The bill sets a 180-day statute of limitations.

MANUALS AND EXAMINATION MATERIALS

CURRENT SITUATION

Exemption 2 currently protects information "related solely to the internal personnel rules and practices of an agency." The scope of this protection has been confused by apparently conflicting views of this language in the House and Senate reports when FOIA was enacted. Although this language arguably protects manuals and instructions to investigators, inspectors, auditors, and negotiators, the judicial attempts to reconcile the House and Senate reports often led to inconsistent results.

CURRENT POLICY IMPLICATIONS

Although most courts recognize the sensitivity of instructions to investigators, inspectors, auditors, or negotiators, particularly when disclosure of the instructions could frustrate their legitimate Government functions, occasionally a judicial decision would reach a contrary result. See *Hawkes* v. *Internal Revenue Service* (507 F.2d 481—IRS audit guidelines ordered disclosed).

In addition, FOIA apparently authorizes the disclosure of examination materials which are exempt under the Privacy Act. To protect the objectivity and fairness of testing, as well as to promote consistency between the two acts, they should not conflict in this manner.

BILL PROVISION

This provision will clarify congressional intent in conformance with the original House report on exemption 2 and the majority of court cases on this subject. Several cases have found protectible interests in records specifically mentioned under this provision. For instance, *Caplan* v. *BATF* (587 F.2d 544 (1978)) protected a law enforcement manual; *Ginsburg* v. *FEC* (591 F.2d 752 (1978)) protected audit review guidelines; *Cox* v. *Department of Justice* (576 F.2d 1302 (1978)) protected U.S. marshal's manual. This provision will reaffirm Congress original intent, as expressed in the House report of FOIA, to protect sensitive law enforcement manuals and auditing records which might enhance vulnerability of Government functions to criminal activity.

Under the bill's new exemption 2, manuals and instructions to investigators, inspectors, auditors, or negotiators would be exempt "to the extent that disclosure * * * could reasonably be expected to jeopardize" their activities. Comparable new protection would apply to examination material.

PERSONAL PRIVACY: CURRENT SITUATION

The current sixth exemption protects from disclosure "personal and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."

CURRENT POLICY IMPLICATIONS

This exemption contains a threshold test that often frustrates the substantive content of the exemption. Thus, even if a record represents a clearly unwarranted invasion of personal privacy, it does not qualify for protection unless the record is found in a personnel, medical, or similar file. Due to this formalistic file limitation, a court may permit disclosure of clearly un-

warranted invasions of privacy simply because the invasion is found in the wrong kind of file. Congress intended to protect privacy not file labels.

BILL PROVISION

The new bill broadens protection of personal privacy by exempting any "record or information concerning individuals * * * the release of which could reasonably be expected to constitute a clearly unwarranted invasion of personal privacy." The bill also would provide express protection for mailing list data.

LAW ENFORCEMENT: CURRENT SITUATION

The current seventh exemption exempts investigatory records compiled for law enforcement purposes if those records also meet one of six further requirements (A-F). The six further criteria are intended to protect enforcement proceeedings against disclosures to suspects, fair trials, personal privacy, identities of informants, investigative techniques, and the life and safety of law enforcement personnel.

CURRENT POLICY IMPLICATIONS

The current threshold language of the exemption means that records are only eligible for protection if they are investigatory records compiled for law enforcement purposes. This could mean that a record which jeopardizes one of the six requirements, such as "endanger the life * * * of law enforcement personnel," could be disclosed simply because it does not satisfy the formalistic test of being an investigatory record. This exalts form over substance.

The current language of (7)(A) requires an agency to show that disclosure of a record "interferes" with an enforcement proceeding. At the outset of an investigation, however, the agency often does not know which aspects of a record, if disclosed to the suspect, would interfere with the investigation. Thus the existing language could disclose to a suspect vital information about an ongoing investigation.

The current language of (7)(D) requires that a record conclusively "disclose the identity of an informant" before it qualifies for exemption. This ignores the commonsense principle that some information that does not in itself identify the informant can, in some circumstances known only to the suspect, result in such identification.

The threshold language about "investigatory" has meant that law enforcement manuals were not covered by the exemption for law enforcement techniques and procedures. The courts have also reached conflicting results about the protection to be afforded prosecutorial guidelines and other law enforcement techniques and procedures.

Finally, the language in (7)(F) has an obvious and absurd limitation. Under this language, records are only exempt if they endanger the life of a police officer, without giving similar protecton to the life of any natural person.

Some kinds of investigations are particularly difficult tc protect from abuse under FOIA. These are characteristically the kinds of investigations that involve organized crime, terrorism, and foreign counterintelligence. In these instances, the suspects often have the time, resources, and inclination to use FOIA to learn the identities of informants, the progress achieved by various investigations, and methods to avoid detection and prosecution. In short, these entities have in common a detached coordinating agent with the ability and motivation to circumvent the intent of the exemptions.

In hearings before the Constitution Subcommittee, FBI Director Webster documented 204 recent examples of FOIA substantially jeopardizing law enforcement.

BILL PROVISION

The amended exemption 7 would exempt from disclosure any information that could reasonably be expected to disclose a confidential source, including a State or local government agency or foreign government. This change would afford greater protection to information which should clearly be exempt from disclosure due to its serious implications for law enforcement investigations and the safety of confidential informants.

The present exemption only includes information that would disclose a confidential source. The rationale is to broaden the definition of confidential source to include State, local, and foreign governments. Some of the formalistic requirements of exemption 7, such as the threshold requirement that the record must be investigatory, are deleted to focus on preventing harm to law enforcement functions.

ORGANIZED CRIME: CURRENT LAW

FOIA currently makes no provision for the extensive, damaging use made of the act by organized crime.

CURRENT POLICY IMPLICATIONS

There is much evidence of the existence of sophisticated networks of organized crime FOIA requesters. Under the current FOIA there is a real danger which accompanies FOIA requests by organized criminal groups who have both the incentive and the resources to use the act systematically—to gather, analyze, and piece together segregated bits of information obtained from agency files. These sophisticated criminals can use the FOIA to determine whether an investigation is being conducted on him or his organization, whether there is an informant in his organization, and even who that informant might be. The release of records containing dates of documents, locations reporting investigations, the amount of material, and even the absense of information are all meaningful when compiled in the systematic manner employed by organized crime.

BILL PROVISION

This bill would exclude from disclosure all documents compiled in a lawful investigation of organized crime which are specifically designated by the Attorney General for purposes of this section. This exclusion would apply to documents that were first generated or acquired by such law enforcement authority within 8 years of the date of the request, except where the agency determines pursuant to regulations promulgated by the Attorney General that there is an overriding public interest in earlier disclosure or in a longer exclusion not to exceed 3 years.

Finally, the bill acknowledges that organized crime constitutes a special problem under FOIA. There is much evidence of the existence of sophisticated networks of organized crime FOIA requesters. For example, organized members in the Detroit area have been instructed to submit FOIA requests to the FBI in an effort to identify FBI informants. Through this concerted effort, the members and associates of this family have obtained over 12,000 pages of FBI documents.

The withholding of information on the basis of one of the enumerated exemptions can often be ineffective in avoiding the anticipated harms that would accompany disclosure because invoking the exemption itself becomes a piece of the mosaic. To invoke (b)(7)(D), for example, is to tell the requester, potentially a criminal seeking information in his illicit organization, exactly what he may want to know—that his organization has an internal informant.

In such a case, the Freedom of Information Act presents the potential for damage to sensitive FBI investigations, even though no release of substantive information is made. A requester with an awareness of the law's provisions, a familiarity with an agency's records systems, and whatever personal knowledge he brings to the situation, can gain insight into FBI operations regardless of his ability to procure a release of Bureau documents. For example, knowledge that a suspected informant's file has grown over a period of time is often enough to tip off the sophisticated criminal that the suspected informant has been talking to law enforcement officials too often.

Because of the mosaic problem with FOIA and the particular threat posed by organizations with historical continuity and an institutional memory and further because use of the exemptions themselves can become a "piece of the mosaic," simply broadening existing

exemptions will not cure the problem of organized crime abuse of FOIA. Accordingly, the proposed bill would exclude from disclosure all documents compiled in a lawful investigation of organized crime which are specifically designated by the Attorney General for purposes of this section.

This exclusion would apply to documents that were first generated or acquired by such law enforcement authority within 5 years of the date of the request, except where the agency determines pursuant to regulations promulgated by the Attorney General that there is an overriding public interest in earlier disclosure or in a longer exclusion not to exceed 3 years. The bill would also allow an agency to use a "no records" response to mitigate the danger that information which is innocuous on its face could be ultimately harmful when considered in connection with the totality of information which the requester possesses.

ADDITIONAL EXEMPTION

CURRENT LAW

The existing statute does not adequately protect Secret Service records connected with its protective functions.

CURRENT POLICY IMPLICATIONS

As a result of revisions to FOIA at the end of 1974, the quality and quantity of informant cooperation with the Secret Service has diminished dramatically. Under the current FOIA, informants are increasingly reluctant to come forward because they are fearful their identities will be revealed, adversely affecting the Service's ability to perform their protective and criminal investigative missions.

Robert R. Burke, Assistant Director for Investigations at the Secret Service, testified before the Constitution Subcommittee that his agency had approximately 75 percent less informant information than it had before the revised FOIA took effect at the end of 1974. Mr. Stewart Knight, Director of the Service, testified in 1977 that he had recommended that President Jimmy Carter refrain from traveling to two cities within the United States because the Service did not have adequate information to guarantee his safety. Mr. Burke's 1981 testimony noted that conditions have deteriorated even further since Mr. Knight's statement.

BILL PROVISION

The bill also adds an additional exemption (b)(11) to FOIA which insures that the Secret Service will receive the cooperation and confidentiality necessary for its mission. As a result, the ability of the Secret Service to safeguard the President and other important individuals as well as informants who provide vital information, will not be compromised. The exemption specifically enables the Secret Service to better fulfill its functions in two ways. First, the Service will not be compelled to disclose significant security information already on file. Second, the Secret Service's information gathering capacity will be enhanced by the message conveyed to potential informants that any sensitive information that they provide will be protected.

REASONABLY SEGREGABLE

CURRENT LAW

The 1974 amendments to FOIA added a requirement that any portions of requested record that are "reasonably segregable" from exempt portions should be supplied to the requester.

CURRENT POLICY IMPLICATIONS

Although the principle of reasonable segregability is laudable, it can in practice present problems in the fields of law enforcement and national security classifications. In those fields, a sophisticated requester may have the ability to piece together bits of information that seem harmless in isolation yet reveal exempt information when carefully analyzed.

BILL PROVISIONS

The bill clarifies the standard of "reasonable segregability" in the case of records containing material covered by exemptions one and seven allowing the agency to consider whether the disclosure of particular information would, in the context of other information available to the requester, cause the harm specified in exemptions one and seven.

PROPER REQUESTS

CURRENT LAW

Under current law, an agency is required to comply with a request for records made by any person, even if that person is not a U.S. person or if that person is engaged in litigation and has discovery rights.

CURRENT POLICY IMPLICATIONS

Existing law allows foreign nationals and governments to make FOIA requests. It is not at all uncommon for one Japanese firm to file a FOIA request seeking information about another Japanese firm or even a U.S. firm with which it competes.

Another aspect of the any person provision that seems somewhat inconsistent with FOIA's goals of an informed citizenry is that the act is heavily used by imprisoned felons. Over 40 percent of all requests received by the Drug Enforcement Administration are from persons in prison; 11 percent of FBI's requests come from prisoners. In many cases, these requesters seek information that could undermine legitimate law enforcement.

Parties to a lawsuit have used FOIA to circumvent discovery rules. The Supreme Court has stated that "FOIA was not intended to function as a private discovery tool." *NLRB* v. *Robbins Tire*, 437 U.S. 214, 242 (1978). Using FOIA as a discovery device can be a technique to avoid triggering reciprocal discovery.

BILL PROVISIONS

The bill modified that aspect of the any person rule that permits aliens to use the U.S. FOIA statute. The Attorney General is granted authority to draft regulations to limit requests by imprisoned felons. This bill also specifies that foreign nationals are not proper requesters and sets guidelines for FOIA access by litigants attempting to circumvent discovery procedures.

PUBLICATION OF EXEMPTION 3 STATUTES

CURRENT LAW

Any information exempted from disclosure by other statutes is exempt from disclosure under FOIA's third exemption.

CURRENT POLICY

No authoritative listing of all potential statutes which may designate information as exempt from FOIA's disclosure provisions has been compiled.

BILL PROVISIONS

The bill requires each agency to make such a listing and requires the Department of Justice to publish a final compilation of this list in the Federal Register. No agency may rely on any statute to exempt information from disclosure if the statute is not on the Federal Register list.

CONCLUSION

The basic purpose of FOIA, more openness in government through an informed citizenry (see *National Labor Relations Board* v. *Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1918) is a very worthy and legitimate objective.

> Knowledge will forever govern ignorance, and a people who mean to be their own governors must arm themselves with the power knowledge gives. A popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy or perhaps both. Letter to W. T. Barry, Lieutenant Governor of Kentucky, August 4, 1822.

This inspiring quote, although written by Madison as an argument for public education, not access to government files, was invoked in 1974 when the 1966 act was substantially rewritten as an appropriate reminder that our national policy favors an open and free exchange of ideas. In fact, another enduring passage would serve well to remind us of the origins of our Nation's policy on freedom of information. That passage reads as follows:

> Congress shall make no law . . . abridging the Freedom of speech, or of the press. U.S. Constitution, First Amendment.

Besides the obvious virtues of an open government, the Freedom of Information Act [FOIA] is particularly valuable to a nation founded on individual freedom and government accountability. President Reagan has reinvigorated our awareness that the

Federal Government must be held accountable for its activities. Otherwise, it could become master rather than servant of the people. In the context of this refreshing new attitude of the Reagan administration, I would like to share a favorite passage from American literature. Henry David Thoreau wrote:

> I went to the store the other day to buy a bolt for our front door, for, as I told the storekeeper, the governor was coming here. "Aye," said he, "and the Legislature too." "Then I will take two bolts," said I. He said that there had been a steady demand for bolts and locks of late, for our protectors were coming. H. Thoreau, *Walden and Civil Disobedience*, (O. Thomas ed. 1966).

The Freedom of Information Act can often act like one of Thoreau's bolts; it can protect us from our protectors by giving us sound knowledge about how to comply with Government regulations or how to challenge an arbitrary Government decision.

Yet achieving an informed citizenry is a goal to be balanced with other vital societal aims. Indeed, society's interest in an open government can conflict with its interest in protecting personal privacy rights or with the overriding public need for preserving the confidentiality of criminal investigative matters.

Though tensions among these competing interests are characteristic of a democratic society their resolution lies in providing a workable formula which encompasses, balances, and appropriately protects all interests, while placing emphasis on fully responsible disclosure. (See S. Rept. 813, 89th Congress, 1st session 3 (1965)).

Just as the Freedom of Information Act holds the Government accountable to an informed electorate, FOIA itself must be held accountable. Since the enthusiastic rewrite of the act in 1974, it has at times frustrated rather than fulfilled its basic mission of ensuring Government efficiency and informing voters. FOIA has occasionally disrupted vital law enforcement activities and has been misused by businesses who had no intention of keeping abreast of Government programs but found it a convenient tool for obtaining confidential information about a competitor.

This bill restores the balance between public access to Government information and efficient execution of necessary functions. The compromises agreed to in an effort to accommodate the competing interests of open government and confidentiality represent a good-faith effort on all sides to mold a better FOIA. This bill achieves that goal and therefore furthers our deeply engrained notions of an informed citizenry and a responsible government.

To provide more information about the intent of this bill, I ask unanimous consent to have printed in the RECORD the remarks of the current Deputy Attorney General supporting its provisions.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF CAROL E. DINKINS, DEPUTY ATTORNEY GENERAL

Mr. Chairman and Members of the Subcommittee:

I am pleased to appear before you today to testify in support of S. 774, a bill to amend the Freedom of Information Act. This bill sets forth a number of crucial and needed reforms in the provisions of that Act, while preserving entirely the salutary objectives of the FOIA in maintaining an informed citizenry. After careful consideration and refinement, this bill was unanimously approved by the Senate on February 27 of this year.

Former Assistant Attorney General Jonathan Rose appeared before this Subcommittee in July of 1981 to discuss proposed amendments to the FOIA then under consideration by the Administration. He told you then—and I emphasize today—that this Administration is firmly committed to the faithful implementation of the Freedom of Information Act by all federal agencies. We strongly support the basic purpose and philosophy of the Act: to inform the public as fully as possible of the conduct of its government in order to protect the integrity and effectiveness of the government itself. We are fully committed to carrying out the objectives and spirit of the Act.

We continue to strongly support this bill and we believe that it represents a successful compromise between the government's need to maintain the confidentiality of important law enforcement information and the public's right to know about the operations of its government. S. 774 also contains many needed procedural reforms of the FOIA, including measures that would permit businesses that submit confidential information to the government to receive notice of its impending disclosure, allow the government to recoup a greater portion of the costs of processing many FOIA requests, and create more realistic time limits for the government to respond to FOIA requests.

I. EFFORTS BY THE DEPARTMENT OF JUSTICE TO IMPLEMENT THE FOIA

Previous witnesses before the Subcommittee have raised certain concerns over the administration of the Act, suggesting that any revision to the FOIA is too controversial to consider at this time. They have pointed to a few anecdotes of delays in receiving responses or instances of perceived resistance by some government personnel, and they have then suggested that no amendment to the Act be made.

Who could doubt that some instances can be found where persons have encountered unnecessary difficulties in obtaining information under the Act? The administrative mechanisms of the various agencies of the government to implement the FOIA may not be perfect, but I submit that the few anecdotes that have been shared with the Subcommittee simply do not tell the full story.

For our part, the Department of Justice is engaged in a multifaceted effort to improve both the propriety and the accuracy of agency actions under the Act, pursuant to our statutory mandate to encourage agencies to comply with the FOIA (see 5 U.S.C. § 552(d)). Expert Department employees conduct a comprehensive series of seminars and course instructions to train the personnel of other agencies on their proper responsibilities under the Act. We also publish an informative quarterly newsletter, FOIA Update, which is given wide circulation within the Executive Branch and sets forth the Department's guidance on a wide variety of issues, plus an inclusive FOIA Case List of judicial decisions and an analytical "Short Guide to the FOIA" describing the Act's substantive and procedural aspects. Our Office of Information and Privacy also responds to more than one thousand calls per year from agency personnel requesting advice on specific FOIA issues. We believe that these efforts contribute considerably to improving the administration of the FOIA by the various agencies.

Within the Department, the Office of Information and Privacy reviews all appeals of denials by any component of the Department of Justice. That Office is responsible for monitoring both the substantive decisions of the Department's various bureaus and divisions, and the timeliness of their responses.

Of course, the Department has no direct binding authority over the actions of the other Executive agencies, and those agencies must be free to exercise the judgment and expertise in their own fields of responsibility. But we do have authority to review the proposed litigation positions of all Executive agencies, where the Department of Justice represents them in court. Thus, although a relatively rare occurrence, the Department on occasion has declined to defend an agency's actions and has instead required settlement of a case.

II. OBSERVATIONS ON FOIA REFORM

The Department of Justice therefore welcomes these hearings and the opportunity to present for the benefit of the Subcommittee some of the facts about the administration of the FOIA. The agencies of the government, and the Department of Justice in particular, are in an excellent position to evaluate the effects of that Act. Persons who request information understandably can see only the delay in receiving a response, or the fact that some of the information they requested was withheld. Only those who take into consideration the perspective of the agency as well can fully understand why certain information is properly and necessarily withheld.

In considering the purposes of the FOIA, it is essential to keep in mind that the Act is not, and never could be, a statute with the single-minded purpose of disclosing government information. We all would agree, I am sure, that many kinds of information that the government has in its possession must be kept confidential, in order to protect important public interests. For example, agencies often must withhold information to protect the privacy of innocent third parties, to maintain the confidentiality of trade secrets, to avoid the disclosure of information affecting the security of the nation, or to prevent interference with pending civil, criminal, or administrative investigations, and protect the identities of confidential sources involved in any type of these investigations.

As important as the goal of openness may be, the countervailing interest in protecting such information from disclosure often can be even more important. Government functions would be impaired, for example, if the tax records or census responses of individuals were made public merely for the asking, if businesses could readily obtain the trade secrets of their competitors, or if the

government were required to disclose the identities of its confidential informants.

The FOIA, then, reflects a balance between two sets of public and governmental goals. It is not a matter of a struggle of good against evil, but a balancing of two good objectives. Amendments to the Act, therefore, cannot reasonably be evaluated by the simplistic measure of whether they provide for more or less disclosure. The proper standard is whether the proposed amendments will bring about a better balance between the several purposes of the Act. And in that analysis, it is not a sufficient answer to a problem to say, "There already is an exemption that covers that." The pertinent inquiry is whether or not that existing exemption is in point of fact functioning the way Congress intended, to protect against the designated harm. In many respects, we submit that such a careful evaluation of the FOIA indicates that certain aspects of the Act indeed are not functioning as Congress intended and instead disserve the public interest.

III. DISCUSSION OF SPECIFIC FOIA REFORMS

Having discussed briefly the Department's general experience under the FOIA, and our efforts to encourage compliance by the Department and by other agencies, let me turn now to a discussion of the specific legislative proposals that the Senate has unanimously approved. We candidly admit that these provisions would not solve all of the Department's concerns, particularly in the law enforcement area where the ingenuity of many criminals threatens the Department's ability to protect its essential investigatory information. We do believe, however, that these revisions would make an enormous improvement in those cases, such as organized crime, where the Department is most concerned about the adverse and unintended effects of the FOIA.

There is a long history of proposals to amend the FOIA. In the years following the substantial broadening of the Act in 1974, the Department of Justice and the government as a whole began to experience serious problems with some of the requirements and language of the FOIA. A study begun in 1979, following testimony before Congress, led former Attorney General Civiletti to prepare a comprehensive package of proposed amendments to the FOIA, recommending very substantial changes in the Act. I think it is important to remember that the Civiletti proposals were not so very different from the provisions of S. 774; indeed, in many respects they were more far-reaching.

When this Administration assumed office, the Department of Justice commenced an independent review of the problems that the FOIA has raised. As a result of that review, we concluded that the FOIA has indeed created serious problems for the federal government; however, we also found that—as serious as these problems were—they also tend to be narrow enough to be remedied without a wholesale revision of the FOIA. Accordingly, in October 1981, the Department testified before the Senate Subcommittee on the Constitution to present the Administration's proposed amendments to the FOIA. That proposal was introduced in the 97th Congress as S. 1751 and H.R. 4505.

The Senate's Subcommittee on the Constitution gave extensive consideration to the issues relating to amendments to the FOIA, holding numerous days of hearings on all aspects of the proposals, hearings which fully considered all viewpoints.

As a result of this extensive consideration, many of the Administration's proposals were soon incorporated into existing FOIA reform legislation, S. 1730. Commendably, Senator Hatch and his colleagues, particularly Senator DeConcini and Senator Leahy, carefully engrafted our proposals onto the provisions of S. 1730, producing a compromise set of proposed amendments to the FOIA that were drawn as narrowly as possible. The central purpose of our common efforts was to ensure that the changes made to correct the deficiencies of the FOIA should not inadvertently infringe upon the overriding purposes of the Act.

The final version of S. 1730 was an excellent example of carefully drafted remedial legislation. We at the Department of Justice found that the bill redressed most, although not all, of the serious problems we had encountered with the FOIA. For example, Director Webster of the FBI described the compromise as "an 8 on a scale of 10." Similarly, the various interest groups that initially had opposed any amendments to the Act acknowledged the compromise bill as a responsible and even-handed approach to reform of the FOIA.

The present bill, S. 774, is almost identical to S. 1730 from the last Congress. Three changes in the text of the bill were made by the Senate Judiciary Committee: first, a somewhat technical amendment changing the language of Exemption 7(C) from "would" to "could reasonably be expected to" result in an unwarranted invasion of personal privacy; second a provision preventing an agency from retaining any of the FOIA fees they collect if it is found not to be in "substantial compliance" with the time limit provisions of the Act; and third a provision requiring agencies to list in the Federal Register the Exemption 3 statutes upon which they intend to rely. With these few changes, the bill again was approved unanimously by the Senate Committee on the Judiciary. On February 27, 1984, the full Senate approved the measure by voice vote, with only two other changes striking the term "royalty" from section 2 of the bill, and deleting the proposed technological data exemption in light of the special protection for such data provided by Congress in the Defense Department's 1983 authorization bill, codified at 10 U.S.C. § 140c.

Before turning to a summary of the specifics of this bill, I note that the Senate Judiciary Committee has amassed a considerable amount of testimony and other evidence during the course of considering this bill, comprising two volumes of hearings during the 97th Congress, and one volume of hearings in this Congress. Those hearings already have developed a substantial amount of the evidence in support of the reforms in S. 774.

Law enforcement. The FOIA has become a major problem to the government's law enforcement agencies. The FBI has found that 15% of the FOIA requests it receives are from criminals incarcerated in prison. In the case of the Drug Enforcement Administration, this number is even higher: 58% of the FOIA requests the DEA receives are from prisoners and another 21% from known drug traffickers. The frequency with which criminals use the FOIA is itself an indicator of its usefulness to them.

However, there also is direct evidence that the FOIA has been directly harmful to law enforcement efforts. In the course of the hearings held last Congress on S. 1730, the Department provided to the Senate judiciary Committee a list of over 200 documented cases where the FOIA had a harmful impact on law enforcement activities. These are not isolated anecdotes, but rather are a stark reflection of the adverse effects of the Act in the specific area of criminal law enforcement. Moreover, in an executive session of the Senate Subcommittee, Director Webster of the FBI provided additional examples of the use of the FOIA by criminals, terrorist groups, and hostile foreign intelligence agencies. That information is available to this Subcommittee. In February 1982, the DEA released a study it had conducted that found that 14% of the DEA's investigations were aborted, narrowed, compromised, or significantly complicated by the FOIA.

The problems the FOIA creates for law enforcement agencies are especially acute when organized crime uses the Act to discover what the government knows about its activities and members. Organized criminal groups engage in a wide range of illegal activities and often have a long institutional memory. As a consequence, otherwise innocuous information that the government discloses under the FOIA to a member of an organized crime family or a drug trafficking conspiracy often can be pieced together with information already known to the requester to form a "mosaic" that reveals the identities of the government's confidential informants or the scope of the government's investigation.

S. 774 has several types of provisions that address the concerns regarding law enforcement information. The provisions of Exemption 7 would be modified slightly—not revised wholesale as some observers have asserted. The introductory language of the provision would be revised to include law enforcement information other than that developed in the course of a specific investigation—for example, manuals of procedure or statements of prosecutorial priorities. Several of the specific standards of harm in Exemption 7 would be revised to cover information that "could reasonably be expected to" cause the specific harm—e.g., identify confidential informants—rather than the present standard that disclosure would cause that harm. The government of course would continue to bear the burden of proof in all cases, but this restatement of the necessary showing would give more appropriate recognition to the uncertainties that all too often prevail in the course of criminal investigations. Requiring certainty that disclosure would identify a confidential informant is too high a standard; it should be sufficient that a reasonable person reasonably would expect that result.

The Department of Justice believes that the bill will go a long way towards closing this very critical gap in the government's ability to maintain the confidentiality of its law enforcement files.

Secret Service files. In past testimony before Congress, the Secret Service has revealed that many local police departments no longer share information with them because they believe that the Service will not be able to protect the information from mandatory disclosure under the FOIA. By 1977, according to its testimony, the Secret Service had lost so much useful information of this type that it recommended against visits by President Carter to two cities because of fears that the Service could not protect the President's personal safety. Moreover, in 1981 the Secret Service testified that its informant information had dropped by 75 percent since the passage of the 1974 amendments to the FOIA. We en-

dorse S. 774's provisions granting broader protection to the files the Secret Service compiles in connection with its protective functions.

Commercial information. Every year, thousands of businesses submit to the government many of their most important and confidential trade secrets and business records. However, there is no requirement in the FOIA that the government must notify these companies when it intends to release this information to the public. The seriousness of this shortcoming was shown by the first panel of witnesses before this Subcommittee at the hearing held this past May, who pointed to a number of concerns resulting from a lack of notice to submitters of sensitive business secrets prior to dissemination, and the resulting inability to oppose the disclosure either before the agency or in court. Moreover, providing submitters an opportunity to object to disclosure should lead to improved administrative decisionmaking based upon all the relevant information.

Many of these procedural improvements can be accomplished only by legislation—for example, the provisions for judicial review of agency action. Even for those procedures that could be put in place by administrative action, the strict time limits of the Act presently make no express allowance for the time needed for the consultation process.

For these reasons, we support the bill's provisions requiring government agencies to notify businesses in advance whenever the agency intends to publicly release trade secrets or sensitive commercial information under the FOIA. S. 774 is a means to further the goal of the Act to conduct the government's business in the open. It would not create any new exemption for confidential business information. It would simple provide—just as the Administrative Procedure Act does in so many other areas—that the government will give private parties notice and an opportunity to object before it takes action affecting their interests.

Manuals and examination materials. As is explained more fully in the accompanying Detailed Analysis of S. 774, the FOIA often compels the government to release the internal manuals and instructions that government agencies give to their investigators, auditors, and negotiators. Frequently, these materials set forth the government's confidential investigatory techniques and guidelines.

Public disclosure of these manuals significantly hampers the government's ability to enforce the law, detect fraud, or acquire goods and services at competitive prices, since subjects of investigations or government suppliers may learn in advance what the government intends to do. Because of the crucial role that manuals and guidelines play in the government's law enforcement and acquisition programs, we strongly believe that they deserve more complete protection.

Personal privacy. In the normal course of government operations, numerous government agencies collect and maintain many types of personal information about individuals—whether for purposes of social insurance benefits, loan guarantees, taxation, law enforcement, federal employment, Veterans Administration medical care, or many other reasons. One can point to many laws Congress has enacted—notably the Privacy Act of 1974—that exemplify the importance all of us attach to the interest in protecting personal privacy.

But the FOIA is anomalous, because it often permits a complete stranger to obtain access to government files that contain personal information about us. Often a requester's purpose is chiefly commercial—credit bureaus, employment agencies, and life insurance companies rank among the most common users of the FOIA for this purpose—but disclosure of personal information about us is an invasion of privacy nonetheless. Any system providing for the public disclosure of government records must necessarily provide that information the government compiles about its citizens should be protected from those who would use it to invade our personal privacy.

S. 774 would amend the Act to make clear that Exemption 6 applies to all records relating to individuals, including lists that could be used for solicitation purposes. It would also amend Exemptions 6 and 7(A) to authorize withholding of personal information that "could reasonably be expected to result" in the specified harm to personal privacy interests. Although S. 774's amendments to the Act's privacy exemptions perhaps could go further—for example, by changing the Exemption 6 standard to an "unwarranted" invasion of personal privacy—we strongly support this effort to give Americans greater protection of their personal privacy.

Fees. One of the unexpected developments from the 1974 amendments to the FOIA has been the great volume of requests and the expenses of processing those requests. Congress estimated that implementation of the 1974 amendments would cost no more than $40,000 to $100,000 annually. The direct cost of compliance with the Act by all agencies rose, however, to at least $61 million by 1981, according to the General Accounting Office, and it certainly is much higher today. Frequently, the cost to the government of search and review bears little correlation to the public interest in disclosure, yet only three or four percent of this cost is typically recovered from requesters. We strongly support the goal of this bill to end public financing of requests that do not benefit the general public and to encourage all requesters to make reasonable efforts to narrow excessively broad requests.

We also endorse the bill's provision permitting an agency to charge a fair value fee for records containing commercially valuable technological information that was generated or procured by the government at substantial cost to the public, when the requester is likely to use the information for a commercial purpose and deprive the government of this commercial value. We believe that the government should not subsidize the development of commercially valuable information for the financial benefit of private commercial enterprises. We would also note that, in many cases, requests for such information deprive not only the government, but also the private firm that supplied the information to the government, of the information's commercial value. As noted earlier, the Senate has deleted the term "royalty," which caused concern among some groups as to its meaning.

Finally, I emphasize that the bill would retain the provision in the current law that requires an agency to waive or reduce existing search and duplication fees whenever a requested disclosure would primarily benefit the general public. Such waivers are intended to ensure that persons such as representatives of the media, public interest groups, and scholars have relatively inexpensive access to government records where disclosure of information to them would in turn be of primary benefit to the general public. The bill also provides for a categorical waiver of all new processing fees for researchers, journalists, and public interest groups. We believe that the bill's fee provisions overall represent a fair compromise in this sensitive area.

Time limits. The FOIA's unrealistic time limits have caused serious problems for the government and FOIA requesters alike. The short (10-day) time limit imposed on agencies for responding to and processing requests often forces agencies to respond prematurely or hurriedly. FOIA requesters, too, are dissatisfied with the present time limitations, which often mean that agencies are not in statutory compliance and occasionally have caused needless litigation. Moreover, under the "first-in, first-out" system established by the FOIA and the case law, even persons making relatively simple requests may find themselves placed at the end of the agency's backlog of requests received earlier. This may result in a delayed response as the agency strives to process earlier requests. Finally, there is currently no specific authority for agencies to extend the strict ten-day time limits in order to notify submitters of confidential business information that disclosure of their information has been requested. We endorse S. 774's approach to this problem, which establishes more realistic deadlines to guide agency conduct.

I would like to take special notice of a provision in S. 774 that, for some reason, has received little attention by the representatives of the press who testified earlier at these hearings. Several of those witnesses complained of delays experienced by journalists in obtaining information under the Act. Most often, such delays are simply the inevitable result of the large backlogs of requests pending at particular agencies, combined with the courts' requirement to handle such backlogs in a first-come, first-served manner. Although journalists generally make up a very small proportion of requests at most agencies, they are inevitably affected by the backlogs of requests by others—many of whom seek information for their own use, not for any public interest. To ease this crowding-out problem to some extent, S. 774 would provide for accelerated consideration of FOIA requests made by the news media, and others who can demonstrate a need for expedited access to government records. We believe that this measure should respond to the concerns of the journalistic community without undermining the time limit provisions of S. 774 overall.

Proper requests. S. 774 also contains three other provisions that we think are particularly important. First, the bill would permit the Attorney General to issue regulations that impose limitations upon FOIA requests by imprisoned felons, where it is determined that the limitations are needed in the interests of law enforcement and would not contravene the purposes of the Act. Second, the bill would limit the use of FOIA as a substitute for normal discovery rules by parties in litigation with the government. This would be accomplished by simply extending the rather rigid time limits of the Act with respect to requests from parties in litigation with the government who could just as easily use document discovery procedures to obtain the information. Third, S. 774 would limit the availability of the FOIA's public access provisions to United States citizens and resident aliens. We believe that this change would eliminate a number of burdensome requests now made of the government by foreign citizens and corporations.

However, it would not impinge in any sense upon the FOIA's central purpose of providing information to United States citizens about the operation of their government.

In a brief aside, Mr. Chairman, I would like to address your concern, expressed in a letter to the Attorney General after your hearings last year on the Privacy Act of 1974, about this provision limiting the strict obligations of the FOIA to those who are United States citizens or lawfully admitted resident aliens. Those hearings on the Privacy Act led you to the conclusion that, because aliens do not have enforceable rights under the Privacy Act (see 5 U.S.C. § 552a(a)(2)), they need to have continued access to records under the FOIA. We must respectfully disagree—that to cure a minor perceived shortcoming in one aspect of the Privacy Act, the FOIA must be left with an expansive, open-ended obligation to give foreigners the same complete access as citizens have to information on the United States government and to information held by our government on citizens and on domestic businesses. If access by aliens to information on themselves held by the government is a significant concern, then perhaps this Subcommittee could consider a specific amendment to resolve that concern. Let me make clear that the Department of Justice has not yet taken any position on such a change.

That very specific concern should not, however, defeat an amendment to the FOIA intended to address a far larger and quite different concern. The amendment to the FOIA at issue would not preclude aliens in all cases from obtaining information from the United States government, but simply would provide that the full panoply of special procedural and substantive rights made available by the FOIA to American citizens—strict time limits, narrow exemptions to disclosure, do novo judicial review, attorneys' fees, reduced fees, administrative sanctions for failure to disclose, and (if S. 774 were adopted) reverse FOIA procedures to protect the confidential business information of foreign corporations—need not be extended to aliens as a matter of statutory right in every case.

List of Exemption 3 Statutes. Finally, S. 774 includes a provision added by the Senate to require each agency to publish in the Federal Register, within 270 days of enactment of the subsection, a list of all statutes upon which the agency proposes to rely to withhold information under Exemption 3 of the FOIA, and a description of their scope.

While the Department of Justice does not object to the requirement that all such exemption statutes be published in the Federal Register, we would suggest that this provision be clarified to provide that an agency could rely on any of the exemption statutes published by the Department of Justice, not simply those exemption statutes commonly relied upon and listed by that agency. The gist of Section 16 is to provide a single comprehensive list of exemption statutes, not to require each agency to prepare a highly duplicative list of all of the exemption statutes that agencies governmentwide may rely on.

I hope that this summary of the important changes S. 774 would make is useful. However, I think that it also is useful to look at what S. 774 would not do. The bill would continue the substantive or procedural standards governing the disclosure of information that has been classified in the interests of national defense or foreign policy. Similarly, S. 774 would not change the scope or nature of the protections that the FOIA currently provides for trade secrets and confidential commercial information; as I have stated, the bill would do no more than give submitters of such information the right to be told of an intended disclosure and an opportunity to object. Overall, S. 774's narrowly-drawn protections should assist greatly in ensuring that agencies can strike the proper balance between the public's right to know and the government's need to maintain the confidentiality of non-public information.

In this regard, I think that it is important to point out once again just how well the Senate Committee has succeeded in striking this balance. In a study released in 1982, long before Senate passage of S. 774, a group categorically opposing any amendment of the FOIA listed over 500 instances where requesters had used the FOIA to obtain the disclosure of important government information.[1] The examples listed in the study covered the entire gamut of the information the government keeps, from consumer product safety information to national security information to tax information.

In his Senate testimony over one year ago, former Assistant Attorney General Rose explained that the Department had compared this study and S. 774 to gauge just how seriously this bill would have affected these hundreds of disclosures had it been in effect at the time. That study concluded that, of the more than 500 examples listed in the study, there were only four instances where S. 774 might have prevented the disclosure of the information in question—and in each case there were sound reasons why the information that was required to be released should have been withheld.[2]

Although the opponents of S. 774 have had ample time to judge the results for themselves, no one has disputed this conclusion. Many of the witnesses before this Subcommittee have simply given examples of their use of the FOIA and praised its availability, but have not addressed the specifics of S. 774. Other witnesses made broad, generalized assertions that the provisions of S. 774 would have unspecified adverse results, but they have not made any effort whatsoever to provide concrete examples of harm.

Contrary to those unsupported expressions of concern, we believe that the evidence presented to this Subcommittee and to the Senate Committee on the Judiciary provides more than an ample basis to conclude that the provisions of S. 774 would in fact provide for greater protection against unwarranted disclosures while at the same time preserving the goals of public access under the FOIA. S. 774 would have virtually no impact upon the truly important public disclosures under the FOIA, yet would respond to many of the more than 200 documented examples where the Act has harmed law enforcement. This bill is a well-written and much needed proposal for adjusting the balance between disclosure and confidentiality that the FOIA is meant to embody.

In conclusion, I would like to thank you, Mr. Chairman, and the members of the Subcommittee, for your consideration of the proposed amendments to the FOIA which have now been so resoundingly approved by the Senate. I fully understand and appreciate your abiding concern to preserve the letter and spirit of the Freedom of Information Act, which this Subcommittee has authored and approved. I only ask that you give equal attention to the demonstrable harmful impact that the Act has had, in ways I am sure were not intended by this Subcommittee.

In our view, and in the view of the Senate, S. 774 will give the government very real assistance in preserving the necessary confidentiality of the important government files relating to law enforcement and other subjects, without infringing on the Act's goals. We can see no reason to perpetuate the unintended abuses of the FOIA that our experience has uncovered. This is particularly ture when legislation is available which would significantly limit those abuses without affecting whatsoever the continued vitality of the FOIA to serve the purposes for which it was enacted: to ensure that informed citizens have the means to learn of the operations of their government and that government operates in an open and responsible manner.

We look forward to working with Congress to achieve the prompt passage of this legislation.

DETAILED ANALYSIS OF THE PROVISIONS OF S. 774

Fees and Waivers

Under existing law, agencies can collect only the costs of searching for copying requested documents, which are only a fraction of the true costs of responding to a FOIA request—less than 4 percent. The expense of reviewing documents, redacting exempt material, and performing other processing accounts for the remaining 96% of the total cost.

Section 1 would authorize agencies to recover from requesters fees which more nearly reflect the true costs of processing their FOIA requests. Besides encouraging agencies to recover a greater proportion of their costs, Section 1 would encourage all requesters to make reasonable efforts to narrow unduly broad requests.

The cost to the government of processing a request does not necessarily bear any correlation to the public interest in disclosure. The majority of all FOIA requests are filed by or on behalf of corporations for private, commercial reasons. In many instances, individuals have also made excessive use of the Act, at public expenses, for reasons that are purely personal, that serve no public interest, and that may in some cases even be contrary to the public interest. In one case, a single Freedom of Information Act re-

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[1] Campaign for Political Rights, "Former Secrets" (1982 E. Hendricks ed.).

[2] Former Secrets, supra, pp. 53 (first and last examples) and 62 (first example), and 193 (last example). The first two examples both involved the disclosure of law enforcement files on organized crime, although it is unclear whether the particular documents that were disclosed were less than five years old, as S. 774 would require before they could be withheld. The first case involved allegations of organized crime's involvement in the American coal industry, while the second pertained to the Department of Justice's investigation of various Teamster pension funds. Both of the remaining examples are cases where internal government audit manuals were disclosed under the FOIA. The example recited on page 62 of the study was a request for an internal HUD audit manual. The example on page 193 of the study involved the disclosure of what appears to have been a multi-volume manual detailing auditing procedures for IRS agents.

In addition, there were seven examples of disclosure listed in the study where a request had been made by foreign citizens—in one case by the government of the Soviet Union and another by a suspected Palestinian terrorist. See pp. 32, 73, 101, 105, 141, 145 and 177. Under S. 774, all seven requests could have been denied because they were not made by United States citizens or resident aliens; however, the information would have continued to be available to any United States citizen or resident who made the same request.

quest for voluminous CIA documents by a renagade ex-agent, Philip Agee, cost the public nearly $500,000 to process. See *Agee v. CIA*, 517 F. Supp. 1335, 1342 n.5 (D.D.C. 1981).

Section 1 would allow agencies to collect "all costs reasonably and directly attributable to responding to the request, which shall include reasonable standard charges for the costs of services by agency personnel in search, duplication, and other processing of the request." The bill includes several provisions constraining an agency's authority to collect fees. First, no charge may be made in connection with any request that requires no more than two hours of agency processing time and for which no more than twenty pages are released. Second, any processing charges must be reasonable, standard charges and must be limited to services directly attributable to responding to the request. Third, the term "processing" is defined to exclude services of agency personnel in resolving issues of law or policy of general applicability in responding to a request. Thus, a requester would not be charged for an agency's costs in establishing or rethinking a policy of general applicability, even if the request triggers such agency action. However, a requester could be charged the costs of review and redaction of documents pursuant to established agency policy.

Fee waivers. The bill retains essentially the same standard as in current law for waivers of search and copying fees. An automatic waiver of the new processing fees would be made for noncommercial requests by (1) individuals or institutions conducting scholarly or scientific research, (2) journalists, and (3) non-profit groups intending to make information publicly available. The bill would not affect the ability of individuals to obtain records about themselves under the Privacy Act of 1974 for only the cost of copying the record. See 5 U.S.C. § 552a(f)(5).

Commercially valuable information. Section 1 also permits an agency to charge additional fees for information that has a commercial market value and has been compiled by the government at substantial expense to the taxpayer. This provision carries out the existing federal policy enunciated in 31 U.S.C. § 3302 (1982), and would avoid the anomaly in current law that permits a requester to reap personal profit from valuable technological information that all taxpayers paid to develop, and which he obtained at fees reflecting little more than the cost of duplication. The term "royalty" was deleted from this provision by the Senate.

Partial retention of fees. Finally, section 1 permits each agency to retain one-half of the fees collected under the FOIA to defray in part the agency's expenses in complying with the Act. This provision would not apply if the agency was found by the Office of Management and Budget or the General Accounting Office not to be in "substantial compliance" with the time limits of the FOIA.

Time Limits

Section 2 of the bill, while retaining the existing 10-day requirement for an initial response to a request, also provides more realistic time limits for processing burdensome FOIA requests and provides for expedited processing of requests that are made in the public interest.

The complexity and sheer volume of the requests received by many agencies often prevent compliance with the current time limits. Recognizing the inherent inability of many agencies to process requests within the specified time limits, many courts have freed agencies of the need to comply with time limits by resorting to use of the "exceptional circumstances" and "due diligence" provisions in section 552(a)(6)(C). In the leading case, *Open America v. Watergate Special Prosecution Force*, 547 F.2d 605, 616 (D.C. Cir. 1976), the court ruled that an agency exercising due diligence in processing a great volume of FOIA requests is not strictly bound by the ten-day provision; the agency may process them on a "first-in, first-out" basis, unless the requester can demonstrate to a court "exceptional need or urgency" for preferential treatment.

The present, very short time limits in the FOIA may cause agencies to process requests hurriedly, thereby increasing the likelihood of premature denials, unnecessary litigation, and serious errors. The inevitable delays at many agencies have led many requesters to a general dissatisfaction with the Act's operation, as well as to some needless litigation. Finally, the present "first-in, first-out" system prevents agencies that have a backlog of requests from responding promptly to many requests from the public and the news media, unless the requester can demonstrate "exceptional need or urgency."

Accordingly, Section 2 of the bill would allow an agency, in the case of "unusual circumstances," to extend its deadline from ten to thirty days. It would also specifically recognize an extension of the time limits on account of a substantial backlog of requests. Section 2 also would require each agency to promulgate regulations to provide that requesters who demonstrate a compelling need for expedited processing should be given processing priority over other requesters.

Business Confidentiality Procedures

Section 3 of the bill establishes a procedural route for the protection of confidential business information, requiring agencies to provide notice, an opportunity to object, and an opportunity to bring suit to oppose disclosure. However, the bill would not alter the substantive standard of Exemption 4.

Under these procedures, the submitter must designate, at the time of submission or thereafter, the information that is exempt under Exemption 4. The agency, upon receiving a request for the disclosure of such information, shall notify the submitter of the request, describe the nature and scope of the request, and inform the submitter of his right to object to disclosure. Notice to submitters is not required in five specified circumstances. Whenever the agency determines to disclose such information, notwithstanding the objections of a submitter, the agency must give the submitter at least ten working days notice of intent to disclose. Nothing in these procedures alters other rights established by law protecting the confidentiality of private information—such as the Trade Secrets Act, 18 U.S.C. § 1905, the Census Act, 13 U.S.C. § 301, or the Internal Revenue Code, 26 U.S.C. § 6103.

These provisions would permit a submitter, who is frequently more aware of the commercial value of information than is the government, to inform the government why the submitter believes the information should not be released. For these reasons, these proposed provisions should be beneficial not only to the submitter, but also to the government.

Judicial Review

Section 4 of the bill would amend section 552(a)(4)(B) of the Act to include a limitation period of 180 days for judicial review of an agency's denial of a request for disclosure. This is for administrative efficiency, to allow the closing of old request files, but would not prejudice requesters. The 180 day period is the same as that set forth in a number of other administrative enforcement provisions. See, e.g., 42 U.S.C. §§ 2000e-5(e) and 2000e-16(c) (Title VII employment discrimination); 42 U.S.C. § 3612(a) (housing discrimination); and 29 U.S.C. § 633a(d) (age discrimination).

Section 4 also would amend the FOIA to provide district court jurisdiction over suits to enjoin disclosure of trade secrets or other commercially valuable information provided to the government by a submitter. Currently, submitters have no direct right of action but must resort to an action under the Administrative Procedure Act, 5 U.S.C. § 706, to enjoin violations of the Trade Secrets Act, 18 U.S.C. § 1905. See *Chrysler Corp. v. Brown*, 441 U.S. 281, 285, 317-18 (1979). The bill would also provide for notice to both submitters and requesters that a suit to enjoin the withholding or disclosure of records has been filed, and for the district courts to have personal jurisdiction, in any suit filed under the Act, over all requesters and submitters of particular information. These proposed provisions would ensure that an adverse party, whether submitter or requester, would receive notice of the complaint, have the right to intervene, and be bound by the court's decision.

Section 4 would also amend the provision of the Act authorizing the award of attorney fees in favor of a requester who "substantially prevails" in the litigation to authorize the award of attorney fees against submitters, as well as against the government. Thus, in disputes between a submitter and a requester, where the government's position is essentially that of a stakeholder of the disputed information, this provision would allow the court to charge the costs and attorney fees of a requester who substantially prevails against a submitter rather than against the United States. As under present law, the provision would authorize the award of attorney fees only in favor of requesters who substantially prevail, and even then the award would be discretionary.

Public Record Requests

Section 5 of S. 774 would amend the FOIA to eliminate the need for federal agencies to retrieve, duplicate, and mail records that are already publicly available. Requests that agencies disclose such documents often require employees to duplicate hundreds of pages of newspaper and magazine articles that a requester, with no greater effort, could locate and copy at the nearest public library. As Professor (now Circuit Judge Antonin Scalia observed, there is no reason why federal agencies should be compelled to act as "the world's largest library reference system." [1] In the case of public record items

[1] Freedom of Information Act: Hearings on S. 587, S. 1235, S. 1247, S. 1730, and S. 1751 Before the Subcommittee on the Constitution of the Senate Committee on Judiciary, 97th Cong., 1st Sess. 953 (1981) (statement of Antonin Scalia, Professor of Law, Univ. of Chicago Law School).

such as newspaper clippings and court records, Section 5 would implement that recommendation by allowing agencies the choice of providing an index identifying the date and source of public records (but only if the index already is in existence) or producing copies of the documents.

Clarify Exemptions

Section 6 of the bill merely clarifies the fact that the compulsory disclosure requirements of the Act do not apply to the exemptions listed in the paragraphs of section 552(b).

Manuals and Examination Materials

Section 7 of S. 774 would make clear that materials whose confidentiality is necessary to effective law enforcement and other vital government functions are exempt from disclosure. Such materials include manuals and instructions to investigators, inspectors, auditors, and negotiators. Although materials of this nature are arguably protected under present law, the courts are divided over the application of Exemption 2 law enforcement manuals [2] and to audit guidelines.[3]

This confusion reflects the conflicting legislative history of Exemption 2. According to the Senate committee report, it was intended to relate only to internal personnel rules and practices of an agency, such as the agency's rules about it employees' use of parking facilities or its policies concerning sick leave.[4] The House committee report, on the other hand, stated that the exemption should protect from disclosure the operating rules, guidelines, and manuals of procedure for government investigators or examiners.[5] Moreover, a related provision of the Act, subsection (a) (2) (C) (which requires an agency to make available to the public "administrative" staff manuals and instructions to staff that affect a member of the public) implies a distinction for law enforcement manuals or guidelines for auditing and inspection procedures.

The bill would resolve this confusion by expressly protecting confidential information in manuals and instructions to investigators, inspectors, auditors, and negotiators from disclosure. This change complements the amendment to Exemption 7(E) relating to guidelines for law enforcement investigations or prosecutions. See generally, *Crooker* v. *Bureau of Alcohol, Tobacco & Firearms*, 670 F.2d 1051 (D.C. Cir. 1981). The inclusion of negotiators in this list reflects the government's legitimate need to maintain the confidentially of its instructions to staff in contexts other than law enforcement, such as government procurement programs. The term "negotiators" should include not only law enforcement personnel who are called upon to negotiate the settlement of pending and impending litigation, but also agency staff who conduct negotiations for the procurement of goods and services, the acquisition of lands, the resolution of labor-management disputes, the release of hostages, or any other negotiations conducted in the course of carrying out a legitimate government function where the release of such instruction or manuals may jeopardize the success of the negotiations.

The addtion of Exemption 3(B), relating to testing or examination materials used to determine individual qualifications for employment, promotion, and licensing, would protect from disclosure materials that would compromise the objectivity or fairness of the testing, examination, or licensing process within various agencies. A similar provision exists in the Privacy Act of 1974, 5 U.S.C. § 552a(k)(6).

Personal Privacy

Section 8 of the bill changes the FOIA's personal privacy exemption (Exemption 6) in three respects. The change in the threshold language to cover all "records or information concerning individuals" and to eliminate the existing "similar files" language is intended to reinforce the correctness of the Supreme Court's decision in *United States Department of State* v. *Washington Post Co.*, 456 U.S. 595 (1982, where the Court repudiated a formalistic reading of "similar files" by the U.S. Court of Appeals for the District of Columbia Circuit.

The bill also would reconcile the FOIA and the Privacy Act on the matter of disclosure of lists of names and addresses. The Privacy Act of 1974, 5 U.S.C. § 552a(n), currently provides that "[a]n individual's name and address may not be sold or rented by an agency unless such action is specifically authorized by law," and the accompanying Senate Committee Report stated that the disclosure of mailing lists by the government is "totally inconsistent with the purposes of the bill." [6] Nevertheless, some courts have required such disclosure.[7] This provision should provide somewhat greater protection against this abuse by making agencies' disclosure of such lists expressly subject to FOIA Exemption 6. This would be in line with the Third Circuit's conclusion that the disclosure of mailing lists is "wholly unrelated to the purposes behind the Freedom of Information Act and was never contemplated by Congress in enacting the Act," [8] and the Ninth Circuit's recent decision that "commercial interest should not weigh in favor of mandating disclosure of a name and address list. . . . FOIA was not intended to require release of otherwise private information to one who intends to use it solely for personal gain."[9]

Section 8 also modifies the standard of proof by allowing agencies to withhold records when disclosure "could reasonably be expected to" result in a clearly unwarranted invasion of personal privacy. Despite the importance of the right to individual privacy, which Congress has sought to protect in the Privacy Act of 1974, 5 U.S.C. § 552a, and the Right to Financial Privacy Act of 1978, 12 U.S.C. § 3401, et seq., many credit bureaus, employment agencies, and other third parties routinely attempt to use the FOIA to acquire financial and personal information about individuals. The current law, which has been construed as "an imposing barrier to nondisclosure" that weighs "heavily in favor of disclosure," [10] hinders the government's ability to protect individuals legitimate privacy interests. Although it retains the "clearly unwarranted" language, the language of Section 8 allows greater leeway to protect the rights of individuals against inquiring third parties by permitting agencies to withhold information whenever disclosure "could reasonably be expected" to cause a clearly unwarranted invasion of personal privacy.

Law Enforcement

Section 9 of the bill makes several significant improvements in the language of Exemption 7, which protect law enforcement files from mandatory disclosure. Exemption 7 authorizes the withholding of law enforcement investigatory records only to the extent the government can demonstrate that one or more of six specific categories of harm will be caused by the release. While this exemption is intended to protect the government's important law enforcement interests, it has proved to be inadequate in practice.

The Department of Justice has extensive experience with the problems caused by the application of FOIA to criminal law enforcement agencies. Of the more than 61,000 requests for access to records of the Department received in 1982, a significant portion were directed specifically to the Department's criminal investigatory agencies, the Federal Bureau of Investigation (which received over 15,000 such requests) and the Drug Enforcement Administration. Significantly, a large number of these requests—nearly 80 percent at the DEA—were from convicted felons or from individuals whom the FBI and DEA believe to be connected with criminal activities. Such requesters have made extensive use of FOIA to obtain investigatory records about themselves or to learn the scope of ongoing investigations, identify government informants, and uncover government law enforcement techniques. One suspected organized crime "hit man" has filed over 137 FOIA requests for this purpose, and others have boasted that they have used the FOIA for the purpose of identifying informants.

A mainstay of law enforcement today is the volunteered statements and background

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[2] One court granted a pro se Freedom of Information Act litigant access to all portions of the Drug Enforcement Administration Agents Manual other than those pertaining solely to internal housekeeping matters, *Cox* v. *Department of Justice*, 576 F.2d 1302 (8th Cir. 1978), only later to deny to that same *pro se* litigant the portions of the Federal Bureau of Investigation's manual of instruction relating to investigative techniques and procedures. *Cox* v. *Levi*, 592, F.2d 460 (8th Cir, 1979). See also *Cox* v. *Department of Justice*, 601 F.2d 1 (D.C. Cir. 1979) (same pro se litigant denied access to portions of United States Marshals Service Manual describing procedures for transporting prisoners in custody); *Sladek* v. *Bensinger*, 605 F.2d 899 (5th Cir. 1979) (portions of Drug Enforcement Administration Agents Manual concerning DEA's handling of confidential informants and search warrant procedures ordered disclosed); *Caplan* v. *Bureau of Alcohol, Tobacco & Firearms*, 587 F.2d 544 (2d Cir. 1978) (entire BATF pamphlet concerning raids and searches withheld from disclosure).

[3] Compare *Hawkes* v. *IRS*, 507 F.2d 481 (6th Cir, 1974) (Internal Revenue Service audit guidelines ordered disclosed), *with Ginsburg, Feldman & Bress* v. *Federal Energy Administration*, 591 F.2d 717 (D.C. Cir.), vacated, reheard en banc, aff'd by an equally divided court, 591 F.2d 752 (D.C. Cir, 1978) (per curiam), cert. denied, 441 U.S. 906 (1979) (Federal Energy Administration guidelines for audits of refiners' reports withheld from diclosure).

[4] Senate Committee on the Judiciary, Clarifying & Protecting the Right of the Public to Information and for Other Purposes, S. Rep. No. 813, 89th Cong., 1st Sess. 8 (1965).

[5] House Committee on Government Operations, Clarifying & Protecting the Right of the Public to Information, H.R. Rep. No. 1497, 98th Cong., 2d Sess, 10 (1966).

[6] Senate Committee on Government Operations, Protecting Individual Privacy in Federal Gathering, Use and Disclosure of Information, S. Rep. No. 93-1183, 93d Cong., 2d Sess. 31 (1974).

[7] *National Western Ins. Co.* v. *United States*, 512 F. Supp. 454 (N.D. Tex. 1980); *Disabled Officer's Ass'n* v. *Rumsfeld*, 428 F. Supp. 454 (D.D.C. 1977).

[8] *Wine Hobby USA, Inc.* v. *IRS*, 502 F.2d 133, 137 (3d Cir. 1974).

[9] *Minnis* v. *United States Department of Agriculture*, No. 83-4089 (9th Cir. May 22, 1984), slip op. at 4.

[10] *Kurzon* v. *Department of Health and Human Services*, 649 F.2d 65, 67 (1st Cir. 1981). *See also Washington post Co.* v. *Department of Health & Human Services*, 690 F.2d 252 (D.C. Cir. 1982).

information provided to federal agencies by confidential sources, particularly for key criminal enterprises relating to narcotics, organized crime, and extremist violence. However, because of the large volume of FOIA requests from known or suspected criminals, many sources—private citizens and "street" informants alike—have become reluctant to assist the FBI or DEA because of fears that the government cannot protect their identities. Moreover, this perception exists not only among individual informants, but also state and local law enforcement agencies, who fear losing their own sources of information when the federal government discloses the information they have.

S. 774 would close gaps in the coverage of Exemption 7, helping to give better protection to law enforcement files and to dispel perceptions that the government cannot protect the identities of its confidential sources. The current threshold language of Exemption 7 means that records are eligible for protection only if they are "investigatory records" compiled for law enforcement purposes. See *FBI* v. *Abramson*, 456 U.S. 615 (1982). The bill would eliminate this "investigatory" requirement and would apply Exemption 7 generally to all "records or information" compiled for law enforcement purposes. This language would expand the categories of documents eligible for protection under Exemption 7 to include certain types of background information, law enforcement manuals, procedures, and guidelines.

Pending investigations. Section 9 also amends the language of Exemption 7(A) to ensure better that ongoing law enforcement investigations will not be compromised by the FOIA. The standard of harm would be changed from the present test—whether or not disclosure "would" interfere with a pending proceeding—to exempt all records or information the disclosure of which "could reasonably be expected to" interfere with enforcement proceedings. Even so, this change in the standard of harm, as welcome as it is, would not protect law enforcement agencies against the burden of responding to FOIA requests by the targets of law enforcement investigations—a practice that can significantly hinder the agency's conduct of ongoing investigations.[11]

Confidential sources. Similarly, Exemption 7(D) would be amended from its current language protecting against disclosure of information that "would" disclose the identity of a confidential source. Under S. 774, an agency could withhold information that "could reasonably be expected to disclose the identity of a confidential source"—including information that may not itself identify an informant but that, when viewed in context with other information known to a requester, could enable a requester to piece together facts that reveal the identity of an informant. The bill would also confirm that state, local, foreign governments and private institutions can be "confidential sources" within the meaning of Exemption 7.

Law enforcement guidelines. The bill would amend Exemption 7(E) to grant broader protection to records containing statements of law enforcement or prosecutorial guidelines. This would fill the gaps in the current language of Exemption 7(E), whose limitation to "investigative techniques and procedures" has proven insufficient to protect many sensitive law enforcement materials from disclosure.[12]

Personal safety. The current language in Exemption 7(F) exempts records only if their disclosure would endanger the life of a law enforcement officer. However, the exemption does not give similar protection to the life of any other person. S. 774 expands Exemption 7(F) to include such persons as witnesses, potential witnesses, and family members whose personal safety is of central importance to the law enforcement process.

Informant files. Under current law, criminal organizations can use the Act to attempt to uncover suspected informants in their midsts simply by asking for the records of individuals whom they suspect of being informants. In such cases, it is not sufficient that the FBI could respond that it is withholding the informant's file under Exemption 7(D), because the very step of specifying that exemption identifies the person as a confidential source. The bill would add a new subsection (a)(9) to the FOIA that would solve this problem by excluding the informant files of law enforcement agencies from the scope of the Act whenever those records are requested by a third party according to the informant's name or personal identifier. Under this amendment, the agency could properly limit its response to any collateral records or, if no such other records exist, properly respond that it has no records responsive to the FOIA request.

Organized Crime

Law enforcement agencies have found that organized criminal elements have attempted to use the Freedom of Information Act to uncover government informants in their midsts or to discover information concerning government investigations. Organized crime has the incentive and the resources to use the Act systematically to gather, analyze, and piece together disparate, often apparently innocuous pieces of information obtained from government files into a "mosaic" that reveals the full scope of the government's investigations and, perhaps, the identities of the government's informants. Application of the Act to such files thus presents a significant risk of inadvertent disclosure of harmful information. Indeed, in some cases, acknowledgement of the very existence or nonexistence of records relating to particular investigatory activities or designated individuals provides valuable information to ciminal organizations.

Section 13 of the bill would rectify some of these problems. The Attorney General would be authorized to designate lawful investigations of organized crime conducted for criminal law enforcement purposes for protection under a new subsection (c) of the FOIA. Any document compiled in the course of those special investigations would not be subject to disclosure under the FOIA for five years after they were generated or acquired. (The subsection also provides for the Attorney General to promulgate regulations for an earlier disclosure, or a longer exclusion up to three more years, in cases of overriding public interest.) Notwithstanding any other provision of law, such documents must remain available for disclosure of nonexempt portions for ten years after the expiration of this exclusion.

Reasonably Segregable

Section 11 would clarify the current requirement that agencies disclose information that is reasonably segregable from exempt portions of documents. The bill authorizes agencies to take into account the potentially harmful effect of disclosing parts of sensitive law enforcement or national security records that can supply the "pieces" to complete a mosaic picture.

The purpose of the "reasonably segregable" requirement in the 1974 amendments to the Act was to require government agencies to release any meaningful portion of a requested record that could be separated from portions that were specifically exempt from disclosure. The courts have often strictly enforced this policy. While much useful and nonconfidential information has been released under this clause, both the courts and the agencies have expressed concern that some "reasonably segregable" information may actually prove threatening to national security and law enforcement interests when pieced together with other nonexempt or publicly available information.

Exemption for Secret Service Records

The bill would add a new Exemption (b)(10), intended to assist the Secret Service in maintaining the confidentiality of information required to carry out its important protective functions. The 1974 amendments to the FOIA have severely limited the amount of informant information available to the Secret Service, thereby jeopardizing its ability to safeguard the President and other important individuals.

Proper Requests

Section 12 of the bill would amend the provisions of subsection (a)(3) of the Act to address three important types of use or abuse of the Act not foreseen by Congress.

Under current law, an agency is required to comply with any request for records covered by the FOIA made by "any person." The bill would amend the Act to require the agency to make information available only to a requester who is a "United States person." Restricting the right to make requests to United States persons would reverse the present rule that "any person," including foreign nationals and governments, can use the FOIA to secure information. This proposed amendment is consistent with the purpose of the FOIA to inform the American public of government actions. It would also prevent the use of the FOIA by foreign nationals and governments for purposes which may be contrary to our national interest.

Section 12 would also amend the Act to limit the ability of a party to a pending judicial proceeding or administrative adjudication, or any requester acting for such a party, to use the Freedom of Information Act for any records which may be sought through discovery in the proceeding. Many government agencies report significant numbers of such requests, whose purpose is often to avoid applicable rules of discovery and sometimes—where the government is a party—to harass and burden government agencies. The bill would toll the FOIA time limits for response whenever a party files a request relating to the subject matter of a pending judicial or administrative adjudication in which the government is a party and may be requested to produce the records sought. This would allow the request for records to be supervised by the judicial or

[11] See, e.g., *Kanter* v. *IRS*, 433 F. Supp. 812 (N.D. Ill. 1977), dismissed 478 F. Supp. 552 (N.D. Ill. 1979) (IRS required to file 13,000-page affidavit to support withholding of investigatory record).

[12] See, e.g. *Jordan* v. *Dep't of Justice*, 591 F.2d 753 (D.C. Cir. 1978) (U.S. Attorney manuals and guidelines).

administrative tribunal in conjunction with the entire proceeding.

Finally, the bill would authorize the Attorney General, by regulation, to set conditions for the use of the FOIA or the Privacy Act by imprisoned felons, to the extent that these conditions are not in derogation of the purposes of FOIA. This will authorize reasonable limitations on the use of the FOIA by prisoners to identify informers or to obtain other law enforcement information. At present, almost 60% of the FOIA requests to the DEA are from imprisoned drug offenders, and some prisoners have filed literally dozens, even hundreds, of FOIA requests.

Reporting Uniformity

Section 14 of the bill would amend the reporting requirements of subsection (d) of the FOIA to provide for the filing of reports on December 1 of each year covering the preceding fiscal, rather than calendar, year. Most agencies maintain their records on a fiscal year basis and must convert them to an annual year basis in order to comply with existing law. The amendment would remedy this problem by conforming the reporting requirement to data collection practices.

Definitions

Section 15, provides specific definitions for six critical terms and phrases to be utilized in the application of the amended Freedom of Information Act. These six phrases are: "agency," "submitter," "requester," "United States person," "working days," and "organized crime."

Publication of Exemption 3 Statutes

Section 16 provides for a new subsection (g) of the FOIA, requiring each agency to publish in the Federal Register, within 270 days of enactment of the subsection, a list of all statutes upon which the agency proposes to rely to withhold information under Exemption 3 of the FOIA, and a description of their scope. The Department of Justice shall thereupon publish a consolidated list of all such statutes. After the 270 day period, or 30 days after subsequently enacted statutes, no agency may rely upon a statute not listed as a basis for withholding information.

While the Department of Justice does not object to the requirement that all such exemption statutes be published in the Federal Register, we would suggest that this provision be clarified to provide that an agency could rely on any of the exemption statutes published by the Department of Justice, not simply those exemption statutes commonly relied upon and listed by that agency. The gist of Section 16 is to provide a single comprehensive list of exemption statutes, not to require each agency to prepare a highly duplicative list of all of the exemption statutes that agencies governmentwide may rely on.

Mr. GRASSLEY. Mr. President, I am pleased to again offer my support for the Freedom of Information Act, which will have the effect if passed into law of clarifying and improving our Nation's information policy. This bill is the result of extensive input from among others, representatives of business, media, law enforcement, and public interest groups. Their views, expressed publicly in several days of hearings, have enabled the fashioning of a bill that contains improvements targeted to the interests of each of these groups.

I wish to especially commend Senator HATCH for his diligence in resolving the difficult issues involved in this Act. Bipartisan efforts in the past two Congresses have produced a fair and workable piece of legislation which garnered unanimous support from the Judiciary Committee and the full Senate.

When Congress first enacted the Freedom of Information Act in 1966 it was to assure our citizenry that as a democratic government we should and will operate in the open. The express purpose then, and one that continues to hold today, is that facilitating an informed public is our best safeguard against ill-conceived government policies.

Statutory guidance of the Government's disclosure policy is not a simple procedure though. A balance must be maintained between allowing public access to Government information and yet protecting the release of documents which may jeopardize lives of witnesses or informants, privacy of individuals, national security, or confidentiality of valid business concerns.

Opening government's doors to the public has not come without a price. As the volume of FOIA requests has increased, so has the cost and the time involved in filling the requests. This bill authorizes the Office of Management and Budget to establish a uniform fee schedule setting a reasonable charge for commercial requests and exempts requesters representing the media or a public interest from such charge.

We have come a long way in forming a bill that is acceptable to varying interests. I believe this compromise is a sensible response to requests for legislative change to provide an effective yet responsible policy of Government access.

By Mr. INOUYE:

S. 151. A bill to amend title 10, United States Code, to prohibit persons from furnishing care as clinical psychologists to members and former members of the uniformed services and their dependents unless such persons meet certain professional qualifications; to the Committee on Armed Services.

Mr. INOUYE. Mr. President, I am introducing legislation today which would require that those persons who serve in our Department of Defense health case programs as psychologists be required to be licensed by a State licensing authority within a reasonable period of time upon their entry into the service. My proposal is very similar to that adopted for psychologists serving with the Veterans' Administration as set forth in Public Law 96-151, and I have been informed is the current Department of Defense policy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That (a) chapter 49 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 979. Professional practice by unqualified clinical psychologists

"(a) Except as provided in subsection (b), a person may not furnish care as a clinical psychologist under the Surgeon General of any of the armed forces unless the person has received a doctoral degree in psychology with a specialty in clinical or counseling psychology or the equivalent from a college or university pursuant to a program of education and training approved by such Surgeon General for the purposes of this section, has completed an internship in psychology approved by such Surgeon General for the purposes of this section, and is licensed or certified to provide care as a psychologist in a State.

"(b) A person who satisfies the requirements of subsection (a), other than the requirements to be licensed or certified in a State, may furnish care as a clinical psychologist under the Surgeon General of any of the armed forces for not more than 2 years if such person furnishes such care under the direct supervision of a person who satisfies all the requirements of subsection (a) and who furnishes care as a clinical psychologist under such Surgeon General.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"979. Professional practice by unqualified clinical psychologists.".

SEC. 2. The amendment made by subsection (a) of the first section shall not apply to any person who, before January 1, 1986, furnished care as a clinical psychologist under the Surgeon General of any of the Armed Forces of the United States.

By Mr. INOUYE:

S. 152. A bill to authorize the sale of certain fish in the State of Hawaii; to the Committee on Commerce, Science, and Transportation.

HAWAIIAN FISHING

Mr. INOUYE. Mr. President, today I am reintroducing legislation to help canners in the State of Hawaii obtain a sufficient volume of competitively priced tuna to run a viable business.

Under existing Federal law, the Nicholson Act (46 U.S.C. 251) prohibits foreign-flag vessels from landing fish in the United States if these fish are caught by foreign-flag vessels on the high seas. The only exception is for fish landed in the United States pursuant to a treaty or convention to which the United States is a party. Unfortunately, such a treaty is not in effect with the relevant Asian countries, and the Hawaiian Tuna Packers cannot supplement its American-caught tuna with foreign-caught tuna to provide an adequate supply of raw fish for its cannery.

The Hawaiian cannery presently employs 420 people, with a payroll of over $5 million a year. In addition, it purchases approximately $2 million worth of fish from Hawaiian fishermen and is the only major market for the catch not sold at the daily fresh fish auction. The economic contribution of the cannery is even greater when one considers the taxes paid and materials purchased in Hawaii.

The bill I am introducing would help provide an adequate supply of tuna by allowing Asian fishing vessels to land their catch in Hawaii. Asian fishing vessels catch about 536,000 short tons of tuna in the Pacific Ocean each year. Two Japanese fleets, gillnetters and sashimi longliners, operate near Hawaii and could provide about 15,500 tons of albacore annually. This fish would supplement, not compete with, the tuna supplied by American fishermen working out of Hawaii. The sashimi longliners would be pleased to sell their albacore, which is less desirable in Japan than other species of tuna, in Hawaii rather than ship it all the way back to their home ports. The State of Hawaii would, of course, be pleased by the economic benefits that would accrue to the State's population by having a viable cannery in Honolulu.

Mr. President, I trust that the Senate will take favorable action on this legislation and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 152

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 4311 of the Revised Statutes of the United States, as amended (46 U.S.C. 251), Japanese-flag vessels shall be permitted to land tuna in the State of Hawaii.

By Mr. INOUYE:

S. 153. A bill to amend the Central, Western, and South Pacific Fisheries Development Act, to extend the appropriations authorization through fiscal year 1988; to the Committee on Commerce, Science, and Transportation.

REAUTHORIZATION OF THE FISHERIES DEVELOPMENT ACT

Mr. INOUYE. Mr. President, today, I am introducing legislation to reauthorize the Central, Western, and South Pacific Fisheries Development Act (Public Law 92-44, as amended by Public Law 94-343, Public Law 95-295 and Public Law 97-453). The existing law authorizes $5 million for fiscal years 1983 through 1985. My bill would extend that authorization for another 3 years at existing funding levels. It will help us develop the tuna resources in the Pacific basin and strengthen the American tuna industry.

The program established under the act is designed to assist the economic growth of the Pacific islands by developing their local fisheries. The Pacific Fisheries Development Foundation [PFDF], formerly the Pacific Tuna Development Foundation, was established in 1974 to assist in implementing this program. The PFDF is a unique cooperative effort that includes the Trust Territory of the Pacific Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the State of Hawaii, the U.S. tuna industry, and the Federal Government.

The PFDF's efforts to develop the Pacific's fisheries have been very successful. There can be little doubt that continued efforts by the PFDF will result in expanded fishing and resource development activities in the region. With continued support, PFDF will work to increase yields, develop conservation techniques, and provide economic benefits to both our Nation and those Pacific islands with which we are closely associated.

As of yet, no moneys have been appropriated under this act. Rather, the U.S. Department of Commerce has chosen to fund the PFDF's work through Saltonstall-Kennedy [S-K] funds. As we are all aware, the administration's budget requests in the past few years have proposed eliminating funding for the S-K program. Through the efforts of Congress, continued funding has been secured for S-K, but the program's long-term viability has been threatened. Under these circumstances, I feel that funding for the PFDF, which has played a crucial role in developing U.S. fisheries in the Pacific, should be put on a permanent basis instead of being dependent on temporary S-K funding.

I urge all my colleagues to join with me in supporting this legislation to reauthorize the Central, Western, and South Pacific Fisheries Development Act through fiscal year 1988.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 153

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Central, Western, and South Pacific Fisheries Development Act (16 U.S.C. 758e through 758e-5) is amended as follows:

Section 8 of such Act (16 U.S.C. 758e-5) is amended by striking out "and" immediately before "1985," and inserting thereafter "1986, 1987, and 1988". Section 2 of such Act (Public Law 92-444; 16 U.S.C. 758e) is amended by striking out "Pacific Tuna Development Foundation" and inserting in lieu thereof "Pacific Fisheries Development Foundation".

By Mr. INOUYE (for himself and Mr. STEVENS):

S. 154. A bill to amend the Internal Revenue Code of 1954, to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the U.S. Olympic Committee; to the Committee on Finance.

UNITED STATES OLYMPIC DEVELOPMENT FUND ACT OF 1985

Mr. INOUYE. Mr. President, today, Senator STEVENS and I are reintroducing the U.S. Olympic Development Fund Act of 1985. This bill would amend the Internal Revenue Code of 1954 to establish an Olympic trust fund within the Treasury of the United States. Taxpayers could allocate $1 of their personal income tax refunds to that account or they could include cash contributions with their returns to be given to the U.S. Olympic trust fund. The Treasury would periodically turn over the funds to the U.S. Olympic Committee, which would use the money to carry out programs for the expansion and improvement of amateur athletics in the United States so that all Americans, including women, minorities, the aged and the handicapped, are able to participate in athletic endeavors.

Mr. President, in the 98th Congress, support for the Olympic Development Fund Act was considerable. The Senate bill which I sponsored with Senator STEVENS, S. 591, had 60 cosponsors while the House bill, H.R. 1984, had 273 cosponsors. Moreover, the Olympic Development Fund Act was incorporated by the Finance Committee into the final version of the Tax Reform Act, which passed the Senate overwhelmingly. Unfortunately, the Olympic development fund fell out of the tax bill in conference and thus did not achieve final passage. This year, however, I feel that with the groundwork that we laid last year, the value of this worthy cause will be fully recognized and the Congress will act favorably on the Olympic Development Fund Act.

The need for this legislation is clear. As Robert J. Kane, past president of the U.S. Olympic Committee pointed out to the Subcommittee on Taxation and Debt Management:

> The Olympics are the most visible peaceful involvement of the United States with other nations. Our pride and prestige and our youth are on view for billions of people of differing ethnic and political persuasion and, as well, of our friends to see and appraise. It is a wholesome and healthful involvement. Our American athletes are the very best anywhere, when they are given a proper chance. The facts prove this. But fewer than half of our sports are on the high school and college programs, and there is really no other good way in this country to help amateur sports other than on the educational programs.

Of the 26 Olympic sports of the winter and summer games, only 12 are on high

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school and college programs. So unless our young people have financial resources to pay their way, they are not able to take part in the other 14 sports. And only recently have our women been given a proper chance, even on our educational programs.

So, there are about 14 pauper sports in this country, the great capitalist nation of the world; whereas, in the Soviet Union, East Germany, and virtually every other large country in the world, all sports are richly supported, and is each case by their governments.

Not surprisingly, then, we do very well in the sports that are on our high school and college programs, and really not very well in the others. In making this point, I would like to refer on a factual basis to what happened the last time both superpowers took part in the summer games and at the same time to explode the myth that the recent emergence of the Soviet bloc countries had undermined our part in victories in the Olympic games.

In 1976, at Montreal, Russia got the most gold medals, 57; East Germany, 40; and the United States, third, with 34. Now the Russians won 10 medals in Greco-Roman wrestling. We won none. Greco-Roman wrestling is not a high school or college sport. the Russians won five gold medals in weightlifting, and we don't have that on our college programs. They won five gold medals in canoeing; we won none. The East German women won 11 of 13 swimming events; we won none. The United States won 8 gold medals in track and field; overwhelmingly in men's swimming, 12 gold; first in men's basketball, but men's basketball is only one gold medal.

The East Germans, of their 40 medals, the women won 25 of those 40. The Russian women won 12 golds; our U.S. women won 2. I think that demonstrates that what has happened in the world from 1952 and thereafter is that the Russians figured where we were vulnerable and made sure that the sports that we were vulnerable in, they beefed up.

Mr. President, we all know what great pride and joy was given to this Nation by its Olympic athletes last year in Sarajevo and Los Angeles. We cannot, however, rest on the laurels of these victories, especially considering the depleted field we were competing with. Rather, we need to expand our Olympic training efforts, and this requires money.

Of the more than 140 Olympic teams around the world, ours is the only one which does not receive governmental assistance. If the United States is to remain competitive, and if it is to provide the caliber of team we expect, then we must find a way to provide our Olympic athletes with a dependable means of financial support. Instead of providing direct monetary assistance, it is our judgment that the proud tradition of amateur athletics that we have in this country is best served by providing the American public with the opportunity to support the effort themselves through a checkoff mechanism of their income tax returns. As the only federally chartered organization which has direct responsibilities on behalf of the Federal Government and yet receives no Federal funding, the USOC deserves this opportunity.

What reservations there are with the Olympic Development Fund Act usually arise from the floodgate argument. This argument raised by the IRS, contends that if the USOC is given consideration on the tax form, other worthy charities will have to be given the same treatment. The question, therefore, comes down to the following: Is the U.S. Olympic effort important enough and unique enough to merit establishing a donation mechanism on Federal tax returns? The sponsors of this bill believe it is, and we hope that our colleagues will agree with us.

Our Olympic athletes provide us with great national pride and serve as goodwill ambassadors around the globe. Their peaceful competition with people of other nations furthers America's foreign relations, increasing global interaction, and promoting international understanding and communication. I urge my colleagues to support the Olympic Development Fund Act to provide this Nation's amateur athletes with a consistent and reliable source of funding.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 154

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Olympic Development Fund Act of 1985".

SEC. 2. DESIGNATION OF OVERPAYMENTS AND CONTRIBUTIONS FOR UNITED STATES OLYMPIC TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 61 of the Internal Revenue Code of 1954 (relating to returns and records) is amended by adding at the end thereof the following new part:

"PART IX—DESIGNATION OF OVERPAYMENTS AND CONTRIBUTIONS FOR UNITED STATES OLYMPIC TRUST FUND

"SEC. 6097. Amounts for United States Olympic Trust Fund.

"(a) IN GENERAL.—With respect to each taxpayer's return for the taxable year of the tax imposed by chapter 1, such taxpayer may designate that—

"(1) $1 of any overpayment of such tax for such taxable year, and

"(2) any cash contribution which the taxpayer includes with such return,

be paid over to the United States Olympic Trust Fund.

"(b) JOINT RETURNS.—In the case of a joint return showing an overpayment of $2 or more, each spouse may designate $1 of such overpayment under subsection (a)(1).

"(c) MANNER AND TIME OF DESIGNATION.—A designation under subsection (a) may be made with respect to any taxable year only at the time of filing the return of the tax imposed by chapter 1 for such taxable year.

"(d) OVERPAYMENTS TREATED AS REFUNDED.—For purposes of this title, any overpayment of tax designated under subsection (a) shall be treated as being refunded to the taxpayer as of the last date prescribed for filing the return of tax imposed by chapter 1 (determined without regard to extensions) or, if later, the date the return is filed.".

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 61 of such Code is amended by adding at the end thereof the following new item:

"PART IX—DESIGNATION OF OVERPAYMENTS AND CONTRIBUTIONS FOR UNITED STATES OLYMPIC TRUST FUND.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act.

SEC. 3. ESTABLISHMENT OF UNITED STATES OLYMPIC TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1954 (relating to trust fund code) is amended by adding at the end thereof the following new section:

"SEC. 9505. UNITED STATES OLYMPIC TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'United States Olympic Trust Fund', consisting of such amounts as may be appropriated or credited to the United States Olympic Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFER TO UNITED STATES OLYMPIC TRUST FUND OF AMOUNTS DESIGNATED.—There is hereby appropriated to the United States Olympic Trust Fund amounts equivalent to the amounts designated under section 6097 and received in the Treasury.

"(c) EXPENDITURES FROM TRUST FUND.—

"(1) IN GENERAL.—The Secretary shall pay, not less often than quarterly, to the United States Olympic Committee from the United States Olympic Trust Fund an amount equal to the amount in such Fund as of the time of such payment less any administrative expenses of the Secretary which may be paid under paragraph (2).

"(2) ADMINISTRATIVE EXPENSES.—Amounts in the United States Olympic Trust Fund shall be available to pay the administrative expenses of the Department of the Treasury directly allocable to—

"(A) modifying the individual income tax return forms to carry out section 6097,

"(B) carrying out this chapter with respect to such Fund, and

"(C) processing amounts received under section 6097 and transferring such amounts to such Fund.".

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end thereof the following new item:

"Sec. 9505. United States Olympic Trust Fund.".

By Mr. INOUYE:

S. 155. A bill to amend title XVIII of the Social Security Act, to authorize payment to be made for psychologist services provided by, or under arrangements made by, a hospice program; to the Committee on Finance.

HOSPICE CARE PROGRAM

Mr. INOUYE. Mr. President, today I am introducing legislation which would amend the Hospice Program under our Nation's Medicare law in order to expressly provide that the services of professional psychologists

will be made available to individuals who reside in a hospice.

It is my understanding that in the closing hours of the 98th Congress, the Senate Finance Committee received testimony on this proposal and, at that time, it was pointed out that primarily due to the lack of express enumeration of psychological services, hospices all too frequently do not utilize their care.

In my judgment, it is especially important that quality mental health services be made readily available for those individuals who decide it is necessary to enter a hospice program. At that point in time, the therapeutic goal is to ensure that these individuals are able to finish out the final days of their lives in the most humane fashion possible. I cannot help but think that it is especially during these final hours that the services of qualified mental health specialists would be most in need.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That (a) section 1861(dd)(1) of the Social Security Act is amended—

(1) by striking out "and" at the end of subparagraph (G);

(2) by striking out the period at the end of subparagraph (H) and inserting in lieu thereof ", and"; and

(3) by adding at the end thereof the following new subparagraph:

"(I) psychologist services (as defined in subsection (ee))".

(b) Section 1861 of such Act is further amended by adding at the end thereof the following new subsection:

"PSYCHOLOGIST SERVICES

"(ee)(1) The term 'psychologist services' means services performed by an individual who is a psychologist (as defined in paragraph (2)) that such individual is legally authorized to perform under the law (or the regulatory mechanism provided by law) of the State in which such services are performed, whether or not such individual is under the supervision of, or associated with, a physician or other health care provider.

"(2) The term 'psychologist' means an individual who (A) is licensed or certified at the independent practice level of psychology by the State in which such individual so practices, (B) possesses a doctorate degree in psychology from a regionally accredited educational institution, or in the case of an individual licensed or certified prior to January 1, 1978, possesses a master's degree in psychology and is listed in a national register of mental health service providers in psychology which the Secretary deems appropriate, and (C) possesses two years of supervised experience in health service, at least one year of which is postdegree.".

(c) The amendments made by this Act shall be effective with respect to services performed on or after the first day of the first month which begins more than sixty days after the date of the enactment of this Act.

By Mr. INOUYE:

S. 156. A bill to amend title XVIII of the Social Security Act, to require that Medicare providers also participate in the Civilian Health and Medical Program of the uniformed services [CHAMPUS]; to the committee of Finance.

Mr. INOUYE. Mr. President, today I am introducing legislation which would provide that those practitioners who formally participate in our Medicare Program would also be required to actively participate in the Department of Defense Civilian Health and Medical Program of the Uniformed Services [CHAMPUS].

Mr. President, my primary intention in introducing this legislation is to bring to the attention of my colleagues the necessity of beginning to address the problem of escalating health care costs in a comprehensive fashion. The CHAMPUS Program is vitally important to the dependents of active duty military personnel. In my judgment, it is very well administered. However in reality, it is really but a very small health care program and simply stated it does not have the economic "clout" of our Medicare and Medicaid Programs in negotiating with providers.

Mr. President, we must encourage the health authorities within both the Department of Defense and the Department of Health and Human Services to work collaboratively. To do so, however, we must also provide them with the necessary administrative flexibility to develop reasonable programs. It is my understanding that the Departments of Defense and Health and Human Services are formally studying this proposal as required by the 1985 Department of Defense Reauthorization Act.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 156

Be it enacted by the Senate and House of Representatives of the United States of America in congress assembled, That (a) section 1866(a)(1) of the Social Security Act is amended—

(1) by striking out "and" at the end of subparagraph (G);

(2) by striking out the period at the end of subparagraph (H) and inserting in lieu thereof ", and"; and

(3) by adding at the end thereof the following new subparagraph:

"(I) to participate in providing medical care under plans contracted for under sections 1079 and 1086 of title 10, United States Code.".

(b) The amendments made by subsection (a) shall become effective on January 1, 1985.

By Mr. INOUYE:

S. 157. A bill to amend the Native American Programs Act of 1974, to authorize the provision of financial assistance to agencies serving Native American Pacific Islanders (including American Samoan natives); to the Select Committee on Indian Affairs.

Mr. INOUYE. Mr. President, today I am introducing legislation to amend the Native American Programs Act of 1974 to authorize the provision of financial assistance to agencies serving Native American Pacific Islanders, including American Samoans.

American Samoans are like any other native American peoples: They have unique problems in the areas of health, education, employment, and other social areas. For example, according to the U.S. Census Bureau, the percentage of American Samoans living in poverty in the United States is 27.5 percent, compared to 9.6 percent of the total U.S. population. The incidence of extreme poverty for Samoans is 140 percent higher than for the country as a whole.

In California, 21 percent of Samoan families are below the poverty level, compared with 8.7 percent of all California families. In my home State of Hawaii, 37.5 percent of Samoan families are below the poverty level, compared with 7.8 percent of all families.

The unemployment of Samoans in the United States is much higher than the general population. The 1980 census indicates that 9.7 percent of all Samoans in the labor force are unemployed. In California, 10.1 percent of all Samoans in the labor force are unemployed, a rate of 150 percent of the overall State unemployment rate of 6.5 percent. In Hawaii, the unemployment rate of Samoans is 10.2 percent, more than double the rate of the State as a whole.

In Public Law 97-300, the Job Training Partnership Act, the U.S. Congress expressed concern about the unique and special problems facing the American Samoans in the United States. It is now time to fulfill our Federal responsibility to these needy people. Including American Samoans in the Native American Programs Act will upgrade the standard way of living for these people, and it will provide necessary financial resources for us to address the problems the Samoan people are facing. These native American peoples represent a true Federal responsibility.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 157

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) section 802 of the Native American Pro-

grams Act of 1974 is amended by inserting ", Native American Pacific Islanders (including American Samoan Natives)," after "Hawaiian Natives".

(2) Section 803 of such act is amended by inserting "Native American Pacific Islanders (including American Samoan Natives)," after "Hawaiian Natives,".

(3) Section 807 of such Act is amended by inserting "or Territory" after "State" each place it appears.

(b) The amendments made by subsection (a) shall apply to fiscal years beginning after September 30, 1984.

By Mr. QUAYLE (for himself and Mr. BOSCHWITZ):

S. 171. A bill to provide additional market credit options for developing nations with expanding economies and to expand markets for United States agricultural commodities abroad, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL TRADE ENHANCEMENT ACT OF 1985

Mr. QUAYLE. Mr. President, as must be clear to every Member of the Senate, the farm community has not recovered from the recession of the past several years. While other sectors have revived, a significant number of farmers remain in severe financial distress and these farmers are found across the country in most States and in many counties. It is important for the 99th Congress to take early action to remedy this situation, to find market-related ways to raise farm income and lessen the economic crisis that confronts so many.

Today I am introducing legislation along with Senator BOSCHWITZ that would help do this—improve farm income—by requiring the Government to take action to reduce trade barriers to sales of America's agricultural exports and by providing additional credit opportunities to middle-tier developing countries to buy these products, which, conversely means more opportunities for American farmers to sell their crops overseas.

The United States is the world's leading exporter of agricultural products. A closer look at consumption figures shows how important our foreign customers are and many of us are just beginning to fully understand the implications of this relationship. On average, during the last 5 years, other nations purchased 35 percent of our total grain production, 50 percent of our cotton and over 40 percent of our soybeans. In other words, Americans have exported the production from an average of 100 million acres of grains, soybeans and cotton per year over the past 5 years. This past year alone the U.S. shipped to foreign destinations 59 percent of its wheat, or 1.4 million bushels out of 2.4 million harvested, 45 percent of the corn crop, or 1.9 million bushels out of 4.2 million grown, and, 45 percent of the soybeans, or 740 million bushels out of 1.6 million produced. In fact, production from two out of every five acres is now sold in international trade for a value of $38.0 billion in 1984. This $38.0 billion contributed 25 percent to gross farm income of $159 billion last year, not an insignificant amount.

Foreign sales of this magnitude translate into additional income for every farmer and every State across the land. Take Indiana as an example. It is the ninth largest agricultural State in terms of value of product sold although it ranks just 19th in the amount of acreage in production. In 1982, according to Purdue University statistics, Indiana's farmers sold $4.2 billion worth of crops and livestock. It is estimated that one-third of these sales were made in overseas markets at a value of over one and a half billion dollars ($1.559 billion). Foreign sales of Indiana soybeans came to $640 million, feed grains, primarily corn, $582 million, and wheat and flour $184 million. Indiana's farm economy is very dependent on these sales, as is true of the farm economies in many other States. If these sales drop off or do not expand sufficiently, there will be severe repercussions including buildup of supply, the need to cut back acreage and a decrease in farm income.

From the late 1960's through 1981, a 13-year period, the volume of U.S. agricultural exports increased rapidly year in and year out. Some thought this pattern would continue indefinitely and took it for granted. But, over the next 2 years, the trend suddenly reversed itself and exports dropped from a high of $43.8 billion in 1981 to $34.8 billion at the end of 1983, a loss in value of 25 percent. Though sales rebounded this past year to $380 billion, volume was still off and of more concern is USDA's latest prediction for 1985 that indicates another downturn for exports in the coming year of as much as $2.0 billion.

What has caused this sudden slackening of demand for U.S. agricultural exports? It is necessary to understand some of the economic and other forces at work in order to know what actions can and should be taken to improve the situation. Some say the beginning of the United States' troubles with exports can be traced to the 1980 Russian grain embargo which backed up supplies, caused prices to plummet and set in motion the over zealous support for an inflexible 1981 farm program that had high loan levels and escalated target prices. These inflexible levels, which were insulated from the ebbs and tides of a wildly varying marketplace, later came to adversely affect the competitive position of American products on international markets. The embargo also cast the United States as an unreliable supplier allowing other surplus producing countries to move into the vacuum. Buyer countries, at the same time, learned a lesson, that it is better not to depend primarily on a single supplier but rather to look to many sources for products.

While the embargo set all of this into motion other factors came into play. The world became gripped with a pervasive, all-encompassing recession that reached into every country. This setback to world trade was compounded by a sharp rise in debt, especially among middle-tier and lower income countries, and import purchases were curtailed. With over $800 billion of loans outstanding in the developing nations, an increasingly large proportion of these countries incomes went to service debt. As credit dried up, demand for U.S. agricultural exports declined noticeably. Even major customers such as Mexico, Eastern Europe, and Brazil cut back and U.S. export volume, after 4 years of decline, is today 15-percent below 1980.

Meanwhile, the domestic economy was faced with soaring deficits and persistent high interest rates. High interest rates attracted foreign investors looking for safe and high returns. In this situation the value of the dollar increased steadily which meant our agricultural exports were becoming more and more expensive in terms of foreign currencies and therefore less competitive. In relation to the German mark, for instance, the U.S. dollar has increased in value by about 50 percent. Such an effective price increase can only lead to reduced demand.

To further exacerbate the problems of U.S. exports, the downturn in world demand was accompanied by increasingly aggressive trading policies by other nations. The European Community (EC) increased use of subsidies to assure sales of surplus, but noncompetitive products on world markets. And, Japan, although carrying an exhorbitant 1984 trade surplus of $35 billion with the United States, has maintained trade barriers that keep out this country's highly competitive agricultural products. These unjustified and unwarranted practices have shut out competitive food products in an attempt to protect relatively inefficient domestic farmers. For instance, the EC could not sell 1 bushel of wheat flour into Egypt without subsidies and if Japan lowered some of its barriers, U.S. cattlemen could put a pound of beef in Kyoto's supermarkets at one-third the present price. It is obvious these and other countries are selling products below cost of production or are keeping products out that have been produced at lower cost.

At the same time, it is clear that U.S. farm programs have also contributed to the recent difficulties on world markets, the inability to retain or expand export sales. When the 1985 farm bill is before Congress, its provisions must be evaluated as to their

impact on U.S. farmers opportunities to sell their abundant production beyond the borders of our own 50 States. Most agricultural experts agree that the rigid income and price supports written into the 1981 farm bill, plus the related production controls, overall seemed to heighten the problems for U.S. agricultural trade rather than to diminish them: First, support prices have provided a floor for our major competitors to use to their advantage; second, our steadily increasing target prices have provided an economic incentive for our competitors to expand their own production; and, third, our continued reliance on production controls has sent a strong signal to other surplus producing nations that the U.S. is willing to unilaterally make the supply adjustment for the rest of the world.

It seems to me that we have been working against ourselves, indeed we are continuing to cut into one of the few remaining strong sectors on the U.S.'s dismal trade balance sheets. And, with the overall trade deficit reaching a record $125 billion in 1984, it would seem clear that Congress and the farm community should work together to assure that the $19 billion net contribution that agriculture makes is not jeopardized.

But there is real cause for concern about the health of our last remaining major positive trade sector. As mentioned, the volume of agricultural exports has declined for the past 4 years and though it is expected to increase slightly in 1985 the value is projected to be off by $2 billion. Compounding this unhappy outlook, is the indication that imports will increase reducing the net agricultural trade balance by about $2 billion as well. Most observers agree that it is essential to maintain our position in world markets if farm income is to improve, the disastrous trade balance is to be redressed and if the economy as a whole is to return to a healthier equilibrium.

There is much that Congress can do if it will make the effort to forestall excessive spending, if it will create a more market-oriented and flexible farm program and if it will develop firm but reasonable responses to the unfair trading practices of other nations.

As Secretary Block has said, the best program for our farmers would be to reduce the Federal budget deficit. This one single action would help bring down interest rates and lower the value of the dollar, easing debt problems on the farm and increasing sales opportunities overseas. Congress is clearly aware of the need to reduce the deficit and the next 5 or 6 months will test our mettle. I know the farm community will be watching votes far beyond those just directed at agricultural policy.

Congress also can formulate a more market-oriented farm bill in 1985 by providing flexibility to adjust to market forces so that U.S. products can find their rightful share of world markets and farmers can earn new income from real market sales not Government price support programs. For the past 3 years we have been struggling with a legislative heritage that was designed for an economic situation that never materialized, that is, high and higher interest rates, great and greater costs. We simply must move toward a more market-sensitive system with loan rates and target prices reflecting supply/demand changes. And, if this cannot be accomplished overnight, there can be a transition period where this country's farm support programs are changed to ones based on an average of several years' prices or where the Secretary of Agriculture has discretionary authority to set prices within a range prescribed by Congress. However it is done, it is imperative that the formula allow for a response to changing market conditions and not be subject to the whims of political or other forces. This is critical if U.S. products are to maintain their comparative advantage on world markets.

Furthermore, there are factors beyond anyone's control such as weather or other natural disasters. In agriculture, this inevitable variability must be prepared for and dealt with within a flexible framework that can respond to the conditions whatever they might be.

Of more immediate interest, Congress also can make some specific changes in law that will contribute to the effectiveness of this Nation's agricultural trading efforts. There is a growing consensus that the United States needs a firmer agricultural trade policy. That is why I am introducing the "Agricultural Trade Enhancement Act of 1985" which will offer alternative and forceful approaches to the rising tide of unfair trade practices that are confronting our farmers.

The first section of this measure calls for the establishment of an interdepartmental committee to identify and compile a report on any major trade barriers to U.S. agricultural exports. Agriculture Secretary Block and U.S. Trade Representative Brock would be designated to cochair this group. I believe both of them see this as a necessary first step to identify the problems that face us. This working group will not reinvent the wheel, but will draw upon the available knowledge from Government departments and agencies, the information gathered by such commissions as the one recently set up to study export trade, and compile data from private sources. The report also will identify the best means, under current agreements and rules, of reducing or eliminating the blockages. The groups work is to be completed within 6 months of passage of this act. The bill then would require the Secretary of Agriculture to take all action possible to end these blockages and if success is not achieved require him to take all steps allowed under U.S. law and other trade agreements to end the situation. This could include full application of duties and fees, rules and regulations and available credit opportunities.

A third section of the proposal would provide for more options in the array of U.S. credit programs to enable developing countries, at least those with higher per capita incomes such as Turkey, El Salvador, Morocco, and Brazil, to continue to purchase American food products but under different credit conditions. Some countries have graduated from the need for direct donations and 40-year concessional sales, others cannot quite meet the requirements of full commercial sales. The bill would grant new authority for intermediate-term credit guarantees that would have a 3 to 10 year payback schedule but at close to market interest rates. Other Government guarantee programs have a 3-year or less payback schedule.

Additionally, USDA would be required to fund this new intermediate-term credit guarantee authority, along with and existing, but previously unfunded (for the most part) authority for intermediate-term direct credits, at $500 million a year for each of the next 4 years, 1985 through 1988. The Commodity Credit Corporation, which would oversee the program, would decide how much would be channeled to direct credits or credit guarantees in any 1 year.

A final section of this legislation would continue to add to the body of law that protects America's farmers from any future selective embargoes against farm products to make sure that this sector alone never again has to shoulder the entire brunt of U.S. foreign policy, national security or domestic political initiatives.

I urge my colleagues to review the ideas set forth in this bill and then provide the support needed to move the legislation through Congress at the earliest appropriate time. I ask unanimous consent that a more detailed description of the bill and the text be printed in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follow:

S. 171

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Trade Enhancement Act of 1985".

AGRICULTURAL TRADE COMMITTEE

SEC. 2. (a)(1) There is established an Agricultural Trade Committee (hereinafter in this Act referred to as the "Committee"), composed of the Secretary of Agriculture, the United States Trade Representative, and other members appointed by the President from appropriate Federal agencies.

(2) The Secretary of Agriculture and the United States Trade Representative shall jointly serve as chairman of the Committee.

(b) The Committee shall—

(1) identify all major unfair trade practices of foreign countries that adversely affect the export trade of the United States in agricultural commodities and their products;

(2) develop recommendations for the most effective manner of eliminating or mitigating the adverse effects of such practices; and

(3) not later than six months after the date of the enactment of this Act, submit a report to the President containing its findings and recommendations.

(c) Upon the request of the Committee and to the extent permitted by law, the United States International Trade Commission and other Federal departments, agencies, and instrumentalities shall provide such information and assistance to the Committee as is necessary to carry out this section.

(d) After submission of the report referred to in subsection (b)(3), the Committee shall terminate on a date prescribed by the President.

UNFAIR TRADE PRACTICES

SEC. 3. As soon as is practicable after the Committee submits the report referred to in section 2(b)(3), the President shall—

(1) to the maximum extent practicable, utilize any remedies available under any international agreement to which the United States is a party to eliminate or mitigate the adverse effects of the practices identified by the Committee under section 2(b)(1); and

(2) direct the heads of appropriate agencies to take such steps as are necessary to eliminate or mitigate the adverse effects of such practices.

INTERMEDIATE CREDIT

SEC. 4. (a) Section 4(b) of the Food for Peace Act of 1966 (7 U.S.C. 1707a(b)) is amended—

(1) by adding at the end of paragraph (1) the following new sentence: "In addition, the Corporation may guarantee credits made to finance such sales.";

(2) by inserting ", and no credit may be guaranteed," after "financed" in paragraph (2);

(3) in paragraph (3)—

(A) by striking out "and" at the end of subparagraph (C);

(B) by striking out the period at the end of such paragraph and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new subparagraph:

"(E) otherwise to promote the export sales of agricultural commodities.";

(4) by striking out paragraphs (5), (6), and (7); and

(5) by redesignating paragraphs (8) and (9) as paragraphs (5) and (6), respectively.

(b) to the extent practicable, the Secretary shall carry out section 4(b) of such Act using not less than $500,000,000 for each of the fiscal years 1985 through 1988.

AGRICULTURAL EXPORT RESTRICTIONS

SEC. 5. (a) Notwithstanding any other provision of law, and except as provided in subsection (b), any restriction imposed by the President on the exportation of agricultural commodities or the products of such commodities under any other provision of law shall expire 60 days after the date on which the restriction is imposed.

(b) Subsection (a) shall not apply during a war declared by the Congress.

PROVISIONS OF THE AGRICULTURAL TRADE ENHANCEMENT ACT OF 1985"

The "Agricultural Trade Enhancement Act of 1985" would provide new intermediate-term credit options for those developing nations whose economies have reached higher output levels while offering American farmers new opportunities for overseas sales.

First, the proposal would grant authority to the President to appoint an interdepartmental committee made up of representatives of those branches of the government involved in international agricultural trade. The exact number and composition of the committee would be left to Presidential discretion, however, the Departments of Agriculture, State and Commerce can be expected to be included as well as the U.S. Trade Representative's office. The group would be chaired jointly by the Secretary of Agriculture and the U.S. Trade Representative.

This interdepartmental committee would be charged with two tasks: First, it shall catalogue, on a commodity by commodity basis, all the major unfair trade practices that adversely affect U.S. farm exports. Information on these activities will be solicited from other government agencies as well as outside groups, including farm organizations. Second, the committee would be required to describe the most effective means of reducing or eliminating these practices through all available channels. Further, the committee would be required to report back to the President within six months and then would be terminated at the President's discretion upon completion of its duties.

The next section of the bill would provide that, upon receipt of the report, the President shall "utilize any remedies available under any international agreement" to remove barriers to farm exports. A time frame would be suggested for resolving problems that had been identified as major trade blockages. Remedies could include such things as fuller application of allowable duties and fees, promulgation of additional rules and regulations, as well as more creative use of credit options such as the blended credit program and the new intermediate-term credits that would be provided by this bill.

The third part would add to the array of the U.S. Department of Agriculture's credit programs for developing nations to purchase farm products. It would amend Section 4 of the "Food for Peace Act of 1966" to make available an intermediate-term guaranteed credit option to those developing countries which no longer are dependent on direct donations or concessional food sales but still are not able to meet the full terms of regular commercial loans. Unlike the blended credit program, which gives relief on interest and has a payback term of less than three years, the new initiative would provide for close-to-market interest rates but a repayment time of three to ten years. This section also would require USDA to fund existing Commodity Credit Corporation (CCC) authority for intermediate-term direct credit, as well as the new authority for the mid-term credit guarantees, at not less than $500 million for each of the four years 1985 through 1988. The CCC would have the leeway to decide the percentage of funds directed to direct credit or credit guarantees. Previously enacted sections of law provide that intermediate credit will not interfere with regular commercial credit.

The final section of the proposal would address the concern of many that the government still has the power to single out farm products for a selective embargo. The additional provision, which would add to language adopted in 1981 and 1982 regarding contract sanctity, would prohibit, under any circumstance other than war, imposition of any embargo on agricultural products for more than 60 days unless Congress approved an extension of such an order. This provision would also cover the previously omitted non-contracted agricultural export sales that might be entered into after an embargo was imposed.

If enacted, this measure will provide the U.S. Government additional tools to expand agricultural exports, would encourage those developing nations that are experiencing substantial economic growth to use a variety of credit options and would open opportunities for additional sales of American farm products.

By Mr. SPECTER:

S. 172. A bill entitled the "Professional Football Stabilization Act of 1985"; to the Committee on the Judiciary.

PROFESSIONAL FOOTBALL STABILIZATION ACT OF 1985

Mr. SPECTER. Mr. President, today I introduce a bill designed to balance professional football fans' interest in their teams with professional football owners' property interests in their teams. This legislation is premised on the judgment that sports fans in a city have a form of proprietary interest in their teams which should preclude the owners from moving the franchise unless it is a failing business. In my judgment, a sports team is affected with public interest.

Professional football has enjoyed huge success because of the privileged position accorded to it by the action of Congress in granting an antitrust exemption, to revenue sharing on TV receipts. That exemption together with other strong public policy factors, warrants this legislation which would restrict an owner's opportunity to treat a football franchise like any other piece of private property.

The bill is designed to do two things. First, it is intended to provide a cause of action to cities to prevent professional football teams from abandoning them for more profitable locations. Teams should not move, in my judgment, at an owner's whim or simply to increase enormous profits to the astronomical. This bill begins the process of staking a course to provide legislative guidance for standards that will protect fans, local investment, and civic pride.

In addition, the bill provides limited antitrust immunity to joint action of those teams engaged in professional football that serves to protect such

community interests on the basis of fair, objective standards. At base, I am seeking to ensure stability of home teams so long as they receive the support of their local fans and are not suffering losses or other conditions that threaten their continued financial viability.

In recent weeks, attention has been focused on the potential relocation of the Philadelphia Eagles. This legislation would certainly address any such move. It is modeled closely after S. 2821 which I introduced in the 97th Congress in response to the move of the Oakland Raiders to Los Angeles. As I stated at that time, I believe a sports team is different from a regular business entity. If an ordinary business moves away, another such business will take its place if a reasonable profit can be made. That is customarily not so with a sports team.

It is my sense that two generations of sports fans still resent the movement of the Brooklyn Dodgers' and the New York Giants' franchises. In the last 3 years the people of Oakland and Baltimore have suffered the loss of teams which they had enthusiastically supported. Conversely, people understood the necessity for the relocation of the St. Louis Browns and the Philadelphia and later Kansas City Athletics.

An excellent analysis of the unfairness of sports franchise moves, the unfair pressure on cities, a discussion of certain legal issues and Philadelphia's problems with the Eagles was eloquently articulated by Mr. Howard Cosell in his "Sportsbeat" program on ABC-TV on December 16, 1984. Since that program was and is so instructive on this issue I ask unanimous consent that the transcript of that program be printed in the RECORD at this point.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

TRANSCRIPT

For: ABC-TV Sports.
Program: Sportsbeat.
Date: December 15, 1984.

ANNOUNCER. This is ABC Sportsbeat. The City of Philadelphia is in shock as the Eagles appear headed for Phoenix. Another chapter in the history of franchise football. What's the real story? Is it an unstoppable time? Is federal legislation the answer? Philadelphia Mayor Wilson Goode and Senator Arlen Specter speak out today on ABC Sportsbeat.

HOWARD COSELL. The big news this week: the Philadelphia Eagles of the National Football League may be headed for Phoenix, Arizona. One of the NFL's most historic franchises, the Eagles received support through thick and thin. And the team was not, repeat not, losing money. However, owner Leonard Tose reported to have a personal indebtedness in the neighborhood of $40 million. Tose is reported to have found buyers in Phoenix.

An anguished Philadelphia Mayor, W. Wilson Goode, has been trying desperately to get local financing to match the Phoenix offer. Pennsylvania's United States Senator, Arlen Specter, angrily promised to push for legislation to prevent yet another team from deserting yet another city.

And late yesterday, in a surprise action, the National Football League filed suit in U.S. District Court in Philadelphia, seeking to have the court enforce the Eagles' long term contract to continue to operate in Philadelphia as it has for the past fifty-one years. Mayor Goode and Senator Specter are in the studios of ABC affiliate, WPVI, in Philadelphia. We'll be talking at length with them later in this program.

I personally spoke at length with NFL Commissioner, Pete Rozelle, yesterday. Invited him to join Mayor Goode and Senator Specter here today. He declined—understandably—saying that he would very much like to, but on advice of counsel, his own common sense, and his clear obligation to the owners of his league, he could not conscionably do so until he has met with all of those owners on Tuesday coming up.

But first, this reported move by the Eagles, only the latest chapter in a continuing saga of carpetbagging sports franchises. Holding cities hostage for greater personal gain, either by threat of removal or actual removal. It's a subject that Sportsbeat has documented thoroughly over the past three years. And to fully understand its implications, it is imperative that we, once again, explore the very beginnings of this sports phenomenon.

The genesis of our story is baseball, rather than football. Long before pro football grew in size and stature, baseball had a stranglehold on the psyche of America. So much so, that in 1922, the Supreme Court granted professional baseball exemption from the Sherman Anti-Trust Law. In those days, baseball was considered preeminently a sport, rather than a business. A rude awakening in 1957, when the Brooklyn Dodgers, long the most successful National League franchise, deserted Brooklyn for the more lucrative environs of Chavez Ravine in Los Angeles. And land, lots of land. 295 acres and attendant oil rights for owner, Walter O'Malley. This was a land grab, pure and simple. The great baseball exodus had begun.

There was no recourse for the injured cities. The sport was protected by its anti-trust exemption. In addition to the Dodgers, the New York Giants to San Francisco; the Washington Senators to Minnesota; the Milwaukee Braves to Atlanta; the Kansas City Athletics to Oakland; the Seattle Pilots to Milwaukee. When the Washington Senators became the Texas Rangers in '71, baseball's Chinese checkered game ended.

But pro football, which had become a real power following the merger of the AFL and NFL in '66, picked up where baseball had left off. The football Giants of New York were lured away, not by land, but primarily by the promise of luxury boxes like these in Texas Stadium. They left for a $68 million stadium and a new tax jurisdiction. The New Jersey Meadowlands, where their luxury loges bring in over a million dollars in revenue each year. And though the loges are publicly financed, all the money goes to the Giants owners, not even dividable with the visiting team.

Then, a brilliant businessman, the late Darryl Rosenblum, realized he could combine the two, getting both land and loges. He moved his L.A. Rams to the neighboring tax jurisdiction of Anaheim. In return, an option to buy and develop ninety-five acres of choice real estate at a preferred rate; a hundred ten plus boxes, worth over two million annually; a bargain rental agreement; lucrative parking facilities; and a concession deal.

Next, owners like Bob Irsay of the Baltimore Colts realized they didn't have to leave to get what they wanted, just threaten to. Irsay took his show on the road; began touring stadiums, like the Gator Bowl in Jacksonville. Area residents gave him a warm reception. But Irsay was more interested in putting the heat on his home City of Baltimore.

BOB IRSAY. Now I tell the people of Baltimore, like I told them three months ago, get off your duffs and have the official do something, like these people are doing here.

COSELL. If his demands for renovations and luxury boxes were not met by Baltimore, then there might be the Jacksonville Colts, or the Memphis Colts, or even the L.A. Colts. Result: a new Baltimore offer for a long term lease; $23 million in renovations. But Irsay held out for a short term deal, and thus kept his options open.

And, in Minnesota, another example. Vikings owner, Max Winter, tired of watching his football team labor in the snow and cold of Bloomington, launched a campaign for a domed stadium. Once again, ominous headlines set the stage. Named as possible alternative sites, Birmingham, Memphis, New York, Montreal, even Mexico City, Los Angeles and Phoenix, too. The panic was on. It was dome time or doom time. Dome won out over doom. The Vikes moved to beautiful, downtown Minneapolis, and joined the baseball Twins in a $55 million, tax supported Metrodome. A hundred fifteen luxury boxes there, could bring the Vikes another $3 million each year.

Then, after that, came the Buffalo caper. First, Bills' owner Ralph Wilson, got the city to enlarge War Memorial Stadium on threat of departure. He then pressed for a new and a bigger stadium, issued this ultimatum.

RALPH WILSON. If Buffalo doesn't get a new stadium, it will force the move of the Buffalo Bills.

COSELL. County officials got the message, contracted for a multi-purpose, domed arena. No dice, said Wilson. He wanted his own football stadium in suburban Orchard Park. Erie County capitulated. Result: Wilson got his lavish new stadium. The taxpayers' bill: $41 million for Ritz Stadium; $1.5 million for renovating old War Memorial; $90 million in potential damages, resulting from the domed contract the County was forced to break.

But, there are more twists to this story. And we'll have them when we return.

[Commercials.]

COSELL. In 1980, a case that would send shock waves through the NFL. After negotiations with Oakland broke down, Al Davis wanted to take his Raiders to L.A. The NFL said no. Davis sued. Two courts, Federal District Court, Ninth Circuit Court of Appeals, ultimately agreed with Davis. U.S. Supreme Court refused to even hear the case. The NFL was in violation of the anti-trust laws for trying to block his team's move to L.A.

The key issue in the case: Rule 4.3 of the NFL Constitution. That requires three-quarters of the owners to approve an attempt to move a team to another city, more than seventy-five miles away. This is the rule that was found in violation of the existing anti-trust laws of this nation.

Instead of amending its rules to conform with the law, as did the NBA, the NFL adopted an ostrich-like position. Said it was now powerless to prevent franchise remov-

als. Wrong. Wrong. Absolutely wrong. It could change Rule 4.3 to a simple majority vote. It could establish reasonable criteria governing franchise transfers. One example: economic loss over a continuing period of time, say three years. Those two steps would enable the National Football League to conform with, what is known as, the rule of reason in anti-trust law.

Instead, the NFL has persisted in going to the Congress, trying to obtain legislation that would grant it anti-trust exemption. Such an exemption would give the NFL sole power to decide whether a team may move.

MAN. We have a situation where the Raiders are going to play this year, apparently, in Los Angeles. So, we were told to come back when we had a problem. We feel we have a big problem. We hope the Congress will recognize it and clarify it.

COSELL. So far, Congress has rebuffed the League in all its attempts. Taking advantage of the NFL's refusal to amend its rules, two teams promptly deserted their cities. First, the Jets left New York; crossed the Hudson into New Jersey, playing at the Meadowlands. Then, Colts owner, Bob Irsay, made good on his years of threatening Baltimore. He wooed Indianapolis; found Mayor William Hudnut eager to take another city's team.

WILLIAM HUDNUT. If he feels that he's in a distressed situation in Baltimore and he, in fact, wants to move his franchise, I'm not gonna sit on the sidelines of history and watch the river flow by and eat bonbons. I'm gonna get in there and compete.

COSELL. Just one week after Mayor Hudnut made that statement, Irsay sneaked out of Baltimore under cover of night. Slipped away to Indianapolis.

Mayor WILLIAM SCHAEFER. All of the memorabilia of the old Colts are gone. All. All taken out of that building that—and dumped in a van. Just dumped in. You know. Young—his shoes, five-and-a-half, little, tiny, itty-bitty shoes that he had, and he was a great football player. Unitas' jersey. All those things that mean nothing to any other city but us. Wouldn't you think—just the final humiliation to the City. We'll take all of it and we'll dump it, and we'll put it on a van, and we'll take it away at midnight and two o'clock in the morning.

COSELL. Now, the Eagles may be headed to Phoenix. Fifty-one years in Philadelphia. All those memories. Remember, Norman Van Brocklin, the Dutchman, passing to Tommy McDonald, beating the Pack for the 1960 title. Can anyone ever forget big, number 60? Chuck Bednarik, football's last sixty minute man. After that, there were long, lean years. And then, the Eagles would come back, with the likes of that man, Wilbert Montgomery, under the leadership of Dick Vermeil. Beat the Cowboys. Dudley '80 Superbowl, where they did, indeed, lose to the Raiders. The Eagles slipped again in the last few seasons.

But they're part of the fabric of Philadelphia. And Mayor Goode has been trying mightily to keep them there. Tuesday night past, he met with Leonard Tose at the Eagles' owner's home. Came away thinking he had a fifty-fifty chance to save them for the Quaker city. When we come back, we'll talk with Mayor Wilson Goode, who is in our Philadelphia studios, along with Senator Arlen Specter of Pennsylvania.

[Commercials.]

COSELL. At WPVI, Philadelphia, you're looking at Mayor W. Wilson Goode of Philadelphia to the right of your screen. To the left, Arlen Specter, Senator from the City of Philadelphia itself, past District Attorney there. Let's begin immediately with Mayor Goode. Mr. Mayor, at this point in time, exactly where do you stand in your efforts to keep the Eagles in Philadelphia?

Mayor WILSON GOODE. Well last evening, I met with Leonard Tose. And he told me that he wanted very much to keep the team here. We talked about various ways that could be done. And we're agreed to wait until some time today, to see whether or not he would come back with me with other ways to do so. I've been saying all week, we had an even shot to keep them here. Based upon my last negotiation with him, I'm convinced that those odds have increased seven to three in favor of keeping the team here in the City. The next twenty-four, forty-eight hours will tell us more than what we know now.

We've put on the table for him, you should know, a package that basically said that we're willing to match what you have in Phoenix. But we want to make sure that we know who will manage the team. He, in fact, did not accept that. And we're back talking about other alternatives at this time. But he has said to me, in no uncertain terms, I want to keep the team here. We're trying to find a way to do it. We're working with him. We're talking with him. We're talking with his people. And I think that it could be worked out. I don't know.

COSELL. Okay sir. Let's assume negotiations fail, fall through. Their lease runs at Vet Stadium through 1991. Will you undertake injunctive action to keep them there?

GOODE. Our lease runs at the Vet until the year 2001. And we're prepared to go into court, whenever he tells us he intends to leave, and to enforce the terms of that lease. We are going to go in and ask for a temporary restraining order. We feel that under that lease, that we have the right to keep the team here until the year 2001.

COSELL. I understand, sir. Now, do you feel—having seen the history of sports operators carpetbagging franchises earlier in this telecast—do you feel that the City has been undignified, humiliated and, indeed, that you're being blackmailed to keep a sports operator in that City, so that he can pay off his personal debts?

GOODE. Well I feel that the National Football League and the Congressmen have to—someone ought to put into place some kind of rule, some kind of law, where there would, in fact, be a process, which people had to go through before they can do this. I should not have to wake up at 6:30 a.m. in the morning, and have the radio tell me that the football team, which has been here for fifty-one years, intends to leave the City. There ought to be a process by which they go through. I've said all along, that we're willing to help that team, to support that team, to keep them here. If they have fiscal-problems, then talk with us about it. But there was no prior notice to us. And the first notice came via the news media. So I think that we ought to have a rule in place, that will help us to have a process, by which we can compete in this process.

COSELL. Thank you very much, Mr. Mayor. What happened to you is exactly what you heard Mayor William Donald Schaefer of Baltimore say had happened to him. We'll be back in just a moment with Senator Arlen Specter of Pennsylvania.

[Commercials.]

COSELL. At WPVI in Philadelphia, Senator Arlen Specter of the State of Pennsylvania. You've seen the history piece at the start of the telecast, Senator. Now, right to the point. Is there any reason in the world, as you see it, why the National Football league can't put its own house in order?

Senator ARLEN SPECTER. No. The NFL has the full power, under the federal decisions—federal court decisions in the Raiders case—to establish reasonable rules to stop franchises from being moved, unless teams are in financial distress or have inadequate stadiums, providing the League would have a vote of a simple majority. The League could do that, and right now stop the move of the Eagles to Phoenix or any similar situation in the future, which didn't have some reasonable basis for the move.

COSELL. Senator, let me get then right to the next point. Did you or did you not dispatch a letter to Commissioner Pete Rozelle, suggesting he take exactly that course?

SPECTER. Yes I did, Howard. And I have been working with Commissioner Rozelle, since back in 1982, on this precise problem, when they came to the Judiciary Committee. And we had hearings, and I proposed legislation to deal with the Raiders' case, which provided that no team could move unless they were in financial distress, proved over a reasonable period of time—three years, or had an inadequate stadium.

Because I believe the fans have an interest in franchises, and sports are not businesses like any other kind. And, had that law passed, or had the League followed the suggestion of that law to establish such standards, the League would be in a perfect position now to keep the Eagles in Philadelphia; to have stopped the move of the Colts; and to bring some order into the hectic, chaotic situation which now threatens movement of sports franchises.

COSELL. And isn't one of the basic problems in dealing with this issue, Senator, right on the line, the fact that when the Supreme Court of the United States refused to hear the Raiders' case, every paper in the land, factually, except the "Wall Street Journal", said the NFL was stripped of its power to control franchise transfers, and that was false. Is that not so, sir.

SPECTER. Correct. When you read the cases, Howard, as you and I have, from a legal point of view, anti-trust Constitutional law, it is plain that the National Football League has the power to have reasonable restraints on franchise movements. They can stop a franchise from moving if it doesn't have a good reason to do so. If the Eagles were losing money; if the fans weren't supporting the Eagles; if they had a terrible stadium, the Eagles would have a basis to move. And, if the League were to have a rule which said, you have to persuade a majority of the owners in order to move, that would stand up under the anti-trust laws in the federal court decisions.

COSELL. All right, sir. Then, is it likely that the NFL will ever get legislation that it wants; to wit, anti-trust exemptions; since, as you have stated, they have the power, if they adhere to the current laws of the land, to adjust and to control franchise removals.

SPECTER. Howard, my judgment is that the NFL will not get anti-trust exemption, and they should not, because the ramifications or implications of that are so broad, that no one can predict where it would go. And I believe, based on conversations that I've had with Commissioner Rozelle—and I believe that he's really working to try to solve this problem in a constructive way. Commissioner Rozelle is not looking for anti-trust ex-

emption at the present time. I believe that the NFL ought to put its house in order.

But if it doesn't, there is growing sentiment in the Congress—my colleague Senator Heinz agrees with me. Senator Gorton of Washington has proposed similar legislation, which passed out of the Commerce Committee last week. I talked to Slade earlier this week. There are thirty-one states—I tabulated them day before yesterday—thirty-one states which have sports franchises, which could receive a substantial shock like Baltimore did, and Oakland did, and Philadelphia might, unless some action is taken. Now, thirty-one's a majority. And I think if the problem is not solved by the Leagues, the Congress will act. And, of course, we all know, that at the private interest, the Leagues would be much better off if they acted themselves. Because, if Congress gets into it, it might not be quite so comfortable for everybody.

COSELL. Senator Specter, you have been very clear. I can't thank you enough. Maybe the public will now understand. And to you, Senator, and to you, Mr. Mayor, thank you very much for being with us. And it's been a delight to have you both. It's time for the American people to understand where we're heading with regard to sports franchises.

[Commercials.]

COSELL. Thank you for being with us today. Back next week, four o'clock Eastern and Pacific times, three o'clock Central.

Mr. SPECTER. In the 97th Congress, Mr. President, in a series of hearings before the Senate Committee on the Judiciary, this approach of determining objective standards to establish when a team could relocate was favorably received by many knowledgeable witnesses. Even Al Davis, managing partner of the Raiders and a person intimately involved in the complex litigation that spawned interest in the issue of franchise relocation, favored this approach if limited to prospective application.

Since these hearings, the Federal courts in the Raiders' litigation have agreed that league rules can be established that will comply with the antitrust laws. The district court, for example, found unlawful the NFL rule that required that a team relocation be approved by three-fourths of the league members and stated instead that "A majority vote requirement, on the other hand, would seem to provide a fairer accommodation of league and individual team interests." *Los Angeles Memorial Coliseum Commission* v. *National Football League*, 484 F. Supp. 1274, 1277 (C.D. Calif. 1980). The ninth circuit discussed in greater length the NFL's ability to fashion lawful relocation rules finding: "To withstand antitrust scrutiny * * * [a]n expressed recognition and consideration of those objective factors espoused by the NFL as important, such as population, economic projections, facilities, regional balance, etc. would be well advised * * *. Fan loyalty and location continuity could also be considered." *Los Angeles Memorial Coliseum Commission* v. *National Football League*, 726 F.2d 1381, 1397 (9th Cir. 1984).

Despite the recitation of appropriate procedures by the district court and the ninth circuit in the Raiders' litigation, the NFL failed to respond to that court decision, and failed to establish any standards governing franchise relocation. Into this standardless void came an announcement, on December 11, 1984, that Leonard Tose, owner of the Philadelphia Eagles, was considering a partial sale of his team, coupled with the removal of that team to Phoenix, AZ. The Eagles' situation represented a perfect example of the NFL's lack of responsibility in regulating franchise moves. Had the National Football League established standards which would have been applicable to the Eagles' proposed relocation, there is no doubt that the Eagles could not have moved from Philadelphia considering the fans' support, profitability of the franchise, and the accommodations of Veterans Stadium which was constructed in 1971.

On December 12, 1984, I spoke to Pete Rozelle, commissioner of the NFL, regarding the Eagles' proposed move. I followed that conversation with a December 13 letter to Mr. Rozelle in which I expressed my concern over the Eagles, and suggested a course of action for the NFL owners to take to remedy the situation. I urged Mr. Rozelle and the NFL owners to adopt a rule which would establish standards, and require a simple majority vote of the owners to allow that move under the application of those standards. I suggested the consideration of factors such as fan support, length of tenure of the team in the city, the condition of the stadium, and the profitability of the team over a reasonable period such as 3 years. I strongly recommended prompt action by the NFL in order that such a rule could be in place before the move of the Eagles from Philadelphia to Phoenix could be fully consummated.

The Eagles' move, at least for the moment, has been averted—but at substantial cost to the city of Philadelphia and its taxpayers. According to media accounts, the estimated cost to Philadelphia taxpayers of the concessions made by the city to retain the Eagles is at least $30 million over the next 20 years. On December 17, I again wrote to Commissioner Rozelle and stated that the National Football League, rather than the city of Philadelphia, should bear the cost of any concessions which have been made to keep the Eagles in Philadelphia because those concessions could not have been extracted under the threat of an Eagles' move if the NFL had fulfilled its duty to establish reasonable standards for such franchise moves.

Commissioner Rozelle wrote to me on December 19 without responding to my previous questions concerning the concessions made by the city of Philadelphia, and my belief that such costs should be borne by the National Football League. One concession, the deferral of the team's annual stadium rental for 10 years, is especially problemsome because it adds more than $10 million to the Eagles' debt over the next 10 years. I expressed my continuing concern over such expenses to Mr. Rozelle in another letter on December 27, stating that aside from the fact that the city should not bear that expense, it is most unwise to structure an additional factor which adds to the Eagles' debt.

The inaction of the NFL, and the resulting unfair costs and burdens placed on the city of Philadelphia, lead to the conclusion that Congress must act to remedy this situation by establishing rules and standards along the lines of the bill I propose today.

Although this bill addresses only the issue of football franchises, it is my thought that the Congress should explore the possibility of extending such legislation to cover all professional sports.

It is imperative that the question of sports franchise relocation be addressed at this moment. The following 31 States have or benefit from sports franchises today which could be threatened at any time by a move such as the one proposed by the Eagles last month: California, Pennsylvania, Georgia, Illinois, Ohio, Kentucky, New York, Texas, Missouri, Maryland, Michigan, Minnesota, Massachusetts, Rhode Island, New Hampshire, Wisconsin, Washington, Kansas, Connecticut, Florida, Indiana, Colorado, Virginia, Louisiana, Nevada, New Jersey, Utah, Arizona, Oregon, West Virginia, and Delaware.

Teams that are supported by both the fans and the finances of those 31 States must be prevented from arbitrary moves solely in the interest of the teams' owners. The legislation that I propose today will serve to conteract the surge of teams abandoning their home cities because guidelines to restrict such moves have not been set.

I also ask unanimous consent that the bill and letters referred to in my statement be printed in the RECORD.

There being no objection, the bill and letters were ordered to be printed in the RECORD, as follows:

S. 172

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Professional Football Stabilization Act of 1985."

SEC. 2. (a) The Congress finds that—

(1) professional football teams achieve a strong local identity with the people of the cities and regions in which they are located, providing a source of pride to their supporters;

(2) professional football teams provide a valuable form of entertainment in the cities and regions in which they are located;

(3) substantial tax revenues and employment opportunities derive from the oper-

ation of professional football teams to the cities and regions in which they are located;

(4) the public through a municipal stadium authority (which may be a city or county agency, or a municipal corporation) generally authorizes capital construction bonds to build a stadium, while the team's lease or use agreement generally sets rent to cover only operating costs of the stadium, without reimbursing the public for construction costs;

(5) professional football teams are invested with a strong public interest; and

(6) professional football teams utilize materials shipped in interstate commerce, professional football teams travel interstate to compete and professional football games are nationally broadcasted.

(b) The Congress therefore, finds and declares that professional football teams are affected with a strong public interest, that professional football affects interstate commerce, and that it is the national policy to discourage the relocation of professional football teams receiving local support.

SEC. 3. The Act of September 30, 1961 (75 Stat. 732; 15 U.S.C. 1291-1295) is amended—

(1) by redesignating after section 4 as section 7 and striking out all after section 7, as redesignated;

(2) by inserting after section 3 the following:

"SEC. 4. It shall be unlawful for any professional football team which has played its home games in a municipality for six continuous years or more to relocate unless—

"(1) one or more of the other parties to the stadium lease agreement materially breaches a provision of the agreement essential to profitability, and such noncompliance cannot be remedied within a reasonable period of time;

"(2) the stadium in which the team wishing to move presently plays is inadequate for the purposes of profitably operating the team, and the stadium authority demonstrates no intent to remedy such inadequacies; or

"(3) the team has incurred an annual net loss for at least three consecutive years immediately preceding the relocation, or has incurred losses in a shorter period that endanger the continued profitability of the team; and in computing net losses of the team, no personal obligations or losses of the owner may be included in salaries, other compensation or expenses to owners or owners' family members except to the extent they are ordinary, reasonable and necessary compensation and expenses. Provided however: an owner of a professional football team who seeks to relocate shall provide written notification of such intention to the local governmental authority at lease 120 days before relocation. Where an owner intends to sell the team and relocate it, the governmental authority shall decide whether the criteria for relocation have been satisfied and if it finds that they have been, the governmental authority or any person it selects shall have a right of first refusal and may make an offer to purchase and retain the team. If any such retention offer substantially equals the relocation offer, then relocation shall be unlawful.

In the event that the local governmental authority concludes that the owner has not satisfied the provisions of Section 4, a civil action may be commenced pursuant to the provisions of Section 6.

"SEC. 5. The antitrust laws, as defined in section 1 of the Clayton Act, and the Federal Trade Commission Act, shall not apply to any joint agreement by or among persons engaging in or conducting the organized professional sport of football which restricts the movement of any member team in accordance with the criteria provided in section 4.

"SEC. 6. Any government authority in a municipality from which a professional football team relocates or seeks to relocate may bring a civil action to prevent such relocation and for other equitable relief and damages if such relocation does not comply with Section 4, and the federal district court shall have jurisdiction over such action.".

(3) by inserting after "section" 1 in section 7, as redesignated, "and section 5",

(4) by inserting after section 7, as redesignated, the following:

"SEC. 8. For purposes of this Act:

"(1) The term 'persons' means any individual partnership, corporation or unincorporated association or combination or association thereof.

"(2) The term 'relocate' means to change the location in which a team plays its home games from one municipality to another.

"(3) The term 'government authority' means any unit of general local government or other government agency or authority which exercises regulatory authority with respect to a professional sports team.

"(4) The term 'municipality' means a city, county or other political subdivision of a state.".

U.S. SENATE,
Washington, DC, December 13, 1984.

Commissioner PETE ROZELLE,
The National Football League, New York, NY.

DEAR COMMISSIONER ROZELLE: Following our discussion yesterday morning, I have a suggestion for action by you and and the NFL owners when you meet next Tuesday, December 18.

It is my thought that the NFL should establish a timetable, with appropriate notice under your Bylaws, to convene a meeting of league owners at the earliest practical date to establish rules which would preclude the move of the Eagles from Philadelphia to Phoenix or any similar move of an NFL franchise.

I urge that you and the owners adopt a rule which would establish standards for a team move and would require a simple majority vote of the owners to allow that move under the application of those standards. As you doubtless know, the court in the Raiders case suggested that a simple majority vote would be within the rule of reason and the opinions in that case referred to the establishment of standards governing such moves.

As to standards, it seems to me that it would be appropriate to consider factors such as fan support, length of tenure of the team in the city, the condition of the stadium, the profitability of the team over a reasonable period such as three years, and similar factors.

If prompt action were taken by the National Football League, such a rule could be in place before the move of the Eagles from Philadelphia to Phoenix could be fully consummated.

If the NFL were to adopt such a rule in response to the Raiders' court decisions and the move of the Colts and the prospective move of the Eagles, it is my thought that the Congress would be very sympathetic to legislation which would make it plain that such a rule did not violate antitrust laws. When considering that rule, I think the Congress would also be favorably disposed to "sprinkling holy water," as you put it in our conversation yesterday, on some of the other rules which the NFL needs for the orderly processing of its business.

In the light of the serious complication that an Eagles move to Phoenix would present on the pending antitrust suit by the USFL against the NFL, it seems to me that there is strong motivation for the NFL to act at this time on the Eagles situation and any similar moves.

It is my strong recommendation that the NFL act on its own to establish what it considers reasonable rules instead of leaving the matter to the Congress which, as you know, is quite unpredictable. Senator Gorton and I have discussed collaborating on reintroducing legislation which, we think, would have a good chance of passing the Congress. Last year the Commerce Committee voted out the Gorton bill.

At my request, Senator Thurmond, Chairman of the Judiciary Committee has promised early hearings on the legislation which I propose to introduce.

While in the private practice of law before coming to the Senate, I worked in the antitrust field, and it is my thinking that such an NFL rule would be interpreted by the courts not to violate the antitrust laws. In any event, I do believe there would be strong sentiment in the Congress to remove any doubt that such a rule does not violate the antitrust laws which could be accomplished by a relatively simple amendment to the antitrust laws in the 99th Congress.

I am available to discuss this matter with you further.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC, December 17, 1984.

Commissioner PETE ROZELLE,
The National Football League, New York, NY.

DEAR COMMISSIONER ROZELLE: I am writing to express my very serious concern over the national problem which has been created by the failure of the National Football League to establish reasonable standards, within the context of the antitrust laws, to regulate the transfer of football franchises.

While the latest chapter has involved major costs for the City of Philadelphia and the Commonwealth of Pennsylvania on concessions to retain the Eagles in Philadelphia, this has been a continuing problem which has resulted in enormous costs in other situations including Baltimore, Maryland; Oakland, California; Minneapolis, Minnesota; and Buffalo, New York. If the NFL had acted to establish such reasonable rules, those costs could have been avoided, with such cities having been able to bargain in a reasonable context with owners of football franchises without the coercive effects of threats to move.

Some have raised a question about the propriety of Congressional action on private property rights of franchise owners. A conclusive answer on the justification of such Congressional action is provided by the antitrust exemption which Congress has given to the pooling of television receipts for professional football. There can be little doubt that the owner of the Philadelphia Eagles would not have considered moving to Phoenix, Arizona, if he were substituting Phoenix's TV receipts for the TV receipts of the Philadelphia market which is the fourth largest in the United States.

As you know from our prior conversations and from Senate bill 2821 which I intro-

duced in the 97th Congress, it is my view that a sports franchise, like ownership of an NFL football team, is different from an ordinary business. If the National Football League does not establish reasonable rules for transfer of franchises, then it is the appropriate prerogative of the Congress in my judgment to balance the interests of fans and cities with the proprietary interests of owners.

This issue has again come to a sharp national focus with the events of the past few days involving the possible move of the Philadelphia Eagles to Phoenix, Arizona. Had the National Football League established standards for franchise moves which would have been applicable to the Philadelphia Eagles' situation, there is no doubt that the Eagles could not have moved from Philadelphia considering the fans' support, profitability of the franchise, and the accommodations of Veterans Stadium which was constructed in 1971.

As I see it, the National Football League, rather than the taxpayers of the City of Philadelphia, should bear the cost of any concessions which have been made to keep the Eagles in Philadelphia because those concessions could not have been extracted under the threat of an Eagles' move if the NFL had fulfilled its duty to establish reasonable standards for such franchise moves.

In asserting the NFL's responsibility for such costs, I put aside for the moment any issue as to whether the Eagles' owner acted properly in the context of his exerting the leverage which he was able to employ given the situation caused by the NFL's inaction. Similarly, for the moment, I put aside any issue as to whether the City of Philadelphia acted properly in making the concessions to the Eagles' owner given the pending NFL lawsuit against the Eagles and the City's potential legal remedies to secure injunctive relief to stop the Eagles' move. Whatever conclusions there may be as to those issues, it seems to me that the ultimate responsibility must be borne by the National Football League which had and has the duty, as I see it, to bear whatever costs may be involved in preventing the Eagles from leaving the City of Philadelphia.

It is my thinking that the Congress must act if the National Football League does not establish appropriate standards on its own to prevent the recurrence of what has happened in Minneapolis, Buffalo, Baltimore, Oakland and Philadelphia.

As a separate issue, it is my preliminary thought that the Congress should reconsider the antitrust exemption to the pooling of television receipts where the City and its taxpayers are compelled to make substantial concessions to retain the Eagles and the City of Philadelphia, its taxpayers and the fans in the region are precluded from a fair share of the economic benefits which the enormous television revenues from the Philadelphia Eagles bring to the National Football League. If the antitrust exemption for pooling of TV revenues did not exist, then it is plain that the Eagles would not have conceivably considered leaving such a lucrative television market for the Phoenix TV area. Those TV revenues are generated by the Eagles' fans in the Philadelphia region and those fans are being asked to pay again through these additional concessions.

Given the many problems currently confronting the Congress, it is my hope that it will not be necessary for the Congress to consider legislation on issues like standards for franchises or revocation of the antitrust exemption on pooling of TV revenues; but such consideration will have to be undertaken if the current chaotic situation continues. My survey shows that 31 states are involved with football, basketball, baseball and soccer franchises so that the majority of the Congress would have good reason to be concerned that their cities and states would be affected by what is happening to the City of Philadelphia and the Commonwealth of Pennsylvania.

Accordingly, I urge that you and the owners act at your meeting tomorrow to see to it that the Eagles remain in Philadelphia without the City of Philadelphia or its taxpayers having to bear any costs to accomplish that result.

So that you will have the text of this letter at the earliest possible time, I am asking my secretary to read this letter to your secretary and further to make it available to the officials of the City of Philadelphia and the Philadelphia Eagles.

Sincerely,

ARLEN SPECTER.

THE NATIONAL FOOTBALL LEAGUE,
New York, NY, December 19, 1984.

Hon. ARLEN SPECTER,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR SPECTER: Thank you for your December 17 letter concerning the Eagles situation.

As to "standards" for evaluating any Eagles move, we delivered to Mr. Tose last Friday evening a memorandum identifying the factors relevant to a team move that were set forth in S. 2505, as reported by the Senate Commerce Committee in June of this year. That memorandum further directed the Eagles, among other things, to "submit to this office a written statement of the club's position with respect to the bearing of these factors on a proposed move to Phoenix, stating specifically why such a move is regarded as justified on these standards. The Eagles should also comment on any other factors you regard as relevant to the League's consideration of this matter."

More broadly, the risks created for leagues and communities by the decision of the Ninth Circuit in the Raiders case go quite beyond questions of "standards." The Los Angeles trial court submitted the case to the jury because of the potential for the Raiders to "compete" with the Rams in the Los Angeles area and to protect the opportunity of the Los Angeles Colisuem to "compete" in a stadium market by attracting teams to Los Angeles. The court's entire focus, in short, was on Los Angeles interests, while equivalent Oakland interests were utterly ignored. We have consistently urged that this approach rests on no sensible antitrust principle. However, when concepts of this type are applied, no league decision keeping a team in its existing community will be sustained.

In addition, every effort was made in Los Angeles to block any NFL action on the Raiders' move. Thus, when the Los Angeles court first entered its injunction barring League action and allowing the Raiders to move out of Oakland (an injunction that was later reversed), NFL attorneys asked the court to amend the injunction to allow the League to vote on a Raiders' move on a majority vote basis. But the Los Angeles court rejected this League proposal. Subsequently, when the Ninth Circuit reversed the preliminary injunction entered by the Los Angeles court, the Circuit's opinion expressly noted that the Raiders' entire effort had been to thwart any League evaluation of the Raiders' move, stating:

"The Raiders deliberately refrained from seeking a vote. They attacked Section 4.3 * * * without first determining whether that perceived barrier was shadow or substance."

Many other aspects of these team relocation issues cloud the suggestion that sports leagues can simply adopt more "reasonable" rules for dealing with member club transfers and continue to exercise controls over their franchise locations. For example, the National Basketball Association, which is currently litigating the property of a unilateral move of its San Diego franchise to Los Angles, is now confronting the claim that the Ninth Circuit's opinion in the Raiders case gives "a member of a sports league * * * the unfettered right to move its franchise anywhere at any time, and that any restriction of any kind on the alleged right of a team unilaterally to select the location of its games" is unlawful. See the enclosed Brief filed by the NBA in the Supreme Court in the Raiders' case, pages 4-5. The Los Angeles Stadium interests—represented by noted plaintiffs' antitrust lawyer Maxwell Blecher, who represented co-plaintiff Los Angeles Coliseum Commission in the Raiders case—are asserting that claim despite the NBA's adoption of an elaborate procedural mechanism to ensure express consideration of various objective factors governing team relocation.

Moreover, I am advised that the NBA's new rules do not even take account of "fan loyalty" considerations in the city the team proposes to leave—presumably because the NBA is uncertain whether the Ninth Circuit's majority opinion, despite its dicta, really permits consideration of such important interests at all.

Given the importance of these matters, we will plan to furnish further information and observations to you. In the meantime, I can assure you that the League has carefully reviewed all of the court opinions on team-move matters, and we intend to continue to adhere to reasonable procedures and practices on such matters.

Sincerely,

PETE ROZELLE,
Commissioner.

U.S. SENATE,
Washington, DC, December 27, 1984.

Commissioner PETE ROZELLE,
The National Football League, Park Avenue, New York, NY.

DEAR COMMISSIONER ROZELLE: I am very much concerned about the future of the Philadelphia Eagles in light of the very heavy financial commitments of the Philadelphia Eagles and owner, Mr. Leonard Tose, as reported by the Philadelphia Inquirer.

According to an extensive account by the Inquirer on Sunday, December 23, 1984, there is an accumulation of debt of $9.9 million at the end of 1981 to $14.1 million at the end of 1982 to approximately $30 million at the present time. The Inquirer further states that the "signature of NFL Commissioner Pete Rozelle appears on letters endorsing the Eagles' loans."

These heavy debts pose a very serious problem for the Eagles' cash flow because of heavy interest payments to say nothing about retirement of debt. In turn, these financial problems may have a serious impact on the Eagles' ability to stay competitive or to produce a winning football team. An owner's ability to pay top salaries and otherwise draw top players establishes a direct relationship between a team's cash position

and the talent necessary to have a winning team. The fact that the Raiders had the largest payroll (as reported in the news media) has a direct relationship to their long-standing winning record and two Super Bowl championships since 1981.

Against this background, it seems to me that the Eagles' future could be very grim. If the Eagles do not have the financial resouces to field a competitive/winning team, then attendance is likely to fall; and we may be confronted with the situation where the team might be able to establish a case for moving because of lack of sufficient fan support. It seems to me that the National Football League has a significant responsibility in this matter if the Inquirer reports are accurate that these loans were, in effect, sanctioned by you as Commissioner.

I would very much appreciate your informing me of the role which the NFL plays in approving any loans to NFL team owners where the Club is (or for that matter is not) used for collateral. In the same vein, I would appreciate the details on the loans to the Eagles or Mr. Tose and your projections for repayment of interest and principal. The principal question is: Can the interest be carried and the loans repaid and still have the Eagles able to field a competitive/winning team?

I very much appreciate your letter of December 19, 1984; but, as you know, there are a number of unanswered questions remaining from my letters of December 13 and 17. I continue to be concerned about concessions that have been made by the City of Philadelphia, and I believe those costs should be borne by the National Football League because the City would not have had to have made those concessions if there had not been a threat of an Eagles' move which would have been precluded had the NFL fulfilled its duty to establish reasonable standards for such franchise moves.

One of the concessions, the deferral of the team's annual stadium rental for 10 years, is especially problemsome because it adds to the projected debt. According to the Inquirer article, the 1983 rental was $817,000. On a ten-year projection, considering interest that debt would exceed $10 million. Aside from the fact that the City should not bear that expense, it is most unwise to structure an additional factor which adds to the Eagles' debt.

In the context of our prior correspondence and conversations, I would appreciate your making available to me at the earliest moment the figures on what the Eagles' share would have been from its own TV market and its post-season play from TV if the revenue sharing on TV receipts were not in effect, as sanctioned by the antitrust exemption.

After the first of the year, I look forward to the opportunity to meet with you in person concerning these and other matters of mutual interest.

My best to you and yours for the New Year.

Sincerely,

ARLEN SPECTER.

Mr. DECONCINI. Mr. President, my interest in the reform of our antitrust laws as they relate to professional team sports leagues is longstanding. On July 28, 1982, Senators HEFLIN, SIMPSON, HUDDLESTON, BENTSEN, and I introduced the Major League Sports Community Protection Act of 1982. This bill and its successor in the 98th Congress, S. 1036, the Sports Community Protection and Stability Act of 1983, sought to deal with the fundamental antitrust question at the heart of the confusion currently surrounding the status of professional team sports leagues under our antitrust laws. I intend to introduce soon a similar bill that addresses this matter while dealing with related issues that have arisen since 1982. I will be consulting with my colleagues in the Senate, and particularly the membership of the Judiciary Committee, to determine their views on this matter, especially in light of recent controversies over the movement of teams in professional football, baseball, and basketball.

A number of principles will be guiding me and my staff as we seek to improve upon the legislation that I previously introduced and which enjoyed wide support among Members of the House and the Senate as well as with local government officials. First, effective legislation designed to protect sports communities from arbitrary abandonment by club owners must deal with the inability of professional sports leagues to prevent such movement under the current application of antitrust concepts.

Second, effective legislation must ensure the continued stability of professional team sports leagues by allowing leagues to enforce rules that tend to promote comparable economic opportunities for member clubs. If the farsighted revenue sharing rules adopted by some leagues are made enforceable, the temptation for teams to hopscotch across the country seeking marginal economic advantage at the expense of loyal fans will be curbed.

Third, instability in the operation of professional team sports leagues is not in the interest of sports fans, sports communities, or communities where potential expansion could occur. My State and the community of Phoenix has a large stake in the future of professional team sports leagues. As a representative of one of the fastest growing and most attractive sports communities, I want to ensure that investment and commitments by my constituents will be reciprocated and produce a long-standing, stable relationship.

Fourth, effective legislation should recognize that, as the Washington Post stated recently:

NFL teams are obviously not competitors as steel companies or computer soft-ware firms are; they are struggling not to put each out of business but to stay in business together. To do that, they obviously have to act together in ways that wouldn't be allowed if they were entirely separate competitors. Applying the antitrust laws to intraleague agreements threatens the entire structure of professional sports.

Fifth, effective legislation should not put Congress or the courts in the business of second-guessing the business judgment of leagues when it is properly exercised following appropriate procedures which ensure that arbitrary and capricious action is avoided.

Last, the legislation should be as narrow as possible and not tamper with antitrust monopolization concepts or the right of a municipality or other public authority to challenge under the antitrust laws the relocation of a club from its league-franchised home area.

Let me emphasize the degree of caution I bring to this and any legislative effort in the antitrust area. Our antitrust laws have been carefully developed through the years by the courts and Congress. However, in the area of professional team sports leagues, and particularly with regard to team movement issues, it is clear that the laws are simply not working. The public is suffering as a result, and the future of professional league sports in this country is in jeopardy.

I believe a fully competitive entertainment and sports industry can be maintained while bringing a measure of certainty to the enforcement of rules that have been clearly recognized to be in the public interest. The experience of the last 3 years has demonstrated to this Senator, and I believe to the rest of Congress, the need for such legislation. Further delay will only risk harming more sports fans and sports communities. As I pointed out on April 12, 1983, when Senators LONG, HEFLIN, Tower, HEINZ, BENTSEN, QUAYLE, JOHNSTON and I introduced the 1983 Sports Community Protection and Stability Act:

Unless Congress acts, it is possible for a team owner to put a franchise up for auction at the end of the season to the highest bidder who could then move the franchise anywhere in the country. * * * Unless Congress acts, leagues may be unable to expand due to instability in team location policies and expand due to instability in team location policies and uncertainty as to revenue distribution. If Congress does not act, the tragedy of the abandonment of the city of Oakland, its publicly funded stadium, and its sports fans by the Oakland Raiders will not only stand uncorrected, but it could be duplicated.

I believe these words have proven true in the last 2 years. I urge my colleagues to join with me in crafting balanced legislation to deal with this antitrust problem of wide interest to all of our constituents.

By Mr. STAFFORD (for himself and Mr. LEAHY):

S. 173. A bill to settle and adjust the claim of the Tehran American School for $13,333.94; to the Committee on the Judiciary.

TEHRAN AMERICAN SCHOOL CLAIM ACT OF 1985

Mr. STAFFORD. Mr. President, on behalf of myself and my colleague from Vermont (Mr. LEAHY), I introduce today the Tehran American School Claim Act of 1985.

The purpose of the legislation is to permit the U.S. Government to reimburse the Tehran American School $13,333.94 due from the sale of school motor vehicles arranged by the U.S. Embassy in Tehran, Iran, in 1979.

The proceeds from the sale were lost as a result of the seizure of the U.S. Embassy, and this legislation is required to permit payment under terms of the Meritorious Claims Act.

The claim was originally filed with the Department of State by William F. Keough, who was the superintendent of schools for the Tehran American School. Mr. Keough previously had served as a superintendent of schools in several Vermont communities.

This legislation is introduced at the suggestion of the Comptroller General of the United States, who has judged the loss of the funds by the State Department to be the result of an "uncontrollable event" and who has found the claim to have merit under the terms of the Meritorious Claims Act.

I ask unanimous consent to have printed in the RECORD at this point the claim filed by Mr. Keough, along with a supporting document; a letter from the acting Comptroller General to Mr. Keough; the decision of the Comptroller General regarding the claim; the report to the Congress by the Comptroller General recommending that payment of the claim be authorized, and the text of the legislation introduced by myself and Mr. LEAHY.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

TEHRAN AMERICAN SCHOOL,
Tehran, Iran, December 2, 1981.

Mr. MARVIN WOLFE,
NEA/EX/BUD, Room 4247, Department of State, Washington, D.C.

DEAR MR. WOLFE: This is a request for reimbursement to Tehran American School the amount of $13,333.94; these funds were obtained by the American Embassy, Tehran as proceeds from the sale of school vehicles.

All arrangements are detailed in a telex, Tehran 10592, dated October 2, 1979.

When the funds are available, please call me at 245-9248. Upon receipt the funds will be used to meet outstanding responsibilities of the school.

Thank you for your cooperation.

Sincerely yours,

WILLIAM F. KEOUGH,
Superintendent of Schools, Tehran American School.

[Department of State Telegram]
October 1979.

From: American Embassy, Tehran
To: Secretary of State, Washington, D.C. 4047

Unclas Tehran 10592
E.O. 12065: N/A
Tags: AFSP
Subject: Tehran American School

1. Post requests Tehran American School, 4600 Duke Street, Alexandria, VA, be informed that following proceeds of sales have been generated:

Mini buses, license plates 65753 and 72538, RLS 500,000, $7,107.32.

Mini buses, license plates 65748 and 98939, RLS 500,000, $7,107.32.

Mazda, license plates 62572, RLS 280,000, $3,980.10.

Total—$1,280,000, $18,194.74.

2. Post is holding TAS outstanding telephone bills as follows and requests TAS authority to pay:

8 lines of 24xxxx, 9/23/78-12/21/78, RLS 91,732, $1,303.94.

8 lines of 24xxxx, 12/22/78-4/21/79, RLS 73,002, $1,037.70.

5 lines of 23xxxx, 12/6/78-4/4/79, RLS 36,523, $519.16.

Total—201,257, $2,860.80.

3. With deductions from proceeds for above $2,860.80 payment plus another $2,000.00 to be held in reserve for additional payables, post shall forward $13,333.94 check to Alexandria address.

LAINGEN.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, DC, June 15, 1982.

Mr. WILLIAM F. KEOUGH,
Superintendant of Schools, Tehran American School.

DEAR MR. KEOUGH: Enclosed is a copy of our decision in which we disallow the Tehran American School's claim for $13,333.94 as part of the proceeds from the sale of three School vehicles. The sale was arranged by the United States Embassy in Tehran, Iran. On the other hand, we think that the equities warrant reporting the claim to the Congress of the United States under the Meritorious Claims Act of April 10, 1928, 31 U.S.C. § 236.

No further action on the claim can be taken by our Office unless, and until, the Congress enacts legislation pursuant to our recommendation. We enclose a copy of our report to the Congress recommending that payment of the claim be authorized.

Sincerely yours,

MILTON J. SOCOLAR,
Acting Comptroller General of the United States.

DECISION

File: B-205984. Date: June 15, 1982.
Matter of: Tehran American School—Reimbursement of Funds.
Digest:

1. The State Department cannot pay the Tehran American School $13,333.94 due from the sale of School motor vehicles arranged by the United States Embassy in Tehran, Iran, since the Embassy as agent did not breach any duty owed to the School. The proceeds from the sale were lost as a result of seizure of the United States Embassy—an uncontrollable event. Moreover, the Embassy acted properly in commingling the proceeds of the sale with other receipts in the Embassy safe.

2. Claim is to be reported to the Congress under the Meritorious Claims Act, 31 U.S.C. § 236, since seizure and occupation of the United States Embassy and resulting loss of proceeds from the Embassy's sale of the School's vehicles, was an extraordinary circumstance calling for equitable consideration.

The Department of State has requested an advance decision on whether it can pay the Tehran American School $13,333.94 as part of the proceeds from a sale of three School vehicles that was arranged by the United States Embassy in Tehran, Iran. Although we conclude that the State Department cannot make the payment, we think the equities warrant our reporting the claim to the United States Congress under the Meritorious Claims Act of April 10, 1928, 31 U.S.C. § 236.

The facts show that as a result of the political tensions in Iran in 1979, in anticipation of closing, the Tehran American School arranged that the United States Embassy in Tehran sell three of the School's motor vehicles. The State Department informs us that United States Embassies provide this kind of assistance to American institutions operating in foreign countries. Although state indicates that occasionally the proceeds from these sales are givenly directly to the seller, since the school had closed, the moneys were placed in the Embassy cashier's safe with other receipts normally kept in the safe. These receipts regularly were deposited in an account at the Tehran bank used by the Embassy.

As payment, the Embassy intended to have the United States disbursing office in Paris issue a $13,333.94 Treasury check drawn on funds deposited in the Tehran bank used by the Embassy. ($18,194.74 from the sale minus amounts owed by the School to the Embassy for outstanding telephone bills and other payables.) As a result of the Embassy seizure, however, the safe was lost and never recovered and the Paris disbursing office was not notified to make the payment.

The State Department has concluded that the sale of the motor vehicles was made in accordance with Department regulations, that the funds were properly maintained in the safe, and that the loss was not due to negligence. Although a Departmental legal memorandum presents arguments for and against paying the claim, State has concluded that the United States is responsible for the funds and that payment to the School is warranted.[1]

The legal memorandum accompanying the State Department submission characterized the relationship between the Embassy and the School as that between agent and principal. In this regard, it stated that if a principal's property is lost or stolen through no fault of the agent, generally the principal must bear the loss. It also noted that where an agent is authorized to commingle the principal's funds with the agent's to carry out the purposes of the agency, the agent is not liable for the loss. In support of this argument the memo suggests that the Embassy "appears to have been at least impliedly authorized to collect the proceeds of the sale in Iranian rupees and to commingle these funds with others on deposit with the Embassy * * * ". On the other hand, the memo points out that agents often are required to segregate a principal's funds from their own and that commingling will make the agent a debtor of the principal.

We agree with the State Department that the relationship between the School and the Embassy was that of principal and agent. As such, the question raised is whether the Embassy breached its agent's duty to the School so as to make the Embassy liable to the School for loss of the proceeds from the sale of the vehicles.

An agent entrusted with the care and custody of his principal's property is a bailee of the property. *See, Preston* v. *Prather*, 137 U.S. 604, 613-14 (1891). Where the property

[1] The Department also has concluded that the Hostage Agreements between the United States and Iran precluded the United States from submitting the claim either to the Iranian Government or the Iran-United States Claims Tribunal.

involved is the money of a principal, the agent is required to keep it in a safe place, *Robbins* v. *Roumel*, 138 A.2d 922, 923 (Mun. Ct. App. D.C. 1958); however, the agent is not an insurer of its safety and absent negligence will not be liable if the money is lost or stolen. *E.g., Cave* v. *Lougee*, 67 S.E. 667 (Ga. 1910); *New Mexico Department of Health and Social Services* v. *Secretary of Agriculture*, 376 F. Supp. 953, 954-55 (D. Mex. 1973).

In this instance there is nothing in the record to suggest that the Embassy breached its duty to protect the School's monies. The funds in the safe were lost as a result of the seizure of the American Embassy, an event over which the United States had no control. Further, the State Department appears to have been acting appropriately in its placing the School's money in its safe.

Generally an agent entrusted with a principal's money must keep it separately from his own, and, upon commingling the funds he becomes a debtor to the principal. *United States* v. *Marienfeld*, 116 F. Supp. 634, 638 (E.D. Mo. 1953), *aff'd.*, 214 F. 2d 632, *cert. denied* 348 U.S. 865. On the other hand, a principal may consent to the agent's commingling his funds with the agent's, and the risk of loss of the funds is shifted back from the agent to the principal. 116 F. Supp. at 638.

The facts show that the Embassy's commingling of the proceeds from the sale of the School's vehicles with other receipts in the safe was in the normal course of business and impliedly was undertaken with the School's consent. In this instance, the proceeds from the sale of the vehicles could not have been paid directly by the buyers to the School since the School had closed. The Embassy took the cash proceeds intending to deposit them in the bank with its normal weekly deposits and to order a Treasury check drawn against them. But for the seizure of the Embassy, the funds in the Embassy safe, including the receipts from the sale, would have been deposited in that bank. Since the school did not object to the Embassy following its regular procedures, we agree with the State Department memo that the School impliedly agreed to the commingling of the sale proceeds with other monies in the Embassy safe, and in accordance with the principles discussed above, the risk of loss was shifted to the School. It follows that since it was in no way negligent, the Embassy is not legally liable to the School for the loss of the $13,333.94.

Although we must disallow the claim, we conclude that the equities in this case warrant our reporting the claim to the United States Congress under the Meritorious Claims Act of 1928, 31 U.S.C. § 236. The Meritorious Claims Act provides that when a claim is filed in this Office that may not be lawfully adjusted by use of an appropriation theretofore made, but which claim, in our judgment, contains such elements of legal liability or equity as to be deserving of the consideration of Congress, it shall be submitted to the Congress with our recommendations. The remedy is an extraordinary one and its use is limited to extraordinary circumstances.

The cases we have reported for the consideration of the Congress generally have involved equitable circumstances of an unusual nature and which are unlikely to constitute a recurring problem, since to report to the Congress a particular case when similar equities exist or are likely to arise with respect to other claimants would constitute preferential treatment over others in similar circumstances. 53 Comp. Gen. 157, 158 (1973).

We think the seizure and occupation of the United States Embassy, and the resulting loss of the proceeds from the Embassy's sale of the School's vehicles, was an extraordinary circumstance calling for equitable consideration. Although other individuals and institutions were damaged by the hostilities in Iran, the State Department has informed us that it is not aware of any similar claims in which the Government had the direct responsibility for safeguarding the private party's funds. Also, the other parties, though apparently not the School, could have presented their claims to the Iran-United States Claims Tribunal. Accordingly, our report and recommendation that payment of the claim be authorized will be forwarded to the Congress.

MILTON J. SOCOLAR,
Acting Comptroller General
of the United States.

B-205984, June 15, 1982.

To the Congress of the United States:

The Meritorious Claims Act of April 10, 1928, 45 Stat. 413, 31 U.S.C. § 236 (1976), provides that:

"When there is filed in the General Accounting Office a claim or demand against the United States that may not lawfully be adjusted by the use of an appropriation theretofore made, but which claim or demand in the judgment of the Comptroller General of the United States contains such elements of legal liability or equity as to be deserving of the consideration of the Congress, he shall submit the same to the Congress by a special report containing the material facts and his recommendation thereon."

In accordance with that Act, we make the following report and recommendation on the claim of the Tehran American School for $13,333.94.

The facts in this case show that as a result of the political tensions in Iran in 1979, in anticipation of closing, the Tehran American School arranged that the United States Embassy in Tehran sell three of the School's motor vehicles. The State Department informed us that United States Embassies provide this kind of assistance to American institutions operating in foreign countries. Although State indicated that occasionally the proceeds from these sales are given directly to the seller, since the School had closed, the monies were placed in the Embassy cashier safe with other receipts normally kept in the safe. The other receipts regularly were deposited in an account at the Tehran bank used by the Embassy.[1]

For payment, the Embassy intended to have the United States disbursing office in Paris issue a $13,333.94 Treasury check drawn on funds deposited in the Tehran bank used by the Embassy. ($18,194.74 from the sale minus amounts owned by the School to the Embassy for outstanding telephone bills and other payables.) As a result of the Embassy seizure, however, the safe was lost and never recovered and the Paris disbursing office was not notified to make the payment.

In its submission to us the State Department stated that the sale of the motor vehicles was made in accordance with Department regulations, the funds were properly maintained in the safe, and the loss was not due to negligence. The Department also concluded that the United States was responsible for the funds and that payment to the School was warranted.[2]

We agreed with the State Department's characterization of the relationship between the School and the Embassy as that of principal and agent. As such, we concluded that there was nothing in the record to suggest that the Embassy breached its duty as agent to exercise reasonable care to protect the School's monies. The funds in the safe were lost as a result of the seizure of the American Embassy—an uncontrollable event.

We also found that the Embassy's commingling of the proceeds from the sale of the School's vehicle with other receipts in the safe was in the normal course of business and impliedly was undertaken with the School's consent. The proceeds from the sale of the vehicles could not have been paid directly by the buyer to the School since the School had closed. The Embassy took the cash proceeds intending to draw a Treasury check against the funds deposited in the Tehran bank used by the Embassy. But for the seizure of the Embassy, the funds in the Embassy safe, including the receipts from the sale, would have been deposited in that bank. There is nothing in the record to indicate that the School objected to the Embassy following its regular procedures for payment. Since the commingling of the proceeds of the sale with other monies in the Embassy safe was proper, we determined that the risk of loss was shifted to the School. Thus, the Embassy was not liable to the School for the $13,333.94.

The Meritorious Claims Act is an extraordinary remedy whose use is limited to extraordinary circumstances. The cases we have reported for the consideration of the Congress generally have involved equitable circumstances of an unusual nature, and which are unlikely to constitute a recurring problem, since to report to the Congress a particular case when similar equities exist or are likely to arise with respect to other claimants would constitute preferential treatment over others in similar circumstances. 53 Comp. Gen. 157, 158 (1973).

We think the seizure and occupation of the United States Embassy and resulting loss of the proceeds from the sale of the School's vehicles, was an extraordinary circumstance calling for equitable consideration. Although other individuals and institutions were damaged by the hostilities in Iran, the State Department has informed us that it is not aware of any similar claims in which the Government had the direct responsibility for safeguarding the private party's funds.

If the Congress agrees with our recommendation, it is suggested that enactment of a statute in substantially the following form will accomplish the desired result:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claim of the Tehran American School for $13,333.94 which amount constitutes proceeds from

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[1] A State Department official informed us that to the best of his knowledge the receipts held in the Embassy safe were deposited weekly.

[2] The Department determined that the Hostage Agreements between the United States and Iran precluded the United States from submitting the claim either to the Iranian Government or the Iran-United States Claims Tribunal.

the sale of three motor vehicles arranged by the United States Embassy in Tehran, Iran in 1979. There is hereby appropriated from any money in the Treasury not otherwise appropriated such amount as may be necessary for the payment of the claim."

MILTON J. SOCOLAR,
Acting Comptroller General of the United States.

S. 173

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claim of the Tehran American School for $13,333.94, which amount constitutes proceeds from the sale of three motor vehicles arranged by the United States Embassy in Tehran, Iran, in 1979. There is hereby appropriated from any money in the Treasury not otherwise appropriated such amount as may be necessary for the payment of the claim.

By Mr. GORE:

S. 174. A bill to provide for the designation of 20 regional centers for the treatment of Alzheimer's disease and related dementia, and for other purposes.

ALZHEIMER'S DISEASE AND RELATED DISORDERS TREATMENT ACT OF 1985

Mr. GORE. Mr. President, today I am introducing legislation to establish 20 major Alzheimer's treatment centers around the country. There is currently no prevention or cure for the disease which now afflicts more than 4 million Americans, or about 10 percent of those over 65. More research and treatment is critically needed to help bring this disease under control as our population continues to age.

The legislation is identical to a bill (H.R. 5863) introduced in the House of Representatives during the 98th Congress by Congressman CLAUDE PEPPER. I was a cosponsor of Congressman PEPPER's legislation, and am introducing it at this time so that the issue will be on the agenda early in the 99th Congress.

Alzheimer's disease, which has been likened by the families of victims as a funeral that lasts for years, causes loss of memory and confusion in its victims, and may in time prevent victims from taking care of themselves. In many cases, the patient may lose the ability to speak and to recognize even close relatives. Its cause is not known. The disease may last a few years to a few decades.

There have been some recent breakthroughs which have identified specific areas of the brain apparently responsible for the loss of intellectual abilities associated with Alzheimer's disease. A greater nationwide research effort and treatment could move us closer to the answers to the many questions about the disease.

By Mr. INOUYE:

S. 175. A bill to limit the costs resulting from acts of negligence in health care and to improve the level of health care services in the United States, and for other purposes; to the Committee on Labor and Human Resources.

HEALTH CARE PROTECTION ACT OF 1985

Mr. INOUYE. Mr. President, during the past three Congresses, I have introduced legislation entitled the Health Care Protection Act which, if enacted, would establish uniform Federal standards for a network of health care malpractice screening panels across the Nation.

The bill, which I am again reintroducing today, is an outgrowth of our deliberations during the 1975 crisis in the medical malpractice insurance area. At that time, we appeared to have a crisis of availability; however, today, there would appear to be a growing crisis in affordability.

I was recently informed, for example, that a report by the American Medical Association [AMA] indicated that physicians currently pay approximately $1.7 billion in malpractice premiums. These expenses add $5 a day to the cost of every hospital stay and $3 to $4 to the cost of every visit to a physician.

I was most pleased that during the 98th Congress committees with jurisdiction, in both the U.S. House of Representatives and the U.S. Senate, held formal hearings on the professional liability medical malpractice issue. This is a very complex matter; however, I do feel it is one which we must affirmatively address in the near future if we ever hope to curtail the ever-escalating costs of health care in our Nation.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Care Protection Act of 1985".

SEC. 2. CONGRESSIONAL FINDINGS AND STATEMENT OF PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the health care professions and the health care industry serve needs vital to the continuing health and welfare of the American people and form a vital part of commerce between the States;

(2) every person needs ready and economical access to medical and other health care services for full participation in American society and for full exercise of individual rights;

(3) the health care professions and the health care industry apply national standards of health care to State and regional needs and circumstances;

(4) the need to compensate persons injured by avoidable acts of health care negligence or malpractice and the resultant costs of malpractice insurance significantly increase the costs of medical and other health care services and products;

(5) divergent systems for insuring against, and for litigating and compensating, health care malpractice claims further raise the cost of needed malpractice insurance and prevent speedy compensation of injured persons;

(6) a large majority of the cost of premiums paid for malpractice insurance goes to investigating or litigating malpractice claims in State courts, while less than one-third of the premium costs are used to compensate persons injured by malpractice;

(7) many more incidents of health care malpractice occur than result in a claim for damages, and many valid claims for compensation are prevented because of the high costs of trial, and, conversely, many claims of malpractice are unjustified but result in settlements or awards for damages out of sympathy for the physical condition of the claimant;

(8) the costs of insurance protection against malpractice, and the risk of liability for compensation, burden both the health care providers and their patients and raise the cost of health care goods and services;

(9) the costs and risks referred to in paragraph (8) also increase the costs to the United States Government of carrying out its programs for aiding the people and the States in meeting health care needs, and affect the extent to which the United States may be financially liable for health care services afforded by its own officers or employees, including the military services and veterans and public health care programs;

(10) failure to compensate adequately persons injured by health care malpractice adversely affects the general health and welfare of the people of the United States and burdens commerce between the States;

(11) many States have experimented successfully with nonjudicial malpractice claims systems using screening panels to reduce the costs of processing malpractice claims;

(12) the examination, prior to litigation, of claims regarding health care malpractice by malpractice screening panels organized by the States according to uniform Federal standards will aid materially in reaching just and timely resolutions of such claims at much lower administrative and litigation costs than the costs now incurred under the existing system of direct tort litigation and malpractice insurance;

(13) members of the public and responsible public officials of the States are entitled to be informed in all instances in which health care malpractice is found by a malpractice screening panel or a court, in order to protect against the risk of further malpractice and to minimize the necessary costs of insurance protection;

(14) a small percentage of health care providers account for a disproportionately high percentage of all malpractice claims, and for an even higher percentage of insurance payments to persons injured by health care malpractice; and

(15) because insurance premiums are usually set for an entire specialty group in a given region, the high-risk health care providers do not bear a financial burden proportionate to the amount of injury such providers cause, and therefore no effective financial incentive exists for the safe practice of medicine and other health care specialties.

(b) STATEMENT OF PURPOSE.—The purpose of this Act is to provide minimum Federal standards for the creation by each State of health care malpractice screening panels and procedures that will reduce the costs to the public and to the health care professions of malpractice, and that will provide

full and expeditious compensation to the victims of health care malpractice.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) "malpractice" means malpractice, or professional negligence, by an individual or group that provides health care services or goods and that is required by State law to be licensed or certified to provide such services or goods within the State;

(2) "panel" means a malpractice screening panel established pursuant to section 5;

(3) "division" means a division of a malpractice screening panel that is authorized to hear and decide malpractice claims pursuant to this Act;

(4) "State insurance commissioner" means the officer or agency of State government charged with licensing or regulating the business of providing insurance against claims of malpractice within the State; and

(5) "State program" means the State program for compensation of and reduction of health care malpractice described in section 4.

SEC. 4. UNIFORM STANDARDS FOR COMPENSATION FOR HEALTH CARE MALPRACTICE.

(a) STATE PROGRAM FOR COMPENSATION.—Each State shall be encouraged to establish, within four years after the date of enactment of this Act, a program for compensation and reduction of health care malpractice that complies with the provisions of this Act, and that consists of the establishment of malpractice screening panels in accordance with section 5 and the establishment of a State health care facility risk management program in accordance with section 7. The State may establish the State program by legislative, executive, or judicial action, as authorized by the laws and constitution of the State.

(b) ATTORNEY GENERAL REGULATIONS.—The Attorney General shall have authority to promulgate regulations for the interpretation and implementation of this Act. Within one year after the date of enactment of this Act, the Attorney General shall issue regulations concerning the certification of State programs in accordance with section 8 of this Act and for payments to States under section 9 of this Act.

SEC. 5. MALPRACTICE SCREENING PANELS.

(a) ESTABLISHMENT.—Each State shall be encouraged to establish one or more malpractice screening panels to hear all claims of health care malpractice against persons in the State who are licensed or certified by the State to provide health care services or who provide health care services for which State law requires a license or certification. Each State shall, after consultation with the Attorney General, publish a list of the health care professions that are so licensed or certified and the health care professions of which members provide health care services so licensed or certified. If the State establishes more than one panel, the jurisdiction of the panels may be divided by geographic area within the State or by health care specialty.

(b) MEMBERSHIP AND APPOINTMENT.—(1) A malpractice screening panel shall have at least three members, chosen and appointed under the laws or constitution of the State. A State may require that a panel sit as a single body or may authorize the panel to sit in smaller divisions of at least three members. Each panel, and each division before which a claim is heard, shall include at least one licensed or certified health care professional, one person admitted to practice law in the courts of the State, and one layperson who represents consumers and is not affiliated with a health care practitioner or health service institution, and may include such other members as the State shall provide. The State may annex a panel to a court of the State. The State shall specify the method of selection and assignment of members of each panel and any division thereof in a manner that assures that each panel and division will afford a full and fair hearing to all parties to any claim brought before it. The members of each panel shall be selected without regard to gender, race, religion, or national origin.

(2) The State shall provide that any member or employee of a panel or division is immune from suit for defamation, libel, or slander, arising from the performance of his official duties with the panel or division, unless malice or actual knowledge of the falsity of a defamatory statement is proved.

(c) JURISDICTION AND RULES OF PROCEDURE.—The State shall be encouraged to provide for the following:

(1) Each panel shall have original and exclusive jurisdiction within the State, or such area of the State or health care specialty as State law shall provide, to hear and decide any claim for damages resulting from injury or death incurred as a consequence of health care malpractice by an individual, group, or organization that is required to be licensed or certified by the State in order to provide health care goods or services in that State.

(2) Except as provided in subsection (j) or as provided for claims against the United States, every claim within the jurisdiction of a panel shall be filed with, heard, and decided by, the panel.

(3) The existence or absence of requisite injury, causation, negligence, malpractice, or any other element of a claim, or defense to a claim, shall be determined under the law of the State, but the State shall authorize each panel and the person who appoints the panel to establish rules of procedure for fair and expedited hearing and decision of claims. All such rules of procedure shall be published and made available to the public.

(d) CLAIM AND ANSWER.—Each State shall be encouraged to provide that a claim for damages resulting from injury or death incurred as a consequence of health care malpractice shall be filed with a panel within the State in which the malpractice allegedly occurred. The State shall specify the procedure for filing a claim, including a procedure for transfer to the appropriate panel of a claim improperly filed with a court or with the wrong panel, and shall require that a copy of the claim and any accompanying documents be served at the time the claim is filed on each person alleged to have caused the injury, each of whom shall be named as a defendant. The State shall require that each defendant answer the claim in timely fashion and completely. The State shall provide that a filed claim (1) fully describe the alleged malpractice that gave rise to the claim, the nature and extent of the injury that resulted, and the manner in which the injury took place, (2) list the names of all persons who may be liable for the malpractice and describe each person's role in the malpractice, and (3) list the names of all expert witnesses who will be called in support of the claim, including their qualifications.

(e) SCREENING AND PRELIMINARY INVESTIGATION.—The panel or division to which the claim is assigned shall promptly review each claim and answer. If in the course of its review the panel or division determines that particular evidence will be needed to decide the claim, the panel or division shall notify the claimant and each defendant, and provide the claimant and defendants an opportunity to provide the evidence at or before the hearing on the claim. The panel or division may, on its own motion, engage expert consultants or witnesses during review or at a hearing, and the testimony or reports of such consultants or witnesses shall be admitted into evidence.

(f) DISCOVERY.—The panel or division may permit discovery and motion practice prior to the hearing required by subsection (g) only as specifically provided by State law for malpractice screening panels. The panel or division shall not permit discovery that, in relation to the size and nature of the claim, will burden unduly the claimant, the defendant, or any third party, or that will delay unduly the resolution of the claim.

(g) HEARING.—The panel or division shall, within one hundred and eighty days after the date on which a claim is filed, conduct a hearing on the claim. One continuance, not to exceed ninety days, may be granted to any party upon a showing that extraordinary circumstances which are not within that party's control warrant delay in the interests of justice. At the hearing, each party may be represented by counsel. The claimant shall be required to present all evidence supporting the claim, and each defendant shall be required to present all evidence rebutting or defending against that claim. Notwithstanding the rules of evidence applicable in the State's courts, the panel or division may hear and consider any relevant and material evidence, except that a State may establish and publish rules or procedures preventing the introduction of irrelevant, unprobative, or unduly repetitious evidence. A State may establish and publish such procedures for the conduct of panel hearings as comport with the due process of law and with this section. A panel or division shall be authorized to compel the appearance of witnesses and the production of documents or other evidence.

(h) PANEL OR DIVISION DECISION.—After hearing all the evidence presented by the claimant and each defendant, the panel or division shall decide whether or not the malpractice was proved, and, if the malpractice was proved, whether the injury resulted from proved malpractice of one or more of the defendants. Within thirty days after the conclusion of the hearing of the evidence (unless a delay is necessary due to extraordinary circumstances), the panel or division shall transmit a written decision to the claimant and each of the defendants. The decision shall include a statement of the findings of fact and conclusions of law on which the panel or division based its decision and determined any award under subsection (i).

(i) AWARDS OF DAMAGES.—If a panel or division finds compensable injury resulting from health care malpractice by one or more defendants, the panel or division shall determine the amount of damages owed under State law to the claimant by each liable defendant, and shall enter an order against each such defendant to pay an award in that amount. An award by a panel or division is due upon entry of the award, and a State may provide for judicial enforcement of an award that is not paid promptly. In court proceedings to enforce an order to pay an award, the only issue shall be whether payment has been made according to the terms of the order. The decision of a panel or division shall not be subject to review, except to review an allegation

of fraud or of unlawful conflict of interest by a member of the panel or division that made the decision. A State shall provide that, notwithstanding any other provision of law but subject to any State law limiting the amount of recoverable damages—

(1) a panel or division may provide that any award for continuing or prospective damages of $100,000 or more be made in the form of suitable annual or other periodic payments as actual damages are incurred;

(2) a panel or division may provide that any award for damages of $200,000 or more may be satisfied by establishing a trust fund or purchasing an annuity for the life of each person to whom the award is made or during the continuance of the compensable injury or disability, with a reversionary interest in the persons liable for the award; and

(3) the timing and amounts of periodic payments or of payments from a trust fund or annuity shall be such as to avoid hardship to, and assure full compensation of, each person to whom the award is made, as determined by the panel or division.

(j) TRIAL DE NOVO IN STATE COURT.—(1) Each State shall provide that any party to a claim decided by a panel or division shall be entitled to trial de novo on the claim before a State court of appropriate jurisdiction on motion filed within sixty days after the party receives the panel's or division's decision under subsection (h). The decision of the panel or division and its written statement and order to pay an award shall be admissible as evidence in such trial on motion of any party to the panel or division hearing. Any right of trial by jury shall be preserved. If a trial de novo is held at the request of a party, that party may be liable for all costs of trial and for reasonable attorney's fees to opposing parties if, after final judgment in the State court, that party has not substantially prevailed in the action.

(2) For purposes of paragraph (1), a party has substantially prevailed in a trial de novo if—

(A) the party was a defendant at the panel or division hearing and is found by the court not to be liable for damages, or to be liable for damages in an amount which is less than the amount of the defendant's liability (as established by the panel or division) by an amount which is equal to 20 per centum of the amount of such liability or $6,000, whichever is greater; or

(B) the party was the claimant at the panel or division hearing, and the court awards damages to that claimant in an amount which exceeds the amount awarded to that claimant by the panel or division by an amount which is equal to 20 per centum of the amount awarded to the claimant by the panel or division or $6,000, whichever is greater.

(k) SETTLEMENT BEFORE DECISION OR AWARD.—The parties to a claim filed with a panel or division may enter into a settlement agreement at any time prior to the date on which the panel or division transmits a decision under subsection (h) with respect to the claim. A written copy of the agreement shall be filed with the panel or division. Any such settlement shall not provide for attorney's fees in excess of the amount authorized under section 7. Upon receiving a copy of the agreement, the panel shall close its file on the claim and shall transmit the report with respect to the settlement agreement required under subsection (l).

(l) REPORT OF FINDINGS OF MALPRACTICE OR NEGLIGENCE.—(1) The State shall require that—

(A) if a panel, division, or court finds, in making a determination with respect to a claim, that one or more defendants has committed health care malpractice, or

(B) if a settlement agreement is filed with a panel or division under subsection (k),

the panel, division, or court shall, within thirty days after the panel, division, or court makes such finding or such settlement agreement is filed under subsection (k), transmit a report with respect to such finding or settlement agreement to the State insurance commissioner and the State licensing or certification board or professional conduct body, if any, with jurisdiction over the licensed or certified health care profession or industry of each defendant for which a finding of malpractice has been made or who is involved in such settlement agreement.

(2) The report required by paragraph (1) shall include—

(A) the written statement of the panel or division under subsection (h) with respect to the claim, or the verdict or opinion of the court with respect to the claim, as the case may be;

(B) any order of award of the panel, division, or court with respect to the claim; and

(C) a copy of any settlement agreement filed under subsection (k).

(3) The State insurance commissioner shall make each report received under paragraph (1) available for public inspection by any person, shall take such further action with respect to the report of malpractice as State law authorizes, and shall promptly notify each insurance company or association offering malpractice insurance for the licensed or certified profession or business within the State of—

(A) the panel's, division's, or court's finding of malpractice, including the name of each person found to have committed malpractice, the nature of the person's liability, and the amount of any award; and

(B) the terms of any settlement agreement entered into under subsection (k).

(4) The State shall provide that insurance companies or associations are authorized to adjust their rates for persons who are held liable by a panel, division, or court for malpractice, or who have entered into two or more settlement agreements under subsection (k) that require payments to claimants for malpractice within a three-year period prior to the date on which any such person applies for malpractice insurance.

(m) FILING CLAIM TOLLS STATUTE OF LIMITATION.—The State shall provide that a statute of limitation pertaining to a claim relating to malpractice is tolled from the date on which the claim is filed under subsection (d) to the date sixty days after the date on which the panel or division transmits a decision under subsection (h).

SEC. 6. AWARD OF ATTORNEYS' FEES IN MALPRACTICE ACTIONS.

(a) Each State shall provide that in any action or claim filed under this Act in which the claimant receives an award of damages, the amount of payments to the claimant's attorney shall not exceed—

(1) one-third of the amount of an award of less than $100,000;

(2) one-quarter of the amount of an award between $100,000 and $200,000;

(3) 20 per centum of the amount of an award between $200,000 and $300,000; or

(4) 15 per centum of the amount of an award in excess of $300,000.

(b) Each State shall provide that where a panel or division orders payment of an award of damages in accordance with the methods set forth in paragraph (1), (2), or (3) of section 5(i), payments of any contingent fee to the claimant's attorney shall be made out of the periodic payments therein provided for and shall in no instance be a larger fraction of such periodic payment than the proportion borne by the total fee payable under subsection (a) of this section to the total amount of damages awarded.

(c)(1) This section does not require that fees for malpractice claims be contingent fees, nor does it authorize the award of fees against a liable party except where authorized by section 5(j) or under State law.

(2) If an attorney in an action or claim under this Act accepts payment for services in such action or claim in an amount which exceeds the amount provided by this section, the attorney shall forfeit three times the amount of the excess, plus costs of recovery, to the State in any civil action for recovery brought by the State in any Federal district court within the State. The Federal district courts shall have original and exclusive jurisdiction of such actions for recovery.

SEC. 7. HEALTH CARE FACILITY RISK MANAGEMENT PROGRAMS.

(a) DEVELOPMENT OF PROGRAM.—Each State shall be encouraged to develop a program to require each licensed hospital, outpatient facility other than the office of an individual practitioner, and residential health care organization or facility within the State to employ a risk management program consistent with the provisions of this section. Each Federal health care institution in a State shall comply with the State program approved by the Attorney General of the United States under section 8. A State health care facility risk management program shall be consistent with State law and shall meet the minimum requirements set forth in subsection (b).

(b) MINIMUM REQUIREMENTS.—(1) The State health care facility risk management program shall require that each licensed hospital or residential health care organization or facility adopt procedures for—

(A) identifying and reporting to a risk management committee or office approved by the State all known or suspected incidents of malpractice by that hospital, organization, or facility, by the staff of the hospital, organization, or facility, or by persons using facilities with the permission of the hospital, organization, or facility; and

(B) identifying the causes of such incidents and suspected incidents.

(2) Each risk management committee or office approved by the State shall prepare a case file on each incident of malpractice as soon as such incident is reported, and shall investigate the merits of any likely claim of malpractice while the evidence and the reports of witnesses with respect to such claim are readily available. The case files and reports of investigations shall be made available to the patient and to the hospital or residential health care organization or facility. The reports shall be reviewed by the hospital, organization, or facility to identify actions which can be taken to reduce the risk of further incidents of the same nature.

(c) ADDITIONAL PROVISIONS.—Two or more licensed hospitals or residential health care organizations or facilities may jointly establish or use the same risk management committee or office if such committee or office has been approved by the State. Risk man-

agement committees or offices approved by the State may exchange information concerning risk experience, prevention, and management, except that such committees or offices shall not be used—

(1) for the exchange of price information in a manner forbidden by the antitrust laws of the United States;

(2) to fix prices for health care or insurance services; or

(3) to divide markets in a manner forbidden by the antitrust laws of the United States.

SEC. 8. CERTIFICATION OF QUALIFYING PROGRAM.

(a) CERTIFICATION REQUIRED.—Within two years after the date of enactment of this Act, the Governor of each State shall certify to the Attorney General of the United States whether the State has adopted a State program which in the opinion of the Governor is in compliance with the provisions of this Act. The Governor shall attach to the certification copies of all relevant State laws, rules, procedures, and regulations which are a part of the State program.

(b) EVALUATION OF CERTIFICATION.—The Attorney General shall examine each certification within sixty days after its receipt, and shall approve the certification if the certification demonstrates that the State is in substantial compliance with this Act. If the Attorney General determines that a State program is not substantially in compliance with this Act, the Attorney General shall, within fifteen days after making such determination, notify the Governor of such determination and shall recommend revisions which would bring the State program into compliance with the provisions of this Act.

(c) TERMINATION OF ALLOCATION.—If, within thirty months after the date of enactment of this Act, a State has not submitted a certification described in subsection (a) to the Attorney General, or if a State has submitted a certification described in such subsection to the Attorney General and such certification has not been approved by the Attorney General, the Attorney General shall notify the Governor of the State that the State's allocation under section 9(d) shall be terminated unless, within six months after the Attorney General transmits such notice, the State submits a certification described in subsection (a) to the Attorney General and the Attorney General approves such certification.

(d) ACTION IN THE EVENT OF NONCERTIFICATION.—If, within four years after the date of enactment of this Act, a State program of one or more States has not been approved under subsection (b), the Attorney General shall transmit a report with respect to such State programs to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the President of the United States. The report shall include the recommendations of the Attorney General with respect to such State programs.

(e) ACTION IN THE EVENT OF NONCOMPLIANCE.—If the Attorney General determines at any time that a State program which has been approved under subsection (b) no longer complies with this Act, the Attorney General shall notify the Governor of the State of such determination, and that the State shall repay to the United States any amount paid to the State under section 9(a) which has not been used by the State prior to the date on which the State receives notice of the Attorney General's determination. The State shall make such repayment within sixty days after receiving such notice.

SEC. 9. PAYMENTS TO STATES WITH COMPLYING PROGRAMS.

(a) PAYMENTS BY ATTORNEY GENERAL.—Within ninety days after approving a certification of a State under section 8(b), the Attorney General shall pay to that State the amount specified in subsection (d). Payment shall be made in a single installment to the State officer, agency, or organization authorized by State law to receive such payment.

(b) USE OF PAYMENTS.—Payments made under subsection (a) shall be used by the State to support and pay the costs of establishing and operating one or more malpractice screening panels under section 5 and to reimburse the State for the costs of developing and submitting the State program. Any amount of a payment made under subsection (a) which is not used in accordance with the preceding sentence may be used by the State to—

(1) identify the causes of health care malpractice incidents within the State and develop means and programs to prevent or reduce the severity and frequency of avoidable injuries to patients;

(2) review the structure, authority, and operations of approved State malpractice claims plans, risk-management committees, professional standards review organizations, professional licensing bodies, and professional conduct bodies for licensed or certified health care professionals and industries, and develop or implement needed improvements in such plans, committees, organizations, and bodies; and

(3) develop or offer courses or materials relating to—

(A) recognized standards for the safe and approved practice of any licensed or certified health care profession or industry within the State; and

(B) means by which the risks of avoidable injury to patients may be reduced and the standards of health care practice improved.

(c) REPORT OF GOVERNOR.—Within one year after the date on which a State receives a payment under subsection (a), the Governor of the State shall report to the Attorney General on the State's use of such payment. Upon request, the Governor of any such State shall provide the Attorney General with the description of any State activity carried out under subsection (b).

(d) AMOUNT OF PAYMENTS.—The Attorney General shall allocate among the States the amounts appropriated to make payments under this section as follows:

(1) The Attorney General shall allocate $250,000 from the amounts appropriated to carry out this Act to each State, except that if—

(A) the amount appropriated to carry out this Act is less than $12,500,000, the Attorney General shall proportionately reduce the amount allocated to each State; and

(B) if the amount appropriated to carry out this Act exceeds $12,500,000, the Attorney General shall allocate to each State, from the amount which equals the difference between the amount appropriated to carry out this Act and $12,500,000, an amount which bears the same ratio to the total amount of such difference as the population of the State bears to the population of all States.

(2) If, under section 8(c), a State's allocation under this Act is terminated, or if, under section 8(e), a State is required to repay to the United States any amount, the amount of such terminated allocation or repayment shall be reallocated by the Attorney General in accordance with paragraph (3).

(3) Except as provided in paragraph (4), amounts which are subject to reallocation pursuant to paragraph (2) shall be reallocated and paid to States which the Attorney General determines, in the Attorney General's discretion, are most in need of additional funds to support the State program. In reallocating amounts under this paragraph, the Attorney General shall consider all relevant circumstances, including—

(A) a high incidence of malpractice claims within a State;

(B) unique or unusual types of claims requiring exceptional expense to a State;

(C) long distances or other geographical barriers within a State which increase travel and administrative costs for the State program;

(D) particular claims in a State involving unusual problems of proof or presenting new issues of scientific fact or professional standards;

(E) particular claims or patterns of claims in a State involving similar or related injuries to a large number of persons similarly situated; and

(F) special litigation or management needs which occur in a State in order to comply with existing State law or State constitutional requirements.

(4) Amounts subject to reallocation pursuant to paragraph (2) may also be allocated and paid by the Attorney General to any State for the purpose of assisting in the development or implementation of a modified State program, or for studies of the operations of the State program. The results of any such study shall be reported to the Attorney General.

SEC. 10. JUDICIAL REVIEW.

Any decision by the Attorney General—

(1) that a State program is not in compliance with this Act,

(2) to terminate the allocation of a State under this Act,

(3) to require a State to repay funds provided under this Act, or

(4) to reallocate funds under this Act,

shall be final and not subject to judicial review.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice $25,000,000 for fiscal year 1986 and each succeeding fiscal year to carry out the purposes of this Act. Funds appropriated to carry out this Act for a fiscal year shall remain available until expended.

By Mr. PROXMIRE:

S. 176. A bill to require a charge for meals furnished to certain high-level Government officers and employees in the executive branch and for meals furnished in Senate dining facilities; to the Committee on Governmental Affairs.

THE NO FREE LUNCH ACT

Mr. PROXMIRE. Mr. President, I am reintroducing legislation to require that dining rooms used by Government executives, and those run by the Senate, be operated on a pay as you go basis. The Senate passed this bill last year but it died in a conference committee. I urge my colleagues to pass this bill once again.

Some might ask why should we deal with this bill? It would save the taxpayers about $2.4 million a year, a

drop in the bucket when compared to $200 billion deficits.

The answer to that question, Mr. President, comes in three parts. First as we try to reduce those staggering deficits, we are going to be reducing programs which benefit millions of middle and lower income Americans. As a simple matter of fairness, benefits going to Government executives should not be exempt from the budget knife. Second, the numbers we throw around are all but incomprehensible to most Americans. How much is $200 billion? More than my mortgage but less than the national debt is how most people would answer that question. But everyone can understand what it means to pay $5 for a steak dinner which cost $20 to serve. Finally, my bill would encourage efficiency, always a desirable goal. Cost would become an important consideration in the operation of Senate and executive dining rooms.

The facts which prompted me to prepare this bill are straightforward. In 1981, Government agencies operated 22 exclusive dining rooms, used by those at the GS-15 pay level or above. These officials are paid $50,000-70,000 a year.

The taxpayers paid about $2,400,000 to operate these dining rooms, while the highly-paid executives chipped-in about $500,000. Put another way, the taxpayers are paying 82 cents out of every $1 spent to operate these dining rooms.

This legislation requires that the price of meals served be set at a level sufficient to pay for the costs of food, direct labor charges, utilities, and depreciation of equipment. Government restaurants would still have two breaks: rent and overhead costs are excluded from the pay as you go requirement. I excluded these costs because these restaurants serve little or no alcohol, while private restaurants derive a large share of theie profits from the sale of drinks. This exclusion is a rough trade-off: little or no revenue from the sale of alcohol in exchange for no direct charge for rent or overhead costs.

This bill also applies to the Senate, whose dining rooms are a $5 million a year operation. Our restaurants are now expected to break even by policy and this legislation would write that policy into law.

Mr. President, I ask unanimous consent that the bill I am reintroducing be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "No Free Lunch Act of 1985".

SEC. 2. For the purposes of this Act, "executive dining room" means any dining room which is located in an office building used by any agency in the executive branch and where breakfast, lunch, or dinner is available only to an officer or employee of the Government serving in a position in the executive branch in grade GS-15 or above, Executive Level V or above, or colonel or above, or their guests or was available only to such officers or employees or their guests before the date of enactment of this Act.

SEC. 3. Each person receiving a meal in an executive dining room or in a Senate dining facility shall be charged for such meal a price in an amount which is not less than an amount sufficient to defray the cost of providing such meal considering the cost of food, labor, and utilities, and the depreciation of equipment used in providing such meal.

SEC. 4. Sums collected pursuant to section 3 shall be deposited in the Treasury of the United States as miscellaneous receipts.

By Mr. HART (for himself, Mr. PELL, Mr. SIMON, Mr. RIEGLE, Mr. ANDREWS, Mr. STENNIS, and Mr. MOYNIHAN):

S. 177. A bill to authorize a national program of improving the quality of education; to the Committee on Labor and Human Resources.

AMERICAN DEFENSE EDUCATION ACT

Mr. HART. Mr. President, today, on behalf, of myself and Senators PELL, SIMON, RIEGLE, ANDREWS, STENNIS, and MOYNIHAN, I am introducing the American Defense Education Act.

Responsibility for our children's education is a shared responsibility. It rests on families, on communities, and on governments. The American Defense Education Act draws on all three to meet the challenge of educating our children at a time when our Nation's educational, economic, technological, and defense needs are greater than at any other period in history.

Almost 2 years ago the President's Commission on Excellence in Education released its report, "A Nation At Risk," detailing the state of education in the mid-1980's. That report told of the "rising tide of mediocrity that threatens our very future as a people and a nation." To educators who work in our schools every day—as well as businessmen and businesswomen who employ the students graduated from our high schools and colleges—the Commission's findings came as a long-awaited national awakening to the urgent needs of our public schools.

There is no question that our schools are in crisis. Average achievement test scores today are lower than they were in 1957, the year the Soviets launched Sputnik and America initiated a furious race to "catch up with the Russians" in science, technology, and space exploration.

Today, only 13 percent of all high school graduates are prepared for the engineering curriculum in college, compared with 28 percent in 1972.

One-half of all high school students in the United States take no math or science beyond the 10th grade. What is most dangerous is that our toughest international competitors are devoting far more attention to educating their children in these vital areas. Soviet students must complete 2 years of calculus, 5 years of physics, 4 years of chemistry, 4 years of biology, and 5 years of algebra by the time they complete high school.

Unfortunately, our national inattention to science and mathematics is matched by a perilous decline in the number of qualified teachers in these areas. Few new teachers are going into these areas, and many present science and math teachers are leaving for better pay and opportunities outside teaching. According to a recent survey of the National Science Teachers Association, 50 percent of all schoolteachers now teaching mathematics and science nationwide are not certified to do so. Qualified mathematics high school teachers can double their salaries as computer programmers—and they do. In my own State of Colorado, the projected shortage of mathematics teachers for 1985 is 606. That figure rises to 1,570 for the year 2000 according to the Colorado Department of Education.

Mr. President, these statistics are alarming and could be devastating for our country's future.

The American economy is undergoing a profound transformation—as far reaching and pervasive as the industrial revolution. America is fast becoming a Nation of workers with words and information. It is in our country's best interest to invest in the minds of our young people. The opportunities for jobs, for growth, for prosperity in the 1980's and 1990's depend on our human resources even more than our physical resources. Our future security and well-being depend on investing in the education of tomorrow's workers.

The past 20 years have brought unparalleled scientific and technical advances. Our society has been transformed by computers, by communications, by electronics, and it will continue to change in the decades ahead. Unless we begin to prepare our children in mathematics, science, foreign languages, communication skills, and technology, they will not be able to compete in the international marketplace. And our economic future will be jeopardized.

Technological and scientific knowledge is necessary to meet our economic objectives. It is even more imperative to meet our national security objectives.

Today's defense rests on sophisticated equipment. This equipment incorporates the most up-to-date science and technology. And what of the minds to control the equipment, to operate it, and maintain it? The ADEA directs the Secretary of Defense to work with the Department of Education and teachers to project the educa-

tional and personnel development needs of the Armed Forces.

Mr. President, the current education crisis demands an immediate national response and the American Defense Education Act provides it.

The ADEA provides that local education agencies develop and implement programs in elementary and secondary schools to improve instruction and student achievement in mathematics, science, communication skills, foreign languages, and technology. The bill establishes participation requirements and an assessment of instruction and student achievement. To measure the progress of programs developed with ADEA assistance, local school districts are to establish yearly evaluation systems. These systems would be developed with participation from the school board, administrators, teachers, parents, and industry.

During each fiscal year, school districts working with the ADEA program will be entitled to a basic payment of 2 percent of the average per-pupil expenditure in the State—but not less than the average per-pupil expenditure for the United States. Those districts which can show substantial evidence that the programs meet ADEA goals for the year will receive an additional 2-percent payment.

The ADEA also provides for grant programs at institutions of higher education to establish a coordinated effort between local education agencies and higher education to facilitate the improvement of mathematics and science education. Grant proposals will be evaluated by practitioners from the elementary, secondary, and postsecondary education communities. Proposals could include but not be limited to summer institutes, workshops, and in-service education conducted by higher education institutions to provide practicing teachers up-to-date mathematics and science instruction.

The bill also establishes a program to support research and development in effective education in mathematics, science, foreign languages, and technological training. Research on teaching and learning techniques in these areas will prove invaluable.

An additional component of the ADEA calls for the Secretary of Defense to project the personnel training needs of the Armed Forces. Then, in conjunction with the Secretary of Education and local educators, the Secretary will analyze the best way for education to help meet those needs. It is absolutely essential for our defense professionals to communicate with our educators.

Mr. President, the American Defense Education Act establishes an incentive program, a Federal impetus, so our country can meet the demands placed on our educational systems by the technological changes taking place in today's world. The key here is "Federal impetus." The ADEA provides localities with necessary Federal aid without stifling local initiative or flexibility. It is vital to our economic well-being and to our national security that the Federal Government provide the support to local school districts to develop the program which will train our young people for tomorrow's world.

I ask unanimous consent that the full text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 177

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, this Act may be cited as the "American Defense Education Act".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) it is in the national interest that local systems of elementary and secondary education, under local control, be maintained and operated in all of the States which provide a high quality of education and which strive toward excellence in achievement by all students;

(2) even though the States and local communities have, and should retain, control over, and primary responsibility for, elementary and secondary education, the Federal Government has an interest in providing assistance to local educational agencies for programs which are important to our national defense and our national economy; and

(3) in order to increase the productivity of the Nation's economy and ensure an adequate number of high school graduates qualified to serve in the Nation's defense, it is necessary to improve the quality of instruction and levels of achievement in mathematics, the sciences, foreign languages, communication skills, and technology.

(b) It is therefore the purpose of this Act—

(1) to authorize a national program of incentives which would assist local educational agencies in improving the quality of instruction in the schools of the United States in the fields of mathematics, the sciences, the communication skills, foreign languages, and technology.

(2) to provide that all local educational agencies be eligible to participate in that program;

(3) to provide that, in carrying out this program, the policies of the United States regarding equality of educational opportunity be reaffirmed and renewed; and

(4) to provide for a sustained program of research in order to develop knowledge and information resources on the improvement of teaching and learning in mathematics, the sciences, foreign languages, communications, and technology.

TITLE I—ELEMENTARY AND SECONDARY EDUCATION PROGRAMS LOCAL PROGRAMS TO IMPROVE EDUCATION

SEC. 101. (a) Any local educational agency in any State which desires to participate in the national program to improve education shall develop and carry out a program for the improvement of instruction and student achievement. Such program shall include—

(1) an assessment of instruction and student achievement in the school district of such agency; and

(2) specific plans for improving instruction and achievement in mathematics, the sciences, the communication skills, foreign languages, and technology.

(b) Each local educational agency which develops a local program pursuant to subsection (a) shall—

(1) as part of the assessment carried out pursuant to clause (1) of subsection (a), determine specific educational problems in the school district of such agency and develop a means of addressing those problems through expanded, improved, or new educational methods or practices;

(2) establish local, specific, objectively measurable goals which are to be achieved through the program developed pursuant to subsection (a) and establish or select a local procudure for measuring, at least annually, the extent to which such goals are being achieved;

(3) develop such programs through a procudure which involves the active public participation of the administrators, teachers, parents, business and industry, and representatives from the community as a whole;

(4) provide for inservice training of teachers as a means of improving the quality of instruction; and

(5) make available to the public a written statement which describes—

(A) the assessment carried out pursuant to clause (1) of subsection (a),

(B) the educational problems determined pursuant to clause (1) of this subsection,

(C) the overall program developed and carried out under this section, and

(D) the goals and procedures required by clauses (2) and (3) of this subsection.

PAYMENTS

SEC. 102. (a) Each local educational agency which establishes a program to improve education under section 101 shall be eligible for a basic payment for each fiscal year during which it conducts such program. The amount of such basic payment shall be equal to 2 per centum of the payment rate established under subsection (c), multiplied by the number of children in average daily attendance in the school district of the local educational agency.

(b) Each local educational agency which conducts a program to improve education under section 101 during any fiscal year and demonstrates that the program substantially achieves the goals established for such year pursuant to clause (2) of section 101(b) shall, in addition to the payment for which it is eligible under subsection (a) for the succeeding fiscal year, be eligible for an incentive payment equal to 2 per centum of the payment rate established under subsection (c) for such succeeding fiscal year, multipiled by the number of children in average daily attendance in the school district of the local educational agency.

(c)(1) The payment rate for any local educational agency in any State for any fiscal year shall be equal to the average per pupil expenditure for that State, except that the payment rate for any local educational agency shall not be less than the average per pupil expenditure in the United States.

(2) For the purposes of paragraph (1), the term "average per pupil expenditure" in a State, or in the United States, shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made (or if satisfactory data for that year are not avail-

able at the time of computation, then during the most recent preceding fiscal year for which satisfactory data are available), of all local educational agencies in the State, or in the United States (which for the purposes of this subsection means the fifty States, and the District of Columbia), as the case may be, plus any direct current expenditures by the State for operation of such agencies (without regard to the source of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

(3) For the purposes of paragraph (2), the term "current expenditures" means expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay, and debt service.

(d)(1) Notwithstanding any other provision of this section, the amount which may be appropriated for a fiscal year for payments under this section may not exceed the product of—

(A) the total number of children in average daily attendance in the schools of all the local educational agencies in the States, multiplied by

(B)(i) $50 for fiscal year 1987, or

(ii) $100 for each of the two succeeding fiscal years.

(2) If the total amount appropriated in accordance with paragraph (1) is less than the sum of the amounts for which all local educational agencies are eligible under this section, the amount paid to each local educational agency shall be ratably reduced to the extent necessary to bring such payments within the limits of the amount so appropriated. If additional funds become available for making payments under this section for that year, such reduced amounts shall be increased on the same basis that they were reduced.

APPLICATIONS FOR PAYMENTS

SEC. 103. (a) Each local educational agency which desires to receive the payment for which it is eligible for any fiscal year under section 102(a) shall notify the Secretary of its intention to establish a program under section 101 and, at such time and in such form and manner as the Secretary may require, submit an application therefor. Such application shall contain assurances that—

(1) the local educational agency has developed and is carrying out a local program meeting the requirements of section 101;

(2) the local educational agency will maintain a level of per pupil expenditures during that fiscal year which is at least equal to that maintained during the preceding fiscal year;

(3) adequate procedures for public participation in the development of the local program have been established and used and that such procedures include provisions for filing complaints concerning the operation of the local program and the resolution of problems arising from such complaints.

(4) the local educational agency has established a local program of inservice training for teachers in the schools of such agency, which program shall provide an adequate level of training for all teachers in need thereof and shall be operated under that supervision of the teachers in such schools; and

(5) the local educational agency will not engage in any conduct in violation of section 901 of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, section 302 of the Age Discrimination Act of 1975, or section 601 of the Civil Rights Act of 1964, as any of such sections may be amended from time to time.

(b) Each local educational agency which desires to receive the payments for which it is eligible for any fiscal year under section 102(b) shall include in its application under subsection (a) for the succeeding year such evidence as may be necessary to show that it has met the requirements of section 102(b) for that year.

(c) The Secretary shall approve each application submitted for any fiscal year which meets the requirements of subsection (a) or subsection (b), as the case may be.

TITLE II—TEACHER TRAINING AND POSTSECONDARY PROGRAMS

TEACHER TRAINING INITIATIVES

SEC. 201. (a) The Secretary is authorized to establish a program of grants to institutions of higher education for the purpose of encouraging coordination between such institutions and local educational agencies in the improvement of science and mathematic education. No grant to any such institution for any fiscal year shall exceed $200,000. In making such grants, the Secretary shall ensure an equitable geographic distribution of the funds available therefor. Proposals for such grants shall be evaluated through a peer review process, including practitioners from the elementary, secondary, and postsecondary education communities. Such proposals shall be developed by the recipient institution in collaboration with one or more public schools or school districts and other appropriate agencies or councils.

(b) In making grants under this section, the Secretary shall give priority to those proposals which include any of the following activities:

(1) Summer institutes and workshops and a parallel program of in-service education, conducted by higher education institutions to provide practicing teachers and supervisors with up-to-date science and mathematics information and pedagogical concepts;

(2) Projects to enhance the capacity of institutions of higher education to meet the professional needs of both new and practicing teachers, including faculty development activities; and

(3) Support for exemplary State, local, and institutional efforts to attract, retain, and motivate teachers to pursue careers in precollege mathematics and science education, as well as identification of exemplary teacher training projects, and the dissemination of information about these projects.

(c) For the purposes of this section, the term "institution of higher education" has the meaning given such term by section 1201(a) of the Higher Education Act of 1965.

(d) There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 1987, $30,000,000 for fiscal year 1988, and $20,000,000 for fiscal year 1989.

TITLE III—RESEARCH TO IMPROVE INSTRUCTION

EDUCATIONAL RESEARCH PROGRAM

SEC. 301. (a) The Secretary shall administer through the National Institute of Education, in consultation with appropriate Federal agencies, a program to support research and development into effective education in mathematics, the sciences, foreign languages, and technology. Research projects and programs supported by this section shall include one or more of the following:

(1) research on teaching and learning in mathematics, science, foreign languages, and the instructional uses of information technologies;

(2) the application of such research to the improvement of instructional materials and teacher training programs;

(3) research on the effects of secondary school organization and operation on student learning in mathematics, science, foreign languages, and technology;

(4) student achievement in advanced academic skills needed for work and further learning, including computer and technological literacy; and

(5) analysis of local and institutional policies enhancing or inhibiting the recruitment, retention, and instructional improvement in mathematics and science teachers.

(b) There are authorized to be appropriated in the Department of Education and made available to the National Institute of Education to carry out this section $15,000,000 for fiscal year 1987, $20,000,000 for fiscal year 1988, and $25,000,000 for fiscal year 1989.

TITLE IV—GENERAL PROVISIONS

ADMINISTRATION

SEC. 401. (a) The Secretary of Education shall be responsible for the administration of the program authorized by this Act.

(b) The Secretary shall pay to each local educational agency which has an application approved under section 103 for any fiscal year the amount for which that agency is eligible for that fiscal year.

DEFINITIONS

SEC. 402. For the purposes of this Act—

(1) the term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public, elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary and secondary schools;

(2) the term "State" means a State, the District of Columbia, Puerto Rico, Guam, American Samoa, the Northern Marianas, the Trust Territory of the Pacific Islands, or the Virgin Islands; and

(3) the term "Secretary" means the Secretary of Education.

JOINT SURVEY AND REPORT BY THE SECRETARIES OF DEFENSE AND EDUCATION

SEC. 403. (a) The Secretary of Education shall conduct a survey of the levels of academic achievement of eighteen-year-old persons in the United States each year beginning in 1987 and continuing for the succeeding three years in order to determine the extent to which the need for qualified personnel in the armed services can be satisfied without remedial education. Furthermore, the Secretary of Defense shall conduct a study projecting the personnel training needs of the Armed Forces for the next four years. The Secretary of Education shall prepare in conjunction with the Secretary of Defense and local educational agencies an analysis of educational needs of the Department of Defense to assist in efficient personnel development.

(b) Not later than October 1 of each year during which the surveys are being conducted pursuant to subsection (a), the Secretary

of Defense and the Secretary of Education shall submit a joint report of their findings from such survey to the Congress. Such report shall include—

(1) a statement of findings by the two Secretaries with respect to the results of such survey;

(2) an estimate of the number of persons surveyed who qualify for entry into the armed services without remedial education and the number who do not qualify by reason of failure in academic achievement;

(3) a statement regarding the extent to which the estimated number of qualified persons meets the estimated personnel needs of the armed services; and

(4) recommendations for improving the quality of instruction in secondary schools with a view toward raising levels of academic achievement among eighteen-year-old persons.

Mr. SIMON. Mr. President, I rise today in strong support of and as enthusiastic cosponsor of The American Defense Education Act of 1985 and urge my colleagues in the Senate to join Senator Hart and the other cosponsors of this bill in bringing about its early consideration in this Congress.

This legislation represents one of the single most important contributions the Federal Government can make to improving the plight of public education in the United States. Since the release of "A Nation At Risk" almost 2 years ago, education has returned to the front burner as an issue in the Congress, in statehouses and the State legislatures around the country, and in school boards where educational policy is and should be made. While great progress has been made in the past 18 months—due primarily to State and local efforts undertaken before we were told of the "* * * rising tide of mediocrity" facing public education—there is much still to be done. While money is not the answer, additional revenues must be provided if we are to achieve excellence and equity in our public schools.

The American Defense Education Act is not the whole solution, but it represents a beginning by providing Federal leadership and some resources to assist local school districts address the many problems they face in improving instruction and curriculum, strengthening promotion and graduation requirements, addressing the learning and language difficulties of many students when they enter school, and restoring the proper learning environment and the status of the teaching profession so necessary for solid instruction.

Importantly, this legislation leaves the decisions affecting all of these questions, and others too numerous and technical to enumerate, to local officials—school board members, State and local superintendents, principals, and other administrators, parents, and teachers.

Similar legislation was introduced in the House and Senate last year. The House bill, which was reported by the Committee on Education and Labor on which I served, included provisions to make private elementary and secondary schools eligible for ADEA funding. I support that provision and will work to have it included in this bill at the appropriate time.

As Scholastic Aptitude Tests [SAT's] continue to recover from the depths of a protracted plunge during the last two decades, the Federal Government must add its muscle and money to the task of resolving educational deficiencies facing America and its schoolchildren. Almost every proposal suggested by the Commission on Excellence in Education cost money. Equally sound recommendations have been made by other groups, including The Education Commission of the States, The Twentieth Century Fund, the Carnegie Council for the Advancement of Teaching. There is no cheap or inexpensive option to restoring confidence in our public schools. A poster in my office puts it very well: "It will be a great day when our schools get all the money they need and the air force has to hold a bake sale to buy a bomber." American education is at least as important to our national security as the proper instruction of our young people.

Dennis Doyle and Chester Finn, in a Washington Post article on December 30, 1984, articulated another long-range and promising solution—year-round schooling as an option for all students. This would carry an immense price tag, which I dare say most States could not afford without Federal assistance. With the enactment of ADEA, money would be available to make year-round schooling a really viable option for the States and local school districts. I ask unanimous consent to include the Post article in the RECORD at this point and urge my distinguished colleagues to read it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 30, 1984]

HUCK FINN IS DEAD; LONG LIVE YEAR-ROUND SCHOOL

(By Denis P. Doyle and Chester E. Finn Jr.)

Here is a modest proposal for improving the quality of U.S. schools, upgrading the teaching profession and providing some real community support for working parents: Operate the schools year-round. Put them on a four-quarter year, require all youngsters to attend three quarters, and allow them to attend a fourth. Give teachers the option of teaching year-round and make their pay commensurate with the extra time worked.

The present school year is an anachronism. It was designed for a 19th-century, agricultural nation that needed young people to help with crops and did not have air-conditioning to cool school buildings in the hot months.

A longer school year could help school reformers achieve many of their objectives; higher pay for teachers, opportunities for disadvantaged and slow-learning youngsters to catch up, enrichment programs for the gifted, and simplification of the child-care problems encountered by working parents during the long summer holiday.

Granted, the costs of such a change would be considerable, even if it was phased in gradually, and even if the savings from increased operating efficiencies were factored in. But we believe the American public would be willing to pay for it for one simple reason: it would provide dramatic, tangible benefits as opposed to marginal improvements in U.S. education.

First, consider the advantages that a 48-week year would provide to students of all abilities. From an academic standpoint, there is accumulating evidence that a full year of school produces improved learning, particularly in the case of low-income and socially disadvantaged students. Houston, which has tried a year-round program, has found that the achievement scores of students enrolled in it are markedly higher. As a consequence, the Houston school system has expanded the plan to 13 additional schools this year.

Children do not all learn at the same rate; yet those advocating reforms rightly insist that all students should achieve minimum levels of academic competence. If we do not want a high failure rate among children who have difficulty with academics, we will need to provide them with extra time—and extra teaching—to enable them to meet the higher standards.

For the immigrant youngster who needs to know English, extra quarters afford a chance to immerse oneself in language study without subtracting time from arithmetic, geography or science.

THE ULTIMATE FIX: YEAR-ROUND SCHOOL

For the student with learning difficulties, an extra, non-mandatory school quarter could provide time for work on areas of weakness without the stigma of staying back a whole year.

For the gifted child, an added 12-week quarter would be an opportunity for exploring a new subject, getting requirements out of the way or indulging a special interest in computers, poetry or experimental biology. In some years, such a student might take a break, go to camp, travel or earn money.

In eight years of four quarters, a gifted student could cover as much academic ground as he now does in 11 years of 36 weeks of school. A gifted student could graduate from high school in 9 years and have two years to pursue a special interest or earn money for college.

For the average student, the optional fourth quarter could be a time for pursuing interests for which there is insufficient time the rest of the year: driver's education, typing, studio art, or work programs outside school.

In the early grades, the optional fourth quarter of school might be a time for a student to read books of his or her own choice, master basic arithmetic that has been giving trouble or work on a science project. At the high-school level, a 48-week year would allow for much more flexible schedules. The varsity basketball player who cannot handle physics during the winter quarter could take the course in the spring summer or fall quarters.

In some respects, parents would be the principal beneficiaries of a reformed school calendar. As women poured into the workforce in the '60s and '70s, families with two working parents became the rule rather

than the exception. This was the genesis of "latchkey" children, who come home to empty houses. Schools have been slow to adjust to this development, which is now a permanent fixture of U.S. society.

For American families, summer is no longer a time of leisurely picnics or putting up tomatoes for winter. Long summer vacations have become a major problem for families that must make child-care arrangements. The wealthy pay for camps, day-care programs or summer schools that charge tuition. But for the less affluent and poor, summer is a time for juggling schedules or allowing children to go unsupervised.

For many children growing up in the '80s, summer has become a time of round-the-clock television watching and unsupervised outdoor play. A 48-week school year would be a boon to many hard-pressed parents and would still leave time for a family vacation.

Public attitudes toward a longer school year are clearly changing. In 1982, the Gallup Poll found just 36 percent favoring the addition of a month to the school calendar; in 1984, 44 prcent did—including a clear majority of big-city residents, college-educated adults, and, inexplicably, Westerners. Although half of all respondents were still opposed, the poll results would likely be quite different if the fourth quarter were described as an option rather than a requirement.

In addition, there are practical reasons for considering the 48-week school year that make good sense given the problems now facing the teaching profession.

Typically, teachers are in school just under three quarters of the year: 36 working weeks, compared with a 48-week working year for most Americans with full-time jobs. To supplement their incomes, about 30 percent of teachers take summer jobs. Eleven percent "moonlight" during the school year, and one in four does extra work for additional pay in the school system—coaching advising student organizations, driving buses. A recent study in New York indicates that one teacher in three holds a second job during the school year, and 53 percent work during the summer. Put another way, teaching is not the sole occupation of many teachers, a fact that has detracted from efforts to make teaching a true profession.

If teachers were paid for a 48-week year at the same rates they are paid today, their salaries would instantly rise by one third, to an average of nearly $30,000 from today's average of $22,000. Even the notoriously low salaries of beginning teachers would rise from today's $11,000-$15,000 to a more respectable $15,000-$20,000.

Not all teachers would welcome additional classroom days, and some would forego extra income to preserve long vacations. But making teaching a full-year vocation could ease the impending problem of a teacher shortage, which is likely to hit the country in two or three years. If all teachers opted to work year-round, while most students continued to attend only three quarters, we would need only three-quarters as many teachers as we employ today. In theory, 1.65 million full-time teachers can do the work of the 2.2 million now employed. Because the nation is expected to need 1 million new teachers in the next six years, more effective utilization of the existing teaching force would be a boon. This would still leave foom for the hiring of young, talented new teachers.

More money for teachers and a chance to upgrade the quality of the teaching profession are not the only potential benefits of running the schools year round. It would be easier for teachers to arrange sabbaticals—simpler for them to take time off to travel or study.

Could school systems handle the intricacies of scheduling and administration? Some already do. More than 90 of the 600 public schools in Los Angeles operate year-round, as a response to what otherwise would be unmanageable overcrowding. A building with a capacity of 1,500 students accommodates 2,000 on a year-round schedule. Even if many students availed themselves of a fourth quarter of school, it would still greatly reduce overcrowding.

At the same time, year-round operation would make much more efficient use of school facilities and staff. Buses and bus drivers could be utilized full time. The extra classroom capacity created by the plan would allow school systems to close old, inefficient or unsafe buildings and temporary facilities.

Also, a 48-week year would bring the U.S. education system more into line with those of our major economic competitors. International education comparisons reveal that young Americans who go to school 180 days a year know much less than their Japanese age-mates, who attend school for 240 days, and less than other industrial democracies with longer school years. Some studies even show American high-school students lagging behind high-school students in developing countries in some areas of achievement.

How many would avail themselves of year-round school? At the outset, perhaps not as many as we might wish.

Many school systems already offer summer school. But attendance tends to be thin. In 1982, for example, less than 4 percent of New York State's students attended summer school, and only one school building in eight was used for this purpose.

When the Los Angeles schools last summer took advantage of additional funds to offer "core academic courses," only 10,000 secondary students turned up, though there were funds available for 27,000. Even the remedial summer school for youngsters who had failed the statewide proficiency test had 7,000 fewer students in 1984 than in 1983.

During the past decade, financial pressures forced many school systems to curtail their summer offerings, often limiting them to seniors who otherwise would not graduate, youngsters with learning problems and those eligible for various federal programs. Chicago enrolled 200,000 children in the summer of 1975, and just 24,000 in 1982. Dade County, Fla., is one of the few urban systems to operate a large-scale summer program—and it receives special state funds for that purpose.

But year-round operation is not the same as adding a slowed-down summer school program. High school students may scoff, preferring to adhere to the familiar pattern. But young working parents with 6- and 8-year-olds in the primary grades would try four quarters. As these children moved up into higher grades, they would increasingly view 48 weeks of school as normal, and the 36-week system of their older brothers and sisters as an odd thing of the past.

Many new teachers would like to boost their salaries by a third, not every year, perhaps, but more often than not.

A number of states have been establishing "career ladders" for teachers, under which senior teachers with added responsibilities would receive significant pay increases. In a year-round school setting, the increases would be even larger for these teachers. In time, teaching will be seen as a decently paid occupation with greater appeal to able young people—and to older people who might be willing to try but cannot imagine why they would move to a part-time classroom post.

Albert Shanker, president of the American Federation of Teachers, says that the "market" should determine teachers' salaries—that math or science teachers should be paid enough to keep them from entering private industry. But teachers must understand that no job market pays a 12-month salary for nine months' work. Teachers who say their work is so draining that it requires weeks of rest and recuperation should try that argument on nurses in intensive care units of hospitals, policemen and coal miners.

There is a parallel message for students and their parents. The National Commission on Excellence in Education, which last year issued a report highly critical of the schools, was right to assert that American youngsters do not spend enough hours on academics. The main substitute for active study has become passive watching of television, and spare-time jobs that pay for more leisure-time entertainment, or just hanging out. The United States has considered year-round schooling in the past. There was a flurry of interest in the idea between 1965 and 1975, when education funds seemed plentiful, facilities were crowded, and the possibility of using school buildings as year-round community resources were in vogue.

An extensive experiment with year-round education was undertaken in Newark, N.J., from 1912 to 1931, when schools were open for 10 months a year for one set of children and for another group, 12 months. The 12-month school program was designed for working-class youngsters and the children of recently arrived immigrants in need of special help.

George Brinkerhoff, an education scholar, reported in the '30s that "The all-year schools graduate a higher percentage of their pupils; they show a lower grade age [because fewer students failed even when standards were maintained]; they have less retardation; they lose fewer pupils before graduating." What is more, he saw no evidence of "brain fatigue," "loss of mental health" or impaired physical development among those attending the 12-month schools.

The Newark program was curbed as a Depression-era economy measure, much as the ambitious summer programs of the early 1970s were cut for financial reasons. But the United States is again pumping resources into its schools, as governors, business leaders and the general public come to recognize the importance of educational excellence. States have been raising taxes to finance better schools, and public-opinion polls indicate that this is acceptable to the electorate—so long as it yields results.

We cannot be certain that a full-fledged experiment of this sort would work in the 1980s. But the potential benefits make it worth trying. At a time when the nation is passionately interested in boosting student achievement, providing better care for the children of working parents and enhancing the appeal of the teaching profession, it makes no sense to allow our schools to stand idle 16 weeks a year.

By Mr. SYMMS (for himself, Mr. STAFFORD, Mr. BENTSEN, Mr.

BURDICK, Mr. CHAFEE, Mr. EVANS, Mr. MITCHELL, and Mr. MOYNIHAN):

S. 178. A bill to approve the interstate and interstate substitute cost estimates, to amend title 23 of the United States Code, and for other purposes; to the Committee on Environment and Public Works.

INTERSTATE HIGHWAY FUNDING ACT OF 1985

Mr. SYMMS. Mr. President, on behalf of the Environment and Public Works Subcommittee on Transportation, I am pleased to join with the chairman of the Environment and Public Works Committee [Senator STAFFORD] in introducing legislation to approve an Interstate Cost Estimate [ICE] and interstate substitute cost estimate [ISCE] for an 18-month period. With congressional approval, $7 billion can be released and put to work on interstate highway construction and substitute projects throughout the country. These estimates should have been acted on last year, but unfortunately agreement could not be reached with the other body.

In order to avoid such crippling delays in the future, the legislation also contains a provision whereby the Secretary of Transportation would continue to submit the ICE and ISCE to Congress every other January 1, and Congress would continue to have from January to October to review the cost estimates and make any changes it desired. However, if Congress failed to act by October 1, the legislation directs the Secretary to make the necessary adjustments to the ICE and ISCE and then administratively proceed to apportion the funds on October 1. In this way, States would not be penalized and the Federal-Aid Highway Program would not be disrupted, as is happening now.

For the second straight year, States are approaching the spring and summer construction season with no assurance that the funding necessary for planned road and bridge projects will materalize; 40-some States are now completely out of interstate money, and contracts on more than 200 highway projects have had to be shelved. The creation of jobs and other economic benefits are on hold. Problems of highway safety and traffic congestion become more acute by the day. The release of $7 billion will go a long way toward meeting these transportation and other economic needs.

I hope that my colleagues will consider this important legislation carefully and expeditiously. The bill and joint resolution [S.J. Res. 8] being introduced today closely resemble previous efforts: Senate Joint Resolution 312, the "clean" ICE-ISCE, and S. 3024, which the Senate passed 3 months ago. There may be other more feasible legislative approaches but no matter what form the legislation takes, I am convinced the process must be free of controversial policy changes and large, new, special-interest authorizations.

Last year, the Environment and Public Works Committee had many requests for the funding of demonstration projects. A compromise was reached in which the Federal contribution to any specific project was limited to $12.5 million or 50 percent of the project cost, whichever was less. This requirement limited the drain on the Highway Trust Fund and also tended to ensure that such projects were a top priority within the States. The amount for demonstration projects in S. 3024 as passed by the Senate was $178.6 million.

Demonstration projects alone, however, added up to over $600 million in new authorizations in the House-passed bill. According to a recent Federal Highway Administration analysis, the ultimate cost to complete all Senate and House demonstration projects, including language contained in the House-passed bill clarifying eligibility of the central artery and third harbor crossing, potentially could be $7.5 billion. Obviously, such a Federal liability would bankrupt the trust fund in a very short time.

When Senate conferees finally were able to meet with their House counterparts on the ICE-ISCE legislation last year, some Members on the other side of the table believed that the administration would never veto a highway bill. This is not a view I share. OMB Director Stockman and Transportation Secretary Dole repeatedly made clear the administration's position and its willingness to veto legislation that distorts national Highway Program needs, undermines the financial integrity of the trust fund, and contributes to an even greater national budget deficit.

In January 1983, the landmark Surface Transportation Assistance Act [STAA] was enacted, and, as of fiscal 1983, States began receiving a 50-percent increase in Federal assistance for vitally needed construction and repair work on our Nation's highway system. Highway user fees were increased to finance that spending. The STAA, with authorizations running through fiscal 1986, should continue to be implemented without any major changes in law and without large numbers of new specific project authorizations. I urge my colleagues to focus for now on the pressing need all States share for release of $7 billion in interstate funding.

Mr. President, I appreciate the combined efforts of the distinguished Senator from Vermont [Mr. STAFFORD], the chairman of the committee, and the distinguished Senator from Texas [Mr. BENTSEN], who served so ably as ranking minority member of the Transportation Subcommittee and with the 99th Congress will become the ranking minority member of the committee. Approval of the ICE and ISCE is truly a bipartisan and national concern. I hope that the legislation will be considered early and favorably, so that States can proceed in administering the very vital Federal-Aid Highway Program.

By Mr. INOUYE:

S. 179. A bill to eliminate the requirement that eight members of the District of Columbia Commission on Mental Health shall be physicians; to the Committee on Governmental Affairs.

D.C. COMMISSION ON MENTAL HEALTH MEMBERSHIP

Mr. INOUYE. Mr. President, today I am introducing legislation which would modify the current statutory requirement that all members of the District of Columbia Commission on Mental Health be physicians.

My proposal would provide greater administrative flexibility and ensure that qualified professionals representing each of the traditional mental health disciplines would be eligible for appointment. This is in line with the evolving changes within our Nation's mental health programs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 179

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 502(a) of title 21 of the District of Columbia Code is amended by striking out the last sentence and inserting in lieu thereof the following: "Eight members of the Commission shall be mental-health professionals practicing in the District of Columbia who have had not less than five years' experience in the treatment of mental illnesses.".

By Mr. INOUYE:

S. 180. A bill to amend title 10, United States Code, to eliminate the restrictions on the types of medical care that the uniformed services may provide, directly or by contract, to dependents of members of the uniformed services; to the Committee on Armed Services.

Mr. INOUYE. Mr. President, today I am introducing legislation which would amend the basic authorization statute of the Civilian Health and Medical Program of the Uniformed Services [CHAMPUS] in order to remove all present legislative restrictions on the type of health benefit package which the Department of Defense may wish to provide to eligible beneficiaries.

For financial reasons, it currently is not possible for the Department of Defense to provide every CHAMPUS ben-

eficiary with a totally comprehensive health care benefit. However, I strongly feel that we should provide the Department with maximum possible administrative flexibility so that CHAMPUS can continuously modify its program in order to respond to either changing demands of the beneficiary population or changes in the way that health care is delivered across the Nation. If my proposal is enacted into public law, the Department will still have to live within its budgetary constraints; however, I would fully expect that over time we will see a number of new and important health care initiatives being made available to CHAMPUS beneficiaries.

Mr. President, it is time that the Congress of the United States, ensure that the health care benefits available to CHAMPUS beneficiaries will no longer differ drastically merely because the beneficiary may not live geographically near a military facility.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of section 1076 of title 10, United States Code, is amended to read as follows:

"(a) A dependent of a member of the uniformed services who—

"(1) is on active duty for a period of more than 30 days; or

"(2) died while on such duty,

is entitled, upon request, to medical and dental care in facilities of the uniformed services, subject to the availability of space and facilities and the capabilities of the medical and dental staff.".

(b) Subsection (b) of such section is amended by striking out "the medical and dental care prescribed by section 1077 of this title" and inserting in lieu thereof "medical and dental care".

SEC. 2. Section 1077 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "(a) Only the following types of health care may be provided under section 1076 of this title:" and inserting in lieu thereof the following:

"The types of health care that may be provided under section 1076 of this title include:"; and

(B) by striking out clause (12) and inserting in lieu thereof the following:

"(12) Durable equipment, such as wheelchairs, iron lungs, and hospital beds."; and

(2) by striking out subsection (b).

SEC. 3. The second sentence of section 1079(a) of title 10, United States Code, is amended to read as follows: "The types of health care authorized to be provided under contracts entered into under this section include—

"(1) the types of health care authorized to be provided dependents under section 1076 of this title; and

"(2) under joint regulations to be prescribed by the Secretary of Defense and the Secretary of Health and Human Services, the services of Christian Science practitioners and nurses and services obtained in Christian Service sanatoriums.".

SEC. 4. The amendments made by this Act shall apply to health care furnished after September 30, 1985.

By Mr. INOUYE:

S. 181. A bill to permit educational institutions with graduate programs in psychology to apply for grants and contracts to provide educational assistance to individuals from disadvantaged backgrounds; to the Committee on Labor and Human Resources.

Mr. INOUYE. Mr. President, today I am introducing legislation to amend the Health Careers Opportunity Program [HCOP] in order to allow minority students to pursue careers in psychology under this initiative if they so desire.

This bill which I am offering today was adopted by the conferees during their deliberations on the Health Manpower Reauthorization Act last Congress, which was, unfortunately, vetoed.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 181

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 787 (a) of the Public Health Service Act (42 U.S.C. 295g-7 (a)) is amended by inserting a comma and "graduate programs in psychology," after "podiatry" in paragraph (1).

(b) Such section is further amended by adding at the end thereof the following new paragraph:

"(3) For purposes of this section, the term 'graduate program in psychology' means a graduate program in a public or nonprofit private institution in a State which—

"(A) provides training leading to a doctoral degree in psychology or an equivalent degree;

"(B) prepares the individual receiving such degree for licensure by a State as a psychologist; and

"(C) is accredited in the manner described in section 701 (5).".

By Mr. INOUYE:

S. 182. A bill to authorize the Secretary of Health and Human Services to make grants for the planning, development, establishment, and operation of poison control centers; to the Committee on Labor and Human Resources.

POISON CONTROL CENTERS

Mr. INOUYE. Mr. President, today I am introducing legislation to authorize the Secretary of the Department of Health and Human Services to make grants for planning and operating poison control centers.

I understand that more than 5 million poisonings occur each year in our Nation and that poisoning continues to remain the fourth most frequent cause of accidental death after motor vehicle accidents, drownings, and burns. Poisonings result in approximately 12,000 deaths per year. Unfortunately, about 90 percent of the reported cases involve children, thereby making poisonings the most common pediatric emergency.

Presently, there are nearly 500 poison control or poison information centers already established in our Nation, many of which are colocated with hospital facilities, universities or public health authorities. Some of these are presently receiving Federal funding under the provisions of the Emergency Medical Services Block Grant Program. I understand that in the areas of high military concentration, such as Hawaii, military families can make up a high proportion of their clientele. In fact, in Honolulu, approximately 25 percent of our poison center's transactions are for local military personnel and their dependents, whom I might add often do not pay local taxes.

Mr. President, previous studies which have been brought to my attention conclusively indicate that when all poisoning episodes are considered, regional poison centers have been found to significantly reduce pediatric visits to hospital emergency rooms. For example, one study indicated that of those parents who did not call the poison center, 44 percent went to an emergency room, whereas less that 1 percent of the parents who did call the center went to the hospital. Essentially, various scientific and medical experts have informed me that a well-staffed poison center can effectively manage 85 percent of the acute poisonings which occur over the telephone. Simply stated, by spending money up front to establish poison centers, we will in the long run save considerable funds in hospital expenses. In fact, I understand that approximately 600,000 hospital visits or admissions are attributed to poisonings annually.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 182

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part B of title III of the Public Health Service Act is amended by inserting after section 315 the following new section:

"POISON CONTROL CENTERS

"SEC. 361. (a) The Secretary may make grants to appropriate public and private nonprofit entities for the planning, development, establishment, and operation of poison control centers.

"(b) A poison control center planned, developed, established, or operated with a grant under this section shall, with respect

to the locality in which such center is established—

"(1) provide services for the appropriate and expeditious management and treatment of individuals who have consumed poisons or an overdose of drugs;

"(2) establish a twenty-four hour telephone line, at no charge to the caller, to—

"(A) answer requests for information concerning poisons and drugs;

"(B) receive requests concerning, and make recommendations for, the treatment in the home of individuals who have consumed poisons or an overdose of drugs;

"(C) coordinate the referral to hospital emergency rooms of individuals who have consumed poisons or an overdose of drugs who need such referrals, by contacting and providing appropriate information to the staffs of such emergency rooms;

"(D) provide information to health care professionals involved in the treatment of individuals who have consumed poisons or an overdose of drugs; and

"(E) monitor the treatment at home of individuals who have consumed poisons or an overdose of drugs in order to assure that adequate care is provided to such individuals;

"(3) create and implement education programs in order to improve public awareness of problems relating to the consumption of poisons and drugs and methods to prevent such consumption; and

"(4) collect data relating to the operations of the center, including information concerning the individuals served by such center.

"(c) To carry out this section, there are authorized to be appropriated such sums as may be necessary."

By Mr. INOUYE:

S. 183. A bill to direct the Secretary of the Army to determine the validity of the claims of certain Filipinos who assert that they performed military service on behalf of the United States during World War II, and for other purposes; to the Committee on Armed Services.

Mr. INOUYE. Mr. President, today I am reintroducing a bill to direct the Secretary of the Army to determine the validity of the claims of certain Filipinos who assert that they performed military service on behalf of the United States during World War II, and for other purposes.

During the course of World War II many Filipinos—guerrillas, and active servicemen—fought on behalf of U.S. interests. In 1948 the U.S. Government struck from official U.S. Army records the names of thousands of Filipinos who served during this time, denying these individuals the rights, benefits, and privileges they so richly deserve.

The legislation I am proposing today would permit these excluded veterans to submit their claims to the proper authorities for reevaluation—resolution—on a case-by-case basis. Upon submission of sufficient documentation of service with the U.S. Army or organized guerrilla forces, these individuals should be duly recognized as veterans and entitled to benefits and assistance from the U.S. Government.

The removal of their names from official Army records was an injustice to these individuals who helped the United States during World War II. For some, this bill is too late since death has taken its toll. However, the enactment of this legislation would confirm our commitment to these Filipinos who fought so hard to maintain U.S. freedom.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That (a) any person who claims to have performed military service with or for the United States Army in the Philippine Islands during World War II and is not recognized, for any purpose, as having performed active service in or on behalf of the Armed Forces of the United States may file an application, in such form as the Secretary of the Army (hereinafter in this Act referred to as the "Secretary") shall prescribe, to have the Secretary determine, on the basis of all information and evidence presented to him by such person and on the basis of all other information and evidence available to the Secretary, whether such person should be considered as having performed active service in or for the Armed Forces of the United States.

(b) If the Secretary determines, in the case of any person who files an application under this Act, that such person—

(1) served in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the United States, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States;

(2) was awarded the Purple Heart or other medal or decoration of the Armed Forces of the United States in connection with the performance of military service on behalf of the Armed Forces of the United States; or

(3) was inducted into the United States Armed Forces in the Far East (USAFFE) before the outbreak of World War II, performed military service for or on behalf of the United States in the Philippine Islands during World War II, reported to United States military control during the liberation of the Philippine Islands, and subsequently, without his consent, had his name and records erroneously deleted or otherwise erroneously removed from the official records of the Armed Forces of the United States;

the Secretary shall issue to such person an appropriate certificate of service which shall entitle such person to the same rights and benefits under the laws of the United States as other persons who performed substantially the same type of military service in the Philippine Islands during World War II and who, on the day before the date of enactment of this Act, were entitled to such rights and benefits by virtue of such service.

SEC. 2. No person shall be eligible for a certificate of service under this Act if the Secretary determines that such person was discharged from military service described in subsection (b) of the first section under conditions other than honorable.

SEC. 3. As used in this Act the term "World War II" means the period beginning on December 7, 1941, and ending on December 31, 1946.

SEC. 4. The Secretary may not consider any application received more than two years after the date of enactment of this Act.

SEC. 5. The Secretary shall issue such regulations as he deems necessary and appropriate to carry out effectively and equitably the provisions of this Act.

SEC. 6. No benefits shall accrue to any person for any period prior to the date of enactment of this Act as a result of the enactment of this Act.

By Mr. INOUYE:

S. 184. A bill to authorize reduced postage rates for certain mail matter sent to Members of Congress; to the Committee on Governmental Affairs.

Mr. INOUYE. Mr. President, I rise today to reintroduce a bill to provide for the issuance of a special 1 cent postage stamp to be used for correspondence with Members of Congress.

Mr. President, ours is a democratic government—a representative government—and thus, by definition, one dependent on the continuing operation of a two-way communication system between the people of this country and their elected Representatives.

Each Member of the Congress is directly responsible to those people in his State or district whom he represents. He must not only keep communication channels open but, more importantly, he must be responsive to the concerns he receives through these channels. The most practical means of transmitting these constituent concerns is through the mail. It is most difficult for many of us to imagine ourselves in a situation where the desire to express an opinion is frustrated because we must think twice about spending money on a postage stamp. Unfortunately, we must face the fact that many of our Nation's citizens are forced to consider the purchase of a 20-cent postage stamp for the purpose of expressing a grievence, or opinion or idea, as something beyond their means.

The issuance of a 1-cent stamp for this purpose would effectively remove this prohibition and allow all citizens to apprise their Representatives and Senators of their individual throughts and position on the issues facing our Nation. This measure would amend the Postal Reform Act of 1970 to provide for the issurance of these 1 cent stamps to be sold at U.S. post offices. The bill also authorizes appropriations necessary to account for the difference in postal revenue resulting from the sale of 1 cent stamps as opposed to prevailing postage rates for mail matter addressed to Congressmen

which does not exceed 4 ounces in weight.

Recognizing the necessity of open communication between elected officials and people, Congress adopted the franking system allowing congressional communication between elected officials to constituents. We have neglected, however, to provide our constituents with a convenient and affordable means to access to their Senators and Congressmen. It is difficult to overstate the importance of this concept of individual expression. Each and every citizen has the right and the responsibility to participate in the democratic system, through both the ballot box and through correspondence with their Representatives between elections.

Because the effective operation of our political system is dependent upon open communication, I am hopeful that this bill will receive the early approval of the Congress.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 32 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 3219. Mail matter sent to Members of Congress

"(a) Any person may send any piece of mail matter, not exceeding four ounces in weight, for postage of 1 cent to (1) any Member of the Senate represnting the State, and (2) the Member of the House of Representatives representing the district, in which such person resides, if that person uses a special stamp issued by the Postal Service for any such matter. The Postal Service shall issue special 1-cent stamps to be used in sending such matter, and such stamps shall only be sold at post offices.

"(b) For the purposes of this section—

"(1) 'district' includes Puerto Rico and the District of Columbia;

"(2) 'Member of the House of Representatives' includes a Representative, Delegate, and Resident Commissioner; and

"(3) a Member of the House of Representatives elected at large from a state having more than one district shall be considered a Member elected from each district of that State.".

(b) The analysis of such chapter is amended by adding immediately below item 3218 the following new item:

"3219. Mail matter sent to Members of Congress.".

(c) Section 2401(c) of such title is amended by inserting after "3217" a comma and "3219".

(d) This Act is effective January 1, 1985.

By Mr. INOUYE:

S. 185. A bill to revise the laws regarding the transportation of Government cargoes in U.S.-flag vessels; to the Committee on Commerce, Science, and Transportation.

GOVERNMENT IMPELLED CARGO ACT OF 1985

Mr. INOUYE. Mr. President, every nation engaged in maritime trade heavily subsidizes its merchant marine through various protectionist devices, and does whatever else it can to ensure that its national flag lines have that competitive edge.

While we have taken some steps in this direction, our international trades are still the only ones characterized by a come one, come all policy of competition. Thus, it is not surprising that our national flag lines carry less than 6 percent of our international waterborne commerce.

The legislation I am introducing today would help ensure that U.S.-flag operators have the same competitive edge in our international trades that their foreign-flag counterparts have in theirs. It would do this by strengthening our current laws relating to U.S.-flag preference for Government impelled cargo.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Government Impelled Cargo Act of 1985."

CARGO AFFECTING THE NATIONAL SECURITY

SEC. 2. All waterborne cargo affecting the national security of the United States shall be transported in United States-flag vessels.

DIRECT GOVERNMENT INVOLVEMENT IN CARGO NOT AFFECTING THE NATIONAL SECURITY

SEC. 3. At least 50 per centum of the gross tonnage of all waterborne cargo not affecting the national security of the United States shall be transported in United States-flag vessels when any one of the following categories applies:

(1) The United States procures, contracts for, or otherwise obtains the cargo for its own account.

(2) The United States furnished the cargo to or for the account of any foreign nation free of any charge for the cargo.

(3) The United States sells the cargo to or for the account of any foreign nation at a price that is less than the cost to the United States of procuring, handling, and storing the cargo.

INDIRECT GOVERNMENT INVOLVEMENT IN CARGO NOT AFFECTING THE NATIONAL SECURITY

SEC. 4. (a) All waterborne cargo not affecting the national security of the United States and shipped to or from the United States shall be transported in United States-flag vessels whenever the United States provides to any entity, foreign or domestic, any form of grant, loan, credit, advance of funds, cash transfer, or guaranty, and the grant, loan, credit, advance of funds, cash transfer, or guaranty is used—

(1) to pay at least 50 per centum of the cost of procuring, contracting for, or otherwise obtaining the cargo; or

(2) to pay any of the foreign charges for the cargo.

(b) The Secretary may waive an amount not to exceed 50 percent of the gross tonnage of cargo described in subsection (a) of this section in order to permit such cargo to be carried in vessels of the recipient nation, if United States-flag vessels have equal access to cargo originating in that nation.

(c) Any grant, loan, credit, advance of funds, cash transfer, or guaranty provided in accordance with this section shall be conditioned on the responsible agency obtaining agreement by the recipient entity to comply with the requirements of this Act.

EXCEPTIONS

SEC. 5. Sections 2, 3, and 4 of this Act shall not apply to a particular shipment of cargo if—

(1) after proper notice in accordance with section 6 of this Act, no United States-flag vessel is available at competitive rates; or

(2) the Congress, by concurrent resolution, or the President declares that an emergency exists justifying a temporary waiver of one or more of those sections.

COMPLIANCE

SEC. 6. (a) The agency responsible for—

(1) procuring, contracting for, or otherwise obtaining, or furnishing or selling cargo subject to section 2 or 3 of this Act; or

(2) providing, arranging, or administering any form of grant, loan, credit, advance of funds, cash transfer, or guaranty in accordance with section 4 of this Act;

shall publish a notice of need for United States-flag vessels required pursuant to this Act at least thirty days before the vessels will be needed. The Secretary shall establish by rule the content, place, and manner of publication of notices of need.

(b) If the responsible agency fails to publish a notice of need in accordance with subsection (a) of this section, it shall nevertheless contact the appropriate United States-flag carriers to determine whether any United States-flag vessels are available at competitive rates.

(c) If the responsible agency, after complying with subsection (a) or, if necessary, subsection (b) of this section, determines that no United States-flag vessels are available at competitive rates, the agency shall certify that determination to the Secretary, who shall verify the certification within two working days of receipt.

(d) If the responsible agency, after complying with subsection (a) or, if necessary, subsection (b) of this section, determines that no United States-flag vessels are available at competitive rates and so certifies to the Secretary, and that certification is verified, then the agency may use one or more foreign-flag vessels to transport the portion of the cargo that otherwise would have been transported on United States-flag vessels.

(e) Each agency shall report its compliance with or variance from the requirements of this Act, for each fiscal year, to the Secretary and to the Congress within thirty days after the end of the fiscal year. The Secretary shall establish by rule the form and content of such annual compliance reports.

(f) The Secretary shall monitor compliance with this Act and shall review the annual compliance reports required by subsection (e) of this section. The Secretary shall immediately report any finding of noncompliance with this Act to the noncompliant agency. Each agency that failed to comply with this Act in any fiscal year shall be required to make up the entire difference in United States-flag vessel carriage resulting from noncompliance by using all available United States-flag vessels, until the

Secretary shall certify that compliance has been achieved.

DEFINITIONS AND CONSTRUCTION

SEC. 7. (a) For purposes of this Act, the term—

(1) "cargo affecting the national security of the United States" means—

(A) all equipment and supplies bought for the Army, Navy, Air Force, Marine Corps, or Coast Guard;

(B) all oil and other petroleum procured, contracted for, or otherwise obtained for the strategic petroleum reserve;

(C) all materials procured, contracted for, or otherwise obtained for the national defense stockpile;

(D) all motor vehicles and household goods owned by United States Government personnel whenever transportation of such vehicles or household goods at Government expense is authorized by law; and

(E) any other equipment, materials, or commodities procured, contracted for, or otherwise obtained by the United States, of any description, certified by the President or his designee as affecting the national security of the United States;

(2) "Secretary" means the Secretary of Transportation; and

(3) "United States-flag vessel" means a vessel as defined in section 3 of title 1, United States Code, that is owned by a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802), and that—

(A) if built in the United States has been issued a cerificate of documentation under section 107 of the Vessel Documentation Act (46 U.S.C. App. 65e); or

(B) if not built in the United States, has been issued a certificate of documentation under section 107 of the Vessel Documentation Act (46 U.S.C. App. 65e) and has held such certificate for not less than three years.

(b) For purposes of this Act, a United States-flag vessel shall be treated as being available at competitive rates only if—

(1) the vessel is—

(A) of the size and type appropriate for the cargo to be transported; and

(B) capable of meeting the pickup and delivery schedule stated by the agency incident to compliance with section 6(a) of this Act; and

(2) the rates for the vessel—

(A) in the case of liner-type cargo, do not exceed the rates established by conferences operating on the same or similar routes transporting the same or similar cargo;

(B) in the case of liquid or dry bulk cargo transported by a vessel other than a vessel described in subparagraph (C), do not exceed an amount equal to 150 per centum of the world rate for transporting the same or similar cargo; or

(C) in the case of liquid or dry bulk cargo transported by a vessel that either (i) was constructed in the United States in the last fifteen years, or (ii) was substantially rebuilt in the United States in the last five years, are fair and reasonable for United States-flag commercial vehicles of that size or type transporting the same or similar cargo.

REPEALS

SEC. 8. The following provisions of law are repealed:

(1) Section 2631 of title 10, United States Code, and the item relating to that section in the analysis for chapter 157 of that title.

(2) Section 901(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241(b)).

(3) The joint resolution entitled "A Joint Resolution requiring agricultural or other products to be shipped in vessels of the United States where the Reconstruction Finance Corporation or any other instrumentality of the Government finances the exporting of such products", adopted March 26, 1934 (Pub. Res. 17, 46 App. U.S.C. 1241-1).

EFFECTIVE DATE

SEC. 9. The effective date of this Act shall be the first day of the fiscal year following its enactment.

By Mr. INOUYE:

S. 186. A bill to further the development and maintenance of an adequate and well-balanced American merchant marine by requiring that certain mail of the United States be carried on vessels of U.S. registry; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, the legislation I am introducing would add a new section to title IV of the Merchant Marine Act of 1936 which would reestablish the general requirement that the Postal Service use vessels of U.S. registry to originate any international sea transportation of mail. An identical measure was reported by the Commerce Committee last year after hearings—S. 188.

Mr. President, the importance of the carriage of mail was recognized at the foundation of the United States in the constitutional provision which empowered Congress to establish post offices and post roads—U.S. Const. art. I, sec. 8, cl. 7. This power was early construed by the Supreme Court to include "all measures necessary" to secure the "safe and speedy transit" of the mail. Ex parte Jackson, 96 U.S. 727 (1878).

While preexisting legislation in 1891 authorized the Postmaster General to contract with American citizens for the carrying of mail on American steamships, the first general requirement that U.S. mail carried by vessel be transported on U.S.-flag ships appeared in 1420 (41 Stat. 998). That requirement was continued in the Merchant Marine Acts of 1928 and 1936. The provisions of the 1920 and 1936 acts remained in force until 1960 when Congress passed a complete revision of the postal statutes in title 39 of the United States Code (49 Stat. 1985). This revision included a provision very similar to section 405(a) of the 1936 Merchant Marine Act requiring U.S. mails to be carried on U.S.-flag ships.

In 1970, Congress again passed a complete revision of title 39 creating the U.S. Postal Service (Public Law 91-375). It did not contain a provision comparable to the previous U.S.-flag preference. No explanation for this omission was provided in either the House or Senate committee reports (S. Rept. 91-912) (H. Rept. 91-1104). However, the Postal Service continued the policy by a regulation in its postal contracting manual.

In 1981, the Postal Service deleted this regulation from the manual with no notice or hearing. This action not only terminated the longstanding policy of the Government to entrust the U.S. mail to Americans, it did so without explanation or indication that it had considered national security implications and the objective of our national maritime policy, that is, to promote the U.S. merchant fleet.

Since 1981, the international sea transport of U.S. mails has been virtually monopolized by foreign operators, including Soviet bloc ships. In fiscal year 1983 for example, foreign flags were awarded 37 of the 45 contracts let by the Postal Service, and more recent statistics indicate no decline in this trend.

From a national security standpoint the committee found this situation very disquieting. For example, until recently a Warsaw Pact operator—Polish Ocean Lines—carried our mail between New York and Bremerhaven, Germany. It is not difficult to imagine what would happen in the event of a sudden international conflict when many of these foreign-flag vessels will no longer be available; and even those that were would have divided loyalties.

Apart from considerations of national security, the committee also believes that the current policy of the Postal Service contradicts our express national maritime policy to promote the private U.S. merchant fleet.

The U.S. liner fleet is experiencing difficult financial times and has testified that this legislation would be helpful. And, when it reported identical legislation last year, the committee felt that the small additional amount which the legislation would cost is in furtherance of the objectives of the Merchant Marine Act of 1936, as amended.

Mr. President, the legislation I am introducting today is as I have mentioned, a product of hearings held in the last Congress on S. 188. Those hearings were held by the committee's Merchant Marine Subcommittee on September 27 and 29, 1983 (S. SER. 98-51). The following testified for the legislation: all U.S.-Flag liner operators, Shipbuilders Council of America, Marine Engineers Beneficial Association [MEBA], Maritime Trades Department [AFL-CIO] representing 43 unions.

The following testified against the legislation: U.S. Postal Service, Department of Transportation, and U.S. Chamber of Commerce.

The committee also received several written communications which supported S. 188; and a considerably smaller number opposing it from foreign-flag operators and foreign governments whose vessels of registry cross trade in the U.S. trades.

Significantly, although several commodity interests testified against several cargo preference bills which were also the subject of the 2 days of hearings, none opposed S. 188.

In their respective testimony, the Maritime Administration and the U.S. Postal Service raised several objections to S. 188, as introduced. Specifically, S. 188 would:

Subject the Postal Service to potentially unlimited costs;

Fail to recognize legitimate service requirements of the Postal Service by restricting the Postal Service's ability to specify container size;

Seriously undermine the Postal Service's ability to provide prompt and economic services for international surface mail; and

Reduce competition and thus restrict the Postal Service to artificial market of elevated prices and inferior services.

As a consequence of the testimony it received and its own deliberations, the committee, on April 10, 1984, ordered S. 188 reported with an amendment in the nature of a substitute. As reported, S. 188 would:

Generally require the U.S. Postal Service to use exclusively U.S.-flag vessels for the international sea transportation of the U.S. mail, unless: No U.S.-flag vessels are available at the time; or no U.S.-flag vessels can provide service sufficient to meet the actual needs of the Postal Service;

Require that rates charged for the sea transportation of mail be subject to the Shipping Act of 1984; and not be higher than rates charged by those carriers for transporting like goods for private persons;

Require competitive bidding where two or more ocean common carriers seek to enter into a contract offered by the Postal Service. No contract could be awarded for more than 1 year; and

Permit the Postal Service to specify the size of containers in its invitation for bids or requests for proposals when so required by the physical handling limitations of the destination.

In the committee's judgment S. 188, as reported, met the major objections of the administration and the U.S. Postal Service, and the bill I am introducing today is identical to S. 188, as reported.

Mr. President, briefly I would like to discuss the objectives against the original version of S. 188 which were raised at the hearing, and the reasons why the committee believed they have been met. The committee's reasoning is equally applicable to the measure I am introducing today because it is identical to S. 188, as reported.

1. Objection: S. 188 subjected the Postal Service to potentially unlimited costs.

Rebuttal: This objection rested on a provision in the original version of S. 188 which provided a formula for a rate floor, but no ceiling. In other words, it was contended that in the situations where only one U.S. carrier provided service, that carrier would have been able to name its own price, incorporating as much more than a fair and reasonable profit as it wished.

Whatever the merits of that contention were, they were no longer valid because S. 188, as reported discarded the original formula. Under the new provision there is a ceiling on rates, i.e., a carrier's rates may be no higher than the rates it charges for transporting "like goods" for private persons.

The term "like goods" is the same language used in the statute which provides for the carriage of military cargo. 10 U.S.C. sec. 2631. "Like goods" means commodities which are comparable in terms of ocean transportation.[1] For example, the "mail" under this bill which moves in ocean transportation generally consists of relatively small parcels, packages, cartons, boxes, etc., which are similar to the normal container traffic.

2. Objection: S. 188 failed to recognize legitimate service requirements of the Postal Service by restricting the Postal Service's ability to specify container size.

Rebuttal: As amended, S. 188 permitted the Postal Service to specify container size only when required by the physical handling limitations of the destination.

3. Objection: S. 188 seriously undermined the Postal Service's ability to provide prompt and economic services for international surface mail.

This objection was based on the Postal Service's testimony that the transit time of foreign carriers is on the average of 5 days less than that of U.S. carriers.

Rebuttal: The statistics attached as appendix A indicate that U.S. carriers have a transit time equal to or more rapid than most foreign-flag vessels to most of the major destinations.

Furthermore, S. 188, as amended, permitted the Postal Service to ship mail on foreign-flag vessels when no U.S.-flag vessels can provide service sufficient to meet the actual needs of the Postal Service.

4. Objection: S. 188 reduced competition and thus restricted the Postal Service to an artificial market of elevated prices and inferior services.

Rebuttal: S. 188 required competitive bidding so it did not reduce competition among U.S.-flag carriers. Moreover, if U.S.-flag operators cannot meet the Postal Service's service requirements, foreign-flags may also compete with one another.

The vast majority of countries throughout the world favor their national flag vessels either through legislation or by permitting and encouraging commercial practices which have the same effect. Simply stated, some sort of national favored treatment is the price of admission to the world of international liner shipping.

While S. 188 may cost a little more ($1.4 million in FY 1983 according to the Postal Service) that cost will not be borne by the Federal Government. Moreover, the committee felt that the additional cost was a small price to pay if it will help strengthen our security by making it more likely U.S. mail will sail on U.S.-flag vessels.

[1] *United States Lines Co.* v. *United States*, 223 F. Supp. 838 (S.D.N.Y. 1963), aff'd 324 F.2d 97 (2d Cir. 1963) (Government's right to use lower rates charged for comparable cargo to private shippers upheld).

Mr. President, I believe that the minor additional cost attendant on the requirement that U.S. seaborne mail move on U.S.-flag vessels is heavily outweighed by the national interest in the security of the United States and the maintenance of a strong U.S. liner fleet.

The legislation I am introducing is intended to reverse the current situation where a majority of this mail is carried on foreign bottoms, including Polish Ocean Lines, a Warsaw Pact operator. Presently, foreign-flags have 38 of the 44 contracts let by the Postal Service. I believe this circumstance is symptomatic of an attitude which appears to dictate that institutions of the Federal Government go out of their way to make it difficult for our merchant marine to compete. This is especially troublesome because the price of admission to the world of ocean liner shipping is favoritism for national lines through cargo reservation laws, other direct and indirect subsidies, or permitting restrictive commercial practices which have the same effect. One way or another every maritime nation ensures that its national flags have that extra edge.

SECTION-BY-SECTION ANALYSIS

Section 1. Section 1 adds a new section 405 to the Merchant Marine Act of 1936.

Section 405(a) of the bill requires the Postal Service to contract for the use of vessels of U.S. registry to originate the international transportation of U.S. Mail if the vessel operator provides regular transportation services to the specified destination. The Postal Service is not required to enter into such contracts if there are no available vessels or if these vessels cannot provide service sufficient to meet the actual needs of the Postal Service. Actual needs are those terms and conditions of service which are reasonable in light of commercial practices within a given trade.

In several recent procurements for service in the North Atlantic trade, the Postal Service issued requests for proposals which contained unrealistic transit times. During its deliberation on S. 188, the committee considered these practices to be unacceptable and the purpose of this section of the bill is to prevent an occurrence of such practices.

Section 405(b) of the bill requires that rates for carriage of mail under subsection (a) must comply with the provisions of the Shipping Act of 1984, which provides for a nondiscriminatory regulatory process for the common carriage of goods for private persons. Mail, particularly fourth-class mail, can be a heterogeneous commodity; therefore, the term "like goods" refers to cargoes of similar but no necessarily identical characteristics. This provision is not intended to set a carri-

er's "not otherwise specified" tariff rate as the rate ceiling for the carriage of mail.

Section 405(c) requires that contracts under subsection (a) be awarded by competitive bidding. The term "competitive bidding" includes both advertised and negotiated procurements. Contracts are limited to 1 year duration which, I understand, is the normal practice of the Postal Service in international trade.

Section 405(d) precludes the Postal Service from contracting for the use of cargo containers on the basis of container size, unless required by the physical handling limitations of the destination. This provision is comparable to that in the Container Standards Act.

Section 405(e) contains a definition of "common carrier."

Section 2. Section 2 exempts section 405 of the Merchant Marine Act of 1936 from a provision in title 39, United States Code, which makes public or Federal contract laws not applicable to the Postal Service.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1141 et seq.), is amended by adding at the end thereof a new section to read as follows:

"SEC. 405. (a) The Postal Service shall contract for the use of vessels of United States registry to originate any international sea transportation of mail of the United States in any case in which the common carrier which operates or controls such vessel is engaged in the provision of regular transportation services to the destination specified by the Postal Service. The Postal Service shall not be required to enter into any such contract if no such vessels are available at the time the Postal Service seeks to arrange for the transportation of such mail, or if no such vessels can provide service sufficient to meet the actual needs of the Postal Service.

"(b) Any rate charged for the international sea transportation of mail of the United States under subsection (a) of this section shall comply with the provisions of the Shipping Act of 1984 (Public Law 98-237). Any such rate shall not be higher than rates charged by such carrier for transporting like goods for private persons.

"(c) Notwithstanding any other provision of law, in any case in which two or more common carriers seek to enter into a contract offered by the Postal Service under subsection (a) of this section, the Postal Service shall award such contract by competitive bidding and the duration of any such contract may not exceed 1 year.

"(d) The Postal Service shall not give any preference to any common carrier for the carriage of mail by sea based upon the basis of length, height, or width of cargo containers. Unless required by the physical handling limitations of the destination, no invitation for bids or request for proposals for the carriage of mail may specify the use of containers of any particualr length, height, or width.

"(e) For purposes of this section, the terms 'common carrier' means any common carrier, other than any ferryboat running on regular routes, engaged in the transportation by water of passengers or property between the United States (or any of its districts, territories, or possessions) and any foreign country, whether in the import or export trade, except that a cargo commonly referred to as an ocean tramp shall not be considered to be a common carrier.".

SEC. 2. Section 410(b) of title 39, United States Code, is amended by adding at the end therof the following new paragraph:

"(9) Section 405 of the Merchant Marine Act, 1936, as amended.".

By Mr. INOUYE:

S. 187. A bill to increase the role of the Secretary of Transportation in administering section 901 of the Merchant Marine Act of 1936; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, the legislation I am introducing today would centralize authority in the Secretary of Transportation for administering and implementing Public Law 664, which requires that at least 50 percent of Government-generated cargoes be shipped on privately owned U.S.-flag commercial vessels to the extent such vessels are available at fair and reasonable rates.

Mr. President, I wish to emphasize that this proposal does not expand the scope of our existing cargo preference laws. It is intended to remedy a longstanding problem wherein Government agencies administering programs subject to our cargo reservation laws continually seek to evade the requirements of those laws. The only way to end this undesirable situation is to place one official in charge with clear authority to ensure that those laws are administered and implemented as Congress intended. Logically, that official should be the Secretary of Transportation, and that is what the legislation I am introducing today would do.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 901(b)(2) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241(b)), is amended to read as follows:

"(2) The Secretary of Transportation shall have the sole responsibility for determining and designating those programs which are subject to the requirements of this subsection. Every department or agency having responsibility for the programs so designated by the Secretary of Transportation shall administer such programs with respect to this subsection under regulations issued by the Secretary of Transportation. The Secretary of Transportation shall review such administration and shall annually report to the Congress with respect thereto.".

By Mr. INOUYE:

S. 188. A bill to amend the Shipping Act of 1916, to provide for jurisdiction over common carriers by water engaging in foreign commerce to and from the United States utilizing ports in nations contiguous to the United States; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, the purpose of the bill I am introducing today is to make certain common carriers by water in foreign commerce subject to the tariff-filing requirements of the Shipping Act of 1984 and to the jurisdiction of the Federal Maritime Commission [FMC]. The carriers affected are those that engage in the ocean transportation of property originating in or destined for a U.S. point by way of a port in a nation contiguous to the United Stats if the carrier advertises or solicits the transportation within the United States. The result of the bill would be to put the described carriers in the same position for purposes of filing tariffs as carriers that move property by way of U.S. ports.

Mr. President, section 8 of the Shipping Act of 1984 requires each common carrier and conference serving U.S. ports to file with the FMC tariffs showing its rates, charges, classifications, rules, and practices between all points or ports on its own route and on any through transportation route that has been established. These carriers and conferences may not increase rates except on 30 days notice, and may not quote a reduction until the rate is on file at the FMC.

Section 10 of the act enumerates certain prohibited conduct. Among other things common carriers and conferences are prohibited from: Charging or receiving compensation inconsistent with rates shown in their tariffs or service contracts; rebating or refunding any portion of their rates; and extending or denying privileges except in accordance with their tariffs.

Within broad guidelines, carriers are free to fix the form and level of rates shown in their tariffs. However, having established a given rate, a carrier must make that rate available to all shippers similarly situated. For example, if a rate is predicated on a given amount of cargo, any shipper tendering that amount of cargo is entitled to the rate. If carriers operating through contiguous nations are currently offering discriminatory rates to preferred shippers, this bill would clearly expose them to the prohibitions of the Shipping Act.

However, carriers that do not operate through a U.S. port are not now subject to these restrictions. They are, therefore, free to quote whatever rate

is necessary in order to obtain cargo. They can discriminate between shippers and change rates without advance notice.

Mr. President, these differences give those carriers that service U.S. shippers through Canadian ports a competitive advantage over carriers using U.S. ports.

Mr. President, the amount of containerized cargo originating in or destined for points in the United States and transported through Canadian ports has grown since the mid-1970's. The Maritime Administration [MARAD] published a report in June 1983—U.S. exports and imports transshipped via Canadian ports—1981. The report presents the dollar value and estimated tonnage of U.S. exports and imports transshipped through Canada in 1981.

MARAD figures show a continuing increase since 1975 in the value and amount of the diverted cargo. In 1976 MARAD estimated that 1.4 million long tons were shipped through Canada. By 1980 the figure had risen to 2.2 million long tons, and in 1981, 2.3 million long tons of cargo found their way through ports in Canada.

Mr. President, I ask unanimous consent that two tables from that report, together with the text of the bill, be printed in the RECORD.

There being no objection, the tables and bill were ordered to be printed in the RECORD, as follows:

EXPORTS

Table 1-E compares the dollar values and estimated tons for the years 1976 through 1981 via Canada through U.S. gateways. U.S. exports transshipped through Canadian ports in 1981 were valued at $2,428 million, up $329 million from 1980, a 16 percent increase, with estimated long tons decreasing by ten percent from 1,179,292 to 1,064,054 long tons.

TABLE 1-E.—ANNUAL COMPARISONS OF EXPORTS TRANSSHIPPED THROUGH CANADA

Year	Dollar values (thousands)	Change (percent)	Estimated long tons	Change (percent)
1976	496,715		587,987	
1977	987,255	99	842,981	43
1978	978,842	−1	867,469	3
1979	1,311,553	34	886,450	2
1980	2,099,115	60	1,179,292	33
1981	2,428,199	16	1,064,054	−10

IMPORTS

Table 1-I reveals a substantial increase in U.S. imports via Canadian ports from 1980 to 1981. In 1981, dollar value increased by 19 percent, and tonnage increased by 30 percent, essentially reversing the 1979-1980 decrease.

TABLE 1-I.—ANNUAL COMPARISONS OF EXPORTS TRANSSHIPPED THROUGH CANADA

Year	Dollar values (thousands)	Change (percent)	Estimated long tons	Change (percent)
1976	757,855		815,745	
1977	1,083,698	43	1,022,729	25
1978	1,696,173	57	1,140,936	12
1979	2,088,288	23	1,225,773	7
1980	2,180,200	4	981,849	−20
1981	2,598,231	19	1,273,552	30

S. 188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Shipping Act, 1916, as amended (46 App. U.S.C. 801 et seq.), is amended by adding the following new paragraph between the first and second paragraphs of section 1 thereof:

"The term 'common carrier by water in foreign commerce' includes a common carrier engaged in the ocean transportation of property originating in or destined to a United States point by way of a port in a nation contiguous to the United States and that—

"(1) advertises, solicits, or arranges, directly or through an agent, within the United States, for such transportation; and

"(2) engages, directly or through an agent, in the transportation of such property between a point within the United States and a port in a nation contiguous to the United States.".

SEC. 2. Each common carrier included within the meaning of the term "common carrier by water in foreign commerce" by virtue of this Act that is in operation on the date of enactment of this Act shall initially file its tariff or tariffs with the Federal Maritime Commission in accordance with section 8 of the Shipping Act of 1984 (46 App. U.S.C. 1707), within ninety days after the date of enactment of this Act. Failure to file within this period is a violation of section 8 of the Shipping Act of 1984. If timely filed, these tariffs become effective on the date filed. If not timely filed, the tariffs become effective thirty days after the date filed.

SEC. 3. (a) Notwithstanding any other provision of law, no common carrier included within the meaning of the term "common carrier by water in foreign commerce" under the Shipping Act, 1916, shall be required in any tariff filed with the Federal Maritime Commission to state separately or otherwise reveal in such tariff the portion of such tariff attributable to transportation between the point of origin or final destination in the United States of the property transported and the United States port or the port in a nation contiguous to the United States by way of which such property is transported.

(b) Nothing in this Act or the amendments made by this Act shall be construed to require any common carrier by water in foreign commerce, as defined under section 1 of the Shipping Act, 1916 (46 App. U.S.C. 1801), to reveal any information with respect to transportation of any property between a point of origin or final destination in the United States and a United States port or a port in a nation contiguous with the United States, except insofar as the costs of such transportation comprise an undifferentiated portion of the whole amount of any tariff required to be filed under section 8 of the Shipping Act of 1984 (46 App. U.S.C 1707).

(c) Nothing in this Act or the amendments made by this Act shall be construed to extend to the Federal Maritime Commission any jurisdiction over or authority to regulate rail carriers.

By Mr. INOUYE:

S. 189. A bill to provide for consideration of certain policy objectives in order to promote the development and maintenance of an efficient ocean transportation system, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MARITIME AGREEMENTS ACT OF 1985

Mr. INOUYE. Mr. President, the legislation I am introducing today is intended to provide statutory guidance to our own Government and notice to other maritime nations as to the minimal requirements for any intergovernmental maritime agreement that provides for or limits access to liner cargo in the foreign commerce of the United States.

Mr. President, I wish to emphasize that my proposal does not encourage a policy of bilateralism. Rather, it says, in effect, when our Government decides to enter into a bilateral shipping agreement such agreement must at the very least comply with the criteria set out in the bill. By specifying these minimal requirements, the legislation will provide needed policy direction, protect open competition in our trades, and set standards of fair treatment for carriers and shippers.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 189

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Maritime Agreements Act of 1985".

MARITIME AGREEMENTS

SEC. 2. The Shipping Act, 1916 (46 App. U.S.C. 801 et seq.) is amended—

(1) by redesignating section 46 thereof as section 47; and

(2) by adding after section 45 the following new section:

"SEC. 46. (a) The objectives of this section are—

"(1) development and maintenance of an efficient, innovative, and economically sound ocean transportation system to meet the current and future needs of United States foreign commerce;

"(2) carriage by vessels of United States registry of a substantial portion of the waterborne export and import foreign commerce of the United States in order to further both the economic and national defense goals of the Nation;

"(3) to assure that, notwithstanding the operation of any law, treaty, or commercial practice, United States liner operations have a full and fair opportunity to participate as cross traders in international liner trades;

"(4) to provide a mechanism to restrict or bar participation in a trade to which an intergovernmental maritime agreement applies of national shipping lines of nations that fail to assure United States liner operators equivalent participation in that nation's trades with countries other than the United States;

"(5) encouragement of stable freight rates at the lowest commercially feasible level and enhanced quality service to shippers and consignees;

"(6) encouragement of exports from the United States to achieve and maintain a favorable international balance of payments;

"(7) comity with nations engaged in ocean trade with the United States; and

"(8) assuring the maintenance of a dependable common carrier service responsive to the needs of exporters and importers in the waterborne foreign commerce of the United States.

"(b) As used in this section, the term—

"(1) 'agreement' means an understanding, arrangement or association, written or oral, and any modification or cancellation thereof;

"(2) 'Committee' means the Maritime Industry Advisory Committee provided for under section 5 of this Act;

"(3) 'common carrier by water' means a person, whether or not actually operating a vessel, who holds himself out to the general public to provide transportation of passengers or property between the United States and a foreign country for compensation that (A) assumes responsibility for the transportation from the point or port of receipt to the port or point of destination, and (B) utilizes, for all or part of that transportation, a vessel operating on the high seas or the Great Lakes between ports in the United States and ports in foreign countries;

"(4) 'common carrier by water in foreign commerce' means a common carrier by water between the United States or any of its territories or possessions and a foreign country, whether engaged in the import or export trade;

"(5) 'intergovernmental maritime agreement' means an agreement between the United States and a foreign government that relates to the carriage of ocean commerce between or among the signatories;

"(6) 'liner cargo' means all cargo booked on a common carrier by water in foreign commerce other than (A) cargo affecting the national security of the United States or of a reciprocal nation, and (B) cargo that is relayed or transshipped by water to or from a third country;

"(7) 'national shipping line' means a vessel-operating common carrier by water in foreign commerce that has its head management office and its effective control in that country and is recognized as such by an appropriate authority, or under the laws, of that country;

"(8) 'person' includes an individual, corporation, company, association, firm, partnership, society, joint stock company, and the Government or any governmental agency of the United States, a State, territory or possession thereof, or of any foreign country; the term also includes a trustee, receiver, assignee, or personal representative of a person;

"(9) 'reciprocal carrier' means a common carrier by water in foreign commerce recognized as a national shipping line by the government of a reciprocal nation;

"(10) 'reciprocal nation' means the foreign nation (or organization of foreign nations that have agreed among themselves to act for purposes of administration of their respective cargo preference laws as a single entity) that is a signatory to an intergovernmental maritime agreement;

"(11) 'Secretary' means the Secretary of Transportation;

"(12) 'shipper' means an owner or person for whose account the ocean transportation of goods is provided or the person to whom delivery is to be made; and

"(13) 'United States' or 'State' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas, and all other United States territories and possessions.

"(c)(1) No intergovernmental maritime agreement that provides for or limits access to liner cargo in the foreign commerce of the United States shall be entered into by the United States Government, unless—

"(A) participation in the trade to which the agreement applies is open at all times, and without unreasonable delays, to all United States-flag carriers applying to serve the trade;

"(B) participation in the trade which the agreement applies is open at all times, and without unreasonable delays, to all reciprocal carriers applying to sever the trade, unless the reciprocal nation elects to limit the participation of such carriers;

"(C) the collective share of liner cargo available to United States-flag carriers in the trade to which the agreement applies is not less than the collective share available to reciprocal carriers;

(D) all common carriers by water in foreign commerce participating in the trade to which the agreement applies shall agree to retain an effective neutral policing body;

"(E) there are no provisions in the agreement and no requirements of the reciprocal nation that discriminate against, limit entry by, or unreasonably inhibit or restrict operations of, any United States liner operator in the ocean trades of the reciprocal nation, other than the limitations permitted under subparagraphs (A) through (D) of this paragraph; and

"(F) there are no provisions in the agreement and no requirements of the reciprocal nation that are unjustly discriminatory to United States shippers or ports or between exporters from the United States and their foreign competitors.

"(2) Implementation and administration of intergovernmental maritime agreements shall be accomplished through an appropriate commercial agreement among the common carriers by water in foreign commerce participating in the tade to which the agreement applies, subject to and consistent with this Act and any successor statute.

"(d)(1) The Secretary shall establish a Maritime Industries Advisory Committee to advise the United States Government on the negotiation and implementation of intergovernmental maritime agreements. The Committee shall consist of at least eleven members, as follows: Five members who have been nominated by United States-flag carriers; one member from an organization that represents United States shipboard labor; two members who are United States importers; two members who are United States exporters; and one member who represents a United States port. The Committee shall designate one of its members as Chairman.

"(2) The Secretary shall seek and give appropriate consideration to the recommendations and views of the Committee throughout the process of negotiating any intergovernmental maritime agreement.

"(3) The Committee shall meet, at least quarterly, at the call of the Chairman, and shall submit, at least annually, a report to the Secretary containing its recommendations and views on intergovernmental maritime agreements in force or which may be under consideration.

"(4) The Committee may designate at least one representative to be a fully accredited member of each delegation of the United States Government to any international conference or meeting at which an intergovernmental maritime agreement is to be negotiated or considered.

"(e)(1) Whenever national policies of other nations might operate to exclude or otherwise discriminate against United States-flag operators in reciprocal trades with the United States, intergovernmental maritime agreements shall be presumed to be in furtherance of the declaration of policy set forth in subsection (a) of this section. The United States Government shall, therefore, undertake to negotiate and conclude such agreements where circumstances warrant. The Secretary shall, in consultation with the Secretary of State, be responsible for negotiating and concluding such agreements.

"(2) Negotiation and conclusion of intergovernmental maritime agreements shall, to the extent practicable, protect and further the opportunity of United States liner operators to participate as cross traders in international liner trades. The Secretary shall, in consultation with the Secretary of State, be authorized to restrict or bar participation in the trade to which the agreement applies of national shipping lines of nations that fail to assure United States liner operators equivalent participation in that nation's trades with countries other than the United States.

"(f) Nothing in this section shall supersede the provisions of section 901 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241); the Military Ocean Transportation Act (10 U.S.C. 2631 et seq.); or Public Resolution numbered 17, Seventy-third Congress (46 App. U.S.C. 1241-1).".

By Mr. INOUYE:

S. 190. A bill to amend title 10, United States Code, to authorize former members of the Armed Forces who are totally disabled as the result of a service-connected disability to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are permitted to travel on such aircraft; to the Committee on Armed Services.

Mr. INOUYE. Mr. President, today, I am reintroducing a bill which is of great importance to a group of patriotic Americans. This legislation is designed to extend space-available travel privileges on military aircraft to those who have been totally disabled in the service of our country.

Currently, retired members of the Armed Forces are permitted to travel on a space-available basis on unscheduled military flights within the continental United States and on scheduled overseas flights operated by the military airlift command. My bill would provide the same benefits for 100-per-

cent, service-connected disabled veterans.

Surely we owe these heroic men and women who have given so much for our country a debt of gratitude. Of course, we can never repay them for the sacrifice they have made on behalf of all of us but we can surely try to make their lives more pleasant and fulfilling. One way in which we can help is to extend military travel privileges to these distinguished American veterans. I have received numerous letters from all over the country attesting to the importance attached to this issue by veterans. Therefore, I ask that my colleagues show their concern and join me in saying "thank you" by suporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 53 (relating to miscellaneous right and benefits) of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1032. Travel privileges on military aircraft for certain former members of the armed forces

"A former member of the armed forces who is entitled to compensation from the Veterans' Administration for a service-connected disability rated total in degree by the Veterans' Administration is entitled, in the same manner and to the same extent as are retired members of the armed forces, to travel on a space-available basis on unscheduled military flights within the continental United States and on scheduled overseas flights operated by the Military Airlift Command.".

SEC. 2. The table of sections at the beginning of chapter 53 of title 10, United States Code, is amended by adding at the end thereof a new item as follows:

"1032. Travel privileges on military aircraft for certain former members of the armed forces.".

By Mr. INOUYE:

S. 191. A bill to require that imports of fresh ginger root meet all the requirements imposed on domestic fresh ginger root; to the Committee on Agriculture, Nutrition, and Forestry.

IMPORTATION OF FRESH GINGER ROOT

Mr. INOUYE. Mr. President, today I am reintroducing legislation which would help ensure that imported fresh ginger root is of the same quality as fresh ginger produced in the United States.

Hawaii's production of fresh ginger root, also known as jamaica ginger or awapuhi pake in the Hawaiian Islands, is subject to strict standards which guarantee a product of the highest quality. These standards have been developed by the State of Hawaii and are designed to protect consumers of ginger root from inferior products.

Imported fresh ginger root is not subject to any similar standards. Consequently, the American consumer cannot be certain of receiving the same high quality as the Hawaiian product. In addition, the standards which apply to Hawaiian-grown ginger place it at a disadvantage with imported crops. It is ironic that the regulations which Hawaii adopted to protect consumers by ensuring a high-quality product are hurting the ability of domestic producers to compete with imports.

I want to make clear that this measure is not in any way intended to prohibit or even necessarily decrease the amount of imported fresh ginger root. Its only purpose is to help make certain that the imported product is of the same high quality as the domestic product. This will protect the consuming public while allowing domestic producers to compete on an equitable basis.

Mr. President, I commend this bill to my colleagues and urge the establishment of a Federal marketing order for fresh ginger root. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8e of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended by inserting "fresh ginger root," after "filberts,".

By Mr. INOUYE (for himself, Mr. BOREN, Mr. DENTON, Mr. MATSUNAGA, Mr. NICKLES, and Mr. THURMOND):

S. 192. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act, to permit distribution of certain State-inspected meat and poultry products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FEDERAL MEAT AND POULTRY PRODUCTS INSPECTION ACT OF 1985

Mr. INOUYE. Mr. President, today I am reintroducing legislation on behalf of myself, Senator BOREN, Senator DENTON, Senator MATSUNAGA, Senator NICKLES, and Senator THURMOND which would allow State-inspected meat and poultry products to enter interstate commerce. This bill would permit the sale of State-inspected meats to consumers in neighboring States and to federally inspected plants. However, it would continue the present practice of barring State-inspected meats from international trade, where by treaty all meat must be federally inspected.

Under present law, State meat inspection plants must either meet or exceed Federal standards for wholesomeness, cleanliness, and freedom from residues. However, quality State-inspected products are often barred from nearby markets by virtue of an arbitrary State line that bisects a local community. The bill we are offering will correct this inequity by allowing State-inspected meats equal access to American meat and poultry markets.

State-inspected meat and poultry plants may be smaller than the average federally inspected plant, but they produce as wholesome a product. They may follow different procedures under State law and use different equipment, but it would be a mistake to assume that their products are inferior. Take for example the requirement that all federally certified plants must provide an inspector with a private office. This may be feasible for some of the larger, newer plants which can tailor their specifications to Federal requirements, but what about the small family producer who has been making specialty meats for decades? His packing procedures and end product are as good as anyone else's, and he meets all of the necessary laws and State requirements, but what if he does not have the space for a separate inspector's office? Should we deny that producer the right to ship his products in interstate commerce? Is this fair to either the small producer or the nearby consumer who would like to buy his products but cannot because he happens to live in a different political jurisdiction?

Consumer confidence in our Nation's meat and poultry products is at an all-time high, and this bill will do nothing to harm that confidence. What it would do is end the discrimination against State-inspected meats which enjoy the confidence of consumers in 27 States throughout the country.

The benefits of this legislation are clear. First, consumers would be rewarded with a greater variety of wholesome meats at competitive prices. Second, livestock producers would not have to ship their animals clear across a State to reach a Federal plant: They could use local, State-inspected plants and still get their meat into interstate commerce, thus saving a great deal in transportation costs and helping smaller meatpacking plants stay in operation. Third, State plants would no longer be pushed to join the Federal meat inspection system.

This would save the U.S. Department of Agriculture and the American taxpayer money by keeping meat-inspection programs in the hands of individual States.

Mr. President, this bill has received favorable comment from the Secretary of Agriculture, who recommended that it be enacted into law. Hearings were also held on an identical measure, S. 593, in the 98th Congress—Senate

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hearings 98-471; July 21, 1983. Allowing State-inspected meat and poultry products into interstate commerce is clearly an idea whose time has come, and I urge my colleagues to join us in passing this important piece of legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows

S. 192

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Meat and Poultry Products Inspection Act of 1985".

FEDERAL MEAT INSPECTION ACT

SEC. 2. (a) Section 301 of the Federal Meat Inspection Act (21 U.S.C. 661) is amended—

(1) by striking out "solely for distribution within such State" in subparagraph (1) of paragraph (a);

(2) by adding at the end of subparagraph (2) of paragraph (a) the following new sentence: "In carrying out the provisions of this Act, the Secretary may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of any State or Territory or the District of Columbia commissioned by the Secretary for such purposes.";

(3) by striking out "with respect to the operations and transactions within such State which are regulated under subparagraph (1)," in subparagraph (3) of paragraph (c) and inserting in lieu thereof "with respect to all establishments within its jurisdiction which do not operate under Federal inspection under title I of this Act and at which any cattle, sheep, swine, goats, or equines are slaughtered or their carcasses or parts or products thereof are prepared for use as human food and with respect to the distribution of carcasses, parts thereof, meat, or meat food products of such animals within the State,"; and

(4) by adding at the end thereof the following new paragraph:

"(e) Notwithstanding any other provisions of this Act—

"(1) Carcasses, parts thereof, meat, and meat food products of cattle, sheep, swine, goats, or equines prepared under State inspection in any State not designated under paragraph (c) of this section, and prepared in compliance with the meat inspection law of the State, shall be eligible for sale or transportation in commerce and shall be eligible for entry into and use in the preparation of products in establishments at which Federal inspection is maintained under title I of this Act, in the same manner and to the same extent as products prepared at such establishments. Such State inspected articles, and federally inspected articles prepared, in whole or in part, from such State inspected articles, shall not be eligible for sale or transportation in foreign commerce and shall be separated at all times from all other federally inspected articles in any federally inspected establishment which engages in the preparation, sale, or transportation of carcasses, or parts thereof, meat, or meat food products, for foreign commerce.

"(2) All carcasses, parts thereof, meat, and meat food products that are inspected under a program of inspection pursuant to the law of a State not designated under paragraph (c) of this section shall be identified as so inspected only by official marks which (A) clearly identify the State as the State which performed the inspection, and (B) are of a design prescribed by the State. Federally inspected articles prepared, in whole or in part, from such State inspected articles shall be identified as so inspected only by the same official marks as prescribed by the Secretary for articles slaughtered or prepared under title I of this Act.

"(3) The operator of any establishment which is operated under Federal inspection may transfer to State inspection and the operator of any establishment which is operated under State inspection may transfer to Federal inspection if—

"(A) the operator gives written notice to both the appropriate Federal and State officials of the proposed transfer; and

"(B) the Secretary determines that such transfer will effectuate the purposes set forth in section 2 of this Act and will not adversely affect the stability of the total State and Federal inspection systems.

A transfer of inspection authority under this paragraph may not become effective until October 1 of any year and until at least one hundred and eighty days have elapsed after notice of the proposed transfer has been given to the appropriate Federal and State officials. The Secretary may, in his discretion, make individual exceptions for any applicant for Federal inspection under title I of this Act who presents clear and convincing evidence that he intends to, and will be able to, engage in foreign commerce to the extent that Federal inspections would be required, to engage in such commerce.".

(b) The second sentence of section 408 of such Act (21 U.S.C. 678) is amended to read as follows: "Marking, labeling, packaging, or ingredient requirements in addition to, or different than those made under this Act may not be imposed by any State or Territory or the District of Columbia with respect to articles prepared at any establishment under Federal inspection under title I of this Act or with respect to articles prepared for commerce at any State inspected establishment in accordance with the requirements under section 301(e) of this Act; but any State or Territory or the District of Columbia may, consistent with the requirements of this Act, exercise concurrent jurisdiction with the Secretary over articles distributed in commerce, or otherwise subject to this Act, for the purpose of preventing the distribution for human food purposes of any such articles which are not in compliance with the requirements of this Act and are outside of any federally or State inspected establishment, or, in the case of imported articles, which are not at such an establishment after their entry into the United States.".

POULTRY PRODUCTS INSPECTION ACT

SEC. 3. (a) Section 5 of the Poultry Products Inspection Act (21 U.S.C. 454) is amended—

(1) by striking out "solely for distribution within such State" in subparagraph (1) of paragraph (a);

(2) by striking out "with respect to the operations and transactions within such State which are regulated under subparagraph (1) of this paragraph (c)," in subparagraph (3) of paragraph (c) and inserting in lieu thereof "with respect to all establishments within its jurisdiction which do not operate under Federal inspection under this Act and at which any poultry are slaughtered or any poultry products are processed for use as human food and with respect to the distribution of poultry products within the State,"; and

(3) by adding at the end thereof the following new paragraph:

"(e) Notwithstanding any other provisions of this Act—

"(1) Poultry products processed under State inspection in any State not designated under paragraph (c) of this section, and processed in compliance with the poultry products inspection law of the State, shall be eligible for sale or transportation in commerce and shall be eligible for entry into and use in the preparation of poultry products in establishments at which Federal inspection is maintained under this Act, in the same manner and to the same extent as poultry products processed at such establishments. Poultry products complying with the requirements under the poultry products inspection laws of States not designated under paragraph (c) in which the products were processed shall be considered as complying with this Act. Such State inspected poultry products, and federally inspected poultry products processed, in whole or in part, from such State inspected poultry products, shall not be eligible for sale or transportation in foreign commerce and shall be separated at all times from all other federally inspected poultry products in any federally inspected establishment which engages in the processing, sale, or transportation of poultry products for foreign commerce.

"(2) All poultry products that are inspected under a program of inspection pursuant to the law of a State not designated under paragraph (c) of this section shall be identified as so inspected only by official marks which (A) clearly identify the State as the State which performed the inspection, and (B) are of a design prescribed by the State. Federally inspected poultry products processed, in whole or in part, from such State inspected poultry products shall be identified as so inspected only by the same official marks as prescribed by the Secretary for poultry products processed under sections 1 through 4, 6 through 10, and 12 through 22 of this Act.

"(3) The operator of any establishment which is operated under Federal inspection may transfer to State inspection and the operator of any establishment which is operated under State inspection may transfer to Federal inspection if—

"(A) the operator gives written notice to both the appropriate Federal and State officials of the proposed transfer; and

"(B) the Secretary determines that such transfer will effectuate the purposes set forth in section 2 of this Act and will not adversely affect the stability of the total State and Federal inspection systems.

A transfer of inspection authority under this paragraph may not become effective until October 1 of any year and until at least one hundred and eighty days have elapsed after notice of the proposed transfer has been given to the appropriate Federal and State officials. The Secretary may, in his discretion, make individual exceptions for any applicant for Federal inspection under title I of this act who presents clear and convincing evidence that he intends to, and will be able to, engage in foreign commerce to the extent that Federal inspection would be required, to engage in such commerce.".

(b) The second sentence of section 23 of such Act (21 U.S.C. 467e) is amended to read as follows: "Marking, labeling, packaging, or

ingredient requirements in addition to, or different than, those made under this Act may not be imposed by any State or Territory or the District of Columbia with respect to articles prepared at any establishment subject to Federal inspection under this Act or with respect to articles prepared for commerce at any State inspected establishment in accordance with the requirements under section 5(e) of this Act. Further storage or handling requirements found by the Secretary to unduly interfere with the free flow of poultry products in commerce shall not be imposed by any State or Territory or the District of Columbia. However, any State or Territory or the District of Columbia may, consistent with the requirements of this act, exercise concurrent jurisdiction with the Secretary over articles distributed in commerce, or otherwise subject to this Act, for the purpose of preventing the distribution for human food purpose of any such articles which are not in compliance with the requirements under this Act and are outside of any federally or State inspected establishment, or, in the case of imported articles, which are not at such an establishment after their entry into the United States.".

By Mr. INOUYE (for himself, Mr. HOLLINGS, Mr. HEFLIN, Mr. LAUTENBERG, Mr. RIEGLE, and Mr. EXON):

S. 193. A bill to authorize funds for the U.S. Travel and Tourism Administration; to the Committee on Commerce, Science, and Transportation.

U.S. TRAVEL AND TOURISM ADMINISTRATION AUTHORIZATIONS

Mr. INOUYE. Mr. President, the legislation I am introducing today will authorize the appropriation of the following amounts for the U.S. Travel and Tourism Administration: $14.5 million for fiscal year 1986; $15.5 million for fiscal year 1987; and $16.5 million for fiscal year 1988. These amounts represent a slight increase over the $12 million Congress actually appropriated for fiscal year 1985.

The U.S. Travel and Tourism Administration is the agency of Government which has the responsibility of supplementing the efforts of the private sector of the tourism industry to promote the United States as an international tourism destination. The money spent by the Travel and Tourism Administration is money well spent. The agency marketing programs have a cost/benefit ratio of $18.5 to 1.

Mr. President, the modest increase in funding which my proposal would make is fully justified by the economic importance of tourism, and the intense competition among nations for the international tourist.

Mr. President, I believe the following statistics illustrate quite well how large and important an industry tourism is:

In 1983, worldwide travel volume was 3.6 billion arrivals; 21.7 million foreign visitors came to the United States that year; and in our domestic travel market there were 540 million household trips and 1 billion person trips.

Foreign visitors to the United States spent about $11.4 billion in 1983, and our domestic travel expenditures by U.S. residents amount to $198.5 billion. Total travel spending therefore amounted to $210 billion.

The travel industry is the second largest retail or service industry in the United States—food stores is the largest; $253 billion.

Tourism is among the three largest employers in 39 States

In 1982 tourism expenditures generated $11 billion in Federal tax revenues, $7 billion in States tax revenues; and $2.1 billion in local tax revenues.

Tourism is also the least polluting of all industries.

Mr. President, economics aside, I believe it is also noteworthy that we continue to exchange tourists with countries where our diplomatic relations are not always the best—Russia, the People's Republic of China, Cuba, Nicaragua, to cite a few.

Mr. President, this modest increase in funding would also help the Travel and Tourism Administration compete for the international tourist.

Currently, the agency has six regional offices—Canada, Mexico, Germany, France, the United Kingdom, and Japan—and three more are scheduled to open in Italy, the Netherlands, and Australia. The Soviet Union, by comparison, has 28 foreign offices; the United Kingdom 20; and Canada 23—14 of these are in the United States.

In terms of funding national tourism offices the United States ranked 38th in 1983—$7.6 million.

Mexico ranked first—$182 million.

Czechoslovakia ranked second—$134.8 million.

Korea ranked seventh—$59 million.

Jamaica ranked 12th—$29.5 million.

Syria ranked 22d—$13.8 million.

Costa Rica ranked 34th—$8.7 million.

Mr. President, even in times of fiscal austerity, funding the Travel and Tourism Administration is a sound investment which should help ease our balance-of-payments deficit, and contribute much needed dollars to the economy.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 304 of the International Travel Act of 1961 (22 U.S.C. 2126) is amended by inserting immediately before the period at the end thereof the following: ", $14,500,000 for the fiscal year ending September 30, 1986, $15,500,000 for the fiscal year ending September 30, 1987, and $16,500,000 for the fiscal year ending September 30, 1988".

By Mr. MOYNIHAN:

S. 194. A bill to identify, commemorate, and preserve the legacy of historic landscapes of Frederick Law Olmsted, and for other purposes; to the Committee on Energy and Natural Resources.

OLMSTED HERITAGE LANDSCAPES ACT

Mr. MOYNIHAN. Mr. President, I rise today, the first day of the 99th Congress, to reintroduce legislation to commemorate, identify, and preserve the legacy of the historic landscapes of Frederick Law Olmsted, Sr., his associates—such as Calvert Vaux, Charles E. Eliot, and Warren Manning—sons, and professional descendants. Olmsted is considered the father of landscape architecture in this country. His most notable works include Central Park and the Capitol grounds, but his design philosophy and ecological sensitivity have influenced virtually every urban area in the Nation. His achievements are great ones.

The bill I am reintroducing, the Olmsted Heritage Landscapes Act of 1985, would direct the Secretary of the Interior to coordinate the burgeoning private and State and local efforts to identify, commemorate, restore, and preserve the myriad Olmsted or Olmsted-influenced parks, forests, parkways, college campuses, cemeteries, and recreation areas in 37 States and the District of Columbia.

The bill would require the Secretary to direct that an inventory of Olmsted's works be prepared. Such an inventory will contain an evaluation of individual landscapes' national or international historic significance and other factors. Additionally, the Secretary would provide—in consultation with the Advisory Council on Historic Preservation—technical assistance to other Federal agencies, State and local governments, and public and private organizations and individuals working to identify, commemorate, restore, and preserve Olmsted heritage landscapes. Finally, the bill would create a seven-member Advisory Committee on Olmsted Heritage Landscapes. The committee would assist the Secretary and the Advisory Council on Historic Preservation in carrying out their responsibilities under this act.

Mr. President, this legislation contains little in the way of new authority or additional responsibility. It is intended to provide a necessary augment to private sector initiatives already underway. The cost of the bill is negligible: The Congressional Budget Office estimates a 10-year cost of between $2 and $3 million. Accordingly, an authorization for the appropriation of $2.5 million, to remain available until expended, is included.

Many, if not all, of Olmsted's premier works suffer from overuse and inadequate maintenance. Deteriorating infrastructure and adverse development threaten them. It is imperative that the Federal Government join—in a limited way—the effort to locate Olmsted's work and to preserve them. I might add that identical legislation is being introduced in the House of Representatives by Representative SEIBERLING. A similar measure he introduced last year, H.R. 4356, was passed by the House on August 6, 1984, but no action was taken by the Senate. I am optimistic that the legislation will fare better this year. I urge my colleagues to support it.

Mr. President, I ask unanimous consent that my statement and the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Olmsted Landscapes Act of 1985".

CONGRESSIONAL FINDINGS

SEC. 2. The Congress finds and declares that—

(1) Frederick Law Olmsted, Senior, was the premier American landscape architect during the nineteenth and early twentieth centuries and is considered the father of landscape architecture in the United States;

(2) Olmsted's philosophy and designs influenced the development of landscapes throughout the Nation, including national, State, and local parks, forests, parkways, college campuses, cities and planned communities, and publicly and privately owned estates, institutions, cemeteries, and recreation areas;

(3) Olmsted's associates, sons, and professional descendants carried out his philosophy and designs well into the twentieth century and, coupled with the achievements of Olmsted himself, have left a tremendous legacy of historic landscapes and a philosophy that continue to benefit the American people and, people throughout the world;

(4) Olmsted's social responsibility, ecological sensitivity, and landscape design creativity have inspired the development of large urban parks for public benefit in urban areas throughout the United States, creating a legacy of parks which today constitute a singular feature of the urban experience;

(5) age, overuse, deteriorating infrastructure, inadequate maintenance, and inappropriate developments threaten these historic landscapes and many may be damaged or destroyed in the absence of a coordinated program to protect them;

(6) although voluntary, private efforts have been initiated to identify, commemorate, restore, and preserve the Olmsted legacy, the enormity and complexity of the task and the diverse ownerships of the sites throughout the country require the assistance and cooperation of all levels of government and the leadership and support of the Federal Government; and

(7) existing Federal programs relating to parks, recreation, and historic preservation can be expanded and utilized to preserve the Olmsted legacy for the use and enjoyment of present and future generations.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "Secretary" means the Secretary of the Interior;

(2) "Olmsted" includes Frederick Law Olmsted, Senior; his associates (including such designers as Calvert Vaux, Charles E. Eliot, and Warren Manning); his sons; and professional descendants;

(3) "State outdoor recreation liaison officer" means the State officer designated as such under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4—4601-11);

(4) "Olmsted heritage landscape" includes any Olmsted-designed landscape, park, forest, parkway, college campus, planned community, estate, institution, cemetery, or recreation area (including, on a case by case basis, Olmsted-influenced sites identified by the Advisory Committee established under section 8 of this Act);

(5) "historic landscape" means any landscape included on or eligible for inclusion on the National Register of Historic Places;

(6) "inventory" means the inventory of Olmsted heritage landscapes prepared pursuant to section 4 of this Act; and

(7) "documentation" includes drawings, blueprints, photographs, and other available records.

As used in this Act, the terms "preservation", "State historic preservation officer", "State", and "local government" have the same meaning as when used in the National Historic Preservation Act (16 U.S.C. 470-470t).

INVENTORY

SEC. 4. (a) The Secretary, acting through the Director of the National Park Service in consultation with the Advisory Council on Historic Preservation, and with the participation of State historic preservation officers, State outdoor recreation liaison officers, organizations representing local elected officials and local governments, concerned public and private organizations, academic institutions, professional associations, and interested individuals, shall direct that an inventory of Olmsted heritage landscapes be prepared. The Secretary shall publish notice in the Federal Register of each item included in the inventory and shall also submit notice of such inclusion to the Congress. In the preparation of the inventory, existing data shall be used to the maximum extent possible.

(b) The inventory shall be compiled on a State by State basis. Copies shall be deposited in the Library of Congress, and access provided at the Frederick Law Olmsted National Historic Site, Lowell, Massachusetts; National Park Service regional headquarters; and appropriate State offices.

(c) The inventory shall consist of the following two elements—

(1) a listing of all Olmsted heritage Landscapes, which shall contain a description of the landscape, its location, its principal designer, and its status (present physical condition, ownership, and a summary of any known development threats or other problems), to be completed within eighteen months after the date of the enactment of this Act; and

(2) an evaluation of all listed Olmsted heritage landscapes, to be completed within six years after the date of the enactment of this Act. Such evaluation shall be carried out with the consultation and participation referred to in subsection (a). The evaluation portion of each Olmsted heritage landscape included in the inventory shall include at least the following—

(A) documentation on the design intention of the landscape, including its philosophical base, purpose, and social and physical aspects;

(B) documentation on the means by which the design intention was carried out, including horticulture, mechanical aspects (such as topographical alterations, roads, drainage, sewage systems, and structures), and other means;

(C) evaluation of the landscape's philosophical or physical influence on other sites and landscape designs;

(D) evaluation of the landscape's national and international significance, if any; and

(E) specific criteria for preservation of the landscape to assure the safeguarding of its historic integrity.

The inventory shall be updated periodically (but not less frequently than every ten years) after the consultation and participation referred to in subsection (a). Summaries of any changes in the inventory shall be published in the Federal Register.

(d) All properties on the inventory prepared under this section shall be part of the Olmsted heritage landscape system.

FEDERAL ASSISTANCE

SEC. 5. (a) The Secretary of the Interior shall—

(1) in consultation with the Advisory Council on Historic Preservation, promulgate, within six months after the enactment of this Act, general standards for the preservation of historic landscapes (including but not limited to Olmsted heritage landscapes);

(2) provide technical assistance to other Federal agencies, State and local governments, private organizations and interested individuals, on the identification, commemoration, and preservation of Olmsted heritage landscapes;

(3) conduct and submit to the Congress, within three years after the enactment of this Act, a thematic study of historic landscapes to identify landscapes (including Olmsted heritage landscapes) which would qualify as national historic landmarks and to make findings and recommendations regarding their status and the need for any special assistance, including funding, maintenance, or capital investment needs;

(4) encourage a compatible program for the use of the Frederick Law Olmsted National Historic Site, Lowell, Massachusetts, as a center for research, fellowships, and related activities; and

(5) encourage appropriate international activities related to Olmsted heritage landscapes.

The above activities shall be conducted with the consultation and participation referred to in section 4(a).

(b) The Secretary shall take such steps as may be necessary to provide for and encourage the coordination of application for grants from the historic preservation fund, from the land and water conservation fund, and under the urban park and recreation recovery program for the preservation of Olmsted heritage landscapes. Nothing in this subsection shall be construed to alter or affect the requirements applicable to making of grants from the historic preservation fund, from the land and water conservation fund, or under the urban park and recreation recovery program.

PUBLIC AND PRIVATE COOPERATION

SEC. 6. (a) The Secretary (and State and local governments receiving assistance under this Act) shall encourage maximum public participation in all aspects of the program established under this Act, including the identification, commemoration, and preservation of any Olmsted heritage landscape.

COMMEMORATION

SEC. 7. In order to commemorate the Olmsted achievements and influence on American life, the Secretary, in consultation with the Librarian of Congress, the Secretary of the Smithsonian Institution, and the Advisory Council on Historic Preservation, and with the participation of government agencies, concerned public and private organizations, academic institutions, professional associations, and interested individuals, shall coordinate appropriate activities during the decade of 1985 to 1995.

ADVISORY COMMITTEE

SEC. 8. (a) There is hereby established the Advisory Committee on Olmsted Heritage Landscapes (hereinafter referred to as "the Committee"). The Committee shall assist the Advisory Council on Historic Preservation (hereinafter referred to as "the Council") in carrying out those of its duties under the National Historic Preservation Act that relate to Olmsted heritage landscapes, including but not limited to—

(1) reviewing the inventory priorities and the standards for the identification, commemoration, and preservation of Olmsted heritage landscapes;

(2) assisting the Council in evaluating undertakings that may affect Olmsted heritage landscapes, during the Council's consultation processes under the National Historic Preservation Act (including section 106 and section 110 of that Act) and under section 402 of the National Historic Preservation Act Amendments of 1980 (94 Stat. 2987);

(3) providing advice on any other landscape that may qualify, because of its Olmsted influence, as an Olmsted heritage landscape under section 3; and

(4) making other recommendations concerning the implementation of this Act.

(b) The Committee shall be composed of seven members, to be appointed by the Chairman of the Council, as follows—

(1) two members to be appointed from recommendations submitted by national organizations concerned with Olmsted parks and heritage landscapes, Olmsted papers, and other Olmsted memorabilia;

(2) two members to be appointed from recommendations submitted by national organizations concerned with landscape architecture, historic architecture, architectural history, and historic preservation; and

(3) three members to be appointed from recommendations submitted by national park, conservation, and recreation organizations.

Each member of the Committee shall serve for a term of four years from the expiration of his predecessor's term; except that the members first appointed shall serve terms of one to four years, as designated by the Chairman of the Council at the time of appointment, in such manner as to ensure that the terms of not more than two members will expire in any one year. A member may not serve more than two terms. A member whose term has expired shall serve until that member's successor has been appointed. The Chairman of the Council shall designate one member of the Committee as Chairman, and shall fill vacancies in the same manner as original appointments are made.

(c) Members of the Committee shall serve without compensation as such, but may receive reimbursement for necessary travel and subsistence expenses reasonably incurred in carrying out their responsibilities under this Act.

(d) The Chairman of the Council (or his designee) shall from time to time, but at least semiannually, meet and consult with the Committee on matters relating to the identification, evaluation, restoration, and preservation of Olmsted heritage landscapes, and shall seek the recommendations of the Committee during any consultation process required by the National Historic Preservation Act when that process concerns an Olmsted heritage landscape. Upon the request of the Committee, the Council shall provide such staff support as necessary.

(e) The Committee shall terminate on December 31, 1995, but may be extended by the Council for not longer than five additional years unless otherwise determined by the Congress.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. Effective on October 1, 1985, there is hereby authorized to be appropriated for the purposes of carrying out this Act the sum of $2,500,000 to remain available until expended.

By Mr. KENNEDY (for himself and Mr. HATFIELD):

Senate Joint Resolution 1. A joint resolution calling for a mutual and verifiable freeze and reduction in nuclear weapons; to the Committee on Foreign Relations.

NUCLEAR FREEZE

Mr. KENNEDY. Mr. President, I am proud to join again with Senator MARK HATFIELD of Oregon in reintroducing our Senate resolution calling for a comprehensive mutual and verifiable nuclear weapons freeze with the Soviet Union, followed by substantial reductions in the nuclear arsenals on both sides.

It is appropriate that our resolution bears the designation Senate Joint Resolution 1 in the 99th Congress, because now more than ever, adoption of an arms control agreement which stops and then reverses the nuclear arms race represents the most important issue facing the Congress and the world today. As we await the meeting between Secretary of State Shultz and Foreign Minister Gromyko in Geneva next week, we take this opportunity to renew our call for the administration to pursue the objective of a complete and verifiable halt to the nuclear arms race.

A nuclear weapons freeze may well be our last best hope to halt the nuclear arms race and reduce the danger of nuclear war. Although the Shultz-Gromyko meeting is a hopeful sign, meaningful arms control will only be achieved when the administration embraces a concrete substantive arms control proposal which offers a real chance of lessening the risks of nuclear holocaust.

Unfortunately, the administration's record over the past few years has represented deep confusion and disarray, if not outright hostility to arms control. Even today, we hear conflicting statements from the President and his leading advisors concerning the administration's willingness to negotiate a halt in its dangerous and destabilizing Star Wars Program. The administration's intransigency has divided our Nation, confused and disheartened our allies and given propaganda windfalls to our adversaries.

The United States and the Soviet Union are rapidly approaching the point of no return in nuclear escalation; it is time for both sides to take immediate and concrete steps to reduce the risk of nuclear war. And the most important step of all is to begin with a comprehensive nuclear weapons freeze that stops the nuclear arms race in its tracks and prevents further nuclear escalation.

Together, the United States and the Soviet Union now possess the equivalent of 1 million Hiroshima bombs. This stockpile equals 4 tons of TNT for every man, woman, and child presently living of this planet. The two great powers are bristling with weapons that could kill more people, burn more buildings, and sack more cities, than in all the conflicts from the beginning of history. The Earth itself is an endangered species. Despite all our bombs and all our missiles, we stand essentially defenseless upon a stage on which the human drama could be closed in the flashing of a fireball.

Yet many in the administration continue to treat the possibility of nuclear exchange as an acceptable option. An official of the National Security Council foresees a 40 percent probability of such a conflict. He is all too typical of those in high places who seem all too ready for nuclear war. A Deputy Under Secretary of Defense has even said that all we need to survive is a shovel to dig a hole, a door and a pile of dirt on top to keep the fallout out. The administration continues to push a Star Wars proposal that can never provide a miraculous umbrella of security. Even if only 10 percent of the Soviets nuclear warheads penetrate our Star Wars shield, the resultant destruction would kill at least 100 million Americans and destroy our civilization.

We should reject the argument that 20 or 40 or 100 million Americans killed ever can be a tolerable rate of casualties in a so-called limited nuclear exchange. We should reject Secretary of Defense Weinberger's new strategic doctrine for fighting and winning a protracted nuclear conflict.

As an American, I believe in a national defense second to none. But I also believe that the endless nuclear

arms spiral adds nothing to our national security.

A nuclear weapons freeze has the clear advantage of bypassing endless, irresolvable arguments about which side is ahead. Too often, we find that inequality is in the eye of the beholder. In fact, both sides today are at essential nuclear parity. Each side, even after absorbing a first strike, can destroy the other many times over. The United States can make the Soviet rubble bounce all the way from Moscow to Vladivostok, and the Soviets can make our rubble bounce all the way from the Potomac to the Pacific.

A freeze will not reduce, but increase, our national security. It will halt the development of more powerful Soviet rockets and block the further deployment of existing weapons. It will prevent one side from perfecting its capacity for a first strike against the other. The result will be substantial reduction in the fear of any first strike.

The administration opposes a nuclear weapons freeze. Instead, they seem determined to move forward with new and more destabilizing weapons.

Their plan channels the arms race in a new direction. It permits the continued testing, production, and deployment of the MX missile, the Trident II missile, the Cruise missile, the B-1 bomber, the Stealth bomber, and other advanced nuclear weapons.

Equally dangerous is the administration's determined effort to push the arms race into outer space. They have fiercely resisted the Congress' effort to place a moratorium on antisatellite weapons testing, and thereby threaten our best opportunity to achieve a meaningful arms control agreement in this area. The United States will be harmed far more than the Soviets by this new arms race because of our greater reliance on satellites for early warning and communications. Yet the administration presses ahead, heedless of the consequences.

The Star Wars proposal is yet another example of the administration's dangerously misguided understanding of nuclear war and deterrence. The scientific community is nearly unanimous in concluding that a ballistic missile defense cannot be sufficiently leak-proof to prevent massive nuclear destruction. It is ineffective against bombers and cruise missiles. It will simply encourage the Soviets to build more, more powerful and more accurate offensive weapons. It will bankrupt our economy. And it will lead the United States to violate one of our most successful arms control agreements—the ABM Treaty. The wisdom that led to adoption of that treaty in 1972 remains as true today—an ABM arms race will increase, not diminish the risk of nuclear war.

While the United States builds more, the Soviet Union will not be standing idle.

The Soviets will match us missile for missile, bomb for bomb, and every step on the way down the road to a nuclear Armageddon. We do not have to be Isaac Newtons to understand the first law of the nuclear arms race—every action on one side will be matched by an opposite reaction on the other side.

We must free our diplomacy from the dangerous myth that more megatons mean better bargaining chips. We must reject the absurd theory that we can have fewer nuclear bombs tomorrow, if only we build more nuclear bombs today. The administration calls this a negotiating strategy: I call it voodoo arms control.

In his farewell address, a far-sighted Republican, President Dwight Eisenhower, warned the American people that:

> In holding scientific research and discovery in respect, we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite.

Some experts who oppose the nuclear freeze make the elitist argument that it is wrong to invite the public into a debate where only experts should be allowed to tread. We reply that arms control is too important to be left to those in either political party who have perpetuated the arms race. No professional elite in our democracy deserves a monopoly on what is the ultimate issue of personal survival for 200 million Americans and countless millions more around the globe. While negotiators have been debating the nuclear version of how many angels can dance on the head of a pin—which is, precisely how high can each side make the rubble bounce?—concerned citizens in the real world, in every region of our country, are asking the Government to halt the madness and put forth a sane alternative to break the deadlock.

The freeze continues to gain momentum throughout America and in Congress. In the past several years hundreds of town meetings, city councils and State legislatures have added their voices to the nationwide call to halt the nuclear arms race. The House of Representatives adopted the freeze in May, 1984; the Senate has debated and voted on the issue twice and we have gained support. We will bring this resolution to the Senate again and again until a mutual and verifiable nuclear weapons freeze becomes the arms control policy of our Nation.

I urge the administration to make the nuclear weapons freeze the policy of our Government, and I urge the Senate to adopt this resolution we are introducing today.

Mr. HATFIELD. Mr. President, I am pleased to rise, once again, with my good friend and colleague, Senator KENNEDY, to reintroduce our mutual, verifiable nuclear freeze resolution. I will keep my remarks extremely brief as we intend to bring this resolution to a vote this year. And I might add, Mr. President, that we intend to win this year. But if we do not, we are united in bipartisan purpose and strengthened in the resolve which flows from urgency; to force as many votes as may be necessary to direct this administration to initiate a course which will increase the prospects for survival of the human race.

There can be no more appropriate way to set the tone for the 99th Congress than to say, in effect:

> We have adopted, under the leadership of this administration and the Kremlin, a negotiated freeze. The time is long overdue to embrace the only sane task, which is a weapons freeze.

Mr. President, make no mistake about it: This concept is as valid, as relevant, and as appropriate today as it was when Senator KENNEDY and I introduced it nearly 3 years ago. All one need do is scan the possibilities of negotiation strategies which are emerging now as Secretary Shultz and Foreign Minister Gromyko prepare to meet in Geneva in order to understand the need for a broad framework which calls for halting rather than building weapons as a means of achieving equality and stability. We must make clear that we do not and will not accept arms control as usual. Having passed the threshold of 1984, we no longer tolerate a negotiation process which brands itself arms control, but which is, in fact, upward arms management. We will not stand idly by while the superpowers strive to accommodate one another's unique appetite for certain weapons while ruling out others which are less appetizing. We have no more time for such games. The situation calls upon us to think and act in a manner consistent with the challenge which beckons us. Mr. President, Senator KENNEDY and I will have much more to say on this subject in the months ahead. I do hope that what is now the first bill of this year will also become our Nation's first priority of the new year.

By Mr. HATCH (for himself and Mr. DECONCINI):

S.J. Res. 2. A joint resolution proposing an amendment to the Constitution of the United States relating to voluntary silent prayer or reflection; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT RELATIVE TO SILENT PRAYER OR REFLECTION

Mr. HATCH. Mr. President, the proposed constitutional amendment is virtually identical to Senate Joint Resolution 212 reported to the Senate by the full Judiciary Committee during the 98th Congress. Section 2 of the earlier proposal, relating to the con-

cept of "equal access," has been deleted due to the subsequent passage of related legislation. I would call to the attention of my colleagues Senate Report 98-347 which fully describes the provisions of this proposal.

By Mr. THURMOND (for himself, Mr. HATCH, Mr. DENTON, Mr. EAST, Mr. ABDNOR, Mr. NICKLES, Mr. HELMS, and Mr. WARNER):

S.J. Res. 3. A joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT RELATING TO SCHOOL PRAYER

Mr. THURMOND. Mr. President, today I am introducing a bill identical to Senate Joint Resolution 73, the voluntary school prayer constitutional amendment, which I introduced in the last Congress at the request of the President. It received strong support on both sides of the aisle. This amendment to the Constitution, as President Reagan has repeatedly emphasized, is of vital importance to our Nation. It would restore the right to pray voluntarily in the public schools—a right which was freely exercised under our Constitution until the 1960's, when the Supreme Court ruled to the contrary.

Until the Engel and Abington School District decisions, the establishment clause of the first amendment was generally understood only to prohibit the Federal Government from officially approving, or holding in special favor, any particular religious faith or denomination. In crafting that clause, our Founding Fathers sought to prevent what had originally caused many colonial Americans to emigrate to this country—an official, state religion. At the same time, they sought, through the free exercise clause, to guarantee to all Americans the freedom to worship God without Government interference or restraint. In their wisdom, they recognized that true religious liberty precludes the Government from both forcing and preventing worship.

Justice Douglas once stated: "We are a religious people whose institutions presuppose a Supreme Being." Nearly every President since George Washington has proclaimed a day of public prayer.

Moreover, we, as a nation, continue to recognize the Deity in our Pledge of Allegiance by affirming that we are a nation "Under God." The coins in our pockets are inscribed with the motto, "In God We Trust." In this body, we begin our workday with the comfort and stimulus of voluntary group prayer—such a practice has been constitutionally upheld recently by the Supreme Court. It is absurd that the opportunity for the same beneficial experience is denied to the boys and girls who attend public schools. This situation simply does not comport with the intentions of the framers of the Constitution and is, in fact, antithetical to the rights of our youngest citizens to freely exercise their respective religions. It should be changed, without further delay.

If ratified by the States, this amendment to the Constitution would clarify that it does not prohibit vocal, voluntary prayer in the public schools and other public institutions. It emphatically states that no person may be required to participate in any prayer. The Government would be precluded from drafting school prayers. This well-crafted amendment meets with the approval of the overwhelming majority of Americans. I strongly urge my colleagues to assist President Reagan and myself in supporting prompt consideration and approval of this bill.

Mr. President, I ask unanimous consent that a copy of the voluntary school prayer constitutional amendment be printed in the RECORD at the conclusion of my remarks.

There being no objection, the joint resolution was order to be printed in the RECORD, as follows:

S.J. RES. 3

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

"ARTICLE —

"Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.".

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. BOREN, Mr. GLENN, Mr. NUNN, Mrs. KASSEBAUM, Mr. THURMOND, Mr. BENTSEN, Mr. INOUYE, Mr. BOSCHWITZ, Mr. JOHNSTON, Mr KENNEDY, Mr. HELMS, Mr. LAUTENBERG, Mr. RIEGLE, and Mr. HOLLINGS):

S. J. Res. 4. A joint resolution to designate the week of March 24, 1985, as "National Skin Cancer Prevention and Detection Week"; to the Committee on the Judiciary.

NATIONAL SKIN CANCER PREVENTION AND DETECTION WEEK

Mr. HATCH. Mr President, today I am pleased to introduce a joint resolution on behalf of myself and several cosponsors designating the week of March 24-30 as "National Skin Cancer Prevention and Detection Week".

Skin cancer is unfortunately increasing in the United States, yet much of it can be prevented. Melanoma, a frequently fatal form of skin cancer, can actually be cured if detected early enough and properly treated.

The 1983 National Institutes of Health Consensus Conference on Precursors to Malignant Melanoma found that the incidence of melanoma and the number of deaths from melanoma are increasing in many areas of the world, and emphasized that early detection and surgical removal makes it a highly curable cancer.

It is estimated that 18,000 Americans will develop a primary melanoma and over 500,000 Americans will develop other forms of skin cancer this year. There is evidence that the incidence of melanoma has doubled every decade since the 1930's and is now increasing at a faster rate than any other cancer except lung cancer in women.

In my home State of Utah, the incidence of melanoma and lip cancer is greater than in the general population, according to reports by National Cancer Institute. It is clear that a major effort at disease prevention in this area would pay great dividends. I am pleased to see that the American Academy of Dermatology is mounting a major program to inform Americans of the problem and of opportunities for prevention and detection of skin cancer.

The Academy, with its 6,700 physician members and approximately 100 local and State dermatologic societies across the United States, is mounting an educational campaign, and will be working closely with the American Cancer Society, other voluntary programs, State and Federal agencies, and the media.

The timing of the passage of the resolution is important to this effort, in that it will coincide with the spring break of many colleges and schools throughout the Nation. Many young people at this time will predictably suffer severe skin sunburn, and excessive exposure to the Sun's rays can contribute to skin cancer. This week will also coincide with several health fairs held throughout the Nation. Many local and State dermatological organizations will be sponsoring free melanoma/skin cancer prevention and detection clinics, staffed by dermatologists/volunteers at those health fairs, and at other locations.

This effort has the strong support of the White House. In a letter to Dr. Richard L. Dobson, president of the American Academy of Dermatology on November 16, 1984, Mrs. Nancy Reagan stated:

I recently was informed by Admiral William Narva, M.D., of the efforts of the American Academy of Dermatology, its membership, and its state and local organizations, regarding prevention and detection of melanomas and skin cancer . . .

I would like to take this occasion to congratulate you and your colleagues for this marvelous voluntary work, and to indicate that your efforts have strong support within the White House. I understand that it is hoped that there will be a presidential proclamation regarding this Week and you can be assured that I will lend my efforts in behalf of accomplishing that important recognition of your efforts.

I understand that all of my colleagues in the Senate will be contacted by dermatologists from their States and asked to cosponsor this resolution, and I urge them to do so promptly. Also, I understand that those dermatologists who will be staffing the prevention and detection clinics will be asking Senators from their States to visit the clinics to see how they work, and how people can be taught skin self-examination techniques for skin cancer. I ask unanimous consent that the text of the resolution appear at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 4

Whereas skin cancer, including melanoma and nonmelanoma types, is the most common cancer in the United States, accounts for between 30 and 40 percent of all cancers, and is increasing at a significant rate;

Whereas the 1983 National Institutes of Health Consensus Conference on Precursors to Malignant Melanoma found that the incidence of melanoma and the number of deaths from melanoma are increasing in many areas of the world, and found evidence that early recognition and surgical removal of melanoma makes it a highly curable cancer;

Whereas 18,000 Americans will develop a primary melanoma and over 500,000 Americans will develop nonmelanoma skin cancer this year;

Whereas epidemiological studies have shown that the incidence of melanoma has doubled every decade since the 1930's and is now increasing at a faster rate than any other cancer except lung cancer in women;

Whereas melanoma has a fatality rate of 25 percent and causes 5,000 deaths per year, and nonmelanoma skin cancer causes another 2,000 deaths per year;

Whereas patients at increased risk of developing melanoma and nonmelanoma skin cancers can be identified, and early treatment of melanoma and nonmelanoma skin cancers result in high cure rates for such cancers;

Whereas sun exposure is an undisputed cause of nonmelanoma skin cancer and is an important factor in the development of melanoma;

Whereas the number of skin cancers can be reduced through sun protection measures such as the use of sunscreening topical lotions and simple changes in lifestyle;

Whereas Americans should become aware that melanoma and nonmelanoma skin cancers are major health problems, and education of the general public about prevention of melanoma and nonmelanoma skin cancers should become a national concern;

Whereas the American Academy of Dermatology and State and local dermatologic organizations are committed to heightening the awareness and understanding of melanoma and nonmelanoma skin cancers among members of the general public and the health care community; and

Whereas the first national Melanoma and Skin Cancer Prevention and Detection Program, a coordinated national voluntary effort of professional dermatologic organizations to reduce the increasing incidence of melanoma and nonmelanoma skin cancers and to better control such cancers, will occur during the week of March 24, 1985, through March 30, 1985: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of March 24, 1985, through March 30, 1985, is designated as "National Skin Cancer Prevention and Detection Week", and the President is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe the week with appropriate programs and activities.

By Mr. HATCH (for himself, Mr. THURMOND, Mr. DECONCINI, Mr. DANFORTH, Mr. GRASSLEY, Mr. DENTON, Mr. HUMPHREY, Mr. EAGLETON, Mr. NICKLES, Mr. ZORINSKY, Mr. BOSCHWITZ, and Mr. JOHNSTON):

S.J. Res. 5. a Joint resolution to amend the Constitution to establish legislative authority in Congress and the States with respect to abortion; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT WITH RESPECT TO ABORTION

Mr. HATCH. Mr. President, I am pleased to propose today an amendment to the Constitution—the Human Life Federalism Amendment—that would overturn the infamous decision of the Supreme Court in *Roe* v. *Wade,* 410 U.S. 113 (1973).

This amendment was first introduced in the 97th Congress and was the subject of 7 days of hearings featuring 74 expert witnesses from all vantage points. It was approved by the Judiciary Committee in the 97th Congress, but was not considered by the Senate prior to adjournment. The opportunity for the Senate to consider this amendment proposal came in the last Congress. In a historic debate, the Senate for the first time considered a constitutional amendment with the authority to overturn the erroneous Roe decision. This was the debate amongst representatives of the people that was not held over 10 years ago when America fell subject to this indulgent policy. This was the chance America did not have then to carefully weigh all the implications of permitting wholesale abortions. This was the opportunity Americans did not enjoy then to participate in the decision by apprising their Senator of their own unique and informed vantage points. This was the occasion America did not have to consider what other options might guarantee maternal safety while protecting the unborn. This was one national opportunity to reconsider *Roe* v. *Wade,* 410 U.S. 113 (1973). At the conclusion of that debate, the Senate did not approve this proposal by the two-thirds majority necessary for passage of a constitutional amendment. Accordingly, I propose the amendment again today with confidence that the Senate will receive another opportunity to reconsider the injustices of the Roe decision.

Roe and its companion case, *Doe* v. *Bolton,* 401 U.S. 179 (1973), granted abortion the elevated status of a fundamental constitutional right and invalidated almost all effective restrictions on abortion. The only apparent restriction in Roe's abortion policy, permission for a State, in the third trimester of pregnancy, to regulate abortion, unless necessary to preserve the health of the mother, 410 U.S. 132, was simultaneously withdrawn by Doe which defined the health exception broadly enough to encompass the mother's physical, emotional, or psychological well-being. 410 U.S. at 192. In the words of Prof. John Noonan of the University of California Law School, the absolute and plenary right to abortion created by the Court was curbed in the final stages of pregnancy only by the necessity of a physician's finding that she needed an abortion. Noonan, *Private Choice* 12 (1979). In short, no significant legal barriers of any kind whatsoever exist today in the United States for a woman to obtain an abortion for any reason during any stage of her pregnancy. Any lingering misconceptions about the extreme scope of the right to abortion created by the Court were laid to rest on June 15, when the Court struck down even simple State laws requiring a 24-hour waiting period for elective abortions and requiring the attending physician to inform the patient of the risks and effects of abortion.

Frankly, it is this rule of abortion on demand imposed upon a citizenry whose values are sharply at variance that has caused a decade of intense divisions and passions on the issue of abortion. This proposal offers a way to still those passions and divisions by returning to the people and their elected representatives the authority to resolve the lingering issues.

This proposal is a modest measure, in that it merely overrules Roe versus Wade without establishing a national policy on abortion. It reverses Roe and thus restores the status quo that existed for nearly 2 centuries. The States could replace the Supreme Court's extreme policy with policies tailored to respect, to the maximum degree possible, both maternal health and the life of the unborn. I will return to explain more fully the legal operation of this resolution.

Meantime we are left to contemplate the policy which this proposal will replace, namely the Roe decision. Its ef-

fects are painfully apparent. The primary effect is, of course, the loss of more than 10 times more American lives than were lost in all of our Nation's wars lumped together. Of course, when the cost of Roe in terms of lives is at stake, I must unequivocally reiterate my utmost dedication to preserving the life of the mother, even to the point of denying the unborn child's right to life if absolutely necessary. Preserving a mother's life is hardly at stake, however, when abortions are performed in America at the rate of over 4,000 per day, nearly 170 per hour, and 3 per minute. Preserving the life of the mother is hardly at stake, when in some American cities, like the Nation's capital and its largest city, more children are aborted than are permitted to be born alive. Nor can preserving the life of the mother be the explanation for the skyrocketing increase in total abortions since Roe. Since Roe, the number of abortions performed yearly in America has risen to the astounding total of nearly 2 million per year. Since 1973, more than 15 million unborn children have been aborted.

This obvious and dramatic rise in the incidence of abortions can hardly be attributed to any of the so-called hard cases, namely abortions necessary to preserve the life of the mother or to terminate pregnancies caused by rape or incest. As a result of Roe, a right to abortion was effectively established for the entire term of the pregnancy for virtually any imaginable reason, including for the sake of personal finances, social convenience, or individual life-style. One ardent proponent of abortion, Dr. Irvin Cushner, estimated that only 2 percent of all abortions could be justified as medically expedient. Hearing on Constitutional Amendments, 97th Congress, 1st session (1981). Even increasing his liberal estimate by 50 percent still means only 3 percent of all abortions are really necessary to prevent medical complications. Several other qualified physicians have averred that never in their lengthy medical careers had they encountered an abortion necessary to save the life of the mother.

No other witness at our subcommittee hearings expressed as exact a numerical estimate, but many expressed agreement that the number of abortions performed in one of the hard cases is a very tiny percentage of the total number. For example, Dr. Bernard Nathanson, who estimates that he himself has presided over about 75,000 abortions during his lifetime, could recall only one case in which the mother's life could reasonably be said to have been at stake. For various reasons, pregnancy from rape is so rare that it is difficult to pin down a percentage figure for its occurrence, but most studies indicate that it could only be a tiny fraction of 1 percent of the current abortion rate. Abortion for fetal handicap is a tiny subset within the minority of abortions performed around or after the 20th week of pregnancy—ammiocentesis can only be performed beginning around the 16th week, and test results can take weeks to obtain because of the time needed to culture the cells obtained in the procedure. Dr. Nathanson testified that these eugenic abortions were a tiny, insignificant and vanishingly small fraction of the total number of abortions done in the United States. Hearings, supra, at 169. Another practicing obstetrician-gynecologist, Dr. Jasper Williams of Chicago, testified that the number of medical cases in which abortion is an indicated and appropriate part of the treatment is practically nil. Hearings, supra, at 266. Dr. Williams said he had not seen a case of abortion necessary to save a woman's life since 1953. Even Bella Abzug, testifying before our subcommittee to oppose legal restrictions on abortion, defended abortion primarily as a method of birth control—though, to be sure, she described it as "the last desirable method of birth control." Hearing, supra, at 1174.

By emphasizing how soft the reasons for the great majority of abortions are, I do not intend in any way to imply that women take this in a frivolous way. In fact, one of the most striking features of the published interviews with women having abortions is that, in one way or another, the abortion is something she is going into with outside influence and even a certain amount of pressure. In many cases, the offer of an abortion has become a way for men to escape responsibility for their own sexual behavior. It has become a way for parents and relatives to avoid the burden and scandal of a pregnant but unwed family member. It has become an escape valve for married couples who face serious personal and financial problems of various kinds but who, instead of confronting those problems squarely, are persuaded by the mores of our society to place the burden of those very real problems on the defenseless unborn child. The blame for this scandalous situation must fall upon all of us.

Understanding the reasons for abortion is particularly relevant to the constant debate over the public opinion polls on abortion. It is very easy to find polls that claim to show majority support for abortion being between a woman and her physician. The problem here is that the survey question implies a genuine medical consultation for some health-related condition—and as we see from this chart, that is a very rare occurrence indeed. The Supreme Court has told us that the city of Akron cannot even require that the woman talk with the physician before he performs an abortion upon her. When ABC-TV broadcast the documentary called "Abortion Clinic," hosted by Jessica Savitch, one of the most revealing comments made by the young abortion counselor at the clinic was that even she did not know which abortionist would be performing a particular abortion until the pregnant woman was already lying on the operating table and the physician walked into the room for the 10-minute procedure. In this context, the woman and her physician slogan seems a hollow phrase.

Fortunately, the Gallup organization has conducted much more precise and impartial set of polls on this question; and because the same questions have been asked five times from 1975 to 1981, with remarkable consistency in the answers, these polls should be given special attention. The people surveyed were simply asked whether abortion should be illegal in all, some, or no circumstances. Those who supported legalization were asked further about those particular circumstances and the stage of pregnancy in which the abortion should be allowed. Consistently, a majority of Americans wanted even early abortion to be legal only under very specific circumstances: Danger to the mother's life or physical health, or pregnancy due to rape or incest. Less than 25 percent want legalization for all reasons, even in the first trimester—which is our present situation. According to this series of five careful surveys taken over the last 8 years, about 97 percent of the abortions now performed would not be permitted if the majority of Americans had their say in the matter. And if I may anticipate a possible objection about the gender gap, Gallup found that women were more opposed to legalization than men were.

I hasten to add, however, that we must not allow these statistics about the extent to which abortion has become a tool of convenience to obscure the individual tragedy of each abortion. Consider the case, based on fact, of a woman weighing the consequences of the pregnancy of which she has just learned. She announces to her physician that her husband is an alcoholic with a syphilitic infection; that one of her children was born dead, another is blind, and another had tuberculosis. Finally she confesses that her family has a history of deafness. Given the absence of standards in Roe, there is no question that the physician could recommend termination of her present pregnancy. Indeed when this hypothetical situation was posed for classes of medical students, they reached that conclusion almost without exception. This hypothetical fifth child of the woman seeking medical advice perfectly describes Ludwig Von Beethoven. Moreover, who can question that every child is really an

irreplaceable Beethoven able to make his own unique contribution to his family, community, nation, and indeed to all mankind? We will hear much about the nebulous principle of freedom of choice later in this debate. I will ask further questions: Freedom to choose what? Freedom to choose to deny life to Beethoven or any human being? In essence, this frames the real abortion dilemma, posed concisely by President Reagan:

Roe v. *Wade* has become a continuing prod to the conscience of the Nation * * *. We cannot survive as a free Nation when some men decide that others are not fit to live and should be abandoned to abortion or infanticide * * * Americans do not want to play God with the value of human life. It is not for us to decide who is worthy to live and who is not. Human Life Review, spring 1983.

The President's characterization of the abortion crisis is not overstated. Our Nation has regrettably witnessed hundreds of thousands of late-term abortions since 1973. Experts verify that 15,000 abortions a year are performed after the child's 20th week, the verge of viability when the child could be delivered and live on its own. Abortions after this point are more accurately described as judicially legalized infanticides.

Although the 15 million abortions performed legally since 1973 are all tragedies, there is a special horror to the hundreds of thousands of late-term abortions which the Court's policy has permitted. Biologically, the life of each human individual comes into existence at conception; but even the most unsophisticated glance at an unborn child after the 12th week recognizes him or her immediately as a distinctive member of the human family. All of these children have distinctively human brain waves, easily recorded heartbeats, and a full array of formed and functioning organ systems. They can move spontaneously, manipulate their limbs and react immediately to painful stimuli.

As the Supreme Court noted in its recent abortion rulings, the most popular method of abortion after the 12th week is something called "dilation and evacuation," in which the unanesthetized unborn child is literally torn to pieces with a strong forceps. This is done because at this later stage, cartilage and bone have begun to harden to much to allow for complete success with the suction curette. The body parts are removed from the womb—sometimes the skull and ribcage must be crushed to accomplish this—and manually reassembled on a nearby table to insure that none is missing.

When dilation and evaculation is used, of course, the chances for the child's survival are nil. But other techniques—most notably the use of saline and prostaglandin and the surgical removal of the child by hysterotomy—are known to result at times in live births. The U.S. Centers for Disease Control estimate that this occurs more than once every day in the United States. These newborn children usually die soon after they leave the womb, due to the effects of the abortion technique and their low birthweight. In 1979, a Pennsylvania law which required life-saving treatment for abortion survivors who might be viable was knocked down as unconstitutional by the Supreme Court—*Collautti* v. *Franklin*, 439 U.S. 379 (1979). In the Akron case the Court ruled that a State has discretion as to whether or not to require a second physician in the case of abortions performed well after viability, so that these children will not die of neglect after birth—Akron, supra. The Court seems to be saying that even newborn infants, if their live birth is unintended, are not legal "persons" demanding equitable treatment. Can there be any doubt that the Court's extremism has brought us to the brink of legalized infanticide?

Once again, we need to be specific about what is being aborted. I was very deeply impressed by the impactful story of an atheist obstetrician who presided for years over the largest abotion clinic in New York City. Indeed he was one of four founders of the National Abortion Rights Action League (NARAL). A skillful and able physician, he began to study an advancing new field of medicine, fetology, study of the unborn human. He can describe in detail his growing awareness of the Humanity of the unborn. At 3 weeks, the new life has already developed its own blood cells; at 4 weeks, a muscle may flex—this will become a beating heart within a few weeks, a heart which is fully audible at 8 weeks; at 6 weeks, the child's skeletal system is complete; at 7 weeks, electrical brain patterns are discernible; at 12 weeks, all organ systems are functioning, stomach, liver, kidney, brain—in fact, some infants will have already acquired a thumbsucking habit; at 20 weeks, the fetus is punching, kicking, swimming, and hears his mother's voice; at 22 weeks, he can survive outside the womb. With these observations at his disposal, Dr. Nathanson, for medical reasons, abandoned his earlier point of view, stopped performing abortions, and began actively campaigning to acquaint the nation with the scientific reasons that the fetus is a distinct, living human. In the doctor's own words:

I changed my mind because of advances in the field of fetology which have allowed us to understand the fetus much more completely and much more carefully than we ever did before. This has posed a very severe philosophical problem, in that you can't be operating on the fetus and giving it drugs to cure it, and at the same time /be/ destroying it.—Washington Times, 3C, Jan. 17, 1983.

This brings to mind comments by two notable persons, separated in time but not in respect for life. The first, Justice Sandra Day O'Connor, aptly noted in her remarkable dissent in the Akron case, that—

The Roe framework is clearly on a collision course with itself . . . As medical science becomes better able to provide for the separate existence of the fetus, the point of viability is moved further back toward conception.—Akron,—U.S., June 15, 1983, Slip. Op. at 7.

The other spokesman is Dr. Martin Luther King. At one point when jailed for seeking civil rights in another human cause, he was asked, "Why are you in jail?" Given the circumstances, his telling reply was "Why are you not in jail?" Given the undeniable scientific evidence about the unique humanity of each unborn infant, I feel compelled to reply to those who question "Why are you bothered by abortion?" with the same logic employed by Dr. King: "Why are you not bothered?" And again, to those who employ the slogan "freedom of choice," I ask, "Freedom to choose what?" Freedom to choose to terminate a being that science identifies as a separate, living individual.

Because our fellow citizens have been confronted with the irrefutable findings of fetology and have been informed by their President of the "excruciating pain the unborn must feel as their lives are snuffed away," speech to National Religious Broadcaster's Convention, January 31, 1983, it is very understandable why reliable opinion polls demonstrate that 80 to 90 percent of Americans see abortions at some stage as the destruction of a living being. On the question of when the fetus becomes a living being, there is a gender gap. Most women believe life begins at conception.

Women, making up that segment of the population which actually experiences pregnancy, "quickening," childbirth, and abortion, have a much stronger conviction than men do that life begins at conception. A similar gap has been demonstrated in many other surveys: Women are more likely to say that abortion is morally wrong, and more likely to oppose unrestricted abortion, than men are.

Since we have drawn special attention to the woman's point of view, we should also examine the claim of those who will maintain that this is actually an issue involving primarily the right of life of pregnant women. This argument maintains that only legalized abortion can protect women from the merciless knife of the back-alley abortionist. To the contrary, legalization should receive little credit, if any, for saving women's lives. Since 1941, the biggest factors leading to a drop in women's abortion deaths have been simple medical advances: sulfa drugs, penicillin, and finally the widespread

use of the safer suction curette instead of the sharp curette, a 1970 innovation. The regime of elective abortion is intended to secure far different values than those associated with maternal safety. Every State's body of law prior to 1973 acknowledged and permitted abortions necessary to save the life of the mother.

A common argument used to justify Roe is that legalization has saved women's lives, by replacing dangerous illegal abortions with "safe and legal" abortions. The situation is not so simple. Maternal mortality from abortion has been dropping at a rapid rate since 1940, chiefly because of medical advances of various kinds. By far the largest number of abortion related deaths has always been due to infection, and these deaths have been averted by the development of better drugs to treat or prevent sepsis—first by the development of sulfra drugs, then by the discovery of penicillin. After these two advances produced their effect, abortion deaths essentially leveled off again until the late 1960's, and took a sharp drop again in 1970. This is the year that abortion on demand was legalized in New York—but it is also the year when the sharp curette, which had previously been the method used in most abortions, was largely replaced nationwide in the practice of both legal and illegal abortion by the suction curette. The sharp curette, which had been used to scrape the uterine wall, had been responsible for many a perforated uterus and therefore many dangerous infections; suction curettage used a soft plastic instrument and induced abortion by a vacuum action, eliminating many of the risks from the older procedure.

Dr. Bernard Nathanson, testifying before the Senate Subcommittee on the Constitution in 1981, emphasized that it was this technological advance and not legalization that caused the sudden further decrease in maternal abortion deaths. Dr. Nathanson emphasized in his testimony that the specter of unsafe back alley abortions in the event of renewed restrictions on abortion is a myth based on outdated assumptions about the available technology.

It is of interest that after 1973, when the Supreme Court legalized abortion on demand throughout the country, maternal deaths did not continue to drop but leveled off instead. They actually went up again slightly in 1975, and again in 1977. There seems to be general agreement among statisticians that, even if abortion is now safer than ever before, total maternal deaths from abortion are not continuing to drop because the total annual number of abortions continues to rise alarmingly. Some abortion clinic scandals in recent years, most notably in Chicago and Miami, indicate another possible reason: Some safe and legal clinics operate no more conscientiously than the old back alley abortionists did, and the Federal courts have placed serious obstacles in the way of State and city authorities that try to regulate these clinics to protect women's lives and health. Some illegal abortions continue to be performed ever year and to result in some women's deaths.

If 10 years ago, the Supreme Court had possessed the same scientific and medical data we have today, it is difficult to conjecture whether they would have made the same finding as appears in Roe. And since they based their most recent ruling on the judicial principle of stare decisis, it is difficult to conjecture whether they might have reversed Roe if they had reconsidered its holding on the merits. Nonetheless it is clear that the American citizenry has the scientific evidence at its disposal. This, again, is reflected in their rejection of abortion as an acceptable ethic for a moral life. Moreover, they reach this conclusion in nearly the same proportions regardless of political persuasion.

The two-thirds majority opposed, on moral grounds, to abortion is by no means a "soft number." This majority is clearly willing to back up its convictions with meaningful action when a loved one faces the question of abortion.

According to this finding, two-thirds of those surveyed said they would not recommend abortion if a 15-year-old daughter were pregnant. Another way of handling the problem would be found.

Of course, statistics show that almost half of the unwed teen pregnancies do end in abortion at present. One factor here is that since 1976, the Supreme Court has consistently invalidated any law which might be construed to provide what the Court calls a "parental veto" of an unwed minor's abortion. It insisits that the minor must be given the alternative of a court hearing, at which a judge can decide she is mature enough to get the abortion without her parents' knowledge or that an abortion is in her "best interests"—this last could potentially become a very large hook on which to hang the judge's personal predilections about abortion. On June 15 of last year, the Supreme Court ruled it was unconstitutional even to require parental involvement in the abortion decision of an unemancipated minor under the age of 15—Akron, supra. In other words, the parents surveyed in this poll would most likely never have the opportunity to counsel with their 15-year-old daughter to find an alternative to abortion.

In most States, a minor is still required to have parental consent before marrying, getting a job, undergoing surgery, attending an adult movie, or, in some cases, even getting her ears pierced. By Court decree, however, a 15-year-old can have an abortion without any parental consultation whatsoever. This logic contradicts the reasoning of Roe. Roe placed great importance on the woman's decision to have an abortion. Yet 15-year-old minor may not have the capacity to make such decisions in their own best interest without parental involvement. For precisely this reason, States have traditionally sought to protect children from their own immature decisions by requiring parental consent for a wide variety of activities. Yet abortion, notwithstanding its remarkable consequences, can be performed on a minor without the slightest parental participation.

THE LEGAL OPERATION OF THE AMENDMENT PROPOSAL

As I have mentioned, this proposal is carefully crafted, with the help of Senator EAGLETON in the 98th Congress, to nullify the Roe decision and restore the balance upset by that decision. I would like to pause to commend Senator EAGLETON for his dedication to this cause and his insightful participation in the preparation of this amendment. In addition, I would like to thank Chairman THURMOND of the Judiciary Committee and each of the other cosponsors for their contributions to this proposal.

In the decade since Roe, Federal courts have been trying to correct tangential problems relating to abortion, and the number of unborn aborted annually has increased to over 1.5 million. These violent disruptions of our social fabric were accomplished by an equally wrenching disruption of our constitutional fabric. In short, Roe did not carry out the intent of the Constitution, but upset the Constitution's intended balance.

Although, in the words of Prof. John Hart Ely, the Constitution "simply says nothing, clear or fuzzy about abortion," Ely, "The Wages of Crying Wolf," 82 Yale L.R., 920, 947 (1973). The Supreme Court created a constitutional right to abortion. This upset the preexisting constitutional balance that for nearly 200 years had allowed State legislative processes to carry out the will of the people with respect to this sensitive social policy. The new right created by Roe overturned the Texas abortion statute and related laws in each of the 50 States. Not only did this decision upset the federalistic balance between State and National insitutions, it also disturbed the constitutional separation of powers between legislative and judicial functions. Prof. Lynn Wardle of Brigham Young University Law School makes this point very eloquently:

By giving the right to choose abortion the status of a fundamental right, the Supreme Court substantially restricted the authority of the legislative branch to legislate con-

cerning the subject and substantially increased the responsibility of the judiciary for defining and monitoring regulation of the fundamental right. (Statement of Feb. 28, 1983).

In essense, Roe made abortion a constitutional doctrine. Despite my great reluctance to amend the Constitution, Roe upset the constitutional balance. Thus, it is incumbent upon this Senate in my view, to take the appropriate constitutional steps to restore that balance.

The most simple, direct, and effective way to accomplish that objective without disturbing other established constitutional doctrines is to nullify the Roe ruling. If Roe were fully deprived of legal significance, the constitutional balance that existed prior to 1973 would be restored. The people in the States would be reenfranchised to shape abortion policy through their legislators. Policymaking that for a decade has been centralized in the nonrepresentative judicial branch would be subject again to democratic processes. Only by restoring this constitutional balance and permitting the people to participate directly in this policymaking process will the Nation ever achieve a consensus on this devisive question.

The primary effect of the Roe decision was to make abortion a legal entitlement deserving of the strict constitutional protections afforded fundamental liberties. 410 U.S. at 728.

The right to abortion became, by court edict, a fundamental liberty which a State's legislature could limit even in the slightest degree only by demonstrating a "compelling" justification. 410 U.S. at 728. This compelling State interest standard is very exacting. Kramer, 395 U.S. 621 (1969). Even such seemingly inconsequential State regulations as a 24-hour waiting period prior to an abortion failed to meet this standard of review. Akron, supra. Although the Supreme Court has repeatedly conceded that protecting maternal safety and the life of the unborn are "legitimate State interests," Roe, 410 U.S. at 732, Akron, and so forth, these profound interests have not risen to the level of "compelling" in the eyes of the Court. Accordingly, the right to abortion has operated time and again to strike down the will of State legislatures. Protected by the Court's constitutional interpretation, one absolute extreme on abortion; namely, abortion on demand throughout all 9 months of pregnancy, has become enshrined as an unassailable tenet of American law.

This amendment proposal removes the abnormally elevated status afforded the right created in Roe. After ratification of this amendment, a State statute concerning abortion would be subject to ordinary standards of constitutional review. This standard requires a State to demonstrate a rational relationship between its policy and a legitimately protectible State interest, the rational basis test. Since the Court has already acknowledged at least two legitimate State interests, maternal safety and unborn human life, any statute rationally related to these objectives would pass constitutional muster. Thus, the will of the people, as reflected in State legislatures, would be respected. The traditional constitutional balance which governs other aspects of domestic relations law; namely, State regulation in practically all aspects, would be restored.

In short, this amendment removes the right created in Roe. The removal of this impediment to the traditional operation of the Constitution permits the framework of our Nation's foundational document to govern in this sensitive area of social policy as it did nearly two centuries until 1973. Hence, this proposal is built upon the framework of the system of governance created by the Framers of the Constitution in 1787, rather than the special right created by the Supreme Court in 1973.

Some critics of this proposal may, I suppose, accuse Senator EAGLETON, myself, and the other proponents of this amendment of attempting to impose our personal moral values upon others with this proposal. Frankly the amendment itself rebuts that assertion. It does not contain my personal position on the question of abortion at all. If I could ratify an amendment reflecting my personal moral values, it would contain a guarantee for the right to life of the unborn, except when necessary to preserve the life of the mother. This amendment does nothing of the kind. Instead it merely eliminates one absolute extreme moral position, abortion on demand as legalized by Roe, and frees the people in the States to set their own standards of governance on this subject, instead of making the whole Nation subject to the outdated doctrines of the few men in black robes. I would have said "men and women in black robes," but the woman in question should not be associated with the majority of the men on the Court on this issue.

No doubt some critics will also raise a hue and cry about this amendment injecting government into the bedrooms of America. On the contrary, this amendment was carefully crafted to avoid any jeopardy to doctrines of privacy. The term "right to abortion" is specifically limited to affect only legal entitlements for abortion, not the right to privacy. Other extensions of the right of privacy, such as in contraception, birth control or family privacy cases, would not be affected in the slightest by the narrow language of the amendment. In a more general sense, abortion can hardly be classified as a matter of privacy in the sense of something done alone, at home, in a confidential manner. The abortion right is exercised with the help of a trained professional and depends on a large medical support staff. This is a right that has required over 100 lower Federal court decisions and 18 Supreme Court decisions to guarantee its continued effectiveness. This is a right whose champions maintain cannot be exercised without public funding. This is a right, ultimately, whose effect is not private at all in the sense of touching upon only intimate personal matters of the one exercising the right, instead it has a devastating impact on at least one other, the unborn child. To call this right private is to convolute that term. As stated by the 78th National Convention in 1976 of the Union of Orthodox Jewish Congregations of America, "Abortion is not a private matter between a woman and her physician. It infringes upon the most fundamental right of a third party—that of the unborn child."

This amendment will remove the misleading character of this entire question as well as the special right created by Roe. The removal of this impediment to the traditional operation of the Constitution permits the framework of our Nation's foundational document to govern in this sensitive area of social policy as it did for nearly two centuries until 1973.

By "deconstitutionalizing" the issue of abortion, the proposed amendment would allow the States a wide variety of options with respect to this matter. In their best judgment, the States might choose to have no policy regarding abortion or might restrict and condition it in a variety of ways. For example.

First, they could place restrictions of some form upon late-term abortions;

Second, they could impose obligations upon physicians to save the lives of fetuses capable of surviving an abortion;

Third, they could place limitations upon genetic engineering and other experimental and medical research involving the use of human embroys and fetuses;

Fourth, they could require that women contemplating abortions be fully apprised of the risks of abortion and the alternatives to abortion;

Fifth, they could require some form of parental consent to abortions performed upon minors;

Sixth, they could require some form of spousal consent to abortions;

Seventh, they could establish some minimum waiting period before an abortion could take place or require some form of professional consultation prior to an abortion;

Eighth, they could establish rights of refusal to perform abortions by

physicians or nurses, or in entire hospitals;

Ninth, they could limit the commerce in abortifacient devices;

Tenth, they could prohibit abortion generally subject to certain well-defined exceptions and safeguards; or

Eleventh, they could undertake any other form of restriction or regulation upon the abortion procedure.

For the sake of clarity, I would like to list what this amendment would and would not do. Ratification of this resolution would accomplish the following:

First, it would nullify the special right to abortion created by the Supreme Court in 1973. Even the Supreme Court has referred to the right created in Roe as the "right to abortion." *Conn.* v. *Menillo,* 423 U.S. 9, 10. More than 80 Federal court cases have also used this phrase as shorthand for the new Roe right. This amendment simply, cleanly, directly, conclusively states that "A right to abortion is not secured by this Constitution."

Second, it would prevent the creation of any other right to abortion in the harbor of the Constitution. The article "a" makes the scope of the repeal broader than if the article "the" were used. "The" might be construed as limiting the repealer to the particular doctrine or doctrines that have developed in Roe and its progeny as a justification for abortion. Use of the article "a" makes it clear that no other "right to abortion," however conceived or justified, is provided by the Constitution. Under the language there would exist no constitutional authority for any right to abortion.

Third, it would avoid any unnecessary repudiation of the doctrine of privacy. The use of the careful phrase "right to abortion" clarifies that the amendment only repeals the abortion decisions. Other extensions of the right to privacy, such as in contraception or family privacy cases, would not be affected by the narrow language of the amendment.

Fourth, it would mean that State statutes concerning abortion would be subject to ordinary standards of judicial review; that is, the rational basis test instead of the compelling State interest test. An obvious point of explanation is needed at this point to clarify a higher standard would still apply to a State enactment that infringed some other constitutional rights unrelated to the "right to abortion" question—for example, a law prohibiting only black women from obtaining abortions would still be examined under a compelling standard—or strict scrutiny—due to the obvious racial classification, not due to any remaining right to abortion.

Fifth, it would restore to the States their general police power to restrict and prohibit abortion, or elect to refrain from doing so. The States would be restored to the legal status they enjoyed prior to Roe.

Sixth, it would reenfranchise the people, acting through their elected State representatives to participate in the formation of abortion policy. Abortion policymaking that has been centralized in the nonrepresentative judicial branch will be returned to State legislative discretion. This will facilitate the kind of compromises and consensus formation that is impossible in the judicial branch.

Seventh, it would restore the constitutional balance of powers between the States and Federal governments and between the legislative and judicial branches. In sum, it would restore the status quo ante Roe insofar as the power and responsibility to resolve abortion issues is concerned.

This proposed amendment would not do the following:

First, it would not establish any new constitutional right favoring either an absolute right to life or an absolute right to abortion. It would simply restore the operation of the constitutional system, favoring States rights to resolve abortion issues, that existed prior to 1973.

Second, it would not compel the adoption by any State legislature of any legislation restricting abortion.

Third, it would not preclude judicial review of abortion laws or prevent a court from holding abortion laws unconstitutional. A court could hold abortion laws invalid if they failed to comply with the Constitution except to the degree that such a ruling would create a "right to abortion." Thus, racially discriminatory abortion laws would be invalidated, but not ordinary abortion restrictions.

Fourth, it would not affect State constitutions, It would not prohibit the citizens in any State from adopting—or, for that matter, any State supreme court from fashioning—a right to abortion under the State constitution.

Fifth, it would not grant Congress any power to directly restrict or prohibit abortion. Congress would retain its authority under its enumerated constitutional powers to regulate interstate commerce and other areas that might tangentially touch upon abortion. This limited authority is nothing more than exists for every other form of domestic relations law—or any other law for that matter—which is subject to the plenary jurisdiction of the States.

Sixth, it would not give to the States any new authority to regulate abortion. Their general police powers to regulate abortion would be restored, but would not be enhanced.

Seventh, it would not alter the constitutional allocation of power between the State and Federal governments, or between the legislative and judicial branches.

This proposal can appropriately be called a States rights amendment. After ratification of this resolution, abortion policy will be within the plenary jurisdiction of the States in the same sense that any area of law under our Constitution is reserved to the States. The States, under our constitutional system, govern every body of law not found within the enumerated powers of the Federal Government in articles I through III, primarily article I, section 8 which defines and confines Congress' power to legislate. No where in those enumerated powers is there any mention of domestic relations, or familial relations, or general police powers, or any other designation that would suggest a Federal power to regulate abortion. Thus, the States have plenary authority over the subject, just as the States enjoy plenary authority, within the obvious limits of the Constitution such as the first amendment, to regulate corporation and business association laws, property laws, trust and estates laws, insurance laws, and any other potential topic of legal concern outside of the specific Federal powers granted by the Constitution.

In recent debates, some Senators have attempted to redefine the concept of States rights which is as old as the Constitution in an effort to make this amendment appear to be something it is not. For the duration of our Republic, States rights has meant nothing more nor less than what our Constitution defines; namely, the extensive power of the States to govern within their constitutional jurisdiction as qualified by the power of the Federal Government to govern within its constitutional jurisdiction. This is the traditional, indeed, the only definition of States rights because it is the definition given by the defining document, the Constitution.

Those who would redefine the concept of States rights for the purposes of this debate maintain that this is not a States rights proposal because it permits the Federal Government to continue to act within the limits of its jurisdiction. Those who would redefine the concept of States rights overlook a most vital point. Allowing the Federal Government to act within its jurisdiction still does not authorize it to prohibit abortion. Although the Federal Government may exercise its authority to regulate interstate commerce in a manner that tangentially relates to abortion, that is, placing conditions on interstate transport of abortifacients, it still is not exercising any authority over abortion but only regulating interstate commerce.

As long as our Constitution has set up two tiers of government, the State and the Federal, to act within their specified parameters, there has been some limited interface between their

respective powers. This is true of all matters reserved to the States, domestic relations, wills, criminal laws, and so forth, and all matters enumerated as within Federal control, interstate commerce, postal authorities, authority to coin money and raise armies, and so forth. The States, acting within their jurisdiction, may influence the Federal Government and vice versa. For instance, when some States legalized gambling, they had an obvious effect on interstate commerce, a Federal power. These tangential impacts on each other's authorities, however, are no reason to say that the States rights or the Federal rights have ceased to exist. Yet those who would redefine "States rights" using something other than the Constitution as their dictionary maintain that this is not a States rights amendment solely because the Federal Government may continue to operate within its jurisdiction. If this argument prevails, it will be a new and terribly sad chapter in our constitutional history.

Let me list again the reasons that this is undeniably a States rights amendment:

First, the amendment simply deprives the special constitutional right created by the Court in Roe versus Wade of any further legal significance. Thus, abortion would be henceforth regulated as it was prior to 1973; namely, within the reserved powers of the States.

Second, the legislative history of this amendment has stated repeatedly that our objective is to return to the legal status quo ante Roe when States governed the abortion questions. The States had enjoyed plenary power to set and alter their own abortion policies prior to Roe. Indeed, in the 5 years prior to Roe, 18 States had changed their abortion laws—all in the direction of more liberal allowance of abortion.

Third, by simply nullifying the right created in Roe, this amendment allows the Constitution to operate as it did before Roe to vest authority over abortion in the States. If Federal authorities possess some limited residual authority to the extent that some enumerated Federal power tangentially touches upon abortion policy, this limited residuum of authority is nothing that does not exist with regard to every other field of law under our Constitution.

Fourth, in the absence of special constitutional status for abortion, it would be treated as any other domestic relations law. The Supreme Court has clarified that treatment on numerous occasions:

> The whole subject of the domestic relations of husband and wife, parent and child, belongs to the laws of the States, and not to the laws of the United States.

In Re Burris (136 U.S. 586, 593 (1889)) This principle was reaffirmed in 1930, 1944, 1979.

Fifth, an alternative line of constitutional reasoning reaches the same result with respect to the extent of State authority in the absence of Roe. State power to set criminal standards is unquestioned. Justice Frankfurter explained:

> Broadly speaking, crimes in the United States are what the laws of the individual states make them, subject to the limitations of Art. I § 10, cl. 1 in the original Constitution prohibiting bills of attainder and ex post facto laws and of the Thirteenth and Fourteenth Amendments. *Rochin* v. *Cal.*, 342 U.S. 165, 168 (1952.

With Roe overturned by this amendment, abortion would not be subject to the protections of the 14th amendment or any other provision of the Constitution. Accordingly, abortion misdemeanors, such as the States had enacted prior to 1973, would be again, "what the laws of the individual States make them." Id.

Sixth, finally, I state again for the record and as my intent as the author of this amendment in conjuction with Senator EAGLETON who shares my view on this point: We understand this amendment to restore to the States full authority to restrict, prohibit or refrain from restricting and prohibiting abortion. The Federal Government is to have no authority over abortion per se, but only authority within its established constitutional limits.

In summary, this is a States rights approach to the abortion controversy in the sense that anything under our Constitution can be said to be a States rights matter. Moreover beyond the terms of the Constitution, a popular understanding or misunderstanding of States rights has no meaning. Those who argue that this is not a States rights proposal have not consulted the document which defines all States rights, the Constitution.

THE FALLACIES OF ROE

If we are to judge the judgment of the judges in Roe, I propose now to examine their reading of history, law, the Constitution, and all other elements that influenced that decision. Based on a disinterested view of these factors, I can recommend without reservation that the Senate reject the abortion right created in Roe.

Before undertaking a more rigorous legal analysis of Roe, we might profit by measuring it against the basic tenets that animated the creation of our Republic. Those principles were articulated by Thomas Jefferson in the Declaration of Independence:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty, and the pursuit of happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed.

Thus, our infant Nation established the protection of human life as the foremost duty of government. Roe's blatant conflict with this fundamental national value is apparent. In the words of President Reagan, "We cannot diminish the value of one category of human life—the unborn—without diminishing the value of all human life" (Human Life Review, vol. IX, No. 2, page 8 (1983)).

Perhaps no act of government has conflicted more with the founding tenets of our Republic since the last infamous Supreme Court case that denied the value of certain human lives, the Dred Scott case. In both Dred Scott and Roe, one class of less-privileged human beings were denied the full protections of the Constitution. At length, the Dred Scott case was corrected by constitutional amendment. The correction of this Supreme Court error serve as an excellent analog for our consideration of the modern Dred Scott case, Roe versus Wade.

In the case of Roe versus Wade, a majority of seven on the Court identified for the first time in the Constitution's history a right to abortion within the terms of the 14th amendment. This right was sufficiently powerful to overturn the abortion restrictions of every single State in the Union. The right created in Roe, which even the Supreme Court has labeled the "right to abortion" *Conn.* v. *Menillo* (423 U.S. 9, 10) or the "right to an abortion" *Singleton* v. *Wulff* (428 U.S. 106, 115) has further proven strong enough to override most State attempts to place reasonable restraints on abortion practices. For example, the right to abortion has been invoked to strike down State statutes attempting to protect the child in a late abortion who might be born alive, *Colautti* v. *Franklin* (439 U.S. 379 (1979)); to void State statutes requiring use of the safest abortion techniques, *Danforth* (428 U.S. 52) to invalidate State statutes intended to give parents the ability to counsel with their minor children and give consent prior to an operation that deeply involves their minor child's physical and psychological health, Danforth, supra.; to hold that a 24-hour waiting period prior to performance of this medical procedure is unconstitutional, Akron versus Center, June 15, 1983, to declare that a father—although he has a constitutional right to share in procreating (*Skinner* v. *Okla.*, 315 U.S. 535 (1942))—has no right whatsoever to protect the unborn child he has joined in procreating; and even to invalidate a State statute requiring abortions after the first term to be performed in hospitals, Akron, supra. Of course, the most important aspect of Roe is that it has established a regime of elective abortion in America.

ROE AS CONSTITUTIONAL LAW

Almost immediately after Roe was decided, criticism of the opinion began to emerge from the Nation's top jurisprudential and constitutional scholars. These renowned scholars charged that the Roe decision has no basis in constitutional law. In the words of Prof. John Hart Ely, Roe is:

A very bad decision . . . It is bad because it is bad constitutional law, or rather because it is not constitutional law and gives almost no sense of an obligation to try to be. 32 Yale L.R. 920 (1973).

Prof. Archibald Cox echoes this opinion when he asserts that:

Neither historian, layman, nor lawyer will be persuaded that all the details prescribed in *Roe* v. *Wade* are part of either natural law or the Constitution. The Role of the Supreme Court. (1976).

It is important to note as well what these scholars are not saying. They are not criticizing the Court for taking a controversial position on a sensitive issue, nor are they disputing the morality of legalized abortion. As a necessary consequence of its position in the legal system, the Supreme Court is often confronted with difficult questions in the context of legal dispute. In the words of Progessor Ely, these "difficult questions yield controversial answers." In most cases, however, the Constitution provides some guidance for the proper resolution of even the most controversial of these decisions. For example, the fourth amendment guarantees to all citizens, the innocent and guilty alike, freedom from unreasonable searches and seizures. This overriding value leads to controversial decisions involving restraints of police officers in the apprehension of criminals. While all may not agree with the Court's particular application of the fourth amendment, Professor Ely points out, one cannot easily make the claim that the Court's decision lacks any foundation in the Constitution.

In the case of Roe versus Wade however, Professor Ely notes, the claim is entirely justified, for the Constitution "simply says nothing, clear or fuzzy, about abortion." Nor is there any support whatever in the legislative history of the Constitution to warrant the conclusion that it was intended to secure a right to an abortion.

Despite the absence of constitutional warrant to find a right to abortion, Roe declares that the due process clause of the fourteenth amendment confers a right of privacy which includes the right of a woman to abort her offspring if she so chooses. Nowhere in the decision does the Court define the right of privacy; its only discussion of the subject is an assertion that the Constitution does not confer "an unlimited right to do with one's body as one pleases." Yet if the right of privacy does not entitle one to do with one's own body what one pleases, how can it be said to protect activity that ends the life of another member of the human species? Even if the human fetus is not a person in the whole sense of the law, Ely emphasizes, "it is certainly not nothing." Ely's aphorism illustrates an essential truth that should have been obvious to the Court—that, "there is nothing private about an abortion."

Although the right of privacy is not mentioned in the text of the Constitution, many legal scholars would agree that the courts may find such a right in the general values which certain specific provisions of the Constitution aim to protect. However, these scholars also stress that the right of privacy must be carefully defined and limited; thus, Professor Ely writes that it is entirely proper for a court to infer a general right of privacy, "so long as some care is taken in defining the sort of right the inference will support."

Roe however, provides neither a definition for the right to privacy nor an explanation of how that right is implicated by restrictions upon abortion. Rather, the Court simply declares that the right "is broad enough to encompass a woman's decision whether or not to terminate her pregnancy." Apparently, the Court thinks that this outcome is supported by the detriment imposed upon the pregnant woman by statutes which prohibit her from aborting her child. As Professor Ely notes, these detriments "ought to be taken very seriously." But, he adds, all this "has nothing to do with privacy in the Bill of Rights sense or any other the Constitution suggests." Whatever one's philosophical views on the issue, it is generally agreed that the Constitution does not provide such an unrestricted "right to privacy."

The irony of this aspect of the Roe decision was concisely articulated by Prof. John Noonan during our Constitution Subcommittee hearings on this amendment. He noted that, "for most of us what is private is what can be done alone, at home, or with anyone's family * * *. It would strike most people as bizarre that something so private as abortion is under Court rulings depends on and cannot be effected without public funding. Yet that is the announced position of the supporters of abortion." Hearings, October 5, 1981. Professor Noonan summarized his position on the connection of abortion to privacy by stating: "We can all agree that sexuality is private and reproduction is private, but when it comes to taking the life of the unborn we are no longer in the domain of the private. We are dealing with a social act—what is now a social act amounting to an American atrocity."

In her recent dissent to the Akron case, Justice Sandra Day O'Connor recognized other fallacies in Roe. Justice O'Connor pointed out that the Roe Court identified a legitimate State interest in protecting "the potentiality of human life" (410 U.S. 149, 150). She approved this finding, but questioned how the Court could ignore the implications of their own conclusion: "I agree completely that the State has these interests, but in my view, the point at which these interests become compelling does not depend on the trimester of pregnancy. Rather these interests are present throughout pregnancy." Akron, page 8 of dissent.

With clarity and skill, Justice O'Connor thus exposes the arbitrariness of the Roe Court's trimester framework. Under the Roe opinion, the State may not make laws to protect "potential human life" until the third trimester. Yet if the Court acknowledges the presence of "potential human life" worthy of State protection in the third trimester, why not protect that same "potential human life" a day before the third trimester? In the words of Justice O'Connor, "potential life is no less potential in the first weeks of pregnancy than it is at viability or afterward. At any stage of pregnancy, there is the potential for human life." To those who might argue that the third trimester is the point of viability—a questionable point with advancing medical technology—and thus a logical place to grant the States authority to protect unborn life, Justice O'Connor poses the same unanswerable dilemma: "the choice of viability as the point at which the State interest in potential life becomes compelling is no less arbitrary than choosing any point before viability or any point afterward." If indeed the Court were compelled to choose some arbitrary point to demark when States could legally protect human life, it would seem far more logical to choose the earliest possible point to grant the maximum possible protection to the value identified by the Declaration of Independence as the primary purpose for the formation of government; namely, the protection of human life. In the words of President Reagan, "Doesn't the constitutional protection of life, liberty, and the pursuit of happiness extend to the unborn unless it can be proven beyond a shadow of a doubt that life does not exist?" Address to National Religious Broadcasters, January 31, 1983.

Justice O'Connor also explained a second major flaw in the Roe reasoning; namely, the trimester formula of Roe has "no justification in law or logic." Akron dissent at 8. The Roe decision dividing the term of pregnancy into three equal parts is necessarily tied to the current state of medical technology. Viability, the point at which an infant can live outside the womb and a State may legislate to protect the unborn, is clearly pushed back as technology advances. Even the Court has acknowledged the "flexibil-

ity of that term." *Danforth* (428 U.S. at 64). At the same time, advances in medical technology have made abortions generally safer and have reduced the State's authority to require hospitalization or other safety regulations. Akron, supra. Thus, as the Justice points out, Roe's framework "is clearly on a collision course with itself. As the medical risks of various abortion procedures decrease, the point at which the State may regulate for reasons of maternal health is moved further forward to actual childbirth. As medical science becomes better able to provide for the separate existence of the fetus, the point of viability is moved further back toward conception." Akron dissent at 7. Justice O'Connor is correct: The logic of this framework is difficult to assert.

The logic is not the only flaw of this trimester breakdown, however. Its legal wisdom is also lacking. To be predictable and enforceable, the law should demonstrate some degree of continuity over time. Under the Roe formulation, the States must continually guess about the current state of the medical art and other factors that could cause their authority to legislate to fluctuate. For a conscientious legislature, the Roe decision imparts no sure standard as to the limits of their authority. Justice O'Connor explained the uncertainty imposed upon the legislatures in these terms: "Although legislatures are better suited to make the necessary factual judgments in this area, the Court's framework forces legislatures, as a matter of constitutional law, to speculate about what constitutes 'accepted medical practice' at any given time. Without the necessary expertise or ability, courts must then pretend to act as science review boards and examine those legislative judgments." Akron dissent at 7.

While these arguments are compelling, they are by no means the only attacks on the reasoning of Roe. Perhaps I could simply list a few more of the unanswered questions raised by Roe:

The question of when life begins, according to the Court, is beyond the competency of the judiciary to answer. Nevertheless the Court effectively answers the question for the legislatures and citizens of all 50 States by declaring that States can protect unborn life only after "viability."

The Court conceded that if the unborn were "persons" they would be afforded 14th amendment protections. Yet both reasons the Court offers for rejecting the "personhood" of the unborn were wholly inadequate. In the first place, the Court suggests that none of the other uses of the term "person" in the Constitution appear to apply to the unborn. As a matter of fact, however, none of the other uses of the term appear to apply to anyone under the age of 24. All other uses of the term apply to adults. Surely adolescents could not thus be stripped of personhood. The second reason given by the Court is the absence of case law indicating the unborn should be persons. This only proves a well-known fact: This question was before the Court for the first time. It is unseemly that an issue which could have disposed of the case was given such shallow consideration.

Although the Court maintained that it could not determine when life begins, it nonetheless divided a pregnancy into three separate trimesters with different legal implications for each subdivision. One looks in vain for any reasoning from constitutional, legal, or scientific sources for a guiding principle underlying this division process.

When finding a right to privacy, the Court employed imagination and innovation to find a never-before-identified right to abortion within the due process clause of the 14th amendment; when finding "person" does not include the unborn, the Court was literalistic to a fault. Without reaching the merits of appropriate judicial construction techniques, vascillating between two extremes inspires little confidence that the decision was based solely upon purely neutral criteria of constitutional interpretation.

Even if the unborn have no rights under the 14th amendment, this is irrelevant to the question of whether a State may restrict abortion. Professor Ely uses a particularly enlightening analogy to illustrate this point:

> Dogs are not "persons in the whole sense" nor have they constitutional rights, but that does not mean the state cannot prohibit killing them: It does not even mean the state cannot prohibit killing them in the exercise of the First Amendment right of political protest.

LEGAL CONTEST OF ROE

The Supreme Court's decision in Roe versus Wade, should be viewed in its proper legal and historical context. The Court's sweeping decision resulting in abortion on demand is clearly in opposition to the treatment of abortion at common law, early American abortion laws, laws enacted by the legislative bodies of the States at the time of the decision, and even the abortion laws of most other countries of the world.

ABORTION AT COMMON LAW

After reviewing the development of abortion as a crime at common law, relying heavily on the analysis of Prof. Cyril H. Means, an advocate of legalized abortion, the majority in Roe concluded:

> It is thus apparent that at common law, at the time of the adoption of our Constitution, and throughout the major portion of the 19th Century, abortion was viewed with less disfavor than under most American statutes currently in effect. Phrasing it another way, a woman enjoyed a substantially broader right to terminate a pregnancy than she does in most States today. 410 U.S. at 140.

The Court's treatment of the development of abortion as a crime at common law has been severely and repeatedly criticized for both its conclusions and its uncritical acceptance of the common-law analysis of Professor Means. See, for example, Byrn, "An American Tragedy: The Supreme Court on Abortion" (41 Fordham L. Rev. 807 (1973)); "Abortion and the Constitution: The Need for a Life-Protective Amendment" (63 Calif. L. Rev. 1250 (1975)). It is not necessary at this time for me to engage in an exhaustive analysis of the treatment of abortion as a crime at common law. It is enough simply to point out that the majority's sweeping decision in Roe was clearly contrary to the way abortion was viewed at common law, with respect not only to maternal health but also to the protection of the life of the fetus.

In the 13th century, Bracton wrote that abortion by blow or poison was homicide if the fetus was "already formed and animated, and particularly if it be animated." (2. H. Bracton, De Legibus et Consuetudinibus Angliae 29 (Twiss ed. 1879)). Another authority later in that century, Fleta, also condemned abortion of a "formed and animated" fetus as homicide. "Justificable abortion—Medical and Legal Foundations" (49 Geo. L.J. 395, 431 (1961)). At that time, biologists taught that a new life came into being when the fetus assumed recognizable human form, which was thought to occur 40 days after conception. See Means, "The Law of New York Concerning Abortion and the Status of the Fetus, 1664-1968: A Case of Cessation of Constitutionality" (14 N.Y.L.F. 411,411-12 (1968)).

A difficulty encountered with the abortion crime at common law was the impossibility of proving the cause of the child's death. This severe evidentiary problem led to a paucity of indictments for abortion and led some 16th century writers to conclude that, as a practical matter, abortion was not a crime (Modern L. Rev. 203 (1937)). Seventeenth century abortion reform tried to resolve the proof problem by declaring that an abortion was murder if the child was born alive with marks of the abortion and then died. If the child was stillborn, there was no murder because it could not be known "whether the child was living at the time of the batterie or not, or if the batterie was the cause of the death . . ." *R.* v. *Sims* (75 Eng. Rep. 1075 (K.B. 1601)).

Coke attempted, later in the 17th century, to resolve the problem further, and, in so doing, again indicated the concern the common law attached

to the life of the fetus—a concern which Roe totally abandoned:

If a woman be quick with childe, and by a Potion or otherwise killeth it in her wombe; or if a man beat her, whereby the childe dieth in her body, and she is delivered of a dead childe, this is a great misprision, and no murder; but if the childe be born alive, and dieth of the Potion, battery, or other cause, this is murder: for in the law it is accounted a reasonable creature, in rerum natura, when it is born alive. E. Coke, Third Institute 50 (1664).

The majority in Roe, relying on Professor Means' interpretation of the sketchy reports of two cases from 1327 and 1348 (three centuries before Coke wrote), suggested that Coke was either mistaken or intentionally misstated the status of abortion as a common law crime (410 U.S. at 134). Other commentators such as Byrn and Destro strongly dispute Means' analysis of those cases and suggest that the cases stand for the opposite conclusion. The great common law scholars clearly indicated that abortion was a crime with respect, at the very least, to a quick fetus. Blackstone stated:

Life is the immediate gift of God, a right inherent by nature in every individual; and it begins in contemplation of law as soon as an infant is able to stir in the mother's womb. For if a woman is quick with child, and by a potion or otherwise, killeth it in her womb; or if any one beat her, whereby the child dieth in her body, and she is delivered of a dead child; this, though not murder, was by the ancient law homicide or manslaughter. . . . But (Coke) doth not look upon this offence in quite so atrocious a light but merely as a heinous misdemeanor. Black's Law Dictionary, 5th Ed. (1979) at 1122.

Finally, as Blackstone indicated, the common law recognized the life of the fetus at the time of quickening. The first English abortion statute, recognizing this understanding of human generation, provided for greater penalties for an abortion of a woman "quick with child" than a woman "not being, or not being proved to be, quick with child" (43 Geo. 3 ch. 58 and 2 (1803)). This statute was changed by a new statute, enacted in 1837, which imposed a penalty for all abortional acts without distinction (7 Will. 4 and 1 Vict., c. 85 (1837)). A possible motive for this change was the discovery of the ovum, and a more accurate idea of the nature of conception, in 1827.

The decision in Roe, which, as discussed previously, eliminated any consideration for the life of the fetus, was clearly contrary to the thrust of the common law understanding of abortion.

NINETEENTH CENTURY AMERICAN ABORTION LAW

The abortion law in effect in this country, in most States, until the mid-19th century was derived from English common law (410 U.S. at 138). While the vast majority of the States retained the common-law distinction that abortion before quickening was not a crime, no State held that there was no crime of abortion after quickening (Bryn at 827). Later in the 19th century, several States interpreted the common law to mean that abortion was a crime at any time during pregnancy. For example, *Mills* v. *Commonwealth* (13 Pa. 630 (1850)).

Almost all of the States enacted abortion statutes during the 19th century. (See 410 U.S. at 175-76 notes 1 and 2 (dissenting opinion). Connecticut adopted the first State abortion statute in 1821 (Conn. Stat. Tit. 20, § 14 (1821)). The Connecticut statute retained the quickening distinction for the abortion crime. Quickening, however, soon began to disappear as the practical distinction to determine criminality. The intention behind enactment of these statutes is illustrated by the Maine Supreme Court which, in interpreting the Maine statute, abrogated the quickening requirement in the abortion crime; the court pointed out that if the pleading did not allege the destruction of the child, it would be fatally defective for not charging the essential element of the crime, *State* v. *Smith* (33 Me. 48, 60 (1851)).

In 1859, the American Medical Association Committee on Criminal Abortion criticized the quickening distinction in criminal abortion laws for the "grave defects of our laws, both common and statute, as regards the independent and actual existence of the child before birth, as a living being," and called upon State legislatures to revise their abortion laws (12 Transactions of the Am. Med. Assn. 73-78 (1859)). This position of the AMA seems to have had its impact because during this period many States abolished the requirement that an abortion had to follow quickening to be a crime. At the time of the ratification of the 14th amendment, in 1868, at least 28 of the 37 States had made abortions before quickening a crime (Quay at 447-520). In the next 15 years, seven more of these States incriminated prequickening abortional acts. By 1871, the AMA could quote with approval from Archbold's Criminal Practice and Pleadings with regard to the new consensus:

It was generally supposed that the foetus becomes animated at the period of quickening; but this idea is exploded. Physiology considers the foetus as much a living being immediately after conception as at any other time before delivery, and its future progress as the development and increase of those constituent principles which it then received. It considers quickening as a mere adventitious event. . . . Indeed, no other doctrine appears to be consonant with reason or physiology but that which admits the embryo to possess vitality from the very moment of conception. 22 Transactions of the Am. Med. Assn. 250 (1871).

Further evidence that at least one motivation behind these laws was the protection of the life of the fetus, is seen in several court decisions interpreting these statutes.

We hold that the anti-abortion statutes in Oklahoma were enacted and designed for the protection of the unborn child and through it society. *Bowlan* v. *Lunsford*, v76 Okla. 115 (1936).

Thus, again, the Court's decision in Roe, resulting in a practical situation of abortion on demand, was clearly contrary to the early American law on abortion.

STATE ABORTION LAWS AT THE TIME OF ROE

The Supreme Court's decision in Roe held every State's criminal abortion statute unconstitutional (410 U.S. at 118, note 2).

Between 1967 and 1972, most of the State legislatures had considered changing their abortion laws. Nineteen States did make changes in their abortion law (1972 Univ. of Illinois L.F. 177). All of these 19 States changed their law to permit abortion to prevent grave health damage to the mother. In addition, some of the States permitted abortions when the unborn child was conceived in rape or incest, or where the child would be born with substantial deformity. Four States required no grounds at all. But all States limited abortions in terms of age of the fetus; for example, Washington had a limit of 4 lunar months.

The other 31 States did not change their abortion law despite the fact that abortion legislation was introduced in most of them. In two States, Michigan and North Dakota, proposed liberalized abortion statutes were rejected by referendum—by majorities of 61 and 77 percent respectively. In 21 of the States, the abortion statutes in effect in 1868, the year the 14th amendment was ratified, were still in effect at the time of the *Roe* decision (410 U.S. at 176 note 2).

In sum, no State—including the four States which allowed abortion on demand—made abortion legal for the entire 9 months. None of the States had abortion laws as expansive as that created by the Court in Roe versus Wade.

INTERNATIONAL ABORTION LAW

Not only was the Court's creation of an abortion right more permissive than the law that had been enacted by the representatives of the people of the 50 States, but the abortion right found in Roe was one of the most permissive in the world.

In 1981, according to one study, the United States was one of 7 percent of the countries of the world in which something approximating abortion on demand was legal (Tietze, Induced Abortion: A World Review (1981) (The Population Council)). But the current status of abortion in the United States may be more extreme than that figure indicates since many of the other countries in that category have enforceable time limits on the legal

availability or abortions. Other countries in this category include the U.S.S.R., the People's Republic of China, Denmark, France, Singapore, Sweden, Yugoslavia, and Vietnam. The vast majority of countries of the world have at least some effective legal control over the performing of abortions. As Prof. Richard Stith has observed about Roe versus Wade:

As a teacher of comparative law, I find this decision unique in the world. No other modern domestic state or foreign nation has ever, to my knowledge, privatized the value of new human life to this degree. No one, except our Court has ever left the unborn entirely without public protection for the first six months of gestation, and with only nominal protection even just before birth. Moreover, this extremist position has been imposed on our country not as a matter of temporary legislative experimentation, but by practically unchangeable judicial fiat—and this with scarcely any principled basis in the Constitution. Senate hearings, November 12, 1981, Professor Richard Stith, Valparaiso University School of Law.

Indeed, the single judicial decision in Western law which is most directly comparable to Roe on terms of the issues presented has come to almost diametrically opposite conclusions. In 1975, the Federal Constitutional Court of West Germany handed down its own decision on abortion, in which the majority opinion of the court (A) accepted as fact the position that human life exists at least within a few days after conception, (B) rejected the view that this life could legitimately be classified as having little or no value under the law, and (C) invalidated as unconstitutional a policy of unrestricted abortion during the first 3 months of pregnancy. See generally, Robert Jonas and John Gorby, "West German Abortion Decision: A Contrast to *Roe* v. *Wade*" (9 John Marshall, J. Practice and Procedure (1976)).

Thus, it can be seen that the Court's decision in Roe versus Wade had a devastating impact on existing law. This far-reaching decision was clearly contrary to at least part of the purpose behind the treatment of abortion as a crime at common law and the development of 19th century abortion law in America. The abortion right found in Roe was broader than any existing State abortion law, and, finally, was one of the most permissive, if not the most permissive, in the world.

I have attempted only to portray some flavor of the jurisprudential criticism that has been directed at the Roe and Doe decisions. In large part, this criticism has come from individuals who do not look with disfavor upon the substantive policies generated by these decisions. They simply question how these policies came suddenly to be mandated by a Constitution that had never been thought prior to 1973 to contain anything approaching the "rights" set forth in Roe and Doe. As Professor Ely again has observed:

What is frightening about *Roe* is that this super-protected right [to abortion] is not inferable from the language of the Constitution, the Framers thinking respecting the specific problem in issue, any general value derivable from the provisions they included, or the Nation's governmental structure. . . . At times the inferences the Court has drawn from the values the Constitution marks for special protection have been controversial, even shaky, but never before has its sense of an obligation to draw one been so obviously lacking. Ely at 935–7.

As Professor Epstein has similarly concluded, the Roe decision is "symptomatic of the analytical poverty possible in constitutional litigation" (Epstein at 184).

Among other constitutional scholars who have been sharply critical of the jurisprudence in Roe are the late Alexander Bickely of the Yale Law School, Arthur Miller of the Harvard Law School, Harry Wellington, former dean of the Yale Law School, and Archibald Cox, former Solicitor General of the United States (A. Bickel, The Morality of Consent (1975)).

Perhaps even more compelling criticism of the Roe decision, however, has come from the Justices themselves who were in dissent in that case. In a dissent far stronger than normally seen on the Supreme Court, Justice White stated:

I find nothing in the language or history of the Constitution to support the Court's judgment. The Court simply fashions a new constitutional right for pregnant mothers and, with scarcely any reason or authority for its action invests that right with sufficient substance to override most existing State abortion statutes. The upshot is that the people and the legislatures of the 50 States are constitutionally disentitled to weigh the relative importance of the continued existence and development of the fetus, on the one hand, against a spectrum of possible impacts on the mother, on the other hand. As an exercise of raw judicial power, the Court perhaps has authority to do what it does today; but in my view its judgment is an improvident and extravagant exercise of the power of judicial review which the Constitution extends to this Court. 410 U.S. at 221–22 (Justice White dissenting).

Justice Rehnquist similarly observed:

The decision here to break the term of pregnancy into three distinct terms and to outline the permissible restrictions the State may impose in each one, for example, partakes more of judicial legislation than it does of a determination of the intent of the drafters of the Fourteenth Amendment. 410 U.S. at 174 (Justice Rehnquist dissenting).

While fully respecting the authority of the Supreme Court to interpret the provisions of the Constitution, supporters of this amendment recognize also the authority reposed in Congress under article V of the Constitution to amend the document in response to what it views as wrongful or inappropriate decisions. To this end, this amendment amends the Constitution to overcome the effects of Roe versus Wade and its progeny and to restore authority in the States to legislate with regard to the practice of abortion.

PROGENY OF ROE

As I have mentioned earlier, Roe versus Wade and Doe versus Bolton created for the first time in the Constitution's history an enforceable right to abortion which overturns the abortion laws of every State in the Union. These Supreme Court cases basically opined that the right to seek an abortion is a fundamental liberty, one of those handful of rights so sacred that any State regulations of the right must show a compelling justification. This standard of judicial review is so strict that very few, and only very inconsequential, limitations on the court-created right have been held constitutionally sufficient in the decade since Roe.

The subsequent development of the abortional right promulgated by the Court in Roe versus Wade has largely been one of expansion of the right to its fullest possible limits through the gradual elimination of virtually all possible impediments to its exercise. Review of the opinions of the Court which followed Roe versus Wade demonstrates this development.

In Doe versus Bolton, the Court invalidated, on 14th amendment grounds, various procedural requirements contained in a recently enacted criminal abortion statute of the State of Georgia. Before reaching these procedural aspects of the statute, the Court considered and upheld against a vagueness challenge the requirement that the physician find the abortion to be "necessary" (410 U.S. at 191–192). Citing its decision in *United States* v. *Vuitch* (402 U.S. 62, 71–72 (1971)), the Court found that such a standard left latitude for the physician to consider all factors relating to "health" and therefore was within the ambit of "judgment[s] that physicians are obviously called upon to make routinely whenever surgery is considered" (410 U.S. at 192). The broad applicability of the term "health" as the Court defined it—

Allows the attending physician the room he needs to make his best medical judgment. And it is room that operates for the benefit, not the disadvantage, of the pregnant woman (410 U.S. at 192).

The Court found the statute's requirement that permissible abortions be performed in hospitals accredited by the Joint Commission on Accreditation of Hospitals was constitutionally invalid on the ground that such requirement was not "based on differences that are reasonably related to the purpose of the act in which it is found" (410 U.S. at 194). The Court recognized the permissibility of the States adopting standards for the licensing of all facilities where abortions may be performed after the first trimester so long as the standards are

legitimately related to permissible State objectives. Nevertheless, it felt compelled to agree with the appellants that the State had failed to justify a requirement that such abortions be performed in a licensed hospital, as opposed to a facility—such as a clinic—with all staffing and services necessary to perform abortions safely—including means of handling complications (id. at 195). The Court also found the hospital requirement per se invalid because of its failure to exclude the first trimester of pregnancy (id.).

The Court also struck down the Georgia statute's requirements of prior approval of an abortion by both a committee of the hospital's medical staff in which the operation is to be performed and two other licensed physicians. It found such requirements to be "basically redundant" and without rational connection to a patient's needs, as well as unduly restrictive of the physician's right to practice (id. at 197, 199). The statute's requirement of residency within the State was found to be unrelated to any legitimate State interest—such as conservation of limited State-supported medical resources for residents of the State (id. at 200). In short, the compelling State interest test operated to invalidate State limitations on abortion. In the dissenting voice of Justice White:

> The common claim before us is that for any one of such reasons, or for no reason at all, and without asserting or claiming any threat to life or health, any women is entitled to an abortion at her request if she is able to find a medical advisor willing to undertake the procedure. The Court for the most part sustains this position.

The Court next adverted to the matter of abortion in a very different context. In *Bigelow* v. *Virginia* (421 U.S. 809 (1975)), the Court considered a Virginia statute which had made it a misdemeanor for any person to encourage or promote the procuring of abortion or miscarriage by publication, lecture, advertisement or sale or circulation of any publication, or in any other manner. In 1971, before the decision in Roe versus Wade, the appellant had been convicted under the statute for running an advertisement in a Virginia newspaper which advised its readers of the availability of legal abortions in New York and supplied the particulars as to whom to contact for assistance in obtaining an abortion. The Court held that the kind of speech involved, notwithstanding its commercial character, was fully protected under the first amendment. Relying upon its holding in Roe versus Wade, the Court further justified its holding upon the ground that "the activity advertised pertained to constitutional interests" (id. at 822).

Justice Rehnquist pointed out the inconsistencies in the majority opinion by noting that the primary reason the advertisement is given more constitutional protection than other commercial speech is that the ad related to "abortion, elevated to constitutional stature by the Court." Rehnquist further captured the inconsistency by noting that if the first amendment were the only basis for the holding, the subject matter of the ad ought not to make any difference.

In *Connecticut* v. *Menillo* (423 U.S. 9 (1975)), the Court corrected a misunderstanding of the scope of its holding in Roe versus Wade which had arisen in the highest courts of some States. In reliance on certain language in Roe versus Wade, the Supreme Court of Connecticut had held that State's criminal abortion statute to be "null and void" in its entirety, so as to preclude its enforcement even against a nonphysician who had attempted to procure an abortion (id. at 9–10). Upon appeal by the State, the Supreme Court explained in a per curiam opinion that it had not held the Texas statute involved in Roe versus Wade to be unenforceable against a nonphysician abortionist "for the case did not present the issue" (423 U.S. at 10). Rather, the Court indicated, the "right to an abortion" recognized in Roe versus Wade was entirely contingent upon its being performed by a competent licensed physician under conditions insuring maximum safety for the woman (id. at 11).

In *Planned Parenthood of Central Missouri* v. *Danforth* (428 U.S. 52 (1976)), a case which it described as "a logical and anticipated corollary to Roe versus Wade * * *, and Doe versus Bolton (id. at 55), the Court dealt with some of the secondary issues which were forecast and reserved in those earlier opinions. At issue were various provisions of a comprehensive statute for the control and regulation of abortion which was passed by the Missouri Legislature in 1974, shortly after invalidation of its previous abortion legislation under the authority of Roe versus Wade (id. at 55–56).

The portion of the statute which defined "viability" as "that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life-supportive systems" was held not to circumvent, or be violative of, the limitations on State regulation outline in Roe versus Wade (id. at 63–65). The Court rejected the appellants' contentions that the statutory definition was defective by reason of its lack of reference to a gestational time period or the three stages of pregnancy, and its use of the term "indefinitely." It found that the prescribing of a specific point in the gestation period as the point of viability is not the function of the courts or legislatures, but, rather, that the determination that a particular fetus is viable is a matter for the professional judgment of the "responsible attending physician" (id. at 64–65).

The Court upheld a requirement of the statute that the woman, prior to submitting to an abortion during the first 12 weeks of pregnancy, certify her consent to the procedure in writing and that such consent be "informed" and freely given and not the result of coercion (id. at 67). The Court invalidated, however, the statute's requirements of prior written consent to an abortion within the first 12 weeks of pregnancy by the spouse or by one parent—or a person in loco parentis—of an unmarried minor under the age of 18 years. In both instances, that of spouse or parent, the Court took the position that any power a family member might have to veto a contemplated abortion would have to be a delegation of State power. Under this analysis, the Court concluded that the State could not delegate such a power to spouse or parents because it lacked the power itself (428 U.S. at 70, 74). While recognizing the "deep and proper concern and interest" of a husband "in his wife's pregnancy and in the growth and development of the fetus she is carrying," the Court found that in cases of disagreement a wife's decision must govern because "the view of only one of the two marriage partners can prevail. Inasmuch as it is the woman who physically bears the child and who is the more directly and immediately affected by the pregnancy, as between the two, the balance weighs in her favor" (id. at 69, 71).

Three dissenting Justices noted that the Court had assumed the State was delegating power it did not possess. Instead the State was trying to protect the interest of the father in preserving the life of his offspring. "A father's interest in having a child—perhaps his only child—may be unmatched by any other interest in his life" (428 U.S. at 93).

While reiterating the principle that "minors, as well as adults, are protected by the Constitution and possess constitutional rights," the Court also gave recognition to the State's "somewhat broader authority to regulate the activities and children than of adults" (id. at 74). Nevertheless, weighing the State's interests in the safeguarding of the family unit and of parental authority against the right of privacy of the "competent minor mature enough to have become pregnant," the Court found that it could not conclude that "providing a parent with absolute power to override a determination made by the physician and his minor patient, to terminate the patient's pregnancy will serve to strengthen the family unit" or that "such veto power will enhance parental authority or control where the minor and the nonconsenting parent

are so fundamentally in conflict and the very existence of the pregnancy already has fractured the family structure" (id. at 75).

The dissent again raised questions. In their view, the parental consent statute merely protected the decision to have an abortion. Minors may not have the capacity to make such decisions in their best interest without parental involvement. States have traditionally sought to protect children from their own immature decisions by requiring parental consent.

The Court also found unconstitutional the statute's prohibition of the use of saline amniocentesis as a method of abortion after the first 12 weeks of pregnancy (id. at 75-79). This requirement of the statute had been based upon an express legislative finding that such technique was deleterious to maternal health (id. at 76). But the Court rejected the validity of this finding based upon its own assessment of the record. A majority of the Justices found that prostaglandin injection—apparently the only indisputably safer abortion technique for the woman—was not in fact generally available in the State of Missouri. Thus, the practical effect of the prohibition was, by forcing the woman and her physician to terminate her pregnancy by methods more dangerous to her health, to inhibit unreasonably or arbitrarily the vast majority of abortions after the first 12 weeks of pregnancy (id. at 78-79, 101-02).

Another provision of the statute required the physician performing an abortion to exercise the same degree of care to preserve the life of an aborted fetus as would be exercised if the fetus had been intended to be born alive. Both criminal—manslaughter—and civil liability were imposed if the physician failed to take measures "to encourage or sustain the life of the child, and the death of the child results" (id. at 82). The Court held the provision to be invalid by virtue of its failure to limit its applicability to the period after the viability stage has been reached (id. at 83). The dissent noted that read in any way except through a microscope, this section was only meant to apply to fetuses capable of surviving outside the womb, the requirement imposed by Roe.

The Court was presented with another State statute requiring parental consent for an abortion to be performed on a minor in *Bellotti* v. *Baird* (Bellotti 1") (428 U.S. 132 (1976)). The Massachusetts statute involved there required the consent of both parents, as well as the pregnant minor, for any abortion to be performed on an unmarried minor under the age of 18, but it also allowed for substituted consent by a judge of the superior court of the commonwealth, after hearing, "for good causes shown," if one or both parents refused to consent (id. at 134-35). The attorney general of Massachusetts urged that the statute was not one which allowed the parents to veto their minor child's decision to have an abortion solely on the ground of their own preferences. Rather, it was urged, it merely gives preference to parental consultation and consent, but permits a mature minor capable of giving informed consent to obtain a court order permitting an abortion without parental consent or consultation, and allows a minor not capable of giving informed consent to obtain an order without parental consultation where there is a showing that an abortion would be in her best interests (id. at 144-45). Accepting the proffered interpretation as one which might very well be applied by the courts of Massachusetts, and as one which would not unduly burden the right to seek an abortion, the Court decided the case was a proper one for abstention. So long as the Supreme Judicial Court of Massachusetts could interpret the statute so as not to unduly burden the abortion decision, in a manner consistent with the interpretation proffered by the Massachusetts attorney general, review of the constitutional issues would be, the court felt, unnecessary (id. at 148).

In *Beal* v. *Doe* (432 U.S. 438 (1977)), the Court was presented with the issue of whether title XIX of the Social Security Act (42 U.S.C. § 1396 et seq. (1970 ed. and Supp V)), which establishes the Medicaid Program, requires participating States to fund the cost of nontherapeutic abortions. Under Pennsylvania's federally approved Medicaid plan, financial assistance for abortions was to be provided only upon certification by physicians that same were "medically necessary" (432 U.S. at 441). Fastening upon the distinction between necessary and unnecessary medical treatment, as well as the State's "valid and important interest in encouraging childbirth," the Court held that, absent a clear mandate in the language or legislative history of title XIX, there was no federally imposed obligation upon the States to fund nontherapeutic abortions (id. at 444-46).

In the companion case, *Maher* v. *Roe*, (432 U.S. 464 (1977)), the Court considered the related question of whether the Constitution requires a participating State which pays for childbirth to pay also for nontherapeutic abortions. Similarly to the Pennsylvania regulation involved in Beal, Connecticut Medicaid regulation limited benefits for first trimester abortions to those that were "medically necessary." The regulation was challenged on the ground that it violated the equal protection clause of the 14th amendment. The Court held that notwithstanding its impact on indigent women desiring abortions, the regulations involved no discrimination against a suspect class.

> [T]his Court has never held that financial need alone identifies a suspect class for purposes of equal protection analysis (id. at 471).

The Court further held that the regulation placed no obstacles in the pregnant woman's decision to abort, and thus did not impinge upon the fundamental right recognized in Roe versus Wade.

> The State may have made childbirth a more attractive alternative, thereby influencing the woman's decision, but it has imposed no restriction on access to abortions that was not already there (id. at 474)

In support of its holding, the Court emphasized that it was not retreating from its holding in Roe and its progeny, but that—

> [T]here is a basic difference between direct state interference with protected activity and state encouragement of an alternative activity consonant with legislative policy . . . /A/ State is not required to show a compelling interest for its policy choice to favor normal childbirth (Id. at 475, 477).

Although the State did not have a similar requirement of a showing of medical necessity for other medical procedures, the Court upheld the validity of the distinction, since such procedures "do not involve the termination of a potential human life." Id. at 480.

In a decision issued on the same day as Beal and Maher, the Court, in *Poelker* v. *Doe*, 432 U.S. 519 (1977), gave consideration to the refusal by the city of St. Louis to provide publicly financed hospital services for nontherapeutic abortions. Finding the constitutional principle involved to be identical with that involved in Maher, the Court found no constitutional violation by the city in electing, as a matter of policy, to provide public hospital services for childbirth while denying such services for nontherapeutic abortions.

The Court returned to the matter of State statutes which impose a standard of care on persons performing an abortion in *Colautti* v. *Franklin*, 439 U.S. 379 (1979). A Pennsylvania statute required that every person who performs an abortion make a determination of whether or not the fetus is viable and, upon a finding of actual or possible viability, exercise the same duty of care to preserve the fetus' life and health as if the fetus had been intended to be born alive. The statute also required the use of the abortion technique most conducive to the fetus being born alive so long as a different technique is not necessary to preserve the mother's life or health.

The Court found the viability determination requirement of the statute to be constitutionally void for vagueness. Id. at 390. If found a double ambiguity in the statute. The first ambiguity was found to flow from the statute's re-

quirement that the prescribed standard of care be applied where there is "sufficient reason to believe that the fetus may be viable." This phraseology, the Court found, left unclear whether the determining factor was to be the physician's subjective judgment or "the perspective of a cross section of the medical community or a panel of experts." Id. at 391. The second ambiguity stemmed from the statute's use of the phrase "may be viable." The Court found that it could not merely mean "viable" since the statute used that term in juxtaposition to "may be viable". If one term—"viable" or "may be viable"—meant "viable" as the term used in Roe against Wade, the Court felt, the other term could be construed to relate to some other indeterminate stage of fetal development. Id. at 392-93. These uncertainties, the Court felt, left the physician subject to potential criminal liability predicated on "confusing and ambiguous criteria." Id. at 394.

The Court also held the standard-of-care provision itself to be impermissibly vague. Id. at 397-401. The defect was found to flow from the provision's failure to make clear which interest is dominant, that of the mother or that of the fetus, or whether the physician is required to make a "tradeoff" between the two interests. Such a conflict of duties, the Court felt, requires the State to proceed with greater precision. Id. at 400-01. The three dissenters noted that Roe had allowed States to protect the unborn after viability, but this ruling withdrew a substantial measure of the State's ability to protect fetal life in the third trimester.

Bellotti v. *Baird* ("Bellotti II") 443 U.S. 622 (1979), returned to the Court in 1979. On the basis of rulings by the Supreme Judicial Court of Massachusetts construing various aspects of the statute, the Court found the statute to be unduly burdensome to the right to seek an abortion and, therefore, unconstitutional. Four of the Justices were of the opinion that if a State decides to require parental consent for a minor's abortion decision, it must, in order to ensure that the requirement for parental consent does not in fact confer on the parents an "absolute, and possible arbitrary veto," also make available an alternative judicial procedure whereby authorization may be obtained. Id, at 643-44. The Massachusetts statute, as construed by the State's highest court, failed they held, to meet these requisites in two respects: First by virtue, of its requirement that in all events the minor seek parental consent, id. at 646-48, and second to the extent it allowed the State court to disregard the abortion decision of a minor who has been determined to be mature and fully competent to assess the implications of the choice she has made based upon its own assessment of the best interests of the minor. Id. at 649-50. With respect to the first defect, the minor must have, the Justices felt, the opportunity to go directly to court without first consulting or notifying her parents, and the court must authorize her to act without parental consultation or consent if it finds her mature and well-informed enough to intelligently make the decision to abort. Id. at 647. If it finds her not to be competent to make such decision independently, she must nevertheless be permitted to show that an abortion would be in her best interests, and if the court is persuaded, it must order the abortion. Id. at 647-48. Once again the Court rejected any notion that minors heed parental consultation if the abortion decision is to be meaningful.

The Court turned again to the issue of abortion funding in 1980 in the companion cases of *Harris* v. *McRae*, 100 S. Ct. 2671 (1980), and *Williams* v. *Zbaraz*, 100 S. Ct. 2694 (1980). Harris involved challenges to the continuing prohibitions by Congress—usually referred to as the "Hyde amendment"—since 1976 to the use of Federal funds to reimburse the cost of abortion under the Medicaid Program except in certain specified circumstances. Several pregnant women and others challenged the Hyde amendment as violative of the due process clause of the fifth amendment and the religion clauses of the first amendment of the Constitution. It was also contended that despite the Federal funding restrictions, the States were required under their Medicaid Programs to pay for all medically necessary abortions.

The Court looked first to its holding in Maher against Roe and concluded that the funding restrictions of the Hyde amendment did not impinge upon the freedom of a woman to decide to terminate her pregnancy. Id. at 2685-87. The Court was unmoved by an attempt to distinguish the holding in Maher on the ground that the case dealt with a refusal by the State to pay for nontherapeutic abortions, whereas the Hyde amendment extended the denial of the use of Federal funds to therapeutic abortions also. After reexamining the health interest of the woman which served as a basis for the abortional freedom recognized in Roe against Wade, the Court nevertheless stated that:

> It simply does not follow that a woman's freedom of choice carries with it a constitutional entitlement to the financial resources to avail herself of the full range of protected choices. Id. at 2688.

The Court also rejected the argument that the Hyde amendment contravenes the religion clauses of the first amendment. The appellees asserted that the Hyde amendment incorporated doctrines of the Roman Catholic Church concerning the sinfulness of abortion, in violation of the establishment clause. In response, the Court stated that:

> It does not follow that a statute violates the Establishment Clause because it "happens to coincide or harmonize with the tenets of some or all religions." Id. at 2689.

Finally, the Court rejected the argument that the Hyde amendment violated the equal protection component of the fifth amendment by making Federal reimbursement available under Medicaid for medically necessary services generally but not for medically necessary abortions. Citing Maher, the Court could find no suspect classification by virtue of the statute's effect on the indigent; further, it found the statute to be rationally related to the Government's legitimate interest in protecting the "potential life of the fetus" (id. at 2691-92). On this analysis, the Court could find no constitutional infirmity with the Hyde amendment.

Williams v. *Zbaraz*, 100 S. Ct. at 2694, the companion case to Harris, dealt with an Illinois statute which prohibited State medical assistance payments for all abortions except those necessary to save the life of the pregnant woman. The Court found the case to be fully governed by the principles enunciated in Harris against McRae, and thus held that such a State enactment was not in violation of the 14th amendment (id. at 2700-01).

The Court's next decision in the abortion area came in 1981 in *H.L.* v. *Matheson*, 101 S. Ct. 1164 (1981), another case involving the issue of parental notification for the abortion of a minor. The Utah statute at issue required, in relevant part, that the physician "notify, if possible, the parents or guardian of the woman upon whom the abortion is to be performed, if she is a minor" (id. at 1166-67).

The Court limited its consideration of the issues to the effect of the statute upon minor daughters who (A) were living with and dependent upon their parents, (B) were not emancipated by marriage or otherwise, and (C) have not made a claim or showing as to their maturity or relations with their parents (id. at 1169-70). Reiterating the rule enunciated in Bellotti II "That a State may not constitutionally legislate a blanket, unreviewable power of parents, to veto their daughter's abortion," the Court nevertheless held that a "mere requirement of parental notice" would not violate the constitutional rights of the minor if she were immature and dependent (id. at 1171). The Court grounded this ruling in "the important considerations of family integrity and protecting adolescents," as well as the State's significant interest in "providing an opportunity for parents to supply essential medical and other information to a physician" (id. at 1172). Looking

again to the State's interest in encouraging childbirth, the Court found no deficiency in the statute by virtue of its disparate treatment of minors who elect to carry the child to term as compared with those who choose to abort; and the Court found no valid basis for voiding the statute simply because it might inhibit some minors from seeking abortions (id. at 1173). Accordingly, as applied to the extremely narrow class before it, that is, of unemancipated minors who are dependent upon and living with their parents, and who have made no claim or showing as to maturity or relations with parents militating against notification, the Court upheld the Utah Statute. Id.

This brings our survey to the most recent Supreme Court pronouncements on abortion, Akron against Akron Center for Reproductive Health, Planned Parenthood against Missouri, and Simpoulos against Virginia, all of which were decided on June 15, 1983. Akron, the center-piece of this trilogy of cases, began by citing stare decisis, which the Court conceded is "perhaps never entirely persuasive on a constitutional question," as justification for reaffirming Roe versus Wade. The Court further clarified that "the right to choose an abortion, as with other fundamental rights subject to searching judicial examination, must be supported by a compelling State interest." Slip Op. at 9. Justice O'Connor called this standard "unduly burdensome." Once again, the Court used language to describe the right created in Roe that closely approximates the language of Senate Joint Resolution 3, "the right to choose an abortion."

Based on the exacting standards of the "compelling State interest" test, the Court declared four Akron city ordinances invalid. The first of these ordinances had required hospitalization for abortions performed after the first trimester of pregnancy. Justice Powell, speaking for the majority of six, noted that Roe had indeed stated that a State's interest in maternal safety becomes "compelling" at approximately the end of the first trimester. Nonetheless, the Court found that "present medical knowledge convincingly undercuts" Akron's argument that their ordinance promoted maternal safety. Accordingly the Court declared the hospitalization requirement unconstitutional as an "unreasonable infringement upon a woman's constitutional right to obtain an abortion." Slip Op. at 20. The effect of this action was to place the statutes of 21 States, which required hospitalization beyond the first trimester, in jeopardy.

Justice O'Connor, speaking for the three dissenters, attacked these conclusions on several grounds. In the first place, the Court was depriving States and localities of the discretion to weigh what requirements are necessary to protect maternal health within their jurisdictions:

> In determining whether the State imposes an "undue burden," we must keep in mind that when we are concerned with extremely sensitive issues, such as the one involved here, "the appropriate forum for their resolution in a democracy is the legislature. We should not forget that "legislatures are ultimate guardians of the liberties and welfare, of the people in quite as great degree as the courts."

She also noted that hospitalization is not an "unreasonable means of furthering the State's compelling interest in preserving maternal health." Slip Op. at 16.

The next aspect of the Arkon case dealt with parental consent. The Akron ordinance provided for parental consent for abortions performed on minors under 15 or, in the alternative, the consent of a juvenile court. Based on a finding that the juvenile court statute of Akron did not specifically confer authority to provide abortion consent or weigh the maturity of a minor to make such a decision alone, the majority declared the Akron statute unconstitutional. Justice O'Connor criticized this conclusion in strong language:

> In light of the Court's complete lack of knowledge about how the Akron ordinance will operate, and how the Akron ordinance and the state juvenile court statute interact, our "Scrupulous regard for the rightful independence of state governments" counsels against unnecessary interference by the federal courts with proper and validly administered state concerns, a course so essential to the balanced working of our federal system.

The Court next acted to invalidate the ordinance requiring a physician to inform his patient of the risks, effects, and alternatives associated with abortion prior to performing the operation. The majority based their ruling on the conclusion that "only a physician is competent to provide the information and counseling relevant to informed consent." Slip Op. at 31. To prescribe a recitation of risks and effects of abortion would thusly, in the opinion of the Court, place the physician in an "undesired and uncomfortable straitjacket." Id. at 27. This action by the Court places in jeopardy statutes in 24 of the 50 States which require that women be provided with some form of information prior to undergoing an abortion. The gist of Justice O'Connor's dissent is that providing additional information to a woman can only enhance her opportunity to make a truly informed decision. Information, per se, imposes "no undue burden or drastic limitation on the abortion decision." Slip Op. at 21.

The next aspect of the Court's decision struck down an ordinance requiring a 24-hour hiatus between the signing of a consent form and the performance of the abortion. The Court found that this requirement placed unacceptable encumbrances upon the woman's abortion decision. Justice O'Connor, once again, propounded an effective response: "The waiting period is surely a small cost to impose to ensure that the woman's decision is well-considered in light of its certain and irreparable consequences on fetal life, and the possible effects on her own." Id. at 23.

The final aspect of the Akron case invalidated an ordinance similar to several State statutes requiring humane and sanitary disposal of the remains of the aborted child. The Court concluded that this requirement was vague and uncertain because it seemed to "suggest a possible intent to mandate some sort of decent burial." Slip Op. at 33. Justice O'Connor noted that the real intent of this ordinance was to "preclude the mindless dumping of aborted fetuses on the garbage piles," Slip Op. at 24, and that the statute indicated no intent to require that physicians provide "decent burials." Id.

The Planned Parenthood case allowed States to require the presence of a second physician at the abortion of a viable fetus, to require submission of pathological reports following abortions, and to require a juvenile court to grant a minor consent for an abortion "for good cause" unless the court finds that the minor is not mature enough to make her own decisions.

Finally, in the Simpoulos case a Virginia doctor was convicted for performing an abortion during the second trimester of pregnancy outside of a licensed hospital. This Virginia hospitalization requirement differed from the requirement in Akron because Virginia also allows abortions to be performed in licensed outpatient clinics. In this case, the physician injected an unmarried minor with a saline solution and then concurred in her announced intention to deliver the fetus alone in a hotel room. At no time did the physician urge the pregnant minor to seek appropriate medical care or report to a hospital when labor began.

Thus, as shown by this survey of the progeny of Roe against Wade, the Court's treatment of the right of abortion which it promulgated in Roe has been essentially one of reaffirmation and extension of that right, and of protection of it from virtually all possible competing interest, private or public. Covering as they do almost a decade of carefully considered opinions dealing with every possible aspect of the matter, it is clear that these opinions evince a firm and unequivocal commitment by the Court to continued recognition and protection of a right to abortion. Thus, so far as the courts are concerned, such right has now become an indelible part of the fundamental law of the land.

CONCLUSION

In conclusion, I think we would profit by measuring the abortion regime established by Roe against the basic tenets that animated the creation of our Republic. Those principles were best articulated by Thomas Jefferson in the Declaration of Independence:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain inalienable rights, that among these are Life, Liberty, and the pursuit of happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed.

Thus our infant Nation established the protection of human life as the foremost duty of government. Roe's blatant conflict with this fundamental national value is apparent. In the words of President Reagan, "We cannot diminish the value of one category of human life—the unborn—without diminishing the value of all human life." Human Life Review, supra, at 8. Perhaps only one act of our Government has conflicted more with the founding tenets of our Republic than Roe and that was the last infamous Supreme Court case that denied the value of certain classes of humanity, the Dred Scott case. Dred Scott was not easily corrected either. It took more than a decade and an intervening war to secure a constitutional amendment reinstating constitutional protections for blacks. Indeed securing a constitutional amendment is never an easy process. The women's suffrage amendment, the 19th, was first rejected by the Senate in 1868 and failed twice more to gain approval in the Senate before its adoption in 1919 and ratification in 1920. Nonetheless correction of the Dred Scott error serves as an excellent analog for our consideration of the modern civil rights disgrace, Roe against Wade

In his Farewell Address, President George Washington remarked that "It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government." His insightful thesis that the strength of our freedoms springs from the shared morality and convictions of our people lies at the heart of this great historic debate. This is a great moral issue. This is a great human rights issue. I posit with President Washington that, in ways more fundamental than we may now realize, the future of our free Nation may depend upon the outcome of this debate. Consider for a moment the role of the family as an institution promoting respect for other people, their dignity and inherent rights. Consider for a moment that if the family fails to teach principles of decency, our governments—already struggling to maintain civil order in the face of a crime epidemic—will be compelled to use more force to protect our liberties. Consider for a moment the essential role of individual responsibility in parents for raising their children. Consider for a moment an ethic that treats a child's entrance into his or her own family as if it were a matter of whether he were "wanted". Consider for a moment whether such callous attitudes and practices as are fostered by the abortion regime promote a society in which the instinctive acceptance of others is supplanted by a more self-centered and grudging attitude. Combined with the Federal courts tendency to treat abortion in terms of the totally isolated pregnant woman and her decision, this aspect of legalized abortion on demand could have long-term effects on the strength of those interpersonal bonds which hold our society—indeed any society—together.

Consider as well these insightful comments by national leaders:

"It seems to be as clear as daylight that abortion would be a crime." Mahatma Gandhi

". . . The child, by reason of his physical and mental immaturity needs special safeguards and care, including appropriate legal protection, before as well as after birth." Declaration on the Rights of the Child, United Nations, 11/20/59

"It is a very great poverty to decide that a child must die so that you may live as you wish." Mother Teresa

"We will stand up every time that human life is threatened. When the sacredness of life before birth is attacked, we will stand up and proclaim that no one even has the authority to destroy unborn life." Pope John Paul II

"No woman is the final arbiter about the disposition of her body and the embryonic human life flourishing therein. Doctors, too, must face up to the moral dilemma whether they can play havoc with the basic worth and dignity of human life when they freely perform abortions at all stages of pregnancy . . ." Rabbi Bernard L. Berzon, President of the Rabbinical Council of America.

"No right is more fundamental than the right to life itself and no innocent human life already begun can be deliberately terminated without offense to the Author of all life." National Conference of Catholic Bishops

"I fear the power of choice over life or death at human hands. I see no human being whom I could ever trust with such power—not myself nor any other. Human wisdom and human integrity are not great enough." Pearl S. Buck

"Social acceptance of abortion has begun to dull society's respect for all human life, leading to growing occurrences of infanticide, child abuse, and active euthanasia." Resolution, Southern Baptists Annual Convention, 1981.

"The unborn belongs neither to father nor mother, and not even to the self, but to God." Very Rev. Thaddeus P. Wojcik, a Priest of the Orthodox Church in America.

This is a moral issue, a moral issue literally, of life and death. Life and death of a society as well as countless unborn children.

Perhaps the foremost objective of the proposed amendment is to facilitate the development of a social consensus on the difficult issue of abortion. The abortion issue, if it is to be elevated into an issue of constitutional proportions, should be elevated only through the normal consensus-building procedure of the article V amending process rather than through the process of judicial reinterpretation. This proposal would reenfranchise all the people in fashioning a solution to the abortion controversy or, if not a solution, at least an equilibrium. This can only be done by placing this issue back within the representative branches of State governments where it should have remained all along. If the result is that difficult legislative compromises are reached through bitter sessions of negotiation and give and take—compromises that are not entirely satisfactory to those on either end of the spectrum on this issue—then the issue of abortion will have been dealt with in the same manner that most other difficult matters are dealt within a democratic system of government.

If the social divisions that have beset this country since the Roe decision are to be overcome, they will have to be overcome through a process in which all shades of opinion are considered and weighed, not simply those of a small minority of the citizenry. There is no more appropriate forum in a free society for these kinds of controversies to be debated and resolved than in State representative, legislative forums. Although some may observe—correctly—that basic issues of individual rights are not subject to referendum in a free society, this, of course, begs the basic question, which is precisely what those rights are and what their relative priorities are. It is the resolution of these precise questions that is unlikely to occur in the absence of a constitutional amendment of the sort of the human life federalism amendment.

● Mr. GRASSLEY. Mr. President, it has been nearly a dozen years now since the Supreme Court found that a penumbra in the Constitution created a right to abortion on demand. I have never believed that the Court's decision in the Roe against Wade case was correct from a legal as well as moral ground.

There can be no doubt that the unrestricted access to abortions in our country is, as President Reagan has said: "the greatest moral crisis facing our country today." Nobel Peace Prize recipient Mother Teresa, whose life's work has been with the poor of Calcutta, has stated that: "the greatest misery of our time is the generalized abortion of children."

I am pleased to join as a cosponsor of a constitutional amendment that would declare that abortion is not a constitutional right. I am keenly aware that this Supreme Court deci-

sion has divided our country ever since it was handed down. But I do not believe that abortion should be permitted on demand, nor do I believe that it is a matter of constitutional right. In my view, the Supreme Court clearly overstepped its authority and Congress must reassert its proper role.

Mr. DENTON. Mr. President, I rise to join my distinguished colleague from Utah [Mr. HATCH] in strong support of a joint resolution to amend the Constitution to establish legislative authority in Congress and the States with respect to abortions. The real issue before us is not when life begins, nor is it abortion as an issue in isolation from other concerns. What the resolution addresses is the confrontation between an ethic that respects the sanctity of all innocent life, and one that imposes variable values upon human existence depending on its usefulness to others, its alleged meaningfulness, or its quality.

I suggest to my colleagues that the proabortion position in general, and the line of judicial decisions beginning with Roe against Wade, in particular, are based upon a quality of life ethic that denies the dignity and rights of handicapped children and others after birth just as surely as it denies the dignity and rights of all human life before birth.

I wish to be absolutely clear on that point. I am not saying only that abortion diminishes our respect for life and begins a slippery slope toward infanticide, I am saying that the precise philosophical and legal arguments used for the last 10 years to defend abortion are, by their very logic, already applicable to infanticide. The only thing that has thus far prevented those arguments from dominating our legal system is the remnant of the sanctity of life principle that we have retained from before the chain of decisions beginning with Roe against Wade. I do not know how much longer that remnant can withstand the corrosive effect of the abortion rulings from the Supreme Court and other courts. We must take action to reverse those decisions before they can do further damage.

Some of my colleagues may think that I am saying something controversial by positing a direct link between abortion and infanticide. They are gravely mistaken. I would like to present three statements to which most major thinkers on both sides of the abortion issue can subscribe. I repeat: these three statements have been made repeatedly by ethicists who support abortion on demand as well as by those who oppose it.

The first statement is this: The abortion debate has nothing to do with the biological question of when a new living organism of the human species comes into existence. As a biological matter, each genetically complete human individual comes into existence at conception. All subsequent stages of development are just stepping stones in the life cycle of the same human being; from embryo, to fetus, to infant, to child, to adolescent, to adult.

The second statement follows naturally from the first: What the abortion debate is really about is whether defenseless living members of the human species have lives worthy of respect, or whether we can dismiss some lives as being less worthy than others. In other words, all living members of the human race deserve the philosophical and legal title of "person," or are some human beings unworthy of that status because of their age, their location, their dependency on others, their inability to perform certain mental or physical tasks, and so on?

The third statement follows naturally from the first two. It is this: If one accepts the quality of life position, in which all human life is not of equal value, there is no intellectually defensible reason why one must cease to make the distinction at the moment of birth. Abortion and infanticide, therefore, rise or fall together.

I suspect that some will claim that my statements, especially the third one, are special pleading for the prolife cause. I assure you that the point is acknowledged by the proabortion side in the scholarly debate. Let me give a few examples to illustrate the point.

All three statements are found in a proabortion editorial published in the journal California Medicine in 1970 under the heading "A New Ethic for Medicine and Society." In quick succession, the editorial said: "First, it is absurd to deny the scientific fact, which everyone really knows, that human life begins at conception and is continuous, whether intra- or extrauterine, until death." Second, that the real debate is between the old sanctity of life ethic and the new quality of life ethic, with both being applicable before and after birth. Third, that since the old ethic has not yet been fully displaced, it has been necessary to separate the idea of abortion from killing, even though it is irrational to do so.

Many other examples appear in past hearing records and subcommittee reports on Senator HELM's human life bill.

For example, geneticist Leon Rosenberg testified against the bill, saying that there is no way of telling objectively what is worthy of being called human life in the philosophical sense of the word: "Some say that life begins at conception," said Dr. Rosenberg, "but others say that life begins when brain function appears, or when the heart beats, or when a recognizable human form exists in miniature, or when the fetus can survive outside the uterus, or when brain development is completed at 2 years of age."

Acceptance of those statements except the last one, of course, would mean that at least some of the abortions legalized by the Supreme Court in 1973 are genuine homicides in the fullest sense of the word. Acceptance of the last one would mean that the killing of any child under 2—and of some mentally retarded adults—would not really be homicide. Interestingly, Dr. Rosenberg dropped the last statement from his testimony when he delivered it orally. I imagine one of his politically astute proabortion friends told him at the last minute not to give the game away.

One could go on with examples for hours. Joseph Fletcher of the University of Virginia, for example, has published certain "indicators of humanhood" based primarily on mental abilities: an IQ of 40 for example, would make someone questionably human, whereas anyone below the 20 mark is not a person.

Michael Tooley, of Stanford University, admits that quickening, viability, and birth are all completely unconvincing as cutoff points for permitting abortion. He, therefore, concluded as early as 1972 that "infanticide during a time interval shortly after birth must be morally acceptable."

Nobel Prize winner James Watson suggests that birth certificates should only be issued 3 days after birth so parents can decide whether they want their child to live.

H. Tristram Englehardt of Georgetown University argues: "Not only is the fetus not in the strict sense a person, neither is a child until a certain level of consciousness is attained. The infant is still more an 'it' than a 'he' or a 'she'." Englehardt's 1975 essay carries the chilling title, "Ethical Issues in Aiding the Death of Small Children."

The link between abortion and infanticide is not abstract. It is only a characteristic of ethical theory. With every advance in prenatal medicine, with every new technique for treating the unborn child as a patient like any other, it becomes more and more obvious to the layman that birth is simply a change of location, not a sudden change from blob of tissue to human infant. It has little to do with age. We have, thriving in our hospital nurseries, premature infants, who are much younger than some of the children being destroyed by abortion and discarded like garbage in those same hospitals.

Doctors know that better than anyone else, and they know the obvious conclusion: What matters is not so much your stage of development as your perfection or, more generally, your wantedness. In a 1975 opinion poll, 75 percent of the leading pediatri-

cians and professors of pediatrics surveyed said that some abortions are better described as infanticide. About 15 percent said abortion is always the same as infanticide. Answers to other questions in the survey suggested that most of the respondents were in favor of infanticide in some situations.

Yet some of my colleagues will still claim that the moment of birth is the magic point at which a fetus with no standing under the law, becomes a full-fleged legal person with all the rights of a citizen of the United States. Indeed, they will claim, that is exactly what the Supreme Court affirmed in 1973. The Court gave a woman a right to control the fetus as part of her own body before viability, but reaffirmed the child's personhood at the moment at which it can leave the womb and survive on its own.

That is absolutely wrong. It is grossly, absurdly wrong. I do not doubt that, if one were building an abstract legal system from scratch, it would be possible to define birth, or viability, as the point when life suddenly becomes a person with rights. To say, however, that the Supreme Court's abortion rulings did that is to display an abysmal ignorance of those rulings. To the contrary, the Court has already explicitly rejected all the best arguments one might use to keep its rationale for termination of life from extending beyond birth. The rationale has been expanded and clarified over time to the point that now, in 1983, all the legal mechanisms are in place to make a dead letter of all the constitutional rights of handicapped infants.

I will outline briefly the stages of that development. First, the 1973 abortion rulings themselves contained three things that prepared the way for legalized infanticide: First, the Court rejected the proabortion plaintiff's argument that abortion should be allowed because a woman has a constitutional right to do what she wants with her own body. The Court knew that this was an absurd principle, and that it would, for example, make State vaccination programs unconstitutional. So instead the Court posited a right of privacy which, it claimed, gave constitutional protection to decisions about the begetting, bearing, and raising of children. Here the Court cited several cases involving the rights of parents over their children after birth.

Second, the Court decided that, even after viability, the unborn child was only a potential life, not a legal person, and therefore could be destroyed if a live birth might have an adverse effect on the woman's social or emotional well-being. That, in and of itself, can be described as an authorization for infanticide, for abortion is medically defined as the expulsion of the fetus from the womb before viability. Moreover, the Court used "viability" as the "capability of meaningful life outside the mother's womb." Since "meaningful" remained an undefined and subjective term, one was left to wonder whether a fetus, a baby, might clearly be alive outside the womb and still not be viable.

Third, the Court denied 14th amendment personhood even to viable unborn children, because statutory and common law had never treated them as having all the rights and responsibilities of persons, and because most uses of the term "person" in the Constitution—for example, in clauses on who is eligible to vote or to be a Member of Congress—were not applicable to the unborn. As some legal scholars have noted, newborn children might also fail those two tests. Most uses of person in the Constitution apply only to adults.

Two days after the Court's rulings in Roe and Doe, the New York Times printed a letter, from Prof. Paul Ramsey of Princeton University, which was surely prophetic. Professor Ramsey said in part:

> Justice Blackmun described the grounds for compelling state interest in the unborn as their "capability of meaningful life outside the mother's womb." Meaningful? Thus the Court opened the door to weighing human lives according to comparative worthiness, or something called "meaningfulness,"
>
> Ineluctably we pass from abortion to infanticide, whether the Justices know it or not. Ineluctably, because many of the reasons alleged to justify permissiive abortion have equal force in justifying the killing of neonates in hospital nurseries.

I am sure that Professor Ramsey was saddened but not suprised to find himself testifying before my Subcommittee on Family and Human Services in a confrontation with medical groups that now openly oppose legal interventions to prevent infanticide in hospital nurseries.

In the second stage of the legal evolution, the courts overturned manslaughter convictions against various physicians who had neglected, or acted to kill, children born alive during late-term abortions. In reversing criminal charges against Dr. Kenneth Edelin in 1976, in a case involving the death of a child born alive during an abortion at the margin of viability, the Supreme Judicial Court of Massachusetts suggested that the physician must not be held to the same standard of care during an abortion as if a live birth had been intended. Requiring adherence to ordinary standards of medical practice for premature newborns might infringe on the constitutional freedoms that protect the right of abortion, Dr. William Waddill was acquitted of similar charges in 1973, although an eyewitness claimed to have seen him actually strangling a child who unexpectedly left the womb alive and gasping for breath.

In these and other cases, as one commentator put it, the fact of a live birth became "somewhat like a State border, which an officer of one jurisdiction may disregard if he is following a fugitive in hot pursuit."

The third stage took place with the Supreme Court's 1979 ruling in Colautti against Franklin. The Court invalidated as unconstitutional a State law requiring medical treatment for infants born alive and possibly viable during abortions. The decision was made in large part because a vindication of the right of those children to reasonable care after they leave the womb would have what the Court called a "chilling effect" on the right to perform late-term abortions. With that decision, the U.S. Constitution was allowed to justify the neglect of even healthy newborns whose parents did not want them to survive.

The fourth stage came with the widespread practice of prenatal diagnosis followed by selective abortion of the handicapped child. State courts began to allow suits for wrongful birth and wrongful life, so that a physician could be sued for failing to perform prenatal tests and to facilitate abortion. One State appeals court suggested that a handicapped child should be able to sue her own parents for not having destroyed her before birth. Some courts thus used the abortion rulings to create a new financial pressure toward infanticide.

Imagine the following scenario. A physician delivers a premature infant girl by caesarean section, and finds to his surprise that she has a severe mental or physical disability. He suddenly realizes that, since he didn't expect this, he never advised the mother to get an amniocentesis to insure that the child was not defective, so the child or her parents could sue him for the lifetime costs of raising, treating, and educating her. The parents now realize not only that they must assume the burdens of raising the child, but that they could be sued by the child for inflicting upon her what some commentators have called the injury of wrongful existence. The obstetrician, however, realizes that the Supreme Court's abortion rulings have provided not only the motivation but also the means for eliminating the problem. What is to prevent physicians and parents from neglecting the infant until she dies and then claiming that she wasn't viable in the first place, especially since the Supreme Court has ruled that the determination of viability must be left to the judgment of the individual physician? What is to keep the physician and the parents from saying that the handicapped girl, even though born at full term, is not viable because she is not capable of truly meaningful life? Since a late-term abortion by hysterectomy uses exactly the same techniques as does Caesarean section, except that

the patient is not supposed to survive, what is to prevent the physician from changing one line on the medical record and retroactively labeling the entire procedure as an abortion? That would prevent all prying questions about the child's death, and would place the physician and the parent under the protective umbrella of a fundamental constitutional right.

Abortion advocates 10 years ago claimed that abortion was, tragically, necessary as a backup for contraceptive failure. Have we already arrived at the point where infanticide is a tragically necessary backup to unsuccessful abortions? Please note that wrongful life suits are not based only on the acceptability of abortion. They assume that a handicapped child's life after birth is a wrong, justifying financial penalties, and abortion is proposed as a means of preventing this wrong before it happens. But if a child manages to sneak past that net, why not cure the wrong that was not prevented?

Why not, indeed? The Indiana State Supreme Court asked itself that question and, imbued with the slogans and the spirit of Roe against Wade, it couldn't think of an answer. So a child had to die. This is stage 5: quiet judicial approval of infanticide. The baby boy now known as "Infant Doe" was born with Down's syndrome and with a digestive blockage that called for routine surgery. The child's obstetrician and parents decided against lifesaving surgery. The child was then refused all intravenous food and water, wheeled to a dark and empty room in an adult ward, and left to die of dehydration. That took 6 days. Witnesses say the baby cried a great deal the first 3 days, whether from fear, or loneliness, or hunger, or all of them, but was much quieter after that when hunger and dehydration made him too weak to cry.

Massive efforts to save the child's life by the hospital, potential adoptive parents, State prosecutors, and legal defense groups were to no avail. "Infant Doe" died after the Indiana Supreme Court affirmed his parents' right to ensure his early death. The court has sealed the records in the case, but all reports indicate that the well-worn rationale of the abortion rulings was the decisive factor in the court's decision. The parents' attorney defended their freedom of choice and accused the State prosecutor of intervening in medical judgments which should be reached only between the parents and their physician.

The decision to end the child's life was an ideological, not a medical, decision, but then so are most decisions to abort, even in the late weeks of pregnancy. The real motivation was that the child's life would have been a burden on the parents and not sufficiently meaningful. If he had been allowed to live, claimed the attorney for the parents on a TV talk show, "there would have been a horrific trauma—trauma to the child who would never have enjoyed a quality of life of any sort, trauma to the family, trauma to society." Let us note that the abysmal quality of life that effectively invalidated the equal protection clause of our Constitution in this case was that of a child who might have been simply a slow learner in school, or even of average intelligence. It is impossible at birth to predict the severity of a particular case of Down's syndrome.

Mr. President, the Reagan administration responded to the "Infant Doe" case by reminding hospitals that under the Rehabilitation Act of 1973, handicapped people have the right to equitable treatment. That effort simply to reaffirm that 10-year-old civil rights law has been blocked in the courts. Although Judge Gesell of the U.S. district court based his April 14 ruling on procedural grounds, he also left no doubt about where he thinks the law should come down on the substantive issue. Gesell has provided us with stage 6: explicit, written judicial arguments in favor of extending the quality of life ethic to deny equal protection to handicapped citizens. Gesell himself, of course, does not call the victims "handicaped citizens;" he calls them "seriously defective."

Judge Gesell proposes a two-tiered system to determine a child's right to lifesaving treatment. Such treatment should clearly be ordered when it will cure all handicaps, allowing the child to attain complete health and develop normally. He doubts, however, that a child should be saved when its "quality of life" and "chances for an independent existence" will still be "seriously impaired" by a handicap, Gesell finds fault with routine surgery allowing a retarded child to eat, because it "cannot alter the mental retardation caused by Down's." In other words, handicapped citizens have a clear right to medical treatment only if it will remove their handicap.

Gesell goes beyond denying that handicapped newborns should get the same standard of care as other newborns. He denies that any standard of care at all exists for handicapped newborns. He expresses doubt that Congress really intended to protect newborn infants when it enacted the Rehabilitation Act, as though it doubted that newborns are legal persons subject to civil rights protections.

Despite all that, the most provocative sentence in the ruling is the remark that regulations protecting handicapped newborns "may in some cases infringe upon the interests outlined in cases such as * * * Roe versus Wade."

In light of that ruling, columnist George Will's reaction to the "Infant Doe" case seems fully justified.

In a tone of controlled anger, he wrote:

> In 1973 the Supreme Court created a virtually unrestrictable right to kill fetuses. Critics of the ruling were alarmed because the court failed to dispatch the burden of saying why the fetus, which unquestionably is alive, is not protectable life. Critics were alarmed also because the court, having incoherently emphasized "viability," offered no intelligible, let alone serious, reason why birth should be the point at which discretionary killing stops. Critics feared what the Indiana homicide demonstrates: the killing will not stop.
>
> The values and passions, as well as the logic of some portions of the "abortion rights" movement, have always pointed beyond abortion, toward something like the Indiana outcome, which affirms a broader right to kill.

When Roe versus Wade was handed down in 1973, it apparently emboldened pediatricians who had been quietly neglecting handicapped infants to go public in the medical journals, and even to recommend their approach to other physicians. Two of the trailblazers, Drs. Duff and Campbell of Yale-New Haven Hospital, reported that 43 percent of the deaths in their nursery were related to withholding of treatment; those included situations identical with that of "Infant Doe" in Indiana. Duff and Cambell closed their article by saying: "If working out these dilemmas in ways such as those we suggest is in violation of the law, we believe the law should be changed;" 10 years later, thanks to Roe versus Wade's rationale and Judge Gesell, I fear they are about to get their wish.

Mr. President, in conclusion I want to be honest and frank with you. My colleagues know that I am against legalized abortion at any stage, and that I consider it an unjustified attack on an innocent child. Some of my colleagues disagree strongly with my position on the matter. With respect to the legislation before us, however, which simply removes from our books the 1973 abortion rulings, I think the alliances should line up a little differently.

There are some in our country who are simply unreachable on the matter, because they do not have much of a problem with either abortion or infanticide. Such people consider the starving of a handicapped infant as just another defense civil liberties and of the right of parental privacy. I do not have much to say to those people. Those in this body who share their view must surely vote against the amendment, because they must defend the series of Supreme Court decisions that provide the only clear legal precedent of a constitutional right to infanticide. I want them to know, however, that the quality of life ethic to which they subscribe is, to my mind, no ethic at all. It is a flimflam. It is a batch of sophisticated mumbo-jumbo designed to rationalize the oppression of the

weak by the strong. Reduced to its essentials, it is the principle that the runt of the litter always get pushed away from the teat. I pray that those who think like that will never obtain complete power in this country because on that day we will have little hope of continued liberty.

I think that most people who support the Supreme Court's decisions, in this Chamber and around the country, do so because they do not fully realize their conceptual and legal implications. To my colleagues I want to say, please reflect very deeply and very carefully before you vote to uphold the Court's abortion rulings. Pray and agonize over it a little. Because if you think that those rulings pose no danger to those already born, if you think that a little thing like legal personhood is going to protect the rest of us from the acid that is now eating its way through the legal will that protects us from anarchy, I think that all evidence is aganist you.

As I said earlier, it may be possible in the abstract to arbitrarily define birth as a boundary between life that can be killed, through abortion, and personhood that justifies protection of the law, but it does not make any logical or moral sense. It is definitely not what the Supreme Court's rulings have done. All unwittingly, I think we risk affirming a legal trend whose destructive power we have only begun to witness, judicial support and justification for the attitude that being unwanted, whatever one's age, is a capital offense. That trend contradicts everything else we defend in terms of the civil rights of handicapped people and other defenseless minorities who, at one time or another have not been wanted by those in power.

I urge my colleagues to support the legislation. I realize that many of us may continue to disagree on the extent to which our Government should take affirmative steps to protect the unborn, but perhaps we can agree that the right to kill is not a healthy thing to have elevated to the status of fundamental constitutional principle.

I commend my colleagues who agree with me on the abortion issue for their commitment to the defenseless who cannot say thank you themselves. I urge them to support Senator HATCH's amendment with every bit of enthusiasm they might like to reserve for a stronger measure.

The courts can decide that handicapped infants are persons. They can also decide that the measures taken to snuff out their lives are not acts of killing but simply medical judgments. The courts can decide that, because infants are persons, they have a fundamental right to die or a right to be free of the injury of wrongful existence. None of us wants to wait around to find out what imaginative and creative lines of reasoning will be used next to broaden the scope of the killing.

I urge my colleagues to help me put out some of the raging fire now, and not argue about the imperfections of the hose we are using. We will surely fight another day over other aspects of the right to life, but I fear that the fight will be over if the Court rulings are allowed to work their way more deeply into our legal system.

Thank you, Mr. President.

By Mr. KENNEDY:

S.J. Res. 10. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT RELATING TO EQUAL RIGHTS

Mr. KENNEDY. Mr. President, I welcome this opportunity to reintroduce the equal rights amendment, and to reaffirm my strong commitment to making ERA part of the Constitution of the United States.

Today marks the beginning of a new campaign to pass and to ratify equal rights. It is a national disgrace that in 1985 we have not yet enshrined the equality of all Americans in our Constitution.

The ERA is the mandate for the Federal Government and for every State to insure equality in both the law and the life of this land. The need for a constitutional guarantee of equal rights for all citizens has never been greater. Although one-half of all women in this country work, and two-thirds of them work out of economic necessity, women hold only 7.5 percent of the jobs in the physical sciences and 1 percent of the jobs in engineering. Women continue to be significantly underrepresented in all professions and account for only 26 percent of medical school students, 17 percent of dental school students, and 30 percent of doctorates awarded. The record of the progress of women toward equality in our society reveals much that remains to be done.

In the Old Testament, the Book of Leviticus described an earlier time when women in the workplace earned 30 shekels for every 50 earned by men. Two thousand five hundred years have passed since that verse was written, but women have barely progressed at all on the issue of pay equity.

Female-headed households continue to dominate the bottom rungs of the economic ladder. The July 1983 census report found that while the poverty rate for married-couple families in 1982 was nearly 8 percent, it was almost five times that high for single-parent, female-headed families. The average female head of a household with no spouse present in 1981 had an income of $11,000. The average male in a similar position earned $20,000. And for elderly women, whose median income is $5,000, the situation is even more desperate.

Women cannot depend on the courts to uphold statutory protections against discrimination. The *Grove City College* decision by the Supreme Court last year highlighted the fragile nature of the statutory protections against sex discrimination. Significant numbers of American women triumphed in the Summer Olympics in Los Angeles—but the Supreme Court in *Grove City* has now stripped the mandate from the law which provided the opportunities for them to become Olympic champions. Nothing less than the broad constitutional prohibition against discrimination in ERA can effectively end the continued bias against women in our society.

The road to ratification will not be easy. But the extraordinary importance of the effort gives us new strength to see the struggle through to the final victory, so that at last ERA will take its rightful place in the Constitution of the United States. A new Congress begins today—and a new battle to achieve this historic goal begins as well.

I ask unanimous consent that the text of the amendment may be printed in the RECORD.

There being no objection, the joint resolution ws ordered to be printed in the RECORD, as follows:

S.J. RES. 10

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"Article—

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"SECTION 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"SECTION 3. This amendment shall take effect two years after the date of ratification.".

By Mr. THURMOND (for himself, Mr. HATCH, Mr. DECONCINI, Mr. GRASSLEY, Mr. DENTON, Mr. HEFLIN, Mr. SPECTER, Mr. ABDNOR, Mr. BOREN, Mr. COCHRAN, Mr. D'AMATO, Mr. GOLDWATER, Mrs. HAWKINS, Mr. HECHT, Mr. LUGAR, Mr. MATTINGLY, Mr. MCCLURE, Mr. NICKLES, Mr. NUNN, Mr. PACKWOOD, Mr. PROXMIRE, Mr. QUAYLE, Mr. SYMMS, Mr. TRIBLE, Mr. WALLOP, Mr. WILSON, Mr. ZORINSKY, Mr. LAXALT, Mr. EAST, Mr. EXON,

Mr. HELMS, Mr. SIMPSON, and Mr. DANFORTH):

S.J. Res. 13. A joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget and tax limitation; to the Committee on the Judiciary.

FEDERAL BALANCED BUDGET AND TAX LIMITATION PROPOSAL

Mr. THURMOND. Mr. President, I am reintroducing today Senate Joint Resolution 13, the proposed balanced budget/tax limitation constitutional amendment. During the 97th Congress, this amendment became the first such amendment in the history of the Nation to earn the approval of a House of Congress. On August 4, 1982, Senate Joint Resolution 58 was proposed as the 27th amendment to the U.S. Constitution by a Senate vote of 69 to 31. Less than 2 months later, a similar measure was considered by the full House of Representatives and secured the support of a clear majority of the body, although it fell short of the requisite two-thirds vote.

During the 98th Congress, the direct predecessor of the amendment I am introducing today—known as Senate Joint Resolution 5—was reported by the Judiciary Committee but was not considered by the full Senate.

I am confident that the forthcoming Congress will see increased momentum on the part of the proposed amendment. With fiscal year 1985 budget deficits likely to be in the vicinity of $200 billion, and with 32 States having applied to Congress for a constitutional convention on the subject of a balanced budget amendment, I believe that the need for such an amendment is at least as compelling today at it was during the 97th and 98th Congresses.

The recent fiscal history of the Federal Government is, by now, all too well known:

Congress has balanced the Federal budget only once in the past quarter century.

The level of these annual budget deficits has grown enoromously over this period of time. The eight largest peacetime deficits in the history of the Nation have been incurred during the past decade alone.

The total national debt of the United States soared to more than $1 trillion 2 years ago, and is increasing rapidly. Fully three-quarters of the total national debt incurred by this country in its entire history has been incurred during this brief period.

Federal spending, which first surpassed $100 billion in the latter years of the Kennedy administration, 20 years ago, and which first surpassed $200 billion only 13 years ago, and $300 billion only 8 years ago, today easily surpasses $800 billion annually. At the same time that this Nation is enduring record deficits, we are also enduring record levels of Federal taxation, because of this unrestrained Federal spending.

While it used to be said that Federal deficits were not such a bad thing—because "we owed it to ourselves"—and could even be useful by "stimulating" the economy, it is clear today to virtually every reasonable observer, of whatever political or philosophical persuasion, that deficit spending has consequences—detrimental and unfortunate consequences. As a result of a quarter-century of virtually unchecked deficit spending, this Nation is suffering today from historically unprecedented levels of unemployment, levels of inflation that have been in double digits for most of the past decade, catastrophically high interest rates, and declining levels of national investment and productivity. The standard of living, after taxes and after inflation, has actually declined for the majority of American households over the past decade.

Mr. President, these are the consequences of a fiscal system in which there is a virtual absence of serious fiscal restraints upon the ability of the National Government to spend money. These are the consequences of a fiscal system in which there is an illusion that we can continue to live beyond our means indefinitely without having to concern ourselves about a time of reckoning or accounting. These are the consequences of a fiscal system in which there is every encouragement of the spending impulse to avoid placing new burdens upon those who must inevitably pay for this spending, whether it be in the form of higher taxes, higher rates of interest, unemployment, or diminished productivity.

I believe that there is a growing consensus in this country that perceives these problems. This is a perception that is shared, increasingly, by Democrats and Republicans, liberals and conservatives, Keynesians, supply-siders, traditionalists, and believers in classical theories of economy. Our economy is in bad shape, and it is in bad shape because we have been mortgaging our Nation's economic future with more than a generation of deficits, more than a generation of living beyond our economic means.

What, then, the solution? It is my view that the proposed constitutional amendment is absolutely necessary. I have come to hold this view, despite my strong belief that a constitutional amendment should be enacted only as a last resort. If there were an alternative nonconstitutional solution that promised success, I would prefer it to an amendment.

However, there is no alternative solution. We have experimented repeatedly with statutory approaches, including approaches such as the Byrd-Grassley amendment to require a balanced Federal budget in fiscal year 1981 and subsequent years, and continued fine tuning of the Budget Control and Impoundment Act of 1974. While I believe that the Budget Act has provided some improvement in the budget process, I certainly do not believe that it offers any significant promise in getting us out of our present economic rut. Indeed, the effective period of the Budget Act has almost perfectly coincided with that period of the most unconstrained budget growth.

A constitutional amendment to require a balanced budget is necessary because our predicament today is deeply rooted in our fiscal system. There are institutional problems that make it difficult for even the most fiscally responsible Members of Congress to conduct themselves in a fiscally responsible manner. A constitutional amendment, rather than a statute, is necessary because only an amendment can afford the sort of external constraint upon the spending tendencies of Members of Congress that is required. There must be an outside limitation, not simply a self-imposed limitation in the form of a simple statute or budget resolution.

The proposed amendment—in the same manner as Senate Joint Resolution 58 and Senate Joint Resolution 5—addresses the institutional problems of our present fiscal system. It addresses the inherent bias toward spending in our fiscal system that has proven so intractable and unyielding. This spending bias arises from the fact that Members of Congress are free to vote for new spending initiatives without, at the same time, having to vote for new tax initiatives. In other words, Members of Congress can vote to support the programs of the spending interests, and reap the political benefits of such spending—in the form of electoral support, for example—without having to place themselves on record for higher taxes to pay for such spending. There are no countervailing political disadvantages in the form of tax votes that would overcome the political advantages stemming from the pro-spending votes.

This spending bias arises from two important elements of our fiscal system: First, the unlimited availability of deficit spending to Members of Congress; and second, Members accessibility each year to increased revenues derived from so-called tax bracket creep or tax-flation.

Because of the unlimited availability of deficit spending, Members of Congress are free to respond favorably to the spending groups without having to vote for the necessary new taxes to pay for their new programs. Rather, Congress can merely indulge in new deficit spending. The consequences of such deficits come only in future years—in such forms as inflation and interest rates—and are rarely attributed to the members who voted for

the earlier deficits. In other words, Members reap the benefits of the prospending vote and avoid totally the need for the protaxing vote. It is a case of Members eating their cake, and having it as well.

A similar situation arises with respect to the second element of the spending bias—the accessibility each year of increased revenues to Congress as a result of "bracket creep." What this means is that Members of Congress are free to vote for new spending and again can avoid having to vote for higher taxing because larger amounts of revenues are automatically available. In the absence of congressional action of any sort, our present tax system insures that new revenues will be available to Congress each year even in the absence of an explicit tax vote.

The principal purpose of the proposed amendment is to overcome this spending bias by establishing as a precondition for new spending the requirement that Congress either go on record—by a three-fifths vote—in favor of deficit spending, or—by a majority vote—in favor of the necessary revenues to account for such new spending. The proposed amendment is not designed to "read economic policy into the Constitution," as is commonly suggested, but is designed to inject a new element of accountability and honesty into the budget process by requiring Members of Congress to go on record on these matters. Under the proposed amendment, Members can continue to support higher levels of spending, taxing, and deficit, but only if they are equally willing to go on record in behalf of such propositions. No longer will they be able to accrue political benefits by supporting spending measures without having to concern themselves with the accompanying necessity of new revenue measures, or without having to go on record as favoring increased levels of deficit.

The proposed amendment is one that is consistent with sound constitutional principles, as well as sound economic principles. It does not attempt to write into the Constitution any particular theory of economy; it does not attempt to inject the Constitution into the day-to-day budgetary decisions of Congress; it does not embed permanently into the Constitution any particular levels of spending or taxing; and it does not memorialize into the Constitution arbitrary levels of numbers; and arcane economic terms. All that the proposed amendment attempts to do is to create an economic environment within which responsible fiscal decisionmaking can take place. It does not insure that we will always see the Federal Government acting in a responsible, frugal manner; it does insure, however, that there is at least a reasonable possibility of this taking place.

Let me strongly suggest to my colleagues that they look at the Senate report prepared last year on Senate Joint Resolution 5 with respect to the detailed economic and constitutional case for the proposed amendment. I believe that the report contains a compelling argument for this amendment at the same time that it attempts to address the most recurrent criticisms that have been raised about it.

I would note that the amendment that I am introducing today is identical to the amendment which was reported favorably by the Judiciary Committee last year.

Mr. President, let me briefly summarize the provisions of the proposed amendment and again refer my colleagues to the committee report—No. 98-628—For a more extensive discussion.

SECTION 1

This section would require Congress, prior to the outset of each fiscal year, to prepare a budget in which proposed levels of outlays do not exceed proposed levels of receipts unless a specific level of deficit is approved by a vote of three-fifths of the Members belonging to each House of Congress. Such a budget could be amended or altered at any time during the fiscal year, although subject to the same procedures and limitations as the original budget. Congress and the President would be responsible for insuring that the actual level of budget outlays does not exceed the proposed level of outlays.

SECTION 2

This section establishes the formula by which the maximum level of budget receipts is established for the proposed budget put together prior to each fiscal year. This formula is designed to insure that the balanced budget requirement of section 1 is not satisfied by spending and taxing levels that increase inexorably as a share of the economy. This maximum level of budget receipts could be exceeded, however, any time that a majority of the Members of each House of Congress are prepared to go on record in behalf of increased levels of taxes.

SECTION 3

This section directs the President to submit to the Congress prior to each fiscal year, a proposed budget in which receipts and outlays are consistent with sections 1 and 2. Although section 1 already implies such a requirement, this section clarifies and makes more specific this aspect of the President's responsibility to use his authority to achieve the objectives of the proposed amendment.

SECTION 4

This section establishes a waiver of the basic requirements of sections 1 and 2 in the event of declarations of war by the Congress.

SECTION 5

This section is a standard definitional section that clarifies that the intent of the proposed amendment is to define receipts and outlays for purposes of the amendment in the broadest possible manner.

SECTION 6

This section clarifies that Congress is empowered to enforce and implement the provisions of the proposed amendment by appropriate legislation.

SECTION 7

This section establishes the effective date of the provisions of the amendment as the second fiscal year beginning after its ratification.

Mr. President, let me conclude by setting forth three basic premises that I and my colleagues have borne in mind in developing the proposed constitutional amendment—in particular I refer to Senator HATCH and Senator DECONCINI in this regard, the chairman and ranking minority member of the Subcommittee on the Constitution. First, there are admittedly gaps in the proposed amendment that will have to be filled by enacting legislation. The purpose of the proposed amendment is to set forth in the Constitution a basic principle of government; it is not to write into it a detailed statute defining terms and defining specific procedures, Second, as with any other constitutional provision, I would expect that Members of Congress and other Government officers would abide by the clear spirit and intent of the proposed amendment. While a determined and willful Congress will always have opportunities to circumvent its provisions—as with most other constitutional provisions—I would anticipate that Congress will attempt to abide by both the plain language and the broad policies that are reflected in the amendment. Finally, none of the proponents of the amendment view it as a panacea to our Nation's economic problems and we have not attempted to sell it as such. The amendment will not, singlehandedly, turn our economy around or restore a sense of fiscal responsibility to the deliberations of Congress; what it will do, however, is to allow the possibility that more responsible policies will emerge from an environment within which Members of Congress are more directly accountable to their constituents for the implications of the budgetary decisions.

Mr. President, I take pride in reintroducing the proposed amendment and strongly encourage all of my colleagues to join me in this action. The time is long overdue that Congress respond to the clear desire of the great majority of the American people, of whatever professional, economic, racial, or ethnic background. I ask unanimous consent that the entire

test of the proposed amendment be placed in the RECORD at this joint.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 13

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Prior to each fiscal year, the Congress shall adopt a statement of receipts and outlays for that year in which total outlays are not greater than total receipts. The Congress may amend such statement provided revised outlays are not greater than revised receipts. Whenever three-fifths of the whole number of both Houses shall deem it necessary, Congress in such statement may provide for a specific excess of outlays over receipts by a vote directed solely to that subject. The Congress and the President shall ensure, pursuant to legislation or through exercise of their powers under the first and second articles, that actual outlays do not exceed the outlays set forth in such statement.

"SECTION 2. Total receipts for any fiscal year set forth in the statement adopted pursuant to this article shall not increase by a rate greater than the rate of increase in national income in the year or years ending not less than six months nor more than twelve months before such fiscal year, unless a majority of the whole number of both Houses of Congress shall have passed a bill directed solely to approving specific additional receipts and such bill has become law.

"SECTION 3. Prior to each fiscal year, the President shall transmit to Congress a proposed statement of receipts and outlays for that year consistent with the provisions of this article.

"SECTION 4. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect.

"SECTION 5. Total receipts shall include all receipts of the United States except those derived from borrowing and total outlays shall include all outlays of the United States except those for repayment of debt principal.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation.

"SECTION 7. This article shall take effect for the second fiscal year beginning after its ratification.".

Mr. DENTON. Mr. President, I rise to join my distinguished colleague from South Carolina, Mr. THURMOND, in support of a constitutional amendment to reform the budget, taxing, and spending practices of the Federal Government.

As support for the amendment has grown, I have been impressed by the urgency and the importance that millions of Americans attach to its passage. On the whole, I believe that American taxpayers are disappointed and frustrated that, year after year, the Congress has failed to balance the Federal budget. Their frustration is shown by the 32 State legislatures that have adopted resolutions urging the Congress and the President to bring the Nation's budget into balance.

At long last, the moment has come when the Congress can respond to the frustrations of American taxpayers by thoroughly debating, and then passing, the balanced budget constitutional amendment.

The resolution would amend the Constitution to require that, each year, Congress adopt a budget statement in which expenditures do not exceed revenues. Additionally, total revenues could not increase at a rate greater than the rate of increase in national income unless Congress passes a bill approving more revenues. The resolution would permit Congress to adopt a budget statement containing a deficit only if approved by three-fifths of both Houses of Congress or by a convention called for that purpose by two-thirds (34) of the States, and ratified by three-fourths (38) of the States. The resolution also would require the President to submit a balanced budget to Congress.

Mr. President, those who question the efficacy of a balanced budget amendment have raised two primary arguments in opposition to it. First, they argue that it would incorporate into the Constitution a rigid, and therefore economically unsound, fiscal policy. Second, they argue that amending the Constitution is too drastic a way to address the problem of spending.

I believe, however, that both arguments fall because they do not take into account the dual crises that our Nation faces: The economic crisis that threatens to destroy our historic high levels of productivity, and the crisis of confidence that results when average citizens lose faith in the ability of their government to exercise discipline in matters of taxing and spending.

I recognize that men and women of good will can disagree about the necessity of the provision of the amendment that prohibits increases in the share of the national income that goes to the Federal Government unless a specific exception is approved by Congress. There are wide philosophical and political differences about the question of how much spending the Federal Government can and should undertake.

The notion, however, that it is improper to reestablish the principle that Federal expenditures should be no greater than the Federal revenue is preposterous. It is only in recent years that the Congress abandoned the requirement of our unwritten constitution for a balanced budget. I do not believe that the American people will continue to tolerate the near tyranny of higher and higher rates of Government spending and taxation.

From a practical standpoint, we should recognize that the amendment is not an attempt to write a particular theory of economics into the Constitution. As Professor Scalia of the University of Chicago has pointed out, the legislative requirements of the amendment "do not require any particular economic course," such as a balanced budget with no increase in taxes, "but merely specify the procedures to be followed when that course is abandoned." I believe, however, that it is clear that this amendment rightly establishes a bias in favor of a balanced budget with no increase in taxes. That is an appropriate national goal, which happens to be popular as well. It is one that the amendment can help us to attain without placing our public budget in the strait jacket of inflexible economic theory.

I must emphasize again that I believe that we face a crisis of confidence on the part of the American public. Most taxpayers simply do not believe that the Congress has the willpower to cut spending and balance the Federal budget. The mistrust appears well founded when one reviews the history of statutory efforts to reform the budget process and restrain spending. Alvin Rubushka of Stanford University presented such a review in a monograph prepared for the Taxpayers' Foundation. He said:

> In the Humphrey-Hawkins Full Employment Act, a balanced budget was declared to be a national public policy priority. An amendment offered by Rep. (now Senator) CHARLES GRASSLEY and Senator HARRY BYRD, Jr., to an IMF loan program measure was enacted into law and requires that, beginning with FY 1981, total budget outlays of the Federal government "shall not" exceed its receipts (P.L. 95-435). In 1979, a provision in a measure to increase the public debt limit stated that "congress shall balance the Federal budget" (P.L. 96-5), which required the congressional budget committees to propose balanced budgets for FY 1981 and subsequent years. None of these measures has effectively constrained deficits.

I strongly believe that the prudent and responsible management of public funds is a fundamental governmental and political requirement. The reestablishment of the balanced budget principle is a "broad and enduring ideal" that is worthy of inclusion in the document that establishes the basic structure of our Government. I am afraid that simple statutory approaches to reasserting that important principle will fail like their predecessors. Only the enactment of a constitutional amendment will explicitly mandate fiscal responsibility and be enforceable by and on future Congresses.

I urge my colleagues to join in the effort to balance our national budget by placing a requirement to that effect

in the fundamental law of our land. We need to do that for our benefit and for succeeding generations who will otherwise bear the burden of our profligacy and irresponsibility.

Thank you, Mr. President.

Mr. GRASSLEY. Mr. President, I am pleased today to join as an original cosponsor of the balanced budget-tax limitation constitutional amendment. As the author of the only provision of Federal law that requires the Congress to balance the budget, the so-called Grassley-Byrd amendment, I have become keenly aware that nothing short of a constitutional prohibition against deficit spending will control our actions.

The fact that we are now facing a budgetary deficit in excess of $200 billion is ample witness that Congress lacks the will to reduce spending on its own. Mr. President, from the time that the Republic began until 1962, the annual budget of the United States never exceeded $100 billion—that is, as recent as John F. Kennedy's administration—we spent less than half the amount of money that this year we will spend in excess of revenues. Indeed, Richard Nixon was President when total Federal spending—that's total Federal spending, reached the $200 billion level.

Federal spending this year will exceed 23 percent of the Nation's gross national product. In 1962, Federal Government spending represented only 19 percent of the Nation's GNP. The only time in the history of the United States in which Federal spending represented a larger share on the Nation's total production was during the Second World War. Clearly, Mr. President, Government is spending too much money and increasing its expenditures too rapidly—not taxing too little.

Mr. President, the Congress must live within limits. It must live within the limits of the Constitution and it must live within the limits of its budget. If Congress acts in violation of the Constitution, then the Federal courts invalidate its actions. While we should exercise the discipline ourselves, the framers placed an independent judiciary in the Constitution to check our excess. If the amendment becomes part of the Constitution and Congress exceeds its authority by passing a budget that spends more than it takes in, then its actions are invalid under the Constitution and void. Congress would then be forced to work on a new budget.

As long and laborous a process as that is, it is our duty, and we must accept the unpleasant responsibilities that we have as legislators. I am pleased to cosponsor this proposed constitutional amendment.

Mr. BOREN. Mr. President, I am proud that the first legislative act of my second term in the Senate is to place my name as an original cosponsor on the balanced budget constitutional amendment offered today by the distinguished President pro tempore, the senior Senator from South Carolina, Senator THURMOND.

In my first Senate term, no other issues took a more prominent position on my own legislative agenda than that proposed by this joint resolution. The passage of time has done nothing but enhance the arguments in favor of constitutionally mandating the Congress to put the Federal Government's fiscal house in order.

The existence of $200 billion deficits is eloquent testimony to the inability of Congress to discipline itself. Despite statements of great determination to deal effectively with the deficit issue in this first session of the 99th Congress, past experience makes even the most optimistic of us doubt the possibilities of success.

It is even more disturbing, Mr. President, to know that even if the administration accomplishes its goal, 3 years from now the Federal deficit will still be $100 billion—$100 billion, Mr. President—a figure that just a few years ago was considered unconscionable and a recipe for economic disaster.

We have been told many times that a constitutional amendment will never pass the Congress and even if it did it can't work. However, the Senate did pass such an amendment in 1982 and I believe we can do so again.

In addition 32 States have approved calls for a constitutional convention to mandate a balanced budget. That is just two States short of the number required to force Congress to consider such a convention. While I have grave concerns over the wisdom of such a convention, it does demonstrate the strong will and support of the people of this country for action on achieving a balanced budget. It should put additional emphasis behind this amendment.

This joint resolution does not require the President to submit a balanced budget, but it does require the Congress to produce one, with certain exceptions. Deficit spending would be allowed only after three-fifths of the Congress approves such action. Of course the balanced budget requirements could be waived in time of war. It is also important to note that Congress would be required to adopt the balanced budget before the start of the fiscal year. Thus, the great uncertainty about what Congress will do when, would be remove, and replace with what I believe would be the single most important benefit of such an amendment—fiscal stability and dependability.

Mr. President the time is right, and the conditions are right to pass this much needed legislation. I ask for the support of my colleagues.

Mr. D'AMATO. Mr. President, I am pleased to again become an original cosponsor of legislation to establish a constitutional amendment requiring a balanced Federal budget. I am pleased that the chairman of the Judiciary Committee, Senator THURMOND, has introduced this legislation at the very outset of the 99th Congress.

The balanced budget amendment passed the Senate in the 97th Congress, but was rejected by the House. In the 98th Congress, the legislation was bottled up in the Senate Judiciary Committee by the foes of budgetary reform. In addition, the House refused to consider the balanced budget amendment.

The immensity of our Federal budget woes is reaching crisis proportions. The fiscal year 1985 budget deficit may exceed $200 billion. Budgetary reform should be the first order of business. This is why I actively support legislation to establish a constitutional amendment requiring a balanced Federal budget.

I feel strongly that a balanced budget amendment is the only means to force Congress to cut spending. The best way to reduce Federal spending is to enact a broad based spending freeze. I have developed a freeze that would have saved $16 billion this year if enacted in fiscal year 1984. This would have been done while still permitting new participants into Medicare and Social Security and allowing a Social Security COLA.

Support for a budget freeze is galvanizing. Democrats and Republicans are endorsing the freeze proposal as the most equitable means of budget cutting. That is, both domestic and defense spending should equally bear the burden of budget austerity.

Passing a balanced budget amendment to the Constitution would pave the way toward enactment of a budget freeze. This is why I support the balanced budget amendment and why I hope others will join me in support of this vital legislation.

Thank you, Mr. President.

Mr. NICKLES. Mr. President, this will be the third Congress in which I have served. In each of those three Congresses, a resolution has been introduced calling for an amendment to the Constitution requiring a balanced budget. In only one of those Congresses did significant action take place on the bill. That occurred in 1982 when the Senate passed it and the House defeated the measure. Since 32 States have called for a Constitutional Convention to address the issue of a balanced budget amendment, Congress is being pressured to act quickly in order to avert such a convention.

The fundamental issue surrounding the balanced budget amendment is not that we must reduce the Federal deficit, there is practically unanimous

agreement all constituencies on that matter. The question is when and how that deficit is to be reduced. The proposed amendment would provide that growth in spending and taxes not exceed the growth in national income and that receipts equal outlays. Our problem has not been that taxes have been too little but that spending has been too great. Over the past decade spending has been about 22.7 percent of the gross national product while taxes averaged around 19.4 percent. Receipts over that time have remained relatively stable around that average but spending has been steadily increasing over that period.

This resolution which we are introducing today would provide for the vehicle necessary to get this matter before the States for ratification. Over the past 4 years of my experience in the Senate the people have continuously expressed their desire that our Constitution provide for a balanced budget. It is time we move ahead with this measure. With the present growth in the Federal deficit, we do not have long before we reach the point of no return for our Nation's well being.

By Mr. GOLDWATER:

S.J. Res. 14. Joint resolution authorizing the President to advance Lt. Gen. Ira C. Eaker, USAF (ret.) and Lt. Gen. James H. Doolittle, USAF (ret.) to the grade of general on the retired list; to the Committee on Armed Services.

ADVANCEMENT OF CERTAIN PEOPLE TO THE GRADE OF GENERAL ON THE RETIRED LIST

Mr. GOLDWATER. Mr. President, it is my pleasure today to introduce a joint resolution authorizing the President of the United States to advance Ira C. Eaker and James H. Doolittle to the grade of general on the U.S. Air Force retired list.

As all Senators know, Ira Eaker and Jimmy Doolittle are two of our great American Air Force veterans. Both men served on active duty as lieutenant generals and have retired from the Air Force as lieutenant generals. It has been my feeling for many years that it is only right and fitting that, as a further tribute to their accomplishments and as a further indication of the esteem of their country, they should be advanced on the retired list to the grade of full general.

I will insert in the RECORD biographies of both General Eaker and General Doolittle, but I want to take a moment today to briefly tell the Senate a little about each of these unusual men. Jimmy Doolittle began on active duty in 1917, and was commissioned in 1920. On September 4 and 5, 1922, he made the first cross-country flight from Florida to California with only one stop. Over the next 2 years he earned a masters degree and a doctrate at the Massachusetts Institute of Technology.

Over the better part of the next 10 years, Jimmy Doolittle was involved in the testing of high-speed aircraft. In 1932 he set the world's high-speed record for land planes. In 1940 he became president of the Institute of Aeronautical Science.

Jimmy Doolittle's role in the U.S. war effort in World War II is well known. He was instrumental in our initial wartime mobilization, and then led the first air raid on the Japanese mainland on April 18, 1942. He later commanded the 12th Air Force in North Africa, the 15th Air Force in the Mediterranean theater, and the 8th Air Force in the European and the Pacific theaters.

General Doolittle holds the Congressional Medal of Honor and numerous other awards for valor and achievement. He has been decorated by numerous foreign countries, including England, France, Belgium, Poland, China, Bolivia, and Ecuador. He is the winner of the Schneider and McKay trophies, the Harmon trophy, the Bendix trophy, and the Thompson trophy.

Now let me turn to Ira Eaker. General Eaker was commissioned in 1917 and completed his pilot's training in 1919. Early in his career General Eaker achieved a number of notable flight endurance records. In 1926 and 1927, he served as a pilot on one of the planes of a 22,000-mile goodwill tour of Central and South America. In 1929, he was the chief pilot on the refueling endurance flight of an Army aircraft that established a world flight endurance record of almost 150 hours. He made the first transcontinental flight using inflight refueling from California to New York. General Eaker continued his flight achievements, when he made the first blind transcontinental flight in 1936, flying by instruments from New York to Los Angeles.

In the mid-1930's, General Eaker coauthored with Hap Arnold, later the commanding general of the U.S. Army Air Forces, the first of what was to be three books. Their first collaboration, "This Flying Game," dealt with the aviation industry. In 1937, General Eaker and Hap Arnold wrote their second book, "Winged Warfare." Their third book was published in 1942, and was titled "Army Flyer."

In February 1942, General Eaker was assigned as commander of the 1st American Air Headquarters in Europe, the 8th Bomber Command. In December 1942 he became commander of the 8th Air Force. Later he became commanding general of all U.S. Army Air Forces in the United Kingdom. And in January 1944 he was named air commander in chief of the Mediterranean Allied Force Air Forces having under his command the 12th and 15th U.S. Air Forces and the British Desert and Balkan Air Forces. At the end of his active duty career, General Eaker was named deputy commander of the Army Air Forces and chief of the air staff. When he retired he had more than 12,000 flying hours.

General Eaker's decorations include the Distinguished Service Medal, the Navy Distinguished Service Medal, and numerous other awards for valor and achievement. He has also been decorated by a number of countries, including Bolivia, Chile, Peru, Venezuela, England, Brazil, the Soviet Union, Yugoslavia, France, Italy, and Poland. In 1976 he was presented the Wright trophy. In 1979 General Eaker was presented with a special Congressional Gold Medal named in his honor.

Mr. President, there are no two individuals more deserving of holding the highest rank in our Air Force than Ira Eaker and Jimmy Doolittle. I would urge my colleagues to expeditiously approve this legislation. I would ask unanimous consent that more detailed biographies of General Eaker and General Doolittle be placed in the CONGRESSIONAL RECORD.

There being no objection, the detailed biographies were ordered to be printed in the RECORD, as follows:

LT. GEN. IRA C. EAKER

Ira C. Eaker, aviation pioneer and Air Force leader, was born in Field Creek, Texas, April 13, 1896 and raised in southeastern Oklahoma near Durant. In 1917, he graduated from Southeastern Normal School in Durant and entered First Officers' Training Camp, receiving his commission as a second lieutenant in the Infantry Reserve, August 15, 1917. After completing flying instruction at Austin and Kelly Field, Texas, he received his pilot's rating in October 1919.

In July of that year, he was transferred to the Philippine Islands, where he served in a variety of assignments, including air officer with the Philippine Department and commander of the Philippine Air Depot in Manila.

Eaker returned to the United States in January 1922 for duty at Mitchell Field, N.Y., where he commanded the Fifth Aero Squadron and later was post adjutant.

In June 1924, he became assistant in the office of the Chief of the Air Corps in Washington.

From December 1926 to May 1927, he served as a pilot on one of the planes of the Pan American Flight, which made a 22,065-mile goodwill tour of Central and South America.

He then became executive officer in the Office of the Assistant Secretary of War, in Washington, and in September 1928, was assigned as the operations and line maintenance officer at Bolling Field, in Washington.

While on that duty, he served as chief pilot on the refueling endurance flight of the Army plane, *Question Mark* which established a world flight endurance record of 150 hours, 40 minutes, and 14 seconds—flying over Los Angeles from January 1 to 7, 1929.

The next year, he made the first transcontinental flight using in-flight refueling from San Francisco to Mitchell Field, N.Y.

From June 1932 to September 1933 he attended the University of Southern California, where he received a Bachelor of Arts degree in journalism.

In October 1933, he was assigned to March Field, Calif., where he commanded the 17th Pursuit Squadron and later served successively as intelligence, operations and public relations officer in the 34th Pursuit Squadron. From February to May 1934, he commanded Air Mail Route 4, Western Zone, Army Air Corps Mail Operations.

In the summer of 1935, he was detached for duty with the Navy aboard the aircraft carrier Lexington, where he participated in Navy maneuvers in Hawaii and Guam.

He entered the Air Corps Tactical School at Maxwell Field, Ala. in August 1935, and upon graduation the following June, entered Command and Staff School at Fort Leavenworth, Kans., graduating in June 1937.

While at school, Eaker co-authored with H. H. (Hap) Arnold, later the Commanding General of the U.S. Army Air Forces, the first of their three books, This Flying Game. It dealt with "the aviation industry and its allied trades, businesses and professions." The book, published in 1936, provided a detailed account of every aspect of the Army Air Corps.

In 1936, he made the first "blind" transcontinental flight, flying by instruments from New York to Los Angeles.

He became Assistant Chief of the Information Division in the Office of the Chief of the Air Corps, in Washington, in June 1937.

In 1937, he and Arnold wrote their second book, Winged Warfare. This discussion of all phases of air warfare was generally hailed as an admirable work, readily intelligible to any layman. It stressed the need for an Air Force separate from the Army and Navy. They also advocated the separation of air fighting echelons into three subordinate commands—a fighter command, a bomber command, and a home defense command.

In November 1940, he assumed command of the 20th Pursuit Group, Hamilton Field, Calif.

In August 1941, he served a special tour of duty in England with the Royal Air Force flying new types of fighter aircraft and observing British fighter-control methods.

The last book co-authored by Eaker and Arnold was Army Flyer in 1942. It is a flying officer's primer which explains the duties and rewards of a pilot's career from flying cadet to air general. All royalties from Army Flyer were deposited in the Army Air Force Trust Fund to assist the widows and children of officers and enlisted men of the Army who lost their lives in the air in World War II.

In February 1942, Eaker was assigned as commander of the first American air headquarters in Europe in World War II, the VII Bomber Command.

In December of that year, he became commander of the Eighth Air Force in England. Later, he became commanding general of all U.S. Army Air Forces in the United Kingdom, and in January 1944, was named Air Commander-in-Chief of the Mediterranean Allied Air Forces, having under his command the 12th and 15th U.S. Air Forces and the British Desert and Balkan Air Forces.

During the war, he personally flew many missions in Europe, including the first heavy bomber raid on occupied Europe in August 1942, and in June 1944, the first shuttle bombing raid from Italy to Germany using the Soviet Union as the eastern terminus. In August 1944, he flew a fighter plane supporting the invasion of Southern France.

In April 1945, Eaker was named Deputy Commander of the Army Air Force and Chief of the Air Staff. He retired from active duty on July 31, 1947 after more than 30 years of service during which he flew more than 12,000 hours as a pilot. Although he left the service less than a month before the Air Force became a separate service, General Eaker was instrumental in planning and drafting legislation for the birth of the separate Air Force.

General Eaker's military decorations include the Distinguished Service Medal with one oak leaf cluster, Navy Distinguished Service Medal, Legion of Merit, Silver Star, Distinguished Flying Cross with one oak leaf cluster, and Air Medal.

His foreign decorations include the Bolivian Order of Condor of the Andes (1927); the Chilean Order Al Merito (Officer) (1927); Peruvian Order of the Sun of Peru, Officer (1927); Venezuelan Order of the Liberator, Officer (1927); Knight of the British Empire (1943); Brazilian Order of the Southern Cross, Grand Official Order (1944); Russian Order of Kutusov, Second Degree (1945); Yugoslavian Partisan Star, First Class (1945); French Legion of Honor, Grand Officer (1945); French Croix de Guerre with Palm (1945); Italian Grand Master of the Order of Saints Maurice and Lazarus (1945); British Knight Commander of the Bath (1945); Brazilian Order of Aeronautical Merit (1945); Polish Military Order of the Gold Cross of Merit with Swords (1945).

Since his retirement from the military, General Eaker has energetically pursued his interests in aviation. From 1947 to 1957 he served as Vice President of the Hughes Tool Company with the responsibility for guiding its wholly-owned subsidiary in Culver City, Calif., the Hughes Aircraft Company. He helped Hughes Aircraft become one of America's leading aircraft technology and electronics firms.

He left Hughes in 1957 to become a vice president and director of Douglas Aircraft Company and returned to Washington, D.C. Also in 1957, General Eaker began writing a weekly column on military affairs which was syndicated by the Copley Newspapers. His column appeared in over 180 newspapers and continued for 18 years.

Since his military retirement, for more than 30 years, General Eaker has written many articles for a variety of national magazines and has lectured about twice a month at the USAF Air University, USAF Academy, the Royal Air Force Staff College and at numerous other air power symposia and conventions. His articles and speeches have stressed the need for a strong aerospace defense force and the growing threat of the Soviet military. Over 70 of General Eaker's articles and speeches have appeared in the Congressional Record.

In 1976 he was presented the Wright Trophy for devoting a lifetime to the building and sustainment of American air power. The permanent trophy is on display at the Smithsonian Air and Space Museum in Washington, D.C.

On December 17, 1979, General Eaker was presented with a special Congressional Gold Medal, named in his honor. The presentation date coincided with the 76th Anniversary of the Wright Brothers' first successful airplane flight.

The citation accompanying the award read in part:

In the early days of flight, he developed and tested procedures for aerial refueling and instrument flying that today are still indispensable to air operations.

In the Second World War, General Eaker organized American and British air forces and led them in campaigns which brought victory for the allies at a far lower cost in blood and treasure than could reasonably have been expected.

Following the war's end and subsequent service as Chief of the Air Staff, he devoted himself to promoting air power and national defense.

General Eaker's tireless efforts, spanning well over half a century, have benefited his country enormously and have earned for him the greatest admiration, gratitude and respect.

Other aviation pioneers honored with gold medals include the Wright Brothers, Charles Lindberg, and Brigadier General William L., "Billy" Mitchell.

General Eaker, now 87, and his wife, Ruth, reside in Washington, D.C.

LT. GEN. JAMES H. DOOLITTLE

James Harold Doolittle was born in Alamada, California, December 14, 1896. He was educated in Nome, Alaska; Los Angeles Jr. College; and spent a year at the University of California School of Mines.

Enlisting as a Flying Cadet in the Signal Corps Reserve October 6, 1917, General Doolittle was assigned to the School of Military Aeronautics at the University of California, and upon completion of that course went to Rockwell Field, California, for further training. He was commissioned a second lieutenant in the Signal Corps Reserve, Aviation Section, March 11, 1918.

During 1918 General Doolittle served at Camp Dick, Texas; Wright Field, Ohio; Gerstner Field, Louisiana; and as flight and gunnery instructor at Rockwell Field, and in July 1919 he was assigned to the 104th Aero Squadron at Kelly Field, Texas. That October 9th he was transferred to the 90th Aero Squadron at Eagle Pass, Texas, for border patrol duty.

On July 1, 1920, General Doolittle was commissioned a second lieutenant in the Regular Army, Air Service; was promoted to first lieutenant; and entered the Air Service Mechanical School at Kelly Field. In August 1922 he was ordered to McCook Field, Ohio, to take the Aeronautical Engineering course. That September 4 and 5 he made the first cross-country flight, from Pablo Beach, Florida, to San Diego, California, with one stop, which brought him international fame. Also during 1922 he was awarded his Bachelor of Arts degree from the University of California.

Entering Massachusetts Institute of Technology for special engineering courses in July 1923, General Doolittle was graduated the following year with the degree of Master of Science, and a year later was awarded the degree of Doctor of Science. During March 1924 he also served temporarily at McCook Field conducting aircraft acceleration tests. Returning to McCook Field in June 1925, he was sent to the Naval Air Station at Washington, D.C., that August for special training in flying high speed seaplanes. During that assignment he served for a short period at Mitchel Field, New York, with the Naval Test Board.

Granted a leave of absence in April 1926, General Doolittle went to South America on airplane demonstration flights. After his return to the United States he was in Walter Reed General Hospital until April 1927, when he was again assigned to

McCook Field for experimental work and additional duty as instructor with the Organized Reserves of the Fifth Corps Area, 385th Bomb Squadron. In January 1928 he made experimental flights in South America.

Returning to Mitchel Field in September 1928, General Doolittle assisted in the development of fog flying equipment. During this assignment the now almost universally used artificial horizontal and directional gyroscopes were developed and he accomplished the first flight completely by instruments. On January 20, 1930, he was named advisor for the Army on the building of the Floyd Bennett Airport in New York City. General Doolittle resigned his Regular Army commission February 15, 1930.

Commissioned a major, Specialist, in the Officers Reserve Corps, on March 5, 1930, during that year General Doolittle made several flying experiments. He was then named manager of the Aviation Department of the Shell Oil Company, and in that capacity conducted numerous aviation tests. At various times he went on active duty with the Army to conduct tests, and in 1932 set the world's high speed record for land planes. In April 1934 he was appointed a member of the Army Board to study Air Corps organization, and a year later he was transferred to the Air Corps Reserve. General Doolittle became President of the Institute of Aeronautical Science in 1940.

Ordered to active duty July 1, 1940, General Doolittle was Assistant District Supervisor of the Central Air Corps Procurement District at Indianapolis, Indiana, moving to Detroit, Michigan, in that capacity November 16, 1940, where he worked with the large automobile manufacturers on the conversion of automobile plants to airplane parts manufacturing plants. The following August he went to England as a member of a special mission. On January 9, 1942, he was assigned to Army Air Force headquarters in Washington, D.C.

General Doolittle led the first aerial raid on the Japanese mainland on April 18, 1942. That July he joined the Eighth Air Force in England, and the following September assumed command of the 12th Air Force in North Africa. In March 1943 he became commanding general of the 15th Air Force in the Mediterranean Theater, and from January 1944 to September 1945 he commanded the Eighth Air Force in the European and Pacific Theaters. On May 10, 1946, he reverted to inactive Reserve status.

Returning to the Shell Oil Company, General Doolittle became a Vice President and later a Director. In March 1951 he was appointed a Special Assistant to the Chief of Staff of the Air Force at Washington, D.C., in a civilian status.

His decorations include the Medal of Honor, Distinguished Service Medal with one Oak Leaf Cluster, Silver Star, Distinguished Flying Cross with two Oak Leaf Clusters, Bronze Star, and the Air Medal with three Oak Leaf Clusters.

He has also been awarded the British Order of the Bath (Knight Commander); French Legion of Honor (Grand Officer) and Croix de Guerre with Palm; Belgian Order of the Crown (Grand Officer) and Croix de Guerre with Palm; Polish Order of Restoration of Poland; Chinese Yun-Hwei (Class III); Bolivian Order of the Condor Medal; and Ecuadorean Abdon Calderon (First Class).

His trophies include the Schneider and Mackay Trophies in 1925; the Harmon Trophy in 1930; the Bendix Trophy in 1931; and the Thompson Trophy in 1932.

General Doolittle and his wife, Josephine, have two children, James H., Jr., and John P., both in the Air Force.

PROMOTIONS

Commissioned a second lieutenant (Regular Army) July 1, 1920; to first lieutenant (permanent) July 1, 1920; resigned February 15, 1930. Major (Specialists Reserve) March 5, 1930; transferred to Air Corps Reserve April 4, 1935; promoted to lieutenant colonel (temporary) January 2, 1942; to brigadier general (temporary) April 28, 1942; to major general (temporary) November 20, 1942; to lieutenant general (temporary) March 13, 1944; to brigadier general (Regular Army) May 1, 1946; resigned in July 1946.

By Mr. DECONCINI (for himself, Mr. GRASSLEY, Mr. HATFIELD, Mr. QUAYLE, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. PROXMIRE, Mr. DOMENICI, Mr. BOREN, Mr. NICKLES, Mr. HEFLIN, Mr. BUMPERS, Mr. SYMMS, Mr. COHEN, Mr. SIMON, Mr. LUGAR, Mr. DURENBERGER, Mr. BOSCHWITZ, Mr. BIDEN, Mr. EXON, Mr. D'AMATO, Mr. PRESSLER, Mr. CHILES, Mr. INOUYE, Mr. DIXON, Mr. LEAHY, Mr. SASSER, and Mr. HARKIN):

S.J. Res. 15. Joint resolution to designate May 7, 1985, as "Helsinki Human Rights Day"; to the Committee on the Judiciary.

HELSINKI HUMAN RIGHTS DAY

Mr. DECONCINI. Mr. President, I am pleased to introduce today with Senator GRASSLEY and 27 of our colleagues a joint resolution that authorizes and requests the President of the United States to designate May 7, 1985, as "Helsinki Human Rights Day."

This year marks the 10th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe, often referred to as the Helsinki Accords.

On May 7 of this year a meeting of experts on human rights and fundamental freedoms will be convened in Ottawa, Canada, to discuss questions concerning respect for human rights and fundamental freedoms as embodied in the Helsinki accords. This meeting will be attended by representatives from the 35 nations who joined together in signing the Helsinki accords on August 1, 1975.

The principles of this resolution are universal. We are all members of the human family, and so long as any member of that family does not enjoy full human dignity and rights, none of us is truly free. While men and women are oppressed in other lands, our freedom is only partial. But so long as we defend the freedom of all men, the tyranny under which they live is mitigated.

In agreeing to the Helsinki accords, the signatory nations have acknowledged their adherence to the principles of freedom. Not, perhaps, to the sophisticated modes of parliamentary democracy, but to the basic rights of citizens to enjoy at least the minimal respect by their government of their individuality and personal worth. In the contemporary world where governments seek the recognition of other nations, this is the least we can demand.

Unfortunately, several signatory nations have not adhered to the human rights standards of this agreement. The Governments of the Union of Soviet Socialist Republics, Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, and Romania, have not fulfilled their commitments to the Helsinki accords by denying individuals their inherent rights to freedom of religion, thought, conscience, and belief.

By proclaiming May 7, 1985, the opening date of the Ottawa meeting of experts on human rights and fundamental freedoms, as "Helsinki Human Rights Day," we are reaffirming our commitment to the principles upon which our own democracy was founded. We are sending a message to the signatory nations, particularly the Soviet Union and Eastern Europe, that we expect them to live up to their international agreements.

Mr. President, I urge each Member of this body to let his commitment be known. In the words of President Gerald Ford at the signing ceremony of the Helsinki accords:

> History will judge this conference not by what we say here today, but by what we do tomorrow—not by the promises we make but by the promises we keep.

Mr. President, I ask unanimous consent that the text of this resolution be printed in the RECORD at this point.

There being on objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 15

Whereas this year will be the tenth anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (hereafter in this preamble referred to as the "Helsinki Accords");

Whereas on August 1, 1975, the Helsinki Accords were agreed to by the Governments of Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, the German Democratic Republic, the Federal Republic of Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America, and Yugoslavia;

Whereas the Helsinki Accords express the commitment of the participating States to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion";

Whereas the Helsinki Accords also express the commitment of the participating States to "promote and encourage the effective ex-

ercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development";

Whereas the Helsinki Accords also express the commitment of the participating States to "recognize and respect the freedom of the individual to profess and practise, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience";

Whereas the Helsinki Accords also express the commitment of the participating States in whose territory national minorities exist to "respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere";

Whereas the Helsinki Accords also express the commitment of the participating States to "recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among themselves as among all States";

Whereas the Helsinki Accords also express the commitment of the participating States to "constantly respect these rights and freedoms in their mutual relations and will endeavor jointly and separately, including in co-operation with the United Nations, to promote universal and effective respect for them";

Whereas the Helsinki Accords also express the commitment of the participating States to "confirm the right of the individual to know and act upon his rights and duties in this field";

Whereas the Helsinki Accords also express the commitment of the participating States in the field of human rights and fundamental freedoms to "act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights" and to "fulfill their obligations as set forth in the international declarations and agreements in this field, including inter alia the International Covenants on Human Rights, by which they may be bound";

Whereas the Governments of the Union of Soviet Socialist Republics, Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, and Romania, in agreeing to the Helsinki Accords, have acknowledged an adherence to the principles of human rights and fundamental freedoms as embodied in the Helsinki Accords;

Whereas the aforementioned Governments have not fulfilled their commitments to the Helsinki Accords by denying individuals their inherent rights to freedom of religion, thought, conscience, and belief;

Whereas on May 7, 1985, a meeting of experts on human rights and fundamental freedoms will be convened in Ottawa, Canada, to discuss questions concerning respect for human rights and fundamental freedoms as embodied in the Helsinki Accords;

Whereas this meeting is called for in the concluding document of the Madrid Review Conference of September 9, 1983; and

Whereas this meeting will be attended by representatives of all Helsinki signatory nations: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) May 7, 1985, the opening date of the Ottawa meeting of experts on human rights and fundamental freedoms, is designated as "Helsinki Human Rights Day";

(2) the President is authorized and requested to issue a proclamation reasserting the American commitment to full implementation of the human rights and humanitarian provisions of the Helsinki Accords, urging all signatory nations to abide by their obligations under the Helsinki Accords, and encouraging the people of the United States to join the President and Congress in observance of "Helsinki Human Rights Day" with appropriate programs, ceremonies, and activities;

(3) the President is further requested to continue his efforts to achieve full implementation of the human rights provisions of the Helsinki Accords by raising the issue of noncompliance with the Governments of the Soviet Union, Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, and Romania at every available opportunity;

(4) the President is further requested to convey to all signatories of the Helsinki Accords that respect for human rights and fundamental freedoms is a vital element of further progress in the ongoing Helsinki process; and

(5) the President is authorized to convey to allies and friends of the United States that unity on the question of respect for human rights and fundamental freedoms is the most effective means to promote the full implementation of the human rights and humanitarian provisions of the Helsinki Accords.

SEC. 2. The Secretary of the Senate is directed to transmit copies of this joint resolution to the President, the Secretary of State, and the Ambassadors of the thirty-four Helsinki signatory nations.

Mr. D'AMATO. Mr. President, I rise today to cosponsor a joint resolution designating May 7, 1985 as "Helsinki Human Rights Day" introduced by my good friend, the junior Senator from Arizona.

As a member of the Commission of Security and Cooperation in Europe, the Helsinki Commission, I closely follow the human rights situation in Europe. When the Helsinki accords were signed, many believed it was the dawning of a new age for human rights. Although most nations which signed the accords have excellent records on human rights, the nations most in need of human rights reform, the Soviet Union and its satellites, have not abided by the accords and, in most cases, actually have become more oppressive.

The most significant and objectionable example of Soviet human rights disdain is the declining level of Jewish emigration. In 1979, over 51,000 Soviet Jews were allowed to emigrate; under 1,000 were allowed in 1984. In signing the Helsinki accords, the signatory nations acknowledged basic human rights. It is now clear that the Soviet Union regards these accords with contempt.

On May 7, 1985, representatives from the 35 nations who signed the accords and human rights experts will meet in Ottawa, Canada. They will discuss the current state of the Helsinki accords. It is therefore appropriate and imperative that the United States reaffirm its commitment to the Final Act of the Conference on Security and Cooperation in Europe, which is in its 10th year of existence.

I strongly urge my colleagues to join me in cosponsoring this resolution.

Thank you, Mr. President.

By Mr. PRESSLER:

S.J. Res. 16. Joint resolution expressing support for the Rural Electrification Administration; to the Committee on Agriculture, Nutrition, and Forestry.

RURAL ELECTRIFICATION ADMINISTRATION

Mr. PRESSLER. Mr. President, today I am submitting a resolution expressing the sense of the Congress' support for the Rural Electrification Administration. In recent years, the future of the REA Program has become a subject of a great deal of discussion and concern to Congress and to rural America. The latest flurry of activity has been over the proposed elimination of the Engineering Standards Division of the REA Program. The Engineering Standards Division establishes and enforces standards for safety, quality, and efficiency in the construction of rural electric systems, and also provides technical assistance to REA borrowers. This function is important in assuring that rural areas are provided with high quality and safe electrical power.

Since the establishment of the REA Program, rural areas have benefited from the services provided by the program. I can remember when the local rural electric cooperative, with the help of the REA, brought electricity to our family farm near Humbolt, SD. That was a very memorable day which might not have occurred had it not been for the REA Program. Sparsely populated rural areas are not very profitable areas to be served by power companies. In many areas, rural electric cooperatives serve less than one customer per mile of line. This results in high construction and maintenance costs, with a minimum amount of revenue. Many of these areas would not be served by public utilities.

Without the REA Program, many rural areas would not have had electrical service in the past, and if an effective REA Program is not continued in the future, electric rates may increase to a level beyond the financial means of many farmers and ranchers. Currently, the farm sector is struggling through some of the most severe financial troubles in history, and most farmers cannot afford to pay substantially higher electric bills. For this reason, I believe it is important that we send the administration and rural Americans a message that Congress knows the importance of the REA

Program and will continue to support an effective rural electrification program. Passage of this resolution would send such a message. I urge my colleagues to join me in this effort.

SENATE CONCURRENT RESOLUTION 1—PROVIDING FOR THE COUNTING OF THE ELECTORAL VOTES ON JANUARY 7, 1985

Mr. MATHIAS submitted the following concurrent resolution; which was considered and agreed to.

S. CON RES. 1

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall meet in the Hall of the House of Representatives on Monday, the 7th day of January 1985, at 1 o'clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter "A"; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

SENATE CONCURRENT RESOLUTION 2—EXTENDING THE LIFE OF THE JOINT COMMITTEE ON THE INAUGURAL

Mr. MATHIAS submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 2

Resolved by the Senate (the House of Representatives concurring), That effective from January 3, 1985, the joint committee created by Senate Concurrent Resolution 122 of the Ninety-eighth Congress, to make the necessary arrangements for the inauguration, is hereby continued with the same power and authority.

SENATE CONCURRENT RESOLUTION 3—PROVIDING FOR AN ADJOURNMENT OF THE HOUSE AND SENATE

Mr. DOLE submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 3

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Monday, January 7, 1985, at the conclusion of the joint session to count the electoral votes, it stand adjourned until 4:00 p.m. on Monday, January 21, 1985, and when the House of Representatives adjourns on January 7, 1985, it stand adjourned until 10:00 a.m. on Monday, January 21, 1985, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SENATE CONCURRENT RESOLUTION 4—RELATING TO A SPECIAL ENVOY FOR NORTHERN IRELAND

Mr. MOYNIHAN submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations.

S. CON. RES. 4

Resolved by the Senate (the House of Representatives concurring),

Whereas the United States enjoys a distinguished tradition of appointing special envoys to help settle conflicts in troubled areas of the world; and

Whereas the conflict in Northern Ireland continues; and

Whereas a lasting and peaceful settlement in Northern Ireland can only be reached through political and diplomatic discussion and accommodation based on the consent and respecting the rights of all concerned; and

Whereas the terrorism associated with the conflict in Northern Ireland on all sides is thoroughly rejected by all Americans of good will; and

Whereas the Government of Ireland and the Government of Great Britain are closely cooperating in the effort to defeat terrorism; and

Whereas bonds of common language, shared culture and democratic institutions have long and amiably bound the people of the United States with the peoples of Ireland and Great Britain; and

Whereas a New Ireland Forum has been convened by the major parties of the Irish nationalist tradition to provide them an opportunity to explore means of achieving peace and stability in a new Ireland through the democratic process; and

Whereas the process of Anglo-Irish cooperation provides an avenue wherein the governments of Ireland and Great Britain can jointly bring forward proposals to assist in the realization of peace and reconciliation between the two great traditions in Ireland; and

Whereas President John F. Kennedy stated in his St. Patrick's Day proclamation of March 17, 1962 that "ours is a nation founded, sustained and now preserved in the cause of Liberty," which "demands much of those who would live by it;" and

Whereas President Jimmy Carter stated on August 30, 1977 that "the United States wholeheartedly supports peaceful means for finding a just solution" and declared that, in the event of a peaceful settlement there, "the U.S. Government would be prepared to join with others to see how additional job-creating investment could be encouraged, to the benefit of all the people of Northern Ireland"; and

Whereas President Ronald Reagan on March 17, 1983 called upon "people everywhere to turn away from the moral bankruptcy of the men of violence and to help or heed the call for peace and reconciliation that is the true message which St. Patrick himself first brought to Ireland"; and

Whereas on July 27, 1983, for the first time in history a senior official delegation from the Dail and Seanad Eireann visited the floor of the Senate in demonstration of the shared purpose and determination of legislators in Ireland and the United States to promote an early and peaceful settlement of the conflict in Northern Ireland; and

Whereas on May 2, 1984, the New Ireland Forum issued a Report suggesting bases for discussion of Northern Ireland among the governments of Ireland and Great Britain, which was commended by the House of Representatives on May 22, 1984 and by the Senate on May 24, 1984; and

Whereas these expressions of support for and commitment to peaceful settlement of the conflict in Northern Ireland ought to be more fully realized at the earliest possible opportunity: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President should appoint a highly qualified and appropriately experienced special diplomatic envoy to investigate and report how best the United States could actively assist the governments of Ireland and Great Britain and the communities in Northern Ireland to arrive at an early, just and peaceful resolution of the present conflict in Northern Ireland.

Mr. MOYNIHAN. Mr. President, I am today submitting for the consideration of the Senate a concurrent resolution expressing the sense of the Congress that the President should appoint a highly qualified and appropriately experienced special diplomatic envoy to investigate and report how best the United States could actively assist the Governments of Ireland and Great Britain and the communities in Northern Ireland to arrive at an early, just, and peaceful resolution of the present conflict in Northern Ireland.

Senators KENNEDY and DODD join me as cosponsors of this resolution.

The United States has a long experience of sending special envoys to establish and develop the grounds for political dialog among parties at odds with each other, beginning, one might say, with President Theodore Roosevelt's successful mediation between Russia and Japan in 1905, for which he was awarded the Nobel Peace Prize in 1906. It is only natural that the U.S. Government should offer to make a similar contribution in the context of the conflict in Northern Ireland.

That there is an American dimension to the tragedy of Northern Ireland is indisputable. There is a question, however, whether the United States can make a constructive contribution to the resolution of the con-

tinuing conflict there. More than 2,000 persons have died in a decade and a half of violence and strife in Northern Ireland, conflict that is sustained by continuing political stalemate.

The stalemate must be resolved by the people of Northern Ireland themselves, in cooperation with the Governments of Great Britain and the Republic of Ireland. Outside powers, including the United States, cannot impose solutions or insist on defining the shape of the final settlement. But we ought at minimum seek to assist these two governments, both friends of the United States, in reaching accord.

In November 1984 a long-awaited meeting of the Prime Ministers of Ireland and Great Britain, held in London to discuss Northern Ireland, ended without an agreement being reached. Prime Ministers Garret Fitzgerald and Margaret Thatcher did announce, however, their intention to meet again within the next several weeks to continue their official discussions about Northern Ireland. One cannot but look forward to this imminent meeting with hope that a basis for sustained dialog may be established. In this context it is time for the United States to make clear its desire to assist in the achievement of a peaceful resolution of the conflict in Northern Ireland.

Americans have an obligation to assist in every constructive way. As President John F. Kennedy said to the Irish Parliament on June 20, 1963, during his historic visit to his ancestral homeland.

* * * no nation, large or small, can be indifferent to the fate of others near or far.

Indeed this was the theme of each of President Kennedy's St. Patrick's Day proclamations, which I had the honor to draft. In 1962, President Kennedy said:

* * * ours is a nation founded, sustained, and now preserved in the cause of liberty. None more than the Irish can attest the power of that cause once it has gripped a nation's soul.

It is well to love liberty, for it demands much of those who would live by it. Liberty is not content to share mankind.

The appointment of a special envoy to actively search, through communication with all the interested and responsible parties, for means through which the United States could assist in the settlement of the conflict is consistent with, and builds upon, the official statements of recent American Presidents.

In his famous address to the Irish Parliament in 1963, President Kennedy reminded us all of the interlocking histories of Ireland and America. Kennedy recalled the mission of Benjamin Franklin to the Irish Parliament in 1772:

It was neither independent nor free from discrimination at the time, but Franklin reported its members "disposed to be friends of America." "By joining our interest with theirs," he said, "a more equitable treatment * * * might be obtained for both nations."

Our interests have been joined ever since. Franklin sent leaflets to Irish freedom fighters. O'Connell was influenced by Washington, and Emmet influenced Lincoln. Irish volunteers played so predominant a role in the American army that Lord Mountjoy lamented in the British Parliament that "we have lost America through the Irish."

In 1977, President Carter noted that the desparate economic situation in Northern Ireland contributed materially to the despair that resulted almost directly in support for, or acquiescence in, the violence of terrorism.

On August 30, President Carter said:

It is natural that Americans are deeply concerned about the continuing conflict and violence in Northern Ireland. We know the overwhelming majority of the people there reject the bomb and the bullet. The United States wholeheartedly supports peaceful means for finding a just solution that involves both parts of the community of Northern Ireland and protects human rights and guarantees freedom from discrimination * * *

* * * It is still true that a peaceful settlement would contribute immeasurably to stability in Northern Ireland and so enhance the prospects for increased investment. In the event of such a settlement, the U.S. Government would be prepared to join with others to see how additional job-creating investment could be encouraged, to the benefit of all the people of Northern Ireland.

It is very much in this tradition of Presidential expressions of concern for Ireland, and support for the process of peaceful reconciliation in Northern Ireland, that I am today introducing this resolution calling for the appointment of a special envoy for Northern Ireland.

I would emphasize that my cosponsors and I do not intend that Americans should intervene and attempt to impose solutions. Our purpose is quite simply to state that we believe the United States should be actively offering to assist the Governments of Ireland and Great Britain in the search for solutions.

It is past time that the U.S. Government engaged more actively in the search for peace in Northern Ireland. Should others agree, I would be happy to list them as cosponsors of the concurrent resolution.

SENATE CONCURRENT RESOLUTION 5—TO ESTABLISH A JOINT COMMITTEE ON INTELLIGENCE OVERSIGHT

Mr. QUAYLE (for himself and Mr. FORD) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 5

Resolved by the Senate (the House of Representatives concurring), That there is hereby established a Joint Committee on Intelligence Oversight (hereinafter referred to as the "joint committee") which shall be composed of ten members appointed as follows:

(1) five members of the Senate, three to be appointed by the majority leader of the Senate and two to be appointed by the minority leader of the Senate; and

(2) five members of the House of Representatives, three to be appointed by the majority leader of the House of Representatives and two to be appointed by the minority leader of the House of Representatives.

(b) The joint committee shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship and the vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The chairman during each even numbered Congress shall be selected by the Members of the House of Representatives on the joint committee from among their number and the chairman during each odd-numbered Congress shall be selected by the Members of the Senate on the joint committee from among their number. The vice chairman during each Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member.

SEC. 2. (a) The jurisdiction and duties of the joint committee shall be as provided in section 3 of Senate Resolution 400, 94th Congress, relating to the Select Committee on Intelligence, approved May 19, 1976.

(b) All bills, resolutions, and other matters in the Senate or the House of Represenatives relating primarily to the jurisdiction of the joint committee shall be referred to the joint committee. The members of the joint committee who are Members of the Senate shall from time to time report to the Senate, and the members of the joint committee who are Members of the House of Representatives shall from time to time report to the House, by bill or otherwise, their recommendations with respect to matters within the jurisdiction of their respective Houses which are (1) referred to the joint committee, or (2) otherwise within the jurisdiction of the joint committee.

SEC. 3. The joint committee shall be administered in accordance with the provisions of sections 4 through 14 and section 16 of Senate Resolution 400, 94th Congress, except that all staff shall be appointed jointly by the chairman and vice chairman and such appointments shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

SEC. 4. For purposes of the resolution, all references in Senate Resolution 400 to—

(1) the term "select committee" shall be treated as referring to the "joint committee"; and

(2) the term "Senate" shall be treated as referring to either House of the Congress, subject to the rules and procedures of the House of Representatives.

Mr. QUAYLE. Mr. President, today, on behalf of myself and Senator FORD, I will be submitting resolutions as reported by the temporary Select Committee on Committee Reorganization. This committee met and reported out a consensus document that specified

suggestions for changes in committee structure and changes for the rules.

Since the reporting of this committee, the respective parties have met. This morning, our party had a rather spirited discussion about the recommendations. The Senate majority leader pointed out this morning that we are going to proceed along trying to see which recommendations can, in fact, be implemented. Working groups are being formed.

I am simply submitting this concurrent resolution today as well as Senate Resolution 31 as was specified in the statute on the creation of this committee last year.

Mr. President, I think we do have a window of opportunity to see something accomplished to enhance the process that the Senate operates under presently. I am very hopeful that these recommendations will finally be adopted by the Senate, although I know that the path to final adoption will be perhaps at least contentious, and, at most, not terribly pleasant for all, but I think if we look at it collectively as a whole that these recommendations certainly go in the right direction.

The select committee was established last June under an amendment sponsored by the majority and minority leaders, Senators BAKER and BYRD. Its function was to study the Senate committee system and make recommendations to improve its functioning. These resolutions are the product of our 2 days of hearings, during which the majority leader, the assistant majority leader and the chairmen and ranking minority members of the Appropriations, Budget and Armed Services Committees all testified, as well as our discussions with our colleagues and our study of past reform efforts.

It is clear that if we are going to make some changes in how our committees conduct their business and how the institution of the Senate makes policy, now is the time. In the month of January, before we organize for a new Congress, before we choose our committee assignments, and before we become involved in the legislative process once again, we are on the brink of an opportunity for reform. If we don't act now, we will operate during the 99th Congress as we operated during the 98th Congress. I commend the leadership for refraining from making committee assignments so that the select committee would have this opportunity to present its suggestions to the full Senate.

Reform is a popular concept—in theory. We all talk about how repetitive our fiscal processes are, how we need to change the functioning of the committee system and how floor procedures are abused. Toward the end of the 98th Congress, column after column of the CONGRESSIONAL RECORD was filled with descriptions of the problems, difficulties and inefficiencies that hindered the timely and effective functioning of the Senate. From our most senior colleague, the distinguished JOHN STENNIS, to our most junior, DAN EVANS, we lamented the disintegration of the Senate as an institution and the loss of its public reputation as an effective policymaker.

Mr. President, it is easy enough to talk about change, but the time has now come for the Senate to act. The enactment of reform takes courage because change always comes with a price tag and is a step into the unknown. As individual senators we need to exercise selfrestraint, which requires some sacrifice, so that the Senate as an institution will benefit. We cannot complain that we are not taken seriously if we are not willing to consider serious reform.

Serious reform must address the proliferation of the number of committees and subcommittees, the number of staff, the number of floor amendments, the number of cloture votes, the number of rollcall votes, the number of fiscal processes. As a consequence of this proliferation, we have trivialized the matters with which we are concerned, using our processes more and more to emphasize small issues rather than large ones. For individual Senators the price of change may be the loss of a committee assignment, but collectively we stand to gain if the committee system operates more effectively and efficiently. The institution of the Senate stands to gain if we reassert its historical prerogative of balanced and informed policymaking and its tradition of dramatic and meaningful debate.

The select committee's resolutions incorporate alterations in the committee system that address these problems of proliferation and trivialization. A complete summary of the select committee's recommendations is appended to this statement, but I would like to briefly describe a few of them. The recommendations include reductions in committee sizes, fewer assignments per Senator, fewer subcommittees, and fewer chairmanships per Senator in order to involve Senators more deeply and thoroughly in decisionmaking and prevent the delegation of too much authority to staff. We also recommend the establishment of a temporary select committee to reform the budget process, with particular attention to the possible benefits of instituting a 2-year budget process and eliminating some of the redundancy of the three-layer authorization-appropriation-budget process.

While the select committee's juridiction and the resolutions that we have reported are limited to the committee system, it is clear that the committee system operates in the context of the Senate and that neither the problems of the committee system nor the problems of the Senate can be adequately addressed unless the entire institution is examined. Therefore, the committee's report discusses not only committee system reform, but also proposes steps the committee believes essential to the improvement of the environment in which the committee system operates—the institution of the Senate. In the report the select committee recommends a germaneness rule, invoked by 60 percent of those present and voting, and recommends that a 60-percent majority be required to overturn rulings of the Chair that an amendment is nongermane. In addition the select committee recommends that unlimited debate be permitted only on substantive issues by providing for a 2-hour time limit on the motion to proceed and by making cloture not only more difficult to invoke, but more effective once invoked.

In my opinion we should go further. We should require a two-thirds majority of those present and voting to invoke cloture and provide for an effective post-cloture debate limitation restricting all debate on the bill and amendments to 20 hours. We should also require a two-thirds vote to overrule the chair on a question of germaneness once cloture has been invoked. In order to reduce the number of rollcall votes, I think we should exercise self-restraint in supporting requests for the yeas and nays and revert to the custom of earlier years when Members did not support such requests unless urged to do so by leadership.

Mr. President, the time for action is now. We have done enough talking. Senator FORD and I have presented a package of proposals for consideration by the Senate and we believe our suggestions are workable solutions. It is crucial that the Senate act in January, before we become too busy with our other duties. We must take advantage of this window of opportunity so generously extended by the leadership. To fail to act now is to actively endorse our current committee system and Senate floor procedures, to actively encourage the continued proliferation of committee assignments, subcommittees and staff. To fail to act now is to evade responsibility for the structuring of our own institution. To fail to act now is to indicate that we lack both courage and restraint.

Mr. FORD. Mr. President, today I am joining my cochairman of the Senate Select Committee to Study the Senate Committee System, the junior Senator from Indiana, Mr. QUAYLE, in introducing two resolutions growing out of the work of that temporary committee.

The proposed changes contained in the resolutions are the recommenda-

tions spelled out in the select committee's report, filed on December 15, 1984. As that report stated, while each member of the committee voted to approve the committee's report, such approval did not mean approval by each member of all the recommendations contained in the report.

There is widespread belief that changes need to be made to improve Senate operations. There is, however considerable diversity of opinion on just what such changes should be.

The resolutions we are introducing today will be appropriately referred to the Committee on Rules and Administration. That committee will promptly address these resolutions, and others making different recommendations for rules changes, and in due course report to the full Senate. What we need now is the help of all Members of the Senate so that our consideration can be as broad as possible.

The subject matter of appropriate procedure and committee structure in the Senate is complex and vitally important. We must act on this agenda, but not in haste.

It is my view that proponents of change carry a heavy burden of proof. In the final analysis, it is my judgment that we can meet that burden. To do so we must probe deeply and keep open minds.

Much of the discontent and many of the complaints I have heard expressed about the operations in the Senate may have little, if anything, to do with simple organization or procedure in the Senate. It is possible that far more basic policy questions are involved in order to balance the respective powers and rights of individual Senators, and the leadership of the Senate and its committees.

Our recommendation of the select committee in which I am especially interested, and for which there is wide and growing support, relates to the question of going to a 2-year cycle on budget and appropriations. The select committee proposes the creation of a temporary Senate committee to consider 2-year budget legislation and other proposals to improve the budget process.

In September 1981, I introduced the first Senate bill to establish a 2-year budget and appropriation cycle. In January 1982, Senator QUAYLE introduced a different bill for the same purpose.

In August 1982, Senator QUAYLE and I introduced a new bill in which we eliminated the differences in our two previous separate bills. Again in January 1983 we introduced a common bill, cosponsored by several of our colleagues.

We intend to reintroduce our bill again in the 99th Congress, but have decided to wait until the rules Committee and the Senate have acted on the select committee's proposal for a special committee to be established. The 2-year budget bill has previously been referred jointly to the three Senate committees having jurisdiction over the subject matter. These are the Budget, Governmental Affairs, and Rules Committees.

By establishing a special committee with legislative power to report on this subject, we can avoid the necessity of triple referrals and the synchronization of the actions of three separate committees.

In the meantime, it is my hope that Senator QUAYLE and I will soon send a copy of our proposed bill to each of our colleagues urging cosponsorship of the bill with us.

The select committee, like the Pearson-Ribicoff study before it, has done excellent work, and made some realistic proposals. We have a chance not only to address the problems of Senate operations but to do something constructive to overcome them. I pledge my efforts to this task and look forward to early consideration in the Rules Committee of the recommendations of the select committee, of Pearson-Ribicoff, and, of individual Senators.

SENATE RESOLUTION 1—INFORMING THE PRESIDENT THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. DOLE submitted the following resolution; which was considered, and agreed to.

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed by the Vice President to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

SENATE RESOLUTION 2—TO IMPROVE SENATE PROCEDURES

Mr. BYRD submitted the following resolution; which was ordered to lie over under the rule.

S. RES. 2

Resolved, That (a) the Senate hereby authorizes and directs that there be both television and radio boradcast coverage (together with videotape and audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be—

(1) provided in accordance with provisions of this resolution;

(2) provided continuously at such times as the Majority Leader and Minority Leader jointly agreed by a non-debatable motion, voted on without intervening action, and to be concluded by joint agreement by non-debatable motion of the Majority and Minority Leaders voted on without intervening action, except for any time when a meeting with closed doors is ordered; and

(3) provided that during any television and/or radio broadcasts, time shall be divided and controlled in such way as to assure equal time to both the Majority and Minority Parties; and

(4) provided subject to the provisions pertaining to the Senate gallery contained in the following Standing Rules of the Senate: rule XIX, paragraphs 6 and 7; rule XXV, paragraph 1(n); and rule XXXIII, paragraph 2; and

(5) provided that the Senate shall be in session on Mondays, Tuesdays, and Thursdays, with committee meetings scheduled on days and/or times the Senate debate is not to be televised.

SEC. 2. The radio and television broadcast of Senate proceedings shall be—

(a) supervised and operated by the Senate, and

(b) made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other news gathering, education, or information distributing entity as may be authorized by the Committee on Rules and Administration to receive such broadcasts.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are recognized to speak by the Presiding Officer (including Senators who are so recognized with the consent of another Senator to interrupt such other Senator).

SEC. 4. (a) The broadcast coverage by radio and television of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures);

(2) employ necessary expert consultants; and

(3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality "live" audio and color video signal of such proceedings, and (B) provide an archive-quality audio and color video tape recording of such proceedings:

Provided, That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for the employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) make audio and video tape recordings of Senate proceedings, (3) make copies of such recordings available, upon payment to him of a fee fixed therefor by the Committee on Rules and Administration, to Members of the Senate and to each person described in subsection (b) (1) and (3) of section 2 of this resolution, and (4) retain for ninety days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States copies of such recordings: *Provided,* That the Sergeant at Arms and

Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations.

(d) The Librarian of Congress and the Archivist of the United States shall each receive, store, and make available to the public, at no cost for viewing or listening on the premises where stored and upon payment of a fee equal to the cost involved through distribution of taped copies, recordings of Senate proceedings transmitted to them by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 5. (a) As soon as practicable after the necessary equipment has been installed, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Such test period shall end on such date as may be agreed upon by the majority leader, the minority leader, the chairman of the Committee on Rules and Administration, and the ranking minority member of such committee.

(b) During such test period—

(1) final procedures for camera direction control shall be established;

(2) coverage of Senate proceedings shall not be transmitted, except that, at the direction of the chairman of the Committee on Rules and Administration, such coverage may be transmitted over the coaxial cable system of the Architect of the Capitol; and

(3) recordings of Senate proceedings shall be made and retained by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 6. The use of tape duplications of broadcast coverage of the proceedings of the Senate for political or commercial purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political or commercial purposes.

SEC. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems necessary to assure the proper implementation of the purposes of this resolution.

SEC. 8. Such funds as may be necessary (but not in excess of $2,500,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

SEC. 9. Rule XXVI, paragraph 7.(a)(1), is amended to read as follows:

"7.(a)(1) Except as provided in this paragraph, each committee, and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the committee are physically present, and no report or legislative or executive measure or matter from a committee shall be accepted at the desk except on the representation of the committee chairman that it was not reported by polling."

SEC. 10. Rule XXX, paragraph 1(b), is amended to read as follows:

"(b) When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie over one day for consideration; after which it may be read a second time, after which amendments may be proposed. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty."

SEC. 11. Rule XII, paragraph 1, is amended by striking the first clause thereof and inserting in lieu thereof the following:

"Except as provided in subparagraph 5 of this rule, when the yeas and nays are ordered,".

SEC. 12. Rule XII is amended by adding at the end thereof the following new paragraphs:

"5. Whenever the Majority Leader, with concurrence of the Minority Leader, shall determine, the names of Senators voting upon any rollcall shall be recorded by electronic device. Senators shall have not more than fifteen minutes from the beginning of the rollcall to have their vote recorded.

"6. The Majority Leader, with concurrence of the Minority Leader, may announce that any recorded vote that is scheduled to or does occur immediately after another recorded vote shall be no longer than five minutes in duration."

SEC. 13. Paragraph 4 of rule XVI of the Standing Rules of the Senate is amended—

(1) by inserting "(a)" after "4"; and

(2) by adding at the end of such paragraph the following new subparagraph:

"(b) If a point of order is made by any Senator against an amendment to a general appropriations bill on the ground that such amendment proposes general legislation or proposes a limitation or restriction not authorized by law and is to take effect or cease to be effective upon the happening of a contingency, it shall not be in order to raise the defense of germaneness unless there is House legislative language on that subject contained in the bill."

SEC. 14. Rule VIII of the Standing Rules of the Senate is amended by inserting at the end thereof the following new paragraph:

"3. Debate on any motion to proceed to the consideration of any matter, other than an amendment to the Standing Rules of the Senate, made at any time other than the morning hour shall be limited to two hours, to be equally divided between and controlled by the Majority Leader and Minority Leader or their designees, at the conclusion of which, without any intervening action, the Senate shall proceed to vote on the motion."

SEC. 15. Rule XVII, paragraph 5, of the Standing Rules of the Senate is amended to read as follows:

"5. Any measure or matter reported by any standing committee shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to Members for at least two calendar days (excluding Sundays and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate. This paragraph—

(1) may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate; and

(2) shall not apply to—

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

(B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress."

SEC. 16. Rule XV of the Standing Rules of the Senate is amended—

(1) by inserting after "Motions" in the caption a semicolon and the following: "GERMANENESS";

(2) by adding at the end thereof the following new paragraph:

"6. (a) At any time during the consideration of a bill or resolution, it shall twice be in order during a calendar day to move that no amendment, other than the reported committee amendments, which is not germane or relevant to the subject matter of the bill or resolution, or to the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall thereafter be in order. The motion shall be privileged and shall be decided after one hour of debate, without any intervening action, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators present and voting, then any floor amendment not already agreed to (except amendments proposed by the Committee which reported the bill or resolution) which is not germane or relevant to the subject matter of the bill or resolution, or the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall not be in order.

"(c) When a motion made under subparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a bill or resolution, points of order with respect to questions of germaneness or relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"(d) Whenever an appeal is taken from a decision of the Presiding Officer on the question of germaneness of an amendment, or whenever the Presiding Officer submits the question of germaneness or relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officer or hold the amendment germane or relevant shall be two-thirds of the Senators present and voting. No amendment proposing sense of the Senate or sense of the Congress language that does not directly relate to the measure or matter before the Senate shall be considered germane.

SEC. 17. Paragraph 2 of Rule XXII of the Standing Rules of the Senate is amended to read as follows:

"2. Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit

to the Senate by a yea-and-nay vote the question.

'Is it the sense of the Senate that the debate shall be brought to a close?'

And if that question shall be decided in the affirmative by two-thirds of the Senators present and voting except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators duly chosen and sworn then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree or a complete substitute and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate. Whenever an appeal is taken under this rule from a decision of the Presiding Officer on the question of germaneness of an amendment, the vote necessary to overturn the decision of the Presiding Officer shall be two-thirds of the Senators present and voting.

"After no more than twenty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the time to be equally divided and controlled by the majority leader and minority leader, or their designees, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins.

"If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

"No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

"After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed, with.".

SENATE RESOLUTION 3—INFORMING THE HOUSE THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. BYRD submitted the following resolution; which was considered and agreed to.

S. RES. 3

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

SENATE RESOLUTION 4—FIXING THE DAILY MEETING HOUR OF THE SENATE

Mr. CHAFEE submitted the following resolution; which was considered and agreed to.

S. RES. 4

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

SENATE RESOLUTION 5—ELECTING STROM THURMOND AS PRESIDENT PRO TEMPORE OF THE SENATE

Mr. DOLE submitted the following resolution; which was considered and agreed to.

S. RES. 5

Resolved, That the Honorable Strom Thurmond, a Senator from the State of South Carolina, be, and he is hereby, elected President of the Senate pro tempore, to hold office during the pleasure of the Senate, in accordance with rule I, paragraph 1, of the Standing Rules of the Senate.

SENATE RESOLUTION 6—NOTIFYING THE PRESIDENT OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. DOLE submitted the following resolution; which was considered and agreed to.

S. RES. 6

Resolved, That the President of the United States be notified of the election of the Honorable Strom Thurmond, a Senator from the State of South Carolina, as President pro tempore.

SENATE RESOLUTION 7—CONGRATULATING STROM THURMOND ON HIS ELECTION AS PRESIDENT PRO TEMPORE

Mr. DOLE (for himself and Mr. BYRD) submitted the following resolution; which was considered and agreed to.

S. RES. 7

Resolved, That the Majority Leader and the Minority Leader of the Senate, on behalf of the Senate, congratulate the Honorable Strom Thurmond, of South Carolina, upon his election as President pro tempore of the United States Senate.

SENATE RESOLUTION 8—NOTIFYING THE HOUSE OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. DOLE submitted the following resolution; which was considered and agreed to.

S. RES. 8

Resolved, That the House of Representatives be notified of the election of the Honorable Strom Thurmond, a Senator from the State of South Carolina, as President pro tempore.

SENATE RESOLUTION 9—CONGRATULATING ROBERT DOLE ON HIS ELECTION AS MAJORITY LEADER

Mr. THURMOND submitted the following resolution; which was considered and agreed to.

S. RES. 9

Resolved, That the President pro tempore of the Senate, on behalf of the Senate, congratulates the Honorable Robert Dole of Kansas upon his election as majority leader of the United States Senate.

SENATE RESOLUTION 10—CONGRATULATING ALAN SIMPSON ON HIS ELECTION AS ASSISTANT MAJORITY LEADER

Mr. THURMOND submitted the following resolution; which was considered and agreed to.

S. RES. 10

Resolved, That the President pro tempore of the Senate, on behalf of the Senate, congratulates the Honorable Alan Simpson of Wyoming upon his election as assistant majority leader of the United States Senate.

SENATE RESOLUTION 11—CONGRATULATING ROBERT BYRD ON HIS ELECTION AS MINORITY LEADER

Mr. THURMOND submitted the following resolution; which was considered and agreed to.

S. RES. 11

Resolved, That the President pro tempore of the Senate, on behalf on the Senate, congratulates the Honorable Robert Byrd of West Virginia upon his election as minority leader of the United States Senate.

SENATE RESOLUTION 12—CONGRATULATING ALAN CRANSTON ON HIS ELECTION AS MINORITY WHIP

Mr. THURMOND submitted the following resolution; which was considered and agreed to.

S. RES. 12

Resolved, That the President pro tempore of the Senate, on behalf of the Senate, congratulates the Honorable Alan Cranston of California upon his election as minority whip of the United States Senate.

SENATE RESOLUTION 13—ELECTING JO-ANNE L. COE AS SECRETARY OF THE SENATE

Mr. DOLE submitted the following resolution; which was considered and agreed to.

S. RES. 13

Resolved, That Jo-Anne L. Coe, of Virginia, be, and she is hereby, elected Secretary of the Senate, beginning January 3, 1985.

SENATE RESOLUTION 14—NOTIFYING THE PRESIDENT OF THE ELECTION OF A SECRETARY OF THE SENATE

Mr. DOLE submitted the following resolution; which was considered and agreed to.

S. RES. 14

Resolved, That the President of the United States be notified of the election of the Honorable Jo-Anne L. Coe, of Virginia, as Secretary of the Senate.

SENATE RESOLUTION 15—NOTIFYING THE HOUSE OF THE ELECTION OF A SECRETARY OF THE SENATE

Mr. BYRD submitted the following resolution; which was considered and agreed to.

S. RES. 15

Resolved, That the House of Representatives be notified of the election of the Honorable Jo-Anne L. Coe, of Virginia, as Secretary of the Senate.

SENATE RESOLUTION 16—TO COMMEND WILLIAM F. HILDENBRAND

Mr. DOLE submitted the following resolution; which was considered and agreed to;

S. RES. 16

Whereas, At the beginning of the Ninety-ninth Congress, William F. Hildenbrand will have fulfilled four years of service as Secretary of the United States Senate; and

Whereas, as an elected officer of the Senate, both as Secretary for the Minority and Secretary of the Senate, the said William F. Hildenbrand has performed the duties and discharged the responsibilities of his offices with unfailing dedication and a high degree of efficiency; and

Whereas, the said William F. Hildenbrand has upheld the high standards and traditions of the Office of Secretary of the Senate with abiding devotion; and

Whereas, he has gained the trust, confidence, and respect of his associates and the Members of the United States Senate; Now, therefore, be it

Resolved, That the Senate recognizes the notable contributions of William F. Hildenbrand to the Senate and to his Country and expresses to him its appreciation and gratitude for his long, faithful, and outstanding service.

SENATE RESOLUTION 17—AUTHORIZING THE PRESIDENT OF THE SENATE TO ADMINISTER THE OATH OF OFFICE TO JAY ROCKEFELLER

Mr. BYRD submitted the following resolution; which was considered and ordered to.

S. RES. 17

Resolved, That the President of the Senate be, and he is hereby, authorized to administer the oath of office to the Honorable Jay Rockefeller of West Virginia in the Senate Chamber on January 15, 1985, and that the said oath, when administered as herein authorized, shall be accepted and received by the Senate as the oath of office of the said Jay Rockefeller.

SENATE RESOLUTION 18—EXTENDING THE PERIOD FOR PAYMENT OF EXPENSES OF THE TEMPORARY SELECT COMMITTEE ON THE COMMITTEE SYSTEM

Mr. QUAYLE submitted the following resolution; which was considered and agreed to:

S. RES. 18

Resolved, That section 5 of Senate Resolution 127, Ninety-eighth Congress, agreed to June 6, 1984, is amended by striking out "December 15, 1984" and insert in lieu thereof "February 13, 1985".

SENATE RESOLUTION 19—RELATING TO THE UPCOMING MEETING IN GENEVA OF THE SECRETARY OF STATE AND THE SOVIET FOREIGN MINISTER

Mr. DOLE (for himself and Mr. BYRD) submitted the following resolution; which was considered and agreed to.

S. RES. 19

Whereas the control and reduction of nuclear arms are among the most pressing problems confronting the world;

Whereas all reasonable efforts, consistent with the national security of the United States and the responsibilities of the United States as the leader of the Free World, need to be undertaken in pursuit of nuclear arms control and reduction;

Whereas the issue of nuclear arms control and reduction must be pursued on the basis of the national interest of the United States without regard for partisan considerations;

Whereas the control and reduction of nuclear arms are central to the relations of the United States with the Soviet Union, the only other nation on Earth possessing a comparable nuclear arsenal; and

Whereas the President has declared that one of the highest priority goals of his second administration is to pursue nuclear arms control and reduction talks with the leaders of the Soviet Union which are aimed at the mutual, balanced, and verifiable reduction of the strategic arsenals of both countries: Now, therefore, be it

Resolved, That the Senate hereby—

(1) commends the commitment by the President to make nuclear arms control and reduction talks with the Government of the Soviet Union a high priority goal of his second administration;

(2) offers full support for any effort by the President to engage the Government of the Soviet Union in dialogue and negotiations in pursuit of agreements to control and reduce the nuclear arsenals of the United States and the Soviet Union;

(3) urges the President to approach such talks with creativity and flexibility consistent with the requirements of the security of the United States and the security of those nations that are allies and friends of the United States;

(4) extends to Secretary of State Shultz full support for his efforts and best wishes for success in his meetings with Foreign Minister Gromyko in Geneva January 7-8, which are aimed at setting a more concrete agenda for the resumption of nuclear arms control and reduction negotiations in the immediate future, negotiations to which both the United States and the Soviet Union have agreed; and

(5) recommends that the President include, as official observers on the United States delegation to any formal negotiations which take place, a bipartisan group of Senators, designated upon the recommendation of the Majority Leader and the Minority Leader of the Senate.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

SENATE RESOLUTION 20—TO AMEND THE CLOTURE RULE OF THE SENATE

Mr. BYRD submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. RES. 20

Resolved, That Paragraph 2 of Rule XXII of the Standing Rules of the Senate is amended to read as follows:

"2. Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, be shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea and nay vote the question:

'Is it the sense of the Senate that the debate shall be brought to a close?'

And if that question shall be decided in the affirmative by two-thirds of the Senators present and voting except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators duly chosen and sworn-then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree or a complete substitute, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate. Whenever an appeal is taken under this rule from a decision of the Presiding Officer on the question of germaneness of an amendment, the vote necessary to overturn the decision of the Presiding Officer shall be two-thirds of the Senators voting.

"After no more than twenty hours of consideration of the measure, motion, or other

matter on which cloture has been invoked, the time to be equally divided and controlled by the majority leader and minority leader, or their designees, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins.

"If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

"No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

"After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed, with.".

SENATE RESOLUTION 21—TO PROHIBIT POLLING FROM COMMITTEES

Mr. BYRD submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. RES. 21

Resolved, That Rule XXVI, paragraph 7.(a)(1), is amended to read as follows:

"7.(a)(1) Except as provided in this paragraph, each committee, and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the committee are physically present, and no report or legislative or executive measure or matter from a committee shall be accepted at the desk except on the representation of the committee chairman that it was not reported by polling."

SENATE RESOLUTION 22—TO IMPROVE THE RULE ON TREATIES

Mr. BYRD submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. RES. 22

Resolved, That Rule XXX, paragraph 1(b), is amended to read as follows:

"(b) When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie over one day for consideration; after which it may be read a second time, after which amendments may be proposed. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty."

SENATE RESOLUTION 23—TO PROVIDE FOR ELECTRONIC VOTING IN THE SENATE

Mr. BYRD submitted the following resolution; which was referred to the Committee on Rules and Administration

S. RES. 23

Resolved, That Rule XII, paragraph 1, is amended by striking the first clause thereof and inserting in lieu thereof the following:

"Except as provided in subparagraph 5 of this rule, when the yeas and nays are ordered,".

SEC. 2. Rule XII is amended by adding at the end thereof the following new paragraphs:

"5. Whenever the Majority Leader, with concurrence of the Minority Leader, shall determine, the names of Senators voting upon any roll call shall be recorded by electronic device. Senators shall have not more than fifteen minutes from the beginning of the roll call to have their vote recorded.

6. The Majority Leader, with concurrence of the Minority Leader, may announce that any recorded vote that is scheduled to or does occur immediately after another recorded vote shall be no longer than five minutes in duration."

SENATE RESOLUTION 24—TO LIMIT LEGISLATIVE AMENDMENTS TO GENERAL APPROPRIATIONS BILLS

Mr. BYRD submitted the following resolution; which was referred to the Committee on Rules and Administration

S. RES. 24

Resolved, That paragraph 4 of rule XVI of the Standing Rules of the Senate is amended—

(1) by inserting "(a)" after "4"; and

(2) by adding at the end of such paragraph the following new subparagraph:

"(b) If a point of order is made by any Senator against an amendment to a general appropriations bill on the ground that such amendment proposes general legislation or proposes a limitation or restriction not authorized by law and is to take effect or cease to be effective upon the happening of a contingency, it shall not be in order to raise the defense of germaneness unless there is House legislative language on that subject contained in the bill."

SENATE RESOLUTION 25—TO LIMIT TIME ON THE MOTION TO PROCEED

Mr. BYRD submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 25

Resolved, That Rule VIII of the Standing Rules of the Senate is amended by inserting at the end thereof the following new paragraph:

"3. Debate on any motion to proceed to the consideration of any matter, other than an amendment to the Standing Rules of the Senate, made at any time other than the morning hour shall be limited to two hours, to be equally divided between and controlled by the Majority Leader and Minority Leader or their designees, at the conclusion of which, without any intervening action, the Senate shall proceed to vote on the motion."

SENATE RESOLUTION 26—TO PROVIDE FOR A 2-DAY RULE IN LIEU OF A 3-DAY RULE

Mr. BYRD submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 26

Resolved, That Rule XVII, paragraph 5, of the Standing Rules of the Senate is amended to read as follows:

"5. Any measure or matter reported by any standing committee shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to Members for at least two calendar days (excluding Sundays and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate. This paragraph—

(1) may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate; and

(2) shall not apply to—

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

(B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress."

SENATE RESOLUTION 27—TO PROVIDE FOR GERMANENESS OR RELEVANCY OF AMENDMENTS

Mr. BYRD submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 27

Resolved, That Rule XV of the Standing Rules of the Senate is amended—

(1) by inserting after "Motions" in the caption a semicolon and the following: "GERMANENESS";

(2) by adding at the end thereof the following new paragraph:

"6. (a) At any time during the consideration of a bill or resolution, it shall twice be in order during a calendar day to move that no amendment, other than the reported committee amendments, which is not germane or relevant to the subject matter of the bill or resolution, or to the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall thereafter be in order. The motion shall be privileged and shall be decided after one hour of debate, without any intervening action, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators present and

voting, then any floor amendment not already agreed to (except amendments proposed by the Committee which reported the bill or resolution) which is not germane or relevant to the subject matter of the bill or resolution, or the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall not be in order.

"(c) When a motion made under subparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a bill or resolution, points of order with respect to questions of germaneness or relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"(d) Whenever an appeal is taken from a decision of the Presiding Officer on the question of germaneness of an amendment, or whenever the Presiding Officer submits the question of germaneness or relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officer or hold the amendment germane or relevant shall be two-thirds of the Senators present and voting. No amendment proposing sense of the Senate or sense of the Congress language that does not directly relate to the measure or matter before the Senate shall be considered germane.

SENATE RESOLUTION 28—TO IMPROVE SENATE PROCEDURES

Mr. BYRD submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. RES. 28

Resolved, That (a) the Senate hereby authorizes and directs that there be both television and radio broadcast coverage (together with videotape and audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be—

(1) provided in accordance with provisions of this resolution;

(2) provided continuously at such times as the Majority Leader and Minority Leader jointly agreed by a nondebatable motion, voted on without intervening action, and to be concluded by joint agreement by nondebatable motion of the Majority and Minority Leaders voted on without intervening action except for any time when a meeting with closed doors is ordered;

(3) provided that during any television and/or radio broadcasts, time shall be divided and controlled in such way as to assure equal time to both the Majority and Minority Parties;

(4) provided subject to the provisions pertaining to the Senate gallery contained in the following Standing Rules of the Senate: rule XIX, paragraphs 6 and 7; rule XXV, paragraph 1(n); and rule XXXIII, paragraph 2; and

(5) provided that the Senate shall be in session on Mondays, Tuesdays, and Thursdays, with committee meetings scheduled on days and/or times the Senate debate is not to be televised.

SEC. 2. The radio and television broadcast of Senate proceedings shall be—

(a) supervised and operated by the Senate, and

(b) made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other news-gathering, educational, or information distributing-entity as may be authorized by the Committee on Rules and Administration to receive such broadcasts.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are recognized to speak by the Presiding Officer (including Senators who are so recognized with the consent of another Senator to interrupt such other Senator).

SEC. 4. (a) The broadcast coverage by radio and television of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures);

(2) employ necessary expert consultants; and

(3) acquire and install all uncessary equipment and facilities to (A) produce a broadcast-quality "live" audio and color video signal of such proceedings, and (B) provide an archive-quality audio and color video tape recording of such proceedings:

Provided, That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for the employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studies, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) make audio and video tape recordings of Senate proceedings, (3) make copies of such recordings available, upon payment to him of a fee fixed therefor by the Committee on Rules and Administration, to Members of the Senate and to each person described in subsection (b)(1) and (3) of section 2 of this resolution, and (4) retain for ninety days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States copies of such recordings: *Provided*, That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations.

(d) The Librarian of Congress and the Archivist of the United States shall each receive, store, and make available to the public, at no cost for viewing or listening on the premises where stored and upon payment of a fee equal to the cost involved through distribution of taped copies, recordings of Senate proceedings transmitted to them by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 5. (a) As soon as practicable after the necessary equipment has been installed, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Such test period shall end on such date as may be agreed upon by the majority leader, the minority leader, the chairman of the Committee on Rules and Administration, and the ranking minority member of such committee.

(b) During such test period—

(1) final procedures for camera direction control shall be established;

(2) coverage of Senate proceedings shall not be transmitted, except that, at the direction of the chairman of the Committee on Rules and Administration, such coverage may be transmitted over the coaxial cable system of the Architect of the Capitol; and

(3) recordings of Senate proceedings shall be made and retained by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 6. The use of tape duplications of broadcast coverage of the proceedings of the Senate for political or commercial purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political or commercial purposes.

SEC. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems necessary to assure the proper implementation of the purposes of this resolution.

SEC. 8. Such funds as may be necessary (but not in excess of $2,500,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

SEC. 9. Rule XXVI, paragraph 7. (a)(1), is amended to read as follows:

"7. (a)(1) Except as provided in this paragraph, each committee, and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or mater or recommendation shall be reported from any committee unless a majority of the committee are physically present, and no report or legislative or executive measure or matter from a committee shall be accepted at the desk except on the representation of the committee chairman that it was not reported by polling."

SEC. 10. Rule XXX, paragraph 1(b), is amended to read as follows:

"(b) When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie over one day for consideration; after which it may be read a second time, after which amendments may be proposed. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty."

SEC. 11. Rule XII, paragraph 1, is amended by striking the first clause thereof and inserting in lieu thereof the following:

"Except as provided in subparagraph 5 of this rule, when the yeas and nays are ordered.".

SEC. 12. Rule XII is amended by adding at the end thereof the following new paragraphs:

"5. Whenever the Majority Leader, with concurrence of the Minority Leader, shall determine, the names of Senators voting upon any roll call shall be recorded by elec-

tronic device. Senators shall have not more than fifteen minutes from the beginning of the roll call to have their vote recorded.

"6. The Majority Leader, with concurrence of the Minority Leader, may announce that any recorded vote that is scheduled to or does occur immediately after another recorded vote shall be no longer than five minutes in duration.".

SEC. 13. Paragraph 4 of rule XVI of the Standing Rules of the Senate is amended—

(1) by inserting "(a)" after "4"; and

(2) by adding at the end of such paragraph the following new subparagraph:

"(b) If a point of order is made by any Senator against an amendment to a general appropriations bill on the ground that such amendment proposes general legislation or proposes a limitation or restriction not authorized by law and is to take effect or cease to be effective upon the happening of a contingency, it shall not be in order to raise the defense of germaneness unless there is House legislative language on that subject contained in the bill.".

SEC. 14. Rule VIII of the Standing Rules of the Senate is amended by inserting at the end thereof the following new paragraph:

"3. Debate on any motion to proceed to the consideration of any matter, other than an amendment to the Standing Rules of the Senate, made at any time other than the morning hour shall be limited to two hours, to be equally divided between and controlled by the Majority Leader and Minority Leader or their designees, at the conclusion of which, without any intervening action, the Senate shall proceed to vote on the motion."

SEC. 15. Rule XVII, paragraph 5, of the Standing Rules of the Senate is amended to read as follows:

"5. Any measure or matter reported by any standing committee shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to Members for at least two calendar days (excluding Sundays and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate. This paragraph—

"(1) may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate; and

"(2) shall not apply to—

"(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

"(B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.".

SEC. 16. Rule XV of the Standing Rules of the Senate is amended—

(1) by inserting after "Motions" in the caption a semicolon and the following: "GERMANENESS";

(2) by adding at the end thereof the following new paragaraph:

"6. (a) At any time during the consideration of a bill or resolution, it shall twice be in order during a calendar day to move that no amendment, other than the reported committee amendments, which is not germane or relevant to the subject matter of the bill or resolution, or to the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall thereafter be in order. The motion shall be privileged and shall be decided after one hour of debate, without any intervening action, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators present and voting, then any floor amendment not already agreed to (except amendments proposed by the Committee which reported the bill or resolution) which is not germane or relevant to the subject matter of the bill or resolution, or the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall not be in order.

"(c) When a motion made under subparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a bill or resolution, points of order with respect to questions of germaneness or relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"(d) Whenever an appeal is taken from a decision of the Presiding Officer on the question of germaneness of an amendment, or whenever the Presiding Officer submits the question of germaneness or relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officer or hold the amendment germane or relevant shall be two-thirds of the Senators present and voting. No amendment proposing sense of the Senate or sense of the Congress language that does not directly relate to the measure or matter before the Senate shall be considered germane.".

SEC. 17. Paragraph 7 of Rule XXII of the Standing Rules of the Senate is amended to read as follows:

"2. Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to being to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?"

"And if that question shall be decided in the affirmative by two-thirds of the Senators present and voting except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators duly chosen and sworn then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree or a complete substitute, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate. Whenever an appeal is taken under this rule from a decision of the Presiding Officer on the question of germaneness of an amendment, the vote necessary to overturn the decision of the Presiding Officer shall be two-thirds of the Senators present and voting.

"After no more than twenty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the time to be equally divided and controlled by the Majority Leader and Minority Leader, or their designees, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins.

"If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

"No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

"After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed, with.".

SENATE RESOLUTION 29—TO IMPROVE SENATE PROCEDURES

Mr. BYRD submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. RES. 29

Resolved, That (a) the Senate hereby authorizes and directs that there be both television and radio broadcast coverage (togehter with videotape and audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be—

(1) provided in accordance with provisions of this resolution;

(2) provided continuously at such time as the Majority Leader and Minority Leader jointly agreed by a non-debatable motion, voted on without intervening action, and to be concluded by joint agreement by non-debatable motion of the Majority and Minority Leaders voted on without intervening action, except for any time when a meeting with closed doors is ordered; and

(3) provided that during any television and/or radio broadcasts, time shall be divided and controlled in such way as to assure equal time to both the Majority and Minority Parties; and

(4) provided subject to the provisions pertaining to the Senate gallery contained in

the following Standing Rules of the Senate; rule XIX, paragraphs 6 and 7; rule XXV, paragraph 1(n); and rule XXXIII, paragraph 2; and

(5) provided that the Senate shall be in session on Mondays, Tuesdays, and Thursdays, with committee meetings scheduled on days and/or times the Senate debate is not to be televised.

SEC. 2. The radio and television broadcast of Senate proceedings shall be—

(a) supervised and operated by the Senate, and

(b) made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other news gathering, educational, or information distributing entity as may be authorized by the Committee on Rules and Administration to receive such broadcasts.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are recognized to speak by the Presiding Officer (including Senators who are so recognized with the consent of another Senator to interrupt such other Senator).

SEC. 4. (a) The broadcast coverage by radio and television of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures);

(2) employ necessary expert consultants; and

(3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality "live" audio and color video signal of such proceedings, and (B) provide an archive-quality audio and color video tape recording of such proceedings:

Provided, That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for the employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) make audio and video tape recordings of Senate proceedings, (3) make copies of such recordings available, upon payment to him of a fee fixed therefor by the Committee on Rules and Administration, to Members of the Senate and to each person described in subsection (b)(1) and (3) of section 2 of this resolution, and (4) retain for ninety days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States copies of such recordings: *Provided*, That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations.

(d) The Librarian of Congress and the Archivist of the United States shall each receive, store, and make available to the public, at no cost for viewing or listening on the premises where stored and upon payment of a fee equal to the cost involved through distribution of taped copies, recordings of Senate proceedings transmitted to them by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 5.(a) As soon as practicable after the necessary equipment has been installed, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Such test period shall end on such date as may be agreed upon by the majority leader, the minority leader, the chairman of the Committee on Rules and Administration, and the ranking minority member of such committee.

(b) During such test period—

(1) final procedures for camera direction control shall be established;

(2) coverage of Senate proceedings shall not be transmitted, except that, at the direction of the chairman of the Committee on Rules and Administration, such coverage may be transmitted over the coaxial cable system of the Architect of the Capitol; and

(3) recordings of Senate proceedings shall be made and retained by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 6. The use of tape duplications of broadcast coverage of the proceedings of the Senate for political or commercial purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political or commercial purposes.

SEC. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems necessary to assure the proper implementation of the purposes of this resolution.

SEC. 8. Such funds as may be necessary (but not in excess of $2,500,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

SENATE RESOLUTION 30—TO AUTHORIZE PRINTING

Mr. HEINZ (for himself and Mr. GLENN) submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. RES. 30

Resolved, That there shall be printed for the use of the Special Committee on Aging the maximum number of copies of volume 1 of its annual report to the Senate, entitled "Developments in Aging: 1984," which may be printed at a cost not to exceed $1,200.

SENATE RESOLUTION 31—TO IMPROVE THE OPERATION OF THE COMMITTEE SYSTEM OF THE SENATE

Mr. QUAYLE (for himself and Mr. FORD) submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. RES. 31

Resolved, That (a) paragraph 2 of rule XXV of the Standing Rules of the Senate is amended to read as follows:

"2. Except as otherwise provided by paragraph 4 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

"Committee:	Members
"Agriculture, Nutrition, and Forestry	15
"Appropriations	27
"Armed Services	15
"Banking, Housing, and Urban Affairs	15
"Commerce, Science, and Transportation	17
"Energy and Natural Resources	17
"Environment and Public Works	15
"Finance	19
"Foreign Relations	15
"Governmental Affairs	13
"Judiciary	17
"Labor and Human Resources	15".

(b) Paragraph 3 of rule XXV of the Standing Rules of the Senate is amended to read as follows:

"3. (a) Except as otherwise provided by paragraph 4 of this rule, each of the following standing commttees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

"Committee:	Members
"Budget	21
"Indian Affairs	7
"Rules and Administration	11
"Small Business	13
"Veterans' Affairs	11

"(b) Each of the following committees and joint committees shall consist of the number of Senators (or Senate members, in the case of a joint committee) set forth in the following table on the line on which the name of that committee appears:

"Committee:	Members
"Aging	13
"Intelligence	11
"Joint Economic Committee	10

"(c) Each of the following committees and joint committees shall consist of the number of Senators (or Senate members, in the case of a joint committee) set forth in the following table on the line on which the name of that committee appears:

"Committee:	Members
"Ethics	6
"Joint Committee on Taxation	5.".

SEC. 2. (a) Paragraph 4(a) of rule XXV of the Standing Rules of the Senate is amended—

(1) by striking out "and" at the end of clause (1),

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof "; and";

(3) by adding at the end thereof the following:

"(3) each Senator may serve on not more than a total of nine committees and subcommittees except for members of the Appropriation Committee who may not serve on more than eleven committees and subcommittees."; and

(4) by adding at the end thereof the following new sentence: "For the purpose of division (3) of this subparagraph, only committees listed in paragraphs 2 and 3 (a) and

(b) and subcommittees thereof shall be counted.".

(b)(1) Paragraph 4(b)(1) of rule XXV of the Standing Rules of the Senate is amended by striking out "three" and inserting in lieu thereof "two" and by striking out "listed in paragraph 2".

(2) Paragraph 4(b) of rule XXV of the Standing Rules of the Senate is amended by striking out (2) and by redesignating divisions (3) and (4) as divisions (2) and (3), respectively.

(3) Paragraph 4(b)(2) of rule XXV of the Standing Rules of the Senate (as amended by this subsection) is amended by striking out "subparagraphs (1) and (2)" and inserting in lieu thereof "division (1) of this subparagraph and division (3) of subparagraph (a)".

(c) Paragraph 4(b) of rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following:

"(4) No committee of the Senate may establish more than five subcommittees, except the Committee on Appropriations which may establish not more than thirteen subcommittees.".

SEC. 3. Divisions (2) and (3) of subparagraph (e) of paragraph 4 of rule XXV of the Standing Rules of the Senate are amended to read as follows:

"(2) Subject to division (3) of this subparagraph—

"(i) no Senator may serve at any time as chairman of more than one subcommittee of each standing, select, or special committee of the Senate or joint committee of the Congress of which the Senator is a member; and

"(ii) no Senator may serve at any time as chairman of more than two subcommittees of all committees listed in paragraphs 2 and 3 of which the Senator is a member.

"(3) No Senator who serves as chairman of a standing, select, or special committee of the Senate or joint committee of the Congress may serve at any time as chairman of more than one subcommittee of all committees listed in paragraphs 2 and 3 of which the Senator is a member.".

SEC. 4. Subparagraphs (g), (h), (i), (j), (k), (l), (m), and (n) of paragraph 4 of rule XXV of the Standing Rules of the Senate are repealed.

SEC. 5. Paragraph 3 of rule XXVI of the Standing Rules of the Senate is amended by inserting after the first sentence the following: "Whenever the date and hour for a meeting called by a committee to mark up legislation is announced, the chairman shall announce which members of such committee have other committee mark up meetings previously scheduled for such date and hour.".

SEC. 6. Paragraph 7(a)(1) of rule XXVI of the Standing Rules of the Senate is amended by adding at the end thereof the following new sentence: "In carrying out the provisions of the previous sentence, a committee or a subcommittee shall be deemed to consist of the number of its members exclusive of the majority and minority leaders.".

SEC. 7. Rule XVII of the Standing Rules of the Senate is amended—

(1) by striking out "paragraph 3" in paragraph 1 and inserting in lieu thereof "paragraphs 3, 4, and 5";

(2) by redesignating paragraphs 4 and 5 as paragraphs 6 and 7, respectively; and

(3) by adding after paragraph 3 the following:

"4. Any proposed legislation reported by any standing committee which contains subject matter within the jurisdiction of another standing committee shall, at the request of the chairman or ranking minority member of such committee, be referred to such standing committee prior to its consideration by the Senate. The committee to which such proposed legislation is referred shall be limited, in the consideration of such proposed legislation, to each portion of such legislation that contains the subject matter within the committee's jurisdiction. If any committee to which proposed legislation has been referred pursuant to this paragraph has not reported within 30 calendar days, or such shorter time as may be determined by the Senate, (excluding the days on which the Senate is not in session because of an adjournment of more than three days to a day certain) after the referral, such committee shall be discharged from further consideration of such proposed legislation.

"5. Any proposed bill or joint resolution making appropriations reported by the Committee on Appropriations which includes a legislative provision outside its jurisdiction shall, at the request of the chairman or ranking minority member of any committee having jurisdiction over such legislative provision, be considered and reported by the committee requesting referral prior to its consideration by the Senate. If any committee to which such bill or joint resolution has been referred pursuant to this paragraph has not reported within 5 calendar days (excluding days when the Senate is not in session) or such shorter period of reference as is agreed upon by the majority leader or his designee and the minority leader or his designee, such committee shall be discharged from further consideration of such bill or joint resolution.".

SEC. 8. (a)(1) There is established, for the duration of the first session of the 99th Congress, a select committee of the Senate to be known as the Select Committee on the Two Year Budget (hereafter in this section referred to as the "select committee"). The select committee shall be composed of twelve members of the Senate, six from the majority party and six from the minority party, to be appointed by the President of the Senate upon the recommendation of the majority leader and the minority leader.

(2) Of the twelve members—

(A) two members shall be from the committee on the Budget;

(B) two members shall be from the Committee on Rules and Administration;

(C) two members shall be from the Committee on Governmental Affairs;

(D) two members shall be from the Committee on Appropriations; and

(E) four members shall be from the Senate at large.

(3) The select committee shall select a chairman from among its majority members and a cochairman from among its minority members.

(b)(1) A majority of the members of the select committee shall constitute a quorum for the transaction of business, except that the select committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.

(2) Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments are made.

(3) The select committee shall adopt rules of procedure not inconsistent with the rules of the Senate governing standing committees of the Senate.

(4) Service of a Senator as a member or as chairman of the select committee shall not be taken into account for the purposes of paragraph 4 of rule XXV of the Standing Rules of the Senate.

(c)(1) It shall be the duty of the select committee to—

(A) study and review legislative proposals to improve the operation of the congressional budget process, including proposals for the two-year budget; and

(B) recommend specific legislation to improve the operation and enforcement of the congressional budget process, including such components of two-year budgeting which the select committee finds to be desirable and feasible.

In carrying out clause (A) of this paragraph, the select committee shall pay particular attention to the need to free the time of senators from unnecessary repetitive operations, to encourage oversight of enacted legislation by committees, to provide stable funding expectations to State and local governments, and to maintain accurate budgetary estimates and assessments of national needs and priorities.

(2) The select committee shall report and make recommendations to the Senate within 180 days after the adoption of this section.

(d)(1) For the purposes of this section, the select committee is authorized (A) to employ personnel, (B) to make expenditures from the contingent fund of the Senate, (C) to hold hearings, and (D) to sit and act at any time or place.

(2) With the consent of the chairman and ranking minority member of any other committee of the Senate, the select committee may utilize the facilities and the services of the staff of such other committee of the Senate, or any subcommittee thereof, whenever the chairman and the cochairman of the select committee determines that such action is necessary and appropriate.

(e) Expenses of the select committee under this section shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee.

SEC. 9. The first sentence of section 2(b) of Senate Resolution 400, 94th Congress, is amended by striking out the word "eight" and inserting in lieu thereof "ten".

SENATE RESOLUTION 32—TO REFORM THE RULES OF THE SENATE

Mr. STEVENS submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. RES. 32

Resolved,

MOTION TO PROCEED

SECTION 1. Rule VIII of the Standing Rules of the Senate is amended by inserting at the end thereof of the following new paragraph:

"3. Debate on any motion to proceed to the consideration of any matter made after the first two hours of a new legislative day shall be limited to two hours to be equally divided between the Minority Leader and the Majority Leader or their designees. A motion to proceed to the consideration of any matter made after the first two hours of a new legislative day may be laid on the table without affecting any further motion to proceed to the consideration of such matter.".

CONFERENCE REPORTS

SEC. 2. Paragraph 1 of rule XXVIII of the Standing Rules of the Senate is amended by inserting at the end thereof the following: "If a report made by a committee of conference is printed and available at the desk at least 24 hours before presentation, the reading of such report shall be deemed to have been waived.".

TREATIES

SEC. 3. Paragraph 1 of rule XXX of the Standing Rules of the Senate is amended by striking out subparagraphs (b) and (c) and inserting in lieu thereof the following:

"(b) When a treaty is reported from a Committee with or without amendment, it shall, unless the Senate unanimously otherwise direct; lie over one day for consideration; after which it may be read a second time on demand and considered. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty.

"(c) Upon conclusion of consideration of the treaty, the decisions made during such consideration shall be reduced to the form of a resolution of ratification, with or without amendments, as the case may be, which shall be proposed on a subsequent day, unless, by unanimous consent, the Senate determine otherwise, at which stage no amendment to the treaty shall be received unless by unanimous consent; but the resolution of ratification when pending shall be open to amendment in the form of reservations, declarations, statements, or understandings.".

PASTORE RULE

(Germaneness of Debate)

SEC. 4. Subparagraph (b) of paragraph 1 of rule XIX of the Standing Rules of the Senate is amended to read as follows:

"(b) At the conclusion of the morning hour at the beginning of a new legislative day or after the unfinished business or any pending business has first been laid before the Senate on any calendar day, and until the disposition of the specific question then pending before the Senate, all debate shall be germane and confined to the specific question then pending before the Senate.".

SENSE OF THE SENATE/CONGRESS AMENDMENTS

SEC. 5. Rule XV of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

"6. On a point of order made by any Senator, no amendment expressing the sense of the Senate or the sense of the Congress shall be received which is not germane or relevant to the pending measure if such pending measure is subject to a germaneness requirement.".

RESOLUTION OVER UNDER THE RULE

SEC. 6. The second sentence of paragraph 6 of rule XIV is amended by striking out "placed on the Calendar" through the end thereof and inserting in lieu thereof the following: "held at the desk for one day and then placed on the Calendar of General Orders.".

RULING ON GERMANENESS

SEC. 7. Paragraph 4 of rule XVI of the Standing Rules of the Senate is amended by striking out "and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate," and inserting in lieu thereof "and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Presiding Officer and any appeal from a ruling of the Presiding Officer on any such question shall be decided without debate.".

IMPOSITION OF GERMANENESS REQUIREMENT

SEC. 8. Rule XV of the Standing Rules of the Senate is amended—

(1) by inserting after "Motions" in the caption a semicolon and the following: "Germaneness";

(2) by adding at the end thereof the following new paragraph:

"6. (a) At any time during the consideration of a bill or resolution, it shall once be in order during a calendar day to move that no amendment, other than reported committee amendments or modifications thereof directed by the reporting committee, which is not germane or relevant to the subject matter of the bill or resolution, or to the subject matter of an amendment proposed by the committee which reported the bill or resolution shall thereafter be in order. The motion shall be privileged and shall be decided after one hour of debate, to be equally divided and controlled by the Majority Leader and the Minority Leader of their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators present and voting, then any floor amendment not already agreed to (except amendments proposed by the committee which reported the bill or resolution) which is not germane or relevant to the subject matter of the bill or resolution, or the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall not be in order.

"(c) When a motion made under subparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a bill or resolution, points of order with respect to questions of germaneness or relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.".

CLOTURE RULE

SEC. 9. (a) Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting before the last paragraph thereof the following new paragraph:

"Notwithstanding any other provision of this rule, any Senator may yield back all or part of his one hour on the measure, motion, or other matter pending before the Senate under cloture for the purpose of reducing the time available for consideration of such measure, motion, or other matter by the amount of time yielded by such Senator. Notwithstanding the total amount of time yielded back pursuant to the preceding sentence, there shall be at least two hours available for the consideration of a measure, motion, or other matter on which cloture has been invoked.".

(b) The third paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate, which begins "Thereafter no Senator" is amended by inserting at the end thereof the following: "For purposes of this rule, any amendment proposed by the committee of jurisdiction shall be considered germane and relevant."

FILING AMENDMENTS UNDER CLOTURE

SEC. 10. The third paragraph, of paragraph 2 of rule XXII of the Standing Rules of the Senate which begins "Thereafter no Senator", is amended by inserting after the second sentence thereof the following: "Notwithstanding the preceding sentence, if a committee amendment is filed any amendment to such committee amendment filed by 6 o'clock p.m. on the day following the filing of the cloture petition shall be considered to be an amendment in the first degree to such committee amendment.".

TIME LIMITATION PROCEDURE

SEC. 11. Rule XIV of the Standing Rules of the Senate is amended—

(1) by inserting at the end of the caption thereof the following: "; TIME LIMITATION; and

(2) by adding at the end thereof the following:

"11. (a) At any time after a bill, joint resolution, or resolution is offered, any Senator may file with the clerk a notice of intent to offer a motion to proceed to the consideration of such bill, joint resolution, or resolution under time limitation as provided in this paragraph and such notice shall be published in the Congressional Record. Such bill, joint resolution, or resolultion shall then be placed on the time limitation calendar.

"(b) At any time during the first hour after the Senate convenes on a Wednesday or Thursday occurring four session days after the filing of a notice of intent to offer a motion pursuant to subparagraph (a) and prior to the expiration of 10 session days after such filing, it shall once be in order during each such day to move to the consideration of the bill, joint resolution, or resolution placed on the time limitation calendar under the procedure provided in subparagraph (c). For purposes of the preceding sentence, the first hour after the Senate convenes does not begin until after the expiration of the leadership time and any special orders which follow. The motion to proceed shall be privileged and shall be submitted to the Senate and decided without debate by a yea-and-nay vote. If the motion is agreed to by three-fourths of the Senators present and voting, the bill, joint resolution, or resolution shall be considered as provided in subparagraph (c).

"(c)(1) Upon the adoption of a motion made pursuant to subparagraph (b), the bill, joint resolution, or resolution then pending before the Senate shall be the unfinished business to the exclusion of all other businesses until disposed of.

"(2) During the consideration of the bill, joint resolution, or resolution, there shall be no more than—

"(A) twenty minutes available on each amendment; and

"(B) twenty minutes available on debatable motions, points of order, and appeals.

"(3) At any time after eight hours of consideration of the bill, joint resolution, or resolution, any Senator may make a motion to limit debate. The motion shall be decided without debate by a vote of three-fourths of the Senators present and voting. If such motion is adopted, the time for the consideration of the bill, joint resolution, or resolution shall be limited to no more than six hours with—

"(A) one hour available on the bill, joint resolution, or resolution to be equally divided between the Majority Leader and the Minority Leader, or their designees;

"(B) twenty minutes available on each amendment; and

"(C) twenty minutes available on debatable motions, points of order, and appeals.

After no more than six hours of consideration of the bill, joint resolution, or resolution, the Senate shall proceed, without any

further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins.

"(4) Except by unanimous consent, no amendment shall be proposed after the adoption of a motion to proceed under suspension unless it had been submitted in writing to the Journal Clerk by—

"(A) 2 o'clock p.m. on the first day following the filing of the notice if such amendment is a substitute amendment;

"(B) 6 o'clock p.m. on the first day following the filing of notice if such amendment is a first degree amendment to the substitute amendment;

"(C) 2 o'clock p.m. on the second day following the filing of notice of such amendment is a first degree amendment other than a substitute amendment; and

"(D) 2 o'clock p.m. on the third day following the filing of notice if such amendment is a second degree amendment.

No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate. The reading of any amendments shall be deemed to have been waived. No Senator shall call up more than one amendment until every other Senator shall have had an opportunity to do likewise.".

Mr. STEVENS. Mr. President, during the last Congress, I introduced a series of changes to the Standing Rules of the Senate. This action was done with the purpose of urging the Senate to consider a rules reform which would preserve essential minority and individual rights but which allow the Senate to function. As I said in the last Congress when these rules changes were introduced, "efficiency is not the Senate's constitutional purpose . . . but neither is legislative paralysis."

During the 99th Congress, it is my hope that the Senate will examine these proposed changes to the Standing Rules of the Senate. In addition, the work of the Quayle committee should not be left untouched. There were many ideas suggested that should be carefully considered including the Senate workload as well as the budget, authorization, and appropriations processes. In any event, the Standing Rules of the Senate should be reviewed and given close scrutiny.

Once again, I submit for the consideration of the Senate, a series of rules changes.

MOTION TO PROCEED

Mr. President, in most cases, a motion to consider a legislative item is debatable. The right to debate this motion has frequently been subject to actual or threatened abuse. It has led to the problem of a double filibuster—where extended debate can take place not only on the measure itself, but also on the question of timeliness of consideration.

This is bad policy. It is also anomalous. Motions to proceed to privileged matters are nondebatable. So are motions to proceed made in the morning hour. So are motions to proceed to matters on the Executive Calendar. No logical reason exists to bar debate on the motion to proceed in these instances but permit unlimited debate in others.

I suggest a change which allows some debate on the motion to proceed without opening it to the possibility of filibuster. For such motions made in legislative session and outside the morning hour, this suggestion would limit debate to 2 hours, equally divided. Further, it would permit a tabling motion within the 2-hour period. This would avoid turning the 2-hour grant of time into a new filibuster tactic on other bills.

This change preserves to a lesser degree the anomaly I earlier discussed. I had considered proposing the motion as nondebatable in all instances, but decided to take a less radical approach of suggesting limited debate on the question of consideration.

CONFERENCE REPORTS

Requiring the Senate to hear the reading of a conference report is literally the kiss of death for legislation particularly at the end of a Congress. The only way at present to dispense with the reading of a conference report, if demanded by one Senator, is by unanimous consent.

Another proposal submitted today is that the reading of a conference report is deemed waived if the conference report is available to Members in printed form for at least 24 hours.

The purpose of this change is to allow Members time to review work products, but to close the parliamentary loophole whereby a single Senator may kill a bill simply by objecting to a unanimous-consent request to waive the reading of a voluminous conference report to the entire Senate in the last hours of the Senate's session.

TREATIES

Rule XXX relates to executive session and the proceedings with respect to treaties. The so-called "Committee of the Whole" procedure is a parliamentary hula hoop that should be purged from the Senate rules on executive session as it was from legislative session over 50 years ago.

Recommendations have been made in the past to rid the Senate of this procedure requiring the Senate to resolve itself into the Committee of the Whole for the purpose of considering treaties. This procedure is clearly an anachronism and serves no purpose other than to complicate the treaty procedure.

My proposal is to eliminate the Committee of the Whole requirement and to consider a treaty in executive session in a straightforward fashion with respect to amendments and adoption of amendments by the full Senate. This procedure is consistent with the way amendments are considered and adopted during legislative session.

PASTORE RULE (GERMANENESS OR DEBATE)

Rule XIX, paragraph 1(b), addresses germaneness of debate. The present rule, known as the Pastore rule, requires that the first 3 hours of debate on the pending or unfinished business be germane. The Senate should refine and extend that concept.

My proposal is that the germaneness of debate requirement on the pending or unfinished business apply throughout the day.

The purpose of this change is to encourage Senators to stick with the issue or issues before the body. In recent years, much of the time invested by the Senate has been on debating issues unrelated to the matter at hand. This practice has prevented the Senate from giving its full attention to the pending business. The change proposed would direct the Senate's attention in a more appropriate and fruitful manner.

SENSE OF THE SENATE/CONGRESS AMENDMENTS

The most overused legislative vehicle in the legislative process is the proliferation of the so-called sense of the Senate or the sense of the Congress amendments. While such amendments periodically serve a useful purpose, by and large the rhetoric generated does not justify the time invested by the Senate. Since these amendments are merely hortatory, they are deemed per se germane and have been used in many instances to get around germaneness requirements. In other words, since sense of the Senate/Congress amendments do not have the force of law, the Senate has tolerated their consideration. This practice should be changed.

My proposal would require that such amendments meet the same germaneness standard as would be required for language having the force of law.

The purpose is clear. It would encourage Senators to offer germane amendments to bills before the Senate and save debate on other issues until the proper time. This is a rules change that will reduce the time spent upon issues unrelated to measures before the Senate.

RESOLUTION OVER UNDER THE RULE

Rule XIV, paragraph 6, states that if a unanimous-consent request is made for immediate consideration of a resolution, and objection is heard, the resolution be placed in a section of the Legislative Calendar reserved for "resolutions over under the rule." There it sits until the Senate reaches it as the last item in the litany of morning business in the morning hour following adjournment.

This convoluted procedure may have made sense when the Senate frequently adjourned from day to day. It is virtually useless in an era when the Senate usually recesses at the close of business. Indeed, resolutions placed on this posture are condemned to a form of legislative purgatory.

I propose that if objection is heard to the immediate consideration of a resolution, such be held at the desk for placement on the Calendar of General Orders on the next legislative day.

GERMANENESS OF AMENDMENTS

At present, germaneness of amendments is required under four conditions; under cloture, on general appropriations bills, under certain rulemaking statutes, and under most time agreements.

The next proposal would make it possible to set a germaneness requirement without imposing the extraneous parliamentary baggage of cloture of overcoming the often insurmountable problems of securing a time agreement.

Instead, Mr. President, this suggestion would permit a motion to impose a germaneness requirement. The motion could be offered once per day per measure, and would necessitate an affirmative vote of three-fifths of Senators present and voting. Under this procedure, committee amendments from the committee of jurisdiction would be deemed per se germane. Appeals as to germaneness would be decided without debate. Finally, this procedure is not intended to supersede germaneness requirements already in the Senate rules or in rulemaking statutes.

Especially in this area, Mr. President, we should recognize the pioneering work of the distinguished minority leader. This particular proposal is one which he has advanced for years. I think it has a lot of merit and so am incorporating it in the suggestions I am setting forth today.

GERMANENESS OF AMENDMENTS ON APPROPRIATIONS BILLS

Under rule XVI, which deals with general appropriations bills, the Chair is required to refer questions of germaneness for determination by the Senate without debate.

This is a procedure which the Senate has just gone through and these past days we now know the direction in which it leads.

The procedure is an anachronism. In all other cases, the Chair rules on germaneness questions. Indeed, under cloture, the Chair rules without a point of order coming from the floor.

Even on appropriations bills, this rule is hollow. Under a 1979 precedent, if germaneness is raised as a defense to a point of order that an amendment is legislation, the Chair imposes a threshold test. If the underlying House bill contains no legislative language pertinent to the subject of the amendment the Chair will not refer the question to the Senate. However, sensible this precedent may be, it directly contravenes the edict of rule XVI, and emphasizes the need for reform in this area.

The proposal, I submit, would amend rule XVI to enable the Chair to rule on questions of germaneness and would require that appeals of such rulings be decided without debate.

POSTCLOTURE CHANGES

Now, Mr. President, let me discuss the question of postcloture consideration. In 1979, a 100-hour, all-inclusive cap was placed on postcloture activities. Everything counts against the cap, including debate, votes and quorum calls. With limited exceptions, each Member can use only 1 hour to debate postcloture.

One hundred hours is a long time, and the threat of substantial postcloture filibusters can negate the very purpose of cloture, particularly near the end of a session.

My proposal would enable Senators to reduce the time available after cloture by yielding debate time back to the Chair. At present, Senators cannot accomplish this.

This procedure affords the Senate great flexibility. If postcloture discussion is robust and widespread, debate time will be consumed rather than handed back. On the other hand, if the discussion amounts to a narrowly based filibuster, Senators may wish to use this mechanism to lessen the time available.

In other to protect all Senators' rights, this proposal allows the reductions of time achieved through this procedure but will not cause time remaining under cloture to be less than 2 hours.

What it would do is prevent other Senators from using my time or your time, Mr. President. If we wish to really limit time, Senators could yield that time back and it could not be used through dilatory procedures adopted in a filibuster that had very, very little support.

Further on the subject of cloture, Mr. President, I suggest committee amendments from the committee of jurisdiction be deemed per se germane. This is not presently the base, and forces the filing of multiple cloture motions so that committee amendments do not fail the germaneness requirements of rule XXII, precisely the parliamentary situation we are in this very day.

Under unanimous-consent agreements, amendments from the committee of jurisdiction are per se germane. Treating such committee amendments differently under cloture wastes a lot of the Senate's time and makes no sense.

FILING AMENDMENTS UNDER CLOTURE

Another revision with respect to rule XXII should be made with respect to the filing of amendments under cloture. Currently, the procedure under cloture requires first-degree amendments to be filed not later than 1 p.m. on the day following cloture. Theoretically, there may be three amendments in the nature of a substitute filed to a bill but technically only one may be offered and offered first. Therefore, there needs to be some accommodation made whereby the first-degree amendment to the substitute may be filed to the amendment in the nature of a substitute.

My proposal would be to create a filing deadline for first-degree amendments in the nature of a substitute. The following hypothetical timetable is offered:

On Monday, a cloture motion would be filed. Tuesday, 1 p.m., would be the deadline for first-degree amendments. A complete substitute filed at this time would be considered as original text if it were the first complete substitute called up.

Tuesday, 6 p.m., would be the deadline for first-degree amendments to a complete substitute filed earlier.

Finally, on Wednesday, second-degree amendments would have to be filed no later than 1 hour before the cloture vote.

This change is designed to allow first-degree amendments to be drafted to amendments in the nature of a substitute. The first complete substitute offered is treated as original text. At present, the filing requirements of rule XXII make it difficult to get amendments qualified to a substitute filed after the cloture motion is filed. This proposal suggests an adjustment to make such amendments in order.

TIME LIMITATION CALENDAR

Time and again, the Senate has encountered bills which enjoy widespread support but which cannot be moved because of the opposition of a determined few. The theoretical remedy of cloture is often ineffective to meet this situation. Cloture is cumbersome. A vote on cloture cannot occur until the second day after the cloture motion is filed. Then, if cloture is invoked, the Senate must remain on the measure until its disposition. While I think this burdensome procedure is wholly appropriate for major, controversial legislation, many bills never receive consideration because the Senate lacks time to apply the cloture procedure to them.

A new method is needed to secure action on bills which have overwhelming support but which the Senate cannot reach because a few Senators choose to object.

I propose creation of a new Time Limitation Calendar section [TLC] in the Legislative Calendar. In this section would be placed measures on which a notice had been filed in the RECORD. Placement in the Time Limi-

tation Calendar section would not remove these measures from their position on the Calendar of General Orders, but would make them eligible for special treatment under the new procedure.

I envision that 4 days' notice would be given of an intent to proceed to a measure under the Time Limitation Calendar procedure. During the intervening period, filing deadlines would be established for amendments. During the first hour of session on Wednesdays and Thursdays, after the prayer, leader time, and any special orders following immediately thereon, a nondebatable motion could be made to move to the measure under notice. Agreement to the motion would require an affirmative vote of three-fourths of all Senators present and voting.

If the motion were agreed to, a time limitation with respect to amendments, debatable motions, points of order or appeals would be placed on consideration of the measure. Final passage would require a simple majority vote.

Should the Senate invoke the time limitation on amendments, and should consideration reach or extend beyond 8 hours, it would be in order to move for an overall time cap of 6 additional hours. Agreement to the motion would require three-fourths of all Senators present and voting.

If no Time Limitation Calendar motion is made within 10 days of session following the notice then the notice shall expire. However, I suggest the notice may thereafter be renewed as it may if the Time Limitation Calendar notice is made and fails.

As to the time limitations, Mr. President, I suggest they be fairly tight. Our purpose is to establish a mechanism by which legislation can move, not to create an avenue for filibuster. Accordingly, I recommend a time limitation on amendments, motions, submitted points of order, or appeals. Because of the filing requirement, reading of amendments would be deemed waived. Germaneness of amendments would be required. Similar to postcloture, no Senator could offer more than one amendment unless any other Senator had the opportunity to do likewise. The procedure creating an overall time limitation on the bill is designed to provide a significantly high standard so it is not easily achieved. Yet, should the overwhelming majority of the Senate support passage of a bill, this suggestion provides a way to act on the issue. Again, I point out that this would be for issues of less than national import.

Mr. President, this proposal suggests a way for the Senate to get about its business without impending legitimate individual rights. A substantial notice procedure is built in to avoid surprises. A heavy supermajority vote is required before the time limitation or related restrictions are triggered. This idea strikes an appropriate balance between individual prerogatives and institutional needs. As I have suggested, that is a balance currently in major need of redress.

Mr. President, I have proposed a number of changes to the Senate rules. Many of the changes, in fact most, are not glamorous or radical. These proposals are designed to rid the present rules of the Senate of anachronisms and archaic practices. The intent of these suggestions is to propose a way to focus the Senate's debate on issues and to eliminate much of the parliamentary quagmire that has prevented this body from making the progress it is capable of making. Many of us feel strongly about the traditions, practices, and precedents of the Senate. They are a part of the Senate's rich history and the foundation of the future of the legislative process in this country. But, the Senate can be improved. Today, in the Senate, we have what our predecessors did not have. We have the experience of history and the lessons of the past. Therefore, we should face change with an open mind and we should have the confidence in the institution to make the parameters in which we operate fair, just, and workable.

In recent years, some of us have been disturbed by the way that loopholes have been found in the Senate rules. If the Senate is to continue as the greatest deliberative body in the world, we must be serious in restoring our Chamber in a way in which meaningful and substantive debate may take place.

I urge my colleagues to review the suggestions made here. I look forward this year to examining suggested revisions—on a bipartisan basis.

SENATE RESOLUTION 33—AMENDING THE SENATE RULES RELATING TO STATEMENTS OF CONSTITUTIONAL AUTHORITY

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. RES. 33

Resolved, That rule 14 of the Standing Rules of the Senate be amended by adding at the end thereof the following new clause:

"11. The Senate shall neither receive nor consider any bill or resolution unless it contains a statement citing, as precisely as possible, the article, section, paragraph, and clause, or amendment, of the Constitution of the United States which is the basis of authority for the bill or resolution. Statements which cite language contained in the final paragraph of article 1, section 8 of the Constitution of the United States shall further specify that language conferring the "powers" to which such paragraph refers."

SENATE RESOLUTION 34—RELATING TO THE SOVIET OCCUPATION OF AFGHANISTAN

Mr. D'AMATO submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. RES. 34

Condemning the government of the Union of Soviet Socialist Republics for five years of forced and oppressive military occupation of Afghanistan in the face of popular resistance to Soviet imperialism

Whereas it has been five years since the Soviet Union invaded the nation of Afghanistan to establish a puppet government in Kabul,

Whereas the Soviet Government has implemented a draconian policy of terror on the Afghan peoples,

Whereas there is strong evidence that deadly chemical and toxic weapons have been used against Afghanistan,

Whereas severe food shortages are being induced by the Soviet Union, similar to methods used by the Soviet Government in the Ukrainian Famine of 1932 through 1933,

Whereas most hospitals and medical care facilities have been destroyed by the Soviet armies,

Whereas over three million freedom-seeking Afghans have fled to Pakistan,

Whereas the Soviet Union has repeatedly crossed the border of Pakistan to attack these refugee camps,

Whereas over five hundred thousand Afghans have been brutally killed as a result of this invasion, and

Whereas the Mujahidin, the Freedom Fighters, which enjoy wide support from the Afghans, have frustrated and valiantly fought the Soviet armies: Now, therefore, be it

Resolved, That the Senate of the United States of America—

(1) condemns the Government of the Union of Soviet Socialist Republics for five years of military terrorism and the attempted destruction of Afghanistan; and

(2) strongly recommends that the President provide needed medical, military, and food assistance to the Afghan Freedom Fighters.

Mr. D'AMATO. Mr. President, in December 1979, the U.S.S.R. invaded Afghanistan. Five years ago this past December, the Soviet Union descended upon Kabul with the intention of quickly subjugating this small, but strategically located, nation. Instead, massive popular resistance and a viable force of freedom fighters has made the mighty Soviet military endure a state of war longer than their involvement in World War II.

Over 500,000 citizens of Afghanistan have perished as a result of the war. Over 3 million people have fled into neighboring Pakistan as refugees. This is one-fourth of the prewar population of Afghanistan. The Soviet military regularly bombs the 300 refugee camps in Pakistan. Seemingly on an annual basis, Soviet forces begin a new and more ruthless aerial bombing campaign against defenseless Afghan villages. It is established fact that chemical weapons have been extensively

used in at least 15 provinces of Afghanistan, directly causing up to 3,000 deaths. The Soviet military relies on a scorched earth policy to destroy crops that could feed the freedom fighters. This policy is causing a famine in this mostly agricultural nation that I fear will rival the Soviet induced Ukrainian famine in the early 1930's that killed millions. Finally, the Soviet military is destroying medical facilities, causing a serious health problem. These policies will lead to a death toll in the millions if not stopped soon.

The 5-year-old war is destroying the infrastructure of Afghanistan. Half of the nation's schools and three-quarters of its communication lines have been destroyed. Afghanistan is heading toward complete ruin.

The Afghan invasion is further evidence that the Soviet Union has a detailed plan for global expansion. Their plans have been indefinitely delayed, however, through the courageous resistance of the Afghans. Regardless of Soviet brutality, the Afghan freedom fighters, the Mujahidin, have prevented Soviet control of most of the nation. In fact, the Soviet Union can undisputedly claim only 10 percent of Afghanistan. For this 10 percent, however, the U.S.S.R. pays dearly. As many as 115,000 troops are stationed in Afghanistan, costing over $6 billion a year. Some estimates report that there have been over 20,000 Soviet casualties.

Regardless of the discouraging statistics, the Soviets persist in this effort because of the incentives to stay. The major advantages include: Soviet military presence in Afghanistan is destabilizing for the region; the Soviet army has a testing ground for its troops and its weapons; and, most importantly, it is ever closer to its most desired goal, a warm water port.

The Afghan-Soviet war is not the front page news it once was, although it should be. Atrocities by the Soviet Union are unparalleled since the Second World War. It is important that, as a leader of the free world, the United States never cease its outrage over Soviet contempt for international laws, national sovereignty, and human rights. I urge my colleagues to cosponsor this resolution to show our strong support for the freedom fighters and our disdain for 5 years of barbarity in Afghanistan.

I ask unanimous consent that a copy of my resolution be printed in the RECORD in its entirety at the conclusion of my remarks.

Thank you, Mr. President.

SENATE RESOLUTION 35—RELATING TO RESTRICTIONS ON HOME SATELLITE ANTENNAS

Mr. GOLDWATER submitted the following resolution which was referred to the Committee on Commerce, Science, and Transportation.

S. RES. 35

Resolved, That it is the sense of the Senate that, consistent with the policy of the United States to promote the free flow of information guaranteed by the First Amendment and to encourage the development and provision of new communications technologies and services in the public interest, the Federal Communications Commission should affirm that state and local regulatory authority, including, but not limited to, zoning, public safety or health authority and authority to grant a franchise, license or permit, must be exercised so that it does not:

(1) discriminate unreasonably among home satellite reception antennas and other types of home communications reception antennas,

(2) have the effect of prohibiting or frustrating the reception of satellite transmitted programming by members of the public, except as may be necessary to carrying out a clearly articulated and affirmatively expressed compelling governmental interest, or

(3) intentionally or incidentally restrict any particular means of delivering or receiving satellite transmitted programming in order to protect from competition or to provide a competitive advantage to any other means of delivering or receiving such programming.

SENATE RESOLUTION 36—RELATING TO RESTRICTIONS ON AMATEUR RADIO ANTENNAS

Mr. GOLDWATER submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation.

S. RES. 36

Resolved, That it is the sense of the Senate that, consistent with the policy of the United States to recognize and enhance the value of the Amateur Radio Service as a voluntary noncommercial communication service which provides public service and emerency communications, the Federal Communications Commission should affirm that state and local regulatory authority, including, but not limited to, zoning, public safety or health authority, and authority to grant a license or permit, must be exercised so that it does not:

(1) discriminate unreasonably among amateur radio antennas and other types of home communications transmission and/or reception antennas, or

(2) have the effect of prohibiting or frustrating the transmission or reception of amateur radio communications by Federally-licensed amateur radio stations, except as may be necessary to carrying out a clearly articulated and affirmatively expressed compelling governmental interest related to the health and safety of the community.

Mr. GOLDWATER. Mr. President, I am today submitting two resolutions relative to discriminatory and unreasonable local restrictions on home satellite antennas and amateur radio antennas. These antennas are used for different purposes, but both types are encountering a heavy rash of unduly restrictive local ordinances and other regulations that directly conflict with national communications policy and the first amendment interest in the widest possible availability of information of all kinds. Often these local rules do not serve any legitimate interest, certainly not a compelling interest, but are blatantly discriminatory or anticompetitive.

The first resolution addresses the problem of arbitrary local restrictions which effectively prohibit the installation of home satellite dish antennas. The Cable Communications Policy Act of 1984 added a new section 705 to the Communications Act establishing a clear statutory right of dealers to sell home satellite dish antennas and of consumers to use them for private viewing of unscrambled signals.

With the legality issue essentially being answered, the dish industry and consumer is still not out of the woods. Arbitrary local zoning restrictions and onerous license fees might still bring this technology to a halt.

Therefore, I am introducing a resolution calling upon the FCC to announce that State and local regulatory authority, including zoning, public safety or health authority and authority to grant a franchise, license or permit, must not be exercised to suppress the home Earth station industry.

Specifically, the resolution states that local governments should not discriminate unreasonably among satellite dish antennas and other types of antennas. For example, I have in mind an ordinance that allows the installation of 30 foot tall towers with stacked bays of over the air antennas but at the same time bans home Earth stations with an 8 or 10 foot dish.

The resolution also provides that ordinances and licensing authority shall not be used to prohibit or unduly restrict satellite dishes, except only when it is necessary—and I emphasize necessary—to carrying out a specifically identified compelling governmental interest. Compelling means that the burden is on the local government to prove that no less restrictive means will protect the government's interest. It is the highest constitutional standard that the courts use in scrutinizing a statute of local, State, or Federal governments.

For example, a narrowly drawn and nondiscriminatory ordinance protecting the appearance of a historic zone would serve a compelling interest. But a $50 franchise fee to install a dish antenna would not meet the exacting standard of the compelling State interest test.

Third, the resolution will state that local authority should not be used intentionally or incidentally to restrict one means of delivering or receiving satellite programming in order to give a competitive advantage to some other means of delivering or receiving that programming. This provision would

meet the challenge being presented by some cable companies who are trying to insulate themselves from competition by hiding behind local restrictions on Earth stations.

As a Senator from a rural State where the counties are larger than many Eastern States, I have always supported cable television as a competitive medium. But cable does not have a problem with the satellite dish industry. Cable's problem has been with counties and cities who imposed excessive service and ratemaking demands. Hopefully, the new law, S. 66, will solve this problem by setting guidelines for the exercise of State and local regulatory authority over cable systems. Now it is the dish industry's turn. It, too, should enjoy growth unhampered by unnecessary regulation.

And, as a political conservative, I believe that each State possesses broad authority and responsibility over a wide range of subjects. However, the basic question here is not Federal preemption of local powers. It is whether cities and counties can thwart a clear national policy which has been repeatedly enunciated by the Congress and the FCC to encourage the development of new communications technologies and services in the public interest.

Mr. President, I am aware that United Satellite Communications and SPACE, the Society for Private and Commercial Earth Stations, have each filed petitions for declaratory rulings by the Federal Communications Commission on the subject. The resolution is compatible with the positions these petitioners have taken. However, I believe the subject is also of close interest in Congress which, after all, is primarily responsible for setting national communications policy.

The second resolution relates to amateur radio antennas. It would urge the FCC to protect its amateur radio licensees against unreasonably restrictive land use and other State and local regulation which would render the communications from such stations impossible or unreliable. Specifically, the Commission is being asked to exercise its Federal preemptive authority by affirming that States and local regulatory authority must be exercised so as to avoid prohibiting or frustrating the transmission or reception of signals by federally-licensed amateur radio stations. The exception to that policy would be in cases in which such local regulation is necessary to carry out a clearly articulated and affirmatively expressed compelling governmental interest related to the health and safety of the community.

Amateur radio stations, which are operated in licensees' residences, are licensed by the Federal Communications Commission to provide public service and emergency communications for the benefit of citizens of the communities in which they are located. Amateurs have proven their value on countless occasions as a result of their technical ability to put together radio stations of extremely high efficiency and reliability. Local civil defense and municipal emergency offices routinely utilize cadres of amateurs to provide communications in local and wide-area emergencies. If municipal governments had to provide the level of services provided free of charge by amateurs, the cost would be prohibitive.

Yet, even though municipalities rely on amateur radio operators for public service and emergency communications, the amateurs' stations are often rendered useless or unreliable by virtue of overly restrictive municipal antenna ordinances and other land use regulations. These unreasonable restrictions are often established without any technical understanding of the impact on Commission licensees at all. It is seldom that a municipal restriction on amateur radio antennas bears any trace of a basis in safety or health concerns. Certainly such concerns are necessarily within the jurisdication of municipalities as an exercise of the police power. An antenna restriction which goes beyond those concerns, and which precludes an amateur radio licensee from performing his or her public service function, places the amateur in an adversarial posture with respect to the very community that amateur seeks to serve with public service and emergency communications.

I have reviewed a number of cases in which amateurs have challenged a municipal zoning restriction which makes it impossible for an amateur to communicate. In these cases, amateurs have expended personal funds, which can never be recouped, in order to defend their ability to operate these radio stations in their homes. Those who cannot afford to pursue legal remedies to challenge an unreasonable ordinance, to pay the often expensive filing fees for variance applications, or those who are physically handicapped and cannot physically defend their communications ability must operate with ineffective antennas or not at all.

The Commission has never stated any intent to preempt local ordinances which prohibit or frustrate amateur radio communications. As a result, courts have found that although amateur radio is a reasonable and normal accessory use to residential real property, it does not matter how severely a municipal regulation may restrict amateur communications because the Federal Communications Commission has not exercised Federal preemption over local antenna regulation. *Skinner* v. *Zoning Board of Adjustment,* 193 A.2d 861 (N.J. Super., App. Div. 1963); *Schroeder* v. *Municipal Court of Los Cerritos Judicial District,* 141 Cal. Rptr. 85, 73 Cal. App. 3d 841 (1977).

It is appropriate and timely for the Federal Communications Commission to delineate the limit of local jurisdiction over antenna regulation, which is reached when the local law stands as an obstacle to the full purposes and objectives of Congress. *Hines* v. *Davidowitz,* 312 U.S. 52, 67 (194); *Capital Cities Cable, Inc.* v. *Crisp,* 104 S.Ct. 2694 (1984).

Recognizing that judicial relief from unreasonable local restrictions on antennas will not be forthcoming absent a Federal statement of preemptive authority, the amateur radio community has recently requested that the Commission issue a declaratory ruling to that effect. Organizations such as the American Red Cross, which rely on amateur radio operators routinely, have supported this effort. Over 900 favorable comments have been received to date. The purpose of this resolution is to urge the Commission to insure that the Federal interest in effective reliable licensed amateur radio station operation is not impeded by unreasonable local regulation of amateur antenna systems, which regulations are not necessary to a clearly articulated and affirmatively expressed compelling governmental interest related to the health and safety of the community.

This balancing of the local police power interest in protection of citizens and the Federal interest in unencumbered interstate and international amateur radio communications will result in more thought and planning invested in municipal antenna regulation so that the needs of amateurs are taken into account. As to existing regulations, the Commission action urged by this resolution will permit amateurs to raise Federal preemption in their own behalf and to establish as a matter of technical fact the degree of impairment of communications from an existing antenna regulation.

Because of the widespread nature of overly restrictive local antenna regulations which disable such a vital public and emergency communications service, it is expected that the Federal Communications Commission will grant administrative relief in accordance with this resolution. If that is not the case, it may be desirable to consider mandatory legislation on the subject.

SENATE RESOLUTION 37—RELATING TO SMALL BUSINESS AND AGRICULTURE REPRESENTATIVES ON THE FEDERAL RESERVE BOARD

Mr. PRYOR submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs.

S. RES. 37

Whereas small business, by Small Business Administration standards of measurement, accounts for 98 percent of all U.S. businesses, and

Whereas 60 percent of all new jobs are created by firms with 500 or fewer employees, and

Whereas small business bankruptcies in 1982 totalled nearly 66,000 due in large part to high interest rates, and many other firms closed down without filing for bankruptcy, and

Whereas our agricultural industry, including three million American farmers, is heavily dependent upon credit, and

Whereas neither of these sectors had direct representation on the Federal Reserve Board, which establishes our national monetary policy, and

Whereas the growth of our national economy depends on the health of the small business and agricultural sectors: Now therefore, be it

Resolved, That it is the sense of the Senate that the President should ensure that the small business and agricultural sectors of our economy are represented on the Federal Reserve Board of Governors by a person of demonstrable experience in small business or agricultural matters.

Mr. PRYOR. Mr. President, today I'm submitting a resolution that provides the sense of the Senate that small business and agriculture should be adequately represented on the Federal Reserve Board of Governors. I introduced a similar measure in the 98th Congress.

Mr. President, this is not a new concept, and other Senators have proposed this in the past, in recognition of the fact that the monetary policy decisions of the Federal Reserve Board play a critical role in our economy, and affect the lives of small businessmen and farmers. Both of these sectors of our economy are very important, and very credit sensitive.

Small businesses create most of the jobs, and are extremely productive, yet they are constantly hammered by increases in interest rates. Likewise, agriculture is extremely credit sensitive. This industry, which is of major importance in the State of Arkansas, accounts for over 20 percent of this Nation's gross national product. Yet, our farmers are going out of business at record rates due to low commodity prices and the high cost of borrowing money.

Both of these sectors of our economy would benefit from some representation on the Federal Reserve Board, and I think the Board would benefit from the views and comments of someone from "Main Street."

I hope my colleagues will join me in this effort, Mr. President. We can take action here in the Congress to cut spending and reduce the deficit, but the voices of our farmers and small business people need to be heard when the Federal Reserve Board is considering monetary policy.

SENATE RESOLUTION 38—COMMEMORATING THE 50TH ANNIVERSARY OF FOREIGN TRADE ZONE NO. 1

Mr. D'AMATO submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 38

Whereas foreign trade zones have demonstrably contributed to the economic well-being of the United States;

Whereas the first foreign trade zone was established in New York City in 1934 and has just celebrated its fiftieth anniversary;

Whereas the success of Foreign Trade Zone Numbered 1 is directly attributable to the hard work of the employees thereof; and

Whereas over one hundred foreign trade zones have now been established because of the great success enjoyed by Foreign Trade Zone Numbered 1: Now, therefore, be it

Resolved, That it is the sense of the Senate of the United States that the employees, past and present, of Foreign Trade Zone Numbered 1 be commended for their activities and accomplishments;

And, that we should rightfully commemorate their accomplishments;

And, further, that it is the sense of the Senate of the United States and these sentiments be transmitted to the employees of Foreign Trade Zone Numbered 1 in the appropriate manner.

Mr. D'AMATO. Mr. President, I rise today to introduce a resolution commending all the workers and companies who have made the foreign trade zone concept a great success. In particular, I want to draw attention to the recently celebrated 50th anniversary of America's first foreign trade zone, Foreign Trade Zone No. 1 in Brooklyn, NY.

Over these 50 years, thousands of jobs and millions of dollars of economic activity have been generated in the United States by this worthwhile program. Foreign trade zones have kept American businesses competitive that might otherwise have been forced to close under the pressure of foreign imports. I believe Congress should recognize the important role by foreign trade zones and should commend all those who have worked so hard for their success.

Foreign Trade Zone No. 1 has stood as a shining example for all the trade zones and subzones that have followed it. This is primarily due to the hard work and great pride of both the workers and the managers there. I believe these efforts deserve the recognition of the Congress.

AMENDMENTS SUBMITTED

ELECTING A PRESIDENT PRO TEMPORE OF THE SENATE

AMENDMENT NO. 1

Mr. BYRD proposed an amendment to the resolution (S. Res. 5) to elect the Honorable STROM THURMOND, of the State of South Carolina, to be President pro tempore of the Senate of the United States; as follows:

AMENDMENT NO. 1

At the appropriate place strike "the Honorable STROM THURMOND, a Senator from the State of South Carolina" and insert in lieu thereof "the Honorable JOHN C. STENNIS, a Senator from the State of Mississippi".

SUPERFUND LEGISLATION

STAFFORD AMENDMENTS NOS. 2 AND 3

(Referred to the Committee on Environment and Public Works).

Mr. STAFFORD submitted two amendments intended to be proposed by him to the bill (S. 51) to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; as follows:

AMENDMENT NO. 2

S. 51, the Superfund Improvement Act of 1985, is amended by adding a new title at the end thereof as follows:

TITLE II

SEC. 201. TAX ON PETROLEUM.

(a) INCREASE IN TAX.—Subsections (a) and (b) of section 4611 of the Internal Revenue Code of 1954 (relating to environmental tax on petroleum) are each amended by striking out "0.79 cent" and inserting in lieu thereof "4.5 cents".

(b) TERMINATION OF TAX.—

(1) Subsection (d) of section 4611 of such Code (relating to termination) is amended to read as follows:

"(d) TERMINATION.—The tax imposed by this section shall not apply after the earlier of—

"(1) September 30, 1990, or

"(2) the date on which the Secretary, in the manner prescribed by regulations, reasonably estimates that the sum of the amounts received in the Treasury of the United States by reason of the taxes imposed by this section and sections 4661, 4691, and 4696 will equal $6,470,000,000.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1985.

SEC. 202. INCREASE IN TAX ON CERTAIN CHEMICALS.

(a) INCREASE IN RATE OF TAX; ADDITIONAL CHEMICALS TAXED.—Subsection (b) of section 4661 of the Internal Revenue Code of 1954 (relating to amount of tax imposed on certain chemicals) is amended by striking out the table contained in such subsection and inserting in lieu thereof the following:

"In the case of:	The tax (before any inflation adjustment) is the following amount per ton:	
	Sales during 1985	Sales after 1985
Organic Chemicals:		
Acetylene	8.83	10.23
Benzene	6.60	8.80
Butadiene	9.79	10.23
Butane	4.87	5.60
Butylene	5.15	6.87
Ethylene	6.89	9.19
Methane	3.44	3.44

"In the case of:	The tax (before any inflation adjustment) is the following amount per ton: Sales during 1985	Sales after 1985
Napthalene	6.89	9.19
Propylene	5.87	7.82
Toluene	5.19	6.92
Xylene	7.70	10.23
Inorganic Chemicals:		
Ammonia	2.64	3.52
Antimony	9.34	9.34
Antimony trioxide	7.87	7.88
Arsenic	9.34	9.34
Arsenic trioxide	7.16	7.16
Barium sulfide	4.83	4.83
Bromine	9.34	9.34
Cadmium	9.34	9.34
Chlorine	3.05	4.07
Chromite	1.52	1.52
Chromium	9.34	9.34
Cobalt	9.34	9.34
Cupric oxide	7.54	7.54
Cupric sulfate	3.93	3.93
Cuprous oxide	8.34	8.34
Hydrochloric acid	0.61	0.61
Hydrogen fluoride	8.88	8.88
Lead	8.27	11.03
Mercury	9.34	9.34
Nickel	9.34	9.34
Nitric acid	0.50	0.50
Phosphorus	9.34	9.34
Potassium dichromate	3.55	3.55
Potassium hydroxide	0.46	0.46
Sodium dichromate	3.93	3.93
Sodium hydroxide	0.59	0.59
Stannic chloride	4.45	4.45
Stannous chloride	5.98	5.98
Sulfuric acid	0.55	0.55
Zinc chloride	4.66	4.66
Zinc sulfate	3.99	3.99

"In the case of:	The tax is the following amount per ton:
Other Organic or Inorganic Substances:	
Acetone	$8.64
Barium	.81
Bis (2-ethylhexyl) phthalate	8.64
Carbon tetrachloride	8.43
Chlorobenzene	27.66
Chloroform	25.93
1,2-Dichloroethane	4.54
Ethylbenzene	27.33
Methylene chloride	21.61
Methyl ethyl ketone	14.26
Pentachlorophenol	28.59
Phenol	44.95
1,1,2,2-Tetrachloroethane	6.05
1,1,2,2-Tetrachloroethene	21.18
Trichloroethylene	60.51
1,1,1-Trichloroethane	39.33
Vinylchloride	11.24

(b) INFLATION ADJUSTMENT IN AMOUNT OF TAX.—Section 4661 of such Code is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) INFLATION ADJUSTMENTS IN AMOUNT OF TAX.—

"(1) IN GENERAL.—In the case of any taxable chemical sold in a calendar year after 1985 the amount of the tax imposed by subsection (a) shall be the amount determined under subsection (b) increased by the applicable inflation adjustment for such calendar year.

"(2) APPLICABLE INFLATION ADJUSTMENT.—

"(A) IN GENERAL.—In the case of a taxable chemical, the applicable inflation adjustment for the calendar year is the percentage (if any) by which—

"(i) the applicable price index for the preceding calendar year, exceeds

"(ii) the applicable price index for 1984.

"(B) APPLICABLE PRICE INDEX.—For purposes of subparagraph (A), the applicable price index for any calendar year is the average for the months in the 12-month period ending on September 30 of such calendar year of—

"(i) in the case of organic substances, the producer price index for basic organic chemicals as published by the Secretary of Labor, or

"(ii) in the case of inorganic substances, the producer price index for basic inorganic chemicals as published by the Secretary of Labor.

"(3) ROUNDING.—If any increase determined under paragraph (1) is not a multiple of 1 cent, such increase shall be rounded to the nearest multiple of 1 cent (or if the increase determined under paragraph (1) is a multiple of ½ of 1 cent, such increase shall be increased to the next higher multiple of 1 cent).".

(c) EXEMPTION FOR EXPORTS OF TAXABLE CHEMICALS.—

(1) Section 4662 of such Code (relating to definitions and special rules) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) EXEMPTION FOR EXPORTS OF TAXABLE CHEMICALS.—

"(1) TAX-FREE SALES.—

"(A) IN GENERAL.—No tax shall be imposed under section 4661 on the sale by the manufacturer or producer of any taxable chemical for export, or for resale by the purchaser to a second purchaser for export.

"(B) PROOF OF EXPORT REQUIRED.—Rules similar to the rules of section 4221(b) shall apply for purposes of subparagraph (A).

"(2) CREDIT OR REFUND WHERE TAX PAID.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if—

"(i) tax under section 4661 was paid with respect to any taxable chemical, and

"(ii) such chemical was exported by any person,

credit or refund (without interest) of such tax shall be allowed or made to the person who paid such tax.

"(B) CONDITION TO ALLOWANCE.—No credit or refund shall be allowed or made under subparagraph (A) unless the person who paid the tax establishes that he—

"(i) has repaid or agreed to repay the amount of the tax to the person who exported the taxable to the person who exported the taxable chemical, or

"(ii) has obtained the written consent of such exporter to the allowance of the credit or the making of the refund.

"(3) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection."

(2) Paragraph (1) of section 4662(d) of such Code (relating to refund or credit for certain uses) is amended—

(A) by striking out "the sale of which by such person would be taxable under such section" and inserting in lieu thereof "which is a taxable chemical", and

(B) by striking out "imposed by such section on the other substance manufactured or produced" and inserting in lieu thereof "imposed by such section on the other substance manufactured or produced (or which would have been imposed by such section on such other substance but for subsection (e) of this section)".

(d) EXEMPTION FOR SUBSTANCES USED IN THE PRODUCTION OF ANIMAL FEED.—

(1) IN GENERAL.—Subsection (b) of section 4662 of the Internal Revenue Code of 1954 (relating to definitions and special rules with respect to the tax on certain chemicals) is amended by adding at the end thereof the following paragraph;

"(7) SUBSTANCES USED IN THE PRODUCTION OF ANIMAL FEED.—

"(A) IN GENERAL.—In the case of nitric acid, sulfuric acid, phosphoric acid, ammonia, or methane used to produce ammonia, which is a qualified animal feed substance, no tax shall be imposed under section 4661(a).

"(B) QUALIFIED ANIMAL FEED SUBSTANCE.—For purposes of this section, the term 'qualified animal feed substance' means any substance—

"(i) used in a qualified animal feed use by the manufacturer, producer, or importer,

"(ii) sold for use by any purchaser in a qualified animal animal feed use, or

"(iii) sold for resale by any purchaser for use, or resale for ultimate use, in a qualified animal feed use.

"(C) QUALIFIED ANIMAL FEED USE.—The term 'qualified animal feed use' means any use in the manufacture or production of animal feed or animal feed supplements, or of ingredients used in animal feed or animal feed supplements.

"(D) TAXATION OF NONQUALIFIED SALE OR USE.—For purposes of section 4661(a), if no tax was imposed by such section on the sale or use of any chemical by reason of subparagraph (A), the first person who sells or uses such chemical other than in a sale or use described in subparagraph (A) shall be treated as the manufacturer of such chemical.".

(2) REFUND OR CREDIT FOR SUBSTANCES USED IN THE PRODUCTION OF ANIMAL FEED.—Subsection (d) of section 4662 of such Code (relating to refunds and credits with respect to the tax on certain chemicals) is amended by adding at the end thereof the following new paragraph:

"(4) USE IN THE PRODUCTION OF ANIMAL FEED.—Under regulations prescribed by the Secretary, if—

"(A) a tax under section 4661 was paid with respect to nitric acid, sulfuric acid, phosphoric acid, ammonia, or methane used to produce ammonia, without regard to subsection (d)(7), and

"(B) any person uses such substance as a qualified animal feed substance,

then an amount equal to the excess of the tax so paid over the tax determined with regard to subsection (b)(7) shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by this section.".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect on January 1, 1985.

(2) The amendments made by subsection (d) shall take effect on the date of enactment * * *.

ENVIRONMENTAL TOXICS TAX

SEC. 203. Tax on Hazardous Pollutants.

(a) IN GENERAL.—Chapter 38 of the Internal Revenue Code of 1954 is amended by adding the following new subchapter:

"SUBCHAPTER D—TAX ON THE RELEASE OF HAZARDOUS SUBSTANCES AND DISPOSAL OF HAZARDOUS WASTES.

"Section 4691. Imposition of Tax.
"Section 4692. Definitions.
"Section 4693. Records, Statements and Returns.

"SEC. 4691. IMPOSITION OF TAX.

"(a) GENERAL RULE.—There is hereby imposed a tax on—

"(1) the release of any hazardous substance, and

"(2) the receipt of a hazardous waste for disposal at a hazardous waste disposal facility.

"(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be equal to the following:

"(1) $150 for each ton of hazardous waste which is disposed of by landfill, surface impoundment or in waste piles;

"(2) $75 for each ton of a hazardous substance released in compliance with a federally permitted release;

"(3) $150 for each ton of a hazardous substance released in any other way.

"(c) ALTERNATIVE COMPUTATION OF TAX.—Under regulations provided by the Secretary, if the owner or operator of a hazardous waste disposal or hazardous substance handling facility can establish the amount of water of the hazardous waste or substance deposited or released, then such owner or operator may elect to pay, in lieu of the taxes which would otherwise be paid under this section, a tax reduced by the weight of water.

"(d) EXCLUSION FOR CERTAIN WASTES.—No tax shall be imposed under subsection (a) on any of the following:

"(1) The disposal of wastes which are, as of the date of enactment of this section, exempt from regulation as a hazardous waste under Section 3001 of the Solid Waste Disposal Act. In the event that any such waste is determined by the Administrator of the Environmental Protection Agency, following studies as required under section 8002 of such Act, to pose a potential danger to human health and environment, and the Administrator of the Environmental Protection Agency promulgates regulations for the disposal of such waste, then the Administrator shall transmit to both Houses of Congress, along with such regulations, his recommendation for imposing a tax, if any, on the disposal or long-term storage of such waste. A tax shall be imposed under subsection (a) on such waste only when authorized by Act of Congress.

"(2) The disposal of—

"(A) any waste by any person in the course of carrying out any removal or remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 if such disposal is carried out in accordance with a plan approved by the Administrator of the Environmental Protection Agency or the State, or

"(B) any waste removed from any facility listed on the National Priorities List (NPL).

"(e) LIABILITY FOR THE TAX.—The Tax imposed by this section shall be imposed on the owner or operator of the hazardous waste disposal facility or hazardous substance handling or treatment facility at which the hazardous waste is disposed of or released.

"(f) CREDIT FOR PRIOR TAX.—

"(1) IN GENERAL.—A credit shall be allowed in the computation of any tax due under this section on the disposal of a hazardous waste for any tax previously paid under this section by the disposer on the long term storage of such hazardous waste.

"(2) LONG-TERM STORAGE.—In the event that a person who has paid a tax under this section on the long-term storage of a hazardous waste causes such hazardous waste to be delivered to and received by another person who is the owner or operator of a qualified hazardous waste disposal facility, then such person who paid the tax on the long-term storage shall be allowed a credit for such tax in the computation of any tax subsequently due on the long-term storage or disposal of a hazardous waste.

"(3) SPECIAL RULE FOR FUNGIBLE WASTE.—For purposes of determining any credit allowances for fungible waste under the provisions of paragraphs (1) and (2), it shall be presumed that the last of such waste placed in a qualified hazardous waste storage facility shall be the first to be removed from such facility.

"(g) FRACTIONAL PART OF TON.—In the case of a fraction of a ton, the tax imposed by this section shall be the same fraction striking out "and" at the end of subparagraph (D), by striking out the period at the end of subparagraph (E) and inserting a comma and "and", and by adding a new subparagraph as follows:

"(F) the amounts received in the Treasury under section 4691 of the Internal Revenue Code of 1954.".

(c) STUDY.—

(1) IN GENERAL.—Not later than January 1, 1987, and annually thereafter through 1989, the Secretary of the Treasury, in consultation with the Administrator of the Environmental Protection Agency, shall submit to the Congress a report on the amount of revenues being collected in accordance with subchapter D of chapter 38 of the Internal Revenue Code of 1954 and his recommendations, if any, for changes in the tax imposed under such subchapter in order to—

(A) raise an amount of revenue equivalent to the anticipated amount of revenue from the tax originally imposed under such subchapter,

(B) assure that the tax is discouraging the release of hazardous substances in an environmentally unsound manner, and

(C) assure that the tax is being collected with maximum administrative feasibility.

(2) ADDITION OF CERTAIN SUBSTANCES.—The Secretary of the Treasury shall also study, and recommend to the Congress whether releases of the following should be subject to tax under subchapter D of chapter 38 of such Code.

(A) Pesticides identified for a rebuttable presumption against registration under the Federal Insecticide, Fungicide, and Rodenticide Act.

(B) Chemicals which, according to the International Agency for Research on Cancer, have substantial evidence of carcinogenicity.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on January 1, 1986.

CORPORATE TAX ON NET RECEIPTS

SEC. 204. CORPORATE TAX ON NET RECEIPTS.

"(a) IN GENERAL.—Chapter 38 of the Internal Revenue Code of 1954 (relating to environmental taxes) is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER E—TAX ON CORPORATE NET PROFITS

"SEC. 4696. ENVIRONMENTAL NET PROFITS TAX.

"(a) GENERAL RULE.—There is hereby imposed on each corporation a tax equal to .014 percent of the taxable net receipts of such corporation for the taxable year.

"(b) TAXABLE NET RECEIPTS.—For purposes of this section—

"(1) IN GENERAL.—The term 'taxable net receipts' means the excess (if any) of—

"(A) the gross receipts of the taxpayer for any taxable year over

"(B) the sum of—

"(i) the costs of goods sold by the taxpayer for such taxable year, plus

"(ii) $75,000,000.

"(2) AGGREGATION OF CONTROLLED GROUPS.—

"(A) IN GENERAL.—For purposes of this section, all members of the same controlled group of corporations shall be treated as one taxpayer.

"(B) OTHER GROUPS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, a rule similar to the rule of subparagraph (A) shall apply to trades or businesses (whether or not incorporated) which are under common control.

"(C) CONTROLLED GROUP DEFINED.—For purposes of this paragraph, the term 'controlled group of corporations' has the meaning given such term by section 1563(a), except that—

"(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

"(ii) the determination shall be made without regard to subsections (a)(4) and (e)(3)(C) of section 1563.

"(c) SPECIAL RULE FOR TAX-EXEMPT ORGANIZATIONS.—In the case of any taxpayer which is exempt from tax under section 501(a), taxable net receipts shall be computed only by reference to the unrelated business taxable income (within the meaning of section 512) of the taxpayer.

"(d) TERMINATION.—No tax shall be imposed under this section for taxable years beginning after December 31, 1990.".

(b) ALLOCATION OF REVENUES TO TRUST FUND.—Section 221(b)(1) of the Comprehensive, Environmental Response, Compensation and Liability Act of 1980, as amended by part III, is amended by striking out "and" at the end of subparagraph (E), by striking out the period at the end of subparagraph (F) and inserting in lieu thereof ", and", and by adding at the end thereof the following new subparagraph:

"(G) the amounts received in the Treasury under section 4696 of the Internal Revenue Code of 1954.".

(c) CONFORMING AMENDMENT.—The table of subchapters for chapter 38 is amended by adding at the end thereof the following new item:

"SUBCHAPTER E—TAX ON CORPORATE NET PROFITS"

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1985.

STUDY OF IMPORTS OF CERTAIN CHEMICALS

SEC. 205. STUDY ON IMPORTED DERIVATIVES.

(a) GENERAL RULE.—

(1) The Secretary of the Treasury shall conduct a study on (A) the economic effects of the tax imposed by section 4661 of the Internal Revenue Code of 1954, and (B) the feasibility and desirability of imposing a tax on imported derivative of substances subject to the tax imposed by section 4661. Such study shall develop the methodology for selecting the list of substances and shall list the substances which would be subject to the tax referred to in subparagraph (B) and their corresponding item numbers in the Tariff Schedules of the United States.

(2) The U.S. International Trade Commission should conduct a study on (A) the trade effects of the tax imposed by section 4661 with and without the tax on derivatives; and (B) the means of making such a tax on derivatives compatible with current international trade agreements.

(b) REPORT.—

(1) Not later than March 1, 1985, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the list of substances (and corresponding item numbers in the Tariff Schedules of the United States)

prepared as part of the study conducted under subsection (a)(1). Not later than June 1, 1985, the Secretary of the Treasury shall submit the report on the study conducted under subsection (a)(1).

(2) The Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate its report on the study conducted under (a)(2) within four months from the date of receipt of the Secretary of Treasury's list of substances provided for in paragraph (1), but not before June 1, 1985.

AMENDMENT NO. 3

S. 51, the Superfund Improvement Act of 1985, is amended by adding a new section at the end thereof as follows:

"FEDERAL CAUSE OF ACTION

"SEC. 124. (a) Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking and at the end of subparagraph (B); by striking the period at the end of subparagraph (C) and inserting in lieu thereof and; and by adding the following new subparagraph:

"(D) damages, as defined in section 101(6)(B), resulting from such a release.".

(b) Section 101(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by inserting "(A)" after "damages for" and by adding at the end thereof the following: "and (B)(i) any medical expenses, rehabilitation costs, or burial expenses due to bodily injury; (ii) any loss of income or profits or impairment or loss of earning capacity due to bodily injury; (iii) any pain and suffering due to bodily injury; (iv) any economic loss and any injury to property, including diminution in value; and (v) whenever the court determines such award is appropriate in accordance with section 107(n), taking into account the proportion of the injured class which would benefit from such award, punitive damages;".

(c) Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new subsections:

"(l) In any action for damages under subparagraph (D) of subsection (a), subject to Rules 402 and 403 of the Federal Rules of Evidence, the following evidence relevant to the issue of causation of personal injury shall be admissible:

"(1) increases in the incidence of injury of disease in the exposed population over that which is otherwise probable;

"(2) epidemiological studies;

"(3) animal studies;

"(4) short-term in-vitro studies;

"(5) tissue and toxicologic studies;

"(6) environmental monitoring data; and

"(7) government health effects studies done for the purpose of developing standards or exposure limits.

"(m) The standard of liability for any person for damages under subparagraph (D) of subsection (a) of this section shall be strict liability without limitation to the defenses specified in subsection (b) of this section.

"(n) For the purposes of subparagraph (D) of subsection (a), punitive damages may be awarded in the case of conduct manifesting a conscious, flagrant indifference to the safety of those persons who might be harmed by a hazardous substance, pollutant, or contaminant and constituting an extreme departure from accepted practice.

"(o) In the case of damages under subparagraph (D) of subsection (a), persons liable under paragraph (3) of such subsection shall be liable only with regard to damages resulting from releases of hazardous substances, pollutants or contaminants owned or possessed by such person.".

(d) Section 113 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding the following new subsections:

"(e) Jurisdiction of the United States district courts over any action under subparagraph (D) of section 107(a) of this title shall be concurrent with the jurisdiction of the courts of any State over such an action, and nothing in this section shall be construed to affect the jurisdiction of any State court with respect to any action under this title.

"(f) It is the policy of the Congress to encourage certification of class actions in actions under subparagraph (D) of section 107(a) of this title involving common issues of fact or law. In furtherance of that policy, the Congress finds that the requirements of Rule 23 of the Federal Rules of Civil Procedure are met in actions under such subparagraph arising from the same release and presenting common issues of fact or law and involving 30 or more potential claimants.

"(g) In any action under subparagraph (D) of section 107(a) of this title, defendants may be added at the request of plaintiffs or defendants, without regard to the citizenship of the parties. The United States shall make available to appropriate parties information in its possession which is material to the identification of other responsible parties who are potential defendants.".".

SAFE DRINKING WATER

AMENDMENT NO. 4

(Referred to the Committee on Environment and public Works)

Mr. DURENBERGER (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by them to the bill (S. 124) entitled the "Safe Drinking Water Amendments of 1985"; as follows:

AMENDMENT NO. 4

Section 1412 (b) of the Safe Drinking Water Act is amended by striking paragraphs (1), (2), and (3), and inserting in lieu thereof the following:

"(b)(1)(A) In the case of the 14 contaminants listed in the Advance Notice of Proposed Rulemaking published in volume 47, Federal Register, page 9352, not later than 15 months after the date of enactment of the Safe Drinking Water Act Amendments of 1985, the Administrator shall—

"(i) simultaneously propose a maximum contaminant level goal and a national primary drinking water regulation, and after opportunity for public comment, simultaneously publish a maximum contaminant level goal and a national primary drinking water regulation for those contaminants for which there is a rational basis to believe that there may be any adverse effect on the health of persons; or

"(ii) publish in the Federal Register a determination that there is not sufficient evidence to constitute a rational basis to believe that the contaminant may have any adverse effect on the health of persons.

"(B) In the case of each of the contaminants listed in the Advance Notice of Proposed Rulemaking published in volume 48, Federal Register, page 45502, not later than 36 months after the date of enactment of the Safe Drinking Water Act Amendments of 1984, the Administrator shall—

"(i) simultaneously propose a maximum contaminant level goal and a national primary drinking water regulation, and after opportunity for public comment, simultaneously publish a maximum contaminant level goal and a national primary drinking water regulation for those contaminants for which there is a rational basis to believe that there may be any adverse effect on the health of persons; or

"(ii) publish in the Federal Register a determination that there is not sufficient evidence to constitute a rational basis to believe that the contaminant may have any adverse effect on the health of persons.

"(C)(i) The Administrator shall publish maximum contaminant level goals and simultaneously promulgate national primary drinking water regulations for each substance (other than a substance referred to in subparagraph (A) or (B) for which a national primary drinking water regulation was promulgated) which, in the judgment of the Administrator, may have any adverse effect on the health of persons. On January 1, 1988, and at annual intervals thereafter, the Administrator shall publish a list establishing priorities for the review of substances (other than substances referred to in subparagraph (A) or (B)) which may require regulation under this Act in order to prevent known or anticipated adverse effects on the health of persons. Such priorities shall be based upon the extent to which such contaminant occurs in public water systems throughout the United States or on the known or anticipated adverse effects of such substance on the health of persons. In establishing such priorities the Administrator's consideration shall include, but not be limited to, substances regulated as toxic water pollutants under section 307 of the Clean Water Act and substances registered as pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act.

"(ii) For each contaminant listed on the priority list, the Administrator shall, within 3 years of listing—

"(I) simultaneously propose a maximum contaminant level goal and a national primary drinking water regulation, and after opportunity for public comment, simultaneously publish a maximum contaminant level goal and a national primary drinking water regulation for those contiminants for which there is a rational basis to believe that there may be any adverse effect on the health of person; or

"(II) publish in the Federal Register a determination that there is not sufficient evidence to constitute a rational basis to believe that the comtaminant may have any adverse effect on the health of persons.

DURENBERGER AMENDMENTS NOS. 5 AND 6

Mr. DURENBERGER submitted two amendments intended to be proposed by him to the bill (S. 124), supra; as follows:

AMENDMENT NO. 5

Section 1448(a) of the Safe Drinking Water Act is amended to read as follows:

"JUDICIAL REVIEW"

"(A) action of the Administrator in promulgating any national primary drinking water regulation under section 1412, any regulation under section 1413(b), any regu-

lation under section 1414(c), any regulation for State underground injection control programs under section 1421, or any general regulation for the administration of this title may be filed in the United States Court of Appeals for the District of Columbia Circuit, or in any United States court of appeals for a circuit in which the petitioner resides or transacts business; and

"(B) action of the Administrator in promulgating any other regulation under this title, issuing any order under this title, or making any determination under this title may be filed only in the United States court of appeals for any appropriate circuit. Any such petition shall be filed within the 120-day period beginning on the date of the promulgation of the regulation or issuance of the order with respect to which review is sought or on the date of the termination with respect to which review is sought, and may be filed after the expiration of such 120-day period if the petition is based solely on grounds arising after the expiration of such period. Action of the Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in any civil or criminal proceeding for enforcement or in any civil action to enjoin enforcement.

"2(A) If petitions for review of the same agency action have been filed in two or more courts of appeals and the Administrator has received written notice of the filing of the first such petition more than 30 days before receiving written notice of the filing of the second petition, then the record shall be filed in that court in which the first petition was filed. If petitions for review of the same agency action have been filed in two or more courts of appeals and the Administrator has received written notice of the filing of one or more petitions within 30 days or less after receiving written notice of the filing of the first petition, then the Administrator shall promptly advise in writing the Administrative Office of the United States Courts that petitions have been filed in two or more courts of appeals, and shall identify each court for which he has written notice that such petitions have been filed within 30 days or less of receiving written notice of the filing of the first such petition. Pursuant to a system of random selection devised for this purpose, the Administrative Office thereupon shall select the court in which the record shall be filed from among those identified by the Administrator. Upon notification of such selection, the Administrator shall promptly file the record in such court. For the purpose of review of agency action which has previously been remanded to the Administrator, the record shall be filed in the court of appeals which remanded such action.

"(B) Where petitions have been filed in two or more courts of appeals with respect to the same agency action and the record has been filed in one of such courts pursuant to paragraph (1), the other courts in which such petitions have been filed shall promptly transfer such petitions to the court of appeals in which the record has been filed. Pending selection of a court pursuant to subsection (1), any court in which a petition has been filed may postpone the effective date of the agency action until 15 days after the Administrative Office has selected the court in which the record shall be filed.

"(C) Any court in which a petition with respect to any agency action has been filed, including any court selected pursuant to paragraph (2)(A), may transfer such petition to any other court of appeals for the convenience of the parties or otherwise in the interest of justice".

(b) Section 1448(b) of the Safe Drinking Water Act is amended by deleting "45-day" in both places where it appears and inserting "120-days" in lieu thereof.

AMENDMENT NO. 6

Part C of the Safe Drinking Water Act is amended by adding at the end thereof the following new section:

"BRINE DISPOSAL PROGRAM STUDY"

"SEC. . (a)(1) The Administrator shall conduct a study of the current storage and disposal requirements and practices of brine associated with oil or natural gas exploration, production, or recovery in those States in which oil or natural gas exploration, production, or recovery occurs.

"(2) Such study shall identify, using currently available data, those States in which existing underground drinking supplies are subject to contamination, which may have an adverse effect on human health, by heavy metals or total dissolved solids from the current storage and disposal of brine. The results of such study shall be submitted to the Congress within 9 months of enactment.

"(b)(1) Within 180 days of completion of the study, if such contamination is found, the Administrator shall issue guidelines for making a demonstration that an effective program, including adequate enforcement, is being implemented to protect the public health and environment from adverse effects resulting from the storage and disposal of brine, associated with oil or natural gas exploration, production, and recovery, which is not controlled by an existing underground injection control program.

"(2) The Administrator shall notify those States identified as having a significant contamination problem in subsection (a)(2) at the same time that he issues guidelines under subsection (b)(1).

"(3) Within 12 months of receiving notification, such States shall demonstrate to the Administrator that they are implementing an effective program in accordance with guidelines issued under (b)(1).

"(4) If any State required to demonstrate an effective program under this section, fails to make such a demonstration within the specified time, the Administrator shall, after 90 days for notice and opportunity for comment, promulgate a program for that State to achieve the goals in this section.

"(5) If, after a State's demonstration is approved by the Administrator, he determines that the State has failed to maintain an effective program in accordance with subsection (b)(1), he may exercise the authority of subsection (a) of Section 1422 in the same manner as provided in such subsection.

ADDITIONAL STATEMENTS

TRADE DEFICIT WITH JAPAN

● Mr. RIEGLE. Mr. President, the trade deficit with Japan will be well over $30 billion in 1984—almost twice 1983's record deficit.

Yesterday President Reagan and Prime Minister Nakasone met to discuss trade items between our two countries along with other issues. Reports of that meeting are very disturbing. Not only did the two leaders fail to meaningfully discuss Japan's all-out trade invasion of U.S. markets but the extension of the present auto restraints were not even mentioned. This is very alarming when the figures show that two-thirds of the record 1984 trade deficit with Japan will be in autos and auto products.

This large trade deficit comes at a time when our domestic auto industry must spend another $80 million over the next 5 years to retool and modernize. Imported autos from Japan rob the U.S. industrial base of greatly needed funds and also have kept many auto workers on permanent layoff.

Two weeks ago Senator EAGLETON and I wrote to President Reagan urging him to discuss the trade deficit with Japan at the meeting with Prime Minister Nakasone. Since the President did not discuss this very important problem with the Japanese Prime Minister. I am even more concerned for the future of the industrial base of America. It is my continued hope that the voluntary restraint agreement with Japan will be extended beyond the March 31, 1985, deadline and it is time that President Reagan acted to reduce the shocking imbalance of trade with Japan.

I ask that a copy of the letter sent to President Reagan be printed at this point in the RECORD.

The letter follows:

U.S. SENATE,
Washington, DC, December 20, 1984.

HON. RONALD REAGAN,
The President,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are pleased that at the beginning of next month you will be meeting with Prime Minister Nakasone. We urge you to take this opportunity to emphasize the importance of extending the restraint on Japanese automobile exports.

The American auto industry is still feeling the effects of the past recession, high interest rates, unexpected changes in consumer preference and an unprecedented flood of imports. Over the last few years the industry has faced up to these problems by cutting costs, improving productivity and investing over $40 billion in retooling and modernization. But employment in the American auto industry is still over a fourth below that of five years ago; and, by all accounts, the industry will have to invest over $80 billion more over the next decade.

The U.S. auto industry still accounts for over 20% of all manufacturing employment. Other key industries, from steel to textiles, and from "high-tech" to mining, are all linked to the auto industry.

Any increase in the number of imports coming to the United States would have a very bad effect on our economy. According to a report in Automotive News, Commerce Department analysts have found that the American industry is still extremely "vulnerable" and "could easily slip back into a new round of plant closings, job lay-offs and losses should sales turn down . . . as some forecasters expect they might." We cannot let the Japanese exploit this situation. Effective restraints on Japanese imports are needed. Continuation of the restraints also has the added benefit of encouraging Japa-

nese auto manufacturers to produce here, providing more jobs for American workers.

The currency imbalance between our two countries continues. The current exchange rate of almost 250 yen to the dollar acts like a 20-25% subsidy on every Japanese import sold in this country. Whether this is caused by "manipulation" of the yen, or the overvaluation of the dollar, this is an unacceptable burden on American auto manufacturers.

This situation is compounded by the Japanese tax system. Japan uses a commodity tax as a primary source of revenues, but this tax is rebated on exported products. This is not only an incentive to export, but as the only major industrialized nation without any similar sort of commodity or value-added tax, this system acts as an incentive to export to the United States in particular.

The Japanese continue to hold nearly 20% of the American auto market. During the last four years with the restraints they have even gotten as much as 23%. If the restraints are removed they could double that share, taking almost half the American market.

The country is facing new and critical challenges in the international ecomomy. The trade deficit for 1984 is expected to be well over $130 billion—almost twice last year's record high. The trade deficit with Japan will be over $30 billion—also breaking a record set last year. Over two-thirds of that record setting deficit with the Japanese is in autos and automobile products. Action must be taken on all fronts. We hope you will not let the upcoming meeting pass without expressing these sentiments to Prime Minister Nakasone in the strongest possible terms.

We look forward to hearing of the results of your meeting.

Sincerely,

DONALD W. RIEGLE, Jr.
THOMAS F. EAGLETON.●

REMARKS BY REPRESENTATIVE JACK KEMP

● Mr. MOYNIHAN. Mr. President, my distinguished colleague from the other Chamber, Representative JACK KEMP of New York, made some noteworthy and though-provoking remarks at a recent conference of the National Urban League. Representative KEMP is often quoted in the news these days, on many issues; I am certain that his remarks before the National Urban League will be of interest to my colleagues in the Senate, on both sides of the aisle.

I ask that the text of Representative KEMP's statement be printed in the RECORD.

The text follows:

BLACK AMERICANS AND THE REPUBLICAN PARTY

I'd like to thank John Jacob for his warm introduction and for inviting me to address the 1984 Conference of the National Urban League. I've considered John Jacob a friend for a long time, and it is characteristic of his habit of putting others first that when he invited me to speak, he said I would be doing him a personal favor—when or course he was doing me a great honor.

John does not seek the limelight, but as president of the National Urban League he has shown a steady capability and quiet courage in speaking candidly, both inside and outside the black community, about the challenges facing disadvantaged Americans, and what needs to be done. I've been hoping for a chance to say publicly how much I admire his leadership and dedication, as I do that of Vernon Jordan before him.

I would also like to pay tribute to the National Urban League. For 74 years, you have brought hope and an equal chance to the jobless, the homeless, the unskilled, the lost and the least. You have initiated self-help efforts, demonstrated what works, and built partnerships of trust with institutions that ought to get involved. You have earned the respect of business and labor, civic and civil rights leaders, and both political parties. Through personal experience with dedicated, people like Leroy Coles in Buffalo have learned how much the Urban League is doing on a local as well as a national level.

As you know, I don't stand before you as a candidate for anything—except for re-election to an eighth term as a Congressman from Buffalo. But I would like to take this opportunity to share with you some thoughts on the condition and direction of our Nation. And most of all, I would like to speak to you, from the heart, about something that has been on my mind for a long time—the relationship between black Americans and the Republican Party.

Back in February, my wife Joanne and I happened to watch a fascinating program on Tony Brown's Journal, called "The Longest Struggle." It was a dramatization of the lives of black Americans in the period after reconstruction, which he described as a "reign of terror" against blacks and Republicans, aimed at depriving black Americans of their 15th amendment right to vote. And at one point in his narration, Tony Brown said, "during this period the best friend that blacks had was the Republican Party, led by two radical Republican Congressmen," Representative Thaddeus Stevens of Pennsylvania, and Senator Charles Sumner of Massachusetts.

Frankly, rather than making me feel good as a Republican, this really saddened me. Perhaps it was the thought of how long it's been since black Americans could feel that way about my party. And perhaps the feeling was deepened because many people at various times have called me a "radical" Republican—and not always meaning it kindly. But according to the dictionary, "radical" means going to the roots of things. And I remember thinking how much the Republican Party needs radical Republicans in that sense.

The Republican Party would not even exist except for black Americans. Our party was born out of the struggle for equality and opportunity—the two always went together. When you look back at the years from 1960 to 1932, when Republicans dominated American politics, it was always because of two reasons: civil rights for all, and economic opportunity for all. Once chattel slavery was abolished and all Americans had the constitutional right to vote, campaigns were fought and won on slogans like "a full dinner pail," "honest money," and later, on restoring pre-world war one prosperity and "normalcy." Back then we Republicans seemed to know in our bones that without full and expanding economic opportunity for everyone, pressing for legal equality, important as it is, was not going to be enough. And as long as we pursued both, the American people, and especially black Americans, responded with loyalty.

But somewhere along the way the Republican Party blundered and strayed. Somehow we mislaid the key to prosperity and full economic opportunity for all. The policy failures of 1929-1932—when Republicans preached not economic growth but economic austerity, not internationalism but protectionism, not civil rights but "what's good for business is good for America"—paved the way for the massive electoral shift toward the new deal and the Democratic Party.

That shift is taken for granted today. But for black Americans, it didn't occur without a struggle. In 1932 the Republicans, after all, were still the party of Lincoln and civil rights, while the Democratic Party was still mired in reconstruction mentality, still implicity defending white supremacy.

I've met elderly blacks who can still remember black preachers preaching furiously against the Democrats and the new deal, threatening hellfire and damnation for those who would dare desert the party of Lincoln. A majority of black Americans still voted for Hoover in 1932. And in 1940, Dr. Ralph Bunche could still say that the black vote was "essentially Republican." The GOP had accumulated that much loyalty. While Republicans have a negative image with blacks today, consider what Roosevelt had to contend with. When a black minister opened one session of the 1936 Democratic Convention and a black Congressmen seconded FDR's nomination, Senator "Cotton Ed" Smith stormed out of the convention, saying, "I cannot and will not be a party to the recognition of the 14th and 15th amendments."

But it was no use. Hoover Republicans offered a balanced budget, and Roosevelt offered buttered bread. In a book called "Farewell to the Party of Lincoln": black politics in the age of FDR, N.J. Weiss has written: "It was not civil rights, it was jobs that brought blacks to the Democratic Party. Blacks became Democrats," Weiss observes, "because the Democrats had a program that was going to help the underprivileged, or the poor, more than the Republican Party." In fact, in this month's Ebony magazine there's an article that quotes an 82-year-old black activist named Valores Washington, who said: "I was born when there was nothing but black Republicans. I can remember when you couldn't find a black Democrat. But the Democrats fed blacks when they needed feeding."

The Democratic Party deserves its due, and I'm not ashamed to give it. Besides the new deal and the war on poverty, the Democratic Party—at least a large portion of it—carried to completion the fight to get rid of legal barriers to social and political participation for minorities. I'm proud that a Republican Chief Justice, appointed by a forceful Republican President, eliminated legal segregation of schools at Little Rock and elsewhere; and that overwhelming support by the Republican minority in Congress finally made the right to vote a reality for black Americans. But that doesn't change the fact that most people today, Republicans and Democrats alike, have come to consider the Democratic Party as the "natural" political home of black Americans.

For many reasons, I'm convinced that this situation is not healthy—not for blacks, not for my party, and most of all, not for America. I don't have to tell you how strong the temptation has been for the Democrats to take the black vote for granted, and for the Republicans to write it off. But I believe the Republican tendency comes, not from indifference or ill will, but from a kind of utter

despair built up during 50 years of failure to reach out successfully to black Americans, and perhaps to fully understand the true basis of equal opportunity as well as we used to. I was impressed when Jesse Jackson said in San Francisco that "democracy guarantees opportunity, not success." Equal opportunity has been likened to a race where everyone starts out together and the prizes go to those who most merit them. What I think some Members of my party don't fully appreciate is the degree to which past impediments are preventing many blacks from beginning at the same starting line with others who never had those impediments.

My hope for the future of my country and my party rests on the fact that the American people are forgiving. They are forgiving because they are forward-looking. They are less interested, ultimately, in what you've done for them in the past—or to them, for that matter—than in what you plan to do for them in the future. This is why I am confident that if my party puts forward a vision of the future that embraces freedom and justice for all Americans, and a way of getting there, it will not be long before the Democrats find a tidal wave of "their" supporters returning to the Republican Party.

The recent Black Family Summit Conference, co-sponsored by the National Urban League and the NAACP, put the first item on their agenda for economic security for black families very simply: "Top priority should be placed on full employment at livable wages for all persons able and willing to work." And as John Jacob told us so eloquently last night, "jobs are the single central burning issue on the black agenda in 1984." I'm proud to say that it is the Republican Party which has begun to take the lead in moving the country toward full employment with no inflation.

Believe it or not, adopting the goal of full employment four years ago was considered a risky thing to do. Remember that back then, economists and politicians were almost universally telling us that it simply couldn't be done without high inflation, or perhaps not at all. The Carter administration was telling us that we were in the grip of a malaise, and Federal Reserve Chairman Paul Volcker said we had to lower our standard of living. Prof. Alfred Kahn, the chief "inflation-fighter," actually said that the solution to the energy crisis was to ride bicycles. And Robert Lekachman, one of the most prominent liberal Democratic economists in the country, summed up this mentality when he said: "The era of growth is over and the era of limits is upon us. It means the whole politics of the country has changed. All problems have become distributional. We already see it," he said, "in a whole set of divisive tendencies: black versus Jew, men versus women, and the whole debate over energy policy." How can you be fair to anyone in a country suffering from 13 percent inflation, 21 percent interest rates, closed factories and lost jobs?

If this country was not in fact going to tear itself apart in a struggle over pieces of a shrinking economic pie, we had to ignore the "experts," get this economy expanding again without inflation, and above all create jobs. I think it's fair to say that by 1980 the Democrats, like the Republicans in 1932, had lost the key to expanding economic opportunity. But frankly, we "radical" Republicans simply turned to the ideas of the last President who actually achieved full employment without inflation: John F. Kennedy, a Democrat. In fact, that's where we got the idea of cutting tax rates across the board.

Just after the 1980 elections, I saw an interview with Walter Mondale on what it was like to be a Democrat during President Kennedy's growth policies. It seemed like such a good description of what I hoped we could accomplish in the next four years that I saved it. Here's what he said about the early 1960s:

"At that time, we were able to cut tax rates, increase revenues, add jobs, fund new programs, and keep a stable dollar. That was a good time for a Democrat to be alive.

"We did a lot of good things. One of the reasons was that you could get our Nation in a more compassionate frame of mind when you were sharing additional resources from growth. Nobody was losing anything." "You could say: 'How about feeding the hungry? How about educating those poor kids? How about having some decent housing for these families that are living in desperate conditions?' People would say, 'That's right. Let's do some of that.' "

Ladies and gentleman, at that time, Walter Mondale got it right.

That's what we have tried to do by cutting tax rates across the board. The tax rate cuts were not designed to be an attack on Government or its revenues. They were an effort to get the country moving again. We need a safety net, but we also need a ladder of opportunity. And opportunities on the public payroll are no substitute for jobs in the private sector. But people naturally choose public jobs over private jobs when private employment isn't there. True, mistakes have been made. The across-the-board tax cuts were delayed. The Federal Reserve took us into a deep recession and kept us there too long with a misguided policy of high-interest-rate monetarism. And I've caught flak for saying so, but I still believe you can't make big cuts in social spending when the economy is flat on its back.

Despite these flaws, under this administration the 1981 tax cuts have powered a noninflationary economic expansion that began at the end of 1982. With inflation at its lowest level in 20 years, 6.7 million Americans have found work in the last 19 months. That's more jobs than the entire continent of Europe has created in a decade.

But it's not enough. It's not nearly enough. As Vernon Jordan says, putting America back to work means putting black Americans back to work.

I think we need to do more, much more. And I would like to outline some ideas that I believe can be effective in reaching the poor, the minorities and the inner cities.

But first I would like to say a word about keeping the recovery going. If we want to marshal the social resources we need to reach out to the poor and to assist the decayed inner cities it is imperative that we keep this economic expansion going, and going strongly. Strong economic expansion is the foundation for social justice: You can't help the poor by making America poor. An economic slowdown would stop or even reverse the progress on job creation, and the ones hurt most would be the last hired and first fired. It would also be an incalculable social and political blow—because it would intensify all the tensions and zero-sum wrangling in our country that Robert Lekachman talked about.

As I see it, there are two major threats to this economic expansion. One is monetary policy. Incredibly enough, the Federal Reserve Board believes that it must slow down economic growth and keep unemployment from falling too fast so as to keep inflation under control. That's not just insensitive; it's irrational. Inflation is not caused by too many people working. When commodity prices are falling sharply as they have in the past few months, and the dollar is hitting record highs, this means high interest rates are signaling that money is too tight, not too loose; we have deflation, not inflation. If the Fed doesn't change course and allow interest rates to come down, we could see a slowdown, a rise in unemployment, defaults in the third world, further despair in our cities—and higher, not lower deficits.

The other major threat to expansion would be the enactment of a major tax increase. And if you will forgive me for a moment for being partisan, the bigger threat comes from the democratic, not the Republican candidate for President. Mr. Mondale has promised a big tax increase across the board to reduce the deficit. The President says it would be counterproductive. I wish that Mr. Mondale would read a speech that President Roosevelt gave during the campaign of 1936, when the Republicans were saying all the same things about the deficit that the Democrats are saying today. The speech was titled, "The only way to keep the Government out of the red is to keep the people out of the red."

In that speech, Mr. Roosevelt explained: "The money to run the Government comes from taxes; and the tax revenue depends for its size on the size of the national income. When the incomes and the values and transactions of the country are on the downgrade, then tax receipts go on the downgrade too. If the national income continues to decline, then the Government cannot run without going into the red. The only way to keep the Government out of the red is to keep the people out of the red. And so we (have) to balance the budget of the American people before we (can) balance the budget of the national Government. That makes sense doesn't it?" FDR asked. "To pile on vast new taxes would get us nowhere because values (would go) down, and that makes sense too."

In that same speech, Mr. Roosevelt addressed another of Mr. Mondale's recent worries. He said, "and now a word about this foolish fear about the crushing load the debt will impose on your children and mine. This debt is not going to be paid by oppressive taxation on future generations. It is not going to be paid by taking away the hard-won savings of the present generation. It is going to be paid out of an increased national income and increased individual incomes produced by increasing national prosperity. The deficit of the national Government has been steadily declining for three years running," he pointed out.

And the deficit is declining right now as we put people back to work. Over the past year, revenues have risen at a rate of 12 percent, while spending has risen only 4 percent. Despite all the talk you've heard, the deficit has never reached $200 billion, and it never will—if we can keep the economy expanding and continue to move America toward full employment and price stability, the stated goal of the Humphrey-Hawkins legislation.

President Roosevelt used to say that we have nothing to fear but fear itself. I hope it never comes to be said of his heirs to the leadership of the Democratic Party, that they have nothing to offer but fear itself. Democrats who cherish the future of their party had better hope that the "new realism" does not turn out to be the "old Hooverism." We Republicans will wish then as much luck as we had with it.

As I said, while keeping the economic recovery going, we still must do more for the poor and the unemployed, especially in our inner cities. As far as I'm concerned, we have barely begun to address the problem of expanding economic opportunity to everyone. But Bobby Kennedy was right when he said, "to ignore the potential of private enterprise is to fight the war on poverty with a single platoon, while great armies are left to stand aside."

I am proposing a three-part urban initiative, and I want to make it a plank in the Republican platform. First, a complete overhaul of our tax system, designed especially to break the poverty cycle that is holding back so many low-income Americans. Second, a new Urban Homesteading Act designed to bring us closer to the national goal stated in the 1949 Housing Act, of "a decent home and a decent living environment for every American family." And third, an inner cities private-sector jobs creation bill to expand opportunities for inner city residents.

First. Senator Bob Kasten and I, along with many colleagues, have proposed legislation to replace our current complicated, unfair and unintelligible income tax system with a fair and simple tax that closes loopholes and lowers tax rates. There is much said today in both parties about tax reform. And that is a good sign that reform may be possible. Some think tax reform means taking more taxes from some people and giving it to others; but true reform is aimed at expanding the income of everyone—permitting wealth to be created, not just shifted around.

One of the most glaring injustices today is that there are people below the poverty level who are paying, in effect, the highest marginal tax rates in the country. For example, what happens when a poor black woman drawing AFDC payments, food stamps, and other benefits tries to increase her income by finding full-time work? She discovers that between paying income taxes and losing benefits, she loses between 80 cents and $1.50 for every additional dollar of income. Her effective marginal tax rate is between 80 and 150 percent. That's one key reason for the poverty cycle.

The Kemp-Kasten tax bill helps poor people by doubling the personal exemption for each family member to $2,000, increasing the standard deductions, and excluding one fifth of the first $40,000 of wages from taxation. This means that almost a million and a half working poor would be completely taken off the Federal income tax rolls. A family of four would not pay income tax on the first $14,375 of income, compared with less than $9,000 under current law. And because we index the tax Code against inflation, no American below the poverty level will ever again pay Federal income taxes under this plan.

Second, owning your own home is nearly synonymous with the American dream. Yet today homeownership for the urban poor is nearly impossible, when decent homes in any city can't be bought for much below $40,000 or $50,000, at double digit mortgage rates.

This week I'm introducing legislation addressed to those thwarted hopes. Under the Urban Homesteading Act, the poor living in public housing will have the chance to buy their homes from the Government at a large discount, or to manage their own projects. Under my bill a tenant or tenant association could purchase their dwelling at only 25 percent of market value. And the public housing authority could "take back" a mortgage at reasonable rates. Tenants could also build equity toward their down payment by maintaining the housing project.

This program has important tenant protections. First, ownership is completely voluntary. Second, there can't be any evictions of current tenants. Third, housing must be brought up to minimum standards before they are sold. And fourth, homeownership would be transferred to tenants only after it is certified that they can afford the cost.

This program would benefit both the urban poor and taxpayers as a whole. Taxpayers would gain from reduced operating subsidies as public housing is turned over to tenant owners. But the effort is really concerned with more than buildings or budgets. It deals with the overall problem of community and neighborhood development. There are some tenant managed projects operating today, and they have relieved some very difficult social problems by reducing crime, drug abuse, and even teenage pregnancies. Homeownership also encourages stable and intact family life. Considering the tremendous gain in pride, dignity, and sense of community; the longer outlook on life and the future; the new reasons to work and save—this kind of home ownership initiative would help more Americans realize the American dream.

Third, and linking the first two initiatives, we must have enterprise zones. Ghetto and barrio residents know only too well the phenomenon known as "redlining," which has pushed the deterioration in some areas even further down the slope of despair. The idea of urban enterprise zones is to turn those red lines into green lines, by providing incentives for people to work, hire, invest, and start up new business ventures in cities with officially defined "pockets of poverty" where unemployment is particularly high. It only takes common sense to realize that we can't have more employees without more employers. "Enterprise zones," to quote Journalist Carl Rowan, "will make jobs available to many and thus give hope to almost all. And hope may be the most precious item at this time."

On no other issue has a wider, more devoted and broadly based consensus emerged than on Kemp-Garcia urban enterprise zone legislation. Members of the Congressional Black Caucus have endorsed it. The Urban League, I'm happy to say, has supported the idea. My friend and colleague from Philadelphia, Bill Gray, has called it one of the most important pieces of urban legislation in years. Hispanics, liberals, conservatives, Democrats, Republicans, big city mayors, suburban and rural areas, all support it as a constructive and progressive effort to help put our people to work in productive, real jobs in our inner cities and other depressed areas.

This measure has passed the Republican-controlled Senate twice this session, yet Speaker Tip O'Neill of Boston and Ways and Means Committee Chairman Dan Rostenkowski of Chicago are preventing Congress from voting on this jobs-creating bill. I hope you'll forgive me another partisan comment if I say that we heard a lot in San Francisco about the Democratic Party's compassion for the poor. Let's just hope they don't love the poor so much that they're trying to keep them poor by bottling up enterprise zone legislation.

What I've just outlined is the nucleus of a plan that I think can help restore the hopes and dreams of inner city residents. I agree with the Urban League that such proposals should be considered and adjunct, not a substitute for current programs. And we must do still more. I joined recently with Bill Gray in introducing the "Pre-Vocational and Community-Based Organization Act." This bill will bring the Urban League and other community-based organizations like Rev. Leon Sullivan's Opportunities Industrialization Centers (OIC), into the different boards and councils that administer vocational education programs, and make possible grants and set-asides. This is another important way to expand invaluable self-help efforts for our urban minorities and rural poor who need a helping hand.

Ladies and gentlemen, we can't allow fighting poverty to become passe. The civil rights revolution opened doors that had been closed by law. But as Martin Luther King, Jr., reminded us, it will not be complete until America's doors of economic opportunity are fully opened and our minorities are integrated into the mainstream of the American economy. When black Americans have struggled for decades for the right to buy a ticket on the train of opportunity, we can't allow that train to be stopped in its tracks. We can't stop thinking creatively about fighting poverty, and renewing our cities. The American people are compassionate. They aren't against helping people. They aren't against welfare. But we must measure our compassion not by how many people are on welfare, but by how few need welfare. We've learned that equal opportunity doesn't mean making the rich poor; it means making everyone better off, from the bottom up. It is true, as some say, that that Government is best which governs least; but it is equally true that that Government is best which does most for people. Leadership requires understanding the proper role for Government.

I agree with Walter Mondale, that we don't need a referendum on the past. We need a vision for the future. But I would remind him that this means more than saying you want to get to the land of milk and honey. It means showing us exactly how we can get to the promised land. And black Americans this year should seriously ask the Democratic Party—as well as the Republican Party—exactly what they have in mind for the United States of America in 1985 and beyond. It's my firm belief that whichever party can show the poor, minorities, and all Americans that it has both the necessary vision and the means to achieve that vision, will command the loyalty of the American people.

As a Republican, I am going to work to make sure that my party is the majority party in coming years. To do that, we have to get back to our roots--become radical again. We must be the party of all the people—even the ones that haven't voted for us lately. If we do our job—and I think we can—then one day millions of black Americans are going to surprise themselves by voting Republican again.

And do you know what? When that happens, it will restore something to my party that's been missing for almost half a century. Because the Republican Party won't be whole again, until black Americans consider it their natural home again.

Thank you.●

S. 2217, THE TANDEM TRUCK SAFETY ACT OF 1984

● Mr. DANFORTH. Mr. President, on October 2, the Senate passed S. 2217, the Tandem Truck Safety Act of 1984, also comprising the provisions of S. 2174, the Motor Carrier Safety Act of 1984. On October 11, the House and the Senate passed a modified version of S. 2217, and on October 30, President Reagan signed this bill into law. This important legislation, which is the culmination of several years of work and study, will ensure that motor carrier operations on our Nation's highways are truly safe.

I would like to take this opportunity to comment on one of the provisions included in the final legislation that was not part of the original Senate bill. Section 223 of S. 2217, "Splash and Spray Suppressant Devices," amends section 414 of the Surface Transportation Assistance Act of 1982 [STAA]. The 1982 legislation required DOT to establish minimum standards for the performance and installation of splash and spray suppression devices for use on truck tractors, semitrailers, and trailers operated on interstate highways. The STAA required that new truck tractors, semitrailers, and trailers meet the DOT standards by January 1985 and that all truck tractors, semitrailers, and trailers meet the DOT standards by January 1988. DOT was required to issue the standards in January of 1984. Because DOT has not yet issued these standards, section 223 changes the effective dates of the STAA's splash and spray suppressant devices requirement to 1 and 4 years respectively, after the date on which DOT establishes the standards for new and all truck tractors, semitrailers, and trailers which operate on interstate highways.

The purpose of this provision is to ensure that there is no confusion as to when compliance with the splash and spray standards will be necessary. This provision does not diminish my commitment to seeing that these devices are installed on trucks. I intend to continue to monitor DOT's rulemaking efforts on this matter, and I am hopeful that the splash and spray standards can be promptly issued.

I would also like to note that S. 2217 contains language clarifying the relationship of the safety provisions of this act affecting hazardous materials carriers to the provisions of the Hazardous Materials Transportation Act [HMTA]. Specifically, the language in section 206(b) is intended to ensure that new regulations pertaining to the transportation of hazardous materials will be promulgated under the relevant statute. This clarification is not intended to inhibit the Secretary's discretion in promulgating amended hazardous materials transportation regulations which are responsive to the needs of the public, State and local governments, and industry. Obviously, operational and routing regulations must be reviewed and amended to be responsive to changing technology and circumstances. The language of section 206(b) simply seeks to ensure that such amendments are promulgated under the HMTA.

I would also like to note that the final version of S. 2217, as passed by both Houses, was nearly 2 years in the making during the 98th Congress. Without the help and support of numerous individuals and groups, it would not have been possible for my staff and me to secure enactment of this vital legislation.

My distinguished colleague from New York, Senator MOYNIHAN, sponsor of the original version of S. 2217, was a constant supporter of this legislation. His interest and efforts in behalf of the final bill are much appreciated. Senator PACKWOOD, chairman of the Commerce Committee and author of provisions in the bill which provide productivity gains to the trucking industry, was a strong advocate and staunch supporter of this legislation. Senator HOLLINGS, the committee's ranking minority member, also was instrumental in moving this legislation. In addition, Senators PROXMIRE and METZENBAUM worked with us on improving this legislation prior to its initial Senate passage on October 2, most notably in the areas of State regulation, and continued to work with us through enactment of S. 2217.

I would also like to commend my House colleagues for their swift action on this legislation. I would especially like to note the contributions of House Public Works Committee Chairman JAMES HOWARD, Ranking Minority Member GENE SNYDER, Surface Transportation Subcommittee Chairman GLENN ANDERSON and Ranking Subcommittee Minority Member BUD SHUSTER.

Further, Mr. President, Karen Borlaug Phillips of the Commerce Committee majority staff and Linda Morgan of the minority staff worked tirelessly on this legislation. Without their long hours and hard work this legislation would not have been possible. In addition, Bruce Heiman of Senator MOYNIHAN's staff, Ruth Fleischer of Senator PROXMIRE's staff, and Dick Woodruff of Senator METZENBAUM's staff made important contributions to this effort and were extremely helpful to my very able assistant, Walter McCormick.

The other individuals and groups who worked with us on this legislation are too numerous to mention here. I would, however, like to especially note the contributions made to this legislative effort by the following individuals and organizations: American Association of Motor Vehicle Administrators, Earl Eisenhart; American Bus Association, Susan Perry, Charlie Webb; American Trucking Associations, Inc., Will Johns, Allan Jones, Ken Stinger; Environmental Policy Institute, Fred Millar; Fertilizer Institute, Diane Bateman; Greyhound Corp., Jim Corcoran; International Brotherhood of Teamsters, R.V. Durham, Suzanne Kossan, Tim Scully, Dave Sweeney; Interstate Commerce Commission, Alice Curtin, Jan Rosenak; National Association of Governors' Highway Safety Respresentatives, Judie Stone; National Association of Regulatory Utility Commissioners, Linda Kent, Jill Rowe; National Association of Wholesaler-Distributors, Virginia Bliss, Dick Turney; National Conference of State Legislatures, Kathy Brennan-Wiggins; National Governors Association, Charlyn Cowan, Ron Ross; National League of Cities, Carol Kocheisen; Private Truck Council, Dick Henderson, Rick Schweitzer; Roadway Express, Tim Lynch; Trailways, Inc., Bob Forman; United Bus Owners of America, Paul Nagle; United Parcel Service, Jim Rogers; U.S. Department of Transportation, John Collins, Phil Haseltine, Tom Holian, Joe La Sala, Nancy Miller, Ken Pierson, Matt Scocozza, David Sloane.

Lastly, Mr. President, I ask that a section-by-section analysis of S. 2217, as enacted, be printed in the RECORD, in its entirety.

The analysis follows:

SECTION-BY-SECTION SUMMARY

S. 2217—THE "TANDEM TRUCK SAFETY ACT OF 1984"

Title I

Section 101—Short Title

This section states that this title may be cited as the "Tandem Truck Safety Act of 1984".

Section 102—Exemption from Length Requirements

This section amends section 411 of the Surface Transportation Assistance Act of 1982 (STAA) by adding a new subsection (i). This subsection enables the Governor of a State to notify the Secretary of Transportation of his/her determination that any specific segment of the national system of Interstate and Defense Highways is not capable of safely accommodating the longer trucks and doubles combinations authorized for nationwide use by the 1982 Act in sections 411(a) and 411(c), respectively. The Governor may request that the Secretary exempt such segment from sections 411(a) and/or 411(c).

Before notifying the Secretary, the Governor is to consult with units of local government within the State in which the specific highway segment is located, as well as the Governor of any State adjacent to that State that might be directly affected by the exemption. As part of these consultations, consideration is to be given to any potential alternative route that can safely accommodate these larger trucks and serves the area in which the segment for which an exemption is sought is located. The Governor must transmit to the Secretary specific evidence of safety problems that supports his/her de-

terminations and the results of the consultation regarding alternative routing.

If the Secretary determines, upon request by a Governor or on the Secretary's own initiative, that any segment of the National System of Interstate and Defense Highways is not capable of safely accommodating these larger trucks, the Secretary shall exempt such segment from subsections (a) and/or (c) of section 411. Before making such a determination, the Secretary is to consider any possible alternative route that serves the area in which the segment under consideration for exemption is located.

The Secretary is to make such a determination within 120 days after the date of receipt of notification from a Governor or the date on which the Secretary initiates action with respect to such segment. If the Secretary determines that such determination will not be made within that time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date for any such determination. The Secretary shall only make such a determination after affording interested parties notice and the opportunity for comment.

Section 103—Exemption from Width Requirements

This section amends section 416 by adding a new subsection (e). This subsection establishes a procedure identical to that established under Section 102 by which the Governor of a State or the Secretary may seek to exempt a segment of the National System of Interstate and Defense Highways from the 102-inch width requirement of section 416(a) of the STAA. If the Secretary grants such an exemption, a State may impose a width limitation of less than 102 inches for trucks on that exempted segment.

Section 104—Conforming Amendments

This section provides various conforming amendments necessitated by Sections 102 and 103 of this Act.

Section 105—Designation of Highways Subject to Width Limitation

This section amends section 416 of the STAA to authorize the Department of Transportation (DOT) to include highways with lane widths of less than 12 feet as part of the nationwide route network for use by 102-inch wide trucks if the Secretary determines that such designation is consistent with highway safety. Any Federal-aid highway which was not designated under Section 416 of the STAA on June 5, 1984, may be designated under Section 105 of this Act only with the agreement of the Governor of the State in which the highway is located.

Section 106—Reasonable Access

This section amends Section 412 of the STAA to extend the reasonable access guarantees of the STAA to truck tractor single trailer units of combination vehicles described in section 411(c) of the STAA. This provision applies to individual trailers which are 102-inches wide and not more than 28½ feet long. Section 106 provides that no State may deny reasonable access to points of loading or unloading for truck tractor single trailer units described in the STAA. This section does not, however, prevent State or local governments from imposing reasonable restrictions, based on safety considerations.

Title II

Section 201—Short Title

This section states that this title may be cited as the "Motor Carrier Safety Act of 1984".

Section 202—Purposes

This section states that the purposes of this title are to promote the safe operation of commercial motor vehicles, to minimize dangers to the health of operators of commercial motor vehicles and other employees, and to assure increased compliance with traffic laws and with the commercial motor vehicle safety and health rules, regulations, standards, and orders issued pursuant to this Act.

Section 203—Findings

This section states the Congressional findings, which emphasize the need to enhance commercial motor vehicle safety, the need for improved, more uniform safety measures and strengthened enforcement, the need for enhanced protection of the health of commercial motor vehicle operators, and the valuable assistance that can be provided to the Federal Government by the States.

Section 204—Definitions

This section defines 13 terms used throughout this title. The provisions of this title are applicable to commercial motor vehicles used on highways in interstate commerce to transport passengers or property: (1) if such vehicle has a gross vehicle weight rating of 10,001 or more pounds; (2) if such vehicle is designed to transport more than 15 passengers, including the driver; or (3) if such vehicle is used in the transportation of hazardous materials which are transported in a quantity requiring placarding under regulations issued by the Secretary of Transportation under the Hazardous Materials Transportation Act.

Section 205—Duties

This section requires that employers and employees comply with commercial motor vehicle safety regulations issued by the Secretary under this title.

Section 206—Federal Regulations

This section requires the Secretary to issue commercial motor vehicle safety regulations within 18 months after enactment of this Act. These regulations are to establish minimum Federal safety standards and at a minimum, are to ensure that: (1) commercial motor vehicles are safely maintained, equipped, loaded, and operated; (2) the responsibilities imposed upon drivers do not impair their ability to operate vehicles safely; (3) the physical condition of drivers is adequate to enable them to drive safely; and (4) the operation of commercial motor vehicles does not have deleterious effects on the physical condition of such drivers. The Secretary, however, is precluded from eliminating or modifying any existing motor carrier safety rule pertaining exclusively to the maintenance, equipment, loading, or operation of vehicles carrying hazardous materials unless and until an equivalent or more stringent regulation has been promulgated under the Hazardous Materials Transportation Act (HMTA). Before issuing these regulations, the Secretary, to the extent practicable, is to consider: (1) costs and benefits; and (2) State laws and regulations pertaining to commercial motor vehicle safety laws and regulations in order to minimize unnecessary preemption of the State laws and regulations under this Act.

If the Secretary determines that any proceeding initiated to issue any regulation under this section will not be completed within 18 months after the date of enactment of this Act, the Secretary is to immediately notify the Congress and furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date for any such proceeding. The Secretary is to continue to notify the Congress at the end of every 60-day period thereafter during which any such proceeding remains incomplete.

If the Secretary does not issue commercial motor vehicle safety regulations under this section, the regulations issued by the Secretary prior to the date of enactment of this Act and in effect on that date shall, for purposes of this title, be deemed to be regulations issued by the Secretary under this section.

After notice and an opportunity for comment, the Secretary may waive, in whole or in part, application of any regulation issued under this section with respect to any person or class of persons if the Secretary determines that such waiver is not contrary to the public interest and is consistent with the safe operation of commercial motor vehicles. The Secretary is to waive application of the regulations issued under this section with respect to schoolbuses, unless the Secretary determines that making such regulations applicable to schoolbuses is necessary for public safety.

Section 207—Submission of State Regulations for Review

This section provides that within 6 months after enactment of this Act, any State which enacts, adopts, issues, or has in effect any commercial motor vehicle safety law or regulation and wants to have in effect and enforce such law or regulation after the last day of the 60-month period beginning on the date of enactment of this Act shall submit to the Secretary and the Safety Panel a copy of such law or regulation. Any State which enacts, adopts, or issues any commercial motor vehicle safety law or regulation later than 6 months after the date of enactment of this Act shall submit to the Secretary and the Safety Panel, immediately after such enactment, adoption, or issuance, a copy of such law or regulation.

Not later than 60 days after enactment of this Act, the Secretary shall issue initial guidelines to assist the States in compiling and submitting State laws and regulations and other information under this section.

As soon as practicable, but not later than such time as the Safety Panel may establish, any State which submits a law or regulation to the Safety Panel: (1) shall indicate in writing if the law or regulation has the same effect as, is less stringent than, or is additional to or more stringent than any regulation issued by the Secretary; and (2) shall submit to the Safety Panel such other information as the panel or the Secretary may require. If any State fails to submit any State commercial motor vehicle safety law or regulation in accordance with this section, the Safety Panel is to analyze the laws and regulations of such State and determine which of that State's laws and regulations pertain to commercial motor vehicle safety.

Section 208—Review and Preemption of State Regulation

This section provides that after the last day of the 60-month period beginning on the date of the enactment of this Act, no State may have in effect or enforce any State commercial motor vehicle safety law or regulation which the Secretary finds

under this section may not be in effect and enforced.

Within 18 months after the date of the enactment of this Act, and annually thereafter, the Safety Panel shall analyze the laws and regulations of each State and determine which of these laws and regulations pertain to commercial motor vehicle safety. Within 12 months after the date on which the Secretary issues any regulation under section 206 or within 12 months after the date on which a State law or regulation is determined to pertain to commercial motor vehicle safety, whichever is later, the Safety Panel is to determine: (1) if such law or regulation has the same effect as, is less stringent than, or is additional to or more stringent than the Federal regulation issued by the Secretary under section 206; and (2) with respect to any State law or regulation which is additional to or more stringent than the Federal regulation, if there is no safety benefit associated with the State law or regulation, if such State law or regulation is incompatible with the Federal regulation, or if enforcement of such State law or regulation would be an undue burden on interstate commerce. The Safety Panel is to notify the Secretary of the determinations made under this subsection.

The Secretary is to review each State commercial motor vehicle safety law and regulation. Within 18 months after the date the Secretary is notified by the Safety Panel of a determination regarding a State law or regulation, the Secretary is to conduct a rulemaking proceeding to determine whether or not such law or regulation may be in effect and enforced, and shall issue a final rule.

If the Secretary finds that the State law or regulation has the same effect as the comparable Federal standard, the State law or regulation may be in effect and enforced after the last day of the 60-month period beginning on the date of enactment of this Act. If the Secretary finds that the State law or regulation is less stringent than the Federal standard, the State law or regulation will be preempted after the last day of the 60-month period beginning on the date of enactment of this Act. If the Secretary finds that the State law or regulation is additional to or more stringent than the Federal standard, the State law or regulation may be in effect and enforced after the last day of the 60-month period beginning on the date of enactment of this Act, unless the Secretary finds that: (1) there is no safety benefit associated with the State law or regulation; (2) the State law or regulation is incompatible with the regulation issued by the Secretary; or (3) enforcement of the State law or regulation would be an undue burden on interstate commerce. If the Secretary makes such a finding, the State law or regulation would be preempted. Not later than 10 days after making a determination that a State law or regulation is to be preempted, the Secretary shall notify the State in writing of such determination.

Any person, including a State, may petition the Secretary for a waiver from a determination of the Secretary that a State law or regulation is to be preempted. The Secretary shall grant such waiver, as expeditiously as possible, if the person demonstrates to the satisfaction of the Secretary that such waiver is not contrary to the public interest and is consistent with the safe operation of commercial motor vehicles. The decision to grant or deny a petition for a waiver shall be made only after the Secretary has afforded the petitioner an opportunity for a hearing on the record.

This section contains a procedure by which a person, including a State, adversely affected by the Secretary's determination with respect to a State law or regulation or by the Secretary's grant or denial of a waiver petition may seek judicial review of the Secretary's decision.

The Secretary may extend, for an additional period not to exceed 12 months, the 60-month period specified in this section. After the last day of the 48-month period beginning on the date of enactment of this Act, the Secretary may initiate a rulemaking to review any State commercial motor vehicle safety law or regulation.

Section 209—Commercial Motor Vehicle Safety Regulatory Review Panel

This section requires the Secretary to establish the "Commercial Motor Vehicle Safety Regulatory Review Panel", to analyze and review State motor carrier safety laws and regulations. This panel is to: (1) carry out those duties designated to the Safety Panel under sections 207 and 208 of this Act; (2) conduct a study to evaluate the need, if any, for any additional Federal assistance to the States to enable the States to enforce the regulations issued by the Secretary under section 206, and to determine other methods of furthering the objectives of this title; and (3) make recommendations to the Secretary based on the result of this study.

The Safety Panel is to be composed of the following 15 members: (1) the Secretary or his/her designate; (2) seven individuals appointed by the Secretary from among the persons who represent the interests of States and political subdivisions thereof and whose names have been submitted to the Secretary by the Senate Committee on Commerce, Science and Transportation or the House Committee on Public Works and Transportation; and (3) seven individuals appointed by the Secretary from among persons who represent the interest of business, consumer, labor, and safety groups and whose names have been submitted to the Secretary by the Senate Commerce Committee and the House Public Works Committee. Individuals are to be selected by the Secretary on the basis of their knowledge, expertise, or experience regarding commercial motor vehicle safety. Half of the appointments are to be made from names submitted by the Senate Commerce Committee and half are to be made from names submitted by the House Public Works Committee. Each of these Committees is to submit to the Secretary the names of 20 individuals qualified to serve on the Safety Panel.

Members of the Safety Panel are to be appointed for a term of seven years. A vacancy in the Safety Panel is to be filled in the manner in which the original appointment was made. Members of the Safety Panel will serve without pay, except that they shall receive per diem and travel expenses. Upon request of the Safety Panel, the Secretary shall detail Department of Transportation personnel and provide office space, supplies, equipment, and other support services to the Safety Panel and its staff as may be necessary.

The Safety Panel or any member authorized by the Safety Panel, may hold hearings, take testimony, and take such other actions as the Safety Panel or such member may deem advisable to carry out the duties of the Safety Panel.

Section 210—Inspection

This section requires that each commercial motor vehicle pass an inspection of all safety equipment required under part 393 of subchapter B of chapter III of title 49, Code of Federal Regulations. The Secretary shall, by rule, establish Federal standards for commercial motor vehicle inspections and for retention by employers of records of such inspections. These standards shall provide for annual or more frequent inspections unless the Secretary finds that another inspection system is equally effective. Within 60 days after the enactment of this Act, the Secretary shall initiate a rulemaking on part 393 and the inspection and retention procedures. Amendments to the regulations shall be issued and published in the Federal Register within one year after this rulemaking is initiated and shall become effective on the date of publication in the Federal Register.

This section provides that this section and Section 402 of the Surface Transportation Assistance Act of 1982, are not intended to be construed as: (1) preventing any State or voluntary group of States from imposing more stringent standards for use in their own periodic roadside commercial motor vehicle inspection programs; (2) preventing any State from having in effect and enforcing a commercial motor vehicle inspection program which the Secretary determines is as effective as the Federal standards; (3) preventing any State from having in effect and enforcing a commercial motor vehicle inspection program which meets the requirements for membership in the Commercial Vehicle Safety Alliance (CVSA) as such requirements were in effect on the date of enactment of this Act; and (4) requiring any State which has in effect and is enforcing a CVSA program or a program which is as effective as the Federal program to enforce the Federal standards or to adopt the Federal inspection program. The Federal standards shall have no effect and shall not be enforced in States with programs as effective as the Federal program or in States participating in the CVSA program if the Secretary determines that this is in the public interest and consistent with public safety.

If, after notice and an opportunity for a hearing, the Secretary determines that any State participating in the CVSA program is not enforcing this program in a manner which achieves the objectives of this section and if, after making such a determination, the Secretary provides such State with a six month period in which to improve the enforcement of its program, the Federal standards shall preempt the CVSA program in that State.

A periodic inspection of a commercial motor vehicle in accordance with the Federal standards shall be recognized as adequate in every State for the period of such inspection. This does not, however, prohibit a State from making random inspections of commercial motor vehicles.

Section 211—Powers of the Secretary

This section provides the Secretary of Transportation with broad administrative powers to assist in the implementation of this title. This section also requires the Secretary, or the Secretary's agent, in carrying out inspection investigative functions to consult with employers and employees and their authorized representatives and offer them a right of accompaniment, as appropriate.

Section 212—Duty to Investigate Complaints; Protection of Complainants

This section requires the Secretary to timely investigate non-frivolous written complaints alleging a substantial violation

of any regulation issued under this title. The Secretary is also required to take steps to protect the identity of complainants.

Section 213—Penalties

This section amends section 507 of title 49, United States Code, to allow the Attorney General, at the request of the Secretary of Transportation, to bring an action for equitable relief to redress a violation of this Act of existing Federal commercial motor vehicle safety standards.

This section also amends section 521(b) of title 49 to set forth civil and criminal penalties available to the Secretary of Transportation for enforcing violations of this Act or existing Federal commercial motor vehicle safety standards and to establish the procedure for the Secretary to follow if the Secretary finds that a violation has occurred.

This section provides for a civil penalty of up to $500 for a recordkeeping violation; the total of all recordkeeping violations may not exceed $2,500. If the Secretary determines that a serious pattern of safety violations, other than recordkeeping requirements, exists or has occurred, a civil penalty of up to $1,000 for each offense may be assessed, to a maximum fine for each such pattern of violations of $10,000. If the Secretary determines that a substantial health or safety violation exists or has occurred which could reasonably lead to, or has resulted in, serious personal injury or death, a civil penalty of up to $10,000 may be assessed for each offense. However, no civil penalty, except recordkeeping penalties, may be assessed against an employee unless the Secretary of Transportation determines that the employee's actions constituted gross negligence and reckless disregard for safety, in which case such employee shall be liable for a civil penalty up to $1,000. In determining the amount of the penalty, the Secretary is to consider the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require.

This section also provides criminal penalties for employers and for employees operating a commercial motor vehicle who knowingly and willfully violate the provisions of section 3102 of title 49, United States Code, or this Act. Penalties for an employer are a fine of up to $25,000 and/or imprisonment not to exceed 1 year. An employee is subject to a $2,500 fine.

This section authorizes the Secretary to order a vehicle or an employee operating a commercial motor vehicle out of service or to order an employer to cease all or part of his commercial motor vehicle operations if the Secretary determines that an imminent hazard to safety exists. "Imminent hazard" is defined as any condition of vehicle, employee, or commercial motor vehicle operations which is likely to result in serious injury or death if not discontinued immediately.

This section requires the Secretary to conduct a study of the effectiveness of the civil and criminal penalties established under this section in deterring violations of commercial motor vehicle safety regulations and in effectively prosecuting such violations when they occur. This study is to be submitted to the Congress, together with legislative recommendations, not later than 2 years after the date of enactment of this Act.

Section 214—Litigation Authority

This section amends section 413 of the Surface Transportation Assistance Act of 1982 to require the Department of Justice to represent the Department of Transportation in litigation related to highway safety.

Section 215—Certification of Safety Fitness

This section requires DOT, in cooperation with the Interstate Commerce Commission (ICC), to establish, by rule, safety fitness standards applicable to commercial motor vehicles—both to carriers regulated by the ICC and those which are exempt and including persons seeking new or additional motor carrier operating authority. The safety fitness procedure shall include: specific initial and continuing requirements to prove safety fitness; a means of determining whether carriers meet these safety fitness requirements; and specific time deadlines for action by DOT and the ICC in making safety fitness determinations. The Secretary of Transportation is to submit a copy of this safety fitness procedure to Congress with 1 year of enactment of this Act.

This section also prohibits the ICC from granting motor common or contract carrier operating authority to an applicant that does not meet the safety fitness requirements established pursuant to this section.

Section 216—Heavy Truck Study

This section requires the Secretary to conduct a study of safety characteristics of heavy trucks, the unique problems related to heavy trucks, and the manner in which such trucks are driven. The comprehensive study required under this section is to include an examination of the handling, braking, stability and crashworthiness of heavy trucks, as well as the programs and needs of enforcement agencies to assure compliance with traffic laws by commercial motor vehicle drivers. This study is to be submitted to Congress by September 30, 1986. This section authorizes appropriation of such sums as may be necessary to conduct this study for fiscal years 1986 and 1987.

Section 217—Truck Occupant Protection

This section directs DOT to undertake a study of crash protection for truck occupants. This study is to examine potential and known hazards to truck occupants and means of improving truck occupant safety, and include potential performance standards, if any, to be met by truck manufacturers. This study is to be submitted to Congress within two years of the date of enactment of this Act. This section authorizes appropriation of such sums as may be necessary to undertake this study during fiscal years 1986 and 1987.

Section 218—Study of Safety Performance of Commercial Motor Vehicles

This section requires the Secretary to conduct a study of the safety performance of commercial motor vehicles. The study is to examine the effectiveness of individual State safety regulations governing the operations of trucks and bus in promoting safety and investigate the need to subject such operations, in whole or in part, to the Federal commercial motor vehicle safety regulations. The Secretary is to submit to Congress a report on the findings of this study within 2 years after the date of enactment of this Act.

Section 219—Study of Safety-Related Devices

This section requires the Secretary to undertake a study of the effectiveness of existing regulations regarding emergency warning devices required to be carried on buses, trucks, truck-tractors, and motor-driven vehicles which are involved in emergency situations. The study is also to investigate the potential costs and benefits of requiring passenger automobile operators to carry emergency warning devices and to examine the relative benefits of various types of warning devices in enhancing highway safety. This study is to be submitted to Congress within 18 months of enactment of this Act. This section authorizes appropriation of such sums as are necessary in fiscal years 1986 and 1987 to undertake this study.

Section 220—Safety Study; Federal Coordination

This section directs the Secretary of Transportation, in consultation with the Director of the National Institute for Occupational Safety and Health and the Secretary of Labor, to conduct a study of health hazards to which employees engaged in the operation of commercial motor vehicles are exposed and to develop findings regarding the most appropriate method for regulating and protecting the health of operators of commercial motor vehicles. This study is to be submitted to Congress within one year of the date of enactment.

This section also requires the Secretary of Transportation to coordinate the activities of Federal agencies to ensure adequate protection of the safety and health of operators of commercial motor vehicles. The Secretary is also directed to attempt to minimize paperwork and other burdens.

Section 221—Relationship to Other Law

This section provides that, except as provided in section 206(b), the provisions of this title and the regulations issued under this title do not affect any provision of the Hazardous Materials Transportation Act or any regulation issued by the Secretary under that Act. Section 206(b) precludes the Secretary from eliminating or modifying any existing motor carrier safety rule pertaining exclusively to hazardous materials unless and until an equivalent or more stringent regulation has been promulgated under the HMTA.

Section 222—Amendment to the Motor Carrier Act of 1980

This section amends section 30 of the Motor Carrier Act of 1980 to authorize the Secretary to reduce the minimum insurance requirements for farm vehicles transporting hazardous materials in interstate commerce, other than in bulk, if the Secretary finds that such reduction will not adversely affect public safety. A "farm vehicle" is defined as a vehicle which is designed or adapted and used exclusively for agricultural purposes, is operated by a motor private carrier, and is only incidentally operated on highways.

Section 223—Splash and Spray Suppressant Devices

This section amends section 414 of the Surface Transporation Assistance Act of 1982, which required DOT to establish minimum standards with respect to the performance and installation of splash and spray suppression devices for use on truck tractors, semi-trailers, or trailers. Section 223 changes the effective dates of the splash and spray suppressant devices requirement of the STAA to: (1) for new truck tractors, semi-trailers, and trailers operated on Interstate highways, one year after the date on which the standards are established by DOT; and (2) for all truck tractors, semi-trailer and trailers operated on Interstate highways, four years after the date on which the standards are established by

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DOT. The original provision contained effective dates of two years and five years after the date of enactment of the STAA, respectively. DOT to date, however, has not yet issued these standards.

Section 224—Foreign Bus Carrier Financial Responsibility Requirements

This section amends section 18 of the Bus Regulatory Reform Act of 1982 to require bus companies domiciled in Canada or Mexico which provide service in this country to have evidence of meeting the minimum financial responsibility requirements applicable to U.S. carriers in the motor vehicle at any time the carrier is providing transportation in the U.S. The Secretary of Transportation and the Secretary of the Treasury shall deny entry into the United States of any motor vehicle in which there is no evidence of financial responsibility.

Section 225—Extension of Moratorium on Certification of Foreign Motor Carriers

This section amends section 10922 of title 49, United States Code, to extend the moratorium on entry into the U.S. by Mexican trucking and bus companies until September 19, 1986 (because Mexico substantially prohibits grants of authority to U.S. carriers to provide transportation in Mexico). This section also authorizes the President to impose the moratorium on Canada, if necessary.

Section 226—Certificates of Registration for Foreign Motor Carriers

This section adds a new section 10530 to title 49, United States Code. This section provides that no foreign motor carrier (i.e., a carrier which does not hold ICC common or contract carrier authority and is not domiciled in the U.S.) may provide interstate transportation of exempt items and no foreign motor private carrier may provide interstate transportation of properity unless the Commission has issued to the carrier a certificate of registration authorizing the carrier to provide such transportation in each registrable year (i.e., the 6 month period beginning July 1, 1985, and ending December 31, 1985, calendar year 1986, and each calendar year thereafter). The ICC shall issue such a registration certificate if: (1) it finds that the carrier is fit, willing, and able to provide the transportation to be authorized (i.e., show safety fitness and proof of insurance) and to comply with this subtitle and regulations of the Commission; and (2) the carrier demonstrates to the satisfaction of the ICC that the carrier has paid or will pay in a timely manner, all taxes imposed by the Internal Revenue Code of 1954 on any motor vehicle when such carrier operated in the U.S. in the most recent taxable period ending before the first day of that registrable year. A foreign motor carrier and a foreign private motor carrier must file an application with the ICC for a certificate of registration under this section to provide interstate transportation. Any motor vehicle which is used to provide transportation under a certificate of registration issued under this section must have a copy of the certificate in the vehicle at any time the vehicle is being used to provide such transportation.

The ICC, the Secretary of Transportation, and the Secretary of the Treasury shall deny entry into the United States of any motor vehicle in which there is not a copy of the certificate of registration.

The President may waive the requirements of this section with respect to any contiguous foreign country if the President determines that such waiver is in the national interest and notifies the Congress, in writing, of such waiver before the date on which such waiver is to take effect.

This section does not apply to any contiguous foreign country with respect to which a moratorium is not in effect under section 10922 of title 49, U.S. Code, except that the President may make the requirements of this section applicable with respect to such country if the President determines that doing so is in the national interest. The President must notify the Congress, in writing, of the issuance of such order and a copy of such order must be published in the Federal Register at least 30 days before such order takes effect.

While the moratorium is in place, the ICC may issue certificates of registration to motor carriers of property and motor private carriers domiciled in that country or controlled by persons of that country. Such certificate may only authorize the carrier to provide transportation of exempt items and, in the case of private carriers, property in a municipality in the U.S. which is adjacent to the foreign country or political subdivision.

The amendments made by this section shall take effect May 1, 1985, except that the ICC may issue before that date such regulations as may be necessary to carry out the amendments made by this section.

Section 227—Technical Amendments

This section makes various technical changes necessitated by provisions of this Act.

Section 228—Employee Protection

This section amends part A of title IV of the Surface Transportation Assistance Act of 1982 to include bus company employees under the employee protection provisions of that Act, effective two years after the date of enactment of this Act.

This section also requires the Secretary, in consultation with the Secretary of Labor, to conduct a study to determine whether or not part A of title IV of the Surface Transportation Assistance Act of 1982 should be amended to provide protection to individuals employed by a bus company. The Secretary shall transmit to Congress a report on the results of this study within 12 months after the date of enactment of this Act.

Section 229—Limitation on Authority

This section provides that nothing in this title confers authority on the Secretary to: (1) establish Federal traffic safety regulations, or (2) preempt State traffic regulations, except to the extent that such regulations were included under parts 390 to 399 of title 49 of the Code of Federal Regulations on the date of enactment of this Act. The Secretary also may not regulate the manufacture of commercial motor vehicles.

Section 230—Oversight

This section requires the appropriate Congressional authorizing committees to conduct periodic oversight hearings on the effects of this title no less often than annually for the first five years following the date of enactment of this Act. These hearings are to ensure that this Act is being implemented according to Congressional intent and the purposes of this title.●

IN TRIBUTE AND REMEMBRANCE OF "DADDY KING"—1899-1984

● Mr. HART. Mr. President, on Sunday, November 11, 1984, with the death of the Reverend Martin Luther King, Sr., America lost one of its most profound and creative thinkers. "Daddy King" was a voice of sanity and reason in the midst of a world often caught up in turmoil and chaos. This Nation, and the world, are diminished by his loss.

Daddy King was one of those rare spirits that God sends us but once a generation. After God made him, he threw away the mold. We shall hardly be blessed with his likes again.

Mr. President, Daddy King's unselfish contributions to his church, his city, his Nation, and the world were numerous and significant. He produced and inspired his namesake son—a 20th century prophet and the peaceful warrior who forced America to confront and deal with our racial hypocrisy. But the meaning and importance of the life of Martin Luther King, Sr., was far greater than that.

In an age in which it was not only philosophically revolutionary—but physically dangerous as well—for a black man to demand the simple respect of being addressed as "sir" and not as "boy"; when it was uncommon for black children to attend more than 3 months of school per year; when discrimination and segregation were sanctioned by law and enforced by mob violence; and when the political aspirations of black people were frustrated, ignored, and denied, Daddy King was, above all else, a man.

And therefore, it was no mere coincidence of history that, years later, the protest signs of marchers led by his son often carried the powerful political message: "I Am a Man".

Daddy King was strong, tall, and proud. His walk showed it. His rich baritone voice boomed it. He inspired his flock to achieve beyond the limitations imposed by a racist society. And as he himself said so often, he never stooped low enough to hate anybody.

Rev. Jesse Jackson said, in eulogizing him:

> . . .When he stood, he was the message . . . When he stood, a man stood who once picked cotton but then picked Presidents . . . When he spoke, he spoke not as one with a political mandate, but one with moral authority.

Before black people in Atlanta had access to city hall—much less occupied it—Daddy King was a voice for the voiceless. He made a way out of no way and represented hope in hopeless times. He led, taught, and fought by example, and the world is a better place in which to live because of his life.

In the last few years of the 20th century, as this country grapples with the challenge of doing right by those whom Jesus called "the least of these," the wise and patient counsel of Martin Luther King, Sr., will be missed.

I am thankful that he leaves us as a small part of his rich legacy, a generation of political, social and religious leadership tutored by his magnificent example, and determined not to be turned around.

Surely, he will rest in peace. He earned it.

Mr. President, Ron Sailor, an Atlanta television commentator, broadcast an eloquent, moving tribute to Daddy King on the day following his death. I am pleased to have the opportunity to submit it in full, for the benefit and consideration of my colleagues, and I ask that it be printed in the RECORD.

The article follows:

COMMENTARY ON THE LIFE OF MARTIN LUTHER KING, SR.

(By Ron Sailor, WSB-TV, Atlanta, GA)

Someone asked today, not cynically but with sincerity, "What, if anything, was so great about Martin Luther King, Sr.? What did he do other than help give the world the genius and courage of Martin Luther King, Jr.?" I think it is a fair question, that we will either answer now, or some future generation not bound by loyalty or kind affection will answer for us.

King, Sr. was—there is no better word for it—man. A man during a time of history when it was difficult and dangerous for a black man to aspire even to the bottom rungs of manhood. When to talk publicly about secret dreams of mundane things—casting a vote, sleeping at a roadside hotel or eating lunch downtown at the old Woolworth's lunch counter could get you arrested, beaten or worse.

But King characterized that generation of strong men who somehow forced their way to intelligence, to social prominence, to position, and to power. He was, to most who knew him, a model, a blueprint. A blueprint not perfected, but created painfully along that long walk that carried him from the dusty and sometimes dangerous roads of Henry County in the early 1990's to the White House and beyond in the 1980's.

A few months ago, he called to offer me unsolicited advice about many things in general and the need to struggle with life and never quit in particular. "Son," he told me, "challenge for this Nation is in front of us, not behind. We've got to produce a new group of forward-looking young men with strong minds and tender hearts and the capacity to love everybody."

Dad knew well that kind of man. He was one of them.

No—not great by association with Martin Luther King, Jr., but because he challenged Martin to be Martin and others to be the best they could be.

That is why thousands call him "Dad" and mean it.

With a comment, I'm Ron Sailor.●

ALICE PAUL'S 100TH BIRTHDAY

● Mr. LAUTENBERG. Mr. President, January 11, 1985, marks the 100th anniversary of the birth of a remarkable woman, Alice Paul. She died a few years ago, after a long and active life fighting for women's rights.

My interest in Alice Paul stems from two sources. Her cause, equal rights for women, remains a vital public issue, and one which I support. And, Alice Paul was born and raised, and eventually died, in my own State of New Jersey, in Moorestown.

Schooled in the militant tactics of the British suffragette movement led by Emmeline and Christabel Pankhurst, Alice Paul was a relentless fighter for the right to vote for women in this country. When her efforts became too radical for the mainline National American Woman Suffrage Association, she formed her own National Woman's Party. The party grew to 50,000 members and was an important factor in the passage of the 19th amendment, in 1920, granting women the right to vote. The location of the headquarters of the National Woman's Party, Alice Paul's party, so close to the Halls of Congress is a fitting reminder of the struggle for equality for women.

Alice Paul believed that suffrage for women was only the first step to full equality under the law. In 1923 she and the National Woman's Party began pushing for an equal rights amendment to the Constitution. Before she died, Alice Paul saw her proposal approved by Congress and sent to the States for ratification. Unfortunately, the ratification effort fell short. With Alice Paul's dogged spirit as an inspiration, interest in equality for women continues.

The story of Alice Paul's life is one of single-minded devotion to a cause. She was jailed at least seven times, and had to be force fed on more than one occasion. Her first major effort on behalf of women's rights in this country was the organization of a protest march in Washington the day before Woodrow Wilson's first inauguration. Even during the First World War, Alice kept up the pressure for her cause, despite criticism that her activities were unpatriotic.

Once the voting right was secured, Alice Paul went to law school. She said that "equality needs legal training. I decided that if you didn't know law, someone could talk you down." She continued her fight, focusing on the need for an equal rights amendment to the Constitution. She never stopped working for this cause. The modern women's movement, which grew during the 1960's, turned to the same cause. Into her nineties, Alice Paul followed the progress of the equal rights amendment ratification struggle.

An article in Life magazine in 1976 summed up Allice Paul's life this way:

What she has been, though, and what she is at this moment, is the embodiment of the revolutionary's narrow intensity and burning energy for "the cause." Her life has been a vessel into which the necessity of women's rights has been poured. She is the cause ifself. And if Alice Paul had not lived, and been exactly what she is, we, the women of America, would not be today exactly what we are.

Mr. President, Alice Paul was an important daughter of New Jersey. We are proud to remember her on her 100th birthday.●

RECESS UNTIL MONDAY, JANUARY 7, 1985

Mr. DOLE. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess.

The motion was agreed to, and at 3:57 p.m. the Senate recessed until Monday, January 7, 1985, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate January 3, 1985:

DEPARTMENT OF JUSTICE

Edwin Meese III, of California, to be Attorney General.

DEPARTMENT OF THE TREASURY

Ronald Alan Pearlman, of Missouri, to be an Assistant Secretary of the Treasury, vice John E. Chapoton, resigned.

INTER-AMERICAN DEVELOPMENT BANK

Jose Manuel Casanova, of Florida, to be U.S. Executive Director of the Inter-American Development Bank for a term of 3 years (reappointment).

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

Frank H. Conway, of Massachusetts, to be a member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 1987 (reappointment).

DEPARTMENT OF COMMERCE

Michael Huffington, of Texas, to be an Assistant Secretary of Commerce, vice Lawrence J. Brady, resigned.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Alfred Clinton Moran, of Illinois, to be an Assistant Secretary of Housing and Urban Development, vice Stephen J. Bollinger, deceased.

Richard H. Francis, of Virginia, to be President of the Solar Energy and Energy Conservation Bank, vice Joseph S. Bracewell.

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Marge Bodwell, of New Mexico, to be a member of the National Advisory Council on Women's Educational Programs for a term expiring May 8, 1986 (reappointment).

Naomi Brummond, of Nebraska, to be a member of the National Advisory Council on Women's Educational Programs for a term expiring May 8, 1986, vice Mary Jo Arndt, term expired.

Judith D. Moss, of Ohio, to be a member of the National Advisory Council on Women's Educational Programs for a term expiring May 8, 1987 (reappointment).

Helen J. Valerio, of Massachusetts, to be a member of the National Advisory Council on Women's Educational Programs for a term expiring May 8, 1987 (reappointment).

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

J. Floyd Hall, of South Carolina, to be a member of the National Council on Educational Research for a term expiring September 30, 1986 (reappointment).

Donna Helene Hearne, of Missouri, to be a member of the National Council on Educational Research for a term expiring September 30, 1986 (reappointment).

George Charles Roche III, of Michigan, to be a member of the National Council on Educational Research for a term expiring September 30, 1986 (reappointment).

Carl W. Salser, of Oregon, to be a member of the National Council on Educational Research for a term expiring September 30, 1986 (reappointment).

INTERSTATE COMMERCE COMMISSION

Reese H. Taylor, Jr., of Nevada, to be a member of the Interstate Commerce Commission for a term expiring December 31, 1985 (reappointment).

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Wanda L. Forbes, of South Carolina, to be a member of the National Commission on Libraries and Information Science for a term expiring July 19, 1988, vice Francis Keppel, term expired.

Margaret Phelon, of Kansas, to be a member of the National Commission on Libraries and Information Science for a term expiring July 19, 1988, vice Philip A. Sprague, term expired.

Patricia Barbour, of Michigan, to be a member of the National Commission on Libraries and Information Science for a term expiring July 19, 1989, vice Carlos A. Cuadra, term expired.

Daniel W. Casey, of New York, to be a member of the National Commission on Libraries and Information Science for a term expiring July 19, 1989, vice Helmut A. Alpers, term expired.

NATIONAL MEDIATION BOARD

Walter C. Wallace, of New York, to be a member of the National Mediation Board for the term expiring July 1, 1987 (reappointment).

NATIONAL SCIENCE FOUNDATION

Annelise Graebner Anderson, of California, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1990, vice Walter Eugene Massey, term expired.

Karen J. Lindstedt-Siva, of California, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1990, vice Charles Pence Slichter, term expired.

Simon Ramo, of California, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1990, vice Eugene H. Cota-Robles, term expired.

NATIONAL TRANSPORTATION SAFETY BOARD

Vernon L. Grose, of California, to be a member of the National Transportation Safety Board for the term expiring December 31, 1987, vice Francis H. McAdams, term expired.

U.S. INFORMATION AGENCY

Charles E. Courtney, of California, to be an Associate Director of the U.S. Information Agency, vice W. Scott Thompson.

Ernest Eugene Pell, of Maryland, to be an Associate Director of the U.S. Information Agency, vice Kenneth Y. Tomlinson.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

To be members of the National Council on the Arts for terms expiring September 3, 1990:

Joseph Epstein, of Illinois, vice Thomas Patrick Bergin, term expired.

Helen Frankenthaler, of New York, vice James Rosenquist, term expired.

Margaret Eleanor Hillis, of Illinois, vice Robert Lawson Shaw, term expired.

M. Ray Kingston, of Utah, vice Bernard Blas Lopez, term expired.

Talbot Leland MacCarthy, of Missouri, vice Rosalind W. Wyman, term expired.

Carlos Moseley, of South Carolina, vice Jacob Lawrence, term expired.

The following-named persons to the positions indicated, to which positions they were appointed during the recess of the Senate from June 29, 1984, until July 23, 1984:

DEPARTMENT OF LABOR

Robert A. Rowland, of Texas, to be an Assistant Secretary of Labor, vice Thorne G. Auchter, resigned.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Donald Ian Macdonald, of Florida, to be Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, vice William E. Mayer.

CONSUMER PRODUCT SAFETY COMMISSION

Carol Gene Dawson, of Virginia, to be a commissioner of the Consumer Product Safety Commission for the remainder of the term expiring October 26, 1985, vice Samuel D. Zagoria, resigned.

COPYRIGHT ROYALTY TRIBUNAL

Marianne Mele Hall, of New Jersey, to be a commissioner of the Copyright Royalty Tribunal for the unexpired term of 7 years from September 27, 1982, vice Katherine D. Ortega, resigned.

FEDERAL RESERVE SYSTEM

Martha R. Seger, of Michigan, to be a member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1984, vice Nancy Hays Teeters, term expired.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

To be members of the National Council on the Humanities for terms expiring January 26, 1990:

William Barclay Allen, of California, vice Charles V. Hamilton, term expired.

Mary Joseph Conrad Cresimore, of North Carolina, vice Louis J. Hector, term expired.

Leon Richard Kass, of Illinois, vice M. Carl Holman, term expired.

Kathleen S. Kilpatrick, of Connecticut, vice Harriett Morse Zimmerman, term expired.

Robert Laxalt, of Nevada, vice Sister Joel Read, term expired.

James V. Schall, of California, vice Leon Stein, term expired.

Helen Marie Taylor, of Virginia, vice Mary Beth Norton, term expired.

NUCLEAR REGULATORY COMMISSION

Lando W. Zech, Jr., of Virginia, to be a member of the Nuclear Regulatory Commission for the term of 5 years expiring June 30, 1989, vice Victor Gilinsky, term expired.

The following-named persons to the positions indicated, to which positions they were appointed during the last recess of the Senate:

DEPARTMENT OF STATE

Peter Scott Bridges, of Louisiana, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Somali Democratic Republic.

DEPARTMENT OF DEFENSE

John W. Shannon, of Maryland, to be an Assistant Secretary of the Army (new position—Public Law 98-94 of September 24, 1983).

DEPARTMENT OF THE INTERIOR

John D. Ward, of Colorado, to be Director of the Office of Surface Mining Reclamation and Enforcement, vice James R. Harris.

DEPARTMENT OF TRANSPORTATION

Richard H. Jones, of Virginia, to be Deputy Administrator of the Federal Aviation Administration, vice Michael J. Fenello, resigned.

DEPARTMENT OF ENERGY

Helmut A. Merklein, of the District of Columbia, to be Administrator of the Energy Information Administration, vice J. Erich Evered, resigned.

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Elizabeth Helms Adams, of California, to be a member of the National Advisory Council on Women's Educational Programs for a term expiring May 8, 1987 vice Diana Powers Evans, term expired.

Peter Douglas Keisler, of Connecticut, to be a member of the National Advisory Council on Women's Educational Programs for a term expiring May 8, 1987, vice Maria Pornaby Shuhi, term expired.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Rosalie Guall Silberman, of California, to be a member of the Equal Employment Opportunity Commission for the remainder of the term expiring July 1, 1985, vice Cathie A. Shattuck.

EXPORT-IMPORT BANK OF THE UNITED STATES

Richard H. Hughes, of Oklahoma, to be a member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 1985, vice James Ernest Yonge, resigned.

FEDERAL LABOR RELATIONS AUTHORITY

William J. McGinnis, Jr., of New Jersey, to be a member of the Federal Labor Relations Authority for a term of 5 years expiring July 1, 1989, vice Ronald W. Haughton, term expired.

FEDERAL MARITIME COMMISSION

Edward J. Philbin, of California, to be a Federal maritime commissioner for the term expiring June 30, 1989, vice James V. Day, resigned.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

James A. Lastowka, of Virginia, to be a member of the Federal Mine Safety and Health Review Commission for a term of 6 years expiring August 30, 1990, vice A.E. Lawson, term expired.

FEDERAL TRADE COMMISSION

Mary L. Azcuenaga, of the District of Columbia, to be a Federal trade commissioner for the term of 7 years from September 26, 1984, vice Michael Pertschuk, resigned.

LEGAL SERVICES CORPORATION

To be members of the Board of Directors of the Legal Services Corporation for the terms indicated:

For the remainder of the terms expiring July 13, 1986:

Hortencia Benavides, of Texas, vice Ronald B. Frankum.

Leaanne Bernstein, of Maryland, vice Albert Angrisani.

For terms expiring July 13, 1986:

Lorain Miller, of Michigan, vice Milton M. Masson, Jr., resigned.

Claude Galbreath Swafford, of Tennessee, vice Robert E. McCarthy.

Robert A. Valois, of North Carolina, vice Donald Eugene Santarelli.

For terms expiring July 13, 1987:

William Clark Durant III, of Michigan, vice William J. Olson.

Paul B. Eaglin, of North Carolina, vice Robert Sherwood Stubbs II.

Pepe J. Mendez, of Colorado, vice Peter Joseph Ferrara.

Thomas F. Smegal, Jr., of California, vice David E. Satterfield III.

Basile Joseph Uddo, of Louisiana, vice Howard H. Dana, Jr.

Michael B. Wallace, of Mississippi, vice George E. Paras.

MARINE MAMMAL COMMISSION

Karen Pryor, of Washington, to be a member of the Marine Mammal Commission for the term expiring May 13, 1986, vice Donald Kenneth MacCallum, term expired.

Robert Elsner, of Alaska, to be a member of the Marine Mammal Commission for the term expiring May 13, 1987, vice Robert B. Weeden, term expired.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

Barbara W. Schlicher, of New Jersey, to be a member of the Board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1987, vice Frank J. Donatelli, resigned.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Pauline Crowe Naftzger, of California, to be a member of the National Museum Services Board for a term expiring December 6, 1988, vice Neil Harris, term expired.

NATIONAL LABOR RELATIONS BOARD

Rosemary M. Collyer, of Colorado, to be General Counsel of the National Labor Relations Board for a term of 4 years, vice William A. Lubbers, term expired.

U.S. POSTAL SERVICE

John N. Griesemer, of Missouri, to be a Governor of the U.S. Postal Service for the remainder of the term expiring December 8, 1986, vice John R. McKean.

POSTAL RATE COMMISSION

Henrietta Faye Guiton, of California, to be a Commissioner of the Postal Rate Commission for the remainder of the term expiring November 22, 1988, vice Simeon Miller Bright.

GOVERNMENT PRINTING OFFICE

Ralph E. Kennickell, Jr., of Virginia, to be Public Printer, vice Danford L. Sawyer, Jr., resigned.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Mae Neal Peden, of Virginia, to be an Assistant Administrator of the Agency for International Development, vice Elise R.W. du Pont, resigned.

U.S. SYNTHETIC FUELS CORPORATION

Eric Reichl, of Connecticut, to be a member of the Board of Directors of the U.S. Synthetic Fuels Corporation for the remainder of the term expiring September 14, 1986, vice C. Howard Wilkins, resigned.

Tom Corcoran, of Illinois, to be a member of the Board of Directors of the U.S. Synthetic Fuels Corporation for the term expiring August 16, 1990, vice Milton M. Masson, Jr.

Paul Webster MacAvoy, of New York, to be a member of the Board of Directors of the U.S. Synthetic Fuels Corporation for the term expiring September 14, 1991, vice Robert A.G. Monks, resigned.

IN THE COAST GUARD

The following officers of the U.S. Coast Guard for promotion to the grade of commodore:

Capt. Robert L. Johanson, USCG
Capt. William F. Merlin, USCG
Capt. Arnold B. Beran, USCG
Capt. Peter J. Rots, USCG
Capt. Thomas T. Matteson, USCG

IN THE NAVY

The following-named captains of the line of the Navy for promotion to the permanent grade of commodore, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER

Chase, Henri Bertram, III
Taylor, James Edward
Leuschner, Robert Lee, Jr.
Bernsen, Harold John
Rogers, David Neil
Reimann, Robert Theodore
Kalleres, Michael Peter
Calvert, John Frederick
Bull, Lyle Franklin
Vogt, Larry Gene
Boorda, Jeremy Michael
Hill, Virgil Lusk, Jr.
Chiles, Henry Goodman, Jr.
Rickman, Wayne Elwin
Francis, William Charles
Griffith, Dwaine Orris
Pappas, Jimmy
Dougherty, William Adam, Jr.
Evans, Thomas Witherspoon
Mattingly, Thomas Kenneth, II
Richardson, Daniel Charles
Gneckow, Gerald Eugene
McVadon, Eric Alton, Jr.
Guilbault, Roland George
Milligan, Richard David
Yow, John Samuel
Ready, John Kenneth
Flynn, Cathal Liam, Jr.
Jesberg, Ronald Hans
Hazard, Roberta Louise

RESTRICTED LINE

Engineering duty officer

Camacho, Richard George
Topping, Robert Leavy

Aeronautical engineering duty officer

Betterton, Thomas Cherrill

Special duty officer (cryptology)

McFarland, James Stephen

Special duty officer (intelligence)

Brooks, Thomas Aloysius

Special duty officer (public affairs)

Finkelstein, Jimmie Bennie

IN THE NAVY

The following-named captains of the U.S. Navy for promotion to the permanent grade of commodore, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

MEDICAL CORPS

Georges, Leon Paul
Mantel, Lewis

SUPPLY CORPS

Miller, James Edward
Eckelberger, James Elton
Powell, William Egbert, Jr.

CHAPLAIN CORPS

Koeneman, Alvin Berthold

CIVIL ENGINEER CORPS

Montoya, Benjamin Franklin

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform duties indicated with grades and dates of rank to be determined by the Secretary of the Air Force provided that in no case shall any of the following officers by appointed in a grade higher than that indicated.

CHAPLAIN

Colonel

Cardoza, Edward A., [redacted]
Gasparovic, Eugene C., [redacted]
Hadalski, Andrew D., [redacted]
Pryor, George R., [redacted]

NURSE CORPS

Colley, Helen J., [redacted]
Lofberg, Maureen S., [redacted]
Vinson, Iris L., [redacted]

IN THE AIR FORCE

The following-named officers for promotion to the grade indicated in the Reserve of the Air Force, under the provisions of section 307, title 32, United States Code, and sections 8363 and 593, title 10, United States Code.

LINE OF THE AIR FORCE

To be colonel

Adams, Joseph G.C., [redacted]
Armington, Donald W., [redacted]
Blackshear, Harold H., [redacted]
Caswell, Lewis M., [redacted]
Crews, Wade H., Jr., [redacted]
Cortright, Stephen P., [redacted]
Engstrom, Wayne A., [redacted]
Fleming, John C., [redacted]
Greer, William R., [redacted]
Groner, Sheldon L., [redacted]
Harding, Thomas R., [redacted]
Havron, Robert V., [redacted]
Hessert, Wilfred, [redacted]
Howard, David F., [redacted]
Jernigan, Howard F., [redacted]
Johnson, Jerold F., [redacted]
Jones, Jerry P., [redacted]
Kerner, George M., [redacted]
Korcheck, Stephen M., [redacted]
Kostan, William R., [redacted]
Lewis, Edwin W., Jr., [redacted]
Majoros, James, [redacted]
McCoy, John C., [redacted]
McGaffin, William F., [redacted]
Moorman, Raymond E., [redacted]
Morgan, Ronald H., [redacted]
Napolitan, Thomas W., [redacted]
Nelson, Keith E., [redacted]
Reavely, Neal T., [redacted]
Reid, Billy J., [redacted]
Rezac, Frank D., [redacted]
Rittershaus, Frederick J., [redacted]
Ryan, Raymond S., [redacted]
Santerini, Lawrence P., [redacted]
Schmitt, Ronald T., [redacted]
Stohler, David H., [redacted]
Stone, John B., [redacted]
Sykes, Edward L., [redacted]
Taylor, Ronald W., [redacted]
Tollefson, Harold R., [redacted]
Watson, Melvin L., [redacted]
Weaver, Paul A., Jr., [redacted]
Webb, Thomas R., [redacted]
Wilbur, Robert, [redacted]
Wood, Kinsley N., [redacted]

CHAPLAIN CORPS

Anderson, William H., Jr., [redacted]
Crosby, Charles E., [redacted]
Kintzi, James E., [redacted]
Mills, Ronald G., [redacted]

JUDGE ADVOCATE

Dastin, Robert E., [redacted]

MEDICAL CORPS

Baldi, Aldo G., xxx-xx-xxxx
Bendixen, Romaine L., xxx-xx-xxxx
Higdon, Dennis A., xxx-xx-xxxx
Irizarry, Jaime E., xxx-xx-xxxx
Newton, David D., xxx-xx-xxxx
Santala, Roger G., xxx-x...

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform duties indicated with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the following officers be appointed in a grade higher than that indicated.

MEDICAL CORPS

To be colonel

Broome, Larry G., xxx-xx-xxxx

To be major

Garrett, Leland E., xxx-xx-xxxx
Oommen, Samuel C., xxx-xx-xxxx

To be captain

Morales-Caban, Alex A., xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

Messersmith, Robert P., xxx-xx-...
Olson, Steven J., xxx-x...

To be major

East, John R., III, xxx-xx-xxxx
Hornbeck, Delvin D., xxx-xx-xxxx
Stuntz, Wendell R., xxx-xx-xxxx
Tuttle, Richard D., xxx-xx-xxxx

To be captain

Andrews, Stephen W., xxx-xx-xxxx
Blodgett, Robert R., xxx-xx-xxxx
Hatcher, Donald J., xxx-xx-xxxx
Heiman, Randolph T., xxx-xx-xxxx
Hiraki, Richard M., xxx-xx-xxxx
Neubauer, Michael F., xxx-xx-xxxx
Omi, Sheldon R., xxx-xx-xxxx
Porter, Stephen W., xxx-xx-xxxx
Rotter, Bruce E., xxx-xx-xxxx
Schoonmaker, Richard J., xxx-xx-xxxx
Sundquist, Robert E., xxx-xx-xxxx

The following persons for appointment as Reserve of the Air Force, in the grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated.

MEDICAL CORPS

To be colonel

Hill, John E., xxx-xx-xxxx
Johnson, Charles L., xxx-xx-xxxx

To be lieutenant colonel

Kochsiek, Robert D., xxx-xx-xxxx
Maloff, George E., xxx-xx-xxxx
Richardson, Gary M., xxx-xx-xxxx

The following individual for appointment as Reserve of the Air Force (ANGUS), in the grade indicated, under the provisions of sections 593 and 8351, title 10, United States Code, to perform the duties indicated.

MEDICAL CORPS

To be lieutenant colonel

Rembert, Francis M., xxx-xx-xxxx

IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. Garry S. Bahling, xxx-xx-xxxx
Maj. Douglas E. Bash, xxx-xx-xxxx
Maj. Barbara H. Bavera, xxx-xx-xxxx
Maj. Dennis L. Billings, xxx-xx-xxxx
Maj. Eugene F. Consiglio, xxx-xx-xxxx
Maj. Thomas E. Emborsky, xxx-xx-xxxx
Maj. Randolph B. Felker, xxx-xx-xxxx
Maj. Edwin W. Fisher, xxx-xx-xxxx
Maj. Steven L. Gilbertson, xxx-xx-xxxx
Maj. Jack C. King, xxx-xx-xxxx
Maj. Richard F. Masse, xxx-xx-xxxx
Maj. John R. Metz, xxx-xx-xxxx
Maj. Neil A. Nessa, xxx-xx-xxxx
Maj. Jay D. Nielsen, xxx-xx-xxxx
Maj. Henry S. Parker, xxx-xx-xxxx
Maj. Gene L. Ramsay, xxx-xx-xxxx
Maj. William J. Redmond, xxx-xx-xxxx
Maj. James F. Robertson, xxx-xx-xxxx
Maj. Alan D. Stoller, xxx-xx-xxxx
Maj. John D. Watson, xxx-xx-xxxx
Maj. Hugh H. Williams, xxx-xx-xxxx
Maj. James K. Wilson, xxx-xx-xxxx

LEGAL

Maj. Thomas E. Hickman, xxx-xx-xxxx

NURSE CORPS

Maj. Lana H. Baldy, xxx-xx-xxxx

IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. James G. Abbey, xxx-xx-xxxx
Maj. Dan G. Bellue, xxx-xx-xxxx
Maj. Herman S. Clark, xxx-xx-xxxx
Maj. Harold A. Cross, xxx-xx-xxxx
Maj. James S. Harrod, xxx-xx-xxxx
Maj. Francis A. Malone, xxx-xx-xxxx
Maj. Robert S. McNamara, xxx-xx-xxxx
Maj. William D. Peters Jr., xxx-xx-xxxx
Maj. Kerry D. Roby, xxx-xx-xxxx
Maj. Gary A. Rose, xxx-xx-x...
Maj. Allan R. Smith, xxx-xx-xxxx
Maj. Thomas G. Smithhart, xxx-xx-xxxx
Maj. William A. Sturn, xxx-xx-xxxx
Maj. William N. Tumlin III, xxx-xx-xxxx
Maj. Richard R. Venturi, xxx-xx-xxxx
Maj. Richard B. Watson, xxx-x...

LEGAL

Maj. James W. Peaco Jr., xxx-xx-xxxx
Maj. Harold R. Smethills, xxx-xx-xxxx

MEDICAL CORPS

Maj. Steffen P. Christensen III, xxx-xx-xxxx

DENTAL CORPS

Maj. Barry B. Meador, xxx-xx-xxxx
Maj. Earl J. Rubis, xxx-xx-xxxx

IN THE AIR FORCE

The following persons for Reserve of the Air Force appointment, in grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated.

MEDICAL CORPS

To be lieutenant colonel

Conroy, John Joseph, III, xxx-xx-xxxx
Bennett, John Richard, xxx-xx-xxxx
Pang, Louis (NMN), xxx-xx-xxxx
Murphy, Thomas Edward, xxx-xx-xxxx

The following person for Reserve of the Air Force appointment, in grade indicated, under the provisions of section 593, title 10, United States Code.

LINE

To be lieutenant colonel

Fults, John Lee, xxx-xx-xxxx

The following officer for Reserve of the Air Force (Non-EAD) promotion in the grade indicated, under the provisions of Section 8376, Title 10, United States Code.

MEDICAL CORPS

To be lieutenant colonel

Zeitz, Stanley Edward, Jr., xxx-xx-xxxx

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the officer be appointed in a grade higher than that indicated.

LINE OF THE AIR FORCE

To be major

Lamb, John H., xxx-xx-xxxx

To be captain

Smith, McBurnett J., Jr., xxx-x...

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the officer be appointed in a grade higher than that indicated.

LINE OF THE AIR FORCE

To be major

Mead, Charles H., xxx-xx-xxxx

To be captain

Moorer, Charles R., xxx-xx-x...
Wheeler, Sandra A., xxx-xx-xxxx

To be first lieutenant

Amelang, Dietmar, xxx-xx-xxxx
Denney, Gregory D., xxx-xx-xxxx

IN THE AIR FORCE

The following named officers for permanent promotion in the United States Air Force, under the provisions of Section 628, Title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

To be lieutenant colonel

Bartlett, William E., xxx-xx-xxxx
Barton, Richard W., xxx-xx-xxxx
Boatright, Ronald L., xxx-xx-xxxx
Campbell, Harry G., xxx-xx-xxxx
Clark, Robert L., xxx-xx-xxxx
Cox, Harvey B., III, xxx-xx-xxxx
Fedak, William A., xxx-xx-xxxx
Funk, Charles W., xxx-xx-xxxx
Giglio, Donald F., xxx-xx-xxxx
Gurney, Donald L., xxx-xx-xxxx
Hunt, Paul T., Jr., xxx-xx-xxxx
Karl, Donald G., xxx-xx-xxxx
Keller, Kenneth R., xxx-xx-xxxx
Kieslich, Karl V., xxx-xx-xxxx
Mathis, Harry M., xxx-xx-xxxx
McAdam, Paul A., xxx-xx-xxxx
Mertz, Reinard E., xxx-xx-xxxx
Moline, Richard J., xxx-xx-xxxx
Plummer, James T., xxx-xx-xxxx
Sahd Theodore M., xxx-xx-xxxx
Seifer, Robert J., xxx-xx-xxxx
Swartz, Steven L., xxx-xx-xxxx
Voorhees, Harry K., xxx-xx-xxxx
Wege, Ralph, xxx-xx-xxxx
Witt, David E., xxx-xx-xxxx

To be major

Andresen, Duane C., xxx-xx-xxxx
Bettenhausen, Gerald, xxx-xx-xxxx
Bishop, Richard H., xxx-xx-xxxx
Bruner, Walter K., xxx-xx-xxxx
Clark, George B., xxx-xx-xxxx
Howe, Henry A., III, xxx-xx-xxxx
Love, Samuel L., Sr., xxx-xx-xxxx
Massey, Grady W., Jr., xxx-xx-xxxx
McAlduff, David W., Jr., xxx-xx-xxxx
McCallum, James F., xxx-xx-xxxx
Smith McBurnett J., xxx-xx-xxxx
Steinorth, Jeffry H., xxx-xx-xxxx
Vanmeter, Robert M., xxx-xx-xxxx
Zazula Frank A., Jr., xxx-xx-xxxx

IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. Kenneth D. Allen Jr., xxx-xx-xxxx
Maj. Donald R. Beauregard, xxx-xx-xxxx
Maj. John M. Bryan xxx-xx-xxxx
Maj. Jon M. Buntenbah, xxx-xx-xxxx
Maj. Kenneth J. Crandall Jr., xxx-xx-xxxx
Maj. Maxwell J. Desselle, xxx-xx-xxxx
Maj. Bernard E. Frey, xxx-xx-xxxx
Maj. Juan A. Garcia, xxx-xx-xxxx
Maj. Edward E. Heyer, xxx-xx-xxxx
Maj. Paul S. Kimmel, xxx-xx-xxxx
Maj. Hugh F. McPherson, xxx-xx-xxxx
Maj. James D. O'Grady, xxx-xx-xxxx
Maj. Robert E. Parish, xxx-xx-xxxx
Maj. James E. Pew, xxx-xx-xxxx
Maj. James E. Pinkley, xxx-xx-xxxx
Maj. Carl C. Powell, xxx-xx-xxxx
Maj. Charles A. Rose, xxx-xx-xxxx
Maj. Stephen N. Sirois, xxx-xx-xxxx
Maj. Leslie E. Spencer, xxx-xx-xxxx
Maj. Dennis B. Swanstrom, xxx-xx-xxxx
Maj. Kenneth T. Tonkinson, xxx-xx-xxxx
Maj. Joseph D. Williams Jr., xxx-xx-xxxx

MEDICAL CORPS

Maj. Theodore L. Dern, xxx-xx-xxxx
Maj. David C. Gilman, xxx-xx-xxxx
Maj. Raymond G. Shea Jr., xxx-xx-xxxx
Maj. Robert L. Tramaloni, xxx-xx-xxxx

NURSE CORPS

Maj. Marie D. Fisher, xxx-xx-xxxx
Maj. Jane M. Petrie, xxx-xx-xxxx

DENTAL CORPS

Maj. John A. Allen, xxx-xx-xxxx

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of section 624, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

To be colonel

Abbott, Douglas A., xxx-xx-xxxx
Abt, Peter F., xxx-xx-xxxx
Adams, Louis J., xxx-xx-xxxx
Alberts, Donald J., xxx-xx-xxxx
Albrecht, Jerry E., xxx-xx-xxxx
Alexander, Roger S., xxx-xx-xxxx
Alexander, William R., III, xxx-xx-xxxx
Alexandrakos, Peter xxx-xx-xxxx
Alford, Lester D., xxx-xx-xxxx
Allen, John J., xxx-xx-xxxx
Alt, William E., xxx-xx-xxxx
Ambrose, John W., III, xxx-xx-xxxx
Amodeo, James M., xxx-xx-xxxx
Anders, William H., xxx-xx-xxxx
Anderson, Carl E., xxx-xx-xxxx
Anderson, Frederic M., xxx-xx-xxxx
Anderson, James N., xxx-xx-xxxx
Andreski, Philip J., xxx-xx-xxxx
Andrews, Adolphus xxx-xx-xxxx
Andrews, Melville M., Jr., xxx-xx-xxxx
Anker, Peter B., xxx-xx-xxxx
Anthony, John T., xxx-xx-xxxx
Applegate, William P., xxx-xx-xxxx
Ashdown, Floyd A., xxx-xx-xxxx
Aulwurm, Henry C., xxx-xx-xxxx
Bacchieri, Roger G., xxx-xx-xxxx
Bailey, Brooke P., xxx-xx-xxxx
Bailey, John C., xxx-xx-xxxx
Baker, Dan S., xxx-xx-xxxx
Baldwin, Richard F., xxx-xx-xxxx
Balstad, Richard W., xxx-xx-xxxx
Barber, William D. xxx-xx-xxxx
Barnes, Barry L., xxx-xx-xxxx
Barnett, Francis V., Jr., xxx-xx-xxxx
Barrett, Jackie H., xxx-xx-xxxx
Bartlow, Gene S., xxx-xx-xxxx
Barton, Lloyd H., xxx-xx-xxxx
Barwick, Leon S., Jr., xxx-xx-xxxx
Baskett, Richard M., xxx-xx-xxxx
Bassetti, Robert D., xxx-xx-xxxx
Beadle, Leonard C., III, xxx-xx-xxxx
Bechtol, Joseph J., xxx-xx-xxxx
Begg, Ronald B., xxx-xx-xxxx
Belden, Kenneth R., xxx-xx-xxxx
Bell, Jeffrey, xxx-xx-xxxx
Bellem, Raymond D. F., xxx-xx-xxxx
Benedict Rettig P., Jr., xxx-xx-xxxx
Benfield, Eric B., xxx-xx-xxxx
Bennett, Richard B., xxx-xx-xxxx
Benton, David R., xxx-xx-xxxx
Benzinger, Richard, Jr., xxx-xx-xxxx
Bethea, Philip P., III, xxx-xx-xxxx
Bethurem, Richard C., xxx-xx-xxxx
Bird, Robert J., xxx-xx-xxxx
Bishop, Gerald K., xxx-xx-xxxx
Blackburn, Charles E., xxx-xx-xxxx
Blair, John D., Jr., xxx-xx-xxxx
Bodenheim, Bodie R., xxx-xx-xxxx
Bodine, Paul L., xxx-xx-xxxx
Boesen, Dennis L., xxx-xx-xxxx
Boots, Robert J., xxx-xx-xxxx
Boscia, Michael J., xxx-xx-xxxx
Bourne, Robert B., xxx-xx-xxxx
Bowen, Robert L., III, xxx-xx-xxxx
Bowers, Jimmie L., xxx-xx-xxxx
Boyd, Billy M., xxx-xx-xxxx
Boyette, Paul A., xxx-xx-xxxx
Boyle, Marcus J., xxx-xx-xxxx
Bradham, John H., xxx-xx-xxxx
Brande, Wendell S., xxx-xx-xxxx
Breault, Gordon K., xxx-xx-xxxx
Brennan, Leo J., xxx-xx-xxxx
Brian, Elton L., xxx-xx-xxxx
Briggs, Thomas W., xxx-xx-xxxx
Brigman, James L., xxx-xx-xxxx
Briley, Wilson D., Jr., xxx-xx-xxxx
Briscoe, Jerald D., xxx-xx-xxxx
Brooks, Harry W., xxx-xx-xxxx
Brown, James H., xxx-xx-xxxx
Browning, William M., Jr., xxx-xx-xxxx
Bryant, William L., xxx-xx-xxxx
Bullard, Edward M., xxx-xx-xxxx
Bulloch, Donald C., xxx-xx-xxxx
Burke, Martin J., xxx-xx-xxxx
Burkhart, Frederich M., xxx-xx-xxxx
Burleson, Glynn W., xxx-xx-xxxx
Burnett, Paull C., xxx-xx-xxxx
Burnette, Herman C., Jr., xxx-xx-xxxx
Burnette, William R., xxx-xx-xxxx
Burrell, Stephen F., xxx-xx-xxxx
Burroughs, Mark M., xxx-xx-xxxx
Burton, Larry D., xxx-xx-xxxx
Bush, Howard J., xxx-xx-xxxx
Bushnell, Mart H., xxx-xx-xxxx
Butler, Jerome J., III, xxx-xx-xxxx
Buttimer, Neil J., xxx-xx-xxxx
Byrnside, Nicholas C., xxx-xx-xxxx
Caffrey, Dennis F., xxx-xx-xxxx
Cameron, Charles R., xxx-xx-xxxx
Cammarota, Richard S., xxx-xx-xxxx
Canavan, Thomas E., xxx-xx-xxxx
Cantrell, Zell O., xxx-xx-xxxx
Capillupo, Frank J., xxx-xx-xxxx
Carey, John F., Jr., xxx-xx-xxxx
Carl, Ronald W., xxx-xx-xxxx
Carleton, Roger E., xxx-xx-xxxx
Carney, John T., Jr., xxx-xx-xxxx
Carothers, Harry H., III, xxx-xx-xxxx
Carr, Michael L., xxx-xx-xxxx
Carvey, Edward T., xxx-xx-xxxx
Casciano, John P., xxx-xx-xxxx
Casper, John H., xxx-xx-xxxx
Casper, John R., xxx-xx-xxxx
Catren, Gary G., xxx-xx-xxxx
Cerrow, Peter P., xxx-xx-xxxx
Chambers, Corwin E., xxx-xx-xxxx
Chan, Joseph W., xxx-xx-xxxx
Chaplin, Robert M., xxx-xx-xxxx
Chappell, Earnest V., xxx-xx-xxxx
Charneco, Humberto R., xxx-xx-xxxx
Chernay, Serge A., xxx-xx-xxxx
Childress, James S., xxx-xx-xxxx
Christiansen, Russell V., xxx-xx-xxxx
Cisler, Jan E., xxx-xx-xxxx
Claussen, Fredrick L., xxx-xx-xxxx
Clements, Edward P., xxx-xx-xxxx
Cleveland, Durand E., Jr., xxx-xx-xxxx
Clifton, Pat O., xxx-xx-xxxx
Cline, Richard A., xxx-xx-xxxx
Cody, William C., xxx-xx-xxxx
Cogburn, Thomas M., xxx-xx-xxxx
Cogley, William L., xxx-xx-xxxx
Colangelo, Peter A., xxx-xx-xxxx
Coldiron, Larry L., xxx-xx-xxxx
Coleman, Charles B., III, xxx-xx-xxxx
Coleman, Jack B., xxx-xx-xxxx
Colwell, Robert F., xxx-xx-xxxx
Comrie, Andrew B., xxx-xx-xxxx
Cook, Gordon L., xxx-xx-xxxx
Copeland, Jackie L., xxx-xx-xxxx
Corder, Wayne D., xxx-xx-xxxx
Corea, Anthony N., xxx-xx-xxxx
Courter, Robert J., Jr., xxx-xx-xxxx
Couzins, Richard D., xxx-xx-xxxx
Cowan, Willie D., xxx-xx-xxxx
Cowger, Ronald I., xxx-xx-xxxx
Cox, James R., xxx-xx-xxxx
Crabb, Charles C., Jr., xxx-xx-xxxx
Craddock, Dabney S., III, xxx-xx-xxxx
Craig, Patrick R., xxx-xx-xxxx
Cremin, John M., Jr., xxx-xx-xxxx
Cress, Ted S., xxx-xx-xxxx
Crosby, Glen E., xxx-xx-xxxx
Crump, James C., Jr., xxx-xx-x...
Cullers, Herbert W., Jr., xxx-xx-xxxx
Cunniff, Paul J., Jr., xxx-xx-xxxx
Cunningham, Charles A., xxx-xx-xxxx
Cunningham, John H., xxx-xx-xxxx
Curry, Gary L., xxx-xx-xxxx
Czech, Stanley E., xxx-xx-xxxx
Daboll, Louis F., Jr., xxx-xx-xxxx
Dakan, Dennis K., xxx-xx-xxxx
Davis, George R., xxx-xx-xxxx
Davis, James H., xxx-xx-xxxx
Davis, Michael, xxx-xx-xxxx
Davis, Robert M., xxx-xx-xxxx
Deakle, Carl B., xxx-xx-xxxx
DeLuca, Robert, xxx-xx-xxxx
Dennis, Gerald D., xxx-xx-xxxx
Denny, Gerald R., II, xxx-xx-xxxx
DePaul, Michael J., xxx-xx-xxxx
Dickerson, Warren C., xxx-xx-xxxx
Diekman, Jack L., xxx-xx-xxxx
Dietsch, David A., xxx-xx-xxxx
Dingee, David B., xxx-xx-xxxx
Dixon, George W., xxx-xx-x...
Dodson, Allen E., Jr., xxx-xx-xxxx
Donahey, Dayl W., Jr., xxx-xx-xxxx
Donovan, John S., xxx-xx-xxxx
Dooley, Frank, xxx-xx-xxxx
Dorris, Ralph S., xxx-xx-xxxx
Dougherty, James F., Jr., xxx-xx-xxxx
Douville, Douglas E., xxx-xx-xxxx
Drew, Dennis M., xxx-xx-xxxx

Driggers, Paul N., Jr., xxx-xx-xxxx
Duff, Edward A., xxx-xx-xxxx
Dunivant, William E., xxx-xx-xxxx
Dzur, Robert J., xxx-xx-xxxx
Eakle, Bruce F., xxx-xx-xxxx
Echegaray, Julio A., xxx-xx-xxxx
Eckert, William D., xxx-xx-xxxx
Eddie, Carroll T., Jr., xxx-xx-xxxx
Eddings, James A., xxx-xx-xxxx
Edwards, Michael D., xxx-xx-xxxx
Egge, Arthur G., xxx-xx-xxxx
Ekstrom, Kenneth J., xxx-xx-xxxx
Elwell, Bruce C., xxx-xx-xxxx
Emanuel, Alice L., xxx-xx-xxxx
Emma, Joseph A., xxx-xx-xxxx
Emmons, Donald R., xxx-xx-xxxx
Endicott, Richard E., xxx-xx-xxxx
Engelke, Roy M., xxx-xx-xxxx
English, Patrick W., xxx-xx-xxxx
Ennis, Richard F., xxx-xx-xxxx
Erickson, Frederick J., xxx-xx-xxxx
Erwin, Roy W., Jr., xxx-xx-xxxx
Evans, James A., xxx-xx-xxxx
Evans, James C., xxx-xx-xxxx
Everts, Russell A., xxx-xx-xxxx
Eyermann, Richard J., xxx-xx-xxxx
Farkas, Richard L., xxx-xx-xxxx
Farney, Gerald R., xxx-xx-xxxx
Felix, Gerald H., xxx-xx-xxxx
Feltch, Milton L., Jr., xxx-xx-xxxx
Fennelly, Norman F., xxx-xx-xxxx
Ferguson, John E., xxx-xx-xxxx
Ferris, Joseph D., xxx-xx-xxxx
Ferro, Richard L., xxx-xx-xxxx
Fiederer, Nancy E., xxx-xx-xxxx
Fields, Vollie C., Jr., xxx-xx-xxxx
Finch, Charles W., xxx-xx-xxxx
Fischer, Stephen R., xxx-xx-xxxx
Flanary, Barry G., xxx-xx-xxxx
Flinn, William E., Jr., xxx-xx-xxxx
Flint, Russell L., xxx-xx-xxxx
Floyd, Bobby O., xxx-xx-xxxx
Flynn, Lawrence D., xxx-xx-xxxx
Folz, Ronald W., xxx-xx-xxxx
Forbes, Alfred A., III, xxx-xx-xxxx
Ford, Richard E., xxx-xx-xxxx
Fore, Kenneth E., xxx-xx-xxxx
Forster, Arthur C., Jr., xxx-xx-xxxx
Foster, Stephen H., xxx-xx-xxxx
Fox, Charles L., xxx-xx-xxxx
Freeman, Forrest N., Jr., xxx-xx-xxxx
Frein, Emil C., xxx-xx-xxxx
Friedlander, Leonard, xxx-xx-xxxx
Fries, George J.C., xxx-xx-xxxx
Fry, Howard J., Jr., xxx-xx-xxxx
Fuhrmann, John R., xxx-xx-xxxx
Funkhouser, Kenneth V., xxx-xx-xxxx
Furr, Wilbur F., Jr., xxx-xx-xxxx
Gamble, Patrick K., xxx-xx-xxxx
Garing, John J., xxx-xx-xxxx
Gay, John M., xxx-xx-xxxx
Gemlich, Stephen L., xxx-xx-xxxx
Gerber, James D., xxx-xx-xxxx
Germann, Anthony F., xxx-xx-xxxx
Gess, William G., xxx-xx-xxxx
Gibson, William H., xxx-xx-xxxx
Gilbert, Boyd W., xxx-xx-xxxx
Gilbert, Mark B., xxx-xx-xxxx
Gill, Robert E., xxx-xx-xxxx
Gillespie, Peter T., Jr., xxx-xx-xxxx
Gillespie, Richard W., xxx-xx-xxxx
Gleckel, Gerard G., xxx-xx-xxxx
Goar, Larry J., xxx-xx-xxxx
Godsey, Orin L., xxx-xx-xxxx
Goodman, Raymond W., Jr., xxx-xx-xxxx
Gordon, John A., xxx-xx-xxxx
Gosling, Thomas J., xxx-xx-xxxx
Gough, Jamie, III, xxx-xx-xxxx
Gounaud, Roger L., Jr., xxx-xx-xxxx
Grabda, John F., Jr., xxx-xx-xxxx
Graham, James D., Jr., xxx-xx-xxxx
Graham, James L., Jr., xxx-xx-xxxx
Gray, George A., III, xxx-xx-xxxx
Green, Frederick L., xxx-xx-xxxx
Greene, Lawrence W., Jr., xxx-xx-xxxx
Gregory, David C., xxx-xx-xxxx
Grimaud, Lowell A., xxx-xx-xxxx
Grimsley, Roger L., xxx-xx-xxxx
Grobstein, Joseph A., xxx-xx-xxxx
Groff, William A., xxx-xx-xxxx
Gross, Jon L., xxx-xx-xxxx
Growden, Ronald V., xxx-xx-xxxx
Gruber, Wayne F., xxx-xx-xxxx
Guenther, Thomas G., xxx-xx-xxxx
Guiberson, Francis L., xxx-xx-xxxx
Guiles, Howard W., xxx-xx-xxxx
Guthrie, James W., xxx-xx-xxxx
Haas, Barry L., xxx-xx-xxxx
Haberbusch, Alan E., xxx-xx-xxxx
Hacker, Kenneth J., xxx-xx-xxxx
Hackford, Richard H., Jr., xxx-xx-xxxx
Haddix, Ronald, xxx-xx-xxxx
Haffa, Robert P., Jr., xxx-xx-xxxx
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The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the officer be appointed in a grade higher than that indicated.

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The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform duties indicated with grades and dates of rank to be determined by the Secretary of the Air Force provided that in no case shall the officers be appointed in a grade higher than captain.

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IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States, in their active duty grades, under the provisions of title 10, United States Code, sections 531, 532, 533:

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Swanger, Russel S., Jr., xxx-xx-xxxx
Turkula, William D., xxx-xx-xxxx
Umberg, Thomas J., xxx-xx-xxxx
Washington, Roger D., xxx-xx-xxxx
Webster, Linda K., xxx-xx-xxxx

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States, in their active duty grades, under the provisions of title 10, United States Code, sections 531, 532, 533:

JUDGE ADVOCATE GENERAL'S CORPS

To be captain

Bell, David E., xxx-xx-xxxx
Conners, Cynthia S., xxx-xx-xxxx
Fitzkee, David E., xxx-xx-xxxx
Fletcher, David J., xxx-xx-xxxx
Forystek, Wesley P., xxx-xx-xxxx
Garver, John B., xxx-xx-xxxx
Hall, Randall J., xxx-xx-xxxx
Hart, Kevin R., xxx-xx-xxxx
Hughes, Frank J., xxx-xx-xxxx
Jackson, Richard B., xxx-xx-xxxx
Morris, Patrick F., xxx-xx-xxxx
Ransick, Scott E., xxx-xx-xxxx
Rodearmel, David C., xxx-xx-xxxx
Scott, Ronald W., xxx-xx-xxxx
Soliz, Alfonso, Jr., xxx-xx-xxxx
Stalf, Dale A., xxx-xx-xxxx
Taylor, Porcher L., III, xxx-xx-xxxx
Thomson, George B., xxx-xx-xxxx
Throssell, Sterling L., xxx-xx-xxxx

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States, in their active duty grades, under the provisions of title 10, United States Code, sections 531, 532, 533:

MEDICAL CORPS

To be colonel

Berenberg, Jeffrey, xxx-xx-xxxx
Bergman, Kenneth R., xxx-xx-xxxx
Bolin, Robert B., xxx-xx-xxxx
Doberstyn, Edward B., xxx-xx-xxxx
Drake, Frank R., xxx-xx-xxxx
Esposito, Maria E., xxx-xx-xxxx
Gutierrez, Jorge A., xxx-xx-xxxx
Hawksley, Vaughn C., xxx-xx-xxxx
Lipton, Charles S., xxx-xx-xxxx
McCurdy, James R., xxx-xx-xxxx
Peters, Clarence J., xxx-xx-xxxx
Plonsky, Carl A., xxx-xx-xxxx
Raleigh, Edward N., xxx-xx-xxxx
Riffle, John E., xxx-xx-xxxx
Thompson, Prentice, xxx-xx-xxxx
Visintine, Robert E., xxx-xx-xxxx
Wear, Douglas J., xxx-xx-xxxx
Wilkin, James H., xxx-xx-xxxx

To be captain

Rosenberger, Steven C., xxx-x...

MEDICAL SERVICE CORPS

To be lieutenant colonel

Fitzgerald, David M., xxx-xx-xxxx
Langan, John J., xxx-xx-xxxx
Schoemer, Steven G., xxx-xx-xxxx

To be major

Beougher, Kenneth L., xxx-xx-xxxx
Blavert, James G., xxx-xx-xxxx
Dennison, John R., xxx-xx-xxxx
Gillespie, Eric G., xxx-xx-xxxx
Hatkoff, Paul H., xxx-xx-xxxx
Kainz, Robert, J., xxx-xx-xxxx
Lieberman, Michael, xxx-xx-xxxx
Lovelace, James K., xxx-xx-xxxx
Luetkenhaus, David, xxx-xx-xxxx
McDonald, Frank G., xxx-xx-xxxx
Parry, Richard B., xxx-xx-xxxx
Pavlik, Joseph J., xxx-xx-xxxx
Primeaux, Larry E., xxx-xx-xxxx
Quinn, Robert E., xxx-xx-xxxx
Ratliff, Bascom W., xxx-xx-xxxx
Robinson, Harold W., xxx-xx-xxxx
Salzman, Diana L., xxx-xx-xxxx
Westlake, Richard R., xxx-x...

To be first lieutenant

Stralka, Daniel J., xxx-x...

ARMY NURSE CORPS

To be lieutenant colonel

Staton, Dora J., xxx-x...

To be major

Ahlgren, Denise M., xxx-xx-xxxx
Alspach, Robyn L., xxx-xx-xxxx
Bartz, Elizabeth A., xxx-xx-xxxx
Best, Marcia, xxx-xx-xxxx
Bolt, Barbara J., xxx-xx-xxxx
Brady, Cynthia A., xxx-xx-xxxx
Buzonas, Patricia M., xxx-xx-xxxx
Cooke, Curtis V., xxx-xx-x...
Croze, Katherine J., xxx-xx-xxxx
Dale, Cynthia J., xxx-xx-xxxx
Farace, Wendy L., xxx-xx-xxxx
Fischer, Marilou K., xxx-xx-xxxx
Ganter, Sally B., xxx-xx-x...
Griffin, Kija K., xxx-xx-x...
Gunnels, Edith P., xxx-xx-x...
Hellyer, Philip D., xxx-xx-xxxx
Johnson, Donald E., xxx-xx-xxxx
Klar, Angela V., xxx-xx-x...
McCauslin, Sherry L., xxx-xx-xxxx
McFarland, Janetta, xxx-xx-xxxx
Mello, Anthony S., xxx-xx-xxxx
Melton, Carole A., xxx-xx-xxxx
Mitchell, Donna C., xxx-xx-xxxx
Norton, Dena A., xxx-xx-xxxx
Olejnik, Donna J., xxx-xx-xxxx
Pereira, Darla F., xxx-xx-xxxx
Rubbelke, Carol J., xxx-xx-xxxx
Schultz, Connie K., xxx-xx-xxxx
Sheldon, Vicky M., xxx-xx-xxxx
Simpson, Nancy M., xxx-xx-xxxx
Smith, Margaret L., xxx-xx-xxxx
Stoffel, Janet M., xxx-xx-xxxx
Tammen, Rebecca L., xxx-xx-xxxx
Thorpe, Linda J., xxx-xx-xxxx
Tondini, David E., xxx-xx-xxxx
Urick, Beverly K., xxx-xx-xxxx
Uttech, Mary J., xxx-xx-xxxx
Veasey, Debbie H., xxx-xx-xxxx
Whitlatch, Claudia, xxx-xx-xxxx
Wills, Deborah H., xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

Gangemi, Joseph A., xxx-xx-xxxx

To be captain

Backof, John S., xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be major

Dennis, Robert W., xxx-xx-xxxx
Meier, Edward C., xxx-xx-xxxx
Petersen, Linda S., xxx-xx-xxxx
Stoehr, David R., xxx-xx-xxxx

IN THE ARMY

The following-named officers for appointment under automatic integration in the Regular Army of the United States, in their active duty promotion grade of major, under the provisions of sections 531, 532, and 533, title 10, United States Code:

Abramson, James P., xxx-xx-xxxx
Achee, Robert W., xxx-xx-xxxx
Adams, Robert R., xxx-xx-xxxx
Adams, Roy L., xxx-xx-xxxx
Akridge, William H., xxx-xx-xxxx

Alexander, Enoch A., xxx-xx-xxxx
Allen, Fred J., xxx-xx-xxxx
Allen, Terry D., xxx-xx-xxxx
Alvis, Michael W., xxx-xx-xxxx
Andersen, Einar R., xxx-xx-xxxx
Anderson, Douglas H., xxx-xx-xxxx
Anderson, Raymond R., xxx-xx-xxxx
Armstrong, Kathy J., xxx-xx-xxxx
Armstrong, William, xxx-xx-xxxx
Arrington, Odell, xxx-xx-xxxx
Asbury, Johnny L., xxx-xx-xxxx
Atkins, Charles, xxx-xx-xxxx
Austin, Floyd S., xxx-xx-xxxx
Ayers, Harvel Jr., xxx-xx-xxxx
Ayers, Mary V., xxx-xx-xxxx
Bachman, Denise M., xxx-xx-xxxx
Bagby, Ruth B., xxx-xx-xxxx
Bagley, Sam H., xxx-xx-xxxx
Bahnsen, Margaret A., xxx-xx-xxxx
Ballard, David A., xxx-xx-xxxx
Bangert, John M., xxx-xx-xxxx
Banks, Lynn L., xxx-xx-xxxx
Baranowski, Carroll, xxx-xx-xxxx
Barnes, John L., xxx-xx-xxxx
Barnes, Kathleen M., xxx-xx-xxxx
Barnes, Samuel A., xxx-xx-xxxx
Barth, Stephen R., xxx-xx-xxxx
Barto, Calrence O., xxx-xx-xxxx
Bates, Kenneth M., xxx-xx-xxxx
Beach, Raymond S., xxx-xx-xxxx
Beauvais, Gregory J., xxx-xx-xxxx
Becker, Michael E., xxx-xx-xxxx
Behnke, Gerald L., xxx-xx-xxxx
Bender, Mark C., xxx-xx-xxxx
Benjamin, Richard A., xxx-xx-xxxx
Bennett, Gordon H., xxx-xx-xxxx
Bennett, Joel L., xxx-xx-xxxx
Bennett, John A., xxx-xx-xxxx
Bennett, Roy D., xxx-xx-xxxx
Bentele, Kenneth, VI, xxx-xx-xxxx
Berger, David R., xxx-xx-xxxx
Bernier, Bolivar, xxx-xx-xxxx
Betts, Louisa L., xxx-xx-xxxx
Beyer, Daniel P., xxx-xx-xxxx
Birdsong, George M., xxx-xx-xxxx
Bishop, Graham W., xxx-xx-xxxx
Bishop, James B., xxx-xx-xxxx
Black, Joan L., xxx-xx-xxxx
Black, Stephen C., xxx-xx-xxxx
Blackburn, John L., xxx-xx-xxxx
Blalock, John R., xxx-xx-xxxx
Bland, William L., xxx-xx-xxxx
Blase, Kenneth M., xxx-xx-xxxx
Blevins, Dixie L., xxx-xx-xxxx
Bolden, Ivan G., xxx-xx-xxxx
Bonham, Louis A., xxx-xx-xxxx
Bonniwell, Jack W., xxx-xx-xxxx
Booker, Phillip R., xxx-xx-xxxx
Bottom, Thomas B., xxx-xx-xxxx
Botts, Ernest G., xxx-xx-xxxx
Bourneuf, Leonard M., xxx-xx-xxxx
Boyett, John M., xxx-xx-xxxx
Brannon, Frank M., xxx-xx-xxxx
Brevig, Stephen E., xxx-xx-xxxx
Brinley, John E., xxx-xx-xxxx
Brook, Lisle K., xxx-xx-xxxx
Brophy, Eileen M., xxx-xx-xxxx
Brown, David D., xxx-xx-xxxx
Brown, Robby L., xxx-xx-xxxx
Brown, Robert L., xxx-xx-xxxx
Brown, Robert W., xxx-xx-xxxx
Brown, Thomas M., xxx-xx-xxxx
Brown, William T., xxx-xx-xxxx
Brunet, Ronald H., xxx-xx-xxxx
Bryant, William J., xxx-xx-xxxx
Buchanan, Maurice, xxx-xx-xxxx
Buckner, James A., xxx-xx-xxxx
Buhts, Robert E., xxx-xx-xxxx
Bullard, Douglas E., xxx-xx-xxxx
Bullock, Richard W., xxx-xx-xxxx
Burger, Christopher, xxx-xx-xxxx
Burnett, Randel B., xxx-xx-xxxx
Burns, Allen H., xxx-xx-xxxx
Burt, Michael G., xxx-xx-xxxx
Burton, Christopher, xxx-xx-xxxx
Butler, Howard C., xxx-xx-xxxx
Butler, Leonard C., xxx-xx-xxxx
Butler, Remo, xxx-xx-xxxx
Buttram, Charles L., xxx-xx-xxxx
Buzzell, David J., xxx-xx-xxxx
Cain, Roger G., xxx-xx-xxxx
Caller, Edward M., xxx-xx-xxxx
Cantrell, Gerald D., xxx-xx-xxxx
Capps, Bill J., xxx-xx-xxxx
Capron, Timothy A., xxx-xx-xxxx
Cardoza, Leonard E., xxx-xx-xxxx
Carlson, David E., xxx-xx-xxxx
Carmona, Waldo F., xxx-xx-xxxx
Carreon, Adalberto, xxx-xx-xxxx
Carrilloiturrino, Francis, xxx-xx-xxxx
Carter, Jackson R., xxx-xx-xxxx
Carter, James C., xxx-xx-xxxx
Castro, Angel J., xxx-xx-xxxx
Caughran, Carol A., xxx-xx-xxxx
Caughran, Terry L., xxx-xx-xxxx
Chalupsky, James F., xxx-xx-xxxx
Chancey, Grady J., xxx-xx-xxxx
Chapin, Peter R., xxx-xx-xxxx
Chastain, Ray L., xxx-xx-xxxx
Chenault, Jerry A., xxx-xx-xxxx
Chisolm, Jerome K., xxx-xx-xxxx
Christakos, Vincent, xxx-xx-xxxx
Christensen, Dan R., xxx-xx-xxxx
Christensen, Julius, xxx-xx-xxxx
Christian, Archie L., xxx-xx-xxxx
Christian, William, xxx-xx-xxxx
Christopher, Gary L., xxx-xx-xxxx
Chrypinski, Jan C., xxx-xx-xxxx
Cillo, Nicholas, xxx-xx-xxxx
Claflin, Robert C., xxx-xx-xxxx
Clark, Harold, xxx-xx-xxxx
Clawson, Ina J., xxx-xx-xxxx
Cleaver, Tony M., xxx-xx-xxxx
Clements, Clifford, xxx-xx-xxxx
Clinton, Edward P., xxx-xx-xxxx
Cluck, Kenneth E., xxx-xx-xxxx
Cochran, Lea P., xxx-xx-xxxx
Codute, Arthur L., xxx-xx-xxxx
Coke, William H., xxx-xx-xxxx
Colbert, Charles M., xxx-xx-xxxx
Cole, Charles G., xxx-xx-xxxx
Collier, Ernest V., xxx-xx-xxxx
Combest, Donald D., xxx-xx-xxxx
Combs, John R., xxx-xx-xxxx
Comesky, Robert T., xxx-xx-xxxx
Conner, Bruce H., xxx-xx-xxxx
Cook, Donald G., xxx-xx-xxxx
Cook, Roger L., xxx-xx-xxxx
Cooper, Ralph M., xxx-xx-xxxx
Copple, Blake R., xxx-xx-xxxx
Corcoran, Thomas G., xxx-xx-xxxx
Cordasco, Dominick, xxx-xx-xxxx
Cowan, Edmund S., xxx-xx-xxxx
Cox, William H., xxx-xx-xxxx
Coyle, Harold W., xxx-xx-xxxx
Craig, John L., xxx-xx-xxxx
Crain, Dennis R., xxx-xx-xxxx
Crandall, Scott B., xxx-xx-xxxx
Cranor, Eugene H., xxx-xx-xxxx
Crawford, Conrad E., xxx-xx-xxxx
Crocker, Philip R., xxx-xx-x...
Cromartie, Keith M., xxx-xx-xxxx
Cronin, Robert A., xxx-xx-xxxx
Cross, Timothy S., xxx-xx-xxxx
Crumpler, Everette, xxx-xx-xxxx
Cruz, Angel A., xxx-xx-xxxx
Cummins, David F., xxx-xx-xxxx
Cunitz, Ronald R., xxx-xx-xxxx
Daddario, Frank A., xxx-xx-xxxx
Dana, Connie S., xxx-xx-xxxx
Daniels, Kenneth R., xxx-xx-xxxx
Darcangelis, Marcus, xxx-xx-xxxx
Dauer, David P., xxx-xx-xxxx
Daugherty, Donald P., xxx-xx-xxxx
Daughtry, Herbert J., xxx-xx-xxxx
Dausen, Peter G., xxx-xx-xxxx
Davids, Robert R., xxx-xx-xxxx
Davidson, Charles G., xxx-xx-xxxx
Davis, Ada M., xxx-xx-xxxx
Davis, Mark T., xxx-xx-xxxx
Davis, Stanley C., xxx-xx-xxxx
Daze, Thomas J., xxx-xx-xxxx
Dempsey, Timothy P., xxx-xx-xxxx
Dennington, Neil A., xxx-xx-xxxx
Desautels, William, xxx-xx-xxxx
Devise, James H., xxx-xx-xxxx
Dickman, Dale E., xxx-xx-xxxx
Dierkes, Jeffrey P., xxx-xx-xxxx
Dinnen, Robert W., xxx-xx-xxxx
Dixon, John R., xxx-xx-xxxx
Dollahite, Herbert, xxx-xx-xxxx
Donahue, David W., xxx-xx-xxxx
Donlin, John T., xxx-xx-xxxx
Drabczuk, Jan S., xxx-xx-xxxx
Drake, Willie, xxx-xx-xxxx
Drayton, Ercelle D., xxx-xx-xxxx
Driver, William L., xxx-xx-xxxx
Droog, Pieter M., xxx-xx-xxxx
Dube, Charles E., xxx-xx-xxxx
Dudenbostel, Warren, xxx-xx-xxxx
Dugan, Haynes, W., xxx-xx-xxxx
Duncan, Felix E., xxx-xx-xxxx
Dunn, Joyce L., xxx-xx-xxxx
Dunn, Mark A., xxx-xx-xxxx
Dunnam, Pete H., xxx-xx-xxxx
Duquette, Ronald R., xxx-xx-xxxx
Dyke, Theodore J., xxx-xx-xxxx
Eades, Frederick L., xxx-xx-xxxx
Eagles, John J., xxx-xx-xxxx
Edwards, George, xxx-xx-xxxx
Edwards, Jackey L., xxx-xx-xxxx
Edwards, Lawrence E., xxx-xx-xxxx
Eggers, William R., xxx-xx-xxxx
Eichling, James D., xxx-xx-xxxx
Eide, Gary W., xxx-xx-xxxx
Elczuk, Cynthia E., xxx-xx-xxxx
Eller, Marilyn A., xxx-xx-xxxx
Ellingsworth, Glen, xxx-xx-xxxx
Elliott, Richard A., xxx-xx-xxxx
Emery, Joseph R., xxx-xx-xxxx
Ernst, Joan E., xxx-xx-xxxx
Esplin, Rendal D., xxx-xx-xxxx
Etheridge, Robert E., xxx-xx-xxxx
Evans, Delas E., xxx-xx-xxxx
Evenstad, Gregory H., xxx-xx-xxxx
Farr, Earl, Jr., xxx-xx-xxxx
Farr, Grayal E., xxx-xx-xxxx
Feero, Lance M., xxx-xx-xxxx
Figueroa, Stephen C., xxx-xx-xxxx
Finnell, David V., xxx-xx-xxxx
Fisher, Timothy D., xxx-xx-xxxx
Fitzgerald, Kevin L., xxx-xx-xxxx
Fitzpatrick, James, xxx-xx-xxxx
Fitzsimmons, David, xxx-xx-xxxx
Flood, David M., xxx-xx-xxxx
Flynn, Michael W., xxx-xx-xxxx
Fosters, James P., xxx-xx-xxxx
Fosters, Thomas M., xxx-xx-xxxx
Fowler, Bradford L., xxx-xx-xxxx
Fowler, Charles S., xxx-xx-xxxx
Francis, Ronald C., xxx-xx-xxxx
Franklin, Terry, xxx-xx-xxxx
Frazier, Steven J., xxx-xx-xxxx
Frey, Neil B., xxx-xx-xxxx
Frost, Stewart C., xxx-xx-xxxx
Fryman, Billy W., xxx-xx-xxxx
Fullilove, Charles, xxx-xx-xxxx
Gabriel, Ricardo R., xxx-xx-xxxx
Gallegos, Thomas E., xxx-xx-xxxx
Galloway, Thomas J., xxx-xx-xx...
Gandy, Charles L., xxx-xx-xxxx
Garabato, Manolito, xxx-xx-xxxx
Gardner, Paul W., xxx-xx-xxxx
Gavin, Thomas F., xxx-xx-xxxx
George, Leonard D., xxx-xx-xxxx
George, Rodney M., xxx-xx-xxxx
Georgi, David A., xxx-xx-xxxx
Gerdes, John W., xxx-xx-xxxx
Germano, Frederick, xxx-xx-xxxx
Germand, Garth G., xxx-xx-xxxx
Gertman, Ray C., xxx-xx-xxxx
Gibbons, Cathy O., xxx-xx-xxxx

Gibson, Maurice D., xxx-xx-xx...
Gilbert, Gauvain, Jr., xxx-xx-xxxx
Gillis, Francis X., xxx-xx-xx...
Girard, David L., xxx-xx-xx...
Glass, Ronald L., xxx-xx-xxxx
Glickson, Roger C., xxx-xx-xx...
Glowacki, James T., xxx-xx-xxxx
Godhardt, Thomas J., xxx-xx-xx...
Gomez, Alfonso M., xxx-xx-xxxx
Goodmiller, Richard, xxx-xx-xx...
Goodwin, William P., xxx-xx-xx...
Graham, Dale E., xxx-xx-xx...
Graham, James L., xxx-xx-xxxx
Graham, Mary A., xxx-xx-xx...
Granger, Lance C., xxx-xx-xxxx
Green, Robert R., xxx-xx-xx...
Greer, Robert B., xxx-xx-xx...
Grice, Richard H., xxx-xx-xxxx
Grizzellereid, Paul, xxx-xx-xxxx
Guittar, Steven L., xxx-xx-xxxx
Hagen, Andrew, Jr., xxx-xx-xxxx
Hahn, Edward R., xxx-xx-xxxx
Hainline, Michael K., xxx-xx-xx...
Haire, Robert L., xxx-xx-xxxx
Haley, Donald, xxx-xx-xx...
Haliburton, Jackie, xxx-xx-xxxx
Hall, Sharone K., xxx-xx-xxxx
Hallum, Roderick W., xxx-xx-xx...
Halverson, Junko S., xxx-xx-xx...
Ham, Stephen P., xxx-xx-xxxx
Hamby, Tyrone A., xxx-xx-xxxx
Hamel, Anna B., xxx-xx-xx...
Hamilton, Karl K., xxx-xx-xxxx
Hamilton, Theodora, xxx-xx-xx...
Harbour, Michael E., xxx-xx-xxxx
Hardy, Kenneth R., xxx-xx-xxxx
Hargett, Richard H., xxx-xx-xxxx
Harper, Michael R., xxx-xx-xx...
Harriford, Robert L., xxx-xx-xxxx
Harris, Junior, Jr., xxx-xx-xxxx
Harris, Richard F., xxx-xx-xxxx
Harrison, Donald G., xxx-xx-xxxx
Harrison, Lucius A., xxx-xx-xxxx
Hartmann, Edward J., xxx-xx-xxxx
Hartsell, Timothy W., xxx-xx-xxxx
Harvey, Michael C., xxx-xx-xxxx
Hayes, Edward A., xxx-xx-xxxx
Haynes, Tommy Z., xxx-xx-xx...
Haynes, William N., xxx-xx-xxxx
Hays, Gwendolyn, xxx-xx-xxxx
Haywood, Louis M., xxx-xx-xxxx
Hazel, John A., xxx-xx-xxxx
Heifner, Benton B., xxx-xx-xx...
Helmrath, William M., xxx-xx-xxxx
Hendrix, Ossie L., xxx-xx-xxxx
Henry, William O., xxx-xx-xxxx
Hernandez, Felix J., xxx-xx-xxxx
Hershberger, Walter, xxx-xx-xxxx
Hess, Michael D., xxx-xx-xxxx
Hicks, Larry J. xxx-xx-xxxx
Hiley, James S., xxx-xx-xxxx
Hill, Amyl J., xxx-xx-xxxx
Hindman, James M., xxx-xx-xx...
Hinds, Stanmore J., xxx-xx-xxxx
Hinson, Gary S., xxx-xx-xxxx
Holton, Jimmy D., xxx-xx-xxxx
Hooks, Linda M., xxx-xx-xxxx
Houdeschell, David, xxx-xx-xxxx
Howard, Russell D., xxx-xx-xx...
Howe, Thomas B., xxx-xx-xxxx
Howlett, William D., xxx-xx-xxxx
Howley, Thomas J., xxx-xx-xxxx
Hubbard, Karl C., xxx-xx-xxxx
Hudson, Nathaniel, xxx-xx-xxxx
Hull, David L., xxx-xx-xxxx
Hunsaker, Kim D., xxx-xx-xxxx
Hunt, Duane F., xxx-xx-xx...
Hunt, Michael D., xxx-xx-xxxx
Hunter, Margaret E., xxx-xx-xxxx
Hutcheson, Charles, xxx-xx-xxxx
Huthwaite, Douglas, xxx-xx-xx...
Hyder, Beryl W., xxx-xx-xx...
Hypes, George D., xxx-xx-xxxx
Iriarte, Francisco, xxx-xx-xxxx
Irvan, Kenneth C., xxx-x...
Jackson, Jonathan F., xxx-xx-xxxx
Jackson, Patricia K., xxx-x...
Jackson, Rufus P., xxx-x...
Jacobi, Howard L., xxx-xx-xxxx
Jacobs, John T., xxx-xx-xxxx
Jacobs, Vera D., xxx-xx-xxxx
Jakubowski, John J., xxx-xx-xxxx
Jenkins, Tommie L., xxx-xx-xxxx
Jenks, Thomas J., xxx-x...
Jennings, Dywane W., xxx-x...
Jennings, Willie M., xxx-xx-xxxx
Jensen, Julian D., xxx-xx-xxxx
Jimenez, Luis A., xxx-xx-xxxx
John, Larry L., xxx-xx-xx...
Johnson, Larry J., xxx-xx-xxxx
Johnson, Martin L., xxx-xx-xxxx
Johnson, Owen N., xxx-xx-xxxx
Johnson, Ronald N., xxx-xx-xxxx
Jones, Francis X., xxx-xx-xx...
Jones, Franklin N., xxx-xx-xxxx
Jones, Freddie R., xxx-xx-xxxx
Jones, Joe B. xxx-xx...
Jones, Keith D., xxx-x...
Jones, Richmond G., xxx-xx-xxxx
Jones, William E., xxx-xx-xxxx
Jongbloed, Theodore, xxx-xx-xxxx
Jorgensen, Robert K., xxx-xx-xxxx
Judge, Joseph J., xxx-xx-...
Jurgens, George E., xxx-xx-xxxx
Jurich, Nola M., xxx-x...
Kaleva, Robert B., xxx-xx-xxxx
Kapaun, David J., xxx-xx-xxxx
Kappelman, Paul B., xxx-xx-xxxx
Karis, Daniel G., xxx-xx-xxxx
Kaufmann, Allan D., xxx-xx-x...
Kaufmann, Arthur M., xxx-xx-xxxx
Kawalec, Karol J., xxx-xx-xxxx
Keith, Alvin, xxx-xx-xxxx
Keith, James M., xxx-x...
Keith, Russell D., xxx-x...
Keller, Thomas, xxx-x...
Kenas, Michael L., xxx-x...
Kenley, Donna L., xxx-xx-xxxx
Kennedy, Terrence F., xxx-xx-xxxx
Kenney, Richard S., xxx-xx-xxxx
Kenyon, Byron N., xxx-xx-xxxx
Kepler, Susan A., xxx-xx-xxxx
Key, Douglas, xxx-xx-xx...
Killian, Benjamin D., xxx-xx-xxxx
Kimmel, Mary C., xxx-xx-xx...
Kimura, Alan T., xxx-xx-xxxx
King, Edward C., xxx-xx-xxxx
King, Thomas, xxx-xx-xxxx
Kinney, Raymond F., xxx-xx-xxxx
Kirkelie, Michel B., xxx-xx-xxxx
Kirkwood, David A., xxx-xx-xxxx
Kirkwood, James E., xxx-xx-xxxx
Kirsch, Robert S., xxx-xx-xxxx
Kissel, William V., xxx-xx-xxxx
Klein, John W., xxx-xx-xxxx
Kling, John W., xxx-xx-xxxx
Knight, William F., xxx-xx-xxxx
Knott, Curtis L., xxx-xx-xx...
Knox, Floyd E., xxx-xx-xx...
Knutson, Kenneth J., xxx-xx-xxxx
Krahl, Kenneth L., xxx-xx-xxxx
Krantz, Richard J., xxx-xx-xxxx
Kroeger, Scott D., xxx-xx-xx...
Kropf, Carl J., xxx-xx-x...
Kuecherer, Dennis R., xxx-xx-xxxx
Kunze, Peter A., xxx-xx-xxxx
Kuruc, Charles J., xxx-xx-x...
Lachance, Michael T., xxx-x...
Lago, Phillip T., xxx-xx-xxxx
Lambert, Joseph S., xxx-xx-xx...
Lambrinos , Manuel M., xxx-x...
Langford, James L., xxx-x...
Langridge, Donald L., xxx-xx-xxxx
Langston, Morris A., xxx-xx-xxxx
Leach, Anthony J., xxx-x...
Leahy, Thomas M., xxx-x...
Lebrun, John, xxx-x...
Lechliter, Gerald A., xxx-x...
Lee, Chong Y., xxx-x...
Lee, George R., xxx-x...
Lee, James D., xxx-x...
Lee, Theodore R., xxx-xx-...
Leeper, Michael A., xxx-x...
Legato, Joseph R., xxx-x...
Leinwand, Kenneth J., xxx-x...
Leitch, William D., xxx-x...
Leiwig, Jackson P., xxx-xx-xxxx
Letcher, Lloyd, Jr., xxx-x...
Leu, Robert E., xxx-xx-xx...
Leverett, Jerry L., xxx-xx-xxxx
Linden, Linda L., xxx-x...
Lindsay, Gerald, xxx-x...
Lloyd, Michael W., xxx-x...
Lockwood, Roy A., xxx-x...
Logan, Harry S., xxx-x...
Loggins, James R., xxx-x...
Long, Michele A., xxx-x...
Losier, Paul W., xxx-x...
Lough, Jay M., xxx-x...
Love, Anthony N., xxx-x...
Lovell, Jackie A. xxx-x...
Lucas, Joel A., xxx-x...
Luckett, Judith A. xxx-...
Lundberg, Randy L., xxx-x...
Lundell, David F., xxx-x...
Mace, Patrick D., xxx-xx-xx...
Maceira, Mario C., xxx-x...
Mack, Milton, Jr., xxx-x...
Macrae, Gordon S., xxx-x...
Madonti, Chris E., xxx-xx-x...
Mahony, Deirdre J., xxx-xx...
Mandock, Patrick H., xxx-xx-xx...
Manzy, Robert N., xxx-xx...
Maravillas, Glenn R., xxx-x...
Marbury, Herbert L., xxx-x...
Marshall, Earnest R., xxx-xx-xx...
Martin, Sammy L., xxx-x...
Massenberg, Samuel, xxx-x...
Mathis, Woodson P., xxx-xx...
Matthews, Rodger M., xxx-x...
Mattson, Dean E., xxx-x...
May, Earl R., xxx-x...
Maziarka, Russell J., xxx-x...
Mazza, Salvator L., xxx-x...
McCaskill, Michael, xxx-xx-xx...
McCauley, Charles C., xxx-x...
McCauley, Terrence, xxx-xx-x...
McClure, John M., xxx-x...
McComak, Dennis J., xxx-x...
McDaniel, Melvin C., xxx-x...
McDaniel, Robert E., xxx-x...
McDonald, Daniel P., xxx-xx-xxxx
McFadden, James E., xxx-x...
McFerren, David F., xxx-x...
McGarrah, James H., xxx-xx-xxxx
McGregor, Keith W., xxx-xx-x...
McIver, John H., xxx-x...
McKinney, Jesse E., xxx-xx-xxxx
McKinney, Robert W., xxx-xx-xxxx
McKinney, Rosetta A., xxx-x...
McKissick, James D., xxx-xx-xxxx
McLean, David E., xxx-xx-xxxx
McMillen, Gary K., xxx-x...
McNeil, Timothy C., xxx-x...
McPherson, Charles, xxx-xx-xxxx
Mendenhall, James W., xxx-xx-xxxx
Merchant, Michael E., xxx-x...
Messier, Donald E., xxx-xx-xxxx
Midgett, Alphonso L., xxx-x...
Mikosz, George J., xxx-x...
Miles, Raymond L., xxx-x...
Miles, Suzanne M., xxx-xx-xxxx
Miller, Raymond J., xxx-x...
Mitchell, Gerald E., xxx-x...
Mitchell, Terry L., xxx-x...
Molloy, Thomas C., xxx-xx-xxxx
Monin, Gerald F., xxx-xx-xxxx
Monroe, Wesley G., xxx-x...
Montgomery, George, xxx-x...
Moore, Charles R., xxx-x...
Moore, George H., xxx-x...
Moore, John H., xxx-x...

Moore, Larry D., xxx-xx-xxxx
Morgan, Gary E., xxx-xx-xxxx
Morgan, Marcia R., xxx-xx-xxxx
Morra, Michael A., xxx-xx-xxxx
Morris, Jerry W., xxx-xx-xxxx
Mount, Julian M., xxx-xx-xxxx
Murawsky, Jan E., xxx-xx-xxxx
Murphy Peter B., xxx-xx-xxxx
Murray, Joseph P., xxx-xx-xxxx
Muschamp, Peter, A., xxx-xx-xxxx
Myers, Alfred B., xxx-xx-xxxx
Myers, John B., xxx-xx-xxxx
Myers, Paul J., xxx-xx-xxxx
Neal, Richard H., xxx-xx-xxxx
Needham, Rickey L., xxx-xx-xxxx
Nelson, Richard H., xxx-xx-xxxx
Nemetsky, Howard., xxx-xx-xxxx
Newing, Edward W., xxx-xx-xxxx
Nicks, Earl, xxx-xx-xxxx
Nolan, Herbert A., xxx-xx-xxxx
Nolingaskin, Patricia L., xxx-xx-xxxx
O'chsner, Steven L., xxx-xx-xxxx
O'Keefee, Leo J., xxx-xx-xxxx
Oleary, Brian P., xxx-xx-xxxx
Oliphant Thomas V., xxx-xx-xxxx
Olson, Eric K., xxx-xx-xxxx
Page, William R., xxx-xx-xxxx
Palmer, Clinton E., xxx-xx-xxxx
Parker, George M., xxx-xx-xxxx
Partridge, Edwin C., xxx-xx-xxxx
Pass, Alan B., xxx-xx-xxxx
Pate, Dennis W., xxx-xx-xxxx
Pease, Paul L., xxx-xx-xxxx
Peck, Jerry P., xxx-xx-xxxx
Peckham, Deborah M., xxx-xx-xxxx
Peebles, John M., xxx-xx-xxxx
Pennington, Ellis L., xxx-xx-xxxx
Pentecost, Thomas L., xxx-xx-xxxx
Perry, Paul J., xxx-xx-xxxx
Peterson, Martin R., xxx-xx-xxxx
Pettit, Gary B., xxx-xx-xxxx
Phelps, Jim M., xxx-xx-xxxx
Pinkham, Dennis W., xxx-xx-xxxx
Pinson, Jerry W., xxx-xx-xxxx
Poirier, William H., xxx-xx-xxxx
Polley, Walter W., xxx-xx-xxxx
Poston, David L., xxx-xx-xxxx
Powell, Thomas E., xxx-xx-xxxx
Prater, Timothy D., xxx-xx-xxxx
Pribble, Donald E., xxx-xx-xxxx
Price, Kenneth W., xxx-xx-xxxx
Price, Robert C., xxx-xx-xxxx
Price, Steven R., xxx-xx-xxxx
Price, William R., xxx-xx-xxxx
Prokop, Stanley J., xxx-xx-xxxx
Puckett, Margaret E., xxx-xx-xxxx
Purath, Michael D., xxx-xx-xxxx
Quagliotti, Marlyn, xxx-xx-xxxx
Raffo, David M., xxx-xx-xxxx
Raletz, John A., xxx-xx-xx...
Ramspacher, Gerard, xxx-xx-xxxx
Randall, Richard R., xxx-xx-xxxx
Ray, William G., xxx-xx-xxxx
Reagan, Michael J., xxx-xx-xxxx
Redden, James R., xxx-xx-xxxx
Reed, Robert E., xxx-xx-xxxx
Reeves, James A., xxx-xx-xxxx
Regan, David, xxx-xx-xxxx
Reiff, Stephen G., xxx-xx-xxxx
Reynolds, Kevin P., xxx-xx-xxxx
Reynolds, William F., xxx-xx-xxxx
Rhynard, Milton R., xxx-xx-xxxx
Richardson, Carl B., xxx-xx-xxxx
Richardson, Paul, VI, xxx-xx-xxxx
Ridenour, Richard C., xxx-xx-xxxx
Ridley, Roy, xxx-xx-xxxx
Roberts, Dan C., xxx-xx-xxxx
Roberts, Kenneth R., xxx-xx-xxxx
Robinson, James W., xxx-xx-xxxx
Robinson, Willard J., xxx-xx-xxxx
Romans, Earl J., xxx-xx-xxxx
Ross, Cynthia, Y., xxx-xx-xxxx
Rotolo, David L., xxx-xx-xxxx
Rowe, Richard J., xxx-xx-xxxx
Roye, Harold K., xxx-xx-xxxx
Ruffin, Ronald S., xxx-xx-xxxx
Ruffini, Joseph A., xxx-xx-xxxx
Ruggia, Winfried P., xxx-xx-xxxx
Ruiz, Oscar, xxx-xx-xxxx
Russell, Sharie H., xxx-xx-xxxx
Rutledge, Mark A., xxx-xx-xxxx
Saba, Joseph J., xxx-xx-xxxx
Safford, Paul O., xxx-xx-xxxx
Saine, David P., xxx-xx-xxxx
Salter, Milton A., xxx-xx-xxxx
Samoya, James G., xxx-xx-xxxx
Sandifer, David H., xxx-xx-xxxx
Santhuff, William D., xxx-xx-xxxx
Savage, Walter B., xxx-xx-xxxx
Saylor, Dennis G., xxx-xx-xxxx
Schannep, Gregory J., xxx-xx-xxxx
Schillare, Quentin W., xxx-xx-xxxx
Schock, David H., xxx-xx-xxxx
Schoenborn, Kenneth, xxx-xx-xxxx
Schultz, Kenneth H., xxx-xx-xxxx
Schwab, David H., xxx-xx-xxxx
Schwartz, Kenneth R., xxx-xx-xxxx
Scime, Anthony, xxx-xx-xxxx
Scott, Charley R., xxx-xx-xxxx
Scott, Sir Walter, J., xxx-xx-xxxx
Seastrum, Daniel J., xxx-xx-xxxx
Seaver, Robert L., xxx-xx-xxxx
Seebeck, Lanny L., xxx-xx-xxxx
Seel, Edison V., xxx-xx-xxxx
Seitz, Dean H., xxx-xx-xxxx
Seitz, Margaret M., xxx-xx-xxxx
Selego, Edward P., xxx-xx-xxxx
Sellars, Richard K., xxx-xx-xxxx
Sharp., Glen E., xxx-xx-xxxx
Shaw, John J., xxx-xx-xxxx
Sheffield, James D., xxx-xx-xxxx
Shelden, Charles E., xxx-xx-xxxx
Sheppard, Herman T., xxx-xx-xxxx
Shiere, Carol A., xxx-xx-...
Shonts, Steven W., xxx-xx-xxxx
Short, Mary A., xxx-xx-xxxx
Shrout, David L., xxx-xx-xxxx
Shurtleff, Victor L., xxx-xx-xxxx
Siegel, Steven C., xxx-xx-xxxx
Siemonaparicio, Arthur J., xxx-xx-xxxx
Sikes, James E., xxx-xx-xxxx
Simoncini, Peter C., xxx-xx-xxxx
Sims, Michael C., xxx-xx-xxxx
Sisco, Wilbert L., xxx-xx-xxxx
Skillern, Elzie S., xxx-xx-xxxx
Slaughter, David M., xxx-xx-xxxx
Slick, Douglas S., xxx-xx-xxxx
Smart, Thomas D., xxx-xx-xxxx
Smith, Brandon C., xxx-xx-xxxx
Smith, Donna, xxx-xx-xxxx
Smith, Elias S., xxx-xx-xxxx
Smith, George R., xxx-xx-xxxx
Smith, Lawrence A., xxx-xx-xxxx
Smith, Marc A., xxx-xx-xxxx
Smith, Michael L., xxx-xx-xxxx
Smith, Thomas L., xxx-xx-xxxx
Smith, William E., xxx-xx-xxxx
Snapp, Steven K., xxx-xx-xxxx
Snow, Denton G., xxx-xx-xxxx
Somera, Francisco D., xxx-xx-xxxx
Sonntag, Mary J., xxx-xx-xxxx
Sorensen, Denny R., xxx-xx-xxxx
Spencer, Stephen M., xxx-xx-xxxx
Stacy, James R., xxx-xx-xxxx
Stairhime, Richard, xxx-xx-xxxx
Stansfield, Randell, xxx-xx-xxxx
Steinhilber, Gustaf H., xxx-xx-xxxx
Stock, David L., xxx-xx-xxxx
Stokes, Bobby R., xxx-xx-xxxx
Stone, Charles C., xxx-xx-xxxx
Strohschein, Wayne, xxx-xx-xxxx
Strong, Hobert L., xxx-xx-xxxx
Strong, Ronald, xxx-xx-xxxx
Strouphauer, Allen, xxx-xx-xxxx
Summersgill, George, xxx-xx-xxxx
Swartz, Lowell W., xxx-xx-xxxx
Swingen, Douglas M., xxx-xx-xxxx
Taver, Errol S., xxx-xx-xx...
Taylor, James C., xxx-xx-xxxx
Taylor, Thomas E., xxx-xx-xxxx
Taylor, William M., xxx-xx-xxxx
Tennyson, Ronald L., xxx-xx-xxxx
Terlecki, James E., xxx-xx-xxxx
Terrell, Alfred A., xxx-xx-xxxx
Terrell, Clenny E., xxx-xx-xxxx
Thomas, Roosevelt P., xxx-xx-xxxx
Thomason, Stephen H., xxx-xx-xxxx
Thompson, Christopher P., xxx-xx-xxxx
Thompson, Lee A., xxx-xx-xxxx
Thompson, Robert P., xxx-xx-xxxx
Todd, Steven R., xxx-xx-xxxx
Torres, Sanchez E., xxx-xx-xxxx
Tosch, David F., xxx-xx-xxxx
Touw, Philip R., xxx-xx-xxxx
Trampert, Paul J., xxx-xx-xxxx
Travis, George R., xxx-xx-xxxx
Travis, Mary M., xxx-xx-xxxx
Treadwell, Melvin L., xxx-xx-xxxx
Trent, Stephen G., xxx-xx-xxxx
Trinkle, Gary L., xxx-xx-xxxx
Trohoske, John K., xxx-xx-xxxx
Turner, Edwin L., xxx-xx-xxxx
Tyner, David W., xxx-xx-xxxx
Uhart, Mark L., xxx-xx-xxxx
Ulin, William H., xxx-xx-xxxx
Underwood, Arlene K., xxx-xx-xxxx
Urey, John K., Jr., xxx-xx-xxxx
Vancleave, William, xxx-xx-xxxx
Vansistine, Charles, xxx-xx-xxxx
Varga, Dale W., xxx-xx-xxxx
Vaughan, Daniel J., xxx-xx-xxxx
Vaughn, Richard F., xxx-xx-xxxx
Vaught, Cathryn A., xxx-xx-xxxx
Veilleux, Reginald, xxx-xx-xxxx
Vicalvi, Paul L., xxx-xx-xxxx
Vincent, Crystal M., xxx-xx-xxxx
Visocan, Lawrence, xxx-xx-xxxx
Vogan, Thomas M., xxx-xx-xxxx
Wachutka, Sean M., xxx-xx-xxxx
Walker, Ralph E., xxx-xx-xxxx
Walsh, John G., xxx-xx-xxxx
Ward, James H., xxx-xx-xxxx
Waronicki, Theodore, xxx-xx-xxxx
Warren, David G., xxx-xx-xxxx
Watkins, Daniel C., xxx-xx-xxxx
Weeks, David A., xxx-xx-xxxx
Weeks, Michael D., xxx-xx-xxxx
Weeks, Paul E., xxx-xx-xxxx
Weier, Roxanna M., xxx-xx-xxxx
Weir, George W., xxx-xx-xxxx
Weir, Ted A., xxx-xx-xxxx
Weiss, Clair W., xxx-xx-xxxx
Weiss, Roderick C., xxx-xx-xxxx
Weith, Gordon D., xxx-xx-xxxx
Werner, Susan J., xxx-xx-xxxx
Westrum, Gregory K., xxx-xx-xxxx
Whaley, Isaiah K., xxx-xx-xxxx
White, Donald J., xxx-xx-xxxx
White, James R., xxx-xx-xxxx
Whitehead, John G., xxx-xx-xxxx
Wilde, Jane R., xxx-xx-xxxx
Williams, Burton F., xxx-xx-xxxx
Williams, George K., xxx-xx-xxxx
Williams, Malcolm L., xxx-xx-xxxx
Williams, Michael K., xxx-xx-xxxx
Williams, Ruth A., xxx-xx-xxxx
Wilson, Daniel R., xxx-xx-xxxx
Wilson, Geoffrey L., xxx-xx-xxxx
Wilson, Howard S., xxx-xx-xxxx
Wilson, James W., xxx-xx-xxxx
Wilson, Michael T., xxx-xx-xxxx
Wilson, Roy F., xxx-xx-xxxx
Winkles, Ronald C., xxx-xx-xxxx
Wokatsch, Jurgen, xxx-xx-xxxx
Woltz, Alfred H., xxx-xx-xxxx
Woods, Harman O., xxx-xx-xxxx
Wotton, George H., xxx-xx-xxxx
Wray, John D., xxx-xx-xxxx
Yamamoto, Susan A., xxx-xx-xxxx
Yates, Donald R., xxx-xx-xxxx
Young, Duane C., xxx-xx-xxxx
Zehetmir, Steven G., xxx-xx-xxxx

Zink, William B., xxx-xx-xxxx
Zivnuska, Susan, xxx-xx-x...

IN THE MARINE CORPS

Maj. Charles P. Erwin, U.S. Marine Corps, for appointment to the grade of lieutenant colonel, pursuant to title 10, United States Code, section 6222.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer, W-4, under provisions of title 10, United States Code, section 563:

Abrams, Rudy K., xxx...
Adkins, Catherine M., xxxx
Adkins, Jimmy D., xxxx
Anding, Winston E., xxxx
Atcheson, Michael J., xxxx
Avery, Charles J., Jr., xxxx
Bates, Ralph T., xxxx
Beatty, Richard F., x...
Belanger, Romeo W., Jr., xxxx
Benjamin, Howard W., xxxx
Benner, Walter F., xxxx
Berryhill, David C., xxxx
Bradford, John C., xxxx
Bradley, Terry W., xxxx
Bridgeman, Kenneth L., xxxx
Brocker, Phillip L., xxxx
Brown, Gary W., xxxx
Brown, George L., xxxx
Brown, Jackie D., xxxx
Brown, Robert M., xxxx
Claussen, William E., xxxx
Coffey, Michael D., xxxx
Coffman, Ray J., xxxx
Connolly, Timothy J., Jr., xxxx
Cooper, Michael J., xxxx
Crabill, Charles L., xxxx
Croucher, Francis E., xxxx
Dawson, Richard B., xxxx
Dearman, Daniel R., xxxx
Demers, Steven S., xxxx
Dischinger, William N., xxxx
Downey, Arthur C., xxxx
Dyer, Charles R., xxxx
Ekerberg, Richard E., Jr., xxxx
Erickson, Roy D., xxxx
Finocchiaro, Carmelo A., xxxx
Franklin, Woodrow G., xxxx
Frazier, Richard M., xxxx
Friend, Arthur G., xxxx
Fugate, Robert E., xxxx
Fultz, Thomas E., xxxx
Gammel, Wayne J., xxxx
George, Michael E., xxxx
Gillespie, Ernie L., xxxx
Goss, Lance J., Jr., xxxx
Graves, Wilbur L., III, xxxx
Green, Lawrence R., xxxx
Green, William F., xxxx
Guerrero, Benjamin S., xxxx
Gummere, David C., xxxx
Hairston, Robert L., xxxx
Harrell, Richard E., xxxx
Heister, Earl W., xxxx
Hendrix, Martin W., xxxx
Hering, David C., xxxx
Hopkins, James F., xxxx
Husick, Joseph M., xxxx
Irvine, Warren W., xxxx
Kernan, Michael L., xxxx
Kossick, Charles W., Jr., xxxx
Lang, William F., xxxx
Larson, Ronald O., xxxx
Laursen, Thomas E., xxxx
Laymance, Elbert Jr., xxxx
Leutner, Daniel C., xxxx
Levan, Richard W., xxxx
Light, Roderic H., Jr., xxxx
Long, Leonard C., III, xxxx
Lundy, Charles A., xxxx
Lyon, Joseph R., Jr., xxxx
Manginen, William E., xxxx
Markle, Richard B., xxxx
Mason, Linda R., xxxx
Matejov, John C., xxxx
McGinley, Douglas J., xxxx
Mendez, Christobol H., xxxx
Merrifield, Frank E., Jr., xxxx
Messall, Sandra K., xxxx
Miller, Roy C., Jr., xxxx
Mimiaga, William R., xxxx
Minturn, Scott J., xxxx
Neel, John K., xxxx
Negron, Carlos, Jr., xxxx
Otley, Lyman G., xxxx
Peavy, Raymond M., xxxx
Peters, Gary N., xxxx
Porter, William E., Jr., xxxx
Potts, Evelyn M., xxxx
Prevost, Paul J., xxxx
Price, Thomas E., xxxx
Purnell, Bobby E., xxxx
Pyle, Phillip E., Jr., xxxx
Pyle, Robert S., xxxx
Quigley, Edgar F., Jr., xxxx
Rand, Stephen A., xxxx
Reeves, Emmette H., xxxx
Richardson, Arthur H., Jr., xxxx
Rogers, Melvin., xxxx
Sanderson, Leroy E., xxxx
Schwartz, Donald., Jr., xxxx
Sellers, Tommy L., xxxx
Shaw, Gordan A., xxxx
Sheats, Stanley D., xxxx
Sherwood, Frederick L., xxxx
Shirk, Thomas L., xxxx
Silva, Antonio B., xxxx
Simonowich, Johnny A., xxxx
Sloan, Gary A., xxxx
Sloan, John R., xxxx
Smith, Wilbur M., Jr., xxxx
Souza, Pedro E., xxxx
Stark, Ernest B., xxxx
Stewart, Gary D., xxxx
Sullenger, Danny W., xxxx
Summers, Richard M., xxxx
Taylor, James C., xxxx
Tedeschi, Richard F., xxxx
Thorpe, James G., xxxx
Urquhart, Richard A., xxxx
Uyeda, Graydon S., xxxx
Vogler, Mark A., xxxx
Walmsley, Alexander W., xxxx
Wash, William L., xxxx
White, David M., xxxx
Whitington, Walter W., III, xxxx
Wicks, Jerry E., xxxx
Williams, Kenneth R., Jr., xxxx
Williams, Richard P., xxxx
Withrow, Johnny M., xxxx
Wittenhagen, David L., xxxx
Wright, Ronald D., xxxx
Wrighting, Wayne E., xxxx
Ziobro, Bernard W., Jr., xxxx

The following-named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer, W-3, under provisions of title 10, United States Code, section 563:

Adams, Charles F., xxxx
Allison, Albert M., Jr., xxxx
Anderson, Bruce H., x...
Bainbridge, Leroy G., xxxx
Baker, Lawrence E., Jr., xxxx
Barrett, Charles M., xxxx
Bauer, Brooks L., xxxx
Baxter, Michael G., xxxx
Beckwith, Charles L., xxxx
Bell, Henry J., xxxx
Bennett, Dellas R., xxxx
Bloodworth, John W., Jr., xxxx
Brannan, Richard C., xxxx
Brassard, Ronald R., xxxx
Brooks, Kenneth D., xxxx
Brown, George F., xxxx
Brown, Michael E., xxxx
Browning, Vernon E., xxxx
Brunstad, David P., xxxx
Burnley, Stephen A., xxxx
Bushardt, Linda Y., xxxx
Busher, Robert L., xxxx
Buss, Richard L., Jr., xxxx
Cadle, Richard, E., xxxx
Cain, Sylvan V., xxxx
Campbell, John R., xxxx
Campbell, Paul L., Jr., xxxx
Caradine, Jon P., xxxx
Carnes, William H., III, xxxx
Chambers, Ronald R., xxxx
Chapman, Duke R., xxxx
Clarke, Howard P., xxxx
Clemons, William M., xxxx
Coleman, James E., xxxx
Cone, Charles E., xxxx
Crabbs, Ronald J., xxxx
Craig, James A., Jr., xxxx
Croswell, Clyde V., Jr., xxxx
Cubillo, Francis X., xxxx
Culbert, Jackie D., xxxx
Cummings, James A., Jr., xxxx
Daley, Thomas J., xxxx
Dawson, Eric A., xxxx
Decker, John M., xxxx
Denn, Lloyd L., xxxx
Devoe, Duane C., xxxx
Devoe, Ronald S., xxxx
Dillon, Robert E., Jr., xxxx
Dorrity, Richard G., xxxx
Duncan, Bobby G., xxxx
Dunning, Jerry L., xxxx
Duval, David D., xxxx
Engelking, Gary E., xxxx
Evans, Charles E., xxxx
Evans, John E., xxxx
Farmer, Ronnie J., xxxx
Ferguson, Randy L., x...
Ferrara, Lyle A., xxxx
Fleming, Darryl G., xxxx
Flowers, Anthony D., xxxx
Franklin, Bernard J., xxxx
Galloway, Stephen L., xxxx
Gerende, Joseph J., xxxx
Godfrey, James R., xxxx
Goetz, Leonard A., Jr., xxxx
Gommel, Richard L., xxxx
Gordon, David C., xxxx
Grieder, Edward E., xxxx
Grinstead, Jackie L., xxxx
Harness, Jackie, xxxx
Hartwig, Alton C., xxxx
Hastings, James M., xxxx
Hathaway, Ronald C., xxxx
Haugland, Robert L., xxxx
Henschke, Peter E., xxxx
Hilbert, Dale A., xxxx
Hinkle, Harry F., Jr., xxxx
Hinson, Jesse, xxxx
Hunter, David F., xxxx
Hurley, Michael E., xxxx
Hyatt, Jacky L., xxxx
Ihde, Robert D., xxxx
Ingle, Clarence C., xxxx
Ingram, Raymond A., xxxx
Jackson, Ronald L., xxxx
Jacobs, Joseph P., xxxx
Jasinski, Daniel, xxxx
Jines, Howard D., xxxx
Johnson, Dannie J., xxxx
Johnson, Merlin J., xxxx
Johnson, Robert E., xxxx
Johnson, Tommy L., Jr., xxxx
Jones, Maurice E., xxxx
Jordan, Dearthur, xxxx
Kelley, Byrch G., xxxx
Kennedy, Eric J., xxxx
Killian, Bruce E., xxxx
Kinney, Joseph D., xxxx
Klinger, Bryan E., xxxx
Knauf, Richard W., xxxx

Krause, John T., xxxx
Langlinais, Dalton J., xxxx
Larson, Charlie A., xxxx
Lee, Lloyd V., xxxx
Lindley, Eugene W., xxxx
Littrell, Wilburn E., xxxx
Lucas, Phillip W., xxxx
Lyssy, Harold J., xxxx
Maldonado, Claudia R., xxxx
Mallady, Martin H., xxxx
Malson, August F., II, xxxx
Manning, John J., xxxx
Marquart, Rodney G., xxxx
Martin, James A., Jr., xxxx
Marvin, David E., xxxx
Massingill, Thomas C., xxxx
Matthews, Alan J., xxxx
McDonough, Robert J., Jr., xxxx
McManus, Robert W., xxxx
McNamara, Michael K., xxxx
Melendez, Hector L., xxxx
Menteer, Terry E., xxxx
Miller, Chris R., xxxx
Miller, James C., xxxx
Miller, Robert M., xxxx
Mitchell, Robert R., xxxx
Montuori, Gary W., xxxx
Moody, Robert G., xxxx
Morris, Larry D., xxxx
Myers, Randolph P., xxxx
Nebeker, John R., xxxx
Neumann, Charlie P., xxxx
Norwood, Billy J., xxxx
Nowak, Larry E., xxxx
Olson, Michael F., xxxx
Palmer, Charles D., xxxx
Patrick, Ronnie L., xxxx
Perkins, Lee R., xxxx
Perry, Robert M., xxxx
Pickett, Timothy A., xxxx
Piper, Paul J., xxxx
Pontius, Eldon G., xxxx
Powell, Michael E., xxxx
Prather, Ray D., xxxx
Priester, William E., Jr., xxxx
Ramey, Earl L., xxxx
Ramos, Edwin M., xxxx
Regan, John H., xxxx
Richardson, John L., xxxx
Rivera, Phillip L., xxxx
Robinette, Warren S., Jr., xxxx
Robins, David L., xxxx
Rodgers, James E., Jr., xxxx
Rodgers, John R., Jr. xxxx
Romaine, Lawrence A., Jr., xxxx
Ross, Leonard W., xxxx
Scamara, Larry L., xxxx
Schmidt, William D., xxxx
Schmoller, Patricia J., xxxx
Seay, Henry A., Jr., xxxx
Seibel, John C., xxxx
Seibel, Robert W., xxxx
Simko, David S., xxxx
Skidmore, Frank M., xxxx
Smith, Jeffrey L., xxxx
Smith, John R., xxxx
Smith, Ulysses S., xxxx
Smith, Wayne E., xxxx
Smitherman, Daniel B., xxxx
Snowden, William K., xxxx
Snyder, Darrell C., xxxx
St. Germain, Raymond C., xxxx
Stopko, John M., xxxx
Swarts, George H., III, xxxx
Temple, Stanley D., xxxx
Thomas, John E., xxxx
Thurman, Russell R., xxxx
Tucker, Ronald E., xxxx
Uitdenhowen, Scott C., xxxx
Vanbeek, George W., xxxx
Vandendries, Robert H., xxxx
Vankuiken, Robert J., xxxx
Viloria, Gaudencio, Jr., xxxx
Walker, Farrell V., xxxx
Walker, Terrence N., xxxx
Wallen, Ivan L., xxxx
Wanek, Alan L., xxxx
Wasson, Raymond L., xxxx
Westcott, Larry A., Jr., xxxx
Whiteaker, Walter R., xxxx
Whited, Lawrence J., xxxx
Wimsett, Gary D., xxxx
Windsor, Joseph J., xxxx
Wirth, Clarence J., Jr., xxxx
Wittenberg, Robert C., xxxx
Wyble, David W., xxxx

The following-named officers of the Marine Corps for permanent appointment to the grade of chief warrant officer, W-2, under provisions of title 10, United States Code, section 563:

Acra, Stephen W., xxxx
Adair, Reggie, xxxx
Adams, Debra A., xxxx
Alexander, Anthony W., xxxx
Allen, James F., xxxx
Allison, Richard T., xxxx
Alvarez, Jeraldo T., xxxx
Appleton, David R. II, xxxx
Arquitt, Randy M., xxxx
Aulson, John W., Jr., xxxx
Avnayim, William J., xxxx
Baker, Chester E., xxxx
Baldwin, Stanley A., Jr., xxxx
Barcus, Thomas O., Jr., xxxx
Bathory, Thomas E., xxxx
Bauer, Leo J., III, xxxx
Beach, Dean R., Jr., xxxx
Beck, Randell D., xxxx
Bell, Jack L., xxxx
Benavides, Ramon., Jr., xxxx
Blevins, Robert C., Jr., xxxx
Blochowicz, Joseph S., Jr., xxxx
Bogaczyk, Michael A., xxxx
Boldin, Richard E., xxxx
Boudreau, Everett J., xxxx
Boudreaux, John E., xxxx
Bowen, William L., Jr., xxxx
Boyd, Christophe, xxxx
Brameyer, Jan D., Jr., xxxx
Brazier, Wayne T., xxxx
Bridges, Ronald L., xxxx
Brown, Craig S., xxxx
Brown, David E., xxxx
Brown, Mark S., xxxx
Brown, Roger G., xxxx
Brown, Stephen D., xxxx
Bruce, Wayne N., xxxx
Bueno, Leo O., xxxx
Burgess, Charles D., xxxx
Burmeister, William C., xxxx
Burton, James A., xxxx
Butler, Mark E., xxxx
Carson, Wayne D., xxxx
Catalano, Theodore L., Sr., xxxx
Chadwick, Brian C., xxxx
Chasteen, Don M., xxxx
Chavez, Margarita E., xxxx
Christie, Roy B., xxxx
Clark, Daniel J., xxxx
Claytor, Herschel L., xxxx
Coan, Thomas B., Jr., xxxx
Coker, David W., xxxx
Collett, Anthony L., xxxx
Collins, Melvin W., xxxx
Collins, Thomas M., xxxx
Conboy, Stephen J., xxxx
Contreras, Simon A., xxxx
Corbitt, Stephen J., xxxx
Cork, James E., xxxx
Corralz, Michael xxxx
Cromwell, Robin R., xxxx
Cummings, Dorothy J., xxxx
Dabrowski, James J., xxxx
Daley, Christopher M., xxxx
Davis, Aubrey R., xxxx
Davis, William J., Jr., xxxx
Deering, Edwin E., xxxx
Demaline, Michael K., xxxx
Denham, Johnny, xxxx
Deter, Stephanie J., xxxx
Diodonet, Francisco A., xxxx
Dixison, John E., xxxx
Dubois, John H. Jr., xxxx
Durbin, Phillip D., xxxx
Durko, Robert G., xxxx
Edwards, Calvin W., xxxx
English, William E., Jr., xxxx
Eusse, James B., xxxx
Evans, Robert S., xxxx
Ewing, Samuel W., xxxx
Fagan, Alexander J., xxxx
Fernatt, Charles S., xxxx
Finch, Joseph C., xxxx
Fisher, King E., xxxx
Fitta, Robert J., xxxx
Folta, George E., xxxx
Fox, Kevin M., xxxx
Francois, Dirk, III, xxxx
Frye, Larry W., xxxx
Gambescia, Mark C., xxxx
Garcia, Dianne, xxxx
Garcia, Gabriel, xxxx
Garretson, Timothy, xxxx
Gatti, Philip J., Jr., xxxx
Gatz, Richard J., Jr., xxxx
Girard, Charles E., xxxx
Glenn, Johnny J., Jr., xxxx
Glenn, Sanders B., xxxx
Graham, Ben L., xxxx
Gratton, Gary R., xxxx
Green, Jimmy C., xxxx
Griffin, Tommy C., xxxx
Griffith, Miguel J., xxxx
Gucwa, Mark A., xxxx
Guthrie, John M., xxxx
Hagerty, Michael D., xxxx
Hague, William H., xxxx
Hall, Glenn J., xxxx
Hall, Michael D., xxxx
Hamby, Bradly R., xxxx
Hardy, Randy L., xxxx
Harris, Joseph O., Jr., xxxx
Hartless, Gary L., xxxx
Hartman, Dennis J., xxxx
Hauth, Douglas C., xxxx
Hayden, Marsha K., xxxx
Henderson, Alfred Jr., xxxx
Henderson, Charles W., xxxx
Hess, Louis W., Jr., xxxx
Hibner, Walter R., III, xxxx
Holt, John C., Jr., xxxx
Houp, Raymond J., xxxx
Howington, Jesse W., xxxx
Hufford, James L., xxxx
Hughes, Benjamin M., Jr., xxxx
Huguenin George G., III, xxxx
Hutchinson, Robert B., xxxx
Hutchisson, Eugene D., xxxx
Jefferson, James E., xxxx
Johnson, Bobby D., Jr., xxxx
Johnson, Johnny D., xxxx
Johnson, Larry W., xxxx
Jones, David A., xxxx
Jones, Jeffrey T., xxxx
Jones, Kenneth W., xxxx
Jones, Paul E., xxxx
Juarez, Guadalupe, xxxx
Kaatz, Bedford E., Jr., xxxx
Karp, June L., xxxx
Keevis, David J., xxxx
Kerr, Michael T., xxxx
Kochneff, Vladimir A., xxxx
Kocian, Lawrence, xxxx
Kohlmeier, Timothy M., xxxx
Kostmayer, Louis J., xxxx
Kozlesky, Curtis J., xxxx
Landon, Brad D., xxxx
Landry, Michael P., xxxx
Lanham, Christophe C., Jr., xxxx
Lasheski, Cindy L., xxxx
Laughlin, Robert L., xxxx

Lenz, Robert R., xxxx
Leonard, David J., xxxx
Liefer, Michael T., xxxx
Lietzow, Jay H., xxxx
Lind, John S., xxxx
Londo, Bert, Jr., xxxx
Lopez, Edward S., xxxx
Loughran, James V., xxxx
Loughridge, William A., xxxx
Madden, Charles A., III, xxxx
Martinet, Kenneth J., xxxx
Massey, John M., xxxx
Matheny, Richard C., xxxx
Matthews, Owen E., xxxx
McCarty, James D., xxxx
McClure, Jerry C., xxxx
McConnell, Harris O., Jr., xxxx
McCormick, Robert L., xxxx
McCullough, Harry W., Jr., xxxx
McDaniel, George C., xxxx
McGraw, William C., III, xxxx
McKissick, Douglas B., xxxx
McQueen, David R., xxxx
Miller, Julian S., xxxx
Miller, Michael W., xxxx
Miller, William C., xxxx
Miranda, Mario L., xxxx
Moeller, Michael, xxxx
Montgomery, Bruce G., xxxx
Moore, Barry, xxxx
Morris, Steven G., xxxx
Morton, Don E., xxxx
Mudery, Stephen D., xxxx
Mulqueeny, Michael, xxxx
Mulqueeny, Wendy J., xxxx
Murphine, Bruce A., xxxx
Nankivel, Joel G., xxxx
Nietes, Alfredo Y., xxxx
Nimmo, Francine L., xxxx
Norris, Jerry G., xxxx
Nunes, Thomas E., xxxx
O'Donnell, Matthew J., xxxx
Pace, Robert G., xxxx
Pawless, Marvin L., xxxx
Payne, Franklin O., xxxx
Pennock, Robert G., xxxx
Perez, Virginia E., xxxx
Perocchi, Frank A., xxxx
Peternel, Edward J., xxxx
Petrowski, Richard F., xxxx
Petruzziello, Michael A., xxxx
Picard, Michael, xxxx
Piques, Tommy Jr., xxxx
Pitt, William R., xxxx
Pluard, Darrel E., Jr., xxxx
Pond, Louis B., xxxx
Popejoy, Kim R., xxxx
Powers, David L., xxxx
Price, David N., xxxx
Puckett, David E., xxxx
Quinn, Sherry A., xxxx
Ramsey, Lewis J., xxxx
Rayburn, Brian L., xxxx
Renner, Roger N., xxxx
Resavy, William J., Jr., xxxx
Risigarigai, Steven P., xxxx
Risner, Ricky E., xxxx
Roberts, Douglas D., Jr., xxxx
Roberts, Gary S., xxxx
Rollins, Timothy R., xxxx
Rosal, Roy R., xxxx
Rowan, Brian A., xxxx
Rowland, Raymond T., xxxx
Rukes, William M., xxxx
Russell, Gary K., xxxx
Ryan, Thomas D., xxxx
Ryn, Charles A., xxxx
Sacavage, Bruce C., xxxx
Sanders, Carlos L., xxxx
Sanderson, James L., xxxx
Schieffer, Tommy D., xxxx
Schrier, Steven R., xxxx
Scott, Donald R., xxxx
Scruggs, James B., Jr., xxxx
Seals, Norman A., xxxx
Seaver, Charlie E., xxxx
Shaffer, Britton C., xxxx
Simmons, Daniel F., xxxx
Skyberg, Raymond D., xxxx
Sosa, Luis, xxxx
Soucy, Barton L., xxxx
Spencer, John W., xxxx
Spino, Daniel P., xxxx
Stamelos, James, Jr., xxxx
Steen, Wendell W., xxxx
Stephens, James O., Jr., xxxx
Stone, Kim C., xxxx
Strand, Danny R., xxxx
Swanson, Ronald F., xxxx
Sylvester, David B., xxxx
Tadlock, James F., xxxx
Teets, Harry R., xxxx
Thompson, Glenn L., xxxx
Thompson, James L., Jr., xxxx
Thornton, Decatur G., xxxx
Timms, Dennis R., xxxx
Tompkins, Victor E., xxxx
Tyler, Robert C., xxxx
Urdy, Leland O., xxxx
Vandiest, Carl A., xxxx
Vansteenbergen, Alvin J., xxxx
Vansyckel, Mitchell H., xxxx
Varela, Thomas R., xxxx
Wagner, Thomas R., xxxx
Walley, Joseph A., xxxx
Walter, Wayne A., xxxx
Ward, Dick L., xxxx
Ware, William G., xxxx
Watts, Danny J., xxxx
Weise, Gerald E., xxxx
Wells, Bobby M., xxxx
Welsh, Ronald R., Jr., xxxx
Wheat, Gregory S., xxxx
Wheaton, Ann M., xxxx
Wheeler, Edward P., xxxx
Williams, Jon R., xxxx
Wilson, Paul D., xxxx
Wilson, Ronald E., xxxx
Winfield, Nathaniel, xxxx
Womack, Tim M., xxxx
Woodruff, Paul M., xxxx
Woodruff, Robert L., Jr., xxxx
Wright, John J., xxxx
Wright, Randall R., xxxx
Yee, Lawrence N., xxxx
Yoder, Billy Q., xxxx
Ziegler, Jeffrey L., xxxx
Zimmerman, Wayne J., xxxx

IN THE NAVY

The following-named officers for promotion to the grades indicated under the provisions of article II, section 2, clause 2 of the Constitution of the United States of America.

To be captain

Cdr. Jon A. McBride, U.S. Navy, xxxx xxxx xxxx

To be commander

Lt. Cdr. David C. Leestma, U.S. Navy, xxxx xxxx xxxx

IN THE NAVY

The following-named officer for promotion to the grade indicated under the provisions of article II, section 2, clause 2 of the Constitution of the United States of America.

To be captain

Cmdr. David M. Walker, U.S. Navy, xxxx xxxx xxxx

IN THE NAVY

The following-named officer of the Staff Corps of the Navy for promotion to the permanent grade of lieutenant commander pursuant to title 10, United States Code, section 628, subject to qualifications therefor as provided by law:

MEDICAL CORPS

Shipman, Charles E.

HOUSE OF REPRESENTATIVES—*Thursday, January 3, 1985*

This being the day fixed by the 20th amendment of the Constitution for the annual meeting of the Congress of the United States, the Members-elect of the 99th Congress met in their Hall, and at 12 o'clock noon, were called to order by the Clerk of the House of Representatives, Hon. Benjamin J. Guthrie.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, we are conscious of how You have blessed us as individuals and how Your providence has enriched the ways of our Nation. We are grateful for the opportunities we are given this day to use our abilities to serve people in our land and to contribute to the welfare of the peoples of the world. We acknowledge, O God, our weaknesses, yet we pray for vision to do the work that brings justice to every person and hope to the afflicted and needy. Encourage us to be peacemakers to the troubled and anxious and help us see how our might may be used to ease the dangers of conflict and overcome suspicion and envy. Bless the Members of this assembly and may Your benediction be upon them and their families. Keep them always in Your grace, and may we, in all we do, seek justice, love, mercy, and ever walk humbly with You. In Your name we pray. Amen.

The CLERK. Representatives-elect to the 99th Congress, this being the day fixed by the 20th amendment of the Constitution for the meeting of the 99th Congress, the Clerk of the House has prepared the official roll of the Representatives-elect.

Certificates of election covering the 435 seats in the 99th Congress have been received by the Clerk of the House of Representatives, and the names of those persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States and of the United States will be called.

Without objection, the Representatives-elect will record their presence by electronic device, and their names will be reported in alphabetical order by States, beginning with the State of Alabama, to determine whether a quorum is present.

There was no objection.

The call was taken by electronic device, and the following Representatives-elect responded to their names:

[Roll No. 1]

ALABAMA

Bevill, Erdreich, Flippo, Nichols, Shelby, Callahan

ALASKA

Young

ARIZONA

Udall, Kolbe, McCain, Rudd, Stump

ARKANSAS

Alexander, Anthony, Robinson, Hammerschmidt

CALIFORNIA

Anderson, Bates, Beilenson, Berman, Bosco, Boxer, Brown, Burton, Coelho, Dellums, Dixon, Dymally, Edwards, Fazio, Hawkins, Lantos, Lehman, Levine, Martinez, Matsui, Miller, Mineta, Panetta, Roybal, Stark, Torres, Waxman, Badham, Dannemeyer, Dornan, Dreier, Fiedler, Hunter, Lagomarsino, Lewis, Lowery, Lungren, McCandless, Moorhead, Packard, Pashayan, Shumway, Thomas, Zschau

COLORADO

Schroeder, Wirth, Brown, Schaefer, Strang

CONNECTICUT

Gejdenson, Kennelly, Morrison, Johnson, McKinney, Rowland

DELAWARE

Carper

FLORIDA

Bennett, Chappell, Fascell, Fuqua, Gibbons, Hutto, Lehman, MacKay, Mica, Nelson, Pepper, Smith, Bilirakis, Ireland, Lewis, Mack, McCollum, Shaw, Young

GEORGIA

Barnard, Darden, Hatcher, Jenkins, Ray, Rowland, Thomas, Gingrich, Swindall

HAWAII

Akaka

IDAHO

Stallings, Craig

ILLINOIS

Annunzio, Bruce, Collins, Durbin, Evans, Gray, Hayes, Lipinski, Price, Rostenkowski, Russo, Savage, Yates, Crane, Fawell, Grotberg, Hyde, Madigan, Martin, Michel, Porter

INDIANA

Hamilton, Jacobs, Sharp, Visclosky, Burton, Coats, Hiler, McIntyre, Myers

IOWA

Bedell, Smith, Evans, Leach, Lightfoot, Tauke

KANSAS

Glickman, Slattery, Meyers, Roberts, Whittaker

KENTUCKY

Hubbard, Mazzoli, Natcher, Perkins, Hopkins, Rogers, Snyder

LOUISIANA

Boggs, Breaux, Huckaby, Long, Roemer, Tauzin, Livingston, Moore

MAINE

McKernan, Snowe

MARYLAND

Barnes, Byron, Dyson, Hoyer, Mikulski, Mitchell, Holt

MASSACHUSETTS

Atkins, Boland, Donnelly, Early, Frank, Markey, Mavroules, Moakley, O'Neill, Studds, Conte

MICHIGAN

Bonior, Carr, Conyers, Crockett, Dingell, Ford, Hertel, Kildee, Levin, Traxler, Wolpe, Broomfield, Davis, Henry, Pursell, Schuette, Siljander, Vander Jagt

MINNESOTA

Oberstar, Penny, Sabo, Sikorski, Vento, Frenzel, Stangeland, Weber

MISSISSIPPI

Dowdy, Montgomery, Whitten, Franklin, Lott

MISSOURI

Clay, Gephardt, Skelton, Volkmer, Wheat, Young, Coleman, Emerson, Taylor

MONTANA

Williams, Marlenee

NEBRASKA

Bereuter, Daub, Smith

NEVADA

Reid, Vucanovich

NEW HAMPSHIRE

Gregg, Smith

NEW JERSEY

Dwyer, Florio, Guarini, Howard, Hughes, Rodino, Roe, Torricelli, Courter, Gallo, Rinaldo, Roukema, Saxton, Smith

NEW MEXICO

Richardson, Lujan, Skeen

NEW YORK

Ackerman, Addabbo, Biaggi, Downey, Garcia, LaFalce, Lundine, Manton, McHugh, Mrazek, Nowak, Owens, Rangel, Schumer, Solarz, Stratton, Towns, Weiss, Boehlert, Carney, DioGuardi, Fish, Gilman, Green, Horton, Kemp, Lent, Martin, McGrath, Molinari, Solomon, Wortley

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□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

NORTH CAROLINA

Hefner	Whitley	Hendon
Jones	Broyhill	McMillan
Rose	Cobey	
Valentine	Coble	

NORTH DAKOTA

Dorgan

OHIO

Eckart	Seiberling	Latta
Feighan	Stokes	McEwen
Hall	Traficant	Miller
Kaptur	DeWine	Oxley
Luken	Gradison	Regula
Oakar	Kasich	Wylie
Pease	Kindness	

OKLAHOMA

English	McCurdy	Watkins
Jones	Synar	Edwards

OREGON

AuCoin	Wyden	Smith, Robert
Weaver	Smith, Denny	

PENNSYLVANIA

Borski	Kostmayer	Goodling
Coyne	Murphy	McDade
Edgar	Murtha	Ridge
Foglietta	Walgren	Ritter
Gaydos	Yatron	Schulze
Gray	Clinger	Shuster
Kanjorski	Coughlin	Walker
Kolter	Gekas	

RHODE ISLAND

St Germain	Schneider	

SOUTH CAROLINA

Derrick	Tallon	Hartnett
Spratt	Campbell	

SOUTH DAKOTA

Daschle

TENNESSEE

Cooper	Jones	Quillen
Ford	Lloyd	Sundquist
Gordon	Duncan	

TEXAS

Andrews	Hall, Sam	Barton
Brooks	Leland	Boulter
Bryant	Ortiz	Combest
Bustamante	Pickle	DeLay
Coleman	Stenholm	Fields
de la Garza	Wilson	Loeffler
Frost	Wright	Sweeney
Gonzalez	Armey	
Hall, Ralph	Bartlett	

UTAH

Hansen	Monson	Nielson

VERMONT

Jeffords

VIRGINIA

Boucher	Sisisky	Slaughter
Daniel	Bliley	Whitehurst
Olin	Parris	Wolf

WASHINGTON

Bonker	Lowry	Miller
Dicks	Swift	Morrison
Foley	Chandler	

WEST VIRGINIA

Mollohan	Staggers	
Rahall	Wise	

WISCONSIN

Aspin	Moody	Petri
Kastenmeier	Obey	Roth
Kleczka	Gunderson	Sensenbrenner

WYOMING

Cheney

□ 1220

The CLERK. The quorum call discloses that 418 Representatives-elect have answered to their names. A quorum is present.

ANNOUNCEMENT BY THE CLERK

The CLERK. The Clerk will state that credentials regular in form have been received showing the election of the Honorable JAIME B. FUSTER as Resident Commissioner from the Commonwealth of Puerto Rico for a term of 4 years beginning January 3, 1985; the election of the Honorable WALTER E. FAUNTROY as Delegate from the District of Columbia; the election of the Honorable BEN BLAZ as Delegate from Guam; the election of the Honorable RON DE LUGO as Delegate from the Virgin Islands; and the election of the Honorable FOFO I.F. SUNIA as Delegate from American Samoa.

ELECTION OF SPEAKER

The CLERK. The next order of business is the election of the Speaker of the House of Representatives for the 99th Congress.

Nominations are now in order.

The Clerk now recognizes the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Clerk, as chairman of the Democratic caucus, I am directed by the unanimous vote of that caucus to present for election to the office of the Speaker of the House of Representatives of the 99th Congress the name of the Honorable THOMAS P. O'NEILL, JR., a Representative-elect from the Commonwealth of Massachusetts.

□ 1230

The CLERK. The Chair now recognizes the gentleman from New York [Mr. KEMP].

Mr. KEMP. Mr. Clerk, as chairman of the Republican conference, I am pleased that I have been directed by the unanimous vote of our Republican conference to present for election to the office of the Speaker of the House of Representatives of the 99th Congress the name of the Honorable ROBERT H. MICHEL of Illinois as Speaker of the House.

The CLERK. The Honorable THOMAS P. O'NEILL, JR., a Representative-elect from the Commonwealth of Massachusetts and the Honorable ROBERT H. MICHEL, a Representative-elect from the State of Illinois, have been placed in nomination.

Are there any further nominations?

There being no further nominations, the Clerk will appoint tellers.

The Chair appoints the gentleman from Illinois [Mr. ANNUNZIO], the gentleman from Minnesota [Mr. FRENZEL], the gentlewoman from Colorado [Mrs. SCHROEDER], and the gentlewoman from Maryland [Mrs. HOLT].

The tellers will come forward and take their seats at the desk in front of the Speaker's rostrum.

The roll will now be called, and those responding to their names will indicate by surname the nominee of their choice.

The reading clerk will now call the roll.

The tellers having taken their places, the House proceeded to vote for the Speaker.

The following is the result of the vote:

[Roll No. 2]

O'NEILL—247

Ackerman	Foglietta	Mrazek
Addabbo	Foley	Murphy
Akaka	Ford (MI)	Murtha
Alexander	Ford (TN)	Natcher
Anderson	Frank	Nelson
Andrews	Frost	Nichols
Annunzio	Fuqua	Nowak
Anthony	Garcia	Oakar
Applegate	Gaydos	Oberstar
Aspin	Gejdenson	Obey
Atkins	Gephardt	Olin
AuCoin	Gibbons	Ortiz
Barnard	Glickman	Owens
Barnes	Gonzalez	Panetta
Bates	Gordon	Pease
Bedell	Gray (IL)	Penny
Beilenson	Gray (PA)	Pepper
Bennett	Guarini	Perkins
Berman	Hall (OH)	Pickle
Bevill	Hall, Sam	Price
Biaggi	Hamilton	Rahall
Boggs	Hatcher	Rangel
Boland	Hawkins	Ray
Boner (TN)	Hayes	Reid
Bonior (MI)	Hefner (NC)	Richardson
Bonker	Hertel	Robinson
Borski	Howard	Rodino
Bosco	Hoyer	Roe
Boucher	Hubbard	Roemer
Boxer	Huckaby	Rose
Breaux	Hughes	Rostenkowski
Brooks	Hutto	Rowland (GA)
Brown (CA)	Jacobs	Roybal
Bruce	Jenkins	Russo
Bryant	Jones (NC)	Sabo
Burton (CA)	Jones (OK)	Savage
Bustamante	Jones (TN)	Scheuer
Byron	Kanjorski	Schroeder
Carper	Kaptur	Schumer
Carr	Kastenmeier	Seiberling
Chappell	Kennelly	Sharp
Clay	Kildee	Shelby
Coelho	Kleczka	Sikorski
Coleman (TX)	Kolter	Sisisky
Collins	Kostmayer	Skelton
Conyers	LaFalce	Slattery
Cooper	Lantos	Smith (FL)
Coyne	Leath (TX)	Smith (IA)
Crocket	Lehman (CA)	Solarz
Daniel	Lehman (FL)	Spratt
Darden	Leland	St Germain
Daschle	Levin (MI)	Staggers
de la Garza	Levine (CA)	Stallings
Dellums	Lipinski	Stark
Derrick	Lloyd	Stenholm
Dicks	Long	Stokes
Dingell	Lowry (WA)	Stratton
Dixon	Luken	Studds
Donnelly	Lundine	Swift
Dorgan (ND)	MacKay	Synar
Dowdy	Manton	Tallon
Downey	Markey	Tauzin
Durbin	Martinez	Thomas (GA)
Dwyer	Matsui	Torres
Dymally	Mavroules	Torricelli
Dyson	Mazzoli	Towns
Early	McCurdy	Traficant
Eckart (OH)	McHugh	Traxler
Edgar	Mica	Udall
Edwards (CA)	Mikulski	Valentine
English	Miller (CA)	Vento
Erdreich	Mineta	Visclosky
Evans (IL)	Mitchell	Volkmer
Fascell	Moakley	Walgren
Fazio	Mollohan	Watkins
Feighan	Montgomery	Waxman
Flippo	Moody	Weaver
Florio	Morrison (CT)	Weiss

Wheat	Wirth	Yates
Whitley	Wise	Yatron
Whitten	Wolpe	Young (MO)
Williams	Wright	
Wilson	Wyden	

MICHEL—175

Armey	Grotberg	Pashayan
Badham	Gunderson	Petri
Bartlett	Hammerschmidt	Porter
Barton	Hansen	Pursell
Bateman	Hartnett	Quillen
Bentley	Hendon	Regula
Bereuter	Henry	Ridge
Bilirakis	Hiler	Rinaldo
Bliley	Holt	Ritter
Boehlert	Hopkins	Roberts
Boulter	Horton	Rogers
Broomfield	Hunter	Roth
Brown (CO)	Hyde	Roukema
Broyhill	Ireland	Rowland (CT)
Burton (IN)	Jeffords	Rudd
Callahan	Johnson	Saxton
Campbell	Kasich	Schaefer
Carney	Kemp	Schneider
Chandler	Kindness	Schuette
Cheney	Kolbe	Schulze
Clinger	Kramer	Sensenbrenner
Coats	Lagomarsino	Shaw
Cobey	Latta	Shumway
Coble	Leach (IA)	Shuster
Coleman (MO)	Lent	Siljander
Combest	Lewis (CA)	Skeen
Conte	Lewis (FL)	Slaughter
Coughlin	Lightfoot	Smith (NE)
Courter	Livingston	Smith (NH)
Craig	Loeffler	Smith (NJ)
Crane	Lott	Smith, Denny
Dannemeyer	Lowery (CA)	Smith, Robert
Daub	Lujan	Snowe
Davis	Lungren	Snyder
DeLay	Mack	Solomon
DeWine	Madigan	Spence
Dickinson	Martin (IL)	Stangeland
DioGuardi	Martin (NY)	Strang
Dornan (CA)	McCain	Stump
Dreier	McCandless	Sundquist
Duncan	McCollum	Sweeney
Eckert (NY)	McDade	Swindall
Edwards (OK)	McEwen	Tauke
Emerson	McGrath	Taylor
Evans (IA)	McIntyre	Thomas (CA)
Fawell	McKinney	Vander Jagt
Fiedler	McMillan	Vucanovich
Fields	Meyers	Walker
Fish	Miller (OH)	Weber
Franklin	Miller (WA)	Whitehurst
Frenzel	Molinari	Whittaker
Gallo	Monson	Wolf
Gekas	Moore	Wortley
Gilman	Moorhead	Wylie
Gingrich	Morrison (WA)	Young (AK)
Goodling	Myers	Young (FL)
Gradison	Nielson	Zschau
Green	Oxley	
Gregg	Parris	

ANSWERED "PRESENT"—3

Hall, Ralph	Michel	O'Neill

The CLERK. The tellers agree in their tallies that the total number of votes cast is 425, of which the Honorable THOMAS P. O'NEILL, JR., of Massachusetts, has received 247, and the Honorable ROBERT H. MICHEL, of Illinois, has received 175, with 3 voting "present."

Therefore, Hon. THOMAS P. O'NEILL, JR., of Massachusetts is duly elected Speaker of the House of Representatives for the 99th Congress, having received a majority of the votes cast.

The Clerk appoints the following committee to escort the Speaker-elect to the chair: The gentleman from Illinois [Mr. MICHEL]; the gentleman from Texas [Mr. WRIGHT]; the gentleman from Mississippi [Mr. LOTT]; the gentleman from Missouri [Mr. GEPHARDT]; the gentleman from Massachusetts [Mr. BOLAND]; and the gentleman from Massachusetts [Mr. CONTE].

The committee will retire from the Chamber to escort the Speaker-elect to the chair.

□ 1320

The Doorkeeper announced the Speaker-elect of the House of Representatives of the 99th Congress, who was escorted to the chair by the committee of escort.

Mr. MICHEL. Mr. Speaker, my colleagues, and guests of the House, it has been traditional, with a few notable exceptions, since the founding of this institution, for the vanquished to present to the House the victor. I consider it a very high privilege to continue in that tradition. But before doing so, Mr. Speaker, may I make a few observations of my own.

First, may I express my profound thanks and appreciation to our Republican Conference for again honoring me and my family with their nomination for Speaker of the House of Representatives. Unfortunately, Mr. Speaker, as your Presidential nominee well knows, it is one thing to be nominated; it is another thing to get elected. Obviously in this race I was overwhelmed again by the numbers.

Since this is the only time that I shall be in this lofty position during this Congress, with the possible exception of the day we adjourn this Congress, let me say at the very outset how pleased I am to see those 33 bright, new Republican faces out there. Then let me also say to my Democratic colleagues that I am fully cognizant of the fact that there are 71 more of you than there are of us. [Applause.]

Now, hearing that applause, I would urge the Members of the majority not to run roughshod over the minority. I think that we have demonstrated in the past that as much as we dislike being fewer in number, we can be a very constructive force in this House of Representatives.

You know, it might be well for all of us to keep in mind that there were nearly 73 million people who cast their votes for Members of this body in contested elections around the country. Of that total, there were only 40,000 more Democratic votes cast than Republican votes which suggests a much more evenly divided American sentiment out there than is actually represented here by the numbers.

In this Congress, like all the others, there will be times of serious confrontation, and that is as it should be in a truly deliberative body where differences of opinion on the issues are expected to be thrashed out on their merits. There will also be times of compromise, for ultimately there has to be a coming together and a meeting of minds to craft legislation that will eventually pass both Houses of the Congress.

We of the minority party welcome the opportunity to help move the process along, and would urge you, Mr. Speaker, as the Presiding Officer of this distinguished body, to do everything you can during this Congress to make it happen. Since you have said publicly that this is to be your last term serving in this body, it would be a fitting cap to you career to have the House complete its work at the end of this Congress with accolades and showers of praise.

You have it within your power, Mr. Speaker, to bring it about. We on the Republican side of the aisle pledge our efforts to do likewise.

Finally, and on a more personal note, may I congratulate you again on winning all three of your contests against your good friend BOB MICHEL. If only we could have waged this contest out there on the golf course, I think I could have made it.

Ladies and gentlemen of the House, I have the signal honor of presenting to you the Speaker of the House for the 99th Congress, Hon. THOMAS P. O'NEILL of the great Commonwealth of Massachusetts. [Applause, the Members rising.]

Mr. O'NEILL. My fellow Members, their families, friends and guests, and particularly my close personal friend, BOB MICHEL, whom it is very wise of the Republican Party to present as their leader such and able and talented and well-respected individual. BOB and I get along, except, of course, in philosophical manner in which we do not always agree or very seldom agree. You have presented to this body a worthy man as your candidate for the speakership.

There is no question that BOB gives me about 8 or 10 strokes on the golf course, but the interesting thing is that oftentimes his statistics get a little shady or he interprets them wrong. That is quite all right, BOB. We figure that we won about 53 percent of the vote; I do not know where you get your totals from to be perfectly honest.

I am deeply honored to be elected as the Speaker of the House for the fifth time. At the conclusion of this session, other than Mr. Rayburn, I believe I will have served longer as Speaker than any other individual, and longer in succession. In a period of 10 years, Mr. Rayburn had two interruptions.

In the gallery today is my wife Millie and some of my family; daughters and sons and some of my grandchildren. I owe so much to Millie and to the family through the years for their faithful support in my lifetime of politics. [Applause.]

□ 1330

Last November my constituents in the Eighth District of Massachusetts chose me to represent them for the 17th time and I want to thank them for the trust that they have placed in me.

The Congress of the United States is the greatest legislature in the greatest Nation on Earth. The office of Speaker is the highest legislative office in our country. To serve as Speaker is a very special honor which carries with it solemn responsibilities. Today, I promise you that I will wield this gavel fairly, firmly, and with responsibility, always respecting the rules and the precedents of the House.

Once again, Congress is convening its two Houses, controlled by two political parties. The Founding Fathers set up a system of checks and balances that makes passing laws a very difficult process under the best of circumstances, and even more difficult when control of Congress is divided between the parties. Before 1981, when these things occurred, this partisan division promoted legislative inaction and stalemate. This has not been the case for most issues considered during the 97th and 98th Congresses. There were many legislative fights, but there was almost always a decisive outcome.

Consequently, I will continue to do all I can to expedite the Nation's business in this House for the next 2 years. Because the Members of this House are elected every 2 years, we put a premium on action and results. We expect conflict, but I hope we will reject any obstructionism.

I am prepared to work with the leadership of the other body, the President of the United States and BOB MICHEL and the Republican Members of this House to try to reduce the deficit, to reduce the unemployment rate, and to reduce the threat of a nuclear war. As we meet today, there are many ambitious proposals to change the way we raise revenue for the Federal Government, as well as to reduce the deficit. These proposals, I promise you, will receive a full and fair hearing in this House. It is clear that something must be done to restore confidence in the fairness of our tax system. In addition, American confidence about the future is being sorely tried by an annual $200 billion budget deficit. We ran a bigger deficit 1 month last fall than we did during the entire year of 1979. These deficits, as we know, will not take care of themselves. It is up to the President and the Congress to act upon them and to take care of them.

No doubt the public will judge the success of this Congress by our willingness to make the tough decisions to get our fiscal house in order. The latest economic figures seem to indicate that the recovery is continuing, and that is good and welcome news, but these times are tough for the farmers and the minorities and many blue-collar workers. Many banks are overextended and our businessmen are fighting a floodtide of foreign imports.

In the case of our farmers, our direct involvement is inevitable, because we have to reauthorize during this Congress the farm bill.

In the case of the poor and the unemployed, our role is a matter of choice. I want them to know that here in the House we will try to do all we can to ease their burdens and reduce their numbers over the next 2 years. The poor in this country, in my opinion, have already paid their share to reduce the budget. It is time we did our share to give them something to live for. That is a real problem we have here, giving the poor something to live for.

We begin this session of the new Congress with a renewed sense of hope that the upcoming discussions with the Soviet Union will lead to an arms control agreement which reduces the risk of nuclear conflict and take us a step back from the abyss of nuclear holocaust. I want to make it clear that as Speaker I welcome these discussions and am prepared to be as helpful as I can to the President of the United States and to the Secretary of State in their quest for an arms control agreement.

We begin our new term today and the President will be in his new term in about 2 weeks from today. Let me say that my party in the House and I want to work with him in meeting the great challenges that face this Nation. Of course, there will be disagreements. There always are in our two-party system, but we all have a common love for this country and a respect for democracy.

The Founding Fathers referred to the House during their deliberations as the "First Branch." They did so because it gave the people a direct share in the Government by beginning anew every 2 years. And so it is today we begin anew, and I hope that our actions will prove the correctness of Thomas Jefferson's observation that "our Government is founded not on the fears and follies of man, but in his reason."

Finally, I hope that most of all what we do here in this House over the next 2 years will result in increasing the respect and the appreciation of our constituents for this Congress and our role in Government.

I want to thank my Democratic colleagues. Five times they have put my name in nomination. To them I owe a deep debt of thanks, and may I, from the bottom of a deeply grateful heart, say thank you to my Democratic colleagues for the honor that they have given me.

May I thank the Members of the House for the respect with which they have always treated this role as the speakership of the House.

In conclusion, may I say, with God's aid and God's might, may we pray to Him that he will give to us the reason, the judgment, the knowledge, the talent that He has given to this body all through the years that has been part and parcel of making our Nation the greatest nation in the world. Thank you all.

[Applause, Members rising.]

Mr. O'NEILL. I am now ready to take the oath of office, and as is the custom, I am delighted to see that the dean of the House is in the well and is ready to administer the oath.

Mr. WHITTEN then administered the oath of office to Mr. O'NEILL of Massachusetts.

[Applause, the Members rising.]

The SPEAKER. I appreciate that in accordance with precedent, and custom, the minority leader, the Republican leader, as you know, presented the Speaker-elect and opened the session.

I want to make this presentation to BOB.

BOB, this is the gavel with which you opened this session and we want you to have it for your mementos. We always hope, of course, BOB, that in 2 years you will be in exactly the same position that you are in today.

□ 1340

SWEARING IN OF MEMBERS

The SPEAKER. According to the precedents, the Chair will swear in all Members of the House at this time.

The Chair recognizes the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Mr. Speaker, upon my responsibility as a Member-elect of the 99th Congress, I object to the oath being administered to the gentleman from Indiana, Mr. McIntyre, and I base this upon facts and statements which I consider to be reliable.

The SPEAKER. Are there any other Members-elect who wish to offer a challenge?

The Chair recognizes the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, upon my responsibility as a Member-elect of the 99th Congress, I object to the oath of office being administered to the gentleman from Idaho, Mr. RICHARD STALLINGS. I base this upon statements and information which I deem reliable.

The SPEAKER. Are there any other Members-elect to be challenged?

The Members-elect that have been challenged will be seated. The remaining Members will take the oath of office.

The Members-elect and Delegates-elect and the Resident Commissioner-elect rose, and the Speaker administered the oath of office to them.

The SPEAKER. Congratulations. The gentlemen and gentlewomen are now Members of the 99th Congress of the United States.

REFERRING ELECTION OF A MEMBER FROM THE EIGHTH CONGRESSIONAL DISTRICT OF INDIANA TO THE COMMITTEE ON HOUSE ADMINISTRATION

Mr. WRIGHT. Mr. Speaker, I have a privileged resolution at the Clerk's desk, and I ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1

Resolved, That the question of the right of Frank McCloskey or Richard McIntyre to a seat in the Ninety-ninth Congress from the Eighth Congressional District of Indiana shall be referred to the Committee on House Administration, when elected, and neither Frank McCloskey nor Richard McIntyre shall be sworn until the Committee on House Administration reports upon and the House decides such question. For each day during the period beginning on the date on which this resolution is agreed to and ending on the day before the date on which the House decides such question, Frank McCloskey and Richard McIntyre shall each be paid an amount equal to the daily equivalent of the annual rate of basic pay payable to a Member of the House. For the period beginning on the date on which this resolution is agreed to and ending on the date on which the House decides such question, the Clerk of the House shall provide for clerical assistants in the manner provided by law for the case of death or resignation of a Member and shall otherwise perform full administrative functions with respect to the Eighth Congressional District of Indiana. There shall be paid from the contingent fund of the House such sums as may be necessary to carry out this resolution.

The SPEAKER. The gentleman from Texas [Mr. WRIGHT], under the precedents, is recognized for 1 hour

Mr. WRIGHT. Mr. Speaker, for purposes of debate only, I shall yield 30 minutes to the gentleman from Minnesota [Mr. FRENZEL], and pending that, I yield myself such time as I may consume.

PARLIAMENTARY INQUIRY

Mr. GEKAS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. Does the gentleman from Texas yield for a parliamentary inquiry?

Mr. WRIGHT. I yield to the gentleman from Pennsylvania for a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GEKAS. I simply would ask the Speaker of the House to pose the question that is before the House precisely so that we know about what the debate to ensue is concerned.

Mr. WRIGHT. I will be glad to explain, Mr. Speaker.

The SPEAKER. The answer to the point of parliamentary inquiry is the gentleman from Texas [Mr. WRIGHT] has offered in the House a resolution which the Clerk has read. That is what the House is debating, and that is what we will vote on.

Mr. GEKAS. Then, Mr. Speaker, I simply would ask the gentleman to repeat at the outset the body of the resolution which he has presented.

The SPEAKER. The gentleman from Texas [Mr. WRIGHT] is recognized.

Mr. WRIGHT. Mr. Speaker, I will be happy to explain the resolution.

This is a very simple resolution which follows precedents previously established in the House in situations which are similar. This resolves the question in regard to the disputed election in the Eighth Congressional District of Indiana in the same manner in which previous disputes of a similar and, in fact, almost identical nature have been resolved in the House.

The resolution provides that the question of the right of Frank McCloskey or Richard McIntyre to a seat in the 99th Congress shall be referred to the Committee on House Administration, and that neither Frank McCloskey nor Richard McIntyre shall be sworn until the Committee on House Administration reports upon, and the House decides, the question of which is truly and duly elected.

□ 1350

This House, Mr. Speaker, has been invested by the Constitution with the responsibility to judge the qualifications, returns, and elections of its Members. That responsibility the House always has taken very seriously. To prevent election disputes from degenerating into partisan confrontations, the House has created a general presumption in favor of the candidate who is certified by the appropriate State election official as a Member-elect. That certification carries with it the presumption that the State election procedures have been timely, regular, and fairly implemented.

The House will reject a certification only under the most exceptional circumstances, where the very ability of the State election procedures to determine the outcome accurately is put into serious, question. Regrettably the election in the Eighth Congressional District of Indiana falls into this most narrow of exceptions.

The election procedures employed in the Eighth Congressional District have been neither timely nor regular, and serious questions have been raised with respect to their fairness. As of today, the recount provided for by State law is far from complete. Major changes in the election totals occur almost daily. The outcome of the race has changed as different counties have concluded their recounts. The results from the counties which have certified new recount totals would give Mr. McCloskey a lead of some 47 votes at this particular moment, and that, of course, differs from the results upon which the secretary of state based his certification to the House. His certification reflects only the totals from the first county of the multicounty district which completed its recount.

The State procedures have consequently failed to produce a timely resolution of the election on which the House can confidently rely in discharging our constitutional responsibility.

Neither has the State procedure been regular in its application; 15 separate counties are participating in the recount. Each such county is operating under its own set of rules. As a consequence, ballots bearing identical minor flaws are counted or not counted, depending upon the individual county involved. There is no uniformity of rule or application. Literally hundreds of votes already have been disallowed.

The technical requirements for counting votes in Indiana are so complex and so confusing that the recount underway has not to date produced a result on which the House can rely. Discrepancies in vote totals from election night and during the recount make it absolutely impossible at this stage to determine with certitude who is the duly elected Member from the Eighth Congressional District of Indiana. Seating one candidate or another would be based on mere speculation.

Questions have been raised additionally about the extent to which the certification and recount procedures may have been subject to partisan pressures, and this puts into question the impartiality and the fairness of the process. The combination of these factors renders the House at this time unable to judge the election in a manner commensurate with its constitutional responsibility to the people of the Eighth Congressional District of Indiana. The election procedures to date have simply not yielded a result on which the House can judge.

A very similar, in fact almost identical situation confronted the House in 1961 in a contest between Mr. Roush and Mr. Chambers.

Ironically, that case arose also in the State of Indiana. In that instance, which forms the closest on-point precedent to the present situation, Mr. Chambers was certified by the secretary of state as having been elected based upon a unilateral determination of error on the part of the secretary of state. In that instance the House asked both candidates to stand aside, as this resolution would ask today.

In that prior instance the complete investigation and recount revealed that the secretary of state was in error

and that Mr. Roush had been duly and truly elected.

And so, Mr. Speaker, in keeping with the solemn constitutional responsibility of the House and pursuant to the best precedent available to us, I find it most unfortunate that we are resorting to this extraordinary measure, but I find it to be the only fair and honorable procedure available to us.

Let me assure my colleagues, and more importantly assure the voters of the Eighth Congressional District of Indiana, that this matter will be resolved fairly and openly, and I hope, trust, and intend that it shall be resolved expeditiously.

Mr. Speaker, I reserve the balance of my time.

Mr. FRENZEL. Mr. Speaker, I yield 2½ minutes to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, I think a grave injustice is being done here today to one of our colleagues on our side of the aisle, who in my judgment should have been sworn in today as an active Member of the House of Representatives.

I would hope that the Members of the House Administration Committee who will follow me will in more detailed fashion make their cases, just as I would hope that the gentleman himself who has been so aggrieved will have an opportunity to speak in his own behalf.

But, as I see this thing in capsule form, on November 6, 1984, Richard D. McIntyre was duly elected to sit in the U.S. House of Representatives from the Eighth District of Indiana, just as was the case with the entire Indiana delegation. Mr. McIntyre received a certificate of election from the secretary of that State. His certificate of election was duly executed. The delay was due only to the correction of an arithmetical error, not to a recount.

It was delivered to and accepted by the Clerk of the House. The Clerk of the House has issued Mr. McIntyre the appropriate instruments of his office as a Member-elect. He has been listed in the new book as a Member of the 99th Congress.

Now there is a recount and litigation going on in Indiana over this election but both State and Federal law provide a reasoned and orderly method to resolve the validity of this election.

Mr. Mcintyre has recourse to the statute, that is to United States Code 381, the Federal Contested Election Act, just as do any other disappointed candidates.

It would be a terrible mistake, in my judgment, to deny any Member-elect a seat just because there is an ongoing dispute over the closeness of the election. Here we have a mathematical problem, not a legal problem. All we need to know is who had the most votes, and the Indiana judicial system and the House Administration Committee are equipped to determine that question.

□ 1400

To do anything short of seating Mr. McIntyre, in effect disenfranchises 500,000 Indiana citizens for an indefinite period of time.

They would have no voice, no voice, and without good cause.

One final point: The shadow of the Supreme Court case of Powell versus McCormack rests in this Chamber today. Some of us recall how the House excluded Representative-elect Powell from the 90th Congress. He had a certificate of election. Let us remember that the bottom line of that decision was "In judging the qualification of its Members under Article I, section 5, the Congress is limited to the standing qualifications expressly prescribed by the Constitution." And that is, as I recall from my grade school history, being 25 years of age, a citizen of the United States for 7 years, an inhabitant of the State from which one is elected, and holding a certificate of election from one's secretary of State. That is all that it says.

And we were in error some time ago when we denied a Member a seat because we did not adhere to those four basic principles and you are going to do the same thing here today if you do not vote down the gentleman from Texas' resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. FRENZEL. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana, Mr. McIntyre.

The SPEAKER. The gentleman does not have the right to participate in debate unless the House agrees. If there is an objection from the House, the gentleman may not speak.

Without objection, the gentleman is entitled to 5 minutes.

There was no objection.

Mr. McINTYRE. Thank you, Mr. Speaker.

Mr. Speaker, and Members of the House, I did not expect my maiden speech to the House to be like this and I wish that it was not. But I do appreciate the opportunity.

As you know from the testimony here today we had a very close election in Indiana. I was certified the winner by 34 votes.

Since that time, the recount process has been under way; it continues. I believe 9 counties of the 15 are complete. I think five are partially complete.

Based on the 9 completed counties, I think the figures are that we have a 53-vote lead. As of Friday night, the last time that I was aware of the counting, based on the uncompleted countings we had a 406-vote lead.

As I say, I wish it had not been a close election. I would have loved to come here with a huge mandate.

But nevertheless I did run for Congress, I did run according to the laws of the United States and of the State of Indiana and I was elected and certified by 34 votes.

I think that I will survive this motion today whatever happens because I think that the facts are with us.

I think the law is with us. But I think it would be tragic to disenfranchise a half million people in southern Indiana because this was a close election.

So I ask you today, before you cast your vote, to think about what your position would be had you had a close election.

I ask you to think about what is, as far as I can tell, 196 years of history of this body where a duly certified Member has never failed to be sworn in.

I ask you to think about the half million people in Indiana's Eighth District and I ask you to think about the precedents that you will set for the future and about the possible blow to the integrity of this body that could be struck by what you do here today.

Mr. Speaker, thank you very much.

Mr. FRENZEL. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Speaker, you talked today about this institution. The gentleman from Indiana whom we are discussing today talked about this institution, its integrity. I want to spend just 1 minute or 2 talking about this institution and its integrity.

Since 1933 we have 82 contested elections. And in 81 of those contested elections, we have sworn in the Member-elect who was certified by the appropriate State official. Only once in those 82 times have we not.

So I would submit to you today that what is being asked of you is extraordinary, highly unusual. That one case was Roush versus Chambers and coincidentally it occured in Indiana in 1960.

But the facts of the Roush versus Chambers case are vastly different than the case you have today.

First of all, as was indicated by the majority leader, there was a question of the certification. There is no question now that the gentleman from Indiana, Mr. McIntyre, is certified by the secretary of State. He has not changed his mind as was the case in Roush versus Chambers; he has not sent a transcript saying, "I was in error, let the contestant be sworn in, not certified"; that is not the case here.

There was no provision in Indiana law for a recount in 1960. In fact, one of the things that the House Administration Committee had to do was to set up a procedure to count the votes in the State of Indiana. That is not

the case now. Indiana has a series of statutes, very exact and precise for counting votes. In fact that is what they are doing now; they are going through a recount. Many of you have been through those in your own States where you have procedure for recounts.

Indiana has that now; they did not have it then.

In addition there was no Federal Contested Elections Act in 1960; there is now.

It is my understanding that the former representative of the Eighth District in Indiana has not filed a contest under the Federal Contested Elections Act.

So what we have today is a set of facts vastly different than Roush versus Chambers; the only time that we have not sworn in a Member.

And I too want to talk about the time it is going to take for the House Administration Committee to supervise the recount now going on under State law to determine whether or not the certificate that currently has Mr. McIntyre's name on it is in fact proper and appropriate, which we all believe that it is.

But it seems to me that this House has an obligation not to the gentleman from Indiana, Mr. McCloskey, not to the gentleman from Indiana, Mr. McIntyre, but to the people of the Eighth District of Indiana. Let them have representation for the time that it takes the House of Representatives to determine whether or not the recount procedure in Indiana is following Indiana law and is appropriate and proper.

House Administration does not have to set up a structure to count each and every vote and determine how they are going to be counted as was the case in Roush Chambers; that is done under State statute.

It seems to me we do not want to set the precedent that you are being asked to set today, and that is a certified Member-elect, where there is no contest filed under the Federal Contested Elections Act is not allowed to be seated; that in fact it is declared vacant.

Now I think that identifies quite a few Members here. That is, they have been certified and that there is no contest filed against them.

Yes, there is a recount; yes, there is a concern about some of the very precise election procedures required in Indiana. That is being resolved.

But the winner of the election as certified by the State of Indiana is Mr. McIntyre.

We ought to swear him in and let House Administration work its will, oversee the election procedures in Indiana, because if we do not, if he is denied his seat, then any certified candidate against them is open to political attack.

I do not think we want that. I think what we want to do is handle this case as we have handled the 81 other cases and that is: There is a question, but let us give those people in the Eighth District of Indiana the opportunity for representation until that question is completely settled.

□ 1410

Mr. FRENZEL. Mr. Speaker, I yield 5 minutes to the distinguished ranking Republican member, the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I thank my colleague, Mr. FRENZEL, for yielding to me.

We all regret this posture we find ourselves in. It is regrettable that the people of the Eight District of Indiana were not more decisive on November 6. I am sure both Mr. McIntyre, Member-elect, and the incumbent, Mr. McCloskey share that concern, but this is not the first time nor I guess will be the last time that we will find ourselves in this position.

As has already been said, there have been a number of times historically that the House has found itself with a recount pending at the time it became appropriate for the Members to be sworn in. With one exception, every time when a Member was properly certified by the elected officials in the State that they were elected from, this House swore those Members in, sometimes without prejudice, but they were sworn in because they had been duly certified by that, but notwithstanding the possibility of a recount in the future.

One exception in the history of this House that I have been able to find when that was not abided, and that sent a confusing signal unfortunately also from Indiana in the 1960 election where both Mr. Chambers and Mr. Roush carried to this House certifications from the secretary, State of Indiana because of an error in tabulation. Both had certifications that they had been duly elected.

The House was confused, and properly so, probably, decided not to seat either, but gave them rights of office and so forth. So this is not the first time that this has happened, and I guess it will not be the last time.

The question today is interpretation of our Constitution. What power this body has in seating its duly elected Members. The certificate that Richard McIntyre has is exactly the same as the rest of us from Indiana have; and similar in form that every other Member has that has been sworn in here.

The Clerk of the House a moment ago said, every Member's name he called has been properly certified in proper form to him. Richard McIntyre's name was read when the Clerk made that certification. He has been asked to stand aside at this time, and no one objects to this procedure. But the next procedure should be to swear him in.

Now, the framers of our Constitution, back in 1787 anticipated that something like this would happen. And they debated just what powers should the Congress have in deciding the qualifications of its Members. It was thought that maybe a Member of Congress should own property. Other considerations were made about the qualifications of a Member-elect; whether we should seat that Member or not.

James Madison most appropriately said, and I quote from the Constitution papers:

> An improper and dangerous power in the legislature, the qualifications of electors and elected were fundamental articles in a Republican Government and ought to be fixed by the Constitution. If the Legislature could regulate those of either, it can by degrees subvert the Constitution . . . Qualifications founded on artificial distinctions may be devised by the stronger, in order to keep out partisans of [a weaker] faction.

Is not that what is happening here today? The stronger keeping out the weaker on an artificial distinction?

Powell McCormack was cited by our minority leader a moment ago. Many of us were here when Adam Clayton Powell was refused a seat. And Adam Clayton Powell went to court. The Supreme Court decided in favor of Powell.

The Supreme Court held, and I say:

> Significantly, Madison's argument was not aimed at the imposition of a property qualification as such, but rather at the delegation to the Congress of the discretionary power to establish any qualifications.

The Court went on, and it said when Powell argued that:

> The Constitution provides that an elected Representative may be denied his seat only if the House finds he does not meet one of the standing qualifications expressly proscribed by the Constitution.

Again, our leader had identified those three conditions. First, age. Must have attained at least the age of 25 by the time they accept the oath here.

Second, be a resident of the State at the time they take the oath here.

And third, have been a resident of the United States for at least 7 years.

The Court held these are the only conditions that we, the House of Representatives, can refuse a duly and properly certified Member-elect. The Supreme Court agreed with Powell and said, the House, and I quote:

The House is without power to exclude any person * * *" I repeat, the Court said: "The House is without authority to exclude any person who meets the requirements for the membership expressly prescribed in the Constitution." This is what we have today.

51-059 O-86-13 (Pt. 1)

The SPEAKER. The time of the gentleman has expired.

Mr. FRENZEL. Mr. Speaker, I yield 1 additional minute to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. The Supreme Court stated:

> Congress, by the Federal Constitution, are not authorized to prescribe the qualifications of their own members, but are authorized to judge of their qualifications; in doing so, however, they must be governed by the rules prescribed in the Federal Constitution, and by them only.

It goes on. The Federal Contested Elections Act provides not that we need to do this, but merely says no requirement that contest and challenge the seating of a certified Member. It does not preclude Mr. McCloskey, nor would we want to cut off the right of Mr. McCloskey for a recount which is under way right now.

In closing, the Supreme Court again said this: "For these reasons, we have concluded that article I, section 5"—being used here today to exclude, to deny Mr. McIntyre the seat—"at most a 'textually demonstrable commitment' to Congress to judge only the the qualifications expressly set forth in the Constitution."

The Court goes on to say: "The House is without power to exclude any Member-elect who meets the Constitution's requirements for membership."

It does not preclude the recount; we certainly see this. The proper procedure today should be that Mr. McIntyre comes down to the well, is sworn in without prejudice to the pending case. It is the only course of action. If you vote differently, you are denying the Constitution, you are denying the obligation you just took as a Member of this Congress to defend the Constitution of the United States. Do not make that mistake. Give the option to the recount; we can change it if necessary, but at least abide by law and our Constitution.

Mr. WRIGHT. Mr. Speaker, I yield such time as he may consume to the dean of the Indiana delegation, the distinguished gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. I thank the majority leader, and I rise in support of his resolution.

Mr. Speaker, I rise in support of the Wright resolution which provides that neither Frank McCloskey, the Democrat, nor Richard McIntyre, the Republican, be seated as Representative of Indiana's Eighth District until the Committee on House Administration inquires into the election and recommends that one or the other take the seat.

The election of Indiana's Eighth District Representative remains undecided—and controversial.

The question before us is one of the highest significance: Which man will represent the people of Indiana's Eighth District in the U.S. House of Representatives?

There are several reasons why the Wright resolution should be adopted. It is the fairest and most reasonable approach to a problem that ought not to be decided on partisan lines.

The election certificate issued by the Indiana secretary of state to Mr. McIntyre, is an invalid document that the House should not recognize. It does not justify the seating of Mr. McIntyre.

The certificate is not based on the original count. It is not based on a district-wide recount. It is not based on all county recounts completed to date. It is based on the recount in a single county, the only one which, in isolation from all the others, would make Mr. McIntyre the winner. The secretary of state's action is like declaring the winner of a football game at half time on the basis of the score at the end of the first quarter.

As of November 13, 1984, the clerks of the 15 Indiana counties making up the Eighth District had certified the election results. The certificates showed Mr. McCloskey leading Mr. McIntyre by 72 votes out of 233,610 cast.

Under Indiana law, Mr. McCloskey should have been certified as the leading candidate, but instead the secretary of state did nothing for more than a month, alleging that a lawsuit filed by McIntyre in Gibson County, IN, would reveal a new outcome in that county and would give the election to Mr. McIntyre.

Recounts soon were underway in all 15 counties of the Eighth District, and the first to certify new results, on December 11, was Gibson, The recount in Gibson, when combined with totals in the other 14 unrecounted counties, gave the election to Mr. McIntyre by 34 votes. The secretary of state got the Gibson certificate 2 days later and had Mr. McIntyre declared the winner in the middle of the night.

New certificates from other counties began arriving in the secretary of state's office. By December 28, seven completed county recounts put Mr. McCloskey back in the lead. Four additional county recounts completed but not yet received in Indianapolis have left Mr. McCloskey in the lead. However, the secretary of state had done nothing and has stated that he will do nothing until all the recounts are completed.

The House ordinarily gives deference to a State's certificate of election because that certificate is assumed to show that the State which issued it believes it to be a valid reflection of the will of the electorate.

Acceptance of Mr. McIntyre's certificate, however, would be to seat him based upon a recount result in only one of 15 counties. That approach cannot be supported by any principle and is indeed wholly irrational.

Thus, Mr. McIntyre's certificate should not be recognized by the House.

Second, the House should adopt the Wright resolution because the district-wide recount has not been completed. As I speak today, recounts in four counties—Monroe, Orange, Posey, and Vanderburgh, the district's largest—are still underway. Legal controversy surrounding the recount in Greene County has led to a second recount there.

Fluctuating official totals have given the race to Mr. McCloskey, then to Mr. McIntyre, then again to Mr. McCloskey.

The plain truth is that the winner of the election is not yet known. Fundamental fairness and common sense require at least that the outcome not be acknowledged before the final tallies are in.

Third and perhaps more basic, the Wright resolution should be adopted because even when the recounts are completed, the manner in which they have been conducted makes it difficult, if not impossible, to discern the winner of such a closely contested race. The reason is lack of uniformity in recount procedures among the various counties. The 15 State recount proceeding in the 15 counties of the district have employed, and continue to employ, different and inconsistent rules in counting ballots. This haphazard process cannot determine the outcome of this election.

Let me describe a few of the inconsistencies, most of which, incidentally, have worked against Mr. McCloskey:

In Vanderburgh County, ballots on which poll clerks failed to write precinct numbers have been rejected. More than 1,000 voters have been disenfranchised, with a net loss of nearly 300 votes for Mr. McCloskey in that county In other counties, such ballots have been counted—to Mr. McIntyre's benefit.

In Daviess, Gibson, Martin, Vanderburgh, and Washington Counties, in-person or nonabsentee ballots without the initials of poll clerks have been rejected. Mr. McCloskey has lost scores of votes in the process, yet in all other counties such ballots have been counted and Mr. McIntyre has gained.

In Warrick County, ballots with handprinted—as opposed to handwritten—initials of poll clerks were rejected at first, with Mr. McCloskey losing some 100 votes. The recount officials than changed their minds and accepted the ballots. The very same midstream change was made in Orange County, but there Mr. McIntyre was the clear beneficiary.

The change of procedures in this last instance is especially troubling, and there are two counties besides

Warrick and Orange where recount procedures have been altered in midstream. In Daviess and Greene Counties, uninitialed absentee ballots were rejected at first but were later accepted when it became clear that Mr. McIntyre was losing votes.

It is apparent that something must be done to address these inconsistencies, or else few people will be satisfied that the man who eventually is seated ought to be the Eighth District's Congressman.

A fourth point in favor of the Wright resolution is that there is precedent for failing to seat either contestant in a deadlocked race such as this one. The most relevant precendent is the Roush-Chambers election, also in Indiana, in 1960. One candidate was certified with a margin of 12 votes, but neither was seated when the House convened. The candidate who was not certified was seated, a winner by 99 votes.

Finally, it may be argued that the House ought to seat the certificated Mr. McIntyre if for no other reason than the need of the Eighth District for representation in Congress. Clearly, we must ask the Committee on House Administration to proceed with all due speed for this very reason.

However, we cannot ignore the fact that we do not know who has won the election. It would be a disservice to residents of the Eighth District to seat the wrong man today only to have him unseated tomorrow.

Also, the resolution provides that the Clerk of the House will render services to Eighth District constituents until the matter is resolved.

Moreover, if either candidate is seated, one side will have every reason to delay the process of resolving the contest. If neither candidate is seated, each side will have every incentive to expedite the process.

Article I, section 5 of the U.S. Constitution says that each "House shall be the Judge of the Elections, Returns and Qualifications of its own Members." The situation is ripe for the House to exercise its authority to review the Eighth District election using uniform procedures for counting ballots.

Accordingly, I urge your support of the Wright resolution.

Mr. FRENZEL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, first let me tell both Mr. McIntyre and my friend Mr. McCloskey that I, too, sympathize with their situation. I know that they would rather come under different circumstances to this gathering.

But let me point out that this case, Roush versus Chambers, has been misinterpreted several times. In fact, today is the first time in history that a candidate who the secretary of the state has held out to be duly certified has been denied his seat.

In Roush versus Chambers, after Mr. Chambers was certified the winner, the secretary of state of Indiana offered a sworn statement impeaching the certificate. So the cloud on that certificate in that case was put on it by the secretary of the state of Indiana, not the House of Representatives. After that the secretary of state issued Mr. Roush's certificate and that is when the House of Representatives stepped in. Never before have we taken the action of stepping in and acting in direct contravention to the certificate that was issued by the secretary of a State held that out to be a valid certificate.

Mr. FRENZEL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Michigan [Mr. VANDER JAGT].

Mr. VANDER JAGT. Mr. Speaker, I had not intended on getting myself involved in this debate today, but I simply cannot sit idly by and remain silent while I see this House apparently about to commit an act of injustice so grievous that it will permeate our deliberations throughout the rest of this 99th Congress and in the pages of history that are written about us.

Never before in history has a duly certified Member-elect been denied seating pending the outcome of a recount. Yes, in 1 case out of the 82—an Indiana case in 1960—two Members were asked to stand aside. But in that case, the secretary of state had certified one person a winner and the Governor somebody else a winner. The House very wisely said, let us have these two certified candidates stand aside while we resolve this controversy.

Never before in history has a candidate certified by the duly constituted authority of that State as a winner been asked to stand aside pending the outcome of an admittedly controversial recount.

The facts in this case are very simple. The arguments that are reached for become complicated and complex. The facts are simple. On election night, McIntyre, on the basis of the county reports of totals, was ahead by 100 votes. The secretary of state of Indiana does not certify for 10 days to give each county an opportunity to correct any errors that were made in the tabulations.

On November 8, Vanderburgh County added errors and McCloskey went ahead temporarily by 72 votes.

On November 9, it was discovered that Green County had reported two precincts two times. When that correction was made under a writ of mandamus by the court, and all of the counties had certified their completed election results to the secretary of state, he did the only thing he could do under Indiana law and that was, certify McIntyre a winner by 34 votes.

In the meantime, both sides had asked for recounts and that recount process to date has expanded McIntyre's lead from 34 to 406 votes.

So the majority reaches for the most ludicrous argument you can reach for in saying that, "Well, at one point in this seesaw battle, McCloskey was ahead, and at that point, the secretary of state should have changed the certification."

That is so ludicrous it means that in every recount as each country comes in day by day, the secretary of state, or whoever it is, changes the certification. It is ludicrous on the face of it.

But factually it is incorrect to assert that McCloskey is ahead on the basis of recounts in completed counties. That total includes Green County, and Green County this afternoon is recounting under a court order. Now how, when they are in the process of recounting, you can claim that that is a completed county is utterly beyond me.

So if you measure it by counties that are completed, McIntyre is a winner. If you measure it by the total recount to date, McIntyre is a winner. If you measure it by election results certified by each county to the secretary of state, McIntyre is a winner. And if you measure it by election results on election night, McIntyre is a winner. And every one of the arguments raised here have been raised in State courts, circuit courts, the Indiana Supreme Court and U.S. Federal district court, and every one of the arguments have been rejected.

□ 1430

Now these rejected arguments are brought here, and we are to reverse those rulings and refuse to seat a Member-elect with a valid certificate of election, for the first time in the history of this body, which I hope we all love so very much. No—the basis on which we are being asked to reverse this process and our Constitution and our historical precedence is raw power.

The old statement that, "If you have got the votes, you can do anything you want to do." That is true, that the majority can do it to Rick McIntyre; it can do it to the minority. But in the process, you have to do it to the Constitution, and you have to do it to 500,000 people of the Eighth District of Indiana who will not have a vote between now and summer, during which we could revise our tax law in the most sweeping changes since the institution of income tax, and we will be making basic decisions about the size and nature and scope of our Federal Government carrying on for decades.

To do this would be to transform Republican charges, that power corrupts but absolute power corrupts absolute-

ly, from charge to fact. This stealing of a seat would create a stench that will permeate our every deliberation.

This goes beyond one vote, and it is a choice that each Member must make between partisanship and justice; between raw power and simple honesty and fair play. I hope, in the name of the integrity of this institution, you vote not just on behalf of Rick McIntyre or on behalf of the 500,000 people in Indiana's, Eighth District but also on behalf of the integrity of this House of Representatives and vote to seat duly certified Rick McIntyre as this House has always done in its history.

Mr. FRENZEL. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, this has been a close election. Representative-elect McIntyre has described it very accurately. As in all close elections, the candidates are going to exhaust all the legal remedies available to them. Recounts have been ordered and relief has been sought in various courts. Several of those relief measures have been discussed here this afternoon. Relief is still being sought some of it right here in the House of Representatives today.

It is said that truth lies in the eye of the beholder. Unfortunately, partisan beholders seek the truth in differing sorts of facts, precedents, and presumptions.

Probably none of us can be wholly objective about this matter, but that does not mean that we should not try. I must say, on the Republican side we have tried, but it is hard for us to consider this resolution without some real bitterness.

We see here a brand new precedent being set. We came very close to asking the entire House to stand aside from the swearing-in today, in batches large and small. Finally, we decided that would be a facetious symbol of our objection which would not be well received. We decided that representative government was too precious to be triviolized.

So instead we chose to accept the chance to explain, the dangers we see here. What we see is the blatant abuse of power by a ruthless majority unafraid to take away a seat which a Member has earned in an election, albeit close.

Here is where we are: The resolution proposes to rob Member-elect McIntyre of the seat in Indiana's Eighth even though he has been declared the winner and has been duly certified by the Governor of the State. He received more votes than his opponent in the election. Of the recounts that have proceeded in the completed counties, he is ahead by 43 votes. In the partial and completed counties that have been reported, he is ahead by 406 votes.

The lead that the majority leader and the distinguished gentleman from Indiana claim that candidate McCloskey had occurred in Green County, where, on December 28, the judge set aside that count, and ordered the recount commissioners to begin over again.

He is today supposed to be charging the recount commissioners and giving them instructions for that recount. So, at this time, there is no validity to the alleged McCloskey lead, and it is alleged by no one except McCloskey.

There is no evidence nor allegation of any fraud in the vote. The process is simply a matter of the State trying to figure who voted and how to add them up. There has been no contest filed in the House by McCloskey. There is no reason to deny the seat except that the opponent is a nice guy who came close, and who has powerful friends. So the Democrat majority has proposed to steal the seat from the Republican.

There is simply no reason, no precedent, nor any basis to vote yes on the resolution.

Let us talk about the Roush precedent, Mr. Speaker. It has been alleged by the majority leader that they are "similar and almost identical" circumstances. Let us look at the differences.

In the first place, certificates of error were filed by county officials in Roush against Chambers, and in the McIntyre victory, all of the counties are complete and there are no certifications of error. Two counties, Vanderburgh and Gibson, have corrected their tallies. Mr. McCloskey thought it was nifty when Vanderburgh corrected its vote total. He did not think it was so good when Gibson was directed by the Court to correct its final tally giving Mr. McIntyre the victory.

The second difference is there is a transcript by the Secretary of State in the case declaring that Roush, the contestant, was duly elected rather than the certified Member, who had been certified previously. That is quite a difference.

Third, there were findings of fact by a campaign expenditures committee appointed by the Governor about allegations or irregularity and fraud.

Fourth, there was a contest filed in that contest. We have no contest today. McCloskey has made no filings of contest to the House of Representatives.

Fifth, there was no Indiana recount law. Rather there was one, but it has been amended since.

Sixth, there was no Federal Contested Elections Act which the House could use as a guidepost for its judgment.

The question is pretty simple: The Roush precedent is a reed so slender that it cannot bear the weight of a stolen Congressional seat.

Mr. Speaker, the decision looks like a simple yes or no. There are a lot of Members who are going to vote on the basis of party unity and party loyalty, and that is important in this House. We need party loyalty. We have just shown it on our vote for Speaker.

On the other hand, there ought to be a stranger loyalty to the concept of representative government, and to the Constitution to which all of us have pledged our allegiance and which we all sworn to uphold. Partisan politics is not an unworthy pursuit, but there are higher values at stake in this particular case. What is at stake today is the fundamental basis of representative government.

Bluntly stated, the question is whether a ruthless majority can disenfranchise a half million people in the State of Indiana by denying a certified Member-elect his rightful seat in this House of Representatives.

Those of us who are tempted to follow the siren song of party loyalty will do well to think about the precedents that we will set here. For I assure you it is a brand new precedent that is being set by the Wright resolution.

None of us is safe from future ruthless majorities. None of our constituents is safe from having his or her vote pilfered in the name of partisan politics.

This is as important a vote as we are going to cast in this congressional session. It is not a precedural vote. We are talking about simple justice. This vote will determine whether we will let the people of Indiana decide who is going to represent them.

Vote down the Wright resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. WRIGHT. Mr. Speaker, I yield myself such time as I may consume. I had not intended to speak again on this subject; I do so only to make abundantly clear in the RECORD that no violation of precedent or principle is being contemplated by the resolution presently under consideration.

I understand, of course, the temptations on the part of Members on the other side who feel keenly about this closely contested election, to speak of this resolution as an exercise by a ruthless majority of raw power. That, of course, is not true. Had we been attempting to exercise the raw power of a ruthless majority, I suppose we would have asked that the gentleman from Indiana, Mr. McCloskey, be seated on the basis of partial returns, which we are informed at this point gave him a 44-vote margin. Of course, we would not have been justified in doing that, and so we did not seek to do that.

□ 1440

There were today three contested elections. One of them was resolved in behalf of a Republican, the gentleman from Guam. We made no effort to pre-

vent his being seated and taking the oath of office.

The second was, or I think will be resolved in behalf of a Democrat, the gentleman from Idaho [Mr. STALLINGS].

The third we earnestly believe is too close to call. I do not think that smacks of raw power. In this one that we honestly believe to be too close for the House to exercise its constitutional responsibilities in determining who was the winner, we have asked that neither Member be seated. I think that is fair.

The second thing to which I want to address myself is the suggestion that has been made in the heat of the debate that we are acting without precedent or that we are creating a dangerous new precedent. That, of course, is not correct. What we are doing is precisely the same thing that was done in the case of Roush-Chambers.

I have with me sheets from the CONGRESSIONAL RECORD for that day, January 3, 1961, when the House resolved that matter just exactly as we are proposing to resolve this matter today.

On that day, Mr. Chambers had a certificate of election. Mr. Chambers was permitted to vote on that occasion in the election for Speaker, and did so, voting for his colleague, the gentleman from Indiana, Mr. Halleck. Just so the gentleman from Indiana (Mr. McIntyre) today was permitted to vote in that election; the same identical set of situations.

Contrary to what has been suggested today, there was a certificate of election unambiguously identifying the gentleman from Indiana, Mr. Chambers, as the duly elected Member on that occasion. In further support of that conclusion, I cite the reference in the RECORD in which the gentleman from Indiana, the minority leader, Mr. Halleck, referred to him as "Mr. Chambers, who has a certificate of election from the sovereign State of Indiana."

So I find that there is no basic distinction here. We are following precedent. It is the same kind of a situation that existed then. On that occasion, after the total recount was completed, it was determined, and I think not contested, that the secretary of state had been in error and that the gentleman from Indiana, Mr. Roush, in fact had been duly and truly elected.

I do not know what results will come from the inquiry and the total recount in this instance. I simply feel that it is one close enough that the House would be taking a rash action if it rushed to judgment in this case today.

I have just one other thing to say, and this is with respect to the suggestion that somehow what we are doing today runs contrary to the ruling of the Supreme Court in the case of Powell versus McCormack. That is not true either.

Section 5 of article I of the Constitution reads as follows:

Each House shall be the judge of the elections, returns, and qualifications of its own Members.

In the McCormack case, we were not attempting to judge an election; we were presuming to judge qualifications. The Court, in my opinion rightly, held that the House could not add to the constitutionally enumerated qualifications. So in the case of Mr. Powell we were held by the court to have acted unconstitutionally. We were not judging an election; we were judging qualifications.

Today, there is no question of qualifications. Nobody has suggested that the splendid young gentleman, Mr. McIntyre, lacks qualifications or that he is not constitutionally qualified to serve if it shall be determined that he was, indeed, duly elected. Nobody has made that suggestion. We are not presuming to judge his qualifications, as the House has in the Powell case.

What we are attempting to do here is to fulfill our constitutional responsibility to make certain that an election has been duly and truly held, that its result has been timely and regular, and that the procedures have been fair. In this instance, there is serious question.

So we are attempting to do what we think is the only fair thing to do. That is to ask each of the two contestants to stand aside until the Committee on House Administration shall have completed its recount and rendered its judgment.

Mr. Speaker, on the resolution, I call for the previous question.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield for a question on his resolution?

Mr. WRIGHT. Mr. Speaker, I will withhold my call for the previous question in order that I may yield to my friend, Mr. FRENZEL.

Mr. FRENZEL. I appreciate the gentleman yielding.

Mr. Speaker, on page 2, in lines 13 through 19, it describes the duties of the Clerk providing clerical assistance to maintain the full administrative functions for the Eighth District of Indiana.

My question is: Can the distinguished majority leader assure us that none of the employees of former Congressman McCloskey will be maintained on the House payroll for the purposes of performing full administrative functions with respect to the Eighth District of Indiana?

Mr. WRIGHT. I think I understand the gentleman's question.

I would presume that the Clerk of the House will act in exactly the same way as he did in the Phil Gramm case, and exactly as he does in cases involving the death of a Member. I think that is in keeping with his constitutional responsibilities.

I move the previous question on the resolution, Mr. Speaker.

SWEARING IN OF MEMBER

The SPEAKER. Before the Chair puts the question, will the gentleman from Montana [Mr. MARLENEE] kindly raise his right hand?

The Speaker administered the oath of office to the Honorable RON MARLENEE of Montana.

The SPEAKER. Congratulations. You are a Member of the Congress of the United States.

The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 238, nays 177, not voting 11, as follows:

[Roll No. 3]

YEAS—238

Ackerman	Donnelly	Kanjorski
Addabbo	Dorgan (ND)	Kaptur
Akaka	Dowdy	Kastenmeier
Alexander	Downey	Kennelly
Anderson	Durbin	Kildee
Andrews	Dwyer	Kleczka
Annunzio	Dyson	Kolter
Anthony	Early	Kostmayer
Applegate	Eckart (OH)	LaFalce
Aspin	Edgar	Lantos
Atkins	Edwards (CA)	Leath (TX)
AuCoin	English	Lehman (CA)
Barnard	Erdreich	Lehman (FL)
Barnes	Evans (IL)	Leland
Bates	Fascell	Levin (MI)
Bedell	Fazio	Levine (CA)
Beilenson	Feighan	Lloyd
Bennett	Flippo	Long
Bevill	Florio	Lowry (WA)
Biaggi	Foglietta	Luken
Boggs	Foley	Lundine
Boland	Ford (MI)	MacKay
Boner (TN)	Ford (TN)	Manton
Bonior (MI)	Frank	Markey
Bonker	Frost	Martinez
Borski	Fuqua	Matsui
Bosco	Garcia	Mavroules
Boucher	Gaydos	Mazzoli
Boxer	Gejdenson	McCurdy
Breaux	Gephardt	McHugh
Brooks	Gibbons	Mica
Brown (CA)	Glickman	Mikulski
Bruce	Gonzalez	Miller (CA)
Bryant	Gordon	Mineta
Burton (CA)	Gray (IL)	Mitchell
Bustamante	Gray (PA)	Moakley
Byron	Guarini	Mollohan
Carper	Hall (OH)	Montgomery
Carr	Hall, Sam	Moody
Chappell	Hamilton	Morrison (CT)
Clay	Hatcher	Mrazek
Coelho	Hawkins	Murphy
Coleman (TX)	Hayes	Murtha
Collins	Hefner (NC)	Natcher
Cooper	Hertel	Nelson
Coyne	Howard	Nichols
Crockett	Hoyer	Nowak
Daniel	Hubbard	Oakar
Darden	Huckaby	Oberstar
Daschle	Hughes	Obey
de la Garza	Hutto	Olin
Dellums	Jacobs	Ortiz
Derrick	Jenkins	Owens
Dicks	Jones (OK)	Panetta
Dixon	Jones (TN)	Pease

Penny	Shelby	Traxler
Pepper	Sikorski	Udall
Perkins	Sisisky	Vento
Pickle	Skelton	Visclosky
Price	Slattery	Volkmer
Rahall	Smith (FL)	Walgren
Rangel	Smith (IA)	Watkins
Ray	Solarz	Waxman
Richardson	Spratt	Weaver
Robinson	St Germain	Weiss
Rodino	Staggers	Wheat
Roe	Stark	Whitley
Roemer	Stenholm	Whitten
Rose	Stokes	Williams
Rostenkowski	Stratton	Wilson
Rowland (GA)	Studds	Wirth
Roybal	Swift	Wise
Russo	Synar	Wolpe
Sabo	Tallon	Wright
Savage	Tauzin	Wyden
Scheuer	Thomas (GA)	Yates
Schroeder	Torres	Yatron
Schumer	Torricelli	Young (MO)
Seiberling	Towns	
Sharp	Traficant	

NAYS—177

Armey	Gunderson	Packard
Badham	Hammerschmidt	Parris
Bartlett	Hansen	Pashayan
Barton	Hartnett	Petri
Bateman	Hendon	Porter
Bentley	Henry	Pursell
Bereuter	Hiler	Quillen
Bilirakis	Holt	Regula
Bliley	Hopkins	Ridge
Boehlert	Horton	Rinaldo
Boulter	Hunter	Ritter
Broomfield	Hyde	Roberts
Brown (CO)	Ireland	Rogers
Broyhill	Jeffords	Roth
Burton (IN)	Johnson	Roukema
Callahan	Kasich	Rowland (CT)
Campbell	Kemp	Rudd
Carney	Kindness	Saxton
Chandler	Kolbe	Schaefer
Cheney	Kramer	Schneider
Clinger	Lagomarsino	Schuette
Coats	Latta	Schulze
Cobey	Leach (IA)	Sensenbrenner
Coble	Lent	Shaw
Coleman (MO)	Lewis (CA)	Shumway
Combest	Lewis (FL)	Shuster
Conte	Lightfoot	Siljander
Coughlin	Livingston	Skeen
Courter	Loeffler	Slaughter
Craig	Lott	Smith (NE)
Crane	Lowery (CA)	Smith (NH)
Dannemeyer	Lujan	Smith (NJ)
Daub	Lungren	Smith, Denny
Davis	Mack	Smith, Robert
DeLay	Madigan	Snowe
DeWine	Marlenee	Snyder
Dickinson	Martin (IL)	Solomon
DioGuardi	Martin (NY)	Spence
Dreier	McCain	Stangeland
Duncan	McCandless	Strang
Eckert (NY)	McCollum	Stump
Edwards (OK)	McDade	Sundquist
Emerson	McEwen	Sweeney
Evans (IA)	McGrath	Swindall
Fawell	McKernan	Tauke
Fiedler	McKinney	Taylor
Fields	McMillan	Thomas (CA)
Fish	Meyers	Vander Jagt
Franklin	Michel	Vucanovich
Frenzel	Miller (OH)	Walker
Gallo	Miller (WA)	Weber
Gekas	Molinari	Whitehurst
Gilman	Monson	Whittaker
Gingrich	Moore	Wolf
Goodling	Moorhead	Wortley
Gradison	Morrison (WA)	Wylie
Green	Myers	Young (AK)
Gregg	Nielson	Young (FL)
Grotberg	Oxley	Zschau

NOT VOTING—11

Berman	Dymally	Neal
Conyers	Hall, Ralph	Reid
Dingell	Jones (NC)	Valentine
Dornan (CA)	Lipinski	

□ 1510

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SWEARING IN OF MEMBERS

The SPEAKER. Members-elect who have not taken the oath of office will kindly step to the well.

If the Members-elect will raise their right hands, the Chair will now administer the oath of office.

The SPEAKER administered the oath of office to the following Members-elect: Hon. TIMOTHY E. WIRTH; Hon. DENNIS E. ECKART of Ohio; Hon. WILLIAM L. DICKINSON; and Hon. WILLIAM CARNEY.

The SPEAKER. The gentlemen are now Members of Congress.

AUTHORIZING AND DIRECTING THE SPEAKER TO ADMINISTER THE OATH OF OFFICE TO MR. STALLINGS OF IDAHO

Mr. WRIGHT. Mr. Speaker, I have a privileged resolution at the Clerk's desk, and I ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 2

Resolved, That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from Idaho, Mr. STALLINGS.

□ 1520

The SPEAKER. The gentleman from Texas [Mr. WRIGHT] is recognized for 1 hour.

Mr. WRIGHT. Mr. Speaker, I do not expect this debate to consume an hour.

Mr. Speaker, I will yield 15 minutes, for purposes of debate only, to the gentleman from Indiana [Mr. MYERS]. I also yield myself 15 minutes for that purpose, pending which, for that purpose only, I yield 15 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, earlier today when two Members were asked to stand aside, I asked to be one of those to stand aside for one reason.

I asked for Mr. STALLINGS of Idaho to stand aside for one reason. Even though it is not required by statute to do this, historically we have asked seats in question to stand aside, and then be sworn in without prejudice.

I expected Mr. STALLINGS, and still do, to be sworn in without prejudice to the pending case that there is in Idaho, as the proper procedure, as should have been done with Mr. McIntyre. I am not asking anyone to violate their constitutional obligation, as just has happened. I must say that I told some of my friends on the Republican side;

You watch, there are certain responsible Democrats that cannot violate their constitutional obligation; they will either vote "present" or not vote at all.

I was wrong.

I am shocked. There is right, and then there is politically wrong. This House by a partisan vote, has committed a political wrong today. I am not suggesting, nor do I suggest that anyone on the Republican side commit a political wrong. Mr. STALLINGS is entitled to his seat here today just as much as Mr. McIntyre was entitled, and has been denied by a very partisan vote, a very wrong doing that the American people will not forget.

This House has been becoming more corrupt through the abuse of power and this is really the ultimate today. Now you young Members can smile about it, but it will come back to haunt you; watch and see what happens in the future.

The majority leader earlier in the McIntyre case said that Indiana had not decided its election timely. He did not suggest any vote fraud or anything like that. He said it was still questionable.

Well, in the case of Mr. STALLINGS, there is vote fraud alleged by both Democrats and Republican office holders in Idaho. There is a case pending right this moment in the courts in Idaho. Every reason why you would not know for sure whether Mr. STALLINGS is going to continue to serve, but he has that certificate.

The only eligible thing we have to question is that certificate. He has the certificate today. The Secretary of State of the State of Idaho has written the Clerk of the House, and I read from the third paragraph, this date, for the State of Idaho, signed by the Secretary of State, in the third paragraph he says, and I quote:

Since issuance of the certificate of election by my office, certain allegations of substantial irregularities involving registration and voting in Blaine County, Idaho, have been presented by a member of our legislature. The alleged irregularities are stated to be of sufficient volume to potentially change the result of this congressional election.

Now, the dean of the Democratic delegation from Indiana [Mr. HAMILTON] very eloquently said earlier, and I cannot quote verbatim, but he said this:

The House cannot confidently rely upon the State's certification.

And he went on to say:

The House does not know today who really won that election in Indiana, because it is still up in the air.

He said;

To seat the wrong man today and unseat him tomorrow would be wrong.

Mr. STALLINGS, I think is entitled to his seat today. By our Constitution, we have no right to deny him that seat,

but he ought to be sworn in without prejudice to the pending case. We do not know for sure. But you have done a wrong in Indiana by not seating Rick McIntyre, who was properly validated by every criteria required by this House and as stated by our Clerk, Ben Guthrie, earlier that he has a proper certification, on record right here, yet you denied him the seat.

I am not suggesting you do this, Mr. STALLINGS, even though if you carried out—we are consistent, and I would not accuse anybody of being that—but if you are consistent.

Again, the American people watching this will note where the noise comes from, I am sure. It has been predecided how this House shall vote this whole year, probably. Power is corrupt. You are seeing it happen here today, very corrupt.

Mr. friends, this is the final thing I am going to say. In Indiana, there is a recount pending. We do not know how it is going to turn out; but we should have seated the Member that had the certification. In Idaho, there are voting irregularities and fraud which may change the whole election. We do not know how it is going to come out, but we should have seated both and I am not asking you to commit two wrongs; but I am going to ask for a record vote; I want to see where the inconsistancies are.

I include the following:

STATE OF IDAHO,
SECRETARY OF STATE,
Boise, January 2, 1985.

BENJAMIN J. GUTHRIE,
Clerk, U.S. House of Representatives, U.S. Capitol Washington, DC.

DEAR MR. GUTHRIE: As the chief election officer of the State of Idaho I present this correspondence to further inform your office of certain proceedings presently pending in Idaho.

The Second District Congressional election in Idaho was decided by 170 votes.

Since issuance of the certificate of election by my office, certain allegations of substantial irregularities involving registration and voting in Blaine County, Idaho, have been presented by a member of our legislature. The alleged irregularities are stated to be of sufficient volume to potentially change the result of this congressional election.

In light of these complained of election irregularities, our office has sought the assistance of the Idaho Attorney General's office. The Idaho Attorney General's office is presently investigating these matters.

As you are aware our office has requested the assistance of the U.S. Attorney's office in investigating this matter.

Presently the U.S. Attorney's office has referred this request to their chief of election crimes branch in order that review of this matter may be expedited.

In Blaine County, Fifth District Judge Douglas Kramer has appointed special inquiry Magistrate Judge William Hart of Lincoln County, Idaho to head a probe of alleged voter fraud and election irrigularities in Blaine County.

Blaine County Prosecuting Attorney Keith Roark, a democrat, has also initiated an investigation in this matter. The special inquiry procedure gives the prosecutor broad subpoena powers to investigate these matters. Mr. Roark has also asked the Federal Bureau of Investigation to join in this investigation as well.

In the Idaho legislature, a special legislative committee will investigate the alleged election irregularities in Blaine County.

As the State's Chief Election official, I have pledged full cooperation and support to any partisan, bipartisan or non partisan agency, committee or office investigating the election irrigularities in Blaine County, Idaho.

Since it is contended the outcome of these investigations may have a substantial impact on this election as well as other local elections. I have requested that these bipartisan investigations be completed as soon as is possible.

It continues to be my fervent hope that these matters will be resolved shortly and that the will of the people of Idaho will be accurately stated by sending to Washington that representative duly and lawfully elected.

Yours Truly,
PETE T. CENARRUSA,
Secretary of State of Idaho.

I yield to my colleague from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding.

I intend to vote "yes" on this resolution, following the logic of the first vote.

Ms. FIEDLER. Will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentlewoman from California.

Ms. FIEDLER. I thank the gentleman for yielding to me.

Mr. Speaker, I would simply like to share with the House a very brief experience that I had in this last election. My Democratic opponents were 10 votes separated between the two of them. The one who won by 10 votes went through a recount and lost by 18 votes.

The question is, had he been elected to Congress, would that kind of a situation actually raise a serious question because of the narrowness of the race. I think that when we make a decision of this kind that it is terribly, terribly important that we all understand that each and every one of us might be subject to it if the race was close enough.

I think we ought to cast our votes not based on the partisan impact of it, but based upon the long-term historical outcome of the elections of the people of our country.

Mr. MYERS of Indiana. Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, we have seen on the previous vote what some of us have declared to be a flagrant exercise of brutal political power, disenfranchising the half a million people in the Eighth District of Indiana.

I just want to assure Mr. STALLINGS and my Democratic friends that I do not think any Republicans are going to vote against Mr. STALLINGS. I intend to vote for him to take the oath today on the same basis that Mr. McIntyre should have taken the oath.

It will be a matter of delight for me to see how my friends on the Democratic side can rationalize one vote one way and another vote the other.

Let us look at the difference in the two campaigns. Both of them were close contests. STALLINGS was declared a winner by 170 votes; McIntyre by 40. Was there a contest filed by McCloskey? No. Is there a contest in the STALLINGS race? Yes, there is, duly filed with the House of Representatives, and of course a flock of court cases.

Are there irregularities alleged? Yes, in one Idaho case. Voting irregularities are claimed on a specified Indian reservation, as are other irregularities in voting contrary to Idaho law from post office boxes in Blaine County.

Mr. Speaker, there are at least seven investigations going forward; one by the Idaho attorney general, one by the Idaho secretary of state, one by the Integrity Division of the U.S. Department of Justice, one by the Fifth District Court in Idaho which has appointed a special judge-magistrate, one by the Blaine County attorney—a Democrat, by the way—one by both houses of the Idaho Legislature.

There are no allegations against the Member-elect, Mr. STALLINGS. He should be sworn in.

Mr. Speaker, this case simply underlines the Republican objections and bitterness to the unjustice that was done before.

I am going to read from the Committee Report of the House Administration Committee, in the case of Tunney versus Vessey in 1971, a vintage year; my first on the House Administration Committee.

□ 1530

It says here: "The House of Representatives has consistently been hesitant in declaring a seat vacant preferring rather to measure the wrong and correct the returns if this is at all possible." That should have been the keynote in the McIntyre case where a grave injustice has just been done by this House.

Two injustices do not make a justice.

Republicans will vote twice for justice. Republicans will not attempt to repeat the injustice to Mr. STALLINGS. Let those who vote on the double standard to explain their votes.

The resolution should be passed.

Mr. MYERS of Indiana. Mr. Speaker, I yield 4 minutes to the gentleman from Idaho [Mr. CRAIG].

Mr. CRAIG. Mr. Speaker, on a very clear party line vote a few minutes ago, voting on House Resolution 1, it is my clear opinion that this body chose to steal a congressional seat away

from 500,000 voters in the Eighth District of Indiana.

I hope this House will not make the same mistake today with the pending resolution as it relates to the race between George Hansen and DICK STALLINGS. Mr. STALLINGS is seated in this Chamber today and deserves to be sworn in because he holds, as Mr. McIntyre held, a valid certificate of election from the secretary of state of their respective States.

But is there, ladies and gentlemen of this body, a question. Does there still remain a question as to who was legally and properly elected in their representative States? Yes, I believe there is a question and that question is currently being pursued in both States. And that is a fair process that all of us would encourage that our States become engaged in if it were our race that were in question.

But today we chose to violate the Constitution, to throw it to the wind and say that all of those criterias by which we establish representation in the House simply do not matter.

We heard the majority leader in the House today give all of his explanation as to why McCloskey ought to be seated. And yet who held the certificate of election? There is a decision pending in the State of Indiana based on a recount and that is a valid process.

Then let me relate to you the circumstances that exist in Idaho today because they do exist and there is real question and that is being pursued by not only local, but State and Federal authorities.

Subsequent to the issuance of the election certificate it was revealed in an election contest lawsuit filed in State court that 2,481 votes were cast and counted in Blaine County, ID, which may be illegal in that the voters casting them had listed addresses in registering to vote which were inadequate under Idaho law. In fact, a preliminary investigation of these addresses through a test mailing has already shown that over 300 of the addresses may not be valid. The lawsuit charges that illegal votes changed the outcome of the election since they constitute 44 percent of the votes cast in that county, which went 74 percent in favor of DICK STALLINGS.

These registration irregularities in Blaine County have generated serious concern, as I mentioned, by local, State and now Federal authorities. Voter fraud is the question. Voter fraud is now being investigated by the State attorney general, by the Idaho Legislature, by the U.S. attorney. It has been recommended and the Justice Department has accepted the case under their voter fraud division to investigate it to see if in fact that has happen.

If voter fraud is possible, if the investigation demonstrates that that is what happened, it is a possibility that Congressman Hansen could have won that election by well over 1,000 votes. But that is not the question pending before this body today. The question pending is: Does DICK STALLINGS, Congressman-elect from the Second District of Idaho, hold a valid certificate of election from the secretary of the State of Idaho? Yes, I believe he does. Yes I believe he ought to be seated. And, yes, I believe the Members of this body unanimously ought to vote to seat him, without prejudice to the investigation that is currently underway in the State of Idaho.

We must not err in this instance. Just because this House in a partisan vote decided to err in the first instance of House Resolution 1 to steal from the citizens of Indiana a congressional seat, to set a trend in the 1st session of the 99th Congress, to show the raw force of the power by the vote, is no reason to err in this instance.

I have encouraged my colleagues on the Republican side to vote in favor of seating the Congressman elect from the Second District of Idaho. But not to prejudice the investigation that is underway.

Mr. Speaker, we have established a precedent today and I hope we will rue the day that we so made that mistake, that we will not once again violate the Constitution of the United States.

Mr. WRIGHT. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. I thank the distinguished majority leader very much.

Mr. Speaker, the reason I rise is to protest a very serious infraction of the rules by the gentleman from Indiana, the gentleman who just spoke, and the gentleman from Minnesota, in maligning the motives that governed our decision in voting affirmatively for the resolution. They have called us corrupt, they have said we have cheated an electorate, they have questioned our motives as being strictly partisan motivated. And, Mr. Leader, I bitterly resent and protest that because in my case I certainly resent that and I demand an apology. I wanted to ask a question of the gentleman from Indiana, who was the most abusive. That was, since they were challenging the fact that this House was acting under the dictates of this resolution proposed as being unconstitutional would he not then be, in effect, advocating a dangerous precedent by arrogating to each and every secretary of state of each of the States a usurpation of the House's constitutional mandate to determine qualifications and elections of its Members?

I do not believe the opposition's basic premise: That the House is bound by a State's secretary of state's certification, no matter how outrageous, is sound. Rather, that would in reality cause the House to abdicate its constitutional prerogative. If the secretary of state of Indiana was not ready, as he obviously was not, to certify, he should have so indicated.

As a result, in that case, as well as in the case of Idaho, it leaves no alternative for this House but to proceed the way it has from the very beginning of the establishment of precedents under these situations.

Mr. Leader, I demand an apology because I do not think that we should be attacked this way and our votes maligned as thievery.

Second, I resent being called corrupt, which is what has been said on this floor, simply because I voted for a resolution in a way different from the other Member's way.

□ 1540

Mr. MYERS of Indiana. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. I thank the gentleman for yielding me this time.

Mr. Speaker, 2 years ago I was in the same situation. I came here under a contested election. This body at that time could have deprived me of being seated. Fortunately, for me at least, they did not. Properly for me, they did not. It took a year and a half before the contest was finally, through the courts, determined.

I think it is inappropriate at this time for this body to set a precedent this year that has similar circumstances to previous years whereby this body takes it upon themselves to determine which Members are going to be seated and which Members are not going to be seated without consideration of the facts of the election.

When a secretary of state determines that the election is certified, I believe this body has an obligation to seat the certified winner of that election. It is imprudent to set a precedent now where this body assumes the responsibility to determine which Members will be seated and which will not. I intend to vote for seating Mr. STALLINGS, as I voted to seat Mr. McIntyre.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I think an apology is in order, however, it is going to be different than the gentleman from Texas solicited. I am going to apologize for this House's action to the people of the Eighth District of Indiana, and to Mr. McIntyre both of whom have been wronged today, very seriously, by the actions of this body.

In closing, several people have asked how they should vote on this. My earlier asking Mr. STALLINGS to stand aside was not vindictive. I was really shocked yesterday when I heard the rumor that the Speaker was not going to allow Mr. McIntyre to be seated. I did not believe it. I only asked Mr.

STALLINGS to stand aside for one purpose: That he be identified if there is a question in Idaho similar to the other question in Indiana, but both should have been seated. It is wrong not to, but please, no one on this side make the mistake of voting no. Vote aye on this motion please.

I yield back the balance of my time.

Mr. WRIGHT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is significant that each of those on the other side who have spoken to this question have urged an aye vote on my motion. I regret very much that there has been an imputation of bad motive, or the implication raised that in voting to seat the gentleman from Idaho, [Mr. STALLINGS], we are acting in a manner inconsistent with the manner in which we acted earlier today when we chose to seat neither of the contestants in the Eighth District of Indiana.

The gentleman from Idaho I think may have been somewhat carried away, and I understand how that can happen, when he suggested that the House chose to steal a congressional seat. It may be that he misunderstood the purport or the intent of my remarks because he also characterized what I had said in that earlier instance by stating that the majority leader gave his reasons why Mr. McCloskey should be seated.

Now, that is not quite the case. I did not argue that Mr. McCloskey should be seated; I argued merely that we should seat neither of the contestants until it was determined who was the winner.

I think there are several clearly distinguishable features between this instance and the instance which we earlier resolved. In the first place, the Idaho case is similar to hundreds of cases that have occurred, whereas the Indiana case is distinct in various particulars. In the Idaho instance, the process was completed in a timely fashion. In Indiana, the process is unlikely to be completed for weeks yet to come. In Idaho, uniform procedures were followed for counting the ballots. In Indiana, the ballots were counted under 15 different sets of rules, and some of them have not been fully counted yet.

In Idaho the certification proceeded according to State law. In Indiana, the certification was held up until one county completed its recount, then hastily made and has not been left open for change. In Idaho, there was no discrepancy in the result. A recount was conducted by the State, was completed, and the gentleman from Idaho [Mr. STALLINGS], was declared to be the victor.

In Indiana, by contrast, the result is different according to which recount totals one uses. In Idaho, the State law is clear. In Indiana, the State law is complex and confusing. In Idaho, there were very few votes disallowed. In Indiana, hundreds, literally hundreds of votes have been disallowed.

Finally, in Idaho, all the State remedies have been exhausted and Mr. STALLINGS has been declared the winner. In Indiana, State remedies still remain. For all of these reasons, the two cases are clearly distinguishable, and I do not expect that Members are likely to vote against this present resolution, but I do want all of us to understand that in so doing we are not behaving in a manner inconsistent from the manner which we followed earlier in our determination that we were not yet prepared on the strength of the information available to us at this moment, to declare who the winner was in the instance of the Eighth District of Indiana.

In the present instance, I think we are prepared, and I move the previous question on the resolution.

The SPEAKER pro tempore [Mr. FOLEY]. Without objection, the previous question is ordered on the resolution.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 0, answered "present" 1, not voting 18, as follows:

[Roll No. 4]

YEAS—407

Ackerman	Brown (CA)	Dellums	Frank	Mack	Saxton
Addabbo	Brown (CO)	Derrick	Franklin	MacKay	Schaefer
Akaka	Broyhill	DeWine	Frenzel	Madigan	Scheuer
Alexander	Bruce	Dickinson	Frost	Manton	Schneider
Anderson	Bryant	Dicks	Fuqua	Markey	Schroeder
Andrews	Burton (CA)	Dingell	Gallo	Marlenee	Schuette
Annunzio	Burton (IN)	DioGuardi	Garcia	Martin (IL)	Schulze
Anthony	Bustamante	Dixon	Gaydos	Martin (NY)	Schumer
Applegate	Byron	Donnelly	Gejdenson	Martinez	Seiberling
Armey	Callahan	Dorgan (ND)	Gekas	Matsui	Sensenbrenner
Aspin	Campbell	Dornan (CA)	Gephardt	Mazzoli	Sharp
Atkins	Carney	Dowdy	Gibbons	McCain	Shaw
AuCoin	Carper	Downey	Gilman	McCandless	Shelby
Badham	Carr	Dreier	Gingrich	McCollum	Shumway
Barnard	Chandler	Duncan	Glickman	McCurdy	Shuster
Barnes	Chappell	Durbin	Gonzalez	McDade	Sikorski
Bartlett	Cheney	Dwyer	Goodling	McEwen	Siljander
Bateman	Clay	Dyson	Gordon	McGrath	Sisisky
Bates	Clinger	Early	Gradison	McHugh	Skeen
Bedell	Coats	Eckart (OH)	Gray (IL)	McKernan	Skelton
Beilenson	Cobey	Eckert (NY)	Gray (PA)	McKinney	Slattery
Bennett	Coble	Edgar	Green	McMillan	Slaughter
Bentley	Coelho	Edwards (CA)	Gregg	Meyers	Smith (FL)
Bereuter	Coleman (MO)	Edwards (OK)	Grotberg	Mica	Smith (IA)
Berman	Coleman (TX)	Emerson	Gunderson	Michel	Smith (NE)
Bevill	Collins	English	Hall (OH)	Mikulski	Smith (NH)
Biaggi	Combest	Erdreich	Hall, Sam	Miller (CA)	Smith (NJ)
Bilirakis	Conte	Evans (IA)	Hamilton	Miller (OH)	Smith, Denny
Billey	Cooper	Evans (IL)	Hammerschmidt	Miller (WA)	Smith, Robert
Boehlert	Coughlin	Fascell	Hansen	Mineta	Snowe
Boggs	Courter	Fawell	Hartnett	Mitchell	Snyder
Boland	Coyne	Fazio	Hatcher	Molinari	Solarz
Boner (TN)	Craig	Feighan	Hawkins	Mollohan	Solomon
Bonior (MI)	Crane	Fiedler	Hayes	Monson	Spence
Bonker	Crockett	Fields	Hefner (NC)	Montgomery	Spratt
Borski	Dannemeyer	Fish	Hendon	Moody	St Germain
Boucher	Darden	Flippo	Henry	Moore	Staggers
Boulter	Daschle	Florio	Hertel	Moorhead	Stangeland
Boxer	Daub	Foglietta	Hiler	Morrison (CT)	Stark
Breaux	Davis	Foley	Holt	Morrison (WA)	Stenholm
Brooks	de la Garza	Ford (MI)	Hopkins	Mrazek	Stokes
Broomfield	DeLay	Ford (TN)	Horton	Murphy	Strang
			Howard	Murtha	Stratton
			Hoyer	Myers	Studds
			Hubbard	Natcher	Stump
			Huckaby	Nelson	Sundquist
			Hughes	Nichols	Sweeney
			Hunter	Nielson	Swift
			Hutto	Nowak	Synar
			Hyde	Oakar	Tallon
			Ireland	Oberstar	Tauke
			Jacobs	Obey	Tauzin
			Jeffords	Olin	Taylor
			Jenkins	Ortiz	Thomas (CA)
			Johnson	Owens	Thomas (GA)
			Jones (OK)	Oxley	Torres
			Jones (TN)	Packard	Torricelli
			Kanjorski	Panetta	Towns
			Kaptur	Parris	Traficant
			Kasich	Pashayan	Traxler
			Kastenmeier	Pease	Udall
			Kemp	Penny	Valentine
			Kennelly	Pepper	Vander Jagt
			Kildee	Perkins	Vento
			Kindness	Petri	Visclosky
			Kleczka	Pickle	Volkmer
			Kolbe	Porter	Vucanovich
			Kolter	Price	Walgren
			Kostmayer	Pursell	Walker
			Kramer	Quillen	Watkins
			LaFalce	Rahall	Weaver
			Lagomarsino	Rangel	Weber
			Lantos	Ray	Weiss
			Latta	Regula	Wheat
			Leach (IA)	Richardson	Whitehurst
			Lehman (CA)	Ridge	Whitley
			Lehman (FL)	Rinaldo	Whittaker
			Leland	Ritter	Whitten
			Lent	Roberts	Williams
			Levine (CA)	Robinson	Wilson
			Lewis (CA)	Roe	Wirth
			Lewis (FL)	Roemer	Wise
			Lightfoot	Rogers	Wolf
			Lipinski	Rose	Wolpe
			Livingston	Rostenkowski	Wortley
			Lloyd	Roth	Wright
			Loeffler	Roukema	Wyden
			Long	Rowland (CT)	Wylie
			Lott	Rowland (GA)	Yates
			Lowry (WA)	Roybal	Yatron
			Lujan	Rudd	Young (FL)
			Luken	Russo	Young (MO)
			Lundine	Sabo	Zschau
			Lungren	Savage	

ANSWERED "PRESENT"—1

Lowery (CA)

NOT VOTING—18

Barton	Hall, Ralph	Neal
Bosco	Jones (NC)	Reid
Conyers	Leath (TX)	Rodino
Daniel	Levin (MI)	Swindall
Dymally	Mavroules	Waxman
Guarini	Moakley	Young (AK)

□ 1600

Mr. MACK and Mr. BROYHILL changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

(Mr. SWINDALL asked and was given permission to address the House for 1 minute.)

Mr. SWINDALL. Mr. Speaker, during rollcall vote No. 4, I was unavoidably detained with 150-some-odd constituents from my district whom I was showing around the Capitol. I state that had I been here I would have voted "aye" on the rollcall.

SWEARING IN OF MEMBER

The SPEAKER. Will the gentleman from Arizona [Mr. UDALL] kindly bring the gentleman from Idaho [Mr. STALLINGS] to the well?

Does the gentleman from Arizona have any remarks that he wishes to express at this time?

Mr. UDALL. No, Mr. Speaker.

The Speaker administered the oath of office to the Member-elect, the Honorable RICHARD H. STALLINGS of Idaho.

The SPEAKER. Congratulations. You are now a Member of the Congress of the United States.

MAJORITY LEADER

The SPEAKER. The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, as chairman of the Democratic caucus, I have been directed to report to the House that the Democratic Members have selected as majority leader the gentleman from Texas, the Honorable JIM WRIGHT.

MINORITY LEADER

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. KEMP].

Mr. KEMP. Mr. Speaker, as chairman of the Republican conference, I am directed by that conference to officially notify the House that the gentleman from Illinois, the Honorable ROBERT H. MICHEL, has been selected as the minority leader of the House of Representatives.

□ 1610

MAJORITY WHIP

Mr. WRIGHT. Mr. Speaker, I have the honor and distinct pleasure to advise the Members of the House that the gentleman from Washington [Mr. FOLEY] will act as whip of the Democratic Party for the 99th Congress.

MINORITY WHIP

Mr. KEMP. Mr. Speaker, as chairman of the Republican conference, I am directed by our conference to notify the House officially that the Republican Members have selected as our minority whip the distinguished gentleman from Mississippi, the Honorable TRENT LOTT.

ELECTION OF CLERK OF THE HOUSE, SERGEANT AT ARMS, DOORKEEPER, POSTMASTER, AND CHAPLAIN

Mr. GEPHARDT. Mr. Speaker, I offer a privileged resolution (H. Res. 3) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 3

Resolved, That Benjamin J. Guthrie, of the Commonwealth of Virginia, be, and he is hereby, chosen Clerk of the House of Representatives;

That Jack Russ, of the State of Maryland, be, and he is hereby, chosen Sergeant at Arms of the House of Representatives;

That James T. Molloy, of the State of New York, be, and he is hereby, chosen Doorkeeper of the House of Representatives;

That Robert V. Rota, of the Commonwealth of Pennsylvania, be, and he is hereby, chosen Postmaster of the House of Representatives; and

That Reverend James David Ford, of the Commonwealth of Virginia, be, and he is hereby, chosen Chaplain of the House of Representatives.

Mr. KEMP. Mr. Speaker, I wish to offer a substitute resolution, but before offering the substitute, Mr. Speaker, I request that there be a division of the question on the resolution so that we may have a separate vote on the Chaplain.

The SPEAKER. The question will be divided.

The question is on agreeing to that portion of the resolution providing for the election of the Chaplain.

That portion of the resolution was agreed to.

SUBSTITUTE AMENDMENT OFFERED BY MR. KEMP

Mr. KEMP. Mr. Speaker, I offer a substitute amendment for the remainder of the resolution.

The Clerk read the substitute amendment, as follows:

Amendment offered by Mr. Kemp as a substitute for the remainder of the resolution:

Resolved, That Hyde H. Murray of the State of Maryland, be, and he is hereby, chosen Clerk of the House of Representatives;

That Walter P. Kennedy, of the State of New Jersey, be, and he is hereby, chosen Sergeant at Arms of the House of Representatives;

That Tommy Lee Winebrenner, of the State of Indiana, be, and he is hereby, chosen Doorkeeper of the House of Representatives;

That Ronald W. Lasch, of the State of New Jersey, be, and he is hereby, chosen Postmaster of the House of Representatives.

THE SPEAKER. The question is on the substitute amendment offered by the gentleman from New York [Mr. KEMP].

The substitute amendment was rejected.

The SPEAKER. The question is on the remainder of the resolution offered by the gentleman from Missouri [Mr. GEPHARDT].

The remainder of the resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. Will the officers of the House just elected kindly step forward.

The officers-elect presented themselves at the bar of the House and took the oath of office.

The SPEAKER. Congratulations to the officers of the House.

NOTIFICATION TO SENATE OF ORGANIZATION OF THE HOUSE

Mr. WRIGHT. Mr. Speaker, I offer a privileged resolution (H. Res. 4) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 4

Resolved, That the Senate be informed that a quorum of the House of Representatives has assembled; that Thomas P. O'Neill, Junior, a Representative from the Commonwealth of Massachusetts, has been elected Speaker; and Benjamin J. Guthrie, a citizen of the Commonwealth of Virginia, has been elected Clerk of the House of Representatives of the Ninty-ninth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE TO NOTIFY THE PRESIDENT OF THE UNITED STATES OF THE ASSEMBLY OF THE CONGRESS

Mr. WRIGHT. Mr. Speaker, I offer a privileged resolution (H. Res. 5) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 5

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled

and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to join the committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that the Congress is ready to receive any communication that he may be pleased to make, the gentleman from Texas [Mr. WRIGHT], and the gentleman from Illinois [Mr. MICHEL].

AUTHORIZING THE CLERK TO INFORM THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE SPEAKER AND THE CLERK OF THE HOUSE OF REPRESENTATIVES

Mr. WHITTEN. Mr. Speaker, I offer a privileged resolution (H. Res. 6) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 6

Resolved, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected Thomas P. O'Neill, Junior, a Representative from the Commonwealth of Massachusetts, Speaker; and Benjamin J. Guthrie, a citizen of the Commonwealth of Virginia, Clerk of the House of Representative of the Ninety-ninth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RULES OF THE HOUSE

Mr. WRIGHT. Mr. Speaker, I offer a privileged resolution (H. Res. 7) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 7

Resolved, That the Rules of the House of Representatives of the Ninety-eighth Congress, including all applicable provisions of law and concurrent resolutions adopted pursuant thereto which constituted the Rules of the House at the end of the Ninety-eighth Congress, are hereby adopted as the Rules of the Ninety-ninth Congress, with the following amendments:

(1) In Rule I, clause 7, insert after the words "three legislative days" the following: ", except that with the permission of the House he may name a Member to act as Speaker pro tempore only to sign enrolled bills and joint resolutions for a period of time specified in the designation, notwithstanding any other provision of this clause".

(2) In Rule X, clause 1(e)(1), strike the words "to consist of thirty Members as follows", and insert in lieu thereof: "consisting of the following Members".

In Rule X, clause 1(e)(1)(A), strike the word "twenty-eight".

(3) In Rule XI, clause 1(a)(1) is amended to read as follows:

"1. (a)(1) The Rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees.".

(4) In Rule XI, clause 3(e), insert before the period at the end of the last sentence thereof the following: ": *Provided, however*, Each committee or subcommittee chairman shall determine, in his discretion, the number of television and still cameras permitted in a hearing or meeting room".

In Rule XI, clause 3(f)(3), strike the first sentence and insert after the word "permitted" in the second sentence the following: "by a committee or subcommittee chairman".

In Rule XI, clause 3(f)(5), insert after the word "shall" the following: "operate from fixed positions but shall".

In Rule XI, clause 3(f)(8) is amended to read as follows:

"(8) In the allocation of the number of still photographers permitted by a committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.".

(5) In Rule XI, clause 5, insert after paragraph (e) the following new paragraph:

"(f)(1) For continuance of necessary investigations and studies by—

"(A) each standing and select committee established by these rules; and

"(B) each select committee of the House, which was established by resolution during the preceding Congress, and for which a reestablishing resolution is introduced in the present Congress (but only if no resolution of the preceding Congress providing expenses for investigations of such select committee contained provision for the termination of the funding of the select committee at or before the end of that Congress);

there shall be paid out of the contingent fund of the House such sums as may be necessary for the period beginning at noon on January 3 and ending at midnight on March 31 of the first session of Congress.

"(2) Each committee referred to in subparagraph (1) shall be entitled for each month in the period specified in subparagraph (1) to 9 per centum of the total annualized amount made available under expense resolutions for such committee for the second session of the preceding Congress.

"(3) Payments under this paragraph shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, except as provided in subparagraph (4), and approved by the Committee on House Administration.

"(4) Notwithstanding any provision of law, rule of the House, or other authority, from noon on January 3 of the first session of a Congress, until the election by the House of the committee involved in that Congress, payments under this paragraph shall be made on vouchers signed by—

"(A) the chairman of such committee as constituted at the close of the preceding Congress; or

"(B) if such chairman is not a Member in the present Congress, the ranking majority party member of such committee as constituted at the close of the preceding Congress who is a Member in the present Congress.

"(5)(A) The authority of a committee to incur expenses under this paragraph shall expire upon agreement by the House to a primary expense resolution for such committee.

"(B) Amounts made available under this paragraph shall be expended in accordance with regulations prescribed by the Committee on House Administration.

"(C) The provisions of this paragraph shall be effective only insofar as not inconsistent with any resolution, reported by the Committee on House Administration and adopted after the date of adoption of these rules.".

(6) In Rule XVI, clause 4, strike out the words "one half of such time to" in the third sentence and insert in lieu thereof the following: "except that on demand of the floor manager for the majority it shall be in order to debate such motion for one hour. One half of any debate on such motions shall".

(7) In Rule XXVIII, clause 2(a), insert before the period at the end of the last sentence thereof the following: ", except that if the floor manager for the majority and the floor manager for the minority are both supporters of the conference report, one third of such debate time shall be allotted to a Member who is opposed to said conference report".

In Rule XXVIII, clause 2(b), insert before the period at the end of the last sentence thereof the following: ", except that if the floor manager for the majority and the floor manager for the minority are both supporters of the original motion offered by the floor manager for the majority to dispose of the amendment, one third of such debate time shall be allotted to a Member who is opposed to said motion".

Mr. WRIGHT (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MICHEL. Mr. Speaker, reserving the right to object, I do so only to inquire of the distinguished majority leader whether it is his intention to reserve or to grant the minority one-half of the debate time on adoption of the rules.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Texas.

Mr. WRIGHT. Why, precisely so. There would be no intention to do anything other than that. The minority would be entitled to a half of the time involved in the debate on this resolution.

Mr. MICHEL. With that assurance, Mr. Speaker, I withdraw may reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The gentleman from Texas [Mr. WRIGHT] is recognized for 1 hour.

(By unanimous consent, Mr. WRIGHT was allowed to speak out of order.)

TIME OF MEETING OF STEERING AND POLICY COMMITTEE

Mr. WRIGHT. Mr. Speaker, I should like to inform my colleagues on the Democratic side who are members of the Steering and Policy Committee that that committee will meet in room H-122 immediately upon the adoption of this resolution. That may come an hour from now. That meeting had been scheduled originally for 4:30. It will not be held until the completion of this resolution.

Now, having consumed that time, I should like to yield such time as he may require to the gentleman from Texas [Mr. FROST] the chairman of the Committee on Rules Modifications, who served in that capacity for the Democratic caucus.

Mr. FROST. Mr. Speaker, the recommended rules changes embodied in House Resolution 7 are, for the most part, noncontroversial and the Democratic caucus has not recommended major changes in the way we do business in the House. Before we vote on the adoption of the House rules and these recommended changes, I would like take a few minutes to briefly summarize the recommendations of the caucus contained in House Resolution 7.

The first amendment changes rule 1 to enable the Speaker to designate a Member, for a specific period of time and with the permission of the House, to sign enrolled bills and joint resolutions in his absence. Under present rules, a Speaker pro tempore must be formally elected by the House to sign enrolled bills. This limited change is only designed to facilitate the signing of bills for transmittal to the Senate and to the President.

The second proposed amendment removes the numerical limitation contained in rule X on the total number of Members who may serve on the Budget Committee. The change would allow the size of the committee to be determined at the beginning of each Congress, in the same manner as all other standing committees, and would not affect the limitations on terms of membership set forth in House rules relative to service on the Committee on the Budget. Since the creation of the committee in 1974, its size has been increased three times, in the 94th, 97th and 98th Congress.

The third amendment to the rules provides, in rule XI, a nondebatable motion to dispense with the first reading of a bill by a committee clerk prior to the reading of the bill for amendment in committee markup. This amendment does not do away with the requirement to read the bill in full upon demand, nor does it do away with the requirement to read the bill for amendment; rather, it provides that the first reading may be dispensed with if a majority of the committee agrees to a motion to dispense with the reading.

The fourth rules change amends rule XI to provide a full committee or subcommittee chairman with the discretion to determine the appropriate number of cameras to be permitted at any given committee meeting or hearing. The chairman will be required to follow the standards of dignity and decorum set forth in House rules. The present House rule limits television cameras to four and press photographers to five in any committee meeting for hearings.

The fifth amendment provides, in rule XI, new automatic interim funding for committee, select committees established in the House rules, and select committees established by resolution in the previous Congress for which a reestablishing resolution is introduced in the new Congress and for which funding was not terminated in the preceding Congress. The automatic funding is provided between January 3 and March 31 of the first session of a Congress. Resolutions providing such interim funding have been routinely adopted at the beginning of each Congress, and this rules change codifies that practice.

The sixth proposed rules change amends rule XVI to provide for 1 hour of debate, upon demand of the majority floor manager of a bill or joint resolution, on a motion to recommit with instructions, with the time to be equally divided and controlled by the maker of the motion and a Member opposed. Under current rules, such a motion, which is the prerogative of the minority party to offer, is subject to 10 minutes of debate, equally divided.

The final rules change amends rule XXVIII to provide that one-third of the debate time on a conference report, or on a Senate amendment reported from conference in disagreement, be allotted to a Member who is opposed to the conference report or to the motion to dispose of the amendment, but only if the floor managers for the majority and the minority support the conference report or motion. Current rules provide for no automatic distribution of time to a Member who is opposed. Under the rules change as proposed, any Member, whether from the majority or the minority, may seek the 20 minutes in opposition under ordinary rules of recognition when both floor managers support the proposition.

□ 1620

Mr. Speaker, as the majority leader indicated, the time will be equally divided, for purposes of debate only, and our side has yielded a total of 30 minutes to the minority.

Mr. MICHEL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, we will seek to defeat the previous question so that we may bring before the House a comprehensive package of reforms covering nearly all aspects of House operations.

There have been a number of studies done on House operations and they all have come to the same conclusion—change is needed. Even surveys of House Members produce the same result.

Change the rules.

Change the way we operate around here.

This year, we can add two more pressing reasons for reform. One is money.

This is a billion and a half dollar Congress.

We're spending too much and accomplishing too little.

We waste public funds on too many subcommittees, too much staff, and too much paperwork. Too much of what we do is for show.

We put very little meat on the public platter and a lot of fat and gristle, but the taxpayers pay for it as though it was all 100-percent prime beef.

Let's begin the deficit reduction search right here, right now.

The second reason is one of pride. In 2 years, we will celebrate the convening of the 100th Congress.

This will be a special time for those of us who cherish this institution and the part it plays in the governance of the greatest Nation on Earth.

We must not convene a 100th Congress stricken with inefficiency, plagued by bitter partisanship, and so cumersome and autocratic, it can't conduct the people's business.

This is our last chance to heal this House before we shine the national spotlight on her for the bicentennial of our legislative branch of Government.

We propose reducing the number and size of committees and subcommittees.

We propose oversight reform, less duplication, less staffing, reductions in the volume of mail we send out, a ban on proxy voting, fair committee ratios and other reforms.

We all know something needs to be done. We have put it off for too long.

Let's give the people a House in which they can take pride.

Now let me turn to brief remarks relative to the Democratic Rules Package.

The new rules of the House as proposed in the resolution belfore us, House Resolution 7, are a conglomeration of ideas of assorted subgroups of the Democratic caucus.

I am referring specifically to the "Caucus Committee on Organizations, Study and Review" and the DSG or Democratic study group.

The changes for the 99th Congress are relatively modest compared to

some of the whoppers I've seen dragged out here on opening days in the past.

Some of these amendments are thoughtful or required, while others could be damaging to the rights of my minority Members in this House.

I would like to address several of the proposed House rules changes.

DESIGNATED BILL SIGNER

The change would allow the Speaker, with the permission of the House, to name a Member to sign enrolled bills and joint resolutions for a specific period of time.

This is a worthwhile change which would allow the Speaker to be absent from the House while still allowing our enrolled bills to be sent to the President promptly.

BUDGET COMMITTEE SIZE

This change would strike the requirement that the Budget Committee consist of 30 members.

This cannot be considered radical, as we enlarged the committee to 31 members during the 98th Congress. The Democratic caucus has tinkered more with these provisions of the Budget Act than any others.

They've changed the earlier Member rollover requirement from two terms to three terms and made exceptions for the chairman.

Just prior to this Congress, the caucus decided only to change the size for the third time, now there is no limit.

This amendment supposedly would allow the size of the committee to be adjusted by the Democratic leadership in negotiations with the minority at the start of each Congress.

We have abandoned many of the underlying principles of the Budget Act as originally put forth.

We set the size and composition for a particular purpose.

It was intended to be small enough to act while still carrying a requirement that there be members of the Appropriations and Ways and Means Committees as well as a leadership representative from both sides of the aisle on the committee.

We originally required three members on the majority side of the committee to be from Ways and Means and Appropriations, while requiring two from those committees on the minority side. The remaining members are to be from all the other committees.

This was intended to give the money committees fair representation on the Budget Committee.

This would not be a problem if we maintained the committee's originally intended ratio of no more than 3 to 2, majority to minority.

As it has been, my committee on committees has to live with a ratio of 20 to 11, almost 2 to 1. If you subtract our required five members, we have only six slots from all the other committees, as compared to 10 on the majority side.

Finally, if we are going to achieve bipartisanship on our budgets, we must make the process bipartisan.

Changes which are made unilaterally by one party do not aid in achieving that bipartisanship.

FIRST READING IN COMMITTEES

This change would make a motion to dispense with the first reading of a bill or resolution in committees and subcommittees a nondebatable motions of high privilege if printed copies of the bill or resolution are available.

This change does not appear innocuous on its face, so we must first understand its origin. In one committee in particular our objection was regularly raised whenever a member felt that the committee was rushing into its deliberations.

Unfortunately, many of our committees and subcommittees are rushing as we have far too many committees and subcommittees.

With proxy voting, we have tried to let our membership be everywhere at once.

If we addressed real legislative reform and limited subcommittees and the size and membership of committees and banned proxy voting—there would be no need for this amendment.

TV CAMERAS AND COMMITTEE AND SUBCOMMITTEE HEARINGS

Present rules allow no more than four television cameras and no more than five still cameras at any committee or subcommittee meeting or hearing.

This change gives chairmen of committees and subcommittees the authority to determine the number of TV and still cameras allowed.

INTERIM COMMITTEE FUNDING

This change would automatically give every standing and select committee interim funding from January 3 through March 31 at the start of the Congress.

The rate is to be a monthly rate of 9 percent of the total annualized amount made available last session. This would result in an 8-percent increase over the prior year if carried on for the remainder of the session.

This change would not apply to a select committee with a termination date at or before the end of the preceding Congress.

This was designed to avoid the possibility of a single Member blocking the interim funding resolution at the start of each Congress.

These resolutions are routinely brought up by unanimous consent after consultation with the ranking minority member of the House Administration Committee. There has been no objections as the minority always sought to cooperate with the majority.

Obviously, the majority didn't care about cooperations as they completely ignored the minority membership of House Administration when they proposed this change.

DEBATE TIME ON MOTIONS TO RECOMMIT WITH INSTRUCTIONS

This change and the following were the second DSG proposals. Both deal with debate time and who would control it.

This change is a fundamental departure from the purpose of the Legislative Reorganization Act of 1970 which established the current 10-minute debate procedure.

This new rules change would allow up to 1-hour debate on motions to recommit with instructions if so demanded by the majority floor manager.

We in the minority have always been in favor of more debate on the motion to recommit when instructions are offered.

The only problem with this rules change is that it leaves the sole discretion for longer debate time to the majority manager and no discretions to the minority.

To allow only the majority manager to lengthen the debate time on a motion moved by someone else is contrary to most parliamentary principles.

To allow such arbitrariness in deciding which motion is important to be debated at length runs contrary to any spirit of bipartisanship necessary to achieve sound legislation.

DEBATE TIME ON UNAPPROVED CONFERENCE REPORTS

This change would allow one-third of the debate time on conference reports or on a Senate amendment to a motion reported in disagreement, to any Member who is opposed, but only in those instances when the floor managers for the majority and minority are both in support of the measure.

This proposal moves in the opposite direction of the prior change.

Here we are allowing any minority Member a share of the debate time on his own request when opposed, while the floor managers are in favor.

THE REPUBLICAN SUBSTITUTE

I would like to include at this point the rules package we would offer if the previous question is defeated. Included is the legislative language as well as brief descriptions and background information on those changes.

The reforms we are proposing are intended to streamline House operations and save the taxpayers millions of dollars in the process.

REPUBLICAN BLUEPRINT FOR A HOUSE THAT WORKS

THE NEED FOR CHANGE

December 1984

Subcommittee Proliferation: In the 93rd Congress the House had 21 standing committees with 119 subcommittee assignments; in the 98th Congress the House had 22 standing committees and 146 subcommittees—a 22 percent increase in subcommit-

tees; 10 House committees currently have more than six subcommittees;

Member Subcommittee Assignments: In the 93rd Congress there were 1,642 subcommittee seats, and 154 Members had five or more subcommittee assignments: in the 98th Congress there were 1,721 subcommittee seats (a 5% increase from the 93rd Congress), and 198 Members had five or more subcommittee assignments (a 28% increase from the 93rd Congress);

Committee Staff Proliferation: In the 93rd Congress, House committees had 848 committee staff; in the 98th Congress committees had 1,732 committee staff—a 104% increase; the ratio of committee staff to committee member in the 93rd Congress was 1 to 1; the ratio in the 98th Congress was 2.1 to 1;

Party Ratios on Committees: In the 98th Congress the minority party was underrepresented on committees by 23 seats, and on subcommittees by 62 seats—effectively disenfranchising 11.5 million Americans at the committee level and 31 million Americans at the subcommittee level;

Proxy Voting: In the 93rd Congress the House voted to abolish proxy voting in committees, but it was restored on the first day of the 94th Congress before it could take effect; in the 98th Congress, 18 of the 22 standing committees permitted proxy voting.

One-third Committee Quorums: In the 95th Congress, the House adopted a rule permitting committees to transact all business (except reporting measures) with only one-third of their members present; in the 98th Congress, 15 of the 22 standing committees had rules permitting one-third quorums;

Multiple Referral of Legislation: In the 93rd Congress, the House adopted a rule to permit bills to be considered by more than one committee; a study in the 95th Congress revealed that such multiple-referred bills consume four times as much meeting and hearing time as singly-referred bills, yet have half the chance of being reported from committees, and more than three times less chance of being passed by the House;

Oversight: In the 93rd Congress it was estimated that House committees and subcommittees spent only 1.1 percent of their time reviewing existing laws, programs and agencies within their jurisdiction; while a survey in the 96th Congress revealed that committees were spending more time on oversight, 77 percent of the Members surveyed felt committees were still doing an inadequate oversight job; and while a rule adopted in the 93rd Congress required committees to publish their oversight agendas at the beginning of each Congress, and all have done so, none of the committees require formal adoption of the agenda (this has been largely a staff operation), and there are no means of assuring implementation or accountability;

House Broadcasting: In the 96th Congress, the House began public broadcast coverage of its floor proceedings under a system owned and operated by the House and controlled by the Speaker; in the 98th Congress, the Speaker unilaterally altered the camera coverage policy during special order speeches to show the nearly-empty chamber in an attempt to embarrass minority party Members making speeches; further restrictions are now being considered by the Democratic Caucus to further curtail minority party speeches and limit their exposure over the broadcast system.

Franked Mail: Members of Congress are mailing out many times the number of pieces of correspondence being sent to them. The cost of the franking privilege in 1984 was $107 million.

BLUEPRINT FOR A HOUSE THAT WORKS

Prepared by the Republican Leadership, U.S. House of Representatives, October 1984

INTRODUCTION

The U.S. House of Representatives is plagued by abuses of power inefficiency and partisan self-interest. It is the inevitable outgrowth of a half-century of nearly uninterrupted Democratic control of the institution.

The mismanagement and misdirection of House activities has become so severe that the legislative process has suffered immeasurably and the American people have been denied the quality of legislation, the policy formulation and the representation they have the right to expect.

Mismanagement of the House has a crippling effect not only on the legislative process and its capacity to conduct the people's business, but on the entire government, for our system of government cannot function properly unless all three branches carry equal weight as well as equal responsibility. A Congress that is too weak and inefficient will produce Executive and Judicial Branches which are too strong and too domineering.

Democrats have had the reins of power far too long. Democrats have had control over the House for the last 30 years without interruption, and for 48 of the last 52 years. It is time for a change.

We propose: Smaller committees; Fewer subcommittees; Fair committee ratios; Less staff; Lower costs; Streamlined rules and procedures; More even work load; Less overlap; Greater oversight; and More accountability and openness.

The recommendations set forth here are designed to bring about those changes.

Section 1: Committee reform

FAIR RATIOS, SMALLER COMMITTEES

The House of Representatives has turned its back on the principle of one-man, one-vote enunciated by the Supreme Court 22 years ago.

Committee ratios are determined by the Speaker and the Democratic party every two years prior to the beginning of each Congress.

Republicans, under the rule of Speaker O'Neill, have been denied fair representation on committees and subcommittees and as a result those millions of Americans served by Republicans in the House have been denied a voice in the legislative process. The ability of the Republicans to advance viewpoints, pass amendments, or implement changes is seriously impaired by inequitable committee and subcommittee ratios. Adherence to improperly aligned ratios disparages the very spirit of representative government and is equivalent to political disenfranchisement.

The Democrats have claimed that the shortweighting of the minority by a few seats is not that significant. But many crucial committee and subcommittee decisions are often passed by narrow margins, such as the Appropriations Committee's one-vote approval of a rescission of funding for construction of a nuclear powered aircraft carrier, the Commerce Committee's one-vote approval of retaining price controls on natural gas, and the Foreign Affairs' Committee's one vote approval of a removal of restrictions on U.S. arms sales to Turkey. Surely the closeness of these recent votes illustrate the importance of a single vote in committee deliberations.

Noted scholar and former Representative DeAlva Stanwood Alexander, who spent most of his House career in the majority, wrote in 1916, "Such disproportion, even if technically justified, is unfortunate, for it is likely to minimize, if it does not absolutely destroy, the wholesome influence of a vigilant opposition."

Equitable committee ratios are necessary for two fundamental reasons: to check the power of any majority and to ensure that the committee process blends a broad range of legislative views and thereby achieves the best legislative product possible.

The very nature of our form of government demands that the House exercises fairness in ratios as has been done in the Republican-controlled Senate.

Democrats have also refused to allow Republicans to participate in the drafting of Committee reports which oftentimes are influential in how a law is interpreted and implemented. The Minority should be allowed to contribute to report language.

Democrats have also granted subcommittee chairmen sole power to issue exercise subpoenas. This legal device can be a powerful instrument and should only be utilized with the consent of the full subcommittee.

Committee and subcommittee ratios in the 98th Congress were in serious imbalance, particularly on the key committees. The ratio of Republicans to Democrats in the House in the 98th Congress was 38 percent. The ratio on the Ways and Means Committee was 34 percent. The ratio on the Education and Labor Committee was 29 percent and the ratio on the House Administration Committee was 30 percent. Republicans were denied 8 seats on the subcommittees of Energy and Commerce Committee and 7 additional seats on the subcommittees of the Foreign Affairs Committee.

The Democratic leadership has always found new and innovative ways to abuse committee assignments. In the 98th Congress, the Democrats made temporary appointments to committees, temporary appointments that became permanent, to no one's surprise. When two vacancies in the House occurred, one in California and one in Wisconsin, the sizes of two committees were simply expanded to accommodate the new members. The new members could have filled already existing vacancies on other committees. Increasing the size of committees was improper and should have been avoided.

House Committees, as a result of this kind of action are far too large and cumbersome. The Banking, Finance and Urban Affairs Committee for example, had more than 50 members and 8 subcommittees in the 98th Congress.

Committee sizes should only be determined after consultations between the Democratic and Republican party leadership, and the full chamber should be allowed to vote on individual resolutions setting out committee size and funding.

CUTTING COMMITTEE STAFF AND FUNDING

One of the greatest embarrassments of our current legislative system is the excessive size of staffing and funding of the committees of the House.

The committees are over-staffed and cost too much. Committee staff is also apportioned between Republicans and Democrats in a manner that cripples the minority's ability to serve in the capacity of the loyal opposition, conduct research, offer alterna-

tives to bills and amendments, or oversee the activities of the majority. In short, millions of Americans are denied fair access to the legislative process.

Since the 93rd Congress, which convened a decade ago (1973), the number of House Committee staff has gone from 1,143 to 2,014 in the 98th Congress which convened in 1983. That is a 76 percent increase in just 10 years.

It has gotten to the point where on some committees there are three or four staff members for every Member of the committee. The District of Columbia Committee majority staff is so large there are 4.1 staff per member and the Education and Labor and Energy and Commerce Committees have 3.1 and 3.5 staff per member respectively.

In the 98th Congress, Republicans made up 38.1 percent of the membership in the House. If that ratio were accurately reflected in Committee staff, 322 more Republican employees would be required to make up the shortfall. There was a 307 staff shortfall in the 96th Congress, and in the 97th Congress, where Republicans made up 44 percent of the House, staff assigned to them in committees was only 14.6 percent or a shortfall of 447 positions. Make no mistake about it, we don't want more staff, we want severe reductions in current majority positions.

The worst case by far in the 98th Congress was the Energy and Commerce Committee which employed 109 investigative staff, only 9 of whom were Republican staff.

Subcommittee staff should fall under the jurisdiction of the full Committee Chairman for better control and greater efficiency.

Funding of committee work is equally excessive.

Ten years ago, in the 93rd Congress, first session, total Committee funding amounted to $17.4 million. The committee funding in the 98th Congress, first session, was $34.6 million or a 98 percent increase.

Some committees have tried to hold the line while others have been absolutely outrageous in their demands.

Since the 93rd Congress, there has been no appreciable increase in the number of bills and resolutions reported or passed.

Ten years ago, the committees filed 693 reports, and reported out 906 bills and resolutions. In the 98th Congress, the committees filed just over 640 reports, and reported out 725 bills and resolutions.

In fact, while the cost of Congress as a whole has skyrocketed, the number of bills enacted into law has not changed much over the last 10 years. The 93rd Congress produced a total of 923 bills and resolutions, while the 98th Congress produced 858 to date. The most productive Congress was the 95th with 1,027 bills enacted into law.

That degree of productivity does not warrant huge increases in staff and funding. Republicans do not believe the House should be producing more bills. Oftentimes, under Democratic rule, the less done the better. This Congress was notorious for producing bad bills and failing to produce needed ones.

We propose a substantial reduction of staff. Had our formula been implemented in the 98th Congress, it would have resulted in a limit on Democratic staff to no more than twice the amount afforded to Republicans. We believe staff could be reduced by hundreds.

NUMBER OF COMMITTEES AND JURISDICTION

There is a saying within the Halls of Congress: If you pass a Democratic member of the House whom you don't know by name, call them Mr. or Madame Chairman, because there are so many committees and subcommittees in the House just about every Democrat chairs one.

That isn't much of an exaggeration. There are 22 standing committees and 141 subcommittees. The number of subcommittees is up by 32 in just the last 10 years. Four select committees have been added in the last decade and there has been a virtual explosion of special task forces, special interest caucuses and other organizations. Nearly all of these legislative or quasi-legislative bodies consume tax dollars, federal staff and the time and energy of legislators.

In just the last two years, the expansion of subcommittees has created 59 new seats for members of the House, further dividing their time and energy.

We believe that the proliferation of subcommittees and other bodies must be stopped. At least four or five standing and select committees and at least 20 subcommittees ought to be eliminated. The District of Columbia Committee, for example, could function better as a subcommittee of another standing committee, as could most of the select committees now in existence. The Senate has a 3-member District of Columbia subcommittee with only 10 staff and that small subcommittee appoints local judges, which the House Committee does not.

There is no reason why the Post Office and Civil Service Committee should have separate subcommittees on Postal Operations and Postal Personnel. The two should be combined to save staff, funding, space and equipment, and probably eliminate a lot of make-work. There is no reason why the House Banking Committee needs a subcommittee on International Development and another on International Trade. There is no reason why you need 22 different committees and subcommittees having jurisdiction over energy issues.

Jurisdictional problems are compounded by the practice of sequential referral, the assigning of one piece of legislation to several committees. Environmental issues are often divided among three separate standing committees and an untold number of subcommittees. Each standing committee and subcommittee under the rules can amend or change any part of the legislation regardless of whether they have jurisdiction. The practice creates a terrible logjam of legislation that in some cases ultimately kills the bill entirely.

As is discussed in another section of this study, consideration should be given to eliminating separate House and Senate committees, such as the Budget Committees and creating joint committees of the Congress. Select Committee functions could be merged with standing committees.

Current events, changing times, and new national and legislative priorities demand that standing committees and subcommittees undergo a major realignment. A study of such a realignment with mandatory requirements for implementation is badly needed and long overdue.

Past efforts at reform have failed, primarily due to the unwillingness of the Democratic leadership to undertake such a task. Some progress has been made, but not nearly enough.

The last study of the problem by the Patterson Committee in the 96th Congress found broad support for realignment and for reform of the committee system. A member survey conducted then found that 81 percent of House members felt the number of subcommittees should be reduced and 82 percent felt that limitations should be placed on members' subcommittee assignments. It is clear, as well, that major steps must be taken to improve the flow of legislation through the subcommittees by eliminating overlap in jurisdiction.

PHANTOM LEGISLATING

A quorum is that number of members in a legislative body whose presence is necessary to conduct business.

Today, House rules make it very easy for committees to conduct business without a quorum present.

Currently, a bill can be drafted (marked-up) in committee with only one-third of the members present.

In committees, the frequent lack of a quorum coupled with the use of proxy voting and the unfair ratios, have created an atmosphere in which a few make decisions for many.

House rules provide that no House committee may use proxy votes unless the committee specifically authorizes them. If the committee chooses to authorize proxies, such proxies should be in writing, assert that the member is absent on official business, designate who is to execute the proxy and be limited to a specific measure. However, some committees have simply made blanket use of proxies without regard to their effort on the process.

Proxy voting is in fact "phantom" voting and it minimizes the members' accountability, makes absenteeism acceptable, and detracts from the very basic concept of legislative government.

We believe proxy voting ought to be banned.

Section II: Rules and procedures

BETTER SCHEDULING OF LEGISLATION

In an organization as complex as the House of Representatives, with so many different committees and subcommittees, and with such a wide array of duties imposed upon Members, care needs to be exercised in developing the legislative schedules of Members, committees and the House as a whole.

Scheduling in the House today is an abomination.

The House should be in session more days per week, with a fixed schedule, say for at least five weeks at a time and two weeks for district work periods. Ample time should be allotted for committee work. Fewer conflicts in committee and subcommittee schedules should be allowed. Members should have more opportunities to better allocate their time. Scheduling ought to be computerized. More emphasis should be placed on the oversight responsibilities of the Legislative Branch.

A number of proposals should be given serious consideration.

Committees could be required not only to adopt oversight plans but be accountable for them. Currently, each House Committee prepares oversight plans in consultation with the Government Operations Committee.

However, the Government Operations Committee has indicated that these meetings and written plans are not an effective means of coordinating and implementing oversight activities. The dismal record of the House bears that out.

Oversight could be concentrated in three or four key committees and oversight plans should be made public early in a new Congress.

There should be better long-range scheduling of floor activities and floor time. The party leaderships should consult formally on the floor schedule.

TELEVISED SESSIONS

Televised coverage of House proceedings by a broadcast system controlled internally by the Speaker of the House has been in effect since the 96th Congress.

The coverage of House proceedings is limited, in that coverage is prohibited during those periods when an electronic vote is in progress so that the viewing public cannot see the interaction that takes place in the well of the House and the changing of votes by individual members. Limitations are also in place during regular sessions of the House which prohibit the "panning" of the Chamber during debate, although such a practice occurs during the Special Orders period following regular business.

We believe that coverage of House proceedings ought to be completed and unedited. We also believe that consideration ought to be given to delegating authority for day-to-day control of the system to a committee of broadcast journalists.

RULES AND THE RULES COMMITTEE

The Rules Committee is the traffic cop of the House, dictating how a piece of legislation gets to the floor, how many amendments will be considered, and how much time will be allowed for debate. The Committee usually sets the conditions for debate and may also waive various points of order against a bill or an amendment which would otherwise prevent House action. Because the Rules Committee's critical role in controlling the legislative process, the Committee has traditionally been held under the tight control of the Speaker, and that is as it should be.

The Rules Committee is currently composed of nine Democrats and four Republicans—a ratio which is substantially larger than the ration of Democrats to Republicans in the full House.

The Rules Committee in recent years has become autocratic and dictatorial, waiving certain rules of the House to accommodate favored interests and in some cases, not only dictating what amendments can be offered but how those amendments will be written.

In a growing number of circumstances rules have been fashioned to provide Democrats with the opportunity to vote in favor of several alternatives so that they can cover all the bases with their constitutents, while in the end voting with the Democratic leadership on a leadership endorsed position.

The practice of waiving rules of the House has become so common that the first appropriation bill considered by the House this year contained what amounted to a blanket waiver of all of the budget enforcement rules we have.

Rules from the Rules Committee should not play fast and loose with long-standing House rules and procedures. Waivers of House rules should be more difficult to obtain and the Rules Committee ought to be required to justify them in writing. More open rules that allow for amendments to be offered ought to be granted, especially on bills of a complex and/or controversial nature.

SUSPENSION OF THE RULES

The rules of the House provide that legislation may be brought up on Monday and Tuesday under what is called suspension of the rules. Measures brought up under suspension are debated for only 40 minutes (twenty minutes per side) and no floor amendments are allowed. A two-thirds vote is required for passage.

During the past decade, the House has made increasing use of the suspension procedure to pass very costly and very controversial legislation, not the least of which was the Equal Rights Amendment in the 98th Congress.

The suspension procedure is an efficient means for passing legislation on which there is no great controversy. However, using the procedure for more substantive pieces of legislation flies in the face of our legislative process. In this Congress alone, nearly half of the bills the House passed were brought up under suspension of the rules.

While the suspension procedure should be controlled by the Speaker, its continual abuse cannot be tolerated. A bi-partisan committee may be necessary to screen proposals before they are made eligible for consideration under suspension. We now have committee reviewing bills on the Private Calendar and on the Consent Calendar. If there is truly overwhelming support for a bill, and no interest in offering amendments, then suspension is an appropriate procedure.

An alternative to an oversight committee would be requiring minority concurrence before any measure can be brought up under suspension.

CLEANING UP THE CONGRESSIONAL RECORD

Since 1873, the Congressional Record has been Congress' daily accounting of the debates and proceedings of the House and Senate. It is not the official record of congressional proceedings; the Journals of the House and the Senate are. From its inception, the Record has been less than a completely verbatim transcription of congressional debate.

In 1977, the House regulations governing the use of the Congressional Record were changed, thanks to the efforts of the late Congressman William Steiger of Wisconsin. Previously, Members could, by unanimous consent, enter in the Record the text of statements which they never delivered, without indication that the statement was inserted, not spoken. Obviously this left no opportunity for other Members to comment on such remarks at the time.

Since 1977, statements not spoken have been marked by typographical bullets (●). The rules change has not been entirely effective because a Member may speak only one sentence on the House floor, then receive permission to revise and extend his remarks, and the entire statement will be printed in the Congressional Record (without any bullets) as if delivered word-for-word by the Member.

It is especially important that the statements of Committee Chairmen and managers of bills, when discussing support of the legislation they bring to the Floor, be verbatim and designated as such.

The Courts and executive agencies look to those statements as the legislative history for the purposes of interpreting laws and enforcing them. There are occasions when bill managers will merely insert his language without speaking it, and therefore the House has no knowledge of what interpretation is being given the legislation.

Earlier this year, the House tabled a resolution by Rep. Daub to direct the House Rules Committee to study the issue of Congressional Record accuracy, and to report appropriate changes.

We oppose that such a study be conducted by an existing standing committee of the 99th Congress. What happens on the House Floor must be more accurately represented in the Congressional Record.

USING DISCHARGE PETITIONS

The discharge rule, originally adopted in 1910, provides a means by which House Members may bring a bill to the House floor in the absence of action by the committee of jurisdiction. The rule provides for a time consuming process by which 218 House Members must sign a petition to discharge the bill from a committee and bring a bill directly to the Floor.

The discharge petition has rarely been used successfully to bring a bill to the House floor for action over the objections of the committee.

When in today's Congress such issues as criminal law reform, immigration and a Constitutional Amendment to balance the budget are bottled up in committee by the Democratic majority, the discharge petition becomes a valuable tool. It allows rank-and-file House Members the opportunity to register their opposition to burying a measure in committee.

So concerned are the Democrats over the recent rise in the number of discharge petitions initiated (49 in the last three full Congresses alone), that they have tried to make it more difficult to achieve the 218 signatures. The Democratic Caucus considered raising the number of signatures required on a petition to discharge a constitutional amendment from a majority of the House to two-thirds of the House.

Under the precedents of the House, signatures on a motion to discharge a committee from the consideration of a bill may not be made public until the requisite number of Members (218) have signed the motion. Precedents state the discharge petition is secret because otherwise it would "bring pressure on those who have not signed the petition to sign it, and pressure upon those who have signed the petition to take their names off."

Making the signatures of Members known when the total number signing the petition reaches 100 is a fair middle ground that responds to the need for less secrecy and to concerns expressed by some about possible misuse of the legislation.

FRANKING PRIVILEGE

The term franking privilege is used to describe the authorization for a Member of Congress to mail material to constituents with-out affixing a stamp.

The current regulations issued by the House Commission on Congressional Mailing Standards permit six postal patron district-wide mailings a year, prior to 60 days immediately before the date of any primary or general election in which the Member is a candidate for public office.

There are few if any limitations on mailings to individuals, even though modern computer technology has turned this once simple exercise into a highly sophisticated communication art form.

The franking privilege is abused. It is used for political promotion rather than constituent information.

The costs of the franking privilege are too high. For FY 1984 alone, the cost was over $107 million. The taxpayers are paying the cost of keeping incumbents in office.

Franked mail is sometimes indistinquishable from campaign literature.

Reducing the total cost of the frank will help to reduce the costs of legislative branch operations. What better place to start than the $100 million for the franking

privilege. The appropriation for the frank needs to be cut, especially during election years.

We propose new rules limiting a Member's personal office allowance for printing, purchasing of computer lists, and use of computers for targeted mailings. The regulations would not prohibit such disbursements, but just place a dollar cap as a means of reducing some of the abuse which now occurs. In 1984, Members of Congress are likely to send some 800 million pieces of mail under the frank.

We also propose a complete review of the use of the frank and common rule-making in the House and Senate.

Section III: Support Organizations

OTHER AGENCIES OF THE CONGRESS

The Congress currently has an alphabet soup of support organizations, the largest being the General Accounting Office (GAO), the Congressional Budget Office (CBO), the Office of Technology Assessment (OTA) and the Congressional Research Service (CRS).

Many of their activities are duplicative in nature, and particularly in the case of the Congressional Research Service, their intent and function is abused. There is a need for realignment of the agencies and less abuse of their roles.

LEGISLATIVE SERVICE ORGANIZATIONS

There has been a massive explosion of what are called legislative service organizations in the House. These organizations, range from the Mushroom Caucus to the Solar Coalition. There are now close to 100 organizations siphoning off about $2.5 million in funds allotted to individual members for their office expenses.

Some of these organizations serve an essential purpose within the leadership of both parties and among the members. However, the extent to which they consume Congressional funds, influence the legislative process and in some cases distort issues before the House, dictates that further restrictions be placed on their activities.

Section VI: The budget process

CONGRESSIONAL BUDGET REFORM

This section, unlike the others, deals with a legislative initiative. Given the pressing need for sound fiscal policy budget reform demands immediate and bi-partisan attention.

The Congressional Budget and Impoundment Control Act was enacted in 1974 as an effort to restore to Congress, and in particular the House of Representatives, its Constitutional prerogatives over the Federal Budget.

The Act was primarily the result of a historic confrontation between the Executive and Legislative branches over budgeting, in particular the systematic impoundments which were made during the Nixon Administration.

We have yet to resolve the dispute. The Budget Act has failed. We have merely institutionalized budget timetables and procedures which are not flexible enough to accommodate the political realities of the Congress. When the Act was initially instituted it was universally agreed that the Congress should have its own budget office as a means to measure the effects of its legislative proposals and that an in-Congress procedure should be developed to enable the membership to better understand the relationship of taxes to spending.

What we got was quite different. For the many years the Democratic party controlled both Houses of Congress, the Budget process was nothing more than an adding machine without a minus key. We merely added up the "wish lists" of the Democratic Chairmen and Leadership and the bottom line was the spending figure. Taxes were then increased to accommodate these huge amounts.

We believe the budget process should be changed. We ought to first determine total revenues and total outlays, and then divide up the spending pie based on that relationship. Our efforts toward this end have been rebuffed by the Democratic majority, and the rules of the House were specifically changed to prevent us from voting on the budget in this "two-step" manner.

When the two Houses of Congress came under control by different political parties in 1980, the failings of the process became more evident. After the process was used effectively for the first time in 1981 to reverse the tide of government spending, the Democrats in Congress abandoned the budget process's original purposes and used it as a vehicle of political opportunism and legislative gridlock.

The Congress spent most of its time arguing with the administration and between the two Houses over economic assumptions and legislative priorities. The timetable was no longer a method of expediting the authorization/appropriation process, but instead was an additional layer of political wrangling that ultimately delayed the Congress in completing its business before the start of the next fiscal year. What few legislative safeguards the Act contained were either waived or ignored for political expediency. The budget resolution was used not to force new spending or tax changes, but instead merely to attempt to embarrass the Administration or politically posture one party against the other.

There is widespread agreement that the Congressional budget process is in desperate need of overhaul. It seems apparent, however, that budget reform in the House, if any, next year won't be bi-partisan and won't have the best interests of sound fiscal policy at heart. If we can't reform the process next year and do it right, we ought to repeal the Budget Act and forget about Congressional budgets altogether.

It may be that only through the creation of a joint Budget Committee can the two parties and the two Houses resolve their differences and meet a timetable which results in the appropriation bills being enacted before the start of the fiscal year.

CONCLUSION

A Republican view of how the House of Representatives ought to be run is obviously a far cry from how it is currently being run under tight Democratic control.

The House has not had a fundamental change in leadership, direction or administration in three decades, and regardless of the personalities and politics involved, that kind of unbroken reign of power cannot help but produce inefficiency and abuse.

The House of Representatives is a bloated, stumbling, cumbersome and autocratic institution, and as a result the American people are not getting the kind of government they deserve.

Republicans propose substantial reductions in the number and size of committees and subcommittees; substantial reductions in funding for House operations, substantial reductions in staffing; substantial reductions in Congressional operations ranging from use of "franked" mailing privileges to satellite organizations; substantial changes in rules and procedures that would greatly improve our system of representative government, give the American people more say in what laws are passed or rejected, and allow Members of the House to exercise their rights and responsibilities with greater freedom and more influence.

Republicans believe that these institutional changes will produce better legislation and better legislators. Members of the House can and will be more productive and more accountable for their actions. Those measures the American people want the House to consider and act upon will be considered and will be dealt with in an open and effective manner.

BRIEF SUMMARY OF PROPOSED REPUBLICAN AMENDMENTS TO HOUSE RULES (99TH CONGRESS)

(1) Oversight reform—Committees would be required to formally adopt and submit to the Government Operations Committee by March 1st of the first session their oversight plans for that Congress. The Committee on Government Operations, after consultation with the Speaker and majority and minority leaders, would report the plans to the House by March 15th together with its recommendations and those of the joint leadership to assure coordination between the various committees. The Speaker would be authorized to appoint ad hoc oversight committees from the membership of two or more committees having shared jurisdiction over a particular matter. Committees would be required to include a separate oversight section in their final activity reports at the end of a Congress.

(2) Multiple referral of legislation—The joint referral of bills to two or more committees would be abolished and replaced by a system wherein the Speaker would designate a committee of principal jurisdiction. Sequential and split referral of bills would be retained.

(3) Committee elections and organization—The House would be required to elect its committees not later than five legislative days after the convening of a Congress, and committees would be required to hold their organizational meetings not later than eight legislative days after the convening of the Congress.

(4) Committee ratios—The party ratios on committees would be required to reflect the party ratios in the House (except for the Committee on Standards of Official Conduct which is bipartisan). Conference and select committees would be covered as well.

(5) Subcommittee limits—Each House committee (except Appropriations) would be limited to not more than six subcommittees, and each Member would be limited to not more than four subcommittee assignments.

(6) Proxy voting ban—All proxy voting on committees would be abolished.

(7) Majority quorums—Majority quorums would be required for the transaction of business of all committees and subcommittees.

(8) Committee documents—All committee documents and prints would require the formal approval of the committe or must carry a clear disclaimer to the contrary on their cover.

(9) Rules committee waivers—All Rules Committee reports on special rules providing for the consideration of legislation would be required to include a justification and explanation of any waivers of House Rules, together with a summary of any com-

ments received from the Budget Committee on any Budget Act waivers.

(10) Committee staffing—Committee funding resolutions could not be considered until the House has first adopted a resolution reported from the Committee on House Administration setting an overall committee staff limit for the House. In the 99th Congress, this limit shall not exceed 90 percent of the committee staff employed at the end of the 98th Congress. Committee funding resolutions would be subject to a point of order if the committee staff provided for exceeded the limit set by the House.

(11) Appropriations riders—The present rule prohibiting limitation amendments to appropriations bills unless a motion to rise is defeated after other amendments are considered, would be abolished, thus permitting limitation amendments to be considered simultaneously with other amendments.

(12) Suspension of the rules—Measures could not be considered under suspension of the rules unless by direction of the committee(s) of jurisdiction or upon written request by the chairman and ranking minority member of the committee(s) of jurisdiction; no measure authorizing or enacting new budget or spending authority in excess of $50 million in any fiscal year could be considered under suspension of the rules; no measure could be considered under suspension unless advance written notice of such consideration is placed in the Record at least one legislative day prior to its consideration, along with the text of any amendments to be considered; and, in no event, could any constitutional amendment be considered under suspension.

(13) Discharge motions—Copies of discharge motions and signatures would be made available by the Clerk for public inspection at any time after 100 Members have signed the motion, and would be kept current on a daily basis.

(14) Record and committee transcripts—Verbatim accounts of floor and committee remarks would be required in the published record and made clearly distinguishable from any extensions or extraneous materials. Any substantive alternation of floor or committee verbatim accounts would be subject to investigation by the ethics committee. Members, or their designees, would still be permitted to make "technical, grammatical or typographical corrections" in their verbatim remarks.

(15) House broadcasting—A new House broadcast rule would establish a House broadcast system under the authority of the Speaker and a bipartisan, Broadcast Advisory Board (three Members from each party including the majority and minority leaders), but subject to daily supervision and operation by the Executive Committee of the Radio and Television Correspondents' Galleries The system would carry complete and unedited coverage of House proceedings, including voting, special orders, and periodic visual coverage of the entire Chamber throughout each day's proceedings, on a uniform basis. The present commercial and partisan use bans on coverage would be retained.

(16) Committee reform—The Committee on Rules would be authorized and directed to study the operation of House Rule XI regarding committee procedures and staffing, the number of subcommittees and Member subcommittee assignments, and report back its findings and recommendations to the House by resolution not later than the end of the first session of the 99th Congress.

(17) House scheduling reform—The Speaker of the House, in consultation with the majority and minority leaders, and the Rules and House Administration Committees, would be authorized and directed to study current House scheduling with a view to implementing a system of full work weeks, designated committee meeting times, fixed legislative floor schedules, and established district work periods, and report his findings not later than two months after the convening of the 99th Congress, and take all necessary steps to implement the new scheduling system at the earliest practicable date.

(18) Franking privilege—The House Commission on Congressional Mailing Standards would be authorized and directed to study the current House franking rule and regulations with a view to eliminating current abuses and excessive use of the franking privilege and reducing current franking costs by at least 10 percent, and reporting its findings and recommendations to the House not later the end of the first session of the 99th Congress.

(19) Balanced budget requirements—The House Committee on the Budget shall report a balanced budget by April 15th of each year, showing the consequences of such budget on revenues, spending, employment, interest rates and national security. If the Budget Committee determines that a balanced budget is inappropriate, it still must include a comprehensive plan to balance the budget with a clear explanation of its impact on the major categories of the budget and an analysis on the major programs within each category.

H. Res. 7—An Amendment in the Nature of a Substitute Offered by Mr. Michel

Strike all after the resolving clause and insert in lieu thereof the following:

"That the Rules of the House of Representatives of the Ninety-eighth Congress, including all applicable provisions of law and concurrent resolutions adopted pursuant thereto which constituted the Rules of the House at the end of the Ninety-eighth Congress, be, and they are hereby, adopted as the Rules of the House of Representatives of the Ninety-ninth Congress, with the following amendments included as part thereof, to wit:

"OVERSIGHT REFORM"

"(1)(a) In Rule X, clause 2(c) is amended to read as follows:

"(c)(1) Not later than March 1 in the first session of a Congress each standing committee of the House shall, in a meeting which is open to the public and with a quorum present, adopt and submit to the Committee on Government Operations its oversight plans for that Congress. In developing such plans each committee shall, to the maximum extent feasible—

"(A) consult with other committees of the House which have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction with the objective of assuring that such laws, programs, or agencies are reviewed in the same Congress and that there is maximum coordination between such committees in the conduct of such reviews; and such plans shall include an explanation of what steps have been and will be taken to assure such coordination and cooperation;

"(B) give priority consideration to including in its plans the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority; and

"(C) have a view toward insuring that all significant laws, programs, or agencies within its jurisdiction are subject to review at least once every ten years.

"(2) Not later than March 15 in the first session of a Congress, after consultation with the Speaker, and majority leader, and ther minority leader, the Committee on Government Operations shall report to the House the oversight plans submitted by each committee together with any recommendations which it, or the House leadership group referred to above, may make to assure the most effective coordination of such plans and otherwise achieve the objectives of this clause.".

"(b) In Rule X, clause 2 is amended by adding the following new paragraph:

"(e) The Speaker, with the approval of the House, may appoint special ad hoc oversight committees for the purpose of reviewing specific matters within the jurisdiction of two or more standing committees of the House, and from the membership of such committees.".

"(c) In Rule XI, clause 1(d) is amended to read as follows:

"(d)(1) Each committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of that committee under this rule and rule X during the Congress ending at noon on January 3 of such year.

"(2) Such report shall include separate sections summarizing the legislative and oversight activities of that committee during that Congress.

"(3) The oversight section of such report shall include a summary of the oversight plans submitted by the committe pursuant to clause 2(c) of Rule X, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by that committee, and any recommendations made or actions taken thereon.".

"MULTIPLE REFERRAL OF LEGISLATION"

"(2) In Rule X, clause 5(c) is amended to read as follows:

"(c) In carrying out paragraphs (a) and (b) with respect to any matter, the Speaker shall initially refer the matter to one committee which he shall designate as the committee of principal jurisdiction; but he may also refer the matter to one or more additional committees, for consideration in sequence (subject to appropriate time limitations), either on its initial referral or after the matter has been reported by the committee of principal jurisdiction; or refer portions of the matter to one of more additional committees (reflecting different subjects and jurisdictions) for the exclusive consideration of such portion or portions; or refer the matter to a special ad hoc committee appointed by the Speaker, with the approval of the House, from the members of the committees having legislative jurisdiction, for the specific purpose of considering that matter and reporting to the House thereon; or make such other provisions as may be considered appropriate.".

"COMMITTEE ELECTIONS AND ORGANIZATION"

"(3)(a) In Rule X, clause 6(a)(1) is amended to read as follows:

"(a)(1) The standing committees specified in clause 1 shall be elected by the House at the commencement of each Congress, from nominations submitted by the respective party caucuses, not later than five legislative days after the convening of such Congress.".

"(b) In Rule XI, clause 1(a) is amended by adding the following new subparagraph:

"(3) Each committee shall hold its organizational meeting not later than eight legislative days after the commencement of a Congress.".

"COMMITTEE RATIOS"

"(4)(a) In Rule X, clause 6(a) is amended by adding the following new subparagraph:

"(3) The membership of each committee (and each subcommittee, task force, or subunit thereof), shall reflect the ratio of majority to minority party Members of the House at the beginning of the Congress. This subparagraph shall not apply to the Committee on Standards of Official Conduct, which shall be constituted as provided for in subparagraph (2).".

"(b) In Rule X, clause 6(e) is amended by adding at the end thereof the following: "The membership of each such select committee (and of any subcommittee, task force, or subunit thereof), and of each such conference committee, shall reflect the ratio of the majority to minority party Members of the House at the time of its appointment.".

"SUBCOMMITTEE LIMITS"

"(5) In Rule X, clause 6(c) is amended to read as follows:

"(c)(1) Each standing committee of the House (except the Committee on the Budget) that has more than twenty members, shall establish at least four subcommittees; but in no event shall any standing committee (except the Committee on Appropriations) establish more than six subcommittees.

"(2) No Member may serve at any one time as a member of more than four subcommittees of committees of the House.

"(3) For the purposes of this paragraph, the term 'subcommittee' includes any panel, task force, special subcommittee, or any subunit of a standing committee which is established for a period of longer than six months in any Congress.".

"PROXY VOTING BAN"

"(6) In Rule XI, clause 2(f) is amended to read as follows:

"(f) No vote by any member of any committee or subcommittee with respect to any measure or matter may be cast by proxy.".

"MAJORITY QUORUMS"

"(7) In Rule XI, clause 2(h)(2) is amended to read as follows:

"(2) A majority of the members of each committee or subcommittee shall constitute a quorum for the transaction of any business, including the markup of legislation.".

"COMMITTEE DOCUMENTS"

"(8) In Rule XI, clause 2(l) is amended by inserting after subparagraph (5) the following new subparagraph, and by redesignating existing subparagraphs accordingly:

"(6)(A) Any committee or subcommittee print, document, or other material, other than reports subject to the preceding provisions of this clause, prepared for public distribution, shall either by approved by the committee or subcommittee prior to such public distribution, and opportunity shall be afforded for the inclusion of supplemental, minority, or additional views in accordance with the provisions of subparagraph (5), or such print, document, or other material shall contain the following disclaimer on its cover in bold face type: 'This material has not been officially approved by the committee (or subcommittee, as the case may be) on (name of the committee or subcommittee) and may not therefore necessarily reflect the views of its members.'; and any such print, document, or other material not approved by the committee or subcommittee may not include the names of its members.

"(B) The provisions of this subparagraph do not apply to prints of bills or resolutions, summaries thereof, or prints containing the names of committee or subcommittee members, staff, or other factual information regarding the committee or its subcommittee, their jurisdictions, or any matters pending before such committee or its subcommittees, provided that such documents do not also contain opinions, views, findings or recommendations.".

"RULES COMMITTEE WAIVERS"

"(9) In Rule XI, clause 4 is amended by adding at the end thereof the following:

"(e) Whenever the Committee on Rules reports a resolution providing a special order of business providing for the consideration of any measure or matter, and such resolution includes any waiver of any rule of the House, the report accompanying such resolution shall include an explanation of and justification for any such waiver, and a summary of any comments received from the Committee on the Budget regarding any proposed waiver of any provision of the Budget Act.".

"COMMITTEE STAFFING"

"(10) In Rule XI, clause 5 is amended by inserting the following new paragraph (a) and by redesignating existing paragraphs accordingly:

"(a)(1) It shall not be in order in the House to consider any primary expense resolution until the Committee on House Administration has reported, and the House has adopted, a resolution establishing an overall ceiling for House committee staff personnel for that year.

"(2) In developing any primary expense resolution for House committees, the Committee on House Administration shall specify in the resolution the number of staff positions authorized by the resolution. The committee shall indicate in the report accompanying any such primary expense resolution that the number of staff positions authorized by such resolution is in conformity with the overall ceiling on such positions established by the House.

"(3) In no event shall the total number of additional staff positions authorized by all such primary expense resolutions, taken together with the number of staff positions authorized by clause 6 of this rule (providing for professional and clerical staff), exceed the ceiling established by the House for that year.

"(4) In allocating staff positions pursuant to the overall ceiling established by the House, the committee shall take into account the past and anticipated legislative and oversight activities of each committee.

"(5) In any supplemental expense resolution, the committee shall specify the number of additional staff positions, if any, authorized by such resolutions, and shall indicate in the report accompanying any such resolution whether the additional staff positions are in conformity with or exceed the overall ceiling established by the House.

"(6) It shall not be in order in the House to consider any supplemental expense resolution authorizing additional staff positions in excess of the overall ceiling established by the House except by a vote of two-thirds of the Members voting, a quorum being present.

"(7) For the purposes of the Ninety-ninth Congress, the overall ceiling for committee staff in a resolution reported by the committee pursuant to subparagraph (1), or contained in any amendment thereto, shall not exceed 90 percentum of the total committee staff personnel employed at the end of the Ninety-eighth Congress.".

"APPROPRIATIONS RIDERS"

"(11) In Rule XXI, clause 2 is amended by striking out the second sentence of paragraph (c) and by striking out paragraph (d) in its entirety.

"SUSPENSION OF THE RULES"

"(12) In Rule XXVII, clause 1 is amended by inserting after "1." the letter "(a)", and by inserting after paragraph (a) the following new paragraphs:

"(b) It shall not be in order to entertain a motion to suspend the rules to consider any measure or matter unless by direction of the committee or committees of jurisdiction over the measure or matter, or unless a written request has been filed with the Speaker by the chairman and ranking minority member of the committee or committees having jurisdiction over the measure or matter, asking for its consideration under a suspension of the rules.

"(c) A motion to suspend the rules to consider any measure or matter shall not be in order if the measure or matter would enact or authorize the enactment of new budget authority or new spending authority in excess of $50,000,000 for any fiscal year; nor shall it be in order to entertain a motion to suspend the rules to consider any joint resolution which proposes to amend the Constitution.

"(d) It shall not be in order to consider any measure or matter under a suspension of the rules unless written notice is placed in the CONGRESSIONAL RECORD of its scheduled consideration at least one legislative day prior to its scheduled consideration, and such notification shall include the numerical designation of the measure or matter, its short title, and the text of any amendments to be offered thereto, and the date on which the measure or matter is scheduled to be considered.".

"DISCHARGE MOTIONS"

"(13) In Rule XXVII, clause 4 is amended by inserting after the second sentence the following: "After one-hundred Members have signed such motion, the Clerk shall maintain a copy of such motion with the signature thereon in an appropriate place for inspection by the public, and said copy shall be kept current to reflect the signatures on such motion as of the close of business on the previous legislative day.".

"RECORD AND COMMITTEE TRANSCRIPTS"

"(14) In Rule XXXIV, insert the following new clause 2 and redesignate existing clauses accordingly:

"2. (a) The official reporters of the House, including stenographers of committees, shall take down a verbatim account of words spoken in the House and committee. Said verbatim account shall be printed in the Congressional Record, the committee transcript or any printed record thereof, with only such technical, grammatical, or typographical corrections as may be authorized by the Member or person delivering such remarks, or his designee.

"(b) It shall not be in order for any person to make any substantive alteration or addition to, or deletion from such verbatim account, and any violation of this rule shall be subject to investigation by the Committee on Standards of Official Conduct, either on its own initiative or upon the filing of a

proper complaint pursuant to clause 4(e) of Rule X.

"(c) Notwithstanding paragraph (b), it shall be in order, if appropriate permission is granted, to extend remarks or include extraneous material in the Congressional Record, committee transcript, or any published record thereof, but any such extension or inclusion of extraneous material shall be clearly distinguished in any such document from the verbatim account by an appropriate designation of different type as shall be prescribed in regulations promulgated by the Joint Committee on Printing.".

"HOUSE BROADCASTING"

"(15)(a) At the end of the rules of the House, add the following new rule:

"RULE LI."

"BROADCAST COVERAGE OF HOUSE PROCEEDINGS."

"1. (a) There shall be a House Broadcast System (hereinafter referred to as the 'broadcast system') which shall provide complete and unedited audio and visual broadcast coverage of the proceedings in the House Chamber on a continuing basis while the House is in session, including such coverage of the Chamber while the Members are voting, of special order speeches at the end of each day's legislative business, and the periodic visual coverage of the entire House Chamber on a uniform basis throughout each day's proceedings in a manner that preserves and respects the dignity, decorum and integrity of the proceedings of the House, and the rights, reputation and conduct of its Members.

"(b) Broadcast coverage of the proceedings of the House as provided for by paragraph (a) shall not be limited or restricted in any way except as may be specifically directed in a resolution adopted by the House, or when Rule XXIX ('Secret Session') is invoked.

"(c) The responsibility for the implementation of this rule shall be vested in the Speaker, to be exercised by him in such manner (consistent with the provisions of this rule) as he determines will most effectively carry out the purposes and intent of this rule.

"(d) To assist the Speaker in this responsibility there shall be established a Broadcast Advisory Board which shall consist of the majority and minority leaders of the House and four Members to be appointed by the Speaker, two from the majority party and two from the minority party. The Speaker shall consult with such Board before making any policy decisions relating to the broadcast system.

"(e) The daily operation and supervision of the broadcast system, including the designation of its employees and the formulation of policies for the daily audio and visual coverage of the proceedings in the Chamber, shall be vested in the Executive Committee of the Radio and Television Correspondents' Galleries, subject to the direction and control of the Speaker in consultation with the Broadcast Advisory Board, and consistent with the provisions of this rule.

"(f) It shall be the general responsibility of the Clerk, under the direction and subject to the approval of the Speaker, to make provision for such coverage and to take such steps as may be necessary or appropriate for this purpose, including the purchase of equipment and compensation of the personnel of the broadcast system. The expenses incurred by the Clerk in carrying out this rule shall be paid from appropriations therefor which are hereby authorized.

"(g) The provisions of this rule shall not apply to joint sessions of the House and Senate.

"2. (a) All television and radio broadcasting stations, networks, services, and systems (including cable systems) which are accredited to the House Radio and Television Correspondents' Galleries, and all radio and television correspondents who are so accredited, shall be provided access to the live coverage of the House, consistent with the provisions of this rule.

"(b) Such access to the live coverage of the House shall also be provided to the offices of all Members and committees of the House and in such other places in the Capitol and its office buildings as the Speaker, in consultation with the Broadcast Advisory Board, deems appropriate.

"(c) Coverage made available under this rule shall not be broadcast with commercial sponsorship except as part of bona fide news and public affairs documentary programs. No part of this coverage or any recording thereof shall be used in any commercial advertisement.

"(d) No coverage provided under this rule or any recording thereof shall be used, or made available for use, as partisan campaign material to promote or oppose the candidacy of any person for elective office, whether in a paid political broadcast or otherwise; and any use of the coverage so provided shall be subject to all Federal laws relating to elections and campaign practices, and to the rules of the House.

"3. (a) The Clerk of the House shall enter into arrangements with the Librarian of Congress for the recording of the audio and visual coverage of House proceedings on a permanent basis (to the extent it is considered economically and practically feasible as determined by the Speaker in consultation with the Broadcast Advisory Board); and for making such recordings available for viewing, but not for reproduction purposes, for reference and research purposes by Members and staff of the House, students and scholars, and the general public, at convenient locations in the Library of Congress, in one of the House office buildings if deemed appropriate and necessary, and in such other places as the Speaker shall direct.

"(b) No reproduction, except for the viewing purposes described in paragraph (a), and no edited version, of any such recording shall be made available to any person by the House or by the Library of Congress except for the stated purposes provided for by this rule.".

"(b) In Rule I, strike out clause 9 in its entirety and redesignate clause "10." as clause "9.".

"COMMITTEE REFORM"

"(16) The Committee on Rules is hereby authorized and directed to conduct a thorough and complete study with respect to the operation and implementation of Rules X and XI of the Rules of the House of Representatives only insofar as they pertain to committee operations, oversight, rules and procedures, staffing, and the number of subcommittees on each committee and the number of total subcommittee assignments for each Member, with a view to strengthening and improving committee operations, oversight, rules and procedures, and to reducing committee staff, the number of subcommittees, and Member subcommittee assignments, and to report back its findings and recommendations to the House, by resolution, not later than the end of the first session of the Ninety-ninth Congress.

"HOUSE SCHEDULING REFORM"

"(17) The Speaker of the House, in consultation with the majority and minority leaders and the Committees on Rules and House Administration, is hereby authorized and directed to undertake an immediate study of House scheduling with a view toward implementing a system of full work weeks with regular and fixed periods for committee meetings and hearings, and regular and fixed periods for sessions of the House for the consideration of legislation, with preannounced short-term and long-range legislative programs for the benefit of Members and committees, as well as periodic district work periods which shall be announced at the beginning of each session. the Speaker shall report the findings and recommendations of this study to the House not later than two-months after the convening of the Ninety-ninth Congress and shall take all steps necessary and feasible for implementing such a scheduling system at the earliest practicable date, and shall refer such other matters that may require changes in House rules or regulations to the appropriate House committees of jurisdiction.

"FRANKING PRIVILEGE"

"(18) The House Commission on Congressional Mailing Standards is hereby authorized and directed to conduct a study of the current operation of House Rule XLVI ("Limitations on the Use of the Frank") with a view toward identifying any current abuse or excessive use of the franked mail privilege and shall report to the House not later than the conclusion of the first session of the Ninety-ninth Congress its findings and recommendations for any changes in current rules and regulations to curb such abuses or excessive use of the franked mail privilege and to effect cost savings, with a view to achieving a cost savings of not less than ten percentum of the franking costs incurred in the Ninety-eighth Congress."

"BALANCED BUDGET REQUIREMENT"

"(19) In Rule X, clause 1(e) is amended by adding the following new subparagraph:

"(4)(a) The Committee on the Budget shall report to the House by April 15, 1985, and by April 15 of each year thereafter, a budget that is in balance for the upcoming fiscal year, showing the consequences of such budget as they would affect the several budget functions and the economy and setting forth the effects of such budget on revenues, spending, employment, interest rates, and national security.

"(b) If the Committee on the Budget determines that a balanced budget is inappropriate for any fiscal year, it shall also report a comprehensive plan to balance the federal budget. Such plan shall include:

(1) A clear explanation of its impact on the following major categories of the budget: defense spending, non-defense discretionary spending, means-tested and non-means tested entitlement spending, interest costs, and revenues;

(2) an analysis of its impact on the major programs within each category;

(3) an analysis of its impact on each major source of revenues;

(4) a proposed timetable for its implementation.

Mr. Speaker, I am happy to yield 3 minutes to the distinguished ranking minority member of the Committee on Rules, the gentleman from Tennessee [Mr. QUILLEN].

Mr. QUILLEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, there are several provisions in the package of rules changes to be offered by the gentleman from Illinois [Mr. MICHEL] which relate to the Rules Committee.

I have been the ranking Republican member of the Rules Committee for 10 years now, and with that perspective, I join in support of the amendments to the House rules offered by the gentleman from Illinois.

One of the proposals in the Michel package would be a ban on proxy voting. Proxy voting has been prohibited in the Rules Committee for years. It means that Members on both sides of the aisle are better informed when they cast their votes in committee. This is not a partisan issue. It is a good Government issue. The power to cast a vote in committee should not be delegated.

Mr. Speaker, another rules change in the package to be offered by the gentleman from Illinois directly affects the Rules Committee. It would require that all Rules Committee reports on special rules providing for the consideration of legislation include an explanation and justification of any waivers to the House rules.

Such explanations are generally provided under current practice when a rule is debated on the House floor. However, many Members who do not sit on the Rules Committee, would find it helpful to see this explanation of the waivers in advance of floor consideration. This information would be helpful to Democrats and Republicans alike.

A third proposal in the package to be offered by the gentleman from Illinois would authorize and direct the Committee on Rules to study the operation of the House regarding committee procedures and staffing. The number of subcommittees and member subcommittee assignments, and report its recommendations to the House.

This proposal for a study does not bind the House to any particular result, but it does ensure the House an opportunity to deal with the problem which arises, for example, when a Member is supposed to be in three different subcommittee meetings at the same time.

An additional related proposal in the Republican leader's package would provide that the Speaker of the House, in consultation with the majority and minority leaders and the Committees on Rules and House Administration, would be authorized and directed to study current House floor scheduling and report recommendations.

Mr. Speaker, there have been times in the past when the House floor schedule has been uncertain, even a few hours in advance. This degree of uncertainty makes it very difficult to plan in advance for meetings and functions in the district, which becomes frustrating for Members and constituents alike. We should certainly support the effort by the gentleman from Illinois to study ways to improve scheduling.

Mr. Speaker, I support the Republican leader's request to defeat the previous question, so that he may offer his complete package of improvements to the House rules.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agreed to the following resolutions:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed by the Vice President to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

S. RES. 3

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

S. RES. 8

Resolved, That the House of Representatives be notified of the election of the Honorable Strom Thurmond, a Senator from the State of South Carolina, as President pro tempore.

S. RES. 15

Resolved, That the House of Representatives be notified of the election of the Honorable Jo-Anne L. Coe, of Virginia, as Secretary of the Senate.

The message also announced that the Senate had passed a joint resolution and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. RES. 6

Joint resolution extending the time which the President may transmit the Budget Message and the Economic Report to the Congress and extending the time within which the Joint Economic Committee shall file its report.

S. CON. RES. 1

Concurrent resolution to provide for the counting on January 7, 1985, of the electoral votes for President and Vice President of the United States.

S. CON. RES. 2

Concurrent resolution to extend the life of the Joint Committee on the Inaugural.

S. CON. RES. 3

Concurrent resolution providing for an adjournment of the Senate from January 7, 1985 to January 21, 1985, and an adjournment of the House from January 7, 1985 to January 21, 1985.

□ 1630

RULES OF THE HOUSE

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I urge a vote against the previous question on the rules package, and urge my colleagues' support for Mr. MICHEL's substitute.

The Republican substitute contains a provision which will insure fairness on committees. It requires party ratios on committees to reflect the party ratios in the House. Under the proposal, the Ethics Committee would be exempt; under present House rules, that is a bipartisan committee.

Mr. Speaker, it is fundamentally unfair that representation on the committees of the House do not reflect the party ratios in the House. In the 98th Congress, the Republican Party was underrepresented on committees by 23 seats and on subcommittees by 62 seats. This effectively disenfranchises—now, listen to this—11.5 million Americans at the committee level and 31 million Americans at the subcommittee level.

The Democrats control 58 percent of the seats of the House of Representatives, but will apparently control 61 percent of the committee seats and 62 percent of the subcommittee seats. The problem will be worse in the 99th Congress than it was when the 98th Congress was organized.

On the Appropriations Committee, for example—the committee where I serve as ranking Republican—there are 35 Democratic seats and 22 Republican, for a ratio of 61 percent. This is far different than the 58 percent of the seats the Democrats control in the House. If committee size was purely representational, the Democrats would have 34 seats—not 35—and the Republicans 23—not 22.

This inequity has consistently occurred since the 88th Congress from 1963 to 1964, when the Democrats had 59 percent of the House seats, but 60 percent of committee seats. According to some research which I have done, the problem is worse in years when a Republican wins the Presidential election.

We need only look at the other body—the Republican Party does not disenfranchise Democrats on committees over there. It is simple fairness to allow proportional representation on committees in the House. I urge support for the Republican substitute to help correct this imbalance. This is the people's House. I urge my colleagues to put aside the partisanship that normally might occur in the adoption of the rules of the House, support the Michel package, and let us not undo the decision made by the American electorate on November 6.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts [Mr. CONTE] has expired.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. BROYHILL].

Mr. BROYHILL. Mr. Speaker, I want to comment specifically on one amendment that the Republicans would offer in their package of rules changes. This particular amendment should not be controversial; in fact, it should be termed an element of fairness in these rules.

This is an amendment that would require that party ratios on committees be close to the party ratios that exist in the House itself. In this Congress, 42 percent of the Members are Republican, and the amendment would require that 42 percent of each standing committee be Republican.

I regret to report that we are getting ready to violate this simple principle of fairness. That principle has been violated in recent Congresses; in fact in the last Congress, the Republicans were denied at least one seat on nearly every standing committee.

Mr. Speaker, I maintain this is not a partisan issue; it is not something that we are asking be done for the benefit of the Republican Party; this is for the American people. As the minority leader reported earlier today in debate, nearly 50 percent of the American people voted for Republican representation in the House of Representatives, and now we are about to organize this House of Representatives and find that those voters are going to be shortchanged with respect to representation on the important committees in the House.

Of course, all of us know it is in the committees of the House that the work is done.

I would like to insert a chart at this point in the RECORD, Mr. Speaker.

Committee	How many more seats should Republicans have gotten in the 98th Cong. in order to reach parity with Republican representation in the full House?[1]	How Many additional seats should Republicans get in the 99th Cong. in order to reach parity with Republican representation in the full House?[2]
Agriculture	+1	+2
Appropriations	+1	+3
Armed Services	+1	+2
Banking, Finance and Urban Affairs	+1	+3
Budget	+1	+2
District of Columbia	+1	+1
Education and Labor	+1	+2
Energy and Commerce	+1	+2
Foreign Affairs	+1	+2
Government Operations	+1	+2
House Administration	0	+1
Interior and Insular Affairs	+2	+4
Judiciary	+1	+2
Merchant Marine and Fisheries	+1	+3
Post Office and Civil Service	+1	+1
Public Works and Transportation	+1	+3
Rules	+1	+1
Science and Technology	+1	+2
Small Business	+1	+2
Veterans' Affairs	+1	+2
Ways and Means	+1	+3
Total	+21	+46

[1] Methodology (How did Republicans fare in the 98th Congress?) Step 1: Calculate Republicans as percentage of Full House Membership (i.e., 166÷435=0.3816). Step 2: For each standing committee, calculate Republican parity by multiplying result in step 1 by number of total seats on committee and then rounding to closest whole (e.g., Energy and Commerce, 0.3816×42=16.02 or 16). Step 3: For each standing committee, determine how many additional seats Republicans should have had in the 98th Cong. by subtracting number of Republican seats in 98th Cong. from result in step 2 (e.g.) Energy and Commerce, 16−15=+1).

[2] Methodology (How should Republicans fare in the 99th Congress?) Step 1: Calculate Republicans as percentage of full House membership (i.e., 18÷435=0.4184). Step 2: For each standing committee, calculate Republican parity by multiplying result in step 1 by number of total seats on committee and then rounding to closest whole number (e.g., Energy and commerce, 0.4184 × 42= 17.57 or 18).Step 3: For each standing committee, determine how many additional seats Republicans should have in the 99th Cong. by subtracting number of Republican seats in 98th Cong. from result in step 2 (e.g., Energy and Commerce, 18−15=+3).

Important note: There is another method of calculation using the number of Democratic seats on each committee as a base which would, if used in the 98th Cong. have resulted in an increase of 30 Republican committee seats. (For the purpose of demonstrating the unfairness of the current system, we have deliberately chosen the more modest of these 2 valid methodologies.)

This shows that the Republicans, as the result of the rules that will be adopted and the ratios that will be imposed on us, will be short-changed 46 seats in this 99th Congress. I maintain this is a disservice to the political process and to the American people, and urge a no vote on the previous question.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

I would like to ask a question of the gentleman from Texas [Mr. FROST], handling the resolution now for the majority leadership, on page 5, paragraph 6, in rule XVI, clause 4, strike out the words, "one-half of such time to" in the third sentence insert in lieu thereof the following: "except that on demand of the floor manager for the majority it shall be in order to debate such a motion for one hour, one-half of any debate on such motion shall" et cetera.

Now, if I understand that particular provision correctly, on a motion to recommit, on the demand of the manager of the majority, the time can be extended from the usual 10 minutes to 1 hour. Is that correct?

Mr. FROST. That is the understanding; the gentleman is correct; that is what the rule, as introduced, does provide.

Mr. LOTT. Well, what if the minority would like to have the time extended from 10 minutes to 1 hour?

Mr. FROST. Since the motion is the prerogative of the minority, whether or not to have a motion to recommit, the rule has been written that the majority then would have the decision as to the time.

You are correct; that the rule as written only gives that option to the majority.

Mr. LOTT. Well, that makes my point about this whole package of rules and rules changes.

Mr. Speaker, I want to welcome my few colleagues who have remained in the Chamber to our little biennial happy hour. For the handful of freshmen Members who have stayed on out of curiosity, it may come as a shock for you to learn that in this brief hour the House will adopt its rules of procedure for the next 2 years, with no opportunity for separate amendments or votes. But This little miracle in democracy is made possible by the Democratic caucus which predetermines in secret session what those House rules shall be, then crams their package down our throats on opening day, in what will likely be a pro forma, straight party line vote.

So for many of you, this is a rude awakening to how the world's greatest democracy and deliberative body really operates. It's not a pretty sight; it's certainly not a democratic exercise. And you can forget that little constitutional nicety about how, "each House may determine the rules of its proceedings."

The full House has little or no say in this determination as it has been predetermined by the Democrat king caucus.

On our side of the aisle, we have developed a rather comprehensive "blueprint for a House that works"—an 18-point plan for changing our rules to make the House more efficient and accountable. But our alternative rules package always gets short shrift on opening day, with no serious consideration given to it by the other side of the aisle. It is simply ignored and rejected on that party line vote I mentioned regardless of its merits.

It was not always this way. Dr. George Galloway, in his History of the House of Representatives, notes that in the late 1800's, the House would proceed for several days at the beginning of each Congress, debating, explaining, and amending the rules, "with unlimited debate until a satisfactory revision of former rules had been effected." This was not only an opportunity for all Members to have some say in shaping House rules, but also an opportunity for new Members to learn the rules.

Under this abbreviated process today, Members will not have those opportunities for explaining, debating, changing or learning the rules. As a result, few Members ever bother to learn the rules or properly use them for their benefit in committees and on the House floor. And they will be constantly amazed and even shocked at the way things are done around here as a result of those rules that are perfunctorily considered and adopted on the opening day of Congress.

Mr. Speaker, our Republican substitute, if it were given a chance for serious debate, amendment and adoption, would move this House closer to the type of deliberative, representative and accountable legislative body it should be. Our rules alternative package recognizes that at the heart of our problems in the House is the vast proliferation of subcommittees and member subcommittee assignments that has spread us so thinly that we cannot do a responsible job of legislating at the most crucial stage of the process—our committee system. Wood-

row Wilson once said that the House in session is the House on public exhibition, while the House in committee is the House at work. And yet our committees and subcommittees are not working properly because there are just too many subcommittees. We now have some 146 subcommittees of our 22 standing committees, 22 percent more subcommittees than we had a decade ago. In the last Congress 198 Members had 5 or more subcommittee assignments—up 28 percent from the number of Members with that many subcommittees a decade ago. Committee staff has ballooned from 348 a decade ago to over 1,700 in the last Congress—that's over a 100-percent increase. Yet despite this growth in subcommittees and staff, our committees are reporting 20 percent fewer bills than they did a decade ago. And the quality of that legislative product is declining as well, mainly because Members cannot devote sufficient time and attention to each of their subcommittee and committee assignments. As a result, the House has adopted phantom legislative devices like proxy voting and one-third quorums to at least give the appearance that the work is being done. Moreover, the Democrats have found it necessary to pack committees with a disproportionate number of majority party Members compared to the House party ratio. In the last Congress the minority was slighted 23 committee seats and 62 subcommittee seats—effectively disenfranchising 11.5 million Americans at the committee level and 31 million Americans at the subcommittee level. Is it any wonder that the legislative bills being reported are shoddy and unrepresentative and require considerable reworking on the House floor before they can be made acceptable to a majority of the House?

Mr. Speaker, under our "blueprint for a House that works," we would limit each committee except appropriations to no more than 6 subcommittees, thus reducing by 16 the number of subcommittees we had in the last Congress. We would limit each Member to no more than four subcommittee assignments, thus eliminating some 354 subcommittee seats from the last Congress. We would reduce committee staff by at least 10 percent. We would require equitable party ratios on committees. We would eliminate proxy voting, one-third quorums, and joint referral of bills to two or more committees. We would require better oversight by our committees. And we would restore credibility and objectivity to our current partisan broadcast system by turning it over to a committee of professional broadcasters in the House.

I urge my colleagues to vote down the previous question on this resolution so that we can offer this substitute rules package. But, failing that, I would at least urge my colleagues to support our motion to commit with instructions which would require the Rules Committee to study and report on many of these issues. Let us, at the very least, make some serious effort in this Congress to make this a more workable House. Without those procedural reforms I have mentioned, we will not be able to responsibly and efficiently confront the many issues we will be expected to deal with in this 99th Congress.

Mr. Speaker, before I close debate let me summarize the procedural situation to my colleagues. In a few moments, the majority leader will close debate and move the previous question. A yes vote on that motion will terminate all debate and bring this resolution to a final vote. We are urging a "no" vote on the previous question so that we can be recognized for an additional hour of debate and offer our 19-point Republican substitute rules package.

If the previous question is adopted, however, we are still entitled to offer a motion to commit the resolution. We intend to do so with a motion committing the resolution to a select committee with instructions to report back within one legislative day with a further amendment directing the Rules Committee to study and report in three areas: budget reform, committee reform, and House broadcasting. The Rules Committee would have until June 30 of this year to report on budget reform, and until the end of the first session on committee reform and House TV.

□ 1640

Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker, I thank the distinguished minority leader for yielding. His leadership in putting together a package of House rules changes that would bring equity and efficiency to our proceedings is most appreciated.

In the few moments I have, let me focus on just one of those proposed changes, the one dealing with committee and subcommittee ratios. During the 98th and previous Congresses, the custom has been the majority party dictates how many members of the minority party will serve on the committees and subcommittees of this House. House Rules have not stated, for instance, that the minority party is entitled to the same proportion of seats on the committees and subcommittees as it enjoys the full House. Some people may argue that such broad discretionary authority is an essential ingredient of the constitutional separation of powers, but in practice its exercise has done increasing violence to the constitutional principle of one man, one vote, as articulated by the Supreme Court back in 1962.

Let's look at a few figures. In the 96th Congress, in which Republicans were elected to 36.3 percent of the seats in the full House of Representatives, the GOP was given 7 less full committee and 38 less subcommittee seats than that percentage would otherwise suggest. In the 98th Congress, which was 44.14 percent Republican, the problem got worse; the GOP was granted 31 fewer full committee and 81 fewer subcommittee seats than it should have been awarded. And in the 98th Congress, which was 38.16 percent Republican, the problem persisted; after the committee and subcommittee ratios were finally determined, the House GOP found itself shorted by 23 and 62 seats respectively.

Now some of you may be thinking that's just politics. And others may wonder what difference does a committee or subcommittee seat here or there make. Well, it's politics all right, but that doesn't make it right. Nor is it fair to members of the minority party, minorities within the majority party or millions of Americans at large. After all, when the voting strength of our elected representatives is effectively diluted many people are at least partially disenfranchized and in the long run the whole system suffers.

Mr. Speaker, there are 54 democratically elected representative bodies in the western world. The U.S. Congress is one of those 54. Every single one of them, except four, divide ratios on committees and subcommittees consistent with the division of parties in the whole body.

The four exceptions are interesting.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Illinois.

Mr. MICHEL. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman for the part he has played up to this point in demonstrating and emphasizing the disparity of that committee ratio system. We are about to make some decisions on that within maybe the next 24–48 hours.

The gentleman's comments are very appropriate and I would certainly hope that if we have a minute or two left he be allocated that time to make the case all the more stronger.

I applaud the gentleman for all he has done in our behalf.

Mr. DANNEMEYER. I thank our leader for that comment.

Mr. Speaker, the four exceptions, the countries that do not follow the process which most people would say is fair are behind the Iron Curtain. They are Bulgaria, Romania, Poland, and the Union of Soviet Socialist Republics, the Soviet Union.

Now, the House of Representatives, under the existing rules, is in league with those four distinguished democracies in the Western World, Bulgaria, Romania, Poland, and the Soviet Union.

We, by our Republican set of rules here today, seek to place the House of Representatives on the side of the vast majority of democratically elected bodies in the Western World that divide committees and subcommittees consistent with the division of the parties in the whole body.

I hope that my colleagues in the House will reflect on this because it is a very significant vote.

The U.S. Senate, the other body, historically, no matter which party has controlled that body, apportions committee slots based on the division of the two great parties in the entire body, whether the Democrats were running it or the Republicans were running it, it made no difference. That is what we are asking for the House here today.

Probably what this vote illustrates is something I think that every American voter must come to understand. The most important vote that any of us casts in the whole 2-year term is the first one. It is the one that elects the Speaker here of the House of Representatives, because on this issue—if you come here as a member of the majority party, the Democrat party—your leadership is going to tell you:

> Friend, you may desert the farm on certain matters of substance of particular interest to your district, but one thing you don't dare do is desert our farm on the basis of procedure, that is on party questions. When the party wants to stop the minority you better join with us or we will abandon you in the next election in your ability to come back here and continue to be a Member of this distinguished body.

The Democrats have done very well at this. This chart may enlighten my colleagues. In the 1982 election Republicans for Congress nationwide received 44 percent of the vote for the House of Representatives. Because of malapportionment among State legislative bodies around the country, we received 38 percent of the slots in the House of Representatives.

□ 1650

After the Democratic leadership got through with us, having received 38 percent of the slots in the House, we got 35.6 percent and 35.5 percent of the slots on committees and subcommittees respectively, and we received 15 percent of the slots on the staff of those committees, and similarly in the 97th Congress and the 96th Congress.

In the 1984 election, American voters said that they wanted Republicans to constitute about 49 percent of this House. By malapportionment of State legislatures around the country, we Republicans have received about 42 percent of the slots in this House, and if the pattern of the last 3 Congresses is carried out in the 99th Congress, the current Congress, we Republicans can expect 4 or 5 percentage points less in slots for committees and subcommittees.

Well, what does all this mean to the people of this country? Are we just talking partisan games here? I seek to illustrate in the brief time that I have how significant this issue of committee ratios is in terms of its impact on votes of significance to the American people.

Take, for instance, what has happened in the full committees of the House in the not-too-distant past. By one vote, the Appropriations Committee approved a rescission of funding for the construction of a nuclear powered aircraft carrier. By one vote, the Energy and Commerce Committee approved a continuation of price controls on natural gas. And by one vote, the Foreign Affairs Committee removed restrictions on U.S. arms sales to Turkey. Now one cannot say for sure what would have happened if there had been one more Republican on each of these committees. But, in addition to speculating, one can say that Republicans had had less seats than they should have had on all of these committees in the 98th Congress, on two of the three committees in the 97th Congress, and on Appropriations in the 96th Congress.

Worse yet, it seems as if the situation is deteriorating. Take, for example, what has occurred on the Energy and Commerce Committee. In the 96th Congress, to which 159 Republicans were elected, the GOP was given 15 of the 42 full committee seats and one-third of the subcommittee seats. But, in the 98th Congress, to which 166 Republicans were elected, GOP Members were still given only 15 full committee seats and, even more to the point, received only 31.1 percent of all the subcommittee seats. So much for the GOP's electoral gain from the 96th to the 98th Congress.

The rationale for this regression from fair representation is that working majority is needed on the committees and subcommittees to enhance their functioning. But my collegues on the other side of the aisle already have a majority according to my count, so why should it be further enhanced? Could it be that the leadership of the majority party isn't all that certain all of its own Members will go along with their policies? Maybe there is some other explanation but I am hard pressed to find it which leads me, and I hope most other Members of this House, to conclude that this isn't just a partisan issue. It's really a bipartisan issue that strikes, or should strike, near and dear to the heart of practically every Member of this House. For who knows when a Member—any Member—might find him or herself in a position where the party as well as the individual makeup of a committee or subcommittee may spell the difference between victory and defeat on an issue of vital interest to that Member's constituency.

The rules package being offered by the minority today would solve this problem of creeping underrepresentation in a simple and straightforward fashion. Except for the Committee on Standards of Official Conduct, which would continue to be governed by rule X, clause 6(a)(2) which specifically establishes its party ratio, the minority package provides for committees and subcommittees to be constituted in the same proportion as the political parties are represented in the full House of Representatives. Thus, if Republicans won 40 percent of the seats in a congressional election, they would be entitled to 40 percent of the seats on all full committees and on all subcommittees in the subsequent Congress. Similarly, if the Democrats won 40 percent, they would get 40 percent representation on all full and subcommittees. Certainly, there is precedent for such a step. Not only does almost every other nation with a representative form of government use proportional representation on its legislative committees, but the fact that the Committee on Standards of Official Conduct has been required to have a 50–50 ratio makes it clear that we can do the same.

There is, however, one small obstacle in the way of taking such an equitable step today. And that is the motion for the previous question which will be offered at the conclusion of debate on the rules. For this proposal to be considered, the previous question must be defeated. Now I realize that this doesn't happen often but I am hopeful that today will be an exception. For the reasons I have stated, and for the future of representative government in this country, adoption of rules that will end systematic underrepresentation on committees and subcommittees of this House is a must. Therefore, I urge my colleagues to vote accordingly when the previous question is moved. Only then can we see if the majority party really means what it said all last fall about being the party concerned about fairness.

COMMITTEE MEMBERSHIP BY PARTY

[1979 through 1984]

Committees	96th Congress per 36.32 percent GOP			97th Congress per 44.14 percent GOP			98th Congress per 38.16 percent GOP		
	Proper committee ratio	Actual committee ratio	GOP seats denied	Proper committee ratio	Actual committee ratio	GOP seats denied	Proper committee ratio	Actual committee ratio	GOP seats denied
Agriculture	27–15	27–15	0	24–19	24–19	0	26–16	26–15	1
Appropriations	36–20	36–18	2	33–26	33–22	4	36–22	36–21	1
Armed Services	29–16	29–16	0	26–20	26–19	1	28–17	28–16	1
Banking	28–16	28–15	1	26–20	26–19	1	30–18	30–17	1
Budget	17–09	17–08	1	18–14	18–12	2	20–12	20–11	1
District of Columbia	10–05	10–05	0	08–06	08–04	2	08–04	08–04	0
Education and Labor	24–13	24–13	0	20–15	20–14	1	21–13	21–11	2
Energy and Commerce	27–15	27–15	0	24–19	24–18	1	27–16	27–15	1
Foreign Affairs	22–12	22–12	0	21–16	21–16	0	24–14	24–13	1
Government Operations	25–14	25–14	0	23–18	23–17	1	25–15	25–14	1
House Administration	16–09	16–09	0	11–08	11–08	0	12–07	12–07	0
Interior	28–16	28–15	1	26–20	26–17	3	28–17	28–14	3
Judiciary	20–11	20–11	0	16–12	16–12	0	20–12	20–11	1
Merchant Marine	25–14	25–15	+1	21–16	21–15	1	26–16	26–14	2
Post Office	16–09	16–09	0	16–12	16–11	1	16–09	16–09	0
Public Works	31–17	31–17	0	27–21	27–19	2	32–19	32–18	1
Rules	11–06	11–05	1	11–08	11–05	3	09–05	09–04	1
Science and Technology	27–15	27–15	0	23–18	23–17	1	26–16	26–15	1
Small Business	25–14	25–14	0	23–18	23–17	1	26–16	26–15	1
Veterans Affairs	21–12	21–11	1	18–14	18–14	0	21–13	21–12	1
Ways and Means	24–13	24–12	1	23–18	23–12	6	24–14	23–12	2
Total			[1] 7			31			23

[1] Net.

Sources:
Henshaw, Edmund L., Jr., "List of Standing Committees and Select Committees of the House of Representatives of the United States together with Joint Committees of the Congress," Washington, D.C., March 7, 1979, March 25, 1981 and June 12, 1981.
Guthrie, Benjamin, J., "List of Standing Committees and Select Committees of the House of Representatives of the United States together with Joint Committees of the Congress," Washington, D.C., March 15, 1983.
Methodology: Use the number of Democratic slots on each committee as a base. In all cases, compute the proper ratio on the basis of the party split in the House of Representatives at the time of organization. The five non-voting Members are not included in this calculation, but they are included in committee counts, where applicable, because they do vote in committee.

CLOSE VOTES IN COMMITTEE

Committee	Description of issue	Date	Vote	Number of GOP slots shorted
Budget	Wirth Amendment on the MX basing mode. Adopted. (Tie vote would have resulted in defeat of the amendment)	1980	13–12	1
Do.	Trible amendment to adopt the administration's defense figures. Lost	1981	14–14	2
Ways and Means	A motion offered cooperatively by Representatives Pickle and Conable to make substantial changes in social security. Lost	1981	18–14	6
Do.	Gradison amendment to remove the social security trust funds from unified budget. Lost	1981	18–14	6
Do.	Gephardt amendment calling for a reduction in excise taxes on oil. Lost	1981	18–15	6
Do.	Frenzel amendment calling for an increased exclusion of foreign earned income from Federal taxation. Lost	1981	19–16	6
Do.	A motion by Guarini relating to employee stock options. Lost. (One GOP "nay" vote)	1981	17–17	6
Do.	Pickle amendment to increase the foreign income exclusion. Lost	1981	18–17	6
Do.	Schulze amendment seeking an optional cash accounting method for sole proprietor taxpayer. Lost	1981	20–15	6
Do.	Pickle amendment relating to dividend reinvestments. Lost	1981	19–15	6

SUBCOMMITTEE MEMBERSHIP IN THE HOUSE OF REPRESENTATIVES

[96th through 98th Congresses]

Committees	96th Congress (36.32 percent GOP)					97th Congress (44.14 percent GOP)					98th Congress (38.16 percent GOP)				
	Number of subcommittees	Number of Democrat slots	GOP entitlements	Actual GOP slots	GOP shortage	Number of subcommittees	Number of Democrat slots	GOP entitlements	Actual GOP slots	GOP shortage	Number of subcommittees	Number of Democrat slots	GOP entitlements	Actual GOP slots	GOP shortage
Agriculture	[1] 10	83	47.3	43	−4	[1] 8	72	56.9	55	−1	[1] 8	76	46.9	42	−4
Appropriations	[1] 13	95	54.2	47	−7	[1] 13	90	71.1	59	−12	[1] 13	101	62.3	57	−5
Armed Services	8	55	31.4	31		7	53	41.9	41		7	62	38.3	34	−4
Banking	9	89	50.8	45	−5	8	84	66.4	61	−5	8	102	62.9	58	−4
Budget	0	0	0.0	0	0	0	0	0	0	0	0	0	0	0	0
District of Columbia	4	12	6.8	8	+2	[1] 3	15	11.9	9	−2	3	15	9.3	9	
Education and Labor	[1] 8	68	38.8	34	−4	[1] 8	55	43.5	35	−8	[1] 8	66	40.7	40	
Energy and Commerce	[1] 6	60	34.2	30	−4	[1] 6	66	52.2	46	−6	[1] 6	62	38.3	28	−10
Foreign Affairs	8	43	24.5	23	−1	8	40	31.6	32	+1	8	50	30.9	23	−7
Government Operations	[1] 7	48	27.4	27		[1] 7	45	35.6	31	−4	[1] 7	49	30.2	28	−2
House Administration	8	34	19.4	21	+2	6	22	17.4	15	−2	5	24	14.8	12	−2
Interior	7	72	41.1	39	−2	6	56	44.3	36	−7	6	63	38.9	33	−5
Judiciary	7	44	25.1	22	−3	7	31	24.5	23	−1	7	43	26.5	25	−1
Merchant Marine	[1] 5	65	37.1	37		[1] 5	56	44.3	41	−3	[1] 5	71	43.8	39	−4
Post Office	7	34	19.4	19		[1] 7	43	34.0	29	−5	[1] 7	35	21.6	21	
Public Works	6	98	55.9	50	−5	6	79	62.4	54	−8	6	90	55.5	48	−7
Rules	2	8	4.6	4		2	10	7.9	5	−2	2	8	4.9	4	
Science and Technology	[1] 7	64	36.5	34	−2	[1] 7	55	43.5	38	−5	[1] 7	67	41.3	39	−2
Small Business	6	38	21.7	19	−2	6	34	26.9	24	−2	6	38	23.4	20	−3
Veterans Affairs	[1] 5	48	27.4	27		[1] 5	37	29.2	29		[1] 5	46	28.4	27	−1
Ways and Means	6	44	25.1	22	−3	6	42	33.2	24	−9	6	42	25.9	24	−1
Total	139	1,102	628.7	582	[2] −38	131	985	778.7	687	[2] −81	130	1,110	684.8	611	−62

[1] Denotes full committees on which the chairman of the full committee and the ranking minority member of the full committee have voting privileges on all subcommittees.
[2] Net.

Sources:
Henshaw, Edmund L., Jr., "List of Standing Committees and Select Committees of the House of Representatives of the United States Together With Joint Committees of the Congress," Washington D.C., March 7, 1979, March 25, 1981 and June 12, 1981.
Guthrie, Benjamin, J., "List of Standing Committees and Select Committees of the House of Representatives of the United States Together With Joint Committees of the Congress," Washington, D.C., March 15, 1983.
Committee on Rules, "Rules Adopted by the House of Representatives, 96th Congress, 1979–80; 97th Congress, 1981–82; 98th Congress, 1983–84," Washington, D.C., 1979, 1981 and 1983.

Notes.—Figures include all voting members, including voting ex-officio members of all standing subcommittees of the House of Representatives for the 96th through 98th Congresses.

COMMITTEE STAFFING IN THE HOUSE OF REPRESENTATIVES

[96th through 98th Congresses]

Committees	96th Congress 1980 (36.32 percent GOP)						97th Congress 1982 (44.14 percent GOP)								98th Congress 1984 (38.16 percent GOP)							
	Statutory staff	Investigative staff					Statutory staff			Investigative staff					Statutory staff			Investigative staff				
	Total number of slots	DEMO	GOP	GOP (percent)	GOP entitlements	GOP shortage	DEMO	GOP	GOP (percent)	DEMO	GOP	GOP (percent)	GOP entitlements	GOP shortage	DEMO	GOP	GOP (percent)	DEMO	GOP	GOP (percent)	GOP entitlements	GOP shortage
Aging [1]										28	12	30.0	22.1	10				29	11	27.5	17.9	6
Agriculture	30	28	11	28.2	16.0	5	20	9	31.0	23	13	36.1	18.1	5	20	10	33.3	26	12	31.6	16.0	4
Appropriations [4]	([5])	([5])	([5])	([5])	([5])	([5])	([5])	([5])	([5])	([5])	([5])	([5])	([5])	([5])	51	11	17.7					
Armed Services	28	6	0	0	3.4	3	([6])	([6])	([6])	([6])	([6])	([6])	([6])	([6])	([5])	([6])	([6])	([5])	([6])	([6])	([6])	([6])
Banking	29	67	10	13.0	38.2	28	18	8	30.8	45	12	21.1	35.6	23	19	9	32.1	49	11	18.3	30.2	19
Budget [4]	([5])	([5])	([5])	([5])	([5])	([5])	([5])	([5])	([5])	([5])	([5])	([5])	([5])	([5])	60	6	9.1					
District	30	14	1	6.7	8.0	7	20	7	25.9	13	0	0	10.3	10	21	9	30.0	15	1	6.3	9.3	8
Education and Labor	29	68	15	18.1	38.8	23	20	10	33.3	68	16	19.0	53.7	37	20	10	33.3	54	12	17.6	33.3	21
Energy and Commerce	30	118	15	11.3	67.3	52	20	9	31.0	108	9	7.7	85.3	76	20	9	31.0	107	12	10.1	66.0	54
Foreign Affairs	29	47	3	6.0	26.8	23	20	10	33.3	51	4	7.3	40.3	36	20	10	33.3	48	6	11.1	29.6	23
Government Operations	19	60	6	9.1	34.2	28	16	7	30.4	58	6	9.4	45.8	39	17	9	34.6	56	6	9.7	34.6	28
House Administration [2]	30	60	1	1.6	34.2	33	17	3	15.0	21	2	8.7	16.6	14	24	5	17.2	21	1	4.5	13.0	12
Intelligence [1]		([6])	([6])	([6])	([6])	([6])				([6])	([6])	([6])	([6])	([6])	([6])	([6])	([6])					
Interior	29	33	8	19.5	18.8	10	20	10	33.3	32	7	17.9	25.3	18	20	10	33.3	34	8	19.0	21.0	13
Judiciary	29	49	3	5.8	27.9	24	20	10	33.3	40	3	7.0	31.6	28	20	10	33.3	48	4	7.7	29.6	25
Merchant Marine	30	54	7	11.5	30.8	23	20	10	33.3	45	11	19.6	35.6	24	20	10	33.3	40	9	18.4	24.7	15
Narcotics [1]										10	4	28.6	7.9	3				13	4	23.5	8.0	4
Post Office	29	32	4	11.1	18.2	14	20	8	28.6	36	4	10.0	28.4	24	20	10	33.3	43	7	14.0	26.5	19
Public Works	30	32	18	36.0	18.2	0	20	10	33.3	37	17	31.5	29.2	12	20	10	33.3	39	15	27.8	24.1	9
Rules	28	14	5	26.3	8.0	3	20	9	31.0	15	0	0	11.9	11	21	9	30.0	17	0	0	10.5	10
Science and Technology	30	47	11	19.0	26.8	15	19	10	34.5	42	5	10.6	33.2	28	20	10	33.3	44	4	8.3	27.2	23
Ethics	([6])	([6])	([6])	([6])	([6])	([6])	([6])	([6])	([6])						([6])	([6])	([6])					
Small Business	31	23	6	20.7	13.1	7	22	9	29.0	19	4	17.4	15.0	11	20	10	33.3	17	4	19.0	10.5	6
Veterans' Affairs	24	8	3	27.3	4.5	1	17	5	22.7	10	2	16.7	7.9	5	19	5	20.8	9	1	10.0	5.6	4
Ways and Means	29	47	18	27.7	26.8	8	20	19	33.3	52	8	13.3	41.1	33	20	10	33.3	49	11	18.3	30.2	9
Child/Youth/Family [1]	([7])	([7])	([7])	([7])	([7])	([7])	([7])	([7])	([7])	([7])	([7])	([7])	([7])	([7])	([7])	([7])	([7])	[3]9	5	35.7	5.6	0
Totals	543	807	145	15.2	460.0	307				753	139	14.6	594.9	447				767	144	15.8	473.4	322

[1] Indicates select committees.
[2] Does not include staff assigned to House Information Systems (HIS).
[3] Does not include 3 staff members considered to be non-partisan.
[4] Indicates committees whose staff is not funded by means of a committee funding resolution. Associate staff are not included in the calculation.
[5] Not available.
[6] Nonpartisan.
[7] Not in existence.

Sources:
For 1980 figures: Statutory staff—Judy Schneider, "Congressional Committee Staff & Funding," Issue Brief #IB82006, Congressional Research Service (CRS), Washington, D.C., May 1984.
Investigative Staff—telephone survey of standing committees of the House taken by the office of William E. Dannemeyer, M.C., February 1980.
For 1982 & 1984 figures: Committee on House Administration, "Budget Requests by Committee," February 1982 and February 1984 as well as telephone survey of two committees, taken by the office of Congressman William E. Dannemeyer, M.C., July 1984.

Mr. LOTT. Mr. Speaker, I ask unanimous consent that I be permitted to include extraneous material with my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. LOTT. Mr. Speaker, a careful look at the current state of the House will reveal the need for a thoroughgoing reform of this institution. Despite the proliferation in subcommittees, assignments, the staff over the last decade, we are reporting fewer bills with less care and attention. We are muscle bound and overextended. It's high time we recognized that this is a House out of order, and that what is needed is a new blueprint for a House that works. At this point in the RECORD, Mr. Speaker, I include a fact sheet on current House problems and a brief summary of how Republican substitute House rules package would address these problems.

The fact sheet and summary follow:

FACT SHEET ON THE PROBLEMS OF A HOUSE OUT OF ORDER AND THE REPUBLICAN BLUEPRINT FOR A HOUSE THAT WORKS

(Proposed House Rules Changes for the 99th Congress)

CURRENT PROBLEMS IN THE HOUSE

Legislative Productivity: A decade ago, in the 93rd Congress (1973–74), House committees reported 906 public bills and joint resolutions, the House passed 923 such public measures, and 649 were enacted into law; in the 98th Congress (1983–84), 734 such measures were reported from House committees (a 19% decrease from the 93rd Congress), 978 measures were passed by the House (a 5.6% increase), and 623 were enacted into law (a 4% decrease);

Subcommittee Proliferation: In the 93rd Congress the House had 21 standing committees with 119 subcommittees; in the 98th Congress the House had 22 standing committees and 146 subcommittees—a 22 percent increase in subcommittees; 10 House committees currently have more than six subcommittees;

Member Subcommittee Assignments: In the 93rd Congress there were 1,642 subcommittee seats, and 154 Members had five or more subcommittee assignments; in the 98th Congress there were 1,721 subcommittee seats (a 5% increase from the 93rd Congress), and 198 Members had five or more subcommittee assignments (a 28% increase from the 93rd Congress);

Committee Staff Proliferation: In the 93rd Congress, House committees had 848 committee staff; in the 98th Congress committees had 1,732 committee staff—a 104% increase; the ratio of committee staff to committee members in the 93rd Congress was 1 to 1; the ratio in the 98th Congress was 2.1 to 1;

Party Ratios on Committees: In the 98th Congress the minority party was underrepresented on committees by 23 seats, and on subcommittees by 62 seats—effectively disenfranchising 11.5 million Americans at the committee level and 31 million Americans at the subcommittee level;

Proxy Voting: In the 93rd Congress the House voted to abolish proxy voting in committees, but it was restored on the first day of the 94th Congress before it could take effect; in the 98th Congress, 18 of the 22 standing committees permitted proxy voting;

One-third Committee Quorums: In the 95th Congress, the House adopted a rule permitting committees to transact all business (except reporting measures) with only one-third of their members present; in the 98th Congress, 15 of the 22 standing committees had rules permitting one-third quorums;

Multiple Referral of Legislation: In the 93rd Congress, the House adopted a rule to permit bills to be considered by more than one committee; a study in the 95th Congress revealed that such multiple-referred bills consume four times as much meeting and hearing time as singly-referred bills, yet have half the chance of being reported from committees, and more than three times less chance of being passed by the House;

Oversight: In the 93rd Congress it was estimated that House committees and subcommittees spent only 1.1 percent of their time reviewing existing laws, programs and agencies within their jurisdiction; while a survey in the 96th Congress revealed that committees were spending more time on oversight, 77 percent of the Members surveyed felt committees were still doing an inadequate oversight job; and while a rule adopted in the 93rd Congress required committees to publish their oversight agendas at the beginning of each Congress, and all have done so, none of the committees require formal adoption of the agenda (this has been largely a staff operation), and

there are no means of assuring implementation or accountability;

House Broadcasting: In the 96th Congress, the House began public broadcast coverage of its floor proceedings under a system owned and operated by the House and controlled by the Speaker; in the 98th Congress, the Speaker unilaterally altered the camera coverage policy during special order speeches to show the nearly empty Chamber in an attempt to embarrass minority party Members making speeches; further restrictions are now being considered by the Democratic Caucus to further curtail minority party speeches and limit their exposure over the broadcast system.

THE REPUBLICAN BLUEPRINT FOR A HOUSE THAT WORKS

Subcommittee Reductions: All House committees (except Appropriations) would be limited to no more than six subcommittees; this would result in the elimination of 16 subcommittees from the 98th Congress—an 11% reduction;

Reduction in Member Subcommittee Assignments: All Members would be limited to no more than four subcommittee assignments; this would result in the elimination of 354 subcommittee seats—a 20% reduction;

Committee Staff Reductions: The House would be required to establish an overall committee staff ceiling each year before committee funding resolutions could be considered; the ceiling for the 99th Congress would have to be 10% less than the total committee staff in the 98th Congress;

Proxy Voting Ban: All proxy voting in committees would be abolished;

Majority Quorums on Committees: A majority of committee members would have to be present for the transaction of any business;

Limit on Multiple Referral of Bills: The joint referral of bills to two or more committees would be eliminated;

Equitable Party Ratios: Party ratios on committees would have to reflect the party ratio in the House;

Oversight: Committees would be required to formally adopt their oversight agendas in each Congress and would be held accountable for them in their final activity reports;

House Broadcasting: Full coverage of House proceedings would be required, including voting, special order speeches, and periodic views of the entire Chamber; the daily operation of the broadcast system, camera coverage policies, and the supervision of broadcast personnel would be turned over to a committee of professional broadcasters covering the Congress.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. I thank the gentleman for yielding me this time.

Mr. Speaker, much has been said about this evil of proxy voting in committees, and I am here to subscribe to the condemnation of that procedure. In the Judiciary Committee in the 98th Congress, when the minority advanced a sound proposal for reform of the insanity defense, it was rejected by virtue of a proxy voting pattern established in the subcommittee in which this proposal was formulated.

Now, what was wrong with that was that that particular vote was taken very early in the session and the minority, who offered it, proved that it was correct when in the final stages of the 98th Congress a true reform of the insanity defense was actually passed by this House and by the Senate in exactly the same form in which the minority, during the committee process, offered it. It was the mean-spirited proxy voting that canceled out our chance to have reform of the insanity defense early in the session and avoid that last-minute rush that finally saw some reform come to this important facet of the law.

But beyond that, at one point, the subcommittee of which I was a member, offered an amendment that would have brought for the first time in a generation the death penalty as a proper penalty for certain homicides, including assassination of the President of the United States, into the Federal law process.

What happened? It was defeated in subcommittee by virtue of proxy votes. Now that cannot be tolerated by the American public. The American public is confused by the maze of rules and procedures that we have on the floor of the Congress, as are Members of the Congress itself, but there is one thing that the public will understand: That they want their elected Representatives in committee to vote in their own presence, in their own voice, and out of their own convictions. They do understand the evil of having somebody grant a piece of paper to somebody else to vote for them.

Vote against the previous question.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding me this time.

Mr. Speaker, I would join my colleague from Pennsylvania and the others who have risen in asking the House to vote down the previous question, and I think there is a specific issue that you ought to be aware of that is in the Republican package. That is the issue of balanced budget.

In the last couple of weeks of the previous session of Congress, we had a vote on this floor that suggested as a portion of that vote that what we ought to have is a balanced budget proposal reported by the Budget Committee each year. At that point it was a meaningless gesture; it was an election fraud. It was an attempt by people here to demonstrate to the country that they had done something on balanced budget. It was not real.

Today, you have got a chance to do something real. You have got a chance to include in the rules of the House a proposal that says that the Budget Committee shall each year report a balanced budget resolution. Not as the only resolution, but as one of the options that we would be given each year. A balanced budget resolution.

You have a chance of voting that way if you defeat the previous question. If you do not defeat the previous question, there will be no vote and you are going to hear more about it in the future. I do not want to kid anybody; this is a vote you are going to hear about in the future. Those of you who have talked about balanced budgets in your district and balanced budgets as a part of what we do in Washington are going to hear more about your vote if you do not vote to defeat the previous question, because we intend to use it. We intend to say that when you were given a choice between voting for the rules of the House or voting for a balanced budget, you chose the Speaker's rules.

Mr. LOTT. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I urge my colleagues to vote to defeat the previous question. Only by defeating the previous question, will this House be allowed to even consider the substitute rules resolution being offered by the Republican leader, Mr. MICHEL. This substitute—which we have entitled: "Blueprint for a House That Works"—is a carefully constructed package of rules changes designed to reduce the number—and costs—of House subcommittees; require fair minority party representation on all committees; prevent abuse of House rules; and provide more public accountability and openness in the House. It is something that every Member of this House should at least hear and consider.

A vote for the previous question, is a vote to cutoff debate and prevent even the discussion of these important proposals for House reform. Therefore, I hope that every Member will agree to allow these ideas to be aired.

Why do we feel these changes are needed?

They are needed, frankly, because the public image of this body is a disaster. Under the current rules, this House, the people's legislature, has become a bloated, bumbling and autocratic institution in the minds of many people. There are many reasons why this is so. Perhaps it is the 163 standing committees and subcommittees now crowding our Halls. Perhaps it is the 2,000-plus staff positions on those committees—a 76-percent increase in the past decade. Perhaps it is the fact that in the past 2 years alone, the House has created 59 new subcommittee seats—for a grant total of over 1,700. Perhaps it is the proliferation and confusion of jurisdiction that all these subcommittees have created. Why do we need, for example, 22 different committees and subcommittees with jurisdiction over energy issues? No wonder we can never pass any bills in this area.

Five years ago, a survey of House Members showed that 81 percent felt

the number of subcommittees should be reduced, and that the number of subcommittees on which a Member can serve should be limited to a rational and manageable level. Yet in those 5 years, the number in both cases has grown, not reduced. It's become a standing joke in the House that if you pass a Democrat in the hall, you should automatically address them as Mr. or Madame Chairman, because there are so many committees and subcommittees in the House that just about every Democrat chairs one. That's only a slight exaggeration.

With this proliferation has come a diffusion of responsibility and responsiveness. Members serve on so many subcommittees they can't attend all the meetings. Committee staff make important decisions in their absence. Proxies have become commonplace.

This growth has also come at the expense of fairness. Virtually all the new seats, and staff, have been on the majority side. The Energy and Commerce Committee, for example, currently employs 109 investigative staff; only 9 of them are assigned to the minority. In the 97th Congress, Republicans held 44 percent of the seats in the House, but were assigned only 14.6 percent of the committee staff. With staff assuming so many important functions in the drafting of bills and reports and conduct of hearings, Republicans are severely handicapped in advancing their views and positions.

Membership on committees reflects a similar distortion. The ratio of Republicans to Democrats on the Ways and Means Committee is 34 percent. On Education and Labor, it's 29 percent. On Rules and House Administration, it's 30 percent. This is a violation of the one-man, one-vote concept enunciated by the Supreme Court 22 years ago. The proportion of Republicans to Democrats on House committees should reflect the proportion of Republicans to Democrats in the House as a whole. Democrats also refuse to allow committee Republicans to participate in drafting of committee reports. This systematic suppression of minority views and voting strength on committees deprives millions of Americans who elected Republican Representatives their fair voice in Congress.

There are other problems with the current House rules. Scheduling is an abomination. Bills are marked-up in committees with only one-third of the members present. Rules are routinely waived or ignored. Transcripts are altered. Even the House TV system, which is controlled by the Democrats, is turned off during floor votes.

The rules changes we propose would open up the House to public view and restore public confidence. They would require verbatim transcripts of committee and floor action. They would ban proxy voting and require full quorums in committees. They would restore committee ratios and reduce the number of subcommittees and staff. And they would turn the House TV system over to a committee of journalists, with full and unedited coverage of House proceedings.

Unless we take steps now to clean up our House, public disenchantment will only grow worse. Americans are a fair-minded people. They are willing to pay for a fair system of government. But they are not willing to subsidize wasteful extravagance or deliberate unfairness. We need to discuss these problems now, before the new rules are adopted. if we put it off, it will never occur. I urge my colleagues on both sides of the aisle to vote against the previous question and allow us to begin discussions now on ways to reform.

Mr. FROST. Mr. Speaker, the resolution before the House is the product of a great deal of study by a committee of the Democratic Caucus; it is recommended by the Democratic Caucus, and I would urge all Members to vote in favor of ordering the previous question.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from Montana.

Mr. WILLIAMS. I thank the gentleman for yielding to me.

Mr. Speaker, many of us, I assume all of us on this side as on the other side, are very concerned about this matter of equitable party ratios, and assuring that the ratio of Republicans to Democrats on the committees are indicative of appropriate representation.

While sitting here, I have done some calculation so that it might be somewhat clearer to my colleagues. Let me tell you how I have done it. As has been said by gentlemen on the minority side, the majority party, the Democratic Party now has 58 percent of the House. There are 35 Democrats on the 57-member Appropriations Committee. That gives the Democrats not 58 percent, but 61 percent of that committee, which is a 3-percent discrepancy.

On the Rules Committee, that discrepancy is 11 percent. On Ways and Means, that discrepancy favoring the Democrats is 6 percent. The gentleman from California, in his illuminating recitation of other countries that do not follow ratios precisely, mentioned that the only other countries that do not do it are behind the Iron Curtain.

□ 1700

I do not know why they do not do it, but I do know why this House has historically not done it. Because of the vagaries of the basic, traditional rules which govern this House, because of the wide political, social, and economic fabric that comprises the American quilt, and, of course, our representation in this House reflects the threads of that quilt, and finally, because there are 435 of us in this large Chamber, we are required to have some authoritarian, workable control within the major committees.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I do not have the time.

Mr. DANNEMEYER. The gentleman mentioned me.

Mr. WILLIAMS. Perhaps the gentleman from Texas, after I have finished my remarks, would be yield to the gentleman, but I ask the gentleman from Texas to let me finish my remarks first.

Yes; we need a system which assures full authority to the majority in this House, to be able to run this House and run the people's business of this House, and we need a system which assures full protection for the minority in this House.

As one goes back to determine how the Republicans have done it when they have been in the majority and how the Democrats do it when we are in the majority, here is what one finds:

The last time your party controlled this House was a third of a century ago, in the 83d Congress. The discrepancy that you had on the three committees, the ratios about which you are now objecting, Appropriations, Rules, and Ways and Means, the percentage discrepancy was 11 percent the last time you controlled the House. We recommend that that discrepancy only be 6.7 percent. I think that the rules and the ratio is particularly fair, considering what you did the last time you were in the majority.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. FROST. No; the minority has had its 30 minutes. The gentleman does not yield any additional time to the minority.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore [Mr. KILDEE]. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LOTT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 238, nays 176, not voting 19, as follows:

[Roll No. 5]

YEAS—238

Ackerman	Anthony	Bates
Addabbo	Applegate	Bedell
Akaka	Aspin	Beilenson
Alexander	Atkins	Bennett
Anderson	AuCoin	Berman
Andrews	Barnard	Bevill
Annunzio	Barnes	Biaggi

Boggs	Hamilton	Pickle
Boner (TN)	Hatcher	Rahall
Bonior (MI)	Hawkins	Rangel
Bonker	Hayes	Ray
Borski	Hefner (NC)	Reid
Bosco	Hertel	Richardson
Boucher	Howard	Robinson
Boxer	Hoyer	Rodino
Breaux	Hubbard	Roe
Brooks	Huckaby	Roemer
Bruce	Hughes	Rose
Bryant	Hutto	Rostenkowski
Burton (CA)	Jenkins	Rowland (GA)
Bustamante	Jones (OK)	Roybal
Byron	Jones (TN)	Russo
Carper	Kanjorski	Sabo
Carr	Kaptur	Savage
Chappell	Kastenmeier	Scheuer
Clay	Kennelly	Schroeder
Coelho	Kildee	Seiberling
Coleman (TX)	Kleczka	Sharp
Collins	Kolter	Shelby
Conyers	Kostmayer	Sikorski
Cooper	LaFalce	Sisisky
Coyne	Lantos	Skelton
Crockett	Leath (TX)	Slattery
Daniel	Lehman (CA)	Smith (FL)
Darden	Lehman (FL)	Smith (IA)
Daschle	Leland	Solarz
de la Garza	Levin (MI)	Spratt
Dellums	Levine (CA)	St Germain
Derrick	Lipinski	Staggers
Dicks	Lloyd	Stallings
Dingell	Long	Stark
Dixon	Lowry (WA)	Stenholm
Donnelly	Luken	Stokes
Dorgan (ND)	Lundine	Stratton
Downey	MacKay	Studds
Durbin	Manton	Swift
Dwyer	Markey	Synar
Dyson	Martinez	Tallon
Early	Matsui	Tauzin
Eckart (OH)	Mavroules	Thomas (GA)
Edgar	Mazzoli	Torres
Edwards (CA)	McCurdy	Torricelli
English	McHugh	Towns
Erdreich	Mica	Traficant
Evans (IL)	Mikulski	Traxler
Fascell	Miller (CA)	Udall
Fazio	Mineta	Valentine
Feighan	Mitchell	Vento
Flippo	Mollohan	Visclosky
Florio	Montgomery	Volkmer
Foglietta	Moody	Walgren
Foley	Morrison (CT)	Watkins
Ford (MI)	Mrazek	Waxman
Ford (TN)	Murphy	Weaver
Frank	Murtha	Weiss
Frost	Natcher	Wheat
Fuqua	Nelson	Whitley
Garcia	Nichols	Whitten
Gejdenson	Nowak	Williams
Gephardt	Oakar	Wilson
Gibbons	Oberstar	Wirth
Glickman	Obey	Wise
Gonzalez	Olin	Wolpe
Gordon	Ortiz	Wright
Gray (IL)	Owens	Wyden
Gray (PA)	Panetta	Yates
Guarini	Pease	Yatron
Hall (OH)	Penny	Young (MO)
Hall, Ralph	Pepper	
Hall, Sam	Perkins	

NAYS—176

Armey	Clinger	Duncan
Badham	Coats	Eckert (NY)
Bartlett	Cobey	Emerson
Barton	Coble	Evans (IA)
Bateman	Coleman (MO)	Fawell
Bentley	Combest	Fiedler
Bereuter	Conte	Fields
Bilirakis	Coughlin	Fish
Bliley	Courter	Franklin
Boehlert	Craig	Frenzel
Boulter	Crane	Gallo
Broomfield	Dannemeyer	Gekas
Brown (CO)	Daub	Gilman
Broyhill	Davis	Gingrich
Burton (IN)	DeLay	Goodling
Callahan	DeWine	Gradison
Campbell	Dickinson	Green
Carney	DioGuardi	Gregg
Chandler	Dornan (CA)	Grotberg
Cheney	Dreier	Gunderson
Hammerschmidt	McCandless	Schuette
Hansen	McCollum	Schulze
Hartnett	McDade	Sensenbrenner
Hendon	McEwen	Shaw
Henry	McGrath	Shumway
Hiler	McKernan	Shuster
Holt	McKinney	Siljander
Hopkins	McMillan	Skeen
Horton	Meyers	Slaughter
Hunter	Michel	Smith (NE)
Hyde	Miller (OH)	Smith (NH)
Ireland	Molinari	Smith (NJ)
Jacobs	Monson	Smith, Denny
Jeffords	Moore	Smith, Robert
Johnson	Moorhead	Snowe
Kasich	Morrison (WA)	Snyder
Kemp	Myers	Solomon
Kindness	Nielson	Spence
Kolbe	Oxley	Stangeland
Kramer	Packard	Strang
Lagomarsino	Parris	Stump
Latta	Pashayan	Sundquist
Leach (IA)	Petri	Sweeney
Lent	Porter	Swindall
Lewis (CA)	Pursell	Tauke
Lewis (FL)	Quillen	Taylor
Lightfoot	Regula	Vander Jagt
Livingston	Ridge	Vucanovich
Loeffler	Rinaldo	Walker
Lott	Ritter	Weber
Lowery (CA)	Roberts	Whitehurst
Lujan	Rogers	Whittaker
Lungren	Roth	Wolf
Mack	Roukema	Wortley
Madigan	Rowland (CT)	Wylie
Marlenee	Rudd	Young (AK)
Martin (IL)	Saxton	Young (FL)
Martin (NY)	Schaefer	Zschau
McCain	Schneider	

NOT VOTING—19

Archer	Fowler	Neal
Boland	Gaydos	O'Brien
Brown (CA)	Heftel (HI)	Price
Chappie	Hillis	Schumer
Dowdy	Jones (NC)	Thomas (CA)
Dymally	Miller (WA)	
Edwards (OK)	Moakley	

□ 1620

Mr. UDALL changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

MOTION TO COMMIT OFFERED BY MR. LOTT

Mr. LOTT. Mr. Speaker, I offer a motion to commit.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

The Clerk read as follows:

Mr. LOTT moves to commit the resolution H. Res. 7 to a select committee to be appointed by the Speaker and to be composed of ten members, not more than six of whom shall be from the same political party, with instructions to report back the same to the House within one legislative day with only the following amendment:

At the end of the resolution, add the following new paragraph:

"( ) The Committee on Rules is hereby authorized and directed to—

"(a) conduct a thorough and complete study of the congressional budget process and report back to the House not later than June 30, 1985, by bill or resolution, its findings and recommendations for strengthening and improving the process, including its recommendations on the advisability of creating a Joint Committee on the Budget, and an opportunity for a separate vote on such proposal;

"(b) conduct a thorough and complete study with respect to the operation and implementation of Rules X and XI of the Rules of the House of Represenatives as they relate only to committee operations, rules and procedures, staffing, and the number of subcommittees and Member subcommittee assignments, with a view to reducing staff, subcommittees and subcommittee assignments, and to report back to the House, by resolution, not later than the end of the first session of the Ninety-ninth Congress, its findings and recommendations thereon; and

"(c) conduct a thorough and complete study of the operation of the House broadcasting system, and to report back to the House, by resolution, not latter than the end of the first session of the Ninety-ninth Congress, its findings and recommendations for improving such system, including its recommendations on, and provision for a separate vote on, proposals to turn-over the daily operation and supervision of the system to a committee of broadcast journalists accredited to the Radio and Television Galleries.".

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LOTT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 176, nays 237, not voting 20, as follows:

[Roll No. 6]

YEAS—176

Armey	Evans (IA)	Lott
Badham	Fawell	Lowery (CA)
Bartlett	Fiedler	Lujan
Barton	Fields	Lungren
Bateman	Fish	Mack
Bentley	Franklin	Madigan
Bereuter	Frenzel	Marlenee
Bilirakis	Gallo	Martin (IL)
Bliley	Gekas	Martin (NY)
Boehlert	Gilman	McCain
Boulter	Gingrich	McCandless
Broomfield	Goodling	McCollum
Brown (CO)	Gradison	McDade
Broyhill	Green	McEwen
Burton (IN)	Gregg	McGrath
Callahan	Grotberg	McKernan
Campbell	Gunderson	McKinney
Carney	Hammerschmidt	McMillan
Chandler	Hansen	Meyers
Cheney	Hartnett	Michel
Clinger	Hendon	Miller (OH)
Coats	Henry	Molinari
Cobey	Hiler	Monson
Coble	Holt	Moore
Coleman (MO)	Hopkins	Moorhead
Combest	Horton	Morrison (WA)
Conte	Hunter	Myers
Coughlin	Hyde	Nielson
Courter	Ireland	Oxley
Craig	Jeffords	Packard
Crane	Johnson	Parris
Dannemeyer	Kasich	Pashayan
Daub	Kemp	Petri
Davis	Kindness	Porter
DeLay	Kolbe	Pursell
DeWine	Kramer	Quillen
Dickinson	Lagomarsino	Regula
DioGuardi	Latta	Ridge
Dornan (CA)	Lent	Rinaldo
Dreier	Lewis (CA)	Ritter
Duncan	Lewis (FL)	Roberts
Eckert (NY)	Lightfoot	Rogers
Edwards (OK)	Livingston	Roth
Emerson	Loeffler	Roukema

Rowland (CT)
Rudd
Saxton
Schaefer
Schneider
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Slaughter
Smith (NE)
Smith (NH)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Stangeland
Strang
Stump
Sundquist
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Vander Jagt
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Wolf
Wortley
Wylie
Young (AK)
Young (FL)
Zschau

NAYS—237

Ackerman
Addabbo
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Boggs
Boner (TN)
Bonior (MI)
Bonker
Borski
Boucher
Boxer
Breaux
Brooks
Bruce
Bryant
Burton (CA)
Bustamante
Byron
Carper
Carr
Chappell
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
Daniel
Darden
Daschle
de la Garza
Dellums
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dyson
Early
Eckart (OH)
Edgar
Edwards (CA)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Guarini
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hatcher
Hawkins
Hayes
Hefner (NC)
Hertel
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jenkins
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lipinski
Lloyd
Long
Lowry (WA)
Luken
Lundine
MacKay
Manton
Martinez
Matsui
Mavroules
Mazzoli
McCurdy
McHugh
Mica
Mikulski
Miller (CA)
Mineta
Mitchell
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Panetta
Pease
Penny
Pepper
Perkins
Pickle
Rahall
Rangel
Ray
Reid
Richardson
Robinson
Rodino
Roe
Roemer
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Seiberling
Sharp
Shelby
Sikorski
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)

NOT VOTING—20

Archer
AuCoin
Boland
Bosco
Brown (CA)
Chappie
Derrick
Dymally
Fowler
Heftel (HI)
Hillis
Jones (NC)
Leach (IA)
Markey
Miller (WA)
Moakley
Neal
O'Brien
Price
Schumer

□ 1740

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LOEFFLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 235, nays 174, not voting 24, as follows:

[Roll No. 7]

YEAS—235

Ackerman
Addabbo
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Boggs
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Brooks
Bruce
Bryant
Burton (CA)
Bustamante
Byron
Carper
Carr
Chappell
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
Daniel
Darden
Daschle
de la Garza
Dellums
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dyson
Early
Eckart (OH)
Edgar
Edwards (CA)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hatcher
Hawkins
Hayes
Hefner (NC)
Hertel
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jenkins
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lipinski
Lloyd
Long
Lowry (WA)
Luken
Lundine
MacKay
Manton
Martinez
Matsui
Mavroules
Mazzoli
McCurdy
McHugh
Mica
Mikulski
Miller (CA)
Mineta
Mitchell
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Nelson (FL)
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Panetta
Pease
Penny
Pepper
Perkins
Pickle
Rahall
Rangel
Ray
Reid
Richardson
Robinson
Rodino
Roe
Roemer
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Seiberling
Sharp
Shelby
Sikorski
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)

NAYS—174

Armey
Badham
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Billey
Boehlert
Boulter
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Callahan
Campbell
Carney
Chandler
Cheney
Clinger
Coats
Cobey
Coble
Coleman (MO)
Combest
Conte
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
Davis
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Duncan
Eckert (NY)
Edwards (OK)
Emerson
Evans (IA)
Fawell
Fiedler
Fields
Fish
Franklin
Frenzel
Gallo
Gekas
Gilman
Gingrich
Goodling
Gradison
Green
Gregg
Grotberg
Gunderson
Hammerschmidt
Hansen
Hendon
Henry
Hiler
Holt
Hopkins
Horton
Hunter
Hyde
Ireland
Jeffords
Johnson
Kasich
Kemp
Kindness
Kolbe
Kramer
Lagomarsino
Latta
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Marlenee
Martin (IL)
Martin (NY)
McCain
McCandless
McCollum
McDade
McEwen
McGrath
McKernan
McKinney
McMillan
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Monson
Moore
Moorhead
Morrison (WA)
Myers
Nielson (UT)
Oxley
Packard
Parris
Pashayan
Petri
Porter
Pursell
Quillen
Regula
Ridge
Rinaldo
Ritter
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Rudd
Saxton
Schneider
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Siljander
Skeen
Slaughter
Smith (NE)
Smith (NH)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Stangeland
Strang
Stump
Sundquist
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Vander Jagt
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Wolf
Wortley
Wylie
Young (AK)
Young (FL)
Zschau

NOT VOTING—24

Archer
Atkins
Boland
Brown (CA)
Chappie
Derrick
Dymally
Fowler
Guarini
Hartnett
Heftel (HI)
Hillis
Jones (NC)
Leach (IA)
Madigan
Moakley
Neal
O'Brien
Price
Schaefer
Schumer
Studds
Tauzin
Wilson

□ 1800

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMPENSATION OF CERTAIN MINORITY EMPLOYEES

Mr. MICHEL. Mr. Speaker, I send to the desk a resolution (H. Res. 8), and I ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 8

Resolved, That pursuant to the Legislative Pay Act of 1929, as amended, the six minority employees authorized therein shall be the following named persons, effective January 3, 1985, until otherwise ordered by the House, to-wit: Hyde H. Murray, Walter P. Kennedy, Tommy Lee Winebrenner, Ronald W. Lasch, William R. Pitts, Junior, and Timothy J. Wyngaard, each to receive gross compensation pursuant to the provisions of House Resolution 119, Ninety-fifth Congress, as enacted into permanent law by section 115 of Public Law 95-94.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks concerning adoption of the rules.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROVIDING FOR JOINT SESSION OF CONGRESS—STATE OF THE UNION MESSAGE

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table a privileged Senate concurrent resolution (S. Con. Res. 1), and I ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

H. CON. RES. 1

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, February 6, 1985, at 9 o'clock post meridiem, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, FEBRUARY 6, 1985

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that on Wednesday, February 6, 1985, it may be in order for the Speaker to declare a recess at any time subject to the call of the Chair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROVIDING FOR A JOINT SESSION TO COUNT ELECTORAL VOTES

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table a privileged Senate concurrent resolution (S. Con. Res. 1), and I aks for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the genteleman from Texas?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 1

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall meet in the Hall of the House of Representatives on Monday, the 7th day of January 1985, at 1 o'clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter "A"; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

Mr. WRIGHT (during the reading). Mr. Speaker, I ask unanimous consent that the Senate concurrent resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WRIGHT. Mr. Speaker, this is the resolution which quadrennially sets up the machinery for the House to count the electoral votes. The distinguished gentleman from Illinois [Mr. MICHEL] has attempted to lure me into a wager on the results of these votes, but I, not being a gambling man, am not going to take him up on that.

The SPEAKER pro tempore. The question is on the Senate concurrent resolution.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO CALL RECESSES ON MONDAY, JANUARY 7, 1985

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that on Monday, January 7, 1985, it may be in order for the Speaker to declare recesses at any time subject to the call of the Chair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROVIDING FOR CONTINUATION OF JOINT COMMITTEE TO MAKE INAUGURATION ARRANGEMENTS

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table a Senate concurrent resolution (S. Con. Res. 2) and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 2

Resolved by the Senate (the House of Representatives concurring), That effective from January 3, 1985, the joint committee created by Senate Concurrent Resolution 122 of the Ninety-eighth Congress, to make the necessary arrangements for the inauguration, is hereby continued with the same power and authority.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR ADJOURNMENT OF BOTH HOUSES OF CONGRESS FROM JANUARY 7 TO JANUARY 21, 1985

Mr. WRIGHT. Mr. Speaker, I move to take from the Speaker's table a privileged Senate concurrent resolu-

tion (S. Con. Res. 3) and I ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 3

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Monday, January 7, 1985, at the conclusion of the joint session to count the electoral votes, it stand adjourned until 4:00 p.m. on Monday, January 21, 1985, and when the House of Representatives adjourns on January 7, 1985, it stand adjourned until 10:00 a.m. on Monday, January 21, 1985, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Mr. WRIGHT (during the reading). Mr. Speaker, I ask unanimous consent that the Senate concurrent resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The motion was agreed to.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

□ 1810

EXTENDING TIME FOR TRANSMITTAL OF PRESIDENTIAL BUDGET MESSAGE AND ECONOMIC REPORT AND FOR FILING OF REPORT BY JOINT ECONOMIC COMMITTEE

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table a Senate joint resolution (S.J. Res. 6) extending the time within which the President may transmit the budget message and the Economic Report to the Congress and extending the time within which the Joint Economic Committee shall file its report, and I ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the Senate joint resolution.

The Clerk read the title of the Senate joint resolution.

The Clerk read the Senate joint resolution.

S.J. RES. 6

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the provisions of section 201 of the Act of June 10, 1922, as amended (31 U.S.C. 1105), the President shall transmit to the Congress not later than February 4, 1985, the Budget for the fiscal year 1986; (b) notwithstanding the provisions of section 3 of the Act of February 20, 1946, as amended (15 U.S.C. 1022), the President shall transmit to the Congress not later than February 7, 1985, the Economic Report; and (c) notwithstanding the provisions of clause (3) of section 5(b) of the Act of February 20, 1946 (15 U.S.C. 1024(b)), the Joint Economic Committee shall file its report on the President's Economic Report with the House of Representatives and the Senate.

SEC. 2. (a) Notwithstanding the provisions of section 605(a) of the Congressional Budget and Impoundment Control Act of 1974 (31 U.S.C. 11(a)), the President shall submit to the Senate and the House of Representatives the estimates required to be submitted by said subsection for the fiscal year 1986 not later than the date on which the President transmits to the Congress the budget for the fiscal year 1986, and (b) notwithstanding the provisions of section 605(b) of the Congressional Budget and Impoundment Control Act of 1974, the Joint Economic Committee shall submit to the Committees on the Budget of both Houses the evaluation required to be submitted by said subsection for the fiscal year 1986 not later than the date on which the report for the fiscal year 1986 pursuant to section 5(b)(3) of the Employment Act of 1946 (15 U.S.C. 1024(b)) is filed with the Senate and House of Representatives.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT OF THE UNITED STATES OF THE ASSEMBLY OF CONGRESS

Mr. WRIGHT. Mr. Speaker, with your permission, the distinguished minority leader and I would like to make a joint report.

Mr. Speaker, the committee appointed on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty.

The President declares that he will be pleased to deliver his message at 9 p.m. on Wednesday, February 6, 1985, to a joint session of the two Houses.

HOUR OF MEETING OF THE HOUSE OF REPRESENTATIVES

Mr. PEPPER. Mr. Speaker, I offer a privileged resolution (H. Res. 9) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 9

Resolved, That until otherwise ordered, the hour of meeting of the House shall be 12 o'clock meridian on Mondays and Tuesdays; 3 o'clock post meridiem on Wednesdays; 11 o'clock ante meridiem on all other days of the week up to and including May 14, 1985; and that from May 15, 1985, until the end of the first session, the hour of daily meeting of the House shall be 12 o'clock meridian on Mondays and Tuesdays and 10 o'clock ante meridiem on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON MONDAY, JANUARY 21, 1985

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that on Monday, January 21, 1985, it may be in order for the Speaker to declare a recess at any time subject to the call of the chair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, January 3, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: I have the honor to transmit herewith a copy of the Certificate of Election received from the Honorable Drexell R. Davis, Secretary of State of the State of Kentucky, indicating that the Honorable Carl C. Perkins was elected to the Office of Representative in Congress from the Seventh District of Kentucky to fill the unexpired term in the Ninety-eighth Congress at a Special Election held on November 6, 1984.

I also have the honor to transmit herewith a copy of the Certificate of Election received from the Honorable Jane Burgio, Secretary of State of the State of New Jersey, indicating that the Honorable Jim Saxton was elected to the Office of Representative in Congress from the Thirteenth District of New Jersey to fill the unexpired term in the Ninety-eighth Congress at a Special Election held on November 6, 1984.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, U.S. House of Representatives.

COMMONWEALTH OF KENTUCKY,
STATE BOARD OF ELECTIONS,
Frankfort, KY., November 19, 1984.

The undersigned, a Board for examining the returns of an election held on Tuesday, the 6th day of November, 1984, for United States Representative (Unexpired Term) Seventh Congressional District of the State of Kentucky, do certify that Carl C. Perkins received the highest number of votes given for that office, as certified to the Secretary of State, and is, therefore, duly and regular-

ly elected for the term prescribed by the Constitution.

KENTUCKY BOARD OF ELECTIONS.

STATE OF NEW JERSEY CERTIFICATE OF ELECTION

The Board of State Canvassers hereby determines that at a Special Election held on the said State on the Sixth day of November in the year of our Lord one thousand nine hundred and eighty-four H. James Saxton was duly elected to fill a vacancy as a member of the House of Representatives of the United States from the Thirteenth Congressional District, to represent the State of New Jersey in the Ninety-Eighth Congress of the United States.

In testimony whereof, are hereunto affixed my hand and the Official Seal at Trenton this Twenty-sixth day of November A.D., 1984.

——— ———,
Secretary of State.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, January 3, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Under Rule III, Clause 4 (Section 647a) of the Rules of the House of Representatives, I herewith designate Mr. W. Raymond Colley, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which he would be authorized to do by virtue of this designation, except such as are provided by statute, in cases of my temporary absence or disability.

If Mr. Colley should not be able to act in my behalf for any reason, then Mr. Thomas E. Ladd, Assistant to the Clerk, should similarly perform such duties under the same conditions as are authorized by this designation.

These designations shall remain in effect for the 99th Congress or until revoked by me.

Sincerely yours,
BENJAMIN J. GUTHRIE,
Clerk, U.S. House of Representatives.

FAMILY FARM AND RANCH OPPORTUNITY ACT

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SMITH of Nebraska. Mr. Speaker, I rise in support of the Family Farm and Ranch Opportunity Act, which I have introduced today. For the benefit of my colleagues in the House, I submit herewith for the record the text of my bill.

Farmers and ranchers in Nebraska and all across the country are currently experiencing the most critical economic crisis situation since the Great Depression of the 1930's. Frustration grows daily as desperate families cling to the only lifestyle they have ever known. Crisis hotlines, food pantries, and farm crisis action groups are springing up throughout the Nation in an attempt to deal with the emotional stress, physical needs, and financial difficulties of growing numbers of farm families.

Literally thousands of farmers and ranchers in Nebraska alone may be forced from the land in the next 12 months. The underlying causes of this agricultural depression are diverse and may have their origin in the ill-conceived U.S. fiscal policies of the late 1970's.

Among the most severe problems facing family farms and ranches today are high real interest rates, high production costs, low commodity prices—below the cost of production in many cases, rapidly declining land values, stagnant export markets, and excessive debt loads.

Agriculture is going through a very painful transition today, and the prospect of large-scale land transfers due to foreclosures and other liquidation proceedings looms on the horizon.

Should this occur, especially in the already hard-hit Midwestern States, a situation unequalled since the Great Depression could ensure. As farmers and ranchers are forced to sell out, land will flood the market, further depressing land values and in turn forcing still others into foreclosure due to their lowered security values. Rural communities would face a severe loss of business activity and even population in a relatively short time period.

Only a general improvement in the agricultural economy with lower interst rates and improved commodity prices can solve this problem. Such drastic improvement in the short term is unlikely. If a depression-like situation is to be avoided, something must be done in the short term to keep farmers on the land and land off the market.

I propose a plan called the Family Farm and Ranch Opportunity Act that applies to both private sector and Government loans to farmers and ranchers. This bill would enable farmers and ranchers faced with foreclosure of their farm loans to continue their farm or ranch operation. First, upon initiation of foreclosure proceedings on FmHA farm loans, the farmer may transfer the deed to the farm along with the outstanding loan obligation, to Farmers Home Administration. FmHA then leases the land back to the farmer or rancher for a period not to exceed 5 years.

Rent paid by the farmer to the Government consists of a 50-50 crop share. 50 percent is farmed with the proceeds going to the farmer, and 50 percent is idled. The Government's share is idled to conserve the soil and to prevent it from contributing to production of surplus commodities.

At the end of the lease, title to the land is returned to the farmer or rancher as well as the remaining loan obligation. If the farmer or rancher is not able or willing to resume ownership and payments, the land is offered for lease to a beginning farmer or rancher, under the same conditions, with the option to buy at the end of the 5 years.

A second section applies to private-sector loans to agriculture. This section authorizes the FmHA to lease farmland aquired by other lenders through foreclosure or abandonment. The second section is similar to the first, except that beginning farmers or ranchers leasing land that the FmHA has acquired from other lenders will pay as rent ⅓ of the proceeds from the sale of commodities produced on the farm and must participate in any appropriate farm program in effect at the time.

The intent of this bill is multifaceted. First of all it is to ease pressure on land prices by keeping land off the market. Second, it is to keep farmers on their farms. We face losing many good farmers and ranchers which would not only change the face of agriculture, but would be devastating to small towns and businesses. Finally, the vital Farm Credit System will be strengthened.

My bill would give farmers a chance (5 years) to get on their feet so they can resume loan payments and would provide opportunity, other than inheritance, for beginning farmers and ranchers to get started. To preserve rural America as we know it, we must have opportunities for young farmers.

This plan would prevent land vacated during this crisis from ending up in the hands of the largest farmers and the land speculators. It would provide for soil conservation, reduce production of surplus commodities, reduce the number of displaced and unemployed farmers and ranchers, and strengthen agriculture in general, our most productive source of trade dollars.

These measures, although imperfect, would provide one mechanism or safety net to prevent an exodus from the land and ruination of agribusinesses dependent on farmers, in the event of a continuation of the current agricultural economic crisis.

This bill would not solve all the problems of agriculture, but would offer some relief from the current crisis and give farmers time to adjust, recover, and survive until the farm economy improves.

The text of H.R. — follows:

51-059 O-86-14 (Pt. 1)

A bill to assist distressed farmers, protect farmland values, preserve family farms, provide opportunities for beginning farmers, encourage soil conservation, and reduce production of surplus commodities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Family Farm and Ranch Opportunity Act".

SEC. 2. (a) For purposes of this Act—

(1) the term "acreage base of the county" means the number of acres which is equal to the aggregate of the acreage bases of all farms in the county;

(2) the term "beginning farmer" means any person who, as of the time that an application is submitted to the Farmers Home Administration for a farm lease under this Act—

(A) has never engaged in full-time farming; or

(B) has engaged in full- or part-time farming as an owner or operator, but for not more than an aggregate of 10 years;

(3) the term "crop share basis" means a lease agreement in which the Federal Government has a 50 percent ownership interest in all commodities produced on farmland leased back under this Act, or the income derived from the sale of such commodities;

(4) the term "farmland" means any real property used for agricultural purposes;

(5) the term "loan" means any loan secured by real property used for agricultural purposes; and

(6) the term "Secretary" means the Secretary of Agriculture.

(b) In order to enable farmers who received loans from the Farmers Home Administration to continue operation of farms in which they have an ownership interest, upon the initiation of foreclosure proceedings with respect to such loans, the Secretary, acting through the Farmers Home Administration, shall—

(1) upon request by the farmer, accept a transfer of a deed to any farmland which secures such loan which is being forclosed;

(2) accept a transfer of the outstanding obligation to repay such loan if such loan is insured or guaranteed by the Farmers Home Administration; and

(3) manage the property received as the result of such transfer in accordance with subsection (c).

(c)(1) The Secretary shall, in accordance with paragraph (2), lease the farmland received as a result of a transfer under this section back to the person from whom the transfer occurred.

(2)(A) Such lease shall be for a period not to exceed five years and shall provide, subject to subparagraph (B), that the lessee may put 50 percent of the farmland leased in production, and shall maintain the remaining 50 percent of the farmland using soil conservation practices. Farmland not put in production and maintained using soil conservation practices as a result of the operation of the preceding sentence shall be considered part of the acreage base of the farm for any program carried out by the Secretary for any period during which the lease is in effect.

(B) When the Secretary determines that the amount of farmland being held out of production and maintained using soil conservation practices as a result of the operation of subparagraph (A) is equal to 20 percent of the acreage base of the county, the Secretary shall not enter into additional lease agreements which require holding farmland out of production until the amount of farmland being held out of production is below such 20 percent level and the additional lease will not raise such amount above such 20 percent level. Lease agreements entered into under this section after such 20 percent level is reached shall be on a crop share basis.

(D) With respect to rangeland leased back under the provisions of this Act, the lessee shall obtain a recommendation from the Soil Conservation Service as to the maximum stocking level for the rangeland based on the condition of such land. Such rangeland shall not be stocked at more than 50 percent of the maximum stocking level recommended by the Soil Conservation Service.

(d)(1) Upon the expiration of the period of the lease the Secretary shall transfer ownership of the farmland accepted by the Secretary pursuant to subsection (b), back to the lessee if—

(A) the lessee—

(i) informs the Secretary that the lessee is willing and able to resume ownership of the farmland;

(ii) accepts the obligation to repay an amount equal to the unpaid principal on such farmland on such terms and at the original rate of interest, or at the rate of interest prevailing at the expiration of the lease, whichever rate is lower; and

(B) the Secretary determines that the lessee is able to resume ownership of the farmland with the remaining loan obligation.

(2) If the lessee—

(A) fails to inform the Secretary as provided under paragraph (1)(A)(i);

(B) is unable to resume ownership of the farmland; or

(C) desires to end the lease agreement before the end of the lease period;

then the Secretary shall lease the farmland to a beginning farmer. The lease to a beginning farmer shall be on the terms provided in subsection (c)(2). If upon expiration of the term of the lease such beginning farmer does not purchase the farmland, the Secretary shall lease the farmland to another beginning farmer. If upon expiration of the term of the lease the second beginning farmer does not purchase the farmland, the Secretary shall not lease the farmland again, and shall dispose of the farmland in accordance with subsection (g).

(e) Application for a lease as a beginning farmer under this Act shall be made to the county committee of the Farmers Home Administration. Selection of the beginning farmer shall be made by the Secretary taking into consideration the recommendations of the county committee. In reviewing applications for leases under this Act the county committees shall give—

(1) priority to beginning farmers who have not attained the age of 40 years and who have a net worth of less than $100,000, as determined by the county committee; and

(2) consideration to the viability of the farming operation proposed by the applicant.

(f) The Secretary may subdivide a farm acquired under this section if the Secretary determines that—

(1) the farm is too large to be operated by a beginning farmer (and members of such farmer's family who are related by blood or marriage, as defined by the Secretary, including individuals adopted by the farmer, and members of the farmer's household for whom the farmer is a legal guardian), and less than the equivalent of one additional full-time laborer; and

(2) it would be economically feasible for the beginning farmer to operate a smaller unit of the farm if the farm were subdivided into smaller units.

(g) If no beginning farmer applies for a lease under this section, or if at the end of the lease period for the second beginning farmer, such farmer does not purchase the farmland, the Secretary shall offer such farmland for sale; except that the Secretary may not sell any farmland acquired under this section if, in the State where such farmland is located, the average of the market values of farmland in such State is determined to be in a downward trend. The farmland held by the Farmers Home Administration as a result of the operation of the preceding sentence shall be held out of production and shall be maintained using soil conservation practices until—

(1) with respect to farmland which has not been leased to a second beginning farmer, an application for a lease of the farmland is approved for a beginning farmer; or

(2) with respect to farmland which was not purchased by the second beginning farmer, farmland values have stabilized in the State where such farmland is located, based on the latest information and statistics available to the Secretary.

SEC. 3. (a) The Secretary, acting through the Farmers Home Administration, shall lease farmland on request from any lender (including any Federal or State chartered bank, savings and loan association, cooperative lending organization, or other legally organized lending organization, or governmental agency, or guarantor of farm real estate mortgage loans) that has acquired such farmland through foreclosure or abandonment. The Secretary shall lease such land at rates prevailing in the area where such land is located. The term of such lease shall not exceed 15 years. Any lease agreement entered into between the Secretary and any lender under this section shall include such terms as may be necessary to allow the Secretary to sublease the land in accordance with this section, and shall include an option for the Secretary, or any sublessee that the Secretary may designate, to purchase such farmland.

(b) The farmland leased by the Secretary pursuant to this section shall be offered for sublease on a first refusal basis to the person who had an ownership interest in such farmland immediately before the lender acquired it, if the Secretary, in cooperation with the lender, determines that such person is able to maintain a financially viable operation. Such sublease shall be on the terms provided in subsection (c)(2) of section 2 of this Act.

(c)(1) If at the end of any sublease period the sublessee informs the Secretary that the sublessee is willing and able to purchase the farmland, the Secretary shall exercise the option to purchase contained in the Secretary's lease with the lender.

(2)(A) If the person to whom the sublease is offered under subsection (b) does not sublease the farmland, of if the Secretary determines that such person is unable to maintain a financially viable operation; or

(B) if after subleasing such farmland such sublessee—

(i) fails to inform the Secretary as provided in paragraph (1);

(ii) is unable to purchase the farmland; or

(iii) desires to end the sublease agreement before the end of the sublease period;

then the Secretary shall, in cooperation with the lender, sublease the farmland to a beginning farmer.

(3) The sublease to a beginning farmer shall be for a period not to exceed five years and shall provide that the sublessee—

(A) must participate in any program carried out by the Secretary for any period during which the sublease is in effect;

(B) use approved conservation practices with respect to such farmland; and

(C) pay to the Secretary, as rent for the use of the farmland—

(i) one-third of the value of the agricultural commodity produced on such farmland; or

(ii) with respect to livestock, one-third of the value added to any livestock raised and maintained on such farmland.

(4) At the end of the sublease period the beginning farmer must be willing and able to purchase the farmland from the lender at its fair market value or the farmland will be subleased to another beginning farmer. If upon expiration of the term of the sublease such beginning farmer does not purchase the farmland, the Secretary shall sublease the land to another beginning farmer. If upon expiration of the term of the sublease the second beginning farmer does not purchase the farmland, the Secretary shall not sublease the farmland again, and shall dispose of the farmland in accordance with subsection (f).

(d) Selection of the beginning farmer for a sublease under this section shall be made as provided in subsection (e) of section 2 of this Act.

(e) The Secretary may subdivide a farm leased under this section if the Secretary determines that—

(1) the farm is too large to be operated by a beginning farmer (and members of such farmer's family who are related by blood or marriage, as defined by the Secretary, including individuals adopted by the farmer, and members of the farmer's household for whom such farmer is a legal guardian), and less than the equivalent of one additional full-time laborer; and

(2) it would be economically feasible for the beginning farmer to operate a smaller unit of the farm if the farm were subdivided into smaller units.

(f) If no beginning farmer applies for a sublease under this section, the Secretary may—

(1) renegotiate the terms of the lease with the lender in order to terminate the Federal Government's obligations under the lease;

(2) sublease the land to any person at prevailing local rates and on such additional terms and conditions as the Secretary determines are appropriate; or

(3) remove the farmland from production and maintain such farmland using soil conservation practices if the Secretary determines that to do so will protect farmland values in the area, will reduce surplus production, or will promote conservation.

DEPOSITORY INSTITUTIONS ACT OF 1985

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WYLIE. Mr. Speaker, today I have introduced legislation designed to update this Nation's financial services laws; laws which have stood largely unaltered for 50 years and are badly in need of updating and reform.

The Depository Institutions Act of 1985 is a comprehensive bill which recognizes the new competitive realities between financial services providers and permits a flexible structure so that competition can increase in the future. Nonetheless, the bill retains safety as the watchword of our Nation's financial system.

I think most objective observers will find it a realistic and sound approach to a complex and ever-changing business.

I look forward to working with my good friend, Chairman ST GERMAIN, and the rest of my colleagues on the Banking Committee and in the House as a whole to see that this Congress passes this type of legislation this year before it is too late for us to have some say in setting the Nation's policy on financial services.

Mr. Speaker, I include in the RECORD a discussion and section-by-section analysis of the bill.

The statement follows:

STATEMENT OF HON. CHALMERS P. WYLIE, DEPOSITORY INSTITUTIONS ACT OF 1985—JANUARY 3, 1985

Mr. Speaker, today I introduced the Depository Institutions Act of 1985. This is legislation that I have been developing since the 98th Congress adjourned in response to many of the issues confronting this Nation's depository institutions.

Depository institutions are vital to the continued growth and stability of our Nation's economy. It is my desire to ensure that a strong, stable, and competitive system is in place that meets the financing needs of all segments of our economy well into the future. Above all else, Congress does have the ultimate responsibility to protect and defend the safety and soundness of banks and thrifts across the country.

For the past fifty years, our financial service system was protected by a comprehensive framework of Federal laws which, among other things, separated commercial banking from other forms of commerce and provided stringent Federal supervision of financial institutions. However, within the past few years, this framework has been breached, not by Congressional action, but instead through aggressive exploitation of loopholes in our banking laws. This development has led to the acquisition of so-called "nonbank" banks by nonfinancial concerns, ranging from insurance and securities firms to furniture stores. In many cases, these nonbanking firms are not subject to the Federal supervision that is placed on traditional bank holding companies. This situation has been compounded by certain States which have attempted to take advantage of other loopholes in the Federal laws and thereby permit evasion of Federal policies on a nationwide scale.

On the other hand, there is a clear need to modify restrictions which are no longer necessary and thus permit additional competition in the provision of needed financial services. In addition, current Federal Reserve Board procedures are unduly burdensome and time consuming. Permitting the Board to act in a more expeditious manner, with due regard for the safety and soundness of our banking system, would benefit not only financial institutions but also the consumers of these financial services.

The need for these improvements in our banking laws has been well documented. The House Banking Committee, under the very able leadership of our Chairman, Fernand J. St Germain, held extensive hearings last year entitled, "How the Financial System Can Best Be Shaped to Meet the Needs of the American People," which explored many of the issues contained in my bill. These same issues were addressed in the Financial Services Competitive Equity Act (S. 2851) which passed the other body last September by the overwhelming vote of 89 to 5, after several years of hearings by the Senate Banking Committee.

Unfortunately, Congress was not able to enact legislation last year. Since Congress adjourned, the situation has deteriorated. The Comptroller of the Currency has had no choice but to charter approximately 100 additional nonbank banks in 15 States and the District of Columbia. Similarly, the Federal Reserve Board was constrained to approve applications for nonbank banks to be acquired by financial institutions located in other States, despite existing provisions in the law which are designed to prevent such acquisitions. Hundreds more applications are awaiting approval by the Federal regulatory agencies, and some State banking agencies have announced their intent to join the parade and charter nonbank banks at the State level. Congress must act, and act soon, to set national policy in this area or these decisions will be effectively delegated to financial institutions and the "loophole" lawyers in their employ.

The legislation I am introducing presents an effective and fair approach to the difficulties facing depository institutions today. It may be described with several general observations. A more detailed section-by-section analysis follows my remarks.

First, certain public policy principles are clearly restated. If a depository institution is federally insured or avails itself of services offered by the Federal Reserve System, then certain national standards must be maintained. However, those State-chartered institutions which do not wish to use Federal services are free to continue without Federal constraints, thus respecting and preserving the dual banking system and the rights of States to create and supervise their own institution.

Second, the Depository Institution Act of 1985 stresses safety and soundness. For example, the bill adds additional authority for the Federal deposit insurance agencies to prohibit or restrict any activity which poses a serious risk of loss to the insurance fund or which is excessively speculative. The Federal Savings and Loan Insurance Corporation [FSLIC] is given increased authority to enforce capital adequacy requirements which are similar to those given to the banking agencies in 1983. Limits are placed on the amount of insured deposits which may be received through a money broker, except for institutions at or below their required net worth, which would be prohibited from accepting any brokered funds.

Third, the problem raised by nonbank banks is confronted in a fair and rational manner. All banking institutions with a Federal connection, either through the use of Federal insurance programs or through the use of Federal Reserve System services, will be regulated under this bill. No institution will be required to divest a bank acquired before today. However, no institution is grandfathered without prudent constraints.

All institutions, and companies controlling these institutions, will be subject to Federal supervision and regulation similar to any other bank or thrift holding company. For example, these institutions would be subject to geographic restrictions, antitrust and antitying provisions, and consumer protections just as any other bank holding company.

Fourth, the problem of State laws which permit institutions to evade Federal policies is also addressed. However, instead of a blunderbuss approach, this bill acts in a narrow manner, only affecting those State provisions which can be shown to be designed to evade a Federal statute or which adversely affect national interests. Thus again, this bill recognizes the rights of the States to legislate for their own institutions and to regulate their activities within their own boundaries, unless such activities directly threaten the safety and soundness of the banking system or derogate Federal law.

Further, measured deregulation should continue so that depository institutions can keep pace not only with technological developments, but also with competition from other financial institutions which offer similar products and services. To do this, my bill adapts language, similar to that proposed by the administration and the Federal Reserve several years ago, to meet new competitive challenges through an affiliated company. Under the Federal Reserve's guidance, I am hopeful that we can have the kind of safe and sound deregulation on the asset side of an institution's books that the Depository Institution Deregulation Committee was able to accomplish on the liability side of the ledger sheet. In addition, my bill provides for gradual geographic deregulation over a five-year period during which the States may limit entry based on asset or deposit size.

Mortgage-backed securities are added to the permissible list of activities under Federal holding company statutes. Procedural reforms are also included to ease administrative burdens.

Finally, continued deregulation implies, in my opinion, a commitment to adequate disclosure to enable the consumer to choose intelligently among the various providers of financial services. My bill requires the Federal financial regulators to ensure that consumers are given full disclosure about their personal finances, particularly regarding interest earnings, fees, and service charges. The bill also provides for the development of a faster check return process so consumers will have better availability and access to their funds.

Although a bill was not forthcoming last year as I had hoped, I did find comfort in the fact that in the waning days of the session, Chairman St Germain and my friend from Utah, Senate Banking Committee Chairman Jake Garn, issued a joint statement which said in part: " . . . we emphasize that legislation addressing the competitive and regulatory framework of the financial system will be the first priority of the Banking Committees of the House and Senate as soon as the 99th Congress convenes in 1985." The two distinguished chairmen then went on to state that they were in full agreement about the "need for a final resolution of all the issues early in the next Congress."

I wholeheartedly applaud the efforts of Chairmen St Germain and Garn to move swiftly on such legislation this Congress. Moreover, I look forward to working closely with them and the rest of my colleagues to enact a comprehensive package early this session.

Thus, it is in a constructive and cooperative spirit that I introduce the Depository Institutions Act of 1985 today. I am sure that Chairman St Germain will soon produce a legislative proposal of his own, as will other colleagues on the committee. It is my genuine hope that all of these proposals will be worthy of hearings by the Banking Committee in the near future. Although Chairman St Germain and I may have different ways to approach the same problem. I am confident that we will work together with help from the rest of our committee colleagues to present a complete legislative package to the House at the earliest possible time.

Mr. Speaker, let me be perfectly frank about this legislation. The Depository Institutions Act of 1985 may not be everything that everyone wants; and it may be more than some people may desire. It does not seek to correct every inequity that exists today on the financial horizon, but it does attempt to offer several practical solutions to many of the difficult problems which confront us.

During this first session of the 99th Congress we should also give serious consideration to the administration's forthcoming proposals for deposit insurance and regulatory reform. Once we have had a sufficint opportunity to review their initiatives, I am sure the Banking Committees in the House and the other body will move with deliberate speed to craft an appropriate legislative response.

In summary, Mr. Speaker, Federal Reserve Board Chairman Paul Volcker correctly has depicted our current dilemma and suggests the reasons why we need to act quickly this year:

"We are at a crucial point. We can turn the system toward creative innovation consistent with certain broad and continuing concerns of public policy. Or, left unattended, we can continue to see the financial system evolve in haphazard and potentially dangerous ways—ways dictated not just by natural responses to market needs but by the often capricious effects of existing and now outmoded provisions of law . . . .

". . . The pervading atmosphere of unfairness, of constant stretching and testing of the limits of law and regulation and of circumvention of their intent, and of regulatory disarray is inherently troublesome and basically unhealthy . . ."

For my money, Chairman Volcker is absolutely correct. We are at a crucial point in the financial history of our Nation. It is time for Congress to recognize this fact and make the hard decisions necessary to bring some rationality to the current financial scene. It is imperative that sound public policy emerge from the legislative process by an act of commission, rather than by an act of omission.

To all of my colleagues, I say in conclusion that I am genuinely determined that we enact comprehensive legislation early in the 99th Congress. You may not like each and every provision, but I hope this bill will contribute to the necessary dialogue. This is but the first step of a long, deliberative process. I intend to visit with Chairman St Germain and all of my collegues on the Banking Committee to begin the necessary consensus building. I look forward to an open process where all competing proposals are considered by the Banking Committee and the House of Representatives. Only after full and unfettered deliberations can we arrive at a meaningul package worthy of our full support.

Once the Banking Committee gets organized, I intend to reintroduce this bill with cosponsors. Based on the comments I receive, I will circulate a revised version for your consideration.

Mr. Speaker, we must move ahead to modernize a financial system which preserves the highest level of public confidence in our Nation's depository institutions. We must have a financial system in place which is a solid foundation for an expanding American economy in the future.

PERSONAL LEGISLATIVE AGENDA FOR 99TH CONGRESS

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker and Members of the House, I plan to join with all of my colleagues, it goes without saying, in the massive attack we are going to make on reduction of the deficit and its concomitant issues during the balance of the 99th Congress.

But in addition, I wish to begin today with the introduction of my personal legislative agenda, and that will include the legislation which I will offer today to place into the Crimes Code of the United States of America a death penalty, a death penalty that has been long missing as part of the remedy for some of the violent homicides that can happen in our country, and to plug a loophole which would, God forbid, in the case of a presidential assassination result in a trial that might not have the death penalty as an appropriate penalty.

In addition to that, I would like many of my colleagues to consider joining me later on during this session in a measure that would, for the first time in a long time, do something about the electoral college in bringing it into the 20th century.

PROVIDING FOR ATTENDANCE AT INAUGURAL CEREMONIES ON JANUARY 21, 1985

Mr. WRIGHT. Mr. Speaker, I send to the desk a privileged resolution (H. Res. 10) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That at 10:30 ante meridiem on Monday, January 21, 1985, the House shall proceed to the West Front of the Capitol for the purpose of attending the inaugural ceremonies of the President and Vice President of the United States; and that upon the conclusion of the ceremonies the House stand adjourned until 12 o'clock meridian, Tuesday, January 22, 1985.

□ 1820

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT TO MONDAY, JANUARY 7, 1985

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, January 3, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House as follows:

(1) At 4:30 p.m. on Wednesday, October 31, 1984 and said to contain a message from the President whereby he transmits the second special message for Fiscal Year 1985 under the Impoundment Control Act of 1974 pursuant to 2 U.S.C. 685(a); and

(2) At 11:35 a.m. on Thursday, November 29, 1984 and said to contain a message from the President whereby he transmits the third special message for Fiscal Year 1985 under the Impoundment Control Act of 1974 pursuant to 2 U.S.C. 685(a).

With kind regards, I am

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, U.S. House of Representatives.

SUNDRY NEW AND REVISED DEFERRALS AFFECTING INTERNATIONAL SECURITY ASSISTANCE, DEPARTMENTS OF DEFENSE, ENERGY, INTERIOR, AND LABOR, GENERAL SERVICES ADMINISTRATION, AND PANAMA CANAL COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-10)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

(For message, see proceedings of the Senate of today, January 3, 1985.)

SUNDRY DEFERRALS OF BUDGET AUTHORITY AFFECTING DEPARTMENTS OF ENERGY, JUSTICE, AND STATE, THE BOARD FOR INTERNATIONAL BROADCASTING, AND THE UNITED STATES INFORMATION AGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-11)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report eight new deferrals of budget authority for 1985 totaling $107,881,834. The deferrals affect the Departments of Energy, Justice, and State, the Board for International Broadcasting, and the United States Information Agency.

The details of these deferrals are contained in the attached report.

RONALD REAGAN.

THE WHITE HOUSE, *October 31, 1984.*

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, October 11, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of five resolutions adopted by the Committee on Public Works and Transportation on September 19, 1984. These resolutions authorize studies of potential water resources projects by the Corps of Engineers in accordance with the provisions of Section 4 of the Act of March 4, 1913, as amended.

Every best wish.

Sincerely,

JAMES J. HOWARD,
Chairman.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, October 22, 1984.

Hon. THOMAS P. O'NEILL, Jr.
The Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee on Public Works and Transportation approved the following project September 19, 1984:

LEASE

Internal Revenue Service, San Jose, CA.

The original and one copy of the authorizing resolution are enclosed.

Every best wish.

Sincerely,

JAMES J. HOWARD,
Chairman.

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 4, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House, that I have received a deposition subpoena issued by the United States District Court for the District of Columbia. I will, after consultation with my General Counsel, inform you of my determination respecting the subpoena.

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, U.S. House of Representatives.

COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

OFFICE OF THE SERGEANT AT ARMS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 13, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L(50) of the Rules of the House, that I have received a subpoena issued by the United States District Court for the Western District of Tennessee. After consultation with the General Counsel to the Clerk of the House, I will inform you of our determinations consistent with the Rules of the House.

Sincerely,

JACK RUSS,
Sergeant at Arms.

COMMUNICATION FROM CHAIRMAN OF SUBCOMMITTEE ON FISCAL AFFAIRS AND HEALTH OF COMMITTEE ON THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Subcommittee on Fiscal Affairs and Health of the Committee on the District of Columbia:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 18, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that Ms. Marguerite Gras of the staff of the Committee on District of Columbia has received a deposition subpoena issued by the Superior Court of the District of Columbia.

I will, in consultation with the General Counsel to the Clerk of the House, make the determinations required by the Rule and will promptly notify you of those determinations.

Sincerely,

WALTER E. FAUNTROY,
Chairman, Subcommittee on Fiscal Affairs and Health, Committee on the District of Columbia.

COMMUNICATION FROM THE CHAIRMAN OF COMMITTEE ON THE JUDICIARY

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on the Judiciary:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, December 18, 1984.

The Honorable THOMAS P. O'NEILL, Jr.,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the House of Representatives, that Mr. Hayden Gregory of the staff of the Committee on the Judiciary has received a deposition subpoena issued by the United States District Court for the District of Columbia.

I will, in consultation with the General Counsel to the Clerk of the House, make the determinations required by the Rule and will promptly notify you of those determinations.

Sincerely,

PETER W. RODINO, Jr.,
Chairman.

COMMUNICATION FROM THE CHIEF OF POLICE OF THE UNITED STATES CAPITOL POLICE

The SPEAKER pro tempore laid before the House the following communication from the Chief of Police of the United States Capitol Police:

UNITED STATES CAPITOL POLICE,
OFFICE OF THE CHIEF,
Washington, DC, October 22, 1984.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to the provision of House Rule L (50), that James J. Carvino, Chief, U.S. Capitol Police, has received a Summons from the Superior Court of the District of Columbia, in the matter of United States v. James Martin, Criminal Docket Number F-7405-82.

After consulting with counsel, I have determined that compliance with this summons is consistent with the privileges and rights of the House.

Sincerely,

JAMES J. CARVINO,
Chief of Police.

APPOINTMENT OF MEMBERS AS TELLERS TO COUNT THE ELECTORAL VOTES ON MONDAY NEXT

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution 1, the Chair appoints as tellers on the part of the House to count the electoral votes on January 7, 1985, the gentleman from Illinois [Mr. ANNUNZIO] and the gentleman from Minnesota [Mr. FRENZEL].

APPOINTMENT AS MEMBERS OF JOINT COMMITTEE TO MAKE NECESSARY ARRANGEMENTS FOR THE INAUGURATION ON JANUARY 21, 1985

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution 2, 99th Congress, the Chair appoints as members of the Joint Committee To Make the Necessary Arrangements for the Inauguration of the President-elect and the Vice-President-elect of the United States on the 21st Day of January, 1985, the following Members of the House: Mr. MICHEL of Illinois; Mr. O'NEILL of Massachusetts; and Mr. WRIGHT of Texas.

DESIGNATION OF SPEAKER PRO TEMPORE TO LEAD HOUSE PROCESSION TO THE INAUGURATION ON JANUARY 21, 1985

The SPEAKER. The Chair designates Hon. JAMIE L. WHITTEN of Mississippi to act as Speaker pro tempore on Monday, January 21, 1985, to lead the House procession to the inauguration of THE President and Vice President.

APPOINTMENT AS MEMBERS OF THE HOUSE OFFICE BUILDING COMMISSION

The SPEAKER. Pursuant to the provisions of 40 United States Code, 175 and 176, the Chair appoints the gentleman from Texas [Mr. WRIGHT], and the gentleman from Illinois [Mr. MICHEL], as Members of the House Office Building Commission to serve with himself.

ANNOUNCEMENT BY THE SPEAKER ON PROCEDURES FOR THE 99TH CONGRESS

The SPEAKER. The Chair would like to make a statement concerning the introduction and reference of bills and resolutions.

As Members are aware, if they have been sworn, they have the privilege today of introducing bills. If there is a large number of bills introduced, it will be readily apparent to all Members that it may be a physical impossibility for the Speaker to examine each bill for reference today. The Chair will do his best to refer as many bills as possible, but he will ask the indulgence of Members if he is unable to refer all the bills that may be introduced. Those bills which are not referred and do not appear in the RECORD as of today will be included in the next day's RECORD and printed with a date as of today.

The Chair would also announce that the Speaker's statement in the 98th Congress on January 3, 1983, regarding signing of bills and resolutions, his determination of committee jurisdiction on a joint or sequential basis, and regarding the Speaker's discretionary authority to refer nongermane Senate amendments to House bills to the committees of appropriate jurisdiction, will continue to apply in the 99th Congress.

Also, the Speaker's statement in the 98th Congress on January 25, 1984, with respect to recognition for unanimous-consent requests for the consideration of bills and resolutions will apply during the 99th Congress, as will the Speaker's policy for recognition for 1-minute speeches and special orders, alternating between both sides of the aisle, announced on August 8, 1984, and implemented on September 5, 1984.

The Speaker's announced instructions to the Doorkeeper and Sergeant at Arms in the 98th Congress on January 25, 1983, regarding strict enforcement of rule XXXII—specifying those persons having the privileges of the floor during sessions of the House, will be applied during the 99th Congress.

The Speaker's guidelines announced during the 98th Congress on March 3, 1983, regarding unanimous-consent requests for committees to sit during the 5-minute rule will continue to apply during the 99th Congress.

ELECTION OF HON. JIM WRIGHT AS SPEAKER PRO TEMPORE DURING THE ABSENCE OF THE SPEAKER THROUGH JANUARY 21, 1985

Mr. GONZALEZ. Mr. Speaker, I offer a privileged resolution (H. Res. 11) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 11

Resolved, That the Honorable JIM WRIGHT, a Representative from the State of Texas, be, and he is hereby, elected Speaker pro tempore during any absence of the Speaker, such authority to continue not later than January 21, 1985.

Resolved, That the President and the Senate be notified by the Clerk of the election of the Honorable JIM WRIGHT as Speaker pro tempore during the absence of the Speaker.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SWEARING IN OF HON. JIM WRIGHT AS SPEAKER PRO TEMPORE DURING THE ABSENCE OF THE SPEAKER THROUGH JANUARY 21, 1985

The SPEAKER. Will the gentleman from Texas [Mr. WRIGHT] kindly raise his right hand?

Mr. WRIGHT assumed the chair and took the oath of office administered to him by the gentleman from Massachusetts [Mr. O'NEILL].

SWEARING IN OF HON. BILL ARCHER AS A MEMBER OF THE HOUSE

Mr. ARCHER. Mr. Speaker, I was unavoidably detained as a result of airline cancellation of flights at the time of the swearing in today and would ask permission to be sworn in at this time.

The SPEAKER pro tempore. The Chair will administer the oath if the gentleman will raise his right hand.

Mr. ARCHER appeared at the bar of the House and took the oath of office.

□ 1830

TRIBUTE TO CHARLES A. MOSHER

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PEASE. Mr. Speaker, it is my sad duty to inform this House of the death last November 16 of former Congressman Charles A. Mosher.

Many of you never had the privilege of meeting Chuck Mosher, but I count myself among the very lucky. He had a profound impact upon my life throughout the 27 years that I knew him. Often he was an inspiration to me—a model of what a public servant should be. Occasionally, he was a gentle, thoughtful critic—someone who knew the importance of asking tough questions and rejecting easy, pat answers. Always he was a special friend of warmth and understanding.

I insert in the RECORD at this point selected material about the distinguished career of my predecessor, Charles A. Mosher, and commend it to the careful reading of every Member of the 99th Congress.

Charles Adams Mosher, Republican, of Oberlin, Ohio; born at Sandwich, Ill., May 7, 1906; graduated from Oberlin College, A.B., cum laude, 1928; married Harriet Johnson, 1929; son, Frederic A., and daughter, Jane Mosher Breece; employed on daily newspapers in Aurora, Ill. (1929-38) and Janesville, Wis. (1938-40); president of Oberlin Printing Co., and editor-publisher of Oberlin News-Tribune, 1940-62; member of Oberlin City Council, 1945-50; member of Ohio Senate five terms, 1951-60; member, Oberlin College Board of Trustees, 1964-70, 1973—; chairman of the board American Oceanic Organization, 1973—; vice chairman of the board, Office of Technology Assessment 1973-74; elected to the 87th Congress November 8, 1960; reelected to each succeeding Congress.

[From the Lorain (Ohio) Journal, Nov. 18, 1984]

SAYING FAREWELL TO CHARLES MOSHER—HIS MEMO TO THE PEOPLE

(By Randy Wynn)

WASHINGTON.—When former Rep. Charles Mosher announced in 1975 that he would not seek re-election to a ninth term the following year, President Ford and House Minority Leader John Rhodes, R-Ariz., urged him to reconsider.

But Mosher insisted he was ready to retire. The statement he issued in the form of a "memo to the people of Ohio's 13th Congressional District" is still remembered on Capitol Hill for its description of the "kaleidoscopic life" of a congressman.

Mosher remained in Washington about four more years as a college instructor, executive staff director of the House Committee on Science and Technology, and as a fellow at the Smithsonian's Woodrow Wilson Center. But he said his age (70 when he left office), his desire to become a "private citizen" (after 16 years in Congress, 10 years in the Ohio Senate and five years as an Oberlin village councilman) and his hope of beginning a new career compelled him to get out of politics.

Here are some excerpts from Mosher's farewell statement, including what he termed Mosher's Law: "It's better to retire too soon than too late."

Being the "congressman" is rigorous servitude, ceaseless enslavement to a peculiar mix of everyone else's needs, demands and whims, plus one's own sense of duty, ambition or vanity. It is that from which Mrs. Mosher and I now declare our personal independence, to seek our freedom. . . .

Age is the first of two decisive reasons for my decision to retire. I am convinced from observing the sad examples of others, it usually is a mistake for anyone in public office to seek reelection after age 70. Some critics will say, with considerable validity, that the wise quitting age should be before that. I determined many years ago definitely to consider retirement at 70.

It really is no favor to the public interest, nor to one's party, and least of all to oneself, to continue stubbornly in office as an oldster—even if physically fit, mentally alert and allegedly "powerful" in seniority; and even though well intentioned or flattering friends and political allies urge "hang in there." Not one of us is really that essential. So, I believe it obligatory that we should quit cheerfully and voluntarily—earlier rather than later—to thus make room for the younger, fully capable and probably more attuned to the times candidates. . . .

If there are special exceptions to the quit-after-70 general rule (dub it Mosher's Law if you will), they should be very rare exceptions, and I am not one of them. . . .

My second decisive reason for retirement—essentially a very personal and selfish reason, as distinguished from the above general principle—is that I am becoming hungry for privacy, for the opportunity to savor life at my own gait and choosing, hopefully to attain a bit of serenity.

Contrary to a stereotyped opinion popularly encouraged, the job of a congressman is not all special advantages (of which there are many), it is in fact weighted heavily with disadvantages. It requires an onerously demanding, hectic, fragmented schedule of seldom less than seven days per week and often many more than 12 working hours per day, constantly harried by call bells, phone bells, committee sessions (frequently shuttling between two or more meetings at the same time), and at every turn there are deserving people insistently crowding to capture your momentary attention—to confer, to report, to assist, to argue, to request, to demand or plead, to compliment, criticize, invite, etc, etc., staff people, bureaucrats, lobbyists, reporters, colleagues, a steady stream of valued constituents, and varied others. All that plus the House debates, caucuses, briefings, working breakfasts, working lunches, receptions, dinners, homework study, and even midnight collect calls from drunks.

Catch a few minutes for concentrated desk work, there faces you a great pile of letters to read and answer, reports and analyses to absorb, a never ceasing flood of papers, periodicals, pamphlets—propaganda or fact. And very importantly "case work" too, the daily dozens of urgent requests and demands from the district—from individuals, groups, businesses and every other conceivable interest—requiring assistance in their myriad of difficult, complex relationships with the federal agencies. Trips back to the district give no respite, those schedules also are intense, stressful; and even the official committee trips (those "junkets" so popularly scorned) should be and usually are genuinely substantive and demanding.

Yes, I asked for this job, and I like the pay. Do not read into the above paragraphs any personal complaints from me. It is an amazingly fascinating experience to work in this beautiful, powerful capital city. I greatly cherish the honor, the privilege of having been elected to represent here one of this nation's most dynamic districts . . . an excitingly vibrant area and people of immense, diverse productivity, varied and churning attitudes and needs, bursting with further potential, richly cosmopolitan.

But there is so little time or opportunity to study, to think and rethink and get above the battle and view it reflectively in the larger perspectives. There seldom is more than 15 minutes at any one time to concentrate on any single subject—then hop, skip, jump on to another, then another and an-

other. And each one of them—each conversation, each meeting, each letter, each report, each vote—deals with a genuinely substantive significant problem or issue, often complicated, tensely controversial, requiring a responsible decision . . .

Thus it is a congressman's inescapable lot . . . to be never alone, never free from incessant buffeting by people, events, problems, decisions; and always the ubiquitous, skeptical newsmen and other critics looking very closely over one's shoulder, intently watching, questioning, assessing every word or move—and that's the way it must be, it should be—that's what it means today to be a "public servant."

It is a gruelling experience, often frustrating, discouraging, sometimes very disillusioning. Any sense of personal satisfaction from individual, creative accomplishment is for most congressmen rare and partial—small, infrequent victories—necessarily shared with many others. Constantly, the needs, the problems, the opportunities all seem so many, so varied, so immense, so complex, so inextricably twined and often contradictory, and our efforts so indecisive, so inadequate.

To put it simply, I sense in me a certain loss of zest for this kaleidoscopic life; the glamour of it palls, the guff intensifies. Do I have any right or obligation to seek another two years of this tremendous responsibility and opportunity, if I am losing zest for it? I think not.

REMARKS FOR THE MEMORIAL SERVICE OF CHARLES A. MOSHER HELD ON NOVEMBER 24, 1984 BY DON L. PEASE

Let me talk with you today about Chuck Mosher as a Member of Congress, for it was in that capacity that, as the News-Tribune editorialized this week, he added greatly to Oberlin's reputation as "the little town of world renown."

One of Chuck's early campaign slogans was "Mosher—a big man for a big job." Later, his campaign newspaper ads proclaimed of Chuck, "There are 435 members of the House of Representatives—this man is one of the best."

Both claims were correct. Chuck was a big man—physically, ethically and intellectually. And he certainly was one of the best members of Congress.

Chuck made his lasting mark on Congress with a powerful and lively intellect, with a well-developed sense of right and wrong, and with the courage of his convictions.

Science was his special love in Congress. He became a genuine expert on science legislation. He became the ranking Republican member of the House Committee on Science and Technology. He was vice chairman of the congressional Office of Technology Assessment. He was an integral part of America's historic space exploration program of the 1960's and 1970's.

Along the way, he earned the respect and admiration of this nation's leading scientists, engineers and academicians. That is a rare achievement for a politician.

Chuck was proud that he was one of the very first members of Congress to vote against appropriations for the conduct of the Vietnam war. Early on, he took his stand, a stand much criticized both in Washington and here in the 13th District.

I have no doubt that Chuck's courageous stand was a turning point in congressional attitudes toward the Vietnam war. If caused others to re-examine their positions and to muster their own courage.

Many other examples of mind-stretching could be cited, for that was Chuck's way. He formed friendship easily, and he nurtured and cultivated them. But to be a friend of Chuck was to subject yourself to his intellect and his sense of rightness.

He would want to know about your thoughts and activities, and his probing questions revealed a deep intellectual curiosity.

Then would come the questions:

"Say, have you though about . . ."

Or it might not have been a question at all. Perhaps a pregnant pause to raise a slight little doubt in your mind about the wisdom of your position.

Or perhaps a reassuring statement, "Well, I guess maybe you're right," which somehow wasn't very reassuring, which invited re-examination of your views.

Chuck did that with his friends in Congress—and elsewhere, I might add. But his contribution was especially valuable in Congress, where decisions are made which affect the lives of millions of Americans and of people across the world.

As a fellow congressman put it in 1976, "We need men of his caliber—men who never flinch from telling the truth, who dare to challenge colleagues and constituents into deeper though, who truly lead . . ."

Finally, beyond his expertise in science and his role as intellectual catalyst, Chuck made Congress a better institution by the example he set as a person. Many of his colleagues—perhaps without acknowledging it to him or even to themselves—found worthy of emulation his basic decency, his even-handedness, his dedication to reason and principle, his compassion, his accurate sense of perspective, good grace, humility . . . his pun-filled sense of humor.

Such was the case with me. Chuck was for me a teacher, a mentor, a sounding board, a constructive critic, a voice of reason and conscience, an example to follow, a friend.

For 27 years, Jeanne and I have been privileged to be an adjunct part of the Mosher family, to have a special closeness with Chuck and with Harriet—who in her own right surely deserves a congressional medal of distinction. Jeanne and I will be forever grateful for the privilege, and we will miss our friend Chuck Mosher very, very much.

[From Science Magazine, 1976]

SOMBER REFLECTIONS ON CONGRESS BY A RETIRING MEMBER

(By Luther J. Canter)

Representative Charles A. Mosher (R-Ohio), who has played a significant role with respect to national science policy and environmental energy legislation, announced on 13 December that he will retire from Congress at the end of 1976. Mosher, who will be 70 years old next May, is a liberal Republican and former "country editor" who has represented the largely Democratic 13th Ohio District (bordering Lake Erie, to the west of Cleveland) since 1960. He told reporters that he was finally losing "zest" for the job of a congressman, which he described as one of high honor and good pay ($44,600 a year) but also of "enslavement" to an "onerously demanding, hectic, fragmented schedule" that is almost without relief.

In an interview with this reporter, Mosher, albeit still professing the optimism of one who has long been committed to congressional reform, offered some not very cheerful observations as to why Congress is often mired in indecision and confusion, a state of affairs that has been especially evident this year in the case of energy legislation. As he sees it, the situation is ironic and paradoxical. During his 15 years as a congressman, the House membership has become younger, abler, and more accountable and staff resources have been greatly improved—yet, if anything, the conflict and confusion over major issues seems to deepen. "It seems that the more information we have, the more divided we are," Mosher said. He attributed this to the existence of a "myriad of little [committee] fiefdoms," an absence of party discipline, a lack of leadership on the part of the Speaker and the Senate Majority Leader and—more fundamentally—to a "profound, historic strain of Know Nothingism," or of distrust of expertise, both in the populace and in the Congress itself.

Mosher's own record should qualify him in the eyes of many as something of prophet. He was an early supporter of measures to advance civil rights and protect civil liberties (last year he received an award from the Ohio chapter of the American Civil Liberties Union). He took a public stand against the U.S. involvement in Vietnam as early as 1967, and was the first Republican in either the House or Senate to vote against military appropriations for the Vietnam war. He took a skeptical, uncommitted stance as to Richard Nixon and Watergate long before most of his fellow Republicans.

His support for legislative and governmental reform goes as far back as the 1950's when, as a member of the Ohio State Senate, he successfully sponsored "government in the sunshine" bills. In addition, as a high-ranking member of the Science and Technology and Merchant Marine and Fisheries committees, Mosher has been a sponsor and key Republican supporter of a variety of substantive measures, such as those leading to the establishment of the Office of Technology Assessment (OTA), the Energy Research and Development Administration, and the National Oceanic and Atmospheric Administration, and measures establishing the program of coastal zone management and the programs for the protection of marine mammals and endangered species. The establishment of a new science policy advisory mechanism at the White House has been a particular concern of Mosher's ever since Nixon threw out the old apparatus in early 1973, and he was a floor manager of the bill which the House recently passed to bring this about. A belief in the efficacy of education has been an article of faith with Mosher, and he has constantly supported the National Science Foundation's science teaching activities. His high standing among his colleagues is pointed up by the fact that this year Mosher has chaired the weekly caucus of moderate-to-liberal Republican congressmen, the "Wednesday Group."

Mosher, who feels fine and doesn't look his age, is fully aware of all the advantages of seniority, and he naturally was tempted to run again next year, especially inasmuch as he is regarded as unbeatable. But he concluded that, at 70, it was time to yield to someone younger and more zestful and to adopt a slower, more measured pace and attain "a bit of serenity." He wants to take on a new career part-time, although what it will be he does not yet know.

Mosher believes that, in 1974, the House missed a chance to make itself a better ordered, more effective body when it rejected the so-called "Bolling Plan" for reforming the committee structure. After deliberating for more than a year, a bipartisan select committee chaired by Representative Rich-

ard Bolling (D-Mo.) had recommended a wholesale jurisdictional realignment to limit each member to service on only one major committee and largely to eliminate the problem of two or more committees vying for jurisdiction over a particular field of legislative activity. For instance, a new Energy and Environment Committee would have assumed the jurisdictional purview of five other committees, some of which would have either been abolished or reduced to minor status.

But, being perceived as a threat by many of the existing committee and subcommittee charmen and by various lobbying groups which felt comfortable with the status quo, the Bolling Plan was fiercely resisted. Aside from a few procedural reforms (such as forbidding chairmen to vote the proxies of absent members), one of the few significant changes to result from the plan was the consolidation of jurisdictions involved in creating the new Science and Technology Committee. Otherwise, the competition and elbowing among the committees as to continue—indeed, to cite one aggravated case, early this year House leadership had to set up a special temporary select committee to handle bills pertaining to outer continental shelf oil development, about which a half dozen committees were all asserting an interest. Mosher remains convinced that "the only way to cure the congressional indecisiveness is somehow to concentrate authority."

The Know Nothingism about which Mosher complains is, as he knows, a problem that only education can cure, if it can be cured at all. "Congress reflects the public's demand for simple answers," he observes. "But these aren't the kind of answers you get from scientific inquiry."

FINANCIAL ISSUES IN THE 99TH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island [Mr. ST GERMAIN] is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, the 99th Congress, which convenes today, is almost certain to make major decisions which will shape the structure, function, and relationship of this Nation's financial system for decades. These decisions will have major domestic and international ramifications.

What we do—or fail to do—will decide whether we have a system which promotes economic progress and equity among all economic classes in the delivery of services or whether we have a system constructed on the quicksand of unfairness and anticompetitive factors certain to cause major disruptions in the American economy.

Mr. Speaker, I sincerely hope that our colleagues, as well as the financial industry, the press and, most of all, the public—the users of financial services—understand the seriousness of the issues. Once the 99th Congress acts, I do not anticipate that we will be returning to this subject area in the near future. The answers we provide must be solid enough to last. Political and economic realities do not suggest the viability of annual tinkering.

So, I sincerely hope that we will have the support of everyone in making certain that we do explore the issues, and that we do not play some kind of legislative "Russian Roulette" in shaping a financial structure that will meet the tests of the future.

Too often, the debate about restructuring the financial industry and granting new powers has been wrapped in the tired old cliches. Essentially, the industry—all segments—has insisted that the Congress approach the issues as a balancing act between competing forces within the financial community. Once the teeter board is balanced—ever how precariously—the rest of the world is supposed to accept the result—so the theory goes. Everything simply trickles down to the economy, to the users of bank services once the industry decides how it wants to structure itself.

Mr. Speaker, I do not think the 99th Congress should accept this approach in considering financial legislation. We must make a good faith effort to examine the needs of the economy and then try to match a restructuring and a set of new powers that meet those needs. We should not try—after the fact—to twist and cram the needs of the economy and the American public into the narrow confines of the financial industry's view of the economic future.

On October 4—near the close of the 98th Congress—I signed a statement with Chairman JAKE GARN of the Senate Banking Committee and Senator WILLIAM PROXMIRE, the committee's ranking minority member, assuring that legislation covering the competitive and regulatory structure of the financial system would have first priority in the new Congress.

We intend to make certain that the commitment is kept.

As that October 4 statement clearly indicated, there is a strong bipartisan concern in both the House and Senate about non-bank banks and the army of loophole chasers that are out to circumvent the intent of the law.

While there is a wide divergence of opinion about what the future of the financial community should be, I sense an overwhelming concern about these non-bank banks and a desire to end this back door silliness forthwith.

The problem—and the need for immediate restatement of congressional policy—is heightened by the attitudes and actions of a Comptroller of the Currency much more attuned to the wishes of the industry than to the intent of Congress and wishes of the public. Neither the public nor the Congress can expect any help from that quarter in lessening the non-bank bank rush.

The non-bank bank situation hangs like a heavy cloud over any discussion of financial legislation. Rational examinations of the issues are difficult so long as the promoters of these back-alley half-a-bank schemes are allowed to operate outside the intent of the law while the rest of the industry is asked to await congressional action on the broader issues.

Mr. Speaker, I think the Congress should—without delay—move to end the non-bank bank operations—with a rollback to the promised July 1, 1983 date. Let's get that out of the way now, and then move immediately to the difficult long-range issues with the clear intent of reaching resolutions as soon as possible.

This is the season in which speculation runs rampant. Everyone in the press and the lobbying organizations are out madly creating and chasing rumors. Everyone wants an immediate projection; a clear picture of what the final legislation will look like after it has gone through the full process. The crystal ball concession is running full tilt.

It would be wounderful if committees were equipped with some of those H.G. Wells time machines that could reach into the future. But, House administration has not yet put those on the approved equipment list, so I would urge everyone to go slow in putting the family fortunes on bets about the shape of the final legislative package—the educated guesses that emerge from those three-martini lunches notwithstanding.

There are, however, some very basic tests that must be applied to any legislation that may emerge in this area in the 99th Congress. The issues are too important, and too far reaching to lend themselves to short-handed versions of the legislative process.

First, every major provisions must have been heard out full in committee. When these issues reach the floor, I want our committee to be able to report to the House that the issues have been aired, that the competing forces have had a chance to present their case, and that we understand the impact of the provisions.

Second, the committee must make a measurement of the public benefits of the proposed structural changes. Change for the sake of change or change for the sake of meeting the wish list of the industry are not enough. We must identify where the public benefits.

Third, not only should the committee examine and identify the positive benefits, but it also must look carefully to make certain that we do not create—by accident or design—anticompetitive situations that work to the detriment of various segments of the economy. We must recognize that banking powers are immense and can be highly volatile if improperly mixed.

Fourth, we must make certain that changes promote the safety and soundness of the financial system and protect the Government's huge contingent liability in this area. At a time

when every Government program is being squeezed and every effort is being made to reduce the deficit, we cannot be a party to increasing the potential liability of the Federal treasury. The bedrock of the financial industry is the public's confidence and we must examine carefully whether our actions increase, or diminish, that essential factor.

In approaching the issues involved in new powers, I hope sincerely that the Members, the public, and the press will keep in mind the nature of the financial industry. This industry is not your corner drugstore. It is not the textbook example of competitve free enterprise, as the bankers' historians would have us believe.

Rather, it is a highly protected industry, enjoying an immense array of direct and indirect Government subsidies and inordinately powerful functions that gives it a leg up on other segments of the economy. In many respects, the industry has the characteristics of a utility dispensing essential services in a protected environment.

In the last Congress we heard the word "deregulation" ad nauseum. Few words in the English language have been more abused, mishmashed, and mangled than "deregulation." By the end of the last session, its meaning was lost. It now appears to be little more than a synonym for "industry wish list." So, I hope that people who appear before the committee this year will be explicit rather than simply bowing before the Holy Grail of "deregulation." Let's say what we mean.

Even the industry, itself, has tongue in cheek when it talks about "deregulation." No one in the industry, to my knowledge, has come in the front door demanding a removal of the subsidies and protections provided by Federal and State governments.

If the industry really wanted a fresh, cleanly scrubbed free enterprise, deregulated appearance, it would have to ask discontinuance of the massive full faith and credit insurance program, fail-safe regulatory procedures, various forms of government bailouts, subsidized government loans, tax benefits, billions of dollars of Federal guarantees of bank portfolios, and the warm cocoon of a Federal and State regulatory system that promotes more than it regulates.

So let's face facts. Whatever the industry is talking about when it shouts "deregulate now," it doesn't mean wiping out its larder of Government benefits. Not by a long shot.

Ironically, as the industry has talked about more for itself, it has provided less and less for the public. Access to banking services have been curtailed for some; fees for basic services have skyrocketed; the use of one's own funds has been delayed inordinately by many institutions; bank doubletalk has added to confusion about saving money; responsibility for neighborhood and community revitalization efforts appears to have slipped lower on the list of priorities for some institutions; and more institutions seek to limit their consumer or retail functons.

Mr. Speaker, the financial community, I hope, realizes that it places itself in an untenable position when it comes in, seeks more for itself, and then gives the back of its hand to the public. The public and the Congress would be foolish, indeed, if it did not, up front, demand some quid pro quos for the American consumer, small businesses and others often left on the sidelines when the big decisions are made about financial services.

It is my intention to see that this not be a one-dimensional show and that consumers, small businesses, neighborhoods, and communities get a hearing along with the giants of the financial world. The industry shouldn't be allowed to walk away with all the marbles; the public should have its share.

If we are serious that we are considering a financial system to better serve the public, I suggest it be important that the public be asked in. Somehow, it might just be that the public is a pretty good expert on what the public needs.

Expedited access to deposits, efforts to reduce unfair fees, access to services, disclosure of home mortgage and other lending patterns, disclosure of key elements of savings instruments and other bank services in understandable terms, and upgraded enforcement of consumer laws affecting financial institutions are just a few of the items that the committee needs to examine in connection with any package of legislation.

Many of these consumer protections have evoked outright opposition from elements of the financial community; others have been given only lukewarm and grudging recognition of the need; and others have tried to ignore the issues.

The financial industry has the ability to shoot itself in the foot. If in the process of assuring more for itself, it attempts to provide less for the public, this whole package may end up in the ash heap—shot dead by the industry itself. I sincerely hope that the statesmen and the wise heads in the industry think long and hard about the financial community's attitude toward basic public needs, desires and protection.

If we can gain recognition of the rights of the consumers of bank services, I think there can be a rational and sincere effort to resolve the key issues that many in the financial industry have argued are essential to their future.

It is not my intention to use this forum to laundry list the full range of questions, but certainly they would include:

First, consideration of revisions in the Bank Holding Company and Savings and Loan Holding Company Acts and examination of activities that might serve the public interest under those acts.

Second, consideration of possible changes in the Glass-Steagall Act.

Third, examination of the respective roles of Federal and State regulatory systems for depository institutions carrying Federal insurance and enjoying other Federal subsidies.

Fourth, examination of the Federal insurance programs for depository institutions including issues that involve: (a) the premium system; (b) use of the funds as regulatory tools; (c) the size of insurance coverage; (d) public policy issues involved in extending Federal insurance to institutions that do not provide general banking services in their communities or sharply limit deposit or loan functions; (e) the use of the funds as a bailout mechanism.

Fifth, examination of the structure and the efficacy of the Federal regulatory system for all depository institutions.

Sixth, examination of means to increase discipline within the financial industry including a look at how greater disclosure of conditions and utilization of Federal subsidies and other benefits might bear on the issue.

Seventh, examination of the role of the Federal Government in extending moneys, credit and other assistance to ailing institutions and what checks and balances and disclosures might be needed to assure safe and equitable extension of such benefits.

Eighth, examination of geographical limitations on depository institutions and how such limitations impact on the public interest.

Ninth, examination of existing and potential concentrations of banking resources and power and how such concentrations might impact on the economy and the competitive impact on financial and nonfinancial segments of the economy.

Tenth, examination of the role of brokered deposits.

These are some of the myriad of areas that cry out for consideration in the 99th Congress. Hanging over many, if not all these issues, is the current condition of the financial industry and the much publicized failures of Penn Square Bank in Oklahoma City and the mammoth Continental Illinois National Bank in Chicago.

We are still unraveling the mysteries of those collapses and trying to determine just what these autopsies tell us about the functioning of the banking industry and its regulators.

At the end of 1984, some 79 banks had failed across the Nation—the highest number recorded in a single

year since the depression. Another 800 were on the regulators' problem lists.

Clearly it would be irresponsible for the Congress to consider any of the financial issues without keeping in mind these conditions and the general safety and soundness of the entire industry. The lobbying organizations will do their very best to obscure the safety and soundness questions or to defer them until they ride off into the sunset with their new package of goodies.

The Congress has a public responsibility in this area and it must take it seriously. These issues must be considered before, not after the fact. Mr. Speaker, the single overriding emergency in the banking industry at the moment is the proliferation of the so-called nonbank banks and the attempt to change national banking policy through loopholes. At this hour, nearly 400 applications for these half-banks are pending before the Comptroller of the Currency and the Federal Reserve. The actual operation of these banks—outside the scope of the Bank Holding Company Act—would change the face of the financial industry without statutory approval and without public safeguards.

The actions taken at various levels in both the House and Senate in the last Congress and the public statements that have come forth from many Members indicate that there is a broad consensus to close this loophole.

To this end, Mr. Speaker, I have today introduced a new bill designed to end nonbank banks, effective July 1, 1983. I am convinced that we can have this on the President's desk in a matter of weeks if we have cooperation in both bodies. Its enactment is clearly in the public interest and it corrects an obvious defect in the law. Its enactment would signal that the 99th Congress means business about structuring a rational banking system.

While this limited and emergency measure is moving through the legislative process, it would be my intention to begin immediately to structure hearings on the broader and long-range issues.

Mr. Speaker, I am convinced there is wide acceptance that the 99th Congress must deal forthrightly with all the banking issues before us. Most of us—in both Houses and both parties—recognize this. I hope we can move forward without delay in immediately closing the nonbank loophole on an emergency basis. We can then consider the long-range issues—as I have outlined—in a calmer atmosphere.

Mr. Speaker, I am placing in the RECORD a summary of the Bank Definition Act of 1985 which I have introduced today as an effort to close the nonbank bank loophole:

SUMMARY OF THE BANK DEFINITION ACT OF 1985

The bill would amend the definition of "bank" under the Bank Holding Company Act to include a FDIC-insured bank and a Federal or State chartered institution that accepts transaction accounts and makes commercial loans. Exempted from the definition are foreign banks with U.S. branches, thrift institutions and credit unions, Edge Act and similar entities, and limited purpose trust companies.

Institutions that become banks under the change in definition and that were controlled by other entities on July 1, 1983 may continue to be controlled by those entities. Institutions not meeting this grandfather date must be divested within two years from the date of enactment, unless approval to control the institution is granted by the Federal Reserve Board under existing Bank Holding Company Act standards. Affiliations entered into on or after May 24, 1984 must be divested immediately on enactment, rather than in two years.

H.R. 20

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Bank Definition Act of 1985".

BANK HOLDING COMPANY ACT AMENDMENTS

SEC. 2. (a) Section 2(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)) is amended to read as follows:

"(c)(1) The term 'bank' means—

"(A) an insured bank as defined in section 3(h) of the Federal Deposit Insurance Act; and

"(B) any institution which is organized under the laws of the United States, any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands, and which—

"(i) accepts demand deposits or deposits that the depositor may withdraw by check or similar means for payment to third parties; and

"(ii) is engaged in the business of making commercial loans.

"(2) The term 'bank' does not include—

"(A) any foreign bank having an insured or uninsured branch in the United States;

"(B) any depository institution defined in clause (ii), (iii), (iv), (v), or (vi) of section 19(b)(1)(A) of the Federal Reserve Act;

"(C) any organization operating under section 25 or section 25(a) of the Federal Reserve Act;

"(D) any organization which does not do business in the United States, except as an incident to such organization's activities outside the United States; and

"(E) any institution which functions solely in a trust or fiduciary capacity, such as described in subsection (a) of the first section of the Act of September 28, 1962 (12 U.S.C. 92a(a)), except that—

"(i) all or substantially all of the deposits of such institution are in trust funds and are received in a bona fide fiduciary capacity;

"(ii) no deposits of such institution which are insured by the Federal Deposit Insurance Corporation are offered or marketed by or through—

"(I) a company which controls such institution; or

"(II) an affiliate of such company; and

"(iii) such institution does not offer demand deposits or deposits subject to withdrawal by check or any other similar means.

"(3) For purposes of paragraph (2)(E)(ii), the term 'affiliate' means any entity which controls, is controlled by, or is under common control with another entity.".

(b) Section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) is amended by adding at the end thereof the following:

"(g)(1) Except as provided in section 3 of the Bank Definition Act of 1985, in any case in which an entity is not in compliance with the provisions of this Act on the day after the date of the enactment of such 1985 Act solely because of the provisions of and the amendments by such 1985 Act, such entity shall come into compliance with the provisions of this Act not later than 2 years after such date of enactment.

"(2) Notwithstanding any other provision of law, the two-year time period specified in paragraph (1) may not be extended by the Board.

"(h)(1) Notwithstanding any other provision of law, an entity may continue to control any institution—

"(A) which became a bank due to the amendment to section 2(c) made by the Bank Definition Act of 1985; and

"(B) which such entity controlled on July 1, 1983.

"(2) Notwithstanding any other provision of law, section 4 of this Act shall not apply with respect to any entity which is a bank holding company only by virtue of its control of institutions described in paragraph (1).

"(3)(A) Any entity which controls any institution that became a bank due to the amendment to section 2(c) of this Act made by the Bank Definition Act of 1985 and which is not described in paragraph (1) shall not retain control of such institution without the approval of the Board.

"(B) Any entity seeking such approval shall submit an application for such approval to the Board. The Board shall not approve any application for such approval if—

"(i) such approval would violate section 3 of this Act; or

"(ii) the entity involved is engaged in activities which are not authorized for bank holding companies under this Act.

"(C) For purposes of subparagraph (B), any application seeking the approval of the Board for the retention of control of an institution shall be deemed to be an application seeking approval under such section.".

IMMEDIATE DIVESTITURE

SEC. 3. In any case in which an entity enters into an affiliation between May 24, 1984, and the date of the enactment of this Act and such affiliation becomes prohibited pursuant to this Act or the amendments made by this Act, such entity shall terminate such affiliation on such date of enactment.●

FAMINE RELIEF AND RECOVERY ASSISTANCE FOR SUFFERING PEOPLE OF AFRICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. RODINO] is recognized for 5 minutes.

● Mr. RODINO. Mr. Speaker, I am proud to join with my distinguished colleagues in cosponsoring this supplemental appropriations bill to provide

famine relief and recovery assistance for the suffering people of Africa.

This legislation is the successor to a similar bill introduced last September in the waning days of the 98th Congress and which we unfortunately did not have enough time to consider. I am concerned that we not delay action any longer. Famine is a cruel sentence of death that will not wait for prolonged congressional debate.

Mr. Speaker, the tragedy in Africa is not a political issue. It is a human issue. Starvation is not a subject for geopolitical considerations. It is a horror that deserves immediate action. There comes a time when the people of the world must lay down their differences and dedicate themselves to ending the nightmare of hunger. This is the time.

The situation in Africa is a crisis of ghastly proportions. The devastation there gnaws at the conscience of humanity almost as corrosively as it wears away at its victims.

Consider the magnitude. Over 150 million Africans are affected by the drought, which is the equivalent of two-thirds of the population of the United States; 5 million children died in 1984, and another 5 million faced permanent physical and mental damage. The chance a child will die before the age of 1 is 10 times greater in Africa than here in the United States. Millions of desperate refugees aimlessly wander the sub-Saharan Desert, in search of mere survival.

Moreover, the infrastructure of roads, trucks, tools, and water systems—which we in America take for granted—has completely deteriorated in Africa.

Mr. Speaker, as Americans we have been blessed with a fertile land and abundant resources. Yet our spirit has always been generous and our motives humanitarian. Our Nation is the breadbasket of the world, the largest producer of surplus food, and the providers of at least half of the international food relief during emergencies.

This legislation falls in the American tradition of emergency aid and recovery assistance. Over three-quarters of $1 billion will be targeted for emergency food relief. This sum should provide for an estimated half of Africa's immediate food needs.

An additional $225 million will promote longer range recovery and food development, including agricultural technology and infrastructure rebuilding. This money will be directed toward creating conditions which will hopefully prevent future crises like the one that confronts us today.

With this legislation, we take a first and necessary step toward relieving Africa of the ravages of famine and building a viable agricultural economy for the future.●

STATUE OF LIBERTY-ELLIS ISLAND COMMEMORATIVE COIN BILL INTRODUCED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, next year marks the centennial of the Statue of Liberty. The statue and Ellis Island are undergoing extensive restoration. The work is being done under the direction of the Statue of Liberty-Ellis Island Foundation, which is doing an outstanding job. However, the foundation needs to raise additional funds to cover the restoration cost of $230 million. To help pay for this project and to commemorate the centennial in 1986 of this most American of symbols, I am introducing legislation to provide for the minting of commemorative coins for sale to the public. The profits from the coin sales would be used to help pay for the restoration.

One of the most remarkable features of American society is its rich ethnic diversity. In my home of Chicago there are hundreds of small communities, each distinguishable from the other in language, religion, and nationality. One can have spaghetti for lunch, Kielbasa for dinner, and finish the evening dancing the horah. Despite the great diversity, there are common values: A love of freedom, a sense of justice, and a passionate regard for liberty.

The Statue of Liberty was donated to the United States by the people of France to symbolize the close bond between our two nations. The statue has become more than that—it is the symbol of liberty itself. The statue holds the promise of a new life: to the oppressed, freedom; to the tired, comfort; to the homeless, shelter. When the immigrants packed their meager belongings and unbounded hopes to journey to these shores, they were welcomed first by Liberty. Her promise was the promise of America. And they found that the promise was kept.

After a journey of thousands of miles these weary but wide-eyed travelers faced one more journey. That journey of little over a mile—the trip from Ellis Island to the mainland—was short in distance but lengthy in anxiety. If Liberty lifted her lamp beside the golden door, as Emma Lazarus wrote, then Ellis Island was the golden door.

Over 100 million Americans today are descendants of the 17 million weary persons who passed by the Statue of Liberty, and on through the golden door of Ellis Island. In 1892, the island was the Nation's first, largest, and most important immigration station.

The largest of the 33 structures is the 200-foot-long brick and limestone registration building. Many older Americans still remember climbing the long stairs to the great hall, and the vast expanses of its vaulted spaces. Doctors peered through hidden windows, singling out the diseased and infirm. Those suspicious of being unhealthy were marked with chalk letters for examination, treatment, and for the unlucky few, a long and sad return journey. To the 2 percent who were sent back home, and to their family members who stayed, Ellis Island was the island of tears. To the vast majority, the island was the portal to the reality the statue symbolized: Liberty.

Today, these monuments to our cherished values and the rich diversity of our people are in dire need of repair. Rust has severely damaged the statue. While the central framework is still sturdy, much of the support for the skin is being replaced. The shoulder of the right arm will be reworked and reinforced. The torch has been taken down and a new one built exactly like the original, will be installed. A new guardrail lining the helical stairs will give visitors a new view of the interior, and a glass encased elevator will rise through the pedestal. A new ventilation and air-conditioning system will be installed. Finally, workers will comb the surface of the skin repairing holes, sealing cracks, and hammering out bends. In the end, the statue will be as good as new.

Ellis Island is in equal need of repair. Once filled with the babble of hundreds of languages, the great hall is now silent and empty, its walls cracked and crumbling. The toll of weather and pollution alone would have been enough to ruin the neglected buildings. But the elements were aided by vandals who tore down the copper eaves and gutters, ripped apart the oaken water closets and looted the interior. All the original furniture, tableware, and fixtures are now gone.

Like the Statue of Liberty, there are impressive plans for the restoration of the old immigration station. There will be a new museum of immigration containing the story of the people who came and made this Nation great. A computer center will be installed where people can trace their roots. Many of the buildings will be restored to their original appearance, and the great hall will appear just as it did nearly 100 years ago.

All of this restoration will cost money, $230 million in all. The sale of three different commemorative coins will raise $137.5 million at no cost to the Government. But more than that, the coins will commemorate the values that the statue and Ellis Island represent. The $5 gold coin will commemorate the centennial of the Statue of Liberty in 1986. The silver dollar coin will be emblematic of the use of Ellis Island as a gateway for immigrants to

America. The half dollar will honor the contributions of immigrants to America.

One-half million gold coins will be minted, and a surcharge of $35 per coin will be included in their price to provide funds for the restoration work. Similarly, 10 million silver dollars will carry a $7 per coin surcharge and 35 million half dollars will carry a $2 per coin surcharge. The coins would be sold directly to the public by the U.S. Mint and would also be available through federally insured financial institutions which wished to carry them.

The legislation requires that there be no net cost to the Government from the sale of the coins. In fact, the coin sales will generate up to $172 million in revenue to the Federal Government from the sale of the gold and silver in the coins.

In the end, the Statue of Liberty and the monuments on Ellis Island will stand for generations as testaments to the history of the American immigration story. Children and grandchildren will be able to come and literally walk in the footsteps of their ancestors.

When President Grover Cleveland accepted the Statue of Liberty, he made the following promise: "We will not forget that liberty has here made her home; nor shall her chosen altar be neglected." With this legislation we will keep his promise.●

THE BIENNIAL BUDGETING ACT OF 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, in recent years our work on the Federal budget has come to dominate the congressional agenda. We begin the debate on spending cuts, tax changes, the impact of deficits on the economy and the political implications of budget votes within hours of our arrival in the House Chamber for the beginning of the new session, and these issues monopolize our time and energy through the spring, summer, and fall, elbowing aside other issues of national importance.

Also, because we begin the budget debate so quickly we get virtually no chance to do any serious thinking about what our long-term goals for the Federal budget should be and the best path to achieve those goals. We start making basic decisions on taxes and spending before our greatest resources on the budget—House committees—get a chance to hold hearings and debate policy alternatives. The way we operate is akin to taking the field at the Super Bowl without a game plan.

No one can deny the importance of our work on the Federal budget, but I question whether we should let it dominate our legislative deliberations and whether it is good government to make decisions on spending and taxes without laying a proper foundation through committee hearings followed by debate on policy options among Members. In view of the deficit crisis we are now confronting, we owe it to the country to consider a more rational way of developing Federal budgets.

I believe the Congress would better handle the formidable challenge of reducing budget deficits by moving to a 2-year budget cycle, and today with RALPH REGULA I am reintroducing legislation which proposes a biennial budgeting process for Congress.

First introduced in 1977, the Biennial Budgeting Act proposes that the first year of each congressional term be devoted to formal oversight of programs and agencies, to the reporting by the Budget Committees of a budget resolution, and the reporting by the legislative committees of all authorizing legislation. Early in the second year authorization bills and a budget resolution would be passed, making way for consideration of appropriation bills, which would be adopted before the beginning of the 2 fiscal-year period.

This approach would yield three basic benefits: more oversight of present programs, more time for thoughtful planning of a new budget, and more time to consider nonbudgetary matters. It would take us away from the stop and go funding we now engage in, where too many decisions result from last-minute panic instead of proper planning and extended debate.

Specifically, the bill would provide for the following schedule:

FIRST YEAR

The committees of each House would spend the first 6 months of the first session conducting oversight hearings on existing programs and policies. Following these hearings, the authorizing committees would have another 6 months to report out new legislation. The Budget Committees would report out a concurrent budget resolution by November 30, which would allow legislative committees time to incorporate guidelines within the resolution into their work.

SECOND YEAR

Each House would devote itself to working on new authorizing legislation, with a deadline of March 10 for passage of these measures. March 31 is set as the deadline for passage of a budget resolution covering the next 2 fiscal years, after which appropriation bills would be considered. By April 15, the Appropriations Committees are to report out their bills. Under the act action on appropriation bills is to be completed by the seventh day after Labor Day.

In recent years support for a 2-year budget has increased considerably. In the Senate this past session 2-year bills were introduced by Senators ROTH and COCHRAN, and Senators FORD and QUAYLE introduced a biennial budgeting bill jointly.

Alice Rivlin, former Director of the Congressional Budget Office, and Comptroller General Charles Bowsher have praised the 2-year concept. In Ms. Rivlin's testimony before the Rules Committee's Task Force on the Budget Process she stated that a biennial budget would reduce the legislative burden, encourage oversight and enhance the quality of deliberation.

Mr. Bowsher, in his testimony before the same task force, commented that a biennial budget would significantly enhance the stability of the entire budget process. He went on to state that a 2-year budget would allow more time for congressional decisionmaking and oversight, reduce the number of times the Congress must act on the same program; provide more time for long-range planning, and provide an opportunity for better budget analysis, financial and operation planning, budget execution and program review by both the Congress and the executive branch.

The General Accounting Office has examined the experience States have had with 2-year budgets, selecting Ohio, Wisconsin, and Florida—all 2-year budget States—for analysis. The GAO report observed that in the legislatures of these States timing of budget bills and budget workload are not considered a problem. The advantages of 2-year budgeting were summarized this way in the report:

> During the 2-year budget cycle, agency personnel can spend time in the off-budget year managing their agency activities.
>
> Biennial budgeting does not require the state government's full time attention for budget review every year. Therefore more time is available to do nonbudget activities.
>
> Biennial budgeting allows a "planned approach" to 2-year budgeting; that is, through budget preparation, analysis of policy issues and major budget proposals.

On another front the Rules Committee Task Force on the Budget Process, under the leadership of Representative TONY BEILENSON, considered the 2-year budget as one of four major budget process reform options. Nine Members from the House and Senate testified in favor of a biennial approach at task force hearings, and in the task force report a first step toward 2-year budgeting was recommended—multiyear authorizations. The Committee on Rules report on the bill that evolved from the work of the Beilenson task force, H.R. 5247 (Rept. 98-1152), also recognized the need for taking this first step, stating that:

> Extending the duration of authorizations (making them multi-year) would certainly

reduce the time spent on authorization legislation in hearings, markup, floor debate and conference and would increase the likelihood that authorizations will be in place before the House should begin consideration of appropriation bills. There is no doubt that requiring all annual authorizations to be extended to multiyear authorizations would help resolve some timetable difficulties.

The committee report also encouraged studies of the feasibility of placing some annually financed programs on a two-year appropriation cycle.

While the Rules Committee bill did not reach the floor last year, I hope the House will have a chance to debate a reintroduced version of H.R. 5247 during its 99th session. Two-year authorizations and experimentation with 2-year appropriations will prepare us for a comprehensive 2-year budget schedule, and I look forward to the House discussing these first steps toward biennial budgeting when we debate budget process reform legislation from the Rules Committee.

Other interest in the idea of 2-year budgeting has come from the National Academy of Public Administration, which stated in a report entitled "Revitalizing Federal Management" (November 1983) that:

Many options are being considered which would reduce the congressional workload and the attendant Executive Branch overburden, but only one really stands out as likely to have a real and lasting impact—the idea of a biennial budget.

It is beyond the scope of this report to judge whether a biennial budget is politically acceptable and feasible for the Congress. However, it is certainly technically feasible within the Executive Branch, and the NAPA Panel strongly recommends that both the Executive Office of the President and the Congress work in close coordination to consider its adoption.

Other groups outside Congress, namely the Committee for Economic Development and the Heritage Foundation, have commented favorably on the idea of 2-year budgeting. The CED, a group of business and education leaders based in New York, announced their support for active experimentation with 2-year, or longer, appropriations for certain programs in a report released in June of 1983. The group went on to comment that if a high percentage—of appropriation bills—prove suitable for a 2-year decision cycle, the committee recommends an eventual move to a biennial budget. Finally, a Heritage Foundation report entitled "The Advantages of Two-Year Budgeting for the Pentagon" concluded that 2-year budgeting could enhance U.S. national security. The report, released on November 5, 1984, stated that:

A two-year defense budget would allow Congress time for more effective oversight. It would lower real unit costs by bringing more certainty into the procurement process. It would allow more time for reflection on major issues. If two-year appropriations were coupled with even longer-range binding budget resolutions, more stability, effectiveness, and savings might be brought into the defense marketplace.

I am pleased that the idea of a 2-year budget is attracting more attention, and I hope Congress will take a hard look at the advantages of a biennial timetable during this session. Yes, it will be difficult to put aside the grave problems we now face with regard to ever-growing budget deficits and focus on options to make the budget process more effective, but if we do not search for ways to improve the process we will simply repeat the budget chaos that has characterized recent years.

Again, under the current process there is simply too little time to investigate which Federal programs are working and which are not, and what tax policy makes sense, and to little thought is given to long range strategies for dealing with budget problems. We need to revamp our current timetable and engage in an extensive, thoughtful debate about what the responsibilities of Government should be, what programs are needed to carry out those responsibilities, and how we are going to pay for those programs.

The yearly scramble we engage in here in the House of Representatives for a deficit reduction plan that can pass has eclipsed virtually all efforts at formulating a rational budget path for the coming decade. With $200 billion deficits staring us in the face we do not, frankly, have the luxury of continuing our ad hoc approach to the budget. It is essential that we conduct oversight of Federal programs and try to devise a budget path that will eliminate deficits and keep essential Government programs effective. Without a 2-year budget process the chances of fulfilling these responsibilities are, in my opinion, slim.

I hope Members will take a close look at my 2-year budget bill and I look forward to discussing the concept with my colleagues in the coming months.

The following is a copy of the Biennial Budgeting Act of 1985:

H.R. 382

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Biennial Budgeting Act of 1985".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that the present annual budgeting process of the Congress—

(1) allows too little time for the fulfillment by the Congress of its legislative oversight responsibilities;

(2) allows too little time for the review and consideration by the Congress of authorizing legislation, of budget resolutions, and of appropriation bills; and

(3) allows too little time for the evaluation of costly and complicated Federal programs and consequently contributes to the unrestrained growth of the Federal budget.

(b) It is the purpose and intent of the Congress in this Act to establish a more thorough and timely process for the enactment of the Federal budget by—

(1) establishing a two-year cycle for the adoption of the budget;

(2) providing clearly allocated time for the holding of oversight hearings by the several committees of each House in order to review the various programs and agencies of the Federal Government; and

(3) requiring that consideration of authorizing legislation, of the budget, and of appropriation bills and resolutions be separate and distinct, thus allowing full evaluation of the need for and the merits and costs of the various programs and agencies of the Federal Government.

ESTABLISHMENT OF TWO-YEAR CYCLE FOR CONGRESSIONAL BUDGET PROCESS

SEC. 3. Section 300 of the Congressional Budget Act of 1974 is amended to read as follows:

"TIMETABLE

SEC. 300. The timetable with respect to the congressional budget process for any Congress (beginning with the one-hundreth Congress) is as follows:

"FIRST SESSION

"On or before:	Action to be completed:
January 3	President submits current services budget.
15th day after Congress meets.	President submits his budget for 2-fiscal-year period beginning in succeeding calendar year (the '2-fiscal-year budget period').
	All committees begin oversight hearings with respect to 2-fiscal-year budget period.
June 30	Committees complete oversight hearings and submit their reports thereon.
July 1	All committees begin legislative work for 2-year budget period.
October 31	Committees and joint committees submit reports to Budget Committee with respect to 2-fiscal-year budget period.
November 10	Congressional Budget Office submits report to Budget Committees with respect to 2-fiscal-year budget period.
November 30	Budget Committees in both Houses report first concurrent resolution on budget for 2-fiscal-year budget period.
December 31	Committees report bills and resolutions authorizing new budget authority and providing new spending authority for 2-fiscal-year budget period.

"SECOND SESSION

"On or before:	Action to be completed:
January 3	President submits current services budget.
15th day after Congress meets.	President submits revised budget for 2-fiscal-year budget period.
March 10	Congress completes action on bills and resolutions authorizing new budget authority and providing new spending authority for 2-fiscal-year budget period.
March 31	Congress completes action on concurrent resolution on budget for 2-fiscal-year budget period.
April 15	Appropriations Committee reports bills and resolutions providing new budget authority for 2-fiscal-year budget period.
7th day after Labor Day.	Congress completes action on bills and resolutions providing new budget authority and new entitlement authority for 2-fiscal-year budget period.
September 25	Congress completes action on reconciliation bill or resolution, or both, implementing concurrent resolution.
October 1	2-fiscal-year budget period begins.".

OVERSIGHT ACTIVITIES

SEC. 4. (a) Title III of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following new section:

"OVERSIGHT ACTIVITIES OR COMMITTEES

"SEC. 312. During the period beginning on the 15th day after the Congress meets in each odd-numbered year and ending June 30 of such year, each standing committee of the House of Representatives and the Senate shall review and study the applica-

tion, administration, execution, and effectiveness of those laws (or parts of laws) the subject matter of which is within the jurisdiction of that committee and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, each such committee (during such period) shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that committee (whether or not any bill or resolution has been introduced with respect thereto). The findings and determinations made by each such committee as a result of its oversight activities under the preceding provisions of this section in any year shall be reported to the House of Representatives or the Senate no later than June 30 of such year, and shall constitute the basis for such committee's legislative work with respect to the 2-fiscal-year budget period beginning on October 1 in the succeeding year.".

(b) The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 311 the following new item:

"Sec. 312. Oversight activities of committees.".

ANNUAL CONCURRENT RESOLUTION ON THE BUDGET

SEC. 5. (a) The heading of section 301 of the Congressional Budget Act of 1974 is amended to read as follows:

"ANNUAL ADOPTION OF CONCURRENT RESOLUTION ON THE BUDGET"

(b) Section 301(a) of such Act is amended by striking out "the first concurrent resolution on the budget" in the first sentence and inserting in lieu thereof "a concurrent resolution on the budget".

(c) Section 301(b) of such Act is amended—

(1) by striking out "first" in the matter preceding paragraph (1);

(2) by striking out "shall not be enrolled until" and all that follows in paragraph (1) and inserting in lieu thereof "shall not be enrolled until a subsequent concurrent resolution on the budget has been agreed to or until any other specified procedure which is considered appropriate to carry out the purposes of this Act has been subsequently completed, and, if a reconciliation bill or reconciliation resolution is required to be reported in connection with either such concurrent resolution on the budget or otherwise, until the Congress has completed action on that bill or resolution;";

(3) by redesignating paragraph (2) as paragraph (3); and

(4) by inserting after paragraph (1) the following new paragraph:

"(2) the reconciliation procedure described in section 310; and".

(d) Section 301(d) of such Act is amended by striking out "first" in the first and second sentences.

(e) Section 301(e) of such Act is amended by striking out "first" in paragraphs (1) and (2).

PERMISSIBLE REVISIONS OF CONCURRENT RESOLUTION ON THE BUDGET; ELIMINATION OF SECOND CONCURRENT RESOLUTION AS PRESENTLY REQUIRED

SEC. 6. (a) Section 304 of the Congressional Budget Act is amended by striking out "first".

(b) Section 310 of such Act is amended—

(1) by striking out "SECOND REQUIRED CONCURRENT RESOLUTION AND RECONCILIATION PROCESS" in the heading and inserting in lieu thereof "RECONCILIATION";

(2) by striking out the heading of subsection (a), and the first and last sentences of such subsection;

(3) by striking out subsection (b);

(4) by redesignating subsection (c) as subsection (b);

(5) by redesignating subsection (f) as subsection (c) and by amending subsection (c) (as redesignated) by—

(A) striking out "subsection (a)" and inserting in lieu thereof "section 301(a)"; and

(B) striking out "subsection (c)" and inserting in lieu thereof "subsection b)";

(6) by striking out "(c)" and inserting in lieu thereof "(b)" in subsection (d); and

(7) by striking out subsection (e).

RECONCILIATION PROCESS

SEC. 7. Section 310(a)(1) of the Congressional Budget Act of 1974 is amended to read as follows:

"(1) specify the total amount by which spending authority described in section 401(c)(2)(C) which is to become effective during such fiscal year, contained in laws, bills, and resolutions within the jurisdiction of a committee, is to be changed and direct that committee to determine and recommend changes to accomplish a change of such total amount;".

CONFORMING AMENDMENTS TO CONGRESSIONAL BUDGET ACT

SEC. 8. (a) The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended—

(1) by striking out "Adoption of first concurrent resolution" in the item relating to section 301 and inserting in lieu thereof "Annual adoption of concurrent resolution on the budget";

(2) by striking out "First concurrent resolution" in the item relating to section 303 and inserting in lieu thereof "Concurrent resolution"; and

(3) by striking out "Second required concurrent resolution and reconciliation" in the item relating to section 310 and inserting in lieu thereof "Reconciliation".

(b) Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out "each year" and inserting in lieu thereof "biennially".

(c) Paragraph (4) of section 3 of such Act is amended—

(1) by adding "and" after the semicolon at the end of subparagraph (A);

(2) by striking out subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(d) Section 3 of such Act is amended by adding at the end thereof the following new paragraph:

"(6) The term '2-fiscal-year budget period' means the period of 2 complete fiscal years beginning on October 1 in any even-numbered year.".

(e) Section 202(f)(1) of such Act is amended—

(1) by striking out "April 1 of each year" and inserting in lieu thereof "November 10 of each odd-numbered year"; and

(2) by striking out "October 1 of that year" and inserting in lieu thereof "October 1 of the succeeding year".

(f)(1) Section 301(a) of such Act is amended—

(A) by striking out "MAY 15" in the heading and inserting in lieu thereof "MARCH 31 OF EACH EVEN-NUMBERED YEAR"; and

(B) by striking out "May 15 of each year" in the first sentence and inserting in lieu thereof "March 31 of each even-numbered year".

(2) Section 301(c) of such Act is amended—

(A) by striking out "March 15 of each year" in the matter preceding paragraph (1) and inserting in lieu thereof "October 31 of each odd-numbered year"; and

(B) by striking out "October 1 of such year" in paragraph (2) and inserting in lieu thereof "October 1 of the succeeding year".

(3) Section 301(d) of such Act is amended—

(A) by striking out "April 15 of each year" and "October 1 of such year" in the second sentence and inserting in lieu thereof "November 30 of each odd-numbered year" and "October 1 of the succeeding year", respectively; and

(B) by striking out "such fiscal year" and "such period" in paragraph (6) and inserting in lieu thereof "the first fiscal year of such 2-fiscal-year budget period" and "such 5-year period", respectively.

(g) Section 302(c) of such Act is amended by striking out "or 310".

(h) Section 303 of such Act is amended—

(1) by striking out "First" in the heading; and

(2) by striking out "first" in subsection (a) (in the matter following paragraph (4)).

(i) Section 305 of such Act is amended by striking out ", except that" and all that follows down through "15 hours" in subsection (b)(1).

(j)(1) Section 307 of such Act is amended—

(A) by striking out "ALL APPROPRIATION BILLS TO BE COMPLETED BEFORE FIRST APPROPRIATION BILL IS REPORTED" in the heading and inserting in lieu thereof "APPROPRIATION BILLS";

(B) by inserting "(a)" after "307.";

(C) by striking out "that year" each place it appears and inserting in lieu thereof "that period"; and

(D) by adding at the end thereof the following new subsection:

"(b)(1) Except as provided in paragraph (2), all bills and resolutions containing appropriations or otherwise providing budget authority for any 2-fiscal-year budget period shall be reported in the House of Representatives and Senate no later than April 15 of the year in which such period begins.

"(2) If the Committee on Appropriations of the House of Representatives or the Senate determines that changes in circumstances with the passage of time require a waiver of paragraph (1) with respect to any bill or resolution providing supplemental appropriations or otherwise providing budget authority for any period, such committee may report, and the House or Senate may consider and adopt, a resolution waiving the application of such paragraph in the case of such bill or resolution.".

(2) The table of contents in section 1(b) of such Act is amended by striking out "all appropriation bills to be completed before first appropriation bill is reported" in the item relating to section 307 and inserting in lieu thereof "appropriation bills".

(k) Section 308 of such Act is amended—

(1) by striking out "such fiscal year" and "such period" in paragraphs (1)(B) and (2)(B) of subsection (a) and inserting in lieu thereof in each instance "the first fiscal year of such 2-fiscal-year budget period" and "such 5-year period", respectively; and

(2) by striking out "such fiscal year" and "such period" (each place it appears) in subsection (c) and inserting in lieu thereof "the first fiscal year of such 2-fiscal-year budget period" and "such 5-year period", respectively.

(l) Section 309 of such Act is amended by striking out "each year " in the matter preceding paragraph (1) and inserting in lieu thereof "each even-numbered year" and by striking out "310(c)" and by inserting in lieu thereof "310(b)".

(m) Section 310 of such Act is amended—

(1) by striking out "each year" in subsection (d) and inserting in lieu thereof "each even-numbered year"; and

(2) by inserting "in any even-numbered year" after "adjournment sine die of either House".

(n) Section 311(a) of such Act is amended by striking out "After the Congress" and all that follows through "310(c)" and inserting in lieu thereof "After the Congress has completed action on a concurrent resolution on the budget for a fiscal year, and, if a reconciliation bill or resolution (or both) for such fiscal year is required to be reported by such concurrent resolution on the budget".

(o) Section 401(b)(1) of such Act is amended by striking out "the fiscal year which begin during the calendar year in which" and inserting in lieu thereof "the first 2-fiscal-year budget period which begins after".

(p)(1) Section 402 of such Act is amended—

(A) by striking out "REPORTING OF" in the heading and inserting in lieu thereof "ACTION ON";

(B) by striking out the heading of subsection (a) and inserting in lieu thereof "DATES FOR REPORTING AND FINAL ACTION.—(1)";

(C) by striking out "May 15" in subsection (a) and inserting in lieu thereof "December 31";

(D) by adding at the end of subsection (a) the following new paragraph:

"(2) The Congress shall complete action on all bills and resolutions directly or indirectly authorizing the enactment of new budget authority for a 2-fiscal-year budget period no later than March 10 preceding the beginning of such period. "; and

(E) by striking out "such committee" in subsection (b) and inserting in lieu thereof "the committee involved".

(2) The table of contents in section 1(b) of such Act is amended by striking out "reporting of" in the item relating to section 402 and inserting in lieu thereof "action on".

(q) Section 605(a) of such Act is amended—

(1) by striking out "each year (beginning with 1975)" and inserting in lieu thereof "each odd-numbered year (beginning with 1985)";

(2) by striking out "the ensuing fiscal year" and inserting in lieu thereof "the 2-fiscal-year budget period beginning in the following calendar year"; and

(3) by striking out "such ensuing fiscal year" and inserting in lieu thereof "such period".

(r) Section 607 of such Act is amended—

(1) by striking out "for a fiscal year (beginning with the fiscal year commencing October 1, 1976)" and inserting in lieu thereof "for a fiscal year or a 2-fiscal-year budget period (beginning on or after October 1, 1985)"; and

(2) by striking out "May 15 of the year preceding the year in which such fiscal years begins" and inserting in lieu thereof "March 31 of the year in which such fiscal year or budget period begins".

(s) Section 904(a) of such Act is amended by inserting "(as enacted or as amended by the Biennial Budgeting Act of 1985)" after "and IV" in the matter preceding paragraph (1).

(t) The following sections of such Act are amended by striking out "fiscal year" each place it appears and inserting in lieu thereof "2-fiscal-year budget period": 3 (a)(1); (a)(4)(A), (a)(4)(B), and (a)(4)(C); 202(f)(1); 301 (a)(1), (b)(1), (c)(2), and (d) (first sentence); 303 (a)(1), (a)(2), (a)(3), (a)(4), (b)(1), and (b)(2); 304; 307; 308 (a) (before paragraph (1)), (a)(1)(A), (a)(2)(A), (a) (last sentence), (b) (first sentence), (b)(1), (b)(2), (b)(3), (b)(4), and (c); 309 (1) and (2); 310 (a) (first sentence), (a)(1)(A), (a)(1)(C), and (f); 311 (a) and (b); 401 (a) and (b)(2); 402(a).

(u) The following sections of such Act are amended by striking out "such year" each place it appears and inserting in lieu thereof "such period": 3(a)(1); 303(a) (after paragraph (4)); 308 (a)(2)(A) and (b)(3).

AMENDMENTS TO BUDGET PROCESS PROVISIONS OF TITLE 31 OF THE UNITED STATES CODE

SEC. 9. (a) So much of section 1105(a) of title 31 of the United States Code as precedes paragraph (1) thereof is amended to read as follows:

"(a) The President shall transmit to the Congress, during the first 15 days of the first session of each Congress beginning with one-hundredth Congress, the budget for the 2-fiscal-year budget period (as defined in paragraph (6) of section 3 of the Congressional Budget Act of 1974) beginning on October 1 of the succeeding calendar year. The budget so transmitted shall include a tentative budget for each of the two fiscal years in such period, shall contain the President's budget message together with summary data and text and supporting detail, and shall set forth in such form and detail as the President may determine (with respect to each such fiscal year) the following:".

(b) Section 1105(a)(5) of title 31 of the United States Code is amended by striking out "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting in lieu thereof "each such fiscal year and the 3 fiscal years after the second such year".

(c) Section 1105(a)(6) of title 31 of the United States Code is amended by striking out "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting in lieu thereof "each such fiscal year and the 3 fiscal years after the second year".

(d) Section 1105(a)(9) of title 31 of the United States Code is amended by striking out "ensuing fiscal year for which the budget is submitted" and inserting in lieu thereof "2-fiscal-year budget period involved".

(e) Section 1105(a)(12) of title 31 of the United States Code is amended—

(1) by striking out "fiscal year" in subparagraph (A) and inserting in lieu thereof "2-fiscal-year budget period"; and

(2) by striking out "each of the 4 fiscal years after that year" and inserting in lieu thereof "each of the 3 fiscal years after such period".

(f) Section 1105(a)(13) of title 31 of the United States Code is amended by striking out "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period".

(g) Section 1105(a)(14) of title 31 of the United States Code is amended by striking out "that year" and inserting in lieu thereof "the 2-fiscal-year budget period".

(h) Section 1105(a) of title 31 of the United States Code is further amended by adding at the end thereof (after and below paragraph (24)) the following new sentences: "During the first 15 days of the second session of each such Congress the President shall transmit to the Congress any revisions he may desire to make in the budget transmitted in the first session of that Congress. In applying the succeeding provisions of this section with respect to any budget transmitted to the Congress for a 2-fiscal-year budget period, the term 'ensuing fiscal year' shall be deemed to read 'first year of the 2-fiscal-year budget period involved', and other references to fiscal years shall be deemed to be references to the 2-fiscal-year budget periods in which the years involved respectively fall.".

EFFECTIVE DATE

SEC. 10. Except as specifically otherwise indicated, the amendments made by this Act shall become effective on the first day of the first session of the one-hundredth Congress.●

AGREEMENTS ON STEEL IMPORTS DO NOT GO TO THE INDUSTRY'S BASIC PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 30 minutes.

● Mr. GAYDOS. Mr. Speaker, just a few weeks ago, the U.S. Trade Representative announced the signing of voluntary export restraint agreements with seven major steel exporting nations, an achievement that must be applauded.

I want to commend Bill Brock, the USTR, and his staff, for their diligent efforts to reach these agreements that will reduce steel imports to this Nation over the next 5 years.

However, at the risk of sounding like an obstructionist, I must express my concern at what has truly been gained by these agreements. I am afraid that we have done little except to counteract the surge in steel imports we have experienced during the past 2 years.

And, if that is the case—and nothing I have seen yet indicates an adjustment to bring about deeper reductions—then these agreements are little more than window dressing and certainly not the major effort to address the problems of the suffering American steel industry in today's marketplace.

If all we have achieved by these agreements is to return to the levels of import penetration of 1982 and later, then we certainly haven't given our steel industry the opportunity it needs to retool, modernize and increase its efficiency and marketability, despite Mr. Block's words that "these agreements offer our steel industry a rea-

sonable opportunity to compete without being battered by foreign unfair trade practices and surges."

What the USTR has achieved, primarily, is the administration's goal of reducing steel imports to between 18 and 20 percent of U.S. consumption of finished steel products, a far cry from the 15-percent quota limits the congressional steel caucus sought, with the blessing and strong support of the steel industry itself.

What we have gotten instead is a major reduction in the steel import surge experienced particularly in the third quarter of 1984. In effect, the seven countries which signed agreements will limit their steel exports for the next 5 years to about 10.1 percent of U.S. domestic steel consumption, about a 36-percent drop from the 15.7-percent share of the U.S. market these countries had in 1984's third quarter.

Looking back, though, the agreements will return steel import levels to about those experienced in 1982 when the seven countries in question—Australia, Brazil, Japan, Mexico, Spain, South Africa, and South Korea—had a 10.7-percent share of the American steel market.

All of the efforts by the congressional steel caucus were aimed at returning to the average U.S. steel consumption during the 1979–81 period, about 8.5 percent for the seven countries with whom new agreements were signed.

If we look closely at the agreed to market shares of American steel consumption, we find that only Japan and Spain will be exporting somewhat less steel to the United States than they did in 1981, the year before steel imports truly surged.

But it appears that this administration isn't looking back beyond the real surge in imports—the one that occurred in the third quarter of 1984.

In comparison with that quarter, Australia will have the least reduction, dropping from 0.2 percent of the American market to 0.18 percent, and Spain will have the largest cut in market share, from 2.2 percent to 0.67 percent.

For the other countries, the reductions will vary in comparison to the third quarter of 1984. Brazil's share will drop from 1.3 percent to 0.8 percent; Japan's will be reduced from 7.6 percent to 5.8 percent; Mexico will fall from 0.7 percent to 0.3 percent; South Africa will export 0.42 percent as compared to 0.9 percent; and South Korea will drop from 2.8 percent to 1.9 percent.

A look at the attached table, however, shows that the cuts in imports are not cuts in market shares beyond the surge in steel imports in the past 2 years.

I think the comment by Robert F. Anderson, chairman of Hanna Mining Co., at the American Iron Ore Association annual meeting in November truly sums up my own feelings about this administration's attitude toward the domestic steel industry.

At that meeting, Anderson said:

When the steel and iron ore industries seek enforcement of domestic trade laws, they are accused of being "protectionists." Yet, let a rumor spread about a failure of a major money-center bank and the Government is on the scene within hours offering billions in financial guarantees.

Why, I ask, has the Government not offered similar help to the U.S. steelmakers who lost $6.8 billion in 2 years?

Mr. Anderson, the same thought has crossed my mind as well. Steel imports continue to take their toll on American business, forcing reductions in operations, layoffs, both temporary and permanent, and increasing our inability to compete, yet our attempts to seek long-term answers are rebuffed while we settle for short-range responses that don't get to the root of the problems.

A tough question that must be asked is: Would steel exports to the United States have dropped anyway in the coming year because of an expected drop in demand?

If imports to the United States would have fallen anyway, then the VER's will have little impact on the long-term concerns of the steel industry because the imports will have the same or a larger share of the domestic steel market.

And, actually, we will be in worse shape than we are today. Even assuming there is no change in the demand for steel, it is unlikely that any great benefits for the steel industry will be achieved.

A steel analyst at Paine Webber Group anticipates that any impact from the administration's efforts will not be felt until the middle of this year. At that time, he says, we could be headed into a recession and this would create another cycle of excess capacity and sinking prices for the steel industry.

Certainly, all of us with concern for the steel industry and the American men and women employed by it hope the administration program works and offers the industry the opportunity it needs to restore its competitiveness, but we will just have to wait and see if the program works.

I have my doubts.

TABLE 1.—STEEL IMPORT PENETRATION RATES OF SEVEN COUNTRIES, 1979–84 [1]

[Percentages]

Country	1979	1980	1981	1982	1983	1st half 1984	3d quarter 1984	VER [2]
Australia	0.1	0.1	0.1	0.2	0.2	0.2	0.2	0.18
Brazil	.4	.5	.5	.8	1.5	1.4	1.3	.80
Japan	5.5	6.3	5.9	6.8	5.1	6.3	7.6	5.80
Mexico	.1	.1	([3])	.1	.8	1.1	.7	.30
Spain	.3	.5	.7	.7	.7	1.4	2.2	.67
South Africa	.4	.5	.4	.7	.7	.5	.9	.42
South Korea	.9	1.1	1.2	1.4	2.1	2.2	2.8	1.90

[1] Import penetration rate is defined as the ratio of imports to U.S. domestic consumption.
[2] VER is defined as the voluntary export restraint agreement.
[3] Less than 0.05 percent.

Compiled by CRS, using as sources: American Iron & Steel Association. Annual Statistical Reports. Washington, various years. American Iron & Steel Association, telephone communication, Dec. 19, 1984.●

HOUSING: A GROWING CRISIS DEMANDS ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr Speaker, this Nation is in the midst of a great and growing housing crisis. As much as anything else, this crisis demands that we choose between decency and degradation. We must either enact a reasonable, realistic housing program or see the number of homeless people increase, watch the quality of housing decline, and stand idle and mute as more and more millions pay more for less housing, find themselves unable to afford any decent shelter, or be unable to find any shelter all all. I do not believe that we can continue to follow policies that make a bad situation worse, policies that create degradation and desperation, policies that ignore need and promote greed. We must recognize the growing housing crisis, and recognize that it demands action.

I am offering a bill to reverse the destructive, disastrous and unconscionable housing policies of the last 3 years. My bill will not restore anything like the level of effort that is needed to meet the urgent and expanding housing needs of the country, but it will reverse the direction that has been followed in the past 3 years.

The need for action is great and growing. We not only have more poor people than ever, the percentage of Americans who are poor is growing. At the same time, housing that the poor can afford is disappearing. No one knows how many homeless people there are, but we do know that the nameless and numberless poor are growing in number, that every city and town and hamlet in the country finds its emergency shelter wholly inadequate to meet even minimal needs. As the supply of housing that the poor can afford drops, and the number of poor people grows, and as States and communities continue to cut back social services, more and more people are being pushed first into the slums and then into the streets.

In the past 6 years, the number of Americans living in poverty has increased by one-third, so that today no less than 15 percent of the population, or one in every seven Americans—is poor. The greatest increase in poverty has taken place since 1980. Nor is there any sign that the growth in poverty is abating. The percentage of Americans who own their homes is dropping. Measured in real terms, av-

erage gross weekly earnings have declined every year since 1979, with the sole exception of 1983. Since 1983, average weekly earnings have again dropped, but at the same time, rental costs increased by almost 11 percent. Rental costs are in fact going up faster than homeownership costs—reflecting a demand for rental housing that simply is not being met.

In the face of the growing need for housing assistance, the policy of the Federal Government since 1981 has been to cut housing commitments. In fact, the budget for assisted housing programs has been cut by 60 percent since 1981. Housing has been cut by more than any other element of the budget. In fact, virtually the only assisted housing program being built today consists of funds that were authorized before the current administration imposed its cuts. These cuts were made in the face of the President's own housing commission report that in 1981 confessed the fact that at least 7 million low-income households were paying more than 40 percent of their income for rent, but getting no housing assistance of any kind. Undeniably the need has grown in the intervening years, yet while the need was for a greater effort, unprecedented cuts were imposed. It is little wonder that we have seen a steady growth in the number of people who are desperate for housing, and a steady increase in the number who are forced to live in the streets for lack of even the most rudimentary shelter.

The aim of the housing bill I am introducing today is to reverse the administration's determined effort to abandon any kind of housing assistance. No longer do we hear any talk about a "social safety net," nor do we even hear that the administration will propose an expansion of even its own housing voucher experiment. In fact, what we hear is that the fiscal 1986 budget will call for no new housing effort at all. This should not surprise anyone who recalls the 1984 proposal to cut housing by an additional 38 percent, a proposal that Congress rejected. Nor should it surprise anyone who understands that the administration actually thinks that housing is a local problem that local governments can resolve, even though this flies in the face of experience, all evidence, and even common sense. Local governments cannot meet all their housing needs without Federal help today, any more than they could in the Great Depression years. My bill simply recognizes the undeniable fact that assisted housing programs are essential, that the level of Federal effort must in some way be related to the actual need, and that decency demands an effective Federal housing program.

The housing bill I am offering would roughly double the current level of assisted housing production. This would still be a housing program that is 30 percent below the 1980 figure—despite the great growth in need that has taken place since that time. In addition, the bill provides for an emergency shelter program of $200 million, recognizing that greater efforts are unquestionably needed at a time when human beings still elect to freeze on the streets of Washington rather than endure the bedlam and, yes, degradation of existing emergency shelter. If it seems to some more dignified to die in the streets than to go to shelters that would have made Dickens cringe, that alone should give us all sleepless nights and troubled minds. What kind of Nation is it that can spend 50 percent more for a single satellite than this bill calls for to provide emergency shelter—a figure that nevertheless will be called excessive?

My housing bill aims to block administration efforts to impose unnecessary and destructive fee payments on FNMA and GNMA, the Nation's principal providers of secondary mortgage markets. At a time when homeownership is slipping, when housing production continues to be some 750,000 units a year below demonstrable need, it is beyond comprehension that the administration would seek to cripple the two agencies that generate the greatest financial resources available to the housing industry today, the two agencies that more than anything else make homeownership still possible in our country. Moreover, this bill recognizes that the Office of Management and Budget has gone far beyond its legal authority, and has in fact arrogated to itself regulatory functions that law assigns to the Secretary of Housing and Urban Development and to the Secretary of Agriculture, and intends to restore the proper authority of those agencies. It is not acceptable that the administration continues to try to undo by regulation what Congress seeks to do by statute, and this bill corrects a number of administrative abuses that have occurred in the past 2 years.

Overall the bill I am offering would authorize about 284,000 new assisted housing units. It would, for example, triple new public housing units, from the fiscal 1985 level of 5,000 to 16,500. Section 8 moderate rehabilitation, a most efficient and cost-effective program, would rise from 5,000 units to 30,000 new units. A new homeownership program, modeled on the Nehemiah Program that the subcommittee studied in New York last year, would be authorized. This program is a classic, neighbors helping each other, people helping themselves efforts, of the type that exemplifies the American spirit of innovation and neighborliness that the President so often espouses. This effort, if it were funded at a level of $600 million, would enable almost 31,000 people to become homeowners.

Any housing bill is complex, because the needs of the Nation are vast, varied, and constantly growing. I am offering for the record two tables that summarize the bill and compare it to the present level of housing programs. It is a bill that reverses the current direction, because this country cannot afford to continue down a road that casts more and more people into the streets, that forces ever larger numbers of our people to pay exorbitant costs for completely inadequate housing; nor can this country abide a policy that ignores need and reality alike, a policy that by inaction forces growing numbers of people first into anxiety, then into desperation, and finally into degradation. Not one of us has failed to see the need. Every one of us has seen the homeless. Every one of us has seen the number of homeless people grow. Every one of us knows that affordable, decent housing is a precious and shrinking commodity. The question is whether we will accept these facts for what they are, accept our responsibility to respond, and enact a housing policy that is at least decent in spirit. That is what this bill provides—a modest and decent response to a great and growing national housing crisis.

□ 1840

Mr. Speaker, I ask unanimous consent to insert at this point in the RECORD an exact tabulation of the fiscal year 1986 housing bill because the subject of housing is complex.

A housing bill by its very nature is complex because the needs of the Nation are vast, varied and constantly growing.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FISCAL YEAR 1986 HOUSING BILL

	Units	Cost[1]	Term	B.A.
Public housing:				
New construction	16,500	$6,620	30	$3,276,900,000
Indian housing	3,000	5,870	28	493,080,000

FISCAL YEAR 1986 HOUSING BILL—Continued

	Units	Cost[1]	Term	B.A.
Subtotal	19,500			3,769,980,000
Section 8:				
Section 202	22,500	7,548	20	3,396,726,000
Moderate rehab	30,000	5,925	15	2,666,430,000
Regular existing	55,500	4,938	15	4,111,334,500
Subtotal	108,000			10,174,490,500
Other rental:				
HODAG	16,500	21,108	1	348,282,000
Modernization			20	2,225,000,000
Operating subsidies				1,400,000,000
Subtotal	16,500			3,973,282,000
Homeownership:				
Nehemiah grants	20,000	15,000	1	300,000,000
Section 235	10,800	NA	10	300,000,000
Subtotal	30,800			600,000,000
Emergency shelter needs:				
Emergency Shelter Program				200,000,000
Nonprofit homeless demo				100,000,000
Subtotal				300,000,000
Total HUD/FEMA housing	174,800			18,817,752,500
Miscellaneous:				
Section 202 loan authority				(1,125,000,000)
Urban homesteading				15,000,000
Congregate services				10,000,000
HUD research				20,000,000
Solar Bank				50,000,000
Neighborhood Dev. Demo				10,000,000
Neighborhood Reinvestment Corp.				15,512,000
Housing counseling assistance				6,000,000
Weatherization program				300,000,000
Subtotal				426,512,000
Rural housing:				
Housing loans	98,805	NA	NA	2,458,000,000
Support programs	[2]10,000	NA	NA	592,000,000
Subtotal	108,805			3,050,000,000
Grand total	283,605			22,294,264,500

[1] Per unit cost based on a 6-percent inflation rate above the fiscal year 1985 unit cost.
[2] Estimated number of units for the housing preservation grants program under section 533.

HUD AND FmHA HOUSING PROGRAM COMPARISON FISCAL YEAR 1985 APPROPRIATIONS AND PROPOSAL FISCAL YEAR 1986 HOUSING BILL

	Fiscal year 1985		Fiscal year 1986	
	Units	B.A.	Units [1]	B.A.
Public housing:				
New construction	5,000	$945,000,000	16,500	$3,276,900,000
Indian housing	2,000	312,760,000	3,000	493,080,000
Subtotal	7,000	1,257,760,000	19,500	3,769,980,000
Section 8:				
Section 202	12,000	1,709,040,000	22,500	3,396,726,000
Moderate rehab	5,000	419,250,000	30,000	2,666,430,000
Regular existing	37,500	2,620,687,500	55,500	4,111,334,500
Vouchers	38,500	655,270,000		
Subtotal	93,000	5,404,247,500	108,000	10,174,490,500
Other rental:				
HODAG [2]			16,500	348,282,000
Modernization		1,725,000,000		2,225,000,000
Operating subsidies		1,138,500,000		1,400,000,000
Subtotal		2,863,500,000	16,500	3,973,282,000
Homeownership:				
Nehemiah grants			20,000	300,000,000
Section 235 [3]			10,800	300,000,000
Subtotal			30,800	600,000,000
Emergency shelter needs:				
Emergency Shelter Program [4]				200,000,000
Non-profit homeless demo				100,000,000
Total HUD/FEMA housing	100,000	9,525,507,500	174,800	18,817,752,500
Miscellaneous:				
Urban homesteading		12,000,000		15,000,000
Congregate services		4,144,000		10,000,000
HUD research		16,900,000		20,000,000
Solar bank		15,000,000		50,000,000
Neighborhood Dev. Demo				10,000,000
Neighborhood Reinvestment Corp.		15,512,000		15,512,000
Housing counseling assistance		3,500,000		6,000,000
Weatherization program		191,000,000		300,000,000

HUD AND FmHA HOUSING PROGRAM COMPARISON FISCAL YEAR 1985 APPROPRIATIONS AND PROPOSAL FISCAL YEAR 1986 HOUSING BILL—Continued

	Fiscal year 1985		Fiscal year 1986	
	Units	B.A.	Units [1]	B.A.
Subtotal		258,056,000		426,512,000
Rural housing:				
Housing loans	73,230	2,000,000,000	98,805	2,458,000,000
Support programs	1,500	204,750,000	[5] 10,000	592,000,000
Subtotal	74,730	2,204,750,000	108,805	3,050,000,000
Grand total	174,730	11,988,313,500	283,605	22,294,264,500

[1] Per unit cost based on a 6 percent inflation rate above the fiscal year 1985 unit cost.
[2] HODAG funded 14,462 units with $288 million B.A. from fiscal year 1984 appropriations.
[3] Section 235 program funded in fiscal year 1984 2d appropriations bill.
[4] FEMA emergency shelter program funded for $110 million in fiscal year 1984 appropriations.
[5] Estimated number of units for the housing preservation grants program under section 533.

MILITARY FAMILY BILL OF RIGHTS ACT OF 1985

Mr. GONZALEZ. Mr. Speaker, I have also introduced what I call the Military Family Bill of Rights Act of 1985.

Military families are subjected to unique problems and difficulties. They are subjected to frequent relocations, they have no real choice about their assignment, and they have no real control over their family arrangements, because of the pressures and frequent disruptions that flow from the nature of military life. Family separation is a problem; financial burdens created by uncontrollable moves and housing expenses are a problem; inadequate pay and inadequate benefits are a problem. Even though there are many different resources available to military personnel, there is no systematic approach to family problems, the resources are inadequate, and the consequence is real injustice. It is unjust to have military families forced to live in inadequate housing; unjust to deny their families a full range of health benefits; unjust to fail to recognize that family problems must be addressed in a systematic and caring way. Therefore, I am reintroducing a bill I first introduced last October to bring about a greater degree of justice for military families.

My bill provides a supplement to the housing allowances that are available today. In any high-cost area, the basic allowance for quarters is insufficient. Even though there is and has been for some years a supplementary housing allowance, the variable housing allowance, that program has been inadequately funded. My bill does two things: it reduces the out-of-pocket costs required to qualify for the variable allowance from 15 percent of pay to 10 percent. That is only fair, if you consider that military families would live in free housing, if the military had enough housing to serve all its families. In addition, the bill provides that cost recoveries resulting from savings in procurement will be used to finance the Variable Housing Allowance Program. Thus, the airmen who reported the $7,000 coffee pot, the $635 arm rests and the like, would have some incentive to report such abuses, because military members would know that resulting savings would benefit them, as is only just.

My bill also brings dental care under the CHAMPUS Program. Dental care is not always available to military dependents, but it ought to be. Dental care can be exceedingly expensive, as anyone who has had dental surgery knows. Thee is no reason why such care should not be included in CHAMPUS.

I am also seeking the establishment of an Office of Family Services in the Department of Defense. This office would for the first time make family concerns a priority of the Department of Defense. It would establish and implement a system to provide military family financial assistance—a service that is provided today only on a local, ad hoc basis. The office would provide consumer information and assistance; and it would help with job placement and referrals—an important service when military family members must often change jobs as a result of relocations. The office would also serve as a family advocate, so that the Department of Defense could recognize and focus on family concerns among service members.

Family life in the military is not easy. It is subject to unusual stress and pressures by the very nature of the job of the military member. These pressures are very much a concern of troop commanders and base commanders. But these commanders do not have the resources to deal with family problems, as much as they might wish otherwise. Local commanders cannot invent money when housing allowances are not adequate, and they cannot provide information and assistance, except on an ad hoc basis. They can do nothing about the need for placing dental care under CHAMPUS.

My bill addresses these concerns. It speaks to the need for a comprehensive effort to assist military families. The need is great, and is a matter of urgent concern for the 99th Congress.

□ 1850

INTRODUCTION OF BILL TO RAISE THE OMB DIRECTOR TO CABINET STATUS

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. BROOKS. Mr. Speaker, today I am offering legislation which would raise the executive level ranking of the Director of the Office of Management and Budget to that of the members of the President's Cabinet. If the first term of the Reagan administration has taught us anything, it is the power and vital position the OMB Director holds in shaping the direction and policy of the executive branch. Yet, in the bureaucratic framework, the OMB Director is one notch below the members of the Cabinet whose budgets and management practices he oversees.

Congress has recognized the importance of the position of OMB Director by requiring that his nomination be subject to confirmation by the Senate. We should take the additional step of compensating the Director at the level of Cabinet Secretaries and his deputy at the level of deputy Cabinet officers.

Mr. Speaker, as I have noted in introducing this bill in previous Congresses, my interest is institutional rather than personal. Whether the individual holding the office of OMB Director is James Lynn in the Ford administration, or James McIntyre in the Carter administration, or David Stockman in the Reagan administration, it is the office of OMB Director and the responsibilities exercised by that office that call for the Director to be compensated at the level of a Cabinet officer. I hope this bill will be approved promptly by the 99th Congress.●

CONSTITUTIONAL AMENDMENT PROVIDING FOR DIRECT ELECTION OF THE PRESIDENT

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. BROOKS. Mr. Speaker, the electoral college is an anachronistic and potentially dangerous vestige of another time in our history. It makes the two elected officials who govern over all the people, the President and Vice President, subject to a cumbersome process that in some circumstances could thwart the will of the people. It is time for us to abolish the electoral college and provide for the direct election of the President by the voters. I am introducing a constitutional amendment today which will accomplish this goal.

Direct election is the method by which all of our other elected public officials in this democracy are chosen. It is the only process that is completely consistent with the ideals of democracy that we as a nation believe in and have fought to uphold for nearly 200 years.

The cumbersome and anti-democratic process of the electoral college runs counter to this current of history. While in other areas, such as the extension of the right to vote, we have expanded our democracy, the electoral college remains as a relic of an era that bore an underlying suspicion for the will of the people.

My amendment will provide that a candidate receiving at least 40 percent of the popular vote would be elected. If no candidate got 40 percent, my proposal would provide for a runoff election between the highest two finishers.

Mr. Speaker, I hope that the 99th Congress will seriously consider the dangers posed by the electoral college and give the people a true voice in electing the President by approving my amendment.●

LAW ENFORCEMENT PROTECTION ACT OF 1985

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. BROOKS. Mr. Speaker, I am today introducing legislation to ban cop-killer, armor-piercing bullets. The Law Enforcement Protection Act of 1985 is identical to legislation I proposed in the last Congress. As my colleagues may recall, that bill enjoyed the broad and bipartisan support of over 200 cosponsors, the administration, and many police and sporting groups. Unfortunately, in the closing rush of the last Congress this important legislation was not acted upon.

It is the aim of my bill to ensure the continued utility of the lifesaving soft body armor vests worn by many of our Nation's police officers in their dangerous work by detering the availability and use of ammunition designed to penetrate armor. At the same time, the bill does not unreasonably impact on the legitimate interests of America's sporting and hunting community.

This legislation would regulate the manufacture and importation of ammunition which is designed as armor piercing. It amends title 18 of the United States Code to prohibit the manufacture and importation of armor-piercing ammunition except for law enforcement, military, or export purposes. The manufacture or importation for these permissible uses would be regulated through the licensing and the provisions of the Gun Control Act of 1968.

In addition, a mandatory 5-year minimum prison sentence for the possession or use of armor-piercing ammunition during the commission of a violent felony is added to ensure stiff punishment for the criminal who resorts to its use.

This legislation, which reflects the results of many months of hard work by the various affected parties, is the best means for responsibly controlling armor-piercing ammunition and providing protection to our police officers.●

FEDERAL POLYGRAPH LIMITATION AND ANTI-CENSORSHIP ACT OF 1985

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. BROOKS. Mr. Speaker, today I am introducing the Federal Polygraph Limitation and Anti-Censorship Act of 1985. This bill is essentially the same as legislation I proposed during the last session of Congress. That bill was extensively reviewed by several committees of the House during the last Congress, but was not addressed by the full House in the press of business at the close of the last session.

I expect that many of my colleagues are familiar with the bill and its history. The circumstances that gave rise to this legislation and the events of the last Congress are critical, though, to a complete understanding of the need for and purposes of this legislation. At the risk of being unduly repetitious, I think it is important, therefore, to lay out that background with some detail.

This bill is based upon the findings and recommendations of the Government Operations Committee, which reviewed the censorship and polygraph initiatives of the Reagan administration in October 1983.

Specifically, the committee recommended against the implementation of the prepublication censorship and polygraph provisions of Presidential National Security Decision Directive 84. These provisions would have mandated the signing of life long prepublication censorship contracts by over 100,000 Government employees and the coerced use of polygraph exams for all employees in the course of leak investigations. The committee also recommended against the implementation of broader, but parallel, polygraph policies which would have expanded the coerced use of polygraph tests to preemployment screening, preaccess interviews, and random security checking.

In a bipartisan report, the Government Operations Committee concluded that the prepublication censorship contracts would entail unwarranted prior restraints in violation of the first amendment. This program, as with any Government censorship of speech, has a tremendous potential for political abuse. Such a system has many harmful consequences, even when implemented and carried out with the most noble of intentions. Quite simply, this censorship system directly undermines a pillar of America's political system—the freedom from prior governmental restraint in matters of political discourse. My bill would prohibit this censorship policy.

The Government Operations Committee also concluded that there is no scientifically acceptable evidence to support the polygraph policies proposed and good reason to believe they will result in high error rates causing harm to many innocent people, our Government, and national security. For its review, the Government Operations Committee requested the Congress' Office of Technology Assessment to study the available scientific literature on polygraph testing and advise the Congress on its validity. The OTA concluded that there was no scientifically acceptable evidence to support the use of widespread polygraph screening as proposed.

In the context of narrow specific-incident investigations—generally criminal—the OTA found conflicting scientific conclusions on polygraph validity. In 28 studies presenting "acceptable scientific criteria," correct guilty detections were found to be as low as 35 percent and correct innocent detections as low as 12.5 percent. A coin toss could be more accurate.

Further, OTA found that in any context—narrow criminal investigations or widespread screening—coercing persons to take a polygraph test would likely decrease any validity the test may have. Because there is no physiological response unique to lying, the polygraph cannot distinguish between people who are lying and those who are merely afraid or nervous. Coercing employees to submit to polygraph tests increases the likelihood of inaccurate conclusions.

OTA also indicated that there are serious questions regarding the polygraph test's susceptibility to countermeasures. As a result, use of the polygraph may create a false sense of secu-

rity and weaken our national defense. Moles are often good liars.

This legislation would prohibit the screening use of polygraph testing and would place tight controls on its use in specific incident investigations, one of which is that the test be truly voluntary.

Last February, as the previous bill was proceeding to markup, the White House announced that it was suspending, temporarily, the polygraph and censorship portions of NSDD 84. As it turns out, however, this suspension has had little effect on the actual implementation of these administration initiatives. The GAO, in a new investigation requested by myself and Chairman FORD of the Post Office and Civil Committee, has concluded that right now all the major agencies, including DOD, State, Agriculture, Commerce, Justice, Energy, Treasury, and Transportation are requiring certain employees to sign lifelong prepublication review contracts.

These contracts are virtually identical to those which had been suspended by the President. At the DOD, alone, GAO, in June of 1984, found that since 1981, over 156,000 employees have already signed these lifelong censorship contracts.

The GAO report demonstrates that the President's suspension of the polygraph provision of NSDD 84 has not affected the administration's plans for screening with polygraphs either. Currently, the Department of Defense intends to institute a coerced polygraph screening program which will cover over 100,000 Department employees. The Department of Defense intends to hire 50 new polygraph operators to enable it to conduct 10,000 new screening exams annually. Other agencies are also following suit. For instance, the Justice Department intends to widen its polygraph screening program, and the Federal Emergency management Agency has drawn up a polygraph screening program to be implemented for the first time at that agency.

It is incumbent, therefore, that this legislation be expeditiously considered and passed by the Congress to undo, and prevent further reincarnations of, these dangerous censorship and polygraph policies.●

CONSTITUTIONAL AMENDMENT FOR A SIX-YEAR TERM FOR THE PRESIDENT

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. BROOKS. Mr. Speaker, today I am introducing a joint resolution proposing a constitutional amendment which would provide single 6-year terms for the President and Vice President. This is a proposal which I have offered for the past several Congresses, but its origins go back nearly 200 years to the Constitutional Convention. While the Founding Fathers decided to provide for 4-year Presidential terms, the concept for a single 6-year term of office for our Chief Executive is one which merits further consideration at this time.

The pressures of modern political circumstances have turned a President's first 4 years into a virtual continuous reelection campaign. No sooner is the President elected, than he must focus on his next election. While the current Chief Executive had a relatively easy time in securing renomination and reelection, his experience has been the exception rather than the rule. Indeed, both of his predecessors faced grueling and time-consuming contests for their party's nomination, as well as intense and ultimately losing battles for reelection.

Nobody can calculate the price that the country has paid for the distraction that renomination and reelection imposes on a President. Given the stresses and complexities of the office of President, it is vital that we make this office as effective as possible and remove those forces that work against effective Presidential operation. We will all benefit if the occupant of the Oval Office is free to concentrate on the job we elected him to do—running the country—instead of running for a second 4-year term.

Mr. Speaker, a single 6-year term will give our Presidents the time they need to carry out their programs. Limiting them to a single 6-year term will allow them to focus on the job of President instead of the role of candidate.

I hope that the 99th Congress will give serious attention to this proposal.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCKERNAN) to revise and extend their remarks and include extraneous material:)

Mrs. SMITH of Nebraska, for 5 minutes, today.
Mr. WEBER, for 60 minutes, today.
Mr. WALKER, for 60 minutes, today.
Mr. GINGRICH, for 60 minutes, today.
Mr. HUNTER, for 60 minutes, today.
Mr. MACK, for 60 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ST GERMAIN, for 5 minutes, today.
Mr. RODINO, for 5 minutes, today.
Mr. GAYDOS, for 30 minutes, today.
Mr. HOWARD, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 60 minutes, today.
Mr. PANETTA, for 5 minutes, today.
Mr. ROSTENKOWSKI, for 5 minutes, today.
Mr. GAYDOS, for 30 minutes, January 7.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. WYLIE, to extend his remarks in the RECORD and to include therein extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,500.

(The following Members (at the request of Mr. MCKERNAN) and to include extraneous matter:)

Mr. GILMAN in five instances.
Mr. OXLEY.
Mr. GREEN in three instances.
Mr. GEKAS.
Mr. GRADISON.
Mr. DENNY SMITH.
Mr. JEFFORDS.
Mr. GUNDERSON.
Mr. ROTH in four instances.
Mr. LEWIS of Florida in two instances.
Mr. CRANE in 11 instances.
Mr. RINALDO.
Mr. SHUMWAY.
Mr. BOEHLERT.
Mr. GILMAN in three instances.
Mr. SILJANDER in two instances.
Mr. CAMPBELL.
Mr. MICHEL.
Mr. RUDD in five instances.
Ms. SNOWE in three instances.
Mr. KEMP.
Mr. WOLF.
Mr. MCDADE in two instances.
Mr. YOUNG of Alaska.
Mr. COATS.
Mr. THOMAS of California.
Mr. MCKERNAN.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. FLORIO in two instances.
Mr. MINETA.
Mr. KILDEE.
Mrs. BOXER in two instances.
Mr. SIKORSKI.
Mr. FRANK in two instances.
Mr. DE LA GARZA in 10 instances.
Mrs. COLLINS.
Mr. ANDERSON.
Mr. GONZALEZ in 10 instances.
Mrs. LLOYD in five instances.
Mr. HAMILTON in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. JONES of Tennessee.
Mr. FUQUA.
Mr. FASCELL in two instances.
Mr. SMITH of Florida.
Ms. OAKAR in six instances.

Mr. YATRON in two instances.
Mr. KASTENMEIER.
Mr. BRYANT.
Mr. LEHMAN of Florida.
Mr. HALL of Ohio.
Mr. ACKERMAN in three instances.
Mr. STARK in four instances.
Mr. LANTOS.
Mr. WYDEN.
Mr. CLAY.
Mr. MURTHA.
Mr. SHELBY in two instances.
Mr. BENNETT.
Mr. GARCIA.
Mr. OBERSTAR in two instances.
Mr. ORTIZ in two instances.
Mr. MATSUI in two instances.
Mr. ROSTENKOWSKI.
Mr. MILLER of California.
Mr. ANTHONY.
Mr. LELAND in two instances.
Mr. JONES of Oklahoma.
Mr. ROE.
Mr. WHEAT.
Mr. VENTO in two instances.
Mr. DORGAN of North Dakota.
Mr. KOSTMAYER.
Mr. WEISS in five instances.
Mr. LUKEN.
Mrs. SCHROEDER.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until Monday, January 7, 1985, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of State, transmitting notification that during the month of October the Commodity Credit Corporation (CCC) made payments to the U.S. creditors on credits guaranteed by the CCC for which payments had not been received from the Polish People's Republic, pursuant to Public Law 97-257, section 306; Public Law 98-151, section 101(d); to the Committee on Appropriations.

2. A letter from the Secretary of State, transmitting a report on the whereabouts of military equipment transferred since 1980 from the United States to El Salvador, and the whereabouts of Salvadoran military personnel trained with U.S. military aid funds, pursuant to Public Law 98-332, section 108 (98 Stat. 287); to the Committee on Appropriations.

3. A letter from the Executive Associate Director for Budget, Office of Management and Budget, transmitting a report that the guaranteed student loans program for fiscal year 1985 needs a supplemental estimate for appropriation, pursuant to section 1515 of title 31 of the United States Code; to the Committee on Appropriations.

4. A letter from the Director, Office of Management and Budget, transmitting a cumulative report on rescissions and deferrals of budget authority for November 1984, pursuant to Public Law 93-344, section 1014(e) (H. Doc. No. 99-3); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Director, Office of Management and Budget, transmitting a cumulative report on rescissions and deferrals of budget authority for December 1984, pursuant to Public Law 93-344, section 1014(e) (H. Doc. No. 99-6); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Principal Deputy Assistant Secretary of Defense (Comptroller), transmitting a report on the property, supplies and commodities provided by the Berlin Magistrate for the quarter July 1, 1984, through September 30, 1984, pursuant to Public Law 98-212, section 718; to the Committee on Appropriations.

7. A letter from the Comptroller General of the United States, transmitting a review of the deferrals submitted by the President on October 1, 1984 (H. Doc. 98-273), pursuant to 2 U.S.C. 685 (H. Doc. No. 99-2); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Comptroller General of the United States, transmitting a review of the deferrals submitted by the President on October 31, 1984, pursuant to 2 U.S.C. 685 (H. Doc. No. 99-5); to the Committee on Appropriations and ordered to be printed.

9. A letter from the Architect of the Capitol, transmitting a report on expenditures of appropriations during the period April 1, 1984 through September 30, 1984, pursuant to 40 U.S.C. 262b; to the Committee on Appropriations.

10. A letter from the Principal Deputy Assistant Secretary of Defense (Comptroller), transmitting notification of the transfer of funds appropriated to DOD, pursuant to the authority granted in section 733 of the 1982 DOD Appropriations Act; to the Committee on Appropriations.

11. A letter from the Secretary of Defense, transmitting three reports of violations of regulations governing the administrative control of appropriations, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

12. A letter from the Secretary of Housing and Urban Development, transmitting a report on the housing counseling program, as requested by the Senate Committee on Appropriations; to the Committee on Appropriations.

13. A letter from the Secretary of Housing and Urban Development, transmitting the quarterly report on HUD-owned multifamily project negotiated sales, as required by the Senate Committee Report on the HUD-Independent Agencies Appropriations Act for 1983; to the Committee on Appropriations.

14. A letter from the Acting Assistant Secretary of the Army (Installations and Logistics), transmitting notice of the Army's decision to convert the provost marshal support services at Headquarters, 1st Infantry Division (Mechanized) and Fort Riley, Fort Riley, KS, to contractor performance, pursuant to 10 U.S.C. 2304 at (Public Law 96-342, section 502(b) (96 Stat. 747)); to the Committee on Armed Services.

15. A letter from the Acting Assistant Secretary of the Army (Installations and Logistics), transmitting notice of the decision to convert to contractor performance the U.S. Army Recruiting Support Center located at Cameron Station, VA, and the Brigade Visual Information Branches located at Fort Meade, MD; Fort Gillem, GA; Fort Sheridan, IL; Fort Sam Houston, TX, and Fort Baker, CA, pursuant to 10 U.S.C. 2304 at (Public Law 96-342, section 502(b) (96 Stat. 747)); to the Committee on Armed Services.

16. A letter from the Acting Assistant Secretary of the Army (Installations and Logistics), transmitting notice of the proposed decision to convert to contractor performance the audiovisual and training support function at the Oakland Army Base, Oakland, CA, pursuant to 10 U.S.C. 2304 nt. (Public Law 96-342, section 502(b) (96 Stat. 747)); to the Committee on Armed Services.

17. A letter from the Acting Assistant Secretary of the Army (Installations and Logistics), transmitting notice of the decision to convert to contractor performance the storage and warehousing branch functions, U.S. Army Training Support Center, Fort Eustis, VA, pursuant to 10 U.S.C. 2304 nt. (Public Law 96-342, section 502(b) (96 Stat. 747)); to the Committee on Armed Services.

18. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting a listing of supplemental contract award dates for the period November 1, 1984, to December 31, 1984, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

19. A letter from the Assistant Secretary of the Army (Financial Management), transmitting notice of the Army's decision to convert the administrative and installation support activity at the U.S. Army Aviation Systems Command, St. Louis, MO, to contractor performance, pursuant to 10 U.S.C. 2304 nt. (Public Law 96-342, section 502(b) (96 Stat. 747)); to the Committee on Armed Services.

20. A letter from the Assistant Secretary of the Army (Financial Management), transmitting notice of the Army's decision to convert the Directorate of Engineering and Housing, Fort Belvoir, VA, to contractor performance, pursuant to 10 U.S.C. 2304 nt. (Public Law 96-342, section 502(b) (96 Stat. 747)); to the Committee on Armed Services.

21. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notification of the decision to convert to contractor performance the laundry and dry cleaning services at the Marine Corps Logistics Base, Barstow, CA, pursuant to 10 U.S.C. 2304 nt. (Public Law 96-342, sec. 502(b) (96 Stat. 747)); to the Committee on Armed Services.

22. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the decision to convert to contractor performance the administrative support service function at the Aviation Supply Office, Philadelphia, PA, pursuant to 10 U.S.C. 2304 nt. (Public Law 96-342, sec. 502(b) (96 Stat. 747)); to the Committee on Armed Services.

23. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert the food services function at the Pacific Missile Test Center, Point Mugu, CA, to contractor performance, pursuant to 10 U.S.C. 2304 nt. (Public Law 96-342, sec. 502(b) (96 Stat. 747)); to the Committee on Armed Services.

24. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert the audiovisual services function at the U.S. Naval Academy, Annapolis, MD, to contractor performance, pursuant to 10 U.S.C. 2304 nt. (Public Law 96-342, sec. 502(b) (95 Stat. 747)); to the Committee on Armed Services.

25. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), Secretary of Defense, transmitting a notice of the decision to convert to contractor performance the storage and warehousing function at the Naval Support Activity, New Orleans, LA, pursuant to 10 U.S.C. 2304 nt. (Public Law 96-342, sec. 502(b) (96 Stat. 747)); to the Committee on Armed Services.

26. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), Department of Defense, transmitting a notice of the decision to convert to contractor performance the custodial services at the Marine Corps Logistics Base, Albany, GA, pursuant to 10 U.S.C. 2304 nt (Public Law 96-342, sec. 502(b) (96 Stat. 747)); to the Committee on Armed Services.

27. A letter from the Assistant Secretary of Defense (Comptroller), transmitting September 30, 1984, pursuant to 10 U.S.C. 139a (b)(1) and (f) (96 Stat. 740); to the Committee on Armed Services.

28. A letter from the Deputy Assistant Secretary (Logistics and Communications), Department of the Air Force, transmitting notification of the Department's plans to study conversion from in-house operation to commercial contract various activities over the next 3 fiscal years, pursuant to 10 U.S.C. 2304 nt. (Public Law 96-342, sec. 502(a) (96 Stat. 747)); to the Committee on Armed Services.

29. A letter from the Military Executive, Reserve Forces Policy Board, Department of Defense, transmitting the Board's fiscal year 1983 readiness assessment of the Reserve components, pursuant to 10 U.S.C. 133(c); to the Committee on Armed Services.

30. A letter from the Principal Deputy Assistant Secretary (Manpower Installations and Logistics), Department of Defense, transmitting the annual report and audit of the American National Red Cross Society, pursuant to the act of January 5, 1905, chapter 23, sec. 6; to the Committee on Armed Services.

31. A letter from the Secretary of the Army, transmitting the annual report of the U.S. Soldiers' and Airmen's Home for fiscal year 1982, and the report of the annual general inspection of the Home for fiscal year 1983, pursuant to the act of March 3, 1983, chapter 130, sections 1 and 2: March 4, 1909, chapter 299 section 1; to the Committee on Armed Services.

32. A letter from the Secretary of Defense, transmitting the annual report of the Reserve Forces Policy Board (RFPB) covering fiscal year 1983, pursuant to 10 U.S.C. 133(c); to the Committee on Armed Services.

33. A letter from the Deputy Assistant Secretary of Defense (Comptroller—Administration), transmitting notification of the Department of the Air Force's intention to exclude the clause from a contract concerning examination of records by the Comptroller General, pursuant to 10 U.S.C. 2313(c); to the committee on Armed Services.

34. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notification of the Department of the Navy's intention to omit the clause concerning examination of records by the Comptroller General in a contract with the United Kingdom Government, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

35. A letter from the Secretary of Defense, transmitting a report on the status of efforts to resolve disputes connected with the establishment of the Regional Military Training Center (RMTC) in Honduras and the plans of the Government of Honduras to relocate the RMTC, as required by the conference report accompanying the 1985 DOD Authorization Act; to the Committee on Armed Services.

36. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee, and insurance transactions supported by Eximbank during September 1984 to Communist countries, as a result of Presidential determinations, pursuant to 12 U.S.C. 635(b)(2); to the Committee on Banking, Finance and Urban Affairs.

37. A letter from the Secretary of Housing and Urban Development, transmitting the 1983 annual report on the impact and effectiveness of the Congregate Housing Services Act of 1978, pursuant to Public Law 95-557, section 408(b); to the Committee on Banking, Finance and Urban Affairs.

38. A letter from the Secretary of Housing and Urban Development, transmitting the 1983 annual report on Indian and Alaska Native Housing and Community Development Programs, pursuant to 42 U.S.C. 3533(d)(2); to the Committee on Banking, Finance and Urban Affairs.

39. A letter from the Chairman, Board of Directors, Federal Deposit Insurance Corporation, transmitting the Corporation's second annual report on the types and amounts of net worth certificates purchased from each depository institution, and the conditions imposed on each such depository institution, pursuant to 12 U.S.C. 1823 nt.; to the Committee on Banking, Finance and Urban Affairs.

40. A letter from the Assistant Secretary (Legislative Affairs), Department of the Treasury, transmitting a report on the effects of IMF-imposed stabilization programs on basic human needs in countries to which loans are made by the Fund, pursuant to the act of July 31, 1945, chapter 339, section 30(b) (92 Stat. 1052; 94 Stat. 1553); to the Committee on Banking, Finance and Urban Affairs.

41. A letter from the Assistant Secretary of the Treasury for International Affairs, transmitting a report entitled, "Foreign Direct Investment and Commercial Capital Flows: The Role of the Multilateral Development Banks," pursuant to Public Law 98-181, section 1005(b)(2); to the Committee on Banking, Finance and Urban Affairs.

42. A letter from the Secretary of the Treasury, transmitting the 1984 third quarter report on the Olympic Commemorative Coin Program, pursuant to Public Law 97-220, section 11; to the Committee on Banking, Finance and Urban Affairs.

43. A letter from the Secretary of the Treasury, transmitting his findings regarding consideration of U.S. membership in the Bank for International Settlements, pursuant to the act of July 31, 1945, chapter 339, section 50(b) (97 Stat. 1276); to the Committee on Banking, Finance and Urban Affairs.

44. A letter from the Chairman, Federal Home Loan Bank Board, transmitting a copy of the Board's 1983 annual report, pursuant to the act of July 22, 1932, chapter 522, section 17(b) (69 Stat. 640); to the Committee on Banking, Finance and Urban Affairs.

45. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on proposed transactions involving U.S. exports to Brazil, pursuant to the act of July 31, 1945, chapter 341, section 2(b)(3)(iii) (88 Stat. 2335; 91 Stat. 1210; 92 Stat. 3724); to the Committee on Banking, Finance and Urban Affairs.

46. A letter from the Vice President of the United States, transmitting the final report on reform of the Federal financial regulatory system by the Task Group on Regulation of Financial Services; to the Committee on Banking, Finance and Urban Affairs.

47. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Purchase of VCR's for July Grand Prize Drawing," pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

48. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Refunds Due the D.C. Energy Office Under the LIHEAP Program," pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

49. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Review of the District's Lease for the Georgetown Market," pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

50. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of District Government Contracts with Former District Officials," pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

51. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Overpayments to LaMancha, Inc.," pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

52. A letter from the Assistant Secretary, Department of Education, transmitting a notification of the delay of the report on programs and activities assisted under the Women's Educational Equity Act of 1978, pursuant to ESEA, section 937 (92 Stat. 2300); to the Committee on Education and Labor.

53. A letter from the Chairman, National Advisory Council on Continuing Education, transmitting the 18th annual report of the National Advisory Council on Continuing Education, pursuant to HEA, section 117(d) (94 Stat. 1382); to the Committee on Education and Labor.

54. A letter from the Commissioner, Rehabilitation Services Administration, Department of Education, transmitting the fiscal year 1983 report on program activities under the Rehabilitation Act of 1973, pursuant to 29 United States Code 712 (Public Law 93-112, section 13 (92 Stat. 2985; 98 Stat. 17)); to the Committee on Education and Labor.

55. A letter from the Secretary of Education, transmitting amendment to the final regulations for the College Housing Program—loan discount provisions, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

56. A letter from the Secretary of Education, transmitting a copy of proposed final regulations for the Secretary's Discretionary Program, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

57. A letter from the Secretary of Education, transmitting final regulations for the Assistance to States for Education of Handicapped Children, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

58. A letter from the Administrator, Office of Juvenile Justice and Delinquency

Prevention, Department of Justice, transmitting the 1983 fiscal year report on Federal juvenile delinquency programs, pursuant to Public Law 93-415, section 204(b)(5) (91 Stat. 1049) and section 246; to the Committee on Education and Labor.

59. A letter from the Under Secretary of Labor, transmitting a study of means to assist high unemployment groups, pursuant to the act of June 25, 1938, chapter 676, section 4(d)(3) (88 Stat. 73); to the Committee on Education and Labor.

60. A letter from the Chairman, Board of Trustees, Harry S. Truman Scholarship Foundation, transmitting the annual report of the Harry S. Truman Scholarship foundation for 1983-84, pursuant to Public Law 93-642, section 13(b); to the Committee on Education and Labor.

61. A letter from the Secretary, Federal Energy Regulatory Commission, transmitting a report on the value of all the property owned or used by oil pipeline common carriers, pursuant to ICA, section 19a(d) (Public Law 95-91, section 402(b); Public Law 95-473, section 4(c)); to the Committee on Energy and Commerce.

62. A letter from the Secretary of Energy, transmitting a report on residential energy conservation financing, supply and installation activities of public utilities, pursuant to Public Law 95-619, section 216(g) (94 Stat. 744); to the Committee on Energy and Commerce.

63. A letter from the Secretary of Energy, transmitting a report of the activities undertaken with respect to the strategic petroleum reserve under the SPR Amendments Act of 1981, pursuant to EPCA, section 165(b) (95 Stat. 620); to the Committee on Energy and Commerce.

64. A letter from the Secretary of Health and Human Services, transmitting a report on the extent to which Federal and State programs are dealing effectively with the problems of alcohol abuse and alcoholism, drug abuse, and mental illness, pursuant to 42 U.S.C. 290aa nt (Public Law 98-24, section 3(a)); to the Committee on Energy and Commerce.

65. A letter from the Secretary of Health and Human Services, transmitting a report on the effectiveness of State medicaid utilization control programs, pursuant to SSA, section 1903(g)(6) (91 Stat. 1205); to the Committee on Energy and Commerce.

66. A letter from the Assistant Attorney General, Antitrust Division, Department of Justice, transmitting a report on the voluntary agreement and plan of action to implement the International Energy Program; to the Committee on Energy and Commerce.

67. A letter from the Chairman, Communications Satellite Corporation, transmitting the 21st annual report of the Corporation's activities and accomplishments (including anticompetitive practices), pursuant to Public Law 87-624, sections 404 (b) and (c); to the Committee on Energy and Commerce.

68. A letter from the Chairman, Securities and Exchange Commission, transmitting the 13th annual report on the Securities Investor Protection Corporation, pursuant to Public Law 91-598, section 7(c)(2); to the Committee on Energy and Commerce.

69. A letter from the Director of Congressional Relations, U.S. Consumer Product Safety Commission, transmitting a copy of a recent amendment of the standard for the flammability of mattresses and mattress pads, pursuant to the act of June 30, 1953, chapter 164, section 4 (g) or (i) (95 Stat. 711); to the Committee on Energy and Commerce.

70. A letter from the Executive Secretary, Office of the Secretary of Transportation, transmitting additional information on the progress toward completion of the Northeast corridor improvement project (EC4157, Oct. 11, 1984); to the Committee on Energy and Commerce.

71. A letter from the general counsel, Department of Energy, transmitting notification of a meeting related to the International Energy Program; to the Committee on Energy and Commerce.

72. A letter from the Secretary, Interstate Commerce Commission, transmitting notification of the Commission's determination to extend the time period for acting upon the appeal before the Commission in Finance Docket No. 30123, "Southern Pacific Transportation Company Discontinuance of Passenger Train Service in Ventura and Los Angeles Counties, CA," pursuant to 49 U.S.C. 10327(k)(2); to the Committee on Energy and Commerce.

73. A letter from the Secretary, Interstate Commerce Commission, transmitting notification of extraordinary extensions of deadlines in rail carrier proceedings, pursuant to 49 U.S.C. 10327(k)(2); to the Committee on Energy and Commerce.

74. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of the addition of six further countries to the Antiterrorism Assistance Program, pursuant to FAA, section 574(a)(1) (97 Stat. 972); to the Committee on Foreign Affairs.

75. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of the proposed approval of a manufacturing license agreement which involves the manufacture of significant combat equipment in India (Transmittal No. MC-35-84), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

76. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notice of intent to issue a commercial export license for the sale of certain major defense equipment, articles, and services to the Government of Canada (Transmittal No. MC-36-84), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

77. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notice of intent to issue a commercial export license for the sale of certain major defense equipment, articles, or services to the Government of Egypt (Transmittal No. MC-37-84), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

78. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notice of intent to consent to certain third-country transfers of defense equipment, articles, or services, the export of which has been licensed or approved under section 38 of AECA to the United Kingdom (Transmittal No. MC-4-85), pursuant to 22 U.S.C. 2753(d)(3), (AECA section 3(d)(3), 94 Stat. 3131; 95 Stat. 1519); to the Committee on Foreign Affairs.

79. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed manufacturing license and technical assistance agreement for the production of defense equipment in Japan (Transmittal No. MC-3-85), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

80. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export and assembly of significant combat equipment in the Republic of Venezuela, pursuant to 22 U.S.C. 2776(c); (AECA section 36(c) and 36(d)); to the Committee on Foreign Affairs.

81. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting information that a violation of use, safeguard, or transfer restrictions regarding defense articles may have occurred, pursuant to 22 U.S.C. 2753(c)(2); to the Committee on Foreign Affairs.

82. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of the addition of a country to the Anti-Terrorism Assistance Program, pursuant to FAA, section 574(a)(1) (97 Stat. 972); to the Committee on Foreign Affairs.

83. A letter from the Director, Defense Security Assistance Agency, transmitting the price and availability report for the quarter ending September 30, 1984, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

84. A letter from the Director, Defense Security Assistant Agency, transmitting notification of the Department of the Army's proposed lease of defense articles to Denmark (Transmittal No. 3-85), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

85. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed lease of defense articles to Netherlands (Transmittal No. 2-85), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

86. A letter from the Secretary of State, transmitting his determination that it is in the national interest to grant assistance to Costa Rica in fiscal year 1985 under the Foreign Assistance Act of 1961, pursuant to 33 U.S.C. 2370(q); to the Committee on Foreign Affairs.

87. A communication from the President of the United States, transmitting a report on the International Emergency Economic Powers Act with respect to Iran, pursuant to 50 U.S.C. 1703 (H. Doc. No. 99-1); to the Committee on Foreign Affairs and ordered to be printed.

88. A communication from the President of the United States, transmitting a bimonthly report on progress toward a negotiated solution of the Cyprus problem, pursuant to 22 U.S.C. 2373(c) (H. Doc. No. 99-7); to the Committee on Foreign Affairs and ordered to be printed.

89. A communication from the President of the United States, transmitting a notification of the continuation of the national emergency in Iran, pursuant to 50 U.S.C. 1622(d) (H. Doc. No. 99-8); to the Committee on Foreign Affairs and ordered to be printed.

90. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on commercial and governmental military exports, together with a list of all defense requirement surveys authorized for foreign countries during the preceding quarter, pursuant to AECA, section 36(a) (90 Stat. 740; 94 Stat. 3134) and section 26(b) (92 Stat. 740) (E.O. 11958); to the Committee on Foreign Affairs.

91. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a listing of outstanding and accepted letters of offer for defense equipment valued at $1,000,000 or more as of Septem-

ber 30, 1984, pursuant to AECA. section 36(a) (90 Stat. 740; 94 Stat. 3134) and section 26(b) (92 Stat. 740) (E.O. 11958); to the Committee on Foreign Affairs.

92. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

93. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

94. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

95. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

96. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

97. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting the fiscal year 1983 annual report on gifts given by the U.S. Government to foreign individuals, pursuant to Public Law 95-105, section 515(b)(2); to the Committee on Foreign Affairs.

98. A letter from the Associate Director, Bureau of Educational and Cultural Affairs, U.S. Information Agency, transmitting notification of his decision to grant a waiver of the limitation on foreign travel by a citizen who is financed by grants from the Private Sector Program, pursuant to 22 U.S.C. 2450 nt. (Public Law 98-164, section 207(a) (fiscal year 1984-85)); to the Committee on Foreign Affairs.

99. A letter from the Secretary of Agriculture, transmitting the semiannual report of the Inspector General from April 1, through September 30, 1984, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

100. A letter from the Acting Inspector General, General Services Administration, transmitting the semiannual report of the activities of the Inspector General, pursuant to Public Law 95-542, section 5(b); to the Committee on Government Operations.

101. A letter from the Secretary of Education, Transmitting the semiannual report on the activities of the Inspector General for the period ending September 30, 1984, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

102. A letter from the Inspector General, Department of Energy, transmitting the semiannual report on the activities of his Office, pursuant to Public Law 95-91, section 208(c); to the Committee on Government Operations.

103. A letter from the Inspector General, Department of Energy, transmitting the comments of the Secretary of Energy and the Federal Energy Regulatory Commission on the semiannual report of the Office of the Inspector General, pursuant to Public Law 95-91, section 208(c); to the Committee on Government Operations.

104. A letter from the Inspector General, Department of Health and Human Services, transmitting the semiannual report on the activities of his Office, pursuant to Public Law 94-505, section 204(a) (96 Stat. 1824); to the Committee on Government Operations.

105. A letter from the Secretary of Health and Human Services, transmitting the fiscal year 1984 report on the donation of personal property and disposal of real property to public health institutions, pursuant to the act of June 30, 1949, chapter 288, section 203(o) (90 Stat. 2454); to the Committee on Government Operations.

106. A letter from the Secretary of Housing and Urban Development, transmitting the semiannual report on the activities of the Inspector General for the period ending September 30, 1984, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

107. A letter from the Attorney General, Department of Justice, transmitting the Department's decision concerning the constitutionality of certain provisions of the Competition in Contracting Act of 1984, pursuant to Public Law 96-132, section 21; Public Law 98-411, section 203(a) (98 Stat. 1558); to the Committee on Government Operations.

108. A letter from the Under Secretary of Labor, transmitting the semiannual report of the Inspector General covering the period April 1, 1984, through September 30, 1984, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

109. A letter from the Secretary of Transportation, transmitting the semiannual report on the activities of the Inspector General for the period ending September 30, 1984, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

110. A letter from the Secretary of Transportation, transmitting a report on highway safety performance of each State, pursuant to Public Law 97-424, section 207; to the Committee on Public Works and Transportation.

111. A letter from the Comptroller General, General Accounting Office, transmitting a list of GAO reports that were issued or released in September 1984, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

112. A letter from the Comptroller General, General Accounting Office, transmitting the third biennial report on the transfer of excess and surplus federal personal property to nonfederal organizations (GAO/GGD-85-3, November 9, 1984), pursuant to 40 U.S.C. 483(c); to the Committee on Government Operations.

113. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued by GAO during October 1983, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

114. A letter from the Acting Administrator, General Services Administration, transmitting the fiscal year 1984 report on the disposal of surplus Federal real property for historic monument purposes, pursuant to the act of June 30, 1949, chapter 288, section 203(o) (90 Stat. 2454); to the Committee on Government Operations.

115. A letter from the Acting Administrator, General Services Administration, transmitting the semiannual report on the activities of the inspector general for the period ending September 30, 1984, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

116. A letter from the Acting Attorney General, Department of Justice, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

117. A letter from the Acting Attorney General, Department of Justice, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

118. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report on the activities of the inspector general for the period ending September 30, 1984, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

119. A letter from the Administrator, Agency for International Development, transmitting the semiannual report on the activities of the inspector general for the period ending September 30, 1984, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

120. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on the activities of the inspector general for the period ending September 30, 1984, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

121. A letter from the Administrator of Veterans' Affairs, Veterans' Administration, transmitting the semiannual report on the activities of the inspector general for the period ending September 30, 1984, pursuant to Public Law 95-452, Section 5(b); to the Committee on Government Operations.

122. A letter from the Administrator, Health Care Financing Administration, Department of Health and Human Services, transmitting notification of a proposed new system of records, pursuant to U.S.C. 552a(o); to the Committee on Government Operations.

123. A letter from the Administrator, Panama Canal Commission, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

124. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting notification of a proposed new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

125. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting a notice of any proposal for a new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

126. A letter from the Assistant Attorney General for Administration, U.S. Department of Justice, transmitting a notice of a proposal for new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

127. A letter from the Assistant Secretary for Health, Department of Health and Human Services, transmitting notification of a proposed altered system of records, pur-

suant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

128. A letter from the Assistant Secretary for Health, Department of Health and Human Services, transmitting a notice of a proposal for an altered Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

129. A letter from the Assistant Secretary for Health, Department of Health and Human Services, transmitting a notice of a proposal for new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

130. A letter from the Assistant Secretary for Science and Education, Department of Health and Human Services, transmitting the second progress report on the human nutrition research and information management [HNRIM] system; to the Committee on Government Operations.

131. A letter from the Associate Director, U.S. Information Agency, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

132. A letter from the Chairman, Federal Maritime Commission, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

133. A letter from the Chairman, Interstate Commerce Commission, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

134. A letter from the Chairman, National Credit Union Administration, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

135. A letter from the Chairman, Postal Rate Commission, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

136. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 United States Code 3512(c)(3); to the Committee on Government Operations.

137. A letter from the Deputy Administrator of Veterans' Affairs, Veterans' Administration, transmitting notification of a proposed new computer matching program, pursuant to 5 United States Code 552(a)(o); to the Committee on Government Operations.

138. A letter from the Deputy Assistant Secretary of Defense, transmitting notification of a proposed altered record system, pursuant to 5 United States Code 552a(o); to the Committee on Government Operations.

139. A letter from the Deputy Assistant Secretary of Defense, transmitting notification of a proposed new and altered systems of records submitted by the Department of the Air Force, pursuant to 5 United States Code 552a(o); to the Committee on Government Operations.

140. A letter from the Deputy Assistant Secretary of Defense, transmitting a notice of a proposal for a computer matching program, pursuant to 5 United States Code 552a(o); to the Committee on Government Operations.

141. A letter from the Deputy Secretary of Defense, transmitting the semiannual report on the activities of the inspector general for the period ending September 30, 1984, pursuant to Public Law 95-452, section 5(b) (96 Stat. 750); to the Committee on Government Operations.

142. A letter from the Director, National Science Foundation, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

143. A letter from the Director, Arms Control Disarmament Agency, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

144. A letter from the Director, ACTION, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

145. A letter from the Director, Federal Emergency Management Agency, transmitting notification of a proposed new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

146. A letter from the Director, Federal Emergency Management Agency, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

147. A letter from the Director, Peace Corps, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

148. A letter from the Director, Selective Service System, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

149. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting notification of proposed modifications of two existing systems of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

150. A letter from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

151. A letter from the Governor, Farm Credit Administration, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

152. A letter from the inspector general, Department of Health and Human Services, transmitting a summary of the Office of Inspector General long-range strategic plan for fiscal years 1985 and 1986; to the Committee on Government Operations.

153. A letter from the Secretary of Education, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

154. A letter from the Secretary of Education, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

155. A letter from the Executive Director, Board of International Broadcasting, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

156. A letter from the Secretary of State, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 552(c)(3); to the Committee on Government Operations.

157. A letter from the Secretary of State, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

158. A letter from the Secretary of Transportation, transmitting the 1983 report on the evaluation of the United States Coast Guard Military Retirement System, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

159. A letter from the Secretary of Transportation, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

160. A letter from the Secretary, The Commission of Fine Arts, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

161. A letter from the Special Counsel, Merit Systems Protection Board, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

162. A letter from the Under Secretary of Labor, transmitting notification of a proposed amendment of one of their systems of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

163. A letter from the Vice President, Director of Human Resources, Farm Credit Banks of Springfield, MA, transmitting a report on the retirement plan for the Farm Credit Banks of Springfield, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

164. A letter from the Librarian of Congress, transmitting a report of the activities of the Library of Congress for the fiscal year ending September 30, 1983, including the annual report of the Library of Congress Trust Fund Board, pursuant to 2 U.S.C. 139; 2 U.S.C. 163; to the Committee on House Administration.

165. A letter from the Librarian of Congress, transmitting a report entitled "Books in Our Future"; to the Committee on House Administration.

166. A letter from the Clerk, U.S. House of Representatives, transmitting his quarterly report of receipts and expenditures of appropriations and other funds for the period

July 1, 1984 to September 30, 1984, pursuant to 2 U.S.C. 104a (H. Doc. No. 99-4); to the Committee on House Administration and ordered to be printed.

167. A letter from the Clerk, U.S. House of Representatives, transmitting a list of reports which it is the duty of any officer or department to make to Congress, pursuant to rule III, clause 2, of the Rules of the House (H. Doc. No. 99-9); to the Committee on House Administration and ordered to be printed.

168. A letter from the Acting Assistant Secretary for Water and Science, Department of the Interior, transmitting notification of the proposed deferment of the 1983 and 1984 construction repayment due the United States from Almena Irrigation District No. 5, Pick-Sloan Missouri Basin Program, Kansas, pursuant to the act of August 4, 1939, chapter 418, section 17(b); to the Committee on Interior and Insular Affairs.

169. A letter from the Acting Assistant Secretary for Water and Science, Department of the Interior, transmitting notification of the proposed deferment of the 1983 and 1984 construction repayment due the United States from Cedar Bluff Irrigation District No. 6, Pick-Sloan Missouri Basin Program, Kansas, pursuant to the act of August 4, 1939, chapter 418, section 17(b); to the Committee on Interior and Insular Affairs.

170. A letter from the Acting Assistant Secretary for Water and Science, Department of the Interior, transmitting notification of the proposed deferment of the 1983 and 1984 construction repayment due the United States from Webster Irrigation District No. 4, Pick-Sloan Missouri Basin Program, Kansas, pursuant to the act of August 4, 1939, chapter 418, section 17(b); to the Committee on Interior and Insular Affairs.

171. A letter from the Acting Assistant Secretary for Water and Science, Department of the Interior, transmitting notification of the approval of a project under the Small Reclamation Projects Act, pursuant to the act of August 6, 1956, chapter 972, section 4(c) (71 Stat. 48); to the Committee on Interior and Insular Affairs.

172. A letter from the Acting Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the funds of the Walker River Paiute Tribe in docket 87-E before the U.S. Claims Court, pursuant to Public Law 93-134, sections 2(a) and 4; to the Committee on Interior and Insular Affairs.

173. A letter from the Acting Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the funds of the Pauma Band of Mission Indians in docket 80-A before U.S. Claims Court, pursuant to Public Law 93-134, sections 2(a) and 4; to the Committee on Interior and Insular Affairs.

174. A letter from the Acting Commissioner, Bureau of Reclamation, Department of the Interior, transmitting notification of the necessity to construct modifications to Newton Dam, Newton Project, Utah, pursuant to Public Law 95-578, section 5; to the Committee on Interior and Insular Affairs.

175. A letter from the Assistant Secretary for Water and Science, Department of the Interior, transmitting a project proposal received under the Small Reclamation Projects Act, pursuant to the act of August 6, 1956, chapter 972, section 10; to the Committee on Interior and Insular Affairs.

176. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to the act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

177. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to the act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

178. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting notification of a proposed refund of excess royalty payments in OCS areas, pursuant to the act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

179. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting a notification of a proposed refund of excess royalty payments in OCS areas, pursuant to the act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

180. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting a notification of a proposed refund of excess royalty payments in OCS areas, pursuant to the act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

181. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting a notification of a proposed refund of excess royalty payments in OCS areas, pursuant to the Act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

182. A letter from the Secretary of the Interior, transmitting the fourth annual report on the oil and gas leasing program for non-North Slope Federal Lands in Alaska, pursuant to Public Law 96-487, section 1008(b)(4); to the Committee on Interior and Insular Affairs.

183. A letter from the Secretary of the Interior, transmitting a revised report concerning helium gas conservation, production, purchase, and sale, pursuant to the act of March 3, 1925, chapter 426, section 16 (74 Stat. 923); to the Committee on Interior and Insular Affairs.

184. A letter from the Clerk, U.S. Claims Court, transmitting a certified copy of the court's judgment order, "*White Mountain Apache Tribe of Arizona* v. *United States*—No. 22-H"; to the Committee on Interior and Insular Affairs.

185. A letter from the Chief Justice, Supreme Court of the United States, transmitting the report of the Proceedings of the Judicial Conference of the United States, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

186. A letter from the Attorney General, Department of Justice, transmitting the 1983 annual report on the administration of the Foreign Agents Registration Act of 1938, as amended, pursuant to the act of June 8, 1938, Chapter 327, section 11 (56 Stat. 258); to the Committee on the Judiciary.

187. A letter from the Adjutant General, Military Order of the Purple Heart of the United States of America, transmitting a report and financial audit, pursuant to Public Law 88-504, section 3 (36 U.S.C. 1103); to the Committee on the Judiciary.

188. A letter from the Adjutant General, Veterans of Foreign Wars of the United States, transmitting a report and financial audit, pursuant to Public Law 88-504, section 3 (36 U.S.C. 1103); to the Committee on the Judiciary.

189. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting a report entitled "A Citizens Guide to Understanding the Voting Rights Act," pursuant to Public Law 98-183, section 5(c); to the Committee on the Judiciary.

190. A letter from the Corporation Agent, Legion of Valor of the United States of America, Inc., transmitting a report and financial audit, pursuant to Public Law 88-504, section 3 (36 U.S.C. 1103); to the Committee on the Judiciary.

191. A letter from the Secretary of Commerce, transmitting the biennial report on coastal zone management, pursuant to Public Law 89-454, section 316 (86 Stat. 1288, 90 Stat. 1091; 94 Stat. 2066); to the Committee on Merchant Marine and Fisheries.

192. A letter from the Secretary of the Interior, transmitting the 1983 annual report on the status of all marine mammal species and population stocks subject to the provisions of the Marine Mammal Protection Act of 1972, pursuant to Public Law 92-522, section 103(f); to the Committee on Merchant Marine and Fisheries.

193. A letter from the Acting Administrator, Panama Canal Commission, transmitting a copy of a claim from the owners of a vessel that was damaged in Canal waters outside the locks, pursuant to Public Law 96-70, section 1415(b); to the Committee on Merchant Marine and Fisheries.

194. A letter from the Acting Administrator, Panama Canal Commission, transmitting a report on claims from the owners of two vessels for damages that occurred in canal waters outside the locks, pursuant to Public Law 96-70, section 1415(b); to the Committee on Merchant Marine and Fisheries.

195. A letter from the Secretary of Transportation, transmitting a report on contracts negotiated under 10 U.S.C. 2304(a)(11) during the period April 1, 1984 through September 30, 1984; to the Committee on Merchant Marine and Fisheries.

196. A letter from the Assistant to the President for Management and Administration, transmitting reports on White House personnel, pursuant to 3 U.S.C. 113; to the Committee on Post Office and Civil Service.

197. A letter from the Assistant Secretary for Administration, Department of Agriculture, transmitting a report on professional and scientific positions established under 5 U.S.C. 3104 and 5 U.S.C. 5371, pursuant to 5 U.S.C. 3104(b); to the Committee on Post Office and Civil Service.

198. A letter from the Chairman, Merit Systems Protection Board, transmitting a report on the activities of the Board for calendar year 1983, pursuant to 5 U.S.C. 1209(b); to the Committee on Post Office and Civil Service.

199. A letter from the Director, Office of Personnel Management, transmitting a report on the effect which the maximum aggregate amount payable to a member of the Senior Executive Service in a fiscal year has had with respect to recruitment, retention, and morale, pursuant to 5 U.S.C. 5383 at (Public Law 98-168, section 301(a)); to the Committee on Post Office and Civil Service.

200. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 5, United States Code, to authorize payment of a predeparture allowance to an employee transferring to a foreign area from a U.S. territory or possession, the Commonwealth of Puerto Rico or locations in Panama made available to the United States under the Panama Canal Treaty of 1977 and related agreements; to the Committee on Post Office and Civil Service.

201. A letter from the special counsel, U.S. Merit Systems Protection Board, transmitting a report responding to allegations of gross waste of funds and mismanagement in connection with contracted radiological services at the Veterans' Administration Medical Center, Augusta, GA, pursuant to 5 U.S.C. 1206(b)(5)(A) (92 Stat. 1125); to the Committee on Post Office and Civil Service.

202. A letter from the special counsel, U.S. Merit Systems Protection Board, transmitting a report setting forth the findings and conclusions of the Secretary's investigation of allegations of improprieties in the procurement of nine motor whale boats from Bath Iron Works, Bath, ME, pursuant to 5 U.S.C. 1206(b)(5)(A) (92 Stat. 1125); to the Committee on Post Office and Civil Service.

203. A letter from the Chairman, National Research Council, National Academy of Sciences, transmitting a study of the benefits of the 55 m.p.h. national speed limit, pursuant to Public Law 97-424, section 204; to the Committee on Public Works and Transportation.

204. A letter from the Chairman, National Research Council, National Academy of Sciences, transmitting a study of citizens band radios on buses, pursuant to Public Law 97-261, section 25(b); to the Committee on Public Works and Transportation.

205. A letter from the Secretary of Energy, transmitting the sixth annual report on the Automotive Technology Development Program—fiscal year 1984, pursuant to Public Law 93-577, sections 15, 19(1), and 20 (92 Stat. 61, 69, 70 and 85); Public Law 95-238, section 310(a); to the Committee on Science and Technology.

206. A letter from the Executive Secretary, Department of Defense, transmitting the report on Department of Defense procurement from small and other business firms for October 1983 through July 1984, pursuant to SBA, section 10(d); to the Committee on Small Business.

207. A letter from the Executive Secretary, Department of Defense, transmitting a report on Department of Defense procurement from small and other business firms, pursuant to SBA, section 10(d); to the Committee on Small Business.

208. A letter from the Administrator, National Aeronautics and Space Administration, transmitting an annual report on the performance of industrial application centers, pursuant to SBA, section 21(f) (94 Stat. 843); to the Committee on Small Business.

209. A letter from the Administrator, Veterans' Administration, transmitting a report on the activities of the exchange of medical information program of the Veterans Administration for 1984, pursuant to 5057; to the Committee on Veterans' Affairs.

210. A letter from the Administrator, Veterans' Administration, transmitting a report on independent living services and assistance, pursuant to 38 U.S.C. 1520 (94 Stat. 2185); to the Committee on Veterans' Affairs.

211. A letter from the Deputy Administrator, Veterans' Administration, transmitting a report on sharing of medical facilities and exchange of medical information, pursuant to 38 U.S.C. 5057; to the Committee on Veterans' Affairs.

212. A letter from the Fiscal Assistant Secretary, Department of the Treasury transmitting the final monthly Treasury statement of receipts and outlays of the U.S. Government for fiscal year 1984, pursuant to 31 U.S.C. 331(c); to the Committee on Ways and Means.

213. A letter from the Deputy U.S. Trade Representative, Office of the U.S. Trade Representative, transmitting the biannual report on the operation and effect of the International Sugar Agreement, 1977, pursuant to Public Law 96-236, section 5; E.O. 12224; jointly, to the Committees on Agriculture and Ways and Means.

214. A letter from the Secretary of Commerce, transmitting a report on the funding obligations of the fishermen's guaranty fund, pursuant to Public Law 98-396, section 309; jointly, to the Committees on Appropriations and Merchant Marine and Fisheries.

215. A letter from the Principal Deputy Assistant Secretary of Defense (Comptroller), transmitting notification of the transfers of authorized and appropriated DOD funds, pursuant to Public Law 98-212, section 729 and Public Law 98-94, section 1201; jointly, to the Committees on Armed Services and Appropriations.

216. A letter from the Secretary of Energy, transmitting the second biennial report on implementation of the Alaska Federal-Civilian Energy Efficiency Swap Act of 1980, pursuant to Public Law 96-571, section 6(a); jointly to the Committees on Energy and Commerce and Interior and Insular Affairs.

217. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting a copy of the Commission's fiscal year 1986 budget request, pursuant to Public Law 92-573, section 27(k)(1); jointly to the Committees on Energy and Commerce and Appropriations.

218. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on abnormal occurrences at or associated with any facility licensed or regulated under the Atomic Energy Act of 1954 or the Energy Reorganization Act of 1974, covering the second calendar quarter of 1984, together with information updating some previously reported abnormal occurrences, pursuant to Public Law 93-438, section 208; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

219. A letter from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting a report on the status of the Alaska Natural Gas Transportation System, pursuant to Public Law 94-586, section 7(a)(5)(E); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

220. A letter from the Acting Assistant Secretary, Legislative and Intergovernmental Affairs, Department of State, transmitting a report on the allocation funds for the fiscal year 1985 International Military Education and Training, Military Assistance, Foreign Military Sales Financing, and Peacekeeping Operations Programs, pursuant to 22 U.S.C. 2413(a); jointly, to the Committees on Foreign Affairs and Appropriations.

221. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting a report determining that the furnishing of direct assistance to Mozambique would further the foreign policy interests of the United States, pursuant to Public Law 97-121, section 512 (95 Stat. 1655); Public Law 98-151, section 101(b)(1) (97 Stat. 964); jointly, to the Committees on Foreign Affairs and Appropriations.

222. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting a report of the funds appropriated by the Foreign Assistance and Related Programs Act, pursuant to 22 U.S.C. 2413(a); jointly, to the Committees on Foreign Affairs and Appropriations.

223. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report covering certain properties to be transferred to the Republic of Panama in accordance with the Panama Canal Treaty of 1977, pursuant to 22 U.S.C. 3784(b); jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

224. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report designating Kampala, Uganda as a danger pay post, pursuant to 5 U.S.C. 5928 (97 Stat. 1028); jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

225. A letter from the Comptroller General of the United States, transmitting the sixth annual report on GAO's review and evaluation of methodology used by the Department of the Interior in allowing oil and gas wells on the Outer Continental Shelf to be shut-in or to flare natural gas, pursuant to 43 U.S.C. 1861(b); jointly, to the Committees on Government Operations and Interior and Insular Affairs.

226. A letter from the Comptroller General of the United States, transmitting a report entitled, "Examination of the Rural Telephone Bank's Financial Statements for the Year ended September 30, 1983," (GAO/AFMD-84-72, Sept. 28, 1984), pursuant to 31 U.S.C. 9106(a); jointly, to the Committees on Government Operations and Agriculture.

227. A letter from the Comptroller General of the United States, transmitting the first of several reports on the net worth certificate assistance programs, pursuant to Public Law 97-320, section 205; jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

228. A letter from the Comptroller General of the United States, transmitting a report entitled "Better Management of Information Resources At The Bureau of Indian Affairs Could Reduce Waste and Improve Productivity" (GAO/IMTEC-85-1, Dec. 21, 1984); jointly, to the Committees on Government Operations and Interior and Insular Affairs.

229. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report of the nondisclosure of safeguards information, pursuant to AEA, section 147e. (94 Stat. 788); jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

230. A letter from the Comptroller General of the United States, transmitting a report entitled "U.S. Sweetener/Sugar Issues and Concerns" (GAO/RCED-85-19, Nov. 15, 1984); jointly, to the Committees on Government Operations, Agriculture, and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ:

H.R. 1. A bill to amend and extend certain laws relating to housing, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MINETA (for himself and Mr. GEPHARDT):

H.R. 2. A bill to require reauthorizations of budget authority for Government programs at least every 10 years, to provide for review of Government programs at least every ten years, and for other purposes; jointly, to the Committees on Rules and Government Operations.

By Mr. JONES of Oklahoma:

H.R. 3. A bill to require that the President transmit to the Congress, and that the congressional Budget Committee report, a balanced budget for each fiscal year; jointly, to the Committees on Government Operations and Rules.

By Mr. BIAGGI (for himself and Mr. HUGHES):

H.R. 4. A bill to amend chapter 44, of title 18, United States Code, to regulate the manufacture, importation, and sale of armor-piercing ammunition, and for other purposes; to the Committee on the Judiciary.

By Mr. JONES of North Carolina:

H.R. 5. A bill to establish an Ocean and Coastal Resources Management and Development Fund from which coastal States shall receive block grants; to the Committee on Merchant Marine and Fisheries.

By Mr. HOWARD (for himself, Mr. ROE, Mr. SNYDER, Mr. STANGELAND, and Mr. ANDERSON):

H.R. 6. A bill to provide for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure; to the Committee on Public Works and Transportation.

By Mr. HAWKINS:

H.R. 7. A bill to extend and improve the National School Lunch Act and the Child Nutrition Act of 1966; to the Committee on Education and Labor.

By Mr. HOWARD (for himself, Mr. ANDERSON, Mr. ROE, Mr. SNYDER, and Mr. STANGELAND):

H.R. 8. A bill to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. DYSON:

H.R. 9. A bill to amend the Federal Water Pollution Control Act to provide for the enhanced water quality of the Chesapeake and Narragansett Bays, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. OBERSTAR (for himself and Mr. CLINGER):

H.R. 10. A bill to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; jointly, to the Committees on Public Works and Transportation, and Banking, Finance and Urban Affairs.

By Mr. LATTA:

H.R. 11. A bill to amend the Internal Revenue Code of 1954 to provide that one-half of the amounts paid by a self-employed taxpayer for his or her health insurance premiums will be allowed as a business deduction; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 12. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies and that such benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of the recipient's death; to the Committee on Ways and Means.

By Mr. BROOKS (for himself, Mr. COELHO, Mr. CONTE, Mr. DINGELL, Mr. FISH, Mr. MICHEL, Mr. VOLKMER, Mr. WRIGHT, Mr. CRAIG, and Mr. LOTT):

H.R. 13. A bill to amend chapter 44 of title 18, United States Code, to regulate the manufacture and importation of armor-piercing ammunition; to the Committee on the Judiciary.

By Mr. NATCHER (for himself, Mr. SNYDER, Mr. MAZZOLI, Mr. HUBBARD, Mr. HOPKINS, and Mr. ROGERS):

H.R. 14. A bill to designate the Federal Building and United States Courthouse in Ashland, Kentucky, as the "Carl D. Perkins Federal Building and United States Courthouse;" to the Committee on Public Works and Transportation.

By Mr. WYLIE:

H.R. 15. A bill to provide for the safe and sound operations of depository institutions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DINGELL:

H.R. 16. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WYLIE:

H.R. 17. A bill to amend the Congressional Budget Act of 1974 and the Budget and Accounting Act, 1921, to provide that Federal expenditures shall not exceed Federal revenues, except in time of war or economic necessity declared by the Congress; jointly, to the Committee on Rules and Government Operations.

By Mr. BENNETT (for himself, Mr. WEAVER, Mr. FOGLIETTA, Mr. OWENS, and Mr. FLORIO):

H.R. 18. A bill to amend the Internal Revenue Code of 1954 to impose a minimum tax on individuals and corporations; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 19. A bill to amend section 553 of title 5, United States Code, with respect to procedures for agency rulemaking and to establish an Office of Regulatory Policy and Coordination; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 20. A bill to amend the definition of a bank for puposes of the Bank Holding Company Act of 1956; to the Committee on Banking, Finance and Urban Affairs.

By Mr. STARK (for himself and Mr. CLAY):

H.R. 21. A bill to amend the Internal Revenue Code of 1954 and the Employee Retirement Income Security Act of 1974 to require continuation coverage under group health plans for certain spouses, former spouses, and dependent children of employees insured under such plans, and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. DAUB:

H.R. 22. A bill to amend the Internal Revenue Code of 1954 to increase to $2,500 the maximum deduction for contributions to retirement savings and to allow individuals to compute the amount of the deduction for payments into retirement savings on the basis of the compensation of their spouses; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 23. A bill to permit certain Cuban and Haitian nationals to adjust their immigration status to that of permanent resident aliens; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.R. 24. A bill to amend the Truth in Lending Act to impose a permanent ban on credit card surcharges; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BENNETT (for himself and Mr. WRIGHT):

H.R. 25. A bill entitled, the "Abandoned Shipwreck Act of 1985"; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. DURBIN (for himself, Mr. BOEHLERT, Ms. OAKAR, Mr. DWYER of New Jersey, Mr. GEPHARDT, Mr. OBERSTAR, Mr. MACKAY, Mr. LELAND, Mr. STOKES, Mrs. SCHNEIDER, Mr. PENNY, Mr. BORSKI, Mr. WEISS, Mr. WOLPE, Mr. NOWAK, Mrs. COLLINS, Mr. MCKINNEY, Mr. VENTO, Mr. RINALDO, Mr. GARCIA, Mr. BATES, Ms. SNOWE, Ms. KAPTUR, Mr. MOODY, Mr. EVANS of Illinois, Mr. CLINGER, Mr. WORTLEY, Mr. MCKERNAN, Mr. DONNELLY, Mr. ADDABBO, Mr. KOLTER, Mr. MAVROULES, Mrs. MARTIN of Illinois, Mr. TOWNS, Mr. WEAVER, Mr. KOSTMAYER, Mr. CONTE, Mr. VOLKMER, Mr. GINGRICH, Mr. EDGAR, Mr. GEJDENSON, and Mr. JEFFORDS):

H.R. 26. A bill to establish a system of individual training accounts in the Unemployment Trust Fund to provide for training and relocating unemployed individuals, to amend the Internal Revenue Code of 1954 to provide that certain contributions to such accounts shall be deductible from gross income, and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

By Ms. OAKAR:

H.R. 27. A bill to promote pay equity and to eliminate certain discriminatory wage-setting practices within the Federal civil service; to the Committee on Post Office and Civil Service.

By Mr. ROTH:

H.R. 28. A bill to reauthorize the Export Administration Act of 1979, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SMITH of Iowa (for himself, Mr. BEDELL, Mr. LEACH of Iowa, Mr. TAUKE, and Mr. EVANS of Iowa):

H.R. 29. A bill to amend the Clayton Act to allow sellers of agricultural products to bring antitrust actions; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 30. A bill to amend the Immigration and Nationality Act to revise and reform the immigration laws, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Iowa (for himself, Mr. JONES of Tennessee, and Mrs. SMITH of Nebraska):

H.R. 31. A bill to clarify the establishment of Farmers Home Administration interest rates on housing, farm, water and waste disposal, and community facility loans; to the Committee on Agriculture.

By Mr. HAWKINS:

H.R. 32. A bill to extend the authorization for the Minority Institutions Science Improvement Program; to the Committee on Education and Labor.

By Mr. BIAGGI (for himself, Mr. ANDERSON, Mrs. BOGGS, Ms. MIKULSKI, and Mr. FOGLIETTA):

H.R. 33. A bill to stimulate innovation, increase productivity, and improve the competitiveness of the maritime industry in the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. WIRTH:

H.R. 34. A bill to designate certain additional lands in the State of Colorado as components of the National Wilderness Preservation System; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. KASTENMEIER:

H.R. 35. A bill to establish a Temporary National Commission on Economic Concentration; to the Committee on the Judiciary.

By Mr. KASTENMEIR (for himself and Mr. KILDEE):

H.R. 36. A bill to prohibit the production of lethal binary chemical munitions by the United States and to call on the President to enter into immediate negotiations with the Soviet Union for a mutual, verifiable ban on the production and stockpiling of chemical weapons; to the Committee on Foreign Affairs.

By Mr. SEIBERLING (for himself, Mr. BEREUTER, Mr. BOLAND, Mrs. BURTON of California, Mr. DE LUGO, Mr. EDWARDS of California, Mr. FRANK, Mr. GEJDENSON, Mr. GREEN, Mrs. KENNELLY, Mr. LELAND, Mr. LEVINE of California, Mr. LEHMAN of California, Mr. MORRISON of Connecticut, Mr. OWENS, Mr. SCHEUER, Mr. SCHUMER, Mr. SOLARZ, Mr. UDALL, Mr. VENTO, Mr. BEILENSON, and Mr. NOWAK):

H.R. 37. A bill to identify, commemorate, and preserve the legacy of historic landscapes of Frederick Law Olmsted, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. McDADE:

H.R. 38. A bill entitled the "Enterprise Zone Employment and Development Act of 1985;" jointly, to the Committees on Ways and Means; Judiciary; and Banking, Finance and Urban Affairs.

By Mr. BROOKS:

H.R. 39. A bill relating to the administration of polygraph examinations and prepublication review requirements by Federal agencies; to the Committee on Post Office and Civil Service.

By Mr. BENNETT (for himself and Mr. MONTGOMERY):

H.R. 40. A bill to amend title 10, United States Code, to establish a program to provide high school graduates with technical training in skills needed by the Armed Forces in return for a commitment for enlisted service in the Armed Forces; to the Committee on Armed Services.

By Mr. BENNETT:

H.R. 41. A bill to authorize the furnishing of food and related assistance for people suffering from the famine in Africa; to the Committee on Foreign Affairs.

By Mr. MATSUI:

H.R. 42. A bill to amend the Internal Revenue Code of 1954 relating to certain investments treated as distributions; to the Committee on Ways and Means.

By Ms. OAKAR:

H.R. 43. A bill to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act; to the Committee on Post Office and Civil Service.

By Mr. SHELBY (for himself, Mr. PASHAYAN, Mr. COELHO, Mr. MOORHEAD, Mr. BEVILL, Mr. KEMP, Mr. ANDERSON, Mr. ANTHONY, Mr. BADHAM, Mr. BENNETT, Mr. BLILEY, Mr. BOEHLERT, Mr. BOSCO, Mrs. BYRON, Mr. CAMPBELL, Mr. CARNEY, Mr. CHANDLER, Mr. CHAPPELL, Mr. DAVIS, Mr. DIXON, Mr. DREIER of California, Mr. DYMALLY, Mr. ERDREICH, Mr. FAZIO, Mr. FLIPPO, Mr. FRENZEL, Mr. GUNDERSON, Mrs. HOLT, Mr. HORTON, Mr. HUTTO, Mr. IRELAND, Mr. KLECZKA, Mr. LAGOMARSINO, Mr. LENT, Mr. LOWERY of California, Mr. LUKEN, Mr. MARLENEE, Mr. MAVROULES, Mr. MCGRATH, Mr. MOODY, Mr. NICHOLS, Mr. NIELSON of Utah, Mr. PACKARD, Mr. PEPPER, Mr. PETRI, Mr. RAHALL, Mr. ROYBAL, Mr. RUDD, Mrs. SCHNEIDER, Mr. SENSENBRENNER, Mr. STANGELAND, Mr. DENNY SMITH, Mr. TAUKE, Mr. TAUZIN, Mr. TORRES, Mr. TRAXLER, Mr. WHITEHURST, Mr. WORTLEY, and Mr. ZSCHAU):

H.R. 44. A bill to amend the Federal Power Act to provide for more protection to electric consumers; to the Committee on Energy and Commerce.

By Mr. BIAGGI (for himself, Mr. JONES of North Carolina, Mr. ANDERSON, Mrs. BOGGS, and Mr. FOGLIETTA):

H.R. 45. A bill to establish a national policy on the operation, maintenance, and improvement of deep-draft commercial ports; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. MATSUI (for himself, Mr. WHITEHURST, Mr. BATEMAN, Mr. FAZIO, and Mr. SISISKY):

H.R. 46. A bill to amend the Internal Revenue Code of 1954 to establish a nationally uniform deep-draft vessel tax for the purpose of financing operations and maintenance of deep-draft commercial channels and harbors; to fund a percentage of new channel improvements; and to provide an expedited procedure for the permitting of navigation improvement projects and related landside facilities in deep-draft ports, and for other purposes; jointly, to the Committees on Public Works and Transportation and Ways and Means.

By Mr. Annunzio:

H.R. 47. A bill to provide for the minting of coins in commemoration of the centennial of the Statue of Liberty; to the Committee on Banking, Finance and Urban Affairs.

H.R. 48. A bill to affirm the authority of the Congress to approve the design of currency; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. COLLINS:

H.R. 49. A bill to provide for the establishment and operation of a national lottery and a savings bond program to assist in financing Medicare, education, and child welfare programs; jointly, to the Committees on Ways and Means, Energy and Commerce, and Education and Labor.

By Ms. MIKULSKI (for herself, Mr. MITCHELL, Mrs. HOLT, Mr. BARNES, Mrs. BYRON, Mr. DYSON, Mr. HOYER, and Mrs. BENTLEY):

H.R. 50. A bill to establish Federal cost-sharing guidelines for certain port projects, and for other purposes; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. PRICE:

H.R. 51. A bill to amend the Price-Anderson Act, section 170 of the Atomic Energy Act of 1954, as amended; to the Committee on Interior and Insular Affairs.

By Mr. BARNARD:

H.R. 52. A bill to authorize interstate banking among certain States; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BEDELL:

H.R. 53. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products containing imported meat be labeled imported, and to require that certain eating establishments serving imported meat inform customers of that fact; to the Committee on Agriculture.

H.R. 54. A bill to require the Federal Crop Insurance Corporation to offer prevented planting insurance; to the Committee on Agriculture.

By Mr. DAUB (for himself, Mrs. SMITH of Nebraska, and Mr. BEREUTER):

H.R. 55. A bill to amend the Small Business Investment Act of 1958 to provide the benefits available to companies complying with section 301(d) of such act (MESBIC's) to companies assisting farmers and agricultural-related businesses; to the Committee on Small Business.

By Mr. ALEXANDER:

H.R. 56. A bill to amend the Internal Revenue Code of 1954 to eliminate the double tax on dividends, to allocate corporate income tax revenues for payments to qualified registered voters, and for other purposes; to the Committee on Ways and Means.

By Mr. WEISS:

H.R. 57. A bill to amend title II of the Social Security Act to restore child's insurance benefits for postsecondary school students; to the Committee on Ways and Means.

H.R. 58. A bill to amend title II of the Social Security Act to restore the pre-1981 provisions for determining the order of payment of lump-sum death benefits; to the Committee on Ways and Means.

H.R. 59. A bill to amend title II of the Social Security Act to restore from age 16 to age 18 the age of a child at which certain benefits under such title are terminated; to the Committee on Ways and Means.

By Mr. BEDELL:

H.R. 60. A bill to amend the Small Reclamation Project Act of 1956, as amended, to require the Secretary of the Interior to charge interest on loans used to furnish water to irrigate surplus crops; to the Committee on Interior and Insular Affairs.

H.R. 61. A bill to authorize the imposition of additional duties on swine and pork products of Canadian origin in order to offset competitive advantages resulting from any government subsidy that may be provided to Canadian swine producers; to the Committee on Ways and Means.

By Mr. BILIRAKIS:

H.R. 62. A bill to provide benefits under the Survivor Benefit Plan to surviving spouses of certain members of the Armed Forces retired before September 21, 1972; to the Committee on Armed Services.

H.R. 63. A bill to amend section 312 of the Immigration and Nationality Act to provide for the exemption of the Government knowledge requirement for naturalization of persons over 50 years of age who have been lawful permanent residents in the United States for at least 20 years; to the Committee on the Judiciary.

H.R. 64. A bill to amend the Internal Revenue Code of 1954 to allow employers a tax credit for hiring displaced homemakers; to the Committee on Ways and Means.

H.R. 65. A bill to amend title II of the Social Security Act to provide increases in primary insurance amounts to account for depressed replacement rates; to the Committee on Ways and Means.

By Mr. BILIRAKIS (for himself and Mr. ROYBAL):

H.R. 66. A bill to promote the establishment of family support groups for families of victims of Alzheimer's disease or a related memory disorder; to the Committee on Energy and Commerce.

H.R. 67. A bill to provide for medicare demonstration projects for alternative medicare benefits for individuals with Alzheimer's disease or a related memory disorder; jointly, to the Committees on Ways and Means and Energy and Commerce.

Mr. CLAY:

H.R. 68. A bill to amend title 5, United States Code, to restore to Federal civilian employees their rights to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CRANE:

H.R. 69. A bill to provide that all Federal Reserve notes and other currencies of the United States shall be redeemable in gold; to the Committee on Banking, Finance and Urban Affairs.

H.R. 70. A bill to authorize and direct the General Accounting Office to audit the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, and Federal Reserve banks and their branches; to the Committee on Banking, Finance and Urban Affairs.

H.R. 71. A bill to provide for the minting of American Gold Eagle coins pursuant to article 1, section 8 of the Constitution of the United States; to the Committee on Banking, Finance and Urban Affairs.

H.R. 72. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Education and Labor.

H.R. 73. A bill to repeal the Davis-Bacon Act, and for other purposes; to the Committee on Education and Labor.

H.R. 74. A bill to provide for the confidentiality of medical and dental records of patients not receiving assistance from the Federal Government, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CRANE:

H.R. 75. A bill to provide for mandatory reciprocity in the granting of privileges and immunities to the diplomatic missions of Communist regimes; to the Committee on Foreign Affairs.

H.R. 76. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

H.R. 77. A bill to authorize the National Committee of American Airmen Rescued by General Mihailovich to establish a monument to Gen. Draza Mihailovich in Washington, DC, or its environs, in recognition of the role he played in saving the lives of more than 500 U.S. airmen in Yugoslavia during World War II; to the Committee on House Administration.

H.R. 78. A bill to remove statutory limitations upon the application of the Sherman Act to labor organizations and their activities, and for other purposes; to the Committee on the Judiciary.

H.R. 79. A bill to amend title 28 of the United States Code to allow voluntary school prayer; to the Committee on the Judiciary.

H.R. 80. A bill to limit the jurisdiction of the Supreme Court and of the district courts in certain cases; to the Committee on the Judiciary.

H.R. 81. A bill to limit the jurisdiction of the Supreme Court and the district courts in certain cases; to the Committee on the Judiciary.

H.R. 82. A bill to amend title 5 of the United States Code to provide that a rule promulgated by a Federal agency may not become final unless such agency submits such rule and an economic impact statement with respect to such rule to the Congress and the Congress approves such rule and statement, and for other purposes; to the Committee on the Judiciary.

H.R. 83. A bill to amend section 1951 of title 18 of the United States Code, and for other purposes; to the Committee on the Judiciary.

H.R. 84. A bill to provide for annual observances of certain legal public holidays on their traditional dates; to the Committee on Post Office and Civil Service.

By Mr. MONTGOMERY (for himself and Mr. HAMMERSCHMIDT) (by request):

H.R. 85. A bill to amend title 38, United States Code, to revise the formula for the payment of dependency and indemnity compensation [DIC] to the surviving spouses of veterans who die on active duty or from service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. CRANE:

H.R. 86. A bill to amend title 39, United States Code, to eliminate certain provisions relating to private carriage of letters, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 87. A bill to amend the Metric Conversion Act of 1975 to provide that the functions of the Federal Government with respect to the metric system shall be limited to coordinating the conversion to such system in areas or industries which desire it, and keeping the public informed thereon, without encouraging in any way the adoption or use of such system; to the Committee on Science and Technology.

H.R. 88. A bill to repeal the windfall profit tax on domestic crude oil; to the Committee on Ways and Means.

H.R. 89. A bill to amend the Internal Revenue Code of 1954 to provide that under certain circumstances married individuals shall be taxed as though they file a single joint return, although one or both spouses file a separate return; to the Committee on Ways and Means.

H.R. 90. A bill to amend title II of the Social Security Act to make it clear that States and local governments may not tax Social Security benefits; to the Committee on Ways and Means.

H.R. 91. A bill to amend the Internal Revenue Code of 1954 to allow certain married individuals who file separate returns to be taxed as unmarried individuals; to the Committee on Ways and Means.

H.R. 92. A bill to amend the Internal Revenue Code of 1954 to clarify the standards used for determining whether individuals are self-employed for purposes of the employment taxes; to the Committee on Ways and Means.

H.R. 93. A bill to amend the Internal Revenue Code of 1954 to repeal the estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Ways and Means.

H.R. 94. A bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizers; to the Committee on Ways and Means.

H.R. 95. A bill to amend the Internal Revenue Code of 1954 to exclude tips from gross income; to the Committee on Ways and Means.

H.R. 96. A bill to amend the Internal Revenue Code of 1954 to provide a Federal income tax credit for tuition; to the Committee on Ways and Means.

H.R. 97. A bill to amend the Trade Act of 1974 and the Export-Import Bank Act of 1945 to prohibit extensions of credit, credit guarantees, investment guarantees, or grants by any agency of the U.S. Government to any Communist country; jointly, to the Committees on Banking, Finance and Urban Affairs, and Ways and Means.

H.R. 98. A bill to establish "National Tax Liberation Day" as a legal public holiday; jointly, to the Committees on Post Office and Civil Service, and Ways and Means.

By Mr. SEIBERLING (for himself, Mr. ACKERMAN, Mr. ADDABBO, Mr. APPLEGATE, Mr. BEDELL, Mr. BEILENSON, Mr. BEREUTER, Mr. BONER of Tennessee, Mr. BOSCO, Mr. BOUCHER, Mrs. BOXER, Mr. BROOKS, Mr. BROWN of California, Mrs. BURTON of California, Mr. ANTHONY, Mrs. BYRON, Mr. CLINGER, Mrs. COLLINS, Mr. CONTE, Mr. COYNE, Mr. CROCKETT, Mr. DELLUMS, Mr. DE LUGO, Mr. DIXON, Mr. DOWNEY of New York, Mr. ECKART of Ohio, Mr. EDGAR, Mr. EDWARDS of California, Mr. FAZIO, Mr. FEIGHAN, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. FRANK, Mr. GEJDENSON, Mr. GINGRICH, Mr. HAWKINS, Mr. JEFFORDS, Ms. KAPTUR, Mr. KASTENMEIER, Mrs. KENNELLY, Mr. KILDEE, Mr. KOSTMAYER, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVINE of California, Mr. LUJAN, Mr. LUNDINE, Mr. MCHUGH, Mr. MCKINNEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MOAKLEY, Mr. MORRISON of Connecticut, Mr. MURPHY, Mr. NATCHER, Ms. OAKAR, Mr. OWENS, Mr. PANETTA, Mr. PEASE, Mr. PERKINS, Mr. RODINO, Mr. ROE, Mr. ROTH, Mr. ROYBAL, Mr. SCHEUER, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SMITH of Florida, Ms. SNOWE, Mr. SOLARZ, Mr. STOKES, Mr. TORRICELLI, Mr. TRAXLER, Mr. UDALL, Mr. VENTO, Mr. WALGREN, Mr. WEAVER, Mr. WILLIAMS, Mr. WORTLEY, Mr. VOLKMER, Mr. MAZZOLI, Mr. STARK, and Mr. OBERSTAR):

H.R. 99. A bill to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands, and for other purposes; jointly, to the Committees on Education and Labor, and Interior and Insular Affairs.

By Mr. WEISS (for himself, Mr. WOLPE, Mr. LELAND, Mr. FAUNTROY, Mr. RANGEL, Mr. NOWAK, Mr. MATSUI, Mr. PEPPER, Ms. MIKULSKI, Mr. OWENS, Mr. KASTENMEIER, Mr. BERMAN, Mr. RODINO, Mr. FRANK, Mr. WILLIAMS, Mr. CROCKETT, Mr. MRAZEK, Mr. BONKER, Mrs. COLLINS, Mr. HAYES, Mr. LEVIN of Michigan, Mr. WIRTH, Mr. FORD of Tennessee, Mr. GARCIA, Mr. STARK, Mr. SAVAGE, Mr. KOSTMAYER, Mr. SCHUMER, Mr. LOWRY of Washington, Mr. MOAKLEY, Mr. STUDDS, Mr. DELLUMS, Mr. ROE, Mrs. BOGGS, Mr. BARNES, Mr. DURBIN, Mr. VENTO, Mr. MOODY, Mr.

ADDABBO, Mr. MCKINNEY, Mr. ACKERMAN, Mr. YOUNG of Missouri, Mr. FEIGHAN, Mr. SEIBERLING, Mr. HOYER, Mr. LEVINE of California, Mr. FLORIO, Mr. WAXMAN, Mrs. SCHNEIDER, Mr. KILDEE, Mr. MINETA, Mr. DORGAN of North Dakota, Mr. TOWNS, Mr. DWYER of New Jersey, Mr. MITCHELL, Mr. LUKEN, Mrs. BURTON of California. Mr. DIXON, Mr. MORRISON of Connecticut, Mr. BATES, Mr. HALL of Ohio, Mr. EDGAR, Mr. SWIFT, Mr. OBERSTAR, Mr. FAZIO, and Ms. KAPTUR):

H.R. 100. A bill to make available supplemental assistance for famine relief and recovery in Africa; jointly, to the Committees on Foreign Affairs and Appropriations.

By Mr. DE LUGO:

H.R. 101. A bill to authorize the people of the U.S. Virgin Islands to excercise the power of initiative, referendum and recall; to the Committee on Interior and Insular Affairs.

By Mr. DOWDY of Mississippi:

H.R. 102. A bill to authorize construction of a dam on the Pearl River in the vicinity of Shoccoe, MS, for the purpose of providing flood control for Jackson, Columbia, Monticello, Georgetown, and points downstream from Jackson, MS in the Pearl River Basin; to the Committee on Public Works and Transportation.

By Mr. EMERSON:

H.R. 103. A bill to require the Secretary of the Interior to permit trapping in the Ozark National Scenic Riverways area; to the Committee on Interior and Insular Affairs.

By Mr. FAUNTROY:

H.R. 104. A bill to amend the District of Columbia Stadium Act of 1957 to direct the Secretary of the Interior to convey to the government of the District of Columbia all right, title, and interest to the Robert F. Kennedy Memorial Stadium vested in the United States; to the Committee on the District of Columbia.

By Mr. FOGLIETTA:

H.R. 105. A bill to provide for the inclusion of the Washington Square area within Independence National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 106. A bill to designate September 17, 1987, the bicentennial of the signing of the Constitution of the United States, as "Constitution Day," and to make such day a legal public holiday; to the Committee on Post Office and Civil Service.

By Mr. GARCIA (for himself, Mr. SCHUMER, and Mr. BARNARD):

H.R. 107. A bill to limit the amount of short-term broker deposits which may be accepted by any insured depository institution; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GILMAN:

H.R. 108. A bill to prohibit the acquisition of certain lands in the Upper Delaware River without express prior Congressional authorization; to the Committee on Interior and Insular Affairs.

By Mr. GILMAN (for himself, Mr. FISH, Mr. BIAGGI, and Mr. DIO-GUARDI):

H.R. 109. A bill to authorize Federal financial assistance to the government of Rockland County, New York, for all reasonable expenses incurred in connection with the Brinks robbery trial; to the Committee on the Judiciary.

By Mr. GILMAN (for himself, Ms. SNOWE, Mr. FISH, Mr. WORTLEY, and Mr. CARNEY):

H.R. 110. A bill to provide equitable treatment for certain fresh vegetables produced in the United States; to the Committee on Ways and Means.

By Mr. GUNDERSON:

H.R. 111. A bill to amend the Agricultural Act of 1949 and the Dairy Stabilization Act of 1983 to provide for a 6-month extension of the milk diversion program from April 1, 1985, to September 30, 1985, and for other purposes; to the Committee on Agriculture.

By Mr. IRELAND (for himself, and Mr. BEDELL):

H.R. 112. A bill entitled: "The Abraham Lincoln Act Amendments of 1985;" to the Committee on the Judiciary.

By Mr. IRELAND (for himself, and Mr. LEWIS of Florida):

H.R. 113. A bill to amend the Small Business Act to provide financial assistance to small businesses affected by the outbreak of citrus canker in Florida; to the Committee on Small Business.

By Mr. JACOBS:

H.R. 114. A bill to require that $50 bills bear a portrait of Georgia Neese Clark Gray, the first woman to serve as Treasurer of the United States; to the Committee on Banking, Finance and Urban Affairs.

H.R. 115. A bill to amend the Federal Reserve Act to prohibit any officer or employee of the United States from purchasing the currency of certain foreign governments; to the Committee on Banking, Finance and Urban Affairs.

H.R. 116. A bill to amend the Federal Reserve Act to prohibit Federal Reserve banks from purchasing certain obligations of foreign governments; to the Committee on Banking, Finance and Urban Affairs.

H.R. 117. A bill to amend the Motor Vehicle Information and Cost Savings Act to require Environmental Protection Agency automobile fuel economy tests to be based upon actual road conditions; to the Committee on Energy and Commerce.

H.R. 118. A bill to amend section 1105 of title 31, United States Code, to require that the budget message be printed in red ink if estimated expenditures exceed estimated receipts; to the Committee on Government Operations.

H.R. 119. A bill entitled the "Former Presidential Enough Is Enough and Taxpayers Relief Act of 1985;" to the Committee on Government Operations.

H.R. 120. A bill to amend the Office of Federal Procurement Policy Act to require the Administrator for Federal Procurement Policy to establish procedures to insure that property and services are not procured from persons recommending such procurement in reports or studies funded by the Federal Government; to the Committee on Government Operations.

H.R. 121. A bill to limit the amount of official funds available to a Member of Congress for the purchase of postage stamps to $100 for each calendar year; to the Committee on House Administration.

H.R. 122. A bill to amend the Federal Election Campaign Act of 1971 to provide for public financing of advertising and related expenses in campaigns for the House of Representatives and to prohibit contributions by multicandidate political committees to candidates who accept such financing; to the Committee on House Administration.

H.R. 123. A bill to amend the Federal Election Campaign Act of 1971 to disallow the personal use of amounts received as contributions; to the Committee on House Administration.

H.R. 124. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to require as a condition of receiving certain assistance under such act that law enforcement agencies have in effect a binding law enforcement officer's bill of rights; to the Committee on the Judiciary.

H.R. 125. A bill to establish the Federal right of every unemancipated child to be supported by such child's parent or parents and, therefore, to confer upon certain local courts of the District of Columbia and every State and territory of the United States jurisdiction to enforce such right regardless of such child's residence; to the Committee on the Judiciary.

H.R. 126. A bill to amend title 18 of the United States Code, to provide for rewards for information leading to the apprehension and conviction of certain kidnapers; to the Committee on the Judiciary.

H.R. 127. A bill to amend title 5, United States Code, to provide that differential pay be made payable to certain employees of the Federal Aviation Administration; to the Committee on Post Office and Civil Service.

H.R. 128. A bill to provide for the garnishment of the wages of Federal employees; to the Committee on Post Office and Civil Service.

H.R. 129. A bill to amend title 5, United States Code, to eliminate the existing Federal employee bonus and incentive award programs and establish a program for incentive awards for Federal employees only for suggestions, inventions, or other personal efforts which cause a demonstrable monetary savings to the Government; to the Committee on Post Office and Civil Service.

H.R. 130. A bill to amend Public Law 85-745 to provide that a former President may receive monetary allowances under that law only after waiving any rights to receive any other annuity or pension to which the former President would otherwise be entitled under any other Federal law; to the Committee on Post Office and Civil Service.

H.R. 131. A bill to include home delivery of children's publications in the existing rates for children's publications sent to schools; to the Committee on Post Office and Civil Service.

H.R. 132. A bill to amend the Federal Aviation Act of 1958 to authorize reduced-rate air transportation to the United States for certain persons who have been or will be adopted by a resident of the United States; to the Committee on Public Works and Transportation.

H.R. 133. A bill to amend the Federal Aviation Act of 1958 to permit smoking on board passenger-carrying aircraft in only one designated area; to the Committee on Public Works and Transportation.

H.R. 134. A bill to amend title 38, United States Code, to permit the next of kin of a deceased veteran to designate the style of flag to be furnished at the burial of such veteran; to the Committee on Veterans' Affairs.

H.R. 135. A bill to amend title 38, United States Code, to authorize the admission to Veterans' Administration hospitals for psychiatric evaluation and treatment of veterans who have been determined to require such evaluation and treatment; to the Committee on Veterans' Affairs.

H.R. 136. A bill to amend the Internal Revenue Code of 1954 to deny the business deduction for any amount paid or incurred for regularly scheduled air transportation to the extent such amount exceeds the normal tourist class fare for such transportation; to the Committee on Ways and Means.

H.R. 137. A bill to amend title II of the Social Security Act to require actual de-

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pendency as a condition of a stepchild's eligibility for child's insurance benefits, thereby preventing an insured individual's stepchildren from qualifying for such benefits on his or her wage record (and thereby reducing the benefits of his or her natural children) if they are being supported by their natural parent; to the Committee on Ways and Means.

H.R. 138. A bill to prohibit payments of retirement benefits to those who are not retired; to the Committee on Ways and Means.

H.R. 139. A bill to amend the Internal Revenue Code of 1954 to impose an additional tax on financial institutions which have outstanding loans to foreign governments which are insolvent and receive funds from the United States; to the Committee on Ways and Means.

H.R. 140. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1954 to provide that an individual who has attained retirement age, and who is eligible for old-age insurance benefits but has not filed application therefor, may elect (on an annual basis) to treat his or her employment or self-employment as not covered for Social Security benefit purposes and as exempt from social security taxes; to the Committee on Ways and Means.

H.R. 141. A bill to eliminate the exemption for Congress or for the United States from the application of certain provisions of Federal law relating to employment and privacy, and for other purposes; jointly, to the Committees on Education and Labor, and Government Operations.

H.R. 142. A bill to require that funds allocated for military assistance for the Government of El Salvador or for the rebels in Nicaragua be used instead by the Immigration and Naturalization Service to prevent illegal immigration from Central America; jointly, to the Committees on Foreign Affairs, and the Judiciary.

By Mr. KILDEE:

H.R. 143. A bill to establish a program to provide funds for employment of unemployed individuals to repair and renovate educational facilities, and for other purposes; to the Committee on Education and Labor.

H.R. 144. A bill to amend the Internal Revenue Code of 1954 to repeal the provisions which include unemployment compensation in gross income; to the Committee on Ways and Means.

H.R. 145. A bill to repeal the changes made by the Tax Equity and Fiscal Responsibility Act of 1982 in the tax treatment of unemployment compensation; to the Committee on Ways and Means.

H.R. 146. A bill to amend the Internal Revenue Code of 1954 to provide for the exclusion from gross income of a certain portion of amounts received as annuities, pensions, or other retirement benefits by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. KILDEE (for himself, Mr. ACKERMAN, Mr. MOAKLEY, Mr. DWYER of New Jersey, Mr. LANTOS, Mr. MCKERNAN, Mr. PORTER, Mr. HUGHES, Mr. FOLEY, Mr. FORD of Michigan, Mr. LEVIN of Michigan, Mr. VENTO, Mr. FAUNTROY, Mr. WOLPE, Mr. WILLIAMS, Mr. WATKINS, Mr. MINETA, Mr. DE LUGO, and Mr. FRANK):

H.R. 147. A bill to provide for the continuation of the National Diffusion Network; to the Committee on Education and Labor.

By Mr. KILDEE (for himself, Mr. WOLPE, Mr. FORD of Michigan, Mr. CROCKETT, Mr. BONIOR of Michigan, Mr. LEVIN of Michigan, Mr. HERTEL of Michigan, Mr. CONYERS, and Mr. CARR):

H.R. 148. A bill to designate certain public lands in the State of Michigan as wilderness, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KILDEE (for himself and Mr. MORRISON of Connecticut):

H.R. 149. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the payment of benefits with respect to public safety officers who die of certain medical conditions sustained in the performance of duty; to the Committee on the Judiciary.

By Mr. LELAND (for himself, Mr. WIRTH, Mrs. COLLINS, Mr. BRYANT, and Mr. MARKEY):

H.R. 150. A bill to amend the Communications Act of 1934 to assure equal employment opportunities are afforded by radio and television broadcasting stations; to the Committee on Energy and Commerce.

By Mr. LELAND (for himself, Mr. MARKEY, Mr. BRYANT, and Mrs. COLLINS):

H.R. 151. A bill to amend the Communications Act of 1934 to promote fairness in telecommunications policy by providing for lifeline telephone service; to the Committee on Energy and Commerce.

By Mr. LELAND (for himself, Mr. RANGEL, Mrs. COLLINS, Mr. WIRTH, Mr. SWIFT, Mr. MARKEY, and Mr. BRYANT):

H.R. 152. A bill to amend the Internal Revenue Code of 1954 to increase the investment credit for the purchase of used telecommunications property which effectuates policies of the Federal Communications Commission and to provide that the nonrecognition of gain on FCC-certified sales or exchanges of radio broadcasting stations shall apply to systems of communication by wire or radio; to the Committee on Ways and Means.

By Mr. MOLINARI (for himself, Mr. GARCIA, Mr. SCHUMER, Mr. TOWNS, Mr. WEISS, Mr. ADDABBO, Mr. ACKERMAN, Mr. FISH, Mr. WORTLEY, Mrs. JOHNSON, Mr. BIAGGI, Mr. LUJAN, Mr. GEKAS, Mr. SUNDQUIST, Mr. GUNDERSON, Mr. MARTIN of New York, and Mr. CRAIG):

H.R. 153. A bill to amend the United States Housing Act of 1937 to promote a stable economic mix of families residing in public housing by authorizing public housing agencies to establish maximum monthly rents for such housing based on unsubsidized monthly rents, debt service and operating expenses, or other relevant factors; to the Committee on Banking, Finance and Urban Affairs.

By Ms. OAKAR:

H.R. 154. A bill to amend title II of the Social Security Act to restore minimum benefits for future beneficiaries; to the Committee on Ways and Means.

H.R. 155. A bill to amend title II of the Social Security Act to eliminate the reductions in social security benefits which are presently required in the case of spouses and surviving spouses who are also receiving certain Government pensions; to the Committee on Ways and Means.

H.R. 156. A bill to amend the Federal employee health benefit plan provisions of chapter 89 of title 5, United States Code, to increase the Government contribution rate, to extend coverage for employees who are separated due to reductions in force, to require carriers to obtain reinsurance or stoploss insurance (or to otherwise demonstrate financial responsibility), to assure adequate mental health benefit levels and otherwise limit benefit reductions, to mandate an open season each year, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 157. A bill to amend title II of the Social Security Act to provide that an individual's "years of coverage" for purposes of computing the special minimum benefit may include up to 10 additional years (not otherwise includible for that purpose) in which such individual had a child age 6 or under in his or her care; to the Committee on Ways and Means.

H.R. 158. A bill to amend title II of the Social Security Act to provide that the combined earnings of a husband and wife during the period of their marriage shall be divided equally and shared between them for benefit purposes, so as to recognize the economic contribution of each spouse to the marriage and assure that each spouse will have social security protection in his or her own right; to the Committee on Ways and Means.

H.R. 159. A bill to amend title II of the Social Security Act to provide full benefits for disabled widows and widowers without regard to age (and without regard to any previous reduction in their benefits); to the Committee on Ways and Means.

H.R. 160. A bill to amend title II of the Social Security Act to provide for the payment of a transition benefit to the spouse of an insured individual upon such individual's death if such spouse has attained age 50 and is not otherwise immediately eligible for benefits; to the Committee on Ways and Means.

H.R. 161. A bill to amend titles II and XVIII of the Social Security Act to remove the operations of the social security trust funds from the unified budget of the United States, and to authorize the appointment of two additional trustees of the boards of trustees of such trust funds; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mr. ROE:

H.R. 162. A bill to amend section 411 of the Higher Education Act of 1965 to exclude from eligibility calculations for basic grants the value of a family's residence; to the Committee on Education and Labor.

H.R. 163. A bill to amend the Older Americans Act of 1965 to provide that the Commissioner of the Administration on Aging may make grants to assist older persons adversely affected by natural disasters, and for other purposes; to the Committee on Education and Labor.

H.R. 164. A bill to further amend the Older Americans Act of 1965, as amended, to establish a program under which institutions of higher education may receive grants to defray 55 percent of the tuition costs of older persons attending such institutions on a tuition-free basis, and for other purposes; to the Committee on Education and Labor.

H.R. 165. A bill to amend the Social Security Act to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost; to the Committee on Energy and Commerce.

H.R. 166. A bill to amend title XIX of the Social Security Act to permit States to es-

tablish flexible income contribution and resource standards for couples in which one spouse is in a nursing home; to the Committee on Energy and Commerce.

H.R. 167. A bill to establish within the Department of Health and Human Services a home health clearinghouse to provide elderly persons with a single place where they can obtain complete information on the Federal home health programs available to them; to the Committee on Energy and Commerce.

H.R. 168. A bill to establish a program of drug benefits for the aged; to establish a Drug Benefits Council and other appropriate controls to provide for the efficient administration of such program; and to require the conducting of certain studies and experiments, to enhance the capability of the Secretary of Health and Human Services to administer such program, and for other purposes; to the Committee on Energy and Commerce.

H.R. 169. A bill directing the President to take certain actions with respect to any country which engages in certain hostile actions against property of the United States or U.S. officers or employees assigned to duty abroad; to the Committee on Foreign Affairs.

H.R. 170. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to add a requirement that the comprehensive State plan include provisions for attention to the special problems of prevention, treatment, and other aspects of crimes against the elderly; to the Committee on the Judiciary.

H.R. 171. A bill to provide that the U.S. Court for the Judicial District of New Jersey shall be held at Paterson, NJ, in addition to those places currently provided by law; to the Committee on the Judiciary.

H.R. 172. A bill to amend various laws relating to civil rights to extend their protection to the elderly, and for other purposes; to the Committee on the Judiciary.

H.R. 173. A bill to amend title 18, United States Code, to increase the term of imprisonment for certain offenses relating to carrying or using firearms, to eliminate eligibility for parole with respect to such term, and to require that such term be served before and consecutively to any related sentence of imprisonment; to the Committee on the Judiciary.

H.R. 174. A bill to amend chapter 44 of title 18 of the United States Code to extend the mandatory penalty feature of the prohibition against the use of firearms in Federal felonies, and for other purposes; to the Committee on the Judiciary.

H.R. 175. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to require as a condition of assistance under such act that law enforcement agencies have in effect a binding law enforcement officers' bill of rights; to the Committee on the Judiciary.

H.R. 176. A bill to establish a program to promote the utilization of spinoffs from space technology in meeting the needs and alleviating the suffering of the elderly; to the Committee on Science and Technology.

H.R. 177. A bill to provide for a research, development and evaluation program to determine the feasibility of collecting in space solar energy to be transmitted to Earth and to generate electricity for domestic purposes; to the Committee on Science and Technology.

H.R. 178. A bill to amend title 38, United States Code, to eliminate the time period in which a veteran has to use his educational benefits; to the Committee on Veterans' Affairs.

H.R. 179. A bill to amend title 38 of the United States Code in order to authorize the Administrator of Veterans' Affairs to make scholarship grants to individuals attending medical schools on the condition that such individuals will serve in Veterans' Administration facilities for a certain period of time upon completion of professional training, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 180. A bill to amend title 38, United States Code, to provide for the payment of service pensions to veterans of World War I and the surviving spouses and children of such veterans; to the Committee on Veterans' Affairs.

H.R. 181. A bill to extend the eligibility of certain persons for educational benefits under the GI bill; to the Committee on Veterans' Affairs.

H.R. 182. A bill to amend title 38 of the United States Code to promote the care and treatment of veterans in State veterans nursing homes; to the Committee on Veterans' Affairs.

H.R. 183. A bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a veteran after age 60 shall not result in termination of dependency and indemnity compensation; to the Committee on Veterans' Affairs.

H.R. 184. A bill to amend title 38 of the United States Code in order to waive the payment of premiums for National Service Life Insurance by certain persons who have attained age 70; to the Committee on Veterans' Affairs.

H.R. 185. A bill to amend title 38 of the United States Code in order to provide mortage protection life insurance to certain veterans unable to acquire commercial life insurance because of service-connected disabilities; to the Committee on Veterans' Affairs.

H.R. 186. A bill to amend the Social Security Act and the Internal Revenue Code of 1954 to reduce Social Security taxes and apply the proceeds thereof exclusively to the financing of the Old-Age, Survivors, and Disability Insurance Program, with the Medicare Program being hereafter financed from general revenues (earmarking a portion of Federal income tax receipts for that purpose) rather than through the imposition of employment and self-employment taxes as at present; to the Committee on Ways and Means.

H.R. 187. A bill to prohibit permanently the issuance of regulations on the taxation of fringe benefits; to the Committee on Ways and Means.

H.R. 188. A bill to permit a married individual filing a joint return to deduct certain payments made to an individual retirement plan established for the benefit of a working spouse; to the Committee on Ways and Means.

H.R. 189. A bill to provide for the safeguarding of taxpayer rights, and for other purposes; to the Committee on Ways and Means.

H.R. 190. A bill to amend title II of the Social Security Act to provide that upon the death of one member of a married couple the surviving spouse or surviving divorced spouse shall automatically inherit the deceased spouse's earnings credits to the extent that such credits were earned during the period of their marriage; to the Committee on Ways and Means.

H.R. 191. A bill to amend title II of the Social Security Act to provide that the combined earnings of a husband and wife during the period of their marriage shall be divided equally and shared between them for benefit purposes, so as to recognize the economic contribution of each spouse to the marriage and assure that each spouse will have Social Security protection in his or her own right; to the Committee on Ways and Means.

H.R. 192. A bill to amend title II of the Social Security Act to provide for the payment of a transition benefit to the spouse of an insured individual upon such individual's death if such spouse has attained age 50 and is not otherwise immediately eligible for benefits; to the Committee on Ways and Means.

H.R. 193. A bill to repeal section 278 of the Tax Equity and Fiscal Responsibility Act of 1982 which imposes the hospital tax on Federal employment; to the Committee on Ways and Means.

H.R. 194. A bill to amend the Internal Revenue Code of 1954 to treat permanently and totally disabled individuals in the same way as individuals who have attained the age of 55 for purposes of the one-time exclusion of gain from the sale of a principal residence; to the Committee on Ways and Means.

H.R. 195. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for State and local public utility taxes; to the Committee on Ways and Means.

H.R. 196. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption where a taxpayer, his spouse, or any dependent of the taxpayer is handicapped; to the Committee on Ways and Means.

H.R. 197. A bill to amend the Internal Revenue Code of 1954 to provide that the standard mileage rate for use of a passenger automobile which may be used in computing the charitable contribution deduction shall be the same as the standard mileage rate which may be used in computing the business expenses deduction; to the Committee on Ways and Means.

H.R. 198. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 199. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit of $250 to an individual for expenditures for health insurance premium; to the Committee on Ways and Means.

By Mr. SILJANDER:

H.R. 200. A bill to amend the Internal Revenue Code of 1954 by providing for the taxation of certain income at the flat rate of 10 percent, and for other purposes; to the Committee on Ways and Means.

H.R. 201. A bill to expand markets for U.S. agricultural products through increased targeting of Commodity Credit Corporation export funds, expanded exports of Commodity Credit Corporation dairy products, and expanded authority for the use of Commodity Credit Corporation stocks to facilitate export sales, to emphasize the need for increased exports of processed and protein fortified agricultural products, and for other purposes; jointly, to the Committees on Foreign Affairs, and Agriculture.

H.R. 202. A bill to provide for coordinated management and rehabilitation of the Great Lakes, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, and Science and Technology.

H.R. 203. A bill to amend title 18 of the United States Code to provide for the informed choice of women upon whom abor-

tions are performed about the use of anesthetics and analgesics in cases where there is reasonable medical certainty that organic fetal pain is caused by abortion; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 204. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old-age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

H.R. 205. A bill to amend title XVI of the Social Security Act to provide that the income and resources of parents shall not be attributed to their children (for purposes of determining the eligibility of such children for supplemental security income benefits) in certain cases where the payment of such benefits is necessary to enable the parents to provide disability-related home care without which the children would require continued institutionalization; to the Committee on Ways and Means.

H.R. 206. A bill to amend the Internal Revenue Code of 1954 to eliminate the requirement that States reduce the amount of unemployment compensation payable for any week by the amount of certain retirement benefits; to the Committee on Ways and Means.

H.R. 207. A bill to amend title II of the Social Security Act to provide that a divorced spouse may qualify for benefits on the basis of a marriage which lasted for as few as 5 years in the case of certain late-life divorces; to the Committee on Ways and Means.

H.R. 208. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $10,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age, is disabled, or is handicapped; to the Committee on Ways and Means.

H.R. 209. A bill to return the ad valorem and specific duties on necktie imports to the levels in effect as of January 1, 1981, for a period of 5 years; to the Committee on Ways and Means.

H.R. 210. A bill to amend the Internal Revenue Code of 1954 to allow an individual a deduction for blood donations, and to allow an individual to take such a deduction whether or not he itemizes his deductions; to the Committee on Ways and Means.

H.R. 211. A bill to require business concerns which undertake changes of operations to give notice to the Secretary of Labor, and to affected labor organizations, employees, and local governments; to require business concerns to provide assistance to employees who suffer an employment loss caused by changes of operations; to authorize the Secretary of Labor to provide assistance to such business concerns, and to such affected employees and local governments; and for other purposes; jointly, to the Committees on Education and Labor, and Banking, Finance and Urban Affairs.

H.R. 212. A bill to create a national system of health security; jointly, to the Committees on Energy and Commerce, and Ways and Means.

H.R. 213. A bill to direct the Secretary of Health and Human Services to provide Federal minimum standards for health insurance for the elderly, and amend title XVIII of the Social Security Act for the purpose of directing the Secretary to study methods of further improving the regulation of health insurance for the elderly and to evaluate methods by which the Medicare Program could more fully meet the health insurance needs of the elderly; jointly, to the Committees on Ways and Means, and Energy and Commerce.

H.R. 214. A bill to amend title XVIII of the Social Security Act to authorize payment under the Medicare Program for certain services performed by chiropractors; jointly, to the Committees on Ways and Means, and Energy and Commerce.

H.R. 215. A bill to amend title XVIII of the Social Security Act to include, as a home health service, nutritional counseling provided by or under the supervision of a registered dietitian; jointly, to the Committees on Ways and Means, and Energy and Commerce.

H.R. 216. A bill to amend title XVIII of the Social Security Act to provide for the enforcement of standards relating to the rights of patients in certain medical facilities; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mr. RUDD:

H.R. 217. A bill to amend section 5112 of title 31, United States Code, to return to the 95-percent copper penny, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SHELBY:

H.R. 218. A bill to amend section 8312 of title 5, United States Code, to provide that a Member of Congress may not be paid an annuity under the civil service retirement system for service as a Member if convicted of any felony which occurred in connection with his employment as a Member and is punishable by imprisonment for 2 or more years, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 219. A bill to authorize appropriations to the Secretary of Transportation for a grant to the State of Alabama for construction of a highway bridge across the Tombigbee River; to the Committee on Public Works and Transportation.

H.R. 220. A bill to change the name of the China Bluff access area constructed by the Army Corps of Engineers as part of the Tennessee-Tombigbee Waterway near Warsaw in Sumter County, AL, to the "S.W. Taylor Memorial Park"; to the Committee on Public Works and Transportation.

H.R. 221. A bill to authorize and direct the Secretary of the Army to correct certain erosion problems along the banks of the Warrior River near Moundville, AL; to the Committee on Public Works and Transportation.

H.R. 222. A bill to amend title II of the Social Security Act to restore eligibility for child's insurance benefits in the case of postsecondary school students; to the Committee on Ways and Means.

H.R. 223. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income subsistence payments to certain law enforcement officers; to the Committee on Ways and Means.

By Mr. SIKORSKI:

H.R. 224. A bill to amend title XXX of the Social Security Act with respect to preventing discrimination against dentists in the coverage and payment for physicians services which doctors and dentists are both authorized to provide under State law; to the Committee on Energy and Commerce.

By Mr. WEISS:

H.R. 225. A bill to provide authority for the President to stabilize prices, wages, interest rates, and corporate dividends; to the Committee on Banking, Finance and Urban Affairs.

H.R. 226. A bill to provide that ionization smoke detectors containing any radioactive isotope shall be considered banned hazardous substances subject to the prohibitions of the Federal Hazardous Substances Act; to the Committee on Energy and Commerce.

H.R. 227. A bill to provide that ionization smoke detectors bear a label specifying that they contain radioactive materials; to the Committee on Energy and Commerce.

H.R. 228. A bill to amend title VI of the International Claims Settlement Act of 1949 (relating to claims of nationals of the United States against the German Democratic Republic) to permit the determination of claims of persons who were aliens lawfully admitted for permanent residence in the United States as of the date of loss and by September 4, 1974, citizens of the United States; to the Committee on Foreign Affairs.

H.R. 229. A bill to facilitate the economic adjustment of communities, industries, and workers to reductions or realignments in defense or aerospace contracts, military facilities, and arms export, and for other purposes; jointly, to the Committees on Armed Services; Banking, Finance and Urban Affairs; Education and Labor; Government Operations; and Ways and Means.

By Mr. WEISS (for himself, Mr. WAXMAN, Mr. DELLUMS, Mr. STUDDS, Ms. MIKULSKI, Mr. CROCKETT, Mr. MATSUI, Mr. FAUNTROY, Mr. FOGLIETTA, Mr. BERMAN, Mr. AUCOIN, Mr. SOLARZ, Mr. MARTINEZ, Mr. BROWN of California, Mr. ACKERMAN, Mr. CONYERS, Mr. LEVINE of California, Mr. DIXON, Mr. MITCHELL, Mr. GREEN, Mr. MILLER of California, Mr. MORRISON of Connecticut, Mr. FRANK, Mr. SCHUMER, Mr. MARKEY, Mr. DYMALLY, Mrs. BURTON of California, Mr. SABO, Mr. EDGAR, Mr. WHEAT, Mr. HOYER, Mr. UDALL, Mr. COYNE, Mr. WEAVER, Mr. MOODY, Mr. OWENS, Mr. BARNES, Mrs. BOXER, Mr. LELAND, Mr. STARK, Mr. LOWRY of Washington, Mr. TOWNS, Mr. YATES, Mrs. COLLINS, and Mrs. SCHROEDER):

H.R. 230. A bill to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes; jointly, to the Committees on Education and Labor and the Judiciary.

By Mr. WEISS:

H.R. 231. A bill to amend title 31 of the United States Code, and the Congressional Budget Act of 1974 to require the inclusion of certain figures on capital and operational expenditures in the budgets transmitted to the Congress by the President and in the first concurrent resolutions on the budget; jointly, to the Committees on Government Operations and Rules.

By Mr. WEISS (for himself, Mr. WAXMAN, Mr. ROYBAL, and Mrs. BOXER):

H.R. 232. A bill to amend the Public Health Service Act to provide funds for the prevention and treatment of public health emergencies; to the Committee on Energy and Commerce.

By Mr. WYDEN (for himself, Mr. AUCOIN, Mr. FOLEY, Mr. ROBERT F. SMITH, Mr. MORRISON of Washington, Mr. DICKS, Mr. BONKER, Mr. CRAIG, and Mr. DENNY SMITH):

H.R. 233. A bill to modify the Bonneville lock and dam project to provide that the Secretary of the Army, acting through the

Chief of Engineers, is authorized to construct a new lock; to the Committee on Public Works and Transportation.

By Mr. BROOKS:

H.R. 234. A bill to recognize the Cabinet status of the Director of the Office of Management and Budget, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RAY (for himself, Mr. BARNARD, Mr. JENKINS, Mr. GINGRICH, Mr. HATCHER, Mr. ROWLAND of Georgia, Mr. THOMAS of Georgia, Mr. DARDEN, and Mr. SWINDALL):

H.R. 235. A bill to authorize the establishment of the Jimmy Carter National Historic Site in the State of Georgia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STARK:

H.R. 236. A bill to make permanent the increase in the tax on cigarettes and to provide cost-of-living adjustments in the amount of such tax; to the Committee on Ways and Means.

By Mr. ANNUNZIO:

H.R. 237. A bill to amend the Fair Debt Collection Practices Act to provide that any attorney who collects debts on behalf of a client shall be subject to the provisions of such act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ANTHONY (for himself, Mr. CRAIG, Mr. LAGOMARSINO, and Mr. AUCOIN):

H.R. 238. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment of, and the deduction of contributions to, individual housing accounts; to the Committee on Ways and Means.

By Mr. ARCHER:

H.R. 239. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 240. A bill to amend the Internal Revenue Code of 1954 to provide for the indexing of certain assets; to the Committee on Ways and Means.

By Mr. ARCHER (for himself and Mr. CRANE):

H.R. 241. A bill to allow the President an item veto in appropriations bills; to the Committee on the Judiciary.

By Mr. ARCHER (for himself and Mr. AUCOIN):

H.R. 242. A bill to repeal the changes made by the Tax Reform Act of 1984 with respect to the tax treatment of debt instruments issued for property; to the Committee on Ways and Means.

By Mr. BADHAM:

H.R. 243. A bill to modify the navigation project for Newport Bay Harbor, CA, to authorize the Corps of Engineers to dredge and maintain a certain portion of upper Newport Bay; to the Committee on Public Works and Transportation.

By Mr. BEDELL:

H.R. 244. A bill to direct the Secretary of Agriculture to carry out an acreage limitation program and a land diversion program for the 1985 crop of feed grains; to the Committee on Agriculture.

H.R. 245. A bill to require the Federal Energy Regulatory Commission to use original cost methodology to set Trans-Alaska Pipeline tariff rates; to the Committee on Energy and Commerce.

By Mr. BENNETT:

H.R. 246. A bill to change the name of the grade of commodore in the U.S. Navy to commodore admiral; to the Committee on Armed Services.

H.R. 247. A bill to amend title 10, United States Code, to regulate the discharge of members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

H.R. 248. A bill to make multipurpose senior centers available to handicapped or disabled individuals who have not attained 60 years of age; to the Committee on Education and Labor.

H.R. 249. A bill to provide for payment of certain insurance benefits to certain protected employees of the Consolidated Rail Corporation to insure that such employees were not disadvantaged between April 1 and September 30, 1976; to the Committee on Energy and Commerce.

H.R. 250. A bill to establish a Commission on More Effective Government, with the declared objective of improving the quality of government in the United States and of restoring public confidence in government at all levels; to the Committee on Government Operations.

H.R. 251. A bill to establish a series of six regional Presidential primaries at which the public may express its preference for the nomination of an individual for election to the Office of President of the United States; to the Committee on House Administration.

H.R. 252. A bill to establish the Florida Frontier Rivers Conservation District in the State of Florida, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 253. A bill to amend title 28 of the United States Code to limit the jurisdiction of courts established by Congress under article III of the Constitution of the United States over States cases; to the Committee on the Judiciary.

H.R. 254. A bill to prohibit any act or threat of violence in a labor dispute and any conspiracy to accomplish such act or threat and to impose criminal and civil penalties therefor; to the Committee on the Judiciary.

H.R. 255. A bill to subject certain nationals or citizens of the United States to the jurisdiction of the U.S. district courts for their crimes committed outside the United States and to provide for the apprehension, restraint, removal, and delivery of such persons; to the Committee on the Judiciary.

H.R. 256. A bill to amend the Contract Disputes Act of 1965 to require that claims by Government contractors be submitted within 3 years; to the Committee on the Judiciary.

H.R. 257. A bill to provide for disclosures by lobbyists, and for other purposes; to the Committee on the Judiciary.

H.R. 258. A bill to amend title 13, United States Code, to require that the most currently produced population data obtained by the Census Bureau be used in determining benefits received by State and local governments under Federal programs; to the Committee on Post Office and Civil Service.

H.R. 259. A bill to amend the Federal Aviation Act of 1958 to require regulations prohibiting air carriers from dispensing alcoholic beverages and tobacco without charge to passengers aboard air carrier aircraft to the Committee on Public Works and Transportation.

H.R. 260. A bill to modify the navigation project for Jacksonville Harbor, FL, to authorize the Secretary of the Army to improve navigation in Mill Cove, Jacksonville Harbor, FL; to the Committee on Public Works and Transportation.

H.R. 261. A bill to apportion funds for construction of the National System of Interstate and Defense Highways and for construction of substitute highway and transit projects; to the Committee on Public Works and Transportation.

H.R. 262. A bill to ensure equal consideration of nonstructural water resources projects and plans, and for other purposes; to the Committee on Public Works and Transportation.

H.R. 263. A bill to provide for a Veterans' Administration general medical and surgical hospital at Jacksonville, FL, and to achieve cooperation with the University of Florida College of Medicine in its activities in Jacksonville; to the Committee on Veterans' Affairs.

H.R. 264. A bill to direct the Secretary of the Army to set aside an appropriate area within the Arlington National Cemetery for the burial of cremated remains; to the Committee on Veterans' Affairs.

H.R. 265. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

H.R. 266. A bill to allow a deduction for a dependent who has attained the age of 65 to the same extent as deduction is allowable for a dependent who is a child; to the Committee on Ways and Means.

H.R. 267. A bill to allow a deduction for a dependent who has attained the age of 65 or who is handicapped to the same extent as deduction is allowable for a dependent who is a child; to the Committee on Ways and Means.

H.R. 268. A bill to amend the Internal Revenue Code of 1954 to deny the benefits of the accelerated cost recovery system to any business which does not expand its employment; to the Committee on Ways and Means.

H.R. 269. A bill to amend the Internal Revenue Code of 1954 to provide that the unified credit against the estate tax shall not be reduced by certain gifts made during 1976 which are includible in the gross estate of the decedent; to the Committee on Ways and Means.

H.R. 270. A bill to abolish the National Security Council, and for other purposes; jointly, to the Committee on Armed Services and the Permanent Select Committee on Intelligence.

H.R. 271. A bill to amend the National Security Act of 1947 to establish by law procedures for the classification and protection of sensitive information relating to the national security, to provide criminal penalties for unauthorized disclosure of such information, to limit matters that may be classified and impose penalties for unauthorized classification, to provide for declassification, and for other purposes; jointly, to the Committee on Armed Services and the Permanent Select Committee on Intelligence.

H.R. 272. A bill to amend the Defense Production Act of 1950, as amended; jointly, to the Committees on Armed Services; Banking, Finance and Urban Affairs; Government Operations; and Post Office and Civil Service.

H.R. 273. A bill to authorize Health and Human Services Department assistance for drug abuse and related programs and to authorize the use of the Department of Justice assets forfeiture fund for that purpose; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. BENNETT (for himself and Mr. CHAPPELL):

H.R. 274. A bill to amend title 28 of the United States Code to change the type of hearings which a magistrate may conduct, and to change the jurisdiction for the consideration of, and the standards for the granting of, writs of habeas corpus by Federal courts upon the application of persons in custody pursuant to judgments of State courts; to the Committee on the Judiciary.

By Mr. BENNETT (for himself, Mr SMITH of Florida, Mr. IRELAND, and Mr. CHAPPELL):

H.R. 275. A bill to reform procedures for collateral review of criminal judgments, and for other purposes; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 276. A bill to promote the safety of children receiving day care services by establishing a national program for the licensing of child day care providers, establishing a clearinghouse for information with respect to criminal records of employees of day care centers, and establishing a hotline for reporting of abuse of children receiving day care services, and for other purposes; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself and Mr. JONES of North Carolina):

H.R. 277. A bill to revise the laws pertaining to limitation of liability for maritime claims, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BIAGGI (for himself, Mr. JONES of North Carolina, and Mr. SNYDER):

H.R. 278. A bill to amend title XII of the Merchant Marine Act 1936; to the Committee on Merchant Marine and Fisheries.

By Mr. BROWN of Colorado:

H.R. 279. A bill to make persons who produce agricultural commodities on highly erodible land ineligible for certain agricultural programs; to the Committee on Agriculture.

By Mr. BRYANT:

H.R. 280. A bill to amend the Communications Act of 1934 to prohibit access charges on residential and single line business subscribers of telephone exchange service; to the Committee on Energy and Commerce.

By Mr. CLAY:

H.R. 281. A bill to amend the National Labor Relations Act to increase the stability of collective bargaining in the building and construction industry; to the Committee on Education and Labor.

H.R. 282. A bill to amend title 5, United States Code, to improve the basic workweek of firefighting personnel of executive agencies, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 283. A bill to amend title 39, United States Code, to restore to Postal Service employees their rights to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 284. A bill to designate the Charles Nagel Station of the U.S. Postal Service in St. Louis, MO, as the "Frederick N. Weathers Station of the U.S. Postal Service;" to the Committee on Post Office and Civil Service.

By Mrs. COLLINS:

H.R. 285. A bill to provide that funds appropriated to the Department of Defense may not be used to purchase articles of packaged food not packaged in the United States or its possessions; to the Committee on Armed Services.

H.R. 286. A bill to amend the Truth in Lending Act to prohibit discrimination on account of age in credit card transactions; to the Committee on Banking, Finance and Urban Affairs.

H.R. 287. A bill to amend the Truth in Lending Act to require lenders to post current interest rates charged for various categories of loans to consumers; to the Committee on Banking, Finance and Urban Affairs.

H.R. 288. A bill to protect purchasers and prospective purchasers of condominium housing units, and residents of multifamily structures being converted to condominium units, by providing for the establishment of national minimum standards for condominiums (to be administered by a newly created Assistant Secretary in the Department of Housing and Urban Development), to encourage the States to establish similar standards, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 289. A bill to require the Secretary of Housing and Urban Development to provide assistance for emergency repairs in the Chicago Housing Authority low-income housing projects; to the Committee on Banking, Finance and Urban Affairs.

H.R. 290. A bill to require each depository institution to disclose to its customers all terms, conditions, and charges which apply to services offered by such depository institution; to the Committee on Banking, Finance and Urban Affairs.

H.R. 291. A bill to make it an unfair practice for any retailer to increase the price of certain consumer commodities once he marks the price on any such consumer commodity, and to permit the Federal Trade Commission to order any such retailer to refund any amounts of money obtained by so increasing the price of such consumer commodity; to the Committee on Energy and Commerce.

H.R. 292. A bill to prohibit involuntary terminations by electric and natural gas utilities of service for residential heating and other residential purposes between October 15 of each year and April 14 of the following year and in cases in which such terminations present special dangers to health, and for other purposes; to the Committee on Energy and Commerce.

H.R. 293. A bill to provide for a study by the National Telecommunications and Information Administration on the impact which new telecommunications technologies and services could have on personal privacy; to the Committee on Energy and Commerce.

H.R. 294. A bill to amend the Natural Gas Policy Act of 1978 to require hearings in advance of pipeline rate increases, to provide funding for low-income fuel assistance and weatherization, and to limit the importation of imported natural gas; to the Committee on Energy and Commerce.

H.R. 295. A bill to prohibit the export of certain militarily significant items to the Republic of South Africa and to provide for notification to the Congress of the proposed issuance of a validated license for an export to the Republic of South Africa, with the Congress being able to prevent the issuance of any such license by enactment of a joint resolution of disapproval; to the Committee on Foreign Affairs.

H.R. 296. A bill to amend the Privacy Act of 1974 in order to improve the protection of individual information and to reestablish a permanent Privacy Protection Commission as an independent entity in the Federal Government, and for other purposes; to the Committee on Government Operations.

H.R. 297. A bill to amend title 18 of the United States Code to provide penalties for assaults against the elderly that result in medical expenses paid by the United States; to the Committee on the Judiciary.

H.R. 298. A bill to amend the Immigration and Nationality Act to require that any alien who has been detained for further inquiry or who has been temporarily excluded shall have the right to be represented by counsel from the time of such detention or exclusion, and for other purposes; to the Committee on the Judiciary.

H.R. 299. A bill to provide for the mandatory registration of handguns; to the Committee on the Judiciary.

H.R. 300. A bill to amend title 5, United States Code, to require certain Federal agencies to provide to certain employees notice of procedures through which such employees may challenge actions taken against them by such agencies; to the Committee on Post Office and Civil Service.

H.R. 301. A bill to designate the Blind Rehabilitation Center in the Hines Veterans' Administration Medical Center in Chicago, IL, as the "John Malamazian Blind Rehabilitation Center"; to the Committee on Veterans' Affairs.

H.R. 302. A bill to amend part A of title XVIII of the Social Security Act to provide emergency assistance to Medicare-participating hospitals to enable them to continue to provide vital medical and other health services; to the Committee on Ways and Means.

H.R. 303. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program for routine Papanicolaou tests for the diagnosis of uterine cancer; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 304. A bill to amend title XVIII of the Social Security Act to provide payment for dental services under part B of the Medicare Program; jointly, to the Committees on Ways and Means, and Energy and Commerce.

H.R. 305. A bill to require hospitals to provide care or arrange for care for individuals in emergency medical conditions without regard to their ability to pay for the care; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 306. A bill to amend the Internal Revenue Code of 1954 to impose an additional tax on handguns, to establish a program for the compensation of victims of handgun crimes, and to use the proceeds of such additional tax to fund victim compensation under such program; jointly, to the Committees on Ways and Means and the Judiciary.

By Mrs. COLLINS (for herself, Mr. CLAY, and Ms. MIKULSKI):

H.R. 307. A bill to strengthen the development of children and the functioning of families by establishing a comprehensive Federal Child Care Program designed to improve the quality and availability of child care services while protecting parental rights, and for other purposes; to the Committee on Education and Labor.

By Mrs. COLLINS (for herself, Mr. LELAND, Mr. STOKES, Mr. DIXON, and Mr. ROYBAL);

H.R. 308. A bill to amend the Communications Act of 1934 to provide for greater participation of minorities in telecommunications; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. CONTE:

H.R. 309. A bill to amend the National Labor Relations Act to provide that the duty to bargain collectively includes bargaining with respect to retirement benefits for retired employees; to the Committee on Education and Labor.

H.R. 310. A bill to amend the Railway Labor Act to make the findings and orders of a public law board under section 3 of the act subject to review for any fraud or corruption by a member of the board that relates to the dispute involved, without regard to whether such fraud or corruption was committed before or after the selection of such member to the board; to the Committee on Energy and Commerce.

H.R. 311. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for fees for sewer services; to the Committee on Ways and Means.

H.R. 312. A bill to require studies with respect to the effect of increased automation in the workplace on the rate of unemployment and with respect to the effect of such increased automation in the workplace on the amount of revenues available to, and the amount of benefits paid under, the programs under titles II and XVIII of the Social Security Act; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. DE LA GARZA:

H.R. 313. A bill entitled: "Veterans Administration Adjudication Procedure and Judicial Review Act"; to the Committee on Veterans' Affairs.

H.R. 314. A bill to amend the Internal Revenue Code of 1954 to restore prior law with respect to the issuance of qualified veterans' mortage bonds; to the Committee on Ways and Means.

By Mr. DE LA GARZA (for himself and Mr. ORTIZ):

H.R. 315. A bill to provide for the establishment of a veterans' hospital in south Texas; to the Committee on Veterans' Affairs.

By Mr. DURBIN:

H.R. 316. A bill to amend the Natural Gas Policy Act of 1978 to require the Federal Energy Regulatory Commission to submit biannual reports to the Congress on the various interstate pipelines' sales and transportation tariffs, including filings for adjustment for purchased gas costs, and to amend the Natural Gas Act to require hearings on tariffs which provide for rate increases; to the Committee on Energy and Commerce.

By Mr. EMERSON:

H.R. 317. A bill to authorize construction of the project for flood control, St. Johns Bayou and New Madrid Floodway, MO; to the Committee on Public Works and Transportation.

H.R. 318. A bill to authorize construction of the project for flood control, Ste. Genevieve, MO; to the Committee on Public Works and Transportation.

H.R. 319. A bill to authorize construction of the project for flood control, Cape Girardeau, MO; to the Committee on Public Works and Transportation.

By Mr. ERDREICH:

H.R. 320. A bill to establish a Department of Trade as an executive department of the Government of the United States and for other purposes; to the Committee on Government Operations.

By Mr. FAUNTROY:

H.R. 321. A bill to amend the District of Columbia Self-Government Reorganization Act to repeal the limitation on the Council of the District of Columbia regarding the imposition of any tax upon individuals who are not residents of the District of Columbia; to the Committee on the District of Columbia.

H.R. 322. A bill to convey the District of Columbia Employment Security Building to the District of Columbia and to provide for the payment of a note entered into to finance the construction of such building; to the Committee on the District of Columbia.

H.R. 323. A bill to establish an Office of the Attorney General for the District of Columbia, to transfer prosecutorial authority for local offenses and custodial responsibility for prisoners convicted of local offenses to the District of Columbia government, to provide for the local appointment of the judges of the District of Columbia courts, and for other purposes; to the Committee on the District of Columbia.

H.R. 324. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to provide autonomy for the District of Columbia government over expenditure of funds derived from revenues of the District of Columbia government; to the Committee on the District of Columbia.

H.R. 325. A bill to provide for the admission of the State of New Columbia into the Union; to the Committee on the District of Columbia.

By Mr. FAZIO (for himself and Mr. MATSUI):

H.R. 326. A bill to authorize the construction of a navigation project on the Sacramento River Deep Water Ship Channel; to the Committee on Public Works and Transportation.

By Mr. FUQUA:

H.R. 327. A bill to amend title 10 of the United States Code in order to establish an Optometry Corps in the Army and the Navy and to provide a separate optometric service within the Air Force; to the Committee on Armed Services.

H.R. 328. A bill to authorize recomputation at age 60 of the retired pay of members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1972, and for other purposes; to the Committee on Armed Services.

H.R. 329. A bill to amend the Federal Mine Safety and Health Amendments Act of 1977 to provide that the provisions of such act shall not apply to stone mining operations or to sand and gravel mining operations; to the Committee on Education and Labor.

H.R. 330. A bill to amend the Occupational Safety and Health Act of 1970 to provide that where violations are corrected within the prescribed abatement period no penalty shall be assessed; to the Committee on Education and Labor.

H.R. 331. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit State and county extension services to obtain excess property from the United States; to the Committee on Government Operations.

H.R. 332. A bill to repeal the Gun Control Act of 1968, to reenact the Federal Firearms Act, to make the use of a firearm to commit certain felonies a Federal crime where that use violates State law, and for other purposes; to the Committee on the Judiciary.

H.R. 333. A bill to amend title 39, United States Code, to require the U.S. Postal Service to make certain considerations prior to the closing of third- and fourth-class post offices; to the Committee on Post Office and Civil Service.

H.R. 334. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

H.R. 335. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 336. A bill to provide coverage under the Federal old-age, survivors, and disability insurance system for all officers and employees of the United States and its instrumentalities; to the Committee on Ways and Means.

H.R. 337. A bill to amend title XVI of the Social Security Act to provide that supplemental security income benefits which are due an individual who dies without leaving an eligible spouse shall be paid to the person or persons who paid the expenses of such individual's last illness and burial; to the Committee on Ways and Means.

H.R. 338. A bill to amend the Internal Revenue Code of 1954 to exempt nonprofit volunteer firefighting or rescue organizations from the Federal excise taxes on gasoline, diesel fuel, and certain other articles and services; to the Committee on Ways and Means.

H.R. 339. A bill to amend the Internal Revenue Code of 1954 to allow a deduction of $1,000 for each dependent who has attained age 55 and who is a member of the taxpayer's household; to the Committee on Ways and Means.

H.R. 340. A bill to permit either House of Congress to disapprove certain rules proposed by executive agencies; jointly, to the Committees on the Judiciary and Rules.

H.R. 341. A bill to amend titles 14 and 38, United States Code, to provide veterans' benefits to temporary members of the U.S. Coast Guard Reserve, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Veterans' Affairs.

H.R. 342. A bill to amend title XVIII of the Social Security Act to authorize payment under the Supplementary Medical Insurance Program for optometric and medical vision care; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. GEKAS (for himself, Mr. SENSENBRENNER, Mr. LAGOMARSINO, Mr. BURTON of Indiana, Mr. RUDD, and Mr. DYSON):

H.R. 343. A bill to establish rational criteria for the imposition of the sentence of death, and for other purposes; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 344. A bill to improve and expand benefits for active duty military personnel and their dependents; to the Committee on Armed Services.

H.R. 345. A bill to establish a Congressional Advisory Commission on Amateur Boxing; and to amend title 18, United States Code, chapter 89, to prohibit the participation in or promotion of professional boxing; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. GREEN:

H.R. 346. A bill entitled: "The Tenant Tax Equity Act of 1985"; to the Committee on Ways and Means.

By Mr. GREEN (for himself, Mr. FISH, Mrs. SCHNEIDER, and Ms. SNOWE):

H.R. 347. A bill to amend the laws of the United States to eliminate gender-based distinctions; to the Committee on the Judiciary.

By Mr. GUARINI:

H.R. 348. A bill to provide that elections for Federal office shall be held on a Sunday, and to establish a uniform closing time for elections of electors of the President and Vice President of the United States; to the Committee on House Administration.

By Mr. HYDE:

H.R. 349. A bill to eliminate unnecessary distribution of agency reports to the Congress; to the Committee on Government Operations.

H.R. 350. A bill to amend the Internal Revenue Code of 1954 to limit the amount of severance taxes imposed by States on oil, natural gas, and coal; to the Committee on the Judiciary.

H.R. 351. A bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution; to the Committee on the Judiciary.

H.R. 352. A bill to amend title 11 of the United States Code to make nondischargeable debts for liabilities under the terms of a property settlement agreement entered into in connection with a separation agreement or divorce decree; to the Committee on the Judiciary.

H.R. 353. A bill to amend the Internal Revenue Code of 1954 to provide a mechanism for taxpayers to designate overpayments of income tax, and to contribute other amounts, for purposes of reducing the public debt of the United States; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 354. A bill to amend section 504 of title 5, United States Code, and section 2412 of title 28, United States Code to allow a prevailing party to recover attorneys fees and other costs in certain administrative and judicial proceedings when a Federal officer or employee is found to have taken an arbitrary or capricious action which was the subject of the proceedings, and for other purposes; to the Committee on the Judiciary.

By Mr. JEFFORDS:

H.R. 355. A bill entitled, the "National Dairy Research Endowment Institute Act of 1985"; to the Committee on Agriculture.

H.R. 356. A bill to establish a program for replacing, by 1992, 10 percent or more of the gasoline consumed in the United states with alcohol and other replacement fuels derived from coal and renewable resources, and for other purposes; to the Committee on Energy and Commerce.

H.R. 357. A bill to require a refund value for certain beverage containers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JEFFORDS (for himself, Mr. GUNDERSON, and Mr. STANGELAND):

H.R. 358. A bill entitled the "Dairy Production Price Support Adjustment Act of 1985"; to the Committee on Agriculture.

By Mr. JENKINS:

H.R. 359. A bill to amend the Social Security Act to modify the terminology relating to handicapped children; to the Committee on Ways and Means.

By Mrs. JOHNSON (for herself, Mr. ROE, Mrs. KENNELLY, Mrs. ROUKEMA, Mr. ROWLAND of Connecticut, Mr. HOWARD, Mr. RIDGE, Mr. CLINGER, Mr. MOLINARI, Mr. EDGAR, and Mrs. SCHNEIDER):

H.R. 360. A bill to authorize the Administrator of the Environmental Protection Agency to make grants for providing alternative water supplies to replace contaminated ground water, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KASTENMEIER:

H.R. 361. A bill to repeal the Military Selective Service Act of 1967; to the Committee on Armed Services.

H.R. 362. A bill to amend title 38, United States Code, to provide a presumption of service connection for the occurrence of post-traumatic stress disorders in veterans who served in Southeast Asia during the Vietnam era; to the Committee on Veterans' Affairs.

By Mr. LUKEN:

H.R. 363. A bill to establish a commission to study the establishment of a national lottery; to the Committee on Ways and Means.

By Mr. MATSUI (for himself and Mr. HANSEN):

H.R. 364. A bill to amend title 10, United States Code, to require authorization by law of certain consolidations of functions within the Department of Defense; to the Committee on Armed Services.

By Mr. McCOLLUM:

H.R. 365. A bill to amend title 18, United States Code, to permit the transportation of certain domestic prison-made goods, to increase the rehabilitative use of employment and training in Federal correctional institutions, and for other purposes; to the Committee on the Judiciary.

By Mr. McDADE:

H.R. 366. A bill to require milk handlers to make prompt payment to producers for fluid milk; to the Committee on Agriculture.

By Mr. McEWEN:

H.R. 367. A bill to amend title II of the Social Security Act to provide that the adopted child of an individual shall be treated the same as a natural child of such individual for purposes of determining his or her eligibility for benefits based on such individual's wage record, regardless of the time the adoption occurred; to the Committee on Ways and Means.

By Mr. McKERNAN:

H.R. 368. A bill to amend the Merchant Marine Act, 1936, to establish a new ship construction and reconstruction program to ensure adequate national defense capabilities, and for other purposes; jointly, to the Committees on Armed Services and Merchant Marine and Fisheries.

By Mr. MOAKLEY:

H.R. 369. A bill to require an autopsy of any member of the Armed Forces who dies while on active duty, to establish a board of medical examination in the Department of Defense, and for other purposes; to the Committee on Armed Services.

H.R. 370. A bill to amend title VII of the Civil Rights Act of 1964 to make discrimination against handicapped individuals an unlawful employment practice; to the Committee on Education and Labor.

H.R. 371. A bill to amend title I of the Ethics in Government Act of 1978 to provide for more useful and effective disclosure by officials of the legislative branch, and for other purposes; to the Committee on Rules.

By Mr. MOLINARI:

H.R. 372. A bill to amend the Federal Aviation Act of 1958 to require air carriers to schedule operations at airports in such a manner so as not to exceed the capacity of any airport to handle operations during any period of time; to the Committee on Public Works and Transportation.

By Mr. MOORE:

H.R. 373. A bill to reduce individual income tax rates, to increase savings of individuals, to broaden the income tax base, and for other purposes; to the Committee on Ways and Means.

By Mr. NICHOLS (for himself, Mr. DICKINSON, Mr. ERDREICH, Mr. FLIPPO, and Mr. SHELBY):

H.R. 374. A bill to designate the lock and dam on the Tombigbee River in Pickensville, AL, and the visitor center to be constructed for the Tennessee-Tombigbee waterway in Pickensville, AL, as the "Tom Bevill Lock and Dam" and the "Tom Bevill Visitor Center," respectively; to the Committee on Public Works and Transportation.

By Ms. OAKAR:

H.R. 375. A bill to require periodic, detailed reports to the President and the Congress by the Equal Employment Opportunity Commission, the Secretary of Labor, and the Attorney General describing actions taken to enforce Federal laws prohibiting discrimination in compensation on the basis of sex, race, religion, color, or national origin and to reaffirm the provisions in Federal law which declare that equal pay should be provided for work of equal value; jointly, to the Committees on Education and Labor and Post Office and Civil Service.

By Mr. OBERSTAR:

H.R. 376. A bill to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 to authorize the appropriation of funds to carry out such Acts for fiscal years 1986, 1987, and 1988; to the Committee on Public Works and Transportation.

H.R. 377. A bill to establish a Federal program to assist State and local governments in addressing the urgent need to repair and rehabilitate aging public facilities and to encourage the establishment of capital improvement programs that include life-cycle management of capital improvements, and for other purposes; to the Committee on Public Works and Transportation.

H.R. 378. A bill to provide an emergency public works jobs program by authorizing the construction of short-term infrastructure repair projects, and for other purposes; to the Committee on Public Works and Transportation.

H.R. 379. A bill to amend the Federal Water Pollution Control Act to require the States to identify areas which have water quality control problems as a result of pollution from nonpoint sources and to establish plans and priorities for controlling those problems, to provide assistance to the States for implementing such plans, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ORTIZ:

H.R. 380. A bill to provide assistance to State and local educational agencies for drug, alcohol, and tobacco education programs in elementary and secondary schools; to the Committee on Education and Labor.

H.R. 381. A bill to deauthorize the small craft basin portion of the Gulf Intracoastal Waterway-Channel to Port Mansfield, TX, project; to the Committee on Public Works and Transportation.

By Mr. PANETTA (for himself and Mr. REGULA):

H.R. 382. A bill to amend the Congressional Budget Act of 1974 to provide for a 2-year budgeting cycle, to provide for separate and timely consideration each of authorizing legislation, budget resolutions, and appropriations, and for other purposes; jointly to

the Committees on Rules and Government Operations.

By Mr. PARRIS:

H.R. 383. A bill to provide for centralized management and disposal of seized and forfeited property, and for other purposes; to the Committee on Government Operations.

H.R. 384. A bill to amend title 17 of the United States Code to exempt the private noncommercial recording of copyrighted works on video recorders from copyright infringement; to the Committee on the Judiciary.

H.R. 385. A bill to amend the Internal Revenue Code of 1954 with respect to deductions for certain expenses incurred by a member of a uniformed service of the United States, or by a minister, who receives a housing or subsistence allowance; to the Committee on Ways and Means.

By Mr. PURSELL:

H.R. 386. A bill to encourage the rendering of inflight emergency care aboard aircraft by requiring the placement of emergency first aid medical supplies and equipment aboard aircraft and by relieving appropriate persons of liability for the provisions and use of such equipment and supplies; to the Committee on Public Works and Transportation.

By Mr. QUILLEN:

H.R. 387. A bill to amend the Food Stamp Act of 1977 to modify the numerical limitation applicable to group-living arrangements, for determining the eligibility of certain recipients of social security benefits who reside in such arrangements to receive allotments; to the Committee on Agriculture.

H.R. 388. A bill to amend title 10 of the United States Code to permit Senior Reserve Officers' Training Programs to be established at public community colleges; to the Committee on Armed Services.

H.R. 389. A bill to amend the Housing and Community Development Act of 1974 to require the Secretary of Housing and Urban Development to give primary consideration to project quality in making grants under the urban development action grant program; to the Committee on Banking, Finance and Urban Affairs.

H.R. 390. A bill to amend the act of September 30, 1950 (20 U.S.C. et seq.) to provide for the use of current assessed values of Federal property in determining eligibility for certain assistance under such act; to the Committee on Education and Labor.

H.R. 391. A bill to amend title 5 of the United States Code to provide death benefits to survivors of Federal law enforcement officers and firefighters, and for other purposes; to the Committee on Education and Labor.

H.R. 392. A bill to amend the Railroad Retirement Act of 1974 to change benefit eligibility requirements so that individuals who have completed 30 years of service as an employee and have attained the age of 55 years are eligible and so that certain other individuals who have attained the age of 55 years and are related to employees are also eligible; to the Committee on Energy and Commerce.

H.R. 393. A bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services to provide assistance for the treatment of epilepsy; to the Committee on Energy and Commerce.

H.R. 394. A bill to provide for payments in lieu of real property taxes, with respect to certain real property owned by the Federal Government; to the Committee on Government Operations.

H.R. 395. A bill to repeal certain provisions of title 18 of the United States Code relating to gun control; to the Committee on the Judiciary.

H.R. 396. A bill to amend title 39 of the United States Code to provide for door delivery of mail to the physically handicapped, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 397. A bill to provide reduced rates for nonprofit senior citizens organizations; to the Committee on Post Office and Civil Service

H.R. 398. A bill to amend title 38, United States Code, and the Veterans' and Survivors' Pension Improvement Act of 1978 to provide that monthly annuity payments under the Railroad Retirement Act of 1974 shall not be included as income for the purpose of determining eligibility for, or the amount of, certain veterans pension and dependency and indemnity compensation benefits; to the Committee on Veterans' Affairs.

H.R. 399. A bill to amend title 38, United States Code, to require that burials be permitted in national cemeteries on weekends and holidays; to the Committee on Veterans' Affairs.

H.R. 400. A bill to amend title 38, United States Code, to remove the time limitation for the use of GI bill educational assistance benefits; to the Committee on Veterans' Affairs.

H.R. 401. A bill to amend title II of the Social Security Act to eliminate benefit disparities by increasing primary insurance amounts, in cases where the benefits involved are computed under the present formula (enacted in 1977), to the extent necessary to assure that such benefits are no less than they would have been if computed under the pre-1977 formula; to the Committee on Ways and Means.

H.R. 402. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to benefits thereunder shall continue through the month of his or her death without affecting any other person's entitlement to benefits for that month, in order to provide such individual's family with assistance in meeting the extra death-related expenses; to the Committee on Ways and Means.

H.R. 403. A bill to amend Title II of the Social Security Act to provide that the automatic cost-of-living increases in benefits which are authorized thereunder may be made on a semiannual basis rather than only on an annual basis as at present; to the Committee on Ways and Means.

H.R. 404. A bill to amend Title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 405. A bill to amend the Internal Revenue Code of 1954 to provide to individuals who have attained the age of 62 a refundable credit against income tax for increases in real property taxes and utility bills; to the Committee on Ways and Means.

H.R. 406. A bill to amend the Internal Revenue Code of 1954 to provide a refundable tax credit for taxpayers who maintain households which include elderly persons who are determined by a physician to be disabled; to the Committee on Ways and Means.

H.R. 407. A bill to amend the Internal Revenue Code of 1954 to eliminate the adjusted gross income limitation on the credit for the elderly and to provide a cost-of-living adjustment in the amount of the credit; to the Committee on Ways and Means.

H.R. 408. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for amounts paid by an individual for dependent care services to enable him to perform volunteer services for certain organizations; to the Committee on Ways and Means.

H.R. 409. A bill to amend the Internal Revenue Code of 1954 to provide that the requirement that unemployment compensation be reduced by certain retirement benefits will not apply to social security and railroad retirement benefits; to the Committee on Ways and Means.

H.R. 410. A bill to amend the Walsh-Healey Act and the Contract Work Hours and Safety Standards Act to permit certain employees to work a 10-hour day in the case of a 4-day workweek, and for other purposes; jointly to the Committees on the Judiciary, and Education and Labor.

H.R. 411. A bill to amend the Internal Revenue Code of 1954 to provide that in the case of individuals who attain age 62 no penalty shall be imposed for failure to pay estimated income tax where taxable income for the taxable years is less than $20,000 ($30,000 in the case of a married couple filing a joint return), and more than 50 percent of such income is retirement income; to the Committee on Ways and Means.

H.R. 412. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for contributions for the construction or maintance of buildings housing fraternal organizations; to the Committee on Ways and Means.

H.R. 413. A bill to amend the Internal Revenue Code of 1954 to allow individuals to compute the amount of the deduction for payments into retirement savings on the basis of the compensation of their spouses, and for other purposes; to the Committee on Ways and Means.

H.R. 414. A bill to amend the Internal Revenue Code of 1954 to provide that an individual may deduct amounts paid for his higher education, or for the higher education of any of his dependents; to the Committee on Ways and Means.

H.R. 415. A bill to amend the Internal Revenue Code of 1954 to exempt nonprofit volunteer firefighting or rescue organizations from the Federal excise taxes on gasoline, diesel fuel, and certain other articles and services; to the Committee on Ways and Means.

H.R. 416. A bill to amend the Internal Revenue Code of 1954 to simplify the individual income tax system by repealing most exclusions, deductions, and credits, and by providing a single flat rate tax schedule; to the Committee on Ways and Means.

H.R. 417. A bill to amend the Internal Revenue Code of 1954 to allow handicapped individuals a deduction for certain transportation expenses; to the Committee on Ways and Means.

H.R. 418. A bill to create a commission to grant exclusive franchises for the exploration for and the commercial development of geothermal energy and for the right to market any such energy in its natural state, and for other purposes; jointly to the Committees on Energy and Commerce, and Interior and Insular Affairs.

H.R. 419. A bill to amend the Social Security Act to provide for the payment of services by psychologists, and for other purposes; jointly to the Committees on Ways and Means, and Energy and Commerce.

H.R. 420. A bill to amend the Social Security Act to provide for inclusion of the services of licensed (registered) nurses under Medicare and Medicaid; jointly to the Committees on Ways and Means, and Energy and Commerce.

H.R. 421. A bill to amend the Social Security Act to provide for inclusion of the services of licensed practical nurses under Medicare and Medicaid; jointly to the Committees on Ways and Means, and Energy and Commerce.

By Mr. RAHALL (for himself, Mr. BEVILL, Mr. FLIPPO, Mr. DELLUMS, Mr. MURPHY, Mr. CONYERS, Mr. MITCHELL, and Mr. ROGERS):

H.R. 422. A bill to impose, and provide for the adjustment of, duties on imported coal in order to offset any competitive advantage which foreign coal producers have as a result of not having to meet environmental, health, welfare and safety requirements of the kinds imposed on United States coal producers; to the Committee on Ways and Means.

By Mr. RINALDO:

H.R. 423. A bill to amend the Board for International Broadcasting Act of 1973 to provide for a special Radio Liberty program of Russian language broadcasting for the Jewish population of the Soviet Union; to the Committee on Foreign Affairs.

By Mr. ROE:

H.R. 424. A bill to authorize the President to award the Congressional Medal of Honor to the eight servicemen who died in the attempt to rescue the Americans who were held hostage in Iran; to the Committee on Armed Services.

H.R. 425. A bill to amend the Equal Credit Opportunity Act to prohibit discrimination against any applicant for credit on the basis of the geographical location of the applicant's residence; to the Committee on Banking, Finance and Urban Affairs.

H.R. 426. A bill to amend the Older Americans Act and the Public Service Act to provide expanded counseling assistance for the elderly sick and disabled; to the Committee on Education and Labor.

H.R. 427. A bill to provide for the termination of the Interim Convention on the Conservation of North Pacific Fur Seals of February 9, 1957, to prohibit the taking of seals in the Pribilof Islands, and for other purposes; jointly to the Committees on Foreign Affairs, Interior and Insular Affairs, and Merchant Marine and Fisheries.

By Mr. ROEMER (for himself and Mr. MCCOLLUM):

H.R. 428. A bill to provide for the safe and sound operation of depository institutions; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROTH:

H.R. 429. A bill to apportion certain funds for construction of the National System of Interstate and Defense Highways for fiscal years 1985 and 1986, and for other purposes; to the Committee on Public Works and Transportation.

H.R. 430. A bill to direct the Secretary of the Army to deepen the Fox River channel, Green Bay, WI, to twenty seven feet; to the Committee on Public Works and Transportation.

By Mr. ROTH (for himself, Mr. GUNDERSON, Mr. SENSENBRENNER, and Mr. STANGELAND):

H.R. 431. A bill to direct the President to impose certain limitations on the amount of milk protein products that may be imported into the United States; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 432. A bill to amend the Food Stamp Act of 1977 to permit individuals who are elderly or disabled and who live in certain types of group-living arrangements to be treated as individual households; to the Committee on Agriculture.

H.R. 433. A bill to provide that individuals residing in shared housing arrangements shall not be subject to the loss of supplemental security income benefits as a result of such residence; to the Committee on Ways and Means.

H.R. 434. A bill to amend the Internal Revenue Code of 1954 to provide that participating in certain shared-housing arrangements does not make an individual ineligible for the one-time exclusion of gain from sale of principal residence by individuals who have attained age 55; to the Committee on Ways and Means.

H.R. 435. A bill to amend titles XVIII and XIX of the Social Security Act to provide more adequate coverage of the services of mental health specialists under the Medicare supplemental benefits program and under Medicaid programs; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. RUDD:

H.R. 436. A bill to repeal the Metric Conversion Act of 1975 (15 U.S.C. 205a et seq.); to the Committee on Science and Technology.

H.R. 437. A bill to provide for the establishment of a national cemetery in Maricopa County, AZ; to the Committee on Veterans' Affairs.

By Mr. SAM B. HALL, JR.:

H.R. 438. A bill to provide for equitable waiver in the compromise and collection of Federal claims; to the Committee on the Judiciary.

H.R. 439. A bill to amend title 28, United States Code, to provide for the selection of the court of appeals to decide multiple appeals filed with respect to the same agency order; to the Committee on the Judiciary.

H.R. 440. A bill to amend title 28 of the United States Code to provide for an exclusive remedy against the United States in suits based upon acts or omissions of U.S. employees, to provide a remedy against the United States with respect to constitutional torts, and for other purposes; to the Committee on the Judiciary.

H.R. 441. A bill to provide for the recovery by the United States of the costs of hospital and medical care and treatment furnished by the United States in certain circumstances, and for other purposes; to the Committee on the Judiciary.

By Mr. WRIGHT (for himself, Mr. FOLEY, Mr. LONG, Mr. GEPHARDT, Mr. RODINO, Mr. FISH, Mr. MINETA, Mr. MATSUI, Mr. LOWRY of Washington, Mr. ACKERMAN, Mr. AKAKA, Mr. BARNES, Mr. BATES, Mr. BERMAN, Mr. BIAGGI, Mr. BONIOR of Michigan, Mr. BORSKI, Mr. BOSCO, Mrs. BOXER, Mrs. BURTON of California, Mr. CARR, Mr. COELHO, Mrs. COLLINS, Mr. CONYERS, Mr. CROCKETT, Mr. DASCHLE, Mr. DELLUMS, Mr. DIXON, Mr. DOWNEY of New York, Mr. DYMALLY, Mr. EDGAR, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FRANK, Mr. GARCIA, Mr. GEJDENSON, Mr. GILMAN, Mr. GRAY of Pennsylvania, Mr. HALL of Ohio, Mr. HAWKINS, Mr. HAYES, Mr. HORTON, Mr. HOWARD, Mr. HUGHES, Mr. JEFFORDS, Mr. KASTENMEIER, Mr. KILDEE, Mr. KOLTER, Mr. KOSTMAYER, Mr. LANTOS, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVINE of California, Mr. LUKEN, Mr. MADIGAN, Mr. MARKEY, Mr. MARTINEZ, Mr. MAVROULES, Ms. MIKULSKI, Mr. MILLER of California, Mr. MILLER of Washington, Mr. MITCHELL, Mr. MOAKLEY, Mr. MOODY, Mr. MORRISON of Connecticut, Mr. MURPHY, Mr. ORTIZ, Mr. OWENS, Mr. PANETTA, Mr. RANGEL, Mr. REID, Mr. ROE, Mr. ROYBAL, Mr. SAVAGE, Mr. SCHEUER, Mr. SCHUMER, Mr. SILJANDER, Mr. SMITH of Florida, Mr. STARK, Mr. STOKES, Mr. STUDDS, Mr. SUNIA, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. UDALL, Mr. VENTO, Mr. WAXMAN, Mr. WEISS, Mr. WHEAT, Mr. WILSON, Mr. WIRTH, Mr. WOLPE, Mr. YATES, and Mr. YOUNG of Alaska):

H.R. 442. A bill to implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians; to the Committee on the Judiciary.

By Mr. SAM B. HALL, JR.:

H.R. 443. A bill to promote prisoner rehabilitation through assessment of the role of correctional officers by requiring a study of the classification of prevailing rate positions within the Bureau of Prisons; to place a moratorium on the downgrading of prevailing rate positions within the Bureau of Prisons; and for other purposes; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

By Mr. SEIBERLING:

H.R. 444. A bill to declare null and void the administration's attempt to withdraw for two years United States acceptance of the compulsory jurisdiction of the International Court of Justice with respect to disputes relating to Central America; to the Committee on Foreign Affairs.

H.R. 445. A bill to amend the Price-Anderson Act to remove the liability limits for nuclear accidents, to provide better economic protection for people living near nuclear powerplants and nuclear transportation routes, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 446. A bill to designate the Federal Building in Akron, Ohio, as the "Paul C. Weick Federal Building and United States Courthouse"; to the Committee on Public Works and Transportation.

H.R. 447. A bill to amend the Small Business Act to provide that for purposes of section 15 of such Act the determination of labor surplus areas shall be based on jurisdictions having populations of 25,000 or more; to the Committee on Small Business.

H.R. 448. A bill to provide Federal supplemental unemployment compensation for certain individuals; to the Committee on Ways and Means.

H.R. 449. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of foreign oil and gas income; to the Committee on Ways and Means.

H.R. 450. A bill to amend the Internal Revenue Code of 1954 to provide for the refunding of so much of a taxpayer's investment credit as exceeds his liability for tax; to the Committee on Ways and Means.

By Mr. SHELBY:

H.R. 451. A bill to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Florida:

H.R. 452. A bill to amend the Internal Revenue Code of 1954 to provide that the inclusion of tax-exempt interest in determining the taxation of social security benefits shall not apply to interest on obligations held by the taxpayer before the date of the enactment of the Social Security Amendments of 1983 and continuously thereafter; to the Committee on Ways and Means.

By Mr. SMITH of Iowa:

H.R. 453. A bill to amend the Commodity Exchange Act to require a producer referendum as a condition of designation of certain contract markets; to the Committee on Agriculture.

H.R. 454. A bill to amend the Commodity Exchange Act to require public disclosure of certain information relating to sales of commodities for export, and for other purposes; to the Committee on Agriculture.

H.R. 455. A bill to amend the United States Grain Standards Act for the purpose of expanding foreign trade by improving and maintaining the quality of grain shipped from an export elevator at an export port location; to the Committee on Agriculture.

H.R. 456. A bill to amend the Commodity Exchange Act to prohibit insider trading; to the Committee on Agriculture.

H.R. 457. A bill to authorize loans for study at nonprofit institutions of higher education; to the Committee on Education and Labor.

H.R. 458. A bill to direct the Secretary of the Army, acting through the Chief of Engineers, to carry out a water resources development project on, and along, a certain segment of the Des Moines River, IA; to the Committee on Public Works and Transportation.

H.R. 459. A bill to amend the Small Business Act to authorize the Small Business Administration to purchase equity securities of qualified small business concerns; to the Committee on Small Business.

H.R. 460. A bill to amend the Small Business Act to assist and protect small businesses and to protect small businesses against unreasonable use of economic power by major meatpacking companies, and for other purposes; jointly, to the Committees on Agriculture and Small Business.

H.R. 461. A bill to clarify the eligibility of certain small businesses for loans under the Small Business Act, to aid, protect, and preserve small businesses in meat production and marketing, and for other purposes; jointly, to the Committees on Agriculture and Small Business.

H.R. 462. A bill to develop natural resources, to provide meaningful employment opportunities producing assets of lasting value, and to enhance the environment, through a program providing incentives to State, local, and Federal agencies to plant trees on public lands; jointly, to the Committees on Agriculture; Interior and Insular Affairs; and Small Business.

By Mr. SMITH of Iowa (for himself and Mr. UDALL):

H.R. 463. A bill to require the Secretary of the Interior to establish a program to insure the stockpiling and replacement of topsoil on public lands and other lands which are moved or covered by surface mining projects, reclamation projects, and other Federal and federally assisted projects, and for other purposes; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. SMITH of Iowa:

H.R. 464. A bill to provide for better access to the Federal courts for small businesses and others with small to moderate size claims, to expand the duties of the Office of Advocacy of the Small Business Administration, and for other purposes; jointly, to the Committees on the Judiciary and Small Business.

By Mr. SMITH of Iowa (for himself, Mr. PARRIS, Mr. YATES, Mr. RODINO, Mr. LANTOS, Mr. MCKINNEY, Mrs. COLLINS, Mr. BEDELL, Mr. WALKER, Mr. DWYER of New Jersey, Mr. SOLARZ, Mr. FISH, Mr. BEILENSON, Mr. NELSON of Florida, Mr. LEHMAN of Florida, Mr. FRANK, Mr. CLAY, Mr. ROE, Mr. WILSON, Mr. CROCKETT, Mr. KILDEE, Mr. RINALDO, Mr. WHITEHURST, Mr. HYDE, Mr. PERKINS, and Mr. QUILLEN):

H.R. 465. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that certain foods intended for human consumption be labeled to show the amount of sodium and potassium they contain; to the Committee on Energy and Commerce.

By Mrs. SMITH of Nebraska:

H.R. 466. A bill to assist distressed farmers, protect farmland values, preserve family farms, provide opportunities for beginning farmers, encourage soil conservation, and reduce production of surplus commodities; to the Committee on Agriculture.

By Ms. SNOWE (for herself, Mr. FOGLIETTA, Mr. ROE, Mr. BIAGGI, Mr. SCHEUER, Mr. SOLARZ, Mrs. SCHNEIDER, Mr. BARNES, and Mr. PEPPER):

H.R. 467. A bill to amend the Internal Revenue Code of 1954 to allow the dependent care credit for expenses with respect to dependents incapable of self-care without regard to whether such expenses are incurred to enable the taxpayer to be gainfully employed; to the Committee on Ways and Means.

By Ms. SNOWE (for herself, Mr. WOLF, Mr. FRENZEL, Mr. EMERSON, Mrs. MARTIN of Illinois, Mr. ROE, Mr. SCHEUER, Mr. BIAGGI, Mr. SOLARZ, Mr. ROYBAL, Mr. LANTOS, Mr. BILIRAKIS, Mr. BARNES, Mr. BERMAN, Mrs. HOLT, and Mr. PEPPER):

H.R. 468. A bill to provide a deduction from gross income for individual taxpayers who maintain home care and adult day care expenses of a dependent of the taxpayer who suffers from Alzheimer's disease or related organic brain disorders; to the Committee on Ways and Means.

By Mr. STANGELAND (for himself, Mr. STENHOLM, Mr. ARCHER, Mr. BATEMAN, Mr. CAMPBELL, Mr. CRANE, Mr. FRENZEL, Mr. LOEFFLER, Mr. MCCAIN, Mr. ROBERTS, Mr. SENSENBRENNER, Mr. SILJANDER, Mr. DENNY SMITH, Mr. STUMP, Mr. TAUKE, Mr. WALKER, and Mr. WEBER):

H.R. 469. A bill to repeal the Service Contract Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. STANGELAND:

H.R. 470. A bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks; to the Committee on Ways and Means.

H.R. 471. A bill to provide that each State must establish a workfare program, and require participation therein by all residents of the State who are receiving benefits or assistance under the aid to families with dependent children, food stamp, and public housing programs, as a condition of the State's eligibility for Federal assistance in connection with those programs; jointly, to the Committees on Agriculture; Banking, Finance and Urban Affairs; Education and Labor; and Ways and Means.

By Mr. STENHOLM (for himself, Mr. STANGELAND, Mr. ARCHER, Mr. BADHAM, Mr. BARNARD, Mr. BARTLETT, Mr. BATEMAN, Mr. BILIRAKIS, Mr. BROOMFIELD, Mrs. BYRON, Mr. CAMPBELL, Mr. CRAIG, Mr. CRANE, Mr. DANIEL, Mr. DICKINSON, Mr. EMERSON, Mr. FRENZEL, Mr. GOODLING, Mr. HAMMERSCHMIDT, Mr. HANSEN, Mr. HARTNETT, Mrs. HOLT, Mr. HOPKINS, Mr. IRELAND, Mr. JENKINS, Mr. KRAMER, Mr. LEATH of Texas, Mr. LOEFFLER, Mr. LUJAN, Mr. LUNGREN, Mr. MCCAIN, Mr. MCCANDLESS, Mr. MACK, Mr. MOLINARI, Mr. MOORHEAD, Mr. NIELSON of Utah, Mr. OXLEY, Mr. PARRIS, Mr. ROBERTS, Mr. SHAW, Mr. SHUMWAY, Mr. SILJANDER, Mr. SKEEN, Mr. DENNY SMITH, Mr. SPENCE, Mr. STUMP, Mr. SUNDQUIST, Mr. THOMAS of California, Mrs. VUCANOVICH, Mr. WEBER, Mr. WHITTAKER, and Mr. WOLF):

H.R. 472. A bill to amend the Davis-Bacon Act and related statutes in order to provide new job opportunities, effect significant cost-savings on Federal construction contracts, promote small business participation in Federal contracting; to reduce unnecessary paperwork and reporting requirements; to clarify the definition of prevailing wages, and for other purposes; to the Committee on Education and Labor.

By Mr. THOMAS of California:

H.R. 473. A bill to establish a Defense Petroleum Reserve designed to meet emergency fuel needs for national defense purposes, to authorize continued production of petroleum from the naval petroleum reserves, and for other purposes; to the Committee on Armed Services.

By Mr. WALKER:

H.R. 474. A bill to permit localities with severe unemployment to increase employment by obtaining waivers of Federal laws and regulations which limit employment opportunities; to the Committee on Government Operations.

H.R. 475. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income gain on the sale or exchange of certain farmland if the owners of the farmland, in a covenant binding themselves and all future owners of their land, restrict the use of such land to use as farmland; to the Committee on Ways and Means.

H.R. 476. A bill to amend the Internal Revenue Code of 1954 to provide to individuals who have attained the age of 62 a refundable credit against income tax for increases in real property taxes and utility bills; to the Committee on Ways and Means.

By Mr. WEISS:

H.R. 477. A bill to remove certain trade restrictions with respect to Cuba and to otherwise provide for improved relations with Cuba; to the Committee on Foreign Affairs.

By Mr. WHITEHURST:

H.R. 478. A bill to amend section 1588 of chapter 81 of title 10, United States Code; to the Committee on Armed Services.

H.R. 479. A bill to establish a commission to advise the President on proposals for national observances; to the Committee on Post Office and Civil Service.

H.R. 480. A bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a veteran after age 60 shall not result in termination of dependency and indemnity compensation; to the Committee on Veterans' Affairs.

H.R. 481. A bill to amend the Internal Revenue Code of 1954 with respect to deductions for the payment of certain ex-

penses by members of the uniformed services who receive housing allowances; to the Committee on Ways and Means.

H.R. 482. A bill to provide for medicare coverage of influenza vaccine and its administration; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. ROSTENKOWSKI (for himself, Mr. PICKLE, Mr. DUNCAN, and Mr. ARCHER):

H.J. Res. 1. Joint resolution designating 1985 as the Year of Social Security; to the Committee on Post Office and Civil Service.

By Mr. RODINO:

H.J. Res. 2. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. BEDELL (for himself, Mr. LEACH of Iowa, and Mr. MARKEY):

H.J. Res. 3. Joint resolution to prevent nuclear explosive testing; to the Committee on Foreign Affairs.

By Mr. McEWEN:

H.J. Res. 4. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

By Mr. BROOKS:

H.J. Res. 5. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

H.J. Res. 6. Joint resolution proposing an amendment to the Constitution of the United States to provide for single 6-year terms for the President and Vice President, and to repeal the 22d article of amendment to the Constitution; to the Committee on the Judiciary.

By Mr. HYDE:

H.J. Res. 7. Joint resolution to provide for the establishment of a Joint Committee on Intelligence; to the Committee on Rules.

By Mr. WYLIE:

H.J. Res. 8. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

H.J. Res. 9. Joint resolution to establish a bipartisan National Commission on Federal Budget Deficit Reductions; to the Committee on Government Operations.

By Mr. CONTE:

H.J. Res. 10. Joint resolution to designate the week beginning on January 19, 1987 as "Shays' Rebellion Week" and Sunday, January 25, 1987 as "Shays' Rebellion Day"; to the Committee on Post Office and Civil Service.

By Mr. KASTENMEIER:

H.J. Res. 11. Joint resolution calling for a verifiable comprehensive treaty banning the testing, production, deployment, and use of all space-based weapons for use against space, air or ground targets, and ground-based or air-based weapons for use against satellites and the dismantling of existing weapons systems; to the Committee on Foreign Affairs.

By Mr. BARTON:

H.J. Res. 12. Joint resolution proposing an amendment to the Constitution relating to Federal budget procedures; to the Committee on the Judiciary.

By Mr. BEDELL:

H.J. Res. 13. Joint resolution proposing an amendment to the Constitution of the United States to provide for 4-year terms for Members of the House of Representatives, and for other purposes; to the Committee on the Judiciary.

By Mr. BENNETT:

H.J. Res. 14. Joint resolution proposing an amendment to the Constitution of the United States to prohibit compelling attendance in schools other than the one nearest the residence and to insure equal educational opportunities for all students wherever located; to the Committee on the Judiciary.

H.J. Res. 15. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations; to the Committee on the Judiciary.

H.J. Res. 16. Joint resolution proposing an amendment to the Constitution to provide that, except in time of war or economic emergency declared by the Congress, expenditures of the Government may not exceed the revenues of the Government during any fiscal year; to the Committee on the Judiciary.

By Mr. AKAKA:

H.J. Res. 17. Joint resolution to consent to an amendment enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT (for himself, Mr. SHUMWAY, and Mr. CHANDLER):

H.J. Res. 18. Joint resolution proposing an amendment to the Consitution of the United States allowing an item veto in appropriations; to the Committee on the Judiciary.

By Mr. BENNETT:

H.J. Res. 19. Joint resolution proposing an amendment to the Constitution to provide for the direct election of the President and the Vice President and to authorize Congress to establish procedures relating to the nomination of Presidential and Vice Presidential candidates; to the Committee on the Judiciary.

By Mr. BILIRAKIS:

H.J. Res. 20. Joint resolution designating the week beginning November 11, 1985, as "National Women Veterans Recognition Week"; to the Committee on Post Office and Civil Service.

By Mrs. COLLINS:

H.J. Res. 21. Joint resolution to provide for the designation of the month of February 1985 as "National Black History Month"; to the Committee on Post Office and Civil Service.

H.J. Res. 22. Joint resolution to provide for the designation of September 1, 1985, as "Working Mothers' Day"; to the Committee on Post Office and Civil Service.

By Mr. DE LUGO (for himself, and Mr. SUNIA):

H.J. Res. 23. Joint resolution proposing an amendment to the Constitution of the United States to provide that the insular areas shall appoint electors of the President and Vice President; to the Committee on the Judiciary.

By Mr. EMERSON:

H.J. Res. 24. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. GREEN:

H.J. Res. 25. Joint resolution to designate the week beginning June 2, 1985, as "National Theatre Week"; to the Committee on Post Office and Civil Service.

By Mr. GUARINI:

H.J. Res. 26. Joint resolution proposing an amendment to the Constitution of the United States to provide for a single 6-year term for President and Vice President, and to repeal the 22d article of amendment to the Constitution; to the Committee on the Judiciary.

By Mr. CRAIG (for himself, Mr. STENHOLM, Mr. ROBERT F. SMITH, Mr. JENKINS, Mr. ARCHER, Mr. BADHAM, Mr. BEVILL, Mr. BILIRAKIS, Mr. BLILEY, Mr. BOULTER, Mr. BREAUX, Mr. BROWN of Colorado, Mr. BROYHILL, Mr. BYRON, Mr. CAMPBELL, Mr. CARNEY, Mr. CHANDLER, Mr. CHAPPELL, Mr. CLINGER, Mr. COBLE, Mr. COMBEST, Mr. COUGHLIN, Mr. COURTER, Mr. CRANE, Mr. DANIEL, Mr. DANNEMEYER, Mr. DARDEN, Mr. DAUB, Mr. DELAY, Mr. DOWDY of Mississippi, Mr. ECKERT of New York, Mr. EMERSON, Mr. ENGLISH, Ms. FIEDLER, Mr. FIELDS, Mr. FRENZEL, Mr. GREGG, Mr. GUNDERSON, Mr. SAM B. HALL, JR., Mr. HANSEN, Mr. HARTNETT, Mr. HENDON, Mrs. HOLT, Mr. HOPKINS, Mr. HORTON, Mr. HUTTO, Mr. IRELAND, Mr. KASICH, Mr. KINDNESS, Mr. KRAMER, Mr. LAGOMARSINO, Mr. LEWIS of Florida, Mr. LIVINGSTON, Mr. LOEFFLER, Mr. LOTT, Mr. LUNGREN, Mr. LUJAN, Mr. McCAIN, Mr. McCANDLESS, Mr. McCURDY, Mr. McEWEN, Mr. McKERNAN, Mr. MACK, Mr. MARLENEE, Mr. MARTIN of New York, Mrs. MARTIN of Illinois, Ms. MEYERS of Kansas, Mr. MILLER of Ohio, Mr. NICHOLS, Mr. OXLEY, Mr. PORTER, Mr. RAY, Mr. REGULA, Mr. ROEMER, Mr. ROGERS, Mr. ROTH, Mr. RUDD, Mr. SENSENBRENNER, Mr. SHAW, Mr. SHUMWAY, Mr. SILJANDER, Mr. DENNY SMITH, Mr. SCHUETTE, Mrs. SMITH of Nebraska, Mr. SOLOMON, Mr. STANGELAND, Mr. STUMP, Mr. SUNDQUIST, Mr. TAUKE, Mr. TAUZIN, Mr. THOMAS of California, Mrs. VUCANOVICH, Mr. WATKINS, Mr. WHITEHURST, Mr. WHITTAKER, Mr. WOLFE, Mr. YOUNG of Alaska, Mr. ZSCHAU):

H.J. Res. 27. Joint resolution proposing an amendment to the Constitution relating to Federal budget procedures; to the Committee on the Judiciary.

By Mr. JACOBS:

H.J. Res. 28. Joint resolution proposing an amendment to the Constitution of the United States with respect to the compelling of testimony from a defendant in a criminal case in open court, a restriction on the use of prior convictions except when they are an element of the crime charged, and the right of a defendant in a criminal case to be informed of the evidence against him; to the Committee on the Judiciary.

H.J. Res. 29. Joint resolution proposing an amendment to the Constitution of the United States allowing the States to propose amendments to the Constitution when the legislatures of two-thirds of the States have approved substantially identical proposals for an amendment; to the Committee on the Judiciary.

H.J. Res. 30. Joint resolution proposing an amendment to the Constitution of the United States to limit service by Representatives, Senators, and Federal judges; to the Committee on the Judiciary.

H.J. Res. 31. Joint resolution to amend the Constitution of the United States to provide for balanced budgets and elimination of the Federal indebtedness; to the Committee on the Judiciary.

H.J. Res. 32. Joint resolution to amend the Constitution of the United States to provide for one-House vetoes of executive branch rules and regulations issued pursu-

ant to acts of the Congress; to the Committee on the Judiciary.

By Mr. LEWIS of Florida:

H.J. Res. 33. Joint resolution designating the week of September 8 through September 14, 1985, as "National Child Safety Week"; to the Committee on Post Office and Civil Service.

By Mr. McCOLLUM (for himself, Mr. HARTNETT, Mr. MICA, Mr. BROWN of Colorado, Mr. BILIRAKIS, Mr. EVANS of Iowa, Mr. SHUMWAY, Mr. McEWEN, and Mr. HANSEN):

H.J. Res. 34. Joint resolution proposing an amendment to the Constitution of the United States to provide for 4-year terms for Representatives and to limit the number of terms Senators and Representatives may serve; to the Committee on the Judiciary.

By Mr. McCOLLUM (for himself, Mr. DENNY SMITH, Mr. BROWN of Colorado, Mr. HARTNETT, Mr. GREGG, Mr. BILIRAKIS, Mr. WOLF, Mr. EVANS of Iowa, Mr. GUNDERSON, Mr. CRANE, Mr. McEWEN, Mr. HILER, and Mr. HANSEN):

H.J. Res. 35. Joint resolution proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives; to the Committee on the Judiciary.

By Ms. OAKAR:

H.J. Res. 36. Joint resolution authorizing establishment of a memorial in the District of Columbia or its environs; to the Committee on House Administration.

By Mr. ROE:

H.J. Res. 37. Joint resolution to designate April 24, 1985, as "National Day of Remembrance of Man's Inhumanity to Man"; to the Committee on Post Office and Civil Service.

H.J. Res. 38. Joint resolution to provide for the designation of the 44th anniversary of the renewal of Ukrainian independence, June 30, 1985, as "Ukrainian Independence Day"; to the Committee on Post Office and Civil Service.

H.J. Res. 39. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of Patience Lovell Wright; to the Committee on Post Office and Civil Service.

H.J. Res. 40. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of the Columbiettes; to the Committee on Post Office and Civil Service.

By Mr. RUDD:

H.J. Res. 41. Joint resolution designating August 4, 1985, as "National Legion of Valor Day"; to the Committee on Post Office and Civil Service.

By Mr. SHELBY:

H.J. Res. 42. Joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by the Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 percent of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

By Mr. SHUMWAY:

H.J. Res. 43. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; and to provide for the systematic paying back of the national debt; to the Committee on the Judiciary.

By Mr. SHUMWAY (for himself, and Mr. McCOLLUM):

H.J. Res. 44. Joint resolution proposing an amendment to the Constitution of the United States providing for staggered 4-year terms for Representatives, for a limitation on the number of terms a person may serve in the House of Representatives or the Senate, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Iowa:

H.J. Res. 45. Joint resolution proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mr. DWYER of New Jersey, Mr. BERMAN, Mr. LUNDINE, Mr. BEILENSON, Mrs. LLOYD, Mr. WEISS, Mr. LANTOS, Mr. HUGHES, Mr. LAGOMARSINO, Mr. STARK, Mr. GREEN, Mr. WYDEN, Mr. FAUNTROY, Mr. MARTINEZ, Mr. SOLARZ, Mr. ROE, Mr. YOUNG of Missouri, Mr. CROCKETT, Mr. RODINO, Mr. SKELTON, Mr. RINALDO, Mr. HAMMERSCHMIDT, Mr. FRENZEL, Mr. LEVINE of California, Mr. BIAGGI, Mr. ERDREICH, Mrs. BOXER, Mr. KOLTER, Mr. BILIRAKIS, Mr. HERTEL of Michigan, Mr. MATSUI, Mr. CONTE, Mrs. BYRON, Mr. LEVIN of Michigan, Mr. FORD of Tennessee, Mr. DEWINE, Mr. DURBIN, Mr. BARNES, Mrs. HOLT, Mr. MACKAY, and Mr. PEPPER):

H.J. Res. 46. Joint resolution to designate the week of May 1 through May 7, 1985, as "National Osteoporosis Awareness Week;" to the Committee on Post Office and Civil Service.

By Mr. WEISS:

H.J. Res. 47. Joint resolution to renounce the first use of all nuclear weapons and to conclude treaties with all nations renouncing the first use of all nuclear weapons; to the Committee on Foreign Affairs.

By Mr. ARCHER:

H.J. Res. 48. Joint resolution proposing an amendment to the Constitution of the United States requiring the submission of balanced Federal funds budgets by the President and action by the Congress to provide revenues to offset Federal funds deficits; to the Committee on the Judiciary.

By Mr. ARCHER (for himself, Mr. KEMP, Mr. SAM B. HALL, JR., and Mr. CRANE):

H.J. Res. 49. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriation bills; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Ms. SNOWE, Mrs. COLLINS, Ms. MIKULSKI, Mrs. SCHNEIDER, Ms. OAKAR, Mrs. BURTON of California, Mrs. BOGGS, Mrs. JOHNSON, Ms. KAPTUR, Mrs. KENNELLY, Mrs. SCHROEDER, Mrs. HOLT, Mrs. LLOYD, Mrs. MARTIN of Illinois, Mrs. SMITH of Nebraska, Mrs. BYRON, Mrs. MEYERS of Kansas, Ms. FIEDLER, Mrs. VUCANOVICH, Mrs. BENTLEY, Mr. EDWARDS of California, Mr. ROSE, Mr. MORRISON of Connecticut, Mr. FAUNTROY, Mr. STARK, Mr. BERMAN, Mr. WEAVER, Mr. ADDABBO, Mr. MOODY, Mr. WHEAT, Mr. OLIN, Mr. DWYER of New Jersey, Mr. DIXON, Mr. MATSUI, Mr. KOSTMAYER, Mr. TORRICELLI, Mr. RODINO, Mr. YOUNG of Missouri, Mr. LEVINE of California, Mr. CROCKETT, Mr. DARDEN, Mr. WAXMAN, Mr. YATES, Mr. DELLUMS, Mr. BARNES, Mr. SMITH of Florida, Mr. EDGAR, Mr. MITCHELL, Mr. BEVILL, Mr. KASICH, Mr. RINALDO, Mr. FOGLIETTA, Mr. KRAMER, Mr. HOYER, Mr. ROE, Mr. FRENZEL, Mr. BRYANT, Mr. WORTLEY, Mr. HATCHER, Mr. COOPER, Mr. MCHUGH, Mr. LEWIS of Florida, Mr. MAZZOLI, Mr. MINETA, Mr. LAGOMARSINO, Mr. SCHUMER, Mr. MCKERNAN, Mr. ANTHONY, Mr. FRANK, Mr. VENTO, Mr. WEISS, Mr. FOLEY, and Mr. RAY):

H.J. Res. 50. Joint resolution designating the week beginning March 3, 1985, as "Women's History Week"; to the Committee on Post Office and Civil Service.

By Mr. DE LA GARZA:

H.J. Res. 51. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations shall not exceed revenues of the United States, except in time of war or national emergency; to the Committee on the Judiciary.

H.J. Res. 52. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. EMERSON:

H.J. Res. 53. Joint resolution proposing an amendment to the Constitution of the United States to prohibit compelling the attendance of a student in a public school other than the public school nearest the residence of such student; to the Committee on the Judiciary.

By Mr. FUQUA:

H.J. Res. 54. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; and to provide for the systematic paying back of the national debt; to the Committee on the Judiciary.

H.J. Res. 55. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

H.J. Res. 56. Joint resolution proposing an amendment to the Constitution of the United States providing for a procedure for removal from office, in every tenth year of service, of the judges of the Supreme Court and inferior Federal courts; to the Committee on the Judiciary.

By Mr. HYDE (for himself and Mr. FISH):

H.J. Res. 57. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in Appropriations Acts; to the Committee on the Judiciary.

By Mr. IRELAND:

H.J. Res. 58. Joint resolution expressing the sense of the Congress that following the achievement of a balanced budget, any existing budget surplus should be applied to reducing the national debt; to the Committee on Government Operations.

By Mr. KOSTMAYER:

H.J. Res. 59. Joint resolution designating the week beginning July 7, 1985, as "National Alopecia Areata Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. McKERNAN:

H.J. Res. 60. Joint resolution to designate the week beginning September 1, 1985, as "National School-Age Child Care Awareness

Week"; to the Committee on Post Office and Civil Service.

By Mr. MOAKLEY:

H.J. Res. 61. Joint resolution designating the week beginning May 5, 1985, as "National Arson Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. MYERS of Indiana:

H.J. Res. 62. Joint resolution to authorize the President to issue a proclamation designating the week beginning on November 17, 1985, as "National Family Week"; to the Committee on Post Office and Civil Service.

By Mr. QUILLEN:

H.J. Res. 63. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or threat of war as determined by the Congress; and to provide for the systematic paying back of the national debt; to the Committee on the Judiciary.

By Mr. RAY:

H.J. Res. 64. Joint resolution designating Mother's Day, May 12, 1985, to Father's Day, June 16, 1985, as "Family Reunion Month"; to the Committee on Post Office and Civil Service.

H.J. Res. 65. Joint resolution designating Mother's Day to Father's Day each year as Family Reunion Month; to the Committee on Post Office and Civil Service.

By Mr. STARK:

H.J. Res. 66. Joint resolution calling upon the Department of Transportation to investigate and identify the possible causes of the too frequent midair collisions, near misses and crashes; to the Committee on Public Works and Transportation.

By Mr. WHITEHURST:

H.J. Res. 67. Joint resolution calling for a wildlife sanctuary for humpback whales in the West Indies; to the Committee on Foreign Affairs.

By Mr. WRIGHT:

H. Con. Res. 1. Concurrent resolution providing for a joint session of Congress on February 6, 1985, to receive a message from the President of the United States; considered and agreed to.

By Mr. MOAKLEY (for himself and Mr. KINDNESS):

H. Con. Res. 2. Concurrent resolution to provide improved structures and procedures for congressional oversight of the Federal regulatory process and for congressional review of agency rules, and for other purposes; to the Committee on Rules.

By Mr. CONTE:

H. Con. Res. 3. Concurrent resolution to express the sense of the Congress that activities designed to destabilize or overthrow the government of any nation in Central America are inappropriate, and that outstanding grievances between different nations of the region should be resolved through peaceful negotiations; to the Committee on Foreign Affairs.

Mr. ANNUNZIO:

H. Con. Res. 4. Concurrent resolution expressing the sense of the Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups; to the Committee on Energy and Commerce.

By Mr. BROWN of Colorado:

H. Con. Res. 5. Concurrent resolution calling for a 1-year moratorium on Federal spending increases; to the Committee on Rules.

By Mr. BIAGGI:

H. Con. Res. 6. Concurrent resolution to call for an end to the use of plastic bullets by British security forces in Northern Ireland; to the Committee on Foreign Affairs.

H. Con. Res. 7. Concurrent resolution to designate a special envoy for Northern Ireland; to the Committee on Foreign Affairs.

By Mr. WEBER:

H. Con. Res. 8. Concurrent resolution requesting the President to conduct a study to determine the feasibility and desirability of raising funds, to be loaned for agricultural purposes, by exempting from Federal income tax interest paid on certain bonds and cash deposits; to the Committee on Agriculture.

By Mr. BILIRAKIS:

H. Con. Res. 9. Concurrent resolution regarding the Greece-Turkey situation and supporting the maintenance of the 7-to-10 ratio in United States military assistance for Greece and Turkey; to the Committee on Foreign Affairs.

By Mrs. COLLINS:

H. Con. Res. 10. Concurrent resolution expressing the sense of the Congress that low-income individuals should receive assistance in paying bills for home heating; to the Committee on Energy and Commerce.

H. Con. Res. 11. Concurrent resolution expressing the sense of the Congress on natural gas prices; to the Committee on Energy and Commerce.

H. Con. Res. 12. Concurrent resolution expressing the sense of the Congress that the Office of Personnel Management should provide certain vocational rehabilitation services in its administration of the civil service disability retirement program; to the Committee on Post Office and Civil Service.

By Mr. CRANE:

H. Con. Res. 13. Concurrent resolution expressing the sense of the Congress with respect to the right of all Americans to keep and bear arms in defense of life or liberty and in the pursuit of all other legitimate endeavors; to the Committee on the Judiciary.

By Mr. FUQUA:

H. Con. Res. 14. Concurrent resolution to collect overdue debts; to the Committee on Foreign Affairs.

By Mr. JACOBS:

H. Con. Res. 15. Concurrent resolution expressing the sense of the Congress that any Federal agency that utilizes the Draize rabbit eye irritancy test should develop and validate alternative ophthalmic testing procedures that do not require the use of animal test subjects; to the Committee on Energy and Commerce.

H. Con. Res. 16. Concurrent resolution expressing the sense of the Congress with respect to the use of amounts from the Treasury for refurnishing or improvement of the Executive residence at the White House; to the Committee on Public Works and Transportation.

H. Con. Res. 17. Concurrent resolution declaring the sense of Congress regarding periods of silence in the public schools; jointly, to the Committees on Education and Labor and the Judiciary.

By Mr. MOAKLEY:

H. Con. Res. 18. Concurrent resolution directing the Commissioner of Social Security and the Secretary of Health and Human Services to immediately conduct a study and report to Congress on steps which can be taken to correct the benefit disparity known as the notch problem, in order to insure fair and equitable treatment for those who have based their retirement plans on the social security benefit levels which existed or were projected, during most of their working lifetimes, under pre-1977 law; to the Committee on Ways and Means.

By Mr. PARRIS:

H. Con. Res. 19. Concurrent resolution expressing the sense of the Congress that the International Olympic Committee should establish a permanent facility for the Olympic games, to insulate the games from international politics; to the Committee on Foreign Affairs.

By Mr. ROE:

H. Con. Res. 20. Concurrent resolution expressing the sense of the Congress that the United States should recognize Jerusalem as the capital of Israel, and that the U.S. Embassy in Israel should be relocated in Jerusalem; to the Committee on Foreign Affairs.

H. Con. Res. 21. Concurrent resolution expressing the sense of the Congress with respect to the strategic importance of Israel to the United States; to the Committee on Foreign Affairs.

H. Con. Res. 22. Concurrent resolution concerning the rights of the people of Ireland; to the Committee on Foreign Affairs.

H. Con. Res. 23. Concurrent resolution urging a moratorium on the commercial killing of whales; to the Committee on Foreign Affairs.

By Mr. VENTO (for himself, Mr. ACKERMAN, Mr. ADDABBO, Mr. ANNUNZIO, Mr. BARNES, Mr. BEREUTER, Mr. BERMAN, Mr. BEVILL, Mr. BLILEY, Mr. BOLAND, Mr. BORSKI, Mrs. BOXER, Mr. BRYANT, Mr. CARNEY, Mrs. COLLINS, Mr. CONTE, Mr. COOPER, Mr. DINGELL, Mr. DIOGUARDI, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. ECKART of Ohio, Mr. ERDREICH, Mr. EVANS of Illinois, Mr. FAUNTROY, Mr. FEIGHAN, Ms. FIEDLER, Mr. FISH, Mr. FLORIO, Mr. FRANK, Mr. FRENZEL, Mr. FROST, Mr. GARCIA, Mr. GEJDENSON, Mr. GINGRICH, Mr. HOWARD, Mr. HUGHES, Mr. HYDE, Mrs. JOHNSON, Mr. KANJORSKI, Ms. KAPTUR, Mr. KEMP, Mrs. KENNELLY, Mr. KILDEE, Mr. KLECZKA, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LELAND, Mr. LENT, Mr. LEVIN of Michigan, Mr. LUNDINE, Mr. LEVINE of California, Mr. MCCOLLUM, Mr. MARKEY, Mrs. MARTIN of Illinois, Mr. MARTINEZ, Ms. MIKULSKI, Mr. MINETA, Mr. MOAKLEY, Mr. MORRISON of Connecticut, Mr. MRAZEK, Ms. OAKAR, Mr. OBERSTAR, Mr. PENNY, Mr. PEPPER, Mr. PORTER, Mr. RANGEL, Mr. RINALDO, Mr. RITTER, Mr. RODINO, Mr. ROE, Mr. SABO, Mr. SCHEUER, Mr. SCHUMER, Mr. SIKORSKI, Mr. SMITH of Florida, Mr. STUDDS, Mr. TORRICELLI, Mr. TOWNS, Mr. WALGREN, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. WHEAT, Mr. WILSON, Mr. WIRTH, Mr. WORTLEY, and Mr. ZSCHAU):

H. Con. Res. 24. Concurrent resolution expressing the sense of Congress concerning human rights in Poland; to the Committee on Foreign Affairs.

By Mr. WRIGHT:

H. Res. 1. Resolution referring the election of a Member from the Eighth Congressional District of Indiana to the Committee on House Administration, and for other purposes; considered and agreed to.

By Mr. WRIGHT:

H. Res. 2. Resolution authorizing the Speaker to administer the oath of office to Representative-elect Richard Stallings from the State of Idaho; considered and agreed to.

By Mr. GEPHARDT:

H. Res. 3. Resolution electing officers of the House of Representatives; considered and agreed to.

By Mr. WRIGHT:

H. Res. 4. Resolution informing the Senate that a quorum of the House has assembled and has elected THOMAS P. O'NEILL, JR., Representative from the Commonwealth of Massachusetts, Speaker; and Benjamin J. Guthrie, a citizen of the Commonwealth of Virginia, Clerk; considered and agreed to.

H. Res. 5. Resolution authorizing the Speaker to appoint a committee of two Members on the part of the House to join with a committee of the Senate to notify the President that a quorum of each House has been assembled and that Congress is ready to receive any communication that he may be pleased to make; considered and agreed to.

By Mr. WHITTEN:

H. Res. 6. Resolution authorizing the Clerk of the House to inform the President that the House of Representatives has elected Thomas P. O'Neill, Jr., a Representative from the Commonwealth of Massachusetts, Speaker; and Benjamin J. Guthrie, a citizen of the Commonwealth of Virginia, Clerk; considered and agreed to.

By Mr. WRIGHT:

H. Res. 7. Resolution adopting the Rules of the House of Representatives for the 99th Congress; considered and agreed to.

By Mr. MICHEL:

H. Res. 8. Resolution relating to the compensation of certain minority employees; considered and agreed to.

By Mr. PEPPER:

H. Res. 9. Resolution fixing the daily hour of meeting of the House; considered and agreed to.

By Mr. WRIGHT:

H. Res. 10. Resolution providing for the House to proceed to the West Front of the Capitol on January 21, 1985, for the purpose of attending the inaugural ceremonies; considered and agreed to.

By Mr. GONZALEZ:

H. Res. 11. Resolution electing the Honorable JIM WRIGHT of Texas as Speaker pro tempore during the absence of the Speaker; considered and agreed to.

By Mr. CONTE:

H. Res. 12. Resolution expressing the House of Representatives' opposition to an imposition of an import fee on crude oil and refined products; to the Committee on Ways and Means.

By Mr. CRANE:

H. Res. 13. Resolution to amend the Rules of the House of Representatives to eliminate the limitations on outside earned income of Members of the House; to the Committee on Rules.

By Mr. JACOBS:

H. Res. 14. Resolution to honor Mohammed Sedik Benyahia; to the Committee on Post Office and Civil Service.

H. Res. 15. Resolution to amend the Rules of the House of Representatives to prohibit Members from earning outside earned income, effective January 1, 1985; to the Committee on Rules.

H. Res. 16. Resolution to amend the Rules of the House of Representatives to require that measures affecting the salaries, freebies, or emoluments of Members or former Members of Congress be adopted by rollcall vote; to the Committee on Rules.

H. Res. 17. Resolution establishing a Commission to recommend an appropriate memorial to former U.S. Representative Allard K. Lowenstein; to the Committee on Rules.

By Mr. JACOBS (for himself, Mr. STENHOLM, Mr. FLIPPO, Mr. LEATH of Texas, Mr. COELHO, and Mr. WORTLEY):

H. Res. 18. Resolution to enclose the galleries of the House of Representatives with a transparent and substantial material; to the Committee on House Administration.

By Mr. LELAND (for himself, Mr. MARKEY, Mr. BRYANT, Mrs. COLLINS, and Mr. SWIFT):

H. Res. 19. Resolution expressing the sense of the House of Representatives that the Federal Communications Commission should, on an expedited basis, develop and implement a telephone lifeline assistance program; to the Committee on Energy and Commerce.

By Mr. LELAND (for himself, Mrs. ROUKEMA, Mr. GILMAN, Mr. HALL of Ohio, Mr. EMERSON, Mr. PANETTA, Mr. TRAXLER, Mr. DASCHLE, Mr. MORRISON of Washington, Mr. FAZIO, Mr. GEJDENSON, Mr. EVANS of Iowa, Mr. KOSTMAYER, Mrs. BURTON of California, Mr. HAWKINS, and Mr. ROBERT F. SMITH):

H. Res. 20. Resolution to establish the Select Committee on Hunger; to the Committee on Rules.

By Ms. OAKAR:

H. Res. 21. Resolution establishing a congressional child care center; to the Committee on House Administration.

By Mr. RANGEL (for himself, Mr. GILMAN, Mr. RODINO, Mr. STARK, Mr. SCHEUER, Mrs. COLLINS, Mr. AKAKA, Mr. GUARINI, Mr. MATSUI, Mr. FASCELL, Mr. FAUNTROY, Mr. SAM B. HALL, JR., Mr. LEVINE of California, Mr. ORTIZ, Mr. SMITH of Florida, Mr. TOWNS, Mr. COUGHLIN, Mr. PARRIS, Mr. HUNTER, and Mr. LEWIS of Florida):

H. Res. 22. Resolution to establish the Select Committee on Narcotics Abuse and Control; to the Committee on Rules.

By Mr. ROE:

H. Res. 23. Resolution designating May 3 as "Polish Constitution Day"; to the Committee on Post Office and Civil Service.

By Mr. DANNEMEYER:

H. Res. 24. Resolution to correct the current disproportional seating on the committees and subcommittees of the United States House of Representatives, and for other purposes; to the Committee on Rules.

By Mr. MILLER of California (for himself, Mr. COATS, Mr. LEHMAN of Florida, Mr. FISH, Mrs. SCHROEDER, Mr. BLILEY, Mrs. BOGGS, Mr. WOLF, Mr. MCHUGH, Mr. BURTON of Indiana, Ms. MIKULSKI, Mrs. JOHNSON, Mr. WEISS, Mr. MCKERNAN, Mr. ANTHONY, Mrs. VUCANOVICH, Mrs. BOXER, Mr. LEVIN of Michigan, Mr. MORRISON of Connecticut, Mr. ROWLAND of Georgia, Mr. SIKORSKI, Mr. WHEAT, Mr. MARTINEZ, Mr. ACKERMAN, Mr. ADDABBO, Mr. AKAKA, Mr. ALEXANDER, Mr. ANDERSON, Mr. APPLEGATE, Mr. BARNES, Mr. BENNETT, Mr. BERMAN, Mr. BEVILL, Mr. BIAGGI, Mr. BOEHLERT, Mr. BONER of Tennessee, Mr. BORSKI, Mr. BROWN of California, Mr. BRYANT, Mrs. BURTON of California, Mr. CARPER, Mr. CARR, Mr. CLAY, Mr. COELHO, Mrs. COLLINS, Mr. CONTE, Mr. CONYERS, Mr. COYNE, Mr. CROCKETT, Mr. DARDEN, Mr. DASCHLE, Mr. DELLUMS, Mr. DE LUGO, Mr. DIXON, Mr. DONNELLY, Mr. DORGAN of North Dakota, Mr. DOWDY of Mississippi, Mr. DOWNEY of New York, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EDGAR, Mr. EDWARDS of California, Mr. EDWARDS of Oklahoma, Mr. EVANS of Iowa, Mr. EVANS of Illinois, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Ms. FIEDLER, Mr. FOGLIETTA, Mr. FOLEY, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. FRANK, Mr. GARCIA, Mr. GEJDENSON, Mr. GEPHARDT, Mr. GINGRICH, Mr. GRAY of Pennsylvania, Mr. GUARINI, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HARTNETT, Mr. HAWKINS, Mr. HAYES, Mr. HEFNER, Mr. HERTEL of Michigan, Mr. HOWARD, Mr. IRELAND, Mr. JONES of Tennessee, Ms. KAPTUR, Mr. KASTENMEIER, Mrs. KENNELLY, Mr. KILDEE, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LATTA, Mr. LEHMAN of California, Mr. LELAND, Mr. LEVINE of California, Mr. LEWIS of Florida, Mr. LOWRY of Washington, Mr. LUNDINE, Mr. MCCAIN, Mr. MCCURDY, Mr. MCEWEN, Mr. MARKEY, Mr. MATSUI, Mr. MAVROULES, Mr. MINETA, Mr. MITCHELL, Mr. MOODY, Mr. MRAZEK, Mr. MURTHA, Mr. NATCHER, Mr. NELSON of Florida, Mr. NOWAK, Ms. OAKAR, Mr. ORTIZ, Mr. OWENS, Mr. PANETTA, Mr. PEASE, Mr. PEPPER, Mr. PORTER, Mr. PRICE, Mr. RAHALL, Mr. RANGEL, Mr. REID, Mr. RICHARDSON, Mr. RODINO, Mr. ROE, Mr. ROGERS, Mr. ROSE, Mr. ROYBAL, Mr. RUSSO, Mr. SABO, Mr. ST GERMAIN, Mr. SAVAGE, Mr. SCHEUER, Mr. SCHUMER, Mr. SEIBERLING, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. SMITH of Iowa, Mr. SMITH of Florida, Ms. SNOWE, Mr. SOLARZ, Mr. SPRATT, Mr. STANGELAND, Mr. STARK, Mr. STOKES, Mr. THOMAS of Georgia, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAXLER, Mr. VOLKMER, Mr. WALGREN, Mr. WAXMAN, Mr. WEAVER, Mr. WHITEHURST, Mr. WILLIAMS, Mr. WIRTH, Mr. WISE, Mr. WOLPE, Mr. WYDEN, Mr. YATES, and Mr. YATRON):

H. Res. 25. Resolution to establish the Select Committee on Children, Youth, and Families; to the Committee on Rules.

By Mr. BROWN of Colorado:

H. Res. 26. Resolution to refer H.R. 487 to the chief commissioner of the United States Court of Claims; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BERMAN:

H.R. 483. A bill for the relief on Edwin Rios and Geovanna Rios; to the Committee on the Judiciary.

H.R. 484. A bill for the relief of certain former flight engineers of Western Airlines; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 485. A bill to clear certain impediments to the licensing of the vessel *Holland* for employment in the coastwise and fisheries trades; to the Committee on Merchant Marine and Fisheries.

H.R. 486. A bill to appoint Charles Robert Allen III in the grade of captain in the Coast Guard Reserve; to the Committee on Merchant Marine and Fisheries.

By Mr. BROWN of Colorado:
H.R. 487. A bill for the relief of Larry Land, Marie Land, Brian Land, Keith Land, Patricia Vandenberg, Lorri Vandenberg, James W. Land, Lois Land, Tamra Lee Land, Sandra Gay Land, Vincent James Land, Viola Hollenbaugh, William L. Phinney, Sr., Emily V. Pinney, Lora Phinney, and William L. Phinney, Jr. to the Committee on the Judiciary.

By Mr. DICKS:
H.R. 488. A bill for the relief of Mr. and Mrs. Willfried Schorno; to the Committee on the Judiciary.

By Mr. GEKAS:
H.R. 489. A bill for the relief of Gerald L. Clark; to the Committee on the Judiciary.

By Mr. GONZALEZ:
H.R. 490. A bill for the relief of Pedro Narvaez-Guajardo, Rosarios Bernal de Narvaez, and family; to the Committee on the Judiciary.

By Mr. HUNTER:
H.R. 491. A bill for the relief of In Hong Song and spouse, Sung J. Park; to the Committee on the Judiciary.

By. Mr. HYDE:
H.R. 492. A bill for the relief of Franklin F. Offner; to the Committee on the Judiciary.
H.R. 493. A bill for the relief of Marshall and Nancy Bearce; to the Committee on the Judiciary.

By Mr. KOSTMAYER:
H.R. 494. A bill for the relief of Negussie Dubale Tedla, Asres Abebe Tedla, Tewodros Tedla, and Benyam Tedla; to the Committee on the Judiciary.

By Mr. LaFALCE:
H.R. 495. A bill for the relief of Angela Cincotta; to the Committee on the Judiciary.

By Mr. LEHMAN of Florida:
H.R. 496. A bill for the relief of Rosa Cecilia Zuniga-Moya; to the Committee on the Judiciary.

By Mr. QUILLEN:
H.R. 497. A bill for the relief of Dahyabhai Shankarbhai Patel and Lilavati Patel; to the Committee on the Judiciary.

By Mr. RALPH M. HALL:
H.R. 498. A bill for the relief of Samuel O. Johnson; to the Committee on the Judiciary.

By Mr. SMITH of Iowa:
H.R. 499. A bill for the relief of Jerome J. Hartmann and Rita J. Hartmann; to the Committee on the Judiciary.
H.R. 500. A bill for the relief of Neil R. Fairbanks; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

1. By the SPEAKER: Memorial of the Senate of the Commonwealth of Massachusetts, relative to credit card surcharges; to the Committee on Banking, Finance and Urban Affairs.

2. Also, memorial of the Legislature of the State of Michigan, relative to emergency food aid to Ethiopia; to the Committee on Foreign Affairs.

3. Also, memorial of the House of Representatives of the Commonwealth of the Mariana Islands, relative to the remaining World War II title I claims; to the Committee on Interior and Insular Affairs.

4. Also, memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to the Appalachian Trail; to the Committee on Interior and Insular Affairs.

5. Also, memorial of the Senate of the Commonwealth of Puerto Rico, relative to the incidents at Cerro Maravilla; to the Committee on the Judiciary.

6. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to the American shoe industry; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1. By the SPEAKER: Petition of the City Council of Mount Vernon, NY, relative to the apartheid policy of the Republic of South Africa; to the Committee on Foreign Affairs.

2. Also, petition of the Board of Supervisors, County of Los Angeles, CA, relative to starvation in Africa; to the Committee on Foreign Affairs.

3. Also, petition of the County Council, County of Hawaii, Hilo, HI, relative to the U.S. Institute of Peace; to the Committee on Foreign Affairs.

4. Also, petition of the Baptist Convention of Maryland/Delaware, Lutherville, MD, relative to the appointment of an Ambassador to the Vatican; to the Committee on Foreign Affairs.

5. Also, petition of the Western States Land Commissioners Association, Sacramento, CA, relative to the Federal Quiet Title Act; to the Committee on the Judiciary.

6. Also, petition of the Metropolitan Washington Council of Governments, District of Columbia, relative to an interstate substitution cost estimate; to the Committee on Public Works and Transportation.

7. Also, petition of Daniel E. Wagner, Washington, DC, relative to the national debt; to the Committee on Ways and Means.

8. Also, petition of the City Council of New York, NY, relative to the Employee Stock Ownership Act of 1983; to the Committee on Ways and Means.

9. Also, petition of the President, U.S. Council for International Business, New York, NY, relative to strengthening the open trading system; to the Committee on Ways and Means.

10. Also, petition of the Western States Land Commissioners Association, Sacramento, CA, relative to military acquisition of States trust lands; jointly, to the Committees on Armed Services and Interior and Insular Affairs.

EXTENSIONS OF REMARKS

WEISS REINTRODUCES BILLS TO RESTORE SOCIAL SECURITY BENEFITS

HON. TED WEISS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. WEISS. Mr. Speaker, there is no government program in American history that has meant so much to so many people as Social Security. This program has kept millions out of the clutches of poverty. It currently serves 36 million Americans, including the elderly, the disabled and their families, and the widowed and orphaned. It is rightly treasured by those who have come to rely on it for their very survival.

The Social Security benefits that protect our Nation's elderly and disabled are the result of a contract that has been paid for by American workers and honored by the Government for half a century. However, in 1981, the President and the Congress broke this longstanding contract with the American people. Ignoring the pleas of millions of current and future beneficiaries, the administration steamrolled massive cuts in Social Security through the Congress. In order to finance a tax bonanza for the wealthy and an unprecedented, destabilizing military buildup, Social Security benefits were reduced, and in many cases, eliminated.

In 1983, Congress agreed to a package of Social Security changes meant to ensure the solvency of the system well into next century. While many provisions of this agreement were commendable, the agreement once again called upon our Nation's elderly and disabled citizens to make further sacrifices in support of the Reagan administration's misguided budget policies. Moreover, the 1983 Social Security changes failed to address many of the most unconscionable inequities that had been forced on the American people 2 years earlier.

It is never too late to do what is fair. Today, I am reintroducing legislation to restore three of the most important benefits that were cut in 1981. Specifically, these bills would restore student benefits, the lump-sum death benefit for all beneficiaries, and the mother's and father's benefit for those caring for children under age 18.

In past years, the Social Security student benefit compensated dependent children attending college or vocational school for loss of income due to the death, retirement, or disability of their parents. It helped equalize educational opportunities for those students who could not rely on their parents for support during those critical few years. Workers who earned this insurance recognized and appreciated its value in safeguarding the educational and employment future of their children.

Prior to the enacted cuts, approximately 800,000 student beneficiaries received an average of $3,000 per year in benefits. These benefits have been progressively diminished as a result of the 1981 cuts, and they are scheduled to be eliminated entirely in April 1985. Reductions in this program have already inflicted tremendous hardships on hundreds of thousands of students, who are least able to overcome them.

The facts speak for themselves. Prior to the enacted cuts, 80 percent of student beneficiaries were eligible because one or both of their parents was deceased or disabled. In 1977, 70 percent of the recipients of this program came from families whose income was less than $5,000. Moreover, program recipients were likely to be minorities, come from blue-collar backgrounds, and work part time or summers while attending school. There can be no doubt that this benefit cut seriously imperils the opportunity that these children will have to better themselves by furthering their education.

The President claimed that these students would be adequately compensated for this loss of income security by other student aid programs. However, the administration conventiently failed to explain that other student assistance programs also suffered tremendous cuts in recent years and are targeted for further cuts in the coming years. The hard truth is that other programs cannot substitute for the critically depleted resources that result from this unfair cut. For the sake of these children, our greatest hope for the future, I urge that Congress take prompt action on this bill to restore the Social Security student benefit.

The second bill I am reintroducing would restore the lump-sum death benefit in all cases. In 1981, this $255 benefit was restricted to death cases where there is a surviving spouse or dependent child. In other words, this benefit is no longer payable to other family members, such as a sister, aunt, grandparent, or independent child, who assume responsibility for burial expenses. Estimates made at the time of enactment of this cut suggest that as many as 2.6 million people have already been denied benefits as a result of this change during the last 3 years.

The lump-sum death benefit has been a small, but integral, part of the Social Security program since its inception in 1935. It helps ease the burden of the high costs of funerals, and it contributes to the peace of mind of older Americans who view this sum as critical to financing a dignified burial. And sadly, for many workers, the death benefit is the only return paid on their lifetime contribution to the Social Security system. This cut was a shameful way to penalize workers and their families, and full funding for the lump-sum death benefit should be promptly restored.

The final bill that I am reintroducing would restore benefits paid either to a mother or father caring for an entitled child up to age 18. The 1981 amendment cut back this benefit so as to apply only through the child's 16th birthday.

This cut is but another example of the unjustified whittling away of Social Security's protection for families of disabled, retired, or deceased workers raising dependent children. Most children, age 16 to 18, are completing their high school education and depend on their parents to support them. According to advance estimates by the Social Security Administration, over 200,000 parents caring for youth in this age group have already lost this critical assistance. Once again, I call on my colleagues to support my effort to reinstate this benefit.

Across the country, older Americans, workers, and their families have expressed outrage that the Congress and the President have repeatedly ignored the Social Security compact and deprived thousands of families of the benefits they have earned. Poll after poll indicates that the American people are close to unanimity in their belief that Social Security benefits must be protected at all costs.

The Social Security system does not survive on the tax receipts of American workers alone. It also relies on the continuing support and confidence of those workers and their families. By drastically cutting benefits against the public will, the administration and its supporters have taken a major risk. Their actions jeopardize public trust not only in the Social Security system, but in the Government as a whole. In this way, they have endangered the future of Social Security and the future of all the progressive achievements of the Government that protect the welfare of American citizens.

Just as regrettably, these actions gamble with the hopes and aspirations of millions of Americans. It is essential for the sake of these people and for the sake of the Social Security system as a whole that we reverse these callous changes.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. Speaker, I urge my colleagues to join with me to right the wrongs of the Reagan administration and to restore these Social Security benefits to the people who earned them and who are entitled to them.

Copies of these bills follow:

H.R. 57

A bill to amend title II of the Social Security Act to restore child's insurance benefits for postsecondary school students

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 202(d) of the Social Security Act is amended, in paragraphs (1)(B), (1)(E)(ii), (1)(F)(i), (1)(G)(ii), (6)(D)(i), (6)(E)(i), (7)(A) in four places), (7)(B), and (7)(D), by striking out "full-time elementary or secondary school student" each place it appears and inserting in lieu thereof "full-time student".

(b)(1) Section 202(d) of such Act is further amended, in paragraphs (7)(A) (in two places), (7)(B) (in three places), and (7)(D), by striking out "elementary or secondary school" each place it appears and inserting in lieu thereof "educational institution".

(2) Section 202(d)(7)(A) of such Act is further amended by striking out "schools involved" and inserting in lieu thereof "institutions involved".

(c) Subparagraph (C) of section 202(d)(7) of such Act is amended to read as follows:

"(C) An 'educational institution' is (i) a school or college or university operated or directly supported by the United States, or by any State or local government or political subdivision thereof, or (ii) a school or college or university which has been approved by a State or accredited by a State-recognized or nationally recognized accrediting agency or body, or (iii) a non-accredited school or college or university whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.".

(d) Section 202(d)(7)(D) of such Act is further amended by striking out "diploma or equivalent certificate from a secondary school (as defined in subparagraph (C)(i)" and inserting in lieu thereof "degree from a four-year college or university".

(e)(1) Section 202(d) of such Act is further amended, in paragraphs (1)(B)(i), (1)(F)(ii), (1)(G)(iii), (6)(D)(ii), (6)(E)(ii), and (7)(D), by striking out "19" each place it appears in each of those paragraphs an inserting in lieu thereof "22".

(2) Section 202(d)(6)(A) of such Act is amended to read as follows:

"(A)(i) is a full-time student or is under a disability (as defined in section 223(d)), and (ii) has not attained the age of 22, or".

SEC. 2. (a) The amendments made by the first section of this Act shall apply to child's insurance benefits under section 202(d) of the Social Security Act of months after the date of the enactment of this Act, except that, in the case of an individual who is a full-time student (within the meaning of section 202(d)(7) of the Social Security Act, as amended by this Act) on the date of the enactment of this Act, such amendments shall apply with respect to child's insurance benefits under such section for months after April 1982.

(b) Section 2210(c) of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35; 95 Stat. 842) shall not apply with respect to individuals who are full-time students (within the meaning of section 202(d)(7) of the Social Security Act, as amended by this Act) on or after the date of the enactment of this Act.

H.R. 58

A bill to amend title II of the Social Security Act to lump-sum death benefits

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 202(i) of the Social Security Act is amended—

(1) in the second sentence, by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) if all or part of the burial expenses of such insured individual which are incurred by or through a funeral home or funeral homes remains unpaid, to such funeral home or funeral homes to the extent of such unpaid expenses, but only if (A) any person who assumed the responsibility for the payment of all or any part of such burial expenses files an application, prior to the expiration of 2 years after the date of death of such insured individual, requesting that such payment be made to such funeral home or funeral homes, or (B) at least 90 days have elapsed after the date of death of such insured individual and prior to the expiration of such 90 days no person has assumed responsibility for the payment of any such burial expenses;

"(2) if all of the burial expenses of such insured individual which were incurred by or through a funeral home or funeral homes have been paid (including payments made under paragraph (1)), to any person or persons equitably entitled thereto, to the extent and in the proportions that he or they shall have paid such burial expenses;

"(3) if the body of such insured individual is not available for burial but expenses were incurred with respect to such individual in connection with a memorial service, a memorial marker, a site for the marker, or any other item of a kind for which expenses are customarily incurred in connection with a death and such expenses have been paid, to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid such expenses; or

"(4) if any part of the amount payable under this subsection remains after payments have been made pursuant to paragraphs (1), (2), and (3), to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid other expenses in connection with the burial of such insured individual, in the following order priority: (A) expenses of opening and closing the grave of such insured individual, (B) expenses of providing the burial plot of such insured individual, and (C) any remaining expenses in connection with the burial of such insured individual."; and

(2) in the third sentence, by inserting after "No payment" the following: "(except a payment authorized pursuant to paragraph (1)(A) of the preceding sentence)".

(b) Section 216 of such Act is amended—

(1) in subsection (c), by striking out "(except when used in the first sentence of section 202(i))" and inserting in lieu thereof "(except when used in section 202(i))"; and

(2) in subsection (g), by striking out "(except when used in the first sentence of section 202(i))" and inserting in lieu thereof "(except when used in section 202(i))".

SEC. 2. The Amendments made by this Act shall apply with respect to deaths occurring after the month in which this Act is enacted.

H.R. 59

A bill to amend title II of the Social Security Act to restore from age sixteen to age eighteen the age of a child at which certain benefits under such title are terminated

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 202(s)(1) of the Social Security Act is amended by striking out "the age of 16" and inserting in lieu thereof "the age of 18".

(b) The heading of section 202(s) of such Act is amended by striking out "Over Specified Age" and inserting in lieu thereof "Aged 18 or Over".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to benefits for months after the month in which this Act is enacted.●

AMERICAN CONSERVATION CORPS BILL

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. SEIBERLING. Mr. Speaker, I am today introducing, with cosponsors, legislation to establish an American Conservation Corps [ACC] to provide conservation jobs and training for our Nation's youth. An identical bill is being introduced in the Senate today by Senator MOYNIHAN.

This would be essentially the same as H.R. 999, which passed both the House and the Senate during the 98th Congress, with strong bipartisan support, but which was pocket vetoed by the President.

The President was badly advised on this matter and, judging from the calls and letters we continue to receive daily, the proposed ACC program is one that has strong public support. It would fill an unemployment gap that the private sector is still unable to close, and it would do so by using tested, cost-effective means to provide jobs and training at work that desperately needs to be done for our Nation's public lands and community resources.

The bill being introduced today contains a few modifications to meet certain of the objections of the administration, while retaining the essential elements of the original legislation. Basically these modifications include provisions for a cap on administrative expenses; uniform authorization of $75 million for each of 3 years (rather than a rising authorization each year) but no increase in the total $225 million funding authorization; and provisions to encourage increased State and local funding and participation, by increasing the share of the State and local funding from 35 percent to 50 percent, the remainder to be shared by Federal agencies and Indian tribes.

SUMMARY OF ACC BILL

The American Conservation Corps Act which is being introduced today would, like H.R. 999 in the 98th Congress, establish a youth conservation work program modeled after the Civilian Conservation Corps of the 1930's. Called the "American Conservation Corps" [ACC], the program would have both year-round (ages 16-25) and summer (ages 15-21) components.

While open to all eligible youths, special efforts would be made to enroll and recruit youth who are economically disadvantaged, as defined in the Job Training Partnership Act.

Regulations for the program would be developed by the Secretaries of Interior and Agriculture, in consultation with the Secretary of Labor and with public participation.

Corps projects could include conservation of forests, fish, wildlife, rangelands, and soils; revitalization of urban areas and preservation of historic and cultural sites; development and maintenance of recreational areas, roads, and trails, erosion and pest control; energy conservation and production of renewable energy; and emergency rehabilitation services and other functions.

The bill would also provide for educational and training opportunities and for evaluating and reporting on the programs.

Funding would be $75 million in fiscal 1985; $75 million in fiscal 1986; and $75 million in fiscal 1987. The funding would be shared by States and local governments, the Departments of Agriculture, and Interior, Indian tribes, and other Federal agencies for, example TVA and the Corps of Engineers.

YOUTH NEED HELP

In short, the ACC bill would be a relatively modest program to provide over 85,000 youth with conservation-related jobs. Additional youth would be served as funds are leveraged at the State and local levels. Indeed, there are presently 27 State and local corps similar to the ACC, and several others which are simply waiting for the boost of Federal support to get underway.

For our youth, the American Conservation Corps would be the only direct Federal program that would combine both paid employment and an opportunity for education and on-the-job training. It addresses the serious and chronic problem of youth unemployment, a problem that cannot be solved by the private sector alone.

The facts speak for themselves. According to Bureau of Labor Statistics data analyzed by the Roosevelt centennial youth project, over 38 percent of the 8.1 million Americans unemployed in November of last year were under the age of 25. Teenagers alone represent nearly 17 percent of the unemployed. Although nearly 6.8 million jobs were created since November 1982, teenagers suffered a net job loss of nearly 50,000. Nearly 230,000 of the 20- to 24-year-olds who are currently looking for work have never worked before.

On the average, during 1983, some 1.55 million teenagers classified as outside of the labor force expressed a desire to be employed on a part-time or full-time basis. The ones who have the most difficulty finding jobs are black and Hispanic teenagers, particularly young women. The unemployment rate of black teenagers remains at a staggering 40.8 percent. Meanwhile, smaller employers, who create the vast majority of the jobs in the private sector, are the least able to pay for the training of new workers.

WORK NEEDS TO BE DONE

Of course, the American Conservation Corps would not solve all of the problems of youth unemployment, nor is it meant to. It would also be a conservation program to help with the vast backlog of work that needs to be done in our national parks and other public lands and communities throughout the Nation. It would provide a highly cost-effective supplementary work force for labor-intensive projects on public lands, under the direction of professional land managers.

This is, for the most part, work that would not otherwise be accomplished. Certainly it is well known that our Nation's present responses to under-productive and eroding soil and rangeland, timberland in need of replanting, deteriorating wildlife habitat, and overused parklands, are hardly adequate.

Furthermore, comparable programs—whether at the Federal, State, or local levels—have already proven themselves to be both productive and cost effective in accomplishing needed work. Indeed, the national average for a program like the ACC has been the equivalent of $1.20 in value for each dollar spent; many specific projects have produced even higher returns. These figures do not, of course, take into account the training benefits received by the young workers nor reductions in the other public costs that inevitably flow from high youth unemployment.

In summary I would simply quote from an editorial supporting enactment of the American Conservation Corps legislation last year which was written by Malcolm S. Forbes of Forbes magazine. Mr. Forbes said:

For most of the unemployed, jobs in the private sector are the only real answer. But that is largely no answer for the vast percentage of the young unemployed . . . There is a potential answer, though, for those suffering this unyielding, embittering frustration . . .

The economy's recovery isn't going to meet the youth employment need that plagues virtually all our cities. With a renewed Civilian Conservation Corps we can make a real beginning in tackling the problem. And with the work that corps (workers) could accomplish, they would richly enhance our . . . heritage.●

A PAY AS YOU GO FEDERAL GOVERNMENT

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. DE LA GARZA. Mr. Speaker, another bill which I would like to introduce today as I have in every Congress since first coming to the 89th Congress is an amendment to the Constitution providing that appropriations shall not exceed revenues in any year, except in time of war or national emergency as declared by Congress.

My proposed amendment is direct and simple. It provides that the President would determine and proclaim the estimated total revenues of the U.S. Government each year. Congress would be prohibited from authorizing the withdrawal of Treasury funds in excess of the total amount of revenues. Outlays for whatever purpose could not be greater than income.

Enactment of this amendment would give the American people an opportunity, acting through their State legislatures, to make their own decision about whether we will have a pay as you go Federal Government.

The time for positive action is ripe—and action must be taken now.

Thank you.●

PROGRESS AGAINST CANCER

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 12, 1984, into the CONGRESSIONAL RECORD:

PROGRESS AGAINST CANCER

Cancer strikes one of every four Americans. It is the nation's number two killer, exceeded only by heart disease. This year, 870,000 new cases of cancer and 450,000 cancer-related deaths will account for 10% of the total cost of illness in America. Of course, no price can be placed on the suffering and anguish of the victims themselves and their families. There can be no doubt that cancer is one of the most dreaded scourges of modern life.

Is the federal government's effort against cancer really working? Two thirds of the $2 billion spent annually in the fight against cancer comes out of federal tax revenue, but opinions vary as to the actual results that the effort has produced.

Congress declared war on cancer in 1971. It set up the National Cancer Program under a greatly expanded National Cancer Institute. The hope was that more money could produce a cure within five years. It is

clear that the rate of cure (the percentage of individuals surviving five years after cancer is diagnosed) is better today than it was in previous decades. At the turn of the century, for example, it was very low. When cancer surgery began in the 1920's, it rose to 25%. With the advent of antibiotics in the 1940's and radiation and chemotherapy in the 1960's, it climbed again to 38%. About 49% of all cancer is considered curable now, up from 40% in 1972 when the National Cancer Program began. Still, experts say that these figures are misleading because they reflect changes in the way that cancer is detected and defined more than any real gains in the ability to cure cancer. The consensus seems to be that there has been major progress against less common forms of cancer—including thyroid cancer, Hodgkin's disease, and many childhood cancers and leukemias—but less progress against more common cancers of the lung and gastrointestinal tract. The overall cancer death rate has not declined significantly because advances in treating some forms of cancer have been offset by increases in deaths due to other forms.

Twelve years and $10.6 billion later, there is no final cure for cancer and very little public peace of mind. What does exist is a renewed sense of optimism among researchers in the field that rapid progress is in the offing. Similar claims made several years ago led to disappointment, but this time the claims are based upon better knowledge. Most important are new theories about the disease. The seeds of cancer are thought to lie in the human genetic code itself. For example, it is possible that wild cell growth, the hallmark of cancer, is caused by "oncogenes" which are present in every human being. These genes, inactive in most people, may be activated in some individuals by chemicals, radiation, or viruses. The consequence may be cells multiplying out of control. Such theories and the powerful tools of molecular biology developed during the 1970s eventually may yield a genetic vaccination that makes or keeps cancer-causing genes inactive. The distant goal is to replace the brute-force tactics of surgery, radiation, and chemotherapy with just such a treatment.

Other avenues of research are equally exciting. In one new technique, scientists saturate cancer cells with light-sensitive drugs and then kill them with high-intensity laser beams. Also, scientists are continuing to study antibodies which are very effective at detecting small amounts of cancer and in the future may be used to carry cancer-killing drugs to the site of the malignancy. The interesting research projects are too extensive to list in detail, and Congress recently provided a larger budget to extend the studies further. It is no exaggeration to say that we are in a "golden age" of cancer research.

As promising as the research is, we must not pin all our hopes on a miracle cure. That variety of breakthrough may still be years or decades away. We should not let dazzling possibilities divert us from other anti-cancer efforts that could yield greater reductions in cancer mortality in the near term. Among these efforts are tough enforcement of laws governing occupational hazards and environmental pollutants, expansion of the federal program that gives any physician with access to a computer terminal detailed data on state-of-the-art treatments for all kinds of cancer, use of the extensive federal data-base to target certain areas of the country or population groups that are at risk, and improvement of chemotherapy to make it more effective against cancer and less debilitating for patients.

Especially important are programs of public education that tell people how they can reduce the risk of cancer. Scientists generally agree that factors in the environment—such as chemicals in the workplace and airborne pollutants—cause as much as 7% of the cancer that strikes Americans each year. Viruses and medical procedures may be responsible for 6%, and nonenvironmental factors for 16%. This means that more than 70% of all cancer may be caused by factors that individuals themselves can control. For example, some experts suggest that poor diet (eating foods high in fat and low in fiber) may cause 35% of all cancer. there is widespread agreement in the scientific community that use of tobacco causes cancer, perhaps as many as 30% of all cases. Use of alcohol may account for 3%, and exposure to sunshine for 3%.

It is obvious that we must keep emphasizing the extent to which cancer is preventable through regulation of chemicals in the workplace, general environmental protection, and steps that people can take on their own. The federal government is doing more than ever to inform individuals how changes in their lifestyle can sharply reduce their chances of cancer. For example, it has set up a toll-free number for cancer prevention, 800-4-CANCER. Also, in recent days Congress has required tougher warning labels on cigarettes and has encouraged federal health care agencies to stress the prevention of cancer.

The war against cancer is going to be waged on dozens of fronts. The benefits of victory are potentially enormous. They surely are great enough to justify our perseverence.●

REPEAL THE POSTAL PRIVATE EXPRESS STATUTES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. CRANE. Mr. Speaker, today I am introducing legislation that seeks to amend title 39 of the United States Code, to eliminate certain provisions relating to the private carriage of letters. This bill is in no way an attempt to destroy the U.S. Postal System [USPS], but instead, it is an effort to let America's great free market system and its competitive nature improve the existing postal system.

When Chairman John R. McKean of the Postal Service Board of Governors recently announced that first-class postage will rise to 22 cents effective February 17, he stated that,

We have no other practical option. Although the Postal Service has earned surpluses in each of the last 3 years, we have reached the point where our costs * * * have overtaken our revenues.

I believe that providing the consumer a choice is a realistic option that would not only put a halt to escalating postage costs, but would also force the USPS to become more efficient and streamlined.

When one considers that only 3 years ago postage increased from 18 to 20 cents, and that during the period between 1970 and 1976 USPS rates increased by 117 percent, one might wonder how costs could have possibly overtaken revenues. A quick look at the USPS might provide some answers. Out of every dollar allotted to the Postal Service, 83 cents goes to paying wages, salaries, and fringe benefits, while the operation of vehicles and transporting the mail is listed last in spending. In fact, the average wage of the full-time employee is higher in the post office than in any other relatively similar segment of the working population, other than miners. And yet, while pay cuts and salary freezes are being considered for other branches of the bureaucracy, the postal union has negotiated a 2.7-percent salary increase for postal employees. With labor contracts that make it all but impossible to lay off postal employees, and considering that postal workers are 90 percent unionized, it is no wonder that there is little incentive for innovation and improved service. Competing postal services would give postal employees a bigger market in which to offer their services; that would mean more jobs, a greater chance for promotion, and more opportunities for salary advancement.

About the only substantive objection that has been raised is that private firms would take the lucrative intercity business and leave the Postal Service with the responsibility for the more expensive rural delivery. This in turn would mean higher rates and more subsidies from the taxpayer. However, the fact that UPS, a private parcel post delivery unit, serves all 48 States in the continental United States and does not charge more for delivery to rural areas than to urban areas, argues convincingly against the validity of such a position. Furthermore, the proliferation of express delivery services, such as Federal Express, Purolator, Emery, Airborne, and so forth, has not driven the UPS out of this market, but instead, has forced the Postal Service to compete in this arena with their own express mail service and Zap mail. Increased competition in all aspects of mail delivery would benefit all concerned by providing cheaper, quicker, and faster service.

Finally, repealing the Private Express Statutes would free Government from the unsupportable contradiction of prosecuting monopolies on the one hand while sponsoring them on the other.●

STANDBY AUTHORITY FOR WAGE AND PRICE CONTROLS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. WEISS. Mr. Speaker, I am today reintroducing legislation to provide the President with standby authority to institute wage and price controls, including restraints on interest rates, dividends, profits, and similar transfers.

There can be little doubt that the problem of ravaging, double-digit inflation has been temporarily controlled. But it is also clear that our current, relatively low inflation rate was bought at tremendous cost to the American labor force. Lacking the authority to institute wage and price controls, the administration had no other alternative than to pursue a policy that resulted in record, depression-level unemployment. While the inflation rate dropped, millions more Americans were thrust out of work.

Wage and price controls offer a fair and humane alternative to massive unemployment as a strategy for controlling inflation. While we all hope that inflation will not reappear in the short term, it is evident that we will face this problem again in the future. At that time, we should not once again place the burden of coping with inflation on the backs of poor and working Americans. Rather, we must address inflation head on with a thoughtful program of wage and price controls.

In order for wage and price controls to be effective, it is essential that the President be granted the authority to institute them in advance of increased inflation. If we wait until a new round of inflation appears before we act, prices and wage demands will accelerate in anticipation of any program of wage and price controls. Therefore, the present time, precisely because it is characterized by a relatively low inflation rate, is the appropriate time to grant the President this authority.

A voluntary wage and price standard program, while commendable, is not usually adequate. Wage and price controls must be enforceable, or they will not be likely to succeed. In any case, the President's ability to bring about either voluntary or mandatory fiscal restraints will be enhanced measurably if Congress grants him standby wage and price control authority.

The need for wage and price controls as an alternative strategy for controlling inflation is particularly urgent in light of the continued, problematic unemployment we are experiencing. While the unemployment picture has moderated somewhat from its worst levels, joblessness remains at epidemic levels. According to official figures, a full 8.2-million Americans spent the recent holiday season wondering where their next paycheck would come from and how they would feed their families. If, in response to a new round of inflation, the President were to pursue the same strategy as he did in 1981 and 1982, unemployment would be likely to reach far above any previous levels. Such a policy would spell disaster for American workers and their families, and it would seriously imperil the future of our economy.

It is highly important that we plan now to avoid such an eventuality. I strongly urge my colleagues to join me in support of standby wage and price controls, which would signal our willingness to deal with future inflation in a responsible and equitable fashion.

A copy of this legislation follows:

H.R. 225

A bill to provide authority for the President to stablize prices, wages, interest rates, and corporate dividends

Be it enacted by the Senate and House of Represenatatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Economic Stabilzation Act of 1985".

PRESIDENTIAL AUTHORITY

SEC. 2. The President is authorized to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, salaries, and profits at levels not less than those prevailing on January 1, 1985, except that prices may be stabilized at levels below those prevailing on such date if it is necessary to eliminate windfall profits or if it is otherwise necessary to carry out the purpose of this Act, and to stabilize interest rates and corporate dividends and similar transfers at levels consistent with orderly economic growth. Such orders and regulations may provide for the making of such adjustments as may be necessary to prevent gross inequities.

DELEGATION

SEC. 3. The President may delegate the performance of any function under this Act to such officers, departments, and agencies of the United States as he may deem appropriate.

PENALTY

SEC. 4. Whoever willfully violates any order or regulation under this Act shall be fined not more than $25,000.

INJUNCTIONS

SEC. 5. Whenever it appears to any agency of the United States, authorized by the President to exercise the authority contained in this section to enforce orders and regulations issued under this Act, that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation or order under this Act, it may in its discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the agency, any such court may also issue mandatory injunctions commanding any person to comply with any regulation or order under this Act.

EXPIRATION

SEC. 6. The authority to issue and enforce orders and regulations under this Act expires at midnight September 30, 1989, but such expiration shall not affect any proceeding under section 4 for violation of any such order or regulation, or for the punishment for contempt committed in the violation of any injunction issued under section 5, committed prior to October 1, 1989.●

OLMSTED HERITAGE LANDSCAPES ACT OF 1985

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. SEIBERLING. Mr. Speaker, I am pleased today to reintroduce, with several of my colleagues, the Olmsted Heritage Landscapes Act. The bill is similar to legislation which passed the House on August 6, 1984. Although hearings were held in the Senate, no further action was taken by the 98th Congress.

Companion legislation is being introduced in the Senate today by Senator DANIEL PATRICK MOYNIHAN and several cosponsors. We are hopeful that the bills will be given early consideration by the 99th Congress.

The purpose of the legislation is to identify, commemorate, and preserve the legacy of historic landscapes designed by Frederick Law Olmsted, his sons and associates.

BACKGROUND AND NEED

Frederick Law Olmsted, Sr., was this country's foremost landscape architect of the 19th century. He is often referred to as the father of landscape architecture in the United States. Although perhaps best known for his work on the design of Central Park in New York, and the Capitol grounds in Washington, DC, Olmsted also inspired the development of public landscapes throughout the United States and other nations as well.

Unfortunately, a great many of these historic landscapes are threatened by inadequate maintenance, inappropriate developments, age and deteriorating infrastructure. The legislation would build on existing State, local, and private efforts to identify, commemorate, and preserve the legacy of Olmsted-inspired landscapes. Rather than create an entirely new program, the bill would use existing Federal, State, and local programs for parks, recreation, and historic preservation.

The Secretary of the Interior would coordinate the inventory of the sites, provide technical assistance and establish standards for the preservation of historic landscapes. An advisory com-

mittee would assist the Advisory Council on Historic Preservation and other agencies in carrying out their responsiblities. Participation by other public and private entities would be encouraged.

THE OLMSTED LEGACY

The legacy of Olmsted, Sr., his associates, sons and professional descendants, stretches from one end of this country to another. Of the public places alone—parks, parkways, and the like—there are over 2,000 identified sites in 37 States and the District of Columbia.

For example, in Alabama, there is the Alabama State Capitol in Montgomery and six parks in Birmingham. In California there are 23 projects, not including the Stanford University campus and Golden Gate Park, for which a report was written by Olmsted although the park was designed by John McLaren, a Scotsman working with the same design vocabulary.

In Colorado, Denver has 18 Olmsted designs, while in Washington, Seattle, boasts 33 parks, parkways, and playgrounds designed by the Olmsted firm.

In the Midwest, Ohio has Olmsted designs in Cleveland, Columbus, Dayton, Lebanon, and Youngstown. In Illinois much of the park system of Chicago was designed by Frederick Law Olmsted, Sr., including Jackson Park—the site of the Columbian Exposition in 1893—and Washington Park, which with Jackson Park, and the Midway Pleasance, constituted the South Park system.

In Kentucky there are 6 Olmsted designs in Lexington, while Louisville has 21 projects listed. One of these, Cherokee Park, was devastated by a tornado some years ago and restored using the Olmsted plans.

Maine and Maryland have Olmsted parks, as does Louisiana, Minnesota, Missouri and New Hampshire. New Jersey's entire Essex County park system is Olmstedian, while Newark's Branch Brook Park retains much of the Olmsted firms designs. Other Olmsted sites are in New Mexico, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, Wisconsin, as well as enormous bodies of work in New York State and Massachusetts.

This listing, with one exception, includes only the public properties. Others include, for example, the privately owned 12,000-acre Biltmore Estate in Asheville, NC, the grounds of which were designed by Frederick Law Olmsted, Sr. Olmsted was also responsible for Druid Hills in Atlanta, a historic district which has been described as "one of his outstanding works" in a recent report.

An example of a landscape design by one of Olmsted's former associates is Stan Hywet Hall in Akron, OH, the grounds of which were planned by Warren C. Manning. The house and its gardens, now a museum operated by a nonprofit foundation, are included on the National Register of Historic Places and are designated as a national historic landmark.

Another example would be the work of George E. Kessler (1862-1923) whose landscape designs spanned approximately the same time period as Olmsted's and share similar characteristics. Kessler was one of the founders in 1917 of the American Institute of Planners and landscaped in over 40 cities and communities, including in Kansas City and St. Louis, MO; Topeka, KS; Dallas, Wichita Falls, and El Paso, TX; Oklahoma City, OK; Memphis, TN; Cincinnati and Cleveland, OH; Denver, CO; Indianapolis, IN; Salt Lake City, UT; Syracuse, NY; and Mexico City, Mexico. While not an "associate" of Olmsted's, they did correspond, and Olmsted recommended Kessler for at least one project, in Merriam, KS.

These are only a few examples which clearly show that the Olmsted legacy lives on. The work done by him and his sons, partners, and associates have influenced the development of landscape architecture throughout the world, and the places they left behind continue to be used and enjoyed by millions of people every year. This is truly part of our Nation's heritage.

CHANGES IN THE BILL

Although the bill being introduced today is essentially the same as the one which passed the House during the 98th Congress, a few changes have been made to meet several concerns raised by the administration. Most of these are of a technical or clarifying nature or they eliminate duplicative authorities or streamline the language of the bill itself.

For example, a definition of "historic landscape" is now included, which merely repeats the existing terminology in the National Historic Preservation Act but which makes the distinction between these landscapes and those defined in the bill as an "Olmsted heritage landscape."

A few specific directives in the bill, such as some of the commemorative activities to be carried out during 1985-95, were deleted, with the understanding that these would be further described in the legislative history of the bill.

Of particular note, is the fact that the bill now includes a specific authorization for appropriations of $2,500,000, effective in fiscal 1986. This is based on the Congressional Budget Office's projection last year that the program to be established under the previous bill would require between $2 million and $3 million over a 10-year period. By including the authorization, moreover, we make it very clear that this bill is not intended as a major new funding program but, rather, would simply draw on existing programs, including other funding authorities, to carry out most of its provisions.

In short, I believe that these changes will improve the opportunity for enactment during the 99th Congress, and I encourage other Members to join as cosponsors of the legislation.●

REVIEW OF VETERANS' ADMINISTRATION DECISIONS

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. DE LA GARZA. Mr. Speaker, today I have prepared for introduction legislation to allow veterans access to the courts for review of Veterans' Administration decisions.

This bill, I feel, is a long needed one which would provide our Nation's veterans the same rights of judicial review that other citizens enjoy. Specifically, the bill would codify VA procedures—and if a veteran feels aggrieved by a final decision of the VA's Board of Veterans' Appeals, court review of that decision would be allowed.

All of us can appeal to the courts for a whole variety of civil complaints. This bill gives veterans the same option in a clear and equitable fashion by recognizing a right long overdue them.

Thank you.●

PAY EQUITY

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Ms. OAKAR. Mr. Speaker, today, I am reintroducing two bills which would ensure more equitable pay practices for millions of our Nation's workers. Each bill, the Pay Equity Act of 1985 and the Federal Pay Equity Act of 1985, was the subject of comprehensive hearings held by my Subcommittee on Compensation and Employee Benefits during the last Congress.

More than 20 years ago, Congress passed the Equal Pay Act of 1963 which ensured equal pay for equal work, regardless of race, color, national origin, religion, or sex; 1 year later, Congress passed another significant piece of legislation, the Civil Rights Act of 1964. Contained in the act was a section, title VII, which took the concept of equal pay for equal work one step further by stating that women could not be paid less than men even when job content differs. While both these laws are important to workers,

discrimination in the marketplace continues to exist.

For decades, employers have used gender as a determining factor when setting pay rates. And, systematically, wages have become depressed for jobs dominated by women. Teachers, nurses, secretaries, and service industry workers have become the victims of sex-based wage discrimination regardless of whether they are men or women. Gender alone has commanded their wages. The result has been a 30-year-old wage gap between male and female workers, averaging 40 percent.

Part of the problem can be attributed to the Federal Government. The Government's commitment to eliminating sex-based wage discrimination has been nonexistent under President Reagan. In fact, this administration has gone out of its way to ridicule and denounce pay equity, claiming that market forces will close the earnings gap in time. The Federal Government's inactivity has given employers the green light to continue practicing sex-based wage discrimination with impunity.

My first bill, the Pay Equity Act of 1985, would mandate the agencies responsible for enforcing the Equal Pay Act, the Civil Rights Act, and certain Executive orders to report to the President and the Congress on their enforcement activity. Specifically, each agency—the EEOC, the Department of Justice, and the Department of Labor—would give detailed information on the number of pay discrimination cases filed, the number processed, and the nature of the complaints. The bill would also mandate the EEOC to establish an educational program on eliminating sex-based wage discrimination from private-sector pay systems. The educational program would be available for all employers wanting to know about the most effective means of restructuring their pay scales.

The second bill, the Federal Pay Equity Act of 1985, would mandate the U.S. Office of Personnel Management to hire a private consultant to examine the Federal pay and classification systems to determine whether or to what extent gender is used as a factor in setting Federal workers' pay rates. This bill is exactly the same as title I of H.R. 5680, which passed the House by a record vote of 413 to 6 on June 28, 1984. Unfortunately, the bill was not acted upon in the Senate and has been moved to this year's agenda.

At the end of the last session, Senators ALAN CRANSTON of California and TED STEVENS of Alaska, after engaging in a colloquy on pay equity, agreed to cosign a letter to the General Accounting Office requesting a preliminary report on the best means of conducting a complete pay equity study of the executive branch of the Federal Government. They also agreed that the GAO report would be subject to hearings in the Senate Governmental Affairs Committee in March. The letter to GAO, dated November 15, 1984, was also signed by myself, Congressman WILLIAM D. FORD of Michigan, Congressman BARNEY FRANK of Massachusetts, Congresswoman PATRICIA SCHROEDER of Colorado, Senators JEFF BINGAMAN of New Mexico, THOMAS EAGLETON of Missouri, DAN EVANS of Washington, and DAVE DURENBERGER of Minnesota. The GAO's preliminary analysis of how the Federal Government could best conduct a pay equity study will be valuable in reaching the ultimate goal of enacting my legislation into law.

A recent study released by the GAO revealed that most women working for the Federal Government are concentrated in the lower seven grades, typically occupying traditionally female-dominated jobs. These Federal employees are no different from their coworkers in the private sector. They are at the lower end of the pay scale, and while more women are moving into nontraditional occupations, occupations viewed as women's jobs remain sadly underpaid. What needs to happen at the Federal level is a sincere commitment to enforce existing laws and ensure the Nation's work force that their pay scales are not marred by prejudice.

State and local governments are reexamining their pay scales to determine whether sex-based wage discrimination exists. Some private corporations are also taking the initiative to study their pay and classification systems to see if they are operating within the framework of the law. Yet, that the Federal Government is doing nothing.

I am certain that my colleagues share with me a desire for more equitable treatment of our Nation's workers. We must end this blatant form of wage discrimination against working women. My legislation would be an important step for the Federal Government to reaffirm its commitment to this basic civil right. I encourage my colleagues to cosponsor these bills and participate in the hearings I will be holding next month.

Thank you.●

THE AMERICAN GOLD EAGLE COIN ACT OF 1985

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. CRANE. Mr. Speaker, today I am introducing the "American Gold Eagle Coin Act of 1985," which provides for the minting of two coins which bear the same design, but each containing a different weight of gold: one ounce and one-half ounce.

The design of the new American Eagle would be the figure of "Walking Liberty" from the 1908 St. Gaudens' double eagle on the obverse, and on the reverse, the heraldic eagle of the Great Seal of the United States. The coins would not be denominated by a dollar value, but as was the case with the first American gold coins, by weight only.

As official coins of the United States, the new American Eagles would not be sold as the gold medallions minted under the American Arts Medallions Act are, but exchanged for other official currencies of the United States through the banking system. Just as with Federal Reserve notes and the present clad coinage, there would be no tax imposed on the exchange of such coins. The new gold coins would be acceptable in the settlement of private debts, just like any other official money, but unlike any other moneys, the coins would not be acceptable in the payment of any Federal taxes, duties, or dues.

The coins could be minted from the Treasury's own stock of gold, up to a maximum of 10 million ounces, and any owner of gold bullion or foreign gold coins would be able to deliver them to a mint of the United States and receive in exchange an equal weight of American Eagles.

The power to coin money is expressly delegated to the Congress under Article I, Section 8 of the Constitution. The meaning of this phrase is clear, but Congress has been ignoring it for the past 70 years, ever since it delegated power to the Federal Reserve System to print money and create credit ex nihilo. Over those 70 years, our Nation has been plagued with the worst depression, inflations, unemployments, recessions, bankruptcy, and interest rates in our history. Nothing we suffered under an imperfect gold standard during the 19th century can compare to the damage our economy has sustained under the management of the Federal Reserve.

The authors of the Constitution wrote Article I, Section 8 precisely for the purpose of outlawing the type of monetary system we have now. The use of the word "coin" rather than the word "print," or the phrase "emit bills of credit," was deliberately placed in the Constitution as a reaction to the debacle created by paper money printed and issued by the Continental Congress during the Revolutionary War. It is significant to note that this power of coining money is mentioned in the same sentence in the Constitution as the power to "fix the standards of weights and measures," for the framers regarded money as a weight of metal and a measure of value.

For decades now, but especially for the past 10 years, we have had a medium of exchange, the Federal Re-

serve note, which is fluctuating in its value. As Roger Sherman, a delegate to the Constitutional Convention, wrote, "If what is used as a medium of exchange is fluctuating in its value, it is no better than unjust weights and measures * * * which are condemned by the Laws of God and man." With the issuance of new gold coins by the Treasury, the Federal Reserve's monopoly on money will be challenged. The "American Gold Eagle Coin Act of 1985" represents a major step toward the eventual replacement of our present irredeemable paper money system with a gold based system.●

UNEMPLOYMENT COMPENSATION EQUITY FOR THE JOBLESS

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. SEIBERLING. Mr. Speaker, I am today reintroducing legislation I first introduced in the last Congress to correct an inequity in Federal Supplemental Compensation as it affects certain laidoff workers.

In 1981, one of the major tire companies headquartered in my congressional district shut down a plant, laying off several hundred workers. Some of the employees chose early retirement, foregoing any chance of a recall in the event that the plant reopened. Under unemployment compensation law, these workers were also entitled to unemployment benefits, offset dollar for dollar by their pensions.

Many other workers instead decided to place their faith in the economy and chose to be laid off, trusting that they would be recalled before their unemployment compensation ran out. That never happened, and these workers have, of course, long since exhausted their unemployment benefits. Eligible workers from this group were finally themselves forced to retire once their unemployment benefits ran out.

Unfortunately, this latter group of workers ultimately received considerably less unemployment compensation than those workers who chose to accept immediate retirement when the plant closed. This is so even though both groups of workers performed the same work for the same wages and are now receiving the same pensions. It is this inequity which my bill seeks to remedy.

Because of the manner in which Ohio treats the disbursal of State unemployment compensation, workers at the tire plant who in 1981 chose immediate early retirement received the offset unemployment compensation to which they were also entitled over a long enough period of time to enable them to qualify for the Federal Supplemental Compensation [FSC] Program that Congress authorized beginning in September 1982.

Workers at the same tire plant who chose not to retire exhausted their unemployment compensation roughly 1 month before the eligibility date for the FSC Program, and thus did not qualify for benefits. This latter group of workers is simply asking for the same FSC benefits, offset dollar for dollar by their pensions, that those workers who chose immediate early retirement actually received. I am convinced they are entitled to those benefits, and my bill would authorize the payment of the missing FSC benefits, as offset by their pensions, in either a lump sum or a scheduled payment. The cost per individual would be negligible. The Ways and Means Committee indicated last year that the plight of these Ohio workers is not unique. Indeed, I suspect this inequity is nationwide.

Enactment of my bill would provide laidoff workers with the benefits they should have received in the first place. I urge its adoption.●

THE DEFENSE ECONOMIC ADJUSTMENT ACT

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. WEISS. Mr. Speaker, I am today reintroducing legislation to create a national plan for the economic conversion of our defense plants and military bases to civilian production. This bill, the Defense Economic Adjustment Act, will provide a significant impetus both for meaningful arms control and long-term economic renewal.

We are all aware of the ongoing pressure for an ever larger defense budget that inches us closer and closer to an unimaginable fate every year. Regrettably, this pressure is generated not only by concern over our national security, but by concern over the need to preserve and create jobs. Year after year, as crucial votes on individual weapons systems approach, Members of Congress are urged to approve these weapons, not because they are needed for the defense of our Nation, but because they will create jobs for their constituents.

In an era of continued, problematic unemployment, concern over joblessness is legitimate and understandable. But when it serves to encourage the approval of unneeded weapons of mass destruction, it becomes a tragedy for all involved. It is a tragedy for the workers who produce these weapons, whose needs would be better served by appropriate civilian spending. And it is a tragedy for all people around the world, who daily face the prospect of nuclear annihilation.

By creating viable alternatives to military spending, the Defense Economic Adjustment Act would assure the millions of workers in military-dependent industries that their jobs will not be sacrificed in the effort to achieve an arms control accord. As a result, proposals for increased military spending would more likely be assessed on their merits, rather than for reasons of job creation. And, as one of the chief reasons for support of wasteful military expenditures is diminished, the propsects for ending the arms race would be significantly enhanced.

Not only will economic conversion encourage arms control, but it will promote a sorely needed revitalization of our Nation's economy. It is quite clear that we are now shifting the burden of paying for our military hardware to future generations through deficits of massive proportions. But it is not only our method of financing military production that is destroying our economy. It is also the nature of that production itself. There is a growing body of evidence that explodes the myth of prosperity through continually increased arms production. While administration officials continue to point to the alleged economic stimulus resulting from military spending, the hard facts demonstrate otherwise.

The military economy is unique in that the money spent on the military has left our economy for good. Production focused on defense creates nothing of value for consumers or producers. No one will ever ride a Trident II missile to the office or live in a Minuteman silo. Moreover, increased productivity is sacrificed when more and more resources are devoted to military, rather than civilian, purposes. In other words, not only are the dollars in the military budget unavailable for other uses, but the added benefits that commonly result from civilian production are not realized.

There is also compelling evidence that military production creates significantly fewer jobs than comparable spending in the civilian sphere. For instance, total employment per $1 billion spent is estimated at 20,715 for guided missile and space vehicle production. This compares with 30,394 jobs created in the motor vehicles industry and 71,550 jobs created in educational services, according to the Bureau of Labor Statistics.

These factors indicate that military spending is more than a drain on the Treasury. It represents a structural flaw in the American economy that raises unemployment rates and contributes to the progressive decline of American industries in relation to their foreign competitors.

The military budget's oppressive drag on the economy demonstrates the urgent need for a national plan for conversion to civilian production. The vast production resources used up in the arms race would, if applied to the civilian economy, encourage productive development on a national scale, reversing the dangerous decline of key industries that we are now experiencing. It is time to recognize economic conversion as a crucial element of an industrial strategy for our future.

However, it is much more difficult to shift resources from military to civilian uses without providing for the workers who depend on military contracts for their livelihood. The purpose of the Defense Economic Adjustment Act is to guarantee that these workers will not alone bear the burden of any decision to reduce military spending. The bill contains four important provisions aimed at encouraging and easing a transition to civilian production in the event that Congress and the President determine that a particular military contract is no longer useful. It is a decentralized plan that would provide civilian employment for workers facing cutbacks in military contracts and stabilize local economies that are heavily dependent on military spending.

First, the bill calls for the creation of alternative use committees in every defense facility of 100 workers or more. These committees, composed 50-50 of labor and management representatives, develop blueprint-ready plans for alternative civilian products. Without advance planning for conversion, a decision to halt or reduce military production would create nothing but increased unemployment and economic disruption.

Second, the bill creates a cabinet-level Defense Economic Adjustment Council charged with developing plans for public projects that address human needs. The Council would also act as a clearinghouse on existing Federal programs relevant to communities affected by military cutbacks and publish a guidebook for local conversion planners.

Third, the bill calls for 1 year's advance notification of plans to cutback or terminate a defense contract or military base. The Defense Economic Adjustment Council would be responsible for informing the appropriate local officials and alternative use committees of pending cutbacks.

Fourth, the bill would provide for adjustment assistance for communities and workers while a conversion is underway. Communities seriously affected by defense cutbacks would be eligible for Federal planning assistance, and individual workers displaced in the course of a conversion would be eligible for adjustment benefits, including funds for retraining, for up to 2 years following their displacement.

The comprehensive plan for economic conversion contained in the Defense Economic Adjustment Act would free us from the tyranny of jobs blackmail in the approval of military contracts and allow us to pursue a lasting peace wholeheartedly without sacificing our commitment to full employment. I would also contribute to our Nation's long-term, economic survival by providing the resources for the revitalization of basic industries and the repair of our infrastructure.

Economic conversion provides the hope that humanity will manage to survive into a better and more peaceful tomorrow. It is in this spirit that I urge my colleagues to join me in support of the Defense Economic Adjustment Act.●

VOLUNTARY PRAYER IN PUBLIC BUILDINGS

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. DE LA GARZA. Mr. Speaker, today I am again introducing legislation proposing an amendment to the Constitution to allow for voluntary prayer in public buildings. This effort to allow persons assembled in public buildings to offer prayer is one I have undertaken since first coming to Congress 20 years ago in 1965.

Public prayer has been a freedom that the citizens of this country have enjoyed since the very beginning of our heritage until the Supreme Court's decision in 1963 which forbade this practice.

Our daily sessions in Congress begin with a prayer—many public convocations begin with a prayer—and certainly no one can argue the need for prayer in our society.

It is my belief that the faith we have shown as a nation is the main reason we have grown to become a world leader in every area of development. I feel that a sincere recognition of our dependence on the power of prayer will bring us through any crisis our Nation might ever face.

For these reasons, I support and encourage efforts to amend the Constitution to allow nondenominational prayer to be offered in public buildings. Thank you.●

CONVERSION TO METRIC

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. CRANE. Mr. Speaker, today I am introducing legislation to amend the Metric Conversion Act of 1975 to provide that the functions of the Federal Government with respect to the metric system shall be limited to coordinating the conversion to such system in areas or industries which desire it, and keeping the public informed thereon, without encouraging in any way the adoption or use of such system. The decision to convert to metric should be made by the public and implemented through congressional legislation and should not be mandated or promoted by the bureaucracy.

The authority to fix the standards of weights and measures was specifically granted to the Congress under article I, section 8 of the U.S. Constitution. To date, Congress has never authorized nor endorsed forced conversion to metric. This is not to say that I am opposed to the voluntary use of the metric system by individuals and businesses in this country. Indeed, it has been the policy of the United States since 1866 to allow the use of either metric or our customary American system of weights and measures. However, the Government s unwarranted promotion and costly imposition of metric on the American people who have indicated in poll after poll that they do not wish to convert and stand no benefit on account of conversion must be stopped.

It is the responsibility of Congress to authorize a major change in weights and measurements, and therefore, attempts to subversively implement this change must be eliminated by forbidding the Government's encouragement of such system against the will and fiscal discretion of the public.●

COMPARABLE WORTH AND PAY EQUITY

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. GRADISON. Mr. Speaker, only a Neanderthal is today opposed to equal pay for equal work, as required by the Equal Pay Act of 1963, and generally interpreted to mean equal pay for substantially equal work. Recently, however, there have been important challenges to the meaning of that phrase which, if sustained by the courts or specifically written into law, will have very important socio-economic consequences.

The issue is comparable worth, or its rising surrogate pay equity. These terms are relatively new to the political lexicon and are generally defined as equal pay for work of comparable value or comparable worth. Proponents of comparable worth argue that title VII of the Civil Rights Act of 1964 goes beyond the Equal Pay Act to prohibit pay discrimination between jobs that are substantially different in

content, such as truckers and secretaries. Even as the matter is before the courts, the public policy debate is joined.

I am not a judge, but I am a lawmaker, and I have little doubt that the debate over comparable worth will intensify regardless of the outcome of pending court cases. And as a lawmaker, I have serious concerns about the consequences of a comparable worth policy. My purpose here is to elaborate on these concerns.

While there is agreement that comparable worth is not equal pay for equal work, there is confusion about what the term means.

The House Wednesday Group to which I belong recently released a report on "Women's Issues" that tacitly embraces comparable worth, yet the closest attempt at a definition is a statement of what comparable worth is not.

Liberal columnist William Raspberry, an opponent of comparable worth, defines it as "equal pay for work of comparable worth." But in a Washington Post letter to the editor, Representatives Geraldine Ferraro, MARY ROSE OAKAR, and PATRICIA SCHROEDER, proponents of comparable worth, accuse Raspberry of having "it" all wrong. In their view:

> Pay equity is about paying women and men what their jobs are worth * * * Jobs held primarily by women * * * are indispensable to their employers and to society * * * [and these] jobs are underpaid.

Frankly, I'm not sure I see the difference.

Definitions of comparable worth generally share the same characteristic: they beg the question, and they skirt the issue of defining "worth" or "value."

The problems with comparable worth, however, only begin with mushy definitions. As noted in a July 30, 1984, Cincinnati Enquirer editorial, even when one overcomes the definitional difficulties, comparable worth "gets more vague."

What, if anything, do an ounce of gold, a glass of water, a piece of art, and a particular job all have in common? None possess any intrinsic worth. Other things being equal, water generally commands a lower price than diamonds, gold, or Picassos, but it is not difficult to imagine circumstances in which a glass of water is worth more than any of these things. However innately, and politically, attractive the notion of "true" or "intrinsic" value or worth may be, it is, nevertheless, analytical hokum.

Prices—economic values—are determined by the interaction of supply and demand. If more qualified people seek a particular job, the wage for that job will tend to be lower than it would be with fewer applicants regardless of how useful or valuable the job as perceived from the standpoint of nonmarket criteria.

Economic value is far removed from notions of comparable worth. Worth and work are not the same. Comparable worth advocates key on work effort or the nature of a job, or worker qualifications, but they essentially ignore economic value. In point of fact, this is the old Marxist labor theory of value, which nowadays, even modern-day Marxists generally reject.

Perhaps because they key element of comparable worth—the notion of true of intrinsic value—is analytically useless, proponents of comparable worth have sougth to rationalize their quest through the scientific or objective vehicle of job evaluations.

Comparable worth advocates seek to elevate job evaluations into dominant roles in salary and wage determinations. Used this way, job evaluations are essentially nonmarket techniques of assessing job worth based on a system of points defined and awarded by experts. Without question, job evaluations have proven useful and worthwhile in personnel work in both public and private sectors, but as a key mechanism for determining job worth, they are subjective analytical rationalizations.

In "Women, Work, and Wages," the National Academy of Sciences states, "We do not believe that the value—or worth—of jobs can be determined by scientific methods. Hierarchies of job worth are always, at least in part—a reflection of values."

The National Foundation for the Study of Equal Employment policy, in "A Closer Look at Comparable Worth," notes several inherent features of job evaluations which make them useful as managerial tools, but questionable "as a general legal mandate" in the implementation of comparable worth standards.

And according to the National Foundation for the Study of Equal Employment Policy,

> Our society's few limited experiments with programs that have taken these decisions out of the employer's hands or subjected them to external controls . . . have been extremely unpopular and widely regarded as unsuccessful.

Market prices are not universal worth values. There are no such things. Nor do they arise from a number of points awarded by a group of experts. But market prices do reflect the willingness of buyers—employers—and sellers—employees—to pay for a certain labor service at a particular time and place. If wages are set below the market rate, any employer will not be able to attract qualified applicants, and will begin to lose those it already has. If wages are set above the market rate, there will be a surplus of qualified applicants. Both situations are observed, especially in Government where nonmarket wage setting is common. True, some Government jobs remain vacant for lack of qualified applicants, indicative of a wage set too low, but typically, they have long lists of qualified applicants, indicative of a wage set too high.

No person or group of persons or computer, for that matter could ever possess, let alone process, the enormous amount of information necessary to determine wages as efficiently as the market. The wage market is not perfect, but nonmarket alternatives to wage setting are usually second best.

This was graphically demonstrated in Christensen versus State of Iowa. At a State university in Iowa, job evaluations ranked predominantly female clerical jobs at the same level of worth as predominantly make physical plant jobs. The local job market, however, dictated higher wages for physical plant jobs than under the university system. At the evaluated level, the university had no difficulty hiring clerical workers, while the physical plant jobs lacked qualified applicants. The university was forced to increase the wage for the physical plant jobs, and the court found this supplementary wage nondiscriminatory because the law does not require an employer to ignore the labor market in setting wage rates. Question: Should the school have also raised the salaries of clerical workers?

Advocates of comparable worth are not content to place their reliance on the outcome of job evaluations. Their proposals, for example, H.R. 5680, introduced in the last Congress, are hedged by permitting only upward revisions of wages, a proviso that carries with it not only significant equity questions, but a formidable price tag as well.

In 1979 a study on Minnesota State jobs by Hay Associates revealed that female-dominated jobs were paid less than male dominated jobs of comparable worth. In order to meet the standard of equal pay for jobs of comparable value about 8,225 State employees will receive raises averaging $1,600 over 2 years. This program, hailed by comparable worth proponents as an exemplary success, plans to meet its pay equity goal after 3 years time, at a cost to Minnesota taxpayers of $44 million.

Daniel Glasner, an executive with Hay Associates calculates the cost of implementing comparable worth standards on a national basis to be about $320 billion, nearly a tenth of gross national product, with a 10 percent jump in inflation. Similarly, the U.S. Chamber of Commerce puts the price at $300 billion.

Perhaps the reason comparable worth has achieved any political currency at all is the a priori conclusion that some people draw from what are indisputable facts.

Women and men are unevenly distributed among different jobs in our economy: In 1982, half of all women workers were crowded into 20 of the 440 occupations as categorized by the Bureau of Labor Statistics; on average, women earn only about 64 cents for every dollar earned by men.

Is sex discrimination the reason for this sad state of affairs? No doubt sex discrimination is a factor, but it is wrong to conclude that it is the sole, or even a major, factor without first considering other possible nondiscriminatory causes and their relative importance. These include job-related qualifications, education and training, work experience, seniority, number of hours worked, and work force continuity. The a priori conclusion would be warranted only if these additional factors are de minimus. The evidence is that they are not. For example by adjusting for difference in hours worked by men and women, the wage gap narrows to 72 cents.

For example, Census Bureau studies have found that continuity of lifetime work experience is an especially important determinant of earnings. The reason is that, upon every reentry, a worker may start at or near the bottom of the salary ladder, whereas continuous work force involvement generally means a steady climb up the pay ladder. It is a fact that the former applies generally to women and the latter to men; typically in the past, working women have had less overall work experience and less continuous work experience than working men.

Using only publicly available data, a report by the National Academy of Science found that 44 percent of the wage differential between men and women can be explained by factors such as work history 30 percent, education 2 percent, and labor force attachment 3 percent. A second report, again using only publicly available data, by the Federal Reserve Bank of San Francisco asserts that two-thirds of the wage differential can be explained by worker characteristics. The conclusion frequently heard is that the unexplained portion of the wage gap is due entirely to sex discrimination, yet this is not the conclusion of either study.

The real question is posed by Randall Pozdena, the author of the latter report:

> Is the remaining wage gap due to discrimination of or insufficient data for identifying other important worker attributes? This is an extremely difficult question to answer. Sufficient data to account for all relevant worker and job attributes exist—if at all—only with an individual firm's employment records. Such information, however, is rarely made available to academic analysts.

Thus, it is not surprising that few studies have actually undertaken the task of sorting out possible explanatory factors, including sex discrimination.

In the few well-documented studies using more detailed nonpublic personnel records, the explained earnings differential is narrowed considerably. The key variable not generally available from public data is worker qualifications. According to Pozdena, these studies suggest, * * *

> * * * that economic or statistical discrimination by employers does not play a major role in generating observed wage differences in men and women. Rather, as the model of competitive labor markets would suggest, overall, employers make their decisions based on work-related attributes of the worker. * * *

In Briggs versus City of Madison, Federal District Judge Barbara Crabb recognized the complexities of the problem: * * *

> I find unpersuasive the basic premise that . . . any one possesses the intellectual tools and data base that would enable them to identify the extent to which the factor of discrimination has contributed to, or created, sex segregated jobs, and to separate that factor from the myriad of nondiscriminatory factors that may have contributed to the same result. * * *

In the court's view, there are significant nondiscriminatory factors that contribute to the wage gap between men and women. These include: "* * * familial and peer expectations, desire for part-time work or work with flexible hours, reluctance to pioneer in nontraditional fields, the absence of 'role models' in nontraditional jobs, and lack of information about higher paying jobs."

Indeed, much of what is observed today is the result of deliberate, if not blatant, occupational segregation in the past—women couldn't get into professional schools, for example. There is also the question that, to the extent occupational choices of men and women differed and were not impeded by discriminatory practices, they are reflective of a social structure in which women's roles have been different than men's rather than of sex discrimination.

Regardless of one's view of historic traditions, they have influenced women's job choices. Brigette Berger, a sociologist at Wellesley College, has produced empirical data to support her argument that most American women work to help their families. Thus, women have generally taken certain kinds of jobs more often than men in search of such features as easy exit and entrance, and hour and job requirements compatible with their principal concerns.

According to June O'Neill, of the Urban Institute,

> Research suggests that pay in female occupations for both women and men is lower because of differences in education and on-the-job experience as well as differences in hours and other working conditions such as exposure to hazards or outdoor work.

It is true that women have not had the same opportunities or experiences that lead to better paying jobs. But it is also true that women who have been in the work force for numerous years did not originally prepare for lifetime careers; women have tended to invest less than men in future earnings potential through job training, job search, education, and other long-range income-increasing investments.

Such patterns have been changing, but what is observed—what people tend to focus on—are the consequences of historic roles as much or more than sex discrimination.

Until very recently, wage statistics had not begun to reflect changing societal patterns and employment policies on the earnings of women. According to the Census Bureau, part of the reason might have been the massive increase of women entering the labor force from 35 percent to 50 since 1950: "The entry of large numbers of inexperienced women into the work force undoubtedly drove down the average wages of women."

But a new report by the Rand Corp. reveals that the wage gap between men and women is "narrowing rapidly * * * and jumped from 60 to 64 percent in the last 4 years." The authors cite improving education and work experience as reasons for the gains, and note that the findings "suggest that the gap is narrowing and is not as immutable as it appears," as comparable worth proponents suggest.

Comparable worth might make some sense if occupational segregation and pay differentials stemmed from employer-imposed sex discrimination. But to the extent that present pay differentials result from society having shunted women into certain job categories in the past—resulting in excess supply and relatively lower wages—then comparable worth won't help.

Despite admirable intentions by its proponents, a comparable worth policy simply would not have the desired results. Most likely, occupational segregation would worsen.

A study of State jobs in Iowa revealed that the wage gap would be narrowed if wages were set in accordance with the statewide job evaluation system, but that the pay differential would not disappear. The study concluded that the remaining differential would be overcome only when women move in greater numbers into "nontraditional jobs."

Yet raising the pay of traditionally female jobs would lower the incentive for women to move out of these jobs. Instituting broad-based pay scales based on comparable worth notions would, according to O'Neill:

> * * * likely retard the substantial progress that has been made in the past decade * * * Women have moved into predominantly male occupations, and younger women have dramatically shifted their educational and occupational goals. they have been undertaking the additional training required for law, medicine and engineering be-

cause the higher pay they can obtain from the investment makes it worthwhile.

Or, according to Raspberry,

If you upgrade them [female-dominated jobs] enough to satisfy comparable worth advocates, those jobs would become attractive to men which means that women would be right back in the business of fighting sex discrimination, * * * It makes more sense to [Linda] Chavez [Staff Director of the Civil Rights Commission] and to me—to fight it now.

Furthermore, raising the wages of lower paying, female-dominated jobs would result in an additional perverse effect for women. As labor costs rise, firms shift from labor to capital—that is, people are replaced with machines.

Another ironic aspect of comparable worth concerns its scope of coverage. Advocates of comparable worth generally say that the intent is for comparable worth to apply within employer groups—for example, an individual firm or a private school—rather than entire industries—all steel companies, all universities—and to the public rather than the private sector. There is, however, reason enough to question these assertions.

Comparable worth would only work as intended if it were applied for entire industries, and then, only through Government coercion. If some firms voluntarily adopted comparable worth personnel policies, the resulting wage differentials would immediately come under market forces indicative of the self-imposed competitive disadvantage of the comparable worth firms. The resulting economic disequilibrium would tend to correct itself in the direction of least costs, that is, away from comparable worth. It is for this reason that it is hard to imagine very many firms voluntarily adopting comparable worth.

Apparently, this reasoning has not been lost on congressional supporters of comparable worth. According to the Congressional Research Service, one of the principal pay equity bills in the last Congress, H.R. 5092, would indeed impose comparable worth criteria on the private sector. Of course, in the case of the public sector, all that is required is the necessary political clout to institute the policy as was done in Minnesota.

If the private sector is motivated to use comparable worth—whether as a result of a collective bargaining process, being enamored with the science of job evaluations, or by the prestige of having outside experts set wage rates—that is fine with me, so long as it is not coerced into doing so by Government. Government should be neutral and not try to impose a solution because the principle behind the policy is so foggy and the consequences of the policy are so clearly counterproductive.

As for the public sector, Government should move away from, rather than toward, comparable worth. We already have too much inefficiency and excess cost in government, resulting, in my opinion, in no small part from nonmarket wage setting and personnel practices. We should not add additional institutionalized inefficiencies under the nebulous rubric of comparable worth.

The eradication of sex discrimination in hiring practices, equal pay for equal work, upward mobility, and the elimination of occupational segregation are not issues; they are goals. As such, they are not in dispute. The real question is how to achieve these important goals.

Markets are never perfect. Even if they were, not all public policies should be based on market considerations. Advocates of comparable worth assume, erroneously, that occupational segregation is a primary result of sex discrimination which can best be solved by moving away from the market. They further assume that the value of work is intrinsic, that is, it can be measured without reference to supply or demand factors. But the evidence indicates that neither market failure nor sex discrimination is the reason for the occupational segregation that is observed today. If anything, nonmarket approaches and historic societal roles, not market failures, have been the major contributor.

Sex discrimination is intolerable and ought to be costly to those who practice it. Government should ensure this cost by vigorous enforcement of strong antisex discrimination laws, not by promoting or dictating arbitrary, costly, and counterproductive controls.

Sound public policy is more likely to result from sound analysis, and poor public policy from poor, or nonexistent, analysis. Ideas that sound good often gain political currency and become public policy based more on their good-sounding name than on sound analysis. Comparable worth, or pay equity, is a case in point. We should define and analyze our terms when we make policy.

Good intentions are important—perhaps even necessary—to the making of good public policy. But however necessary they may be, good intentions are generally insufficient. How fair is it to encourage or subsidize women to stay in jobs described by Congresswoman OLYMPIA SNOWE as "dead end"?

I'm strongly in favor of paying people what their jobs are worth, but comparable worth has nothing to do with paying people what their jobs are worth.●

LEGISLATION TO PROTECT THE PUBLIC FROM POTENTIAL DANGERS OF IONIZATION SMOKE DETECTORS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. WEISS. Mr. Speaker, I am reintroducing today two pieces of legislation designed to protect the public from the potential dangers of ionization-type smoke detectors.

One bill would provide that all ionization smoke detectors bear a warning label specifying that they contain radioactive materials. The other would ban the sale of ionization smoke detectors completely.

Ionization smoke detectors, which currently account for the large majority of all marketed smoke detectors, contain a highly radioactive substance, usually americium-241.

Many scientists and radiologists have noted that americium-241, a byproduct of the nuclear cycle, represents a serious threat to human health if ingested and to the environment if improperly disposed. Americium-241 is 53 times more radioactive by weight than plutonium-239 and has a half-life of 458 years. Experts claim that ingestion of even a minute amount of americium-241 can cause cancer.

However, many manufacturers of ionization smoke detectors fail to inform the consuming public of the presence of this radioactive material—either on the packaging material or the unit itself. Nor do the manufacturers properly stress the need to dispose of ionization smoke detectors in a safe, carefully regulated manner.

Perhaps unwittingly, Federal regulations mandating installation of unspecified types of smoke detectors in homes built with FHA or VA assistance have boosted the sales of ionization detectors. Thousands of State and local laws requiring smoke detectors in all homes are now in force. Because ionization detectors are more readily available and lower priced than the major competitor, the photoelectric detector, they are often the choice of purchasers of large quantities, such as a housing authority. Consequently, as many as 20 million ionization smoke detectors may now be in operation.

Since purchasers of ionization smoke detectors are not being notified properly about potential radiation dangers or disposal procedures, it seem inevitable that some of the americium-241 from smoke detectors will enter the environment eventually and, ultimately, enter the human food chain. The inadvertent disposal of all kinds of hazardous waste by consumers at home—from pesticides to motor oil—is

a growing and, until recently, unpublicized problem.

The photoelectric detector is a safe and reliable alternative to the ionization-type detector. Photoelectric smoke detectors contain no radioactive substances. Comparison testing has shown that the photoelectric smoke detector is as effective in providing fast smoke alerts as the ionization type, and in fact is more effective in the detection of a smoldering fire which is most common in household blazes. The only drawback is the photoelectric's slightly higher price.

Interest around the country in banning ionization detectors at the municipal level has increased in recent years. In June 1980, the District of Columbia issued an administrative policy decision to purchase only photoelectric smoke detectors because "the photoelectric models are safer, generally more efficient and effective" and because "future health hazards relating to disposal are eliminated." In Buffalo, NY, last year, the city council debated a resolution urging a similar decision. My legislation would provide leadership at the Federal level on this issue.

I hope my colleagues will recognize the danger posed by this product and join me by cosponsoring my legislation to ban its sale or require warning labels on each detector sold.

The text of the two bills follows:

H.R. 226

A bill to provide that ionization smoke detectors containing any radioactive isotope shall be considered banned hazardous substances subject to the prohibitions of the Federal Hazardous Substances Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any ionization device which—

(1) is designed to detect the presence of smoke in the atmosphere; and

(2) contains any radioactive isotope; shall be considered to be a banned hazardous substance for purposes of the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.), and shall be subject to the prohibitions established in section 4 of such Act (15 U.S.C. 1263) and to the other provisions of such Act.

SEC. 2. Any person who violates the provisions of section 4 of the Federal Hazardous Substances Act (15 U.S.C. 1263), in connection with the manufacture of the device specified in the first section of this Act, or in connection with the introduction or delivery for introduction of such device into interstate commerce, shall be subject to the penalties established in section 5 of such Act (15 U.S.C. 1264).

SEC. 3. The device specified in the first section of this Act shall be liable to seizure in accordance with the provisions of section 6 of the Federal Hazardous Substances Act (15 U.S.C. 1265).

H.R. 227

A bill to provide that ionization smoke detectors shall bear a label specifying that they contain radioactive materials

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any person engaged in the packaging or labeling of any ionization smoke detection device for distribution in commerce, or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distribution in commerce of any packaged or labeled ionization smoke detection device, to distribute or to cause to be distributed in commerce any such device if such device is not labeled in a manner which complies with the requirements of section 2.

SEC. 2. (a) Any ionization smoke detection device distributed in commerce shall bear a label which—

(1) includes a recognized symbol indicating the presence of radioactive material; and

(2) bears the following statement: "This device contains radioactive material which may be hazardous to your health if ingested or improperly disposed.".

(b) The label required in subsection (a) shall be affixed to the outside back panel or portion of any ionization smoke detection device, and to any package containing such a device.

SEC. 3. Any violation of the first section of this Act shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act and shall be subject to enforcement under section 5(b) of the Federal Trade Commission Act.

SEC. 4. For purposes of this Act—

(1) the term "commerce" means—

(A) commerce between any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, and any place outside thereof; and

(B) commerce within the District of Columbia or within any territory or possession of the United States not organized with a legislative body;

but such term does not include exports to foreign countries; and

(2) the term "ionization smoke detection device" means any device which—

(A) is designed to detect the presence of smoke in the atmosphere; and

(B) contains any radioactive isotope.

SEC. 5. The provisions of this Act shall apply to any ionization smoke detection device which is available for retail sale in commerce after the date of the enactment of this Act.●

BIAGGI SAYS NORTHERN IRELAND NEEDS A SPECIAL ENVOY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. BIAGGI. Mr. Speaker, as chairman of the bipartisan Ad Hoc Congressional Committee for Irish Affairs, I am proud on this first day of the 99th Congress to introduce an important concurrent resolution calling on President Reagan to designate a Special Envoy for Northern Ireland.

This resolution is identical to one I had sponsored in the 98th Congress as House Concurrent Resolution 189. Its need is perhaps more compelling now than before largely because of the absence of any real movement toward a political solution to the Northern Ireland issue.

The absence of movement is more tragic because of the fact that there has been ample opportunities for progress on the political front. The issuance of the report by the New Ireland Forum in the middle of 1984 provided an important foundation upon which a political solution could be developed. The second development was the meeting held in November between Prime Minister Margaret Thatcher and Prime Minister Garret Fitzgerald of the Republic of Ireland. This too held great promise for it would have provided an important opportunity for these two leaders to discuss the gamut of political options including those put forth by the New Ireland Forum. The third development was the meeting held this past December 22 between President Reagan and Prime Minister Thatcher. I together with 59 of my colleagues in the House and Senate wrote to the President urging that Northern Ireland be placed on the agenda.

Notwithstanding these three important opportunities, there is little to show in the way of progress toward a political solution in Ulster. Perhaps the most damaging outcome was that involving the Thatcher-Fitzgerald meeting. It was here that Prime Minister Thatcher rejected in its entirety the New Ireland Forum and all of its proposals for the future of Ireland. This reinforces the position held by many that Britain and especially the Thatcher government has no interest in a political solution but remains obcessed with the idea of a military solution.

It is against this backdrop that I offer my resolution which has as its main motivation to advance a more positive United States role in the struggle for peace and justice in Northern Ireland. The resolution is quite explicit in that it calls on the President to first appoint a highly qualified independent and appropriately experienced special envoy to investigate and report how best the United States could actively assist all interested parties in Belfast, Dublin, and London as well as the communities in Northern Ireland to arrive at an early, just, and peaceful resolution of the present conflict in Northern Ireland.

In my judgment a special envoy would allow the United States to assume the role of an honest broker in Northern Ireland. The envoy would not seek to impose a solution on Northern Ireland but rather empower those with the capacity to achieve a lasting peaceful solution.

The special envoy proposal has wide support in the Irish American community of this Nation. One of the first to advance the proposal at the State level

was Assemblyman John Dearie of the Bronx, NY, and as a result both the New York State Assembly and Senate passed a resolution calling for the designation of a special envoy for Northern Ireland. Leading Irish American organizations including the Ancient Order of Hibernians, the Irish National Caucus, and the Irish American Unity Conference have all endorsed the designation of a special envoy for Northern Ireland. The Democratic Party platform for 1984 contained language endorsing a special envoy.

I believe the time has come for the United States to work for peace in Northern Ireland. It is an American issue and does deserve our attention. I offer the special envoy resolution as one approach which I hope will get early and careful consideration by the House Foreign Affairs Committee.●

TAX REFORM ACT OF 1984

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. DE LA GARZA. Mr. Speaker, this concerns the Tax Reform Act of 1984 as adopted and its detrimental affect on veterans due to language contained therein restricting the issuance of tax exempt mortgage bonds. While I feel this action was unintentional it nevertheless poses a severe threat to the future of both the Texas Veterans Housing Assistance Program and the Texas Veterans Land Program unless repealed or modified.

This new tax legislation imposes limitations on just who can participate in the popular Veterans Housing Assistance Program. What this new bill means is that Texas veterans of World War II and the Korean war, plus any veteran who enlisted after January 1, 1977, including those who served in Grenada and Beirut, will no longer be eligible for home loans through the Veterans Housing Assistance Program.

The new law also abolishes the 35-year-old Texas Veterans Land Program in early 1987. This program begun in 1949 has over the years provided more than 85,000 veterans the means to purchase land, build new lives and realize the American dream.

Certainly I can appreciate that the Tax Reform Act of 1984 was passed to curtail abuses in the sale of tax exempt bonds. I do not, however, feel that our Veterans Land Program or our Veterans Housing Assistance Program constitute an abuse of tax exempt bonds.

That is why I am introducing legislation to address this dilemma, and I hope early action will be taken to remedy this problem.

Thank you.●

LEGISLATION TO CHANGE THE SIZE OF CITIES ELIGIBLE FOR LABOR SURPLUS AREA DESIGNATION

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. SEIBERLING. Mr. Speaker, I am today introducing legislation to amend the Small Business Act to provide that cities as small as 25,000 population can qualify on their own for labor surplus area designation.

Currently, only cities over 50,000 population with high unemployment rates, and counties with high unemployment rates can qualify for this designation. What this means is that cities over 50,000 population, which tend to have the higher unemployment rates, are separated from the rest of the small cities, suburbs, and rural areas of a county, leaving the balance of some counties with unemployment rates so low that they cannot qualify for designation. This can end up hurting a small but distressed city, as it has in my district, where a city, Barberton, of 30,000 population with an estimated 18-percent unemployment rate, must be lumped in with more prosperous small cities and suburbs, thus currently disqualifying the distressed city.

The latest annual listing of labor surplus areas was published in September and it is clear that many distressed, smaller cities continue to be hurt by the lack of targeting in the eligibility regulations. Therefore, I urge my colleagues to consider the need for revision in this program.●

CHILD CARE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Ms. OAKAR. Mr. Speaker, nearly a year ago, I introduced a resolution to establish a child care facility for Members of Congress and House employees. One hundred and eleven of my colleagues cosponsored this important resolution. In addition it sparked the interest of more than 400 House employees. This overwhelming enthusiasm showed me how important a child care facility would be in the House of Representatives.

Most working parents are faced with the dilemma of finding quality care for their children. The issue becomes particularly sensitive before children enter school. Parents want quality, educationally enriching programs at an affordable price. Distance and travel time to and from work become considerations parents must also face. Unfortunately, the options are limited and many parents find that they cannot provide care for their children during the day. It is estimated that at least 11 million children are left alone during the day when their parents are at work. To me, that is a national tragedy.

While the natural and most convenient location for a child care center would be the workplace, many private companies have been fearful of starting onsite child care for their employees. Some are reluctant to become involved with a family issue and view the risks involved in establishing a center as too great. Conversely, employees with young children find that employers' apprehensions are far outweighed by the many problems associated with parenting and working full time.

The resolution I am introducing today neither disrupts the family unit nor creates risks for the Government. It does respond to the needs of our colleagues and employees by establishing a selfsupporting, onsite child care facility. The child care center would be run by parents and interested employees through an advisory council under the direction of the Committee on House Administration. An initial startup fee would be allocated from House funds to pay for equipment. All other operating expenses would be assumed by the parents who use the center.

The House child care center is an example to other employers in the Nation. Like the child care centers operating in the Departments of Labor, Health and Human Services, Housing, and Education, and in the U.S. Senate, the House child care center will be a working model for companies who may be contemplating a similar program.

I have a commitment from Chairman JONES of the Services Subcommittee of House Administration, that the resolution will be taken up early in the year. I look forward to bipartisan support for this resolution and encourage my colleagues to cosponsor it. Thank you.●

HATCH ACT REFORM FOR POSTAL EMPLOYEES

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. CLAY. Mr. Speaker, today I introduced the Postal Employees' Political Activities Act of 1985 which reforms the Hatch Act by permitting postal employees to participate voluntarily in political activities so long as those activities do not even appear to compromise the integrity of the Postal Service. At the same time the bill protects the public against improper polit-

ical activities and solicitations, coercion, and protects postal employees against voluntary political activities.

The Hatch Act was enacted precipitously in 1939. It was an overreaction to coercion of and kickbacks by Federal employees and public assistance recipients. As presently written, the law is vague, overly broad, and consists of a patchwork of over 3,000 administrative rulings, most of which are not understood by either the public or postal employees.

My bill differentiates between voluntary and involuntary political activities. It protects the public interest while providing postal employees with greater freedom to participate in the political process.

In summary, the bill:

States that postal employees are encouraged to exercise their right of voluntary political participation.

Prohibits the use of official authority, influence, or coercion with respect to the right to vote, not to vote, or to otherwise engage in political activity.

Prohibits solicitation of political contributions by superior officials and making or soliciting political contributions in Government rooms or buildings.

Prohibits, with certain limited exception, political activity while on official duty, in Federal buildings, or in uniform.

Requires that employees who seek elective office do so on their own time, and that employees shall, upon request, be granted accrued annual leave or leave without pay to seek elective office.

Designates the special counsel of the Merit System Protection Board [MSPB] as the enforcing authority and the MSPB as the adjudicatory authority.

Subjects violators of law to removal, suspension, or lesser penalties at the discretion of the MSPB; requires a minimum of 30 days suspension without pay for any employee found guilty of violating the prohibition against use of official authority or influence for political purposes.

Requires the U.S Postal Service to report annually to the Congress on its implementation of this act.

The Postal Service system is a quasi-autonomous public corporation. Postal employees are in a different category from Federal employees. The postal worker's role, as an employee of a semi-independent agency, and the role of a Federal civilian employee, as an employee of the Government, make these two groups of employees separate and distinct. Unfortunately, the issue of full political participation for postal and Federal employees has been confused, notwithstanding their different status, so that they are treated as one and the same.●

AMENDING THE HOBBS ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. CRANE. Mr. Speaker, today I am introducing legislation to amend the Hobbs Act, the Federal criminal statute which prohibits interference with commerce through threats or violence. The purpose of this bill is to clarify the use of the term "extortion." This clarification will prevent unfair judicial interpretations of the act in its application to labor strike interferences.

Since the Supreme Court's decision in United States against Enmons (1973) union officials are the only U.S. citizens immune from Federal prosecution under the Hobbs Act, the 1946 statute that makes extortion involving interstate commerce a Federal crime. This exemption created a legal loophole that has given union officials a powerful scepter of violence—violence against both employers and individual workers. It opened the way for union officials to use whatever violent means they think necessary to ensure that rank and file members obey the dictates of union hierarchy. Since 1975, public records show over 3,350 separate cases of union-inspired violence. The pervasiveness of this compulsory union violence further underscores the need for evenhanded Federal jurisdiction.

My bill will amend the Hobbs Act to restore equity, making sure that labor violence is treated no differently than any other violence falling within the Federal realm. It will eliminate the special exemption now enjoyed by labor, clarifying congressional intent so that the law cannot be again misinterpreted by the courts.●

NAZI WAR VICTIMS—CLAIMS AGAINST EAST GERMANY

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. WEISS. Mr. Speaker, under the leadership of our former colleague, Jonathan Bingham, the 94th Congress enacted legislation, Public Law 94-542, to provide for the settlement of claims against East Germany for the wrongful taking of property due to the racial and religious persecution by the Nazi regime before and during World War II.

It later became apparent that a large number of persons were unable to successfully make claims against the East German Government under Public Law 94-542 because of a decision made by East Germany in 1951.

Under Public Law 94-542, claims could be presented by persons who were U.S. nationals at the time of the loss of their property. The German Government decreed the "time of loss" to be September 6, 1951 and the Foreign Claims Settlement Commission followed this 1951 date when making its determinations. However, many of the victims of Nazi persecution living in the United States were not yet U.S. citizens as of September 6, 1951, although most became citizens by the time Public Law 94-542 was enacted, or by 1974, when the United States recognized the German Democratic Republic. Thus, these permanent U.S. residents who fled the Nazi horrors were denied their rights to compensation because their citizenship had not yet been attained.

Legal redress from the East German Government was denied these people because they were no longer residents of East Germany in 1951. Thus, because of action by the East German Government, and the language of Public Law 94-542, many of these claims have either not been submitted, or denied by the Commission.

To remedy this situation, I am introducing legislation which would allow the filing and consideration of claims against the East German Government by any person who was a permanent U.S. resident as of September 6, 1951, and who had become a U.S. citizen by the date of enactment of Public Law 94-542—September 4, 1974. Based upon this changed definition, it would be necessary for the Commission to reopen the filing period for claims against the East German Government. This is also provided for in the legislation.

We cannot restore the lives or well-being of the millions of people who suffered the outrages and inhumanity of the Nazi regime. However, we must do what we can to remove the roadblocks preventing those victimized by Nazi oppresssion from receiving compensation due them. It is for these reasons that I urge you to join me in cosponsoring this legislation.

H.R. 228

A bill to amend title VI of the International Claims Settlement Act of 1949 (relating to claims of nationals of the United States against the German Democratic Republic) to permit the determination of claims of persons who were aliens lawfully admitted for permanent residence in the United States as of the date of loss and by September 4, 1974, citizens of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "International Claims Settlement Act Amendments of 1983".

SEC. 2. Section 601(1) of the International Claims Settlement Act of 1949 (22 U.S.C. 1644a(1)) is amended—

(1) in subparagraph (a) after "United States" by inserting "or who is an alien lawfully admitted for permanent residence in the United States and by September 4, 1974, a citizen of the United States";

(2) in subparagraph (b) by striking out "natural persons who are citizens of the United States" and inserting in lieu thereof "persons described in subparagaph (a)"; and

(3) by striking out the last sentence.

SEC. 3. Section 602 of the International Claims Settlement Act of 1949 (22 U.S.C. 1644b) is amended—

(1) in the first sentence after "claims by nationals of the United States" by inserting "who were ineligible to have their claims considered by the Commission prior to the enactment of the International Claims Settlement Act Amendments of 1983"; and

(2) in the second sentence by striking out "this title" and inserting in lieu thereof "the International Claims Settlement Act Amendments of 1983".

SEC. 4. Section 609 of the International Claims Settlement Act of 1949 (22 U.S.C. 1644i) is amended after "date for filing of" by inserting "those"●

VETERANS' HOSPITAL IN SOUTH TEXAS

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. DE LA GARZA. Mr. Speaker, today, along with my colleague, SOLOMON P. ORTIZ, I am introducing legislation to establish a veterans' hospital in south Texas. I am initiating this action to meet the needs of approximately 100,000 veterans residing in our two districts as well as the influx of winter Texans throughout south Texas from around the Nation.

This is an endeavor I have been actively pursuing—first having introduced such legislation back in 1965, my first term. At that time, the estimated construction cost per hospital bed was $26,000. Today it is approximately $275,000. Had construction been authorized at that time, we would be way ahead of where we are now in treating the needs of veterans.

Over the years, this need has only increased. These men and women who have so valiantly served our country are deserving of a facility in south Texas now—today—which can adequately, comprehensively, and conveniently meet the needs. That is why it is so important to see this goal realized.

For me, this veterans' hospital is a priority, and I intend to work to see this goal become a reality. Our veterans have already paid the price for this legislation and, in return, it is our obligation to see to it that their needs are met.●

REFORM THE PRICE-ANDERSON ACT

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. SEIBERLING. Mr. Speaker, today I am reintroducing legislation that will enhance the safety of the nuclear power industry in this country by reforming the Price-Anderson Act. First enacted in 1957 when the nuclear industry was in its infancy, the Price-Anderson Act placed a temporary $560 million limit on liability for accidents at nuclear powerplants or during the transportation of nuclear materials, regardless of the number of people injured or the severity of the injuries or property damage.

However, with only minor increases, this temporary limit is still on the books after 25 years of inflation, and despite the fact that the industry is now mature. If the Three Mile Island accident had been more serious, the Price-Anderson Act probably would have prevented many people from recovering more than a few pennies on the dollar for their damages. I believe that anyone who suffers injury from an accident at a nuclear powerplant or from the transportation of nuclear materials should be able to sue to recover their actual damages in full.

This bill is identical to legislation I introduced in the 98th Congress. It makes three simple but fundamental changes to the Price-Anderson Act:

It removes the current $615 million limitation on total liability for damages to the public caused by a nuclear accident;

It makes the nuclear industry strictly liable for the damages caused by all accidents regardless of severity. Injured persons would not have to prove negligence in the design, construction, or operation of a plant in order to receive compensation for any injuries they might sustain. This change would bring Federal law into line with most State tort law regarding ultrahazardous activities; and

It eliminates the current 20-year statute of limitations on recovering damages caused by a nuclear accident. Instead, it would permit injured persons to recover damages if they sue within 3 years after they discover, or reasonably could have discovered, their injuries.

Mr. Speaker, this legislation is long overdue. The "temporary" limit on liability enacted as part of the Price-Anderson Act is still on the books even though the nuclear industry is no longer an untried infant but an experienced giant. The public policy goal of the Price-Anderson Act has been achieved, and the industry is now mature. It is time to repeal this artificial limit on liability and to allow the free market to work.

Probably the closest we have come to a serious failure of safety at a nuclear powerplant is the 1978 accident at Three Mile Island in Pennsylvania. Now, over 6 years after the accident, the costs of cleaning up the facility remain unknown, but without a doubt, they will exceed $1 billion. However, the Federal Insurance Administration has estimated that under a worst-case scenario, a core meltdown, property loss alone from Three Mile Island would have come to $17 billion. I would point out that this figure assumes no personal injuries would have been sustained and there would have been a complete and uneventful evacuation of the area around the plant, a likelihood that is remote. Seventeen billion dollars in potential damages is a far cry from the current limit of $615 million.

Anyone making a claim for property damage resulting from Three Mile Island under the scenario examined by the Federal Insurance Administration would receive only 3 cents for every dollar of damage claimed. That means a resident who lost a $100,000 home would only receive $3,000 in damages. Yet that resident would continue to be liable for mortgage payments, and would not receive any additional compensation for property loss under standard homeowners' insurance policies, because these policies specifically exclude coverage for nuclear accidents. So in the case of a serious accident at a nuclear powerplant or during the transportation of nuclear materials, average citizens might never be able to recover compensation for their damages.

So far, the nuclear industry has a better safety record than the chemical industry and the airline industry, both of which thrive without a protective limit on normal tort liability. There is little convincing evidence that the insurance industry could not provide coverage for nuclear powerplant and transportation accidents. Utilities now insure their property for around $1 billion. Since insurers are willing to insure the nuclear plant itself, it seems clear that there will also be a market for insuring against normal tort liabilities which could arise from a nuclear accident.

Let me stress that I am a supporter, not an opponent, of nuclear power. As a member of the committee that oversees the Nuclear Regulatory Commission's regulation of nuclear plant safety, I am concerned by the uneven degree of competence among the various utility companies and the all too frequent—though, so far, not catastrophic—failures of quality assurance and other programs which are designed to protect the health and safety of the public. I believe that my

proposed legislation would greatly increase public confidence in the safety of the nuclear industry by causing the insurance industry to play a greater role in monitoring nuclear plant safety.

The enactment of this legislation would promote the safest possible operation of the nuclear powerplants and would encourage the development of a more uniformly aggressive safety consciousness in the industry, which is essential if nuclear power is to play its proper role in our Nation's energy future.●

OVERSEAS TEACHERS ACT OF 1985

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Ms. OAKAR. Mr. Speaker, today I am introducing the Overseas Teachers Act of 1985, a bill similar to one I introduced in the 98th Congress. This bill is a modest proposal to help ensure that we attract and retain superior teachers in the overseas school system in order to guarantee the finest possible education for the children of the members of our armed services and civilian employees serving abroad.

The Federal public schools are responsible for the education of 140,000 American children living abroad—they are the sons and daughters of our service women and men who contribute so much to the defense of our country, and who deserve nothing less than the best education for their children. It is important that our military families be able to stay together, with their children assured of a quality public education regardless of where they are stationed around the world.

Most of us would view the prospect of living in Japan, Okinawa, Korea, the Philippines, Italy, Panama, Bermuda, Norway, Germany, or Holland (to name but a few of the locations of the over 270 schools) with the excitement of children visiting Disneyland—faraway places with faraway names, castles, and knights of old.

In some of the countries, however, the realities of life are far less pleasant for our overseas personnel due to the high cost of living and modest salaries paid them. Many of the employees also encounter substandard housing, language difficulties, cultural adjustments, poor medical facilities, and less sophisticated communications systems. We sometimes forget that Americans have the world's highest standard of living.

Last September, I chaired a hearing of my subcommittee on compensation and employee benefits on legislation concerning the overseas school system that I introduced in the last Congress. From this hearing it became clear that there are problem areas where the Department of Defense could act administratively and those where legislation is required.

The most common complaint of career teachers in the overseas system is the denial of transfers. Most teachers would be willing to experience difficult living conditions for a year or two if they had reasonable expectations of moving to another less demanding assignment. The inadequate housing, nonpotable water, and crowded classrooms are more tolerable if the prospect of better surroundings and working conditions are foreseeable.

Mr. Speaker, my bill proposes that teachers be permitted to compete for vacancies in other locations on an annual basis, thus providing a healthy and reasonable movement within the system by those wishing to transfer.

Normally, teachers hired overseas with no travel or household benefits (such as military spouses) leave the program within a few years: there are several hundred locally hired teachers who have stayed (without benefits) in the system after their original tour. Prior to 1972, these teachers received by administrative action the same benefits as teachers hired stateside. This practice was ended in 1972. My bill requires that these teachers, after 1 year, receive the same benefits as teachers hired in the United States as long as they are of the caliber the system demands.

My bill also establishes a basic school year which is the average length of the school jurisdictions in the United States used to determine overseas salaries, a school day of 7 hours and standard class sizes—all measures long overdue.

Mr. Speaker, presently, teachers in the overseas system are paid on the basis of a survey of school jurisdictions of 100,000 or more population conducted annually by the Department of Defense. Aligning teachers' pay to school jurisdictions of 100,000 or more students as my bill does, will reflect accurately the size of the overseas system and reduce the number of jurisdictions required to be surveyed from 170 to under 30.

Currently, teachers begin the school year in August receiving last year's pay pending completion and implementation of the survey which does not now occur until the following June. Besides the savings in time and money to the Government resulting from an abbreviated survey, it is also hoped that teachers would receive their proper salary during the school year.

This bill permits a 1-year sabbatical to be given to upgrade the skills of teachers after 7 years in the system; provides for maximum household shipment as allowed for by statute, and requires that if, because of Government delay, teachers arrive overseas after the start of the school year, they be paid as if they had started the school year on time.

The most innovative section of this bill, however, provides a long-needed career ladder for teachers. Over the past several years, there has been an increased emphasis on excellence in education. An analysis of various reports on the state of education in this country leads to one inescapable conclusion—all things being equal, teachers make the difference.

Today, a teacher must leave the profession or become an administrator in the system to move up the financial ladder. My proposal establishes five pay levels, based on service in the system. I have invited suggestions from the Department of Defense, and especially the Department of Education, concerning additional qualifications and duties for each level consistent with the basic premise that the teacher remain primarily in the classroom.

Finally, Mr. Speaker, over 80 percent or our overseas teachers are women; it is fitting that the Federal Government recognize the true worth of the teaching profession by establishing within that profession the means to attain reasonable financial rewards consistent with the contribution teachers make to our society.

We ask so much of our armed service members and their families: They suffer frequent dislocations and family separations. They are the true servants of the public—volunteers from every part of America dedicated to the freedom of our great republic. I urge my colleagues to join me in supporting this legislation to help ensure that their children continue to have the best public school education possible.●

FEDERAL FIREFIGHTERS' WORKWEEK

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. CLAY. Mr. Speaker, today I am introducing legislation which would eliminate a glaring inequity in the treatment of Federal firefighters by reducing the regularly scheduled Federal firefighter workweek from 72 to 56 hours. The bill also authorizes the payment of 25 percent premium pay and overtime pay for any hours in excess of the 56-hour workweek.

Federal firefighters currently work a scheduled 72-hour workweek. They are paid salaries comparable to most municipal firefighters who work an average 54 hours weekly. The Fair Labor Standards Act extends special overtime pay provisions to all fire and

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police personnel, including Federal firefighters. It mandates payment for all hours in excess of 54 hours per week. But, under a decision of the Comptroller General, Federal firefighters receive only one-half time, not time and one-half, for each of the 18 hours of overtime they are required to work each week.

The rationale for this payment scheme was that since Federal firefighters receive regular pay, which includes 25 percent premium pay, for each of the 72 hours they work, they are only entitled to receive one-half time their regular rate of pay for the 18 overtime hours. What this has meant to the average Federal firefighter—GS-5, step 4—is the payment of approximately $1.85 per hour for 18 hours of overtime. As a result, the Federal service has experienced difficulties in retaining high quality personnel, with many firefighters leaving to work for municipal fire departments.

Recognizing the inequity of the 72-hour workweek, the 95th Congress passed an identical bill, H.R. 3161, with wide bipartisan support in both the House and Senate. However, the President vetoed the bill on the basis of arguments set forth by the Civil Service Commission during the consideration of the bill. Those arguments were rejected by both the House and Senate Civil Service Committees.

The first objection to the bill was that the legislation did not reduce premium pay for Federal firefighters; that premium pay should be reduced when hours are reduced. This argument was based on a faulty interpretation of premium pay provisions.

Under existing law, Federal employees who regularly perform substantial amounts of standby duty beyond a normal tour of duty are entitled to receive additional compensation in lieu of overtime, night differential, Sunday and holiday pay. It is a percentage, not to exceed 25 percent of an employee's base pay. The actual percentage of premium pay which an employee receives is fixed by the Office of Personnel Management on the basis of overtime, nights, Sundays, and holidays worked. The 56-hour workweek would meet each of the criteria for full premium pay, and is therefore justified under current law.

The second major objection to the legislation was that it would impair the ability of the heads of Federal agencies to manage the work force. However, no provision of the vetoed bill would have had this effect. The legislation simply said that:

> The regularly scheduled administrative workweek of Federal firefighters shall be an average of 56 hours per week, computed on the basis of a period of 21 consecutive days.

It provided that:

> The duration and frequency of work shifts occurring within such period shall be determined under regulations prescribed by Civil Service Commission.

This provision would fully permit agency heads to manage Federal firefighters.

The third and final objection to the House- and Senate-passed bill was that the Department of Defense would be required to hire 4,600 new Federal firefighters at an annual cost of $46.7 million. Defense Department estimates were rejected by both the House and Senate, in light of Congressional Budget Office estimates that only 2,200 new Federal firefighters would be needed if the 72-hour workweek were reduced, at a cost of $24.3 million.

Throughout consideration of the vetoed bill, the reduced Federal firefighter workweek, along with the continuation of 25 percent premium pay, was regularly characterized as some sort of windfall by the bill's opponents. The provisons of H.R. 3161 would have decreased the average Federal firefighter's weekly paycheck by approximately 9 percent. Furthermore, comparisons between Federal firefighter locals and corresponding municipal locals revealed that municipal firefighters earned at least $500 more per year for an average 54-hour workweek, with Federal firefighters working 33 percent more hours per week. Under these circumstances, the depiction of this bill as a windfall for Federal firefighters was and remains unwarranted.

Federal firefighters continue to be treated unfairly by the Federal Government in terms of work hours and compensation. I have therefore introduced this bill, and expect both the House and Senate to lend their support once again, so that this unfair treatment of Federal firefighters may finally be rectified.●

MAKING ANTITRUST LAWS APPLICABLE TO LABOR UNIONS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. CRANE. Mr. Speaker, today I am introducing legislation to amend our antitrust laws so as to make them fully applicable to labor unions in the same manner as they apply to business enterprises. My bill would do this by striking the exemptions for labor unions from the Clayton, Sherman, Taft-Hartley, and Norris-LaGuardia Acts.

The immunity from Federal antitrust laws enjoyed by labor is having an increasingly adverse impact on the Nation's economy. Under protective cover of the law, unions are able to engage in price fixing, product control, market control, featherbedding, and many other monopolistic, countercompetitive practices when done by owners and managers are outlawed under the Sherman Act.

America's workers should retain the right to bargain collectively with their employers in matters of wages, hours, or working conditions, and to strike, if necessary, to give substance to this right. However, this legislation is necessary to insure that these rights are not abused in such a way to establish monopolies and restrain free trade.

No doubt union officials will attack the intent of this legislation and will endeavor to portray it as harsh and punitive. Yet there is no good reason for special treatment of labor unions. Union monopoly should not be allowed to exist any more than corporate monopoly. I urge my colleagues to support me in this endeavor by joining me as a cosponsor.●

NORMALIZATION OF RELATIONS WITH CUBA

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. WEISS. Mr. Speaker, I am introducing today legislation to end the U.S. trade embargo against Cuba and to establish full diplomatic relations between our two nations.

Our current Cuba policy was instituted more than 20 years ago to isolate and destabilize the government of Fidel Castro. In the cold war atmosphere of the early sixties, we broke off diplomatic relations with the island republic and imposed a trade embargo in concert with the Organization of American States.

In the intervening years, however, this effort to isolate Cuba has failed. The embargo has not destabilized the Castro regime. It has not weakened ties between Moscow and Havana. And it has not produced any apparent modifications in Cuban foreign policy.

Even our allies in the Western Hemisphere have ignored the economic ban on Cuba. In 1975 the Organization of American States informally lifted the ban, allowing its member states to normalize relations with Cuba. Eleven nations in the Western Hemisphere now have full ties with Cuba. In addition, Canada, Japan, and many Western European nations enjoy a steady trade with the island. Japanese exports alone now total more than $500 million a year.

On balance, our nonrecognition policy has done more harm than good to our international interests. The embargo has hardened Cuban resentment against the United States and has driven Castro more firmly into the embrace of the Soviet Union. Our economic denial of Cuba has really

amounted to self-denial, cutting off a major market for American manufactured goods. With Cuba only 90 miles from our shores, most of its great need for buses, railroad cars, heavy machinery, and agricultural implements could be supplied by us. Instead, Cuba has looked elsewhere—not only to the Communist countries, but to Great Britain, France, and Japan.

The economic blockade of the past two decades has failed to cut off Cuba from the rest of the world. It has only cut us off from Cuba.

Positive steps in United States-Cuban relations have been recently made. On December 14 of last year, representatives of the United States and Cuba signed an agreement whereby Cuba will permit the repatriation of more than 2,700 undesirables from U.S. jails and mental institutions. In return the United States will resume its traditional practice of admitting Cuban political prisoners as well as permitting qualified Cubans to emigrate to this country.

The successful dialog on immigration, which ends a 4-year disagreement that began with the Mariel boatlift of 1980, could lead to fruitful discussions on free travel, cultural exchanges, and the resumption of economic and diplomatic relations. There remain sharp differences between the United States and Cuba. But if one thing is clear above all else, it is that we will not be able to address these questions in the absence of real progress toward normalized relations.

After many years, and over difficult obstacles, we have made that adjustment with the People's Republic of China. The process of normalization between the United States and China offers good reason to believe that the issue of expropriations and restitution can be resolved between the Cuban Government and ours. A formula for settling claims was devised after Washington and Peking restored full relations. A similar agreement could be reached with Cuba.

Differing economic systems and world views have not prevented the United States from exchanging envoys and establishing trade links with the Soviet Union, China, and many Eastern European nations. The time has come to deal on the same basis in our own hemisphere.

A copy of the legislation follows:

H.R. 477

A bill to remove certain trade restrictions with respect to Cuba and to otherwise provide for improved relations with Cuba

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)) is repealed. Upon the enactment of this Act—

(1) Presidential Proclamation 3447 (February 3, 1962) shall cease to be effective;

(2) Cuba shall cease to be included in Country Group Z for purposes of the Export Administration Regulations (15 C.F.R. 368-399);

(3) the Cuban Assets Control Regulations (31 C.F.R. 515) shall cease to be effective; and

(4) any other regulations issued to carry out section 620(a) or Presidential Proclamation 3447, or to otherwise maintain an embargo on trade between the United States and Cuba, shall cease to be effective.

SEC. 2. Public Law 87-733 (76 Stat. 697), approved October 3, 1962, is repealed. That portion of the paragraph under the heading "Caribbean Basin Initiative" in Public Law 97-257 which follows the first sentence is repealed. Section 1543 of the Department of Defense Authorization Act, 1985, is repealed.●

REFUNDABLE INVESTMENT TAX CREDIT

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. SEIBERLING. Mr. Speaker, I am today reintroducing legislation I have introduced in every Congress since the mid-1970's. This legislation, the Refundable Investment Tax Credit Act, would correct a serious inequity in our current tax policy.

The investment tax credit has been a major policy tool for stimulating economic growth since its inception in the early 1960's. Under current law, however, this tax credit is available only to firms with tax liability, either currently or in the past 3 years. The credit can also be used to offset any tax liability which arises in the next 15 years.

While these restrictions are reasonable, they result in an unanticipated and serious disparity in the marketplace. They generate considerable doubt among some companies as to whether they will benefit from the full credit. And the later the credit is received, the less it is worth in terms of today's dollar. Worse, two firms in the same industry may face very different after-tax costs for purchasing the same equipment, with the profitable firms, which have less need for the credit, paying a lower effective price for the equipment.

The current restrictions hit small firms, new firms, rapidly growing firms, and firms suffering from a general economic decline most unfairly. New firms usually do not incur any tax liability for the first few years they are in business since their revenues are low, but the only way they can increase revenues is to make significant investments, frequently in assets which qualify for the investment tax credit, but which they may not be able to claim fully.

The bill I am again introducing would end these uncertainties and unintended inequities by making the investment tax credit refundable. Under my proposal, the credit would be available to all firms regardless of size or tax liability. The firm would be eligible for a refund from the Treasury for the differences between the credit and the firm's tax liability for the year. Refundability ensures the maximum economic stimulus during the time when such stimulus is needed most directly.

Refundability was endorsed by both the Carter and Ford administrations. The Reagan administration attempted to effect a back-door refundability through its disastrous fiasco known as tax-leasing, which has since been essentially repealed. I strongly supported the repeal of tax leasing since it was nothing more than a tax dodge for profitable corporations and did nothing to target economic stimulus to companies in need. The Treasury Department's tax reform proposal which the President is now considering proposes the repeal of the investment tax credit on the grounds that "the current ITC discriminates against new businesses and companies with losses." That's precisely the reason for my bill, which would eliminate the problem while retaining the beneficial stimulus associated with the credit. I urge enactment of my bill.●

INTRODUCING MEMORIAL TO HONOR WOMEN IN ARMED FORCES

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Ms. OAKAR. Mr. Speaker, today, I am introducing a resolution which would authorize the establishment of a memorial to honor the thousands of women who have served in our Armed Forces.

Although our traditional view of women serving in the Armed Forces is depicted with nurses tending to injured soldiers, women have served in a variety of military occupations as early as the American revolution. Dr. Linda De Pauw, professor of history at George Washington University, has written a number of articles on the great contributions women have made in the Armed Forces. She has documented the fact that more than 20,000 women served in artillery units in the Continental Army.

Women also experienced combat action in the Civil War, as the most famous female soldier of that time, Sarah Edwards, disregarded the customary social mores of the 19th century and served as a spy, courier, nurse, and soldier for the Union Army. Clara Burton also made her valued mark in history tending to the sick and wounded. Barton went on to establish both

the National Cemetery and the Red Cross.

The urgency of defending our country during World War II gave women broader opportunities in the armed services. From Rosie the riveter to the first women to serve in the WAC's and WAF's in 1942, women proved their bravery and dedication to our country. Cornelia Fort was the first American woman pilot to die during war duty. Shortly before her bomber crashed, she wrote her feelings about serving in the Armed Forces.

None of us can put into words why we fly • • • I know it in dignity, self-sufficiency, and pride of skill. I know it in the satisfaction of usefulness.

Mr. Speaker, Cornelia Fort's words epitomize the feelings that so many women had in defending our Nation. I believe it is only fitting that a memorial be erected to preserve their patriotism and glory.

Thank you.●

DOING BUSINESS IN OUTER SPACE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 28, 1984 into the CONGRESSIONAL RECORD:

DOING BUSINESS IN OUTER SPACE

With much of the recent presidential debate focussed on the military uses of outer space, it is important not to overlook the civilian uses. The present-day civilian uses of outer space are many, ranging from the proper management of weather satellites to scientific missions that study the distant reaches of the universe. However, the use with perhaps the greatest potential is commercialization—using outer space for a wide variety of manufacturing and industrial research, first on the space shuttle, next on the permanent manned space station projected for 1992, and then in private orbiting laboratories and factories.

Those who know say that this is no comic-book fantasy. Past commercial uses of outer space, such as putting communications satellites into orbit, will be small-scale operations, we are told, when compared to the vast operations in which we will engage when we begin making things in outer space. One product made aboard the space shuttle—an incredibly tiny latex sphere to be used in comparing the sizes of objects being viewed under a microscope—has already been placed on sale by the National Bureau of Standards. A major pharmaceutical company has produced an extremely pure hormone in outer space, which it hopes to have on the market by 1987. This is only the beginning. One study has forecast that commercial undertakings in outer space could yield up to $65 billion in annual sales within 15 years.

Outer space offers a combination of key working conditions difficult or impossible to reproduce on Earth. It is a sterile environment characterized by a near-perfect vacuum, unfiltered sunlight, and virtual weightlessness. Yet there are problems. Commercial projects that could be done on the space shuttle must be completed in less than 10 days, with compact equipment and limited power. The enormous cost of making things in outer space means that the resulting products must fetch prices somewhere between $100,000 and $1 million per kilogram, a fact which confines the field largely to pharmaceutical and electronics manufacturing.

Aggressive high-technology companies are forging ahead despite the problems. By the mid-1990's, pharmaceutical firms may be involved in micro-gravity production of valuable medicines for diabetics and cancer patients. The electronics industry may be revolutionized by manufacturing in outer space, initially because of the chance to grow pure crystals of gallium arsenide which have much greater capabilities than today's silicon chips, and eventually through the availability of a whole new generation of processed glasses. In addition, other types of companies are starting to view outer space as an important laboratory, if not a place to build factories. For example, a farm implement manufacturer hopes that research in outer space will teach it how to make cheaper and stronger iron castings.

The United States is not the only country showing an interest in the commercialization of outer space. While we have developed most of the fundamental space technology, the Japanese and Europeans, working in close government-industry partnerships, are pursuing commercialization vigorously. They are expanding their launching capabilities and designing free-flying space platforms, as well as utilizing our space shuttle for the development of advanced technology of their own. Many experts fear that outer space may be another area where American science pioneered the basics, only to see foreign business reap the profits.

Luckily, the United States is not standing idly by as other nations take bold and lucrative risks in outer space. We are doing many things to improve our program of commercialization. The National Aeronautics and Space Administration (NASA), the White House, and Congress all are getting involved.

At the urging of Congress, NASA is taking several steps to lure American industry into outer space. It has established a formal office of commercialization within the agency. It offers free rides on the space shuttle under certain conditions so that private-sector scientists may test the feasibility of different programs of research and development, and it will permit participating firms to keep patent rights. More NASA money is being directed toward the research that industry thinks will do the most to help commercialize outer space. Also, the agency is using consultants with strong business ties to drum up interest in outer space among executives, and it plans to offer seed money to companies to pay some of the start-up costs if they decide to try doing business in outer space.

Congress and the White House are looking at many other initiatives that will assist in the commercialization of outer space. A key step was the recent decision to begin to provide funding for a permanent manned space station. Also, a National Commission on Space was set up to generate national goals in space policy. Another new law cuts through red tape that hinders the private launching of space vehicles, and some anti-trust restrictions have been eased so that consortiums can get into space research and development. Congress is considering legislation to expand relevant tax incentives—for example, making space projects eligible for the 10% investment tax credit, making space equipment eligible for accelerated depreciation, and easing access to the 25% development tax credit for firms doing business in outer space—and it is looking into new tax incentives for the space industry. Also, Congress has eased unintended regulatory barriers to space industry by revising the law so that products made in outer space by American companies on American spacecraft are not considered imports when the products are brought back to Earth. The White House is trying to insure that foreign markets are open to American space firms to the same extent that American markets are open to foreign space firms.

With proper federal encouragement, outer space could become one of the more exciting areas of technological growth and development for the remainder of the century.●

THE MILK PROTEIN FAIR TRADE ACT

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. ROTH. Mr. Speaker, I am introducing legislation to impose a quota on casein imports into the United States.

These imports interfere significantly with the success of the dairy price support program by displacing our own supplies of nonfat dry milk. At a time when we seek to decrease both Federal expenditures in the farm bill and surpluses of dairy products, we can save Federal funds by curtailing casein.

In 1983, 159.5 million pounds of imported casein displaced approximately 400 million pounds of nonfat dry milk. The Federal Government then had to purchase this product as dairy surplus.

Countries of the European Community account for a large portion of our casein imports. The EC subsidizes its casein production and disposes of its excess products in the United States. What we are experiencing, Mr. Speaker, is a situation in which the American taxpayer is paying twice for the same commodity. We are paying the EC to subsidize casein production by allowing it to export so generously to the United States its surpluses. Simultaneously, we are buying our own nonfat dry milk which has been displaced by casein imports. This is an intolerable use of American tax dollars.

The quota to be imposed would be 50 percent of the average of yearly imports of casein to the United States during the period of January 1, 1979 to December 31, 1983. Under section 22 of the Agricultural Adjustment Act, the President would have authority to review and change the quota as conditions dictate in the future.

Today, the evidence is clear that casein imports interfere directly with the dairy price support program. Milk protein product imports have shifted in use from industrial application to food and feed products. In its report, "US Casein and Lactalbumin Imports: An Economic and Policy Perspective," the Department of Agriculture concluded that 53 percent of the casein used in the United States in 1980 was used in products for which domestic milk solids could be used.

In 1935, the Congress enacted section 22 of the Agricultural Adjustment Act, which provided for the orderly imposition of quotas on imported products determined to interfere with domestic agriculture policy.

A 50-percent limitation on casein imports would not restrict availability for uses for which there is no available substitute or for which domestic milk or milk products would not be used.

Should casein imports continue unchecked, we will see rapid increases in the cost of the dairy price support program to taxpayers, increases which all of my colleagues, be they from dairy regions or urban areas, are trying to avoid. It is imperative that we consider casein restrictions not simply as a trade issue, but as an important agricultural issue.

We have at our command legislation that allows us to ensure that our dairy price support program can operate in the best interests of the taxpayer, the farmer and the consumer. We also have conclusive evidence that we must employ these provisions of that law to protect our domestic policy from unwarranted interference by the rapidly expanding influence of casein imports.

It is incumbent upon the Congress to act to curtail the counterproductive import of casein and I urge my colleagues to support my legislation to accomplish this goal. This is an issue of fair treatment for America's dairy farmer. By enacting this legislation we will both reduce the cost to the taxpayer of the dairy price support program and decrease the surplus of domestic dairy products.●

CONGRESS SUPPORTS THE SECOND AMENDMENT RIGHT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. CRANE. Mr. Speaker, today I am introducing a resolution, to reaffirm that the sense of Congress supports the second amendment right to the Constitution of the United States. This is an effort by many of our colleagues and the Citizens Committee for the Right to Keep and Bear Arms to insure that our Founding Father's intentions on the second amendment remains intact.

The second amendment states:

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

There are few issues in this country that are more emotional or less understood than an individual's right to keep and bear arms, and it is disheartening to see any erosion of these rights when the framers of our Constitution clearly intended to guarantee an individual's freedom to protect himself. Certainly we have better things to do with our money, particularly in these times, than to spend it depriving people of their right to protect themselves, denying them the right to use a gun for hunting or target shooting and invading their privacy.

We simply must reject any attempts to restrict American citizens from defending themselves and their property as this is a severe threat to one of our basic freedoms as citizens of the United States. Currently police protection is guaranteed only in broad terms. There is nothing in the law that guarantees personal protection to any particular person. Since the U.S. criminal justice system has not demonstrated the ability to provide adequate public safety, we simply cannot in all good conscience prevent individuals from protecting themselves.

Gun control advocates believe that taking away everybody's guns will reduce crime. I will agree that if everybody's guns were confiscated crime might go down, just as it would if all knives were confiscated. But, getting "everybody" to turn in his gun is the problem. If criminals are willing to break the law by using a gun on someone else, they certainly are not going to turn it in—especially if they want to use it again. If we deny anyone his second amendment rights, we will only be creating a bigger blackmarket. Furthermore, if people cannot protect themselves, there will be an increase rather than a decrease in crime. Take away from the law-abiding citizen his right to that protection and the criminals will have a heyday. Moreover, our law enforcement agencies would be so busy checking up on guns they would have little time to do much about it.

To reiterate, my bill is to affirm our Nation's belief in our second amendment right to keep and bear arms. I welcome my colleagues to join me in my support of this constitutional right by cosponsoring my legislation.●

CIVIL RIGHTS ACT AMENDMENTS OF 1985

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. WEISS. Mr. Speaker, I am today reintroducing legislation to prohibit discrimination on the basis of sexual orientation in housing, employment, education, and public facilities.

A person's sexual orientation should not be considered as legitimate grounds for bias, any more than skin color or religious expression. Moreover, as these fundamental rights are undermined whenever an individual's sexual orientation is used as the basis for discrimination, this legislation will reinforce the constitutional guarantee of the right to privacy.

Homosexual men and women are in every occupation and institution in our Nation. They are doctors, lawyers, professors, writers, government workers, and streetsweepers. They are rich and poor, black and white, city dwellers, and rural residents. There are an estimated 20 million homosexual men and women in the United States, and like most Americans, they obey the law and work hard.

But unlike other minority groups, homosexuals do not have legal recourse when they encounter discrimination. A man or woman may meet every possible criterion for housing or employment and yet if he or she is a homosexual, an apartment or job can be denied him or her simply on the basis of personal, private sexual orientation.

Many organizations, representing a cross-section of America, strongly support civil rights protections for gays. These include the American Psychiatric Association, the National Council of Churches, and the National Organization for Women [NOW], Lutheran Church in America, the United Church of Christ, the Union of American Hebrew Congregations, the Episcopal Church, United Presbyterian Church, the American Federation of State, County and Municipal Employees [AFSCME], the Service Employees International Union [SEIU], the International Ladies, Garment Workers, Union [ILGWU], the AFL-CIO, and the U.S. Conference of Mayors.

I believe that the majority of Americans oppose this form of bias just as strongly as they reject discrimination directed against racial and religious minorities. There is no less compelling a need to protect the ability of homosexuals to enjoy basic opportunities. Like all Americans, they deserve the full and equal protection of the law.

I want to urge my colleagues to join me and the original cosponsors of this legislation, Mr. WAXMAN, Mr. ACKER-

MAN, Mr. AUCOIN, Mr. BARNES, Mr. BERMAN, Mrs. BOXER, Mr. BROWN of California, Mrs. BURTON of California, Mrs. COLLINS, Mr. CONYERS, Mr. COYNE, Mr. CROCKETT, Mr. DELLUMS, Mr. DIXON, Mr. DYMALLY, Mr. EDGAR, Mr. FAUNTROY, Mr. FOGLIETTA, Mr. FRANK, Mr. GREEN, Mr. HAYES, Mr. HOYER, Mr. LELAND, Mr. LEVINE, Mr. LOWRY of Washington, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Ms. MIKULSKI, Mr. MILLER of California, Mr. MITCHELL, Mr. MOODY, Mr. MORRISON of Connecticut, Mr. OWENS, Mr. SABO, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SOLARZ, Mr. STARK, Mr. STUDDS, Mr. TOWNS, Mr. UDALL, Mr. WEAVER, Mr. WHEAT, and Mr. YATES in supporting this effort to insure equal rights under the law.

A copy of the legislation follows:

H.R. 230

A bill to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Amendments Act of 1983".

PUBLIC FACILITIES

SEC. 2. Section 301(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000b(a)) is amended by inserting after "religion," the following: "affectional or sexual orientation,".

FEDERALLY ASSISTED OPPORTUNITIES

SEC. 3. Section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d) is amended by inserting after "color," the following: "affectional or sexual orientation,".

EQUAL EMPLOYMENT OPPORTUNITIES

SEC. 4. (a) Sections 703(a), 703(b), 703(c), 703(d), 703(e), 703(j), 704(b), 706(g), and 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2, 2000e-3, 2000e-5, 2000e-16) are amended by inserting after "sex," each place it appears the following: "affectional or sexual orientation,".

(b) Section 717(c) of such Act (42 U.S.C. 2000e-16) is amended by inserting ", affectional or sexual orientation," after "sex".

(c)(1) Section 703(h) of such Act (42 U.S.C. 2000e-2) is amended by inserting after "sex," the first place it appears the following: "affectional or sexual orientation,".

(2) Such section 703(h) is further amended by inserting ", affectional or sexual orientation," after "sex" the second place it appears.

INTERVENTION AND PROCEDURE

SEC. 5. Section 902 of the Civil Rights Act of 1964 (42 U.S.C. 2000h-2) is amended by inserting after "sex" the following: ", affectional or sexual orientation,".

HOUSING SALE, RENTAL, FINANCING AND BROKERAGE SERVICES

SEC. 6. (a) Section 804 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation and for other purposes" (42 U.S.C. 3604), is amended by inserting after "religion," each place it appears the following: "affectional or sexual orientation,".

(b) Section 805 of such Act (42 U.S.C. 3605) is amended by inserting after "religion," the following: "affectional or sexual orientation,".

(c) Section 806 of such Act (42 U.S.C. 3606) is amended by inserting after "religion," the following: "affectional or sexual orientation,".

PREVENTION OF INTIMIDATION

SEC. 7. Section 901 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes" (42 U.S.C. 3631), is amended by inserting after "religion," each place it appears the following: "affectional or sexual orientation,".

DEFINITION

SEC. 8. As used in the amendments made by this Act, the term "affectional or sexual orientation" means male or female homosexuality, heterosexuality, and bisexuality by orientation or practice, by and between consenting adults.

RULE OF INTERPRETATION

SEC. 9. No amendment made by this Act shall be construed to permit or require—

(1) the determination that discrimination exists to be based on any statistical differences in the incidence of persons of a particular affectional or sexual orientation in the general population as opposed to in the activity wherein such discrimination is alleged; or

(2) the fashioning of any remedy requiring any sort of quota for the activity wherein such discrimination is alleged for persons of any particular affectional or sexual orientation.●

LEGISLATION TO NULLIFY THE REAGAN ADMINISTRATION'S WORLD COURT DECISION

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. SEIBERLING. Mr. Speaker, on April 6, 1984, the Reagan administration announced that it would not accept the jurisdiction of the International Court of Justice on any issue relating to Central America for 2 years. The administration's decision reduced the United States, a nation founded on the very principle of the rule of law, to the level of an international scofflaw. I am today reintroducing legislation I first introduced last year to declare the administration's action null and void.

The administration's declaration with respect to the nonjurisdiction of the World Court was clearly designed to deflect international criticism of the President's decision to authorize direct CIA involvement in the general campaign to destabilize and perhaps overthrow the Government of Nicaragua. But the declaration has not and cannot succeed in its goal of escaping responsibility. Rather, it simply reduces the credibility of the United States in the eyes of the law and the eyes of the international community. Worse yet, it abandons our historic commitment to the rule of law, which has been the very foundation of our Nation.

Even while preparing for the resumption of arms control negotiations with the Soviet Union, the administration continues to make public criticisms of the Soviet record on compliance with current arms control agreements. We are properly outraged by terrorists who violate the basic tenets of international civilized behavior by attacking innocent civilians and murdering American diplomats, and Secretary of State Shultz has urged a tough military response to such despicable acts. It is thus exceedingly ironic that the administration should so cavalierly decide that the United States is simply not going to accept World Court jurisdiction for 2 years. This decision was made notwithstanding the fact that such action would seem almost certainly to be in direct violation of the declaration of August 2, 1946, accepting the compulsory jurisdiction of the Court, and requiring, with limited exceptions, 6 months, notice before the United States may terminate the existing declaration. Such notice has never been given.

Mr. Speaker, the Reagan administration's determination to selectively disavow World Court jurisdiction is, in effect, saying that the United States will abide by this or that agreement or treaty so long as it pleases, but any time an agreement may prove a hindrance it will not abide by it or abide by it only selectively. This is a despicable act. How can the administration assert that our foes are violating agreements or international law and at the same time decide unilaterally that we will not only not abide by international law or agreements when to do so conflicts with administration policy, but will violate the procedures for terminating those agreements as we choose.

The action of the administration with regard to the World Court is unsound, ill-timed, and illegal. Less than a month ago, the Court ruled, with only the American judge dissenting, that the Nicaraguan case against the United States had a right to be heard. This is a sharp rebuke to the Reagan administration's efforts to block Court jurisdiction. If we are to avoid similar embarrassments in the months ahead, the administration's World Court declaration should be overturned. The legislation I am introducing today would achieve that goal by declaring that the action of the Secretary of State on April 6, 1984, in attempting to withdraw for 2 years the acceptance by the United States of the compulsory jurisdiction of the World Court, is null and void. I urge my colleagues to support this bill.●

EXPORT ADMINISTRATION AMENDMENTS ACT OF 1985

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. ROTH. Mr. Speaker, today I am introducing legislation to renew the Export Administration Act of 1979 which expired over a year ago. Without benefit of a congressional mandate, the President has had to resort to the International Economic Emergency Powers Act to monitor the destination and content of these shipments.

I can think of no more important business before this body than the expeditious consideration of the Export Administration Amendments Act of 1985. We have a responsibility to the business community to streamline a now lengthy and cumbersome system of export licensing controls. We have a responsibility to our Nation to safeguard our national security by preventing the diversion of militarily critical technologies to the Soviet bloc. We cannot forestall action on a new bill any longer.

The Congress spent the last year and a half considering the renewal of the Export Administration Act. We spent over 6 months and hundreds of hours painstakingly reviewing every section of the House and Senate bills. Many difficult issues were resolved through careful compromises.

The bill which I am introducing today reflects those compromises that were made in the waning hours of the 98th Congress. In my opinion, this bill strikes a balance between the twin objectives of abating the transfer of Western militarily critical technologies to the Soviet bloc and streamlining the export licensing process so as not to unduly handicap U.S. exporters.

On the one hand, extensive evidence demonstrates that diversion of high technology to the Soviet bloc is a serious problem and costs U.S. taxpayers millions of dollars in additional defense expenditures. The National Academy of Sciences estimates that diversion of critical Western technology to the Soviet bloc has enabled the Soviet military to develop countermeasures to Western weapons, improve Soviet weapon performance, avoid hundreds of millions of dollars in research and development costs, and modernize critical sectors of Soviet military production.

On the other hand, the present system of export licensing is seriously undermining the ability of our firms to be reliable suppliers for overseas buyers. Export licenses are required for too many nonsensitive items. Processing deadlines that we in the Congress mandated are consistently being ignored. It is taking an average of 83 days for our Government to process license applications reviewed by more than one agency! In some cases, these delays extend beyond 1 year.

The bill I am introducing today addresses these twin concerns. For example, a great deal of the high technology that is acquired by the Soviet bloc is through surreptitious diversion. Thus, this bill extends additional authority and funds to Customs enforcement officers for border and property searches. The success of our control efforts is heavily dependent on a multilateral approach and consensus. Therefore, this bill strengthens Cocom, the multinational body responsible for coordinating export control practices among the major Western nations. Penalties for violations of export control laws are strengthened. The responsibility within the U.S. Government for U.S. export controls is elevated to the Under Secretary level. These are all significant improvements aimed at stopping the flow of critical technology to the Soviet bloc.

Improvements for U.S. exporters are also made. For example, this bill eliminates the need for export licenses on low-technology items being sold to the major Western countries. It reduces processing deadlines requiring a 15-day turnaround on routine license applications. Agricultural commodities are excluded from national security controls. This bill requires the Commerce Department to set up an Office of Foreign Availability to ascertain what technologies are readily available from non-U.S. sources. We cannot expect our exporters to be constrained by export controls if a comparable technology can be readily procured from another source. Much greater constraints are placed on the excessive use of export controls for foreign policy purposes.

Business has a right to expect the Congress to set standards and criteria for exporting U.S. technology abroad and it behooves us to act now. With a $130 billion trade deficit growing everyday Congress must take steps to redress a deficient and cumbersome export licensing system.

The Constitution empowers the Congress with the responsibility to regulate commerce with foreign nations and to safeguard our national security. We have the opportunity to amend the now expired Export Administration Act early in the year using the compromises adopted in the waning hours of the last session. Attempts to make major new changes or to fine-tune the bill will only open a Pandora's box, condemning the bill's proponents and critics to endless debate. We as a nation cannot afford to delay this effort any longer. I urge my colleagues to support this bill.●

OBSERVATIONS ON THE 1984 ELECTION: PART II

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 21, 1984, into the CONGRESSIONAL RECORD:

OBSERVATIONS ON THE 1984 ELECTION—PART II

After another week of reflection on the 1984 campaign and election, I am struck by how little emphasis there was on the big questions that we should be asking ourselves: How do we achieve growth with stable prices and full employment? How do we prevent nuclear war? How do we protect the environment and improve our schools?

The presidential candidates had different approaches to the issues. Mr. Mondale waged a campaign "on the issues," spelling out in detail his views on such matters as the budget deficit and arms control. Whether Mr. Mondale was successful in presenting his point of view is open to question. For Mr. Reagan, the issues were secondary. He depended more on the themes of leadership and opportunity to communicate shared values and promote optimism among his audiences.

When the presidential candidates did address the issues, I noticed a certain convergence. Mr. Reagan's call for a bigger military budget was close to Mr. Mondale's suggested 4% to 5% annual increase. Mr. Reagan was not trying to dismantle social programs, and Mr. Mondale was not arguing for new ones. Both men pushed arms control and deficit reduction, but I suspect that their agreement was more apparent than real and was part of the chemistry of modern presidential contests in which each candidate moves to the center.

One other feature of the campaign stands out in my mind. The Republicans were much more united than the Democrats. They ran as a clearly defined party supporting their party platform and candidate for President. The Democrats were all over the lot and did not run as firm supporters of their party platform or presidential candidate.

In some respects, the election has a disquieting meaning for both parties. The Democrats were never able to shake the perception that they represent special interest groups, especially the minorities, the poor, and organized labor. Often, I ran into voters who said they did not want to go back to the politics that Mr. Mondale advocated. There clearly was much doubt about the Democrats' ability to lead the nation from the White House. The Democrats had better heed the message that the voters have consistently sent them by rejecting their candidate for President in four of the last five elections. Like other observers, however, I think that on many issues other than economic ones, including the environment, social justice, and arms control, the people generally supported the Democrats.

The Republicans did well, but they came away from the election with their own set of problems. They face a potential party-splitting leadership struggle in the post Reagan period, and they are perceived as the party of the affluent and the extreme religious

right. They will have to govern a country that is less united after the election, a result partly due to a campaign marked by class, racial, and religious differences. Moreover, the budget deficit that they must confront will surely be a source of trouble for them. Yet another concern has to be the prevalence of ticket-splitting in the election, which may indicate that while the people like Mr. Reagan, they do not want to give him a free hand but prefer to have him secure approval for his proposals from an independent Congress. I understand why the Republicans want to savor their victory, but my sense is that their problems will permit them little time for celebration or rest.

Those of us from the Midwest must note with some concern that the election was the first in which a shift of political strength to the West and the South was visible. The Northeast and the Midwest lost 17 electoral votes, dropping to 250 from 267 in 1980. The South and the West gained the 17 and moved up to 288.

Many experts say that a basic realignment of the electorate is taking place. My view is this realignment does not necessarily favor any political party, but rather reflects both the very loose attachment that people have to political parties and the fluidity that now characterizes their voting. The voters have fewer roots in either political party.

One comment heard over and over again by me and other politicians was that our campaigns have become too long. By October, people were saying, "I'm ready to vote—let's get it over with." I myself will not be surprised if someone tells me that the 1988 presidential campaign began in earnest on Wednesday morning, November 7! On the positive side, it is safe to say that the voters do have ample time to make up their minds.

Some weeks before the election, I decided that the presidential contest was all over. The combination of a popular President with peace, prosperity, and patriotism left no doubt in my mind about the result. One voter summed it up for me in August when he said, "Somebody must be doing something right—I'll vote for Reagan."

Despite all the hoopla, it was the economy that provided the main impetus for Mr. Reagan's win. His accent on traditional values and his vision of the future were minor aspects of his success. Day after day the economic news did his work for him: inflation down, interest rates falling, employment up. In a sense, the "Great Communicator" did not even have to communicate.

I think that Mr. Reagan won because he is where the country is on the big issues. His personality was an asset, but his appeal to the voters was based primarily on the fact that he brought inflation down, trimmed taxes, bolstered the nation's defense, and worked for less domestic government. Then, too, a key issue in any campaign involving an incumbent President is his leadership. In this case, unlike 1980, the people approved of it. In addition, the voters are in a good mood, and they feel good about their future. The traditional optimism of America has returned even though the economic statistics that reflect national well-being have not changed much in four years. There are criticisms to be made of the losing effort, but given the circumstances I believe that neither Mr. Mondale nor any other Democrat could have won the Presidency in 1984.●

DIPLOMATIC RECIPROCITY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. CRANE. Mr. Speaker, Today I introduced legislation that would correct a serious disparity that has existed for many years in our relations with the Soviet Union. While we are allowed to send no more than 300 diplomats to the Soviet Union, they have approximately 1,000 diplomats here in this country. To some people this may not seem unusual, but given the fact that many of the Soviet diplomats are in actuality KGB agents or operatives, this situation becomes extremely grave.

Recent Soviet defectors to the West have made it very clear that the U.S.S.R. maintains such large staffs in Western democracies for the sole purpose of furthering clandestine Soviet foreign policy objectives. These objectives include such activities as gathering military and technological information, planting and disseminating disinformation in the media that is favorable to the Soviets or unfavorable to the United States, and recruiting agents of influence from among the ranks of journalists, politicians, and the military.

Given the fact that the Soviets have 700 more diplomats here in the United States than we have in the Soviet Union, I believe that it is essential that we correct this disparity. This bill would limit the number of Soviet diplomats in this country to the same number of diplomats that the United States is permitted to send to the Soviet Union. This idea of reciprocity would extend to any other Communist country as well, thereby keeping the number of Communist dipolmats at a more reasonable level. This bill would also apply to diplomatic immunities—any immunity that is not granted to our diplomats will not be granted to their diplomats here.

I believe that passage of this bill is in the best interest of our national security and our diplomatic representatives stationed in Communist countries, and I, therefore, hope that my colleagues will join me in cosponsoring it.●

HEALTH EMERGENCY TREATMENT FUND

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. WEISS. Mr. Speaker, when a community is injured by a hurricane, flood, or crippling fire, a wide range of Federal assistance programs are available to State and local governments. When these natural disasters strike we do not expect States or communities to be able to shoulder the burden of protecting public health and rebuilding property alone. The Federal Government has long been committed to supplementing local efforts.

I believe the same rationale should apply when a public health emergency, such as the recent outbreak of acquired immune deficiency syndrome, arises. Epidemics are often localized in certain cities or regions. Yet State and local governments cannot anticipate these sudden crises when formulating their budgets. Hospitals and health departments may be unable to transfer adequate resources. Sufficient funding for facilities, personnel and equipment may simply not be available.

A mechanism that permits the Federal Government to step in, as needed, is essential. Understanding and compassion are not enough.

Mr. Speaker, a bill I am introducing today along with Mr. WAXMAN, Mr. ROYBAL, and Mrs. BOXER, would establish a revolving fund for treatment and prevention services in response to a public health emergency. The money would be provided, on an emergency basis only, through grants and contracts to State and local governments in areas particularly hard hit by a health crisis. Those governing bodies would have the option of contracting out services to institutions such as hospitals, hospices and nonprofit organizations. I am requesting $60 million for the first year of the revolving fund.

This legislation would amend the public health emergency fund enacted into law during the last Congress. The act, authored by the gentleman from California [Mr. WAXMAN], provides emergency funds for research into the cause, treatment and prevention of health crises. The revolving fund I am proposing today would complement the public health emergency fund by providing for actual treatment and prevention.

The best example of the need for these funds is also the most timely example. AIDS has hit particularly hard in certain cities across the country such as New York, San Francisco, Newark, Los Angeles, Houston, and Washington, DC. The local governments are doing the best they can to respond with treatment and prevention efforts, but they are drawing on already scarce resources. Public hospitals are overwhelmed.

The cost of treatment, estimated at about $60,000 to $100,000 per patient, is staggering. Over 7,400 persons have contracted AIDS nationwide: we are therefore looking at a minimum of $450 million in medical bills. And if the number of AIDS cases continues to more than double every year, the

cost of this health care will be in the billions.

The tremendous cost is compounded by the unfortunate reality that many persons with AIDS do not have health insurance. Those who are covered may carry a policy that does not reimburse for experimental treatment or runs out because of the size of the medical bills. Victims must wait 2 years before they quality for Medicare disability benefits. Many do not qualify for public assistance or medicaid.

In a letter to the Journal of the American Medical Association, a group of physicians from New Jersey reported:

We find that a large portion of our AIDS populations is indigent and unable to obtain requisite outpatient care. Once discharged, they can neither eat well enough to bolster their deficient nutritional state nor afford the many drugs required for their multiple infections.

Without outside help, local efforts can be expected to focus only on the most immediate needs. However, the nature of AIDS, I believe, requires an outpouring of psychological and social support. Needed services cover a broad spectrum: individual and group therapy, legal assistance, home care, hospice care, medical referrals, training for health professionals, crisis intervention, and guidance through a maze of public assistance, health and disability programs.

In many instances, patients require additional support to deal with the feelings of isolation and loss that result from disruptions in their jobs, personal lives and social networks. Prevention, in the form of extensive public education, outreach and early screening, may save lives as well as money.

Mr. Speaker, a small but growing number of Americans are suffering from a frightening disease. It is imperative that the Congress communication to those individuals—as well as the health authorities in the communities in which they reside—that they need not face the struggle alone.

I strongly urge my colleagues to join me in cosponsoring this important legislation. The text of the bill follows:

H.R. 232

A bill to amend the Public Health Service Act to provide funds for the prevention and treatment of public health emergencies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 319 of the Public Health Service Act (42 U.S.C. 247d) is amended by adding at the end the following:

"(c)(1) The Secretary, acting through the Director of the Centers for Disease Control, may make grants to and enter into contracts with States and political subdivisions of States for programs conducted or supported by the States and political subdivisions for the prevention and treatment of public health emergencies determined under subsection (a) to exist. Funds provided under grants and contracts under this paragraph may be used by States and political subdivisions to conduct such programs and to provide grants and contracts for public and nonprofit private entities to conduct such programs. Applications for grants and contracts from the Secretary shall be subject to such conditions as the Secretary may by regulation prescribe.

"(2) There is established in the Treasury a fund designated the 'Public Health Emergency Prevention and Treatment Fund' to be available to the Secretary without fiscal year limitation to carry out paragraph (1). There is authorized to be appropriated to the fund $60,000,000 for fiscal year 1985. For fiscal year 1985 and each fiscal year thereafter there is authorized to be appropriated to the fund such sums as may be necessary to have $60,000,000 in the fund at the begining of such fiscal year.

"(3) The Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate not later than ninety days after the end of a fiscal year—

"(A) on the expenditures made from the Public Health Emergency Prevention and Treatment Fund in such fiscal year; and

"(B) describing each public health emergency for which the expenditures were made and the activities undertaken with respect to each emergency which were conducted or supported by expenditures from the Fund.".

SEC. 2. Subsection (b) of section 319 of the Public Health Service Act is amended by striking out "Fund" each place it occurs and inserting in lieu thereof "Research Fund".●

DESIGNATING THE FEDERAL BUILDING IN AKRON, OH, AS THE PAUL C. WEICK FEDERAL BUILDING AND U.S. COURTHOUSE

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. SEIBERLING. Mr. Speaker, it is my pleasure to reintroduce legislation today which would designate the Federal Building in Akron, OH, as the "Paul C. Weick Federal Building and United States Courthouse," in honor of Judge Paul C. Weick of the U.S. Court of Appeals for the Sixth Circuit, one of our most distinguished citizens.

When I first introduced this legislation in October 1984, I realized that, as a general rule, we do not name Federal buildings for living individuals. However, in this instance, I believe an exception to that rule is in order.

Judge Weick has proven himself a giant in the legal profession and has excelled in his devotion to public service in the Greater Akron area. After graduation from the University of Cincinnati College of Law in 1920, Judge Weick began his career as a trial attorney in Akron. In 1956, President Eisenhower appointed him to the U.S. District Court for the Northern District of Ohio, and he served on that court until 1959, when President Eisenhower appointed him to the U.S. Court of Appeals for the Sixth Circuit. He became chief judge of that court in 1963 and served until 1969, when reached age 70. He continues as an active judge of the court.

Judge Weick has received many awards and honors, including: A Presidential Certificate of Appreciation for services rendered to the Selective Service System, 1956; an honorary LL.D. degree from the University of Cincinnati, 1965; the Ohio State Bar Association Foundation Award for "Devotion to the Legal Profession and Contribution to the Public Good," 1965; the University of Akron Centennial Award for his distinguished and dedicated service as a lawyer and judge, 1970; and Joint Certificate of Appreciation of the Cleveland Bar Association, Cuyahoga County Bar Association and Cleveland Chapter of Federal Bar Association.

Judge Weick has also been an active leader of the legal profession. He served as president of the Akron Bar Association 1940–41, and president of the Ohio Bar Association 1950–51. He was a member of the Judicial Conference of the United States from 1963 to 1969, and the Trial Practice and Technique Committee of the Judicial Conference of the United States, 1968–69. His present memberships and associations include: fellow, American Bar Association Foundation; fellow and trustee, Ohio State Bar Foundation; fellow, Garfield Society, Hiram College; member, Akron, Ohio State and American Bar Association; Member, American Judicature Society and Institute of Judicial Administration; trustee, Akron Law Library Association; and an honorary member of Phi Alpha Delta Law Fraternity International.

This proposal to name the Federal building after Judge Weick has become a popular idea back home, and I'm grateful to have the support of two of Ohio's major newspapers, the Akron Beacon Journal and the Cleveland Plain Dealer, and the strong support of State Senator Lee Fisher, who has been extremely helpful in this effort. A recent Beacon Journal editorial praised Judge Weick, stating:

It would be difficult to write a history of the law and judicial system in Akron without including a lengthy chapter on Paul Weick. Judge Weick's record over the years clearly reflects a jurist of impeccable care, a legal scholar of the highest intergrity and intelligence. His judicial role had been national in stature. Judge Weick once referred to Akron as a "city of opportunity for me." A courthouse bearing his name in a most fitting way for his adopted city to return the compliment.

Mr. Speaker, I would like to share with you the words of one of Judge Weick's colleagues:

Judge Paul C. Weick has unselfishly devoted, to this day, his life to improve the law and to do whatever he could to promote

the well-being of the citizens of the Greater Akron area. His distinguished and dedicated service as a private person, as a lawyer and as a judge, mandates that we, as beneficiaries of his good deeds, can do no less than honor this great man during his lifetime.

Mr. Speaker, we can appropriately honor this outstanding American by dedicating the Federal building and U.S. Courthouse in Akron, OH, in his honor.●

NEW INITIATIVES ON CRIME

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, October 31, 1984, into the CONGRESSIONAL RECORD:

NEW INITIATIVES ON CRIME

The most surprising accomplishment of the 98th Congress was the passage, just before adjournment, of The Comprehensive Crime Control Act of 1984. It is the largest and most far-reaching anti-crime bill since Congress last overhauled the federal criminal code in 1968. Its scope and size are impressive. The final bill is 635 pages long, and contains provisions dealing with virtually every area of federal criminal law.

The bill had a tortuous legislative history. Congress has struggled for more than a decade to make major changes in the federal criminal code. In 1982 the President vetoed an omnibus crime bill that contained several of the current reforms. The bill passed this year only after two years of debate and legislative maneuvering, and only as an amendment to a necessary funding bill. It is not as broad as earlier reform proposals, but it includes most of their major elements. It passed the Congress with overwhelming bipartisan support.

The main characteristic of the bill is its expansion of the federal government's authority. In nearly every instance, there is a shift away from protecting the rights of criminals, and toward those of the public and the prerogatives of law enforcement agencies. That shift follows public opinion as well as the pattern of Supreme Court opinions.

The largest reform is in federal sentencing procedure. Traditionally, federal judges have had great discretion in the sentencing of criminals. Consequently, criminals convicted of the same crimes often get very different sentences. To reduce disparities in punishment for the same crimes, the bill outlines four goals of sentencing and requires a presidentially-appointed commission to draw up guidelines for judges to use. Judges who deviate from the guidelines must explain in writing their reasons for doing so. Both prosecutors and defendants may appeal sentences that do not conform to the guidelines. The bill also phases out federal parole after a five-year period. Under current law, about 80% of all criminals are paroled after serving one third of their time. Now sentences will be reduced only 15% for good behavior.

The bill also makes a dramatic change in federal bail law. For the first time, federal judges may detain a defendant before trial if they determine that he poses a danger to the community. In the past, bail had to be granted unless there was reason to believe that the defendant would flee before trial. The plan is similar to those used by 32 states. Even though our criminal law is based on a presumption of innocence, the Supreme Court has indicated that "preventive detention" does not violate the Constitution. The bill includes safeguards—such as a requirement that a judge list in writing his reasons for refusing bail—to minimize risks of abuse.

One of the more controversial provisions in the bill is the reform of the federal insanity defense. The new rule is a direct response to the John Hinckley case. It restricts the use of insanity as a defense to individuals who are unable to understand the nature and wrongfulness of their acts. Mere "lack of control" because of mental disability will no longer be allowed as a defense. The new rule revises at least a century of legal precedent by shifting the burden of proof from the prosecutor, who formerly had to prove that the defendant was not insane, to the defendant, who now must prove that he is. Since the insanity defense is used in less than 1% of all criminal cases, the effect of the change will not be great. Symbolically, however, it is much more important. The new rule is a definition of criminal responsibility that puts federal law squarely behind the rights of the general public.

The bill also has several provisions to increase the federal role in the fight against drug trafficking. Fines and penalties are sharply increased. There are also provisions to make it easier for officials to seize the profits and assets of drug traffickers, depriving racketeers of the economic power used to sustain their operations. The bill also creates a high-level interagency council to coordinate the diverse activities of federal drug enforcement agencies.

In addition to making these reforms, the bill improves the federal witness protection program, prohibits trafficking in goods using a counterfeit trademark, and establishes a fund for victims of crime to be financed through fines collected from federal convicts. Also, it facilitates federal prosecution of certain career criminals, prevents credit card fraud and computer fraud for purposes of obtaining classified information, and makes it easier to use foreign evidence in criminal proceedings. Finally, the bill tightens laws against labor racketeering, assists states in locating missing children and in combating juvenile delinquency, and creates a program of grants targeted at critical state crime problems such as jail overcrowding.

The bill will not solve our crime problem. More than 95% of the violent crime that frightens most Americans—robbery, rape, murder—falls under the jurisdiction of state and local agencies. The bill's impact on local crime cannot be ignored, however. The bill gives direct aid to the states, and encourages cooperation among law enforcement agencies at all levels. Then, too, federal initiatives often serve as models for the states.

Even these reforms will not be effective unless the federal government increases resources for law enforcement. The President proposed cuts of 20% and more for law enforcement agencies when he came to office, cuts that were, for the most part, restored by Congress. Sufficient resources are essential to effective crime-fighting efforts. Most states cannot afford sharp increases in their law enforcement budgets. It is clear that the federal government must do more.

We are told that the crime rate is falling all across America. I hope that this is so, but, in light of similar past projections, I remain skeptical. I do welcome the Comprehensive Crime Control Act of 1984 as a helpful step in the nationwide effort to make our streets safe again.●

SUBSIDIZING THE COMMUNISTS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. CRANE. Mr. Speaker, today I introduced legislation that would prohibit all extensions of credit, credit guarantees, investment guarantees, or grants by any agency of the U.S. Government to any Communist country. I believe that the time has come for us to cease financing the inhuman and reprehensible activities of Communist countries with aid and loans from our official lending institutions and governmental agencies.

The words of Soviet defector Aleksandr Solzhenitzyn ought not to be ignored when discussing loans or credits to the Soviets in particular, but to any Communist country as well. He stated: "I think, gentleman, that we should at last permit this socialist economy to prove its superiority. Let's allow it to show that it is advanced, that it is omnipotent, that it has defeated you, that it has overtaken you. Let us not interfere with it. Let us stop selling to it and giving it loans." If we do this, Solzhenitsyn counsels, "* * * the Soviet economy will no longer be able to deal with everything, [and] will have to reduce its military preparations * * * to feed and clothe its own people. And the system will be forced to relax." By loaning them money and bailing them out in times of economic crisis, we "are merely helping them to rearm * * * helping the Soviet police state."

But if we continue to finance the Soviets and those countries within their sphere of influence, the consequences may be grave indeed. As Solzhenitsyn concludes, "And if this sort of unity cannot be achieved in the West, if, in the frenzied competition of one company with another they will continue to rush in loans and advanced technology, if they will present earthmoving equipment to our gravediggers, then I'm afraid that Lenin will turn out to have been right. He had said: " The bourgeoisie will sell us rope, and then we shall let the bourgeoisie hang itself."

I urge my colleagues to join me in bringing an end to Soviet oppression of its people by cosponsoring this legislation. But at the same time I urge my colleagues to take this first step in cutting off loans to the Soviet bloc in order to avert our own doom.●

BUDGET AMENDMENTS ACT OF 1985

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. WEISS. Mr. Speaker, I am today reintroducing legislation to require distinctions in the Federal budget between capital outlays and financing on the one hand and current operational expenditures and revenues on the other.

When a business, a city, a State, or practically any other enterprise computes its profit or loss or its surplus or deficit for a given year, it does so by deducting expenses from revenues. Separate and distinct consideration is given to long-term expenditures for capital needs as compared with current operating expenses.

Such a two-part budget is a much more accurate, rational, and useful portrayal of actual financial status than is the combined budget currently employed by the Federal Government. By balancing current operating income with expenses and by comparing long-term capital outlays with long-term financing, a much clearer and concise budgetary picture emerges.

In the private sector, borrowing to finance capital outlays is universally considered sound business practice, while borrowing to meet operational needs in not. Were the Federal Government to employ the budget methodology used by almost every other financial entity, the extent of the Federal budget deficit used to finance capital, as compared with operational, expenditures would become plain to policymakers and the public.

A capital-operational breakdown in the Federal budget would in no way mask the current deficit crisis. Rather, it is a sound bookkeeping measure that would significantly aid in responsible fiscal planning. Indeed, such a budget would likely facilitate the identification of poor fiscal managment and increase accountability to the American people. It would enhance the likelihood of a prompt and effective response to the growing Federal budget deficit.

As it exists today, the Federal budget is grossly misleading. The legislation I am offering would bring needed and helpful clarity to the budgetmaking process and would also encourage more informed participation by both Congress and the public in this process.

I strongly urge my colleagues to support this effort to regularize and simplify the Federal budget.

A copy of this legislation follows:

H.R. 231

A bill to amend title 31 of the United States Code, and the Congressional Budget Act of 1974 to require the inclusion of certain figures on capital and operational expenditures in the budgets transmitted to the Congress by the President and in the first concurrent resolutions on the budget

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Budget Amendments Act of 1985".

SEC. 2. Section 1105(a) of title 31 of the United States Code is amended—

(1) by striking out "estimated expenditures" in paragraph (5) before "and proposed appropriations necessary" and inserting in lieu thereof "estimated capital expenditures and estimated operational expenditures";

(2) by striking out "expenditures" in paragraph (7) and inserting in lieu thereof "capital expenditures, operational expenditures"; and

(3) by striking out "estimated expenditures and receipts" in paragraph (8) and inserting in lieu thereof "estimated capital expenditures, estimated operational expenditures, estimated receipts".

SEC. 3. Section 301(a)(2) of the Congressional Budget Act of 1974 is amended by inserting "for capital expenses and for operational expenses" after "an estimate of budget outlays".

SEC. 4. (a) Section 2 shall take effect with respect to all budgets transmitted pursuant to section 1105(a) of title 31 of the United States Code, more than thirty days after the date of the enactment of this Act.

(b) Section 3 shall take effect with respect to all first concurrent resolutions on the budget reported to both the House of Representatives and the Senate pursuant to section 301(d) of the Congressional Budget Act of 1974 (31 U.S.C. 1322(d)) more than thirty days after the date of the enactment of this Act.●

END BIG OIL'S FOREIGN TAX CREDIT

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. SEIBERLING. Mr. Speaker, I am today reintroducing legislation I first introduced in 1983 to end one of the more outrageous features of our tax system—the foreign tax credit for U.S. petroleum companies. Congress restricted the foreign tax credit in the Tax Equity and Fiscal Responsibility Act of 1982 [TEFRA], but there is still room for improvement. My bill, the Oil Industry Foreign Tax Credit Reform Act, would provide that improvement.

According to a June 1978 report of the House Committee on Government Operations, entitled "Foreign Tax Credits Claimed by U.S. Petroleum Companies," the issue of foreign tax credits for petroleum companies first arose in 1950, when the Saudi Arabian Government sought more revenue from its oil properties. After consultation with American oil and tax experts, the Saudi Government decided to levy an income tax on Aramco, then the country's sole oil producer, in lieu of increasing its oil extraction royalties. At that time, Aramco requested an Internal Revenue Service ruling as to whether the payments made to Saudi Arabia could be taken as a credit or a deduction.

The Treasury Department wrote four major memorandums from 1951 to 1954 complaining that Aramco's scheme was a sham: If the IRS ruled that the royalty payments were a credit, Aramco could simply shift its tax payments from the United States to Saudi Arabia with no net effect on the company's own cash-flow. But the U.S. State Department and the National Security Council intervened and requested that a favorable ruling be issued so that the Saudi Government could receive additional revenues. A favorable retroactive ruling was issued in 1955. Between 1955 and 1983, the foreign oil tax credit has cost the U.S. Treasury over $14 billion.

Congress tightened up the credit when it enacted TEFRA in 1982. Section 211 of TEFRA requires oil companies in computing the amount of the foreign oil tax credit to net their extraction losses in one country against their extraction income in another. Under prior law, a foreign tax credit could be taken for extraction income from one country even when a company had net extraction losses from its combined foreign oil and gas operations. According to the Joint Committee on Taxation, this provision, along with another requiring taxation of nonextraction income from foreign oil company operations, will raise some $2.3 billion over fiscal years 1983 to 1987.

Even with these reforms, however, the oil companies are still permitted to credit their royalty payments against their U.S. income tax, instead of deducting them as a normal business expense. The bill I am introducing today would require that foreign taxes on foreign oil and gas income be treated for tax purposes as royalties. Thus, instead of providing dollar-for-dollar tax savings, royalties payments would produce tax savings ranging between the amount of the payments multiplied by either the effective U.S. tax rate on worldwide income and the marginal corporate tax rate.

The House has addressed this issue in the past. On May 8, 1979, by a 355–66 vote, such a change was approved as an amendment to the first concurrent budget resolution for fiscal year 1980. That amendment, however, was never enacted as substantive law. At a time when the Federal deficit under the Reagan administration will hit $210 billion, and at a time when the Congress will undoubtedly be under

great pressure to slash Federal spending on domestic human needs programs in order to reduce the deficit and lessen its impact on the economy, it is high time the Congress acted to ensure that big oil pays its fair share of Federal taxes. Enactment of my bill would end this inequity.●

FREDERICK N. WEATHERS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. CLAY. Mr. Speaker, today I introduced legislation which would rename the U.S. Postal Service building located at 3415 North Kings Highway in St. Louis the "Frederick N. Weathers Station of the U.S. Postal Service."

Mr. Speaker, Fred Weathers—known by many as the dean of black politicians in St. Louis—has contributed immeasurably to the improvement and betterment of St. Louis. His judgment, his commitment to social justice, his energy, and his political astuteness are valued and well known to St. Louisans and others. The designation of this post office building in honor of Fred Weathers will memorialize his contributions and will ensure that future generations will know of his special and incalculable gifts to the St. Louis community.

Fred Weathers served as Democratic committeeman for the 18th ward of St. Louis for 28 years and among his many other activities was the owner of the Marcella Cab Co., St. Louis' oldest taxicab service. In addition, for many years, he was active in the Young Mens Christian Association for the Advancement of Colored People.

Renaming this postal facility in honor of Fred Weathers is but one means by which the Congress may, on behalf of all St. Louisans, both recognize and honor this fine man his enduring contributions to St. Louis.●

MR. REAGAN'S SECOND TERM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 5, 1984 into the CONGRESSIONAL RECORD:

MR. REAGAN'S SECOND TERM

Where is the nation headed in President Reagan's second term?

Generally, I think that the issues guarantee hard days ahead. Still, the President has a rare chance to lead in domestic and foreign affairs. The polls show widespread approval of Mr. Reagan's performance in office, but no agreement on future policies. Apparently the President's win was personal, without much ideological underpinning. As a referendum on the present, the judgment of the voters is clear. As a mandate for the future, it is not. The big question is: "How does Mr. Reagan interpret his victory?" He has not given a clue. His campaign has not prepared the public for action to come, whether domestic or foreign.

On the economic front, the President's main problems are budget and trade deficits, high interest rates, and a strong dollar. He has but a short time to assert control. It seems to me that Mr. Reagan will make a mistake if he stands pat with his victory at the polls, regarding it as a vindication of the view that domestic spending cuts and economic growth will get deficits, interest rates, and the dollar's value down.

My guess is that reduced domestic spending heads the President's list of priorities. We can expect him to recommend cuts in welfare, medicare, federal pensions, student aid, nutrition, and farm and veterans' programs. I think that requests for increased defense spending will keep coming to Capitol Hill. Mr. Reagan's promises will make it tough to enact a package of spending cuts and tax increases, the combination that most observers believe necessary to cut deficits substantially.

The real question for me is whether more of the same will help the economy. Ominous data from the Office of Management and Budget collide head on with the President's promises, but in the end Mr. Reagan, not his budget analysts, will choose either the view that economic growth cures all ills or the view that deficits matter and must be attacked. My sense is that the President has not yet decided how much to reduce the deficit, how to do it, and how quickly to proceed. Tax reform is high on Mr. Reagan's agenda. He is attracted to a modified "flat tax," with a preference for simplicity. There may be a veiled reference to higher taxes in all the talk of tax reform.

The launching of new arms control talks tops the list of foreign policy priorities. The Geneva meeting scheduled for January is an early indication of this. The so-called unbrella proposal (all types of arms control issues are to be addressed together at first) seems to be another indication of the desire for movement. The President ought to take charge of the negotiations even if a high degree of involvement in such talks would be uncharacteristic of him. In his first term, he was not prepared to resolve disagreements on arms control among his chief advisers. Mr. Reagan is personally determined to give arms control a chance, but will have to "crack heads" inside the bureaucracy.

Even though foreign policy was not very prominent in the eyes of the voters, the President got support for his commitment to build American strength and project American will. Consequently, I am looking for continuity. The fight against terrorism will get more resources. Mr. Reagan will have to move decisively to save the MX missile, but much of the rest of his military buildup is safely underway. In Central America, the government of El Salvador will get more backing now that President Duarte is in charge. The interesting struggle within the administration at the moment is between the hardliners, who advocate overthrow of the Sandinista government of Nicaragua, and the moderates, who believe such an effort is counterproductive to American interests. Only the President can resolve that dispute.

What will be new in 1985? The rising tide of imports could make trade a dominant issue. Concern for economic recovery in Europe and the Third World will be in evidence. Also, there will be an effort to slow the spread of nuclear weapons. We will remain involved in the Middle East, but we will focus on short-range goals. Aid to Israel will be increased. We will try to get foreign troops out of Lebanon as we try to improve the lot of the Palestinians. I do not expect a major peace initiative in the Middle East.

Mr. Reagan faces a divided Congress that may not fall into line with him. Many Democrats are unhappy about the way the tax issue was used against them in the campaign. They say that the President is on his own and must get his program through Congress by himself. Republican leaders are unhappy about the Reagan campaign. They claim that it did not stress congressional races enough.

Just as they did in 1981, the Democratic conservatives in the House may hold the trump cards. Their support will be essential to Mr. Reagan in many ways, and the President will have to decide how much he will concede to them. If he chooses to work with Congress, his initial approaches may have to come through them.

Turmoil may lead to deadlock in this session. There was a small turnover among legislators in the election, and those returning will be dealing with many issues that they have seen before. They know what they are about, and they, too, have mandates from their districts and states. Strong leadership from Mr. Reagan will be required to keep Congress from grinding to a halt.

In other areas, the picture is mixed. The President, seemingly satisfied with the so-called safety net, may do nothing for the poor. My guess is that he will speak up on tuition tax credits, anti-abortion measures, and school prayer as he did in the first term, but he will spend little political capital doing so. A farm initiative may push us toward market-oriented programs at home and expanded markets overseas. There will not be much government reorganization, but speculation lingers that the President may try to abolish the Department of Education. Health care policy will generate controversy as policy makers try to hold down costs and seek answers to questions about life and death arising from innovative technology.●

AUDIT OF THE FEDERAL RESERVE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. CRANE. Mr. Speaker, today I am introducing a bill to require the General Accounting Office to conduct a complete and thorough audit of the Federal Reserve System and banks.

This bill provides that:

The Comptroller General * * * shall make * * * an audit for each fiscal year of the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, and all Federal Reserve Banks and their branches, including transactions of the system's open market account conducted through recognized dealers.

The bill further provides that the General Accounting Office shall have

access to all books and records of the Federal Reserve.

Such an audit of the Federal Reserve is necessary when one considers that the Federal Reserve, the FDIC, and the Office of the Comptroller of the Currency "are empowered to carry out functions crucial to our system of government and to our Nation's economy." Yet amazingly enough, Congress enacted a law that prevents the GAO from auditing these vital entities of our national government. The ramifications of this secrecy take on greater significance when one considers that the Monetary Control Act allows the Fed to purchase paper obligations of foreign governments and use them as collateral for Federal Reserve notes.

In stating a reason for excluding these crucial functions from the purview of the GAO audit, the Senate Committee on Governmental Affairs wrote in 1978:

* * * The Federal Reserve Board must be able to independently conduct the Nation's monetary policy * * *.

The independence of the Fed has long been used as a device to shield the Fed from congressional investigation. It is time that we recognized that the independence of the Fed is a legal fiction. The American public and the Congress are entitled to know what the Fed is up to. The sooner we find out the better off we will be. The system deserves no more blind faith and support from the American people.●

BIAGGI SEEKS OUTLAWING OF PLASTIC BULLETS IN NORTHERN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. BIAGGI. Mr. Speaker, as chairman of the bipartisan ad hoc Congressional Committee for Irish Affairs I am today introducing a concurrent resolution expressing the opposition of Congress to the use of plastic bullets in Northern Ireland by British security forces.

This resolution resembles one I had introduced in the 98th Congress. Yet, an event which took place on August 12, 1984, provides a more graphic reason than ever for the passage of this resolution. The place was Belfast, Northern Ireland. A rally was called at which it was announced that one Martin Galvin—a U.S. citizens who was to lead a delegation of Americans on a visit to Northern Ireland was to speak. What made this rally unusual was the fact that Galvin had been barred from entering Northern Ireland by the British Government. However, Galvin did enter the north illegally—and the rally was called for the purpose of having him speak. A crowd of more than 2,000, including the American delegation, assembled peacefully. Mr. Galvin did appear as scheduled and just as soon as he was visible the British security forces who surrounded the rally charged into the crowd in an attempt to get Galvin. This provoked, in the words of Newsweek magazine, "one of the worst scenes of police violence seen in the province in years."

The tragic result of this police action was one innocent civilian killed—scores of people injured including some Americans. What was most appalling about this incident was the fact that more than 30 rounds of plastic bullets were fired into the crowd including one that was fired at Sean Downes at pointblank range that killed him.

The August 12 incident was not the first of its kind in Northern Ireland. The fact is that a total of eight persons including five individuals under the age of 15 have been killed by plastic bullets since 1981. In addition more than 200 persons have been injured—including some who were blinded.

The presence of plastic bullets and their indiscriminate use in Northern Ireland dramatically makes the point that violence in Northern Ireland is an ugly two-sided coin. We know about the civilian violence—the indiscriminate bombs planted by supporters of the IRA—and the sectarian-based killings of Catholics by certain Protestant factions. However, what does not get the attention in this Nation and the world is the official violence such as the misuse of the plastic bullet. Both forms of violence are wrong and must be ended if there is to be any hope for a lasting peace in Northern Ireland.

The European Parliament on two occasions, the most recent being in 1984, passed resolution calling for the end to the use of plastic bullets in Northern Ireland. It is time for the Congress to take a similar stand for we are hypocritical if we only denounce one form of violence in Northern Ireland.

I hope for the cosponsorship of my colleagues on this measure.●

TRIBUTE TO GEN. DRAZA MIHAILOVICH

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. CRANE. Mr. Speaker, I am today introducing a bill that seeks to make amends, at least in part, for one of the great historical injustices of World War II.

Many of my colleagues may remember Gen. Draza Mihailovich of Yugoslavia, one of the foremost freedom fighters in the European resistance movement during World War II. As you may recall, Mihailovich and his Chetnik forces were directly responsible for saving the lives of some 500 American airmen forced down in Axis-controlled Yugoslavia. Despite the fact that he fought against the Nazis, Mihailovich, a victim of Communist propaganda, was executed as a war criminal by Tito's forces following the war.

The United States was in part responsible for the fate of General Mihailovich and the Chetnik forces when it elected to follow the British lead to support Tito. Recent evidence indicates that the decision made by the United States and the British was based on skewed intelligence reports submitted by Cambridge-recruited Soviet spies within the British military.

The bill that I am introducing authorizes the National Commission of American Airmen Rescued by General Mihailovich to establish a public monument to honor the general for his role in saving the lives of these U.S. airmen. The Commission has agreed to finance the entire construction and maintenance of the monument.

It is only fitting that we honor this hero for his courage and undying support to the Allied cause. I urge you to join me in recognizing the valor of General Mihailovich.●

SOCIAL SECURITY REFORM LEGISLATION

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Ms. OAKAR. Mr. Speaker, today I am introducing legislation to alleviate some of the economic hardships and gross inequities which older persons so frequently encounter in our society. This legislative package would ensure improved and equitable treatment for both women and men under the Social Security System.

Steps were taken during the last Congress to increase retirement income, including increased social security benefits for certain older women. Much remains to be done, however.

Social Security is a lifeline for women in retirement. It is the most common and the most important single source of income for the elderly. Over half of all married couples, two-thirds of all single men, and nearly three-fourths of all single women who receive Social Security depend on it for at least half of their income. In fact, less than 20 percent of older women receive any private pension benefits at all.

Inequities in the Social Security System greatly contribute to older women's poverty and dependency. At least 9 out of 10 women who are covered by the Social Security System can expect to experience some form of discrimination during retirement.

Retired workers who are married often receive a benefit that is less than if they had never worked or paid into the system at all.

Homemakers, who move in and out of the labor force to have and raise children or care for sick parents, are not eligible for disability if they have been out of the work force for more than 5 years.

Divorced women who were married for less than 10 years receive no benefits.

Widows cannot receive benefits before the age of 60 unless they are disabled or have children under 16.

Widows who choose to accept benefits at age 60 due to financial necessity receive greatly reduced benefits for their entire lives.

The legislation which I am introducing today addresses these problems through both long-term and short-term solutions. My first bill, mandatory earnings sharing, would eliminate a large number of retirement problems currently encountered by women. The two-income couple would no longer be short changed. The divorced woman would carry Social Security credits from her marriage. Women entering and leaving the workplace would be able to use all Social Security credits to determine their benefits. Homemakers would be eligible for disability benefits.

A summary of my legislative package follows:

MANDATORY EARNINGS SHARING

The bill provides that the Social Security credits earned during a marriage would be divided equally when determining eligibility and retirement benefits. Social Security earnings would also be divided upon divorce and, under this system, a widow(er) would be able to receive a full survivor benefit.

TRANSITION BENEFITS

Transitional Social Security benefits would be provided for surviving spouses who, upon the death of the insured wage-earner partner, must prepare for employment. These benefits would be available for 4 months after the wage-earner's death to a surviving spouse who is at least 50 years old and not otherwise eligible for benefits.

DISABLED WIDOWS(ER)S UNDER 60

Under present law, disabled surviving spouses are eligible for benefits at an actuarially reduced rate beginning at age 50, based on the deceased worker's primary insurance amount [PIA]. This bill would make disabled surviving spouse eligible for benefits at any age and with no restrictions.

CHILD CARE CREDITS

The special minimum benefit for long-term low wage earners would be amended to allow child care credits to be counted in the determination of benefits. (The special minimum benfit only applies to long-term low wage earners whose payments would be low if computed by another method). A benefit earner could be credited with up to 10 years for the care of any children 6 years older or younger with the stipulation that the applicant's care lasted at least 6 months out of the year. The number of years that could be counted toward special minimum benefits would be increased from 30 to 36.

RESTORATION OF THE MINUMUM SOCIAL SECURITY BENEFIT

As a result of a provision contained in the Omnibus Budget Reconciliation Act of 1981, Minimum Social Security benefits were eliminated for those persons who would have been otherwise eligible after January 1982. Minimum benefits were awarded to workers who would receive a lesser amount on their low earnings record or short-term work. Of the 3 million currently receiving the $122 monthly payment, 2.3 million are women. This bill will restore the benefit to those needy people beginning with the date of enactment of the Omnibus Budget Reconciliation Act of 1981.

ELIMINATION OF THE GOVERNMENT PENSION OFFSET PROVISION

Beginning in July 1983, persons who were eligible to retire from public service had their Social Security spousal benefits reduced by two-thirds of the amount of the public pension. This bill would eliminate the Government pension offset provision from Social Security law.

Mr. Speaker, this legislative reform package has been carefully crafted to enhance benefit protection for all Social Security recipients. It maintains both equity and adequacy in the system, as it attempts to reflect the changing roles of men and women. Legislative hearings conducted by my aging committee's task force on Social Security and women, symposiums on the system, Presidential commissions, and private studies have all revealed that the system must meet the needs of half its recipients—women. I believe that enough posturing has been done on this issue and that it is time for action.

In several days, the Department of Health and Human Services will be releasing a long awaited report on my earnings sharing legislation. A recent New York Times article anticipated that their analysis of the feasibility of an earnings sharing approach, which was mandated by the 1983 Social Security Amendments, will denounce the concept of earnings sharing and call for more short-term solutions to this complex problem of inequity. While I have not received a copy of the HHS report, I cannot help but wonder whether they have completely understood their task or have fulfilled their obligation. The earnings sharing concept must not be dismissed but enhanced. I plan to hold very early hearings on HHS' report and a private study which has been completed in the past several months. And, it is my understanding that Congressman PICKLE will also examine the issue of how women fair under the Social Security system. I am certain that both comprehensive examinations will prove what has been stated over and over again—Social Security needs to be modernized.

I encourage all my colleagues to support all of the bills I introduced today. Thank you.●

THE TREASURY TAX REFORM PROPOSAL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 19, 1984 into the CONGRESSIONAL RECORD:

THE TREASURY TAX REFORM PROPOSAL

Secretary of Treasury Donald Regan recently released his plan for simplifying our byzantine federal tax code. It is not a tax increase in disguise, but a "revenue neutral" simplification, shifting tax burdens from moderate-income persons to businesses and the wealthy. It has been praised by groups traditionally championing the disadvantaged and middle class, and criticized by the well-to-do and business. It is a surprising plan to emerge from the Reagan Treasury Department because it takes dead aim at many of the President's political constituencies.

Tax simplification is necessary because the existing system has been weakened by numerous loopholes, deductions, and exemptions added over the past 70 years. The result is a serious erosion of the tax base, an unfair bias to certain individuals and industries, distortion of investment decisions in the quest for tax advantages, and a system incomprehensible to the average taxpayer. By virtually every criterion, our tax system falls short. The heart of the Treasury tax reform proposal is to end many of the special tax preferences in the code in order to reduce overall tax rates. An individual may lose a particular tax benefit under the plan, but that would be generally offset by a lower tax rate. Overall, individuals would pay an average 8.5% less in taxes. Corporations would also receive lower tax rates, but the elimination of various tax preferences would increase the corporate share of taxes from an estimated 8.5% of the total now to 15% in 1990.

Besides the overall shift to greater business taxation, there would be clear winners and losers among different industries and individual taxpayers. For individuals, there would be a slight easing of the burden on low- and middle-income groups. But the

major shift would be within each income group, as the wide disparities in taxes paid by individuals making roughly the same amount of money would be reduced. Cutting back sharply the allowable deductions and tax preferences means higher taxes for heavy itemizers and lower taxes for those who now file relatively simple income tax forms. Overall, 78% would get a tax cut or pay roughly what they pay now, while 22% would be taxed more heavily.

The changes on the corporate side would result in more equal tax burdens among different sectors. The current system gives significant tax benefits to some businesses and not others; for example banks pay few taxes. The present tax code advantages for banking, insurance, housing, oil and gas drilling, and "smokestack" industries would be lessened, thus helping other sectors, such as retailers, service industries, and high-tech corporations. The Treasury goal is to end the discriminatory effect of the tax code on different kinds of businesses.

The general thrust of the Treasury tax simplification proposal agrees with what most Hoosiers have been telling me they want in the tax code, and apparently with what most citizens want, as shown in numerous opinion polls.

One major concern is that Congress should not take up a difficult debate on a revenue-neutral tax reform proposal while major work is needed on reducing our federal deficit. However, it does not seem to me that the two are incompatible. Dual-track action on tax reform and budget reform is possible. Reducing the staggering deficits should clearly be the top priority of Congress next session. But passing meaningful tax reform can assist that effort, even if the reform is revenue neutral—shifting the various tax burdens rather than increasing the overall amount of the tax levied. In the first place, some 13% of the federal budget goes for interest payments on the national debt. The Treasury plan should help reduce real interest rates by cutting back the significant tax incentives for businesses and individuals to borrow money. Second, the Treasury plan attempts to encourage investors to seek the greatest economic return rather than the greatest tax shelter. That in time should help improve productivity and economic growth, which means more federal tax revenue. Third, the plan could increase taxpayer compliance. Each year some $100 billion is lost to the treasury through tax evasion and cheating. Lowering the tax rates and replacing the loophole-ridden code with a fair one would help curb taxpayer disgust with the system and reduce incentives to cheat. Finally, reducing the deficit will require painful spending cuts. People may be more receptive to making these sacrifices if they know that a tax system considered unfair and benefiting special interests is also being changed. In short, meaningful tax reform could go hand in hand with our efforts to reduce the deficit.

The immediate reaction to the Treasury's plan casts doubt on its prospects. President Reagan has said some nice things about it, but he has carefully refrained from giving it his blessing. Groups adversely affected by it are gearing up for a major assault. If the battle for deficit reduction is combined with tax reform, there will probably be an extended period of complicated maneuvering, the outcome of which is hard to predict. The tax reform package is so sweeping that unless the President insists on it early in 1985, taxes and spending will likely be the top item on the political agenda for 1985 and even longer.

My basic view is that the overall direction of the Treasury plan is positive. I like the idea of replacing a system of special incentives with one in which the market would decide the best way to produce, and government would become more neutral in its impact on the economy. I have concerns that the plan may tend to promote consumption too much and investment too little. It does back off from the strategy of encouraging capital formation and production through tax incentives. Yet it probably allocates investment more efficiently, which could offset any decline in investment. The lower tax rates could provide more motivation for American workers. The plan changes so radically the way we tax ourselves that there would be a difficult transition and massive uncertainty during the long debate. In general, though, the proposal is a good starting point.●

THE U.N. AND THE U.S. CONTRIBUTION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. CRANE. Mr. Speaker, in spite of the lofty and abundant expectations that accompanied the founding of the United Nations in 1945, that organization has failed in many ways to live up to its charter. Many Americans held out great hope that this organization would help to usher an era of peace, brotherhood, and tranquillity into the affairs of men and nations. But that has not been the case. The United Nations has been guilty, in recent years, of maintaining a hypocritical double standard at the expense of both the Western democracies and the U.N. charter. And this is being done here in our own country and with better than 25 percent of the total budget being provided by the United States.

At the very least, I think it is imperative that we reevaluate our financial contributions to that organization. A new contribution formula, one which would be fair to both the United States and other member nations, must be implemented. That is why I have introduced legislation to reduce our financial contribution from its disproportionately high 25 percent plus level to a more realistic 5.6 percent. The latter figure is arrived at by shifting the contribution formula from one based on national income to one based on the population of member nations. Such a move would force Communist and Third World countries to shoulder a more proportionate and hence fairer share of the U.N. budget.

If we continue to pay an unduly large share of the U.N. expenses each year while other nations pay relatively little, we can only expect an increase in the hypocrisy that has marked U.N. sessions in recent years. Criticism continues to be heaped on the United States and other Western democracies and we continue to pay for the right to listen to it. As one seasoned U.N. observer so aptly noted, "Now I don't like antidemocratic organizations, but I am prepared to accept their existence—so long as I don't have to pay for their fun and games."

I hope my colleagues will join me in introducing a new level of realism into our contribution to the United Nations by cosponsoring this piece of legislation.●

LIMITATION OF SHIPOWNER'S LIABILITY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. BIAGGI. Mr. Speaker, today, I am introducing a bill to clarify and update the limitation of liability laws applicable to shipowners.

The United States adopted its first maritime limitation of liability statute in 1851 as a device to protect our fledgling maritime industry when there was little, if any, insurance coverage available for most maritime endeavors. The law was also designed to place the American shipowner on an equal footing with his protected foreign competitors. The law has remained the same since 1851 except for a 1936 amendment that provided a post-accident fund of $60-a-gross-ton for personal injury and death claims. This amendment was the direct result of the *Morro Castle* disaster, which took 134 lives and left an estimated $20,000—the salvage value of the vessel—for distribution in settlement of all claims. Recently, Congress increased the limitation fund figure to $420-a-gross-ton. This, however, was intended to be an interim measure until we are able to enact a more complete revision of the law.

It is generally conceded that the existing law on the subject of limitation of liability is outmoded. This is particularly true when the present law is applied to a major marine disaster such as the total loss of a vessel like the *Ocean Ranger, Poet, Marine Electric* and, most recently, the drilling vessel *Glomar Java Sea.*

Many of the conditions in the shipping industry that inspired Congress to pass the 1851 statute no longer prevail. The trend in the case law has been to sharply restrict the granting of limitation. This is a recognition of the law's increasing obsolescence and unfairness toward injured parties.

The bill I am introducing was developed by the Maritime Law Association and is patterned after the "Convention on Limitation of Liability for Maritime Claims, 1976." This convention was not agreed to by the United States because the claims limits in it

were too low. The bill I am introducing raises those limits considerably.

I understand that other proposals to amend the limitation of liability laws are being developed. While they may take a different approach, I believe we all have the same objective; namely, to provide a clearer basis in law for the settlement of maritime claims—one that will insure fair and proper compensation for seafarers and their families and one that will not put American shipowners at a competitive disadvantage.

I want to make it clear that I have not taken a position as to which approach is best designed to achieve the objectives I have outlined. We intend to have comprehensive hearings and afford all interested parties an opportunity to present their views.

There is no doubt that revision of the limitation of liability laws will be a challenge that is certain to raise controversy, but it is a challenge we intend to meet. I believe we will be able to arrive at an equitable solution that will insure full and fair compensation of those who may be injured or of those families who lose a loved one, without unduly burdening the competitiveness of our merchant marine.●

THE FEDERAL EMPLOYEE HEALTH BENEFITS REFORM ACT OF 1985

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Ms. OAKAR. Mr. Speaker, 25 years ago, Congress created the Federal Employee Health Benefits Program, a health insurance program intended to offer Federal employees, annuitants and their families protection comparable to that available to private sector employees.

Today more than ever, Federal workers need good insurance coverage to protect them from skyrocketing hospital and health care costs. Unfortunately, under 4 years of the Reagan administration, they have seen their health plan coverage diminish substantially. Federal workers now pay more for less coverage and do not have health benefits equivalent to those provided in the private sector. That is why I am introducing the Federal Employees Health Benefits Reform Act of 1985.

The FEHBP provides health insurance coverage for approximately 10 million Federal Government employees, annuitants and dependents. As the largest employer-sponsored health plan in the world, the FEHBP offers members choices from a range of plans with several varieties of benefits and premiums.

Regrettably, the Reagan administration in its first term saw fit to reduce and restructure the FEHBP to the detriment of Federal workers and retirees. In 4 years, the Office of Personnel Management [OPM] reduced health benefits by 15 percent and increased premiums almost 50 percent. It appears that the Reagan administration plans more of the same during the second term.

Because of our concern over the impact of the Reagan policies, the House Post Office and Civil Service Committee hired the firm of William M. Mercer to conduct a study comparing the FEHBP to private sector and State health plans. The Mercer report confirmed that, in the areas of reimbursement percentage and employee contributions, Federal employees are falling farther and farther behind their private sector counterparts. Overall, health plans available to Federal employees are of less value than plans sponsored by corporations and State governments that participated in the survey.

Another very recent study conducted by the Hay Associates for the Post Office and Civil Service Committee shows that Federal health benefits are now 2.2 percent less, as a percentage of pay, for the Federal employee than for the average private sector worker. This study confirms again that Federal workers do not receive health benefits equivalent to those provided to private sector employees.

As Chair of the Subcommittee on Compensation and Employee Benefits, I held extensive hearings during the last Congress on the many problems of the FEHBP. Through these hearings, we know what needs to be done to restore the FEHBP to its former, intended status. My bill will provide Federal employees, annuitants and dependents with a dependable, stable and comprehensive health insurance program.

The Federal Employee Health Benefits Reform Act of 1985 will amend current law to increase the Government's share of the premium contribution from 60 percent to 75 percent of the average subscription charge of the Big Six health plans. It will also increase to 100 percent the amount of that contribution which can be applied to a health plan. This would be the first increase in the Government's contribution in 10 years and is closer to what private employers pay toward health insurance coverage for their employees.

To ensure adequate health coverage for retirees, my legislation provides for a government differential, equal to 5 percent of the Big Six average, to be paid to the FEHBP for each enrolled employee or annuitant who is age 65 or older and is not entitled to part A hospital insurance under Medicare.

My legislation will also allow "riffed" Federal employees and certain others an opportunity to continue health coverage provided they pay the entire premium cost. It is important that employees separated through no fault of their own be protected against possible catastrophic medical costs.

The legislation also will require the OPM to establish financial solvency requirements for self-insured plans. This will eliminate the possibility of a plan becoming insolvent and unable to pay legitimate medical claims.

On the benefit side, my legislation requires fair, standardized alcoholism, drug rehabilitation, and mental health benefit levels for all FEHBP plans. Furthermore, it requires all plans to provide 50 outpatient visits and 60 inpatient visits, as well as two 28-day alcoholism treatment or rehabilitation benefits. The level of benefits, however, could be increased by approval of a peer review group on a case-by-case basis.

My legislation will also prohibit the OPM from contracting with an insurance carrier for health insurance that is not equivalent to 95 percent of the previous year's contract. In addition, it will require these plans to provide dental coverage.

Because of the OPM's many recent, unilateral policy changes which adversely affected thousands of the FEHBP subscribers, my legislation will mandate that the OPM conduct an open season of not less than 3 weeks when an adjustment is to be made to any rates or benefits for any old or new plan offered, or when an existing plan is to be terminated. It also requires the OPM to make available not later than 4 weeks before the start of open season information necessary for employees and annuitants to choose among the many different plans.

To ensure an end to past discriminatory practices, this bill will require all health plans to accept annuitants on an equal basis with active employees.

Finally, the Federal Employee Health Benefits Reform Act of 1985 reestablishes congressional oversight of this important health insurance program. Too often in the past OPM officials and the White House have been allowed to set premium rates and manipulate benefit levels without giving any thought to the harmful effects such changes would have on enrollees.

Mr. Speaker, I believe this legislation is the vehicle that will bring long-term stability and much needed reform to the Federal Employee Health Benefits Program. I urge my colleagues to enact this measure to guarantee Federal workers and retirees health insurance that is comparable to that provided by the private sector.●

RELEASE FEDERAL HIGHWAY MONEYS

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. ROTH. Mr. Speaker, today I am introducing legislation which would release $7.5 billion in highway funding. This Congress has already delayed too long on distributing moneys from the highway trust fund and it behooves us to act on this issue as soon as possible. Every day that we put this issue off, we get closer and closer to the beginning of the construction season and continued lost opportunities.

My legislation requires the immediate release of funds which failed to be allocated for 1985 and half of fiscal 1984. We must put aside differences which separate us on the various demonstration projects and act immediately for the good of the whole country on a clean ICE bill. Further delay is inexcusable when this funding is essential to the completion of our Interstate Highway System and the safety of our roads. Over 450,000 transportation construction industry jobs are currently being held hostage to the passage of an ICE.

In my own State of Wisconsin, 57 projects, amounting to $82 million, have been delayed. A share of these funds which have already been collected from the Wisconsin motorist and are currently just collecting dust in Washington. There is no justification for these funds not to be returned to their State of origin as originally planned. That is just what my bill would do. We in Wisconsin have a particular concern since our construction season is so short. It is necessary that we act now to make sure that these projects can be completed according to schedule.

I have met with the Governor of my State and we have agreed that a clean ICE is what is needed to suit Wisconsin and the country best. I have also been in communication with the other 49 Governors and from what I have heard, the need to release these funds is a top priority across the country. The Federal Highway Administrator, with whom I have also talked, has warned of the dire consequences of demonstration projects tying up the vital passage of the ICE.

Failure to allocate this funding could jeopardize our entire Interstate System and other links in our highway transportation system. This is a nationwide issue. It is imperative that approval of an interstate cost estimate be given top priority in this Congress. The cost of delay is enormous in terms of lost employment, infrastructure deterioration, inflation and total chaos within the highway costruction industry.

We must put an end to this national traffic jam. Action must be taken now and it must be decisive. These funds belong in the States where they can be put to work. It serves no purpose to collect 9 cents a gallon from gasoline users if those funds remain tied up in Washington. I predicted this would happen when we considered an increase in the gasoline tax—and that is why I voted against the bill. I was convinced that the Wisconsin taxpayer would not get his or her fair share. But that is ancient history now. Now we must release the tax dollars already collected—so they can go to work in our respective States. I hope an ICE will be approved quickly for the sake of the Nation.●

TRENDS IN HIGHER EDUCATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. HAMILTON. Mr. Speaker, I would like to insert my "Washington Report" for Wednesday, November 7, 1984 into the CONGRESSIONAL RECORD.

TRENDS IN HIGHER EDUCATION

America's universities and colleges face many challenges today. Among the most difficult are a shrinking student-age population, the loss of many good professors because of low salaries and minimal job security, decaying buildings and outdated laboratories, state higher education programs crimped by recession, and cutbacks in federal aid to higher education during the first few years of the Reagan Administration. Our system of universities and colleges is considered to be one of the finest in the world. Its continued strength is vital to the continued strength of our nation. It will need help on a variety of levels if it is to remain strong.

The federal government traditionally has played a role in higher education. Indeed, Congress approves the expenditure of some $14 billion a year for that purpose. More than half of the money is used to aid students (especially those from low-income families), one third of it pays for research (especially in the areas of medicine and defense), and a small portion of it goes to meet the operational and instructional costs incurred by universities and colleges. In reality, 14% of the cost of higher education is covered by the federal government; 30% comes from the states, 21% from tuition, and 8% from private gifts and endowment. Over the past few decades, federal support of higher education has increased significantly, though the rate of growth dropped in the first years of the Reagan Administration.

Washington's role in higher education is secondary, but, as the figures just mentioned suggest, it is an important one. Concern that the role be performed effectively has caused Congress to rethink and rework federal higher education programs in recent years. Despite constraints on the total amount of federal aid that can be budgeted for higher education—constraints stemming primarily from the pressure of the deficit and the fear of excessive federal control—major changes are being made in these programs.

A number of trends are worth mentioning:

First, Congress is increasing the amount of money to be spent on student aid. This year's appropriation is 20% higher than last year's, a rise due partly to a recognition in Congress that student loans and grants were cut back too sharply in 1981, as well as to a rising demand for benefits among students entitled by law to receive them. The second point is an especially important one to take into account. In certain programs, such as the Guaranteed Student Loan Program, any student who meets the financial eligibility requirements gets the benefit, and the number of eligible families has been going up. The President wants to tighten up the eligibility requirements further than he has already, but that idea has been given a cool reception in Congress. However, Congress has gone along with initiatives to improve the collection of delinquent student loans, and it has approved legislation to permit the consolidation of loans and the extension of repayment periods to reduce defaults.

Second, while Congress continues its effort to increase the access of the disadvantaged to higher education, there is a growing feeling among legislators that programs to aid students should recognize academic achievement as well as financial need. The idea is to give students an added incentive to excel. Congress recently set up the Federal Merit Scholarship Program for high school graduates whose scholastic accomplishments have been outstanding.

Third, Congress is stepping up its drive to improve laboratories, computers, and libraries at institutions of higher education all across the nation. The problem, as just described by the National Science Foundation, is that some 25% of the equipment in top laboratories is obsolete. Such obsolescence harms instruction and research, compels professors to seek better opportunities in industry, and saps our scientific strength.

Fourth, Congress appears to support the idea that collaboration between private sector businesses and higher education will bring better instruction and a much-needed infusion of funds. In fact, one of the key trends in higher education is the rapidly increasing number of joint university-business projects. These range from agreements to market products resulting from research on campus, to campus-based "research parks" where college faculty and industry scientists work together to develop advanced technologies. Before Congress adjourned, it approved a proposal to provide funds to encourage partnerships between higher education and the private sector to improve instruction.

Fifth, Congress has begun to focus its attention on the academic disciplines that are particularly important to our country, such as science, mathematics, engineering, foreign language, Soviet studies, and the like. More fundamentally, our future depends on our ability to persuade able young men and women to enter the teaching profession. Congress just established a special scholarship for outstanding high school pupils who hope to become elementary and secondary school teachers.

Not all the trends in higher education are positive. A less encouraging trend is the increasing direct use of federal money to fund a particular university's project, whether it be a new library, laboratory, or learning center. Many of these projects are worthy,

but there is a risk that widespread use of direct funding may shortcircuit the current process of open competition and peer review and lead to the creation of an academic "pork barrel" controlled by powerful Senators and Congressmen. A resolution was introduced this past session urging Congress to reaffirm its commitment to open competition and peer review.

American higher education has served the nation well, but it will take a concerted federal, state, and private effort to ensure that it continues to do so.●

NO FIRST USE OF NUCLEAR WEAPONS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. WEISS. Mr. Speaker, there are many aspects of the national debate on arms control over which the American people disagree. About one issue, however, there is a clear consensus: the United States should not, in any conflict, be the first nation to use nuclear weapons. The League of Women Voters supports this view; the National Conference of Catholic Bishops has endorsed it; the Nuclear Weapons Freeze Campaign is in favor of it. Indeed, according to the Public Agenda Foundation, four out of every five Americans believe—mistakenly—that the United States has already adopted a policy of no-first-use.

Today I am reintroducing legislation that will bring American practice into conformity with this opinion. This joint resolution explicitly renounces the first use of nuclear weapons and calls upon the United States to conclude treaties with all nations similarly renouncing first use.

Adopting a policy of no-first-use is a concrete, practical step that will contribute to our national security by reducing the threat of nuclear war, strengthening relations with our allies, and improving the climate for arms control negotiations. As the United States and the Soviet Union develop more accurate and more powerful missiles, each side draws closer to a first-strike capability, and the danger of a preemptive nuclear attack grows. An explicit declaration of no-first-use would reassure our adversaries—and our friends—about our intentions.

As important as it is to avert a strategic first strike, the possible escalation of conventional wars poses an even more serious threat of nuclear holocaust. Contrary to popular belief, current NATO military doctrine calls for the early and extensive use of nuclear weapons in any conflict in Central Europe. While many Americans assume that the first use of nuclear weapons would be simply a warning shot, or perhaps an attack on massed Soviet forces deep within enemy territory, U.S. Army training manuals treat tactical nuclear weapons as just another source of firepower. One officer training film envisions the use of 136 tactical nuclear weapons in a single salvo, against targets as small as a group of six Soviet tanks. One-third of NATO's nuclear arsenal consists of short-range weapons that will explode within 10 miles of the point from which they are fired.

Such massive use of nuclear weapons would reduce to a cratered wasteland the very territory that we were trying to defend, and could very well result in a strategic nuclear exchange. As McGeorge Bundy, George Kennan, Robert McNamara, and Gerard Smith—officials who helped to shape American military policy under previous administrations—have observed, "the one clearly definable firebreak against the worldwide disaster of general nuclear war is the one that stands between all other kinds of conflict and any use whatsoever of nuclear weapons. To keep that firebreak wide and strong is in the deepest interest of all mankind."

These four men have also pointed to the unnecessary strain which is placed upon NATO by its reliance upon a strategy of first use. As the reaction to the deployment of Pershing II and cruise missiles demonstrates, our European allies are simultaneously afraid that we won't defend them with nuclear weapons, and afraid that we will. By shifting from a nuclear to a conventional deterrent against a conventional attack in Europe, we could remove the single most divisive element in the Atlantic alliance.

A pledge of no-first-use would reduce tensions with the Soviet Union, as well. In a few days, Secretary of State Shultz and Foreign Minister Gromyko will meet in Geneva to discuss the possible resumption of arms control negotiations. During the months to come, each side will be looking for a sign that the other's interest is genuine. An American renunciation of the first use of nuclear weapons would be such a sign and might lead to a climate in which significant reductions in nuclear arms are possible.

Nuclear weapons have not been used in battle since 1945. To ensure that they will never be used again, we must recognize that it makes no sense to hold these weapons for any purpose other than to deter a nuclear attack.

H.J. RES. 47

Joint resolution to renounce the first use of all nuclear weapons and to conclude treaties with all nations renouncing the first use of all nuclear weapons

Whereas the United States and the Soviet Union both have developed nuclear weaponry to retaliate to a nuclear attack with equal or even greater force;

Whereas this capability for retaliation has created a condition of mutual deterrence;

Whereas the delicate balance of mutual deterrence has provided a disincentive to actual nuclear warfare;

Whereas the United States and the Soviet Union both are moving toward development in both the strategic and tactical nuclear realms of first-use capabilities;

Whereas the increasing feasibility of the first-use option heightens tensions on both sides and undermines mutual deterrence;

Whereas continued pursuit and refinement of the first-use option will encourage preemptive nuclear attack;

Whereas exercise of the first-use option, whether tactical or strategic, will result in a full-scale nuclear exchange and the subsequent destruction of much of civilization;

Whereas the United States and all nations face no more solemn duty than preventing a nuclear cataclysm;

Whereas this duty can best be fulfilled by maintaining mutual deterrence at lower levels than currently exist, and by working toward the elimination of all nuclear weapons; and

Whereas renouncing the first use of all nuclear weapons is consonant with these obligations and aims: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the policy of the United States to renounce the first use of all nuclear weapons and to conclude treaties with all nations renouncing the first use of all nuclear weapons.●

POLITICAL FREEDOM FOR FEDERAL EMPLOYEES

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. CLAY. Mr. Speaker, today I introduced the Federal Employees' Political Activities Act of 1985, modifying the Hatch Act by permitting Federal employees the right to participate voluntarily in political activities so long as those activities do not even appear to compromise the integrity of the merit system or the impartial administration of the functions of our Government.

Previous studies by the Congress have revealed not even the suggestion of any wrongdoing in Federal employees participating in political activity voluntarily and on their own time. The Hatch Act, well intended as it was, was enacted in a period during which the Congress was deeply concerned about the growth in the power and influence wielded by then-President Franklin Roosevelt. Times and conditions have changed since enactment of the Hatch Act in 1939. My legislation takes notice of these realities.

This bill is similar to the Postal Employees' Political Activities Act of 1985, which I also introduced today. I introduced two separate bills because, notwithstanding the different status of postal and Federal employees, they are ill advisedly treated as one and the same. The introduction of two separate bills recognizes that these two employee groups are separate and distinct and that the issue of full political

participation for each group should not be confused.

This bill retains the principles of integrity, impartiality, and merit in our Federal personnel system.

The principal provisions of the bill are as follows:

Federal employees are encouraged to exercise their right of voluntary political participation.

The prohibitions of existing law employees in foreign intelligence positions, law enforcement, auditing, and contracting positions are retained.

Prohibits the use of official authority, influence or coercion with respect to the right to vote, not to vote, or to otherwise engage in political activity.

Prohibits solicitation of political contributions by superior officials and making or soliciting of political contributions in Government rooms or buildings.

Prohibits political activity while on official duty, in Federal buildings, or in uniform.

Requires that employees who seek elective office do so on their own time.

Permits State and local employees to seek elective office if they hold federally funded positions.

Designates the special counsel of the Merit System Protection Board [MSPB] as the enforcing authority and the MSPB as the adjudicatory authority.

Subjects violators to removal, suspension, or lesser penalties at the discretion of the Merit System Protection Board.

Requires the Office of Personnel Management [OPM] to report annually to the Congress.

My bill adds to and stregthens those meritorious features of the Hatch Act by providing employees and the public with greater protection against any resurgence of the spoils system. It updates those parts of the Hatch Act which are no longer applicable by permitting those voluntary, off-duty political activities which do not conclusively interfere with the impartial administration of effective public service.●

DEEPENING THE PORT OF GREEN BAY

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. ROTH. Mr. Speaker, I am pleased today to introduce legislation to authorize the Army Corps of Engineers to deepen the Fox River channel in the Port of Green Bay from 24 to 27 feet.

In planning for increased import-export traffic, Green Bay Port officials and users recommend that the channel deepening is an essential step. With a harbor of 24 feet, Green Bay has been impeded in maximizing its maritime traffic with the 27-feet deep St. Lawrence Seaway. Foreign trade has become increasingly important to this Nation's economic health and Green Bay is no exception.

In 1983 a new international tonnage record was set in Green Bay. A total of 331,373 tons of overseas and Canadian cargo was handled. This surpassed the previous all time high by 33,517 tons. This is particularly impressive since our shipping season only runs from late March through early December. Imports arrived from, among other places, Sweden, Brazil, and Canada. We exported midwestern products all over the world, including such distant lands as Morocco, Peru, and India.

Domestic tonnage was up too, by 114,768 tons. Waterborne commerce through the Port of Green Bay in 1983 resulted in an economic impact on the Brown County area totaling over $32 million. When the figures are in for 1984, I am sure that we will see it has been another banner year.

Last year the Water Resources Subcommittee authorized a study by the corps to investigate the viability of deepening the harbor channel. Because the average corps project takes better than 20 years from start to finish, I believe it is essential that planning begin now for the future needs of Green Bay's port. I therefore urge the members of the Public Works and Transportation Committee to support this legislation and incorporate it in the fiscal 1986 water resources authorization legislation.●

OBSERVATIONS ON THE 1984 ELECTION: PART I

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, November 14, 1984, into the CONGRESSIONAL RECORD:

OBSERVATIONS ON THE 1984 ELECTION—PART I

This newsletter and the next contain my observations on the 1984 campaign and election.

Nineteen eighty-four was an ugly political year. The trend toward negative campaigning in our politics is unmistakable, and this campaign was the most negative that I can remember. All over the country, local races were punctuated by candidates' attacks on their opponents' integrity. Some races were so bad that they amounted to little more than lengthy bouts of name-calling. I suppose that negative campaigning is nothing new in America, but its extent today is disturbing. Gone, I fear, is the day when candidates did not mention their opponents by name. Campaign strategists appear eager to abandon the issues and focus on personalities. What really worries me about negative campaigning is that it seems to work. Its effects show up immediately in polls, and most experts say that it changes votes.

We should recognize the problem of negative campaigning and acknowledge the high price that we pay for it. Also, we should try to understand why it exists. The media encourage it by dwelling on superficial charges and counter-charges, showing their preference for flashy scandal over genuine substance. Politicians encourage it by failing to condemn it, or by indulging in it as an easy way to look good. The public encourages it by being uncritical and disengaged, believing all too readily anything bad about any politician and not wanting to go to the trouble of finding the truth. If there is an antidote to negative campaigning, it is likely to lie in the development of a new sense of propriety in public discourse, so that when a candidate strays out of bounds the public will penalize him for it.

I hope that I detected a strong reaction to special interest politics in 1984. We always will have some voters who are interested in a single topic to the exclusion of all others, who vote for or against a candidate on the basis of his position on one issue, and who simply do not see that in a democracy one's duty is to try to make broader judgments. Nonetheless, I was heartened by my contact with many constituents who reject special interest politics and who seek to broaden their point of view. These constituents are aware that the world is far too complex a place for candidates and voters with tunnel vision.

The campaign and election showed how strong factions have become in our politics. America is far more polarized now than it was a few years ago. Important differences always have existed to a degree, but it seems to me that the campaign did more to pull us apart than it did to bring us together. The electorate's alignment by income, race, and religion was apparent in the vote. Mr. Mondale appealed only to the poor and those concerned about poverty Mr. Reagan enjoyed broad support in the middle and upper classes. White voters went for Mr. Reagan by two to one, while nine of ten black and seven of ten Jewish voters sided with Mr. Mondale. Mr. Mondale banked on a revival of the old "New Deal" coalition of unions, ethnics, women, and minorities, but his hopes were unrealistic. Mr. Reagan ran extremely well among the young, although it remains to be seen whether the commitment is permanent. I would count the trend toward factionalism as one of the more discouraging in our politics. The question for America is, and always has been, whether we are one people or many. There was evidence in the election that we have become a divided, and therefore weakened, society, with each group out to get what it can at the expense of the others.

The campaign confirmed the dominant role of television among all the media. I have come to the view that one picture on the evening news is worth more in votes than scores, or even hundreds, of newspaper columns. In open recognition of this fact, the presidential candidates strove to put on a show for the television cameras each day. Mr. Reagan, who is an impressive performer, easily outdid Mr. Mondale, who is an indifferent, even poor, performer. Indeed, Mr. Reagan handled televised events, such as the Olympics and reunion of the D-Day veterans, with extraordinary skill. His command of television as a medium and his skill at image-making will be counted among the legacies of the Reagan Presidency.

Nothing about the campaign disturbed me more than the effort of the candidates to manage the news and to limit access to themselves. Mr. Reagan was especially aggressive in this regard. He went through the entire campaign without a news conference. His appearances were orchestrated down to the last detail. He always arrived and departed precisely on schedule. His advisers controlled the lighting and sound equipment for his appearances. Reporters were given fact sheets and other pre-packaged materials, but almost no chance whatever to question the President himself. They were permitted to shout a few questions from a distance during "photo opportunities," but even these questions had to cover certain subjects or else they were not answered.

Put me down as no fan of the presidential debates. The public seems to want them, and I suppose that they should (and will) continue for that reason alone. In fairness, it must be admitted that they do get people's attention—no small achievement these days! However, I do not believe that the debates made any substantive contribution to this year's campaign. All the candidates played fast and loose with the facts. The exaggerations, simplifications, and blunders made me shudder. Few people bothered to read the copious corrections appearing in the press the day after. The debates told us next to nothing about the candidates' qualifications for the Presidency. The country needs, above all else, judgment in the President, not debating skill or some undefined "presidential look." The winner of such a debate, when there is one, may not be the better man.

Chalk up one for the pollsters. The election of President Truman in 1948 always raises doubts about polls, but in 1984 the pollsters said time and again that the Reagan lead was insurmountable, and they were right. While it is true, as Mr. Mondale said, that "polls don't vote, people do," the poll has become a powerful factor in our politics, swaying politicians and voters alike.●

INTRODUCTION OF BILL TO EXTEND WAR RISK INSURANCE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. BIAGGI. Mr. Speaker, today I am introducing a bill to extend the provisions of title XII of the Merchant Marine Act, 1936, relating to war risk insurance, for an additional 5 years, ending September 30, 1989. This title expired on September 30, 1984.

Title XII of the Merchant Marine Act, 1936, authorizes the Secretary of Transportation, with the approval of the President, to provide war risk and certain marine and liability insurance for protection of vessels, cargoes, and crew life and personal effects when commercial insurance cannot be obtained on reasonable terms and conditions. The purpose of title XII is to maintain the flow of U.S. waterborne commerce, including the maintenance of essential transportation services for the Department of Defense.

War risk insurance was provided by the Government in both World Wars I and II, and proved effective in protecting the civilian and military commerce of the United States, with total premium receipts in excess of losses paid. title XII of the Merchant Marine Act, 1936, was enacted at the outbreak of the Korean war in 1950. It was temporary legislation that would expire in 5 years. Congress has continued to extend the life of the title since then.

Government war risk insurance is necessary since commercial war risk insurance policies now in effect contain automatic termination clauses that cause insurance to terminate upon hostile detonation of a nuclear device of war or upon the outbreak of war—whether there is a declaration of war or not—between any of the following countries: United States of America, United Kingdom, or any other member of the British Commonwealth, France, the Union of Soviet Socialist Republics, and the People's Republic of China. Without Government war risk insurance, American vessels would be without protection against loss by risks of war after termination of the commercial policies. Ships and cargoes would not move without adequate insurance coverage.

The Maritime Administration in the Department of Transportation issues, for a fee, binders under which Government war risk insurance would attach immediately upon termination of commercial war risk insurance.

These binders give back-to-back coverage with the commercial policies and expire at the end of 30 days. At that time, premiums for the insured period would be fixed retroactively. Contracts for the ensuing period would be determined on the basis of the circumstances existing at that time.

An identical bill, H.R. 5505, was passed by the House on May 15, 1984 by a vote of 413 to 0. The Senate failed to act on the measure and it died with the adjournment of the 98th Congress.

Since authority for this program has expired, I intend to move expeditiously to insure enactment of the legislation early in this session.●

REAUTHORIZATION OF THE HOUSE SELECT COMMITTEE ON HUNGER

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. LELAND. Mr. Speaker, today, I am introducing a resolution to continue the House Select Committee on Hunger for the 99th Congress. Last April the select committee was established by the overwhelming vote of 309 to 78. This body acknowledged the widespread existence and growing problem of hunger both here at home and abroad and took a stand by making the committee a reality.

I believe the need for the committee has not diminished. We still face hunger of great magnitude. Both our knowledge of the millions of persons living close to starvation and understanding of the complexities of ending hunger have grown in a few brief months. The committee can make an important contribution in the struggle against this human devastation.

The current African drought which affects as many as 150 million people has made the American people vividly aware of the devastation caused by hunger. The African crisis has raised public consciousness and underlined the need for an appropriate response. This horrifying famine, however, is only part of the hunger problem. Even without massive drought, approximately 15 million people die each year of hunger-related causes. As the select committee has found, this tragedy is largely preventable.

Hunger and malnutrition are also a reality in our own wealthy country. While conditions here at home are not as grave as in Africa, there is documentation which shows we are not doing all we can to assure adequate nutrition for all Americans.

The Nation's declining total infant mortality and low birth weight rates conceal much higher rates for the groups which are most vulnerable to hunger, specifically blacks, Hispanics, and migrants. For example, approximately 1 out of every 8 black infants is born at low birth weight compared to approximately 1 out of every 18 white infants; black infant mortality rates are nearly twice as high as white.

According to the most recent statistics, nearly one-fourth of the Nation's children live in poverty—25 percent of all preschool children and 21 percent of school-age children live in households with income below the official poverty line. Because the relationship between hunger and poverty is clear, it is important to monitor their nutrition intake to protect the children's health and the Nation's future interests.

An increased demand for emergency food assistance is also an indicator of hunger. A September 1984 report issued by the U.S. Conference of Mayors indicated that the demand for emergency food assistance has continued to increase during 1984. In the 83 cities—in 27 States—that responded to the Conference survey, it was found that existing services are unable to assist those requesting food aid. It is estimated in the report that on average, 25.1 percent of the demand for emergency food assistance is currently unmet. In addition, the cities anticipate that the demand for emergency food assistance will increase this year.

During its brief existence, the Select Committee on Hunger has investigated key aspects of the hunger problem in accordance with its mandate. As chairman of the committee, I am proud that these investigations have been conducted in a bipartisan fashion and have yielded valuable information.

Since the committee became operational in April, it has held hearings, briefings, and site visits in Washington, DC; Greenwood, MI; and San Francisco and Davis, CA. The committee has heard the views of some 100 experts in the field of hunger and malnutrition, Government officials, private sector leaders, and private citizens who experience inadequate food supply as a way of life.

As a result of our investigations, members of the committee have proposed specific measures to alleviate hunger—many of which have been adopted in whole or in part. Thus, the committee's work has already demonstrated a concrete effect. However, much remains to be done to investigate the complex problem of hunger and identify practical, cost-effective steps to reduce malnutrition and starvation.

The committee investigated emergency assistance to Africa. Members of the committee visited famine relief centers and port facilities in Ethiopia and met with Ethiopian Government leaders. Earlier, a joint hearing on the African crisis was held with the House Foreign Affairs Committee. The select committee has also been concerned with the underlying agricultural problems in that area of the world and initiated an Office of Technology Assessment study on appropriate agricultural technologies for sub-Saharan Africa.

The coexistence of hunger in Africa and elsewhere with massive U.S. agricultural surpluses led the committee to hold hearings on the use of these surpluses to combat hunger here and abroad. A private sector advisory board has been established by the committee to tap the expertise and experience of individuals in private enterprise particularly with regard to use of our agricultural abundance.

In its investigations and consultations, the committee found that a very large portion of the hunger-related deaths worldwide are caused by a vicious cycle of infection and malnutrition. This information gave rise to the Hall-Wolf bill which, due to the efforts of select committee members, other concerned Members of Congress, and nongovernmental groups, resulted in $60 million of additional health and nutrition assistance to people in developing countries. Using conservative estimates, this additional funding will save the lives of 170,000 people and save a comparable number of people from being crippled. It will also lead to increased economic productivity for hundreds of thousands of people.

The committee has been in the forefront in promoting practical steps to alleviate the African famine. Members of the committee, often in concert with other Members of Congress and antihunger organizations, have proposed a number of measures which were adopted. The efforts include diversion of food shipments on the high seas to meet urgent needs in Ethiopia, the release of 300,000 tons of reserve wheat to alleviate the food crisis, and the transfer of funds from the food aid sales program (Public Law 480, Title I) to the food aid donations program (title II).

The committee has also responded to numerous requests from other members for information about the African crisis and has encouraged private donations. For example, on our return from Ethiopia, Representative ROUKEMA, the ranking minority member on the committee, and I worked together successfully to encourage the pharmaceutical industry to donate badly needed medical supplies to save lives in Ethiopia.

In its study of hunger in the United States, the committee has focused on the availability and accessibility of Federal food programs. The committee worked with members of the House Agriculture Committee to respond adequately to hunger in the United States, soliciting support for H.R. 5151, the Hunger Relief Act of 1984 which had the unanimous support from select committee members.

The Select Committee on Hunger has been economical in its operations; we expect to return over $90,000 of its 1984 budget. Given the committee's record of effectiveness in its preliminary work to date and the importance of the problem which the committee addresses, I believe there is an overwhelming case for continuing the Select Committee on Hunger in the 99th Congress.●

NATIONAL THEATRE WEEK, JUNE 2, 1985

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. GREEN. Mr. Speaker, I would like to invite my colleagues to cosponsor a resolution I am introducing today which will designate the week beginning June 2, 1985 as "National Theatre Week."

I am bringing this to the attention of my distinguished colleagues in order to address the large role the legitimate theater has played in the everyday life of our country. Many of our larger cities already know the large impact and important role the stage plays. What is not known is what part the theater has played in the growth of America.

It is a fact that, during his lifetime, George Washington was an avid supporter of the theatre, so much so that his support brought about the repeal of earlier Continental Congress resolutions of October 1778 banning theater altogether. The purpose was to prepare Americans for a period of hardship and austerity, but the resolutions failed miserably. In fact, more theatrical activity was engaged in than ever before. The performances may have been illegal; however, they boosted the morale of the troops and of the citizenry.

It has been my pleasure to introduce the commemorative legislation for the last 2 years. Again, this year I am introducing the House joint resolution to commemorate National Theatre Week and I invite my colleagues to cosponsor it as they have in the past.●

BEN AND BERTHA KLINGER CELEBRATE 50TH WEDDING ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. ACKERMAN. Mr. Speaker, I would like to ask the Members of the U.S. House of Representatives to join with me in congratulating Ben and Bertha Klinger of Flushing, NY, on the joyous occasion of their 50th wedding anniversary, February 16, 1985.

The Klingers have been active, caring members of the Queens County community for many years. Their dedicated service in the Elechester Jewish Center and throughout the neighborhood has made a real difference in the lives of many Queens residents.

Mr. Speaker, the Klingers have been consistently generous with their time and energy, and they've shown a rare commitment to making their community more than a place of residences—they've turned their community into a genuine family.

Ben and Bertha Klinger are involved in many vital areas of service, and their history of dedication goes back decades. Ben served as chancellor commander of the Knights of Pythias, Lodge 501, from 1940 to 1945. He was a 15-year member and captain of the Alhearn Democratic Club, a charter member and board member of the Stevenson Regular Democratic Club, and a member of the Golden Ring Seniors Club. Bertha is a long-time active member of the Sisterhood of Elechester Jewish Center, and Ben is the vice president of the Center's Men's Club.

Their 50th wedding anniversary is an event that will be celebrated by

their son, Neal, their son and daughter-in-law, Allen and Gerri, their grandchildren, Richard and Michelle, and the many people in Queens who are a part of their lives.

Mr. Speaker, I am making this statement about the Klingers because their lives have made a statement of outreach to, and love for, their neighbors. As a working man in the milinary business, and then as an employee of the U.S. Postal Service, Ben Klinger could have been concerned solely with his own life and the needs of his family. Instead, he and Bertha have spent many years sharing their rich lives and their boundless energy with others, to the benefit of every resident of Queens County.

I would like to ask my colleagues in the U.S. House of Representatives to take this moment to join me in congratulating the Klingers on their many contributions, and to celebrate with them the occasion of their 50th wedding anniversary.●

TRIBUTE TO MORRIS "MOE" G. GLATTER

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. YATRON. Mr. Speaker, this month, after almost 43 years of Federal service, Mr. Morris "Moe" G. Glatter of Reading, PA will retire from the Federal Aviation Administration. It is my honor to bring Mr. Glatter's accomplishments to the attention of my colleagues in the U.S. Congress.

Mr. Glatter began his civil service career in the Civil Aeronautics Administration in Teterboro, NJ, where he was employed as an airways operations specialist. He also served at Idlewild International Airport, now J.F.K. International Airport, before transferring to the Reading Municipal Airport control tower in 1951. His position at this time was titled air traffic control specialist. During Moe's employment at the Reading Airport, he was instrumental in formulating and organizing early air traffic control procedures for the Reading air shows.

During Mr. Glatter's distinguished military and civil service career, he has been the recipient of many awards, among which include 15 letters of commendation, three special achievement awards, and the Federal Aviation Administration's We Point With Pride Award for heroism. He has also received the Man of the Year Award from the Shomrei Habrith Synagogue.

In recognition of his dedication and his contributions to the Federal Government, the Reading Airport and the air traffic system, I would like to add my commendation to Mr. Glatter and I know that my colleagues will join me in thanking him for his commitment and in extending to him and his wife, Mildred, our heartfelt congratulations on his retirement. Moe has left a deep imprint at the Reading Municipal Airport and thousands of people are better off because of his service. I want to wish him the very best in all his future endeavors.●

GREEN INTRODUCES BILL TO ELIMINATE SEX DISCRIMINATION IN THE UNITED STATES CODE

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. GREEN. Mr. Speaker, together with my colleague from New York [Mr. FISH] my colleague from Rhode Island [Mrs. SCHNEIDER], and my colleague from Maine [Mrs. SNOWE], I am introducing a bill which will revise or eliminate over 150 gender discrimination provisions of the United States Code. A companion bill was introduced in and unanimously passed by the other body in the 98th Congress and is being reintroduced in the Senate today.

I have had major concerns about the ramifications of the gender discrimination provisions within our laws for a long period. For this reason, I first introduced this legislation in the 97th Congress. The bill I am introducing today incorporates all of the provisions of the original version and, further, addresses approximately 50 additional references subsequently identified as discriminatory by the Civil Rights Division of the Department of Justice.

A large portion of the laws being amended involve the extension of family benefits in recognition that sex distinctions are obsolete, since women can be the primary wage earners and are no longer barred from entering certain career fields. In addition, inequities related to educational, training, and employment opportunities are covered, and unfair preferences to male family members and sex-based distinctions in definitions of criminal sexual activity are eliminated.

It is important to note, however, that this bill does not address every gender-based statute and purposely does not include sex references of a very controversial or highly technical nature. For example, the Selective Service and combat limitations found in title 10 and various statutes that require affirmative action on behalf of women are not addressed. These difficult issues need careful consideration and are more appropriately the subject of separate study and further action.

Although I sincerely believe that passage of this bill is extremely important and an essential step in ensuring equal treatment of women under the law, I do not feel that enactment will solve all the inequities women have faced in the past and continue to face each day. Additional legislative actions and attitudinal changes will be necessary to ensure equality.

In the 98th Congress, we made significant progress in our efforts to address economic inequities faced by women. Nonetheless, much work remains to be done to eliminate economic discrimination against women. Of equal importance is civil rights legislation and the ERA, which must remain high priorities on our agenda. This bill is not a substitute for these other measures; rather, it is one component of the package of changes needed to ensure equal treatment for women. I intend to continue my strong support for equal rights for women in all areas, so that we may eliminate sex discrimination entirely.

Mr. Speaker, this legislation attracted 86 cosponsors when introduced last year and was passed by unanimous consent in the Senate. It is supported by the Congressional Caucus for Women's Issues. This legislation transcends partisan politics, and I am confident that my House colleagues will agree that gender discriminatory laws can no longer be ignored, and join me in cosponsoring this important effort to eliminate unfair, unnecessary, and outdated sex distinctions in the United States Code.●

QUEENS CHILDREN'S PSYCHIATRIC CENTER COUNCIL CELEBRATES 15TH ANNIVERSARY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. ACKERMAN. Mr. Speaker, I would like to ask my colleagues in the House of Representatives to join with me in honoring the Queens Children's Psychiatric Center's Advisory Council, which will celebrate its 15th anniversary on January 11, 1985.

Mr. Speaker, the center's advisory council is a remarkable body of more than 100 professional mental-health personnel, community members, and parents. All are volunteers. They give their time and energy to fight for the health and well-being of troubled children who cannot fight for themselves.

The advisory council acts as a watchdog for the Psychiatric Center in Queens. Its members push for new mental-health programs, increased hospital staffing, and creative, caring approaches to healing disturbed children.

The effect of the council's diligence on the Queens County community is immeasurable. How many angry, ex-

plosive children would have resorted to crime without the programs the council researched, fought for, and nurtured? How many lonely, troubled children would have tragically taken their lives without the center's suicide-prevention programs?

The advisory council members have many reasons to celebrate on January 11. They have been a catalyst in restoring damaged lives to healthy ones. They have made it their business to extend a message of hope to parents bewildered by suffering children and to help those children climb out of their pain and enter life on a firmer footing.

The council's members are not simply concerned, they are active. They work in public schools and speak to community organizations and parent groups, to educate and arm adults to recognize and help children who are in pain.

Mr. Speaker, this group of dedicated volunteers deserves our thanks and our praise. I would like to ask my colleagues in the House of Representatives to take this moment now to celebrate with the council it 15th anniversary.●

THE RELEASE OF POPE SHENOUDA

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. YATRON. Mr. Speaker, it is with great joy that I rise to say a few words regarding the recent release of Pope Shenouda III. Several days ago, Egyptian President Mohammed Hosni Mubarak ended 3 years of banishment for Pope Shenouda, allowing him to resume his position as patriarch of the Christian Coptic Church. This action is, indeed, a most encouraging development for the millions of Coptic Christians throughout the world and for those who have worked so hard for the Pope's release.

In early September 1981, the Egyptian Government banished Pope Shenouda to a desert monastary on vague and unproven charges of inciting religious strife and seeking to become a political leader. This unjust and desperate action deprived Egypt's 6 million Coptic Christians, as well as 22 million Copts throughout the world, of their spiritual leader. In addition, this act, coupled with other examples of religious intolerance by the Government, resulted in heightened tensions and animosities among Egypt's religious communities and alienated many law-abiding and loyal Egyptian citizens from their Government.

I want to commend President Mubarak for reinstating the Pope. His action will certainly strengthen the process of democracy in Egypt and enhance the good relations between our two countries.

Since the 1981 banishment, the Subcommittee on Human Rights and International Organizations has actively worked to secure Pope Shenouda's release. I want to personally thank all the Members of this Chamber who have supported the subcommittee's efforts, which were begun by my predecessor Congressman Don Bonker, as well as those who have worked in their own way on the Pope's behalf. In addition, a special mention must go to the human rights community for all their valuable efforts in this regard.

I fervently hope that President Mubarak's action will influence other world leaders to observe basic human rights. Respecting fundamental freedoms and liberties, aside from being a moral imperative, can also serve as a source of strength for any government by engendering confidence and trust in a citizenry which hungers for fair treatment and justice.●

THE MINORITY TELECOMMUNICATIONS OWNERSHIP TAX ACT OF 1985

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. LELAND. Mr. Speaker, I am today reintroducing legislation to increase minority ownership opportunities in telecommunications. The Minority Telecommunications Ownership Tax Act of 1985 will broaden opportunities for minority ownership and involvement in the telecommunications industry by providing tax incentives to stimulate investment in minority firms and to encourage sales to minority buyers.

I urge my colleagues to cosponsor this bill, and to join in working for its passage this year.

At this point, I would like to insert in the RECORD a fact sheet and questions and answers that further describe this legislation.

Here follows that material:

MINORITY OWNERSHIP LEGISLATION: FACT SHEET

On December 2, 1982, the Federal Communications Commission adopted a number of items to increase minority ownership opportunities in telecommunications. These items included two legislative proposals to expand sources for financing increased minority ownership of broadcasting, cable, and common carrier properties:

1. INVESTMENT CREDIT AMENDMENT

The first legislative proposal amends § 48(c)(2) of the Internal Revenue Code to raise to a maximum of $500,000 the investment credit a taxpayer can claim against tax liability for purchase of qualified, used telecommunications property. This amendment would be triggered solely where the transfer of a telecommunications property would effectuate Commission policy, as when a minority-owned or controlled firm purchases directly, or through a limited partnership, an existing telecommunications property. Adoption of this amendment would allow increased investment credit only in those limited cases where ownership or control of a telecommunications property is transferred and the Commission certifies that the transfer effectuates its minority or other ownership policies such as those regarding cross-ownership. By allowing for a more substantial investment credit to be passed on to investors, this limited scale proposal will make the investment credit for purchase of used property a more effective financing tool for minority buyers to use in attracting investment capital to purchase operating telecommunications properties, especially existing cable television systems.

2. TAX CERTIFICATE AMENDMENT

The second legislative proposal amends § 1071(a) of the Internal Revenue Code which currently authorizes the FCC to grant tax certificates to sellers deferring taxation of their capital gains when they sell broadcast properties to minority buyers. Under this authority, the Commission since 1978 has granted 55 tax certificates to encourage minority ownership of broadcasting facilities. This figure represents over 30 percent of all commercial, minority-owned radio and television stations. The legislative proposal would amend § 1071(a) to authorize similar tax certificates for sales to minorities of expanding non-broadcast properties, including cellular radio, multipoint distribution systems, specialized mobile radio systems, and other private land mobile and common carrier systems.

A bipartisan FCC adopted these two legislative proposals on the recommendation of a distinguished advisory committee composed of leaders in finance and telecommunications and chaired by FCC Commissioner Henry M. Rivera. Charged with exploring ways of expanding financial sources for minority enterpreneurs, the Advisory Committee on Alternative Financing for Minority Opportunities in Telecommunications concluded that the lack of adequate financing remains the "single greatest obstacle" to minority ownership of telecommunications facilities. In a 55-page report released in May 1982, the advisory committee therefore recommended a number of financing mechanisms to ease minority entry into the telecommunicatioins marketplace, including the two legislative proposals.

The proposed legislation carries forward a long-standing FCC commitment to redress significant minority underrepresentation in the ownership of telecommunications properties. Although they constitute approximately 30 percent of the population, racial and ethnic minorities, as of November 1982, own less than 1.7 percent or 171 of the 10,134 commercial radio and television stations. They own approximately 20 cable television companies, which account for only 44 franchises in the country, less than one-third of one percent of the estimated 15,647 cable franchises. More limited data is available about minority ownership of radio common carriers. However, the extent of such ownership is believed to be negligible.

As tax incentive devices to stimulate investment in minority firms and to encourage sales to minority buyers, the investment credit and tax certificate legislative proposals should help:

Increase scarce equity capital for minority buyers;

Increase the number and diversity of telecommunications facilities available for minority purchase;

Encourage increased private sector investment in minority-owned business, in preference to government programs, loans or grants;

Expand minority job opportunities in telecommunications; and by creating more minority-owned firms and jobs,

Raise tax revenues through an expanded minority and national tax base.

Finally, the costs of the two legislative proposals are likely to be minimal and may be offset by possible revenue gains.

For more information, please contact: Larry Irving (Rep. Leland)—225-3816; Bill Signer (Rep Rangel)—225-4365; Steve Klitzman (FCC)—632-6405.

MINORITY OWNERSHIP LEGISLATION: QUESTIONS AND ANSWERS

BACKGROUND

1. Q. What is the extent of minority ownership of telecommunications properties?

A. It is not extensive. Minorities are defined as "blacks, Hispanic, American Indian, Alaskan Native, Asian and Pacific Islander." See P.L. 97-259, "Communications Act Amendments of 1982", § 309(i)(3)(C)(ii). They constitute approximately 30 percent of the population yet they own less than 2% of the over 10,000 commercial radio and TV stations, less than one-third of one percent of the over 15,000 cable TV franchises, and a negligible amount of common carrier property.

2. Q. Why is minority ownership of telecommunications so low?

A. There are a number of reasons but a chief one and, according to an FCC advisory committee, "the single greatest obstacle" to minority ownership of telecommunications, is lack of adequate financing and investment capital.

3. Q. What has the FCC done to remedy this problem?

A. The FCC has long been concerned with the significant underrepresentation of minorities in the telecommunications marketplace. In 1978, for example, the Commission issued a Statement of Policy on Minority Ownership of Broadcasting Facilities, 68 FCC 2d 979 (1978). Pursuant to this policy statement, the FCC since 1978 has issued over 55 tax certificates to sellers of broadcast properties to minorities. These certificates defer taxation on the seller's capital gain, if any. Over 30% of current minority broadcast ownership has resulted from this policy.

Still concerned with the problem, the Commission, under Chairman Mark Fowler, established in September 1981 an Advisory Committee on Alternative Financing for Minority Opportunities in Telecommunications. The Committee, composed of distinguished leaders in finance and telecommunications, and chaired by FCC Commissioner Henry M. Rivera, was charged with recommending ways to increase sources for financing minority ownership of telecommunications facilities.

4. Q. What did the Advisory Committee recommend?

A. The Advisory Committee made a number of recommendations, including revisions of internal FCC policies and rules and two amendments to the Internal Revenue Code. None of these recommendations called for new government programs or increased government spending to finance the acquisition of telecommunications properties by minorities. Instead, the Advisory Committee recommended the pooling of existing private and public resources, increased managerial and technical assistance to minority entrepreneurs seeking to purchase telecommunications properties, and revisions of restrictive FCC policies and tax laws inhibiting minority acquisition of such properties.

5. Q. What action did the Commission take on these recommendations?

A. On December 2, 1982, the Commission adopted all of the Advisory Committee's recommendations, including two legislative proposals.

LEGISLATIVE PROPOSALS

Investment tax credit amendment (26 U.S.C. § 48(c)(2))

1. Q. What is the Commission's investment tax credit proposal and what is it designed to accomplish?

A. The ITC proposal would raise in certain limited circumstances to a maximum amount of $500,000 the investment credit a taxpayer can claim against tax liability for purchase of qualified used telecommunications property. The proposal is designed primarily to facilitate minority access to investment capital for the purchase of existing telecommunications properties, especially small-to-medium size cable systems.

2. Q. Would the proposed amendment raise the used property limit across the board?

A. No. The ceiling would be increased only in those limited circumstances where ownership or control of a telecommunications property is transfered and the Commission certifies the transfer effectuates its minority or other ownership policies. By limiting the increase in the used property ceiling to such circumstances, the adverse impact on tax revenue would be precluded which would occur if this used property cost ceiling were raised across the board. Moreover, the proposed Commission certification is viewed as necessary in order to assure some kind of enabling device to trigger the ITC benefit mechanism for minority entrepreneurs.

3. Q. Why raise the limit only on "used" property?

A. First, there is no current limit on the value of "new" property for purposes of calculating the investment tax credit. Second, the emphasis on "used" property reflects findings of the Commission's Advisory Committee and the House Committee on Small Business that greater opportunity for minority ownership lies in the acquisition of existing telecommunications properties, especially of operating cable systems, rather than of new properties which requires greater financial, managerial and technical resources.

4. Q. How was the proposed $5 million limit selected?

A. The proposed $5 million ceiling on used property was selected because the ITC legislative proposal is designed primarily to facilitate minority purchase of small-to-medium size, existing cable television systems. With such systems on average selling from under $1 million to $10 million, the purchase price of such system, 50% of which typically can be allocated to tangible equipment assets, comes up to or under the $5 million ceiling. This figure is therefore sufficient in most cases to cover all ITC-eligible assets of small-to-medium size cable systems costing up to $10 million.

The ITC proposal will have a bigger relative effect on the minority purchase of cable rather than broadcasting or common carrier facilities because cable assets eligible for the ITC are on average a greater relative percentage of the purchase price than broadcast or common carrier assets are of their respective purchase prices.

Finally, raising the used property ceiling solely in these circumstances to a substantial amount such as $5 million, allowing a maximum 10% investment credit of $500,000, will more likely assure that an initiative designed to assist minority entrepreneurs gain access to capital and thereby gain entry to the telecommunications marketplace will succeed. For as the Advisory Committee noted, "there is a necessary correlation between a regulatory policy advocating increased minority ownership and the creation of *meaningful* incentives to promote that end." (Emphasis added)

5. Q What would be the costs of this ITC amendment?

A. The costs of the ITC legislative proposal would include the possible administrative costs the Commission might incur in the implementation of the proposed ITC certification process and the reduction of United States tax revenue. Administrative costs would result from staff salaries and any additional recordkeeping or reporting requirements necessitated by the proposed certification. Based on the Commission's experience with the tax certificate program to support minority broadcasting ownership, however, these costs would appear to be minimal and outweighed by the apparent benefits of the proposal.

The effect on tax revenues would also appear to be marginal as well as partly offset by a potentially larger revenue base among minority entrepreneurs (assuming the total national income would thereby be increased because of the proposal), and reduced net depreciation deductions explained in a briefing paper available from the Commission. In the words of the Advisory Committee report, the impact of the proposed change in the investment tax credit on the overall federal budget, "even if wildly successful, would be minimal."

A Commission cost estimate on the investment credit proposal; has found that if minority broadcast and cable ownership is increased to a total of 10% over a 10 year period, the annual cost in reduced tax revenues would be approximately $20 million a year, only $10 million if minority ownership increases to 5%.

Tax certificate amendment (26 U.S.C. § 1071(a))

1. Q. What is the Commission's tax certificate proposal and what is it designed to accomplish?

A. The tax certificate proposal would expand the FCC's existing statutory authority to grant sellers tax certificates deferring taxation on any capital gains from their sales when they sell broadcast properties to minority buyers. The proposed amendment would authorize the Commission to adopt a policy allowing tax certificates for sale of non-broadcast properties to minority buyers. These properties would include cellular radio, multipoint distribution systems, specialized mobile radio systems, and other private land mobile and common carrier systems.

2. Q. How effective has the Commission's current tax certificate authority been in increasing minority ownership of broadcasting facilities?

A. Very effective. Since 1978, for example, when it issued a policy statement pursuant to its tax certificate authority, encouraging

minority ownership of broadcasting facilities, the Commission has granted 55 tax certificates representing over 30 percent of all minority-owned commercial radio and TV stations.

3. Q. Why is it necessary to amend § 1071(a) so that the Commission may grant tax certificates for sales of non-broadcast properties to minority buyers?

A. It is necessary because § 1071(a) as currently worded restricts Commission authority to issue tax certificates solely for sale to minorities of broadcast and ancillary services such as cable television systems which retransmit broadcast signals.

4. Q. Why is the proposed tax certificate amendment worded so as to affect "ownership and control of systems of communication by wire or radio (including policies promoting diversification of ownership of such systems)"?

A. By using the term "wire or radio", the amended § 1071(a) would authorize the Commission to adopt a policy statement allowing tax certificates for sale of non-broadcast "wire" systems of communications, as well as broadcast "radio" systems, including over-the-air radio and television and ancillary cable television systems. Authorizing the FCC to adopt policies "promoting diversification of ownership" of non-broadcast telecommunication facilities as an end in and of itself is necessary because the Commission's minority ownership initiatives to date have been premised on the jurisdictional nexus between diversity of ownership and diversity of available viewpoints. Thus, they have run only to broadcast and cable television facilities where such a nexus exists rather than to common carrier facilities where such a nexus is not present. The amending language is therefore viewed to be necessary since it is the Commission's judgment that the adoption of policies designed to increase minority ownership in the absence of any nexus with program diversity would exceed current FCC jurisdiction under the Communications Act of 1934. *See* in this regard *National Association for the Advancement of Colored People* v. *Federal Power Commission*, 425 U.S. 662 (1979).

5. Q. What would be the costs of this tax certificate amendment?

A. As with the costs of the proposed investment credit amendment, the costs of the tax certificate amendment would likely be minimal. For example, the FCC has documented that its costs for administration of the current tax certificate program for broadcasting facilities have been very marginal. Moreover, the tax certificate authority only authorizes a deferral, not elimination, of taxes on the seller's capital gain. Any cost to the Treasury incurred as a result of the proposed tax certificate amendment could thus be minimized and offset by ultimate tax revenues realized on the seller's capital gain.●

TENANT TAX EQUITY LEGISLATION

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. GREEN. Mr. Speaker, it is clear that one of the major tasks before the 99th Congress as we convene today is to reform the current Tax Code in an effort to make our tax system more equitable. A major example of discrimination in the Internal Revenue Code is that homeowners are allowed to deduct real estate taxes and mortgage interest paid during the taxable year in determining their taxable income, but renters, who pay a portion of the local and/or State real estate taxes indirectly through rent, are not allowed to receive any tax benefits for having paid their proportionate share of the same expenses allowed to homeowners.

For this reason, Mr. Speaker, today I am introducing the Tenant Tax Equity Act of 1985—legislation that would correct that inequity by amending the Internal Revenue Code of 1954 to permit tenants to take a tax deduction for real estate taxes they now pay indirectly through their rent. If State or local law provides that the landlord is the real estate collection agent for his tenants, then this legislation would allow the deduction "above the line", that is, as a deduction from gross income in determining adjusted gross income as opposed to itemizing the deduction. This would benefit those tenants who do not itemize their deductions as well as those who do.

Passage of the Tenant Tax Equity Act of 1985 would make our current tax system more equitable for a greater number of taxpayers. For example, the Tenant Tax Equity Act of 1985 would reduce the tax burden on low-income taxpayers. According to the Department of Housing and Urban Development, in 1983 over two-thirds of all household rental units were occupied by families with incomes of under $20,000. Clearly, passage of this legislation would be a welcome relief to these low- and middle-income taxpayers.

In addition, passage of this legislation would enable individuals to decide whether to purchase or rent housing without any undue economic bias. The current preferential tax treatment of homeowners distorts the individual's choice between buying a home or renting housing. This bias constitutes clear interference with economic efficiency.

These advantages would make it easier for individuals to live in rental housing and, to some degree, mitigate the need for housing subsidies. Just as important, the correction of this inequity would help stem the flight of families to the suburbs—a trend which is responsible, in part, for the economic deterioration of our major urban centers.

I urge the Committee on Ways and Means to hold hearings on the Tenant Tax Equity Act of 1985 as soon as possible, and I urge my colleagues to cosponsor this important legislation.●

IN HONOR OF NEW YORK TIMES REPORTER PETER KIHSS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. ACKERMAN. Mr. Speaker, I would like to ask my colleagues in the U.S. House of Representatives to join with me in honoring the late Peter Kihss, who was a reporter for the New York Times and other news organizations for nearly 50 years.

Mr. Kihss, a resident of Jamaica Estates, Queens County, who retired in 1982, died on December 28, 1984 at the age of 72. He was held in high esteem by his colleagues and by New York residents for his accurate and insightful articles on breaking events, and his thoughtful profiles of everyday people.

Throughout his long and successful career as a journalist, Mr. Kihss provided New Yorkers with a vital service. His comprehensive and analytic stories gave us insight and clarity about issues in New York that deeply affected our lives.

Mr. Speaker, Mr. Kihss was a man who wielded the power of his pen to sketch the lives of the poor, the downtrodden and the powerful. New York readers depended on his accuracy, his understanding and his flair for color to make complicated issues clear and to make unfamiliar people a part of their lives.

The New York Times and the citizens have lost a powerful and vibrant writer who touched the lives of millions of people. Mr. Speaker, I ask my colleagues now to join me now in paying tribute to Mr. Peter Kihss.

Mr. Speaker, Mr. Kihss' obituary from the New York Times follows:

[From the New York Times, Dec. 30, 1984]

PETER KIHSS, REPORTER FOR 49 YEARS, IS DEAD AT 72

(By Robert D. McFadden)

Peter Kihss, a reporter for The New York Times and other news organizations for nearly half a century until his retirement in 1982, died of a heart attack Friday night at his home in Jamaica Estates, Queens. He was 72 years old.

Mr. Kihss often uncovered human dramas behind drab welfare statistics and ponderous government reports. Many of his best stories focused on people: immigrants, the poor, sooty firefighters, people snared in webs of bureaucracy and the personalities behind the masks of politicians and celebrities.

But he wrote dispassionately about a wide range of topics—state and city government, elections, transportation, education, labor, newspapers, utilities, crime, civil liberties, Communist and Nazi political affairs, the weather and other subjects.

On the night of Nov. 9, 1965, moments after a huge power failure plunged the Northeast into darkness, an assistant metropolitan editor of The New York Times—

candle in hand—groped his way through the newspaper's darkened newsroom.

ANALYSIS AND DRAMA

"Peter," he called. "Peter."

In the face of crisis, it seemed only right for the editor to call on Peter Kihss, his best reporter, to do the story.

It was a monumental task of news gathering and writing, done by flickering candlelight, in a maelstrom of excitement and newsroom confusion and under crushing deadline pressure. But by morning, the readers of 850,000 copies of the paper were poring over an astonishingly comprehensive, analytic and dramatic account of the blackout.

It was a typically distinguished Peter Kihss performance.

In a career that began in 1933, he worked for The Associated Press, The Washington Post, The New York World-Telegram, The New York Herald Tribune and, for 30 years until his retirement on Aug. 31, 1982, The Times. For each employer, he covered stories with a grasp and an eye for color and detail that awed competitors and colleagues alike.

TRIBUTE FROM AN EDITOR

He was, by nearly every standard of American journalism, an ideal reporter: thorough, fast, tenacious and objective, with an encyclopedic memory, voluminous contacts and the ability to write with speed, grace and a towering calm against a deadline.

Arthur Gelb, now the deputy managing editor of The Times, said yesterday: "I always felt reassured, as metropolitan editor, to look up and see Peter Kihss at his front-row desk, ace reporter of the metropolitan staff. I knew that no matter what story broke during the turbulent 60's and 70's, however complex or close to deadline, I could ask him to cover it and that he would turn in a lucid, comprehensive account. Peter was the master of accurate, fair, balanced, thorough, detailed reporting under pressure."

Early in his career, Mr. Kihss was a foreign correspondent in South America, and he later covered school-integration battles in the South and breaking news for The Times in various parts of the country. But he was most at home in New York as a general-assignment reporter covering urban riots and plane crashes, the hoopla of parades and politics and the intricacies of nuclear power and municipal budgets.

As a World-Telegram reporter during the administration of Fiorello H. La Guardia, Mr. Kihss was often sent to City Hall when the paper had what he called "a nasty story on which to query the Mayor."

"The paper didn't want to waste its regular City Hall man, whoever he might be, by getting the Mayor riled at him," Mr. Kihss once recalled. "It got to the point that whenever Mayor La Guardia saw me, he got the idea there was going to be trouble somehow in the World-Telegram."

'THAT'S WHY I'M ASKING'

One day, Mr. Kihss confronted the pugnacious Mayor on the steps of City Hall and asked why he had helped a former city official get back on the municipal payroll to qualify for a pension.

The Mayor flew into a rage. "I'm going to throw you right down the steps," he shouted, grabbing Mr. Kihss's arm.

"Mr. Mayor," he roared back, "I don't care what you say. Four hundred thousand readers of The World-Telegram want to know, and that's why I'm asking."

"There was a sudden silence," Mr. Kihss recalled. "I realized I had seized the stocky little Mayor and lifted him right up into the air. I put him down—gently—and went quietly into Room 9," he said, referring to the City Hall press room. Later, the Mayor and Mr. Kihss met and laid the incident to rest.

CONFRONTATION IN ALABAMA

Some years later, Mr. Kihss found himself face to face with another kind of anger—a hostile crowd in Tuscaloosa, Ala., where he had gone to cover the enrollment of Autherine Lucy as the first black in the 125-year history of the University of Alabama.

Eggs were hurled, and some struck Mr. Kihss, who whirled to confront the mob. "If anybody wants to start something now," he shouted, "let's go."

Nobody moved.

For decades, he was an active member of the New York Newspaper Guild and various journalistic organizations, and he often wrote for their publications and spoke at their meetings. A tall, stoop-shouldered, baldish man with a nimbus of gray hair, he looked more like an Old World clockmaker than one of the nation's most distinguished reporters.

Peter Frederick Kihss was born in Brooklyn, the son of Latvian immigrants.

WINNER OF MANY AWARDS

In 1933, after graduating from Columbia University and working briefly with The Associated Press in Washington, he was a Pulitzer scholar and part-time correspondent for The Times in Uruguay and Argentina for a year. He became a reporter for The Washington Post in 1934, joined The World-Telegram in 1936 and switched to The Herald Tribune in 1943, primarily covering the United Nations. He joined The Times on Jan. 6, 1952.

Mr. Kihss won many awards over the years, from the Columbia University Graduate School of Journalism; Sigma Delta Chi, the society of journalists; the New York Newspaper Guild; the Society of Silurians; the New York Press Club, and others. He was nominated for Pulitzer Prizes on four occasions.

This year, the Fund for the City of New York established the Peter Kihss Award for outstanding reporting on the city government and named Mr. Kihss the first recipient of the $5,000 annual prize.

Surviving are his wife, Alice; a son, Erik, of Brooklyn; a daughter, Wendy Van Brunt of North Babylon, L.I., and one grandchild.●

THE 98TH CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, October 24, 1984, into the CONGRESSIONAL RECORD:

THE 98TH CONGRESS

The record of the 98th Congress was uneven. It was a congress of bickering and division, with major accomplishments but few grand achievements. It put off several hard choices for next year. It will not be remembered as an especially productive congress; indeed, it may not be a particularly memorable congress at all.

The 98th Congress stuck to the general course laid out by President Reagan more than three years ago, including a military buildup and a tight rein on domestic programs, especially the means-tested ones. It strayed from that course somewhat, however, balking at further cuts in domestic spending and slowing the rate of growth of the military budget. Also, it rejected all of the President's proposed constitutional amendments, including those for a balanced budget, school prayer, and a line-item veto, and against abortion and busing.

The 98th Congress did produce some major legislative successes. The two most important were a bipartisan reform of social security and a budgetary compromise which cut $150 billion from the deficit over the next three years. Other important successes included a fundamental reform of methods of reimbursement to curb cost increases under medicare, a timely countercyclical jobs bill, and passage of a major measure overhauling federal criminal laws.

In addition, the 98th Congress can boast of a series of solid, if more modest, achievements. In the area of education, Congress restored some funds that had been cut too much in prior years. Also, it gave student religious groups equal access to facilities at public high schools, provided money to upgrade instruction in science and mathematics, and made new educational benefits available to veterans. Congress rescinded some excessive cuts in the area of health care as well. Furthermore, it mandated stronger warnings on cigarette packages, put a 15-month freeze on physicians' fees under medicare, and acted to promote the use of low-cost generic drugs. In the area of social services, Congress passed a bill to require that child support be withheld from parents' wages if not paid on time. Also, it expanded initiatives dealing with child abuse, channeled more money into nutrition programs, and established new subsidies for elderly part-time workers. Law enforcement was on Congress's mind when it took a tougher stance against child pornography. It encouraged states to raise the drinking age, restructured the bankruptcy system, and made tampering with consumer products a federal crime.

Other major tasks completed by the 98th Congress should be detailed. Congress showed its concern about discrimination through legislation guaranteeing women equal treatment in connection with pensions. Also, it agreed to study comparability of pay, made voting easier for the elderly and handicapped, and created a federal holiday to honor the birth of Dr. Martin Luther King, Jr. Farmers were affected by an agricultural price-support freeze and expanded programs of federal assistance. A renewal of general revenue sharing and new federal standards for municipal regulation of cable television were of interest to local government. Social security beneficiaries were affected by an upcoming cost-of-living adjustment of at least 3% and fairer guidelines for review of eligibility under the disability program. Beyond these actions, Congress added more wilderness to the nation's natural preserves, passed a non-protectionist trade bill, called on the President to bring American marines out of Lebanon, begun reforming the Pentagon's procurement policies, and promoted mortgage-backed securities to make more money available to homebuyers.

Not everything that the 98th Congress did was positive, however. It failed to pass or chose to defer many worthwhile initiatives. Among them were a larger deficit-reduction bill, a revision of our immigration laws, a reversal of a Supreme Court decision that narrowed coverage of anti-discrimination laws,

additional funds to repair highways and clean up hazardous wastes, a natural gas reform bill, measures to abate acid rain, restrictions on the export of strategic goods, and banking deregulation. Congress even went so far as to schedule votes on the MX missile and aid to the anti-government rebels in Nicaragua for early spring. Also, there was a serious breakdown of the budgetary process as disputes led to deadlock on nine out of the 13 regular appropriations bills. The result was the last-minute need to pass a massive $470-billion continuing resolution representing 85% of the total sum appropriated for the upcoming fiscal year.

There were several reasons for the shortcomings of the 98th Congress. It ended in the heat of a presidential election, and such congresses are not characterized by dynamism. The Senate and the House of Representatives were under the control of different parties, the Democrats regaining effective control of the House after the 1982 elections. There was often little presidential direction as the agenda-setting function of government shifted from the Oval Office to the Senate to the House, and then back again. There was increased partisanship and a tendency on both sides of the aisle to bring up measures to embarrass the other party. The glaring defects in basic congressional procedures became apparent when the budgetary process faltered and collapsed and the filibuster repeatedly tied the Senate in knots. Members were increasingly hesitant to act as they became more worried about the consequences huge deficits. Senate and House leaders found themselves increasingly unable to get legislators to vote the party line, as past congressional reforms continued to erode the leadership's power. More fundamentally, the 98th Congress to a large extent mirrored the lack of consensus in the country: it weaved and waffled because it frequently was unable to determine what constituents wanted.

The 98th Congress was a fractious one torn between its allegiance to the President and its desire to defy him. It often followed success with failure, cooperation with confrontation. It did many things, but it missed many opportunities.●

FLIGHT SAFETY COULD BE BETTER—WHAT ARE THE PROBLEMS?

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. STARK. Mr. Speaker, for several months the number of airplane collisions, near misses and accidents have become a too frequent occurrence. This past summer, 17 persons were killed in a midair collision in San Luis Obispo, CA, and later, in August a jetliner with 146 people aboard narrowly missed colliding with a small plane over northern Virginia. More recently, a Brazilian-made Provincetown-Boston Airline plane crashed in Florida, killing all 13 aboard. Stemming from this evidence, there is obvious and pertinent room for improvement in air safety.

Today, I am introducing a joint resolution calling upon the Department of Transportation to investigate and identify the possible causes of these accidents, and present its findings to the Speaker of the House and the President of the Senate within 60 days.

The United States has had a tradition of safe and efficient air travel, yet critical problems exist. In 1984 there were 104 reported airplane accidents, which have fatally or seriously injured over 100 people. Additionally there have been many incidents of "near misses" which are not included in these statistics. The figures are too high and the potential danger too critical to ignore.

The complexities involved in our Nation's air control system are so great that it is difficult to identify the factor or combination of factors that may be contributing to the recent accidents and near accidents. Is there a need for additional radar and warning in small planes? How adequate is the computer equipment used in control towers, and are existing regulations associated with small planes being enforced? Are penalties enforced? Is training and testing of flight crews sufficient? These questions need to be dealt with immediately.

I do not have the answers to our air safety crises, but I know that it is imperative that they be solved.●

THE DELAWARE RIVER LAND ACQUISITION ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. GILMAN. Mr. Speaker, I rise today to address the concerns of many of my constituents in the Upper Delaware Valley of Sullivan County, NY.

The National Parks and Recreation Act of 1978 (P.L. 95-625) added a segment of the Delaware River, known as the Upper Delaware, to the Wild and Scenic Rivers System. The original enactment of the Wild and Scenic Rivers Act of 1968 (P.L. 90-542) was a significant departure from previous Federal efforts to protect areas of the United States that are landscapes that represent valuable natural resources. Instead of encouraging the outright acquisition of private land, alternative land protection techniques were proposed—that is, scenic easements.

While the original Wild and Scenic Rivers Act provides means for the protection of individual property rights in establishing wild and scenic river areas, the addition of the Upper Delaware to the Wild and Scenic Rivers System was accompanied by even more extensive safeguards. Section 704 of Public Law 95-625 provided for the minimum of Federal intervention, leaving the bulk of the responsibility for implementing the intent of the legislation—to preserve the river valley in its natural and free-flowing state—to the local authorities.

While the laudable intent of the legislation was clear, many of the area residents voiced vehement objection to the discretionary authority granted the Secretary of Interior. Reports of abuses by the National Park Service in other areas heightened concern.

At the time of inclusion of the Upper Delaware in the Wild and Scenic Rivers System, I represented a small part of the proposed corridor within the county of Orange. Since that time, my constituency along the Upper Delaware has increased to include the towns of Lumberland, Highland, Tusten, Cochecton, and Delaware in Sullivan County, NY. As the number of my constituents affected has increased, so has comments from residents expressing their sincere fears. They fear the arbitrary exercise of the Park Service's authority to condemn land in the Upper Delaware in the event that local plans, laws, and ordinances, or amendments thereto or variances therefrom, are found by the Secretary not to be in conformance with the guidelines or the management plan.

The bill I propose today, will remove the National Park Service, acting on behalf of the Secretary of the Interior, as the final authority in cases of condemnation in the Upper Delaware Wild and Scenic River. The original draft management plan which was developed by the Department of the Interior, was written by individuals in Denver, CO. While these did visit the region, their knowledge of the area and feeling for local concerns was severely lacking.

While more recent efforts to draft the legislatively mandated management plan has solicited far greater resident input, the sword of damocles remains above the heads of my constituents. The legacy of valley residents deserves far better protection than good intentions. The threat which was created by legislation can only be fully eliminated by legislation. Accordingly, I ask my colleagues to support this important measure, and am inserting the full text of this bill at this point in the RECORD for my colleagues review:

H.R. 108

A bill to prohibit the acquisition of certain lands in the Upper Delaware River without express prior Congressional authorization

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Section 704 of the National Parks and Recreation Act of 1978 (P.L. 95-625) is amended by adding the following new subsection at the end thereof:

"(k) Prior to acquiring any lands or interest in lands for purposes of the segment of the Upper Delaware River designated under

section 3(a)(19) of the Wild and Scenic Rivers Act (whether such acquisition is under any provision of this section, under any provision of the Wild and Scenic Rivers Act, or under any other authority of law), the Secretary shall notify the appropriate committees of the Congress. Lands or interests in lands may be acquired for purposes of such designated segment without the consent of the owner thereof only if the Congress, following receipt of notice under the preceding sentence, adopts legislation expressly authorizing the Secretary to acquire such lands or interests in lands and specifically appropriates funds for such purposes.".

(b) Section 704(e)(4) of such Act is amended by inserting ", subject to subsection (k)," immediately after "the Secretary is hereby authorized".●

SALUTE TO "BROADWAY" CHARLEY WAGNER

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. YATRON. Mr. Speaker, I would like to bring to the attention of my colleagues in the U.S. Congress the outstanding achievements of "Broadway" Charley Wagner, a longtime Boston Red Sox scout from Reading, PA who will be honored for nearly 50 years of service to baseball at a testimonial dinner Sunday, January 13. Mr. Wagner signed with the Red Sox as a pitcher and was sent to Charlotte, NC in the Piedmont League in 1935. He has been associated with the Red Sox organization since that time.

Mr. Wagner won 20 games in his second season of professional baseball. In 1937 he won 20 games with Minneapolis of the class AAA American Association, and spent most of the next 4 seasons in AAA before going to the Red Sox in 1941. In 6 years of major league pitching, Wagner compiled a 32-23 record and 3.91 earned run average. Mr. Wagner enlisted in the Navy in 1942 and returned in 1946 to the Red Sox. At the close of his pitching career, he was signed as an assistant to the club's director for minor league operations. Mr. Wagner has served with the Red Sox since that time in a variety of positions, including the position of Red Sox pitching coach.

Charley Wagner is an outstanding example of dedication and excellence. He has left a lasting imprint on the Boston Red Sox and indeed the sport of baseball and I know that he will continue his commitment to America's favorite pastime. I urge my colleagues to join me in saluting this fine athlete and exemplary scout. I wish him the very best with the Red Sox and indeed all his future endeavors. Mr. Wagner has enriched the lives of all who have been privileged to know him and to work with him.●

LIFELINE SERVICES TELEPHONE ACT OF 1985

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. LELAND. Mr. Speaker, today, in conjunction with my good friends and colleagues ED MARKEY, JOHN BRYANT, and CARDISS COLLINS, I am introducing legislation which reaffirms our national commitment to universal availability of affordable telephone service for all Americans.

We are in the midst of a dramatic change in the telecommunications industry, and the way the industry responds to the needs of the marketplace. These changes, in all likelihood, will impact significantly the cost of telephone service to residential customers.

With these dramatic changes occurring in the telecommunications marketplace, it is the responsibility of Congress to ensure that our Nation's historic commitment to universal telephone service is not abandoned. For that reason, I am introducing today legislation requiring State public utility commissions to establish special lifeline rates for providing local telephone service at a discounted rate for low-income residential customers.

The legislation defines lifeline telephone service as basic telephone service intended to include a limited number of calls in the local exchange area, with a per call charge for additional calls. Lifeline service, however, may not include what is now commonly referred to as measured or budget service, where telephone charges are based on the number, distance, and duration of time spent on telephone calls. Lifeline service would be available only for a person's principal residence.

Under the legislation, State regulatory commissions are given the flexibilty to develop rates and eligibility criteria for the lifeline service in accordance with local needs and requirements. In developing eligibility requirements, however, State commissions are directed to pay particular attention to those most in need of assistance: the elderly, the poor, the handicapped, and the unemployed.

In addition, the legislation makes all qualified exchange carriers who provide lifeline telephone service eligible for payments from a lifeline service fund to defray the cost of the service. A qualified exchange carrier would receive compensation from the fund equal to 50 percent of the difference between the rate for lifeline service and the cost of providing such service.

The ability to communicate is, just as food, clothing, and shelter are, one of the most essential necessities of life. The telephone keeps us in touch with family and friends across town and across the country, and enables us to become an active participant in the community in which we live. In many cases, particularly for the elderly and disabled, the telephone is truly a lifeline to the outside world. And for most of us, the telephone is the principal communications link to local authorities in case of emergency.

However, upward pressure on local telephone rates threatens to deprive many of the elderly and the poor of basic telephone service, isolating them from friends and their communities. Congress must address this issue to ensure that every American will continue to received affordable telephone service. This legislation will ensure that those most in need of assistance, the elderly, the poor, the handicapped, and the unemployed, are not forced off the telephone network.

Mr. Speaker, today I also am introducing a resolution expressing the sense of the House of Representatives that the Federal Communications Commission, in conjunction with State regulatory commissions, should develop a lifeline service plan to ensure the continued availability of affordable telephone service.

I urge my colleagues to join me as cosponsors of the Lifeline Telephone Services Act of 1985 and the sense-of-the-House resolution.●

VETERANS OF FOREIGN WARS RESOLUTION

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. MATSUI. Mr. Speaker, I would like to bring your attention to an outstanding resolution recently passed at the 85th National Convention of the Veterans of Foreign Wars of the United States. The resolution expresses the sentiment of the VFW members concerning the tragic and devastating internment of Japanese Americans in this country during World War II.

This resolution, No. 442, was presented by past commander in chief, Joseph A. Screrra, chairman, Committee on National Security and Foreign Affairs, at the Veterans of Foreign Wars, 85th National Convention, Chicago, IL, August 21, 1984. The resolution was approved and adopted by the delegates to the national convention.

It is particularly fitting that this resolution be presented to the House since today our distinguished majority leader, Mr. JIM WRIGHT, has introduced legislation to provide redress and reparations to those Japanese Americans who were deprived of their liberties. The number of the legislation, H.R. 442, was chosen to honor

the highly decorated 442d Regimental Combat Unit, the all Japanese American fighting unit of World War II.

Just as the valiant members of the VFW have protected democracy and our liberty abroad, so do they continue their efforts to protect our precious system of constitutional rights and liberties at home. I would like to commend these individuals for their valiant work and hereby present their resolution for inclusion in the CONGRESSIONAL RECORD.

VETERANS OF FOREIGN WARS OF THE UNITED STATES—RESOLUTION NO. 442

Whereas during the early days of World War II with the cloud of suspicion hanging over them, 120,000 Americans of Japanese descent on the West Coast were by force removed from their homes under armed guards of the United States and held in incarceration for the duration of hostilities in detention camps; and

Whereas there was not a single documented act of espionage, sabotage or fifth column activity committed by an American citizen of Japanese ancestry or by a resident Japanese alien on the West Coast before, during, or after the internment; and

Whereas to set forth the principles against a recurrence of such a tragedy of human rights, to uphold the ideals of what this nation fought for and that the rights of citizenship in no way depend on race or ancestry; and

Whereas in a demonstration of loyalty, Americans of Japanese descent petitioned in 1942 for the right to serve their country and have the opportunity to fight along with fellow Americans on both fronts and served with distinction and valor in the 442nd Regimental Combat Team in Europe, in the Military Intelligence units in the Pacific, and elsewhere, more than 30,000 American Japanese bore arms in defense of our freedoms, shedding their blood on such far-flung battlefields as the Arno and Bruyeres, Guadalcanal, and Iwo Jima; and

Whereas upon their return to civilian life after discharge joined and looked to the Veterans of Foreign Wars (over 3,000 American Japanese members in California) as their veterans organizations that would uphold the civil rights and Constitutional guarantees of all Americans;

Now, therefore, be it resolved that the Veterans of Foreign Wars go on record to continue to protect the civil rights and constitutional guarantees of all Americans; and

Be it further resolved, that it continue to champion the rights of all and that the rights of citizenship will never depend on race or ancestry.●

GREAT LAKES PRESERVATION ACT OF 1985

HON. MARK D. SILJANDER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. SILJANDER. Mr. Speaker, today, I introduce the Great Lakes Preservation Act of 1985 in an effort to protect one of our most valuable natural resources, fresh water. The Great Lakes are not only the largest body of fresh water in the United States, but in the world. These lakes make up 95 prcent of U.S. fresh water and 20 percent of that of the world.

The Great Lakes are among the world's major waterways, each year carrying tons of waterborne shipping to and from all parts of the world. The ecosystems of the Great Lakes which provide sustenance and recreation to the people of the United States and Canada have been severely affected, and are continually threatened by the introduction of foreign species into the lakes and by pollution. Diversion of water from the Great Lakes to other areas of the Nation may result in adverse economic and ecological consequences which are not now well understood or predictable.

Careful management of the Great Lakes will permit the rehabilitation and protection of the ecosystems, while continuing and expanding the use of our fresh water resource in industry, food production, transportation, and recreation. At this time, management of the Great Lakes is currently divided among many Federal, State, and international organizations. I believe effective management can be best accomplished through a partnership of the Great Lake States and the Federal Government.

The purposes of this act are: (1) To provide for a rational and effective coordination of the management of the Great Lakes and of the federally supported research aimed at protecting, rehabilitating, and enhancing the environmental quality and natural resources of the Great Lakes; (2) to identify issues of concern which are affecting or will affect the Great Lakes and their environment, and to develop and promote coordinated research, data synthesis, and management plans which address these issues; (3) to provide for the development of the necessary data bases of information to support the rational, efficient, and equitable utilization, development, protection, and rehabilitation of the Great Lakes and their resources; (4) to provide to the Department of State problems and issues to be referred to the International Joint Commission for study and action; (5) to foster public understanding and appreciation, and to assure greater understanding at all levels of Government, of the role of the Great Lakes unique natural resources; and (6) to achieve the goals embodied in the Great Lakes Water Quality Agreement of 1978 through improved organization and definition of mission on the part of the Federal Government.

I call upon you, my colleagues, to join with me in an effort to protect this important natural resource by offering your support for the Great Lakes Preservation Act of 1985.●

THE NATIONAL INDIVIDUAL TRAINING ACCOUNT ACT

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. DURBIN. Mr. Speaker, I rise today with my colleague, SHERWOOD BOEHLERT, to reintroduce the National Individual Training Account Act. The bill will establish joint employer/worker funded accounts that will enable workers to obtain retraining, thereby assisting them in finding new employment.

Our economy is now in the midst of a recovery from the most recent recession, the deepest since the Depression. However, the unemployment legacy of that economic downturn is still being felt. A November Department of Labor Study offers some compelling evidence that the effects of the recession still linger. That study shows that of 5.1 million long-term workers who were displaced from the jobs between 1979 and 1984, 60 percent managed to find new work. However, nearly half of these newly employed earned less in their new jobs than in the one they had lost. Another 25 percent of the 5.1 million dislocated workers are still looking for work. As of yet, they have been unable to make the transition in adjusting their new jobs skill to the changing demands of the job market.

The individual training accounts established in our bill would assist these and other workers in making that transition by allowing them to obtain retraining to acquire new job skills. These new skills in turn will make it easier for them to find employment in the faster growing sectors of the economy.

This legislation offers a flexible approach to the retraining of displaced workers. Its greatest strength is that it is based on a combination of personal initative, limited Government involvement, and the same type of individual choice that is incorporated in the time-tested GI bill approach.

This type of flexible approach is essential in today's rapidly changing economy. The economic recovery we are now experiencing masks a historic shift that is taking place in the structure of the economy. Decline of employment in basic industries such as steel, the rise of new industries, the movement of firms to overseas locations, and the penetration of U.S. markets by foreign companies are only the most visible signs of these changes.

These economic shifts are irreversible. No Government policy can spare American workers and industries from the need to adapt to new realities. However, they can make the adaption less painful that it is now, as witnessed by those underemployed and still un-

employed following the most recent recession. Worker displacement is high in many regions of the country, making some kind of adjustment assistance a necessity.

We believe that the establishment of individual training accounts will contribute substantially easing displaced workers' transition to new employment.

We were pleased with the success of our bill in the 98th Congress as it attracted 77 cosponsors. We are confident that it will meet with much success in the 99th Congress, and we look forward to working on it.●

RETAIN 16-CENT EXCISE TAX ON CIGARETTES AND EARMARK PART FOR MEDICARE TO PAY FOR TREATING SMOKING-RELATED DISEASES

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. STARK. Mr. Speaker, in the name of good health, both fiscally for Medicare and physically for Americans, I am introducing legislation to continue the 16-cent excise tax on cigarettes with a cost-of-living adjustment factor and earmark 8 cents of the tax for the Medicare trust fund.

This bill has the potential of saving thousands of lives and raising billions of dollars. It also would require those who smoke to pay for their smoking-related diseases.

Although the hazards of smoking are generally known, the actual statistics demonstrate dramatically the importance of this legislation. The Surgeon General has estimated that 350,000 people now die of smoking-related diseases annually. In fact, smoking has killed more people in this country than all the Americans killed in major wars and traffic accidents. Equally tragic is the fact that, annually 10 million people will suffer from smoking-related disabilities.

As a result, the costs to society of smoking-related illnesses, are also dramatic and staggering. The American Cancer Society estimates that cigarette smoking is now costing $27 billion in medical care costs annually. This is over 10 percent of all health care costs in the United States. In addition, there is a total annual loss of productivity of $34 billion due to excess morbidity and disability and to premature death. There are nearly 80 million lost working days, about 20 percent of which can be attributed to the effects of cigarette smoking. According to a recent study by Policy Analysis, Inc., medical expenses and lost wages for a man aged 35 to 44 who smokes more than two packs of cigarettes a day would average $58,987 over his lifetime; for a woman in the same category, the cost would be $20,152—reflecting women's lower earning potential.

Perhaps most tragic of all is that this loss of life and cost to our society is totally preventable. Smoking is the major preventable cause of illness and death in this country.

Mr. Speaker, although my bill will not eliminate cigarette smoking, it at least will shift part of this enormous public financial burden from nonsmokers to the smokers who cause these costs. The concept is a simple one. Because cigarette smokers clearly incur a higher percentage of health costs, they should pay a greater percentage of those costs that smoking generates. In short, this tax is a user fee to repay the public for some of the costs of smoking cigarettes.

By earmarking half of the cigarette excise tax revenue and transferring it to the Medicare trust fund, the money would be directly available to cover a portion of these health costs. Medicare and Medicaid spend nearly $4 billion annually for the treatment of smoking-related diseases. Maintaining the 16-cent excise tax on a pack of cigarettes will generate revenues of $5.175 billion in fiscal year 1985. In other words, with half of this amount going to Medicare, the user fee would cover the lion's share of smoking-related Medicare Program costs.

This legislation would also be one of many necessary steps to aid the ailing Medicare Program. Studies presented to a special advisory council set up by the Department of Health and Human Services have found that earmarking excise tax revenue for the Medicare trust fund is one way to meet the financial crisis Medicare is facing. According to experts, the total cost of Medicare may run as much as $400 billion ahead of its revenue between now and 1995. At that rate, the Medicare hospital fund will be depleted around 1991-92. My bill is a step in the direction of reducing this huge deficit and would raise for Medicare roughly $2.5 billion in fiscal year 1985 and even more in the outyears.

The Tax Equity and Fiscal Responsibility Act of 1982 raised the Federal tax on cigarettes for the first time since 1951 from 8 cents to 16 cents per pack. Unforturnately, the legislation provided for termination of the increase in 1985. My bill would make the increase permanent and would provide yearly cost-of-living adjustments on the tax. The revenues from cigarette taxes in real amounts have actually dropped since 1951, even considering the increase in 1982. Had the tax been adjusted for increases in the Consumer Price Index the tax in 1983 would have been 30 cents per package. During the 1970's, cigarette excise tax collections fell from 1 percent of all Federal budget receipts to only 0.5 percent in 1980. Despite this lost ground, this legislation only calls for making permanent the 16 cent tax and then adjusting by the CPI, or 1 cent per pack, whichever is less.

Not only is this legislation cost effective, it is supported by the majority of the American public. Seventy-seven percent answered affirmatively when asked if they favored an increase in the cigarette excise tax; this was part of a national poll taken last January by Yankelovich, Skelly & White to determine the public's views on alternate ways to reduce the Federal deficit. Even more importantly, the Yankelovich survey demonstrates that smokers as well as nonsmokers are not opposed to this measure.

Mr. Speaker, since smokers are aware of the health risks of smoking and can actually prevent them, it makes sense that they begin to pay a greater share of their extra health costs. I hope my colleagues will seriously consider this long overdue effort to increase the cigarette excise tax and earmark for the Medicare trust fund. In so doing, we will be attacking America's No. 1 preventable cause of death and helping to keep Medicare sound and solvent for us all.●

GABRIEL LOZANO, SR.

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. ORTIZ. Mr. Speaker, I would like to take this opportunity to express my sorrow at the recent death of former Corpus Christi mayor, Gabriel Lozano, Sr. I was saddened by Mr. Lozano's death, but proud of his many fine accomplishments and his dedication to public service. I know the people of Corpus Christi join me in extending my deepest sympathies to his wife, children, and grandchildren.

I had the great pleasure and honor of working with Mr. Lozano during his many years of service to the people of Corpus Christi. Mr. Lozano was first elected to the city council in 1959, when he served a 2-year term, and was reelected in 1967. He served 14 years on the council, which represented more consecutive terms than any other member to date. Mr. Lozano went on to serve as the city's mayor pro tem and later mayor.

Mr. Lozano distinguished himself in many ways during these terms, but perhaps most importantly by serving as a role model to other Hispanics. He demonstrated with persistence, tact, and congeniality that he could work with other politicians holding different views. He possessed a special talent for reaching out to people and finding common ground. Mr. Lozano repeatedly demonstrated that he had the dedi-

cation, intelligence, and ability to serve all of the people of Corpus Christi, regardless of their race or socioeconomic class. Mr. Lozano was a fine example to many other Hispanics who have gone on to serve in all levels of government.

Mr. Lozano was a calming influence in times of political trouble and unrest in Corpus Christi. He used his powers of persuasion and his friendliness to work with people to reach compromise and solutions to problems. In the words of one of Mr. Lozano's colleagues: "He was a stabilizing factor when the city was going through tough problems. He was a solid member of the council and always available to work." Another likened his outgoing nature and calm reason to pouring oil on troubled waters. Mr. Lozano had that keen ability to work with people that is essential to any civic leader.

It was not easy in the 1950's and 1960's for a Mexican American to serve in public office. But Mr. Lozano had a way of reaching out to people that helped him transcend the traditional barriers to Mexican Americans holding office. He broke new ground when he was first elected to office and helped raise expectations for Hispanic businessmen and civic leaders. He showed us, too, anything was possible, given enough commitment and perserverance. Mr. Lozano's influence will be sorely missed in our community.

I am pleased to have called Mr. Lozano a friend and colleague. He served as an important model to me when I first became a member of the Nueces County Commission. I learned a great deal by observing his way of working with people of different political persuasions. He has enriched the city of Corpus Christi by his many accomplishments and his unwaivering commitment to the public good.

Mr. Lozano was instrumental in developing the economy of Corpus Christi. He helped build the Convention Center which he realized would create new jobs and bring money into the local economy. He was committed to improving the quality of life for all the people of Corpus Christi. Mr. Lozano saw projects such as the Convention Center as a means for creating long-term economic growth.

In addition to his commitment to prosperity for city residents, Mr. Lozano was also dedicated to improving the rights and status of Mexican Americans. He was a charter member of the League of United Latin American Citizens and had served as president of the Corpus Christi branch of LULAC. Despite his hectic official schedule, Mr. Lozano also found time to work for the community through the chamber of commerce and the Red Cross. Mr. Lozano helped form the Nueces National Bank and was a member of the board of directors. Throughout his life, he blended public service, community activism, and voluntarism in a way that will ensure his memory lives on in the hearts of the people of Corpus Christi.

I want to extend my deepest sympathies to his wife, Juanita, and to his children, Gabe, Jr., David, Robert, Peter, and Imelda. He is also survived by 3 sisters, a brother, 16 grandchildren, and 6 great-grandchildren.

I know Mr. Lozano's family is proud of him and his lifetime commitment to the public good. I hope they will cherish the many fine memories of him and will be strengthened by the knowledge that many of us share in their grief. We will remember them all in our thoughts and prayers.●

NATIONAL DIVIDEND ACT

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. ALEXANDER. Mr. Speaker, as Congress reconvenes, the problem of the Federal deficit looms larger than ever.

I am today introducing the National Dividend Act, which incorporates principles of both supply side and demand side economics in an effort to give citizens a more direct stake in the economy and reduce the deficit in the process.

I believe the proposals embodied in the National Dividend Act are unique, and elements thereof are worthy of serious consideration as a part of the impending debate on how to resolve the deficit dilemma. I urge my colleagues to give this concept their close attention.●

HAMADY BROS. FOOD MARKETS FEEDS THE NEEDY WITH "OPERATION CHRISTMAS" IN FLINT, MI

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. KILDEE. Mr. Speaker, it is with great pride that I bring to the attention of the Congress the tremendous effort to feed the needy over the recent holidays in Michigan's Seventh Congressional District by a civic-minded businessman there, Mr. Alex Dandy.

Through the "Operation Christmas 1984 Project," Mr. Dandy and his supermarkets, the Hamady Bros. Food Markets, fed more than 15,000 needy families in the Flint area over the holidays. It was a project coordinated by Mr. Dandy which involved hundreds of supporting workers and agencies and merited the attention of the national news media and a letter of support from President Reagan.

Mr. Dandy and the Hamady Bros. Food Markets have supported such a project for 4 years now, but the 1984 project was by far the most ambitious undertaking. In 1981, Mr. Dandy conceived the project and fed 558 needy families. In 1982, he fed 1,226 families and in 1983 he fed 5,450 families. He decided to greatly increase the size of the project in 1984, and settled upon an original goal of raising enough money to feed 7,000 families. By the end of November, however, he already had raised enough money from generous supporters to feed more than his original goal, so he increased the goal to 10,000 families. Later, he increased the goal again to reach all of the approximately 15,000 families on public assistance in the area.

Mr. Dandy mailed a food certificate to each family, entitling them to redeem it at any of the 28 Hamady Bros. outlets in the Seventh District for two bags of groceries. Each certificate was valid for enough food to feed a family a holiday dinner. Each family received a 6-pound roaster chicken, a box of stuffing mix, 3 pounds of Michigan apples, a dozen serving rolls, a loaf of white bread, a pumpkin pie, a large bottle of soft drink, 9 ounces of potato chips, 5 pounds of Michigan white potatoes, a half gallon of milk, a can of cranberry sauce, and two cans of green beans. In all, more than 187 tons of food were distributed.

More than $10,000 was raised from the general public for the project through donation cannisters placed throughout the area in Hamady Bros. stores, factories and other business locations. In addition, $25,000 was donated by the General Motors/United Auto Workers Care and Share Program, and $125,000 was contributed by food vendors and suppliers. Mr. Dandy donated $50,000 personally. Hamady Bros. absorbed administrative, handling, and other costs which is estimated at more than $200,000 additionally.

In addition, United Way provided the postal permit and postage and donated space for the mailing preparation; U.S. Postal Service employees expedited the mail so that certificates would reach people in time for the holidays; more than 200 human service agencies coordinated their holiday activities to eliminate duplication and to ensure that everyone was reached; hundreds of community volunteers pitched in to help with answering telephones, processing applications, rechecking addresses, and a myriad of other tasks to make the project successful.

The "Operation Christmas 1984 Project" was a tremendous success because of the hard work and dedication of Mr. Dandy, the employees of Hamady Bros., and the businesses,

churches, and community volunteers who donated time, money, and other items.

It was a community-wide effort under Mr. Dandy's leadership and inspired by his own personal example. It was one of the finest examples in the Nation of people helping others less fortunate than they so that together all could enjoy a full meal for the holidays.

Mr. Dandy is deserving of this special recognition by the Congress for his outstanding commitment to his community. His accomplishment merits the highest commendation.●

IRA AND RETIREMENT PLANS ABILITY TO INVEST IN TANGIBLE ASSETS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. MATSUI. Mr. Speaker, today I am introducing a bill to reinstate the ability of an Individual Retirement Account [IRA] and certain other individually directed retirement plans to invest in tangible assets—which some call collectibles. It became clear that certain abuses had taken place prior to the 1981 ban on these investments. Congress overreacted in 1981 by passing a total ban on such transactions. My proposal removes this total ban by specifically addressing these problems and setting up practical procedures which can easily be checked for compliance by the IRS which will prevent these types of abuses.

An additional reason for the ban in 1981 was a general feeling that the banks and savings and loans were encountering significant problems because of disintermediation and other reasons. That problem has clearly been eliminated in the last few years. In fact, a large number of financial institutions are now offering precious metals and numismatic programs, for instance, sales or loans to the public.

Mr. Speaker, I believe that Americans should have the freedom to choose between different types of investment options. We, in Congress, should not try to force this choice upon them. My proposal returns this basic financial freedom to Americans. Thus, if coins will provide a better return than stock, their IRA can invest in coins. And when stock provides the better investment their IRA can switch to stock. The present ban has the unfortunate result of reducing the earning potential of IRA's by not allowing a choice between all types of investments, thus reducing the retirement funds of the elderly. Mr. Speaker, I do not think this should be done if we can address the problems in a reasonable manner. My proposal does this.

I would hope that the Committee on Ways and Means will quickly approve my proposal to allow IRA's and other individually directed retirement plans to acquire tangible investment assets.

The specifics of my proposal follow:

PROPOSAL

The uncomplicated proposal is to substitute for the total ban of present section 408(m) of the tax law, the following set of rules:

The acquisition (whether by contribution or otherwise) of a tangible investment asset by an IRA or other covered account from the individual (or his beneficiaries) for whose benefit the account has been created is barred.

The transfer (whether by distribution, loan, use, or otherwise) of a tangible investment asset by an IRA or other covered account to the individual (or his beneficiaries) for whose benefit the account has been created is barred.

Under the proposal an IRA may invest in tangible investment assets by purchasing at arm's length in the market place, hold for appreciation, and sell in the market place at arm's length.

ACCOMMODATION TO TAX LAW CONCERNS

The supporters of the total ban imposed by section 408(m) were reacting to the following potentials for abuse. Each is eliminated under the proposal.

1. Acquisition Value.—A potential for abuse might have arisen where the taxpayer contributes from his own collection to his IRA a stamp, rare coin, antique, work of art, or other tangible investment asset and the contributed property is aggressively valued. The available audit resources of the Internal Revenue Service do not permit adequate policing.

The proposal avoids the potential abuse as effectively as does present section 408(m). Under both regimes the taxpayer cannot transfer a tangible investment asset to the IRA. There is of course no valuation issue in a purchase by the IRA on the market.

2. Distribution Value.—Another potential abuse might have arisen where the IRA distributes a tangible investment asset to the taxpayer or his beneficiary if, at the time of distribution, the property is conservatively valued and, more than a year later the recipient sells the tangible investment asset at a high price. The available audit resources of the Internal Revenue Service do not permit adequate policing.

Again, the proposal avoids the potential abuse as effectively as does present section 408(m). Under both regimes the IRA cannot transfer a tangible investment asset to the taxpayer or his beneficiary. There is no valuation issue in a sale by the IRA on the market.

3. Consumption Value.—Another potential abuse might have arisen where there is a purported transfer out of his personal collection and into an IRA of a work of art, rug, antique, or other tangible investment asset that carries a consumption value, but the taxpayer in fact continues to enjoy that benefit through retained possession or use. Once again, the available audit resources of the Internal Revenue Service do not permit adequate policing.

The proposal avoids the potential abuse as effectively as does present section 408(m). The IRA custodian can only acquire a tangible investment asset directly from a seller on the market and can only dispose of a collectible to a buyer on the market. It can never be loaned to him. He can never use it. It is never in his hands or on his wall or floor. The asset's consumption value is not retained or enjoyed by the taxpayer. Thus, without increasing the audit burden the proposal effectuates the prohibition in ERISA against the taxpayer's use of IRA assets before the taxpayer retires. ●

GILMAN SEEKS RELIEF IN BRINKS TRIAL COSTS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. GILMAN. Mr. Speaker, once again I bring before my colleagues the plight of my constituents in Rockland, Orange and Westchester Counties. For several years now, owing to the Brink's robbery trial conducted by members of the Weather Underground, these fine constituents of our 22d Congressional District have been suffering the immense costs associated with a trial of such national proportions. Due to the terrorist nature of the defendants, part of a nationwide network of revolutionary groups and subgroups, intense and high-level security precautions had to be undertaken in order to protect local citizens from possible retaliation. Arrested in Rockland County, the defendants were first prosecuted in Orange County following an order for a change of venue. Subsequently, the trial was moved again to neighboring Westchester County. Because in each instance, new security precautions had to be undertaken, the cost of the trial escalated. Concluded this past summer, a close estimate of the final costs hovers around $5 million. Indeed, Time magazine has described the Brinks trial as the most expensive in history.

The crux of this problem lies with a provision of New York State law, which proscribes that all costs associated with a criminal prosecution must be borne by the county in which the crime was committed. This means that Rockland County must reimburse both Orange and Westchester counties for their share of the costs of the trial. The extreme burden that rests with Rockland County escalated to the point where they have become appropriate candidates for disaster assistance.

Last September, the Subcommittee on Administrative Law of the Judiciary Committee held a hearing on H.R. 5763, the same measure I am reintroducing today. That hearing focused on the substantial financial burden being shouldered by Rockland County, as well as the clear Federal interest in seeing this case prosecuted to the fullest extent of the law. Therefore, because State penalties were more severe than the Federal penalties, it was incumbent upon the State, as well as the

Federal Government, to see the defendants prosecuted.

The entire Westchester delegation joins with me introducing this measure. Messrs. FISH, BIAGGI and DIOGUARDI recognize that the Federal Government has a responsibility to all three counties in seeing to it that Rockland County is reimbursed. Otherwise, payment to the county governments or Orange and Westchester dims.

Mr. Speaker, we were all encouraged by the consideration given to Rockland County by the chairman of the Subcommittee on Administrative Law, Mr. HALL, and the other subcommittee members. I am hopeful that this Congress we can see further favorable action on this legislation. I ask that the full text of the bill be inserted at this point in the RECORD, and urge my colleagues to support us in this endeavor.

H.R. 109

A bill to authorize Federal financial assistance to the government of Rockland County, New York, for all reasonable expenses incurred in connection with the Brinks robbery trial

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General of the United States (hereinafter referred to as the "Attorney General") shall reimburse the government of Rockland County, New York, for all reasonable expenses incurred in connection with the transfer and trial of the criminal actions entitled "People of the State of New York v. Katherine Boudin, David Gilbert, Judith Clark, Samuel Brown, and Donald Weems" (Rockland County indictments numbered 81-285; 82-6; transferred to Orange County) and "People of the State of New York v. Katherine Boudin and Samuel Brown" (Rockland County indictments numbered 81-285; 82-6; transferred to Westchester County). Reimbursement under this Act shall be made to Rockland County for all reasonable expenses directly incurred as a result of these criminal actions, as well as for those reasonable expenses indirectly incurred as a result of the change of venue in these actions to other locations within New York State. Reimbursable items include, but are not limited to—

(1) the cost of prosecuting the defendants;

(2) the cost of providing and maintaining courtroom security in these criminal actions; and

(3) the cost of ensuring and maintaining the safety and security of the defendants and the residents of the State of New York in connection with these criminal actions.

SEC. 2. The government of Rockland County shall keep accurate and detailed records pertaining to all reasonable expenses incurred in connection with these trials. Such records shall remain subject to audit and examination by the Attorney General and Comptroller General of the United States for three years after the date of enactment of this Act. Following the completion of each criminal action described in section 1, the government of Rockland County shall submit to the Attorney General a final and detailed report disclosing all reasonable expenses incurred in connection with these criminal actions. The Attorney General shall examine each report and determine the amount of reimbursement for which Rockland County is eligible under this Act.

SEC. 3. There are hereby authorized to be appropriated for any fiscal year beginning on or after October 1, 1985, such sums as may be necessary to carry out the purposes of this Act.●

51-059 O-86-17 (Pt. 1)

THE MICHIGAN BASKETBALL ADVISORY COUNCIL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. KILDEE. Mr. Speaker, I wish to call to the attention of my colleagues in the Congress the work of the Michigan Basketball Advisory Council, which is headquartered in Kalamazoo, MI. The council was conceived in 1980 as a body of private citizens dedicated to enhancing the opportunity for Michigan youth to participate in athletics in general and basketball in particular. The Council is equally dedicated to protecting the integrity of athletics as a foundation for the building of those qualities of character—self discipline, teamwork, and competitiveness—which are the cornerstone of our American way of life.

The response to these ideas has been tremendous. In 4 years the council has grown to include more than 100 members from across Michigan. The efforts of these members have been, in the true American tradition, on an entirely volunteer and cooperative basis.

In this short time span the council has made possible contributions of more than $4,000 in cash and athletic equipment to Michigan schools, universities, communities, athletic clubs, and other sports-minded organizations.

The council has contributed significantly to the public awareness of Michigan's many outstanding basketball programs and deserves recongnition for the work and commitment of its members.●

THREE WAYS TO ACHIEVE FISCAL RESPONSIBILITY

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. IRELAND. Mr. Speaker, as the 99th Congress convenes we are again faced with the formidable task of balancing the Federal budget. It should be clear to all of us that rhetoric—the same words we have heard year after year—will not accomplish the goal. We must add the requirement for a balanced budget to the basic document of our Government—the Constitution.

The economic indicators are definitely pointing to an economy which is good for all Americans, particularly with an inflation rate of 4 to 5 percent. Such an optimistic outlook gives one pause to wonder why all the ruckus about balancing the Federal budget. It is obvious to me, as it is to many of our colleagues, that if the Government continues its excessive demand for money, there will not be enough to finance investments needed to continue on our current path of economic growth. Unless we change course, interest rates will rise driving many prospective buyers out of the money markets.

While there can be more than one reason for rising interest rates, the Federal deficit is certainly the most obvious culprit.

For these reasons, I have, along with many Members of Congress, sponsored House Joint Resolution 27, providing a constitutional amendment to balance the Federal budget. I would urge my colleagues, who have not done so, to cosponsor this critical legislation.

I also believe that if we are truly serious about bringing the Federal budget under control, we need to consider ways to restrain spending. A constitutional amendment to give the President of the United States line-item veto authority, a tool used in 43 States with proven success, is one of the best means we can offer to cut Federal spending.

A line-item veto would give the President the chance to pare back spending in specific areas without rejecting whole pieces of legislation containing worthwhile and necessary programs. Most State governments find the line-item veto approach useful in restraining the natural impulse of legislatures to include items which may not stand up to the test of individual votes. Those same legislatures manage to keep spending and taxation in balance.

I believe we can benefit from the example given us by the States. I, again, urge my colleagues to sponsor, as I have done, legislation providing a constitutional amendment to give the President line item veto authority.

Third, I am introducing legislation today to express the sense of the Congress that once a balanced budget is achieved, any surplus be applied to the reduction of the national debt.

Mr. Speaker, with the achievement of a balanced budget we cannot allow ourselves to slip back to the irresponsible spending practices of the past. We must use that achievement as the foundation for a solid commitment to fiscal responsibility for the future.

Once again, I ask my colleagues in the House to review these three legislative initiatives with an eye toward ensuring the fiscal integrity of our Nation, and add their names as supporters of these measures critical to our Nation's future.●

THE NATURAL GAS POLICY ACT OF 1978

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. DURBIN. Mr. Speaker, there are many indications that natural gas price increases will be far more moderate this winter than they have been in the recent past. This is most welcome news to beleaguered natural gas consumers, who have been forced to bear the brunt of skyrocketing gas prices over the past several years.

Despite these optimistic predictions, I believe that we must maintain our vigilance to ensure that gas consumers receive the price relief they well deserve. For that reason, I am reintroducing a bill I sponsored in the 98th Congress which is intended to ease the burden of natural gas prices on consumers, as well as to increase information available to the public involving the ratemaking process.

The bill has two sections. The first requires the Federal Energy Regulatory Commission to submit semiannual reports to the Energy Committees of the House and Senate. These reports are to compile and organize information filed by pipeline companies at FERC to make data on pipeline activities more readily available to Congress and the public. With enhanced accessibility to this information, Congress and the public will be able to exercise much greater scrutiny over pipeline activities.

In these semiannual reports, FERC will specifically required to submit:

A list of all purchase gas adjustments from all pipeline companies during the past 6 months;

A list of all rate changes, including the percent change;

The status before FERC of each rate filing and of those filings still pending from the preceding periods;

A description of any action taken by FERC, or change in FERC policy, that has a positive or negative effect on consumer prices, along with an analysis of that effect.

The second section of the bill modifies FERC's current policy of granting interim rate hikes to pipeline companies subject to refund. The bill specifies that consumers will not be called on to pay the higher prices unless and until FERC has ruled on the lawfulness of that rate hike. Under the present system, there is very little incentive for FERC and pipelines to resolve the question of a rate hike quickly because the interim rate hike allows pipelines to collect the higher rates indefinitely. My bill will not allow that interim hike to go into effect until FERC has made a decision, except in the case of severe financial hardship on the part of the pipeline.

I believe that this bill requiring pipelines to prove that these increased costs are justified before they can begin to collect from consumers and increasing congressional and public access to FERC's information will guarantee that lower gas costs are passed along directly to consumers. I welcome my colleagues' support for this legislation.●

LEGISLATION NEEDED TO ALLOW CONTINUED ACCESS TO HEALTH INSURANCE FOR WOMEN AND THEIR CHILDREN

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. STARK. Mr. Speaker, millions of women and their children are without health insurance in an era when the lack of such insurance can mean having no medical care at all. In response to this growing problem Representative CLAY and I are today introducing legislation requiring group health insurance plans to allow continued access to the plan for women and their dependent children who have been previously covered but, due to a change in family status suddenly find themselves uninsured.

Among nearly 100 million full-time and part-time civilian workers nationwide, 59 million were covered by their employers' health plans. Yet anywhere from 49.1 million to 76.7 million Americans under 65 either lack full-year insurance or have inadequate policies, according to a study by the Department of Health and Human Services. Lacking health insurance, last year alone, 200,000 Americans were denied emergency hospital care and 800,000 were denied routine hospital care.

Divorced and widowed women and their children are particularly vulnerable. Once there has been a change in their marital status, under the terms of most group health policies they are not continued in the group and must obtain their own health insurance. Even though the plans frequently allow for the conversion to an individual policy, it is far more expensive compared to the group policy, usually offers less coverage, and often does not pay for preexisting conditions. The consequence is that the divorced or widowed nonworking spouse is put into a position of paying much more for must less health insurance or going without coverage altogether. All too frequently she and her children go without coverage. In fact, in a study conducted by the National Medical Care Expenditure Survey, divorced women were found twice as likely to be uninsured as married women. Using the Current Population Survey, the Urban Institute determined that 16.6 percent of divorced/separated women and 7 percent of widowed women aged 19 to 64 were without health coverage. In California alone this means approximately one-half million women are without health coverage.

Spouses of employed workers who become medicare eligible constitute another group who too frequently lose group health insurance. Under the terms of many health policies, when the employed spouse becomes medicare eligible he or she and the unemployed spouse loses group coverage. All to often these people become insurance poor as they scramble to pay medicare part B premiums, find supplemental medicare policies and seek individual coverage for the ineligible spouse.

INDIVIDUALS COVERED

To help these various groups obtain health insurance, this legislation denies the business tax deduction for group health insurance to all employers who fail to provide 5 years of continuation coverage to the above individuals. The corresponding ERISA provisions are also amended to allow individuals the right to sue employers who fail to provide for the continuation option. After the 5 years a conversion option must also be available. Specifically the continuation option will be extended to: (1) widows and widowers and dependent children of employed spouses who have been covered under the group plan for at least the preceding month prior to the death of the employed spouse, (2) divorced and separated individuals and dependent children of employed spouses who have been covered under the plan for at least the preceding month prior to the separation or divorce, and (3) spouses under 65 of covered employees who become Medicare eligible.

NOTIFICATION OF CONTINUATION OPTION

In order to make policy holders aware of the continuation option, every insurer will be required to notify all group members and their dependents of the continuation option at the time of the issuance of the policy. Both spouses will have to sign and return a form to the insurer stating they have read and understand the terms of the continuation option. Upon a change in marital status of an employed spouse or upon Medicare eligibility, the employed spouse must notify the insurer of such a change. In the case of the death of an employed spouse, the employer will be required by the terms of the policy to notify the insurer of the change. Within 14 days of notification by the employer or employee of a status change, the group health plan is to notify the affected dependents of the continuation option by first class mail to the last known address. The affected spouse

and dependent children will have 90 days after being notified by the group plan to apply for the continuation coverage. They may not be dropped from coverage during this 90-day period.

TERMS OF THE POLICY

To insure affordable coverage the continuation option will not be conditional upon any physical examination. It will entitle the individual to the same scope of coverage as similarly situated individuals provided under the group plan at the time of continuation.

LENGTH OF CONTINUATION POLICY

The continuation privilege is to continue for 5 years above and beyond the 90-day initial period. At the end of the 5-year continuation period the spouse and dependents are to be offered the right to a conversion policy. Spouses and eligible dependents may not be terminated during the continuation period unless one of the following conditions occur: (1) the employer no longer offers any group health plan, (2) the insured spouse fails to make timely payments of the premiums, (3) the insured spouse becomes eligible for equivalent coverage under another group policy or becomes eligible for Medicare, or (4) the insured spouse remarries, but the marriage of a dependent child will not invalidate the continuation provisions for other members of the family.

PAYMENT OF PREMIUM

Both the employer and employee share of the premium is to be paid by the insured spouse directly to the insurer, or to the employer if the insurer and employer agree to such an arrangement. This does not preclude the employer from continuing to pay the premium for the spouse and dependent children if he/she so chooses. The policy will provide that the continuing individual will have the option of paying the premium in monthly installments. Most importantly, premiums may not exceed the combined employer/employee premiums assessed for each similarly situated group member under the group insurance policy. In order to minimize the cost of this legislation to the insurer, premiums may be based upon the community costs of the pool of members of the group insurance policy, family members and dependents covered under the group, and continued policy holders.

EFFECTIVE DATE

On or after January 1, 1986, every group contract subject to the provisions of this bill will provide for a 5-year continuation option within the plan for the above groups, with the right to convert after the 5 years to a conversion policy.

Mr. Speaker, the beauty of this legislation is that we can provide millions of women and their children with access to affordable group health insurance without costing the Federal Government a dime and with nominal or no cost to the health insurance industry. Knowing that the lack of health insurance too often means going without health care, Mr. CLAY and I hope our colleagues will see the merit of this bill and join us in seeking speedy passage.●

REDRESS FOR JAPANESE AMERICANS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. MATSUI. Mr. Speaker, it is with great pride that I join our esteemed majority leader, JIM WRIGHT and a number of our distinguished colleagues in introducing the Civil Liberties Act of 1985. This legislation addresses an issue of fundamental importance to our system of constitutional liberty.

During the 98th Congress, we introduced this legislation as H.R. 4110. The bill was designed to specifically implement the findings and recommendations of the Commission on Wartime Relocation and Internment of Civilians. Our new bill, H.R. 442, is identical in substance to the bill introduced in the 98th Congress.

I am particularly pleased by the number that has been chosen for the bill, H.R. 442. This number honors the famous 442d Regimental Combat Team of World War II. This unit was composed entirely of Americans of Japanese ancestry, many of whom had volunteered from this Nation's detention camps. Forced to leave their homes on the west coast with their families, these dedicated Americans volunteered for combat duty to protect and serve the United States. While they shed their blood in the service of this Nation, their families—parents, brothers, sisters, wives, and children—remained behind barbed wire and under armed military guard as prisoners of the country for which these men were willing to give their lives in combat.

The 442d fought in some of the fiercest and bloodiest campaigns of the European theater. It was the most highly decorated unit of its size in the military history of the United States. During five major campaigns, this unit earned over 18,000 decorations and had over 9,000 Purple Hearts. It is fitting that this historic legislation should be designated in honor of these fine men.

The civil rights abridgement which this legislation addresses began for Americans of Japanese ancestry on February 19, 1942, when President Franklin Roosevelt signed the infamous Executive Order 9066. This order authorized military commanders to exclude citizens and aliens from certain areas, supposedly to protect against acts of sabotage and espionage. The order was promulgated regardless of the fact that no documented cases of disloyalty by Japanese Americans existed and none has subsequently arisen.

Executive Order 9066 was the first step in an odyssey of deprivation, detention, and denial of civil rights. Soon after the order, all American citizens of Japanese ancestry and resident aliens were prohibited from living, working, or traveling on the west coast. Japanese Americans living in the area were removed to temporary assembly centers and then on to relocation camps where conditions ranged from passable to deplorable. The concept of habeas corpus was simply forgotten.

What was the experience of those camps? For my parents there was the discouraging loss of business, home, and other possessions. There are visions of barbed wire fences and sentry dogs, of loss of privacy and lack of adequate sanitation; and memories of the heart-wrenching divisions that occurred as families were separated by physical distance and the emotional distress of the camps. And there was the stigma of implied guilt as this Nation determined that we were a threat to national security, that because of our race, no matter how many generations passed, Americans of Japanese ancestry could never really be trustworthy Americans.

But what is most striking about all of these internment camp stories is the faith and hope that remained. Faith in the law of the land; pride in this country; and most of all, a sincere desire to prove loyalty to this great Nation and be allowed to serve its ideals and principles. All this, despite the fact that basic constitutional and civil rights were being denied.

It is the spirit of this faith that brings me before you today. For I firmly believe that our actions here are essential for giving credibility to our constitutional system and reinforcing our tradition of justice. More than half of the original internees have already died, but it is not too late to return the rightful honor to those who remain among us. It is certainly not too late to provide compensation for these living individuals. And it is never too late to send a message to future generations that such a tragic denial of constitutional rights cannot and will not be tolerated.

SUMMARY OF H.R. 442

Congress acknowledges the fundamental injustice of the internment, apologizes for it, and seeks to prevent the recurrence of any similar event.

AS REGARDS AMERICANS OF JAPANESE ANCESTRY

On behalf of the Nation, the Congress apologizes to those Americans of Japanese ancestry who were interned.

The President is requested to offer pardons to those convicted of violating laws during the internment period, whose violation was based on a refusal to accept racially discriminatory treatment.

When reviewing requests for review of administrative rulings relating to the internment, executive agencies are asked to review such cases with liberality, giving full consideration to the findings of the Commission and Congress.

A trust fund of $1.5 billion is authorized for educational and humanitarian purposes, and a board of directors is created to manage the fund. Out of the trust fund, the Attorney General shall pay $20,000 in compensation to each surviving internee.

AS REGARDS AMERICANS OF ALEUT ANCESTRY

A trust fund of $5 million is authorized for community, educational, and cultural programs benefiting the Aleuts, and a board of directors is created to manage the fund.

Each of the survivors of the Aleut internment shall receive $12,000 in compensation.

Churches and community centers destroyed in World War II shall be rebuilt.

Hazardous debris remaining from World War II shall be cleared away from the Aleutian Islands.

The Island of Atty shall be returned to the native corporation, provided that the Coast Guard will be able to continue its use of the island.●

YEAR OF SOCIAL SECURITY

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. PICKLE. Mr. Speaker, I proudly rise this morning in support of House Joint Resolution 1 which designates 1985 as the "Year of Social Security."

This year marks the 50th anniversary of our Nation's major social insurance program. Today this program covers and protects an overwhelming majority of Americans against the potential loss of income due to old age, disability or death. Furthermore, it assists in meeting the potentially devastating medical expenses of the elderly and the disabled. As a result millions of Americans from every region of our Nation, and from every walk of life can look forward to a retirement based on a secure economic foundation.

All Americans should be proud of the record of success that our Social Security Program has earned since it's beginning in 1935. Even more importantly all Americans should be reassured that the program will continue to meet the challenge of providing Social Security. Today this future promise is secured not only by the orginal vision and genius of our forefathers, but by 50 years of demonstrated success, and by the program's continued evolution and adaptation in response to the demands of our ever changing society.

Because Social Security is a program of importance for all Americans I urge each of my colleagues to join in support of this resolution. Let us all join together in declaring 1985 the "Year of Social Security" to honor this most important and successful social program.●

CITRUS CANKER

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. IRELAND. Mr. Speaker, today Congressman TOM LEWIS and I are introducing legislation to provide direct Federal loans and federally guaranteed loans to members of the Florida citrus industry who have been seriously impacted by the recent discovery of citrus canker in Florida and the measures taken to control the spread of the disease.

Citrus canker is the second devastating occurrence to hit the industry in recent months. 1984 began with a freeze that resulted in lost acreage and lost fruit totaling $1.5 billion. That figure does not include the value of the fruit that will be lost in future years as a result of tree loss. The value of packing and processing revenues foregone is estimated at over $300 million.

Then, in early September of last year, citrus canker, the dreaded disease for which there is no cure, was found in a Florida nursery. Canker is contagious and can be spread easily by infected nursery stock and budwood, by windy rainstorms, and by contact with insects, animals, people, and equipment. It is persistent and difficult to control and eradicate. Canker can attack leaves, twigs, and fruit of most Florida citrus, causing defoliation, fruit drop, and general decline of both nursery stock and mature producing trees. To date, it has been found in a total of nine nurseries.

Immediately upon confirmation of the disease USDA embargoed the shipment of all Florida citrus—both within and outside the State. Federal Animal and Plant Health Inspection Service [APHIS] with the cooperation of the State of Florida instituted the citrus canker "Action Plan." It called for the destruction of all nurseries in which canker was discovered. It ordered the destruction of all resets in groves which had been purchased from infected nurseries whether or not canker was found. In addition, if canker is identified, an area 125 feet around the resets is to be destroyed.

Further stringent actions have been taken to prevent the spread of the disease within the State and to other citrus producing regions of the country. All interstate shipments must be from areas certified as canker free and fruit from these areas must be dipped in a chlorine solution. Not until November did the State, with additional regulation, again allow retail sales of Florida citrus within the State. Many small roadside sellers, who depend on tourist traffic and Christmas sales, are on the verge of bankruptcy because they cannot comply with the regulation for dipping and labeling.

The legislation we are proposing is designed to help small growers, nurserymen, packers, and sellers who have been adversely impacted by the Government's action to control citrus canker—nurserymen and growers whose property has been destroyed and packers and sellers who were unable to market their products because of the restrictions. Our proposal is similar to that developed in response to economic injury resulting from other Government programs such as PIK.

It amends the Small Business Act to establish an entirely new program, separate and distinct from other disaster and economic injury loan programs which the act currently authorizes. It allows the Small Business Administration to make either direct loans or to guarantee loans to citrus related small businesses affected by citrus canker.

These loans are not contingent upon a borrower's ability to obtain commercial credit, but do require that the ability of the borrower to repay his/her debt be established as part of the loan review process.

The maximum term of the loan is set at 7 years. Newly planted citrus trees often do not bear fruit for 5 or more years. In addition, those whose nurseries or groves have been infected by canker cannot replant for 2 years, and in some instances, a longer time period is required. Seven years is, I believe, a fair term given the production schedule unique to citrus.

The maximum size of the loan is limited to $750,000. Again, due to the long term nature of the investment and the recovery period, I believe this to be an equitable limit.

Mr. Speaker, we have reviewed existing sources of assistance such as the Farmers' Home Administration and SBA disaster loan programs and found they are inadequate to meet the needs now experienced by this vital industry. Every indication we have is that many Florida citrus and nurserymen want,

despite the hardships, to stay in the business. In fact, the recently released results of a University of Florida survey confirm that most growers whose citrus groves were damaged during the freeze will and are making a recovery effort. More than two-thirds of the citrus growers in the hard hit northern tier of the Citrus Belt plan to rejuvenate or replant their freeze damaged grove according to the university's institute of food and agricultural sciences [IFAS].

The Florida citrus industry, throughout its lengthy history, has proven its economic value to the State of Florida and the Nation. I believe, with some assistance, the recent setbacks can be put behind us and the industry will continue its contribution to the quality of life in this country and the rest of the world.●

THE FIRST PRESBYTERIAN CHURCH OF PEORIA'S 150TH BIRTHDAY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. MICHEL. Mr. Speaker, the First Presbyterian Church of Peoria is celebrating its 150th birthday this year.

This institution has long been an important part of the Peoria community. The present congregation has worshipped in the current structure since 1888. This is the fourth building used by the congregation.

During the tense period preceding the Civil War, Jonathon Cooper, a member of First Presbyterian and mayor of Peoria, wrote to Abraham Lincoln to invite him to debate Stephen Douglas in Peoria. The congregation has the handwritten invitation, a historic document which is a link to our community's and our Nation's past.

In 1863 the general assembly, the governing body of the Presbyterian Church, met in Peoria, the first time they had convened west of Ohio.

Both the clergy and the congregation have played important roles in national affairs. Pastor Newell Dwight Hillis served in Peoria in the late 1880's and later went on to Plymouth Congregational Church in New York. The Government sent him on a speaking tour during World War I and he raised $100 million for liberty bonds in 37 days, surely one of the most successful fundraising efforts in American history and a tribute to Pastor Hillis' patriotism and eloquence.

Edward D. Gates, pastor from 1948-56, received several Freedom Foundation Awards. Robert P. Gates, pastor from 1958-81, had several sermons read into the CONGRESSIONAL RECORD. During World War II, when William Atkinson Young was the pastor, services were broadcast nationally as the CBS Church on the Air.

I am honored to say that I have had the privilege to be a member of the choir at the First Presbyterian Church. It is, therefore, a personal pleasure for me to bring to your attention, Mr. Speaker, the 150th birthday of the First Presbyterian Church of Peoria.●

THE GREAT FARM BELT BANK CRISIS

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. JONES of Tennessee. Mr. Speaker, I wish to call to the attention of my colleagues an article from the December 30, 1984, Washington Post, entitled "The Great Farm Belt Bank Crisis." This guest editorial is coauthored by two gentlemen whom I have known for a number of years, and have called on frequently to present testimony to my House Agriculture Subcommittee on issues involving agricultural credit. Mr. Thomas H. Olson is president of the Lisco State Bank, in Lisco, NE, and also serves as chairman of the Agriculture Committee of the Independent Bankers Association of America. Mr. Weldon Barton is the Washington, DC, agricultural representative for the association.

Mr. Olson and Mr. Barton present a sobering look at the current financial stress which has spread throughout the agricultural lending sector. Much has been written about the tragic economic conditions which have swept across the farm belt and engulfed thousands of family farmers over the past 3 years. Now we are beginning to see warning signals that a similar fate may be in store for many rural credit institutions which are heavy into farm lending. More commercial banks failed in 1984 than in any year since the Great Depression, and for the first time in its history the Cooperative Farm Credit System experienced liquidations among its production credit associations.

I applaud Mr. Olson and Mr. Barton for having the courage to speak out and reveal the extent to which their industry is suffering at this time, and I commend them for challenging the Government to adopt an agriculture policy in 1985 which faces up to its responsibilities by helping balance farm production with demand. I appreciate their candid assessment of the problem, and I urge my colleagues to consider the economic consequences of a continued agriculture depression. The current stress among farm lenders and other related agribusinesses will only spread to other sectors of our economy unless dramatic steps are taken soon.

[From the Washington Post, Dec. 30, 1984

THE GREAT FARM-BELT BANK CRISIS

IF AGRICULTURE COLLAPSES, SO WILL OUR FINANCIAL INSTITUTIONS

(By Thomas H. Olson and Weldon Barton)

A rapidly growing debt crisis is looming across this nation's farm belt, one that threatens the very existance of hundreds of American banks and thus poses great dangers to the national financial system. Already, banks in rural America are failing at a higher rate than at any time since the Depression. But little had been done to cope with this problem.

The farm debt problem has been building since 1980-81. During these few years the value of farm land, farm machinery and other capital assets has plummeted by nearly a third nationwide, and by 50 percent or more in some locations. Of an estimated total farm debt of $215 billion, about $60-70 billion is owed by farmers whose debt exceeds 70 percent of their total assets. These people are the ones who would have to sell out if forced to meet their obligations at current payment schedules. If a wave of liquidations happened, land prices could collapse, and the money the acreage brought might not be sufficient to pay off the banks.

Agricultural banks were not pushed to the breaking point in abnormally large numbers until the middle of 1984. Twenty-two of the 40 banks that failed since June 15 were agricultural banks; they had an average of 53 percent of their total loans in agricultural credits. Most of them are located in the Great Plains states: five in Nebraska, four in Kansas, three in Iowa, two each Oklahoma and Colorado. The rest were scattered elsewhere.

These numbers could balloon in 1985. There are about 4,300 U.S. banks that have at least 25 percent of their loan portfolios in agricultural loans, and 1,700 with 50 percent in farm loans. there are also about 850 local production credit associations and land bank associations in the federal Farm Credit System which specialize in agricultural lending. Seven of those local farm credit institutions are currently in liquidation—the equivalency of a commerical bank failure.

As long as "slack" remained in the overall credit system, banks and farm credit institutions could use a number of techniques to hold off trouble. They could consolidate farmers' short-term debt into longer-term obligations with lower payments. Credit institutions holding long-term debt secured by land and other fixed assets often "subordinated" their position to a bank which extended short-term operating credit to the same farmer, giving that bank priority access to the farmer's marketing receipts. This practice enabled farmers to secure annual operating capital, and at least postpone the liquidation of fixed assets.

Creditors have often practiced "forbearance" and in effect tolerated a farmer's inability to repay a loan on schedule, as long as the loan remained adequately collateralized. That was possible for a while after farm capital assets began to decline in value, partly because banks often required farmers to put up collateral substantially higher than the loan itself.

But such techniques are fast becoming impossible, as the agricultural credit systems is now tightening almost exponentially. Most ominous of all, the value of farmers' princi-

pal asset, their land, may be headed for further dramatic declines. According to Federal Reserve Board economist Emanuel Melichar, the total value of American farmland grew by $465 billion (in 1983 dollars) from 1971-79, and fell by about $149 billion from 1980-83. He says that the remainder of the gains made in '71-'79 may be wiped out in the years ahead as prices for farmland continue to fall.

The arithmetic explaining an agricultural bank's solvency threshold is rather simple. Assume a situation that would be roughly typical for perhaps 1,500 banks across the farm belt.

The bank has $100 million of deposits to invest in loans and other assets (such as municipal bonds). Of this $100 million, about $36 million is loaned out to some 200 farmers—an average debt per borrower of $180,000. The bank is capitalized at 9 percent of deposits, or $9 million, which is $3.5 million more than the minimum required by the regulatory agencies (5.5 percent of assets). This cushion against losses consists mainly of funds accumulated over the years from earnings and the bank's common stock.

If 20 of the bank's $180,000 farm loans are classified by the regulators as unlikely to be collected, they would be treated as losses. But subtracting $3.6 million from the bank's $9 million in capital would wipe out the bank's cushion and bring it below the legal minimum. At that point the bank is legally subject to closing unless corrective action is taken.

Since the average capital level of the approximately 4,300 agricultural banks is about 9 prcent of assets, the bank has, in effect, borrowed $10 out of every $11 it has loaned or invested. That makes it extremely difficult for the banks to withstand a run of farm failures among their customers. Even if a bank wants to be indulgent, it has to worry about its own creditors, who are unlikely to be so sympathetic.

Just as the situation is getting really perilous for the banks, however, the government agencies that might alleviate the situation are either tending to withdraw from involvement or to clamp down rather precipitously.

The Federal Deposit Insurance Corp. and the comptroller of the currency have increased regulatory pressures on banks for downward reappraisal of farmland and pushed for classifying more farm loans in "problem" categories. The Farmers Home Administration has basically closed its loan window as "lender of last resort" to commercially financed farmers who are in trouble. The secretary of agriculture is advocating a "free-market" approach to basic agricultural policies that would allow the USDA to sidestep the responsibility for helping to stabilize the receding agricultural economy.

These government policies all accentuate the negative psychology in the agricultural sector.

FDIC Chairman William Isaac said recently that the bank regulators' list of about 800 "problem" banks is growing because agricultural banks are being added faster than non-agricultural banks are being taken off. Chairman Isaac added, however, that the growing difficulties among farm banks do not pose a "threat" to the banking system as a whole.

The implication is that there are much larger problems to be concerned about. But what about the circles of misery and disruption engulfing local communities when an agricultural banks fails? What if the gathering crisis in 1985 forces wide-spread liquidations, inundating the weak markets for farmland in a dozen states and carrying in its wake hundreds of additional failures?

This gathering crisis deserves the kind of highest-level, concerted attention which has been devoted to the foreign debt crisis. Instead of preaching "free-market," the government should be facing up to its responsibilities. The crippling impact of budget deficits on our farm economy must be faced. The government cannot avoid its responsibility to provide essential direction to balance production of farm commodities and demand for them.

There is no serious prospect that the agricultural economy can "grow its way" out of the current debt crisis through export expansion. A multiyear agricultural stabilization policy should be negotiated and enacted by Congress in 1985, when the farm bill has to be rewritten.

Yes, the agricultural sector does face a serious "shakeout"—an inevitable consequence of the excesses of the '70s, when inflation took control of our farm sector and distorted it wildly. But the shakeout must be managed with great care, or else the repercussions will be felt far beyond the small rural communities whose banks are now in trouble.●

NATIONAL DRUG EDUCATION ACT OF 1985

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. ORTIZ. Mr. Speaker, I am pleased to introduce today the National Drug Education Act of 1985. My proposal represents many years of work and interest in the problem of drug abuse.

As my colleagues may remember, I have spent years working with State, Federal, and local officials to stop the flow of illegal drugs into the United States, and especially my native Texas. As a former county sheriff, I formed a 10-county wide drug task force to try to stop the flow of drugs from Mexico. During the past 2 years as a member of the House Select Committee on Narcotics Abuse and Control, I have spent many hours listening to testimony from law enforcement officials, psychologists and counselors, and educators about drug abuse and what can be done to prevent it. Last year I worked closely with parent teacher associations, parents of drug users, and education agencies to formulate a comprehensive bill that would address these problems. Although no action was taken on my bill in the 98th Congress, I have decided to reintroduce it this year and urge the Education and Labor Committee to take action on it.

I am very grateful for the many comments and suggestions I received from groups around the country who support this bill. There is a national network that has developed to help children with drug and alcohol problems. The assistance and support I received from these groups has been invaluable in spreading the word about my bill. Their comments have been incorporated into this revised bill, which I believe have made it stronger and more appealing to my colleagues in the Congress.

My proposal would provide $30 million over 3 years to the States through a block grant. States would apply for funds to the Department of Health and Human Services and funds would be disbursed on the basis of population. The Federal Government would provide 75 percent of the funds, the States 20 percent, and local school districts 5 percent—which could be in-kind payments such as facilities or equipment.

I believe very strongly that this bill is needed because it targets elementary and junior high school students who may not have experimented yet with drugs, cigarettes, and alcohol. In addition, it recognizes there is a link between cigarettes and alcohol and the use of drugs. The bill recognizes that education is more effective than either law enforcement or treatment and prevention techniques in stopping drug, alcohol, and cigarette use.

Much of the basis for these premises comes from a detailed, articulate, and thoughtful study published by the Rand Corp. entitled "Strategies for Controlling Adolescent Drug Use." I recommend this book very highly, and hope that my colleagues who share my concern about substance abuse will ask me for a copy of this publication.

There are seven reasons why I believe this bill is needed. I urge my colleagues to consider these points and join me in cosponsoring this legislation. I am confident that there is still time to reach many children who have not yet begun to experiment with drugs.

First, I believe this proposal is worthwhile because it targets a special group of children who have traditionally been ignored by drug education programs in the past. There is growing evidence that drug, cigarette, and alcohol awareness programs aimed at elementary school children can be very effective. These programs can reach children who have heard about drugs but who have not yet used them. A comprehensive awareness program can dispel the myths about cigarette smoking, drinking, and drugs, and give children the right information that will help them resist the temptation to experiment. It is clear that one program aimed at children from 4th to 12th grade cannot possibly be effective. However, by tailoring these programs and encouraging children in elementary and junior high schools to learn about cigarettes, alcohol, and drugs, we may be forestalling children from

making one of the most serious mistakes of their lives.

Second, effective programs at all age levels stress the importance of peer pressure. The Rand study cited before notes that previous education programs failed because they were grounded in incorrect assumptions about why adolescents begin using these substances. New studies indicate that drug use begins in a group setting among peers or relatives and is often perceived as the adult thing to do. Peer pressure and the imitation effect are very strong influences on impressionable children. Statistics indicate, too, that young people of all ages and socioeconomic classes use cigarettes, alcohol, and drugs, even children in grade school. A nationwide survey indicates that 50 percent of our fourth graders believe their peers have experimented with drugs, and 25 percent report significant peer pressure to try drugs or alcohol. To date, Federal, State, and local governments have spent huge sums to detect and apprehend producers and distributors and to treat addicts. But insufficient moneys have been spent on what the Rand study considers the most effective method of curbing drug abuse: education. I believe the evidence is conclusive that a comprehensive education program aimed at the real reasons children use cigarettes, alcohol, and drugs—peer pressure—can be very effective.

A third reason I believe my proposal is needed is because it focuses attention on the relationship between cigarettes and alcohol and the use of drugs. The Rand study provides compelling new evidence that links cigarette smoking among children to early drug use. The authors carefully examined the circumstances that lead young people to experiment with cigarettes, drugs, and alcohol, and concluded that "the same factors that lead to cigarette smoking lead to drug use." The study noted that "generally, an adolescent begins drug use with cigarettes or alcohol. Later, he or she may use marijuana, and still later may go on to other drugs. In effect, each stage appears to be a prerequisite for the others. Therefore, stopping or delaying the onset of marijuana use and cigarette smoking may prevent use of later-stage drugs." This is a powerful conclusion which contradicts the myth among children that there is no connection between cigarettes, alcohol, and drug use.

Therefore, educators are now suggesting a new approach to preventing first use of drugs by focusing on cigarette smoking and taking into account the social pressures that youngsters feel to experiment with cigarettes, alcohol, and drugs.

This special attention on cigarettes and alcohol is important because data demonstrate a clear relation between smoking cigarettes and using marijuana and other drugs. For example, among all teenagers in 1983, current cigarette smokers were 11 times more likely to be current marijuana users and 14 times more likely than nonsmokers to be current users of heroin, cocaine, and/or hallucinogens. At least 1 in every 16 high school seniors is actively smoking marijuana on a daily basis, and fully 1 in 5 has done so for at least a month at some time in their lives.

Alcohol is also being abused by our young people. About 1 in 16 seniors is drinking alcohol daily, and 41 percent have had 5 or more drinks in a row at least once in the past 2 weeks. An estimated 3.3 million drinking youths aged 14 to 17 are showing signs that they may develop serious alcohol-related problems. Drunk driving is the leading cause of death among 15 to 24 year olds.

These statistics are shocking and have helped focus attention on the seriousness of alcohol and tobacco abuse.

A fourth factor my bill considers is drug use among minority students. Poor and minority students frequently do not have the money to buy conventional drugs, and therefore use nontraditional substances, such as inhalants, as a means of getting high. My bill requires that educators recognize these practices and address the special needs of these students. This is particularly a problem for American Indian and Hispanic children across the Southwest and in our inner cities. It is imperative that educators recognize the role that these nontraditional stimulants play among minority children.

Fifth, our country has spent billions of dollars to try and stop the flow of illegal drugs into the United States. There is also the cost to society in nonbudgetary expenses. For instance, drug abuse costs this Nation $100 billion annually, of which an astonishing $70 to $80 billion is attributable to drug-related crime and corruption, and $15 to $20 billion is attributable to the impact of drug abusers on the health care, law enforcement, and judicial systems, the employment market, and the general welfare and social service systems. The annual financial burden of alcoholism and alcohol problems is about $120 billion each year. We cannot afford this drain on our economy and judicial system. A prevention and awareness program begun at an early age can have a lifetime effect, not only for the children, but also for our entire society.

Sixth, this proposal requires that decisions about awareness and education programs are best made at the local level. Therefore, the Department of Health and Human Services would disburse the money to the States according to the population. The State and local educational agencies would contribute 30 percent of the cost of the programs. The local educational agency receiving these moneys must develop a drug, alcohol, and tobacco educational program that meets the following criteria:

Assesses the problems and current educational programs, if any, designed to address such problems;

Outlines specific plans for providing or improving instruction on drug, alcohol, and tobacco use;

Describes the goals that are to be achieved by the drug education program, and provide an annual report on progress in obtaining these goals;

Estimates the cost of the program and gives assurances that the local educational agency will pay 5 percent of the program's cost; and

Provides procedures to ensure a proper accounting of Federal funds paid to the applicant under this act.

I believe this will provide the Federal Government with the necessary assurances that the money is well spent and will give local school districts the opportunity to tailor its programs to the specific needs of the children in their communities.

Finally, the bill would require that schools use all the resources at their disposal to teach children about substance abuse. That means that local law enforcement officials, Federal narcotics agents, and others involved in stopping the sale of drugs should talk with students. Psychologists and drug counselors who treat addicts should tell students what drug abuse is really about and how it affects their health and well-being. And, finally, clergymen, parents, businessmen, and any others with experience in drug education should be brought together with students to discuss what tobacco, alcohol, and drug abuse does to the individual and his family. These are important resources that can complement the classroom text training and make the evil of substance abuse more real for the students.

I have been very encouraged by the broad bipartisan support my proposal received in the 98th Congress. I feel confident that the bill I am introducing today will receive favorable consideration by my colleagues on the Education and Labor Committee. I urge those who share my concern about cigarette, alcohol, and drug abuse to review my proposal and join me in cosponsoring it.●

SKIN CANCER PREVENTION AND DETECTION WEEK

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. SHELBY. Mr. Speaker, I have introduced legislation designating

March 24 through March 30, 1985, as "National Skin Cancer Prevention and Detection Week." I am delighted that as of today, 47 of my colleagues have joined as original cosponsors of House Joint Resolution 85.

Cancer of the skin is the most prevalent of all forms of cancer, with nearly 400,000 new cases reported each year. Advances in treatment have dramatically lessened the incidence of death from most skin cancers, although scarring and deformity are often lasting reminders. With the exception of malignant melanoma, an uncommon but very serious form of the disease, the overall cure rate for skin cancer is higher that 90 percent. Sadly, at least two-thirds of the 5,000 to 6,000 reported skin cancer deaths a year result from melanoma.

While repeated overexposure to the ultraviolet rays of the Sun is the principal cause of skin cancer, and those residing in the southern most regions of the Nation are most susceptible, no one is immune.

Recognizing the seriousness of melanoma, the National Cancer Institute and the Office of Medical Application of Research at the National Institutes of Health [NIH] sponsored early last year a consensus conference regarding precursors to malignant melanoma. The members of the NIH consensus development panel, including some of the most outstanding biomedical researchers in the Nation, concluded that while the incidence of melanoma and related deaths is increasing, there is evidence that early detection and surgical removal of melanoma make this a highly curable cancer.

The American Cancer Society remarks in its skin cancer literature that cancer specialists worldwide are improving diagnostic techniques, learning more about early cancer and developing more effective combinations of treatments. The American Cancer Society urges a concerted effort toward alerting the American public and the medical profession to early recognition signs signaling the need for prompt treatment. This is the key to skin cancer prevention.

To this end, the American Academy of Dermatology, with its 6,700 physician members and nearly 100 local and State dermatological societies across the United States, will be sponsoring free melanoma/skin cancer prevention and detection centers across the country this spring. The dermatologists and volunteers at these national health fairs will offer their services in detecting skin cancers as well as in teaching skin self-examination techniques for melanoma developed for the America Cancer Society by the American Academy of Dermatology.

It is my hope that by designating the week coinciding with many of these health fairs as "National Skin Cancer Prevention and Detection Week," Congress will help heighten public sensitivity to the prevalence of skin cancer and the importance of early detection in our efforts to prevent spread of the disease. This resolution has the enthusiastic endorsement of the American Medical Association, the American College of Chemosurgery, the American Academy of Dermatology, and other major dermatology organizations. I urge my colleagues to join me in this worthy effort.●

INTRODUCTION OF THE EQUAL RIGHTS AMENDMENT—99TH CONGRESS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. RODINO. Mr. Speaker, I have today, on the first day of the 99th Congress, introduced the equal rights amendment.

Notwithstanding the fact that our initial efforts to have this important concept incorporated in our Constitution did not meet success, we must continue the struggle. The issues and problems that gave birth to this movement are no less real today. We have made progress toward equal opportunity for women; but I fear that our achievements are not yet sufficient.

We must not permit our efforts to diminish, for despite the progress, women today still suffer from discrimination in employment, in education, in pensions, and in many other areas. We must make certain, once and for all, that, "Equality of rights under the law shall not be abridged by any State on account of sex."

Today I am reintroducing the equal rights amendment to send a message that the march toward constitutional guarantee of equal rights for all Americans goes forward.●

THE CIVIL LIBERTIES ACT OF 1985

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. MINETA. Mr. Speaker, I am proud to join our distinguished majority leader JIM WRIGHT and many others of our colleagues to introduce the Civil Liberties Act of 1985.

Now, more than 40 years later, Congress has the opportunity to close the books on one of the most shameful events in our history: The internment beginning in 1942 of 120,000 loyal Americans without trial or jury, simply on the basis of their ethnic ancestry.

During the 98th Congress, this legislation was H.R. 4110. Our new bill, identical in substance to the 98th Congress legislation, will be H.R. 442. This number honors the 442d Regimental Combat Team, which has been called the most highly decorated unit in the history of American fighting forces. The 442d was made up of Americans of Japanese ancestry, many of whom volunteered for duty from the internment camps that are the subject of H.R. 442. The 442d fought with great distinction throughout the European campaign of World War II.

The men of the 442d, along with those Americans of Japanese ancestry who served with distinction with the Military Intelligence Service [MIS] in the Pacific Theater, fought with courage and bravery to defend their Nation, to defend their homeland, the United States of America.

Those interned were not foreign spies carrying briefcases bulging with secrets. Many had sons or brothers fighting with the 442d or the MIS. Among those who were interned were old men and women who worked in the fields of California, and with their hard labor made barren lands productive, lands that many would lose as a result of the internment. These were not unscrupulous agents of a foreign power, these were business people who had worked to build up small businesses and to be full members of their communities. These were not recent immigrants of uncertain loyalty. Most of those interned were born in this country and were proud citizens from birth.

It is impossible to debate appropriate remedies for something as indefensible as the internment without first understanding the total tragedy of our Government's policies, the needless injustice that the internment represented.

I was one of those interned. I was 10 years old. If someone, anyone, could show me how by any stretch of the imagination, any reasonable person could suspect me to have been a security threat, I would abandon this effort instantly.

The fact remains that no Americans of Japanese ancestry committed any acts of treason or disloyalty.

The internment was not merely inconvenient. Evacuated with little notice, thousands of Americans lost their homes, their businesses, their farms. We lost nearly 3 years of our lives. The financial losses were enormous. But the losses of friends, education, opportunity, and standing in our communities were incalculable.

My own family was sent first to Santa Anita Racetrack. We showered in the horse paddocks. Some families lived in converted stables, others in hastily thrown together barracks. We were then moved to Heart Mountain, WY, where our entire family lived in

one small room of a rude tarpaper barrack.

Some say the internment was for our own protection. But even as a boy of 10 I could see that the machine guns and the barbed wire faced inward.

The internment was not, as some say, "regrettable but understandable." It was unjustified in light of what we know now and unjustified in light of what anyone who wanted to see the situation clearly could see at the time. The internment was a mistake, an act of prejudice and fear. This whole Nation was and still is shamed by it.

Yes; it was a time of great national stress. But moral principles and rules of law are easy to uphold in placid times. But do these principles stand up in times of great difficulty and stress? That is the test of a great Nation: Can it stand by its laws and codes even while threatened? Sadly, we as a Nation failed that test in 1942.

Chiseled in the marble over the entrance of our Supreme Court, it does not say "Equal Justice Under Law Except When Things Get Sticky." If our constitutional promises of equal treatment and due process mean what they say, then there can be no excuse for the internment. What had I done that made me so threatening to my Government? Murderers, arsonists, even assassins, and spies get trials. But not young boys born and raised in San Jose, CA, who happen to have odd sounding last names. Is that what this Nation is about?

Congress enacted legislation in 1942 to implement the internment, and it is now up to Congress to demonstrate our national capacity for justice and wisdom. Let us show the strength of our Nation and our system of laws by admitting the errors of 1942, apologizing for those errors, and making some efforts toward redressing the damage we have done. Moreover, let us state clearly and unequivocally our commitment that such a wholesale abuse of civil rights will never again happen in this land.

We in Congress began this process of national reconciliation with the creation in 1980 of the Commission on Wartime Relocation and Internment of Civilians.

Following their excellent historical study, the Commission recommended appropriate remedies for the injustices of the internment. Those recommendations are the basis of the bill being introduced today.

In brief, these recommendations include a national apology; measures to correct legal and administrative actions that were part of the Nation's discriminatory activities at that time; the creation of a civil liberties public education fund for educational and community projects; and the payment from that fund of $20,000 to each surviving internee.

Similar recommendations were also made by the Commission to redress the damages done to the Native Aleuts who were evacuated from their islands in 1942. Those recommendations are the basis for the Aleut provisions of this legislation, which parallel the provisions of S. 2116 of the 98th Congress.

I look forward to discussing these recommendations in detail with my colleagues. I believe they constitute a fair, balanced, and reasonable package.

In speaking about the internment, our distiguished Majority Leader had in the past quoted Abraham Lincoln. Let me in closing repeat that passage.

"Those who would deny freedom to others do not deserve it themselves, and, under a just God, they will not retain it long." Thank you.

SUMMARY OF H.R. 442

Congress acknowledges the fundamental injustice of the internment, apologizes for it, and seeks to prevent the reoccurrence of any similar events.

AS REGARDS AMERICANS OF JAPANESE ANCESTRY

1. On behalf of the nation, the Congress apologizes to those Americans of Japanese ancestry who were interned.

2. The President is requested to offer pardons to those convicted of violating laws during the internment period, whose violation was based on a refussal to accept racially discriminatory treatment.

3. When reviewing requests for review of administrative rulings relating to the internment, executive agencies are asked to review such cases with liberality, giving full consideration to the findings of the Commission and Congress.

4. A trust fund of $1.5 billion is authorized for educational and humanitarian purposes, and Board of Directors is created to manage the fund.

5. Out of the trust fund, the Attorney General shall pay $20,000 in compensation to each surviving internee.

AS REGARDS AMERICANS OF ALEUT ANCESTRY

1. A trust fund of $5 million is authorized for community, educational and cultural programs benefitting the Aleuts, and a Board of Directors is created to manage the fund.

2. Each of the survivors of the Aleut interment shall receive $12,000 in compensation.

3. Churches and community centers destroyed in World War II shall be rebuilt.

4. Hazardous debris remaining from World War II shall be cleared away from the Aleutian Islands.

5. The Island of Attu shall be returned to the native corporation, provided that the Coast Guard will be able to continue its use of the Island.●

BROKER DEPOSITS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. GARCIA. Mr. Speaker, today I am reintroducing legislation to limit the amount of short-term broker deposits which may be accepted by any insured depository institution. The legislation is identical to H.R. 5913, introduced during the 98th Congress. It is a fair and balanced attempt to set guidelines for the use of brokered funds.

Among the Broker Deposit Limitation Act's most important aspects is the establishment of a cap of 15 percent on the amount of brokered funds any one institution may hold. This is calculated as 15 percent of the total deposits of the institution. Troubled institutions are prohibited from accepting short-term broker funds.

In addition, the bill requires monthly reporting of brokered deposit activity and limits any individual broker to no more than 5 percent of the total deposits of the insured bank.

The reforms contained in this bill address the potential and actual abuses of brokered funds while recognizing the benefits they can provide when properly planned by brokers and prudently managed by recipient banks and thrifts. A recent report released by the House Committee on Government Operations presents further evidence of the usefulness of broker funds and questions the more severe restrictions being sought by the regulators.

It is my intention to include this legislation as part of any larger banking bill which may come before the Congress this session. The bill is being introduced with the cosponsorship of Representative CHARLES SCHUMER and Representative DOUG BARNARD.●

NATIONAL LEGION OF VALOR DAY

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. RUDD. Mr. Speaker, it is my privilege to rise today to introduce a joint resolution to designate August 4, 1985 as "National Legion of Valor Day".

The Legion of Valor, originally founded as the Medal of Honor Legion back in 1890—almost a century ago—has brought together distinguished Americans from across the country who have received our Nation's highest decorations for valor in defense of liberty and freedom: The Medal of Honor of the Navy, the Air Force and the Army, and the Distinguished Service Cross, Navy Cross, and Air Force Cross.

This August 4th marks the 30th anniversary of the granting of a congressional charter to the Legion of Valor. That recognition was well deserved. However, the men and women of the Legion of Valor have never been content to sit on their laurels and stop serving our country upon their discharge from the military services; true

to form, they continue to serve honorably today, taking part in community activities and veterans services.

I therefore invite my colleagues to join me in commemorating the 30th anniversary of the congressional charter and in thanking the men and women of the Legion who have demonstrated extraordinary heroism in combat, risking their lives for others so that they might be free.

The resolution follows:

H.J. RES. 41

Whereas August 4, 1985, marks the 30th anniversary of the granting of the Congressional charter to the Legion of Valor of the United States of America, Inc.;

Whereas membership in the Legion of Valor is reserved for the recipients of our Nation's highest decorations for valor: the Medal of Honor of the Navy, the Army and the Air Force, and the Distinguished Service Cross, Navy Cross, and Air Force Cross;

Whereas the Medal of Honor is awarded for conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty;

Whereas the Army, Navy, and Air Force Crosses are awarded for extraordinary heroism in connection with military operations against an armed enemy;

Whereas the efforts and sacrifices of the recipients of these decorations for valor inspire their comrades and all Americans to be a force for liberty and freedom: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the August 4, 1985, is hereby designated "National Legion of Valor Day". The President is requested to issue a proclamation calling upon all Federal, State, and local government agencies and people of the United States, to observe the day with appropriate programs, ceremonies, and activities.●

ANNA M. SAMPLE: COMMUNITY LEADER

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues the life of a distinguished resident of Camden, NJ, Anna M. Sample. Ms. Sample was a clear example of the "American Dream," someone who began her life in poverty, and who overcame adversity to become a community leader and receive acclaim from distinguished organizations and persons.

Born on May 7, 1931, Anna Sample began her life of dedication. Having dropped out of high school in the 11th grade, she eventually obtained her GED and went on to attend Camden County College. At an early age, Anna's mother passed away, an experience which strengthened and reinforced her strong belief in family and community.

She began her community work as a volunteer for the Camden County Council on Economic Opportunity, a private, nonprofit agency designated by the Governor of New Jersey as the official community action agency serving low-income persons in Camden County. She held several staff positions with that organization, and in 1973 was appointed executive director.

But Anna Sample's work did not end with that accomplishment. Her dedication and concern for people instilled in her the will to become a board member and vice president of the National Community Action Executive Director's Association; a member of the Executive Committee of the southern New Jersey Health Systems Agency; a board member of CAMCARE Health Corp., and an active participant in the city of Camden Manpower Advisory Committee and the Private Industry Council.

Anna was also a driving force behind, and a board member of the Community Planning and Advocacy Council/Human Service Coalition, which has grown to encompass over 250 human services providers. On July 26, 1984, the CPAC Board of Trustees bestowed upon Anna one of her proudest honors, unanimously electing her honorary president of that organization.

Along with her devotion to her community, Anna Sample was equally devoted to her family. The mother of 10, Anna wanted the fruits of her labor to be a legacy to her children. When Anna Sample died on August 20, 1984, the tributes that followed indicated the depth of her commitment to both community and family.

The program distributed at her funeral service was entitled "Service of Triumph for Anna M. Sample." Indeed, hers was a life of triumph—over adversity, bureaucratic insensitivity and poverty. The Camden City Council paid fitting tribute to the life of Anna Sample when it stated in its commemorative resolution:

Whereas, during the life of Anna M. Sample, she did devote many hours and sacrificed her time and physical efforts to the spiritual and physical well being of her fellow citizens. Her loss will be deeply felt by the community and by this government for many individuals profited spiritually and economically by her counselling and service . . .

Mr. Speaker, I am sure that my colleagues will join me in paying tribute to the life of a truly outstanding community leader and a fine American, Ms. Anna Sample.●

SPACE WEAPONS OR ARMS CONTROL?

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. BROWN of California. Mr. Speaker, the willingness of the administration to discuss space weapons with the Soviet Union in the upcoming meeting in Geneva, between Secretary of State George Shultz and Soviet Foreign Minister Andrei Gromyko, will be critical to the success of these negotiations and indicative of the commitment of the administration to pursue arms control negotiations. I congratulate the President for pursuing this dialog with the Soviets. My colleagues and I will certainly monitor the progress of these, and subsequent meetings, closely.

The possibility of the extension of the arms race into space was the subject of great public and congressional debate in the 98th Congress. This issue will command even greater scrutiny in the 99th Congress, as the defense budget for space weapons programs grows the one hand, and, as arms control negotiations evolve between the United States and the Soviet Union on the other hand.

My colleagues know that I support the military use of space, and have for a long time, where that use contributes to global security and stability. The United States has long depended on space for communications, early warning of nuclear attack, intelligence collection, monitoring of military activities worldwide, and arms control verification. These activities have contributed significantly to peace by denying the element of surprise in attack, and improving command and control of military forces on Earth.

However, the placement of weapons in space for ballistic-missile defense or for shooting down Soviet satellites would be a mistake. Ballistic-missile defense is explicitly prohibited by the 1972 Anti-Ballistic Missile Treaty and would be fantastically expensive, would promote an accelerated nuclear arms race, and, intended or not, could be viewed by the Soviets as a U.S. first-strike system. Last year, the House expressed skepticism over the President's Strategic Defense Initiative, or "Star Wars," by cutting the budget request by almost 30 percent. The fiscal year 1986 request will certainly come under even closer budget scrutiny as a result of the strong pressure to reduce the deficit and the need to find a more workable approach to national security.

Although strategic defense systems are still in the research stage, the antisatellite [ASAT] weapon under development by the Air Force could be deployed within a few years. ASAT's are designed to destroy the military satellites upon which the United States depends for vital military functions. The United States would therefore have more at risk in an ASAT arms race than the Soviet Union because of the nature of our space assets, and because we depend more on our space systems than the Soviets do on theirs.

Last year, the House supported a moratorium on testing of the U.S. antisatellite weapon system in the hopes that an agreement could be reached with the Soviet Union to ban the weapon. In light of the January 7 meeting between Andrei Gromyko and Secretary of State George Shultz, and the possibility of resumption of arms control negotiations between the United States and the Soviet Union, I believe that an extension of the moratorium is critical to successful negotiations. This is because the value of the U.S. ASAT as bargaining leverage would diminish as the testing program proceeds. It is my intention to seek an extension of the ASAT test moratorium now due to expire on March 1, 1985 following Presidential certification.

Finally, foremost on our minds as we embark upon the 99th Congress and begin consideration of funding for Federal programs will be the problem of the deficit, projected to be in the $200 billion range next year. Under these circumstances defense spending, which has enjoyed an unprecedented buildup over the last 4 years, averaging 9 percent growth after inflation, will inevitably have to come under even closer budget scrutiny.

We all recognize the need to slow down the growth in Department of Defense spending. This will make it much more difficult to gain support for new programs, such as the $25 billion sought for the Strategic Defense Initiative Research Program. A fully deployed ballistic-missile defense program, by many estimates, would cost between one-half of a trillion and 1 trillion dollars, at least. The General Accounting Office has projected that the ASAT weapon alone will cost in the "tens of billions of dollars". The problem is compounded by the fact that, to a large extent, outyear defense spending has already been determined with the approval of major weapon systems like the B-1 bomber, the Trident, and the Pershing, to name a few, thus leaving little flexibility in the budget.

Mr. Speaker, the debate over the Strategic Defense Initiative and antisatellite weapons has raised serious questions about the enormous cost of these systems, their viability, and their negative effect on arms control. I intend to continue to examine the questions raised, and take action where necessary. I know that many of my colleagues share my concerns, and I welcome their active participation. I also believe that the President recognizes the serious danger of our nuclear age, and that he has asked himself how he can contribute to reducing that danger. I share his views about this danger, and pledge to lend my efforts towards the goal of a safer world.

Thank you Mr. Speaker. An excellent article on space weapons appearing in the Los Angeles Times follows:

[From the Los Angeles Times, Dec. 26, 1984]

WEAPONS IN SPACE

How long can the world hope to gaze into space with any confidence that no weapons lurk there? Longer than it might have thought a year ago, but still not long enough. The case is growing against two very different programs, both of which would turn outer space into a target range. Next year will tell whether the case is strong enough to stop either. It also will tell whether they are the shortcut to a deal on arms control that Washington thinks they are. We doubt it.

The more glamorous of the two is President Reagan's "Star Wars" program—his personal gamble that the threat of being destroyed by a counterattack is neither the best nor the only way to prevent a nuclear nation from starting a war. In one of its many forms it is a shield laced together with forerunners of the Battleship Galactica that would shoot down Soviet missiles as they left their launching pads and long before they could reach a target. Because the technology for such a system is now and may for generations lie beyond human reach, the idea is in such disrepute inside and outside the Administration that even its defenders are trying to calculate its salvage value, perhaps as an arms-control bargaining chip. Even Defense Secretary Caspar W. Weinberger, who once held out hope that the system would put a missile-proof umbrella over the entire nation, retreated last week. "Star Wars" would be worth pursuing, he said, even if it meant only that an enemy who could not be sure how many missiles would get through a shield might be discouraged from launching any at all. What was once a promise of protection is now a prayer that the country might get lucky.

Congress in the meantime has imposed a brief moratorium against the final testing of the other program, the Pentagon's less-glamorous satellite-killers. Built around small missiles launched like darts from fighter planes, the system would destroy orbiting satellites that the Soviets use the same way the United States uses its own satellites—as listening posts, communications stations and spies in the sky. The satellite-killer program is the more insidious of the two programs because it is technically possible, it is close to being declared an operational weapon system far better than anything similar on the Soviet side and, once deployed, it would almost certainly launch not only its small missiles but also a new arms race in outer space.

Because the Soviet Union has agitated globally against both programs, publicly and in private meetings with Americans, some U.S. defense theorists assume that Washington's threat to proceed with both projects is what coaxed the Soviets back into arms-control talks that will begin Jan. 7 in Geneva. They also assume that the Soviets would give up large numbers of its intercontinental missiles in return for a presidential signature on a treaty banning or somehow limiting weapons in space.

There are other possible explanations of the Soviet willingness to talk. Further testing of either system would push existing arms treaties to their limits. That being the case, it is as logical to assume that the Soviets are less interested in trading weapons that they have for weapons that we are still developing than in getting a better sense of how far the United States plans to proceed with space weapons. Then they would know better when to start working seriously on projects of their own that might defeat "Star Wars" and compete with satellite-killers.

Despite the programs' differences, there are overlaps in them that would make it hard to negotiate on one and ignore the other. Some anti-satellite research and testing would be useful in the early stages of a "Star Wars" program, and even a crude system for shooting down nuclear missiles in flight could be a very effective satellite-killer.

The threat of "Star Wars" and satellite-killers may indeed be the reason that Soviet negotiators will turn up in Geneva next year, ignoring their own promises not to talk about nuclear weapons while Pershing 2 missiles are in Europe. But that would not make the American projects bargaining chips.

The strongest argument against "Star Wars" is that decades from now any system in which the United States invested sums estimated as high as $500 billion would leak around the edges. It could not cope with bombers. It could not stop missiles launched from submarines. And the main defense weapons could be overwhelmed by what the Soviet Union does best—building more missiles than the shield was designed to stop.

That is the practical argument against "Star Wars." The conceptual argument is that it works directly against Reagan's declared goal—an absolute reduction of nuclear warheads in the world. With "Star Wars," the incentive would be to build more, not throw away any ready to launch.

It seems clear that arms-control talks in Geneva and in subsequent meetings will succeed only if they get down to basics—to searching for a formula that would reduce the threat of nuclear war by reducing the number of nuclear missiles and warheads in both nations. To that central issue, weapons in space are peripheral except for the fact that, once deployed, they would multiply the risks that a sophisticated lump of wire and dynamite stumbling blindly around space might bump into something by accident.

There are reasons to hope that the talks will succeed, and reasons to wonder whether they have a chance. The delegation that will go to Geneva with Secretary of State George P. Shultz for his meeting with Soviet Foreign Minister Andrei A. Gromyko includes Reagan advisers who regard imposing limits on the use of satellite-killers as an act of stupidity or suicide, and arms control of any kind as a brand of catnip that takes the nation's mind off the importance of vigilance and big defense budgets. The hard line on arms control may have softened at the White House. The players who helped harden the line in the first place have not.

One reason for optimism is that Paul Nitze will be in Geneva with Shultz as his chief arms-control adviser. Nitze is no patsy, but he does believe in arms control—unlike many other Reagan advisers—and he has been in the business long enough to know a bargaining chip from a potato chip. Another is the change in attitude at the White House itself. Months ago the President himself declared that it was impossible to negotiate a treaty that would guarantee to keep satellite-killers out of space. By last Monday, at Reagan's instructions, they were part of the Geneva agenda along with his

cherished "Star Wars," with some strings attached.

What happens in Geneva depends on what the President allows to happen and what the Kremlin wants to happen. Stripped of illusions that weapons in space will make it easier, not more difficult, to negotiate real reductions in nuclear missiles, the talks have a chance to succeed. Working under instructions that concentrate more on the future threat of space weapons than on the present threat of intercontinental missiles, negotiators might well talk one another out of any arms controls at all, including those that already exist. And that would mean the beginning of a prospect more terrifying, if possible, than the one that drove Reagan to "Star Wars" in the first place.●

SPECIAL EDUCATION AWARDS TO MASSACHUSETTS TEACHERS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. FRANK. Mr. Speaker, on December 6, 1984, the Massachusetts Association for Retarded Citizens recognized 13 individuals and 2 organizations for the excellent work they have done on behalf of the goal of humane care for those with mental retardation.

I am very proud that one of those who received an award is Lucille Provazza of the town of Seekonk, which is in my congressional district. Mrs. Provazza is a special education teacher in the Seekonk public schools. It's particularly appropriate at this time to note the extremely high regard in which Mrs. Provazza is held by the families of the young people with whom she works. At a time when people are looking closely at various public expenditures, special education ought to be recognized as one of the most important and cost-effective public expenditures we make— there are few things which it is more important for this society to do than to provide to the mentally retarded the kind of loving and knowledgeable educational help which people like Lucille Provazza give.

I want to add my congratulations to Mrs. Provazza for her skill, her dedication, and her compassion. All of us are indebted to her for the great work she does with retarded children. I want to add also my congratulations to Superintendent Gallishaw of the Seekonk school system, and to the Seekonk School Committee, and other people in the Seekonk system who work together to provide educational services.

I was pleased in reading through the list of those who received citations from the Massachusetts Association of Retarded Citizens to see a number of other residents of the Fourth Congressional District. My congratulations and my admiration also go to them and to the other award winners for the compassion they show for the mentally retarded, and for skill with which they discharge the responsibility that all of us in society owe to people with retardation.

Mr. Speaker, I ask that the list of those receiving citations be printed here.

The list follows:

Allen C. Crocker, M.D. of Natick, Director of the Developmental Evaluation Clinic, Children's Hospital Medical Center: His support of children with mental retardation in his medical practice, research, consulting, and writing teach others to see that retardation is not limiting but rather a challenge.

Gunnar Dybwad, J.D. of Wellesley, Professor Emeritus of Human Development, The Florence Heller Graduate School, Brandeis University: As a teacher, researcher, and writer and, above all, an untiring advocate, he has made major contributions to improving the quality of life for those with mental retardation in every country of this world.

Rosemary Dybwad, Ph.D. of Wellesley, Senior Researcher, The Florence Heller Graduate School, Brandeis University: Through her research and writing, and her love and inspiration, she brought the mentally retarded into the mainstream of life.

Frederic J. England, Jr., CPCU of Reading, President of the Independent Insurance Agents of America: Without his support of the Massachusetts Association for Retarded Citizens (MARC) organization, MARC could not continue to work to try to improve the quality of life for the 12,000 children and adults with mental retardation that our 24 local affiliates serve every day. Accepting for Mr. England will be Donald Lewis.

Thomas Feeley of Belmont, the National Association for Retarded Citizens Volunteer of the Year: Through the years, his interest, concern, and involvement with MARC's local affiliates, the Greater Boston ARC and the Charles River ARC, has set an example of service for all volunteers.

Project Welcome, a joint project of Wheelock College and Children's Hospital Medical Cener: Linda Gilkerson, Ph.D. of Arlington, Program Director and Elizabeth Brown, M.D. of Jamaica Plain, Medical Director. Their development of a research guide to programs and their service to community agencies in training, consultation and enrichment programs are major contributions to the success of early intervention in the lives of high risk children.

Richard Howard, J.D. of Ipswich, Supervising Attorney, Developmental Disabilities Law Center: By successfully advocating for disabled people and their families in the courts and the legislature, he has assured that special needs students and their families need not settle for minimally adequate special education services.

Mary Lou Maloney of Jamaica Plain, former executive director of the Massachusetts Association for Retarded Citizens: During her ten years with the Massachusetts Association for Retarded Citizens, her conscientious representation of the interests of the 176,000 children and adults with mental retardation in Massachusetts resulted in improved community-based care and significant gains for the mentally retarded who were neglected after the age of 22.

Christine McKenna of Chelmsford, reporter for the Lowell Sun: In reporting that mentally disabled people can often speak well for themselves she spread the message that, with help, people with retardation can lead independent lives and be contributing members of society.

The Honorable John Murphy, State Representative, from Peabody: He has served the Commonwealth by being a valuable force in shaping legislation with positive effects for those with retardation. Accepting for Representative Murphy will be Jonathan Blodgett.

Lucille Provazza of Seekonk, special education teacher in the Seekonk Public Schools: Life for her students has been enhanced because she has creatively and skillfully fostered successful and creative relationships between the school system and the family that make life a warm and positive experience for her special needs students.

Margaret Pyne, Association Dean, Graduate School of Education, Lesley College: A pioneer in the training of special needs teachers she challenges her students to follow her standards of quality and excellence, commitment, and concern in the classroom.

The Polaroid Foundation: Christopher C. Ingraham of Westwood, President of the Polaroid Foundation and the Vice President of Polaroid, Inc.: Believing one of the most effective weapons for the alleviation and prevention of society's problems, is private support, humanitarian concern, and community involvement, the Polaroid Foundation has made major contributions to create work opportunities and increased personal growth for mentally retarded persons.

Stephen R. Shestakofsky, J.D. of Arlington, Director of the Special Projects, Bay State Skills Corporation: In the design and implementation of the Massachusetts Supported Work initiative for training mentally retarded persons, over 325 mentally retarded Massachusetts citizens each year are provided transitional training and employment opportunities.

David Wizansky of Brookline, Director of the DARE Outreach Counseling and Education Program and advisor to the Mohawks and Squaws. The oldest self advocacy group for mentally and physically handicapped persons in the country celebrates its 25th anniversary this year. Speaking out and helping others is not only central to the Mohawks and Squaws' philosophy, but has guided David Wizansky's life of service to those with mental retardation.

The lives of all the recipients of the 1984 Distinguished Citizen Awards sensitively illustrate Kahlil Gibran's lines:

Don't walk in front of me
I may not follow
Don't walk in back of me
I may not lead
Just walk beside me
And be my friend.

Please join me in a toast to our awardees. Ladies and gentlemen: Congratulations.●

THE SUNSET ACT OF 1985

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. MINETA. Mr. Speaker, as we confront the difficult task of managing Federal spending and revenues, we

in Congress are operating without a key tool that would bring significant order and rationality to our deliberations.

Along with Mr. GEPHARDT, I have introduced the Sunset Act of 1985 to provide a new mechanism that would require each spending program and tax expenditure to be systematically reviewed every 10 years. Trying to manage the Federal Government without such a periodic review is like boxing with one arm tied behind your back.

It is useful and necessary to annually debate funding levels for agencies and programs. But when do we discuss the underlying assumptions and goals of a program? When do we reevaluate decades old decisions about the need for and design of individual programs? Without such a review, how can we make thoughtful overall policy decisions apart from the press of short term fiscal constraints?

The Sunset Act of 1985 would provide just such a review mechanism. The legislation was cosponsored by 65 Members in the 98th Congress, and I believe it is more important now than ever before.

The legislation we have introduced:

Requires all Federal spending programs to be reviewed at least once every 10 years.

Terminates spending authority for those programs which have not been reviewed and reauthorized.

Exempts programs into which citizens have paid in expectation of later direct return, such as Social Security.

Requires all tax expenditures to undergo a similar review.

Provides for a coordinated review of spending and tax programs by general purpose.

Remarkably enough, more than half of all Federal spending is through programs that are permanently authorized. Surely it is appropriate to reexamine our work every 10 years in light of any possible changes in social or economic priorities.

I hope that each Member will join in cosponsoring this important legislation, which will enable the Congress to effectively manage and review Federal spending and tax expenditures.●

THE 1984 KING'S DAY REGATTA, JACKSONVILLE, FL

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. BENNETT. Mr. Speaker, every year in Jacksonville, FL, on the third weekend in November, there is held the King's Day Regatta. This is a tradition brought to Jacksonville, from the pre-Revolutionary days when Florida was an English colony and a King's Day Regatta was held there in the St. Johns River in honor of the King and the mother country. In current years, the regatta is not only an outstanding event enjoyed by the people in that area, and from long distances, but it emphasizes the affection and friendship existing in these days between the United States and the United Kingdom. Therefore, it has an importance far beyond what an ordinary regatta might have.

The King's Day Regatta occurs in Jacksonville, FL, in the same broad expanse of the St. John's River which was used in the 18th century for this same purpose. On November 17, prior to the actual sailing event, the British Ambassador to the United States, Sir Oliver Wright, addressed a formal dinner audience in the Continental Club in Orange Park, a suburb of Jacksonville. There he made the following comments among others:

I am grateful to you all for inviting me to join you in this year's celebration of the Kings Day Regatta. I am particularly grateful to Congressman Bennett: without his persistence, without his silver tongue, I doubt whether I should be here today.

I am doubly glad I came. At least I think I am. Let's see what happens tomorrow first. I am glad because your Regatta commemorates the brief British presence in Florida.

That presence ended over 200 years ago. So the British connection cannot have been too bad if you continue to celebrate it with such continuity, devotion and panache, 200 years on.

Secondly, because I am a naval man myself: that is to say if you so regard someone who took the King's shilling in 1941 at the age of 20 as an Ordinary Seaman and was demobilised 4 years later in the exalted rank of Lieutenant RNVR.

I am surprised that Florida should wish to be reminded of the British naval connection. I seem to remember that Sir Francis Drake sacked St Augustine in 1586. And he set such an example that another sailor repeated this exploit in 1668. Let me hasten to assure you that my intentions this evening are entirely honourable and peaceful.

Despite these war-like beginnings the last 200 years have been an era of peace and friendship between our two countries. We celebrated last year the 200th anniversary of the Treaty of Paris. As Benjamin Franklin, one of the American negotiators of that Treaty, wrote to his British counterpart, "we have been fellow workers in the best work of all, the work of peace."

Next year we shall be celebrating the 200th anniversary of the establishment of diplomatic relations between the United States and the United Kingdom.

These 200 years have brought benefits to our nations and our people which are unique in the history of relations between sovereign states. As George III said to the newly arrived American Minister to the Court of St James's, "I was the last to consent to the separation, but the separation having been made, and having become inevitable, I have always said, as I say now, that I would be the first to meet the friendship of the United States as an independent power."

Looked at from my desk in the Nation's Capital, George III's words continue to ring true. Maybe he was not such a bad guy after all. His portrait hangs on the main staircase of the British Embassy in Washington. All my American guests have to pass it on their way upstairs. I see it and salute it every day. It reminds me that even great men may make mistakes. It also reminds me that mistakes, if you learn from them, can provide the foundation of great endeavours. Maybe he is due for rehabilitation.

I do not doubt that one of those great enterprises is the special relationship which exists between your country and mine. When I presented by Letters of Credence to President Reagan over two years ago, it was he not I who spoke of our special relationship. What is good enough for the President of the United States is good enough for me.

We share a common heritage, a common language, the common law and a common respect for liberty under the law. We have the nub, the central core of our relationship in that one word: liberty.

I was re-reading recently Alexis de Tocqueville's great work "Democracy in America." That percipient Frenchman, writing a century and a half ago, came to the conclusion that it was democracy which marked out American society from other societies. And he called the people who lived in that society: Anglo-Americans!

The special relationship is special because it spans so many areas. But at root I suspect that it is founded on rather simple things. We have always been able to learn from each other. And we continue to do so. We learnt the lesson of the War of Independence. The American Revolution did not put Britain out of the empire business altogether. We were still in business in Canada, for example. Indeed for a century it was rather the reverse. But we had learnt that the demand for liberty and independence eventually becomes overwhelming and the only thing which satisfies it is liberty and independence itself.

That is why since the Second World War more than 600 million people in nearly 50 nations of the old British Empire have come to independence. And they have come to independence without war but by mutual consent.

And we also have shared over the last century a common commitment to paying the price for defending and preserving liberty. Twice in this century the United States has had to intervene in order to correct the troubles of the Old World. Even though so many forbears of the people in this country came here in order to escape from the problems of the Old World, Americans nevertheless recognized in 1917 and 1941 the need to uphold common values, the knowledge that a tree cannot grow if cut off from its roots. Such was your devotion to liberty that you could not stand idly by and watch the lamps of liberty being extinguished one by one in Europe. Above all nations, Britain has reason to be grateful for that essential ingredient of our common heritage.

Since the Second World War this commitment to common values has found expression in the North Atlantic Alliance. It has been in existence for 35 years. During that time the Alliance has lost not a man, woman nor child nor a square inch of territory.

For the Alliance has been the success story of the century. It has deterred aggression. It has kept the peace. It has attracted new members. And it has provided such a profound sense of security that in a recent poll in Britain over 70% of the population said that they approved of NATO. Only motherhood would win more widespread support.

Perhaps NATO has been too successful. Perhaps we feel too secure. For from time to time one senses a distinct feeling of angst in the air. From time to time we have Trans-Atlantic rows, most recently over the Siberian gas pipeline. From time to time Europe seems disunited, whether over a Community matter like the British budget problem or Alliance issues, like the stationing of Cruise and Pershing missiles, or about burden sharing. This leads the pessimists or the sensation mongers to forecast the imminent collapse of the European Community or approaching twi-light for the Alliance. All this, as Mark Twain said of a report of his death, is greatly exaggerated.

I predict that both the European Community and the NATO Alliance have long lives ahead of them. The fact remains that we solved the pipeline issue by taking counsel together and agreeing on an Alliance policy for trade in defence-related high technology with the Eastern bloc. The British budget problem has been resolved and the European Community is on the march again.

The countries of Europe are also pulling their weight in the defence of NATO. The U.K. Itself is committed to a strong defence policy. We have met the NATO target of 3% annual growth in real terms in defence spending and intend to do so until 1985/86 when the British defence budget will be 23% greater in real terms than it was in 1978/79 when Margaret Thatcher became Prime Minister. Britain has an independent nuclear deterrent: that demonstates how seriously we take defence and our contribution to the Western Alliance. At present our submarine-based deterrent uses the Polaris system and it will be replaced in the 1990s by Trident which we are buying from the United States.

It will cost us about $12 billion and help both the U.S. trade deficit and employment rates.

Britain spends more on defence than any other European member of NATO, both in absolute terms and on a per capita basis. We work closely with the United States. The military relationship is at the very core of Anglo-American friendship and cooperation. This has been the cause since the second World War and it is a matter of priority for the British Government today. There are 100 American bases in Britain where more than 28,000 American servicemen are stationed. Despite what may occasionally be seen on television, where minority protest is given exaggerated exposure, American servicemen stationed in Britain are welcome there. That was the verdict of our last general election.

The recent debate in Congress has reminded us that the contribution made by the European partners to Western defence is often under-estimated or misunderstood in the United States, even by the well informed. The facts are that Europe provides 70% of the Alliance's fighting ships in the Eastern Atlantic. On the Central front; Europe provides 90% of the ground forces; 80% of the combat aircraft; 80% of the tanks, and 90% of the armoured divisions dedicated to defending the western front line, the U.S. front line, the front line of the free world.

Quite right too, you will say. And I agree.

The total number of Europeans under arms is 3 million. The United States has 2 million under arms. This looks like pretty good burden-sharing to me. I hope we can agree on that too.

So the final thought I would leave with you is this. The Anglo-American relationship is sound, for it is based on common values. It has endured for 200 years and will, I am sure, endure for at least another 200 years. But all good things need working at. Relationships must not be taken for granted. Friendships, if they are to last, must be kept in good repair. The price of liberty is eternal vigilance.

So in thanking you for your hospitality to me this evening, I pay tribute to what I believe is your intention: to keep the friendship between Britain and America in good repair. That intention I share. I am happy to be able to tell you that our friendship is in good repair and happy to discover in Florida that it is in such good hands.

The Ambassador participated in the events on the following day and was warmly received during his entire stay in the Jacksonville area, being interviewed by the newspapers and other media and joining in all of the activities in a splendid participation.

The following news account from the Florida Times-Union tells of the winners in the regatta, top spot going to Scott Loftfield with his 33-foot Tartan 10.

[From the Florida Times-Union (Jacksonville), Nov. 19, 1984]

LOFTFIELD SURPRISES FIELD IN KING'S DAY

(By Lawrence Dennis)

It wasn't supposed to happen, but Scott Loftfield grabbed the brass ring in the seventh annual King's Day Regatta sailed on the St. Johns River yesterday.

Loftfield entered a Tartan 10, in this case a 33-footer named Oh Krap, in the race.

Oh Krap is a fairly frequent finisher in the money in Tartan class races, but a boat skippered by a captain with limited (2½ years) experience in racing isn't supposed to challenge for the first-in-fleet trophy or win the cup for first boat overall in PHRF (Performance Handicap Rating Fleet) class in the King's Day, which has become the premier cruiser-racing event between the Chesapeake and Fort Lauderdale.

But win it Loftfield did. He and wife Marta and crew crossed the finish line off the Florida Yacht Club a scant 30 seconds behind David Parrish on BigTime.

Seconds behind? Yes, but Parrish, who has sailed the Southern Ocean Racing Circuit (SORC) series on BigTime, is universally acknowledged as one of the finest sailors not only on the river but in North Florida, period.

And BigTime, an S-2 10.3, is a pretty classy racing boat, which means that it had to give some time to Oh Krap under the PHRF rating system. And that meant that though BigTime finished first in the 75-boat fleet, winning a trophy of its own for that accomplishment, Loftfield and crew corrected out best in the field to win the coveted Carl Z. Suddath trophy for first boat in on corrected time.

And strangely enough, Loftfield, a journeyman racer, literally beat the field because of bad luck in the early part of the 15-nautical-mile race.

"I was doing so bad at the first mark [after the race had gone about 3 miles] that I figured I didn't have anything to lose," Loftfield said.

After rounding the turn far behind (at an estimated 30th in fleet) the leaders, including Parrish on BigTime, Loftfield decided to take a gamble and go far inshore, while the bulk of the fleet stayed in midstream.

"I decided to take a flyer [a wild hare]," he said, "I took a chance, because nobody else was doing it."

The gamble paid off—Loftfield came out of nowhere to take over first place at the half-way mark, and though Oh Krap's fractional spinnaker rig couldn't stay ahead of BigTime and its mast-head chute on the final downwind leg, a pair of trophies was assured.●

GILMAN INTRODUCES FAST TRACK SURTAX LEGISLATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. GILMAN. Mr. Speaker, once again I am reintroducing legislation designed to assist our Nation's vegetable growers. In the last Congress, I fashioned this measure with the assistance of growers from our northern tier region; since that time, the bill has gained the support of many local organizations as well as the endorsement of the National Onion Association. Quite simply, the bill continues to allow imported vegetables to enter this country; however, if they enter in such volume and with depressed prices so as to injure the domestic farmer, a surtax will be imposed on the offending commodity.

Importation of certain vegetable commodities into American markets during periods of heavy volume of U.S. production results in economic injury to our domestic producers through reduced produce prices. The declared value of a shipment at the point of entry into the United States often is not accurate. It is, therefore, necessary to provide a temporary surtax on commodities from time to time when increased volume of imports is presumed to have resulted in decreased domestic market prices. My legislation requires the Agriculture Department to monitor certain affected commodities to determine from volume and benchmark prices the extent of economic impact on our domestic growers. Should injury be determined for a specified commodity, a surtax system can be put into place, and the surtax would be collected by customs officials at the border.

The commodities this legislation proposes to monitor include: cabbages, carrots, celery, lettuce, red and yellow storage onions, potatoes, and radishes.

For purposes of determining the surtax, a "benchmark price" for each vegetable category will be determined, and would be computed for each month within the applicable marketing season (85 percent of the average monthly market price for domestic and imported articles for the same month during the 36-month period immediately preceding the month for

which the computation is made). If the Secretary of Agriculture determines that the benchmark price is abnormally high or low due to harvest variations, then a computation can be made that equals 90 percent of the average monthly market price for that category for the same month during the 60-month period immediately preceding the month for which the computation is made.

In determining the market price of imported commodities under this bill, the sales price of imported articles at the three terminal markets having the heaviest volume of imports of the article being monitored would be considered.

My legislation allows the Secretary, upon petition, to add any classification of fresh vegetables, provided that the Secretary concludes that economic injury is being caused or threatened to the U.S. producers of that commodity.

During the harvesting season, the listed commodities would be monitored weekly, but if determined that the average market price paid does not equal 90 percent of the average price for that category for that week in the immediately preceding 3 years, then the Secretary can designate that vegetable as depressed, and monitoring continues on a daily basis for the prices paid for articles in that category as well as monitoring on a weekly basis the volume of imported articles in that category that are sold in terminal markets. If the average market price is below the benchmark price for that category, and if the volume exceeds by 5 percent the volume of the same imported article sold in a terminal market during the equivalent week 5 years ago, the surtax is established.

The weekly monitored terminal market price, when found to be below the benchmark price, will be subtracted from the benchmark price, and this difference will be added to the previous week's average price difference, if any, that is below, the benchmark price in order to determine the subsequent week's surtax amount.

After a surtax has been implemented, and the average weekly monitored price is found to be above the benchmark price, the previous week's surtax will be decreased by the amount of this difference in order to calculate the surtax for the following week.

The surtax for that vegetable commodity would be in effect for 180 days, and could be extended by the Secretary for another 90 days if it is determined that conditions are still the same.

There will be weeks, Mr. Speaker, when there will be no surtax. During other weeks, a surtax will be in place. The importing country will be notified as soon as findings are made by the Department of Agriculture, and the surtax will be collected at the border.

The problem of imports undercutting American prices affects almost every industry. The vegetable industry is not immune, and has been suffering severely. American producers of fresh vegetables receive no subsidies whatever from our Government, while many of our trading partners subsidize their growers nearly every step of the way. Trying to find American grown carrots in the Northeast is extremely difficult. I am informed that New York State only has a very few carrot producers left, and other States are losing family farms year after year.

I believe that this proposed agricultural surtax system, modeled after an existing system of one of our trading partners, is a fair method of ensuring that imported vegetables and potatoes do not further erode our agricultural economy. The American farmer is among out Nation's most vulnerable entrepreneurs, continually confronted with the hazards of droughts, floods, pestilence, surplus crops, and so forth. Unsubsidized, it takes our farmers years to recoup their losses from any natural disaster. Their plight is made worse by the onslaught of imported commodities that undercut their prices. This surtax system will provide needed relief, and will be utilized by the Department of Agriculture only when needed.

Mr. Speaker, I request that at this point in the RECORD a copy of my proposed legislation be printed in full for the review of my colleagues. I am requesting prompt hearings and ask my colleagues for their support. Together, by adopting this proposal, we can secure relief for the American vegetable and potato farmer.

H.R. 110

A bill to provide equitable treatment for certain fresh vegetables produced in the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fresh Vegetable and Potato Trade Act of 1985".

SEC. 2. As used in this Act:

(1) The term "article" means a specific vegetable category commodity entered into trade in a terminal market.

(2) The term "benchmark price" means, with respect to articles in a vegetable category, a price, computed for each month within the applicable marketing season, that equals—

(A) 85 per centum of the average monthly market price for domestic and imported articles in that category for the same month during the thirty-six-month period immediately preceding the month for which such computation is made; or

(B) if the Secretary considers that the benchmark price computed under subparagraph (A) is abnormally high or low because of harvest variations, 90 per centum of the average monthly market price for domestic and imported articles in that category for the same month during the sixty-month period immediately preceding the month for which such computation is made.

(3) The term "imported articles" means articles that have been entered, or withdrawn from warehouse for consumption, within the customs territory of the United States.

(4) The term "market price" means the sale price at which imported articles in a vegetable category are bought and sold in the course of trade at the three terminal markets having the heaviest volume of imports of such articles. The market price shall be based on such quantity of measure as the Secretary deems appropriate for purposes of carrying out this Act.

(5) The term "marketing season" means the marketing season in the United States for vegetables, that are produced in the United States, of a kind like those in a vegetable category, as determined by the Secretary.

(6) The term "Secretary" means the Secretary of Agriculture.

(7) The term "terminal market" means a marketing area in the United States at which major shipments of imported articles in a vegetable category are introduced into domestic commerce.

(8) The term "vegetable category" means each of the following classifications, identified by reference to the appropriate item numbers of the Tariff Schedules of the United States (19 U.S.C. 1202), of vegetables, if fresh:

(A) Cabbages provided for in item 135.30.

(B) Carrots provided for in items 135.41 and 135.42.

(C) Celery provided for in items 135.60 and 135.61.

(D) Lettuce provided for in item 136.60 and 136.61.

(E) Red onions and yellow onions, of the type produced for storage holdings, provided for in item 136.93.

(F) Potatoes provided for in items 137.25, 137.26, 137.28, and 137.29.

(G) Radishes provided for in item 137.40.

The Secretary, for the purposes of this Act, may add for the duration of a marketing season any classification of fresh vegetable provided for in such Schedules as a vegetable category if a United States producer of vegetables of that kind petitions the Secretary for such addition and the Secretary concludes that economic injury is being caused or threatened to United States producers of articles in that category after applying the criteria in section 3(a) and (b)(2).

SEC. 3. (a) During each week of the marketing season, the Secretary shall monitor the market prices paid for articles in each vegetable category. If the Secretary finds, on the basis of such monitoring, that the average market price paid for articles in any vegetable category during a week does not equal 90 per centum of the average price for such category for such week in the immediately preceding three years, the Secretary shall, within five working days, publish notice thereof in the Federal Register designating that vegetable category as a depressed vegetable category.

(b) The Secretary shall, with respect to articles in each vegetable category designated as a depressed vegetable category under subsection (a)—

(1) monitor on a daily basis the market prices paid for articles in such category; and

(2) monitor on a weekly basis the volume of imported articles in such category that is sold in commerce at terminal markets.

(c) If the Secretary determines, on the basis of the monitoring required under sub-

section (b) regarding a vegetable category that is depressed, that—

(1) the average market price for articles in that category for any week in the marketing season was below the benchmark price for such category; and

(2) the volume of imported articles in that category that was sold in commerce at terminal markets during such week exceeds by 5 per centum or more the volume of imported articles in that category sold at terminal markets during the equivalent seven-day period in calendar year 1978;

the imported articles in that vegetable category shall be presumed to be causing, or threatening to cause, economic injury to United States producers of like vegetables.

SEC. 4. (a)(1) Within two working days after making a determination under section 3(c) regarding imported articles in a vegetable category, the Secretary, by publication of notice thereof in the Federal Register, shall (A) issue notice of such determination, and (B) establish a surtax period for such category which shall be the one hundred and eighty-day period commencing on the next Thursday which occurs not less than five days after the date on which such determination was made. The Secretary shall at the time of such publication notify the exporting countries of articles in such category of such establishment.

(2) The Secretary may extend a surtax period established under paragraph (1) by an additional ninety days if he determines that the conditions which led to the establishment of the initial one hundred and eighty-day surtax period are still in effect at the close of the initial period.

(b)(1) There is imposed on all articles in a vegetable category to which a determination under section 3(c) applies that are entered, or withdrawn from warehouse for consumption, in the customs territory of the United States during each week within the surtax period a surtax for that week, the amount of which shall be computed on a weekly basis in accordance with subsection (c) by the Secretary on the basis of the applicable market prices.

(2) A surtax imposed under this Act shall be treated for all purposes of the customs laws as a duty which is in addition to any other duty imposed on the entry or withdrawal from warehouse of articles in the vegetable category concerned.

(c)(1) For purposes of this section—

(A) The term "computation period" means the seven-day period that ends on a Wednesday in the two weeks before the week in which a surtax week begins.

(B) The term "surtax week" means each seven-day period, beginning on a Thursday, that is within a surtax period established under subsection (a).

(2) The surtax imposed under subsection (b) for each surtax week on imported articles within a vegetable category shall be determined on the basis of the relationship between the average daily market price paid during the applicable computation period for articles in such category, and the applicable benchmark price for such articles, as follows:

(A) If there is no difference between such market price and benchmark price—

(i) no surtax shall apply during the surtax week if no surtax is in effect for the immediately preceding surtax week; or

(ii) the surtax for the surtax week shall be the same as the surtax, if any, in effect for the immediately preceding surtax week.

(B) If such market price is below the benchmark price, the surtax for the surtax week shall be—

(i) an amount equal to the difference between such prices, if there is no surtax in effect for the immediately preceding surtax week, or

(ii) an amount equal to such difference plus the amount of any surtax in effect for the immediately preceding surtax week.

(C) If such market price exceeds such benchmark price—

(i) no surtax shall apply during the surtax week if no surtax is in effect for the immediately preceding surtax week, or

(ii) the surtax for the surtax week shall be the amount of the surtax in effect for the immediately preceding surtax week reduced by the amount of such excess (but not below zero).

(3) For purposes of determining under paragraph (2) the surtax to be imposed during the first surtax week in any surtax period, a surtax shall be determined under paragraph (2)(B) on the basis of the findings of the Secretary under section 3(c)(1) on the imported articles concerned and such surtax shall be treated as being in effect during the week before such first surtax week.

(d) The Secretary shall certify to the Secretary of the Treasury the surtax, or absence thereof, as determined under subsection (c) for each surtax week within the surtax period established for a vegetable category. The Secretary of the Treasury shall take such action as may be necessary or appropriate to levy and collect any such surtax so certified, including the requirement of additional bond to secure payment of a surtax.

SEC. 5. The Secretary and the Secretary of the Treasury shall each issue such regulations as may be necessary and appropriate to carry out this Act.●

TECHNOLOGY DEVELOPMENT CONFERENCE, BONN, GERMANY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. BROWN of California. Mr. Speaker, at a recent conference in Bonn, Germany my colleague and chairman of the Committee on Science and Technology, the Honorable DON FUQUA, delivered remarks on the future conduct of science in the world that I would like to call to the attention of all of us. The ideas present an alternative approach to the development of "big science." This approach is one to which we in America have not been accustomed. The ideas are thoughtful and provocative, and I believe we would all benefit from giving them serious consideration. In part, Mr. FUQUA said the following:

While science and technology have helped us each meet our national objectives and goals, they have also played a role in bringing all nations of the globe closer in cooperation.

However, these international efforts have been, for the most part, isolated programs. We, as a community of industrial nations in the world, have not yet developed a pattern of using science and technology to move us beyond the realization of individual nation goals to the next level, that of global goals. Science and technology are tools of such potential and magnitude that, given their possibilities, we have barely begun to utilize them to achieve global well-being and prosperity.

We are a wonderfully diverse conglomerate of nations, and a group of several unique continents; ultimately, however, we are one planet upon which mankind must continue to survive. Although our different cultures and histories cause us to function in different ways, this individuality, this nationalism, must also become more compatible with our global goals. We must recognize that there can be both competition and cooperation among nations; there can be both diversity and solidarity. These are not mutually exclusive but rather, I believe, mutually beneficial.

I want to address specifically the place of science in that gobal perspective. In Jacob Bronowski's book, Science and Human Values, he says, "the world today is made, it is powered by science. . . ." I would expand on his declaration a bit. We so frequently hear and use the phrase "science and society." If we perceive science and society to mean that science has a "relationship to" or a "role in" our society, then we may be persuaded, in these times to budget imbalances and burdensome deficits, to believe that both national and international support of science is worthwhile and even important, but not absolutely essential.

If, however, in our contemporary context, science and society are understood to be interdependent, then science funding is appropriately fundamental to our national and international well-being. I firmly believe that the latter is the case.

Science is a human endeavor, always dependent upon human thought, curiosity, and dedication to know and understand more. Society is a community of people having common interests. Contemporary society has survived and prospered through its increasing utilization and integration of the new knowledge and understanding that science produces. It is the human endeavor of science put to work for the whole human society that has forwarded much of our civilization.

Although science has always been an international exercise among individual scientists, I believe the time has come for it also to become a routine international exercise among nations.

The internationally known biologist and author Lewis Thomas wrote recently in Foreign Affairs magazine, "I believe that international science is an indisputable good for the world community, something to be fostered and encouraged whenever possible. I know of no other transnational human profession . . . from which human beings can take so much intellectual pleasure and at the same time produce so much of immediate and practical value for the species."

I am extremely pleased that the agendas of the Versailles, Williamsburg, and London Summits testify to the growing affirmation of this understanding.

At the summit meeting agreement was also reached to plan nearly twenty cooperative science and technology projects, each worthy of attention and effort.

I am concerned, however, that there is a much larger perspective that must be examined if collaboration in these areas is to become a successful, forward-moving effort for future continuation, rather than the isolated accomplishment of a scientific event or project.

It seems to me that in each major scientific discipline that lends itself to megaproject efforts, we need to look at the big picture for that discipline for perhaps the next 20–30 years. Then within that overall picture, specific projects and experiments will logically fit along that continuum of time.

At this point, a significant question must surely be, who is the collective "we" that will look at the big picture? Well, in identifying a long-term scenario for fusion as an example, the pronoun "we" would be personified by the European fusion community, Japan, the United States and possibly the Soviet Union.

They are the principals in fusion research today. As a group, they house most of the world's knowledge and expertise in fusion energy. Collectively, they ought to be able to map the general direction of the road for the next few decades and then delineate where specific markers and way stations would need to be set up in order to progress along the specified path.

This approach would serve two important purposes. First, it would allow us to understand the relationship of each experiment or project to the larger, more comprehensive discipline. And second, it would also help us to parcel out and balance the long-term responsibilities for the whole scientific accomplishment and even determine tentative geographical locations for various future projects.

This more comprehensive view would make us mindful of the presumption that any given tree in the forest represents the forest in totality, and any one experiment the larger scientific discipline.

But we cannot hope for this kind of comprehensive outlook for each science discipline to be successful if we do not go one significant step further. As we attempt to parcel out and balance the long-term responsibilities for each major discipline of science, we will have to do so on the much larger arena of all the science disciplines viewed collectively.

In this largest scientific context, each nation will be able to see the benefits for itself in the more comprehensive scheme. While one of us will perhaps have to relinquish some national advantage to join the "international pack" in fusion research where a different lead nation could be identified, we would be able to view this as a trade-off for a place we might hold in space research or high energy physics.

I believe that if we do not use this more universal approach, it will be philosophically simple for nations to agree to give up national control and advantage in a given area but in practicality it will be difficult to get the cooperation and funding commitments necessary. It seems to me that this can only be accomplished if we agree to set up something in the nature of an international body or parliament of science.

In such a forum we would be able to view the trees or experiments as part of the forest of a specific science discipline but even more importantly, we could see beyond each forest to the larger geography of science. Ultimately, it can only be from this geography that we can agree to be dedicated caretakers of all the forests and their individual trees and in return receive an appropriate share of the harvest.

Our knowledge and research are now so sophisticated that in order to probe further, in order to learn more, in order to reach higher, we must use ever more complicated and costly tools and technology. Although we may not be reaching limits in the knowledge we can accrue, we are, in many cases, reaching limits for some scientific projects that any one nation can unilaterally fund and maintain.

In addition to the task of mapping out an overall plan and direction for advancing a particular scientific discipline in which we can consider major cooperation, I believe the global community of participants also needs to address the issue of coherent strategies for carrying out all "big science".

As we look toward the prospect of routine scientific partnership, we must be meticulous in our objectives and policies because goodwill and diplomacy can quickly disintegrate in an environment of misunderstanding and misinterpretation.

In general, global collaboration in "big science" projects will mean, for each participating nation, the necessity of giving up a degree of nationalism in exchange for a step gained toward our international goals. This is not always simple for a nation and perhaps it is more difficult for the United States given the position of both independence and isolation in our history and culture.

America's role in cooperative science endeavors must be one in which we learn to be a more equal partner. We cannot plan to paying a disproportionate share of the costs in any venture in exchange for the prevailing voice.

In addition, our budget process is set up on the basis of an annual appropriation which has created conflicts for us in making commitments to multiyear projects. In this situation we always run the risk that restricted funds will force us to choose either reneging on an international commitment or diminishing our domestic program in order to meet the continuing international commitment. Neither of these is a satisfactory choice for us as participants or for the long-term harmony and security of an international project.

In our effort to seek major international science collaboration on a continuing basis, we as a nation must simultaneously tackle this funding issue at home. I believe it is time for us to integrate the philosophy of big science collaboration with the financial and functional practicalities of making them work.

To be a reliable partner, which America has not always been, we all have to accept the responsibility that the stability of any science megaproject will be directly dependent upon the stable funding commitment of its participants.

The proposals that I have put forth here for "big science" collaboration might easily be interpreted as a general suggestion that makes sound philosophical sense today, and may, at some point, have practical bearing on a future way to do things. I do not mean for this to be the case.

As you know, America is in the initial planning stages of a space station in which we have already invited major international collaboration. We are also commencing discussions and design of a Superconducting Super Collider (SSC). As our plans are more clearly defined, the SSC may very well become a prime candidate for just such "big science" collaboration. This early stage of planning is perhaps the opportune moment for examining SSC as a possibility.

In my view, the cost and complexity of these scientific projects which drain our human and financial resources dictate a future where cooperation will become a routine exercise for the advancement of scientific research, rather than the exception that it is now.

And I believe we can only do this successfully if this collaboration is not only within the comprehensive circle of each science field but, beyond that, to a further cooperation that sees the largest science disciplines as pieces in the bigger scheme that addresses the future tasks of science within the global forum I have proposed.

At this very time, the Science Committee is undertaking a review of our national science policy. The study will span the two years of the new Congress. As a nation, we have not taken a comprehensive look at these policies for about 40 years. Our last major study was undertaken shortly after World War II. Times, conditions and priorities have inevitably changed and we are perhaps overdue for this review. It will be, as far as basic principles are concerned, a study which will address the next 40 years.

As the Science Committee's Task Force begins this study in January, I will suggest to the other Members that they consider how to address the issue of developing an international consensus in defining the scope of the several scientific disciplines in which there will be expanding activity over the next few decades within the concept of an international forum.

These next 40 years, that our study will attempt to examine, offer a vastly different perspective of the world and America's place in it. Although, as a nation, we in America have been abundantly endowed with a rich variety of resources, there is no nation that possesses all that it needs. In addition, practically everything short of sunlight on this Earth is either limited in quantity or depletable by misuse. As we come to increasingly understand this reality, we are more aware that our individual existence depends, more than ever, on the survival of the earth's collective population. This necessarily leads to cooperation.

As I have said, I do not believe that the concepts of competition and cooperation are mutually exclusive, but rather on a more expensive level, mutually beneficial. I believe that the tension between competition and cooperation in the international community is not a negative force because it drives each nation to find its own avenue of economic success while accepting the increasing reality of security and well-being through cooperation.

Competition can bring us excellence, innovation, and diversity. It enhances our desire and our determination to improve. As for cooperation, it will not always be out of love for our fellow man that we choose to cooperate, but rather out of the practical knowledge that it is crucial to the survival of each of us. Our world is too small, too tight and too volatile to have it any other way.

I have been honored by your invitation to speak here today and hope that these thoughts will provoke future discussions and perhaps serve as stepping-stones to an expanded era not only in German-American relations but in global relations.●

H.R. 3, BALANCED BUDGET STATUTORY APPROACH

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. JONES of Oklahoma. Mr. Speaker, today I am introducing legis-

lation which would require the President to submit and Congress to consider balanced Federal budgets. The bill I introduce today is, for all intents and purposes, identical to H.R. 6300, a measure which I introduced last Congress and which was overwhelmingly passed by the House of Representatives on October 2, 1984.

As the 99th Congress begins, we must all live up to our responsibility to the American people. It is vitally important that we begin this year's budget process by looking at the hard numbers and choices we face to reduce and eliminate the huge budget deficits which threaten our economic future.

The bill I introduce today is an important step in this process. It would apply equally to the President and the Congress. It would start immediately, not sometime in the distant future.

While there is no substitute for political courage, we can make our job easier by passing this bill. I urge your support for this key legislation.●

HYDROELECTRIC RELICENSING: AN ISSUE OF FAIRNESS AND EQUITY

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. SHELBY. Mr. Speaker, today I introduced a bill, H.R. 44, that is of critical importance to millions of electricity consumers—the relicensing of hydroelectric projects across the Nation.

The bill introduced today is identical to one I introduced in the 98th Congress, H.R. 4402, which had 120 cosponsors when that Congress adjourned. It was designed to provide fair and equitable treatment of the majority of this Nation's electric consumers during the relicensing of hydroelectric projects.

Since the Federal Power Act was enacted in 1920, investor-owned utilities have undertaken the financial and technological risks to develop hydroelectric facilities which provide low-cost, fuel-free power for their customers. During the past 60 years, these customers have paid for the development and operation of these facilities through their electric rates.

Today, however, there is a movement by a privileged few to take over, without paying just compensation, hydroelectric projects which now benefit many. In just the next 10 years, licenses of 178 hydroelectric projects operated by investor-owned utilities come up for renewal. Some of these licenses, which were originally issued for a maximum of 50 years, are now being contested by municipalities claiming a relicensing preference exists in the act. Because of the tremendous economic benefits of these existing projects, many more challenges can be expected. Giving municipal systems a preference to take away hydropower facilities developed and paid for by the majority of this Nation's electricity consumers is unfair, inequitable, and wrong.

Unless the 99th Congress acts to clarify that a municipal preference does not apply to relicensing, millions of electricity consumers will be penalized only to benefit a select few.

This legislation calls for any existing licensee to receive a new license unless the Federal Energy Regulatory Commission determines, when judged against criteria in the law and competing applications, that the existing licensee's project was not the one best adapted to utilize this important natural resource. Additionally, this bill would require just compensation in exchange for the physical assets and their associated value if a new license were issued to a successful competitor.

The bill would not change the municipal preference which exists during initial licensing procedures. It would, however, protect existing licensees and millions of consumers from unjustifiable losses of hydroproject assets and benefits at the time of relicensing existing facilities.

Legislation is needed to resolve FERC's conflicting interpretations of the Federal Power Act which have created great uncertainty about whether municipal preference applies to the relicensing of an existing project. While FERC's latest interpretation finds that a municipal preference does not apply against existing licensees at relicensing, public power interests are appealing that decision in the courts. Regardless of the ultimate court decision, this is an important public policy issue which Congress must resolve.

The strong backing of the last Congress for the Electric Consumers Protection Act will undoubtedly carry over to the 99th Congress. Active support from State regulatory commissions, State legislators, county governments, business associations, labor organizations, and consumers is growing. Moreover, editorial support for this legislation continues to grow. Printed below are an editorial froim the New York Times, a resolution passed by the National Association of Counties, and excerpts from a statement of the National Conference of State Legislatures.

This issue must be addressed soon. The interests of consumers who have paid for the development and operation of these facilities must be protected. The low-cost benefits of our Nation's most valuable renewable energy source should be shared as widely as possible, not concentrated in a small segment of the country's population.

HYDROELECTRIC RESOLUTION—PASSED BY THE NATIONAL ASSOCIATION OF COUNTIES (NACO), JULY 10, 1984

Whereas, investor-owned electric utilities serve 72 million electric customers in the United States—almost 80 percent of all electric customers in the nation; and

Whereas, those customers and their families represent over 176 million people and 8 million industrial, commercial and agricultural customers; and

Whereas, over the last 80 years, a number of those utilities have developed and paid for hydroelectric plants to supply economical, clean, renewable energy to their customers; and

Whereas, hydroelectric generation has no associated fuel costs, unlike thermal fuels; and

Whereas, hydroelectric provides substantial savings to utility customers in fuel costs; and

Whereas, a number of the licenses issued by the Federal Power Commission—now the Federal Energy Regulatory Commission (FERC)—in the 1920's and 1930's to the utilities to build and operate those hydroelectric projects are now expiring; and

Whereas, a number of city-run utilities have filed with the FERC to take over the expiring licenses for those projects, and they have claimed a "preference" over millions of customers of the present owners and operators; and

Whereas, the continued ownership, and operation of these hydroelectric projects by the present license-holders is generally in the public interest and to the social and economic well-being of the customers presently served by the projects; and

Whereas, National Association of Counties (NACo) represents 1,900 member counties out of 3,106 nationwide in (number of states);

Be it further resolved, That NACo hereby supports H.R. 4402 "Electric Consumers Protection Act of 1983" or similar legislation that protects utility customers by amending the Federal Power Act to provide that any existing licensee shall receive a new license for its hydroelectric projects unless the existing licensee's past and future operation of the project would not be in the public interest as determined by the Federal Energy Regulatory Commission under the standards presently in the Act or if there is a competing license application which most closely meet the public interest as determined by the standard of the Act.

Be it further resolved, That copies of this Resolution be provided to Federal Energy Regulatory Commission and appropriate members of the U.S. Congress.

HYDROELECTRIC RELICENSING, PASSED BY NCSL, JULY 26, 1984

NCSL recognizes that due to the larger number of consumers served by investor-owned companies which produce hydroelectric power, a public-power preference in relicensing would concentrate the benefits of hydroelectric power among the relatively fewer customers of public power, rather than serving the public interest by spreading these benefits over the much larger number of consumers served by investor-owned utilities. Currently, there are nine competitive relicensing cases pending before FERC. The benefits of these projects, and the Merwin project that is now in the courts, are now spread among 8.4 million customers of the existing investor-owned utility licensees while the public power enti-

ties seeking ownership serve only 836,000 customers who have paid none of the costs associated with construction, operation, and maintenance during the original license term.

NCSL recognizes that the application of preference at relicensing will cause higher bills for investor-owned utility customers to cover expensive fossil fuels or replacement power purchases to make up for the lost generation. In some cases, power plant construction may be necessary earlier than planned to compensate for the lost generation. NCSL also recognizes that ownership transfers to state and municipal utilities could result in significant reduction in taxes paid to state and local governments by investor-owned utilities.

Therefore, NCSL urges the Congress to make clear that the only basis that would justify the transfer of a license at the time of relicensing and the resulting disruptions and inequities is that a competitor's plan is better adapted to developing the resource in the public interest than the existing licensee's.

Further, NCSL urges Congress to provide a legislative clarification which would eliminate future reversals in decisions regarding "preference" in relicensing. Accordingly, NCSL urges Congress to amend the Federal Power Act to clarify that preference does not apply at the time of relicensing. FERC should award a new license to the entity which offers, through the relicensing application process, the plan which best meets the public interest standards in the Act. Public interest considerations must include, among other factors, impacts on consumers, recreational benefits, environmental values, water-power development plans, and preservation of public ownership of the basic resource.

Further, NCSL believes that in the case of competition for a new license, factors that must be considered by FERC, among others, include the competing plan's compatibility with comprehensive state river-basin plans and compliance with the requirements of state law with respect to the use of bed and banks of navigable waters and to the appropriation, diversion, and use of water for power purposes. In this regard, NCSL emphasizes the importance of provisions in the present law and regulations requiring preapplication consultation with state and local governments and providing the opportunity for state and local agencies of government to intervene in licensing proceedings to present evidence concerning these matters.

[From the New York Times, June 3, 1984]

POWER TO THE PEOPLE, PRIVATELY

The Mokelumne River hydro complex near Lake Tahoe provides low-cost power to 3.5 million customers of the Pacific Gas and Electric Company. Now the city of Santa Clara is asking the Federal Government to transfer all the hydropower to its 40,000 municipal electric co-op customers.

Common sense suggests that the extremely cheap power from this Federal project, worth $45 million a year, should be shared as widely as possible. But a legal loophole gives Santa Clara an inside track to the bonanza. In fact, unless the law is changed, 189 Federal hydropower systems will be vulnerable to takeovers by small, publicly owned utilities in the next ten years.

Private utilities operate some 300 Federal hydropower dams under 50-year licenses. These regulated utilities must pass on the benefits of low-cost power to consumers. Many of the dams were built in the 30's and 40's and the licenses are starting to come up for renewal. Under an ambiguously worded provision of a 1920 law, publicly owned utilities seem to have preferential rights to the power. Not surprisingly, private licensees and representatives of their millions of customers are pressing Congress to amend the law.

The ideal reform—one desired by neither private utilities that have the hydropower now nor the municipal co-ops that hope to get it—would auction off expired licenses to the highest bidder. That way, all Americans would share the benefits of hydropower, which typically costs one-tenth as much as electricity generated from oil.

But a free market solution holds little appeal to Congress. No organized interest would benefit very much. The next-best approach is more politically practical: Spread the cheap hydropower as widely as possible. Since current private licensees serve many times more people than the municipal co-ops angling to replace them, they should be given preference in license renewal.

With the support of the Reagan Administration, a bill to do just that has been introduced in the House by Richard Shelby of Alabama and 100 cosponsors. More power to them.●

A TRIBUTE TO TOM MARTINEZ—LIONS CLUB HONOREE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. ANDERSON. Mr. Speaker, on January 23, 1985 the Wilmington Lions Club of Wilmington, CA will be holding their annual "Community Recognition" night at the Gonzalez Restaurant. This year they will be honoring Tom Martinez for his service to the community.

Tom was born in New York City and moved to Wilmington in December 1950. He attended local schools and graduated from Banning High School in 1958. While there Tom ran track and cross country, was a cheerleader and held several class offices. He graduated as "Athlete of the Year," and vice president.

Tom exhibited his commitment to the community early by joining the Boy Scouts, Explorers C.Y.O., Y.M.C.A., and many sports programs.

He is a 1972 graduate of the L.A. Harbor Junior College.

Tom has been a policeman for the city of Gardena for 19 years and a juvenile detective for 6 years. He attended special school in police administration and youth psychology. Tom was elected director, treasure, and special events chairman of the police association. He also has earned a distinguished expert award in shooting.

After leaving the Boy Scouts as scoutmaster, Tom entered the Wilmington Jaycees in 1967. Between 1967 and 1970 he held the following positions: Sergeant at arms, director, vice president, and president. The Jaycee local received many awards under his leadership as president.

With the Jaycees, Tom chaired many events including: the "Junior Champ Track Meet"; "Wife Appreciation Night"; "Wilmington's 110th Birthday Parade"; "Christmas Baskets for the Needy," and the three "Harbor City Parades."

Tom also received awards as the "Chairman of the Year," "Jaycee of the Year," "Keyman of the Year," and "Officer of the Year." He has been vice president of Wilmington Boy's Football; chairman of the Y.M.C.A. Fund Raising Campaign; director/treasurer of the Gardena Police Benefit Association; and chairman of the Gardena Youth Boxing Program. Recently, Tom received the "Distinguished Citizen of the Year 1984 Award" from the Wilmington Chamber of Commerce.

Tom has been married for 26 years to wife Carmen, and they have four children, Tommy, Anthony, Rachel, and Rosie. They also have two grandchildren, Bernadette and Jessica.

My wife, Lee, joins with me in congratulating Tom Martinez for the dedication he has given to his community. We wish Tom and Carmen, along with their children and grandchildren, all the best and much happiness in the years to come.●

CANKER RELIEF FOR THE FLORIDA CITRUS INDUSTRY

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. LEWIS of Florida. Mr. Speaker, today Congressman IRELAND and I are introducing legislation which amends the Small Business Act to provide a much-needed Federal loan program to members of the Florida citrus industry who have suffered severe economic loss due to—the recent discovery and Government's attempted eradication of—citrus canker.

Last September, citrus canker was discovered in one of Florida's largest retail nurseries. Since that time, eight additional nurseries in Florida have been found to be infected by this devastating disease. Canker, a highly contagious bacteria which attacks the leaves, twigs, and fruit of most citrus stock, can cause defoliation, fruit drop, and general decline of both nursery stock and mature producing trees.

To date, the only method known to control and eradicate the spread of the disease is by burning the infected plants. Unfortunately, this method is hampered by the fact that canker can be easily spread by infected nursery stock or budwood, wind, rain, or by the slightest contact with insects, animals, people, or equipment.

Upon initial confirmation of the disease, the USDA embargoed the shipment of all Florida citrus fruit. By November, these restrictions were eased; however, great financial hardship was experienced by the entire Florida citrus industry during this 2-month period.

The State of Florida and the USDA's Federal Animal and Plant Health Inspection Service [APHIS] have worked together in developing and implementing a strategy to limit further infestation of the disease and to eradicate canker where it has already been found.

Currently, this strategy, or "Action Plan," calls for the complete destruction of all nurseries wherever canker is discovered. It also calls for the destruction of all trees that were purchased from these nurseries and have been planted in groves as a reset. Regardless of whether or not these new trees have been found to have canker, they too must be destroyed. However, if canker is found in a "reset," all trees within 125 feet of the reset must be destroyed.

In addition, tough sanctions have been imposed to prevent the spread of the disease within the State of Florida and to other citrus-producing regions of the country. One such sanction requires that all interstate shipments must be from certified canker free zone areas and that fruit from these areas must be dipped in a chlorine solution and packaged at a registered packing house. While these sanctions are needed to prevent the further spread of canker, many small roadside sellers are on the verge of bankruptcy because they cannot comply with the costly regulations for dipping and labeling.

The legislation which my colleague and I are introducing today is designed to help the small growers, nurserymen, packers, and sellers who have been adversely impacted by Government actions to control citrus canker.

Our legislation is similar to programs developed by SBA in response to economic injury resulting from other Government programs. It amends the Small Business Act to provide directed Federal loans and federally guaranteed loans to members of the Florida citrus industry who have been adversely impacted by canker and the actions taken to eradicate this disease. These loans are not contingent upon a borrower's ability to obtain commercial credit, but they do require that the ability of the borrower to repay the loan be considered as part of the loan review process.

In addition, the bill establishes the maximum term of the loan at 7 years. The citrus industry is different from most other agricultural industries in that a newly planted citrus tree often does not bear fruit for 5 or more years. Additionally, those nurseries or groves found to be infected by canker will be unable to replant for 2 or more years in order to fully ensure that all canker bacteria has been destroyed. Clearly, current programs simply do not provide for an adequate time in which citrus growers can realistically operate.

Under our legislation, the maximum loan is limited to $750,000. Again, this limit has been designed to meet the unique long-term nature of the investment and the recovery period for the citrus industry.

Mr. Speaker, after reviewing all loan programs currently available, I believe neither the Farmers Home Administration nor the SBA disaster loan programs meet the specific and unique needs of the Florida citrus industry.

Without a doubt, the Florida citrus industry has suffered devastating economic set-backs over the past several years. While the recent discovery of citrus canker has economically damaged the Florida citrus industry, it has not dampened the spirits of its members. This multibillion dollar industry is a vital thread in the State's economy as well as a way of life for many people.

This much-needed legislation tailors existing SBA loan programs to provide an opportunity for the growers, nurserymen, packers and sellers to get back in business. By providing them with a fair and equitable solution, I believe the State of Florida will continue to lead the way in citrus production.●

HOW TO STOP DRUNK DRIVING

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mrs. BOXER. Mr. Speaker, on October 19, 1984, I chaired a hearing at Marin County's Civic Center in California entitled "How To Stop Drunk Driving." In the course of 3 hours we heard the testimony of a dozen witnesses. The purpose of this summary is to highlight the important points raised by the witnesses and to offer my conclusions regarding appropriate measures to curb this menace on our highways.

Joe Wilner, the chairman of the Marin County Alcohol Advisory Board, began by emphasizing the positions of alcohol and driving, respectively, in our culture. Alcohol, though clearly a drug, has broad social and commercial sanction as a recreational beverage and personal relaxant. The automobile is a symbol of independence, prosperity, and mobility in America; it is also in many cases an indispensable adjunct to employment. To deter drinking and driving, Wilner believes drivers must be convinced that there is a high probability of being stopped. He recommends the use of roadside sobriety checks.

Andrew M. Mecca, Dr. P.H., Marin County Chief of Alcohol and Drug Services, presented an encyclopedic overview of the topic. He pointed out that 25,000 Americans die yearly in alcohol-related highway accidents. A disproportionate number of incidents involve teenagers. Other nations utilize sobriety checkpoints or impose much stiffer penalties on offenders. Mecca recommended checkpoints as the most effective initial deterrent. He also pressed for a 1-year treatment/education program for first offenders, shown to have been effective in substantially reducing further violations. Mecca recommended financing through additional user taxes on alcohol.

California Highway Patrol Commissioner, J.M. (Maury) Hannigan, pointed out that California's law enforcement agencies make more than 25 percent of the drunk driving arrests nationwide, and are dependent upon Federal funding in doing so. He views the problem as not simply one for law enforcement, but a major need for increased public awareness. He emphasized the enormous burden prosecutions place on the judicial system. He mentioned a pilot program of sobriety checkpoints being initiated by the patrol if approved by the California attorney general. He called for a coordinated educational campaign, both in the schools and in the print and electronic media.

Judge William H. Stephens presides over the county's municipal court, where drunk driving cases are prosecuted. He emphasized that drunk driving offenders come from all socioeconomic strata, and that the law in this area is aimed at preventing rather than punishing after injury occurs. Since neither drinking nor driving is a prohibited activity, he felt society was attempting to introduce a "guage" into people's minds about how much they can drink without impairing their driving. Alluding to burdens on law enforcement and the judicial system, he urged a separate civil system for drunk drivers which would act on first offense and include tough penalties, including stiffer license suspension.

County District Attorney Jerry Herman discussed the record of his office's prosecutions under the new State drunk driving law which was effective January 1982. The key element of the tougher law is an absolute prohibition on driving with a blood alcohol concentration above 0.1 percent, which he has found the juries willing to respect. Because of limited jail facilities he questions first-offense confinement, urging instead consideration of work programs, probation, and education and treatment. He mentioned

the growth in use of a "designated driver" in situations where a group of people drink at a social function.

James "Silky" Sullivan has founded a network called Bartenders Against Drunk Driving, for people who have been "BADD" by having too much to drink at a tavern. The concept is to require participating tavern operators to take away the car keys of an intoxicated patron, and provide him instead a voucher for a cab ride home. Financing has been seeded both by bar operators and public contributions. Persons provided transportation by "cab tab" will be requested to contribute as well. Sullivan expressed opposition to on-site blood-alcohol testers.

Vic Biondi represented the California Broadcasters Association as their executive director. He mentioned his access to more than 400 radio and TV stations in California. He believes that a key element in preventing drunk driving is a major increase in the amount of information disseminated to the public about the serious consequences of drinking and driving. His association has provided such information to members at major holidays for some time, and has a new high-impact announcement in production for distribution during the upcoming holidays.

Joy Phoenix helped organize and is president of the local Mothers Against Drunk Driving Chapter. She emphasized how few drinks it takes to impair driving abilities, and the parental role in teaching responsibility in alcohol use. Parents and teachers need to work together on this. She urged increased fines for violators. Noting the difficulty of enforcing license suspensions, she urged consideration of vehicle impoundment, tried in Alaska. She demonstrated her group's support for people victimized by drunk driving. Ms. Phoenix shared with us ads in young people's magazines which push alcohol use.

Julia George da Silva spoke for her high school's Students Against Drunk Driving group [SADD]. She described experiments with a hotline and the designated driver concept, as well as student discussions and educational symposia. She exhibited a formal agreement between parent and teenage child. By its terms, a teenager agrees to call his or her parent for advice or a ride at any hour if they or their driver have had too much to drink. The parent agrees to provide the needed transportation, refrain from criticism and questions until a later time, and to seek only safe sober transportation for him/herself when they are in the same situation.

Several members of the audience also addressed us, including a father whose son was recently injured in an alcohol-related traffic accident. This reminded me of the pain and outrage I felt last spring when three teenagers in my district were killed by a drunk driver who crossed into their lane and collided head-on with their car. Though I have supported remedial legislation as a public official for 10 years, as a parent of teenagers I was then moved to introduce a bill to tie highway funding to stiffer penalties for drunk driving. I will continue to press for the enactment of such a measure.

This hearing served to emphasize that laws are not the only answer to this problem. We critically need a heightened public awareness of the tragedies caused by drunk driving. Starting in grammar school and continuing through prelicense DUI education, the seriousness of this issue must be consistently underscored. Parents who buy their teenagers a keg of beer for their party must realize that alcohol is a dangerous drug. The media must be enlisted, and all first-time offenders must be given a sobering understanding of the dangers they pose to others and the accountability we expect of them. Though I value individual liberty and privacy, I believe that we should not dismiss the use of sobriety checkpoints as a means of heightening public appreciation of the gravity of the situation.

Repeat offenders must be gotten off the road. License suspensions must be made effective, and records of juvenile violations should not be lost. Driving, necessary as it sometimes seems in our society, remains a privilege available only to those who exercise it responsibly. Drinking is a consumer pleasure supported by a strong commercial interest; alcohol should be taxed to the full extent necessary and useful to at least pay for those educational programs which are so lacking. I invite my colleagues to join with me in the search for solutions to this plague, which kills an average of 55 constituents for each of us, and injures and destroys family lives for several times that many, each year. As we enter the new legislative year, let us explore solutions to this serious problem.●

TAX DEDUCTIONS FOR HOME CARE AND ADULT DAY CARE OF ALZHEIMER VICTIMS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Ms. SNOWE. Mr. Speaker, during the 98th Congress this body finally became aware of the physical, financial, and emotional toll of Alzheimer's disease on its victims and their caregiving families. Between 3 and 4 million older Americans are afflicted with this illness, the fourth leading cause of death. It is estimated that over 5 percent of those over 60 have Alzheimer's disease and 20 percent of those over 80. Hundreds of thousands in their forties and fifties are victims as well.

Senile dementia of the Alzheimer's type is a degenerative brain disorder which steadily and relentlessly impoverishes its victims of memory, personality, and finally all bodily functions over a period of from 3 to 20 years. It is not hard to imagine the anguish—and burden—such an affliction can cause an entire family.

Last year after a series of hearings on the impact of the illness of families and communities, we appropriated many more millions of dollars of research dollars in an effort to identify the cause or causes of the illness and, hopefully, a cure. More than $36 million were used by the National Institutes of Health for this purpose in 1984, compared to approximately $17 million in 1983. Another $3.5 million was earmarked for 5 clinical and research Alzheimer centers.

While this research effort continues, however, we must address the more immediate problem: that of assisting today's victims and their caregiving families. I was pleased that a proposal I introduced last year was included in the 1984 amendments to the Older American Act. Now State area agencies on aging are required to give priority community services to Alzheimer victims, and training grants will be available to students and volunteers who will learn the skilled and custodial care of such victims.

Nevertheless, while these are constructive steps we must enlarge upon our efforts and seek further relief for the burdened caregiving families. More than two thirds of Alzheimer victims are cared for at home—often for many, many years—before eventual institutional care is required. Most victims are not covered by Medicare, Medicaid, VA benefits, or private insurance. Most caregiving families need financial and respite relief from their "36-hour days."

The bill allows for a tax deduction from gross income for individual taxpayers who maintain a household which includes a dependent who has Alzheimer's disease or a related neurological or organic brain disorder. This measure would allow deductions of expenses, other than medical, which are related to the home care and adult day care of an Alzheimer victim.

Mr. Speaker, many families are trying to cope with an increasingly difficult situation from day to day, year to year, with no financial or professional help. While we seek to expand Government programs for such victims, we should provide some tax relief for those expenses related to their care in the home. Perhaps by such action, we can delay the more expensive and less personal institutionalization of these individuals. I enlist the

support of my colleagues for speedy enactment of this bill.

The bill follows:

H.R. 468

A bill to provide a deduction from gross income for individual taxpayers who maintain home and adult daycare expenses of a dependent of the taxpayer who suffers from Alzheimer's disease or related organic brain disorders

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEDUCTION ALLOWED FOR INDIVIDUALS FOR HOME HEALTH CARE AND ADULT DAY CARE EXPENSES FOR DEPENDENTS WITH ALZHEIMER'S DISEASE OR RELATED ORGANIC BRAIN DISORDERS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 223 as section 224 and by inserting after section 222 the following new section:

"SEC. 223. HOME HEALTH CARE AND ADULT DAY CARE EXPENSES FOR DEPENDENTS WITH ALZHEIMER'S DISEASE OR RELATED ORGANIC BRAIN DISORDERS.

"(a) DEDUCTION ALLOWED.—In the case of an individual who maintains a household which includes a qualified dependent of such individual, there shall be allowed as a deduction the qualified home health care and adult day care expenses of such individual with respect to such dependent.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED DEPENDENT.—The term 'qualified dependent' means any individual (including the spouse of the taxpayer but not including the taxpayer who—

"(A) has as his principal place of abode the principal residence of the taxpayer, and is a member of the taxpayer's household, for more than 180 days of the calendar year during which the taxable year of the taxpayer begins,

"(B) is a dependent of the taxpayer (within the meaning given to such term by subsection (a) of section 152 other than paragraph (9) of such subsection) for such calendar year, and

"(C) at the close of such calendar year, suffers from Alzheimer's disease (or a related organic brain disorder) and is physically or mentally incapable of caring for himself, as determined by a physician.

"(2) QUALIFIED HOME HEALTH CARE AND ADULT DAY CARE EXPENSES.—The term 'qualified home health care and adult day care expenses' means the excess of—

"(A) the reasonable and necessary expenses paid or incurred by the taxpayer for—

"(i) household services for a qualified dependent, and

"(ii) the care of such dependent in the home or in an adult day care center, over

"(B) the reasonable and necessary expenses such taxpayer would have paid or incurred for household services for, and the care of, such qualified dependent if such dependent had been capable of caring for himself.

"(3) PHYSICIAN.—The term 'physician' has the meaning given to such term by section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)).

"(c) SPECIAL RULES.—For purposes of this section—

"(1) MAINTAINING A HOUSEHOLD.—An individual shall be treated as maintaining a household for any period only if over half the cost of maintaining the household for such period is furnished by such individual (or, if the individual is married, by the individual and his spouse).

"(2) MARRIED COUPLE MUST FILE JOINT RETURN.—If the taxpayer is married at the close of the taxable year, the deduction shall be allowed under subsection (a) only if the taxpayer and his spouse file a joint return under section 6013 for the taxable year.

"(3) CERTAIN MARRIED INDIVIDUALS LIVING APART.—If—

"(A) an individual who is married and who files a separate return maintains a household which includes a qualified dependent,

"(B) over half the cost of maintaining such household is furnished by such individual, and

"(C) during the last 6 months of the taxable year, the spouse of such individual is not a member of such household,

such individual shall not be considered as married.

"(4) MARITAL STATUS.—The marital status of a taxpayer shall be determinated in the manner provided in section 143(a).

"(d) CERTIFICATION OF DIAGNOSIS BY PHYSICIAN.—Any determination by a physician that—

"(1) an individual suffers from Alzheimer's disease or a related organic brain disorder, and

"(2) such individual is mentally or physically incapable of caring for himself,

shall be certified by the physician to the Secretary at such time and in such manner as the Secretary shall by regulation prescribe.

"(e) COORDINATION WITH SECTIONS 21 AND 213.—If any amount allowable as a deduction under this section would (but for this subsection) also be taken into account for purposes of determining the amount of any credit allowable under section 21 (relating to expenses for household and dependent care services necessary for gainful employment) or any deduction allowable under section 213 (relating to medical, dental, etc. expenses), this section shall apply only if the taxpayer elects its application. If this section is elected with respect to any amount, such amount shall not be taken into account under section 21 or 213. Such election shall be made at such time and in such manner as the Secretary shall by regulation prescribe."

"(b) DEDUCTION ALLOWED IN ARRIVING AT ADJUSTED GROSS INCOME.—Section 62 of such Code (defining adjusted gross income) is amended by inserting after paragraph (16) the following new paragraph:

"(17) QUALIFIED HOME HEALTH CARE AND ADULT DAY CARE EXPENSES.—The deduction allowed by section 223."

"(c) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by redesignating the item relating to section 223 as section 224 and by inserting after the item relating to section 222 the following new item:

"Sec. 223. Home health care and adult day care expenses for dependents with Alzheimer's disease or related organic brain disorders."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1984.●

ALICE PAUL, THE MOTHER OF THE ERA

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. FLORIO. Mr. Speaker, on January 11, 1985, champions of women's rights throughout the world will celebrate the centennial anniversary of the birth of Alice Paul, the "mother" of the equal rights amendment. I am indeed proud to note that Alice Paul was a product of Moorestown, NJ, where she was born in 1885 and where she returned to live out her final days. Alice Paul died in 1977, at the age of 92, having lived a life fully dedicated to the cause of equality and justice for women.

Mr. Speaker, I would like to take this opportunity, at the opening of a new Congress, to remind my colleagues that we will again have an opportunity to further the cause of Alice Paul by working to ensure passage of the equal rights amendment during this Congress.

Alice Paul devoted her entire life to working to ensure that women receive equal treatment under the law. She grew up in a Quaker household, under the assumption that men and women were equal and it was only when she entered the larger world, as a student at Swarthmore and the University of Pennsylvania, that she discovered that this was not so. She began working as a social worker and applying her concern for the poor and disadvantaged in the sweatshops of New York and the slums of London. Her love of learning was such that she began collection degrees at the age of 20 and did not stop until she turned 43. When she turned 22, she went to England to study at the Woodbrooke Settlement for Social Work in Birmingham. It was there that she first became involved with the celebrated Pankhursts.

After having worked for 3 years with the Pankhursts in the British woman suffrage movement, she returned to the United States a militant suffragette ready to revive the dying suffrage movement here. In 1912, she came to Washington, DC, with two assistants to form the Congressional Committee for the National American Woman Suffrage Association [NAWSA] to lobby Congress and the President for passage of the 19th amendment, which granted suffrage to women. The group was to form the nucleus of the National Woman's Party, whose ranks Alice Paul was able to swell to 50,000. Until 1920, when the 19th amendment was ratified, Alice Paul organized massive demonstrations and speeches. She was responsible for the first suffragette picketing of the White House and her group of "Silent Sentinels" cer-

tainly made a lasting impression. Her most memorable demonstration took place in March 1913, 5 days before President Wilson's inauguration. She organized 5,000 women who marched down Pennsylvania despite attacks from hoodlums and lack of protection from the police. Nationwide press coverage of this march preempted stories on Wilson's inaugural festivities and redirected national attention on the woman's suffrage movement. As our Nation approaches another inaugural, I comment this march to the attention of my colleagues.

Even when suffrage was granted to women in 1920, Alice Paul did not rest. In 1923, she drafted the language for the equal rights amendment and had it introduced in the Congress for the first time. Although the Senate Judiciary Committee rewrote the language in 1943, Alice Paul's original words live on the amendment that has been reintroduced again and again in the 61 years that have passed. Having made her indelible mark on the history of the equal rights movement, Alice Paul continued to work hard for this cause until her death in 1977.

Throughout all those decades and despite the diligence of Alice Paul and many others, the ERA still remains a dream that needs to be realized. I hope that this Congress will have the courage to make this dream a reality. I urge my colleagues to join me in remembering Alice Paul, one of New Jersey's finest citizens, and her life which reflected the principles of courage and commitment to equality.●

HYMAN BOOKBINDER ON BLACK-JEWISH RELATIONS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. FRANK. Mr. Speaker, one of the most respected, diligent, and effective advocates for social justice in America is Hyman Bookbinder, Washington Representative of the American Jewish Committee. Bookie is a person who has never been afraid to speak out on tough issues, and he has been characteristically outspoken—and in a cogent and persuasive way—on the question of Black/Jewish relations in America.

Last October, after we had adjourned for the year, he gave an eloquent speech to the Chicago Jewish Community Center forum on Black/Jewish relations. One need not agree with everything Bookie says in this speech—as I disagree, for example, with the passage in which he "regrets" one of the votes I cast—to appreciate its eloquence, its moral force, and its essential correctness. People in the Jewish community, people in the Black community, and Americans in general are fortunate to have a man like Hyman Bookbinder working as hard as he works for a better, more integrated, and just society.

I ask that his remarks be printed here.

REMARKS OF HYMAN BOOKBINDER, WASHINGTON REPRESENTATIVE OF THE AMERICAN JEWISH COMMITTEE AT THE CHICAGO JEWISH COMMUNITY CENTER FORUM ON BLACK-JEWISH RELATIONS—OCTOBER 31, 1984

I have mixed feelings about participating in tonight's forum. On the one hand, it is always gratifying to share a platform with an outstanding and respected Black leader[1] and join in proclaiming our shared concerns and shared goals. But, on the other, it must be recognized that this forum has been prompted by concerns over the widely-held perception that Black-Jewish relations are in disarray, that a basic and acrimonious division has developed.

That perception is largely the result of the inevitable nature of news reporting. I'm not about to go into an attack on the media, but it is indeed a fact that by its very nature, journalism zeroes in on the conflicts, the unusual, the new, the extreme, the dramatic. This has been particularly true of the Black-Jewish relationship for the past twelve months. It is exactly a year ago that Jesse Jackson declared his intention to seek the nomination for President. Despite the efforts of the Jewish community to distinguish our concerns with Jesse Jackson from our attitude to the Black community and to Black aspirations, the newspapers and the airways for months were filled only with news and commentary of the deteriorating Black-Jewish relationship. This constant bombardment had its effects, unfortunately, and in each of the communities resentments and suspicions increased.

Not for a moment, let me assure you, have I dismissed the real issues that surfaced in the wake of the Jackson candidacy. It was right to react to the Hymietown report, to the report of large Arab contributions, to the Farrakhan excesses—but other things were going on during that period that deserved attention too—but didn't get any. Let me give you two illustrations:

One: On May 24, at the height of the bitterness flowing from the Farrakhan excesses, when the papers and airwaves were proclaiming a total Black-Jewish breakdown, two distinguished members of Congress made a most significant joint statement. They were Sidney Yates, the Dean of the Jewish delegation in Congress, from this area, and Julian Dixon, from California, the Chairman of the Black Congressional Caucus. That evening, the Philadelphia Board of Rabbis was honoring a Black Congressman, Bill Gray. The principal speaker was a Jewish Congressman, Howard Wolpe. Congressman Yates and Dixon issued a statement applauding this action by the Rabbis as one that reflected "the bond that exists between Blacks and Jews in Congress working together in the cause of social justice." And they went on to say that "We oppose anti-Black, anti-semitic, threatening, and demeaning racist statements, and we believe we must be vigilant in educating and criticizing those who make them." A very timely and significant statement, right? The answer, by the media, was no. Despite heavy publicity given to the event, not a word was to be found in the New York Times, the Washington Post, or any of the evening television broadcasts . . .

Illustration Two: On September 20, 1984, the pending Civil Rights Act of 1984, the bill that would have corrected the situation created by the Supreme Court in the Grove City case, was at a critical stage in the Senate. Thirteen top national Jewish leaders and thirteen major Black leaders joined in a statement calling the present situation "intolerable and inexcusable" . . . and "makes a mockey of our laws." Again, a timely and significant statement—given all the talk about Black-Jewish disarray—right? No, wrong again. Despite a well-attended press conference called to announce the joint statement—not a word appeared on the evening news or in the morning papers.

Every negative development in the Jackson or Farrakhan story had gotten full coverage—and every angry denunciation of one side or another had been top news. Small wonder, then, that there has been so much public talk about the conflict in Black-Jewish relations. That's why meetings like this one tonight have become necessary.

There are encouraging developments already underway to undo the damage that has resulted from the Jackson-Farrakhan events of 1984. Both Black leaders and Jewish leaders have been reaching out to one another—to reassure one another that the damage can be undone, to suggest that common agendas for the post-election period be developed, to inform the general public of this renewal of co-operation.

In my judgment, there has actually been less erosion in the relationships and the commitments on the part of America's Black and Jewish communities than has been so frequently reported. I can testify from my day-to-day activities on the Washington scene that on just about every major issue that involves our two communities, we have continued to work harmoniously and constructively. Moreover, as indicated earlier by the Yates-Dixon statement, I know that there are no two Congressional delegations that have a more paralled voting record than do the Black and Jewish members of the House. It is this record of substantial agreement, not only in Washington but across the country, that has made it possible for Black and Jewish leaders to come together despite the strains of the recent months.

Let me illustrate this co-operation by citing a few recent Congressional actions:

In October of 1981, the House disapproved the sale of sophisticated AWACs to Saudi Arabia. This was a matter of the highest priority to the Jewish community. All fourteen Black members then in the House voted with the Jewish community on that one. (More than 100 white members, I must note, vote for the sale.)

In May of this year, the Jewish community was solidly opposed to the Equal Access bill permitting religious activities on school grounds. All 19 Black members voting opposed the bill. (I regret to say six Jewish member voted for it!)

In June, all 15 Black members who voted on a key provision in the immigration bill which the Jewish community strongly opposed voted to defeat that provision.

In March, 12 Black Congressmen signed a letter to President Reagan opposing arms sales to Jordan unless Jordan joined the peace talks.

[1] Mr. James Compton, President, Chicago Urban League

In July, 12 Black Congressmen co-sponsored the bill to move the U.S. embassy from Tel Aviv to Jerusalem.

And it wasn't a one-way street:

In August of 1983, 28 out of 30 Jewish House members voted to adopt the Martin Luther King Holiday legislation.

In September, 27 Jewish members voted for the Hawkins Community Renewal Act, a major job-creation law.

And in June, when the House passed the Civil Rights Act of 1984, all 30 Jewish members voted for it.

So we don't have to go back to the 1930's or '50s or '70s to remind ourselves that Jews and Blacks have had parallel concerns and have acted as partners. We don't have to recall the early marches, the bloody resistance, the deaths of Blacks and Jews as they protested together. Or to recall that 75 years ago Jews were prominent in helping create the National Urban League and the National Association for the Advancement of Colored People.

Of course, there are differences, some quite important, between the dominant views of Blacks and those of Jews. But it is also true that there are important differences within the Jewish community itself and within the Black community—even on the very issues which presumably divide the two communities from one another. The issue of quotas is a critical one, no doubt. How to resolve the Palestinian question is another one. But neither community is monolithic on either of these issues. However, even if they were, responsible leadership has to help its followers put even such questions in perspective, to remember the many critical concerns that we share: human rights, urban decay, education, poverty.

And even in those areas where we do have differences, let's try to understand more about the differences and to be tolerant of one another's positions. In the two illustrations I've already mentioned, in fact, the differences are not as great as generally perceived.

Take the issue of quotas, for example. How many Blacks know that the overwhelmingly majority of Jews and of Jewish organizations are in strong support of affirmative action—including the use of goals and timetables? How many know that many Jews and some Jewish organizations even support quotas when mandated by a court after a finding of conscious discrimination? How many know that every poll over the years has demonstrated consistently that a majority of Blacks reject preferential treatment and quotas? How many Jews know that?

In light of this, what explains the sweeping statements to be found in just about every story in the media on Black-Jewish relations about the terrible clash over "affirmative action" between the two communities? Why can't we hope to work together on the great area of agreement even on this complicated subject? Why can't we hope to persuade the great majority of Blacks that our support for affirmative action is genuine—and that they should try to understand, from our history, how we must reject quotas? Why can't we hope to persuade even more Jews that the progress in bringing Blacks and other minorities and women into the mainstream just has been too incomplete—and that effective programs of affirmative action are very much needed?

Take the issue of the Palestinians—or of Middle East policy generally. Why must the perception remain so strong that Blacks are hostile to Israel, that they side with the Arabs? It just isn't so—though some Blacks do show a greater identification with the Arab side. The data is not conclusive, but Gallup polls for some years have been asking Americans whether their sympathies lie more with Israel or with Arab nations. Early in 1984, white Americans chose Israel over the Arabs by 6 to 1. Blacks were less favorable to Israel than whites, but they still favored Israel over the Arabs by 3 to 1.

Many Blacks—especially young, educated Blacks—have identified with the Palestinians as part of their general pro-Third-World orientation. These feelings—sometimes leading to deep hostility to Israel and to Jews—are deeply held and should command our attention and response. We need civil, respectful dialogue—not angry, accusatory charges. The South African situation similarly needs thorough, honest airing to clear up major misunderstandings.

We need such respectful, tolerant dialogue across the board between Blacks and Jews, and, as I have said, much of it is already going on.

But Black and Jewish leadership have an even more serious challenge than getting themselves together again. I believe their bigger and more difficult job is assessing and correcting the damage and the erosion that has taken place within each of their respective communities. I see the need for the leaders in each community to speak out with courage and with frankness to each of their followers and say, in effect, "Cut it out. Look at the facts. The Blacks—or the Jews—are not your enemy. Let's look for solutions, not scapegoats."

The tensions of 1984 have been costly. Many Jews remain angry over what they feel was inadequate repudiation of hostile, even anti-semitic, manifestations in the course of the Democratic primaries. Many Blacks remain indignant over what they consider unwarranted Jewish rejection and condemnation of Jesse Jackson. The slow erosion in rank-and-file attitudes over the years of Blacks toward Jews and of Jews toward Blacks surely speeded up in 1984. But it didn't start in 1984.

It is a tragic thing indeed that it can no longer be said—as I have found it so heartwarming to declare in hundreds of speeches year after year—that Blacks show less approval of anti-semitism than do whites, and that Jews show substantially less hostility to Blacks than do non-Jewish whites. In the last few years, unfortunately, our surveys reveal that the Black attitude to Jews is now worse than the white—and that the attitudes of young, educated Blacks explain most of this change. And while the Jews still show less anti-Black bigotry than non-Jewish whites, the differential is declining. So there is a problem. And the problem, in my judgment, flows not nearly as much from objective changes in society or from irreconcilable differences on policies as from sheer ignorance and misunderstanding.

That is why I have dwelt tonight on recalling some of the evidence of Black-Jewish mutuality of interest, of co-operation. I do not call for ignoring of differences, for pretending there are no problems. But I ask for restraint, for balance, for truth.

Yes, there is some anti-semitism among Blacks. And there is some bigotry and hostility to Blacks in the Jewish community. It would indeed be a miracle if either or both of our communities could be totally free of the prejudices of the larger community of which each is a part. But for the sake of truth and for the sake of the harmony we all should be seeking, I plead for care before the ugly charge of racist or anti-semite be leveled against those with whom we may have some differences. Civility in discourse as well as in actual behavior is a precious instrument in human relations, and we should not kill it by careless, irresponsible talk.

Back in 1967, Martin Luther King, Jr. provided the model for leadership in both our communities when he spoke out forcefully in a letter to then-President of the American Jewish Committee, Morris Abram. "It is not only that anti-semitism is immoral," he wrote, "though that alone is enough. It is used to divide Negro and Jew, who have effectively collaborated in the struggle for justice . . . There has never been an instance of articulated Negro anti-semitism that was not swiftly condemned by virtually all Negro leaders with the support of the overwhelming majority. I have myself directly attacked it within the Negro community, because it is wrong. I will continue to oppose it, because it is immoral and self-destructive."

"Know thine Enemy" is an old truism—and remains true. Jews and Blacks may have differences, they may have different priorities—but they are not enemies. Each of our groups has ample reason for being angry at how the world is treating us. While our respective conditions are different in many respects, we remain two peoples unaccepted by many other peoples. Yes, we have every reason for being angry. But less at one another than at our real enemies.

Aristotle said it for all time: "Anybody can become angry—that is easy. But to be angry with the right person, to the right degree, and at the right time, and for the right purpose, and in the right way—that is not within everybody's power and is not easy."

Each of our communities should try to understand better the special agonies, the special problems, the special challenges of the other. If we did, then perhaps we could place things in better perspective . . . and make more reasonable demands on one another.

A personal word. In my talk this evening, I have cited statistics, I have recalled facts, I have tried to be objective and analytical. But I confess to anguish in having to make a case of this sort. For fifty years now I have been involved in one campaign after another for what I hope you will permit me to call social justice. In every one of these—for basic civil rights, for full and fair employment, for decent and fair housing, for women's rights, for voting rights, for a war against poverty, for Medicare and Medicaid—I have seen a disproportionate involvement of Jews and Blacks, disproportionate in the sense of significantly higher proportions of involvement of Jews and Blacks, compared with population ratios, in the development, the promotion, and the implementation of these social justice efforts. We were both motivated by self-interest, of course. But I have gotten to know too many men and women over the years who have struggled together, won and lost battles together, to believe that self-interest explains it all.

And, I hope I do not reflect any chauvinism in saying this, but I am particularly proud of the Jewish record in these causes. Initially there may have been group self-interest involved, but for many years now, American Jews, despite lingering anti-semitism and discrimination, have overcome many of the problems they once faced. Yet, more than any other social or ethnic or religious group, Jewish community organizations as well as countless numbers of indi-

vidual Jews, have been prominent in the furtherance of social justice causes in which they do not have an immediate self-interest.

We Jews and Blacks have shared too much pain in the past, we have marched and cried and agonized together for too many years, we have dreamed the same dream for too many years, to permit our sons and our daughters to be blind to that heritage, to permit immediate differences to wipe out a glorious chapter in inter-group love and respect.

Let Jewish leaders say these things to their constituency. Let Black leaders say these things to theirs. And then let them together say these things to all America.●

RETURNED PEACE CORPS VOLUNTEERS MAKE RECOMMENDATIONS FOR 1985

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. HALL of Ohio. Mr. Speaker, as a former Peace Corps Volunteer who served in Thailand, I continue to have an active interest in the future of the Peace Corps. In my opinion, it is our most effective foreign aid program. Through the Peace Corps, we share with developing nations our most important resource: our own people.

As the Peace Corps approaches its 25th anniversary, the Returned Peace Corps Volunteers of Washington, DC, have issued a report outlining steps that can be taken to strengthen the performance of the Peace Corps and to make better use of the pool of Returned Peace Corps Volunteers. I believe the proposals to make greater use of Returned Peace Corps Volunteers and to educate Americans about the peoples and nations served by the Peace Corps deserve special attention. The over 100,000 Returned Peace Corps Volunteers have much to share with their own compatriots. The Peace Corps is a people-to-people program, and those who go overseas to teach end up learning much in exchange. This knowledge, in turn, should be shared as widely as possible in the United States.

For the benefit of my colleagues, the Report of the Task Force on Peace Corps Recommendations of the Returned Peace Corps Volunteers of Washington, DC, follows:

PEACE CORPS 1985: MEETING THE CHALLENGE

REPORT OF THE TASK FORCE ON PEACE CORPS RECOMMENDATIONS—DECEMBER 1984

The Peace Corps has completed nearly a quarter-century of volunteer service to developing nations. Over 100,000 Americans have served as volunteers. They have established a record of distinguished achievement of which Americans are understandably proud.

As President Reagan prepares for his second term, it is time to take stock of the Peace Corps, and to take steps to strengthen its role in America's relations with the nations of the Third World.

Our association of Returned Peace Corps Volunteers created a task force to develop recommendations for consideration during the planning period following the presidential elections of 1984. In this brief report, we present five specific recommendations that could be implemented in 1985. We believe implementation of these suggestions would improve Peace Corps' performance and provide for better utilization of the growing pool of Returned Peace Corps Volunteers.

ROGER LANDRUM,
President RPCV-W.
MATHEW COSSOLOTTO,
Task Force Chair.
NEIL KOTLER.
LYNN RANDELS.
JOAN TIMONEY.
LESLEY VOSSEN.
GALEN HULL.

SUMMARY OF RECOMMENDATIONS

During 1985, the Peace Corps should:

1. Set a goal of 10,000 Volunteers in service with increased representation in South America and Asia;

2. Establish Goal III of the Peace Corps Act (educating Americans about the peoples and nations served) as a central mission of the agency;

3. Remove appointment of Peace Corps country directors from the political patronage system;

4. Appoint a qualified Returned Peace Corps Volunteer as the next Peace Corps Director, following the tenure of Loret Ruppe;

5. Create a Special Committee of Returned Peace Corps Volunteers to advise the Director on operational improvements in the Peace Corps.

PREFACE

The Peace Corps is approaching 25 years of service to the peoples of developing nations and to America. A steady stream of American volunteers has provided a unique and personal bridge linking the American people with the peoples of Africa, Asia and Latin America. Their pioneering projects in tens of thousands of communities in developing countries are widely viewed as one of America's most effective (and least expensive) programs of development assistance.

Peace Corps Volunteers have proven to be powerful transmitters of democratic and entrepreneurial values to millions of human beings with whom they have worked and lived. In the developing countries, thousands of community and national leaders, including cabinet ministers and even prime ministers, have been students and colleagues of American Peace Corps Volunteers.

Back home, over 100,000 Returned Peace Corps Volunteers are now resettled in the United States. They constitute one of the nation's most valuable pools of talent and experience. In schools, businesses, government, and community organizations, Returned Peace Corps Volunteers are making their presence felt by gradually enlarging the American vision of global leadership and our relations with the Third World.

Returned Peace Corps Volunteers are a valuable asset for their former host countries. They strengthen American attention to the necessities of global development. They are citizens with a special interest in improving bilateral relations between their countries of Peace Corps service and the United States.

At its inception, the Peace Corps symbolized a stronger American commitment to progress and freedom for the non-industrialized countries of the world. It provided a new dimension for America's world leadership. However, since the Vietnam War, the Peace Corps' symbolic role and the number of Peace Corps Volunteers have been diminished by slackened American attention to the arduous tasks of economic and social development in the Third World.

In his second term, President Reagan has the opportunity to reassert the prominence of the Peace Corps as a centerpiece of American efforts to help build stability, prosperity, and democracy in the Third World. The need is obvious. Some developing countries are wracked by hunger and famine on a scale unprecedented in modern history. Others are choked by foreign debt that impedes economic and social progress. The work performed by Peace Corps Volunteers will continue to be needed for years to come as many countries try to meet ongoing challenges of public health, agriculture, education, and small-enterprise development.

We, therefore, offer the following recommendations for strengthening the performance of the Peace Corps, and for making better use of the pool of Returned Peace Corps Volunteers.

RECOMMENDATIONS

1. In 1985, the Peace Corps should set a goal of having 10,000 Volunteers in service overseas by 1988, with increased representation in Latin America and Asia.

During 1984, about 5,200 Peace Corps Volunteers were in service in 60 countries. For the past 18 years, the number of PCVs in service has been in steady decline—down from 15,000 in 1966, 9,000 in 1970, 7,000 in 1975, and 6,000 in 1980. Today, the worldwide distribution of volunteers has lost its original balance. Fewer than 200 PCVs serve on the South American continent in only two countries. Fewer than 300 serve on the Asian mainland. But, some 2,400 serve in Africa.

The Peace Corps has withdrawn from some of the largest and most important developing countries, including Nigeria, Ethiopia, India, Indonesia, Brazil, Colombia, and Chile. Volunteers no longer serve in Bolivia, Peru, Uruguay, Venezuela, Ivory Coast, Guinea, Uganda, Pakistan, Turkey, and South Korea.

The causes behind Peace Corps withdrawal from countries range from civil war and revolution to budget limitations and political misunderstandings. In some cases, withdrawal was necessary, at least temporarily; in other cases it was premature. And it is arguable that the Peace Corps image too often is that of a "poverty program"—something unacceptable to many of the larger and more strongly nationalistic developing nations.

The goals of pioneering new approaches to development and better understanding between peoples of the developing nations and Americans are not well served by sparse representation in some regions and outright exclusion from major developing nations. The Peace Corps has too good a record for the U.S. government to permit this decline to continue.

To impel the Peace Corps forward, we urge President Reagan to set a new goal of 10,000 Volunteers by 1988.

We must enable the Peace Corps to fill more of the viable host-country requests for Volunteers, to build upon effective programs, to improve faulty programs, and to take additional initiatives such as the new emphasis on programs of small-enterprise

development and the proposed African Food Initiative.

The President should direct the Peace Corps to explore re-entry into some of the countries it has left, and to examine new programming possibilities that have yet to receive Peace Corps assistance.

We believe that additional Volunteers could serve effectively in South America and Asia. Conditions there are different from countries in Africa, but the human needs in health, agriculture, education, and private-sector development are still great.

As the number of PCVs expands in several Central American countries—and we urge great caution in creating even the appearance that Peace Corps is being used politically—balanced expansion in all regions becomes even more important.

Expansion everywhere must proceed with careful attention to such important considerations as program quality, availability of qualified recruits, PCV "saturation" in specific host countries, safety of Volunteers, and host country receptivity to the Peace Corps. Better planning for Volunteer placements will require a larger and skilled staff and sufficient lead time. But with a Presidential mandate and proper groundwork, the Peace Corps can and should play a substantially larger role in America's relations with the Third World.

2. Goal III of the Peace Corps Act should be fully implemented as a central mission of the Peace Corps and Returned Peace Corps Volunteers.

In establishing the Peace Corps, Congress charged the agency and PCVs with a responsibility for better educating Americans about the peoples and countries PCVs have served. Specifically, the Peace Corps Act states that one of the three central purposes of the Peace Corps is "to help promote a better understanding of other peoples on the part of Americans."

Goal III has been largely ignored for over 23 years, although it has the force of law. In the early years of the Peace Corps, this was understandable. The agency was preoccupied with implementing Goals I and II pertaining to operations overseas.[1]

Now, however, with a pool of over 100,000 Returned Peace Corps Volunteers throughout the United States, the means of effectively implementing Goal III are readily available. Over 25 state organizations of Returned Peace Corps Volunteers have been established in recent years, and a National Council has been formed. Many Returned Volunteers have a strong sense of responsibility for Goal III, and the time has arrived for Peace Corps to coordinate with organization of Returned Volunteers a major program of education about developing nations.

President Reagan should instruct the Peace Corps Director to make Goal III a priority of the agency over the next four years.

The emphasis should be twofold: the human needs of developing nations and American self-interest implicit in an expanding global economy and peace, stability, and freedom in the Third World.

We propose the following specific approaches to implementing Goal III:

A. Goal III should be a major theme of the Peace Corps 25th Anniversary activities, with RPCV organizations and the pool of 100,000 fully involved.

B. The Peace Corps should establish an office of development education and hire specialists to: (a) emphasize in training programs for PCVs the significance of Peace Corps responsibility for Goal III, (b) provide orientation for PCVs to Goal III aims and programs in Close-of-Service conferences, and (c) conduct regular workshops in the States for RPCVs on Goal III programs.

C. The Peace Corps Director and Peace Corps' supporters in the Administration and Congress should promote private-sector support to RPCV organization to help them fulfill their responsibility under Goal III.

D. The Peace Corps and RPCV organizations should prepare and disseminate information about the human needs of developing nations and about the significance of these countries to American interests. A goal should be set of bringing information about developing nations into America's classrooms so a new foundation of understanding can be established about the need for greater efforts in meeting the urgent challenge of global development.

3. The appointment of Peace Corps country directors should no longer be based on political patronage.

We recognize that party affiliation is an appropriate consideration for government appointments requiring the confidence of the President. The Peace Corps staff has been blessed over the years with many gifted and devoted persons. But it has been all too common in the past, and currently, to see some country directors appointed primarily on the basis of political patronage.

The result has too frequently been unqualified, and even inept, country directors. Other than the Volunteers, country directors are the people most crucial to Peace Corps success in the host countries. Appointment of unqualified people to these positions does serious harm to the effectiveness and credibility of the Peace Corps. They undermine the morale of Peace Corps Volunteers. They result in wasteful placements for Volunteers and faulty programming decisions.

This situation can be corrected by removing country directors from the Schedule C category of appointments. Capability in foreign languages, first-hand experience with development programs, and familiarity with the conditions of PCV assignment should be binding qualifications for overseas staff.

This step could sharply advance the effectiveness of Peace Corps programs overseas.

4. The next Director of the Peace Corps, following the tenure of Loret Ruppe, should be a Returned Peace Corps Volunteer.

We do not suggest that all future Directors of the Peace Corps must necessarily be RPCVs. The most important thing is to have effective Directors, as the agency has had in Loret Ruppe. However, in over 23 years, no Director of the Peace Corps has had the personal experience of serving as a Peace Corps Volunteer.

It is time to correct this anomaly. The symbolic and substantive importance of appointing an RPCV agency director should not be underestimated. Peace Corps programming has improved in some respects over the years, but an RPCV Director could bring first-hand experience to an aggressive, exhaustive search for sounder approaches to development programming and new initiatives. An RPCV Director could speak with special credibility in recruiting qualified Volunteers. An RPCV Director could mobilize the pool of RPCVs in relation both to Goal III and overseas operations.

Whether RPCVs or not, future Peace Corps Directors should possess substantial Third-World experience at the grass-roots level.

5. A Director's Special Committee of Returned Peace Corps Volunteers should be established to advise and assist the Peace Corps on improved operations.

In the course of preparing these recommendations, we received many constructive suggestions related to Peace Corps operations. We strongly recommend that the Peace Corps Director appoint a Special Committee of Returned Peace Corps Volunteers to provide ongoing guidance on how to improve Peace Corps performance.

This committee should consist of RPCVs who have become leaders in business, education, community organizations, and government. Their responsibility should be to consult regularly with newly returned Volunteers and RPCV organizations and then develop recommendations related to recruitment, Goal III, overseas programming, public relations, and other matters.

Returned Peace Corps Volunteers of Washington (RPCV-W) is a non-partisan organization. Inquiries related to this report should be directed to Matthew Cossolotto (703/998-1720) or Roger Landrum (202/966-5461), or in writing to RPCV/W, P.O. Box 4924, Washington, D.C. 20008.●

[1] Goal I is "to help the people of interested countries and areas in meeting their needs for trained manpower." Goal II is "to help promote a better understanding of Americans on the part of the peoples served."

INTRODUCTION OF CLEAN WATER AND WATER RESOURCES DEVELOPMENT LEGISLATION

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. HOWARD. Mr. Speaker, today I am introducing two major pieces of legislation that were approved overwhelmingly by this body last year but were not acted on by the other body.

I am pleased to join with the gentleman from New Jersey [Mr. ROE], the chairman of the Subcommittee on Water Resources, the gentleman from Kentucky [Mr. SNYDER], the ranking minority member of the Committee on Public Works and Transportation, and the gentleman from Minnesota [Mr. STANGELAND], the ranking minority member of the Subcommittee on Water Resources, in introducing H.R. 6, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1985.

This bill, which is so important to the development of our Nation's water resources, was approved overwhelmingly on three separate occasions last year by this body. However, it was never even brought to a vote in the other body.

The bill is the first major revision of Federal water policy in 50 years. It shapes policy, sets priorities and establishes goals for the use of our water resources for the rest of the 20th century.

Let it be clear that this bill is not a simple listing of projects although there are many valid projects that

have been delayed for too long. It is a major policy initiative which was under consideration for 3 years and focuses on cost-sharing, user fees and equity.

H.R. 6 authorizes construction of six deep-draft ports to maintain this Nation's competitive position with other maritime nations. Under the provisions of the bill, non-Federal interests would be responsible for 50 percent of the costs below 45 feet. In order to provide an adequate and assured source of funding for port construction, the bill creates a $2 billion annual trust fund to be collected from customs revenues.

The bill also authorizes construction of seven critically-needed inland waterway projects. One-third of the cost of these improvements would be paid by the Inland Waterways Trust Fund which was created in 1978 from a gasoline tax on commercial users of the waterways.

The bill authorizes construction of 72 flood control projects and rationalizes the Federal cost-sharing policy for flood control. Under this provision, non-Federal interests would be responsible for 25 to 30 percent of the cost.

A new $800 million a year loan program for the repair, rehabilitation and maintenance of municipal water supply systems is created. In these cases, the communities receiving the loans must repay 100 percent of the funds to the Federal Government.

Finally, the bill deauthorizes 317 projects with construction costs exceeding $11 billion. This is an important step in ensuring that outdated and unneeded projects are not built.

I am also joining with the gentleman from New Jersey [Mr. ROE], the gentleman from Kentucky [Mr. SNYDER], and the gentleman from Minnesota [Mr. STANGELAND], in introducing the Water Quality Renewal Act of 1985. This bill, the reauthorization of the Clean Water Act, was passed by this body on June 26 by a vote of 405 to 11. This bill will reestablish this Nation's commitment to clean water for the rest of the decade. Once again, it was not even brought to the floor in the other body.

This bill renews the commitment we made to the American people during the 1970's that the Federal Government would assist in providing resources to clean up our waters. We are proposing a reauthorization of the construction grants for sewage treatment plants as well as an additional $1.6 billion a year loan program. The total amount would be $19 billion over 4 years, which is a meager amount when compared to our Nation's environmental needs.

The bill also sets firm but reasonable deadlines for industry to comply with the pollution control requirements of the Clean Water Act. It will allow rational enforcement by the Environmental Protection Agency while ensuring that the cleanup of the Nation's waters will continue.

The bill sets up new programs as well, including a bay and estuary cleanup program, a toxic hot spot cleanup program, a major harbor cleanup initiative, and limitations on the amount of sewage that has not received secondary treatment that can be discharged into our Nation's fragile estuaries.

I urge my colleagues to support these two bills which have been reintroduced in the same form they were passed last year by the House.

It is vital that these bills be passed as quickly as possible in order to have a serious chance of enactment. Only by getting an early start can we expect the type of pressure to build that would bring about action in the Senate. It is unlikely that we will see any action in the Senate without such pressure.

Therefore, I urge my colleagues to allow quick passage of this legislation as it was passed last year by the House. Changes, if necessary, can be considered during conference. However, without early passage it is unlikely that we will have a conference

These bills were worthy of the overwhelming support of the Members last year and they should receive the same support again. The House must stand behind clean water and the proper use of our Nation's water resources.●

DEPENDENT CARE TAX CREDIT FOR NONEMPLOYED TAXPAYERS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Ms. SNOWE. Mr. Speaker, today I am introducing a bill to allow the dependent care tax credit for nonemployed taxpayers.

Current law allows employed taxpayers to claim a tax credit up to $4,800 for a couple and $2,400 for a single person for expenses incurred for the care of a dependent who is physically or mentally incapable of self-care. My purpose would amend current law by allowing the same tax credit to nonworking taxpayers.

Many older Americans, often living on taxable pensions and/or dividend income, are responsible for ill spouses or aged parents. These individuals should be allowed the same tax credit as employed taxpayers.

Increased life expectancy is bringing about many new and exciting opportunities for the aged, but the very same factors are placing tremendous strains on our traditional methods of caring for the dependent elderly—and on the family caregiver. Long-term debilitating illnesses such as Alzheimer's disease require constant attention by caregiving spouses and children, a load that can be eased by providing some financial reimbursement for supportive services including adult day care.

About 4.9 million adults living in our communities need the assistance of others in carrying out every day activities, with the need for assistance sharply increasing with age. Another group of older Americans, approximately 25 percent of those presently residing in our nursing homes, do not need to be there. As our older population increases dramatically over the next two decades, more and more individuals will be needing community services to delay as long as possible the more costly and less preferred nursing home care.

The key to such alternative care to institutionalization is the caregiver, usually a spouse or older child with children and responsibilities of their own.

The family caregiving role is very prominent in other countries, as it once was in our own. Today, with high health care costs and attempts by hospitals to curtail Medicare expenses, more and more older people are again relying on family members to bridge the gap between home care and acute hospital and nursing home care. In-home health services and adult day care are responses to this need.

The adult day care concept, similar to scope to that of day care for children, provides assistance to those families who must be freed temporarily from their responsibilities in caring for elderly dependent adults. The number of adult day care centers in the United States went from a dozen in 1970 to nearly 700 in 1981 and now stands at around 1,000, serving about 25,000 elderly daily. But most Government programs and insurance plans do not fully reimburse the costs. Costs range from $11 a day to $50 a day with additional charges where transportation is provided. Nursing homes, by contrast, charge an average $30 to $40 a day, some as much as $70—7 days a week.

Congress has increased research funds to study the cause and cure of Alzheimer's disease and other debilitating illnesses, but until these mysteries are solved, hundreds of thousands are taken care of by their families until they are eventually institutionalized. For example, during the first two stages of the disease, Alzheimer victims are well served by the few adult day care centers in this country. More centers are being created to serve these unfortunate patients with trained personnel who provide families with needed advice—and respite from their ordeal which often lasts for many, many years. By expanding tax credits, we provide all caregiving fami-

lies, whatever their income source, an incentive to maintain this role for a longer period of time, thereby potentially delaying or preventing the need for costly institutional care. We also will be helping to prevent the complete depletion of family assets used to finance services over an expanded period of time.

Moreover, there is evidence that the public strongly endorses this concept. A 1981 study conducted by Lou Harris for the National Council on Aging showed that 90 percent of those interviewed approved of tax assistance for families who provide home care for the elderly.

These factors, coupled with the predictions about the future need for nursing home care, make efforts to sustain current patterns of family care for the disabled even more vital. Assuming current utilization patterns, the number of nursing home residents is estimated to increase to 2.1 million persons in 2003, a 57-percent increase over the number of institutionalized persons in 1978. Given current fiscal constraints, we must find ways to supplement the current family caregiving role, not to supplant it. Revising the Tax Code to provide incentives and support for the family is an important step in this direction.

The bill follows:

H.R. 467

A bill to amend the Internal Revenue Code of 1954 to allow the dependent care credit for expenses with respect to dependents incapable of self-care without regard to whether such expenses are incurred to enable the taxpayer to be gainfully employed

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF DEPENDENT CARE CREDIT WITH RESPECT TO DEPENDENTS INCAPABLE OF SELF-CARE.

(a) IN GENERAL.—Subparagraph (A) of section 21(b)(2) of the Internal Revenue Code of 1954 (relating to expenses for household and dependent care services necessary for gainful employment) is amended to read as follows:

"(A) DEFINITION.—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'dependent care expenses' means amounts paid for the following expenses, but only if such expenses are incurred to enable the taxpayer to be gainfully employed for any period for which there are 1 or more qualifying individuals with respect to the taxpayer:

"(I) expenses for household services, and

"(II) expenses for the care of a qualifying individual.

"(ii) INDIVIDUALS PHYSICALLY OR MENTALLY INCAPABLE OF SELF-CARE.—In the case of a qualifying individual described in subparagraph (B) or (C) of paragraph (1), clause (i) shall be applied without regard to the phrase 'to enable the taxpayer to be gainfully employed'."

(b) EARNED INCOME LIMITATION NOT TO APPLY.—

(1) Paragraph (1) of section 21(d) of such Code (relating to earned income limitation) is amended by inserting "with respect to any qualifying individual described in subsection (b)(1)(A)" after "subsection (a)".

(2) Paragraph (2) of section 21(d) of such Code is amended—

(A) by striking out "OR INCAPABLE OF CARING FOR HIMSELF" in the heading,

(B) by striking out "or a qualified individual described in subsection (b)(1)(C)", and

(C) by striking out ", or is such a qualifying individual,".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 21 of such Code is amended—

(A) by striking out "employment-related expenses" each place it appears and inserting in lieu thereof "dependent care expenses",

(B) by striking out "Employment-related expenses" each place it appears (including the headings) and inserting in lieu thereof "Dependent care expenses", and

(C) by striking out "EMPLOYMENT-RELATED EXPENSES" in the heading of subsection (b) and inserting in lieu thereof "DEPENDENT CARE EXPENSES".

(2) The section heading for section 21 of such Code is amended by striking out "NECESSARY FOR GAINFUL EMPLOYMENT".

(3) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by striking out "necessary for gainful employment" in the item relating to section 21.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1984.●

NATIONAL CHILD SAFETY WEEK

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. LEWIS of Florida. Mr. Speaker, today I am introducing legislation to proclaim September 8 through 14, 1985, as "National Child Safety Week."

Every year untold numbers of children throughout the United States disappear from their homes. Tragically, many of these young, defenseless children are the victims of sexual and physical abuse.

Great strides have been made over the past 4 years to educate the American public to the dangers threatening our children. The Missing Children Act of 1982, the Missing Children Amendments of 1984, and the establishment of a National Center for Missing and Exploited Children are a few of the many steps which have been taken nationwide to ensure the safety of our youth. However, much still remains to be done.

Recently I participated in a Child Safety Day sponsored by the Rotary Club of the North Palm Beaches in conjunction with Child Keyppers of Florida. Throughout the day children and their parents visited a 10 station area where the children's vital statistics were compiled and parents received information on how to protect their children. At each station, volunteers recorded a child's height and weight, took his photo, obtained hair samples, and recorded fingerprints and dental impressions. After visiting all 10 stations, parents were given packets containing all of the descriptive vital information on their children which would aid law enforcement officials in finding them if they were to runaway or be abducted.

Many of my colleagues in the House and Senate have also taken an active role in assisting similar projects in their own district or State. I heartily applaud their efforts. No doubt, we all have seen what an invaluable purpose these projects have had in educating adults and children.

The establishment of a special week to commemorate child safety will draw needed attention to the tragedy of missing children and will help educate communities throughout the Nation about this problem and what can be done to help solve it. Ensuring children's safety is one of the most important issues of our time, and it should be one of our Nation's highest priorities.

To date, many groups like the North Palm Beach Rotary Club and Child Keyppers are working with local and State law enforcement agencies to promote child safety. Through our combined efforts, we can better protect our children. Therefore, I encourage my colleagues to join with me in cosponsoring this important resolution.●

SOVIET CRUISE MISSILE FIRED OVER NORWEGIAN TERRITORY

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. RUDD. Mr. Speaker, on December 28, a sea-launched Soviet cruise missile was reported to have been fired over Norwegian territory and to have crash landed in Finland.

We do not yet know whether the missile was nuclear-tipped, whether the missile was over Scandanavia intentionally, or whether Soviet technicians were simply unable to steer it away from the area during testing because of technical difficulties.

What we do know is that blatant Soviet violations of Scandanavian territorial waters have occurred numerous times in the past, including the Soviet whiskey-class sub that ran aground in Karlskrona, Sweden in 1981. Thus, last Thursday's cruise missile incident was by no means an isolated act against Scandanavian countries by the Soviets.

As United States and Soviet negotiators sit down at the bargaining table in Geneva to discuss arms control talks, let's not trivialize such dangerous intrusions or allow them to be swept under the rug of American and Euro-

pean public opinion. Any negotiations must take into full account this continuing string of apparently intentional Soviet transgressions.●

MAJORITY LEADER JIM WRIGHT REMEMBERS LBJ THE BRIDGE BUILDER

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. PICKLE. Mr. Speaker, I want to call the attention of our colleagues to a very special address delivered during the recent adjournment by our colleague, Majority Leader JIM WRIGHT. Last October, JIM WRIGHT gave the annual address of the Lyndon Baines Johnson Distinguished Lecture Series sponsored by Southwest Texas State University, located in my congressional district in the city of San Marcos. His remarks were entitled "Build Bridges, Not Walls."

The speech makes for thoughtful and enlightening reading and puts into new perspective the life and times and heartfelt principles of our late President Lyndon Johnson. Committed to civil rights and social justice when it might have been politically expedient not to be, Lyndon Johnson was a complicated man. JIM WRIGHT'S speech captures the essential elements of LBJ's complex character. I certainly commend the majority leader's address to the serious attention of all Members fo this body.

The full text of his speech follows:

BUILD BRIDGES, NOT WALLS

Tonight as we celebrate in this lecture the public career of Lyndon Baines Johnson, I want us to consider two very familiar models of the building trades. I invite you to think with me about walls and bridges—and about those who build them.

Walls and bridges! Not simply the physical structures of wood and masonry and metal, but in their larger sense—things that divide and things that unite. Almost everything we do in our inter-personal relations and as a society builds either a wall or a bridge.

Either we separate people from their natural destiny by means of a wall or we connect them to it by a bridge. Walls of misunderstanding disconnect people from one another. Bridges of understanding connect them.

I hope you will be builders of bridges.

LBJ: BRIDGE BUILDER

Nothing could be more symbolic of the years of Lyndon Johnson's public service. He spent a great portion of his life tearing down walls and erecting bridges in their place.

Our government depends upon a series of alliances, basic attitudes and understandings which build bridges across the geographical and ideological dividing lines that otherwise would separate us. Lyndon Johnson was a practitioner—perhaps this century's most skilled practitioner—of concensus.

As Senate Majority Leader and as President, he repeatedly fashioned compromises to span the chasms of partisan separation.

Lyndon Johnson's bridges reached across the Senate aisle to the other political party and down Pennsylvania Avenue to the other branch of government.

He was an apostle of bipartisan foreign policy during the Eisenhower presidency.

Lyndon Johnson helped tear down the walls of alienation which for a century had divided north from south.

In this way he helped make America truly live up to those words: "One nation under God indivisible."

His was the hand that guided through the Senate the first Civil Rights law since Reconstruction days. Along with Sam Rayburn he provided the leadership which kept Texas on the path of peaceful compliance with the Supreme Court's ruling on school integration. As much as any American, he broke down the walls of superstitious separation between the races.

Lyndon Johnson's massive emphasis upon American education built bridges of opportunity over which millions, previously shut out, have crossed canyons of denial into productive careers and fulfilling lives.

In a major speech at Johns Hopkins University—and in literally hundreds of unadvertised overtures—Lyndon Johnson tried to build a bridge of peaceful understanding with the North Vietnamese, and his failure to do so was the major disappointment of his career.

Lyndon Johnson was a bridge builder.

WALL BUILDING

The builders of walls, on the other hand, make a cohesive society infinitely more difficult. A few years ago, Kevin Phillips wrote an article in Harper's Magazine entitled "The Balkanization of America." He wrote of a growing spirit of parochialism which he said is in the process of splintering our society and disintegrating our fundamental national unity. Too many Americans, he concluded, have begun to think of themselves first as members of some particular economic or social or geographic or religious group—and only secondly if at all as Americans.

In the Congress itself, there has grown in the past few years a Black Caucus, an Hispanic Caucus, a Steel Caucus, a Farm Caucus, a Northeast Caucus, a Sunbelt Caucus, a Tourism Caucus, a Coal Caucus, and a Blue Collar Caucus, just to name a few. As one whose job it is to try to synthesize a course of common action from such heterogeneity of interests, I can attest that the tendency to build walls of division—the us-against-them syndrome—is dissolving some of the glue which once held us together, and making the process of governing an infinitely more difficult and more challenging task.

The very words we speak and write are meant to be bridges of communication. Words and language and ideas are what distinguish man from beast. The curator of a big city zoo once told me that baby gorillas advance more rapidly than infant children for the first 18 months of their lives. After that, the gorilla's learning process almost stops, while that of the human child continues at an ever-faster pace.

The obvious difference is that humans alone have a verbal and written language by which each generation can communicate the store of knowledge to each succeeding generation. That's what we call education. Other members of the animal kingdom learn only by imitation.

Language is the bridge to knowledge. Education is the bridge to human progress. Without records, without books, without the tradition of learning which mankind has evolved, we still would be brutish creatures. There would have been little evolution from Cro-Magnon Man.

Those who abuse language as a instrument of division—those who use it to divide people against people, class against class, race against race, religion against religion, or region against region, prostitute its purpose. They erect walls with those building blocks that were intended for bridges.

And that is why book burning—such as was practiced by the Nazis in Germany and others before them and since—is such a crime against humanity. Its ultimate goal is the walling off of some part of our collective memory of the past or of our awareness of the possibilities of the future.

NATIONS THAT BUILD WALLS

Some governments and human institutions are essentially builders of walls. In the Third Century, B.C., the Chin Dynasty in China built the world's longest continuous wall to insulate the entire country from what the Chinese leaders considered the evils of foreign influence. Nobody could get in or out. Behind this wall, China languished for 1,800 years and feel hopelessly behind the rest of the world—because it had erected a barrier which mankind's new discoveries and increasing knowledge, unapproved ideas, outside influence.

There could be no more grotesque example than the Berlin Wall whose purpose was not to keep others out but to convert a whole society into a prison, to hold captive the citizens of an entire nation. The refusal of any country to permit the out-migration of citizens who want to leave is a confession of moral and social impoverishment and economic destitution.

A FEW AMERICAN WALLS

America through most of its history has been building bridges. Yet, we fall prey to wall-building from time to time. In periods of economic recession, we are tempted to raise tariffs and quotas and other impediments to the flow of world trade. These are economic walls.

Those who would throw roadblocks in the way of free expression are builders of intellectual walls.

We have seen in this election year the sad, demented storm trooper syndrome cropping up again after all these years on a few college campuses across the country. This is the mentality of those who would shout speakers down with boorish heckling or drown them out with childish chanting rather than hearing them out in mature civility. The practice is too juvenile for a college campus, too childish even for junior high school. It is unworthy of educated men and women. It has no place in a free society. To wall off speakers with vocal screeching from those who would like to hear them is the antithesis of intellectuality. It is a throwback to prehistoric times and a denigration of all that we stand for as a people.

Pope John XXIII built bridges to a warmer fellowship between religious denominations. There are some in organized religion who would arrogate to themselves the attributes of deity and arbitrarily exclude others. They build religious walls. Some of them would endow their political prejudices with religious justification.

From the beginning there have been some not content to be created in God's image,

but intent instead upon recreating God in their own image.

The builders of walls usually operate from fear. All of the legal and economic tricks which for years kept blacks and other minorities from voting and getting an education and sharing fully in the opportunities and privileges of a free society were walls. They were built, for the most part, by people who honestly feared that—unless the minorities were walled off and kept "in their place"—there would be fewer privileges left for themselves.

They see freedom as a thing of short supply, to be hoarded—not as a blessing to be shared.

A decade ago we saw certain civil rights groups building their own walls in retaliation, burning the bridges of understanding that did exist, blaming white people in general with all of their troubles, and defending violence in the name of black power. In this way, one wall begets another. Communications break down, and riots break out!

And the nation begins to break apart.

But as Robert Frost wrote: "Something there is that doesn't love a wall, that wants it down."

BRIDGES TO THE AMERICAN DREAM

Given occasional abbreviations, the history of our country has been a long, sometimes sporadic but generally continuous process of building bridges.

We have been breaking through the ceilings, those horizontal walls which hold people down, and through the perpendicular walls that hold people in. We have become the most upwardly mobile, the least economically and socially stratified of the world's societies. From the beginning, this has been our most distinctive national characteristic.

We did not set out to create an aristocracy and install it as a ruling class. Nor did we destroy the aristocracy and supplant it with a dictatorship of the proletariat. Our goal has been to expand the privileged class until it shared its benefits with the humblest citizens of the land.

Ours was to be an aristocracy with a difference. Not a nobility to which some are born and others forever denied, but one to which all could aspire and which most could attain. Not a snobbish aristocracy of exclusiveness, but one which constantly seeks to enlarge its membership. One not of special privilege, but of universal privilege whose members qualify by self-preparation and by assuming the responsibilities which go with privilege.

This is what came to be called "the American dream." It is the promise of a society in which the humblest child born of the most improvident circumstance may have as his or her birthright an education unlimited by lack of opportunity, an equal right to vote and participate in the political process, the right to useful work, and the very real chance to own property.

In starts and stops, in bursts of creative energy and pauses for regrouping, we have moved consistently toward those goals. They are not yet fully realized for all of America's children.

But consider what progress we made in two short decades—from 1960 to 1980. In those 20 years, the number of college graduates annually receiving degress increased by over 150%. The growth in graduate education was even more spectacular. By 1980, the nation was conferring approximately 400,000 masters, compared to 78,000 in 1960—an increase of some 400%. For millions of Americans, these were the bridges of opportunity.

By 1980, we had reached the point where 79% of our non-white youth were completing high school. Not enough, but better by far than the 53% which were able to do so in 1960.

In the age group of those receiving baccalaureate degrees this year, one out of every four Americans will complete college. In 1960, the figure was not quite one in eight.

AN ERA OF RETRENCHMENT

And yet—and yet, there is something deeply disquieting in the present scene. In the past three or four years we seem to have entered an era of retrenchment in which our historic progress has been temporarily stalled. The number of high school and college graduates, as a percentage of our population, has remained at a plateau for the past three years and shows alarming signs of turning downward.

Economic conditions in general, and declining availability of student loans and financial assistance in particular, may foredoom the accessibility of higher education to a declining percent of our young population. That, in my judgment, would be tragic!

It would be historically retrogressive, wasteful of our most precious resource, and morally indefensible.

The very best investment our country ever made—with the possible exception of the Louisiana Purchase—was the G.I. Bill of Rights with its educational opportunities immediately following WW II.

Not only did it enlarge the intellectual horizon and enrich the social and economic fabric of our nation beyond anyone's capacity to measure. It actually returned a very handsome profit to the government itself—at least $20 for every $1 of public investment—in the form of higher taxes paid by reason of the enhanced earning capacities of the hundreds of thousands of Americans who availed themselves of those educational benefits.

Today we quibble and quarrel in petty puerility about whether the nation can afford student loans, Pell grants and work-study opportunities. Like Nebuchadnezzar, we seem to have forgotten the dream.

There is something fundamentally deranged in the standard of values of our nation when we reduce bilingual education, vocational education and job training by 28% in one year while calling for approximately the same amount of money to build more prisons.

A part of the American dream has been the promise of home ownership. In 40 years, we increased the reality from 30% of American families to 70%. It is a sorry commentary today that only 3% of the newly-formed family units can qualify to buy a house because of the suffocating level to which interest rates have been permitted to rise.

That, in a society which would build bridges instead of walls, is intolerable.

Machines and weapons of the most infinite sophistication cannot assure national security nor restore productivity to a nation which ever forgets that the ultimate guarantor of defense and ultimate machine of enhanced production, that which has ever been the hallmark of American military and industrial superiority, is the cultivated mind and motivated spirit of the trained and educated American. Without the bridges of educational and economic opportunity, ever widening to accommodate ever more people, we cannot be first in industrial production nor preeminent in national defense.

INTERNATIONAL BRIDGES

The exchange of students across national borders is one of the best ways to build bridges of peace. It is shortsighted folly on our part that last year Cuba and the Soviet Union granted 7,500 full-time study scholarships in their countries to promising Central American students, while the United States granted fewer than 50. Then we wonder why some of our closest neighbors are tempted to look elsewhere for leadership.

On this day I ask you to make a commitment—that you will revive the American dream, tear down the walls of alienation that will still exist between our people, and complete the bridges that we have begun.

When this has been done, there still will be work to do, and bridges yet to build.

If democracy is to triumph in the underdeveloped world, bridges of literacy and learning must be extended to the humblest families. They must be given a chance to make a decent wage—a change to borrow, to get a start, at a rate of interest they can pay—a chance to own a modest home or a small farm of their own. In emerging nations, free societies will thrive only if they build bridges across the impenetrable walls that too often have separated class from class.

Somehow, someday, the vision of humanity must be employed to tear down the walls of fear and hostility and create in their place bridges of understanding between the people of the United States and the people of the Soviet Union.

This is no doubt the most difficult work of all. But it could be the most rewarding.

We live in a world bristling with 50,000 nuclear warheads with a total destructive capacity one million times greater than the bomb that devastated Hiroshima and ushered in the nuclear age.

Every minute in 1984, 30 children somewhere in the world will die for want of food or inexpensive vaccines; and every minute the military budgets of the world will absorb $1.3 million for the unproductive implements of terror.

In this year alone, Russia and the United States will spend more than half a trillion dollars upon armaments. Just think of the legitimate needs a mere fraction of this money could meet if diverted to constructive uses. Think of the untold good it could perform if only some of this could be spent instead upon foodstuffs and medicine, upon research and disease eradication, upon libraries and books and schools and hospitals—on bridges rather than walls—on people rather than implements of destruction.

These bridges of understanding between people of different nations will not be finished this year, or this decade, or perhaps in your lifetimes. But if the mind and purpose of man can unite to construct the bridges to a peaceful world, they will serve as no other thing can to bless the generations yet unborn.●

MEDICAID DENTAL AMENDMENT

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. SIKORSKI. Mr. Speaker, I am introducing a Medicaid amendment which has become necessary because

of action by some States in limiting payment for services which are provided by health professionals other than physicians. There are a variety of health services which are covered under the Medicaid Program which can legally be provided by a dentist. I have been informed of State actions which deny payment when the service is provided by a dentist when it is within the scope of the dentist's license but provide reimbursement to a physician for the same service. I am introducing legislation to assure that when services are provided by a properly qualified dentist the State Medicaid Program cannot discriminate in the reimbursement to that dentist.

In 1980, we adopted a similar amendment for the Medicare Program. This amendment to Medicaid is necessary to assure equity in its implementation. I hope my proposal can be favorably considered in the near future.●

TERRORISM IN THE WORLD

HON. MARK D. SILJANDER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. SILJANDER. Mr. Speaker, one of the most serious security threats facing our Nation is terrorism. The article in the November issue of the "Journal of Defense and Diplomacy" by U.S. Ambassador to the United Nations, the Honorable Jeane Kirkpatrick, captures the essence of what this issue is all about.

I commend this article to my colleagues:

THE UNAUTHORIZED VIOLENCE OF TERRORISM

(By Ambassador Jeane Kirkpatrick)

The most difficult problem in understanding politics is, I believe, to see phenomena as they are, without confusion or mystification: simply to observe who does what to whom, to hear what he says about his actions and to observe their consequences. The more simply and clearly phenomena can be observed and described, the greater the possibility that their meaning and significance can be understood.

What the terrorist does is kill, maim, kidnap, torture. His victims may be children in the schoolroom, travelers like those at Entebbe or Lod Airport, industrialists returning home from work, political leaders, diplomats in Paris, London, Los Angeles, legislators like those on whom machine guns were turned in the 1950s in Washington. They may have no particular political identity, like the café-goers in Goldenberg's Jewish restaurant in Paris, or they may be political symbols, like Aldo Moro or Pope John Paul II.

A terrorist's victims could be anyone, and they could be kidnapped, maimed or simply blown to bits. But one defining characteristic of the terrorist is his choice of method. The terrorist chooses violence as the instrument of first resort. Yet, terrorism is distinguished from violent crime. Crime, too, is unauthorized violence against persons who are not at war.

How does terrorism differ from simple crime? The difference lies not in the nature of the act but in the understanding of its perpetrator, however vague, of what he is doing. Terrorism is political in a way that other violent crime is not. The terrorist acts in the name of some political, some public purpose. "Political man," Harold Laski wrote, "is one who projects private assets onto public objects and rationalizes them in the name of a conception of the public." The members of Murder, Inc., acted for private purposes. John Hinckley, as I understand it, attempted to kill President Reagan for essentially private reasons. But the killers who sprayed bullets into Goldenberg's, like those who attempted the murder of Edén Pastora, had a public goal in view.

POLITICAL WAR

Terrorism is a form of political war. We may note that while the conceptions of the actor transform the act, and that while a purpose related to a public goal makes an act political, it does not make it moral. And a public purpose does not make a terrorist who has been arrested a political prisoner. Terrorism should also be distinguished from conventional war, and terrorists from soldiers who also wield violence. A soldier uses violence in accordance with the law of his society against enemies designated by legally constituted authorities. Soldiers use violence where a state of belligerence is recognized to exist. A terrorist engages in violence in violation of law against persons who are not at war with him.

Even in this century of total war, when civilian targets are drawn into war by aerial bombing and resistance movements, belligerency is at least a condition known to all parties in a conflict. The Nazis occupying the streets of Paris understood that all French civilians were not conquered, but that for many the war continued. They understood that some unknown portion of the civilian population was at war and had not acquiesced in the surrender signed by France's latest government. Many civilians also understood that the occupation, in itself, was proof of the continuing belligerence.

THE VICTIMS

Terrorists use violence against people who do not understand themselves to be at war. The victims of terrorist attacks are unarmed, undefended and unwary. The point is—and it seems to me crucial—that victims perceive themselves as civilians. They do not understand that they are regarded, or may be regarded, by someone else as belligerents in an ongoing war. This is the reason that one U.S. government study emphasized that terrorism is politically motivated, premeditated violence perpetrated against noncombatant targets by subnational groups or clandestine state agents. If we listen to the terrorist, we understand that he is at war against us. Terrorism is a form of war against a society and all who embody it, and war is always, as von Clausewitz emphasized, "a real political instrument, a continuation of politics by other means, an act of violence intended to compel our opponent to fulfill our will."

Terrorist war is part of a total war in which the whole of society is seen as the enemy and all the members of a society are considered appropriate objects for violent actions. It is absolute war because its goal is absolute destruction of society, and it accepts annihilation of persons as an appropriate means. Terrorists are the shock troops in a war to the death against the values and institutions of a society and of the people who embody it.

TERRORISM AND TOTALITARIANISM

The affinities between terrorism and totalitarianism are multiple. Both politicize the whole of society—the terrorist by making the whole of society the object of his violence, his war; the totalitarian by making society, culture and personality the object of his plans and actions. Both consider violence an appropriate means for their political ends and use violence as an instrument of first resort aggressively. They understand that smashing a society means smashing people.

Both terrorists and totalitarians reject basic moral principles associated with Judaeo-Christian civilization, such as the value and the responsibility of the individual, and they reject prohibitions against the use of offensive force in social or international affairs. Both terrorists and totalitarians act and see themselves as acting in the name of a new morality and on the basis of a different epistemology. Both see their violence justified by their higher morality whose transcendent collective ends justify and demand violation of conventional morality and the sacrifice of people whose membership in the old society makes them expendable. Both permit and even encourage expression of aggressive murderous instincts, whose repression Freud correctly emphasized as a precondition of civilization.

The social relations of both terrorists and totalitarians to others is dominated by hostile intent. The enemy is everywhere, struggle is inevitable, it is unending, it is total. But despite the many affinities of terrorism and totalitarianism, the two need also to be distinguished. Totalitarianism is the property of a certain kind of society, polity. One of the instruments of that polity is terror. Terrorism, on the other hand, may be the property of individuals, small groups or governments that do not, in fact, possess total power, whose rulers may have totalitarian aspirations but whose society has not yet become totalitarian. I take it that both Libya and Syria are examples of such states.

Raymond Aron described three kinds of terror as present in the Soviet experience: (1) that used by a party or faction against parties or factions hostile to them, (2) that which aims at eliminating class enemies, such as the liquidation of the kulaks as a class, and (3) that which turns terror previously used against class enemies or adversaries against all those who disagree with the ruler. This third category permits anyone who is in any way objectionable to be classifed as an enemy of the people. All these categories of terror are present in the violence of the terrorist. Totalitarian society is saturated with coercion. Nonetheless, not all coercive societies are totalitarian, and not all societies that support, sponsor and harbor terrorists and terrorism are totalitarian.

The most important link between totalitarianism and terrorism seems to me to be that the most important totalitarian state of our time is also the principal supporter and sponsor of international terrorism as a form of political action. And, second, that those who pursue power by terrorism aspire to form totalitarian societies. Orwell wrote, "It is not merely that power corrupts, so also do the ways of attaining power. Therefore, all efforts to regenerate society by violent means lead to the cellars of the NKVD." He also said that "the essential act is the rejection of democracy—that is, of the

underlying values of democracy. Once you have decided upon that, Stalin, or at any rate someone like Stalin, is already under way."

In Nicaragua, rejection of democracy by the Sandinista junta and the choice of the method of violence has led indeed to someone like Stalin, someone who has forced Miskitos into internment camps or exile, who has imposed prior censorship, absorbed free trade unions, controlled businessmen, repressed the Catholic Church and its leaders and who sees Nicaraguans who want a voice in their own government as enemies of the people.

It happened, too, in Grenada, where Maurice Bishop and his colleagues seized power by force and set about creating on that tropical island full-blown totalitarianism. It happened, of course, in Vietnam, where the North imposed a military solution (to use contemporary U.S. liberal parlance) on the South and followed its victory with the establishment of totalitarian institutions that have forced hundreds of thousands of South Vietnamese into labor camps for reeducation, driven others into the sea and pressed thousands of others into the armies of their perpetual war against the other countries of Southeast Asia. Something like Stalin has led to the liquidation of a nation.

THE ESSENTIAL POLITICAL ACT

The choice of method is the essential political act. It is hardly surprising that rulers who choose coercion as an instrument of government should see violence as a preeminent means of extending their political dominion. Beginning in the late 1960s, for example, Soviet theorists began to identify the armed road, they called it, as the way to power in the western hemisphere. They not only discovered that their own experiences could be applied elsewhere, they set about applying those experiences in this hemisphere.

The Bandera Roja, FSLN, FMLN, ERP and the Monteneros are just a few of the small bands of violent people, technicians in violence and propaganda who found support from the world's greatest totalitarian nation over apparently overwhelming numbers. They begin with terror and seek to inspire fear through the use of terror to gain political ends.

Such deliberate use of terror is relied upon to produce a revolutionary situation. It has become the preferred tactic in contemporary revolutionary conflict. This now-familiar cycle is accompanied by a course of moral outrage from a self-designated constituency of client states linked to the Soviet Union. They seek to win symbolic support for the violence used in the pursuit of total war and absolute power. These technicians in violence and propaganda constitute what are called national liberation movements. The Soviets frankly acknowledge that their support for these movements may be decisive as, for example, when they say, "National liberation struggle is a form of war waged by peoples of colonial and dependent, or formerly colonial, territories, in which socialist countries, like them, become the decisive factor when people launch an armed struggle against internal reactionaries."

"National liberation movements" is the name given to groups supported by the Soviet Union and associated states seeking power by violence. Their acceptance as legitimate by and inside the United Nations is as good an indicator as any of the moral confusion that has come to surround the use of violence, the choice of violence as the method of political action, the preferred method, the instrument of first resort.

LEGITIMATIZING TERRORISM

Inside the United Nations, beginning in the 1970s, successive resolutions passed for more than a decade now in the General Assembly have asserted not only the right, but their support for the right, of the South-West Africa People's Organization (SWAPO), the PLO and other national liberation movements "to struggle by all means, including armed struggle, to achieve power."

Inside the United Nations, the majority, forged in overlapping blocs—many of whose members are Soviet client states—proclaims the right of these national liberation movements to use all means, including violence, and denies that its intended victims and targets have any right to defend themselves.

Abu Ain, accused of planting a bomb in a teeming market area that killed two boys and injured some 30 people, was treated by the General Assembly as a political dissident whose right to dissent and asylum should have been protected by the U.S. courts, whose protection, I may say, he made full use of for a period of years. And the U.S. counsel's decision that Abu Ain be extradited for trial in Israel was denounced by resolution in the General Assembly. When U.S. courts concluded that bombing of civilians was not an offense of a political character, but a political *crime*, the General Assembly reaffirmed that terrorism in defense of national liberation is no crime—and that the intended victims have no right to self-defense.

In the semantics of the U.N. today, of U.N. majorities today, the distinction between legitimate and illegitimate use of force has not so much been blurred as stood on its head. Where traditionally states are seen as having a monopoly on legitimate use of violence, U.N. majorities today see liberation movements as having a monopoly on the use of legitimate force.

According to this upside-down view of terrorism, violence and self-defense, civilians whose homes and villages are burned, whose crops are destroyed, whose cattle are killed, who are forcibly relocated and whose leaders are murdered are not seen as victims of illegitimate violence, but rather as objects of a national liberation movement. Only governments that seek to repress the violence of national liberation movements are cited for human rights violations. In this view, a society has no right to self-defense against the armed bands in its midst. That is a targeted society.

Thus, the Federal Republic of Germany would have no right to defend itself against the Baader-Meinhof gang. The Italian government would have no right to defend itself against the Red Brigades. The government of Spain would have no right to defend itself against Basque terrorists. The government of El Salvador would have no right to self-defense against guerrillas who boycott its election, attack its co-ops, murder its peasants. The level of confusion has grown very deep and very serious. Yet we know better. We know it cannot be that terror wreaked on a civilian population by a revolutionary movement is liberation, while violence committed by a government responding to a guerrilla threat is repression.

We know it cannot be that national liberation movements have the right to use violence against civilians, economies, societies and governments and that those societies have no right to defend themselves; that violence conducted in the name of revolution is legitimate; that violence used by governments and societies to defend themselves is illegitimate.

SEEING THE DIFFERENCE

The distinction between terror used in defense of societies and terror used to destroy societies is really not so difficult to see. Many, however, have become confused by the semantics of totalitarianism, by the specialists in propaganda as well as in violence. The liberation of Grenada provided, I believe, a particularly clear-cut example of the moral confusion surrounding the legitimate use of force and not only the confusion inside the United Nations. Outside that body, in some allied nations, extraordinary confusion was displayed, as when a distinguished parliamentarian in a friendly government said, "If the governments arrogate to themselves the right to change the government of other sovereign states, there can be no peace in this world in perhaps the most dangerous age which the human race has ever known. It is quite improper for honorable members to condemn as we have the violation of international law by the Soviet Union in its attacks on Czechoslovakia and Afghanistan, if we do not apply the same standards to the attack by the United States on Grenada. . . ."

I suggest that precisely what is at issue is applying the same standards applying them with realism. Inside the United Nations, majorities in both the Security Council and the General Assembly rushed to condemn the acts of collective self-defense that liberated the inhabitants of Grenada from five days of absolute lawlessness in the hands of a group that proclaimed itself not to be a government—precisely boasted of the fact that it was not a government—but a revolutionary group. They were liberated, simply, from five days of lawlessness, murder, from a 24-hour, shoot-on-sight curfew. Participants like Jamaica and Barbados were condemned desipte the clear and present danger to U.S. nationals and to Grenadians and despite the fact that the action was taken at the request of the governor general—a liberation conducted under the collective defense provisions of the treaty of the Organization of the Eastern Caribbean Nations (OECN) and to the manifest delight of the citizens of Grenada.

That the condemnation took place under these circumstances is, I believe, the clearest recent example of the level of moral confusion. Unable to distinguish between force used to protect the innocent and force used to victimize, between force used to liberate and force used to enslave, successive majorities in the United Nations follow the principle of treating legitimacy as a function of will and power exercised on behalf of national liberation movements.

MAINTAINING A SYSTEM OF LIES

There is one last affinity between totalitarianism and terrorism that I would like to mention. Both attempt to confuse as well as to terrorize. Solzhenitsyn, Orwell and others have emphasized that violence is used to maintain a system of lies and that lies are used to justify relations based on violence. Violence can be used to close a society. Lies can be used to veil the violence, to call open that which is closed, true that which is false, insane he who raises questions about anything about which it is not recommended that questions be raised. Violence, as Solzhenitsyn emphasized, is the opposite of peace. It is war. Terrorists and totalitarians alike thrive on falsification and intimidation. Finding the courage to face

the truth and speak out about it is surely the first important step toward the defeat of those who would destroy our freedom and our world.●

NATIONAL VETERANS CEMETERY

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. RUDD. Mr. Speaker, I am introducing legislation to establish a national veterans cemetery at the currently existing site of the Arizona Veterans Memorial Cemetery in Maricopa County, AZ.

Since 1970, the number of veterans in Arizona has almost doubled, from 250,000 to about 400,000 today. The State's veteran population is expected to double again by the year 2000.

Despite the rapidly growing number of veterans living in Arizona, however, there is no veterans cemetery in the State. In fact, the closest national cemetery with available space is in Riverside, CA—more than 300 miles away—an extremely long distance for families of those buried in a national cemetery to have to travel to visit their loved ones.

The Arizona Veterans Cemetery near Cave Creek in Maricopa County can address this overwhelming need. It is an excellent candidate for inclusion into the national cemetery system. Its terrain suits the requirements of the national cemetery system, and when complete, it will have space for about 500,000 interments.

The creation of a national veterans cemetery in Arizona is long overdue. I invite my colleagues to join me in redressing this important problem.

The bill follows:

H.R. 437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs shall: (1) Establish a national cemetery in Maricopa County, Arizona, on the site of and coextensive with the cemetery known as the Veterans Memorial Cemetery of Arizona located near Cave Creek Road in such county, and consisting of six hundred and forty acres, more or less, and (2) acquire the land of such Veterans Memorial Cemetery of Arizona by donation, purchase, condemnation, exchange of lands in the United States public domain, or otherwise.

SEC. 2. The Secretary of the Interior, in consultation with the Administrator of Veterans' Affairs, is authorized to transfer to the Administrator of Veterans' Affairs such lands in the United States public domain as may be necessary to permit the Administrator of Veterans' Affairs to carry out the provisions of the first section of this Act.

SEC. 3. The national cemetery established under authority of this Act shall become part of the national cemetery system and shall be administered in accordance with the provisions of chapter 24 of title 38, United States Code.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.●

51-059 O-86-18 (Pt. 1)

UNNECESSARY AND UNJUSTIFIED TELEPHONE CHARGES

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. BRYANT. Mr. Speaker, today I am introducing legislation to prohibit the Federal Communications Commission from imposing unfair, unnecessary, and unjustified telephone charges on American consumers. In the 98th Congress, the Members of the House passed legislation to prevent just this action, but the measure unfortunately died in the Senate.

Although the charges approved by the FCC in December were significantly less than the original $6 per month proposed 2 years ago, I do not believe that even a $1 fee is justified. These new rate increases are to be levied on all residential and single-line business customers—whether or not they make long-distance calls. In the State of Texas, this will mean an additional $100 million in access charges to be paid by already hard-pressed consumers.

Under the current rate structure, long-distance service providers like AT&T pay the local telephone exchange for access to their network. This enables their customers to make long-distance calls. What the FCC proposal does is shift that rate burden to the local ratepayer, whether he uses the service or not. This is what I strongly object to.

The measure I have introduced has the same end-purpose as the Universal Telephone Service Preservation Act of 1983, to prohibit the FCC from shifting the rate burden to the local customer. I ask my colleagues to join me in supporting this proposal to save ratepayers nationwide hundreds of millions of dollars in unnecessary and unjustified rate increases.●

CONGRESSIONAL SALUTE TO CHARLES D. NAYLOR, PRESIDENT, WILMINGTON CHAMBER OF COMMERCE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. ANDERSON. Mr. Speaker, on January 11 the Wilmington Chamber of Commerce will hold its 81st annual installation dinner to welcome its new officers and pay tribute to those outgoing officers who made 1984 such a successful year. I would like to pay particular recognition to the chamber's outgoing president, Charles D. Naylor, for a job well done.

A graduate of San Pedro High School and Cal State University Long Beach, Chuck Naylor received his law degree from the University of Santa Clara. Now a Long Beach resident, Chuck has been a member of the Wilmington Chamber for 3 years—2 of which he served on the board of directors.

Under Chuck's guidance, a number of highly successful chamber projects have been accomplished. These include: membership directory—helped develop a successful in-house campaign to publish a listing of the chamber's membership; board of director's retreat—a new program wherein members of the board of directors meet to analyze the chamber's program of work and plan for the upcoming year; welcome to Wilmington sign campaign—a project in cooperation with the Los Angeles City Council and the Port of Los Angeles to install signs at various entrances welcoming visitors to the city of Wilmington; and, small business seminar—a joint project with the San Pedro Peninsula and the Harbor city chambers informing small businessmen and women how to more successfully operate their establishments.

In a nutshell, Mr. Speaker, Chuck Naylor has done a great job as president of the Wilmington Chamber of Commerce and we are indeed grateful for Chuck's tireless efforts and many contributions in making the Harbor area a better place to live and work.

My wife, Lee, joins me in congratulating and commending Chuck Naylor on a fine job and we wish him and his wife, Lynn, and their two daughters, Stacey and Holly, success in all their future endeavors.●

TRIBUTE TO RICHARD WARREN HOLOBER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. LANTOS. Mr. Speaker, it is my privilege today to acknowledge the accomplishments of a young man who has contributed greatly to the labor movement of my district. Richard Holober, executive secretary of the San Mateo County Central Labor Council, AFL-CIO is moving on to another position of great responsibility and importance in the labor movement. He leaves our area with a distinguished record of accomplishments on behalf of the working men and women of our country. He has been a pivotal figure in many labor activities including voter registration, education and get-out-the-vote drives; the establishment of a Community Service Program for

the AFL-CIO in our county; and, perhaps most important, he has contributed to a period of growth within the Central Labor Council at a time when many labor councils experienced losses in membership and enthusiasm.

Richard's involvement with the causes of labor began at an early age as he undertook organizing activities while still a student in college. His concern for the protection of the worker was evidenced by his active participation in organizing campaigns, in lobbying efforts and in innovative problem resolution under his direction. He leaves us now for the Los Angeles and San Diego areas where he will continue an already remarkable career in the advancement of the goals of the AFL-CIO to the benefit of many. We have been enriched by his leadership, and we wish him every success in his future endeavors.●

INTRODUCTION OF NATIONAL DEVELOPMENT INVESTMENT ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. OBERSTAR. Mr. Speaker, today I join with my colleague, the gentleman from Pennsylvania [Mr. CLINGER] in introducing the National Development Investment Act and finish-up program for the Appalachian Regional Commission. The bill, which extends and modifies the programs under the Economic Development Administration, and implements the finish-up program proposed by the Appalachian Governors, is identical to H.R. 10 as passed by the House in the 98th Congress.

This is the third consecutive Congress in which we have introduced this legislation. H.R. 6100 passed the House by a strong bipartisan vote of 281 to 95 in the 97th Congress, and by 306 to 113 in the 98th. Unfortunately, the Senate has never acted on the bill; however, we hope that they will take action on it in this Congress.

We introduce the bill today to emphasize the concern of the Public Works and Transportation Subcommittee on Economic Development for those areas of the country, such as my own district in northeastern Minnesota, which have not benefited from the current economic recovery, and will need continued assistance as they try to diversify their economies and rejoin the Nation's economic mainstream.

This is not a jobs bill. It is not a short-term or miracle cure for these areas. It is a program for stable, long-term sustained economic growth and permanent, private sector job creation in the Nation's most economically distressed areas.

It will lay the groundwork for economic recovery at the local level. Our country's economic strength has always been measured by the soundness of the sum of its parts. This bill addresses the most distressed of those parts, our hardest-pressed communities.

Title I of this bill, the National Development Investment Act, would establish a successor agency to the Economic Development Administration [EDA]. The programs are similar to those under EDA: grants for public capital facilities, loans to small businesses, and technical assistance and planning grants. EDA-eligible recipients: States, economic development districts, units of local government, and Indian tribes, would remain eligible for assistance under the new act. In addition, the new bill also would reach, for the first time, pockets of distress in otherwise prosperous areas.

But we have made changes in EDA's current programs to meet the challenges of the 1980's, and to institute improvements based on our quarter century of experience writing economic development legislation.

First, we tightened the eligibility requirements. By limiting eligibility to areas with unemployment rates 1 percent or more above the national level over the past 2 years, and to areas with a per capita income of 80 percent or less of the national average, we were able to confine eligibility to truly distressed areas.

Of course, areas whose major employer has closed or is about to close its doors, or which are stricken with other sudden and severe economic dislocations, would remain eligible.

We also changed eligibility procedures. Previously, once an area was designated as distressed, it remained eligible. Under the new legislation, an area must demonstrate distress with every application.

Third, we adapted the application procedures to reflect the real process of economic development. Applicants must, prior to receiving a grant, draw up a comprehensive development investment strategy into which the applied-for project must fit. Gone is the projects-for-projects-sake approach of the past. Each project would, under our legislation, have to be integrally linked to the area's overall economic problems, and contribute to a comprehensive solution to those problems.

Under the new bill, the Federal matching share would be limited to 50 percent of the project cost, and there would have to be major involvement by the private sector.

The bill includes grants for revolving loan funds, to be administered locally, to make loans to small businesses.

Grants would be limited to $2 million per year for each applicant, with a $1 million per application limit for revolving loan funds.

Our legislation authorizes $425 million a year for development facilities grants, and $75 million a year for planning. It is a 3-year bill.

Title II would put into legislative language the finish-up program proposed by the Appalachian Governors for the Appalachian Regional Commission. Then ARC Chairman Gov. John Y. Brown of Kentucky testified to the need for this finish-up program at our hearings in Huntington, WV. This is a modest and pragmatic plan of action to sustain economic recovery in a major region of America which, like northeastern Minnesota, has not kept pace with the progress of other parts of this country.

The bill provides a 3- to 5-year finish-up for the nonhighway programs of ARC with declining authorizations; $83 million annually for 1985 through 1987; $79 million for 1988 and 1989, and $75 million for 1990. It reduces the maximum nonhighway grant from 80 to 50 percent.

Under the highway program, the bill directs funding to the priority highway routes and accelerates construction of the Appalachian highway system to be completed by 1992. We authorize $234 million for the first year of the highway program.

Mr. Speaker, this legislation focuses on the economic development needs of the 1980's: On private sector jobs; on small business, which studies have shown to be the major source of jobs; and on repair and rehabilitation of the Nation's deteriorating infrastructure, as well as on construction of new buildings, facilities, and other public capital, that may be required.

It is a good bill, a sound bill, and a needed bill that concentrates assistance to the economic problems of those remaining distressed areas of the country which genuinely need outside assistance.

I would like to add here a brief summary of the bill.

THE NATIONAL DEVELOPMENT INVESTMENT ACT—HOW THE PROGRAM WILL WORK

ELIGIBILITY CRITERIA

Three distress criteria to determine eligibility:

(1) Unemployment: 1 percent above the national average, previous 24 months.

(2) Per capita income: 80 percent of national average, using latest available statistics.

(3) Anticipated sudden rise in unemployment: imminent plant closing, military base loss, etc.

Only one of the above required to qualify.

Eligibility and grandfathering in current EDA law repealed.

DEVELOPMENT INVESTMENT STRATEGY

Cities and counties under 50,000: work with Economic Development District or state economic development agency to devise investment strategy.

Cities and counties over 50,000 or pockets of distress within city: do their own planning.

Strategy, in 20 pages or less, includes:

Inventory of community's resources, industries, businesses;
Infrastructure available and needed;
Workforce: skills available;
Land availability;
A showing that nonfederal 50 percent matching funds are available;
A showing that private section is willing to invest;
Description of industry/business to be created or expanded;
Description of specific ventures to be funded, e.g.:
Revolving loan fund;
Employee Stock Ownership Plan;
Grant for infrastructure.

FUNDING

Strategy Implementation: authorizes $425 million annually for 3 fiscal years.
Planning and Strategy Development: authorizes $75 million annually for 3 fiscal years.
These are grant, not loan, funds.

APPLICATION PROCEDURE

Submitted to Secretary of Commerce.
Secretary reviews application to determine that: it meets distress criteria; the strategy, has a good chance of working.
Secretary approves/rejects project.
Best strategies are to be approved—those with best chance for success.

LIMITATIONS

A $2 million limit on federal funds per strategy: Revolving Loan Fund limited to $1 million.
Subsequent applications must requalify on new showing of distress. ●

REPEAL THE METRIC CONVERSION ACT OF 1975

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. RUDD. Mr. Speaker, I am today reintroducing legislation to repeal the Metric Conversion Act of 1975 and put to rest, once and for all, the uncertainty about Federal policy with respect to metric conversion.

The prospect of conversion to the metric system set off furious debate in Congress back in the 1970's, culminating in the passage of the 1975 law. Far from mandating conversion, however, the act set no timetable for conversion and stressed that conversion was to be completely voluntary. In fact, Congress has never authorized nor endorsed full conversion of our economy to the metric system. The 1975 act was simply a reaffirmation of existing policy established as far back as 1866—that permits use of either our customary American system of weights and measures or the metric system.

Yet, it was no wonder that our citizens were confused by the 1975 law. Almost immediately after it was passed, Federal agencies seized it as a justification for initiating conversion activities. They provoked widespread public opposition by trying to convert highway signs, weather reporting, beverage containers, school materials, and so on to metric units.

The fact is that the great majority of Americans, without question, oppose conversion to the metric system. A 1977 Gallup poll, the last poll taken on this issue according to the Congressional Research Service, revealed that less than a quarter of the American people favored conversion.

When the Federal Highway Administration [FHA] proposed conversion of highway speed signs to metric in 1977, public comment was extensive—98 percent opposed the scheme—and the FHA was forced to back down.

When the Meat and Poultry Division of the Department of Agriculture proposed meat and poultry sales in metric, 75 percent of public comment was opposed.

Metric proponents have somehow failed to grasp the depth of this opposition to metric conversion and have continued to plod on.

Just last year, we were told we needed a $500,000 study of metric use and conversion. Never mind that in 1978, the General Accounting Office [GAO] concluded the most complete and objective analysis of metric use and conversion ever undertaken in this country, and found that the American people stand to gain little on account of conversion but, in fact, would be forced to bear the multibillion-dollar price tag of conversion. Think of it—every map would have to be rewritten, every tool replaced, machinery modified, workers retrained, scales reworked, highway speed signs replaced, thermometers and thermostats changed, all laws, ordinances, and regulations rewritten, and on and on.

The biggest losers of all would be American consumers who would not only be made to suffer inconvenience, but also the enormous expense of converting products to metric passed on by producers in the form of higher prices.

The notion that the United States is losing exports to metric countries because its products are not designed and manufactured in metric units is even ill-founded according to a 1971 Commerce Department report.

That is as true today as it was in 1971. If there is even a potential for billions of dollars worth of export sales abroad, U.S. firms would surely make the necessary conversion long before the Federal Government mandated it.

They have been trading for centuries with merchants in countries that use different measurement systems, speak different languages, and have different laws and requirements that must be complied with. Nevertheless, they have become the most successful and technically advanced in the world.

By contrast, the 95 percent of the world which has gone metric according to metric proponents, includes countries like Haiti, which has a literacy rate of 22 percent and a per capita annual income of $260; Bolivia with a literacy rate of 50 percent and a per capita yearly income of $477; and Zaire with a 30-percent literacy rate and a per capita income of $127.

Obviously, metric use is not the criteria for judging a successful economy.

The conclusion of the 1971 Commerce Department report—that the notion that American firms are losing markets on account of use of customary units is ill-founded—was reiterated several years later in the GAO's 1978 report. The GAO found that fully 80 percent of the largest U.S. industrial businesses—the Fortune 500—did not expect any significant change in exports or imports as a result of metric conversion.

The finding was also confirmed in a 1984 report by the American National Metric Council [ANMC]. The ANMC found that a mere 16 percent of the Fortune 1000 industrial firms felt that they experienced a loss in sales because their products were not in metric measurements. Apparently, 84 percent—a larger margin than in the GAO's 1978 survey—did not feel there was any detrimental effect on trade as a result of the use of customary weights and measures, or were simply unsure of any effect.

Let me make it clear that I do not oppose use of the metric system. Those who wish to use it or stand to benefit from conversion may legally convert and should do so. However, I strongly oppose Government's unwarranted promotion and costly imposition of metric on the American people who overwhelmingly oppose conversion.

Other countries which have tried to convert to metric have also faced stiff opposition from their citizens. When faced with conversion by decree, Canadians, for example, balked and are still resisting mandatory conversion even though the program is 12 years old. Metric remains foreign to the Canadian on the street. They would no doubt welcome a return to gallons, miles, inches, pounds, and especially Fahrenheit.

During the 97th Congress, funding for the U.S. metric board was eliminated in an effort to cut down on unneeded bureaucracy and return its responsibilities to the more capable private sector. However, while no longer receiving funds, the board is still authorized under the 1975 law and metric activities continue to be pursued by other offices at the Commerce Department as a result of it.

I therefore urge my colleagues to join me in cosponsoring this legislation to repeal the misleading 1975 law and set forth a clear policy on weights and measures in the United States.

The bill follows:

H.R. 436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Metric Conversion Repeal Act of 1985".

FINDINGS AND POLICY

SEC. 2. (a) The Congress finds that—

(1) the majority of the American people do not favor conversion from customary United States weights and measures to the metric system, despite United States involvement as an original signatory party to the 1875 Convention—Weights and Measures (20 Stat. 709), and the fact that voluntary use of metric measurement standards in the United States has been authorized by law since 1866 (Act of July 28, 1866; 14 Stat. 339);

(2) the Metric Conversion Act of 1975 (15 U.S.C. 205a et seq.) has conveyed to the American public and to the business community the erroneous impression that United States conversion to the metric system is national policy, which it is not;

(3) the United States Metric Board, created by the Metric Conversion Act of 1975, is an unnecessary promotional vehicle within the Federal Government, authorized to use the resources and power of the Government to influence and encourage conversion to the metric system throughout the United States in violation of the intent of Congress;

(4) Federal bureaucratic imposition of metric conversion has been fostered by the United States Metric Board's ad hoc Interagency Committee on Metric Policy (ICMP), which has promulgated Federal metric policy and guidelines (Federal Register, January 8, 1980), instructing all Federal agencies to implement increasing metric usage through Government procurement, contracting, and other policy initiatives in violation of the intent of Congress;

(5) several Federal departments and agencies have provoked widespread public opposition by attempting to impose use of metric measurement on highway signs, in weather reporting, in marketing beverages and other products, through school curriculum materials, and through internal departmental or agency guidelines, also not in keeping with the intent of Congress that use of metric measurement by any sector in the United States be strictly voluntary, as provided under the 1866 statute, and not imposed by the Federal Government;

(6) according to an exhaustive study by the Comptroller General of the United States, the cost and disruption of metric conversion to the American people would be enormous, while the purported benefits of such conversion are nonexistent or questionable in practically every area;

(7) there is no evidence that a soley metric system would be better for the United States economy, and United States economic activity and world trade have not been hampered or injured by a dual system of customary and metric measurement according to the Comptroller General's report;

(8) standardization and rationalization of measurements, and other purported benefits ascribed to metric measurement, have occurred throughout the world under the customary system without metric conversion;

(9) the United States Metric Board has failed to assist the public to become familiar with the meaning and applicability of metric measures in daily life, and has failed to coordinate metric conversion initiated in the private sector involving private industry and the Federal Government, two of its three responsibilities required by law;

(10) it is in the interests of the United States to eliminate Federal Government entities or programs, such as those continuing and expanding beyond the intent of Congress under the Metric Conversion Act of 1975, when it is clear that such entities or programs are detrimental or unnecessary to public need; and

(11) voluntary conversion to metric measurements, if desired by private industry, can be adequately assisted by privately funded organizations such as the American National Metric Council (ANMC).

(b) The Congress declares that it is the policy of the United States—

(1) to continue a dual system of customary and metric measurement in the United States, as dictated by the needs and desires of the private sector, and to end Federal Government promotion or imposition of metric conversion;

(2) to pursue a vigorous effort to avoid wherever possible undue or harmful socioeconomic effect of Federal Government programs or actions, such as those needlessly imposed by efforts being advanced under the Metric Conversion Act of 1975; and

(3) to eliminate Federal Government entities or programs that would cause undue socioeconomic effects, or whose existence or objectives are not supported or needed by the American people.

REPEAL OF METRIC CONVERSION

SEC. 3. The Metric Conversion Act of 1975 (15 U.S.C. 205a et seq.) is repealed.●

STATUS OF U.S. POSSESSIONS AND TERRITORIES

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. DE LUGO. Mr. Speaker, I rise at the outset of this the 99th Congress to bring to the attention of fellow Members the responsibilities inherent in the U.S. ownership of several islands in both the Caribbean Sea and the Pacific Ocean. Under the Constitution, Congress has supreme power over the destiny of these possessions. Unlike the States, the U.S. possessions have no protected status beyond the will of this body.

Today I have introduced two pieces of legislation intended as part of what has been a long process of carving out a status for possessions and territories within the American system. One relates to the right of four of the territories to participate in a fundamental practice of members of the U.S. family, the right to vote for the President. The second item grants a facet of home rule to the people of the U.S. Virgin Islands heretofore withheld: the power to exercise initiative, referendum and recall with regard to local political affairs.

But my goal is more comprehensive. I intend to bring to the attention of my colleagues the need for Congress to focus on a policy toward its possessions. I speak of conscientious decisionmaking and of consistency. For the past several years I have fought to preserve economic incentives and other Federal programs designed to help the Virgin Islands and other possessions achieve economic health and greater self-sufficiency. What is disturbing is that review of these programs appears to stem from a lack of clarity with regard to the status of possessions within the Federal system. Why, it is asked, should we do this for "them"?

I view this trend as born of ambiguity. The approach to territorial matters has been ad hoc, resulting in an increasingly painful vacuum in territorial policy.

I ask my colleagues to focus attention on these concerns in the 99th Congress. The issue is basic and has been set aside for too long: what meaningful policy will apply to the U.S. possessions? Recent attempts to identify the status of the possessions are only heightened now by a growing frustration with regard to the imprecise nature of their position with the Federal structure.●

STAR WARS—THE PURSUIT OF AN IMPOSSIBLE DEFENSE

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. KASTENMEIER. Mr. Speaker, I wish to call to the attention of my colleagues several articles which question the wisdom of the President's dangerous and expensive Star Wars Program.

Howard Ris, executive director of the Union of Concerned Scientists, Tom Wicker of the New York Times, former Defense Secretary Harold Brown, and Philip Geyelin of the Washington Post all concluded that the Star Wars Program simply will not work.

The President would be well advised to scrap his Star Wars plan and, instead, seek an agreement with the Soviets to avoid an arms race in space.

[From the New York Times, Nov. 30, 1984]

NEGOTIATE A BAN ON SPACE WEAPONS

(By Howard Ris)

CAMBRIDGE, MA—Though arms control talks with the Soviet Union are scheduled for January, the Administration's sudden interest in restraining the arms race will not easily translate into a good treaty. If President Reagan wants to achieve a lasting arms accord, he should begin where both countries left off—with space weapons—and he must start with a cogent negotiating strategy.

The failed attempt to reach a negotiating agenda last summer revealed issues at the core of superpower tensions: antisatellite weapons and their link to a "star wars" defense against missiles, and the suspended talks on offensive nuclear weapons. Moscow

sought to restrict negotiations to the first; America insisted on both issues. It was also apparent that the Administration was divided on negotiating strategy. Any hope for détente on space weapons rests with an understanding of the threats these armaments pose for American security and how negotiations can diminish such threats.

Antisatellite weapons may destroy satellites used for early warning of attack, for communications and other missions vital to American (and Soviet) security. An arms race in space is probably more dangerous to America, since we rely more on satellites than do the Russians. Such a rivalry opens a new arena of provocation that heightens the probability of nuclear war. Control of space weapons, then, is eminently prudent.

What would a coherent, self-interest American strategy be? Four points are crucial.

First, talks should aim at banning the testing and use of space weapons. A ban on tests would achieve the central goal of preventing development of reliable, advanced antisatellite weapons, and could be verified with high confidence. A ban on possession of these weapons is unnecessary; while desirable, such a ban would pose verification difficulties and be much more difficult to achieve.

Second, a moratorium on testing should precede talks. This should not be a great obstacle. Moscow has observed a self-imposed ban since August 1983; Congress has stopped the testing of America's prototype until March 1985. The President's argument that testing is necessary to catch up with Soviet capabilities is unconvincing. Our antisatellite weapon, though not yet operational, is more sophisticated than the one Moscow has tested with mixed success over the last 15 years. America already has demonstrated a de facto antisatellite capability with the test, last June, of an antimissile interceptor in the Pacific. If our testing proceeds, Moscow will find itself well behind, with little incentive to accede to restrictions.

Third, an agreement should apply both to low-orbit and more-advanced high-orbit antisatellite weapons. Last summer, some American officials said a ban on high-orbit weapons should be our sole objective, since high-orbit satellites are more important to national security and are beyond the reach of current antisatellite weapons. But this invulnerability would erode if development and testing of low-orbit weapons were permitted. In particular, star wars "beam" weapons, while unlikely to succeed as a shield against missile attacks, could well be effective against satellites. Once perfected for use against low-altitude targets, such weapons could threaten high-orbit satellites without further testing.

Finally, there is strong logic to conducting parallel negotiations on nuclear-missile forces and space weapons. The Administration cannot expect Moscow to agree to new limits on offensive missiles so long as America proceeds with an ambitious program to develop space-based missile defenses. The Russians would want more, not fewer, offensive weapons to counter our defenses.

The star wars program, then, presents an obstacle to control of antisatellite weapons and nuclear arms. Pressing ahead with this program would not only foreclose effective restrictions on antisatellite weapons but would prevent serious negotiations on limiting nuclear missiles. This underscores the Administration's need to resolve the sharp dispute between officials who wish to put star wars on the bargaining table and those determined to proceed with the development of space defenses even at the cost of wrecking prospects for arms control.

(Howard Ris is executive director of the Union of Concerned Scientists.)

[From the New York Times, Nov. 30, 1984]

STAR WARS WON'T FLY

(By Tom Wicker)

Even in the face of the deficit crisis and the forthcoming Shultz-Gromyko talks aimed at reopening arms control negotiations, the Reagan Administration aims to pursue at staggering cost its destabilizing and unrealistic "Strategic Defense Initiative"—the so-called "Star Wars" defense against ballistic missiles.

A new White House statement claims that the initiative may enable the U.S. and the Soviet Union to "agree to very deep reductions, and perhaps someday even the elimination, of offensive nuclear arms." This document disputed, but offered no evidence to refute, an article in the current issue of Foreign Affairs that asserts just the opposite:

That Star Wars *cannot* work, as President Reagan has said he hopes it will, to make nuclear weapons "impotent and obsolete."

That attempts to develop this defensive system will *stimulate,* not curtail, Soviet efforts to improve both offensive and defensive capabilities.

That "deep reductions" or any Soviet-American arms control agreement will thus be made *less* likely.

The article's bipartisan authors—Robert S. McNamara, Gerard Smith, McGeorge Bundy and George F. Kennan—make their point bluntly: "It is possible to reach good [arms control] agreements, or possible to insist on the Stars Wars program as it stands, but wholly impossible to do both."

These four experienced counselors to Presidents back to Harry S. Truman express a generous confidence that if Mr. Reagan "comes to understand that he must choose between the two, he will choose the pursuit of agreement." If he does not, however, they say just as bluntly: "The inescapable reality is that there is literally no hope that Star Wars can make nuclear weapons obsolete."

This conclusion, shared by most scientists and even by Pentagon experts, is based primarily on the facts that nuclear weapons are so destructive and each side has so many—about 10,000 strategic warheads apiece. Therefore, even if Star Wars proves 95 percent effective, which is unlikely, the missiles that still would penetrate it "would be hideously too many," and would result in the "distintegration" of any society thus attacked.

The destructiveness of nuclear weapons is also why U.S. development of even a partly effective Star Wars defense would force the "most energetic Soviet efforts" to overcome it with more and better missiles, more powerful warheads. Neither superpower could afford to let the other develop a defense that would limit the effectiveness of its nuclear arsenal.

Richard Nixon, quoted in a footnote, makes the point with striking clarity: "Such systems would be destabilizing if they provided a shield so that you could use the sword."

That is also why the authors say that a more limited rationale for Star Wars—that it might somehow restrain the arms race while protecting some of our weapons—makes little sense. Against the still more limited reasoning that Star Wars at least would prevent a Soviet first strike, they point out that Mr. Reagan's own Scowcroft commission concluded that the Russians don't have first-strike capability and can't get it, owing to the certainty of U.S. retaliation.

What of the argument, advanced by the President in his second debate with Walter Mondale, that he would turn Star Wars technology over to the Kremlin? That would have meaning only if he could give it "a single magic formula that would make each side durably vulnerable." But he can't, and what he might be able to provide would enable Moscow to improve its ability to penetrate the imperfect U.S. shield.

Star Wars almost certainly would abrogate the Anti-Ballistic Missile Treaty. The system could never be tested against the ultimate threat—a full-scale nuclear attack—and would have to work the first time it was used. Given likely technological improvements, by the time it could be deployed in the 1990's, there might be less than 60 seconds from the time of a Soviet missile launch for "detection, decision, aim, attack and kill."

Nor does Star Wars promise defense against low-flying cruise missiles, which both sides are racing to deploy, against the manned aircraft, or against smuggled warheads—the terrorist sailing into New York harbor with a nuclear bomb in his luggage.

This overwhelming case against Star Wars evoked in the White House statement the claim that research on the project is a hedge against a Soviet "breakout" in missile defenses. True, but is a $26 billion, five-year program necessary for such a limited objective?

"Something on the order of $10 billion" would make some sense, Mr. McNamara said in a news conference. But no one at the White House seems to be listening.

[From the Washington Post, Dec. 10, 1984]

EX-DEFENSE CHIEF CALLS "STAR WARS" UNREALISTIC

(By Don Oberdorfer)

Former defense secretary Harold Brown said yesterday that there is "no realistic prospect" that a "Star Wars" defense program could protect the U.S. population against all-out nuclear attack, even at a cost of $1 trillion. He called on President Reagan to give up on the ambitious and far-reaching space project.

Brown, who has dealt with space weaponry for more than 30 years as a physicist and government official, also estimated the costs, risks and feasibility of a full U.S. defense and two less ambitious strategic defense plans being considered in the executive branch as alternatives.

He complained of lack of clarity in the governmental and public debate about the Strategic Defense Initiative, dubbed "Star Wars," unveiled by Reagan in March 1983.

The major alternative plans, described by Brown in a paper for the Johns Hopkins School of Advanced International Studies, where he is chairman of the Foreign Policy Institute, are:

A full-scale U.S. defense against nuclear attack, to replace the postwar reliance on "deterrence"—the threat of nuclear retaliation—as the basis for national security.

"Technology does not offer even a reasonable prospect of a successful population defense," he said. As one of several examples, he said the intensity of laser beams needed to attack enemy missiles early in flight would have to be "perhaps a million or more times greater than anything that has been

achieved," in view of potential improvements to the missile systems.

A complete antiballistic missile defense, together with conventional air defense and civil defense necessary to make it airtight, "could approach a trillion dollars" in cost if practical, Brown said. That amount is about 3½ times as large as the current U.S. defense budget.

At a news conference announcing his findings, Brown referred to the full-scale "Star Wars" plan, which has provided most of the political and public support for Reagan's initiative, as "an impossible dream."

A limited program to defend land-based intercontinental ballistic missiles through a terminal defensive system.

The purpose of this would be to "ensure the U.S. strategic retaliatory capacity," he said. This, Brown noted, would mean "not defending people but defending missiles which threaten to destroy people" and thus would be the opposite of what Reagan has been discussing in advocating SDI.

Such a program, according to Brown, is "feasible with known technology" at a cost of $10 billion or more.

This program, like the others he laid out, would require U.S. abrogation of the 1972 ABM treaty with the Soviet Union. Brown said that no existing Soviet threat requires such a major defense of the U.S. retaliatory capability and that such a threat "is not likely to arise during this century if the U.S. pursues a strategic modernization program, generally along the lines of current plans."

Brown recommended continuation of "an extensive research, development and study program on antiballistic missiles" centered on protection of U.S. missile strike forces, to keep open the option to proceed later.

A limited defense of cities against such small nuclear attacks as an accidental or unauthorized launch from the Soviet Union or an attack by a country or terrorist group possessing only a few nuclear weapons.

He compared this to the thin nationwide terminal defense system proposed in 1967 by President Lyndon B. Johnson. An alternative could be "a limited space-based system" giving a small degree of protection to the entire country.

Brown described this as a "damage limitation" plan to "hedge against the failure of deterrence." It would not stop a major or concentrated ballistic missile attack and would provide no defense against terrorists or small-country antagonists who smuggle a bomb into the United States or load one into low-flying aircraft.

Such a plan would cost "upwards of $100 billion," according to Brown. He said it "shouldn't proceed" in view of the narrow spectrum of threats it could counter.

A U.S. decision to pursue any of the plans would prompt Soviet countermeasures, Brown said, "certainly an increase in offensive missiles" and probably in bombers, cruise missiles and Soviet defensive programs. The result would be "a substantial competition which would leave both sides at least as insecure as before," he said.

Because large increases in offensive weapons are an answer to defensive improvements, Brown said, "I don't see any chance for an arms control agreement with deep reductions [in offensive weapons] so long as the possibility of a strategic defense deployment is a very active one."

The former defense secretary in the Carter administration expressed understanding of the discomfort felt by Reagan and his predecessors with the strategy of deterring nuclear attacks on the United States through threat of massive retaliation. But he said practicalities leave "no choice."

In recognition of this, he said, Reagan should "reaffirm the current U.S. nuclear strategy." Reagan and other political and military leaders, Brown said, "should publicly acknowledge that there is no realistic prospect for a successful population defense, certainly for many decades and probably never."

[From the Washington Post, Dec. 7, 1984]

FOUR STRIKES AGAINST "STAR WARS"

(By Philip Geyelin)

Galloping out of the prestigious thickets of Foreign Affairs magazine, the Gang of Four has struck again. Their last ride was in pursuit of a U.S. policy of "no first use" of nuclear weapons. Given their identities (McGeorge Bundy, national security adviser to presidents Kennedy and Johnson; George F. Kennan, the celebrated Soviet expert; Robert S. McNamara, the former defense secretary; and Gerald Smith, a veteran arms control negotiator), it stirred a lot of dust, but no change in policy. The Gang members themselves were more than a little ambivalent.

Not so this time. With no ifs or buts they have pretty nearly devastated President Reagan's cherised Strategic Defense Initiative (SDI). Better known as Star Wars, it promises nothing less than an airtight defense against nuclear weapons and an end forever to the threat of nuclear war. The president would make nuclear weapons "impotent and obsolete" by first developing a U.S. defense and then sharing the secrets with the Soviets.

With stunning unanimity, the Gang makes a compelling case that the proposal—now far advanced, with a recommended $26 billion first installment for research and development, a timetable, and Ronald Reagan's name and prestige inextricably tied to it—is a "dream" and an "act of folly" that "cannot be achieved."

There lies the real significance of the latest strike by the Gang of Four. They are not talking about an arguable element of nuclear strategy. Rather, they are attacking a fundamental and revolutionary transformation of nuclear policy with profound implications for the pursuit of nuclear arms control. And they are doing so with arguments readily available to Reagan in early 1983—if he had put the proposition to the same sort of rigorous test by responsible people on his own staff, in the bureaucracy, in the scientific community.

The awful truth—the telling commentary on his presidential style—is that Reagan had no proposal worked out when he first floated the idea almost casually in a speech devoted to other known quantities in his military program. He had only a fatuous, personal vision of a nuclear-free world.

The Gang of Four's denunciation of Star Wars is withering. To work at all, a nuclear-defense system would have to work perfectly: "A very few nuclear weapons, exploding on or near population centers, would be hideously too many." But "not one of Reagan's technical advisers claims that any such level of protection is attainable," including the officer in charge of the program. Thus, "the inescapable reality is that there is literally no hope that Star Wars can make nuclear weapons obsolete."

That being the case, by embarking on the effort with such fanfare the president is guaranteeing a Soviet counter-effort. The net result can only be a "large-scale expansion of both offensive and defensive systems on both sides."

More than enough authorities agree with this assessment to guarantee big trouble when Congress gets down to the business of voting on the huge sums of money the president is seeking—the more so, given the enormous popular appeal of a nuclear-bomb-free world.

But the problem the president has created for himself only begins at home. The SDI is now inescapably an arms control issue with the Soviet Union, certain to be a top priority when Secretary of State George Shultz sits down with Andrei Gromyko next month to talk about how to proceed with the stalled nuclear arms negotiations. "The Soviets will want to stop SDI cold," says one administration arms control expert. But any effort to negotiate away projects still in the stage of research and development raises awesome problems of verification.

The more likely outcome, the Gang of Four and other authorities argue, is the breakdown of the existing antiballistic missile treaty of 1972 and a serious threat to progress on other arms control agreements with the Soviets. "In this real world it is preposterous to suppose that Star Wars can produce anything but the most determined Soviet effort to make it fruitless," the authors conclude. "The only kind of secret" that could be shared with the Soviet Union in the interest of making "each side durably invulnerable [is] one that exists only in Mr. Reagan's mind."

The Gang makes a plea to the president to abandon his dreams in the interest of a serious effort to achieve some progress on arms control in his second term. With a little more careful study, the foursome gently suggests, the president "will learn that it is possible to reach good agreements, or possible to insist on the Star Wars program as it stands, but wholly impossible to do both."

Failing that, the remedy must be found "in a long, hard, damage-limiting effort by Congress" guided by the words of the late Sen. Arthur Vandenberg when he found one or another proposition wanting: "The end is unattainable, the means harebrained, and the cost staggering."●

SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. MILLER of California. Mr. Speaker, today I am joined by 172 of my colleagues, including every member of the select committee, in introducing legislation to reauthorize the Select Committee on Children, Youth, and Families.

In February 1983, the House of Representatives passed overwhelmingly a resolution to create this special committee. At that time, we enjoyed substantial bipartisan support within this body, as well as from over 150 national and State organizations, and scores of local groups representing the broad range of constituencies.

The provisions of the resolution we are introducing today are identical to those of the resolution which created

the select committee in both the 97th and 98th Congresses. Under this resolution, it will continue to be the responsibility of the Select Committee on Children, Youth, and Families: First, to conduct an ongoing comprehensive study and review of the problems of children, youth, and families; second, to study ways to encourage the development of public and private programs and policies to provide opportunities to children and their parents to be productive citizens; and third, to encourage greater coordination of governmental and private programs which address the problems of childhood and adolescence.

Our first 2 years have been especially productive. In addition to holding 25 hearings on issues spanning prevention strategies, crisis intervention, and the economic security of families, we have issued five reports. Our reports describe and analyze the broad demographic and social trends affecting children and families, and the Federal programs available to assist them. Over 300 witnesses from across the Nation have provided testimony to the committee and its three task forces: parents and children, service providers, State and local elected officials, business and labor leaders, church and voluntary sector representatives, and research experts.

In 1983, we built a credible information base, taking a region-by-region snapshot of the social, economic and demographic changes affecting American families today. Building on these early findings, the committee devoted much of its second year to a bipartisan national child care initiative, culminating in a comprehensive report "Families and Child Care: Improving the Options" which contains specific policy recommendations, and which was signed by every member of the committee.

Despite the intense activity and productive work of the past 2 years, our work represents only a very good beginning. We have begun to provide a clear profile of children and families in this country, of how they live and what their major problems are. We have begun to discover the many successful programs communities have developed to mitigate and even prevent troublesome family-related problems. We have become a resource to other committees and congressional offices, by providing credible, clear and crosscutting information, and enhancing, not duplicating, their attention to issues affecting children and families. We have become a resource as well to the public and the administration on these issues.

With this reauthorizing resolution, we have an opportunity to continue our efforts on behalf of America's families and children, and to continue to pursue the substantial task that remains before us.

We urge you to join with us in supporting our resolution to reconstitute the Select Committee on Children, Youth, and Families.●

THE HEART OF RURAL AMERICA

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. OBERSTAR. Mr. Speaker, those of us who grew up in small towns know that in each such community there are several people who are at the heart of the life of those towns. These men and women often never hold any official position in town government. They don't always own the local bank or the local grocery store. They are the people, however, who spend a lifetime serving others in the community, whose concern for their fellow citizens helps build the bonds which make life in small towns so special.

Charlotte Harrison Oberg is one such person whose active interest in others and in her community has made life fuller and happier for her neighbors in Crosby, MN, and the surrounding area in Crow Wing County.

For over 40 years, Mrs. Oberg has written a column for the Crosby-Ironton Courier, the weekly newspaper which serves a large part of Crow Wing County. Her columns, written under the pseudonym "Dick", kept readers up to date on the comings and goings of their friends and neighbors. Her columns are an integral part of the memories which those who have lived in Crosby-Ironton carry with them to this day.●

A TRIBUTE TO FRANK GUILLEN ON HIS RETIREMENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. ANDERSON. Mr. Speaker, I rise to pay tribute to Mr. Frank Guillen, who has served an unprecedented 30 continuous years as the elected dispatcher of Local 9 of the Industrial Union of Marine and Shipbuilding Workers of America, AFL-CIO in Wilmington, CA. Mr. Guillen will retire this month after many years of fine service to the members of local 9.

Frank Guillen was born and raised in Gardena, CA and has lived in the area all of his life. He entered the shipbuilding profession during World War II due to the large demand for workers in the defense industry. He started out with the Bethlehem Shipyard on Terminal Island and moved to the Todd Shipyard in Long Beach after the war was over and demand had dropped off at Bethlehem. He worked for numerous maritime businesses before becoming elected to the office of dispatcher of his union for the first time in 1955. He has served continuously in this post with distinction until his retirement this month.

Besides working as the dispatcher, Frank Guillen provided many other invaluable services for the members of the IUMSWA Local 9. He has served on numerous negotiating committees for the union and was the director of the Western Shipbuilding Association for 4 years. He has also served on the Citizens' Advisory Committee for Los Angeles District Attorney John Van De Camp—now attorney general of California—the Harbor Area Maritime Trades Department; and the Catholic Maritime Club board of directors. He has also represented local 9 members in their workmen's compensation claims for the last 25 years free of charge.

My wife Lee and I would like to join Frank's wife Nagdalena, his son Leonard, and all of the members of IUMSWA Local 9 in thanking him for his years of service to the maritime community in the Long Beach-Los Angeles area and wishing him a relaxing and productive retirement.●

THE 75TH ANNIVERSARY OF HALLMARK CARDS, INC.

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. WHEAT. Mr. Speaker, Hallmark Cards, Inc. will celebrate its 75th anniversary on January 10. I would like to congratulate Mr. Donald J. Hall, Hallmark's chairman of the board, and all the employees at Hallmark on this momentous occasion.

The international headquarters of Hallmark Cards is located in my congressional district in Kansas City, MO. Hallmark Cards is the story of a young man with determination, insight, and commitment to quality. Joyce C. Hall was 18 years old when he arrived in Kansas City with a shoe box of post cards to start a mail-order business distributing cards. Within a year, he and his brother Rollie B. Hall formed Hall Brothers Co. and they soon began manufacturing their own greeting cards.

Today, Hallmark Cards is the undisputed leader in the social expression industry. Hallmark operates production and distribution centers in 15 States and sells its greeting cards and other quality products in more than 100 countries.

The company has the largest creative staff in the industry and has a worldwide reputation for the finest quality products befitting its well-rec-

ognized slogan, "When you care enough to send the very best."

The Hallmark 75th anniversary theme is "Commitment to Excellence." The company is always striving for higher standards of excellence, challenging its employees to do their very best. This commitment is shared by Donald J. Hall, who leads the company both in its pioneering of the social expression industry and its recent diversification efforts.

Mr. Speaker, Hallmark Cards, Inc. is to be commended for 75 years of business growth and expansion, for enriching communities through major economic investments, and for its commitment to excellence in all aspects of its operation. I offer my congratulations to Mr. Hall and the entire Hallmark family for 75 years of caring.●

COPPER CONTENT IN 1-CENT PIECE

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. RUDD. Mr. Speaker, I am today introducing legislation to restore 95 percent copper content to the U.S. 1-cent piece. The text of the legislation follows:

H.R. 217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CONTENT OF ONE-CENT COIN

SECTION 1. Section 5112(b) of title 31, United States Code, is amended by striking out the sentence beginning "Except as provided under subsection (c) of this section, the one-cent coin" and inserting in lieu thereof "The one-cent coin shall be an alloy of 95 percent copper and 5 percent zinc. The copper portion of the one-cent coin shall be manufactured exclusively from copper mined, smelted and refined within the territory of the United States,".

STATUS OF PREVIOUSLY MINTED ONE-CENT COINS

SEC. 2. In the case of United States one-cent coins minted and issued before the effective date of this Act, the validity of such coins as legal tender for debts, public charges, taxes, and dues shall not be affected by this Act.

TECHNICAL AMENDMENTS

SEC. 3. (a) Section 5112(a)(6) of title 31, United States Code, is amended by striking out "except as provided under subsection (c) of this section,".

(b) Section 55112 of title 31, United States Code, is amended by striking out subsection (c), and by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(c) Section 5112(e)(6) of title 31, United States Code, is amended by striking out "subsection (d)(1)" and inserting in lieu thereof "subsection (c)(1)".

EFFECTIVE DATE

SEC. 4. The amendments made by this Act shall take effect 90 days after the date of the enactment of this Act.

In 1974, reacting to the rising price of cooper and the potential hoarding of pennies for their copper content, Congress authorized the Secretary of the Treasury to reduce the copper content of the penny on a temporary basis should such action become necessary to assure continued availability of pennies. However, despite Treasury's discretionary authority, which was originally set to expire on December 31, 1977, the 95-percent copper, 5-percent zinc penny was to remain the statutory standard and does to this day (31 U.S.C. 5112).

In 1982, Congress made the Department's discretionary authority permanent. The Department began minting pennies comprised of 97.6 percent zinc and only 2.4 percent copper, citing potential savings because of the price of copper.

At that time, copper had been fluctuating between 70 cents and more than $1 per pound. Zinc, to which the penny was eventually converted, had remained relatively stable in price, around 40 cents a pound.

That situation is beginning to reverse with copper selling at 55 cents to 65 cents per pound with no supply problems, and zinc increasing to over 50 cents per pound.

Returning to the copper penny would not only produce savings to American taxpayer should this trend continue, but, since the legislation stipulates that copper for the penny shall be mined, smelted and refined in the United States, it will also help our Nation's vital copper industry which is in dire straits. In Arizona, which produces up to 65 percent of this Nation's copper, over 12,000 copper workers have lost their jobs—a 50-percent decline from mid-1981 levels. Fifteen of the twenty-five largest copper mines nationwide are closed; 20 other mines are operating below capacity.

Increased copper content in the penny will furthermore help to correct our balance of trade deficit—some 65 percent of the zinc used in this country is imported.

Should the depression in the copper industry continue and force more mine closures—and, mind you, that is not an unrealistic possibility given market conditions—the mines could not be reopened quickly to meet strategic defense needs. Anyone who has ever worked in a copper mine or is familiar with the industry is aware of the great amount of training over years and years which is necessary to work in the mines. Given this reality, the collapse of the industry would surely threaten our national security as well as our economic security.

The copper penny is obviously not, by itself, the answer to the Nation's trade imbalance or the ailing copper industry. Negotiations between the United States and other copper-producing nations are necessary to limit overproduction; we must end the subsidization of foreign copper industries through such institutions as the World Bank and the international monetary fund. We must also take a look at those environmental regulations which impose a competitive disadvantage on our domestic copper industry but produce little, if any, concomitant improvement in the environment.

There is one other point with regard to the current 98 percent zinc penny which I would like to raise, and that is the threat of zinc poisoning should the coin be swallowed.

Researchers at the University of Arizona recently warned of the potential health hazard associated with the zinc penny after an autopsy revealed zinc poisoning of an 11-pound dog after it swallowed only two zinc pennies. Scientists found about 10 times the normal level of zinc in the animal's liver. A professor at the university subsequently warned, "this has added another hazard to kids and animals from swallowing types of things. Parents—and the medical community—would be well off to know about it."

I insert a December 4 article from the Phoenix Gazette detailing the incident in the RECORD at this point:

[From the Phoenix Gazette, December 4, 1984]

ZINC PENNY DANGERS CITED BY RESEARCHERS

TUCSON (UPI)—After studying a dog's death, researchers warned U.S. zinc pennies could cause illness or death if pets or children swallow them.

In October 1982, the Treasury Department cut the cost of minting pennies by switching them to a composition of 98 percent zinc and 2 percent copper. Pennies minted before then were 95 percent copper and 5 percent zinc.

Raymond Reed, professor of veterinary science at the University of Arizona, said an 11-pound dog died recently after two zinc pennies it swallowed became lodged in its body. Dr. T.K. Warfield, a Tucson veterinarian, said the animal suffered liver damage.

"This is the first we've heard of anything like this," George Hunter, assistant director for technology at the U.S. Mint, Washington, D.C., said. "All the literature we have looked at indicates that zinc is only mildly toxic."

Reed agreed with Hunter that the American public is not in danger.

"You can't maintain that this is a population-threatening situation," Reed said. "It's just that this has added another hazard to kids and animals from swallowing types of things. Parents—and the medical community at large—would be well off to know about it."

Results of a University of Arizona autopsy, indicating the dog died of zinc poisoning, were disclosed in today's editions of The Arizona Daily Star.

Dr. Gavin L. Meerdink research scientist at the school's Veterinary Science Department, said 10 times the normal concentration of zinc was found in the dead dog's liver.●

BENEFITS OF HOME OWNERSHIP

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. ANTHONY. Mr. Speaker, today my colleagues, Mr. AUCOIN, Mr. CRAIG, LAGOMARSINO, and I are introducing legislation which is designed to assist first-time home buyers accumulate a downpayment for a purchase of a home.

This legislation is virtually identical to a bill I introduced last Congress, H.R. 2916. The measure will establish an Individual Housing Account that will permit first time home buyers in accumulating a downpayment for the purchase of a home. Contributions to the IHA would be deductible up to a limit of $1,000, $2,000 on a joint return, per year. The maximum amount of contributions to the IHA could not exceed $10,000, and all interest would be tax free.

In order to reduce the revenue loss associated with the proposal, all withdrawals from the account would be recaptured as ordinary income at a rate of 10 percent per year for 10 years. It is anticipated that this will help to keep the revenue loss well below $1 billion once the bill is fully in effect.

Mr. Speaker, the opportunity for home ownership has been, and should continue to be, a top national priority. The benefits of home ownership can never be overemphasized. It is our responsibility to take action now to provide a meaningful means of assistance for the millions of Americans who want, but cannot now afford, to purchase a home.

I urge all of my colleagues to support this important proposal. A detailed summary of the bill follows:

(1) Tax deductible contributions up to $1,000 ($2,000 on a joint return) annually could be made to an IHA. This would be available only to first-time home buyers;

(2) The maximum total home purchase contribution cannot exceed $10,000;

(3) Contributions to an IHA can either be in the form of cash, or in the form of stock, bonds, and securities;

(4) Withdrawals from the account for home purchases would be recaptured as ordinary income over a period of 10 years;

(5) A penalty is provided if the funds are not used for home ownership;

(6) Basis in a home purchased with an IHA would be adjusted downward for unrecaptured funds for an IHA;

(7) Except for extraordinary circumstances—divorce, death, et cetera—contributions must be used for a home purchase by the end of the 10th year;

(8) IHA's would be separate from existing IRA's. First-time home buyers would not be permitted to withdraw funds from an IRA to purchase a home.●

STEVE GLADSTONE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. LEHMAN of Florida. Mr. Speaker, in south Florida there are many who live with, endure, and even surmount physical handicaps.

What makes Steve Gladstone unique is his refusal to consider himself handicapped. He has not only adjusted to blindness, he has surpassed those with vision.

The following are some excerpts from a story that appeared in the Miami News on November 27, 1984. The reporter was interviewing Steve Gladstone about his acting career and was unaware of his blindness. After spending 2 hours together, he finally told her.

He is inspirational, creative, productive, loving and lovable. Steve is the most unhandicapped person I know.

The excerpts follow:

Gladstone began losing his vision at 17 to retinitis pigmentosa, a degenerative eye disease that has reduced the world around him to "an amorphous haze."

His most familiar stomping ground, obviously, is the home he shares with his wife and son. Wrapping an arm around the dark-haired toddler clutching his knee, Gladstone introduced one of his most creative works: "His name's George. He's 2 and change." Then he turned the child over to his co-producer, Susan, freeing himself to conduct a brief tour.

There's the big screen, a telltale symbol of his job as personnel director for a South Florida home entertainment firm that he joined eight years ago as a salesman. Next to it is a mahogany roll-top desk, "where I do my short stories and poems and all sorts of extemporania."

At the home entertainment firm, Gladstone found job security and the leeway to continue acting. Gladstone, a member of the Screen Actors Guild and the Professional Actors Association of Florida, got into commercials in 1979.

Gladstone prides himself in not holding up a shoot despite his blindness. Susan helps him by reading the script into his tape machine, "and I'll memorize it and bounce it off her." Sometimes, for an audition or commercial, "I'll have to memorize on the spot. I plead for five minutes to have somebody read my lines to me. I memorize it (my role), and then I give it to them."

He doesn't consider his blindness a handicap, so it disturbs him when others do. "Some people in the theatrical industry get turned off when they find out. But the key for me is getting somebody on my side."

Dom DeLuise was one such person. He helped Gladstone map out his steps during the filming of "Hot Stuff." "He was fascinated," Gladstone remembered. He said, "Can you do this? Can you do that?"

Gladstone also has a cheering section at Filmworks, the company that produced several of his commercials and the Firefall video. "His perspective on life and his sense of humor—the combination is extraordinary," director Rebecca Karst said. In the video, filmed on Key Biscayne, "Steve jumped over pieces of wood, he ran through forests . . . Believe me, no one on the set would believe he has any type of handicap at all." Added her partner, Barry Roth: "To consider Steve as handicapped is a joke. He's simply not used enough."

Gladstone's own world, though, is rich and satisfying. With the blindness, he became more introspective. "This is my reality," he said, exaggerating a therapist's tone. "You begin to explore the inner realms of your metaphysical being." Then the funnyman turned contemplative. "I guess there must be some limitations because of my blindness. I just don't know what they are."●

SERIOUS THOUGHTS ON LEADERS WHO LIE

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mrs. BOXER. Mr. Speaker, the following column written by Arthur Hoppe appeared in the San Francisco Chronicle on November 16, 1984. It is a sad but important commentary which I recommend to my colleagues.

SERIOUS THOUGHTS ON LEADERS WHO LIE

(By Arthur Hoppe)

Our government has been disdainfully brushing aside Nicaragua's claims that we intend to invade that small country at any minute. Such talk, said assistant Secretary of State Langhorne Motley, is but another example of the "sandbag theory" of diverting attention from real problems.

"This began with Fidel Castro," Motley told reporters. "Whenever times were tough in Cuba, they hyped everybody to fill sandbags against the gringo invasion and not worry about the fact that there's no soap in the stores."

I read past that to another item and then came back. But we *did* invade Cuba. And at least partly because of Castro's sandbag mentality, our forces were roundly defeated at the Bay of Pigs. So much for paranoia.

And not my government tells me that it has no intention of invading Nicaragua. Its unspoken justification is that a mighty nation like ours attacking a poor country like Nicaragua would be unthinkably immoral. Yet, without warning, we rolled over Grenada, an even smaller country even farther away with even fewer Cuban advisors and Soviet arms. How can I believe my government now?

I have no idea whether my leaders intend to invade Nicaragua. I do suspect that if they were actively planning just that, they would deny it. And I know something far worse: I simply don't believe anything my government tells me any more.

Whatever the pronouncement is these days, I assume it to be a lie until proven otherwise. Should one of my leaders tell me he is renouncing worldly wealth and power in order to become a Trappist monk for the good of the country, I would immediately ask myself, "Why is he saying this? How does this serve his self interest? What's he really up to?" And only if I can think of no reasonable alternative to what he has told

me, do I even suspect he may be telling the truth.

How very sad this is in a democracy.

I was talking to a young woman I know about this. I was wondering when it was I had lost my innocence. "I know we believed our government during World War II," I said.

She actually gasped. "Did you really!" she said.

But we did, you know. Those were shinning times. The flag flew bravely in the clean, blue sky and we, the good guys, defeated the bad guys to make the world safe for honesty, decency and democracy. Those were the days!

Yes, we believed our leaders then. We believed Roosevelt and Truman and, above all, Ike, and even Kennedy, too, for all his patrician cynicism. But then things began going wrong. Johnson wasn't going to send American boys to fight a war Asian boys should fight themselves. Nixon and Kissinger knew nothing of the bombing of Cambodia. Watergate was only a third-rate burglary.

With each lie, I think the next becomes easier. And I fear that we live in a time when our leaders care very little for the truth of what they say. It is the anticipated effect of what they say that has become all important.

So my leaders now tell me there were no Migs in that shipment after all. But the Nicaraguans have been receiving much "heavy equipment," they say, from the Soviets, indicating they plan to invade neighboring Honduras at any minute.

This statement, say the Nicaraguans, is "so absurd as to be stupid." And how sad it is that I believe their leaders and not my own.

How sad it is that we, so rich and powerful, are trying to win by force and deceit, rather than by example. How sad that we no longer stand in the world's eyes for honesty and decency and democracy the way we believed we did when I was young.

"Did you really!" gasps the young woman. And how very, very sad it is that even the young no longer believe any more.●

TRIBUTE TO THE HONORABLE GEORGE D. AIKEN

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. JEFFORDS. Mr. Speaker, on this opening day of the 99th Congress it is appropriate to pay tribute to one of the most admired men who ever served in the Nation's Capitol, the late George D. Aiken.

When George Aiken died at age 92 on November 19, America lost a national treasure. Those of us in public service lost the best role model any of us could hope to know. Today, all of us in this Chamber are renewing our commitments to our constituents. We would do well to recall the example he set, and the legacy he left for us.

As a proud Vermonter, I have always liked to think of George Aiken as the essence of my home State. He embodied the good things that make Vermont special; the peace and quiet of the woods and wildflowers, independence in thought and spirit, deep concern for fellow human beings, and the ability to translate that concern to national policy.

In 34 years in the Senate, he earned the deep respect of a succession of Presidents and legislative leaders of both parties. The simple, common sense solutions he provided for seemingly complex issues have had a tremendously positive impact on the modern evolution of our great Nation.

Outside of Vermont, he is perhaps most widely remembered for his ability to cut through the rhetoric and put the major issues in clear perspective. He is the man who suggested, during the height of the Vietnam war, that we declare victory and bring our troops home. He is the man who told Congress when it was time to either impeach Richard Nixon or get off his back.

But his first allegience was always to his constituents, the people of Vermont. After decades in the Senate, he still preferred to be called the Governor, a position he held with great distinction in the 1930's. His legislative accomplishments—REA, food stamps, WIC, the Eastern Wilderness Act, to name a few—have brought about immeasurable improvements in the quality of life in Vermont and other rural areas of the Nation.

In his years in Washington, George Aiken was never afflicted by Potomac Fever. He listed his profession as agriculture rather than politics, even at a time when he astounded his political colleagues with a landslide reelection on a budget of less than $20. He enjoyed feeding the pigeons outside the Capitol, but returned to Vermont as often as possible.

He remained an alert, caring participant in American life until the end. When I last visited with him, on election night, he expressed deep interest and insights regarding the national returns.

George Aiken at times seemed too humble and modest. Vermont and the Nation can be grateful that he found a partner, Lola, who was able to help the Nation to realize the full benefit of his insights and abilities. It is rare for the talents of two people to complement each other so well.

With Lola's help, George Aiken was able to turn modesty into great strength. He understood, perhaps better than any other national leader, that you can get more done by salving the egos of other leaders than by trying to dominate them. George Aiken never hesitated to say what he believed to be right, and in fact rose to prominence by his reputation for challenging the beliefs of entrenched political leaders, including those from his own party. But he never allowed political disputes to become personal disputes.

He had the ability to remain as one of the ordinary citizens of Vermont, while he walked among kings.

By doing so, he epitomized the ideal of public service, and provided inspiration to others who have sought public office. He set the standard by which all Vermont politicans who succeeded him are judged, a standard to which all Americans who enter public service should aspire.

He is, and will be, sorely missed. But his accomplishments and example have provided a great and positive influence on Vermont and the Nation which will remain with us permanently.●

BAN COP KILLER BULLETS—A RESPONSIBLE PROPOSAL

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. BIAGGI. Mr. Speaker, today, I have been joined by my distinguished colleague from New Jersey, Mr. HUGHES, in reintroducing the Law Enforcement Officers Protection Act, a measure aimed at outlawing armor-piercing cop killer bullets.

The bill we are introducing today is a modified version of the measure reported by the House Judiciary Committee last year. Under the new bill, it would be illegal to manufacture, import, or sell armor-piercing ammunition, except for Government use, testing, research, or export. Armor-piercing ammunition is defined as ammunition that is composed of projectiles made from certain hard metals, including tungsten alloys, steel, iron, brass, bronze, beryllium copper, or uranium.

Some of the other provisions contained in last year's bill (H.R. 6067), such as a slightly broader definition of armor-piercing ammunition and a feature designed to compensate dealers who possess this ammunition, have been dropped in an effort to speed passage of this very important measure. Simply put, this new bill is basically the same as the measure proposed by the administration last year, plus a ban on sale provision.

Further, and most importantly, it would accomplish what I first set out to do some 6 years ago—namely, better police protection, without infringing upon the rights of legitimate gun users.

This legislation has been endorsed by major national law enforcement groups and history indicates that the enactment of a Federal law banning cop killer bullets is the top priority of our Nation's police officers.

The facts surrounding this issue are well known. For the past 6 years I have been joined by many others in

arguing that armor-piercing ammunition is not used for any legitimate purpose, but that these awesome projectiles are extremely hazardous to police lives because they can penetrate their bullet resistant vests. Consider, for example, that more than half of our Nation's 570,000 law enforcement officers wear bullet resistant vests for protection. The U.S. Justice Department has estimated that more than 400 police lives have been saved by those vests since they started being worn around 1974. Those same vests, however, are totally useless against the small class of bullets this new bill seeks to ban. As if we need any other reason to ban cop killer bullets, consider that armor-piercing handgun ammunition was originally designed to help police—particularly when shooting at criminals fleeing in automobiles. However, the law enforcement community does not even use these awesome projectiles—because they are simply too dangerous.

Yet, despite this convincing logic, cop killer bullets remain legally available in most States throughout our Nation. The introduction of today's bill is designed to end this problem once and for all.

Let me remind my colleagues that significant progress on this crucial police protection issue was made during the prior Congress. Both the House and Senate Judiciary Committees unanimously approved bills to outlaw this ammunition last year, but movement ultimately stalled due to differences between the bill reported by the House Judiciary Committee and the bill proposed by the administration, which was the same bill approved by the Senate Judiciary Committee. Under the modified version we are introducing today, the only significant difference that remains is the ban on sale provision. Simply stated, there is no argument against a ban on the sale of armor-piercing ammunition. How can we possibly rationalize that we are doing something good to protect police from armor-piercing ammunition if we allow those cop killer bullets already in the marketplace to be sold?

Let me present the most compelling reason I have for supporting a ban on sale. The date was July 18, 1984. The place, a crowded McDonald's restaurant in San Ysidro, CA. A deranged individual, James Huberty, goes berserk and opens fire. During the siege, which lasted 1 hour and 17 minutes, 21 innocent people were killed and many more were wounded. Of the 245 rounds of ammunition fired by Huberty that day, 192 were imported armor-piercing bullets from Czechoslovakia. The Bureau of Alcohol, Tobacco and Firearms reports that 30 million rounds of those same Czech armor-piercing bullets were imported into the United States in the mid-1970's. Should we allow whatever remains of those bullets to be sold through local gun shops? Certainly not. The simple fact is a ban on the sale of armor-piercing ammunition places an unfair burden on only one segment of our population—crazed killers like James Huberty.

Let me stress to Members that we are talking about banning only eight existing types of bullets by this bill—all of the handgun variety. It should be noted that the majority of those bullets come from foreign countries. In fact, the U.S. Treasury Department has stated that the armor-piercing ammunition our bill seeks to ban "represents less than 1 percent of all existing types of ammunition."

As most of my colleagues know, I am a 23-year police veteran who was wounded 10 times in the line of duty. I launched this effort to control armor-piercing ammunition in 1979 for one reason and one reason only—to save police lives. I believe this new measure brings us very close to the successful completion of this often frustrating but very worthwhile task, but I pledge to my law enforcement comrades that I will not rest until the job is done and I strongly urge my colleagues to join myself and Mr. Hughes in this vital cause.

At this time, Mr. Speaker, I wish to insert the full text of the Law Enforcement Officers Protection Act of 1985:

H.R. 4

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Law Enforcement Officers Protection Act of 1985".

SEC. 2. Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(21) The term 'armor piercing ammunition' means ammunition containing a projectile or projectile core that is constructed entirely (excluding the presence of traces of other substances) from one or a combination of any of the following: tungsten alloys, steel, iron, brass, bronze, beryllium copper, or uranium. Such term does not include shotgun shot so constructed or composed in order to comply with Federal or State law, frangible projectiles designed for target shooting, ammunition containing such frangible projectiles, or any ammunition, projectile, or projectile core which the Secretary determines is primarily intended to be used for sporting purposes.".

SEC. 3. Section 922(a) of title 18, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (5);

(2) by striking out the period at the end of paragraph (6) and inserting "; and" in lieu thereof; and

(3) by adding at the end the following:

"(7) for any person to manufacture or import armor piercing ammunition, except that this paragraph shall not apply to—

"(A) the manufacture or importation of such ammunition for the use of the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof;

"(B) the manufacture of such ammunition for the purpose of exportation; and

"(C) any manufacture or importation for the purposes of testing or experimentation authorized by the Secretary.".

SEC. 4. (a) Subparagraph (A) of section 923(a)(1) of title 18, United States Code, is amended to read as follows:

"(A) of destructive devices, ammunition for destructive devices, or armor piercing ammunition, a fee of $1,000 per year;".

(b) Subparagraph (C) of section 923(a)(1) of title 18, United States Code, is amended to read as follows:

"(C) of ammunition for firearms, other than ammunition for destructive devices or armor piercing ammunition, a fee of $10 per year.".

(c) Section 923(a)(2) of title 18, United States Code, is amended by striking out subparagraphs (A) through (B) and inserting in lieu thereof the following:

"(A) of destructive devices, ammunition for destructive devices, or armor piercing ammunition, a fee of $1,000 per year; or

"(B) of firearms other than destructive devices or ammunition for firearms other than destructive devices, other than armor piercing ammunition, a fee of $50 per year.".

SEC. 5. The first sentence of section 923(e) of title 18, United States Code, is amended by striking out "under this section" and all that follows through the end of the sentence and inserting in lieu thereof the following: "under this section, if the holder of such license—

(1) being a licensed dealer, transfers armor piercing ammunition in the course of business for any purpose (other than a purpose specified in subparagraph (A), (B), or (C) of section 922(a)(7) of this title) and before such transfer such dealer has notice from the Secretary that such ammunition is armor piercing ammunition; or

"(2) violates any provision of this chapter or any rule or regulation prescribed by the Secretary under this chapter.".

SEC. 6. The amendments made by this Act shall take effect on the date of enactment of this Act, except that the amendments made by sections 3, 4, and 5 of this Act shall take effect on the first day of the first calendar month which begins more than 90 days after the date of enactment of this Act.●

THE MILK PRODUCERS PROMPT PAYMENT ACT OF 1985

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday January 3, 1985

● Mr. McDADE. Mr. Speaker, I appreciate the opportunity to reintroduce the Milk Producers Prompt Payment Act of 1985. This legislation addresses a serious problem in the dairy industry and provides a unique and responsible solution.

Mr. Speaker, this legislation received hearings in the previous Congress and a great deal of consideration. I commend this bill to my colleagues as we develop this legislation in the 99th Congress.

This legislation is designed to provide dairy farmers with a strong measure of security and control over their

milk production and it will help protect dairymen from large losses due to dairyhandler bankruptcies or mismanagement. The goal of this legislation is to reduce the amount of exposure currently held by dairymen while still maintaining the integrity of the current system.

This bill has two main provisions: A milk producers trust; and a prompt payment for milk provisions.

The prompt payment provisions of the legislation provide that a milk handler who purchases milk from a producer in a cash sale must provide prompt, next business day payment for that product. I recognize that this provision would complicate the current marketing order system. It is not my intent to further confuse that system. This provision is to attract attention to the need for a close examination of current payment practices. Possible reforms need discussion and study; however, I still strongly support efforts to provide for timely dairy payments.

It is the milk producers trust portion of the legislation that addresses the serious problem of financial exposure in the event of a dairy bankruptcy. The provisions of the milk producers trust are all relatively simple. All milkhandlers, in a cash sale from a producer and all inventories involving that sale, must place all of the funds received in a trust, let me repeat, all of the funds must be placed in a trust on behalf of those dairymen until such time as the dairyman has received payment-in-full for his product.

By way of example, this section would operate in the following manner: When a dairyman delivers 100 dollars' worth of product to a dairy handler and the handler in turn resells the product in whatever form—be it fluid milk, cheese, or other—all proceeds from that sale must be placed in a separate trust to the benefit of the dairyman until he receives payment. So, in my example, when the dairyman delivers 100 dollars' worth of product to their dairy handler and the handler resells that product, receiving $150 for it, all $150 must be placed in the milk producers trust. The dairy must then retain that $150 within the trust until the dairyman has been paid. The dairy will have no direct access to those funds until the dairyman has received his full payment.

I would expect that dairy handlers would establish their trusts for the dairy at local banks. The trust officer would be the dairy's banker and the trust itself could exist in a money market or other interest-bearing account for the benefit of the dairy. The dairy does not lose its existing float on the dairyman's funds while waiting for the establishment of the blend price. The trust becomes part of the regular inventory of the dairy, but not a direct, hands-on-asset of the dairy. In the event of a dairy bankruptcy, these funds have already been set aside for the benefit of the dairyman and not the other creditors of the dairy.

What we have established with the milk producer's dairy trust is a mechanism to reduce the amount of exposure of the dairyman. This trust should also significantly reduce or eliminate bonding and fee requirements of dairyhandlers—thus reducing their cost of business and increasing profits.

These dairy bankruptcies were not, and are not, confined to the State of Pennsylvania. It is a problem that is nationwide. Dairymen suffer severe hardships in the event of bankruptcy, either through mismanagement, a decline in the market, or even theft.

Organizations as diverse as the Pennsylvania Farmers Association, Pennsylvania Farmers Union, and the Pennsylvania State Grange have endorsed the legislation.

I am proud of this bill because it provides a "no cost to the taxpayer" solution to the dairy bankruptcy problem. In my own district the Scheps Cheese Dairy went into bankruptcy. Dairymen were stuck with multi-thousand dollar IOU's when the Scheps Dairy filed for bankruptcy. Had this legislation been in place prior to the Scheps bankruptcy, those individual losses, instead of being in the $20,000 to $30,000 range, would have been significantly lower. The proceeds from the sale of the dairymen's product would have been held in a separate trust for their benefit. In addition, the financial community, because of their increased involvement in the operation of the dairy, would have paid closer attention to the operation of the dairy, would have paid closer attention to the operation and management of Scheps and would not have been able to submit false financial records to obtain loans.

The current bankruptcy system discrimates against the dairymen, leaving them as the least favored, most exposed creditors.

I am confident that this legislation establishes a method and a means to reduce exposure because precedent exists. It establishes a statutory trust that is similar to the Packers and Stockyard Act of 1976 and the Perishable Agricultural Commodities Act adopted last year.

I urge my colleagues to join me as a cosponsor.

Thank you Mr. Speaker.●

REGARDING H.R. 5—THE OCEAN AND COASTAL RESOURCES MANAGEMENT AND DEVELOPMENT BLOCK GRANT ACT

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. JONES of North Carolina. Mr. Speaker, today, for the third time in as many Congresses I am introducing a bill to implement a concept known as "Outer Continental Shelf [OCS] Revenue Sharing." The bill which I am introducing is, with but a few modifications, the same bill which was considered and passed by the House during the last Congress. Even the bill number (H.R. 5) has been retained. I would note that both the original bill and a conference committee report were passed by the House during the 98th Congress, by votes of 301 to 93 and 312 to 94, respectively.

The program which is envisioned in this legislation is relatively simple. It is based upon the notion that support for the OCS program is best accomplished by providing coastal States and localities with direct and visible benefits, giving them, if you will, a stake in the game. This approach is applied and is working in conjunction with many other Federal management programs. The bill also applies another popular and proven concept: Investing revenue from development of nonrenewable resources; in this case petroleum resources, into the long-term management of renewable resources; in this case, those of the ocean and coastal environments. The bill, therefore, has a strong and proven conceptual foundation which incorporates cooperation, mutual benefit, and long-term investment and management.

Under the program, States will receive direct payments in the form of block grants. The block grant format was chosen to allow States maximum autonomy in the use of shared receipts, but also to ensure that the funds are targeted to the appropriate range of activities. The States may use the block grant funds for a broad variety of ocean and coastal management activities, but particular emphasis is placed on activities authorized under the Federal Coastal Zone Management Act [CZMA] and activities necessary to manage the effects of coastal energy developments.

The amount available for annual block grants is to be tied directly to the level of Federal OCS leasing receipts, but will never exceed $300 million in a single year. Expenditures may be made only as provided by annual appropriations acts. Grants will be provided to the 30 coastal States, including the States of the

Great Lakes region, and to 5 U.S. territories. The size of each grant is determined by a simple, five-part formula which considers leasing activity, OCS petroleum production, coastal energy facilities, shoreline mileage, and coastal population. These factors provide a measure of each State's relative coastal management burden and of each State's role in accommodating energy developments which are in the national interest, including those which serve to enhance the availability of coal and alternative energy sources.

The bill which I am introducing today incorporates two substantive changes from the bill which was passed by the House during the last Congress. First, the National Sea Grant Program is no longer eligible to receive direct financial support from the OCS fund. It was determined that Sea Grant was simply incompatible with the block grant framework, and in fact this change was endorsed by the Sea Grant community. Second, I have deleted a provision addressing certain boundary disputes between the Federal and State Governments. I wish to make clear, however, that this controversy is of continued significance, and will be addressed in either this or another context.

We are all painfully familiar with the problems facing the Federal Offshore Leasing Program. Lawsuits, moratoria, and delays seem to be the rule rather than the exception. For example, in 1983 the Department of the Interior leased 6.5 million OCS acres, but in 1985 the Congress placed a moritorium on 53 million acres; a perfect example of one step forward and two steps backward. The program is not building support among State and local governments, but losing it, and in fact galvanizing the opposition. Last year, for the first time in recent memory, the State of Louisiana filed suit to block an OCS lease sale. Mr. Speaker, Louisiana has traditionally been the staunchest supporter of the Leasing Program. If you will pardon a somewhat hackneyed expression: With friends like these, who needs enemies.

This escalating and hardening opposition to the Leasing Program is costing the Nation dearly. Failure to efficiently develop the energy resources of the OCS affects our ability to provide American citizens with a balanced and dependable energy supply. It also results in a direct loss of Federal revenue. State opposition has a softening influence on industry bidding, and indeed, may entirely eclipse bidding interest on many lease tracts. Additionally, State opposition will often increase development leadtimes, or in severe cases completely preclude development, and thus, delay, reduce, or eliminate Federal Royalty Revenues. Mr. Speaker, these costs are real and they are occurring. The contribution of the OCS to total, U.S. oil production is no higher today than it was in 1970. Additionally, the administration's once rosy projection that the Leasing Program would generate nearly $16 billion in 1985 has been soberingly reduced; the current estimate projects Federal revenues of $7.4 billion in 1985. That $8.6 billion loss would fund this OCS Revenue Sharing Program for nearly 29 years.

I introduce this measure with both anticipation and regret. The anticipation springs from the logic and potential of the idea; regret from the realization that, once again, the administration will recognize neither of these and look only to the short-term bottom line. Over the long run we all lose: Nation and State; businessman and consumer; resident and tourist; Republican and Democrat. We each have a stake in good coastal management. We each have a stake in the Outer Continental Shelf Leasing Program and stable, reliable energy sources. In itself, this OCS Revenue Sharing Program will not protect 1 inch of coastline; neither will it produce one barrel of oil. What it will do, however, is provide a catalyst for both: The financial resources to support State and local management efforts; and the environment of cooperation and mutual benefit which is necessary for the effective conduct of offshore development.

What is proposed by this bill is not particularly novel. It simply makes good sense. Mr. Speaker, after 3 years of advocating this approach we have made tremendous progress. We have the support of State and local governments, the environmental community, the oil and gas industry. We have listened to all sides. We have compromised where possible. We have dug in our heels where necessary. Outside of the Reagan administration, I am aware of no group which is opposed to this concept. I have, in fact, been recently informed that the Heritage Foundation, in its recent publication "Mandate for Leadership II," noted that the administration's opposition to OCS revenue sharing makes little sense.

During those same 3 years, I have not seen a single proposal from the administration in this regard. In the meantime, the OCS Program stumbles and sputters along, losing a friend here, an opportunity there. We have the occasion to act, and I ask again for the support of this body in pursuing this measure. Fairness demands it; progress requires it; responsibility compels it.●

HONORING MR. CHARLES MERKEL, SR.

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. MURTHA. Mr. Speaker, I want to take a special occasion to note the heroic actions of Mr. Charles L. Merkel, Sr., of Berlin who last year gave his life in saving the lives of others during a disastrous flood which hit Glencoe, PA.

Mr. Merkel was recently awarded the Carnegie Medal from the Carnegie Hero Fund Commission.

Last August, Mrs. Martha T. Smeak was swept away by flash-flood waters at Wills Creek. Mr. Merkel entered the flooded area and supported Mrs. Smeak as they were carried away by the raging current. Eventually, separated from one another, Mrs. Smeak was washed onto the porch of a nearby house, from which she was safely removed. Mr. Merkel was unfortunately carried a further distance before he submerged and drowned.

I visited the Glencoe area the morning following the flood. Having been involved with a number of floods over the years, the destruction is impossible to describe until seen first hand. The individual acts of valor and self-sacrifice as exhibited by Mr. Merkel are tremendous acts of courage in the face of such personal threat.

Many lines are written and spoken about the future of America, but I rest easy whenever I see individual acts of courage such as taken by Mr. Merkel, because its eloquence says more than any words can about the strength, character, and unselfishness of America and its citizens. Mr. Merkel's actions are in the highest tradition of our great Nation and its citizens.

For the further information of the Members, I have enclosed a copy of an article from the "Somerset Daily American" on December 15, 1984, detailing the award presentation.

[From the Somerset Daily American, Dec. 15, 1984]

FLOOD HERO HONORED WITH CARNEGIE MEDAL

(By John Wislocki)

He gave his life, but his deed lives on.

Charles L. Merkel Sr., who lost his life saving others from the Aug. 14 Glencoe flood, was posthumously awarded the prestigious Carnegie Medal this week.

The medal should reach his widow, Betty E. Merkel, Berlin RD 3, within several weeks, said part of the letter from Robert W. Off, president of the Carnegie Hero Fund Commission.

"We're very proud," said Mrs. Merkel on Friday recalling her late husband, "We suffered a lot with his death."

Merkel called Martha Smeak on Thursday telling her about the award. Smeak was one of a handful of persons Merkel rescued from the floodwaters. The raging torrent killed the father of two sons. His 16-year-old

son was with him when he died, his widow said.

"Charles Jr. watched his father drown," she said.

The commission also presented Merkel with a grant of $2,500 as part of the award that recognizes heroism. They were established by industrialist Andrew Carnegie in 1904 following the Harwick mine disaster near Pittsburgh. That mine accident killed 178 men and boys.

Those victims also included an engineer and a miner who attempted a rescue and sparked the birth of the medal. "The tragedy and the sacrifices so moved Mr. Carnegie that he promptly took action on his then-novel ideas of honoring and helping heroes of civilization," a Carnegie Hero Fund brochure noted.

The fund was started with $5 million to recognize those who "are injured or lose their lives in attempting to preserve and rescue their fellows," read a part of the brochure.

The medal Merkel will receive carries the Biblical quotation: "Greater love hath no man than this, that a man lay down his life for his friends."

Merkel, 37, worked as an employee of Northampton Township as part of the county's work release program.

Five people died in the flood. Merkel's body was found about a ¼ mile downstream.

The grant his wife received is not subject to federal income tax.●

WHY NOT A NATIONAL LOTTERY?

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. LUKEN. Mr. Speaker, today I am reintroducing legislation I proposed in the 98th Congress to study the feasibility of establishing a national lottery to help reduce the staggering Federal deficit.

Seventeen States and the District of Columbia currently raise revenue through lotteries, and voters in four more—California, Missouri, Oregon, and West Virginia—approved lottery initiatives or referendums in the November 6 elections.

State lotteries grossed $5.2 billion in sales in fiscal 1983, a ninefold increase over the past decade.

If the United States were to adopt a national lottery, as much as $50 billion of the Federal deficit could be reduced over a 5-year period. A national lottery would be unlikely to impair the profitability of State lotteries, since the existence of a national lottery would expand interest on the part of the public in lotteries generally.

Public opinion clearly favors a national lottery. This past summer, a Gallup poll commissioned by the magazine Gaming and Wagering Business found that 62 percent of Americans would approve of a national lottery, while only 26 percent would disapprove.

My legislation calls for the establishment of a Government commission to study the feasibility of a national lottery. Part of that study would be an assessment of the impact of a national lottery upon State lotteries. The commission also would look at the operation of lotteries in other countries, such as Spain and France, which have had successful lotteries for years.

The national lottery program in the United States could be administered by an existing Federal agency or by a new lottery commission. Tickets would be purchased from vending machines in local stores and would cost $1 a ticket for a week's participation. Winners would be announced weekly on network television and radio.

A national lottery would draw money away from illegal gambling and reduce funding for organized crime. Some of the dollars now spent in the underground economy would return to the economic mainstream.

Another feature might be a connection with the Kentucky Derby. There might be weekly drawings with an annual Kentucky Derby sweepstakes.

Studies show the average lottery ticket purchaser in my own State of Ohio has an income of over $18,000, so I do not believe a national lottery would place heavy emphasis on participation by the poor.

As the American public demonstrated, lotto mania continues to sweep our country. By passing the National Lottery Commission Act, we can take a novel step toward reducing the Federal deficit and at the same time, give the American public the opportunity to win huge amounts of money.

I ask for the support of my colleagues for this important measure.●

IN MEMORY OF MRS. VIRGINIA LAMPE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. WOLF. Mr. Speaker, it is with deep sadness that I tell my colleagues the news of the death last month of one of Virginia's 10th Congressional District's finest Republican and community leaders. Mrs. Virginia Lampe, a resident since 1953 of Arlington, VA, fought a gallant fight against cancer but succumbed on December 14, 1984, at Arlington Hospital. She was a remarkable woman and served her community, State, and Nation for several decades in various Republican Party positions. She was also deeply involved in community activities especially in the field of mental health services.

Dr. Kenneth Haggerty eulogized Ginny Lampe at services at Faith Lutheran Church and I want to share his moving statement and ask that it be inserted at this point in the RECORD. Following his eulogy, I also ask that several newspaper articles about Mrs. Lampe also be printed.

The eulogy and articles follow:

EULOGY IN MEMORY OF MRS. VIRGINIA LAMPE

(By Dr. Kenneth Haggerty)

Ginny Lampe's life was made up of a series of significant victories and I have been accorded the distinct honor of being able to reminisce on these victories with you.

Virginia was born in Brookeville, Md., 56 years ago, the only child of C. Willard and Virginia "Woody" Harvey. Throughout her childhood she was plagued by severe asthma. She was allergic to pollens, foods, fabrics and some things unknown. Through a strong will and determination, she survived many crises during childhood. She cultivated her singing voice while fighting breathing problems and emerged as a performer in her chosen field of study at the American University, where she was a campus leader. In 1952, she was awarded a bachelor's degree in music. Victory number one.

Some time during her senior year at American University, Ginny met a young red-headed guy named Henry who also liked theatre. It isn't recorded how much time they spent discussing Shakespeare or Shubert, but whatever it was they talked about created a sufficient bond. They were married in July of 1953 creating one of the most successful partnerships I have ever known. At the expense of appearing chauvinistic, I catalogue this as victory number two.

In the late 1930s and early 40s, Frank Fay starred in the stage play "Harvey"—a story about a six-foot tall fictional lovable white rabbit named Harvey. Many years before that the German poet Goethe wrote a long poem about a rabbit named Lampe; a poem so widely read that in the German vernacular rabbits are frequently referred to as lampes. It was a remarkable coincidence when some of Henry's family friends in the diplomatic service in Germany received the following announcement:

"Mr. and Mrs. Harvey Announce the Marriage of Virginia Harvey to Henry Lampe."

In the next mail the only logical wedding gift was off to the newlyweds. A porcelain rabbit.

Now we all know about the ability of rabbits to multiply, but not many of us knew that porcelain rabbits multiply, glass rabbits multiply, iron rabbits multiply. Boy! Did they have rabbits. As the years went by, evidence of friends' warm feeling toward Ginny were expressed in rabbits. Traveling friends looked and shopped all over the world. At last count, 700 of them all catalogued. Not surprised at that Ginny.

The Lampes remodeled their home last year enlarging it considerably. The stated reason was a bigger kitchen and family room. The real reason? You guessed it—the rabbits.

Virginia's interest in politics came partly from her family. Her granddad was the first Republican ever elected to the Montgomery County Council. Her dad was a precinct captain for 30 years. Everyone here knows about Virginia Lampe's involvement in the political life of this community, this state, this country. County Board members, members of the General Assembly and the Senate of Virginia, U.S. Senators and Representatives, Governors of Virginia, Presidents of the United States, all were beneficiaries of Ginny's talents, her drive and organizational skills. When her reputation grew

she was a much sought after lecturer in campaign schools throughout the country. We could spend the rest of the day talking about Ginny's successes in the political arena. May I mark the political victories as numbers three through 20.

I would like to spend a few minutes talking about Ginny the person. What motivated this wonderful lady to work so hard for causes? (You know Virginia was a "woman involved" long before people started writing slogans about women's involvement. She exercised her rights by being there and performing.)

Ginny believed the quality of life was preeminent. By her efforts she hoped to and indeed did improve the quality of other peoples' lives. Plagued throughout her life by the recurrent asthma and associated health problems, she went about the tasks she saw needed to be done. It might be purely a coincidence, but worth noting, that after many years of involvement with us politicians, she saw the need for improved mental health services.

She waded in with both feet, serving in many capacities on national, state and local levels in the effort to improve mental health services to our brothers and sisters less fortunate than we. She sought to improve the quality of their lives. One small example—Ginny was informed by the mother of a young lady who was institutionalized that her child and others with her were suffering from severely irritated scalps. This mother was bringing shampoo to her child in an effort to help. Others had no one to do the same. Ginny reasoned logically that there must be something wrong with the materials being provided to the patients for hair care. Well, let me tell you, that from that day on Virginia brought up the subject at every meeting or conference she attended, and she brought it up, and she brought it up. Finally someone listened and investigated. The material being provided for hair care in that institution was commercial floor cleanser. Ginny won the shampoo war. The quality of life of people in mental institutions in Virginia today is improved because of Virginia and her compatriots. Mark that victory 21.

Virginia Lampe's greatest victory was won in the last two months. This terrible disease has destroyed her body but it never laid a glove on her spirit. All who touched her or were touched by her during this illness came away better, stronger, more loving individuals.

We all have our private memories of this gallant person. I would like to share one moment. A few days before Virginia's condition slipped into a comotose state, George Johnson and I were visiting her. I happened to mention that she must have been thrilled by the visit of Ruth Gormley Lane who came up from Florida. Ruth being her long time dear friend. Ginny thought for a minute and said with a smile, "Ken, it was a great scene, marvelous therapy (our reunion). Only thing I wasn't too pleased with was my part in the play." Her smile became a broad grin.

Ginny left a wonderful legacy. She died as she lived—a refined, organized and determined lady.

Everyone who has ever lived has at sometime questioned the concept of life after death, heaven, valhalla or whatever you choose to call it. Our doubts should forever be disspelled here today in this place. For if in fact there was not a heaven before, starting at 12:05 a.m. December 14, 1984, one was being organized.

And so we come to a pause in this experience we call life. A pause to say goodbye to a dear friend. Goodby Virginia—but only for a little while.

[From the Washington Post]

GOP ACTIVIST VIRGINIA LAMPE DIES AT 56

Virginia H. Lampe, 56, a past president of the Virginia Federation of Republican Women and vice chairman of the Virginia State Board of Mental Health and Mental Retardation, died of cancer Dec. 14 at Arlington Hospital.

Over the past 25 years Mrs. Lampe had held posts in the Republican Party from the precinct level to the national level. She also had been active in many organizations concerned with mental health.

In the mid-1960s, she was the campaign chairman for Kenneth M. Haggerty in his successful bid for a seat on the Arlington County Board. From the late 1960s through 1972, she was campaign chairman for former congressman Joel T. Broyhill, who represented Virginia's 10th District until 1974.

Mrs. Lampe was 10th District Republican chairman, the first woman of either party to chair a congressional district in Virginia.

She also was a member of the Republican State Central Committee and the board of the National Federation of Republican Women.

She was cochairman of the state campaign of Gov. John Dalton and in 1972 she was national executive administrator of volunteers for the Nixon for President committee. She was a member of the Nixon inaugural committees in 1968 and 1972 and a delegate to the GOP national convention in 1976.

This year she was Northern Virginia chairman of Women for Reagan and vice chairman of the Warner for Senate Committee in behalf of Sen. John Warner.

In addition to her work with the Virginia State Board of Mental Health and Mental Retardation, Mrs. Lampe was Virginia cochairman of the First Lady's Project for the Mentally Retarded, a member of the board of the Virginia Mental Health Association, a past chairman of the advisory committee of the Northern Virginia Mental Health Institute, and a member of the Northern Virginia Association of Retarded Citizens.

Mrs. Lampe, a resident of Arlington since 1953, was born in Brookeville, Md. She graduated from American University.

She was a past president of the Service League of Northern Virginia and was a member of the American Association of University Women and Faith Lutheran Church.

Survivors include her husband, Henry O., of Arlington, and her father, C. Willard Harvey of Brookeville.

[From the Northern Virginia Sun]

ARLINGTON GOP ACTIVIST DIES

ARLINGTON.—Virginia H. Lampe, Arlington's first lady of Republican politics for the last several decades, died of cancer early Friday morning at Arlington Hospital. She was 56.

Lampe, a 30-year county resident, was active in numerous local, state and national Republican organizations as well as health, service and other volunteer groups.

She served on a number of statewide Republican committees, including the gubernatorial campaigns of John N. Dalton, Mills E. Godwin and Linwood Holton and the senatorial campaigns and the senate campaigns of John Warner and Paul Trible. Lampe had been a campaign manager for former 10th District Congressman Joel T. Broyhill.

Warner, Broyhill and 10th District Congressman Frank Wolf will serve as pall bearers at Lampe's funeral Monday.

Lampe was actively involved with the National Federation of Republican Women and served as president for the Virginia Federation of Republican women from 1976–1980. She was also active in the presidential campaigns of Richard Nixon and Gerald Ford, serving in the former's 1972 campaign as national administrator of volunteers.

1972, Gerald Ford and Lampe had also served as the 10th District chairwoman of Women for Reagan-Bush during the 1984 campaign.

She also served as a delegate to the Republican National Convention in 1976 and was the first woman of either party to serve as the 10th District chairman. She held that position from 1972–1976.

In addition to her political activities, Lampe participated in a number of local service clubs, serving on the executive board of Central Education Television and on the Service League of Northern Virginia, of which she was a past president.

Virginia Lampe never stopped giving herself to Arlington County. She contributed more of her time and effort to the welfare of the county, as well as to Virginia as a whole, than most people ever hope to. On Friday, after a long bout with cancer, Virginia Lampe, a young 56, died.

There is a lot to say about her, but we will let her family and many friends keep her spirit and goodwill alive. We want to note, nonetheless, that she should be remembered as somebody very special. Not only was she very active in many community organizations, she was also a tireless worker within the Republican Party. She worked for many prominent state and regional Republicans during the 30 years she lived in Arlington. She was the president of Virginia Federation of Republican Women from 1976 to 1980. Despite her partisan work, she was liked and admired by members of both parties.

Virginia Lampe has left her a lasting mark on local and state politics. We are proud to be able to say so.●

INTRODUCTION OF AFRICA FAMINE SUPPLEMENTAL APPROPRIATIONS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. WEISS. Mr. Speaker, a child in Chad, sifting through the dirt for a few grains of wheat; groups of Ethiopians wandering through the desolate countryside, family members dying along the way; masses of crippled, diseased, and starving people around the continent. We have all heard and seen the images of the overwhelming tragedy in Africa; we must now immediately take action to reduce its toll.

I strongly believe that increased famine relief and recovery assistance for the drought-ravaged areas of Africa must be an urgent legislative priority in the 99th Congress.

Today Congressmen HOWARD WOLPE, MICKEY LELAND, and I are introducing a supplemental appropriations bill providing more than $1 billion in famine relief and recovery assistance for fiscal year 1985; 68 Members of the House, from both political parties, are original cosponsors. Senator PAUL SIMON, joined by Senators EDWARD M. KENNEDY and JOHN MELCHER, will introduce a similar bill in the Senate.

The appropriations we recommend are based on the best available estimates of the needs in the affected countries. Traditionally, the United States has provided at least half of international food aid in emergencies, and our bill would continue that traditional commitment. We seek to increase funds for the Food for Peace Title II Program by $787 million, providing enough money to purchase and transport 1.7 million metric tons of food. Of the $787 million, $610 million is for food and $177 million is for inland transportation. The bill also includes $4 million for improved planning, monitoring, and supervision of the food aid.

The growing toll of death and starvation in Ethiopia, Chad, Mozambique, Sudan, Mali, and other countries reveals the urgency with which the Congress and the President must approve this additional food aid. The present drought is affecting 150 million people in 28 countries.

Along with the food assistance, the supplemental contains an additional $225 million for projects that promote longer term recovery by the affected countries. The current crisis may be alleviated with food aid alone, but the recurring problem will not be solved unless we begin to look at the historic causes of famine on the continent. It is essential that we link emergency aid to projects that promote a return to normalcy in agricultural production.

The bill's recovery assistance will include:

Eighty million dollars for rehabilitation programs, to be largely implemented by private voluntary organizations to benefit the poorest population groups, such as agricultural development, health, water, forestry, energy renewal, women in development, and food preservation projects.

Seventy million dollars for international disaster assistance, such as emergency medicines, vaccines, oral rehydration therapy, shelter, blankets, well-drilling equipment, seeds, fertilizer, and agricultural tools.

Fifty million dollars for assisting refugees and displaced persons in Africa, with an emphasis on immediate and longer term development projects.

Twenty-five million dollars to assist in overcoming transportation, storage, and logistical problems affecting regular food aid programs for the poorest population groups.

I want to stress that even more funds may be required. Many of the private voluntary organizations working with famine victims in Africa are concerned that the need for nonfood aid may be greater than presently anticipated.

In Ethiopia, for example, UNICEF's emergency operations unit has issued an appeal for 1 million blankets, of which 400,000 have been pledged by Japan and Italy; 40,000 metric tons of seeds, at a cost of $33 million, for spring planting; medical supplies valued at $5.4 million; and emergency shelters, clothing, stoves, and other essential materials at a cost of $5.2 million. In Chad, UNICEF is reporting an urgent need for water supply rehabilitation and well drilling equipment, trucks to transport food supplies, and cattle vaccine.

Several of us in Congress have for nearly 2 years been calling for a greater U.S. response to the African drought. We were pleased that the administration finally began to address the food needs in a serious manner during the past 3 months. But clearly the funds recently committed by the administration indicate a much greater—and as yet unmet—food need for the remainder of this fiscal year.

The American people have responded to recent media coverage of the famine with an outpouring of concern and support. I urge my colleagues in Congress and the President to reflect the humanitarian instincts of the American people and move swiftly to enact this legislation. The text of the legislation follows:

H.R. 100

A bill to make available supplemental assistance for famine relief and recovery in Africa

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "African Famine Relief and Recovery Act of 1985".

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 101. In addition to the amounts appropriated for such purposes by Public Law 98-473, there are authorized to be appropriated for the fiscal year 1985 for famine relief and recovery in Africa—

(1) $282,000,000 for purposes of section 103 of the Foreign Assistance Act of 1961;

(2) $70,000,000 for purposes of section 491 of the Foreign Assistance Act of 1961;

(3) $4,000,000 for purposes of section 667 of the Foreign Assistance Act of 1961; and

(4) $50,000,000 for the "Migration and Refugee Assistance" account of the Department of State.

Amounts authorized to be appropriated by this title shall be available for use only in accordance with the provisions of title II of this Act.

TITLE II—APPROPRIATIONS

SEC. 201. The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes, namely:

DEPARTMENT OF AGRICULTURE

Public Law 480

For an additional amount for "Public Law 480", for agricultural commodities supplied in connection with dispositions abroad pursuant to title II of the Agricultural Trade Development and Assistance Act of 1954, $610,000,000, of which $610,000,000 is hereby appropriated.

BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT

Agency for International Development

Agriculture, Rural Development and Nutrition, Development Assistance

For an additional amount for "Agriculture, rural development and nutrition, Development Assistance", $282,000,000, of which—

(1) $177,000,000 shall be for inland transportation of agricultural commodities made available under title II of the Agricultural Trade Development and Assistance Act of 1954,

(2) $25,000,000 shall be for Project Outreach/Enhancement grants to provide logistical and other program support for supplemental feeding programs under title II of the Agricultural Trade Development and Assistance Act of 1954, and

(3) $80,000,000, to remain available until expended, shall be for rehabilitation and recovery projects to benefit the poorest people, including projects such as income-generating agricultural development projects, health and water projects, women in development projects, forestry and energy renewal projects, and food protection and preservation projects.

Not less than 80 percent of the funds used pursuant to paragraph (3) shall be used for grants to private and voluntary organizations and to international organizations.

International Disaster Assistance

For an additional amount for "International Disaster Assistance", $70,000,000, of which $30,000,000 shall be for emergency health needs, including vaccinations.

Operating Expenses

For an additional amount for "Operating Expenses of the Agency for International Development", $4,000,000, to remain available until expended, which shall be used for management support activities associated with the planning, monitoring, and supervision of emergency assistance for Africa under title II of the Agricultural Trade Development and Assistance Act of 1954.

DEPARTMENT OF STATE

Migration and Refugee Assistance

For an additional amount for "Migration and Refugee Assistance", $50,000,000, for assisting refugees and displaced persons in Africa. Not less than $25,000,000 of this amount shall be made available to the United Nations Development Program Trust Fund for ICARA II for projects such as those proposed at the second International Conference on Assistance to Refugees in Africa (ICARA II) to address the immediate and longer-term development needs created by refugees and displaced persons in Africa. The remaining funds shall be for emergency relief and recovery efforts in Africa by the Bureau for Refugee Programs of the Department of State and for use under the "African Resettlement Services and Facilities Project" for projects such as those proposed at the second International Conference on Assistance to Refugees in Africa (ICARA II).

GENERAL PROVISIONS

Funds appropriated by this title for "Public Law 480", for "Agriculture, Rural Development and Nutrition, Development Assistance" (other than funds for rehabilitation and recovery projects), and for "International Disaster Assistance" shall be available only for those countries in Africa which suffer during calendar year 1985 from exceptional food supply problems due to drought and other calamities (as determined by the World Food Program and the Food and Agriculture Organization), except that funds appropriated for "Public Law 480" may also be used to reimburse those ongoing title II programs from which fiscal year 1985 funds were transferred in order to provide emergency relief assistance in Africa.

Funds appropriated by this title for "Agriculture, Rural Development and Nutrition, Development Assistance" for rehabilitation and recovery projects and funds appropriated by this title for "Migration and Refugee Assistance" shall be available only for those countries in Africa which have suffered in the last two years from exceptional food supply problems due to drought and other calamities (as determined by the World Food Program and the Food and Agriculture Organization).●

A CALL TO LIMIT CONGRESSION- AL TERMS IN OFFICE

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. SHUMWAY. Mr. Speaker, today I am reintroducing a joint resolution proposing a constitutional amendment that will reform congressional terms of office. This legislation would limit Senators to two terms of 6 years each; Representatives to three terms of 4 years each. The House would be divided into two classes, each to be elected alternately. I strongly believe that this proposal, and others like it, would help to replace the narrow interests which presently dominate Congress with the general public interest which reflects the better judgment of the American people.

Our Founding Fathers viewed the Congress as a body in which citizen legislators established the laws by which they and their fellow citizens chose to abide. It was not expected that individuals elected to Congress would remain in Washington for years on end; rather, it was felt that service in the Congress would be the same as a duty—not necessarily a pleasant one, but important if the experiment in democracy were to succeed.

We have strayed from this concept. Life as a Congressman has become so attractive that it has become increasingly difficult for us to remember our purpose for being here. Often, longevity in Washington becomes an end in itself. While there may be some justification for the longer periods of service that have become prevalent in this century—due to the increased importance of the committee system and the expanding variety and complexity of legislative issues—it is also true that the perception of Congress as a desirable and attractive permanent career has grown dramatically. Not surprisingly, the American people have, to a large degree, lost faith in the ability and willingness of Congress to represent their general best interest.

Twelve years is time enough for any one of us to make our mark in Washington, to make the kind of contribution to the course of our Nation's affairs that our forefathers intended. Although some contend that a limitation would prematurely end the contributions of a few exceptional legislators—and the roll of those who have been outstanding Members of Congress for 20, 30, and even 40 years includes many of the leading figures in our Nation's history—I nevertheless would argue that my proposal would provide an opportunity for many more outstanding Americans to apply their initiative, leadership, and talents to the benefit of our Nation.

Of course, the most important reason for limiting congressional terms of office is to restore the confidence of the American people in Government. By providing for the regular turnover of congressional membership, we can make a lasting contribution in this area. Members of Congress would be chosen by their fellow citizens to represent them on a temporary basis—and would then return home to pursue their various chosen careers. We are American citizens first, Congressmen second—and the American people have every right to expect that we understand this basic fact.

The public demands, and certainly deserves, an improvement in the quality of work performed by Congress. According to all the surveys of public opinion with which I am familiar, Americans overwhelmingly support the 4-year term. My own constituents continue to voice their concern that Congress is "out of touch" with their problems and needs. They believe that elected officials should serve in Washington for a period long enough to make a contribution, but not for so long that they are forgotten. They fully expect to receive a fair return on their investment. Mr. Speaker, holding elected office in the U.S. Congress should constitute a period of public service, not a career.●

NOT "WORTH," MAYBE, BUT EQUITY

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mrs. SCHROEDER. Mr. Speaker, the New York Times yesterday published a thoughtful editorial concerning the issue of pay equity. It dispels much of the confusion concerning comparable worth which has been spread by some who oppose eliminating pay discrimination against women. I commend this editorial to my colleagues:

[From the New York Times, Jan. 2, 1985]

NOT "WORTH," MAYBE, BUT EQUITY

There's been a storm of confusion in the last year about something called "comparable worth." That's been the slogan of those who think men and women performing nominally different jobs should receive equal pay if those jobs are of "comparable" value to an employer. The idea has become so controversial that the phrase itself is probably no longer useful.

For some, "comparable worth" conjures up a nightmare, a wholesale reordering of all jobs so that the "worth" of nurses, say, is compared to that of nuclear physicists. Others find the underlying concept more palatable when it's described as "pay equity." What should count underneath the swirl is sex discrimination, the often surprisingly crude and tenacious effort to pay women less than men for similar work.

Normally, pay levels are and should be determined by supply and demand in the job market. But sometimes women have had their wages depressed because the work they do, while truly comparable to that done by men for the same employer, is classified as something else. That is the condition that gave rise to a legal theory of "comparable worth," a measure by which such discrimination might be rooted out.

The theory got its biggest boost in 1983 from Federal Judge Jack Tanner, who concluded that the state of Washington had practiced illegal discrimination by segregating differently paid jobs by sex where sex was not a legitimate qualification. Female dental assistants, for example, were paid 20 percent less than predominantly male X-ray technicians. "Barbers" were paid 5 percent more than "beauticians" by state institutions. Mostly male counselers at correctional institutions were paid 8 percent more than mostly female counselors at mental institutions.

Judge Tanner ruled that sex-based distinctions violated Title VII of the 1964 Civil Rights Act, which prohibits discrimination in employment and compensation. The ruling, if upheld, could cost Washington $1 billion to equalize pay.

How far to stretch this principle is the issue in a dozen current cases. New York City is the defendant in a suit alleging discrimination as the principal reason why police dispatchers, mostly black and female, are paid $4,000 to $6,000 less than fire dispatchers, overwhelmingly white and male.

Some groups appear intent on applying the "comparable worth" test to any job category filled mostly by women, even where there is no proof of deliberate discrimination. Fearing that kind of broad application, the Reagan Administration opposes the legal concept of comparable worth. But the National Governors Association endorsed the principle of pay equity for public employees at its 1954 annual meeting.

Many state and local governments are finding it easier and cheaper, however, to correct unfair pay schedules through collective bargaining. According to the National Committee on Pay Equity, more than 15 states are now re-evaluating job classifica-

tions to see whether they betray discrimination. Deliberate discrimination between men and women by a single employer is impermissible. Rooting it out requires some concept of fairness, call it "pay equity" if not "comparable worth."

But no such theory can overcome the much less deliberate, socially rooted patterns of segregation. A generation ago, for example, because they were mostly barred from many fields, women were much more likely than men to become teachers, nurses or stenographers. The remedy for that kind of segregation is to keep expanding women's opportunities in other lines of work and to let the market determine the "worth" of men and women alike.●

INTRODUCTION OF BILL TO EXTEND WAR RISK INSURANCE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. BIAGGI. Mr. Speaker, today I am introducing a bill to extend the provisions of title XII of the Merchant Marine Act, 1936, relating to war risk insurance, for an additional 5 years, ending September 30, 1989. This title expired on September 30, 1984.

Title XII of the Merchant Marine Act, 1936, authorizes the Secretary of Transportation, with the approval of the President, to provide war risk and certain marine and liability insurance for protection of vessels, cargoes, and crew life and personal effects when commercial insurance cannot be obtained on reasonable terms and conditions. The purpose of title XII is to maintain the flow of U.S. waterborne commerce, including the maintenance of essential transportation services for the Department of Defense.

War risk insurance was provided by the Government in both World Wars I and II, and proved effective in protecting the civilian and military commerce of the United States, with total premium receipts in excess of losses paid. Title XII of the Merchant Marine Act, 1936, was enacted at the outbreak of the Korean war in 1950. It was temporary legislation that would expire in 5 years. Congress has continued to extend the life of the title since then.

Government war risk insurance is necessary since commercial war risk insurance policies now in effect contain automatic termination clauses that cause insurance to terminate upon hostile detonation of a nuclear device of war or upon the outbreak of war (whether there is a declaration of war or not) between any of the following countries: United States of America, United Kingdom (or any other member of the British Commonwealth), France, the Union of Soviet Socialist Republics, and the People's Republic of China. Without government war risk insurance, American vessels would be without protection against loss by risks of war after termination of the commercial policies. Ships and cargoes would not move without adequate insurance coverage.

The Maritime Administration in the Department of Transportation issues, for a fee, binders under which government war risk insurance would attach immediately upon termination of commercial war risk insurance.

These binders give back-to-back coverage with the commercial policies and expire at the end of 30 days. At that time, premiums for the insured period would be fixed retroactively. Contracts for the ensuing period would be determined on the basis of the circumstances existing at that time.

An identical bill, H.R. 5505, was passed by the House on May 15, 1984 by a vote of 413-0. The Senate failed to act on the measure and it died with the adjournment of the 98th Congress.

Since authority for this program has expired, I intend to move expeditiously to insure enactment of the legislation early in this session.●

WE NEED ARMS CONTROL NOT ANOTHER ARMS RACE IN SPACE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. FASCELL. Mr. Speaker, the 99th Congress opens with a number of issues which need to be addressed. Key among them is the need to reduce nuclear tension in the world through an active pursuit of arms control. In particular, we need to keep weapons out of space as we strive to stop the arms race in strategic offensive nuclear weapons.

That's why the President's Strategic Defense Initiative [SDI], commonly known as Star Wars, received serious attention last year from a number of sources, including the House Committee on Foreign Affairs. The committee's examination of this program will continue in the 99th Congress.

Several highly respected former Government, defense, and arms control officials have lent their names and expertise in opposition to the President's space program. Most recently, McGeorge Bundy, George Kennan, Robert McNamara, and Gerard Smith collaborated on an article in Foreign Affairs magazine—winter 1984/1985—entitled "The President's Choice: Star Wars or Arms Control."

The essence of that article is highlighted in a December 7th column by Philip Geyelin in the Washington Post which follows my remarks. Mr. Geyelin points out that the Bundy/Kennan/McNamara/Smith piece shows how the President's objective of rendering nuclear weapons impotent and obsolete via SDI is impossible. To render these weapons impotent and obsolete, a defensive system would have to work perfectly. According to almost everyone a perfect population defense is impossible. Even Lieutenant General Abrahamson, Director of the Strategic Defense Initiative Organization, agrees that such a perfect defense is impossible.

Moreover, while the administration promotes the idea of a grand defensive system, the Soviets will undoubtedly respond by upgrading their own defensive systems, and also by increasing and improving their offensive systems to overwhelm any kind of defense we can muster. Former Defense Secretary Harold Brown made this point last month in a paper he prepared for the Johns Hopkins School of Advanced International Studies—see attached Washington Post article of December 15, 1984, entitled "Ex-Defense Chief Calls 'Star Wars' Unrealistic." Dr. Brown argues that such a dual arms race would result in making us more not less insecure, a conclusion contained in the interim report released by my Subcommittee on International Security and Scientific Affairs on May 18, 1984. The subcommittee report also noted the unacceptable multibillion dollar cost of the Star Wars proposal as well as its adverse impact on our relations with our closest allies in NATO.

The SDI is billed as a program that will result in the reduction of offensive missiles, but in testimony before this committee last Congress, we were told that this is not the case. As long as the SDI is promoted as a viable possibility, the Soviets will have no choice but to upgrade their own defensive and offensive systems leaving little or no possibility for reduction in United States-Soviet offensive arsenals.

President Reagan therefore has to make a choice: Star Wars or arms control. He cannot have both. These arms control experts and many in the Congress would advise the President to make the choice in favor of arms control in space. We must prevent the militarization of space. The world cannot afford two arms races.

The above-mentioned articles follow:

[From the Washington Post, Dec. 7, 1984]

FOUR STRIKES AGAINST "STAR WARS"

(By Philip Geyelin)

Galloping out of the prestigious thickets of Foreign Affairs magazine, the Gang of Four has struck again. Their last ride was in pursuit of a U.S. policy of "no first use" of nuclear weapons. Given their identities (McGeorge Bundy, national security adviser to presidents Kennedy and Johnson; George F. Kennan, the celebrated Soviet expert; Robert S. McNamara, the former defense secretary, and Gerard Smith, a veteran arms control negotiator), it stirred a lot of dust, but no change in policy. The Gang members themselves were more than a little ambivalent.

Not so this time. With no ifs or buts, they have pretty nearly devastated President Reagan's cherished Strategic Defense Initiative (SDI). Better known as Star Wars, it promises nothing less than an airtight defense against nuclear weapons and an end forever to the threat of nuclear war. The president would make nuclear weapons "impotent and obsolete" by first developing a U.S. defense and then sharing the secrets with the Soviets.

With stunning unanimity, the Gang makes a compelling case that the proposal—now far advanced, with a recommended $26 billion first installment for research and development, a timetable, and Ronald Reagan's name and prestige inextricably tied to it—is a "dream" and an "act of folly" that "cannot be achieved."

There lies the real significance of the latest strike by the Gang of Four. They are not talking about an arguable element of nuclear strategy. Rather, they are attacking a fundamental and revolutionary transformation of nuclear policy with profound implications for the pursuit of nuclear arms control. And they are doing so with arguments readily available to Reagan in early 1983—if he had put the proposition to the same sort of rigorous test by responsible people on his own staff, in the bureaucracy, in the scientific community.

The awful truth—the telling commentary on his presidential style—is that Reagan had no proposal worked out when he first floated the idea almost casually in a speech devoted to other, known quantities in his military program. He had only a fatuous, personal vision of a nuclear-free world.

The Gang of Four's denunciation of Star Wars is withering. To work at all, a nuclear-defense system would have to work perfectly: "A very few nuclear weapons, exploding on or near population centers, would be hideously too many." But "not one of Reagan's technical advisers claims that any such level of protection is attainable," including the officer in charge of the program. Thus, "the inescapable reality is that there is literally no hope that Star Wars can make nuclear weapons obsolete."

That being the case by embarking on the effort with such fanfare the president is guaranteeing a Soviet counter-effort. The net result can only be a "large-scale expansion of both offensive and defensive systems on both sides."

More than enough authorities agree with this assessment to guarantee big trouble when Congress gets down to the business of voting on the huge sums of money the president is seeking—the more so, given the enormous popular appeal of a nuclear-bomb-free world.

But the problem the president has created for himself only begins at home. The SDI is now inescapably an arms control issue with the Soviet Union, certain to be a top priority when Secretary of State George Shultz sits down with Andrei Gromyko next month to talk about how to proceed with the stalled nuclear arms negotiations. "The Soviets will want to stop SDI cold," says one administration arms control expert. But any effort to negotiate away projects still in the stage of research and development raises awesome problems of verification.

The more likely outcome, the Gang of Four and other authorities argue, is the breakdown of the existing anti-ballistic missile treaty of 1972 and a serious threat to progress on other arms control agreements with the Soviets. "In this real world it is preposterous to suppose that Star Wars can produce anything but the most determined Soviet effort to make it fruitless," the authors conclude. "The only kind of secret" that could be shared with the Soviet Union in the interest of making "each side durably invulnerable [is] one that exists only in Mr. Reagan's mind."

The Gang makes a plea to the president to abandon his dreams in the interest of a serious effort to achieve some progress on arms control in his second term. With a little more careful study, the foursome gently suggests, the president "will learn that it is possible to reach good agreements, or possible to insist on the Star Wars program as it stands, but wholly impossible to do both."

Failing that, the remedy must be found "in a long, hard, damage-limiting effort by Congress" guided by the words of the late Sen. Arthur Vandenberg when he found one or another proposition wanting: "The end is unattainable, the means harebrained, and the cost staggering."

[From the Washington Post, Dec. 15, 1984]

EX-DEFENSE CHIEF CALLS "STAR WARS" UNREALISTIC

BROWN URGES JUNKING OF DEFENSE PLAN

(By Don Oberdorfer)

Former defense secretary Harold Brown said yesterday that there is "no realistic prospect" that a "Star Wars" defense program could protect the U.S. population against all-out nuclear attack, even at a cost of $1 trillion. He called on President Reagan to give up on the ambitious and far-reaching space project.

Brown, who has dealt with space weaponry for more than 30 years as a physicist and government official, also estimated the costs, risks and feasibility of a full U.S. defense and two less ambitious strategic defense plans being considered in the executive branch as alternatives.

He complained of lack of clarity in the governmental and public debate about the Strategic Defense Initiative, dubbed "Star Wars," unveiled by Reagan in March 1983.

The major alternative plans, described by Brown in a paper for the Johns Hopkins School of Advanced International Studies, where he is chairman of the Foreign Policy Institute, are:

A full-scale U.S. defense against nuclear attack, to replace the post-war reliance on "deterrence"—the threat of nuclear retaliation—as the basis for national security.

"Technology does not offer even a reasonable prospect of a successful population defense," he said. As one of several examples, he said the intensity of laser beams needed to attack enemy missiles early in flight would have to be "perhaps a million or more times greater than anything that has been achieved," in view of potential improvements to the missile systems.

A complete antiballistic missile defense, together with conventional air defense and civil defense necessary to make it airtight, "could approach a trillion dollars" in cost if practical, Brown said. That amount is about 3½ times as large as the current U.S. defense budget.

At a news conference announcing his findings, Brown referred to the full-scale "Star Wars" plan, which has provided most of the political and public support for Reagan's initiative, as "an impossible dream."

A limited program to defend land-based intercontinental ballistic missiles through a terminal defensive system.

The purpose of this would be to "ensure the U.S. strategic retaliatory capacity," he said. This, Brown noted, would mean "not defending people but defending missiles which threaten to destroy people" and thus would be the opposite of what Reagan has been discussing in advocating SDI.

Such a program, according to Brown, is "feasible with known technology" at a cost of $10 billion or more.

This program, like the others he laid out, would require U.S. abrogation of the 1972 ABM treaty with the Soviet Union. Brown said that no existing Soviet threat requires such a major defense of the U.S. retaliatory capability and that such a threat "is not likely to arise during this century if the U.S. pursues a strategic modernization program, generally along the lines of current plans."

Brown recommended continuation of "an extensive research, development and study program on antiballistic missiles" centered on protection of U.S. missile strike forces, to keep open the option to proceed later.

A limited defense of cities against such small nuclear attacks as an accidental or unauthorized launch from the Soviet Union or an attack by a country or terrorist group possessing only a few nuclear weapons.

He compared this to the thin nationwide terminal defense system proposed in 1967 by President Lyndon B. Johnson. An alternative could be "a limited space-based system" giving a small degree of protection to the entire country.

Brown described this as a "damage limitation" plan to "hedge against the failure of deterrence." It would not stop a major or concentrated ballistic missile attack and would provide no defense against terrorists or small-country antagonists who smuggle a bomb into the United States or load one into low-flying aircraft.

Such a plan would cost "upwards of $100 billion," according to Brown. He said it "shouldn't proceed" in view of the narrow spectrum of threats it could counter.

A U.S. decision to pursue any of the plans would prompt Soviet countermeasures, Brown said, "certainly an increase in offensive missiles" and probably in bombers, cruise missiles and Soviet defensive programs. The result would be "a substantial competition which would leave both sides at least as insecure as before," he said.

Because large increases in offensive weapons are an answer to defensive improvements, Brown said, "I don't see any chance for an arms-control agreement with deep reductions [in offensive weapons] so long as the possibility of a strategic defense deployment is a very active one."

The former defense secretary in the Carter administration expressed understanding of the discomfort felt by Reagan and his predecessors with the strategy of deterring nuclear attacks on the United States through threat of massive retaliation. But he said practicalities leave "no choice."

In recognition of this, he said, Reagan should "reaffirm the current U.S. nuclear strategy." Reagan and other political and military leaders, Brown said, "should publicly acknowledge that there is no realistic prospect for a successful population defense, certainly for many decades and probably never."●

NATIONAL ALOPECIA AREATA AWARENESS WEEK

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday January 3, 1985

● Mr. KOSTMAYER. Mr. Speaker, today I am introducing a joint resolution to designate the week beginning July 7, 1985, as "National Alopecia Areata Awareness Week." Alopecia areata is a serious disease which affects approximately 2 million people, particularly children and young adults.

Alopecia areata means "bald spot" in Latin. Alopecia occurs when the hair follicles stop production, causing severe hair loss. It is common for alopecia victims to lose all of their hair, including eyelashes, eyebrows and body hair. The follicles remain below the surface of the skin, and they can resume hair production, but we do not know yet how to trigger growth. Researchers have found evidence that this "hibernation" of the follicles is caused by a problem with body's immune system, and they believe that a cure for alopecia is within reach.

Since alopecia areata has no physically debilitating effects, it is hard for most of us to understand just how devastating the disease can be. Most alopecia victims hide their condition from friends and even family members, living in fear that someone will discover their secret. In a society that places so much importance on appearance, where we are inundated with advertisements for hair care products which equate beauty with shining hair, alopecia victims do not easily find acceptance.

Alopecia is particularly hard on children and young people, who are its primary victims. Those of us who have children of our own know just how cruel children can be to someone who is "different." Children with alopecia learn to be ashamed of their condition very early because of the cruel teasing they receive from their peers. Sadly enough, this sense of shame is often reinforced by adults. In my own district in Pennsylvania a school recently refused to admit a child because he had alopecia. He was a bright little boy, perfectly capable of keeping up with his schoolwork, but school officials told his parents that he should be sent to a special school just because he was bald.

Most alopecia victims have no idea that so many others share their condition. Often they believe that they are the only ones afflicted with this strange disease. They hide their condition with wigs and makeup, and confide in no one. Fearing detection, they often give up swimming and other sports that might cause their wigs to fall off.

In the past, alopecia victims and their families suffered alone. Then in 1982 Ashley Siegel started an alopecia areata support group in California. Ms. Siegel had turned to alcohol and drugs after she contacted alopecia at the beginning of her freshman year in college, but she waged a successful battle against alcoholism and sought to promote public awareness of alopecia by sharing her story. Ms. Siegel has traveled throughout the country speaking about the disease, and she has appeared on national and local television. Her story has also appeared in several national magazines.

The first small group has grown into the National Alopecia Areata Foundation, a network of support groups in 42 States which has helped thousands of people cope with the physical and emotional problems caused by alopecia areata. The Philadelphia area chapter which serves my district of Pennsylvania is an active support group with over 300 members. They work to reach out to other alopecia victims, to promote public awareness of the disease, and to raise funds for alopecia research.

With sufficient research funding, it is possible that researchers could discover the cure for alopecia areata in this decade. But now alopecia victims need more than dollars—they need our understanding. Most of the trauma associated with alopecia is a direct result of the public ignorance of the disease, and our inability to accept alopecia victims as normal members of society. That is why I believe it is crucial to set aside a week to promote awareness of alopecia areata.

Mr. Speaker, I urge my colleagues to join me in this effort and to cosponsor my resolution designating "National Alopecia Areata Awareness Week."●

REFORMING COMMITTEE RATIOS

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. DANNEMEYER. Mr. Speaker, as we begin a new Congress, I am today reintroducing a measure designed to deal with an old problem—inequitable committee and subcommittee ratios. In many respects, I wish I did not have to reintroduce what was House Resolution 390 in the 98th Congress. But so long as the leadership of the majority party in this House refuses to grant the minority party representation on committees and subcommittees in accordance with its numerical strength in the full House of Representatives, I feel I have no other choice. A written request for redress in the 96th Congress was ignored. Parliamentary efforts to obtain redress in the 97th and 98th Congresses were defeated on straight party line votes. And the Supreme Court has said that this is a matter that the House of Representatives should deal with absent outside interference. So there is no other choice.

Basically, what this resolution does—and it is identical to the aforementioned House Resolution 390—is provide that, within 30 days, each standing and select committee of the House, except for the Committee on Standards of Official Conduct (Ethics), shall be constituted in the same ratio as exists between the two political parties in the full House of Representatives. In addition, all subcommittees would be constituted in a similarly proportional manner and so would all committee staffs. The only reason the Ethics Committee is excepted is that, unlike any other committee, its ratio of minority to majority members is specifically dictated by rule X, clause 6(a)(2) of the Rules of the House.

A few figures spell out, far more effectively than could 1,000 words, just why this resolution is necessary. In the 96th Congress, 36.3 percent of the Members elected were Republicans but the GOP was given 7 fewer full committee and 38 fewer subcommittee seats than such a percentage would otherwise suggest. In the 97th Congress, things got even worse; after winning 44.14 percent of the congressional seats in the 1980 elections, Republicans were given 31 fewer full committee and 81 fewer subcommittee seats than their electoral showing should have earned them. And in the 98th Congress the problem persisted; after emerging victorious in 38.16 percent of the House races in 1982, the GOP was shorted on full committees and subcommittees to the tune of 23 seats and 62 seats respectively.

What difference do these numbers make? A great deal. While the persistent committee and subcommittee shorting usually involves only one or two seats on a given committee or subcommittee, look at the number of times where one or two more Republican voters might have changed the outcome of a vote. In the Appropriations Committee, for instance, a rescission of funding for a nuclear aircraft carrier was approved by one vote. In the Energy and Commerce Committee last year the same thing; language continuing price controls on natural gas was adopted by one vote. And, in the Foreign Affairs Committee, the removal of restrictions on U.S. arms sales to Turkey carried by only 1 vote. Now that is not to say that the outcome would have been different in every case had Republicans been properly represented. But it could have been. After all, Republicans had less seats than they deserved on all three

committees in the 98th Congress, on two of the three in the 97th Congress and on one of the three (Appropriations) in the 96th Congress.

For the benefit of those Members who are new to this body, the rationale that is given for this rather systematic under-representation of Republicans on committees and subcommittees is that a working majority is needed for those bodies to function effectively. By working majority what is meant is not just a majority of Democrats on committees—they are assured that already—but a majority of like-minded Democrats. All of which means that any Democrat who is not like minded has a problem not unlike that faced by the Republicans. Unless truly proportional committee and subcommittee ratios are adopted, Democrats at odds with their party leadership on various issues will be substantially hindered in their ability to form bipartisan coalitions just as surely as will Republicans. So this is not just partisan issue. It is an issue that affects Members on both sides of the aisle and in a way that has profound implications for the future of representative government in the country. For if the ability of some Members to represent their constituents is artificially diluted, then those constituents are effectively denied equal representation.

Mr. Speaker, let me elaborate on this all important point a moment. In theory at least, this House is supposed to represent everybody in this great Nation of ours to the same degree. That's why congressional districts have to be approximately the same size regardless of the State in which they are located. But, if Members of one political party or faction are given an advantage over members of another political party or faction in excess of that provided them by the voters, then some voters are not getting the same degree of representation as others. Certainly, the Constitution intended that the will of the majority be expressed, and the Rules of the House reflect that desire, but what we are talking about here is an abridgement of the "one-man, one-vote" concept which, if allowed to continue unabated, could turn the will of the majority into the tyranny of the majority all too quickly.

Take, for example, what has occurred in the Energy and Commerce Committee in recent years. In the 96th Congress, in which Republicans held 159 of the House seats, the Democrat majority gave the GOP 15 of 42 full committee seats and 34 of 102, or one third, of the subcommittee seats. But, in the 98th Congress, to which 7 more Republicans were elected than to the 96th Congress, Republicans still got only 15 of 42 full committee seats and, worse yet, only 28 of 90, or 31.1 percent of the subcommittee seats. Now, it is possible that when the Energy and Commerce Committee and its subcommittees are constituted for the 99th Congress they will reflect the 14 seat gain that Republicans made in the past election. But, absent any requirement in House rules that committee and subcommittee ratios accurately reflect the party breakdown in the full House, it is also possible that Republicans could be given only 30 percent or even 25 percent of the seats on the subcommittees of the Energy and Commerce Committee. And they wouldn't be able to do anything about it.

That thought I mind, I might also point out that in practically every other parliamentary democracy in the world, proportional representation on legislative committees is a fact of life. It has also been a fact of life over in the other body these past 4 years even though the majority party there is in the minority in this House. Therefore, I would hope that the majority party in this House would see the light and decide to support the resolution I am introducing today. Fairness—something the majority party has claimed to champion in recent months—dictates no less.

Mr. Speaker, for the benefit of Members who wish to take a closer look at this whole matter, I ask unanimous consent that the text of the resolution I am introducing be printed in the RECORD at this point. I also ask unanimous consent that several charts detailing the extent to which Republicans have been denied equitable representation on full committees, subcommittees, and committee staffs be printed in the RECORD after the resolution.

H. RES. 24

Resolution to correct the current disproportional seating on the committees and subcommittees of the United States House of Representatives, and for other purposes

Resolved, That effective thirty days after the adoption of this resolution, each standing and select committee of the House, except for the Committee on Standards of Official Conduct, shall be consitituted in a ratio which is proportionate to the membership of the two political parties in the House as a whole; and each subcommittee thereof shall also be so constituted; and insofar as practicable, the staffs of each committee shall also reflect these same ratios.

COMMITTEE MEMBERSHIP BY PARTY

[1979 through 1984]

Committees	96th Congress per 36.32 percent GOP			97th Congress per 44.14 percent GOP			98th Congress per 38.16 percent GOP		
	Proper committee ratio	Actual committee ratio	GOP seats denied	Proper committee ratio	Actual committee ratio	GOP seats denied	Proper committee ratio	Actual committee ratio	GOP seats denied
Agriculture	27–15	27–15	0	24–19	24–19	0	26–16	26–15	1
Appropriations	36–20	36–18	2	33–26	33–22	4	36–22	36–21	1
Armed Services	29–16	29–16	0	26–20	26–19	1	28–17	28–16	1
Banking	28–16	28–15	1	26–20	26–19	1	30–18	30–17	1
Budget	17–09	17–08	1	18–14	18–12	2	20–12	20–11	1
District of Columbia	10–05	10–05	0	08–06	08–04	2	08–04	08–04	0
Education and Labor	24–13	24–13	0	20–15	20–14	1	21–13	21–11	2
Energy and Commerce	27–15	27–15	0	24–19	24–18	1	27–16	27–15	1
Foreign Affairs	22–12	22–12	0	21–16	21–16	0	24–14	24–13	1
Government Operations	25–14	25–14	0	23–18	23–17	1	25–15	25–14	1
House Administration	16–09	16–09	0	11–08	11–08	0	12–07	12–07	0
Interior	28–16	28–15	1	26–20	26–17	3	28–17	28–14	3
Judiciary	20–11	20–11	0	16–12	16–12	0	20–12	20–11	1
Merchant Marine	25–14	25–15	+1	21–16	21–15	1	26–16	26–14	2
Post Office	16–09	16–09	0	16–12	16–11	1	16–09	16–09	0
Public Works	31–17	31–17	0	27–21	27–19	2	32–19	32–18	1
Rules	11–06	11–05	1	11–08	11–05	3	09–05	09–04	1
Science and Technology	27–15	27–15	0	23–18	23–17	1	26–16	26–15	1
Small Business	25–14	25–14	0	23–18	23–17	1	26–16	26–15	1
Veterans' Affairs	21–12	21–11	1	18–14	18–14	0	21–13	21–12	1
Ways and Means	24–13	24–12	1	23–18	23–12	6	24–14	23–12	2
Total			[1] 7			31			23

[1] Net.

Sources:

Henshaw, Edmund L., Jr., "List of Standing Committees and Select Committees of the House of Representatives of the United States Together With Joint Committees of the Congress," Washington, DC, March 7, 1979, March 25, 1981, and June 12, 1981.

Guthrie, Benjamin J., "List of Standing Committees and Select Committees of the House of Representatives of the United States Together With Joint Committees of the Congress," Washington, DC, March 15, 1983.

Methodology: Use the number of Democratic slots on each committee as a base. In all cases, compute the proper ratio on the basis of the party split in the House of Representtives at the time of organization. The five nonvoting Members are not included in this calculation, but they are included in committee counts, where applicable, because they do vote in committee.

SUBCOMMITTEE MEMBERSHIP IN THE HOUSE OF REPRESENTATIVES

[96th through 98th Congresses]

Committees	96th Congress (36.32 percent GOP)					97th Congress (44.14 percent GOP)					98th Congress (38.16 percent GOP)				
	Number of subcommittees	Number of Democrat slots	GOP entitlements	Actual GOP slots	GOP shortage	Number of subcommittees	Number of Democrat slots	GOP entitlements	Actual GOP slots	GOP shortage	Number of subcommittees	Number of Democrat slots	GOP entitlements	Actual GOP slots	GOP shortage
Agriculture	[1] 10	83	47.3	43	−4	[1] 8	72	56.9	55	−1	[1] 8	76	46.9	42	−4
Appropriations	[1] 13	95	54.2	47	−7	[1] 13	90	71.1	59	−12	[1] 13	101	62.3	57	−5
Armed Services	8	55	31.4	31		7	53	41.9	41		7	62	38.3	34	−4
Banking	9	89	50.8	45	−5	8	84	66.4	61	−5	8	102	62.9	58	−4
Budget	0	0	0.0	0	0	0	0	0	0	0	0	0	0	0	0
District of Columbia	4	12	6.8	8	+2	[1] 3	15	11.9	9	−2	3	15	9.3	9	
Education and Labor	[1] 8	68	38.8	34	−4	[1] 8	55	43.5	35	−8	[1] 8	66	40.7	40	
Energy and Commerce	[1] 6	60	34.2	30	−4	[1] 6	66	52.2	46	−6	[1] 6	62	38.3	28	−10
Foreign Affairs	8	43	24.5	23	−1	8	40	31.6	32	+1	8	50	30.9	23	−7
Government Operations	[1] 7	48	27.4	27		[1] 7	45	35.6	31	−4	[1] 7	49	30.2	28	−2
House Administration	8	34	19.4	21	+2	6	22	17.4	15	−2	5	24	14.8	12	−2
Interior	7	72	41.1	39	−2	6	56	44.3	36	−7	6	63	38.9	33	−5
Judiciary	7	44	25.1	22	−3	7	31	24.5	23	−1	7	43	26.5	25	−1
Merchant Marine	[1] 5	65	37.1	37		[1] 5	56	44.3	41	−3	[1] 5	71	43.8	39	−4
Post Office	7	34	19.4	19		[1] 7	43	34.0	29	−5	[1] 7	35	21.6	21	
Public Works	6	98	55.9	50	−5	6	79	62.4	54	−8	6	90	55.5	48	−7
Rules	2	8	4.6	4		2	10	7.9	5	−2	2	8	4.9	4	
Science and Technology	[1] 7	64	36.5	34	−2	[1] 7	55	43.5	38	−5	[1] 7	67	41.3	39	−2
Small Business	6	38	21.7	19	−2	6	34	26.9	24	−2	6	38	23.4	20	−3
Veterans' Affairs	[1] 5	48	27.4	27		[1] 5	37	29.2	29		[1] 5	46	28.4	27	−1
Ways and Means	6	44	25.1	22	−3	6	42	33.2	24	−9	6	42	25.9	24	−1
Total	139	1,102	628.7	582	[2] −38	131	985	778.7	687	[2] −81	130	1,110	684.8	611	−62

[1] Denotes full committees on which the chairman of the full committee and the ranking minority member of the full committee have voting privileges on all subcommittees.
[2] Net.

Sources:
Henshaw, Edmund L., Jr., "List of Standing Committees and Select Committees of the House of Representatives of the United States Together With Joint Committees of the Congress," Washington D.C., March 7, 1979, March 25, 1981 and June 12, 1981.
Guthrie, Benjamin, J., "List of Standing Committees and Select Committees of the House of Representatives of the United States Together With Joint Committees of the Congress," Washington, D.C., March 15, 1983. Committee on Rules, "Rules Adopted by the House of Representatives, 96th Congress, 1979–80; 97th Congress, 1981–82; 98th Congress, 1983–84," Washington, D.C., 1979, 1981 and 1983.

Notes.—Figures include all voting members, including voting ex-officio members of all standing subcommittees of the House of Representatives for the 96th through 98th Congresses.

COMMITTEE STAFFING IN THE HOUSE OF REPRESENTATIVES

[96th through 98th Congresses]

Committees	96th Congress 1980 (36.32 percent GOP)						97th Congress 1982 (44.14 percent GOP)								98th Congress 1984 (38.16 percent GOP)							
	Statutory staff	Investigative staff					Statutory staff			Investigative staff					Statutory staff			Investigative staff				
	Total number of slots	DEMO	GOP	GOP (percent)	GOP entitlements	GOP shortage	DEMO	GOP	GOP (percent)	DEMO	GOP	GOP (percent)	GOP entitlements	GOP shortage	DEMO	GOP	GOP (percent)	DEMO	GOP	GOP (percent)	GOP entitlements	GOP shortage
Aging [1]										28	12	30.0	22.1	10				29	11	27.5	17.9	6
Agriculture	30	28	11	28.2	16.0	5	20	9	31.0	23	13	36.1	18.1	5	20	10	33.3	26	12	31.6	16.0	4
Appropriations [4]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	51	11	17.7					
Armed Services	28	6	0	0	3.4	3	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]
Banking	29	67	10	13.0	38.2	28	18	8	30.8	45	12	21.1	35.6	23	19	9	32.1	49	11	18.3	30.2	19
Budget [4]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]	60	6	9.1					
District	30	14	1	6.7	8.0	7	20	7	25.9	13	0	0	10.3	10	21	9	30.0	15	1	6.3	9.3	8
Education and Labor	29	68	15	18.1	38.8	23	20	10	33.3	68	16	19.0	53.7	37	20	10	33.3	54	12	17.6	33.3	21
Energy and Commerce	30	118	15	11.3	67.3	52	20	9	31.0	108	9	7.7	85.3	76	20	9	31.0	107	12	10.1	66.0	54
Foreign Affairs	29	47	3	6.0	26.8	23	20	10	33.3	51	4	7.3	40.3	36	20	10	33.3	48	6	11.1	29.6	23
Government Operations	19	60	6	9.1	34.2	28	16	7	30.4	58	6	9.4	45.8	39	17	9	34.6	56	6	9.7	34.6	28
House Administration [2]	30	60	1	1.6	34.2	33	17	3	15.0	21	2	8.7	16.6	14	24	5	17.2	21	1	4.5	13.0	12
Intelligence [1]		[6]	[6]	[6]	[6]	[6]				[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]					
Interior	29	33	8	19.5	18.8	10	20	10	33.3	32	7	17.9	25.3	18	20	10	33.3	34	8	19.0	21.0	13
Judiciary	29	49	3	5.8	27.9	24	20	10	33.3	40	3	7.0	31.6	28	20	10	33.3	48	4	7.7	29.6	25
Merchant Marine	30	54	7	11.5	30.8	23	20	10	33.3	45	11	19.6	35.6	24	20	10	33.3	40	9	18.4	24.7	15
Narcotics [1]										10	4	28.6	7.9	3				13	4	23.5	8.0	4
Post Office	29	32	4	11.1	18.2	14	20	8	28.6	36	4	10.0	28.4	24	20	10	33.3	43	7	14.0	26.5	19
Public Works	30	32	18	36.0	18.2	0	20	10	33.3	37	17	31.5	29.2	12	20	10	33.3	39	15	27.8	24.1	9
Rules	28	14	5	26.3	8.0	3	20	9	31.0	15	0	0	11.9	11	21	9	30.0	17	0	0	10.5	10
Science and Technology	30	47	11	19.0	26.8	15	19	10	34.5	42	5	10.6	33.2	28	20	10	33.3	44	4	8.3	27.2	23
Ethics	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]						[6]	[6]	[6]					
Small Business	31	23	6	20.7	13.1	7	22	9	29.0	19	4	17.4	15.0	11	20	10	33.3	17	4	19.0	10.5	6
Veterans' Affairs	24	8	3	27.3	4.5	1	17	5	22.7	10	2	16.7	7.9	5	19	5	20.8	9	1	10.0	5.6	4
Ways and Means	29	47	18	27.7	26.8	8	20	19	33.3	52	8	13.3	41.1	33	20	10	33.3	49	11	18.3	30.2	9
Child/Youth/Family [1]	[7]	[7]	[7]	[7]	[7]	[7]	[7]	[7]	[7]	[7]	[7]	[7]	[7]	[7]	[7]	[7]	[7]	[3] 9	5	35.7	5.6	0
Totals	543	807	145	15.2	460.0	307				753	139	14.6	594.9	447				767	144	15.8	473.4	322

[1] Indicates select committees.
[2] Does not include staff assigned to House Information Systems (HIS).
[3] Does not include 3 staff members considered to be non-partisan.
[4] Indicates committees whose staff is not funded by means of a committee funding resolution. Associate staff are not included in the calculation.
[5] Not available.
[6] Nonpartisan.
[7] Not in existence.

Sources:
For 1980 figures: Statutory staff—Judy Schneider, "Congressional Committee Staff & Funding," Issue Brief #IB82006, Congressional Research Service (CRS), Washington, D.C., May 1984.
Investigative Staff—telephone survey of standing committees of the House taken by the office of William E. Dannemeyer, M.C., February 1980.
For 1982 & 1984 figures: Committee on House Administration, "Budget Requests by Committee," February 1982 and February 1984 as well as telephone survey of two committees, taken by the office of Congressman William E. Dannemeyer, M.C., July 1984.●

SALUTE TO DR. EDWARD L. GINZTEN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. LANTOS. Mr. Speaker, I would like to take this opportunity to congratulate Dr. Edward L. Ginzten, retired chairman of Varian Associates, who was honored at the 15th annual meeting of the Stanford Mid-Peninsula Urban Coalition on November 29, 1984. Dr. Ginzten's record of service to his community marks him as one of the truly extraordinary citizens of California.

As one of the founders of the coalition in 1968, Dr. Ginzten worked very hard to bring together people from local corporations, government, educational institutions, and community organizations to address the social issues brought to the forefront by the civil rights movement of the 1960's. It was his belief that these problems had to be addressed at the local level by a partnership of people in the community. His tireless efforts in the critical early years of the Stanford Mid-Peninsula Urban Coalition were a key to its success and his continued support of the organization for the past 16 years has contributed greatly to its effectiveness.

Dr. Ginzten has been particularly concerned about the need for affordable housing in the counties of San Mateo and Santa Clara in the State of California. As cochair of the urban coalition, he was instrumental in founding the Mid-Peninsula Housing Development Corp. in 1970 to build housing for low and middle income families in the area. This corporation now operates independently and continues to build housing units in San Mateo and Santa Clara Counties. Dr. Ginzten currently serves on its board of directors.

I commend Mr. Ginzten to you once again, Mr. Speaker, and to our colleagues, as a man truly in the tradition of our very best public citizens: compassionate in his ideals, and caring in his community.●

CONGRESSIONAL ADVISORY COMMISSION ON AMATEUR BOXING AND FEDERAL PROFESSIONAL BOXING PROHIBITION ACT OF 1985

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. GONZALEZ. Mr. Speaker, I am reintroducing a bill today that I first introduced last October to ban professional boxing and to establish a Congressional Advisory Commission on Amateur Boxing. Incident after tragic incident occurs, bringing pain and sorrow to families of men who are injured or killed in this violent sport, and it is time for Congress to do something about it.

For many years I have watched as young men, mostly black or Hispanic, mostly poor, uneducated, and without trade or employment, have been recruited, trained, and encouraged to fight their way out of poverty into the world of boxing. Boxing is their salvation, they are told—it is their road out of the ghetto. Boxing supposedly gives them opportunities they otherwise never would have. Boxing supposedly gives them a reason to stay out of trouble, to have a purpose in life, a future respect. I have watched all this—and listened—and I am impelled now to act.

My bill bans only professional boxing in order to remove the illusory incentives of a professional boxing career. For amateur boxing, my bill would establish a Congressional Advisory Commission. This Commission would study amateur boxing and its present regulations, determine the sufficiency of the current safeguards, and make recommendations for future action to be taken to protect the health and potential of America's young boxers. I recognize that amateur boxing provides some limited opportunities for young men, but prolonged participation in boxing clearly has proven harmful effects on the health of fighters. With some safeguards, amateur boxing can be a positive experience—but only if the boxing is carried on with strict safety regulations and for only a short period of time.

But professional boxing is another matter. What kind of opportunities are provided these young men through professional boxing? The opportunities I see all involve violence, personal injury, and massive exploitation. The very goal of a boxer in the ring is to render his opponent unconscious—to fight until only one fighter remains standing. Boxing is a simplistic display of one man's physical prowess prevailing over his opponent's.

But even the victor must share an element of physical defeat, for by the very act of knocking his opponent senseless, he too endures physical abuse. One fighter may prevail over the other, but neither prevails over the limitations of the human body.

Repeated blows to the fighter's head are the most direct means to victory for a boxer—professional boxers are paid to hit and be hit. But just as a boxer is paid, he also pays dearly in return for the sometimes silent but ever present injuries his brain suffers. The American Medical Association has studied the prolonged effects of boxing on a fighter's brain, and has reached the same conclusion as I have—that professional boxing should be banned. Every professional boxer suffers some degree of brain damage—every one. Some of the damage is minimal; some is readily evident; some does not manifest itself for years, all the while keeping its dreadful consequences hidden from the knowledge of the boxer. We all know the familiar stereotype of the hasbeen Palooka, the shambling wrecks of fighters who took one, or a thousand, too many punches.

If boxing provides such wonderful opportunities, as I am told, then why aren't young men from all walks of life recruited for the sport? Why are educational opportunities, mainstream employment, and long-term beneficial opportunities saved for some of America's youth while boxing and other violent sports seek participants from America's poorer corners? I find it appalling to think that at the expense of a real future—a future of health, of learning, of meaningful work—young men devote their early years to training to become fighters at the expense of their education and time to learn a trade or profession.

Young men are exploited by the boxing profession—the promise of fame and riches is flashed in their eyes so they are blinded to the realities of a fighter's life—a life where few are famous, few are wealthy, but all risk their health. We all know that for every Leonard or Ali there are 1,000 Kims, 10,000 punched-out wrecks. For a youngster from a poor neighborhood who has few material possessions, his health may be all he has. Boxing will likely take his health and almost certainly give him nothing in return. How much better it would be to allow him to keep his health and develop his mind and his abilities. How much better it would be to develop his mind than to render it useless through fighting.

Once professional boxing is made illegal, amateur fighters will have no incentive to pursue boxing in lieu of their education and training. There will be no illusions of making a living from boxing. Since there will be no monetary rewards from boxing, a boxer's career will be relatively short, and the damage to his health, particularly with the use of safety equipment and stringent safety regulations, will be minimal.

I think we owe all of America's youth equal opportunities for a solid education and useful, financially satisfying employment. Each young man has the right to his health, and we owe each young man an education and future—a road out of poverty that does not dead end in boxing, but a mainstream of education and training that leads to a healthy and secure fut re. We must stop guiding some youth toward the opportunities and

security of Madison Avenue while guiding others toward the eventual empty destitution of Madison Square Garden.●

SUPPORT FOR THE SYNTHETIC FUELS PROGRAM

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. MURTHA. Mr. Speaker, in late November, it was my pleasure to be present in New York when Mr. John K. McKinley, chairman and chief executive officer of Texaco, received the first award named for our outstanding former colleague, the Walter Flowers Achievement Award in Synthetic Fuels.

For the information of the Members, I would like to include in the RECORD, the remarks made by Mr. McKinley in accepting the award.

The remarks follow:

REMARKS BY JOHN K. MCKINLEY

Thank you, Mr. Hopkins. I am very pleased to attend this luncheon and honored to receive, on behalf of Texaco, the Walter Flowers Achievement Award in Synthetic Fuels.

It is also of particular meaning for me personally to accept this award. As a Congressman, Walter Flowers represented Tuscaloosa, AL, the city where I was born and where I attended the University of Alabama. But more importantly, as chairman of the Congressional Subcommittee on Energy Research concerned with fossil fuels, Walter Flowers represented and encouraged in others the forward-looking spirit that has made this Nation great.

Some of you might wonder why Texaco, an organization that considers itself primarily an oil and gas company, is receiving an award for synthetic fuels.

Quite simply, we at Texaco believe that alternate energy sources are a wave of the future. There is no question about it: that wave right now is a very small one, barely visible if you are standing on the beach. But if you row out to where it is forming, you will find it gathering momentum. And when that wave becomes a breaker, Texaco has every intention of being right there, riding its crest.

Oil and natural gas continue to be the workhorses of America's economy. They currently provide 67 percent of its energy. Over the long term, the trend of petroleum production in the United States is definitely downward. If we as a nation want to use our energy resources wisely we will direct our supplies of oil and natural gas toward those areas where they can be used most efficiently—home heating, transportable fuels, petrochemical feedstocks, and lubricants.

And if America wants to have reasonable security as to energy to power its factories and to provide electricity to its homes, schools and places of work, it will continue efforts to develop alternate forms of energy.

The key question is: What types of alternate energies will be most workable in the United States?

Nuclear power appears to have stumbled at the starting gate, weighted down as it is with political, economic, financial and public relations problems.

Solar energy was boosted by some as the brightest object in the universe several years ago, but it seems currently to have gone behind a cloud.

Then, what kinds of alternate energies might be made available in the quantities needed to provide electricity and other forms of stationary power?

Synthetic fuels offer the prospect of filling that need. And there is one particular reason for that: coal. America is sitting on top of 20,000 to 25,000 quads of energy in the form of coal. America is the Saudi Arabia of coal.

That's the good news about coal. The bad news, as almost every observer knows, is that the production and use of coal is being linked, rightly or wrongly, with a wide range of environmental concerns, most prominently acid rain.

To the environmentalist, this is a major concern. To the businessman, this is a challenge, and ultimately, an opportunity.

The American energy industry is being challenged to devise ways to put America's vast reserves of coal to use—to find ways to make coal a clean, flexible and efficient source of energy. This was the challenge back in the 1940's when Texaco first began research in gasification. While it continues to be the challenge today, great strides have been made.

Texaco developed its coal gasification process in a step-by-step, systematic fashion. As a result, the Texaco process has established its commercial viability as a reliable, cost-effective way to produce clean, medium Btu synthesis gas from coal, which in turn can be used for power generation, fertilizer manufacture and chemical feedstock.

In the early stages there were the demonstration units. One such is the 165-ton-per-day gasifer, operating since 1978, at the Ruhrchemie A.G. chemical plant in West Germany. It converts coal into synthesis gas for use in oxo-chemicals manufacture.

The Ruhrchemie plant was followed by a 190-ton-per-day coal gasifer at the Tennessee Valley Authority facilities in Muscle Shoals, AL. This plant first produced synthesis gas as a feedstock for ammonia manufacturing in 1982.

These demonstration units led to today's commercial plants. The Tennessee Eastman plant in Kingsport TN, for example, uses the Texaco process to convert 900 tons per day of coal into synthesis gas to produce methanol and acetic anhydride.

In Japan, the Ube Ammonia Industry Company has just started operation of the first of three commercial facilities it is building. These units make synthesis gas from coal for the production of ammonia.

The most recent commercial facility, the one with which you are probably most familiar, is the 1,000-ton-per-day coal gasification plant in Daggett, CA. The project is often referred to as the cool water project, the name of the Southern California Edison Powerplant nearby. This project is particularly unique for two reasons. One, it is the first commercial-scale powerplant using coal gasification in the United States—and I might add, the first we believe of many to come. Second, it represents and reflects the commitment of several companies in private industry to work together toward a common objective.

We believe the Texaco gasification process, which is the heart of cool water, is now, and will continue to be, a major factor in the development of synthetic fuels because it satisfies the three critical factors of success for any coal-based energy technology:

First, it is clean. No synfuels program will be successful which does not take into account the realities of today's America, which call for a cleaner and safer environment.

Second, the process is flexible, a particularly important prerequisite for the utility industry which, like the oil business, is trying to project future demand in a climate of uncertainty. Texaco's technology allows the modular construction and incremental sizing of plants according to particular needs, and also allows use of a wide variety of feedstocks.

The third factor is the bottom line. This gasification process can compete successfully with most conventional coal technology in producing electricity. Our calculations show the cost of power from a Texaco-process plant to be some 10 percent below that of a conventional coal-fired plant with full clean-up equipment.

Looking forward, we believe the primary use of gasification will be for the production of electricity. Syngas, however, is highly versatile. It is a commercially proven building block for producing such products as methanol ammonia and hydrogen—each of which is enjoying renewed interest:

Many refiners are now using methanol as a high octane blending agent for motor gasoline.

Syngas is already the source of ammonia, here and abroad.

The petroleum industry is using hydrogen increasingly to upgrade heavy oil to distillates and fuels.

Each of these, and the many other alternative products from syngas, help create new markets, new business opportunities and new potentials for profit.

The optimism I have expressed here today is not voiced in disregard of the facts around us in the energy markets. Uncertainty as to oil price, overcapacity and severe competition abound. Nevertheless, we see a current niche for synfuels—and particularly for the process which you have recognized and honored with this award today.

On behalf of all those at Texaco, and those in the other organizations which have supported and contributed to the development of this process—thank you.

It is an honor to accept this award.●

PUBLIC PRODUCTIVITY ACT: RENEWING AMERICA'S INFRASTRUCTURE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. OBERSTAR. Mr. Speaker, 4 years ago the book "America in Ruins," by Pat Choate and Susan Walters, focused the Nation's attention on the deteriorating condition of our public capital resources, and made infrastructure a fitting item for the front cover of Newsweek magazine, and major feature articles for U.S. News & World Report and Time magazine.

In the past few years infrastructure has slipped from the front pages—except when a bridge collapses or a road turns into a bomb-scape of potholes, and the Nation has turned to

concern for Federal spending, the deficit, and the national budget. But the deterioration of our infrastructure has not ceased with the headlines, and America's once proud portfolio of public capital resources continues to fall to ruin. The costs of replacing that portfolio in the future will dwarf any repair and rehabilitation program we might undertake now.

The legislation I propose today would provide the seeds of a comprehensive program to rehabilitate, repair, and renovate our streets, roads, and bridges, our water and wastewater treatment systems, and our public buildings. This bill is identical to H.R. 5765, the Infrastructure Improvement and Public Productivity Act, which I introduced in the 98th Congress.

The bill will not solve the entire, multitrillion-dollar infrastructure problem in this country. Nor can Federal grants do the job alone. But I am convinced of the need for a grants program specifically targeted to distressed areas to help them protect and improve their infrastructure, which is the prerequisite for any more comprehensive economic development efforts.

The bill has two purposes: first, to protect our priceless existing investment in public capital by reversing the neglect and negative investment of the last several decades; and, second, to prevent future neglect by assisting owners and operators of public facilities to establish long-term capital improvement programs to assure maintenance and upkeep of this national resource.

The Infrastructure Improvement and Public Productivity Act of 1985 is a multiyear, one-shot catchup program to assist owners and operators of public capital in restoring private productivity by upgrading local public facilities and making them more productive. This bill would provide $2 billion per year in grants, on a 50/50 matching basis, to distressed areas to repair, renovate, reconstruct, or construct public facilities which contribute to that area's economic growth and development.

Eligible recipients would be owners and operators of economic development-related public facilities: States, counties, townships, municipalities, and special districts such as water and sanitation districts and port authorities.

Funds would be apportioned to reward those States and other levels of government making the greatest effort to preserve their own public facilities, and would target areas where the needs are the greatest.

State-by-State allocations would be made on a four-part formula which reflects population, fiscal capacity, tax effort, and capital expenditures. At the sub-State level, funds would be divided roughly on the basis of each level of government's share of capital spending, that is, by the State itself, counties, townships, municipalities, and special districts. Projects would have to be located in, or substantially benefit, distressed areas.

Funds could be used for the construction, renovation, reconstruction, and repair of public facilities. New construction would be permitted where no similar facilities already exist. Funds could also be used to supplement a grant for a similar project made under another Federal program as long as the total Federal share did not exceed 80 percent.

The bill further requires that funds be apportioned fairly between urban and rural areas.

The bill looks to the future by establishing a pattern of capital budgeting and capital improvement programming so that, once an area has caught up with its deferred infrastructure needs, it won't go back to its old ways of doing business, and allow its newly refurbished facilities to deteriorate again.

Once funds have been allocated to the States, the Governor is required to set aside 1 percent of that allocation for capital improvement programs. The State itself, and any local governments, could receive a grant on a one-time basis to develop a capital improvement program.

The CIP would be a 5-year schedule of capital improvements based on agreed upon priorities, available funding sources, and local financing capabilities. It would include a list of all proposed capital improvements ranked in order of priority, and identification of all possible funding sources, an analysis of the financing capability of the local government, and a schedule or timetable for development.

A capital improvements program for all of an owner/operator's public facilities would be the condition for receiving funding under this program for repair or improvement of a single project or element in that overall program.

I want to note also that this bill will dovetail nicely with the National Development Investment Act, which I have also introduced today. This bill requires communities to design development investment strategies as a prerequisite for individual projects. These strategies will be important components of the capital improvement programs developed under this legislation.

I include with my remarks a summary of the Infrastructure Improvement and Public Productivity Act.

INFRASTRUCTURE IMPROVEMENT AND PUBLIC PRODUCTIVITY ACT

Purpose: To establish a multiyear infrastructure repair program by assisting State and local governments in addressing the urgent need to repair and rehabilitate aging public facilities and to encourage the establishment of capital improvement programs that include life-cycle management of capital improvements.

What the bill does: The Act would authorize $2 billion annually for a period of five years for 50% grants to States, Territories, Counties, Municipalities, Townships, Special Districts, and Authorities for the construction, renovation, reconstruction, and repair of public facilities that are located in or will substantially benefit UDAG (Urban Development Action Grant) eligible areas.

Eligible projects: Grants would be available for the construction, renovation and repair of public facilties such as any road, street, bridge, water or wastewater-treatment system, building, and any other facility related to the economic development of the area.

Emphasis is placed on renovation and repair projects, and new construction projects are only permitted where basic facility does not exist in the area.

Limitations: Grant can only be made if project is part of capital improvement program; enhances economic development opportunities; contributes substantially to the economic development of the area; is not inconsistent with areawide plans; applicant demonstrates maintenance of effort; could not otherwise be done; applicant demonstrates compliance with Davis-Bacon Act.

Allocation of funds: 1% set-aside of funds appropriated for Secretary to conduct research for improving productivity, management, and extending useful life of public facilities and for the development of new materials, technologies and methods for repairing public facilities.

One-fourth of 1% set-aside, each for Puerto Rico and the Territories.

Funds to be allocated to each of the States by a formula which considers population, fiscal capacity, tax effort, and capital expenditures.

1% set-aside of funds allocated to each State to be used to make grants to establish and improve capital budgeting and capital improvement programs. Economic Development Districts and Areawide Planning Agencies may be used for this purpose.●

UNIVERSITY FACILITIES AND EXPERT REVIEW

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. FUQUA. Mr. Speaker, as part of the continuing dialog relating to university facilities and expert review, I wish to call your attention to a letter which Frank Press, president of the National Academy of Sciences, has sent to the individual members of the academy.

NATIONAL ACADEMY OF SCIENCES,
Washington, D.C., December 12, 1984.

Members of the National Academy of Sciences

DEAR COLLEAGUE: I am writing to you to describe briefly a problem of great significance to American science and to enlist your support in its resolution. In the past two years there have been a significant number of efforts by academic institutions to secure funding for major scientific or engineering facilities, bypassing established evaluation procedures based on merit and the normal appropriations process. These efforts led to direct legislative intervention by members

of Congress acting on behalf of some universities, which have drawn funds from relatively scarce research budgets that are essential to the entire research university system. If they were to escalate, the possibility of undermining the evaluation and review system that has been responsible for the great strength of American science, will become a reality.

None of these direct political approaches to secure funds from the research budget would have occurred if they were not initiated by members of our own community. I am therefore writing to each of you, requesting that you play a leadership role in your own institution and in your own region to advocate the thoughtful, deliberative process of evaluation and to resist involving the political process. It is in the long-term interest of a strong American science to use procedures that we all respect, and to resist special-interest political favoritism that can only hurt the overall scientific endeavor.

I write this letter realizing full well that in the past "bricks and mortar" appropriations have been part of the political process and are indeed the prerogatives of Congress and the Executive Branch. What is of new concern is that our own colleagues, faced with the absence of a national program to construct new facilities for science, and stressed by severe local conditions, will compete with each other in the political arena, instead of working together to develop a coherent national program for addressing these urgent needs.

I enclose a statement of the Council of the Academy which was adopted last fall.

Yours sincerely,

FRANK PRESS, *President.*

Enclosure.

STATEMENT OF THE COUNCIL: FEDERAL FUNDING FOR RESEARCH FACILITIES AND INSTRUMENTATION

In recent months, there have been a few instances in which federal funding decisions for major university scientific facilities have not been subject to an appropriate review process. Informed peer judgments on the scientific merits of specific proposals, in open competition, should be a central element in the awarding of all federal funds for science.

In the past, such objective systems of evaluation have met the needs of our country well, and have contributed to the scientific preeminence of the United States. In the long term, they also help to maintain the pluralism that is important to the productivity of American science and is characteristic of political decision making.

We urge that the academic community and public officials exercise vigilance to protect this informed evaluation and decision-making process in the awarding of funds, not only for the support of scientific research proposals, but also for major scientific facilities and instrumentation.●

A NEW BONNEVILLE LOCK: PROGRESS AND PROSPERITY ON THE COLUMBIA

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. WYDEN. Mr. Speaker, I am pleased today to introduce legislation authorizing the construction of a new lock at Bonneville Dam on the Columbia River. In addition, I am pleased that my Northwest colleagues Mr. AUCOIN, Mr. FOLEY, Mr. ROBERT F. SMITH, Mr. MORRISON of Washington, Mr. DICKS, Mr. BONKER, Mr. CRAIG, and Mr. DENNY SMITH, are joining me as original cosponsors of this critical project.

The House of Representatives acted responsibly last year by passing an omnibus water projects bill that included a cost-sharing plan under which one-third of the inland project costs, such as those for a new Bonneville lock, would be borne by users. Yet the Senate, hampered by administration opposition to its water resources bill as well as the House-passed bill, failed to act and, consequently, we are entering our 15th straight year without a major water resources authorization.

Such inaction is irresponsible, unacceptable and simply poor public policy. Those who have fought the authorization of new water resources projects state that they want to cut Federal spending. That is a good goal which we all can support. Yet the increased costs resulting from these delays would seem to offset most of the savings being sought for the Federal Government. For example, when I first introduced the Bonneville lock authorization bill in 1981, the cost was estimated at $145 million. When I introduced it in 1983, the estimated cost had risen to $167 million. As I introduce this bill today, the estimated cost of a new lock at Bonneville Dam is $191 million.

If the new Bonneville lock had been authorized and construction had begun in 1981, the savings to the Federal Government potentially could have been almost $50 million from the current project cost.

Moreover, it is in the national interest, not just the regional interests of the Pacific Northwest, that this project—as well as others that will strengthen our national waterway system—be authorized.

I have met with countless exporters who tell me that, next to the overvalued dollar, their biggest obstacle to expanding export markets is transportation costs. The completion of the new lock will save shippers an estimated $2.50 per ton, favorably influencing the cost of commodities and other products consumed in this country and abroad. So it will be not be just the shippers and exporters of the Pacific Northwest that will benefit, but any exporter throughout the country who uses the strategically situated Columbia-Snake system to ship goods to the Pacific Rim and beyond.

A new lock at Bonneville Dam also will augment our national security by providing an efficient northern maritime transportation route not dependent on passage through the Panama Canal.

A new lock at Bonneville will be the single biggest jobs producer in the Northwest and will leverage an estimated $500 million in new private investment. The need for a new lock at Bonneville Dam and the cost-effectiveness of this project have been documented and acknowledged by the Army Corps of Engineers, the House of Representatives and the Senate. In fact, during the 98th Congress, the House of Representatives passed both authorizing and appropriating legislation for a new lock at Bonneville.

Specifically, this lock is needed to meet growing maritime commerce activity on the Columbia-Snake River System, one of the fastest growing navigation systems in the United States. Major commodities shipped along the system include grain, petroleum, containerized general cargo, forest products, automobiles, steel and dry bulks. In fact, the Columbia-Snake system is virtually the only U.S. shallow-draft waterway handling barged containers.

The Columbia-Snake system serves as the major transportation hub and distribution center for the Pacific Northwest. It is served by major interstate highways, rail lines and steamship and barge services, providing a true multi-modal transportation system.

Yet the weak link in this strong multi-modal transportation system is the archaic lock at Bonneville Dam. This lock, which was built in 1938, is too old and too small. In fact, it is the oldest and smallest lock on the seven-lock river system and because it is the last lock on the system, barge traffic that has come all the way down the river often is forced to break up into smaller tows to lock through the Bonneville Dam. Not only does this situation cause delays, which cost the Government and shippers money, but it also creates safety hazards.

In 1980, 9,775,000 short tons were shipped along the Columbia-Snake system. By 2000, the Columbia-Snake Marketing Group estimates that 28,017,000 short tons will be shipped along the system. This figure is based upon goods currently shipped along the system and does not even take into account new goods that would be attracted to the river by the efficiency of a new lock at Bonneville.

So it is clear that the potential for untapped growth on the Columbia-Snake River system exists and that the current Bonneville Lock will not be able to handle this growth. In fact, the Corps of Engineers has pegged the capacity of the existing lock at 13 million tons per year and projects that that saturation level will be reached between 1988 and 1990.

I would also like to note that I have included language in this bill that instructs the Corps of Engineers to take

into account economic, legal and environmental concerns when determining where dredge spoils from the project should be deposited. This language will not require any additional studies that could delay the project; it does, however, ensure that careful consideration will be given to this important question so that sensitive environments will not be adversely affected by the dredge spoils from the lock.

The increasing barge, freighter and tug traffic on the Columbia, spawned by the Northwest's growing import and export community, is a grown man doing its best to fit into children's clothing. But we cannot even approach our maximum productivity with the restricted access through the existing lock to downriver ports, which are our gateway to the Pacific Rim and to our future.

A new lock at Bonneville Dam is essential if the Columbia-Snake system is to reach its potential as a major league waterway. It is the key to progress and prosperity along the Columbia River.

H.R. 233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bonneville lock and dam project, Oregon and Washington, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1038), is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized to construct a new look in accordance with the report of the Chief of Engineers, dated February 10, 1981, at an estimated cost of $191,000,000. In constructing such new lock, the Secretary shall evaluate sites for the disposal of dredged material from such project taking into account economic, legal, and environmental concerns and shall select a site or sites for the disposal of such dredged material based on such evaluations.●

OSTEOPOROSIS—A SILENT EPIDEMIC

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Ms. SNOWE. Mr. Speaker, I am pleased to introduce legislation today which would designate the first week of May 1985 as "National Osteoporosis Awareness Week."

With this legislative initiative I hope to bring attention to a debilitating bone condition which strikes 15 to 20 million of our older Americans. Although older men are often afflicted by a senile form of osteoporosis, this is a disorder which mainly affects older women. Osteoporosis currently poses a threat to one-fourth of women after menopause.

Osteoporosis is a "thinning" of the bones. This debilitating bone degeneration is associated with aging, low calcium levels, and loss of estrogen. Men are affected by osteoporosis too, but women—particularly thin, white women—are prone to lose bone mass at a rate twice that of men. According to some estimates, the postmenopausal woman can lose as much as 38 milligrams of calcium a day, which results in approximately 1 percent overall calcium loss each year. The deprivation of this important element weakens the bones, causing fractures—in fact, an estimated 1 million fractures a year.

Older women are the fastest growing segment of our population, making osteoporosis a rapidly increasing problem. It is estimated that osteoporosis costs the Nation over $6 billion annually in health care expenditures including long-term care and lost earnings by afflicted older workers.

Mr. Speaker, allow me to expand on this important point by providing a breakdown of the cost of osteoporosis as estimated by Columbia University:

	Thousands
Direct costs:	
Hospital inpatient services	2,259,750
Outpatient and emergency room institutional services	38,150
Outpatient diagnostic and therapeutic services	4,130
Physician inpatient services	345,690
Physician office, outpatient and emergency room services.	153,980
Other practitioner services	54,960
Drugs	2,030
Nursing home services	2,312,605
Prepayments and administration	128,640
Nonhealth sector goods and service	428,800
Total direct costs	5,728,735
Indirect costs:	
Lost earning—wage earners	362,140
Lost earning—homemakers	53,300
Total costs	6,144,175

Every year 200,000 osteoporotic women over the age of 45 fracture one or more of their bones. Among those who live to age 90, approximately one-third of women and 17 percent of men will suffer a hip fracture that will prevent them from fully regaining normal activity and may result in institutionalization. Severe cases of osteoporosis can, therefore, often mean the end of independent living and the beginning of dependency in the older individual.

It has been estimated that more than 50,000 elderly American women die every year of complications of hip fractures—10,000 more than those who die annually from breast cancer. In addition to bone fractures, this bone condition can also cause the body "to collapse on itself"; the "dowager's hump" is an example of the progressive shortening of the spine and is one of the few visible signs of osteoporosis. On the average, people lose an inch in height as they age. A woman suffering from vertebrae collapse can eventually lose a total of 8 inches or more from her adult height. These fractures and the resultant deformity and disability is accompanied by a great deal of physical and emotional pain.

The cause of osteoporosis is not yet clearly understood. It has been suggested that along with a lowering estrogen level, a sedentary life style and a low calcium intake can also allow this bone condition to develop. Those individuals with a family history of osteoporosis are at increased risk as well.

The best treatment of the disorder is prevention. Studies have shown that 80 percent of bone fractures resulting from thinning of the bones can be avoided with increased intake of calcium and estrogen—50 percent of all fractures could be avoided with the use of calcium alone. Younger women in their thirties and forties need to be especially aware of the importance of daily exercise and calcium intake. For years doctors believed that calcium was not that essential in the diet of adults. This thinking, however, is now changing in view of the evidence that an adequate daily intake of calcium may be the best weapon in the prevention of osteoporosis.

Most Americans do not realize they are calcium deficient with an average daily intake of 450 to 550 milligrams. It is now recommended that individuals should: One, take calcium supplements of 1,000 milligrams a day in their thirties and 1,300 milligrams a day after age 40; two, exercise daily by such weight-bearing exercises as walking or jogging; three, reduce caffeine intake and stop smoking.

By designating the first week in May, "Older Americans Month", as "National Osteoporosis Awareness Week", I hope to focus attention on this serious problem and also to help warn our elderly population and those soon to be elderly. Through an active education program, perhaps through the Department of Health and Human Services [HHS], the State and area agencies on aging, and the National Institutes of Health, we can reduce the incidence of osteoporosis and the pain, deformity, disability, and expenditures associated with the disorder. To this end, I urge my colleagues' support and assistance.

The resolution follows:

H.J. RES. 46

Joint resolution to designate the week of May 1 through May 7, 1985, as "National Osteoporosis Awareness Week".

Whereas 15 to 20 million persons in the United States are afflicted with osteoporosis, a degenerative bone condition;

Whereas approximately 25 percent of postmenopausal women in the United States develop osteoporosis;

Whereas 32 percent of women and 17 percent of men who live to be age 90 will likely suffer a hip fracture due primarily to osteoporosis;

Whereas more than 50,000 older women and many older men die each year in the United States as a result of hip fracture complications;

Whereas hip fracture complications often result in loss of independence for older persons;

Whereas approximately $6 billion is expended annually in the United States for health care costs relating to osteoporosis;

Whereas osteoporosis is associated with the loss of bone tissue due to lack of estrogen and low calcium intake;

Whereas the majority of persons are unaware of the condition of osteoporosis; and

Whereas the best treatment for osteoporosis is prevention through education: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of May 1 through May 7, 1985, hereby is designated "National Osteoporosis Awareness Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate activities.●

THE ENTERPRISE ZONE EMPLOYMENT AND DEVELOPMENT ACT OF 1985

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. McDADE. Mr. Speaker, I am pleased to introduce today in this 99th Congress, the Enterprise Zone Employment and Development Act of 1985. This legislation was developed in consultation with many Members of Congress, the administration, and has strong bipartisan support in this body.

Enactment of this Enterprise Zone Program will provide for an experimental, free-market initiative to deal with economic distress in inner cities and rural towns. The program has two objectives: the first is to create jobs in depressed areas of our Nation's cities, both large and small, and particularly to create jobs for disadvantaged workers and the long-term, hardcore unemployed. The second goal is to redevelop and revitalize economically depressed geographic areas.

The underlying concept of the Enterprise Zone proposal is to create a market environment in depressed areas through relief from taxation, regulation, and governmental burden. Our goal is to improve municipal services, to increase the involvement of the private sector, to get organizations, neighborhood associations, and citizens groups active in our depressed cities. Most importantly, because the program is based on the concept of removing the governmental regulations, rather than providing Government subsidies, it will require no Federal appropriations. In fact, because of the increased business activity and job creation, this legislation will actually contribute to the reduction of the Federal deficit by reducing the number of people on unemployment and other means of support and providing them with jobs that provide taxes to the Federal coffers.

The purpose of this program is intended to stimulate new economic activity within areas that have not otherwise had any new activity at all. The intent behind this program is not to stimulate any particular kind of business, but rather to let the market decide what kind of activities should take place within these enterprise zones. As opposed to some Federal tax programs, this program provides a genuinely balanced set of stimuli for a broad range of economic activities and businesses. States and cities will be key participants in the Enterprise Zone Program. In fact, by the end of 1982, 11 States had enacted enterprise zone legislation and over the past 2 years, many more have considered such bills. This Enterprise Zone Program is creative federalism at its best. State and local governments will provide incentives and contributions to the enterprise zones under this program. Their participation is vital to an integrated effort at all three levels of government.

Mr. Speaker, this program is not a cure-all for unemployment. It is not intended to be a substitute for other Federal programs. It is an attempt, at no net cost, to provide something new at a time when our Nation needs new ideas and new approaches to solve our economic and employment problems.

I will urge expeditious consideration of this legislation in the Ways and Means Committee as well as the Banking and Judiciary Committees, as these are the committees that had jurisdiction over this legislation in the last Congress.

I am including here a review of the principal features of the proposed legislation for printing in the RECORD.

I urge my colleagues to join me in this bipartisan effort to create jobs, to reduce unemployment and to strengthen the economic activity of our Nation.

SUMMARY OF THE ENTERPRISE ZONE EMPLOYMENT AND DEVELOPMENT ACT OF 1985

OBJECTIVES

The proposed Enterprise Zone program is an experimental, free-market initiative for dealing with economic distress in inner cities and rural towns. Its objectives are twofold:

To create jobs in depressed areas of our Nation's cities, large and small, particularly jobs for disadvantaged workers and long-term unemployed individuals.

To redevelop and revitalize the geographic zone areas themselves.

CONCEPTS

The underlying concept of Enterprise Zones is to create a free-market environment in depressed areas through: relief from taxes, regulations and other government burdens; improved municipal services; and involvement of private entities, organizations, neighborhood associations, and citizens groups. Because the program is based on the concept of removing government burdens rather than providing government subsidies, it involves no Federal appropriations.

The removal of these burdens will create a climate for the enterprise system to flourish within the zones, allowing private sector firms and entrepeneurs to create jobs and expand economic activity.

The program is intended primarily to stimulate new economic activity within the zones which would not otherwise have occurred at all, anywhere, rather than to encourage existing outside activity to relocate into the zones. In addition, the intent behind the program is not to stimulate a particular kind of business, but rather to let the market decide what activities should take place in the zones. While the Federal tax incentives are skewed towards labor-intensive businesses and jobs for disadvantaged workers, the program generally provides a balanced set of stimuli for a broad range of economic activities and businesses.

PROGRAM STRUCTURE

The proposed legislation establishes what areas are eligible to be designated Enterprise Zones based on criteria concerning poverty, unemployment, and other indicators of distress. However, this is not an entitlement program, and, consequently, eligible areas do not automatically become Enterprise Zones. Rather, an eligible area must first be nominated by its local and State governments. Both the nominating State and local governments would then apply to the Secretary of Housing and Urban Development for Federal designation. In general, any jurisdiction satisfying the minimum population requirements and which is eligible under the UDAG program would be eligible for State and local nomination if it meets the distress criteria.

The Secretary of Housing and Urban Development will then evaluate the zone nomination on a competitive basis. The primary criterion for choosing which proposed zones will receive Federal designation will be the quality and strength of the incentives to be contributed by the State and local governments. Particular emphasis will be given to incentives and contributions consistent with the overall Enterprise Zone theme of creating an open market environment through the removal of government burdens. These contributions may include tax relief, regulatory relief, increase in the level of efficiency of local services possibly through experimentation with private sector providers of public services, and involvement in the program of private entities, and neighborhood and community groups. Other contributions and factors will also be considered in this competition.

A maximum of 75 zones will be approved during the first three years of the program. There is a rural setaside of at least one-third of the zones designated over the three year period. Each zone's designation will last for the period chosen by the nominating State and local governments, with a maximum of 20 years of Federal participation, plus a four-year phaseout of that participation. The Department of Housing and Urban Development will administer the program.

FEDERAL TAX INCENTIVES

The major features of the Federal tax package are: A nonrefundable investment tax credit for capital investments in an Enterprise Zone. For personal property, such as machinery or equipment, this credit will be 5 percent. For the construction or rehabilitation of commercial, industrial, or rental housing structures within a zone, the credit will be 10 per cent. Unused investment tax credits may be carried over for the life of the zone or 15 years, whichever is longer.

A nonrefundable 10 percent income tax credit to employers for payroll paid to qualified zone employees in excess of payroll paid to such employees in the year prior to zone designation.

A special strengthened, nonrefundable 5 percent income tax credit to employers for wages paid to zone employees who were disadvantaged individuals when hired.

A nonrefundable 5 percent income tax credit to employees for wages paid to zone employees for wages earned in zone employment.

The elimination of capital gains taxed within the zones.

The designation of suitable Enterprise Zone areas as Foreign Trade Zones, providing relief from tariffs and import duties.

The continued availability of Industrial Development Bonds (IDBs) to small businesses in Enterprise Zones when the availability of such bonds is terminated elsewhere after 1986, and use of accelerated cost recovery for IDB financed property.

A carryover of any unused employment tax credits for the life of the zone in which a firm is located or 15 years, whichever is longer, and a carryback of up to three years.

COST AND EFFECT OF THE TAX PACKAGE

The Administration estimates that the cost of the Enterprise Zone program in FY 1984 would be $87 million, since tax incentives would effect taxable years beginning after January 1, 1984; and the cost in terms of foregone revenues would be $400 million in FY 1985, when it is assumed that the increased business activity would have occurred in any event elsewhere. The total cost of the program would then increase commensurately in future years for increased numbers of zones. When, however any of the business activity is new and would not have occurred otherwise, the net cost will be substantially reduced.

FEDERAL REGULATORY RELIEF

Under this proposal, Federal regulatory bodies (all agencies covered by the Administrative Procedures Act) will be given discretionary authority to relax or eliminate their nonstatutory regulatory requirements within Enterprise Zones, but only upon the request of the State and local governments.

To utilize this authority, the State and local governments governing each zone must request Federal agencies to relax of eliminate particular regulations within the zone. The Federal bodies that promulgated the regulations will have the statutory power to grant such requests at their discretion. Congressionally mandated standard will dictate how the agencies use this discretion. The standards will include an instruction to each body to weigh the special job creation and economic revitalization purposes of the zones against other important aspects of the public welfare which may underlie the regulation, and to relax or eliminate each particular regulation within the zone when appropriate. A Federal regulatory body will have no authority to take any action without a prior request from both the State and local governments governing each zone.

Regulations which are specifically proposed and spelled out by statute will not be affected by this authority. The minimum wage law, for example, will not be affected, since the statute expressly reguires that a minimum of $3.35 an hour be paid. The authority will only be used to relax regulations where agencies now have some discretion. Regulations affecting civil rights or the relaxation of which would harm the public safety or health, including environmental health, will be exempted from this authority.

STATE AND LOCAL GOVERNMENT ROLE

The Enterprise Zone program is not simply a Federal Government effort. To be successful, the program must have substantial contributions from State and local governments. In fact, State and local contributions may make the critical difference as to whether a zone succeeds or fails.

The proposed State and local contributions will determine which zones will be Federally approved. The Federal posture towards these contributions will be highly flexible. No particular element of tax relief or regulatory relief, or any other possible contributions will be required. Failure to include one element in a State and local package or contributions can be offset by greater strength in the other elements. It should be remembered, however, that each State and local contribution package will be competitively evaluated against the other State and local packages.

In the area of tax relief, State and local governments may provide reductions in State and local income taxes, property taxes, sales taxes, and other taxes which vary among the jurisdictions.

State and local deregulation may be provided in such areas as zoning, occupational licensure laws, usury laws, price controls, permit requirements, central planning regulations, and building codes.

It the area of service improvement, "contracting out" or "privatization" may be one means of improving local services, along with increased police or fire protection or street or sewer repairs.

State and local governments may also provide funding for projects which contribute to economic development in a zone, such as job training or infrastructure improvements. These governments may use their Community Development Block Grants, Urban Development Action Grants, or Revenue Sharing funds for these efforts.

To encourage local community involvement, State and local governments may encourage the creation of enterprise associations by zone residents. These associations may undertake the provision of some city services in their areas; help local residents to participate in the economic success of the zones, particularly through mechanisms providing for equity participation; and support volunteer, self-help efforts for the zone areas. Participation in the program by other private sector organizations in performing these functions may also be encouraged by the State and local governments. The extent to which residents of the zone have a stake in the success of the zone will be an important factor in the Federal designation competition.●

PERSONAL EXPLANATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. YOUNG of Alaska. Mr. Speaker, on rollcall No. 4, I was unavoidably absent because of a meeting with Secretary of the Interior, William P. Clark. Had I been present, I would have voted "aye."●

A TRIBUTE TO THEODORE A. SWINARSKI

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. LIPINSKI. Mr. Speaker, it is with great pride that I call attention to a respected citizen from Illinois Fifth Congressional District, which I am privileged to represent, and he is Ted Swinarski. Ted, a lifelong Democrat, has served in various offices of city, county and State government for many years. His political career began as a precinct captain of the 12th Ward Regular Democratic Organization.

Ted was elected to the Illinois House of Representatives, Fourth district, in 1948 and served continuously in that post for seven terms. In 1982, he defeated the challenge of the incumbent alderman for committeeman by a margin of almost 3 to 1.

Swinarski was appointed secretary and treasurer of the Cook County Forest Preserve District in 1956 and served in this capacity until 1958. In 1958, Swinarski was appointed clerk of the Superior Court of Cook County, to fill a vacancy. In 1960, he ran for reelection to this office and received one of the highest vote totals ever recorded for county office.

In 1964, legislative enactment abolished the elective office, of the clerk of superior court and merged it into one elected office, which was clerk of the Circuit Court of Cook County, to administer that chancery and divorce divisions of the circuit court. He served in this position until 1982.

In 1969, he ran for the office of State senator, for the 25th District for the State of Illinois and was elected for the term of office.

Throughout his tenure as committeeman, Mr. Swinarski has always maintained a full-time office staff to provide assistance to the residents of the 12th ward. Numerous youth activities were initiated by Ted Swinarski,—among them—youth achievement awards, an annual bicycle safety parade, an annual Christmas party for children, a Halloween art contest, junior olympics, and sponsorship of

many basketball, football, baseball, and swim teams. He has also provided assistance, without charge, to senior citizens of the 12th ward by offering various services, such as high blood pressure testing, preparation of homestead exemption and circuit breaker forms, Social Security information and crime prevention seminars. He has assisted many deserving young students in obtaining scholarships to further their educational goals.

Ted is also a member of many civic and fraternal organizations including, the Moose, Lions, Elks, Archer Avenue Kiwanis, Knights of Columbus, and the P.N.A.

I join with the residents of the Fifth Congressional District in paying tribute to Theodore A. Swinarski for his tireless work in our behalf.●

LEGISLATION TO ESTABLISH THE RADIO MACCABEE PROGRAM OF RADIO LIBERTY

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. RINALDO. Mr. Speaker, I am today introducing legislation which would authorize $3 million for the establishment of Radio Maccabee, a radio program under the auspices of Radio Liberty which would broadcast in the Russian language to the Jewish population of the Soviet Union.

As my colleagues know, the situation in the Soviet Union is growing worse for its almost 3 million Jews. Emigration, which totaled over 50,000 in 1979, has fallen to less than 1,000 last year. Each passing day brings with it news reports indicating an increase in state sanctioned anti-Semitism and the arbitrary detention of those who seek to practice their religion.

While Radio Liberty broadcasts in many languages to the various nationalities which compose the Soviet Union, it does not have a separate service for the Jewish population. Instead, it broadcasts a limited amount of information over its Russian Service which, while of high quality, is inadequate to meet the needs of the victims of oppression.

Radio Maccabee is therefore essential to fight against increased attempts to eradicate Jewish cultural life in the Soviet Union. It takes name from the great Jewish warrior family of Maccabee which led the fight against the repression of the Jewish religion by the Seleucid empire between 175 and 164 B.C. Their success in rededicating the Jewish temple is commemorated annually in the holiday known as Hanukkah. Like the Seleucid rulers, the Soviets must face resistance to their policies which are intent upon preventing Jewish culture to be transferred to the youngest generation, thereby spelling its demise in the next century.

Radio Maccabee would be directed to produce programs of general cultural, intellectual, political, and religious interest to the Soviet Jewish population, as well as Hebrew education courses. Particular attention would be devoted to ensuring that the needs and concerns of the activists as well as the refusnik population are met. It is meant to supplement and not replace any existing programs broadcasted over Radio Free Liberty.

As long as emigration is stifled, Jewish cultural support must be a high priority. With growing Soviet interference over telephone and postal communications, it is important that radio broadcasting be increased to provide Jewish information and education to Soviet Jews. This will be the messenger of hope for those who seek to preserve their culture.●

OHIOAN WINS NINTH MARINE CORPS MARATHON

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. OXLEY. Mr. Speaker, while many of my colleagues were back home in their districts the Sunday before last November's elections, an important event took place here in Washington, DC. It was on that day, November 4, 1984, that the Ninth Annual Marine Corps Marathon was run.

I am proud to draw to the attention of my colleagues the fact that this year's Marine Corps Marathon was won by a resident of my congressional district—29-year-old Brad Ingram, 966 Maumee Avenue, Mansfield, OH.

The difficulty of Brad's accomplishment can be appreciated by long-distance runners, neighborhood joggers and nonrunners alike. The race is a grueling one, to say the least. Just to finish the 26-plus mile course is a real feat. But to beat out the more than 10,000 other runners who attempted the race, as Brad did, took not solely physical stamina, but emotional strength and just plain guts. Brad's time of 2:19:39 was truly impressive.

It is a pleasure and an honor to represent such a fine athlete as Brad Ingram in the U.S. House of Representatives. I know all my colleagues in the House join with me in congratulating Brad on his outstanding athletic accomplishment.●

EXTEND THE MILK DIVERSION PROGRAM

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. GUNDERSON. Mr. Speaker, as we begin the 1st session of the 99th Congress, I think it is most fitting to review one of the legislative success stories of the 98th Congress—the Milk Diversion Program.

Just a little more than a year ago, we passed compromise dairy legislation to address the serious surplus production problem facing the dairy industry. The cornerstone of that compromise was the Voluntary Incentive/Diversion Program I and several of my Wisconsin colleagues introduced in February 1983.

At the time the compromise was passed, there were many who were skeptical about how this voluntary, producer-financed program would work. Now, after 12 months, there is little doubt of its success.

In 1984, the Commodity Credit Corporation purchased slightly more than 8 billion pounds—milk equivalent—of surplus dairy products—less than half the purchases of the previous marketing year. This resulted in a savings of over $1 billion to the taxpayers in fiscal year 1984 alone.

Regrettably, the Diversion Program will end on March 31—6 months prior to the commencement of whatever new dairy program may be in the 1985 farm bill. In the interim, the only program available to our dairy producers will be two $0.50 per hundredweight price cuts.

That means that, in the space of a single year, dairy farmers will face three separate programs. This, in conjunction with all of the other changes made in the Dairy Price Support Program from 1981 to 1983, is clearly unreasonable. Without program continuity, farmers simply cannot make necessary business decisions.

Further, if experience has taught us anything in the last 4 years, it is that price freezes and price cuts, alone, provide no incentive to farmers to reduce production.

Accordingly, I am introducing legislation to extend the Voluntary Diversion Program for 6 months—from April 1 to September 30—until the end of the current farm bill for those producers who are currently enrolled in the program. Participation would be under the same terms and conditions as the original program and strictly voluntary—those producers who do not want to sign up for a 6-month extension do not have to.

The bill would also eliminate the Secretary's authority to make two additional $0.50 per hundredweight price

cuts on April 1 and July 1. Given the success of the diversion and promotion programs, that authority is clearly no longer necessary.

I encourage my colleagues to cosponsor this important legislation that would maintain continuity in the dairy program for our farmers and retain the current levels of reduced dairy production in our country.●

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION 32

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. DENNY SMITH. Mr. Speaker, it is a distinct honor to join with my colleagues today from the House and Senate in the bipartisan introduction of House Concurrent Resolution 32, a bill designed to define a true budget freeze.

Although this is the 4th straight year in which I've joined in calling for an across-the-board spending freeze, today's introduction of House Concurrent Resolution 32 is perhaps the most important action taken to date by Members of Congress interested in passing such a spending freeze in Congress.

Why the importance of House Concurrent Resolution 32? Two reasons:

First, the time has come to clarify and redefine precisely the meaning of a budget freeze. This definition can be found in the body of House Concurrent Resolution 32.

Second, this bipartisan, bicameral introduction of House Concurrent Resolution 32 marks the first time that the growing support for the budget freeze being expressed this year by liberals and conservatives alike can be channeled into a worthwhile legislative vehicle.

The budget freeze must be redefined. At the time I first wrote to President Reagan in 1981 urging that he send a frozen or leveled budget to the Congress, I did my utmost to ensure that he and the Congress had a clear definition of what I meant by a fair, across-the-board budget freeze. Since that time, other Members of Congress and the White House combined have formulated literally dozens of complicated freezes—containing hundreds of modifications, loopholes, and formulas—all under the guise of a budget freeze. In short, their plans represent a meltdown.

I am here today to say that a freeze is a freeze is a freeze.

To be fair, fiscally responsible, and politically palatable, a budget freeze must be evenhanded and across the board. No exceptions, including the Department of Defense. No category, no function, no program, no individual receiving money from the Federal Government can be excluded from the budget freeze. With a true, across-the-board budget freeze, there are no sacred cows.

Today's introduction of House Concurrent Resolution 32 is truly important for political reasons as well. Anytime you see the likes of DENNY SMITH, CHUCK GRASSLEY, JOE BIDEN, MAX BAUCUS, NANCY KASSEBAUM, and TOM TAUKE in the same room in total agreement on a plan to cut the budget deficit by $35 billion, political history is being made.

We Republicans and Democrats can work together to solve our deficit crisis in a fair and even-handed manner. It is our intention to update and expand House Concurrent Resolution 32 into a complete First Concurrent Budget Resolution for fiscal year 1986 when he Congressional Budget Office formulates its new baseline and economic assumptions, expected in February of this year.●

DANTE FASCELL'S 30 YEARS IN CONGRESS

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. SMITH of Florida. Mr. Speaker, today I rise to pay special tribute to my good friend and colleague, Representative DANTE FASCELL.

Recently Richard G. Capen, publisher of the Miami Herald, wrote a column praising Chairman FASCELL's accomplisments in his 30 years in Congress. I, too, would like to thank my Chairman for all he has done for South Florida and the United States.

South Florida is proud to have DANTE FASCELL representing its interests in Congress. We are proud to have DANTE FASCELL as our colleague. America should be proud to have DANTE FASCELL as a framer of its foreign policy.

For the benefit of my colleagues, the column follows:

[From the Miami Herald, Dec. 2, 1984]

FASCELL: CONSUMMATE CONGRESSMAN

You'd think that a politician who has just been overwhelmingly re-elected to a 16th term in Congress might be tempted to coast momentarily. Not Dante Fascell.

The morning after Election Day he was off to Europe as chairman of a congressional delegation to the NATO North Atlantic Assembly. [Among other accomplishments on the two-week trip, he successfully lobbied for increased defense-spending commitments among our allies there.]

Since returning from these key NATO sessions, he has discussed legislative priorities with a home-builders' group, worked to help save South Dade's Deering Estate from developers, and given three speeches in South Florida. He also managed a visit with his newest grandchild, born while he was out of the country.

As chairman of the key House Foreign Affairs Committee (HFAC), Congressman Fascell spoke late last week with the newly elected chairman of the Senate Foreign Relations Committee—Richard Lugar, R-Ind.—to encourage a bipartisan approach on U.S. foreign-policy matters. Tomorrow Fascell returns to Washington as a principal in the Democratic Party's organizational caucus on Capitol Hill. On Wednesday he'll return to Miami to chair a panel discussion on U.S. Central American policy.

Too many South Floridians forget that Dante Fascell—who has done so much for this region—is a major player on today's national scene. After more than 28 years of distinguished service on the HFAC, he has earned his slot as a top congressional leader. I think we often overlook—or take it for granted—the importance of his accomplishments and the truly national signifiance of his assignment.

Well known as a practical, hard-working legislation, Dante Fascell is on the schedule of foreign ambassadors, heads of state, and senior U.S. State Department officials. His common-sense thinking on a broad spectrum of complex international issues is highly respected at home and abroad.

He is an expert on Latin American problems and is strongly committed to protecting human rights. Since 1976 he has chaired the Helsinki Commission, a joint congressional-Executive Branch panel that monitors Soviet-bloc compliance with human-rights agreements.

As a consummate congressman, he manages a careful balance between international duties and constituent demands. He has an amazing ability to rub shoulders with world leaders one day and to flip hamburgers at his annual Tropical Park picnic the next.

Dante Fascell's mark on South Florida has been substantial: Biscayne (Bay) National Park, Federal funds for repair and replacement of the Keys bridge system, acquisition of Government-owned land for Metrozoo, Port of Miami expansion, Federal reimbursement for state aid to Caribbean refugees, and increased Federal law-enforcement assistance for South Florida.

He has taken strong leads on such issues as nuclear nonproliferation, the War Powers Act, strong support for Israel, and expansion of Radio Free Europe, Radio Marti, and Radio Liberty.

Fascell is a master of political negotiation. "I want to get things done around here," he says. According to one of his colleagues, the South Floridian has "an instinctive sense of where the middle lies and how to get there."

Florida Congressman Larry Smith considers Fascell his mentor. "Dante is a tremendous national asset right here in Dade County. He has every bit the credentials of a Secretary of State—and more. Congressman Bill Lehman puts it this way: "Dante is a man of absolute integrity. He's an inspirational leader and a man of his word."

Fascell, whose parents were Italian-immigrant dairy farmers, came to Miami from New York in 1925 at age 8. "As the first-born, I was expected to be musical, and I got stuck with the violin," he recalls. Though Fascell never became a concert violinist, his musical skills did help pay his way through the University of Miami, where he played in a dance band.

In 1954, Fascell started his congressional career with a strong plea for our nation to "sell itself abroad rather than let Russia move in." That concern continues today. "If we are not out in the world giving our message, we will lose out," Fascell warns.

"We're simply not telling our story." That's why he has worked vigorously for three decades to obtain Federal funds for programs dedicated to spreading the message of freedom around the globe.

During the next Congress, Fascell hopes to play a role in developing a bipartisan foreign policy. He already has sent such a message to the Reagan Administration. "Too much is at stake otherwise," he says. "It's going to take the best of all of us if we are going to survive the nuclear age. That's the greatest issue of our time."

Dante Fascell believes our country was founded on the principle of service and sacrifice. He ought, to know; As this area's distinguished leader in Congress, he has given an abundance of each for more than 30 years.

South Florida—and our country—could not ask for a more-dedicated public servant.●

NEED FOR SOLIDARITY WITH THE POLISH PEOPLE

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. VENTO. Mr. Speaker, events in Poland in recent months have generated worldwide concern. While progress has been made, recent events threaten human rights in that country. It is clear that the United States and our allies must continue to apply pressure on the Polish government on behalf of the Polish people.

Amnesty was granted in August 1984 to all political prisoners. This amnesty was a significant step and progress has continued. Just last month Piotr Mierzewski and Bogdan Lis, two leading Solidarity spokesmen were released. Subsequent to these actions the United States has eased sanctions against Poland. The most important step has been the U.S. decision to remove our objection to Polish membership in the International Monetary Fund.

However, not everything is rosy in Poland. While there has been a limited easing of internal tensions, relations between the Government and the people of Poland have been volatile and full of broken promises. While some Poles are released, the Polish Government threatens a new crackdown. The most shocking violation of trust was the murder of Father Jerzy Popieluszko, an outspoken, pro-Solidarity Catholic priest. Officials in the Interior Ministry confessed to the abduction and to the killing of Father Popieluszko, and are on trial. The tragic death of Father Popieluszko has brought to light threats and abductions against other Poles.

The reaction among Poland's labor and human rights activists has been peaceful but pronounced. Human rights monitoring committees have been formed to monitor police violence. The Government has responded to these groups and to peaceful demonstrations with force; these groups have been threatened and foreign journalists have been threatened with prosecution if they attended events held by these monitoring committees. As my colleagues are well aware, the peaceful demonstration last December in Gdansk to commemorate those Polish workers killed during the 1970 worker strikes was forcefully dispersed by the Polish militia and the secret police. Clearly these actions are a retreat from the progress in Poland with respect to human rights.

Mr. Speaker, I recognize the domestic and international pressures which Poland faces. However, we cannot use these threats as an excuse to remain silent on human rights abuses in Poland. Just as the House has spoken out on abuses in the Soviet Union, South Africa and Central America, so too must we speak out against the threats and violence against the Polish people. For this reason I and 89 of our colleagues are introducing today a concurrent resolution to express the support of the Congress for the Polish human rights monitoring committees as well as for the peaceful gestures made by the Poles insisting that they will no longer tolerate suppresssion and intimidation tactices made by the Government. Congress has a responsibility to express its support and sympathy for their cause and for the nonviolent manner in which the Polish people are resisting this repression. I urge my colleagues to join in support of this resolution. I hope that the full House will consider this important human rights issue in a timely fashion.

On December 13, 1984, the 3-year anniversary of the imposition of martial law in Poland, the AFL-CIO and the Polish American Congress sponsored the U.S. premiere of the Tom Stoppard film, "Squaring the Circle." In conjunction with this event, AFL-CIO Secretary-Treasurer Thomas R. Donahue and Solidarity representative Waclaw Adamczak spoke. Both gentlemen eloquently brought home the need for continued U.S. action and the problems facing the Polish people. At this time I would like to share with my colleagues the statements of Messrs. Donahue and Adamczak.

STATEMENT OF AFL-CIO SECRETARY-TREASURER THOMAS R. DONAHUE TO THE SOLIDARNOSC RECEPTION

I am delighted, on behalf of the AFL-CIO, to welcome all of you to our headquarters on this special day.

It was three years ago today that General Jaruzelski imposed martial law on the Polish people, outlawed Solidarnosc, and arrested thousands of trade union activists.

Clearly this is not an event to be celebrated. But it is an occasion to be marked by a reaffirmation of our support for the brave men and women of Poland who, guided by the irrepressible spirit of Solidarity, continue to struggle for an added measure of democracy, human rights and free trade unionism.

Today that struggle is expressed in countless forms—cultural and educational organizations, underground publishing houses, church activities, mutual aid societies, and, of course, the underground Solidarity movement—and it involves tens of thousands of people.

To all of them we have a moral obligation not only to lend material support but to serve notice on the Polish government that it cannot expect economic assistance from the people of the United States so long as it continues to oppress its own people.

For those who formulate the foreign policy of the United States government, the question of Poland may be fraught with ambiguity. But for the AFL-CIO, our task is clear: it is to respond as fully as we can to the needs of the workers of Poland—just as we seek to respond to the needs of the workers of South Africa, El Salvador and Chile.

This evening you would have been welcomed here by President Kirkland, but he is in Brussels attending an Executive Board meeting of the Executive Board of the International Confederation of Free Trade Unions, where the issues of South Africa and Poland are being discussed.

We have just received word that President Kirkland and a delegation from the ICFTU attempted today to deliver to the Polish Embassy in Brussels a statement in support of workers rights in Poland and demanding restoration of trade union rights. The delegation was turned away from the Embassy.

In Warsaw today, Solidarity founder Lech Walesa called for "open action" to revive free trade unions in Poland and said his banned trade union was still alive.

"I call on all union activists to take up this action now," Walesa said. "Solidarity is alive. It is a big national movement striving for the respect of human rights and the dignity of every man in Poland." Reviewing the situation in Poland since the December 13, 1981, clampdown, Walesa said: "The last three years revealed a complete bankruptcy of those who imagined that in Poland, one can bring about changes without the aid of the people."

In a clandestine broadcast Wednesday evening, which was jammed by the authorities, Solidarity called the clampdown "Black December" and said the government had "little to be proud of."

But the Communist Party newspaper defended the clampdown and said "The application of instruments of martial law were efficient."

Tonight in America, we pledge our voice will not be stilled in support of the sentiments Walesa expressed.

We are here this evening to see, for the first time in the United States, a remarkable motion picture about the struggle of Solidarnosc and its leader Lech Walesa. It is all the more remarkable as the first film ever written by the world-renowned playwright, Tom Stoppard.

It is called "Squaring the Circle," and it is also being premiered today in Chicago, under the sponsorship of the Polish American Congress. Stoppard took the title from a speech in his play which likens the geometric impossibility of squaring a circle within the same area to the impossible dream of a free trade union surviving in a totalitarian Marxist State.

We are fortunate, on this day of Solidarity with Solidarnosc, to have with us a member of the National Commission of Solidarnosc, Waclaw Adamczak. He is an econo-

mist and was co-author of Solidarnosc's economic program. He comes from Poznan, was jailed for eight months, was released in July of 1982 and now resides in the United States and works for the Committee in Support of Solidarity.

REMARKS BY WACLAW ADAMCZAK, MEMBER OF THE COMMITTEE IN SUPPORT OF SOLIDARITY IN NEW YORK.

Distinguished guests, ladies and gentlemen: On behalf of the Committee in Support of Solidarity, I would like to express our gratitude for your support of solidarnosc, and for continuing to uphold the cause of the polish people.

The screening of Tom Stoppard's play, which you are sponsoring today, is yet another example of your efforts to remind the American people about our struggle for freedom and the preservation of human dignity. I hope that you will forgive me for taking exception to one sentence printed in the invitation to this event, It says that Stoppard's drama is about the rise and fall of solidarity. It is true that with the imposition of marital law in Poland exactly three years ago Solidarnosc has fallen on hard times, but it has not fallen!

The squaring of the circle did not stop on December 13, 1981. The continuing struggle of the solidarity underground, of the democratic opposition, indeed of the whole Polish society has consistently forced the rulers of Poland to wrestle with the dilemma posed by the first free trade union in the Communist world. Even the most recent events have demonstrated that three years of Communist-military rule have failed to solve the political and economic crisis in Poland. In fact, General Jaruzelski lost even in his attempt to wrap his unquiet people in a blanket of silence, to make the Polish crisis invisible so that he could pretend before the West that Poland has returned to normal. Every time he has made a gesture to reassure Western democracies that it would be all right to resume normal economic and political relations with his government, a cry of the oppressed rises from behind his back.

The murder of Father Popieluszko in the hands of the secret police—in a police state—is but the latest and best known incident. During the last three years there have been many others. Over sixty people have been killed in Poland by the security forces. Some were shot in the streets, others were murdered in secret, just like Father Popieluszko. You all know about the arrests, harassment of opposition activists, dismissals from jobs, and other repressive actions taken against anyone who refuses to remain a silent, obedient subject of the Government; against people who continue to oppose the destructive policies of the Government.

What you may not know is that the police and security forces are not the only instruments of the Jaruzelski regime in its attempt to still the Polish society. Equally, it is using economic policies for the purpose of repression. The disorganization of the economy, shortages of food and basic consumer goods, Government's labor practices, and the entire system of distribution are used to punish the society for its rebelliousness, for its stubborn demand that people be given a voice in the conduct of their own affairs.

Therefore nobody should be fooled by the diplomatic signals the regime is sending to the west, or by the solemn expression of concern and sorrow which the General adopts for the benefit of gullible foreign journalists. So long as the political and economic repression in Poland continues, no amount of aid can help the Polish people; it can only be used to support and strengthen the very regime which is responsible for Poland's present situation.

The Stoppard play presents the history of solidarity in 1980 and 1981 as a high political drama. I know that you will appreciate its concern, its sympathy for the aspirations of the Poles, and its occasional humor. Let me just make this plea for Solidarity and for Poland: Remember that the card game that you will see in the film is played not with a deck of cards but with the lives and hopes of a wounded, oppressed, and enslaved people who nevertheless have not been defeated. Let each of us do what he or she can to help them in their noble struggle. Thank you very much.●

DEFENSE PETROLEUM RESERVE

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. THOMAS of California. Mr. Speaker, I rise to encourage my colleagues to join me in cosponsoring legislation to create a Defense Petroleum Reserve assuring emergency supplies for our defense forces.

Today, the Department of Defense needs about 50,000 barrels per day [b/d] of fuel for peacetime operations. Demand would increase to between 2 and 2.5 million b/d during a multiple-theatre, full mobilization conflict. As the past decade and a half illustrates, military fuel supplies can become tenuous in both peacetime and during full mobilization.

Part of our past planning for emergency military needs has included the development of our Naval Petroleum Reserve [NPR] system. The largest part of that system, Naval Petroleum Reserve No. 1—Elk Hills—lies within my Congressional District. While Elk Hills can supply 4 percent of DOD's current wartime and 16 percent of the Department's peacetime requirements, continued production will reduce the Reserve's value so that, for example, only 5 percent of DOD's peacetime needs could be supplied in the year 2000. Shutting in Elk Hills is not the solution either. Not only would it take 6 to 12 months to bring Elk Hills back to full production, but ultimate recovery from the reserve could diminish by as much as 37 to 110 million barrels of currently recoverable reserves, according to estimates I have seen.

The alternative I propose is simple: Construct a dedicated facility with a minimum drawdown capacity of 3 million barrels per day. The bill I am introducing creates a Defense Petroleum Reserve having the energy equivalent of 100 million barrels of crude oil in total storage. Generally, supplies would be available for use for emergency national defense purposes identified by the Joint Chiefs of Staff, and would only be released on a Presidential declaration of an emergency.

To fund this reserve, the bill generally sets aside 50 percent of the proceeds from sale of the U.S. share of Naval Petroleum Reserve petroleum, the U.S. royalties on such production and of other revenues the United States may derive from NPR operations.

At the same time, this bill allows more prudent production of our current Naval Petroleum Reserve system by ending the 3-year cycle that currently affects NPR operations. Instead of considering whether to shut in fields, risking loss of crude oil resources, the United States could efficiently produce the Naval Petroleum Reserves in return for construction of a rapid drawdown facility dedicated to fueling our defense forces.

Mr. Speaker, before closing I want to make two things about this new bill quite clear. First, the Defense Petroleum Reserve allows the Department of Defense to develop the overall plan for the new Reserve, and the Department would be free to employ more than one storage site so long as it followed the guidelines for plan development required by the bill. Second, the bill provides authority for the acquisition of various kinds of facilities. I would expect such authority to be used only in cases of dire need. As the United States has a significant amount of refining and other fuel processing capacity, there appears to be no need to use such authority today, and it is provided largely as a precaution.

Again, I hope my colleagues will join me in cosponsoring this important bill. A dedicated facility offering our armed forces emergency energy supplies will improve our military's readiness and help eliminate some of the uncertainties the Defense Department faces in trying to ensure fuel is available when needed.●

CHILD HEALTH REVOLUTION

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. DORGAN of North Dakota. Mr. Speaker, amidst the tragic and sobering news about famine in Africa comes some good news which we should not overlook. The U.N. Children's Fund [UNICEF] 1985 report points the way to saving 7 million children each year.

UNICEF has discovered the elements of what amounts to a child survival revolution. They include oral rehydration salts, breast feeding, growth charts, and expanded immunization.

What is amazing about the UNICEF plan is that it not only saves the lives of children, but also reduces population growth. UNICEF estimates that if

its four point plan cuts the infant mortality rate in half in the next decade, world population would reach only 8.5 billion instead of a possible 10.5 billion.

Already, new child health programs have lowered child deaths and population growth in Columbia, Brazil, Algeria, Indonesia, Pakistan, Turkey, and elsewhere. But there is much more to do and a strong U.S. commitment to UNICEF can help ensure that the child health revolution does not fizzle. While the United States has pulled out of UNESCO, it should redouble its contribution to UNICEF.

Our food for peace donations program and help for UNICEF's child health revolution are the best foreign aid investments which we can make. The article below shows why UNICEF works.

The article follows:

[From the Christian Science Monitor, Dec. 19, 1984]

FINDING A WAY AND THE WILL TO SAVE CHILDREN IN THE THIRD WORLD

(By David K. Willis)

One of the most urgent needs of the entire third world is to achieve what United Nations officials call a "child survival revolution"—fighting the ancient scourge of high mortality rates, especially among babies less than one year old.

Today comes some encouraging news that such a revolution might have begun, though the experts warn at once that much, much more remains to be done.

In a report entitled "The State of the World's Children 1985" and released in London, the UN Children's Fund (UNICEF) says:

An opportunity now exists "to save the lives of approximately 7 million children a year, and to protect the normal development of many millions more, at a cost which certainly does not exceed a fraction of 1 percent of the world's gross national product."

The lives of half a million children were saved in 1984 by using a simple, inexpensive method to combat dehydration, which is the single biggest cause of death among third-world infants.

Lowering infant death rates does not add to the third world's already severe overcrowding problems but actually helps reduce them. UNICEF's executive director, James P. Grant, argues that there will be no "surge in world population" if more children live:

"All the evidence suggests that a reduction in the number of child deaths would also help bring about a greater reduction in the number of child births," he says.

The greater the chance of a child surviving, Mr. Grant says, "the less the parents need to insure against loss by bearing more children than they actually want." Parents may space their children more widely, and educated women are more interested in family planning—two more reasons, UNICEF says, why overall birthrates will go down.

The new report even prints a diagram claiming that if infant mortality is cut in half in the next decade, world population would reach only 8.5 billion by the year 2100 instead of 10.5 billion as it says other UN figures indicate.

Other UN officials contacted in New York add a note of caution. The UN Fund for Population Activities (UNFPA) agrees that lower infant mortality rates do help reduce total birthrates, but it points out that other factors are also extremely important—raising the status of women, for instance.

"Certainly the experience in Kerala in India, and in Sri Lanka, has shown that falling child mortality rates were followed by lower population growth rates," says Jyoti Singh, a senior UNFPA official. "But many other things also have to happen: better health care for mothers and children, the ability of women to find work outside the home, women's literacy, and so on."

Officials say the 10.5 billion figure used in the UNICEF chart is the most optimistic of three variants cited by UNFPA: Given more pessimistic scenarios of progress, world population could reach 14 billion, even if progress is made in lowering infant mortality.

Nonetheless, UNICEF is encouraged that a significant start has been made toward allowing many more third-world children to live longer, and it sees a number of added benefits from the trend.

The fundamental issue is not medical or technical—it is one of perception and understanding, many UN officials say.

"We are talking about bringing about a mass ripening for change, about opening people's mental boxes in which habitual acceptance of a low level of health and a high rate of death among their children is locked up as socially or fatefully decreed inevitabilities," says UNICEF official Tarzie Vittachi.

"We are talking about transforming deeply inlaid attitudes and practices and helping people to see over the hill.

"What needs to be done then is to present new knowledge to people as a way to empower themselves to change their perception of 'normality' or 'inevitability.'"

Tony Hewett, another UNICEF official, says that one of the most urgent development needs in the third world is spreading the word that change is possible if people know where to go and what to do to find it.

"This is a time in history when the richer countries are somewhat disillusioned with 'development,'" he said in an interview in London.

"I know people have responded to the African famine, but recession and other constraints have generally acted to hold development budgets down and to reduce soft-loan World Bank lending," Mr. Hewett said.

"Now we have news of progress toward saving children's lives on a wide scale, at low cost."

The UNICEF report points to four elements in what it sees as its potential "revolution":

Teaching mothers to monitor the growth and feeding of their infants. Using a simple 10-cent growth chart could help eradicate half of all child malnutrition, UNICEF says.

Encouraging breast-feeding of infants whenever possible as the best nutrition a baby can have in its first six months of life.

Restoring salts and fluids to children suffering from diarrhea by using 10-cent packets of salt and sugar or homemade mixtures of the two. (UNICEF says it has distributed 65 million of these packets to 78 countries so far.)

Emphasizing the do-it-yourself aspect of these methods, UNICEF says they could be spread to half of the world's families in the next five years, saving the lives of about 2 million children every year.

An expanded program of immunization against six common diseases that the UN says kill or disable 10 million children a year.

UNICEF cites examples of new activity to lower child mortality in Colombia, Brazil, Algeria, Indonesia, Pakistan, Turkey, and elsewhere.

Mr. Hewett singles out a plan by President Belisario Betancur Caurtas of Colombia, due to be announced today, to reduce the national infant mortality rate from 57 per thousand to 40 per thousand in five years.

For comparison, the infant mortality rate in the United States was 10.9 per thousand in 1982.

In Britain the rate was about the same, but in Ethiopia it was 146 per thousand and in Sierra Leone, 206.

UNICEF works through local communities, Mr. Hewett emphasized.

"Development," he said, "is a process going on inside each one of us. We all strive for self-realization. . . . So do people in the third world—and they want to help their families by saving the lives of their children.

"We can help."●

INDIVIDUAL TRAINING ACCOUNTS ARE NEEDED MORE THAN EVER

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. BOEHLERT. Mr. Speaker, today we open the 99th Congress, but we have much unfinished business from the 98th. Our problems have not disappeared because of the arbitrary turn of a calendar page.

One continuing problem in my district, and in many areas of this Nation, is that of displaced workers—employees who have been laid off permanently because their skills have become obsolete.

A recent Labor Department report determined that 2 million displaced workers who lost their jobs between January 1979 and January 1984 are still without work. Many of those who have found new jobs are working for substantially lower pay.

In my own district, continuing industrial layoffs are causing a sharp rise in the unemployment rates of some counties.

These statistics should be a warning to all of us. We cannot sit back complacently and ignore the growing ranks of displaced workers. This problem is likely to get worse, not better, as the economy continues to adapt to high technology and international trade.

With that in mind, Congressman DICK DURBIN and I are reintroducing our National Individual Training Account Act today. Our bill already has 40 cosponsors including members of every wing of both political parties. And at hearings last year before the Banking Subcommittee on Economic Stabilization, our proposal was endorsed by several economists and Members of Congress.

The reasons for this broad support are clear. The bill addresses a real problem in an innovative, efficient way that promotes both individual initiative and employer-employee cooperation. And it builds on ideas used in the highly successful GI bill and individual retirement account programs.

The bill would allow workers to establish tax-free individual training accounts [ITA's] that they could then draw on to pay for retraining if they were laid off. The accounts would require equal contributions by the employer and the employee.

This simple program, which would create no new Government bureaucracy, could go a long way toward easing life for future displaced workers. And that would make for a smoother transition for our economy as a whole.

I urge my colleagues on both sides of the aisle to cosponsor this bill and to join with me in pushing for its passage.●

A NEW SHIP CONSTRUCTION AND RECONSTRUCTION PROGRAM TO ENSURE ADEQUATE NATIONAL DEFENSE CAPABILITIES

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. McKERNAN. Mr. Speaker, today I am introducing a bill to amend title VII of the Merchant Marine Act of 1936 to provide for the construction in U.S. shipyards of modern vessels with a dual commercial and military adaptability. The new ships would be paid for by the Department of Defense and sold or chartered to U.S. citizens for operation in the commerce of the United States. Vessel operators would be permitted to deposit their obsolete, but militarily useful ships into the National Defense Reserve Fleet to defray charter costs.

The single most important justification for the support of a U.S.-flag merchant fleet is the need to have strategic sealift resources available in time of war or national emergency. There is, of course, an economic justification for the merchant marine, but it is less well defined, and the rationale has been debated by economists within our own Government. On the other hand, the military necessity for a U.S.-flag merchant fleet for sealift purposes is indisputable.

In wartime, fully 90 percent of the supplies needed to support our troops must be carried by sea. Some estimates say two merchant vessels are needed to support a single gray hull or warship and the associated complement of Armed Forces committee ashore. In fact, this was the British experience in the Falkland Islands conflict. If we are to have a 600-ship Navy, then at a minimum, 1,200 merchant ships capable of acting as military auxiliaries will be necessary. At the present time, all sources considered, there are 1,100 militarily useful vessels available to our Nation should we need them. At first blush, the shortfall appears to be, at worst, modest, and one might ask, why the cause for alarm? A brief analysis of the sources of our military sealift exposes the fallacy of relying upon the estimate of 1,100.

Of these 1,100 ships 400 are pledged from NATO countries and would be unavailable in a non-NATO conflict. One hundred and eighty-three are aging vessels in the National Defense Reserve Fleet whose ability to perform is uncertain. Seventy-two are owned by U.S. citizens, but are operated under foreign flags and crewed by foreign crews whose allegiance may not lie with U.S. interests.

Considering these facts, it quickly becomes apparent that the fleet upon which we can depend is around 545 vessels, less than half the size we'd need in time of war, and this does not even take into consideration the ships required to supply everyday business and industrial needs. Nor does it consider battle casualties. Remember, we lost more merchant ships in World War II than we have in the entire U.S.-flag commercial fleet today. The facts bear out the shocking urgency of the situation. We have heard over and over again that the merchant marine is our "fourth arm of defense." It is frightening to think that this arm could not be raised in defense should it be needed.

Surely a commercially generated maritime rebirth would be preferable to a Government-financed ship construction program. If I thought that might happen, I would not stand before you today to ask for your support of this bill. The sad fact is commercial forces cannot and will not result in the construction of vessels with national defense relevance. Indeed, future construction of any commercial vessel in a U.S. shipyard is doubtful. Navy construction alone will not support our shipyards. It is time we faced this defense weakness head on—the problem is not prospective, the decline of our shipyard and labor base is a present one—the price of any further delay will be the loss of our already struggling shipyards and maritime labor base so necessary to the defense of our country.

My message is really a simple one. We need vessels in greater numbers, active shipyards, and a skilled labor base for our national defense. Our present capabilities fall short of our need. It is unlikely that commercial market demand will generate construction here in the United States and almost certainly will not result in the type of ships our defense strategy demands. Yet, we require these vessels just the same.

My bill would result in the construction of modern, efficient vessels capable of use both commercially and in time of war. They would replace older, less efficient tonnage which could move into the National Defense Reserve Fleet under the trade-in provision of the bill. The new vessels would be available for charter at rates which would permit them to compete in the U.S. foreign and domestic trades, but at rates sufficiently high so as not to unduly disadvantage existing U.S. operators in the same trade.

Although my program will entail some cost, if our national strategy of forward deterrence is to mean anything at all—we must have merchant vessels to support our Armed Forces. This is a legitimate cost of national defense and one which I believe we as taxpayers ought to be willing to pay. The Department of Defense, whose responsibility is the defense of our country, ought to be the source of funding for this program.

Clearly, the bill is not a panacea, but a realistic balm for an ailing defense industrial base, providing jobs, increased tax revenues to the Treasury, an improvement in the balance of payments, an infusion of militarily valuable vessels into the National Defense Reserve Fleet, and modern, economical defense relevant vessels into the active U.S.-flag merchant fleet. I urge my colleagues to support my bill and a new era of growth in our merchant fleet.●

THE 25TH ANNIVERSARY OF DR. ALFRED GOTTSCHALK

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. LUKEN. Mr. Speaker, today I would like to commend Dr. Alfred Gottschalk for his dedication and accomplishments in his 25 years of service to the Hebrew Union College-Jewish Institute of Religion in Cincinnati. His devotion to the Jewish community and the college, which he serves as president, has resulted in the development of extensive educational programs for the study of Reform Judaism, enhanced interreligious communication and understanding, and increased participation of women in the rabbinate.

Dr. Gottschalk has most recently been accorded the highest honor, that of giving the prayer at the beginning of the second inauguration for President Reagan on January 21, 1985.

Dr. Gottschalk was born in Oberwesel, Germany, in 1930. He came to America as a youngster with his parents, who fled the Nazi government.

He was ordained rabbi in 1957 after completion of studies at the New York and Cincinnati Schools of the College-Institute. The school, with campuses in Cincinnati, New York, Los Angeles, and Jerusalem is primarily a graduate institution that trains reform rabbis, cantors, educators, and communal workers.

Dr. Gottschalk's myriad activities have earned him numerous fellowships, degrees, and awards, including a Smithsonian Institution research grant in 1963, election as an Honorary Fellow of the Hebrew University, Jerusalem, in 1977, and the degree of L.L. D. from Xavier University in Cincinnati in 1981 after inaugurating Xavier's first chair of interreligious ecumenical studies. He has actively participated in many organizations related to both religious and secular causes. Currently, Dr. Gottschalk is a member of the U.S. Holocaust Memorial Council.

To be sure, the Jewish community in Cincinnati and throughout America has benefited from the enthusiasm and commitment of Dr. Gottschalk. But to laud him only for his accomplishments to the Jewish Reform movement would be less than complete. He has also sought to improve education, promote community service, and involve women in the leadership of the reform movement.

I ask my colleagues to join me in congratulating Dr. Gottschalk on his 25th anniversary with the Hewbrew Union College-Jewish Institute of Religion. We are fortunate to have a man of his character residing and working in our community.

His emphasis on creating greater understanding and harmony among people of all races and religions cannot be better stated than by Dr. Gottschalk himself, when he says, ". . . While we do not diminish our concern for the affairs of the general community and universal civilization. The two are interlocked and inseparable."●

LONG-DISTANCE TELEPHONE SERVICE

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mrs. COLLINS. Mr. Speaker, less than 10 days ago, more Americans made long-distance calls than at any other time of the year. For many who used the services of the competing long-distance telephone companies, those recent Christmas day calls were cheaper than ever before. Regrettably though, we cannot be sure that long-distance service will be available at competitive rates next Christmas.

In 1984, the American consumer struggled through a new process to order and obtain telephone service. In my opinion, the confusion and frustration experienced in the short run should give way to considerable benefits from the newly competitive telephone industry. Indeed, this was the very objective of the court-approved divestiture of AT&T's former local operating companies as well as the Federal Communication Commission's access charge decisions. These benefits are expected to take the form of, among other things, cost-based pricing, a greater range of telecommunications products and services and, most significantly, lower distance rates.

The divestiture and the extra burden imposed on the consumer could be without long-term benefit unless we in Congress, the Federal Communications Commission, the Department of Justice, and the courts ensure that competition continues within the long-distance telephone industry.

I want to call your attention to a recent editorial by the New York Times and more importantly, to the following comment by the head of one of the alternative long-distance telephone companies. (Both reprinted below).

Let's make every effort to support a growing competitive marketplace for all Americans who want to and need low cost telephone service. And let's make sure on Christmas day, 1985 and beyond, when millions and millions of Americans call their family and loved ones, that they will continue to save a little money because competition keeps their rates down.

[From the New York Times, Nov. 26, 1984]

GIVE AT&T SOME ROOM ON RATES

Like other public utilities, A.T.&T.'s long-distance phone rates are regulated to insure that its virtual monopoly does not generate excessive profits. But unlike other utilities, the company does compete directly with unregulated companies providing some of the same services.

That leaves A.T.&T. at a disadvantage when it comes to attracting the capital it needs for growth. Shewdly, it proposes a plausible remedy—a flexible rate of return that would not threaten either competing firms or phone customers. The idea might also be applicable to other utilities whose productivity is stifled by more traditional regulation.

Any company that wants to offer long-distance phone service may now do so at any price. But the Federal Communications Commission continues to control A.T.&T.'s rates, for the sound reason that it still has so much of the business that it could use price reductions to keep competitors from ever getting started. Until the F.C.C. decides that MCI, Sprint and a dozen other firms are able to compete on an equal footing, A.T.&T. must continue to seek approval for phone rates and show that they are needed to earn a fair return on the stockholders' capital.

That puts A.T.&T. in a difficult position. The loss of its monopoly makes the company's profits on long-distance service far more volatile. Its monthly returns on stockholders' equity have ranged this year from a meager 5.8 percent to a considerable 18.5 percent. The company fears that the commission might seize on temporary high profits to force its rates down too much. But judging from past experience, the company has reason to fear that it would not be quick to obtain higher rates if its profits were to fall below the sanctioned rate. It argues with some justification that the net result will be higher charges for the money it borrows in the financial markets.

A.T.&T. has therefore asked that the commission agree to a more flexible range of profit targets. Once granted what is considered a fair rate of return to stockholders, A.T.&T. would not be allowed to seek higher phone rates until its profit had fallen three percentage points below the target number. Similarly, the commission would not insist on lower phone rates until A.T.&T.'s return on equity exceeded the target by at least three points.

That approach would not solve the harder problem of determining a fair return for a company poised so awkwardly between competition and monopoly. But by letting A.T.&T.'s return fluctuate in the range common to other large industrial firms, the commission would eliminate one special obstacle to its financing, without exposing the public to monopoly pricing.

The hidden bonus is that such flexible returns for A.T.&T. could inspire similar experiments in industries selling electricity and natural gas, which come closer to being traditional regulated monopolies. It's long been understood that fixed returns reduce their incentives to improve efficiency. Utilities are discouraged from pursuing extra profits because they tend to be taken back the next time the regulators adjust their prices.

In proposing flexible return targets, A.T.&T. is serving its stockholders. By granting the request, the F.C.C. would be serving the public.

[From the New York Times, Dec. 13, 1984]

AT&T REACHES OUT FOR A NEW MONOPOLY

To the EDITOR:

I have several comments on your Nov. 26 editorial regarding A.T.&T.'s rate-of-return proposals before the Federal Communications Commission ("Give A.T.&T. Some Room on Rates").

While it is true that competition for long-distance service was promoted by the divestiture, non-A.T.&T. long-distance carriers still experience significant difficulties and shortcomings in the quality of access they receive from former A.T.&T. local telephone companies. The blunt truth is that even after so-called "equal access" is introduced, A.T.&T. will continue to enjoy major facility and service advantages over its competitors.

As your editorial points out, A.T.&T. has largely retained its monopoly position, holding on to approximately 90 percent of the long-distance market nationwide. This dominating monopoly position is the direct result of A.T.&T.'s historical position as a monopoly carrier and those disparities in "equal access" that continue to exist. Until A.T.&T. ceases to be a monopolist, rate-of-return regulation of A.T.&T.'s communications activities will be required to prevent abuses of its monopoly power.

Granting A.T.&T.'s requests for flexible rate-of-return targets is inconsistent with these observations. A.T.&T.'s proposal before the F.C.C. goes much farther than your editorial indicates. Its reasonable-lati-

tude proposal is not really what A.T.&T. wants at all; what it wants—and has publicly stated—is immediate deregulation. Such deregulation would enable A.T.&T. to strangle competition entirely. In the meantime, it has settled on its flexible-return proposal as second best.

The competitive long-distance carriers oppose any proposal that would allow a unitary flexible rate of return for A.T.&T. to lump all its various long-distance services together in order to obtain a generalized rate of return that would not reflect real differences in cost and demand among services. A.T.&T. could then price certain price-sensitive services high, at the same time keeping the prices of services that are competitive artificially low, to undercut competitors.

The point is that a generalized rate of return would enable A.T.&T. to do this at will within a prescribed, flexible low end/high end rate variance. There would be no regulatory scrutiny to determine whether high-price services were, in fact, subsidizing low-price services.

Given A.T.&T.'s huge monopoly position, the threat of cross-subsidization is very real. In fact, the threat is so real that the F.C.C. must continue to require A.T.&T. separately to cost out not only its basic service offerings, but also individual services offered within service offering groups.

For example, the F.C.C. has determined that one of A.T.&T.'s message telephone service (M.T.S.) offerings, the so-called "block of time" calling feature, is priced so low that it is actually earning a rate of negative return. Very clearly, other M.T.S. services are subsidizing this feature, which is specifically directed at A.T.&T.'s long-distance competitors.

If this kind of anticompetitive behavior is allowed to continue, A.T.&T. can be expected to garner significant gains above and beyond its already huge market share. These gains would not result from the competitive excellence of A.T.&T.'s service offerings, but from the price leverage A.T.&T. is uniquely able to exert owing to its monopoly power.

In short, A.T.&T.'s rate proposal would yield it yet another means to consolidate its position as a continuing de facto monopolist. The ironic result would be an eventual return to the state of affairs the divestiture sought to remedy.

MELVYN J. GOODMAN,
President,
Allnet Communication Services, Inc.

SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

HON. DAN COATS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. COATS. Mr. Speaker, I rise in support of the resolution introduced today calling for the reauthorization of the Select Committee on Children, Youth, and Families.

As a member of the committee since it began its important work 2 years ago, I can attest to the accomplishments that have been made toward documenting the circumstances currently affecting American families. The committee has held 25 hearings on diverse family topics such as child abuse, paternal absence, and juvenile delinquency. The goal of these hearings has been to establish a knowledge base for understanding the complex challenges facing families today. Five reports were issued that begin to yield a statistical portrait of demographic trends and social realities.

The task which still presents itself to this committee is to analyze the specific approaches, policies, and programs that strengthen or weaken family ties. What we have learned about the current realities of American family life serves as the context for our future work. We can now begin to test the appropriateness of some public sector initiatives based on our findings and ultimately make specific policy recommendations.

Much of the groundwork has now been laid. There is still however important work to be done. While differences exist, there is every reason to believe that the bipartisan efforts made to date will continue to the benefit of effective policymaking for children and families.●

GEORGE WILL DISCUSSES SOVIET ARMS CONTROL—THE AFGHANISTAN MODEL

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. KEMP. Mr. Speaker, all men and women of good will wish for unqualified success in the upcoming rounds of arms control negotiations with the Soviet Union. That success will be rendered impossible if the American people and our representatives at the bargaining table speak and act as if they were naive about the nature of our adversary. Indeed, proper arms control agreements become necessary just because of the nature of the Soviet regime: Britain, for example, also has nuclear weapons, yet the freedom-supportive and democratic character of British Government makes it unnecessary for us to seek such an agreement from Britain.

The real nature of any regime is understood not by its words alone but by its words in the context of its actions. I urge all those in the administration who are pushing for an arms control victory to meditate on George Will's revealing article on the way the Soviets have been treating the people of Afghanistan. George Will's column is based on reports from the human rights monitoring group, Helsinki Watch. It should be remembered that Helsinki Watch is an outgrowth of a previous United States-Soviet effort to stabilizing tensions, the Helsinki accords. The search for peace can never be separated from a consideration of the quality of that peace, and the ultimate question arms controllers must answer is whether an arms control agreement enhances U.S. freedom and security in the world.

[From the Washington Post, Jan. 3, 1985]

AFGHANISTAN IS NOT IRRELEVANT

(By George F. Will)

The U.S. delegation to the Shultz-Gromyuko demi-summit has packed its shirts and socks and illusions (the socks and shirts are in suitcases; the illusions are in an enormous trunk), so this is a good time to notice a statement that recently issued from the president, a statement concerning a subject that arms controllers insist is irrelevant to arms control. The subject is Afghanistan. The president said continued Soviet butchery there is "a serious impediment to the improvement of our bilateral relations."

Now, that is simply untrue. The Reagan administration is so eager for "improved" relations ("improvement" means less friction, which means more U.S. passivity as the Soviet Union behaves as it always does) that when the president spoke to the United Nations last year, his reference to Afghanistan was so brief and limp that William Buckley said the president "made it seem as though the poor Afghans were suffering from chicken pox."

What the Afghans actually are suffering is reported in the current New York Review of Books, in an excerpt from a report from Helsinki Watch. That organization monitors compliance (where the Soviet Union is concerned, comprehensive noncompliance) with the Helsinki accords.

The report tells of the fate of two brothers, aged 90 and 95, both blind, who remained in their village when everyone else fled from a Soviet offensive last year. The Russians tied dynamite to their backs and blew them up.

Between 4 and 5 million Afghans (about one-third to one-fourth of the population; think of 60 million Americans) are refugees in Pakistan and Iran. They have fled because, the report says, "the crimes of indiscriminate warfare are combined with the worst excesses of unbridled state-sanctioned violence against civilians."

The authors of this report met an Afghan doctor who has lost 42 members of his family and had just learned that two had recently been burned alive. The authors collected abundant evidence of "civilians burned alive, dynamited, beheaded; bound men forced to lie down on the road to be crushed by Soviet tanks; grenades thrown into rooms where women and children have been told to wait. . . . From throughout the country come tales of death on every scale of horror, from thousands of civilians buried in the rubble left by fleets of bombers to a young boy's throat being dispassionately slit by a Soviet soldier."

* * * * *

The Sovietization of Afthanistan is advanced by ripping tens of thousands of children from their parents and sending them to the Soviet Union for "education." And of course there is the usual Soviet torture system: "Mothers were forced to watch their infants being given electric shocks. . . . A young woman who had been tortured in prison described how she and others had been forced to stand in water that had been treated with chemicals, which made the skin come off their feet."

A European doctor recently told The New York Times: "When an Afghan woman tells you she left home because Russian soldiers

killed almost everyone in her village, including her children, you wonder. But over the months, when two dozen more Afghan women from various parts of the country come in with exactly the same story, it begins to seem inescapably true." But it has almost nothing to do with U.S.-Soviet relations.

The Reagan administration's deepest desire is for the Soviet regime—which has signed the U.N. Charter, the Geneva conventions and the International Covenant on Civil and Political Rights—to sign more arms agreements like the ones it is currently violating.

The arms control lobby will say that Afghanistan is irrelevant to the "imperative business" of arms control. But the arms control process rests on certain illusions about the fundamental dynamic and aims of the Soviet regime. That regime is revealing its essence daily in Afghanistan. It is a regime interested only in enhancing its military advantages and the political gains that flow therefrom. It successfully uses the arms control process only for that purpose.

On the U.S. side, that process rests on the radically false premise that the Soviet regime desires agreements that will codify a relationship of "live and let live." (The words are, astonishingly, those of Paul Nitze, special arms control adviser to Secretary Shultz.) The Soviet regime is not in the "live and let live" business.

As a last rhetorical resort—and sometimes as a first resort—arms controllers quote Churchill's famous formulation, "Better jaw-jaw than war-war."

That formulation is true, but hardly exhausts the alternatives, and ignores the fact that the Soviet regime regards jawing as a facet of warring. U.S. policy, illuminated by the light shed from burning Afghanistan, is: We jaw-jaw while they war-war.●

YEAR OF SOCIAL SECURITY

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. ROSTENKOWSKI. Mr. Speaker, 50 years ago, responding to a national crisis caused by the Great Depression and under the leadership of President Franklin D. Roosevelt, the Congress established the beginnings of our Social Security system.

Today, that system provides basic economic security for nearly 120 million working Americans and their families and pays benefits each month to nearly 37 million retired or disabled beneficiaries. One measure of this program's success is that without these benefits an additional 14 million Americans would have incomes below the poverty line.

In recognition that the Social Security Program is one of the most important and successful social programs in the history of our Nation, I have introduced House Joint Resolution 1 declaring 1985 to be the "Year of Social Security." I urge my colleagues to join with me in supporting this resolution.●

CONGRESSIONAL SALUTE TO THE HONORABLE JOHN E. BOCKHORN, ESTEEMED CHIEF OF POLICE OF FRANKLIN LAKES, NJ, OUTSTANDING CITIZEN AND GREAT AMERICAN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. ROE. Mr. Speaker, on Friday, January 18, the residents of Franklin Lakes, my congressional district and State of New Jersey will gather in testimony to the outstanding public service rendered to our community, State, and Nation by one of our most distinguished public safety officers, Hon. John E. Bockhorn, chief of the Franklin Lakes Police Department, good friend, leading citizen, and great American.

As Chief Bockhorn retires from his law enforcement career, I know that you and our colleagues here in the Congress will want to join with me in deep appreciation of all of his good works and share great pride in the success of his achievements with his good wife, Joan Mary; daughter, Nancy Lynn Cunningham; son, John E. Bockhorn, Jr.; and grandchildren Tarra Lynn Cunningham, Tommy Ellen Cunningham, Crystal Gale Cunningham, and John E. Bockhorn III.

Mr. Speaker, Chief Bockhorn has indeed earned the highest respect and esteem of all of us for the quality of his leadership and highest standards of excellence in seeking to achieve optimum public safety for all of our people. John Bockhorn was appointed to the Franklin Lakes police department on January 1, 1957. He rose through the ranks of the police department and on July 1, 1977, attained his present high office of public trust as chief of the department. He has announced his plan to retire as chief of police effective July 1, 1985.

Throughout his lifetime John Bockhorn has forged ahead with dedication, devotion, and sincerity of purpose in combating crime and protecting the life of our people. We applaud his knowledge, training, hard work, and personal commitment that has enabled him to achieve the fullest confidence and strongest support of the people of our community. He has always applied the most sophisticated and advanced techniques of his profession.

John Bockhorn has been a staunch supporter and active participant in many civic and community improvement programs and we applaud the quality of his leadership endeavors for almost three decades in the vanguard of our public safety officers.

Mr. Speaker, it is indeed appropriate that we reflect on the deeds and achievements of our people who have contributed to the quality of life and way of life here in America and I am pleased to call your attention to John's lifetime of outstanding public service. As he retires his official leadership badge of courage and valor as the esteemed chief of police of Franklin Lakes, NJ, I respectively seek this national recognition of his contribution to our country in placing others above self in providing safety on the streets, security in the home, and optimum public safety for all of our people. We do indeed salute Chief John E. Bockhorn of Franklin Lakes, NJ, for his contribution to the quality of life for the people of our community, State, and Nation.●

HONORING DR. WALTER HANDFORD OF SOUTH CAROLINA

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. CAMPBELL. Mr. Speaker, I am pleased to have this opportunity to recognize the accomplishments of Dr. Walter E. Handford of Greenville, SC.

For 20 years, Dr. Handford has been the guiding force behind Southside Baptist Church, providing spiritual and moral leadership not only to the church, but to the entire community. When Dr. Handford came to Southside on January 1, 1965, the church consisted of 250 members. The church now has over 4,500 members with regular Sunday attendances running over 2,500. Pastor Handford has certainly made a positive impact on the community, State, and Nation, especially in providing real leadership in the Christian education movement across our country.

I consider it both an honor and a privilege to know Dr. Handford and offer him my sincerest congratulations on his 20th anniversary. I wish him many more successful and productive year with us in Greenville, and offer him the continued assistance of my office.●

CAPITAL PUNISHMENT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. GEKAS. Mr. Speaker, during the 98th Congress I introduced H.R. 2601, a bill to amend the United States Code to authorize the imposition of the sentence of death for crimes of homicide, treason, and espionage.

Since that Congress did not pass any capital punishment provisions I have on this 1st day of the 99th Congress

introduced legislation to allow for this penalty.

In 1972, virtually all of the death penalty statutes in the country were nullified by the U.S. Supreme Court with its landmark decision of Furman against Gerrgia. In that case, the Supreme Court stated that State death penalty statutes which leave to the unguided discretion of the jury or judge the determination of whether the death penalty should be imposed are unconstitutional.

In the decade since the Furman decision, two-thirds of the States have enacted laws to restore the availability of the death penalty as a sanction for the most serious crimes when committed under particularly reprehensible circumstances. During this same period, the Congress has on several occasions considered legislation to provide constitutional procedures that would permit the restoration of the penalty to the Federal criminal justice system, but with the exception of a death penalty provision included in antiaircraft hijacking legislation in 1974, no such statute has been passed by the Congress.

A substantial majority of the American public believes, as I do, that the imposition of the death penalty can and does act as a deterrent to violent and heinous crimes of homicide.

I would hope the 99th Congress will respect and reflect the wishes of its constituents and enact this death penalty statute.●

EXTENDING THE ECONOMIC DEVELOPMENT ADMINISTRATION AND THE APPALACHIAN REGIONAL COMMISSION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. OBERSTAR. Mr. Speaker, today I have introduced legislation providing a 3-year extension, through fiscal year 1988, for the programs under the Economic Development Administration [EDA] and the Appalachian Regional Commission [ARC].

The new bill would authorize $150 million each year for EDA's Public Works Grants Program under title I of the Public Works and Economic Development Act of 1956 as amended. It would provide $45 million a year for the business loan program; $37 million for planning, technical assistance, and research and evaluation; and $50 million each year for long term and sudden and severe economic dislocation, and revolving loan funds, under title IX of PWEDA.

The new bill also amends and extends the Appalachian Regional Development Act of 1965 as amended, to extend ARC's programs through fiscal year 1988. It would authorize $234 million, $250 million, and $270 million respectively for fiscal years 1986, 1987, and 1988 for the Appalachian Highway Program. It would authorize $75 million each year for ARC's nonhighway programs.●

LAWRENCE J. SMITH

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1985

● Mr. SMITH of Florida. Mr. Speaker, today I am introducing a bill to eliminate tax-free securities from the formula which determines the amount of Social Security benefits to be taxed. Under my bill, if these securities were held prior to April 19, 1983, the income from the securities would not be included. If securities were bought after April 19, 1983, then the income derived from the securities would be included in the formula.

The law now requires that up to one-half of Social Security benefits may be taxed. However, the formula devised to determine the taxability of these benefits includes income from tax-free securities. This was done with no warning to the elderly.

By including income from tax-free securities, Congress created a different class of taxpayers—taxpayers who must report income no other American must report.

Senior citizens believe they are now being penalized for saving for their retirement. They bought tax-free securities such as municipal bonds because of their nonreporting tax-exempt status. Now they have the rules changed for them, but not for anyone else.

I recognize that the Social Security's financial status required that benefits be taxed. In the past, however, Congress has always phased-in major changes.

My bill would permit such a phase-in period for the factors which make up the formula.●

SENATE—*Monday, January 7, 1985*

(Legislative day of Thursday, January 3, 1985)

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Blessed are they that hunger and thirst after righteousness, they shall be filled.—Matthew 5:6.

Gracious Father in Heaven, we ask for Your blessing upon the significant events of this month which launch our Government into 4 years of unprecedented responsibility and opportunity. Recognizing the monumental issues which face Your servants in all branches of government, we pray for the overrule of Divine Providence in all the affairs of our Republic. Especially do we remember the critical Geneva Conference and ask for Your wisdom and guidance to all involved.

In our pluralism, dear Lord, may we see that it is not differences that threaten us but indifference. Thank You for differences which are of the very essence of all creation—for diversity from which comes beauty and harmony—the symphony of life. We thank You for the democratic system which honors these differences—protects them, sustains them, and serves them.

But great God, sensitize us to the peril of indifference—indifference to truth, to justice, to integrity, to peace—indifference to the abuse of power and to evil—indifference to the poor, the oppressed, the persecuted, the voiceless and powerless—indifference to God Himself. Forgive us Lord, deliver us, save us from godless indifference. In His name who was Love Incarnate. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished acting majority leader is recognized.

Mr. SIMPSON. Thank you, Mr. President pro tempore.

THANKS TO THE CHAPLAIN

Mr. SIMPSON. Mr. President, I thank the Chaplain for the tone of his prayer this morning. I think that is most appropriate. Indeed, we embark on a very important session soon.

Mr. President, I have no need for leader time. I have no particular gems to share with you this morning. Plenty of those will come in the future as we try to discipline ourselves toward legislating, which is what we are about or should be about.

I believe the Senator from Arizona wishes a portion of time.

The PRESIDING OFFICER (Mr. EVANS). The Senator from Arizona is recognized.

Mr. GOLDWATER. I thank my friend from Wyoming.

THE DEFENSE BUDGET

Mr. GOLDWATER. Mr. President, as I traveled around the country talking to different groups I constantly hear "cut the defense budget."

The other day at a Republican meeting downtown I heard many, many expressions from my brothers in the Republican Party "cut the defense budget."

Mr. President, I am chairman of the Armed Services Committee and I asked these people, "Where? Where do you want to cut defense?" I have yet to have an answer. Yet everybody in this body has some idea that we can balance the budget if we cut defense.

I am asking my brethren in this body to supply me with some answers, because I honestly feel that we might be able to cut defense. I am not married to the idea of a single budget figure. But I do need help. And I ask for your guidance.

For example, we have an area where cuts can be made if there are major reductions in the defense budget and that is the area of base closures. While base closures do not save much money in the first year, the savings in the outyears are substantial. The annual operating costs for a typical military base are about $100 million. There will actually be some slightly increased cost the first year to accomplish base closures, but after the first year if we can close, say, 10 bases, then we can save approximately $1 billion or more a year.

We all know that base closures and realignments such as these are possible and would save substantial sums. Politically, Mr. President, base closures are very traumatic and they will be fought tooth and nail. But if defense cuts are forced, I, for one, will be seeking to close military bases. In fact, I have already written the Secretary of Defense that that is going to be one of my objectives, to close bases around this country that we no longer need.

I will refer to one other area I have a great interest in and have had for many years, along with the Senator from Wisconsin, whom I see on the floor. We now have in air training the Air Force training pilots, the Army training pilots, and the Navy training pilots. We do not need that, Mr. President. We only need one training command, and I do not care who operates it.

All we have to teach the young men and women are how to take an airplane off, land it, do it at night, and fly under instruments. After that, it is up to the individual services.

One closing example. Again, the Senator from Wisconsin has been helpful to me on this. We now train all of our helicopter pilots at Fort Rucker, except the Navy. And the Navy, for some reason, thinks it is a little different flying a helicopter over water than it is land.

Now, I am a helicopter pilot, and when I am hovering that helicopter, I do not care what is under me, as long as the rascal stays up. [Laughter.]

That is all we want to teach them.

So these are just a few of the things. I have not been appointed chairman of the Armed Services Committee yet. Maybe I never will. At the rate we are going, there is some doubt.

But I want to make it perfectly clear to my brethren in this body that I am not opposed to military cuts, but I want some help and I want some sensible suggestions. Here are three areas where the Senator from Arizona is going to start to work.

Again, I thank my friend from Wyoming and I yield the floor.

Mr. SIMPSON. Mr. President, indeed, during the coming debate in the months ahead and weeks ahead, we will be listening to this man, Senator GOLDWATER, as he shares with us these comments of his on the tough decisions we must make. He will be an integral part of that and a critical part of it, and I am certainly ready to listen to him. I have the greatest and deepest respect for him. He is one of the reasons I got into this political game back in the 1960's. I thank him.

I do not believe any other Members on this side of the aisle require any of the leadership time. Therefore, I yield back the remaining leadership time on this side.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER. The acting Democratic leader is recognized.

THE DEFENSE BUDGET

Mr. PROXMIRE. Mr. President, first I want to congratulate my good friend from Arizona for his statement. I am delighted that he is going to be the chairman of the Armed Services Committee. I am sure he will do a great job.

All of us in this body without exception say we need a strong military force. I do not know anybody—anybody on the Democratic side or Republican side—that does not agree that we do not live in a Sunday school world. We have to have a nuclear force and a conventional force that can command respect.

We do disagree, however, on what we should cut. I think that the incoming chairman of the Armed Services Committee has put his finger on a couple of very, very good areas.

I am particularly happy to welcome his request to us that we suggest to him what can be reduced because I have several ideas in mind, including some military activity in my own State of Wisconsin.

ANTISATELLITE AGREEMENT ESSENTIAL TO ALL OTHER ARMS CONTROL

Mr. PROXMIRE. Mr. President, on November 6, the New York Times reported that a study commissioned by the Reagan administration flatly contradicts the administration's frequently expressed conviction that a treaty with the Soviet Union to limit antisatellite weapons would not serve American interests. In the New York Times article, reporter Wayne Biddle wrote that last spring the Reagan administration told the Congress:

> No arrangements or agreements beyond those already governing military activities in outer space have been found to date that are judged to be in the overall interests of the United States and its allies.

Well, Mr. President, it now appears the administration was handed a study last summer that the administration itself commissioned that spelled out exactly why an arms control agreement to limit research, production, and deployment of antisatellite weapons would indeed serve our interests. The study commissioned by the Reagan administration was completed last July. It was not released until election day, November 6, 1984, so it would not become a "political football" before the election. How do you like that one? That study concluded:

> Arms control for antisatellite weapons can support United States security interests.

Why did the study reach this conclusion? Here is what it said:

> It would be more difficult to roll back ASAT capabilities a decade hence when they may pose highly problematical threats to American use of space, than it would be at the current time. Arms control agreements historically have been less difficult to apply as preventive than as remedial measures.

Members of the Congress should keep in mind another conclusion of this report as we consider authorization and appropriation measures to advance the antimissile or "Star Wars" program. The study contended that:

> If the 1972 treaty that restricts anti-missile systems was terminated, anti-satellite agreements would be meaningless because the associated technologies are closely related.

What does this mean? Does it mean that if the Congress funds antimissile research as the President has recommended this would constitute a violation of the ABM treaty and put the treaty in jeopardy? Gerard Smith who negotiated the treaty for the Nixon administration argues that this is exactly what this Star Wars research does.

The study does not come down for arms control as the one and only answer to nuclear war. It says:

> It must be emphasized that arms control measures are not panaceas and are no substitute for programs to enhance satellite survivability and to monitor Soviet activities with respect to space.

But the report does say arms control "would afford better protection of U.S. satellites" than such programs "enacted in the context of an unconstrained weapons competition."

If this report means anything, it means that the administration should promptly agree to negotiations with the Soviet Union on limiting antisatellite weapons. Would the Russians come to the bargaining table on this? No question about it. This is one of the four subjects Soviet leader Chernenko specified as a basis for United States-Soviet arms control negotiations.

The study was commissioned by the Arms Control and Disarmament Agency. It was made by a researcher at Harvard University's School of Government, William J. Durch, a research fellow.

Apparently the Harvard study did not consider the arms control implications of Soviet-United States competition aside from the previously mentioned conclusion that arms control would contain antisatellite competition. The big reason why it is essential that both powers move to stop an antisatellite arms race is because satellite monitoring constitutes the quintessential basis for arms control verification. Without satellites, we can forget arms control. William Colby, the former head of the CIA, told a defense appropriations subcommittee last year that satellite verification of arms control agreements constitutes a reliable basis for verifying even the most comprehensive of arms control agreements: An across-the-board freeze on all nuclear weapons. Colby contended that satellite monitoring provided far more reliable, more accurate and more detailed intelligence on Soviet Union nuclear weapons activities than any other available means including on-the-spot inspection. Does William Colby speak with authority? Absolutely. How could we find a better qualified expert than a man who has served for years as the Director of this country's Central Intelligence Agency? The overwhelming majority of Americans favor verifiable arms control agreements to end the nuclear arms race. But the majority quickly evaporates if Americans are asked if they favor arms control agreements that cannot be verified. The administration has repeatedly opposed negotiating arms control agreements with the Soviet Union on the grounds that we cannot verify them. If the Congress funds the antisatellite program called for by the administration, the administration and most Americans, including this Senator, will be driven to oppose virtually all arms control agreements. Obviously if the United States and the Soviet Union proceed in this antisatellite arms race, both will eventually succeed. When they do, no satellite system of monitoring arms control agreements will be safe. The die will be cast. We will have to place our full reliance on winning an across-the-board nuclear arms race with the Soviet Union. If that happens, here is one Senator who would not expect his grandchildren to live out their lives.

Mr. President, I ask unanimous consent that the article to which I have referred by Wayne Biddle in the November 6, 1984, New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARMS CURB STUDY HELD UP TILL VOTE

(By Wayne Biddle)

WASHINGTON, November 5.—The Arms Control and Disarmament Agency has withheld making public a study of antisatellite arms control issues pending the election.

The study, written on contract for the agency by a Harvard University researcher, is not classified, and it departs from Reagan Administration policy in concluding that agreements with the Soviet Union to limit antisatellite weapons could benefit American interests.

Joseph Lehman, director of public affairs for the agency, an independent body that advises the President and the Secretary of State, said today that he did not want the study to become a "political football" before the election.

He said he was using his "own discretion" in refusing reporters' requests for the paper, but he offered to make a copy available Tuesday.

UNAWARE, RESEARCHER SAYS

The study, dated July 1984, was written by William J. Durch, a research fellow at Harvard's John F. Kennedy School of Government. Reached by telephone today at his home in Massachusetts, Mr. Durch said he

was unaware that the agency was withholding the report from the public.

He said his contract merely required that he give the agency 60 days' notice before publishing it himself. This notice was given in mid-September, he said.

Last spring the Reagan Administration told Congress, "No arrangements or agreements beyond those already governing military activities in outer space have been found to date that are judged to be in the overall interest of the United States and its allies."

But the study for the arms control agency, a copy of which was obtained today from sources outside the Government, concluded, "Arms control for antisatellite weapons can support United States security interests."

"It would be more difficult to roll back ASAT capabilities a decade hence," the study said, using an acronym for antisatellite, "when they may pose highly problematic threats to American use of space, than it would be at the current time. Arms control agreements, historically, have been less difficult to apply as preventive than as remedial measures."

LIMITATIONS ARE NOTED

The study said that antisatellite arms control "is necessarily limited in its scope," listing these areas of potential difficulty:

Treaties could not eliminate all "nondestructive" means of tampering with satellites, such as electronic jamming.

No agreement could remove the threat to satellites posed by strategic ballistic missiles, whose nuclear warheads can be programmed to explode in space.

If the 1972 treaty that restricts antimissile systems was terminated, antisatellite agreements would be meaningless because the associated technologies are closely related.

NOT PANACEAS, STUDY SAYS

"It must be emphasized that arms control measures are not panaceas and are no substitute for programs to enhance satellite survivability and to monitor Soviet activities with respect to space," the report said. Yet arms control, it went on, would "afford better protection to U.S. satellites" than such programs "enacted in the context of an unconstrained weapons competition."

In April, Richard N. Perle, the Assistant Secretary of Defense for International Security Policy, told Congress that a "small covert supply" of Soviet antisatellite weapons "would be enough to do a disproportionate amount of damage to our space assets."

He said there were many ways to develop antisatellite systems "in the guise of something else" and that "an unverifiable treaty is far worse than no treaty at all."

THREAT TO CONFIDENCE SEEN

While acknowledging the technical problems in verifying an antisatellite treaty, the Durch study maintained that "excessively high standards" of verification can "undermine policymakers' confidence in the means of monitoring, or their confidence in other parties' compliance, when such erosion is unwarranted."

The Pentagon programs bill for the fiscal year 1985 stipulates that the Air Force may not test its current antisatellite weapon against an object in space unless the President certifies that he is seeking to negotiate a limitation on such weapons with the Russians.

The measure also requires such tests to be "fully consistent" with the 1972 antimissile treaty. Furthermore, no more than two successful tests may be held in the fiscal year 1985, which began Oct. 1.

The Pentagon has estimated the cost of acquiring the Air Force weapon, a missile fired directly at enemy satellites in low orbits from an F-15 jet fighter, at $4 billion.

TORTURE IN CHILE

Mr. PROXMIRE. Mr. President, today I wish to speak out against human rights violations in Chile. A recent Amnesty International bulletin discusses the appalling frequency in which torture occurs there and elsewhere in the world. Though torture is universally condemned, scores of nations permit or condone this barbaric act.

Widespread and systematic torture has been reported from Chile for years. Hundreds of citizens have filed complaints with numerous national and international organizations, accusing the Chilean secret police of various atrocities. Methods of torture include the beating and burning of victims as well as the use of electrical shocks.

Many find it hard to believe that these acts occur in present day society. Ruthless torture and murder are associated with the past. They are viewed as horrors of another era.

Unfortunately Mr. President this view is naive. This era is plagued with its own horrors much like the worst of our past. According to Amnesty's report, a third of the world's governments permit or condone institutionalized torture. Is this the behavior of a supposedly mature, civilized world? Is this type of behavior an improvement over the past? The horrors of the Holocaust, Cambodia, Uganda, and Chile all blend into a similar scenario, one that is as possible now as it was 40 years ago. After World War II a cry of "never again" arose as the world condemned the barbaric events of the Holocaust. So far it has been wishful thinking.

Mr. President, this body has an opportunity to take a small but important step toward a more humane world. By ratifying the Genocide Treaty we will outlaw the most deplorable crime known to man. We will move forward in our quest to preserve human rights, and we will demonstrate to the world our concern for the sanctity of human life. Let us move forward and ratify the Genocide Treaty.

THE NATIONAL TAXPAYERS' UNION DESERVES THE NATION'S THANKS

Mr. PROXMIRE. God bless the National Taxpayers' Union. Here is a lobbying organization that is a true David fighting against lobbying Goliaths on behalf of the American taxpayer. For 15 years it has fought on gallantly against overwhelming odds—usually as our colossal national debt and mammoth deficits so painfully show in a losing cause. But not always. Thanks in no small part to the National Taxpayers' Union, the taxpayer has not lost every battle. The NTU has helped cut down the multibillion dollar synthetic fuel give away. It played a central role in sharply reducing the cost of the Garrison Diversion project. The NTU played the major lobbying part in stopping the Clinch River breeder reactor, in killing an effort to require the Federal Reserve Board to pay interest on required reserves, and in stopping funding for the National Endowment for Democracy and a big timber bailout. It has helped save the taxpayer billions.

Many Members of the Congress resent the annual NTU rollcall that assesses a Member's record on spending issues. But of all the congressional rollcalls published by outside interests, the NTU is the most comprehensive and the most objective. Most organizations grade the record of Members of Congress on the basis of 10 or 20 votes out of the hundreds cast. Not the NTU. The NTU includes far more rollcalls than any other group. In fact, it covers virtually every rollcall involving the spending of Federal money, whether it is for a water project, farm price supports, education, childhood nutrition, small business, big business, a jobs program vigorously supported by organized labor, legal services, a military procurement program, foreign aid and all the others.

The strength of this annual NTU rollcall is that it makes no effort to provide a self-serving moral assessment. Whether the expenditure serves the interest of organized labor or big business, the wealthy or the poor, NTU recognizes it as an expenditure of taxpayers' money. At a time when the No. 1 problem facing this country is the most immense deficit in our history, this single minded attention to votes on Federal spending—all significant Federal spending—provides the kind of discipline the Congress urgently needs. Members of the Congress may deny it. But they do pay attention to that NTU rollcall. I have campaigned all over the country for congressional candidates and I find that the NTU rollcall is far and away the most frequently quoted rollcall. In fact, it is the only rollcall that competing congressional candidates will cite in debates or meetings before the general public and in their television and radio commercials. Obviously, an AFL-CIO rollcall is cited before a union crowd, a chamber of commerce rollcall before a business group or a National Security Association rollcall before a military or veterans organization. And for the teachers, candidates will trot out a National Education Association rollcall. Before farmers, it is a Farm Bureau or a Farmers Union rollcall. In all of these other rollcalls the consistent common denominator is support of

Federal policies that help the particular group conducting the poll. In most cases that means expending the taxpayers' money.

The NTU has won powerful enemies by confronting virtually all of them. NTU has little money, a relatively small membership. But they have the biggest and best issue in American politics today—Federal spending. With Federal spending now absorbing a massive 24 percent of the entire gross national product, with a Federal deficit that forces the Federal Government to borrow two-thirds of all the new savings of the American people, with a national debt rushing on toward $2 trillion dollars, this country has no more critical priority than bringing its spending under control. For 15 years the National Taxpayers Union has been preaching this doctrine. They foresaw the dangerous, irresponsible direction the Federal spending machine was pushing this country's economy long before other organizations. They have pursued their opposition to this spending with a rare and single minded ferocity.

In doing so, of course, they have attracted strong conservatives. But the NTU has gone out of its way to avoid being sidetracked by any ideology, except the simple and single ideology of thrift. They fought hard against the B-1 bomber in an effort that must have cooled the ardor of typical conservative ideologues. And, in December at the NTU award reception, the NTU deliberately singled out many downright, all-out liberal Members for their fight to cut Federal spending. Congressman SILVIO CONTE, for example, is recognized as one of the most liberal Members of the House. But he also lead a successful fight against the Garrison Diversion project. So he was specially cited and honored by the NTU. HOWARD WOLPE, a hard charging, civil rights liberal was also singled out for his battle against wasteful water projects by NTU. I have served with both CONTE and WOLPE on conference committees. You will not find more compassionate and concerned liberals anywhere in the Congress. Throughout this year, the NTU will be front and center in the battle to hold down Federal spending, just as it has been for the past 15 years.

Ah, but this year there will be a difference. In 1985 the NTU will again be taking on virtually all the outside lobbying groups when it takes its position strictly on the taxpayer's side. If somehow the taxpayer wins this deficit fight and Congress holds down Federal spending, this little organization with its persistent and single objective will deserve a very big share of the credit.

Mr. President, I reserve the remainder of my time, if there is any time remaining for the leader, and yield the floor.

Mr. SIMPSON. Mr. President, I thank the acting minority leader.

SENATOR PAUL SIMON

Mr. SIMPSON. Mr. President, I note the presence in the Chamber of the new distinguished Senator from Illinois whom I came to know many years ago when we worked together in State legislative activities. He is displaying the same attentiveness to these proceedings as he did when he served in the Illinois Legislature, when I first met him. It is pleasant to welcome him.

Mr. PROXMIRE. Mr. President, if the acting majority leader will yield, I want to welcome PAUL SIMON, too. PAUL SIMON is a man who has a really marvelous record. I cannot think of anybody who can serve better in this body. He was picked as the outstanding legislator in the Illinois Legislature year after year, more than anyone.

PAUL SIMON came to the House and served with great distinction in the House, as all of us who worked with him and observed him on conference committees know.

I am sure he is going to bring to this body wisdom and compassion. He has a great understanding and concern for educational issues and many others. I am just delighted that PAUL SIMON is going to serve in this body. He is going to definitely raise the level of confidence, intelligence, and concern. I just cannot wait to work with him on a number of issues that I know we will have before us.

Mr. SIMPSON. Mr. President, I am glad to mention, too, that it gives me renewed spirit, vigor, and hope as I will now drag out my entire collection of old bow ties and will begin to sport them, as I used to in days of yore.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 99-1

Mr. SIMPSON. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the 1983 Partial Revision of the Radio Regulations and a Final Protocol (Treaty Doc. No. 99-1), transmitted to the Senate by the President of the United States on January 4, 1985.

I also ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the 1983 Partial Revision of the Radio Regulations (Geneva, 1979) and a Final Protocol, signed on behalf of the United States at Geneva on March 18, 1983.

I transmit also, for the information of the Senate, the report of the Department of State with respect to the 1983 Partial Revision.

The 1983 Revision constitutes a partial revision of the Radio Regulations (Geneva, 1979) to which the United States is a party. The primary purpose of the present revision is to update the existing Regulations to take into account introduction of advanced techniques for maritime mobile, distress and safety communications. The Revision is consistent with the proposals of and positions taken by the United States at the 1983 World Administrative Radio Conference for the Mobile Services of the International Telecommunication Union.

At the time of signature, the United States Delegation submitted a statement countering an unfounded political allegation of Cuba. The specific statement, with reason, is given in the report of the Department of State.

The 1983 Partial Revision of the Radio Regulations will enter into force on January 15, 1985 for Governments that, by that date, have notified the Secretary General of the International Telecommunication Union of their approval thereof. I believe that the United States should become a party to the 1983 Partial Revision as soon as possible, and it is my hope that the Senate will take early action on this matter and give its advice and consent to ratification.

RONALD REAGAN.

THE WHITE HOUSE, *January 4, 1985.*

DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 2

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on January 4, during the recess of the Senate, received the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Labor and Human Resources, and the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report two new deferrals of budget authority for 1985 totaling $11,000,000

and five revised deferrals now totaling $5,405,581,139. The deferrals affect International Security Assistance, the Departments of Defense, Health and Human Services, State, Transportation, and the United States Institute of Peace.

The details of these deferrals are contained in the attached report.

RONALD REAGAN.

THE WHITE HOUSE, *January 4, 1985.*

SIXTH ANNUAL REPORT OF THE DEPARTMENT OF ENERGY—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 3

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on January 4, 1985, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with the requirements of Section 657 of the Department of Energy Organization Act (P.L. 95-91), I hereby transmit the Sixth Annual Report of the Department of Energy

RONALD REAGAN.

THE WHITE HOUSE, *January 4, 1985.*

MESSAGE FROM THE HOUSE RECEIVED DURING THE RECESS

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on January 4, 1985, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following joint resolution, without amendment:

S.J. Res. 6. Joint resolution extending the time which the President may transmit the Budget Message and the Economic Report to the Congress and extending the time within which the Joint Economic Committee shall file its report.

The message also announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 1. Concurrent resolution to provide for the counting on January 7, 1985, of the electoral votes for President and Vice President of the United States;

S. Con. Res. 2. Concurrent resolution to extend the life of the Joint Committee on the Inaugural; and

S. Con. Res. 3. Concurrent resolution providing for an adjournment of the Senate from January 7, 1985 to January 21, 1985, and an adjournment of the House from January 7, 1985 to January 21, 1985.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 1. Joint resolution providing for a joint session of Congress to receive a message from the President on the state of the Union.

The message also announced that the House has agreed to the following resolutions:

H. Res. 4. A resolution informing the Senate of the election of Thomas P. O'Neill, Jr., of Massachusetts as Speaker; and Benjamin J. Guthrie, a citizen of Virginia, as Clerk of the House of Representatives for the 99th Congress; and

H. Res. 5. A resolution authorizing the appointment by the Speaker of two Members of the House to join with a committee on the part of the Senate to inform the President of the United States that a quorum of each House has assembled.

The message further announced that pursuant to the provisions of Senate Concurrent Resolution 1, the Speaker appoints as tellers on the part of the House to count the electoral votes on January 7, 1985, Mr. ANNUNZIO and Mr. FRENZEL.

The message also announced that pursuant to the provisions of Senate Concurrent Resolution 2, 99th Congress, the Speaker appoints as members of the joint committee to make the necessary arrangements for the inauguration of the President-elect and the Vice President-elect of the United States on the 21st day of January, 1985, the following Members on the part of the House: Mr. MICHEL, Mr. O'NEILL, and Mr. WRIGHT.

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. COHEN. Mr. President, I wish to announce that the Senate Oversight of Government Management Subcommittee will hold a hearing on "Oversight of the Grace Commission Procurement Recommendations," on Wednesday, January 23, 1985, at 9:30 a.m. in room 342 of the Dirksen Senate Office Building.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Tuesday, January 15, 1985, at 9:30 a.m., in SR-301, to receive testimony on recommendations regarding changes to Senate rules and the Senate committee system. This hearing will focus on the recent report of the Temporary Select Committee to Study the Senate Committee System, chaired by Senator QUAYLE and cochaired by Senator FORD. The committee will also have before it the report of the Study Group on Senate Practices and Procedures, former Senators Pearson and Ribicoff, and recommendations from other Members of the Senate.

Senators who wish to testify or to submit a statement for the record are requested to contact Rules Committee staff on x40291.

RECESS UNTIL 12:45 P.M. TODAY

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate stand in recess until 12:45 p.m. today. At 12:45 p.m., the Senate will reconvene and proceed as a body to the House of Representatives for the joint session with regard to the electoral vote.

Following the conclusion of the joint session, under the provisions of the adjournment resolution, Senate Concurrent Resolution 3, the Senate will automatically stand in adjournment until 4 p.m. on Monday, January 21, 1985.

I would indicate that the majority leader has stated that there will be no rollcall votes on January 21, 1985, and that no bills will be presented in the Chamber on this date.

There being no objection, the Senate, at 12:25 p.m., recessed until 12:45 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. STEVENS].

JOINT MEETING OF THE TWO HOUSES FOR THE PURPOSE OF COUNTING ELECTORAL VOTES CAST FOR THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

The PRESIDING OFFICER. In accordance with the provisions of Senate Concurrent Resolution 1, the Senate will now proceed to Hall of the House of Representatives.

Thereupon, at 12:45 p.m., the Senate, preceded by the Sergeant at Arms, Larry E. Smith, and the Secretary of the Senate, Jo-Anne L. Coe, proceeded to the Hall of the House of Representatives to count the electoral votes cast for the President and Vice President of the United States.

(The counting of the electoral votes cast for the President and Vice President of the United States appears in the proceedings of the House of Representatives in today's RECORD.)

ADJOURNMENT UNTIL MONDAY, JANUARY 21, 1985, at 4 P.M.

At the conclusion of the joint session of the two Houses, and pursuant to Senate Concurrent Resolution 3, the Senate adjourned at 1:22 p.m. until Monday, January 21, 1985, at 4 p.m.

HOUSE OF REPRESENTATIVES—*Monday, January 7, 1985*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, may Your almighty hand bless our land and give us the wisdom to walk in peace. We pray for the leaders of our Nation and of this assembly and for all people of good will that goodness and mercy and justice and truth will be the measure of our lives and work. May Your blessing be upon us this day and everyday and may Your favor never depart from us. In Your holy name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Vice President, pursuant to the provisions of section 276 of title 22, United States Code, as amended, appoints Mr. STAFFORD as chairman and Mr. BURDICK as vice chairman of the Senate delegation to the Interparliamentary Union during the 99th Congress.

SWEARING IN OF MEMBER, DELEGATE, AND RESIDENT COMMISSIONER ELECT

The SPEAKER pro tempore [Mr. WRIGHT]. The Chair understands there are Members who heretofore have not had the opportunity to take the oath of office. Will any Member-elect who has not been sworn please come to the well at this time and the Chair will administer the oath of office.

Messrs. NEAL, SUNIA, and FUSTER appeared at the bar of the House and took the oath of office.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair understands that the gentleman from Minnesota [Mr. FRENZEL] is unavoidably detained, and unable to serve as a teller in today's counting of the electoral votes. Therefore, the Chair designates the gentleman from Kansas [Mr. ROBERTS] to act as teller in his stead.

The Chair normally defers 1-minute speeches until after the joint session, but the Chair sees Members in the Chamber who might wish to be heard on 1-minute speeches.

If so, the Chair would entertain requests at this time.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

LEGISLATION TO CREATE COMMISSION TO REVIEW THE ROLE OF THE ELECTORAL COLLEGE

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the American ship of state has again safely sailed through the electoral process culminating in what we are about to observe here: The reelection of the President and Vice President of the United States of America. Yet the very process still raises some questions among the American public and among the observers of the American political scene as to the efficacy of the electoral college.

Can it work in the future; can it continue to work as smoothly as it has up to this point in American history? I intend to continue to raise the question about the electoral college by introducing legislation that would create a commission to review the propriety and the role of the electoral college. We must prevent, in the future, an electoral power failure which can occur under the present system.

Mr. Speaker, I ask each Member, and I ask the entire House to look approvingly upon a process by which we can raise these questions and come to some solution before the next Presidential election.

RESOLUTION DESIGNATING MEMBERSHIP ON CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. GEPHARDT. Mr. Speaker, by direction of the Democratic caucus, I call up a privileged resolution (H. Res. 27) designating membership on certain standing committees of the House, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 27

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Agriculture: E de la Garza, Texas (chairman);

Committee on Appropriations: Jamie L. Whitten, Mississippi (chairman);

Committee on Armed Services: Les Aspin, Wisconsin (chairman);

Committee on Banking, Finance and Urban Affairs: Fernand J. St Germain, Rhode Island (chairman);

Committee on Budget: William H. Gray III, Pennsylvania (chairman);

Committee on the District of Columbia: Ronald V. Dellums, California (chairman);

Committee on Education and Labor: Augustus F. Hawkins, California (chairman);

Committee on Energy and Commerce: John D. Dingell, Michigan (chairman);

Committee on Foreign Affairs: Dante B. Fascell, Florida (chairman);

Committee on Government Operations: Jack Brooks, Texas (chairman);

Committee on House Administration: Frank Annunzio, Illinois (chairman);

Committee on Interior and Insular Affairs: Morris K. Udall, Arizona (chairman);

Committee on Judiciary: Peter W. Rodino, Jr., New Jersey (chairman);

Committee on Merchant Marine and Fisheries: Walter B. Jones, North Carolina (chairman);

Committee on Post Office and Civil Services: William D. Ford, Michigan (chairman);

Committee on Public Works and Transportation: James J. Howard, New Jersey (chairman);

Committee on Rules: Claude Pepper, Florida (chairman);

Committee on Science and Technology: Don Fuqua, Florida (chairman);

Committee on Small Business: Parren J. Mitchell, Maryland (chairman);

Committee on Standards of Official Conduct; Julian C. Dixon, California (chairman);

Committee on Veterans' Affairs: G.V. (Sonny) Montgomery, Mississippi (chairman);

Committee on Ways and Means: Dan Rostenkowski, Illinois (chairman).

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, January 3, 1985, the Chair declares the House in recess until approximately 12:55 p.m.

Accordingly (at 12 o'clock and 10 minutes p.m.), the House stood in recess until 12 o'clock and 55 minutes p.m.

□ 1250

AFTER RECESS

The recess having expired, the House was called to order by the

Speaker pro tempore at 12 o'clock and 55 minutes p.m.

COUNTING ELECTORAL VOTES—JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF SENATE CONCURRENT RESOLUTION 1

At 12 o'clock and 55 minutes p.m., the Doorkeeper, the Honorable James T. Molloy, announced the Vice President and the Senate of the United States.

The Senate entered the Hall of the House of Representatives, headed by the Vice President and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The Vice President took his seat as the Presiding Officer of the joint convention of the two Houses, the Speaker pro tempore [Mr. WRIGHT] of the House occupying the chair on his left.

The joint session was called to order by the Vice President.

The VICE PRESIDENT. Mr. Speaker, Members of the Congress, the Senate and the House of Representatives, pursuant to the requirements of the Constitution and the laws of the United States, have met in joint session for the purpose of opening the certificates and ascertaining and counting the votes of the electors of the several States for President and Vice President.

Under the precedents, unless a motion shall be made in any case, the reading of the formal portions of the certificates will be dispensed with after ascertainment has been made that the certificates are authentic and correct in form, the tellers will count and make a list of the votes cast by the electors of the several States.

The tellers on the part of the two Houses will take their respective places at the Clerk's desk.

The tellers, Mr. MATHIAS and Mr. FORD on the part of the Senate, and Mr. ANNUNZIO and Mr. ROBERTS on the part of the House, took their places at the desk.

The VICE PRESIDENT. The Chair will now hand to the tellers the certificates of the electors for President and Vice President of the State of Alabama, and they will count and make a list of the votes cast by that State.

Mr. ANNUNZIO (one of the tellers). Mr. President, the certificate of the electoral vote of the State of Alabama seems to be regular in form and authentic, and it appears therefrom that Ronald Reagan of the State of California received nine votes for President, and GEORGE BUSH of the State of Texas received nine votes for Vice President.

The VICE PRESIDENT. There being no objection, the Chair will omit in further procedure the formal statement just made for the State of Alabama, and we will open the certificates in alphabetical order and pass to the tellers the vote of the electors in each State; and the tellers will then read, count, and announce the result in each State as was done in the case of the State of Alabama.

Is there objection?

The Chair hears no objection.

There was no objection.

The tellers then proceeded to read, count, and announce, as was done in the case of the State of Alabama, the electoral votes of the several States in alphabetical order.

The VICE PRESIDENT. Gentlemen and gentlewomen of the Congress, the certificates of all of the States have now been opened and read and the tellers will make the final ascertainment of the results and deliver the same to the President of the Senate.

The tellers delivered to the President of the Senate the following statement of the results:

The undersigned, CHARLES MCC. MATHIAS, JR. and WENDELL H. FORD tellers on the part of the Senate, FRANK ANNUNZIO and PAT ROBERTS tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning on the twentieth day of January, nineteen hundred and eighty-five.

States	Electoral votes of each State	For President		For Vice President	
		Ronald Reagan	Walter F. Mondale	George Bush	Geraldine A. Ferraro
Alabama	9	9		9	
Alaska	3	3		3	
Arizona	7	7		7	
Arkansas	6	6		6	
California	47	47		47	
Colorado	8	8		8	
Connecticut	8	8		8	
Delaware	3	3		3	
District of Columbia	3		3		3
Florida	21	21		21	
Georgia	12	12		12	
Hawaii	4	4		4	
Idaho	4	4		4	
Illinois	24	24		24	
Indiana	12	12		12	
Iowa	8	8		8	
Kansas	7	7		7	
Kentucky	9	9		9	
Louisiana	10	10		10	
Maine	4	4		4	
Maryland	10	10		10	
Massachusetts	13	13		13	
Michigan	20	20		20	
Minnesota	10		10		10
Mississippi	7	7		7	
Missouri	11	11		11	
Montana	4	4		4	
Nebraska	5	5		5	
Nevada	4	4		4	
New Hampshire	4	4		4	
New Jersey	16	16		16	
New Mexico	5	5		5	
New York	36	36		36	
North Carolina	13	13		13	
North Dakota	3	3		3	
Ohio	23	23		23	
Oklahoma	8	8		8	
Oregon	7	7		7	
Pennsylvania	25	25		25	
Rhode Island	4	4		4	
South Carolina	8	8		8	
South Dakota	3	3		3	
Tennessee	11	11		11	
Texas	29	29		29	
Utah	5	5		5	
Vermont	3	3		3	
Virginia	12	12		12	
Washington	10	10		10	
West Virginia	6	6		6	
Wisconsin	11	11		11	
Wyoming	3	3		3	
Total	538	525	13	525	13

CHARLES MCC. MATHIAS, JR.
WENDELL H. FORD,
Tellers on the Part of the Senate.

FRANK ANNUNZIO,
PAT ROBERTS,
Tellers on the Part of the House.

The VICE PRESIDENT. The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 538, of which a majority is 270.

Ronald Reagan, of the State of California, has received for President of the United States 525 votes.

Walter F. Mondale, of the State of Minnesota, has received 13 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice President of the United States is 538, of which a majority is 270.

GEORGE BUSH, of the State of Texas, has received for Vice President of the United States 525 votes.

Geraldine A. Ferraro, of the State of New York, has received 13 votes.

This announcement of the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning on the 20th day of January 1985, and shall be entered, together with a list of the votes, on the Journals of the Senate and the House of Representatives.

The purpose for which the joint session of the two Houses of Congress has been called, pursuant to Senate Concurrent Resolution 1, 99th Congress, having been accomplished, the Chair declares the joint session dissolved.

(Thereupon, at 1 o'clock and 22 minutes p.m., the joint session of the two Houses of Congress was dissolved.)

□ 1327

The House was called to order by the Speaker pro tempore.

The SPEAKER pro tempore. Pursuant to Senate Concurrent Resolution 1 of the 99th Congress, the Chair directs that the electoral votes be spread at large upon the Journal.

NATURAL GAS REFORM ACT OF 1985

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MICHEL. Mr. Speaker, I am introducing today the Natural Gas Reform Act of 1985. The purpose of the bill is to increase competition in the natural gas field, particularly with respect to the transport of natural gas, and thereby hopefully bring about a reduction in consumer prices.

The need for action in this regard has been apparent for the last 2 years, during which time we have seen the incongruity of increased supplies of natural gas resulting in not lower, but higher prices to the consumer. In many areas, those price increases have been unconscionable. In central Illinois, for instance, prices have nearly doubled during that period of time.

If the free enterprise system were working properly, increased supplies should lead to a lowering of prices. Unfortunately, free enterprise principles do not fully operate in the natural gas field today, particularly in the purchasing and transportation of natural gas.

Natural gas pipeline companies are in a virtual monopoly position. Most transportation companies are simply in the business of transporting a product. In this case, however, the pipelines not only transport, but buy and sell the product as well. By doing so, they have both the producer and local utility over a barrel, because both in essence have to take what the pipeline gives them.

Current Federal law enhances this monopoly position by allowing pipeline companies to automatically pass on price increases with very little restriction, and to write contracts preventing local utilities from buying gas from competing pipelines or directly from producers.

The result is that pipelines have had very little incentive to purchase the cheapest gas possible. Eastern Panhandle, for instance, had been sending high priced Canadian and Algerian gas to central Illinois at a time when much cheaper gas was available domestically. It could get away with doing this because it was able to automatically pass on the higher cost to the local utility, because the local utility was prevented by restrictive contract with Panhandle from buying gas from another pipeline, and because Panhandle would refuse to ship in gas that the local utility might buy directly from a producer.

It is time that these anticompetitive practices come to a halt, and that is what the bill I am introducing seeks to do.

The bill mandates a system of contract carriage, whereby the pipeline must agree to transport gas, if it has the capacity, which a utility may purchase directly from a producer. This provision will enable a utility to go out into the market and purchase the lowest priced gas available, and not be limited to whatever the pipeline offers. The Illinois Commerce Commission indicates that such increased flexibility will result in significant savings to the consumer.

Other provisions in the bill will enable utilities to get out from under contracts with pipelines which require utilities to take a certain amount of gas and pay for it even if it isn't taken, and pipelines to get out from under similar contracts with producers.

Another provision will prohibit restrictive contracts between pipelines and utilities that have the effect of preventing pipelines from purchasing gas from another pipeline. This provision will enable the Central Illinois Light & Power Co. [Cilco] in particular, to purchase lower priced gas from a competing pipeline.

The bill will end the current Federal Energy Regulatory Commission practice of automatically passing through an entire pipeline rate increase prior to determining whether it is justified. The bill will limit any automatic passthrough to the rate of inflation during the preceding rate period, and require the Commission to decide the rate case within 6 months from the date it is filed. At present, rate cases are allowed to drag on ad infinitum, all the while the consumer pays the higher price. This streamlining of procedures will put an end to this abuse of the process.

FERC is also given authority under the bill to consider whether a pipeline made the best deal possible in determining whether a rate increase is justified.

Finally, the bill includes a provision that prevents a resumption of shipments of Algerian gas unless it is competitive with market prices, and prevents the consumer from being saddled with any costs Panhandle may incur for not having continued the purchase of Algerian gas under a previous contract.

These various provisions of the Natural Gas Reform Act will eliminate current distortions in the purchase and transportation of natural gas. They will enhance competition and increase incentives for the purchase and shipment of lower priced gas. The result will almost certainly be lower prices to consumers, particularly in those regions where monopolyism has been most evident.

I regret that Congress did not act on natural gas legislation along this line last year, but this is a new year and I hope we can expedite action.

Mr. Speaker, I include in my remarks a section-by-section analysis of the bill.

EXPLANATION OF NATURAL GAS REFORM ACT OF 1985

TITLE I—NONDISCRIMINATORY TRANSPORTATION OF NATURAL GAS

This title would promote competition in the natural gas market by requiring pipelines to transport natural gas for anyone, on a nondiscriminatory basis, to the extent of the pipelines' excess capacity. Pipelines are presumed to have available capacity to transport natural gas on a firm or an interruptible basis. A pipeline that does not want to transport natural gas after receiving a reasonable written request to do so must obtain a FERC determination that capacity is not available. Thus, the burden of proving capacity is placed on the entity with the knowledge of capacity, the pipeline, not the would-be shipper.

No transportation obligation would apply to local distribution companies. Special rules are provided for cases in which a customer of a local distribution company seeks to interconnect with an interstate pipeline. In reviewing such requests, the FERC must take into account the impact that the approval of such a request would have on the existing customers of the local distribution company involved.

TITLE II—CONTRACT AND TARIFF PRACTICES

Section 201 provides take-or-pay relief for purchasers of natural gas. During the two-year period beginning on the date of enactment of this law, purchasers may reduce takes to 60 percent of the contracted volume. If the volumes taken under all contracts have been reduced to 60 percent, purchasers may also reduce takes by such additional amounts, determined by FERC rule or order, as are necessary to offset reduced demand resulting from increased contract carriage volumes. This take-or-pay relief does not apply to contracts which have been renegotiated to exclude the application of this section after the date of enactment or in cases where natural gas production may be jeopardized as specified in subsection e.

The seller of gas not taken by reason of this section may terminate its contract with the purchaser with respect to such amounts. The purchaser shall transport such "released" volumes to a new buyer under the contract carriage provisions set forth in Title I.

Section 202 gives the purchaser which has received take-or-pay relief under this section a 30-day period in which to purchase released gas before it can be sold to a new buyer.

Section 203 eliminates minimum commodity bill requirements (provisions in contracts between pipelines and their customers similar to take-or-pay requirements between producers and pipelines) and restrictive pipeline tariffs. A local distribution company would not have to pay the pipeline for natural gas the company did not purchase. In addition, a distribution company may not be locked into a single pipeline supplier by a tariff which makes buying natural gas from other suppliers economically impossible.

TITLE III—PIPELINE ACCOUNTABILITY AND RATE PROCEDURES

Section 301 prohibits FERC from automatically allowing pipelines to pass through to consumers increases in purchased gas costs in excess of inflation. Any such increase would have to be justified and found to be reasonable by the Commission before it could be implemented.

Section 302 requires that all pipeline rate cases be decided by FERC within six

months from the time they are filed. This would reduce the current practice whereby consumers are charged higher rates pending the outcome of cases which drag on for years. At the end of that time, a refund may be ordered but it seldom compensates consumers for the excessive costs they have borne while the case was pending. Legal gamesmanship and, consequently, consumer costs would also be reduced.

Section 303 amends section 601(c) of the Natural Gas Policy Act by defining the term "similar grounds," a basis for denial of recovery of interstate pipelines' gas purchase costs, to include "imprudence," including a pipeline's failure to seek the least expensive gas available. The Commission, however, may not use this authority to declare that natural gas purchase prices above a certain level are presumed imprudent or that those below a certain level are presumed prudent. Such declarations would amount to the establishment of well-head price controls by the Commission.

TITLE IV—CERTAIN IMPORTED NATURAL GAS

This title prohibits the importation of liquefied natural gas (LNG) through certain facilities unless the Secretary of Energy has found that the price of gas is reasonable and that the contract is responsive to changing market conditions.

With respect to LNG which has been authorized to be imported into the U.S. through facilities at Lake Charles, Louisiana, (the port of entry for the Algerian LNG purchased by Panhandle) but which has not been imported because of a service interruption, the Commission may not allow consumers to be charged for any payment the importer may be obligated to make for the gas involved or for the transportation of such gas.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House as follows:

(1) At 3:55 p.m. on Friday, January 4, 1985 and said to contain a message from the President where by he transmits the fourth special message for fiscal year 1985 under the Impoundment Control Act of 1974; and

(2) At 3:55 p.m. on Friday, January 4, 1985 and said to contain a message from the President whereby he transmits the sixth annual report of the Department of Energy.

With kind regards, I am,
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

SUNDRY NEW AND REVISED DEFERRALS OF BUDGET AUTHORITY FOR 1985—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-14)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of today, Monday, January 7, 1985.)

SIXTH ANNUAL REPORT OF THE DEPARTMENT OF ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committees on Armed Services, Energy and Commerce, Foreign Affairs, Interior and Insular Affairs, and Science and Technology:

(For message, see proceedings of the Senate of today, Monday, January 7, 1985.)

DOUBLE WAGE SCALE IN POSTAL SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. CARNEY] is recognized for 5 minutes.

● Mr. CARNEY. Mr. Speaker, ours is a compassionate Nation, our Government is a compassionate government, and our governmental agencies should reflect that compassion in their dealings with our citizens. So, when an agency like the U.S. Postal Service doublecrosses its new employees, it is time for this Congress and the American people to sit up and take notice.

This Congress realized the potential problems associated with a double wage scale within the Postal Service. However, as a cost-containment measure contained within the recent binding arbitration decision affecting the Postal Service and its two largest unions, this double scale was an acceptable method of curtailing postal expenses, provided it was applied in a fair and straightforward way. Unfortunately, the Postal Service saw fit to apply this provision retroactively to new employees. Individuals who were hired and told to report to work well prior to the January 18 cut-off date were subsequently told not to report to work until after that date and were advised that they could expect to receive substantively lower salaries than they had previously been promised. I am told that large numbers of individuals across the country are being affected by this blatant doublecross.

I was appalled to learn from one of my own constituents just what a severe impact this type of action can have.

My constituent, a disabled veteran, left a well-paid position to serve the public through the U.S. Postal Service. He was told on December 1 of last year that his employment was to begin on January 5 with an annual salary of $20,458. He was officially hired on December 20 and filled out final paperwork, stating his wages, and was given orders to report for regular duty on January 9. Then, on December 28, my constituent was advised that new employees hired with his starting date were being frozen until January 19, and that those persons hired on this later date would probably be hired at a lesser wage. On December 29, he was given the specifics of the wage decrease for his grade, although he was again told they weren't sure how this would affect him. As a result of this, my constituent stands to lose over $5,600 a year in salary. And his former employer has filled his old position. Is this how a compassionate country treats those who attempt to serve in public service positions?

I learned only this past Friday, in response to my personal inquiries to Postal Service officials, that, although great numbers of persons are being affected by this back-handed approach to postal hiring and numerous complaints have been lodged against the Postal Service, including many from Members of this body, no action is currently being considered to rescind this arbitrary and unfair treatment of this agency's workers.

Congress should demand that the Postmaster General honor any verbal contracts made with new postal employees. We all seek savings in Government; however, this approach is dead wrong. It is not the business of this Government, of this country to wreck careers and disrupt homes by this kind of doublecross. I call on my colleagues to join me in this condemnation of the Postal Service's action and to work with me to being about a reversal of this unconscionable decision.●

STATUTORY HISTORY OF THE U.S. CAPITOL POLICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, the Congressional Research Service, directed by our esteemed former colleague, the Honorable Gilbert Gude, has delivered to my office, as chairman of the Committee on House Administration, a 300-page report titled "The Statutory History of the United

States Capitol Police." This report was accompanied by five binders containing copies of those "Statutes at Large" which pertain to the U.S. Capitol Police, from the 1st Congress through the 98th Congress. The statutes were taken from the original laws from 1789 through 1984.

I extend my congratulation to the Chief of the CRS Government Division, Frederick R. Pauls, and the author of the report, Judy Carlile (Shepherd), for the comprehensive detail and thoroughness of this written history which took serveral years to research and compile. I requested it while serving as chairman of your Subcommittee on Personnel and Police during the 96th Congress. It presents the statutes as they were enacted, as they remain on the books, and as they were repealed or modified.

To my knowledge this is the first report of its kind, and will be of inestimable value to present and future Members of Congress who may be considering further legislation with relation to the Capitol Police.●

THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BROOKS] is recognized for 5 minutes.

● Mr. BROOKS. Mr. Speaker, today I have introduced a bill to amend the Employee Retirement Income Security Act of 1974 [ERISA]. This legislation is identical to that which I proposed in the last Congress.

As it stands now, ERISA's protections are incomplete; the law explicitly protects worker pension plans from the ravages of corporate mergers, but does not cover any of the numerous other, nonpension, worker programs—life insurance, accidental death, and dismemberment insurance, and disability retirement income plans, and so forth—that millions of the Nation's workers have earned and rely on presently, any of these many nonpension programs can be wiped out through the course of a corporate merger. Often such programs are as important, if not more important, to the economic security and well-being of retirees as their basic pension plans which ERISA protects. This bill will extend ERISA's merger protection provisions to all employee benefit plans, pension or otherwise.

Hearings were held during the last Congress on this remedial legislation before the Labor-Management Subcommittee of the Education and Labor Committee. It is my hope, therefore, that this bill may be expeditiously considered by the House.●

SCHOOL DISTRICT CONSOLIDATIONS AMENDMENTS OF 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ROBINSON] is recognized for 5 minutes.

Mr. ROBINSON. Mr. Speaker, recently a Federal district judge ordered the consolidation of historically independent school districts in my home county. He did this supposedly to eliminate segregation, but all three districts had been operating under court-approved desegregation plans for over 15 years, all 3 of which involved large-scale cross-town busing. It was done even though 70 percent of both the black and the white parents in each district are opposed to consolidation. It was done even though all three districts admittedly have excellent educational programs. It was done even though it was shown that consolidation would have no educational benefit and would actually cause harm. It was done even though numerous experts testified there were several less drastic remedies available that would correct any problems.

This is wrong. This Nation is unique in its provision for local control of its schools. Other nations have Federal control of education, but the people of the United States have always believed that parents, not the courts, should decide how their children should be taught.

The right to an integrated education available to all citizens is fundamental and I support it totally, but this does not justify the dissolution of independent school districts unless every other means of ensuring this fundamental right has been tried and shown to fail.

Federal judges are now making law. The Federal courts have usurped their authority by overstepping the powers granted to them by Congress. Article III section I of the Constitution clearly gives Congress the right to define the areas that Federal district courts may review. It also gives Congress the power to set guidelines for these courts in those matters it allows the courts to review.

My bill addresses one of the areas in which the courts have overstepped their authority and offers a viable solution to this problem without violating our constitutional rights to a fair Federal judicial system. I urge your support for this bill. The people deserve the least possible court interference in their lives and this bill is a rational step in that direction without deserting our constitutional guarantee of equal opportunity for all citizens.

Mr. Speaker, I include the text of my bill for the information of my colleagues:

H.R. —

A bill to provide that district courts of the United States may not order the consolidation of school districts as a remedy in certain school desegregation cases unless no other relief is available to remedy the unlawful segregation of students, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "School District Consolidations Amendments of 1985".

School District Consolidation Prohibited Unless No Other Remedy Has Provided Relief

SEC. 2. (a) Part VI of title 28, United States Code, is amended by adding at the end thereof the following new chapter:

CHAPTER 177—SCHOOL DESEGREGATION

"Sec.
"2941. Limitation on authority to order consolidation of school districts.
"2942. Definitions.

"§ 2941. Limitation on authority to order consolidation of school districts

"(a) No district court of the United States may order the consolidation of two or more school districts in any multiple district school desegregation case unless—

"(1) the court has previously entered an order in such case which included all appropriate relief (including the transportation of students, if appropriate) other than the consolidation of such school districts;

"(2) such previous order has been in effect for at least a 5-year period beginning on or after the later of the date such previous order was entered or the date any appellate review of such order became final; and

"(3) the court determines, subject to subsection (b), that such previous order has failed to remedy the unlawful segregation of students in such multiple district school desegregation case.

In no case may a district court of the United States order the consolidation of school districts to achieve a particular racial balance of students.

"(b) In making a determination under subsection (a)(3), the court may not consider—

"(1) any action taken by a school district in compliance with an order of a district court of the United States in any school desegregation case (including the previous order described in subsection (a)(1)),

"(2) any action taken by a school district in the course of conducting any program to the extent such action was in accordance with Federal or State law regulating the conduct of such program, or

"(3) any unlawful action taken by the school district or unlawful course of conduct in which such district was engaged to the extent—

"(A) such unlawful action or course of conduct was not the cause of the unlawful segregation of students, or

"(B) a remedy for such unlawful action or course of conduct is available under a civil cause of action other than a school desegregation case.

"(c)(1) In any multiple district school desegregation case in which an order to consolidate two or more school districts has been entered under subsection (a) the court shall—

"(A) determine, on the basis of information submitted under paragraph (2), the amount of necessary and reasonable expenses paid or incurred by any school district (to which such order applied) to accomplish consolidation of school districts under such order; and

"(B) certify to the Secretary of the Treasury the name of any such school district and the amount of such expenses.

Any determination of the court under this paragraph shall be final and may not be reviewed by any other court.

"(2) Any school district to which the order described in paragraph (1) applies may, at such time as the court shall prescribe, submit to the court an itemized statement of the expenses paid or incurred by such school district to accomplish the consolidation of school districts under such order together with such other information as the court may require.

"(3) Before making any determination under paragraph (1) with respect to any multiple district school desegregation case to which the United States is not a party, the court shall notify the Attorney General that such determination is pending and shall permit the United States to intervene for presentation of evidence with regard to the necessity of reasonableness of any expense described in paragraph (2).

"§ 2942. Definitions

"For purposes of this chapter—

"(1) the term 'multiple district school desegregation case' means a school desegregation case to which two or more school districts are parties;

"(2) the term 'school desegregation case' means any civil action seeking relief for—

"(A) the lawful segregation of students, or

"(B) the failure to correct and overcome the effects of any such segregation;

"(3) the term 'school district' means any system of one or more public schools and includes any successor in interest to any such system;

"(4) the term 'public school' means any elementary or secondary educational institution which is operated by a State, a political subdivision of a State, or other governmental agency established under the laws of a State or political subdivision and any other elementary or secondary educational institution which is operated, in whole or in part, with funds or property provided by or derived from any such State, political subdivision, or agency;

"(5) the term 'student' means an individual enrolled in a public school for the purpose of receiving instruction;

"(6) the term 'segregation' means the operation of a school district in which students are purposefully separated among the schools of such district on the basis of race, color, religion, sex, or national origin; and

"(7) the term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.".

(b) The table of chapters for part VI of title 28, United States Code, is amended by adding after the item relating to chapter 175 the following new item:

"177. School Desegregation ..... 2941".

(c) The amendments made by this section shall apply to any multiple district school desegregation case in which a final order has not been entered before January 1, 1985, or in which final appellate review of any such order has not been completed before such date.

Private Relief for Expenses Paid or Incurred in Connection With the Consolidation of School Districts

SEC. 3. Upon receipt of any certification with respect to a school district under subsection (c)(1)(B) of section 2941 of title 28, United States Code, the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, the amount so certified to such school district.

IN MEMORY OF DR. MARTIN LUTHER KING, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. RODINO] is recognized for 5 minutes.

● Mr. RODINO. Mr. Speaker, I rise today to commemorate the upcoming birthday of Dr. Martin Luther King, Jr., who would have been 56 years old on January 15. Although another year must pass before official recognition of the Martin Luther King national holiday, it is fitting that his birthday this year serve as a day to reflect upon and reaffirm the great principles of freedom, equality and civil rights that he so nobly espoused.

A nation will prosper only as long as it generates dreams and ideals for all of its people. It takes a man of conscience and conviction to conceive of and live for those dreams. Martin Luther King, Jr., was, indeed, such a man.

His was a dream of social, political and economic justice for all. He dedicated his life to securing a society that will judge its citizens not by the color of their skin, but by the quality of their character and the contents of their mind. To Dr. King, no obstacle was too great to strive for the brotherhood of man.

The civil rights laws guaranteeing equal opportunity and equal rights would be legacy enough for most great men. But not for Dr. King. For his is also a legacy of hope and promise that bigotry will be erased, justice will be served, and human rights will be respected in this country and throughout the world.

In 1975, I told the Southern Christian Leadership Conference:

They shot down the man—and they snuffed out his life—but they could not shoot down his dream. For his dream was stronger than life and more powerful than death. And the dream lives on.

Yes, the dream for which Dr. King gave his life lives on. But the promised land of freedom and equality that he saw while standing at the mountaintop is still, for too many Americans, a dream deferred. Though we have moved closer to the ideal of Dr. King's, the journey is far from complete.

On Dr. King's birthday, our Nation will remember his achievements, mourn his potential, and pay tribute to his ideals. As we renew our commitment to reaching "the sunlit path of racial justice," let us dedicate ourselves to honoring him in the single most meaningful way we can—let us work, as a nation, toward the fulfillment of his dream.●

PRESIDENTIAL COMMISSION TO REVIEW PROCESS OF ELECTORAL COLLEGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 10 minutes.

Mr. GEKAS. Mr. Speaker, today I am introducing legislation which would create a Presidential commission made up of five individuals to review the process of the electoral college and to report back within 2 years as to recommendations on the electoral college.

Although today we have seen a process which has successfully reflected the will of the American people, there are still a number of questions about the electoral college which must be addressed.

□ 1340

It is possible under the present system that someday in the future we will not be as lucky as we were today, and that we could encounter an electoral power failure because of those particular flaws. The Commission will be mandated to review all these processes and to see what, among the various recommendations that have come up over the years, might be useful to replace or to modify and retain the present electoral college system.

The only serious flaw that I see at the moment in the electoral college, addressing an amendment to which I would like to subscribe, is the fact that after each State convenes its electoral college, and presumably those electors in that individual State will be voting for the candidate who won the majority of votes in his particular State, an elector still does not have to vote for that candidate. It is possible then in the Commonwealth of Pennsylvania where I come from, where Ronald Reagan won an overwhelming victory, that the electors who convened in his name in late December to cast ballots in the electoral college could have, for some unforeseen or some unreasoning reason, cast their votes for Walter Mondale or for any other individual that they desired. This is a flaw in the present system that could wreak havoc in Presidential elections of the future.

In recent Gallup polls and Harris polls dating back to 1980 and 1981, it has been announced to the world that the American public would rather have direct elections of the President where the popular vote would count automatically, rather than to go through the process of the electoral college which can really, under the

present system, thwart the will of the American people. So although I do not favor abolition of the electoral college in the present circumstances, I do feel that we ought to raise the questions that are raised normally by its very existence and have a Presidential commission examine all the alternatives and come back with solid recommendations.

What can they recommend? They could recommend a proportional allocation of electoral votes so that in Pennsylvania, if 60 percent of the vote went to Ronald Reagan, then 60 percent of the electors should be mandated to vote for Ronald Reagan at their later formal election in the electoral college.

There could be a direct election by the people where there would be no electoral college at all and simple mathematics would prevail so that the individual who received the greatest number of votes nationwide would be elected President of the United States. That has its flaws, and that has certain criticisms which must be examined, and I am not personally prepared to go headlong into direct elections without taking into consideration the two-party system that we have and some other sanctified procedures that we have in the electoral process.

Mr. DAUB. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I am glad to yield to the gentleman from Nebraska.

Mr. DAUB. Mr. Speaker, I want to commend the gentleman for his interest in this subject and indicate that I, too, share that view and believe that it would be well worth it to look into the process.

But I want to add for the record at this early point, in what should be a great and historical debate, that I commend the gentleman and the other gentleman who has come into the well on this same idea for their leadership.

I would point out, for example, the situation in the Midwest. In a State like mine, Nebraska, we are a small State; we have three Members of the House and two in the other body, which gives us a total of five, and if you take a look at the demographics of registered voters in this country, over half the registered voters in this country reside in 11 States. So it is possible, if we went to a one-person, one-vote rule, that you would never see a candidate for President of either party because they would campaign carefully in 11 States, and for all practical purposes, except for Texas and California, they would not even have to worry about the rest of the States west of the Mississippi.

So there is some value in looking at the idea of preserving the electoral college, at least to the extent that a small State can make a difference in that process. It is from that point of view that I, as one Member from a small State, commend the gentleman for his interest and hope that it is a study and that we are not so convinced, in conjunction with the gentleman's last remark, that one-person, one-vote is the way we ought to go.

Mr. GEKAS. That is exactly correct.

Mr. DAUB. Mr. Speaker, I thank the gentleman for yielding.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for his contribution. I appreciate the gentleman's remarks.

I would point out that if I were on that commission, I would be predisposed to opposing elimination of the electoral college. My chief concern is the fact that the electors themselves are not bound, by the time they reach the electoral college proceedings, to reflect that their own State determined during a general election. That is my chief worry, that they really could upset the ship of state in some unforetold circumstances, with multiparties entering into it, and all kinds of other considerations, including some personal animosity against a President-elect by an individual elector.

Now, the opponents of the idea of even wanting to make that particular kind of change will point to the fact that on only seven times out of the history of the United States, only seven electors have voted differently from what their State mandated, but that does not remove the possibility of mischief in future elections.

So I would ask for Members of the House who wish to join me in this venture to contact my office and ask to be placed as cosponsors on this legislation. I believe that if we do it during the current time, if we fully debate it and come up with solid recommendations, we will for all time for the future history of the United States finally make solid conclusions about the future of the electoral college.

It may be that the final result will be a reconfirmation of the present system in all its aspects, including the one to which I append my worries, or it may be that the recommendation will be for a direct election, which is the direct opposite of the present system. But whatever it is, I believe that this will be the final debate for all the history of the United States, and that it will enable us to proceed from election to election without the recurrence of ideas like mine to keep reviewing the electoral college.

I thank the Chair for allotting me this time, and, Mr. Speaker, I yield back the balance of my time.

INTRODUCTION OF BILL TO MODIFY AND EXTEND PRICE-ANDERSON ACT

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. PRICE. Mr. Speaker. I have introduced in the House on January 3, H.R. 51, a bill to modify and extend the Price-Anderson Act. Along with my former colleague and true friend, the late Senator Clint Anderson, of New Mexico, I am proud to have played a part in the design and original enactment of this legislation in 1957. I was involved in subsequent extensions and improvements, and am pleased once again to have the opportunity to recommend this further extension.

The Price-Anderson Act assures substantial financial protection to the public in the event of bodily injury or property damage caused by a nuclear accident. Originally enacted in 1957, Price-Anderson is currently incorporated in section 170 of the Atomic Energy Act, as amended. Subsection (c) of that section provides coverage for nuclear powerplants and certain other facilities and activities licensed by the Nuclear Regulatory Commission. Subsection (d) of section 170 provides coverage for contractors to the Department of Energy who are engaged in hazardous nuclear activities. Originally enacted for a 10-year period, Price-Anderson has twice been extended for additional 10-year periods. Unless Congress acts, the authority of the NRC and the DOE to continue to provide Price-Anderson agreements to licensees and contractors after August 1, 1987, will expire; coverage would continue for NRC licensees and DOE contractors already covered on that date.

Price-Anderson deserves to be renewed and extended for one compelling reason: It provides much more realistic protection to the public than would be available in its absence and it does so in a most economically efficient manner that is consistent with our free market economy.

PRICE-ANDERSON COVERAGE

As modified by the Congress over the years, Price-Anderson embodies a closely integrated package that balances the benefits of public protection features against a level of remotely possible financial exposure for the industry. Price-Anderson assures the availability of a large sum of money to compensate any member of the public who has suffered a loss. If a nuclear accident happened today the amount available would be $605 million, composed of a primary layer of insurance of $160 million and assessments on each licensed reactor of $5 million, for an additional $425 million. This amount will increase by $5 million with each new reactor licensed to operate. Balanced against these public protection features, Price-Anderson limits the financial exposure of the industry to the amount of funds avail-

able pursuant to its provisions. In the case of DOE contract indemnity, a ceiling is also placed on the amount of Government liability. In any event, the act specifies that in the event of a nuclear incident involving damages in excess of the amount of aggregate liability, the Congress will thoroughly review the particular incident and will take whatever action is deemed necessary and appropriate to protect the public.

The NRC has recommended to Congress that Price-Anderson be extended to cover licenses issued after August 1, 1987, but it has also recommended that the overall ceiling on liability be eliminated in favor of an annual limit of $10 million per reactor/per incident/per year until all liability claims are paid. The Department of Energy has also recommended to Congress that Price-Anderson be extended, including limitation on liability, and that some parity be maintained with the commercial coverage. Several bills before the last Congress would simply have eliminated any limits on liability. In addition, opponents of Price-Anderson have contended that Congress should just let the act expire since no new reactor orders are currently contemplated.

CONGRESS MUST ACT

The arguments for Congress simply letting Price-Anderson expire are not persuasive. In the event of expiration, plants already covered by Price-Anderson would continue to enjoy that protection for the full term of their licenses. If, as I believe, nuclear power will play a continuing role in meeting our Nation's expanding energy needs, it would not make sense to have one regime of liability for plants licensed before August 1, 1987, and a different regime for plants licensed after that date. Moreover, I believe expiration would have a seriously adverse impact on the national defense and security, since it would terminate the DOE's authority to provide indemnity coverage to Federal Government contractors engaged in certain defense and other hazardous nuclear activities.

Some of those who hold a different view of the need for the nuclear program contend, however, that there would not be two different regimes of liability, since the unavailability of Price-Anderson would assure that no more plants would be ordered. Admittedly, the industry originally sought enactment of Price-Anderson to ameliorate the liability concerns which they saw as a bar to commercial participation in the technologically new nuclear program.

Whether, in light of the development of the technology over the years and the industry's greater experience in dealing with it, liability concerns continue to be of the same magnitude is not easily ascertainable considering the diversity of companies that now make up the "nuclear industry." Whatever the answer to that question may be, the rules of liability ought to be the same for all licensed nuclear plants, regardless of when they are brought into service.

The most important issue in deciding if Price-Anderson should be extended is whether it continues to achieve its primary statutory objective of assuring adequate compensation to the public in the case of a nuclear accident, and whether it does so in an economically efficient manner.

The extent of damages that would result from a worst-case nuclear accident has been the subject of a number of studies over the past 30 years. Upper estimates range to billions of dollars and numerous injuries and deaths, but with extremely low probabilities of an accident of such magnitude actually occurring. An accident of such magnitude would clearly result in Government intervention, with or without Price-Anderson. On the other hand, preliminary data resulting from research underway into probable accident consequences initiated after the Three Mile Island accident suggest that damages resulting from a serious nuclear accident may be more in the range of other types of nonnuclear industrial accidents. These issues will undoubtedly continue to be debated for some time and, I predict, on a theoretical basis, because the industry will continue to experience a fine record of avoidance of injury or property loss to the public or environmental damage. Whatever the outcome, Price-Anderson provides an efficient and equitable system for redressing nuclear-caused damages. In that regard, it is significant that the Supreme Court has already found that Price-Anderson, including the limit on liability, provides a reasonable substitute to the common law remedies that would prevail in its absence. [*Duke Power Co.* v. *Carolina Environmental State Group, Inc.*, 438 U.S. 59 (1978).]

AN ECONOMICALLY EFFICIENT SYSTEM

In enacting Price-Anderson, the Congress sought to minimize Federal intrusion on State law while at the same time assuring compensation no matter where claimants were located or who is responsible for their injuries. The principal technique embodied in Price-Anderson to accomplish this is the so-called omnibus coverage. Simply stated, the omnibus feature provides that the nuclear insurance policy and indemnity agreement cover the liability not only of the named insured, that is, the utility licensee or Government contractor, but also any other person who might become liable as a result of the accident in question. Thus, all subtier contractors and suppliers, including nuclear steam supply system vendors, architect-engineers, and constructors are covered under a single liability policy and a single indemnity agreement. This omnibus feature provides important benefits to claimants in situations where the only person liable for the accident might be underinsured, uninsured, or even judgment-proof. It also has important implications in terms of economic efficiency and maximizing insurance capacity.

A principal benefit of the "omnibus" Price-Anderson system is that it achieves a true economic efficiency by avoiding the layering of insurance premiums and/or risk factors in pricing. It does this by effectively "channelling" financial liability to the licensee operating the nuclear powerplant. The limitation on liability is the essential ingredient that permits this channelling of financial liability and which, in the case of utility licensees, results in the maximization of insurance capacity that can be devoted to any single accident. I believe that removal of the liability limitation would not only destroy the basis and rationale for this omnibus feature of Price-Anderson, but would actually decrease the amount of insurance available to injured parties and increase premiums, since available insurance funds and premiums would then be allocated among a number of potential defendants.

I have mentioned a few of the many reasons why proposals simply to remove the liability limitation and leave all of the other features of Price-Anderson in place do not make sense. Such proposals must be considered in the broad context of their impact on the delicate balance of all of the mutually interdependent elements that constitute the Price-Anderson system.

NRC PROPOSAL

The NRC has proposed what it appears to believe is a compromise between the existing Price-Anderson system and a simple deletion of the limitation on liability. Under this approach, NRC would remove the overall ceiling on liability but impose an assessment on each reactor of $10 million per year/per incident, until all liability claims have been paid. However, rather than being a compromise, this approach goes well beyond simply making each licensee fully liable for its own conduct, as most of the critics of the liability limit have proposed, and makes every licensee liable without limit for the actions of every other licensee. That is a proposal that has no precedent in law or public policy. While under the present Price-Anderson statutory scheme, all licensees are subject to a retrospective assessment in the case of an accident that exceeds amounts available through the primary insurance layer, the assessment is for a predictable and set amount. There is no reasonable or practical basis for making all licensees liable for an unlimited amount, even if pay-

ments in any one year are limited. Such a liability is not compatible with the enterprise-type liability assumed by nuclear utilities under the present Price-Anderson system and I believe it would be validly objected to by those utilities, their ratepayers and stockholders, and the State regulatory commissions. Such industrywide, openended liability could well act as an effective and unwarranted bar to the further use of nuclear power in this Nation.

Mr. Speaker, I believe the Price-Anderson system embodied in current law, including a limitation on liability, strikes an appropriate and equitable balance between the interests of the public and those who are charged with the responsibility for supplying our Nation with an adequate supply of electricity, a significant percentage of which is derived from nuclear power. Its unique features, and specifically its omnibus coverage, have made possible economic efficiencies that are consistent with the free market philosophy. It is for these reasons that I have introduced H.R. 51 to revise and extend Price-Anderson.

PROVISIONS OF H.R. 51

Section (1) of H.R. 51 extends the authority of the Nuclear Regulatory Commission and the Department of Energy to enter into contracts of indemnity pursuant to subsections 170 (c) and (d) of the Atomic Energy Act, respectively, for an additional 10-year period beyond the current expiration date of August 1, 1987. While I believe that the Price-Anderson system has withstood the test of time and deserves to be extended permanently, the 10-year renewal periods have provided convenient intervals for the Congress to review its operation and to make such modifications as contemporary circumstances may suggest. In order to assure a meaningful and informed opportunity for such continued congressional review, H.R. 51 renews the mandate to the NRC and DOE to report to the Congress several years in advance of its next expiration on the need for continuation or modification of Price-Anderson. Pursuant to section (5), such a report must be filed with the Congress not later than August 1993.

Section (2) of the bill provides, for persons holding certain licenses issued by the Nuclear Regulatory Commission, that the retrospective premium adjustment that may be assessed following a nuclear accident be increased from the current $5 million per incident to $10 million per incident. This retrospective premium adjustment was established by the Congress at the time of Price-Anderson's last extension in 1975. At that time, the overall limit of liability remained at the $560 million level established when Price-Anderson was initially enacted in 1957, but it was intended that the limit would float above this amount as additional reactors, each with the added assessment, were brought into service. Today, with the 89 licenses outstanding, the current $5 million assessment, plus the $160 million of available commercial insurance, has resulted in an increase in the overall liability limit to $605 million, a figure that will increase by $5 million with each additional reactor brought into service. My bill, by increasing the assessment to $10 million per reactor/per incident, would immediately raise the liability limitation to just over $1 billion, an amount which would also increase as additional reactors were licensed to operate.

While there is nothing magical about either the $5 million or $10 million level of assessments, my proposal is motivated by several important considerations. First, for the reasons I explained earlier, I believe retention of a limitation on liability is essential to the continued viability of the Price-Anderson indemnity system. My proposal accomplishes that objective. Second, $10 million represents the upper reaches of the assessment that can be imposed with the assurance that the funds will actually be available when needed. This fact is documented in appendix H to the NRC report entitled "The Price-Anderson Act—the Third Decade," submitted to the Congress in December 1983. That report shows that beyond the $10 million figure, certain licensees might not have the financial ability to pay. This has been confirmed by representatives of the utility industry who testified before Congress in both 1981 and 1984 that while a $10 million assessment would be manageable, payment of an assessment beyond that amount would not be possible for all licensees. Moreover, I believe that the billion-dollar fund that would result from the $10 million assessment represents an amount equivalent to the single largest risk for which insurance is currently available, that is, for third-party liability claims resulting from aircraft accidents. Finally, as was true when the Price-Anderson Act was originally enacted, and when each revision of the act was subsequently effected, I believe the financial impact of my bill would be acceptable to the affected industry and serve to continue the general collaborative concept that has worked so well to date, rather than to provide a basis for a lawsuit challenging the unilateral right of the Government to increase the heretofore agreed-to assessment.

Section (3) of H.R. 51 addresses the issue of the indemnification of Federal Government contractors. This issue is of great importance to me personally, and to the Armed Services Committee, since it involves activities vital to the national defense and security. Unlike the commercial reactor program, where some have argued that the failure of Congress to extend Price-Anderson would have no practical consequence because no new reactor orders are on the horizon, failure to extend the contractor provisions would immediately disrupt the ongoing DOE contractor program.

In 1957, the Government's indemnity for both the licensee and contractor programs was fixed at $500 million and it was also mandated that licensees purchase the $60 million of commercial insurance then available. This relationship between licensee and contractor limits was maintained until 1983 when the licensee liability limit floated above the $560 million level. Today, licensee coverage has risen to $605 million while contractor limits remain at $500 million. H.R. 51 would increase the contractor limit to $1 billion, or approximately the same level as proposed for licensees. This is consistent with the recommendation of the Department of Energy that some parity be maintained between the licensee and contractor coverage, so that the level of compensation remains independent of the source of the accident, be it a Government or a commercial activity. While it is true that the licensee limit will continue to increase as more reactors are licensed to operate, there does not appear to be any sound rationale for tying contractor coverage directly to the increase in the number of operating reactors. Moreover, the relatively few additional reactors expected to come on line in the next decade assures that some parity will be maintained between licensee and contractor coverage until Congress again has an opportunity to review the entire situation.

Mr. Speaker, I believe that with the modifications I have proposed in H.R. 51, the Price-Anderson compensation system will continue to serve the best interests of the public and the Nation in the coming decade. I look forward to its early enactment.●

BIPARTISAN COMMISSION ON THE DEFICIT

(Mr. NELSON of Florida asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. NELSON of Florida. Mr. Speaker, today I am introducing a bill which would set up a bipartisan Commission on the Deficit.

We have been successful with this commission approach in the past when a political situation reached a crisis stage—in 1983 when the recommendations of the bipartisan Social Security Commission were endorsed by both the Congress and President. Now our budget deficit is at the crisis stage with no real relief in sight.

The deficit issue is not a partisan issue, nor should it be—too much is at

stake. This Commission would provide a framework that would allow members from both parties and from the Congress and the executive branch, as well as private citizens, to roll up their sleeves and attack the issue in a bipartisan manner.

We cannot count on economic growth to "grow" us to a balanced budget—unless we are willing to wait for a long time or anticipate a growth that is many times the projected growth. In fact, the deficit itself tends to stifle the very growth needed to deal with it—a sort of economic catch-22. Federal borrowing now gobbles up 4 to 5 percent of the gross national product and from one-half to two-thirds of this country's net national saving. That saving will, therefore, not be available to support productive investment, which is the only way that we can insure long-term economic growth.

Everyone in Washington marveled at how well the bipartisan Commission on Social Security worked early in 1983. This was possible because each individual on that Commission had to give up something to save the Social Security Program. A Deficit Commission can work the same way.

A text of my bill follows:

H.R. —

A bill to establish a Commission on the Deficit

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT

SECTION. 1. There is established a commission to be known as the Commission on the Deficit (hereinafter in this Act referred to as the "Commission").

FUNCTIONS OF COMMISSION

SEC. 2. The Commission shall examine and develop feasible alternatives for reducing the Federal deficit over the short-term and the long-term and provide appropriate recommendations to the President and both Houses of Congress.

MEMBERSHIP

SEC. 3. (a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members as follows:

(1) Five members selected by the President from among officers or employees of the executive branch, private citizens of the United States, or both. Not more than three of the members selected by the President shall be members of the same political party;

(2) Five members selected by the Majority Leader of the Senate from among members of the Senate, private citizens of the United States, or both. Not more than three of the members selected by the Majority Leader shall be members of the same political party;

(3) Five members selected by the Speaker of the House of Representatives from among members of the House, private citizens of the United States, or both. Not more than three of the members selected by the Speaker shall be members of the same political party.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Appointments may be made under this subsection without regard to section 5311(b) of title 5, United States Code.

(b) CHAIRMAN.—The President shall designate a Chairman from among the members of the Commission.

(c) BASIC PAY.—

(1) Except as provided in paragraph (2), members of the Commission shall serve without pay.

(2) Members of the Commission who are full-time officers or employees of the United States or Members of the Congress shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(d) QUORUM.—Eight members of the Commission shall constitute a quorum but a lesser number may hold hearings.

DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS

SEC. 4. (a) DIRECTOR.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, have a Director who shall be appointed by the President and who shall be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(b) STAFF.—Subject to such rules as may be prescribed by the Commission, without regard to section 5311(b) of title 5, United States Code, the Director may appoint and fix the pay of such additional personnel as the Director considers appropriate.

(c) EXPERTS AND CONSULTANTS.—Subject to such rules as may be prescribed by the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act.

POWERS OF COMMISSION

SEC. 5. (a) HEARINGS AND SESSION.—The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(b) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(c) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

REPORT

SEC. 6. The Commission shall transmit a report to the President and to each House of the Congress not later than December 31, 1985. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation, administrative actions, as it considers appropriate.

TERMINATION

SEC. 7. The Commission shall cease to exist 30 days after submitting its report pursuant to section 6.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GEKAS) to revise and extend their remarks and include extraneous material:)

Mr. CARNEY, for 5 minutes, today.

Mr. GEKAS, for 10 minutes, today.

(The following Members (at the request of Mr. KILDEE) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BROOKS, for 5 minutes, today.

Mr. ROBINSON, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mr. NEAL, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GEKAS) and to include extraneous matter:)

Mr. MCDADE.

Mr. CONTE.

Mr. SHAW.

(The following Members (at the request of Mr. KILDEE) and to include extraneous matter:)

Mr. PEPPER in four instances.

Mr. ANDERSON in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. MARTINEZ.

Mr. ROYBAL.

Mr. KOSTMAYER.

Mr. LUKEN.

Mr. STARK.

Mr. RANGEL.

Mr. HAMILTON in two instances.

Mr. BROOKS.

Mr. RODINO.

Mr. EDGAR.

Mr. FLORIO.

SENATE ENROLLED BILL SIGNED

The SPEAKER pro tempore announced his signature to an enrolled bill of the Senate of the following title:

S.J. Res. 6. Joint resolution extending the time within which the President may transmit the budget message and the economic report to the Congress and extending the time within which the Joint Economic Committee shall file its report.

ADJOURNMENT

Mr. ROBINSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. SAM B. HALL, Jr.). Pursuant to the provisions of Senate Concurrent Resolution 3 of the 99th Congress, the House stands adjourned until 10 a.m., Monday, January 21, 1985.

Thereupon (at 1 o'clock and 45 minutes p.m.), pursuant to Senate Concurrent Resolution 3, the House adjourned until Monday, January 21, 1985, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amendments of various House committees and delegations traveling under authorizations from the Speaker concerning the foreign currencies and U.S. dollars utilized by them during the fourth quarter of 1983 and the second and third quarters of 1984 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. G.V. Montgomery			Germany	199.12	76.00						
			Greece	6,928	75.00						
Air Force transportation							4,585.35				4,736.35
Hon. John Paul Hammerschmidt			Germany	199.12	76.00						
			Greece	6,928	75.00						
Air Force transportation							4,585.35				4,736.35
Hon. Sam B. Hall, Jr.			Germany	199.12	76.00						
			Greece	6,928	75.00						
Air Force transportation							4,585.35				4,736.35
Hon. Bill Richardson			Germany	199.12	76.00						
			Greece	6,928	75.00						
Air Force transportation							4,585.35				4,736.35
Mr. Richard Shultz			Germany	199.12	76.00						
			Greece	6,928	75.00						
Air Force transportation							4,585.35				4,736.35
Committee total					755.00		22,926.75				23,681.75

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

G. V. MONTGOMERY, Chairman.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Amended report 2d quarter 1984; delegation to the Caribbean and Central America, Apr. 13–17, 1984: Delegation expenses.			El Salvador					180	45.75	180	45.75
Delegation to Central America, Apr. 23–27, 1984: Delegation expenses.			El Salvador				50.00				50.00
Committee totals							50.00		45.75		95.75

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MELVIN PRICE, Chairman, Oct. 29, 1984.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 2 AND JUNE 6, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Ike Andrews	6/2	6/6	France			1,231.08	144.83	745.12	45.32	1,976.20	190.15
Committee Total							144.83		45.32		190.15

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

AUGUSTUS F. HAWKINS, Chairman, Oct. 31, 1984.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. G.V. Montgomery	6/2	6/6	France		[3] 370.71	43.67	[4] 25.24 FF	2.97			
						[5] 60.37	101.22	[6] 719.88 FF	42.35	1,176.20	190.21
Hon. Sam B. Hall, Jr.	6/2	6/6	France		[3] 370.71	43.67	[4] 25.24	2.97			

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1984—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Paul Hammerschmidt	6/2	6/6	France	[3] 370.71		[5] 60.37 43.67	101.22 [4] 25.24	[6] 719.88 2.97	42.35	1,176.20	190.21
Hon. Chalmers P. Wylie	6/2	6/6	France	[3] 370.71		[5] 60.37 43.67	101.22 [4] 25.24	[6] 719.88 2.97	42.35	1,176.20	190.21
Mr. Francis Stover	6/2	6/6	France	[3] 370.71		[5] 60.37 43.67	101.22 [4] 25.24	[6] 719.88 2.97	42.35	1,176.20	190.21
Mr. Andre Clemandot	6/2	6/6	France	[3] 370.71		[5] 60.37 43.67	101.22 [4] 25.24	[6] 719.88 2.97	42.35	1,176.20	190.21
Committee total						[5] 60.37	101.22 869.34	[6] 719.88	42.35 271.92	1,176.20	190.21 1,141.26

[1] Per diem constitutes lodging and meals. [2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended. [3] Local transportation Normandy. [4] Delegation escort. [5] Local transportation Paris. [6] Control room charges.

G.V. MONTGOMERY, Chairman, Oct. 30, 1984.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
The following are additional expenses for the 2d quarter:											
Hon. Sam M. Gibbons	5/25	6/6	France			1,703.19	200.37	745.12	45.32	2,448.31	245.69
Committee totals						1,703.19	200.37		45.32		245.69

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, Oct. 31, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Charles Rawls	8/2	8/10	Canada	937.42	712.00					937.42	712.00
Commercial transportation							381.90				381.90
Committee total					712.00		381.90				1,093.90

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

E. de la GARZA, Chairman, Oct. 9, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bernard Dwyer	8/28	8/29	Italy		75.00						75.00
	8/29	8/30	Saudi Arabia		80.00						80.00
	8/30	8/31	Bahrain		132.00						132.00
	8/31	9/1	England		75.00		[3] 5,035.00				5,110.00
Hon. Jack Edwards	7/8	7/12	Korea		388.00						388.00
	7/12	7/14	Hong Kong		196.00						196.00
	7/14	7/17	Kuala Lumpur		357.00						357.00
	7/17	7/19	Philippines		150.00						150.00
	7/19	7/21	United States		225.00		[3] 5,114.81				5,339.81
Hon. William Gray	8/12	8/15	Egypt		261.00						261.00
	8/15	8/18	Ivory Coast		300.00						300.00
	8/19	8/23	Cameroon		326.03						326.03
	8/23	8/24	Senegal		138.00		3,778.00				3,916.00
Hon. Bill Green	8/11	8/18	Israel		913.00						913.00
	8/18	8/19	Portugal		75.00						75.00

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Transportation (DOD)							7,556.27				7,556.27
Hon. Jack Hightower	8/28	8/29	Italy		75.00						75.00
	8/29	8/30	Saudi Arabia		80.00						80.00
	8/30	8/31	Bahrain		132.00						132.00
	8/31	8/31	England		75.00		[3] 5,035.00				5,110.00
Hon. Bob Livingston	8/28	8/29	Italy		75.00						75.00
	8/29	8/30	Saudi Arabia		80.00						80.00
	8/30	8/31	Bahrain		132.00						132.00
	8/31	8/31	England		75.00		[3] 5,035.00				5,110.00
Hon. Joseph McDade	8/11	8/15	Germany		234.00						234.00
	8/15	8/18	England		300.00		3,595.00				3,895.00
	9/6	9/9	United Kingdom		411.00						3,895.00
	9/9	9/11	Belgium		158.00		3,859.00				4,017.00
Hon. John Murtha	8/28	8/29	Italy		75.00						75.00
	8/29	8/30	Saudi Arabia		80.00						80.00
	8/30	8/31	Bahrain		132.00						132.00
	8/31	8/31	England		75.00		[3] 5,035.00				5,110.00
Hon. John T. Myers	7/8	7/12	Korea		388.00						388.00
	7/12	7/14	Hong Kong		196.00						196.00
	7/14	7/17	Kuala Lumpur		357.00						357.00
	7/17	7/19	Philippines		150.00						150.00
	7/19	7/21	United States		225.00		[3]5,114.81				5,339.81
Hon. J. Kenneth Robinson	7/8	7/12	Korea		388.00						388.00
	7/12	7/14	Hong Kong		196.00						196.00
	7/14	7/17	Kuala Lumpur		357.00						357.00
	7/17	7/19	Philippines		150.00						150.00
	7/19	7/21	United States		225.00		[3]5,114.81				5,339.81
Hon. Eldon Rudd	9/5	9/11	Great Britain		685.00						685.00
Transportation (DOD)							2,147.93				2,147.93
Hon. Martin Sabo	8/20	8/23	Belgium		237.00						237.00
	8/23	8/24	The Netherlands		77.00						77.00
	8/24	8/26	Denmark		186.00						186.00
	8/26	8/27	Finland		102.00						102.00
	8/27	8/29	Sweden		274.00						274.00
	8/29	8/31	Norway		218.00						218.00
Transportation (DOD)							7,088.40				7,088.40
George Allen	7/8	7/12	Korea		388.00						388.00
	7/12	7/14	Hong Kong		196.00						196.00
	7/14	7/17	Kuala Lumpur		357.00						357.00
	7/17	7/19	Philippines		150.00						150.00
	7/19	7/21	United States		225.00		[3] 5,114.81				5,339.81
George Allen	8/11	8/15	Germany		234.00						234.00
	8/15	8/18	United Kingdom		300.00		3,595.00				3,895.00
George Allen	9/6	9/9	United Kingdom		411.00						411.00
	9/9	9/11	Belgium		158.00		3,859.00				4,017.00
Gregory Dahlberg	8/22	8/26	Canada		260.00		278.00				538.00
Robert V. Davis	8/28	8/29	Italy		75.00						75.00
	8/29	8/30	Saudi Arabia		162.00						162.00
	8/30	8/31	Bahrain		132.00						132.00
	8/31	9/5	England		575.00		[3] 5,035.00				5,610.00
Jim R. Fairchild	7/6	7/12	Brazil		474.00						474.00
	7/12	7/15	Argentina		340.00		4,165.00				4,505.00
Jefrey W. Jacobs	8/22	8/25	Canada		225.0		467.67				692.67
Dennis M. Kedzior	8/12	8/13	Beligum		76.00						76.00
	8/13	8/15	Holland		154.00						154.00
	8/15	8/16	Germany		75.00						75.00
	8/16	8/19	United Kingdom		297.00						297.00
	8/19	8/21	Scotland		153.00						153.00
	8/21	8/23	Italy		276.00		5,341.35				5,617.35
Edward E. Lombard	8/20	8/22	Canada		234.00		430.77				664.77
Mark W. Murray	7/17	7/21	Iceland		488.00		651.00				1,139.00
Mark W. Murray	8/12	8/13	Belgium		76.00						76.00
	8/13	8/15	Holland		154.00						154.00
	8/15	8/16	Germany		75.00						75.00
	8/16	8/18	United Kingdom		198.00						198.00
	8/18	8/21	Scotland		234.00						234.00
	8/21	8/23	United Kingdom		297.00		4,639.35				4,936.35
Terry R. Peel	8/12	8/13	Belgium		76.00						76.00
	8/13	8/15	Holland		154.00						154.00
	8/15	8/16	Germany		75.00						75.00
	8/16	8/19	United Kingdom		297.00						297.00
	8/19	8/21	Scotland		153.00						153.00
	8/21	8/23	It.-y		276.00		5,374.35				5,650.35
John Plashal	8/28	8/29	Italy		75.00						75.00
	8/29	8/30	Saudi Arabia		162.00						162.00
	8/30	8/31	Bahrain		132.00						132.00
	8/31	8/31	England		75.00		[3] 5,035.00				5,110.00
Edwin F. Powers	7/5	7/12	Brazil		474.00						474.00
	7/12	7/19	Argentina		300.00		4,318.64				4,618.64
Edwin F. Powers	8/11	8/12	England		96.00						96.00
	8/12	8/15	Egypt		261.00						261.00
	8/15	8/20	France		470.00						470.00
	8/20	8/24	Portugal		375.00						375.00
	8/24	8/27	England		288.00		4,501.00				4,789.00
William W. Schuerch	6/29	7/4	Kenya		375.00						375.00
	7/4	7/8	Zimbabwe		304.00						304.00
	7/8	7/13	Switzerland		492.00		4,708.71				5,200.71
Committee total				22,650.00		121,023.68					143,673.71
Appropriations, surveys and investigations staff:											
Lisa M. Grob	8/25	9/6	Germany		942.50		1,931.00		9.00		2,882.50
Richard W. Meeks	8/25	9/6	Germany		942.50		1,931.00		40.00		2,913.50
Committee total				1,885.00		3,862.00		49.00			5,796.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Transportation provided by Department of Defense. Cost shown is comparable 1st class commercial rate.

JAMIE L. WHITTEN, Chairman, Nov. 13, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Delegation to Central America—July 6–10, 1984:											
Nichols, Cong. Bill	7/6	7/7	Panama		80.00						80.00
	7/7	7/8	Honduras	192.00	48.00					192.00	48.00
	7/8	7/9	El Salvador	592.50	150.00					592.50	150.00
	7/9	7/10	Nicaragua		82.00						82.00
Transportation—Department of the Air Force.							2,421.07				2,421.07
Stratton, Cong. Samuel	7/8	7/9	El Salvador	296.25	75.00					296.25	75.00
	7/9	7/10	Nicaragua		75.00						75.00
Transportation—Department of State							414.95				414.95
Transportation—Department of the Air Force.							848.75				848.75
Byron, Cong. Beverly B	7/6	7/7	Panama		80.00						80.00
	7/7	7/8	Honduras	192.00	48.00					192.00	48.00
	7/8	7/9	El Salvador	266.83	67.55					266.83	67.55
	7/9	7/10	Nicaragua		82.00						82.00
Transportation—Department of the Air Force.							2,421.07				2,421.07
Hopkins, Cong. Larry	7/6	7/7	Panama		80.00						80.00
	7/7	7/8	Honduras	192.00	48.00					192.00	48.00
	7/8	7/9	El Salvador	592.50	150.00					592.50	150.00
	7/9	7/10	Nicaragua		82.00						82.00
Transportation—Department of the Air Force.							2,421.07				2,421.07
Crane, Cong. Daniel B	7/6	7/7	Panama		80.00						80.00
	7/7	7/8	Honduras	192.00	48.00					192.00	48.00
	7/8	7/9	El Salvador	296.25	75.00					296.25	75.00
Transportation—Department of State							325.00				325.00
Transportation—Department of the Air Force.							1,542,32				1,572.32
Martin, Cong. David O'B	7/8	7/9	El Salvador	296.25	75.00					296.25	75.00
	7/9	7/19	Nicaragua		75.00						75.00
Transportation—Department of State							299.52				299.52
Transportation—Department of the Air Force.							848.75				848.75
Spratt, Cong. John M.	7/6	7/7	Panama		80.00						80.00
	7/7	7/8	Honduras	192.00	48.00					192.00	48.00
	7/8	7/9	El Salvador	247.50	62.66					247.50	62.66
	7/9	7/10	Nicaragua		73.25						73.25
Transportation—Department of the Air Force.							2,421.07				2,421.07
Britt, Cong. C. Robin	7/6	7/7	Panama		80.00						80.00
	7/7	7/8	Honduras	192.00	48.00					192.00	48.00
	7/8	7/9	El Salvador	592.50	150.00					592.50	150.00
	7/9	7/10	Nicaragua		82.00						82.00
Transportation—Department of the Air Force.							2,421.07				2,421.07
Lally, Mr. John F.	7/6	7/7	Panama		80.00						80.00
	7/7	7/8	Honduras	192.00	48.00					192.00	48.00
	7/8	7/9	El Salvador	592.50	150.00					592.50	150.00
	7/9	7/10	Nicaragua		82.00						82.00
Transportation—Department of the Air Force.							21421.07				2,421.07
Barrett, Mr. Archie D.	7/6	7/7	Panama		80.00						80.00
	7/7	7/8	Honduras	192.00	48.00					192.00	48.00
	7/8	7/9	El Salvador	592.50	150.00					592.00	150.00
	7/9	7/10	Nicaragua		82.00						82.00
Transportation—Department of the Air Force.							2,421.07				2,421.07
Preston, Ms. Colleen	7/6	7/7	Panama		80.00						80.00
	7/7	7/8	Honduras	192.00	48.00					192.00	48.00
	7/8	7/9	El Salvador	592.50	150.00					592.50	150.00
	7/9	7/10	Nicaragua		82.00						82.00
Transportation—Department of the Air Force.							2,421.07				2,421.07
Fleshman, Mr. William	7/6	7/7	Panama		80.00						80.00
	7/7	7/8	Honduras	192.00	48.00					192.00	48.00
	7/8	7/9	El Salvador	592.50	150.00					592.50	150.00
	7/9	7/10	Nicaragua		82.00						82.00
Transportation—Department of the Air Force.							2,421.07				2,421.07
Delegation expenses—El Salvador							250.00	1,363.87	345.29	1,363.87	595.29
Delegation to the Far East, July 8–22, 1984:											
Daniel, Cong. Dan	7/8	7/12	Korea	31,680.00	388.00					31,680.00	388.00
	7/12	7/14	Hong Kong	1,529.80	196.00					1,529.80	196.00
	7/14	7/17	Malasia	1,026.00	456.00					1,026.00	456.00
	7/17	7/19	Philippines	3,890.16	216.00					3,890.00	216.00
	7/19	7/22	Hawaii		203.36						203.36
Transportation—Department of the Air Force.							10,991.56				10,991.56
Cofer, Mr. Williston B	7/8	7/12	Korea	31,680.00	388.00					31,680.00	388.00
	7/12	7/14	Hong Kong	1,529.80	196.00					1,529.80	196.00
	7/14	7/17	Malasia	1,026.00	456.00					1,026.00	456.00
	7/17	7/19	Philippines	3,890.16	216.00					3,890.16	216.00
	7/19	7/22	Hawaii		229.05						229.05
Transportation—Department of the Air Force.							10,991.56				10,991.56
Visit to Korea, July 14–16, 1984:											
Badham, Cong. Robert E	7/14	7/16	Korea	155,840.00	194.00					155,840.00	194.00
Transportation—Department of the Army							525.00				525.00
Visit to the Federal Republic of Germany, Aug. 11–15, 1984:											
Spratt, Cong. John M.	8/11	8/15	W/Germany		384.67						384.67
Transportation—Department of the Army							660.00				660.00
Delegation to the Northern NATO and Nordic Region, Aug. 20–31, 1984											
Hutto, Cong. Earl	8/20	8/23	Belgium	13,699.00	237.00					13,699.00	237.00
	8/23	8/24	Netherlands	250.25	77.00					250.25	77.00
	8/24	8/26	Denmark	1,808.25	186.00					1,808.25	186.00
	8/26	8/27	Finland	615.35	102.00					615.35	102.00
	8/27	8/29	Sweden	2,281.05	274.00					2,281.05	274.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1984—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	8/29	8/31	Norway	1,798.50	218.00					1,798.50	218.00
Transportation—Department of the Air Force.							7,088.40				7,088.40
Whitehurst, Cong. G.W.	8/20	8/23	Belgium	13,699.00	237.00					13,699.00	237.00
	8/23	8/24	Netherlands	250.25	77.00					250.25	77.00
	8/24	8/26	Denmark	1,808.25	186.00					1,808.25	186.00
	8/26	8/27	Finland	615.35	102.00					615.35	102.00
	8/27	8/29	Sweden	2,281.05	274.00					2,281.05	274.00
	8/29	8/31	Norway	1,798.50	218.00					1,798.50	218.00
Transportation—Department of the Air Force.							7,088.40				7,088.40
Kazen, Cong. Abraham, Jr	8/20	8/23	Belgium	13,699.00	237.00					13,699.00	237.00
	8/23	8/24	Netherlands	250.25	77.00					250.25	77.00
	8/24	8/26	Denmark	1,808.25	186.00					1,808.25	186.00
	8/26	8/27	Finland	615.35	102.00					615.35	102.00
	8/27	8/29	Sweden	2,281.05	274.00					2,281.05	274.00
	8/29	8/31	Norway	1,798.50	218.00					1,798.50	218.00
Transportation—Department of the Air Force.							7,088.40				7,088.40
Leath, Cong. Marvin	8/20	8/23	Belgium	13,699.00	237.00					13,699.00	237.00
	8/23	8/24	Netherlands	250.25	77.00					250.25	77.00
	8/24	8/26	Denmark	1,808.25	186.00					1,808.25	186.00
	8/26	8/27	Finland	615.35	102.00					615.35	102.00
	8/27	8/29	Sweden	2,281.05	274.00					2,281.05	274.00
	8/29	8/31	Norway	1,798.50	218.00					1,798.50	218.00
Transportation—Department of the Air Force.							7,088.40				7,088.40
Sisisky, Cong. Norman	8/20	8/23	Belgium	13,699.00	237.00					13,699.00	237.00
	8/23	8/24	Netherlands	250.25	77.00					250.25	77.00
	8/24	8/26	Denmark	1,808.25	186.00					1,808.25	186.00
	8/26	8/27	Finland	615.35	102.00					615.35	102.00
	8/27	8/29	Sweden	2,281.05	274.00					2,281.05	274.00
	8/29	8/31	Norway	1,798.50	218.00					1,798.50	218.00
Transportation—Department of the Air Force.							7,088.40				7,088.40
Scrivner, Mr. Peter C.	8/20	8/23	Belgium	13,699.00	237.00					13,699.00	237.00
	8/23	8/24	Netherlands	250.25	77.00					250.25	77.00
	8/24	8/26	Denmark	1,808.25	186.00					1,808.25	186.00
	8/26	8/27	Finland	615.35	102.00					615.35	102.00
	8/27	8/29	Sweden	2,281.05	274.00					2,281.05	274.00
	8/29	8/31	Norway	1,798.50	218.00					1,798.50	218.00
Transportation—Department of the Air Force.							7,088.40				7,088.40
Tsompanas, Mr. Paul L.	8/20	8/23	Belgium	13,699.00	237.00					13,699.00	237.00
	8/23	8/24	Netherlands	250.25	77.00					250.25	77.00
	8/24	8/26	Denmark	1,808.25	186.00					1,808.25	186.00
	8/26	8/27	Finland	615.35	102.00					615.35	102.00
	8/27	8/29	Sweden	2,281.05	274.00					2,281.05	274.00
	8/29	8/31	Norway	1,798.50	218.00					1,798.50	218.00
Transportation—Department of the Air Force.							7,088.40				7,088.40
Bayer, Mr. Carl T	8/20	8/23	Belgium	13,699.00	237.00					13,699.00	237.00
	8/23	8/24	Netherlands	250.25	77.00					250.25	77.00
	8/24	8/26	Denmark	1,808.25	186.00					1,808.25	186.00
	8/26	8/27	Finland	615.35	102.00					615.35	102.00
	8/27	8/29	Sweden	2,281.05	274.00					2,281.05	274.00
	8/29	8/31	Norway	1,798.50	218.00					1,798.50	218.00
Transportation—Department of the Air Force.							7,088.40				7,088.40
Steffes, Mr. Pater M	8/20	8/23	Belgium	13,699.00	237.00					13,699.00	237.00
	8/23	8/24	Netherlands	250.25	77.00					250.25	77.00
	8/24	8/26	Denmark	1,808.25	186.00					1,808.25	186.00
	8/26	8/27	Finland	615.35	102.00					615.35	102.00
	8/27	8/29	Sweden	2,281.05	274.00					2,281.05	274.00
	8/29	8/31	Norway	1,798.50	218.00					1,798.50	218.00
Transportation—Department of the Air Force.							7,088.40				7,088.40
Sullivan, Mr. John V.	8/20	8/23	Belgium	13,699.00	237.00					13,699.00	237.00
	8/23	8/24	Netherlands	250.25	77.00					250.25	77.00
	8/24	8/26	Denmark	1,808.25	186.00					1,808.25	186.00
	8/26	8/27	Finland	615.35	102.00					615.35	102.00
	8/27	8/29	Sweden	2,281.05	274.00					2,281.05	274.00
	8/29	8/31	Norway	1,798.50	218.00					1,798.50	218.00
Transportation—Department of the Air Force.							7,088.40				7,088.40
Delegation expenses			Netherlands				478.88		574.55		1,053.43
Delegation expenses			Denmark			9,497.50	898.93	5,592.35	517.54	15,089.85	1,416.47
Delegation expenses			Finland			5,152.00	796.04	4,575.15	747.34	9,727.15	1,543.38
Delegation expenses			Sweden			5,010.00	590.18	9,779.35	1,128.93	14,789.35	1,719.11
Delegation expenses			Norway			15,021.46	1,663.46	7,780.00	861.57	22,801.00	2,525.03
Visit to Switzerland, August 27, 1984:											
Byron, Cong. Beverly B	8/26	8/27	Switzerland	100.93	42.00					100.93	42.00
Staff visit to the United Kingdom, Sept. 6–8, 1984:											
Battista, Mr. Anthony	9/6	9/8	United Kingdom	160.70	208.00					160.70	208.00
Transportation—Department of the Air Force.							3,182.75				3,182.75
Chase, Mr. Alan C	9/6	9/8	United Kingdom	160.70	208.00					160.70	208.00
Transportation—Department of the Air Force.							3,182.75				3,182.75
Committee total					18,485.54		131,194.03		4,175.22		153,854.79

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MELVIN PRICE, Chairman, Oct. 29, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Peter D. Robertson	7/11	7/16	Japan		210.35		[3] 1,533.43				1,743.78
	7/16	7/20	Korea		185.48						185.48
Committee total					395.83		1,533.43				1,929.26

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Department of the Air Force.

JAMES R. JONES, Chairman, Oct. 10, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Mary Jane Fiske	9/15	9/23	Canada	705.14	540.00		245.98			705.14	785.98
Cary Caruso	9/15	9/19	Canada	705.14	540.00		245.98			705.14	785.98
Committee total					1,080		491.96				1,571.96

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

AUGUSTUS F. HAWKINS, Chairman, Oct. 31, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Waxman, Henry A.	7/30	7/30	Canada		75.00						75.00
Commercial air fare							245.98				245.98
Leland, Mickey	7/30	7/30	Canada		75.00						75.00
Commercial air fare							629.32				629.32
Budetti, Peter	7/30	7/30	Canada		75.00						75.00
Commercial air fare							281.54				281.54
Waxman, Henry A.	8/16	8/22	France		282.00						282.00
	8/22	8/26	Sweden		548.00						548.00
	8/26	8/28	France		188.00						188.00
	8/28	8/29	Germany		132.00						132.00
	8/29	8/30	France		94.00						94.00
Commercial air fare							724.90				724.90
Taxi fares									40.00		40.00
Shelby, Richard	8/22	8/25	Sweden		411.00						411.00
	8/25	8/28	France		282.00						282.00
	8/28	8/29	Germany		132.00						132.00
Commercial air fare							2,517.00				2,517.00
Nelson, Karen	8/22	8/25	Sweden		411.00						411.00
	8/25	8/28	France		282.00						282.00
	8/28	8/29	Germany		132.00						132.00
	8/29	8/30	France		94.00						94.00
Commercial air fare							2,382.00				2,382.00
Schiliro, Philip	8/22	8/25	Sweden		411.00						411.00
	8/25	8/28	France		282.00						282.00
	8/28	8/29	Germany		132.00						132.00
Commercial air fare							2,382.00				2,382.00
Wetstone, Gregory	8/22	8/25	Sweden		411.00						411.00
	8/25	8/28	France		282.00						282.00
	8/28	8/29	Germany		132.00						132.00
	8/29	8/30	France		94.00						94.00
Commercial air fare							2,517.00				2,517.00
Katz, Ruth	8/22	8/25	Sweden		411.00						411.00
	8/25	8/28	France		282.00						282.00
	8/28	8/29	Germany		132.00						132.00
	8/29	8/30	France		94.00						94.00
Commercial air fare							2,382.00				2,382.00
Dodson, Gerald	8/19	8/22	Switzerland		82.00						82.00
	8/22	8/25	Sweden		411.00						411.00
	8/25	8/28	France		282.00						282.00
	8/28	8/29	Germany		132.00						132.00
	8/29	8/30	France		94.00						94.00
Commercial air fare							2,517.00				2,517.00
Mason, Michael	8/22	8/25	Sweden		411.00						411.00
	8/25	8/28	France		282.00						282.00
	8/28	8/29	Germany		132.00						132.00
	8/29	8/30	France		94.00						94.00
Commercial air fare							2,517.00				2,517.00
Bliley, Thomas J.	8/20	8/23	Belgium		237.00						237.00
	8/23	8/24	Netherlands		77.00						77.00
	8/24	8/26	Denmark		186.00						186.00
	8/26	8/27	Finland		102.00						102.00
	8/27	8/29	Sweden		274.00						274.00

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	8/29	8/31	Norway		218.00						218.00
Military (USAF)							7,088.40				7,088.40
Committee totals					8,890.00		26,184.14		40.00		35,114.14

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN DINGELL, Chairman, Oct. 31, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Abdul-Rahim, S	8/14	8/15	Portugal		75.00						75.00
	8/15	8/29	South Africa		1,504.00		153.89				1,657.89
	8/29	8/30	Zimbabwe		75.00						75.00
	8/30	9/1	Zambia		150.00		13.55				163.55
	9/2	9/5	Mozambique		450.00						450.00
	9/6	9/7	Portugal		75.00						75.00
Commercial Transportation							4,904.81				4,904.81
Boyer, R.K	7/1	7/3	Japan		308.00						308.00
	7/3	7/7	Korea		520.00						520.00
	7/7	7/10	Hong Kong		393.00		456.75				849.75
	7/10	7/15	Thailand		539.00						539.00
	7/15	7/17	Malaysia		304.00						304.00
	7/17	7/20	Philippines		324.00		97.28				421.28
	7/20	7/23	Taiwan		375.00						375.00
Commercial Transportation							4,451.76				4,451.76
Total					5,092.00		10,078.04				15,170.04
Barnds, W	7/1	7/4	Australia		493.90						493.90
	7/6	7/8									
	7/4	7/6	New Zealand		150.00		44.97				194.97
	7/8	7/13	Indonesia		[3] 663.00		57.32				720.32
	7/13	7/14	Singapore		155.00						155.00
	7/14	7/16	Philippines		75.00						75.00
	7/16	7/18	Japan		308.00						308.00
Commercial transportation							7,420.30				7,420.30
Brady, J.J	8/12	8/14	Japan		308.00						308.00
	8/14	8/17	Hong Kong	393.00							393.00
	8/17	8/22	Thailand		498.00		97.20				595.20
	8/22	8/26	Burma		291.00		50.70		141.67		483.37
	8/26	8/27	Thailand		116.00						116.00
	8/27	8/29	Malaysia		304.00						304.00
Total					3,754.90		7,670.49		141.67		11,567.06
	8/29	8/31	Singapore		306.00						306.00
	8/31	9/3	Philippines		324.00						324.00
Commercial transportation							4,924.86				4,924.86
Chambers, F.M	8/12	8/14	Japan		308.00						308.00
	8/14	8/17	Hong Kong		393.00						393.00
	8/17	8/22	Thailand		498.00		97.20				595.20
	8/22	8/26	Burma		[3] 245.00		50.70		141.67		437.37
	8/26	8/27	Thailand		116.00						116.00
	8/27	8/29	Malaysia		304.00						304.00
	8/29	8/31	Singapore		306.00						306.00
	8/31	9/3	Philippines		324.00						324.00
Commercial transportation							4,924.86				4,924.86
Total					3,124.00		9,997.62		141.67		13,263.29
Dymally, M.M	7/1	7/4	Trinidad and Tobago		420.00						420.00
Commercial transportation							1,318.00				1,318.00
Eckert, S	7/16	7/30	Soviet Union		720.00						720.00
	7/30	7/31	Finland		102.00						102.00
Commercial transportation							1,108.50				1,108.50
Fite, W	8/26	8/31	Austria		670.00						670.00
Commercial transportation							3,461.00				3,461.00
Garon, R	8/12	8/14	Japan		308.00						308.00
	8/14	8/17	Hong Kong		393.00						393.00
	8/17	8/21	Thailand		614.00		97.20				711.20
	8/26	8/27									
	8/22	8/26	Burma		254.00		50.70		141.67		446.37
	8/27	8/29	Malaysia		304.00						304.00
	8/29	8/31	Singapore		306.00						306.00
Total					4,091.00		6,035.40		141.67		10,268.07
	8/31	9/3	Philippines		324.00						324.00
Commercial transportation							4,924.86				4,924.86
Goodman, M	8/5	8/17	Mexico		975.00						975.00
Commercial transportation							921.00				921.00
Gulick, L	6/12	6/17	Ethiopia		539.82						539.82
	6/17	6/19	Italy		250.00						250.00
Commercial transportation							4,373.00				4,373.00
Holloway, A.F	7/9	7/11	Switzerland		164.00		392.78				556.78
Commercial transportation							3,419.00				3,419.00
Lonie, D	8/9	8/29	South Africa		1,414.00		153.89				1,567.89
	8/29	8/30	Zimbabwe		[3] 51.00						51.00
	8/30	9/1	Zambia		150.00		13.55				163.55
	9/1	9/6	Mozambique		400.00						400.00
	9/6	9/7	Portugal		[3] 38.00						38.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1984—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Total					4,305.82		14,198.08				18,503.90
Commercial transportation							4,127.00				4,127.00
Pena, R.M	8/25	8/29	Panama		400.00						400.00
	8/30	9/4	Paraguay		[3] 357.00						357.00
	9/4	9/8	Argentina		756.00						756.00
Commercial transportation							3,541.00				3,541.00
Pitchford, G.E	8/9	8/29	South Africa		1,791.00		153.89				1,944.89
	8/29	8/30	Zimbabwe		57.00						57.00
	8/30	9/1	Zambia		150.00		13.55				163.55
	9/1	9/6	Mozambique		423.00						423.00
	9/6	9/7	Portugal		75.00						75.00
Commercial transportation							4,127.00				4,127.00
Pritchard, J	7/1	7/8	Australia		493.90						493.00
	7/4	7/6	New Zealand		150.00		44.97				194.97
	7/8	7/9	Indonesia		89.00		57.32				146.32
Commercial transportation							8,440.50				8,440.50
Total					4,741.90		20,505.23				25,246.23
Roth, S.	8/11	8/13	Saudi Arabia		146.25						146.25
	8/13	8/15	Kuwait		380.00						380.00
	8/13	8/17	Iraq		[3] 97.58						97.58
	8/22	8/23	Jordan		[3] 141.69						141.69
	8/17	8/22	Egypt		[3] 443.34						443.34
	8/23	8/28	Israel		[3] 565.00						565.00
Commercial transportation							3,430.00				3,430.00
Sloan, I.	7/1	7/3	Japan		308.00						308.00
	7/3	7/7	Korea		520.00						520.00
	7/7	7/10	Hong Kong		393.00		456.75				849.75
	7/10	7/15	Thailand		539.00						539.00
	7/15	7/17	Malaysia		304.00						304.00
	7/17	7/17	Philippines		324.00		97.28				421.28
	7/20	7/22	Taiwan		375.00						375.00
Commercial transportation							4,451.76				4,451.76
Total					4,536.86		8,435.79				12,972.65
Solarz, S.J	7/1	7/4	Australia		493.90						493.90
	7/6	7/8									
	7/4	7/6	New Zealand		150.00		44.97				194.97
	7/8	7/9	Indonesia		89.00		57.32				146.32
	7/13	7/14	Singapore		155.00						155.00
	7/14	7/15	Philippines		37.50						37.50
Commercial transportation							7,137.80				7,137.80
	8/11	8/13	Saudi Arabia		146.25						146.25
	8/13	8/15	Kuwait		380.00						380.00
	8/15	8/16	Iraq		[3] 6.48						6.48
	8/16	8/17	Jordan		246.00						246.00
	8/22	8/23									
	8/17	8/22	Egypt		439.50						439.50
	8/23	8/28	Israel		665.00						665.00
Total					2,808.63		7,240.09				10,048.72
	8/28	8/29	Turkey		112.50						112.50
Commercial transportation							3,877.30				3,877.30
Verstandig, T.G	8/24	8/26	England				137.00				137.00
	8/26	8/30	Austria		536.00						536.00
Commercial transportation							4,159.00				4,159.00
Weber, J.R	8/23	8/26	England		274.00						274.00
	8/26	8/31	Austria		670.00						670.00
Commercial transportation							4,159.00				4,159.00
Weissman, S	8/14	8/15	Portugal		75.00						75.00
	8/15	8/29	South Africa		[3] 1,473.25		153.89				1,627.14
	8/29	8/30	Zimbabwe		75.00						75.00
	8/30	9/1	Zambia		150.00		13.55				163.55
	9/2	9/7	Mozambique		450.00						450.00
	9/7	9/8	Portugal		[3] 46.36						46.36
Commercial transportation							4,904.81				4,904.81
Total					3,999.11		17,267.55				21,266.66
Grand total for 3d quarter											138,306.62

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refunds made of unused per diem.

DANTE B. FASCELL, Chairman, Oct. 31, 1984.

REPORT OF EXENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Breaux, John B., MC	8/19	8/26	Japan	205,814	854.00		3,742.85				4,596.85
Delaney, Glenn	8/19	8/26	Japan	242,928	1,008.00		3,571.00				4,579.00
Seifer, Gerald	7/26	8/4	Switzerland	1,800	738.00	40.00	1,895.00	[3] 16.18			2,649.18
Smith, Timothy E	8/19	8/26	Japan	242,928	1,008.00		3,571.00				4,579.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Ground transportation.

Walter B. Jones, Chairman, Oct. 16, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Benjamin A. Gilman	7/1	7/3	West Germany	278.00	99.44					278.00	99.44
Commercial transportation							1,800.00				1,800.00
Haron N. Battle	8/9	8/17	Mexico		600.00						600.00
Commercial transportation							483.00				483.00
Hon. Katie Hall	8/24	8/29	Netherlands	1,206.00	371.08					1,206.00	371.08
	8/29	8/31	West Germany	578.00	200.00					578.00	200.00
	8/31	9/4	Switzerland	767.90	320.00	140.00	56.19			907.90	376.19
	9/4	9/7	Spain		225.00						225.00
Commercial transportation							1,878.30				1,878.30
Steve Pruitt	8/24	8/29	Netherlands	1,206.00	371.08					1,206.00	371.08
	8/29	8/31	West Germany	578.00	200.00					578.00	200.00
	8/31	9/4	Switzerland	767.90	320.00	140.00	56.19			907.90	376.19
	9/4	9/7	Spain		225.00						225.00
Commercial transportation							1,878.30				1,878.30
Committeee total					2,931.60		6,151.98				9,083.58

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM D. FORD, Chairman, Oct. 30, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
D'Amico, Salvatore J., Mr	9/22	10/13	Italy	4,360,960	1,969.00	287,300	140.65			4,642,230	2,109.65
Air transportation only			Germany			14,187.00	4,379.00			14,187.00	4,379.00
Committee total					1,969.00		4,519.65				6,488.65

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES J. HOWARD, chairman, Oct. 30, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Latta, Delbert:											
Local transportation—Normandy	6/02	6/06	France			370.71	43.67			370.71	43.67
Local transportation—Paris						60.37	101.22			60.37	101.22
Delegate escort								25.24	2.97	25.24	2.97
Control room								719.88	42.35	719.88	42.35
Committee total										1.176.20	190.21

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
Note: Addendum—information not available when last quarterly update filed.

CLAUDE PEPPER, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
D. Fuqua		9/5	United States				2,147.93				2,147.93
	9/6	9/11	England	529.20	685.00					529.20	685.00
	9/11		United States								
L. Winn		9/5	United States				2,147.93				2,147.93
	9/6	9/11	England	529.20	685.00					529.20	685.00
	9/11		United States								
T. Lewis		9/5	United States				2,147.93				2,147.93
	9/6	9/11	England	529.20	685.00					529.20	685.00
	9/11		United States								
H. Hanson		9/5	United States				2,147.93				2,147.93
	9/6	9/10	England	529.20	556.00					529.20	556.00
	9/10	9/11	Norway	919.60	109.00		481.00			919.60	590.00
	9/11	9/11	England								
	9/11		United States								
T. Tate		9/5	United States				2,147.93				2,147.93
	9/6	9/11	England	529.20	685.00					529.20	685.00
	9/11		United States								
C. Rodgers		9/5	United States				2,147.93				2,147.93
	9/6	9/11	England	529.20	685.00					529.20	685.00
	9/11		United States								
H. Smith		9/5	United States				2,147.93				2,147.93
	9/6	9/11	England	529.20	685.00					529.20	685.00
	9/11		United States								
A. Taylor		9/5	United States				2,147.93				2,147.93
	9/6	9/11	England	529.20	685.00					529.20	685.00
	9/11		United States								
J. Dugan		9/5	United States				2,147.93				2,147.93
	9/6	9/11	England	529.20	685.00					529.20	685.00
	9/11		United States								
R. Kripowicz		9/5	United States				2,147.93				2,147.93
	9/6	9/11	England	529.20	685.00					529.20	685.00
	9/11		United States								
G. Kopp		9/5	United States				1,073.97				1,073.97
	9/6	9/10	England	529.20	556.00					529.20	556.00
	9/10	9/11	Norway	919.60	109.00		481.00			919.60	590.00
	9/11	9/11	England								
	9/11	9/15	France	5,045.04	546.00		68.00		12.00	5,045.04	626.00
	9/15		United States				([3])				
D. Branscome		9/5	United States				2,147.93				2,147.93
	9/6	9/11	England	529.20	685.00					529.20	685.00
	9/11		United States								
W. Harvey		9/5	United States				2,147.93				2,147.93
	9/6	9/11	England	529.20	685.00					529.20	685.00
	9/11		United States								
J. Holmfeld		9/5	United States				2,147.93				2,147.93
	9/6	9/10	England	529.20	556.00					529.60	556.00
	9/10	9/11	Norway	919.60	109.00		481.00			919.60	590.00
	9/11	9/11	England								
	9/11		United States								
C. Stanford		9/5	United States				2,147.93				2,147.93
	9/6	9/11	England	529.20	685.00					529.20	685.00
	9/11		United States								
D. Hicks, Jr		9/5	United States				2,147.93				2,147.93
	9/6	9/11	England	529.20	685.00					529.20	685.00
	9/11		United States								
Committee totals					11,446.00		34,803.92		12.00		46,261.92

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Information requested from the Department of State; will be included on amended report.
Note: Delegation expenses have not yet been received from the Department of State; an amended report will be filed as soon as they are available.

DON FUQUA, Chairman, Oct. 29, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
George M. Grant	8/15	8/19	Nassau, Bahamas		580.00		597.00				1,177.00
Committee total					580.00		597.00				1,177.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PARREN J. MITCHELL, Chairman, Oct. 11, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Barber B. Conable	8/11	8/18	Israel		931.00						931.00
	8/18	8/19	Portugal	11,100	75.00						75.00
Transportation by Department of Defense							7,556.27				7,556.27

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1984—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Thomas J. Downey	8/11	8/18	Israel		931.00						931.00
	8/18	8/19	Portugal	11,100	75.00						75.00
Transportation by Department of Defense							7,556.27				7,556.27
Hon. Bill Frenzel	8/11	8/18	Israel		931.00						931.00
	8/18	8/19	Portugal	11,100	75.00						75.00
Transportation by Department of Defense							7,556.27				7,556.27
Hon. Sam M. Gibbons	8/11	8/18	Israel		931.00						931.00
	8/18	8/19	Portugal	11,100	75.00						75.00
Transportation by Department of Defense							7,556.27				7,556.27
Hon. Frank J. Guarini	8/11	8/18	Israel		931.00						931.00
	8/18	8/19	Portugal	11,100	75.00						75.00
Transportation by Department of Defense							3,888.32				3,888.32
Hon. Richard T. Schulze	8/11	8/18	Israel		931.00						931.00
	8/18	8/19	Portugal	11,100	75.00						75.00
Transportation by Department of Defense							7,556.27				7,556.27
Hon Fortney H. (Pete) Stark											
	8/12	8/21									
	8/21	8/27					4,595.67				4,595.67
Hon. William M. Thomas	8/11	8/18	Israel		931.00						931.00
Transportation by Department of Defense							5,376.32				5,376.32
Thelma J. Askey	8/11	8/18	Israel		931.00						931.00
	8/18	8/19	Portugal	11,100	75.00						75.00
Transportation by Department of Defense							7,556.27				7,556.27
Franklin C. Phifer	8/11	8/18	Israel		931.00						931.00
	8/18	8/19	Portugal	11,100	75.00						75.00
Transportation by Department of Defense							5,502.11				5,502.11
Joanna R. Shelton	6/22	7/4	Japan	284,350	1,210.00		2,183.00		64.90		3,457.90
Graciela P. Sullivan	8/11	8/18	Israel		931.00						931.00
	8/18	8/19	Portugal	11,100	75.00						75.00
Transportation by Department of Defense							7,556.27				7,556.27
Committee total					11,195.00		74,439.31		64.90		85,699.21

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, Oct. 9, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Finerty, John	6/18	7/9	Sweden		2,953.00		2,017.00				4,970.00
Wise, Samuel	9/20	9/24	Italy		356.00		2,079.50				2,435.50
	9/24	9/27	Spain		225.00						225.00
	9/27	9/30	The Netherlands		150.00						150.00
Deychakiwsky, Orest	9/20	9/24	Italy		356.00		2,079.50				2,435.50
	9/24	9/27	Spain		225.00						225.00
	9/27	9/30	The Netherlands		150.00						150.00
Committee total					4,415.00		6,176.00				10,591.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANTE B. FASCELL, Oct. 5, 1984.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon Frank J. Guarini	8/11	8/18	Israel		931.00						931.00
Transportation by Department of Defense							3,888.32				3,888.32

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, Oct. 9, 1984.

51-059 O-86-20 (Pt. 1)

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Ronnie G. Flippo	9/6	9/10	England	529.20	685.00						685.00
Transportation by Department of Defense							2,147.93				2,147.93
Committee total					685.00		2,147.93				2,832.93

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, Oct. 30, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 16 AND FEB. 22, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Thomas S. Foley	2/16	2/22	Germany		264.00						264.00
Werner W. Brandt	2/16	2/22	Germany		580.00		1,042.00				1,622.00
Committee total					844.00		1,042.00				1,886.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

THOMAS S. FOLEY, Dec. 11, 1984.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HONORABLE JACK RUSS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 2 AND JUNE 10, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Russ, Jack	6/2	6/5	France			1231.08	144.83	745.12	45.32	1,976.20	190.15
Committee total							144.83		45.32		190.15

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK RUSS, Oct. 31, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DONNALD K. ANDERSON, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 28 AND AUG. 31, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Donnald K. Anderson		8/28									
		8/31									150.00
	8/29	8/30	Saudi Arabia		162.00						162.00
	8/30	8/31	Bahrain		132.00						132.00
Transportation by USAF from Washington, DC, Riyadh, Manama, Washington, DC.											5,035.00
Committee total					444.00		5,035.00				5,479.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DONNALD K. ANDERSON, Sept. 26, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DEBRA M. CABRAL, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 20 AND AUG. 31, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Debra M. Cabral	8/20	8/23	Belgium	8,580.00	149.72						149.72
	8/23	8/24	Netherlands	250.25	77.00						77.00
	8/24	8/26	Denmark	1,808.25	186.00						186.00
	8/26	8/27	Finland	615.35	102.00						102.00
	8/27	8/29	Sweden	2,281.05	274.00						274.00
	8/29	8/31	Norway	1,798.50	218.00						218.00
Military air transport							7,088.40				7,088.40
Committee total					1,006.72		7,088.40				8,095.12

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DEBRA M. CABRAL, Sept. 14, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO LATIN AMERICA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 13 AND AUG. 23, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Bill Alexander	8/14	8/16	Cuba		164.00						
Mickey Leland	8/14	8/16	Cuba		164.00						
Jack Russ	8/14	8/16	Cuba		164.00						
Stephen Skardon	8/14	8/16	Cuba		164.00						
Dorothy Thomas	8/14	8/16	Cuba								
Bill Alexander	8/16	8/18	Colombia	19,684	190.00						
Mickey Leland	8/16	8/18	Colombia	19,684	190.00						
Stephen Skardon	8/16	8/18	Colombia	19,684	190.00						
Dorothy Thomas	8/16	8/18	Colombia	19,684	190.00						
Brut Budowsky	8/16	8/18	Colombia	19,684	190.00						
Bill Alexander	8/19	8/22	Peru	1,215,000	300.00						
Stephen Skardon	8/19	8/22	Peru	1,215,000	300.00						
Dorothy Thomas	8/19	8/22	Peru	1,215,000	300.00						

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL ALEXANDER, Sept. 22, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEXICO, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 9 AND AUG. 17, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Sander Levin	8/10	8/16	Mexico		600.00		527.00				
Hon. Jim Moody	8/10	8/16	Mexico		600.00		410.85				
Hon. Solomon Ortiz	8/10	8/15	Mexico		525.00		427.00				
Hon. John Porter	8/10	8/17	Mexico		600.00		659.85				
Hon. Patricia Schroeder	8/10	8/16	Mexico		600.00		659.85				
Daniel J. Buck	8/9	8/17	Mexico		600.00		528.00				
Cynthia Gilley	8/9	8/17	Mexico		600.00		504.93				
Marcus Kunian	8/9	8/17	Mexico		600.00		455.50				
Jan Shinpoch	8/10	8/17	Mexico		600.00		483.00				
Committee total					5,325.00		4,655.98				9,980.98

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES H. SCHEUER, Sept. 17, 1984.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, S. ARIEL WEISS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 15 AND AUG. 31, 1984

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Mr. S. Ariel Weiss	8/16	8/17									
	8/22	8/23	Jordan	92.34	240						
Military transport Cairo-Alexandria-Cairo	8/17	8/22	Egypt	583	485.84						
	8/23	8/28	Israel		665						
	8/28	8/30	Saudi Arabia		324						
	8/30	8/31	Bahrain	51.750	138						
	8/31		Travel				75				
Commercial airline travel—NY, Amman, Cairo, Amman-Riyadh; military aircraft—Riyadh, Manama, Andrews AFB.					1357						

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

S. ARIEL WEISS, Oct. 1, 1984.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

231. A letter from the Secretary of State, transmitting the certification that the Government of El Salvador is making documented progress on completing its land reform program, free elections, freedom of association, establishing the rule of law, promoting an effective judicial system, and terminating the activities of the so-called death squads, pursuant to Public Law 98-332 (98 Stat. 285); to the Committee on Appropriations.

232. A letter from the Secretary of State, transmitting a report explaining the manner in which the national interest has been served by payments under guarantees to Poland, pursuant to Public Law 97-257, section 306; Public Law 98-151, section 101(d); to the Committee on Appropriations.

233. A letter from the Comptroller General of the United States, transmitting a review the deferrals and revised deferrals submitted by the President on November 29, 1984 (H. Doc. 99-10), pursuant to 2 U.S.C. 685 (H. Doc. No. 99-13); to the Committee on Appropriations and ordered to be printed.

234. A letter from the Administrator of the Energy Information Administration, transmitting a report on the current State-level stocks, supply, and price statistics for No. 2 distillate; to the Committee on Appropriations.

235. A letter from the Secretary of Energy, transmitting a conceptual plan for the development of the California-Oregon transmission project; to the Committee on Appropriations.

236. A letter from the Secretary of Transportation, transmitting a report entitled "The Washington, D.C. Heliport"; to the Committee on Appropriations.

237. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics),

transmitting a study of the Custodial Services function at the Naval Air Rework Facility, Cherry Point, NC, and that conversion to contractor performance is cost effective, pursuant to 10 U.S.C. 2304 nt (Public Law 96-342, section 502(b) (96 Stat. 747)); to the Committee on Armed Services.

238. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a listing of contract award dates for the period January 1 to February 28, 1985, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

239. A letter from the Deputy Secretary of Defense, transmitting a report on the number of direct and indirect hire personnel, pursuant to Public Law 98-94, section 601(d); to the Committee on Armed Services.

240. A letter from the Director, Selective Service System, transmitting a report on the operation of the system for the period April 1 through September 30, 1984, pursuant to the act of June 24, 1948, chapter 625, section 10(g) (65 Stat. 87; 81 Stat. 105); to the Committee on Armed Services.

241. A letter from the Secretary of Energy, transmitting a report on natural gas prices, supply, demand, competitive conditions and market forces in the natural gas industry, pursuant to Public Law 95-621, section 123; to the Committee on Energy and Commerce.

242. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the annual report on operation of Special Defense Acquisition Fund for fiscal year 1984, pursuant to 22 U.S.C. 2795(b); to the Committee on Foreign Affairs.

243. A letter from the Director, Defense Security Assistance Agency, transmitting a notice of intent of offer to sell defense articles and servcies to Turkey, pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

244. A letter from the Director, Defense Security Assistance Agency, transmitting the notice of intent of offer to sell certain defense articles or services to Germany (Transmittal No. 85-05), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

245. A letter from the Director, Defense Security Assistance Agency, transmitting a notice of intent of offer to sell certain defense articles and services to Germany (Transmittal No. 85-03), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

246. A letter from the Secretary of Commerce, transmitting a report on the activities of the Inspector General for the period April 1 through September 30, 1984, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

247. A letter from the Secretary of Education, transmitting a report on the denotation of real or personal property to educational institutions, pursuant to the act of June 30, 1949, chapter 288, section 203(o) (90 Stat. 2454); to the Committee on Government Operations.

248. A letter from the Acting Chairman, Federal Labor Relations Authority, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system for fiscal year 1984, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

249. A letter from the Acting Chairman, Federal Labor Relations Authority, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

250. A letter from the Acting Secretary of Commerce, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system for fiscal year 1984, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

251. A letter from the Acting Secretary of Commerce, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system for fiscal year 1984, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

252. A letter from the Administrator, Agency for International Development, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

253. A letter from the Administrator, Office of Federal Procurement Policy, Office of Management and Budget, transmitting the major activities of the Office of Federal Procurement Policy of OMB for the period January 1 through December 31, 1984, pursuant to Public Law 93-400, section 8(a) (93 Stat. 651); to the Committee on Government Operations.

254. A letter from the Assistant to the President for Management and Administration, The White House, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system for fiscal year 1984, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

255. A letter from the Chairman, Nuclear Regulatory Commission, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system for 1984, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

256. A letter from the Director, Federal Mediation and Conciliation Service, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system for 1984, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

257. A letter from the Railroad Retirement Board, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system for fiscal year 1984, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

258. A letter from the Secretary of Defense, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system for fiscal year 1984, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

259. A letter from the Secretary of Energy, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

260. A letter from the Acting Administrator, General Services Administration, transmitting copies of all certificates of ascertainment of presidential electors received from the States, pursuant to 3 U.S.C. 6; to the Committee on House Administration.

261. A letter from the Sergeant-at-Arms, U.S. House of Representatives, transmitting a report on funds drawn, the application and disbursement of same, and the balance remaining, pursuant to 2 U.S.C. 84; to the Committee on House Administration.

262. A letter from the Acting Secretary of Agriculture, transmitting a notice of intent to make adjustments to boundaries to the Admiralty Island National Forest Monument, pursuant to Public Law 98-487, section 103(b); to the Committee on Interior and Insular Affairs.

263. A letter from the American Council of Learned Societies, transmitting an audited financial statement for 1984, pursuant to Public Law 88-504, section 3 (36 U.S.C. 1103); to the Committee on the Judiciary.

264. A letter from the National Quartermaster and Adjutant, Veterans of World War I of the United States, Inc., transmitting a report of the proceedings of the 32d Annual National Convention of the Veterans of World War I of the United States, Inc., pursuant to 36 U.S.C. 776; 44 U.S.C. 1332 (H. Doc. No. 99-12); to the Committee on the Judiciary and ordered to be printed.

265. A letter from the Postmaster General, transmitting the annual report on the operations of the Postal Service, pursuant to 39 U.S.C. 2402; to the Committee on Post Office and Civil Service.

266. A letter from the Secretary of Transportation and Commissioner of the Interstate Commerce Commission, transmitting a study on bus terminals, pursuant to Public Law 97-261, section 26(a); to the Committee on Public Works and Transportation.

267. A letter from the Secretary of Energy, transmitting the third annual Comprehensive Ocean Thermal Program Management Plan, pursuant to Public Law 96-310, section 3(d); to the Committee on Science and Technology.

268. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the use of appropriated funds for a new program which has not been previously submitted to the appropriate committee, pursuant to Public Law 98-361, section 104; to the Committee on Science and Technology.

269. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting a report on the statement of liabilities and other financial commitments of the U.S. Government as of September 1984, pursuant to 31 U.S.C. 331(b)(1)(A); to the Committee on Ways and Means.

270. A letter from the Acting Under Secretary for International Affairs and Commodity Programs, Department of Agriculture, transmitting the second quarterly commodity and country allocation table, pursuant to the act of July 10, 1954, chapter 469, section 408(b) (91 Stat. 552; 94 Stat. 2246; E.O. 11963; jointly, to the Committees on Agriculture and Foreign Affairs.

271. A letter from the Deputy U.S. Trade Representative, Office of the U.S. Trade Representative, transmitting the biannual report on the operation and effect of the International Sugar Agreement, 1977, pursuant to Public Law 96-236, section 5; E. O. 12241; jointly, to the Committees on Agriculture and Ways and Means.

272. A letter from the Acting Director, Office of Legislative Affairs, Agency for International Development, transmitting a report on the implementation of the Trade Credit Insurance Program for Central America, pursuant to FAA, section 124(b)(2); jointly, to the Committees on Banking, Finance and Urban Affairs and Foreign Affairs.

273. A letter from the Secretary of Transportation, transmitting the 1983 annual

report of recommendations received from the National Transportation Safety Board, and responses thereto, pursuant to Public Law 93-633, section 307(b) (95 Stat. 1066); jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

274. A letter from the Department of Energy, transmitting a quarterly report on biomass energy alcohol fuels, July to September, 1984, pursuant to Public Law 96-294, section 218(a); jointly, to the Committees on Agriculture, Energy and Commerce and Science and Technology.

275. A letter from the Secretary of Health and Human Services, transmitting the annual report of the Indian Health Care Improvement Act, 1983, pursuant to Public Law 94-437, section 701; jointly to the Committees on Energy and Commerce, Interior and Insular Affairs, and Ways and Means.

276. A letter from the Comptroller General of the United States, transmitting a report entitled "An Analysis of Issues Concerning Acid Rain" (GAO/RCED-85-13, Dec. 11, 1984); jointly, to the Committees on Government Operations, Energy and Commerce, and Science and Technology.

By Mr. BERMAN (for himself, Mr. DOWNEY of New York, Mr. DIXON, Mr. SOLARZ, Mr. LEVINE of California, Mr. FRANK, Mr. MARTINEZ, Mr. STOKES, Mr. FOGLIETTA, Mr. CONYERS, Mr. LOWRY of Washington, Mr. HAWKINS, Mr. TOWNS, Mr. ROE, Mr. SCHEUER, Mr. SCHUMER, Ms. SNOWE, Mr. SMITH of Florida, Mr. EDWARDS of California, Mr. BARNES, Mr. WEISS, Mr. ROYBAL, Mr. VENTO, Mr. FAUNTROY, Mr. ROEMER, Mr. TORRICELLI, Mr. FLORIO, Ms. KAPTUR, Mr. LELAND, and Mr. ACKERMAN):

H.R. 501. A bill to amend the Export Administration Act of 1979 to impose export controls on certain exports to South Africa, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BROOKS:

H.R. 502. A bill to prohibit the recording of conversation made on the Federal telecommunications system, and for other purposes; jointly, to the Committees on Government Operations, and Post Office and Civil Service.

By Mr. BROOKS (for himself and Mr. WILSON):

H.R. 503. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to apply to welfare plans restrictions which currently apply to pension plans preventing cutbacks in benefits upon a merger or consolidation of plans or transfers of assets or liabilities between plans; to the Committee on Education and Labor.

By Mr. CONTE:

H.R. 504. A bill to amend the Domestic Volunteer Service Act to permit volunteers aged 55 or older to serve without regard to the 5-year limitation on service; to the Committee on Education and Labor.

By Mr. EDGAR:

H.R. 505. A bill to amend title 38, United States Code, to improve the delivery of health care services by the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. EVANS of Iowa:

H.R. 506. A bill relating to alternative minimum tax relief for certain insolvent taxpayers; to the Committee on Ways and Means.

By Mr. GEKAS:

H.R. 507. A bill to establish a commission to study the electoral college; to the Committee on House Administration.

By Mr. GUARINI (for himself, Mr. WAXMAN, Ms. MIKULSKI, Mr. WEISS, and Ms. SNOWE):

H.R. 508. A bill to provide Federal grants to States for programs to identify and aid individuals who have been exposed to the drug diethylstilbestrol (DES); to the Committee on Energy and Commerce.

By Mrs. KENNELLY:

H.R. 509. A bill to apportion certain funds for construction of the National System of Interstate and Defense Highways and for construction of substitute highway and transit projects, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. LUKEN:

H.R. 510. A bill to establish limitations on relocations of professional sports franchises and to provide communities with a right to purchase such franchises under certain conditions; to the Committee on Energy and Commerce.

By Mr. MICHEL:

H.R. 511. A bill to reform the Natural Gas Policy Act of 1978 to eliminate distortion in natural gas purchasing and transportation resulting from certain restrictive contracts and anticompetitive transportation practices; to the Committee on Energy and Commerce.

By Mr. MONTGOMERY:

H.R. 512. A bill to grant a Federal charter to the Vietnam Veterans of America, Inc.; to the Committee on the Judiciary.

By Mr. MONTGOMERY (for himself and Mr. HAMMERSCHMIDT):

H.R. 513. A bill to establish the Veterans' Administration as an executive department; to the Committee on Government Operations.

By Mr. Neal

H.R. 514. A bill to amend the Federal Reserve Act to control the growth of the money supply and to promote stable prices, reasonable interest rates, and maximum employment; to the Committee on Banking, Finance and Urban Affairs.

H.R. 515. A bill to direct the Secretary of Commerce to approve and distribute to food service operations instructions for removing food which has become lodged in a person's throat; to the Committee on Energy and Commerce.

H.R. 516. A bill to limit the acquisition and use of motor vehicles; to the Committee on Government Operations.

H.R. 517. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide that ambulance and rescue service members are entitled to death benefits made available under such act; to the Committee on the Judiciary.

H.R. 518. A bill to amend the Internal Revenue Code of 1954 to allow individuals a credit against income tax for qualified fire detector expenses; to the Committee on Ways and Means.

H.R. 519. A bill to amend the War Powers Resolution to make rules governing certain uses of the Armed Forces of the United States in the absence of a declaration of war by the Congress; jointly, to the Committees on Foreign Affairs and Rules.

H.R. 520. A bill to provide that increases in rates of pay for Members of Congress shall take effect only if approved by the Congress and shall be deferred until the beginning of the following Congress; jointly, to the Committees on Post Office and Civil Service and Rules.

By Mr. NELSON of Florida:

H.R. 521. A bill to establish a Commission on the Deficit; to the Committee on Government Operations.

By Mr. PEPPER: (for himself, Mr. ROYBAL, and Mr. RINALDO):

H.R. 522. A bill to amend the Age Discrimination in Employment Act of 1967 to remove the maximum age limitation applicable to employees who are protected under such act, and for other purposes; to the Committee on Education and Labor.

H.R. 523. A bill to provide for the establishment of a bipartisan commission to study and make recommendations concerning changes in the medicare program to assure its short-term and long-term financial solvency and the appropriateness of its benefit structure; jointly, to the Committees on Energy and Commerce and Ways and Means.

H.R. 524. A bill to provide for the designation of 20 regional centers for the treatment of Alzheimer's disease and related dementia and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, and Education and Labor.

By Mr. PEPPER (for himself, Mr. WAXMAN, Mrs. LLOYD, Mr. HERTEL of Michigan, Mr. JEFFORDS, Mr. LANTOS, and Ms. OAKAR):

H.R 525. A bill to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal Diseases, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RANGEL (for himself, Mr. GILMAN, Mr. STARK, Mr. SCHEUER, Mrs. COLLINS, Mr. AKAKA, Mr. GUARINI, Mr. MATSUI, Mr. FASCELL, Mr. FAUNTROY, Mr. LEVINE of California, Mr. ORTIZ, Mr. SMITH of Florida, Mr. TOWNS, Mr. COUGHLIN, Mr. LEWIS of Florida, Mr. ACKERMAN, Mr. ADDABBO, Mr. BERMAN, Mr. BIAGGI, Mr. CONYERS, Mr. CROCKETT, Mr. DE LUGO, Mr. FRANK, Mr. LEHMAN of Florida, Mr. MARTINEZ, Mr. LELAND, Mr. MITCHELL, Mr. ROE, Mr. SCHUMER, Mr. STOKES, Mr. TORRICELLI and Mr. WOLPE):

H.R. 526. A bill to authorize the Attorney General of the United States to make grants to States for the purpose of increasing the level of State and local enforcement of State laws relating to production, illegal possession, and transfer of controlled substances; to authorize the Secretary of Health and Human Services to make grants to States for the purpose of increasing the ability of States to provide drug abuse prevention, treatment, and rehabilitation; and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. ROBINSON:

H.R. 527. A bill to provide that district courts of the United States may not order the consolidation of school districts as a remedy in certain school desegregation cases unless no other relief is available to remedy the unlawful segregation of students, and for other purposes; to the Committee on the Judiciary.

By Mr. STARK (for himself, Mr. ARCHER, Mr. CRANE, Mr. THOMAS of California, Mr. NELSON of Florida, Mr. GREEN, Mr. ROE, and Mr. FIELDS):

H.R. 528. A bill to amend section 531 of the Tax Reform Act of 1984; to the Committee on Ways and Means.

By Mr. NEAL:

H.J. Res. 68. Joint resolution calling for a mutual and verifiable freeze on and reductions in nuclear weapons; to the Committee on Foreign Affairs.

H.J. Res. 69. Joint resolution to express the sense of the Congress that the President should immediately resume negotiations with the Soviet Union and Great Britain on a comprehensive treaty to end the testing of nuclear weapons, and that the President should seek to include in the negotiations all other nuclear and nonnuclear weapons nations; to the Committee on Foreign Affairs.

H.J. Res. 70. Joint resolution proposing an amendment to the Constitution of the United States providing that, except in cases of national emergency, expenditures of the U.S. Government in any fiscal year shall not exceed its revenues for that fiscal year; to the Committee on the Judiciary.

H.J. Res. 71. Joint resolution proposing an amendment to the Constitution of the United States to provide that, except in cases of war or other grave national emergency as determined by the Congress, expenditures of the United States in each fiscal year shall not exceed 20 per centum of the gross national product for the preceding calendar year, and expenditures of the United States in each fiscal year shall not exceed revenues of the United States for that fiscal year; to the Committee on the Judiciary.

H.J. Res. 72. Joint resolution designating March 25, 1985, and every March 25 thereafter, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on Post Office and Civil Service.

H. Con. Res. 25. Concurrent resolution to express the sense of the Congress that the President should seek an agreement with the Soviet Union and other nations to eliminate nuclear weapons; to the Committee on Foreign Affairs.

H. Con. Res. 26. Concurrent resolution expressing the sense of the Congress that the Reagan administration and succeeding administrations stress to the People's Republic of China, as a continuing concern, the importance the American people attach to religious freedom, and to strongly urge that Government to release from prison the five elderly Roman Catholic priests, a number of Protestant pastors and layworkers, and others of various faiths, reportedly being held on charges related to religious activities; to the Committee on Foreign Affairs.

H. Con. Res. 27. Concurrent resolution expressing the sense of the Congress that the President of the United States should seek to negotiate an agreement with the Government of Japan, whereby that nation would pay an annual security fee to the U.S. Government equal to 2 percent of Japan's annual gross national product, to more equitably compensate the United States for expenditures related to carrying out the provisions of the United States/Japanese Treaty of Mutual Cooperation and Security, and for the security of the free world; to the Committee on Foreign Affairs.

H. Con. Res. 28. Concurrent resolution to provide that Congress should freeze Federal discretionary spending for fiscal year 1986 at the fiscal year 1985 level and that no cost-of-living adjustments should take effect during fiscal year 1986; to the Committee on Government Operations.

H. Con. Res. 29. Concurrent resolution declaring the sense of Congress regarding periods of silence in the public schools; jointly, to the Committees on Education and Labor and the Judiciary.

H. Con. Res. 30. Concurrent resolution declaring the sense of Congress regarding periods of silence in the public schools; jointly, to the Committees on Judiciary and Education and Labor.

By Mr. GEPHARDT:

H. Res. 27. Resolution designating membership on certain standing committees of the House; considered and agreed to.

By Mr. NEAL:

H. Res. 28. Resolution to express the sense of the House of Representatives that the National Defense Service Medal be reissued; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of the rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS:

H.R. 529. A bill for the relief of the heirs of M. Sgt. Nathaniel Scott, U.S. Army, retired, deceased; to the Committee on the Judiciary.

By Mr. FAUNTROY:

H.R. 530. A bill for the relief of Naum S. Bers; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

11. By the SPEAKER: Petition of the Office of the County Legislature, Suffolk County, NY, relative to the Federal Insecticide, Fungicide, and Rodenticide Act; to the Committee on Agriculture.

12. Also, petition of the Town Council, Greenfield, MA, relative to the Baha'i community in Iran; to the Committee on Foreign Affairs.

13. Also, petition of the City Council of Sylacauga, AL, relative to the textile and apparel industries; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

THE TRADE DEFICIT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 26, 1984, into the CONGRESSIONAL RECORD:

THE TRADE DEFICIT

This year Americans will buy $130 billion more in goods from the rest of the world than we will sell outside our borders. Just a few years ago, it was inconceivable that the United States could run a trade deficit of this magnitude. Now, we face the prospect of an ever-widening gap, which could top $200 billion by 1986. These figures represent a stunning and historic reversal of America's international trade position. The questions for us are: What are the causes of this deficit? What are its economic implications? What needs to be done to reduce it?

There are basically three reasons for the unprecedented trade deficit: the value of the dollar against other currencies; the pace and timing of our recovery compared to the rest of the world; and the international debt problem in Latin America. All three of these conditions can be linked to the U.S. federal budget deficit, now estimated to be around $210 billion.

The strong dollar is the most important factor, accounting for fully half of our trade deficit. Since 1980, the dollar's real value has increased 60% against the other major currencies. It is estimated to be "overvalued" by around 35%, which means that all exports which Americans want to sell abroad have, in effect, a 35% hidden tax on them. Of equal importance, foreign goods competing with American-made goods in domestic markets carry a hidden subsidy of the same amount.

High interest rates are the principal reason the dollar is so strong. As long as foreign investors can get 12% interest on investments in the U.S., compared to, say, 6% in Germany, demand for dollars will continue, and the dollar's value will remain high. Some of this strength in the dollar is warranted by favorable economic and political conditions in the U.S. relative to other countries. Deregulation of our financial markets has also encouraged international demand for the dollar, since it allowed U.S. banks to pay higher interest rates on deposits.

The second reason for our large trade deficit is that the U.S. economic recovery has been stronger, and has started earlier, than the recoveries of our major trading partners. Over the past two years, the U.S. economy has been growing at an average rate of 6-7%. By contrast, Western European countries have barely managed 2% real growth. Rapid growth at home has fueled demand for cheap imports, while sluggish growth abroad has meant fewer American exports. One exception is Japan, which has been growing at a rate more comparable to our own. However, its strong growth rate has not translated into increased U.S. exports because of closed Japanese markets, as well as the overvalued dollar.

The third reason for our burgeoning trade deficit is the international debt problem, particularly in Latin America. In the late 1970s, these countries were important and growing markets for U.S. goods. The exploding debts of the developing countries put a halt to this positive trend. From 1981 to 1983, our trade balance with the major Latin American countries deteriorated a staggering $20 billion, from a surplus of $5.8 billion to a deficit of $14.5 billion, because these countries could not afford to buy our goods.

The next question is: What are the economic implications of these enormous trade deficits? Surprisingly, they are not all bad. They help fight inflation. The strong dollar makes imports relatively cheap. American manufacturers have had to cut prices and improve productivity to keep pace with the foreign competition. Our trade deficits also have helped developing countries deal with their enormous debt burdens. These countries must export more than they import if they are to earn the foreign exchange to pay their debts. Our strong demand for imports has provided them with markets for their goods, and eased the problems associated with their massive debts.

But the negative implications of the trade deficit outweigh the positive. Simply stated, the trade deficit means lost economic growth, lost business profits, and lost American jobs. The trade deficit contributed to the severity of our recent recession, and is now contributing to the anemic peformance of the economy. In the third quarter of 1984, domestic demand rose at a healthy 5.7% but gross national product rose a paltry 1.9% because imports met so much of the demand. In 1983, the trade deficit cost American workers some 1.7 million jobs, and in 1984 it will result in a loss of 3 million jobs.

Even more disturbing are the implications for America's ability to remain a viable economic competitor in world markets for years to come. Until corrected, it will cost even more jobs as American industries shift production overseas. Because of the overvalued dollar, many industries which were once competitive are now losing out to foreign competition. For every telephone system, nuclear power station, or computer that U.S. firms do not sell abroad or at home, they have that fewer dollars to invest in their future.

The final question is: What needs to be done to reduce the trade deficit? The single most important step is to cut the federal budget deficit, a root cause of many of the world's economic problems. Our budget deficit is being financed largely by huge capital flows from abroad, attracted by our high interest rates. As a result, demand for the dollar and its value stay high, helping to produce our staggering trade deficit. Moreover, while this foreign money helps pay for our profligate ways at home, it saps economic strength from Western European and developing countries, key markets for our goods.

The remedy for our trade deficit is to immediately start cutting the federal budget deficit. This would permit interest rates to decline and would promote an ordely correction of the value of the dollar. To be sure, other trade measures are necessary, such as trade credits for developing countries, further negotiations to open foreign markets, and tax reform to enhance competitiveness. But all these measures combined will have limited impact compared to prompt and significant action to reduce the budget deficit.●

A PROPOSAL FOR A NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL DISEASES

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. PEPPER. Mr. Speaker, I come to you today with an important bit of unfinished business. I regret to have to report to some 37 million Americans—including a quarter of a million children—that despite our persistent efforts we have not been able to see the enactment of legislation that could bring new hope for the alleviation of their suffering. I refer, of course, to the goal we shared—the establishment of a new and distinct National Institute of Arthritis and Musculoskeletal Diseases.

Unfortunately, despite strong bipartisan support in both the House and Senate in recent years, and despite the many hours of work invested in the enactment of the legislation we developed, events have put our goal beyond our reach. In the recently concluded 98th Congress, this measure passed both the House and the Senate as part of a health policy package, but was vetoed by the President. Many of us in the House were disappointed to see a measure of such consequence rejected. But we are ready to take up the cause once more.

As many of my colleagues are aware, I have long supported research on arthritis, which is one of the cruelest and most prominent robbers of the health and well-being of the elderly.

As author of the legislation which created the original Arthritis Institute in 1950, I cherished the hope that by now we would have discovered the causes of arthritis and brought about a cure or, at the very least, learned to treat it effectively. While there has been considerable progress in areas such as joint replacement, we are nowhere near the goals we established more than three decades ago.

In past years my Subcommittee on Health and Long-Term Care has monitored the state of the art in arthritis

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

research and the adequacy of Federal support for this endeavor. We have heard compelling testimony from victims of arthritis and nationally prominent medical researchers. From this evidence grew my determination that we establish a new and more direct focus on arthritis.

I strongly believe that goal can only be accomplished by the creation of a separate Institute.

Over the years the purpose of the original Arthritis Institute has been obscured as the Institute has swelled to become the Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, bringing 10 different categories of unrelated diseases under one umbrella. In recent years, arthritis has slipped further and further down the totem poll in visibility and support. Only 12.9 percent of the current Institute's budget is devoted to arthritis and related diseases—and a slim 1.5 percent of the overall NIH budget is spent for this purpose.

Nearly everyone has a relative or friend who suffers the ravages of arthritis pain. Arthritis and related diseases afflict more than 37 million Americans. Arthritis limits the mobility of more people than any other disease. Sixteen million Americans—most of them elderly—have osteoarthritis, but arthritis is not exclusively a disease afflicting the elderly; 250,000 children suffer from juvenile arthritis. Yet, funding for research to attack the causes of arthritis and to identify treatments and cures for this epidemic disease has been pitifully small. The National Institutes of Health expend only about $1.70 per arthritis sufferer. This level of effort contrasts sharply with the economic cost of arthritis. Current estimates indicate that arthritis and musculoskeletal diseases now cost the Nation some $30 billion every year. A study in one State found that fully half of all workers' compensation claims are arthritis related. The cost of workers' compensation to insurance carriers—and thus to employers—resulting from arthritis and other musculoskeletal conditions is over $200 million in California alone.

Musculoskeletal conditions rank first among all disease groups in cost attributable to lost earnings and services from nonfatal illness, and they rank second only to circulatory diseases in total economic cost. Such conditions account for 20 percent of Medicare hospitalization costs, in excess of $1.2 billion each year.

Mr. Speaker, I believe it is imperative that we renew our efforts of the past and make certain that this is the year in which we commit ourselves to a war on arthritis. Many research scientists believe they are very close to identifying the causes of various forms of arthritis. With an accelerated effort by the NIH, prevention, improved treatments and cures now are in the realm of the possible. Some of the areas under active exploration include those related to abnormalities of the body's immune system and the role of the particular viruses and collagens; the interrelationship between sex hormone activity and immunological and genetic factors; tissue and bone transplantations; and many others.

We must say to the 37 million Americans suffering from these disorders that hope is on the way. The way to do this is to launch a vigorous attack against rheumatic diseases and other musculoskeletal diseases. The instrument for this attack should be the creation of a National Institute of Arthritis and Musculoskeletal Diseases.

My bill would create such an institute within the National Institutes of Health. It is patterned on the statutory authority of other NIH research institutes. It is based upon, and follows, an evolutionary threat of existing law beginning with the National Arthritis Act, a 1975 measure which established a National Commission on Arthritis. That Commission was charged with the development of a long-range arthritis plan with specific recommendations for the use and organization of national resources to combat arthritis.

Unfortunately, neither the National Arthritis Act nor the plan the law mandated has come close to being implemented. Because of this, and because the need is so great, a sharp new focus on arthritis is imperative.

The legislation I propose would direct the new Institute to undertake research and demonstrations relating to the cause, prevention, and treatment of arthritis and musculoskeletal diseases; to promote coordination of research programs in the public and private sector; to make grants for research; to establish an information clearinghouse; and to conduct research training.

The Director of the new Institute would be charged with developing a plan for a national program to expand, intensify, and coordinate activities of the Institute and to carry out the plan. The national program is expected to encompass: research in the epidemiology, etiology, and prevention of arthritis and musculoskeletal diseases; development, trial, and evaluation of drugs and devices; refinement, development, and evaluation of implants and prosthetic devices; and establishment of methods for monitoring the causes of athletic injuries and preventing such injuries, as sport-related disorders would also be a focus of the new Institute.

The bill authorizes support for new and existing multipurpose arthritis and musculoskeletal disease research centers and provides a specific funding authorization. It also establishes an interagency coordinating committee, chaired by the Director of the Institute, the mission of which is to improve coordination of all research and services programs relating to arthritis and musculoskeletal diseases.

Mr. Speaker, I am absolutely convinced that the creation of a National Institute of Arthritis and Musculoskeletal Diseases will result in major advances in the prevention, treatment, and cure of the most widespread of diseases afflicting Americans. The current level of funding or only a modest increase for research on rheumatic and musculoskeletal diseases, along with the increased visibility a separate Institute would provide, offer the potential for great human and economic benefit to the Nation.

I welcome cosponsors of this legislation and urge my colleagues to add their support to this important proposal.●

RESOLUTION ON FUSION ENERGY RESEARCH AND TECHNOLOGY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. STARK. Mr. Speaker, under leave to extend my remarks in the RECORD I include the following:

H.J. Res. —

Joint resolution urging formation of a national policy and renewal of national attention on the future of fusion energy research, technology and development and the possibilities of increased international cooperation in such efforts

Whereas, the United States should continue to sustain the momentum of physics and scientific research efforts which could lead to the necessary technological base for a commercial fusion energy option; and

Whereas, budget projections for the next round of fusion test experiments and facilities are substantially larger than in the past, and budget restrictions in the United States and several other nations during the 1980's may impede individual domestic fusion efforts, thereby threatening fusion technology's progress; and

Whereas, the United States has successfully joined with other nations in the past to coordinate research and development techniques; and

Whereas, international communication, information exchanges and collaboration have been effective in refining and improving various fusion options, such as tandem mirrors and tokomaks, and in reducing the amount of duplication and total costs of such projects; and

Whereas, the state of fusion research in the United States, Japan, the European Community and the Soviet Union is such that the Committee on International Cooperation in Magnetic Fusion believe that a "window of time" now exists for the initiation of large scale collaboration: Therefore, be it

Resolved by the House of Representatives and the Senate in Congress assembled, That the United States government should continue its historical commitment to the pursuit of fusion energy research and technolo-

gy by establishing a clear set of policies, objectives and budgets for future U.S. fusion activities and should take the lead in consulting with prospective partners to initiate an international joint planning effort aimed at large scale collaboration.●

A TRIBUTE TO WILLIAM J. KEENAN

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. LIPINSKI. Mr. Speaker, it is with great pride that I call attention to a respected citizen from Illinois' Fifth Congressional District, which I am privileged to represent, and he is Bill Keenan. Bill has consistently shown that our community's youth is in good hands with dedicated educators such as himself.

Bill has worked for the Chicago Board of Education for 28 years as a high school teacher, counselor, and assistant principal. The last 19 years he has worked for the community's youth at John F. Kennedy High School.

During a period from 1965 to 1976, he served—in what he describes as the most rewarding experience of his 28 years of educational work—as the counselor for the Kelly High School Adult Education Program, which assisted over 500 adults in realizing an important goal of obtaining their high school diploma. He was especially gratified to assist so many adults who were unable to complete their education due to family problems, language barriers, or military service.

Bill feels that Kennedy High School is now entering a timely renaissance period—the Community High School concept—which has an innovative curriculum that will appeal to a variety of students, coupled with the proper leadership, long-range planning, available resources, and a concerned staff and community for a successful future.

I join with the residents of the Fifth Congressional District in paying tribute to William J. Keenan for his work in our behalf, and I would like to introduce into today's CONGRESSIONAL RECORD a newspaper article honoring Bill Keenan upon his receipt of the Ray McDonald Community Achievement Award.

[From the Midway Sentinel, September 1984]

McDONALD HONORS TO KEENAN

The Midway Sentinel proudly salutes area educator, William J. Keenan, as this months recipient of the Ray McDonald Community Achievement Award. Bill Keenan has worked for the Chicago Board of Education for 28 years as a high school teacher, counselor and assistant principal. The last nineteen years he has worked with our community's youth at John F. Kennedy High School. "It does not seem possible that I have begun my 29th year," he observed. "I can vividly remember my first day at JFK, September 7th 1965."

Bill Keenan began his career in 1956 as a math, woodworking and drafting teacher at Calumet High School; in 1963 he was appointed to the position of Guidance Counselor. In September of '65 he transferred to Kennedy and in January, 1968, Miss Dorothy Sauer, Superintendent of District No. 12, and then Kennedy's principal, promoted Bill to the position of Assistant Principal in charge of Guidance and Student Activities.

During a period from 1965 to 1976, he served as the counselor for the Jelly High School Adult Education Program, assisting over 500 adults in realizing a long unfulfilled need and goal—their high school graduation. "It was one of the most rewarding experiences of my 28 years," he recalls, "counseling an incredible spectrum of adults: ages 18 to 65; many of whom previously attended school in other countries; most of whom were unable to complete their education due to family problems, language barrier, or military service." "One remarkable example remains a vivid memory—He was 72 years of age, a retired, immigrant barber who attended adult education programs for six years, four evenings a week, earning both elementary and high school diplomas." I selected him as the class speaker at the June '71 graduation," Keenan recalled. "More than 25 family members were present including grandchildren." He concluded his remarks by telling the packed auditorium he now felt like "A complete American—a graduate"!

During the past 19 years, Bill Keenan has developed and supervised several innovative programs at Kennedy: A model attendance office, a full service guidance department, a faculty/parent scholarship program, a parent/student handbook and faculty handbook, student award programs, elementary school/high school articulation and parent interview programs and a college and career conference program. In the spring of 1983, a group of alumni approached Bill about activating Kennedy's dormant Alumni Association. Their efforts resulted in a group known as the "Kennedy CRU" which has held two successful picnics attended by over 400 alumni.

Keenan feels that Kennedy High School is now entering a timely renaissance period. "The Community High School concept remains valid; with the addition of innovative curriculum that will appeal to a variety of students."

"Kennedy has always been unique because of its staff, parents and student body." "The infusion of leadership, long range planning, available resources and a concerned staff and community is the formula for the future."

Bill's efforts and concern for Kennedy's continued development and its importance to our community reflects the purpose of the Ray McDonald Award.●

INTRODUCTION OF THE STATE AND LOCAL NARCOTICS CONTROL ASSISTANCE ACT OF 1985

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. RANGEL. Mr. Speaker, today I have introduced the "State and Local Narcotics Control Assistance Act of 1985." This bill, which is similar to legislation I introduced in the 98th Congress, provides for grants to State and local governments to assist them in drug law enforcement and drug abuse treatment and prevention activities. This measure is offered in response to the critically high, and unacceptable levels of drug trafficking and drug abuse in the United States. Over 30 of our colleagues have joined me as cosponsors of this measure.

Drug trafficking has reached epidemic proportions in the United States; it is estimated to be a $100 billon per year business and is compounded by the economic and social costs to our Nation as a result of those who are adversely affected by illicit drug use. Drug use has escalated dramatically over the past two decades, particularly among our young people, and remains at unacceptably high levels. It is believed that the levels of illicit drug use in the United States exceed those in any other industrialized country in the world.

From 1978 to 1982, cocaine related deaths and emergency room episodes jumped 300 percent and remain high. Heroin related hospital emergencies rose nearly 80 percent nationally, and heroin overdose deaths increased almost 50 percent over the same period.

In the area of criminal justice, drug trafficking and drug abuse have inundated our law enforcement capabilities. In March 1983, the Department of Justice's Bureau of Criminal Justice Statistics reported that almost one-third of all State prisoners in 1979 were under the influence of an illegal drug when they committed the crimes for which they were incarcerated. The study also revealed that the more convictions inmates had on their records, the more likely they were to have taken drugs during the month prior to the offense.

During the 98th Congress, the Select Committee on Narcotics Abuse and Control, which I chair, held hearings around the country receiving the opinions, thoughts, and suggestions of local law enforcement officers, judges, correction officials, and drug abuse treatment and prevention specialists on methods to address the burgeoning problems of drug abuse and drug-related crime. In addition, the Select Committee closely examined the efforts of our Federal law enforcement agencies to interdict and disrupt the major drug trafficking networks responsible for the importation of narcotics into our country. We also reviewed the efforts of the State Department and our diplomatic initiatives to eliminate the production of narcotics and other illicit drugs in foreign source countries. I have come to the conclusion, as a result of the Select Committee's investigations that we have been largely un-

successful in controlling the production of illegal drugs in source countries, and that we have been totally unable to interdict an appreciable amount of illegal drugs coming into this country through Federal law enforcement efforts. As a result, we have been unable to make any significant reduction in the available supply of narcotics on the streets of the United States.

What has happened, is that our local law enforcement agencies and drug abuse service programs have been left with the responsibility to respond to the increasing volume of illegal drugs being trafficked across the country and related criminal activity, as well as the great public health care demand that addicts and substance abusers create.

Our local police, prosecutors, judges, jails, and prisons have all been overwhelmed by a continous surge of drug-related criminal defendants. The criminal justice system, as a result, has been forced to make the critical decisions of arrest, bail, probation, and sentence based on the size of the case load. Drug trafficking has forced our local criminal justice systems to be concerned with the quantity of defendants, rather than the quality of justice.

States and localities are also simply unable to meet the growing demand for drug abuse treatment and prevention services. This is especially true in many of our Nation's large urban areas that are hardest hit by drug abuse. Over 94 percent of the States responding to a 1983 survey conducted by the National Association of State Alcohol and Drug Abuse Directors reported an unmet need for treatment and prevention services in their States.

The inability of our diplomatic initiatives to control the production and trafficking of illegal drugs abroad, as well as the ineffectiveness of our Federal interdiction and enforcement efforts to restrict the entry and distribution of narcotics in our country, make it urgently necessary that the Federal Government come to the assistance of State and local agencies that are bearing the large burden of responding to drug abuse in America.

The legislation I have introduced today authorizes $750 million annually in fiscal years 1986 through 1990 to help States and localities increase their efforts to control drug abuse and drug trafficking. The funds provided under my bill would be made available to States on the basis of demonstrated need, taking into account the severity of drug trafficking and abuse within a State and the availability of State and local resources to resolve these problems.

Specifically, the bill authorizes the Attorney General to make grants to States for five general purposes related to increasing the level of State and local drug law enforcement. These purposes include:

Providing additional personnel, equipment, facilities, training, and supplies to State and local narcotics enforcement units for more widespread apprehension of drug criminals;

Providing similar support to increase the prosecution of narcotics cases in State courts;

Providing additional support to State courts to increase the number of narcotics cases that can be adjudicated and reduce delays that often leave drug peddlers free to ply their trade pending trial;

Increasing the capacity of State correctional facilities to hold convicted drug felons and providing support to establish and improve drug treatment and rehabilitation services to drug dependent State offenders; and

Providing increased support for States to eradicate illicit drug cultivation.

The bill includes $125 million a year for each of these general purposes and gives the Attorney General limited flexibility to shift funds among these purposes. This will allow the Attorney General to increase funds available for purposes that may have a greater need, but the bill will also assure that funds are used by States to increase all components of their criminal justice systems.

The bill also authorizes the Secretary of Health and Human Services to make grants to States to increase the availability of drug abuse prevention, treatment, and rehabilitation programs. The bill authorizes $125 million a year over the same 5-year period for this purpose. As a result of Federal budget cuts, States are currently unable to meet the demand for treatment and rehabilitation, a demand which is growing. With the increased drug law enforcement activity this bill will make possible, the need for additional treatment capacity will grow. My bill is intended to assure that these increased drug abuse services will be available to help those who need and want such help. Efforts must also be increased to prevent our citizens, especially our young people, from becoming involved with drugs.

The effects of drug abuse and drug trafficking continue to grow, sapping our Nation of its most valuable resource—our people—and threatening the very security of our country. We can never hope to bring these problems under control unless we are willing to make a serious, long-term commitment to provide the substantial resources needed to do the job. My bill makes a strong start toward the goals of eliminating the drug trade that pervades our streets, helping drug abuse victims become productive members of our society and preventing the further spread of drug abuse. I urge my colleagues to join me in passing this vital legislation.●

THE RANKING GAME

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Thursday, January 3, 1985 into the CONGRESSIONAL RECORD:

The report follows:

THE RANKING GAME

Magazines, government agencies, and business development groups have discovered a public appetite for "rankings," the scales which compare and contrast the fifty states on just about anything one can imagine. Indeed, the "ranking game" has become a national sport, with states' reputations increasingly on the line. Despite criticism from economists, demographers, and other experts, corporate executives, public officials, and ordinary citizens are now turning to rankings as a means of making important decisions—where to invest, where to send relief funds, or where to seek a new home and job.

Let's look at some of these rankings, and how Indiana fares:

BUSINESS

Probably the most widely recognized business ranking is issued annually by Alexander Grant & Company, a Chicago accounting firm. The firm sizes up the general manufacturing climate around the country by grading states on 22 factors in five categories, including state-regulated employment costs, state and local fiscal policies, cost, availability, and productivity of labor, and a catch-all category called "other manufacturing-related issues" that encompasses energy costs, environmental requirements, and population trends. Florida places first in the Grant ranking with 79.4 out of a maximum of 100 points. At the other end of the spectrum is Michigan with 11.8 points. Indiana's score of 49.8 puts it in the middle in 25th place.

Fortune's listing (by assets) of the nation's 500 largest industrial companies is another traditionally recognized ranking that can be broken down state by state. New York has 84 corporate headquarters within its boundaries, more than any other state. Many states, including Utah and Maine, have none and do not rank at all. Indiana hosts nine such headquarters, and is in 15th place on the list. Yet another traditionally recognized ranking is Business Week's annual review of the location and assets of the nation's top 200 banks. New York comes in first with 23 big banks, California is second with 11, Indiana stands in 11th position with three. Inc., a business magazine, surveys the small-business climate in its "Annual Report on the States." Inc. rates Texas as most conducive to the growth of small business, while Wisconsin is the least profitable location. Indiana ranks 18th.

Rankings such as these are not without controversy. One problem is that businesses rely on them when selecting a site for relocation. The top states attract all the business, and states ranking in the high-40s are left standing like surplus boys after sides are picked for basketball. Thus, the rank-

ings reinforce a cycle whereby the highest- and lowest-ranking states become more entrenched in their places with the rankings of each passing year.

STRESS

Researchers at the University of New Hampshire have attempted to measure the amount of "stress" felt by people living in different states by looking at the number of strikes, bankruptcies, divorces, foreclosures, and the like. The least stressful state, scoring 16 is Nebraska. At the other end of the scale, Nevada gets 100. Indiana is on the relaxed end of the spectrum with 40 points, 35th among the states. The state scoring closest to Indiana is Hawaii, which is only slightly less stressful.

TAXES

Hoosiers pay $584 per capita in state and local taxes, ranking 43rd in the country. While New Hampshire residents, who have the nation's lowest tax rate, pay $345, Alaskans take the lead with $4,487 per capita.

INCOME

According to the Bureau of Economic Analysis at the Department of Commerce, Alaskan citizens earn the most money annually, $16,820 per capita. The District of Columbia comes in second with $16,409. Indiana's average income of $10,567 puts it in 34th place. West Virginia comes in last at $8,937 per capita per year. Along the same lines, West Virginia has the highest poverty rate in the nation: 25% of its citizens are currently living below the poverty level. Connecticut has the lowest rate, 8.1%. With 12.6% of its citizens living in poverty, Indiana ranks 39th.

UNEMPLOYMENT

In unemployment, too, West Virginia comes in first with a 14.9% rate. Some 9.4% of the Hoosier population is out of work, and Indiana is high on the list in tenth place. Nebraska has the lowest jobless rate—4.1%.

EDUCATION

According to the Department of Education, Alaska spends the most on its students, $5,369 per pupil per year. Indiana ranks 39th with $2,008 spent on each student. Mississippi spends $1,685 per pupil, and ranks last in this survey. Another criterion used to rate education is the Scholastic Aptitude Test (SAT), taken by high school seniors for use in their college applications. The students in New Hampshire rate highest on this test, scoring an average of 925 out of 1600 points. The average Hoosier student receives a score of 860, putting him in 17th position nationwide. The District of Columbia ranks lowest with an average score of 821.

VOTING

According to the Census Bureau, more people vote in South Dakota, 74.5%, than in any other state. Nevada's 49.3% turnout is the nation's poorest. Indiana ranks in the upper half with a 61.6% turnout.

The attention that the rankings attract will make state-by-state comparisons an effective publicity tool for years to come. There are legitimate questions about them, however. I frankly wonder if too much reliance is placed on this questionable "science" of rankings. My hunch is that where important choices are involved, decision makers should exercise great caution in their use of rankings. I remain skeptical that things like the quality of life can be quantified precisely.

The rankings interest me, but I suspect that most Hoosiers would be prepared to argue that Indiana is, all things considered and despite some of the rankings, a pretty good place to live.●

THE 25TH ANNIVERSARY OF DR. ALFRED GOTTSCHALK

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. LUKEN. Mr. Speaker, today I would like to commend Dr. Alfred Gottschalk for his dedication and accomplishments in his 25 years of service to the Hebrew Union College-Jewish Institute of Religion in Cincinnati. His devotion to the Jewish community and the college, which he serves as president, has resulted in the development of extensive educational programs for the study of Reform Judaism, enhanced interreligious communication and understanding, and increased participation of women in the rabbinate.

Dr. Alfred Gottschalk was born in Overwesel, Germany in 1930. He came to America as a youngster with his parents, who fled the Nazi government. He was ordained Rabbi in 1957 after completion of studies at the New York and Cincinnati schools of the College-Institute. The school, with campuses in Cincinnati, New York, Los Angeles, and Jerusalem is primarily a graduate institution that trains Reform rabbis, cantors, educators, and communal workers.

Dr. Gottschalk's myriad activities have earned him numerous fellowships, degrees, and awards, including a Smithsonian Institution Research Grant in 1963, election as an honorary fellow of the Hebrew Univeristy, Jerusalem, in 1977, and the degree of LL.D. from Xavier University in Cincinnati in 1981 after inaugurating Xavier's first chair of interreligious ecumenical studies. He has actively participated in many organizations related to both religious and secular causes. Currently, Dr. Gottschalk is a member of the United States Holocaust Memorial Council.

To be sure, the Jewish community in Cincinnati and throughout America has benefited from the enthusiasm and commitment of Dr. Gottschalk. But to laud him only for his accomplishments to the Jewish Reform movement would be less than complete. He has also sought to improve education, promote community service and involve women in the leadership of the Reform movement.

I ask my colleagues to join me in congratulating Dr. Gottschalk on his 25th anniversary with the Hebrew Union College-Jewish Institute of Religion. We are fortunate to have a man of his character residing and working in our community.

His emphasis on creating greater understanding and harmony among people of all races and religions cannot be better stated than by Dr. Gottschalk himself, when he says:

While we underscore the strongest concern for the survival of the Jewish people, we do not diminish our concern for the affairs of the general community and universal civilization. The two are interlocked and inseparable.●

TRANSITION RELIEF FOR CERTAIN FRINGE BENEFITS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. STARK. Mr. Speaker, I am today reintroducing, along with Representatives ARCHER, CRANE, NELSON, GREEN of New York, THOMAS, ROE, and FIELDS, legislation to provide relief to a group of employees who have lost their nontaxable airline passes as a result of provisions of the Deficit Reduction Act of 1984.

My Subcommittee on Select Revenue Measures of the Committee on Ways and Means spent over 1 year attempting to provide workable rules for the taxation of nonstatutory fringe benefits. It was our desire to end the series of congressionally imposed moratoriums in the area of fringe benefits and to establish clear and workable rules for which benefits were to be taxed and which were to be exempted. I think we accomplished this goal and the legislation was incorporated as part of the Deficit Reduction Act.

Unfortunately, the act had a somewhat unanticipated adverse effect on certain Pan Am World Services employees. The provisions of the act exclude from tax the value of certain no-additional-cost services which are provided to employees who work in the same line of business of the employer. The effect of this rule was to allow long-established fringe benefits, such as free airline passes to airline employees, to continue to remain exempt from tax. The line of business limitation was incorporated to prevent a conglomerate which had numerous lines of businesses from flowing back and forth a series of nontaxable benefits between its various subsidiaries. For example, an airline company might well own a hotel, a car rental agency, restaurants, and so forth, and provide an employee with free or discounted services in all these areas. Therefore, we felt that the line of business limitation was and is good tax policy. The legislation incorporated a limited exception to the line of business to the extent the benefit was available on a nondiscriminatory basis on January 1, 1984, and did not exceed

1 percent of aggregate payroll. Because of the uncertainty over valuation of free airline passes, it is questionable, and in fact, unlikely, that the Pan Am World Services employees could benefit from this limited line of business exemption. The legislation provides a narrow expansion of the line of business exemption to grandfather in Pan Am World Services employees prior to the date of reintroduction.

The legislation is unlikely to have any revenue impact since it is likely that failure to provide an exemption will merely result in the company canceling the benefit.

Pan Am World Services employees have long enjoyed access to free airline passes and many have made career decisions on the basis of access to this benefit. It seems to be unfair to now deny these benefits to current employees. This is not a major issue in the overall scheme of things, but it is a question of basic fairness to this group of employees. As of January 1, 1985, the new fringe benefit rules denying airline passes to these employees is in effect. I hope we can alleviate any hardship for these employees by speedy passage of this bill. I would also like to commend our colleague, Senator DANIEL PATRICK MOYNIHAN, for his leadership on this issue in the Senate.

The text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 531 of the Tax Reform Act of 1984 is amended by redesignating subsections (g) and (h) as subsections (h) and (i), respectively, and inserting after subsection (f) the following new subsection:

"(g) DETERMINATION OF LINE OF BUSINESS IN CASE OF AFFILIATED GROUP OPERATING AIRLINE.—If, as of September 12, 1984—

"(1) an individual was an employee (within the meaning of section 132 of the Internal Revenue Code of 1954, including subsection (1) thereof) of one member of an affiliated group (as defined in section 1504 of such Code) and was eligible for no-additional-cost services in the form of air transportation provided by another member of such affiliated group,

"(2) at least 50 percent of the individuals performing services for the first such corporation were or had been employees of or had previously performed services for the second such corporation, and

"(3) the primary business of the affiliated group was air transportation of passengers, then, for purposes of applying paragraphs (1) and (2) of section 132(a) of the Internal Revenue Code of 1954, with respect to no-additional-cost services and qualified employee discounts provided for such individual by such other member, the employer of such individual shall be treated as engaged in the same line of business as such other member. For purposes of the preceding sentence and section 132 of the Internal Revenue Code of 1954, and individual who is performing services for the first such corporation who is an employee of the second such corporation shall be treated as also an employee of the first such corporation."●

THE END OF MANDATORY RETIREMENT

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. PEPPER. Mr. Speaker, I am introducing today legislation to abolish mandatory retirement and other forms of age discrimination in employment. I am joined in this effort by EDWARD R. ROYBAL, the chairman of the House Select Committee on Aging, and MATTHEW RINALDO, the ranking minority member of the Aging Committee.

This bill is a very simple amendment to the Age Discrimination in Employment Act of 1967. It merely removes the upper age of 70, thereby extending all protections of the act to workers age 70 and older. The bill does include a temporary exemption for tenured faculty of universities and colleges to allow the academic system to adjust to the elimination of mandatory retirement.

We know that age discrimination in employment is a major problem. In fiscal year 1983 the Equal Employment Opportunity Commission, which is charged with enforcement of the Age Discrimination in Employment Act, received almost 15,000 charges of age discrimination. This represents a 66-percent increase over charges filed in fiscal year 1982 and a shocking increase of roughly 275 percent since 1979.

Age discrimination contributes to unemployment and other financial and psychological problems of older Americans. A study conducted by the House Select Committee on Aging in October 1982 found that unemployment among workers age 55 and older is growing faster than among all other age groups. Moreover, once unemployed, older workers remain out of a job much longer than younger workers. And, those age 60 and older are three times as likely as all other adults to give up and withdraw from the work force once they have become unemployed. As a result, there are more than 334,000 discouraged workers over the age of 55. When these discouraged workers are added to the officially unemployed, the number of jobless older person rises to more than 1.2 million.

Age discrimination prematurely severs older workers from their livelihood and from a sense of identity and identification with their community. It also creates economic havoc. Older workers who have become unemployed suffer from lower wages and lower job status if they are able to reenter the work force at all.

No legislation can completely solve a problem as pervasive as age discrimination in employment. The attitudes of employers and the public at large must be changed to reflect the changing realities of a more productive, capable and willing older worker. Negative stereotypes still abound and until these are eradicated we will be forced to contend with age discrimination in the workplace.

But research clearly shows that if we enact legislation to abolish mandatory retirement by the year 2000, more than 195,000 older workers will be able to remain in the work force. This simple change alone would add several billion dollars a year to the Social Security fund. According to official estimates by the Social Security Administration, the elimination of mandatory retirement would help to solve the long-term financing problem of Social Security. Removing obstacles that face older workers is a much better way of solving Social Security's problems than either raising the entitlement age, as was done by the Congress in 1983, or of reducing future benefits. The elimination of obstacles is a much more humane way to deal with declining labor force participation among older workers than the punitive measures that were included in the Social Security legislation of 1983.

Despite the widespread support for the elimination of mandatory retirement, there are critics of this legislation. Some members of the business community believe that the Age Discrimination in Employment Act provides too many rights to older workers. We have heard arguments that the right to a trial by jury, for example, provides a bias in favor of an older worker who brings a legal action against his employer. There is not a grain of evidence to support his allegation and certainly no evidence to suggest that older workers should be denied a fundamental right that is offered to all other Americans in most other parts of the law.

Another argument raised by some members of the business community is that damage awards allowed under ADEA are unfair. The liquidated damage award allowed by the ADEA is based on that available under the Fair Labor Standards Act of 1938. Plaintiffs are entitled to such damage awards only if they can prove that the employer willfully violated the ADEA. This is reasonable protection and is not unfavorably biased against employers.

The legislation I am introducing today would not affect any of the basic protections that exist in the ADEA. It would merely expand the number of older workers who are protected by the act. Removing the upper age limit in the ADEA would add approximately 850,000 workers age 70 and over to the 28 million workers—age 40 to 70—now covered by the act. This would be about a 3-percent increase in the number of individuals

protected against age discrimination in employment.

Another argument is that eliminating mandatory retirement would inhibit promotional opportunities for younger workers. The findings of the Labor Department refute this idea. One study reports that a 10-percent increase in the labor force participating rates of men age 65-plus—twice the projected impact of eliminating mandatory retirement—would delay, on average, promotions at the highest ranks by only one-half year, while at the lower ranks individual promotions would be retarded by approximately 5 to 10 weeks. These are insignificant effects, especially when weighted against the harmful consequences of forced retirement based on age.

There is, however, one group who face unique employment circumstances and who are, therefore, temporarily exempted from the protections of this legislation. These are tenured faculty of universities and colleges who, because of their unique tenure system, face a very different employment situation than most other workers. Arguments by representatives of both the academic institutions and faculty indicate that eliminating mandatory retirement at this time would be a significant threat to the tenure system and to academic freedom. This threat is compounded by the unique demographic situation facing colleges and universities, a situation which will diminish in importance over the next 15 years. Therefore, this bill includes an exemption for tenured faculty for the next 15 years, after which faculty will be extended all the protections of the ADEA after the age of 70. No other employment situation is comparable to academic institutions. Therefore, an exemption for any other group that is not already provided by the ADEA would be unacceptable.

It is my great hope that this legislation can be enacted as swiftly as possible. There are many thousands of older Americans who are capable of working and would like to remain productive members of their society. This legislation will open doors for these people, allowing them to make important contributions to the economy, to their own personal well-being and to the Social Security System.●

SOLID WASTE CRISIS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. FLORIO. Mr. Speaker, over the past several months, a great amount of attention has been devoted to New Jersey's solid waste crisis, its causes and possible solutions. It is clear to nearly all observers that the State's response to the need for solid waste management and planning could be detrimental, not only to the environment, but potentially to the public's health.

We all must realize the folly of disposing trash in landfills. Twenty percent of the most dangerous Superfund toxic waste sites began as so-called sanitary landfills.

However, the State department of environmental protection has continued to order the counties to site new landfills. County governing bodies rarely, if ever, have the necessary expertise in environmental matters, and thus are the least equipped to make these decisions. New Jersey has a sensitive geology and ecology, and any new landfills will inevitably result in a threat to our drinking water supplies.

A current policy of having the State coerce the counties in solid waste matters is, in itself, ironic. Under the Federal Resource Conservation and Recovery Act of 1976, the State is responsible for making landfill-siting decisons. A 1982 State supreme court ruling reaffirmed that mandate.

If New Jersey submitted to the Federal Environmental Protection Agency a solid waste management plan which relied on landfills sited over ground water supplies, it would be rejected. Yet, knowing that such a plan could never be approved, the DEP is ordering counties to do what it knew they were legally forbidden to do—locate landfills over aquifers or aquifer recharge areas.

This ill-advised policy has resulted from an unwillingness by the State to confront this complex issue and make difficult decisions to solve our solid waste problems—decisions that will undoubtedly leave some people unhappy. By ordering the counties to site inappropriate landfills, the State has insulated itself from the decisionmaking process. This has created the tragic contest of individuals and communities to avoid being the location for dumps.

What New Jersey sorely needs is a comprehensive, coordinated approach to solid waste management. A mandatory, statewide recycling program would comprise one part of that approach. Certain New Jersey municipalities have successfully implemented such programs, some of which have reduced their total amount of garbage by over 50 percent.

A second component involves the use of high technology resource recovery facilities, which can convert trash into energy in an environmentally safe manner. Resource recovery plants have been used successfully in Europe. These plants are our best hope to solve our disposal problems. Yet, we need to make sure appropriate controls are installed to prevent toxic emissions. Resource recovery plants need to be planned and implemented on a regional basis, not county-by-county. It is the only way we can ensure cost-effective operations.

These components, combined with sound management and rational decisionmaking by State officials, represent a viable comprehensive solid waste management program.

Of course, such a program will take time to implement. Until then, State officials should impose a solid waste emergency, to prevent New York and Pennsylvania from continuing to dump trash in our State. This will give us the time to plan for the implementation of better disposal systems. In addition, the State, by compliance with Federal law and refusing to site landfills over drinking water sources, will speed the movement toward mandatory recycling and resource recovery.

In conclusion, commonsense and the law dictate that the State has ultimate authority over interstate and intrastate waste flows. The differing economic and environmental conditions found in our 21 counties dictate a statewide approach to solid waste management. The Kean administration's policy of forcing the counties to make solid waste decisions may be politically clever, but it is legally and environmentally inappropriate.●

THE PROFESSIONAL SPORTS FRANCHISE STABILIZATION ACT OF 1985

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. LUKEN. Mr. Speaker, I am introducing legislation today to benefit sports fans and protect communities that have professional baseball, basketball, football, and hockey teams.

My bill would prohibit professional sports franchises from moving to another city unless a team could demonstrate financial hardship or that it was compelled to play in inadequate facilities. The bill further would provide metropolitan areas with a right of first refusal before a team could relocate.

Professional football has attracted a lion's share of attention in recent years with the transfer of the Oakland Raiders franchise to Los Angeles, over the objection of the National Football League, and the midnight ride out of Baltimore last year by the Colts to Indianapolis.

Just last month, the Philadelphia Eagles came within an eyelash of moving to Phoenix, AZ. Although that move now appears to have been averted, the estimated cost to the city of Philadelphia to retain the Eagles may exceed "$30 million over the next 20 years," according to media accounts.

Since 1976, when the American Basketball Association merged with the National Basketball Association, several NBA teams also have relocated—the Buffalo Braves to San Diego in 1979, the New Orleans Jazz to Salt Lake City in 1980, and the San Diego Clippers to Los Angeles in 1984.

Just last year, the owners of the San Diego franchise moved the Clippers to Los Angeles without even seeking league approval. The NBA brought suit, seeking a declaratory judgment that would empower the league to consider its rules in determining where its member teams locate, that the league be allowed to terminate the Clippers' franchise, and for $25 million in damages.

There also have been transfers of professional hockey franchises since the World Hockey Association was merged into the National Hockey League in 1979. In 1980, the Atlanta Flames moved to Calgary, AB. In 1982, the Colorado Rockies, which had moved to Denver from Kansas City in 1976, tranferred to New Jersey.

More recently, the NHL refused to permit the owner of the St. Louis Blues to move the team out of St. Louis, which has supported the franchise since 1967. Instead, the league located a new owner committed to keeping the team in St. Louis. The NHL now is defending itself against a $60 million antitrust suit brought by the previous owner.

To be sure, teams have been moving from one city to another since the inception of professional sports leagues. Teams used to move only because fans in a particular city refused to support the team and the franchise lost money.

But what distresses me the most as a Member of Congress and a sports fan is that an owner no longer has to demonstrate that a lack of community support and financial hardships are present before relocating a sports franchise. Today, owners just pick up their franchise and run, or sell out to the highest bidder, leaving communities and the taxpayers holding the bag.

When the Raiders left Oakland after 22 years, and 12 years of sellouts in their stadium, they left Alameda County with a stadium valued at $75 million, long-term debt of $30 million to retire the construction bond obligation, and an estimated loss of between $30 million and $180 million annually in economic activity generated by the Raiders.

Until the Raiders court suit against the NFL, each of the leagues to which this legislation applies had its own regulations to control the relocation of its member teams. But with the exception of baseball, which enjoys an exemption from the antitrust laws, Federal court rulings in the Raiders case and other pending litigation have cast doubt on the ability of the leagues to regulate franchise transfers.

I firmly believe that Congress must act to clear up the uncertainty if stability is to be achieved and sports fans and communities that have loyally supported their teams through good seasons and bad ones are to be protected against the arbitrary relocation of professional sports franchises.

The legislation I introduce today would give communities the first opportunity to match an offer before that franchise could be moved. If such an offer equalled the relocation offer, it would be unlawful for the franchise to move.

Second, the bill sets forth specific criteria to govern the relocation of professional sports franchises. Under the legislation, a team that has played its home games in a metropolitan area for 6 consecutive years or more could not relocate unless: First, one or more of the other parties to a stadium lease agreement fails to comply with the terms of the lease; second, the stadium is inadequate and the community refuses to remedy the inadequacies; or third, the team loses money for 3 consecutive years or has incurred losses for a shorter period that endangers the continued financial viability of the franchise.

And third, the bill provides for oversight hearings by the Committee on Energy and Commerce for at least 3 years on the effects of the legislation. While my bill does not specifically require the professional baseball, basketball, football, and hockey leagues to expand, it directs the committee to consider the desirability of establishing a national policy regarding expansion as part of the annual oversight hearings.

During the 98th Congress, the Committee on Energy and Commerce held hearings on legislation similar to the measure I am introducing today, to grant communities the right of first refusal and to set objective criteria that would have to be met before a team could relocate.

Municipalities make large investments in their professional sports teams in terms of providing facilities, favorable tax treatment, and encouraging community support. In effect, a partnership exists among the city, the fans, the players and the owners that should be respected and fostered by everyone. Owners of professional sports franchises should not be allowed to quietly slip their team out of town under cover of darkness without league approval and without meeting criteria such as set forth in this bill.

Professional sports franchises are invested with a strong public interest. Therefore, it should be national policy to discourage the relocation of teams that receive support from loyal fans.

The legislation I propose today will help us achieve that goal.●

KIM DAE JUNG'S HEROIC RETURN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. FRANK. Mr. Speaker, the American people are gradually being introduced to Kim Dae Jung, the exiled Korean leader who will shortly rejoin the democratic movement in his homeland. Several articles have appeared in the press lately regarding his imminent return, including an article in the New York Times magazine of December 23, 1984. Most recently, Mary McGrory wrote a column in the Washington Post of January 3, 1985, which compares Mr. Kim to Bishop Tutu of South Africa and the late Benigno Aquino of the Phillipines. I ask that her excellent piece be reprinted here.

The article follows:

OF DEMOCRACY AND SAFETY

(By Mary McGrory)

On the face of it, Kim Dae Jung's announced plan to return to South Korea, where advocates of democracy like himself are regarded as traitors, seems suicidal folly.

One has only to think of the shower of bullets that met Benigno Aquino, the Philippine foe of the Marcos government, when he stepped off a plane in Manila in August 1983 to realize what a chance Kim is taking with the iron-fisted dictator who runs his native land.

But Kim is going home, probably in early February, although certainly not on a Korean Air Lines plane. He speaks confidently, in halting English, about his hope of having a dialogue with President Chun Doo Hwan, the general who seized power in May 1980 and who had Kim sentenced to death a short time later.

Kim, 58, who walks with a cane because of infirmities incurred during 5½ years of prison, has escaped death at the hands of Korean authorities on five occasions.

One rescue he attributes to divine intervention. He was kidnaped by the KCIA in Tokyo, then taken to sea. At the moment Kim's abductors were about to throw him overboard, a U.S. plane buzzed the boat and frightened off his captors.

He has also been saved by two American presidents. In 1978, he was released from prison—his crime was organizing and signing a Declaration for National Democracy—as a condition for a planned visit by President Jimmy Carter to South Korea. In 1981, President Reagan got Kim's death sentence commuted, and he finally wangled Kim's release from prison in 1982. Kim then came here for medical treatment, attended Harvard and tried, in vain, to change U.S. policy toward Korea.

Despite the fact that he is living proof that "quiet diplomacy" works, Kim says it is not enough.

"If the U.S. is for human rights and democracy," he said during an interview, "you must let my people know. You have to open diplomacy, too."

That point was recently brought home strongly by Bishop Desmond Tutu of South Africa, who came through here and re-

proached Reagan for his policy of "constructive engagement" with the South African government. He created such a stir that Reagan broke a four-year silence about the evils of apartheid.

The bishop's trump was his Nobel Peace Prize, which focused world attention on the agony of his homeland and reinforced his considerable moral authority.

Kim has a trump card, too, as he goes to confront a leader who seems to be holding the whole deck—the 600,000-man South Korean Army, the KCIA and the backing of the Reagan administration, which has praised the Korean government for small steps in liberalizing a rule that forbids political parties and freedom of the press.

Unlikely as it seems that the general would stoop to parley with a poor convict, Kim thinks that it will happen. Although Korea, with the exception of the campuses, is moderately calm and extremely prosperous, Kim says that riot police are ever on the watch in Seoul and that the smell of tear gas is often in the air.

That will not do during the Olympics, which are scheduled for Seoul in 1988. Kim contends that the majority of the Korean people want democracy—he came within four points of winning the presidency in 1970—and will not rest until they achieve it. Any kind of demonstrations, with the savage countermeasures the Korean police never hesitate to take, would make the rest of the world nervous for its athletes.

Kim is hoping to fly home with a large foreign delegation aboard to witness his arrival and the treatment accorded to him, assuming he survives the landing. Patt Derian, who vigorously served the Carter administration as assistant secretary of state for human rights, has agreed to go. Other notables, such as Mike Farrell, the "M*A*S*H" star, have expressed interest.

The Korean ambassador here has indicated the fury of his government at the prospect of Kim's homecoming. After Sen. Edward M. Kennedy (D-Mass.) wrote Chun, asking him to ensure Kim's safety and to grant him amnesty, the ambassador told Kennedy that Kim would be expected to serve the 17½ years remaining on his 1980 sentence—even though his co-defendants have been unconditionally released.

Kim says he does not expect to land back in a dank Korean jail. He thinks imprisonment could prompt "a serious uprising" in Korea and a "grave international problem."

House arrest he is prepared for. It would keep him under wraps, but Koreans would receive the "powerful emotional message of my return."

Kim is going, probably in the first week of February. He thinks he belongs in Korea, with his people. And with the world looking on, fretting over the well-being of its treasured athletes, he thinks he may safely resume his dangerous work of trying to make it a more democratic society.●

ALZHEIMER'S DISEASE: THE NEED FOR A FEDERAL RESPONSE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. PEPPER. Mr. Speaker, I would like to present a bill aimed at combating what some have termed "the disease of the century," Alzheimer's disease. You know, I am sure, that Alzheimer's disease cuts its victims' life expectancies in half, devastates their families financially and emotionally, and accounts for more than half the admissions to nursing homes in this country. It afflicts between 1.2 and 4 million Americans and is the fourth leading cause of death. It is our Nation's most prominent long-term debilitating disease and it will not go away by itself. Instead, as our elderly population swells, it becomes a more powerful and pervasive problem to be reckoned with. This legislation would designate 20 regional centers for the treatment of Alzheimer's disease.

Alzheimer's is a progressive, degenerative brain disease, taking 3 to 20 years to run its relentless course. The cost of caring for an Alzheimer's victim is high. It is estimated at $17,000 to $50,000 per victim per year, most of which is borne by family members. There is an urgent need to establish a system that would effectively deal with Alzheimer's disease and related disorders.

Public and private resources available to assist individuals and families of those afflicted with other diseases are not available to Alzheimer's patients and their families. Federal coverage under Medicare and veterans' health programs is also minimal. Private assistance through supplemental and other health insurance policies is almost non-existent. The only public program to provide significant assistance, paying $6.5 billion a year for the nursing home care of Alzheimer's patients, is Medicaid. But even that assistance is conditioned on the impoverishment of the family and the availability of nursing home beds.

I have long been concerned about the Medicare Program and, in particular, with the number of essential health services that are not provided by that program. The largest single gap in the Medicare system is the absence of long-term care policy and delivery system.

I wonder how long the American people are going to tolerate the almost disgraceful system, or lack of system, that we have in America that does not provide some kind of a medical program under which every American can get the kind of medical care that he or she requires within his or her means. This has always struck me as a strange and lamentable gap in a country with one of the highest standards of living in the world. The bill I introduce today is intended as a first step toward closing that gap.

The 20 Alzheimer's treatment centers I have proposed will be responsible for providing a central facility for the diagnosis, evaluation, and counseling of patients and families of those afflicted with the disease. They will also develop standards of care, provide training for professionals and nonprofessionals in the diagnosis and treatment of this disease, and develop cost-effective methods for treatment of patients with Alzheimer's.

It is my intent that these centers provide comprehensive treatment for Alzheimer's patients, embracing both acute and long-term care, and supported by a per capita payment to the center based on the combination of benefits to which they would otherwise be entitled under Medicare, Medicaid and the Older Americans Act, and supplemented by a $1 million appropriation for each center to support the teaching and training of staff, and research.

There is a very real need for this legislation in order for us to address the enormous problem of this most savage and pitiful of diseases, Alzheimer's. It is past time we began to devote serious attention to the development of a long-term care system for this country. This bill, if enacted, would go a long way toward the development of long-term care policy and delivery system for the ever growing number of Alzheimer's victims in this country. I welcome cosponsors from among my colleagues in the Congress.●

FUSION ENERGY: OUR BEST OPTION MAY LIE IN INTERNATIONAL COOPERATION

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. STARK. Mr. Speaker, in October 1984, the National Research Council's Report on Cooperation and Competition on the Path to Fusion Energy outlined our country's options on fusion energy research and development.

Today, I am introducing a joint resolution urging the adoption of the Council's recommendations, calling for formation of a national policy and renewal of national attention on the future of fusion energy research and development and the possibilities of increased international cooperation in such efforts. I urge my colleagues to join me in this effort, to keep the pursuit of fusion technology on track and in motion.

I have long been interested in this subject and have worked actively over the years to see that we maintain our budgetary and policy commitments to the pursuit of a successful nuclear fusion facility. Fusion has long been hailed as a long-term source of energy and our country's laboratories have been at the forefront of fusion research—most notably at the Lawrence Livermore National Laboratory and the Princeton University Plasma Physics Laboratory.

We are in danger of losing our position as a world leader in fusion technology. We have become complacent about our Nation's energy situation, even though supply instabilities are still a major threat. Fusion, although its commercial applications require more years of study and development, promises to advance the field of physics and pave the way for a new, untapped energy source.

We cannot afford to abandon or to even curtail research in this area. We can take full advantage of past technology, present budget situations, and future potential if we pursue an aggressive, balanced, and farsighted program of international cooperation. The committee found, in fact, that a program including increased international collaboration is preferable to a predominantly domestic program, which would have to command substantial additional resources for the competitive pursuit of fusion energy development or run the risk of forfeiture of equality with other world programs.

The Committee on International Cooperation in Magnetic Fusion is made up of company CEO's, scientists—both public and private, and academics—all of whom have been active in the area of fusion energy research for many years. The committee has issued a set of recommendations designed to continue the momentum of our country's research, while recognizing the limits of budgets and time.

The report's major conclusions are: One, that on balance, there are substantial potential benefits of large-scale international collaboration in the development of fusion energy. Two, a window in time for large-scale international collaboration is now open. Three, large-scale international collaboration can be achieved, but not quickly. Four, international collaboration will require stable international commitments. Five, there is a host of considerations that must be resolved in the implementation, but these appear workable. And six, past cooperation provides a sound basis for future efforts.

The potential benefits that exist were the United States to undertake serious international cooperative efforts, according to the committee, are technical results, either reached sooner or more fully; economic returns, which could expand scale and scope or research; reduction of cumulative costs through sharing; political aims, to satisfy past international summit meetings objective of closer international collaboration; an increase in our own country's program strength by our already strong position in long-term experiments; and improvement in our prestige as a leader in the area of fusion; and the critical maintenance of national security, which, according to the committee, would not be threatened at all.

We have invested great amounts of time, energy and funding in fusion technology. Unlike our present-day nuclear reactors which generate power through fission energy—the splitting apart of atoms—fusion energy combines atoms. The great attraction to fusion energy is that many of its fuel components are readily available in seawater, and the problems of waste disposal are thought to be significantly less than those of today's nuclear fission reactors. Two major programs in the United States, at Livermore and at Princeton, have advanced fusion research in two major fusion technologies, tandem mirrors and tokomaks.

I hope my colleagues will join in addressing this energy issue in the 99th Congress and working toward a comprehensive set of goals, budgets, and policies in this area.●

THE OLDER VETERANS' HEALTH CARE AMENDMENTS OF 1985

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. EDGAR. Mr. Speaker, today I am introducing legislation to improve the delivery of health care by the Veterans' Administration to older veterans. This legislation is designed to assure the equitable and efficient provision of health care services, particularly extended care services, to older veterans.

Last year, the Administrator of Veterans' Affairs presented a report to the Nation on the anticipated increase in demand for health care which an aging veteran population is expected to place on the VA health care system. Since that time, there have been a number of reports in the press that, rather than finding ways of meeting the demand, the administration is considering methods of denying veterans the health care which is now available to them. I think it is very callous for the Director of the Office of Management and Budget to threaten veterans with the loss of health care eligibility.

Make no mistake about it—the vast majority of veterans who are using the VA health care system are either disabled as a result of their military service or are unable to pay for medical care. The country owes these men and women a debt for their service to this country, and we in the Congress intend to ensure that this debt is honored.

For the benefit of my colleagues, I am including a brief analysis of the provisions of the Older Veterans' Health Care Amendments of 1985. This bill does not create a new health care system, nor does it make major changes in eligibility for such health care. It is intended to make existing provisions consistent with the treatment modalities most commonly used for older veterans. Put another way, this legislation will free the doctors and other health care professionals who treat older veterans from archaic and anomalous restrictions on their ability to prescribe the most efficient and appropriate course of treatment for such veterans, and provide health care at less cost.

I believe that we as a nation must continue to honor our commitment to veterans, while at the same time searching for ways to match limited resources with essential health care needs of veterans. If we fail to do so, the cherished trust which the citizen-soldiers of our Nation have placed in us will be lost forever.

SECTION-BY-SECTION ANALYSIS OF THE OLDER VETERANS HEALTH CARE AMENDMENTS OF 1985

Section 1 of the bill is the short title of the bill.

Section 2 of the bill would authorize the Veterans' Administration to provide respite care to veterans suffering from terminal illnesses. Respite care is a relatively new concept in the United States that incorporates the advantages of providing care for individuals in their home with the necessary care which is available at VA hospitals and nursing home care units. While the VA has attempted to provide respite care on an experimental basis, existing provisions governing the provision of health care do not clearly address the circumstances in which respite care is provided. This provision is intended to clarify the VA's authority to provide such care when medically indicated. It is believed that the net result of this provision will be to free up more acute and intermediate care beds that are now occupied by terminally ill patients who could be cared for in their homes if respite care is available.

Section 3 of the bill would amend existing provisions governing the admission of veterans to VA domiciliaries. The existing provision governing admission of veterans with service-connected disabilities to domiciliaries is inconsistent with the priority afforded to such veterans in other parts of the VA health care system. This amendment will eliminate disparate treatment afforded to such veterans.

Section 4 would amend provisions governing the provision of outpatient services in order to encourage medically indicated discharges from VA nursing home care units and domiciliaries. At present, certain veterans are maintained as patients in nursing homes and domiciliaries operated by the VA because they require follow-up medical treatment for various diseases. These veterans are not discharged in some cases because they would not receive the necessary follow-up care. By making such veterans eligible for follow-up medical care from the VA on an outpatient basis, this provision will enable the VA to treat more veterans in nursing home care units and domiciliaries without adding beds to the VA system.

Section 5 would permit transfers from VA nursing home care units and domiciliaries to community nursing homes. At present, a veteran must be discharged from VA hospital care in order to be transferred to a community nursing home at VA expense. This

encourages unnecessary hospital admissions because a doctor who believes that a patient should be cared for in a community nursing home can only arrange such treatment by first admitting the patient to a costly hospital bed for a period of time prior to transfer to the community nursing home. A similar practice of admitting patients to a VA hospital who are being treated at home through the VA's hospital-based home care program in order to make them eligible for community nursing home treatment would also be eliminated by clause (2) of this section. Section 5 would also permit veterans who require nursing home care for treatment of a service connected disability to be provided with such care without the administrative burden of extending the authorization for such care every six months. Finally, this section would also authorize the Veterans Administration to make per diem payments to states providing intermediate nursing care to veterans being cared for in state nursing homes. Payment for intermediate care at the existing nursing home rate is appropriate in light of the services being provided by state veterans homes.

Section 6 would authorize an expansion of the VA's successful program of encouraging clinical treatment of, and research into, diseases affecting older veterans. This program, known as the geriatric research, education, and clinical center (GRECC) program, was formally established by the Congress in Public Law 96-330. At present, there are ten such programs operating successfully throughout the nation. This program is a fine example of how the government can examine the needs of veterans today in order to provide better treatment for veterans in the future. This section encourages the VA to continue to expand this program by authorizing 25 such programs, instead of the present authorization level of 15.

Section 7 provides that the authorities contained in this measure would not be effective until October 1, 1985.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Veterans' Health Care Amendments of 1985".

COVERAGE OF RESPITE CARE

SEC. 2. (a) Section 601 of title 38, United States Code, is amended by inserting after paragraph (8) the following new paragraph:

"(9) The term 'respite care' means hospital care or nursing home care provided in a Veterans' Administration facility on an intermittent or temporary basis to a veteran who has been diagnosed as suffering from a terminal illness and who is receiving care in the individual's home or in a hospice program which has entered into a cooperative agreement with the Veterans' Administration to provide appropriate care for the veteran.".

(b) Section 610(a) of such title is amended by striking out "or nursing home care" and inserting in lieu thereof ", nursing home care, or respite care".

DOMICILIARY CARE

SEC. 3. Subsection (b) of section 610 of title 38, United States Code, is amended to read as follows:

"(b) The Administrator, within the limits of Veterans' Administration facilities, may furnish domiciliary care to a veteran who is in need of domiciliary care if such veteran is unable to defray the expenses of necessary domiciliary care.".

OUTPATIENT AND AMBULATORY SERVICES

SEC. 4. (a) Section 612(f)(1)(B) of title 38, United States Code, is amended—

(1) by inserting ", nursing home care, or domiciliary care" after "hospital care" the first place it appears;

(2) by striking out "hospital" the second place it appears; and

(3) by striking out "in-hospital" and inserting in lieu thereof "such".

TRANSFERS FOR NURSING HOME CARE

SEC. 5. Section 620 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "care by the Administrator in a hospital" and inserting in lieu thereof "hospital care, nursing home care, or domiciliary care by the Administrator in a facility" in paragraph (1);

(B) by striking out "in such hospital" in clause (i);

(C) by striking out "or (II)" in the second sentence and inserting in lieu thereof "(II) where such nursing home care is required for the treatment of a veteran's service-connected disability; or (III)";

(2) in subsection (d), by inserting after the first sentence the following new sentence: "The Administrator may also authorize such a direct admission for any veteran who has been discharged from a hospital under the direct jurisdiction of the Veterans' Administration and who is currently receiving home health services under a Veterans' Administration hospital-based home care program."; and

(3) in subsection (e), by inserting "and for the purpose of section 641 of this title" after "For the purposes of this section".

EXPANSION OF GERIATRIC RESEARCH, EDUCATION, AND CLINICAL CENTERS (GRECC) PROGRAM

SEC. 6. Section 4101(f)(A) of title 38, United States Code is amended by striking out "fifteen" and inserting in lieu thereof "25".

EFFECTIVE DATE

SEC. 7. The amendments made by this Act shall take effect on October 1, 1985, and shall apply to care furnished, and to direct admissions occurring, on or after that date.●

A CONGRESSIONAL TRIBUTE TO TIM COFFMAN, HONORARY MAYOR OF WILMINGTON—1984

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. ANDERSON. Mr. Speaker, I would like to take this opportunity today to pay tribute to one of Wilmington's most valued citizens, Mr. Tim Coffman, who has served as the honorary mayor of the city for the 1983-84 term. Tim, 39, follows the winning tradition of the Wilmington Rotary Club, having won the office by raising $4,090 during his campaign.

I must explain, Mr. Speaker, that Wilmington is a part of the city of Los Angeles, and thus does not have a mayor per se. Both Wilmington and the adjoining community of San Pedro each year elect honorary mayors, the winner being determined by the amount of money the candidates raise for charitable organizations.

Mr. Coffman serves the community not only through his efforts with the Rotary organization, but with the Wilmington Optimists as well. He came to Wilmington in 1979 when the new Maritime Bank of California opened, and currently works with the Golden State Sanwa Bank in Culver City.

As honorary mayor, Tim has participated in the 1983 Christmas Afloat Parade, the Wilmington Chamber of Commerce Harbor Holidays Banquet, and the 1984 Miss Port of Los Angeles Pageant. He was also a member of the Wilmington Chamber of Commerce during the 1984 term.

Although others in the community may have lived there longer, few can match Tim Coffman's contributions. He is an example of the fine citizenship and community spirit that prevails in the 32d district, and makes it an honor for me to represent it in this distinguished institution.

My wife, Lee, joins me in saluting Tim Coffman, for his selfless dedication to the Wilmington community. We wish Tim, his wife Sandy, and their children, Jennifer and Kimberly, all the best in the years to come.●

IMMIGRATION ACT OF 1985

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. ROYBAL. Mr. Speaker, on January 3, 1985, the first day of the 99th Congress, I introduced H.R. 30, the Immigration Act of 1985. That bill is comprehensive and a fair and workable immigration reform bill. At this time I would like to include in the RECORD a brief summary of its main provisions.

(The summary follows:)

SUMMARY OF THE IMMIGRATION ACT OF 1985

TITLE I—PREVENTING UNFAIR COMPETITION AND DISPLACEMENT OF DOMESTIC WORKERS FROM EMPLOYMENT OF UNAUTHORIZED ALIENS

Unfair Immigration-Related Employment Practices

PENALIZE EMPLOYERS FOR NEWLY ESTABLISHED UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES—AS A NEW VERSION OF EMPLOYER SANCTIONS WITHOUT EMPLOYER VERIFICATION OR PAPERWORK REQUIREMENTS

State purposes:

To avoid unfair competition in the labor market among employers and employees

To curtail displacement of legal U.S. residents by undocumented workers

To prevent any discrimination resulting from employer sanctions

Prohibit "unfair immigration-related employment practices" of:

Knowingly hiring, recruiting, referring, or retaining unauthorized aliens (effective six months after enactment)

Discriminating against citizens and residents authorized to work (with exemptions including employers of 3 or fewer and offenses covered by Title VII of the 1964 Civil Rights Act)

Foreclose the establishment of a national I.D. card or system to implement employer sanctions

Establish an administrative enforcement scheme through an independent Special Counsel, administrative law judge and Immigration Board system within the Department of Justice, based on the Hawkins amendment. This system would provide for:

Private rights of action that would be initiated by an individual or class (or representative organization such as a union) that was "adversely affected" by either form of unfair employment practice (either by displacement by an undocumented worker, or by discrimination based on citizenship/immigration status). Should the Special Counsel find no reasonable cause for an individual's charge, the individual may seek a summary redetermination before the U.S. Immigration Board

In pattern or practice cases, actions initiated by the Special Counsel's independent investigation or by an INS officer's charge

Establish parallel penalty structures for either form of unfair immigration-related employment practice:

For every violation, a mandatory graduated civil fine (from $1,000 to $3,000), which must take into account the size of the business and the gravity of the offense

For cases brought as private rights of action, the hiring of aggrieved workers, with or without backpay, or reasonable compensation for lost wages

For pattern or practice cases (not mere isolated or accidental violations), a cease-and-desist order, and, optionally, other appropriate relief, such as required nondiscriminatory screening of job applicants, paperwork for new hires, and those remedies available to aggrieved individuals

Coordination of Enforcement of Existing Labor Laws

Require plan for focused enforcement of existing wage and hour and other labor laws (for example, the Fair Labor Standards Act and the Occupational Safety and Health Act) to deter the employment anid exploitation of unauthorized aliens

Require report on effectiveness of enforcement of existing Internal Revenue Service and Social Security Administration requirements for withholding and payment of employment-related taxes for unauthorized alien workers

Transitional Agricultural Employer Exemption

Establish a three-year transitional agricultural worker program, permitting growers to continue to use first 100%, then 67%, then 33%, then 0% of their current illegal alien labor force

TITLE II—IMPROVEMENT OF ENFORCEMENT AND SERVICES OF THE IMMIGRATION AND NATURALIZATION SERVICE

Enhanced INS Enforcement and Service Functions

Increased authorizations for INS to both strengthen enforcement and improve services, with "special emphasis" language on improved services, enhanced community outreach and in-service training of personnel, and increased recordkeeping and retrieval capability

FY85—$80 million supplemental (total for FY 85 of $659 million)

FY86—$710 million

FY87—$725 million

Require report by Attorney General and Secretary of State on negotiations with Mexico and Canada to establish alien antismuggling programs

Adjudication/Naturalization

Establish independent U.S. Immigration Board and administrative law judge system within Department of Justice

Permit alternative administrative naturalization procedure in addition to current judicial one

TITLE III—REFORM OF LEGAL IMMIGRATION

Immigrants

Provide additional 20,000 visas annually for contiguous countries, allowing each to use those unused by the other

Increase colonial quota from 600 to 3,000 visas (affects Hong Kong)

Nonimmigrants

Establish 3-year pilot program for waiver of visa requirement for certain foreign visitors

TITLE IV—LEGALIZATION

Establish legalization procedures to permit certain aliens who arrived in the U.S. before January 1, 1982, to apply for adjustment to legal status

Adopt a legalization program, similar to the conference version, that permits eligible aliens to apply for immediate adjustment to *permanent resident status* if they can show:

Continuous residence in the U.S. in unlawful status since January 1, 1982 (documentation requirements are liberal, and allow the use of affidavits)

Admissibility as an immigrant, with specified exceptions and waivers

The public charge exclusion may be waived and will not apply where the alien shows a history of employment without substantial reliance on public cash assistance

Basic citizenship skills:

An elementary English-speaking and comprehension ability

A basic comprehension of American government (which may be tested, at the option of the applicant, in one's native language, and orally or in writing)

Permit adjustment to *temporary resident status* for up to 2 years for those who elect to pursue this option, or who meet the criteria for permanent resident status except for the public charge exclusion or the citizenship skills requirement

Provide procedural safeguards for applicants, such as:

Protections from deportation and authorization to work.

Judicial review of denials.

Guarantees of confidentiality of application information.

Separate Cuban-Haitian adjustment program.

Update registry date to January 1, 1978 (routine regularization of status).

State/Local Assistance

Establish 5-year period of ineligibility for federal benefits (with exceptions for critical services, such as basic medical, nutritional and educational assistance, as provided for in conference).

Provide for full reimbursement to states, subject to appropriations, allowing for carryover into subsequent years, but with a 4-year authorization ceiling of $2.7 billion.

TITLE V—INTERNATIONAL MIGRATION

Provide for the appointment of a Presidential Representative for International Migration responsible for:

Development of overall U.S. policy related to international migration;

Representation and negotiation with other governments on unauthorized immigration (under the direction of Secretary of State);

Convening of an international conference on migration issues.

Authorize the President to convene an International Conference on Migration to develop (a) regional collaborative mechanisms to address problems of unauthorized immigration; and (b) mutually beneficial agreements related to economic development to alleviate unauthorized immigration.

TITLE VI—REPORTS

Require GAO report on effects of Title I efforts to control illegal immigration.

Require Presidential reports on push-pull factors affecting unauthorized immigration and on admissions and effects of immigration.

Establish Commission on current H-2 program, to set standards for labor certification, recruitment of U.S. workers, and the size of any temporary worker program.●

VIOLENT ATTACKS ON ABORTION CLINICS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. MINETA. Mr. Speaker, I rise today to raise questions on the growing number of bombings on abortion clinics and related facilities around the country. Over the past few months we have witnessed a dramatic increase in the number and violence of these attacks; yet the FBI has been only marginally involved. Although there is a definite pattern reflected throughout these incidents, the FBI has been reluctant to place these violent acts among their top priorities. Instead the Bureau of Alcohol, Tobacco, and Firearms has been the lead agency involved in the investigation. To date only 12 of the 30 incidents being investigated since May 1982 have led to arrests.

The bombings of the abortion clinics are illegal acts which should be investigated by the highest level of law enforcement in this country and these domestic terrorists should be brought to immediate justice. They strike at the core of all that this country stands for: freedom. With these acts the anti-abortion fanatics are trying to impose their will by the use of violence and terror.

These attacks must be stopped now. If we are to survive as a nation we must abide by the laws of our society and respect the well-being and property of others. I have written a letter to Director William H. Webster urging the FBI to take a leadership role in the investigation of these violent attacks, the text of the letter follows:

JANUARY 7, 1985.

Mr. WILLIAM H. WEBSTER,
Director, Federal Bureau of Investigation, Washington, DC.

DEAR MR. WEBSTER: I am writing to urge that the Federal Bureau of Investigation become actively involved in the investigation of the violent attacks and bombings of abortion-related institutions. As you are well aware, the number and violence of these attacks has increased dramatically over the past few months.

Regardless of how one feels about the complex issue of abortion, the need to fairly and uniformly enforce the law against such domestic terrorism is and should be paramount. Unfortunately, the caution of the FBI in involving itself in this problem has led to speculation about the seriousness of this Administration in opposing such illegalities.

The nationwide pattern of these attacks has created a situation which requires the unique expertise and talents of the FBI.

Again, I urge you to place these attacks on the top of your priorities so that they may be stopped once and for all. Thank you for your consideration.

Sincerely yours,

NORMAN Y. MINETA,
Member of Congress.●

I'M CLEANING IT UP FOR YOU

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. SHAW. Mr. Speaker, it is with great pride that I draw attention to an outstanding citizen from my district, Bill Lindsey. Mr. Lindsey was recently chosen as a runner-up in the Time magazine's search for the 1984 man of the year. As a resident of Fort Lauderdale, Mr. Lindsey was recognized for his preeminent work in bringing new life to parts of our city that others thought were hopeless.

Bill's imaginative and creative approach to seemingly impossible problems and attitude of rolling up his sleeves and getting the job done helped him successfully turn a slum into a working model for others to follow. He has provided America with an excellent example of outstanding community service. I would like to share with my colleagues the article in which Time honors one of our outstanding Americans, Bill Lindsey.

I'M CLEANING IT UP FOR YOU

The problem: one of those hopeless disaster areas known as a ghetto, an inner city, a slum. This particular one, on the northwest side of Fort Lauderdale, bore the cheerful name of Citrus Park, but it was a sullen collection of two dozen four-family stucco houses, dilapidated, garbage-strewn, crime-ridden.

Raised as an Army brat, the son of a major, Bill Lindsey was 25 and wore a beard and ponytail when he first came to Citrus Park twelve years ago. The civil rights movement had convinced him that, "you know, you're supposed to be doing something." So he had joined VISTA, the domestic Peace Corps, which assigned him to Fort Lauderdale, just to "observe." A passing policeman questioned him about why he was living in a tough black neighborhood and added a warning that he would "be dead in three days."

Lindsey joined a group of four tenants trying to organize a rent strike, using their rent money to make repairs. One of the first steps was to install security fences and better lighting. Such measures irritated the thieves and drug peddlers who ruled the streets. They tore down the fences. Lindsey and some neighbors put the fences up again, then stood guard. One thug attacked Lindsey with a knife, slashed through his windbreaker and cut his stomach. Lindsey whipped out a .38 and shoved it under the knifer's nose. "I told him to get on his knees and beg," says Lindsey. "I could have killed that guy."

The rent strike, which Lindsey by now headed, began working. When the strikers cited 200 building-code violations in one block, the city authorities did nothing, so the strikers got the state to bring the landlord to heel. To get more trash collections, the strikers trucked the garbage downtown and left it to rot in the sun. Says Lindsey: "People were taking things into their own hands, and that generated a lot of excitement."

Within a year, Citrus Park underwent some remarkable changes. Houses were painted and repaired, gardens were planted, crime rates fell, garbage was collected. So Lindsey went downtown in his blue jeans and ponytail and applied for the vacant job of city housing-authority director. The housing commissioners at first "freaked out," he says, then listened to his ideas and astonishingly gave hm the job.

One of Lindsey's notions was to concentrate on what he called oasis areas. Another was to spend about half his time working with repair crews in the streets of such areas, even in private yards. "I wanted the people in the projects to see the man in charge," he says. "When people asked what I was doing, I'd say, 'The first time, I'm cleaning it up for you. The second time, I'll be cleaning it up for the new tenant.'" Lindsey had remarkable authority not only to evict tenants while he renovated buildings in oasis areas but also to permit only "good people" to move in. "A good person to us was someone who made some contribution to where he was living, someone who would respect the rights of his neighbors," says Lindsey. "The bad people are the people who don't do those things."

It worked, both because Lindsey had won a lot of neighborhood support and because he used a variety of methods to make each oasis grow. He started a tutoring program, for example, that now teaches 150 youngsters reading and arithmetic, plus a variety of "coping skills." He started a plant nursery in what was once a junkyard, where tenants can pick out trees for their yards. With the help of Ronald Range, a black detective from Boston, he organized "X-ray units;" small tactical police squads that worked closely with community leaders to protect each oasis.

Having doubled the amount of housing for the poor and reduced crime rates to the same levels as those of rich white districts, Lindsey now presides more or less benignly over some 2,000 housing units. Washington is putting up $200,000 to try his oasis system in another city, possibly Houston. But to Lindsey, who now has a $52,000 salary and no beard or ponytail, the big danger is that Government still tends to favor what he calls a failure model, imposing expensive programs on the poor and then blaming them for the predictable problems. "Public housing must be a privilege," Lindsey sums up. "You don't get in just because you're poor. You get in because you're poor and willing to accept responsibility."●

JOSEPH MENNELLA

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. RODINO. Mr. Speaker, I am very pleased to take this opportunity to pay tribute to a man who was honored last November in Newark, NJ. Mr. Joseph Mennella is the new national commander of the Italian American War Veterans of the U.S. Inc.

Mr. Mennella is the first Vietnam veteran to hold this post. I believe that this is significant as an important step in our Nation's long overdue recognition of the contributions of the Vietnam veterans.

I am proud to take a few moments today to place into the RECORD the following biography of Joseph Mennella. I know my colleagues will join me in saluting him on this very important honor.

The biography of Joseph Mennella follows:

JOSEPH MENNELLA

National Commander Joseph Mennella, the son of Anthony and Donatella Mennella, was born in Newark, New Jersey. One of four sons, the Commander possesses a Masters degree with a thesis accorded a Library of Congress number.

Commander Mennella, the Italian American War Veterans of the U.S. Incorporated's first Vietnam veteran in its 52 year history, has been active in veterans affairs since returning to college after discharge from the U.S. Army. Several years ago he was instrumental in organizing the New Jersey Association of Veterans Program Administrators, a professional state-wide organization. Twice re-elected to the Association's presidency, he also remains a charter member of the national organization's Board of Directors.

An alumnus of Alpha Sigma Mu, the national veterans fraternity, Commander Mennella has received appointments to a state council and a Newark board, respectively, by the Governor and Mayor of Newark. These positions were held simultaneously to the National Commander's New Jersey and national endeavors. Last year, as the national organization's Senior Vice Commander, the Commander was directly responsible for organizing three new veteran's posts, one in New Jersey and two in Florida, as well as reorganizing a post in Florida.

Both an Italian American activist and Vietnam veteran activist, Commander Mennella is the third person to bring this honored title to New Jersey. The last National Commander honored from the State of New Jersey was almost twenty years ago.

Currently, National Commander Mennella is also the organization's first delegate to the National Italian American Coordinating

Association, a national umbrella organization of Italian American organizations.

THE NEED FOR A CONGRESSIONALLY MANDATED BIPARTISAN COMMISSION ON MEDICARE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. PEPPER. Mr. Speaker, I am sure we are all aware that Medicare, within about 4 years, will be in the condition that Social Security was in before the National Commission on Social Security Reform recommended action with respect to that program. Therefore, I am introducing, following the precedent of what was done with respect to Social Security, a bill to establish a bipartisan Commission to deal with the problem of Medicare.

In 1965, with the enactment of Medicare and Medicaid, Congress established a sacred covenant with the American people—access to quality health care shall not be limited by wealth or age.

Though there is little doubt the poor and elderly have greatly benefited from these essential programs, expenditures have now reached the level that some suggest we must break that covenant and shift the burden of caring. Total health care expenditures in this country have increased by 750 percent since Medicare was enacted. Per capita expenditures have increased from $211 in 1965 to $1,459 in 1983. The Government's share of health care costs has climbed from 26 to 42 percent, with total health outlays under Medicare and Medicaid exceeding $80 billion in 1983.

As a result of these increasing costs, the Congressional Budget Office estimates the Medicare trust fund will be depleted by 1987 or 1988 if the law remains unchanged. Current projections are that there will be a $7.6 billion deficit in 1987 unless the program is fundamentally restructured.

Obviously there is a critical need to stop the erosion in Medicare. At the same time, we need to ensure the solvency of the system. The administration has proposed several measures, but they place undue financial strain on beneficiaries and result in only short-term savings for Medicare.

There are other problems. We know that Medicare covers less than one half of the total health care expenditures of the elderly. Senior citizens are paying more and more out of pocket to participate in Medicare and Medicare is covering less and less of their health care bill. In 1965, the year Medicare was enacted, senior citizens spent 20 percent of their per capita income on health care. Today, they pay just as high a share. More than half of the physicians participating in Medicare do not accept assignment and, accordingly, Medicare's share of physicians' fees is decreasing.

Clearly, action must be taken. It is for this reason that I am calling for a congressionally-mandated bipartisan Commission on Medicare. The Commission's mandate is twofold: First, to make recommendations to resolve the short- and long-term financial problems facing Medicare; and second, to provide for adequate and cost-effective benefits. The Commission would begin its work October 1, 1985 and cease to exist on June 1, 1986 upon submission of its report with recommendations to the President and the Congress. The Commission will be composed of 18 members, as follows: 6 Members of Congress appointed by the Speaker of the House—3 Democrats and 3 Republicans; 6 Members of the Senate appointed by the President pro tempore—3 Democrats and 3 Republicans; and 6 Members appointed by the President—3 Democrats and 3 Republicans.

Medicare is at a crossroads. It is up to the Congress, Republicans and Democrats working together, to set in motion this plan to preserve and strengthen this invaluable program.●

INTRODUCING A BILL TO RESTRICT THE LISTENING-IN OR RECORDING OF TELEPHONE CONVERSATIONS

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. BROOKS. Mr. Speaker, today I am introducing the Federal Telecommunications Privacy Act of 1985. This bill, which is identical to legislation passed by the Government Operations Committee last year, will severely limit the practice of listening-in or recording of telephone conversations within the Federal Government. Generally, it prohibits such practices by Federal officials without the consent of all parties. Exceptions to this prohibition are provided, however, for legitimate purposes such as law enforcement and counterintelligence.

The policies and procedures established by this legislation are similar to the requirements of existing Federal regulations which have been issued by the General Services Administration, but largely ignored by Federal agencies. Unlike those regulations, however, this bill contains enforcement provisions to ensure that Federal officials do not resort to the abusive practice of secretly recording private conversations.

The use of secret recordings is pervasive within the Federal Government. Subsequent to the passage by the committee on last year's bill, many agencies came out of the woodwork and disclosed that they were conducting these activities. I am even more firmly convinced that Congress must establish strong controls and guidelines in this area to prevent future abuses.

It is unfortunate that this legislation is needed. Most Federal employees conduct Government business in a professional and ethical manner. However, there are always a few who will ignore any rule that does not carry with it a strict penalty. This bill should get their attention.●

CORPS OF PUBLIC SERVANTS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. BROOMFIELD. Mr. Speaker, throughout this land, Americans are served daily by an unsung but dedicated corps of public servants at the local level of government. It is this hard-working group of public officials who are closest to the people, and probably most responsive to their daily concerns.

Floyd A. Cairns, one of the best of this corps of public servants, retired at the end of 1984, from his position as clerk of the city of Farmington Hills, MI, after 29 years in that position. He takes with him a storehouse of information, experience, and skill that served the people well over these years, and will be greatly missed. He also takes with him our deep appreciation and love for his dedicated service.

Floyd is a lifelong resident of the area, and over the years, he gained the well deserved reputation of being the one who knows all there is to know when it comes to Farmington Hills.

The vast extent of his knowledge speaks to the great love and concern he has held for the people and the area, and the feelings that were the basis of his devoted service to Farmington Hills.

During the 29 years that Floyd has served as clerk of Farmington Hills, he has seen the position and demands change and multiply as the nature of the community changed from a rural area to a suburban community. In this change, Floyd has always been able to respond to the new demands placed on him, and ease the community in its transition as he served on a never-ending list of civic and governmental boards and commissions.

Mr. Speaker, I know my colleagues in the House join me in extending our sincerest congratulations and very best wishes to Floyd and his lovely wife, Leola, as they begin their retirement years. May their future years continue to be rich and fulfilling.●

GERALD B. PAYNE, CHAMPION OF YOUTH

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. McDADE. Mr. Speaker, I rise to bring to the attention of our colleagues the remarkable career of a man from my district of Pennsylvania who is being honored for his achievements in behalf of our youth.

I speak of Gerald B. Payne, a Scranton businessman, who is to receive the first Champion of Youth Award ever presented by the Boys Clubs of Scranton, and a national Medallion Award from the Boys Clubs of America in recognition of 28 years of service to that organization.

Mr. Payne, the founder and board chairman of Gilsonite Laboratories in Scranton, has spent many years working to make the Boys Clubs of Scranton successful in reaching out to help the youth of our community.

He was an active member of the Boys Clubs of Scranton board of directors from 1957 to 1980 and since 1981, has been an honorary board member.

During his many years of service to this youth guidance organization, he served on its personnel, camp and finance committees and was a member of its new building and property committees. For 5 years he was a member of its camp committee.

Additional evidence of his interest in the youth of our community is the fact that in 1968, he gathered together a group of businessmen and raised the money to establish a Junior Achievement Program in Scranton. The success of that program is evidenced by the dedication last year of the Gerald B. Payne Junior Achievement Center in Scranton, the program's permanent home.

In 1932, Mr. Payne founded United Gilsonite and began manufacturing furnace cement using equipment he had salvaged from a junkyard for $5. From this humble beginning he went on to build a business which today manufactures more than 70 quality products for the do-it-yourself market.

Today, United Gilsonite Laboratories is housed in a 5-acre manufacturing complex in Scranton which includes its corporate headquarters and distribution center for the Eastern United States.

Mr. Payne expresses the philosophy by which he lives this way:

> The real difference between men is energy. A strong will, a defined purpose and invincible determination can accomplish almost anything.

His success as a businessman and as a champion of youth bears testimony to the validity of this philosophy.●

THE INTRODUCTION OF A BILL TO PERMIT VISTA VOLUNTEERS AGED 55 OR OLDER TO SERVE LONGER THAN 5 YEARS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. CONTE. Mr. Speaker, I am pleased today to introduce a bill to amend the VISTA legislation to permit VISTA volunteers aged 55 or older to serve as volunteers without regard to the current 5-year limitation on service.

Section 104(b) of the Domestic Volunteer Service Act of 1973 stipulates that no VISTA volunteers may serve for more than 5 years under this part.

The Massachusetts Association of Older Americans has sponsored a VISTA volunteer program in the Commonwealth of Massachusetts for many years. All of the VISTA volunteers in this program are from 60 to 89 years of age. Through extensive training they have been able to help hundreds of elderly and disabled to obtain assistance in the many entitlement and discretionary programs for senior citizens.

This program has not only helped the low and moderate income elderly, but has also provided an important role for the volunteers in the communities they serve. It is a new career for them, which provides supplementary income and an opportunity to continue useful service.

When the VISTA program was started, practically all of the VISTA volunteers were relatively young, and most of them attended college, or had just completed college. As far as I know, the Massachusetts Association of Older Americans' senior program is the only one in the country that provides an opportunity for older Americans to help older Americans.

Recently, the Commonwealth of Massachusetts passed a law abolishing mandatory retirement, so that persons can no longer be retired on the basis of age.

Based on the important services provided by the Massachusetts Association of Older American program, and on this growing trend to abolish mandatory retirement, except in certain restricted circumstances, I believe the Domestic Volunteer Service Act should be changed with an amendment that I am introducing to exclude VISTA volunteers 55 years of age and over from the current 5-years-of-service limitation.

The results of the performance of the senior VISTA volunteers in this program have provided an important role for the volunteers, and the expertise gained through their years of experience should not be eliminated.

I urge my colleagues to support this legislation.●

SAN GABRIEL SOUTHERN CALIFORNIA LODGE NO. 278 F. & A.M.

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. MARTINEZ. Mr. Speaker, on December 3, 1984, the San Gabriel Southern California Lodge No. 278 F. & A.M. celebrated its 100th anniversary in the city of San Gabriel, CA.

With the 100th birthday of this fine and venerable organization, they have provided leaders of their communities, the State of California, and of the Federal Government for a period longer than the age of most of the cities in the area.

For 10 score years the members of the Masonic temple have donated their time, talents, and considerable resources to benefit the local community. Their effort have benefited countless individuals over this century of service.

For this 100 years the lodge has made many tangible and intangible contributions toward a stronger, better society by molding dynamic men of leadership within its ranks.

Mr. Speaker to help commemorate the 100th anniversary of a grand and patriotic group, I would like to proclaim before my colleagues in the House of Representatives, December 3, 1984, as the centennial of San Gabriel Southern California Lodge No. 278 F. & A.M., 100 years of Masonry in southern California.●

IN HONOR OF HYMAN HAVES

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 7, 1985

● Mr. LEVINE of California. Mr. Speaker, it is a pleasure to rise today in honor of my friend Hyman H. Haves. Hy was recently selected as Ketubah B'nai B'rith's outstanding volunteer of 1983–84. Hy is an exceptional member of the Los Angeles community and was most deserving of this honor. I would like to share his outstanding record with my colleagues, and therefore request that the attached Los Angeles Times article and city of Los Angeles proclamation be reprinted.

[Los Angeles Times, Nov. 12, 1984]

THE OPINIONATED HY HAVES: A JEWISH ACTIVIST FOR ALL REASONS

(By Tia Gindick, Times Staff Writer)

Hy Haves studied his turkey sandwich, spread mustard on it, leaned his elbows in-

tently on the table at the Sports Deli in Century City and began to talk.

He talked about his wife, Ethel, a recovering alcoholic, and how he raised hell in the Jewish community for failure of groups like Jewish Family Services to realize that alcoholism was a problem with Jews. "And because of me, something was done."

He reflected that if he had his life to live over again, he'd become a lawyer because "law allows you to get into politics, and there's a greater need to use the power of the law to convince people. . . . You can preach from now to doomsday, but it takes the power of the law to help the underprivileged and repressed."

DEBATED DIRECTOR

He told how he debated Jewish Defense League executive director Irv Rubin even though he essentially believes "people like that should be isolated and quarantined so that their ideas don't infect other people"; but once their ideas do get out "somebody had to refute them."

He talked about letters he'd written: to B'nai B'rith International president Gerald Kraft and its executive vice president Dan Thursz about the International Olympic Committee's "negative attitude" toward Israel; to Sen. Alan Cranston about being buried in a veterans cemetery, preferably Arlington or West Los Angeles, and has any thought been given to using the airspace at the West L.A. facility?; to local newspapers lamenting the lack of use of Temescal Canyon in Pacific Palisades.

LETTER WRITER

Call Hy Haves a man for all reasons. It's easy to peg him as an activist, but not so easy to slip him in a niche. His letters to newspapers, for example. He writes to his community weekly, the Palisadian Post, with the same vigor that he writes to The Times, and probably as frequently. It can be in response to something he just read, or on a subject, any issue—Hy Haves will give you an opinion. It doesn't bother him that his letters aren't always published. Realistically, he ackowledges, you can't run a Hy Haves letter every day.

It means absolutely nothing to Haves that his four children are grown; that he retired from his job as national finance director for the Anti-Defamation League of B'nai B'rith six years ago and has stepped down from the various leadership positions he's held in the Jewish community. Call it a proprietary interest that entitles him—indeed, obliges him, he claims—to speak out whenever he sees something that isn't being done quite the way he'd do it.

Haves at 68 can be annoying. By his own admission, his family, friends and co-workers chide him—"bemusedly, I think"—for always wanting to run things. But there's an admiration factor, too. B'nai B'rith International honored him at its biennial convention earlier this year as its outstanding volunteer for 1983-84. And on Saturday, the Ketubah B'nai B'rith Unit is celebrating that tribute and toasting Haves' wife, Ethel, at its Chai dinner-dance at the Century Plaza.

Hy and Ethel Haves both feel things with a passion. She is 66, an artist emblazoned with a strong sense of the power of creativity. But she also is a native Canadian who was blacklisted during the McCarthy Era, which is why, she says, her orientation always tends to be political. Those difficult years in the 1950s were when she started drinking heavily, she says, and for years she was "a kitchen drinker," through her first marriage and her husband's death in 1965 and into the first few years of marriage to Haves, who also had been widowed.

DISCONCERTINGLY CANDID

Ethel Haves is disconcertingly candid about being an alcoholic, what it did to her and what it took to reach that point 15 years ago last month when she decided it was time to do something and she stopped. Since then, she has spoken in public on the subject and done private counseling.

Haves has committed his life, both personally and professionally, to Judaism. He has been involved with B'nai B'rith since he was 16 and eligible to join its Aleph Zadik Aleph (AZA), the boys' component of the B'nai B'rith Youth Organization (BBYO).

(At age 12, growing up in New Haven, Conn., where his father was a capmaker and his mother a homemaker, he started his own Macabees Club after determining the other Jewish youth group in town was too Zionist.)

AZA so enthralled him, he says, that he hitchhiked to its national conventions (the 1936 meeting was held at the Presbyterian Conference Grounds in Temescal Canyon, his first exposure to that site), was elected AZA national president and was eventually appointed AZA's first New York director.

During World War II, he served as a combat navigator in the 380th Bomb Group, 5th Air Force. Through a curious chain of circumstances prompted by the fact that "I always made it a habit to speak with the rabbi in the area," the Jewish Chaplaincy Corps designated him the Jewish chaplain for the Northern Territory in Australia and the Island of Mindora in the Philippines, which in turn got him an invitation from the Jewish community of Sydney, Australia, to assist them in creating a liberal congregation and Jewish Center.

RETURNED TO NEW YORK

After the war, he returned to New York and his job with the B'nai B'rith Youth Organization and briefly considered becoming a rabbi until he heard that not only would he have to get a college degree but after the nine years of combined university and rabbinical study, he's still only be earning $5.000 a year. "I thought that's stupid. I was already earning $5,000 a year. So I decided to stay with what I was doing.

(In one of many parenthetical asides as Haves talks about his life, he tells how he could not afford to go to college, but—and this is the point he's making—he was so poorly counseled in high school that he had no concept of community colleges where he could go for free or of the availability of loans nor, apparently, scholarships.)

In any case, when Haves decided to stay with B'nai B'rith, he was advised by Julius Bisno, founder of AZA, that: "If you're going to make this (Jewish community work) a career, get into fund raising." (Bisno, as Haves describes him, was like a mentor, and he's requested proceeds from the Chai dinner-dance to benefit the Julius Bisno Learning Center at BBYO's Sam Beber Camp outside Milwaukee.)

The next years saw Haves move from New York to Los Angeles to Connecticut and back to Los Angeles again. In 1948, he transferred from the BBYO to the Anti-Defamation League, probably B'nai B'rith's best-known adjunct.

All along the way, however, he's always been doing other things—some related, some not—as a volunteer. It's like an irresistible urge: going to meetings, speaking out and then, such a strange surprise, finding himself in some sort of leadership position with (just a sampling) B'nai B'rith District 4's United Jewish Welfare Fund and senior citizen housing committees, Los Angeles BBYO Adisory Board and Friends of Hillel (another B'nai B'rith adjunct), Western Regional Board of the Jewish Federation Council and a slew of committees connected with that, Los Angeles' Community Relations Committee and Jewish War Veterans.

Then there's everything he's doing in Pacific Palisades. He and his wife moved to a white-stuccoed condominium project in Palisades Highlands, an affluent neighborhood just northwest of the Palisades, seven years ago. Now he's not only a member of the Pacific Palisades Community Council, but president of the umbrella group for 13 homeowners associations, a position that has him acting as an ombudsman for about 1,000 homes with state, county and city governments. Not surprisingly, somewhere along the line people started referring to him as "the mayor of Palisades Highlands."

FOUNDED UNIT

Haves founded Ketubah unit of B'nai B'rith, the group that is honoring him. He writes its monthly newsletter, which is not simply a rundown of B'nai B'rith affairs but always includes a few synopses of news articles Haves has read and found enlightening. In 1956, he put into motion Operation Womanpower, a project that brought blacks and Jews together to advance mutal interests. He was involved in the early days of the television show, "This Is Judaism," and won a National Conference of Christians and Jews Media Award for his special show on "rumors." At various times he's been involved with projects to advance cross-town busing and build a park and has coached Little League baseball and assisted with Boy Scouts. After his first wife died in 1960 and he raised his children alone for six years, he was selected Bellagio Road School's Father of the Year.

As Haves talks about all this, it's like a series of stories all interwoven with a Dickensian cast of characters who appear, disappear, then pop up clear across the country in a tale 45 minutes later.

At home with Ethel Haves, whom he married in 1966, he conducts a tour of the house, stopping at various paintings she's done to talk about her training and how he sees this particular period in her creativity. Their multi-level condominium is not so much small as compact, collections and books filling the wall space, individual work areas overflowing onto the other's. Then the two sit side by side on the sofa, their interaction somehow both affectionate, yet giving the impression of an ongoing race of wills.

TALK POLITICS

They talk politics he relating how the Jewish War Veterans in 1967 sent him to Vietnam and he returned and "took on the Jewish community. I used to speak defending the American position in Vietnam. We just couldn't let the commies take over."

It's she who points how, though they met on a blind date, "we came from different worlds." They merged families, he instituting family Passovers, getting everyone into their Jewishness. Nothing happened easily. Their two sets of children—his son and daughter, her two daughters, all in their early teens when the couple married—were not the Brady Bunch. Then there was her drinking.

The subject weaves in and out of any conversation about their lives. He talks about the change of body chemistry that made her mere drinking a matter of alcoholism. "The thing that's important about drinking," she interrupts, "is what do you do to get to that point where you don't want to drink anymore. For me, it was just time to stop."

They talk about the city, agreeing that if they were running Los Angeles they'd break it into burroughs.

"The Street Fair downtown, that's great. But why don't we have street fairs in four different parts of the city? They bring people together," she says.

Then Haves, with his wife nodding in assent: "There are 30,000 people in Pacific Palisades. And there's no police department, no precinct house. You've got to go to Purdue (Avenue—West Los Angeles division headquarters for the LAPD) whenever anything happens. So why do you think we worry about security?"

A grin of recognition as Haves recognized that he'd turned a simple conversation into a town meeting.

"That's what gets me angry. That's why I've got to express myself. I go to meetings and shout, no, I speak up . . . my mama, she said in Yiddish, 'Why do you always eat your heart out whenever you speak?'

REPAYING THE DEBT

"I was always impassioned, even as a kid." Several days later over lunch in Century City, Haves was on that podium again. First it's fund raising and the difficulty of getting alumni of a program like AZA to remember how they benefited and to repay that debt. He's kept the names of everyone he ever met, ever stayed with while hitchhiking through the country to those AZA conventions in the '30s. He really thought he'd have a much bigger response for this Julius Bisno Learning Center. After all, the people he knew also knew Bisno, such a wonderful man.

Of course, fund raising itself is in the doldrums, he acknowledged. Even when a drive is going well, like the recent one for B'nai B'rith Service Fund to advance the work of ADL, BBYO and Hillel—most of the donations are "from the biggies." Not, as it should be, from anyone whose life was ever touched by B'nai B'rith.

He shook his head. Fund raising. "It's not a science. It's an art. The key is the ability to relate to people. A fund-raiser finds a person who has the power and the influence, and he motivates that person to raise money. How does the City of Hope raise so much money? They get a guy in a particular industry who has a lot of power and a testimonial is held for him. Works every time."

The stories go on. His time in the service: a chronological rundown on the quadruple bypass he had in 1980; how back in 1969 he revolutionized the ADL's fund raising with his idea of honoring a celebrity who exemplified what the organization believed in and upped attendance at the annual ball from 300 or 400 to close to 2,000; how when he volunteered for the service, he was turned down because of a deviated septum, so he was sent to the Eddie Rickenbacker Foundation which found a sponsor to finance an operation on the condition that he write his sponsor all during the war. "The guy was a patent attorney in Philadelphia. He'd never known a Jewish boy. He took me to his club. I'll never forget that. It was a real good exchange."

Haves and his letters. To publications, to people he reads about, to old friends, to everyone he's ever met, even old girlfriends.

"Ethel thinks I need everybody to like me," he mused. It might be true. He's long known that he's motivated by a need for recognition. The middle son in his family, his older brother was handsome and the younger always sick. "They always used to call me Bulldog," he said with a grin. "Actually I think now I've gotten to be better looking than my older brother."

But motivation, he's thought that out, and "from where I sit, I got involved because No. 1, it gave me a sense of accomplishment, satisfaction, ego. Some people talk about being motivated by higher ideal. I think we're motivated by self-interest. The secret of being human is reaching out and touching somebody. That's where I draw the line between self-interest and pure selfishness. The only dues you pay to be a member of a democracy, for example, are to get out and vote. And that's self-interest.

"There's a second reason. As a kid, I used to ask myself 'Who am I? How do I relate?' It's simple, but logical. What really counts is my little world. You've got to reach out and touch someone. My world is my family and my Jewish family, but that's one reason why I was never a zealot. My people have got to reach out. Otherwise there's war, tensions.

"I've always stuck out my hand in friendship. And I feel good knowing I did it."

That broad grin again ("I've always had a nice smile") as he thought about all the conversation that had transpired. "A lot of peope get nervous when they speak. I never have. And I still speak with that same passion I had as a kid.

"My doctor says it's good for me. Gets it out of my system."

HY HAVES, HONORARY MAYOR OF PALISADES HIGHLANDS

Whereas, Hy Haves is being honored with a Chai dinner dance by Ketubah B'nai B'rith's outstanding volunteer of 1983-1984; and

Whereas, Hy Haves is president of the coalition of 13 associations in Palisades Highlands and does an outstanding job representing the community; and

Whereas, Hy Haves is "A man whose life's goal is to end the hunger for love and understanding of all humanity:"

Now, therefore, I, Tom Bradley, Mayor of the city of Los Angeles, on behalf of its citizens, do hereby proclaim November 17, 1984 as "Hy Haves Day" in Los Angeles and declare by the authority invested in me as Mayor of the city of Los Angeles, State of California, United States of America, that Hy Haves is declared honorary Mayor of Palisades Highlands; and

Further, extend my best wishes and congratulations for your many outstanding contributions to mankind.

TOM BRADLEY, *Mayor.*●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, argeed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees joint committees, anc committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the COANGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, January 8, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 15

9:30 a.m.
Rules and Administration
To hold hearings to review recommended changes to Senate rules and the Senate committee system, focusing on the report of the Temporary Select Committee to Study the Senate Committee System and the report of the Study Group on Senate Practices and Procedures.
SD-301

JANUARY 23

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to review certain procurement recommendations of the President's Private Sector Survey on Cost Control (the Grace Commission).
SD-342

SENATE—*Monday, January 21, 1985*

INAUGURATION OF THE PRESIDENT OF THE UNITED STATES AND THE VICE PRESIDENT

(The inaugural proceedings were held in the Great Rotunda of the Capitol, instead of the West Front of the Capitol as originally scheduled, due to extremely cold weather.)

Members of the House of Representatives, Members of the Senate, Justices of the Supreme Court, members of the Cabinet, members of the diplomatic corps, the Governors of the States and the Mayor of the District of Columbia, the Joint Chiefs of Staff, and other distinguished guests assembled in the Great Rotunda.

MRS. BUSH

Mrs. Dole, Mrs. Ford, and Mrs. Wright escorted Mrs. Bush into the Great Rotunda.

MRS. REAGAN

Mrs. Mathias, Mrs. O'Neill, and Mrs. Michel escorted Mrs. Reagan into the Great Rotunda.

THE VICE PRESIDENT

Mr. Larry Smith, Sergeant at Arms of the Senate, and Mr. Jack Russ, Sergeant at Arms of the House of Representatives, escorted the Vice President and Senators DOLE and FORD and Representatives MICHEL and WRIGHT into the Great Rotunda.

THE PRESIDENT

The ANNOUNCER. Ladies and gentleman, the President of the United States.

[The United States Marine Band, Col. John R. Bourgeois, conductor, played "Hail to the Chief."]

Senator CHARLES MCC. MATHIAS, JR., chairman of the Joint Congressional Committee on Inaugural Ceremonies, and Speaker THOMAS P. O'NEILL, JR., accompanied by Mr. John Chambers, the executive director of the Joint Inaugural Committee escorted the President into the Great Rotunda.

They were joined by Sergeants at Arms, Mr. Larry Smith and Mr. Jack Russ, Senator DOLE and Senator FORD, Representative WRIGHT and Representative MICHEL. This entire party proceeded to the platform in the following order: John Chambers, Jack Russ and Larry Smith, the President, Speaker O'NEILL and Senator MATHIAS, Representative MICHEL and Senator FORD, Representative WRIGHT and Senator DOLE.

Seated near the platform were: Speaker O'NEILL and Mrs. O'Neill, Justice Potter Stewart and Mrs. Stewart, Chief Justice Warren Earl Burger and Mrs. Burger, Mrs. Charles McC. Mathias, Jr., Vice President GEORGE BUSH and Mrs. Bush, President Ronald Reagan and Mrs. Reagan.

At 11:30 a.m. the proceedings commenced, as follows:

THE INAUGURAL CEREMONY

Mr. MATHIAS. Mr. President, Mr. Vice President, fellow citizens, we celebrate today the 50th Inauguration of the President and Vice President of the United States and the beginning of a Presidential term that brings us to the threshold of the third century of American constitutional government.

I will ask the Reverend Timothy S. Healy, president of Georgetown University, to offer the invocation.

INVOCATION

Reverend HEALY. Let us offer this prayer for the President and Vice President and their families, for the people and Government of these United States, for men and women of good will everywhere, captive and free, who watch us today.

Please join me in saying the words our Lord taught us.

Our Father, Who art in heaven,
Hallowed be Thy Name.
Thy kingdom come.
Thy will be done,
On Earth as it is in heaven.
Give us this day our daily bread.
And forgive us our trespasses,
As we forgive those who trespass against us.
And lead us not into temptation,
But deliver us from evil.
For Thine is the kingdom, and the power, and the glory, for ever and ever. Amen.

Mr. MATHIAS. Jessye Norman will now sing "Simple Gifts," one of the songs in Aaron Copland's "Old American Songs."

[Jessye Norman, soprano, sang "Simple Gifts" from "Old American Songs."]

[Applause.]

Mr. MATHIAS. I now ask Rabbi Alfred Gottschalk, president of Hebrew Union College, of Cincinnati, to offer a prayer.

PRAYER

Rabbi GOTTSCHALK. We the people turn to You, O God, in prayer. We have come again to this place which stirs our hearts to reaffirm the highest ideals of our Nation. The sacred oaths about to be pronounced in Your name reflect the awesome responsibilities entrusted to our President and Vice President by the American people. May You, who are the rock of ages, guide them in protecting the Constitution of our beloved Commonwealth, founded in faith, which ensures unity without uniformity. Sustain them, O God, as they advance the American way which "gives to bigotry no sanction," to "malevolence no hope."

O source of all life, enshrine in their hearts the knowledge that all are created in Your image and that life—Your gift to us—is sacred.

Inspire our leaders to defeat hunger and hurt, to promote compassion and to find successful ways to assure the weak their share of America's promise. In humility, we pray that this opportunity for renewal will advance reconciliation in the family of nations, guaranteeing peace in our world and tranquility in the farthest reaches of our universe. May those who follow us, our children and our children's children, bless our President and Vice President, their families, and all those associated with them in Government, and may all remember this time and this administration as that in which their future was made secure.

O God, may You, who makes peace in high places, help us here on Earth to find the way to peace.

Blessed are You, O God. Aleichem Shalom, grantor of peace. Amen.

ADMINISTRATION OF OATH OF OFFICE TO THE VICE PRESIDENT

Mr. MATHIAS. Justice Potter Stewart will administer the oath of office to the Vice President.

Associate Justice Potter Stewart administered to the Vice President the oath of office prescribed by the Constitution, which he repeated, as follows:

I, GEORGE HERBERT WALKER BUSH, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

[Applause.]

Mr. MATHIAS. The University of Maryland Chorus, under the direction of Dr. Paul Traver, will now sing the first section of Randall Thompson's "The Testament of Freedom."

[The University of Maryland Chorus and the United States Marine Band, under the direction of Paul Traver, rendered "The God Who Gave Us Life," from "The Testament of Freedom," by Randall Thompson.]

[Applause.]

Mr. MATHIAS. I will now ask the President's own pastor, the Reverend

Donn Moomaw, of Bel Air Presbyterian Church, to offer a prayer.

PRAYER

Reverend MOOMAW. Let us all unite in prayer.

Spirit of the Living God,

Fall afresh on us.

Come, Father, with cleansing power

And remove all things from us that would impede Your purpose and thwart Your plans.

Forgive our pride and arrogance before each other and other nations of the world.

May we, with Godly grace, weep with those who weep and rejoice with those who work for a just and free world.

Grant us, O Father, the courage and the compassion to stand in solidarity with the poor, the needy, the dispossessed, and the disadvantaged.

May the President and Vice President of these United States and all who stand with them in their desire for peace receive, first, the peace of Christ, and in all things seek first not the kingdom of plenty nor the kingdom of political superiority, but may they seek humbly first the Kingdom of God and His righteousness.

In the name of the King, even Jesus Christ our Lord, we pray. Amen.

ADMINISTRATION OF OATH OF OFFICE TO THE PRESIDENT

Mr. MATHIAS. The Chief Justice will now administer the oath to the President.

Mr. Chief Justice BURGER. Mr. President, are you ready to take the oath?

President REAGAN. I am.

Mr. Chief Justice BURGER. Then raise your right hand and repeat after me.

The Chief Justice of the United States, Warren Earl Burger, administered to the President the oath of office prescribed by the Constitution, which he repeated, as follows:

I, Ronald Reagan, do solemnly swear that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States. So help me God.

Mr. Chief Justice BURGER. Congratulations.

[Applause.]

[Four ruffles and flourishes, "Hail to the Chief," and 21-gun salute.]

INAUGURAL ADDRESS

President REAGAN. Senator MATHIAS, Chief Justice Burger, Vice President BUSH, Speaker O'NEILL, Senator DOLE, Reverend Clergy, members of my family and friends, and my fellow citizens:

This day has been made brighter with the presence here of one who, for a time, has been absent—Senator JOHN STENNIS.

God bless you and welcome back.

[Applause.]

There is, however, one who is not with us today: Representative GILLIS LONG of Louisiana left us last night. I wonder if we could all join in a moment of silent prayer.

[Moment of silent prayer.]

Amen.

There are no words adequate to express my thanks for the great honor that you have bestowed on me. I will do my utmost to be deserving of your trust.

This is, as Senator MATHIAS told us, the 50th time that we the people have celebrated this historic occasion. When the first President, George Washington, placed his hand upon the Bible, he stood less than a single day's journey by horseback from raw, untamed wilderness.

There were 4 million Americans in a union of 13 States. Today we are 60 times as many in a union of 50 States. We have lighted the world with our inventions, gone to the aid of mankind wherever in the world there was a cry for help, journeyed to the Moon and safely returned.

So much has changed. And yet we stand together as we did two centuries ago.

When I took this oath 4 years ago, I did so in a time of economic stress. Voices were raised saying we had to look to our past for the greatness and glory. But we, the present-day Americans, are not given to looking backward. In this blessed land, there is always a better tomorrow.

Four years ago, I spoke to you of a new beginning and we have accomplished that. But in another sense, our new beginning is a continuation of that beginning created two centuries ago when, for the first time in history, government, the people said, was not our master, it is our servant; its only power that which we the people allow it to have.

That system has never failed us, but, for a time, we failed the system. We asked things of government that government was not equipped to give. We yielded authority to the National Government that properly belonged to States or to local governments or to the people themselves. We allowed taxes and inflation to rob us of our earnings and savings and watched the great industrial machine that had made us the most productive people on Earth slow down and the number of unemployed increase.

By 1980, we knew it was time to renew our faith, to strive with all our strength toward the ultimate in individual freedom consistent with an orderly society.

We believed then and now there are no limits to growth and human progress when men and women are free to follow their dreams. And we were right.

[Applause.]

And we were right to believe that. Tax rates have been reduced, inflation cut dramatically, and more people are employed than ever before in our history.

We are creating a nation once again vibrant, robust, and alive. But there are many mountains yet to climb. We will not rest until every American enjoys the fullness of freedom, dignity, and opportunity as our birthright. It is our birthright as citizens of this great Republic, and we'll meet this challenge.

These will be years when Americans have restored their confidence and tradition of progress; when our values of faith, family, work, and neighborhood were restated for a modern age; when our economy was finally freed from government's grip; when we made sincere efforts at meaningful arms reduction, rebuilding our defenses, our economy, and developing new technologies, and helped preserve peace in a troubled world; when Americans courageously supported the struggle for liberty, self-government, and free enterprise throughout the world, and turned the tide of history away from totalitarian darkness and into the warm sunlight of human freedom.

[Applause.]

My fellow citizens, our Nation is poised for greatness. We must do what we know is right and do it with all our might. Let history say of us, these were golden years—when the American Revolution was reborn, when freedom gained new life, when America reached for her best.

Our two-party system has served us well over the years, but never better than in those times of great challenge when we came together not as Democrats or Republicans, but as Americans united in a common cause.

[Applause.]

Two of our Founding Fathers, a Boston lawyer named Adams and a Virginia planter named Jefferson, members of that remarkable group who met in Independence Hall and dared to think they could start the world over again, left us an important lesson. They had become political rivals in the Presidential election of 1800. Then years later, when both were retired, and age had softened their anger, they began to speak to each other again through letters. A bond was reestablished between those two who had helped create this Government of ours.

In 1826, the 50th anniversary of the Declaration of Independence, they both died. They died on the same day, within a few hours of each other, and that day was the Fourth of July.

In one of those letters exchanged in the sunset of their lives, Jefferson wrote:

It carries me back to the times when, beset with difficulties and dangers, we were fellow laborers in the same cause, struggling

for what is most valuable to man, his right to self-government. Laboring always at the same oar, with some wave ever ahead threatening to overwhelm us, and yet passing harmless . . . we rode through the storm with heart and hand.

Well, with heart and hand, let us stand as one today: One people under God determined that our future shall be worthy of our past. As we do, we must not repeat the well-intentioned errors of our past. We must never again abuse the trust of working men and women, by sending their earnings on a futile chase after the spiraling demands of a bloated Federal Establishment. You elected us in 1980 to end this prescription for disaster, and I don't believe you reelected us in 1984 to reverse course.

[Applause.]

At the heart of our efforts is one idea vindicated by 25 straight months of economic growth: Freedom and incentives unleash the drive and entrepreneurial genius that are the core of human progress. We have begun to increase the rewards for work, savings, and investment, reduce the increase in the cost and size of government and its interference in people's lives.

We must simplify our tax system, make it more fair, and bring the rates down for all who work and earn. We must think anew and move with a new boldness, so every American who seeks work can find work; so the least among us shall have an equal chance to achieve the greatest things—to be heroes who heal our sick, feed the hungry, protect peace among nations, and leave this world a better place.

The time has come for a new American Emancipation—a great national drive to tear down economic barriers and liberate the spirit of enterprise in the most distressed areas of our country. My friends, together we can do this, and do it we must, so help me God.

From new freedom will spring new opportunities for growth, a more productive, fulfilled and united people, and a stronger America—an America that will lead the technological revolution, and also open its mind and heart and soul to the treasures of literature, music and poetry, and the values of faith, courage, and love.

A dynamic economy, with more citizens working and paying taxes, will be our strongest tool to bring down budget deficits. But an almost unbroken 50 years of deficit spending has finally brought us to a time of reckoning.

We have come to a turning point, a moment for hard decisions. I have asked the Cabinet and my staff a question, and now I put the same question to all of you: If not us, who? And if not now, when? It must be done by all of us going forward with a program aimed at reaching a balanced budget. We can then begin reducing the national debt.

I will shortly submit a budget to the Congress aimed at freezing Government program spending for the next year. Beyond that, we must take further steps to permanently control Government's power to tax and spend.

We must act now to protect future generations from Government's desire to spend its citizens' money and tax them into servitude when the bills come due. Let us make it unconstitutional for the Federal Government to spend more than the Federal Government takes in.

[Applause.]

We have already started returning to the people and to State and local governments responsibilities better handled by them. Now, there is a place for the Federal Government in matters of social compassion. But our fundamental goals must be to reduce dependency and upgrade the dignity of those who are infirm or disadvantaged. And here a growing economy and support from family and community offer our best chance for a society where compassion is a way of life, where the old and infirm are cared for, the young and, yes, the unborn protected, and the unfortunate looked after and made self-sufficient.

[Applause.]

And there is another area where the Federal Government can play a part. As an older American, I remember a time when people of different race, creed, or ethnic origin in our land found hatred and prejudice installed in social custom and, yes, in law. There is no story more heartening in our history than the progress that we have made toward the "brotherhood of man" that God intended for us. Let us resolve there will be no turning back or hesitation on the road to an America rich in dignity and abundant with opportunity for all our citizens.

[Applause.]

Let us resolve that we the people will build an American opportunity society in which all of us—white and black, rich and poor, young and old—will go forward together arm in arm. Again, let us remember that though our heritage is one of blood lines from every corner of the Earth, we are all Americans pledged to carry on this last, best hope of man on Earth.

[Applause.]

I have spoken of our domestic goals and the limitations which we should put on our National Government. Now let me turn to to a task which is the primary responsibility of National Government—the safety and security of our people.

Today we utter no prayer more fervently than the ancient prayer for peace on Earth. Yet history has shown that peace will not come nor will our freedom be preserved by good will alone. There are those in the world who scorn our vision of human dignity and freedom. One nation, the Soviet Union, has conducted the greatest military buildup in the history of man, building arsenals of awesome offensive weapons.

We have made progress in restoring our defense capability. But much remains to be done. There must be no wavering by us, nor any doubts by others, that America will meet her responsibilities to remain free, secure, and at peace.

[Applause.]

There is only one way safely and legitimately to reduce the cost of national security, and that is to reduce the need for it. And this we are trying to do in negotiations with the Soviet Union. We are not just discussing limits on a further increase of nuclear weapons. We seek, instead, to reduce their number. We seek the total elimination one day of nuclear weapons from the face of the Earth.

[Applause.]

Now, for decades, we and the Soviets have lived under the threat of mutual assured destruction; if either resorted to the use of nuclear weapons, the other could retaliate and destroy the one who had started it. Is there either logic or morality in believing that if one side threatens to kill tens of millions of our people, our only recourse is to threaten killing tens of millions of theirs?

I have approved a research program to find, if we can, a security shield that would destroy nuclear missiles before they reach their target. It wouldn't kill people, it would destroy weapons. It wouldn't militarize space, it would help demilitarize the arsenals of Earth. It would render nuclear weapons obsolete. We will meet with the Soviets, hoping that we can agree on a way to rid the world of the threat of nuclear destruction.

We strive for peace and security, heartened by the changes all around us. Since the turn of the century, the number of democracies in the world has grown fourfold. Human freedom is on the march, and nowhere more so than our own hemisphere. Freedom is one of the deepest and noblest aspirations of the human spirit. People worldwide hunger for the right of self-determination, for those inalienable rights that make for human dignity and progress.

America must remain freedom's staunchest friend, for freedom is our best ally——

[Applause.]

And it is the world's only hope, to conquer poverty and preserve peace. Every blow we inflict against poverty will be a blow against its dark allies of oppression and war. Every victory for human freedom will be a victory for world peace.

So we go forward today, a Nation still mighty in its youth and powerful in its purpose. With our alliances

strengthened, with our economy leading the world to a new age of economic expansion, we look forward to a world rich in possibilities. And all this because we have worked and acted together, not as members of political parties, but as Americans.

My friends, we live in a world that is lit by lightning. So much is changing and will change, but so much endures, and transcends time.

History is a ribbon, always unfurling; history is a journey. And as we continue our journey, we think of those who traveled before us. We stand together again at the steps of this symbol of our democracy—or we would have been standing at the steps if it hadn't gotten so cold. Now we are standing inside this symbol of our democracy. Now we hear again the echoes of our past.

A General falls to his knees in the hard snow of Valley Forge; a lonely President paces the darkened halls, and ponders his struggle to preserve the Union; the men of the Alamo call out encouragement to each other; a settler pushes west and sings a song, and the song echoes out forever and fills the unknowing air.

It is the American sound. It is hopeful, big-hearted, idealistic, daring, decent, and fair. That's our heritage; that is our song. We sing it still. For all our problems, our differences, we are together as of old, as we raise our voices to the God who is the Author of this most tender music. And may He continue to hold us close as we fill the world with our sound—sound in unity, affection, and love. One people under God, dedicated to the dream of freedom that He has placed in the human heart, called upon now to pass that dream on to a waiting and hopeful world.

God bless you and may God bless America.

[Applause.]

Mr. MATHIAS. I'll ask the Reverend Peter Gomes, minister in the Memorial Church of Harvard University, to pronounce the benediction. Following the benediction, these proceedings will be concluded by the playing of "The National Anthem" by the Marine Corps Band.

Reverend GOMES. Let us pray.

Almighty God, who has given us this good land for our heritage: We humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor and glad to do Thy will. Bless our land with honorable industry, sound learning, and pure manners. Save us from discord, violence, and confusion, and the frailty of our own hearts. Defend our liberties, preserve our unity, and fashion into one united people the multitudes brought hither out of many kindreds and tongues. Endue with the spirit of wisdom, prudence, and fortitude the President and the Vice President of these United States and all those to whom is entrusted the authority of government, to the end that justice and peace may flourish at home and abroad. Make us, with them, equal to our high trusts: reverent in the use of freedom, just in the exercise of power, generous in the protection of weakness. May wisdom and compassion be the stability of our times, and our deepest trust in Thee, in whom we live, and move, and have our being. Unto Thee we ascribe all honor and glory, and, in thanksgiving and in hope, we commend now to Thy eternal protection ourselves, our Nation, and our world. Amen.

"The National Anthem" was played by the United States Marine Band, audience standing.

[Applause.]

The inaugural ceremonies were concluded at 12:15 p.m.

The Senate met at 4 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

I said to the man who stood at the gate of the year, "Give me a light that I may tread safely into the unknown." And he replied, "Go out into the darkness and put your hand into the hand of God. That shall be to you better than light and safer than a known way."

The steps of a good man are ordered by the Lord, and he delighted in His way.

Father of Light, thank You for beginnings. Thank You for the lessons of the past and the opportunities of the future, bright with hope, when we walk with our hands in Yours.

May the next 2 years of Congress and 4 years for the President and Vice President be under Your continuous direction and blessing.

Imponderable issues face our leadership, Father: the mammoth national debt; the persistent deficit; the needs of the elderly, the unemployed, the poor, and the oppressed; moral decay; crime; terrorism; and the relentless threat of nuclear holocaust.

Gracious God, grant our leaders the humility and good sense to put their hands in the hand of God and to move into the irresistible future, trusting in your wisdom, power, and compassion.

In the name of Him who is the way, the truth, and the light. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

ORDER FOR RECESS UNTIL 2 P.M. TOMORROW

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 2 p.m. on Tuesday, January 22, 1985.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR THE RECORD TO REMAIN OPEN UNTIL 5 P.M. TODAY

Mr. DOLE. Mr. President, I ask unanimous consent that the RECORD remain open until 5 p.m. today for the introduction of bills and resolutions and the submission of statements.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS ON TOMORROW

Mr. DOLE. Mr. President, I ask unanimous consent that following the recognition of the two leaders on tomorrow, the following Senators be recognized for not to exceed 15 minutes each, or special orders: myself, the distinguished Senator from Wyoming [Mr. SIMPSON], Senator STAFFORD, and Senator LEAHY.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, will the majority leader yield?

Mr. DOLE. I yield.

Mr. PROXMIRE. Is it possible to add my name to that list?

Mr. DOLE. Yes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. DOLE. Mr. President, I should like to give Members present and those who may be listening a brief idea of what may happen during the remainder of the week.

Tomorrow, January 22, we will convene at 2 o'clock. There will be 1 hour of special orders to eulogize the late Senator George Aiken. There will be a brief period for morning business sometime following that special order.

On Wednesday, January 23, the Senate will not be in session.

On Thursday, January 24, we will convene at noon, but we may or may not be in session. I hope to determine that this afternoon.

There is no reason to be in session on Friday unless committees have reported nominations from the White House or the Committee on Committees completes its work and we have resolutions pending in that area.

As I understand it, we have just given the distinguished minority leader, Senator BYRD, details—not full

details yet—of how we are coming along on our side of the Committee on Committees; and it goes without saying that it is not possible for the distinguished minority leader to act until we make certain determinations.

We have made progress in reducing the size of a number of committees, and we believe that most Members of the Senate will applaud the efforts of the Senator from Georgia [Mr. MATTINGLY], who is the chairman of the Committee on Committees.

In the event that nominations will be reported, we hope to be able to confirm those nominations on Friday of this week. If not, we will not be in session.

NOTICE CONCERNING ANNUAL REGISTRATION OF MASS MAILINGS

Mr. DOLE. Mr. President, in view of the approaching February 1 filing date, I would like to remind Senators of the requirements concerning registration of mass mailings under Senate rule 40.

Members are required to register annually such mass mailings. The 1984 calendar year filing will be due on February 1, 1985. Mass mailings are also accepted on a "as mailed" basis if Members so desire.

For your information, following are excerpts from rule 40:

. . . 3. (a) When a Senator disseminates information under the frank, by a mass mailing (as defined in Section 3210(a)(6)(E) of Title 39, United States Code), the Senator shall register annually with the Secretary of the Senate such mass mailings. Such registration shall be made by filing with the Secretary a copy of the matter mailed and providing, on a form supplied by the Secretary, a description of the group or groups of persons to whom the mass mailing was mailed.

(b) the Secretary of the Senate shall promptly make available for public inspection and copying a copy of the matter mailed, and a description of the group or groups of persons to whom the mass mailing was mailed . . .

Mass mailing registrations should be filed with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510, telephone 224-0322. Registration forms can be obtained at that office.

NOTICE CONCERNING THE YEAR END REPORT REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED

Mr. DOLE. Mr. President, the mailing and filing date for the January 31 year end report required by the Federal Election Campaign Act, as amended is Thursday, January 31, 1985. Principal campaign committees supporting Senate candidates file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510, telephone: 202-224-0322.

Mr. President, I yield back the remainder of my time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The distinguished minority leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair, and I thank the distinguished majority leader.

SENATOR STROM THURMOND

Mr. BYRD. Mr. President, the office of President pro tempore of the U.S. Senate is an honor that is awarded only to a very senior Member of the majority party. Since 1946, with only one exception, it has been conferred on the most senior Member of the party in control of the Senate.

On January 3, the Senate continued this practice by electing the most senior Republican Member, the Senator from South Carolina [Mr. THURMOND], as President pro tempore, a position he has held with distinction since the first session of the 97th Congress.

I have served with the Senator from South Carolina [Mr. THURMOND] since I entered the Senate on January 3, 1959. During these past 26 years, I have come to respect and admire his ability and dedication to his duties as a Member of this body. Since the 97th Congress, he has served as chairman of the Judiciary Committee along with performing the additional duties of President pro tempore. The Senator from South Carolina [Mr. THURMOND] has approached his new responsibilities with his customary diligence and enthusiasm.

One of the most visible assignments of the President pro tempore is to preside over the Senate when the Vice President is not present. While the presiding job is shared among Republican Senators, the Senator from South Carolina [Mr. THURMOND] as President pro tempore is almost always present to preside over the daily opening of each Senate session.

A less publicly visible, but extremely important, duty is to be available to sign duly enrolled bills and joint resolutions on behalf of the Senate before the legislation is sent to the President for his consideration. This responsibility often involves being present after the Senate has completed its work for the day; and in the case of a sine die adjournment—or when the Senate recesses for legislative breaks from time to time during the year—it can mean that the President pro tempore is required to remain in Washington for a number of days while these various measures are being processed and properly enrolled.

Our President pro tempore, Senator STROM THURMOND, has carried out this portion of his responsibilities with particular diligence.

The Senate is fortunate indeed to have the services of the Senator from South Carolina [Mr. THURMOND] as its President pro tempore. I wish to extend my personal congratulations to him on his election for the third time as President pro tempore, and I look forward to working with him for the duration of the 99th Congress.

The President pro tempore [Mr. THURMOND] is, first of all, a gentleman. He is liked by everybody on both sides of the aisle. He is a reasonable man. He is a courteous man. He is an understanding man. He is a man who is considerate of the problems of the leadership, and is always willing to listen to any Senator who has an opposite view, and we on this side of the aisle respect him for that.

I have been honored to have the opportunity to serve with Senator THURMOND over these 26 years. Senator THURMOND has been and is a man of the highest caliber and the highest integrity.

I remember the late Senator Dick Russell saying to me one day, when we were talking about STROM THURMOND, "He is absolutely fearless."

He has the courage of his convictions. He works hard, as hard as any Member of this body. I am proud to be able to call STROM THURMOND my friend.

(Mr. GORTON assumed the chair.)

Mr. THURMOND. Mr. President, will the distinguished minority leader yield?

Mr. BYRD. I am glad to yield.

Mr. THURMOND. Mr. President, I feel very humbled by the kind remarks of the distinguished minority leader. I wish to express to him my sincere appreciation.

I came here in January 1955, and I have known the distinguished minority leader ever since he came to the Senate. He served in the House of Representatives before he came to the Senate.

I have great respect and admiration for him. He is one of the finest parliamentarians I have ever known in the Senate. He is a man of character and integrity.

Those words coming from him mean a great deal for me. I thank the Senator.

Mr. BYRD. Mr. President, I thank the distinguished President pro tempore.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BYRD. I yield to the distinguished majority leader.

Mr. DOLE. Mr. President, as I indicated on the opening day of Congress, I think everyone, as the Senator well stated, on each side of the aisle, has the greatest respect for the distinguished Senator from South Carolina.

Having served with Senator THURMOND—in fact he is my chairman on the Judiciary Committee—I can underscore his total fairness, accessibility, and willingness to listen to opposite points of view; and I must say, in my role as I am sort of feeling around what I do in the leadership role, I found my friend from South Carolina to be very helpful, very understanding, and willing to sort of give me a little guidance from time to time, and that I also appreciate very much.

So I wish to join my distinguished colleague from West Virginia in commending the distinguished Senator from South Carolina.

Mr. BYRD. I thank my friend.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. THURMOND. Mr. President, I wish to thank the able Senator from Kansas, the distinguished majority leader, for his kind remarks.

It has been a great pleasure to serve with him. I feel he is going to make one of the greatest majority leaders the Senate has had, and I assure him of my full cooperation.

I thank him for his kind words.

Mr. SIMPSON. Mr. President, will the minority leader yield for a moment?

Mr. BYRD. I am happy to yield.

Mr. SIMPSON. I thank Senator BYRD.

Mr. President, let me just add very swiftly my congratulations and respect to Senator STROM THURMOND.

He served with my father in this Chamber which was a great honor to my father.

I met STROM THURMOND in 1963 in this Chamber, and I serve, as Senator DOLE does, on the Judiciary Committee. This is my chairman as it is Senator DOLE's chairman. In my particular line of work, which has been dabbling in the mysteries of immigration reform—an issue filled with about every kind of human emotion one can conjure: emotion, fear, guilt, and racism—this man has been so supportive, so kind, so expressedly optimistic as I deal with that, and I am deeply appreciative.

He has been of marvelous assistance to me and his wise counsel and guidance have aided me so greatly in the Senate.

So to STROM THURMOND, who is always gracious, thanks for your work with me in the Veterans' Affairs Committee as you guided me through that shoal, as has another remarkable veteran, Senator DOLE.

So, I just wish to add my note and tell what a gracious addition it is to have you, sir, and Nancy, and Nancy Moore, Strom, Paul, and Julie as remarkable friends of ours, Ann and myself. I deeply appreciate it.

Mr. THURMOND. Mr. President, will the distinguished Senator yield?

Mr. BYRD. I yield.

Mr. THURMOND. Mr. President, I thank the able Senator from Wyoming for his kind remarks.

He came on the Judiciary Committee and made one of the ablest members there. He is chairman of the Immigration Subcommittee, and I do not know of any Member of the Senate who has done a finer job within the subcommittee than he has with immigration. He is Mr. Immigration. He knows more about it than any other person I have come in contact with.

It has been a pleasure to know him and his family.

I thank him again for his kind remarks.

ADMINISTRATION OF OATH OF OFFICE TO SENATOR ROCKEFELLER

Mr. BYRD. Mr. President, for the RECORD, I wish to make note of the fact that on January 15 while the Senate was in adjournment, the oath of office was administered to JOHN D. ROCKEFELLER, IV, as the junior Senator from West Virginia.

UNANIMOUS-CONSENT ORDER

Mr. BYRD. Mr. President, I ask unanimous consent that the various measures which I introduced on January 3 to change the rules of the Senate be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the resolutions submitted by Mr. BYRD on January 3, 1985, are as follows:

SENATE RESOLUTION 2—TO IMPROVE SENATE PROCEDURES

Mr. BYRD submitted the following resolution, which was ordered to lie over under the rule.

S. RES. 2

Resolved, That (a) the Senate hereby authorizes and directs that there be both television and radio broadcast coverage (together with videotape and audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be—

(1) provided in accordance with provisions of this resolution;

(2) provided continuously at such times as the Majority Leader and Minority Leader jointly agreed by a non-debatable motion, voted on without intervening action, and to be concluded by joint agreement by non-debatable motion of the Majority and Minority Leaders voted on without intervening action except for any time when a meeting with closed doors is ordered; and

(3) provided that during any television and/or radio broadcasts, time shall be divided and controlled in such way as to assure equal time to both the Majority and Minority Parties; and

(4) provided subject to the provisions pertaining to the Senate gallery contained in the following Standing Rules of the Senate: rule XIX, paragraphs 6 and 7; rule XXV, paragraph 1(n); and rule XXXIII, paragraph 2; and

(5) provided that the Senate shall be in session on Mondays, Tuesdays, and Thursdays, with committee meetings scheduled on days and/or times the Senate debate is not to be televised.

SEC. 2. The radio and television broadcast of Senate proceedings shall be—

(a) supervised and operated by the Senate, and

(b) made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other news gathering, educational, or information distributing entity as may be authorized by the Committee on Rules and Administration to receive such broadcasts.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are recognized to speak by the Presiding Officer (including Senators who are so recognized with the consent of another Senator to interrupt such other Senator).

SEC. 4. (a) The broadcast coverage by radio and television of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures);

(2) employ necessary expert consultants; and

(3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality "live" audio and color video signal of such proceedings, and (B) provide an archive-quality audio and color video tape recording of such proceedings:

Provided, That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for the employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) make audio and video tape recordings of Senate proceedings, (3) make copies of such recordings available, upon payment to him of a fee fixed therefor by the Committee on Rules and Administration, to Members of the Senate and to each person described in subsections (b) (1) and (3) of section 2 of this resolution, and (4) retain for ninety days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States copies of such recordings: *Provided*, That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations.

(d) The Librarian of Congress and the Archivist of the United States shall each receive, store, and make available to the public, at no cost for viewing or listening on the premises where stored and upon pay-

ment of a fee equal to the cost involved through distribution of taped copies, recordings of Senate proceedings transmitted to them by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 5. (a) As soon as practicable after the necessary equipment has been installed, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Such test period shall end on such date as may be agreed upon by the majority leader, the minority leader, the chairman of the Committee on Rules and Administration, and the ranking minority member of such committee.

(b) During such test period—

(1) final procedures for camera direction control shall be established;

(2) coverage of Senate proceedings shall not be transmitted, except that, at the direction of the chairman of the Committee on Rules and Administration, such coverage may be transmitted over the coaxial cable system of the Architect of the Capitol; and

(3) recordings of Senate proceedings shall be made and retained by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 6. The use of tape duplications of broadcast coverage of the proceedings of the Senate for political or commercial purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political or commercial purposes.

SEC. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems necessary to assure the proper implementation of the purposes of this resolution.

SEC. 8. Such funds as may be necessary (but not in excess of $2,500,000) to carry out this resolution shall be expended from the contingent funds of the Senate.

SEC. 9. Rule XXVI, paragraph 7.(a)(1), is amended to read as follows:

"7. (a)(1) Except as provided in this paragraph, each committee and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the committee are physically present, and no report or legislative or executive measure or matter from a committee shall be accepted at the desk except on the representation of the committee chairman that it was not reported by polling."

SEC. 10 Rule XXX, paragraph 1(b), is amended to read as follows:

"(b) When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie over one day for consideration; after which it may be read a second time, after which amendments may be proposed. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty."

SEC. 11. Rule XII, paragraph 1, is amended by striking the first clause thereof and inserting in lieu thereof the following:

"Except as provided in subparagraph 5 of this rule, when the yeas and nays are ordered."

SEC. 12. Rule XII is amended by adding at the end thereof the following new paragraphs:

"5. Whenever the Majority Leader, with concurrence of the Minority Leader, shall determine, the names of Senators voting upon any roll call shall be recorded by electronic device. Senators shall have not more than fifteen minutes from the beginning of the roll call to have their vote recorded.

"6. The Majority Leader, with concurrence of the Minority Leader, may announce that any recorded vote that is scheduled to or does occur immediately after another recorded vote shall be no longer than five minutes in duration."

SEC. 13. Paragraph 4 of rule XVI of the Standing Rules of the Senate is amended—

(1) by inserting "(a)" after "4"; and

(2) by adding at the end of such paragraph the following new subparagraph:

"(b) If a point of order is made by any Senator against an amendment to a general appropriations bill on the ground that such amendment proposes general legislation or proposes a limitation or restriction not authorized by law and is to take effect or cease to be effective upon the happening of a contingency, it shall not be in order to raise the defense of germaneness unless there is House legislative language on that subject contained in the bill."

SEC. 14. Rule VIII of the Standing Rules of the Senate is amended by inserting at the end thereof the following new paragraph:

"3. Debate on any motion to proceed to the consideration of any matter, other than an amendment to the Standing Rules of the Senate, made at any time other than the morning hour shall be limited to two hours, to be equally divided between and controlled by the Majority Leader and Minority Leader or their designees, at the conclusion of which, without any intervening action, the Senate shall proceed to vote on the motion."

SEC. 15. Rule XVII, paragraph 5, of the Standing Rules of the Senate is amended to read as follows:

"5. Any measure or matter reported by any standing committee shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to Members for at least two calendar days (excluding Sundays and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate. This paragraph—

(1) may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate; and

(2) shall not apply to—

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

(B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress."

SEC. 16. Rule XV of the Standing Rules of the Senate is amended—

(1) by inserting after "Motions" in the caption a semicolon and the following: "GERMANENESS";

(2) by adding at the end thereof the following new paragraph:

"6. (a) At any time during the consideration of a bill or resolution, it shall twice be in order during a calendar day to move that no amendment, other than the reported committee amendments, which is not germane or relevant to the subject matter of the bill or resolution, or to the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall thereafter be in order. The motion shall be privileged and shall be decided after one hour of debate, without any intervening action, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators present and voting, then any floor amendment not already agreed to (except amendments proposed by the Committee which reported the bill or resolution) which is not germane or relevant to the subject matter of the bill or resolution, or the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall not be in order.

"(c) When a motion made under subparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a bill or resolution, points of order with respect to questions of germaneness or relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"(d) Whenever an appeal is taken from a decision of the Presiding Officer on the question of germaneness of an amendment, or whenever the Presiding Officer submits the question of germaneness or relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officer or hold the amendment germane or relevant shall be two-thirds of the Senators present and voting. No amendment proposing sense of the Senate or sense of the Congress language that does not directly relate to the measure or matter before the Senate shall be considered germane."

SEC. 17. Paragraph 7 of Rule XXII of the Standing Rules of the Senate is amended to read as follows:

"7. Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

" 'Is it the sense of the Senate that the debate shall be brought to a close?' "

And if that question shall be decided in the affirmative by two-thirds of the Senators present and voting-except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators duly

chosen and sworn-then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, or a complete substitute and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate. Whenever an appeal is taken under this rule from a decision of the Presiding Officer on the question of germaneness of an amendment, the vote necessary to overturn the decision of the Presiding Officer shall be two-thirds of the Senators present and voting.

"After no more than twenty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the time to be equally divided and controlled by the majority leader and minority leader, or their designee, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins.

"If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

"No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

"After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with.".

Senate Resolution 20—To Amend the Cloture Rule of the Senate

Mr. Byrd submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. Res. 20

Resolved, That Paragraph 2 of Rule XXII of the Standing Rules of the Senate is amended to read as follows:

"2. Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea and nay vote the question:

'Is it the sense of the Senate that the debate shall be brought to a close?'

And if that question shall be decided in the affirmative by two-thirds of the Senators present and voting except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators duly chosen and sworn-then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree or a complete substitute, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate. Whenever an appeal is taken under this rule from a decision of the Presiding Officer on the question of germaneness of an amendment, the vote necessary to overturn the decision of the Presiding Officer shall be two-thirds of the Senators voting.

"After no more than twenty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the time to be equally divided and controlled by the majority leader and minority leader, or their designees, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins.

"If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

"No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

"After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed, with.".

Senate Resolution 21—To Prohibit Polling From Committees

Mr. Byrd submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. Res. 21

Resolved, That Rule XXVI, paragraph 7.(a)(1), is amended to read as follows:

"7.(a)(1) Except as provided in this paragraph, each committee, and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the committee are physically present, and no report or legislative or executive measure or matter from a committee shall be accepted at the desk except on the representation of the committee chairman that it was not reported by polling."

Senate Resolution 22—To Improve the Rule on Treaties

Mr. Byrd submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. Res. 22

Resolved, That Rule XXX, paragraph 1(b), is amended to read as follows:

"(b) When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie over one day for consideration; after which it may be read a second time, after which amendments may be proposed. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty."

Senate Resolution 23—To Provide for Electronic Voting in the Senate

Mr. Byrd submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. Res. 23

Resolved, That Rule XII, paragraph 1, is amended by striking the first clause thereof and inserting in lieu thereof the following:

"Except as provided in subparagraph 5 of this rule, when the yeas and nays are ordered,".

Sec. 2. Rule XII is amended by adding at the end thereof the following new paragraphs:

"5. Whenever the Majority Leader, with concurrence of the Minority Leader, shall determine, the names of Senators voting upon any roll call shall be recorded by electronic device. Senators shall have not more than fifteen minutes from the beginning of the roll call to have their vote recorded.

6. The Majority Leader, with concurrence of the Minority Leader, may announce that any recorded vote that is scheduled to or does occur immediately after another recorded vote shall be no longer than five minutes in duration."

Senate Resolution 24—To Limit Legislative Amendments to General Appropriations Bills

Mr. Byrd submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. Res. 24

Resolved, That paragraph 4 of rule XVI of the Standing Rules of the Senate is amended—

(1) by inserting "(a)" after "4"; and

(2) by adding at the end of such paragraph the following new subparagraph:

"(b) If a point of order is made by any Senator against an amendment to a general appropriations bill on the ground that such amendment proposes general legislation or proposes a limitation or restriction not authorized by law and is to take effect or cease to be effective upon the happening of a contingency, it shall not be in order to raise the defense of germaneness unless there is House legislative language on that subject contained in the bill."

SENATE RESOLUTION 25—TO LIMIT TIME ON THE MOTION TO PROCEED

Mr. BYRD submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 25

Resolved, That Rule VIII of the Standing Rules of the Senate is amended by inserting at the end thereof the following new paragraph:

"3. Debate on any motion to proceed to the consideration of any matter, other than an amendment to the Standing Rules of the Senate, made at any time other than the morning hour shall be limited to two hours, to be equally divided between and controlled by the Majority Leader and Minority Leader or their designees, at the conclusion of which, without any intervening action, the Senate shall proceed to vote on the motion."

SENATE RESOLUTION 26—TO PROVIDE FOR A 2-DAY RULE IN LIEU OF A 3-DAY RULE

Mr. BYRD submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 26

Resolved, That Rule XVII, paragraph 5, of the Standing Rules of the Senate is amended to read as follows:

"5. Any measure or matter reported by any standing committee shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to Members for at least two calendar days (excluding Sundays and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate. This paragraph—

(1) may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate; and

(2) shall not apply to—

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

(B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress."

SENATE RESOLUTION 27—TO PROVIDE FOR GERMANENESS OR RELEVANCY OF AMENDMENTS

Mr. BYRD submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 27

Resolved, That Rule XV of the Standing Rules of the Senate is amended—

(1) by inserting after "Motions" in the caption a semicolon and the following: "GERMANENESS";

(2) by adding at the end thereof the following new paragraph:

"6. (a) At any time during the consideration of a bill or resolution, it shall twice be in order during a calendar day to move that no amendment, other than the reported committee amendments, which is not germane or relevant to the subject matter of the bill or resolution, or to the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall thereafter be in order. The motion shall be privileged and shall be decided after one hour of debate, without any intervening action, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators present and voting, then any floor amendment not already agreed to (except amendments proposed by the Committee which reported the bill or resolution) which is not germane or relevant to the subject matter of the bill or resolution, or the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall not be in order.

"(c) When a motion made under subparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a bill or resolution, points of order with respect to questions of germaneness or relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"(d) Whenever an appeal is taken from a decision of the Presiding Officer on the question of germaneness of an amendment, or whenever the Presiding Officer submits the question of germaneness or relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officer or hold the amendment germane or relevant shall be two-thirds of the Senators present and voting. No amendment proposing sense of the Senate or sense of the Congress language that does not directly relate to the measure or matter before the Senate shall be considered germane.

SENATE RESOLUTION 28—TO IMPROVE SENATE PROCEDURES

Mr. BYRD submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. RES. 28

Resolved, That (a) the Senate hereby authorizes and directs that there be both television and radio broadcast coverage (together with videotape and audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be—

(1) provided in accordance with provisions of this resolution;

(2) provided continuously at such times as the Majority Leader and Minority Leader jointly agreed by a nondebatable motion, voted on without intervening action, and to be concluded by joint agreement by nondebatable motion of the Majority and Minority Leaders voted on without intervening action except for any time when a meeting with closed doors is ordered;

(3) provided that during any television and/or radio broadcasts, time shall be divided and controlled in such way as to assure equal time to both the Majority and Minority Parties;

(4) provided subject to the provisions pertaining to the Senate gallery contained in the following Standing Rules of the Senate: rule XIX, paragraphs 6 and 7; rule XXV, paragraph 1(n); and rule XXXIII, paragraph 2; and

(5) provided that the Senate shall be in session on Mondays, Tuesdays, and Thursdays, with committee meetings scheduled on days and/or times the Senate debate is not to be televised.

SEC. 2. The radio and television broadcast of Senate proceedings shall be—

(a) supervised and operated by the Senate, and

(b) made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other news-gathering, educational, or information distributing-entity as may be authorized by the Committee on Rules and Administration to receive such broadcasts.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are recognized to speak by the Presiding Officer (including Senators who are so recognized with the consent of another Senator to interrupt such other Senator).

SEC. 4. (a) The broadcast coverage by radio and television of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures);

(2) employ necessary expert consultants; and

(3) acquire and install all uncessary equipment and facilities to (A) produce a broadcast-quality "live" audio and color video signal of such proceedings, and (B) provide an archive-quality audio and color video tape recording of such proceedings:

Provided, That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for the employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studies, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) make audio and video tape recordings of Senate proceedings, (3) make copies of such recordings available, upon payment to him of a fee fixed therefor by the Committee on Rules and Administration, to Members of the Senate and to each person described in subsection (b)(1) and (3) of section 2 of this resolution, and (4) retain for ninety days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States copies of such recordings: *Provided*, That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subsection, shall comply with appropriate Senate procurement and other regulations.

(d) The Librarian of Congress and the Archivist of the United States shall each receive, store, and make available to the public, at no cost for viewing or listening on the premises where stored and upon payment of a fee equal to the cost involved through distribution of taped copies, recordings of Senate proceedings transmitted to

them by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 5. (a) As soon as practicable after the necessary equipment has been installed, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Such test period shall end on such date as may be agreed upon by the majority leader, the minority leader, the chairman of the Committee on Rules and Administration, and the ranking minority member of such committee.

(b) During such test period—

(1) final procedures for camera direction control shall be established;

(2) coverage of Senate proceedings shall not be transmitted, except that, at the direction of the chairman of the Committee on Rules and Administration, such coverage may be transmitted over the coaxial cable system of the Architect of the Capitol; and

(3) recordings of Senate proceedings shall be made and retained by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 6. The use of tape duplications of broadcast coverage of the proceedings of the Senate for political or commercial purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political or commercial purposes.

SEC. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems necessary to assure the proper implementation of the purposes of this resolution.

SEC. 8. Such funds as may be necessary (but not in excess of $2,500,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

SEC. 9. Rule XXVI, paragraph 7. (a)(1), is amended to read as follows:

"7. (a)(1) Except as provided in this paragraph, each committee, and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the committee are physically present, and no report or legislative or executive measure or matter from a committee shall be accepted at the desk except on the representation of the committee chairman that it was not reported by polling."

SEC. 10. Rule XXX, paragraph 1(b), is amended to read as follows:

"(b) When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie over one day for consideration; after which it may be read a second time, after which amendments may be proposed. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty."

SEC. 11. Rule XII, paragraph 1, is amended by striking the first clause thereof and inserting in lieu thereof the following:

"Except as provided in subparagraph 5 of this rule, when the yeas and nays are ordered.".

SEC. 12. Rule XII is amended by adding at the end thereof the following new paragraphs:

"5. Whenever the Majority Leader, with concurrence of the Minority Leader, shall determine, the names of Senators voting upon any roll call shall be recorded by electronic device. Senators shall have not more than fifteen minutes from the beginning of the roll call to have their vote recorded.

"6. The Majority Leader, with concurrence of the Minority Leader, may announce that any recorded vote that is scheduled to or does occur immediately after another recorded vote shall be no longer than five minutes in duration.".

SEC. 13. Paragraph 4 of rule XVI of the Standing Rules of the Senate is amended—

(1) by inserting "(a)" after "4"; and

(2) by adding at the end of such paragraph the following new subparagraph:

(b) If a point of order is made by any Senator against an amendment to a general appropriations bill on the ground that such amendment proposes general legislation or proposes a limitation or restriction not authorized by law and is to take effect or cease to be effective upon the happening of a contingency, it shall not be in order to raise the defense of germaneness unless there is House legislative language on that subject contained in the bill.".

SEC. 14. Rule VIII of the Standing Rules of the Senate is amended by inserting at the end thereof the following new paragraph:

"3. Debate on any motion to proceed to the consideration of any matter, other than an amendment to the Standing Rules of the Senate, made at any time other than the morning hour shall be limited to two hours, to be equally divided between and controlled by the Majority Leader and Minority Leader or their designees, at the conclusion of which, without any intervening action, the Senate shall proceed to vote on the motion."

SEC. 15. Rule XVII, paragraph 5, of the Standing Rules of the Senate is amended to read as follows:

"5. Any measure or matter reported by any standing committee shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to Members for at least two calendar days (excluding Sundays and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate. This paragraph—

"(1) may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate; and

"(2) shall not apply to—

"(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

"(B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.".

SEC. 16. Rule XV of the Standing Rules of the Senate is amended—

(1) by inserting after "Motions" in the caption a semicolon and the following: "GERMANENESS";

(2) by adding at the end thereof the following new paragaraph:

"6. (a) At any time during the consideration of a bill or resolution, it shall twice be in order during a calendar day to move that no amendment, other than the reported committee amendments, which is not germane or relevant to the subject matter of the bill or resolution, or to the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall thereafter be in order. The motion shall be privileged and shall be decided after one hour of debate, without any intervening action, to be equally divided and controlled by the Majority Leader and the Minority Leader or their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators present and voting, then any floor amendment not already agreed to (except amendments proposed by the Committee which reported the bill or resolution) which is not germane or relevant to the subject matter of the bill or resolution, or the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall not be in order.

"(c) When a motion made under suparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a bill or resolution, points of order with respect to questions of germaneness or relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"(d) Whenever an appeal is taken from a decision of the Presiding Officer on the question of germaneness of an amendment, or whenever the Presiding Officer submits the question of germaneness or relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officer or hold the amendment germane or relevant shall be two-thirds of the Senators present and voting. No amendment proposing sense of the Senate or sense of the Congress language that does not directly relate to the measure or matter before the Senate shall be considered germane.".

SEC. 17. Paragraph 7 of Rule XXII of the Standing Rules of the Senate is amended to read as follows:

"2. Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to being to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?"

"And if that question shall be decided in the affirmative by two-thirds of the Senators present and voting except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators duly chosen and sworn then said measure, motion, or other matter pending before the

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Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

"Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree or a complete substitute, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate. Whenever an appeal is taken under this rule from a decision of the Presiding Officer on the question of germaneness of an amendment, the vote necessary to overturn the decision of the Presiding Officer shall be two-thirds of the Senators present and voting.

"After no more than twenty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the time to be equally divided and controlled by the Majority Leader and Minority Leader, or their designees, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins.

"If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

"No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

"After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed, with.".

SENATE RESOLUTION 29—TO IMPROVE SENATE PROCEDURES

Mr. BYRD submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. RES. 29

Resolved, That (a) the Senate hereby authorizes and directs that there be both television and radio broadcast coverage (together with videotape and audio recordings) of proceedings in the Senate Chamber.

(b) Such broadcast coverage shall be—

(1) provided in accordance with provisions of this resolution;

(2) provided continuously at such time as the Majority Leader and Minority Leader jointly agreed by a non-debatable motion, voted on without intervening action, and to be concluded by joint agreement by non-debatable motion of the Majority and Minority Leaders voted on without intervening action, except for any time when a meeting with closed doors is ordered; and

(3) provided that during any television and/or radio broadcasts, time shall be divided and controlled in such way as to assure equal time to both the Majority and Minority Parties; and

(4) provided subject to the provisions pertaining to the Senate gallery contained in the following Standing Rules of the Senate; rule XIX, paragraphs 6 and 7; rule XXV, paragraph 1(n); and rule XXXIII, paragraph 2; and

(5) provided that the Senate shall be in session on Mondays, Tuesdays, and Thursdays, with committee meetings scheduled on days and/or times the Senate debate is not to be televised.

SEC. 2. The radio and television broadcast of Senate proceedings shall be—

(a) supervised and operated by the Senate, and

(b) made available on a "live" basis and free of charge to (1) any accredited member of the Senate Radio and Television Correspondents Gallery, (2) the coaxial cable system of the Architect of the Capitol, and (3) such other news gathering, educational, or information distributing entity as may be authorized by the Committee on Rules and Administration to receive such broadcasts.

SEC. 3. The television broadcast of Senate proceedings shall follow the Presiding Officer and Senators who are recognized to speak by the Presiding Officer (including Senators who are so recognized with the consent of another Senator to interrupt such other Senator).

SEC. 4. (a) The broadcast coverage by radio and television of the proceedings of the Senate shall be implemented as provided in this section.

(b) The Architect of the Capitol, in consultation with the Sergeant at Arms and Doorkeeper of the Senate, shall—

(1) construct necessary broadcasting facilities for both radio and television (including a control room and the modification of Senate sound and lighting fixtures);

(2) employ necessary expert consultants; and

(3) acquire and install all necessary equipment and facilities to (A) produce a broadcast-quality "live" audio and color video signal of such proceedings, and (B) provide an archive-quality audio and color video tape recording of such proceedings:

Provided, That the Architect of the Capitol, in carrying out the duties specified in clauses (1) through (3) of this subsection, shall not enter into any contract for the purchase or installation of equipment, for the employment of any consultant, or for the provision of training to any person, unless the same shall first have been approved by the Committee on Rules and Administration.

(c) The Sergeant at Arms and Doorkeeper of the Senate shall (1) employ such staff as may be necessary, working in conjunction with the Senate Recording and Photographic Studios, to operate and maintain all broadcast audio and color video equipment installed pursuant to this resolution, (2) make audio and video tape recordings of Senate proceedings, (3) make copies of such recordings available, upon payment to him of a fee fixed therefor by the Committee on Rules and Administration, to Members of the Senate and to each person described in subsection (b)(1) and (3) of section 2 of this resolution, and (4) retain for ninety days after the day any Senate proceedings took place, such recordings thereof, and as soon thereafter as possible, transmit to the Librarian of Congress and to the Archivist of the United States copies of such recordings: *Provided*, That the Sergeant at Arms and Doorkeeper of the Senate, in carrying out the duties specified in clauses (1) and (2) of this subseciton, shall comply with appropriate Senate procurement and other regulations.

(d) The Librarian of Congress and the Archivist of the United States shall each receive, store, and make available to the public, at no cost for viewing or listening on the premises where stored and upon payment of a fee equal to the cost involved through distribution of taped copies, recordings of Senate proceedings transmitted to them by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 5. (a) As soon as practicable after the necessary equipment has been installed, there shall begin a test period during which tests of radio and television coverage of Senate proceedings shall be conducted by the staffs of the Committee on Rules and Administration and of the Office of the Sergeant at Arms and Doorkeeper of the Senate. Such test period shall end on such date as may be agreed upon by the majority leader, the minority leader, the chairman of the Committee on Rules and Administration, and the ranking minority member of such committee.

(b) During such test period—

(1) final procedures for camera direction control shall be established;

(2) coverage of Senate proceedings shall not be transmitted, except that, at the direction of the chairman of the Committee on Rules and Administration, such coverage may be transmitted over the coaxial cable system of the Architect of the Capitol; and

(3) recordings of Senate proceedings shall be made and retained by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 6. The use of tape duplications of broadcast coverage of the proceedings of the Senate for political or commercial purposes is strictly prohibited; and any such tape duplication furnished to any person shall be made on the condition that it not be used for political or commercial purposes.

SEC. 7. Any changes in the regulations made by this resolution shall be made only by Senate resolution. However, the Committee on Rules and Administration may adopt such procedures and such regulations, which do not contravene the regulations made by this resolution, as it deems necessary to assure the proper implementation of the purposes of this resolution.

SEC. 8. Such funds as may be necessary (but not in excess of $2,500,000) to carry out this resolution shall be expended from the contingent fund of the Senate.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

The PRESIDING OFFICER. The Senator from Maryland.

THE INAUGURATION PROCEEDINGS

Mr. MATHIAS. Mr. President, I ask unanimous consent that the transcript of the inauguration proceedings conducted today in the rotunda of the Capitol may appear in the RECORD and, I further ask unanimous consent that the transcript of the inauguration proceedings may be printed first in the RECORD for today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority is using his time?

Mr. DOLE. Yes. There is still time remaining to the majority leader?

The PRESIDING OFFICER. There is.

THANKS TO SENATORS MATHIAS AND FORD

Mr. DOLE. Mr. President, I take a moment at this time, and I will do so more fully later, to thank the distinguished Senator from Maryland, Senator MATHIAS, along with the distinguished Senator from Kentucky, Senator FORD, for their tireless efforts in the entire inaugural proceedings.

I know the distinguished Senator from Maryland probably has not had any sleep last night because suddenly at 6 o'clock yesterday the parade was canceled and a bit later the outside swearing-in ceremony was canceled, and the Senator from Maryland was calling me looking for something of sympathy and I gave it to him.

Mr. MATHIAS. Moral support.

Mr. DOLE. Moral support. But that was about all I was able to provide.

But I must say along with his wife, Ann, the distinguished Senator from Maryland has done an outstanding job. We are very proud of the Senator from Maryland, proud of the work he has done not only in this event but in many other areas.

THE PRESIDENT'S INAUGURAL ADDRESS

Mr. DOLE. Mr. President, I also say, and I will have a further statement on this at some later date, that I believe the President has in effect invited Congress to participate in his second term in making these very difficult decisions.

The tone of the President's inaugural address in my view was just right. I do not believe anyone could have been offended by what the President said, whether Democrat, Republican, independent, or someone who just does not care.

The President was not here in any partisan way. He was speaking to the American people, those who voted for him, those who voted against him, and I assume those who did not vote at all.

He stressed, as I think he properly should have stressed, the need for restraint on Federal spending, and I interpret his statement as meaning that is the No. 1 priority, and obviously, arms control, tax simplification, making certain that we improve the quality of life for all Americans, disabled, senior citizens, whatever special cases and vulnerable groups there may be.

So I indicate for the RECORD at this time that the President made an excellent speech. I am very proud to be a Republican and proud to be a supporter of Ronald Reagan and Vice President GEORGE BUSH, and I believe they will find a spirit of cooperation in the Senate and in the House of Representatives that will be welcome in the White House, be important to America, and we will act responsibly. We are prepared to make difficult decisions. We know there are no gimmicks, no painless solutions.

I believe the American people demand it and I believe that the Senate in a bipartisan way will come to grips with the problems we have and the opportunities we have. We will demonstrate to the American people that we have the will to govern.

Mr. MATHIAS. Mr. President, will the majority leader yield?

Mr. DOLE. I am happy to yield.

Mr. MATHIAS. He was kind enough to make some reference to the efforts that my wife and I invested in the inaugural proceedings today. Since he has done that, I think I have to set the record straight and to give the credit where the credit is really due, because there has been an extraordinary achievement by personnel of various Government agencies, first of all, to prepare the inauguration as it was originally planned at the west front of the Capitol and then, as of 9 o'clock last night, to convert an immense outside activity into the more compressed ceremony in the rotunda today.

I would be remiss if I let 1 hour further go by without acknowledging that the Joint Committee on the Inaugural, the staff of the Rules Committee, my own personal staff, the staff of the Senate, especially the staff of the press, radio-TV, photographers, and periodical press galleries, the House and Senate Sergeants at Arms, the Capitol Police, the Secret Service, the military representatives who were assigned to the Joint Committee on Inaugural Ceremonies, the members of the White House staff, the members of the Office of the Architect of the Capitol, and the service personnel around the Capitol have all cooperated closely with us. It made me extremely proud to watch these people go into high gear last night, work through the night and make the ceremony possible today.

Mr. President, I take this opportunity to express my profound gratitude to each one of them and my appreciation, which is really very heartfelt. It is a performance that I shall always remember with gratitude and with admiration.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 5 minutes each.

PRESIDENT REAGAN'S SECOND INAUGURAL ADDRESS

Mr. PROXMIRE. Mr. President, President Reagan's second inaugural speech is a stirring appeal to shift American resources away from big increases in Federal spending which were designed to meet domestic problems. In this, he is right. But then the President calls for us to shift these resources and more into a larger eventual increase to carry the arms race with the Soviet Union into space. And in this, he is wrong.

In his first inaugural in 1981, the President called for a reduction in Federal spending and a balanced budget by 1984. What happened? Instead of a balanced budget, we have had the biggest deficits by far in the history of our country, deficits three times higher than the country had ever before suffered. Why?

The President called for and won major reductions in Federal taxes to the warm applause of the country. He has also achieved a sharp slowdown in the rate of increase in Federal spending on domestic programs. The deficits have obviously come from a king-size increase in military spending. Combine that with lower taxes. Result: A very fat series of Federal deficits.

And where does the President propose to take the country in the next 4 years? He says he wants to reduce the deficit and move us toward a balanced budget. But will the program he sketched in his second inaugural speech do that? How can it when President Reagan also calls for the Star Wars antimissile defense that the Defense Department itself admits will cost so much it will stagger us? How can such a program reduce the deficit?

The answer is the same old smoke and mirrors routine. The administration achieves a lower deficit while pouring more money into the military and cutting taxes by making some very happy and very unrealistic assumptions about the kind of economy we will have in the next 4 years. Get this: The economy is supposed to boom while interest rates fall and inflation continues to behave. Of course, anything is possible. The Sun might rise in the West tomorrow. The law of gravity might be repealed, so we can all float to work. The Soviet Union might renounce communism, embrace nonviolence, democracy and elect Mother Theresa as its first President. But do not count on any of this. And do not count, on the basis of this stirring inaugural speech, that the next 4 years of President Reagan will bring us any closer to a balanced budget than the first 4 years did.

President Reagan is the hardest President to criticize of any of the seven Presidents who have served since I entered the Senate in 1957. Like President Eisenhower, President

Reagan was elected and then reelected by landslides. But unlike President Eisenhower, President Reagan carried into office a philosophy: lower taxes and less goverment; and a program the same as his philosphy that the American people have now obviously strongly endorsed.

Unlike any President since Franklin Roosevelt 40 years ago, President Reagan is what we all admire in an acquaintance and especially in a high Government official—a happy, upbeat, always optimistic personality. When he gives the kind of uplifting, inspiring, patriotic speech he delivered today, almost any American would like to throw his hat in the air and cheer. We love our country. We are proud of our country.

And in some ways, President Reagan has given this country exactly what it needed. We were indeed going much too far in the interference of our Government with our free economic system. The Federal Government was interfering in people's lives far too much. The lumbering dinosaur of a mammoth, swelling Federal Government obviously can not and should not try to do what a State or a city or especially a smaller community can do for its citizens.

As a man named Levy said so well: "If good intentions are combined with stupidity, it is impossible to out-think them." Good intentions combined with stupidity is what the Federal Government has been dealing in for the past 50 years. Some would say that the President brought a new stupidity into the debate. And maybe he did. But it worked. It succeeded and we all like success. At any rate, President Reagan has been half right in cutting domestic spending and half wrong in transferring most of that cut to the military. The America people liked the first half. I know they do not like the military spending second half. So the President was half right. That is not a bad batting average for an American President. Judging by the second inaugural speech, he may not do that well in the next 4 years.

SENATOR GLENN'S WARNING ON NUCLEAR PROLIFERATION

Mr. PROXMIRE. Mr. President, in the winter 1985 edition of Issues in Science and Technology, our colleague, the distinguished Senator from Ohio [JOHN GLENN], has written an excellent and alarming article entitled: "Nuclear Proliferation: The Current and Future Threat." As we know, Senator GLENN has been the leading expert in the Senate in this field, almost since he entered the Senate 10 years ago.

In his typical, thorough, low key manner, Senator GLENN has set forth a carefully balanced analysis of the growing threat of nuclear weapon proliferation. It is the conviction of many thoughtful experts that far and away the most likely outbreak of nuclear war will come from the explosive spread of nuclear weapons that seems all but inevitable in the next 10 or 20 years. But wait a minute, is the spread of nuclear weapons so very likely? Is it not true that there has been little, if any, nuclear weapon proliferation for the past 20 years in spite of dire predictions again and again throughout this period that unless we mounted a vigorous international antiproliferation crusade nuclear weapons would spread everywhere? What happened? There was a very modest limited effort to slow proliferation. Certainly there was no crusade. Did nuclear weapons proliferate? A little. But only a little.

Twenty years ago five nations—the United States, the Soviet Union, France, the United Kingdom, and China—had nuclear arsenals. Today India has joined the club. Israel and South Africa are quiet, small, side door entrance members. And that is it.

To most of the world it still seems like a two-member game. The world has 50,000 nuclear warheads. More than 95 percent of those warheads are in the custody of the United States and the Soviet Union. The general attitude is that we have plenty to worry about in Soviet nuclear weapons power. But for the rest, forget it. England and France are our firm allies. China is certainly no buddy of the Soviet Union and unlikely to become one for a long time. As for India, Israel, and South Africa, there seems to be no way that any of them no matter how big a nuclear arsenal they acquired could become a threat to the United States. So why the sweat?

Senator GLENN's very timely article explains in detail exactly "why the sweat." Here it is: First we have relied heavily on the International Atomic Energy Agency with its international inspection capability to prevent the transfer of nuclear materials to weapons purposes. Those materials include 48,000 tons of such material including 6.8 tons of separated plutonium and 11 tons of highly enriched uranium. Where are these materials? At 320 sites, and get this, in more than 50 countries. That's right 50 countries. Senator GLENN argues that the IAEA simply does not have the manpower to do the massive inspection job. It has only 156 inspectors. And to do its job properly it would have to change its policies to: First, initiate unannounced inspections, second, end the secrecy surrounding inspection results; third, undertake closer observation of nuclear operations using both instruments and human monitors; and fourth, refuse to allow inspected States an unlimited veto of chosen inspectors. What prospect is there that the IAEA will do all this? Don't hold your breath until it happens.

Second, the problem of maintaining common suppliers standards is likely to worsen as so-called second tier suppliers enter the picture. India, China, South Africa, Argentina, Brazil, Spain, and Niger are all gearing up to compete in the world nuclear export market. And as Senator GLENN points out: the commitment of these countries to a strong nonproliferation regime varies from weak to none.

Third, the U.S. agreement with China for the sale of nuclear technology and materials appeared to provide pitifully inadequate safeguards to begin with. Unless the agreement is conspicuously strengthened to prevent proliferation, it would be seen, as JOHN GLENN points out, by many nations as another blow to their commitment not to proliferate, especially since China is a weapons state and has not signed the Non-Proliferation Treaty.

Fourth, Pakistan seems well on its way to building its own nuclear arsenal. Senator GLENN writes that if Pakistan does test a nuclear explosion, India could retaliate with another test explosion of its own, or it could launch a preemptive military strike to knock out Pakistan's nuclear facilities. It could thus follow the Israel example in knocking out the Iraqi nuclear weapons factory.

Fifth, Israel's nuclear capacity represents a provocative incentive for bitterly hostile Arab States to develop their own nuclear capability.

Sixth, Libyan leader Quadhafi is trying hard to purchase a nuclear weapon.

Seventh, the Ayatollah Khomeni could at any time revive the Shah's aborted attempt to give Iran a potential weapons capability.

Eighth, some nations that are not parties to the Non-Proliferation Treaty receive more technical assistance from the IAEA than do parites to the treaty. Only the United States, Canada, and Australia require all recipients of nuclear trade to satisfy essentially the same safeguard requirements as are required for NPT parties. Because other suppliers are not as careful, Senator GLENN argued that some NPT signatories may just walk away from the treaty.

Ninth, the continued arms race between the United States and the Soviet Union have developed advances in nuclear arms technology that have made nuclear devices, tailor made for both the smaller economies of other nations and State-directed terrorism. Nuclear devices can now be carried by one person, and easily concealed in a small car. This headlong competition to make the supreme military power cheap and easily delivered has added a new and very tempting dimension to nuclear power.

Senator GLENN balances this ominous analysis with the developments

that have slowed down proliferation and may continue to do so.

First most nations recognize the limited utility of nuclear weapons. After all even a small nuclear war could mean virtual nuclear suicide.

Second, greater sensitivity to the threat and danger of nuclear proliferation now exists than ever before. Senator GLENN may be right on this. Here's one Senator who is not so sure. If business interests in a country including the United States can make a buck while risking proliferation they go for the buck and often get it.

Third, nuclear suppliers are more cooperative in enforcing safeguards than they have been in the past, says GLENN. Again, I am not sure. I would feel better if we had some concrete examples of such enforcement. It is hard to find such examples in the conduct of this country especially in view of the nuclear agreements we have just made with Sweden and Norway, and may be making with China.

Fourth, Senator GLENN argues that pressure on the weapon states to reduce their arsenals are growing. JOHN GLENN may be right about this. But where is the evidence? Certainly the pressure is not getting meaningful results. We may have reduced our megatonnage and even the number of warheads, but our capacity for delivering our nuclear payload on target has immensely increased. Certainly the United States and the Soviet Union are far, far more formidable nuclear powers than they were 20 or 10 years ago. And the race goes on. And where is the evidence that France, the United Kingdom, and China are not at least as heavily armed with nuclear weapons as they were 10 or 20 years ago?

Fifth, GLENN contends that a combination of energy conservation, alternative technologies and excess oil supplies has dimmed the attractiveness of technologies that pose a high proliferation risk, such as the breeder reactor and the recycling of plutonium for use in conventional reactors. GLENN is dead right here. This is a prime advantage we should build on.

In sum, the GLENN presentation is right on target in assessing the dangers now posed by the threat of proliferation. Anyone who believes that nuclear weapon proliferation is not virtually inevitable unless we find a way to greatly strengthen international antiproliferation policies is living in a dream world. It is coming. It is immensely dangerous, far more threatening than the relatively remote prospect of a Soviet nuclear attack on the United States. And it has had very little attention from this or previous administrations. JOHN GLENN has made a critical contribution to our understanding of our national security responsibilities. It is time we took proliferation and what we do in the event a non-superpower nuclear war breaks out far more seriously.

Mr. President, I ask unanimous consent that a copy of the GLENN article in the winter 1985 edition of Issues in Science and Technology be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NUCLEAR PROLIFERATION: THE CURRENT AND FUTURE THREAT

(John H. Glenn)

PROLOGUE: Although the number of nations that openly maintain stockpiles of nuclear weapons has remained constant for nearly 20 years, the delicate fabric of institutional and moral commitments that restrains nuclear proliferation is showing signs of coming unraveled.

In this essay, John H. Glenn, Democratic senator from Ohio, warns that the world could soon face a nuclear arms race in South Asia and the Middle East. At a time when the international agency responsible for safeguarding nuclear materials is becoming increasingly politicized, more and more nations are gaining access to sensitive technology. Glenn, the principal author of the 1978 Nuclear Nonproliferation Act, which tightened controls on U.S. nuclear exports, argues that the mounting threat of proliferation warrants the highest national attention.

John H. Glenn was born in Cambridge, Ohio. He received a B.S. degree from Muskingum College in 1961 after serving as a Marine Corps fighter pilot during World War II and the Korean conflict, and as a jet aircraft test pilot. One of the original seven astronauts in the U.S. space program, on February 20, 1962, he bacame the first American to orbit the earth. He was elected to the U.S. Senate from Ohio in 1974 and serves on the Governmental Affairs and Foreign Relations committees. Glenn, who was a candidate for the Democratic presidential nomination in 1984, has written extensively on energy and defense policy and the U.S. space program, and in other forums has offered detailed prescriptions for dealing with the nuclear proliferation problem.

Five nations in the world today overtly manufacture nuclear weapons: the United States, the Soviet Union, Great Britain, France, and China. At least 10 other nations are capable of producing nuclear weapons in a relatively short time; two may already have done so clandestinely. Sixteen other nations are moving toward a nucelar weapons capability, and evidence suggests that there may be military purposes behind the nuclear programs in eight of these countries.

The establishment of Nuclear Emergency Search Teams (NEST) in the United States to investigate threats to detonate nuclear devices or to use nuclear material in some harmful way is testimony to the existence of a terrorist interest in nuclear materials. Nuclear weapons have been designed and tested that can fit into a golf bag.

Thus, while the world's attention has recently been focused on the nuclear arms race between the superpowers, developments are occurring that in the future will put nuclear weapons into the hands of other nations, including some in politically volatile areas of the world. This increases the likelihood of such weapons being used during conflict and threatens us with the specter of terrorist acquisition of portable nuclear explosive devices.

The acquisition of nuclear weapons by one nation tends to encourage proliferation by inducing others to seek a matching nuclear deterrent. This is especially dangerous when the acquiring countries lack the sophisticated command, control, and communications sytems necessary to prevent the unintended use of these weapons in times of crisis. The world has been lulled into a false sense of security on this potentially disastrous issue by a natural preoccupation with the activities of existing nuclear weapon states and by the fact that no new *overt* nuclear weapon state has come into existence since 1964. Nevertheless, the threat of proliferation is real and growing, and we should accord it the highest level of attention.

During the past 40 years, a variety of national and international policies and institutions have evolved to curtail the spread of nuclear weapons. Collectively, these are known as the world's nonproliferation regime. Foremost in this regime is the Nuclear Non-Proliferation Treaty [NPT], which went into effect in 1970 and has since been signed by 118 nonweapon states and 3 weapon states, Great Britain, the United States, the Soviet Union. Two weapon states, France and China, have not signed. The nations adhering to the treaty, together with France, which has said it will act in accordance with the treaty, account for 98 percent of the world's nuclear power capacity, all of the world's exports of enriched uranium, and almost all of the reprocessing capability.

In essence, the Non-Proliferation Treaty promises full access to peaceful nuclear technology, subject to international safeguards, to any country that promises to forgo acquiring nuclear weapons. The treaty bars signatories from helping other countries to acquire or make nuclear weapons and prohibits nonweapon states from acquiring nuclear weapons or using nuclear energy for any military purpose. It requires non-nuclear weapon states to place under international safeguards all their nuclear facilities in which fissionable material—material suitable for use in nuclear weapons—is used; that is, these facilities must be subject to a system of materials accounting and inspection carried out by the International Atomic Energy Agency [IAEA]. The safeguards process is essentially a record-keeping, not a policing, activity; the IAEA has no authority to impose sanctions against a nation that diverts fissionable material to military purposes.

In return for these restrictions, the treaty guarantees "the inalienable right of all the parties to the treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination" and obligates the parties to "facilitate . . . the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy." The treaty extends this right to acquire and use peaceful nuclear energy even to "peaceful nuclear explosives"—bombs by any other name—for engineering projects and mineral extraction, but restricts possession of explosive devices only to weapon states. Another key article of the treaty requires the nuclear weapon states to "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control." Adherence to the provisions of the Non-proliferation Treaty is entirely voluntary. There are no

sanctions for violations, and a signatory may withdraw from the treaty on 90-days notice by declaring that its "supreme" interests are jeopardized by extraordinary events "related to the subject matter of the treaty."

Other elements of the nonproliferation regime include: formal and informal agreements among nuclear suppliers to exercise restraint in their exports and to not sell certain kinds of materials or equipment without requiring that safeguards be imposed; alliances and other security arrangements to influence nations to not acquire nuclear weapons; international networks of intelligence gathering and exchange concerning nuclear activities worldwide; and individual national policies, including export laws such as the U.S. Nuclear Nonproliferation Act of 1978, to discourage misuse of nuclear technology. This act is designed to establish tighter criteria for nuclear exports from the United States, to impose controls on the separation and use of plutonium from spent reactor fuel of U.S. origin, and to provide for sanctions against nations that violate safeguards or engage in other actions indicating movement toward a nuclear weapons program.

II

During the past decade, concern has grown worldwide over the issue of horizontal proliferation—the acquisition of nuclear weapons by nations that do not yet have them. This has helped to produce some cooperation among nuclear suppliers to limit voluntarily certain kinds of nuclear trade when proliferation risks are evident. But the extent of cooperation is still inadequate, and major problems remain that could threaten future progress.

Any realistic policy must address two basic elements in horizontal proliferation: the political will and the technical capability of the potential proliferator. West Germany, Japan, Canada, and Sweden have the technical capability to produce nuclear weapons but have chosen not to do so because they believe their security concerns are best met by other means.

Thus, a key factor in preventing horizontal proliferation is to assist nations in meeting their legitimate security needs, thereby reducing their motivation to obtain nuclear weapons. Alliances, economic and military assistance, and the fostering of better international relations—including confidence-building measures between rivals—can all contribute significantly to this sense of security.

In addition, the attitude of the weapon states toward the role of nuclear weapons in their own security can affect the motivation of nonweapon states with security problems. That is, if the nuclear powers react to international tensions by building more nuclear weapons, the connection between security and nuclear weapons is enhanced. On the other hand, the evident reluctance of weapon states to use nuclear weapons in military situations suggests that their usefulness is limited. The latter point is also made by agreements to reduce nuclear arms.

The risk of horizontal proliferation also depends on the technical capability of states to build nuclear weapons. That, in turn, depends on access to fissile material, either plutonium or highly enriched uranium. States that have access to an ongoing supply of such materials essentially have a nuclear arsenal within their grasp, even if they still face some difficult technical problems in the fabrication of bombs and triggering mechanisms. If uranium enrichment (which produces highly enriched uranium and requires no nuclear reactor) and reprocessing technology (which separates plutonium from spent nuclear fuel) become widespread, proliferation can no longer be controlled from the standpoint of technical capability. The problem, therefore, becomes more difficult. For this reason, the supplier nations, including West Germany and France, that formerly demonstrated an indifference to the problem by signing agreements to export reprocessing plants to such nations as Brazil, Pakistan, and South Korea, have since agreed to exercise restraint in transferring these sensitive nuclear technologies. (The Pakistan and South Korea agreements were subsequently cancelled.)

Unfortunately, this does not mean there is agreement to restrict the use of plutonium and highly enriched uranium (particularly the former) in the nuclear reactors of the future. Although a current worldwide glut of uranium and enrichment capacity has eliminated shortages of fuel for nuclear power plants, a number of industrialized and near-industrialized countries are pursuing research and development on a breeder reactor that operates on a uranium oxide-plutonium oxide fuel and can theoretically produce more plutonium than it consumes. Some of these countries are also interested in eventually operating their conventional nuclear reactors with such a mixed-oxide fuel. This threatens to create a "plutonium economy" in these countries putting tons of plutonium into the commercial sphere and raising the availability of plutonium by theft, black market purchase, or other illegal means. Furthermore, it legitimizes the commercial production and use of weapons material, thereby making it far more difficult to discern the true intent of other states seeking the same material. Because a nuclear bomb can be constructed using only a few kilograms of plutonium, it is not clear that any international safeguard system would be adequate to deal with such plutonium commercialization.

Although the United States can avoid using plutonium as a fuel in most circumstances, other nations are not as rich in alternatives. This raises an important policy issue: to what extent should the United States help other nations carry on research and development programs aimed at producing plutonium for breeders or for conventional reactors? The United States can currently control the reprocessing of U.S.-origin spent fuel outside of the countries belonging to Euratom, an organ of the European Economic Community, and seeks to extend its influence to the decisions of this European consortium as well. But for the United States to refuse to permit reprocessing in a country with good nonproliferation credentials, such as Japan, would provoke hostility, the loss of future fuel enrichment service contracts, and a decline in future U.S. influence over that country's nuclear program. However, for the United States to relax restrictions on reprocessing would be to risk accelerating the emergence of plutonium economies in other nations and to reduce our own national security.

Fortunately, the economics of the breeder reactor, reprocessing, and the recycling of plutonium into conventional reactors now appears to be quite unfavorable. All such programs—including that of the French, the leaders in the field—are being cut back. Hence, more time is available to consider alternatives to advanced nuclear technology and to improve safeguards. But if the alternatives fail, pressures may again increase for the widespread use of plutonium in power reactors. The United States must be prepared with policy contingencies if the existing safeguard system remains inadequate to the task.

III

In addition to horizontal proliferation, the problem of vertical proliferation continues; that is, stockpiles of weapons belonging to the nuclear powers are increasing. The United States and the Soviet Union together reportedly possess more than 50,000 nuclear warheads. At a time when arms control negotiations have broken down, proposals to develop newer and more modern weapons are being favorably received in both Washington and Moscow. This buildup is increasingly unacceptable to the nonweapon states, which insist that the nuclear powers live up to their obligations under Article VI of the Non-Proliferation Treaty, which calls for the nuclear weapon state to pursue genuine arms control agreements. Failure to pursue such agreements was a major issue at the 1980 NPT review conference and is quite likely to be so again at the 1985 conference.

Considerable time would be required, even under favorable diplomatic conditions, for the superpowers to negotiate a verifiable treaty involving significant nuclear arms reductions. This has motivated some proliferation experts to search for meaningful near-term arms control objectives that would have a beneficial impact on nonproliferation as well as on U.S.-Soviet relations. A comprehensive ban on nuclear weapons testing is one example of such a measure.

The main stumbling block to a comprehensive test ban in the past has been the issue of verifying compliance. Scientists disagree about the threshold at which underground nuclear explosions can be detected and whether explosions can be distinguished from seismic events, such as earthquakes. Many now believe that our instrumentation, which will surely improve, is sufficiently sensitive that a test ban would not pose significant risk to our national security. For its part, the Soviet Union has not rejected the possibility of permitting unmanned detection instruments on its territory. U.S. policymakers will have to decide whether the residual risks of signing a test ban treaty exceed the growing risk of failing to check the unraveling of the nonproliferation regime.

In addition to the comprehensive test ban, a verifiable agreement by the United States and the Soviet Union to halt or limit the production of separated fissile material (highly enriched uranium or plutonium) would also have a beneficial effect on the climate for both nuclear arms control and nonproliferation. Eventually, all the weapon states would have to join in such an agreement if it were to be fully effective.

IV

Although 121 countries have signed the Non-Proliferation Treaty, a significant number of nations still have not, including some that are known to be considering or actively pursuing a nuclear weapons program and others that are developing unsafeguarded nuclear facilities that could provide fissile material for a future weapons program.

Israel and South Africa reportedly have undeclared nuclear weapons or are producing weapons-grade material. India, which has exploded a fission device, is believed to be maintaining a stockpile of unsafeguarded

plutonium and can add to this stockpile at will.

For several years, Pakistan has been engaged in a worldwide effort to purchase or otherwise acquire plans, components, equipment, and technology for the construction of a gas centrifuge nuclear enrichment plant to produce highly enriched uranium. (A.Q. Khan, head of Pakistan's nuclear enrichment project, was accused of stealing plans for a centrifuge facility from a Dutch company. He was convicted in absentia by a Dutch court.) Pakistan, with only one small nuclear power plant, has also built a reprocessing plant and is reportedly working on bomb-triggering mechanisms.

Argentina and Brazil have both been interested in developing capacities for reprocessing plutonium and for producing highly enriched uranium. Until its recent change of government, Argentina was well on its way to achieving this capability with indigenous, unsafeguarded facilities. The future plans of the Argentine government in this area are unclear. Brazil has an agreement with West Germany that provides for German export of facilities for the full fuel-cycle processing of nuclear fuels, both reprocessing and enrichment (under safeguard). Brazil is developing unsafeguarded facilities as well. Neither Argentina nor Brazil is presently committed to adhering to the Treaty of Tlatelolco, which entered into force in 1968 and is designed to create a nuclear-weapon-free zone in Latin America.

In addition to the above nonsignatory nations, some parties to the Non-Proliferation Treaty have engaged in nuclear activities that raise suspicions about their future intent. These nations include Iraq, Libya, Iran, South Korea, and Taiwan. Alarmed by Iraqi activities, the Israelis launched an air stike that destroyed a research reactor near Baghdad on June 7, 1981.

The common motives that link these countries are rivalry and insecurity. For example, India produces her "peaceful nuclear explosion" to deter China; Pakistan develops the bomb to deter India. South Africa and Israel may produce nuclear weapons to deter military assaults by hostile forces vastly superior in number; Arab countries such as Iraq and Libya want to counter any Israeli nuclear advantages. Argentina and Brazil vie for political supremacy in South America and may see nuclear weapons capability as enhancing their efforts. South Korea worries about North Korea military superiority and the possible removal of U.S. protection. Taiwan is concerned about its future as China grows in strength and influence.

American diplomacy and policy will have to be flexible in dealing with these diverse situations, and in most cases international cooperation, including coordinated diplomacy, will be required to prevent the present situation from worsening.

V

A review conference is held every five years to examine how the Non-Proliferation Treaty is working and to search for a consensus on ways to improve it. In addition, parties to the treaty are to decide in 1995 on whether or not to extend the treaty. The past two review conferences held in 1975 and 1980 were rancorous affairs, with some parties charging that the supplier states, especially the United States, had not lived up to their obligations under Article IV, which obligates the supplier states to share the benefits of nuclear technology. And, as mentioned earlier, several nations protested that the superpowers had failed to meet their obligations under Article VI to curb their own nuclear arms race.

The nuclear technology issue is exacerbated by the fact that some nations that are not parties to the Non-Proliferation Treaty receive more technical assistance from the IAEA than do parties to the treaty, and that only the United States, Canada, and Australia require all recipients of nuclear trade to satisfy essentially the same safeguard requirements as are required for NPT parties. Because other suppliers are not as meticulous in their trading practices, some NPT signatories have begun to question the value of their nonproliferation commitment. Some have even hinted that unless the supplier nations and the superpowers better fulfill their obligations under Articles IV and VI, some nations may defect from the treaty.

Should the NPT collapse in 1995 or before, a major toll for maintaining the international nonproliferation regime would be lost. On the other hand, as Iraq, Libya, Iran, South Korea, and Taiwan make amply clear, the PNT is not adequate to assure the nuclear suppliers that all signatory countries are sufficiently committed to nonproliferation to allow transfers of sensitive nuclear technology, even with safeguards. Straddling the line between supporting the NPT and strengthening nuclear export controls will require deft maneuvering by the United States and other supplier nations.

VI

The International Atomic Energy Agency has managed a difficult transition from an agency whose primary focus was the promotion of nuclear energy and technical assistance to an agency in which the safeguard function is no longer a subordinate activity. But difficulties remain and are growing. The agency has been greatly politicized during the past decade, with Israel and South Africa under periodic attack for reasons unrelated to their agency obligations. In 1982 the United States walked out of the organization for several months to protest a move to strip the Israelis of their credentials at the International Atomic Energy Agency General Conference that year because of Israel's attack on the Iraqi reactor. The Israeli issue has still not been resolved, and the IAEA General Conference of 1984 voted to postpone the issue of imposing sanctions against Israel for another year.

The agency's 156 inspectors are responsible for monitoring the whereabouts of some 48,000 tons of nuclear material worldwide (including 6.8 tons of separated plutonium and 11 tons of highly enriched uranium) at roughly 320 sites in more than 50 countries. Because of a shortage of qualified inspectors, the IAEA must husband its resources to ensure that the most sensitive facilities are properly safeguarded. (Of the IAEA's 1984 budget of $143 million, $37 million was allocated for safeguards.) In particular, bulk-handling facilities, through which highly enriched uranium and plutonium flow, require continuous monitoring by resident inspectors. In a sufficiently large plant, state-of-the-art measurement techniques do not allow the IAEA, on the basis of the measurements alone, to declare that diversions have not occurred; the limit of error on materials unaccounted for may still allow significant quantities of fissile material to escape without detection. To raise the level of confidence, an effective surveillance and detection system must be installed in addition to materials accounting and inspection activities.

Serious doubts exist as to whether the IAEA will ever have sufficient trained manpower to meet its own technical objectives for ensuring the early detection of a diversion of nuclear material. (As mentioned earlier, the IAEA has no police authority or ability to prevent diversion.) To raise its public credibility substantially, the agency would have to: (1) initiate unannounced inspections, (2) end the secrecy surrounding inspection results, (3) undertake closer observation of nuclear operations using both instruments and human monitors, and (4) refuse to allow inspected states an unlimited veto of chosen inspectors.

The Israeli raid on Iraq's safeguarded Tammuz I reactor was clearly a vote of no confidence in the safeguard system. In September 1980, Iraq temporarily evicted all French nuclear technicians working on the project, saying it could not guarantee their protection during the Iran-Iraq war. Then, in November, Iraq announced it was suspending IAEA inspection of its nuclear facilities until the war was over. Meanwhile, the Iraqi government was refusing a French request to substitute less highly enriched uranium for bomb-grade uranium in the reactor core. The Israeli air raid that destroyed the reactor was the first direct military action ever undertaken to prevent another country from furthering its nuclear weapons capability.

VII

Maintaining effective international nonproliferation norms requires a commitment by nuclear suppliers to a common set of standards. While some progress has occurred in recent years in extending the list of equipment and components that should carry safeguards when transferred, there is still significant disagreement among suppliers on such fundamental questions as whether nuclear trade should be allowed with nonweapon states that have unsafeguarded facilities. The French, in particular, believe that a requirement for comprehensive safeguards is too rigid, while other suppliers, notably the United States, argue that a strict policy enhances the political value of adherence to the treaty.

The problem of maintaining common supplier standards is likely to worsen as so-called "second-tier" suppliers enter the picture. India, China, South Africa, Argentina, Brazil, Spain, and Niger are all gearing up to compete in the world nuclear export market. Unfortunately, the commitment of some of these countries to a strong nonproliferation regime varies from weak to none. Finding ways to bring the export policies of second-tier suppliers into line with accepted practices (perhaps through joint ventures with first-tier suppliers that would preserve uniform standards) will require imaginative policies and persistent diplomacy.

The recently negotiated but unsigned agreement for cooperation between the United States and China warrants special mention. The agreement—whose language has not been made available to date—is currently in limbo while the United States attempts to clarify Chinese pledges not to help nations seeking nuclear assistance if there are proliferation implications. According to press reports, the Chinese may have cooperated with Pakistan in sharing nuclear information useful for weaponmaking. While the U.S.-China agreement and subsequent sales of equipment may help to induce China to share in strengthening the nonproliferation regime, the agreement must be completely unambiguous in terms

of the responsibilities of the Chinese to satisfy the letter and the spirit of applicable U.S. legislation, especially the Nuclear Nonproliferation Act. Care must also be exercised that the agreement not be seen as unduly emphasizing the discriminatory nature of the nonproliferation regime. A nuclear agreement with another weapon state that contains overweak safeguards against using exported nuclear material or equipment for weapon purposes would be seen by many nations as another blow to their own commitment not to proliferate, particularly when one of the weapon states (China) has refused to sign the Non-Proliferation Treaty.

VIII

Far more ominous at this point is the prospect, in the near-to-intermediate term, of a nuclear arms race in South Asia and the Middle East. If the Pakistani nuclear program culminates in construction of a weapon—or, especially, a nuclear test explosion—it will be politically difficult for India to stand pat. Whether the initial Indian reaction would be to build a nuclear arsenal, match the test with another of its own, launch a preemptive military strike to knock out the offending nuclear facilities, or simply wait and see what the Pakistanis do next, a Pakistani bomb would have serious repercussions not only in South Asia but in the Middle East and elsewhere.

The United States has been wrestling with this problem for a decade. In 1976 Congress passed the Glenn/Symington amendment to the Foreign Assistance Act, an amendment that required cutting off economic and military assistance to countries engaged in certain nuclear trading practices and other behavior detrimental to nonproliferation. U.S. aid to Pakistan was ended in 1979 under this provision. It was restored in 1981 after the Soviet invasion of Afghanistan, with a provision that assistance must be suspended again in the event of a Pakistani nuclear test. Additional moves are being considered by Congress to make military assistance to Pakistan contingent on better nuclear behavior by that country.

As Pakistan moves closer to nuclear weapons capability, the United States will be faced with the dilemma of balancing its security interests in South Asia with its wider interest in nonproliferation. Continuing U.S. aid to Pakistan helps to ensure Pakistani cooperation in containing Soviet ambitions in South Asia, and it may give the United States some leverage over future Pakistani actions. However, it sends a poor signal to potential proliferators around the world as to the depth of the U.S. commitment to nonproliferation and, in particular, to the notion that violators of nonproliferation norms should be penalized. The United States must decide at what point its long-term security interests become more threatened by Pakistani nuclear activities than by possible Pakistani noncooperation on Afghanistan.

An equally delicate problem exists in the Middle East, where it is tacitly assumed that Israel has a nuclear capability, stemming from an unsafeguarded research reactor in the Negev that was delivered to Israel by France in 1961. Israel's nuclear program, coupled with the bitter hostility that marks relations among states in that region, has increased incentives for other Middle Eastern nations to acquire nuclear weapons. Shortly after seizing power in 1969, Libyan leader Colonel Muammar Quaddafi reportedly tried unsuccessfully to purchase an atomic bomb from China. He is rumored to have made similar efforts with other states.

Before the revolution that brought the Ayatollah Khomeini to power, the Shah of Iran launched an ambitious nuclear program that would have eventually given Iran a potential weapons capability. The program has since been suspended but could one day be revived. Considering the lack of restraint in the use of chemical weapons in the Iran-Iraq war, one shudders to think what might be happening in the Middle East today if those nations had nuclear weapons. The Israeli preemptive air strike against the Iraqi reactor and the violence of the Iran-Iraq conflict have induced greater caution on the part of nuclear suppliers. Nonetheless, the specter of a future nuclear arms race in the Middle East cannot be dismissed.

In both South Asia and the Middle East, there has been occasional talk of negotiating a nuclear-weapon-free zone, but the prospect of accomplishing such a goal outside the context of a general political settlement does not seem promising. The participants in any proposed nuclear-weapon-free zone tend to demand the inclusion of an excessive number of neighboring states.

IX

The balance sheet on nonproliferation is not encouraging. Although the number of declared nuclear weapon states has remained constant for nearly 20 years, at least 10 nations have moved close to an overt nuclear capability. These nations have built an undeclared stockpile of weapons, constructed or are constructing unsafeguarded facilities to produce fissile material, have an interest in weapons development, or have sought nuclear technology incompatible with a cost-effective program of power generation but compatible with development of a future weapons program. Some of these nations have signed the Non-Proliferation Treaty, but most have not, indicating in both cases that it is futile to rely on the NPT alone for protection against proliferation.

Current international agreements on nuclear trade do not rule out transfers of sensitive technology that are difficult to safeguard. Moreover, the international agency responsible for the safeguard function is becoming increasingly politicized.

Although fine in theory, nuclear-weapon free zones are difficult to achieve. The most successful attempt—the Treaty of Tlatelolco—is still far from being accepted by the Latin American nations whose endorsement is most needed, namely Cuba, Argentina, and Brazil.

Conceivably, in the next decade we could see open or clandestine nuclear arms races in South Asia and the Middle East, while adherence to the NPT suffers further erosion.

And finally, the superpowers still broadcast a message that equates national security with more nuclear weapons and new technologies promise to make the future production of fissile material easier, less expensive, and more widespread.

On the other side of the ledger, the limited utility of nuclear weapons is now better understood, and greater sensitivity to proliferation exists now than ever before. Nuclear suppliers are more cooperative in enforcing safeguards than they have been in the past, and pressure on the weapon states to reduce their arsenals is growing. In addition, a combination of energy conservation, alternative technologies, and excess oil supplies has dimmed the attractiveness of technologies that pose a high proliferation risk, such as the breeder reactor and the recycling of plutonium for use in conventional reactors.

Despite these gains, ominous prospects demand that the prevention and control of nuclear proliferation remain among the highest priorities of the United States.

SEGAL'S MEMORIAL

Mr. PROXMIRE. Mr. President, on November 9 of last year, the Capital Times of Madison, WI, described a new monument to the victims of the Holocaust and its dedication ceremonies. The monument is located in San Francisco. It depicts a pile of dead victims of the Holocaust with a solitary survivor looking out from his barbed-wire confinement.

As the Capital Times article notes, the monument rouses haunting images of that terror which occurred some 40 years ago. George Segal created the monument. He stated that he intended to make the piece a memorial to all of those who have had the misfortune of experiencing mankind's "dark underside."

That "dark underside" which Segal mentions has appeared numerous times. Not only the Jews, but the Cambodians, Armenians, and other groups have been victims of it.

As a response to the displays of this "dark underside" of man, the United States has become a leader in fighting for human rights. As part of our response, we were a leader in the drafting of the Genocide Convention.

But our reply to mankind's "dark underside" as demonstrated by the Holocaust continues to be incomplete. We have not ratified the convention which we were instrumental in creating. We have not done all that we can to fight for the basic rights of our fellow man.

Yet our need to fight continues. From reports around the world we still see real occurrences of what George Segal's monument depicts—a group of victims, some unable to struggle anymore, some peering out from behind the barrier which encloses them in their oppression, torture, or even deadly environment. Many of the oppressed flee to this country, but many, like Segal's survivor, cannot flee.

Certainly, ratification of the Genocide Convention would not give us the ability to right all of the world's wrongs, but it would be one step in reaffirming our commitment to the basic rights of others. We should make this step as soon as we can.

At the end of the last session of Congress, the Senate passed a resolution expressing its commitment to consider the Genocide Convention early this year. It is time for us to make good on that commitment and finally ratify the treaty.

KENTUCKY GENERAL ASSEMBLY RESOLUTIONS REGARDING TOBACCO IMPORTS AND FUNDING FOR THE TENNESSEE VALLEY AUTHORITY

Mr. FORD. Mr. President, during the recent organizational session of the Kentucky General Assembly, two resolutions were passed by the house of representatives regarding tobacco imports and funding for the Tennessee Valley Authority.

I ask unanimous consent that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

HOUSE RESOLUTION NO. 7

A resolution requesting the President to reduce tobacco imports to expeditiously bring the excessive tobacco loan stocks in the pool under control, with 50 million pounds being the maximum carryover

Whereas, imports of burley tobacco have increased about 290 percent since 1975; and

Whereas, imports of tobacco unnecessarily increase the cost of the no net cost program, at the expense of the American tobacco farmer; and

Whereas, American tobacco farmers have production controls while foreign producers do not, an unfair advantage for the foreign producer; and

Whereas, tobacco is the lifeblood of Kentucky agriculture, accounting for about 50 percent of the State's total crop receipts; and

Whereas, about 76 percent of Kentucky's tobacco farmers have a net annual farm income of less than $10,000; and

Whereas, imports of burley tobacco have contributed to the increase of burley pool tobacco from zero pounds in 1981 to about 307,000,000 pounds as of January 1, 1985, not including the large amount of the 1984 burley crop going to the pool; and

Whereas, tobacco imports should not be allowed from those countries which do not allow American tobacco into their countries; and

Whereas, tobacco imports should not be allowed from those countries or manufacturers which subsidize the production or manufacturing of tobacco; and

Whereas, imported tobacco should not be allowed which does not meet the same pesticide and herbicide requirements which American-produced tobacco must meet; and

Whereas, imported tobacco should be charged a single rate of duty for each pound, regardless of the classification; and

Whereas, imported tobacco should not be allowed from nations whose human rights posture precludes a fair wage for a person's effort; and

Whereas, imported tobacco should not be allowed from nations who do not allow a fair and just market for American products; and

Whereas, imported tobacco should not be allowed from nations which do not require adequate labeling information regarding the use of pesticides and herbicides because of the risk to uninformed workers when exposed to harmful chemicals: Now, therefore, be it

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the President take the immediate necessary legal action under Section 22 of the Agricultural Adjustment Act (7 USCA Section 624), as amended, to reduce tobacco imports because they ". . . render or tend to render ineffective, or materially interfere with . . ." the tobacco price support program. It is recommended that tobacco imports be reduced to expeditiously bring the excessive tobacco loan stocks in the pool under control. Fifty million pounds of tobacco carryover in the pool is the maximum level objective.

Section 2. That copies of this resolution be sent to the President, Madam Chairman of the U.S. International Trade Commission, U.S. Secretary of Agriculture, Kentucky's Congressional delegation, and Kentucky Commissioner of Agriculture.

HOUSE RESOLUTION NO. 10

A resolution urging President Ronald Reagan to reject the recommendation of David Stockman, Director of the Office of Management and Budget, that the budget for the Tennessee Valley Authority be reduced from 135 million dollars to 38 million dollars

Whereas, the reduction in the TVA budget represents a savings of 97 million dollars within the context of the federal budget, yet in reality a budget cut of such magnitude is no savings at all because this budget cutting would eliminate TVA programs which are the seedbed for millions of dollars being produced within the private sector; and

Whereas, one example of such a phantom savings would occur should the 7½ million dollar TVA program for management of the Land Between The Lakes in Western Kentucky be eliminated; and

Whereas, funding for the Land Between The Lakes generates a large portion of the private sector dollars for the Western Kentucky counties of Graves, McCracken, Calloway, Marshall, Livingston, Crittenden, Lyon, Caldwell, Trigg, and Christian, the adverse impact from the loss of the 7½ million dollars for the Land Between The Lakes will be greatly disproportionate to the savings made in the federal budget; and

Whereas, the TVA management of the Land Between The Lakes attracts 2,100,000 tourists annually, directly employs three-hundred individuals, creates 1800 jobs within the region, maintains the natural resources where hunters and fishermen spent 6.8 million dollars in 1984 and where photographers and others spent 2.8 million dollars in 1984, and lastly, provides a focal point for a 150 million dollar tourist industry extending for a 200 mile radius beyond the Land Between The Lakes; and

Whereas, the economic life created within the region by the TVA funding for the Land Between The Lakes has even greater importance when it is realized that the major industry of Western Kentucky has slumped since 1970 when the western coal fields produced 52 million tons of coal but in 1983 only produced 34 million tons: Now, therefore, be it

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the House of Representatives of the Commonwealth of Kentucky urges President Ronald Reagan to reject the recommendation that the budget of the Tennessee Valley Authority be reduced from 135 million dollars to 38 million dollars because the elimination of the 7½ million dollar program for the Land Between The Lakes in Western Kentucky will ultimately be more costly to the federal government than funding the program.

Section 2. That this resolution be sent to President Ronald Reagan, Director David Stockman, and the members of the Kentucky Congressional Delegation.

SOVIET JEWRY

Mr. BOSCHWITZ. Mr. President, I rise today to initiate the 1985 Congressional Call to Conscience. This is a congressional effort to draw attention to the problem of Jews and others living in the shadow of oppression in the Soviet Union.

The Soviet Union is the nation with the third largest Jewish community. It has, with historical continuity, violated the rights of those Jews, and others as well. It is a state that refuses to allow Jews to live in their owner country with dignity and with the freedom to be Jews, and yet denies them the right to emigrate to fulfill these rights.

As you know, despite international human rights agreements—most notably the Helsinki accords—which guarantee an individual's rights to freedom of religion, cultural practices and emigration, the situation in the Soviet Union has worsened.

The closing of synagogues, banning of Hebrew language instruction, the pervasive discrimination in education, employment and social life, and the confiscation of prayer books are all a part of a sinister state policy to destroy Jewish culture.

Yet, as the Kremlin denies anti-Semitism, it continues its harsh policy of keeping its exit gates shut and keeping these Jews caged within their own country. In 1984, fewer than 1,000 Soviet Jews were allowed to emigrate. This is the lowest level in over a decade.

With emigration in its abyss and with the Soviet authorities accelerating their harassment of Jewish activists, this Congressional Call to Conscience is extremely essential to the morale and cultural survival of the Jewish minority trapped within the Soviet Union. We must emphasize to the Soviets at every opportunity that we consider the issue of human rights, including the emigration of Soviet Jews and others, of great importance in evaluating our overall relations with them.

It is critical that each of us in our own way let the citizens of the Soviet Union know that we care and that we have not abandoned and will never abandon their cause. We must continuously denounce the forced surrender of basic human rights to the arbitrary will of a repressive government. It is crucial that we do not lessen our efforts on their behalf, even if other momentous events temporarily overshadow the suffering of Soviet Jewry and others in the Soviet Union.

Recently, I contacted President Chernenko on behalf of Soviet refus-

niks, Vladimir and Maria Slepak, and urged his immediate attention and appeal to their behalf.

Vladimir, Maria, and their son first applied for exit visas in April 1970. They were refused 2 months later because of Vladimir's "classified" work as head of a laboratory in the Moscow Scientific Institute of Television Research. Although he had left his position a year earlier, hoping that this step would facilitate his visa, Maria's and his applications were turned down because of Vladimir's "state interest."

Eight years later, Maria and Vladimir Slepak were arrested for displaying a banner from their home window saying "Let us Go to Our Son in Israel." As a result, Vladimir was sentenced to 5 years of internal exile on charges of "malicious hooliganism," and Maria was given a 3-year suspended sentence.

Vladimir was released from Siberia in 1981 and permitted into Moscow where he currently works as an elevator operator. Both he and Maria reapplied for exit visas to Israel this past summer, 14 years after the original exit visas were applied for, but were once again refused.

As we begin this Congressional Call to Conscience, let us band together to voice congressional concern about those who have repeatedly been denied the right to practice their religion freely and the right to emigrate. There are unfortunately thousands of refusniks, not only Jews but many others as well, like Maria and Vladimir Slepak who so desperately yearn for freedom.

It is the obligation of all of us in the free world to call for a stop to this tyranny of Soviet authority.

Mr. President, I yield to the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, let me say that I very much appreciate the remarks of my friend from Minnesota, Senator BOSCHWITZ. I worked very closely with him on the issue of Soviet Jewry. There is no more conscientious legislator with whom I have come to work. He and I came to this Chamber at the same time. He still, of course, is one in rank ahead of me, and continually makes reference to it. I see he is gone. Yes.

RECOGNITION OF NEW COLLEAGUES

Mr. SIMPSON. Mr. President, I want to recognize the presence of three new colleagues who are here to observe the Senate procedures on this opening day—Senators PAUL SIMON, JAY ROCKEFELLER, and JOHN KERRY. I appreciate their attention to the extraordinary history of this Chamber, and it is the way to learn of it; that is, to be here, to observe it, even in these rather slack times, as Senator BOSCHWITZ, I, and the occupant of the chair, Senator GORTON, have done—to observe it, to learn it, and of course learn to love it. And it works best that way.

I commend you for that. Indeed, I do.

MEASURES PLACED ON THE CALENDAR

Mr. SIMPSON. Mr. President, I believe we have resolutions, or proposals, to be made at this time to which the leadership must respond.

S. 46—A BILL TO PROTECT THE LIVES OF UNBORN HUMAN BEINGS

The PRESIDING OFFICER. The assistant majority leader is correct. The clerk will read for the second time any bill which has been received and which has remained at the desk pending second reading.

The first bill will be stated by title.

The assistant legislative clerk read as follows:

S. 46, a bill to protect the lives of unborn human beings.

Mr. SIMPSON. Mr. President, I object to further consideration of that bill.

The PRESIDING OFFICER. Objection, having been heard to further proceedings of the bill at this time, the bill will be placed on the calendar.

S. 47—A BILL TO RESTORE THE RIGHT OF VOLUNTARY PRAYER IN PUBLIC SCHOOLS AND TO PROMOTE THE SEPARATION OF POWERS

The PRESIDING OFFICER. The clerk will report the next bill.

The assistant legislative clerk read as follows:

A bill (S. 47) to restore the right of voluntary prayer in public schools and to promote the separation of powers.

Mr. SIMPSON. Mr. President, I object to the further consideration of that bill.

The PRESIDING OFFICER. Objection, having been heard to further proceedings of this bill at this time, the bill will be placed on the calendar.

S. 49—A BILL PROTECTING FIREARMS OWNERS' CONSTITUTIONAL RIGHTS, CIVIL LIBERTIES, AND RIGHTS TO PRIVACY

The PRESIDING OFFICER. The clerk will report the next bill.

The assistant legislative clerk read as follows:

S. 49, a bill to protect the firearm owners' constitutional rights, civil liberties, and rights to privacy.

Mr. SIMPSON. Mr. President, I object to further consideration of that bill.

The PRESIDING OFFICER. Objection having been heard to further proceedings on this bill at this time, the bill will be placed on the calendar.

JOINT REFERRAL OF NOMINATION OF RICHARD L. FRANCIS

Mr. SIMPSON. Mr. President, as in executive session, I ask unanimous consent that the nomination of Richard L. Francis, of Virginia, to be President of the Solar Energy and Energy Conservation Bank, be jointly referred to the Committee on Energy and Natural Resources, and the Committee on Banking, Housing, and Urban Affairs.

I indicate that this request has been cleared by the minority.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE INAUGURATION CEREMONY

Mr. SIMPSON. Mr. President, I understand we may have another resolution in a moment. Without suggesting the absence of a quorum at this moment, let me briefly reflect on and thank Senators MATHIAS and FORD for the remarkable effort they made in presenting this country with an extraordinarily moving and powerful inauguration ceremony under extraordinary conditions. I think not one of us who were actually there participating and the millions of Americans observing could not have felt the power of that ceremony in that very extraordinary rotunda of the Capitol. Certainly Senators MATHIAS and FORD must be very proud of their efforts as they dealt with the situation in a very, very skilled way. It is regrettable, indeed, that many thousands were unable to participate and observe the ceremony on the west front of the Capitol, as we were privileged to do 4 years ago for the first time, I believe, in history.

From this vista, as the Sun sets this evening, it is a beautiful sight. It is regrettable that we could not have held it there, but perhaps some would not have been able to get through it. I speak as one from Wyoming who is of rather hardy stature, and it was a sharp, bitter day and best that alternate plans were made.

I do hope that our future legislature activities will be as crisp and bright as our day and our relationships with our colleagues on the other side of the Capitol will be much more thawed. I hope that we may work closely with the Democratic majority in the House. I pledge to do that. I pledge that to my peers on the other side of the aisle and on the other side of the Capitol.

I think also of the President's remarks. I read import into the relationships he described between Jefferson and Adams, who lived in enmity and hostility toward each other, yet they made their peace. I think that is very important, and I would hope that our President and the Speaker of the House will have that same type of accord because there are those of us who know them as both warm, remarkable men of good humor in their singular capacities. Let us let the rest of the American people see them doing that in their joint and several

capacities. I hope we will see that. It will be a great pleasure to work with this President. Yet all Presidents and all Governors at this time of year—and I see former Governor ROCKEFELLER—tremble as the legislature gathers to do its work.

My father was a Governor, and he used to say, as the legislature would come to Cheyenne in January, "My Lord, I feel like a toothless tiger." Indeed, that was often the case because it is our job to produce on the budget, not the Governor. It is our job to produce on this budget and not the President. So I look forward to working with this remarkable President. I look forward to serving him and I am delighted in the special privilege of participating in this day.

We are waiting clearance from the other side of the aisle, and apparently that has not yet been obtained so I will suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF REPRESENTATIVE GILLIS LONG OF LOUISIANA

Mr. SIMPSON. Mr. President, I send to the desk a resolution and ask that it be stated by the clerk.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

S. RES. 39

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Gillis Long, late a Representative from the State of Louisiana.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

Without objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 39) was agreed to.

Mr. SIMPSON. Mr. President, I move that the Senators be appointed in accordance with the resolution.

The PRESIDING OFFICER. The Chair, pursuant to the resolution just agreed to, appoints the Senators from Louisiana [Mr. LONG and Mr. JOHNSTON] as the committee on the part of the Senate to join the committee on the part of the House of Representatives to attend the funeral of the deceased Representative.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on January 7, January 9, January 11, and January 18, 1985, received messages from the President of the United States submitting sundry nominations (and a withdrawal on January 7); which were referred to the appropriate committees.

(The nominations received on January 7, January 9, January 11, and January 18, 1985, are printed at the end of the Senate proceedings.)

SECOND BIENNIAL REPORT ON COASTAL ZONE MANAGEMENT—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 4

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on January 8, 1985, during the adjournment of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

Pursuant to the provisions of Section 316 of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1462(a)), I herewith transmit the second biennial report on coastal zone management, which covers fiscal years 1982 and 1983.

RONALD REAGAN.

THE WHITE HOUSE, *January 8, 1985.*

THIRD ANNUAL REPORT ON ALASKA'S NATURAL RESOURCES—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 5

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on January 8, 1985, received the following message from the President of the United States, together with the accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with Section 1011 of the Alaska National Interest Lands Conservation Act (P.L. 96-487; 16 U.S.C. 3151), I transmit herewith the third annual report on Alaska's mineral resources, which covers calendar year 1984.

RONALD REAGAN.

THE WHITE HOUSE, *January 8, 1985.*

SEVENTH ANNUAL REPORT ON FEDERAL ENERGY PROGRAMS—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 6

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on January 8, 1985, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with the provisions of Section 381(c) of the Energy Policy and Conservation Act (42 U.S.C. 6361(c)) and Subtitle H of the Energy Security Act (42 U.S.C. 8286), I herewith transmit the seventh annual report on Federal Energy Conservation Programs undertaken during fiscal year 1983.

RONALD REAGAN.

THE WHITE HOUSE, *January 8, 1985.*

ANNUAL REPORT OF THE FEDERAL RATE ADVISORY COMMITTEE—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 7

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on January 9, 1985, during the adjournment of the Senate received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with Section 5347(e) of Title 5 of the United States Code, I hereby transmit the 1983 Annual Report of the Federal Prevailing Rate Advisory Committee.

RONALD REAGAN.

THE WHITE HOUSE, *January 9, 1985.*

ANNUAL REPORT OF THE REHABILITATION SERVICES ADMINISTRATION—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 8

Under the authority of the order of the Senate of January 8, 1985, the Secretary of the Senate on January 9, 1985, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with Section 13 of the Rehabilitation Act of 1973, as amended, I am pleased to transmit the enclosed report to the Congress. The report, prepared by the Department of Education, covers activities supported under the Act in fiscal year 1983.

RONALD REAGAN.

THE WHITE HOUSE, *January 9, 1985.*

ANNUAL REPORT ON THE ADMINISTRATION OF THE FEDERAL RAILROAD SAFETY ACT—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 9

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on January 15, 1985, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I transmit herewith the Thirteenth Annual Report on the Administration of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.) as required by the Act. This report was prepared in accordance with Section 211 of the Act and covers calendar year 1982.

RONALD REAGAN.

THE WHITE HOUSE, *January 15, 1985.*

ANNUAL HIGHWAY SAFETY AND NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY REPORTS—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 10

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on January 15, 1985, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

The Highway Safety Act and the National Traffic and Motor Vehicle Safety Act, both enacted in 1966, initiated a national effort to reduce traffic deaths and injuries and require annual reports on the administration of the Acts. This is the 16th year that these reports have been prepared for your review.

The report on motor vehicle safety includes the annual reporting requirement in Title I of the Motor Vehicle Information and Cost Savings Act of 1972 (bumper standards). An annual report also is required by the Energy Policy and Conservation Act of 1975, which amended the Motor Vehicle Information and Cost Savings Act and directed the Secretary of Transportation to set, adjust, and enforce motor vehicle fuel economy standards. Similar reporting requirements are contained in the Department of Energy Act of 1978 with respect to the use of advanced technology by the automobile industry. These requirements have been met in the Seventh Annual Fuel Economy Report, the highlights of which are summarized in the motor vehicle safety report.

In the Highway Safety Acts of 1973, 1976, and 1978, the Congress expressed its special interest in certain aspects of traffic safety, which are addressed in the volume on highway safety.

For the second year in a row, traffic fatalities have dropped significantly. The 43,945 fatalities recorded in 1982, while still unacceptably high and a tragedy to the Nation both in terms of lives lost and the economic consequences of the deaths, represent an 11 percent decrease from the preceding year.

In addition, despite large increases in drivers, vehicles, and traffic, the Federal standards and programs for motor vehicle and highway safety instituted since 1966 have contributed to a significant reduction in the fatality rate per 100 million miles of travel. The rate has decreased from 5.5 in the mid-60's to the 1982 level of 2.76. This means that motorists can drive more miles today with less risk. If the 1966 fatality rate had been experienced in 1982, more than 87,586 persons would have lost their lives in traffic accidents.

Achieving even greater reductions in the annual traffic death toll will not be easy, but it is a challenge we readily accept and intend to actively pursue. Motorists today are better informed and driving in safer vehicles and on safer roads. But they are still victims of habit and of human nature. They choose not to wear safety belts because they do not expect to be in an accident. They drive after drinking too much, because alcohol is part of our social mores. And they sometimes speed and take unnecessary chances, because being in a hurry is an unfortunate fact of modern life. Changing these ingrained behaviors is the traditional and most challenging obstacle to improving traffic safety.

The answer lies in widespread public education efforts, and a continuing national traffic safety commitment that involves government, the private sector, and the individual motorist. We will also consider new regulations, but only when there is no practical alternative, and when we are certain that doing so will result in a clear and beneficial improvement in safety.

While we can be justifiably proud of the accomplishments to date, we are convinced that this approach will bring about even more progress, and that American motorists and pedestrians will ultimately enjoy a greater level of personal safety as a result.

RONALD REAGAN.

THE WHITE HOUSE, *January 15, 1985.*

MESSAGE FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on January 7, 1985, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled joint resolution:

S.J. Res. 6 Joint resolution extending the time within which the President may transmit the Budget Message and the Economic Report to the Congress and extending the time within which the Joint Economic Committee shall file its report.

Under the authority of the order of the Senate of January 3, 1985, the enrolled joint resolution was signed on January 7, 1985, by the President pro tempore [Mr. THURMOND].

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary reported that on January 8, 1985, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 6. Joint resolution extending the time within which the President may transmit the Budget Message and the Economic Report to the Congress and extending the time within which the Joint Economic Committee shall file its report.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 46. A bill to protect the lives of unborn human beings.

S. 47. A bill to restore the right of voluntary school prayer in public schools and to promote the separation of powers.

S. 49. A bill to protect firearms owners' constitutional rights, civil liberties, and rights to privacy.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-32. A communication from the Attorney General of the United States transmitting, pursuant to law, a report on the administration of the Foreign Agents Registration Act for 1983; to the Committee on Foreign Relations.

EC-33. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements, other than treaties, entered into by the U.S. within the

sixty days previous to November 19, 1984; to the Committee on Foreign Relations.

EC-34. A communication from the Secretary of Transportation transmitting, pursuant to law, the semiannual report of the Inspector General of the Department of Transportation for the period ended September 30, 1984; to the Committee on Governmental Affairs.

EC-35. A communication from the Under Secretary of Labor transmitting, pursuant to law, the semiannual report of the Inspector General for the period ended September 30, 1984; to the Committee on Governmental Affairs.

EC-36. A communication from the Inspector General of the Department of Health and Human Services transmitting, pursuant to law, his semiannual report for the period ended September 30, 1984; to the Committee on Governmental Affairs.

EC-37. A communication from the Deputy Assistant Secretary of Defense transmitting, pursuant to law, a report on three new and one altered Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-38. A communication from the Director of the Federal Emergency Management Agency transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-39. A communication from the Administrator of the Health Care Financing Administration transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-40. A communication from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, the semiannual report of the Inspector General for the period ended September 30, 1984; to the Committee on Governmental Affairs.

EC-41. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, the semiannual report of the Inspector General for the period ended September 30, 1984; to the Committee on Governmental Affairs.

EC-42. A communication from the Acting Administrator of the General Services Administration transmitting, pursuant to law, the semiannual report of the Inspector General for the period ended September 30, 1984; to the Committee on Governmental Affairs.

EC-43. A communication from the Secretary of Education transmitting, pursuant to law, the Inspector General's report for the period ended September 30, 1984; to the Committee on Governmental Affairs.

EC-44. A communication from the Inspector General of the Department of Energy transmitting, pursuant to law, his semiannual report for the period ended September 30, 1984; to the Committee on Governmental Affairs.

EC-45. A communication from the Inspector General of the Department of Energy transmitting, pursuant to law, comments of the Secretary of Energy and FERC relative to the semiannual report of the IG; to the Committee on Governmental Affairs.

EC-46. A communication from the Administrator of NASA transmitting, pursuant to law, the semiannual report of the Inspector General for the period ended September 30, 1984; to the Committee on Governmental Affairs.

EC-47. A communication from the Administrator of AID transmitting, pursuant to law, the semiannual report of the Inspector General for the period ending September 30, 1984; to the Committee on Governmental Affairs.

EC-48. A communication from the Comptroller General of the United States transmitting, pursuant to law, a listing of GAO reports issued in October 1984; to the Committee on Governmental Affairs.

EC-49. A communication from the Director of the Office of Personnel Management transmitting, pursuant to law, a report on aggregate compensation in the Senior Executive Service; to the Committee on Governmental Affairs.

EC-50. A communication from the Administrator of the Veterans Administration transmitting, pursuant to law, a report on a computer match of Veterans Compensation, Pension, Education, and Rehabilitation against State Vital Statistics Records; to the Committee on Governmental Affairs.

EC-51. A communication from the Secretary of Agriculture transmitting, pursuant to law, the semiannual report of the Inspector General for the period ended September 30, 1984; to the Committee on Governmental Affairs.

EC-52. A communication from the Attorney General of the United States transmitting, pursuant to law, a report on the Department of Justice determination that Federal agencies should not execute certain bid protest provisions of the Competition in Contracting Act of 1984; to the Committee on the Judiciary.

EC-53. A communication from the Chairman of the National Advisory Council on Continuing Education transmitting, pursuant to law, the annual report of the Council; to the Committee on Labor and Human Resources.

EC-54. A communication from the Principal Deputy Assistant Secretary of Defense transmitting, pursuant to law, the audit of the Red Cross for the year ended June 30, 1984; to the Committee on Labor and Human Resources.

EC-55. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Education Block Grant Alters State Role and Provides Greater Local Discretion"; to the Committee on Labor and Human Resources.

EC-56. A communication from the Acting Assistant Secretary of Defense transmitting, pursuant to law, a secret report on supplemental contract award dates for Nov.-Dec. 1984; to the Committee on Armed Services.

EC-57. A communication from the President and Chairman of the Export-Import Bank transmitting, pursuant to law, a report on transactions during September 1984 with Communist countries; to the Committee on Banking, Housing, and Urban Affairs.

EC-58. A communication from the Executive Director of the Neighborhood Reinvestment Corporation transmitting, pursuant to law, the 1983 annual report of the Corporation; to the Committee on Banking, Housing, and Urban Affairs.

EC-59. A communication from the Chairman of the National Research Council transmitting, pursuant to law, a report entitled "55: A Decade of Experience"; to the Committee on Commerce, Science, and Transportation.

EC-60. A communication from the Secretary of the Interior transmitting, pursuant to law, a corrected copy of the Report to Congress on Matters Contained in the Helium Act; to the Committee on Energy and Natural Resources.

EC-61. A communication from the Secretary of Energy transmitting, pursuant to law, a report on implementation of the Residential Conservation Service program; to the Committee on Energy and Natural Resources.

EC-62. A communication from the Assistant Attorney General transmitting, pursuant to law, a report on the Voluntary Agreement and Plan of Action To Implement the International Energy Program; to the Committee on Energy and Natural Resources.

EC-63. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on the need for legislative change affecting the Medicaid Program; to the Committee on Finance.

EC-64. A communication from the Secretary of State transmitting, pursuant to law, a report on payments under loan guarantees or credit assurance agreements to Poland; to the Committee on Foreign Relations.

EC-65. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements, other than treaties, entered into by the U.S. within the sixty days previous to November 28, 1985; to the Committee on Foreign Relations.

EC-66. A communication from the Under Secretary of Labor transmitting, pursuant to law, a report on an altered Privacy Act system of Records; to the Committee on Governmental Affairs.

EC-67. A communication from the Acting Administrator of GSA transmitting, pursuant to law, a report on the disposal of surplus Federal real property for historic monument purposes; to the Committee on Governmental Affairs.

EC-68. A communication from the Assistant to the President for Management and Administration transmitting, pursuant to law, the aggregate personnel report for fiscal year 1984 for the White House, the Executive Residence, the Office of Vice President, the Office of Policy Development, and the Office of Administration; to the Committee on Governmental Affairs.

EC-69. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, on a report on the transfer of surplus real property for fiscal year 1984; to the Committee on Governmental Affairs.

EC-70. A communication from the Librarian of Congress transmitting, pursuant to law, a report entitled "Books in Our Future"; to the Committee on Rules and Administration.

EC-71. A communication from the Administrator of NASA transmitting, pursuant to law, the annual report on NASA's industrial applications centers; to the Committee on Small Business.

EC-72. A communication from the Executive Secretary of Defense transmitting, pursuant to law, the report on procurement from small and other business firms October 1983-August 1984; to the Select Committee on Small Business.

EC-73. A communication from the Administrator of the Veterans Administration transmitting, pursuant to law, the fiscal year 1984 report on the Exchange of Medical Information Program; to the Committee on Veterans Affairs.

EC-74. A communication from the Assistant Secretary of State transmitting, pursuant to law, a report on fiscal 1985 allocations of funds under PL 98-473; to the Committee on Appropriations.

EC-75. A communication from the Secretary of State transmitting, pursuant to law, a report on the whereabouts of military

equipment provided to El Salvador by the U.S. and the whereabouts of Salvadoran military personnel trained with U.S. military aid funds; to the Committee on Foreign Relations.

EC-76. A communication from the Assistant Secretary of State transmitting, pursuant to law, a report on a determination that the furnishing of direct assistance to Mozambique would further the foreign policy interests of the U.S.; to the Committee on Foreign Relations.

EC-77. A communication from the Office of the Special Counsel of the Merit Systems Protection Board transmitting, pursuant to law, a report on allegations of improprieties in the procurement of certain boats from Bath Iron Works, Maine, and an allegedly altered report of an investigation of the procurement; to the Committee on Governmental Affairs.

EC-78. A communication from the Office of the Special Counsel, Merit Systems Protection Board transmitting, pursuant to law, a report on allegations of gross waste of funds and mismanagement by the Veterans Administration Medical Center, Augusta, Georgia; to the Committee on Governmental Affairs.

EC-79. A communication from the Deputy Secretary of Defense transmitting, pursuant to law, the semiannual report of the Inspector General; to the Committee on Governmental Affairs.

EC-80. A communication from an Assistant Secretary of HHS and an Assistant Secretary of Agriculture transmitting, pursuant to law, the 2nd progress report on the Human Nutrition Research and Information Management System; to the Committee on Agriculture, Nutrition, and Forestry.

EC-81. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on eight new deferrals of budget authority; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations, the Budget, Energy and Natural Resources, Foreign Relations, and the Judiciary.

EC-82. A communication from the Secretary of the Army transmitting, pursuant to law, the annual report for 1982 of the Soldier's and Airmen's Home, and the general inspection report for 1983; to the Committee on Armed Services.

EC-83. A communication from the Chairman of the Federal Home Loan Bank Board transmitting, pursuant to law, the Board's 1983 annual report; to the Committee on Banking, Housing, and Urban Affairs.

EC-84. A communication from the Secretary of Transportation transmitting, pursuant to law, the annual report on National Transportation Safety Board Recommendations; to the Committee on Commerce, Science, and Transportation.

EC-85. A communication from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, a report on the Agency's experience in implementing the "Superfund"; to the Committee on Environment and Public Works.

EC-86. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements, other than treaties, entered into by the U.S. within the sixty days previous to December 7, 1984; to the Committee on Foreign Relations.

EC-87. A communication from the Chairman of the National Credit Union Administration transmitting, pursuant to law, the 1984 report on the Credit Union Administration's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-88. A communication from the Inspector General of HHS transmitting, pursuant to law, a summary of his office's long-range strategic plan for fiscal year 1985 and 1986; to the Committee on Governmental Affairs.

EC-89. A communication from the Assistant Attorney General transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-90. A communication from the Adjutant General of the Military Order of the Purple Heart transmitting, pursuant to law, the financial audit of the Order; to the Committee on the Judiciary.

EC-91. A communication from the Secretary of Education transmitting, pursuant to law, final regulations for the assistance to States for Education of Handicapped Children; to the Committee on Labor and Human Resources.

EC-92. A communication from the Under Secretary of Labor transmitting, pursuant to law, the fifth report under sec. 4(d)(3) of the Fair Labor Standards Act; to the Committee on Labor and Human Resources.

EC-93. A communication from the Architect of the Capitol transmitting, pursuant to law, the report on all expenditures from moneys appropriated during the period April 1-September 30, 1984; to the Committee on Appropriations.

EC-94. A communication from the Assistant Secretary of Defense transmitting, pursuant to law, a secret report on contract award dates for January-February 1985; to the Committee on Armed Services.

EC-95. A communication from the Assistant Secretary of the Navy transmitting, pursuant to law, a report on the decision to convert the storage and warehousing function at the Naval Support Activity, New Orleans, LA to performance under contract; to the Committee on Armed Services.

EC-96. A communication from the Director of the Selective Service System transmitting, pursuant to law, the SSS's semiannual report for the period ended September 30, 1984; to the Committee on Armed Services.

EC-97. A communication from the Assistant Secretary of the Navy transmitting, pursuant to law, a report on the decision to convert the custodial services function at the Marine Corps Logistics Base, Albany, GA to performance under contract; to the Committee on Armed Services.

EC-98. A communication from the Secretary of the Treasury transmitting, pursuant to law, a report on findings regarding U.S. membership in the Bank for International Settlements; to the Committee on Banking, Housing, and Urban Development.

EC-99. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on highway accidents to permit evaluation and comparison of highway safety performance of the States; to the Committee on Commerce, Science, and Transportation.

EC-100. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the implementation of Sec. 9 of PL 97-136; to the Committee on Commerce, Science, and Transportation.

EC-101. A communication from the Secretary of Transportation transmitting, pursuant to law, a report entitled "The Washington, D.C. Heliport Study"; to the Committee on Commerce, Science, and Transportation.

EC-102. A communication from the Secretary of Energy transmitting, pursuant to law, the annual report on the Comprehensive Ocean Thermal Program Management Plan; to the Committee on Energy and Natural Resources.

EC-103. A communication from the Under Secretary of Energy transmitting, pursuant to law, the quarterly report on Biomass Energy Alcohol Fuels; to the Committee on Energy and Natural Resources.

EC-104. A communication from the Secretary of Energy transmitting, pursuant to law, a conceptual plan for the development of the California-Oregon Transmission Project; to the Committee on Energy and Natural Resources.

EC-105. A communication from the General Counsel of the Department of Energy transmitting, pursuant to law, notice of a meeting relating to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-106. A communication from the Acting Deputy Associate Director for Royalty Management, Minerals Management Service, transmitting, pursuant to law, a report on refunds of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-107. A communication from the Acting Deputy Associate Director for Royalty Management, Minerals Management Service, transmitting, pursuant to law, a report on refunds of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-108. A communication from the Acting Deputy Associate Director for Royalty Management, Minerals Management Service, transmitting, pursuant to law, a report on refunds of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-109. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-110. A communication from the Acting Assistant Secretary of the Interior transmitting, pursuant to law, a report on an application for a loan by the Greater Wenatcheee Irrigation District, Washington; to the Committee on Energy and Natural Resources.

EC-111. A communication from the Secretary of the Interior transmitting, pursuant to law, the annual report for 1984 of the Migratory Bird Conservation Commission; to the Committee on Environment and Public Works.

EC-112. A communication from the Secretary of State transmitting, pursuant to law, a report on the situation in El Salvador; to the Committee on Foreign Relations.

EC-113. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements, other than treaties, entered into by the United States within the 60 days previous to December 19, 1984; to the Committee on Foreign Relations.

EC-114. A communication from the Secretary of State transmitting, pursuant to law, a report on payments made to U.S. creditors on credits guaranteed by the Commodity Credit Corporation for which payments had not been received from the Polish People's Republic; to the Committee on Foreign Relations.

EC-115. A communication from the Assistant Legal Adviser for Treaty Affairs, De-

partment of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60 days previous to December 13, 1984; to the Committee on Foreign Relations.

EC-116. A communication from the Chairwoman of the U.S. International Trade Commission transmitting, pursuant to law, an evaluation of the system of internal accounting and administrative controls of the Commission; to the Committee on Governmental Affairs.

EC-117. A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, a report on a determination by the Commission to extend the time period for acting upon certain appeals before the Commission; to the Committee on Governmental Affairs.

EC-118. A communication from the Chairman of the Interstate Commerce Commission transmitting, pursuant to law, a report on the Commission's system for internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-119. A communication from the Director of the Peace Corps transmitting, pursuant to law, a report on the Corps' system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-120. A communication from the Director of the Peace Corps transmitting, pursuant to law, a report on the Corps' central accounting and internal control systems; to the Committee on Governmental Affairs.

EC-121. A communication from the Special Counsel, Merit Systems Protection Board, transmitting, pursuant to law, a report on the Board's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-122. A communication from the Secretary of Commerce transmitting, pursuant to law, the semiannual report of the Inspector General for the period ended September 30, 1984; to the Committee on Governmental Affairs.

EC-123. A communication from the Chairman of the Postal Rate Commission transmitting, pursuant to law, a report on the Commission's system of internal accounting and administrative controls; to the Committee on Governmental Affairs.

EC-124. A communication from the Executive Director of the Board for International Broadcasting transmitting, pursuant to law, a report on the Board's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-125. A communication from the Chairman of the Securities and Exchange Commission transmitting, pursuant to law, a report on the Commission's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-126. A communication from the Director of ACTION transmitting, pursuant to law, a report on the Agency's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-127. A communication from the General Counsel of the U.S. Information Agency transmitting, pursuant to law, a report on two new Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-128. A communication from the Secretary of Education transmitting, pursuant to law, a report on the disposal of surplus real property to educational institutions; to the Committee on Governmental Affairs.

EC-129. A communication from the Acting Inspector General of the General Services Administration transmitting, pursuant to law, a summary of the significant activities of the Inspector General for the six month period ended September 30, 1984; to the Committee on Governmental Affairs.

EC-130. A communication from the Chairman of the Merit Systems Protection Board transmitting, pursuant to law, a report on internal controls and accounting system integrity; to the Committee on Governmental Affairs.

EC-131. A communication from the Director of the Selective Service System transmitting, pursuant to law, a report on the System's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-132. A communication from the Chairman of the Federal Maritime Commission transmitting, pursuant to law, a report on the Commission's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-133. A communication from the Governor of the Farm Credit Administration transmitting, pursuant to law, a report on the FCA's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-134. A communication from the Comptroller General of the U.S. transmitting, pursuant to law, a list of reports issued by the GAO in November 1984; to the Committee on Governmental Affairs.

EC-135. A communication from the Assistant Secretary of Health and Human Services transmitting, pursuant to law, a report on an altered Privacy Act system of records; to the Committee on Governmental Affairs.

EC-136. A communication from the Comptroller General of the U.S. transmitting, pursuant to law, a report on entitled "Better Management of Information Resources at the Bureau of Indian Affairs Could Reduce Waste and Improve Productivity"; to the Select Committee on Indian Affairs.

EC-137. A communication from the Chief Justice of the U.S. transmitting, pursuant to law, the report of the proceedings of the Judicial Conference of the U.S.; to the Committee on the Judiciary.

EC-138. A communication from the American Council of Learned Societies transmitting, pursuant to law, its audited financial statement for fiscal 1984; to the Committee on the Judiciary.

EC-139. A communication from the Secretary of Education transmitting, pursuant to law, a report on final regulations for the College Housing Progam—Loan Discount Provisions; to the Committee on Labor and Human Resources.

EC-140. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, the cumulative report on rescissions and deferrals as of December 1, 1984; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations and the Committee on the Budget.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GOLDWATER:

S. 195. A bill to amend the Internal Revenue Code of 1954 to repeal the capital gains tax on disposition of investments in U.S. real property by foreign citizens, to repeal the provisions providing for withholding of, and reporting on, such tax, and for other purposes; to the Committee on Finance.

By Mr. CRANSTON:

S. 196. A bill to repeal section 212(a)(4) of the Immigration and Nationality Act, as amended, and for other purposes; to the Committee on the Judiciary.

S. 197. A bill for the relief of Elga Bouiliant-Linet; to the Committee on the Judiciary.

By Mr. BYRD (for Mr. BENTSEN):

S. 198. A bill for the relief of Li Cunxin; to the Committee on the Judiciary.

S. 199. A bill for the relief of Pedro Narvaez-Guajardo and Rosario Bernal de Narvaez; to the Committee on the Judiciary.

S. 200. A bill to amend the Internal Revenue Code of 1954 to allow individuals to compute the amount of the deduction for retirement savings on the basis of the compensation of the spouse; to the Committee on Finance.

By Mr. FORD:

S. 201. A bill amending title 49 of the United States Code with respect to standards for rail rates and determinations of rail carrier market dominance, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. TRIBLE (for himself and Mr. SYMMS):

S. 202. A bill to amend title 5, United States Code, to establish a cash or deferred arrangement permitting Federal employees to save for their retirement, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DIXON:

S. 203. A bill to provide a one-time amnesty from criminal and civil tax penalties and 50 percent of the interest penalty owed for certain taxpayers who pay previous underpayments of Federal tax during the amnesty period, to amend the Internal Revenue Code of 1954 to increase by 50 percent all criminal and civil tax penalties, and for other purposes; to the Committee on Finance.

By Mr. BUMPERS (for himself, Mr. INOUYE, Mr. JOHNSTON, and Mr. MOYNIHAN):

S. 204. A bill to provide a national program for improving the quality of instruction in the humanities in public and private elementary and secondary schools; to the Committee on Labor and Human Resources.

By Mr. BUMPERS:

S. 205. A bill to amend the Internal Revenue Code of 1954 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for payment to the National Organ Transplant Trust Fund; to the Committee on Finance.

By Mr. TRIBLE (for himself, Mr. HUMPHREY, and Mr. EAST):

S. 206. A bill to amend section 5155 of the revised statutes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. D'AMATO:

S. 207. A bill concerning vandalism of religious property; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

S. 208. A bill for the relief of Ronilo Ancheta; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. 209. A bill to amend chapter 37 of title 31, United States Code, to authorize contracts retaining private counsel to furnish collection services in the case of indebted-

ness owed the United States; to the Committee on Governmental Affairs.

By Mr. D'AMATO (for himself and Mr. LONG):

S. 210. A bill to repeal the inclusion of tax-exempt interest from the calculation determining the taxation of social security benefits; to the Committee on Finance.

By Mr. PROXMIRE:

S. 211. A bill to amend the Agricultural Act of 1949 to extend the milk diversion program and to remove the authority of the Secretary of Agriculture to modify the price support rate for milk; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. D'AMATO:

S. 212. A bill to make permanent the prohibition of credit card surcharges; to the Committee on Banking, Housing, and Urban Affairs.

S.J. Res. 17. Joint resolution to authorize and request the President to issue a proclamation designating April 21 through April 28, 1985, as "Jewish Heritage Week"; to the Committee on the Judiciary.

By Mr. MATSUNAGA (for himself, Mr. PROXMIRE and Mr. SIMON):

S.J. Res. 18. Joint resolution relating to NASA and cooperative Mars exploration; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SIMPSON (for Mr. LONG (for himself and Mr. JOHNSTON)):

S. Res. 39. Resolution relative to the death of Representative Gillis Long, of Louisiana; considered and agreed to.

By Mr. GOLDWATER:

S. Res. 40. Resolution to declare the sense of the Senate regarding the termination of defense and security treaties; to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. BUMPERS, Mr. BINGAMAN, Mr. SASSER, Mr. PRYOR, Mr. SARBANES, Mr. STENNIS, Mr. FORD, Mr. BYRD, Mr. MITCHELL, Mr. ROCKEFELLER, Mr. NUNN, Mr. LEVIN, Mr. RIEGLE, Mr. BURDICK, Mr. DIXON, Mr. EAGLETON, Mr. BRADLEY, Mr. LEAHY, Mr. GLENN and Mr. JOHNSTON):

S. Res. 41. Resolution to express the sense of the Senate that the funds of the Economic Development Administration should not be impounded; to the Committee on Appropriations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GOLDWATER:

S. 195. A bill to amend the Internal Revenue Code of 1954 to repeal the capital gains tax on disposition of investments in United States real property by foreign citizens, to repeal the provisions providing for withholding of, and reporting on, such tax and for other purposes; to the Committee on Finance.

REPEAL TO FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT OF 1980

● Mr. GOLDWATER. Mr. President, I am today reintroducing legislation to repeal FIRPTA, the Foreign Investment in Real Property Tax Act of 1980.

Mr. President, FIRPTA levies a discriminatory tax burden against foreign investors who sell real property holdings in the United States. As originally introduced 5 years ago, the provision was a very limited one aimed at preventing foreign takeovers of farm production land. However, the original concept was changed at the urging of the Treasury Department so that the final version became an all inclusive reporting and capital gains tax applicable to foreign investment in real estate of all kinds. Today, FIRPTA is so sweeping it not only applies to direct investment in U.S. real estate, but to oil and gas leases and to stock interests in any U.S. manufacturing or production firm in which a foreign investor holds more than 5 percent of the company stock.

The result has been a law that strongly discourages needed investment which might otherwise have increased the competitiveness of domestic corporations and created more U.S. jobs. FIRPTA is harming the U.S. economy and serving no useful purpose.

The Tax Reform Act of 1984 compounded the problem by imposing withholding on transactions occurring after January 1, 1985. Withholding will supposedly replace reporting requirements, but the 1984 statute authorizes the Department of the Treasury to continue reporting requirements on a very broad range of investments in its discretion. Withholding does nothing for the economy of individual American States which are dependent upon a favorable investment climate.

Mr. President, there can be no doubt that FIRPTA will stifle investment. Two European witnesses, who appeared at the hearing on FIRPTA by the Finance Committee last June 19, testified that uncertainty created by FIRPTA has seriously dampened direct investment in U.S. real property and will continue to deter such investment unless the law is repealed. Unlike tax theorists who have absolutely no knowledge of large foreign investment firms, these witnesses represented enormous investment trust companies. Lord Mark Fitzalan Howard appeared on behalf of the British Association of Investment Trust Companies, whose member firms hold assets of $20 billion, and Senator Van Tets of the Dutch Parliament appeared on behalf of the European Federation for Retirement Provision, a federation of the national association of pension funds in eight European countries. Each testified that uncertainty created by FIRPTA is causing foreign investors to cut back on a wide range of investments in the United States. American tax experts who testified at the June 19 hearing indicated that the real cost of administering FIRPTA will far exceed any revenue to be received from it and that instead of creating "parity" among domestic and foreign investors, FIRPTA places the foreign investor in U.S. real estate in a disadvantaged position.

Dr. Jimmye Hillman, chairman of the department of agricultural economics at the University of Arizona, testified that FIRPTA has actually been detrimental to the farm community which it was originally designed to assist. What is not generally known is that if foreign investors make any income on their holdings, they are taxed at 30 percent of gross income. Unlike American citizens, foreign persons cannot deduct property taxes paid on the land. Nor can they deduct interest charges on any financial arrangements made to buy the land. Also, numerous tax benefits, such as accelerated depreciation and investment tax credits, that U.S. citizens may utilize, are not available to foreign investors.

Farmers who are suffering depressed land values would welcome foreign investment. Where is it, they ask.

From a wealth of new government data available on the subject, we can now see clearly that the emotional fears expressed about possible foreign domination of American farmland was based on a myth. Foreign ownership of American crop, grazing and other production land is and has been miniscule, representating less than 1 percent of all privately held agricultural land in the United States. If any law is needed to limit foreign ownership of agricultural lands in local situations, the tax code is the wrong vehicle for that purpose. The right of each sovereign State to restrict land ownership by aliens is deeply imbedded in American law.

To sum up, Mr. President, FIRPTA is contrary to our national interest and serves no reasonable purpose. Foreign investors are helping speed along the healthy economic recovery our Nation is enjoying. While foreign governments are doing everything possible to attract investment, the United States is discouraging it. In light of our present need to finance massive Government deficits, we would be foolish not to join those nations of the world which are going to great lengths to win in foreign investment. Reducing barriers which discourage access to the U.S. capital market is a better way of encouraging these investments than maintaining high interest rates.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF CAPITAL GAINS TAX ON DISPOSITION OF INVESTMENTS IN UNITED STATES REAL PROPERTY BY FOREIGN CITIZENS

(a) IN GENERAL.—Section 897 of the Internal Revenue Code of 1954 (relating to disposition of investment in United States real property) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (5) of section 861(a) of such Code (relating to gross income from sources within the United States) is amended to read as follows:

"(5) SALE OR EXCHANGE OF REAL PROPERTY.—Gains, profits, and income from the sale or exchange of real property located in the United States) is amended—

(2) Subsection (a) of section 862 of such Code (relating to gross income from sources without the United States) is amended—

(A) by inserting "and" after the semicolon at the end of paragraph (6),

(B) by striking out "; and" at the end of paragraph (7) and inserting in lieu thereof a period, and

(C) by striking out paragraph (8).

(3) Subsection (i) of section 871 of such Code (relating to tax on nonresident alien individuals) is amended by striking out paragraph (7).

(4) Subsection (a) of section 882 of such Code (relating to tax on income of foreign corporations connected with United States business) is amended by striking out paragraph (3).

(5) Subsections (c) and (d) of section 1125 of the Foreign Investment in Real Property Tax Act of 1980 are repealed.

(c) CLERICAL AMENDMENT.—The table of sections for subpart C of part II of subchapter N of chapter 1 of such Code is amended by striking the item relating to section 897.

SEC. 2. REPEAL OF WITHHOLDING OF TAX ON DISPOSITIONS OF UNITED STATES REAL PROPERTY INTERESTS.

(a) IN GENERAL.—Section 1445 of the Internal Revenue Code of 1954 (relating to withholding of tax in dispositions of United States real property interests) is repealed.

(b) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 3 of such Code is amended by striking out the item relating to section 1445.

SEC. 3. REPEAL OF SPECIAL REPORTING REQUIREMENTS WITH RESPECT TO UNITED STATES REAL PROPERTY INTERESTS.

(a) IN GENERAL.—Section 6039C of the Internal Revenue Code of 1954 (relating to returns with respect to foreign persons holding direct investments in United States real property interests) is repealed.

(b) CONFORMING AMENDMENT.—Section 6652 of such Code (relating to failure to file certain information returns, registration statements, etc.) is amended—

(1) by striking out subsection (g), and

(2) by redesignating subsections (h), (i), and (j) as subsections (g), (h), and (i), respectively.

(c) CLERICAL AMENDMENTS.—The table of sections for subpart A of part III of chapter 61 of such Code is amended by striking out the item relating to section 6039C.

SEC. 4. EFFECTIVE DATES.

(a) REPEAL OF TAX.—The amendments made by section 1 shall apply to dispositions after June 18, 1980, in taxable years ending after such date.

(b) REPEAL OF WITHHOLDING PROVISIONS.—The amendments made by section 2 shall apply to dispositions on and after January 1, 1985.

(c) REPEAL OF REPORTING REQUIREMENTS.—The amendments made by section 3 shall apply to returns for calendar years beginning after December 31, 1979.●

By Mr. CRANSTON:

S. 196. A bill to repeal section 212(a)(4) of the Immigration and Nationality Act, as amended, and for other purposes; to the Committee on the Judiciary.

AMENDING SECTION 212(A)(4) OF THE IMMIGRATION AND NATIONALITY ACT

Mr. CRANSTON. Mr. President, the legislation I'm introducing today will strike from the Immigration and Nationality Act provisions that require the Immigration and Naturalization Service [INS] to deny admission into the United States to aliens suspected of being homosexuals.

Specifically, section 212(a)(4) of the Immigration and Nationality Act presently provides for exclusion of "aliens afflicted with psychopathic personality, sexual deviation, or mental defect."

This provision of the law was first enacted in 1952 as part of the McCarran-Walter Immigration Act. As originally written, the statute applied to "aliens afflicted with psychopathic personality, epilepsy, or a mental defect."

In 1965 the words "sexual deviation" were substituted for "epilepsy."

In other words, the 1965 amendment established legislatively that homosexuality was a specific example of an affliction requiring an examination of the person by the Public Health Service [PHS] and certification that the disease or mental defect was not present before an applicant could be admitted to the United States.

In 1973, the American Psychiatric Association formally declared that, in its view, homosexuality per se is not a mental disorder. And, in 1979, the Surgeon General of the United States announced that the PHS would no longer consider homosexuality a disease or mental defect under the statute. The Surgeon General also advised INS officers that PHS would no longer make a medical examination of aliens referred by INS because of suspected homosexuality. While this denied INS medical confirmation of its agents' suspicions, it did not change the underlying law on which INS agents are acting.

The practical result is that an inexpert immigration officer, acting alone, can now determine arbitrarily that an arriving alien is to be denied entry solely on the grounds of the officer's suspicions that the alien is a homosexual. Meanwhile, other immigration officers may admit closet homosexuals whom they fail to suspect of homosexuality. Such inconsistent enforcement discriminates against the openly homosexual person and those who appear homosexual even though they may not be, and may regard those who choose to hide their homosexuality. It punishes self-respect, honesty, and openness.

The root of the problem, however, goes beyond the arbitrary enforcement which results. It lies in the unwise and harshly discriminatory underlying law, which attempts to use private sexual orientation as a criterion for judging who does and who does not qualify for admission to the United States, either as a visitor or as a resident alien.

In 1979, I sponsored private legislation to permit a visa to be issued to a Filipino woman who had been denied an opportunity to join her family here solely because she is a lesbian. Each succeeding Congress since, I've sponsored legislation to repeal section 212(a)(4). In the 98th Congress, I introduced S. 2210, which was identical to the bill I'm now introducing.

This legislation will delete the objectionable language from section 212(a)(4) of the Immigration and Nationality Act and substitute new language excluding aliens afflicted with true mental disease or defect. This bill is intended to make clear that sexual orientation alone cannot be the ground for denying entry to aliens wishing to visit or seeking to immigrate to the United States.

Adoption of this legislation will end a form of discrimination which has no valid scientific or medical basis and which violates traditional American respect for the privacy and dignity of an individual.

I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks:

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 196

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of section 212(a) of the Immigration and Nationality Act, as amended, is hereby repealed.

SEC. 2. Section 212(a) of the Immigration and Nationality Act is further amended by adding the following new paragraph (4):

"(4) aliens afflicted with mental disease or defect,".

By Mr. BYRD (for Mr. BENTSEN):

S. 198. A bill for the relief of Li Cunxin; to the Committee on the Judiciary.

RELIEF OF LI CUNXIN

● Mr. BENTSEN. Mr. President, I am pleased to introduce legislation for Li Cunxin, a U.S. resident alien, for the purpose of expediting the time required for Li to obtain U.S. naturalized citizenship. Li, the Chinese premier dancer of the Houston Ballet, hopes to further his growing reputation and that of his company by representing the United States at the inter-

national ballet competition in Moscow in June 1985.

In order for Li to compete in Moscow, he the must be a U.S. citizen. As such, he must not only be a person of good moral character, but he must have resided in the United States as a lawful permanent resident for at least 5 years, as provided under section 316 of the Immigration and Nationality Act. As Li has only resided for approximately 3 years and 4 months, as a U.S. resident alien, it would not be legally possible for Li to file for U.S. citizenship until August 1986. Accordingly, the only way upon which Li may achieve U.S. citizenship and represent the United States in Moscow in June 1985 is for him to be exempt from the full 5 year residency requirement.

This legislation would speed up the process already underway. Although Li has lived continuously in the United States since November 1979, he did not obtain permanent residence status until the summer of 1981. Thus the magic date for U.S. citizenship does not come until August 1986. I believe that this legislation will benefit not only Li, personally, but both Houston and the United States as a whole. Our country, long described as a melting pot for many cultures and national origins, has already extended the privilege of obtaining citizenship to Li. This legislation will speed up this process for obtaining U.S. citizenship and provide Li with the opportunity to represent his new country, America, at the international ballet competition in Moscow this June.●

By Mr. BYRD (for Mr. BENTSEN):

S. 199. A bill for the relief of Pedro Narvaez-Guajardo and Rosario Bernal de Narvaez; to the Committee on the Judiciary.

RELIEF OF PEDRO NARVAEZ-GUAJARDO AND ROSARIO BERNAL DE NARVAEZ

● Mr. BENTSEN. Mr. President, today, I am reintroducing a bill on behalf of Pedro and Rosario Narvaez of San Antonio. I have been moved by the exceptional circumstances of the Narvaez family which warrants legislative action.

The Narvaez couple entered the United States illegally 18 years ago. Since that time they have worked to support themselves and their children (most of whom were born in the United States) in their own successful painting/contracting company. Their older children are permanent residents while their minor children, of course are U.S. citizens by birth. The irony which exists is that these two elderly parents, if deported, would be separated from their children, the very individuals whose lives they struggled to enrich by coming to the United States.

The Narvaez's company has from 12-16 full time employees. The Narvaez family has contributed regularly to Social Security and have always paid their Federal income taxes. There has never existed any doubt as to the outstanding moral character of Pedro and Rosario Narvaez. Nevertheless, the Immigration and Naturalization Service has refused to consider anything other than their illegal entry into this country 18 years ago.

The Narvaez couple has exhausted all of their administrative remedies and will be subject to deportation unless this private relief bill is successfully passed. I believe that this legislation in not only just but morally correct.●

By Mr BYRD (for Mr. BENTSEN):

S. 200. A bill to amend the Internal Revenue Code of 1954 to allow individuals to compute the amount of the deduction for retirement savings on the basis of the compensation of the spouse; to the Committee on Finance.

HOMEMAKER'S EQUITY ACT

● Mr. BENTSEN. Mr. President, homemakers, like the self-employed and those whose jobs do not offer a retirement plan, deserve the opportunity to provide for financial security in old age. Acknowledging this, I am introducing legislation which recognizes the important economic value of our Nation's homemakers by making nonworking spouses eligible for the full $2,000 retirement deduction from taxable income that workers may receive.

Under current law, wage earners may receive a tax deferral on income they deposit in an individual retirement account up to $2,000 per year. This limit is increased to $2,250 if the wage earner is married and his spouse does not have an IRA. I do not believe that this situation is fair to homemakers who have not worked outside the home or who have interrupted their careers temporarily. My bill would permit a wage earner and his spouse to set aside increasing amounts in an IRA to provide for their retirement. The current $2,250 limit would be increased according to the following schedule:

For taxable years beginning in:	The applicable amount is:
1985 and 1986	$2,750
1987 and 1988	3,250
1989 and 1990	3,750
1991 and thereafter	4,000

When fully implemented in 1991, my bill would permit an annual contribution of up to $2,000 each by the homemaker and working spouse, for a maximum contribution of $4,000. In addition, my bill would permit the homemaker to establish an IRA and contribute $2,000 to it annually whether or not the wage earner has one. Although I would prefer increasing the limit to $4,000 immediately, I am phasing the increase in over a 7-year period of deference to revenue considerations.

Mr. President, financial security in retirement will become increasingly difficult to achieve in the years to come. By the turn of the century, 13 percent of our population will be over 65. Older persons are living longer, retiring earlier, and becoming increasingly dependent on retirement income programs. At the same time, the declining birth rate will mean fewer workers supporting more beneficiaries in the Social Security system.

In 1935, there were nine workers for every senior citizen. By 1977, that ratio had fallen to 4-to-1, and there were three workers for every Social Security beneficiary. It is estimated that by the year 2050, there will be two workers for every beneficiary. It is easy to see that our retirement system cannot take that kind of overload. One way to ease the burden on the system is to enable and encourage a person to provide for his or her own retirement. It was in this spirit that Congress adopted the Employee Retirement Income Security Act of 1974. As my colleagues are no doubt aware, the legislation contained provisions which permitted individuals not participating in qualified private or governmental retirement programs to set up their own retirement plans. It's about time that homemakers were given equal treatment under ERISA. Though they do not work for wages, our Nation's homemakers do very real work with very long hours. We must recognize the economic value of their labor. My bill will enable this important group of individuals with no current means of providing for their retirement to do so—the 30 to 50 million American homemakers rapidly approaching retirement age without any type of retirement plan.

Mr. President, I have long argued that our present tax system is biased against savings. We need to constantly be looking for ways to encourage savings which, in turn, provide a greater pool of capital for the investment needed to promote economic growth. This simple and equitable IRA extension is one such option.

I was pleased that the Senate approved this legislation last year as a part of the Deficit Reduction Act. However, the provision was dropped during conference committee deliberations on the tax bill. This recent legislative history, coupled with the administration's support for the concept make me believe that we can adopt this bill quickly.

Mr. President, colleagues, I respectfully request your consideration of the Homemakers' Equity Act, legislation which will encourage individuals to take independent action to establish their own retirement funds, thus providing them with the means to live their later years with the dignity and self-respect which is rightfully theirs.●

By Mr. FORD:

S. 201. A bill amending title 49 of the United States Code with respect to standards for rail rates and determinations of rail carrier market dominance, and for other purposes; to the Committee on Commerce, Science, and Transportation.

REFORM OF INTERSTATE COMMERCE COMMISSION PRACTICES WITH RESPECT TO CAPTIVE SHIPPERS

Mr. FORD. Mr. President, during the 98th Congress, I introduced legislation to reform the Interstate Commerce Commission rate practices, especially in the area of captive shippers. I am today reintroducing this legislation with slight modifications. This legislation is still needed because of the irresponsible manner in which the ICC continues to implement provisions of the Staggers Rail Act of 1980 (Public Law 96-448).

During debate of the Staggers Act, many Members of the Senate worked to strike a balance between the revenue interests of the railroads with those of coal and other captive shippers by retaining an appropriate degree of rate regulation. The intent of Congress has been ignored by the ICC. Contrary to the design and intent of the Staggers Act, it is apparent that the ICC believes the responsibility of improving the financial health of the railroads should be carried largely by the No. 1 commodity—coal. Coal is the leading commodity carried by the railroads, amounting to 40 percent of all freight tonnage. Many coal shippers, especially in my State, are captive to one railroad.

In a number of proceedings, the ICC has undermined the meaning of market dominance, sanctioned a 15-percent per year increase above inflation on coal movements despite the fact that Congress provided in the Staggers Act for inflation-based increases and a zone of rate flexibility which allows an additional 6 percent per year increase, has determined that captive movements may be made to pay for other less profitable traffic carried by the railroads and exempted export coal from any regulation. These proceedings were not required by the Staggers Act, but rather reflective of the general attitude of the present Commissioners on the ICC.

In September 1984, the U.S. Court of Appeals in Washington overturned the ICC ruling that allowed railroads that ship coal for export to set rates without Government regulation. In a unanimous decision, the court said that the protections Congress meant to guarantee shippers were ignored by the ICC.

On October 9, 1984, I joined with 17 of my colleagues in a letter advising the Chairman of the ICC that it is very possible that Congress reexamine the implementation of the Staggers Act. It is time to clarify what exactly is meant by market dominance, provide commonsense business standards for determining revenue adequacy and provide additional guidance in developing standards for rail rates.

I understand the ICC has initiated a proceeding, ex parte No. 456, to gather and analyze, with the assistance of shippers and carriers, the Staggers Act. The method used by the ICC in this proceeding was the formation of voluntary conference groups and the use of concensus with those groups. I have been advised by several groups participating in this proceeding that if the ICC is seeking to use this investigation as a means of indicating public support for an unchanged Staggers Act and public approval of the ICC administration of that act in all respects, then the results would be unacceptable.

The October 9, 1984, letter also advised the Chairman that the 18 Members of the Senate would not await the conclusion of ex parte No. 456 to commence legislative actions. I have waited for 5 years for the ICC to implement the Long-Cannon amendment so I see no reason to await the outcome of ex parte No. 456. The bill that I am introducing today will not answer all the needs of shippers, but I believe that it is a good starting point and hopefully will stimulate legislative action in the Senate Commerce Committee.

The bill would establish three basic tests in the determination of market dominance for the ICC to investigate a rate:

First, establishment of a revenue-to-variable cost ratio as the threshold for ICC jurisdiction over rail rates contained in the Staggers Act;

Second, consideration of whether a shipper has substantial investment in railroad related plant and equipment; and

Third, whether 70 percent or more of a specific movement was handled by the rail carrier.

The last two tests were used by the ICC prior to the latest market dominance proceeding.

The bill provides guidance to the Commission in determining revenue adequacy by requiring the use of standard depreciation accounting and ratios indicative of financial health such as return on investment and bond ratings.

The bill also contains standards for determining whether rail rates are reasonable. The ICC would have to consider the relationship of the rate to the cost of the railroad of providing the service and whether the traffic involved is being required to pay an unreasonable share of the carrier's fixed cost.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10101a(1) of title 49, United States Code, is amended by striking out "and the demand for services" and inserting in lieu thereof "among carriers to provide transportation services".

(b) Section 10101a(6) of such title is amended to read as follows:

"(6) to maintain reasonable rates where there is an absence of effective competition as defined in section 10709(a);" SEC. 2. (a) Section 10701a(b)(2)(B) of title 49, United States Code, is amended to read as follows:

"(B) The rail carrier establishing the challenged rate shall have the burden of proving that such rate is reasonable if—

"(i) such rate is greater than that authorized under section 10707a of this title and the Commission begins an investigation proceeding under section 10707 of this title to determine whether such rate is reasonable; or

"(ii) such rate results in a revenue-variable cost percentage for the transportation to which the rate applies that is equal to or greater than the lesser of the percentages described in clauses (i) and (ii) of section 10707a(e)(2)(A) of this title.".

(b) Section 10701a(b)(2) of such title is amended by adding the following new subparagraph at the end thereof:

"(C) The rail carrier shall have the burden of going forward with evidence responsive to the factors set forth in subparagraphs (B) and (D) of paragraph 3 of this subsection.".

(c) Section 10701a(b)(3) of such title is amended to read as follows:

"(3) In determining whether a rate described in paragraph (1) of this subsection is reasonable, the Commission shall consider, among other factors, evidence of the following—

"(A) the relationship of the rate to the cost to the rail carrier of providing the service;

"(B) whether the traffic involved is being required to pay an unreasonable share of the carrier's fixed costs;

"(C) the impact of the rate on the attainment of national energy goals; and

"(D) the extent of additional revenues, if any, required by the carrier in order to achieve adequate revenues as established by the Commission under section 10704(a)(2) of this title, while taking into account the factors described in section 10707a(e)(2)(C) of this title.".

SEC. 3. Section 10704(a)(2) of title 49, United States Code, is amended by inserting "(A)" after "(2)", and by striking all that follows the first sentence and inserting the following new subparagraphs:

"(B) Such standards and procedures shall provide for consideration of—

"(i) indicators of financial health including but not limited to bond ratings, return on investment, return on shareholders' equity, return on total capitalization, fixed charge coverage, debt-to-equity ratio, and operating ratio;

"(ii) the current cost of equity capital; and

"(iii) the actual cost of debt capital at the time such debt was incurred.

"(C)(i) In computing return on investment, the Commission shall include in the

investment base the depreciated original cost, as determined by standard depreciation accounting practices, of only those assets which are used and useful in providing railroads' deferred tax reserves.

"(ii) The Commission shall commence within 60 days of the date of enactment of this Act a rulemaking proceeding in which the burden of proof shall rest upon the rail carriers to determine for each of the Class I railroads the extent to which its railroad assets are used and useful in providing railroad transportation service. The Commission shall update its evaluation of each rail carrier's investment base each year in connection with its annual revenue adequacy determination.

"(D) Revenue levels established under this paragraph should—

"(i) provide a flow of net income plus depreciation adequate to support prudent capital outlays, assure the repayment of a reasonable level of debt, permit the raising of needed equity capital, and cover the effects of inflation; and

"(ii) attract and retain capital in amounts adequate to provide a sound transportation system in the United States.

"(E) The Commission shall make an adequate and ocntinuing effort to assist those carriers in attaining revenue levels prescribed in this paragraph, recognizing, however, the need to maintain rates at reasonable levels where there is market dominance as defined in section 10709(a).".

SEC. 4. Section 10707a(a)(2)(B) of title 49, United States Code, is amended by inserting ", and changes in railroad productivity, volume and output mix" after "labor" in the parenthetical clause.

SEC. 5. (a) Section 10709(d)(2) of title 49, United States Code, is amended to read as follows:

"(2) In making a determination under this section, the Commission shall find that the rail carrier establishing the challenged rate has market dominance over the transportation to which the rate applies if—

"(A) the rate charged results in a revenue-variable cost percentage for such transportation that is more than the cost recovery percentage during each 12-month period beginning on or after October 1, 1984; and either

"(B) within the 12-month period immediately preceding the beginning of such determination process, more than 70 percent of the transportation to which the challenged rate applies was by railroad; or

"(C) a shipper, with respect to the transportation of whose property the challenged rate applies, has made a substantial investment in railroad equipment or rail-related plant which prevents or makes impracticable the use of a mode of another rail carrier or transportation other than railroads.

For purposes of subparagraph (A) of this paragraph, the cost recovery percentage shall in no event be less than a revenue-variable cost percentage of 170 percent or more than a revenue-variable cost percentage of 180 percent.".

(b) Section 10709(d) of such title is amended by adding the following new paragraph at the end thereof:

"(6) No person, class of persons, transaction, or service may be exempted by the Commission under section 10505 of this title from the application of a provision of this subtitle with respect to any transportation unless a rail carrier is determined under this section not to have market dominance over such transportation, unless such transportation is pursuant to a contract entered into under section 10713 of this title.".

(c) Section 10709 of such title is amended by adding the following new subsection at the end thereof:

"(e) In determining the existence or absence of effective competition for purposes of this section, the Commission shall consider only transporation competition for movement of the same commodity from the same point of origin to the same destination.".

SEC. 6. Except as otherwise provided, the Commission shall conclude a proceeding to establish procedures for the implementation of the amendments made by this Act within 180 days after the date of enactment of this Act.

By Mr. TRIBLE (for himself and Mr. SYMMS):

S. 202. A bill to amend title 5, United States Code, to establish a cash or deferred arrangement permitting Federal employees to save for their retirement, and for other purposes: to the Committee on Governmental Affairs.

FEDERAL EMPLOYEES CASH OR DEFERRED ARRANGEMENT ACT OF 1985

Mr. TRIBLE. Mr. President, one of the most important issues confronting the 99th Congress is deficit reduction. This Congress faces the enormous responsibility of finding ways to reduce the $200 billion Federal deficit, and all areas of the Federal budget will be examined for ways to restrain Federal spending and reduce the deficit.

Already, proposals have been offered to reduce Federal spending by drastically reducing civil service retirement benefits for Federal workers. Lower annuities and higher employee contributions are among the suggestions. Federal employees hired after December 31, 1983, have faced uncertain retirement benefits since joining the Federal work force. These employees are covered under Social Security and a supplemental retirement system which is still not designed. Congress must establish this system by the end of 1985.

Many employers outside the Federal Government offer their employees the opportunity to participate in tax-sheltered retirement programs. And increasingly, employers are offering deferred compensation plans authorized by section 401(k) of the Internal Revenue Code.

These plans allow an employee to elect to defer a portion of his or her salary and have the employer deposit that amount into an investment or savings account. The amount of the deferred salary, any employer contributions to the account, and investment earnings, are tax-exempt until the employee withdraws the funds. Funds may be withdrawn from these accounts only when the employee retires, dies, becomes disabled, separates from the service, reaches age 59½, or for reasons of hardship.

These tax-deferred accounts allow employees to save money for use in their retirement years. And, employees have the opportunity to determine, within a range, the amount of their salary that they wish to defer.

I believe that Federal employees should be given the opportunity to plan for the future and save for their retirement. That is why I am introducing legislation which would allow Federal employees to participate in tax-sheltered deferred compensation plans comparable to plans offered to their non-Federal counterparts.

My legislation would permit an employee to set aside up to 5 percent of his or her basic pay under the cash or deferred arrangement. The employing agency will be authorized to deduct and withhold that portion of the employee's pay and deposit that amount, along with an equal amount contributed by the agency, into an account.

Funds may be withdrawn from the account only in those instances outlined in section 401(k) of the Internal Revenue Code: upon the employee's retirement, death, disability, separation from the service, attainment of ages 59½, or for reasons of hardship. In addition, employees participating in the cash or deferred arrangement may be able to qualify for a loan which can be repayed through payroll deductions.

The Congress must design a new retirement program for Federal workers who were hired after December 31, 1983. I believe that this new plan should include this deferred compensation plan. A Federal retirement program consisting of Social Security, a pension plan, and a capital accumulation plan such as the deferred compensation plan authorized by section 401(k) of the Internal Revenue Code would be consistent with retirement programs typically available to employees outside the Federal sector.

Mr. President, in the wake of uncertainty with future retirement benefits for Federal workers, we should provide civil servants with the opportunity to elect to defer payment of a portion of their salary in order to set aside money for use in their retirement years. I urge my colleagues to join with me in pressing for consideration of this measure.

By Mr. DIXON:

S. 203. A bill to provide a one-time amnesty from criminal and civil tax penalties and 50 percent of the interest penalty owed for certain taxpayers who pay previous underpayments of Federal tax during the amnesty period, to amend the Internal Revenue Code of 1954 to increase by 50 percent all criminal and civil tax penalties, and for other purposes; to the Committee on Finance.

FEDERAL TAX DELINQUENCY AMNESTY ACT OF 1985

● Mr. DIXON. Mr. President, the Federal budget deficit in fiscal year 1984 was an appalling $175 billion. The lat-

est estimate for the fiscal 1985 deficit prepared by the President's Office of Management and Budget is even worse—$205 billion. This ongoing budget crisis, however, seems to defy the efforts of Congress and the President to end it. Budget deficits are not under control in spite of the major efforts to cut spending over the past 4 years, and in spite of the passage of two major tax increase bills in the last 3 years.

There are a lot of reasons for our budget crisis. One very important reason that has not received anywhere near the attention it deserves has to do with tax compliance levels.

In 1981, the most recent year for which comprehensive data is available, Federal tax collections were more than $81 billion below what they would have been if every taxpayer had paid his or her legal tax obligations. Individual taxpayers failed to report to the Internal Revenue Service almost $250 billion in income that year.

Unfortunately, 1981 is not an unusual year. The "tax gap" was more than $28 billion in 1973, or approximately double the Federal budget deficit of $14 billion that year, and it has increased steadily since then. The Treasury Department is estimating a tax gap of between $89 and $92 billion for 1985, and believes that level could rise to between $386 and $473 billion by the turn of the century.

These figures indicate that there is something fundamentally wrong with our national tax collection system. The tax gap is growing not just because the economy is growing, but also because taxpayers are increasingly not paying the taxes they owe. A recent story in the Wall Street Journal illustrates the point. It states that:

> The IRS says 19 percent of those surveyed admit to cheating on their taxes, and that probably is an underestimate of the actual number who do.

Our tax collection system in the past was able to rely on voluntary compliance with the tax laws, but that voluntary compliance is breaking down. For example, in 1973 more than 90 percent of all dividends were reported; by 1981, that percentage fell to approximately 83 percent. In 1973, over 75 percent of all capital gains were reported; by 1981, that percentage had fallen below 60 percent. According to the Internal Revenue Service, there is currently about 80 percent compliance overall among individuals and about 90 percent compliance for corporations.

The Service believes that the compliance rate for individuals is falling by about 0.2 percent per year. Now that may not seem like a large number, but over time, and given the size of the U.S. economy, it represents a real problem.

This tax cheating, Mr. President, has a dramatic impact on our budget crisis. In 1981, for example, the Federal deficit was $57.9 billion. Including off-budget borrowing programs, the total deficit was approximately $78.9 billion, still smaller than the tax gap that year of over $81 billion. What this means is that if everyone had paid the taxes they owed that year, there would have been no deficit. In 1976, as I stated earlier, the effect was even more dramatic; 100 percent compliance that year would have resulted in a Federal budget surplus, instead of a deficit, and would have permitted an actual reduction in the national debt.

The tax gap raises two kinds of issues: First, there are questions involving improving compliance rates over time. Congress, in the last two tax bills, has taken a number of steps to improve compliance. Tax legislation to be considered this year, I am sure, will take additional steps to improve compliance, and increase the fairness of Federal tax laws.

Second, there are questions involving how to recover some of the missing tax revenues from prior years. The States, which have had compliance problems similar to those experienced at the national level, have undetaken a number of efforts to deal with this matter, and perhaps the most innovative of these is tax amnesty.

Eight states—Illinois, Alabama, Arizona, Idaho, Massachusetts, Missouri, North Dakota, and Texas—have tried tax amnesty periods. Illinois and Massachusetts had legislative amnesty programs; the other State programs were set up by their revenue departments or Governors.

Amnesty is a simple concept. It provides an opportunity for delinquent taxpayers to fully pay their overdue tax liability, without being subject to crimnal prosecution. Amnesty programs have also involved reductions, or elimination, of civil and interest penalties in order to create an incentive for tax payers to make use of the amnesty period.

While the State amnesty programs differed in scope, extent, and many other particulars, they did have one thing in common: They were successful. They all resulted in taxpayers coming forward to pay overdue taxes who would probably have not otherwise done so. The State of Massachusetts, for example, collected over $72 million. In my own State of Illinois, collections exceeded $150 million.

The State programs were not giveaways, Mr. President. They did not reward tax cheaters. The State programs increased compliance efforts and increased penalties for noncompliance after the amnesty period. The State programs resulted in placing additional taxpayers on the roles, and in additional tax collections that the States would probably not otherwise have received.

Because I believe a national tax amnesty program could be effective and ought to be tried, I am today introducing the Federal Tax Delinquency Amnesty Act of 1985.

This bill establishes a 6-month amnesty period, to begin on July 1 of this year, or as soon thereafter as pactical. The amnesty would cover all tax years through 1983 still eligible for collection efforts by the IRS—which can go back 7 years.

All taxpayers would be eligible for the amnesty, with the following limited exceptions: First, those involved with the IRS in administrative or judicial proceedings before the amnesty period begins; second, those under criminal investigation where the IRS has referred the matter to the Justice Department before the amnesty period begins; and third, those who make false or fraudulent representations in attempting to take advantage of the amnesty.

The amnesty itself would be simple and straightforward. It would include amnesty from criminal and civil penalties and from 50 percent of any interest penalty owed. However, the amnesty would apply only to legal-source income. Taxes due on income resulting from criminal activity would not be covered by the amnesty.

All Federal taxes would be covered by the amnesty, not just the Federal income tax.

The amnesty provisions are generous and provide a substantial incentive for taxpayers to take advantage of the amnesty period. However, the bill does not rely just on carrots, it also contains a couple of substantial sticks.

First, it increases all tax-related civil and criminal penalties, including money fines and jail terms, by 50 percent. The tougher penalties will apply to any tax year after 1984, and, after the amnesty period, to any open tax year. Of course, the increased penalties will not apply to cases pending on the date of enactment where a judgment was entered before that date.

Second, the bill authorizes such funds as are necessary to add 3,000 additional revenue agents to the IRS, an increase of about 20 percent in the agent force. This is an extremely cost-effective provision, because each additional agent brings in approximately 12½ times his salary in additional tax revenue, depending on where enforcement efforts are concentrated.

The bill also authorizes the funds the Treasury will need to administer and publicize the amnesty program. The State experience demonstrates that wide publicity can significantly enhance the effectiveness of an amnesty program.

I recognize, Mr. President, that amnesty, by itself, will not solve the fundamental problems that have led to decreasing levels of voluntary compli-

ance with the tax laws. I know that it is equally true that tougher penalties and additional IRS agents are not enough to totally arrest the growth of the tax gap.

A comprehensive reexamination of our tax law, designed to restore the fairness that many taxpayers believe has been lost, is necessary to restore the kind of voluntary compliance that the United States has been used to and to which our country is entitled.

What amnesty will do is collect substantial tax revenues from past years that would not be otherwise collected. Increasingly, the public is convinced that the Tax Code is unfair and that many taxpayers get away with cheating. Amnesty can help reverse that perception by collecting at least part of those tax obligations. It will demonstrate that the Federal Government is a good manager, and willing to take substantial steps to obtain the taxes that are legally required to be paid.

Amnesty will benefit the honest taxpayer, because it will bring in additional revenue that could help lessen the need for further tax increases.

Efforts to restore fairness, simplicity, and equity to our tax laws are necessarily future-oriented. Amnesty, on the other hand, is oriented toward past actions, or in this case, past tax delinquencies.

By bringing forward new taxpayers and those who did not fully pay their past taxes, however, the amnesty will have much more than a one-time impact. Having additional taxpayers on the rolls is a permanent benefit, and the amnesty will also help the IRS to focus its future enforcement efforts on the areas that are the most promising.

Now some may say that amnesty is unfair, and that it rewards tax delinquents. While I understand that argument, I do not find it persuasive. Amnesty is clearly more fair than not collecting the unpaid taxes at all, which is otherwise what would, in all likelihood, be the result. Amnesty, far from rewarding tax delinquents, actually collects the taxes due, together with at least some interest. Again, given the alternatives, it is hard to conceive of that as a reward.

I know, Mr. President, that this Congress will be spending a lot of time considering tax issues. I urge my colleagues to consider the role that tax amnesty legislation can play in any comprehensive tax bill. Tax amnesty has demonstrated that it can work in the States. There is no reason to believe that it will not be even more successful at the national level. I urge my colleagues, therefore, to consider this proposal carefully, and to act promptly to enact it into law. I ask unanimous consent that a copy of the bill and a summary of its provisions be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Tax Delinquency Amnesty Act of 1985".

SEC. 2. WAIVER OF CRIMINAL AND CIVIL PENALTIES AND 50 PERCENT OF INTEREST PENALTY.

(a) GENERAL RULE.—In the case of any underpayment of Federal tax for any taxable period, the taxpayer shall not be liable for any criminal or civil penalty (or addition to tax) or 50 percent of any interest penalty provided by the Internal Revenue Code of 1954 with respect to such underpayment if—

(1) during the amnesty period—

(A) the taxpayer files a written statement with the Secretary which sets forth—

(i) the name, address, and taxpayer identification number of the taxpayer,

(ii) the amount of the underpayment for the taxable period, and

(iii) such information as the Secretary may require for purposes of determining for the taxable period, and

(B) the taxpayer agrees to a waiver of any restriction on the assessment or collection of such underpayment,

(2) when filing the statement described in paragraph (1), the taxpayer pays the amount of the underpayment shown on such statement, and

(3) not later than 30 days after the date on which the taxpayer is notified by the Secretary of the amount which equals 50 percent of the interest payable with respect to the underpayment (and the amount of any tax delinquent amount with respect to the taxpayer), the taxpayer pays the full amount of such interest (and such tax delinquent amount).

(b) INSTALLMENT PAYMENT OF TAX PERMITTED IN CERTAIN CASES.—The requirements of paragraphs (2) and (3) of subsection (a) shall be treated as met if—

(1) the taxpayer in the statement filed under subsection (a)(1) requests the privilege of making installment payments under this subsection, and

(2) the taxpayer enters into an agreement with the Secretary for the payment (in installments) of the amounts required to be paid under paragraphs (2) and (3) of subsection (a) within 30 days after contacted by the Secretary for purposes of entering into such an agreement (or in any case where the Secretary determines that permitting the payment in installments of such amounts is not appropriate, the taxpayer pays the entire amount of such amounts within 30 days after notified by the Secretary of such determination).

(c) AMOUNT OF UNDERPAYMENT DISPUTED.—If the amount under paragraph (3) of subsection (a) is disputed by the taxpayer, such amount must be paid within the period described in subsection (a). If the taxpayer is entitled to a refund as a result of the resolution of the dispute through normal administrative and judicial procedures, the Secretary shall refund the amount plus interest at the 6-month Treasury bill rate in effect as of the date the dispute is resolved.

(d) AMNESTY NOT TO APPLY IN CERTAIN CASES.—

(1) WHERE TAXPAYER CONTACTED BEFORE STATEMENT FILED.—Subsection (a) shall not apply to any underpayment of Federal tax for any taxable period to the extent that before the statement is filed under subsection (a) (1)—

(A) such underpayment was assessed,

(B) a notice of deficiency with respect to such underpayment was mailed under section 6212 of the Internal Revenue Code of 1954, or

(C) the taxpayer was informed by the Secretary that the Secretary has questions about the taxpayer's tax liability for the taxable period.

(2) WHERE FRAUD IN SEEKING AMNESTY OR WHERE CRIMINAL INVESTIGATION PENDING.—Subsection (a) shall not apply to any taxpayer if—

(A) any representation made by such taxpayer under this section is false or fraudulent in any material respect, or

(B) a Justice Department referral (within the meaning of section 7602 (c) (2) of the Internal Revenue Code of 1954) is in effect with respect to such taxpayer as of the time the statement is filed under subsection (a) (1).

(3) ILLEGAL SOURCE INCOME.—Subsection (a) shall not apply to any underpayment of Federal tax with respect to income resulting from a criminal offense under Federal, State, or local law.

(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) AMNESTY PERIOD.—The term "amnesty period" means the 6-month period which begins on July 1, 1985, or on the first July 1 after the date of the enactment of this Act.

(2) FEDERAL TAX.—The term "Federal tax" means any tax imposed by the Internal Revenue Code of 1954.

(3) TAXABLE PERIOD.—

(A) IN GENERAL.—The term "taxable period" means—

(i) in the case of a tax imposed by subtitle A of the Internal Revenue Code of 1954, the taxable year, or

(ii) in the case of any other tax, the period in respect of which such tax is imposed.

(B) SPECIAL RULE FOR TAXES WITH NO TAXABLE PERIOD.—In the case of any tax in respect of which there is no taxable period, any reference in this section to a taxable period shall be treated as a reference to the taxable event.

(4) ADDITION TO TAX INCLUDES ADDITIONAL AMOUNT.—The term "addition to tax" includes any additional amount.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or his delegate.

(6) FORM OF STATEMENT.—Any statement under subsection (a)(1) shall be filed in such manner and form as the Secretary shall prescribe.

(7) NOTICE TO RELATED PERSONS TREATED AS NOTICE TO THE TAXPAYER.—

(A) IN GENERAL.—For purposes of subsection (d)(1)(c), any notice to a related person with respect to a matter which may materially affect the tax liability of the taxpayer for any taxable period shall be treated as notice to the taxpayer with respect to such taxable period.

(B) RELATED PERSON.—For purposes of subparagraph (A), the term "related person" means—

(i) any person who during the taxable period bore a relationship to the taxpayer described in section 267(b) of the Internal Revenue Code of 1954,

(ii) any partnership in which the taxpayer was a partner during the taxable period, or

(iii) any S corporation (as defined in section 1361 of such Code) in which the tax-

payer was a shareholder during the taxable period.

(f) PERIODS FOR WHICH AMNESTY AVAILABLE.—The provisions of this section shall apply only to underpayments of Federal tax for taxable periods ending before January 1, 1984 (or, in the case of a tax for which there is no taxable period, taxable events before January 1, 1984).

(g) ADDITIONAL AUTHORIZATIONS.—

(1) AMNESTY PROGRAM.—There are authorized to be appropriated such sums as are necessary to administer the amnesty program, using special efforts to publicize such program, including direct-mail contacts and radio, television, and print-media advertising.

(2) ADDITIONAL IRS AGENTS.—There are authorized to be appropriated such sums as are necessary to employ 3,000 additional Internal Revenue Service agents.

SEC. 3. CRIMINAL AND CIVIL TAX PENALTIES INCREASED BY 50 PERCENT.

(a) CIVIL PENALTIES.—

(1) Paragraphs (2) and (3) of section 6651 (a) of the Internal Revenue Code of 1954 (relating to failure to file tax return or to pay tax) are each amended by striking out "0.5 percent" each place it appears and inserting in lieu thereof "0.75 percent".

(2) The following provisions of such Code are each amended by striking out "1 percent" each place it appears and inserting in lieu thereof "1.5 percent".

(A) Section 6657 (relating to bad checks).

(B) Subsection (b) of section 6706 (relating to original issue discount information requirements).

(C) Paragraph (2)(B)(i) of section 6707 (a) (relating to failure to register tax shelter).

(3) The following provisions of such Code are each amended by striking out "5 percent" each place it appears and inserting in lieu thereof "7.5 percent".

(A) The heading and paragraph (1) of section 72(q) (relating to 5-percent penalty for premature distributions from annuity contracts).

(B) Paragraph (5)(A)(i) of section 6013(b) (relating to joint return after filing separate return).

(C) Paragraph (1) of section 6038(c) (relating to penalty of reducing foreign tax credit).

(D) Subsection (a)(1) of section 6651 (relating to file tax return or to pay tax).

(E) Subsection (a)(3)(A)(ii) and (g)(3)(B) of section 6652 (relating to failure to file certain information returns, registration statements, etc.).

(F) Paragraph (1) of section 6653(a) (relating to failure to pay tax).

(G) Subsection (a) of section 6656 (relating to failure to make deposit of taxes or overstatement of deposits).

(H) Subsection (a) of section 6677 (relating to failure to file information returns with respect to certain foreign trusts).

(I) Subsection (a) of section 6689 (relating to failure to file notice of redetermination of foreign tax).

(4) The following provisions of such Code are each amended by striking out "10 percent" each place it appears and inserting in lieu thereof "15 percent".

(A) Subsection (m)(5)(B) and (o)(2) of section 72 (relating to annuities; certain proceeds of endowment and life insurance contracts).

(B) Paragraph (1) of section 408(f) (relating to additional tax on certain amounts included in gross income before age 59½).

(C) Paragraph (1) of section 6038(c) (relating to penalty of reducing foreign tax credit).

(D) Paragraph (3)(A)(i) of section 6652(a) (relating to returns relating to information at source, payments of dividends, etc., and certain transfer of stock).

(E) Subsection (a) of section 6661 (relating to substantial understatement of liability).

(F) Section 6683 (relating to failure of foreign corporation to file return of personal holding company tax).

(5) The following provisions of such Code are each amended by striking out "10 percent" each place it appears and inserting in lieu thereof "15 percent".

(A) Subsection (b) of section 6659 (relating to addition to tax in the case of valuation overstatements for purposes of the income tax).

(B) Subsection (b) of section 6660 (relating to addition to tax in the case of valuation understatement for purposes of the estate or gift taxes).

(6) Subsection (a) of section 6700 of such Code (relating to promoting abusive tax shelters, etc.) is amended by striking out "20 percent" and inserting in lieu thereof "30 percent".

(7) The following provisions of such Code are each amended by striking out "20 percent" each place it appears and inserting in lieu thereof "30 percent".

(A) Subsection (b) of section 6659 (relating to addition to tax in the case of valuation overstatements for purposes of the income tax).

(B) Subsection (b) of section 6660 (relating to addition to tax in the case of valuation understatement for purposes of the estate or gift taxes).

(8) The following provisions of such Code are each amended by striking out "25 percent" each place it appears and inserting in lieu thereof "37.5 percent".

(A) Subsection (b) of section 6038B (relating to notice of certain transfers to foreign persons).

(B) Paragraphs (1), (2), and (3) of section 6651(a) (relating to failure to file tax return or to pay tax).

(C) Paragraph (1) of section 6656(b) (relating to overstated deposit claims).

(9) Subsection (f) of section 6659 of such Code (relating to addition to tax in the case of valuation overstatements for purposes of the income tax) is amended by striking out "30 percent" and inserting in lieu thereof "45 percent".

(10) The following provisions of such Code are each amended by striking out "30 percent" each place it appears and inserting in lieu thereof "45 percent".

(A) Subsection (b) of section 6659 (relating to addition to tax in the case of valuation overstatements for purpose of the income tax).

(B) Subsection (b) of section 6660 (relating to addition to tax in the case of valuation understatement for purposess of the estate or gift taxes).

(11) The following provisions of such Code are each amended by striking out "50 percent" each place it appears and inserting in lieu thereof "75 percent".

(A) Paragraph (5)(A)(ii) of section 6013(b) (relating to joint return after filing separate return).

(B) Paragraph (2) of section 6332(c) (relating to enforcement of levy).

(C) Subsection (c) of section 6652 (relating to failure to report tips).

(D) Subsection (a)(2), (b)(1), (b)(2), and (e) of section 6653 (relating to failure to pay tax).

(12) Subsection (b) of section 6697 of such Code (relating to assessable penalties with respect to liability for tax of qualified investment entities) is amended to read as follows:

"(b) 75-PERCENT LIMITATION.—The penalty payable under this section with respect to any determination shall not exceed 75 percent of the amount of the deduction allowed by section 860(a) for such taxable year.".

(13) Subsection (a) of section 6651 of such Code (relating to failure to file tax return or to pay tax) is amended by striking out "100 percent" and inserting lieu thereof "150 percent".

(14) The following provisions of such Code are each amended by inserting "150 percent of" after "equal to" each place it appears.

(A) Subsection (a) of section 6672 (relating to failure to collect and pay over tax, or attempt to evade or defeat tax).

(B) Section 6684 (relating to assessable penalties with respect to liability for tax under chapter 42).

(C) Subsection (a) of section 6697 (relating to assessable penalties with respect to liability for tax of qualified investment entities).

(D) Subsection (a) of section 6699 (relating to assessable penalties relating to tax credit employee stock ownership plans).

(15) Paragraph (1) of section 6621(d) of such Code (relating to interest on substantial underpayments attributable to tax motivated transactions) is amended by striking out "120 percent" and inserting in lieu thereof "180 percent".

(16) Subsection (a) of section 6675 of such Code (relating to excessive claims with respect to the use of certain fuels) is amended by striking out "Two times" and inserting in lieu thereof "Three times".

(17) Subsection (b) and (e) of section 6652 of such Code (relating to failure to file certain information returns, registration statements, etc.) is amended by striking out "$1" and inserting in lieu thereof "$1.50".

(18) The following provisions of such Code are each amended by striking out "$5" each place it appears and inserting in lieu thereof "$7.50".

(A) Section 6657 (relating to bad checks).

(B) Subsection (a) of section 6687 (relating to failure to supply identifying numbers).

(C) Subsection (a) of section 6687 (relating to failure to supply information with respect to place of residence).

(D) Paragraph (2) of section 6695(e) (relating to failure to file correct information return).

(19) The following provisions of such Code are each amended by striking out "$10" each place it appears and inserting in lieu thereof "$15".

(A) Subsections (d), (i), and (j) of section 6652 (relating to failure to file certain information returns, registration statements, etc.).

(B) Subsection (a) of section 6675 (relating to excessive claims with respect to the use of certain fuels).

(20) The following provisions of such Code are each amended by striking out "$25" each place it appears and inserting in lieu thereof "$37.50".

(A) Subsections (f), (g)(2), and (h) of section 6652 (relating to failure to file certain information returns, registration statements, etc,).

(B) Subsections (a), (b), and (c) of section 6695 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons).

(21) The following provisions of such Code are each amended by striking out "$50"

each place it appears and inserting in lieu thereof "$75".

(A) Paragraphs (1) and (2) of section 6652 (a) (relating to returns relating to information at source, payments of dividends, etc., and certain transfers of stock).

(B) Section 6674 (relating to fraudulent statement of failure to furnish statement to employee).

(C) Subsections (a), (b), and (c) of section 6676 (relating to failure to supply identifying numbers).

(D) Subsections (a), (b), and (c) of section 6678 (relating to failure to furnish certain statements).

(E) Section 6690 (relating to fraudulent statement or failure to furnish statement to plan participant).

(F) Subsection (a) of section 6693 (relating to failure to provide reports on individual retirement accounts or annuities).

(G) Subsection (d) of section 6695 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons).

(H) Subsection (b)(1) of section 6698 (relating to failure to file partnership return).

(I) Subsection (b)(1) of section 6704 (relating to failure to keep records necessary to meet reporting requirements under section 6047(e)).

(J) Subsection (a) of section 6706 (relating to original issue discount information requirements).

(K) Paragraph (2) of section 6707(b) (relating to failure to furnish tax shelter identification number).

(L) Subsection (a) of section 6708 (relating to failure to maintain lists of investors in potentially abusive tax shelters).

(22) The following provisions of such Code are each amended by striking out "$100" each place it appears and inserting in lieu thereof "$150".

(A) Subsection (a) of section 6651 (relating to failure to file tax return or to pay tax.

(B) Paragraph (3)(A)(iii) of section 6652(a) (relating to returns relating to information at source, payments of dividends, etc., and certain transfers of stock).

(C) Section 6689 (relating to failure to file returns or supply information by DISC or FSC).

(D) Section 6688 (relating to assessable penalties with respect to information required to be furnished under section 7654).

(E) Subsection (a) of section 6694 (relating to understatement of taxpayer's liability by income tax return preparer).

(F) Paragraph (1) of section 6695(e) relating to failure to file correct information return).

(G) Paragraph (1) of section 6707(b) (relating to failure to furnish tax shelter identification number).

(23) Subsection (c) of section 6708 of such Code, as added by section 612(d)(1) of Deficit Reduction Act of 1984 (relating to penalties with respect to mortgage credit certificates) is amended by striking out "$200" and inserting in lieu thereof "$300".

(24) The following provisions of such Code are each amended by striking out "$500" each place it appears and inserting in lieu thereof "$750".

(A) Subsection (a) of section 6602 (relating to false information with respect to withholding).

(B) Subsection (b) of section 6694 (relating to understatement of taxpayer's liability by income tax return preparer).

(C) Subsection (f) of section 6695 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons).

(D) Subsection (a) of section 6702 (relating to frivolous income tax return).

(E) Subsection (a) of section 6705 (relating to failure by broker to provide notice to payors).

(F) Paragraph (2)(A) of section 6707(a) (relating to failure to register tax shelter).

(25) The following provisions of such Code are each amended by striking out "$1,000" each place it appears and inserting in lieu thereof "$1,500".

(A) Paragraphs (1) and (2) of section 6038 (b) (relating to dollar penalty for failure to furnish information).

(B) Paragraphs (1) and (2) of section 6038A(d) (relating to penalty for failure to furnish information).

(C) Subsections (b) and (e)(2) of section 6652 (relating to failure to file certain information returns, registration statements, etc.).

(D) Subsection (a) of section 6679 (relating to failure to file information returns with respect to certain foreign trusts).

(E) Subsection (a) of section 6679 (relating to failure to file returns, etc. with respect to foreign corporations or foreign partnerships).

(F) Section 6685 (related to assessable penalties with respect to private foundation annual returns)

(G) Section 6686 (relating to failure to file returns or supply information by DISC or FSC).

(H) Section 6692 (relating to failure to file acturial report).

(I) Subsection (a) of section 6700 (relating to promoting abusive tax shelters, etc.).

(J) Subsection (b)(1) of section 6701 (relating to penalities for aiding and abetting understatement of tax liability).

(K) Subsection (a) of section 6708, as added by section 612(d)(1) of Deficit Reduction Act of 1984, (relating to penalties with respect to mortgage credit certificates).

(26) Subsection (c) of section 6708 of such Code, as added by section 612(d)(1) of Deficit Reduction Act of 1984 (relating to penalties with respect to mortgage credit certificates) is amended by striking out "$2,000" and inserting in lieu thereof "$3,000".

(27) The following provisions of such Code are each amended by striking out "$5,000" each place it appears and inserting in lieu thereof "$7,500".

(A) Subsections (d), (e)(1), and (i) of section 6652 (relating to failure to file certain information returns, registration statements, etc.).

(B) Section 6673 (relating to damages assessable for instituting proceedings before the tax court primarily for delay, etc.).

(28) The following provisions of such Code are each amended by striking out "$10,000" each place it appears and inserting in lieu thereof "$15,000".

(A) Paragraph (2)(A) of section 6038(c) (relating to penalty of reducing foreign tax credit).

(B) Subsection (h) of section 6652 (relating to failure to file certain information returns, registration statements, etc.).

(C) Subsection (b)(2) of section 6701 (relating to penalties for aiding and abetting understatement of tax liability).

(D) Paragraph (2) of section 6707 (relating to failure to register tax shelter).

(E) Subsection (b) of section 6708, as added by section 612(d)(1) of Deficit Reduction Act of 1984, (relating to penalties with respect to mortgage credit certificates).

(29) Subsection (f) of section 6652 of such Code (relating to failure to file certain information returns, registration statements, etc.) is amended by striking out "$15,000" and inserting in lieu thereof "$22,500".

(30) Subsection (e) of section 6695 of such Code (relating to other assessable penalties with respect to the preparation of income tax returns for other persons) is amended by striking out $20,000" and inserting in lieu thereof "$30,000".

(31) Paragraph (2) of section 6038A(d) of such Code (relating to penalty for failure to furnish information) is amended by striking out "$24,000" and inserting in lieu thereof "$36,000".

(32) The following provisions of such Code are each amended by striking out "$25,000" each place it appears and inserting in lieu thereof "$37,500".

(A) Paragraph (3) of section 6652(g) (relating to returns, etc., required under section 6039C).

(B) Section 6686 (relating to failure to file returns or supply information by DISC or FSC).

(C) Subsection (d) of section 6695 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons).

(33) The following provisions of such Code are each amended by striking out "$50,000" each place it appears and inserting in lieu thereof "$75,000".

(A) Paragraphs (1) and (3)(B) of section 6652(a) (relating to returns relating to information at source, payments of dividends, etc., and certain transfers of stock).

(B) Subsection (a) of section 6676 (relating to failure to supply identifying numbers).

(C) Subsection (a) of section 6678 (relating to failure to furnish certain statements).

(D) Subsection (b)(2) of section 6704 (relating to failure to keep records necessary to meet reporting requirements under section 6047(e)).

(E) Subsection (a) of section 6708 (relating to failure to maintain lists of investors in potentially abusive tax shelters).

(b) CRIMINAL PENALTIES.—

(1) Paragraph (3) of section 9012(e) of such Code (relating to kickbacks and illegal payments) is amended by striking out "125 percent" and inserting in lieu thereof "187.5 percent".

(2) Subsection (b) of section 7212 of such Code (relating to attempts to interfere with administration of internal revenue laws) is amending by striking out "$500" and inserting in lieu thereof "$750", and by striking out "double" and inserting in lieu thereof "triple".

(3) The following provisions of such Code are each amended by striking out "$1,000" each place it appears and inserting in lieu thereof "$1,500".

(A) Section 7204 (relating to fraudulent statement or failure to make statement to employees).

(B) Subsections (a) and (b) of section 7205 (relating to fraudulent withholding exemption certificate or failure to supply information).

(C) Section 7209 (relating to unauthorized use or sale of stamps).

(D) Section 7210 (relating to failure to obey summons).

(E) Section 7211 (relating to false statements to purchasers or lessees relating to tax).

(F) Subsection (b) of section 7213 (relating to unauthorized disclosure of information).

(G) Subsection (a) of section 7216 (relating to disclosure or use of information by preparers of returns).

(4) Subsection (a) of section 7212 of such Code (relating to attempts to interfere with administration of internal revenue laws) is amended by striking out "$3,000" and inserting in lieu thereof "$4,500".

(5) The following provisions of such Code are each amended by striking out "$5,000" each place it appears and inserting in lieu thereof "$7,500".

(A) Subsection (a) of section 7212 (relating to attempts to interfere with administration of internal revenue laws).

(B) Subsection (a) of section 7213 (relating to unauthorized disclosure of information).

(C) Subsection (b) of section 7214 (relating to offenses by officers and employees of the United States).

(D) Subsection (a) of section 7215 (relating to offenses with respect to collected taxes).

(E) Section 7231 (relating to failure to obtain license for collection of foreign items).

(F) Section 7232 (relating to failure to register or false statement by manufacturer or producer of gasoline or lubricating oil).

(G) Subsections (a)(2), (b)(3), (f)(3), and (g)(2) of section 9012 (relating to criminal penalties).

(6) The following provisions of such Code are each amended by striking out "$10,000" each place it appears and inserting in lieu thereof "$15,000".

(A) Section 7202 (relating to willful failure to collect or pay over tax).

(B) Section 7207 (relating to fraudulent returns, statements, or other documents).

(C) Section 7208 (relating to offenses relating to stamps).

(D) Subsection (a) of section 7214 (relating to offenses by officers and employees of the United States).

(E) Section 7240 (relating to officials investing or speculating in sugar).

(F) Section 7241 (relating to willful failure to furnish certain information regarding windfall profit tax on domestic crude oil).

(G) Subsections (c)(3), (d)(2), and (e)(2) of section 9012 (relating to criminal penalties).

(H) Subsections (b)(2), (c)(2), and (d)(2) of section 9042 (relating to criminal penalties).

(7) The following provisions of such Code are each amended by striking out "$25,000" each place it appears and inserting in lieu thereof "$37,500".

(A) Section 7203 (relating to willful failure to file return, supply information, or pay tax).

(B) Subsection (a) of section 9042 (relating to criminal penalties).

(8) Section 7207 of such Code (relating to fraudulent returns, statements, or other documents) is amended by striking out "$50,000" and inserting in lieu thereof "$75,000".

(9) The following provisions of such Code are each amended by striking out "$100,000" each place it appears and inserting in lieu thereof "$150,000".

(A) Section 7201 (relating to attempt to evade or defeat tax).

(B) Section 7203 (relating to willful failure to file return, supply information, or pay tax).

(C) Section 7206 (relating to fraud and false statements).

(10) The following provisions of such Code are each amended by striking out "$500,000" each place it appears and inserting in lieu thereof "$750,000".

(A) Section 7201 (relating to attempt to evade or defeat tax).

(B) Section 7206 (relating to fraud and false statements).

(11) Section 7209 of such Code (relating to unauthorized use or sale of stamps) is amended by striking out "6 months" and inserting in lieu thereof "9 months".

(12) The following provisions of such Code are each amended by striking out "$1 year" each place it appears and inserting in lieu thereof "1.5 years".

(A) Section 7203 (relating to willful failure to file return, supply information, or pay tax).

(B) Section 7204 (relating to fraudulent statement or failure to make statement to employees).

(C) Section 7205 (relating to fraudulent withholding exemption certificate or failure to supply information).

(D) Section 7207 (relating to fraudulent returns, statements, or other documents).

(E) Section 7210 (relating to failure to obey summons).

(F) Section 7211 (relating to false statements to purchasers or lessees relating to tax).

(G) Subsection (a) of section 7212 (relating to attempts to interfere with administration of internal revenue laws).

(H) Subsection (b) of section 7213 (relating to unauthorized disclosure of information).

(I) Subsection (a) of section 7215 (relating to offenses with respect to collected taxes).

(J) Subsection (a) of section 7216 (relating to disclosure or use of information by preparers of returns).

(K) Section 7231 (relating to failure to obtain license for collection of foreign items).

(L) Section 7241 (relating to willful failure to furnish certain information regarding windfall profit tax on domestic crude oil).

(M) Subsections (a)(2), (b)(3), (f)(3), and (g)(2) of section 9012 (relating to criminal penalties).

(13) The following provisions of such Code are each amended by striking out "2 years" each place it appears and inserting in lieu thereof "3 years".

(A) Subsection (b) of section 7212 (relating to attempts to interfere with administration of internal revenue laws).

(B) Section 7240 (relating to officials investing or speculating in sugar).

(14) The following provisions of such Code are each amended by striking out "3 years" each place it appears and inserting in lieu thereof "4.5 years".

(A) Section 7206 (relating to fraud and false statements).

(B) Subsection (a) of section 7212 (relating to attempts to interfere with administration of internal revenue laws).

(15) The following provisions of such Code are each amended by striking out "5 years" each place it appears and inserting in lieu thereof "7.5 years".

(A) Section 7201 (relating to attempt to evade or defeat tax).

(B) Section 7202 (relating to willful failure to collect or pay over tax).

(C) Section 7208 (relating to offenses relating to stamps).

(D) Section 7213 (relating to unauthorized disclosure of information).

(E) Subsection (a) of section 7214 (relating to offenses by officers and employees of the United States).

(F) Section 7232 (relating to failure to register, or false statement by manufacturer or producer of gasoline or lubricating oil).

(G) Subsections (c)(3), (d)(2), and (e)(2) of section 9012 (relating to criminal penalties).

(H) Section 9042 (relating to criminal penalties).

(c) OTHER PENALTIES.—

(1) Section 7273 of such Code (relating to penalties for offenses relating to special taxes) is amended by inserting "double the amount of" after "equal to".

(2) The following provisions of such Code are each amended by striking out "double" each place it appears and inserting in lieu thereof "triple".

(A) Section 7268 (relating to possession with intent to sell in fraud of law or to evade tax).

(B) Section 7270 (relating to insurance policies).

(C) Section 7273 (relating to penalties for offenses relating to special taxes).

(3) Section 7273 of such Code (relating to penalties for offenses relating to special taxes) is amended by striking out "$10" and inserting in lieu thereof "$15".

(4) The following provisions of such Code are each amended by striking out "$50" each place it appears and inserting in lieu thereof "$75".

(A) Section 7271 (relating to penalties for offenses relating to stamps).

(B) Section 7272 (relating to penalty for failure to register).

(5) Subsection (c) of section 7275 of such Code (relating to penalty for offenses relating to certain airline tickets advertising) is amended by striking out "$100" and inserting in lieu thereof "$150".

(6) The following provisions of such Code are each amended by striking out "$500" each place it appears and inserting in lieu thereof "$750".

(A) Section 7268 (relating to possession with intent to sell in fraud of law or to evade tax).

(B) Section 7269 (relating to failure to produce records).

(7) The following provisions of such Code are each amended by striking out "$1,000" each place it appears and inserting in lieu thereof "$1,500".

(A) Section 7261 (relating to representation that retailers' excise tax is excluded from price of article).

(B) Section 7262 (relating to violation of occupational tax laws relating to wagering—failure to pay special tax).

(8) Section 7262 of such Code (relating to violation of occupational tax laws relating to wagering—failure to pay special tax) is amended by striking out "$15,000" and inserting in lieu thereof "$7,500".

(d) EXCISE TAX PENALTIES.—

(1) Subsection (a)(1) of section 4701 of such Code (relating to tax on issuer of registration—required obligation not in registered form) is amended by striking out "1 percent" and inserting in lieu thereof "1.5 percent".

(2) The following provisions of such Code are each amended by striking out "2½ percent" each place it appears and inserting in lieu thereof "3.75 percent".

(A) Subsection (a)(2) of section 4941 (relating to taxes on self-dealing).

(B) Subsection (a)(2) of section 4945 (relating to taxes on taxable expenditures).

(C) Subsection (a)(2) of section 4951 (relating to taxes on self-dealing).

(D) Subsection (a)(2) of section 4952 (relating to taxes on taxable expenditures).

(3) Section 4981 of such Code (relating to excise tax based on certain real estate investment trust taxable income not distributed during the taxable year) is amended by striking out "3 percent" and inserting in lieu thereof "4.5 percent".

(4) The following provisions of such Code are each amended by striking out "5 per-

cent" each place it appears and inserting in lieu thereof "7.5 percent".

(A) Subsection (a)(1) of section 4941 (relating to taxes on self-dealing).

(B) Subsection (a)(1) of section 4943 (relating to taxes on excess business holdings).

(C) Subsections (a) and (b)(2) of section 4944 (relating to taxes on investments which jeopardize charitable purpose).

(D) Subsection (a) of section 4953 (relating to tax on excess contributions to black lung benefit trusts).

(E) Subsection (a) of section 4971 (relating to tax on prohibited transactions).

(F) Subsection (a) of section 4975 (relating to tax on prohibited transactions).

(5) Subsection (a) of section 4973 of such Code (relating to tax on excess contributions to individual retirement accounts, certain section 403(b) contracts, and certain individual retirement annuities) is amended by striking out "6 percent" each place it appears and inserting in lieu thereof "9 percent".

(6) The following provisions of such Code are each amended by striking out "10 percent" each place it appears and inserting in lieu thereof "15 percent".

(A) Subsection (a)(1) of section 4945 (relating to taxes on taxable expenditures).

(B) Subsection (a)(1) of section 4951 (relating to taxes on self-dealing).

(C) Subsection (a)(1) of section 4952 (relating to taxes on taxable expenditures).

(D) Subsection (b)(1) of section 4978 (relating to tax on certain dispositions by employee stock ownership plans and certain cooperatives).

(7) Subsection (a) of section 4942 of such Code (relating to taxes on failure to distribute income) is amended by striking out "15 percent" and inserting in lieu thereof "22.5 percent".

(8) The following provisions of such Code are each amended by striking out "25 percent" each place it appears and inserting in lieu thereof "37.5 percent".

(A) Subsection (a)(1) of section 4911 (relating to tax on excess expenditures to influence legislation).

(B) Subsection (b)(1) of section 4944 (relating to taxes on investments which jeopardize charitable purpose).

(9) Subsection (a) of section 4977 of such Code (relating to tax on certain fringe benefits provided by an employer) is amended by striking out "30 percent" and inserting in lieu thereof "45 percent".

(10) The following provisions of such Code are each amended by striking out "50 percent" each place it appears and inserting in lieu thereof "75 percent".

(A) Subsection (b)(2) of section 4941 (relating to taxes on self-dealing).

(B) Subsection (b)(2) of section 4945 (relating to taxes on taxable expenditures).

(C) Subsection (b)(2) of section 4951 (relating to taxes on self-dealing).

(D) Subsection (b)(2) of section 4952 (relating to taxes on taxable expenditures).

(E) Subsection (a) of section 4974 (relating to excise tax on certain accumulations in individual retirement accounts or annuities).

(11) The following provisions of such Code are each amended by striking out "100 percent" each place it appears and inserting in lieu thereof "200 percent".

(A) Paragraph (6)(A) of section 857(b) (relating to method of taxation of real estate investment trusts and holders of shares or certificates of beneficial interest).

(B) Subsection (b) of section 4942 (relating to taxes on failure to distribute income).

(C) Subsection (b)(1) of section 4945 (relating to taxes on taxable expenditures).

(D) Subsection (b)(1) of section 4951 (relating to taxes on self-dealing).

(E) Subsection (b)(1) of section 4952 (relating to taxes on taxable expenditures).

(F) Subsection (b) of section 4971 (relating to taxes on failure to meet minimum funding standards).

(G) Subsection (b) of section 4975 (relating to tax on prohibited transactions).

(H) Subsection (a) of section 4976 (relating to taxes with respect to funded welfare benefit plans).

(12) The following provisions of such Code are each amended by striking out "200 percent" each place it appears and inserting in lieu thereof "300 percent".

(A) Subsection (b)(1) of section 4941 (relating to taxes on self-dealing).

(B) Subsection (b) of section 4943 (relating to taxes on excess business holdings).

(13) Paragraph (5) of section 857(b) of such Code (relating to method of taxation of real estate investment trusts and holders of shares or certificates of beneficial interest) is amended by inserting "2 times" after "equal to".

(14) The following provisions of such Code are each amended by striking out "$5,000" each place it appears and inserting in lieu thereof "$7,500".

(A) Subsection (d)(2) of section 4944 (relating to taxes on investments which jeopardize charitable purpose).

(B) Subsection (c)(2) of section 4945 (relating to taxes on taxable expenditures).

(15) The following provisions of such Code are each amended by striking out "$10,000" each place it appears and inserting in lieu thereof "$15,000".

(A) Subsection (c)(2) of section 4941 (relating to taxes on self-dealing).

(B) Subsection (d)(2) of section 4944 (relating to taxes on investments which jeopardize charitable purpose).

(C) Subsection (C)(2) of section 4945 (relating to taxes on taxable expenditures).

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 1983 (or, in the case of a tax for which there is no taxable period, taxable events occurring after such date).

(2) AMNESTY PERIOD.—At the expiration of the amnesty period described in section 2, in the case of any taxpayer remaining liable for any underpayment of Federal tax, the amendments made by this section shall apply to any taxable year (or any taxable event occuring during such taxable year) for which any period of limitation has not expired.

(3) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any judicial or administrative proceeding with respect to any underpayment of Federal tax pending on the date of enactment of this Act in which a judgment was entered before such date.

SUMMARY OF FEDERAL TAX DELINQUENCY AMNESTY ACT OF 1985

(1) *Amnesty Period:* 6-month period—July 1, 1985, through December 31, 1985, or the six-month period beginning the first July 1st after the date of enactment of the bill.

(2) *Tax Years Covered:* All open tax years ending by December 31, 1983, or taxable events occurring before January 1, 1984.

(3) *The Amnesty:* Amnesty from criminal and civil penalties and 50% of the interest penalty owed.

NOTE: Exception—no amnesty for illegal source income (income resulting from a criminal offense under federal, state, or local law).

(4) *Eligibility:* Every tax delinquent individual or corporation is eligible for the amnesty, with the following exceptions:

(a) those currently involved in administrative or judicial proceedings with regard to their unpaid tax liability before the date the amnesty period begins;

(b) those under criminal investigation where the Internal Revenue Service has referred the matter to the Justice Department before the amnesty period begins; and

(c) those who make false or fraudulent representations in attempting to take advantage of the amnesty.

(5) *Taxes Covered:* All federal taxes, including the income tax, social security tax, and excise taxes.

(6) *Increase in Tax Penalties:* All tax-related civil and criminal penalties, including money fines and jail terms, are increased by 50%. The tougher penalties will apply to any tax year beginning after December 31, 1983, and to any taxable event occurring after that date. The tougher penalties are also to apply to open tax years before 1984 after the expiration of the amnesty period. The increased penalties will not apply to cases pending on the date of enactment of this bill where a judgment was entered before that date.

(7) *Authorization of Funds for Additional IRS Agents:* Authorizes such funds as are necessary to add 3,000 additional IRS agents.

(8) *Administration:* Treasury, or its designee, is given the authority to administer the program (design forms, issue regulations, etc. . . .). Payment of taxes owed must be made during the amnesty period (except that installment payments, as in Section 2(b) of H.R. 4885, would be permitted). In cases where there is a dispute between Treasury and the taxpayer as to the amount owed, the total amount, including the disputed amount, must be paid by the end of the amnesty period. If the taxpayer is entitled to a refund as a result of the resolution of the dispute, through the normal administrative and judicial procedures, then the Treasury must refund that amount plus interest at the six-month T-bill rate in effect as of the date the dispute is resolved.

(9) *Authorizations:* Treasury is authorized to request sufficient appropriations to administer and publicize the amnesty program. Teasury is directed to make special efforts to publicize the amnesty program, including, but not limited to, direct-mail contacts, radio, TV, and print-media advertising. Direct-mail contact by the Treasury under this provision will not make a taxpayer ineligible to participate in the amnesty program.●

By Mr. BUMPERS (for himself, Mr. INOUYE, Mr. JOHNSTON, and Mr. MOYNIHAN):

S. 204. A bill to provide a national program for improving the quality of instruction in the humanities in public and private elementary and secondary schools; to the Committee on Labor and Human Resources.

HUMANITIES EXCELLENCE AND TEACHER TRAINING ACT OF 1985

Mr. BUMPERS. Mr. President, today I am introducing the Humanities Excellence and Teacher Training Act of 1985 on behalf of Senator INOUYE, Senator JOHNSTON, Senator

MOYNIHAN, and myself. This bill will improve the quality of humanities instruction in our schools by providing summer training institutes for elementary and secondary school humanities teachers.

In the last year many of us, in response to the several Education Commission reports, have made public statements decrying the state of American education. Our reaction to these reports is reminiscent of our reaction to the launching of sputnik in 1957. At the time of sputnik, Adm. Hyman Rickover insisted that our schools had endangered the Nation's security by neglecting those with talent. The recent National Commission on Excellence on Education stated in its report, "A Nation at Risk," "If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might have viewed it as an act of war." One of the less alarmist and more positive statements—perhaps an understatement—was made by the Carnegie Foundation Commission, which asserted only that "revitalizing the American high school is an urgent matter."

In 1957 science education was the primary concern. Congress rushed to approve the National Defense Education Act, which spurred the teaching of the hard sciences, mathematics, and foreign languages in the public schools. This act provided funds for new courses in math, science, and foreign languages and to modernize school laboratories, and as a result enrollments in math, science, and foreign language classes soared. Once again, in 1984, we were greeted by the need to improve math and science instruction. The conclusions of the recent commissions, combined with our fears that we're being "bested" by other nations in technical training, that we're losing our industrial edge, and the fact that we can't keep qualified math and science teachers in our public schools, have prompted us to act to stop this decline.

Last year we approved the math and science bill. The 2-year program authorized by this bill attempts to bolster the quality of math and science teaching by providing for training and retraining programs for math and science teachers. I wholeheartedly support the math and science bill. However, I think we're going to pay a high price if we continue to teach our children sophisticated computer programming skills and complex telecommunications technology but teach them little about the U.S. Constitution, the works of American artists, the writings of poets and philosophers, or the history of this Nation and its people.

The tragic effects of this lack of emphasis on the humanities was recently summed up in the report of the Study Group on the State of Learning in the Humanities in Higher Education. The report, entitled "To Reclaim a Legacy," says that many of our country's college and university graduates do not receive an adequate humanities education. William J. Bennett, Chairman of the National Endowment for the Humanities stated, "Too many students are graduating from American colleges and universities lacking even the most rudimentary knowledge about the history, literature, arts, and philosophical foundations of their Nation and their civilization." I believe this problem is faced not only by our college and university students, but also by students in our elementary and secondary schools.

The tragic consequences of neglecting to teach the humanities are obvious. A 1978 study reported that the ability of 17-year-olds to explain democracy's essentials had declined 12 points in 6 years. A 1979 Gallup poll reported that only 3 percent of the Nation's 17- and 18-year-olds could identify Alaska and Hawaii as the last States to join the Union, and we know that fewer Americans vote than in almost any other democratic nation. And those facts and figures don't begin to suggest Americans' scandalous lack of understanding of our history and government. The very survival of our democratic institutions depends on an educated citizenry, so it is not wrong to suggest that the future of our country is at stake.

A 1980 editorial in the Chronicle of Higher Education suggested that scholars trained in the humanities seek jobs as technical writers for computer firms—turning computer manuals into English. The humanists should have no trouble getting these jobs, the writer noted, since so many computer programmers have weak writing skills. The editorialist noted this employment opportunity for humanists with pleasure, but it seems shameful to me that we treat so cavalierly the weak writing skills of some of our most highly trained computer programmers. It's a tragedy that individuals with such sophisticated technical skills can't even communicate their knowledge of computers to their fellow citizens.

Many individual educational institutions and corporations are realizing the value of humanities education. In 1981, a vice president of a major U.S. corporation noted in the Wall Street Journal that his corporation was no longer recruiting only employees with MBA's but was also recruiting BA's in the humanities. He praised the undergraduates with humanities training for their writing ability, analytical ability, adaptability and their willingness and success in working on unstructured research projects. In addition, many technical colleges are finding that their students can't compete in the job market without a strong background in the humanities. If their training is narrow, they can't adapt when their technical expertise is quickly outdated. Many technical colleges are instituting requirements that their students take a strong core of humanities courses. Cobol and Fortran are transient; English is not.

Jerome Weisner, former president of Massachusetts Institute of Technology, states, "A person is much less of a human being if he thinks of himself only as a technocrat." He is right. Our emphasis in the recent past has been on training Americans to do a job; as jobs have required more sophisticated technical skills, our education has become more technical. But jobs don't last forever. Our schools are churning out technocrats, and that's a dangerous trend. Technology is moving and developing so fast that students who receive only a technical training have a hard time adapting when the technology changes. I also believe that an education is something more than teaching students the skills necessary to do a job. There are many practical reasons to teach the humanities, but those reasons aren't the most important. I am convinced that exposure to and good teaching in the humanities will help our citizens cope with difficult questions about human life.

For example, we now have the ability to save seriously ill infants who would not have had a chance for survival only a few years ago, yet doctors and clergy and policymakers are embroiled in controversy over the proper use and implications of this technology. We can also prolong the lives of the very ill and injured almost indefinitely, but we can't define the quality of life those individuals should enjoy. These are issues which theologians and philosophers should be discussing with technicians and scientists, issues which we should be asking our students to think seriously about.

The humanities force us to answer important questions about the moral issues of our life and the history and traditions that shape our society, fundamental human questions. The philosophers, prophets, and poets raise questions which have been with man since the dawn of history. American schools must make the humanities the center of our education, not an add-on that is taken care of after we've taught sophisticated technical or vocational skills. After all, what are those skills worth if we can't discuss important issues or dilemmas that confront us?

When Thomas Jefferson explained his plan for education, he said that students should study history because:

> History, by apprising them of the past, will enable them to judge of the future; it will avail them of the experiences of other times and other nations; it will qualify them as judges of the actions and designs of men; it will enable them to know ambition under

every disguise it may assume, and knowing it, to defeat its views.

Jefferson is usually noted for his influence on scientific education, but his view of education was not narrow. Jefferson understood that the humanities—especially history—must be a part of our education if we are to know how to use our knowledge and govern ourselves.

I am convinced that our students must have a strong background in the humanities, and that means quality teachers. I am here today to introduce a measure which would provide teacher training institutes for teachers of the humanities—philosophy, history, classical languages, and literature. These teacher training programs are based on a very successful program carried out in 1983 by the the National Endowment for the Humanitites and expanded in 1984 with the help of a Mellon Foundation grant. This program has provided teachers the opportunity to study literature, philosophy, history, and other subjects in summer seminars, but the seminars reach only a small proportion of our humanities teachers. In 1984 the NEH programs included 765 teachers. In 1982, however, there were 1,040,000 secondary school teachers and 1,364,000 elementary school teachers in the United States. Clearly, the NEH program is not enough.

The measure I am introducing would authorize grants by the Secretary of Education of institutions of higher education to conduct teacher training institutes in the humanities for elementary and secondary school teachers. The institutions of higher education or consortia of institutions would submit applications including the proposed program of instruction, teaching faculty, and the procedures for selecting participants. Funds would be provided for operating costs and faculty salaries as well as living allowances and small stipends for participants. The awards shall be made to institutions on the basis of excellence of the proposed programs, and each State will be awarded at least one institute.

The institutes will recognize teachers for their achievement as classroom teachers, give them an opportunity to study further their own area or other areas of the humanities, and allow them to share ideas on the teaching of their discipline. One participant in an NEH seminar last summer said the seminars say to teachers: "We think you are important." The training institutes authorized by this bill would say that the teaching of humanities and teachers of humanities are very important. Our teachers are our greatest educational asset, and only by keeping good teachers in our schools and providing them additional training can we hope to provide our citizens strong training in the humanities. I urge my colleagues to join me in cosponsoring this measure to improve humanities instruction in our schools.

I ask unanimous consent that the Humanities Excellence and Teacher Training Act of 1985 be printed immediately following my remarks, along with a brief section-by-section analysis of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

GRANTS FOR TEACHER TRAINING INSTITUTES IN THE HUMANITIES

SEC. 1. (a) The Congress finds that—

(1) it is in the national interest to have citizens who are broadly educated. Our nation's schools must prepare young people for active participation in community life and a democratic society. This is not possible without knowledge and understanding of the humanities.

(2) in order to ensure that our nation's children acquire the conceptual and analytical skills necessary and have an appreciation for the traditions and values of Western and non-Western cultures, studies in the humanities are essential.

(3) it is necessary to improve the quality of instruction in the humanities and it is not possible to accomplish this goal unless our nation's teachers have the necessary background and training in the humanities.

(b) It is therefore the purpose of this Act to authorize a national program for improving the quality of education which would make grants to institutions of higher education for the establishment and operation of teacher institutes for the enhancement of subject matter skills of private and public elementary and secondary school teachers of the humanities.

(c) This act may be cited as "The Humanities Excellence and Teacher Training Act of 1985."

SEC. 2. (a) The Secretary shall make grants in each State to an institution of higher education (or a consortium of such institutions) whose application is approved under subsection (b) for the purposes of conducting summer humanities training institutes for the professional development of elementary and secondary school humanities teachers. Any institution or consortium whose application is so approved shall receive an amount equal to not more than $3,000 multiplied by the number of teachers, not to exceed two hundred, enrolled in such institute.

(b) Any institution of higher education or consortium desiring to receive a grant in its State shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require. No such application may be approved by the Secretary unless the application—

(1) contains a description of the proposed program of instruction, and the extent to which eligible classroom teacher participants will be involved in the planning and design of the institutes;

(2) contains an estimate of the number of teachers, including the number of teachers from private elementary and secondary schools, to attend the institute, and describes the selection procedures;

(3) describes the nature and location of existing facilities to be used in the operation of the institute;

(4) specifies the teaching and administrative staff for the institute including the involvement of faculty from both the humanities and education departments and educators familiar with the operation of humanities programs in elementary and secondary schools;

(5) specifies the academic credits, if any, to be awarded for the completion of the course of study to be offered at the institute;

(6) provides a schedule of stipends to be paid teacher participants in the institute, including (A) allowances for subsistence and other expenses for teachers attending the institute and their dependents and (B) provisions assuring that there will be no duplication of Federal benefits paid to participants;

(7) provides adequate assurances that teachers from the State who wish to participate will be selected on the basis of recommendations from a principal or other supervisory official and a demonstrated commitment to the teaching of the humanities discipline or disciplines studied in the institute; and

(8) provides assurances that the institution of higher education will seek to enroll at least eighty qualified teachers in the institute;

(9) is approved by the State educational agency or agencies, of the States or States in which the applicant institution or consortium is located, as being consistent with State policies in elementary and secondary education and humanities.

(c) Awards under this section shall be made to the institutions (or consortia) on the basis of excellence of the program proposed in the application, taking into consideration such elements as library resources, faculty achievement, and humanities learning facilities.

(d) Funds available to institutions under this section may be used to cover costs associated with enrollment in an institute, including tuition, fees, administration, and living expenses.

(e) In making grants under this section, the Secretary shall assure, to the maximum extent consistent with the purposes of this Act, that there is an equitable distribution of institutes established and operated under approved applications among States and within States. The Secretary shall award not less than one institute in each State.

(f) No grant to a single application may exceed $600,000 in any fiscal year.

SEC. 3. No grants shall be made or contracts entered into under this Act except to such extent, or in such amounts, as may be provided in the appropriation Acts.

SEC. 4. For the purposes of this Act:

(1) The term "institution of higher education" means any institution of higher education, as defined under section 1201(a) of the Higher Education Act of 1965, which is located within a State, and includes a community college or junior college.

(2) The term "Secretary" means the Secretary of Education.

(3) The term "State" means any of the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(4) The term "humanities" means both modern and classical languages, literature, history, and philosophy; and language arts

and social studies when taught in elementary schools.

(5) The term "State educational agency" has the same meaning as in section 198(a)(17) of the Elementary and Secondary Education Act.

SEC. 5. There are authorized to be appropriated to carry out this Act $50,000,000 for fiscal year 1986, $60,000,000 for fiscal year 1987, and $70,000,000 for fiscal year 1988.

BRIEF SECTION-BY-SECTION ANALYSIS OF SENATOR BUMPERS' "HUMANITIES EXCELLENCE AND TEACHER TRAINING ACT OF 1985"

SECTION 1

(a) Congressional findings about the importance of education in the humanities.

(b) Statement of the purpose of the Act, which is to authorize a national program of teacher training institutes to enhance the quality of instruction in the humanities.

(c) This Act may be cited as "The Humanities Excellence and Teacher Training Act of 1985."

SECTION 2

(a) Authorization for the Secretary of Education to make grants to colleges, universities, community colleges and junior colleges to conduct summer humanities teacher training institutes to train elementary and secondary humanities teachers. Grants would be in the amount of $3000 multiplied by the number of teachers, not to exceed 200, enrolled in the particular institute. At least one institute would be funded in each state.

(b) Applicants to conduct institutes must submit applications to the Secretary. The Secretary may approve only those applications that meet nine specific requirements; the applicant must describe, among other things, the proposed program of instruction, the number of participants in the institute, the selection procedures for participants, the teaching staff for the institute, the facilities to be used by the institute, the academic credits if any to be awarded by the institute, and the stipends to be paid to participants. The application must also be approved by the state educational agency, for the state in which the institute is to be conducted, as consistent with state humanities education policy.

(c) The Secretary would be required to make awards for institutes on the basis of the excellence of the program of instruction proposed.

(d) Awards of funds for institutes may be used to cover tuition, fees, administration, living expenses of participants, and related expenses.

(e) In making grants, the Secretary must assure, to the maximum extent consistent with the purposes of the Act, that there will be an equitable distribution of institutes approved among and within states. Each state will be awarded at least one institute.

(f) The maximum amount of any grant for an institute is $600,000 in any fiscal year.

SECTION 3

Grants are limited by the amount of funds appropriated to carry out this Act.

SECTION 4

Definitions. Humanities is defined to mean both modern and classical languages, literature, history, and philosophy; and language arts and social studies when taught in elementary schools. The definitions also make clear that colleges, universities, community colleges, and junior colleges are eligible to submit applications for approval to conduct training institutes under this Act.

SECTION 5

$50,000,000 is authorized for FY 86, $60,000,000 for FY 87, and $70,000,000 for FY 88.

By Mr. BUMPERS:

S. 205. A bill to amend the Internal Revenue Code of 1954 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for payment to the National Organ Transplant Trust Fund; to the Committee on Finance.

ORGAN TRANSPLANT CONTRIBUTIONS ACT OF 1985

Mr. BUMPERS. Mr. President, today I am reintroducing a bill which I first conceived and offered in the 98th Congress on behalf of Senator PROXMIRE and myself. This bill will benefit thousands of Americans who, in my judgment, are more deserving of our help and our sympathy than perhaps any other segment of our society. Those people, Mr. President, are those thousands of Americans who are so desperately ill that their only medical remedy lies in organ transplant surgery. I am today introducing the Organ Transplant Contributions Act of 1985.

Let me begin, Mr. President, by telling you a story. Every Member of this body, I am confident, has heard a story similar to this during his or her service in the Senate. In January 1984 a young man named Charles David Stevens, who lives in North Little Rock, called my office with a rather desperate plea for help. David Stevens was 28 years old and was very seriously ill with diabetes. David had already, some time ago, had a kidney transplant, and his doctors had told him that his only hope now lay in a pancreas transplant. The University of Minnesota Hospital, certainly one of the best in the United States, had agreed to perform a pancreas transplant for David. And David's mother had also agreed to give him part of her pancreas. Only a mother, I suppose, could give as Mrs. Stevens has done for David. You see, she had already given David a kidney, and she was now prepared to give him half of her pancreas. David's problem, however, was money. The University of Minnesota required a downpayment of $35,000 before David and his mother would be admitted to surgery. David had been working desperately for a number of months making pleas on radio and television and through his church in an effort to collect this enormous sum. He had been doing very well in this effort, but $35,000 is a lot of money in Arkansas. David was asking me to help him in this effort, and I was certainly glad to try. But, as every Member of this body is aware, there is not a great deal that a U.S. Senator can do to cajole an insurance company into paying a claim that it does not believe it is obligated to pay. And the fact is that many, if not most, organ transplants today are not covered by insurance. Certainly, David's insurance coverage was not adequate. I am delighted to report that David was able to raise this money and his operation was a complete success. He is no longer a diabetic, but his hospital bill totaled more than $70,000.

Mr. President, in the past year a great deal of national attention has been focused on organ transplantation. It is an immensely complex issue. It seems to me, however, that our efforts thus far fall short of addressing the crucial issue for most organ transplant patients. That issue is cost. These operations tend to be enormously expensive, and there are thousands of Americans who could benefit from organ transplants if the problems of donor location and cost could be addressed. The bill which I am introducing today, Mr. President, will specifically address the problem of cost by appealing to our Nation's best impulses and by taking advantage of our existing tax structure. In a nutshell, what I proposed to do is to establish a "National Organ Transplant Trust Fund" in the Treasury, which would be funded by voluntary contributions made through a checkoff system on the income tax form, and which would provide funds to needy organ transplant patients.

The statistics on organ transplant procedures, Mr. President, are quite amazing. Until I began working on this bill, I had no idea how many transplant operations occur in this country each year and yet how many thousands of Americans still need organ transplants. There are now a total of 160 transplant centers in the United States; 159 of these transplant centers perform kidney transplants while only 11 perform heart transplants and only 6 perform liver transpalnts. I am proud to say, by the way, that the University of Arkansas Medical Center was a pioneer in the area of kidney transplant surgery. Most startling, Mr. President, is the fact that as many as 14,200 Americans between the ages of 10 and 54 could benefit from heart transplants. Yet, in 1983, there were only 172 heart transplants in this country. On the other hand, there were 5,500 kidney transplants, while there are at least 7,000 people on waiting lists for kidney transplant surgery. In 1983 there were 160 liver transplants, but experts tell me that somewhere between 4,000 and 5,000 Americans could benefit from liver transplant surgery. Last year there were between 18,000 and 20,000 cornea transplants in the United States, an operation that has become commonplace. There were, on the other hand, only 150 pancreas transplants.

I believe, Mr. President, that costs, as well as the experimental nature of some types of transplant surgery, is a major factor in so many Americans being unable to receive transplant surgery which they desperately need. It seems to me significant that Medicare will pay for kidney transplant surgery, which is now considered almost routine, but neither Medicare, Medicaid, nor many private insurance carriers will pay for many of the more recent and experimental procedures. Fortunately, Medicare will also pay for the corneal implant surgery for persons over 65, a factor which no doubt has something to do with the large number of corneal procedures performed last year. The availability of donor organs is, of course, a major problem and one which is addressed by legislation which has been passed in the House and the Senate. On the other hand, I am persuaded that legislation thus far does not adequately deal with the issue of cost, and that it is simply unrealistic to expect so many Americans to bear the enormous cost of these procedures by themselves, or even to be able to go into their communities and raise such enormous sums, often small communities, from charitable sources.

So, Mr. President, the idea occurred to me that we could and should use our existing revenue collection procedures to allow Americans to make voluntary charitable contributions to help their fellow citizens. I have no doubt, Mr. President, that every American would like to reach out and help his brother and sister in this situation. What we need is a mechanism and what I propose is a simple checkoff system on the income tax form which would allow taxpayers to designate $1, $2, $3, or any portion of their tax refund to be deposited in a special trust fund to be created in the Treasury Department. Let me say, Mr. President, first of all what I do not intend to do. I do not intend to create a new entitlement program. I do not intend to create any government health program for which we would have to increase the deficit and the national debt. All I propose is a program to be funded by voluntary contributions by taxpayers who, I think, would like very much to give.

The National Organ Transplant Trust Fund would be administered by the Secretary of Health and Human Services. My proposal, is to help those people who have no other source of payment. My aim is to help the David Stevens of the world, those who have little or no private insurance and those for whom Medicare and Medicaid are unavailable. The Secretary, after promulgating regulations which would establish an organ transplant payments program, would make payment to needy individuals, after taking into account the individuals resources and his or her ability to raise funds from other sources, including charities and any State resources which might be available.

It seems to me, Mr. President, that the key to this program should be speed and flexibility. These people are desperately ill, often critically ill, and they are certainly in no position to withstand any drawn out bureaucratic process. This program cannot be the complete answer for these patients, but I hope it will be a start. It will provide seed money which will help them to raise money from other sources. I do not intend, for there to be any drawn out appeal process under this program, just as there is no appeal under our veterans programs. The Secretary, presumably through the Health Care Financing Administration, should simply decide these cases fairly and as quickly as possible. Payments could then be made to the eligible transplant centers, which have been designated by the Secretary, on behalf of the needy transplant recipient.

There is not a Member of this body, Mr. President, who does not appreciate the seriousness and the urgency of this problem on a personal level. I dare say there is not a Member of Congress who has not had a call or a letter from someone in a situation as desperate as David Stevens was. Many of them, unfortunately, have not enjoyed the good result that David did. It is my hope, Mr. President, that through enactment of this legislation, we can help many more of our fellow Americans than we have been doing on an individual basis.

This, Mr. President, is what government should be about—helping people who need help. My proposal will not cost the Treasury anything. It will not increase the national deficit, and it will not take anything from anyone who does not want to give. I invite Members to join me in cosponsoring this bill.

By Mr. TRIBLE (for himself, Mr. HUMPHREY, and Mr. EAST):

S. 206. A bill to amend section 5155 of the Revised Statutes; to the Committee on Banking, Housing, and Urban Affairs.

BANKING CONVENIENCE ACT

Mr. TRIBLE. Mr. President, one of the most welcome developments of recent years has been the creation and growth of networks of shared automated teller machines [ATM's]. Consumers benefit greatly from these networks, as their huge size and rapid growth attests.

Today, along with Senators HUMPHREY and EAST, and Representatives LAFALCE and WORTLEY in the House, I am introducing legislation, the Banking Convenience Act to protect and foster these shared ATM networks, which are threatened by a recent court decision.

This legislation is nearly identical to a bill Senator HUMPHREY and I introduced in the last Congress, S. 2898. That bill was the subject of thorough hearings in the Senate Banking Committee on September 19 and 20, 1984. Twelve of the fourteen witnesses favored adoption of the bill, including the Comptroller of the Currency, the Federal Home Loan Bank Board, the National Credit Union Administration, the American Bankers' Association, the Consumer Bankers' Association, the U.S. League of Savings Institutions, the Credit Union National Association, the Electronic Funds Transfer Association, Consumers' Union, Bankcard Holders of America, Mastercard International, and the Food Marketing Institute.

Before explaining the need for the bill, and what it does, a brief introduction to ATM's and shared ATM networks is needed.

1. ATMS AND SHARED ATM NETWORKS

Automated teller machines [ATM's] are electronic devices which permit consumers to communicate with their financial institutions and to perform routine banking transactions. By inserting a plastic card into the ATM, typing in an identification number, and specifying the desired transaction, the consumer can use an ATM to withdraw cash from an account, get a cash advance on his credit card, make deposits, transfer funds among accounts or to third parties, and make balance inquiries.

The convenience of ATM's for consumers is obvious. ATM's permit afterhours banking, and allow consumers to spend less time in bank lines. They can conduct their banking business at odd hours and on weekends, swiftly, accurately, and at low cost.

Over the past decade, the consumer convenience of ATM's has been enormously expanded by the creation of far-flung networks of shared automated teller machines. In these networks, ATM's established and owned by one institution—bank, thrift, or credit union—are made available to customers of other institutions. Sharing permits customers traveling away from home on business or pleasure to communicate with their home bank through ATM's located tens, hundreds, or even thousands of miles from home.

Often, shared ATM's are located where the customer's own bank could not establish its own branch or ATM for economic or legal reasons. This, too, benefits consumers.

Without question, consumers want and demand the geographic convenience provided by shared ATM networks.

Ten years ago, there were only a handful of ATM's. Today, over 200 re-

gional shared ATM networks serve customers all over the United States, allowing consumers to use more than 16,000 ATM's to conduct more than 60 million transactions per month. And, by using over 10,000 ATM's linked by computer into seven nationwide shared ATM networks, consumers today can obtain instant cash from their accounts virtually anywhere in the United States.

All told, more than 9,000 banks, savings institutions, credit unions, credit card companies, and retailers already participate in shared ATM networks. Membership is common among both large and small, Federal and State chartered, institutions. Many more institutions plan to join networks in the future in order to serve current customers better and to attract new ones.

Clearly, anything which harms the networks could harm the customers of all these institutions—customers who already are using 50 million ATM access cards.

With that background, why is legislation needed to preserve and foster these shared ATM networks and their consumer benefits?

THE NEED FOR LEGISLATION

In April 1984, the U.S. District Court for the Western District of New York issued a ruling which could ultimately disrupt or even destroy many existing networks of shared ATM's, and so could severely inconvenience millions of network users. In addition, the cost of financial services provided through surviving networks would increase, significant investments in the networks would be jeopardized, and national banks could be placed at a significant competitive disadvantage. As one witness told the Senate Banking Committee, the court's ruling, if upheld, would be "an unmitigated disaster for the EFT industry."

In the case of Independent Bankers' Association of New York versus Marine Midland Bank—Marine Midland—the court held that if the customers of a national bank use a third party's ATM to make deposits to or withdraw funds from their home bank, then that ATM is a branch of the national bank for purposes of the McFadden Act. That 1933 Federal law restricts branching by national banks and permits a national bank headquartered in a certain State to establish branches only where State law allows State chartered banks to have branches.

Because the McFadden Act itself does not permit interstate branching by national banks, and because many States restrict branching within their borders, the Marine Midland court's decision implies that many national banks are engaged in illegal branch banking when they permit their customers to use ATM's in shared networks. This would be true if the network included ATM's in several States—as 21 of the 25 largest networks do—or if an intrastate network included ATM's in locations where no single bank could branch.

If the court is correct, and a shared ATM is a branch, then national banks could not allow their customers to use ATM's in another State. In the 29 States which do not permit statewide branching, national bank customers would be denied use of any in State ATM located where the bank itself could not branch. The Marine Midland case itself resulted in customers of one New York bank being denied use of an ATM located in a small New York town.

In effect, national banks would be unable to participate in many existing networks, and their customers would lose, if the Marine Midland ruling stands.

On its face, the Marine case appears to pose a problem only for national banks and their customers. Yet testimony before the Senate Banking Committee confirms that adverse effects could be far broader if the decision became the law of the land.

For example, State banks which are members of the Federal Reserve System, and their customers, could also be directly harmed, since such banks are subject to the same branching restrictions as national banks under other provisions of Federal law. Thus, participation of State member banks in national and regional networks of shared ATM's could also be restricted.

Ill-effects of the case would not be confined to National and State member banks and their customers, however, but could also spread to State nonmember banks, thrifts, credit unions, credit card companies, retailers, and their customers.

These varied institutions and customers all participate in existing shared ATM networks, and any development which jeopardize bank participation in the networks affects them. S&L's comprise 10 percent of the membership of the 50 largest ATM networks, for example, and credit union membership is widespread and growing very rapidly, with credit unions already participating in half of the 50 largest networks.

It is easy to see how all actual and potential users of shared ATM's would be hurt if reduced national bank participation caused certain networks to disappear, or to contract geographically. Consumers would lose access to many ATM's, which they now use, and would suffer a significant loss of convenience.

More subtle damage would be done to customers of remaining networks. With fewer financial institutions participating, the heavy fixed costs of shared networks would have to be spread over fewer customers and transactions. The cost to each remaining user for each transaction would go up, perhaps significantly. In this way, the Marine ruling could undermine economies of scale and burden all customers of the networks. In short, if Marine Midland becomes law everyone would come out the loser—banks, the EFT industry, and consumers.

Viewing all these potential problems of the Marine decision, many agencies and trade groups have submitted friend of the court briefs seeking to overturn the Marine ruling. These groups include the Comptroller of the Currency, together with Federal Reserve and the FDIC, the Electronic Funds Transfer Association, the Consumer Bankers' Association, Mastercard, and others.

3. THE BANKING CONVENIENCE ACT

Congress should act to prevent the disastrous ripple effects which the Marine Midland ruling could cause. The Banking Convenience Act would avert them.

The bill simply declares that an ATM used by a national bank's customers—but not owned or rented by that bank—is not a branch of that bank for purposes of the McFadden Act. Consequently, the bank's customers may continue to use ATM's not established, owned, or rented by their bank, even if the machines are in another State or otherwise outside their home bank's branching area. The bill also clearly authorizes national banks to share and permit their customers to use third-party ATM's, and, in effect, says that these activities would not constitute illegal branch banking.

Thus, this bill is preservative in nature, since it aims to preserve the legal status quo for ATM sharing which existed—unchallenged—between 1976 and 1984. To this end, the bill effectively codifies the regulations, rulings and interpretations of the Comptroller of the Currency upon which national banks have relied in joining ARM networks. By so doing, it would preserve national bank participation in the networks, and preserve the networks for the benefit of the American public. By clarifying, once and for all, the current uncertain legal situation, it would discourage unproductive litigation, and foster the future growth of networks.

4. WHY NOT WAIT FOR THE COURTS TO DECIDE?

Opponents of this bill last year contended that Congress should wait for the appeals court to decide the Marine Midland case. Why not wait for the appeals court?

The Marine Midland case has created severe uncertainty in the EFT industry. As Mastercard's witness told the Banking Committee, the ruling "threatens the legal integrity" of existing ATM networks because it "casts serious doubt on the judicial precedents and regulatory policies which have been relied upon in the develop-

ment of shared ATM networks. Specifically, if upheld, the decision would effectively prohibit national bank participation in intrastate shared networks.

Several witnesses, including the EFT Association and the Comptroller, have testified that this uncertainty has already created a chilling effect on the development of new ATM networks, because it increases the risk of investment or through adverse court action.

This uncertainty serves no public purpose; it merely deprives the public of additional, convenient and popular banking services.

And, of course, the appeals court may uphold the Marine Midland decision. Even opponentsdland by the prestigious Second Circuit Appeals Court could lead to other suits which might lead the Comptroller to withdraw his regulation stating that shared ATM's are not branches. If so, effects would spread nationwide. Affirmation would certainly encourage protectionist groups to file additional suits in order to reduce competition.

Of course, the second circuit might overturn the Marine decision. But that might not definitively resolve the question of whether a shared ATM is a national bank's further uncertainty. In these cases, inaction by Congress would simply retard development of beneficial ATM systems.

Keep in mind that shared networks have existed, unchallenged, for a long time. The witness from the Electronic Funds Transfer Association was right when he stated it was "wasteful, disruptive, inefficient, and patently unfair to change the rules of the game at this late date."

Finally, the Marine ruling is so broad—because it defines "branch" functionally—that it could have a number of totally unexpected consequences. For example, witnesses noted that "any retail outlet that honored a bank credit or debit card or cashed customer checks" might be considered a branch of a bank whose customers used it. This possibility injects substantial uncertainty into the relatively new point-of-sale systems as the EFTA noted. Banking via the mail, over the telephone, or by home computer, might all be considered illegal branch banking. This legislation would avoid these absurd results.

5. CONCLUSION

Mr. President, Congress needs to act to dispel this uncertainty, and to preserve and foster shared ATM networks for the benefit of American consumers. My bill does the job. I urge my colleagues to support it. Mr. President, I ask unanimous consent that the bill and an explanation be printed directly after my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BANKING CONVENIENCE ACT

The Federal McFadden Act (12 U.S.C. 36) defines a national bank's branch as a place of business where "deposits are received, or checks paid, or money lent". The act also states that a national bank may establish such a branch "at any point within the State in which (the bank) is located, if such establishment and operation are at the same time authorized to State banks by the statute laws of the State in question . . . and subject to the restrictions as to location imposed by the law of the State on State Banks."

By its terms, the McFadden Act limits intrastate branching by national banks. A national bank may branch within its home State only to the extent that the State's law permits branching by State banks.

Further, McFadden does not authorize national banks to establish branches across State lines, and it is generally interpreted to prohibit interstate branching.

In short, the McFadden Act limits intrastate branching by national banks and prohibits interstate branching.

During the early development of electronic funds transfer, the comptroller of the currency, the principal regulator of national banks, took the position that automated teller machines (ATM's) were never branches of national banks.

This view was challenged successfully in the case of *Independent Banks Association of America* v. *Smith* (1976) ("Smith"). The *Smith* court held that if a banks customers use an ATM to conduct banking transactions and if the ATM is also "established (i.e., owned or rented)" by the bank, then the ATM is a branch of the national bank under McFadden, and its location is restricted by the McFadden Act and State branching laws.

The *Smith* decision definitively resolved the status of ATM's owned or rented by national banks. Since *Smith*, such ATM's have been considered branches established by the bank, and their location is restricted.

The *Smith* ruling also implicitly resolved the question of shared ATM's—ATM's established by one financial institution but used by the customers of another. *Smith* implied that an ATM which is neither owned nor rented by a national bank is not a branch established by the bank under McFadden, even if the bank's customers use the ATM to communicate with their home bank.

Following this reasoning, a national bank's customers could use a third party ATM located where the bank itself could not branch: such customer use would not involve illegal branch banking by the national bank.

Since 1976, the Comptroller has consistently followed the *Smith* ruling. In rulings, interpretive letters, and a final regulation (12 CFR 5.31(b), 1981), the Comptroller has held that an ATM is to be considered a branch for purposes of the McFadden Act if the national bank establishes the ATM by owning or renting it; but the ATM is not a branch if the bank's customers merely use the ATM and the bank does not own or rent it.

Since 1976, national banks have relied on the Comptroller's actions with respect to shared ATM's in order to participate in nationwide, regional and intrastate networks of shared ATM's, secure in the knowledge that what they were doing was legal. National banks have permitted their customers to use many ATM's located across State lines and in other areas where they could not branch because of the *Smith* Case and the Comptroller's assurances that mere use of a third party ATM by their customers did not constitute illegal branch banking.

This legal basis for far-flung ATM networks was shaken early in 1984 by a New York District Court. In the case of *Independent Bankers' Association of New York* v. *Marine Midland Bank* ("Marine Midland"), the court rejected both the Comptroller's regulation and the *Smith* decision as they applied to shared ATM's.

In essence, the *Marine Midland* court stated that mere use of a shared ATM by a national bank's customers transforms the ATM into a national bank branch for McFadden purposes. Specifically, the court found that if a national bank's customers used an ATM to conduct banking transactions with their home bank, then the ATM is a branch even if the national bank does not establish, own or rent it.

Should this mere use doctrine become the law of the land, national banks could not continue to participate in many of the existing ATM networks. Participation would lead to customer use of ATM's located where the banks themselves could not branch, and this would be illegal branch banking. National bank customers could no longer use an ATM in another State. Nor could they use certain in-State ATM's, if they lived in a State with limited intrastate branching. Existing shared ATM networks would contract or disappear, as national bank participation diminished.

The "Banking Convenience Act" overturns the *Marine Midland* ruling, and codifies the Comptroller's regulation and interpretation of the *Smith* decision, in order to preserve the existing shared ATM networks and to allow new networks to develop under the familiar rules.

The bill effectively divides ATM's and similar "automated devices" into two classes—those which are established by national banks and those which are not so established. The former would be branches under McFadden, the latter would not.

The bill also provides a test to determine when a national bank has established an ATM. Following the Comptroller's regulation, the bill states that an automated device is established by a national bank only if it is owned or rented by that bank. If the device is neither owned nor rented by a national bank, it is not a branch established by that bank.

In addition, the bill explicitly authorizes a national bank to "share or permit its customers to use an automated device which is not established by the Bank."

The effect of these provisions is as follows.

If an ATM is owned or rented by a national bank, it would be considered a branch established by the bank for McFadden purposes (provided it is also a place where "deposits are received, or checks paid, or money lent"). As a branch, its location would be restricted by pertinent State branching law.

Other ATM's, neither established, owned, nor rented by national banks, would not be considered branches established by national banks whose customers use them. Their location would not be restricted, through the McFadden Act, by State branching laws. This exemption from McFadden would allow national banks in shared ATM networks to continue to provide customer access to ATM's anywhere in the country without fear of charges of illegal branch banking.

In exempting shared ATM's used by national bank customers from the definition of branch under McFadden, the bill does not eliminate all restrictions on ATM's. However, the restrictions that apply would be restrictions applicable to the owner/establisher of the ATM, not to the national bank whose customers use it. Thus, if the customers of national bank A use an ATM owned by national bank B, the ATM would not be bank A's branch, but it would still be bank B's branch. As such, its location would continue to be subject to the branching laws of B's State.

Thus, the bill in no way diminishes the requirement that every ATM be strictly legally located in accordance with laws applicable to its owner/establisher.

S. 206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Banking Convenience Act of 1985".

SEC. 2. Section 5155 of the Revised Statutes (12 U.S.C. 36) is amended by adding at the end thereof the following:

"(i)(1) Notwithstanding any other provision of this section, a national bank may share, or permit its customers to use, an automated device that is not established by that bank, and such automated device shall not be considered a branch of that bank within the meaning of subsection (f) of this section.

"(2) For the purpose of this subsection—

"(A) an automated device is established by a national bank only if it is owned or rented by that bank;

"(B) an automated device is not established by a national bank if the bank is assessed transactional fees or similar charges for its use; and

"(C) the term 'automated device' includes, without limitation, automated teller machines, customer bank communications terminals, point-of-sale terminals, and cash dispensing machines.".

By Mr. D'AMATO:

S. 207. A bill concerning vandalism of religious property; to the Committee on the Judiciary.

VANDALISM OF RELIGIOUS PROPERTY

Mr. D'AMATO. Mr. President, I rise this afternoon to introduce legislation to combat the rising tide of anti-Semitism. Last Congress, I introduced similar legislation in response to the alarming number of atrocities against Jews and other religious and ethnic groups. I was pleased to see that this legislative proposal was included in the 252 "New Ideas" brought forth by House Republicans.

During 1984 alone, there were almost 1,100 acts of violence directed against members of the Jewish community reported to authorities. Hundreds more went unreported. According to a report issued by the Anti-Defamation League of B'nai B'rith, there were 715 incidents of anti-Semitic vandalism and other attacks against Jewish institutions, businesses, and homes.

In addition, there were more than 369 incidents of assault against individual Jews. These figures are an increase over 1983 levels and signify a potentially perilous trend in our society. These acts of violence include arson, bombing, and cemetery desecration.

We must take action to increase public awareness of the threat which these acts of bigotry pose, not only to the Jewish Community, but to the general public as well. At the same time, we must increase the penalties for those who perpetrate such vicious acts. To date, 16 States, including Arizona, California, Colorado, Florida, Idaho, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Virginia, and Washington have enacted statutes dealing with religious or ethnic vandalism. While I commend these efforts, additional measures are needed.

Accordingly, I am introducing legislation today to impose stiff new Federal penalties for those who commit acts of religious violence or vandalism. My proposal would establish a series of graduated penalties for those convicted of such acts. These penalties would include heavy fines and stiff prison sentences for these individuals.

I urge my colleagues to join me in this effort designed to effectively deal with those who commit acts of religious violence or vandalism.

Mr. President, I ask unanimous consent that this legislation be printed in the RECORD at the conclusion of my remarks in its entirety.

Thank you, Mr. President.

S. 207

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 13 of title 18 of the United States Code is amended by adding the following new section:

"§ 247. Destruction or theft of property used for religious purposes

"Whoever willfully vandalizes or defaces, sets fire to, tampers with, or in any other way damages or destroys any cemetery, any building or other real property used for religious purposes, or any religious article contained therein or any religious article contained in any cemetery or any building or other real property used for religious purposes, or attempts to do any of the same, or whoever injures, intimidates, or interferes with any person or any class of persons in the free exercise of religious beliefs secured by the Constitution or laws of the United States, shall be fined not more than $10,000, or imprisoned for not more than five years, or both; and if bodily injury results shall be fined not more than $15,000 or imprisoned not more than fifteen years, or both, and if death results, shall be subject to imprisonment for any term of years or for life.".

SEC. 2. The table of sections for chapter 13 of title 18 of the United States Code is amended by adding at the end the following new item.

"247 Destruction or theft of property used for religious purposes.".

By Mr. D'AMATO:

S. 209. A bill to amend chapter 37 of title 31, United States Code, to authorize contracts retaining private counsel to furnish collection services in the case of indebtedness owed the United States; to the Committee on Governmental Affairs.

CONTRACTS FOR COLLECTION OF DEBTS OWED THE UNITED STATES

● Mr. D'AMATO. Mr. President, I am today introducing a bill that would enable the Federal Government to retain private law firms in connection with the recovery of the vast amounts of delinquent debt now owed it. This bill is intended to supercede S. 143, a draft bill on the same subject, which was introduced on January 3, 1985.

The bill I am introducing today is exactly the same as S. 1668 which was passed by the 98th Congress on July 25, 1984. The language contained in S. 143 reflects an earlier version of this legislation, which was subsequently refined and amended before its passage by the Senate as S. 1668.

Mr. President, I ask unanimous consent that the text of my bill be printed in its entirety in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Debt Recovery Act of 1985".

SEC. 2. Section 3718 of title 31, United States Code, is amended—

(1) by striking out subsection (d);

(2) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(3) in subsection (d), as redesignated by paragraph (2), by inserting "or (b)" after "subsection (a)"

(4) in subsection (e), as redesignated by paragraph (2), by striking out "(b)" and inserting in lieu therof "(d)"; and

(5) by inserting after subsection (a) the following new subsection:

"(b)(1) The Attorney General may make contracts retaining private counsel to furnish legal services, including representation in negotiation, compromise, settlement, and litigation, in the case of any claim of indebtedness owed the United States. If the Attorney General makes a contract for legal services to be furnished in any judicial district of the United States under the first sentence, the Attorney General shall use his best efforts to retain, from among attorneys regularly engaged in the private practice of law in such district, more than one private counsel to furnish such legal services in such district. Each such contract shall include such terms and conditions as the Attorney General considers necessary and appropriate, including a provision specifying the amount of the fee to be paid to the private counsel under such contract or the method for calculating that fee. The amount of the fee payable for legal services furnished under any such contract may not exceed the fee that counsel engaged in the private practice of law in the area or areas where the legal services are furnished typically charge clients for furnishing legal services in the collection of claims of indebt-

edness, as determined by the Attorney General, considering the amount, age, and nature of the indebtedness and whether the debtor is an individual or a business entity.

"(2) The head of an executive or legislative agency may refer to a private counsel retained under paragraph (1) of this subsection claims of indebtedness owed the United States arising out of activities of that agency.

"(3) Notwithstanding sections 516, 518(b), 519, and 547(2) of title 28, a private counsel retained under paragraph (1) of this subsection may represent the United States in litigation in connection with legal services furnished pursuant to the contract entered into with that counsel under paragraph (1) of this subsection.

"(4) A contract made with a private counsel under paragraph (1) of this subsection shall include—

"(A) a provision permitting the Attorney General to terminate the contract if the Attorney General finds that termination of the contract is in the public interest;

"(B) a provision permitting the Attorney General to have any claim referred under the contract returned to the Attorney General if the Attorney General finds such action to be in the public interest;

"(C) a provision permitting the head of any executive or legislative agency which refers a claim under the contract to resolve a dispute regarding the claim, to compromise the claim, or to terminate a collection action on the claim; and

"(D) a provision requiring the private counsel to transmit monthly to the Attorney General and the head of the executive or legislative agency referring a claim under the contract a report on the services relating to the claim rendered under the contract during the month and the progress made during the month in collecting the claim under the contract.

"(5) Notwithstanding the fourth sentence of section 803(6) of the Fair Debt Collection Practices Act (15 U.S.C. 1692a(6)), a private counsel performing legal services pursuant to a contract made under paragraph (1) of this subsection shall be considered a debt collector for the purposes of such Act.

"(c)(1) The Attorney General shall transmit to the Congress an annual report on the activities of the Department of Justice to recover indebtedness owed the United States which was referred to the Department of Justice for collection. Each such report shall include a list, by agency, of the total number and amounts of collected and uncollected claims of indebtedness which were referred to the Department of Justice for collection, shall separately specify any uncollected claim of indebtedness which was covered by a contract (A) which was terminated by the Attorney General under subsection (b)(4)(A) of this section or (B) under which the claim was returned to the Attorney General under subsection (b)(4)(B) of this section, and shall describe the progress made by the Department of Justice in collecting uncollected claims of indebtedness during the one-year period covered by the report.

"(2)(A) The Comptroller General of the United States shall carry out an annual audit of the actions taken by the Attorney General under subsection (b) of this section during the preceding twelve months. The Comptroller General shall determine the extent to which there is competition among private counsel to obtain contracts awarded under such subsection, the reasonableness of the fees provided in such contracts, the diligence and efforts of the Attorney General to retain counsel in accordance with the provisions of this section, and the results of the debt collection efforts of private counsel retained under such contracts.

"(B) After completing each audit under subparagraph (A), the Comptroller General shall transmit to the Congress a report on the findings and conclusions resulting from the audit.".

SEC. 3. Not later than sixty days after the date of enactment of this Act, the Attorney General of the United States shall transmit to the Congress a report on the actions taken under section 3718(b) of title 31, United States Code (as added by paragraph (5) of section 2 of this Act).●

By Mr. D'AMATO (for himself and Mr. LONG):

S. 210. A bill to repeal the inclusion of tax-exempt interest from the calculation determining the taxation of Social Security benefits; to the Committee on Finance.

CONCERNING TAXATION OF SOCIAL SECURITY BENEFITS

Mr. D'AMATO. Mr. President, I rise today to reintroduce legislation that would repeal the inclusion of tax-exempt interest when calculating gross income for purposes of the taxation of Social Security benefits. This bill is identical to legislation I introduced in the 98th Congress, S. 1113. I am pleased to be joined by the ranking member of the Finance Committee, Senator LONG, who was instrumental in fighting for S. 1113 last Congress.

S. 1113 became necessary as a result of an unconstitutional provision included in the Social Security Amendments of 1983. This omnibus legislation established the first ever tax on Social Security benefits. The legislation mandated an income threshold of $25,000—$32,000 for a married couple filing jointly—for taxation of Social Security benefits. Included in the threshold calculation are taxable earnings, half of all Social Security benefits, and all tax-exempt interest income.

I feel strongly that inclusion of tax-exempt interest in the income threshold represents the first-ever Federal tax on tax-exempt interest. This is an unconstitutional infringement on the operations of State and local government.

An overwhelming majority of the Senate supported S. 1113. The bill had 25 cosponsors in the 98th Congress. On April 14, 1984, Senator LONG and I raised S. 1113 as an amendment to the Deficit Reduction Act of 1984. The amendment passed by a vote of 63 to 32. To a great extent, the amendment passed because of the efforts of Senator LONG. I believe that Senator LONG's persuasive and cogent arguments made on the Senate floor paved the way toward Senate passage of the amendment.

Unfortunately, the amendment was dropped by the conference committee. Apparently, there was little House support for the amendment among the conferees.

The Municipal Finance Officers Association [MFOA] has estimated that the inclusion of tax-exempt interest in the calculation for determining the taxation of Social Security benefits has raised municipal borrowing rates by 25 to 50 basis points. This will cost State and local government between $299 to $598 million nationwide. This is a disaster of immense proportions.

Who would pay the added interest costs? How are municipal expenses recovered? From one source and one source only: State and local taxpayers will foot the bill. And, to the extent that electric utilities issue pollution control bonds via municipalities, ratepayers will pay the added costs. The intolerable result is that individuals will pay once through higher utility bills and again through increased taxes. Can we in good conscience raise taxes and utility bills?

Municipalities do have an alternative to raising taxes: They can reduce capital outlays. This, of course, would lead to a further deterioration of existing city and State services. In this case, local leadership must make the painful choice of deciding the essential city service that must be trimmed. In most major cities, police, fire, and school services cannot be cut further without endangering the public well-being. As it is, these essential services are operating on a shoestring. Is it worth jeopardizing the safety of our citizens in the name of raising a mere pittance for the Treasury? Who in this Chamber desires to reduce the educational opportunities available to our young people?

The legislation introduced today, Mr. President, will eliminate a burden that also will be borne by the middle-income elderly of our society. The provision states that in determining gross income for purposes of taxing Social Security benefits, total taxable income is added to tax-exempt interest plus half of the Social Security benefits received. If this figure is over $25,000—$32,000 for a married couple—then half the amount of the individual's Social Security benefits over the threshold is added to taxable income and taxed at his or her marginal tax rate. For example, if a person has $20,000 of pension income, no tax-exempt income, and $10,000 of Social Security benefits, adjusted gross income would be $25,000. Given this, Social Security benefits would not be taxed.

However, if this same individual has $20,000 of pension income, $5,000 of tax-exempt income, $10,000 of Social Security benefits, then adjusted gross income would be $30,000. In this case, $650 of tax would be paid on the Social Security benefits over $25,000, or $2,250. The interest-free income of

$5,000 pushed adjusted gross income over the threshold level. This amounts to a tax on tax-exempt income. As it stands now, there exists a tremendous incentive for the middle class to sell their municipal or State bonds and buy higher yielding taxable securities. Existing legislation punishes middle-class retirees for investing their savings in the cities in which they reside. Where will cities obtain funds if their own residents will not invest?

In another example, a married couple with $27,000 of pension income, $1,000 of tax-free interest, and $10,000 of Social Security benefits would have adjusted gross income of $33,000. This figure is $1,000 over the $32,000 threshold established for a married couple only because of the inclusion of tax-exempt income. The resulting tax on Social Security benefits is $145. This amounts to a 14.5-percent marginal tax rate on previously tax-free bonds. Only an idiot would consciously pay tax on a supposed tax-free security. Mr. President, our Nation's elderly should not be responsible to a greater degree than other citizens for reducing the Federal budget deficit.

People who put their life savings in municipal bonds already are absorbing a 2½-percentage-point reduction in yield. The spread between AA-rated municipal bonds and similar quality corporate bonds is running today at 262 basis points. Municipal bond investors thus sacrifice a 28-percent reduction in yield by not buying taxable securities. We are now imposing on these same elderly citizens up to an additional 15-percent reduction in return, for a total penalty of 43 percent. What is going to be the impact of this ugly tax? These same investors, already overburdened by taxes, will exert their collective economic muscle and sell municipal bonds. And who could blame them. Cities and States will be denied the necessary financing for essential services. Police, fire, and water facilities will deteriorate for lack of funding. We will be the ones responsible unless this disgraceful provision is stricken. The Members of Congress must act to protect city and State services, lower property taxes, and maintain the financial integrity of local government.

In essence, Mr. President, current legislation will tax previously sacrosanct—since 1913—State and municipal bonds. Furthermore, this will only impact middle-class retirees near the gross income threshold. The wealthy will not be dealt any penalty. A single person or married couple with $100,000 of taxable income will pay taxes on half their Social Security benefits regardless of the amount of State or municipal bond interest they earn. There is no equity in the current system. Why punish the old lady barely making ends meet and let the rich off easy?

It has been estimated by the Joint Committee on Taxation that only a scant $5 million over 7 years will be raised by this ridiculous provision. It is my belief that even this tiny amount is overstated. Let us look at an example of an unmarried individual with pension income of $25,000 and tax-free interest income of $500 for total gross income of $25,500. Rather than pay tax on Social Security benefits, this person will sell his bonds that are currently priced at a discount and take a principal loss. In this way gross income would be reduced to $25,000 and taxes otherwise paid on Social Security benefits would be eliminated. But by selling a bond at a discount, taxable income is reduced and Federal revenues depleted. Mr. President, the Treasury would actually lose money.

Quite frankly, Mr. President, I question the ability of the IRS to keep track of most individuals' tax-exempt interest income. Most currently outstanding municipal bonds are in bearer form and thus difficult to trace. The IRS would be virtually powerless to deter people who decided not to report their tax-free income. In an effort to recover these few dollars, the IRS would have to add further detail to existing tax forms. I see no reason to further complicate what is already an unfathomable situation.

I have serious doubts whether the IRS can simplify this highly complicated provision. The average taxpayer will not be able to comprehend it. More likely than not, the honest individual will unknowingly fill the required form out wrong. Is all this worth doing for no additional revenues? The answer is unequivocally no.

Finally, the inclusion of tax-free interest in calculating the threshold for taxation of Social Security benefits is nothing more than taxing municipal bonds. This, Mr. President, is unconstitutional. The Supreme Court has consistently held that the Federal Government cannot, under the Constitution, impair State and local borrowing power. Precedent was established back in 1894 in Pollack versus Farmers Loan & Trust Co. Actually there were two Pollack decisions: The first invalidated portions of the 1894 income tax law that included the taxation of State and local bond interest income, the second opinion nullified the entire tax law under review.

The Supreme Court made it clear in the Pollack decisions that any infringement on State and local borrowing power is unconstitutional. Again, when the 16th amendment was taken up in Congress, taxation of previously tax-free bonds was promptly dismissed. Later, in 1923, congressional intent was clear in prohibiting taxation of municipal bonds. At that time, Congress considered a constitutional amendment to permit the taxation of tax-exempt interest income. The 1923 amendment was approved by the House but did not pass the Senate.

As previously stated, the inclusion of tax-exempt interest income in determining the threshold for taxing Social Security benefits would raise the cost of borrowing by municipalities up to 50 basis points. Clearly this would impair the ability of municipalities to raise money. It is also tantamount to a tax on State and local bond interest income. I see no reason to become embroiled in a serious constitutional question over an issue of marginal value. Allowing this provision to remain on the books would be a dangerous precedent.

In summary, Mr. President, the bill introduced today by Senator LONG and me would return some equity to Social Security reform. The middle-class aged of our society will heave a sigh of relief. So will the State and municipal governments across the Nation that would be forced to either raise money at a higher cost or defer capital improvements. As a result, all taxpayers will be relieved of further burgeoning State and local taxes. Moreover, a constitutional conflict will be avoided. All this will be accomplished without depriving the Treasury of needed revenues.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD in its entirety at the conclusion of my remarks.

Thank you, Mr. President.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

At the appropriate place, insert the following new section:

SEC. TAX-EXEMPT INTEREST EXCLUDED IN DETERMINING AMOUNT OF SOCIAL SECURITY BENEFITS TO BE TAXED.

(a) IN GENERAL.—Paragraph (2) of section 86(b) (defining modified adjusted gross income) is amended to read as follows:

"(2) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means adjusted gross income determined without regard to this section and sections 221, 911, 931, and 933.".

(b) The amendments made by subsection (a) shall take effect as if included in the amendment made by section 121(a) of the Social Security Amendments of 1983.

By Mr. PROXMIRE:

S. 211. A bill to amend the Agricultural Act of 1949 to extend the Milk Diversion Program and to remove the authority of the Secretary of Agriculture to modify the price support rate for milk; to the Committee on Agriculture, Nutrition, and Forestry.

MILK DIVERSION PROGRAM SHOULD CONTINUE

Mr. PROXMIRE. Mr. President, today I am introducing legislation that will give new life to a program that is

one of the true success stories of recent years—the Milk Diversion Program [MDP].

Before describing what my bill will do and why it merits widespread support, let me recount briefly recent dairy legislative history. What follows is a short summary of key dairy provisions of the Dairy and Tobacco Adjustment Act of 1983, which was signed into law by President Reagan on November 29, 1983.

Right off the bat, the new law lowered the dairy price support level from $13.10 per hundredweight to $12.60 per hundredweight. This cut became effective December 1, 1983, and continues through September 30, 1985.

Prior to the cut provided for in the new law, the dairy price support level had been frozen at $13.10 per hundredweight since October 1, 1980. From that date up to December 1, 1983, there was absolutely no increase in the price support level. During that period, of course, most costs facing dairy farmers climbed upward.

The new dairy law also required another 50-cent-per-hundredweight reduction—this one to come from the price of all milk sold from December 1, 1983, through March 31, 1985, with the money to be used by the Commodity Credit Corporation [CCC] to help pay for a dairy diversion program.

Under the paid diversion program established in the new law, a $10-per-hundredweight diversion payment goes to dairy farmers who cut production between 5 and 30 percent from an earlier base period.

I should point out that I supported then—and continue to support—the paid diversion concept for dairy farmers. That approach was, in fact, the cornerstone of the dairy bill which I introduced, along with others in the Wisconsin congressional delegation, in February of 1983.

But there was one major difference between my bill and the new dairy law. My bill was designed to go into effect no later than April 1, 1983, and expire on September 30, 1985. This would have provided a full 30 months for my plan—known as the Voluntary Incentive Program [VIP]—to work.

In contrast, the new dairy law created a paid diversion program that runs from January 1, 1984, through March 31, 1985, which is 15 months or exactly half the period that my bill called for.

There is another important—and, in my view, ill-conceived—provision in the Dairy and Tobacco Adjustment Act of 1983. Under the terms of this law, on April 1, 1985—the day after the paid diversion program ends—the dairy price support level may be cut another 50 cents per hundredweight if estimated annual CCC purchases exceed 6 billion pounds milk equivalent. And on July 1, 1985, dairy price supports may be cut by yet another 50 cents per hundredweight if estimated annual CCC purchases exceed 5 billion pounds milk equivalent.

Finally, the new law prescribed a mandatory assessment of 15 cents per hundredweight for dairy product promotion, research, and nutrition education while allowing up to 10-cents-per-hundredweight credit for qualifying State or regional promotion programs.

What does the legislation I am introducing today provide? Under the terms of my bill, a new 12-month paid diversion program would be available to all dairy producers—those now participating as well as all others—as of April 1, 1985. The current program, as noted earlier, ends on March 31, 1985. The terms and conditions of the new diversion program, including its voluntary nature, would be the same as those of the current program.

There are several compelling reasons why my bill establishes a 12-month program—from April 1, 1985, to March 31, 1986. Many dairy farmers, especially those not a part of the original program, would not be interested in signing up for a shorter time period. By providing for a 1-year program, I hope to stimulate greater participation by producers. In addition, the diversion program we have now is a rousing success. A full year of further reductions in our dairy surplus and the related taxpayer expenditures for buying and storing it strikes me as very sound public policy.

And finally, there is no guarantee that the 1985 farm bill, with whatever new dairy program it may contain, will be passed by the Congress and signed into law by the target date of October 1, 1985. One need only recall that two of the last four farm bills—all with the same hoped for enactment date of October 1—were not signed into law until after October 1. And the 1981 farm bill, the most recent one, did not become law until December 22 of that year. A 12-month diversion program helps ensure predictability and continuity in our Federal dairy policy. Those drafting the 1985 farm bill can simply take into account the new diversion program provided for in my bill and hopefully enacted into law well before April 1, 1985.

My bill contains one more vital provision: It eliminates the authority in current law for further price support cuts on April 1 and July 1 of this year. Our present diversion program is working without these additional price support cuts. The same would be true for the new program set forth in my bill. More price support cuts in 1985 would only hurt dairy farmers while helping no one else.

Why do I say the current Milk Diversion Program is working and fully justifies a second life of another 12 months that my bill would make possible? Mr. President, the evidence is overwhelming.

The Milk Diversion Program was designed to bring about reductions in three related areas: First, milk production; second, CCC purchases; and third, Federal Government costs. It has met these objectives with flying colors. Consider the following facts.

Milk production during calendar year 1983 reached a record 140 billion pounds, an increase of 3.1 percent, 4.2 billion pounds, over 1982. In each quarter of 1983, milk production was marked by year-over-year increases of approximately 3 percent. But production in each of the first three quarters of 1984 was lower than the corresponding period for 1983, with July-September 1984 down 3.9 percent compared to the year-earlier figure and almost 1 percent below the third quarter of 1982.

Lower milk production has translated into reduced CCC purchases. For calendar year 1984, it is estimated that CCC net purchases will total about 8.5 billion pounds in contrast to the 1983 figure of 16.8 billion pounds. Talk about getting the job done—clearly, this is it.

But wait, there's more. Using data on a calendar-year basis can be somewhat misleading. The diversion program did not go into effect until January 1, 1984. January was the sign up month for producers and little reduction in milk production was taking place during that time. Remember, too, that 1984 was a leap year and the additional day in February meant more milk production.

What this means is that the success of the Milk Diversion Program in bringing about reduced CCC purchases is seen even more dramatically when one compares those purchases during April through September of 1984 with the corresponding period in 1983. That comparison is as follows:

April-September 1984 as percent of April-September 1983

Product:	
Butter	25.1
American cheese	55.3
Nonfat dry milk	62.3

For September, the following comparison can be made:

September 1984 as percent of September 1983

Product:	
Butter	
American cheese	18.9
Nonfat dry milk	44.6

From the beginning, October 1, 1984, of the 1984-85 marketing year through December 28, 1984, the comparison reveals the following:

1984-85 as percent of 1983-84

Product:	
Butter	19.6
American cheese	26.8
Nonfat dry milk	50.0

On a milk equivalent, fat solids basis, CCC purchases from October 1, 1984, through December 28, 1984, are 24.5 percent of the same period a year ago.

What does this spectacular record of reducing CCC purchases mean in terms of lower Federal costs for the dairy program? Mr. President, here again, the outcome demonstrates the total effectiveness of the Milk Diversion Program in meeting its aims.

A final breakdown of CCC costs for the Dairy Price Support Program for the 1983-84 marketing year, which corresponds to fiscal year 1984, is not yet available. But reliable estimates indicate that net program outlays for the 1983-84 marketing year will be about $1.5 billion. This includes product purchases, storage, transportation, and other costs and also reflects receipts from sales and transfers during the year. The comparable figure for the 1982-83 marketing year, fiscal year 1983, exceeds $2.5 billion. A claim of a $1 billion cost reduction is fully supportable. By any definition, this is a super cost turnaround. And the Milk Diversion Program was the prime factor in cutting these Government costs by a billion dollars—in fact, a little more than that—in fiscal year 1984 even though it was operational for only 9 months during that period.

One more crucial point about the Milk Diversion Program deserves special mention. The diversion payments made to producers who reduce marketings are funded to the tune of 90 to 95 percent by the 50-cent-per-hundredweight assessment levied on all milk marketed by dairy farmers. This is a self-help program in the fullest sense of the term.

Let me again also remind my colleagues that the Milk Diversion Program is wholly voluntary. Individual producers are free to choose whether or not to participate.

Has the consumer suffered in any way as a result of the Milk Diversion Program? Absolutely not. Retail dairy prices are expected to average about 253.3—1967 equaled 100—for 1984, an increase of 1.4 percent over 1983. Estimates are that retail prices for all foods in 1984 will average approximately 4 percent higher. Retail price projections for 1985 include the following: Dairy products, unchanged to 2 percent higher; all food items, 2 to 5 percent higher; and all retail items, 3 to 7 percent higher.

Mr. President, what happens if we do not have a new Milk Diversion Program in place as of April 1, 1985? We run the serious risk of dairy farmers beginning to produce more in an effort just to stay even. This, in turn, opens the way to increasing CCC purchases and rising taxpayer expenditures.

For this Senator, the choice is clear. Go with a proven success. The Milk Diversion Program should continue. The Senate should act—and act promptly—to pass my bill.

Mr. President, I ask unanimous consent that a copy of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 211

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201(d) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)) is amended—

(1) by striking out ", except that—" in paragraph (1)(B) and all that follows through the end thereof and inserting in lieu thereof a period;

(2) by striking out "1985" in paragraph (2)(A)(i) and inserting in lieu thereof "1986";

(3) in the first sentence of paragraph (3)(A)—

(A) by striking out "shall," and inserting in lieu thereof "shall (i)"; and

(B) by striking out the period and inserting in lieu thereof ", and (ii) not later than April 1, 1985, provide for a milk diversion program under which the Secretary shall offer to enter into a contract, at any time up to May 1, 1985, with any producer of milk in the United States for the purpose of reducing the quantity of milk marketed by the producer for commercial use during the twelve-month period beginning on April 1, 1985.";

(4) by striking out "(i)" and "(ii)" in the second sentence of paragraph (3)(A) and inserting in lieu thereof "(I)" and "(II)", respectively; and

(5) by striking out "(with" each place it appears in the second sentence of paragraph (3)(F) and inserting in lieu thereof "(in the case of a fifteen-month diversion contract, with".

By Mr. D'AMATO:

S. 212. A bill to make permanent the prohibition of credit card surcharges; to the Committee on Banking, Housing, and Urban Affairs.

PROHIBITION OF CREDIT CARD SURCHARGES

Mr. D'AMATO. Mr. President, I rise today to introduce legislation to impose a permanent ban on credit card surcharges. I introduced identical legislation in the 98th Congress. The House approved a permanent ban on credit card surcharges in 1984. However, the Senate supported the imposition of surcharges on the use of credit cards and eliminates the opportunity for cash discounts.

Action on this issue in the 98th Congress was based on a flawed Federal Reserve study which assumed that cash customers subsidize those using credit cards. Nowhere did that study compare, or even recognize, the costs to merchants of accepting other means of payment such as cash or checks.

In addition, the study did not consider the effect credit card use has on the volume of sales and the resulting economies of scale realized by merchants—savings which reduce the cost of all goods and services to consumers. I have addressed both of the faults of the Fed study, at length, during previous debates on this issue and, therefore, I will not belabor them today. This does not mean, however, that the inadequacies of this study are any less glaring.

The cash discount system has provided, for over a decade, ample opportunity for merchants to pass on any costs of credit card use to those who actually use credit cards. Tampering with this system will be yet another example of Congress trying to fix something that is not broken.

It is my firm belief that credit card surcharges will penalize the 7 out of 10 American consumers who carry one or more of the 600 million credit cards now in circulation in the United States. These consumers value the convenience and security of credit cards, which are often used by middle-income Americans to budget, over a period of time, payment for necessary goods and services or, perhaps, an occasional luxury item. These people should not be slapped with a surcharge, which is no more than an inflationary penalty, returning no value to consumers whatsoever.

Consumers across America are rallying for Congress to enact a permanent surcharge ban. I urge you to hear the call of the American consumer by cosponsoring this permanent ban legislation. With your support, we may be able to quickly revisit the surcharge issue, either independently or as an addendum to other legislation pending in the Senate.

Mr. President, I ask unanimous consent that my legislation be reprinted in the RECORD in its entirety at the conclusion of my remarks.

Thank you, Mr. President.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(c)(2) of Public Law 94-222 (15 U.S.C. 1666f note) is repealed.

By Mr. D'AMATO:

S.J. Res. 17. Joint resolution to authorize and request the President to issue a proclamation designating April 21 through April 28, 1985 as "Jewish Heritage Week"; to the Committee on the Judiciary.

JEWISH HERITAGE WEEK

● Mr. D'AMATO. Mr. President, as Americans, we can be proud of the diverse culture which we share. The richness of our cultural heritage results from the ideals and values brought to our shores by people of many races and religions.

Among these immigrants, members of the Jewish community contributed significantly to the spiritual and cultural growth of our Nation. These individuals, along with their descendents, have brought distinction and honor to every field of endeavor, including the arts, humanities, and sci-

ences. Our Jewish citizens have fought and died to preserve and protect the freedom for which this great country stands.

The Jewish people cherish a tradition and a culture which spans the course of many thousands of years. Their perseverance through the many tests of time has made the Jewish community a vital asset to the United States.

During each spring, Jews throughout the United States and around the world observe a number of significant dates. Beginning with the observance of Passover, which commemorates their passage from bondage to freedom, along with the observance of the anniversary of the Warsaw Ghetto uprising and concluding with the celebration of Israeli Independence Day, American Jews rededicate themselves to the concepts of liberty, equality, and democracy.

In recognition of the untold contributions of Jews, who have become an integral part of the American heritage, I am introducing the following resolution requesting that the President designate April 21 through April 28, 1985, as "Jewish Heritage Week." I urge my colleagues to join me in cosponsorship of this important resolution.

Mr. President, I ask unanimous consent that this joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 17

Whereas the Congress recognizes that an understanding of the heritage of all American ethnic groups contributes to the unity of our country; and

Whereas intergroup understanding can be further fostered through an appreciation of the culture, history, and traditions of the Jewish community and the contributions of Jews to our country and society; and

Whereas the months of March, April, and May contain events of major significance in the Jewish calendar—Passover, the anniversary of the Warsaw Ghetto Uprising, Israeli Independence Day, Solidarity Sunday for Soviet Jewry, and Jerusalem Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating April 21 through April 28, 1985, as "Jewish Heritage Week" and calling upon the people of the United States, State and local government agencies, and interested organizations to observe that week with appropriate ceremonies, activities, and programs.●

By Mr. MATSUNAGA (for himself, Mr. PROXMIRE, and Mr. SIMON):

S.J. Res. 18. Joint resolution relating to NASA and Cooperative Mars Exploration; to the Committee on Foreign Relations.

COOPERATIVE MARS EXPLORATION

Mr. MATSUNAGA. Mr. President, I rise to introduce a joint resolution pertaining to a distant planet that has fascinated the human species since our earliest ancestors first contemplated the heavens—Mars.

Some of my colleagues may wonder: Has the Senator from Hawaii lost his senses? Here the U.S. Senate convenes to address a veritable avalanche of pressing issues—tax reform, the deficit, defense spending, arms control, unemployment, crime, human rights, environmental regulation, Central America, Afghanistan, the Middle East, farm policy—and the Senator from Hawaii talks about Mars?

But Mr. President, I believe we also have a duty to try to see beyond the cascading issues that engulf us daily, even while we are considering them. No one likes to be called a reactionary, but if we simply react to problems as they occur, what else are we? Too often, it seems, harried policymakers only have time to consider the future when she has nothing to offer because the encroaching present has already violated her potential.

I don't accept that, Mr. President. I can't and I won't. I don't believe the American people sent us here only to respond to their immediate needs. I believe our constituents also hope that some day, perhaps, we will respond to their aspirations as well, and not merely by concluding our speeches with misty visions borrowed from greeting cards or uplifting quotes from folklore. The future is neither nostalgia nor a dream but an unfolding concrete reality, filled with promise, meant to be acted upon pragmatically now, with inteiligence and imagination, by those of us who are entrusted with the responsibilities of Government.

It is in that spirit, Mr. President, that I rise to introduce a joint resolution pertaining to the planet Mars, which I ask unanimous consent to include in the RECORD.

Mr. President, as the preambular clauses in my resolution indicate, the prospect of another costly and wasteful space race with the Soviets is anything but science fiction. At a Senate Foreign Relations Committee hearing last September 13, a panel of U.S. space scientists testified unanimously that the Soviets were going to Mars, perhaps as early as the 1990's. The evidence is convincing. The Soviets' record-setting achievements in long duration flight (nearly 8 months, most recently) can only be justified as preparation for an interplanetary mission, since space stations, including the one we are planning, are most efficiently serviced by rotating crews; whereas missions to the Moon can be completed in a few days. Similarly, the heavy-lift launch vehicle the Soviets are developing, which vastly exceeds our capabilities, is a requisite building block for manned interplanetary exploration. Other indications, including an already-scheduled unmanned mission to the Mars moon Phobos, plans for high-powered nuclear rocket engines, and numerous other activities and pronouncements by officials of the Soviet Government, point in the same direction. Are we setting ourselves up for another Sputnik? Many experts believe so.

We can, of course, wait characteristically until the last minute, then launch a crash program to beat the Soviets to Mars, at stupendous cost. And after that, Neptune? Pluto? The next galaxy? Even in the context of our selfperpetuating "real world" we cannot anticipate racing the Soviets into a cosmic infinity.

As the space age unfolds, it is generating new realities, and new opportunities, unlike any imaginable heretofore. Cosmic is no metaphor out there. Only fantasists talk about riding through space planting flags and defending trade routes with rocket ships. Realists recognize that the sheer immensity of space generates requirements for survival that, ultimately, will force the superpowers to cooperate. At a certain point, anything other than international exploration of the cosmos from our tiny planet will cease to make any sense at all. In our intense absorption with events of the moment, we have failed to recognize how close to that point we really are.

But before we can reach it, we must develop policies that respond to the unfolding realities of the space age, that move out to meet it on its own uniquely promising terms. Without such policies, earthbound civilization can only wind up recoiling upon itself. It is not often remarked, Mr. President, that the so-called space weapons systems currently under development will reach scarcely above the atmosphere before turning and pointing their deadly cargo back down upon the Earth. Regardless of their merits, those systems are irrelevant to the challenge of space exploration. For that compelling reason alone, it is in our interest to develop a separate track for international space exploration, even as we negotiate with the Soviets at Geneva and strengthen our defenses at home. It would permit us to test a new context for political action without letting down our guard in the context which currently prevails. As it happens, the planet Mars offers an initial guiding step in that direction.

Toward the end of this decade an unusual convergence in space exploration will occur. In 1988, the U.S.S.R. will launch an unmanned scientific mission to the Mars moon Phobos. In 1990, the United States will launch its Mars Geochemical/Climatology Orbiter. It makes no sense not to coordinate

the two scheduled missions, so as to insure maximum scientific return. But, due to long lead times for such activities, meaningful cooperation cannot be achieved unless action is taken within the next few months. My resolution proposes that the President direct the Administrator of NASA to explore the opportunities for coordinating the two Mars missions while there is still time, in the context of the administration's committed effort to renew the U.S.-U.S.S.R. space cooperation agreement in accordance with legislation the President signed last October 30. Due to the time sensitiveness and the technical complexities involved, it is entirely fitting that NASA take on this responsibility, in consultation with the Department of State. Coordinating the 1988 and 1990 Mars missions—which would require no technology transfer on either side—represents an opportunity that deserves the highest priority. Among other things, it could open the way to a wider range of cooperative activities in other areas of space science, such as solar-terrestrial physics, astrophysics and plasma physics. And, of course, it would set the stage for further collaboration in the exploration of Mars.

With the preceding in mind, my resolution also proposes that NASA prepare a report examining the opportunities for joint East-West Mars-related activities, including an unmanned sample return and all other activities that might contribute to an international manned mission to Mars, perhaps at the turn of the century. I should point out, Mr. President, that Mars contingency planning is nothing new at NASA. My resolution notes that the original target of American space planners was the planet Mars—not the Moon, which the White House decided upon for political reasons—and that Mars was subsequently advanced as a logical follow-up to the Apollo Moon Program, but this time it was rejected for budgetary reasons. Designs for Mars missions have been percolating on NASA's backburners for 25 years. I understand that even now NASA may be gearing up for yet another manned Mars mission study, in keeping with the President's admirable intention to establish goals beyond the space station that will carry us well into the next century. In effect, my resolution suggests that such a study also encompass the possibilities for U.S.-U.S.S.R. cooperation, so we can at least consider that option alongside the alternative of an absurdly wasteful U.S.-U.S.S.R. race to Mars, while we still have a choice.

In sum, Mr. President, my resolution does two things. On the one hand, it urges policymakers to exploit an immediate opportunity for space cooperation. On the other hand, it casts that opportunity in the context of requirements generated by an almost unimaginably expansive new age that promises to render many aspects of current thought and action obsolete, if we manage to keep human civilization intact long enough to enter it. I hope we will devote greater consideration to devising ways to take advantage of those uniquely promising opportunities on the horizon, even as we now stand on the brink. If successful, we will earn the gratitude of future generations—indeed, of whole new worlds.

Mr. President, for all those reasons, and others which I have enumerated elsewhere, I believe the U.S. Congress has a duty to include in its deliberations joint peaceful exploration of space, beginning with the planet Mars.

Mr. PROXMIRE. Mr. President, will the distinguished Senator from Hawaii yield?

Mr. MATSUNAGA. Mr. President, I am happy to yield to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. First, Mr. President, I ask permission of the Senator from Hawaii to be cosponsor of this resolution.

Mr. MATSUNAGA. I am happy to have the Senator join.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I want to congratulate the Senator from Hawaii on this resolution, an excellent resolution.

It is a way of proceeding in space economically, saving enormous sums of money, No. 1, cooperating with the Soviet Union in a way that is constructive and positive, and in a way that can help us work in the direction of peace.

Then there is one other element that I think we ignore. That is if we do these things internationally, I would hope the Senator could also eventually broaden this to include other nations—Japan, West Germany, France, and so forth. To the extent we do this, it ratifies what we are doing in space. None of us in this body or in the House of Representatives is expert enough to evaluate these programs. If other countries will put their hard money into it, I think it is an indication that these programs are useful.

Certainly, as Carl Sagan has said, this kind of activity has no military implications, only peaceful implications, enormous implications for the future.

What the Senator is proposing today makes a great deal of sense from the standpoint of peace, economy, and proceeding with programs that are scientifically valid. I congratulate him.

Mr. MATSUNAGA. I thank the Sentator from Wisconsin for his comments, especially in the light of the fact, an accepted truth, that he has been the watchdog of the Federal Treasury, of Federal expenditures. For him to join and to make the statement he just made is truly a big boost to the prospect of the passage of my joint resolution. I am happy to include him as a cosponsor.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 18

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, Whereas President Reagan has called upon NASA to develop concrete goals beyond the space station that "will carry us well into the next century";

Whereas the original objective of United States space planners in the 1950's was the planet Mars, but it was replaced by a lunar mission for political reasons;

Whereas in 1969, members of a Presidential task force again recommended a manned Mars mission as a logical follow-up to the successful Apollo program, with that mission to be launched from a space station, but it was rejected for bugetary reasons;

Whereas a manned Mars mission is within the reach of existing technology and could be carried out at an estimated one-half of the cost of the Apollo program in constant dollars;

Whereas the U.S.S.R. has made known that Mars is the objective of its manned space program;

Whereas recent Soviet successes in long duration space flight and Soviet development of a heavy-lift launch vehicle that far exceeds United States capabilities have been accompanied by authoritative reports that the Soviets are actively preparing for a manned Mars mission, for perhaps as early as the 1990s;

Whereas a U.S.-U.S.S.R. race to Mars would involve massive wasteful expenditures and redundancies that would be contrary to the best interests of all parties concerned;

Whereas Mars exploration is of immense scientific and social significance but without significance in terms of space weapons development;

Whereas the United States and the U.S.S.R. have scheduled unmanned scientific missions to Mars for this decade, but those missions have not yet been coordinated to insure maximum scientific return;

Whereas on October 30, 1984, the President signed a resolution passed unanimously by both Houses of Congress calling for renewal of the U.S.-U.S.S.R. space cooperation agreement that was allowed to lapse in 1982: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that the President, as part of his committed effort to renegotiate the U.S.-U.S.S.R. space cooperation agreement, should direct the Administrator of NASA, in consultation with the Secretary of State, to:

(1) explore the opportunities for cooperation on an already-scheduled Soviet mission to the Mars moon Phobos in 1988 and an already-scheduled United States Mars Geochemical/Climatology Orbiter mission in 1990, to insure maximum scientific return from both missions;

(2) prepare a report, in association with nongovermental space scientists, examining the opportunities for joint East-West Mars-related activitives, including an unmanned Mars sample return and all activities that might contribute to an international manned mission to Mars;

(3) submit to the Congress at the earliest practicable date, but no later than October 1, 1985, a report detailing the steps taken in carrying out paragraphs (1) and (2).

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. BYRD, his name was added as a cosponsor of S. 11, a bill to amend the Steel Import Stabilization Act.

S. 15

At the request of Mr. MOYNIHAN, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 15, a bill to authorize the Secretary of Health and Human Services to make grants to States for the purpose of increasing the ability of States to provide drug abuse prevention, education, treatment, and rehabilitation, and for other purposes, to authorize the Attorney General to make grants to States for the purpose of increasing the level of State and local enforcement of State laws relating to production, illegal possession, and transfer of controlled substances.

S. 42

At the request of Mr. NICKLES, the name of the Senator from Arizona [Mr. GOLDWATER] was added as a cosponsor of S. 42, a bill to facilitate the efficient use of barter in managing agricultural commodities and the stocks of the National Defense Stockpile.

S. 46

At the request of Mr. HELMS, the name of the Senator from North Carolina [Mr. EAST] was added as a cosponsor of S. 46, a bill to amend the Civil Rights Act to protect the lives of unborn human beings.

S. 47

At the request of Mr. HELMS, the name of the Senator from North Carolina [Mr. EAST] was added as a cosponsor of S. 47, a bill to restore the right of voluntary prayer in public schools and to promote the separation of powers.

S. 70

At the request of Mr. INOUYE, the name of the Senator from South Dakota [Mr. ABDNOR] was added as a cosponsor of S. 70, a bill to establish a temporary program under which parenteral diacetylmorphine will be made available through qualified pharmacies for the relief of intractable pain due to cancer.

S. 88

At the request of Mr. D'AMATO, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1954 to provide that restrictions on the allowance for depreciation and the investment credit for property leased by a tax-exempt entity not apply to certain correctional facilities leased by State and local governments.

S. 89

At the request of Mr. INOUYE, the names of the Senator from Montana [Mr. MELCHER], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 89, a bill to recognize the organization known as the National Academies of Practice.

S. 91

At the request of Mr. D'AMATO, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 91, a bill to authorize the Secretary of the Interior to enter into a cooperative agreement to maintain the gravesite of Samuel "Uncle Sam" Wilson and to erect and maintain tablets or markers at such gravesite in commemoration of the progenitor of the national symbol of the United States.

S. 142

At the request of Mr. D'AMATO, the names of the Senator from Michigan [Mr. LEVIN], and the Senator from Florida [Mr. CHILES] were added as cosponsors of S. 142, a bill to promote the safety of children receiving day care services by establishing a national program for the licensing of child day care providers, establishing a clearinghouse for information with respect to criminal records of employees of day care centers and establishing a hotline for reporting of abuse of children receiving day care services, and for other purposes.

S. 154

At the request of Mr. INOUYE, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 154, a bill to amend the Internal Revenue Code of 1954 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts for use by the U.S. Olympic Committee.

S. 176

At the request of Mr. PROXMIRE, the names of the Senator from South Dakota [Mr. ABDNOR], and the Senator from Iowa [Mr. GRASSLEY], the Senator from Arizona [Mr. DECONCINI], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of S. 176, a bill to require a charge for meals furnished to certain high-level Government officers and employees in the executive branch and for meals furnished in Senate dining facilities.

S. 192

At the request of Mr. INOUYE, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 192, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit distribution of certain State-inspected meat and poultry products, and for other purposes.

SENATE RESOLUTION 29

At the request of Mr. BYRD, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of Senate Resolution 29, a resolution to improve Senate procedures.

SENATE RESOLUTION 39—RELATIVE TO THE DEATH OF REPRESENTATIVE GILLIS LONG, OF LOUISIANA

Mr. SIMPSON (for Mr. LONG) submitted the following resolution; which was considered and agreed to:

S. RES. 39

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Gillis Long, late a Representative from the State of Louisiana.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

SENATE RESOLUTION 40—RELATING TO TERMINATION OF DEFENSE AND SECURITY TREATIES

Mr. GOLDWATER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 40

Resolved, That it is the sense of the Senate that, consistent with the role of the Senate in the making of treaties and the advice and consent power of the Senate under article II, section 2, clause 2 of the United States Constitution, and in order to improve the effectiveness of treaties to which the United States is a party and to uphold the reputation of the United States as a treaty partner, the United States shall not be considered as having terminated or withdrawn from any defense or security treaty, unless—

(1) the Senate has given its advice and consent, or both Houses of the Congress have agreed, to such termination or withdrawal, or

(2) such treaty or the resolution of ratification of such treaty specifically provides that the President acting alone may determine for the United States that such treaty is terminated.

SEC. 2. It is further the sense of the Senate that whenever the President—

(1) gives notice, on behalf of the United States, to any foreign government, foreign entity or international organization, of an intention to terminate or withdraw from any defense or security treaty to which the United States is a party, or

(2) determine that any such treaty has lapsed or expired, or been voided by breach of another party, or

(3) determines that the operation of any such treaty is inoperative or suspended with respect to the United States—

the President, as soon as practicable under the circumstances, should prepare and transmit to the President pro tempore of the Senate a report setting forth the substance of such notice or determination.

Mr. GOLDWATER. Mr. President, once again I am introducing a resolution to put the Senate on record relative to the constitutional role which the framers intended this body to have in the termination of major treaties, especially treaties of mutual defense and military alliance. The measure accommodates the functions and interests of both the President and Senate.

The resolution expresses the position of the Senate that a formal defense or security treaty shall not be considered as having finally terminated under the laws of the United States at the initiative of our Nation, unless and until there is some manner of legislative participation in that decision.

The resolution recognizes that the President has a choice in seeking the manner of legislative action. He may ask the Senate to give its advice and consent to termination of a treaty which the Senate participated in making, or he may choose to ask both Houses of Congress to concur in or ratify his action.

Also, the resolution takes account of the possibility that the text of the treaty itself, or the resolution of ratification of a treaty, may specifically provide that the President acting alone is authorized to determine for the United States that the treaty is terminated. There are no such treaties now.

The second section of the resolution declares that the President should inform the Senate whenever he gives notice, on behalf of the United States, to any foreign government or entity or international body, of intention to terminate or withdraw from any defense or security treaty. In recognition of the fact that the great majority of treaties end by reason of actions taken by other governments, the resolution also states that the President should inform the Senate whenever he determines that a treaty has lapsed or expired, or become void. For example, a foreign government may inform us that it intends to end a treaty. Or, a treaty may expire by its own terms after its purposes have been fully satisfied. Or, it may become impossible to carry out the treaty because of changed international conditions.

Mr. President, I wish to emphasize that the resolution does not attempt to deny the President any constitutional authority he may possess to consider a treaty as having terminated in these circumstances. Also, the President can decide that a treaty is temporarily suspended. Obviously, there are situations where treaties cannot be given effect as black letter law, such as our present treaties with Iran or Cuba.

Moreover, I would especially call attention to the fact that nothing in the resolution denies the President an opportunity to decide that a treaty is no longer valid for the United States because there has been a serious violation by a treaty partner. One of the oldest principles of contract or treaty law is that a breach on one side discharges the other. In this situation, it is not the President who terminates the treaty for the United States. It has already been broken and terminated by another party.

If the evidence establishes, for example, that the Soviet Union has violated the 1972 Antiballistic Missile Treaty and the President determines that the violation imperils the national security, nothing in the resolution would deny the President authority to declare the treaty void, inoperative or suspended.

Rather, Mr. President, the basic purpose of the resolution is to address the rare but critical situation in which the Executive at his sole initiative decides to abrogate a treaty with a friendly, loyal treaty partner who wishes to keep the agreement alive.

My colleagues will remember that I first raised the issue of treaty termination when former President Carter abrogated the Mutual Defense Treaty with the Republic of China. His action was unprecedented in U.S. history.

Within a week after President Carter announced his decision to terminate this treaty, I filed suit in the Federal courts with 60 other Members of Congress challenging the constitutionality of his action. That lawsuit was considered at all three levels of the Federal judiciary. The district court upheld my challenge and declared the President's action unconstitutional. However, the court of appeals, by a 4-to-1 vote, supported the President's authority to unilaterally end the treaty.

Then the Supreme Court overturned the court of appeals. The High Court granted certiorari and vacated the decision by the court of appeals. Although the Supreme Court did not reach the basic constitutional issue concerning the allotment of the treaty termination power, it is clear that its final decision left the President without any judicial approval of his claim of unilateral authority.

The plurality opinion by four members of the Supreme Court in Goldwater versus Carter stated that treaty termination must be resolved among the legislative and executive branches themselves, without judicial intervention. The plurality opinion characterized the case as a political question involving a dispute between co-equal branches of our Government, each of which has resources available to protect and assert its interest.

In other words, the Supreme Court has invited a legislative response to the subject. If we are interested in protecting our power under the Constitution, it is up to us personally to assert that interest.

Mr. President, the Republic of China Defense Treaty is now behind us but there are numerous other defense and security treaties, both bilateral and multilateral, which may present the identical issue. The Library of Congress has identified at least 17 international agreements of this kind and I ask unanimous consent that a list of these treaties shall appear in the RECORD at the end of my remarks.

The flaw in the Supreme Court plurality opinion is that a treaty will, for all practical purposes, be terminated before Congress can do anything about it. If the courts refuse to take jurisdiction, no one can stop the termination of the treaty once any grace period of prior notice called for in the treaty has ended. Congress can deny all funds to operate the State Department. The treaty will still not exist. Once it is terminated, it is wiped off the slate. Congress does not have the ability to keep a treaty alive that is already terminated; nor can the Senate make a new treaty by itself.

The subject should not be left to case-by-case development whenever the next crisis arises. The Senate should act now to express our position on the constitutional law which governs the termination of defense and security treaties.

By adopting a formal resolution, we will likely confer standing on the Senate to contest any future unilateral termination by a President of a military treaty. If a difference arises between the President and the Senate, a prior declaration by the Senate as a coequal treaty making power may persuade a majority of the Supreme Court to change its mind on application of the political question doctrine.

Most likely, however, the adoption of the resolution will encourage the Executive and Senate to work in unison on the subject.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

MULTILATERAL COLLECTIVE SECURITY TREATIES

Convention on the provisional administration of European colonies and possessions in the Americas, concluded July 30, 1940.

Charter of the United Nations, concluded June 26, 1945.

Inter-American treaty of reciprocal assistance, concluded September 2, 1947.

North Atlantic treaty, concluded April 4, 1949.

Security treaty (ANZUS Pact, Australia, New Zealand, and United States), concluded September 1, 1951.

Protocol to the North Atlantic Treaty on the accession of Greece and Turkey, concluded October 17, 1951.

Agreement between the parties to the North Atlantic Treaty regarding the status of their forces, concluded June 19, 1951.

Agreement on the North Atlantic Treaty Organization, national representatives, and international staff, concluded September 20, 1951.

Protocol on the status of International Military Headquarters, concluded August 28, 1952.

Southeast Asia collective defense treaty, concluded September 8, 1954.

Protocol to the North Atlantic Treaty on the accession of the Federal Republic of Germany, concluded October 23, 1954.

Protocol of amendment to the Inter-American Treaty of Reciprocal Assistance, concluded July 26, 1975.

Protocol to the North Atlantic Treaty on the accession of Spain, concluded December 10, 1981.

BILATERAL SECURITY TREATIES

Mutual defense treaty with the Philippines, concluded August 30, 1951.

Mutual defense treaty with Korea, concluded October 1, 1953.

Treaty of mutual cooperation and security with Japan, concluded January 19, 1960.

Treaty concerning the permanent neutrality and operation of the Panama Canal, concluded September 7, 1977.

SENATE RESOLUTION 41—RELATIVE TO THE FUNDS OF THE ECONOMIC DEVELOPMENT ADMINISTRATION

Mr. HOLLINGS (for himself, Mr. BUMPERS, Mr. BINGAMAN, Mr. SASSER, Mr. PRYOR, Mr. SARBANES, Mr. STENNIS, Mr. FORD, Mr. BYRD, Mr. MITCHELL, Mr. ROCKEFELLER, Mr. NUNN, Mr. LEVIN, Mr. RIEGLE, Mr. BURDICK, Mr. DIXON, Mr. EAGLETON, Mr. BRADLEY, Mr. LEAHY, Mr. GLENN, and Mr. JOHNSTON): submitted the following resolution; which was referred to the Committee on Appropriations.

S. RES. 41

Whereas unemployment in the United States was still at the intolerable rate of 7.2 percent for December 1984, and that unemployment was above 12 percent in 748 counties of the Nation on that date, and unemployment was 18.8 percent among youth, including 42.1 percent among black youth;

Whereas the Economic Development Administration has proven an effective instrument in assisting communities, particularly rural areas, in their efforts to develop job opportunities;

Whereas the administration's alternatives to the assistance provided by the Economic Development Administration have not been enacted by the Congress so there is nothing in place to assist those areas who are beyond the national economic mainstream; and

Whereas the administration proposes to rescind $179,000,000 of the $200,000,000 appropriated in fiscal year 1985 for the "Economic Development Assistance Programs" administered by the Economic Development Administration, when there are so many communities in desperate need for development assistance and have no alternative source of such assistance: Now, therefore, be it

Resolved, That the Senate hereby urges the President to reconsider the rescission of the funds for "Economic Development Assistance Programs" and to make the full amount available for obligation in fiscal year 1985.

Mr. HOLLINGS. Mr. President, as we celebrate the inauguration of the President today, we also mark the beginning of the fifth annual battle to save the Economic Development Administration. Shortly after President Reagan's first inauguration, he submitted his revisions to President Carter's budget. Those proposals included a rescission to half the funds already appropriated to EDA for fiscal 1981 and no funding for fiscal year 1982. Every Reagan budget has called for the elimination of EDA.

Congress has reduced EDA to a $200 million a year program, but has rejected all the administration's efforts to terminate this program. The Congress appreciates that EDA is one of the few programs that rural areas, such as Marion, SC, with its 15-percent unemployment, can look to for help in creating the permanent job opportunities they sorely need. The White House says that the national economic growth and their still unenacted, enterprise zones can replace EDA, but they'll be no enterprise zones for Marion and the other American communities outside the economic mainstream.

The Senate will recall that in 1983 the administration proposed deferring the funds appropriated to EDA. They wanted to put the money in the freeze in order to use the money to pay off the SBA guaranteed business loans that went into default during the 1982 recession. We resisted that move by passing Senate Resolution 49, which I introduced with 51 cosponsors.

Mr. President, once again the administration plans to dismantle the Economic Development Administration. While the widely distributed Stockman "freeze plus options" propose EDA for termination in fiscal 1986, the Department of Commerce has jumped the gun and also cut off the funding appropriated for fiscal 1985. On January 8, action was taken to impound $179 million of the $200 million appropriated for EDA's "economic development assistance programs." These programs provide assistance to our communities in the form of public works grants, planning and technical assistance, and economic adjustment grants.

This Senator takes a back seat to no one in the effort to reduce the Federal deficit. I will not repeat our freeze proposal that will reduce the deficit to $29 billion by fiscal 1989, but that is based on a "freeze" and not a "termination" of necessary Federal programs, Mr. Stockman proposes a freeze plus, with plus meaning more for Defense and termination of EDA, SBA, Appalachia, and other domestic programs.

Last year when we enacted the Commerce, Justice and State appropriations bill, Mr. Stockman gave it his blessing and President Reagan signed the bill into law. Before the election the Department of Commerce assured us that all the appropriations had been made available to EDA, NOAA, and so forth, and that nothing was held back. Now that the election is over, we find the budget officer of EDA issuing a document indicating $179 million is no longer available for obligation in order to be "consistent with final departmental and OMB determinations."

Mr. President, there are 748 counties in the United States with more than 12 percent unemployment. Furthermore, unemployment among youth is 18.8 percent, and 42.1 percent among black youth. You don't have to go to Marion to find high unemployment, just go up North Capitol Street a few blocks and ask the young people of Washington how much of the national prosperity has trickled down to them.

As the Senate knows, a rescission does not go into effect unless the Congress affirmatively passes a bill to withdraw the appropriation. In the case of the EDA I really don't expect that to happen, given Congress' past support for the program. However, under the terms of the Budget Act, the funds are impounded for 45 days of continuous session of the Congress.

Therefore it would be early April before the funds would again have to be made available, while EDA and our drowning communities tread water.

Mr. President, we should not lose this time. I am today introducing a resolution by which the Senate can call upon the President to reconsider the proposed rescission and to make the funds available. I ask unanimous consent that the resolution be printed at the conclusion of my remarks.

This resolution is submitted on behalf of myself, and Senator BUMPERS, Senator BINGAMAN, Senator SASSER, Senator PRYOR, Senator SARBANES, Senator STENNIS, Senator FORD, Senator BYRD, Senator MITCHELL, Senator ROCKEFELLER, Senator NUNN, Senator LEVIN, Senator RIEGLE, Senator BURDICK, Senator DIXON, Senator EAGLETON, Senator BRADLEY, Senator LEAHY, Senator GLENN, and Senator JOHNSTON.

ADDITIONAL STATEMENTS

MINNESOTA'S REVENGE?

● Mr. DURENBERGER. Mr. President, out of duty to my home State, I must take a moment to quash a rather distressing rumor that has been circulating around our Nation's Capital on this inauguration day. It is, indeed, disappointing that unusally frigid weather has forced the cancellation of the traditional outdoor inaugural festivities. However, let me state for the RECORD that, despite some speculation,

this unfortunate situation cannot be traced to "Minnesota's Revenge."

True, Minnesota brazenly went its own way in the most recent Presidential election. Certainly, this Senator would have chosen a different outcome at his State's polls. But Minnesota has always had a penchant for pulling out of the pack—and then expressing surprise that the rest of the pack is going the wrong way. That is part of what makes us such an endearing lot, or so I am told.

It is also true that, since the November election, Minnesota and Minnesotans have become the target of uncounted political jokes. For instance, at the CIA (in which I have taken a special interest lately), they get a chuckle out of saying, "We're not going to invade Nicaragua this week. Minnesota comes first."

But would Minnesota use any of this as an excuse to take an icy revenge on our Capital on inauguration day? Are we witnessing the opening salvo of a new cold war? Certainly not. Minnesotans are not bitter people. We have a terrific sense of humor. You have to have a good sense of humor when the temperature is pushing 90 degrees below zero. Laughing creates warmth. It is a survival instinct.

Besides, if Minnesota were to exact revenge by weather, it could do much better than this. As any Minnesotan knows, this is not really cold. Cold is when the snow squeaks underfoot. Cold is when your eyelids freeze together before you even get to the driveway. Cold is when you walk to your car from the dry cleaners and your shirts shatter. But this is more like a nice spring day in International Falls. Minnesotans have picnics in weather colder than this.

Mr. President, I do not intend to belabor this point. But allow me to remind my distinguished colleagues that last month, President Reagan was asked by the press what gift he would like for Christmas and he answered, "Minnesota." Today he got his wish.●

PAUL TSONGAS—HEADING HOME

● Mr. LEVIN. Mr. President, during the recent adjournment, I read "Heading Home," a new book written by our now former colleague, Paul Tsongas.

The book is full of insights each of us will be benefited by. Paul was confronted by a difficult choice—an almost certain second 6-year term with ongoing separations from his growing family—or heading home to that family and being with them as they grow.

His illness did not dictate his choice—his self-awareness and his priorities did.

As we all so vividly remember, he chose to head home.

As much as I shall miss him—as much as we shall all miss him and his constant integrity—I congratulate him on his choice.

His compelling story makes it more likely that his readers will make right choices—for family and for community and for home when options are open to them.●

REPRESENTATIVE GILLIS LONG

● Mr. ABDNOR. Mr. President, I join my colleagues on both sides of the aisle and in the other chamber in great sadness and regret at the death of Congressman GILLIS LONG.

I feel a great personal loss at Congressman LONG's untimely passing. As chairman and vice chairman-designate, respectively, of the Joint Economic Committee, he and I had established a close and productive working relationship. In our work together to organize the committee for the 99th Congress, I developed the greatest respect and admiration for GILLIS' abilities and dedication.

GILLIS LONG will be missed by more than the Eighth Congessional District of Louisiana, the people he represented in Congress for seven terms. He would have, I believe, been a truly fine chairman of the Joint Economic Committee, using the prestigious panel as a voice for the Americans who are overlooked and, in fact, often completely forgotten by those who determine our Nation's economic policies.

In fact, he and I had many discussions about using the Joint Economic Committee to assist the people of rural America, those who have not shared in our Nation's economic recovery. GILLIS and I represented different types of agricultural areas. His people grow cotton, rice, and sugar. We shared the belief, however, that all citizens should share in our country's prosperity, and we had dedicated ourselves to a partnership aimed at developing the innovative ideas and programs necessary to put rural America back on its feet.

GILLIS and I were both elected to the House in 1972, although he served for one term in 1963. I know that the people of central Louisiana will dearly miss his leadership abilities and the helping hand he offered them.

I offer my sincerest condolences to his wife, Mary Catherine, and their two children. I will miss him, both as a colleague and a friend.●

KEN WATSON

● Mr. DIXON. Mr. President, Ken Watson, a distinguished Illinois political reporter, and my good friend, died on December 30, 1984, in Springfield, IL.

Kenny was a truly fine human being who endeared himself to thousands with his integrity, loyalty, and good humor. We shall miss him very much.

Edward H. Armstrong, editor of the State Journal-Register and Ken Watson's colleague for 30 years, wrote the following tribute to our friend and I ask that it be printed in the RECORD.

The article follows:

A TRUE GENTLEMAN OF THE PRESS

(By Ed Armstrong)

Ken Watson was a gentleman in the truest sense of the word. So it was with a feeling of shock and sadness that friends and co-workers learned of his death in the midst of the holiday season.

I was not one of Ken's close friends who shared the daily lunch table with him at Norb Andy's, but as one who worked with him for more than 30 years, I appreciated his skill as a journalist and admired him even more as a person.

Ken appeared to be rather shy, yet he genuinely liked people. And he lived the Golden Rule, treating others the way he wanted to be treated. If he wrote critically or pessimistically, it was out of a sense of duty to be objective, not out of any vindictiveness or any desire to see bad things happen.

Ken had more tragedy in his life than most of us experience, but he seldom complained.

He was nearing 40 when he and Anne Lavin were married. They seemed to be a truly happily married couple, sharing love and respect. But within a few years Anne was stricken with cancer and she died just 10 years after they were wed.

It was perhaps three years later that on a bitter winter morning Ken came to work in obvious ill health. The late Dan Cronin insisted that Ken go to the hospital, and, over his protestations, took him there. Within hours Ken underwent surgery for replacement of a heart valve.

Eventually, he had to have that surgery repeated. Then on New Year's day of 1984 he slipped on ice in the parking lot near his apartment and suffered a broken leg.

Amidst all these personal difficulties he retained his sense of humor and was generally an optimist. He was looking forward to probable early retirement for travel and fun when fate took him all too soon.

In addition to family and friends, two things seemed most important to Ken: politics and sports. Writing about politics was his vocation; talking about it was an avocation.

His other principal avocation was rooting on Riverton High School basketball teams, University of Illinois football and basketball teams and the St. Louis baseball Cardinals.

He was such a U of I partisan that friends jokingly spread the story that he suffered his New Year's Day broken leg last year kicking his TV set because the Illini fared so poorly in the Rose Bowl.

Ken's love of sports surfaced in the similes that often appeared in his columns, comparing situations in politics and government with the fortunes or misfortunes of college and professional sports figures or teams.

His vacations frequently coincided with Cardinals vs. Cubs series in St. Louis and Chicago.

Ken was not cut out for the mechanical age into which he was born. His close friends tell stories about his problems behind the wheel of his car. I saw first hand his encounters with present day electronics.

Using the manual typewriters he grew up with, his fingers flew over the keys in fits and spurts, as he cranked out copy in a hurry on a breaking story. When we switched to electric typewriters, he typed

with the same fits and spurts as the words came to mind. He was the only person I ever knew who could type an uneven line or put one letter on top of another with an electric typewriter.

We knew that using computer terminals instead of typewriters would be a challenge for Ken, and it was—so much so that he never wrote his column on the terminal but wrote it on a typewriter then retyped it into the terminal.

But it was also Ken's assignment from time to time to edit copy for the editorial page, and that had to be done on the terminal. He met the challenge, just as he met so many other challenges in life.

All of us have our foibles. Ken had his share, but he also had a knack of laughing at himself, and the rest of us laughed with him, not at him. He had much pride but little vanity.

I'm sure many readers miss his analyses and evaluations from "under the statehouse dome," but even more than his work, we who knew him well will miss Ken Watson the person—a warm, friendly, caring, intensely loyal human being.●

LT. GOV. GEORGE RYAN OF ILLINOIS

● Mr. SIMON. Mr. President, Lt. Gov. George Ryan of Illinois made a talk to the International Business Council of Mid America pointing out the need for foreign language study as a key to business growth.

That is becoming more widely recognized in the House and in the Senate.

Last year, I am pleased to say, with an overwhelming bipartisan vote, the House of Representatives passed a bill of mine to encourage foreign language study in the schools of the Nation. There has been substantial indication of support for efforts in that direction among Senators also. And members of the administration have expressed concern about our language deficiencies, including Secretary of Defense Caspar Weinberger and CIA Director William Casey.

Lieutenant Governor Ryan makes a great deal of sense in his speech and I urge my colleagues in the House and Senate to read his remarks which I ask to be inserted in the RECORD.

The remarks follow:

REMARKS DELIVERED TO INTERNATIONAL BUSINESS COUNCIL MID AMERICA—HUB III, WEDNESDAY, NOVEMBER 14, 1984, CHICAGO, IL.—LT. GOV. GEORGE RYAN

Good afternoon. It is a pleasure to join the International Business Council Mid America in HUB Three—bringing a special focus to high schools, universities, and businesses in a Third Annual Conference. The theme for the Conference, as you know, is "Bringing Together the Worlds of Education and International Business," and I feel privileged to have this opportunity to offer my views on one aspect of that goal. I come before you today to address "the need for mobilizing resources within the State to create jobs in international trade."

I consider this an important subject, because like many business observers, I'm convinced that our future economic prosperity in Illinois will depend on our ability to export our products and services abroad. During these 1st two years of my term as Lieutenant Governor, I've spent a great deal of time talking about the need for us to expand our export capabilities in Illinois—especially among our small and medium sized businesses. I want to share my views on that with you today, and then expand my topic a bit to reflect the theme of this Conference. That is, examine how we must use our *educational* resources to enhance our international perspective and help create an export-oriented economy.

Illinois, perhaps more than many other states, has long recognized the importance of exports to our economy. Whether it's marketing Illinois coal, selling our agricultural products, or promoting foreign investment and tourism, our economic prosperity in Illinois is inexorably linked to international trade. There is already a significant "international presence" in Chicago as more than 50 international banks have branches or representative offices and more than 60 nations maintain consulates here. In agricultural products, Illinois ranks number one in exports. In manufactured goods, we rank third among the states in exports. Overall, our state rings up more than 19 billion dollars annually in export sales.

What this means, of course, is *jobs*—more than 500,000 jobs for Illinoisans. The U.S. Department of Commerce estimates that every $1 billion in exports translates into about 25,000 jobs in the economy. The Department also estimates that almost 80% of *all new* jobs created in the United States are export related.

In Illinois, we believe the greatest potential for creating these new jobs through exports and promoting economic development is with small and medium sized businesses. Currently, this sector is believed to account for no more than 10% of total exports. And it's an under-tapped resource nationwide as well. At least 20,000 small and medium size businesses in this country *have the potential* to competitively and profitably market their products overseas, *but do not.*

We're working to change that in Illinois. Recognizing that the lack of financing is the single greatest impediment to exporting by small firms, the State Legislature last year passed significant new legislation. This new law created the Illinois Export Development Authority to help provide financing. The General Assembly asked me as Lieutenant Governor to chair the Authority, and Governor Thompson has now appointed the other members. At its first meeting, held last month, the Authority agreed to aim to be fully operational by mid-1985, providing a new source of capital to be used exclusively for the financing of pre-shipment and post-shipment of exports by small and medium sized firms. This new capital source will be made available to Illinois financial institutions to be used in their local communities. We're moving quickly to develop operational guidelines so that we can fully tap the export potential of Illinois' small businesses.

A companion bill to this legislation created an Illinois Export Council, which I also chair. We have already begun to examine ways that existing state resources can be redirected to promote an exporting awareness among Illinois' 250,000 small businesses. One of the Councils overall goals is to ensure that small business development and export promotion are mutually supportive strategies for our economic development in Illinois.

One way to do that is to go to the experts: the small business owners and operators themselves. In May of this year, we did just that when I had the privilege of convening the Illinois Conference on Small Business. This 2-day meeting drew over 400 delegates from throughout the State to discuss a variety of issues affecting small business. Through its discussions, the Conference stressed the importance of small business expansion in the international marketplace. Delegates pointed out that the efficiency of small business is really our best weapon against foreign competition and our best bet for maintaining continued economic growth and expansion. Consider that global competition today places at least three demands on companies; that they be highly innovative; readily adaptable to changing markets; and have workers who are flexible enough to learn new tasks quickly. Small businesses meet those criteria easily. Because of that, the Conference attendees agreed that in many ways small and medium sized companies offer America's best hope of regaining competitiveness in the world market.

The 1984 Conference on Small Business also recognized that government must play the leading role in providing a well-educated work force—a crucial ingredient for businesses to compete in international markets. Specifically, the Conference formally recommended that government improve the availability of information on international trade requirements, techniques, and opportunities by encouraging foreign language and cross-culture training at all levels of education. Delegates pointed out that many small business people lack the market and cultural sophistication in dealing with foreign buyers. The customs and marketing strategies used successfully in domestic sales may simply not work when dealing with buyers from Asia or Europe. This lack of expertise and the mysticism that sometimes surrounds international transactions is often an effective barrier for small business people seeking to enter the international marketplace. The small business conference delegates recognize that without foreign language training, Americans engaged in business abroad are at a distinct disadvantage. After all, "the language of business is the language of your client." Experience and statistics clearly demonstrate that the single effective method of developing overseas sales is through personal contact. In short, these delegates reflected a growing awareness within the business community that increasingly competitive world markets demand sensitivity to, and communicative competence in, the language and cultural background of foreign customers.

This touches on the theme of this Conference and is what I'd like to discuss now in greater detail. That is, how can we use our educational resources to enhance international trade, and what should we do to act?

In doing some of the research on this subject of education and language proficiency and the relationship to international trade, I've discovered a wealth of information available. There have been a multitude of reports and studies already completed. Among them:

1. The 1979 Report of a Statewide Task Force on Foreign Language and International Studies—a group appointed by the Illinois Superintendent of Education. Their report, known as the "Illinois Plan" recommended a 5-year phased-in program for local districts to improve foreign language instruction in Illinois schools but contained no mandates for implementation.

2. The Report of the President's Commission on Foreign Language and International

Studies (1979). The Commission, in examining the problem, said "Americans' incompetence in foreign languages is nothing short of scandalous and it is becoming worse."

3. The Report of the National Commission on Excellence in Education, submitted to the U.S. Secretary of Education (1983). This document recommended that language learning for all children begin in elementary school.

4. The July, 1984 Preliminary Report of the Illinois Commission on the Improvement of Elementary and Secondary Education—a bipartisan legislative body, and

5. The May, 1984 Report of the Citizens Panel on Foreign Language and International Studies—another group appointed by the Illinois Superintendent of Education. This excellent report, submitted to the State Board, was entitled "Education for the Times . . . In Time—A Report on the Need to Develop the Language Proficiencies and International Perspectives of Illinois Citizens."

Each of these documents reviewed many different problems of our educational system but all cited in some way our deficiencies in foreign languages and international studies.

I must admit that as a parent and public official, I was previously unaware of the real importance of foreign language learning for students. During the course of my research, in reviewing all of these studies, I discovered facts that I consider nothing short of learning—facts such as these:

A 1980 State-by-State survey of high school diploma requirements found that only 8 states require high schools to offer foreign language instruction, but none required students to take the courses.

Only approximately 25% of Illinois high school students have studied a 2nd language. And, even though it is generally accepted that four to six years of study are needed for minimal proficiency, only approximately 3% continue language learning beyond the 2nd year of study.

Only approximately 1% of high school students study the less common languages—such as Japanese, Chinese, Russian, and Arabic—yet these are of critical importance in the world today, being spoken by more than 80% of the world's population.

Only 8% of American colleges and universities now require a foreign language for admission, compared with 34% in 1966.

The U.S. appears alone among developed nations in its attitude towards foreign language learning. Consider, for example, that

In Germany, 2 foreign languages are learned by students beginning in the 5th and 6th grades.

In France, foreign language learning begins in the 6th grade in one language and a second begins in the ninth grade.

In Japan, an estimated 80% of all students take foreign languages beginning in sixth grade.

In Russia, nearly all students study at least one foreign language in high school.

The 1970 President's Commission reported that our weakness in foreign language learning "pose a threat to America's security and economic viability."

This last point, economic viability, is the focus of my remarks today. As Lieutenant Governor and Chairman of the Illinois Export Council and Export Development Authority, I'm concerned about our ability to function in the world marketplace. Our exports mean jobs for our people. There's no question that much of our future economic growth in Illinois will come from international trade. Our business must compete in a world economy. But our lack of foreign language competence will undoubtedly diminish our ability to compete effectively.

As in so many areas, we can point to the Japanese as a prime example. I don't believe the Japanese are technologically superior to us, nor are their workers any better. But, there are an estimated 10,000 English-speaking Japanese in this country representing Japan's businesses. In contrast, only a few hundred American business representatives are in Japan and only a handful are proficient in Japanese. The lesson to be learned here is clear—our economic viability does rest on language proficiency. A former U.S. Assistant Secretary of Commerce has stated and I quote: "Our linguistic parochialism has had a negative effect on our trade balance. In fact, it is one of the most subtle nontariff barriers to our export expansion."

But even beyond clear business considerations, we must also recognize that foreign language learning and international studies are important in understanding other cultures. The world is growing smaller and our children must be prepared to interact with other peoples. My friend (and former Lieutenant Governor) Paul Simon very eloquently stated this when he wrote and I quote: "Language is a key to opening minds and attitudes. To speak, read, write, and understand another language is the beginning of understanding other people. If we do not understand others' dreams, hopes, and miseries—if we live in a narrow, closeted world—we will fail to elect and select leaders who can take us down the difficult pathway to peace. Leadership cannot be too far ahead of those who follow or it is no longer leadership. A self-centered uninformed public is unlikely to choose those who will make the hard decisions necessary for building a solid foundation for world peace and justice." End Quote.

Congressman Simon attempted to address the need for foreign language competence by introducing the Foreign Language Assistance for National Security Act of 1983. This bill passed the House but unfortunately died in the Senate. It would have provided grants to promote the growth of, and improve the quality of, foreign language instruction at the elementary, secondary, and post-secondary levels. The bill would have been a good first step, and I hope Paul Simon reintroduces it in the U.S. Senate next year.

We must realize, of course, that language competence cannot be established overnight. But it is necessary that we as a society recognize the importance of developing the foreign language competence and international sensitivities of our students. In my opinion, foreign languages and international studies should be considered an integral part of the curriculum in our schools. They should be viewed as every bit as basic and fundamental as English, Math, Science, and Social Studies (and as important as the newly-recommended training in computer science). In its report entitled "A Nation at Risk" the National Commission on Excellence in Education agreed that curriculum standards must be strengthened and said and I quote:

"Achieving proficiency in a foreign language ordinarily requires from 4 to 6 years of study and should, therefore, be started in the elementary grades. We believe it is desirable that students achieve such proficiency because study of a foreign language introduces students to non-English speaking cultures, heightens awareness and comprehension of one's native tongue, and serves the Nation's needs in commerce, diplomacy, defense, and education." End Quote.

In short, while I agree with the view that our school should "return to the basics," I believe we must include this issue of language competence in the overall discussion of education reform—in Illinois and throughout the nation.

Certainly, basic skills are important. We have young people graduating from our schools without having obtained the necessary knowledge to successfully compete in a rapidly changing society. The people of this State have long demanded an excellent educational system. But the quality of our educational system is determined, finally, by what our children learn—and then what they can do with that knowledge.

Historically, the State has promoted local control of schools and has confined its role to suggesting means of improvement. State mandates and regulations may conflict with local priorities and in many cases are not adequately funded.

Traditionally, I have opposed many State mandates on local schools. But this is the time when educational reform is being thoroughly discussed. All of us—local officials, legislators, educators, business people, and parents—must examine the organization and funding of our schools. We must evaluate the curriculum and review standards. We must fundamentally redefine our commitment to education—what we want to achieve and how we want to achieve it. It is within the context of this debate that I believe we must examine the importance of foreign language competence.

In my view, a persuasive case has been made for the compelling need to develop, through our educational system in this State, the language competence and international sensitivities of our citizens. Foreign language proficiency clearly plays a fundamental role in technology transfer for economic development. Language learning has a clear, positive effect on the acquisition of verbal and other cognitive skills. And in Illinois, one of the nation's leading exporting states, our future economic strength—in trade, industry, finance, agriculture, and tourism—rests on our foreign language competence and our understanding of other cultures. World markets are increasingly competitive, and as I mentioned, business leaders are increasingly recognizing the fact that the language of international business is the language spoken by present and potential customers.

What, then, should be done?

On the national level, President Reagan declared: "I urge parents and community and business leaders alike to join educators in encouraging our youth to begin the study of foreign language at an early age and to continue the study of this language until a significant level of proficiency has been achieved." Both Houses of Congress have adopted a resolution recommending "the strengthening of the study of foreign languages and cultures," and I previously mentioned Congressman Simon's legislation.

The National Commission on Excellence in Education recommended sweeping educational reforms, but stated that states and localities have "the primary responsibility for financing and governing the schools. . . ." Yet at the same time the Commission said that the Federal Government should identify *and help fund* "the national interest in education." With *all* the reforms, the question is, who pays? I believe we should expect

that no concrete corrective measures will be undertaken immediately at the Federal level to address the need for language competence.

So what should we do at the State level? I believe we should act immediately to implement the recommendations of the report submitted by the State Board Citizens Panel in May of this year. Specifically, we should recognize Foreign Languages and International Studies as a "fundamental area of learning." We should begin now to phase in a comprehensive program to improve and expand the teaching of languages and international studies—beginning in the elementary grades and continuing at least through our secondary schools.

We in Illinois have already identified the problem and taken *some* steps to address it. The "Illinois Plan" approved in 1979 has already provided 5 years of experience, data collection, and technical assistance. In early 1984, the Chicago Board of Education adopted a 2-year language requirement for high school graduation—a mandate applying to over 116,000 high school students in the city. These are good first steps, but we must make the firm commitment to provide foreign language instruction to *all* our students in Illinois.

We must act now. As recommended by the Citizens Panel, we should develop the necessary staff improvements, curriculum changes, public support, and implementation strategies to help assure the language competence and international sensitivities of our children. Local school districts are simply not presently responding adequately to this need. Therefore, the State should now launch a bold initiative to commit the resources necessary to support implementation of a comprehensive program. We need decisive leadership from the State Board, the Governor, and the General Assembly—and we need to generate the support of the public by assuring they understand the importance of langage and international studies. I believe the public *will* understand—a University of Michigan survey reported that 75% of Americans believe that language learning *should begin* in elementary schools.

The National Commission on Excellence in Education and the Illinois State Board of Education have both *urged* that language learning for *all* children begin in elementary school—and should continue for 4-6 years. To assure our future economic viability, we should make this recommendation a requirement. The time has come to move beyond recommendations and *act* to implement them.

The 1985 Session of the Legislature will surely deal with the subject of educational reform. Problems must be dealt with and solutions must be found. Some solutions may be costly. But there can be no quick fix. The National Commission on Excellence in Education warned of a "rising tide of mediocrity" in our schools. The President has called for implementing the proposed reforms at a cost of $14 billion to states and local communities. Clearly, a solution of this magnitude will require a joint, concerted effort by state and local governments *and* the federal government.

But we have no alternative. Our nation's strength will be based on the knowledge acquired by our children. If we allow our schools to graduate "mediocre" students, our economic competitiveness will surely suffer.

The current climate for educational reform provides us the opportunity to make the necessary changes so that our children are prepared for the future. Languages and international studies *are* linked to excellence in education—we must understand they are as fundamental to a sound education as reading, writing, and arithmetic.

The Citizens Panel dedicated its report to the class of 2001—pointing out that children born this year (including my grandson) will likely graduate from high school in that year. Our education system must prepare them for living and working in an ever-shrinking world. As evidenced by events of the past decade—with oil and grain embargoes, increasing 3rd world debt, and advancing technology—the world's economy is totally interdependent. Americans must have a clear understanding of world issues—and to gain that understanding we *must* increase our language competence and our sensitivities to other cultures. We *must* begin now to improve our educational system, so that our children (and our grandchildren) will be prepared for the world of the 21st century.●

THE 67TH ANNIVERSARY OF THE PROCLAMATION OF INDEPENDENCE IN UKRAINE

● Mr. D'AMATO. Mr. President, today marks the 67th anniversary of the January 1918 proclamation of independence in Ukraine. This proclamation in Kiev was the culmination of the Ukrainian national movement, which followed the fall of the Russian czar, and the triumph over 200 years of imperialistic Russian rule. The Ukrainian Republic, however, was forced to wage a defensive war against the Red and White Russians in the east, and against the Poles in the west. By 1920, the Communists shattered the Ukrainian defense, and succeeded in occupying Ukraine.

Each July Fourth, citizens of the United States celebrate the birth of their independence. January 22 should be a similarly great day for all Ukrainians. Unfortunately, it is not. The 50 million people in Ukraine are forbidden to celebrate this date by the oppressive Russian Government. Moreover, any nationalistic movement from Ukraine, on this, or any other day, is instantly squelched, and "perpetrators" are imprisoned for "anti-Soviet behavior" pursuant to the Soviet criminal code.

For over 3 million Ukrainians and their descendents living outside Ukraine, the freedom and independence of Ukraine are of paramount importance. Observances held to commemorate Ukrainian independence are a constant reminder to the world that Ukraine was independent, at one time, and that the international community must recognize this historic fact and accept it in accordance with the right of self-determination for all peoples.

My empathy for the Ukrainians in their struggle against the dictatorial Soviet regime led me to introduce a resolution in the last Congress that proclaimed a day for mournful commemoration of the great famine in Ukraine during the year 1933, deliberately inflicted upon them by the imperialistic policy of Moscow. Moscow's purpose was to destroy the intellectual elite and large segments of the population of Ukraine and thus enhance its totalitarian Communist rule over the conquered Ukrainian Nation. This resolution, which passed the House and Senate, also issued a warning to the Soviet Union that continued subjugation of the Ukrainian Nation, as well as other non-Russian nations within the Union of Soviet Socialist Republics, constitutes a threat to world peace and normal relations among the peoples of Europe and the world at large.

Let us not forget these times in Ukrainian history, for they show the courage of a people determined not to acquiesce to the ruthlessness of a tyrannical regime. Let us recognize January 22 as a date of historical significance, not only to Ukrainians, but to all people, throughout the world, who espouse the principles of democracy and freedom.

Thank you, Mr. President.●

THE WRITING OF JEFFREY SCHEUER

● Mr. MOYNIHAN. Mr. President, the recent Presidential election gave good cause for many to comment on the choice before the electorate and what the choice would mean. It was not to be—or so we were told—a choice just between two men. Rather between two visions. It was also to be something of a referendum on liberalism, although few gave the word any more definition than some references to Franklin Delano Roosevelt and the New Deal.

Jeffrey Scheuer's writing proved an exception. He brought true definition to liberalism and the ramifications of subscribing to a liberal or conservative view. We would all do well to read what he wrote.

Mr. President, I ask that two of Jeffrey Scheuer's op-eds be inserted in the RECORD at this point.

The articles follow:

[From the Chicago Tribune, Oct. 14, 1984]

ALTERNATIVE VISIONS OF FREEDOM

(By Jeffrey Scheuer)

This year's presidential campaign offers a dramatic choice. The President got it right when he said, in accepting his party's nomination, that it's a choice "between two different visions of the future, two fundamentally different ways of governing."

On the surface, it is a difference of perspective on all of the particular issues that inform our political dialogue—from tax policy to gun control. But in fact such issues are merely kindling in the hardwood fires of ideological debate. They are fueled by underlying differences of philosophy: different views of equality and justice on one level; but, ultimately, different conceptions of human freedom.

The reason for this is not obscure. We all value freedom, not by accident, but because it is a special value, unlike any other: the

very gateway to our other values. We can pursue no end without the freedom to do so. More than what we choose, we value choice itself. Nevertheless, in moral and political terms, we understand freedom in different and competing ways.

In the view of President Reagan and his supporters, freedom is an essentially simple value, and the primary impediment to freedom is government. On that principal, conservatives advocate economic *laissez-faire* and Social Darwinism; any governmental interference in the marketplace abridges freedom. Clearly, the conservative argument has simplicity on its side.

In the liberal view, however—the view implicit in Walter Mondale's appeal for our vote—freedom is a very complex value. From this perspective, the state is just one potential impediment to individual liberty, and its moral function is to neutralize another, more basic kind of impediment. This latter impediment is the freedom of other individuals and institutions—from pickpockets to industrial polluters.

The liberal thus follows Lincoln's dictum, that freedom for the wolf is not the same as freedom for the sheep. The best government is not that which governs least or most but that which governs judiciously, as a liberating force; or as Mondale put it, a government that is "off our backs, but on our side."

These different conceptions of freedom have vastly different implications, especially in terns of economic equality: the hard material terms of who gets what in our society, the distribution of goods and opportunities. For the conservative, formal equality of opportunity is sufficient, and anything more abridges freedom. But for the liberal, equality of opportunity is not enough because, in reality, opportunities and rewards are interdependent. Such equality does not abridge freedom per se, but merely protects ovine rights against lupine license.

Consequently, conservatives equate economic freedom with capitalism, *tout court;* but for liberals, the "free" market is freedom for the wolf: an engine of efficiency perhaps, but not of justice. Thus liberal freedom means neither unvarnished capitalism nor socialism, but a combination of public and private enterprise and ownership. [This is not such a radical idea; taking a public bus to work is a socialist act.]

These alternative visions are essential to the statement that American voters will make this fall. It is a choice between a more or a less complex view of human freedom, and the correlative rights to which we are entitled. In fact, different thresholds of complexity go far to explain differences of political ideology—not just this year but whenever we are called upon to make political judgments.

Perhaps, as some philosophers suggest, freedom is an "essentially contested concept," and these different viewpoints cannot in the end be reconciled. But, more important, neither can they be dismissed as simply wrong or out of step with the times. Although we are hardly a nation of philosophers, all of our politics, however disguised or corrupted by imagery and rhetoric, consists of such ideological discourse about moral and philosophical questions.

When we acknowledge this, instead of foolishly dismissing "ideology" as something obscure or irrelevant—when we realize that basic moral values are always at issues, and freedom most of all—our political dialogue will be that of a great and mature democracy.

[From the Chicago Tribune, June 22, 1984]

WHY LIBERAL IDEAS WON'T DIE

(By Jeffrey Scheuer)

It's been four years since Sen. Edward Kennedy delivered a ringing oratorical call to liberal ideals at the Democratic convention in New York, declaring that "the dream shall never die." He brought down the house at Madison Square Garden, but as the chief spokesman that year for liberal Democrats, he was a minority voice.

Now, four years later, as the Democrats prepare to fight another internecine struggle, this time in San Francisco, it seems it's still more fashionable to talk about "new ideas" and "rainbow coalitions" and say that liberalism is dead—even though it appears the nominee will be Walter Mondale, an archetypal liberal shaped in the mold of Hubert Humphrey.

But if we set aside the petty political squabbles of the primary season, and take a longer, more philosophical view of this apparent contradiction, it might well be concluded that eulogies for liberalism are premature. Its ailments, though perhaps chronic, are never terminal.

The term "liberal" is of course somewhat ambiguous, as are "conservative" and "radical." But liberalism can be defined, first of all, as that part of the political spectrum that holds individual freedom to be paramount among moral and political values. Second, it is animated by the notion that people have certain basic rights, or inviolate freedoms—not by virtue of birth or status, or because having them contributes to some greater good, but simply because we are individuals. Ultimately, there is no higher good than our freedom itself.

Freedom is the primary value precisely because it is the gateway to all other values; it is the currency, so to speak, of our moral economy. My private ends, whatever they may be, are contingent upon my freedom to pursue them. Thus, to assert the primacy of freedom is not to choose among values but rather to acknowledge the supreme value of choice itself.

Liberals, furthermore, see a natural link between freedom and equality. The state is not the only impediment to freedom; indeed, its very *raison d'etre* is to equalize freedom, thus neutralizing other impediments—from pickpockets to industrial polluters.

The liberal's question, then, is not whether the state ought to regulate society, but how; not whether government should be big or small, but where and how far it can be a liberating force. To do this, the state must be variously absent, present and dominant in different sectors of human society; much more than a "nightwatchman" and much less than a "Big Brother."

Although liberalism undoubtedly will revive in America, it faces one basic and inherent obstacle, which I would call the "complexity factor." This factor at once suggests a final defining characteristic of liberalism, a cause of its present malaise and the reason it is not about to expire or become obsolete. In fact, the "complexity factor" will be at the very heart of the political debate this November.

Conservatives, with their narrow assumption that big government is bad government, tend to paint a tidy, uncomplicated picture of the power relations in society, thereby minimizing the extent and intricacy of our moral obligations. In their view, capitalism is the essence of freedom, and socialism its antithesis; talent always triumphs over brute circumstance; business enterprise is uniformly a force for the public good; the rights of criminals compete with the rights of victims; military might equates with military security; and foreign states are always unimpeachable friends or blood enemies.

Such a view appeals to order and tradition, privilege and self-interest. But most of all, it appeals to our thirst for simplicity. Conservatism, as such, is an intellectual and emotional bargain.

Liberals, however, reject the notion that the world is so simple and clean. They recognize the enormous complexity of power relations in society and attempt to devise a subtler, more intricate network of reciprocal rights and duties, freedoms and restraints.

If the "complexity factor" in this era of simplicity limits the appeal of liberal ideas, it will never wholly defeat them. Eventually, the electorate will recognize that freedom for the wolf is not the same as freedom for the sheep; that self-interest must adapt to public interest if our social contract is to survive change.

For the Democrats this year, philosophical discourse may not be the road to the White House; but a more complex and sophisticated perspective on public policy issues will be needed by whoever expects to assume the presidency. The complexities of human freedom will not go away. It is tempting to ignore them; understanding them is a far more difficult, more interesting and more humane task—a task that only a truly free and liberal mind dares to undertake.

(Jeffrey Scheuer, a New York writer, has just completed a philosophical study of freedom and equality entitled "The Freedom Nexus.")●

MILESTONE FOR MICHIGAN'S MARONITES

● Mr. LEVIN. Mr. President. I wish to take this opportunity to recognize February 3, 1985, as the day of dedication of a new Maronite Church, St. Jude Mission, to be located in Harrison Township, MI.

St. Maron's Church and its community have a history in the State of Michigan which dates back to the early 1900's. Maronites immigrating from Lebanon have found friendship and hospitality from its clergy and members. St. Maron's has been a haven for the celebration of faith. The parish has baptized its newborn and buried its dead. It has been a source of joy and consolation.

I know that the new mission will be an extension and continuation of the wonderful customs already established. It will be another gathering point to share a rich culture and heritage and continue a tradition which has enriched the entire community.

I am happy and proud to have the opportunity to recognize this milestone of the Maronite community and to wish its people every success.●

COSPONSORING THE LINE-ITEM VETO, SENATE JOINT RESOLUTION 11

● Mr. D'AMATO. Mr. President, I rise today to cosponsor and to lend my firm support to Senate Joint Resolution 11, legislation introduced by my distinguished colleague from Georgia, Senator MATTINGLY, to give the President line-item veto authority through a constitutional amendment.

Today, the U.S. economy is healthy and growing without significant inflation. However, continued economic progress is threatened by overly large Federal budget deficits. More to the point, increased Government consumption robs industry of the capital needed to put ideas and people back to work. There is little difference between financing increased Government spending through the issuance of new debt or by the imposition of higher taxes. Both methods are equally damaging to the continued vibrance of the economy. Deficit financing and increased taxes both redirect private funds to the Federal Government. The result of either action is that the pool of investment capital is deleted and industrial expansion is stifled.

The root cause of mammoth Federal budget deficits is runaway Government spending. Since fiscal year 1965, Federal spending has increased at an annual average rate of 11.2 percent. Since that time, the deficit has grown from $1.2 to $172 billion. Continued efforts to reduce the deficit through higher taxes have failed.

The Federal budget is a disaster in need of drastic action. Giving the President line-item veto authority would be an important first step toward getting control of Government spending. This would allow the President to reject specific appropriations without vetoing an entire piece of legislation as he must now do. The line-item veto is a budgetary reform that is the simplest way to cut the pork out of the budget.

Currently, Congress adds pork barrel programs to important legislation with virtual impunity. The President often hesitates to veto an entire bill which includes wasteful programs for fear of destroying vital underlying legislation. The line-item veto, therefore, would allow the Chief Executive to eliminate waste without destroying critical policy initiatives.

At this time, 43 Governors have line-item veto authority over State budgets. Many of these States are required by statute to annually balance their books. I can think of no greater tool we can give the President to control wasteful Government spending than the line-item veto. It has been proven effective at the State and local level and now should be implemented by the Federal Government.

Mr. President, I urge my colleagues on both sides of the aisle to lend their support to Senate Joint Resolution 11.

Thank you, Mr. President.●

RECESS UNTIL 2 P.M. TOMORROW

Mr. SIMPSON. Mr. President, I move, in accordance with the provisions of Senate Resolution 39, as a further mark of respect to the memory of the deceased Hon. GILLIS LONG, late a Representative from the State of Louisiana, that the Senate now stand in recess until 2 p.m. tomorrow.

The motion was agreed to; and, at 5:10 p.m., the Senate recessed until tomorrow, Tuesday, January 22, 1985, at 2 p.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate January 7, 1985, under authority of the order of the Senate of January 3, 1985:

IN THE AIR FORCE

The following officers for appointment in the U.S. Air Force under provisions of section 624, title 10 of the United States Code.

To be major general

Brig. Gen. Melvin G. Alkire, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Thomas A. Baker, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Anthony J. Burshnick, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Henry D. Canterbury, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Michael P. C. Carns, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Alexander K. Davidson, xxx-xx-x... FR, Regular Air Force.
Brig. Gen. James B. Davis, xxx-... FR, Regular Air Force.
Brig. Gen. Larry D. Dillingham, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Chris O. Divich, xxx-x... FR, Regular Air Force.
Brig. Gen. Jack K. Farris, xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. David W. Forgan, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Gordon E. Fornell, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Lee V. Greer, xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. Ralph E. Havens, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Edward J. Heinz, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Donald W. Henderson, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Charles A. Horner, xxx-xx-... FR, Regular Air Force.
Brig. Gen. John M. Loh, xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. Charles E. McDonald, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Monte B. Miller, xxx-... FR, Regular Air Force.
Brig. Gen. Stanton R. Musser, xxx-xx-x... FR, Regular Air Force.
Brig. Gen. Richard M. Pascoe, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Jack W. Sheppard, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Leo W. Smith II, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Ralph E. Spraker, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Richard E. Steere, xxx-xx-... FR, Regular Air Force.
Brig. Gen. John T. Stihl, xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. Samuel H. Swart, Jr., xxx-xx-... FR, Regular Air Force.
Brig. Gen. Bernard L. Weiss, xxx-xx-... FR, Regular Air Force.
Brig. Gen. Ronald W. Yates, xxx-xx-... FR, Regular Air Force.

The following officers for appointment in the U.S. Air Force to the grade of brigadier general under the provisions of section 624, title 10 of the United States Code:

Col. Edward P. Barry, Jr., xxx-xx-xxxx FR, Regular Air Force.
Col. Billy J. Boles, xxx-xx-xxxx FR, Regular Air Force.
Col. Chalmers R. Carr, Jr., xxx-xx-... FR, Regular Air Force.
Col. James E. Chambers, xxx-xx-xxxx FR, Regular Air Force.
Col. George E. Chapman, xxx-xx-xxxx FR, Regular Air Force.
Col. Edward D. Cherry, xxx-xx-xxxx FR, Regular Air Force.
Col. James R. Clapper, Jr., xxx-xx-xxxx FR, Regular Air Force.
Col. Maralin K. Coffinger, xxx-xx-xxxx FR, Regular Air Force.
Col. Keith B. Connolly, xxx-xx-xxxx FR, Regular Air Force.
Col. John M. Davey, xxx-xx-xxxx FR, Regular Air Force.
Col. Rufus M. DeHart, Jr., xxx-xx-... FR, Regular Air Force.
Col. Robert S. Delligatti, xxx-xx-xxxx FR, Regular Air Force.
Col. John P. Dickey, xxx-xx-xx... FR, Regular Air Force.
Col. John R. Farrington, xxx-xx-x... FR, Regular Air Force.
Col. Thomas R. Ferguson, Jr., xxx-xx-... FR, Regular Air Force.
Col. Ronald R. Fogleman, xxx-xx-xxxx FR, Regular Air Force.
Col. Albert A. Gagliardi, Jr., xxx-xx-x... FR, Regular Air Force.
Col. Roy M. Goodwin, xxx-xx-xxxx FR, Regular Air Force.
Col. James W. Hopp, xxx-xx-xxxx FR, Regular Air Force.
Col. Lawrence E. Huggins, xxx-xx-xxxx FR, Regular Air Force.
Col. Larry R. Keith, xxx-xx-xxxx FR, Regular Air Force.
Col. George W. Larson Jr., xxx-xx-... FR, Regular Air Force.
Col. Clarence H. Lindsay, Jr., xxx-xx-... FR, Regular Air Force.
Col. Paul A. Maye, xxx-xx-xxxx FR, Regular Air Force.
Col. Gary H. Mears, xxx-xx-xxxx FR, Regular Air Force.
Col. Richard C. Milnes II, xxx-xx-xxxx FR, Regular Air Force.
Col. Burton R. Moore, xxx-xx-xxxx FR, Regular Air Force.
Col. Thomas S. Moorman, Jr., xxx-xx-xx... FR, Regular Air Force.
Col. David C. Morehouse, xxx-xx-xxxx FR, Regular Air Force.
Col. Gary W. O'Shaughnessy, xxx-xx-... FR, Regular Air Force.
Col. Basil H. Pflumm, xxx-xx-xxxx FR, Regular Air Force.
Col. William J. Porter, xxx-xx-xxxx FR, Regular Air Force.
Col. James F. Record, xxx-xx-xx... FR, Regular Air Force.
Col. James M. Rhodes, Jr., xxx-xx-... FR, Regular Air Force.

Col. David H. Roe, [redacted]FR, Regular Air Force.
Col. James G. Sanders, [redacted]FR, Regular Air Force.
Col. Wayne E. Schramm, [redacted]FR, Regular Air Force.
Col. Charles J. Searock, Jr., [redacted]FR, Regular Air Force.
Col. William H. Sistrunk, [redacted]FR, Regular Air Force.
Col. John D. Slinkard, [redacted]FR, Regular Air Force.
Col. Roger C. Smith, [redacted]FR, Regular Air Force.
Col. W. J. Soper, [redacted]FR, Regular Air Force.
Col. Joseph K. Spiers, [redacted]FR, Regular Air Force.
Col. Joseph K. Stapleton, [redacted]FR, Regular Air Force.
Col. Charles, F. Stebbins, [redacted]FR, Regular Air Force.
Col. Gorham B. Stephenson, [redacted]FR, Regular Air Force.
Col. Daniel A. Taylor Jr., [redacted]FR, Regular Air Force.
Col. David J. Teal, [redacted]FR, Regular Air Force.
Col. Walter E. Webb III, [redacted]FR, Regular Air Force.
Col. William T. Williams IV, [redacted]FR, Regular Air Force.

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of sections 593, 8218, 8373, and 8374, title 10, United States Code:

To be major general

Brig. Gen. Miles C. Durfey, [redacted]FG, Air National Guard of the United States.
Brig. Gen. Frank L. Hettlinger, [redacted]FG, Air National Guard of the United States.
Brig. Gen. Bobby W. Hodges, [redacted]FG, Air National Guard of the United States.
Brig. Gen. Donald L. Owens, [redacted]FG, Air National Guard of the United States.
Brig. Gen. Robert W. Paret, [redacted]FG, Air National Guard of the United States.
Brig. Gen. Paul M. Thompson, [redacted]FG, Air National Guard of the United States.

To be brigadier general

Col. Nicholas Annicelli, Jr., [redacted]FG, Air National Guard of the United States.
Col. Roland E. Ballow, [redacted]FG, Air National Guard of the United States.
Col. Richard W. Bertrand, [redacted]FG, Air National Guard of the United States.
Col. Emiel T. Bouckaert, [redacted]FG, Air National Guard of the United States.
Col. Gene A. Budig, [redacted]FG, Air National Guard of the United States.
Col. Wayne O. Burkes, [redacted]FG, Air National Guard of the United States.
Col. Drennan A. Clark, [redacted]FG, Air National Guard of the United States.
Col. Thomas R. Elliott, Jr., [redacted]FG, Air National Guard of the United States.
Col. Harold R. Hall, [redacted]FG, Air National Guard of the United States.
Col. Charles W. Harris, [redacted]FG, Air National Guard of the United States.
Col. Richard R. Hefton, [redacted]FG, Air National Guard of the United States.
Col. Thor A. Hertsgaard, [redacted]FG, Air National Guard of the United States.
Col. Harold C. Morgan, [redacted]FG, Air National Guard of the United States.
Col. David W. Noall, [redacted]FG, Air National Guard of the United States.
Col. William R. Ouellette, [redacted]FG, Air National Guard of the United States.
Col. Dudley P. Smidt, [redacted]FG, Air National Guard of the United States.
Col. Kenji Sumida, [redacted]FG, Air National Guard of the United States.
Col. Charles W. Taylor, Jr., [redacted]FG, Air National Guard of the United States.
Col. Carleton B. Waldrop, [redacted]FG, Air National Guard of the United States.

Executive nominations received by the Secretary of the Senate January 9, 1985, under authority of the order of the Senate of January 3, 1985:

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Lilli K. Dollinger Hausenfluck, of Virginia, to be a member of the National Advisory Council on Women's Educational Programs for a term expiring May 8, 1986 (reappointment).

Marcilyn D. Leier, of Minnesota, to be a member of the National Advisory Council on Women's Educational Programs for a term expiring May 8, 1986 (reappointment).

Virginia Gillham Tinsley, of Arizona, to be a member of the National Advisory Council on Women's Educational Programs for a term expiring May 8, 1986 (reappointment).

Mary Jo Arndt, of Illinois, to be a member of the National Advisory Council on Women's Educational Programs for a term expiring May 8, 1987, vice Eleanor Knee Rooks, resigned.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Lloyd George Richards, of New York, to be a member of the National Council on the Arts for a term expiring September 3, 1990, vice Maureene Dees, term expired.

James Nowell Wood, of Illinois, to be a member of the National Council on the Arts for a term expiring September 3, 1990, vice Martin Friedman, term expired.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Rosalie Gaull Silberman, of California, to be a member of the Equal Employment Opportunity Commission for a term expiring July 1, 1990 (reappointment).

EXPORT-IMPORT BANK OF THE UNITED STATES

Richard H. Hughes, of Oklahoma, to be a member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 1987 (reappointment).

IN THE COAST GUARD

Pursuant to the provisions of 14 U.S.C. 729, the following named commanders of the Coast Guard Reserve to be permanent commissioned officers in the Coast Guard Reserve in the grade of captain.

William H. Maddox, Jr.	Albert D. Melendrez
Jack L. Powell	Edward E. Tyson
Martin V. Lake	John H. McConnell
Maurice D. Lafferty	Donald H. Hagen
Ronald W. Rogowski	Charles F. Marcus
Philip C. Wrangle	Thomas E. Lewis
Travis H. Willis	John A. Grippi
George R. Merrilees	William J. McLay

IN THE ARMY

The U.S. Army Reserve officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3371 and 3384:

To be major general

Brig. Gen. Roger R. Blunt, [redacted].
Brig. Gen. Richard O Christiansen, [redacted].
Brig. Gen. Albert E. Gorsky, [redacted].
Brig. Gen. Jack Strukel, Jr., [redacted].
Brig. Gen. William P. Sylvester, Jr., [redacted].

To be brigadier general

Col. Paul L. Babiak, [redacted].
Col. Richard D. Chegar, [redacted].
Col. Clyde R. Cherberg, [redacted].
Col. Ronald V. McDougall, [redacted].
Col. Douglas J. O'Connor, [redacted].
Col. Frederick W. Roeder, [redacted].
Col. Felix A. Santoni, [redacted].
Col. Paul Skok, [redacted].
Col. Richard E. Stearney, [redacted].

Executive nominations received by the Secretary of the Senate January 11, 1985, under authority of the order of the Senate of January 3, 1985:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the National Oceanic and Atmospheric Administration:

To be rear admiral

Charles K. Townsend

To be lieutenant

Michael R. Johnson

To be lieutenant (junior grade):

John T. Lamkin

To be ensign

Michael S. Abbott	Alan K. Harker
Emily Beard	Jennifer A. Hill
Catherine J. Bradley	Michael K. Jeffers
Michael B. Brown	Scott R. Kuester
Jeffrey S. Cockburn	Kristie L. Miller
Carolyn S. Coho	Catherine A. Montgomery
David A. Cole	JoAnne A. Salerno
Elizabeth A. Crozer	Todd C. Sites
Glenn A. Gioseffi	
Tammi J. Halfast	

IN THE AIR FORCE

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of section 8218, 8362, and 8373, title 10, United States Code:

To be major general

Brig. Gen. Donald G. Aten, [redacted]FV, Air Force Reserve.
Brig. Gen. Robert G. Mortensen, [redacted]FV, Air Force Reserve.
Brig. Gen. Charles R. Parrott, [redacted]FV, Air Force Reserve.
Brig. Gen. James C. Wahleithner, 399-30-8303.

To be brigadier general

Col. Courtney W. Anderson, [redacted]FV, Air Force Reserve.
Col. Dale R. Baumler, [redacted]FV, Air Force Reserve.
Col. Clyde C. Deckard, Jr., [redacted]FV, Air Force Reserve.
Col. Robert S. Dotson, [redacted]FV, Air Force Reserve.
Col. Dominick V. Driano, [redacted]FV, Air Force Reserve.
Col. Jack P. Ferguson, [redacted]FV, Air Force Reserve.
Col. Richard A. Freytag, [redacted]FV, Air Force Reserve.

Col. Eugene C. Galley, xxx-xx-xxxx FV, Air Force Reserve.
Col. Clarence B.H. Lee, xxx-xx-xxxx FV, Air Force Reserve.
Col. Beverly S. Lindsey, xxx-xx-xxxx FV, Air Force Reserve.
Col. Jack L. Lively, xxx-xx-xxxx FV, Air Force Reserve.
Col. William C. Rapp, xxx-xx-xxxx FV, Air Force Reserve.
Col. John D. Riddle, xxx-xx-xxxx FV, Air Force Reserve.
Col. Augustine A. Verrengia, xxx-xx-x... xxx-... FV, Air Force Reserve.
Col. Robert L. Wright, xxx-xx-xxxx FV, Air Force Reserve.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. Paul F. Gorman, xxx-xx-xxxx (age 57), U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. John R. Galvin, xxx-xx-xxxx U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. Wallace H. Nutting, xxx-xx-xxxx (age 56), U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Fred K. Mahaffey, xxx-xx-xxxx, U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Bernhard T. Mittemeyer, xxx-xx-... xxx-... (age 54), Medical Corps, U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 3036, to be assigned as the Surgeon General, U.S. Army:

To be the surgeon general

Maj. Gen. Quinn H. Becker, xxx-xx-xxxx, U.S. Army.

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. James R. Hogg, xxx-xx-xxxx/1110, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Frank B. Kelso II, xxx-xx-... xxx.../... U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Edward H. Martin, xxx-xx-... xxx-... U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Paul F. McCarthy, Jr., xxx-xx-... xxx-xx-xxxx, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Robert F. Schoultz, xxx-xx-... .../xxx... U.S. Navy.

THE JUDICIARY

Herbert Bialock Dixon, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia for a term of 15 years, vice James A. Washington, Jr., retired.

Executive nominations received by the Secretary of the Senate January 18, 1985, under authority of the order of the Senate of January 3, 1985:

DEPARTMENT OF THE TREASURY

James A. Baker III, of Texas, to be Secretary of the Treasury.

Richard G. Darman, of Virginia, to be Deputy Secretary of the Treasury, vice R. T. McNamar.

DEPARTMENT OF ENERGY

John S. Herrington, of California, to be Secretary of Energy.

DEPARTMENT OF EDUCATION

William J. Bennett, of North Carolina, to be Secretary of Education.

EXPORT-IMPORT BANK OF THE UNITED STATES

John A. Bohn, Jr., of Virginia, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 1989 (reappointment).

WITHDRAWAL

Executive nomination withdrawn from the Senate October 7, 1985:

DEPARTMENT OF COMMERCE

Michael Huffington, of Texas, to be an Assistant Secretary of Commerce, vice Lawrence, J. Brady, resigned, which was sent to the Senate on January 3, 1985.

HOUSE OF REPRESENTATIVES—*Monday, January 21, 1985*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray together in the words of the ecumenical prayer for the inauguration:

God of Abraham, Isaac, and Jacob, giver of all blessings, we thank Thee for Thy gracious providence bestowed upon us as a nation, for our unity and diversity and for the Judeo-Christian values upon which our national life has been grounded. As the President and Vice President take their oath of office, grant to them and their families and all who bear responsibility for the public good Thy blessing and direction. Grant that the needs of the oppressed, the hungry and the homeless, the persecuted, the voiceless, and the powerless may be taken seriously not only by public servants but by all of us in Thy compassion, for Thy glory and honor. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

SWEARING IN OF MEMBERS-ELECT

The SPEAKER. Are there Members present who desire to take the oath and who have not taken the oath?

Messrs. O'BRIEN, HILLIS, and CHAPPIE appeared at the bar of the House and took the oath of office.

The SPEAKER. Congratulations. You are now Members of the Congress of the United States.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
January 21, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House as follows:

(1) At 1:30 p.m. on Tuesday, January 8, 1985 and said to contain a message from the President whereby he transmits the third annual report on Alaska's mineral resources, which covers calendar year 1984;

(2) At 1:30 p.m. on Tuesday, January 8, 1985 and said to contain a message from the President whereby he transmits the seventh annual report on Federal Energy Conservation Programs undertaken during Fiscal Year 1983;

(3) At 1:30 p.m. on Tuesday, January 8, 1985 and said to contain a message from the President whereby he transmits the second biennial report on the coastal zone management, which covers fiscal years 1982 and 1983;

(4) At 12:30 p.m. on Wednesday, January 9, 1985 and said to contain a message from the President whereby he transmits the 1983 Annual Report of the Federal Prevailing Rate Advisory Committee;

(5) At 12:30 p.m. on Wednesday, January 9, 1985 and said to contain a message from the President whereby he transmits the fiscal year 1983 annual report of the Rehabilitation Services Administration;

(6) At 4:00 p.m. on Tuesday, January 15, 1985 and said to contain a message from the President whereby he transmits the sixteenth annual Highway Safety and National Traffic and Motor Vehicle Safety Reports; and

(7) At 4:00 p.m. on Tuesday, January 15, 1985 and said to contain a message from the President whereby he transmits the 13th Annual Report on Federal Railroad Safety.

With kind regards, I am

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

THIRD ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. ANTHONY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interior and Insular Affairs:

(For message, see proceedings of the Senate of today, Monday, January 21, 1985.)

SEVENTH ANNUAL REPORT ON FEDERAL ENERGY CONSERVATION PROGRAMS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, Monday, January 21, 1985.)

SECOND BIENNIAL REPORT ON COASTAL ZONE MANAGEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Merchant Marine and Fisheries:

(For message, see proceedings of the Senate of today, Monday, January 21, 1985.)

THE 1983 ANNUAL REPORT OF THE REHABILITATION REPORT BY DEPARTMENT OF EDUCATION COVERING ACTIVITIES SERVICES ADMINISTRATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

(For message, see proceedings of the Senate of today, Monday, January 21, 1985.)

THE 1983 ANNUAL REPORT OF THE FEDERAL PREVAILING RATE ADVISORY COMMITTEE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Post Office and Civil Service:

(For message, see proceedings of the Senate of today, Monday, January 21, 1985.)

THIRTEENTH ANNUAL REPORT ON ADMINISTRATION OF FEDERAL RAILROAD SAFETY ACT OF 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United

States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, Monday, January 21, 1985.)

SIXTEENTH ANNUAL REPORTS ON HIGHWAY SAFETY AND NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Public Works and Transportation and the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, Monday, January, 21, 1985.)

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 1985, the House will stand in recess until 10:30 a.m.

Accordingly (at 10 o'clock and 12 minutes a.m.), the House stood in recess until 10 o'clock and 30 minutes a.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. WHITTEN] at 10 o'clock and 30 minutes a.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that sitting Members will be seated in the rotunda. There are no extra seats available. So former Members cannot join the procession.

The same holds true for spouses and children. They can neither go with the procession nor be seated in the rotunda.

The procession will be headed by the Sergeant at Arms bearing the mace. He will be followed by the Speaker pro tempore, the House leadership, committee chairmen, ranking minority Members, other Members in order of seniority, and the officers of the House.

The Chair would encourage Members, as they gather in order of seniority, to congregate by "classes" in the well.

Pursuant to House Resolution 10, and without objection, the Members of the House will now proceed to the rotunda to attend the inaugural ceremonies for the President and Vice President of the United States.

Thereupon, at 10 o'clock and 35 minutes a.m., the Members of the House, preceded by the Sergeant at Arms and the Speaker pro tempore, proceeded to the rotunda of the Capitol.

ADJOURNMENT

At the conclusion of the inaugural ceremonies (at 12 o'clock and 15 minutes p.m.) the House, without returning to the Chamber, pursuant to House Resolution 10, stood in adjournment until Tuesday, January 22, 1985, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

277. A letter from the Director, Office of Management and Budget, transmitting a cumulative report on rescissions and deferrals of budget authority, pursuant to Public Law 93-344, section 1014(e) (H. Doc. No. 99-15); to the Committee on Appropriations and ordered to be printed.

278. A letter from the Secretary of Housing and Urban Development, transmitting a quarterly report on the Community Development Block Grant Jobs Program, pursuant to 42 U.S.C. 5306 (Public Law 98-8, title I); to the Committee on Appropriations.

279. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting the certification required concerning the disbursement of Military Assistance Program funds to Turkey, pursuant to Public Law 98-473; to the Committee on Appropriations.

280. A letter from the Secretary of Commerce, transmitting a report of an expenditure or obligation in excess of appropriation or apportionment, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

281. A letter from the Acting Deputy Assistant Secretary, Department of Defense, transmitting a report on aviation career incentive pay, pursuant to 37 U.S.C. 301a(e); to the Committee on Armed Services.

282. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), Department of Defense, transmitting notice of decision to convert to contractor performance the maintenance of buildings and structures, family housing at the Marine Corps Air Station, Beaufort, SC, pursuant to 10 U.S.C. 2304 nt (Public Law 96-342, section 502(b) (96 Stat. 747)); to the Committee on Armed Services.

283. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), Department of Defense, transmitting notice of decision to convert to contractor performance the supply, shipping, and receiving function at the Naval Ocean Systems Center, San Diego, CA, pursuant to 10 U.S.C. 2304 nt (Public Law 96-342, section 502(b) (96 Stat. 747)); to the Committee on Armed Services.

284. A letter from the Director, Defense Security Assistance Agency, transmitting a letter from the Department of the Army concerning the sale of defense articles to the Federal Republic of Germany in excess of $50 million, pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

285. A letter from the Military Executive, Reserve Forces Policy Board, Department of Defense, transmitting the Reserve Forces Policy Board's fiscal year 1983 annual report, pursuant to 10 U.S.C. 133(c); to the Committee on Armed Services.

286. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of an omission from contracts of a clause authorizing review by the Comptroller General of pertinent books and records of the contractor or his subcontractors, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

287. A letter from the Deputy Secretary of Defense, transmitting reasons for the disparity in size among the Offices of the Secretaries of the military departments, pursuant to Public Law 93-525, section 1303; to the Committee on Armed Services.

288. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee and insurance transactions supported by the Bank during October and November 1984 to Communist countries a result of Presidential determinations, pursuant to 12 U.S.C. 635(b)(2); to the Committee on Banking, Finance and Urban Affairs.

289. A letter from the Secretary of Housing and Urban Development, transmitting a report on progress of the recipients of Rental Housing Rehabilitation and Development Program grants, pursuant to 42 U.S.C. 1437o(n) (September 1, 1937, chapter 896, section 17(n) (97 Stat. 1206)); to the Committee on Banking, Finance and Urban Affairs.

290. A letter from the Secretary of Housing and Urban Development, transmitting a report on the impact of the assistance allocated to nonmetropolitan areas for housing programs, pursuant to Public Law 98-181, section 201(a)(3); to the Committee on Banking, Finance and Urban Affairs.

291. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-196, "Health Spa Consumer Protection Act Amendments Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on District of Columbia.

292. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-195, "Pawnbroker Industry Improvement Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

293. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-193, "Crispus Attacks Courts, Northwest, Designation Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

294. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-194, "Employment Services Licensing and Regulation Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

295. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-198, "D.C. Government Comprehensive Merit Personnel Act of 1978/Retirement Annuity Pay Reduction Exception Temporary Act of 1984," pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

296. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-199, "Mandatory Mail Receptacle Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

297. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-200, "Closing and Dedication of Public Alleys in Square 1026 Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

298. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-190, "Apartment House Elevator Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

299. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-189, "Mandatory Lock Amendment Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

300. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-183, "Real Property Tax Appellate Provisions Amendment Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

301. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-182, "Neglect Representation Equity Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

302. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-181, "D.C. Confidentiality of Library Records Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

303. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-180, "Mandatory Mail Receptacle Temporary Act of 1984," pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

304. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-178, "Real Property Tax Rates Setting Procedures Amendment Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

305. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-192, "Elimination of Building Restriction Line in Square 2046 Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

306. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-191, "District of Columbia Daylight Saving Time Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

307. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-197, "Smoke Detector Act of 1978 Amendment Act of 1984," and report, pursuant to Public Law 98-198, section 602(c); to the Committee on the District of Columbia.

308. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-177, "D.C. Unemployment Compensation Act Second Amendments Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

309. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-179, "Closing of a Public Alley in Square 100 Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

310. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-222, "Closing of a Public Alley in Square 1200 Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

311. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-220, "Martin Luther King, Jr., Birthday Holiday Conformity Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

312. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-219, "Ambulatory Surgical Treatment Center Temporary Act of 1984," pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

313. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-217, "Utility Regulatory Assessment Clarification Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

314. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-216, "John McCormack Road Designation Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

315. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-214, "D.C. Public Assistance Act of 1982 Temporary Amendments Act of 1984," pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

316. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-215, "Closing of Public Alleys in Square 454 Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

317. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-213, "Pennsylvania Avenue NW., Street Designation Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

318. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-212, "Closing of a Portion of 8th Street NW., and the Public Alleys in Square 403 Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

319. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-211, "D.C. Income and Franchise Tax Conformity Amendments Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

320. A letter from the Chairman, Council of the District of Columbia, transmitting Initiative Measure No. 17 (D.C. Act 5-208), "D.C. Right to Overnight Shelter Initiative of 1984," and election results, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

321. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-204, "Child Abuse Reform Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

322. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-203, "Extension of the Moratorium on Retail Service Station Conversions Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

323. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-202, "Closing of a Public Alley in Square 2974 Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

324. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-227, "Automobile Consumer Protection Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

325. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-226, "University of the District of Columbia Board of Trustees Nominating Committee Amendment Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

326. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-225, "Life Insurance Amendments Reform Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

327. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-224, "End of Session Technical Amendments Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

328. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-223, "Arland D. Williams, Jr., Memorial Bridge Designation Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

329. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-221, "Adult Protective Services Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

330. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-200, "D.C. Commission on Baseball Amendments Temporary Act of 1984," pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

331. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-228, "D.C. Cable Television Franchise Award Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

332. A letter from the Acting Secretary of Education, transmitting final regulations for the 1985-86 Pell Grant Program family contribution schedule—family size offset tables, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

333. A letter from the General Counsel, Department of Energy, transmitting a notice of meetings related to the International Energy Program; to the Committee on Energy and Commerce.

334. A letter from the Secretary, Interstate Commerce Commission, transmitting notification of an extraordinary extension of a time period in a rail carrier proceeding, pursuant to 49 U.S.C. 10327(k)(2); to the Committee on Energy and Commerce.

335. A letter from the Administrator, U.S. International Development Cooperation Agency, Agency for International Development, transmitting the annual report on projects funded by the private sector revolving fund, pursuant to FAA, section 108(h) (97 Stat. 972); to the Committee on Foreign Affairs.

336. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting a Presidential determination (85-3) authorizing aid to African refugees, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on Foreign Affairs.

337. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notice of intent to consent to certain third-country transfers of defense equipment, articles or services, the export of which has been licensed or approved under section 38 of AECA to the Kingdom of the Netherlands (Transmittal No. MC-7-85), pursuant to 22 U.S.C. 2753(d)(1); to the Committee on Foreign Affairs.

338. A letter from the Director, Defense Security Assistance Agency, transmitting Transmittal No. 1-85, concerning the Department of the Navy's proposed lease of defense articles to Brazil, pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

339. A letter from the Director, Defense Security Assistance Agency, transmitting a notice of intent of offer to sell certain defense articles to the Federal Republic of Germany, pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

340. A communication from the President of the United States, transmitting a report on progress toward a negotiated solution of the Cyprus problem, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c) (H. Doc. No. 99-16); to the Committee on Foreign Affairs and ordered to be printed.

341. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

342. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on political contributions by Peter S. Bridges, Ambassador-designate to the Somali Democratic Republic, pursuant to Public Law 96-465, sec. 304(b)(2); to the Committee on Foreign Affairs.

343. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting the annual report on the Foreign Service Retirement and Disability System, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

344. A letter from the Secretary of the Treasury, transmitting the combined statement of receipts, expenditures, and balances of the U.S. Government, pursuant to 31 U.S.C. 331(c); to the Committee on Government Operations.

345. A letter from the Acting Administrator, General Services Administration, transmitting a report of surplus personal property distribution programs, pursuant to 40 U.S.C. 483(c); to the Committee on Government Operations.

346. A letter from the Administrator, U.S. Small Business Administration, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

347. A letter from the Assistant to the President for Management and Administration, Director, Office of Administration, the White House, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

348. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting notice of an altered Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

349. A letter from the Chairman, Legislative Conference of the United States, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

350. A letter from the Chairman, Board of Governors, U.S. Postal Service, transmitting a report on compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act), pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

351. A letter from the Chairman, National Endowment for the Arts, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

352. A letter from the Director, Congressional Budget Office, transmitting a study of alternative budget formulas required by the Deficit Reduction Act of 1984, pursuant to section 2906 of the Deficit Reduction Act of 1984, Public Law 98-369; to the Committee on Government Operations.

353. A letter from the President, Inter-American Foundation, transmitting a report of activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

354. A letter from the Secretary of the Interior, transmitting a report on evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

355. A letter from the Secretary of the Treasury, transmitting a report on the compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

356. A letter from the Secretary of Agriculture, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

357. A letter from the Secretary of Housing and Urban Development, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

358. A letter from the Acting Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for use and distribution of the San Pasqual Band's judgment funds, pursuant to Public Law 93-134, sections 2(a) and 4; to the Committee on Interior and Insular Affairs.

359. A letter from the Acting Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use of the Pala Band's judgment funds, pursuant to Public Law 93-134, sections 2(a) and 4; to the Committee on Interior and Insular Affairs.

360. A letter from the clerk, U.S. Claims Court, transmitting the court's report for the year ended September 30, 1984, pursuant to 28 U.S.C. 791(c); to the Committee on the Judiciary.

361. A letter from the Secretary, Migratory Bird Conservation Commission, transmitting the annual report of the Migratory Bird Conservation Commission for fiscal year ended September 30, 1984, pursuant to the act of February 18, 1929, chapter 257, section 3; to the Committee on Merchant Marine and Fisheries.

362. A letter from the Librarian of Congress, transmitting a report on professional and scientific positions established under 5 U.S.C. 3104 and 5 U.S.C. 5371, pursuant to 5 U.S.C. 3104(b); to the Committee on Post Office and Civil Service.

363. A letter from the Acting Assistant Secretary of the Army (Civil Works), Department of Defense, transmitting a report from the Chief of Engineers, Department of the Army, on Chowan River Basin, Virginia and North Carolina; to the Committee on Public Works and Transportation.

364. A letter from the Acting Assistant Secretary of the Army (Civil Works), Department of Defense, transmitting a report from the Chief of Engineers, Department of the Army, on Bogue Banks and Bogue Inlet, North Carolina; to the Committee on Public Works and Transportation.

365. A letter from the Secretary of Energy, transmitting an annual report as required by the Methane Transportation Research, Development, and Demonstration Act of 1980, pursuant to Public Law 96-512, section 9; to the Committee on Science and Technology.

366. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on disposal of land valued in excess of $50,000, pursuant to Public Law 85-568, section 207 (87 Stat. 175); to the Committee on Science and Technology.

367. A letter from the Secretary of Health and Human Services, transmitting the report of the effects of amendments to the SSA affecting disability recipients under the OASDI and SSI Programs, pursuant to Public Law 96-265, section 312; to the Committee on Ways and Means.

368. A letter from the Secretary of Energy, transmitting an annual report from the Office of Alcohol Fuels, pursuant to Public Law 96-294, section 218(c)(1); jointly, to the Committees on Agriculture and Energy and Commerce.

369. A letter from the Secretary of Housing and Urban Development, transmitting a report on the activities of the Solar Energy and Energy Conservation Bank, pursuant to Public Law 96-294, section 519(a); jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

370. A letter from the Staff Director, U.S. Commission on Civil Rights, transmitting a study from the Commission on Civil Rights

entitled, "Comparable Worth: Issue for the '80's", about solving the occupational bias against women, pursuant to Public Law 9-478, section 303(b); jointly, to the Committees on Education and Labor and the Judiciary.

371. A letter from the Secretary of Energy, transmitting the annual report of the status of actions required by the Uranium Mill Tailings Radiation Control Act of 1978, pursuant to Public Law 95-604, section 114(a); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

372. A letter from the Secretary of Energy, transmitting second annual report of plans for providing storage capacity for spent fuel from civilian nuclear power, pursuant to Public Law 97-425, section 135(f); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

373. A letter from the Comptroller General of the United States, transmitting a report entitled "Better Management of Information Resources at the Bureau of Indian Affairs Could Reduce Waste and Improve Productivity" (GAO/IMTEC-85-1, December 21, 1984); jointly, to the Committees on Government Operations and Interior and Insular Affairs.

374. A letter from the Chairman, Federal Election Commission, transmitting a request for a supplemental appropriation, pursuant to Public Law 92-225, section 307(d)(1) (93 Stat. 1354, 1356); jointly, to the Committees on House Administration and Appropriations.

375. A letter from the Secretary of Energy, transmitting the first annual determination of the viability of the domestic uranium mining and milling industries, pursuant to AEA, section 170B(a) (96 Stat. 2081); jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

376. A letter from the Director, Federal Emergency Management Agency, transmitting the National Earthquake Hazards Reduction Program plan, pursuant to Public Law 95-124, section 5(b)(2)(E) (94 Stat. 2258); jointly, to the Committees on Interior and Insular Affairs and Science and Technology.

377. A letter from the Administrator, Environmental Protection Agency, transmitting studies detailing Superfund implementation, pursuant to Public Law 96-510, section 301(a)(1); E.O. 12316, section 8(c)(1); jointly, to the Committees on Energy and Commerce, Public Works and Transportation, and Ways and Means.

378. A letter from the Comptroller General of the United States, transmitting a report entitled, "Department of Energy's Initial Efforts to Implement the Nuclear Waste Policy Act of 1982," pursuant to Public Law 97-425, section 304(d); jointly, to the Committees on Government Operations, Energy and Commerce and Interior and Insular Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY, (for himself, Mr. JONES of Oklahoma, Mr. JENKINS, Mr. MATSUI, Mr. FLIPPO, Mr. FRENZEL, Mr. CAMPBELL, Mr. ALEXANDER, Mr. ROBINSON, Mr. LEATH of Texas, Mr. HUCKABY, Mr. STENHOLM, Mr. BOUCHER, Mr. ROSE, Mr. SPENCE, Mr. SMITH of Florida, Mr. RUDD, Mr. ERDREICH, Mr. DEWINE, Mr. GLICKMAN, Mr. BOULTER, Mr. STUMP, Mr. LUKEN, Mr. TRAXLER, Mr. DASCHEL, Mrs. BYRON, Mr. SENSENBRENNER, Mr. BILIRAKIS, Mr. SLATTERY, Mr. ROBERTS, Mr. OXLEY, Mr. RAHALL, and Mr. ENGLISH):

H.R. 531. A bill to repeal certain recently enacted substantiation and compliance provisions of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. DAUB:

H.R. 532. A bill to authorize the Secretary of Agriculture to enter into long-term contracts with producers to remove highly erodible land from the production of agricultural commodities and to use soil conservation practices on such land, and for other purposes; to the Committee on Agriculture.

H.R. 533. A bill to amend the Internal Revenue Code of 1954 to provide an investment tax credit of up to 20 percent of certain expenditures by the taxpayer for soil or water conservation; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 534. A bill entitled: "The Logging Requirement Repeal Act of 1985"; to the Committee on Ways and Means.

By Mr. FRANKLIN:

H.R. 535. A bill to amend the Internal Revenue Code of 1954 to provide an exemption for agricultural vehicles from the requirements of section 280F of such Code (relating to limitation on certain property used for personal purposes); to the Committee on Ways and Means.

By Mr. McEWEN:

H.R. 536. A bill to repeal the substantiation requirements contained in the Tax Reform Act of 1984 for deductions attributable to business use of passenger automobiles and certain other types of personal property; to the Committee on Ways and Means.

By Mr. MOAKLEY:

H.R. 537. A bill to extend reorganization authorities of the President under chapter 9 of title 5, United States Code, and to extend certain rules of the House of Representatives and of the Senate under such chapter; to improve congressional oversight of Federal regions; and for other purposes; jointly, to the Committee on Government Operations, and Rules.

H.R. 538. A bill to improve congressional oversight of Federal facilities and provide certain rules of the House of Representatives and of the Senate with respect to such facilities, and for other purposes; jointly, to the Committees on Government Operations, and Rules.

By Mr. MURTHA (for himself, Mr. REGULA, Mr. LUNDINE, Mr. RIDGE, Mr. MOLLOHAN, Mr. BEVILL, Mrs. MARTIN of Illinois, Mr. KOLTER, Mr. ERDREICH, Mr. APPLEGATE, Mr. BROOKS, Mr. MURPHY, Mr. WALGREN, Mr. SHELBY, Mrs. COLLINS, Mr. FORD of Michigan, Mr. SAVAGE, Mr. RITTER, Ms. MIKULSKI, Mr. BORSKI, Mr. DAVIS, Ms. OAKAR, Mr. KINDNESS, Mr. VISCLOSKY, Mr. TOWNS, Mr. NICHOLS, Mr. COELHO, Mr. YOUNG of Missouri, Mr. OBERSTAR, Mr. MITCHELL, Mr. LUKEN, Mr. DINGELL, Mr. TRAXLER, Mr. McDADE, Mr. KOSTMAYER, Mr. SCHULZE, Mr. NATCHER, Mr. O'BRIEN, Mr. MONSON, Mr. DWYER of New Jersey, Mr. HOWARD, and Mr. KILDEE):

H.R. 539. A bill relating to certain bilateral arrangements to limit the importation of steel products into the United States; to the Committee on Ways and Means.

By Mr. RAHALL:

H.R. 540. A bill amending title 49 of the United States Code with respect to standards for rail rates and determinations of rail carrier market dominance, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROTH:

H.R. 541. A bill to repeal the requirement added by the Tax Reform Act of 1984 relating to the maintenance of contemporaneous records with respect to business use of automobiles and certain other property; to the Committee on Ways and Means.

By Mr. STANGELAND:

H.R. 542. A bill to amend section 8(b) of the Soil Conservation and Domestic Allotment Act to improve procedures for the selection of Agricultural Stabilization and Conservation Service county and local committees; to the Committee on Agriculture.

H.R. 543. A bill to provide emergency loans to farmers, ranchers, or persons engaged in aquaculture where the Secretary of Agriculture determines that the operations of such persons have been substantially affected by a natural disaster for 3 or more consecutive years, and for other purposes; to the Committee on Agriculture.

H.R. 544. A bill to exclude from gross income, for purposes of Federal income tax, interest paid to sellers of agricultural land purchased with loans made by such sellers to certain farmers and ranchers and insured under the Consolidated Farm and Rural Development Act; to the Committee on Ways and Means.

By Mr. WHITTAKER:

H.R. 545. A bill to repeal the substantiation requirements contained in the Tax Reform Act of 1984 for deductions attributable to business use of passenger automobiles and certain other types of personal property; to the Committee on Ways and Means.

By Mr. BARNES:

H. Con. Res. 31. Concurrent resolution urging the expanded use of employee stock ownership plans in Central America and the Carribbean as a means of promoting political and economical pluralism and strengthening democratic institutions; to the Committee on Foreign Affairs.

By Mr. DENNY SMITH (for himself, Mr. TAUKE Mr. ROBERTS, Mr. KINDNESS, Mr. FRANKLIN, Mr. HANSEN, Mr. OXLEY, Mr. LUJAN, Mr. CRAIG, Mr. BLILEY, Mr. NIELSON of Utah, Mr. DAUB, and Mr. DANNEMEYER).

H. Con. 32. Concurrent resolution that the Congress of the United States intends to respond to the current budget crisis in a fair and evenhanded manner by freezing the Federal budget for fiscal year 1986; to the Committee on Government Operations.

By Mr. BARNES:

H. Con. Res. 33. Concurrent resolution expressing the support of the Congress for Costa Rica's neutrality and urging the President to support such neutrality; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARNES:
H.R. 546. A bill for the relief of Gloria Maria Hurtado; to the Committee on the Judiciary.
By Mr. MATSUI:
H.R. 547. A bill for the relief of Helen Hudson; to the Committee on the Judiciary.
By Mr. McEWEN:
H.R. 548. A bill for the relief of Cui Zhixi; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 42: Mr. CRANE.

H.R. 469: Mr. BLILEY, Mr. RUDD, and Mr. EDWARDS of Oklahoma.

H.J. Res. 27: Mr. ARMEY, Mr. MILLER of Washington, Mr. GALLO, Mr. EDWARDS of Oklahoma, Mr. HENRY, Mr. COBEY, Mr. DUNCAN, Mr. JONES of North Carolina, Mr. MADIGAN, Mr. PARRIS, Mr. SLAUGHTER, Mr. NIELSON, Mr. MOORHEAD, Mr. GRADISON, Mr. NELSON of Florida, Mr. ROBINSON, and Mr. NEAL.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

14. By the SPEAKER: Petition of the Lansing Tri-County Employment & Training Partnership, Lansing, MI, relative to the CETA program; to the Committee on Education and Labor.

15. Also, petition of Trinity Episcopal Church, Martinsburg, WV, relative to peace; to the Committee on Foreign Affairs.

16. Also, petition of the B'nai B'rith Century Lodge, Riviera Beach, FL, relative to the airlift of the Jews in Ethiopia; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

A TRIBUTE TO ALBERTA HUNTER

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Monday, January 21, 1985

● Mr. RANGEL. Mr. Speaker, I would like to take this opportunity to celebrate the life of the great Alberta Hunter, who departed this life on October 17, 1984, at the age of 89 years.

The following obituary, by John S. Wilson, jazz critic of the New York Times, is reprinted as it cites the many accomplishments of this unique artist who is certainly deserving of tribute:

[From the New York Times, Oct. 19, 1984]

ALBERTA HUNTER, 89, CABARET STAR, DIES

(By John S. Wilson)

Alberta Hunter, an internationally famous blues singer and cabaret star in the 1920's and 30's who, after two decades of retirement, began a second successful singing career in her 80's, died Wednesday at her home on Roosevelt Island. She was 89 years old and performed until last summer.

Miss Hunter, a small, frail-looking woman, had a robust singing voice, and she emphasized the best of her songs by slapping her thighs, clapping her hands and snapping her long fingers, setting up a rhythmic momentum in which her audiences soon joined with shouts of encouragement and clapping.

SHE STARTED AT 11

She sang blues, pop songs, show tunes (she played Queenie in the London production of "Show Boat" in 1928), gospel songs and folk songs; she did material in French, Italian, German, Yiddish and Danish. She started singing for $5 a week in a Chicago honky-tonk, became the toast of royalty and international society in Europe and, after deliberately seeking anonymity as a nurse for 20 years, achieved an autumnal triumph in her 80's singing at the Cookery, in Manhattan, to packed houses night after night.

Miss Hunter was born on April 1, 1895, to a chamber maid in a Memphis brothel. Her father, Charles Hunter, was a Pullman porter who died before she knew him. As a child, she was known as Pig ("I was quite messy at that age," she explained). But her childhood was brief, because at the age of 11, encouraged by a report from a friend in Chicago that singers were being paid $10 a week, she got a ride to Chicago with one of her teachers.

During the next eight years, she worked her way up through Hugh Hoskins's club ("Where the pickpocket women did everything in their power to show me how to live a clean life"); the Panama Cafe, where her fellow singers included Florence Mills and Bricktop, and the Dreamland Cafe, where she sang with King Oilver's Creole Jazz Band, which included Louis Armstrong.

Miss Hunter began recording in 1921 with Fletcher Henderson, the pianist and band leader, as her accompanist, a role that was taken on later recordings by Fats Waller, Eubie Blake, Sidney Bechet and Louis Armstrong. At the same time she began writing songs. One of them, "Down-Hearted Blues," was Bessie Smith's first recording, made in 1923.

"It sold a million copies within months," Miss Hunter recalled 55 years later, "and I'm still collecting the royalties. I'm too slick to let them cheat me out of that!"

ON TO NEW YORK AND EUROPE

Miss Hunter moved to New York in 1923 where, within days of her arrival, she replaced Bessie Smith in an all-black musical, "How Come," at the Apollo Theater on 42d Street. After several years of shuttling between New York and Chicago, Miss Hunter went to Eueope and lived for two years in London, where she played in "Show Boat" with a cast that included Paul Robeson, Sir Cedric Hardwick and Mabel Mercer, who was in the chorus.

Miss Hunter came back to the United States later in the 30's, and appeared in 1939 in the play "Mamba's Daughters," with Ethel Waters. In World War II and the Korean War, she entertained troops overseas.

When Miss Hunter's mother, to whom she had remained close all her life, died in 1954, she decided to give up singing and do something "to help humanity." She enrolled in a practical-nursing course at the Harlem Y.W.C.A. and, after graduating, became a scrub nurse at Goldwater Memorial Hospital on Roosevelt Island.

Miss Hunter worked as a scrub nurse for 20 years, never missing a day, never revealing anything about her past. In 1977, the hospital, under the impression that she had reached the mandatory retirement age of 70, made her retire. She was actually 82.

AN IMMEDIATE SENSATION

She was, she said, "bored to tears" with her new "freedom." When she attended a party for her old friend Mabel Mercer in the summer of 1977, she sang a few songs that so impressed her audience that the party led to a six-week stint at the Cookery in Greenwich Village, starting Oct. 10, 1977.

She was an immediate sensation. Crowds lined the block outside the Cookery waiting to get in. Her engagement was extended indefinitely and she used the nightclub as her base.

Shortly after her opening at the Cookery, Miss Hunter was commissioned by the movie director Robert Altman to record the soundtrack for his film "Remember My Name." Miss Hunter wrote two songs for the film and updated eight of her old numbers. When the film opened in Memphis in October 1978, Miss Hunter returned to Beale Street, where she was born, to be honored by the city fathers on what was proclaimed Alberta Hunter Day throughout Tennessee.

To the end, Miss Hunter lived up to the philosophy expressed in one of her songs: "Don't try to tame me," she sang, "let me have my fun. I'm having a good time living my life today because tomorrow I may die."

Glancing around at her audience, she would add, "and I ain't passin' nothin' by!"

Miss Hunter was married briefly to Willard Townsend, a waiter who later became a union official. After that marriage, she said, "I never gave marriage another thought." She had no children.

Her only survivor is a nephew, Samuel Sharpe Jr., of Denver. There will be no funeral.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establiishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

MEETINGS SCHEDULED

JANUARY 23

9:30 a.m.
Armed Services
Closed briefing on worldwide intelligence matters; and to hear and consider the nomination of John W. Shannon, of Maryland, to be Assistant Secretary of the Army (Installations and Logistics).
S-407, Capitol

Finance
To hold hearings to hear and consider the nomination of James A. Baker III, of Texas, to be Secretary of the Treasury.
SD-215

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to review certain procurement recommendations of the President's Private Sector Survey on Cost Control (the Grace Commission).
SD-342

10:00 a.m.
Appropriations
District of Columbia Subcommittee
To hold hearings on the problems of the homeless.
SD-138

JANUARY 25

9:00 a.m.
Armed Services
Closed briefing.
SR-222

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

JANUARY 28

10:00 a.m.
Commerce, Science, and Transportation
Science, Technololgy, and Space Subcommittee
To hold hearings on the November 1984 space mission 51-A.
SR-253

JANUARY 29

9:00 a.m.
Veterans' Affairs
Business meeting, to consider committee budget for 1985, and committee rules of procedure for the 99th Congress.
SR-418

10:00 a.m.
Environment and Public Works
Business meeting, to markup S. 178, Interstate Highway Funding Act of 1985, and related measure, Senate Joint Resolution 8.
S-406, Capitol

Judiciary
To hold hearings on the nomination of Edwin Meese III, of California, to be Attorney General.
SD-106

JANUARY 30

10:00 a.m.
Armed Services
Task Force on Selected Defense Procurement Matters to hold hearings on the Defense procurement process.
SD-538

Select on Indian Affairs
Closed business meeting, to consider committee budget for 1985, committee rules of procedure for the 99th Congress, and legislative priorities.
SH-219

FEBRUARY 6

10:00 a.m.
Environment and Public Works
To hold hearings on the proposed nomination of Lee M. Thomas, of South Carolina, to be Administrator, Environmental Protection Agency.
SD-406

FEBRUARY 7

10:00 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to review advertisments promoting the use of alcohol.
SD-430

SENATE—*Tuesday, January 22, 1985*

(Legislative day of Monday, January 21, 1985)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

He has showed you, O man, what is good; and what does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God.—Micah 6:8.

Righteous God, as the 99th Congress opens, we pray that the Senate in all that it is, thinks, says and does, be pleasing to Thee. Grant that it shall be a place of truth and justice and mercy, that in the milieu of a pluralistic society with thousands of agendas often conflicting, where compromise is necessary, expediency will not dominate. May the pressure of special interests and public clamor not have priority over truth and justice. Grant to each Senator wisdom and discernment to seek and to do what is right for the common good. In His name who was incarnate truth. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. Mr. President, an order was entered yesterday which provided for the recognition of the following Senators today for not to exceed 15 minutes each: the majority leader, the distinguished Senator from Wyoming [Mr. SIMPSON], the distinguished Senator from Vermont [Mr. STAFFORD], the distinguished junior Senator from Vermont [Mr. LEAHY] and the distinguished Senator from Wisconsin [Mr. PROXMIRE].

I ask unanimous consent that the special orders just identified, excluding the order for Senator PROXMIRE, be under the control of Senator STAFFORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that following the conclusion of the special orders, there be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL THURSDAY, JANUARY 24, 1985

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon on Thursday, January 24, 1985.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the minority leader's time be reserved at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTES TO FORMER SENATOR GEORGE D. AIKEN OF VERMONT

GEORGE AIKEN, A STATESMAN FROM VERMONT

Mr. DOLE. Mr. President, the Senator from Kansas is honored to join his distinguished colleague, Mr. STAFFORD, in paying tribute to one of the Senate's most respected former Members, George Aiken.

As we begin this new session of Congress, it is befitting that we remember this man from Vermont. George Aiken was a dedicated representative of the people of his State. His hallmark was candor and honesty. In the long hours of Senate duty, George Aiken always maintained an unpretentious, thoughtful manner. But when it came to defending the dairy farmer, or any other matter of importance to Vermont, Senator Aiken was heard loud and clear.

George Aiken believed it was the duty of a Senator to represent the people of his State. He was not interested in publicity; just results. It is this commonsense approach we will remember.

We in the Senate are in debt to Vermont's George Aiken and the standards he set for us and for those who succeed us. As Americans, we are thankful for his service to our country.

The PRESIDENT pro tempore. The distinguished Senator from Vermont [Mr. STAFFORD] is recognized.

Mr. STAFFORD. Mr. President, George David Aiken of Putney, VT, who enriched the U.S. Senate with his service for 34 years until he retired in 1975, died in Vermont on November 29, 1984, while the Congress was not in session.

At his request, George Aiken was laid to rest in the soil of the State he loved so much, in a simple ceremony attended only by members of his family, with the eulogy delivered by his wife, Lola. There was no pomp or circumstance, for he wanted neither.

Still, I do not think he would object to our pausing for this brief point in time to remember him and to talk about him in this Chamber that was so much a part of his life for so long.

In the great compromise that helped to create our Republic, the Founding Fathers held that U.S. Senators should represent mountains and lakes and forest and farms as well as people.

The wisdom of that decision has been demonstrated many times in the life of this country, but never more than when it gave to this Nation the presence of George Aiken in the U.S. Senate.

About 6 weeks before he died, George Aiken was honored by the dedication of a simple plaque set into a rock in a clearing of a quiet spot in a Vermont forest that is part of what the 98th Congress set aside as the George D. Aiken Wilderness.

It was fitting action by the Congress, for this independent New Englander was a son of Vermont whose wisdom grew from his roaming of the hills and valleys of the Green Mountain State that he loved so much.

George Aiken was a man of many parts who retained old-fashioned values, even as he remained contemporary in every sense of the word.

He continued to list his occupation as "farmer." He insisted that being Governor and Senator was his avocation. What an avocation. And how lucky we were that he chose it, because he ennobled the calling of politics.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Indeed, George Aiken was born to politics. He once told an interviewer:

I think there was an Aiken in the State Legislature about as far back as they had state legislatures.

There have been Aikens in Vermont since 1780, when Deacon Edward Aiken settled on a farm high up in the hills of what is now the town of Windham, VT.

George Aiken followed his father into the family nursery business and farm and then into the Vermont Legislature to begin a public career that will endure as a monument of service and integrity to his State and Nation.

Although he was defeated "by a few votes" in his first bid for the Vermont House of Represenatives in 1923, George Aiken tried again with more success in 1931.

Thus began an unbroken string of election victories that made him speaker of the Vermont House of Representatives, Lieutenant Governor, Governor, and then U.S. Senator.

Through the years, his hair turned white; his collection of red neckties grew to outrageous proportions, and his fame and reputation spread across the land and across the oceans.

What never changed was his civility—an abiding sense of fairness and decency that over the years added a special influence to his opinions on great issues—and on small ones.

What also never changed were his puckish smile and impish manner that were just right for the role he was destined to play in the American political arena—a wise elder who remained always the patriot and never the partisan.

On his retirement from this body in 1975, George Aiken was the object of bipartisan accolade. Henry Jackson said the Vermonter should be enshrined as "a national treasure." Mike Mansfield, his old and dear friend of many years, noted that throughout his Senate career, George Aiken remained "true to himself, to his Nation and to his State."

Franklin D. Roosevelt was President when George Aiken came to the U.S. Senate and Gerald Ford was President when he left. He was fond of saying he supported Presidents when he thought they were right and opposed them when he thought they were wrong, without regard to party labels. And, he did just that.

He also said a lot of Presidents solicited his advice, but too often didn't follow that advice. George Aiken used to say that we probably would have been a lot better off if Presidents had more often followed his advice. And, he probably was right on that score.

But, Presidents and colleagues in the Congress often did follow his advice, and the Nation is the better for it. It would take more than is available here to list all his accomplishments, but some of his major legislative successes in the Senate include:

The St. Lawrence Seaway Act; the food stamp bill; the Food for Peace Act; the Water Facilities Act, which brought water systems to rural America; the Rural Development Act; the Farm Credit Act.

His last official legislative achievement is worthy of particular mention.

In 1974, Congress passed George Aiken's Eastern Wilderness Act, which designated 15 eastern national forest areas as additions to the national wilderness preservation system and established an additional 17 areas for further wilderness study.

Generations of Americans were thus guaranteed the opportunity to enjoy the benefits and delights of eastern forests that might otherwise have been lost to development forever.

A short time after passage of that law and after 34 years of service in the U.S. Senate that kept him from the orchard and wild flowers and berries, George Aiken headed back to Vermont.

This uncommon man, who combined greatness with humility, wisdom with simplicity and gentleness with strength, remarked as he prepared to return to his roots in Vermont:

I've never felt at home in Washington. No, no, Washington's not my home. Home's up on the mountain in Vermont where I always lived.

Few men better earned the right than George Aiken to return home to enjoy the part of the world he loved so much. And, where he was loved so much.

He lived out his last years in a house on a hill in Putney, VT, where his father had a farm at the turn of the century. And, when he died—in harmony with nature and shunning the use of artificial life-support apparatus—George David Aiken's house was still on a dirt road.

I ask unanimous consent that the several news articles and editorials be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington (VT) Free Press, Nov. 20, 1984]

AIKEN: A LEGEND IN HIS OWN TIME

As Vermont's candidate for political legendry, George D. Aiken was the embodiment of the virtues that have come to be associated with the people of the state: fierce independence, Yankee wit and plain common sense.

To place him in the political spectrum is as difficult as describing the manifold facets of his character. He did not fit into the mold of conservative or liberal in the traditional sense of the word. George Aiken was simply George Aiken, a man who indeed represented all the people of the state he loved so well. And his political accomplishments lived on long after he bade farewell to his Senate colleagues in 1975, 34 years after he first took his seat in the chamber. He earned the title of dean of the Senate for his long and valued service several years before he retired.

In more than three decades in the nation's capital, he became the friend and confidant of several Republican and Democratic presidents. Aiken was at the White House in 1945 when Harry S. Truman was sworn in as president after the death of President Franklin D. Roosevelt. When the ceremony was over, Truman threw his arms around the senator and tearfully said, "I'm not big enough for the job." Aiken said he shared that feeling at the time. Years later, he remarked that Truman grew into the presidency.

Anecdotes about Vermont's homespun senator would fill several books. Colleagues sought him out when they wanted plain, blunt talk about the issues. And he did not disappoint them.

"There are some people whose advice is worth having," said Senate Majority Leader Mike Mansfield. "George is one of them." Aiken no doubt offered his trenchant comments on a number of issues to Mansfield during the friendly breakfasts they had over the two decades they spent in the Senate together. Theirs were contrasting philosophies—Aiken, the moderate Yankee from the Green Mountains, Mansfield, the Montana liberal—but their relationship apparently thrived on those differences and engendered mutual respect.

But there was more to Aiken's political career than the social life of the capital. He was a champion of rural electrification, and many's the Vermont farmer who today can thank the senator for the work he did to bring power lines to the house and the barn. He shepherded the passage of the bill to construct the St. Lawrence Seaway, which linked the Great Lakes to the Atlantic Ocean and created significant changes in the nation's industrial heartland. He was the architect of the food stamp program to provide benefits to the nation's elderly and its low-income families. As author of the one-half of 1 percent rule, he guaranteed that Vermont and other small states would always receive a share of the federal largesse that was parcelled out from Washington.

Of the chief executives Aiken knew, he once said, "Every president has done some good but every one of them has made some mistakes and committed some sins."

During his years in the White House, President Lyndon B. Johnson often sought out Aiken for his advice. But their relationship cooled considerably after Aiken offered a no-nonsense peace plan in 1966 during the Vietnamese War. "The United States," he said, "should declare victory and get out." While some doubtlessly agreed with the idea, the administration was too preoccupied with the idea of achieving its own goal to appreciate the Vermont senator's homely wisdom. The war dragged on for eight more bloody and divisive years before another administration recognized the futility of the effort and withdrew from Vietnam. Had Johnson followed Aiken's advice, thousands of lives would have been spared and the country would not have had to endure the painful spectacle of Americans clashing with Americans on the issue of U.S. involvement in Southeast Asia.

Commenting on Aiken's suggestion for the pullout, a colleague said the Vermont senator was "neither a hawk nor a dove, but a wise old owl."

Delivering his valedictory to fellow senators in 1975, he chided them for their "unwillingness to assume the responsibility that

goes with authority." Congress, he said, was bloated with an "unholy expansion of committees, subcommittees and staff personnel which has mushroomed to an unconscionable extent during the last decade." He called for a reduction in the salaries of the president and top officials in government.

Then George Aiken, lawmaker, lover of growing things, Vermonter to the core, left Washington for his home in Putney to putter with his plants and flowers and to write his memoirs. And he perhaps wrote his own epitaph in his autobiography when he said, "Looking out at the New Hampshire hills across the valley, I feel very small indeed. I know I am bigger than the viruses, the insects, the bees and the birds, but I had nothing to do with this arrangement. In my dictionary, the two biggest words are 'infinity' and 'eternity'; my mind cannot define these words but I do know that nothing is infinite but infinity and nothing is eternal but eternity. Now I must come back to the earth for a brief stay."

Even though he now has become part of the eternity he referred to, George Aiken will not be forgotten by those Vermonters who share rich memories of the man who in his lifetime became an integral part of the state's political legendry.

[From the Caledonia-Record, Nov. 20, 1984]

GEORGE AIKEN

All Green Mountain residents were saddened to learn of the death this week of George Aiken at the age of 92.

The great Vermont statesman who was born in Dummerston on Aug. 20, 1892, had the distinction during his long, civic-minded public career of serving as a state representative from his community, speaker of the State House of Representatives, Lieutenant-Governor, Governor and from 1941 to 1975 a United States Senator from the Green Mountain State.

He will undoubtedly be remembered for numerous things during those many years of public service including his call for American withdrawal from Vietnam which we believe became, in effect, the policy of the Nixon administration. And he will certainly be remembered as a man held in such high esteem by his fellow Vermonters that he was re-elected to his last term in the Senate in 1968 in a campaign in which he had the nomination of both parties and spent less than $30. And as area residents well know, he named our region the Northeast Kingdom.

But we think he will also be remembered as a truly wise Vermonter who continually made sense on a great many issues. To quote a passage from Aiken's book "Speaking from Vermont": "Bureaucracy is not and cannot be nearly as efficient or productive as ordinary competition. Disorganized governmental interference (hardly worthy of the name of regulation) results in a demand for unification of activity that can lead only to what many choose to call dictatorship. A law-making body is not trained for the purpose and legislative halls are not the place to develop sound business practices and decisions. Nor is a political dictatorship qualified to administer business rules and regulations to popular advantage. The future of business has two distinct alternatives; If it is 'protected' by regulation and government control, we face a static future. If it elects to and is allowed to assume risks in competition, it can lead to freedom and expansion."

These words are as relevant in the 1980's as when the book was copyrighted by Frederick A. Stokes Company in 1938.

[From the Times Argus, Nov. 19, 1984]

GEORGE D. AIKEN

The death in Montpelier this morning of George D. Aiken—Vermont's elder statesman, adviser to Presidents, friend of the needy, and nurturer of wildflowers—has left Vermont with a loss unlike almost anything it has experienced before.

There have been many well-loved leaders in Vermont's history, but few as truly beloved as Vermont's former governor and longtime U.S. senator. His passing today at the age of 92 is nothing short of a death in the family for Vermont—the loss of a brother, a father and a grandfather combined into one.

Many Vermont leaders have had the capacity to say in a few words what it might take others volumes to express. But there have been few whose clarity of thought and brevity of words have had a greater impact on as many human lives and history.

There have been many Vermonters who have carried in their clipped accents, their dryness of wit, and the weathered lines of their faces some of the essence of Vermont and Vermonters. But there have been few who have managed to carry the whole essence there with more consistency and grace than "The Governor."

As Vermont unites as a family to mourn this irreplaceable loss today, perhaps the most fitting tributes to Sen. Aiken will be those that are the simplest:

That in serving in high places in Washington, George Aiken never lost sight of Vermonters.

That in rubbing elbows with the powerful, George Aiken never turned a deaf ear to the powerless.

That in this complex and often violent world, George Aiken put honesty first.

[From the Brattleboro Reformer, Nov. 20, 1984]

THE PASSING OF A LEGEND

In the space of a few weeks, this community has lost three men whose impact on the nation and the world was enormous.

Ellsworth Bunker was one of the 20th century's most gifted diplomats, whose skills at mediating conflict made him an ambassadorial legend from the Middle East to Panama.

In music, Marcel Moyse was in a realm by himself. He was not only one of the greatest of all flutists, but his teachings influenced generations of musicians in all parts of the world.

And now, George D. Aiken has died.

The presence of these three great men in Windham County—in Dummerston, Brattleboro and Putney—says a lot about the quality of life in this part of the world. Vermont, and Windham County, nourished them, just as their presence nourished us. We are better because they were our neighbors, but the whole world has suffered a triple loss because of their deaths.

Vermont was George Aiken's special world, despite his years of influence and power in Washington. There probably are few places in the United States where one man has made such an impact and such a difference, on the attitude and outlooks of a whole people.

He symbolized the sturdy independence of Vermonters, their frugality, their common sense and, most of all, their integrity.

His face was etched from Vermont marble, and his soul was formed by the hard-scrabble soil of the land and the hills. Like Vermont, his style was simple, unpretentious, and deeply compassionate. His influence in politics, in government, in his approach to both life and public service, has been so profound in this state that it virtually has become impossible to separate the man from the Vermont myth.

These qualities gave Senator Aiken his influence in Washington. It was rare even in his days to find, in the capital, a man of such unpretentious common sense. With few exceptions—including Sen. Patrick Leahy, who succeeded Aiken in the Senate and who probably is closest in political and human spirit to Aiken of any active Vermont politician—it is even more difficult in the phony, image-conscious Washington of 1984 to have a man of his caliber in public life.

Aiken's advice was wanted by a succession of presidents because, although he was a politician of few words, those words had enormous wisdom. Now presidents listen to "media advisers," pollsters and special interest groups with many axes to grind.

It was easy, in his later years, to concentrate on Aiken's homespun qualities. But it should never be overlooked that, in all of his political life, he was a very shrewd and ambitious politician who understood the nature and uses of great power, its force for good, and the possibility that it can be abused with terrifying consequences. He fought all his career against those abuses.

In life, George Aiken was a constant reminder of what politics, in its very best meaning, should be all about. His heritage is immense. Vermonters always seem to have held their politicians to the middle of the road and enlightened common sense standards that Aiken laid down in his long career. It's a safe bet those standards will be held on high for a long time to come. Governor Aiken's influence, and the momentum it gave to Vermont's way of political life, has been too great to diminish just because he's no longer going to be holding forth from Putney Mountain.

[From the Rutland Daily Herald]

GEORGE DAVID AIKEN

Vermonters aren't in the habit of elevating public officials to hero status, but when George D. Aiken died on Monday at the age of 92 following a long and distinguished political career he had reached legendary standing in the esteem and affection of the state's citizenry.

No other public figure of his time, and perhaps for many years before, was held in such high regard by the people of Vermont. Their opinion of him was repeatedly recorded at election time. Other politicians also won big majorities at the polls, but George Aiken enjoyed a degree of love and respect that set him apart.

He was honored for his many accomplishments in office, for his service to the state and nation and for his independence of thought and action. Early in his Senate career, he began to be cited as one of the 10 "best." By the time he retired from the U.S. Senate in 1974, he had acquired a national reputation for wisdom and common sense. It was a reputation that prompted a Senate colleague to say that he should be declared a "national treasure."

During the Vietnam War, he was neither a hawk nor a dove, but was called a "wise

old owl" when he said the United States should declare a victory and get out.

When he began his political career, George Aiken's political philosophy has been described as a combination of 1890's populism and LaFollette progressivism. It was a brand of politics that made him a controversial figure during his years as governor and as a freshman senator when he called for closer regulation of public utilities and better supervision of state banks. He was almost alone in opposing lend-lease in the Senate before World War II.

Recently there has been a call among conservative Republicans for a return to organization politics in Vermont, a closed primary and state committee endorsement of candidates. Under such a system George Aiken would never have been a Republican governor or senator. He would have been expelled by the party, as some old guard Republicans wanted in the 1930's and 1940's.

There's a little question, if the conservatives had had their way, Vermont would have gone Democratic long before it did in 1958 and 1962.

Questions have been frequently asked about George Aiken's secret. Why was he so highly regarded and respected? One reason was that he remained George Aiken, the same unassuming, hardworking public official that he always had been. He liked people and they liked him in return.

After he retired from office and traveled the state with his wife, Lola, when he was much in demand at all kinds of state meetings and functions, his contacts with people were no different than they were when he was in office. Many of them didn't realize he was no longer a candidate.

When he retreated to his hillside home in Putney and made no bones about being glad to get out of Washington, there was never any hint of cutting himself off from the public and frequent appeals for his help.

He was a man of simple tastes who had a lifelong love of the land and who never lost his sense of humor. And he looked the part of the countryman with his shock of unruly white hair, craggy face and stocky figure.

He liked to refer to the Vermont farmer whose corn crop didn't turn out as well as he expected. "But then he didn't expect it would."

Long known for his understanding of and sympathy for the plight of the farmer, he was offhand about his farming experience. "The saddest day of my life," he would say, "was when my father found out I could milk a cow." He was known as the "best friend the farmer ever had in Congress."

The typical Vermonter, he said, was one who would return a neighbor's "nice-day" greeting by saying, "not bad, so far."

As a public speaker, he was no orator. He often seemed to ramble and hesitate before finding the right words to fit his thoughts. But he had an unlimited supply of original material whether he was talking to students at the University of Vermont or a large national gathering.

There was only one George Aiken. And, of course, there never will be another.

[From the Eagle Times, Claremont, NH]

LINCOLN'S HEIR

In the 1930s, George Aiken addressed a Lincoln's Day dinner in New York and told his Republican cohorts that the best thing that could be said about Lincoln was that he would be ashamed of the party that was honoring him.

It was basic Aiken. Biting wit, independence. He was not afraid to speak his mind whether it was about Joseph McCarthy's witch hunt or Lyndon Johnson's Vietnam policy.

In the 1960s, Aiken became a national folk hero when he issued his much quoted remedy for the Vietnam War. "The way to get out of Vietnam," the Vermont senator said, "is to declare victory and get out."

Aiken was a Republican to the core, yet he didn't hesitate as governor to institute the best of the New Deal ideas. As a senator, he sponsored a bill that was a forerunner of the food stamp program.

He tempered his common sense and frugality with concern. "How will this affect the people back home?" he would ask of any bill he was asked to vote on.

This farmer called to his state and nation's service was at ease chatting over lunch with the world's leaders.

Aiken set a very high standard for his predecessors from Vermont. Indeed, Aiken should be the measure by which all senators are judged.

No one has more embodied the values and ideals of Lincoln—that is the most fitting tribute that can be paid to Aiken.

MR. AIKEN IN WASHINGTON—THE SENATE'S "BALANCING WHEEL"

(Rutland Herald Managing Editor Stephen C. Terry was legislative assistant to Sen. George D. Aiken from 1969 to 1975.)

(By Stephen C. Terry)

The senior Senator from Vermont, George David Aiken, had just finished a 12-minute address to the world's most deliberative body and was asked to yield by Sen. Mike Mansfield, the Democratic majority leader.

Mansfield is recorded on Page 27524 of the Oct. 19, 1966 Congressional Record as saying: "Mr. President, as always, the distinguished senior senator from Vermont (Mr. Aiken) has given us a great deal to consider and some additional food for thought."

Mansfield, a longtime breakfast companion of Aiken, went on to praise a speech just delivered to the U.S. Senate on that crisp Washington morning in 1966.

The speech, known formally as "Vietnam Analysis: Present and Future," quickly became known in the nation's political history as the "Aiken Formula."

In the speech, Aiken proposed that the United States declare a military victory in South Vietnam and begin a gradual, phased withdrawal of U.S. troops from the country.

Over the years, the Aiken Formula has been widely quoted and offered as a potential solution for all political problems faced by Washington, whether they be foreign or domestic.

Through the shorthand of journalism, the Aiken speech was reduced to this simple bit of advice: "Declare Victory and Get Out."

What is so remarkable about the Aiken speech is that it was so soon in the Vietnam War. It was October 1966, when the United States had less than 150,000 troops in South Vietnam.

It was before the Tet Offensive in 1968 when American power in South Vietnam was humiliated causing President Johnson to order the bombing of North Vietnam, an event which further escalated the United States involvement in the Vietnam War. By the time the United States finally withdrew from South Vietnam in April 1975, nearly 10 years after the "Speech," the white-haired Republican senator from Vermont had secured a national reputation for himself.

Mention the name Sen. Aiken and usual response was "Oh, yes the senator who said to declare we won and get out."

How was it that a senator from a small, rural state with no leadership position in the 100-member body secured a position of national prestige? Part of the answer lies in the fact that Aiken, who by October 1966 was serving his fifth term in the U.S. Senate, sought no personal political power.

He was neither "hawk" nor "dove" in the Vietnam debate. He was, as the color cover of the Sunday New York Times Magazine declared in 1968: the "wise owl" of the Senate.

Aiken's role in the U.S. Senate was perhaps best described by former Sen. Abraham Ribicoff, D-Conn., when he called Aiken the Senate's "balancing wheel."

He was able to balance off the interest of the conservatives and liberals and offer instead a "common sense" solution that helped to break legislative logjams. An example was the historic 1964 civil rights debate in which the Senate was deadlocked over a public accommodations section of the proposed legislation. Aiken proposed the "Mrs. Murphy clause" which stated that the civil rights law did not apply in cases where four or less units were offered for rent. Aiken said this would let "Mrs. Murphy," a widow, rent out rooms without coming under the jurisdiction of the federal civil rights act.

It was the solution that broke the logjam, and for the first time since the Civil War, the Senate passed a major civil rights law over the opposition of the southern bloc.

So great was Sen. Aiken's influence in the Senate that Jack Anderson, one of the leading muckraking journalists in Washington wrote:

"His independence and his integrity are such that his voice is heard in both parties, and he does not hesitate to endorse Democratic programs that he believes are worthwhile."

Aiken also did not hesitate to stand up against his own party when in 1952 he was one of six Republicans to sign a "Declaration of Conscience" which was written by Sen. Margaret Chase Smith of Maine. The statement condemned the red-baiting tactics of Sen. Joseph McCarthy, R-Minn.

Aiken's independent streak was legendary in the Senate. It began within months after he was sworn in 1941 when he was one of the few senators to oppose President Franklin Roosevelt.

America was at the brink of World War II, and Roosevelt was pushing the Lend-Lease legislation which Aiken viewed as a backdoor way to involve the United States in the war in Europe. He saw Lend-Lease as vesting unlimited authority in the hands of the executive branch in making international agreements and bypassing Congress in the process.

Aiken opposed the legislation, saying he did not want to return to Vermont to look into the empty eyes of mothers whose sons were sent to fight a far-off war without the consent of Congress.

Aiken was his "own man," and he quickly gained a reputation among lobbyists that he could not be bought or pushed into a position that he didn't believe.

Aiken had one rule in his votes in the U.S. Senate: How will it affect "folks at home?"

He was a Republican, but in Washington this translated to liberal Republican when compared to the Tafts and the Hickenloopers—the "Old Guard" Republicans he used to call them.

In 1947, Arthur Krock wrote in the New York Times that many of Aiken's Republican colleagues thought he should be a New

Deal Democrat. An analysis of the roll-call votes in 1947 showed that of the 123 roll calls, Aiken voted with Republican majorities only 21 times, against them 82 times. He was paired, or did not vote, 20 times.

This independent voting streak was Aiken's symbol during his Senate career which spanned from 1941 to 1975. By the time he retired from the Senate in January 1975, Aiken was the dean of the Senate by serving longer than anyone else. In all that time, he shunned party leadership positions because he never wanted to follow any party line.

A major reason for Aiken's independent streak was that he represented Vermont, a state which by 1968, when Aiken ran for his last Senate term, revered the Putney fruit farmer. When he ran unopposed in the general election in 1968, he spent $17.09 for his last campaign. Aiken remained politically invincible in Washington because he never forgot Vermont and the people who elected him.

At the time of his death, he lived in the town where he was born in 1892. He lived out his last years on West Hill in Putney, the hill where his father had a farm at the turn of the century. And when he died he still lived on a dirt road.

Aiken often remarked that he and former President Harry S Truman had the same problem: waking up early every morning. He said, like Truman, his was caused by having to get up early morning as a youngster to milk the family cow.

The old habit was never overcome. The result was that Aiken would get to work at Room 358 in the Old Senate Office Building at 6:45 a.m. On his way to work, he would stop on the Capitol lawn to feed the pigeons and squirrels peanuts, which he would buy in bulk to keep his friends "on welfare," as he would say.

By 7 a.m., Aiken was at his desk in the ornate Senate office building which was equipped with a marble fireplace (it never worked) that had Vermont birch logs in it. Behind his chair was a huge wall map of the world. In front of his desk, hanging over the fireplace, was a photograph of the Vermont State House where he served as governor of Vermont from 1936 to 1941. There was only one window in his own personal office and this overlooked the Senate courtyard. In front of the window was a bronze bust of Vermont's poet laureate, Robert Frost. More than one visitor remarked that the Frost bust had a strong resemblance to Aiken.

Aiken's desk was usually very clean, but in the later years it contained a curious plastic bag. In the bag were little pieces of pellets which in reality were dried cow manure. He used to shock some visitors by asking them if they would like some breakfast. "Just pour milk over them and they will be pretty good," he would say with a chuckle.

But the dried cow manure pellets, which were produced at Beltsville, Md., the National Agricultural Research Center, were a symbol of his life-long interest and work for agriculture. In the 34 years he served in the Senate, he was a member during all that time of the Senate Committee on Agriculture & Forestry, an important committee for a rural, dairy state.

After a quick read of all the Vermont newspapers in the morning, he then would look over all the morning mail.

By 7:55 a.m. it was time for breakfast with Sen. Mansfield. For more than 20 years, Aiken and Mansfield, another early riser, shared coffee and English muffins. The Aiken-Mansfield breakfast became one of those special Senate institutions. These sessions never lasted more than 20 minutes, but they were very important for both men. Mansfield kept Aiken abreast of Senate developments, and Aiken served as Mansfield's eyes and ears for Senate trends. The breakfasts were private, with only Lola Aiken, the Aiken's long administrative assistant and by 1967, his wife, permitted at the table.

Aiken's connections with Mansfield, the Senate's most important leader, was a major source of Aiken's influence in the Senate.

It was at this breakfast that Aiken gave Mansfield an advance copy of his 1966 Vietnam speech. By engaging Aiken in a colloquy after the speech, Mansfield guaranteed that it would be noticed by the Senate press gallery. The October 1966 speech was noticed, since it ran on page one of the New York Times.

After his breakfast, Aiken would begin his day-long meetings of Senate committees and work on the Senate floor. In between were sandwiched meetings with Vermonters, either in his ofice or in the waiting room of the U.S. Senate.

If there wasn't a night session of the Senate, Aiken's day would end at 5:30 p.m. If he didn't have a social engagement at night, he would be in bed by 11 p.m.

Whenever possible, Aiken would return to Vermont. These trips were a tonic for Aiken. He would travel throughout the state, paying calls on old friends and making sure to eat out at busy lunch counters or restaurants. Most of all he liked to be at his Putney home where he would tend to his garden.

It was on one of these trips home in 1964 that Aiken found out that communities in Addison County were having difficulty getting enough drinking water. Farmers were hauling water for their cows, and women weren't able to wash their clothes at home because of water shortages. Aiken decided that the federal government should help and introduced legislation instructing the Farmers Home Administration to make loans and grants to rural communities to develop water systems.

The legislation was opposed by President Johnson as too costly. In a typical example of how Aiken worked in the Senate, he went to work convincing almost every member of the wisdom. In short order, Aiken had over half of the Senate as sponsors. That was enough for a canny vote-counter like Lyndon Johnson, who ordered his Department of Agriculture to change its position and back the legislation. When the bill passed, Lyndon Johnson held an elaborate bill-signing ceremony in the East Room of the White House in October 1965. In signing the bill, Johnson acknowledged that Aiken's personal influence was the reason the bill was passed into law. The first rural water system in the nation was in the Tri-Town District of Shoreham, Addison and Bridport.

The same persistence by Aiken led to the creation of the food stamp program. Aiken first offered the legislation in 1943 when the Vermonter offered legislation to distribute surplus food commodities to poor people. It wasn't until 1961 that the federal food stamp legislation was approved as a pilot program. (As a result Barre was one of the first places in the nation to test the food stamp program.)

Aiken's legislative achievements run the gamut of foreign and domestic policy. He was one of the principal sponsors of the Food for Peace, the program which makes available to foreign countries U.S. agricultural surpluses. He was a prime mover in the legislation that authorized federal government grants in building libraries for state and local governments. He sponsored legislation that created the Land and Water Conservation Fund, a program that provided money for protecting small watersheds, as well as creating wilderness areas in the East. He was also a prime mover in the development of the civilian nuclear power program, as well as the development of the St. Lawrence Seaway which resulted in low-cost power for two generations for Vermonters.

Aiken continually resisted efforts by the executive branch of government to usurp the powers of Congress. It was often a losing battle, as the power of Congress diminished steadily after World War II.

While Aiken's legislative accomplishments during his 34-year tenure were many, his most important achievement was that he commanded the respect of the Senate. When he spoke, the Senate listened.

A hushed tone would settle over the Senate press gallery as the word that "Aiken is up" would flash through the press gallery. Unlike many politicians who live and die by the press, Aiken rarely was perturbed about press coverage. He said that as long as they spelled his name right, he would not complain—and he rarely did.

He was always available to the press. In turn, the media was good to Aiken, and his every pronouncement commanded coverage, another source of his power in the Senate.

Thus when his Senate career was winding down, Aiken uttered one of the most memorable phrases in the whole debate over impeachment of President Nixon. It was Nov. 7, 1973, and the country was divided over whether to impeach Nixon because of Watergate crimes. Aiken, then 81, took the floor. His voice was not as strong as it once was, but his mind was sharp. He warned the Senate and the nation that the long debate over impeachment was hurting the country and making the nation look weak worldwide.

Aiken's terse advice about Nixon was to quote a fellow Vermonter:

"Either impeach him or get off his back." This speech helped to crystalize the debate over the impeachment issue.

During his last three years in the Senate, Aiken kept a weekly diary of his life.

His last entry sums up much about the man, who became a political legend in Vermont.

"Putney, Vermont—Week ending Jan. 2, 1975:

At the end of this week, L.P.A. (Lola Pierotti Aiken) and I left Washington for good after having been there thirty-four years, lacking one week. My retirement income amounts to more than my paycheck for the last few years. I could have added 7.4 percent to this by resigning before midnight on Dec. 31. I did not choose to do so, because I have always felt I should carry out contracts in full. When I came to Washington, I lost a week in the Senate because I insisted on completing my term as governor of Vermont. I have never been sorry that I did this.

When we got to the house on the mountain in Putney we found that the neighbors had cleaned the snow off the steps. Now, instead of looking out of the window and seeing the Capitol and the Washington Monument, we see Mt. Monadnock and the New Hampshire hills in the near distance, and the nearby hills of Vermont covered with one to two feet of snow. There are no

deer in our yard, since they have all gone back to their own yard in the woods, but the chickadees and blue jays were on hand to meet us. Although we miss our many friends in Washington, Vermont is a welcome relief from the atmosphere in our nation's capital for the last few years.

It is good to be home.

Mr. LEAHY. Mr. President, George Aiken, my predecessor in this office, was elected to the U.S. Senate the year I was born and served here until I arrived in the Senate 10 years ago this month.

I mention that, Mr. President, because Governor Aiken has been really a part of my life, as he has been a part of the lives of most Vermonters for as long as we can remember. Certainly there was never a time when I can recall when George Aiken was not a U.S. Senator from Vermont.

In fact, throughout my childhood, two things remained constant. It snowed in the winter and George Aiken was the Governor—a title he always preferred to the rather grand-sounding title of "Senator."

Governor Aiken would be uncomfortable if he knew what we are about today. His funeral in Vermont was private and simple, as was his eulogy of his wife, Lola, given on Thanksgiving Day in Vermont.

According to Lola, the Governor used to complain that he never had a say about his birthday, but he could sure do something about his funeral.

And his last instructions were to keep it private, simple, within the family, and with no disruption of public life whatsoever. And that is exactly what happened.

And probably the last thing he would want is a eulogy on the Senate floor—but many Vermonters would agree that it is the thing to do—and this is the first, and the last argument I will ever win from a man who I respected.

The greatness of George Aiken is that we can still learn from him, and that future generations of Vermonters will worship his memory no less than we do here today.

Governor Aiken's style was blunt and to the point.

He summed up a Nation's frustration with the Vietnam war: "Let's declare victory and get out."

During the trials of Watergate, he was equally adept at coming to the point. "Impeach him or get off his back," he said.

In 1937, the New York Times profiled the Governor as a dark-horse possibility as the Republican candidate for President of the United States.

For a man who once spent $17 total on a reelection campaign to the U.S. Senate, I am convinced that had he been nominated, the Governor would have run a Presidential campaign in probably four figures tops, and giving our party a run for its money.

He had a marvelous sense of humor.

Although described as a farmer, he may have embarked upon the profession reluctantly.

He once said: "The saddest day of my life was when my father found out I could milk a cow."

Born in Putney, VT, on August 20, 1882, he attended a one-room schoolhouse in West Putney and once quipped he was the only person he knew with a $7 million marker erected over his birthplace. He was referring to the construction of the interstate highway over the cellar hole of the house in which he was born.

The recent outpouring of tributes from the greatest statesmen of our century of the humblest Vermonter illustrates the breadth of Governor Aiken's ability to reach all Americans of all persuasions with commonsense expressed in common language.

Governor Aiken sort of translated a complex world into terms that were understood by everyone.

We can all learn from his life and that is probably the greatest tribute anyone can give to one of his peers, let alone one of his fellow statesmen.

No; the Governor would not have thought much of our taking the time to eulogize him here today, but we do it for ourselves as much as for him.

We are proud of Governor Aiken and his long service to this body. We are proud to have known him, to have served with him, and to have learned from him.

Mr. President, just preceding me, the distinguished Senator from Vermont, Senator STAFFORD, my respected and beloved colleague, spoke at length about Governor Aiken. He went through the list of some of the major legislative achievements of Governor Aiken and so I will not repeat them here again.

But Senator STAFFORD, as I did, referred more to the personal attributes of the late Senator from Vermont. And it is those attributes, I think, that we, as Vermonters, will always remember because they were of the essence of Vermont for so many years. As I have traveled around the country, when people have spoken of their image of Vermont, the image they gave was of George David Aiken.

May he rest in peace knowing he has served his country and his State as well as any man can. He will be remembered with love and affection as long as there is a State of Vermont.

Mr. President, I yield back the balance of my time.

Mr. STAFFORD. Mr. President, I am pleased to yield to the distinguished Senator from Maryland, Senator MATHIAS.

Mr. MATHIAS. Mr. President, I thank the distinguished Senator from Vermont for yielding to me, and I thank him for arranging for the Senate to have this time to remember George Aiken.

Mr. President, I am particularly grateful for the opportunity to recall George Aiken's service in the Senate, because to me he was a friend, he was a mentor, and he was an example. His memory—I might even say his spirit—is very close because the office that I occupy in the Capitol was for many years George Aiken's office. And, by a rather singular coincidence, the office that I occupy in the Russell Building is the only office that George Aiken ever occupied in his entire 34 years of Senate service.

In his frugal New England way, he thought that office was an adequate one, so why put the taxpayers to the expense, why put himself to the trouble, of moving around on Capitol Hill? It was all right as it was and he stayed there. And I believe that the carpets and the telephone equipment and all of the apparatus of the office when I moved in was pretty much as it had been when he moved in.

He had a gentle and self-depreciating sense of humor. On my invitation, he came to Maryland and spoke to a group. At the conclusion of his speech, the dinner committee had arranged to make a presentation to him. And in that part of Maryland—my native county, Frederick County—one of the highest honors that can be conferred and one of the most desirable presents that can be given is an old Maryland ham, well cured, well smoked, succulent and delicious. But I will never forget George Aiken, with his impish grin, standing up, cradling this old Maryland ham in his arms and saying, "Now I know just what you think about me."

George Aiken's career was, in my opinion, an example of the very essence of the U.S. Senate—the essence of what it means to serve in the U.S. Senate. The basic elements of his career, as the Senator from Vermont has just said, were trust, confidence, and integrity.

I think his famous friendship with the then majority leader, the Senator from Montana, Senator Mansfield, was a case in point. They had such a close and intimate friendship that they could constantly exchange views, opinions, ideas and information without any reserve and with absolute confidence that it would be confidential. I have to believe that the interests of the people of the United States were advanced by this close and confidential relationship between two of the leaders of the Congress.

They had breakfast every morning, early, much earlier than most Senators even arrive on Capitol Hill. They did not eat in the Senate restaurant, they ate in the cafeteria, again an example of Senator Aiken's frugal habits and ways.

I think, myself, that the right of privacy is a very important and essential right of every American, but if I ever had a desire to breach the right of privacy it would have been to tape those breakfast conversations of George Aiken and Mike Mansfield—those two laconic, wise, witty philosophers of American politics, both of them very short on words, very long on common sense, whose conversations must have been classics in American politics.

But I would not want to give the idea that George Aiken was a cracker-barrel philosopher, because he was certainly much more than that. He was a leader. And I saw him lead on many occasions. I remember one night during some controversy when President Nixon asked a group of us to come to the White House. We all assembled in the library on the ground floor and there was a crackling fire in the hearth, as President Nixon liked. We gathered around and we discussed whatever the question of the day was. Then there was a sort of silence in the room, as everybody tried to gather together to come up with a consensus. And it was George Aiken who moved in and set the tone and provided us with direction.

He was the quintessential New Englander.

The world will certainly remember for a very long time his five-word prescription for resolving the problem of Vietnam: "Declare victory and come home."

He was, as the Senator from Vermont has said, a naturalist. He was more than a casual naturalist. It was a matter of enormous personal interest to him, commitment and dedication.

He carried this interest to others in conversations and speeches in every way that he could. He wrote a book on wildflowers that has become a classic, and he brought this love of nature with him to Washington.

He found ways to express it even here on Capitol Hill. One of the charming things about George Aiken was to watch him walking out onto the lawns of the Capitol with a little paper bag full of grain and to watch him standing there distributing the grain to the pigeons on Capitol Hill. He could even find something to love about pigeons. He studied them with great care. He got to know the personalities of individual pigeons. He could describe what the reactions of a particular pigeon would be.

Mr. President, I have to say to you that I believe George Aiken got more satisfaction out of his friendship with some of the pigeons than he did with some of the people he had to do business with.

We think of him as a Senator, but his wife, Lola, his wonderful, loyal, devoted wife Lola, always called him Governor. That, of course, was a reminder that for George Aiken there was life before the Senate. He did serve as a distinguished Governor of Vermont. He had been chief executive of that State and in that role first won the confidence of the people of Vermont.

But for George Aiken there was also life after the Senate. He was a public leader, a public figure, in Vermont as long as he lived.

The Aiken Lectures at the University of Vermont were founded in his honor and were a source of pleasure and satisfaction to him. He made it a custom to open the Aiken Lectures and to introduce the speaker chosen for the year. He always did it with the wit and humor that characterized him throughout his entire career.

His wife, Lola, was a companion and support in his efforts through many of those years. I know that she finds that the days are empty since his death, but I hope that she will find comfort in the knowledge that she was a principal support and comfort to a very great man and a great Senator.

Mr. President, I again thank the distinguished Senator from Vermont [Mr. STAFFORD] for yielding to me at this time.

Mr. STAFFORD. Mr. President, I want to express my appreciation, and I am sure that of Senator LEAHY and the people of Vermont, to Senator MATHIAS for the very articulate and touching speech he has just made in memory of our most able and distinguished leader from Vermont, George Aiken.

Mr. President, there may be some others who are listening in their offices who wish to speak in connection with George Aiken. If there are, I hope they might make their way to the Senate Chamber since the hour will be running out in about 30 minutes.

Mr. LONG. Mr. President, will the Senator yield?

Mr. STAFFORD. Mr. President, at this point I yield to the very able Senator from Louisiana [Mr. LONG].

Mr. LONG. I thank the Senator.

THE PASSING OF GEORGE D. AIKEN

Mr. LONG. Mr. President, it was with great sadness that I learned of the death last year of my friend and former colleague, George D. Aiken, who served with distinction for more than 30 years as Senator from Vermont.

George Aiken was one of those rare individuals who rose above partisan politics and provided conscientious leadership for Republicans as well as Democrats, both conservative and liberal. The popularity and respect he achieved in the Senate was evidenced by the fact that during the 1970's he chaired a Foreign Relations Subcommittee although he was a Republican and the Senate was controlled by Democrats at the time.

George Aiken was a tireless worker and an outstanding and effective spokesman for rural Americans. Despite his success and fame, he never forgot his roots.

My prayers and sympathies are with his wife, Lola.

She was one of the best liked and most respected of the Senate wives. All Senators and their wives who knew her have always had the highest regard and affection for Lola.

Mr. President, I shall always remember George Aiken as a thoughtful and kindly man. He is sorely missed.

Mr. STAFFORD. Mr. President, I thank my colleague [Mr. LONG] for his comments about my respected former colleague. I now yield to the Senator from Idaho.

GEORGE AIKEN

Mr. SYMMS. Mr. President, I thank the Senator. I wish to express my condolences and sadness on the departing of our late colleague to his family and loved ones.

When I was first elected to the House of Representatives in the 91st Congress, I came to the Congress long on enthusiasm and short on any kind of legislative experience of working with the legislative institutions in this city. Shortly after I got here, being, an apple grower and on the Agricultural Committee in the other body, I discovered, much to my consternation, the enthusiasm with which the Washington bureaucracy was trying on invoke OSHA. The Occupational Safety and Health Administration was causing a great deal of consternation among the orchard people all across this country. Immediately, I engaged in a dispute over how the regulations should be.

About the time, as I said, that by my enthusiasm, I had gotten myself out ahead of what might be accomplished or not, and everybody was jumping on me, I said to some people who were working with me: "Gee, maybe I have gone too far." About that time, my telephone rang and on that telephone was none other than George Aiken, himself, residing in his home at that time in an orchard and commuting here to Washington. He gave me a great deal of encouragement and we became fast friends after that first phone call.

I just wished to share with my colleagues the enduring respect I held for the late George Aiken and, best of all, to extend that to his family.

I thank the distinguished chairman.

Mr. STAFFORD. Mr. President, I thank the Senator on behalf of myself and my colleague [Mr. LEAHY] and the people of our State for his kind comments about Senator Aiken, who served with such distinction and so well for so long.

Mr. President, next the list of eulogies for George Aiken, I see the assistant majority leader [Mr. SIMPSON].

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Mr. SIMPSON. Mr. President, if I may have 2 minutes.

Mr. STAFFORD. I shall be happy to yield whatever time within reason the Senator wishes.

Mr. SIMPSON. I thank the Senator. I shall take my old seat in the Senate and he may retain my present one.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

GEORGE AIKEN

Mr. SIMPSON. Mr. President, I met George Aiken through my father in this Chamber, this very location of the Chamber. My father and George Aiken served together here. My father was U.S. Senator from Wyoming in the early sixties. He and George were very loving friends. They served here and enjoyed each other's company.

Senator Aiken was an extraordinary gentleman, and extraordinary person. He had the reputation that he obtained here, and the respect of his colleagues, which I am sure has been commented on many times as Senator STAFFORD has controlled the time in which we pay our tributes to him.

I wish to say that I admired his sharpness of mind and wit, his intellect, and his fine insight, and his rare good humor, in his craggy Vermont twang. Indeed, he had that.

He was a gentleman, and he made this institution better for his presence. On behalf of my father, who is now 87, and myself, I pay my respects to this remarkable gentleman from Vermont. I extend my regret that I did not come to know him better, but certainly he lives in the minds of all my family. God bless his memory.

Mr. STAFFORD. Mr. President, on behalf of the people of Vermont and my colleague [Mr. LEAHY], I appreciate the tribute that Senator SIMPSON has delivered to the memory of George Aiken.

Mr. WEICKER. Mr. President, last November 19, our country lost one of its greatest and quietest leaders. George Aiken, the quintessential Yankee, served the State of Vermont for three and a half decades in the U.S. Senate and represented the conscience of America in this body for all of that time.

I consider myself particularly fortunate to have had the opportunity to know Governor Aiken, as he preferred to be called, and to learn the greatness of his ways firsthand. My first years as a Member of the Senate, from 1971-75, were the final years of the Governor's long career here. As a new Member of this body, I was a willing witness to Aiken's work, which was based on common sense, decency, and a genuine devotion to his State and the people of Vermont. He taught me and countless others that honesty, integrity, and diligence in the pursuit of them are the sole criteria by which to judge a man or a nation. He practiced each of these virtues daily and, in doing so, contributed to this institution considerably and made all of us who had the privilege to serve with him better Senators.

I urge my colleagues to recall Senator George Aiken and his service. Further, I encourage those who are not familiar with this great man, who has been absent from this Chamber for 10 years, to learn about his life and simple wisdom. His "Senate Diary" makes good reading.

Mr. STEVENS. Mr. President, I am pleased that the Senate is today honoring one of the great Senators of our time, the late Senator from the State of Vermont, George Aiken. During his service to the Senate and to our country he demonstrated leadership as well as vision. He leaves behind not only a legend, he leaves us with lessons of insight to the future.

As an Alaskan, I feel a special affinity for Senator Aiken. He was one of the few who truly understood the complex problems, issues, and challenges facing the then territory of Alaska, Canada, and the United States. I remember so well the debate on H.R. 7999, the bill to provide for the admission of the State of Alaska into the Union. In June 1958, while the Senate was considering this legislation, Senator Aiken spoke on the issue of United States/Canada relations. He spoke of mutual defense and the North American air defense command system, he noted the importance of trade between Canada and the United States including exports and business investments. He spoke of tourism between nations. Senator Aiken, in 1958 understood the importance of Canada's oil development and strategic mineral identification.

Senator Aiken was right on target. Alaska became a State. Relations between Canada and the United States have become more and more intertwined in the past three decades. Petroleum has literally shifted the balance of power in the world in terms of defense strategy and capital investment. The relations between the United States and Canada continue as we explore the possibilities of tapping natural gas and strategic minerals in the arctic regions of Alaska and Canada.

Many will expound on the numerous contributions that Senator Aiken made to this body and our Nation. Some will note the fact that he was in fact the Republican dean of the Senate. Others will note the fact that as a Republican in a Democratic-controlled Senate in the late 1950's and early 1960's, that he chaired the Subcommittee on Canada. Finally, some Members of the Senate will recognize Senator Aiken as the founder of the United States/Canadian Interparliamentary Union.

Senator Aiken was a great Senator. He set an example for all of us to follow. In fact, he paved the way for future Members of the Senate to enhance relations with their Canadian counterparts. I have had the privilege of participating in many of the United States/Canadian Interparliamentary Conferences. They are extremely valuable.

Many of us in the Senate strive to be the best we can possibly be in both our service to our respective States, but also to the institution of the Senate. Senator Aiken set his example through his actions. The consequence of selflessness on his part on many occasions turned into a net plus for everyone. The best example is his decision to give up 13 years of seniority on the Senate Labor and Public Welfare Committee to take a seat on the Senate Foreign Relations Committee. Fortunately, this selfless move ultimately resulted in improved United States/Canadian relations as well as other significant statements relating to U.S. foreign policy.

A decade has passed since Senator Aiken served in this body, but his reputation lives on. He taught those of us who served here with him the lesson or looking at issues through the lens of the future and through the consequence of action. The State of Vermont is fortunate to have such a long tradition of Senators with not only strength, but sensitivity; and not only insight, but vision.

TRIBUTE TO THE LATE U.S. SENATOR GEORGE D. AIKEN OF VERMONT

Mr. THURMOND. Mr. President, I rise today to join with my colleagues in paying tribute to an outstanding public servant and remarkable individual, my good friend, former Senator George D. Aiken of Vermont, who passed away on November 19, 1984, at the age of 92.

To his wife, Lola; daughters, Mrs. Dorothy Morse, Mrs Marjorie Cleverly, and Mrs. Barbara Jones; and other family, I extend my deepest sympathy.

Senator Aiken, who retired as dean of the U.S. Senate in 1975, was unlike any public servant I have ever known. For nearly 20 years, I had the privilege of serving with him in this body. Having had the opportunity as a Senator to work with him from both the Democratic and Republican sides of the Senate Chamber aisle, I can attest that George D. Aiken fit no political mold. He was his own man, and spoke his mind without hesitation—and without apology. Regardless of how unpopular his positions may have been, he unswervingly stood behind his convictions, and for this reason earned the respect and admiration of many. He was an American first and foremost. Indeed, for Senator Aiken, partisan politics took a back seat to what he deemed to be right and decent for all citizens.

Although he did not enter politics until he was 39, Senator Aiken enjoyed a productive and effective career in public service. Beginning in 1930, he served as a member of the Vermont House of Representatives, and became its speaker in 1933. Two years later, Senator Aiken was elected Lieutenant Governor of Vermont, and became that State's Governor in 1937.

While Governor, George Aiken's independent spirit won national attention when, in 1938, he urged his fellow Republicans to stop their "hate Roosevelt campaign" and begin to support the President for the good of the Nation. In 1940, when President Roosevelt was elected to his third term in the White House, Governor Aiken was chosen by the people of Vermont to serve in the U.S. Senate.

Once in the Senate, George Aiken quickly earned a reputation for his straightforwardness on all issues. Of particular concern to Senator Aiken was the future of the American farmer. Regarded as a pioneer in the commercial cultivation of wild flowers, and the author of several books and articles on horticulture, Senator Aiken fought diligently to protect our agrarian interests. As the ranking member of the Senate Agriculture Committee, he wielded considerable influence to help his fellow farmers.

Senator Aiken, however, did not limit his outspoken manner exclusively to domestic matters. A prominent member of the Senate Foreign Relations Committee, the Senator from Vermont was perhaps one of the most vehement critics of the Vietnam war. One had to respect the views of this levelheaded man who quickly recognized and contended that the United States had no business being in a war which its leaders did not intend to win.

Commonsense and humanitarian concern dictated every decision Senator Aiken made. His fair and honest approach to life and the duties of public office will continue to stand as an example to public servants at every level of government. Although he loved serving the fine people of Vermont, he also missed working on the land he loved so much. To the regret of his colleagues, yet to his personal joy, at the conclusion of the 93d Congress, he returned to Vermont to continue his horticultural pursuits.

Mr. President, Senator George David Aiken never felt completely at peace anywhere but in Vermont. He expressed this sentiment well one time, saying: "I've never felt at home in Washington. Home's up on the mountain in Vermont where I always lived." After a lifetime of serving Vermont, our Nation, and mankind, Senator George Aiken is home to stay. May he forever rest in peace.

IN MEMORY OF GEORGE DAVID AIKEN

Mr. BYRD. Mr. President, last November, I was saddened to learn of the death of Senator George David Aiken. I express my condolences to his wife, Lola Pierotti Aiken, his three daughters Dorothy Morse, Marjorie Cleverly, and Barbara Jones, and his grandchildren and great grandchildren. I join others in this Chamber who served with him in honoring his memory and in feeling a true sense of loss at his passing.

When George David Aiken took a seat in the U.S. Senate in 1941, he already had a record of public service that would have satisfied most mortals. He had served two terms as Governor of his beloved State of Vermont, as well as a State legislator, the speaker of the Vermont House of Representatives, and Lieutenant-Governor.

But at the age of 48, Mr. Aiken came to this Chamber to serve not only the people of his State, but also the people of the United States.

For the next 34 years of his life, Senator Aiken worked tirelessly for causes in which he believed—and for the best interests of our Nation and its people.

In this Chamber Senator Aiken fought for the St. Lawrence Seaway, advocated Medicare, helped create the Food-for-Peace Program, and was instrumental in enacting the Food Stamp Program to combat hunger in America. He fought for civil rights and worked for peace.

Preferring to operate behind the scenes, Senator Aiken avoided the limelight. But his colleagues watched and admired him as he quietly advocated, supported, and built. As the Christian Science Monitor pointed out, "because of . . . (Mr. Aiken's) reputation for quiet competence the Senate listens when he does speak."

It was more than his accomplishments, however, that made Mr. Aiken an effective Senator and a great American. He was one of those rare people who could influence by force of personality. His long-time friend and breakfast mate, Senate Democratic Leader Mike Mansfield, once called him a "rock of integrity." Said Senator Mansfield, "Any position Aiken takes automatically becomes respectable just because it's held by George Aiken."

The strength of that personality, and the depth of that integrity traveled far beyond this Chamber. Senator Aiken was one of the people whom President Kennedy called upon for a private consultation after the Bay of Pigs failure.

As a wise and effective Senator, Mr. Aiken could accept the future, even when it was disagreeable to him. "Some people throw up their hands when they see a trend bearing down on them," Senator Aiken said, "but I believe it is better to jump on the trend and try to guide it rather than being run over." For this reason, he urged his Republican colleagues to accept the best of the New Deal.

In his pursuit of peace, perhaps, came Senator Aiken's greatest achievements. He served as an influential member of the Senate Foreign Relations Committee, and as a representative to the United Nations. In these capacities Senator Aiken demonstrated that there are universal truths that can overcome international differences. As Senator Mansfield recalled, "At times our relations with foreign dignitaries would be a little strained, but George would go up and start talking trees and flowers and things, and the ice would be broken."

Upon Senator Aiken's death last November, Senator PATRICK LEAHY, who had filled Mr. Aiken's seat on his retirement, stated that his predecessor "reflected what's best of Vermont." That was certainly true. George Aiken also reflected what was best of American Government. He was widely respected as an independent Senator who stood strongly for the principles he felt were fundamental; he was loyal to his party, but he placed his country first.

George David Aiken loved what he once called "this big, sometimes blundering, but basically idealistic nation," and he served it well. We mourn his passing, but we celebrate the memory of a true public servant.

GEORGE AIKEN—GIANT OF THE GREEN MOUNTAIN STATE

Mr. KENNEDY. Mr. President, George Aiken served 34 years as a U.S. Senator, but he was always known as the "Guv." Actually, neither "Governor," which he preferred, nor "Senator," which is how almost all of us knew him, were adequate descriptions, because George Aiken always thought of himself as Ambassador to Washington from the sovereign State of Vermont. As he once explained, "I've always represented my State first, then the Nation, and then the rest of the world." With his bright ties covered with red clover—the Vermont State flower—and with his down-to-Earth Yankee common sense, he was perfect in the part.

When he retired from the Senate in 1975, he went back to Putney, less than a mile from the place he was born. But in spirit he had never really left Vermont. Throughout his brilliant career in public service, George Aiken stayed close to his Green Mountain roots. He measured his words carefully, but he had enormous influence—Abe Ribicoff, our former colleague from Connecticut, once described him as the "balance wheel of the Senate."

He had a remarkable instinct for the middle ground, and an uncommon ability to make sense out of complex issues. He became a legend in his own time with the Aiken peace plan on Vietnam: "Declare victory and come

home." And that simple, eloquent phrase helped us to end the war.

George Aiken was renowned not just as a thinker, but as a listener. He was a confidante and respected counselor to Presidents of both parties for a generation. When President Kennedy invited him to the White House immediately after the Bay of Pigs, Senator Aiken said that the President was no more to blame than he was, that President Kennedy "just wanted to go to confession." During his years in the Senate, my brother's office was next to Senator Aiken's, and he valued his advice on almost every issue of foreign and domestic policy. Later, as President, he sent George Aiken to Moscow as a member of the first nuclear test ban delegation.

One lesson that all of us learned from George Aiken was the importance of taking the long view on public policy issues. He rarely made final judgments on passing situations. Once, when I asked him what he thought about a particularly controversial bill, his response was only, "Looks OK—now."

Above all, for George Aiken, politics was an honorable profession. He was totally independent, impossible to pigeonhole, and fundamentally nonpartisan. He was appalled by the increasing role of special interest groups and the surge of money in politics. In 1968, he won reelection to a fifth Senate term, after spending less than $20 on his campaign, mainly for postage to thank those who circulated his nominating petitions—which, he said in all humility "I didn't ask them to do."

Mr. President, George Aiken was one of the greatest Senators ever to serve in this body. He was a giant of the Green Mountain State, and it is fitting, at the start of the 99th Congress, that we pause to recall his friendship with us, his leadership for the Nation, and his extraordinary stewardship for the people of Vermont.

Mr. PELL. Mr. President, last fall, while the Senate was out of session, we lost one of our most distinguished and best loved former Members, Senator George Aiken of Vermont.

Senator Aiken's career in public life was as long as it was remarkable. From a single term in the Vermont General Assembly as the representative of his native Putney, he went on to serve two terms as Vermont's Governor before coming to the U.S. Senate in 1941.

Throughout his Senate tenure, Governor Aiken—although he served 34 years in the Senate and but 4 in the State House, he preferred to be known as Governor—epitomized for us in Washington the Vermonters qualities of frugality, independence, common sense, and modesty.

George Aiken was a Vermont Republican, and nearly as proud of his party affiliation as of his State. Governor Aiken, however, was neither a partisan nor an ideologue. As Governor during the Great Depression, George Aiken embraced the New Deal and worked for the enactment of New Deal style State laws to benefit Vermont's hard pressed rural population. In Washington, George Aiken became a particular favorite of President Roosevelt, who often sought his counsel. Subsequent Democratic and Republican Presidents also sought his counsel, and I think it fair to say, often regretted those occasions they did not follow it.

George Aiken served on the Foreign Relations Committee, eventually becoming its ranking minority member, the position I now hold. He brought to the committee a strong—and often much needed—dose of commonsense. George Aiken's finest contribution was, I believe, his close scrutiny, along with Chairman Fulbright, of our policy in Vietnam.

Senator Aiken is perhaps best remembered for his 1967 advice to President Johnson on how to handle the Vietnam war. George Aiken's prescription "Declare We Won and Get Out" was ultimately accepted by President Nixon but only after the loss of tens of thousands more American lives. Both the country and President Johnson must have regretted not accepting Senator Aiken's advice sooner.

After leaving the Senate George Aiken returned, with his wife Lola, to his Putney hilltop home. There he tended his apple orchards, his raspberries, and the blueberries which grew around his house. Governor Aiken died in his native Vermont, and with him passed a Vermont institution. Both his own State and the U.S. Senate was enriched immensely by his one-of-a-kind presence.

Mr. JOHNSTON. Mr. President, Senators may have noticed that the lead editorial in the Washington Post last Sunday was about the end of the family farm in America. If George Aiken were here, he would not have liked that idea. What is more, he would have said so. There were two things that everyone—even those of us who had the privilege of serving with him in the Senate for only a few years—knew about George Aiken: that he was, first and foremost, a Vermont farmer, and that he did not hesitate to speak his mind.

His last statement in this RECORD he described as a confession. He said that he had, as a legislator, committed many sins, among them the support of what he called "unnecessary and costly" measures. George Aiken was a frugal man; Vermont farmers have to work too hard for their money to waste it. We could use more of them.

But when we look at his legislative record during his 34 years as a Senator, it is hard to see any faults. He worked for agriculture, rural electification, food stamps, civil rights, a responsible bipartisan foreign policy. All Americans, not just his fellow Vermonters, have reason to be grateful to him for his commitment to hard work, simple values and plain speaking.

There are men who simultaneously leave public life and the public eye. Twelve years after George Aiken left his body, his memory remains as green as the mountains of his native State. We remember him for his personal integrity, his impatience with a lack of candor or generosity, his unerring sense of what was fitting behavior for the country he loved. He gave his friendship and advice widely, and the United States and its leaders were the better for it.

Before he was a U.S. Senator, George Aiken grew wild flowers commercially at the nurseries he founded. He himself believed that the St. Lawrence Seaway was his most significant accomplishment. The residents of New England who are growing his wildflowers and eating his raspberries may be forgiven if they have a different opinion.

Mr. HATCH. Mr. President, if a latter-day plutarch were to collect biographies of outstanding Americans—to serve as models for future generations—the collection would have to include the story of George D. Aiken. Anyone familiar with the late Senator Aiken's life can easily see why the telling of it might inspire people to mighty and noble achievement, as the tales of the lives of Solon, Demonsthenes, Romulus, Cicero, and other great leaders of Greece and Rome, were meant to inspire us.

A 34 year tenure in the Senate, certainly, is something to which many current members of this body might aspire—though I doubt any would confess it. In 34-years, a Senator could gain positions of great power simply by weight of seniority. But Senator Aiken perceived things differently from those who think up the common wisdom. Although he was the dean of the Senate, he never held the great leadership positions one of his seniority might choose. He persuaded his colleagues in the Senate by means other than swapping favors and votes. He voted his conscience, after serious consideration of the issues; he expected other Senators to do the same. And the evidence shows that very often he was successful in persuading the Senate and the Congress to his point of view. Senator Aiken was a powerful force behind the Food and Peace Program, the land and water conservation fund, wilderness protection, the development of peaceful uses of nuclear power, and the development of the St. Lawrence Seaway.

It is a rare person who can choose the less trod path with little care for what others may think; it is a priceless individual who can take that path and convince others to follow.

Senator Aiken was a partisan in the Senate. He was a Republican, and everybody knew it. He supported his party, at least so long as his party's interests were the same as those of the people of Vermont whom he represented. But while partisan politics in the Congress can try the patience of Members until tempers flare and enemies are made, George Aiken seemed to avoid all that bother.

His best friend in the Senate, his daily breakfast partner, was the leader of the other party, Senator Mike Mansfield of Montana. The story is that those two, over their morning coffee, often devised solutions to the problems that vexed the Senate. Former Senator J. William Fulbright, the Arkansas Democrat who chaired the Foreign Relations Committee while Senator Aiken was the ranking Republican, told a Vermont newspaper that Aiken "was very partisan, but at the same time wise and perceptive—an extremely able man."

Of course, every Senator makes some friends in the other party during his or her career. But again, Senator Aiken's extraordinary ability to make friends extended far outside these Chambers. He even made friends where the political professionals say it cannot be done: in the opposition party in his home State. In 1968, the Democrats in Vermont gave Republican Aiken their party's nomination for the Senate; that left him with no opposition in the final election. What is really remarkable is that the Democrats gave him the nomination on write-in ballots. It is a truly great compliment to his ability congeniality that his State's opposing party would voluntarily select him to bear their standard, too.

Just a few weeks ago, one of Washington's local papers carried an opinion piece suggesting that all of us now in Congress should call this our last term and resign at the end of this Congress, doing this in order to purge the legislative branch of the professional Congressman. Others may share this opinion of Congress, that we are too many lawyers and policymakers, that we are too long in service. But I would propose as a solution, rather than mass resignations, the mass election of more George Aikens. He was not a lawyer, or a professional political staffer. He was a horticulturist and nurseryman. These interests, some say, dominated him all his life, and all of his public life. Two of his three published books are about plants: Pioneering with wildflowers, and pioneering with fruits and berries.

He was also a life-long public servant from his first election to the local school board in 1920—a post in which he served for 17 years. He spent 4 years in the Vermont House of Representatives, and was Speaker of the House from 1933 to 1935.

He won election as Lieutenant Governor in 1935, and was elected Governor in 1937. He came to the U.S. Senate in 1941. In his 34 years of Senate service, he maintained his reputation among lobbyists and Members of Congress as a man who could not be bought, and a man who would not take a stand for something in which he did not believe—reputations which were well-known to his constituents, according to Vermont newspapers.

George Aiken chose to retire from the Senate in 1974, when he was 82. The journal accounts say he would have easily won reelection had he wanted it. His election campaign the previous time—with the nominations of both the Republicans and Democrats—had cost him only $17.09, a sum he would have had no difficulty raising for a similarly easy race. But instead, he went home to Vermont.

A partisan fruit farmer from Putney, VT, who won the friendship and respect of Vermont citizens and world leaders, and held one of the longest tenures of any U.S. Senator, George David Aiken was a man our children would do well to emulate—he was a Senator in whose footsteps we Members of the Senate would be well to follow, too, for the good of our States, the Nation, and the American people. Our loss is not so much in his leaving the Senate, though the Senate sorely misses him, nor is our loss so much in his death, for though we grieve with his family we rejoice that he, certainly, has attained a better world. Our loss is that there are so few like him in any nation, in any age. The Senate, the Congress, the Government, the country—all these things are better for the mark Senator Aiken left upon them. It would be good if present and future Senators and citizens could study his life and follow his example.

Mr. BAUCUS. Mr. President, I am pleased to join in this tribute to the late Senator George Aiken of Vermont. I was not privileged to serve in the Senate with this man once called "the saint of the Senate." But as a Senator from Montana, I feel a special bond with George Aiken because he was Senator Mike Mansfield's closest friend in the Senate.

George Aiken, Republican from Vermont, and Mike Mansfield, Democrat from Montana, had breakfast together nearly every workday morning before 7 a.m. Even when they disagreed on major policy issues and even when Mansfield, as Senate Majority Leader, was involved in partisan political battles, their friendship and mutual respect remained strong. Indeed, in the heat of Congressional disagreement and anguish over the American role in Vietnam, Majority Leader Mansfield referred to Senator Aiken as "an owl": "the wise man, the man who looks ahead, the man who is unswerving in his support of the United States but who is also aware of the dangers which confront us in any given situation* * *."

We remember Senator Aiken as the man with a conscience. But he apparently was also the man with a personal touch, with a sense of humor. On June 25, 1970—the day Mike Mansfield broke the record for length of service as majority leader—Senator Aiken tossed a "needle across the aisle" at his Democratic friend. Senator Aiken's poem went as follows:

Mr. Aiken. Mr. President—

There was a time ten years ago,
If Republican Senators wanted a show,
They would toss a needle across the aisle
And then they'd all sit back and smile.
The Democrats' leader was Lyndon then,
Who was mighty with sword, and sometimes pen.
He was quick to respond to the needle's touch
And never refused a challenge as such.
The show would go on—the air get torrid—
Though Lyndon never said anything horrid.
But Barnum and Bailey could take a rest
When Lyndon was functioning at his best.
And whene'er we'd tense up with talk of taxation,
We could look to Lyndon for relaxation.
Then disaster struck us and Lyndon went on.
And with his departure went most of our fun,
For the Democrats made a new appointment
Which for Republicans spelled disappointment.
They had chosen a man from the Golden West,
Where every kid knows his country is best,
Where they shoot from the hip, whether right or wrong,
And ride off from their victims singing a song.
Of course Mike Mansfield would be such a leader,
Eating needles and darts like steers at a feeder.
He would give us the uplift Republicans need
And meet every challenge by word and by deed.
Did I say disaster struck us this time?
Just another understatement of mine.
For Mike had been leader only a week
When John J. Williams got up to speak.
For John, who was feeling a real good fettle,
Addressed the new leader somewhat like a nettle
And every Republican, one by one,
Sat back in his seat to enjoy the fun.
But, oh, the agony of what followed.
We might as well have arsenic swallowed.
For Mike got up to give John his reply
With such a reproachful look in his eye
That I thought John Williams would like to die.
And never since then do Republicans smile
When a needle is tossed across the aisle,
For we found that Mike is as square as a die,
With a mind as broad as Montana's sky.
It's now ten years that we've worked with Mike,
And during that time we have learned to like
The fairness and candor with which he acts,

And the way when speaking he deals with facts.
So let us be thankful that we serve with one
Whose honor and fairness are second to none.
And since we would miss him on this Senate floor,
I earnestly wish for him six years more—

As minority leader, of course. [Laughter.]

Mr. President, I hope that we who serve in the Senate today can try to learn from the example set by Senator Aiken. If we are to live up to our awesome responsibilities to our Nation and our individual States, we must work to foster cooperation and understanding among Senators from both parties, from all regions, and with diverse points of view. I treasure the friendships I have made in the Senate during my first term, on both sides of the aisle. I hope we can all find time in our busy schedules to add the personal touch that, I am told, George Aiken never failed to have.

Mr. PROXMIRE. Mr. President, it is a pleasure to take this opportunity to pay tribute to the late Senator from Vermont, George Aiken. A farmer by occupation, George Aiken's long political career began in the Vermont legislature, where he became speaker and then Lieutenant Governor. He served as Governor of Vermont from 1936 to 1940 before being elected to the Senate in 1941.

In his 34 years in the Senate, George Aiken had many legislative achievements. He was a friend to rural interests by supporting rural electrification programs, flood control, farm and dairy price supports, and Federal crop insurance. His two greatest legislative triumphs were the St. Lawrence Seaway and the Food Stamp Act of 1965.

In the Senate, George Aiken will best be remembered as a blunt, epigrammatic speaker. He was able to remain above the level of partisan politics. This allowed him to become one of the Foreign Relations Committee's most respected members during his time on the committee. He was a man of thrift, both with words and money. There are not many of us who can say we spent less than $20 on our campaigns, or returned money to the treasury from our office allowance at the end of the year. In his speeches, he wasted few words in getting his message across. Most of all, George Aiken was respected for his decency, honesty, integrity, and independence. He is a man that certainly will be missed, but fondly remembered.

SENATOR GEORGE AIKEN

Mr. METZENBAUM. Mr. President, I rise to express my sorrow at the passing of Senator George Aiken of Vermont.

I served only briefly in the Senate with George Aiken—in 1974, when I filled a 1-year appointed term and Senator Aiken was in the last year of his long and very distinguished tenure in this body.

But although I did not know George Aiken well, I admired him greatly.

To me, Senator Aiken embodied the best qualities of a public servant, of his party, and of his region of the country.

He was a true Vermonter—a thoughtful, skeptical, yet compassionate person who was never shy about speaking the truth as he saw it, but more importantly he was a great American in every sense of the word.

In conjunction with former majority leader and now Ambassador Mike Mansfield, George Aiken in the mid-1960's spoke the truth to President Lyndon Johnson about the war in Vietnam. In a prophetic report entitled "Vietnam: The Shadow and the Substance," Senators Aiken and Mansfield predicted that the strategy of gradual escalation of American involvement could not work. Our opponents, they argued, could easily match any American escalation and could sustain their efforts indefinitely.

They were right. And on more than one occasion, President Johnson must have wished that he had paid more attention to George Aiken and Mike Mansfield.

But, Mr. President, the legacy of George Aiken goes far beyond his contributions to our foreign policy.

George Aiken was a great friend of rural America.

Along with the late Senator George Norris, he was the author of most of our rural electrification legislation.

He was the moving force behind construction of the St. Lawrence Seaway—a permanent boon to agriculture and industry in his part of the country and mine.

It was George Aiken who led the fight for Federal assistance in the development of rural water systems.

And Senator George Aiken is the man to whom we owe the Eastern Wilderness Act—legislation that preserves in our densely populated part of the country much of what remains of America's original natural beauty.

Mr. President, George Aiken was one of the truly great Senators—a fine, plain-spoken New Englander whose great integrity indelibly marked everything he did.

I join my colleagues in expressing to Lola, his beloved wife, to the Aiken family, and to the people of Vermont my deepest condolences upon this sad occasion.

Mr. ANDREWS. Mr. President, my wife, Mary, and I had the opportunity to meet George and Lola Aiken long before I came to Congress. We first met George when he spoke at the North Dakota Farm Bureau Convention and came to visit our farm for a small get-together. In the sixties and seventies, we both served on the Canada-United States Interparliamentary Conference, where he shared his concise and realistic outlook on the need for cooperation between our nations and our people. My respect for George Aiken and what he symbolized grew over the years. His clarity of thought, coupled with his ability to get to the heart of whatever matter was being discussed, was a rare talent. I was honored to work with him, and it was a privilege to know him as both a colleague and a friend.

A TRIBUTE TO GEORGE DAVID AIKEN

Mr. HOLLINGS. George David Aiken was a true statesman and patriot. For 34 years in the U.S. Senate, he served his State of Vermont and his country with distinction and a record of achievement matched by few. For 34 years, his was a voice of wisdom and pragmatism that helped guide this institution through troubled and difficult times. I know I speak for my colleagues when I say we mourn his passing, and will miss him dearly.

When I came to the Senate in 1966, George had already been here for more than two decades, as one of Vermont's most popular Senators ever. He was one of the Senate's foremost experts on agriculture policy and foreign affairs, but what struck me most about him was his determination to do what was right, regardless of ideology. He was a true pragmatist, in the fine American tradition. He was a Republican, yet he was a prime mover behind the food stamps program to alleviate hunger and Federal aid to education. He was an early and strong supporter of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. And as the outspoken ranking Republican on the Foreign Relations Committee, George Aiken was one of the few to take an early and strong stand against the escalation of U.S. involvement in Vietnam.

George also had a keen sense of the need for bipartisanship in the functioning of Government. I don't know how many times I saw him seated with Mike Mansfield in the Senate cafeteria discussing foreign policy over breakfast. And I will never forget George standing with me when few others would on the vote to confirm my fellow South Carolinian Clement Haynsworth to the Supreme Court.

Coming from Vermont, George knew the value and was a staunch defender of rural America as a bulwark of our democratic system. And it was back to Vermont that he went when he retired from the Senate in 1974, still sitting tall in the saddle. He did his country and us all proud. I wish his wife, Lola, well. Words mean little at a time of such loss, but we want her to know that she has many friends among Senators and their spouses, and each of us will do anything we can to lend her help and support.

We'll miss you, Governor, but your memory will live on with us.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the RECORD be held open for the remainder of the day for any other Senators who might wish to enter speeches and that they appear in the flow of the euology speeches in honor of Senator Aiken.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STAFFORD. On that basis, Mr. President, I yield the floor.

COMMENDATION OF SENATOR STEVENS

Mr. MATTINGLY. Mr. President, I send a resolution to the desk on behalf of myself, Mr. DOLE, Mr. MURKOWSKI, Mr. SIMPSON, and Mr. SYMMS, and ask for its immediate consideration. I might add that it has been cleared by the minority.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 43

Whereas the end of the Ninety-eighth Congress represented for Senator Ted Stevens the completion of eight years of service as the Assistant Republican Leader, including four years as the assistant minority leader and four years as the assistant majority leader;

Whereas as the assistant Republican leader, Ted Stevens was unrelenting in his devotion to principle, unfailingly performed his duties with courage and dedication, and consistently demonstrated the qualities of a true patriot;

Whereas Ted Stevens eloquently and effectively represented the unique interests of the State of Alaska as its senior Senator while simultaneously fulfilling his leadership role;

Whereas Ted Stevens discharged his responsibilities with adherence to the highest standards of conduct and in the best tradition of the Senate; and

Whereas Ted Stevens earned the confidence, admiration and respect of his fellow Senators: Now, therefore, be it

Resolved, That the Senate thanks Senator Ted Stevens for his service as the Assistant Republican leader and expresses its appreciation for his contributions to the Republican Party and to the United States Senate.

The Senate proceeded to consider the resolution.

Mr. MATTINGLY. Mr. President, the resolution that I introduce today commends the distinguished senior Senator from Alaska [Mr. STEVENS] for the work that he has done during the past 8 years as assistant minority leader and as assistant majority leader.

TED STEVENS has been a friend to me since my earliest days in Washington. I have learned much from him, and I have the highest respect for the manner in which he has conducted himself as part of the leadership of the Senate.

His service to his party and to this institution is exceeded only by his commitment to the principles that he holds dear. The past 4 years have not only seen him serve with distinction as assistant majority leader but at the same time represent ably the interests of the State of Alaska. As chairman of the Defense Appropriations Subcommittee, he has played a critical role in restoring America's strength.

Few Senators could have performed these duties with the degree of confidence and success as TED STEVENS was able to do.

At times, I was on the opposite side of policy disputes with TED STEVENS and I can state to my colleagues that the tenacity he displays during a legislative battle is equaled only by his courage and dedication and above all, fairness.

I am proud to serve in this institution with Senator STEVENS. He is a patriot in every sense of the word and I salute his efforts and his contributions.

Mr. MURKOWSKI. Mr. President. I am pleased to cosponsor this resolution recognizing my State's senior Senator and most influential leader. TED STEVENS has devoted virtually his entire life to public service, the last 16 of which has been in the U.S. Senate. His first love is Alaska, his second is the institution of the Senate.

Alaskans know that TED STEVENS represents them well in Congress. The 75 percent of the vote he received in his reelection bids attests to the love our people have for this man.

He started his public service on behalf of Alaska back in the late fifties when he was working for Fred Seaton at the Interior Department. TED was one of the principle forces in getting the Alaska statehood bill through Congress.

Soon after he came to the U.S. Senate in 1969 he faced his first Alaska controversy, working to get confirmation of Walter Hickel as Secretary of Interior. After oil was discovered in Alaska that year, TED's next priority became settlement of the Alaska Native claims issue, and then getting a Federal right-of-way permit for the pipeline across Alaska—which took a tie-breaking vote from the Vice President. A few years ago TED was in front of the compromise legislation to resolve the remaining major Alaska lands issues.

Our State has been the subject of a number of significant Federal legislative issues, and we've been fortunate to have Senator TED STEVENS representing us to resolve them successfully.

TED STEVENS' personal energy, his skills in the legislative process, and his commitment to the institution of the Senate are legendary.

For the past 8 years he has served his party well as the assistant Republican leader in the Senate. His accomplishments as Defense Appropriations Subcommittee chairman are also widely recognized.

I'm pleased that the majority leader recently tabbed TED to head the delegation of U.S. Senate observers to the arms control talks. I can't think of a person more able to ensure that our interests as a nation will be protected.

All Alaskans are proud of our Senator TED STEVENS and I'm pleased to cosponsor this tribute to him.

Mr. MATTINGLY. Mr. President, I move the adoption of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 43) was agreed to.

The preamble was agreed to.

Mr. MATTINGLY. Mr. President, I also ask unanimous consent that the RECORD be kept open today for cosponsors and that I might add as original cosponsors Senator DOLE and Senator MURKOWSKI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I earnestly request that I be listed as a cosponsor of the resolution of Senator MATTINGLY.

Senator STEVENS is my predecessor. He has been absolutely unselfish in guiding me and assisting me and giving me counsel, advice—and solace at times—with regard to what is ahead for me as assistant majority leader. I hope this body continues to utilize his rare talent, his intellect, and his skills. I am sure that the disappointment which comes to us all in political endeavors in defeat at any time is and always will be tough. I know that personally.

We need Senator STEVENS. I hope he continues to offer us his skills and his abilities and his knowledge of the rules and procedures. I for one have already gained signficantly from his willingness to share so much with me as I embark upon this task.

I wish to be associated with the remarks of the Senator from Georgia.

Also, I wish to add that Senator STEVENS' wife, Cathy, and little Lily, and all the other members of his family, are a great part of the Senate family.

I thank the Senator from Georgia.

The PRESIDING OFFICER. Without objection, the unanimous-consent request of the Senator from Wyoming is agreed to.

SEA EAGLE EXERCISE

Mr. COHEN. Mr. President, the United States has formally requested permission from the New Zealand Government to make a port call by a Navy ship in connection with a planned exercise called Sea Eagle.

According to news reports, the New Zealand Government will not decide whether to grant the request for several weeks. New Zealand's Prime Minister, David Lange, apparently is committed to his Labour Party's policy of prohibiting port calls by ships that are nuclear powered or nuclear armed.

Mr. President, no person, no group, no nation has a moral corner or monopoly on the fear of nuclear war. Every sane and rational person views the potential for the termination of much, if not all, of life on this planet with a horror as absolute as the vision of apocalypse demands.

But to be aware and fearful of nuclear war is not enough. Nor is it sufficient to adopt policies which serve notice of one's fear and outrage if it does little to reduce the risk of nuclear war, but, ironically, enhances the chance of what is abhorred by undermining the ability to deter it.

This is precisely the course of conduct that New Zealand appears to be following. It may be a noble gesture to bar any nuclear-powered or nuclear-armed ship from its harbors, but it is also a naive and dangerous one on at least two counts. First, there is no enclave that is safe from the scourge of nuclear war even if it were to occur thousands of miles from its borders. Dr. Carl Sagan and other scientists have written elaborately and persuasively on the subject of nuclear winter—a phenomenon that would lock the globe in a fist of subzero temperatures and then permit the Sun to mercilessly scorch an Earth no longer protected by atmospheric shields. In short, there is no place to hide from the nuclear monster.

Second, the moral and ostrich-like posture struck by New Zealand is dangerous because it is unilateral and is unlikely to be reciprocated by the Soviet Union and any of its allies. There are no such antinuclear protests in Moscow, Budapest, or East Berlin. Cam Ranh Bay remains open to Soviet warships whatever their propulsion or payload. By denying the United States the ability to make port calls, New Zealanders are, in effect, playing the pipes of appeasement—not those of peace. The Labour Party may be making a high-minded political statement, but in geopolitical stratagems, consequences matter a good deal more than motives.

It is not given to me or any other Member of Congress to lecture the people or leadership of an independent and free nation. But as a Member of the U.S. Senate I have an obligation to point out the potential consequences of ill-considered action so that there will be no misapprehension about the future and fate of ANZUS or subsequent economic policies of the United States.

If New Zealand chooses to take unilateral action to demonstrate its opposition to the existence of nuclear weapons, then it raises the question of whether it is prepared to defend itself unilaterally—not only its national security but its national economy as well.

It is by virtue of the defense of freedom that nations enjoy the benefits of international trade on a scope unparalleled in history.

We in the free world depend upon open access to the global trade routes. Diminish the ability to defend that access and you thereby diminish the ability to enjoy the benefits of the trade itself.

It is my understanding that State Department officials have indicated that this administration would not seek economic sanctions if New Zealand should pursue its exercise in unilateralism.

Perhaps it is a matter of semantics and that our diplomats privately draw a distinction between trade sanctions and an end to trade restraint. But if not, there should be no misunderstanding on the part of New Zealanders that the U.S. Congress would be bound by State Department declarations.

If New Zealand is unwilling to bear the burdens of defending freedom, they should not enjoy the benefits of our effort and that of Australia to defend it for them. Nor should they enjoy the benefits from the restraint we place upon our domestic producers of products that New Zealand places into international markets.

If New Zealand pursues its policy of refusing permission to U.S. or allied ships to make port calls, we should, in my view, seriously consider two things: First, preclude New Zealand from participating in all future exercises with the United States and its allies; Second, end the artificial restraints that we have placed upon American producers so that we can compete in the international marketplace on equal terms.

I would prefer to be more delicate and diplomatic in approaching the national and moral sensibililties of a nation that has thus far been a staunch supporter of the preservation of poliltical and economic freedom. But a fatuous idea, left unhindered by logic or history, has many waiting votaries. Indeed, there are those in other nations who do not yet live under the shadow of the Soviet state who believe that the only choices remaining are between freedom and annihilation, atomization and abdication. Peace and freedom are in fact possible, but not if we unilaterally undermine our ability to defend that freedom.

So in this case, I leave diplomacy for others. I feel a higher duty to forewarn an ally that dangerous and ill-considered action will carry consequences that are foreseeable and should be foreseen.

(Mr. PRESSLER assumed the chair.)

Mr. SYMMS. Mr. President, will the Senator yield?

Mr. COHEN. I yield to the distinguished Senator from Idaho.

Mr. SYMMS. Mr. President, I thank the distinguished Senator from Maine for a very excellent speech which I think points to a very important aspect of those people around the world who wish to defend freedom. I certainly share his viewpoint on it. I think he is quite corrrect.

I might even go one step further and say that peace and freedom are inseparable, that there really can be no peace without freedom.

Incidentally, my State used to be a big producer of lamb. Now, at most grocery stores in Idaho, you will find that a great deal of lamb—it is not lamb, but mutton—is from New Zealand. The American producers of lamb have gone down in numbers as the sheep population has gone down.

Those people who wish to send in to this market and trade with us are not willing to allow ports of call on the part of the U.S. Navy. I wonder what they are going to do when the Soviet Navy steams into New Zealand waters. Do they think the Soviet Navy will respect in any way a nuclear-free zone? I think the record shows clearly that they will not.

The Senator from Maine is correct in his analysis of this matter. I think it is most important.

Earlier this year, we had planned a trip by a delegation from the Senate, in which I was to take part, which was to be led by the distinguished Senator from Alaska. It was canceled because of logistics, among other reasons. The purpose was to take a message to New Zealand as to how critical this is and how those of us in the U.S. Senate view their unwillingness to cooperate with the nations in the hemisphere with which we have been allied for 40-plus years.

I hope that Senators who are not in the Chamber will read the remarks of the Senator from Maine, because I think he is right on target. I mentioned to him in private conversation earlier that one of the things I read regularly in the office is the Harry Shultz Newsletter. About 4 or 5 months ago, Mr. Schultz had some very interesting things to say about this matter. I will dig those out and submit them for the RECORD in another day or two, because he predicted what was going to happen.

I hope our friends will pay attention, and I hope the people of New Zealand will read what the Senator from Maine has said.

Mr. COHEN. I thank the Senator.

I hasten to point out that the Government of New Zealand has not yet made the decision to bar U.S. ships

from their harbors. But there is an opportunity for them to consider the circumstances as to what action might result in this body and in the other body from such a dangerous decision.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

THE MYTHS ABOUT ARMS CONTROL

Mr. PROXMIRE. Mr. President on January 13, Robert G. Kaiser wrote a superb article in the Washington Post entitled "The Myths Clouding the Arms Debate." If every Member of the Senate and House would read this article and think about it, and verify the facts on which Mr. Kaiser's logical conclusions are based, this could be the most constructive Congress in a long time. Consider the myths that Kaiser dispels.

First: The alleged Soviet military buildup. The administration has justified the immense U.S. military buildup and the absence to date of a successful arms control policy on the assumption that the Soviets are still engaged in a huge military buildup, particularly in military procurement.

If there has been one steady and consistent drumbeat from the administration, it has been that the Russians are continuing to zip by us in their conventional and nuclear arms buildup, and that we must rush to catch up. This is the heart of Weinberger's argument for a continued hike in military expenditures in this big year of a mammoth budget deficit. This is also the prime basis for stalling and hedging arms control policy. The administration argues for a faster U.S. buildup so we do not freeze ourselves into a position of permanent inferiority to the Soviets. And this is the basis for Secretary Shultz' appeal to the Congress to proceed with the MX deployment and the star wars research so we can negotiate from a position of parity with the big Soviet miliatary buildup.

As Kaiser points out:

> Reagan and Weinberger have demonstrated once again that any allegation of this kind (that the Soviets are building up their military in a rush) repeated often enough from authoritative quarters, becomes an accepted fact.

Well, now we find that this just is not true. Richard Kaufman, the general counsel of the Joint Economic Committee, has taken the declassified testimony of the CIA before our committee and explained in detail that the buildup of Soviet military power in the 1960's and 1970's, slowed after 1976 and the alleged increase in procurement virtually stopped since then. Until about 1976 overall Soviet military spending grew at about a 5-percent rate. Then it slowed down to about a 2-percent level and Soviet military procurement appears not to have grown at all in the late 1970's. These figures apply for the period 1977 to 1981. The CIA has not yet sanitized the figures since 1981 but we expect to have them available soon, I believe in the next week or two. As Kaiser contends:

> During a decade that President Reagan has described as a period of relentless Soviet buildup, the Russians actually cut the growth of their defense spending in half.

And they virtually brought their increase in military procurement spending to a halt. That is myth No. 1 put to rest.

Second, Kaiser exposes the myth that the strategic defense initiative (SDI) or Star Wars can render nuclear weapons obsolete. As Kaiser points out, SDI is a pipe dream. In Kaiser's words: "No responsible scientist could suggest that such a goal is feasible." How does an adversary overcome "Star Wars"? Simple. They overcome it by simply building more offensive missiles, or by using decoys, or by hardening the skin of the offensive missiles, or by using cruise missiles which everyone agrees SDI could not stop, or by using bombers or by using submarines. And they agree that SDI will not work with respect to those weapons.

Now the top experts in the administration all but concede that Star Wars cannot save our American cities, but they argue that it could protect our land-based deterrent, or at least some of it. How about that? Even for this so-called point defense it will not work against any kind of a diversified offense. And even if it did protect our land-based missiles perfectly, that constitutes less than a quarter of our deterrent—because, of course, we have submarines, where we have 50 percent of our deterrent; we have bombers, where we have 25 percent of our deterrent—it is unnecessary to protect our much larger, more potent, and far less vulnerable submarine and bomber deterrent because they cannot be reached. In any event it is obvious that this fabulously expensive technology—which is estimated to cost $1 trillion—is in no sense a substitute for deterrence or arms control. That is the second myth.

Third, the Soviets are alleged to be indifferent to deterrence, to be unimpressed by mutually assured destruction. This is wrong. As Kaiser demonstrates, the Russians have been emphatic and consistent in expressing the conviction that a further buildup of nuclear weapons is senseless and that a retaliatory strike by a defender using the weapons left after the most devastating, conceivable preemptive first strike would totally devastate the attacker. The Russians are not insane. They have said all this themselves. It is a fact. And they know it is a fact. That is myth No. 3.

The fourth myth coming from the administration is that past arms control treaties have been failures—that the Russians have pushed right up to the limits of SALT I and II and beyond. As Kaiser notes—again—this is a "truth" that is just plain wrong.

As John Steinbrunner of Brookings has pointed out, SALT II would allow th Soviets to have nearly twice as many warheads on their missiles as they actually had as of mid-1984. Furthermore, the arms control treaties have stopped the nuclear arms testing in the atmosphere that could have polluted our planet with radioactive fallout. The limit on offensive missiles on both sides are high in SALT I and SALT II but they limit a breakout to an uncontrolled wild arms race. Finally, the Kaiser article reinforces the view that we can prudently proceed with arms control, provided we insist on the mutuality of agreements and effective verification. Kaiser's argument also reinforces the contention of many of us that we can hold our own military spending down to a reasonable level without any real risk that in doing so we are undermining the national security.

Mr. President, I ask unanimous consent that the article by Robert G. Kaiser in the January 13, 1984, issue of the Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MYTHS CLOUDING THE ARMS DEBATE

(By Robert G. Kaiser)

The Shultz-Gromyko talks in Geneva were a revealing extravaganza. The hoopla, the ridiculous media overkill (nearly 500 accredited American journalists!), the enormous ado about a procedural diplomatic event that did nothing but get us back to the same negotiating table with the Russians—all this was a sign, if another were needed, that we've lost touch with the basic realities of nuclear arms and arms control.

Why did we get so lathered up about the Geneva meetings? Perhaps because they spoke to some primal anxiety about nuclear weapons. But also because of the delusion that somehow, after five years of inaction in arms control, one meeting was going to make a profound difference in the Soviet-American relationship.

It is conventional wisdom in Washington these days that if he really wants one, Ronald Reagan is bound to be able to get an arms control agreement in the next couple of years. But this conventional wisdom is not shared by many of the people who worked on SALT I and II—people who know what really goes into negotiating one of these deals.

The SALT I treaty required three years of intense negotiations involving the senior officials of both governments. The SALT II treaty took *six* years to complete—the weaponry and the politics were both getting more complex. But *no* real progress has been made on the next arms control agree-

ment, and the issues have gotten still more complicated.

In fact, the Reagan administration has no conceptual idea of what kind of deal it wants, or how it might persuade the Russians to move in the same direction; it earnestly seeks to protect all American advantages and new programs, while forcing the Soviets to abandon many of theirs. This is not a formula for success.

The idea that this administration is now on the road to a new agreement with the Russians is one of the myths that clouds discussion of these matters. It's tempting to argue that the myths outnumber and outweigh the facts. Consider a few of them:

The Soviet buildup. The president and his secretary of defense have been telling us emphatically for four years about the relentless Soviet arms buildup. Several years ago they were saying it had actually given the Russians a clear strategic advantage.

Reagan and Weinberger have demonstrated once again that any allegation of this kind, repeated often enough from authoritative quarters, becomes an accepted fact. Who now doubts that the Soviet Union has indeed engaged in a relentless buildup, one that has intensified since the SALT I and II treaties were signed?

Well, anyone who reads the inaugural issue of a new academic journal called Soviet Economics will have to doubt that wisdom. Using already-released (but little discussed) CIA estimates, Richard E. Kaufman of Congress's Joint Economic Committee explains in a detailed article in the journal that the very real Soviet buildup of the '60s and '70s actually slowed down significantly after 1976.

From 1977 to 1981, according to the CIA, Soviet procurement of new weapons measured in dollars (that is, calculated to show their cost if the U.S. had acquired the same weapons) did not grow at all. This pattern probably continued in 1982; more recent figures are not yet available.

The CIA's numbers show that Soviet spending on armaments slowed down markedly in the mid-'70s. For the previous decade it had grown at constant rates of nearly 5 percent a year; in the last decade the growth has been 2 percent a year (much less than the growth of American spending).

In other words, during a decade that President Reagan has described as a period of relentless Soviet buildup, the Russians actually cut the growth of their "defense spending" by more than half! How can we conduct a serious discussion of these issues when the facts and the rhetoric are as discordant as that?

The Strategic Defense Initiative, or "Star Wars." Any concerned citizen reading the papers knows that the Russians are alarmed by the American "Star Wars" program, intended, in one of President Reagan's memorable phrases, as "a means of rendering these nuclear weapons impotent and obsolete."

Reagan introduced this idea in March 1983, and since then it has taken on a life of its own—become so real that a reporter could ask the president at his news conference last week if he would "consider setting limits on the deployment and the testing of 'Star Wars?' ".

In fact, there is no "Star Wars" system to test or deploy. The idea remains a dream. In its extreme form, as a scheme to render nukes "impotent and obsolete," it is a pipe dream. No responsible scientist could suggest that such a goal is feasible with any known technology.

Someone on the president's staff seems to have gotten through to him with this reality. The White House released a pamphlet designed to promote the Strategic Defense Initiative (SDI) earlier this month; in a forword signed by Reagan, the SDI was redescribed as a means of "rendering ballistic missiles [not all "nuclear weapons," as he said in '83] impotent and obsolete." Even if that were possible (and in the forseeable future it isn't), bombs could still be delivered by airplanes, unpiloted drones called cruise missiles—or by terrorists carrying them in suitcases. Is any Congress going to appropriate the hundreds of billions—some experts say at least a trillion dollars—that a Star Wars program would cost if it only holds out the problematic hope of disarming some Soviet missiles, but not protecting against nuclear bombs delivered by other means?

The "Star Wars" myth has a cynical aspect that deserves more attention than it has received. The president's grandiose idea has undeniable popular appeal; who wouldn't like to think we can find a foolproof defense against nukes? "All through history we've been able to come up with a defensive weapon," the president likes to say—why not with these weapons, as with all others? (But wait: what "weapon" did we invent to defend against the bullet? Against germ warfare? No, Reagan is wrong about that, too.)

The appeal comes from the thought that defense is possible—that we might avoid nuclear holocaust through technological ingenuity. This, the president says, would allow us to escape today's "immoral" reliance on deterrence—the threat of a devastating retaliatory attack if the Soviets attacked us—as our only defense against nuclear war.

But Reagan administration officials responsible for Star Wars recognize—and have publicly acknowledged—that until unforseeable technical breakthroughs are achieved, all we can hope for is a defensive system that might offer protection for some of our own land-based intercontinental ballistic missiles. These officials, including George Keyworth, Reagan's science advisor, say we could build a defense that would knock a lot of Soviet missiles out of the sky before they could destroy our missiles in their silos.

What would be the good of this? Why, it would "enhance deterrence"—that is, it would increase the possibility that even if the Russians attacked us with a huge first strike, some of our missiles would survive, and would be able to attack the Soviet Union, destroying it as a functioning modern society. What happened to Reagan's noble idea of evading the immorality of deterrence? Up in smoke. In the name of going beyond deterrence, Star Wars becomes a program to reinforce it—at enormous cost, and in a way that would inevitably compel the Soviets to build more offensive weapons. (How else could they counter a new American system that could destroy a portion of Soviet rockets in flight? They would build more rockets, and more decoys too.)

Soviet indifference to nuclear dangers. How many times have you heard that the Russians just don't believe in the doctrine of deterrence, or "mutual assured destruction"? This is now a commonplace among many experts and commentators: the United States, it is said, might accept the idea that launching an attack is crazy, because we'd be destroyed by the Soviet retaliation; but the Russians somehow don't agree, and believe they could survive and win a nuclear war.

The traditional American view of deterrence is based on thoughts like these: "With the quantity and diversity of nuclear missiles that already exists, it is impossible to destroy the enemy's systems with a single strike. A crushing retaliatory strike against the aggressor, even by the limited quantity of nuclear weapons remaining to the defender—a strike inflicting unacceptable damage—is inevitable in present conditions." Many believers in the effectiveness of deterrence would agree that "you don't have to be a military man or a scientist to realize that a further buildup [of nuclear weapons] is becoming senseless." To hear the hard-line commentators tell it, though, the Russians won't buy those notions.

Those two quotations, however, come from Marshal Nikolai Ogarkov, until September the chief of the Soviet general staff. He made those remarks in an interview with Red Star, the newspaper of the Soviet Defense Ministry—the medium through which Soviet military men learn the party line.

The failure of past arms control agreements. If you read or watched the outpouring of media pronouncements last week, you were told repeatedly that SALT I and II and other arms control agreements failed to slow the arms race—that it went on virtually unabated despite those pieces of paper.

This is another of those oft-repeated truths that is wrong. Thanks to past agreements, no nuclear weapons are tested in the atmosphere. Neither country can try to deploy an effective defensive system, so neither can seriously dream of launching an attack that would result in anything but its own destruction. Both sides are required to limit their arsenals to fixed numbers of offensive missiles and warheads. (These limits are high, but they do prevent a wild new arms race; if such limits are not in force, no Star Wars system is likely to be effective even against Soviet rockets, because the Soviets will build too many.) Thanks to SALT II, both sides have agreed on "counting rules" that would enable them to verify new agreements substantially reducing the number of deployed weapons; without such rules, future agreements will be impossible.

This is only a partial list of the many benefits of earlier arms control. The Reagan administration confirms that these benefits are real by continuing to adhere to all past agreements, even the SALT II treaty that it publicly deplores.

It's also said that the Soviets routinely exploit every arms control agreement to the hilt, pushing each provision to its limit if not beyond. But as John Steinbruner of the Brookings Institution has pointed out, SALT II would allow the Soviets to have nearly twice as many warheads on their missiles as they actually had as of mid-1984; they're far below the permitted maximum.

At the same time, in his first term President Reagan demonstrated convincingly how the arms race can be reinvigorated without arms control. He has opened the door to new and expensive competitions in anti-satellite weapons, weapons in space, cruise missiles and more.

Future historians, if there are any, will probably look back at these first four decades of the nuclear era as a time of self-delusion and struggle—struggle to come to terms with the facts of thermonuclear life.

So far the struggle has gotten the best of us. Aware from Hiroshima onward that we were dealing with a new kind of monster, we have tried to tame it, to master it. These ef-

forts have led us to a world of 50,000 warheads and delivery systems of a sophistication that was unimaginable 40 years ago. In many practical ways we see that military men and politicians realize that these weapons are unusable, yet we keep building more of them. In sum, we have confirmed the genius of Albert Einstein's insight that "the unleashed power of the atom has changed everything except our way of thinking."

WHATEVER HAPPENED TO COMPETENCE IN APPOINTING TOP PUBLIC OFFICIALS?

Mr. PROXMIRE. Mr. President, in hiring people for positions of immense authority to determine the taxes we pay, the search for peace in this dangerous nuclear world, the just execution of our laws and the energy that provides the force and strength of our economy, how important is relevant experience? Is it of any significance at all?

Should the next Secretary of the Treasury—the man who has more direct power over the taxes we pay and the course of the economy than any other appointed official—should he have had some experience and training in tax policy and economics? Of course. Well, the President is appointing a man who has many fine qualifications to serve in many capacities in our Government but what training or experience has he had to serve as Secretary of the Treasury? Answer: None. No training, not one day's experience.

All of us are aware of the absolutely critical importance of our coming arms control negotiations with the Soviet Union. These negotiations can make the difference between a world that moves toward peace and reliance on arms control agreements and a world that relies on winning the nuclear arms race. Who is the President appointing as our chief negotiator? He is appointing a man I have known for more than 30 years. He has been very helpful to this Senator from the very first day I came to Washington as a new Senator. I admire him. I respect him. He is not only bright, he is wise. He is a skilled and experienced negotiator. He is a very good man, indeed. But what does he know about arms control? Indeed, what experience has he ever had to learn anything about arms control? Answers: nothing and none.

The New York Times reported on Saturday, January 19:

> Mr. Kampelman acknowledged that he had virtually no experience in arms control, and that there were many others in Washington better qualified.

If there is any top, policymaking, appointed office that more than any other requires dedication to the unique distinction of America as a country that honors human freedom above all and requires solid experience as a lawyer in fighting for freedom, it is the Office of Attorney General, the Nation's No. 1 lawyer. And who is the President appointing as Attorney General? A man who has such a grotesque misunderstanding of meaning of freedom that he has called the American Civil Liberties Union "a lobby for criminals." Is he a distinguished and successful lawyer? The President's appointee to be the Nation's No. 1 lawyer has achieved absolutely no recognition, none, as a lawyer. In the American Bar Association's listing of the thousands of lawyers who are well qualified, his name is conspicuously absent. If a person with this experience should be recommended to head any of the thousands of law firms in this country, with this kind of record the partners in the firm would think you were kidding. But the President is appointing this wholly unqualified man to be the Attorney General of the United States—the head of the biggest law office on Earth with supervision over more than 60,000 employees. He will be the country's No. 1 lawyer. He, more than any other man, will be charged with the responsibility of championing the quality we cherish above all others as Americans: freedom including freedom to dissent. In his condemnation of the American Civil Liberties Union, he has shown he does not understand freedom.

Finally, the President is appointing a person as head of the Department of Energy who has absolutely no experience in the field at all, none. If you should put on a blindfold, open the telephone book to any random page and let your finger fall on the first name that occurs and then recommend that person as Secretary of Energy, you would have at least as good a chance as this Presidential nominee to be qualified to serve as head of this Department. The President has appointed a man who does not even pretend to have any qualifications.

Mr. President, think of it, here are four top jobs—positions of great power, each of which will have a profound influence on the life and well being of all Americans: Secretary of the Treasury, our chief arms control negotiator, the Attorney General of the United States, and Secretary of Energy. At least two of them are extraordinarily fine human beings, intelligent, resourceful, skilled, but none of them, not one, is qualified for the job to which he is being appointed.

In ancient Rome one of the worst of a very bad run emperors was Caligula. He has come down through history as a personification of the corruption and venality that finally brought Rome to its knees. Perhaps his most damning act, even if it did have more than a touch of humor, was his appointment of his horse as Roman Consul. I am talking about the giddap horse that he rode. Caligula's act, of course, not only showed a sick sense of humor but a gross contempt for the Roman Senate. These Reagan appointments show a gross contempt for our country.

Of course, Mr. Baker will be overwhelmingly approved as Secretary of the Treasury, perhaps unanimously. This Senator is torn on this nomination. Baker clearly has no qualifications to be Secretary of the Treasury. But he has an established track record as Chief of Staff in the White House. He has skillfully handled tax matters for the President in negotiations with Members of the Congress. He is a quick study. He obviously will have great influence with both the President and the Congress. He also has handled the press with extraordinary success. Even though he may not know what he is doing in dealing with complex economic and tax matters, he will probably accomplish the President's aims. That may be bad for the country. But the President has won two landslide victories so that kind of performance will have to be considered good democracy.

Max Kampelman, of course, will not be subject to Senate confirmation. Like Baker he will work this administration's will in arms control. That may not be in the interest of peace. But then Ronald Reagan won the election and won it big.

As for Ed Meese, the answer from this Senator has to be a loud and firm "no." Ronald Reagan won the election. Ed Meese will carry out the Reagan policies and convictions, but here is one Senator who does not believe that this wholly unqualified nominee who has shown such a gross failure to understand the essence of the freedom for which this country stands should serve for 1 minute as Attorney General of the United States.

Finally, Mr. Herrington has not demonstrated the ability even to carry out the energy policies of this administration wrong as they are. This is an easy no vote.

COMMON CAUSE STUDY SHOWS MEESE UNFIT TO BE ATTORNEY GENERAL

Mr. PROXMIRE. Mr. President, Common Cause, that uncommon organization which functions so effectively on behalf of the public good, has performed another vital service. In its review of the report of the independent counsel investigating allegations that Edwin Meese had committed Federal crimes, Common Cause has presented a compelling case against Senate confirmation of Mr. Meese to be Attorney General.

As my colleagues know, the independent counsel's report determined that there was no basis for indicting Mr. Meese on criminal charges. This conclusion evoked an immediate response from President Reagan in

praise of the report's vindication of his nominee to be Attorney General.

But the Common Cause study of the independent counsel's report makes it abundantly clear that Edwin Meese, while perhaps free of any criminal wrongdoing, is totally unfit to serve as Attorney General. In its conclusion, the Common Cause review states:

In the end the question is very simple. The Independent Counsel did not charge Mr. Meese with a crime. Mr. Meese may have intended no wrong. His past conduct shows, however, that he is blind to the ethical standards and obligations required of a public official. He should not be confirmed as Attorney General.

Mr. President, I shall have more to say at a later date about the Meese nomination. But for now, I urge my colleagues to examine carefully the superb study by Common Cause to which I have been referring, and I ask unanimous consent that a copy be printed at this point in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

THE CASE AGAINST EDWIN MEESE III FOR ATTORNEY GENERAL

(A Review of the Independent Counsel's Report Prepared by Common Cause)

ACKNOWLEDGMENTS

This Review was prepared by Michal Freedman, Associate Director of the Issue Development staff of Common Cause, working with Archibald Cox, Jean Cobb, Elise Garcia, Florence Graves, Stephen Hitchner, Julie Kosterlitz, Janet Leno, Ann McBride, Ginny Sassaman, Steve Seitz, Fred Wertheimer, and Roger Witten.

In January 1984 Edwin Meese III was nominated to be Attorney General of the United States. In March, as a consequence of information revealed in the press and during the Senate Judiciary Committee hearings on the Meese nomination, Attorney General William French Smith initiated a preliminary investigation of possible criminal charges against Mr. Meese. Such an investigation is required before asking for the appointment of an Independent Counsel under the Ethics in Government Act. Concerned that the inquiry might be too narrow, Judiciary Committee Chairman Strom Thurmond (SC) and Joseph Biden, Jr. (DE), ranking minority member of the Committee, asked Attorney General Smith to conduct a comprehensive investigation of Mr. Meese. The next day, Mr. Meese asked for the appointment of an Independent Counsel. Several days later, after Mr. Smith, in accordance with the Act, had requested that a panel of judges from the United States Court of Appeals appoint an Independent Counsel, the court selected Jacob Stein, Esq., a well-known lawyer in private practice, "to investigate any allegation or evidence of violation of any criminal law by Mr. Meese."

Mr. Stein investigated 11 charges against Mr. Meese. They included allegations that Mr. Meese had accepted financial favors in connection with helping individuals to obtain federal jobs, that he had willfully filed false financial disclosure statements, and that he had improperly obtained a promotion in the U.S. Army Reserve.

In late September 1984, the Independent Counsel's Report was released. The Report concluded that there was "no basis" for indicting Mr. Meese on criminal charges. President Reagan immediately hailed the report as a "vindication" of his counsellor. Mr. Meese said he was "very happy" with the Report. Mr. Meese's lawyers, E. Robert Wallach and Leonard Garment, declared that the Report's "exhaustive" inquiry should end "suspicions" and that it would be "grossly unfair" to deny Mr. Meese "the benefit of the favorable outcome." The White House response and the accompanying publicity created the impression that Mr. Meese had been cleared of all wrongdoing and that no legitimate hurdle remained to prevent his confirmation as Attorney General of the United States.

The Independent Counsel's Report [1] does not constitute a "vindication" of Mr. Meese against charges of repeated ethical violations. It does not demonstrate his fitness to serve as Attorney General. Despite the request of Mr. Meese's counsel, Mr. Stein explicitly refused to say ". . . that the evidence does not substantiate the loose charges of moral turpitude against Mr. Meese." He also explicitly refused to make an "evaluation of Mr. Meese's fitness for public office." (3) He explained that neither of these questions was within his jurisdiction.

These are not merely technical distinctions. There is a marked difference between indictable crimes and violations of the ethical standards long applicable to public officials. A finding that there is no basis for prosecuting Mr. Meese for criminal misconduct is not enough to demonstrate that he has the ethical sensitivity and judgment required of an Attorney General.

The evidence summarized by the Independent Counsel, far from vindicating Mr. Meese, clearly shows that he repeatedly acted in violation of the ethical standards that should have governed his conduct, and that he is therefor unfit to be Attorney General.

I. THE ETHICAL STANDARDS REQUIRED OF AN ATTORNEY GENERAL OF THE UNITED STATES

Choosing an Attorney General of the United States is one of the most important appointments to be made by a President and confirmed by the Senate. The Attorney General is the chief legal officer of the nation, its highest law enforcement official, and, aside from the Supreme Court Justice and the President, the government official with the greatest responsibility for upholding the Constitution and federal laws. It is the Attorney General who is responsible for advising the President and the heads of all other executive departments on matters of law. It is the Attorney General who bears responsibility for ensuring that the law is applied evenly, impartially, and without regard for the position, power, or party of any of the individuals involved. And it is the Attorney General who has a greater opportunity than anyone other than the President to set the ethical tone of an Administration by both his personal conduct and his advice.

Archibald Cox, Chairman of Common Cause, formerly Solicitor General of the United States, and the first Watergate Special Prosecutor, stresses this point: "The Attorney General must symbolize the highest standards of honor, integrity and freedom from self-interest in the performance of public office. He, more than any other individual, must give the American people confidence that he regards—and is requiring other officials to regard—public office as a public trust." No one can effectively serve those functions who, even though not guilty of a crime, has left the appearance of repeatedly mixing government appointments with his private financial affairs.

An executive order and federal regulations applicable to all government employees—not merely the nation's highest officials—require that public office should not be used, *or appear to be used,* to serve private ends. Executive Order 11222, "Prescribing Standards of Ethical Conduct for Government Officers and Employees," which has been in effect since 1965, prohibits actions—

". . . which might result in, or *create the appearance* of . . . using public office for private gain; . . . giving preferential treatment to any organization or person; . . . losing complete independence or impartiality of action; . . . or . . . affecting adversely the confidence of the public in the integrity of the Government." [Emphasis added.]

Moreover, White House officials are expressly instructed, by regulation, to "conduct themselves so as to exemplify the highest standards of integrity . . . [and] avoid any action . . . which might result in, or *create the appearance* of . . . [l]osing complete independence or impartiality . . . " 3 C.F.R. § 100.735-4. [Emphasis added.] Federal regulations go on to state that—

"It is equally important that each employee [of the Executive Office of the President] avoid becoming involved in situations which present the possibility, or *even the appearance,* that his official position might be used to his private advantage." 3 C.F.R. § 100.735-8." [Emphasis added.]

The reasons for the uniform prohibition against a public official's acceptance of financial favors creating the appearance or a loss of impartiality are plain:

First, even the most scrupulous of individuals who receives financial favors while in public office cannot be sure, even subjectively, that his later official action favoring the donor will not be influenced by gratitude—if not by the hope of future gain. To the extent that his judgment is so influenced, the public will be cheated.

Second, the sight of a government official approving for office or otherwise dealing on behalf of the government with individuals who have done him financial favors undermines public confidence in the honesty and evenhandedness with which government business is conducted. In the words of Executive Order 11222 it "create[s] the appearance of . . . losing complete independence or impartiality of action."

Third, the sight of a government official approving for office or otherwise dealing on behalf of government with individuals who have done him financial favors sets a destructive example inviting other government officials actually to use their offices for personal gain.

A man who has often violated Executive Order 11222, federal ethics regulations, and the basic standards they embody should not be Attorney General of the United States.

II. SELECTED AREAS OF INQUIRY DESCRIBED IN THE INDEPENDENT COUNSEL'S REPORT

The Independent Counsel investigated 11 sets of allegations against Mr. Meese. (See Appendix I for a list of all the inquiries conducted by the Independent Counsel.) This

[1] The words "Independent Counsel" will be used in this Review, as they are in the Report, to refer to the Independent Counsel and his staff. Also, page references for quotations from the Report are set forth in parentheses following the quotations.

section reviews facts shown by the Independent Counsel's Report in six areas that especially bear on Mr. Meese's fitness for office.

1. The relationship, if any, between the loans made to Mr. Meese and the appointment of John McKean to the United States Postal Board of Governors.

Allegations: In the words of the Independent Counsel's Report: "In June and December 1981, John R. McKean made two loans to Mr. Meese totaling $60,000. It has been alleged that there was a connection between the loans and Mr. McKean's nomination, in October 1981, to an unexpired term on the U.S. Postal Board of Governors, as well as his nomination in January 1983, to a full term on that Board."(108)

Facts Shown by the Independent Counsel's Report: In late June 1981, while serving as Counsellor to the President and as one of our members of the Senior Staff Personnel Committee, the group making final recommendations for Presidential appointments, Mr. Meese received an unsecured loan for $40,000 from John McKean, with interest due "not less than annually." Mr. Meese treated the loan on his Financial Disclosure Statement as one made by Mr. McKean, not knowing the exact sources available to Mr. McKean from which the money came. (Mr. McKean was actually the trustee or middleman for the loan, which came from private investment funds made available to his firm.) Mr. Meese had met with Mr. McKean, who was President of John R. McKean, Accountants, P.C., on the advice of While House Deputy Chief of Staff, Michael Deaver. Mr. Deaver, who was also discussing his personal finances with Mr. McKean and was about to receive his own loan arranged by Mr. McKean as part of a tax shelter Mr. McKean had suggested, was another member of the Senior Staff Committee.

On July 13, 1981, the Senior Staff Committee met to make a recommendation for a vacancy on the Postal Board of Governors. The list of names submitted to the Committee by the White House Office of Presidential Personnel (OPP), the office responsible for initially identifying potential nominees for presidential appointments, did not include the name of John McKean for the vacancy. Although the meeting agenda indicated a "decision" would be made, the decision was deferred, according to the notes of one participant, "until Deaver and Meese come back with a recommendation."

At a subsequent meeting, Mr. Deaver suggested John McKean for the position. According to two persons attending the meeting, after Mr. James Baker III, White House Chief of Staff, indicated he did not know Mr. McKean, Mr. Deaver turned to Mr. Meese and said, "You know him, Ed." Mr. Meese affirmed that he did know Mr. McKean, and that he would be a good person for the job. A tentative, if not final, decision to select Mr. McKean was then made.

The Report states: "None of those present at the Senior Staff meeting recalled any discussion of the fact that Mr. McKean as Mr. Deaver's accountant or Mr. Meese's accountant, nor of knowing that Mr. McKean had just arranged a loan for Mr. Meese or was about to arrange a loan for Mr. Deaver. None recalled Mr. Meese suggesting that he should 'recuse' himself." (124-5)

About one month after Mr. Meese supported Mr. McKean's nomination, they talked by telephone. Mr. McKean recalled telling Mr. Meese that he had learned that his appointment was going through and said words to the effect, "I appreciate any role you've played in this." (127)

A few months later, on December 8, 1981, Mr. Meese called Mr. McKean at his home and asked if he could borrow an additional $20,000, a matter they had discussed earlier. Mr. McKean arranged to have a check for this amount drawn that day on his personal business account, which was later reimbursed by his firm.

In June 1982, Mr. McKean sent Mr. Meese a bill for $3,900 in interest due on the first $40,000 loan through December 1981, to which Mr. Meese did not respond. Mr. McKean did not press him for a time after late July because of the death of Mr. Meese's son.

In September, while the interest was still unpaid, Mr. McKean informed Mr. Meese by a letter (which Mr. Meese did not recall) that he was interested in a full, nine-year term on the Postal Board that would become available in December. In the letter Mr. McKean stated, "With your help I can continue this [work]." (133)

In early November 1982, Mr. McKean sent Mr. Meese copies of bills showing that his accrued interest then totalled $12,000. At a meeting between the two men held on November 8, Mr. McKean agreed to defer Mr. Meese's interest payments until 1983. The agenda for the meeting called for the two men also to discuss at the same time Mr. McKean's desire to serve for a longer term on the Postal Board. The Report states that Mr. Meese did recall one occasion on which Mr. McKean told him that he was interested in a longer term on the Postal Board of Governors, but Mr. Meese did not give the date. Mr. McKean recalled a conversation that he says might have occurred on November 8, in which he asked and Mr. Meese agreed to support him for the longer term.

On November 17—one week later—Mr. McKean's renomination to the nine-year post was approved by the Senior Staff Personnel Committee. Mr. Meese told the Independent Counsel that he assumed that "Mr. McKean's name later came up at a Senior Staff Personnel Committee meeting, and that he supported the nomination. . . ." (135)

Interest on the McKean loans to Mr. Meese continued to accrue, totalling $20,100 by June 1983. In September, two months after a story appeared in The Washington Post which linked the McKean loan to Mr. McKean's appointments, Mr. Meese secured a bank loan for $80,000 to pay off his loan from Mr. McKean. In February 1984—just before the Senate hearings on Mr. Meese's nomination for Attorney General began—Mr. Meese sent Mr. McKean a check for the remaining $3,340 interest due Mr. McKean.

Conclusions to be drawn from the Independent Counsel's Report: The Independent Counsel concluded that the above facts would not support the bringing of a criminal prosecution against Mr. Meese, chiefly because there was no evidence that "Mr. Meese solicited a loan from Mr. McKean with the express or implied intention of assisting him in obtaining a government position, or that Mr. McKean offered to arrange a loan in the expectation or understanding that Mr. Meese would so assist him." (145) We do not and need not challenge that conclusion. The undisputed facts stated by the Independent Counsel show that Mr. Meese violated not only the most elementary ethical standards but also Executive Order 11222.

A high public official must not accept personal financial favors. A high public official must not give or appear to give government positions in actual or apparent return for favors done for government officials, whether for the appointing officer or for one of his friends. Such conduct is ethically wrong, even if there is no criminal bargain for a quid pro quo.

Mr. Meese did accept very substantial favors from Mr. McKean, both in the unsecured loan with "interest due not less than annually" that Mr. McKean arranged and also in the foregoing of interest. Mr. Meese did join with Mr. Deaver in supporting the first appointment of Mr. McKean, knowing that he had received financial favors from Mr. McKean. Subsequently, when Mr. Meese was further indebted to Mr. McKean, he joined in approving a second appointment for Mr. McKean. This was plainly wrong and a clear violation of ethical standards. Supporting the appointments also violated a regulation specifically applicable to White House employees, directing that "each employee avoid becoming involved in situations which present . . . the appearance that his official position might [have been] used to his private advantage."

2. The relationship, if any, of Thomas Barrack's role in the sale of the Meeses' California home and his appointment to federal jobs.

Allegations: In the words of the Independent Counsel's Report: "In August 1982, Thomas J. Barrack, Jr., an attorney and real estate developer, assisted the Meeses in the sale of their La Mesa property. In mid-November 1982, Mr. Barrack accepted a non-Presidential appointment as Deputy Undersecretary of Interior. Shortly thereafter, he was offered and accepted a position as Assistant Secretary of Commerce for Trade Development, but later declined the position and left the government.

"It has been alleged that a connection existed between Mr. Barrack's federal appointments and his involvement, especially his financial involvement, in the sale of the Meeses' La Mesa house." (151)

Facts Shown by the Independent Counsel's Report: As of August 1982, the Meeses had been trying unsuccessfully to sell their La Mesa home for more than a year-and-one-half, a state of affairs causing them serious financial problems. The Meeses had failed to make payments on their California and Virginia houses for substantial periods and their Bank had mentioned the possibility of foreclosure on their California property. On August 8, 1982, Pendleton James, who had recently been Director of the Office of Presidential Personnel and was a friend of the Meeses, called his friend Thomas Barrack—with whom Mr. James had been discussing possible federal employment—to seek his assistance in selling the La Mesa property.

Mr. Barrack had never met Ed Meese, but after speaking by phone with Mr. Meese at least twice in early August, Mr. Barrack began arranging a complicated sale of the Meeses' California home involving Irv Howard, a builder who had worked with Mr. Barrack, and Ted Elkin, a close personal friend of Mr. Barrack and his "right hand man." On August 18, 1982, only 10 days after the first phone call, Mr. Barrack and Mr. Meese agreed on a purchase price of $300,000. Both the Howards and Meeses signed escrow instructions for the property. Mr. Howard had not yet seen the property.

A few days later, the Great American Bank notified Mr. Meese's representative on the sale that more money was needed to cover the four loans to Mr. Meese which

had been secured by the property as well as other payments due on his Virginia house. Mr. Barrack was informed that an additional $7,500 was necessary to complete the deal. At the same time the Bank informed Mr. Barrack that it would provide the buyer with more favorable financing terms than previously offered. Irv Howard agreed to the higher price with the new financing offered by the Great American Bank.

Mr. Barrack loaned his assistant Mr. Elkin $70,000 to be used toward the down payment. Shortly after September 1, 1982, the day of the closing, Mr. Elkin reimbursed Mr. Howard with Mr. Barrack's money for the down payment Mr. Howard had made. Mr. Howard made only one payment on the mortgage, after which Mr. Elkin—with money supplied by Mr. Barrack—took over the mortgage payments. A few months later, Mr. Barrack cancelled the note for $70,000 to Mr. Elkin, making Mr. Elkin a gift of the money.

One week after the closing of the La Mesa home, Pendleton James arranged for Mr. Barrack to meet with several members of the White House Personnel Office. On this occasion Mr. Barrack also met Mr. Meese face to face for the first time. After the meeting, Mr. Barrack wrote Mr. Meese a note which concluded: "Again, I am very grateful for your counsel and encouragement and if I may be of any aid or assistance please call on me." (210) Mr. Meese did not recall what they discussed Mr. Barrack told the Independent Counsel that the "counsel and encouragement" reference in the note was likely referring to his having told Mr. Meese about his possible relocation to New York City, something he said he was considering besides government service.

The next month, Mr. James arranged for Mr. Barrack to explore possible high-level government positions with five cabinet secretaries, each of whom received a letter from Mr. James which said, "I should mention that Ed Meese knows Tom and I'm sure also would endorse my strong support." (212) Mr. James sent a copy of this letter to Mr. Meese, asking, "Is there anybody else you think Tom should see when he is in Washington?" Mr. Meese did not recall the letter.

According to the Independent Counsel's Report:

"Mr. Meese stated that he could not recall when he learned that Mr. Barrack was interested in a federal position. He recalled that in August 1982, Mr. James told him that Mr. Barrack was someone Mr. James 'had tried' to recruit into the administration. However, Mr. Meese did not recall knowing that Mr. James was still engaged in such an effort. Mr. Meese told us that he might have known as early as the November 9, 1982 dinner [a dinner with Mr. Barrack that occurred the same day that Mr. Barrack interviewed with Transportation Secretary Lewis and HUD Secretary Pierce, and the day before he was to interview with Interior Secretary Watt and Energy Secretary Hodel], although he recalled no conversation about it. He thought he probably knew at Thanksgiving that Mr. Barrack was going to work for Secretary Watt." (200)

On December 1, 1982, Mr. Barrack began work as Deputy Undersecretary of Interior. One month later, according to the Report,

"In January 1983, Mr. Barrack told Secretary Watt that he had done what he could for the Secretary on his personal staff, and that it made no sense for him to continue there . . . . Commerce Secretary Baldrige had an Assistant Secretary position open and recruited Barrack, with Secretary Watt's blessing, to go to Commerce." (220-1)

Concerning Mr. Meese's role in Mr. Barrack's selection for the Commerce Department position, Mr. Meese told the Independent Counsel that "he assumed he raised no objection to this appointment . . . ." (222)

In May 1983, eight months after the purchase, Mr. Elkin sold the La Mesa property for $275,000, more than $30,000 below its purchase price. According to the Independent Counsel's Report, "Mr. Barrack contributed, through Mr. Elkin, approximately $83,000 in connection with the house—$70,000 for the down payment and initial expenses and $13,000 for mortgage payments and other expenses." (203)

Conclusions to be drawn from the Independent Counsel's Report: Here again, the facts found by the Independent Counsel reveal clear insensitivity to the ethical standards required of a nominee for Attorney General. Mr. Meese knew that Mr. James had requested Mr. Barrack to help Mr. Meese in connection with the sale of his California house at a time when he (Mr. Meese) was in financial difficulty. Mr. Meese knew that Mr. Barrack rendered him important assistance in the sale. Mr. Meese knew that Mr. Barrack was someone Mr. James "had tried" to recruit into the Administration. Mr. Meese had a copy of a letter from Mr. James telling him that he (Mr. James) was pushing Mr. Barrack for an important government appointment and giving Mr. Meese as a reference. Mr. Meese met Mr. Barrack twice in the fall while Mr. Barrack was in Washington, D.C. interviewing for federal employment. It is hard to see how Mr. Meese could have missed or not inquired about Mr. Barrack's interest in a government position.

Later, Mr. Meese, knowing that he had received substantial benefits from Mr. Barrack's efforts on his behalf, joined in approving the latter's appointment for a sub-Cabinet position. The Independent Counsel did not recommend prosecution because "there was no direct evidence that Mr. Meese's non-veto of Mr. Barrack's appointment to this job was based upon his earlier receipt of assistance from Mr. Barrack. . . ." (225) But here again Mr. Meese apparently did not reveal the conflict between his self-interest as the beneficiary of Mr. Barrack's assistance and his own duty as Counsellor to the President to see that government appointments were made uninfluenced by personal gratitude for financial assistance or other personal considerations. Nor did Mr. Meese recognize either the obvious risk he was creating of appearance of impropriety or the dangerous example he was setting for others by participating in the appointment of a man who had given him assistance in arranging the sale of his house when he was badly in debt. The public interest is bound to suffer unless the Attorney General is quicker to perceive the ethical violation in such interconnected dealings, even when there is no quid pro quo.

3. Mr. Meese's change of status from the retired Army Reserve to the Active Reserve and his later military promotion.

Allegations: According to the Report: "In July 1981, Mr. Meese's status in the U.S. Army Reserve was changed from Retired to Active. In early 1983, he received a promotion from Lieutenant Colonel to Colonel in the Reserve. In the spring of 1983, allegations appeared in the news media suggesting improprieties with respect to these actions, and suggesting that they somehow were linked to the nomination of General William Berkman in January 1983 to a second four-year term as Chief, Army Reserve." (254)

Facts Shown by the Independent Counsel's Report: In June 1981, Mr. Meese addressed the annual meeting of an army group. General William Berkman, Chief of Army Reserve, and Colonel Joseph Sullivan, General Berkman's program and liaison officer—and a long-time acquaintance of Mr. Meese—were both in attendance. A conversation between Mr. Meese and Colonel Sullivan brought out the fact that Mr. Meese was interested in returning to Active status in the Army Reserve. Thereafter Colonel Sullivan initiated actions leading to Mr. Meese's transfer to the Active Reserve. An Army Inspector General's Report issued in 1983 concluded that applicable laws and regulations were misapplied, violated or ignored in changing Mr. Meese's status. (Although not stated in the Independent Counsel's Report, the Inspector General's Report shows that the irregularities included the creation of a position especially for Mr. Meese.)

Colonel Sullivan was also the moving force in obtaining Mr. Meese's promotion to Colonel. Because Mr. Meese did not meet the educational requirements for promotion, the Deputy Chief of Staff for Personnel, Lieutenant General Max Thurman, wrote a memorandum analyzing whether constructive education credit could be granted to Mr. Meese. In the memorandum dated November 1, 1982, General Thurman pointed out that such credit could be authorized jointly by General Berkman and the Director of the Industrial College of Armed Forces, but he advised against doing so that year. He outlined three approaches that could be taken. The first was to get constructive credit expeditiously for Mr. Meese. The second was to identify other individuals who might qualify for constructive credit so that Mr. Meese would not appear to be unique. And the third was to wait until the following year and pursue constructive credit in the "normal fashion." General Thurman recommended waiting so that "constructive credit for Mr. Meese could be accomplished as part of 'an orderly piece of work,' and a 'regular and normal affair.'" (267)

General Thurman showed this memorandum to General Berkman and told him that he recommended against giving constructive credit at this time "because of the risk that the matter would become publicly known, and would give the appearance of preferential treatment to Mr. Meese." (267)

Secretary of the Army Marsh was sent the memorandum and, according to his testimony, he sent it to Mr. Meese. Secretary Marsh also testified that when he called Mr. Meese about the Thurman memorandum, Mr. Meese said that he intended to take no position and wanted to stay out of the matter. Mr. Meese said that he did not recall the memorandum. Mr. Meese also could not recall speaking to Secretary Marsh on this subject; he could recall speaking about constructive credit with only Colonel Sullivan.

Despite the Thurman memorandum's adverse recommendation and General Thurman's statement to General Berkman that giving Mr. Meese constructive credit, if publicly known, would give the appearance of preferential treatment, within a few days General Berkman approved the constructive credit for Mr. Meese, with Colonel Sullivan hand-carrying the request document to General Berkman for approval. General

Berkman then hand-carried it to Admiral Narmi, the Director of the Industrial College of Armed Forces, who also approved it. Mr. Meese was later promoted to Colonel. (Although not stated by the Independent Counsel's Report, Mr. Meese retired from the active reserve in March 1984—several months after the Inspector General's Report concluded that his return to active duty violated the regulations—but he retained his Colonelcy and the attendant higher pension benefits.)

Around the end of October, General Berkman, whose tour of duty as Army Reserve Chief was expiring in June 1983, indicated his interest in a second term. Sometime after November 1—at about the same time that the constructive credit necessary for Mr. Meese's promotion was granted—Mr. Meese spoke with Defense Secretary Caspar Weinberger and Army Secretary John Marsh to recommend General Berkman for another term. By mid-December, a decision had been reached to reappoint the General. Mr. Weinberger told Mr. Stein he remembers that Mr. Meese called to recommend that General Berkman be considered for appointment to a second term as Reserve chief. Mr. Meese says he also put in a good word for General Berkman with Army Secretary Marsh. Although General Berkman had been Mr. Meese's Reserve commander more than five years earlier, the relationship between them, according to the Stein report, was "limited and professionally based."

Mr. Meese told Mr. Stein's investigators he recommended General Berkman because he had heard from Reserve officials that General Berkman was doing a good job, it was his impression that the Army Reserve had been enhanced under General Berkman and General Berkman had impressed him in a speech he gave. But the Stein report says Mr. Meese "could not recall the identities of . . . [the Reserve officials] or the date of the conversation." Among the factors the Independent Counsel concluded may have played a role in General Berkman's reappointment was the telephone call from Mr. Meese to Secretary Weinberger supporting General Berkman.

Conclusions to be drawn from the Independent Counsel's Report: The Independent Counsel "found no direct evidence that Mr. Meese took action favorable to General Berkman in return for something done for Mr. Meese by General Berkman. . . ." (280) Again, we do not challenge the Independent Counsel's conclusion. Nonetheless, Mr. Meese—indifferent to the appearance of exchanging his government influence for private gain—went out of his way to support General Berkman's reappointment, during the period when he was seeking a promotion under General Berkman's command.

In addition, these central facts remain: The Secretary of the Army states he telephoned Mr. Meese to call his attention to a memorandum advising against offering constructive credit to Mr. Meese at that time. Instead the memorandum recommended waiting until the following year so that the constructive credit would be part of "an orderly piece of work," and a "regular and normal affair." Nonetheless Mr. Meese allowed others to press his cause and was content to accept the military promotion appearing to result from his White House position.

4. The relationships, if any, of certain loans made to Mr. Meese and the appointment of Gordon Luce, Edwin Gray, Marc Sandstrom, and Clarence Pendleton.

Allegations: The Great American First Savings Bank (Great American) made three loans to the Meeses in 1981 and 1982. Four officials of Great American received Presidential appointments in the Reagan Administration. In the words of the Independent Counsel's Report: "Questions have been raised as to whether there was any connection between the willingness of Great American to grant these loans to Mr. and Mrs. Meese and the appointments of its officials to federal positions. Questions have also been raised as to whether the willingness of the Bank to forego timely payments played any role in the appointments." (150)

Facts Shown by the Independent Counsel's Report: Prior to President Reagan's election in 1980, the Meeses had two loans from Great American, totalling $120,000, which were secured by the first two deeds of trust on their La Mesa, California home. Mr. Meese noted that when he purchased his La Mesa home, "he went directly to Great American for financial assistance in the purchase of his house, since four officers of the Bank at the time—Messrs. Luce, Schmidt [the person Mr. Meese primarily dealt with on his loans], Sandstrom and Gray—had all served with him in the Reagan [California] administration." (152-3)

In January 1981, Mr. Meese telephoned Edwin Gray, who had been Vice President and Director of Public Affairs at Great American prior to 1980, to offer him a position as Deputy Assistant to the President, which he accepted. Mr. Gray had previously expressed an interest in a White House position. In early 1983, he was appointed Chairman of the Federal Home Loan Bank Board, with Mr. Meese's strong support.

Mr. Meese obtained a third (bridge) loan from Great American in February 1981 for $132,000, secured by a third deed of trust on his California home. This was to cover the down payment on his new Virginia home and other related expenses.

Also in February 1981, Great American made a fourth loan to Mr. Meese, secured by a first deed of trust on the Virginia home, for $150,000. The total debt was now $402,000. In anticipation of an early sale of the California home, the Bank decided to defer for a "reasonable period" payments due on the notes secured by the first and second deeds of trust on the La Mesa property. According to the Independent Counsel's Report, the Bank had accorded such deferments to other customers.

On June 18, 1981, Gordon Luce, Chairman of the Board and Chief Executive Officer of Great American, was named to the President's Commission on Housing. He was approved by the Senior Staff Personnel Committee, of which Mr. Meese was a member. In the fall of 1982 Mr. Luce was appointed an Alternate Delegate to the United Nations General Assembly, with the approval of Mr. Meese and other Senior Staff Committee members.

On October 14, 1981, Mr. Meese, as a member of the Senior Staff Committee, approved Marc Sandstrom, the Bank's Executive Vice President and General Counsel, to be a recess appointee to the Board of Directors of the Legal Services Corporation. A few months later Mr. Sandstrom was formally nominated to the Board.

Around the same time, Clarence Pendleton, a member of the Bank's Board of Directors, was nominated to be Chairman of the United States Commission on Civil Rights, a position he assumed several months later. Mr. Meese had supported his nomination, but said he was unaware of Mr. Pendleton's affiliation with Great American.

In 1982, Great American began trying to obtain payments (which it had deferred) on the first two loans secured by the Meese's house in La Mesa. In February 1982, Mr. McHenry, the manager of Great American's loan servicing department, informed Mr. Meese by letter that he owed $11,499.84. Mr. Meese did not respond to the letter.

Because the third (bridge) loan secured by the La Mesa house, which was due in full in February 1982, also had not been repaid, the bank decided to modify its agreement with Mr. Meese, extending the original note. Repeated requests by the Bank in February, March and April to sign a Modification Agreement extending the loan until June went unanswered. Then, later in April, the Bank decided to extend the bridge loan until August and provide a fourth loan of $21,000 to cover overdue payments on both the Virginia and California properties and to be secured by a fourth deed on the La Mesa property. In May the Meeses accepted the extension on their third loan and the additional loan.

"On June 17, 1982, Mr. McHenry wrote to Mr. Meese demanding payment and, for the first time, mentioning the possibility of foreclosure. He received no response." (166) Aside from the additional loan made by Great American to cover past payments due, Mr. Meese had failed to make mortgage payments on his two homes from February until September, when his California home was sold.

Conclusions to be drawn from the Independent Counsel's Report: The independent Counsel concluded that "despite the various degrees of support Mr. Meese gave to the appointments of Messrs. Luce, Gray, Sandstrom and Pendleton, the evidence does not warrant the finding that such support was connected to the Bank's treatment of the Meeses." (185) The Independent Counsel's Report "found no evidence that Messrs. Luce, Gray, Sandstrom and Pendleton were involved materially, if at all, in the Meeses' financial dealings with the Bank." Nonetheless, the ethical violation is clear: Mr. Meese participated in decisions to recommend individuals who he knew were high officials of Great American First Savings Bank for government appointments at a time when he had borrowed several hundred thousand dollars from the Bank on favorable terms, including forbearance of monthly payments on some of his loans, and in fact was in default on one of his loans.

5. The relationship, if any, of a $15,000 loan made to Mrs. Meese and the appointment of Edwin Thomas to federal jobs, as well as Mr. Meese's failure to include in this Financial Disclosure Statements the $15,000 loan made by Edwin Thomas to Mrs. Meese.

Allegations: In the words of the Report: "On January 7, 1981, Edwin W. Thomas [a friend of the Meeses] lent $15,000 to Ursula Meese. Mrs. Meese used the money to purchase stock in Biotech Capital Corporation on behalf of two of her children. It has been alleged that there was a connection between the loan and federal appointments obtained by members of the Thomas family.

"Questions have also been raised regarding Mr. Meese's failure to report the $15,000 on his Financial Disclosure Form (SF 278) filed February 19, 1981 . . . or on the forms he filed in May 1982 . . . and May 1983 . . . although the loan was partially unpaid until June 1983 . . . ." (24)

Facts Shown by the Independent Counsel's Report: On January 7, 1981, just before

President Reagan took office, Edwin Thomas, a close friend of the Meeses, loaned Mrs. Meese $15,000 to buy stock in Biotech Capital Corporation, a company headed by a close friend of Mr. Thomas. Mr. Meese recalled discussing the Thomas loan proposal with his wife, and approving the idea, probably in December 1980. Mr. Meese thought he probably offered Mr. Thomas the job as Assistant Counsellor to the President, also in December 1980. Mr. Meese said he knew as early as election day what role he would play in the new Administration and "never doubted that he wanted Mr. Thomas to be his assistant." (53) In late January, Mr. Thomas began working as Assistant Counsellor to the President, a position he held until February 1982, when he was appointed Adminstrator of the San Francisco Regional Office of the General Service Administration. (In the fall of 1982, Mr. Thomas' wife became an attorney-examiner with the Merit Systems Protection Board and his son took a job with the Department of Labor.)

After taking the position of Counsellor to the President, Mr. Meese filed financial disclosure reports, as required under the Ethics in Government Act of 1978. His first report, the draft for which he prepared himself, was filed in February 1981, six weeks after Mrs. Meese received the $15,000 loan from Mr. Thomas. Although the Act clearly requires disclosure of liabilities in excess of $10,000, neither this statement nor Mr. Meese's subsequent statements listed the loan as a liability.

Explaining his omission, "Mr. Meese told members of his staff and others at the White House that it had never occurred to him or 'registered' in his mind that a loan such as this was the kind of thing he was required to include on an SF 278." (75) Moreover, the Report characterizes Mr. Meese as showing a "lack of attention" to his Financial Disclosure Forms.

Conclusions to be drawn from the Independent Counsel's Report: Independent Counsel found "no direct evidence linking the offer of the loan, or the subsequent making of the loan, to Mr. Meese's offer of a job to Mr. Thomas." (72) Whatever his subjective motive, Mr. Messe did link by his actions the receipt by his wife of an undisclosed financial favor and the giving of a government job to the man who had done the favor. Surely—in the words of Executive Order 11222—he became involved in a situation that presented the appearance of "losing complete independence or impartiality."

Not only does his conduct reflect marked indifference to ethical standards, but the Independent Counsel's discussion of Mr. Meese's failure to list the $15,000 loan from Mr. Thomas also shows his to be ignorant of a basic legal and ethical obligation of public officials.[2]

6. Mr. Meese's receipt of payments by the Presidential Transition Trust.

Allegations: Questions were raised regarding whether Mr. Meese's acceptance of payments from the Presidential Transition Trust was lawful.

Facts Shown by the Independent Counsel's Report: The Presidential Transition Trust was established in August 1980 to raise money to fund the Reagan/Bush Planning Task Force, a group intended to engage in "pre-transition" activities such as identifying government positions to be filled. After the election, when the Trust was terminating, some funds remained in its treasury. With this remaining money, checks were distributed to several persons soon to be members of the Administration, including $10,000 to Mr. Meese clearly designated for "moving expenses." Mr. Meese deposited his check in his bank account on November 22, 1980.

In early December, according to Mr. McPherson, counsel to the Trust, Mr. Meese said that money was needed to pay the moving expenses of the people coming from California to Washington to work in the Administration. After Mr. McPherson learned that this might constitute a legal problem, he informed Mr. Meese, who agreed with him that the matter should be discussed with the Justice Department. According to the Independent Counsel's Report, Mr. McPherson explained that—

"[He] received the oral opinion . . . that [the Justice Department] would probably consider payment of "moving expenses" by the Trust to prospective government employees to be a violation of 18 U.S.C § 209(a), a criminal statute barring payment or acceptance by any person of "supplementation of his salary as a government employee." [footnote omitted] Mr. McPherson said he reported this to Mr. Meese during December of 1980. Mr. Meese told Mr. McPherson not to pursue the matter further. At no time did Mr. Meese tell Mr. McPherson that he had received a check from the Trust for moving expenses in November and he had deposited it in his account on November 22, 1980." (344-5)

Mr. Meese said that he had no recollection of these conversations, but that he had learned from a source whom he couldn't recall that there might be "a problem" and asked "someone, probably Mrs. von Damm" (the office manager who later became White House Personnel Director) at the Trust to change trust records to reflect that his check was for "consulting fees," which he reported as income on his tax return and Financial Disclosure Form.

Conclusions to be drawn from the Independent Counsel's Report: Independent Counsel concluded that a criminal violation could not be established. We do not dispute this. But there is something disquieting about Mr. Meese's conduct when viewed in the light of Mr. Meese's insensitivity to ethical standards in other situations affecting his finances. Would a man sensitive to ethical standards who had received a $10,000 payment that he learned was "probably illegal" be content to keep the money and simply have the record changed to read "consulting fees?" Mr. Meese may have earned consulting fees. But surely in this difficult situation, an honorable man would want to return the money, submit a statement of the hours spent in consultation, and then obtain payment of his fee.

MR. MEESE'S FAILURE TO RECALL SIGNIFICANT EVENTS, CONVERSATIONS AND DOCUMENTS

One of the striking features of the Independent Counsel's Report is the extent to which Mr. Meese claims to be unable to remember significant events or actions. The Independent Counsel's Report reflects a man who is not merely occasionally forgetful, but rather, if taken at his word, suffers from frequent lapses of memory concerning conversations, documents and events bearing upon the integrity of his conduct.

1. In connection with the charges involving Mr. McKean it was important to know to what extent Mr. Meese was aware of Mr. McKean's interest in a government position. When asked questions about documents, conversations or events that would indicate he was aware of this, Mr. Meese answered that he could not recall.

"Mr. McKean recalled telling Mr. Meese that he had learned that his appointment was going through and said words to the effect, 'I appreciate any role you've played in this.' Mr. Meese did not recall this conversation, although he thought it probably occurred." (127)

"In a letter from Mr. McKean to Mr. Meese dated September 14, 1982, Mr. McKean expressed his interest in the longer term on the Postal Board, and said, 'With your help I can continue this [work].' When confronted with this evidence of his knowledge, Mr. Meese said that he did not recall receiving the letter." (133)

"According to the Independent Counsel's Report, 'Mr. Meese assumed that Mr. McKean's name later came up at a Senior Staff Personnel Committee meeting, and that he supported the nomination, but he had no recollection of this occurring.' "(135)

2. In connection with the charges involving Mr. Barrack, it was important to know to what extent Mr. Meese was aware of Mr. Barrack's efforts to secure a government position. When asked questions about documents or conversations that would indicate he was aware of this, Mr. Meese repeatedly answered he could not recall.

"According to the Independent Counsel's Report: 'Mr. Meese had no recollection of Mr. Barrack's September 8 visit to his office [their first meeting occurring one week after the sale of Mr. Meese's home] until he found and reviewed the letter in his files. He did not recall what was discussed, or whether anyone else was present. He also did not recall if he knew Mr. Barrack had been interviewed by people in OPP [the Office of Presidential Personnel].' " (210)

"In a letter to several cabinet secretaries asking them to see Mr. Barrack, Mr. James wrote: 'I should mention that Ed Meese knows Tom and I'm sure also would endorse my strong support.' Mr. James sent a copy of the letter to Mr. Meese. According to the Report: 'Mr. Meese did not recall the October 27 letter. He also did not recall knowing at this time that Mr. Barrack was interested in a federal position, or that Mr. James was seeking to obtain one for him.' (214) He explained that he sometimes but now always read the contents of his 'reading file' where a copy of the letter would have gone and that other staff read and filed the original."

"According to the Report: 'Mr. Meese stated that he could not recall when he learned that Mr. Barrack was interestred in a federal position. He recalled that in August 1982, Mr. James told him that Mr. Barrack was someone Mr. James "had tried" to recruit into the administration. However, Mr. Meese did not recall knowing that Mr. James was still engaged in such an effort. Mr. Meese told us that he might have know as early as the November 9, 1982 dinner [a dinner with Mr. Barrack that occurred the same day that Mr. Barrack interviewed with Transportation Secretary Lewis and HUD Secretary Pierce, and the day before he was to interview Interior Secretary Watt and Energy Secretary Hodel], although he recalled no conversation about it. He thought he probably knew at Thanksgiving that Mr.

[2] The Independent Counsel's Report documents numerous other examples of Mr. Meese's failure to comply with the financial disclosure requirements of the Ethics in Government Act. The Report notes that during his first four years in office, Mr. Meese initially failed to list at least 20 items on the Financial Disclosure Forms he was required by law to complete.

Barrack was going to work for Secretary Watt.' " (220)

According to the Report: "Concerning his Senior Staff role in [Mr. Barrack's appointment to the Assistant Secretary of the Commerce Department] Mr. Meese said that he assumed he raised no objection to this appointment, but that he had no recollection of the matter.' " (222)

3. In connection with the charges involving Mr. Meese's Army Reserve status, it was important to know the extent to which Mr. Meese was aware that he could be receiving special treatment on his promotion and to know what his grounds were for favoring the reappointment of General Berkman. When asked questions about special treatment and the reappointment of General Berkman, Mr. Meese answered that he could not recall.

"Secretary of the Army Marsh, who recalled sending General Thurman's memorandum to Mr. Meese and later calling Mr. Meese about it, recalled that Mr. Meese simply wanted to take no position on it. However, 'Mr. Meese had no recollection of receiving the memorandum. When he reviewed the original copy, which we had obtained, it did not refresh his recollection.' (269) Mr. Meese also could not recall speaking to Secretary Marsh on this subject, stating that the only person he could recall talking to was Colonel Sullivan."

"Mr. Meese spoke with Secretaries Weinberger and Marsh to recommend General Berkman. Mr. Meese explained that he supported General Berkman in part because of recommendations of several Reserve officials. However, 'Mr. Meese could not recall the identities of these individuals, or the date of the conversation.' " (275)

The Independent Counsel apparently regarded Mr. Meese's repeated lapses of memory concerning transactions of questionable ethical propriety as unimportant in deciding whether to seek an indictment, the truth of which would have to be proved beyond a reasonable doubt. In contexts other than a criminal investigation one might well be warranted in drawing adverse inferences from such repeated inability to answer key questions. But even if no adverse inference should be drawn about Mr. Meese's credibility, the lapses of memory surely confirm the charge of insensitivity to the ethical standards that apply to a Presidential Counsellor and future Attorney General. That a man with Mr. Meese's public responsibilities may neglect some of his personal affairs is readily imaginable. That a man as busy as Mr. Meese may forget incidents seemingly unimportant at the time they occur in the course of his duties is also obvious. But anyone who is truly sensitive to ethical concerns immediately becomes alert and does remember, when names are mentioned or proposals are made that suggest the danger of mixing of personal affairs with public duties, conflicts of interest, or other improprieties.

A man whose sense of propriety forbade his receiving preferential treatment in a military promotion because of his being a Presidential Counsellor, would unquestionably recall a warning telephone call from the Secretary of the Army. He would come alert, and not forget, when the name of the man (Barrack) who arranged the sale of his house came up for appointment to the sub-Cabinet. Likewise, one with appreciation of the impropriety of appointing one's creditor (McKean) to office would come alert and remember when the name of the individual who had arranged a $60,000 loan came up for appointment before a government committee of which he was a member. He would remember a letter from that man asking him for help in obtaining the appointment—if he had any sense of the impropriety of the request and the potential embarrassment if he had a hand in the appointment. Perhaps a man sensitive to ethical standards might forget once, but not on repeated occasions.

In short, even accepting the honesty and candor of Mr. Meese's statements of forgetfulness, they confirm the other evidence of unawareness of, or indifference to, ethical standards required of public officials.

CONCLUSION

We do not suggest that Mr. Meese should be denied confirmation simply because he made mistakes. We do submit that Mr. Meese's actions, though not determined to be criminal, do reveal that he is unfit to be Attorney General.

Confidence in the fairness and impartiality of the administration of justice is essential to a free government. Those who enforce the law must be free from personal interest. The Attorney General must be a symbol of these qualities, not only for the country but for other lawyers in the Department of Justice. Mr. Meese's record of violations of Executive Order 11222, applicable regulations and general standards of ethical conduct makes it impossible for him to be that symbol. He has accepted a promotion that gives the appearance of receiving preferential treatment after being alerted to the problem by the Secretary of the Army. He has failed to understand the wrong in approving for public office persons from whom he has accepted financial assistance. He has displayed an ignorance of the requirements of financial disclosure totally inconsistent with their purpose of revealing conflicts of interest.

An Attorney General can do more to set the ethical tone of an Administration than any other member of the Cabinet. Mr. Meese cannot now perform that function. How could Mr. Meese show by example or tell others that it is wrong to assist individuals in obtaining public office who have done one financial favors, or to accept financial aid or favors from government contractors or their officials, or to accept other preferential treatment?

The Department of Justice has the initial responsibility for investigating charges of wrongdoing against high government officials. Suppose that it were to develop, while Mr. Meese was Attorney General, that on numerous occasions some high official in the White House had supported individuals outside the government for important government positions after he had received unusual financial assistance from them or the organizations in which they held leadership positions. Could Mr. Meese, who has himself been the recipient of such favors, and participated in such appointments, be expected to press a vigorous investigation? Would a young lawyer in the Department of Justice to whom the allegations were referred recommend further investigation knowing that the Attorney General had been in just such a position?

Not infrequently the Department of Justice has the responsibility for investigating gifts made to government officials by government contractors. Could Mr. Meese be expected to see anything wrong in such conduct?

From time to time, attorneys of the Department of Justice are requested to do favors for friends, for political benefactors of an Administration, and for others in positions of influence. Often they have to choose between following high professional standards in the conduct of an investigation or litigation and resorting to unworthy tactics in order to prevail. No one can have confidence that Mr. Meese's example would steer them in the right direction.

In the end the question is very simple. The Independent Counsel did not charge Mr. Meese with a crime. Mr. Meese may have intended no wrong. His past conduct shows, however, that he is blind to the ethical standards and obligations required of a public official. He should not be confirmed as Attorney General.

APPENDIX I—A LIST OF THE INQUIRIES CONCERNING EDWIN MEESE III, CONDUCTED BY THE INDEPENDENT COUNCIL

The Office of Independent Counsel conducted eleven separate inquiries relating to Edwin Meese III. They were:

1. Mr. Meese's failure to include in his Financial Disclosure Statements a $15,000 loan made by Edwin Thomas to Mrs. Meese.

2. The relationship, if any, of certain loans made to Mr. and Mrs. Meese and the appointments of Edwin Thomas, Gretchen Thomas, Tad Thomas, John McKean, Gordon Luce, Edwin Gray, Marc Sandstrom, Clarence Pendleton, and Thomas Barrack to federal jobs.

3. Mr. Meese's and his family's stock trading.

4. Whether Mr. Meese obtained special treatment from government agencies for business entities in which he had a financial interest.

5. Mr. Meese's change of status from the retired Army Reserve to the Active Reserve and his later military promotion.

6. Mr. Meese's statements to the Subcommittee on Human Resources of the Committee on Post Office and Civil Service, House of Representatives, and the Senate Judiciary Committee, concerning Carter campaign materials.

7. Mr. Meese's retention of cuff links given to him by the government of South Korea.

8. Mr. Meese's receipt of payments by the Presidental Transition Trust and the Presidential Transition Foundation.

9. Mr. Meese's reporting on his Financial Disclosure Statements of reimbursement for travel expenses.

10. Mrs. Meese's receipt of funds from the William Moss Institute.

11. Mr. Meese's connection, if any, with federal grants to Pepperdine University and American University.

GENOCIDE: MANIFESTATION OF MORAL DISEASE

Mr. PROXMIRE. Mr. President, the following passage is excerpted from William Styron's book, "Sophie's Choice":

The Russians were coming and the SS wanted the children destroyed. Most of them were Polish; the Jewish children were already dead. They thought of burning them alive in a pit, or shooting them, but they decided to do something that wouldn't show too many marks and evidence. So in the freezing cold they marched the children down to the river and made them take off their clothes and soak them in the water as if they were washing them, and then made them put on these wet clothes again. Then they marched them back to the area in front of the barracks where they had been

living and had a role call. Standing in their wet clothes. The roll call lasted for many, many hours while the children stood wet and freezing and night came. All of the children died of being exposed that day. They died of exposure and pneumonia, very fast.

These words were spoken by the heroine, Sophie, who never knew whether her son was among those massacred children—or if he had been murdered sooner.

Styron makes the articulate analogy of the Nazis to a deadly virus: he writes, "on the level of human behavior, the Nazi phenomenon was analogous to a huge and crucial colony of cells going morally berserk, creating the same kind of danger to the body of humanity as does a virulently malignant tumor in a single human body."

We are reminded that Hitler, Stalin, and Idi Amin, however sick, were human beings. And they were human enough to attain great, great power. I view the Genocide Treaty as a vaccine. Maybe the moral aims of the convention can help to contain the spiritual disease which results in genocide.

The Senate is in the position of a medic in the Peace Corps. We cannot walk away from a world which needs our support.

ORDER OF BUSINESS

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I am advised that my time was reserved by the distinguished majority leader. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. If the time of the Senator from Wisconsin has expired, may I reclaim that time?

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I yield to the Senator from Rhode Island.

JOHN A. KNAUSS—A RECORD OF LEADERSHIP

Mr. PELL. Mr. President, today Dr. John A. Knauss steps down as Chairman of the National Advisory Committee on Oceans and Atmosphere, concluding an extended term of exceptional service to the Congress and to the Nation.

The National Advisory Committee on Oceans and Atmosphere [NACOA] is charged with the responsibility of providing expert advice to the Congress and to the President on programs and policies to promote our knowledge, wise use, and stewardship of ocean and atmosphere resources and environment. John Knauss has provided leadership for NACOA for a longer period than any person in the history of the advisory committee, and under his leadership NAOCA has compiled an exceptional and productive record of carefully researched policy guidance and recommendations for the consideration of the executive branch and the Congress.

I am proud to claim John Knauss both as a Rhode Islander and a friend. John, as dean of the Graduate School of Oceanography at the University of Rhode Island and later as the provost and vice president for marine affairs at URI, has been primarily responsible for the development of URI as one of the Nation's leading oceanographic institutions.

John was first appointed as a member of NACOA in 1977, and after serving as vice chairman and acting chairman was appointed as chairman by President Reagan for a 3-year term.

As John Knauss himself has observed, the work of advisory committees is often frustrating to both the advisor and the advisee. Even the best of advice is not always heeded. Nevertheless, under Chairman Knauss, NACOA has performed well the invaluable task of making known the potential advantages and disadvantages of alternate policy courses, the costs of either acting or not acting on problems and in evaluating new options in marine and atmospheric programs and policies.

I believe our Nation owes a debt of gratitude to John Knauss for his dedicated and excellent service and leadership.

Fortunately, John Knauss will continue to contribute his knowledge and judgment to the improvement of the marine sciences both in the United States and internationally, serving as chairman of the executive committee for the international Joint Oceanographic Institutions Deep Earth Sampling Program, and as chairman of the newly formed Marine Division of the National Association of State Universities and Land Grant Colleges.

It should be noted that John Knauss' term as Chairman of NACOA ended on June 30, 1984, and that although ineligible by law for reappointment to the Advisory Committee, he has continued to serve as Chairman awaiting the appointment of a successor.

All who are concerned with the oceanic and atmospheric programs and policies of the country will miss John Knauss' guiding hand at NACOA, but I hope and expect that he will continue to give us the benefit of his counsel and wisdom in the coming years.

Mr. BYRD. Mr. President, I yield my remaining time to the distinguished majority leader.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business. The majority leader is recognized.

AN IMPRESSIVE PRESIDENTIAL INAUGURAL CEREMONY

Mr. DOLE. Mr. President, yesterday, I touched very briefly on the outstanding accomplishments of the senior Senator from Maryland and his lovely wife, Ann, in having organized such an impressive Presidential inaugural ceremony.

Today, I would like to expand on my comments and pay tribute not only to Senator MATHIAS and Senator WENDELL FORD, the distinguished ranking minority member of the Senate Rules Committee, but also to commend the staff members who were so actively involved in the preparation of this historic event.

As we all recognize, it takes many months of organization to put together the finite details necessary to insure the success of an inaugural event of this magnitude. The executive director of the Joint Congressional Inaugual Committee, John Chambers, and his staff put their shoulders to the wheel and diligently composed a program to fit the occasion. But Mother Nature played her hand and dealt us cold weather that would have been dangerous to endure for the scheduled length of the program. When it became necessary to move the ceremony inside to the rotunda of the Capitol, Senator MATHIAS, Senator FORD, and John Chambers called the team together, and worked throughout the day and night to reorganize the program.

A special word of thanks for their dedicated efforts should go not only to these key players, but also to John Rixey and Glee Gomien of the Inaugural Committee staff, as well as Larry Smith, the Senate Sergeant at Arms. These competent individuals, together with Joe O'Leary, a volunteer former member of the Rules Committee staff, worked all day Sunday and all of Sunday night, and performed a superhuman task in moving the ceremony indoors. Also contributing to a major degree in this effort were John Childers and Gerry Gereau of the Rules Committee staff, Capitol Police Chief James Carvino, and Bill Ensign and Beverly "Buz" Hummer of the Architect's Office. And I understand that Tom Ward from the Architect's Office was the hero of the day.

The principal coordinator of the event, Army Col. Tom Groppel, and his staff were also major contributors to the success not only of the early organization phase, but in the reorganization effort as well.

It is also clear that our colleagues in the House had to be consulted for their advice as plans changed, and Speaker O'NEILL, Minority Leader BOB MICHEL, and Majority Leader JIM WRIGHT, made themselves available for consultation whenever the need arose.

The press coverage of any inauguration is always an important aspect to be considered, but it became all the more a key factor when it was realized that only a handful of individuals would be able to witness personally the administration of the oaths of office to President Reagan and Vice President BUSH. Max Barber and Larry Janezich of the Senate Radio-TV gallery responded promptly and efficiently to the call, and they too worked throughout the night to insure no detail was overlooked.

There were, of course, many others involved in the inaugural ceremony, including the Secret Service. But too often we fail to pay tribute to the individuals who support us with efficiency and dedication, and I would like to take this opportunity to give them the recognition they so richly deserve, and to thank them—one and all—for a job well done.

Mr. WARNER. Mr. President, I think from time to time we should pause to acknowledge that the distinguished majority leader, the distinguished minority leader, the distinguished Senator from Maryland, the chairman of the Rules Committee [Mr. MATHIAS], a committee of which I am a member, have all worked diligently to see that the Senate of the United States and its employees have served the American public over the last several days.

Mr. President, it was particularly important to me because so many people came from the Commonwealth of Virginia nearby to share in this historic moment.

Without exception, Mr. President, it was my observation that the security staff, those who were involved in food service, and all Senate employees accommodated these visitors from afar and near in a style that is commensurate with the best traditions of the U.S. Senate.

I, as one Senator, wish to express my appreciation to the leadership and all of those who made this historic period a very memorable one.

I thank the Chair.

TWELFTH ANNIVERSARY OF ROE VERSUS WADE

Mr. DURENBERGER. Mr. President, today, on the 12th anniversary of the Supreme Court's Roe versus Wade decision, thousands of Americans are in our Nation's Capital restating a commitment to the most fundamental of governmental purposes: the protection of human life.

The thousands of participants in today's March for Life represent millions of Americans who share their conviction. More importantly, they represent the 1.6 million unborn children who will be victims of abortion in 1985 and the millions more who will be denied the right to life in the years to come unless we as a society act to protect them.

This year's march is especially significant in its timing. It comes at the beginning of the second term of a President committed to the protection of life. It comes at the beginning of a new Congress that is consumed by debate over the monstrous budget deficit, a debate that often is cast in terms of the deficit's effect on future generations.

I think that is an appropriate context for this debate. I worry about the burden our Nation's profligate spending will impose on our children and grandchildren, on future generations born and those who will never have the opportunity to live life outside the womb.

Let me cite one example. Since coming to the Senate in 1979, I have concentrated on the problems of our health care system. It is a system that we are just beginning to address with thoughtful, long-term policies. Until those policies take hold, we will continue to finance a system that takes funds away from health care to provide disproportionately for sick care.

We're taking money away from maternal and child health, nutrition, housing, recreation, and education just to feed this sick care system of ours. And what are we feeding? A system in which huge amounts of money go into very expensive neonatal intensive care beds because we have not put money into preventive care.

There are only a third as many neonatal intensive care beds in Oslo, Norway, as there are per capita in the Twin Cities of Minneapolis and St. Paul. We have three times as many beds in the Twin Cities because we have not recognized that the best incubator in the world is the womb. We have three times as many beds because we have to pay for mistakes that we do not have to make.

We do not have to tell the elderly to "get out of the way," as one Governor put it, and we do not have to deny the right to life to the unborn. We are a rich society that can afford an investment in health care as well as sick care. And, we are a compassionate society that must attach the highest value to our most precious gift: life.

Yet, our society remains confused about that precious gift. Questions of life—abortion, capital punishment, and euthanasia, to name just three—divide our Nation. In some cases, the debate goes beyond words, and that is deplorable. No cause, no amount of righteousness, no rationale warrants the threats to human life posed by the recent wave of bombings at medical clinics. That these bombings have taken place in the name of protecting life is all the more deplorable for the vast majority of pro-life advocates who are committed to a peaceful resolution of the issue.

It would be far better if some forum other than a political arena were available in which to resolve these questions of life. But the overwhelming importance of the issues and their divisiveness have forced them into the Halls of Congress and State legislatures. These questions of life, and abortion in particular, are not merely matters in which the right to privacy supersedes all other concerns. They are questions that strike at the heart of our society and must be settled by the political and legislative vehicles that govern our society.

We, the elected representatives of our society, have an obligation to reach a consensus on the question of abortion—a consensus structured on the paramount importance of life. We cannot tolerate the status quo, because that only guarantees confusion. Legislative and judicial bodies across the land have created a confused and often contradictory patchwork of policies. While some of the laws have been struck down by the Supreme Court and some of the judicial rulings may be overturned, they stand out as just a few of the many examples of the contradictions that must be resolved by Congress and the States working together.

In the same vein, this Congress has an obligation to assure appropriate funding for child welfare services, foster care and adoption services. Our children must not be on the front line in the battle to control the Federal budget. The same fervor we bring to protecting the unborn's right to life must be brought to funding programs that will provide the necessary health care for mother and child during pregnancy and the opportunity for quality of life after birth.

I sincerely hope that the 99th Congress will live up to these challenges.

● Mr. PACKWOOD. Mr. President, I wish to join today in celebrating the 12th anniversary of the Roe versus Wade Supreme Court decision allowing women to choose to have an abortion. More often, some of my colleagues who opposed that decision have come to the Senate floor to denounce the right to choose to have an abortion. I, along with several prochoice colleagues, want to use this anniversary date to express my shock and concern with the escalating amount of violence and harassment directed at women exercising their constitutional right to choose whether or not to bear a child. In addition to the Senators I am joined by today, I hope that other Senators—regardless of their feelings about the subject of abortion—will condemn these illegal acts.

Twelve years ago, the highest court in the land clearly said that at least during the first trimester of pregnancy, a woman has the constitutional

right to decide for herself without hindrance or help from anyone, including the Government, whether or not she wants to have an abortion. Some people who disagree with that decision have tried using the legal process to overturn Roe versus Wade. Using our democratic system is perfectly within their right. No doubt I will continue to spend many hours on the floor of the Senate debating my colleagues who have tried to pass constitutional amendments and other legislative initiatives to make abortion illegal or prohibit Federal funding of abortion. Our democracy is designed to accommodate this diversity of beliefs.

Yet some who do not agree with the Roe versus Wade decision have resorted to illegal and frightening tactics to impose their views on others. A quick glance at the 30 burnings and bombings at abortion clinics in 1984 reveals the gravity of this situation. Residents in my own State of Oregon have been unfortunate victims of attempted violence. Last year, there were two arson attempts and a death threat letter sent to a Forest Grove, OR, medical clinic that provides abortion services. Other abortion facilities in Oregon have experienced similar episodes.

I want to express my admiration for the brave women and men who work in abortion facilities across the country and as a result of their employment, live in fear every time they walk into the office. Many have been the victim of harassment in the privacy of their own residences. Many even live in fear for their children's safety because they have received death threats against their loved ones. I can understand the meaning of this fear because I was recently the victim of a death threat by an extremist group.

Illegal means to overturn legal rights will never be successful. We will never allow a minority to force their view of the world on the rest of us.

Mr. President, the danger to the liberties of all Americans is most threatened by those who want to compel conformity of thought and deed. Conversely, our liberties are most secured by a decent respect for diversity, and most especially on those subjects upon which there is no consensus.

God did not speak to any one of us and say, "You are right and those who disagree with you are wrong." If any one of us thinks that God has ordained us to speak for Him, we are wrong.

For, indeed, if I am right and you are wrong, then it is just a short step to the end justifies the means. And that philosophy means that the potential victims of the abortion clinic violence are not only those whose immediate safety is threatened. The very liberties of all Americans are at stake.●

● Mr. HART. Mr. President, today is the 12th anniversary of the Supreme Court decision in Roe against Wade, which gave women the right to choose whether to bear a child. Today, this fundamental and very personal right is under attack. The constitutional right to make childbearing decisions is vital to the realization of equality for 51 percent of our population. The dignity, the freedom, the health and well-being of over half of our population necessitates our commitment to preserving a woman's right to choose. A woman's decision to have an abortion is and must remain a private decision made in consultation with her physician.

Today, there are efforts being made to deny women this constitutional right to make childbearing decisions. I am talking about the organized picketing and harassment of women attempting to use family planning services. Such harassment has prevented some women from seeking family planning counseling and services, but not from seeking abortions. Let me mention, as an example, the case of a 17-year-old girl who came to a planned parenthood facility seeking family planning assistance. She was frightened off by the harassment of the picketers in front of the clinic and turned and went away. Six weeks later she was back for an abortion and, this time, the picketers did not deter her. The tactics of those opposed to abortion can encourage rather than discourage abortions. The constitutional and civil rights of women are violated when they have to face verbal abuse and barriers at the entrance to family planning clinics and when, once they are in those clinics, they are in danger of being killed or wounded by a bomb.

Let us today reaffirm our determination to take steps which lead to the arrest and prosecution to the fullest of those responsible for the bombings and the bomb threats which have brought fear into the lives of so many women.

The ability of women to realize their full capacity as human beings is linked to their right to make childbearing decisions. Equality for women demands that women have the right to make decisions regarding the size of their families based on emotional, economic, and physical considerations. Our Constitution provides women with this right. This struggle for equality for women has been long and is not yet complete. We cannot remedy the historic unequal treatment of women but we can and must defend the rights women have won.●

● Mr. KERRY. Mr. President, 12 years ago today, the U.S. Supreme Court issued Roe versus Wade, judicially securing the right to choose as a matter of fundamental constitutional law. Since Roe versus Wade, it has been against the law to interfere with a woman's right to make a decision about whether to bear a child.

As Roe versus Wade made clear, the right to choose is a fundamental right, based on each woman's right to privacy. Neither the Government nor any person has the right to infringe on that freedom.

Today, the right to choose is under renewed attack. In the past, individuals and organizations opposed to abortion have sought constitutional amendments and other legislative mechanisms to eliminate the right to choose. Now, organized campaigns of harassment and violence have been made part of the campaign against the right to choose. The methods chosen by these campaigns have ranged from picketing outside family planning services to bombing health care facilities whose services include providing abortions. The goal in all cases has been the same: to prevent women from exercising their right to choose.

It is shocking that those who profess to protect the rights of the unborn are willing to risk the rights of the born by bombing buildings, and it is also shocking and disappointing that some who oppose Roe versus Wade, find the use of terrorist acts justifiable as a means of seeking change.

Every citizen has the right to seek to change laws with which they disagree. Under our Constitution, we even have the right to change the Constitution. But no citizen has the right to use violence in order to prevent another citizen from exercising a constitutional right. Clinic bombings represent a complete disregard for our system of laws, indeed for our democracy itself.

The right to choose is the law of the United States. No person has the right to infringe on that freedom. Those of us who are in Government have a special responsibility to see to it that the United States continues to protect this right, as it must protect all rights secured by the Constitution.●

● Mr. NICKLES. Mr. President, 12 years ago today, the Supreme Court issued a ruling which has resulted in the legalized destruction of over 16 million unborn children in America. The figure is so vast, the number of lives lost is so staggering, that it is hard to comprehend. Even more astounding than the fact that such a mass destruction of human life occurs, is that it is sanctioned by the U.S. Government.

Such was not always the case. Prior to the Supreme Court's ruling in Roe versus Wade, not one single State in the country had such an unrestricted abortion policy. Thirty-one States had statutes which prohibited abortion completely, with an exception for the life of the mother. Nineteen other States allowed abortion under very limited circumstances, such as pregnancy resulting from rape, incest, or when there was a likelihood that the child was going to be handicapped.

Even the State with the most liberal law on abortion—New York—allowed abortion-on-demand only through the first 6 months of pregnancy.

Undaunted by the consensus against abortion that existed at that time in the country, the Supreme Court, in one fell swoop, established abortion-on-demand as the law of the land. Many people do not understand that the Court did, in fact, legalize the taking of unborn life right up to the last month—even the last week—of pregnancy. But that is what the Roe versus Wade decision did. Regardless of how far advanced a woman may be in her pregnancy, if a woman can get a physician to agree that her life or health is endangered by the pending birth of the child, it is perfectly legal to abort the child. Health has been so broadly defined that it includes emotional or psychological well-being.

Significantly, the very first section of the Constitution of the United States reads. "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." Nowhere in that section, or anywhere else in the Constitution, do I see legislative powers given to the Supreme Court of the United States. And yet, in the 1973 decision, the Supreme Court usurped the laws of the 50 States and the Constitution by decreeing the legality of abortion.

Proponents of legalized abortion will tell you that the Court did not legislate, but only protected a woman's consitutional right to an abortion. Not only is there no such right to be found in the Constitution, but the 14th amendment prohibits the very action they are calling a right. It says, "nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws. How much clearer can it be? Human life is not to be arbitrarily snuffed out, and equal protection is to be accorded to everyone.

To those who say that the unborn child is not a person and therefore not protected by the 14th amendment, I say poppycock. There is a saying, "You can fool all of the people some of the time, but you can't fool all of the people all of the time." Call the child what you like: fetus, POC [product of conception], or anything else, but everything within and without us affirms that an unborn child is a person. Ask the expectant woman who is awakened in the night by little kicks and squirms. Ask the couple who has watched their baby sucking its thumb with a sonogram. It all tells us what we already instinctively know, that life is a continum not to be broken off into persons and nonpersons.

And so, today I join the March for Life participants here in Washington, those people braving the 20 degree weather in protesting the killing of the most innocent and defenseless of our society. I commend them and all of the men and women in our country who stand against this atrocity. It has been said that "A great cause doesn't need great people, only tireless individuals." That certainly characterizes the prolife movement.

It is my hope that in the face of mounting scientific evidence and the continued unacceptability of abortion-on-demand to the American people, the Supreme Court will overturn itself. Three of the Justices are opposed to the Court's ruling, including Justice Sandra O'Connor, President Reagan's appointee. We know that the Constitution is clear, and, if interpreted correctly, would make legislation or constitutional amendments unnecessary. However, Congress may be forced to amend the Constitution to expressly deny a right which we know is not there anyway. Like those who fought slavery, overturning the Supreme Court with the passage and ratification of the 13th and 14th amendments, we are committed to seeing justice for all, born and unborn.

For the 16 million children who will never be, we stand and pledge our continued efforts. And, for the children of tomorrrow, we will work so that they will be given their most fundamental right, that of life itself.●

SENATOR WARNER RECOMMENDED TO BE OBSERVER AT NEGOTIATIONS IN GENEVA

Mr. DOLE. Mr. President, for the information of all Senators, I have recommended to the President that Senator WARNER take the place of Senator GOLDWATER as an observer to the negotiations in Geneva. This recommendation is being submitted pursuant to the provisions of Senate Resolution 19 which passed the Senate unanimously on January 3, 1985.

MOROCCO'S EFFECTIVE COOPERATION CONTRIBUTES TO U.S. NARCOTIC CONTROL EFFORT

Mrs. HAWKINS. Mr. President, during the past 3 years, Morocco has initiated many important educational, law enforcement, and treatment programs aired at stopping hashish abuse and cultivation. These successful initiatives have had a positive impact on public health and safety in the United States as well as Morocco.

In 1984, there was a decrease in the amount of hashish entering our Nation and a consequent decrease in hashish abuse. While an estimated 150 metric tons of hashish were imported into the United States in 1983, this compares with over 200 metric tons in 1982, through Morocco's close cooperation with our Embassy in Rabat and Interpol, Moroccan hashish entering the United States has been reduced to 5 percent of the total. During this same period, seizure of Moroccan hashish and arrest of traffickers has increased sharply. This is a tribute to the courageous efforts of Moroccan and United States law enforcement which I am confident will continue to grow.

I would like to share with my colleagues an article from the November 23, 1984, Wall Street Journal by Joseph Verner Reed, U.S. Ambassador to the Kingdom of Morocco, in which he addresses United States-Morocco cooperation. I ask unanimous consent that it be printed in the RECORD.

[From the Wall Street Journal, Nov. 23, 1984]

MOROCCO'S "UNION" WITH LIBYA IS A NONSTARTER

(By Joseph Verner Reed)

Morocco is not well known to most Americans, but it has been much in the news since August's dramatic announcement that Libya and Morocco would merge into a single political "union." As President Reagan's envoy in Morocco for the past three years, it has been my privilege to observe and even, I hope, contribute to present close relations between the U.S. and the Kingdom of Morocco.

Close relations with a foreign state do not exist in a vacuum; they are not just the result of individuals or personal diplomacy, although the president and King Hassan do, in fact, have a strong personal rapport that helps to reinforce close relations between our two governments. In the end, however, close interstate relations depend on common values and a shared instinct for self-preservation in a hostile world. Such interests do not alter overnight with a change of administration or tactical shifts by either country.

Our relations with Morocco date from 1787, when the Sultan of Morocco was among the first foreign leaders to formally recognize our independence. In the intervening two centuries, relations generally have remained good.

Today, the U.S. and Morocco are linked by an intricate pattern of agreements in fields from legal assistance to cultural exchange, from investment to security.

Why should the U.S. need or depend on a friend in North Africa? Geography provides the answer, as it did in two world wars: Morocco sits astride the world's most vital waterway, the Strait of Gibraltar. It is also a moderate midpoint between America and the Persian Gulf on which the U.S. might one day depend.

In politics as well, King Hassan—currently chairman of the Arab League and its Jerusalem Committee and of the Islamic Conference—has exerted a moderating influence in a volatile region by contributing to efforts to find a peaceful solution to the problems of Israel and its Arab neighbors. The king also, last January at Casablanca, worked to end Egypt's isolation from the Islamic Conference, which numbers over 40 predominantly Islamic countries. King Hassan has also set an example of harmony for his region, hosting a conference of Moroccan Jewish communities in Rabat last May, attended by members of the Israeli Knesset and world Jewish leaders. (Morocco has the

largest Jewish population in the Arab world.)

I do not mean to suggest that our objectives—or those of any two sovereign states for that matter—are identical. Far from it; Morocco has national interests, as in the Western Sahara, and we, as a world power, also have goals that the other side does not necessarily share.

Geography in part also determines tactics. From a distance we have sought, for example, after 15 years of Libyan-backed terrorism, to quarantine Muammar Qadhafi. Morocco, as a neighbor in the Maghreb, has chosen by constrast to engage him, seeking to moderate the Libyan leader's unconscionable behavior. While we wish King Hassan well in "taming" the Libyan dictator, we can have no illusions that the process will be easy.

Such differences, however, should not be allowed to obscure the clear-cut interests that we and Morocco share or to call into question a relationship to which both sides remain committed. King Hassan has assured us that union with Libya will not affect bilateral relations with the U.S., and the U.S. will be following the treaty's implementation in that light.

Over the past month, I have covered over 3,000 miles by road throughout the interior of Morocco, called on 20 governors and countless local officials. I have met with a broad range of the Moroccan population—from nomads in the Sahara to Berbers in the Atlas. The vast majority of Moroccans, it seems to me, are unaffected by and uninterested in the union with Libya, which they see as having little practical effect on their daily lives. They are, by contrast, genuinely friendly toward the U.S. and eager to further strengthen the relationship in a variety of fields.

In the longer run, political unions come and go in the Middle East, but—at least in the view of this American ambassador—the ties forged over two centuries between the U.S. and Morocco are likely to prove more lasting.

ABE PLOUGH: A MAN OF STATURE

Mr. SASSER. Mr. President, Tennessee and the Nation suffered a great loss on September 14, 1984. On that day, Mr. Abe Plough passed away at the age of 92.

Mr. Plough was the founder of Plough, Inc., which is now the Schering-Plough Corp. He founded this pharmaceutical firm on the fundamentals of hard work, integrity, and commitment to quality. Schering-Plough presently employs over 28,000 people and does business in 100 countries around the world. All of this started from a young man going door-to-door selling patent medicines.

But Abe Plough was more than a successful businessman. He was a noted philanthropist, giving generously, under the name of "Mr. Anonymous" to those less fortunate than himself. His basic philosophy was to "Do good and disappear."

Over the years, he donated millions of dollars to such charitable endeavors as the Salvation Army, the United Way, and Boys Town. He endowed a pharmacy scholarship at the University of Tennessee. Indeed, his benefactions are simply too many to be ever fully known.

Abe Plough was a loving family man and a devoted member of the Jewish community all of his life. His religious ideas were always practiced on a day to day basis. Abe Plough gave of himself. He will be sorely missed by family, friends, and community. But his spirit and good works serve as an example to all.

Mr. President, I ask that articles honoring Mr. Plough be printed in the RECORD.

The articles follow:

[From the Schering-Plough Consumer Operations News, October 1984]

COMPANY MOURNS DEATH OF ABE PLOUGH

MEMPHIS.—The company was plunged into a "shock wave of grief" by the death of founder Abe Plough Sept. 14 following a short illness.

The city went into mourning for the man who founded Plough, Inc., March 8, 1908, with $125 borrowed from his father. He was only 16 then. At his death at 92, his creation is a worldwide leader in pharmaceutical and consumer products.

Mr. Plough had been in good health before entering Baptist Hospital Aug. 9 for a 5½-hour operation to remove a blood clot near his brain. His recovery seemed strong, and he went home Sept. 5. Unfortunately, bleeding ulcers forced his readmittance the following day. Death was attributed to a gastrointestinal disorder.

At all entrances to the plant and office buildings here, wreaths commemorated the life of a legend. Flags throughout the area were at half staff. Hundreds of employees attended memorial services at Temple Israel and the company cafeteria. Messages of grief and tribute poured into the company.

R. Lee Jenkins, executive vice president, said:

"The news of Mr. Plough's death sends a shock wave of grief throughout this company and the many thousands of present and former employees who worked with him and loved him.

"The fact that he went down fighting the age and the illness that would have stopped many men long before was typical of Mr. Plough. He was one of the toughest and the best.

"I've never known a man more dedicated to the high principles of honor and service to mankind. His wisdom, intellect and tenacity made him one of the great enterpreneurs of the century. His compassion for his fellow man and his generosity made him one of the most influential and beloved.

"Tens of thousands of people, perhaps hundreds of thousands across the world, have benefited directly and indirectly because of his contributions to the business of health and beauty care and from his private philanthropies.

"I count the loss of my very dear friend as a great one, to me personally, to the corporation and perhaps most of all to the city that he loved so much."

Robert Luciano, chairman, president and chief executive officer of Schering-Plough:

"Abe Plough's entire life is truly a testament to initiative and industry.

"His enterprising character and philanthropy have left a record that is singularly unique in American life as well as in the business world. We at Schering-Plough will especially miss his guidance, good humor and gentle humanness."

At the emotion-charged company memorial service Sept. 17, Malcolm Glover, a packer in Shipping with 41 years of service, said:

"Because Mr. Plough made this company such a success, and I am part of this company, he made me a success, too!"

Reggie Gaines, 23 years a Packaging line operator, said, "we miss the days he strolled into our area. He always had a smile and a warm 'hello.' Sometimes he joined us in the break area. He always made us feel a little more important in this vast company."

Ingrid Cooper, 24 years in Packaging, said, "He has left an everlasting mark on this town, this country, this world and you and me. Because he was, this world is a better place to be."

Dan Hallford, retired after 37 years as an executive, recalled, "Even though he was an exacting and tough taskmaster, he also had an uncanny sense of knowing when you needed to be picked up and patted on the back. He was warm and sympathetic . . ."

Lee Jenkins said, "Being employees together, we all have a common bond with Abe Plough. Let's remember him as he would want us to do: Not with high-sounding words, but with dedication to our work—to be the best we can be. Not with mourning, but with a celebration of life—ours and those persons around us. Not with eulogies to him, but by helping each other to be more than, by ourselves, we could ever be.

"If we remember him in these ways, he not only lives on in the embodiment of the company he founded, and of which we are a part, he lives on through us."

At the Sept. 16 service at Temple Israel Synagogue, Rabbi Harry Danziger said:

"It is tempting to say two syllables with nine letters—Abe Plough—and then be silent. • • • He did what he did because he knew what a man ought to do, and Abe Plough never closed his eyes to duty."

A fund is being established for employees wishing to make charitable gifts in memory of Mr. Plough, with Mike Pietrangelo, senior vice president, in charge.

One of eight children, Mr. Plough was born Dec. 27, 1891 in Tupelo, Miss., the son of Moses and Julia Plough. The family moved to Memphis within a year.

Young Plough completed the eighth grade, then dropped out of school to work full-time in a drug store. He developed a fascination for the business. In early 1908, he founded Plough Chemical Co. (the name was changed to Plough, Inc., in 1929) on the second floor of his father's business at 83 North Second, Memphis.

His first product was Plough's Antiseptic Healing Oil. Because the oil was not well known, he soon began to trade it for other drugs he could sell to wholesale houses.

in 1971, Mr. Plough guided the consolidation with the Schering Corp., a major pharmaceutical company. He became chairman of the board. He retired Sept. 1, 1976, after 68 years, 5 months and 24 days, and was named honorary chairman of the board.

EULOGY FOR MR. PLOUGH PRAISES LIFE OF SERVICE

Below are excerpts of the eulogy for Abe Plough delivered by Rabbi Harry Danziger at Temple Israel on Sept. 16:

Abe Plough—As I look out at this outpouring of people—people from every cross section of Memphis and the Mid-South—there is a temptation simply to speak those two words—those nine letters—Abe

Plough—and then to be silent. If I were to do so, this sanctuary would be filled silently, not only with people, but with recollections and remembrances, with tributes and memorials, far more eloquent than any words than I can speak. Such was the man—such was his life—such is this moment. To say the name Abe Plough in this community is to evoke moving memories of a man of whom I can say with utter certainty, no major city in America ever owed so much of itself to a single human being. People in this community who might agree with one another on little else about what is good and right for Memphis and Shelby County are agreed on one thing—Abe Plough was good for all of us. And people agree on that in superlatives, and they base their agreement on the most solid of facts.

This man—a living legend—would not permit age to be either an excuse or a reason for ending his good work. Out of hundreds, let me cite only two instances. It is now well known that, in the strife and turmoil of 1968 in this city, the negotiations between labor and government were stymied by city government's lack of funds to pay the wage increase agreed upon. Mr. Plough was, then, 78 years old. Were any single individual of any age in a major American city to have stepped forward—quite literally—to subsidize a great metropolitan government, it would have been unprecedented. That a man of nearly four score years personally planted the seeds of peace and harmony, not simply with his money but most of all with his vision, must surely boggle the mind. Others had planted for him now; now he planted for the future.

He recalled the past with reverence and gratitude—but he built for the future with generosity and vision.

Not only did Mr. Plough never permit age to be an excuse or reason for detaching himself from worthwhile causes, neither did he come to his spirit of generosity and community concern late in life. It would be understandable if he had determined that, having accomplished all he wanted for himself in the world of business, then and only then would he turn to the wider world. Not Abe Plough. I suspect that the single act of loving kindness which he did which most moved me personally was one he performed some sixty years ago when he was a young man. You may have read or heard of it. A savings institution in Memphis collapsed, and the depositors, unprotected in those days by insurance, stood to lose their savings, large and small. Abe Plough reached deeply into his wealth but deeper by far into his heart to make certain that not a single person of modest means lost a penny of his or her life savings.

He was constant in his generosity of spirit, in his commitment to plant seeds of a better life, in his determination to touch the lives and hearts of people—in youth as in age, he was constant because he did what he did out of the convictions and the faith of a lifetime. He did what a man ought to do, and Mr. Plough never closed his eyes to duty. Rather he did that duty with a twinkle of satisfaction lighting them all the while.

That is one part of Abe Plough—that is the living legend of philanthropy and vision that made him indisputably the number one citizen of this city.

To us as a community—to us as races and religions and neighborhoods—to those who loved him best and knew him best—Mr. Plough has done in death as he did so often in life. He has given us innumerable gifts—and he has challenged us—challenged us to move forward—with vision and spirit—to enter—perhaps to create—the Promised Land.

THE RIGHT STUFF IN NORTH DAKOTA

Mr. BURDICK. Mr. President, 20 years ago, I recommended a young man from my hometown of Fargo for appointment to the U.S. Naval Academy. Of the many applicants, young James F. Buchli seemed to me to have the right stuff.

Tomorrow, Lt. Col. James Buchli of the U.S. Marine Corps is going to prove once again that he indeed possesses that rare blend of courage and ability we call the right stuff. When the space shuttle *Discovery* takes off from Cape Canaveral January 23, Jim Buchli will become the first North Dakotan in space.

I cannot tell much about what this talented young man will be doing on this new shuttle mission. As Senators know, it is dedicated to matters of defense. But I can tell a little bit about the astronaut himself.

He was born in New Rockford, ND, in 1945, and later moved to Fargo with his family. Always an avid outdoorsman, he and his twin brother spent much of their free time fishing, hunting, and camping.

His younger sister recalls that he was not a daredevil, but never turned down a challenge. She says that Jim achieved his goals in traditional North Dakota style—through quiet determination. He excelled in academics and sports. He became the State wrestling champion in his weight class in high school simply because he decided one day that would be his goal.

He became an astronaut through this same quiet determination. After receiving a string of military awards for service at home and overseas, Jim landed a spot in the U.S. Test Pilot School—where so many of those with the right stuff are found. It was there Jim decided to aim for the space program, and in 1978, NASA selected him. Tomorrow, his newest goal will be realized.

Lieutenant Colonel Buchli is a modest man, who does not feel compelled to boast of his many accomplishments. He says of tomorrow's mission that he just wants to "get on with the job." However, his record speaks for him.

A veteran of combat in Vietnam, Jim also served in Thailand and Japan. He holds the Air Medal, Navy Commendation Medal, Purple Heart, Combat Action Ribbon, Presidential Unit Citation, Navy Unit Citation, Meritorious Unit Citation, and a Vietnamese Cross of Gallantry with Silver Star.

We who live in North Dakota are no strangers to the right stuff. From the settlers who carved homes out of our wild prairies a century ago, to Jim Buchli's flight to the newest frontier, North Dakotans have always had pioneering courage.

Like Jim Buchli, we usually keep pretty quiet about it. But when this young marine gets on with the job tomorrow, the rest of the Nation, and the world, will know about it.

I salute this young man's courage and determination.

MANAGING THE U.S-SOVIET RELATIONSHIP

Mr. MATHIAS. Mr. President, in recent years one of the most serious failings in U.S. foreign policy has been the lack of a strategic framework for dealing with the Soviet Union.

For this reason, I would like to call my colleague's attention to a speech that the Secretary of State, George Shultz, delivered in October before the Rand/UCLA Center for the Study of Soviet International Behavior. The speech is entitled "Managing the U.S.-Soviet International Relationship Over the Long Term." The Secretary's message is an important one: The absence of a consistent, coherent American strategy can only be to the advantage of the Soviet Union. In the past we have tended to focus either on increasing our strength or on pursuing negotiations. An adequate strategy, according to the Secretary, must accommodate both simultaneously. It must be flexible, and above all, it must be sustainable over the long term.

I strongly recommend the Secretary's speech to all Senators and citizens who are looking for constructive approaches to the difficult problem of U.S.-Soviet relations. The recent advance in our relations with the Soviet Union is due in large measure, to Secretary Shultz' efforts, and his words are of special significance.

It remains for the administration and the Senate, with its unique responsibilities in foreign policy, to devise a plan for implementing the Secretary's recommendations. With the prospect of a new round of arms control negotiations before us, this task should be put at the top of the foreign policy agenda.

On January 31, the Secretary of State will testify before the Senate Foreign Relations Committee at the first of a series of hearings on U.S. foreign policy. This will be an excellent opportunity for members to explore the strategy proposed by the Secretary with a view toward future action.

Mr. President, I ask unanimous consent that the Secretary of State's remarks on managing the U.S.-Soviet relationship be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

MANAGING THE U.S.-SOVIET RELATIONSHIP OVER THE LONG TERM

(Remarks of Secretary George Shultz)

This distinguished audience knows well that the Soviet Union presents us with a conceptual as well as a strategic challenge. Let me take advantage of this occasion, therefore, to raise what I see as some of these larger conceptual issues that face us in managing U.S.-Soviet relations over the long term.

DIFFERENCES BETWEEN THE SYSTEMS

The differences between our two countries are profound. You and I know that, yet we need to reiterate it, remind ourselves of it, and reflect upon it. The United States and the Soviet Union have different histories, cultures, economies, governmental systems, force structures, geographical circumstances, and visions of the future. We cannot analyze the Soviet Union as if it were a mirror of ourselves.

We Americans stand by our values and defend our interests, but we also put great store by pragmatism, compromise, and flexibility in international life. Marxist-Leninist ideology subordinates all of these qualities to the so-called objective, scientific, and inevitable laws of history. We can debate how fully Soviet leaders follow this ideology. No doubt, however, it helps shape a political culture that does not accommodate well to compromise or truly positive relations with opponents. Their doctrine of history teaches them that their opponents are doomed to crisis and decline—and that the struggle between the two systems is a mortal struggle.

Most notable, perhaps, is the very different relationship between the government and the people in the Soviet Union and in the United States. Our national policies are the product of open debate, deliberation, and political competition guided by constitutional processes. In the Soviet Union, policy is the exclusive domain of a self-perpetuating ruling elite. Soviet leaders do not ignore public opinion; on the contrary, they vigorously seek to control it. Theirs is a system marked by repression and hostility to free political, intellectual, or religious expression. A nation whose system is the legacy of Marx, Lenin, and Stalin obviously bears scant resemblance to one that draws its inspiration from Washington, Jefferson, and Lincoln.

When we in America conduct foreign policy, we must meet certain requirements that Soviet rulers can disregard. An American president must win and sustain support from the Congress and the American people if he is to lead the nation on any path, if our policy is to follow a steady course and a coherent strategy. Through this process, we gain the sustenance and commitment that come from democratic participation. And in the complex world of the 1980s and 1990s, the effectiveness of our dealings with the Soviets will benefit from a level of national understanding of the Soviet Union beyond what we have required, or had, in the past. That is why what the Rand/UCLA Center seeks to accomplish is so important, and why I look forward to the contribution that you can make.

THE COMPLEXITY OF MANAGING THE RELATIONSHIP

Today, despite these profound differences, it is obviously in our interest to maintain as constructive a relationship as possible with the Soviet Union. The Soviet Union is powerful; it occupies a very large part of a shrinking world; and its military strength, including its vast nuclear arsenal, is a reality that we cannot ignore. Its people are a great and talented people, and we can benefit from interchange with them. And we owe it to our own people, and to the future of the planet, to strive for a more constructive pattern of relations between our countries.

A brief review of the postwar period reminds us of how complex a task this is. For the past two decades, Soviet defense spending has grown at a rate of 3%–5% a year, even when the United States was cutting back its own defense expenditures. And the Soviets kept up this military expansion even in the face of mounting economic difficulties.

In the postwar period, the United States never sought to expand its territory nor used force to impose its will upon weaker nations, even when we were the world's preeminent power. The Soviets, however, have used force frequently—in East Berlin, Hungary, Czechoslovakia, and Afghanistan. And it was their threat of force that imposed martial law on Poland.

It has been argued that Soviet behavior is partly motivated by a historical insecurity, that they suffer from an endemic paranoia stemming from centuries of war and foreign invasions. But this analysis is clearly inadequate. The problem is that the Soviets seek absolute security in a way that guarantees insecurity for everyone else. Their policies have created antagonism when opportunities existed for better relations; their vast military power—and their demonstrated willingness to use it—go far beyond legitimate self-defense and pose objective problems for the world community. The Soviet's interventionist policies in the Third World, for example, seem the result of ideology combined with new capability, not the product of "insecurity." In the past two decades they have expanded their influence in Asia, Africa, the Middle East, and Central America by purveying arms and backing those who subvert neighbors or block peace.

The record shows that when the Soviets have perceived weakness, when they have seen a vacuum, they have seized the opportunity to gain an advantage. Their code of behavior has not included categories for voluntary restraint or self-denial.

And they have not hesitated to persecute those of their own people—whether intellectuals, religious figures, or average citizens—who dared to speak or write freely, or who sought to emigrate. After signing the Helsinki Final Act, which confirmed that human rights were a vital part of the diplomatic dialogue on peace and security in Europe, the Soviets and their East European allies even suppressed the very citizens' groups that were formed to monitor compliance with the Helsinki accord.

We are left with two inescapable truths: in the nuclear age we need to maintain a relationship with the Soviet Union. Yet we know that they have acted in ways that violate our standards of human conduct and rule by law and that are repugnant to us—and they will likely continue to do so in the future. What kind of relationship can we reasonably expect to have in these circumstances? How can we manage U.S.-Soviet relations in a way that can endure over a long period?

THE QUESTION OF LINKAGE

The U.S.-Soviet relationship, of course, is a global one. We impinge on each other's interests in many regions of the world and in many fields of endeavor. A sustained and sound relationship, therefore, will confront the fact that the Soviets can be expected periodically to do something abhorrent to us or threaten our interests.

This raises the question of linkage. Should we refuse to conclude agreements with the Soviets in one area when they do something outrageous in some other area? Would such an approach give us greater leverage over Moscow's conduct? Or would it place us on the defensive? Would it confirm our dedication to fundamental principles of international relations? Or would it make our diplomacy seem inconsistent? Clearly, linkage is not merely "a fact of life" but a complex question of policy.

There will be times when we must make progress in one dimension of the relationship contingent on progress in others. We can never let ourselves become so wedded to improving our relations with the Soviets that we turn a blind eye to actions that undermine the very foundation of stable relations. At the same time, linkage as an instrument of policy has limitations; if applied rigidly, it could yield the initiative to the Soviets, letting them set the pace and the character of the relationship.

We do not seek negotiations for their own sake; we negotiate when it is in our interest to do so. Therefore, when the Soviet Union acts in a way we find objectionable, it may not always make sense for us to break off negotiations or suspend agreements. If those negotiations or agreements were undertaken with a realistic view of their benefits for us, then they should be worth maintaining under all but exceptional circumstances. We should not sacrifice long-term interests in order to express immediate outrage. We must not ignore Soviet actions that trouble us. On the contrary, we need to respond forcefully. But in doing so, we are more likely to be successful by direct measures that counter the specific challenge.

When the Soviets invaded Afghanistan, President Carter said his opinion of the Soviet Union and its goals had changed more in 1 week than throughout his entire term of office. He canceled the grain agreement, withdrew his own arms limitation treaty from Senate consideration, refused participation in the Olympics, and stopped the annual meetings with Foreign Minister Gromyko. But did his actions serve our economic interests? Did they further progress toward a better arms agreement? Did they get Soviet troops out of Afghanistan?

When the Soviets shot down the Korean airliner, in contrast, President Reagan was not derailed from his steady, firm, and realistic course. He never had illusions about the Soviet Union. After the KAL [Korean Air Lines] shootdown, he focused attention on the menace to civil aviation posed by such conduct. He made sure the world knew the truth about the incident. But he also sent our arms control negotiators back to Geneva, because he believed that reducing nuclear weapons was a critical priority.

In the final analysis, linkage is a tactical question; the strategic reality of leverage comes from creating facts in support of our overall design. Over the longer term, we must structure the bargaining environment to our advantage by modernizing our defenses, assisting our friends, and showing we are willing to defend our interests. In this way we give the Soviets more of a stake, in their own interest, in better relations with us across the board.

THE NEED FOR A LONG-TERM STRATEGY

Sudden shifts in policy, stemming from emotional and perfectly understandable reactions to Soviet behavior, are not the way

to pursue our interests. It seems to me that the West, if it is to compete effectively and advance its goals, must develop the capacity for consistency and discipline and must fashion—and stick to—a long-term strategy.

But consistency is difficult for a democracy. Historically, American policy has swung from one extreme to the other. We have gone through periods of implacable opposition—forgoing negotiations, building up our defenses, and confronting Soviet aggression. Then, concerned about confrontation, we have entered periods of seeming detente, during which some were tempted to neglect our defenses and ignore Soviet threats to our interests around the world—only once again to be disillusioned by some Soviet action that sent us swinging back to a more implacable posture.

We have tended all too often to focus either on increasing our strength or on pursuing a course of negotiations. We have found it difficult to pursue both simultaneously. In the long run, the absence of a consistent, coherent American strategy can only play to the advantage of the Soviet Union.

Therefore, we must come to grips with the more complex reality of our situation. A sustainable strategy must include all the elements essential to a more advantageous U.S.-Soviet relationship. We need to be strong, we must be ready to confront Soviet challenges, *and* we should negotiate when there are realistic prospects for success.

THE PURPOSES OF NEGOTIATION

Winston Churchill understood both the limits and the necessity of negotiating with the Soviet Union. In May 1953, he said: "It would, I think, be a mistake to assume that nothing can be settled with the Soviet Union unless or until everything is settled." In the 1980s, as then, the process of U.S.-Soviet negotiation has as its purposes both to avert dangerous confrontations and to reach agreements that are in our mutual interest.

If we are to be effective in negotiations, we need a clear sense of what we want to achieve.

The United States seeks an international environment that enhances the freedom, security, and prosperity of our own people, our allies and friends, and of all mankind. We know that such a promising future depends, above all, on stability and global security. It cannot be achieved in a world where aggression goes unchecked and where adventurous foreign policies succeed. Nor can it be achieved in a world where the two largest powers refuse to engage in constructive relations.

To pursue our goals successfully we must persuade the Soviets of two things:

First, that there will be no reward for aggression. We are strong enough and determined enough to resist attempts by the Soviet Union to expand its control by force; and

Second, that we have no aggressive intentions. We mean no threat to the security of the Soviet Union. We are ready and willing, at all times, to discuss and negotiate our differences.

The conditions for successful negotiation exist when both sides stand to gain from an agreement or stand to lose from the absence of an agreement. We have to accept the fact that on many issues, our respective goals may be incompatible, making agreements impossible to reach. When this occurs, we should not despair or panic about the state of our relations. Certainly, we should never accept disadvantageous agreements for the sake of making negotiations seem successful. Occasional disappointments are part of the long-term process, and we should move on to seek negotiations when and where the conditions are ripe for progress.

Some argue that if you cannot trust the Soviets, you should not negotiate with them. But the truth is, successful negotiations are not based on trust. We do not need to trust the Soviets; we need to make agreements that are trustworthy because both sides have incentives to keep them. Such incentives operate best when there are clear and working means to verify that obligations undertaken are, in fact, carried out.

Each side will watch the other carefully to ensure that neither can gain a one-sided advantage by violating an agreement. If we spot Soviet violations, we must do what is necessary to protect ourselves and to raise the cost to the Soviets of further violations. We cannot allow them to use negotiations or agreements as a cover for actions that threaten our interests.

Sometimes it is said that plain statements by us about Soviet violations of agreements, whether on arms or human rights, harm our relationship. In our system, it is our obligation to speak out and tell the truth—to the Soviets, to the world, and to the American people. Our own values have claims on us, both to speak out honestly and to use our leverage when we can, and often quietly, for humanitarian goals. Those goals are not a burden on the U.S.-Soviet relationship; they are, for us, a key part of that relationship. If we can help a Shcharansky or Sakharov, or prevent the jailing of a priest in Lithuania, or ease the plight of Soviet Jewry, we have gained something worth negotiating for and worth using our influence to obtain—not to score points against the Soviets but because we are a moral people.

The experience of negotiations shows that the Soviets recognize reality and that tough, sober bargaining, when backed by American strength, can lead to mutually advantageous results. Negotiation without strength cannot bring benefits. Strength alone will never achieve a durable peace.

A POLICY OF STRENGTH AND NEGOTIATION

Throughout this Administration, President Reagan has adhered to this approach. He has based his policies toward the Soviet Union on a solid foundation of realism, strength, and negotation. This approach has created the objective conditions for a safer, more constructive relationship in the years ahead.

In light of Moscow's history of taking advantage of any weakness, it is not surprising that we suffered setbacks in the 1970s. In light of the recent clear improvement in our relative position, it is not surprising that Moscow is complaining about our policy. The 1970s were a time when our economy was deeply troubled, when our military capabilities were eroding, and when our self-confidence and sense of purpose both at home and overseas were at a low ebb. The Soviets had grounds for believing that what they call "the global correlation of forces" had shifted in their favor. And we, in turn, had grounds for fearing that they might overreach themselves and present us with a challenge that we could neither ignore nor effectively counter.

Since then, the United States, in particular, and the West, in general, have made an impressive turnaround. We have begun to recover lost ground and to move ahead.

Our own economic recovery is well underway. Sustained growth without inflation is within reach. The American economy has bounced back and is giving welcome impetus to global recovery.

The much-needed modernization of Western defense capabilities is on track. The gaps in the East-West military balance that were expanding in the 1970s are being narrowed and closed. The Soviets' temptation to preempt or intimidate at any point on the spectrum of deterrence must be diminishing.

We have restored the relations of confidence and harmony with our key allies in Europe and Asia, which have been the bedrock of American security throughout the postwar era. We have provided leadership in the community of nations joined to us by common values and common interest. Disagreements have, at times, been sharp, and debate vigorous, just as they are in our country. The result, however, just as here, has been increasing consensus on the challenges to the common security and widening agreement on what is required to meet those challenges.

Most important, we have restored our own confidence in ourselves. We know that we are capable of dealing with our problems and promoting our interests and ideals in a complex and dangerous world. We have renewed our commitment to democratic values and human rights, a commitment that joins us not only to our allies but to other millions across the globe.

These achievements put our relationship with Moscow on a substantially safer, sounder, and more durable basis. Our credibility as a strong and resolute nation has been enhanced. In contrast to the 1970s, Moscow has not only failed to add any new territory to its extended empire in the 1980s but it has been unable to prevent adverse trends in Central America, the Caribbean, Asia, and southern Africa. Some in Moscow must wonder if the "correlation of forces" is not shifting against them.

We hold to the principle that America should not negotiate from a position of weakness, and this Administration has ensured that we need not face such a prospect.

But we reject the view that we should become strong so that we need not negotiate. Our premise is that we should become strong so that we are able to negotiate. Nor do we agree with the view that negotiated outcomes can only sap our strength or lead to an outcome in which we will be the loser. We will stay strong to enforce the peace; we will bargain hard to ensure that any agreement we sign is reliable and verifiable; and we will negotiate seriously to find solutions that endure.

In bargaining with the Soviets, we are prepared for modest advances as well as major breakthroughs. We have made limited proposals designed to stabilize the current state of relations. And we have made ambitious proposals that, if accepted, could put the Soviet-American relationship on a fundamentally new and safer footing.

In conducting negotiations and discussions in the major areas of U.S.-Soviet relations—arms control, regional issues, human rights, and bilateral cooperation—we have been guided by four basic principles.

First, we must have a strong defense. The United States does not seek military superiority over the Soviet Union. But the Soviets must know that in the absence of equitable and verifiable agreements, we will proceed with defense programs that will deny them superiority. The test of arms control is whether it reduces the danger of war. An arms control agreement that controls the United States but does not control the

Soviet Union would only increase the danger of war. We know we will adhere to agreements; based on their conduct, we cannot be sure they will. Therefore, agreements must be reliable and verifiable.

Second, we must be united both at home and with our friends and allies. We must continue to strengthen our alliances and friendships and, above all, reaffirm and reinvigorate our own bipartisan consensus about the need for a foreign policy based on realism, strength, and negotiation.

Third, we must be patient. We cannot abandon negotiations or change our whole strategy each time the Soviets misbehave. We must not allow ourselves to panic or overreact to every fresh demonstraton of incivility or intransigence. Nor can we abandon our defenses or forget the importance of our friends and allies each time there is a period of negotiating success.

Fourth, we must be purposeful, flexible, and credible. We must negotiate with the Soviet Union on the basis of equality and reciprocity, in ways that demonstrate to the Soviets and to our friends our commitment to reaching agreements that are in the interests of both sides. We stand ready to join the Soviets in equal and verifiable arms reduction agreements, and we are prepared to move rapidly to discuss both offensive and defensive systems, including those that operate in or through space.

FUTURE PROSPECTS

This was the spirit in which President Reagan and I conducted our recent discussions with Deputy Prime Minister Gromyko. We set out for him our agenda for the years ahead. We presented some new ideas for getting nuclear arms control negotiations on track and for achieving some worthwhile results. We offered a dialogue on regional issues, to avoid crises and aid the search for peaceful solutions. We urged the Soviets to take steps in the human rights area. And we outlined constructive measures to improve bilateral cooperation in a variety of fields.

Our discussions with Mr. Gromyko lead me to conclude that the Soviets are interested in continuing our dialogue and in exploring ways to enrich that dialogue and turn it into concrete results.

What can we expect? The Soviets may now realize that it is in their interest to engage with us on the larger issues in a constructive way. Their intransigence in walking away from negotiations has brought them nothing.

A patriotic Russian looking back over the history of our relations would find it difficult to construe how the policy of rejection that Moscow has been following has served his country well. And he would surely realize that such a policy will prove even more costly in the future. In weighing his present choices, he would have to ask some very pointed questions.

If the Soviet Union will not accept equitable arms agreements, then the United States and its allies will continue their modernization programs. Is there any Soviet gain in this result?

If the Soviet Union pursues aggressive policies in the Third World, and not least in our own hemisphere, that threaten us and our friends, then we will respond equally strongly. Isn't the level of armed conflict in the Third World too high already?

If improvement in Soviet human rights performance continues, as in the past, to be nothing more than the cynical manipulation of human lives for political purposes, then the Soviets cannot expect that international—and internal—pressures for better performance will stop growing. Doesn't the Soviet Union pay a price for this censure and for the isolation that goes with it? The price is large and steadily increasing.

We pose these questions knowing full well that a state founded on the theory that the global correlation of forces must move in its direction does not easily alter its course to suit new and changed circumstances. The temptation, if not the compulsion, is always present to create new facts to confirm an old theory. Therefore, we should not count on, or even expect, immediate and exciting breakthroughs.

But the way is wide open to more sustained progress in U.S.-Soviet relations than we have known in the past. In recent months, there have been at least a few signs of Soviet willingness to meet us halfway on some secondary but contentious issues. We have been able to agree to upgrade the Hot Line, to extend our 10-year economic cooperation agreement, and to open negotiations to expand cultural exchanges. And, of course, Moscow has made it possible for us to resume high-level contacts. These are welcome steps: they just may herald more substantial and productive moves to come. And I can tell you, certainly, that President Reagan welcomes yesterday's statement by Chairman Chernenko that the Soviets are ready to pursue a constructive dialogue with us.

We cannot confidently fathom, much less predict, the direction of Soviet policy. We recognize that much of Soviet behavior stems from problems and pressures within their own system. Our statements and our actions are often far less relevant to their decisions than some might think. During this Administration, President Reagan has had to deal not with one Soviet leader but three, which has not made the negotiating process any easier.

What we have begun to do over the past 4 years, and can continue to do in the future, is to persuade Soviet leaders that continued adventurism and intransigence offer no rewards. We have provided persuasive reasons for the Soviets to choose, instead, a policy of greater restraint and reciprocity. We must be comfortable with the requirements of such a strategy, including its price, its risks, and its predictable periodic setbacks. We must be able to deter Soviet expansionism at the same time as we seek to negotiate areas of cooperation and lower levels of armaments.

These are the essential elements of our long-term policy. If we pursue such a strategy with wisdom and dedication, we have a much better prospect for achieving our goals: countering the Soviet challenge, directing the competition into less dangerous channels, and eventually forging a more constructive relationship.

"FAMILIES TOGETHER" ESSAY CONTEST WINNERS

Mrs. HAWKINS. Mr. President, I am pleased to welcome here today three outstanding young constituents of mine—Kathy Maxfield, Dawn Gebhart, and Troy Cambre. These three young people are winners, both in the figurative and literal sense of the word.

Kathy, Dawn, and Troy are the grand prize winners of the Families Together Drug Awareness Essay Contest. I was a judge in this contest, and rarely have I been faced with a more difficult task. Many fine young students, at the high school, middle school, and elementary level, submitted essays detailing their feelings and experiences concerning drug abuse, and many of them were truly excellent. Contestants could choose from five themes for their subject: "My friend has a drug problem;" "My community should develop drug-free alternatives for young people;" "As a teenager, I wish I could help my country become drug-free;" "Even though I am only in elementary school, I know there is a drug problem in our community;" and "As a recovering chemically dependent young adult * * *."

With this and other efforts to achieve a drug-free youth, the group sponsoring this essay contest, Families Together, is to be commended for its continued activity on behalf of children. This fine organization has been particularly effective in letting adolescents know that drugs are destructive, and that drug-free alternatives are available and fun.

Mr. President, it was a pleasure to be involved in this essay contest, and I am happy to enclose the products of the winners. I congratulate each and every one of the participants, and wish them every continued success.

I ask unanimous consent that their essays be printed in the RECORD.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

OCTOBER 23, 1983.

My friend is sixteen and she has a drug problem. She has a lot that she needs to share but just doesn't know how.

She started using drugs at fourteen and continued using them for two years. Starting with just pot and alcohol, she eventually got into harder drugs.

When she first started using drugs it was to acquire more friends. She felt more grown up and part of the group. After about two months on pot and alcohol, she found that she needed something stronger. By fifteen, she turned to drugs like acid and cocaine and slowly her life started falling apart.

She was constantly arguing with her parents and allowed her boyfriend to physically and mentally abuse her. She was nearly arrested several times and her school work usually went undone. She was unhappy, scared, lonely and depressed, but too confused to seek help. She was really hurting but just couldn't stop doing the insane things she was doing, including stealing from her family and friends.

I wanted so much to help my friend but she wouldn't let me into her heart. She had so much to share, so much to give, but just couldn't find the way.

OCTOBER 19, 1984.

At age sixteen my parents knew that I needed help so they put me in a drug rehabilitation program called "Straight." Since then my life has completely turned around. I've been in treatment one year and am close to graduating. I've learned a lot about drugs and their effects. I know that I can have a relapse at any time, but I have a program which I follow every day which really

helps me. I've also learned that drug abuse is a disease of the feelings and that I need to share with God, my family and friends when I have a problem. When life gets rough, I think about my past and realize I never want to go back to that. I am now seventeen and really enjoy being with my family and doing things with them.

Today my friend has become an honest, understanding, loving and caring person. She has so much to share which we can now share every day. My friend is Me.

MY FRIEND HAS A DRUG PROBLEM

This "friend" of mine who has a drug problem is not only a friend, for he is my loving brother.

My brother is the smartest man I know when it comes to his job. However, when it comes to the question of yes or no on drugs, here he loses his smarts.

It's hard to believe that my brother is twenty years of age. I really don't quite know how it all started with him on drugs. I do know that this nightmare began about four years ago.

I remember him coming home really messed up. It was really a very sad sight to see. He even managed to get into more car wrecks than I can remember. Never did he get seriously injured, except for in the heart and mind. This affected the whole family, especially my parents. I can remember listening to my parents yell at him. I'd always end up crying. Reflecting back, I guess they did it for his own good.

Now he's really straightened up. He's still great at his job and a super "friend" and brother. He somehow thinks he is the failure of the family. However, we all know that is just not true. I think deep down inside he knows it too! I just would like my brother to know that he isn't a failure and that we love him with all our heart and soul.

I know he has had some rough times, but he's always been able to work them out. So, I know he can do it, just one more time. I have faith in him, for I know he can do it! Please try with all your heart and soul. I know you can.

I love you!

OCTOBER 18, 1984.

I WISH I COULD HELP MY COUNTRY BECOME DRUG-FREE

I wish I could help my country become drug-free. I am 11 years old and I am mad. Everywhere I look there is drugs around me. I knew a friend that was on drugs he is wasting his life right now. I am lucky my dad is a cop and he teaches me what drugs can do to you. I should send a letter to the government and tell them what I think we should do. I would tell my friends what drugs can do to them. Then they would tell there parents. The parents would tell the mayor. The mayor would tell the county commissioner. He would tell the supreme court. The supreme court would tell the state legislature in Tallahassee. The state legislature told the people in Washington D.C.

Washington D.C. might pass a law to end all drug dealing. All this is because a 11 year old cared.

SIXTY-SEVENTH ANNIVERSARY OF UKRAINIAN INDEPENDENCE DAY

Mr. GLENN. Mr. President, on January 22, 1985, millions of people in the Ukraine, and thousands of Ukrainian Americans in Ohio and across these United States mark the 67th anniversary of Ukrainian Independence Day. It would be inappropriate, however, to say that most Ukrainians celebrate on this anniversary, because the millions of Ukrainians in the Soviet Union still lack the basic human rights and freedoms of an independent people.

Since 1920, the people of the Ukraine have lived under the repressive rule of the Soviet Union. During these more than 60 years, the Soviets have tried to obliterate the national identity of the Ukraine. Despite systematic and unrelenting attacks by the Soviets on their customs, language and religion, the Ukrainian people have yet to let their desire for fundamental freedoms be dimmed. The people of the Ukraine are the most outspoken voice of nationalism in the Soviet Union, and by all accounts, their continuing struggle against Soviet domination shows that the attempts at Russification of the Ukraine have been far from successful.

In today's fast-paced world with major human rights problems in countries such as South Africa, Chile, and Afghanistan, it would be easy to overlook a human rights struggle that is over 60 years old. Yet, as citizens of the freest nation on Earth, it is our responsibility to support the people of the Ukraine in their quest for the same basic human rights and freedoms which we enjoy and to which we believe all human beings are entitled. Our observance of Ukrainian Independence Day can serve as a reminder that we do support the hope of freedom so cherished by the people of the Ukraine, and by all other people living under totalitarianism. By making note of this 67th anniversary, we can help keep the dream alive for Ukrainians everywhere, that one day the people of the Ukraine may indeed be free.

ANNIVERSARY OF THE PROCLAMATION OF THE INDEPENDENCE OF UKRAINE

Mr. BURDICK. Mr. President, yesterday, the Nation rejoiced as our President took the oath of office and swore to uphold and defend our Constitution. It was a day for celebrating our freedom, and the strength and vitality of our democracy.

So many people in this world are denied this kind of celebration. Indeed, they are denied the most fundamental political and human rights. I am thinking in particular of the people of the Ukraine, for today marks the 67th anniversary of the Proclamation of Independence of the Ukraine.

Although the valiant Ukrainian fighters were eventually defeated by the Bolsheviks, the dream of a free Ukraine has not died. Political and religious repression have not daunted those Ukrainians who are determined to continue the struggle for human rights for the people of the Ukraine.

Ukrainians in the free world look to the United States to lend moral support to their cause, especially on this important anniversary.

It is in this spirit that I want to share with my colleagues the following letter which I received from the president of the North Dakota Branch of the Ukrainian Congress Committee of America. The letter eloquently explains the significance of January 22 to all freedom-loving Ukrainians, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Senator QUENTIN BURDICK,
Hart Senate Building,
Washington, DC.

DEAR SENATOR BURDICK: On January 22, Ukrainian people in the free world will celebrate the 67th anniversary of the Proclamation of Independence of Ukraine. This proclamation was made in Kiev, the capital of Ukraine, on January 22, 1918.

Following this declaration, the sovereign state of Ukraine struggled for three years against the Russian Bolsheviks. They succumbed to the aggressor who established in Ukraine a communist government known as the Ukrainian Soviet Socialist Republic.

Under the Communist rule, millions of Ukrainians have been annihilated. In 1983, Ukrainians in the free world called attention to the 50th anniversary of the man-made famine which caused the death of seven million Ukrainians. Today, churches in Ukraine are still closed or destroyed, the clergy and faithful persecuted. All aspects of Ukrainian life are controlled and directed by Moscow.

Arrests, trials, convictions of thousands of Ukrainians charged with "anti-Soviet propaganda and agitation" have been made. Unfair trials and harsh sentences have been given to members of the Ukrainian Helsinki Accord Monitoring Groups. Extended prison terms are now being given to anyone who dares to speak.

Ukraine cannot accept cruel foreign domination, russification of her language and youth, the dissipation of her culture, destruction of religion and the annihilation of the country.

Each year in this great country of the United States, from coast to coast, January 22 is proclaimed as Ukrainian Independence Day. It is in the spirit of liberty, faith and justice that America gives moral support to the Ukrainian people.

This is the first year that we are without the encouragement and guidance of Dr. Anthony Zukowsky. He always assured us that our Congressmen, like you Senator Burdick, would do all in your power to support the Ukrainian cause.

We thank the President of the United States and Members of the United States Congress for their continued support to the Ukrainian people in their continued struggle for human rights.

Sincerely,

BOHDAN MAKARUK,
President, UCCA State Branch of North Dakota.

PLIGHT OF THE MINING INDUSTRY

Mr. DOMENICI. Mr. President, last week while the Congress was in recess I woke up to the headline "State to lose 800 mining jobs in Kerr-McGee closures." The article was referring to Cibola, Eddy, and Grant Counties in my State of New Mexico. The newspaper article reported the end of Kerr-McGee's Ambrosia Lake uranium mines and mill, and the shutdown of the potash mine between Carlsbad and Hobbs.

This was not a marginal operation. The shutdown of the Quiveria Mining Co., a division of the Kerr-McGee Corp., is a terrible sign for this industry. It is a terrible blow for my State's economy. It is estimated that in 1980 the company created over $600 million of economic activity. That figure will be $20 million this year.

The very next day Western Nuclear announced that it was shutting down its uranium mining operations near Thoreau, leaving only Homestake Mining as a producer of the vitally important yellowcake.

In the last 4 years more than 800 families with jobs in the uranium industry have had to face the questions: How are we going to pay the bills? Where are we going to go, what are we going to do?

In the potash industry more than 1,000 jobs have been lost. Kerr-McGee is one of the most recent, but unfortunately for Grants, going out of business is not new: Conoco, Phillips, and Asarco have already pulled out.

Ideal Basic Industries, Inc. is also looking to sell Potash Co. of America which has operations in Carlsbad and Canada.

If misery loves company, the copper industry can commiserate with potash and uranium. Right now, Kennecott is proposing to cut wages and benefits of union employees by $6 an hour to try and keep the copper mines in New Mexico open and to help the depressed U.S. copper industry.

Numbers serve to discipline the rhetoric, so let me give you a few startling statistics that show that I am not just being rhetorical. The numbers emphasize the seriousness of the mining industry's plight. We are in real danger of losing 75 percent of our copper industry and 40 percent to 50 percent of our iron-ore industry. I believe that more than 90 percent of the U.S. potash industry is in peril as well. These are big operations that cannot open and close with ease.

As each of these mines close, it means death for the community life which revolves around it. In most instances the end is as permanent as the death of a soldier who has fought hard to make his country great. The problem is that this administration is not paying attention and no one is even showing up for the funeral.

The recovery of 1983-84 largely bypassed the mining regions of America. Now, after a prolonged period of painful losses, these companies are reeling from shrinking markets, huge debt and depressed prices.

The plight of the mining industry is not a simple example of an industrial megatrend—the shift of the production and processing of all basic materials from the industrial countries to the Third World just because these countries can produce at a cheaper price. The facts do not support this assertion.

In the case of the copper industry, the United States has been responsible for almost every technological advancement. Great strides have been made in reducing costs. A recent Bureau of Mines report calculates that the average production cost for U.S. copper is 65 cents per pound. Some units are considerably less. Copper companies and labor unions are currently talking about reducing labor costs. This may be necessary but unless the United States does something about unfair and subsidized competition, the United States is not going to have a copper industry.

The U.S. industry has spent more than $1.3 billion in the last 5 years to make the U.S. copper industry state of the art. The industry has clearly done its part for survival, and maybe even more.

U.S. copper workers are the most productive in the world. They have done their work well, they deserve to keep their jobs.

It should be kept in mind that many of the foreign operations that are still producing at full capacity have much higher workers have jobs is because of their government's policies. The reason U.S. workers have no jobs is because of our Government's policies, and that needs to change.

The administration's response to the plight of the copper industry has been a deaf ear and a lot of talk about free trade, realignments, comparative advantages, and sectorial shifts. The State Department appears to be only concerned about its relationship with Chile, Zambia, and Zaire the USA must be concerned about both and can be. The Treasury Department is more concerned about making sure these poor countries can continue to pay the lucrative fees necessary to reschedule and reschedule the LDC debt. The U.S.T.R. lives in an ivory tower espousing the free trade philosophy. Collectively, it reminds me of Nero playing the fiddle while Rome burned.

The industry's dire straits ripple far beyond the dozen or more companies and the handful of affected States.

In 1981, U.S. metals mining was an $8.9 billion enterprise. By 1983, it had shrunk to just $5.9 billion. The jobs provided exceeded 109,000 in 1981. At the beginning of this year, what remains is a workforce of about 44,800. The prognosis is a further reduction of another 30 percent.

A series of factors account for mining's closed or up-for-sale predicament. I will put the factors in two categories. The first is what I consider the "creative destruction factors." These are the exploitative and, in some cases, predatory practices of developing countries. They already have cheap labor and very low-cost reserves. But these countries are not content with this formidable pair of economic advantages.

They subsidize, they dump, they close their markets to our producers. It is glaringly apparent that foreign competitors are not interested in free trade, they do not believe that their comparative advantages are sufficient. They are clearly aggressively pursuing the creative destruction of the mining industry in the United States.

In addition, they apply for and receive concessionary loans from the World Bank and other multilateral development institutions to increase capacity to produce metals that the world already has too much of already.

They disregard supply and demand market forces. In a misguided quest for foreign exchange, they produce at full capacity even when the price of a commodity drops below their cost. It is ironic that these Third World countries are exploiting their resources to their own detriment by selling below their production costs.

These predatory practices of themselves are bad enough, but it is only half of the story. The second category of factors contributing to the economic demise of our mining sector is the "passive destructive factors."

The passive destructives are the policies being pursued by the United States in its blind commitment to free trade instantly, all of a sudden, right now. Let me give some examples of the passive destructive which is rampant in this administration. Last year, the U.S. copper industry tried to use our trade laws to get relief. They won their section 201 case unanimously before the International Trade Commission. This was in view of a 140-percent increase in imports in the past 4 years, and the loss of 18,000 good paying jobs. The U.S. industry convinced the ITC that it was competitive by showing that 14 of the 25 largest U.S. mines have been completely overhauled with state-of-the-art equipment since 1952.

The administration had an opportunity to restore balance to the depressed copper market, give the U.S. industry some relief and save 18,000 jobs. It refused, as did the administration that preceded it.

Later in the year, Congress passed a resolution finding that the United

States should enter into negotiations for production restraint agreements with the major foreign copper producing countries to restore the law of supply and demand. The response has been a task force of middle-level bureaucrats who are merely repackaging their memos on the section 201 case. This is what I mean by passive destruction of a vital sector of our economy.

The Commerce Department has been sitting on a potash dumping case for months. Apparently, the Commerce Department is reluctant to determine the appropriate tariff that should be imposed against the Soviet Union. This foot dragging is another example of passive destruction. To these industries, every day is critical and delay is deadly. If you need an example, consider Kerr-McGee, which I mentioned in my opening remarks.

The uranium industry has been victimized by creative destruction and passive destruction as well. It is an example of what will happen to many of our mineral and metals industries if we do not, as a nation, focus on what is happening in the world market. The demand for uranium has declined while international companies have aggressively expanded. They have been able to do this because of direct and indirect intervention of their foreign governments and because of very rich resources. As a result, the spot-market price for uranium has dropped from over $40 per pound to $5.50. No significant long-term contracts have been signed with domestic producers because of this glut of very cheap uranium.

We all agree that eventually the market will come into balance. The Department of Energy, which is legally responsible for monitoring this industry and maintaining its viability, has argued that it is indeed viable. They argue the industry will go through a period of retraction and reorganization. The result will be a viable industry.

But, Mr. President, how many companies which might have elected to hang in there will not? They will not, because they see foreign governments assisting their competition. They will not, because our utilities and our Government have sent no clear signal that they wish to avoid import dependence. To the contrary—the DOE now operates its uranium enrichment business in a fashion that negatively affects U.S. production of uranium. I have argued that, in the face of such facts our industries will abandon uranium mining. They will put their money elsewhere.

Mr. President, policymakers in this administration with a simplistic view of economics and no experience with the uranium business will argue that, in time, some company will take Quiveras' place. That might be true, if foreign producers were not protected from similar economic conditions. They will expand to fill the gap left by Quivera. That share of the market will be lost forever.

We, as a nation, learned the horrible truth about being dependent on oil imports. We will, I am afraid, learn that same lesson with strategic minerals and uranium.

The Energy Information Agency has projected that aggressive marketing by foreign uranium producers could result in their capturing over 80 percent of our market by the late 1980's. Yet the Department of Energy says everything is OK for the future. Is this passive destruction?

The U.S. mining industry is not asking to be a prima donna. It just wants to be able to perform on its own merits. We have the most productive workers in the world. I find it hard to believe that there is no role for them in the world economy of the 1980's.

I am looking at legislation that will put a stop to both the creative destruction and the passive destruction that is plaguing our American mining companies.

I wanted to take some time today to bring you up to date, to let you know of my commitment and determination to correct this deplorable situation.

Thank you very much, Mr. President.

MEMORANDUMS OF DISAPPROVAL RECEIVED FROM THE PRESIDENT OF THE UNITED STATES

The following messages from the President withholding his approval of certain Senate bills were received after the sine die adjournment of the 98th Congress:

S. 540

MEMORANDUM OF DISAPPROVAL

I am withholding my approval of S. 540, the "Health Research Extension Act of 1984," which would extend and amend the biomedical research authorities of the National Institutes of Health [NIH].

I have been assured by the Department of Health and Human Services that the Continuing Resolution gives adequate authority for current NIH activities in fiscal year 1985.

This Administration has a record of strong commitment to the support and conduct of biomedical research by the NIH. Each year since taking office, I have requested increases for biomedical research. In 1985, the NIH will receive its largest increase in appropriated funds in history. This increase will ensure the continued operation of the NIH for the coming year and will continue to assist in improving medical practice and the health of the American people.

Rather than improve our research efforts, however, the unfortunate result of S. 540 would be to impede the progress of this important health activity by:

Creating unnecessary, expensive new organizational entities;

—two institutes would be created, an arthritis and a nursing institute. This reorganization of the NIH is premature in light of a study of the NIH organizational structure to be released in a few weeks by the Institute of Medicine/National Academy of Sciences.

—numerous bodies, such as a National Commission on Orphan Diseases, an Interagency Committee on Learning Disabilities, and a Lupus Erythematosus Coordinating Committee, would be created for which there are existing mechanisms that could or already perform such functions.

Mandating overly specific requirements for the management of research that place undue constraints on Executive branch authorities and functions;

—new positions would be created and numerous reports required that would divert scarce resources away from the NIH central mission of basic biomedical research.

—the various NIH peer review groups would be exempted from the provisions of the Federal Advisory Committee Act and Office of Management and Budget oversight. This represents an unwarranted interference with internal Executive branch management over the largest number of advisory groups for any Federal agency.

Going beyond the Administration's request to extend only expiring authorities by rewriting all the relevant statutes of the NIH;

—current law contains sufficient authority and flexibility to carry out the important research and training activities of NIH, to respond to public concerns, and to meet scientific needs and opportunities. Imposing a uniform set of authorities for each research institution disregards the more extensive mission of some institutes and overburdens smaller institutes which do not need these additional programmatic and advisory responsibilities.

—this attempt to recodify existing statutory language has resulted in some so-called technical revisions that will result in undesired operational changes in some of the institute programs.

I want to underscore my commitment to biomedical research and the National Institutes of Health. The NIH has stood as an example of excellence for 40 years. I do not believe that it is either necessary or wise to revise completely the laws under which it has so successfully operated.

I therefore find no reasonable justification for the extensive changes to the NIH mandated by S. 540. In order to better serve the promise and the future of our national biomedical research enterprise, I am withholding my approval of this bill.

RONALD REAGAN.

THE WHITE HOUSE, *October 30, 1984.*

S. 2574

MEMORANDUM OF DISAPPROVAL

I am withholding my approval of S. 2574, the "Public Health Service Act Amendments of 1984," which would extend and amend various health professions and services authorities. I have been assured by the Department of Health and Human Services that the Continuing Resolution provides adequate authority for these programs for fiscal year 1985.

S. 2574 is a seriously flawed piece of legislation. The most serious of its many objectionable provisions include the following:

First, the bill contains authorization levels substantially in excess of my 1985 Budget. Full funding of all the programs in the bill through 1987 would total $2.4 billion, 41 percent more than the $1.7 billion contained in the Budget.

Moreover, S. 2574 would continue to increase obsolete Federal subsidies to health professions students and would maintain the static and rigid categorical framework to deliver such aid. The ability of medical schools to supply our society with health professionals has changed dramatically in the last 20 years. Today, our medical schools are producing nearly 16,000 new doctors each year. Although there may be some shortages of physicians and nurses in particular areas of the country, the Nation as a whole is facing a future surplus—not shortage—of physicians and nurses. Under these circumstances, S. 2574, a bill which continues excessive taxpayer subsidies to health professionals and maintains a rigid unworkable categorical framework, cannot be justified.

S. 2574 takes the wrong approach to health professions training. In contrast to the Administration's proposal for a single, omnibus reauthorization of all health professions authorities, which would permit maximum program flexibility to address current needs, the bill not only reauthorizes the existing plethora of narrow, categorical authorities, but also creates new programs. This approach to health professions training is outdated and fails to respond to the rapidly changing health care environment.

A more appropriate approach would recognize that the surplus of physicians has reduced the need for Federal financial assistance and would improve incentives for health professionals to locate in areas of the country where shortages exist. The Administration's health professions proposals would help meet these objectives.

S. 2574 would also repeal the Primary Care Block Grant authority—a key reform proposed by the Administration and enacted by the Congress in 1981 designed to restore State control, strengthen administrative efficiencies, and improve the delivery of health services. Thus, this bill would reverse a successful trend of increased State acceptance of health care responsibility that the Administration initiated. The block grant programs for preventive health and health services and alcohol and drug abuse have been successful. The primary care block grant was made optional by the Congress, and States have been hesitant to accept it. However, to close out the option at a time when States should be willing to consider another step toward greater autonomy is counterproductive and unacceptable.

This bill contains numerous other provisions that are either unnecessary or unacceptable, including authorization for new Federal National Health Service Corps scholarships that are not needed, since the number of scholarship recipients already bound to subsidized medical practice in rural areas is adequate.

For all these reasons, I find S. 2574 unacceptable.

RONALD REAGAN.

THE WHITE HOUSE, *October 30, 1984.*

S. 1967

MEMORANDUM OF DISAPPROVAL

I am withholding my approval from S. 1967, a bill "To compensate the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community for irrigation construction expenditures."

S. 1967 would reimburse the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community for $107,759.58 in tribal funds expended under applicable law for the construction of irrigation projects on the Fort Belknap Indian Reservation from 1895 to 1913. In addition, interest would be paid at 4 percent from the date of expenditure of the tribal funds until the date of payment of the principal pursuant to the bill.

On November 20, 1962, the Indian Claims Commission, after due deliberation, issued a detailed opinion carefully considering and dismissing (among other claims) a claim for the same reimbursement that would be provided by the bill. Fort Belknap Indian Community v. United States, 11 Ind. Cl. Comm. 479, 510-518, 543-549 (1962). The Commission found that construction of the irrigation system was "requested by the members of the Fort Belknap Community," that it has been of great and continuing benefit to the tribes, and "that its construction and maintenance have been consonant with the fair and honorable dealings clause within the meaning of the Indian Claims Commission Act." 11 Ind. Cl. Comm. 518-519. The tribes took no appeal from that decision.

The fair and impartial administration of justice and the protection of public resources from meritless special appropriations both require that those who have availed themselves of judicial remedies in asserting claims against the United States, and have had their claims fully and fairly adjudicated under our Constitution and laws, receive no more or less than that to which they have been adjudged to be entitled. Twenty-two years after the claims of these two tribes were dismissed by an impartial tribunal established by the Congress specifically to adjudicate such claims, this bill would authorize and appropriate to them all that they were previously found not to be entitled to.

Under the circumstances, the enactment of the bill would set aside established principles of justice and thereby encourage other and future efforts to obtain by legislation that which has been denied by a just adjudication.

For these reasons, I find the bill unacceptable.

RONALD REAGAN.

THE WHITE HOUSE, *October 17, 1984.*

S. 607

MEMORANDUM OF DISAPPROVAL

I have withheld my approval from S. 607, the "Public Broadcasting Amendments Act of 1984."

This bill would authorize appropriations of $200 million, $225 million, and $250 million, respectively, for fiscal years 1987, 1988, and 1989 for the Corporation for Public Broadcasting. It would also authorize appropriations of $25 million, $35 million, and $40 million for the Public Telecommunications Facilities Program administered by the Department of Commerce for fiscal years 1985, 1986, and 1987.

Public broadcasting has an important role to play in assuring that a wide variety of information and entertainment choices are made available to American viewers and listeners. Under S. 607, however, the authorizations for Federal subsidies to public broadcasting would increase dramatically. When all of the demands on the Federal budget are taken into account, I cannot endorse the levels of spending on public broadcasting contemplated by this legislation. They are incompatible with the clear and urgent need to reduce Federal spending.

It is important to note that current-year funding for these two programs totals only $174 million. The Oxley amendment would have resulted in a generous and barely affordable increase of 15 percent, to $200 million. S. 607 goes much further and raises first-year funding by 29 percent to $225 million for the two programs. By the

third year under S. 607, combined funding would be $290 million, a 67 percent increase from the current budget year. Under present fiscal conditions, unrestrained increases of this magnitude—no matter how worthy the programs—are unacceptable.

Legislation that provides for Federal support of public broadcasting at realistic and reasonable levels and that provides public broadcasters with the means and incentives to explore alternative revenue sources would be both appropriate and welcome. If, however, we are to succeed in reducing Federal spending—as we must—the levels of spending contemplated by S. 607 cannot be justified.

In withholding my approval of S. 607, I want to emphasize that the continued operations of the Corporation for Public Broadcasting are not at risk. Funds for the Corporation have already been appropriated for 1985 and 1986, and funds for 1987 are contained in H.R. 6028, the Labor-Health and Human Services-Education 1985 appropriations bill, which recently passed both Houses of Congress.

I vetoed an earlier version of this legislation on August 29, 1984, for precisely the same reasons that I am withholding my approval of S. 607. I will continue to oppose and reject bills of this nature until and unless Congress presents me with a bill that is consistent with sound budget policy. This one is certainly not, and I decline to approve it.

RONALD REAGAN.

THE WHITE HOUSE. *October 19, 1984.*

S. 1097

MEMORANDUM OF DISAPPROVAL

I have withheld my approval from S. 1097, the "National Oceanic and Atmospheric Administration's Atmospheric and Oceanic Research and Services Act of 1984." S. 1097 would, among other things, authorize appropriations for various National Oceanic and Atmospheric Administration (NOAA) programs for fiscal year 1985, for which appropriations have already been enacted.

S. 1097 also contains, however, a number of undesirable provisions that would unduly effect the ability of the Department of Commerce to manage its programs responsibly and effectively. The provisions in Title VI concerning the closings and consolidations of National Weather Service offices are particularly onerous and would have the effect of virtually precluding the consolidation or closing of such offices, even when such closings or consolidations are fully justified.

In addition, S. 1097 contains other highly objectionable provisions concerning the Department's activities. Section 205 of S. 1097 would result in excessive and unjustifiable delays in Department contracting-out activities, even when such contracting would be in the clear interest of the Nation's taxpayers. And, Section 202(b), which concerns the weather satellite program, is objectionable because it would lessen the Secretary of Commerce's discretion in managing that program, as well as require the inefficient use of a government asset.

This act represents an unwarranted intrusion by Congress into matters normally and properly within the management discretion of the Executive branch. In the interest of efficient and economical conduct of government activities, therefore, I am constrained to withhold my approval of S. 1097.

RONALD REAGAN.

THE WHITE HOUSE, *October 19, 1984.*

S. 2166

MEMORANDUM OF DISAPPROVAL

I am withholding my approval of S. 2166, the "Indian Health Care Amendments of 1984," which would extend and amend the Indian Health Care Improvement Act.

Although I fully support the intent and objectives of the Indian Health Care Improvement Act, I believe this bill is seriously deficient in fulfilling those goals. My disapproval of the bill will in no way affect the continued delivery of health care services to our country's Indian population. Earlier this month I signed the Continuing Resolution Appropriations Act for fiscal year 1985, which includes $855 million for the Indian Health Service, an increase of $30 million over the prior year.

A number of serious flaws in S. 2166 compel my disapproval of this bill. Two provisions are especially troublesome.

First, a provision that I find totally unacceptable would actually reduce access to health services for Indians. That provision would have the effect of making Indians residing in Montana ineligible for certain benefits of State and locally supported health programs until and unless the availability of such benefits from the Indian Health Service has been exhausted. In my view, this provision for Indian citizens of Montana would set a precedent for potentially changing the fundamental relationship of the Indian Health Service to State and local entities, as well as depriving eligible Indians of benefits that should be due them by virtue of their citizenship in the State. As a matter of both principle and precedent, I cannot accept this provision.

Second, the mechanism established in section 602(d) of the bill for effecting the removal of the Indian Health Service from the Health Resources and Services Administration (HRSA) is unconstitutional and can have no legal effect. The Department of Justice has advised me that the Congress may not constitutionally delegate to a congressionally appointed body, such as the Commission on the Organizational Placement of the Indian Health Service established by this bill, the legislative authority to determine when legislation will take effect. Because section 602(d) does not comply with the clear requirements of the Constitution, I cannot give my approval to this bill.

Other serious flaws in S. 2166 that compel my disapproval would:

—duplicate existing authorities in most of its provisions;

—unnecessarily and wastefully change the organization of the Indian Health Service; and

—place increased emphasis on services that are not oriented toward the primary mission of the Indian Health Service.

The bill would allocate a significant portion of funding for various peripheral projects, such as unnecessary reports, interagency agreements, and regulations development. This would lead either to an unacceptable increase in total funding or to underfunding of the most critical area—provision of clinical health services to reservation Indians. The Administration has, on the other hand, proposed using most Indian health funds for this purpose, so that resources can be most effectively spent where the need is the greatest.

For all these reasons, I find S. 2166 unacceptable.

As I indicated earlier, the action I am taking will have no adverse impact on the delivery of health services to Indians living on or near a reservation because the existing provisions of the Snyder Act provide all necessary authority for such services. Since 1955, utilizing the Snyder Act authorities:

—30 hospitals have been constructed;

—30 clinics and 58 field health stations have been constructed;

—Annual admissions to Indian Health Service and contract hospitals have more than doubled; outpatient visits have multiplied by approximately eight times; and the number of dental services provided has increased ten-fold.

Even more important are the achievements in terms of improved health status, which is, after all, the goal of the Indian Health Service:

—The infant mortality rate has decreased by 77 percent and the maternal death rate by 86 percent;

—The death rate resulting from pneumonia and influenza has decreased by 73 percent; and

—Death from tuberculosis has been reduced by 94 percent and the incidence of new active tuberculosis has been reduced by 84 percent.

Over the last decade, the Federal Government has supported the Indian Health Service with over $5 billion.

The last budget that I submitted to the Congress projected spending an additional $4 billion through 1989.

My Administration's commitment to ensuring the continuing improvement of health services delivery to Indian people and Alaska natives is strong and clear.

RONALD REAGAN.

THE WHITE HOUSE, *October 19, 1984.*

MESSAGES FROM THE HOUSE

At 2:07 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 29. Resolution relative to the death of the Honorable Gillis W. Long, a Representative from the State of Louisiana.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-141. A communication from the Acting Assistant Secretary of the Army (Installations and Logistics), transmitting, pursuant to law, a report on the conversion of the U.S. Army Recruiting Center at Cameron Station, VA, and Fort Meade, MD, to performance by contract; to the Committee on Armed Services.

EC-142. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the status of efforts to resolve disputes connected with the establishment of the Regional Military Training Center in Honduras; to the Committee on Armed Services.

EC-143. A communication from the Secretary of the Federal Energy Regulatory Commission transmitting, pursuant to law, the final valuations of properties of certain carriers; to the Committee on Commerce, Science, and Transportation.

EC-144. A communication from the Comptroller General of the United States transmitting an analysis of issues concerning "acid rain"; to the Committee on Environment and Public Works.

EC-145. A communication from the Chairman of the Consumer Product Safety Commission transmitting, pursuant to law, a report on the results of an evaluation of the system of internal accounting and administrative control of the Commission; to the Committee on Governmental Affairs.

EC-146. A communication from the Secretary of the Postal Rate Commission dismissing a proposal to add a new category of mail; to the Committee on Governmental Affairs.

EC-147. A communication from the D.C. Auditor transmitting, pursuant to law, a report on overpayments to LaMancha, Inc.; to the Committee on Governmental Affairs.

EC-148. A communication from the Administrator of Veterans' Affairs transmitting, pursuant to law, a semiannual report of the inspector general for the period April 1, 1984 through September 30, 1984; to the Committee on Governmental Affairs.

EC-149. A communication from the Deputy Assistant Secretary of Defense transmitting, pursuant to law, a notice for a Computer Matching Program; to the Committee on Governmental Affairs.

EC-150. A communication from the Secretary of Education transmitting, pursuant to law, the Department's letter of assurance and annual statement to the President on internal controls at the Department of Education; to the Committee on Governmental Affairs.

EC-151. A communication from the Secretary of Education transmitting, pursuant to law, notice of completion of 1984 reviews of the Department's accounting systems; to the Committee on Governmental Affairs.

EC-152. A communication from the Assistant Attorney General for Administration transmitting, pursuant to law, a notice of intent to establish a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-153. A communication from the Acting Assistant Secretary for Health transmitting, pursuant to law, a report on a new system of records; to the Committee on Governmental Affairs.

EC-154. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the annual report of the Indian Health Care Improvement Act; to the Select Committee on Indian Affairs.

EC-155. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report under the Primary Care Block Grants Act; to the Committee on Labor and Human Resources.

EC-156. A communication from the Assistant Secretary of the Interior (Water and Science), transmitting, pursuant to law, a report on an application by the Rancho California Water District, CA, for a loan under the Small Reclamation Projects Act; to the Committee on Energy and Natural Resources.

EC-157. A communication from the Acting Under Assistant Secretary of Agriculture for International Affairs and Commodity Programs, transmitting, pursuant to law, the second quarterly commodity and country allocation table showing current programming plans for food assistance under title I/III of Public Law 480 for fiscal year 1985; to the Committee on Agriculture, Nutrition, and Forestry.

EC-158. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the President's third special message for fiscal year 1985; pursuant to Senate Resolution 45, referred jointly to the Committee on the Budget, the Committee on Appropriations, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Energy and Natural Resources, the Select Committee on Indian Affairs, the Committee on Labor and Human Resources, and the Committee on Governmental Affairs.

EC-159. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report on the civilian end strength for fiscal year 1984; to the Committee on Armed Services.

EC-160. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the fiscal year 1984 annual report on the Department's Solar Energy and Energy Conservation Bank; to the Committee on Banking, Housing, and Urban Affairs.

EC-161. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the fiscal year 1984 report on the Rental Rehabilitation Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-162. A communication from the Administrator of NASA transmitting, pursuant to law, a report on the recent establishment in NASA of an Office of Commercial Program; to the Committee on Commerce, Science, and Transportation.

EC-163. A communication from the Acting Secretary of Agriculture transmitting, pursuant to law, a report on a minor boundary adjustment to the Admiralty Island National Forest Monument to remove a mining operation therefrom; to the Committee on Energy and Natural Resources.

EC-164. A communication from the Secretary of Energy transmitting, pursuant to law, a report on activities to implement the alternative fuels production program; to the Committee on Energy and Natural Resources.

EC-165. A communication from the Secretary of Energy transmitting, pursuant to law, a report on certain actions taken under the Uranium Mill Tailings Radiation Control Act; to the Committee on Energy and Natural Resources.

EC-166. A communication from the Secretary of Energy transmitting pursuant to law, a report on the natural gas market; to the Committee on Energy and Natural Resources.

EC-167. A communication from the Acting Secretary of the Interior transmitting, pursuant to law, a report on the Salinity Control Program and the quality of water in the Colorado River basin; to the Committee on Energy and Natural Resources.

EC-168. A communication from the Fiscal Assistant Secretary of the Treasury transmitting, pursuant to law, a report on the statement of liabilities and other financial commitments of the U.S. Government; to the Committee on Finance.

EC-169. A communication from the Chairwoman of the U.S. International Trade Commission transmitting, pursuant to law, the 40th quarterly report on trade between the United States and the nonmarket economy countries; to the Committee on Finance.

EC-170. A communication from the Secretary of the Treasury transmitting, pursuant to law, the annual report of the U.S. Government for the fiscal year ended September 30, 1984; to the Committee on Finance.

EC-171. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a secret report on the fiscal year 1984 operation of the special defense acquisition fund; to the Committee on Foreign Relations.

EC-172. A communication from the Chairman of the National Endowment for the Arts transmitting, pursuant to law, a report on the agency's system of internal control; to the Committee on Governmental Affairs.

EC-173. A communication from the Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, a report on the Commission's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-174. A communication from the Associate Director of the U.S. Information Agency transmitting, pursuant to law, a report on the Agency's internal controls; to the Committee on Governmental Affairs.

EC-175. A communication from the Staff Director of the Commission on Civil Rights transmitting, pursuant to law, a report on the Commission's system of internal con-

trol; to the Committee on Governmental Affairs.

EC-176. A communication from the Acting President and the Treasurer of the Overseas Private Investment Corporation transmitting, pursuant to law, a report on the Corporation's system of internal accounting and administrative controls; to the Committee on Governmental Affairs.

EC-177. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the Department's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-178. A communication from the Acting Secretary of Commerce transmitting, pursuant to law, a report on the Department's accounting and financial management systems; to the Committee on Governmental Affairs.

EC-179. A communication from the Acting Secretary of Commerce transmitting, pursuant to law, a report on the Department's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-180. A communication from the Acting Attorney General of the United States transmitting, pursuant to law, a report on the Department's accounting system; to the Committee on Governmental Affairs.

EC-181. A communication from the Acting Attorney General of the United States transmitting, pursuant to law, a report on the Department's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-182. A communication from the Administrator of the Panama Canal Commission transmitting, pursuant to law, a report on the Commission's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-183. A communication from the Administrator of the Environmental Protection Agency transmitting, pursuant to law, a report on the Agency's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-184. A communication from the Chairman of the National Mediation Board transmitting, pursuant to law, a report on the Board's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-185. A communication from the Administrator of NASA transmitting, pursuant to law, a report on the administration's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-186. A communication from the Secretary of Defense transmitting, pursuant to law, a report on the Department's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-187. A communication from the Administrator of the Small Business Administration transmitting, pursuant to law, a report on the administration's systems of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-188. A communication from the Secretary of State transmitting, pursuant to law, a report on the Department's accounting systems; to the Committee on Governmental Affairs.

EC-189. A communication from the Secretary of Energy transmitting, pursuant to law, a report on the Department's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-190. A communication from the Members of the Board of the Railroad Retirement Board transmitting, pursuant to law, a report on the Board's internal accounting and administrative control systems; to the Committee on Governmental Affairs.

EC-191. A communication from the Administrator of Veterans' Affairs, transmitting, pursuant to law, an evaluation of the system of internal accounting and administrative control during fiscal year 1984; to the Committee on Governmental Affairs.

EC-192. A communication from the Under Secretary of Labor, transmitting, pursuant to law, an evaluation of the system of internal accounting and administrative control in effect for fiscal year 1984; to the Committee on Governmental Affairs.

EC-193. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, an evaluation of the system of internal accounting and administrative controls in effect during fiscal year 1984; to the Committee on Governmental Affairs.

EC-194. A communication from the Secretary of State, transmitting, pursuant to law, an evaluation of the internal accounting and administrative controls in effect during fiscal year 1984; to the Committee on Governmental Affairs.

EC-195. A communication from the Special Counsel of the Merit Systems Protection Board, transmitting, pursuant to law, the annual report on the activities of the Office of Special Counsel for fiscal year 1984; to the Committee on Governmental Affairs.

EC-196. A communication from the Assistant Attorney General for Administration, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-197. A communication from the Chairman of the Board of Governors of the U.S. Postal Service, transmitting, pursuant to law, the second semiannual report on investigative activities of the Postal Service; to the Committee on Governmental Affairs.

EC-198. A communication from the Veterans of World War I of the United States of America, Inc., transmitting, pursuant to law, the audit report of the organization for fiscal year 1984; to the Committee on the Judiciary.

EC-199. A communication from the Executive Secretary of the National Music Council, transmitting, pursuant to law, the audit report of the Council for the year ending April 30, 1984; to the Committee on the Judiciary.

EC-200. A communication from the chief judge of the U.S. Claims Court, transmitting, pursuant to law, a report on *The Merchants National Bank of Mobile* v. *the United States;* to the Committee on Appropriations.

EC-201. A communication from the Chairman of the Federal Election Commission transmitting, pursuant to law, a request for a supplemental appropriation; to the Committee on Appropriations.

EC-202. A communication from the Deputy Assistant Secretary of Defense transmitting, pursuant to law, a report on the exclusion of certain records from examination by the Comptroller General; to the Committee on Armed Services.

EC-203. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military assistance sale to the Federal Republic of Germany; to the Committee on Armed Services.

EC-204. A communication from the Acting Deputy Assistant Secretary of Defense transmitting, pursuant to law, a report on aviation career incentive pay; to the Committee on Armed Services.

EC-205. A communication from the Assistant Secretary of the Navy transmitting, pursuant to law, a report on a decision to convert the custodial services function at the naval air rework facility, Cherry Point, NC, to performance under contract; to the Committee on Armed Services.

EC-206. A communication from the Assistant Secretary of the Navy transmitting, pursuant to law, a report on a decision to convert the supply, shipping, and receiving function at the Naval Ocean Systems Center, San Diego, CA, to performance under contract; to the Committee on Armed Services.

EC-207. A communication from the Assistant Secretary of the Navy transmitting, pursuant to law, a report on the conversion of the maintenance of buildings and structures, family housing, Marine Corps Air Station, Beaufort, SC, to performance under contract; to the Committee on Armed Services.

EC-208. A communication from the Secretary of Transportation and the Chairman of the Interstate Commerce Commission transmitting, pursuant to law, a report on the bus terminal study; to the Committee on Commerce, Science, and Transportation.

EC-209. A communication from the Secretary of Energy transmitting, pursuant to law, a report on alcohol fuels; to the Committee on Energy and Natural Resources.

EC-210. A communication from the Secretary of Energy, transmitting, pursuant to law, the fourth annual report on the Methane Transportation Research, Development, and Demonstration Program; to the Committee on Energy and Natural Resources.

EC-211. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Department of Energy's Initial Efforts to Implement the Nuclear Waste Policy Act of 1982"; to the Committee on Energy and Natural Resources.

EC-212. A communication from the Secretary of Energy, transmitting, pursuant to law, the first annual determination of the viability of the domestic uranium mining and milling industry; to the Committee on Energy and Natural Resources.

EC-213. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the effects of the first three titles of the Social Security Disability Amendments of 1980; to the Committee on Finance.

EC-214. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the first annual report on the portfolio and finances of the private sector revolving fund; to the Committee on Foreign Relations.

EC-215. A communication from the Chairman of the Board of Foreign Scholarships, transmitting, pursuant to law, the annual report of the Board for fiscal year 1983; to the Committee on Foreign Relations.

EC-216. A communication from the Acting Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the Commission's annual report on compliance with the

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Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC-217. A communication from the Secretary of the Interior, transmitting, pursuant to law, an evaluation of the system of internal accounting and administrative control in effect in fiscal year 1984; to the Committee on Governmental Affairs.

EC-218. A communication from the Acting Director of the Office of Child Support Enforcement, Department of Health and Human Services, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-219. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-198 adopted by the council on October 23, 1984; to the Committee on Governmental Affairs.

EC-220. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-199 adopted by the council on October 9, 1984; to the Committee on Governmental Affairs.

EC-221. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-201 adopted by the council on October 9, 1984; to the Committee on Governmental Affairs.

EC-222. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-200 adopted by the council on October 9, 1984; to the Committee on Governmental Affairs.

EC-223. A communication from the Chairman of the Federal Home Loan Bank Board, transmitting, pursuant to law, an evaluation of the internal accounting and administrative controls in effect during fiscal year 1984; to the Committee on Governmental Affairs.

EC-224. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, an evaluation of the internal accounting and administrative controls in effect during fiscal year 1984; to the Committee on Governmental Affairs.

EC-225. A communication from the Assistant to the President for Management and Administration, transmitting, pursuant to law, an evaluation of the system of internal accounting and administrative controls in effect in the Executive Office of the President during fiscal year 1984; to the Committee on Governmental Affairs.

EC-226. A communication from the Acting Secretary of the Treasury, transmitting, pursuant to law, an evaluation of the system of internal accounting and administrative controls in effect during fiscal year 1984; to the Committee on Governmental Affairs.

EC-227. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-194 adopted by the council on October 9, 1984; to the Committee on Governmental Affairs.

EC-228. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-193 adopted by the council on October 9, 1984; to the Committee on Governmental Affairs.

EC-229. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-190 adopted by the council on October 9, 1984; to the Committee on Governmental Affairs.

EC-230. A communication from the chairman of the Council of the District of Columbia transmitting, pursuant to law, copies of D.C. Act 5-189 adopted by the council on October 9, 1984; to the Committee on Governmental Affairs.

EC-231. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-183 adopted by the council on October 9, 1984; to the Committee on Governmental Affairs.

EC-232. A communication from the chairman of the Council of the District of Columbia transmitting, pursuant to law, an act of the council D.C. Act 5-182; to the Committee on Governmental Affairs.

EC-233. A communication from the chairman of the District of Columbia Council transmitting, pursuant to law, an act of the council D.C. Act 5-181; to the Committee on Governmental Affairs.

EC-234. A communication from the chairman of the District of Columbia Council transmitting, pursuant to law, an act of the council D.C. Act 5-180; to the Committee on Governmental Affairs.

EC-235. A communication from the chairman of the District of Columbia Council transmitting, pursuant to law, an act of the council D.C. Act 5-179; to the Committee on Governmental Affairs.

EC-236. A communication from the chairman of the District of Columbia Council transmitting, pursuant to law, an act of the council D.C. Act 5-178; to the Committee on Governmental Affairs.

EC-237. A communication from the chairman of the District of Columbia Council transmitting, pursuant to law, an act of the council D.C. Act 5-177; to the Committee on Governmental Affairs.

EC-238. A communication from the chairman of the District of Columbia Council transmitting, pursuant to law, an act of the council D.C. Act 5-192; to the Committee on Governmental Affairs.

EC-239. A communication from the chairman of the District of Columbia Council transmitting, pursuant to law, an act of the council D.C. Act 5-191; to the Committee on Governmental Affairs.

EC-240. A communication from the chairman of the District of Columbia Council transmitting, pursuant to law, an act of the council D.C. Act 5-197; to the Committee on Governmental Affairs.

EC-241. A communication from the chairman of the District of Columbia Council transmitting, pursuant to law, an act of the council D.C. Act 5-196; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND (for himself, Mr. HOLLINGS, and Mr. ANDREWS):

S. 213. A bill to provide State and local governments greater flexibility and self-determination in addressing how specific highway needs can best be met; to the Committee on Environment and Public Works.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 214. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to proceed with the planning, designing, engineering, and construction of the Charleston Harbor deepening project; to the Committee on Environment and Public Works.

By Mr. THURMOND:

S. 215. A bill for the relief of Reina Estela Olvera; to the Committee on the Judiciary.

S. 216. A bill for the relief of Thotathil Achenkunju; to the Committee on the Judiciary.

By Mr. MELCHER:

S. 217. A bill to amend the Internal Revenue Code of 1954 to make permanent the rules relating to imputed interest and assumption of loans, and for other purposes; to the Committee on Finance.

By Mr. HEINZ:

S. 218. A bill for the relief of Dr. Mario Rubin and Adriana Rubin; to the Committee on the Judiciary.

S. 219. A bill for the relief of Rosario L. Clarin; to the Committee on the Judiciary.

S. 220. A bill for the relief of Edmond Ing-Ming Ko, doctor of philosophy; to the Committee on the Judiciary.

S. 221. A bill for the relief of Francesco Bellizzi and Maria Bellizzi, husband and wife, and their children, Marco Bellizzi and Dina Bellizzi; to the Committee on the Judiciary.

S. 222. A bill for the relief of Sin Fong Chang and Sau Wah Chang, husband and wife, and their children, Tung Fu Chang and Tung Yan Chang; to the Committee on the Judiciary.

S. 223. A bill for the relief of Nikola Markarian, Maral Markarian, and Hera Markarian; to the Committee on the Judiciary.

S. 224. A bill for the relief of Maxine Ann Fricioni; to the Committee on the Judiciary.

S. 225. A bill for the relief of Remigio Aquino and his wife Ines Aquino; to the Committee on the Judiciary.

S. 226. A bill for the relief of Augustine Chi-Kuen Au, doctor of dental surgery, and Adrienne Au, husband and wife; to the Committee on the Judiciary.

By Mr. COCHRAN:

S. 227. A bill for the relief of Kwok Tung Yu; to the Committee on the Judiciary.

S. 228. A bill for the relief of Thoman Hulmut Hofmann; to the Committee on the Judiciary.

S. 229. A bill for the relief of Gerald M. Hendley, of Harmons, MD; to the Committee on the Judiciary.

By Mr. BURDICK:

S. 230. A bill for the relief of the city of Dickinson, ND; to the Committee on Energy and Natural Resources.

By Mr. DOLE:

S. 231. A bill to establish a National Commission on Neurofibromatosis; to the Committee on Labor and Human Resources.

By Mr. PRYOR:

S. 232. A bill to amend the Internal Revenue Code of 1954 to add a new subsection dealing with exchanges and rentals of names from donor lists and membership lists; to the Committee on Finance.

By Mr. D'AMATO:

S. 233. A bill to provide for the minting of coins in commemoration of the centennial of the Statue of Liberty; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROTH (for himself, Mr. CHAFEE, and Mr. SYMMS):

S. 234. A bill to amend the Tariff Act of 1930 to make the trade laws more equitable and to expand trade; to the Committee on Finance.

By Mr. THURMOND (for himself, Mr. DENTON, Mr. HELMS, and Mr. SYMMS):

S. 235. A bill to amend title 5, United States Code, to prohibit employment in civil service positions in the executive branch of any individual required to register under the Military Selective Service Act who has not yet registered; to the Committee on Governmental Affairs.

By Mr. SPECTER (for himself, Mr. BYRD, Mr. HEINZ, Mr. COHEN, Mr. HEFLIN, Mr. KENNEDY, and Mr. LEVIN):

S. 236. A bill to amend the Unfair Competition Act of 1916 and Clayton Act to provide for further relief in the event of unfair foreign competition; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. LAXALT, Mr. HATCH, Mr. ABDNOR, Mr. CHILES, Mr. DOMENICI, Mr. LONG, Mr. ZORINSKY, Mr. DENTON, Mr. JOHNSTON, Mr. TRIBLE, Mr. D'AMATO, Mr. EAST, Mr. HELMS, and Mr. BOREN):

S. 237. A bill to amend title 18 to limit the application of the exclusionary rule; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. LAXALT, Mr. HATCH, Mr. DECONCINI, Mr. SIMPSON, Mr. ABDNOR, Mr. CHILES, Mr. DOMENICI, Mr. HELMS, Mr. LONG, Mr. NUNN, Mr. DENTON, Mr. COCHRAN, Mr. TRIBLE, Mr. D'AMATO, Mr. EAST, and Mr. BOREN):

S. 238. A bill to reform procedures for collateral review of criminal judgments, and for other purposes; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. DECONCINI, Mr. EAST, Mr. GRASSLEY, Mr. HATCH, Mr. SIMPSON, Mr. SPECTER, Mr. ABDNOR, Mr. DOMENICI, Mr. HELMS, Mr. LONG, Mr. TRIBLE, Mr. DENTON, Mr. D'AMATO, Mr. JOHNSTON, and Mr. BOREN):

S. 239. A bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes; to the Committee on the Judiciary.

By Mr. CRANSTON (for himself and Mr. PELL):

S. 240. A bill to amend the Uniform Time Act of 1966 to provide that daylight savings time commence each year on the first Sunday in March rather than the last Sunday in April; to the Committee on Commerce, Science, and Transportation.

By Mr. ROTH:

S. 241. A bill to change the term of the Chairman of the Board of Governors of the Federal Reserve System; to the Committee on Banking, Housing, and Urban Affairs.

S. 242. A bill entitled "The Equal Opportunity Retirement Act of 1984;" to the Committee on Finance.

S. 243. A bill to reduce individual income tax rates, to increase savings of individuals, to broaden the income tax base, and for other purposes; to the Committee on Finance.

By Mr. ABDNOR (for himself, Mr. BOSCHWITZ, and Mr. METZENBAUM):

S. 244. A bill to limit to the national median family income the amount of farm loss which may be deducted against nonfarm income by high income taxpayers in competition with full-time, family-sized farm operators; to the Committee on Finance.

By Mr. ABDNOR (for himself, Mr. MELCHER, Mr. WALLOP, Mr. SYMMS, Mr. HEINZ, Mr. EAST, and Mr. D'AMATO):

S. 245. A bill to amend the Internal Revenue Code of 1954 to repeal the requirement that contemporaneous records be kept to substantiate certain deductions and credits; to the Committee on Finance.

By Mr. DURENBERGER:

S. 246. A bill for the relief of Peter Lyn Johnson; to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 247. A bill to allow the State of Wisconsin to use the proceeds of veterans' mortgage bonds for the purpose of acquiring or replacing mortgages of veterans who were unable to obtain veterans' bond financing because of a court challenge to the constitutionality of such State's borrowing power; to the Committee on Finance.

By Mr. GRASSLEY:

S. 248. A bill to reduce the rates of pay for Members of Congress by 10 percent; to the Committee on Governmental Affairs.

By Mr. DURENBERGER (for himself, Mr. SASSER, and Mr. LEVIN):

S. 249. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; to the Committee on Governmental Affairs.

By Mr. PRESSLER:

S. 250. A bill to amend the Agricultural Act of 1949 to provide price support for the 1986 through 1990 crops of wheat, feed grains, and wool, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURENBERGER (for himself and Mr. ZORINSKY):

S. 251. A bill to amend the Internal Revenue Code of 1954 to make permanent the rules relating to imputed interest and assumption of loans, and for other purposes; to the Committee on Finance.

By Mr. ABDNOR:

S. 252. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Lake Andes-Wagner Unit, SD, Pumping Division, Pick-Sloan Missouri Basin Program, SD; to the Committee on Energy and Natural Resources.

S. 253. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Central South Dakota Water Supply System (CENDAK unit) Pick-Sloan Missouri Basin Program, SD; to the Committee on Energy and Natural Resources.

By Mr. RIEGLE:

S. 254. A bill for the relief of Guat Sia Sy, Jr., M.D., and his wife Dionisia Atienze Sy, M.D.; to the Committee on the Judiciary.

S. 255. A bill for the relief of Roger Eric Lord; to the Committee on the Judiciary.

S. 256. A bill for the relief of Jabbar Attou; to the Committee on the Judiciary.

S. 257. A bill for the relief of William Vojislav Rankovic, Stanislaw Rankovic, husband and wife; and William Rankovic, Jr., and Natalie Rankovic, their children; to the Committee on the Judiciary.

S. 258. A bill for the relief of Senen Macalinao Barlan; to the Committee on the Judiciary.

By Mr. EAGLETON (for himself, Mr. DANFORTH, Mr. DIXON, and Mr. SIMON):

S. 259. A bill to protect the public interest in stable relationships among communities, professional sports teams and leagues and in the successful operation of such teams in communities throughout the Nation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HEINZ (for himself, Mr. PRYOR, Mr. SYMMS, Mr. BOREN, Mr. NICKLES, Mr. LONG, Mr. WALLOP, Mr. GRASSLEY, Mr. DURENBERGER, Mr. BENTSEN, Mr. NUNN, Mr. ROTH, Mr. QUAYLE, Mr. THURMOND, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. FORD, Mrs. HAWKINS, Mr. ZORINSKY, Mr. MITCHELL, Mr. ABDNOR, Mr. EAST, Mr. MATTINGLY, Mr. BAUCUS, Mr. BUMPERS, Mr. COCHRAN, AND Mr. MELCHER):

S. 260. A bill to amend the Internal Revenue Code of 1954 to provide that the substantiation requirements of section 274(d) of such Code may be met, in the case of passenger automobiles and other transportation property, if the taxpayer provides substantial evidence other than contemporaneous records: to the Committee on Finance.

By Mr. GARN (for himself, Mr. ABDNOR, Mr. DANFORTH, Mr. DECONCINI, Mr. DENTON, Mr. EAST, Mr. FORD, Mr. GRASSLEY, Mr. HATCH, Mr. HATFIELD, Mrs. HAWKINS, Mr. HELMS, Mr. HUMPHREY, Mr. LAXALT, Mr. LUGAR, Mr. MCCLURE, Mr. NICKLES, Mr. PRESSLER, Mr. PROXMIRE, Mr. MCCONNELL, and Mr. SYMMS):

S.J. Res. 19. Joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons; to the Committee on the Judiciary.

By Mr. SYMMS (for himself, Mr. BURDICK, Mr. DENTON, Mr. ABDNOR, Mr. MCCLURE, Mr. EAST, and Mr. ZORINSKY):

S.J. Res. 20. Joint resolution proposing an amendment to the Constitution of the United States with respect to the English language; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S.J. Res. 21. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. WEICKER, Mr. INOUYE, Mr. EXON, Mr. BURDICK, Mr. HEINZ, Mr. NUNN, Mr. DOMENICI, Mr. METZENBAUM, Mr. CRANSTON, Mr. ANDREWS, Mr. COCHRAN, Mr. KERRY, Mr. STENNIS, Mr. CHILES, Mr. KENNEDY, Mr. JOHNSTON, Mr. ZORINSKY, Mr. DOLE, Mr. DODD, Mr. DECONCINI, Mr. THURMOND, Mr. SARBANES, Mr. SIMON, Mr. MATSUNAGA, Mr. LUGAR, Mr. BRADLEY, Mr. CHAFEE, and Mr. STEVENS):

S.J. Res. 22. Joint resolution designating March 1985 as "National Mental Retardation Awareness Month;" to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself, Mr. DOLE, Mr. PACKWOOD, Mr. BYRD, Mr. BRADLEY, Mr. HEINZ, Mr. GLENN, Mr. MATSUNAGA, Mr. CHILES, Mr. PRYOR, Mr. INOUYE, Mr. LAUTENBERG, Mr. SARBANES, Mr. DECONCINI, Mr. CRANSTON, Mr. ROTH, Mr. LEVIN, Mr. BUMPERS, Mr. BOREN, Mr. RIEGLE, Mr. SASSER, Mr. JOHNSTON, and Mr. STEVENS):

S.J. Res. 23. Joint resolution designating 1985 as the "Year of Social Security;" to the Committee on the Judiciary.

By Mr. BRADLEY (for himself and Mr. DECONCINI):

S.J. Res. 24. Joint resolution to designate the month of October 1985 as "National Make-A-Wish Month;" to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MELCHER:

S. Res. 42. Resolution expressing the sense of the Senate that the Secretary of the Treasury delay implementation of the requirement that taxpayers keep contemporaneous records of their use of certain property; to the Committee on Finance.

By Mr. MATTINGLY (for himself, Mr. DOLE, Mr. MURKOWSKI, Mr. SIMPSON, and Mr. SYMMS):

S. Res. 43. Resolution to express the appreciation of the Senate to Senator Ted Stevens for his service as assistant Republican leader and his service to the Senate; considered and agreed to.

By Mr. FORD:

S. Res. 44. Resolution to allow the limitation of debate by agreement upon a vote of four-fifths of the Senators present and voting; to the Committee on Rules and Administration.

S. Res. 45. Resolution to limit time on the motion to proceed; to the Committee on Rules and Administration.

S. Res. 46. Resolution to provide a general requirement that amendments be germane or relevant; to the Committee on Rules and Administration.

S. Res. 47. Resolution to require a two-thirds vote of Senators present and voting to overturn a ruling that an amendment is nongermane or to hold an amendment germane or relevant when submitted to the Senate; to the Committee on Rules and Administration.

By Mr. GLENN:

S. Con. Res. 6. Concurrent resolution expressing the sense of the Congress that the policy of separate development and the forced relocation of South African blacks to designated "homelands" is inconsistent with fundamental American values and internationally recognized principles of human rights and should be discontinued; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND (for himself, Mr. HOLLINGS, and Mr. ANDREWS):

S. 213. A bill to provide State and local governments greater flexibility and self-determination in addressing how specific highway needs can best be met; to the Committee on Environment and Public Works.

PROVIDING STATE AND LOCAL GOVERNMENTS FLEXIBILITY IN USING HIGHWAY FUNDS

Mr. THURMOND. Mr. President, I am introducing legislation today to provide State and local governments greater flexibility and self-determination in addressing their specific highway needs. This legislation is identical to a measure (S. 2738) I sponsored in the 98th Congress, together with Senators HOLLINGS and ANDREWS. I am pleased that they are again joining me as cosponsors of this proposal in the 99th Congress, and I invite my other Senate colleagues to do likewise.

Mr. President, one of the chief concerns State and local officials have voiced to me is that the States do not have sufficient flexibility to obligate their respective apportionments of Federal-aid highway funds in a manner that adequately addresses their most pressing highway needs. Under current law, funds authorized to be expended on the Federal-aid primary, secondary, and urban highway systems, and the so-called interstate 4-R work—interstate resurfacing, restoration, rehabilitation, and reconstruction—are apportioned among the States according to statutory formulas contained in 23 U.S.C. 104. While this same section does allow for some latitude in transferring funds from one system or category to another, such transfers are very limited and do not allow the States the flexibility they need.

This lack of flexibility affects all States to varying degrees, but the highway funding situation in my home State of South Carolina is especially illustrative of the general problem. In South Carolina, Mr. President, well over one-half of the estimated Federal-aid apportionments through fiscal year 1986 will be earmarked for interstate construction and 4-R work. In fact, expected funding for just the 4-R work on South Carolina's 772 miles of interstate highways is more than the combined total expected for both construction and 4-R work on the 6,737 miles of Federal-aid primary and urban systems. On a per-mile basis, the expected interstate 4-R funding is about nine times the expected total for both construction and 4-R work on the primary and urban systems.

The limited flexibility allowed under current law simply does not recognize nor address the fact that a substantial portion of the most pressing highway needs in South Carolina and other States are on the Federal-aid primary and urban systems. In many instances, the upgrading of Federal-aid primary and urban highways is more urgently needed than some 4-R work on the interstate system.

The legislation I am introducing today recognizes the reality that the Federal-aid apportionments for primary, secondary, and urban systems, and for 4-R work, do not always address the specific highway needs of each individual State. Under my bill, the Federal-aid highway apportionments of the States would be calculated in the same manner as provided for today. However, rather than funds being specifically earmarked for use on the Federal-aid primary, secondary, and urban systems, and for 4-R work, States would be free to allocate the total of their apportionments for all four of these categories among any one or all of these four categories as their individual needs require.

Mr. President, it has long been my belief that State and local officials are in a better position to know the needs of their citizens on matters of this nature than either the Congress or Federal bureaucrats in Washington. Whenever practicable, I believe it is best that the Federal Government defer to the judgment and decisions of State and local officials in allocating scarce financial resources among competing program needs within their jurisdiction.

Enactment of this legislation would be a step in that direction. It would give States and local governments greater flexibility and self-determination in addressing how their specific highway needs can best to met.

Mr. HOLLINGS. Mr. President, in these early days of the 99th Congress, this body will bring before it many major bills, including those badly needed to reduce the deficit. One piece of legislation that must be given immediate consideration is the interstate cost estimate. Without this, over $7 billion in highway funds will continue to be kept in limbo, while necessary construction and repair work goes undone.

Apart from this important task, there is one revision to the Federal-aid highway program that I believe would improve it substantially. Specifically, this relates to the bill we are introducing today.

This legislation, which I am happy to cosponsor, would eliminate the restrictions on a State shifting Federal highway construction funds from one system into another, where there may be particular problems. Under current law, such a transfer is difficult if not impossible, limiting how each State uses its highway funds.

It should be noted that this legislation would not in any way change the manner in which the Federal Highway Administration allocates primary, secondary, urban, and interstate 4-R funds to the States. Therefore, there would be no reduction in the total amount of highway dollars available to each State. This legislation would only enhance the ability of our scarce Federal dollars to be directed to where they are most needed.

In the last Congress, the senior Senator from South Carolina and I introduced similar legislation, after consultations with the leadership in the South Carolina General Assembly and the Department of Highways and Public Works. This earlier proposal garnered some attention from interested parties, but no action was taken by the Senate. I am hopeful that this new year and new Congress will bring increased awareness of the merits of this legislation, and I urge its enactment.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 214. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to proceed with

the planning, designing, engineering, and construction of the Charleston Harbor deepening project; to the Committee on Environment and Public Works.

CHARLESTON HARBOR DEEPENING PROJECT

Mr. THURMOND. Mr. President, joined by my colleague from South Carolina, Senator HOLLINGS, I am today introducing legislation to authorize the deepening of Charleston Harbor in Charleston, SC. This important port project has been under study since before 1967. Phase I studies of the project were originally authorized by Congress in 1976; however, implementation was delayed pending reassessment of several older projects. Unfortunately, the Charleston Harbor deepening project has since been caught in the logjam which has developed over water resource legislation.

This legislation would deepen the channel of Charleston to a depth of 40 feet at a Federal cost of $76.1 million. The channel is currently authorized at a depth of 35 feet. This means that ships calling at the port must draw no more than 31 feet, in order to safely navigate the channel. In light of the large size of ships routinely plying the world's oceans and calling at American ports, it is important that our Nation not fall further behind in port development.

The Port of Charleston is a very significant component of our world trade posture. In 1981, customs revenue in Charleston was approximately $150 million. Maritime Administration figures for calendar year 1983 rank Charleston third in containerized cargo for the east and gulf coasts. It is ranked seventh nationally in this cargo volume category.

Charleston is a rapidly growing port, and, if this project is allowed to go forward, this growth will be even greater in the future. In addition, customs revenue receipts are expected to rise as a result of the greater volumes of cargo which will move through the port.

I would like to emphasize, Mr. President, that, by introducing this bill, I am not ignoring the need for comprehensive water resource legislation. It is my plan to continue to work diligently to secure passage of such a bill. I would strongly urge that the Charleston Harbor deepening project be authorized, either through enactment of my bill or through inclusion in a more comprehensive water project measure, during this Congress.

Provisions authorizing this particular project were contained in both H.R. 3678, the House omnibus water resource bill, as well as the Senate water resource bill, S. 1739, during the 98th Congress. This is an important, high-priority project, and I urge my colleagues to join me in supporting swift enactment of appropriate authorizing legislation.

Mr. HOLLINGS. Mr. President, it gives me pleasure to join my senior colleague, Mr. THURMOND, in sponsoring the important bill we present today. Our bill will authorize the deepening of Charleston Harbor. Charleston is my hometown and I know first hand the need for this project. It's total cost is $76,100,000. This is an ongoing project, Mr. President, first under study in 1967. The initial studies associated with the project were authorized in 1976, but they have not been implemented for a number of reasons, chief among them the need to reassess several older projects. And, since those initial delays, additional problems have occurred with regard to delays in congressional approval of water resource legislation.

What we propose today, Mr. President, is to authorize the deepening of the Charleston channel to a depth of 40 feet. Present authorization permits a depth of only 35 feet. And, in order to safely navigate the channel ships now must draw a depth of no more than 31 feet. Without the additional depth provided by this project, Mr. President, Charleston Harbor will fall further and further behind, and an important resource for South Carolina, the region, and the Nation will be lost. We must obtain the additional depth if we are going to accommodate the larger and larger ships that are routinely, and increasingly, providing the bulk of the merchant marine capacity of the world.

My colleague has already presented an impressive set of statistics attesting to the fact that Charleston enjoys an impressive rank as a port of call for our Nation. And, just as significant is the rapid growth it has made. It's growth and future development mean much to the economic growth, not only of the region, but the entire Nation. With the additional depth we seek, we expect the rate of growth to increase even more dramatically in the future than we have witnessed in the past.

It's imperative that the Charleston Harbor deepening project be authorized, Mr. President, and the action we take today signals our intention to work persistently toward that goal. Mr. President, I urge my colleagues to join me in gaining swift approval of this bill.

By Mr. MELCHER:

S. 217. A bill to amend the Internal Revenue Code of 1954 to make permanent the rules relating to imputed interest and assumption of loans, and for other purposes; to the Committee on Finance.

IMPUTED INTEREST AND ASSUMPTION OF LOANS

● Mr. MELCHER. Mr. President, today I am introducing a bill to permanently resolve the imputed interest rate problems created in the 1984 Tax Act.

We have some breathing room on the infliction of high imputed interest on seller-financed property sales—still a little more than 5 months until July 1, when time runs out on a legislated delay adopted by Congress. That delay blocks the high imputed rates required to go into effect January 1 by the 1984 Tax Act.

As the final days of Congress were slipping by last October, the Senate still had not taken action to correct the seller-financed property sales contained in the 1984 Tax Act.

At that time, there were two approaches available to us for corrective action. One would have repealed the 1984 provisions, leaving everyone where they were prior to enactment of that tax bill. This approach has the simplicity of leaving imputed interest law the same as it has been for the past 3 years.

The second approach was to pass amendments that were easily understood and workable, leaving assumable loans alone by not causing them to be renegotiated and imputed interest applied, and exempting the first $2 million of any seller-financed sales of homes, land and small business property. That is about what Congress finally agreed upon, but just until July 1 of this year when we must have a permanent law adopted.

Unless we change the 1984 tax law by July 1 there will be very few seller-financed property sales. That means that any estimate of revenue gained by the new 1984 Tax Act provisions on imputed interest rates likely would be greatly overestimated by the Treasury Department because it blithely assumes that the same historic level of seller-financed property sales will continue. That would not be the case under the 1984 law because it will be a very rare person indeed who will find it sensible to sell property on a contract that will make the seller liable for income tax based on imputed interest income that the seller has never received.

Sellers simply will not be able to finance sales on that kind of a basis. Buyers will have to find other types of financing that will doubtlessly result in higher interest, and if the buyers cannot afford to pay the higher interest, the sale just will not be made.

As surely as night follows day, the Treasury Department estimate of a revenue loss of $2.2 billion if the provision were repealed is a false estimate, more worthy of fiction than fact.

This bill corrects the imputed interest rate problems created by the 1984 Tax Act by providing for a simple two-tier approach to imputed interest rates similar to the one taken by the House of Representatives in temporary legislation passed last October.

The first tier applies to debt amounts up to $2 million. In these

smaller property sales, the bill permits the seller to set the interest payments at 9 percent, which was the interest rate permitted prior to passage of the 1984 Tax Act. The bill also permits interest rates of less than 9 percent to be written into the contract should commercial interest rates drop substantially from current levels. An interest rate equal to 80 percent of Treasury rates may be used if that would result in a rate less than 9 percent.

If these requirements are not met in seller-financed property sales with debt of less than $2 million, then the Treasury is authorized to impute an interest rate to the seller-financer of 10 percent, or 100 percent of applicable Federal Treasury rates, whichever is lower.

The second tier deals with debt amounts above $2 million. For loan amounts exceeding $2 million the seller is permitted to write an interest rate equal to 80 of Treasury rates into the contract. If that requirement is not meant, then the Treasury Department is authorized to impute an interest rate to the seller equal to 100 percent of Federal rates.

Further, sellers are permitted to blend interest rates permitted for amounts under $2 million with the interest rates required for amounts over $2 million, so that in fact the test rate would never actually reach 80 percent of Treasury rates, nor would the imputed rate ever reach 100 percent of Treasury rates.

The bill contains language to insure that sales involving loan assumption are left as they were before the 1984 Tax Act. There was no specific language in the 1984 Tax Act on loan assumptions, but there was some language in the conference report which alluded to seller financing where loan assumptions were involved. The Treasury Department has stated that it believes that this is sufficient to give it authority to require that in deals where there is a loan assumption, the interest rates on the assumed loan must be increased to meet the new imputed interest rates in the 1984 Tax Act. This bill makes it clear that the new imputed interest rates are not to apply to existing loan assumptions.

Finally, the bill repeals a section of the 1984 Tax Act that took away the purchaser's right to deduct the full amount of any imputed interest that is deemed to have been paid to the seller. Prior to the 1984 Tax Act, if the seller were imputed an interest rate for tax purposes higher than the rate written into the contract, then the purchaser was permitted to take tax deductions for interest payments associated with the contract equal to the imputed rate. However, with the passage of the 1984 act, purchasers were limited to deducting the amount of interest stated in the contract, no matter what higher interest rate was deemed to be income to the seller—thus setting up an imbalance between the tax treatment of the seller and purchaser. I don't believe this is right, and this bill will restore tax neutrality to seller-financed transactions.

I believe that the simple two-tier system for imputed interest rates suggested by the House in its temporary provisions last fall makes sense. I have made that the basis of my bill and I hope that the Finance Committee will give it serious and early consideration this year so that we can get the imputed interest rate problem behind us and restore the usefulness of seller financing in the sales of real property.

Mr. President, I ask unanimous consent that the bill be printed in full at this point as well as a section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMPUTED INTEREST AND LOAN ASSUMPTION RULES MADE PERMANENT.

(a) GENERAL RULE.—Section 483 of the Internal Revenue Code of 1954 (relating to interest on certain deferred payments) is amended by striking out subsection (e) and redesignating subsection (f) as subsection (e), by redesignating subsections (g) and (h) as subsections (h) and (i) and by inserting after subsection (e) (as so redesignated) the following new subsections:

"(f) TESTING RATE AND IMPUTATION RATE DEFINED.—For purposes of this section—

"(1) TESTING RATE.—

"(A) IN GENERAL.—The term 'testing rate' means a percentage equal to the sum of—

"(i) the lessor of—

"(I) 9 percent, or

"(II) 80 percent of the applicable Federal rate, plus

"(ii) if the borrowed amount exceeds $2,000,000, the excess determined under subparagraph (B) multiplied by a fraction the numerator of which is the borrowed amount to the extent it exceeds $2,000,000, and the denominator of which is the borrowed amount.

"(B) EXCESS.—For purposes of subparagraph (A), the excess determined under this subparagraph is the excess of 80 percent of the applicable Federal rate determined under section 1274 (d) over 9 percent.

"(2) Imputation rate.—

"(A) IN GENERAL.—The term 'imputation rate' means a percentage equal to the sum of—

"(i) the lessor of—

"(I) 10 percent, or

"(II) 100 percent of the applicable Federal rate, plus

"(ii) if the borrowed amount exceeds $2,000,000, the excess determined under subparagraph (B) multiplied by a fraction the numerator of which is the borrowed amount to the extent it exceeds $2,000,000, and the denominator of which is the borrowed amount.

"(B) EXCESS.—For purposes of subparagraph (A), the excess determined under this subparagraph is the excess of 100 percent of the applicable Federal rate determined under section 1274 (d) over 10 percent.

"(4) BORROWED AMOUNT.—For purposes of this subsection, the term 'borrowed amount' means the stated principal amount.

"(5) AGGREGATION RULES.—For purposes of this subsection—

"(A) all sales or exchanges which are part of the same transaction (or a series of related transactions) shall be treated as one sale or exchange, and

"(B) all debt instruments arising from the same transaction (or a series of related transactions) shall be treated as one debt instrument.

"(g) ASSUMPTIONS OF LOANS.—

"Notwithstanding any other provision of law, section 1274 and 483 of the Internal Revenue Code of 1954, as amended by the Tax Reform Act of 1984, shall not apply to any debt instrument by reason of an assumption of such instrument.

(b) REPEAL OF CERTAIN ORIGINAL ISSUE DISCOUNT RULES FOR CERTAIN PERSONAL USE LOANS.—Section 1275 (b) of the Internal Revenue Code of 1954 (relating to treatment of borrower of certain loans for personal use) is hereby repealed.

(c) CONFORMING AMENDMENTS.—

(1) The last sentence of section 483 (b) of the Internal Revenue Code of 1954 (defining total unstated interest) is amended by striking out all that follows "discount rate" and inserting in lieu thereof "equal to the imputation rate."

(2) Section 483 (c) (1) (B) of such Code (relating to payments to which section applies) is amended by striking out "110 percent of the applicable Federal rate determined under section 1274 (d)" and inserting in lieu thereof "the testing rate".

(3) Section 1274 (b) (2) (B) of such Code (relating to determination of present value) is amended to read as follows:

"(B) by using the imputation rate."

(4) Paragraph (3) of section 1274 (c) of such Code (defining testing amount) is amended by striking out "110 percent of the applicable Federal rate" and inserting in lieu thereof "the testing rate".

(5) Section 1274 of such Code (relating to determination of issue price) is amended by adding at the end thereof the following new subsection:

"(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) Testing and imputation rates.—The terms "testing rate" and "imputation rate" have the meaning given such terms by section 483(f).

"(2) LOAN ASSUMPTIONS.—For rules relating to assumptions of certain loans, see section 483(g).

"(3) Cash method of accounting.—In the case of any sale or exchange of property used in the active business of farming and in which the borrowed amount does not exceed $2,000,000—

"(i) this section shall not apply, and

"(ii) interest on the obligation issued in connection with such sale or exchange shall be taken into account by both buyer and seller on the cash receipts and disbursements method of accounting.

The Secretary may by regulation prescribe rules to prevent the mismatching of interest income and interest deductions in connection with obligations on which interest is computed on the cash receipts and disbursements method of accounting under clause (ii)."

SEC. 2. EFFECTIVE DATE.

The amendments made by this Act shall apply to any sale or exchange on or after the earlier of—

(1) July 1, 1985, or
(2) the date of the enactment of this act.

IMPUTED INTEREST RATE BILL, SECTION-BY-SECTION ANALYSIS

The first part of this bill establishes the test rates and imputed rates for two tiers of transactions:

A. For transactions where the loan amount does not exceed $2 million, the applicable *test* rate shall be 9 percent or 80 percent of applicable Federal rates as determined under section 1274(d) of the code, whichever is lower.

B. For transactions where the loan amount does not exceed $2 million, the applicable *imputed* rate shall be 10 percent or 100 percent of applicable Federal rates as determined under section 1274(d) of the code, whichever is lower.

C. For transactions where the loan amount exceeds $2 million, the applicable *test* rate shall be a blend of the rate under (A) above, and 80 percent of applicable Federal rates as determined under section 1274(d) for the loan amount in excess of $2 million.

D. For transactions where the loan amount exceeds $2 million, the applicable *imputed* rate shall be a blend of the rate under (B) above, and 100 percent of applicable Federal rates as determined under section 1274(d) for the loan amount in excess of $2 million.

E. All loan amounts from a single transaction or series of related transactions will be aggregated for purposes of determining loan amounts.

The second part of this bill prohibits the application of the original issue discount or imputed interest rules enacted in the 1984 Tax Act in cases of loan assumptions.

The third part of this bill repeals Section 1275(b) of the Internal Revenue Code. Section 1275(b) of the Code, which was added by the 1984 Tax Act, limits the amount of interest expense a purchaser of personal use property may deduct for tax purposes to the amount actually written in the sales contract, even though a higher interest rate for tax purposes is imputed to the seller. Prior to the 1984 Tax Act, the purchaser was permitted to deduct the full amount of imputed interest for tax purposes.

The last portion of this bill makes needed conforming amendments because of the interrelation of sections of the Code dealing with Original Issue Discount rules and Imputed Interest Rate rules.●

By Mr. DOLE:

S. 231. A bill to establish a National Commission on Neurofibromatosis; to the Committee on Labor and Human Resources.

NATIONAL COMMISSION ON NEUROFIBROMATOSIS

Mr. DOLE. Mr. President, today I introduce legislation to establish a National Commission on Neurofibromatosis.

Neurofibromatosis [NF] is the most common neurological genetic disorder, affecting an estimated 100,000 people in the United States. It is estimated that 1 in 3,000 people have this progressive genetic disorder which results in abnormal development of neural tumors. The disease usually appears in childhood, although it can appear as late as age 50, with the following progressive symptoms: Small and large pressure sensitive tumors just under the skin, severe curvature of the spine, enlargement and deformation of bones, tumors on the auditory nerves resulting in deafness, tumors on the optic nerve resulting in loss of sight, and tumors of the brain and spinal cord, frequently resulting in epilepsy, retardation and death. In approximately 5 percent of the cases, the tumors become cancerous.

Research has determined that NF is inherited from one parent in about 50 percent of the cases. The other cases, however, are caused by a sporadic mutation of the genes. To date almost nothing is known about the causes of this mutation, and there is no effective treatment for NF other than surgical intervention in the growth of the tumors, which may grow back.

NATIONAL COMMISSION

Despite the prevalence of the disease, NF is perhaps the most overlooked serious disorder of our time. Recently, attention has been focused on NF as a result of the theatrical and motion picture productions of "The Elephant Man," the true story of John Merrick's struggle with the most severe case of NF ever recorded. That attention, however, will not replace the needed coordination and focus of our research efforts provided by a national commission.

Mr. President, the legislation being introduced today would establish an independent commission of 20 members, organized, operating and reporting within a 24-month period, with an authorization of $1 million. The Commission is to prepare a comprehensive plan for research and education on NF and the needed services for people with NF and their families. There is currently research going on within the National Institutes of Health and at other institutions across the country. But the coordination and funding for this research is severely lacking. A commission is needed to coordinate the work done so far and to plan for needed future research. As we have done with other major diseases, we need to formulate a national policy for dealing with NF.

I believe a national commission is a necessary step in our battle against NF, and I therefore encourage my colleagues to support this legislation.

By Mr. PRYOR:

S. 232. A bill to amend the Internal Revenue Code of 1954 to add a new subsection dealing with exchanges and rentals of names from donor lists of membership lists; to the Committee on Finance.

RENTALS OF NAMES FROM DONOR LISTS OR MEMBERSHIP LISTS

Mr. PRYOR. Mr. President, today I'm introducing a bill that will correct a misinterpretation of the so-called unrelated business income provisions of the Internal Revenue Code. I believe most Members of the Senate are familiar with this issue. It deals with whether or not a tax-exempt organization—like the Disabled American Veterans, Red Cross, and so forth—is taxable on money received from the rental of a mailing list, or when they exchange lists with another tax-exempt entity.

The provisions in the Tax Code dealing with unrelated business income are there for a good reason, Mr. President. They operate to tax an otherwise tax-exempt entity when it engages in an activity "unrelated" to its charitable purpose. The reason is clear—if the organization is essentially competing with private companies, which are taxable, then in order to prevent the charity from having an advantage, it should be treated as a taxable entity on that specific activity. Under section 513(a) of the Internal Revenue Code an unrelated trade or business of a tax-exempt entity is defined as: "any trade or business the conduct of which is not substantially related to the exercise or performance by such organization of its charitable, educational, religious, or other nonprofit purpose and function constituting the basis for its exemption."

With regard to mailing lists, the Internal Revenue Service [IRS] and the Court of Claims—in the 1981 case of *Disabled American Veterans* v. *United States*, 650 F.2d 1128—have ruled that the sale, rental, or exchange of a mailing list is not "substantially related" to the organization's charitable function, and therefore, taxable under the UBTI provisions.

It's my belief, Mr. President, that this result is not what Congress intended in enacting these provisions. Therefore, the bill I'm introducing today would provide that tax-exempt entities—contributions to which are tax-deductible under section 170—don't have income on the rental or exchange of their mailing lists. The bill doesn't cover the sale of a list.

Mr. President, the bill is similar to S. 825, introduced by the Senator from Texas, Mr. BENTSEN, and the Senator from Wyoming, Mr. WALLOP, in the last Congress. Also, it's similar to an amendment I offered to the tax bill last year, which was adopted by the Senate, but dropped in conference with the House. A similar bill is being introduced this week in the House by the ranking minority member of the Committee on Ways and Means, Mr. DUNCAN of Tennessee.

Mr. President, most nonprofit organizations in this country rely, to a great extent, on contributions for their very existence. The most effective way to have a steady stream of contributions, so the organization can carry out its important work, is through an up-to-date mailing list.

Since the maintenance of a good mailing list is of critical importance, and since there is a certain rate of attrition among donors, it is essential that these organizations be allowed to exchange lists, and rent lists to each other, without incurring tax liability under the UBTI provisions. The exchange and rental of the lists isn't done to make money—it's done to keep an up-to-date list for continued fundraising. As such, I don't know how these activities could be anything but "substantially related" to the ongoing activities of the charity.

Further, Mr. President, I'm told by the Disabled American Veterans that many commercial mailers don't object to this bill. Since the effect on the private sector mailers is frequently given as an argument against this measure, I think their position needs to be noted in this debate.

Mr. President, the bill is simple: It's very important to many tax-exempt entities; and I think it will reverse what I believe to be an incorrect result. I urge my colleagues to carefully consider this measure and join me in this effort, and I hope we can have this measure enacted in the near future.

I ask unanimous consent, Mr. President, that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Section 513 of the Internal Revenue Code of 1954 (relating to unrelated trade or business) is amended by adding at the end thereof the following new subsection:

"(h) EXCHANGES AND RENTALS OF NAMES FROM DONOR LISTS OR MEMBERSHIP LISTS.—In the case of an organization described in section 501 contributions to which are deductible under section 170, the term 'unrelated trade or business' does not include any trade or business of such an organization which consists of exchanging or renting names and addresses of donors to, or members of, such organization."

(b) The amendment made by subsection (a) shall apply to taxable years ending after the date of the enactment of this Act.

By Mr. D'AMATO:

S. 233. A bill to provide for the minting of coins in commemoration of the centennial of the Statue of Liberty; to the Committee on Banking, Housing, and Urban Affairs.

STATUE OF LIBERTY—ELLIS ISLAND COMMEMORATIVE COIN ACT

Mr. D'AMATO. Mr. President, today I am introducing legislation to authorize the minting of coins to commemorate the centennial of the Statue of Liberty.

It was 99 years ago that France presented the Statue of Liberty to the United States as a gift in celebration of our centenial. In 1886, this gift represented an astounding technological achievement and was symbolic of the founding principles of the United States.

For millions of people seeking freedom from oppression, freedom of opportunity, and/or freedom from want, the first sight of America was the Statue of Liberty. Their first steps on American soil were at the National Immigration Center on Ellis Island near the Statue of Liberty. For my relatives coming over from Italy, the view of the Statue of Liberty and the passage through the Ellis Island Immigration Center were memories that fanned the flames of freedom.

Today, 99 years later, another astounding technological achievement is taking place as the Statue of Liberty is being restored. This project is planned for completion in time for Lady Liberty's 100th birthday. Incidentally, the rehabilitation is being financed solely with private funds.

My legislation will require the minting of three different coins; a $5 piece, $1 piece, and a half-dollar piece. The $5 coin will represent the Statue of Liberty. The $1 coin will be emblematic of Ellis Island, and the half-dollar will highlight the important contribution made by America's immigrants.

My legislation would require the Secretary of the Treasury to mint up to 500,000 commemorative Statue of Liberty coins in 1986 with a face value of $5 each. The bill would also require the Secretary of the Treasury to mint up to 10 million $1 pieces commemorating Ellis Island and 25 million half-dollar pieces celebrating the achievements of America's immigrants. The coins may be minted as early as October 1, 1985, but not later than December 31, 1986.

Mr. President, the Statue of Liberty and Ellis Island are two of the greatest treasures of our Nation. The private sector is seeing to it that the Statue of Liberty is restored to its original beauty. My bill assures that, through the issuance of commemorative coins, Lady Liberty's birthday will never be forgotten.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at the conclusion of my remarks.

Thank you, Mr. President.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Statue of Liberty-Ellis Island Commemorative Coin Act".

COIN SPECIFICATIONS

SEC. 2. (a)(1) The Secretary of the Treasury (hereinafter in this Act referred to as the "Secretary") shall issue not more than 500,000 five dollar coins which shall weigh 8.359 grams, have a diameter of 0.850 inches, and shall contain 90 percent gold and 10 percent alloy.

(2) The design of such five dollar coins shall be emblematic of the centennial of the Statue of Liberty. On each such five dollar coin there shall be a designation of the value of the coin an inscription of the year 1986, and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b)(1) The Secretary shall issue not more than ten million one dollar coins which shall weigh 26.73 grams, have a diameter of 1.500 inches, and shall contain 90 percent silver and 10 percent copper.

(2) The design of such dollar coins shall be emblematic of the use of Ellis Island as a gateway for immigrants to America. On each such dollar coin there shall be a designation of the value of the coin, an inscription of the year 1986, and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c)(1) The Secretary shall issue not more than twenty-five million half dollar coins which shall be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(2) The design of such half dollar coins shall be emblematic of the contributions of immigrants to America. On each such half dollar coin there shall be a designation of the value of the coin, an inscription of the year 1986, and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(d) The coins issued under this Act shall be legal tender as provided in section 5103 of Title 31, United States Code.

SOURCES OF BULLION

SEC. 3. (a) The Secretary shall obtain silver for the coins minted under this Act from stocks of silver held by the Secretary or from any other federally owned stocks of silver.

(b) The Secretary shall obtain gold for the coins minted under this Act pursuant to the authority of the Secretary under existing law.

DESIGN OF THE COINS

SEC. 4. The design for each coin authorized by this Act shall be selected by the Secretary after consultation with the Chairman of the Statue of Liberty-Ellis Island Foundation, Inc. and the Chairman of the Commission of Fine Arts.

SALE OF THE COINS

SEC. 5. (a) Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, and overhead expenses).

(b) The Secretary shall make bulk sales at a reasonable discount to reflect the lower costs of such sales.

(c) The Secretary shall accept prepaid orders for the coins prior to the issuance of such coins. Sales under this subsection shall be at a reasonable discount to reflect the benefit of prepayment.

(d) All sales shall include a surcharge of $35 per coin for the five dollar coins, $7 per coin for the one dollar coins, and $2 for the half dollar coins.

ISSUANCE OF THE COINS

SEC. 6. (a) The gold coins authorized by this Act shall be issued in proof quality only

and shall be struck at no more than one facility of the United States Mint.

(b) The one dollar and half dollar coins authorized under this Act may be issued in uncirculated and proof qualities, provided that not more than one facility of the United States Mint may be used to strike any particular combination of denomination and quality.

(c) Notwithstanding any other provision of law, the Secretary may issue the coins minted under this Act beginning October 1, 1985.

(d) No coins shall be minted under this Act after December 31, 1986.

GENERAL WAIVER OF PROCUREMENT REGULATIONS

SEC. 7. No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this Act. Nothing in this section shall relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

DISTRIBUTION OF SURCHARGES

SEC. 8. All surcharges, which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Foundation. Such amounts shall be used to restore and renovate the Statute of Liberty and the facilities used for immigration at Ellis Island and to establish an endowment in an amount deemed sufficient by the Foundation in consultation with the Secretary of the Interior to ensure the continued upkeep and maintenance of these monuments.

AUDITS

SEC. 9. The Comptroller General shall have the right to examine such books, records, documents, and other data of the foundation as may be related to the expenditure of amounts paid and the management and expenditures of the endowment established under section 8.

COINAGE PROFIT FUND

SEC. 10. Not withstanding any other provision of law—

(1) all amounts received from the sale of coins issued under this Act shall be deposited in the coinage profit fund;

(2) the Secretary shall pay the amounts authorized under this Act from the coinage profit fund; and

(3) the Secretary shall charge the coinage profit fund with all expenditures under this Act.

FINANCIAL ASSURANCES

SEC. 11. (a) The Secretary shall take all actions necessary to ensure that the issuance of the coins authorized by this Act shall result in no net cost to the United States Government.

(b) No coin shall be issued under this Act unless the Secretary has received——

(1) full payment therefor;

(2) security satisfactory to the Secretary to indemnity the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation or the National Credit Union Administration Board.

By Mr. ROTH (for himself, Mr. CHAFEE, and Mr. SYMMS):

S. 234. A bill to amend the Tariff Act of 1930 to make the trade laws more equitable and to expand trade; to the Committee on Finance.

TRADE EXPANSION ACT OF 1985

● Mr. ROTH. Mr. President, today I am pleased to introduce a bill entitled "the Trade Expansion Act of 1985" on behalf of myself and my colleagues Senator CHAFEE and Senator SYMMS.

The Trade Expansion Act of 1985 presents a positive trade agenda for action by the 99th Congress.

This new trade agenda is offered as a constructive alternative to the kinds of trade proposals that occupied much of the time of the 98th Congress: Proposals to inject protectionism into our trade laws and policies; to turn the Congress into a court of appeals in trade cases; to require or imply product-by-product reciprocity in trade negotiations or to unilaterally establish new trade laws. Such proposals were intended to make trade more equitable. But they would also have jeopardized trade expansion. These kinds of remedies to our trade problems would have put at risk the enormous benefits from trade that this country has gained since the system of multilateral trade relations was established after World War II.

The Trade Expansion Act of 1985, on the other hand, is a comprehensive trade program to promote both equitable and expanding trade. Proposals were considered for this package only if they were in accordance with our international commitments under the General Agreement on Tariffs and Trade and only if they strengthened, rather than weakened, the international trading system. Within these parameters, ideas were considered which would encourage trade expansion and provide more domestic and international control over unfair trade practices.

This bill consists of four titles. Title I concerns new multilateral trade negotiations. Title II establishes a new program for retraining workers to facilitate adjustment to import competition. Title III relates to adjustment of an industry and its workers during a period of import relief. Title IV includes changes in our domestic trade laws which would strengthen their enforcement, while at the same time avoiding procedural protectionism.

Let me provide a little more detail on the purpose and contents of each title.

TITLE I

The bill begins with a sense of the Senate resolution encouraging the President to proceed with the effort to get new multilateral trade negotiations underway. In essence, this resolution provides a congressional endorsement for the idea of a new round of trade negotiations, reaffirming Congress' commitment to the longstanding U.S. position in favor of an open trading system. It suggests a number of issues as central to new negotiations: safeguards and dispute settlement procedures in the GATT, rules for trade in agriculture, expanding the GATT to cover trade in services, intellectual property rights and trade in counterfeit goods and new efforts to strengthen the existing GATT codes on subsidies, technical barriers to trade, and Government procurement.

In today's world economy characterized by rapid and constant change—the appearance of new products and services and rapidly shifting comparative advantage between countries, international trade agreements, both tariff and nontariff quickly become outdated. For example, the United States may agree to a balanced trade deal, obtaining concessions equal to those it gives; but the emergence of new products can lessen the value of past concessions by our trading partners and unbalance the agreements. This is why static trade agreements become unfair giving rise to protectionist pressures.

The answer to this dilemma is not to abandon U.S. leadership of the multilateral trading system by enacting new import restrictions or unilateral trade laws. The resolution in title I is based on the view that the rapid pace of economic change argues instead for a strong U.S. commitment to a dynamic multilateral negotiating process. This is the way to assure that we receive reciprocal benefits for our trade concessions. It is the best way to create jobs through trade expansion.

The trading system will work better if countries have the political will to make it work. With title I of this bill, we seek to build the political will in this country that can provide new impetus for strengthening the trading system.

TITLE II—RETRAINING

Title II of this bill recognizes that there are costs to continued U.S. support for an open trading system. Clearly most individuals in this country will gain from trade, but there will be losers—individuals whose jobs will be lost to import competition. This is an issue that cannot be ignored in the development of a comprehensive trade program based on a liberal trade policy.

Thus, title II of this bill establishes new mechanisms to encourage adjustment of individuals adversely affected by import competition. Title II would replace the present Trade Adjustment Assistant Program with a new program which emphasizes retraining assistance. Under this program, which is tied into the Job Training Partnership Act [JTPA], eligible individuals would be given job retraining vouchers redeemable for training. Individuals would have a wider choice of training options in the private sector than are provided now under the JTPA.

A novel approach would be taken to funding this new trade adjustment program. Implementation of the program would be linked to international negotiations to add a provision to the GATT giving countries the right to assess a small fee on imports to finance adjustment programs. Upon completion of such negotiations, the United States would initiate such an adjustment fee to finance the job vouchers. This adjustment fee would be a small cost to trading nations to keep trade open and expanding. In effect, it would be a users fee for trade—those who benefit from trade would pay for the costs of trade.

TITLE III—IMPORT RELIEF

Even with general policies in favor of an open trading system, there will be times when trade protection can be useful temporarily to promote the adjustment of an industry to import competition. Title III of this bill includes a number of provisions concerning the granting of import relief under the so-called escape clause. Granting trade protection is a serious decision and it creates substantial costs to our economy and to each citizen. The key message of this title of the bill is that the public deserves to get the adjustment it expects from an industry receiving import relief.

Title III includes a new requirement that industries and workers receiving import protection provide a quid pro quo for the import relief. Under this provision, the President would report on the nature of the quid pro quo when he notifies the Congress of his intention to provide import protection. To aid the President in his negotiation of this quid pro quo, another provision in this title requires the International Trade Commission to describe all the factors affecting an industry's competitive performance in its report to the President in an import relief case.

Two additional provisions are intended to provide for better public assessment of the costs and benefits of restricting trade in particular import relief cases. One would require the International Trade Commission to estimate the costs to consumers of any import restrictions it proposes. The second would require the Commission to hold a hearing at the end of an import relief period to encourage public discussion of the effectiveness of the import relief in facilitating adjustment to import competition.

TITLE IV

The last area covered in the new trade agenda proposed in this bill is the unfair trade laws. This bill does not, however, call for drastic unilateral trade law changes. Such unilateral changes would not promote trade expansion, but rather trade contraction. It should be remembered that one reason why our unfair trade laws can operate today without risking retaliation by others is because our domestic trade laws are drawn from internationally agreed standards and procedures. The best way to pursue major new trade law approaches is, therefore, through multilateral negotiations as proposed in title I of this bill.

Thus, title IV of the bill involves adjustments to current unfair trade law rather than drastic reforms. These changes to the countervailing duty and antidumping statutes close loopholes, reduce costs and thereby improve the access of small business, reduce administrative burdens on the International Trade Commission and help avoid the appearance of procedural protectionism.

The unprecedented number of petitions filed with the Department of Commerce is evidence that domestic industries believe that, even without drastic reform, our trade laws now provide an effective and worthwhile remedy. Nevertheless, it has been 4 years since the enactment of the Trade Agreements Act of 1979. Experience has shown areas in need of adjustment and fine timing.

I would emphasize two key points about these trade law changes.

First, they are intended to provide for rigorous and swift enforcement of our laws against unfair trade. One change, the elimination of appeals to the Court of International Trade, would take 1 to 3 years off the time in which the final outcome of a case would remain in question. Another, the creation of a second track for filing of trade cases, wold significantly shorten the time required before countervailing or antidumping duties could be assessed in affirmative cases.

Second, some changes are intended to address an increasing perception abroad that our laws are becoming a form of procedural protectionism. Such a perception is dangerous because it could encourage others to implement new forms of procedural protectionism against U.S. exports. One provision related to this issue would assure that the United States lives up to its international commitment to consider the link between the unfair trade practice and material injury in a domestic industry in antidumping and countervailing duty cases. Another would require any executive settlement of cases to precede the International Trade Commission vote, in order to avoid the appearance of a conflict of interest within the Commission.

Another would require any executive settlement of cases to precede the International Trade Commission vote, in order to avoid the appearance of a conflict of interest within the Commission.

Our trade laws must not only be perceived as equitable here at home. They must also be seen as equitable abroad because if they are not, in either case, the basis for trade expansion will be eroded.

Moving back to the general purpose of this bill, in closing I would note that with the trade deficit now at an unprecedented high, pressures for trade protection may be even greater in the 99th Congress than they were in the 98th Congress.

It is not enough for those of us who reject protectionism to take only a defensive position. I think it is critical for those who support an open trading system to develop a clear alternative for addressing our trade problems. This bill is an attempt to begin to specify a protrade legislative initiative.

Looking at this proposal in isolation some may say that it is not a sufficient alternative answer to the trade deficit because it does not address macroeconomic issues. Macroeconomic issues that may affect the trade deficit, however, will be dealt with in other legislative proposals this year on deficit reduction. The purpose of this bill is to compliment actions in other areas which affect our trade performance, with forward-looking legislative proposal on trade policy itself.

The importance of containing protectionism and moving forward on trade policy should not be underestimated as a response to the trade deficit. Protectionism in this country would surely stymie world economic recovery and world economic recovery is the real key to substantially narrowing our trade deficit.

World economic recovery would shift each of the factors now chiefly responsible for the trade deficit: the high value of the dollar, reduced exports to LDC debtor countries and our superior economic performance compared to our developed country trading partners. Better economic performance abroad would encourage foreigners to keep more of their capital in their own countries, and thus lower the value of the dollar by lowering the demand for dollars for investment in this country. It would help revive LDC markets for U.S. exports and increase our sales to developed countries as well. Thus, while this bill may be complemented by other legislative actions beyond the trade area itself I do see this initiative in the trade area as critical to narrowing the trade deficit.

One last point. It is my hope, and that of the bill cosponsors, that the Trade Expansion Act of 1985 will be a catalyst for congressional action on a constructive trade agenda. We see the proposals in this bill as the core for such an agenda. We would welcome additional ideas that support this effect to shift the Congress' trade debate in a more positive direction.●

● Mr. CHAFEE. Mr. President, this session of Congress begins not long after the announcement of the largest trade deficit in this Nation's history.

Once again, Congress will be besieged by protectionist pressures from import-competing industries. It would be a mistake, however, to let these interests completely capture our trade agenda.

We need to explore alternative approaches to our trade problems, approaches which will better serve consumers, the long-term interests of workers and the economy as a whole. The Trade Expansion Act of 1985, which I join in introducing today, is just such a positive approach.

The major trade agenda this year should be "new multilateral trade negotiations." Efforts are now underway in the administration for a new negotiating round. It is time for Congress to get involved in that process.

Title I of this proposed legislation provides a congressional endorsement for the idea of a new round reaffirming Congress' commitment to the longstanding U.S. position in favor of an open trading system, symbolized by the GATT. With present-day pressures on the international trading system, GATT is frequently bypassed or ignored as countries unilaterally, bilaterally, or in small groups take actions that violate its spirit and substance. It would be dangerous folly for the world trading nations to abandon the single multilateral institution which continues to enjoy legitimacy in the eyes of a diverse membership.

A new round of trade negotiations will provide us with the broad-based, universal consensus which is desperately required to help move both the West and the newly industrialized countries toward a new era of robust economic growth.

I would welcome Senate hearings to help identify U.S. objectives in new negotiations and ways to encourage more active involvement of other countries in preparation for a new round.

Title II of the Trade Expansion Act of 1985 deals with another important aspect of open trade. Open markets serve America in very tangible ways. Unfettered trade gives consumers access to a greater variety of products at lower prices. Trade forces domestic industries to adjust to changing technology before they become hopelessly inefficient. Perhaps most important, trade is the primary source of hope for the world's poor, increasing their stake in a stable world order.

But the advantages of open trade apply to the economy, generally while specific sectors can suffer greatly. Some workers, laid off because of competing imports, have no reason to rejoice over cheap, high-quality steel coming from Korea, or sweaters from Hong Kong. To try to offset this sacrifice, we instituted the Trade Adjustment Assistance Program in the 1960's. It has certainly had its critics, largely because it has meant more assistance than adjustment—cash payments rather than long-term training to enable workers in affected industries to begin afresh with new skills.

Title II would replace the present Trade Adjustment Assistance Program with a new program which emphasizes retraining assistance. This proposal is based on the view that if the United States is going to continue to support a liberal trade policy, it is important to facilitate the adjustment of those individuals adversely affected by import competition.

This program would shift the focus away from simply compensating workers to providing them with real future alternatives. And it would do so in a fashion that is consistent with our current efforts to trim Federal spending. This program, which is linked with the Job Training Partnership Act [JTPA], would provide eligible individuals with job retraining vouchers redeemable for training. The implementation of this new program would be linked to negotiations which would add a provision to the GATT giving countries the right to assess a very small fee on imports in order to finance adjustment programs. Only upon completion of such negotiations would the United States institute such a fee to finance the job vouchers.

Title III includes a number of provisions concerning the granting of relief under the so-called escape clause of the Trade Act of 1974. One such provision would amend the trade laws to require industries that obtain import relief under section 201 to adopt plans for their own competitive revitalization. Current law does not adequately address the issue of structural adjustment, although an industry's ultimate survival depends upon its use of the respite granted under the trade laws to become competitive.

By linking an industry's import relief to its domestic structural adjustment, we could help insure that the industry and the economy ultimately will become more competitive.

Another provision concerns the cost of import protection to consumers. In 1980, roughly 20 percent of manufactured goods consumed by Americans were covered by some kind of import restriction. Economists at Washington University in St. Louis estimated that these restrictions cost consumers $58.5 billion in 1980 alone—a hidden tax of about $1,200 a year for the average family of four. By now, I am certain the cost is even greater. Consumers for World Trade estimates it now to be $2,000 per family per year. CBO has documented how much more steel consumers would pay for steel import quotas, and Brookings economists have analyzed the enormous costs of the voluntary restraint on Japanese automobiles.

Yet nowhere do we require that the President be provided an assessment of the costs of import relief to the consumer and to the economy as whole before he decides to grant import relief. This legislation would instruct the ITC to determine these costs and report them to the President along with its section 201 finding of injury and remedy recommendation.

Finally, title IV would clarify congressional intent concerning the relationship between subsidies, dumping, and the injury caused thereby, and would otherwise fine-tune some sections of the Trade Agreements Act of 1979.

I urge the support of my colleagues for this legislation.●

By Mr. THURMOND (for himself, Mr. DENTON, Mr. HELMS, and Mr. SYMMS):

S. 235. A bill to amend title 5, United States Code, to prohibit employment in civil service positions in the executive branch of any individual required to register under the Military Selective Service Act who has not so registered; to the Committee on Governmental Affairs.

TO PROHIBIT EMPLOYMENT IN CIVIL SERVICE POSITIONS IN THE EXECUTIVE BRANCH OF THOSE WHO HAVE NOT REGISTERED FOR THE DRAFT AND ARE REQUESTED TO DO SO

Mr. THURMOND. Mr. President, I am today introducing legislation to prohibit the employment, in any executive agency of the U.S. Government, of any individual required to register under section 3 of the Military Selective Service Act (50 U.S.C. App. 453) who has not so registered. Simply put, this legislation would make any one who is required by law to register for the draft that has not registered, ineligible for a civil service job.

Mr. President, under current law, every male citizen and resident alien between the ages of 18 and 26 is required to register for the draft. Registration is a simple process generally requiring less than 5 minutes of an individual's time. In addition, forms are readily available at any of the more than 34,000 post offices across the country.

In registering, individuals not only comply with the law, but also acknowledge their acceptance of the basic responsibilities of our free society and aid in the furtherance of an important part of our defense preparedness. We can take pride in the fact that approximately 98 percent of those required to register have done so thereby signifying their recognition that the freedoms we enjoy are not without accompanying obligations.

Unfortunately, a small minority of individuals have chosen to disregard and violate our Selective Service laws. These individuals have refused to accept or even acknowledge that they have any responsibility to serve their country in a time of need. Failure to register is, of course, a criminal violation of the laws of the United States,

and those who irresponsibly violate the Selective Service statutes should not be allowed the benefits of a civil service job. Federal employees are paid by the taxpayers, and it is only fair that any one desiring to obtain employment in a Government agency comply with our selective service laws.

While these lawbreakers are presently ineligible for any form of Federal educational assistance or benefit, such as educational grants, loans or work study to which they would otherwise be entitled under title IV of the Higher Education Act, there are no statutory provisions making them ineligible for employment in a Federal executive agency. This is particularly appalling when one considers that the possibility exists that a nonregistrant could obtain employment ahead of a veteran.

Enactment of the legislation I am introducing today would put just such a law on the books. This is a good bill, and one that enjoys the support of the Veterans of Foreign Wars of the United States. I commend this measure to my colleagues in the Senate, and invite them to join me in working toward its early enactment.

By Mr. SPECTER (for himself, Mr. BYRD, Mr. HEINZ, Mr. COHEN, Mr. HEFLIN, Mr. KENNEDY, and Mr. LEVIN):

S. 236. A bill to amend the Unfair Competition Act of 1916 and Clayton Act to provide for further relief in the event of unfair foreign competition; to the Committee on the Judiciary.

UNFAIR FOREIGN COMPETITION ACT OF 1985

Mr. SPECTER. Mr. President, I am today introducing the Unfair Foreign Competition Act to put teeth into our existing antidumping laws by granting American industries direct access to Federal courts to promptly halt dumping, to obtain compensation for the injury suffered as a result of the illegal imports, and to deter future illigitimate incursions into U.S. markets.

This legislation will accomplish several essential objectives the current regulatory scheme fails to achieve.

It provides a mechanism for halting illegal dumping within a matter of days, instead of the months or years ITC proceedings and Presidential review can consume; it compensates injured businesses so they can begin to recapture markets illegally taken by foreign imports; it takes ill-gotten profits away from "dumpers" so as to remove their economic incentive for dumping and more effectively deter others from attempting illegal importing; and it rescues struggling industries from the political winds that too often hinder effective, strong-willed government enforcement of fair trade laws.

The beauty of this bill is that it greatly enhances the likelihood that unfair trade will cease without imposing any additional "protective" barriers. It simply makes the existing laws work.

This legislation was originally introduced on March 4, 1982, and hearings were held before the Judiciary Committee. This bill was offered in modified form as an amendment to the gas tax bill in conjunction with the "Buy America" amendment. These two provisions were narrowly tabled by a 51-to-47 vote. This bill was reintroduced in the 98th Congress as S. 418 and additional hearings were held.

This legislation will provide a valuable mechanism for any industry to ensure that free trade is fair trade, but it will be particularly critical for the steel industry.

The evidence is plain that enormous quantities of very heavily subsidized steel are coming into the United States. That fact has been disclosed in a series of proceedings before the International Trade Commission. State-owned firms including nationalized firms in Italy, France, the United Kingdom, and Belgium accounted for at least 62 percent of the European Community steel production in 1983. Over half of the major steel firms in other Western developed countries are state owned. These firms are located in Spain, Austria, Finland, and Yugoslavia. They accounted for 37.6 million net tons or 69 percent of the non-EEC Western country production during 1983.

As a result of this influx in dumping and subsidized steel, Mr. President, almost half of the 457,000 American steelworkers employed in 1975 have since lost their jobs. The situation of the steel industry has gotten worse in recent months. Third-quarter and expected fourth-quarter results for 1984 show significant losses after two break-even quarters following 2 years of huge losses. The credit ratings of three major companies have been downgraded within the last few months below investment grade, which means those companies cannot borrow. All major firms have suffered lower credit ratings since 1981.

The worsening condition of domestic steel results directly from sharp increases in imports. At 15 percent of U.S. sales in 1979, imports rose to 20 percent in 1983, 30 percent for the month of November 1984, and are expected to be at 27 percent for 1984 overall.

Mr. President, these imports are threatening the American steel industry, which is vital to our national welfare. Domestic production is vital because once we find the American steel industry going down the drain and our reliance is solely on imported steel, then we will be at risk of being victimized as we were victimized by OPEC oil exporters. For too long, our trade policies have been dictated by what some may conceive to be in the interest of foreign policy, and American industries one after another, as I see it, have been sacrificed on the alter of foreign policy.

The failure of the current processes to ensure fair trade is nowhere more evident then in the disappointing results of our sincere efforts to negotiate voluntary trade restraint agreements to reduce foreign imports to about 18.5 percent. In July 1984, the International Trade Commission recommended that the President impose a combination of tariffs and quotas on 70 percent of imported steel because of extensive dumping by a number of foreign companies. Unfortunately, the President did not accept these recommendations. Instead, he instructed the U.S. Trade Representative, Ambassador Brock, to negotiate voluntary restraint agreements with a number of foreign governments.

On December 17, 1984, I learned that the Republic of Korea was not cooperating with Mr. Brock in concluding a voluntary restraint agreement. I, therefore, wrote a letter to Ambassador Lew urging Korea to reach accommodation on this important issue.

On December 18, 1984, Mr. Brock announced the conclusion of the steel negotiations with seven countries which included Korea. These agreements, however, failed to reduce imports to 18.5 percent and also lacked import details of category breakdown of products for both Japan and Korea.

In view of Mr. Brock's trip in mid-January to Korea and Japan to work out the details of categories, I wrote the Ambassadors of both Japan and Korea on January 4, 1985, urging them to reach agreement with Mr. Brock on this important issue. I also noted in my letter that legislation was introduced, of which I was an original cosponsor, legislating 26 categories with specific totals for both Japan and Korea.

I am hopeful that these details will be worked out, but even if agreement is reached, the voluntary restraint agreements do not go far enough. I wrote to Mr. Brock, again, at the end of December, alerting him of my concern that Canada, the second largest exporter, has not been required to enter into a voluntary restraint agreement. Moreover, nations such as Sweden, Austria, Venezuela, Taiwan, and several Eastern European countries must enter into agreements. Otherwise, the President's global program of import reduction will be ineffective.

Furthermore, I believe that countries such as the People's Republic of China and India must be monitored closely due to the growth of large ultramodern government-subsidized steel plants. I have inspected truly impressive mills with massive unloading, construction, and storage facilities in Taiwan and the PRC. These countries

have, or will have, the potential to flood the U.S. market with cheap subsidized steel if they remain unchecked.

This is why I am reintroducing this bill.

Ambassador Brock has been an effective negotiator on the United States' behalf, having successfully concluded several voluntary restraint agreements as of this date. The entire process of investigation, administrative litigation, and negotiation, however, has confirmed the existence of a fundamental flaw in our system for combating dumping. This flaw is the almost total lack of a deterrent element.

Section 101 would supply the necessary deterrent in two ways. First, by making injunctive relief available to injured U.S. companies, the UFCA would place foreign "dumpers" on notice that any investment in dumping in the United States could be lost instantaneously, since U.S. courts would be empowered to prohibit further sales in appropriate circumstances.

Under this bill, an injured domestic business could, immediately upon learning of the illegal dumping, go to the U.S. District Court in the District of Columbia and ask for a "temporary restraining order" [TRO] to immediately halt the imports and sales.

Thus, illegal dumping could be halted within days of its discovery, rather than the months or years it takes in the administrative maize. The temporary restraining order can then be modified to provide a more permanent halt after a more detailed finding.

It is a realistic approach to have injunctive relief granted to stop such subsidies and such dumping. The case of Marathon against Mobil Oil is illustrative of the point. That complex litigation was decided in the course of 6 weeks in the U.S. District Court in Cleveland. I have had substantial experience in civil litigation and can personally attest that when one of these cases is brought and the facts can be ascertained—for which purpose discovery is available—motions can be made for a temporary restraining order or preliminary injunction and can be granted in a manner of a few weeks at most. Once an injunction is granted, that would stop the importation of subsidized or dumped steel. If someone wants to take an appeal, he or she can do so, but the injunction stays unless reversed, so it is an effective remedy.

Unlike the proceedings before the International Trade Commission, which takes months and years and induce a surge of steel, this injunctive relief would be highly effective.

Second, by making damages available to U.S. companies if dumping and injury are ultimately found to have occurred, the UFCA will remove the illegally obtained profits and increase the cost of dumping. Foreign enterprises would be made aware that, like any domestic company, they will be held responsible for the economic consequences of their anticompetitive actions.

They would be forced to figure this potential cost into their calculations, and would be much more likely to conclude it is not an economically sound decision to attempt illegal dumping in the United States.

In contrast, the current regulatory scheme rarely imposes retroactive duties and, instead, merely restricts future dumping. The illegal dumper walks away with all the profits made through this unfair competition over the months or years it took to halt their action. Is it any wonder they immediately begin to plan their next incursion into American markets?

It is my view that as a matter of urgent necessity, the Congress should act to provide that imported steel should not come into this country where the evidence shows it is dumped or subsidized and there ought to be a remedy by having jurisdiction conferred on the U.S. District Court for the District of Columbia to consider such evidence and to order the injunctive relief. It has long been the law of the United States, Mr. President, that subsidized goods and dumping are illegal but there is no effective remedy presently on the books.

Where the laws of the United States prohibit dumping and prohibit subsidy, those laws ought to be enforced. The way to get enforcement is through the courts. Minority groups have achieved justice in the courts—blacks, women, Hispanics. If American industry is to receive justice, it is going to be in the courts as well.

When individuals oppose the restriction of imports on the grounds of free trade, they overlook a very fundamental fact that a great deal of the imports, steel, cement, copper, and many other products are being brought into the United States as a result of subsidies or as a result of dumping. Free trade means fair trade and fair trade is the absence of subsidy and dumping. It is a misnomer to say that we are enforcing a policy of free trade when we permit this very heavy subsidization and dumping to take place in the United States.

Mr. President, an issue has been raised in former discussions on this matter as to whether this legislation violates GATT. There is an opinion of counsel by Peter D. Ehrenhaft, submitted to me on August 24, 1982, and I ask unanimous consent that the full text of his opinion be printed in the RECORD, together with the full text of the prior letter which he had written to Senator Ribicoff, dated March 13, 1980, establishing the legality of such a remedy under GATT.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HUGHES HUBBARD & REED,
Washington, DC, August 24, 1982.

Re S. 2167.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: Thank you for your letter inviting me to provide you with an opinion concerning the consistency of S. 2167 with the GATT and the Antidumping Code. I am sorry I have been unable to respond earlier, but I have been out of my office for a number of weeks since I spoke with Mr. Finkel.

My views on this subject remain consistent with those expressed in the enclosed copy of a letter submitted to Senator Ribicoff when the latter chaired the Trade Subcommittee of the Senate Finance Committee during the last Congress.[1] It is, in brief, my opinion that:

1. The GATT and Code do not preempt a private remedy.

A "single damage" statute, such as the one you are now proposing, cannot be "preempted by," nor be regarded as violative of, either the GATT or the Antidumping Code. On the issue of dumping, the GATT refers solely to the actions of governments imposing "antidumping duties." The Code provides procedures and certain substantive rules for the invocation of this governmental action. But neither the GATT nor the Code deals with private remedies, pursued in ordinary law courts, seeking redress for past injuries caused by other private parties through behavior that may also be "dumping" at which duties may be aimed in the future. This judgment is, by the way, echoed in a recent article by Senator Danforth's former Trade Counsel, Kermit Almstedt. See, "International Price Discrimination and the 1916 Antidumping Act—Are Amendments in Order," 13 Law & Pol. Int. Bus. 747, 779 (1981). (I am also enclosing the last four pages of that article in which this issue is discussed.)[2]

2. Article 16 of the Code is irrelevant.

The Administration has recently pointed specifically to Article 16, § 1 of the Antidumping Code as precluding a measure such as S. 2167. That section provides:

"No specific action against dumping of exports from another party can be taken except in accordance with the provisions of the General Agreement, as interpreted by this Agreement."

However, this section does not bar private damage actions. Its purpose is to prevent other governmental action against dumped imports—such as cease and desist orders—and to assure that investigations and actions are taken with the requisite "transparency"

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[1] The letter was made part of the Subcommittee's Hearing (at page 37) on "Possible Amendments to the '1916 Antidumping Act'" held on March 11, 1980, the printed version of which is undoubtedly available to you.

[2] It is also of interest that at the 1980 Hearings, a memorandum was submitted by three experienced trade lawyers, including Gary N. Horlick, now the Deputy Assistant Secretary for Import Administration at the Commerce Department, and, thus, the official now most directly responsible for the administration of the antidumping laws and representing the United States at the GATT with respect to such matters. It concluded that it "seems incontrovertible" that no admendments to the Antidumping Act of 1916 similar to those in S. 2167 would "in any way be circumscribed by the trade agreement obligations of the United States." Hearings, supra, at 23.

and "due process." See, e.g., S. Rep. 96-249, 96th Cong., 1st Sess. 41 (1979).

The mere enactment of a law creating (or amending) a possible private damage remedy is surely not a "specific action against dumping of exports" within the meaning of Article 16 of the Code. Thus, the passage of a bill such as S. 2167 is not covered by this provision. And the implementation of a measure such as would be authorized by S. 2167 should also not be seen as a "specific action against the dumping of exports"; it is only the invocation of a traditional legal remedy by one "person" for economic harm knowingly done by another. As already noted, the addressees of the cited provision—as all other provisions in the GATT—are governments and not private parties.

3. Damages are not "duties."

The Administration has reiterated suggestions that the GATT and Code permit the imposition of antidumping duties only after governmental findings of dumping margins and material injury to a domestic industry caused thereby.[3] These observations are accurate—but beside the point. The compensation to be collected by a damaged domestic producer from a foreign seller (or its U.S. importer) under the proposed statute would not involve the imposition of an "antidumping duty" as that term has been historically understood or is commonly used today. The term has a precise meaning. It means a certain type of customs duty collected on the importation of merchandise from its importer and then deposited in a government treasury. It does not include the type of damages collectible by private parties that S. 2167 would authorize.

In that connection, I might add that it is undeniable that S. 2167 or a similar law may constitute an additional "non-tariff barrier" (NTB) to imports. And it is also true that it was one of the aims of the Multilateral Trade Negotiations (MTN) out of which the current antidumping Code emerged, to reduce NTB's. But many existing or imaginable NTB's were unaffected by what occurred in the MTN, including most notably the rules concerning "safeguards" (in our parlance "escape clause" actions). The subject of private remedies to counter "unfair trade practices" was simply not discussed and no agreement concerning their use was even tabled for consideration.

4. The 1916 Act is "grandfathered" under the Protocol.

Even if the 1916 Act were in some way inconsistent with the GATT and Code, these international agreements apply only to the extent they are not "inconsistent with existing legislation" under the Protocol of Provisional Application by which the United States adhered to the General Agreement. The 1916 Act antedates both the GATT and Code by many years. The amendments now proposed—particularly to the extent they eliminate the risks of treble damages or criminal penalties—cannot be regarded as new law not embraced by the Protocol. They are a continuation of that statute.

In the Trade Act of 1974 Congress extended the countervailing duty law to products not otherwise subject to ordinary customs duties. In that context, Congress felt that the GATT obligated the United States to apply an "injury test" to such imports before applying CVD's. The Protocol did not shield that new, substantive—and more onerous—obligation on foreign exporters. See S. Rep. 93-1298, 93d Cong. 2d Sess. 185 (1974); S. Rep. 96-249, 96th Cong., 1st Sess. 39 (1979). However, that is not an apt analogy to the present situation. While the amendments proposed in S. 2167 are intended to revive what is universally regarded as a "dead letter" of our law through certain procedural (e.g., allowing use of administrative determinations as prima facie evidence in court proceedings), the substantive aspects of the law should be less onerous to companies in the countries that are our trading partners. Such a relaxation of existing law (from the foreigners' vantage point) should, therefore, still be shielded from claims of GATT inconsistency by the Protocol.

I hope that the foregoing is useful. At the same time, permit me both to thank you for this additional opportunity to present my views and to express my satisfaction that your amended bill has taken account of many of the points I made when I testified on May 24. To that I might just add for your information that a new complaint under the existing 1916 Act has recently been filed in the U.S., District Court in Denver by CF&I Steel Corp. of Pueblo, claiming Mitsui & Co. sold a variety of imported steel products in violation of the Act. *CF&I Steel Corp.* v. *Mitsui & Co. (USA), Inc.*, Civ. Action No. 82-Z-1269 (D. Col. 1982). However, expeditious action seems unlikely. See, for example, the ongoing case of *Outboard Marine Corp.* v. *Pezetel*, in which the most recent opinion of the District Court permitting the plaintiff to amend its complaint was recently published. 3 ITRD 1917 (D. Del. 1982). The case was also initially brought, *inter alia*, under the 1916 Act but is now being prosecuted solely as a straight antitrust suit claiming predatory pricing. The original complaint was filed in February 1977; the recent amendment was allowed more than five years later, still well before trial and before the defendants have been permitted even to initiate discovery on their antitrust counterclaims. I think the case illustrates why I do not think your bill, although a useful addition to our trade laws, will provide the speedy action your statements at the hearing in May indicated you were seeking.

Sincerely,

PETER D. EHRENHAFT.

Enclosures.

HUGHES HUBBARD & REED,
Washington, DC, March 13, 1980.

Re Amendments to the Antidumping Act of 1916.

Hon. ABRAHAM A. RIBICOFF,
Chairman, Subcommittee on International Trade, Committee on Finance, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I appreciated the opportunity to appear before your Subcommittee on March 11 and share with you and your colleagues some of the impressions gained from my experience in the administration of the Antidumping Act of 1921 while serving as the Deputy Assistant Secretary and Special Counsel for Tariff Affairs at the Treasury through the end of 1979. One issue that was raised at the hearing, however, that I did not have time to address concerned your question about the compatibility of a statute authorizing a private cause of action to recover damages caused by dumping with the newly negotiated Code on Antidumping Measures to which the United States has now adhered. It is a very good question. I cannot provide you with a legal opinion as a reply. But I can indicate my views, based on more than 22 years of study and experience with antidumping laws and my particular recent responsibility both in connection with the negotiation of the Antidumping Code in the MTN and leading the U.S. delegation to the 1977 through 1979 meetings of the GATT Antidumping Committee.

In my judgment, a statute, permitting the recovery of compensatory—particularly "single," as opposed to "treble"—damages for injury caused by tortious business behavior could not be regarded as a breach of the Antidumping Code.

First, the Antidumping Code is an agreement on the "Implementation of Article VI of the GATT." Article VI of the GATT does not prescribe the only method for dealing with the problem of dumping. Section 1 defines the concept of dumping—injurious price discrimination between national markets—and Section 2 states that:

"In order to offset or prevent dumping a contracting party may levy an antidumping duty not greater in amount than the margin of dumping. . . ."

The GATT, itself, thus does not suggest, much less state expressly, that antidumping duties are the exclusive method by which the problem of dumping may be addressed. It simply indicates that if the problem is attacked through the imposition of an "antidumping duty," that duty may not exceed the margin of dumping.

Second, the Code, itself, is concerned only with the implementation of the cited Article of the GATT. That is clear from Article I of the Code, taken almost verbatim from the 1967 Code. The Code speaks about the "imposition of an antidumping duty . . . to be taken only under the circumstances provided for . . . and pursuant to . . . this Code." Thus, the Code also does not affect other actions that are not in the nature of "duties," that may affect goods that are "dumped."

Third, both when the 1967 Code was negotiated and throughout the MTN, our trading partners (not to speak of the U.S. negotiators) knew about the existence of the U.S. 1916 Antidumping Act providing criminal penalties and treble damages for acts that are comparable to those at which antidumping "duties" are aimed. Nevertheless, as far as I know, no claim was ever made by any foreign government or any U.S. agency that the existing 1916 law contravenes the Code. It may be argued that the existing law, with its requirement for "intentional injury" defines offensive behavior different in kind from that addressed by the GATT or the Code. However, that argument supports the view that the Code does not exhaust all possible remedies that a government may adopt to combat or remedy practices analogous to the "strict liability" dumping defined by the Code (i.e., "dumping" without any "intent to injure" element).

A statute that provides compensatory damages recoverable through a private action in a court of law for market behavior that has unjustifiably caused injury should not be read to be—and, in my view, is not—inconsistent with the Code. It supplements the Code-envisaged remedy. Even retention of treble damages and criminal penalties for intentional injurious behavior should not be regarded as Code inconsistent. However, as a number of witnesses at the hearing indicated, the existing antitrust laws would

[3] See, e.g., letter of USTR General Counsel Robert Cassidy to Senator Ribicoff in the Hearings, supra, at 145, and the similar views of the present incumbent, Donald be Kieffer, submitted to your committee.

seem adequate to cope with intentionally harmful pricing and no further civil remedy is needed to deal with it.

A slightly more troublesome issue was raised by some witnesses concerning the possible incompatibility of a statute permitting a cause of action affecting only imported goods with the "national treatment" provisions of Article III of the GATT. However, we presently have domestic laws—primarily the Robinson-Patman Act—that contemplate remedies against sellers who discriminate between markets to the detriment of the seller's competitors. (Representatives of the American Importers Association discussed at the hearing the wholly separate—and admittedly inapplicable—remedy of the Robinson-Patman Act available to competitors of a favored customer.) The creation of a remedy addressed to imported goods causing injury to competition at the seller's level should not breach Article III to the extent that it parallels comparable domestic law. Mere extension of the Robinson-Patman Act to international trade would be one way to achieve that result. But it may not be the best method, in part because it may be desirable for some of the reasons indicated in my oral testimony to vest trial jurisdiction over the international remedy in the Customs Court that will otherwise be interpreting the language of the antidumping laws.

In any event, before any action is taken to create a new cause of action, I would urge the Subcommittee to commission some further, serious factual studies of the existence of "dumping" as a real phenomenon in U.S. trade and the extent to which our existing laws have affected both trade in particular and the economy of the Nation in general. I believe such a study would support my impression that a private remedy of the type being proposed might make good sense for many of the smaller cases that make up the bulk of the work of the "Administering Authority," while the law is not well suited to cope realistically with the big cases. For those problems—steel, textiles, automobiles—alternative, more macro-economic responses are required outside either the private suits contemplated by the bill you are considering or the procedures now authorized by the Trade Agreements Act.

Respectfully submitted,

PETER D. EHRENHAFT.

INTERNATIONAL ANTIDUMPING AGREEMENTS

One final question must be addressed. Would amending the 1916 Antidumping Act as proposed herein violate any of the international obligations of the United States assumed as a signatory to the General Agreement on Tariffs and Trade (GATT)[198] or the International Antidumping Code of 1979[199] formulated during the Tokyo Round of the Multilateral Trade Negotiations?[200]

Article VI of the GATT and the International Antidumping Code of 1979 do not by their own terms prohibit national legislation, such as the 1916 Antidumping Act, from providing remedial relief against dumping.[201] When the GATT and the antidumping code were negotiated, one may rightfully argue that the United States' trading partners knew of the existence of U.S. legislation that provided for judicial remedial relief in the form of treble damages upon a finding of international price discrimination. Nevertheless, no claim was or has ever been made that any of the provisions of the 1916 Antidumping Act contravened either the GATT or the antidumping code.[202] Even assuming arguendo that remedial relief statutes such as the 1916 Act would be inconsistent with article VI of the GATT, the United States is not necessarily bound by that article due to a provision exempting countries with conflicting preexisting legislation from compliance.[203]

The International Antidumping Code of 1979 sought to establish uniformity among signatories in implementing the GATT antidumping provisions.[204] The Code is thus merely an agreement among signatories for the implementation of article VI of the GATT. Neither the GATT nor the Code mandates or even suggests that imposition of dumping duties is the exclusive form of relief sanctioned against dumping.[205] Section 2 of article VI of the GATT merely provides that if a signatory wishes to attack an antidumping practice by levying an antidumping duty then the duty cannot exceed the margin of dumping.[206] Finally, since the amended 1916 Act would provide relief when there is injury to an industry as defined in the Antidumping Act of 1921, as amended, and the 1921 Act was amended to conform to the 1979 Code,[207] the terms of the amended 1916 Act would comply with the implementing Code.

One other argument which may be raised is the notion that amendments to the 1916 Act may contravene the "national treatment" article of the GATT.[208] Article III provides that "[t]he products of the territory of any contracting party imported into the territory of any other contracting party shall be accorded treatment no less favorable than that accorded to like products of national origin . . ." Neither the 1916 Antidumping Act nor the amendments proposed herein favor domestically produced articles over imported articles, since the former are subject to a comparable price discrimination law, the Robinson-Patman Act.[209] In conclusion, neither the 1916 Antidumping Act nor the amendments proposed here are contrary to the obligations undertaken by the United States as a signatory to the GATT.

CONCLUSION

The 1916 Antidumping Act has not proved to be an effective means of redress for private parties injured by the pricing practices of U.S. importers or foreign manufacturers. Because the Antidumping Act of 1921 provides only prospective relief after a complex administrative determination, the ability of a U.S. industry to obtain treble damages for harm actually inflicted by dumping practices would further the policy of prohibiting international price discrimination much in the same manner as the ability of antitrust plaintiffs to obtain treble damages furthers the policies underlying the Sherman Act. The question that ultimately must be addressed is whether Congress is sufficiently committed to the policy of preventing harm to U.S. industries from the deleterious pricing practices of foreign manufacturers that it will coordinate the antidumping legislation to best achieve its underlying policies.

Mr. BYRD. Mr. President, Senator SPECTER's legislation, amending the Clayton Act (15 U.S.C. 12), provides American industries injured by unfair foreign competition with an avenue of redress through the Federal courts. I was an original cosponsor of this measure when it was first introduced in the 97th Congress, and I was pleased to be an original cosponsor of S. 418, as this measure was designated in the 98th Congress.

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[198] General Agreement on Tariffs and Trade, opened for signature Oct. 30, 1947, 61 Stat. A3, T.I.A.S. No. 1700, 55 U.N.T.S. 187 [hereinafter cited as GATT]. Article VI of GATT applies specifically to antidumping legislation.

[199] Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, done Apr. 9, 1979, MTN/NTW/W/232 [hereinafter cited as International Antidumping Code of 1979], reprinted in Agreements Reached in the Tokyo Round of the Multilateral Trade Negotiations, H.R. Doc. No. 153, 96th Cong., 1st Sess., pt. 1, at 311 (1979) [hereinafter cited as MTA].

[200] In the sixty-six years since the passage of the 1916 Antidumping Act, dumping has often been the subject of international discussion. As early as 1927, the World Economic Conference in Geneva passed a resolution recognizing the harmful influence dumping may have on a domestic economy. See Marks, supra note 19, at 586. By the 1930s, at least twenty-five countries had adopted some kind of antidumping law. Id. In 1947, GATT was adopted; GATT condemns dumping if it causes or threatens material injury to an established industry in the territory of a contracting party or materially retards the establishment of a domestic industry. GATT, supra note 198, art. VI, para. 1. During the Kennedy Round of the Multilateral Trade Negotiations, GATT members adopted a Dumping Code designed to encourage uniform dumping laws. Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, done June 30, 1967, 19 U.S.T. 4348, T.I.A.S. No. 6431. The 1967 Code provided guidance in the interpretation of the concepts of "causation," "injury," and "industry." See Technical Analysis, supra note 12, at 1411-14. The U.S. Congress specifically declined to implement the 1967 Code because of constitutional questions and the reluctance to amend the Antidumping Act of 1921. See id. at 1414-15. Pursuant to the Tokyo Round of Multilateral Trade Negotiations, the International Dumping Code of 1979, supra note 199, was adopted. In order to harmonize the world antidumping laws, the Code provides uniform definitions of "industry," "injury," and "causation," id. arts. 4, 3 reprinted in MTA at 314-16, as well as procedural changes to make the resolution of dumping disputes more equitable. See Technical Analysis, supra note 12, at 1416-19. The Trade Agreements Act of 1979, supra note 12, repealed the Antidumping Act, 1921, and replaced it with provisions designed to be consistent with the International Antidumping Code of 1979. See note 12 supra. While the expressed intention of Congress was to enact legislation consistent with obligations contained in the Code, this intention was qualified by the language: "as the United States understands those obligations." S. Rep. No. 249, 96th Cong., 1st Sess. 15-16, 36 (1979). Congress' legislative response to the 1968 and 1979 Codes demonstrates that although Congress is aware of its international obligations, it does not view its own power as necessarily limited by those agreements.

[201] See generally GATT, supra note 198, art. VI; International Antidumping Code of 1979, note 199 supra.

[202] S. 223 Hearings, supra note 171, at 38 (letter from Peter D. Ehrenhaft to Sen. Ribicoff, Chairman, Subcomm. on Int'l Trade of the Comm. on Finance).

[203] Protocol of Provisional Application of the General Agreement on Traiffs and Trade, signed Oct. 30, 1947, 61 Stat. A2051, T.I.A.S. No. 1700, 55 U.N.T.S. 308. Paragraph (1)(b) of the protocol requires the adoption of part II of the GATT, which includes article VI, "to the fullest extent not inconsistent with existing legislation." Id.

[204] See note 200 supra.

[205] See S. 223 Hearings, supra note 171, at 22-23 (memorandum submitted by Messrs. Peter Buck Feller, Charles Verrill Jr., and Gary Horlick).

[206] GATT, supra note 198, art VI(2).

[207] See S. Rep. No. 249, 96th Cong., 1st Sess. 15-16 (1979).

[208] GATT, supra note 198, art. III(4).

[209] Robinson-Patman Act, §§ 2-4, 15 U.S.C. §§ 13-13b (1976).

The purpose of this bill is to provide an effective remedy when an American industry is injured by goods dumped into our market or subsidized by foreign interests. This measure is of particular importance to America's steel industry. While the administration has managed to obtain commitments from several important steel-exporting countries which will limit their share of the American market, we cannot be certain that the administration's program will answer the challenge to the steel industry posed by other unfair foreign competition. Senator SPECTER's bill will complement existing trade laws and assure that industries such as steel will be able to respond appropriately if foreign producers continue to flood the American market with products priced below market rates.

I commend Senator SPECTER for his commitment in bringing this matter before the Senate once again, and I am pleased to appear as an original cosponsor of this bill.

By Mr. THURMOND (for himself, Mr. LAXALT, Mr. HATCH, Mr. ABDNOR, Mr. CHILES, Mr. DOMENICI, Mr. LONG, Mr. ZORINSKY, Mr. DENTON, Mr. JOHNSTON, Mr. TRIBLE, Mr. D'AMATO, Mr. EAST, Mr. HELMS, and Mr. BOREN):

S. 237. A bill to amend title 18 to limit the application of the exclusionary rule; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. LAXALT, Mr. HATCH, Mr. DECONCINI, Mr. SIMPSON, Mr. ABDNOR, Mr. CHILES, Mr. DOMENICI, Mr. HELMS, Mr. LONG, Mr. NUNN, Mr. DENTON, Mr. COCHRAN, Mr. TRIBLE, Mr. D'AMATO, Mr. EAST, and Mr. BOREN):

S. 238. A bill to reform procedures for collateral review of criminal judgments, and for other purposes; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. DECONCINI, Mr. EAST, Mr. GRASSLEY, Mr. HATCH, Mr. SIMPSON, Mr. SPECTER, Mr. ABDNOR, Mr. DOMENICI, Mr. HELMS, Mr. LONG, Mr. TRIBLE, Mr. DENTON, Mr. D'AMATO, Mr. JOHNSTON, and Mr. BOREN):

S. 239. A bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes; to the Committee on the Judiciary.

ADMINISTRATION OF CRIMINAL LAWS

Mr. THURMOND. Mr. President, I am reintroducing today three bills that passed the Senate during the last Congress by significant margins. They deal with vital issues relating to the administration of the criminal laws in this country: Federal habeas corpus review of State criminal convictions; use of the exclusionary rule in Federal criminal trials; and establishment of constitutional procedures for imposition of the death penalty for certain Federal offenses. Unfortunately, in the last Congress, the House took no action on these bills, despite the substantial support for them demonstrated in the votes by which the Senate passed all three measures.

HABEAS CORPUS REFORM

Mr. President, Congress must act, without further unnecessary delay, to reform Federal habeas corpus and collateral attack procedures. This will minimize Federal judicial interference with State criminal convictions, promote finality of such convictions, and deal with common abuses typical of habeas prisoner petitions. The Judiciary Committee reported such a bill in the first session of the last Congress (S. 1763; S. Rept. No. 98-226). The Senate passed the bill on February 6, 1984, by an overwhelming vote of 67 to 9. The measure I am introducing now is identical to S. 1763 as passed by the Senate last Congress.

This bill proposes amendments to various sections of chapter 153 of title 28 of the United States Code, and a related rule of appellate procedure. Its objectives are to establish a more appropriate scope and function for Federal habeas corpus for State prisoners, accord more appropriate weight to State interests in finality and orderly procedures in criminal adjudication, improve the efficiency of habeas corpus litigation and appellate review of such litigation, and effect certain corresponding improvements in the operation of collateral remedies for Federal prisoners. The proposed amendments would change the operation of Federal collateral remedies in several respects.

First, the proposed amendments would preclude granting relief with respect to matters that have been fully and fairly adjudicated in State proceedings. This important change would enhance the finality of State criminal adjudications and avoid duplicative litigation of claims that have already been adequately considered and decided.

Second, the proposed amendments would generally bar cognition of claims that have not been properly raised in State proceedings, provided the State has afforded the petitioner an opportunity consistent with the requirements of Federal law to raise his claims in the State proceedings.

Third, the proposed amendments would establish a 1-year limitation period for the filing of habeas corpus petitions by State prisoners, which would generally run from the time of exhaustion of State remedies. This limitation period would bar petitions in cases in which the passage of time has made reliable adjudication of the petitioner's claims or retrial of the petitioner difficult or impossible. The limitation period would also advance the policies supporting finality and repose in criminal adjudication.

Fourth, the proposed amendments would clearly state that a Federal habeas court can deny a petition on the merits without requiring prior exhaustion of State remedies, thereby avoiding the waste of judicial resources that results when a person presenting a frivolous petition is sent back to the State courts to exhaust State remedies.

Fifth, the proposed amendments would vest in the judges of the courts of appeals exclusive authority to issue certificates of probable cause for appeal in habeas corpus proceedings. This would entrust the decision concerning the propriety of an appeal to the judges who are in the best position to determine if there is a realistic likelihood of reversal. It would also avoid duplicative consideration of the suitability of a case for appeal, first by a district judge, and then by a circuit judge.

Sixth, the proposed amendments would make similar changes in the law governing applications for collateral relief by Federal prisoners pursuant to 28 U.S.C. 2255 in the areas of appeal, procedural default, and time limitation.

Mr. President, each of these proposals is discussed in more detail in the committee report on S. 1763. I urge my colleagues to study this important bill and help us obtain early action this Congress.

EXCLUSIONARY RULE

Mr. President, the second bill I am reintroducing today would modify the exclusionary rule as presently applied in Federal cases. It also was acted on by the Judiciary Committee last Congress (S. 1764; S. Rept. No. 98-350), and passed the Senate by a significant margin: a vote of 63 to 24.

This measure is important, but relatively simple. It would change the current case law with respect to admission of illegally seized evidence in a criminal trial to permit such use if the evidence is obtained, with or without a warrant, by a law enforcement officer acting with a reasonable, good faith belief that his conduct conforms with the fourth amendemnt. This world, in essence, codify the 1984 Supreme Court decision in United States versus Leon with respect to searches pursuant to a warrant, and extend the application of the Leon rationale to warrantless searches.

In essence, the Supreme Court has approached the extension of the rule through a cost-benefit analysis, under which it has refused to suppress illegally seized evidence where the impact of excluding the evidence outweighs the theoretical deterrent effect on

police conduct. The latest decisions—United States versus Leon and Massachusetts versus Sheppard—held that illegally seized evidence should not be suppressed in the prosecution's case-in-chief when the officer conducting the search acted in objective, reasonable reliance on a warrant issued by a detached and neutral magistrate although the warrant subsequently was determined to be invalid. In my judgment, a similar result should occur with respect to objectively reasonable searches without a warrant. As noted in the Judiciary Committee report from the last Congress (S. Rept. No. 98-350 at 8):

> Any fair analysis reveals that the costs of the exclusionary rule far outweigh its presumed benefits when applied to reasonable good faith police conduct that may, in retrospect, be deemed by the courts to be illegal.

I wish to reiterate my view that this is a modest effort to make the application of the exclusionary rule consistent with the modern rationale enunciated by the Supreme Court as the basis for the rule—the deterrence of unlawful police conduct. My personal preference would be to abolish the exclusionary rule altogether and substitute effective, alternative civil remedies to deter unlawful police conduct. However, the approach of the bill may be more politically feasible and would ameliorate the harsh, illogical operation of the present exclusionary rule to some extent.

CAPITAL PUNISHMENT

The third bill I am introducing today is also long overdue for enactment. It provides a constitutional procedure for imposition of the death penalty for certain Federal crimes; treason, espionage, crimes involving the death of a person, and an attempt to assassinate the President of the United States.

Mr. President, this procedure is designed to meet the constitutional defects found to exist in then existing capital punishment procedures by the Supreme Court in Furman versus Georgia in 1972, and subsequent decisions. These defects centered around the unfettered discretion residing in the jury to impose the death penalty without meaningful statutory guidance.

The procedure provided in this bill would involve a two-stage trial to determine when the death penalty should be imposed. During the first stage, the jury or judge would consider only the issue of guilt and only evidence related to that issue would be admissible. Upon a finding of guilty of one of the specified capital offenses, if the Government has filed a pretrial notice of intent to seek the death penalty, specifying the aggravating factors to be proved, the second stage of the trial would be entered. At that point, the jury would determine, pursuant to criteria set forth in the bill, whether or not the death penalty should be imposed.

The criteria, in essence, consist of statutory aggravating and mitigating circumstances for the jury or judge to use as guidance in the decisionmaking process. The bill also contains a provision setting forth certain factors—such as race or national origin of the defendant—that should not play a part in determining an appropriate sentence. Once a sentence of death is imposed, the bill would provide for an expedited appeal.

Mr. President, this legislation has had a long history. It has been thoroughly debated and passed the Senate by a vote of 63 to 32 last year. I urge my colleagues to obtain the committee report on S. 1765 in the 98th Congress (S. Rept. No. 98-251) to become familiar with the issues involved and the details of the bill. It should have been enacted years ago.

CONCLUSION

Mr. President, I have presented a bare outline of three important issues that will be considered by the Senate Committee on the Judiciary during this first session of the 99th Congress. These issues merit the attention of each Senator. I hope this will be the Congress to finally make these improvements in our Federal criminal justice system.

I ask unanimous consent that the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Exclusionary Rule Limitation Act of 1985."

SEC. 2. (a) Chapter 223 of title 18, United States Code, is amended by adding at the end thereof the following new section:

§ 3505. Limitation of the fourth amendment exclusionary rule

"Except as specifically provided by statute, evidence which is obtained as a result of a search or seizure and which is otherwise admissible shall not be excluded in a proceeding in a court of the United States if the search or seizure was undertaken in a reasonable, good faith belief that it was in conformity with the fourth amendment to the Constitution of the United States. A showing that evidence was obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of such a reasonable good faith belief, unless the warrant was obtained through intentional and material misrepresentation.".

(b) The table of sections of such chapter is amended by adding at the end thereof the following item:

"3505. Limitation of the fourth amendment exclusionary rule.".

S. 238

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Reform of Federal Intervention in State Proceedings Act of 1985."

SEC. 2. Section 2244 of title 28, United States Code, is amended by adding at the end thereof the following new subsections:

"(d) When a person in custody pursuant to the judgment of a State court fails to raise a claim in State proceedings at the time or in the manner required by State rules or procedure, the claim shall not be entertained in an application for a writ of habeas corpus unless actual prejudice resulted to the applicant from the alleged denial of the Federal right asserted and—

"(1) the failure to raise the claim properly or to have it heard in State proceedings was the result of State action in violation of the Constitution or laws of the United States;

"(2) the Federal right asserted was newly recognized by the Supreme Court subsequent to the procedural default and is retroactively applicable; or

"(3) the factual predicate of the claim could not have been discovered through the exercise of reasonable diligence prior to the procedural default.

"(e) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of the following times:

"(1) the time at which State remedies are exhausted;

"(2) the time at which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, where the applicant was prevented from filing by such State action;

"(3) the time at which the Federal right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable; or

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.".

SEC. 3. Section 2253 of title 28, United States Code, is amended to read as follows:

"§ 2253. Appeal

"In a habeas corpus proceeding or a proceeding under section 2255 of this title before a circuit or district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit where the proceeding is had.

"There shall be no right of appeal from such an order in a proceeding to test the validity of a warrant to remove, to another district or place for commitment or trial, a person charged with a criminal offense against the United States, or to test the validity of his detention pending removal proceedings.

"An appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding where the detention complained of arises out of process issued by a State court, or from the final order in a proceeding under section 2255 of this title, unless a circuit justice or judge issues a certificate of probable cause.".

SEC. 4. Federal Rule of Appellate Procedure 22 is amended to read as follows:

"RULE 22.

"HABEAS CORPUS AND § 2255 PROCEEDINGS

"(a) Application for an Original Writ of Habeas Corpus. An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application will ordinarily be transferred to the appropriate dis-

trict court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge is not favored; the proper remedy is by appeal to the court of appeals from the order of the district court denying the writ.

"(b) Necessity of Certificate of Probable Cause for Appeal. In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, and in a motion proceeding pursuant to section 2255 of title 28, United States Code, an appeal by the applicant or movant may not proceed unless a circuit judge issues a certificate of probable cause. If a request for a certificate of probable cause is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or the government or its representative, a certificate of probable cause is not required.".

SEC. 5. Section 2254 of title 28, United States Code, is amended by redesignating subsections "(c)" and "(f)" as subsections "(f)" and "(g)", respectively, and is further amended—

(a) by amending subsection (b) to read as follows:

"(b) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the applicant. An application may be denied on the merit notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the States.";

(b) by redesignating subsection "(d)" as subsection "(e)", and amending it to read as follows:

"(e) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a full and fair determination of a factual issue made in the case by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting this presumption by clear and convincing evidence."; and

(c) by adding a new subsection (d) reading as follows:

"(d) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that has been fully and fairly adjudicated in State proceedings.".

SEC. 6. Section 2255 of title 28, United States Code, is amended by deleting the second paragraph and the penultimate paragraph thereof, and by adding at the end thereof the following new paragraphs:

"When a person fails to raise a claim at the time or in the manner required by Federal rules of procedure, the claim shall not be entertained in a motion under this section unless actual prejudice resulted to the movant from the alleged denial of the right asserted and—

"(1) the failure to raise the claim properly, or to have it heard, was the result of governmental action in violation of the Constitution or laws of the United States;

"(2) the right asserted was newly recognized by the Supreme Court subsequent to the procedural default and is retroactively applicable; or

"(3) the factual predicate of the claim could not have been discovered through the exercise of reasonable diligence prior to the procedural default.

"A two-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of the following times:

"(1) the time at which the judgment of conviction becomes final;

"(2) the time at which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, where the movant was prevented from making a motion by such governmental action;

"(3) the time at which the right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable; or

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.".

S. 239

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18 of the United States Code is amended—

(a) by adding the following new chapter after chapter 227:

"CHAPTER 228—DEATH SENTENCE

"Sec.

"3591. Sentence of death.
"3592. Factors to be considered in determining whether a death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3597. Use of State facilities.

"§ 3691. Sentence of death

"A defendant who has been found guilty of—

"(a) an offense described in section 794 or section 2381 of this title;

"(b) an offense described in section 1751(c) of this title, if the offense constitutes an attempt to kill the President of the United States and results in bodily injury to the President or comes dangerously close to causing the death of the President; or

"(c) any other offense for which a sentence of death is provided, if the defendant—

"(1) intentionally killed the victim;

"(2) intentionally inflicted serious bodily injury that resulted in the death of the victim; or

"(3) intentionally participated in an act that he knew, or reasonably should have known, would create a grave risk of death to a person, other than one of the participants in the offense, and the victim died as a direct result of the the act;

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified.

"§ 3592. Factors to be considered in determining whether a sentence of death is justified

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(1) the defendant was less than eighteen years of age at the time of the offense;

"(2) the defendant's mental capacity was significantly impaired, although the impairment was not such as to constitute a defense to prosecution;

"(3) the defendant was under unusual and substantial duress, although not such duress as would constitute a defense to prosecution; and

"(4) the defendant was an accomplice whose participation in the offense was relatively minor.

The jury, or if there is no jury, the court, may consider whether any other mitigating factor exists.

"(b) AGGRAVATING FACTORS FOR ESPIONAGE AND TREASON.—In determining whether a sentence of death is justified for an offense described in section 3591(a), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) the defendant has previously been convicted of another offense involving espionage or treason for which either a sentence of life imprisonment or death was authorized by statute;

"(2) in the commission of the offense the defendant knowingly created a grave risk of substantial danger to the national security; and

"(3) in the commission of the offense the defendant knowingly created a grave risk of death to another person.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(c) AGGRAVATING FACTORS FOR HOMICIDE AND FOR ATTEMPTED MURDER OF THE PRESIDENT.—In determining whether a sentence of death is justified for an offense described in section 3591 (b) or (c), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(1) the death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 751 (prisoners in custody of institution of officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property in interstate commerce by explosives), section 1118 (prisoners serving life term), section 1201 (kidnaping), or section 2381 (treason) of this title, or section 902 (i) or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472 (i) or (n)) (aircraft piracy);

"(2) the defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute;

"(3) the defendant has previously been convicted of two or more Federal or State offenses, punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction

of, or attempted infliction of, serious bodily injury or death upon another person;

"(4) the defendant, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense;

"(5) the defendant committed the offense in an especially heinous, cruel, or depraved manner;

"(6) the defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value;

"(7) the defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value;

"(8) the defendant committed the offense after substantial planning and premeditation to cause the death of a person or commit an act of terrorism; or

"(9) the defendant committed the offense against—

"(A) the President of the United States, the President-elect, the Vice President, the Vice-President-elect, the Vice-President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(B) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(C) a foreign official listed in section 1116(b)(3)(A) of this title, if he is in the United States on official business; or

"(D) a Federal public servant who is a judge, a law enforcement officer, or an employee of a United States penal or correctional institution—

"(i) while he is engaged in the performance of his official duties;

"(ii) because of the performance of his official duties; or

"(iii) because of his status as a public servant.

For purposes of this subparagraph, a 'law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution of an offense.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"§ 3593. Special hearing to determine whether a sentence of death is justified

"(a) NOTICE BY THE GOVERNMENT.—If, in a case involving an offense described in section 3591, the attorney for the government believes that the circumstances of the offense are such that a sentence of death is justified under this chapter, he shall, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, sign and file with the court, and serve on the defendant, a notice—

"(1) stating that the government believes that the circumstances of the offense are such that, if the defendant is convicted, a sentence of death is justified under this chapter; and

"(2) setting forth the aggravating factor or factors that the government, if the defendant is convicted, proposes to prove as justifying a sentence of death.

The court may permit the attorney for the government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OF LAW.—If the attorney for the government has filed a notice as required under subsection (a) and the defendant is found guilty of an offense described in section 3591, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Prior to such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the provisions of Rule 32(e) of the Federal Rules of Criminal Procedure. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under this section is necessary; or

"(3) before the court alone, upon the motion of the defendant and with the approval of the attorney for the government.

A jury impaneled pursuant to paragraph (2) shall consist of twelve members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—At the hearing, information may be presented as to any matter relevant to the sentence, including any mitigating or aggravating factor permitted or required to be considered under section 3592. Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. Any other information relevant to a mitigating or aggravating factor may be presented by either the attorney for the government or the de fendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is substantially outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in the case of imposing a sentence of death. The attorney for the government shall open the argument. The defendant shall be permitted to reply. The attorney for the government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the information.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return a special finding as to each mitigating and aggravating factor, concerning which information is presented at the hearing, required to be considered under section 3592. The jury must find the existence of a mitigating or aggravating factor by a unanimous vote, although it is unnecessary that there be a unanimous vote on any specific mitigating or aggravating factor if a majority of the jury finds the existence of such a specific factor.

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, in the case of—

"(1) an offense described in section 3591(a), an aggravating factor required to be considered under section 3592(b) is found to exist; or

"(2) an offense described in section 3591 (b) or (c), an aggravating factor required to be considered under section 3592(c) is found to exist;

the jury, or if there is no jury, the court, shall then consider whether all the aggravating factors found to exist sufficiently outweigh all the mitigating factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factors alone are sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall return a finding as to whether a sentence of death is justified.

"(f) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subsection (c), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, national origin, creed, or sex of the defendant. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, national origin, creed, or sex of the defendant was not involved in reaching the juror's individual decision.

"§ 3594. Imposition of a sentence of death

"Upon a finding under section 3593(c) that a sentence of death is justified, the court shall sentence the defendant to death. Upon a finding under section 3593(c) that a sentence of death is not justified, or under section 3593(d) that no aggravating factor required to be found exists, the court shall impose any sentence other than death that is authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without parole.

"§ 3595. Review of a sentence of death

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time specified for the filing of a notice of appeal. An appeal under this section may be consolidated with an appeal of the judgement of conviction and shall have priority over all other cases.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentence hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d).

"(c) DECISION AND DISPOSITION.—

"(1) If the court of appeals determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(B) the information supports the special finding of the existence of an aggravating factor required to be considered under section 3592;

it shall affirm the sentence.

"(2) In any other court of appeals shall remand the case for reconsideration under section 3593.

"(3) The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"§ 3596. Implementation of a sentence of death

"A person who has been sentenced to death pursuant to the provisions of this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the latter State in the manner prescribed by such law. A sentence of death shall not be carried out upon a woman while she is pregnant.

"§ 3597. Use of State facilities

"A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.";

(b) by repealing sections 3566 and 3567;

(c) in the chapter analysis of part II, by adding the following new item after the item relating to chapter 227:

"228. Death sentence ..... 3591";

and

(d) in the section analysis of chapter 227, by amending the items relating to sections 3566 and 3567 to read as follows:

"3566. Repealed.

"3567. Repealed.".

SEC. 2. Section 34 of title 18 of the United States Code is amended by changing the comma after the words "imprisonment for life" to a period and deleting the remainder of the section.

SEC. 3. Section 794(a) of title 18 of the United States Code is amended by changing the period at the end of the section to a comma and by adding immediately thereafter the words "except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds that the offense directly concerned nuclear weaponry, military spacecraft or satellites, early warning systems, or other means of defense or retaliation against large-scale attack; war plans; communications intelligence or cryptographic information; or any other major weapons system or major element of defense strategy.".

SEC. 4. Section 844(d) of title 18 of the United States Code is amended by striking the words "as provided in section 34 of this title".

SEC. 5. Section 844(f) of title 18 of the United States Code is amended by striking the words "as provided in section 34 of this title".

SEC. 6. Section 844(i) of title 18 of the United States Code is amended by striking the words "as provided in section 34 of this title".

SEC. 7. The second paragraph of section 1111(b) of title 18 of the United States Code is amended to read as follows:

"Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;".

SEC. 8. Section 1116(a) of title 18 of the United States Code is amended by striking the words "any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and".

SEC. 9. Chapter 51 of title 13 of the United States Code is amended—

(a) by adding at the end thereof the following:

"§ 1118. Murder by a Federal prisoner

"(a) Whoever, while confined in a Federal correctional institution under a sentence for a term of life imprisonment, murders another shall be punished by death or by life imprisonment without the possibility of parole.

"(b) For the purposes of this section—

"(1) 'Federal correctional institution' means any Federal prison, Federal correctional facility, Federal community program center, or Federal halfway house;

"(2) 'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least fifteen years and a maximum of life, or an unexecuted sentence of death;

"(3) 'murders' means committing first degree or second degree murder as defined by section 1111 of this title."; and

(b) by amending the section analysis to add:

"1118. Murder by a Federal prisoner.".

SEC. 10. Section 1201 of title 18 of the United States Code is amended by inserting after the words "or for life" in subsection (a) the words "and, if the death of any person results, shall be punished by death or life imprisonment".

SEC. 11. The last paragraph of section 1716 of title 18 of the United States Code is amended by changing the comma after the words "imprisonment for life" to a period and deleting the remainder of the paragraph.

SEC. 12. Subsection (c) of section 1751 of title 18 of the United States Code is amended to read as follows:

"(c) Whoever attempts to kill or kidnap any individual designated in subsection (a) of this section shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if the conduct constitutes an attempt to kill the President of the United States and results in bodily injury to the President or otherwise comes dangerously close to causing the death of the President.".

SEC. 13. The second to the last paragraph of section 1992 of title 18 of the United States Code is amended by changing the comma after the words "imprisonment for life" to a period and deleting the remainder of the section.

SEC. 14. Section 2031 of title 18 of the United States Code is amended by deleting the words "death, or".

SEC. 15. Section 2113(e) of title 18 of the United States Code is amended by striking the words "or punished by death if the verdict of the jury shall so direct" and inserting in lieu thereof the words "or if death results shall be punished by death or life imprisonment".

SEC. 16. Section 903 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1473), is amended by striking subsection (c).

SEC. 17. The provisions of chapter 228 of title 18 of the United States Code, as added by this Act, shall not apply to prosecutions under the Uniform Code of Military Justice (10 U.S.C. 801).

CONSTITUTIONAL PROCEDURES FOR THE IMPOSITION OF CAPITAL PUNISHMENT

Mr. DENTON. Mr. President, I rise today to join my distinguished colleague, Mr. THURMOND, in strong support of this bill to establish constitutional procedures for the imposition of the sentence of death for certain Federal offenses.

Not since the Supreme Court's decision in *Furman* v. *Georgia*, 408 U.S. 238 (1972), striking down Federal and State death penalty statutes that allowed for unguided discretion by the trier of fact to determine whether or not the death penalty should be imposed, have American citizens had the protection that capital punishment can provide. The bill provides for the return of that protection by incorporating constitutionally acceptable procedures that guard against the unfettered discretion condemned in Furman.

Following the 1976 rulings by the Supreme Court in a group of landmark death penalty cases (*Gregg* v. *Georgia*, 428 U.S. 153 (1976); *Proffitt* v. *Florida*, 428 U.S. 242 (1976); *Jurek* v. *Texas*, 428 U.S. 262 (1976); *Woodson* v. *North Carolina*, 428 U.S. 280 (1976); and *Roberts* v. *Louisiana*, 428 U.S. 325 (1976)), the bill provides for a bifurcated trial. That is, first the trier of fact would determine guilt or innocence. Then, after the defendant is convicted of an offense for which the penalty of death is authorized, the court would hold a separate hearing to determine whether or not the death penalty should be imposed. At that hearing, which would normally be before the same jury that conducted the trial, or before the judge if both parties agree, both sides would have an opportunity to present all relevant information. That procedure would require the factfinder to determine the existence of statutory aggravating and mitigating circumstances as a basis for proceeding to the ultimate determination of the penalty to be imposed.

Putting the death penalty back into the Federal criminal justice system is a step that, in my view, is long overdue. For far too long, the pendulum of justice has swung in the wrong direction, and too much attention has been paid to the rights of convicted criminals. The excess of attention that has been given to the rights of criminals has been produced by sacrificing the

greater right of society to live free from the fear of violent harm and the rights of the victims against whom convicted criminals have committed their heinous crimes.

Governments, particularly governments of law and not of men, have no higher duty than to protect the governed from harm. The Founding Fathers themselves recognized that principle and gave it the primacy it deserves by setting forth in the preamble to our Constitution the mandate to "establish Justice" and to "provide for the common defense." The death penalty implements the principle not only by providing a deterrent to individuals, but also by providing a social and general deterrence to crime by showing the seriousness with which the society views extreme cases of unlawful conduct. As a result, the population as a whole is made aware of the horror of the most serious crimes, and the n embers of society acquire the desire to avoid such criminal behavior.

Capital punishment also has an incapacitating effect. The death penalty prevents continued commission of truly serious crimes by incorrigibly antisocial criminals who would otherwise remain potentially dangerous to society for the rest of their natural lives. Mere imprisonment only offers those individuals the possibility of escape or, in some cases, release on parole. Life imprisonment without parole only increases the dangers to guards and other prisoners who come into contact with the most dangerous offenders.

Finally, capital punishment serves the legitimate function of retribution. It allows society to extract legitimate retribution from people whose behavior so transcends the bounds of acceptable conduct that they take the lives of their fellow citizens. Additionally it allows society to express its outrage and sense of revulsion toward those who undermine the foundations of our society through contravention of its law. Not only must innocent life be protected by any society, but that society must be willing to impose its severest penalty upon those who take the lives of others.

Claims from some quarters that support for abolishment of the death penalty is growing are just not true. In fact, support for capital punishment is widespread. The American Bar Association/University of Chicago poll found that over 73 percent of the citizens polled were in favor of capital punishment. An ABA poll found 69 percent of lawyers and law students in favor of death sentences. A March 1981 Gallup poll, taken before the attempt on President Reagan's life, revealed that public support for imposing the death penalty for the crime of murder had reached its highest point in 28 years. The poll indicated that 66 percent—two out of every three—Americans favored the death penalty for persons convicted of capital crimes.

Mr. President, in conclusion I reiterate that the primary responsibility of society is to protect its members so that they may live their lives in peace and safety. In providing that protection, society must do what is necessary to deter those who may break the laws, and it must appropriately punish those who do break the laws.

I commend Senator THURMOND for his leadership in introducing this necessary legislation and I urge my colleagues to support this positive step to protect our society.

Thank you, Mr. President.

USE OR THE EXCLUSIONARY RULE IN FEDERAL COURTS

Mr. DENTON. Mr. President, I rise today to join my distinguished colleague, the Senator from South Carolina, Mr. THURMOND, in strong support of a bill to modify the application of the exclusionary rule in Federal courts.

The bill would amend title 18 of the United States Code to allow otherwise admissible evidence to be used in Federal court proceedings, even if it was obtained through a violation of the fourth amendment to the Constitution, as long as the search or seizure which produced the evidence was "undertaken in a reasonable, good faith belief that it was in conformity with the fourth amendment."

The Supreme Court first held in the case of Weeks versus United States (1914) that evidence obtained in violation of the fourth amendment was inadmissible in a Federal criminal trial. Since its limited application in Weeks to exclude simple evidence of a crime, the exclusionary rule has been expanded to exclude contraband and the actual tools and instrumentalities of a crime. It has been further expanded to exclude evidence that was derived from other illegally seized evidence. Since the exclusionary rule is a judicially mandated rather than a constitutionally required response to fourth amendment violations, its reform through the legislative process is appropriate.

The primary, if not the sole, rationale for the application of the exclusionary rule is to deter fourth amendment violations by law enforcement personnel. The theory is that the exclusion of illegally seized evidence will deter law enforcement personnel from engaging in negligent or intentional practices that result in fourth amendment violations.

The problem arises when the rule is applied to exclude evidence seized in situations that a reasonably well-trained officer would not or could not have recognized as being in violation of the fourth amendment. The rule therefore loses any deterrent value it may have for more egregious violations of the fourth amendment. It simply results in a windfall for the criminal, who walks away unscathed despite the existence of reliable evidence of guilt.

If one considers the exclusion of evidence a remedy for one whose fourth amendment rights have been violated, then the problem is that it only rewards those who are actually guilty of a crime. It provides no recourse for innocent victims of police overaggressiveness, negligence, or international misconduct.

Mr. President, in deciding when the exclusionary rule should be applied, the Supreme Court has balanced the deterrent effect of the rule against the cost to society that would result from the distortion of the judicial process caused by depriving the prosecution of reliable, probative evidence of guilt. The bill would make clear the congressional determination that whatever minimal deterrent effect the exclusionary rule may have is outweighed by its cost to society in cases where the evidence to be excluded is the product of a search or seizure undertaken in a reasonable and good faith belief that it was in conformity with the fourth amendment.

In the 1984 case of United States versus Leon, the Supreme Court upheld the use of evidence seized by officers acting in reasonable reliance on a search warrant, issued by a detached and neutral magistrate, that was later found to be invalid. The Supreme Court recognized in Leon that "indiscriminate application of the exclusionary rule—impeding the criminal justice system's truth finding function and allowing some guilty defendants to go free—may well generate disrespect for the law and the administration of justice." The bill introduced today incorporates the ruling of the Supreme Court that the exclusionary rule should be modified to permit the introduction of evidence obtained by officers reasonably relying on a warrant issued by a detached and neutral magistrate. It also permits the use of evidence seized in warrantless searches where the seizing officer was acting in a reasonable and good faith belief that his conduct conformed with the fourth amendment.

The exclusionary rule will still be applied in cases where police conduct is objectively and patently unreasonable or where it is based on a warrant which was acquired through intentional and material misrepresentation. Thus, the effect of the bill is simply to limit the use of the exclusionary rule in those cases in which its cost to society is grossly disproportionate to the minimal deterrent effect it may have on law enforcement officers.

Mr. President, legislation in this area is long overdue. I strongly urge my colleagues to support this effort, as they did the identical S. 1764 last

year, so that the 99th Congress will effect a needed modification of the exclusionary rule.

Thank you, Mr. President,

Mr. DENTON. Mr. President, I rise today to join my distinguished colleague from South Carolina, Mr. THURMOND, in support of the Reform of Federal Intervention in State Proceedings Act of 1985. It is designed to reform certain habeas corpus procedures that are currently in effect.

The writ of habeas corpus originated in the common law. Its importance was recognized by our Founding Fathers when they included in our Constitution a provision that "The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." We know from history and the common law, however, that the habeas corpus proceedings to which the Founding Fathers referred in the Constitution were proceedings that sought an initial judicial determination of the legality of a detention imposed by an executive authority. The Founding Fathers did not have in mind proceedings that sought additional judicial reviews of the legality of a judicially imposed dentention.

After the Constitution was ratified, the availability of habeas corpus in the Federal courts was restricted to Federal prisoners, and the common law restrictions on the scope of the writ were generally observed. Unfortunately, however, the common law origins of the writ were gradually eroded during the last 100 years or so through statutory and case law development. During the last 30 years, the writ of habeas corpus has routinely served as a means for the lower Federal courts to review State criminal judgments on the grounds of alleged deprivation of Federal rights. In fact, the number of prisoners challenging the validity of their State Federal habeas corpus petitions rose nearly 700 percent from 1961 through 1982, according to a report prepared by the Bureau of Justice Statistics. It is that appalling situation that this bill is designed to redress.

According to our country's leading legal scholars on Federal procedure, the single most controversial and friction-producing issue in the relationship between the Federal courts and the States is Federal habeas corpus for State prisoners. State courts resent having their decisions reviewed by Federal judges, who in turn are unhappy about the burden of reviewing thousands of mostly frivolous petitions.

Several Supreme Court Justices have strongly criticized the current system of Federal habeas corpus, and have called for basic limitations on its scope and availability. Chief Justice Burger has urged Congress to consider restricting the availability of Federal habeas corpus for State prisoners because, in his view, "the administration of justice in this country is bogged down with lack of finality of judgments in criminal cases." As Justice Powell observed over 10 years ago in his opinion in Schneckloth versus Bustamonte:

> The present scope of habeas corpus tends to undermine the values inherent in our Federal system of Government. To the extent that every State criminal judgment is to be subject indefinitely to broad and repetitious Federal oversight, we render the actions of State courts a serious disrespect in derogation of the constitutional balance between the two systems.

It is to that very problem, so eloquently expressed by distinguished Supreme Court jurists, that this bill is addressed.

The bill establishes a standard for reviewing habeas corpus proceedings by according deference to State adjudications that are full and fair. That would be a vast improvement over the current rules, which provide, through habeas corpus proceedings, for mandatory readjudication, and that frequently result in duplicative relitigation of claims that have already been fairly considered by State trial and appellate courts.

The bill also would resolve the major uncertainties about access to Federal collateral remedies after a failure to raise a claim properly in normal criminal proceedings. It does that by establishing cause and prejudice as the exclusive governing standard.

In addition, the bill would establish a 1-year time limit on access to Federal habeas corpus for State prisoners, normally running from the time State remedies are exhausted. For similar purposes, it would prescribe a 3-year time limit on applications for collateral relief by Federal prisoners, normally running from finality of judgment.

The bill also addresses two technical issues that need to be remedied. First, it would make it clear that habeas corpus petition can be denied on the merits, notwithstanding the petitioner's failure to exhaust available State remedies. That change would eliminate the waste of time and effort that currently occurs when a frivolous petition is dismissed by a Federal court on grounds of nonexhaustion of State remedies but is later brought back to Federal court following its unsuccessful presentation.

Second, the bill would change the current rule that gives a State prisoner in a habeas corpus proceeding repeated opportunities to persuade a Federal district judge and then a circuit judge that an appeal is warranted. Similarly, it would bring the procedure governing access to appeal in collateral proceedings involving Federal prisoners into line with the procedure employed for habeas corpus proceedings for State prisoners.

I believe that the Reform of Federal Intervention in State Proceedings Act of 1985 represents a rational, reasoned approach to a problem that has been developing for more than a century, a problem so great that it has led our country's leading jurists to ask us for specific legislative relief. I commend Senator THURMOND for his leadership role in introducing this necessary piece of legislation and I urge my colleagues to support the bill in order to facilitate the ability of our judicial system to dispense justice to all our citizens instead of unnecessarily wasting time and effort on a few people who exploit procedural loopholes in the law.

Thank you, Mr. President.

Mr. CHILES. I am pleased to again join with Senator THURMOND, chairman of the Judiciary Committee, in proposing legislation to reform the Federal habeas corpus law. We have worked together on the legislation since 1981. Last year we did pass this bill in the Senate and I am hopeful that it will be enacted into law in this Congress.

We all recognize that proposing changes in the habeas corpus statutes is not an easy thing to do. It is certainly something that we must consider carefully. But over the last few years, respected judges and legal scholars have called for a reexamination of our present system. Both Justice Black and Judge Friendly raised various questions about the easy availability in habeas corpus for State prisoners. Jim Smith, Florida's attorney general, has compiled a study of the use of the habeas corpus remedy over a period of several years. That study pointed to numerous instances of abuse in today's system. Chief Burger has stressed the need to recognize, "at some point finality of judgment" in our criminal justice system.

The bill that Senator THURMOND and I am introducing is designed to address some of the problems in the current system. The purpose of the bill is to give greater respect to orderly State court procedures and to instill the notion of finality of judgment into our State criminal justice systems.

There has been an explosion in the use of the habeas corpus writ by State prisoners to attack their State court convictions. The writ itself was first made available to State prisoners by a statute enacted by Congress in 1867. In 1953, in the Brown against Allen case, the Supreme Court interpreted the 1867 statute in such a way as to give Federal district courts broad authority to redetermine the merits of State court convictions. At that time, Justice Jackson expressed deep concern over the "flood of stale, frivolous, and repetitious petitions which will swamp the dockets of the lower courts and swell our own." Mr. Justice Jackson's observations have proven all too accurate, as prisoners have taken ad-

vantage of the easy availability of access to the Federal courts. In 1953, the flood consisted of 541 petitions. In the past 20 years, the filings of State prisoners habeas corpus petitions has dramatically increased by almost 700 percent.

I believe that the current state of affairs is harmful to the effective functioning of our courts, and to our criminal justice system. First of all, the easy availability of such review is at odds with one of the most fundamental principles of our judicial system: The notion of finality. Habeas cases relitigate the facts and issues that were decided in the State courts, either at trial or on direct appeal. We all recognize that finality in criminal cases will not carry the same weight it does in civil cases. But it does not follow that finality has no place at all in our criminal justice system. Yet, the current system operates in such a way as to suggest that a prisoner, duly convicted in a full and fair State proceeding, can challenge that conviction time and time again, for years or even decades after his State court conviction became final. Factual issues can end up being redetermined long after the crime was committed and the initial trial was held. In the meantime, evidence may have disappeared or key witnesses may no longer remember crucial details. The State is prejudiced by these long delays, and more importantly, the delays hurt the reliability of the fact finding process. Needless to say, extensive Federal court review of State court convictions can create unnecessary friction between the State court system and the Federal courts.

This lack of finality hampers the courts and the criminal justice system in other ways as well. An effective criminal justice system must let would be criminals know that they will be punished for committing crimes. This deterrence is not effective if prisoners have easy access to the Federal courts to file attacks on their convictions. As a result, the word gets out to would-be criminals that, even if you're caught and get sent to prison, you may not have to serve out your sentence. That message gets out to the public as well, and the result is an erosion of public confidence in the ability of the criminal justice system and the courts to deal with crime. Furthermore, the sheer volume of petitions filed is a strain on the resources of our courts. When our prosecutors, defense attorneys and judges devote their time and efforts to reviewing and processing these petitions, we end up diluting the resources of the courts. We add to the delay in bringing original criminal and civil cases to trial. Ironically, the flood of petitions may actually hurt those who have valid habeas claims. A large number of the claims filed are frivolous and repetitious, since many petitions can be filed without cost to the prisoner. This finding may prevent the worthy petitions from getting the consideration they deserve. As Justice Jackson observed, "(i)t must hurt the occasional meritorious petition to be buried in a flood of worthless ones."

The legislation we are introducing today is a carefully conceived measure that has been refined over several years of Senate consideration. It protects the right to a full and fair trial, but aims to rectify abuse of the writ of habeas corpus.

A prisoner would have to file his habeas petition while the evidence is still fresh—within a year. It establishes some limits on raising new claims as the basis for a petition when the prisoner failed to bring them up during State proceedings. And it provides that Federal courts must defer when a State court conviction has received a full and fair review by the State's appellate and supreme courts.

We need more finality in our criminal justice system. We need to avoid pointless relitigation of State cases and we need greater respect for our State court system. That is essential to maintaining public confidence in our system of justice.

I'm not sure that we have that today. In the words of one Supreme Court Justice, all too often, the State trial is more like a tryout on the road, and you don't get to Broadway until you start filing appeals in the Federal courts. All too often, we read about someone who is being released as a result of an appeal filed years or even decades after his original trial. All too often, those appeals are purely technical. They do not go to what should be the two fundamental issues in these cases: First, was the person filing the appeal innocent, and second, did that person get a fair trial. I believe that our State courts are capable of giving fair trials.

I believe that, if a person does not get a fair trial in the State courts, he should be entitled to one in the Federal courts. But I also believe that our criminal justice system cannot serve society if we allow any case to be reopened at any time, and on practically any grounds. These beliefs can be balanced. In today's system, however, I do not believe that they are balanced. This proposal is an attempt to strike a more equitable balance.

By Mr. CRANSTON (for himself and Mr. PELL):

S. 240. A bill to amend the Uniform Time Act of 1966 to provide that daylight savings time commence each year on the first Sunday in March rather than the last Sunday in April; to the Committee on Commerce, Science, and Transportation.

ENERGY CONSERVATION DAYLIGHT SAVING ACT OF 1985

Mr. PELL. Mr. President, I am very pleased to join my distinguished colleague, the senior Senator from California [Mr. CRANSTON] in introducing legislation today to provide for the observance of daylight saving time for an 8-month period beginning the first Sunday of March and extending through the last Sunday in October.

Under the Uniform Time Act of 1966, daylight saving time is currently observed from the last Sunday in April until the last Sunday in October.

During the energy emergency of the early 1970's, and as recently as the 98th Congress, I introduced similar legislation to extend daylight saving time for an 8-month period on a permanent basis. I was especially pleased that legislation to extend daylight saving time was enacted—Public Law 93-434—in 1973 for a 2-year period in response to the energy emergency. At that time, daylight saving time was widely recognized as one way to help ease the surging demand for electricity by residential consumers.

Mr. President, while the immediate concerns over energy shortages and long lines at service stations have abated, the importance of continuing to encourage energy conservation is not questioned. Expanded daylight saving time could play a significant role in this regard as reported by Department of Transportation studies. Such studies following the 2-year experiment in 1973, suggest energy savings of approximately 100,000 barreis of oil equivalent per day during a 2-month extension. These savings are projected to occur as a result of reduced demand for residential electricity.

Beyond the immediate reduction in nationwide demand for electricity, the expanded period of daylight saving time, along with the 55-mile-per-hour speed limit, would remind us of our need to conserve energy and reduce the Nation's dependency on imported oil.

Mr. President, the benefits of an expanded daylight saving time extend beyond energy conservation. There would be immediate and noticeable effect on the quality of life for all Americans. These direct benefits include reductions in most categories of street crime and reductions in traffic accidents and fatalities.

The National Highway Transportation Safety Administration, for example, predicted there would be 200 fewer traffic fatalities per year if the observance of daylight saving time was extended to include March and April.

In response to the considerable concern over the schoolchildren waiting for school buses in the early morning hours, the National Safety Council and the Department of Transportation indicated that under extended daylight saving time in March and April, school age children would not be subject to greater involvement in

accidents than the general population in any period of the day.

Another key benefit of the 2 additional months of daylight would be a nationwide reduction in most categories of street crime—a problem rapidly reaching epidemic proportions in our Nation. Statistics indicate that robbery, muggings, and other forms of violent crime are most frequently committed during the early evening hours. With the extra hour of daylight, at a time when most of the work force would be en route home, criminals would be less apt to threaten these individuals returning to their families.

Mr. President, I believe it is clear that the benefits of extending daylight saving time for the 2-month period far outweigh the continuation of the present 6-month period. The legislation proposed today impose no burden on the American taxpayer and require no further intrusion by the Federal Government in our daily lives, Furthermore, this legislation protects those States who opposed any expanded daylight saving by continuing the authority for any State to exempt itself from the provisions of the bill.

I commend my distinguished colleague, the senior Senator from California [Mr. CRANSTON] for this important initiative and hope my colleagues will support this legislation to advance daylight saving time for the 2-month period including March and April.

By Mr. ROTH:

S. 241. A bill to change the term of the Chairman of the Board of Governors of the Federal Reserve System; to the Committee on Banking, Housing, and Urban Affairs.

TO CHANGE THE TERM OF THE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Mr. ROTH. Mr. President, today I am introducing legislation that would change the term of the Chairman of the Board of Governors of the Federal Reserve System in order to make it approximately coterminus with that of the President of the United States. The term would end 1 year and 11 days after the expiration of the term of the President making the designation. To do so would not compromise the independence of the Fed, relative to present law, but would help insure that the policies of the Fed compliment those of the President.

When the citizens of this country vote for an administration, they have a right to a consistent expression of economic policy that is compatible with the philosophy and outlook of that administration. A mandate on economic policy should not be frustrated by fiscal and monetary policies that are contradictory.

While it is important for the Fed to maintain its independence, it makes little sense to continue a situation in which a new President could be forced to spend the first 2 or 3 years of his term with the Fed Chairman whose political and economic philosophies may be totally at odds with those of his administration

If we have learned anything from this recession that we are now recovering from, it is the power of monetary policy to influence the economy. I believe each new President should be given the opportunity to appoint a Fed chairman who can be expected to keep the Fed's policies in tune with the President's economic program.

By Mr. ABDNOR (for himself, Mr. BOSCHWITZ, and Mr. METZENBAUM):

S. 244. A bill to limit to the national median family income the amount of farm loss which may be deducted against nonfarm income by high-income taxpayers in competition with full-time, family-size operators; to the Committee on Finance.

TAX LOSS FARMING

Mr. ABDNOR. Mr. President, today I am introducing a bill designed to help preserve our family farm system while curbing a tax abuse and at the same time reducing the Federal deficit. My bill would limit to the national median household income—approximately $23,600—the amount of off-farm income which can be sheltered by farm losses.

As my colleagues will remember, I offered identical legislation in the last session of Congress. Since that time, I have received overwhelming support for my proposal from farmers, ranchers, agribusinesses, soil conservation groups and districts, and other concerned citizens. Additionally, I have received strong support from Farm Bureau, Farmers Union, American Agriculture Movement, National Farmers Organization, Grange, Women Involved in Farm Economics [WIFE], and other groups both in my home State of South Dakota and across the Nation. The National Governors Association also has endorsed the concepts embodied in my bill.

Very simply, Mr. President, my bill would close a glaring tax loophole which is aggravating our festering farm problems. Under our current tax code, bona fide farmers and ranchers must compete with so-called gentlemen farmers who are more interested in farming the Tax Code than in producing food and fiber. These gentlemen farmers compete with the bona fide family farmers and ranchers of America for farm and ranch land, add to our surplus production problems, and sometimes farm fragile or marginal lands, thus aggravating our soil and water conservation problems.

In addition to helping bona fide farmers and ranchers, my bill would make a very significant contribution to the goal of reducing the Federal deficit. The Joint Committee on Taxation has estimated my bill would garner a revenue gain to the Treasury of approximately $2.6 billion for fiscal years 1985–87. That amount is great by any calculation and should be considered carefully as we try to cut the deficit in order to lower interest rates and restore the value of the dollar to a more reasonable level. As my fellow farm-State colleagues are aware, high interest rates are crippling farmers and forcing many into bankruptcy or to abandon the land which has been in their family for generations. Additionally, our huge budget deficit has forced the dollar to record-high levels, thus making our agricultural exports noncompetitive in world markets.

One of the best farm programs we could write would be one which would reduce the deficit, lower the interest rates that our farmers and ranchers must pay to remain in operation, and make our farm products competitive in world markets. Toward these ends, my bill makes a significant contribution since it takes a $2.6 billion slash out of the Federal deficit.

The current raid on the Federal Treasury by "gentlemen" farmers is not gentlemanly at all. It is out-and-out robbery, and it should be stopped. It is a crime that our Federal tax laws allow wealthy individuals with large income to shelter thousands of dollars with farm losses. Furthermore, it is a social embarrassment that our tax laws encourage these investors to enter into direct competition with bona fide farmers and ranchers.

For years, politicians have stated that they are trying to save the family farm, and Congress has made attempts to do so. But, in actuality, these same politicians have fostered the demise of the family farm by creating and ignoring a tax loophole which has placed wealthy individuals with large amounts of off-farm income in direct competition with bona fide farmers and ranchers.

In a recent study of 1976 farm income tax returns, the Internal Revenue Service identified 12,000 returns which reported farm losses in excess of $50,000. These same returns showed an average off-farm income of $122,000. After deducting an average of over $104,000 in farm losses, these 12,000 so-called farmers paid taxes on an average adjusted gross income of just $16,362!

IRS found another 24,000 tax returns which recorded farm losses in the range of $25,000 to $50,000. These so-called farmers had an average off-farm income of almost $52,000 and after deducting average farm losses of $34,000, paid taxes on an average adjusted gross income of only $17,366!

I have requested the Treasury Department to prepare recent data on tax shelters in agriculture. Specifically, this information should enable

Congress to determine the total loss to the Treasury, the commodities most often involved in tax sheltering, the occupations of tax-loss investors, the incomes of these investors, and the States and regions in which tax-loss farming is most prevalent.

Mr. President, tax abuse must be stopped and our Nation's bona fide farmers and ranchers must be relieved of the unfair and, in my opinion, the unethical competition of the tax-loss farmer. My bill would relieve farmers of this burden and would contribute at least $2.6 billion in revenues which could be used to reduce the deficit.

Tax shelters in agriculture must be demolished and I welcome the input, guidance, and assistance of my colleagues in addressing this important issue.

By Mr. ABDNOR (for himself, Mr. MELCHER, Mr. WALLOP, Mr. SYMMS, Mr. HEINZ, Mr. EAST, and Mr. D'AMATO):

S. 245. A bill to amend the Internal Revenue Code of 1954 to repeal the requirement that contemporaneous records be kept to substantiate certain deductions and credits; to the Committee on Finance.

REPEAL OF LOGS ON BUSINESS VEHICLES

Mr. ABDNOR. Mr. President, today I am introducing a bill to abolish the requirement that taxpayers maintain detailed log books for business vehicles.

Frankly, it's hard to believe that a rule such as this could be implemented in the United States. I just didn't think we'd ever come to the point where citizens would be required to inform the Government of every trip they make in a vehicle. In fact, it's worse than that. Taxpayers must record not only the destination of each trip, but also its purpose, time, date and mileage if they want to deduct the business expenses associated with the use of a vehicle from their taxes. Then, they have to be willing to submit those records to the IRS. This is "big brother" at is worst. Unfortunately, it's also been the law since January 1.

For my colleagues' information, as an indication of just how bad this regulation is, one of my constituents—a recent arrival as a refugee from Poland—has told me it is just like what the Communists make the people do in his homeland. He was given the choice of submitting to such big brotherism, going to prison, or leaving the country. Obviously, he chose to leave. God help us if we ever get to that point in this country, but in this regulation, we are not given cause for hope or complacency.

In case anyone's wondering how such a situation could ever come about, let me tell you. Last summer, Congress passed the so-called Deficit Reduction Act, a bill which ran well over 700 pages and required almost as many to explain. Somewhere, hidden deep between the covers of that statute, was the phrase "adequate contemporaneous records." Well, the IRS found those three words and blew them all out of proportion by issuing a ridiculous set of regulations.

Under those regulations, if a farmer drives to the end of the lane to get his mail, he has to keep a log. If he drives his pickup to church, he has to keep a log. If during the course of a day, between going to his fields, going home for lunch, and going into town for supplies, he makes 15 short trips in his truck, he must make 15 entries in his log book.

The same goes for the local businessman who makes deliveries with his truck, the real estate salesman who shows property to potential buyers, or the minister who visits shut-ins or makes hospital calls. In short, the IRS has concocted an outrageous, bureaucratic nightmare which affects ordinary Americans as they try to go about their business in their every day lives.

Why did they do it? Well, I've had numerous meetings and phone conversations with top Treasury Department officials about this boondoggle, and they keep telling me that this rule is necessary to nab tax-dodgers.

I've got news for them. This requirement isn't going to do the first thing to stop those who want to cheat the Government. It's just that now they're going to get a bigger kick out of doing it because they'll do it in a little different way. Anyone devious enough to cheat on their taxes isn't going to have any problem coming up with a few fake log entries at the end of a day to cover the miles they put on for their own personal use. No, the only people who are going to have trouble with this rule are those who are honest about their taxes and will attempt to comply with it—and that's most Americans.

If we want to go after loopholes, why don't we start with the 299 taxpayers who made over $200,000 last year and didn't pay a dime in taxes. Why when the IRS wants to crackdown on tax evaders, do the start with the "little guy?"

Mr. President, I don't want anybody to take me wrong. I'm all for nailing tax cheats. In fact, as chairman of the Senate subcommittee which controls funding for the IRS, I've done everything possible to provide the means necessary to see that honest taxpayers aren't left picking up more than their fair share of the tab as a result of those who cheat. But, this latest IRS brainstorm is ludicrous, and I'm not going to stand by and watch a runaway bureaucracy make life needlessly difficult for millions of honest, hard-working, Americans.

As I indicated, I have met personally a number of times with Treasury Department officials about this matter, including two face-to-face meetings with Assistant Secretary Designate for Tax Policy, Ronald Pearlman. I wish I could be optimistic about the possibility that Treasury will voluntarily address the problem in a way that will eliminate the paperwork burden on the typical taxpayer. However, this simply does not appear to be the direction in which the Treasury Department is moving.

Treasury Department officials on several occasions have briefed me on various watered-down versions of the vehicle log rule which they presently are considering. But, to this point, I simply haven't seen anything that goes far enough in eliminating the needless paperwork burden on farmers, ranchers, businessmen, and professionals. While I will certainly be interested to see what, if anything, the Department comes up with in the way of a revised regulation, it is imperative that the Congress move ahead legislatively to abolish the vehicle log rule.

Frankly, I haven't felt such a ground swell of public opinion on an issue since the dividend and interest withholding matter of 2 years ago. Having just returned from a week in my State, I can tell you that South Dakotans are fighting mad about this ill-advised regulation, and they have every right to be.

If representative government means anything in this country, we won't waste any time in passing this legislation and doing away with this latest mass of redtape which IRS would impose upon hard-working small businessmen, professionals, farmers, and ranchers. I urge my colleagues to join me in restoring a sense of reason and fairness to the way the Federal Government treats honest, law-abiding citizens who already have enough to worry about without imposing upon them yet another needless and wasteful, bureaucratic, make-work paperwork burden.

By Mr. DURENBERGER:

S. 246. A bill for the relief of Peter Lyn Johnson; to the Committee on the Judiciary.

RELIEF OF PETER LYN JOHNSON

Mr. DURENBERGER. Mr. President, Peter Lyn Johnson is a resident of Minnesota, with his wife and two young sons, in Bimidji, MN. He is a Vietnam era veteran. During the course of his service, he was misdiagnosed by the U.S. Navy as being the victim of mental illness. In fact, Peter Lyn Johnson has a rare, almost never-occurring form of epilepsy. Obviously, there is a substantial distinction between the two, and it also should be obvious that in matters of employment, matters of credit, and a variety

of other areas, that distinction drawn by the U.S. Navy in a most inappropriate way has been harmful to Mr. Johnson and his family and needs desperately to be corrected.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) the Administrator of Veterans' Affairs shall—

(A) except as provided in paragraph (3), delete from all records maintained by the Veterans' Administration relating to Peter Lyn Johnson, xxx-xx-xxxx, C 22 960 052, any term or reference which reflects or implies an opinion that Peter Lyn Johnson has or has had a mental or personality disorder or a mental or emotional dysfunction; and

(B) transmit to Peter Lyn Johnson a photocopy of all such records promptly after the requirement set out in clause (A) has been met.

(2) The Secretary of the Navy shall—

(A) except as provided in paragraph (3), delete from all records maintained by the Department of the Navy relating to the said Peter Lyn Johnson any term or reference which reflects or implies an opinion that Peter Lyn Johnson has or has had a mental or personality disorder or a mental or emotional dysfunction; and

(B) transmit to Peter Lyn Johnson a photocopy of all such records promptly after the requirement set out in clause (A) has been met.

(3) Paragraphs (1)(A) and (2)(A) shall not apply to any term or reference reflecting a diagnosis of or treatment for temporal lobe epilepsy.

(4) This subsection shall not affect the award of disability compensation to which section 2 applies.

(b)(1) Each custodian of any record which includes copies of or reports based on records to which paragraph (1)(A) or (2)(A) of subsection (a) applies shall delete from the record each term or reference described in such paragraph other than a term or reference described in paragraph (3) of such subsection.

(2) The Administrator of Veterans' Affairs (with respect to records to which subsection (a)(1)(A) applies) and the Secretary of the Navy (with respect to records to which subsection (a)(2)(A) applies) shall—

(A) transmit to each individual or entity to which such records or reports based on such records have been transmitted by the Veterans' Administration or the Department of the Navy before the date of enactment of this Act a notice setting out the requirements of paragraph (1); and

(B) transmit to the said Peter Lyn Johnson a complete list of the names and addresses of all individuals and entities described in clause (A).

SEC. 2. (a) Notwithstanding section 3010(a) of title 38, United States Code, the award of one-hundred percent service-connected disability compensation resulting from the decision of the Board of Veterans' Appeals in the case of the said Peter Lyn Johnson, docket number 71-11 026, is effective October 16, 1965.

(b) The Administrator of Veterans' Affairs shall pay to Peter Lyn Johnson, out of funds available in the Treasury of the United States for the payment of veterans' disability compensation, disability compensation in an amount equal to the total amount of disability compensation Peter Lyn Johnson would have been entitled to receive from the Veterans' Administration for the period beginning October 16, 1965, and ending November 9, 1969 (the day before the date the award referred to in subsection (a) was made effective by the Veterans' Administration), had the Veterans' Administration made such award effective October 16, 1965.

SEC. 3. (a)(1) The Administrator of Veterans' Affairs shall pay the reasonable costs of qualifying hospital care or medical services which are furnished to the said Peter Lyn Johnson by any source other than the Veterans' Administration and, under section 111 of title 38, United States Code, the reasonable travel and incidental expenses incurred in connection with such hospital care or medical services.

(2) For the purposes of paragraph (1), hospital care or medical services qualify if—

(A) the care or services are the same type of hospital care or medical services Peter Lyn Johnson is entitled to receive from the Veterans' Administration under chapter 17 of title 38, United States Code; and

(B) the hospital care or medical services relate to the service-connected disability for which the compensation referred to in section 2 has been awarded.

(b) The Administrator may make any payment of the reasonable costs of hospital care and medical services under subsection (a) directly to the hospital, other health care facility, or health care professional furnishing the care or services or as a reimbursement to Peter Lyn Johnson or to any person who or organization which pays such costs on behalf of Peter Lyn Johnson.

(c) Payments made for hospital care or medical services under subsection (a) shall be paid out of funds available in the Treasury of the United States to pay for contract hospital care or medical services furnished under chapter 17 ot title 38, United States Code.

(d) This section shall take effect with respect to—

(1) hospital care and medical services furnished to, and

(2) related travel and incidental expenses incurred by or on behalf of,

Peter Lyn Johnson on or after the date of enactment of this Act.

SEC. 4. (a) Notwithstanding section 2401 (b) of title 28, United States Code, or any other statute of limitations, lapse of time, bar of laches, or any previous order or dismissal of any suit by a United States District Court, the United States district courts shall have jurisdiction to hear, determine, and render judgment upon any claim by Peter Lyn Johnson against the United States for compensation for damages resulting from the alleged negligence of medical personnel of the Veterans' Administration in failing properly to diagnose Peter Lyn Johnson's medical condition during the period 1965 through 1972.

(b) Suit upon any such claim may be instituted at any time within one year after the date of enactment of this Act.

(c) Nothing in this Act shall be construed as an inference of liability on the part of the United States.

By Mr. PROXMIRE:

S. 247. A bill to allow the State of Wisconsin to use the proceeds of veterans' mortgage bonds for the purpose of acquiring or replacing mortgages of veterans who were unable to obtain veterans' bond financing because of a court challenge to the constitutionality of such State's borrowing power; to the Committee on Finance.

WISCONSIN VETERANS' RELIEF ACT OF 1985

Mr. PROXMIRE. Mr. President, today I am introducing legislation which will help to correct an injustice that an estimated 39 Wisconsin veterans and their families face as a result of a bureaucratic snafu.

These veterans had applied for a home loan through the Wisconsin Veterans' Home Loan Program. But as their applications were being approved in August 1983, two State legislators filed suit to challenge the Wisconsin Legislature's authority to issue bonds in excess of $750 million to fund State-administered programs. In response to the suit, the Governor was compelled to suspend a number of loan programs, including the Veterans' Home Loan Program.

Six weeks later, the State supreme court rejected the suit, but by that time, these 39 veterans were forced to secure commercial funding elsewhere. Thus, despite their eligibility for this program, they were denied the benefits of the program for political reasons totally beyond their control.

For each of these families, the Governor's office has estimated that this bureaucratic snafu is costing them an additional $120 in mortgage interest payments each and every month.

The Wisconsin Legislature recognized the injustice that these families faced and has adopted legislation, which Governor Earl has signed, to make these families eligible to convert their commercial loans to the veterans' home loans to which they are properly entitled.

But, unfortunately, the Wisconsin legislation does not completely solve their problem since the Internal Revenue Code prohibits such a conversion of their mortgages. Therefore, my bill will provide a one-time opportunity for these veterans to apply to convert their mortgages to the veterans' home loan program for which they have always been eligible.

There is no reason that these families should be denied benefits to which they are eligible because of a political dispute over issuance of State bonds. This bill will remedy that injustice.

I am particularly indebted to LES ASPIN, who has carried the ball on this issue in the House of Representatives, and invested many hours in developing this proposal with Governor Earl's staff and I am delighted to lend my support by introducing this proposal here in the Senate.

By Mr. GRASSLEY:

S. 248. A bill to reduce the rates of pay for Members of Congress by 10 percent; to the Committee on Governmental Affairs.

TEN-PERCENT PAY REDUCTION FOR MEMBERS OF CONGRESS

Mr. GRASSLEY. Mr. President, during his recent consideration of the fiscal year 1986 Federal budget, President Reagan called for a 5-percent decrease in the wages and salaries of Federal employees. Many millions of Americans have been called upon to make sacrifices as well during the past several years. Members of Congress should be setting an example to demonstrate their commitment to reduced spending. To do otherwise is to indicate that the Congress is not willing to share in the sacrifices demanded of others. With this in mind, I rise today to reintroduce legislation to reduce the compensation of Members of Congress by 10 percent which I originally introduced as a Member of the House of Representatives in 1975.

During my years as a Congressman in the House of Representatives and as a Senator, I have consistently voted against raising our compensation. I feel such congressional pay raises fly in the face of our efforts to reduce Federal spending and control our runaway deficit.

The Federal budget deficit has soared beyond belief in the past 10 years. Since 1974, Congressmen and Senators have received pay increases amounting to an additional $30,000 for each legislator in 1984. This is unconscionable when millions of Americans have been willing to take pay cuts and reduced hours to bring about economic recovery.

I ask today that my colleagues in Congress join me in cosponsoring this legislation. By cutting its own pay, Congress will gain far more credibility in asking for the social welfare sacrifices implicit in the upcoming budget debate. If we all work together, we can regain fiscal discipline within this body, but it must begin with ourselves.

By Mr. DURENBERGER (for himself, Mr. SASSER, and Mr. LEVIN):

S. 249. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; to the Committee on Governmental Affairs.

UNIFORM RELOCATION ACT AMENDMENTS OF 1985

Mr. DURENBERGER. Mr. President, today I introduce for the third and, hopefully, final time, the Uniform Relocation Act Amendments of 1985. This bill comprehensively amends the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to make its administration more equitable and efficient at all levels of government.

As my colleagues are aware, the Committee on Governmental Affairs has twice reported, and the Senate has twice unanimously passed identical and essentially similar amendments to the Uniform Act. In fact, the bill I introduce today is identical to S. 531, which Senators SASSER, LEVIN, and I sponsored in the 98th Congress.

Mr. President, as all who have ever been displaced by a Federal project know, the Uniform Act occupies an important place in our system of laws; it protects individuals from having to bear a disproportionate cost of well-intentioned programs designed to benefit the public. But the act has its flaws, which have been well-documented in Senate hearings. Its coverage is limited, its payment schedule unfair. And the act's many administrative requirements impose unreasonable burdens on both recipients and State and local administrators alike.

The noncontroversial amendments proposed in S. 249 would provide a much-needed update to the 1970 act. The legislation would raise benefit levels to compensate for inflation. It would considerably broaden the act's coverage to cover more kinds of displacements. It would delegate substantial administrative discretion to State and local governments to reduce regulatory costs. And it would institute a range of management reforms and technical adjustments to the act, with the goal of making its administration more rational and efficient.

Mr. President, this bill enjoys the support of the Reagan administration and all the major State and local interest groups. It has no opponents. Its supporters include the National Governors Association, the U.S. Conference of Mayors, the National Association of Counties, the National League of Cities, the National Association of Housing and Redevelopment Official and the American Association of State Highway and Transportation Officials. Interest groups respresenting tenant rights have also played a major role in the bill's development, as have members of the small business, nonprofit, appraisal and utility communities.

Given this broad-based support and participation, and the fact that the House adopted an essentially similar bill during the last days of the 98th Congress, I am optimistic that we will finally see our efforts come to fruition in the 99th Congress. I would like to thank all of the past supporters of this legislation for their efforts. And I would urge them to work with me this one last time to assure the long-delayed passage of these important amendments.

Mr. President, I ask unanimous consent that S. 249 and a section-by-section analysis be included in the RECORD following this statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniform Relocation Act Amendments of 1985".

TITLE I—GENERAL PROVISIONS

DEFINITIONS

SEC. 101. (a) Section 101(1) (42 U.S.C. 4601(1)) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (hereinafter the "Uniform Act") is amended by striking out "(except the National Capital Housing Authority)" and "(except the District of Columbia Redevelopment Land Agency)".

(b) Section 101(3) of the Uniform Act (42 U.S.C. 4601(3)) is amended to read as follows:

"(3) The term 'State agency' means any entity which has eminent domain authority under the State law.".

(c) Section 101(4) of the Uniform Act (42 U.S.C. 4601(4)) is amended by inserting, "or mortgage interest subsidy to a person" after "insurance".

(d) Section 101(6) of the Uniform Act (42 U.S.C. 4601(6)) is amended to read as follows:

"(6) The term 'displaced person' means—

"(A) except as provided under paragraph (E) (with respect to a utility on real property under the control or ownership of a State of local agency), any person who moves from real property, moves personal property, or moves a business or farm operation, as a direct result of a written notice of intent to acquire or the acquisition of such real property in whole or in part for a program or project undertaken by a Federal agency or with Federal financial assistance;

"(B) solely for the purpose of subsections (a) and (b) of section 202 and of section 205, any person who moves from real property or moves personal property from real property—

"(i) as a direct result of the written notice of intent to acquire or the acquisition of other real property, on which such person conducts a business or farm operation, for a program or project undertaken by a Federal agency or with Federal financial assistance; and

"(ii) as a direct result of rehabilitation or demolition for a program or project undertaken by a Federal agency or with Federal financial assistance, where the person is a residential tenant, farm operation, or a small business and where the head of the displacing agency determines that such displacement is permanent;

"(C) solely for the purpose of subsections (a) and (b) of section 202 and of any other provisions of this Act which the head of the displacing agency may prescribe, any other person who is a residential tenant, farm operation, or small business and who the head of the displacing agency determines will be permanently displaced as a direct result of a program or project undertaken by a Federal agency or with Federal financial assistance;

"(D) any person who is eligible for relocation assistance under paragraphs (A), (B), or (C) of this subsection, unless such person has been determined, according to criteria established by the head of the lead agency, to be either in unlawful occupancy of the displacement dwelling or to have occupied

such dwelling for the purpose of obtaining assistance under this Act; or

"(E) solely for the purpose of subsections (d) and (e) of section 202, any utility company which moves its facilities from real property under the ownership or control of a State or local agency.".

(e) Section 101 of the Uniform Act (42 U.S.C. 4601) is amended by adding at the end thereof the following new subsections:

"(10) The term 'suitable replacement dwelling' means any dwelling that is (A) decent, safe, and sanitary; (B) adequate in size to accommodate the occupants; (C) within the financial means of the displaced person; (D) functionally similar; (E) in an area not subject to unreasonable adverse environmental conditions; and (F) in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services and the displaced person's place of employment.

"(11) The term 'displacing agency' means any Federal agency, State or State agency utilizing Federal financial assistance, or, for the purposes of paragraphs (B) and (C) of section 101(6), any person furnished Federal financial assistance which causes a person to be a displaced person.

"(12) The term 'lead agency' means the Federal department, agency, or other entity designated by the President to coordinate implementation of the Uniform Act under section 213 of this Act.

"(13) The term 'appraisal' means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.".

TITLE II—UNIFORM RELOCATION ASSISTANCE

SEC. 201. Section 201 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4621), and its catchline are amended to read as follows:

"DECLARATION OF FINDINGS AND POLICY

"SEC. 201. (a) The Congress finds and declares that—

"(1) displacement as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance is caused by a number of activities, including rehabilitation, demolition, code enforcement, and acquisition;

"(2) displacement occurs in a variety of social, economic, geographic, and legal circumstances;

"(3) relocation assistance policies must provide for sufficient flexibility to assure fair, uniform, and equitable treatment of all affected persons;

"(4) the displacement of business often results in their closure; and

"(5) minimizing the adverse impact of displacement of businesses is essential to maintaining the economic and social well-being of communities.

"(b) This title establishes a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance, in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

"(c) It is the intent of Congress that—

"(1) the primary purpose of this title is to minimize the hardship of displacement on persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance;

"(2) Federal agencies shall carry out this law in a manner which minimizes waste, fraud, and mismanagement;

"(3) the administration of this Act shall, to the maximum extent feasible, minimize unnecessary administrative and program costs borne by States and State agencies through the promulgation of economical regulatory requirements and the delegation of substantial administrative discretion to State and local governments;

"(4) uniform procedures for the administration of relocation assistance shall, to the maximum extent feasible, assure that the unique circumstances of any displaced person are taken into account and that persons in essentially similar circumstances are accorded equal treatment under this Act; and

"(5) the improvement of housing conditions of economically disadvantaged persons under this title shall be undertaken, to the maximum extent feasible, in coordination with existing Federal, State, and local governmental programs for accomplishing such goals."

MOVING AND RELATED EXPENSES

SEC. 202. (a) Section 202(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4622(a)) is amended—

(1) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

"(a) Whenever a program or project to be undertaken by a displacing agency will result in the displacement of any person, the head of the displacing agency shall provide for the payment to the displaced person of—";

(2) by striking out "and" at the end of paragraph (2);

(3) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following:

"(4) actual reasonable expenses necessary to reestablish a displaced nonprofit organization or small business at its new site, but not to exceed $10,000.".

(b) Section 202(b) of the Uniform Act (42 U.S.C. 4622(b)) is amended by striking out all that follows "may receive" and inserting in lieu thereof "an expense and dislocation allowance, which shall be determined according to a schedule established by the head of the lead agency.".

(c) Section 202(c) of such Act (42 U.S.C. 4622(c)) is amended to read as follows:

"(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from the person's place of business or farm operation and who is eligible under criteria established by the head of the lead agency may elect to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section. Such payment shall consist of a fixed payment in an amount to be determined according to criteria established by the head of the lead agency, except that such payment shall not be less than $1,000 nor more than $20,000. A person whose sole business is renting displacement property to others shall not qualify for this payment.".

(d) Section 202 of the Uniform Act (42 U.S.C. 4622) is amended by adding at the end thereof the following new subsections:

"(d)(1) For the purposes of this section and section 101(6)—

"(A) The term 'cost of relocation' shall include the entire amount paid by the utility company properly attributable to a relocation after deducting any betterment in the relocated utility and any salvage from the old utility.

"(B) The term 'utility' means any electric, gas, water, steam power or materials transmission or distribution system, any transportation system, or any communications sytem (including cable television), and any fixtures, equipment, or other property appropriate to the operation, maintenance, or repair of the foregoing. A utility may be publicly, privately, or cooperatively owned.

"(2) Except when provided otherwise by Federal law, whenever a federally assisted program or project undertaken by a displacing agency other than a Federal agency will result in the displacement of a utility from property under the ownership or control of a State or local agency, the head of the displacing agency shall provide a payment to the utility company pursuant to State or local law or a written contract, if any, between the utility company and the State or local agency, but in no event shall such payment exceed the actual reasonable cost of relocation of such utility.

"(3) Nothing in this subsection shall supercede a State or local law or a written contract between a utility company and a State or local government, or require a payment to be made where none is required under State or local law or a written contract.

"(4) Nothing in this subsection shall deprive a utility company of its rights under State or local law.

"(5) Nothing in this subsection shall require a Federal agency to increase its payment if the increased payment is attributable to a contract or contract amendment that is made in anticipation of the Federal payment.

"(6) Nothing in this subsection shall require a Federal payment in excess of the payment that a State or local agency would pay if no Federal funds were involved.

"(7) Nothing in this subsection confers jurisdiction on a court of the United States (as defined in section 451 of title 28, United States Code) to review any action of a displacing agency in carrying out this subsection or to review the right of a utility to be compensated State or local law.

"(e) Whenever a program or project directly undertaken by a Federal agency will result in the displacement of a utility as the result of Federal acquisition of real property under the ownership or control of a State or local agency, the head of the Federal agency shall either relocate the utility with the utility company's consent, or provide a payment to the utility equal to the actual reasonable cost of relocation of such utility. Such relocation or such payment shall not be required when it is provided otherwise by a Federal law, or a Federal regulation promulgated prior to March 17, 1983, or a contract or agreement with a Federal agency.".

REPLACEMENT HOUSING FOR HOMEOWNER

SEC. 203. Section 203(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4623(a)) is amended—

(1) by striking out "Federal" in paragraph (1) and inserting in lieu thereof "displacing";

(2) by striking "$15,000" and inserting in lieu thereof, "$22,500";

(3) by striking out "acquired by" and all that follows through "market" in paragraph

(1)(A) and inserting in lieu thereof "acquired by the displacing agency, equals the reasonable cost of a suitable replacement dwelling";

(4) by striking out paragraph (1)(B) and inserting in lieu thereof the following:

"(B) the amount, if any, which will compensate such person for any increased interest costs and other debt service costs which such person is required to pay for financing the acquisition of any such suitable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling."; and

(5) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the date on which such person receives final payment from the displacing agency for the acquired dwelling or the date on which the displacing agency's obligation under section 205(c)(3) of this Act is met, whichever is later, except that the displacing agency may extend such period for good cause. If such period is extended, the payment under this section shall be based on the costs of relocating the person to a suitable replacement dwelling within one year of such date.".

REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

SEC. 204. Section 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4624) is amended to read as follows:

"REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

"SEC. 204. (a) In addition to amounts otherwise authorized by this title, the head of a displacing agency shall make a payment to or for any displaced person displaced from any dwelling unit not eligible to receive a payment under section 203 which was actually and lawfully occupied by such displaced person for not less than ninety days immediately prior to the initiation of negotiations for acquisition of such dwelling, or, where displacement is not caused by acquisition, any other event which the head of the lead agency may prescribe. Such payment shall consist of the amount necessary to enable such person to lease or rent for a period not to exceed three years, a suitable replacement dwelling. For a person whose income exceeds 50 per centum of the median income of the area, as determined by the Secretary of Housing and Urban Development, the amount referred to shall equal the lesser of (i) $4,500 or (ii) 36 times the amount obtained by subtracting the monthly housing costs for the displacement dwelling from the monthly housing costs for a suitable replacement dwelling. At the discretion of the head of the displacing agency, a payment under this subsection may be made in periodic installments.

"(b) Any displaced person eligible for payments under subsection (a) of this section may elect to receive in lieu thereof either Federal low income housing assistance or similar State or local governmental assistance if such assistance is available at the time of displacement and such person is otherwise eligible for such assistance. The failure of any such person to make such an election shall be considered when evaluating the eligibility of such person for any Federal or federally assisted low income housing assistance program during the three years following the date on which such person received the payment authorized under subsection (a) of this section.

"(c) Any person eligible for a payment under subsection (a) of this section may elect to apply such payment to a downpayment on, and other incidental expenses pursuant to, the purchase of a decent, safe, and sanitary replacement dwelling. A displaced homeowner who has occupied the displacement dwelling for at least ninety days but not more than one hundred and eighty days immediately prior to the initiation of negotiations for the aquisition of such dwelling may, at the discretion of the head of the displacing agency, be eligible for the maximum payment allowed under this subsection: *Provided*, That such payment shall not exceed the payment such person would otherwise have received under section 203(a) of this Act had the person occupied the displacement dwelling for one hundred and eighty days immediately prior to the initiation of such negotiations.".

RELOCATION ASSISTANCE COORDINATION AND ADVISORY SERVICES

SEC. 205. Section 205 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4625) and its catchline are amended to read as follows:

"RELOCATION ASSISTANCE COORDINATION AND ADVISORY SERVICES

"SEC. 205. (a) The head of any displacing agency shall assure that the relocation assistance advisory services described in subsection (c) of this section are made available to all persons displaced by such agency. If such agency head determines that any person occupying property immediately adjacent to the property where the displacing activity occurs is caused substantial economic injury as a result thereof, the agency head may make available to such person such advisory services.

"(b) The Secretary of Housing and Urban Development shall assign a high priority for assistance under the programs referred to in sections 204(b) and 206(b) of this Act to persons eligible under such sections. To the extent practicable, the Secretary shall require that federally assisted State and local governmental low income housing assistance programs assign priority for assistance to such persons. To the extent practicable, the Administrator of the Small Business Administration and the heads of other Federal agencies administering programs which may be of assistance to displaced persons shall make available technical assistance under subsection (c)(5) of this section and expedite the applications for such assistance by such persons.

"(c) Each relocation assistance advisory program required by subsection (a) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to—

"(1) determine, and make timely recommendations on, the needs and preferences, if any, of displaced persons for relocation assistance;

"(2) provide current and continuing information about sales prices and rental charges on suitable replacement dwellings for displaced homeowners and tenants and suitable locations for businesses and farm operations;

"(3) assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a suitable replacement dwelling;

"(4) assist a person displaced from a business or farm operation in obtaining and becoming established in a suitable replacement location;

"(5) supply information concerning other Federal programs which may be of assistance to displaced persons, and technical assistance to such persons in applying for assistance under such programs;

"(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation; and

"(7) assure that a one hundred and eighty day homeowner-occupant is given a reasonable opportunity to remain in such occupancy status.

"(d) The head of a displacing agency shall coordinate the relocation activities performed by such agency with other Federal, State, or local governmental actions in the community which could affect the efficient and effective delivery of relocation assistance and related services.

"(e) Whenever two or more Federal agencies provide financial assistance to a displacing agency other than a Federal agency, to implement functionally or geographically related activities which will result in the displacement of a person, the heads of such Federal agencies may by agreement designate one such agency as the cognizant Federal agency whose procedures shall be utilized to implement the activities. If such agreement cannot be reached, then the head of the lead agency shall designate one such agency as the cognizant agency. Such related activities constitute a single program or project for purposes of this Act.".

HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

SEC. 206. Section 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4626) is amended to read as follows:

"HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

"SEC. 206. (a) If a program or project undertaken by a Federal agency or with Federal financial assistance cannot proceed on a timely basis because suitable replacement dwellings are not available, and the need of the displacing agency determines that such dwellings cannot otherwise be made available, the head of the displacing agency may take such action as is necessary or appropriate to provide such dwellings by use of funds authorized for such project. The head of the lead agency shall require that this section may be used to exceed the payment ceilings established in sections 203 and 204 only on a case-by-case basis, for good cause.

"(b) Whenever housing replacement as a last resort will result in the provision of housing for persons who are otherwise eligible for low income housing assistance, the requirement that the displacing agency provide suitable replacement housing may be met through such assistance as the provision of a certificate of family participation under the existing section 8 housing program pursuant to the United States Housing Act of 1937, as amended (42 U.S.C. 1437f).".

CERTIFICATION

SEC. 207. (a) Section 210 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4630) and its catchline are amended to read as follows:

"AGENCY CERTIFICATION OF STATE PROGRAMS

"SEC. 210. (a) Except as provided in paragraph (b) of this section, the head of a Federal agency shall not approve any grant to or contract or agreement with a displacing agency, under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this title, unless he receives satisfactory assurances from such agency that—

"(1) fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;

"(2) relocation assistance programs offering the services described in section 205 of this title shall be provided to such displaced persons;

"(3) within a reasonable period of time prior to a displacement, suitable replacement dwellings will be available to displaced persons in accordance with section 205(c)(3) of this title.

"(b)(1) In lieu of the provisions of subsection (a) of this section, the head of a Federal agency may discharge his responsibilities under this title and title I of this Act, with the exception of sections 208 and 211 of this title, by accepting a certification from a State agency that it will implement State law in a manner which will accomplish the policies and objectives contained in this title and title I: *Provided*, That the head of the lead agency has determined that such State law will accomplish the same purpose and effect as this title and title I, particularly with respect to the definition of a displaced person, the categories of assistance required, and the levels of assistance provided to such persons in such categories.

"(2) The head of the lead agency shall, in coordination with other Federal agencies, monitor from time to time, and report biennially to the Congress on, State agency implementation of such certification, and a State agency shall make available any information required for such purpose. The head of a Federal agency, after consultation with the head of the lead agency, may withdraw his acceptance of the certification for good cause: *Provided*, That the State government is given due notice prior to taking any such action and is given a reasonable opportunity to demonstrate why such action should not be taken.

"(c) Prior to making a determination regarding State law under subsection (b) of this section, the head of the lead agency shall provide interested parties with an opportunity for public review and comment. In particular, the head of the lead agency shall consult with interested local general purpose governments within such States on the impacts of such State laws on the ability of local governments to carry out their responsibilities under the Act.

"(d) The head of a Federal agency may withhold his approval of any grant, contract, or cooperative agreement with any displacing agency found to have intentionally circumvented a State law adopted under subsection (b) of this section.".

FEDERAL SHARE OF COSTS

SEC. 208. (a) Section 211(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4631(a)) is amended to read as follows:

"(a) The cost to a displacing agency of providing payments and assistance pursuant to titles II and III shall be included as part of the cost of a program or project undertaken by a Federal agency or with Federal financial assistance. A displacing agency, other than a Federal agency, shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program costs."

(b) Section 210(b) of the Uniform Act (42 U.S.C. 4631(b)) is amended by striking out and all that follows "required by" and inserting in lieu thereof "State law which is determined by the head of the lead agency to have substantially the same purpose and effect of such payment under this section.".

REGULATION

SEC. 209. Section 213 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4633) and its catchline are amended to read as follows:

"REGULATION

"SEC. 213. (a) The President shall designate a lead agency.

"(b) The head of the lead agency shall—

"(1) develop, publish, and promulgate, with the active participation of other Federal agencies responsible for funding relocation and acquisition actions, and in full coordination with State and local governments, such rules as may be necessary to carry out this Act;

"(2) assure that relocation assistance activities under this Act are coordinated with low-income housing assistance programs or projects by a Federal agency, or a State or State agency with Federal financial assistance;

"(3) monitor, in coordination with other Federal agencies, the implementation and enforcement of this Act and report to the Congress, as appropriate, on any major issues or problems with respect to any policy or other provision of this Act; and

"(4) perform other duties as may be provided by law as relate to the purposes of this Act.

"(c) The rules promulgated pursuant to subsection (b) shall apply to the Tennessee Valley Authority only with respect to relocation assistance under this title and title I.".

TRANSFER OF SURPLUS PROPERTY

SEC. 210. Section 218 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4638) is amended by inserting "net" after "all".

REPEALS

SEC. 211. Sections 214, 215, 217, and 219 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4634, 4635, 4637, and 4639) are hereby repealed.

TITLE III—UNIFORM REAL PROPERTY ACQUISITION POLICY

UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES

SEC. 301. (a) Section 310(2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4651(2)) is amended by inserting the following before the period at the end thereof: ", except that the head of the lead agency may prescribe a procedure which forgoes the appraisal".

(b) Section 301(9) of the Uniform Act (42 U.S.C. 4651(9)) is amended to read as follows:

"(9) If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the head of the acquiring agency shall offer to acquire that remnant. For the purpose of this Act, an uneconomic remnant is a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property and which the head of the acquiring agency has determined has little or no value or utility to the owner.".

(c) Section 310 of the Uniform Act (42 U.S.C. 4651) is amended by adding at the end thereof the following subsection:

"(10) A person whose real property is being acquired in connection with a project under this title may, after the person has been fully informed of his right to receive just compensation of such property, donate such property, any part thereof, any interest therein, or any compensation paid therefor to an acquiring agency, as said person shall determine.".

CERTIFICATION

SEC. 302. Section 305 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4655) and its catchline are amended to read as follows:

"AGENCY CERTIFICATION OF STATE PROGRAMS

"SEC. 305. (a) Except as provided in paragraph (b) of this section, the head of a Federal agency shall not approve any program or project or any grant to, or contract or agreement with, an acquiring agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on or after the effective date of this title, unless he receives satisfactory assurances that—

"(1) in acquiring real property it will be guided, to the greatest extent practicable under State law, by the land acquisition policies under section 301 of this title and the provisions of section 302 of this title; and

"(2) property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304 of this title.

"(b)(1) In lieu of the provisions of subsection (a) of this section, the head of a Federal agency may discharge his responsibilities under this title by accepting a certification from a State agency that it will implement State law in a manner which will accomplish the policies and objectives contained in this title: *Provided*, That the head of the lead agency has determined that such State law will accomplish the same purpose and effect as this title.

"(2) The head of the lead agency in coordination with other Federal agencies shall from time to time monitor State agency implementation of such certification and the State agency shall make available any information required for such purpose. The head of the lead agency shall by regulation develop criteria for withdrawal acceptance of a certification.

"(c) Prior to making a determination regarding State law under subsection (b) of this section, the head of the lead agency shall consult with interested local general purpose governments within such States on the impacts of such State laws on the ability of local governments to carry out their responsibilities under this Act.".

TITLE IV—EFFECTIVE DATE

SEC. 401. (a) Section 209 of the Uniform Act takes effect on the date of its enactment.

(b) The remainder of this Act takes effect either twenty-four months from the date of its enactment or when a State agency makes such provisions applicable under State laws, whichever is earlier.

SECTION-BY-SECTION ANALYSIS—S. 249

DEFINITIONS

Section 101(a). Section 101(1). This section eliminates reference in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (hereinafter the Uniform Act) to the National Capital Housing Authority and the District of Columbia Redevelopment Land Agency. If the proposed amendments are enacted, these entities are included in the new definition of "State agency," as having power of eminent domain.

Section 101(b). Section 101(3). This section expands the definition of a "State agency" to include a private corporation that has the power to take private property for public use (eminent domain).

Section 101(d). Section 101(6). The definition of "displaced person" for the purposes of triggering certain benefits—moving costs (section 202 (a) and (b)) and advisory services (section 205)—is expanded to include persons directly displaced through Federal or federally assisted substantial rehabilitation or demolition activities. Residential tenants displaced by non-acquisition activities are not presently covered under the Act, but many are covered by separate relocation regulations. The expanded definition of "displaced person" consolidates under the Uniform Act different Housing and Urban Development regulations requiring relocation assistance for residential tenants directly displaced by Federal or federally assisted non-acquisition activities. It also ensures that residential tenants displaced by such programs do not have uneven rights and entitlements solely due to the type of displacing activity. In addition, a provision is included for the head of the lead agency to establish criteria for determining eligibility of unlawful occupants in the displacement dwelling, and for those persons who may occupy solely for the purposes of obtaining assistance. This section also circumscribes eligibility for utility companies whose transmission lines are moved as a result of any Federal or federally assisted project, to receive moving payments under Section 202 in connection with such lines. The rationale for this is that public utility transmission lines occupy public rights-of-way under various terms and conditions established by State and local agencies. These terms and conditions may be established by franchise agreement, State law, court decisions, or administrative practices (e.g., Comptroller General and agency rulings). In general, public utilities are allowed to use public rights-of-way, without charge or at a nominal fee to cover administrative costs, with the explicit provision that the utilities may be required to remove, relocate or adjust their transmission lines at the request of the public agency having jurisdiction. The intent of this provision is not to deprive utilities of their rights under contract or State and local law, but to ensure that this Act does not unintentionally interfere in such matters, as happened recently in the case entitled "C&P Telephone Company vs. Norfolk Redevelopment and Housing Authority and Housing and Urban Development" (No. 81-1602, 3/25/82). This provision would allow certain prior agreements to prevail.

Also, the term "displaced person" does not include any person who moves or moves property or operations from real property under the ownership or control of a Federal, State or local agency pursuant to the terms of a lease, license, land use permit, or other arrangements for the use of such property, unless such person was an owner-occupant or tenant of the real property immediately prior to acquisition by a displacing agency.

Section 101(e). Section 101 is expanded by adding three new definitions:

Section 101(10) "Suitable Replacement Dwelling". This term is to be used in place of "Comparable Replacement Dwelling" wherever it occurs in the Uniform Act.

This change is designed to be somewhat more flexible, without compromising a person's right to be made whole.

In this version "affordable" has been deleted from the term "suitable replacement dwelling" and within the persons "financial means" inserted. This is intended to clarify the term "affordable" without changing its intent or meaning. The clause "functionally similar" is designed to make the suitability standard closer to the comparability standard under current law.

Section 101(11) "Displacing Agency". This term is established to consolidate under a single term all the sources of displacement, including Federal agencies, States, and persons furnished Federal financial assistance, for the purpose of making the law easier to read, understand, and implement.

Section 101(12). "Lead Agency". This term defines the department, agency, or other body that shall be designated by the President pursuant to section 213 to implement and coordinate uniform government-wide regulations under this Uniform Act.

POLICY

Section 201. Section 201. This section, which presently stipulates that the Uniform Act is to provide for the fair and equitable treatment of persons displaced by Federal or federally assisted programs designed for the benefit of the public, is significantly expanded under a new Statement of Findings and Policy.

Section 201(a). The findings subsection establishes that federally caused displacement occurs under rehabilitation and demolition activities, as well as acquisition activities; that flexibility in administration of the Uniform Act to meet the unique circumstances of displaced persons is fair and equitable; and that minimizing the adverse impact displacements have on businesses is vital to the economic well-being of communities.

Section 201(b). The Policy subsection states that the administration of the Uniform Act shall minimize unnecessary administrative and program costs borne by State and local governments through economical regulations and the delegation of substantial discretion under the Uniform Act to the States; that Federal agencies shall implement steps to minimize waste, fraud, and mismanagement; that uniformity should be subordinate to the need for flexibility in administering the Uniform Act; that persons in essentially similar circumstances are to be accorded equal treatment; and that there is a distinction between the Uniform Act's goals of minimizing the hardship of displacement on individuals and improving the housing conditions of the poor, indicating that the latter be integrated with existing housing programs as much as possible. A major purpose of these revisions is to ensure that uniformity exists among Federal regulations, but at the local level unique circumstances should be taken into consideration. However, where the circumstances of two or more persons are in most respects essentially similar—a relatively narrow concept—then the accordance of uniform rights and entitlements under the Uniform Act is intended.

MOVING AND RELATED EXPENSES

Section 202. Section 202(a). The section is rewritten to make it easier to understand. Also, a subsection is added (Section 202(a)(4)) to the effect that reasonable expenses, of up to $10,000, necessary to reestablish a non-profit organization or business at a new site are compensable under the Uniform Act. The additional amount, though not large, should help non-profit organizations or businesses adjust to displacement. This is to correct the problem is the present law that non-profit organizations and businesses receive substantially fewer rights and entitlements under the Uniform Act than do individuals. Under current practice some of the cost of public policy is passed on to the business sector, notwithstanding the fact that individuals own businesses and may suffer severe economic harm as a result of displacement. Finally, the intent is to make this benefit available to those businesses being reestablished, not those going out of business.

Section 202(b). This section is amended to eliminate the ceiling and floor on the amount paid in lieu of itemized expenses for moving and other expenses associated with relocating, and delegates the setting of such payments to the head of the lead agency. Removing the ceiling allows the payments to be adjusted upward for inflation. This corrects the incentive for persons to itemize actual expenses and thereby increase the attendant paperwork burden, when the in lieu payment is so low as to be uneconomical. Removal of the floor will help to avoid windfalls presently resulting when persons are displaced from missions or "flop houses."

Section 202(c). This section is amended to raise the current $10,000 ceiling on the amount a displaced business or farm operation may receive in lieu of itemized expenses for moving and other expenses associated with relocating to $20,000; to delete the requirement that this amount be determined based on the annual income of such concern in favor of criteria to be developed by the head of the lead agency; and to require that persons whose sole business was the renting of the displacement property to others shall not qualify for this payment. The increased ceiling is to adjust the ceiling for inflation, since it is currently so low as to make it economic for businesses to itemize actual expenses and increase the paperwork burdens of implementing agencies accordingly. The new payment criteria are established to provide displacing agencies with greater flexibility. The current criteria have proven very difficult to administer. Finally, the restricted definition of a business is to prevent windfalls and abuses presently benefiting owners of rental property who have little or nothing to move.

REPLACEMENT HOUSING FOR HOMEOWNER

Section 203. Section 203(a). This section is amended to raise the maximum payment from $15,000 to $22,500. The existing $15,000 payment is no longer adequate. Because of the increase in cost of housing over the past decade a majority of Federal agencies frequently must use the last resort housing provision. Justification to use the last resort provision is time consuming and a costly administrative burden. In order to avoid this burden, along with its attendant costs, and to compensate for inflation over the last ten years when the ceiling was first established, the ceiling is now being increased to $22,500. This section also eliminates the requirement that persons be relo-

cated to comparable replacement dwellings in favor of a requirement to relocate such persons to suitable replacement dwellings (section 203(a)(1)(A)); to change the method by which persons are compensated for higher mortgage payments for their replacement dwellings to reflect current market conditions through the use of the "buy-down" method (Section 203(a)(1)(B)); to allow the head of the displacing agency to extend, for good cause, the one-year period in which a person must relocate to a replacement dwelling in order to receive a payment under this section, except that payments are to be computed based on the one-year rule; and to allow him to waive the requirement that persons relocate to decent, safe, but sanitary housing for good cause due to the unique circumstances of the displaced person. The corrected computation formula is to eliminate a number of unintended windfalls occurring under the present law. The one year rule is to clarify a displacing agency's obligation under the Uniform Act where displacement is substantially later than the final payment date—a continuing source of controversy. This is because when agencies lease back property to the displacee for a period of years, inflated land and relocation costs may be significantly higher at the actual time of acquisition. However, an agency waiver of the one-year rule is included as a fairness provision.

REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

Section 204. Section 204(a). This section is amended to replace the requirement that relocation be to a comparable replacement dwelling and to increase the $4,000 ceiling to $4,500. The existing $4,000 payment, like the payment under section 203(a), is not adequate in light of the existing housing market and for the same reasoning as stated under section 205(a) this ceiling is increased to $4,500 and the time period placed at three years. In addition, the suitability standard is substituted to avoid windfalls under the comparability standard. The revised payment formula is to reflect the intent that rental subsidies should be based on the person's willingness and ability to pay housing costs as determined by the amount of their income devoted to housing.

Section 204(b). This section is amended explicitly to allow persons eligible to receive a payment under this section, who are otherwise eligible for low income housing assistance programs that are either federally administered or assisted, to elect instead to receive such housing assistance, provided that it is available, but where such person opts for the cash payment, this is to be taken into account by Federal or federally assisted agencies when determining such person's eligibility for public housing assistance during the two years following the date on which such person received the cash payment. This is to eliminate windfalls that benefit persons who receive double housing subsidies.

Section 204(c). This section is amended to eliminate the requirement that persons who elect to apply the amount allowed under this section toward a downpayment on, and expenses pursuant to, the purchase of a replacement dwelling match any amount $2,000; to provide that payments under this subsection not be more than they would be under subsection (a); to provide that such person is not to receive other governmental assistance toward such purchase other than federally insured or guaranteed loans or any amount in excess of what he would have received under 203(a); and to provide that homeowners who do not meet the 180-day residency requirements, but meet the 90-day residency requirements for tenants, remain eligible for the full $4,500 payment under this section, as is currently the case. The elimination of the matching requirements is to eliminate the burdensome paperwork that occurs under the current procedure. The limit of payments to the amount the person would otherwise have been eligible for under subsection (a) is to eliminate the use of higher payments as an inducement to homeownership.

RELOCATION ASSISTANCE COORDINATION AND ADVISORY SERVICES

Section 205. Section 205(a). This section is amended to require the Secretary of Housing and Urban Development to assign a high priority for assistance to persons who choose under section 204(b) to receive public housing assistance instead of a cash payment; to assure that other Federal agencies, whose programs are of assistance to displaced persons to take practicable measures to provide technical assistance in preparing applications for such programs; and to expedite the consideration of such applications. This is to ensure better coordination of governmental programs, and to target such resources more effectively toward minimizing the hardships that result from Federal programs.

Section 205(b). This section is amended to eliminate the requirement to provide information on the availability of comparable replacement dwellings in favor of suitable replacement dwellings; to include farm operations among the businesses for which information on alternative locations must be provided; and to eliminate the requirement that a person not be made to move unless given a reasonable choice of opportunities to move to a comparable dwelling in favor of a suitable replacement dwelling. The substitution of suitability for comparability is based on the same rationale as established in Section 101(10). The inclusion of farm operations under this provision is for equity purposes.

Section 205(e). This section is added to require that when two or more Federal agencies are providing assistance to a geographically or functionally related activity, the agencies will agree on a cognizant agency whose procedures will apply to such activities. This is to eliminate red tape and paperwork burdens where regulations may be the same, but procedures differ. It will also serve to equalize payments. However, the intent is also that such cognizant agencies be established on a project-by-project basis, not in perpetuity.

HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

Section 206. Section 206(a). This section is amended to establish that the unavailability of suitable as opposed to comparable replacement sale or rental dwellings will determine whether last resort housing must be provided; subject to lead agency certification, States may establish statewide standards for the use of this section, provided that these standards require that persons in essentially similar circumstances are accorded equal treatment. Where there is no State law, the lead agency shall promulgate a regulation to the effect that this section may not be used to exceed the payment ceilings under sections 203 and 204, except on a case-by-case basis, for good cause. The substitution of suitability for comparability is based on the same reasons established under Section 101(10). The transfer of regulatory responsibilities to the States is to provide greater flexibility than is now the case.

Section 206(b). This subsection is added to establish that a displacing agency's obligation to provide replacement housing under this section shall be met, whenever practicable, with existing public housing programs. This is to emphasize the need for greater coordination of government programs.

AGENCY CERTIFICATION OF STATE PROGRAMS

Section 207. Section 210. This section is amended to authorize the head of the lead agency to certify a State agency if the State enacts a State law similar in purpose and effect as the Federal statute. This is intended to delegate authority to those States which desire to take on the statewide administrative responsibility of monitoring displacing agency implementation of the Federal statute.

FEDERAL SHARE OF COST

Section 208. Section 211(a). This section is amended to delete outdated language establishing coverage under the Uniform Act for projects undertaken before July 1971. "State agency" is expanded to include "displacing agency" for the purpose of clarity.

Section 211(b). This Section is amended to expand the payments a displacing agency is eligible to receive when such payment serves essentially the same purpose as those provided for in the Uniform Act. This is to give States greater flexibility in designing relocation assistance programs than is now the case.

REGULATION AND ADJUDICATION

Section 209. Section 213. This section is amended to require the President to establish a lead agency function in a department, agency or other body. The lead agency shall issue uniform, government-wide regulations for use by all Federal agencies in administering the Uniform Act; coordinates, with the assistance of other agencies, relocation activities under subchapter II of the Uniform Act with Federal and federally assisted public housing programs; and performs other duties that pertain to the purposes of the Uniform Act. The uniform regulatory requirement is to eliminate burdensome paperwork imposed on State and local governments caused by multiple Federal agency regulations.

TRANSFER OF SURPLUS PROPERTY

Section 210. Section 218. This section is amended to establish that the amount to be paid to the General Services Administration by a State after it disposes of surplus property transferred to the State by the Federal government pursuant to a Federal or federally assisted project will reflect only the net amounts received for such property, rather than all amounts as is currently the case. This compensates the States for the cost of marketing such property.

REPEALS

Section 211. Sections 214, 215, 217, and 219 are repealed.

(a) Section 214. This section, which pertains to the requirement to submit a report on displacement, and which lapsed in 1975, is repealed.

(b) Section 215. This section, pertaining to the authority of the head of any Federal agency to make loans for planning for relocation assistance activities by non-profit organizations, etc., is repealed because this provision has never been implemented, and Section 206 is the authority to ensure housing is provided.

(c) Section 217. This section is repealed. It pertains to the Uniform Act's applicability to the Department of Housing and Urban Development programs, which are now being passed out.

(d) Section 219. This section, which pertains to the Uniform Act's applicability to a now defunct program in New York City, is repealed.

REAL PROPERTY ACQUISITION

Section 301(2). Section 301(2). This section is amended to allow the head of the lead agency to forego an appraisal. The foregoing of an appraisal is to provide greater flexibility for Federal, State, and local governments, under criteria developed by the lead agency. to cut red-tape and achieve greater economy in the overhead cost involved with establishing just compensation.

Section 301(b). Section 301(9). This section is amended to define an uneconomic remnant of property as one with little or no utility to the owner which is left after the partial acquisition of his property for a Federal or federally assisted project and to direct the head of an agency administering a federally funded program to offer to acquire such an uneconomic remnant so that the owner or occupant would be eligible for the full benefits under the Uniform Act. This provision eliminates both ambiguities in the present Uniform Act and the resulting inequities that result, particularly where the character of a farm is changed by a partial acquisition.

Section 301(c). A new paragraph is added to Section 301: Section 301(10). Donations are authorized under this provision.

Section 302. This section is amended to include authority to a State to be exempt from the provisions of Title III if it enacts a statute that is certified by the Federal government to be similar in purpose and effect to the Federal Uniform Act. This provision is paralled to title II, section 207.

EFFECTIVE DATE

Section 401. Section 401. This section is added to establish that, with the exception of the lead agency provisions, the effective date of the Uniform Act is 24 months after the date of enactment or earlier under certain circumstances. The 24 month lead time on the other provisions of the Uniform Act is to allow sufficient time for the Federal agencies and the States to develop conforming laws and regulations.

Mr. SASSER. Mr. President, I rise in support of the amendments to the Uniform Relocation Act of 1970 that Senator DURENBERGER is introducing today. The provisions of the bill are similar in purpose to legislation I myself first drafted in 1979.

Senator DURENBERGER is to be complimented for his work in shaping this measure and gaining unanimous support for it in both the House and Senate. In fact, the Senate has already passed substantially similar legislation twice. Today, he is reintroducing the same bill that was approved by the 98th Congress. It has already been approved twice by the Governmental Affairs Committee. I urge that my colleagues take immediate action on this measure so that passage will not be further delayed.

Too many people are being displaced by federally assisted programs without compensation. The original law, written in 1970, is now riddled with loopholes. As a result, the coverage is inadequate. This law governing relocation benefits has stayed the same while housing, highway, and other development programs it was meant to complement have changed substantially.

The Congress simply must give the Federal agencies the authority to aid the elderly people, the small farmers, the mom and pop store owners, and the families who are forced to move for the good of the total community. The Federal agencies have come to us time and time again over the past 6 years for changes in this law. Even a court decision urged that the Congress take action to make the Uniform Relocation Act more fair.

The bill Senator DURENBERGER and I introduce today will result in a standard set of Federal rules governing relocation. Currently, there are 13 separate Federal agencies that have promulgated 20 different sets of regulations. The result has been an administrative nightmare at the State and local levels of government.

An important and innovative provision of the bill permits the Federal agencies to certify State provisions for relocation when these follow the Federal model. This means that the rules will have adequate flexibility to meet local circumstances. The difference in the cost of living between urban and rural areas, for example, can be taken into account in setting benefit levels.

The effect will be to allow greater managerial discretion at the level of government where a project is administered. The opportunity is hereby provided for fairer, more equitable treatment for persons displaced by federally assisted programs.

I think it important to note that the Federal agencies will approve only those State laws that are the same in their purpose and effect as the Federal model. There is no abdication of the responsibilities of the Federal agencies or the Congress. Certification can be withdrawn at any time. And implementation by the States must be monitored by the Federal agencies.

The case for changes in this 15-year-old law has been made over and over again. There is broad consensus on this among State and local government officials, Federal agency personnel, tenants, organizations, and others affected by this Nation's relocation laws. In fact, I know of no opposition to this measure. Although both the House and Senate agreed on modifications to the law proposed in the 98th Congress, procedural difficulties prevented final passage.

Because of the great need, the widespread support, and the large amount of congressional work that has already gone into the language in S. 249, I urge quick action on this measure.

By Mr. PRESSLER:

S. 250. A bill to amend the Agricultural Act of 1949 to provide price support for the 1986 through 1990 crops of wheat, feed grains, and wool, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL PRICE SUPPORT ACT OF 1985

Mr. PRESSLER. Mr. President, today I am introducing legislation to reauthorize several sections of the 1981 farm bill. This legislation will establish: First, commodity programs for wheat and feed grains; second, an effective and strengthened soil conservation program; and third, an active export promotion program, as well as several other provisions.

The legislation is designed to direct farm program benefits to family farmers, create an effective soil conservation program, and reduce the cost of farm programs to the taxpayer, while maintaining a safety net for family farmers.

In recent years, as the number of farms has declined, the lion's share of farm program benefits have gone to larger and larger farms. In 1982, the top 1 percent of American farms claimed 7 percent of direct farm program payments, and nearly $5 out of every $6 went to farmers larger than the national average. The original intent of farm programs was to assist family farmers. That intent must be repeated and reinforced in the 1985 legislation.

In order to direct benefits to family farmers, I am proposing a graduated target price system. For example, a corn farmer would receive a target price of $3.13 per bushel for the first 10,000 bushels he produces, $2.98 per bushel for the next 10,000 bushels, and $2.83 per bushel for production between 20,000 and 30,000 bushels. The amount of corn supported per farm would be limited to 30,000 bushels.

The limitations for each commodity was established so that the average family farm would have the majority of its production supported, but the large corporate farm would not. For example, the average corn farmer in the U.S. produces 11,216 bushels of corn. The 20,000 limitation would be equal to almost three times the average production. The average wheat farmer produces 5,736 bushels, and the 22,500 bushel limitation is nearly three times that amount. However, the average corporate farm of over 2,100 acres would have only a small portion of its production supported.

Since we are facing unprecedented Federal deficits, we can no longer afford to support large corporate farms. These large agribusinesses will remain in operation as long as they can make a profit. But the Government should not encourage or subsidize this expansion at the expense of

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family farmers, because these small farmers—the backbone of our agricultural system—are experiencing severe financial difficulties and will continue to need price support assistance. The program will not solve all farmers' problems, but it will assist many family farmers who would otherwise go under.

My legislation will also limit total direct farm program benefits to $20,000 and $200,000 on commodity loans. Again, these actions will help limit farm program benefits to family-size farmers.

A stronger soil conservation program is also included in my legislation. The basic provisions of the sodbuster bill, which the Senate passed on numerous occasions, and a farmland diversion program are the main proposals. The diversion program will offer incentives to farmers to seed farmland back to grass or establish shelterbelts. This program will: First, reduce soil erosion, and second, help control surplus production. The conversion of highly erodible land already under cultivation back to grass will help control erosion and reduce crop production. The same goal is also achieved with the establishment of shelterbelts. However, the shelterbelt program, in most cases, would be directed toward more productive farmland which needs to be more effectively protected from wind erosion. Without the implementation of a more effective soil conservation program, the future productivity of many areas in the United States may soon be endangered by excessive erosion. These provisions are a major effort to protect our topsoil.

The bill also addresses the need to aggressively market our farm products abroad and eliminate unfair trade practices used by other nations. The current administration is encouraged to enter into multilateral trade negotiations to resolve many longstanding agricultural trade issues and to use existing authority to combat export subsidies used by other nations. To more effectively market our products, an increased use of barter trade, negotiation of long-term commodity agreements with importing nations, continued export credit guarantee programs, and the Public Law-480 program are all essential.

If farmers are to prosper under a market-oriented farm program, we must effectively expand agricultural export markets. The action proposed in my legislation moves in that direction. Farmers, taxpayers, and consumers would all benefit from a market-oriented system if both domestic and export markets can be effectively expanded. To do this, free trade must be established domestically and internationally. This would allow farmers to compete on an equal basis. Unless farmers can have open access to all markets, a truly market-oriented farm program will not work.

This legislation proposal addresses three major sections of the farm bill. I believe the principles set forth in these sections are the basis for an effective family farm-oriented farm policy. I encourage my colleagues, and especially the Senate Agriculture Committee, to carefully review these proposals and give them full and careful consideration.

Mr. President, I ask unanimous consent that the text of the bill be printed in full.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as the "Agricultural Price Support Act of 1985".

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TITLE I—WHEAT

LOAN RATES AND TARGET PRICES FOR 1986 THROUGH 1990 WHEAT CROPS

SEC. 101. Effective only for the 1986 through 1990 crops of wheat, section 1070 of the Agricultural Act of 1949 (7 U.S.C. 1445b-2) is amended to read as follows:

SEC. 107c. Notwithstanding any other provision of law—

"(a)(1) The Secretary shall make available to producers, loans and purchases for each of the 1986 through 1990 crops of wheat at such level, not less than $3.30 per bushel, as the Secretary determines will maintain the competitive relationship of wheat to other grains in domestic and export markets after taking into consideration the cost of producing wheat, supply and demand conditions, and world prices for wheat: *Provided,* That if the Secretary determines that the average price of wheat received by producers in any marketing year is not more than 105 per centum of the level of loans and purchases for wheat for such marketing year, the Secretary may reduce the level of loans and purchases for wheat for the next marketing year by the amount the Secretary determines necessary to maintain domestic and export markets for grain, except that the level of loans and purchases shall not be reduced by more than 10 per centum in any year for below $3 per bushel.

"(2) The total amount of loans and purchases that shall be made available to a producer under paragraph (1) shall not exceed $200,000 for each of the 1986 through 1990 crops of wheat.

"(b)(1)(A)(i) In addition, the Secretary shall make available to producers payments for each of the 1986 through 1990 crops of wheat in an amount computed as provided in this subsection.

"(ii) Payments for any such crop of wheat shall be computed by multiplying—

"(I) the payment rate, by

"(II) the farm program acreage for the crop, by

"(III) the farm program payment yield for the crop.

"(iii) In no event may payments be made under this paragraph for any crop—

"(I) on a greater acreage than the acreage actually planted to wheat, or

"(II) or any quantity of wheat produced in excess of 22,500 bushels per producer.

"(B) The payment rate for wheat shall be the amount by which the higher or—

"(i) the national weighted average market price received by farmers during the first five months of the marketing year for such crop, as determined by the Secretary, or

"(ii) the loan level determined under subsection (a) of this section for such crop is less than the established price per bushel.

"(C)(i) The established price for each of the 1986 through 1990 crops of wheat, in

the case of any producer, shall be not less than—

"(I) $4.48 per bushel for any quantity of wheat not in excess of 7,520 bushels,

"(II) $4.33 per bushel for any quantity of wheat in excess of 7,500 bushels, but not in excess of 15,000 bushels, and

"(III) $4.18 per bushel for any quantity of wheat in excess of 15,000 bushels, but not in excess of 22,500 bushels.

"(ii) Any such established price may be adjusted by the Secretary as the Secretary determines to be appropriate to reflect any change in—

"(I) The average adjusted cost of production per acre for the two crop years immediately preceding the year for which the determination is made from.

"(II) the average adjusted cost of production per acre for the two crop years immediately preceding the year previous to the one for which the determination is made.

"(iii) The adjusted cost of production for each of such years may be determined by the Secretary on the basis of such information as the Secretary finds necessary and appropriate for the purpose and may include variable costs, machinery ownership costs, and general farm overhead costs, allocated to the crops involved on the basis of the proportion of the value of the total production derived from each crop.

"(D) Notwithstanding the foregoing provisions of this section, if the Secretary adjusts the level of loans and purchases for wheat in accordance with the proviso in subsection (a) of this section, the Secretary shall provide emergency compensation by increasing the established price payments for wheat by such amount as the Secretary determines necessary to provide the same total return to producers as if the adjustment in the level of loans and purchases had not been made: *Provided*, That any payments under this subparagraph shall not be included in the payments subject to limitations under the provisions of section 501 of the Agricultural Price Support of 1985.

"(E) The total quantity on which payments would otherwise be payable to a producer on a farm for any crop under this paragraph shall be reduced by the quantity on which any disaster payment is made to the producer for the crop under paragraph (2) of this subsection.

"(2)(A) Except as provided in subparagraph (C) of this paragraph, if the Secretary determines that the producers on a farm are prevented from planting any portion of the acreage intended for wheat to wheat or other nonconserving crops because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the Secretary shall make a prevented planting disaster payment to the producers on the number of acres so affected but not to exceed the acreage planted to wheat for harvest (including any acreage which the producers were prevented from planting to wheat or other nonconserving crop in lieu of wheat because of drought, flood, or other natural disaster, or other condition beyond the control of the producers) in the immediately preceding year, multiplied by 75 per centum of the farm program payment yield established by the Secretary times a payment rate equal to 33⅓ per centum of the established price for the crop.

"(B) Except as provided in subparagraph (C) of this paragraph, if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the total quantity of wheat which the producers are able to harvest on any farm is less than the result of multiplying 60 per centum of the farm program payment yield established by the Secretary for such crop by the acreage planted for harvest for such crop, the Secretary shall make a reduced yield disaster payment to the producers at a rate equal to 50 per centum of the established price for the crop for the deficiency in production below 60 per centum for the crop.

"(C) Producers on a farm shall not be eligible for disaster payments under this paragraph if crop insurance is available to them under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) with respect to their wheat acreage.

"(D) Notwithstanding the provisions of subparagraph (C) of this paragraph, the Secretary may make disaster payments to producers on a farm under this paragraph whenever the Secretary determines that—

"(i) as the result of drought, flood, or other natural disaster, or other condition beyond the control of the producers, producers on a farm have suffered substantial losses of production either from being prevented from planting wheat or other nonconserving crop or from reduced yields, and that such losses have created an economic emergency for the producers;

"(ii) Federal crop insurance indemnity payments and other forms of assistance made available by the Federal Government to such producers for such losses are insufficient to alleviate such economic emergency, or no crop insurance covered the loss because of transitional problems attendant to the Federal crop insurance program;

"(iii) additional assistance must be made available to such producers to alleviate the economic emergency. The Secretary may make such adjustments in the amount of payments made available under this subparagraph with respect to individual farms so as to assure the equitable allotment of such payments among producers taking into account other forms of Federal disaster assistance provided to the producers for the crop involved.

"(c)(1) The Secretary shall proclaim a national program acreage for each of the 1986 through 1990 crops of wheat. The proclamation shall be made not later than July 1 of each calendar year for the crop harvested in the next succeeding calendar year, except that in the case of the 1986 crop, the proclamation shall be made as soon as practicable after enactment of the Agricultural Price Support Act of 1985. The Secretary may revise the national program acreage first proclaimed for any crop year for the purpose of determining the allocation factor under paragraph (2) of this subsection if the Secretary determines it necessary based upon the latest information, and the Secretary shall proclaim such revised national program acreage as soon as it is made. The national program acreage for wheat shall be the number of harvested acres the Secretary determines (on the basis of the weighted national average of the farm program payment yields for the crop for which the determination is made) will produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the marketing year for such crop. If the Secretary determines that carryover stocks of wheat are excessive or an increase in stocks is needed to assure desirable carryover, the Secretary may adjust the national program acreage by the amount the Secretary determines will accomplish the desired increase or decrease in carryover stocks.

"(2) The Secretary shall determine a program allocation factor for each crop of wheat. The allocation factor for wheat shall be determined by dividing the national program acreage for the crop by the number of acres that the Secretary estimates will be harvested for such crop, except that in no event shall the allocation factor for any crop of wheat be more than 100 per centum nor less than 80 per centum.

"(3) The individual farm program acreage for each crop of wheat shall be determined by multiplying the allocation factor by the acreage of wheat planted for harvest on the farms for which individual farm program acreages are required to be determined. The farm program acreage shall not be further reduced by application of the allocation factor if the producers reduce the acreage of wheat planted for harvest on the farm from the acreage base established for the farm under subsection (e)(2) of this section by at least the percentage recommended by the Secretary in the proclamation of the national program acreage. The Secretary shall provide fair and equitable treatment for producers on farms on which the acreage of wheat planted for harvest is less than the acreage base established for the farm under subsection (e)(2), but for which the reduction is insufficient to exempt the farm from the application of the allocation factor. In establishing the allocation factor for wheat, the Secretary may make such adjustment as the Secretary deems necessary to take into account the extent of exemption of farms under the foregoing provisions of this paragraph.

"(d) The farm program payment yield for each crop of wheat shall be the yield established for the farm for the previous crop year, adjusted by the Secretary to provide a fair and equitable yield. If no payment yield for wheat was established for the farm in the previous crop year, the Secretary may determine such yield as the Secretary finds fair and reasonable. Notwithstanding the foregoing provisions of this subsection, in the determination of yields, the Secretary shall take into account the actual yields proved by the producer, and neither such yields nor the farm program payment yield established on the basis of such yields shall be reduced under other provisions of this subsection. If the Secretary determines it necessary, the Secretary may establish national, State, or county program payment yields on the basis of historical yields, as adjusted by the Secretary to correct for abnormal factors affecting such yields in the historical period, or, if such data are not available, on the Secretary's estimate of actual yields for the crop year involved. In national, State, or county program payment yields are established, the farm program payment yields shall balance to the national, State, or county program payment yields.

"(e) (1) Notwithstanding any other provision of law, the Secretary may provide for any crop either for a program under which the acreage planted to wheat would be limited as described in paragraph (2) or a set-aside program as described in paragraph (3) of this subsection if the Secretary determines that the total supply of wheat, in the absence of such a program, will be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency.

"(2) If a wheat acreage limitation program is announced under paragraph (1) of this subsection, such limitation shall be achieved by applying a uniform percentage reduction

to the acreage base for each wheat-producing farm, producers who knowingly produce wheat in excess of the permitted wheat acreage for the farm shall be ineligible for wheat loans, purchasers, and payments with respect to that farm. The acreage base for any farm for the purpose of determining any reduction required to be made for any year as the result of a limitation under this paragraph shall be the acreage planted on the farm to wheat for harvest in the crop year immediately preceding the year for which the determination is made or, at the discretion of the Secretary, the average acreage planted to wheat for harvest in the two crop years immediately preceding the year for which the determination is made. For the purpose of the preceding sentence, acreage planted to wheat for harvest shall include any acreage which the producers were prevented from planting to wheat or other nonconserving crop in lieu of wheat because of drought, flood, or other natural disaster, or other condition beyond the control of the producers. The Secretary may make adjustments to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base. A number of acres on the farm determined by dividing (A) the product obtained by multiplying the number of acres required to be withdrawn from the production of wheat times the number of acres actually planted to such commodity, by (B) the number of acres authorized to be planted to such commodity under the limitation established by the Secretary shall be devoted to conservation uses, in accordance with regulations issued by the Secretary. The number of acres so determined is hereafter in this subsection referred to as 'reduced acreage'. If an acreage limitation program is announced under paragraph (1) of this subsection for a crop of wheat, subsection (c) of this section shall not be applicable to such crop, including any prior announcement which may have been made under such subsection with respect to such crop. The individual farm program acreage shall be the acreage planted on the farm to wheat for harvest within the permitted wheat acreage for the farm as established under this paragraph.

"(3) If a set-aside program is announced under paragraph (1) of this subsection, then as a condition of eligibility for loans, purchases, and payments authorized by this section, the producers on a farm must set aside and devote to conservation uses an acreage of cropland equal to a specified percentage, as determined by the Secretary, of the acreage of wheat planted for harvest for the crop for which the set-aside is in effect. The set-aside acreage shall be devoted to conservation uses, in accordance with regulations issued by the Secretary. If a set-aside program is established, the Secretary may limit the acreage planted to wheat. Such limitation shall be applied on a uniform basis to all wheat-producing farms. The Secretary may make such adjustments in individual set-aside acreages under this section as the Secretary determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, topography, and such other factors as the Secretary deems necessary.

"(4) The regulations issued by the Secretary under paragraphs (2) and (3) of this subsection with respect to acreage required to be devoted to conservation uses shall assure protection of such acreage from weeds and wind and water erosion. The Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of such acreage to be devoted to sweet sorghum, hay and grazing or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, rye, or other commodity, if the Secretary determines that such production is needed to provide an adequate supply of such commodities, is not likely to increase the cost of the price support program, and will not affect farm income adversely. In determining the amount of land to be devoted to conservation uses under an acreage limitation or set-aside program with respect to land that has been farmed under summer fallow practices, as defined by the Secretary, the Secretary shall consider the effects of soil erosion and such other factors as the Secretary considers appropriate.

"(5) The Secretary may make land diversion payments to producers of wheat, whether or not an acreage limitation or set-aside program for wheat is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of wheat to desirable goals. Such land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers. The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

"(6) Any reduced acreage, set-aside acreage, and additional diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may pay an appropriate share of the cost of practices designed to carry out the purposes of the foregoing sentence. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm, as the Secretary may prescribe, by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(7) An operator of a farm desiring to participate in the program conducted under this subsection shall execute an agrement with the Secretary providing for such participation not later than such date as the Secretary may prescribe. The Secretary may, by mutual agreement with the producers on the farm, terminate or modify any such agreement if the Secretary determines such action necessary because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities.

"(f) If the failure of a producer to comply fully with the terms and conditions of the program conducted under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure. The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet such other requirements does not affect adversely the operation of the progam.

"(g) The Secretary may issue such regulations as the Secretary determines necessary to carry out the provisions of this section.

"(h) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corportion.

"(i) The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to assignment of payments) shall apply to payments under this section.

"(j) The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

"(k) Notwithstanding any other provision of law, compliance on a farm with the terms and conditions of any other commodity program may not be required as a condition of eligibility for loans, purhases, or payments under this section if an acreage limitation program is established under subsection (e)(2) of this section, but may be required if a set-aside program is established under subsection (e)(3) of this section.".

NONAPPLICABILITY OF CERTIFICATE REQUIREMENTS

SEC. 102. Sections 379d, 379e, 379f, 379g, 379h, 379i, and, 379j of the Agricultual Adjustment Act of 1938 (7 U.S.C. 1379d-1379j) (which deal with marketing certificate requirements for processors and exporters) shall not be applicable to wheat processors or exporters during the period June 1, 1986, through May 31, 1991.

SUSPENSION OF MARKETING QUOTAS AND PRODUCER CERTIFICATE PROVISIONS

SEC. 103. Sections 331, 332, 333, 334, 335, 336, 338, 339, 379b, and 379c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1331-1336, 1338, 1339, 1379b and 1379c) shall not be applicable to the 1986 through 1990 crops of wheat.

SUSPENSION OF QUOTA PROVISIONS

SEC. 104. The joint resolution entitled "A joint resolution relating to corn and wheat marketing quota under the Agricultural Adjustment Act of 1938, as amended", approved May 26, 1941 (7 U.S.C. 1330 and 1340), shall not be applicable to the crops of wheat planted for harvest in the calendar years 1986 through 1990.

NONAPPLICABILITY OF SECTION 107 OF THE AGRICULTURAL ACT OF 1949 TO THE 1986 THROUGH 1990 CROPS OF WHEAT

SEC. 105. Section 107 of the Agricultural Act of 1949 (7 U.S.C. 1445a) shall not be applicable to the 1986 through 1990 crops of wheat.

TITLE II—FEED GRAINS

LOAN RATES AND TARGET PRICES FOR 1986 THROUGH 1990 FEED GRAIN CROPS

SEC. 201. Effective only for the 1986 through 1990 crops of feed grains, the Agri-

cultural Act of 1949 is amended by adding after section 105B (7 U.S.C. 1444d) a new section as follows:

"SEC. 105C. Notwithstanding any other provision of law—

"(a)(1) The Secretary shall make available to producers loans and purchases for each of the 1986 through 1990 crops of corn at such level, not less than $2.55 per bushel, as the Secretary determines will encourage the exportation of feed grains and not result in excessive total stocks of feed grains after taking into consideration the cost of producing corn, supply and demand conditions, and world prices for corn: *Provided*, That if the Secretary determines that the average price of corn received by producers in any marketing year is not more than 105 per centum of the level of loans and purchases for corn for such marketing year, the Secretary may reduce the level of loans and purchases for corn for the next marketing year by the amount the Secretary determines necessary to maintain domestic and export markets for grain, except that the level of loans and purchases shall not be reduced by more than 10 per centum in any year nor below $2 per bushel.

"(2) The Secretary shall make available to producers loans and purchases for each of the 1986 through 1990 crops of grain sorghums, barley, oats, and rye, respectively, at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value of such commodity in relation to corn and other factors specified in section 401(b) of this Act.

"(3) The total amount of loans and purchases that shall be made available to a producer under paragraph (1) or (2) shall not exceed $200,000 for each of the 1986 through 1990 crops of a commodity.

"(b)(1)(A)(i) The Secretary shall make available to producers payments for each of the 1986 through 1990 crops of corn, grain sorghums, oats, and barley, in an amount computed as provided in this subsection.

"(ii) payments for any such crop of feed grains shall be computed by multiplying—

"(I) the payment rate, by

"(II) the farm program acreage for the crop, by

"(III) the farm program payment yield for the crop.

"(iii) In no event may payments be made under this paragraph for any crop—

"(I) on a greater acreage than the acreage actually planted to such feed grains.

"(II on any quantity of corn produced in excess of 30,000 bushels per producer,

"(III) on any quantity of barley produced in excess of 15,000 bushels per producer, or

"(IV) on any quantity of oats produced in excess of 9,000 bushels per producer.

"(B) The payment rate for corn, barley, and oats shall be the amount by which the higher of—

"(i) the national weighted average market price received by farmers during the first five months of the marketing year for such crop, as determined by the Secretary, or

"(ii) the loan level determined under subsection (a) of this section for such crop is less than the established price per bushel.

"(C)(i) The established price for each of the 1986 through 1990 crops of corn, in the case of any producer, shall be not less than—

"(I) $3.13 per bushel for any quantity of corn not in excess of 10,000 bushels,

"(II) $2.98 per bushel for any quantity of corn in excess of 10,000 bushels, but not in excess of 20,000 bushels, and

"(III) $2.83 per bushel for any quantity of corn in excess of 20,000 bushels, but not in excess of 22,500 bushels.

"(ii) The established price for each of the 1986 through 1990 crops of barley, in the case of any producer, shall be not less than—

"(I) $2.70 per bushel for any quantity of barley not in excess of 5,000 bushels,

"(II) $2.55 per bushel for any quantity of barley in excess of 5,000 bushels, but not in excess of 10,000 bushels, and

"(III) $2.40 per bushel for any quantity of barley in excess of 10,000 bushels, but not in excess of 15,000 bushels.

"(iii) The established price for each of the 1986 through 1990 crops of oats, in the case of any producer, shall be not less than—

"(I) $1.70 per bushel for any quantity of oats not in excess of 3,000 bushels.

"(II) $1.55 per bushel for any quantity of oats in excess of 3.000 bushels, but not in excess of 6.000 bushels, and.

"(III) $1.40 per bushel for any quantity of oats in excess of 6,000 bushels, but not in excess of 9,000 bushels.

"(iv) Any established price prescribed under clause (i), (ii), or (iii) may be adjusted by the Secretary as the Secretary determines to be appropriate to reflect any change in—

"(I) the average adjusted cost of production per acre for the two crop years immediately preceding the year for when the determination is made from

"(II) the average adjusted cost of production per acre for the two crop years immediately preceding the year previous to the one for which the determination is made.

"(v) The adjusted cost of production for each of such years may be determined by the Secretary on the basis of such information as the Secretary finds necessary and appropriate for the purpose and may include variable costs, machinery ownership costs, and general farm overhead costs, allocated to the crops involved on the basis of the proportion of the value of the total production derived from each crop.

"(D) Notwithstanding the foregoing provisions of this section, if the Secretary adjusts the level of loans and purchases for corn in accordance with the proviso in subsection (a)(1) of this section, the Secretary shall provide emergency compensation by increasing the established price payments for corn by such amount as the Secretary determines necessary to provide the same total return to producers as if the adjustment in the level of loans and purchases had not been made: *Provided*, That any such payments under this subparagraph shall not be included in the payments subject to limitation under the provisions of section 501 of the Agricultural Price Subport Act of 1985.

"(E) The payment rate for grain sorghums shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn.

"(F) The total quantity on which payments would otherwise be payable to a producer on a farm for any crop under this paragraph shall be reduced by the quantity on which any disaster payment is made to the producer for the crop under paragraph (2) of this subsection.

"(2)(A) Except as provided in subparagraph (C) of this paragraph, if the Secretary determines that the producers on a farm are prevented from planting any portion of the acreage intended for feed grains to feed grains or other nonconserving crops because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the Secretary shall make a prevented planting disaster payment to the producers on the number of acres so affected but not to exceed the acreage planted to feed grains for harvest (including any acreage which the producers were prevented from planting to feed grains or other nonconserving crop in lieu of feed grains because of drought, flood, or other natural disaster, or other condition beyond the control of the producers) in the immediately preceding year, multiplied by 75 per centum of the farm program payment yield established by the Secretary times a payment rate equal to 33⅓ per centum of the established price for the crop.

"(B) Except as provided in subparagraph (C) of this paragraph, if the Secretary determines that because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, the total quantity of feed grains which the producers are able to harvest on any farm is less than the result of multiplying 60 per centum of the farm program payment yield established by the Secretary for such crop by the acreage planted for harvest for such crop, the Secretary shall make a reduced yield disaster payment to the producers at a rate equal to 50 per centum of the established price for the crop for the deficiency in production below 50 per centum for the crop.

"(C) Producers on a farm shall not be eligible for disaster payments under this paragraph if crop insurance is available to them under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) with respect to their feed grain acreage.

"(D) Notwithstanding the provisions of subparagraph (C) of this paragraph, the Secretary may make disaster payments to producers on a farm under this paragraph whenever the Secretary determines that—

"(i) as the result of drought, flood, or other natural disaster, or other condition beyond the control of the producers, producers on a farm have suffered substantial losses of production either from being prevented from planting feed grains or other nonconserving crop or from reduced yield and that such losses have created an economic emergency for the producers;

"(ii) Federal crop insurance indemnity payments and other forms of assistance made available by the Federal Government to such producers for such losses are insufficient to alleviate such economic emergency, or no crop insurance covered the loss because of transitional problems attendant to the Federal crop insurance program; and

"(iii) additional assistance must be made available to such producers to alleviate the economic emergency.

The Secretary may make such adjustments in the amount of payments made available under this subparagraph with respect to individual farms so as to assure the equitable allotment of such payments among producers taking into account other forms of Federal disaster assistance provided to the producers for the crop involved.

"(c)(1) The Secretary shall proclaim a national program acreage for each of the 1986 through 1990 crops of feed grains. The proclamation shall be made not later than November 15 of each calendar year for the crop harvested in the next succeeding calendar year, except that in the case of the 1986 crop, the proclamation shall be made as soon as practicable after enactment of the Agricultural Price Support Act of 1985. The

Secretary may revise the national program acreage first proclaimed for any crop year for the purpose of determining the allocation factor under paragraph (2) of this subsection if the Secretary determines it necessary based upon the latest information, and the Secretary shall proclaim such revised national program acreage as soon as it is made. The national program acreage for feed grains shall be the number of harvested acres the Secretary determines (on the basis of the weighted national average of the farm program payment yields for the crop for which the determination is made) will produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the marketing year for such crop. If the Secretary determines that carryover stocks of feed grains are excessive or an increase in stocks is needed to assure desirable carryover, the Secretary may adjust the national program acreage by the amount the Secretary determines will accomplish the desired increase or decrease in carryover stocks.

"(2) The Secretary shall determine a program allocation factor for each crop of feed grains. The allocation factor for feed grains shall be determined by dividing the national program acreage for the crop by the number of acres that the Secretary estimates will be harvested for such crop, except that in no event shall the allocation factor for any crop of feed grains be more than 100 per centum nor less than 80 per centum.

"(3) The individual farm program acreage for each crop of feed grains shall be determined by multiplying the allocation factor by the acreage of feed grains planted for harvest on the farms for which individual farm program acreages are required to be determined. The farm program acreage shall not be further reduced by application of the allocation factor if the producers reduce the acreage of feed grains planted for harvest on the farm from the acreage base established for the farm under subsection (e)(2) of this section by at least the percentage recommended by the Secretary in the proclamation of the national program acreage. The Secretary shall provide fair and equitable treatment for producers on farms on which the acreage of feed grains planted for harvest is less than the acreage base established for the farm under subsection (e)(2), but for which the reduction is insufficient to exempt the farm from the application of the allocation factor. In establishing the allocation factor for feed grains, the Secretary may make such adjustment as the Secretary deems necessary to take into account the extent of exemption of farms under the foregoing provisions of this paragraph.

"(d) The farm program payment yield for each crop of feed grains shall be the yield established for the farm for the previous crop year, adjusted by the Secretary to provide a fair and equitable yield. If no payment yield for feed grains was established for the farm in the previous crop year, the Secretary may determine such yield as the Secretary finds fair and reasonable. Notwithstanding the foregoing provisions of this subsection, in the determination of yields, the Secretary shall take into account the actual yields proved by the producer, and neither such yields nor the farm program payment yield established on the basis of such yields shall be reduced under other provisions of this subsection. If the Secretary determines it necessary, the Secretary may establish national, State, or county program payment yields on the basis of historical yields, as adjusted by the Secretary to correct for abnormal factors affecting such yields in the historical period, or, if such data are not available, on the Secretary's estimate of actual yields for the crop year involved. If national, State, or county program payment yields are established, the farm program payment yields shall balance to the national, State or county program payment yields.

"(e)(1) Notwithstanding any other provision of law, the Secretary may provide for any crop either for a program under which the acreage planted to feed grains would be limited as described in paragraph (2) or a set-aside program as described in paragraph (3) of this subsection if the Secretary determines that the total supply of feed grains, in the absence of such a program, will be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. The Secretary shall announce any such feed grain acreage limitation program or set-aside program not later than November 15 prior to the calendar year in which the crop is harvested, except that in the case of the 1986 crop, the Secretary shall announce such program as soon as practicable after enactment of the Agricultural Price Support Act of 1985.

"(2) If a feed grain acreage limitation program is announced under paragraph (1) of this subsection, such limitation shall be achieved by applying a uniform percentage reduction to the acreage base for each feed grain-producing farm. Producers who knowingly produce feed grains in excess of the permitted feed grain acreage for the farm shall be ineligible for feed grain loans, purchases, and payments with respect to that farm. The Secretary may provide that no producer of malting barley shall be required as a condition of eligibility for feed grain loans, purchases, and payments to comply with any acreage limitation under this paragraph if such producer has previously produced a malting variety of barley, plants barley only of an acceptable malting variety for harvest, and meets such other conditions as the Secretary may prescribe. The acreage base for any farm for the purpose of determining any reduction required to be made for any year as the result of a limitation under this paragraph shall be the acreage planted on the farm to feed grains for harvest in the crop year immediately preceding the year for which the determination is made or, at the discretion of the Secretary, the average acreage planted to feed grains for harvest in the two crop years immediately preceding the year for which the determination is made. For the purpose of the preceding sentence, acreage planted to feed grains for harvest shall include any acreage which the producers were prevented from planting to feed grains or other nonconserving crop in lieu of feed grains because of drought, flood, or other natural disaster, or other condition beyond the control of the producers. The Secretary may make adjustments to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base. A number of acres on the farm determined by dividing (A) the product obtained by multiplying the number of acres required to be withdrawn from the production of feed grains times the number of acres actually planted to such commodity, by (B) the number of acres authorized to be planted to such commodity under the limitation established by the Secretary shall be devoted to conservation uses, in accordance with regulations issued by the Secretary. The number of acres so determined is hereafter in this subsection referred to as 'reduced acreage'. If an acreage limitation program is announced under paragraph (1) of this subsection for a crop of feed grains, subsection (c) of this section shall not be applicable to such crop, including any prior announcement which may have been made under such subsection with respect to such crop. The individual farm program acreage shall be the acreage planted on the farm to feed grains for harvest within the permitted feed grain acreage for the farm as established under this paragraph.

"(3) If a set-aside program is announced under paragraph (1) of this subsection, then as a condition of eligibility for loans, purchases, and payments authorized by this section, the producers on a farm must set aside and devote to conservation uses an acreage of cropland equal to a specified percentage, as determined by the Secretary, of the acreage of feed grains planted for harvest for the crop for which the set-aside is in effect. The set-aside acreage shall be devoted to conservation uses, in accordance with regulations issued by the Secretary. If a set-aside program is established, the Secretary may limit the acreage planted to feed grains. Such limitation shall be applied on a uniform basis to all feed grain-producing farms. The Secretary may make such adjustments in individual set-aside acreages under this section as the Secretary determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, topography, and such other factors as the Secretary deems necessary.

"(4) The regulations issued by the Secretary under paragraphs (2) and (3) of this subsection with respect to acreage required to be devoted to conservation uses shall assure protection of such acreage from weeds and wind and water erosion. The Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of such acreage to be devoted to sweet sorghum, hay and grazing or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, rye, or other commodity, if the Secretary determines that such production is needed to provide an adequate supply of such commodities, is not likely to increase the cost of the price support program, and will not affect farm income adversely.

"(5) The Secretary may make land diversion payments to producers of feed grains, whether or not an acreage limitation or set-aside program for feed grains is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of feed grains to desirable goals. Such land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers. The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or such other means as the Secretary determines appropriate. In determining the acceptabil-

ity of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

"(6) Any reduced acerage, set-aside acreage, and additional diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may pay an appropriate share of the cost of practices designed to carry out the purposes of the foregoing sentence. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm, as the Secretary may prescribe, by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

"(7) An operator of a farm desiring to participate in the program conducted under this subsection shall execute an agreement with the Secretary providing for such participation not later than such date as the Secretary may prescribe. The Secretary may, by mutual agreement with the producers on the farm, terminate or modify any such agreement if the Secretary determines such action necessary because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities.

"(f) If the failure of a producer to comply fully with the terms and conditions of the program conducted under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure. The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590b(b)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet such other requirements does not affect adversely the operation of the program.

"(g) The Secretary may issue such regulations as the Secretary determines necessary to carry out the provisions of this section.

"(h) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(i) The provisions of section 8(c) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to assignment of payments) shall apply to payments under this section.

"(j) The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

"(k) Notwithstanding any other provision of law, compliance on a farm with the terms and conditions of any other commodity program may not be required as a condition of eligibility for loans, purchases, or payments under this section if an acreage limitation program is established under subsection (e)(2) of this section, but may be required if a set-aside program is established under subsection (e)(3) of this section.".

NONAPPLICABILITY OF SECTION 105 OF THE AGRICULTURAL ACT OF 1949 TO THE 1986 THROUGH 1990 CROPS OF FEED GRAINS

SEC. 202. Section 105 of the Agricultural Act of 1949 (7 U.S.C. 1444b) shall not be applicable to the 1986 through 1990 crops of feed grains.

TITLE III—SOIL CONSERVATION

DEFINITIONS

SEC. 301. For purposes of this Act—

(1) the term "agricultural commodity" means any agricultural product planted and produced by annual tilling of the soil, including one-trip planters;

(2) the term "highly erodible land" means land classified by the Soil Conservation Service of the Department of Agriculture as class IVe, VIe, or VII land under the land capability classification systems in effect on the date of enactment of this Act. The land capability class for a field shall be that determined by the Secretary to be the predominant class under regulations issued by the Secretary;

(3) the term "county committee" means a county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b));

(4) the term "Secretary" means the Secretary of Agriculture;

(5) the term "State" means each of the several States, the Commonwealth of Puerto Rico, and the Virgin Islands; and

(6) the term "State committee" means a State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

PROGRAM INELIGIBILITY

SEC. 302. Except as provided in section 4 and notwithstanding any other provision of law, following the date of enactment of this Act any person who produces an agricultural commodity on highly erodable land shall be ineligible, with respect to such commodity produced on such land, for—

(1) any type of price support, income assistance, or production adjustment payments for such commodity made available under the Agricultural Act of 1949, the Commodity Credit Corporation Charter Act, or any other Act;

(2) a loan for the construction or purchase of a facility for the storage of such commodity made under section 4(h) of the Commodity Credit Corporation Charter Act;

(3) crop insurance for such commodity under the Federal Crop Insurance Act;

(4) a disaster payment for such commodity made under the Agricultural Act of 1949; or

(5) a new loan made, insured, or guaranteed under the Consolidated Farm and Rural Development Act, or any other provision of law administered by the Farmers Home Administration, if the Secretary determines that such loan will be used for a purpose that will contribute to excessive erosion of highly erodible land.

EXCEPTIONS

SEC. 303. Section 302 shall not apply to—

(1) any land that was cultivated by a person to produce any of the 1973 through 1983 crops of agricultural commodities;

(2) any crop of an agricultural commodity planted by a person before the date of enactment of this Act;

(3) any crop of an agricultural commodity planted by a person during any crop year beginning before the date of enactment of this Act;

(4) any loan described in section 302 made before the date of enactment of this Act; or

(5) any crop of an agricultural commodity produced using a conservation system that has been approved by a soil conservation district and that is based on technical standards set forth in the Soil Conservation Service technical guide for that soil conservation district. In areas where no soil conservation district exists, the Secretary shall determine the adequacy of the conservation system to be used in the production of any agricultural commodity on highly erodible land.

USE OF AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY COMMITTEES IN ADMINISTRATION

SEC. 304. To ensure compliance with the provisions of this Act on the part of those persons participating in the programs described in section 302, as well as fair and equitable treatment in the application of this Act, the Secretary shall use the county committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act in the administration of this Act.

APPEAL OF LAND CLASSIFICATION

SEC. 305. The Secretary shall establish, by regulation, an appeal procedure under which a person who produces an agricultural commodity on land classified as class IVe, VIe, VII, or VIII land under the land capability classification systems applicable under this Act may seek review of such classification.

COMPLETION OF SOIL SURVEYS

SEC. 306. The Secretary shall, as soon as practicable, complete soil surveys on those private lands that do not have a soil survey suitable for use in determining the land capability class for purposes of this Act, and, insofar as possible, concentrate on those localities where significant amounts of highly erodible land are being converted to the production of agricultural commodities.

ESTABLISHMENT OF PROGRAM

SEC. 307. (a) The Secretary of Agriculture may enter into contracts for periods of not less than five years with producers determined by the Secretary to have control for the contract period of the farms covered by the contract.

(b) Under the terms of such contract, the producer must agree—

(1) to establish and maintain for the contract period protective vegetative cover (including but not limited to grass and trees), water storage facilities, or other soils-, water-, wildlife-, or forest-conserving uses on a specifically designated acreage of land on the farm regularly used in the production of crops (including crops, such as tame hay, alfalfa, and clovers, which do not require annual tillage);

(2) to devote to conserving crops or uses, or allow to remain idle, throughout the contract period an acreage of the remaining land on the farm which is not less than the acreage normally devoted only to conserving crops or uses or normally allowed to remain idle on such remaining acreage;

(3) not to harvest any crop from the acreage established in protective vegetative cover, except that the producer may—

(A) harvest timber (in accordance with sound forestry management) and wildlife or other natural products of such acreage which do not increase supplies of feed for domestic animals; and

(B) remove hay from such acreage if the Secretary, after certification by the Governor of the State in which such acreage is situated of the need for removal of hay from such acreage, determines that it is necessary to permit removal of hay from such acreage

in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster.

(4)(A) not to graze any acreage established in protective vegetative cover prior to the date of the enactment of this Act or such later date as may be provided in the contract; and

(B) if such acreage is grazed at the end of such period, to graze such acreage during the remainder of the period covered by the contract in accordance with sound pasture management;

(5) not to adopt any practice, or divert lands on the farm from conservation, woods, grazing, or other use, to any use specified by the Secretary in the contract as a practice or use which would tend to defeat the purposes of the contract;

(6)(A) in any case in which the Secretary determines that there has been a violation of the contract (including the prohibition of grazing on conservation acreages) at any stage during the time such producer has control of the farm and that such violation is of such a substantial nature as to warrant termination of the contract, to forfeit all rights to payments or grants under the contract and to refund to the United States all payments and grants received by the producer under the contract; and

(B) in any case in which the Secretary determines that there has been a violation of the contract but that such violation is of such a nature as not to warrant termination of the contract, to accept such payment adjustments, forfeit such benefits, and make such refunds to the United States of payments and benefits received by the producer under the contract as the Secretary determines to be appropriate; and

(7) to such additional provisions as the Secretary determines are desirable and includes in the contract to effectuate the purposes of this Act and to facilitate the practical administration of the conservation reserve program, including provisions relating to control of noxious weeds.

(c) In return for such agreement by the producer, the Secretary shall agree—

(1) to bear such part of the cost (including labor) of establishing and maintaining vegetative cover, water storage facilities, or other soil-, water-, wildlife-, or forest-conserving uses, on the designated acreage as the Secretary determines to be necessary to effectuate the purposes of this Act, but not to exceed a maximum amount per acre or facility prescribed by the Secretary for the county or area in which the farm is situated; and

(2) to make an annual payment to the producer for the term of the contract (in an amount determined by the Secretary) upon determination that the producer has fulfilled the provisions of the contract entitling the producer to such payment.

(d)(1) The Secretary shall determine the amount of annual payments under subsection (c)(2) on such basis as the Secretary determines will provide producers with a fair and reasonable annual return on the land established in protective vegetative cover or water storage facilities, or other soil-, water-,wildlife-, or forest-conserving uses, taking into consideration—

(A) the value of the land for the production of commodities customarily grown on such kind of land in the county or area;

(B) the prevailing rates for cash rentals for similar land in the county or area;

(C) the incentive necessary to obtain contracts covering sufficient acreage for the substantial accomplishment of the purposes of the conservation reserve program; and

(D) such other factors as the Secretary considers appropriate.

(2) The Secretary may establish such amount of annual payments on an individual farm basis, a county or area basis, or such other basis as the Secretary determines will facilitate the practical administration of the program.

(e) In determining the lands in any area which are eligible for coverage under contracts entered into under this section, the Secretary may use an advertising and bid procedure if the Secretary determines that such action will contribute to the effective and equitable administration of the conservation reserve program.

(f)(1) A contract may not be terminated under subsection (b)(6) unless the nature of the violation of the contract is such as to defeat or substantially impair the purposes of the contract.

(2) If a State committee believes that there has been a violation of a contract which would warrant termination of the contract, the State committee shall give the producer written notice of the violation by registered mail, certified mail, or personal service.

(3) If the producer requests an opportunity to show cause why the contract should not be terminated within thirty days after the delivery or service of such notice, the producer shall be given an opportunity to show cause, in an informal proceeding before the county committee under regulations promulgated by the Secretary, why the contract should not be terminated.

(4) If the producer does not request an opportunity to show cause why the contract should not be terminated within such thirty day period, the determination of the State committee shall be final and conclusive if made in accordance with regulations of the Secretary.

(5) If the producer within such thirty day period, requests an opportunity to show cause why the contract should not be terminated, the county committee, at the conclusion of the proceeding, shall submit a report on the violation of the contract to the State committee, including the recommendations of the county committee.

(6) If the State committee receives such a request, the State committee shall make a determination, on the basis of such report and such other information as is available to the State committee, as to whether there has been a violation which would warrant termination of the contract.

(7) The producer shall be accorded the right, in accordance with regulations promulgated by the Secretary, to appear before the State committee in connection with the determination of the State committee on the issue.

(8) The producer shall be given written notice by registered or certified mail or personal service of the determination of the State committee.

(9) If the producer feels aggrieved by such determination, the producer may obtain judicial review of such determination by filing a complaint with the United States district court for the district in which the land covered by the contract is located, within ninety days after the delivery or service of notice of such determination, requesting the court to set aside such determination.

(10) The copy of the summons and complaint required to be delivered to the officer or agency whose order is being attacked shall be sent to the chairman of the State committee.

(11) The action in the United States district court shall be a trial de novo to determine whether there has been a violation which would warrant termination of the contract.

(12) If the producer does not seek judicial review of the determination of the State committee within the ninety-day period allowed for filing a complaint, the determination of the State committee shall be final and conclusive.

CERTIFICATE OF CLAIMANT

SEC. 308. Payment or compensation authorized by this Act may be made upon the certification by the claimant, in such form as the Secretary may prescribe, that the claimant has complied with all requirements for such payment and that the statements and information contained in the application for payment are correct and true to the best of the knowledge and belief of the claimant.

FINALITY OF DETERMINATIONS

SEC. 309. (a) Except as provided in section 3(f), if payment or compensation is made or provided under this Act in accordance with this Act and applicable regulations, such action shall be final and conclusive and shall not be reviewable by any other officer or agency of the Government.

(b) If a producer who is entitled to any such payment or compensation dies, becomes incompetent, or disappears before receiving such payment or compensation, or is succeeded by another who renders or completes the required performance, the Secretary shall make or provide such payment or compensation, in accordance with regulations and without regard to any other provisions of law, in such manner as the Secretary determines to be fair and reasonable in light of all of the circumstances.

TERMINATION AND MODIFICATION OF CONTRACTS

SEC. 310. (a) The Secretary may terminate any contract entered into under this Act with a producer by mutual agreement with the producer if the Secretary determines that such termination would be in the public interest.

(b) The Secretary may agree to such modification of any contract entered into under this Act as the Secretary determines to be desirable to carry out the purposes of this Act and to facilitate the practicable administration of the conservation reserve program.

POOLING OF CONSERVATION RESERVE LAND

SEC. 311. If the Secretary determines that the management of family farms or optimum land use will be aided, the Secretary may permit farmers to pool their rights to participate jointly in the conservation reserve program on property other than the farm on which is situated the dwelling house of the farmer.

CONSERVATION MATERIALS AND SERVICES

SEC. 312. (a) In order to assist producers in establishing vegetative cover or water storage facilities, or other soil-, water-, wildlife-, or forest-conserving uses, under contracts authorized by this Act, the Secretary may—

(1) purchase or produce conservation materials and services and make such materials and services available to producers under the conservation reserve program;

(2) reimburse any Federal, State, or local government agency for conservation materials and services furnished by such agency to such producers; and

(3) pay expenses necessary in making such materials and services available to producers, including all or part of the cost incident

to the delivery, application, or installation of materials and services.

(b)(1) Notwithstanding any other provision of law, in making conservation materials and services available to producers under this Act, the Secretary may make payments, in advance of determination of performance by the producers, to persons who fill purchase orders covering approved conservation materials or who render services to the Secretary in furnishing to producers approved conservation materials or services for the establishment by the producers of vegetative cover or water storage facilities, or other soil-, water-, wildlife-, or forest-conserving uses, under contracts authorized by this Act.

(2) If the Secretary determines that it is necessary in the interest of producers and the Government, the Secretary may limit in accordance with regulations prescribed by the Secretary the price at which purchase orders for any conservation material or service are filled to a fair price.

UTILIZATION OF LOCAL AND STATE COMMITTEES

SEC. 313. In administering this Act in the continental United States, the Secretary shall utilize the services of local, county, and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

UTILIZATION OF OTHER AGENCIES

SEC. 314. (a) In carrying out the program established by this Act at the State and county levels, the Secretary shall consult with soil-conservation districts, State foresters, State game and fish agencies, land-grant colleges, other appropriate agencies of State governments, and the Fish and Wildlife Service.

(b) In order to assure coordination of conservation activities and a solid technical foundation for such program, the Secretary shall utilize, so far as practicable, the technical resources of the Soil Conservation Service, the Forest Service, land-grant colleges, State foresters, State game and fish agencies, and the Fish and Wildlife Service, and other appropriate technical services.

UTILIZATION OF LAND USE CAPABILITY DATA

SEC. 315. In administering this Act, the Secretary shall utilize, to the fullest practicable extent, land use capability data, including capability surveys developed by the Soil Conservation Service.

COMPLIANCE WITH OTHER PRICE SUPPORT PROGRAMS

SEC. 316. No person shall be eligible for payments or compensation under this Act with respect to any farm for any year in which the person has violated any provision of law governing, or any agreement entered into under, any agricultural price support program administered by the Secretary.

REAPPORTIONMENT PROHIBITED

SEC. 317. Acreage diverted from the production of any commodity eligible for support under any agricultural price support program administered by the Secretary as a result of participation in the conservation reserve program may not be reapportioned or allotted to any other farm.

PENALTY FOR GRAZING OR HARVESTING

SEC. 318. (a) Any producer who knowingly and willfully grazes or harvests any crop from any acreage in violation of a contract entered into under section 3 shall be subject to a civil penalty equal to 50 per cent of the compensation payable for compliance with such contract for the year in which the violation occurs.

(b) Such penalty shall be in addition to any amount required to be forfeited or refunded under the provisions of such contract and shall be recoverable in a civil suit brought by the United States.

AUTHORIZED PERIOD OF CONTRACTS AND EXPENDITURES

SEC. 319. (a) The Secretary may formulate and announce programs under this Act, and enter into contracts with producers under such programs, during the five year period beginning on the date of the enactment of this Act.

(b) Such contracts must be carried out during the period ending on the date which is fifteen years after such date, except that contracts for the establishment of tree cover may continue until the date which is twenty years after such date.

(c) The period covered by any such contract may not be less than five years.

(d) In carrying out the conservation reserve program, the Secretary may not enter into contracts with producers which would require payments to producers, including the cost of materials and services, in excess of $750,000,000 in any calendar year.

AUTHORIZATION OF APPROPRIATIONS

SEC. 320. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act, including such amounts as may be required to make payments to the Commodity Credit Corporation for its actual costs incurred or to be incurred under this section.

(b) In carrying out this Act, the Secretary may utilize the facilities, services, authorities, and funds of the Commodity Credit Corporation, except that the Secretary may not use funds of the Corporation to carry out this Act unless the Corporation has received funds to cover such expenditures from appropriations made to carry out this Act.

(c) In order to carry out this Act, the Secretary may transfer funds available for carrying out this Act to agencies of the Federal or State governments and may make such payments in advance of a determination of performance.

REGULATIONS

SEC. 321. The Secretary shall prescribe such regulations as the Secretary determines necessary to carry out this Act.

TITLE IV—AGRICULTURAL EXPORT PROMOTION TO EXPRESS THE SENSE OF THE SENATE THAT THE PRESIDENT AND SECRETARY OF AGRICULTURE SHOULD TAKE CERTAIN ACTIONS TO PROMOTE THE EXPORT OF UNITED STATES AGRICULTURAL COMMODITIES

SEC. 401. Resolved by the Senate, That it is the sense of the Senate that—

(1) the President should initiate negotiations with foreign countries in order to reach bilateral and multilateral agreements with such countries that would increase, to the maximum extent practicable, the export of United States agricultural commodities; and

(2) the Secretary of Agriculture should utilize existing statutory authority and funding to establish and expand programs to promote, to the maximum extent practicable, United States agricultural exports. These efforts should include, but not be limited to, barter trade of agricultural products; short, intermediate, and long-term export credit programs; and the PL-480 program.

TITLE V—WOOL AND MOHAIR

WOOL AND MOHAIR PRICE SUPPORT

SEC. 501. Section 703 of the National Wool Act of 1954 (7 U.S.C. 1782) is amended—

(1) by striking out "1985" in the second sentence of subsection (a) and inserting in lieu thereof "1990"; and

(2) in the proviso of subsection (b)—

(A) by striking out "1982" and inserting in lieu thereof "1986"; and

(B) by striking out "1985" and inserting in lieu thereof "1990".

TITLE VI—PAYMENT LIMITATIONS FOR WHEAT AND FEED GRAINS

PAYMENT LIMITATIONS FOR WHEAT AND FEED GRAINS

SEC. 601. Notwithstanding any other provision of law—

(1) The total amount of payments (excluding disaster payments) that a person shall be entitled to receive under one or more of the annual programs established under the Agricultural Act of 1949 for wheat and feed grains shall not exceed $20,000 for each of the 1986 through 1990 crops.

(2) The total amount of disaster payments that a person shall be entitled to receive under one or more of the annual programs established under the Agricultural Act of 1949 for wheat and feed grains shall not exceed $40,000 for each of the 1986 through 1990 crops.

(3) As used in this section, the term "payments" does not include loans or purchases, or any part of any payment that is determined by the Secretary of Agriculture to represent compensation for resource adjustment (excluding land diversion payments) or public access for recreation.

(4) If the Secretary determines that the total amount of payments that will be earned by any person under the program in effect for any crop will be reduced under this section, any acreage requirement established under a set-aside or acreage limitation program for the farm or farms on which such person will be sharing in payments earned under such program shall be adjusted to such extent and in such manner as the Secretary determines will be fair and reasonable in relation to the amount of the payment reduction.

(5) The Secretary shall issue regulations defining the term "person" and prescribing such rules as the Secretary determines necessary to assure a fair and reasonable application of such limitation, except that—

(A) the provisions of this section that limit payments to any person shall not be applicable to lands owned by States, political subdivisions, or agencies thereof if such lands are farmed primarily in the direct furtherance of a public function, as determined by the Secretary; and

(B) the rules for determining whether corporations and their stockholders may be considered as separate persons shall be in accordance with the regulations issued by the Secretary on December 18, 1970, under section 101 of the Agricultural Act of 1970.

By Mr. DURENBERGER (for himself, and Mr. ZORINSKY):

S. 251. A bill to amend the Internal Revenue Code of 1954 to make permanent the rules relating to imputed interest and assumption of loans, and for other purposes; to the Committee on Finance.

IMPUTED INTEREST LEGISLATION

Mr. DURENBERGER. Mr. President, today I am joined by my distinguished colleague, Senator ZORINSKY, in introducing legislation to permanently solve the imputed interest problem.

Imputed interest provisions have been in the Tax Code since 1964. In 1979, when Treasury said that they were going to raise the imputed interest rate from 6 to 9 percent, I and other Members of the Senate had a great deal of reservations. Nevertheless, it was not until the 1981 tax bill that we were able to address this situation and we passed an amendment, adopted by the Senate 100 to nothing, to place some restrictions on the IRS as to when they could impose imputed interest rates. Then came the 1984 Deficit Reduction Act which contained rather draconian provisions allowing the IRS to interject itself between buyer and seller in a seller-finance transaction and impute large amounts of interest to the transaction. When the ramifications of these 1984 act provisions became widely known, there was an open outcry throughout the country by those who need seller financing to have an orderly real estate market. In a very short-time period, my Minneapolis and Washington offices received hundreds of calls and letters asking for relief from this provision. This same outpouring of urgent pleas was seen in the offices of my colleagues.

The Senate heard these pleas and we attempted over several days of debate to deal with this issue. The Senate ended by passing a very lengthy and complicated piece of legislation. Although extremely complex, it did provide some small measure of relief from the imputed interest problems. However, the House, who seemed to agree with my colleagues who thought the solution difficult to work with, did not accept the Senate version and set forth a simple temporary relief measure. A modified version of this proposal was finally accepted by Congress. Because the measure passed was temporary, it expires July 1, 1985, we need to address this issue again soon. We need to enact a permanent solution so that those contemplating seller-financed transactions can have some certainty as to the law.

What is imputed interest? What has caused this public outcry?

When property is sold under a contract calling for payments over an extended period of time, such as a home-mortgage, the transaction consists of two parts, a property-sales part and a financing part. In most such transactions, the two parts are completely separate; in most homes sales, for example, the seller receives the full sales price in cash and someone else, such as a bank, provides the financing to the buyer. When the seller and the financer are the same, however, as when a home seller takes back a mortgage for all or part of the sales price, it is sometimes difficult to separate the two parts of the transaction. The seller receives and the buyer pays a certain amount of money periodically, typically monthly, and a certain total amount over the length of the mortgage. For most purposes it does not matter to either of them what the payments are called.

But for tax purposes, it may matter a great deal to both of them. Payments for financing, for the use or forebearance of money, are interest, taxable as ordinary income to the recipient and frequently deductible by the payer. Payments for purchasing the property are payments of principal, consisting of reimbursement of the seller's investment, which is a nontaxable return of capital, and the seller's profit on the sale, which is usually taxed, if at all, at reduced capital gains rates. In addition, the portion of the total of all payments allocated to the purchase price becomes the buyer's cost basis for computing his gain when he sells the property and, in the case of business or investment property, his depreciation deductions and investment tax credits.

To make sure that these matters are allocated by law rather than by the wishes of each taxpayer, the Internal Revenue Code has for some time contained rules for determining if the contracts in such transactions had properly distinguished between principal and interest and for reallocating the payments if they had not. The IRS is required to scrutinize debt instruments for below-market interest rates giving rise to amounts of unstated interest and, when found, to impute an amount of interest based on market rates. The amount of interest that each payment would have contained if it had been computed at market rates is the imputed interest in that payment, and the rate of the payment is allocated to principal. Likewise, the total purchase price can be imputed by taking the present value of all future payments using the market interest rate as the discount rate. Once determined in this manner, an amount classified as interest is then treated as interest for all purposes under the income tax laws; it is the amount reported as interest income by the recipient and the amount allowed as a deduction by the payer.

The IRS has usually used its power to define unstated interest conservatively. For example, the pre-Deficit Reduction Act IRS rules for installment sales set the market rate used to test for unstated interest at only 9 percent simple interest, which is well below the current actual market rate. This leaves buyers and sellers considerable room to bargain.

Essentially then, the crux of the problem is that the 1984 act mandated to the Treasury Department that they could no longer use conservative figures for unstated interest. The result begins that parties have lost room to bargain, and at times of high interest rates this bargaining is essential to be able to sell homes, farms, and small businesses.

Proponents of stringent imputed interest rules talk about tax loopholes, and tax free, tax sheltered millionaires out there in business, the implication being that seller financing of real estate has somehow created a whole new class of millionaires in America.

The reality is that just ain't so. I mean seller financing was in this country long before we found the Government involved, in one way or another, either through its tax policy or through a variety of agencies of Government, in providing means by which property could be sold between sellers and buyers who would without Government arrange their own financing.

So the reality is we are making millionaires in this business in a couple of ways. One, over the last 15 years or so in particular, we have been making them with inflation. You go back and look at Forbes or some of those magazines that write about who the millionaires are in America, and a fair number of them were not made by the sweat of their brow. They were made by inflation.

I am going to take just a couple of minutes to share with my colleagues a little bit about the impact that inflation has had and how we have responded to that inflation because I think it is an important rationale for not messing around with seller financing at a time in the history of our country when that is one of the very few means of financing transactions available to use.

Before the depression, a lot of Americans were renters. Those who were not renters and could buy a home, they paid 50 percent down, and they paid the balance over 3 or 4 years. A lot of those arrangements were between buyers and sellers or maybe with the help of the hometown bank.

But when the depression hit us, home mortgage foreclosures swept across the country and in a variety of ways the Government got involved. The Roosevelt administration created the Federal Housing Agency, and eventually the FHA created a 30-year mortgage.

Pretty soon, we had those houses you could buy with nothing down and payments stretched over 30 years. Everybody in the country could become a homeowner. The Federal Government made all of this possible by guaranteeing loans, and if there was a default none of the bankers ever lost their money because the Federal Govern-

ment was always around to make it good.

In the early years, mortgage payments were almost entirely interest. To ease the burden and encourage more homeownership, the Government made mortgage interest deductible. It is not surprising that we have a lot of people on this floor talking about homeowners and the problems they are facing. Nobody could pass up a deal like America was offering for homeownership in this country.

It is a national policy in this country to get your name signed up for 30 years.

Mr. President, I am going to give you one family to show you how wonderful this has been for all of us. Ten years ago, the family bought a home with an FHA loan that cost $34,000 with 5 percent down. Their initial investment was negligible, and the payments were $400 a month, $4,800 a year, almost all of that being tax deductible. Their costs were really $3,600 a year.

Last year, with two-thirds of the mortgage left they sold this house for $125,000. They got a $91,000 capital gain in 10 years for an initial investment of next to nothing.

You substract their annual cost of $3,600 from their annual gain of $9,100 and they were making $5,500 a year just being a homeowner.

Where did the $5,500 come from? It was not produced by the house. Once the house was built, it just sat there. Other than making a smart investment in the right suburb of the District of Columbia or some other city, the family really did not do anything to make $5,500.

Where did it come from? You know the answer to that. It was borrowed. In one national spiral of borrowing arranged by FHA and the Tax Code, this family now came out $55,000 ahead in just 10 years.

Mr. President, that is a true story and it has been repeated all over America many, many, many times. It has been replicated beyond housing in the area of business financing, commercial office buildings, you name it. That is how we made millionaires out of everybody in this country who has been smart enough to use this system we created.

We face a problem now as we come to grips with inflation. We used inflation to crank up the American dream and make it possible for everybody. Now we have decided to do war on inflation. So we have ourselves a big problem.

Logically, if you did war on inflation and you attacked all of these subsidies and loopholes and programs, the price of everything would come down.

Well, we cannot let the price of everything come down.

We cannot do it for a lot of people that the Senator from Montana, the Senator from Idaho, the Senator from Kansas, and I represent.

There is a whole bunch of folks out there, who I will call the American farmer. In the 1970's, the American farmer shared a spot right at the top of this up escalator with the homeowner. We had massive exports early in the decade, encouraging every farmer to plant for the world market, young farmers convinced the only way to get ahead was to expand, plant hedgerow to hedgerow. We brought 50 million acres, about one-sixth of the total farm acreage in this country, into production in that 10-year period of time. Again we set off a spiral of inflation and borrowing.

There is a helpful statistical relationship between the value of farmland in my State of Minnesota, for example, and outstanding farm debt. Early in the 1970's, the value of the typical acre on the farm in Minnesota was about $200. At that time, total farm debt in the State was a little under $2 billion. By the end of the decade, the debt climbed to over $10 billion and the value of an acre climbed to $1,000.

When you look at the charts, debt and value climbed year by year, together, right up the ladder.

But there was a third factor that made this possible. That was the exports. Farm exports are an important part of national policy, one of the principal elements we have been using until recently, at least, to keep our trade balance in balance.

The oil embargo forced energy outlays up and part of the answer was to raise farm exports. When the Third World was crushed with the high price of oil, part of the policy was to lower the price of farm goods.

All of that peaked out in the end of this decade. We had wound this spiral up so tight we could not push it another notch for the farmer.

The Fed decided that tight money must be used as a discipline. Interest rates went up to 20 and 22 percent, and that took the value of the dollar up right along with it. While the rate of the economy staggered through with difficult adjustments, the farmer was being wiped out because to him high interest is a double whammy. Not only did it have an impact on the cost of his money, but it also destroyed his market. Hungry nations simply cannot afford U.S. wheat priced in U.S. dollars.

The value of agricultural land in Minnesota has dropped by a third to a half because there is no longer an expanding market for the commodities that land produced. In Minnesota alone the loss in farm equity over the last 2 years is $7.448 billion, $7.5 billion lost in 2 years. That is $72,275 for the average 300-acre farm in my State. It is just a little more lost than the homeowner I was talking about made on his investment over the last 10 years.

The point, Mr. President, is that now land values will not support the amount of loans that we encouraged the American farmer to incur. Banks are reevaluating these loans and putting the farms out of business; 13,000 farmers may go out of business in Minnesota alone. We need to do something about this problem, but in the meantime, enactment of imputed interest provisions that do not allow for adequate safe harbors from imputed interest for the farmer who must sell land will kill the market for farmland and depress the price even further. Tax Code considerations are not the motivating factor here, but plain and simple survival.

Mr. President, these examples point up the severity of the problem, and it's safe to say that a majority of this body agrees we have a problem. The question then becomes what form does the solution take? I have some reservations about how we all too often devise solutions in this body. How the debate was set on this issue last Congress, provides a prime example.

Somebody stood up and said, hey, you are going to stop us from selling our homes. Somebody else got up and said, what are the farmers going to do about selling their farms? So the terms of the debate got set in terms of homes and farms, which is why I used the examples earlier in my comments today, and somebody else said what about my small business which I cannot sell at market rate. The issue was phrased in terms of business property rather than in terms of people. Nobody looked at it in terms of a person who may own a home, and a farm, or a business, or some combination of property.

As a result, the compromise legislation was drafted in those same kinds of terms, in terms of homes of one kind or another, in terms of businesses of this size, that size, or some other size. But it was never really put in the context of individuals.

The legislation we introduced today, tries to address the fact that it is individuals that we are dealing with. This means striving to simplify what is a complex area. The bill is based upon S. 3032 which I and a number of others introduced last year. It sets up a clear safe harbor for those who need relief from the Government intervention of imputed interest. Yet it is cognizant of Treasury Department concerns and retains prohibitions against what everybody agrees is the largest area for tax abuse—the mismatching of the seller reporting interest income and the buyer deducting the interest payment.

The bill sets up a simple safe harbor exemption. It takes care of the farmer, the small businessman, the borrower, and so forth, by providing that as long

as a $2 million limit of borrowed amount is not exceeded the transaction is subject to a 9-percent test rate.

I want to stress how simple this is. It does not matter what kind of property is being sold.

It does not matter what the value of the property is. One need only look at the borrowed amount.

This bill just draws one line—below this line the test rate is capped at current law of 9 percent. Above this line the test rate is 80 percent of the applicable Federal rate.

Individuals have to live under the laws we create. Simplicity is something we must strive for and this legislation, particularly compared to other proposals, provides a simple, but effective solution to the imputed interest problem, that all parties concerned can live with.

I ask my colleagues to support this measure, action will have to come quickly—the temporary rules expire on July 1, 1984. If this rule expires we are left with what is contained in the 1984 act and I think we all agree that far too many individuals are hurt by these provisions.

Mr. President, I ask unanimous consent that the text of this bill, a fact sheet, and an article from the January 13 Washington Post be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. IMPUTED INTEREST AND LOAN ASSUMPTION RULES MADE PERMANENT.

(a) GENERAL RULE.—Section 483 of the Internal Revenue Code of 1954 (relating to interest on certain deferred payments) is amended by striking out subsection (e) and redesignating subsection (f) as subsection (e), by redesignating subsections (g) and (h) as subsections (h) and (i) and by inserting after subsection (e) (as so redesignated) the following new subsections:

"(f) TESTING RATE AND IMPUTATION RATE DEFINED.—For purposes of this section—

"(1) TESTING RATE.—

"(A) IN GENERAL.—The term 'testing rate' means a percentage equal to the sum of—

"(i) the lesser of—

"(I) 9 percent, or

"(II) 80 percent of the applicable Federal rate, plus

"(ii) if the borrowed amount exceeds $2,000,000, the excess determined under subparagraph (B) multiplied by a fraction the numerator of which is the borrowed amount to the extent it exceeds $2,000,000, and the denominator of which is the borrowed amount.

"(B) EXCESS.—For purposes of subparagraph (A), the excess determined under this subparagraph is the excess (if any) of 80 percent of the applicable Federal rate over the percentage determined under subparagraph (A) (i).

"(2) IMPUTATION RATE.—

"(A) IN GENERAL.—The term 'imputation rate' means a percentage equal to the sum of—

"(i) the lesser of—

"(I) 10 percent, or

"(II) 110 percent of the applicable Federal rate, plus

"(ii) if the borrowed amount exceeds $2,000,000, the excess determined under subparagraph (B) multiplied by a fraction the numerator of which is the borrowed amount to the extent it exceeds $2,000,000, and the denominator of which is the borrowed amount.

"(B) EXCESS.—For purposes of subparagraph (A), the excess determined under this subparagraph is the excess (if any) of 100 percent of the applicable Federal rate over the percentage determined under subparagraph (A) (i).

"(3) BORROWED AMOUNT.—For purposes of this subsection, the term 'borrowed amount' means the stated principal amount.

"(4) AGGREGATION RULES.—For purposes of this subsection—

"(A) all sales or exchanges which are part of the same transaction (or a series of related transactions) shall be treated as one sale or exchange, and

"(B) all debt instruments arising from the same transaction (or a series of related transactions) shall be treated as one debt instrument.

"(5) APPLICABLE FEDERAL RATE.—For purposes of this subsection—

"(A) IN GENERAL.—The applicable Federal rate shall be determined under section 1274 (d).

"(B) DATE ON WHICH DETERMINED.—In the case of any sale or exchange, the determination of the applicable Federal rate shall be made as of the first day on which there is a binding contract in writing for the sale or exchange.

"(g) EXEMPTION FOR ASSUMPTIONS OF LOANS.—If any person—

"(1) assumes, in connection with the sale or exchange of property, any debt obligation, or

"(2) acquires any property subject to any debt obligation,

this section and section 1274 shall not apply to such debt obligation by reason of such assumption (or such acquisition) unless the terms and conditions of such debt obligations are modified in connection with the assumption (or acquisition).".

(b) REPEAL OF CERTAIN ORIGINAL ISSUE DISCOUNT RULES FOR CERTAIN PERSONAL USE LOANS.—Section 1275 (b) of the Internal Revenue Code of 1954 (relating to treatment of borrower of certain loans for personal use) is hereby repealed.

(c) EXCEPTION FOR RESIDENCES.—Section 1274(c)(4)(B) of the Internal Revenue Code of 1954 (relating to exception for sales of principal residences) is amended to read as follows:

"(B) SALE OF RESIDENCES.—Any debt instrument arising from the sale or exchange of any property to be used as the residence of the obligor under the instrument.".

(d) CONFORMING AMENDMENTS.—

(1) The last sentence of section 483 (b) of the Internal Revenue Code of 1954 (defining total unstated interest) is amended by striking out all that follows "discount rate" and inserting in lieu thereof "equal to the imputation rate.".

(2) Section 483(c)(1)(B) of such Code (relating to payments to which section applies) is amended by striking out "110 percent of the applicable Federal rate determined under section 1274 (d)" and inserting in lieu thereof "the testing rate".

(3) Section 1274(b)(2)(B) of such Code (relating to determination of present value) is amended to read as follows:

"(B) by using the imputation rate.".

(4) Paragraph (3) of section 1274(c) of such Code (defining testing amount) is amended by striking out "110 percent of the applicable Federal rate" and inserting in lieu thereof "the testing rate".

(5) Section 1274 of such Code (relating to determination of issue price) is amended by adding at the and thereof the following new subsection:

"(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) TESTING AND IMPUTATION RATES. —The terms 'testing rate' and 'imputation rate' have the meaning given such terms by section 483(f).

"(2) LOAN ASSUMPTIONS.—For rules relating to assumptions of certain loans, see section 483(g).

"(3) CASH METHOD OF ACCOUNTING.—In the case or any sale or exchange of property (other than a sale or exchange to which subsection (c)(4)(A) applies or a sale or exchange of new section 38 property) used in the active business of farming and in which the borrowed amount does not exceed $2,000,000—

"(i) this section shall not apply, and

"(ii) interest on the obligation issued in connection with such sale or exchange shall be taken into account by both buyer and seller on the cash receipts and disbursements method of accounting.

The Secretary may by regulation prescribe rules to prevent the mismatching of interest income and interest deductions in connection with obligations on which interest is computed on the cash receipts and disbursements method of accounting under clause (ii).".

SEC. 2. EFFECTIVE DATE.

The amendments made by this Act shall apply to any sale or exchange on or after the earlier of—

(1) July 1, 1985, or

(2) the date of the enactment of this Act.

FACT SHEET ON IMPUTED INTEREST RATE BILL

I. This first section of the bill establishes the test rates and imputed rates for two tiers of transactions:

A. For transactions where the loan amount does not exceed $2 million, the applicable test rate shall be 9 percent or 80 percent of applicable federal rates as determined under section 1274(d) of the code, whichever is lower.

B. For transactions where the loan amount does not exceed $2 million, the applicable imputed rate shall be 10 percent or 100 percent of applicable federal rates as determined under section 1274(d) of the code, whichever is lower.

C. For transactions where the loan amount exceeds $2 million, the applicable test rate shall be a blend of the rate under (A) above, and 80 percent of applicable federal rates as determined under section 1274 (d) for the loan amount in excess of $2 million.

D. For transactions where the loan amount exceeds $2 million, the applicable imputed rate shall be a blend of the rate under (B) above, and 110 percent of applicable federal rates as determined under section 1274(d) for the loan amount in excess of $2 million.

E. All loan amounts from a single transaction or series of related transactions will be aggregated for purposes of determining loan amounts.

II. The bill prohibits the application of the original issue discount or imputed inter-

est rules enacted in the 1984 Tax Act in cases of loan assumptions.

III. The bill repeals Section 1274(b) so as to permit a full deduction for the purchaser of the imputed interest, where applicable. This returns the state of the law to what existed prior to the 1984 Act.

IV. The bill makes needed conforming amendments because of the interrelation of sections of the Code dealing with Original Issue Discount rules and Imputed Interest Rate rules.

V. The bill's effective date is July 1, 1985, or date of enactment whichever is earlier.

[From the Washington Post, Jan. 12, 1985]

FIGHT LOOMS IN CONGRESS OVER REAL ESTATE TAXES

(By Kenneth R. Harney)

The 99th Congress is barely a week old, but battle lines are forming over major real estate tax changes that could vitally affect American homeowners, renters, investors and developers in 1985 and beyond.

One of the hottest unresolved real estate issues of 1984—the socalled "imputed-interest-rate" controversy—popped up on the new year's agenda within hours of Congress' return. House Ways and Means Committee member Bill Archer (R-Tex.) readied legislation that would gut all the statutory provisions on imputed interest contained in the 1984 tax law.

Archer's bill would "wipe the slate clean again" for homeowners and investors, in the words of an aide. It would force the Internal Revenue Service to return to its traditional tax treatment of seller-financing of primary homes, vacation- and second-home property, farms, small businesses and commercial real estate, no matter how small or large the sale transaction.

When a seller assists a purchaser with below-market "take-back" mortgage financing, in other words, the IRS wouldn't bat an eyelash under the Archer plan, unless the rate on the note was below 9 percent. In that case, the IRS would define the true economic rate on the transaction as 10 percent.

Archer's clean-the-slate repeal bill would throw out not only the original changes on imputed interest in the 1984 tax-reform legislation signed into law by President Reagan last July, but the eleventh-hour modifications made to the law as Congress rushed to adjournment in October.

The original, complex law would have forced seller-financers of homes of $250,000 or less to charge their purchasers at least 110 percent of applicable Treasury borrowing rates (currently 13.4 to 13.5 percent) or face a higher imputed rate for federal-tax purposes, Sellers of commercial property, second homes, businesses and residences sold for more than $250,000 faced even steeper minimum federally set rates, ranging well above 15 percent in some cases.

The eleventh-hour compromise put these controversial changes on ice until July 1 for real-property transactions involving no more than $2 million where sellers' notes carried at least a 9 percent rate. Under the compromise, the 1984 tax-law provisions will take full legal effect after July 1 unless Congress steps in with a new solution.

A key member of the tax-writing Senate Finance Committee, David Durenberger (R-Minn.), thinks he has such a solution—one more politically palatable to the Treasury, the president and revenue-raising Democrats than Archer's repeal plan.

Durenberger intends to introduce legislation that will exempt all residential and commercial transactions under either $1.5 million or $2 million from provisions of the 1984 Tax Reform Act. Property transactions above that level will need to carry a rate of just 80 percent of the applicable Treasury borrowing rate—10.7 percent currently—to escape special IRS scrutiny.

Although it is still too early to predict with certainty, Capitol Hill tax specialists say Durenberger's bill or something akin to it offers the best bet for real estate owners and investors this session. They argue that absolute repeal of the 1984 imputed-interest legislation would be difficult to get past the House Ways and Means Committee's tough chairman, Dan Rostenkowski (D-Ill.), as well as Senate Majority Leader Robert J. Dole (R-Kan.), the two principal architects of last year's tax-law changes.

Repealing everything up to the $1.5 million or $2 million levels, on the other hand, "would give just about everybody what they want," according to a tax committee staff member.

Small-scale home sellers, buyers, farmers, businessmen and real estate investors "could forget that 1984 even happened," he said. Larger-scale investors and sellers also would get a lower minimum interest rate standard than under current tax law, and could easily adjust to the new system.

Whatever the ultimate solution to the imputed-rate controversy, it's likely to get tied up this spring with other tax and revenue issues on the congressional deficit-reduction docket. Ways and Means Committee member Bill Gradison (R-Ohio), for example, wants Congress to raise federal taxes on real estate dollar-for-dollar to cover any federal revenue losses caused by loosening the 1984 standards on imputed rates.

Fellow committee member Fortney (Pete) Stark (D-Calif.) has some provocative places to start. He is completing a bill that would tax all real estate limited partnerships with more than 35 investors as corporations. His bill would kill the multibillion-dollar real estate tax shelter industry in one fell swoop.

Stark also is considering a far more controversial concept: replacement of current capital-gains tax treatment on real estate sales and exchanges with an automatic national transfer tax, possibly as low as 4 percent.

All changes in ownership of houses, commercial buildings, apartments or land would be hit with the levy. Although the revenue estimates aren't complete, Stark's tax legislation advisers think that even a 4 percent transfer tax would raise more federal dollars than the current, deduction-laden system.

By Mr. ABDNOR:

S. 252. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Lake Andes-Wagner Unit, South Dakota Pumping Division, Pick-Sloan Missouri Basin Program; to the Committee on Energy and Natural Resources.

LAKE ANDES-WAGNER UNIT

● Mr. ABDNOR. Mr. President, today I am introducing a bill to authorize the Lake Andes-Wagner irrigation project as a unit of the Pick-Sloan Missouri Basin Program. Congressman DASCHLE is introducing identical legislation in the House of Representatives, and Senator PRESSLER has joined me in cosponsorship.

Mr. President, the proposed Lake Andes-Wagner unit is located in Charles Mix County, SD. A plan for irrigating about 45,000 acres has been developed and displayed in the updated Bureau of Reclamation's regional director's planning report. The project's benefit-cost ratio is 1.02 to 1, and according to our conversations with the Bureau, they believe this is a good project. We are very hopeful that with the administration's support, we can achieve enactment of the necessary authorization.

The Federal Government, Mr. President, made a commitment to my State in the Flood Control Act of 1944. Four mainstream dams were constructed in South Dakota to relieve the downstream States of chronic flooding. In return for the 509,000 acres of fertile, high quality land we were forced to give up, we were to receive irrigation development to compensate for our great loss. Needless to say, 41 years later, South Dakota is still waiting.

I do not believe many realize what happened to South Dakota 40 years ago. Imagine, if you will, someone coming into your State and rendering useless 138,000 acres of fertile river-bottom croplands, 238,000 acres of high-quality grazing lands, and 133,000 acres of bushland and timber. Many States could not withstand that type of severe loss, especially if the State is highly dependent upon agriculture, and today no State would stand for it.

Mr. President, I believe we must not only look at the past, but we must also look to the future. The Federal Government should have fulfilled its commitment to South Dakota earlier, but we now have the opportunity to look to the future. Irrigation projects, like the Lake Andes-Wagner Unit, can provide our economy with substantial benefits. Irrigation provides stabilization of our agricultural economy, assisting individual farmers and, in turn, main-street businesses and the economy of the State as a whole. This is a definite long-term benefit to our State and our people, despite the fact it obviously can never solve all of the problems plaguing our agricultural economy.

With the authorization of the Lake Andes-Wagner unit, Mr. President, South Dakota could partially realize the Federal Government's commitment. I believe this project is a good investment, just as the four mainstem dams were. Lake Andes-Wagner possesses the unique quality of having economic feasibility and dedicated local support. Even more importantly, with this project, we are looking toward the future development of our economy in a positive and progressive way. I am, therefore, extremely pleased to introduce this measure today so that we can begin to realize the benefits of the commitments which have been made to us, and so that we can begin the process toward

development of this project which has been supported so strongly and in such a dedicated fashion by the local people.

Mr. President, I ask unanimous consent that the text of my bill to authorize the Lake Andes-Wagner unit be reprinted at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, acting pursuant to the Federal Reclamation laws (Acts of June 17, 1902, 32 Stat. 388 and Acts amendatory thereof and supplemental thereto), is authorized to construct, operate, and maintain the Lake Andes-Wagner Unit, South Dakota Pumping Division, Pick-Sloan Missouri Basin Program, South Dakota, substantially in accordance with the Lake Andes-Wagner Unit Report I and draft environmental statement, for the purpose of providing irrigation water, conserving fish and wildlife, and providing other beneficial uses for approximately forty-five thousand acres of land. The principal features of the project include a main pumping plant located on Lake Francis Case, relift plants, a main canal system, and a drainage system. The project will also include measures to mitigate for project caused wildlife habitat impacts.

SEC. 2. The Lake Andes-Wagner Unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 887. 891), as amended and supplemented. Repayment contracts for the return of construction costs allocated to irrigation will be based on the water user's ability to repay as determined by the Secretary of the Interior; and the terms of such contracts shall not exceed forty years following the permissible development period. A portion of the reimbursable costs for irrigation service to Indian-owned lands will be indefinitely deferred under the Leavitt Act authority. Reimbursable costs associated with conservation and development of fish and wildlife resources in connection with the Lake Andes-Wagner Unit shall be in accordance with the provisions of the Federal Water Projects Recreation Act (79 Stat. 213), as amended by section 77 of Public Law 93-251.

SEC. 3. There is hereby authorized to be appropriated for construction of the Lake Andes-Wagner Unit the sum of $155,110,000 (indexed to January 1984 price level) plus or minus such amounts, if any, as may be required by reason of changes in construction costs as indicated by engineering cost indexes applicable to the types of construction involved and, in addition thereto, such sums as may be required for operation and maintenance of the works of said area.●

By Mr. ABDNOR:

S. 253. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Central South Dakota Water Supply System (CENDAK unit) Pick-Sloan Missouri Basin Program, South Dakota; to the Committee on Energy and Natural Resources.

CENTRAL SOUTH DAKOTA WATER SUPPLY SYSTEM ACT OF 1985

● Mr. ABDNOR. Mr. President, I am introducing legislation to authorize the proposed CENDAK unit of the Pick-Sloan Missouri Basin Program. S. 253 is an update of S. 2189 introduced in the 98th Congress, upon which a field hearing was conducted in Pierre, SD, last February by the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources. In addition, a detailed hearing was held here in Washington on July 24, 1984, by the Subcommittee on Water and Power Resources of the House Committee on Interior and Insular Affairs.

The proposed CENDAK unit would be constructed in two stages to provide water for irrigation, municipal and rural uses, wildlife enhancement, recreation, improved water quality in the James River and for other purposes. Stage 1 development would irrigate approximately 300,000 acres in a 6-county area which could be served by completion of the unfinished Oahe unit pumping plant and main canals. These unfinished features, together with completed storage and power features, the costs of which are allocated to irrigation, represent a sunk Federal investment in first-stage works of over $180 million not yet used for irrigation. Stage 2 development would irrigate approximately 174,000 acres and supply water for other purposes. Sunk Federal costs in storage and power features which would be used for irrigation in stage 2 aggregate $87 million.

I want to emphasize and call to the attention of my colleagues some of the unique features that distinguish the CENDAK unit from most irrigation projects, and certainly from any project ever authorized by Congress in the Missouri River Basin.

First, planning studies have been conducted as a three-party effort by the State, Bureau of Reclamation and CENDAK, with the State and local supporters investing well over $1 million in those studies to date. The studies show the project to be feasible from economic and engineering standpoints. CENDAK farmers now successfully irrigate approximately 30,000 acres, some for over 25 years, despite having only a limited supply of poor-quality ground water.

Second, State and grassroots support also is evidenced by current preparation and consideration of State legislation which would establish the CENDAK irrigation district and commit it and its water users to carrying out specific water and energy conservation measures, on-farm wildlife mitigation actions, and the establishment of mechanisms for locally financed reserve funds for any future drainage needs.

Third, use of modern technology for careful scheduling of sprinkler irrigation to match climatic changes will result in water, soil, and energy conservation and is ideally suited to the highly productive glacial till soils of central South Dakota.

Fourth, the high irrigation efficiency to be achieved through technically scheduled sprinkler irrigation will result in an average of only 1.46 acre feet of water per irrigated acre being diverted from the Missouri River, as compared to 2.97 acre feet of water per irrigated acre for the presently authorized Oahe unit. The conserved water would remain in the river and, as it moves downstream, is capable of generating more than twice as much energy as needed to provide CENDAK sprinkler pressure.

Fifth, the scattered nature of fields to be irrigated in combination with dryland farming and pasture lands on each farm will provide excellent opportunities for wildlife enhancement and result in minimal adverse environmental impact. Where such impacts do occur, they will be mitigated on-farm by the water users in most instances. Water users will be committed by contract to provide much mitigation.

Sixth, livestock production represents a large part of South Dakota's economy. Periodic droughts, such as occurred in the 1970's and early 1980's have been disastrous for the economy, and farmers have not recovered financially from the 1970's. The entire regional economy is in poor condition with South Dakota consistently ranking near the bottom in listings by States of per capita income. Population in the CENDAK area continues to decline. Irrigation development of the CENDAK unit would provide a firm feed and forage base for livestock and thereby stabilize the regional economy.

Seventh, in the six-State Great Plains area to the south of the CENDAK unit, lands over the Ogallala aquifer are going out of irrigation and back to dryland farming at a rate of approximately 120,000 acres per year because of overpumping. Development of CENDAK's 474,000 acres from dryland farming to irrigation would offset only approximately 4 years of the production losses taking place over the Ogallala aquifer.

The United States took approximately 530,000 acres of riverbottom lands out of production and off the tax rolls for construction and operation of four of the six main-stem dams and reservoirs on the Missouri River so as to provide flood control, navigation, power, and other benefits to downstream and neighboring States. The United States' commitment to provide offsetting water resources development in South Dakota was real and is long overdue. Authorization and construction of the

CENDAK unit would fulfill much of the commitment.

In passing Public Law 97-273 in 1982, we authorized the Secretary of the Interior in cooperation with the State of South Dakota to conduct investigations to determine, among other things, alternate uses of facilities constructed for use in conjunction with the Oahe unit. The proposed CENDAK unit appears to be an excellent and logical replacement for the presently authorized Oahe unit, as well as opportunity to put the sunk Federal investment of over a quarter-of-a-billion dollars to work and get some benefits flowing back to South Dakota and the Nation.

While current budgetary pressures are undeniable and do not bode well for this excellent project at the present time, South Dakotans have a right to expect it to be fully and fairly considered. Forty-one years is a long time to wait, and many farmers and ranchers in the CENDAK area have suffered needlessly the ravages of drought for far too long. Nevertheless, it is far better to begin today to try to right the wrong which has been done than to wait still longer. With the active support of the Reagan administration, I am hopeful it will be possible to move in that direction, and I earnestly request the thoughtful consideration of my colleagues.●

By Mr. HEINZ (for himself, Mr. PRYOR, Mr. SYMMS, Mr. BOREN, Mr. NICKLES, Mr. LONG, Mr. WALLOP, Mr. MELCHER, Mr. GRASSLEY, Mr. DURENBERGER, Mr. BENTSEN, Mr. NUNN, Mr. ROTH, Mr. QUAYLE, Mr. THURMOND, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. FORD, Mrs. HAWKINS, Mr. ZORINSKY, Mr. MITCHELL, Mr. ABDNOR, Mr. EAST, Mr. MATTINGLY, Mr. BAUCUS, Mr. BUMPERS, and Mr. COCHRAN):

S. 260. A bill to amend the Internal Revenue Code of 1954 to provide that the substantiation requirements of section 274(d) of such code may be met, in the case of passenger automobiles and other transportation property, of the taxpayer provides substantial evidence other than contemporaneous records; to the Committee on Finance.

RECORDKEEPING REQUIREMENTS RELATING TO BUSINESS USE OF AUTOMOBILES

● Mr. HEINZ. Mr. President, today I am introducing, with Senator PRYOR and a large number of distinguished colleagues as cosponsors, a bill to repeal the provision of the Deficit Reduction Act of 1984 which requires that taxpayers must maintain contemporaneous records for the business and personal use of automobiles and trucks in order to qualify for a business tax deduction or credit. We believe that the contemporaneous recordkeeping requirement for automobiles and trucks is burdensome and in many situations will have the unfortunate result of denying legitimate business deductions.

This provision adversely affects all segments of the business and agriculture communities in a heavyhanded and needless way. Let me give you a few examples. Realtors are constantly in their cars—showing houses, listing properties, viewing new properties on the market, and going to the mortgage company. Each time they drive for a business reason, they must record the purpose of the trip, the date, and mileage. For someone who is constantly in his car for business reasons, it becomes an impossible burden to require them to keep track of every trip. Or consider the farmer who works 60 or even 80 hours a week. Each time he picks up supplies, deliver goods, or works his land, he is required to record each trip and the purpose of that trip. Farmers would have to rely on their workers to keep an accurate log or lose a legitimate business deduction. There are 107,000 farm workers in Pennsylvania and that amounts to a lot of paperwork. Or consider building contractors who are building several houses. Each time they travel between sites, meet with the architect, or pick up supplies, or have someone else do this in their car, they would have to record each trip. It is an impossible and ridiculous task. Or consider the florist who makes dozens of deliveries daily. That florist would have to depend on his or her delivery people to record each trip, stop after stop. Are they expected to record each stop as a different trip? Employers of several employees must rely on each employee to fill out a log or else lose a legitimate deduction. I do not believe that this is the result which Congress intended.

The bill that we are introducing today will return to the criteria in operation prior to the Deficit Reduction Act. Prior to the beginning of 1985, in order for a taxpayer to qualify for a business expense deduction for automobiles and trucks, he was required to maintain adequate records or have other significant evidence to corroborate his own statement. The law has always required that adequate records be kept, but I believe that the contemporaneous recordkeeping requirement goes too far.

The Internal Revenue Service has recently interpreted the contemporaneous records provision to require that a detailed log be kept of all business use of the vehicle, or no deduction or credits will be allowed. The journal must include the date, operator, purpose, and mileage of all business use. This interpretation places a tremendous time and paperwork burden on all businesses. A daily journal of all business use goes beyond what is reasonable to justify a deduction. I believe that the easiest way to take care of the problem is to return to prior law, which is exactly what this bill does.

The reason for the contemporaneous recordkeeping requirement was Treasury's concern that many taxpayers take advantage of the investment tax credit and accelerated depreciation with respect to automobiles and other property used primarily for personal or investment use rather than in a trade or business. While Treasury has some very legitimate concerns, I think the contemporaneous recordkeeping requirement is not the right approach. I look forward to working with Treasury to find a fair and practical solution to address its concerns, but until hearings can be held and a workable solution found that does not cause severe hardship for honest taxpayers, I think the correct approach is to return to prior law.

The Deficit Reduction Act of 1984 also contained provisions under the fringe benefit section which, will require that employees be taxed on the value of the personal use portion of their company car. The purpose of the provision is to prevent companies from providing "company cars" as a form of nontaxable income to their executives. It is a goal I fully support; I am worried however, about the impact this provision will have on small businesses, where the use of a company car is not for tax avoidance. The mandatory withholding requirement does not take effect until July 1, 1985, and, therefore, the bill that we are introducing today does not address this issue. I do intend, however, to ask Senator PACKWOOD to hold hearings on the fringe benefit portion of the act to determine its impact on small businesses and the correlation between the fringe benefit section and the contemporaneous recordkeeping provisions.

I would like to make it clear that our bill does not repeal the contemporaneous recordkeeping requirement for airplanes, boats, computers, or other personal property used in a trade or business. I believe that it is possible for business men and women to keep these records without presenting any undue hardship or burden on their normal working day.

The Deficit Reduction Act of 1984 imposed a duty upon CPA's and accountants to notify their clients of this provision. Well, they did a good job, because I am hearing from my constituents. These are business men and women from all segments of the business and agriculture community, and they are outraged. These people feel that the Internal Revenue Code is already too complex, and that this provision only compounds their frustrations. Given today's interest in tax code simplification I find this an ironic achievement. I believe we have again

imposed unacceptable burdensome Federal regulations on honest taxpayers with very little benefit to the Government. We have stood reasonableness and simplicity on its head and it is time to right this wrongheaded approach.

Mr. President, this legislation should be enacted without delay. Restoring the prior law will restore some rational recordkeeping requirement in this area, and will substantially reduce a paperwork burden which has gotten out of hand. I urge my fellow Senators to join in this effort, and ensure its swift passage.●

● Mr. PRYOR. Mr. President, along with the Senator from Pennsylvania, Mr. HEINZ, and several other colleagues, I'm pleased to introduce this legislation to repeal the automobile recordkeeping requirements that were contained in the Tax Reform Act of 1984. The bill we're introducing today also repeals the new fine of $25 on tax return preparers that was put into the law to go along with the new recordkeeping requirements.

Mr. President, there are very few issues that come along where we can truly say it's a grassroots effort. I can assure other Members of the Senate, however, that the need to repeal these provisions is in fact a grassroots effort. It's virtually impossible to count the number of phone calls, letters, and personal conversations I've received on this issue. In my opinion, the failure to repeal these provisions—and the regulations issued by the Internal Revenue Service—or significantly change them, will erode confidence in our tax system and enormously increase the paperwork burden of all businesses, their employees, and farmers.

I think a little background on this issue will be informative, Mr. President. In 1983 there were several newspaper advertisements which stated that a person could substantially reduce his tax bill by purchasing an expensive—luxury—car. The availability of the investment tax credit—6 percent—and accelerated cost recovery, if the car was used for business purposes, was very attractive, and could significantly reduce the cost of an expensive car. This was felt to be an abuse of the tax system and several bills were introduced to limit the cost—basis—of the car that could be used to figure the investment tax credit and ACRS. The final version of the bill took a different route, but still capped the ITC at a maximum of $1,000—regardless of the purchase price of the car—and put annual limits on ACRS deductions—$4,000 the first year and $6,000 each year thereafter, until the full cost was recovered.

In addition, the substantial requirements of section 274 of the Tax Code were changed to disallow a deduction for travel and other specified expenses, unless adequate contemporaneous records were kept. I opposed this change in the Senate Finance Committee. As interpreted by the IRS, this means keeping a detailed travel log setting out the date of the trip, the person's name, the purpose of the trip, and the mileage driven. Before this change, Mr. President, the substantian rules of section 274 required adequate records or by sufficient evidence corroborating his own statement before a deduction could be taken. This standard was sufficient, and the bill we're introducing today would return to that provision. To the extent that luxury cars were the problem the limits on the investment credit and accelerated depreciation will stop it.

These new recordkeeping rules are burdensome; they take up too much time; and they have dramatically increased the paperwork burden on businesses, farmers, and their employees. If we continue at this rate, Mr. President, instead of having a coffee break, or lunch hour, we're going to have a form filling out period each day. Repealing this provision as soon as possible makes good business and economic sense, and it will let businesses and their employees return to productive activities. To the extent other abuses might occur, we can find more logical and less burdensome ways to correct them.

Before I close, I just want to pose a few of the problems that are occurring. First, what about a farmer and his employees when they work 80 to 100 hours per week and are constantly in and out of their trucks? Requiring them to log each of these trips is not what anyone intended. Second, what about a logger who works in the woods and makes several trips to a mill? Third, what about people who are on call at all hours of the day and night? Many of them might not have the time to log these trips; so should we deny the deduction simply because it wasn't recorded at the moment it occurred? These are just a few of the many questions that exist, Mr. President.

For all of these reasons I hope other members of the Senate will join in this effort. Changing these rules will restore some rational recordkeeping to this area; the new luxury car provisions will stop one known abuse; and, we'll substantially reduce a paperwork burden that's gotten out of hand. I hope this can be approved by the Senate in the very near future.●

● Mrs. HAWKINS. Mr. President, I rise in support of this legislation to repeal the provisions in the Deficit Reduction Act that requires contemporaneous recordkeeping in order to qualify for a business tax deduction or credit for the business and personal use of automobiles and trucks.

The interpretation of this legislation by the Internal Revenue Service is tantamount to bureaucratic redtape for the businesses of our community. It is one of the biggest road blocks to have ever put in their path, and will severely prohibit their efforts to operate in an efficient and profitable manner. Each time the vehicle is used for business or personal reason, a separate and detailed entry must be made in a log. The entry must specify the date the property was used, the name of the user, the number of miles and the purpose of the use. Unless all of this information is provided, the tax deduction or credit will not be allowed.

It is clear that this will prove to be a time consuming and aggravating requirement for those millions of business men and women who utilize their vehicle many times a day for their businesses. The citrus industry in my State uses lightweight vehicles extensively. The foreman, the owner—everyone is moving from grove to grove all day long. The car is literally a moving office for that industry and these rules will severely cripple their ability to conduct their day-to-day business. Imagine the tedious task if we were required to make some kind of detailed entry each time we sat down to our desk to conduct business. I believe that this comparison sheds light on the difficulties these provisions create.

The requirements in effect prior to 1984 are certainly preferable to these provisions. The maintenance of adequate records or sufficient evidence corroborating the taxpayers' claim for such a business deduction served its purpose well, and is far superior to this ridiculous imposition. The bill being introduced today will only repeal those provisions in the Deficit Reduction Act pertaining to cars, trucks, vans, and so forth, and will enable us to return to the eligibility criteria in operation prior to 1984.

Mr. President, a horrendous burden has been created. It is clear that these rules go beyond reason and must be corrected. If each Senator in this Chamber has not yet heard from his or her constituency on this matter, I guarantee that they will soon. This effects a vast number of hardworking men and women in our Nation, and they will want and need relief.●

● Mr. NUNN. Mr. President, I am pleased to have this opportunity to cosponsor legislation which will repeal the new Internal Revenue Service regulation that requires extensive, detailed recordkeeping for cars and trucks used for both personal and business purposes.

I am strongly opposed to these new requirements. The new rules will be a paperwork nightmare for small businessmen, farmers, and individual taxpayers who are already overburdened by excessive paperwork.

The new IRS regulations, which are effective for the 1985 tax year, require strict contemporaneous recordkeeping for the business use of automobiles and other vehicles. Previous law required documentation for business use of vehicles, but contemporaneous recordkeeping was not required. Under the new rules, taxpayers must keep detailed logs of vehicle use or no tax deduction or credit will be allowed.

Compliance with the new recordkeeping requirement will be almost impossible for many taxpayers. Individual taxpayers must report the destination, odometer reading, and mileage for every business stop. A typical salesman who makes eight calls per day will log his mileage over 2,000 times a year. Most trips made by small businesses, usually to the bank or post office are just a short distance away. To record the mileage on these trips is not only time consuming, but an excessive burden.

The recordkeeping requirement will also be an added expense for businesses. In many instances, businesses may have to hire an additional clerk just to keep the additional records.

Farmers, sawmill operators, and other small rural businesses often operate with very little paperwork, and therefore, will be especially burdened by the new IRS regulations. In general, the recordkeeping requirement will be a headache and a harassment for all taxpayers affected.

In my view, the new requirement will divert small business efforts from productivity to petty recordkeeping, encourage dishonesty among taxpayers and could actually cost more to administer for many businesses than the total value of the tax deductions or credits that the business could legitimately claim. While I support efforts to close tax loopholes and to improve compliance with the Tax Code to help reduce the Federal deficits, I do not believe that these new requirements are justified. These complex rules will reduce taxpayer cooperation and confidence in the Federal tax system. They also reinforce the need for simplification of our Tax Code laws.

I have heard from hundreds of my constituents who are opposed to the IRS regulation, and I urge my Senate colleagues to join me in cosponsoring this legislation.●

Mr. MITCHELL. Mr. President, I am pleased to join in introducing legislation to repeal provisions in the Tax Reform Act of 1984 which require taxpayers to keep "adequate contemporaneous records" to substantiate the business use of motor vehicles.

This new contemporaneous recordkeeping requirement was included in the 1984 tax bill as part of a effort to tighten up on the deductibility of business assets that are used in part for personal purposes. I agree on the need to tighten up our tax laws to prevent the tax avoidance that occurs when individuals claim a business deduction for what is in fact a personal expense.

In the 1984 tax bill, new rules were enacted to limit the value of automobiles and other vehicles that may be claimed as a business asset for depreciation and investment tax credit purposes. In addition a new rule was created requiring that such an asset be used at least 50 percent of the time for business purposes before being eligible for the ITC and ACRS investment incentives.

Those changes had widespread support in Congress. They were approved by the Ways and Means Committee and debated on the Senate floor. However, in the conference committee a new provision was added to require that contemporaneous records be kept every time such an asset is used. This means, for example, that an employee of a small company who uses a van to make deliveries must note in a journal or log every stop he makes. He must record the date of delivery, the purpose of the delivery and the exact mileage that the delivery van was used. This is required even where the deliver van is used 100 percent of the time for business purposes. If "adequate contemporaneous records" are not kept, no depreciation deduction or investment tax credit is allowed.

In my opinion this goes too far.

This kind of recordkeeping requirement just does not make sense. It burdens every taxpayer in America who owns a transportation vehicle that is used in their trade or business. In order to assist the IRS in catching a minority of individuals who stretch the law, we are punishing everyone else. This is clearly not the proper answer to the problem. It suggests either a total ignorance of common business practices or a cavalier disregard for the excessive administrative burdens imposed on taxpayers. And to the extent that this kind of burdensome recordkeeping requirement is imposed on everyone, it breeds contempt for our tax laws and undermines our voluntary assessment tax system. It creates a perception of unfairness toward our Internal Revenue laws that, in the long run, reduces rather than increases tax compliance.

To be sure, the IRS faces a formidable task in attempting to enforce our complicated Tax Code; Congress must equip the Service with the means to prevent widespread tax avoidance. But a balance must be struck between what is necessary to prevent tax abuse and what is a reasonable burden to impose on the tax paying public. We have tipped the balance in this case and in my opinion the "adequate contemporaneous record" requirement must be changed.

This legislation repeals the new requirement for contemporaneous records only as it applies to motor vehicles. It does not deal with the contemporaneous recordkeeping requirement for entertainment and travel expenses and for business gifts. After repeal, prior law would go back into effect to require the taxpayer to maintain adequate records or have other sufficient evidence corroborating the business use of the vehicle. If this is insufficient to prevent individuals from abusing the law, when I believe a new rule should be devised to limit tax avoidance. But I cannot support the current law requiring contemporaneous record keeping for all transportation vehicles that are susceptible to personal use.

I urge my colleagues to support this legislation.

● Mr. BOREN. Mr. President, I am pleased today to join several of my distinguished colleagues in cosponsoring a bill, introduced by the distinguished Senator from Pennsylvania, JOHN HEINZ, to repeal a provision in the Deficit Reduction Act of 1984 which forces taxpayers who use their trucks or cars for business purposes to maintain detailed daily logs of all business travel.

This contemporaneous recordkeeping requirement for automobiles and trucks is overly burdensome and, in many cases, will have the unfortunate result of denying legitimate business deductions. The new recordkeeping requirement creates more trouble and expense than it could possibly be worth. Once again, the bureaucracy is trying to drown the average citizen in a sea of paperwork. Farmers, ranchers, and small business persons don't have the time to make daily loggings of where they're going, who they're seeing and why. This is too much governmental intrusion.

The requirement imposed by the Deficit Reduction Act of 1984 requires not only that taxpayers have to keep daily logs, but also that they have to certify in a written statement to their tax preparer that the records were kept on a daily—or contemporaneous—basis. If it cannot be proven that the records were kept contemporaneously with the use, the deduction could be denied by the Internal Revenue Service. Additionally, the taxpayers could also be liable for a negligence penalty if they underpay their taxes as a result of inaccurate records.

The taxpayer using the car or truck must make a separate entry in the log every time the vehicle is used and must specify the date of the use, the name of the user of the vehicle, the number of miles and the purpose of the use.

The requirement also imposes a duty on preparers of taxpayer returns, such as certified public accountants, bookkeepers, and others, to notify the taxpayer of the contemporaneous recordkeeping requirement and obtain writ-

ten confirmation from the taxpayer certifying that adequate contemporaneous records were in fact maintained. A preparer failing to do this would be subject to a $25 fine.

I raised a number of specific points of concern when the Deficit Reduction Act of 1984 was considered in the Finance Committee. While it is certainly within the Federal Government's role to assure that deduction taken by taxpayers are legitimate, when substantiating deductions becomes this burdensome and costly, it is entirely unfair and counterproductive. Not only do I object to its costliness and burdensomeness, but I feel the provision will encourage taxpayers to forge records or forgo legal deductions and credits which they would have been entitled to but for the absence of a contemporaneous record.

At a minimum, the IRS should consider alternatives to this unfair and costly practice. One possibility would be to set industry-by-industry percentages which persons in those industries could use as a flat figure for writing off vehicular use as a business expense. If an individual felt he or she had more business use of the vehicle than allowed by this flat percentage, the individual would have the option of keeping the contemporaneous travel logs to prove usage above the percentage rate.

While working toward repeal or an alternative solution, I would urge that the Secretary of the Treasury suspend this regulation requiring recordkeeping until Congress has time to consider alternatives.

Today, I am circulating a letter to other Senators for their signature urging Treasury Secretary Donald Regan to take this action.

I invite my colleagues to join in signing this letter to Secretary Regan, and to support our move to repeal this unfair and costly paperwork burden which has been imposed on the American taxpayer.●

● Mr. D'AMATO. Mr. President, I rise today to add my name as an original cosponsor to important corrective tax legislation being introduced by several of my good friends and colleagues on the Senate Finance Committee, including JOHN HEINZ, STEVE SYMMS, DAVE PRYOR, and DAVE BOREN. This bipartisan bill will replace the requirements, included in the Deficit Reduction Act of 1984, that taxpayers must maintain "contemporaneous records" to support their legitimate business deductions for auto and truck use with a far more reasonable requirement for "adequate records or * * * sufficient evidence corroborating taxpayer's own statements."

The effect of this legislation would be to return to the criteria enforced prior to 1984. In order to take a business deduction for use of a vehicle, a taxpayer will only be required to maintain adequate records or to have other sufficient evidence corroborating his or her own statement. The onerous burden requiring a four part contemporaneous record, established pursuant to the Deficit Reduction Act, will be eliminated.

Although expanded recordkeeping may improve compliance with our Tax Code, there are times when the added paperwork increases to a point that the burden is too onerous. In this situation, the requirement is counterproductive and should be eliminated. That is what we are trying to do here.

Mr. President, this legislation should be enacted without delay. Only in this way can we assure constituents that they will be able to claim their legitimate business deductions this year without having to maintain an incredibly cumbersome set of records.●

By Mr. GARN (for himself, Mr. ABDNOR, Mr. DANFORTH, Mr. DECONCINI, Mr. DENTON, Mr. EAST, Mr. FORD, Mr. GRASSLEY, Mr. HATCH, Mr. HATFIELD, Mrs. HAWKINS, Mr. HELMS, Mr. HUMPHREY, Mr. LAXALT, Mr. LUGAR, Mr. MCCLURE, Mr. NICKLES, Mr. PRESSLER, Mr. PROXMIRE, Mr. SYMMS, and Mr. MCCONNELL):

S.J. Res. 19. Joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons; to the Committee on the Judiciary.

PROPOSED CONSTITUTIONAL AMENDMENT FOR THE PROTECTION OF UNBORN CHILDREN AND OTHER PERSONS

Mr. GARN. Mr. President, I am pleased today to join with 20 of my colleagues to offer an amendment to the Constitution of the United States to protect human life. As you know, today, January 22, 1985, marks the 12th anniversary of the Supreme Court's decisions legalizing abortion. It is fitting that we join together on this anniversary to both censure the Court's grievous error and to mourn the deaths of those millions of unborn children who have become victims of it. It is my concern about the destruction of these tiny beings, as well as the abuse of those rights guaranteed to all of us in our Constitution, that leads me once again to introduce this amendment. I have sponsored it previously in the 95th, 96th, 97th, and 98th Congresses. Its message is simple and absolute. It will allow the Constitution to once again protect the lives of unborn children and other human beings "irrespective of age, health, function, or condition of dependency."

Initially, may I thank those in this body who have joined with me in cosponsoring this effort. I appreciate your support, not only as colleagues, but because it is an indicator to me of the broad and ever-increasing support among the people of our Nation in the effort to resolve the tragedy of abortion. Second, may I thank the thousands of those who have come to this city and the millions of those throughout our country who have gathered to peacefully protest the Supreme Court's decisions, as well as mourn the violent deaths of the unborn that continue to take place even as we speak here today. I lend my voice to the protest and call upon you in this Congress to join with me.

That the Supreme Court erred in its holding in 1973 is unquestionable. The Court assumed for itself a legislative role and in effect wrote a statute governing abortions for the entire country, a statute more permissive than those enacted by any of the 50 States before that time. I think that it is fair to say that these abortion decisions are the most criticized decisions or our time. In fact, criticism is often leveled by those who, for the most part, are proabortion. But they not only recognize the necessity for judicial restraint, they respect the explicit language of the Constitution, the implications that are reasonably derived therefrom, the powers of the States within our system of government, and certainly the moral beliefs and sensibilities of the people of the United States. The abortion decisions ought to be overturned by a constitutional amendment primarily because of the human havoc they are spreading. But they ought also to be overturned because they are an affront to the excellence that ought to characterize our constitutional law. As Archibald Cox has said:

> The Justices read into the generalities of the Due Process Clause of the Fourteenth Amendment a new "fundamental right" not remotely suggested by the words. Because they found the right to be "fundamental", the Justices felt no duty to defer to the value judgments of the people's elected representatives, current as well as past.

We also know that the Court has erred before in its decisionmaking. It is proved by a quick glance into our history. As President Reagan pointed out:

> This is not the first time our country has been divided by a Supreme Court decision that denied the value of certain human lives. The Dred Scott decision of 1857 was not overturned in a day, or a year or even a decade. At first, only a minority of Americans recognized and deplored the moral crisis brought about by denying the full humanity of our black brothers and sisters; but that minority persisted in their vision and finally prevailed. They did it by appealing to the hearts and minds of their countrymen, to the truth of human dignity under God. From their example, we know that respect for the sacred value of human life is too deeply engrained in the hearts of our people to remain forever suppressed.

Those who were the victims of slavery bore the literal wounds of that long-ago Court decision, but we as a nation suffered as well. In 1973, the

Court again denied the value of certain human lives and many in our Nation have suffered because some of us are deprived of our constitutional rights. Have we not as a nation suffered enough. And isn't it the unconscionable tragedy that millions of unborn citizens, who are bearing the literal punishment of this decision, continue to lose their lives as a result of the Court's errors.

The abortion issue is often addressed as a conflict of rights; namely, a woman's right to control her own body versus the unborn child's right to live. Of course, none of the statutes which have come before the Congress presume to force a woman to become pregnant, to prohibit the use of contraceptives, or to otherwise regulate the kind of behavior which results in pregnancy. We all agree that these are areas in which men and women should properly be in control. The fact that is so conveniently overlooked, though, is that once a woman becomes pregnant, another separate living human being is then involved which ought to have some sort of protection.

Because the Supreme Court entirely disregarded this fact does not justify our doing so. Medical and biological science teaches unequivocally that a new life begins at conception, not at birth. After all, the remarkable thing about Louise Brown, and others like her, was not the circumstance of her birth, so much as the circumstance of her conception. Her beginning was most definitely not at birth, and the same is true of all of us. Other medical advances are changing the way that many regard life in the womb. Surgery performed on fetuses to correct medical problems before birth is becoming more common daily. Premature babies are surviving at younger and younger ages. Doctors and others at last are acknowledging the very real horror that fetuses must endure tortuous pain as a result of many of the abortion techniques. The moral and ethical questions of responsibility when a baby survives an abortion are being addressed. And in other countries, the civil and inheritance rights of frozen embryos in a dish are being tried and affirmed. Given all of this, by no stretch of the imagination is it possible to say that a nonviable fetus at 7 or 8 months' gestation—who is eligible for abortion under Roe versus Wade—is not human or alive by comparison with the newborn at 9 months' gestation.

It is the value question, then, that we must address. What value do we give to any human life? The Declaration of Independence states it clearly:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

The Supreme Court, however, says that a mother—isn't it interesting that the Court refers to a woman who is carrying a fetus as a mother?—has the right to end the life of her fetus in order to continue leading a life she prefers. But is human life so inconsequential that the difference depends only upon whether or not a child is wanted or convenient? Can one infant be human and another subhuman or nonhuman simply at the stroke of his or her mother's pen as she consents to the destruction of the separate life she carries. I know these can be difficult, even heart-rending questions, but I must continue to stand for the supremacy of human life itself. Not meaningful life, nor wanted life, nor normal life, nor convenient life, but simply life itself.

Advocates of abortion often speak as though they have some kind of corner on rights, justice, equality, and humanitarianism. They are free to believe that, if they wish, but I don't think there can be much justice or humaneness in a philosophy which espouses abortion on demand. In the past two decades we have focused increasingly on civil rights, human rights, and discrimination. This emphasis has extended even into our foreign policy. We have bent over backward to guarantee civil rights, even affirmative action, which sometimes infringes on the rights of others. We have children's rights advocates, who choose to ignore the most basic right of the tiniest and most helpless of our children. Many people even advocate animal rights. How ironic it is, then, that as a nation we continue to blithely deny the rights and very humanity of a whole class of people. After an abortion there can be no affirmative action to compensate for past discrimination. Many in the women's movement have even claimed elective abortion as a cornerstone of feminism. Surely the emphasis on expanding a woman's opportunities is at odds with a philosophy that so effectively squelches the opportunities of another. Fortunately, growing numbers of women are coming to this realization, and groups of feminists for life are springing up.

Obviously, arguments about the meaningfulness of life have value only after the right to life has been recognized. This is not to minimize the size and cost of problems resulting from unwanted pregnancies or potential birth defects. It is unfortunately the case that there are too few families, neighbors, churches, and communities that offer meaningful assistance to rape victims, parents of the handicapped, or pregnant teenagers. But this is no justification of the deliberate termination of innocent human life. Dignified and charitable alternatives can and must be expanded at each of these levels. To so willingly abandon the search in favor of such violence demonstrates an appalling lack of imagination and belief in ourselves.

Mr. President, I offer this amendment in order to guarantee the unborn their right to live. Donald De Marco, in an article entitled, "Abortion: Fear of the Actual and Preference for the Possible," says:

> By withholding this right (to life, itself) all other alleged rights become at best mere adjuncts to privilege. If one does not have a right to enter the theater of life, he or she has no claim to the goods that exist therein. * * * (*This) makes as much sense as someone making himself the beneficiary of his own will: one cannot be heir to life's fortune if he or she is not first heir to life.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 19

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. With respect to the right to life, the word 'person', as used in this article and in the fifth and fourteenth articles of amendment to the Constitution of the United States, applies to all human beings, irrespective of age, health, function, or condition of dependency, including their unborn offspring at every stage of their biological development.

"SECTION 2. No unborn person shall be deprived of life by any person: *Provided, however,* That nothing in this article shall prohibit a law permitting only those medical procedures required to prevent the death of the mother.

"SECTION 3. Congress and the several States shall have the power to enforce this article by appropriate legislation within their respective jurisdictions."

Mr. DENTON. Mr. President, like the other two branches of government, the Federal judiciary is a fallible institution. That fallibility has never been more evident than in the 1973 Supreme Court decision of Roe versus Wade. Although some people still applaud that abominable decision, the pro-life movement has grown stronger during the past 12 years as the barbarity of human abortion has become more clear and more widespread.

Supporters of the right to life have helped elect a President who shares their revulsion against abortion. Pro-life legislators have ended all Federal funding of abortion, and the President has halted international aid to groups that promote abortion as a means of birth control. In 1981, Congress estab-

lished the first federally supported abortion alternatives program. Pro-life doctors and researchers have led the way in educating us about the humanity of the unborn. Ministers, priests, and rabbis are decrying human abortion as never before. Hundreds of new centers have opened their doors to offer hope and care to pregnant women. Across the country, volunteers are staffing hotlines and shelters. In State after State, peaceful men, women, and children have stood before abortion clinics to demonstrate community opposition to the killing within.

Mr. President, I rise today to join my distinguished colleague from Utah, Senator GARN, as an original cosponsor of this joint resolution and to express my strongest support for his proposed constitutional amendment to protect the lives of unborn children by removing any question that these children are persons within the meaning of our Constitution.

I am still amazed and repulsed that any court could find some implicit right to destroy an unwanted human being from the document that provides for and protects the liberties and human rights of the citizens of the greatest free nation in the world. It is time that we, as a nation, reaffirm the fundamental and inalienable right to life that was stated in the Declaration of Independence and that is an essential part of the very foundation of our country.

We must put an end to the practice of abortion which has claimed more than 15 million innocent human lives during the past 12 years, and we must do everything in our power to restore fully the most fundamental of human rights to the unborn: the right to life.

Thank you, Mr. President.

By Mr. SYMMS (for himself, Mr. BURDICK, Mr. DENTON, Mr. ABDNOR, Mr. MCCLURE, Mr. EAST, and Mr. ZORINSKY):

S.J. Res. 20. A joint resolution proposing an amendment to the Constitution of the United States with respect to the English language; to the Committee on the Judiciary.

ENGLISH LANGUAGE AMENDMENT

Mr. SYMMS. Mr. President, today I have the honor of reintroducing the English language amendment.

Since the amendment was first introduced in 1981 by Senator Hayakawa, it has gained steady recognition by the press, and—more importantly—enthusiastic acceptance by the American people. It has stimulated a vigorous national debate on the language future of our Nation, reflected in a first round of hearings held last year in the Senate.

A good measure of its growing popularity is its ever shorter, ever more informal designation. The amendment to make English the official language of the United States has become the English language amendment, or simply—the E.L.A. I urge my colleagues to remember that acronym, for they will encounter it often in their constituent mail.

The American people are impatient with us. All around them they see the results of the language policies Congress has imposed, policies that challenge the uniqueness of English in our national life. We have removed the heat from the "melting pot," and the melting seems to have very nearly stopped. Many Americans now feel like strangers in their own neighborhoods, aliens in their own country.

The American people resent the failure of Congress to correct laws that are clearly dysfunctional, and they are letting us know it. Each one of us last November received a letter from Gov. George Deukmejian of California, informing us that the people of his State passed a citizen initiative which directs him to call upon Congress and the President for an end to bilingual ballots. The initiative had been approved last November by 71 percent of Californian voters.

Two States, Indiana and Kentucky, also declared English their official language in 1984. They join three other States—Virginia, Illinois, and Nebraska—that have already taken that step. Ten percent of the States have now declared English their official language, and several more State legislatures are going to do the same in the next 2 years. In Florida, where tensions over language usage run especially high, a citizen initiative drive is underway to make English the language of that State.

Two years ago, our former colleague Sam Hayakawa helped found a new organization to protect the primacy of our common language. That organization, U.S. English, now has over 70,000 paid members.

All this indicates that Americans are deeply concerned about the erosion of English they see all around them, and they want Congress to take affirmative action to protect our language.

For a common language has traditionally united us all as fellow citizens of one Nation, just as surely as separate languages would separate us into unrelated inhabitants of the same territory.

The English language amendment is not intended to bar anyone, citizen or immigrant, from the opportunities to be found in American society. It merely ends the pretense that opportunities are fully open to those who don't learn our language.

The English language amendment is not intended to exclude anyone, citizen or immigrant, from full participation in national life, for the opportunities to learn our language must always be available to those who want to make that effort.

The English language amendment is not intended to regulate language usage between private parties; nor to discourage the teaching of foreign languages as academic subject matter; nor to forgo the use of foreign languages, as expedient, in diplomacy, intelligence gathering, and in other activities related to the conduct of foreign affairs; nor to obstruct the interests of justice.

The English language amendment is intended to end the practice of voting in foreign languages; it is intended to teach children who don't know English through appropriate programs in that language; it is intended to make English the only language for official proceedings of governments at all levels operating in the United States—Federal, State, and local; it is intended to make the acceptance of English a condition of statehood incumbent upon all territories aspiring to that status.

The English language amendment is intended to proclaim a broad principle; English is the language of the United States, and enjoys a special status in this country that sets it apart from all other languages.

I invite my colleagues to join me in working to secure this basic principle in our national charter.

Mr. President, as part of my introductory remarks, I would like to add the eloquent speeches by Senators Hayakawa and Huddleston on the need for this amendment, and have these printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 20

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. The English language shall be the official language of the United States.

"SECTION 2. The Congress shall have the power to enforce this article by appropriate legislation.".

ENGLISH LANGUAGE AS THE OFFICIAL LANGUAGE OF THE UNITED STATES

Mr. HAYAKAWA. Mr. President, language is a powerful tool. A common language can unify; separate languages can fracture and fragment a society. The American "melting pot" has succeeded in creating a vibrant new culture among peoples of many different cultural backgrounds largely because of the widespread use of common language, English.

Learning English has been the primary task of every immigrant group for two centuries. Participation in the common language has rapidly made available to each

new group the political and economic benefits of American society. Those who have mastered English have overcome the major hurdle to full participation in our democracy.

A constitutional . . . amendment is needed to clarify the confusing signals we have given in recent years to immigrant groups. For example, the requirements for naturalization as a U.S. citizen say you must be able to "read, write, and speak words in ordinary usage in the English language." And though you must be a citizen to vote, some recent legislation has required bilingual ballots in some areas. This amendment would end that contradictory, logically conflicting, situation.

Bilingual education programs were originally designed to help non-English-speaking children learn English quickly so they could join the mainstream of education and of our society. The Carter administration attempted to substantially broaden this mandate by proposing requirements for schools to teach other academic subjects entirely in students' native language.

I believe that we are being dishonest with linguistic minority groups if we tell them they can take full part in American life without learning the English language. We may wish it were otherwise, but it simply is not so. As the son of an immigrant to an English-speaking country, I know this from personal experience. If I spoke no English, my world would be limited to the Japanese-speaking community, and no matter how talented I was, I could never do business, seek employment, or take part in public affairs outside that community.

Let me explain what the amendment will do, upon its passage by Congress and ratification by three-fourths of the States:

It will establish English as the official language of State, Federal, and local government business;

It will abolish requirements for bilingual election materials;

It will allow transitional instruction in English for non-English-speaking students, but do away with requirements for foreign-language instruction in other academic subjects;

It will end the false promise being made to new immigrants that English is unnecessary for them.

On the other hand, and this is important, there are things the amendments will not do:

It will not prevent the use of any other language within communities, churches, or cultural schools.

That is, Yiddish schools, Hispanic schools, Japanese, and Chinese schools are perfectly all right insofar as their support by local communities, but not by the taxpayer.

It will not prevent the use of second languages for the purpose of public convenience and safety, for example on signs in public places, but it will not allow governments to require multilingual postings or publications.

I am thinking, Mr. President, of such signs as you see in the street sometimes, "Danger, construction area." If this sign is put up in a building lot in Chinatown, let us say, there is certainly no objection whatsoever to putting signs to that effect in Chinese or any other language that is appropriate for the passerby. So, for purposes of public convenience and safety, other languages may be used wherever necessary. I think that what we have, in Washington, Los Angeles, and San Francisco, street signs in Chinese or Japanese, are perfectly acceptable, because they are also accompanied by street signs in English. They are also acceptable because they give a cosmopolitan flavor to those cities that have them and we are proud of the fact that we are a cosmopolitan culture.

My amendment, Mr. President, will not prevent public schools from offering instruction in other languages, nor will it prevent schools and colleges from requiring some study of a foreign language.

Incidentally, Mr. President, we are crippled in international relations because of our imperfect command not only of the wellknown languages like Spanish, French, German, or Italian, but we have very few speakers of Chinese, Japanese, Russian, Hungarian, Arabic, Thai—some languages some people here ought to know so they can serve our Nation intelligently in diplomatic service or in trade. If we have a huge trade deficit vis-a-vis Japan, for example, it is because they have some Japanese salesmen speaking English in New York, Chicago, Los Angeles, and elsewhere, but we have very, very few Japanese-speaking Americans doing a selling job in Tokyo or Osaka.

So, at the same time that I declare English to be the official language of the United States, I am not trying to discourage foreign language studies.

The ability to forge unity from diversity makes our society strong. We need all the elements, Germans, Hispanics, Hellenes, Italians, Chinese, all the cultures that make our Nation unique. Unless we have a common basis for communicating and sharing ideas, we all lose. The purpose of this proposal is to insure that American democracy always strives to include in its mainstream everyone who aspires to citizenship, to insure that no one gets locked out by permanent language barriers.

CONSTITUTIONAL AMENDMENT TO MAKE ENGLISH THE OFFICIAL LANGUAGE OF THE UNITED STATES

Mr. HUDDLESTON. Mr. President, the remarks I am about to make will be readily understood by my distinguished colleagues in the Congress. They will be understood by my constituents in Kentucky. They will be understood by the journalists in the press gallery, and by most of their readers across the country.

No simultaneous interpreters will be needed for those in this Chamber, and no translators will be needed for most of those who will be reading these words in the CONGRESSIONAL RECORD.

The amendment addresses something so basic, so very fundamental to our sense of identity as Americans, that some, who are in full agreement with the objectives of this amendment, will nevertheless question the necessity for it. So widely held is the assumption that English already is our national language, that the notion of stating this in our national charter may seem like restating the obvious. However, I can assure my colleagues that this is not the case and that the need for a constitutional amendment grows stronger every day.

Almost alone among the world's very large and populous nations, the United States enjoys the blessings of one primary language, spoken and understood by most of its citizens. The previously unquestioned acceptance of this language by immigrants from every linguistic and cultural background had enabled us to come together as one people. It has allowed us to discuss our differences, to argue about our problems and to compromise on solutions. It has allowed us to develop a stable and cohesive society that is the envy of many fractured ones, without imposing any strict standards of homogeneity, or even bothering to designate the language, which is ours by custom, as the Nation's official one.

As a nation of immigrants, our great strength has been drawn from our stability to assimilate vast numbers of people from many different cultures and ethnic groups into a nation of people that can work together with cooperation and understanding. This process was often referred to as the melting pot and in the past it has been seen as an almost magical concept that helped to make the United States the greatest nation on Earth.

But for the last 15 years, we have experienced a growing resistance to the acceptance of our historic language, an antagonistic questioning of the melting pot philosophy that has traditionally helped speed newcomers into the American mainstream.

Initially, the demands to make things easier for the newcomers seemed modest enough; and a generous people, appreciative of cultural diversity, was willing to make some allowances. For example, the English language requirements for naturalization were removed for elderly immigrants living here for 20 years who were still unable to meet them; and the use of a child's home language in the school setting was encouraged, in a well-intentioned attempt to soften the pain of adjustment from the home to the English-speaking society that school represents.

However, the demands have sharply escalated, and so has the tone in which they are presented. Bilingual education has gradually lost its role as a transitional way of teaching English, and now mandates a bicultural component. This mandate has been primarily shaped and promoted by the Federal Government. The unfortunate result is that thousands of immigrant and nonimmigrant children are languishing in near-permanent bilingual/bicultural programs, kept in a state of prolonged confusion suspended between two worlds, and not understanding what is expected of them. They and their parents are given false hopes that their cultural traditions can be fully maintained in this country, and that the mastery of English is not so important, after all.

This change in attitude was aptly described by Theordore H. White in his book "America in Search of Itself" wherein he stated:

"Some Hispanics have, however, made a demand never voiced by immigrants before: that the United States, in effect, officially recognize itself as a bicultural, bilingual nation . . . [They] demand that the United States become a bilingual country, with all children entitled to be taught in the language of their heritage, at public expense. No better hymn to the American tradition has ever been written than 'The Education of Hyman Kaplan,' by Leo Rosten, which describes with tears and laughter the efforts of the earlier immigrants . . . to learn the language of the country in which they wished to live. In New York today, forty years later, Hispanic entitlement has created a college, Hostos Community College—supported by public taxes—which is officially bilingual; half its students receive instruction primarily in Spanish, as they strive to escape from the subculture of the Spanish ghetto. Bilingualism is an awkward word—but it has torn apart communities from Canada to Brittany, from Belgium to India. It expresses not a sense of tolerance but a demand for divisions."

This misdirected public policy of bilingualism has been created primarily by the Federal Government, at the insistence of special interest groups, and it continues today because elected officials do not want to run the risk of taking a position that could, in some way, offend these groups. An example of how far this special interest influence reaches can be seen by President Reagan's reveral on the issue. At the beginning of his administration he attempted to kill the bilingual program, now he is embracing the concept.

Over the last few years the Federal Government has spent approximately $1 billion on the bilingual education program and this year alone it cost $139 million. What we have bought with this money is a program that strives to keep separate cultural identities rather than a program that strives to teach English. It is a program which ignores the basic fact that in order to learn another language the student must talk, read and use that language on a regular basis.

The failure of bilingual education programs to teach children how to speak English in the shortest time has been documented by study done at the U.S. Department of Education and by the recent report of the Twentieth Century Fund Task Force on Federal Elementary and Secondary Education Policy. The latter report stated unequivocally that:

". . . The Task Force recommends that the federal government clearly state that the most important objective of elementary and secondary education in the United States is the development of literacy in the English language . . .

". . . The Task Force recommends that federal funds now going to the bilingual program be used to teach non-English-speaking children how to speak, read, and write English."

Even though the bilingual education program has received failing marks by many reputable educators, it still survives because it is a political issue rather than an educational issue. What this means is that we will continue to finance an expensive bilingual program that does more to preserve cultural identities than it does to teach children to speak English.

In the area of voting rights we have also formulated a national policy that encourages voting citizens not to learn to speak English. The Voting Rights Act, which was reauthorized in 1982, requires bilingual ballots if more than 5 percent of the citizens of voting age in a jurisdiction are members of specified language minority groups and the illiteracy rate is higher than the national rate. As a result bilingual ballots are required by Federal law to be provided in 30 States—even if there is no demand for them.

In essence, we have gone far beyond providing a necessary service on a temporary basis; and, we are now engaged in actively encouraging the use of bilingual ballots, even though in many cases they may not be needed. The wisdom of this policy is clearly lacking when you consider that the vast bulk of political debate, whether it is in the printed press or the electronic media, is conducted in English. By failing to provide a positive incentive for voting citizens to learn English, we are actually denying them full participation in the political process. Instead, we are making them dependent upon a few interpreters or go-betweens for information as to how they should vote. Although this process helps to preserve minority voting blocks, it seriously undercuts the democratic concept that every voting individual should be as fully informed as possible about the issues and the candidates.

In many parts of the country foreign language ballots are under attack. In San Francisco, a local initiative petition has been filed urging that local governments be allowed to print ballots in English only. In that area ballots are now printed in English, Spanish, Chinese and because of the new census figures, Tagalog ballots will probably be printed in the future.

There are other less prominent provisions of Federal law which now require the use of foreign languages. For example, 28 U.S.C. 1827 requires the Director of the Administrative Office of the U.S Courts to establish a program for the use of foreign language interpreters in Federal civil and criminal proceedings for parties whose primary language is other than English; 42 U.S.C. 254 requires the use of foreign language personnel in connection with federally funded migrant and community health centers; and 42 U.S.C. 4577 requires the use of foreign language personnel in the alcohol abuse and treatment programs. Although I can understand that this kind of assistance is helpful, the fact that it must be legislated strongly indicates that we are failing miserably in our efforts to teach immigrants and many of our native born how to speak, read and write English.

The Federal laws requiring the use of interpreters and foreign languages are merely the tip of the iceberg. I recently sent a request to all of the State Governors and the major Federal agencies asking for information regarding non-English forms and publications that their offices produce, which are intended for use in this country. Although my staff is still in the process of reviewing the data, and I have not yet received responses to all of my letters, we know that hundreds of different non-English forms and publications are now being printed and distributed on a wide scale throughout the United States. These publications cover a broad spectrum and range from White House press releases in Spanish to National Labor Relations Board notices in 32 different languages. The non-English materials which I have received are in a stack that is about 3 feet high, and we are adding to it almost daily. However, even when all the responses are in we still will not have a complete picture of the use of official, non-English publications. Many of the States are only sending a few samples of what they produce, and I am told that if copies of all bilingual educational materials were sent we could fill a large room. While distribution of these materials may be seen as providing just another government service, it can also be seen as reducing the incentive to learn English and demonstrates a growing nationwide problem.

At the nongovernment level there is a great deal of emphasis being placed on the use of non-English languages. In some major metropolitan areas English is the second language; minorities, who speak only English, are being told that they must learn a foreign language in order to be eligible for a job in parts of this country; and, in many stores non-English languages are the only ones used to conduct business. It is not uncommon to find areas in this country where an individual can live all of his or her life having all of his social, commercial, and intellectual needs met without the use of English.

Statistics show a disconcerting trend away from the common use of English. In 1975 the Bureau of the Census reported that about 8 million people in this country used a language other than English in their households. When the census was conducted in 1980 the number of people who spoke a language other than English at home was found to be over 22 million. Although these numbers are subject to many interpretations, to me they indicate—very strongly—that the melting pot is not working as it once did.

My assumption is confirmed by a recent population bulletin, "U.S. Hispanics; Changing the Face of America," which concluded that because of their common language and large numbers, Hispanics will take longer than other immigrant groups to assimilate into the American society.

If this situation were static and merely a reflection of the large scale legal and illegal immigration the United States has been experiencing over the last few years—in 1980 more immigrants entered the United States than at any time other than the peak years at the turn of the century—there would not be cause for concern. However, what we are seeing is a decrease in the use of English and a widely accepted attitude that it is not necessary to learn English.

There is a new philosophy taking hold, and it is gaining more and more acceptance. In the June 13, 1983, Time magazine an article stated in regard to this new philosophy, that:

"Now, however, a new bilingualism and biculturalism is being promulgated that would deliberately fragment the Nation into separate, unassimilated groups . . . The new metaphor is not the melting pot but the salad bowl, with each element distinct. The biculturalists seek to use public services, particularly schools, not to Americanize the young but to heighten their consciousness of belonging to another heritage."

The United States is presently at a crucial juncture. We can either continue down the same path we have walked for the last 200 years, using the melting pot philosophy to forge a strong and united nation or, we can take the new path that leads in the direction of another Tower of Babel.

There are many nations in the world today that would give a great deal to have the kind of internal social and political stability that a single primary language (English) has afforded us. For us to consciously make the decision to throw away this stablizing force would be seen as foolish and stupid in countries that have paid a high price for not having a universally accepted language.

We have to look no further than the nation which is closest to us geographically and culturally—Canada. They have had a long-running experience with bilingualism and biculturalism, and it is an experience that still generates divisiveness and still threatens to shatter the Nation's unity. The key cause of Canada's internal conflict is language. According to the Annual Report, 1981, of the Commissioner of Official Languages, the total cost so far in implementing the Canadian Official Languages Act "is on the order of $4 billion spread over the 12 years. The question of cost-effectiveness is more problematical. Measured against the goals of relieving English-French tensions and fostering a common pride in the value of our national languages, the results may be more questionable."

Belgium is another nation that has suffered severe internal dissent, much of which has been caused by language differences. In the last 39 years the political coalitions that

are necessary to govern that country have been broken apart over 30 times by the fights between the French speaking Walloons and the Dutch speaking Flemish. This political squabbling has had serious consequences for Belgium, and it is not the kind of situation to which any nation should voluntarily subject itself.

This type of political instability has been repeated throughout history, and is still occuring in many countries today. In countless places, differences in language have either caused or contributed significantly to political, social, and economic instability. While the absence of language differences does not guarantee that these problems will not occur, I believe that it does significantly reduce the chances that they will occur.

The constitutional amendment which I am proposing is not unusual, and in fact, many nations have one official language. According to the Library of Congress these include, but are not limited to, Austria, Bulgaria, Denmark, France, the German Democratic Republic, the Federal Republic of Germany, Greece, Hungary, Italy, the Netherlands, Norway, Poland, Romania, and Sweden.

Within the United States there is ample tradition and legislation to justify this approach. According to the Library of Congress:

"Several Federal statutes and numerous State laws do require the use of English in a variety of areas.

"Thus, the Nationality Act of 1940 (8 U.S.C. 423) requires that—

"No person . . . shall be naturalized as a citizen of the United States upon his own petition who cannot demonstrate—

"(1) an understanding of the English language, including an ability to read, write and speak words in ordinary usage in the English language" (with provisos).

"Secondly, 28 U.S.C. 865 requires that in determining whether a person is qualified for jury service, the chief judge of a district court 'shall deem any person qualified to serve on grand and petit juries in the district court unless he (the prospective juror)—

"(2) is unable to read, write, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification form;

"(3) is unable to speak the English language. . . .'

"At the State level, most States have statutes requiring the use of English as the language of instruction in the public schools. Some States also statutorily require English as the language of legal proceedings and legal notices of business regulation, etc."

More recently, the U.S. Senate has spoken out very strongly in favor of establishing English as the official language. On August 13, 1982, Senator Hayakawa introduced an amendment to the Immigration Reform and Control Act declaring that "the English language is the official language of the United States". On a rollcall vote 78 Senators voted for this amendment and it was included in the bill. When this same bill was again reported out of the Judiciary Committee on April 21, 1983 it again contained this language, and the report of the full committee stated:

"If immigration is continued at a high level, yet a substantial portion of these new persons and their descendants do not assimilate into the society, they have the potential to create in America a measure of the same social, political, and economic problems which exist in the countries from which they have chosen to depart. Furthermore, if language and cultural separatism rise above a certain level, the unity and political stability of the nation will—in time—be seriously diminished. Pluralism, within a united American nation, has been the single greatest strength of this country. This unity comes from a common language and a core public culture of certain shared values, beliefs, and customs which make us distinctly 'Americans'."

The concerns that were expressed by the Senate Judiciary Committee are reflected in the concerns of thousands of citizens throughout this country. In fact, a new national organization has recently been created called U.S. English. The honorary chairman of this organization is former U.S. Senator S. I. Hayakawa, who speaks with a great deal of authority on this issue because he is an immigrant and distinguished scholar of semantics and languages.

U.S. English refers to itself as "a national, non-profit, non-partisan organization . . . founded to defend the public interest in the growing debate on bilingualism and biculturalism".

If we continue along the path we now follow, I believe that we will do irreparable damage to the fragile unity that our common language has helped us preserve for over 200 years. Cultural pluralism is an established value in our national life, and one which we greatly cherish. Paradoxically, cultural pluralism can only continue if we retain our common meeting ground; namely, the English language. If we allow this bond to erode, we will no longer enjoy the benefits of cultural diversity, but rather, we will suffer the bitterness of ethnic confrontations and cultural separatism.

The constitutional language I am proposing is simple and straightforward: It would serve to establish a principle that would strengthen us as a nation. However, I am aware that adding to the Constitution takes us into uncharted waters, and that there will be many misleading allegations about the extent of the problem and the proposed remedy. This is one of the reasons I have chosen to propose a constitutional amendment in order to address this issue. It will focus national attention on the problem, and subject it to the type of thorough national debate which is necessary.

During this constitutional process, all parties, sides and interests will have the opportunity to present their respective points of view. This will guarantee that the final version submitted to the States for ratification will accomplish only what is needed to be accomplished and that basic individual rights are not interfered with.

Even though I believe that the constitutional language I am proposing will work, I am open to all recommendations and I will carefully consider any proposed improvements or modifications. However, regardless of the final language, to a large extent it is the legislative history which determines how the language will be interpreted.

Accordingly, it is my intent that the amendment I am proposing would not do a number of things.

First. It would not prohibit or discourage the use of foreign languages and cultures in private contexts, such as in homes, churches, communities, private organizations, commerce, and private schools. The United States is rich in ethnic cultures and they would continue to survive as they have in the past.

Second. It would not prohibit the teaching of foreign languages in the Naion's public schools or colleges nor will it prohibit foreign language requirements in academic institutions.

Third. It will not prevent the use of second langauges for the purpose of public convenience and safety in limited circumstances.

On the other hand the amendment would accomplish a number of objectives.

First. It would bring national recognition to the proposition that a common language is necessary to preserve the basic internal unity that is required for a stable and growing nation.

Second. It would establish English as the official langauge of Federal, State, and local governments throughout the United States.

Third, Since voting by citizens is the method of choosing the representatives of these governments and is the first step in the official process of governing, it would prevent the printing of ballots in foreign languages.

Fourth. It would permit bilingual educatoin where it could be clearly demonstrated that the primary objective and practical result is the teaching of English to studentsf as rapidly as possible, and not cultural maintenance. It would not affect the use of total immersion in English which is proven method of teaching English.

Fifth. It would discourage discrimination and exploitation by making it clear to immigrant parents and children that learning English is indispensible for full participation in the American society and economy and by speeding them into the mainstream of our society and economy as rapidly as possible.

Sixth. It would reaffirm that we are truly "one Nation . . . indivisible . . .".

Mr. President, national unity is not a subject to be taken lightly for without it we would lose much of the strength which sets us apart as a great nation. I believe that history has taught us that one of the vital ingredients for obtaining national unity is a commonly accepted language. This has been conformed by our own past experience in this country, and it has been proven by other countries, that have been divided and weakened by their internal arguments centering around language differences.

National unity does not requre that each person think and act like everyone else. However, it does require that there be some common threads that run throughout our society and hold us together. One of these threads is our common belief and support of a democratic form of government, and the right of every person to fully participate in it. Unfortunately, this right of full participation mean very little if each individual does not posses the means of exercising it. This participation requires the ability to obtain information and to communicate our beliefs and concerns to others. Undoubtedly this process is greatly hindered without the existence of a commonly accepted and used language.

In essence, what a policy of bilingualism/biculturalism does is to segregate minorities from the mainstream of our politics, economy, and society because we are not making it possible for them to freely enter into that mainstream. We are pushing them aside into their own communities, and denying them the tools with which to break out. I have always been against segregation of any kind and by not assuring that every person in this country can speak and understand English we are still practicing segregation. It was wrong when we segregated blacks because of color and it is just as wrong when

we create a system which segregates any group of people by language.

As Americans we are a unique people and one of the things that makes us uniquely American is our common language—English. The amendment would assure that anyone in this country can fully take part in the American dream and that future generations also will have this privilege.

Mr. DENTON. Mr. President, I rise today to join my distinguished colleague from Idaho, Senator SYMMS, in support of a joint resolution which will amend the Constitution to make the English language the official language of the United States.

There is a growing trend in our country, in both public and private policy, to emphasize bilingualism. As a result, we are witnessing a steady erosion in the use of the English language. The resolution introduced today will help put an end to that trend.

Most Americans incorrectly assume that English is the official language of the United States. Although it is the normal language for public discourse and the marketplace, the Federal Government spends in excess of $130 million each year subsidizing the education of non-English-speaking immigrant schoolchildren. Originally, those programs were undertaken with the intention of facilitating the assimilation of immigrants into our culture by beginning educational instruction in their native tongue. Unfortunately, however, bilingual educational is no longer a transitional means of teaching immigrant children. Rather, it has become a practice that promotes the preservation of separate cultural identities while, at the same time, alienating the immigrant from the mainstream of American society.

The constitutional amendment proposed by Senator SYMMS today has been considered by the Senate before. A similar resolution was attached as an amendment to the Immigration Reform Act of 1982, which was passed by the Senate with 78 affirmative votes. The identical resolution was introduced in the 98th Congress by Senator HUDDLESTON. Still, English is not recognized or treated by the U.S. Government as the country's official language. As a result, the newest immigrants to the United States, unlike their predecessors, are not learning in English. For example, over 10 million Americans can speak only Spanish and, if current trends continue, by the year 2030 more than half of California's population will be Spanish-speaking. Similar problems are developing with other, smaller, immigrant groups. We are witnessing a dangerous development in the cultural history of our Nation: the Federal Government is endorsing and supporting the development of a multilingual United States.

Federal and State government agencies spend $138 billion a year on bilingual education. They produce well over 2,000 publications in 32 different languages each year. The policies that make those practices possible are the direct result of special interest groups that attempt to maintain strict ethnic identities through a deemphasis of English.

The erosion of English as the primary language of the United States can be seen in many cities throughout the country. In some major metropolitan areas, English has become a second language. Some cities even publish election ballots in several languages so as to accommodate citizens who cannot read English. The promoters of such policies ignore the facts that non-English-speaking person theoretically could not have passed the naturalization examination, which requires English competency, and that it is difficult for non-English-speaking voters to examine the qualifications of candidates since campaigns and most media coverage use the English language.

The growing problems of illiteracy in English is shown by every census. In 1970, only 8 million Americans spoke a language other than English at home, but by 1980 that figure had increased to 20 million. The current policy of providing vernacular ballots for immigrant Americans provides no incentive to them to learn English. In fact, by condoning Government sponsored bilingualism, the United States is discouraging foreign-born Americans from learning English.

Command of the English language is indisputably a quality that one must possess to become successful in our country. American business is conducted almost exclusively in English. Non-English-speaking tradesmen operate at a severe disadvantage to their English-speaking counterparts. "You'd have to be a damned fool not to realize that English is the official language," noted Hispanic leader Ralph Hurtado, "if you don't speak English, you're a dishwasher."

The bilingual policy of the Government is discriminatory in nature. There is no room for upward mobility in a society if one does not speak the language. Were English to be made the official language of the United States, however, all immigrants, all our citizens, would be stimulated to learn English.

The Department of Education has suggested repeatedly that money now appropriated for bilingual education would be better spent teaching children to speak, read, and write in English. The Department believes that efforts to assimilate immigrant children into American society by teaching them in their native tongues outweighs any attempts to stress the incontrovertible importance of mastering English. Special interest groups use public services such as bilingual education to increase the awareness of their particular heritage rather than to prepare their children for full and successful participation in American society.

Many civil liberty groups are concerned that an amendment to make English the official language of the United States would discriminate against non-English-speaking peoples. Senator SYMMS has provided assurances, however, that Americans will be free to use the languages of their choice, although the advancement of those languages will not be subsidized by the Government.

The English language amendment would neither prohibit nor discourage the use of other languages and the enjoyment of other cultures in private contexts, such as in homes, churches, communities, private organizations, commerce, and private schools, nor would it prohibit the teaching of foreign languages in the Nation's public schools and colleges. Moreover, the amendment would not prevent the use of a second language for public convenience and safety in limited circumstances.

Passage of the amendment would help to preserve the basic internal unity that is required for a stable and growing nation. Most important, it would give national attention to the problem of a language barrier that plagues millions of Americans each year. It would help save local and State governments the millions of dollars that they now spend on bilingual education that duplicates other programs, and allow them to channel those funds into more deserving educational efforts. Since voting by citizens is the method of choosing elected officials at all levels and is the essential first step in our process of democratic government, the amendment would prohibit the printing of ballots in any language other than English.

Adoption of the English language amendment would discourage discrimination and exploitation by making it clear to immigrant parents and children that learning English is indispensable for participating in America's society and economy. It would assist in speeding them into the mainstream of our country's life as rapidly as possible.

America is a nation of immigrants. Our greatness has stemmed from our ability to assimilate vast numbers of people from many different cultures. We have had a common language on which to build our success. It is essential that the Senate pass the English language amendment so that the United States will remain "One Nation * * * indivisible."

I commend Senator SYMMS for his leadership in introducing the resolution, and I urge my colleagues to express their support for this proposed amendment.

Thank you, Mr. President.

By Mr. GRASSLEY:

S.J. Res. 21. A joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT CONCERNING RIGHT TO LIFE

Mr. GRASSLEY. Mr. President. I rise today to introduce an amendment to the Constitution of the United States relative to the practice of abortion. My amendment states in its substantive part:

SECTION 1. With respect to the right to life, the word "person" as used in this article and in the fifth and fourteenth articles of the amendment to the Constitution of the United States applies to all human beings irrespective of age, health, function, or condition of dependency, including their unborn offspring at every state of their biological development.

SECTION 2. No unborn person shall be deprived of life by any person: *Provided, however,* That nothing in this article shall prohibit a law permitting only those medical procedures required to prevent the death of the mother.

Mr. President, I believe that the Constitution of the United States is one of the most important documents in the history of human rights. The rights that it safeguards are fundamental and can only be preserved by maintaining limits on government power, and by insuring that no single branch of government exceeds its authorized powers. The Constitution should not be amended, in the words of the framers, for "light and transient causes." The protection of innocent human life is, however, the right most worthy of inclusion in the Constitution.

Twelve years ago today, the Supreme Court of the United States rendered a decision that I believe was wrong in its substance and in its legal reasoning.

Twelve years ago today, the Court ruled that State laws prohibiting the termination of the life of human beings not yet born were unconstitutional.

Twelve years later, 16 million human lives in the United States have been terminated.

On the first day of the current Congress, my distinguished colleague from New Hampshire, Mr. HUMPHREY, stood before us and gave us a narration of a new film entitled, "The Silent Scream." As you may remember, this film depicts a "real time" ultrasound filming of the abortion of an 11-week-old fetus. We listened as the film's narration explained the abortion procedure and how the fetus was seen trying desperately to escape death within it's mother womb. It left a very sobering impression.

Mr. President, in 1973 we did not have the technology enabling us to look inside a mother's womb to give us a better look as what we all should have known was there, a young human being. Without today's medical knowledge, our Supreme Court handed down a decision that began a slaughter of innocent Americans, unborn.

An argument given before the Court was that with legalized abortion, the rate of child abuse would surely drop, because unwanted pregnancies could be done away with. Instead, since legalized abortion, child abuse has skyrocketed. I believe this to be directly related to abortion's effect on how our Nation values human life. When a nation no longer has respect for the life of the unborn it will not longer have respect for the newborn.

In Roe versus Wade, the Supreme Court first declared that one of the "liberties" constitutionally protected by the 14th amendment against State infringement was the right of privacy which, "encompasses a woman's decision whether or not to terminate her pregnancy." Finding this right of pricacy to be a "fundamental interest," the Court declared that State laws infringing upon this right cannot be sustained unless they are necessary to effectuate a "compelling State interest".

In other words, Mr. President, whether or not the State law that was the subject of the Roe case was a desirable law, it did not offend any specific prohibition of the Constitution. In order to find the State law unconstitutional, a new constitutional prohibition had to be found. So, the Court read the first, third, fourth, fifth, and ninth amendments together, and since some parts of those constitutional protections dealt with aspects of privacy, they, in the Court's view, created a general right of privacy.

Having carved this new and independent fundamental right of privacy out of the stone of six separate constitutional amendments, the Supreme Court in 1973 proceeds to strike down a State law against the procurement of abortion on the authority, not of the Constitution, not of the amendments that made up the Bill of Rights, but under the authority of its 1965 decision in Griswold versus Connecticut that "privacy" was a fundamental right, secured against all but the most "compelling" of State interests, and then concluding that the State did not have a sufficient interest in protecting human beings that were not yet born.

Mr. President, what could be more compelling of "State interests" than the protection of innocent human life? The 14th amendment and the 5th amendment specifically prohibit Federal and State governments from depriving "any person of life * * * without due process of law." The Declaration of Independence states that, "We hold these truths to be self-evident, that all men are created equal. That they are endowed by their Creator with certain inalienable rights. That among these are life * * *" and that "to secure these rights, governments are instituted among men * * * ".

Mr. President, ours is a constitutional Republic, with Democratic institutions. These elected institutions are to make laws to secure the rights promised in the Declaration of Independence and in the Constitution itself. The courts, which are neither elected nor subject to the popular control of the people, are to interpet the laws made by the elected institutions, and to apply those laws to the specific facts before them.

The legalization of abortion is a practice that Congress would not have done, and that the Supreme Court should not have done. It should not have legalized abortion both because it is questionable whether the Court was authorized to strike down State laws, because State laws prohibiting aboriton did not violate the Constitution, and most importantly, because State laws prohibiting abortion were right.

What our judicial system has failed to correct we must now propose in our hearts to do. We can no longer remain indifferent to the medical proof that an unborn child is a real person—a real human being—with the same inalienable, God given rights as we. The rights to "* * * Life, liberty and the pursuit of happiness * * *" As our Nation's lawmakers, we must defend the rights of the helpless—and the unborn. The destiny of our Nation depends on this decision.

Mr. President, I am a farmer. Maybe it is that I have lived all my life in Iowa and worked close to the land that makes be believe what I do. On the farm, we see life day by day. Farmers are not afraid to get a little dirt under their fingernails when they till the soil. The tillage of the soil is a necessary part of growth and respect for nature. I have seen the birth of many a calf and pig as a natural course of daily life. No farmer would dream of aborting a calf. Not only would it hurt the cow, it would break the uniterrupted cycle of life God intended when he put us here. A farmer recognizes that each life, whether it is the offspring of his livestock or of his own family, is a resource of limitless value. Each offspring a God-given resource, that perpetuates and enhances the lives of all creatures.

If we fail to act, future generations will look back in bewilderment, as to how we allowed abortion on demand to continue undaunted, in much the same way we look back now in sadness at how our Nation denied constitutional rights to blacks in the Dred Scott decision, and denied rights to women up to the early part of this century.

Mr. President, we no longer can excuse ourselves from this decision. We must act during this Congress, to

end abortion on demand and secure the constitutional rights for all persons, whether born or unborn. I therefore propose this resolution and ask that it be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 21

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

"ARTICLE—

"SECTION 1. With respect to the right to life, the word 'person' as used in this article and in the fifth and fourteenth articles of amendment to the Constitution of the Untied States applies to all human beings irrespective of age, health, function, or condition of dependency, including their unborn offspring at every stage of their biological development.

"SECTION 2. No unborn person shall be deprived of life by any person: *Provided, however,* That nothing in this article shall prohibit a law permitting only those medical procedures required to prevent the death of the mother.

"SECTION 3. The Congress and the several States shall have power to enforce this article by appropriate legislation.".

By Mr. HOLLINGS (for himself, Mr. WEICKER, Mr. INOUYE, Mr. EXON, Mr. BURDICK, Mr. HEINZ, Mr. NUNN, Mr. DOMENICI, Mr. METZENBAUM, Mr. CRANSTON, Mr. ANDREWS, Mr. COCHRAN, Mr. KERRY, Mr. STENNIS, Mr. CHILES, Mr. KENNEDY, Mr. JOHNSTON, Mr. ZORINSKY, Mr. DOLE, Mr. DODD, Mr. DECONCINI, Mr. THURMOND, Mr. SARBANES, Mr. SIMON, Mr. MATSUNAGA, Mr. LUGAR, Mr. BRADLEY, Mr. CHAFEE, and Mr. STEVENS):

S.J. Res. 22. Joint resolution designating March 1985 as "National Mental Retardation Awareness Month"; to the Committee on the Judiciary.

NATIONAL MENTAL RETARDATION AWARENESS MONTH

● Mr. HOLLINGS. Mr. President, I rise today to introduce a joint resolution proclaiming March 1985 as "Mental Retardation Awareness Month." This is the same resolution I introduced at the end of the 98th Session of Congress. Unfortunately, Congress adjourned prior to completing Senate action on this measure. I am hopeful the strong support of my colleagues will ensure quick passage of this resolution in the coming weeks and thus increase the focus on the various campaigns to combat mental retardation.

Mental retardation affects more than 6 million people and constitutes one of the largest single handicapped groups in America. Mental retardation is four times more common than rheumatic heart disease and nine times more prevalent than cerebral palsy. This serious problem affects 15 times as many people as total blindness and 10 times as many children and adults as polio did before research provided the Salk vaccine.

Mental retardation strikes individuals of every race, religion, and nationality, every educational, social, and economic background. It can be caused by genetic irregularities, problems at birth, problems after birth, and environmental factors. But, Mr. President, many instances of mental retardation can be prevented. In fact, recent scientific developments have led some authorities to conclude that 50 percent of the cases of mental retardation could be prevented if current knowledge were fully implemented. Unfortunately, many of the known preventive approaches are not yet in wide use. It is apparent to this Senator that there is an urgent need not only to implement what is already known, but to increase our research efforts and discover means of preventing those many causes of mental retardation for which effective prevention is still unknown.

Mr. President, the joint resolution I am introducing today with my many distinguished colleagues is intended to increase public awareness of this serious problem. For many years now, the month of March has been used by organizations throughout the country to carry on education and fundraising campaigns to assist the campaign against mental retardation. Our resolution continues this important tradition. I urge my colleagues to join in this effort by supporting the resolution.●

By Mr. MOYNIHAN (for himself, Mr. DOLE, Mr. PACKWOOD, Mr. BYRD, Mr. BRADLEY, Mr. HEINZ, Mr. GLENN, Mr. MATSUNAGA, Mr. CHILES, Mr. PRYOR, Mr. INOUYE, Mr. LAUTENBERG, Mr. SARBANES, Mr. DECONCINI, Mr. CRANSTON, Mr. ROTH, Mr. LEVIN, Mr. BUMPERS, Mr. BOREN, Mr. RIEGLE, Mr. SASSER, Mr. JOHNSTON, and Mr. STEVENS):

S.J. RES. 23. Joint resolution designating 1985 as the "Year of Social Security"; to the Committee on the Judiciary.

YEAR OF SOCIAL SECURITY

Mr. MOYNIHAN. Mr. President, I rise today to introduce a joint resolution to declare 1985 "The Year of Social Security," to commemorate the 50th anniversary of the Social Security System. I am pleased to be joined by my distinguished friends and colleagues, the majority leader, Senator PACKWOOD, and Senators LEVIN, JOHNSTON, RIEGLE, BOREN, HEINZ, GLENN, BYRD, CHILES, BUMPERS, ROTH, INOUYE, LAUTENBERG, SARBANES, DECONCINI, CRANSTON, MATSUNAGA, SASSER, STEVENS, and PRYOR.

Fifty years ago, on January 17, 1935, Senator Robert F. Wagner of New York introduced the "Economic Security Act," S. 1130, based on recommendations from President Roosevelt's Committee on Economic Security. Seven months later, on August 14, 1935, President Roosevelt signed the Social Security Act, establishing the Nation's basic income security program to protect Americans from "the hazards and vicissitudes of life."

President Roosevelt recognized both the act's historic significance, and the fact it would be but a first step in providing social insurance for Americans. On signing the legislation, he said it "represents a cornerstone in a structure which is being built but is by no means complete."

In five decades since, this program has grown to provide some form of economic security, now or in the future, to 120 million Americans. Today, 25 million retired workers, some 4 million disabled workers, and more than 7 million surviving spouses are receiving Social Security benefits.

The swift passage of the Social Security Act of 1935 did not reflect, or ensure, its universal acceptance. In the first years following 1935, the act was challenged both in the courts and on the campaign trail. The courts, and the people, rallied to the act.

In 1937, the Supreme Court helped constitutionally both the old age benefit and the unemployment compensation features of the act. In Helvering versus Davis, Justice Benjamin N. Cardozo wrote,

> The hope behind this statute is to save men and women from the rigors of the poorhouse as well as from the haunting fear that such a lot awaits them when journey's end is near.

His words ring true today. Without these benefits, according to Census Bureau data, 14 million more Americans today would be living below the poverty line.

During the 1936 Presidential campaign, the President's opponents characterized Social Security as a "cruel hoax" and "a fraud on the workingman." A rumor campaign warned that workers would be required to wear metal "dog tags" around their necks, and that the Federal Government had plans to catalogue every aspect of every worker's personal life.

Just 10 days before the election—in what, I believe may have been the first direct mail campaign—many workers found in payroll envelopes the following warning:

> You're sentenced to a weekly pay reduction for all your working life. You'll have to serve the sentence unless you help reverse it November 3.

The fears of the 1936 campaign did not prove true, and Social Security quickly became a program supported and endorsed by Americans of all political parties.

The Social Security Act of 1935 provided benefits only for retirees, but eligibility was soon broadened. In 1939, before the first retirement benefit was paid, dependents and survivors were accepted as beneficiaries. Under President Dwight D. Eisenhower, in 1956, disabled workers began receiving Social Security checks. And in 1965, medical insurance for elderly and poor Americans became part of our basic economic security program. Social Security is a success, perhaps the greatest success of the 20th century Congress.

The system has dramatically reduced proverty among the Nation's elderly. In 1937, 3 years before the first check was distributed, two-thirds of all Americans 65 or older had no means of support except help from friends and relatives or private charities. Today, with Social Security, more than 85 percent of all elderly Americans have incomes above the poverty line.

These benefits are secure, the program is depended on; it works. The 1984 Report of the Social Security Trustees found that the benefits provided "under these programs can be paid well into the next century."

I should like to remind my colleagues that the Social Security Act of 1935 contained, in addition to the old-age benefits program and unemployment compensation program, three welfare assistance programs, vocational rehabilitation, and grants to States for Maternal and Child Health and Crippled Children's Services. In 1972, the grants to States for assistance to the needy aged and blind were incorporated into the Supplemental Security Income Program, providing a federally guaranteed income for needy blind, aged, and disabled Americans.

Title IV of the Social Security Act, now known as AFDC—Aid to Families with Dependent Children—continues to provide funds to States for assistance to needy children.

The 50th anniversary of the Social Security Act is a time to celebrate the principles of economic security embodied in the original act.

In so doing, let us reassure all Americans that the system is securely financed and one on which we all can depend.

I urge all my colleagues to join us in commemorating the 50th anniversary of the Social Security Act.

Mr. PACKWOOD. Mr. President, I am pleased to cosponsor this resolution calling on the President to declare 1985 as the "Year of Social Security." Fifty years ago this month the Economic Security Act was introduced. The legislation was signed into law on August 14, 1935, and the Social Security Program was established. Today, Social Security is the largest domestic program of the Government, dispensing almost $15 billion in benefit payments each month to some 36 million Americans, or 1 out of 7 in the Nation. Over 116 million workers pay Social Security taxes. Total expenditures for the program will exceed $200 billion this year.

Controversial at its inception, Social Security is now considered one of the most successful social programs of Government. Over the years, the program has been expanded to raise payment levels and to include new benefits. Coverage has been enlarged to include survivors and children. Retirement benefits alone were provided by the original Social Security Act of 1935, benefits for dependents and survivors by the 1939 amendments, benefits for the disabled by the 1956 amendments, and benefits for the dependents of disabled workers by the 1958 amendments. The Health Insurance Program, generally known as Medicare, became effective on July 1, 1966.

The most recent major legislation, the Social Security Amendments of 1983, demonstrated the strong bipartisan support that this program enjoys in the Congress and throughout the Nation. My colleagues will recall the serious financial difficulties which faced the Social Security cash benefit programs in the early 1980's. The system moved closer and closer to insolvency as proposals to balance outgo with income were subjected to harsh political attack.

The President responded by establishing a 15 member bipartisan commission to develop proposals for reform. The Congress responded by demonstrating the degree of cooperation and flexibility essential to the enactment of a responsible Social Security financing bill. That bill was signed by the President on April 20, 1983.

As a result of the decisions made by the President and Congress in 1983, taxpayers and beneficiaries alike can feel confidence in the short- and long-term viability of the Social Security System. Because elected officials do not underestimate the importance of the program to workers and to retirees, the sometimes tough steps which are necessary to preserve the system will be taken—now and in the future.

Declaring 1985 as the "Year of Social Security" demonstrates our commitment to this vast program—to the workers who support it and to the beneficiaries who rely upon it each month. We can all be proud of the role the program has played over the years in bringing prosperity and security to millions of our fellow citizens. We must all dedicate ourselves to preserving the system and its financial integrity for many more generations of Americans.

Over the next 50 years the Nation will have to accommodate a very large increase in the proportion of the population that is aged. It is vital that there be greater public understanding of how the system works, in order to encourage broader and more informed discussion of future policies. This anniversary commemoration will help to focus public attention on the program and its role in our society.

Let us join together to celebrate this important milestone—the 50th year of the Social Security Program.

Mr. BYRD. Mr. President, 50 years ago this coming August 14, a new and vitally important era in this Nation began when President Franklin D. Roosevelt signed into law the Social Security Act of 1935.

A few years after President Roosevelt signed that legislation, on January 31, 1940, Miss Ida Fuller of Vermont, received the first Social Security payment. Miss Fuller, who lived another 34 years until she died in 1975 at the age of 100, stated that Social Security had enabled her to meet the financial demands of those three and a half decades. It has been so for millions of other Americans.

Since that first payment, according to the historian of the Social Security Administration, well over 100 million Americans have received Social Security benefits.

Today, there is an unfortunate tendency among many, especially those who do not remember the days before the Social Security Act became law, to take this fundamental and important program for granted.

We should never forget, however, what Social Security meant to the people of the 1930's, people who previously had faced the prospect of old age without the dignity and financial security that Social Security provides. Upon signing the Social Security Act, President Roosevelt proclaimed that to millions of Americans Social Security was the fulfillment of "a hope of many years' standing." So proud and pleased was he with the program that he labeled it the "Cornerstone" of the New Deal.

Today, Social Security has become much more than that. It has become a "Cornerstone" of American society. In a study of the history and significance of Social Security, Dr. Wilbur Cohen, former Secretary of Health, Education, and Welfare, has written that "it is no exaggeration to say" that Social Security touches the life of every American citizen.

Social Security currently covers nearly 120 million American workers. The program provides retirement benefits, benefits to totally disabled workers, and benefits to the dependents of deceased workers. It currently is providing benefits to over 36 million of our fellow citizens. It protects 14 mil-

lion of those from what otherwise would be a life of poverty.

Social Security serves a vital economic function, lending stability to the incomes of the elderly. It is a vital symbol of the compassion of the United States for its senior citizens, for the disabled, and for the dependents of deceased workers. And it is plainly an essential, concrete form of income to all those who depend on it.

Today, the senior Senator from New York [Mr. MOYNIHAN] is introducing a joint resolution to designate 1985 as the "Year of Social Security." I can think of nothing more fitting than to proclaim this 50th anniversary of the program in that manner.

I welcome the opportunity to join as a cosponsor, and commend the Senator from New York for introducing this joint resolution.

By Mr. BRADLEY (for himself and Mr. DECONCINI):

S.J. Res. 24. Joint resolution to designate the month of October 1985 as "National Make-A-Wish Month;" to the Committee on the Judiciary.

NATIONAL MAKE-A-WISH MONTH

● Mr. BRADLEY. Mr. President, today Senator DECONCINI and I are introducing a joint resolution to designate the month of October 1985 as "National Make-A-Wish Month."

Our great Nation has been built upon the wishes and dreams of our ancestors, wishes and dreams which have, with time and hard work, been fulfilled. None would question that many of these ambitions, farfetched in their day, began as the wishes of children who, as they matured, worked hard to reach their personal, and collectively national, goals.

Thus it strikes us as a most grievous injustice that every year over 5,000 of our children lose their lives, and their opportunity to fulfill their dreams, to terminal illnesses. Although research institutions are working day and night to discover cures for these devastating diseases, too many children will not benefit from this research.

Fortunately, there is a nationwide, nonprofit organization which is dedicated to granting the wishes of terminally ill children in their compressed lifetimes. The Make-A-Wish Foundation has 40 chapters in 24 States across the country working against time to coordinate, plan, and finance today's wishes of children who may not have a tomorrow. Who can forget the joy of our Nation when in 1926 Babe Ruth hit three home runs for Johnny Sylvester, an 11-year-old who was dying of a spinal infection? It is that heart-warming joy that the Make-A-Wish Foundation seeks to multiply from coast to coast, across geographic and socioeconomic separations, to those in need of at least 1 bright day.

The memories of families who lose children to terminal illness are crowded with images of hospitals, painful treatments, and worries over medical bills. The Make-A-Wish Foundation works to brighten these memories by giving sick youngsters a dream come true and by helping the families share that happiness.

Thanks to the Make-A-Wish Foundation, in December 1983 we were cheered by the sight of 7-year-old Hodgkin's sufferer Amy Benham joining President Reagan to light the national Christmas tree. Living with her family in Weston, WA, Amy has been more fortunate than most, and we hope that her happiness will last for many holiday seasons.

I have been touched by participating in the activities of the Make-A-Wish Foundation in New Jersey. Being able to fulfill the wish of a terminally ill child and to see his happiness despite a long struggle against leukemia has been uniquely moving and fulfilling for me.

To see the smile of a young boy or girl experiencing his or her dream—whether to dance in a ballet, to ride on a fire truck, to watch a Bears game from the bench, or to be a policeman, bat boy, or Senator for a day—is to reaffirm a faith in human kindness.

Because so many of our children face shortened lifetimes and because the Make-A-Wish Foundation has been and will continue to be successful in brightening these youngsters' remaining days, it is appropriate that a resolution focus the Nation's attention on these children, in order that their wishes may be granted while there is time.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 24

Whereas over five-thousand children in the United States die from a terminal illness each year;

Whereas the Make-A-Wish Foundation has established forty chapters in twenty-four States across the country;

Whereas the Make-A-Wish Foundation is a nonprofit organization with a sole purpose of granting the wishes of children who are terminally ill;

Whereas families of such children do not have the luxury of time and frequently are not financially able to provide for a child's fondest wish;

Whereas a wish provides welcome respite during the time of heart-touching turmoil for a family;

Whereas many dedicated individuals and private organizations are working to grant the wishes of such children;

Whereas more contributions will be necessary to sustain the organization; and

Whereas it is appropriate to focus the attention of the Nation upon the wishes of such children in order that such wishes may be granted: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of October 1985 is designated "National Make-A-Wish Month" and the President is authorized and requested to issue a proclamation calling upon all government agencies, educational, philanthropic, scientific, medical, and health care organizations and professionals, and the people of the United States to observe such month with appropriate programs, ceremonies, and activities.●

ADDITIONAL COSPONSORS

S. 18

At the request of Mr. MOYNIHAN, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of S. 18, a bill to extend for 1 year the conditional ceiling on Federal matching for foster care and the temporary provision authorizing Federal matching for foster care maintenance payments for certain children voluntarily placed on foster care.

S. 27

At the request of Mr. MOYNIHAN, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. PRYOR], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 27, a bill to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands, and for other purposes.

S. 44

At the request of Mr. THURMOND, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 44, a bill to grant the consent of the Congress of the Southeast Interstate Low-Level Radioactive Waste Management Compact.

S. 51

At the request of Mr. STAFFORD, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 51, a bill to extend and amend the Comprehensive Environmental Response, Compensation and Liability Act of 1980, and for other purposes.

S. 68

At the request of Mr. PRYOR, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 68, a bill to prohibit the use of appropriated funds for the production of lethal binary chemical weapons; to express the sense of the Congress on achieving an international agreement to ban the production and stockpiling of chemical weapons; and to express the further sense of the Congress encouraging the improvement of defenses against the effects of the use of chemical weapons on the Armed Forces of the United States.

S. 104

At the request of Mr. THURMOND, the names of the Senator from Georgia [Mr. MATTINGLY], the Senator from Florida [Mr. CHILES], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Maryland [Mr. SARBANES], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 104, a bill to amend chapter 44, title 18, United States Code, to regulate the manufacture and importation of armor piercing bullets.

S. 193

At the request of Mr. SASSER, his name was added as a cosponsor of S. 193, a bill to authorize funds for the U.S. Travel and Tourism Administration.

S. 194

At the request of Mr. MOYNIHAN, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 194, a bill to identify, commemorate, and preserve the legacy of historic landscapes of Frederick Law Olmsted, and for other purposes.

S. 209

At the request of Mr. D'AMATO, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as a cosponsor of S. 209, a bill to amend chapter 37 of title 31, United States Code, to authorize contracts retaining private counsel to furnish collection services in the case of indebtedness owed the United States.

SENATE JOINT RESOLUTION 4

At the request of Mr. HATCH, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Ohio [Mr. METZENBAUM], the Senator from North Carolina [Mr. EAST], the Senator from California [Mr. CRANSTON], the Senator from Washington [Mr. GORTON], the Senator from Rhode Island [Mr. PELL], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Oklahoma [Mr. NICKLES], the Senator from South Dakota [Mr. ABDNOR], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Joint Resolution 4, a joint resolution to designate the week of March 24, 1985, through March 30, 1985, as "National Skin Cancer Prevention and Detection Week".

SENATE JOINT RESOLUTION 16

At the request of Mr. PRESSLER, the names of the Senator from South Dakota [Mr. ABDNOR], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Joint Resolution 16, a joint resolution expressing support for the Rural Electrification Administration.

SENATE CONCURRENT RESOLUTION 6—OPPOSING THE FORCED RELOCATION OF SOUTH AFRICAN BLACKS

Mr. GLENN submitted the following concurrent resolution, which was referred to the Committee on Foreign Relations:

S. CON. RES. 6

Whereas the sanctity of the family, individual liberty, maximum freedom of choice, ownership of private property, and equal treatment of all citizens, regardless of race, are principles which are fully supported by the American people;

Whereas the forced relocation of blacks by the Government of the Republic of South Africa to designated "homelands" divides families, as families are required to remain in the "homelands" while fathers seek work in the so-called "white areas";

Whereas the forced removal of persons living in so-called "black spots" in "white" rural areas in South Africa denies them the fundamental right to live and to farm on land they have legally occupied for years, and subjects them to arbitrary arrest and detention when they seek these rights;

Whereas, compared to "white" South Africa, the designated "homelands," which are meant to accommodate the largest South African population group on a fraction of South African territory and were established without the consent of the vast majority of the governed, are characterized by high rates of infant mortality, unemployment, and malnutrition and by a severe shortage of medical services;

Whereas the policy of the Government of the Republic of South Africa denies blacks their rightful claim to full South African citizenship; and

Whereas the recent violence in South Africa must be seen as an inevitable result of the denial of the full rights of citizenship: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the policy of separate development and the forced relocation of the people of the Government of the Republic of South Africa are inconsistent with fundamental American values and internationally recognized principles of human rights;

(2) the Government of the United States should continue to regard as citizens of South Africa all persons born within the internationally recognized boundaries of the Republic of South Africa, and not differentiate among these citizens on the basis of the South African Government's claim to have granted independence to various "homelands";

(3) at such times that any "homeland" official applies for a visa for travel to the United States, no such visa should be granted to such official unless such official holds a passport which is recognized as valid by the Government of the United States; and

(4) the Government of the United States should urge that the forced relocation of South African citizens be discontinued and that policies be adopted for all South Africa's citizens which protect the sanctity of the family, individual liberty, maximum freedom of choice, ownership of private property, and equal treatment of all citizens, regardless of race.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that he further transmit such copy to the Ambassador of the Republic of South Africa to the United States and to the Prime Minister of the Republic of South Africa.

Mr. GLENN. Mr. President, I today resubmit a measure which, although agreed to by the Senate last year, did not secure final House approval prior to adjournment. The subject of this concurrent resolution is South Africa's so-called homelands policy. I believe it is vitally important that we in the Congress speak out strongly and with a united voice against this noxious scheme of apartheid; thus, I have reintroduced this resolution today, hoping for expeditious approval by both Houses of the Congress.

The "homelands" policy is an integral part of the scheme known as apartheid. And let there be no mistake over what the purpose of apartheid really is. It is to deny citizenship and basic political rights to the entire black population of South Africa. Apartheid is among the most morally repugnant systems on the face of the Earth and it deserves our unqualified condemnation.

United States policy toward South Africa is deservedly receiving increased scrutiny today. During this session we will undoubtedly be debating at length the merits of "constructive engagement" and several proposed alternatives which would demonstrate concretely our distaste for apartheid and allow us to distance ourselves from the regime which enforces it. Today, however, I am offering a simple proposal on which I trust we can all agree: that the policy of separate development and the forced relocation of South African blacks to designated homelands is inconsistent with fundamental American values and internationally recognized principles of human rights and should cease. We have a responsibility to raise our voices in united protest over this blatant abuse of human rights and I hope my colleagues will join me in cause and conscience to reject and condemn South Africa's homelands policy.

SENATE RESOLUTION 42—RELATING TO THE KEEPING OF CERTAIN TAX RECORDS

Mr. MELCHER submitted the following resolution, which was referred to the Committee on Finance:

S. RES. 42

Resolved, That it is the sense of the Senate that, until such time as the Congress has an opportunity to fully review the provisions of section 274(d) of the Internal Revenue Code of 1954 (as added by the Tax Reform Act of 1984) requiring taxpayers to keep logs and other contemporaneous records regarding the use of certain property, the Secretary of Treasury shall not implement or enforce such provisions.

● Mr. MELCHER. Mr. President, I am introducing legislation today to make it the sense of the Senate that the In-

ternal Revenue Service should not require the maintenance of automobile mileage and expense logs in order to qualify for investment tax credits or accelerated depreciation for the business use of automobiles and other vehicles under 6,000 pounds, until such time as Congress has an opportunity to fully review these provisions.

The Internal Revenue Service has interpreted the language in the 1984 Tax Act dealing with contemporaneous records to mean that in order to qualify the purchase and use of a car or light truck for Federal income tax writeoffs beginning this year, a business must be able to prove through the maintenance of extensive daily or weekly logs, plus gas and oil receipts, that the vehicle is used half or more of the time for business.

Before these new regulations, the taxpayer could substantiate his or her mileage claims with less rigid evidence, as long as it was sufficient on a case-by-case basis to corroborate the claim of the taxpayer that the vehicle was being used for business purposes. Also, individual IRS agents had more leeway, using their own judgment in evaluating claims.

The new, tougher standards that were put in place January 1, 1985, require daily or at least weekly logs be kept, including auto expenses; the time, place and purpose of each trip, and the relationship of the person using the vehicle to the taxpayer. Failure to keep a log and receipts to prove the business use of the vehicle results in the deductions being automatically disallowed in an audit, with a penalty amounting to 5 percent of the amount the tax payment was lowered.

Farmers, ranchers, and small business people in Montana are outraged at this new burden of redtape. Ranchers have pointed out that in many cases these requirements are just plain confusing and impractical. For example, when a rancher's wife makes a trip to town for family groceries, normally it would be considered a personal use of the vehicle. However, if the trip also includes buying groceries to feed the ranch hands, picking up feed, or bringing home a part for machinery then it could well be considered a business trip.

In other cases, involving small business people, the sheer number of trips each day in the company vehicle makes the keeping of the paperwork involved with these logs a bigger job than the value of the tax writeoff.

In short, this new mileage logging requirement is just one more example where the 1984 Tax Act, or at least, the Internal Revenue Service's interpretation of it, has gone too far in adding more redtape to the already overburdened farmer, rancher, or small business person.

Legislation has been introduced in the Senate to repeal or modify the contemporaneous records language in the 1984 Tax Act. That will probably be done, given the outrage I have seen from most taxpayers, but it will take time for Congress to act on this issue. In the meantime, the Internal Revenue Service is moving ahead with requirements to keep these daily logs. I believe that the Senate should go on record at the earliest possible date in opposition to the IRS requirement to keep these logs. This resolution gives us the opportunity to do that and I urge my colleagues to join me in this effort.●

SENATE RESOLUTION 43—EXPRESSING APPRECIATION TO SENATOR TED STEVENS FOR HIS SERVICE TO THE SENATE AND AS ASSISTANT REPUBLICAN LEADER

Mr. MATTINGLY (for himself, Mr. DOLE, Mr. MURKOWSKI, Mr. SIMPSON, and Mr. SYMMS) submitted the following resolution, which was considered and agreed to:

S. RES. 43

Whereas the end of the Ninety-eighth Congress represented for Senator Ted Stevens the completion of eight years of service as the Assistant Republican Leader, including four years as the Assistant Minority Leader and four years as the Assistant Majority Leader;

Whereas as the Assistant Republican Leader, Ted Stevens was unrelenting in his devotion to principle, unfailingly performed his duties with courage and dedication, and consistently demonstrated the qualities of a true patriot;

Whereas Ted Stevens eloquently and effectively represented the unique interests of the State of Alaska as its senior Senator while simultaneously fulfilling his leadership role;

Whereas Ted Stevens discharged his responsibilities with adherence to the highest standards of conduct and in the best tradition of the Senate; and

Whereas Ted Stevens earned the confidence, admiration and respect of his fellow Senators: Now, therefore, be it

Resolved, That the Senate thanks Senator Ted Stevens for his service as the Assistant Republican Leader and expresses its appreciation for his contributions to the Republican Party and to the United States Senate.

SENATE RESOLUTION 44—RELATING TO LIMITATIONS OF DEBATE

Mr. FORD submitted the following resolution, which was referred to the Committee on Rules and Administration:

S. RES. 44

Resolved, That (a) paragraph 1 of rule XXII of the Standing Rules of the Senate is amended by inserting after

"To lay on the table"

the following:

"To adopt an agreement to limit further consideration of the pending business.".

(b) Rule XXII of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"3. (a) At any time after a measure or matter has been pending before the Senate not less than ten hours, it shall be in order for the Majority Leader, with the concurrence of the Minority Leader, to offer a motion to adopt an agreement to limit further consideration of the pending business. Such agreement may cover debate time limitations, amendments, germaneness, and other matters related to final disposition of the pending business. Debate on such motion shall be limited to two hours, equally divided between the Majority Leader and the Minority Leader, or their designees. Adoption of such motion shall require a vote of four-fifths of the members present and voting.

"(b) Upon adoption by the Senate of an agreement to limit further consideration of the pending business, any further consideration of the pending business shall be governed by the terms of the agreement, enforced by the Presiding Officer. Any appeal of a ruling of the Presiding Officer enforcing the terms of the agreement shall require an affirmative vote of two-thirds of the Senators present and voting to overturn the ruling.".

SENATE RESOLUTION 45—LIMITING TIME ON THE MOTION TO PROCEED

Mr. FORD submitted the following resolution, which was referred to the Committee on Rules and Administration:

S. RES. 45

Resolved, That rule VIII of the Standing Rules of the Senate is amended by inserting at the end thereof the following new paragraph:

"3. Debate on any motion to proceed to the consideration of any matter, other than an amendment to the rules, made at any time other than the morning hour shall be limited to two hours, to be equally divided between and controlled by the Majority Leader and Minority Leader or their designees, at the conclusion of which, without any intervening action, the Senate shall proceed to vote on the motion.".

SENATE RESOLUTION 46—RELATING TO GERMANENESS OR RELEVANCY OF AMENDMENTS

Mr. FORD submitted the following resolution, which was referred to the Committee on Rules and Administration:

Resolved, That rule XV of the Standing Rules of the Senate is amended—

(1) by inserting after "MOTIONS" in the caption a semicolon and the following: "GERMANENESS"; and

(2) by adding at the end thereof the following new paragraph:

"6. (a) At any time during the consideration of a bill or resolution, it shall twice be in order during a calendar day to move that no amendment, other than the reported committee amendments, which is not germane or relevant to the subject matter of the bill or resolution, or to the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall thereafter be in order. The motion shall be privileged and shall be decided after one hour of debate, without any intervening action, to be equally divided and

controlled by the Majority Leader and the Minority Leader or their designees.

"(b) If a motion made under subparagraph (a) is agreed to by an affirmative vote of three-fifths of the Senators present and voting, then any floor amendment not already agreed to (except amendments proposed by the committee which reported the bill or resolution) which is not germane or relevant to the subject matter of the bill or resolution, or the subject matter of an amendment proposed by the committee which reported the bill or resolution, shall not be in order.

"(c) When a motion made under subparagraph (a) has been agreed to as provided in subparagraph (b) with respect to a bill or resolution, points of order with respect to questions of germaneness or relevancy of amendments shall be decided without debate, except that the Presiding Officer may entertain debate for his own guidance prior to ruling on the point of order. Appeals from the decision of the Presiding Officer on such points of order shall be decided without debate.

"6. Whenever an appeal is taken from a decision of the Presiding Officer holding that an amendment is not germane, or whenever, the Presiding Officer submits the question of germaneness or relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officer or hold the amendment germane or relevant shall be two-thirds of the Senators present and voting.".

SENATE RESOLUTION 47—REQUIRING A TWO-THIRDS VOTE ON THE QUESTION OF GERMANENESS

Mr. FORD submitted the following resolution; which was referred to the Committee on Rules and Administration;

S. RES. 47

Resolved, That rule XV of the Standing Rules of the Senate is amended by adding at the end thereof the following:

"6. Whenever an appeal is taken from a decision of the Presiding Officer holding that an amendment is not germane, or whenever the Presiding Officer submits the question of germaneness or relevancy of an amendment to the Senate, the vote necessary to overturn the decision of the Presiding Officer or hold the amendment germane or relevant shall be two-thirds of the Senators present and voting.".

Mr. FORD. Mr. President, I am submitting today four resolutions proposing changes to the Senate's rules of procedure. Three of the resolutions are only slightly different from resolutions previously introduced by other Senators.

One, however, is essentially a new concept in dealing with the objective of expediting the consideration of bills without unduly reducing the traditional protections and rights accorded minority interests in the Senate. That resolution proposes, in effect, a modification of the practice of operating under unanimous consent agreements.

I have become convinced that strengthening the leadership and the majority in the Senate is the only way to avoid stalemate and obstruction, especially at the end of sessions, and on what we recognize as must legislation—such as debt limit and continuing appropriation resolutions. This resolution shifts the balance of power slightly to the leadership without denying a significant minority group of Senators adequate protection, not only to debate legislation, but to attempt to block it, if their numbers and their determination are sufficient.

Too often we have seen one, two, or just a handful of our colleagues delay or obstruct necessary action at the end of a session. They do this not because they are deeply opposed to the pending business, but because they want to use the leverage of the circumstances to tack on a pet provision of their own. Or they merely want to attract attention to a nongermane, and irrelevant, and highly controversial issue. In any event, the result is total frustration of the responsible efforts of a very substantial majority of the Senate.

The purpose of my resolution to allow limitation agreements to be negotiated by the two leaders, and adopted by a premium four-fifths vote of the Senators present and voting, is to arm the leaders with the power needed to prevent such obstruction and delay.

Requiring unanimous consent for such limitation agreements permits one Member to tie the Senate in almost unremovable knots. By adopting a rule which would require a more substantial minority to prevent reasonable limitations on further consideration of pending bills will release the Senate from this kind of bondage. It will, I hope, enable us to proceed with the Senate's essential business in an orderly and reasonably expeditious manner.

It is my belief that if we adopt such a rule, it will seldom be necessary to use it. Knowing the leadership has this course of action available will make most individual dissenting Senators amenable to regular procedure and reasonable debate. If a limitation agreement does become necessary, it is most likely dissenting Senators will accept the traditional unanimous-consent agreements by which much of the Senate's business is now dispatched.

Making this procedure available only with a massive premium majority vote—80 percent—and much larger than the vote required for cloture, will insure its use only when the conditions are reasonable, fair, and in accord with the wishes of almost all of the Members of the Senate.

The other three resolutions introduced deal with more familiar matter. One would limit debate on a motion to proceed to 2 hours, except on motions to consider amendments to the rules.

The other two resolutions deal with efforts to improve the Senate's ability to insist upon germaneness and relevancy under appropriate conditions. These are similar to recommendations made by the Quayle select committee, and contained in resolutions introduced by the Democratic leader, Senate BYRD, and by Senator STEVENS, and others. The principal difference is that on appeals from rulings by the Chair my proposal requires a premium majority vote of two-thirds to overrule the Chair only when its ruling has been that an amendment is not germane or is not relevant.

Mr. President, I believe the changes proposed in my resolutions are needed. I believe they are reasonable and fair to all. They will not alter the basic balance of power in the Senate between majority and minority, between leaders and individual Senators, and they will not reduce, but rather I believe enhance, the amount of serious and constructive debate and deliberation in the Senate.

The Founding Fathers consciously designed the Senate to be more deliberative and less speedy than the House of Representatives. I believe it is possible to make the Senate more effective without destroying its role as the slower, more deliberative House of Congress. In fact, we will strengthen that concept and that role by making the Senate somewhat more able to do its essential business without excessive delay brought about by a tiny minority of its membership.

The resolutions I am submitting would improve the operation of the Senate making any fundamental change in its character and nature. I hope the Rules Committee will give serious and prompt consideration to them—report them to the Senate, and I hope the Senate will adopt them.

AMENDMENTS SUBMITTED

SUPERFUND IMPROVEMENT ACT OF 1985

STAFFORD AMENDMENT NO. 7

(Ordered referred to the Committee on Environment and Public Works.)

Mr. STAFFORD submitted an amendment intended to be proposed by him to the bill (S. 51) to extend and amend the Comprehensive Environmental Response, Compensation and Liability Act of 1980, and for other purposes; as follows:

S. 51, the Superfund Improvement Act of 1985, is amended by adding a new title at the end thereof as follows:

"TITLE II

SEC. 201. TAX ON PETROLEUM.

(a) INCREASE IN TAX.—Subsections (a) and (b) of section 4611 of the Internal Revenue Code of 1954 (relating to environmental tax on petroleum) are each amended by striking out "0.79 cent" and inserting in lieu thereof "4.5 cents".

(b) TERMINATION OF TAX.—

(1) Subsection (d) of section 4611 of such Code (relating to termination) is amended to read as follows:

"(d) TERMINATION.—The tax imposed by this section shall not apply after the earlier of—

"(1) September 30, 1990, or

"(2) the date on which the Secretary, in the manner prescribed by regulations, reasonably estimates that the sum of the amounts received in the Treasury of the United States by reason of the taxes imposed by this section and sections 4661, 4691, and 4696 will equal $6,470,000,000.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1985.

SEC. 202. INCREASE IN TAX ON CERTAIN CHEMICALS.

(a) INCREASE IN RATE OF TAX; ADDITIONAL CHEMICALS TAXED.—Subsection (b) of section 4661 of the Internal Revenue Code of 1954 (relating to amount of tax imposed on certain chemicals) is amended by striking out the table contained in such subsection and inserting in lieu thereof the following:

"In the case of:	The tax (before any inflation adjustment) is the following amount per ton:	
	Sales during 1985	Sales after 1985
Organic Chemicals:		
Acetylene	8.83	10.23
Benzene	6.60	8.80
Butadiene	9.79	10.23
Butane	4.87	5.60
Butylene	5.15	6.87
Ethylene	6.89	9.19
Methane	3.44	3.44
Naphthalene	6.89	9.19
Propylene	5.87	7.82
Toluene	5.19	6.92
Xylene	7.70	10.23
Inorganic Chemicals:		
Ammonia	2.64	3.52
Antimony	9.34	9.34
Antimony trioxide	7.87	7.88
Arsenic	9.34	9.34
Arsenic trioxide	7.16	7.16
Barium sulfide	4.83	4.83
Bromine	9.34	9.34
Cadmium	9.34	9.34
Chlorine	3.05	4.07
Chromite	1.52	1.52
Chromium	9.34	9.34
Cobalt	9.34	9.34
Cupric oxide	7.54	7.54
Cupric sulfate	3.93	3.93
Cuprous oxide	8.34	8.34
Hydrochloric acid	0.61	0.61
Hydrogen fluoride	8.88	8.88
Lead	8.27	11.03
Mercury	9.34	9.34
Nickel	9.34	9.34
Nitric acid	0.50	0.50
Phosphorus	9.34	9.34
Potassium dichromate	3.55	3.55
Potassium hydroxide	0.46	0.46
Sodium dichromate	3.93	3.93
Sodium hydroxide	0.59	0.59
Stannic chloride	4.45	4.45
Stannous chloride	5.98	5.98
Sulfuric acid	0.55	0.55
Zinc chloride	4.66	4.66
Zinc sulfate	3.99	3.99

"In the case of:	The tax is the following amount per ton:
Other Organic or Inorganic Substances:	
Aceton	$8.64
Barium	0.81
Bis (2-ethylhexyl) phthalate	8.64
Carbon tetrachloride	8.43
Chlorobenzene	27.66
Chloroform	25.93
1,2-Dichloroethane	4.54
Ethylbenzene	27.33
Methylene chloride	21.61
Methyl ethyl ketone	14.26
Pentachlorophenol	28.59
Phenol	44.95
1,1,2,2-Tetrachloroethane	6.05
1,1,2,2-Tetrachloroethene	21.18
Trichloroethylene	60.51
1,1,1-Trichloroethane	39.33
Vinylchloride	11.24

(b) INFLATION ADJUSTMENTS IN AMOUNT OF TAX.—Section 4661 of such Code is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) INFLATION ADJUSTMENTS IN AMOUNT OF TAX.—

"(1) IN GENERAL.—In the case of any taxable chemical sold in a calendar year after 1985 the amount of the tax imposed by subsection (a) shall be the amount determined under subsection (b) increased by the applicable inflation adjustment for such calendar year.

"(2) APPLICABLE INFLATION ADJUSTMENT.—

"(A) IN GENERAL.—In the case of a taxable chemical, the applicable inflation adjustment for the calendar year is the percentage (if any) by which—

"(i) the applicable price index for the preceding calendar year, exceeds

"(ii) the applicable price index for 1984.

"(B) APPLICABLE PRICE INDEX.—For purposes of subparagraph (A), the applicable price index for any calendar year is the average for the months in the 12-month period ending on September 30 of such calendar year of—

"(i) in the case of organic substances, the producer price index for basic organic chemicals as published by the Secretary of Labor, or

"(ii) in the case of inorganic substances, the producer price index for basic inorganic chemicals as published by the Secretary of Labor.

"(3) ROUNDING.—If any increase determined under paragraph (1) is not a multiple of 1 cent, such increase shall be rounded to the nearest multiple of 1 cent (or if the increase determined under paragraph (1) is a multiple of ½ of 1 cent, such increase shall be increased to the next higher multiple of 1 cent).".

"(c) EXEMPTION FOR EXPORTS OF TAXABLE CHEMICALS.—

"(1) Section 4662 of such Code (relating to definitions and special rules) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) EXEMPTION FOR EXPORTS OF TAXABLE CHEMICALS.—

"(1) TAX-FREE SALES.—

"(A) IN GENERAL.—No tax shall be imposed under section 4661 on the sale by the manufacturer or producer of any taxable chemical for export, or for resale by the purchaser to a second purchaser for export.

"(B) PROOF OF EXPORT REQUIRED.—Rules similar to the rules of section 4221(b) shall apply for purposes of subparagraph (A).

"(2) CREDIT OR REFUND WHERE TAX PAID.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if—

"(i) tax under section 4661 was paid with respect to any taxable chemical, and

"(ii) such chemical was exported by any person. Credit or refund (without interest) of such tax shall be allowed or made to the person who paid such tax.

"(B) CONDITION TO ALLOWANCE.—No credit or refund shall be allowed or made under subparagraph (A) unless the person who paid the tax establishes that he—

"(i) has repaid or agreed to repay the amount of the tax to the person who exported the taxable chemical, or

"(ii) has obtained the written consent of such exporter to the allowance of the credit or the making of the refund.

"(3) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection."

(2) Paragraph (1) of section 4662(d) of such Code (relating to refund or credit for certain uses) is amended—

(A) by striking out "the sale of which by such person would be taxable under such section" and inserting in lieu thereof "which is a taxable chemical", and

(B) by striking out "imposed by such section on the other substance manufactured or produced" and inserting in lieu thereof "Imposed by such section on the other substance manufactured or produced (or which would have been imposed by such section on such other substance but for subsection (e) of this section)".

(d) EXEMPTION FOR SUBSTANCES USED IN THE PRODUCTION OF ANIMAL FEED.—

(1) IN GENERAL.—Subsection (b) of section 4662 of the Internal Revenue Code of 1954 (relating to definitions and special rules with respect to the tax on certain chemicals) is amended by adding at the end thereof the following paragraph:

"(7) SUBSTANCES USED IN THE PRODUCTION OF ANIMAL FEED.—

"(A) IN GENERAL.—In the case of nitric acid, sulfuric acid, phosphoric acid, ammonia, or methane used to produce ammonia, which is a qualified animal feed substance, no tax shall be imposed under section 4661(a).

"(B) QUALIFIED ANIMAL FEED SUBSTANCE.—For purposes of this section, the term 'qualified animal feed substance' means any substance—

"(1) used in a qualified animal feed use by the manufacturer, producer, or importer,

"(ii) sold for use by any purchaser in a qualified animal feed use, or

"(iii) sold for resale by any purchaser for use, or resale for ultimate use, in a qualified animal feed use.

"(C) QUALIFIED ANIMAL FEED USE.—The term qualified animal feed use means any use in the manufacture or production of animal feed or animal feed supplements, or of ingredients used in animal feed or animal feed supplements.

"(D) TAXATION OF NONQUALIFIED SALE OR USE.—For purposes of section 4661(a), if no tax was imposed by such section on the sale or use of any chemical by reason of subparagraph (A), the first person who sells or uses such chemical other than in a sale or use described in subparagraph (A) shall be treated as the manufacturer of such chemical.".

(2) REFUND OR CREDIT FOR SUBSTANCES USED IN THE PRODUCTION OF ANIMAL FEED.—Subsection (d) of section 4662 of such Code (relating to refunds and credits with respect to the tax on certain chemicals) is amended by adding at the end thereof the following new paragraph:

"(4) USE IN THE PRODUCTION OF ANIMAL FEED.—Under regulations prescribed by the Secretary if—

"(A) a tax under section 4661 was paid with respect to nitric acid, sulfuric acid, phosphoric acid, ammonia, or methane used to produce ammonia, without regard to subsection (d)(7), and

"(B) any person uses such substance as a qualified animal feed substance.

then an amount equal to the excess of the tax so paid over the tax determined with regard to subsection (b)(7) shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by this section.".

"(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect on January 1, 1985.

(2) The amendments made by subsection (d) shall take effect on the date of enactment of this Act.

ENVIRONMENTAL TOXICS TAX

SEC. 203. Tax on Hazardous Pollutants.

(a) IN GENERAL.—Chapter 38 of the Internal Revenue Code of 1954 is amended by adding the following new subchapter:

"SUBCHAPTER E—TAX ON THE RELEASE OF HAZARDOUS SUBSTANCES AND DISPOSAL OF HAZARDOUS WASTES.

"Section 4691. Imposition of Tax.
"Section 4692. Definitions.
"Section 4693. Records, Statements and Returns.

"SEC. 4691. IMPOSITION OF TAX.

"(a) GENERAL RULE—There is hereby imposed a tax on—

"(1) the release of any hazardous substance, and

"(2) the receipt of a hazardous waste for disposal at a hazardous waste disposal facility.

"(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be equal to the following:

"(1) $150 for each ton of hazardous waste which is disposed of by landfill, surface impoundment or in waste piles;

"(2) $75 for each ton of a hazardous substance released in compliance with a federally permitted release;

"(3) $150 for each ton of a hazardous substance released in any other way.

"(c) ALTERNATIVE COMPUTATION OF TAX.—Under regulations provided by the Secretary, if the owner or operator of a hazardous waste disposal or hazardous substance handling facility can establish the amount of water of the hazardous waste or substance deposited or released, then such owner or operator may elect to pay, in lieu of the taxes which would otherwise be paid under this section, a tax reduced by the weight of water.

"(d) EXCLUSION FOR CERTAIN WASTES.—No tax shall be imposed under subsection (a) on any of the following:

"(1) The disposal of wastes which are, as of the date of enactment of this section, exempt from regulation as a hazardous waste under Section 3001 of the Solid Waste Disposal Act. In the event that any such waste is determined by the Administrator of the Environmental Protection Agency, following studies as required under section 8002 of such Act, to pose a potential danger to human health and environment, and the Administrtor of the Environmental Protection Agency promulgates regulations for the disposal of such waste, then the Administrator shall transmit to both Houses of Congress, along with such regulations, his recommendation for imposing a tax, if any, on the disposal or long-term storage of such waste. A tax shall be imposed under subsection (a) on such waste only when authorized by Act of Congress.

"(2) The disposal of—

"(A) any waste by any person in the course of carrying out any removal or remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 if such disposal is carried out in accordance with a plan approved by the Administrator of the Environmental Protection Agency or the State, or

"(B) any waste removed from any facility listed on the National Priorities List (NPL).

"(e) LIABILITY FOR THE TAX.—The Tax imposed by this section shall be imposed on the owner or operator of the hazardous waste disposal facility or hazardous substance handling or treatment facility at which the hazardous waste is disposed of or released.

"(f) CREDIT FOR PRIOR TAX.—

"(1) IN GENERAL.—A credit shall be allowed in the computation of any tax due under this section on the disposal of a hazardous waste for any tax previously paid under this section by the disposer on the long-term storage of such hazardous waste.

"(2) LONG-TERM STORAGE.—In the event that a person who has paid a tax under this section on the long-term storage of a hazardous waste causes such hazardous waste to be delivered to and received by another person who is the owner or operator of a qualified hazardous waste disposal facility, then such person who paid the tax on the long-term storage shall be allowed a credit for such tax in the computation of any tax subsequently due on the long-term storage or disposal of a hazardous waste.

"(3) SPECIAL RULE OF FUNGIBLE WASTE.—For purposes of determining any credit allowances for fungible waste under the provisions of paragraphs (1) and (2), it shall be presumed that the last of such waste placed in a qualified hazardous waste storage facility shall be the first to be removed from such facility.

"(g) FRACTIONAL PART OF TON.—In the case of a fraction of a ton, the tax imposed by this section shall be the same fraction of the amount of such tax imposed on a whole ton.

"(h) PROSPECTIVE APPLICATION OF TAX.—Any taxes imposed by this section shall not apply to the hazardous waste which is received for disposal or hazardous substances received for release before the effective date of this section.

"Sec. 4692. Definitions.

"(a) DEFINITIONS.—For purposes of this subchapter—

"(1) DISPOSAL.—The term 'disposal' means the discharge, deposit, injection, dumping or placing of any hazardous waste into or on any land, air or water so that such hazardous waste may enter the environment.

"(2) WASTE PILE.—The term 'waste pile' is a quantity of hazardous waste heaped together as a means of storage as defined under regulations promulgated by the Administrator of the Environmental Protection Agency pursuant to section 3005 of the Solid Waste Disposal Act.

"(3) SURFACE IMPOUNDMENT.—The term 'surface impoundment' is an impoundment in which quantities of hazardous wastes are collected as a means of storage as defined under regulations promulgated by the Administrator of the Environmental Protection Agency pursuant to section 3005 of the Solid Waste Disposal Act.

"(4) HAZARDOUS WASTE DISPOSAL FACILITY.—The term 'hazardous waste disposal facility' means any disposal facility with respect to which a permit is issued or interim status accorded under section 3005 of the Solid Waste Disposal Act.

"(5) HAZARDOUS WASTE.—The term 'hazardous waste' means any waste:

"(A) identified or listed under section 3001 of the Solid Waste Disposal Act, other than waste the regulation of which has been suspended by Act of Congress, and

"(B) subject to the recording or recordkeeping requirements of section 3002 and 3004 of such Act.

"(6) TON.—The term 'ton' means 2000 pounds.

"(7) RECEIPT.—The term 'receipt' means the act of the owner or operator of a qualified hazardous waste disposal facility by which such owner or operator, at an offsite facility, signs, or is required by regulation to sign, the manifest or shipping paper accompanying the hazardous waste, or at an onsite facility, enters, or is required to do so by regulation, the description and quantity of the hazardous waste in the qualified hazardous waste disposal facility operating record.

"(8) the terms 'release', 'hazardous substance', and 'environment' shall have the meaning assigned to them by the Comprehensive Response, Compensation and Liability Act of 1980.

"Sec. 4693. Records, Statements, and Returns.

"Every person who disposes of, or stores hazardous wastes for one year or more subject to taxation under this subchapter shall keep records, render such statements, make such returns, and comply with rules and regulations as the Secretary may prescribe to ensure proper assessment, payment, and collection of the taxes imposed by section 4691. The Secretary shall consult with the Administrator of the Environmental Protection Agency to assure that records, statements, and returns required to be kept, rendered, and made under this section shall be consistent, to the extent possible, with the reports required to be submitted to the Administrator under the Solid Waste Disposal Act. The Secretary may require any person who generates, transports, disposes of, or stores hazardous wastes, for one year or more, or who releases hazardous substances, and who is required to maintain records under the Solid Waste Disposal Act, the Marine Protection, Research and Sanctuaries Act, the Clean Air Act, the Clean Water Act, the Atomic Energy Act, the Uranium Mill Tailings Radiation Control Act, the Toxic Substances Control Act, or the Safe Drinking Water Act, to submit copies of such reports available to the Secretary as required.".

(b) CONFORMING AMENDMENTS.—

(1) The table of subchapters for chapter 38 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new item:

"SUBCHAPTER D—TAX ON DISPOSAL OF HAZARDOUS WASTE OR RELEASE HAZARDOUS SUBSTANCES.".

(2) Section 221(b)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 is amended by striking out "and" at the end of subparagraph (D), by striking out the period at the end of subparagraph (E) and inserting a comma and "and", and by adding a new subparagraph as follows:

"(F) the amounts received in the Treasury under section 4691 of the Internal Revenue Code of 1954.".

(c) STUDY.—

(1) IN GENERAL.—Not later than January 1, 1987, and annually thereafter through 1989, the Secretary of the Treasury, in consultation with the Administrator of the Environmental Protection Agency, shall submit to the Congress a report on the amount of rev-

enues being collected in accordance with subchapter D of chapter 38 of the Internal Revenue Code of 1954 and his recommendations, if any, for changes in the tax imposed under such subchapter in order to—

(A) raise an amount of revenue equivalent to the anticipated amount of revenue from the tax originally imposed under such subchapter,

(B) assure that the tax is discouraging the release of hazardous substances in an environmentally unsound manner, and

(C) assure that the tax is being collected with maximum administrative feasibility.

(2) ADDITION OF CERTAIN SUBSTANCES.—The Secretary of the Treasury shall also study, and recommend to the Congress whether releases of the following should be subject to tax under subchapter D of chapter 38 of such Code:

(A) Pesticides identified for a rebuttable presumption against registration under the Federal Insecticide, Fungicide, and Rodenticide Act.

(B) Chemicals which, according to the International Agency for Research on Cancer, have substantial evidence of carcinogenicity.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on January 1, 1986.

CORPORATE TAX ON NET RECEIPTS

Sec. 204. Corporate Tax on Net Receipts.

(a) IN GENERAL.—Chapter 38 of the Internal Revenue Code of 1954 (relating to environmental taxes) is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER E—TAX ON CORPORATE NET PROFITS

"Sec. 4696. Environmental Net Profits Tax

"(a) GENERAL RULE.—There is hereby imposed on each corporation a tax equal to .014 percent of the taxable net receipts of such corporation for the taxable year.

"(b) TAXABLE NET RECEIPTS.—For purposes of this section—

"(1) IN GENERAL.—The term 'taxable net receipts' means the excess (if any) of—

"(A) the gross receipts of the taxpayer for any taxable year over

"(B) the sum of—

"(i) the costs of goods sold by the taxpayer for such taxable year, plus

"(ii) $75,000,000.

"(2) AGGREGATION OF CONTROLLED GROUPS.—

"(A) IN GENERAL.—For purposes of this section, all members of the same controlled group of corporations shall be treated as one taxpayer.

"(B) OTHER GROUPS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, a rule similar to the rule of subparagraph (A) shall apply to trades or businesses (whether or not incorporated) which are under common control.

"(C) CONTROLLED GROUP DEFINED.—For purposes of this paragraph, the term 'controlled group of corporations' has the meaning given such term by section 1563(a), except that—

"(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

"(ii) the determination shall be made without regard to subsections (a)(4) and (e)(3)(C) of section 1563.

"(c) SPECIAL RULE FOR TAX-EXEMPT ORGANIZATIONS.—In the case of any taxpayer which is exempt from tax under section 501(a), taxable net receipts shall be computed only by reference to the unrelated business taxable income (within the meaning of section 512) of the taxpayer.

"(d) TERMINATION.—No tax shall be imposed under this section for taxable years beginning after December 31, 1990.".

(b) ALLOCATION OF REVENUES TO TRUST FUND.—Section 221(b)(1) of the Comprehensive, Environmental Response, Compensation and Liability Act of 1980, as amended by part III, is amended by striking out "and" at the end of subparagraph (E), by striking out the period at the end of subparagraph (F) and inserting in lieu thereof ", and", and by adding at the end thereof the following new subparagraph:

"(G) the amounts received in the Treasury under section 4696 of the Internal Revenue Code of 1954.".

(c) CONFORMING AMENDMENT.—The table of subchapters for chapter 38 is amended by adding at the end thereof the following new item:

"SUBCHAPTER E—TAX ON CORPORATE NET PROFITS".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1985.

STUDY OF IMPORTS OF CERTAIN CHEMICALS

Sec. 205. Study on Imported Derivatives.

(a) GENERAL RULE.—

(1) The Secretary of the Treasury shall conduct a study on (A) the economic effects of the tax imposed by section 4661 of the Internal Revenue Code of 1954, and (B) the feasibility and desirability of imposing a tax on imported derivative of substances subject to the tax imposed by section 4661. Such study shall develop the methodology for selecting the list of substances and shall list the substances which would be subject to the tax referred to in subparagraph (B) and their corresponding item numbers in the Tariff Schedules of the United States.

(2) The U.S. International Trade Commission should conduct a study on (A) the trade effects of the tax imposed by section 4661 with and without the tax on derivatives; and (B) the means of making such a tax on derivatives compatible with current international trade agreements.

(b) REPORT.—

(1) Not later than March 1, 1985, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the list of substances (and corresponding item numbers in the Tariff Schedules of the United States) prepared as part of the study conducted under subsection (a)(1). Not later than June 1, 1985, the Secretary of the Treasury shall submit the report on the study conducted under subsection (a)(1).

(2) The Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate its report on the study conducted under (a)(2) within four months from the date of receipt of the Secretary of Treasury's list of substances provided for in paragraph (1), but not before June 1, 1985.

Mr. STAFFORD. Mr. President, on January 3, I submitted an amendment that added a tax title to S. 51, the Superfund Improvement Act of 1985. Two pages of text were inadvertently dropped from the amendment.

I am today submitting a new amendment which contains the omitted text and is thus merely a corrected version of the amendment introduced earlier.

I ask unanimous consent that the text of the corrected amendment be printed.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, January 24, 1985, at 10:30 a.m., in SR-301, to receive testimony from Senator ROBERT C. BYRD, the minority leader, on recommendations regarding changes to Senate rules and the Senate committee system.

For further information, please contact Carole Blessington of the Rules Committee staff on extension No. 40278.

ADDITIONAL STATEMENTS

STATUS REPORT ON THE BUDGET

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate a status report on the budget for fiscal year 1985 pursuant to section 311 of the Congressional Budget Act.

This report summarizes the 1985 current levels of budget authority, outlays, and revenues as the 99th Congress begins its first session.

The material follows:

REPORT TO THE PRESIDENT OF THE U.S. SENATE FROM THE COMMITTEE ON THE BUDGET, STATUS OF THE FISCAL YEAR 1985 CONGRESSIONAL BUDGET, ADOPTED IN HOUSE CONCURRENT RESOLUTION 280—REFLECTING COMPLETED ACTION AS OF JANUARY 8, 1985

[In millions of dollars]

	Budget authority	Outlays	Revenues
Budget resolution level	1,021,350	932,050	750,900
Current level	1,015,029	932,836	750,739
Amount remaining	6,321	0	0

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and which exceeds $6,321 million for fiscal year 1985, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 280 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and which would result in outlays exceeding $0 million for fiscal year 1985, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 280 to be exceeded.

REVENUES

Any measure that would result in revenue loss exceeding $0 million for fiscal year 1985, if adopted and enacted, would cause revenues to be less than the appropriate

level for that year as set forth in H. Con. Res. 280.●

THE BOMBING ARRESTS

● Mr. ABDNOR. Mr. President, on Saturday, January 19, 1985, special agents of the Bureau of Alcohol, Tobacco, and Firearms arrested three men in connection with the bombing of eight abortion clinics and related facilities in the Washington, DC, Maryland, and Virginia areas. There was a lot of publicity, a lot of priase for the fine investigative work of the men and women who are ATF.

That praise is highly appropriate—the investigation was brilliantly conducted by this very experienced superbly equipped law enforcement agency.

However, such praise is not something that ATF is used to. Although recognized for many years by the Nation's law enforcement community as the premiere bombing and arson investigators in the Federal Government, the public knows little of its skills and its successes. Until the outcry attendant to the clinic bombings, the media has largely chosen to ignore ATF's effectiveness.

In the area of bombing and arson investigation, ATF is the equivalent of a domestic rapid deployment force. With its crack national response teams strategically located throughout the country, ATF is always ready to anticipate or react to such mindless, cowardly crimes of violence.

In 1984, ATF investigated in excess of 1,500 bombing and arson incidents nationwide. In such investigations, ATF enjoys a solution rate far superior to that of any other law enforcement agency in this land.

Nor is ATF's skill limited to explosives crimes. In its other major jurisdictional areas—alcohol excise tax, firearms regulation, and interstate cigarette smuggling, to name a few—ATF is more than just good, it is the best. I urge my colleagues to join me in commending the Bureau of Alcohol, Tobacco, and Firearms.

I ask that an editorial praising ATF's efforts be printed in the RECORD.

The editorial follows:

[From the Washington Post, Jan. 22, 1985]

THE BOMBING ARRESTS

They may not be as well known as the FBI or as frequently the subject of myth and movies, but the men and women of the Bureau of Alcohol, Tobacco and Firearms deserve a lot of credit. They are the explosives experts of the federal law-enforcement agencies, and they have had primary responsibility for solving the abortion-clinic bombing cases. In a little more than two years, they have solved an impressive 20 of the 31 crimes; some of those convicted are already serving prison terms as long as 20 years.

Arrests made over the weekend involve eight bombings in Washington, Maryland and Virginia. The cases were solved not by tips, confessions or informers but by classic and difficult police work. A single fingerprint on a piece of tape used in a bomb and a hair on another were starting points. Bureau agents then traced all local sales of chemicals and carbon dioxide cylinders. They compared handwriting samples on receipts and worked with sales clerks to develop a composite drawing of one of the suspects. Little by little, through hard work and brainpower, they built a case based on physical evidence.

Federal officials have maintained all along that there was no indication of nationwide conspiracy in these cases, and the bureau director, Stephen Higgins, reiterated that position Saturday. Arrests and convictions obtained so far lead to the conclusion that small groups of fanatics in separate geographic areas are responsible for the bombings. Lawyers at the American Civil Liberties Union—whose Washington office was bombed—have expressed agreement with FBI Director William Webster, who refused, on the basis of the evidence, to take over the investigation of these cases and to elevate them to the status of a national conspiracy.

It is always wise to think twice before characterizing crimes as acts of a national terrorist operations, for broad inquiries in politically sensitive areas run the risk of going beyond the specific acts of violence that break the law. The fine work of the bureau in finding particular individuals and charging them with specific crimes is convincing evidence that good criminal investigators don't need broad theories and sweeping powers to find the bombers.●

UKRAINIAN INDEPENDENCE DAY

● Mr. BRADLEY. Mr. President, I am honored to join with many of my colleagues in the U.S. Senate to pay tribute to the brave Ukrainian people on the occasion of the 67th anniversary of Ukrainian independence. On this day of celebration, I applaud the Ukrainian people in their struggle for freedom, human rights, and national independence.

Although the Ukrainian National Republic endured only 3 years after the January 22, 1918, declaration of freedom, the Ukrainian love of freedom has not been diminished. It is as prevalent in the hearts of Ukrainians today as it was before the Soviet takeover in 1921. Over the past 67 years, the Ukrainian people have suffered almost insurmountable deprivation and degradation, yet the Soviet regime's efforts to deprive the Ukrainian people of their identity, culture, and religious traditions have not extinguished the strong Ukrainian spirit.

Although the hardships endured by the Ukrainian people are many, the Soviet-induced famine of 1932 is one that deserves our attention. The world knows little about this catastrophe, but only one recorded famine has claimed more lives. What makes this famine unique is not its magnitude, but the fact that it resulted from man-made causes.

The Soviet Union, led by Stalin, artificially created this famine to crush the Ukrainian people and break their independent spirit and strong sense of nationalism. The Soviets seized and exported the bulk of the Ukrainian grain crop of 1932-33 and even established border patrols to prevent food from coming into the Ukraine. These actions led to mass starvation which the Soviet Government has taken great pains to conceal. To this day, the Soviet Government continues to deny that this tragedy ever took place. It is my sincere desire that the legislation passed by this body in the closing days of the 98th Congress to create a commission to study this famine will preserve the memory of those who died by giving this forgotten holocaust a secure place in history.

Even today, citizens of the Ukraine are subject to persecution in their quest for freedom and human dignity. All 35 members of the Ukrainian Public Group To Promote the Implementation of the Helsinki Accords have been arrested, deported, or have died in forced labor camps. In an attempt to stamp out religious expression, numerous churches have been destroyed and the clergy operates under constant fear of repression.

Despite the attempts of the Soviet Union to dominate the Ukraine, their national spirit thrives. They are a people who are not willing to submit to their powerful adversary. We, as a Nation, must not forget our struggle for freedom, and on this day of recognition, let us rededicate ourselves to the cause of freedom as we support those who are now speaking out against oppression. I join my colleagues in praising the spirit of the Ukrainian people and speaking out against the deplorable human rights violations inflicted on these courageous people in their quest for freedom and human dignity.●

SIXTY-SEVENTH ANNIVERSARY OF THE PROCLAMATION OF INDEPENDENCE OF UKRAINE

● Mr. ANDREWS. Mr. President, today marks the 67th anniversary of the Proclamation of Independence of Ukraine. The North Dakota branch of the Ukrainian Congress Committee of America, Inc. [UCCA] has been very active in working for the freedom of the Ukrainian people. I ask to have printed in the RECORD a letter from the North Dakota UCCA marking this occasion.

The letter follows:

DEAR SENATOR ANDREWS, On January 22 Ukrainian people in the free world will celebrate the 67th anniversary of the Proclamation of Independence of Ukraine. This proclamation was made in Kiev, the capital of Ukraine, on January 22, 1918.

Following this declaration, the sovereign state of Ukraine struggled for three years against the Russian Bolsheviks. They succumbed to the aggressor who established in

Ukraine a communist government known as the Ukrainian Soviet Socialist Republic.

Under the Communist rule, millions of Ukrainians have been annihilated. In 1983, Ukrainians in the free world called attention to the 50th anniversary of the man-made famine which caused the death of seven million Ukrainians. Today, churches in Ukraine are still closed or destroyed, the clergy and faithful presecuted. All aspects of Ukrainian life are controlled and directed by Moscow.

Arrests, trials, convictions of thousands of Ukrainians charged with "anti-Soviet propaganda and agitation", have been made. Unfair trials and harsh sentences have been given to members of the Ukrainian Helsinki Accord Monitoring Groups. Extended prison terms are now being given to anyone who dares to speak.

Ukraine cannot accept cruel foreign domination, Russification of her language and her youth, the dissipation of her culture, destruction of her religion and the annihilation of the country.

Each year in this great country of the United States, from coast to coast, January 22 is proclaimed as Ukrainian Independence Day. It is in the spirit of liberty, faith and justice that America gives moral support to the Ukrainian people.

We thank the President of the United States, members of the United States Congress for their support to the Ukrainian people in their continued struggle of human rights.

Sincerely,

BOHDAN MAKARUK,
President, UCCA State Branch of North Dakota.●

UKRAINIAN INDEPENDENCE DAY

● Mr. LEVIN. Mr. President, January 22 is an important day. It was on this day, in 1918, that the Ukraine was established as an independent and sovereign nation. Not enough people remember that the Ukraine was once a free state, perhaps because it existed only a few short years before the Soviet takeover in 1922. Nevertheless, the Ukrainian struggle for independence is a story which serves as an inspiration to everyone as a symbol of the ongoing quest for the freedom of all peoples.

Over the 67 years that have elapsed, the Soviet Union has employed large-scale campaigns of repression and persecution in an attempt to crush the spirit of independence within the hearts of the Ukrainian people. They have endured incredible hardships and cruelties ranging from the famine brought about by Soviet farm collectivization, which claimed millions of lives, to the Russification of their schools which now teach their children Marxist/Leninist doctrines. Their churches have been outlawed and their leaders exiled and regularly denounced by the Soviet Government.

It is a credit to the determined will of the Ukrainians that their independence movement has survived. The Ukrainian people's unique culture and traditions spring from an enduring national pride. Ukrainian independence is alive and well within the hearts and minds of all freedom-loving individuals.

Today, Ukrainians who live under Soviet hegemony must struggle to maintain their cultural and political identity. Because of the bravery and dedication of people like the Ukrainians, the cause of human rights will continue to be carried forward. On this day, I am proud to pay special tribute to the men and women of the Ukraine who, at great personal danger and sacrifice, maintain the struggle for freedom and dignity. On this anniversary of the independence of a great nation, our hearts must turn to the hope that one day the Ukrainian people will again be able to celebrate this day in the fullness of their national heritage.●

SIXTY-SEVENTH ANNIVERSARY OF THE PROCLAMATION OF INDEPENDENCE IN UKRAINE

● Mr. WEICKER. Mr. President, I rise today to note the 67th Anniversary of the Proclamation of Independence in Ukraine.

Although the Communist overthrow in 1921 sought to extinguish the flame of freedom, that flame still burns in the hearts of all Ukrainians, all Ukrainian Americans, and people everywhere who cherish liberty. Indeed, we must rise to combat infringement of human rights wherever and whenever it occurs. Apathy and silence are friends only to tyranny.

We are proud to again recognize the anniversary of the Ukrainian independence declaration. But at the same time, we are saddened by the present day reality that reflects the very antithesis of such independence. We see discouraging attempts to deprive the Ukrainian people of the last vestiges of their culture and tradition. We see unjustifiably harsh treatment. We see lengthy prison sentences ordered for the mere espousal of the same democratic tenets we hold sacred.

Let us stand today in solidarity with the Ukrainian American Congress and Ukrainians everywhere—their struggle is our struggle. It is a struggle that permeates the globe from the appalling apartheid policies of South Africa to Soviet encroachments in Europe and Asia. We must continue to speak, and whenever possible we must act. History has already revealed the consequences of passivity and silence. The flame of freedom must continue to burn.●

UKRAINIAN INDEPENDENCE DAY

● Mr. RIEGLE. Mr. President, today we mark the 67th anniversary of one of the most important dates in the modern history of the Ukraine: the declaration of the independent Ukrainian state.

In commemorating this historic event, we express our solidarity with the people of the Ukraine as they continue their courageous protest of Soviet rule and oppression in their country.

From January 22, 1918 until the Russian Communist takeover in 1921, the independent Ukrainian National Republic and its institutions were defended gallantly by its citizens. A central council, which became the center of the Ukrainian liberation movement, was established in Kiev. It organized the Ukrainian National Army, established Ukrainian schools, introduced Ukrainian administrative and judicial systems, and prepared a Ukrainian constituent assembly. By these actions, the council established a full-fledged independent state: the Ukrainian National Republic.

Mr. President, on December 30, 1982, the World Congress of Free Ukrainians submitted to the Secretary General of the United Nations, His Excellency Javier Perez de Cuellar, a "Memorandum" which outlined the history of the Ukrainian people under Soviet Russian occupation. Atrocities committed by the Soviets against the Ukrainians include:

Genocide, or the physical destruction of millions of Ukrainians through the enforced process of collectivization (1921-1931); man-made famine (1921-1933); indiscriminate executions of both Communist and non-Communist Ukrainians in the 1930s, and the willful and deliberate killings of members of the Ukrainian underground resistance movement in the 1940s and their families;

Ethnocide, through the systematic russification of the Ukrainian language and educational system, and obliteration of the Ukrainian national identity;

Suppression of Ukrainian culture and distortion of Ukrainian history and literature;

"Liquidation" of the Ukrainian Orthodox Church (1937-1938) and the Ukrainian Catholic Church (1945-1946) through arrests, deportations and executions of their hierarchs, thousands of priests, monks and nuns and church lay leaders, and through confiscation of church properties and the closing down of the church as an established organization;

Economic exploitation of Ukraine's natural resouces for the utilization of Moscow's totalitarian expansion and aggrandizement;

Destruction of the political structure (political parties, blocs and coalitions) of the Ukrainian people;

Violations of national and human rights on a gigantic scale.

As with all of the world's "captive nations," Ukraine, one of the first victims of Soviet Russian imperialism, continues to endure Soviet efforts to eliminate its national identity, culture and religious traditions.

Although the independent republic survived only 3 years, the Ukrainian spirit of freedom has not been quenched. Today, it is as alive in the hearts of Ukrainians as it was in 1918.

In honoring the memory of those who fought to establish and defend the independent republic of the Ukraine, let us recommit ourselves to

speaking out in solidarity with those who continue to fight for the human rights of the Ukrainian people. And, to those enduring unjust punishment for their promotion of human rights and the principles of democracy and freedom, we renew our pledge to seek Soviet compliance with international treaty commitments to honor the human rights of all people.●

IRS WAIVES PENALTIES FOR SOCIAL SECURITY AND RAILROAD RETIREES

● Mr. PRYOR. Mr. President, on January 15, I circulated a letter to all Members of the Senate expressing my intention to introduce legislation early this week which would provide a one-time waiver for taxable year 1984 penalties, and the interest on penalties, associated with an individual's underpayment of estimated tax as the result of the newly imposed Social Security and Tier I Railroad Retirement benefit taxation provisions. This legislation represented a change in tax policy which was urgently needed to protect Social Security and railroad retirement beneficiaries throughout the Nation.

As part of the Social Security Financing Amendments of 1983, a provision was included which requires that a portion of Social Security and Tier I Railroad Retirement benefits be included in taxable income for taxpayers whose adjusted gross incomes, combined with 50 percent of their benefits, exceeds a base amount of $25,000 ($32,000 for couples). This provision caused a great deal of controversy, and continues to cause a great deal of confusion among Social Security and railroad retirement beneficiaries. The problems associated with the provision have been made even more pronounced by the fact that prior to this month—a full 20 months after enactment of the legislation—the Social Security Administration did not officially alert all beneficiaries to their potential tax liability. It is my belief that many senior Americans, through no fault of their own, will be found to have underpaid the estimated taxes and would therefore be subject to penalties on the underpayment.

Early last week, officials at the Internal Revenue Service stated they had no authority to grant a waiver on the penalties associated with an individual's underpayment of estimated tax as the result of the newly imposed taxation provisions. However, late last Wednesday, the Internal Revenue Service issued a news release which represented a change in that policy. I am pleased that the Service has announced that it will not assess estimated tax penalties in the case of any estimated tax underpayment attributable to taxable Social Security benefits. Therefore, Mr. President, the legislation I had planned to introduce will no longer be necessary.

I thank my many colleagues who have expressed strong support for the legislation I had planned to introduce and express my great pleasure at the recent IRS announcement. I ask that the text of the IRS news release on the subject be printed in the RECORD.

The release follows:

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, DC, January 16, 1985.

NEWS RELEASE

WASHINGTON.—The Internal Revenue Service today announced that in the case of any estimated tax underpayment attributable to taxable social security benefits, it will not assess estimated tax penalties.

Generally, taxpayers with income not subject to income tax withholding are required to pay their tax in quarterly installments. Taxpayers who fail to make the required quarterly payments are assessed a penalty.

A provision of the Tax Reform Act of 1984 gives the IRS authority to waive the underpayment penalty under certain limited circumstances. Since 1984 is the first year for taxing social security benefits and many recipients were unaware that the taxable portion had to be considered in making estimated tax payments, the IRS has determined that imposing the penalty would not be appropriate under these circumstances.

However, the IRS emphasized that the penalty will be assessed for taxpayers that failed to make the required estimated tax payments on other sources of income.

Tier 1 railroad retirement benefits will be treated in the same manner as Social Security benefits.●

THE ACID RAIN CONTROL ACT OF 1985

● Mr. D'AMATO. Mr. President, I rise today in support of S. 52, the Acid Rain Control Act of 1985, and I commend my distinguished colleague, Senator STAFFORD, chairman of the Committee on Environment and Public Works, for his leadership on this issue.

Acid rain is a growing concern in the State of New York, not only for its detrimental effects on aquatic chemistry and life, but also for the increasing appearance of problems with our forests, crops, and even our drinking water.

As I regularly visit the beautiful Adirondack region, I have been particularly concerned over the damage in that area. As a rule, the Adirondack lakes do not have enough natural buffering capacity to neutralize the detrimental effects of acid rain. The combined effect of the damage to the forests and the loss of sport fisheries has cost the region millions of dollars in lost tourism.

Although scientists speak in cautious words, it is clear that acid rain is a growing disaster. It has even scarred the Statue of Liberty.

Mr. President, I do not believe, as some would propose, that we should simply study this problem over and over before taking action. Without prompt action, this problem will grow. A lake can take only so much acid; after a point, it may lose its fish and plant life forever. Some of our lakes have passed that point, while others are drawing dangerously close. Once acid rain has laid waste to a forest, it takes decades for the trees to grow back.

Worse yet, acid rain may do harm we are only starting to understand. If enough acid gets into a reservoir, it might release aluminum and mercury from the bottom, with serious implications for our drinking water supplies. Acid might also leak lead from the pipes in water delivery systems. The health effects are still unknown, but the possibilities are disturbing.

The single greatest source of acid precipitation is believed to be sulfur in coal burned by electric utilities. Nationally, emissions of sulfur dioxide are running at about 25 million tons per year.

S. 52 would require sulfur dioxide emissions to be reduced by 10 million tons per year by 1994. For this reason, I support S. 52. However, I do so with one reservation. S. 52 contains a provision establishing a study on the feasibility of a system of fees on the generation of electrical energy to finance the proposed emissions reductions. I believe that any fees to finance these reductions should be based on the level of emissions, not the level of production. The message is simple: We have to cut down on the air pollution that causes acid rain—and we have to make the polluters pay. I urge the Committee on Environment and Public Works to include in S. 52 a study of alternative methods of financing these reductions.

The citizens of New York are extremely concerned about acid rain. The overwhelming majority of New Yorkers who have contacted me on this issue have indicated that they support strong acid rain legislation—even if it means slightly higher utility bills. They do not want to see Congress delay action through more hearings. They do not want to see Congress delay action through more discussions. They do not want to see us authorize more studies which do nothing to actually accomplish a reduction in emissions. They want a solid, strong acid rain control program, and they want it now.●

POVERTY AND WELFARE

● Mr. GRASSLEY. Mr. President, recently, the CATO Institute held a policy forum at its Washington headquarters which featured Charles Murray as speaker. Mr. Murray remarked on current Federal policy concerning the poor and disadvantaged in this country. In his discussion of our social policy, and in greater depth in

his recent book entitled "Losing Ground: American Social Policy, 1950-1980," Mr. Murray offers new ways in which to think about resolving the problems of poverty and welfare transfers which face our country today. I believe Mr. Murray's remarks are very timely and of great import as we begin our consideration of the fiscal year 1986 budget. It is my great hope that his remarks will be read carefully by my colleagues and given serious consideration.

I ask that these remarks be printed in the RECORD.

The remarks follow.

POVERTY AND WELFARE: ARE WE LOSING GROUND?

(Every month the Cato Institute sponsors a Policy Forum at its Washington headquarters where distinguished analysts discuss their views with an audience drawn from government, the public policy community, and the media. A recent forum featured Charles Murray, a senior fellow of the Manhattan Institute and author of *Losing Ground: American Social Policy, 1950-1980* (Basic Books, 1984). Following is the edited text of Mr. Murray's remarks.)

One of my main goals in writing *Losing Ground* was to find a common language in which conservatives and liberals who like to think about ideas can communicate about issues and social justice. As far as I'm concerned, liberals are just about the only political group with which libertarians can communicate these days about ideas. The political center, both of Democrats and Republicans—and I include the administration—is pretty much intellectually bankrupt.

Some of the issues that concern the situation of the poor and disadvantaged in this country are in many ways more muddled now than they were in 1964. There seems to be a general notion that if we get rid of welfare cheats and have enough economic growth, all the problems will take care of themselves. I just don't think that's true. Unless people who are interested in ideas and who come from both ends of the political spectrum can communicate with each other, we will continue to pay off the poor and the blacks as we have been doing for the last several years, hoping that they will stay sufficiently far in the background for us not to have to worry about them.

But it is all too easy for liberals and libertarians not to understand each other. If I, as a person with a strong libertarian streak, say that I think it isn't right that the government take part of my income to pay for food stamps, then there is really nothing for us to discuss. First of all, my liberal friend will assume that (whatever I may say) I am probably more concerned about the tax bite than I am about the issue of social justice. Even if I do convince him that food stamps are a moral issue to me, I will not have posed a substantive issue to him. In his view the notion that food stamps are wrong, not just inefficient or expensive, is nonsense.

Let us ignore, then, for present purposes, the merits of transfers from the "haves" to the "have nots." Let us ignore food stamps and medicaid, and other things that represent transfers from those who pay more taxes on behalf of people who have less. Instead, let's consider the following proposition: A central feature of social policy for the last 20 years has consisted not of tranfers from the haves to the have nots; rather, the lawmakers and courts have mandated transfers from poor to poor. The transfer are mandated by the better off, but the price must be paid by donors just as poor as the recipients.

Let's start by considering inner-city schools in which all the students are black. The 1960s saw enormous reforms in education motivated by the perception that injustices were being done to some students in these schools. The story I am about to tell addresses one of these reforms.

Let us say that I observe two students, both poor, both disadvantaged. One is studying hard, and the other makes trouble and gets thrown out of class. The bad student is eventually expelled from school, becomes delinquent, and ends up in prison. Let us also say that the sequence of events can be traced to the fact that he was originally kicked out of class. As a sensitive, socially conscientious observer I argue, as was argued from the mid-1960s, that this is grossly unfair. Had the student been white he might have gotten thrown out of school, but parental and school pressures probably would have gotten him back in or straightened out. If things got bad enough and his parents had enough money, he would have been sent to military school or some other middle-class surrogate for reform school.

Further, we know that the behavior of the teacher toward these students is unfair and biased because the teacher is a white surburbanite. He or she doesn't sympathize with or understand black culture. To remedy the unfairness in the interest of greater social justice, I have policies enacted that severely limit the discretion of the teacher to expel the bad student from class. (I am referring to the very strict rules imposed in the wake of *Gault* v. *Arizona* in 1967 which not only restricted what teachers and school administrators could do, but made them quite vulnerable to lawsuits and other professional danger if they transgressed their limits.) The result, not unnaturally, is that the bad student continues to misbehave in the classroom. Other students who perceive his greater latitude join him. In general, a lot less teaching goes on and the standards of performance that the teacher can try to enforce diminish.

I also observe other unfortunate situations in the schools. The worst students are disheartened by failure: telling them "you have failed" makes them give up. Tests, it is said, discriminate in favor of people with certain intellectual skills because those tests are culturally biased. Therefore, to remedy the injustice, I forbid the use of standardized tests. I forbid failure, or at least the acknowledgment of failure, on behalf of the unsuccessful student.

Some benefits are obtained by these measures. More kids stay in school and get a diploma, for what it's worth. But someone—and it is not the child of the white and affluent—has paid a price. The price has been exacted from the poor, black student who tried to study hard. One poor and disadvantaged student was compelled to give up part of the good called education so that another student could stay in the classroom. The parents of the good student, who are likely to be responsible to some extent for the fact that their child wanted to study hard, have been required to give up part of their ambitions for that child. But they did not have the option of putting their youngster in a private school. In our concern over the deterioration of education in suburban schools, we overlook the enormous extent to which the more affluent middle-class whites, unlike poor blacks in the inner city, have been able to compensate for deficiencies in public education.

Let me take another example—criminal justice. Beginning the mid-1960s there was a widespread revulsion against punishment and incarceration which had dramatic effects on the treatment of offenders on all levels of the criminal justice system. The case of juvenile delinquents is typical. In Cook County (Chicago) in 1966 there were 1,200 youngsters who were institutionalized. By 1976 that number had dropped to 400—a drop of two-thirds during a period that saw juvenile crime in Chicago mushroom. As of the mid-1970s the average number of arrests for a youngster committed for the first time to an institution was 13.6. Now, imagine what you would have thought in high school had someone told you that you had to get arrested an average of 13 times before being sent to reform school.

The purpose for the shift to deinstitutionalization was, again, greater social justice. Those kids were committing crimes in part because society had played a dirty trick on them. Also, it was decided on the basis of no empirical evidence worth mentioning that reform schools only made kids worse; they were schools for crime. Therefore, on behalf of the disadvantaged youngsters, we quit putting them in institutions.

The people who promoted such policies very seldom lived in the neighborhoods where the delinquents were committing their crimes. Policymakers again exacted a transfer from poor to poor. This time it was a transfer of the good called safety from the elderly woman who had to get back to her apartment from the mailbox to the youngster who was being freed from the injustice of punishment.

Let us consider a third example. One of the major goals of the poverty warriors was to strip welfare of its stigma. The emissaries that were dispatched to the inner city by the intelligentsia bore the message that it was the system's, not the recipient's, fault that assistance was needed. There was no reason to feel guilty. Frances Fox Piven and Richard A. Cloward cite evidence in their interesting and worthwhile book, Regulating the Poor, that the poverty warriors met with some success.

James Patterson, a Brown historian who recently wrote a history of the struggle against poverty, has a wonderful passage summarizing the elite wisdom about getting rid of the welfare stigma and its effects. Asking why the number of AFDC recipients in the late 1960s virtually exploded, he answers, "The source of this explosiion, most obvious to contemporaries, was changing attitudes of poor people themselves. Despite the hostility of the middle classes to increases in welfare, poor Americans refused at last to be cowed from applying for aid. Despite the continuing stigma attached to living on welfare [by the middle classes], they stood firm in their determination to stay on the rolls as long as they were in need. Welfare was not a privilege, it was a right. Compared to the past when poor people, harassed and stigmatized by public authorities, were slow to claim their rights, this was a fundamental change."

This is all very well, but put yourself in the position of a father in the inner city who works at a menial and low-paying job. He has done so, doggedly, for most of his life and is proud to have supported himself and raised a family without help. Many of our parents, grandparents, and great-grandparents felt exactly the same way. Histori-

cally, the community in which this man grew up had had an elaborate status structure. All poor people were not alike—in fact, there were drastic differences among them. A basic status distinction was made between poor people who pulled their weight and managed to raise their families, and those who did not. A person might be out of a job sometimes; that was expected. But one who was chronically unemployed—who couldn't hold a job at all, who neglected spouse and family—was consigned to a different circle of status. He was a bum, a no-good. People who supported themselves were "better" than people who did not.

Then came the eminent representatives from beyond the local community and from the government who pinned the blame on the system, and after a while the traditional moral distinctions eroded. In many ways it no longer made sense to hang on to a poor, low-paying job; and to that extent the status associated with it diminished. Status accrues to things that are functional for a community, and loss of status accrues to things that are dysfunctional. Income maintenance transfers make dependence less dysfunctional for the local community, and hence reduce the stigma of welfare among those people who receive it.

The reversal of values has gone much further than I can prove statistically. I suggest you go to an inner-city neighborhood and ask the young people standing on the corner what they think of their contemporaries or, for that matter, of older members of the community who work steadily at some low-paying job. I suggest you ask school teachers what they hear and observe of youngsters' attitudes toward people who reject opportunities to put together a "package" of welfare benefits, occasional work, and the underground economy. Ask who the local heroes are. You will then get some sense for how much the world has flipped upside down for young people living in the most disadvantaged communities. The black inner city is only the most dramatic example of a phenomenon that can be observed in any community of people who are disadvantaged, homogenized, and isolated. Most of the data on black versus white is, I would contend, a proxy measure of distinctions of poor versus not-poor.

I would like to make a distinction between what I'm actually saying and what I'm sometimes understood to say. Here I am not talking primarily about the need to change the system for the sake of the younger generation. Rather, I am asking you simply to think about that hypothetical middle-aged man who is acting in a way that every one of us considers not only admirable, but in some respects heroic. We have exacted an enormous price from that man. In return, he may be getting some of the welfare money we have appropriated. I hope that that money makes a positive difference in his quality of life, for there is certainly a lot to compensate for with regard to deteriorations in his quality of life.

In this context, let me very gingerly suggest one thing that can be done now to work toward a solution to the problems I have raised. The first step is to avoid topics on which significant changes is impossible. I think consensus making on reforms of social policy is a little bit like arms negotiations. What we really want to do is to get rid of all the ICBMs, but since we can't talk about that, we try to modify the throw-weight. In our case, it may be that I would like to scrap the entire income maintenance system. But that's not going to happen. It is, after all, a system that went into a paroxysm of anxiety a couple of years ago, a bipartisan agony—to achieve what? A six-month delay in the cost-of-living increase in social security. Serious reform of income maintenance is not in the cards.

To make headway, therefore, we should focus on noneconomic transfers like education and crime in which the transfer is almost exclusively from one poor person to another—a transfer that we who are not poor have exacted from those who are poor. If we keep the discussion on this level, we might be able to reach a consensus about some injustices we have been perpetrating in the name of compassion, and perhaps make some progress.

The tragedy of welfare policy is played out especially in the lives of kids in their teens and early twenties. I'm not talking only about black inner-city kids, but kids from small towns in places like Iowa. At that time in one's life, one tends to think in terms of very short time frames. It's precisely at that age when the incentives we put into the system in the mid-1960s have their most potent effects. If I were able to make only one of my proposed changes in the welfare system, I would make it just about impossible for a youngster aged 15 to 25 to get any kind of welfare assistance. By changing the rules of the game—and tampering with incentives—we are just passing our problems on to the next generation.

Finally, allow me to convey my image of the great tragedy we are observing. The tragedy of our current policy is not so much the youngster on the street corner not working when he could be holding down a job on the loading dock. The real tragedy is the child who should be a physicist, a surgeon, or a business person—escaping from the ghetto permanently, not rising up to the next quintile of income and then dropping back to welfare. People who are getting out of the system are not getting out as much as they should be. They stopped getting out. All the innovations of the huge, expensive programs of the mid-sixties and early seventies failed. Inexplicably, these programs failed to touch a population of youngsters who shouldn't be just getting by, but should be skyrocketing up. We saw this happen. I would like to lift the almost impermeable cap we seem to have put on these children and their communities.●

AUTOMOBILE LOGS

● Mr. NICKLES. Mr. President, sometimes I reflect upon the acts of tyranny that must have caused the Boston Tea Party in 1773. I suppose that the people of our Nation in that day were driven to a point by the demands of the British Government that they had no other choice than revolution. Since that revolution, we have become a great nation which prides itself on its freedom and the resourcefulness of its people. We have, however, fallen prey to some of the same abuses of authority which prompted the revolution which created this Nation. I believe very strongly that we have required more and more of our citizens simply to keep our Government in operation. An issue which has arisen as one of the most oppressive demands to place upon a free individual is the new requirement to have persons record every activity in connection with their business use of automobiles with a daily log.

Because of the ongoing complications I see with regard to this new rule, I shall propose legislation to do away with this requirement. The legislation, which I shall introduce along with several other colleagues, would return the rules in connection with the substantiation of automobile use to the pre-1985 requirements.

This new rule, while trying to curb abuse of deductions for automobile expenses, places an incredible burden upon the taxpayer. We live in a society which requires many daily tasks to be performed in connection with our business and personal lives. We cannot impose such an onerous task upon an already overregulated Nation. This simply is not the best way to monitor tax compliance among the taxpayers of America.

Prior to 1985, you simply had to have adequate records to substantiate the business use of your automobile. Under the new rule, you must keep a record at the time you use the automobile which includes the driver's name, the business purpose of the trip, the miles driven, and the date driven. The worst part about this idea is that it hits the small businessman and farmer the hardest. These are the ones who are already hard pressed to do the work simply to keep their businesses afloat.

Since the inception of the income tax, our Nation has had outstanding success with voluntary compliance of our income tax system. This is based upon a basic trust of the government with the people of our country. When this trust is violated by the impostition of a requirement on the taxpayer to keep an account of his daily activity and whereabouts, we have started down that dismal road of tyranny and revolt.

I ask my colleagues to join me in this effort.●

S. 104

● Mr. D'AMATO. Mr. President, once again I am pleased to be an original cosponsor of recently introduced legislation to limit the manufacture and importation of armor-piercing ammunition, also known as "cop-killer bullets." S. 104 is necessary to ensure the continued effectiveness of the protective vests worn by Presidents, half of our Nation's 570,000 sworn police officers, and other public officials.

This bill is identical to the bill as introduced in the 98th Congress (S. 2766). It is carefully crafted, and has been carefully reviewed. I am proud to have contributed to the drafting and negotiation process that preceded its introduction last June.

S. 104 continues to permit the manufacture and importation of armor-piercing ammunition for the use of Government agencies, particularly law enforcement agencies. It also permits armor-piercing ammunition to be manufactured for exportation.

Manufacturers and importers are not permitted under this bill to sell armor-piercing ammunition to licensed dealers. S. 104 also requires manufacturers and importers of armor-piercing ammunition to pay a license fee of $1,000 per year.

The term "armor-piercing ammunition" means solid projectiles or projectile cores constructed from tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium. Projectiles that the Secretary of the Treasury finds to be primarily intended to be used for sporting purposes are specifically excluded.

The penalty provisions this bill provides for are most important. Although similar penalties were enacted as part of the Comprehensive Crime Control Act—Public Law 98-473, signed into law October 12, 1984, such penalties will be more effective when linked to this bill's superior definitional section.

Section 6 imposes a mandatory prison sentence of not less than 5 years for an individual who, during and in relation to the commission of a violent felony, uses or carries a firearm and is in possession of armor-piercing ammunition capable of being fired in that firearm. This sentence shall be in addition to the punishment provided for the commission of such felony.

I urge my colleagues to join as cosponsors of S. 104. This legislation strikes a careful balance between the need to maintain the effectiveness of the vests that have saved the lives of more than 400 police officers and the use of firearms for sporting and other legitimate purposes.●

MACK McLARTY

● Mr. PRYOR. Mr. President, recently my long-time friend, Mack McLarty, was elected chairman and chief executive officer of Arkla, Inc. Arkla is a five-State integrated gas corporation serving areas in the States of Arkansas, Lousiana, Kansas, Texas, and Oklahoma.

Mack McLarty is one of our State's outstanding citizens. And he is a friend of mine from way back. His notable civic achievements include serving as a member of the Board of Visitors at the University of Arkansas at Little Rock. He is a former president of the Great Little Rock Chamber of Commerce and past chairman of the United Negro College fund-raising campaign. He has been a member of the Board of Trustees of Hendrix College in Conway, AK.

In addition to these and many other community activities, Mack has been a leader in introducing computers as teaching tools in the public schools of Arkansas. He was instrumental in raising over $250,000 in private contributions for this pilot project and has been an avid and strong supporter of public education. Mack is a leading proponent of increased public-private cooperation.

Mack McLarty is a fifth-generation native of Hempstead County in southwest Arkansas. And he belongs to a family that has always been active in civic affairs. In 1970, he ran successfully for the Arkansas Legislature. He was 23 years old at the time and won with 74 percent of the vote, carrying every box in the county. When he went to the general assembly he became the second youngest person ever to be elected to the Arkansas Legislature. When he came to the end of his term in the legislature, he decided to concentrate on business rather than government, and he gave up what promised to be a long and distinguished career in politics.

Our families have been friends for many years, Mr. President. Both were involved in the automobile business in south Arkansas. Mack's late father, Frank McLarty, of Hope, AR, was one of the finest men I have ever known. And his mother, Helen, is one of my favorite people. In fact, I had the pleasure of appointing her to the industrial development commission during my second term as Governor of Arkansas.

In addition to Mack's term in the Arkansas House of Representatives, he was also chairman of the Arkansas Democratic Party and served as treasurer of my campaign when I was elected Governor in 1974.

Mr. President, please join me in congratulating Mack, his wife Donna Kay, and their two fine sons, Mark and Franklin. He has made a lasting contribution to Arkla, and I join his family in sending best wishes on this occasion.●

ADVANCE NOTIFICATION—PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the same may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification has been received.

Interested Senators may inquire as to the details of this advance notification at the office of the Committee on Foreign Relations, room SD 423.

I ask that the notification be printed in the RECORD, as follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, January 14, 1985.

MR. GRAEME BANNERMAN,
Deputy Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. BANNERMAN: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Northeast Asian country for major defense equipment tentatively estimated to cost in excess of $14 million.

Sincerely,

PHILIP C. GAST,
Director.●

PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 15 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Committee on Foreign Relations.

In keeping with the committee's intention to see that such information is available to the full Senate, I insert in the RECORD the notifications which have been received. The classified annexes referred to in several of the covering letters are available to Senators in the office of the Committee on Foreign Relations, room SD-423.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, January 7, 1985.

In reply refer to: I—18585/84ct.

HON. RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-05 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Navy's proposed Letter of Offer to

Germany for defense articles and services estimated to cost $44 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL NO. 85-05

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) *Prospective purchaser:* Germany
(ii) *Total estimated value:*

	Million
Major defense equipment [1]	$40
Other	4
Total	44

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) *Description of articles or services offered:* A quantity of 110 SM-1 STANDARD missiles (55 less warheads) with 70 MK 372 containers, 5 AN/DKT-27C exercise heads, 5 AN/DKT-36 dorsal fin assemblies, and Standard missile spares.

(iv) *Military department:* Navy (AGW).

(v) *Sales commission, fee, etc., paid, offered, or agreed to be paid:* None.

(vi) *Sensitivity of technology contained in the defense articles or defense services proposed to be sold:* See annex under separate cover.

(vii) *Section 28 report:* Included in report for quarter ending 30 June 1984.

(viii) *Date report delivered to Congress:* January 7, 1985.

POLICY JUSTIFICATION

FEDERAL REPUBLIC OF GERMANY—STANDARD MISSILES

The Government of the Federal Republic of Germany (FRG) has requested the purchase of a quantity of 110 SM-1 Standard missiles (55 less warheads) with 70 MK 372 containers, 5 AN/DKT-27C exercise heads, 5 AN/DKT-36 dorsal fin assemblies, and Standard missile spares at an estimated cost of $44 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of the FRG; furthering NATO rationalization, standardization, and interoperability; and enhancing the defense of the Western Alliance.

The Standard missiles being provided in this case are a later version of the Standard missile and will upgrade the FRG's capability against air and surface threats.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the General Dynamics Corporation of Pomona, California.

Implementation of this sale will not require the assignment of any additional U.G. Government personnel or contractor representatives to Germany.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, January 7, 1985.

In reply refer to: I-14435/84ct.

Hon. RICHARD C. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-03 and under separate cover the classified annex thereto. This transmittal concerns the Department of the Army's proposed Letter of Offer to Germany for defense articles and services estimated to cost $35 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP G. GAST,
Director.

TRANSMITTAL NO. 85-03

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Germany.
(ii) Total estimated value:

	Million
Major defense equipment [1]	$32
Other	3
Total	35

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: A quantity of 30,000 M509A1, ICM, HE, 8-Inch Projectiles and related publications.

(iv) Military department: Army (WHT).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See Annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending 31 March 1984.

(viii) Date report delivered to Congress: January 7, 1985.

POLICY JUSTIFICATION

GERMANY—8-INCH PROJECTILES

The Government of Germany has requested the purchase of a quantity of 30,000 M509A1, ICM, HE, 8-Inch Projectiles and related publications at an estimated cost of $35 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Germany; furthering NATO rationalization, standardization, and interoperability; and enhancing the defense of the Western Alliance.

The sale of this ammunition would increase the effectiveness of the German Army (Bundeswehr) artillery because it would modernize and upgrade its ammunition stocks. The M509A1 Projectile is a second generation ICM round developed to replace the older, single purpose M404-ICM Projectiles. This M509A1 Projectile provides a dual-purpose capability as it is designed to engage light armor as well as personnel targets at longer range.

The sale of this equipment and support will not affect the basic military balance in the region.

The ammunition will be manufactured at the Lone Star Army Ammunition Plant of Texarkana, Texas.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to Germany.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, January 14, 1985.

In reply refer to: I-19411/84ct

Hon. RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations, United States Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-07 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to the Federal Republic of Germany for defense articles and services estimated to cost $1,149 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST
Director.

TRANSMITTAL NO. 85-07

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Federal Republic of Germany.
(ii) Total estimated value:

	Million
Major defense equipment [1]	$912
Other	237
Total	1,149

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or Services offered: Twelve fire units, one training fire unit and one maintenance float fire unit consisting of a quantity of 779 Patriot Guided Missiles, 14 Radars and 14 Engagement Control Stations, 100 Launcher Stations, associated operations and maintenance support equipment, repair parts, and support services.

(iv) Military department: Army (WIA).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid:

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be be sold: see Annex under separate cover.

(vii) Section 28 report: Case not included in Section 28 report.

(viii) Date report delivered to Congress: January 14, 1985.

POLICY JUSTIFICATION

FEDERAL REPUBLIC OF GERMANY—PATRIOT AIR DEFENSE MISSILE SYSTEMS

The Government of the Federal Republic of Germany (FRG) has requested the purchase of twelve fire units, one training fire unit and one maintenance float fire unit consisting of a quantity of 779 Patriot Guided Missiles, 14 Radars and 14 Engagement Control Stations, 100 Launcher Stations, associated operations and maintenance support equipment, repair parts, and support services at an estimated cost of $1,149 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of the FRG; furthering NATO rationalization, standardization, and interoperability; and enhancing the defense of the Western Alliance.

The FRG requires the Patriot Guided Missile System to modernize its aging air defense capability. The Patriot System will be used to defend Central European airspace

and it will contribute to the integrated air defense network within NATO. The FRG is capable of absorbing the Patriot into its defense establishment and will result in a marked improvement in its air defense capabilities.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Raytheon Company of Lexington, Massachusetts.

Implementation of this sale will probably require the assignment of additional U.S. Government and contractor representatives to the FRG; however, the number of personnel and the period during which they will be needed is not known at this time.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 15 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of a proposed sale shall be sent to the chairman of the Committee on Foreign Relations.

In keeping with my intention to see that such information is available to the full Senate, I insert in the RECORD a notification which has been received.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY
Washington, DC, January 1985.

In reply refer to: I-18115/84ct.

Hon. RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 85-04, concerning the Department of the Air Force's proposed Letter of Offer to Turkey for defense articles and services estimated to cost $88 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

You will also find attached a certification as required by Section 620C(d) of the Foreign Assistance Act of 1961, as amended, that this action is consistent with Section 629C(b) of that statute.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL NO. 85-04

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Turkey.
(ii) Total estimated value:

	Million
Major defense equipment [1]	$0
Other	88
Total	88

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Cooperative logistics supply support (FMSO II) for follow-on spares and supplies in support of C-130H, F-4E, F/RF-5A, F-100C/D/F, RF/F-104G, T-33, T-37C, and T-38 aircraft and other systems and subsystems of U.S. manufacture.

(iv) Military department: Air Force (KBV).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Included in report for quarter ending 31 March 1984.

(viii) Date report delivered to Congress: 7 January 1985.

POLICY JUSTIFICATION

TURKEY—COOPERATIVE LOGISTICS SUPPLY SUPPORT

The Government of Turkey has requested the purchase of cooperative logistics supply support (FMSO II) for follow-on spares and supplies in support of C-130H, F-4E, F/RF-5A, F-100C/D/F, RF/F-104G, T-33, T-37C, and T-38 aircraft and other systems and subsystems of U.S. manufacture at an estimated cost of $88 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Turkey in fulfillment of its NATO obligations; furthering NATO rationalization, standardization, and interoperability; and enhancing the defenses of the Western Alliance.

Turkey needs this logistics support system to maintain the readiness of the Turkish Air Force weapon systems of U.S. origin. The cooperative logistics support will be provided in accordance with and subject to the limitations on use and transfer provided for under the Arms Export Control Act as embodied in the terms of sale. This sale will not adversely affect either the military balance in the region or U.S. efforts to encourage a negotiated settlement of the Cyprus question.

Procurement of these items and services will be from many contractors providing similar items and services to the U.S. forces.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Turkey.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

U.S. DEPARTMENT OF STATE, UNDER SECRETARY OF STATE FOR SECURITY ASSISTANCE, SCIENCE AND TECHNOLOGY,
Washington, DC, December 19, 1984.

Pursuant to section 620C(d) of the Foreign Assistance Act of 1961, as amended (the Act), and the authority vested in me by Department of State Delegation of Authority No. 145, I hereby certify that the provision to Turkey of Cooperative Logistic Support for follow on spares and supplies in support of various US-origin aircraft and other systems at an estimate cost of $88 million is consistent with the principles contained in section 620C(b) of the Act.

This certification will be made part of the certification to the Congress under section 36(b) of the Arms Export Control Act regarding the proposed sale of the above named articles and is based on the justification accompanying said certification, and of which such justification constitutes a full explanation.

WILLIAM SCHNEIDER, Jr.●

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS

● Mr. STEVENS. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of a Member or Senate employee who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee has received a request for a determination under rule 35 which would permit Senator and Mrs. Wallop to participate in a program in the Republic of China, sponsored by the Asia and World Institute, from January 14–17, 1985.

The committee has determined that participation by Senator and Mrs. Wallop in the program in Taipei, in the Republic of China, to meet with leaders both inside and outside the government, is in the interest of the Senate and the United States.

The Select Committee has received a request for a determination under rule 35 which would permit Senator and Mrs. Max Baucus, and Mike Evans of Senator BAUCUS' staff, to participate in a program in Japan, sponsored by the Japan Institute for Social and Economic Affairs (the Keizai Koho Center), from January 9–19, 1985.

The committee has determined that their participation in this educational program in Japan, at the expense of the Japan Institute for Social and Economic Affairs, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. James H. Babb of the staff of Senator STROM THURMOND to participate in a program in Taiwan, sponsored by Tamkang University from December 2–10, 1984.

The committee has determined that participation by Mr. Babb in the program in Taiwan, at the expense of Tamkang University to discuss United States-Taiwan relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Ms. Loretta Fuller of the staff of Senator STEVE SYMMS to participate in a cultural-educational tour in Taiwan, sponsored by Tung Hai University, from December 6–14, 1984.

The committee has determined that participation by Ms. Fuller in the program in Taiwan, at the expense of Tung Hai University, to discuss United States-Taiwan relations is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Henry Giugni, a member of Senator DANIEL INOUYE's staff, to participate in a program in the People's Republic of China, sponsored by the Chinese People's Institute of Foreign Affairs, from January 3-18, 1985.

The committee has determined that participation by Mr. Giugni in the program in the People's Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs, to discuss a variety of foreign policy, trade, and academic issues, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Steven J. Metalitz, of the Judiciary Subcommittee on Patents, Copyrights, and Trademarks, to participate in a program in Japan, sponsored by the Japan External Trade Organization [JETRO] from December 15-22, 1984.

The committee has determined that participation by Mr. Metalitz in the program in Japan, at the expense of JETRO, to observe Japan's industry and economy, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Paul Freedenberg, a staff member of the Banking Committee, to participate in a conference on international debt issues in Vienna, Austria, sponsored by the Austrian Society for Foreign Policy and International Relations, from November 20-26, 1984.

The committee has determined that participating by Mr. Freedenberg in this conference in Vienna, Austria, at the expense of the Austrian Society for Foreign Policy and International Relations is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Senator MACK MATTINGLY, his wife and a staff member, to participate in a trade delegation visit to the Republic of China, sponsored by the National Chamber of Commerce of the Republic of China, from December 8-13, 1984.

The committee has determined that participating by Senator MATTINGLY, his wife and a staff member in the program in the Republic of China, at the expense of the National Chamber of Commerce of the Republic of China, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Ms. Lorraine Tong of the staff of Senator ALAN CRANSTON, to participate in a program in the People's Republic of China, sponsored by the Chinese People's Institute of Foreign Affairs, from January 3-18, 1985.

The committee has determined that participation by Ms. Tong in the program in China, at the expense of the Chinese People's Institute of Foreign Affairs, to meet with Chinese officials to discuss foreign policy, trade, and academic issues, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. William Reinsch, a member of Senator HEINZ's staff, to participate in a program in the Peoples' Republic of China, sponsored by the Chinese People's Institute of Foreign Affairs, from January 6-20, 1985.

The committee has determined that participation by Mr. Reinsch in the program in the Peoples' Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs, to discuss a variety of foreign policy, trade, and academic issues, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Ms. Mary Locke of the Committee of Foreign Relations staff to participate in a program in the People's Republic of China, sponsored by the Chinese People's Institute of Foreign Affairs, from January 3-18, 1985.

The committee has determined that participation by Ms. Locke in the program in the People's Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs, to meet with Chinese leaders and officials to discuss a variety of foreign policy, trade, and academic issues, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Bill Massey of the staff of Senator DALE BUMPERS to participate in a program in the Republic of China sponsored by Tamkang University, from December 2-10, 1984.

The committee has determined that participation by Mr. Massey in the program in the Republic of China, to discuss United States-Taiwan relations, is in the interests of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. David Jensen, of the staff of Seantor WILLIAM ARMSTRONG, to participate in a program in the Federal Republic of Germany, sponsored by the Konrad Adenauer Institute from November 10-17, 1984.

The committee has determined that participation by Mr. Jensen in the program in the Federal Republic of Germany, at the expense of the Konrad Adenauer Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, which would permit Mr. Rick Rolf of the staff of Senator MARK O. HATFIELD, to participate in a conference in the Federal Republic of Germany from November 10-17, 1984, sponsored by the Konrad Adenauer Stiftung.

The committee has determined that participation by Mr. Rolf in the conference in the Federal Republic of Germany to discuss United States-German relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Bruce W. MacDonald, of the staff of Senator DALE BUMPERS, to participate in a seminar in Israel from November 11-21, 1984, sponsored by the Leonard Davis Institute for International Relations of Hebrew University, in conjunction with Project Interchange.

The committee has determined that participation by Mr. MacDonald in the seminar in Israel, at the expense of the Institute in conjunction with Project Interchange, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Ms. Cynthia Jurciukonis of the staff of Senator DONALD RIEGLE, to participate in a seminar in Israel from November 11-21, 1984, sponsored by the Leonard Davis Institute of the Hebrew University, in conjunction with Project Interchange.

The committee has determined that participation by Ms. Jurciukonis in the seminar in Israel, at the expense of the Institute in conjunction with Project Interchange, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Ms. Deborah De Moss, a member of the staff of Senator JESSE HELMS, to participate in a program in Chile, sponsored by the University of Chile, from November 17-21, 1984.

The committee has determined that participation by Ms. De Moss, in the program in Chile, at the expense of the University of Chile, to discuss United States-Chilean relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Ms. Charlene Sturbitts, of the staff of Senator GEORGE MITCHELL, to participate in a program in the Republic of China, Taiwan, sponsored by the Chinese Culture University, from November 9-15, 1984.

The committee has determined that participation by Ms. Sturbitts in the

program in Taiwan, at the expense of the Chinese Culture University, to discuss United States-Taiwan relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Eric Newsom, of the staff of the Select Committee on Intelligence, to participate in a seminar in Israel, sponsored by the Leonard Davis Institute of the Hebrew University of Jerusalem, in conjunction with Project Interchange, from November 11-21, 1984.

The committee has determined that participation by Mr. Newsom in the seminar in Israel, at the expense of the Institute and Project Interchange, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Gerald F. Warburg II, of the staff of Senator ALAN CRANSTON, to participate in a program in West Germany, sponsored by the Konrad Adenauer Institute from November 10-17, 1984.

The committee has determined that participation by Mr. Warburg in the program in West Germany, at the expense of the Konrad Adenauer Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Sheldon J. Himelfarb of the staff of Senator CHARLES MATHIAS, and Mr. Theodore W. Kassinger, a member of the Committee on Finance, to participate in the Hal Rosenthal Memorial Seminar, sponsored by the Hebrew University of Jerusalem, in conjunction with Project Interchange, in Israel from November 11-21, 1984.

The committee has determined that participation by Messrs. Himelfarb and Kassinger in the seminar in Israel, at the expense of the Hebrew University in conjunction with Project Interchange, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Ms. Patricia C. Tusaie, of the staff of the Subcommittee on Transportation Appropriations (Committee on Appropriations) and Mr. Christopher Manion, of the staff of the Western Hemisphere Subcommittee (Committee on Foreign Relations) to participate in a seminar in Taipei, Taiwan, sponsored by Tamkang University, from November 25-December 3, 1984.

The committee has determined that participation by Ms. Tusaie and Manion in the seminar in Taiwan, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, which would permit Senator CHIC HECHT to participate in a program in South Africa, sponsored by the South African Foundation and other nongovernmental educational institutions, from November 29-December 15, 1984.

The committee has determined that participation by Senator HECHT in the program in South Africa, at the expense of the South African Foundation and other nongovernmental educational institutions, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Roland McElroy of the staff of Senator SAM NUNN to participate in a seminar in Israel, sponsored by the Leonard Davis Institute for International Relations through the Hebrew University of Jerusalem in conjunction with Project Interchange, from November 11-21, 1984.

The committee has determined that participation by Mr. McElroy in the seminar in Israel, at the expense of the Davis Institute in conjunction with Project Interchange is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, which would permit Mr. William G. Schiffbauer of the staff of Senator J. JAMES EXON, and Mr. William M. Corcoran of the staff of Senator JOHN H. CHAFEE, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from November 9-15, 1984.

The committee has determined that participation by Messrs. Schiffbauer and Corcoran in the program in Taiwan, at the expense of the Chinese Culture University, to discuss United States-Taiwan relations, is in the interest of the Senate and the United States.

The select committee has received requests for a determination under rule 35 which would permit Mr. Robert Malakoff, of the staff of the Committee on Banking, Housing, and Urban Affairs, Mr. Jack Lewis, of the staff of Senator THOMAS EAGLETON, and Ms. Anne Miano, of the staff of Senator ALFONSE D'AMATO, to participate in a seminar in Toronto, Kingston, and Ottawa, Canada, sponsored by the Centre for Legislative Exchange, from August 22-25, 1984.

The committee has determined that participation by Messrs. Lewis and Malakoff and Ms. Miano, in the seminar in Canada, at the expense of the Centre for Legislative Exchange, is in the interest of the Senate and the United States.●

REAUTHORIZE THE USTTA

● Mr. SASSER. Mr. President, I today join others in the Senate in calling for a reauthorization of funds for the U.S. Travel and Tourism Administration [USTTA], because I believe it is an essential and integral element in the effort to strengthen one of our Nation's largest industries and the most effective weapon we have in combatting record trade deficits. I urge my colleagues to support the effort as well, by acting expeditiously and favorably on S. 193, which authorizes funds for the USTTA for the next 3 years.

As a founder and cochairman of the Senate tourism caucus, I find it economically shortsighted for the administration to recommend the curtailment of the operations of the USTTA. Rather than zero out this agency, the administration ought to be arming it with more funds so it can lead the war against trade deficits.

Every economic fact of life argues in favor of a stronger, not weaker, national effort to strengthen the travel and tourism industry and to recapture our diminished share of international tourism receipts.

Consider first these facts: travel receipts make up 6.4 percent of the U.S. gross national product; expenditures amount to $210 billion a year; the industry means a $45.8 billion payroll; it means 4.6 million jobs and another 2.2 million people indirectly employed individuals; it means $13.8 billion in taxes for the Federal Government, $8.7 billion for State governments, and $2.8 billion for local governments—that's 6 percent of all taxes collected by all units of govenment in this country in 1983; and it means that international visitors reduced our bloated trade deficit by $11.4 billion in the same year. Otherwise that deficit in the U.S. trade balance would have been that much greater than the $61.55 billion it was for 1983.

The administration decision to abandon the USTTA also demonstrates a cavalier attitude toward a strategy developed by the industry itself. Late last year a panel representing every sector of the travel and tourism industry finished work on an international marketing plan.

Administration plans to eliminate the USTTA would upend the plan and the year of work that went into it. James C. Collins, senior vice president for marketing of the Hilton Hotels Corp., and chairman of the International Marketing Plan Development Committee, said:

> The principal goal of the plan is to provide the United States Travel and Tourism Administration with a marketing strategy to return the United States to a 13-percent share of the international tourism market.

It has been 9 years since the United States had a 13-percent share of a then $45 billion world tourism market; last year it had fallen to 10 percent. Each percentage point increase would reduce our trade deficit by over a bil-

lion dollars, add thousands of jobs and provide millions of dollars in taxes to every level of Government in the United States. Yet, the administration declares, with its plan to eliminate the USTTA, that this effort isn't worth the investment of the $7.6 million it cost to fund the agency in 1983, nor the $12 million it costs for fiscal year 1984, nor the $14.5 million called for by S. 193 in fiscal year 1986.

Other governments across the world and in the capitals of the states throughout pointedly do not share the view of the administration. More than 80 nations spend more on a per capita basis to promote tourism than does the United States.

In addition to the per capita comparisons, figures on total dollars spent to promote tourism show the same, unfavorable comparison. Nations ranging from the city state of Singapore to the island of Hong Kong, from Korea to France, and from Mexico to Egypt—all spend more than the United States.

Finally consider the budgets of individuals States in our Nation. New York, Florida, Michigan, and Alaska all spent as much or more than the United States did on the promotion of tourism in 1983. Tennessee, my home State, and the States that border it spent $31.4 million on tourism; this is four times what the U.S. Government spent on tourism that year. Altogether, the 50 States spent over $132 million on tourism—almost 20 times what the Federal Government spent.

Mr. President, I ask that charts containing the information I have just highlighted be printed in the RECORD at the conclusion of my remarks.

It is clear that the States in our own United States and nations all over the world all know that promotion of tourism is a sound investment.

I urge my colleagues on both sides of the aisle and in both Houses of the Congress to recognize this investment, and to join in working for the passage of S. 193, which will continue the work of the U.S. Travel and Tourism Administration, set in motion the process of recapturing our Nation's share of the world tourism market, and promote and strengthen the interests of one of our most important industries.

The charts follow:

STATE TOURISM BUDGETS

State and date fiscal year begins	Total budget for fiscal year 1982–83	Rank
Alabama: Oct. 1	$2,254,193	19
Alaska: July 1	7,600,000	4
Arizona: July 1	1,619,000	27
Arkansas: July 1	2,356,206	18
California: July 1	457,300	47
Colorado: July 1	665,116	40
Connecticut: July 1	643,257	42
Delaware: July 1	572,100	44
Florida: July 1	9,155,678	2
Georgia: July 1	3,372,040	16
Hawaii: July 1	4,745,000	8
Idaho: July 1	875,000	37
Illinois: July 1	3,700,000	13

STATE TOURISM BUDGETS—Continued

State and date fiscal year begins	Total budget for fiscal year 1982–83	Rank
Indiana: July 1	492,325	46
Iowa: July 1	377,995	48
Kansas: July 1	366,350	49
Kentucky: July 1	3,393,900	15
Louisiana: July 1	3,207,776	17
Maine: July 1	650,000	41
Maryland: July 1	1,841,348	26
Massachusetts: July 1	2,000,000	21
Michigan: Oct. 1	8,100,000	3
Minnesota: July 1	1,315,000	32
Mississippi: July 1	1,696,000	24
Missouri: July 1	1,638,017	26
Montana: July 1	727,767	39
Nebraska: July 1	1,199,128	35
Nevada: July 1		
New Hampshire: July 1	1,200,000	34
New Jersey: July 1	1,360,000	31
New Mexico: July 1	1,294,400	33
New York: Apr. 1	12,100,000	1
North Carolina: July 1	3,500,000	14
North Dakota: July 1	610,746	43
Ohio: July 1	1,118,954	36
Oklahoma: July 1	3,810,337	12
Oregon: July 1	847,264	38
Pennsylvania: July 1	6,750,000	5
Rhode Island: July 1	550,000	45
South Carolina: July 1	4,891,696	6
South Dakota: July 1	1,642,911	25
Tennessee: July 1	4,123,300	10
Texas highways: Sept. 1	2,364,139	9
Texas tourism: Sept. 1	1,767,994	9
Utah: July 1	2,045,300	20
Vermont: July 1	1,415,900	30
Virginia: July 1	3,825,300	11
Washington: July 1	4,850,000	7
West Virginia: July 1	1,533,064	28
Wisconsin: July 1	1,492,100	29
Wyoming: July 1	1,927,898	22
Total	132,396,938	

Per capita spending by national government tourism organizations

NATIONAL GOVERNMENT FUNDING OF USTTA'S COUNTERPARTS WORLDWIDE ON A PER CAPITA BASIS (1983)

[In U.S. dollars]

1. Bahamas	118.64
2. Curacao	24.17
3. Guam	15.12
4. Jamaica	13.32
5. Singapore	10.27
6. Trinidad and Tobago	9.83
7. Czechoslovakia	8.88
8. Malta	8.77
9. Switzerland	7.48
10. Greece	7.32
11. New Caledonia	6.58
12. Cyprus	4.91
13. Macao	4.32
14. Costa Rica	3.98
15. Israel	3.25
16. Tunisia	3.10
17. Mexico	2.62
18. Hong Kong	2.61
19. Belgium	2.61
20. Finland	1.96
21. Tonga	1.96
22. St. Vincent and the Grenadines	1.92
23. Dominica	1.83
24. Iceland	1.77
25. Venezuela	1.67
26. Luxembourg	1.63
27. Spain	1.62
28. Canada	1.62
29. Syria	1.61
30. Zimbabwe	1.55
31. New Zealand	1.54
32. Chile	1.50
33. Korea	1.46
34. Turkey	1.33
35. Hungary	1.19
36. Peru	1.11
37. Norway	.99
38. Rwanda	.87
39. Netherlands	.86
40. Maldives	.84
41. Equador	.75
42. Australia	.71
43. Italy	.64
44. Brazil	.63
45. Malaysia	.59
46. El Salvador	.58
47. Jordan	.57
48. Columbia	.55
49. Yemen	.55
50. Ghana	.53
51. France	.47
52. Guatemala	.44
53. Equatorial Guinea	.41
54. Algeria	.40
55. Kenya	.40
56. Austria	.38
57. Egypt	.36
58. Cameroon	.33
59. Paraguay	.31
60. Libya	.30
61. Argentina	.27
62. Yugoslavia	.27
63. Lesotho	.25
64. Senegal	.23
65. Sri Lanka	.23
66. Germany	.22
67. Honduras	.21
68. Tanzania	.21
69. United Kingdom	.20
70. Zambia	.20
71. Sierra Leone	.19
72. Philippines	.17
73. Bolivia	.15
74. Papua New Guinea	.15
75. Mauritius	.13
76. Thailand	.12
77. Malawi	.12
78. Japan	.08
79. Togo	.07
80. Nepal	.049
81. Bangladesh	.038
82. India	.034
83. United States	.033

NOTE.—Reporting countries did not include Denmark, Sweden, Ireland, and Portugal . . . all expected to rank higher than the United States.

Source: World Tourism Organization. Organization for Economic Cooperation and Development and Travel and Tourism Government Affairs Council.

Per capita spending by developed nations' tourism organizations

DEVELOPED NATIONS GOVERNMENT FUNDING OF USTTA'S COUNTERPART WORLDWIDE ON A PER CAPITA BASIS (1983)

[In U.S. dollars]

1. Czechoslovakia	8.88
2. Malta	8.77
3. Switzerland	7.48
4. Greece	7.32
5. Belgium	2.60
6. Finland	1.96
7. Iceland	1.77
8. Luxembourg	1.63
9. Spain	1.62
10. Canada	1.62
11. New Zealand	1.54
12. Hungary	1.19
13. Norway	.99
14. Netherlands	.86
15. Australia	.71
16. Italy	.64
17. France	.47
18. Austria	.38
19. Germany	.22
20. United Kingdom	.20
21. Japan	.08

22. United States	.033

NOTE.—Reporting countries did not include Denmark, Sweden, Ireland, and Portugal . . . all expected to rank higher than the United States.

Source: World Tourism Organization. Organization for Economic Cooperation and Development and Travel and Tourism Government Affairs Council.

Total spending by national government tourism organizations

NATIONAL GOVERNMENT FUNDING OF USTTA'S COUNTERPARTS WORLDWIDE (1983)

[In millions of U.S. dollars]

1. Mexico	182.1
2. Czechoslovakia	134.8
3. Brazil	78.6
4. Greece	69.1
5. Turkey	62.1
6. Spain	[1] 61.1
7. Korea	59.0
8. Switzerland	[1] 47.4
9. Canada	39.3
10. Italy	36.5
11. Venezuela	30.0
12. Jamaica	29.5
13. Bahamas	28.0
14. Belgium	25.6
15. France	25.2
16. Singapore	24.3
17. India	24.3
18. Peru	20.1
19. Tunisia	19.9
20. Egypt	15.7
21. Columbia	13.8
22. Syria	13.8
23. Germany	13.5
24. Hungary	12.8
25. Burmuda	12.3
26. Israel	12.3
27. Netherlands	12.3
28. Trinidad & Tobago	11.3
29. United Kingdom	[1] 11.2
30. Hong Kong	10.6
31. Australia	10.6
32. Finland	9.3
33. Japan	9.2
34. Costa Rica	8.7
35. Malaysia	8.4
36. Philippines	8.4
37. Algeria	7.8
38. United States	[2] 7.6

DEVELOPED NATIONS' GOVERNMENT FUNDING OF USTTA'S COUNTERPART WORLDWIDE (1983)

1. Czechoslovakia	134.8
2. Greece	69.1
3. Spain	[1] 61.1
4. Switzerland	[1] 47.4
5. Canada	39.3
6. Italy	36.5
7. Belgium	25.6
8. France	25.2
9. Germany	13.5
10. Hungary	12.8
11. Netherlands	12.3
12. United Kingdom	[1] 11.2
13. Australia	10.6
14. Finland	9.3
15. Japan	9.2
16. United States	[2] 7.6

[1] Estimated.

[2] Excludes $500,000 earmarked for Hawaii disaster relief.

NOTE.—Reporting countries did not include Austria, Demark, Sweden, Ireland, and Portugal—all expected to rank higher than the United States.

Source: World Tourism Organization and Travel and Tourism Government Affairs Council.●

ORDERS FOR THURSDAY, JANUARY 24, 1985

RECOGNITION OF CERTAIN SENATORS

Mr. DOLE. Mr. President, the Senate will convene at 12 noon on Thursday, January 24. After the two leaders are recognized under the standing order for 10 minutes each, I ask unanimous consent that the following Senators be recognized for not more than 15 minutes each on special orders: Senators PROXMIRE, METZENBAUM, SPECTER, and GOLDWATER.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATING A PERIOD FOR THE TRANSITION OF ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that following the execution of the special orders just identified, there be a period for the transaction of routine morning business not to extend beyond the hour of 1:30 p.m., with statements limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT SESSION OF THE TWO HOUSES TO RECEIVE A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of House Concurrent Resolution 1, which is at the desk.

The PRESIDING OFFICER (Mr. PRESSLER) laid before the Senate House Concurrent Resolution 1 providing for a joint session of the House and Senate on Wednesday, February 6, 1985, at 9 o'clock post meridiem, which reads as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, February 6, 1985, at 9 o'clock post meridiem, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Mr. DOLE. Mr. President, this resolution has been cleared on both sides. It simply provides that there will be a joint session on Wednesday, February 6, 1985, at 9 p.m., to receive the State of the Union Message.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 1) was agreed to.

RECESS UNTIL THURSDAY, JANUARY 24, 1985

Mr. DURENBERGER. Mr. President, I see no other Senator seeking recognition at this point. I move, in accordance with the previous order, that the Senate now stand in recess until 12 noon on Thursday, January 24, 1985.

The motion was agreed to and, at 3:45 p.m., the Senate recessed until Thursday, January 24, 1985, at 12 noon.

HOUSE OF REPRESENTATIVES—*Tuesday, January 22, 1985*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, we remember with respect and appreciation Your servant, Gillis Long, and may the presence and hope and strength of Your spirit be with his family whose joy has been turned to mourning. We express our gratitude for his dedication to the work of this assembly, for his concern for the men and women he represented, and for his responsibility to the needs of our Nation. May his spirit of service to others continue to inspire us to use our talents and vocations in ways that glorify You, O God, and are a blessing to people everywhere. May Your peace, that passes all human understanding, be with his family and those he loved. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

SWEARING IN OF MEMBERS-ELECT

The SPEAKER. Are there any Members of the Congress who have not been sworn in as yet?

Messrs. FOWLER and HEFTEL of Hawaii appeared at the bar of the House and took the oath of office.

The SPEAKER. Congratulations. You are now Members of the 99th Congress of the United States.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had agreed to the following resolution:

S. RES. 39

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Gillis Long, late a Representative from the State of Louisiana.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

THE LATE HONORABLE GILLIS W. LONG

Mr. BREAUX. Mr. Speaker, I offer a privileged resolution (H. Res. 29) on the death of the Honorable Gillis W. Long, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 29

Resolved, That the House has heard with profound sorrow of the death of the Honorable Gillis W. Long, a Representative from the State of Louisiana.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER. The Chair recognizes the gentleman from Louisiana [Mr. BREAUX].

Mr. BREAUX. Mr. Speaker, I would only take this time to say that there will be a special order in the House on Wednesday next, which is January 30, for those Members who wish to make remarks to be included in the RECORD on Gillis Long.

The second note would be that I think most Members have received a "Dear Colleague" letter in their offices to the effect that the funeral is Thursday in Louisiana, with a plane scheduled to depart from Andrews Air Force Base at 9:45 in the morning and to return to Washington and back to the Capitol here at approximately 7:45 p.m. on Thursday.

The resolution was agreed to.

The SPEAKER. Without objection, and notwithstanding the adjournment of the House until Thursday, any Member who desires to go to the services will notify the Sergeant at Arms and he will notify the Speaker's office.

There was no objection.

ANTIBIOTICS PROTECTION ACT

(Mr. WEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEAVER. Mr. Speaker, I am today introducing the Antibiotics Protection Act, a bill designed to preserve the effectiveness of lifesaving antibiotics from being squandered through overuse and indiscriminate use.

The use I refer to is the widespread practice of routinely mixing antibiotics into animal feeds. When animals are fed subtherapeutic doses of antibiotics, it does succeed in killing certain bacteria which can cause disease in livestock. Unfortunately, at the same time it creates an environment which allows antibiotic-resistant bacteria to flourish. Simply put, the antibiotics kill some bacteria, only to make it easier for others to grow. Scientists have long worried that such resistant bacteria could then be transmitted to humans who consume the meat, and that, once sick, those humans would not respond to treatment with antibiotics.

The use of antibiotics in animal feed is quite common. Each year, some 15 million pounds of the penicillin and tetracyclines approved for human use are added to animal feed. That's nearly half of the antibiotics produced annually in the United States. The Food and Drug Administration estimates that 80 percent of swine, 60 percent of cattle, and 30 percent of the chickens raised in the United States are fed subtherapeutic doses of antibiotics in their feed.

Several European Common Market countries, alarmed by the declining effectiveness of lifesaving antibiotics, have banned such antibiotic use for a decade. The Food and Drug Administration in 1977 proposed a similar ban here. But in this country, the practice has continued, largely because many Members of Congress were unconvinced by available scientific studies. Now I believe, the proof, the "smoking gun," is here. And it points to the need for swift action, before the value of antibiotics is eroded further.

The Center for Disease Control, in a study published last September in the New England Journal of Medicine, traced a salmonella outbreak in Minnesota and three other Midwestern States back to its original source, a cattle feedlot in South Dakota. In that feedlot, cows were fed subtherapeutic doses of antibiotics in their feed. The CDC researchers concluded that anti-

biotic-resistant bacteria survived in the beef, which became hamburger on the tables of 18 unsuspecting midwesterners. All of them got sick. Six were hospitalized, and in each case, treatment with antibiotics, the first drug of choice, were ineffective. One patient who became infected died.

The case illustrates the frightening scenario which scientists have long suspected—that we are creating in our livestock herds breeding grounds for bacteria which we are not equipped to defend against. Our front-line defense against infections have for the past three decades been the antibiotics, especially the penicillins and tetracyclines. Now, however, their effectiveness is diminishing at a rate which alarms scientists. Doctors are now forced from using their drug of choice to second or third choices, all less effective, and all prone to a greater number of side effects.

It is foolish to speed the decline of the effectiveness of human antibiotics by throwing them into the feedbin. The livestock and chemical industries say the antibiotics are vital to keep their herds healthy and to promote growth. This, they argue, produces less expensive meat on the table. This may well be partially true. But the antibiotics must be saved for the infinitely higher purpose of saving human lives.

The Food and Drug Administration has been petitioned by the Natural Resources Defense Council to implement a ban on antibiotics in livestock feeds. The council's petition was signed by over 300 leading medical scientists, physicians, biologists, and veterinarians. It is time—past time—for Congress to act. We cannot wait for more and more studies. The antibiotic-resistant bacteria multiply by the minute. The effectiveness of antibiotics for human treatment diminishes by the day. By failing to act, we are turning our backs on the most effective disease-fighting weapons ever discovered.

THE LATE HONORABLE JOHN W. BYRNES

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, it is my sad duty to inform the House of the death, on January 12, of our former colleague, the Honorable John W. Byrnes of Wisconsin.

John Byrnes served the Eighth Congressional District of Wisconsin with great distinction from 1945 until he retired in 1973. He served on the Committee on Ways and Means for 26 years, many of those years as the ranking minority member. There is no trade, tax, or Social Security legislation during that period which does not bear his stamp. He was also chairman of the Republican Policy Committee for three terms and for many years was the chairman of the Wisconsin House delegation.

A mere recitation of John Byrnes' biography is not enough to do him justice. Congressman Byrnes achieved a degree of national prominence unique in Wisconsin political history. He did so because of his keen intellect, his outstanding leadership and his unfailing commitment to deeply held principles. He was, above all else, an effective Congressman, a true representative of the people.

At this time I want to express my sympathy to Congressman Byrnes' wife, Barbara, his six children, and the rest of his family. They—and we—have all suffered a great loss.

CONGRESSMEN SWIFT AND THOMAS OF CALIFORNIA COMMENDED FOR WORK ON ELECTIONS TASK FORCE

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, I would like to take this opportunity to commend two outstanding members of the Committee on House Administration for their excellent work on elections. The two are the chairman and ranking Republican, respectively, on what has been our elections task force, AL SWIFT and BILL THOMAS.

Just last week, they achieved a significant agreement with the networks in the work they have been doing for the last 4 years on the subject of early projections of election returns. ABC, CBS, and NBC have agreed—as CNN and Westinghouse Broadcasting already had—that they will not use the data from their exit polls to suggest who has won an election before all polls in a State have closed. This is a major step forward in the effort to ensure that all citizens have an opportunity to vote, and to know that their votes count.

As chairman of the Committee on House Administration, I applaud Mr. SWIFT and Mr. THOMAS' continuing diligence and hard work, and their persistence in following through on the difficult issues that arise in the area of elections.

Finally, I appreciate their obvious concern, and the attention they have devoted to protecting the integrity of the electoral process in this country, which is an especially important part of the duties with which our committee is charged.

I would like them to know that their chairman, and their colleagues, appreciate the work that they do.

THE BOBS HILL GANG IS 74 YEARS OLD

(Mr. O'BRIEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'BRIEN. Mr. Speaker, the City Council of Aurora, IL, has declared February 4 as "Boy Scout Troop 3 Day" in that city, in honor of its Boy Scout troop, the second oldest such troop in the United States. While Scouting celebrates its 75th anniversary in 1985, troop 3 celebrates its 74th.

Troop 3 was founded in 1911 by Aurora Beacon-News reporter Charles Pierce Burton, who was also an author of a series of boys' adventure books. The troop's nickname, "The Bobs Hill Gang" is drawn from the title of one of Burton's works.

The highest decoration awarded by the Two Rivers Council of the Boy Scouts of America, of which the Aurora troop is part, is also named in honor of Burton.

The historic troop has been sponsored since its inception by the New England Congregational Church in Aurora. Since its founding, the troop has produced 150 Eagle Scouts.

I take pride in this opportunity to recognize the heritage and history of Aurora's troop 3 before this Congress. I encourage the troop's current 22 members, led by Scoutmaster Mark Vogelgesang, to carry on in the traditions and skills of past troop 3 Scouts whose mantle they now carry.

□ 1210

NEW PENALTY FOR NONPARENTAL KIDNAPING

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

GENERAL LEAVE

Mr. SMITH of Florida. Mr. Speaker, I ask unanimous consent that all Members may be allowed to extend their remarks on the subject matter of the introduction of this legislation.

The SPEAKER pro tempore (Mr. DONNELLY). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SMITH of Florida. Mr. Speaker, today the gentleman from Arizona [Mr. MCCAIN] and I are introducing legislation to penalize with a mandatory life sentence without parole any nonparent who kidnaps a minor. In addition, if a minor is murdered during a kidnaping, this legislation allows the courts the option to impose the death penalty.

This legislation addresses a serious problem that faces our Nation today. Thousands of children annually disappear from their homes without a

trace. The numbers of children that have vanished by abduction, assault, foul play, and murder are on the rise. The problem was brought to light by concerned groups such as the Adam Walsh Resource Center in Fort Lauderdale, FL. The time has come to enact severe measures to punish those who prey on our children. The Federal Government has made inroads in tracking missing and abused children. Still, our children continue to be harmed. The latest statistics show that an estimated 60 percent of missing children are sexually abused, physically exploited, and psychologically damaged through abduction and kidnaping.

I hope my colleagues will support this needed legislation.

● Mr. McCAIN. Mr. Speaker, on January 14, the National Center for Missing and Exploited Children announced a statewide campaign for statutory reform to better protect our children. As legislators it is our duty to translate what we now know about crimes against children into careful consideration of statutory reforms that will better serve to protect our children. At this time, I think it is most appropriate to introduce Federal legislation that I believe will further protect our children from those who abduct, exploit, and even murder them.

Congressman LARRY SMITH and I have joined together in the introduction of legislation that amends section 1201 of title 18 of the United States Code, to provide for a mandatory life sentence without parole for any nonparent who kidnaps a minor. If a homicide results from a kidnaping, this legislation then provides for a mandatory life sentence or the death penalty depending on the court's determination.

There is no need to protect those who would steal our children from us. It is time to deal with this activity in a manner which fits its heinous nature. The answer is to remove these individuals from society on a permanent basis, so that no other children will be lost to them. I do not feel it is too harsh to say that one who kidnaps a child has forfeited his right to freedom. If we will not stand up for our children, who will?

The common good of our country demands that we take a strong stand on the problem of violence against our children. Preventive legislation is one step we as lawmakers can take. Support for this legislation shows that we have the courage to fight the battle to protect our children. I ask for your support.●

A TRIBUTE TO A YOUNG PENNSYLVANIA HEROINE

(Mr. GEKAS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, recently a rather big-for-his-age seventh grade boy was eating his lunch in the cafeteria of the Hershey Middle School in my district when all of a sudden he began choking with a bone stuck in his throat. Nothing was helpful to the young boy until a young seventh grade girl just half his size went behind him and executed the Heimlich maneuver in a perfect fashion, thus saving the life of this young boy.

This is a perfect example of the type of youngsters we see today who are more resourceful than we were when we were in that same category of student. We wish to have the name of this brave young girl, Jamie Rogers, remembered. She took no credit for what she did; she just returned back to her table and began to finish her lunch.

Mr. Speaker, we want to recognize Jamie Rogers of Hershey, PA, for calmly executing the life-saving venture called the Heimlich maneuver, and we together as the House of Representatives issue our joint congratulations to this young girl.

RIGHTFUL OWNERS OF VALUABLE ART OBJECTS FROM WORLD WAR II STILL DENIED POSSESSION

(Mr. YATES asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. YATES. Mr. Speaker, following World War II the Government of Austria received in trust from the victorious Allies a large number of valuable works of art which the Nazis had seized from the Jews of Europe before they were sent to death camps. The Austrian Government was charged as trustee with holding and delivering the confiscated artworks to their rightful owners.

There is reason to believe, Mr. Speaker, that that mandate has never been properly discharged. The Government of Austria has never given adequate notice and opportunity to the owners who lived and to the heirs of those who did not live to claim their property. Now the Government of Austria proposes to hold an auction of the works of art and to dispose of the proceeds.

Mr. Speaker, I would urge and request the Government of Austria to carry out the mandate and the trust with which it received those works of art and to provide an appropriate method of making sure that the owners or their heirs are given an opportunity to claim them.

RECOUNT IN DISPUTED INDIANA SEAT NEARS COMPLETION

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, on January 3, when this House convened, the House by a party line vote refused to seat the certified winner in District 8 of Indiana and instead declared the seat vacant. Since that vote the recount procedure has been in process. That procedure is likely to be completed today, although it may be delayed if one judge or another wants the vote explained or perhaps attempted again.

At this time it looks as though the certified winner, candidate McIntyre, will have expanded his margin and will prove through the recount that he is the rightful winner. When that recount is completed, there will be an attempt to have the House seat Mr. McIntyre to his rightful seat.

Mr. Speaker, I hope at that time the House will be able to rectify the error that it made when it refused to seat him in the first place.

NATIONAL INDIGENT WOMEN'S ABORTION TRUST FUND

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today I am introducing legislation to restore, voluntarily, abortion funding to those women previously eligible under Medicaid. My bill would ensure that poor women have equal access to complete pregnancy-related medical assistance.

My bill would amend the Internal Revenue Code to establish a national indigent abortion fund. It would be funded voluntarily by taxpayers through a checkoff system that allows the taxpayer to designate $1 of his or her income tax payment to be paid into the trust fund.

The amounts in the trust fund would then be available to pay the Federal share of the cost of medical services related to abortions which is presently unavailable to poor women in need of such assistance.

The bill is patterned after a bill that was introduced in the Colorado State Senate and passed its senate finance committee.

My bill is not a substitution for the Reproductive Health Equity Act, which repeals all current restrictions on the use of Federal funds for abortions. In fact, I am a cosponsor of that bill.

The national indigent women's abortion fund is a stopgap measure that we need to help those victims of rape and incest, who are not covered under the Medicaid abortion language. It's a

measure we need to provide complete medical assistance to Medicaid-eligible women who are especially susceptible to the health risks, nutritional deficiencies, or limited access to health services that contribute to a substantially higher incidence of problem pregnancies and the need for abortion services.

Today marks the 12th anniversary of the Supreme Court decision Roe versus Wade which established that a woman's right to privacy included choosing whether or not to carry a pregnancy to term. My legislation will allow poor women to use that right through the use of funds voluntarily designated by taxpayers for that purpose.

ECONOMIC COLLAPSE FEARED IN AGRICULTURAL HEARTLAND

(Mr. BEDELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEDELL. Mr. Speaker, I have just returned from spending 2 weeks in my district where I had some 40 meetings of an hour and a half apiece with my farmers, business people, and others, and I rise today to try to tell this Nation the problem that exists out there in the heartland of America.

We face an actual economic collapse. Those people who think what is happening today is simply a restructuring of our agricultural system do not realize what is occurring. When I had votes among our people who were in attendance at those meetings as to how many people thought we were going to have an actual collapse within 16 months, there were no hands that came up feeling that that was not likely to happen.

I would like to tell the people of this Nation that if they think this is a problem of a few farmers going broke, they do not know what the situation is. If we have that collapse through the heartland of America, it is not going to be just the problems in the heartland that affect us.

We recently had a cold snap hit the Middle West, and I know how the people of Florida look at that and say "How warm we are while you are cold." Let me say that if this hits, it will not be just the heartland; we are all going to be seriously affected by it.

Mr. Speaker, I hope the administration will start to realize the magnitude of this problem.

BRIGHAM YOUNG UNIVERSITY GAINS PROMINENCE IN FOOTBALL AND MISS AMERICA PAGEANT

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute.)

Mr. NIELSON of Utah. Mr. Speaker, this is impromptu because I feel I would not like to take too much bragging rights. However, I would like to point out that I represent the Third District of Utah, and that I was a faculty member of Brigham Young University, which just recently has been voted the No. 1 college football team by most of the rankings.

I also represent that same school which produced Miss America, Sharlene Wells.

Mr. Speaker, I would like to invite the Members of this House to come to a reception in room 538 of the Senate Dirksen Building from 12 to 2:30 today to meet Miss Wells in person.

TREASURY SECRETARY'S TAX PLAN IS ANTIPRODUCTION AND ANTIECONOMIC GROWTH

(Mr. WATKINS asked and was given permission to address the House for 1 minute.)

Mr. WATKINS. Mr. Speaker, I rise today to urge the President to repudiate his Treasury Secretary's tax plan because it is antieconomic growth and antidomestic production. It would lead to further deterioration of domestic production in the agriculture, energy, construction and manufacturing sectors because it would devastate capital formation, thereby crippling these capital-intensive industries.

While striking at our domestic production of energy and manufactured goods, the Regan tax plan would be good for cheap, imported consumer goods and for the gigantic multinational corporations that are desirous of a one-world economy. Their production is concentrated in foreign countries often utilizing slave labor and foreign government subsidies which allow them to flood the shorelines of the United States with imported goods. But it would be pure hell for domestic production, domestic economic and job growth and national security. The repeal of depletion allowances and the Intangible Drilling Act would alone destroy the energy industry in Oklahoma at a loss of more than 90,000 jobs. The result would be a service-oriented economy which does not produce the economic multipliers necessary to stimulate the job development and economic growth required to reduce the deficits and maintain anything that resembles the standard of living and quality of life that our citizens have enjoyed for the past 30 to 40 years. It would hasten the day when the United States becomes a debtor nation.

This week the President assumed the oath of office for a second 4-year term. This morning the administration released economic figures which it said painted a rosy picture of "continued economic recovery." Mr. President, I would be remiss if I did not remind you that all is not well on the domestic front. During the last 4 years, the United States has experienced:

An increase from $58 billion to $200 billion in record-breaking domestic budget deficits;

A growth from $28 billion to $125 billion in record-breaking trade deficits;

The highest "real" interest rates ever recorded;

The largest number of bank closures since the Great Depression;

The largest number of energy, business and industrial bankruptcies since the Great Depression;

And the largest number of farm foreclosures since the Great Depression, with a record-breaking farm debt of $220 billion.

On top of all this, Treasury Secretary Donald Regan has proposed a tax plan that would cripple domestic production-oriented industry. During the campaign, the President contended that deficits would be reduced by economic growth. Yet his Treasury Secretary's proposal would stymie that very economic growth the President is counting on. Mr. President, your indecision and continued detachment from this tax plan is having a negative impact on the investments required for domestic economic growth. Again, I urge you to repudiate Donald Regan's tax plan.

□ 1220

LEGISLATION TO DEAUTHORIZE ONAGA LAKE PROJECT

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, today, I am once again introducing legislation to deauthorized a Corps of Engineer water project in my district known as the Onaga Lake project.

The Onaga Lake project was first conceived in 1944 as a flood control project under the Missouri River study and later authorized through the Flood Control Act of 1962. The proposed lake would be located primarily in Pottawatomie County and cover almost 16,000 acres of land. The Corps of Engineers estimates that the Federal Government has already spent $2.1 million to study this project, although for several years now it has been classified in the inactive category. As you know, for a project to qualify for the inactive category, it must be deemed to lack economic justification; not adequately meet current and prospective needs; and lack the support of local interests. I assure you that the Onaga Lake project meets all qualifying requirements.

This legislation is important to my constituents because the continued authorization of the Onaga Lake project clouds the land titles of property owners in the area concerned. My con-

stituents, who are predominately farmers, are presently unable to assure a prospective buyer that there is absolutely no plan for a 16,000-acre Federal water project on this land. Further, the estimated benefits to be derived from this project have long been discounted and, to this end, the State of Kansas had excluded the Onaga Lake project from the State water plan.

During the last session of Congress, I introduced this measure and saw it approved by the Public Works and Transportation Committee and the full House as part of the Water Resources Development Act. Unfortunately, the other Chamber failed to act on this measure. My constituents and I are hopeful that during the 99th Congress, the deauthorization of the Onaga Lake project will be accomplished.

JOINT REFERRAL OF H.R. 36 PROHIBITING PRODUCTION OF LETHAL BINARY CHEMICAL MUNITIONS BY THE UNITED STATES, TO COMMITTEE ON ARMED SERVICES AND COMMITTEE ON FOREIGN AFFAIRS

Mr. WEISS. Mr. Speaker, I ask unanimous consent that the bill (H.R. 36) to prohibit the production of lethal binary chemical munitions by the United States and to call on the President to enter into immediate negotiations with the Soviet Union for a mutual, verifiable ban on the production and stockpiling of chemical weapons be jointly referred to the Committee on Armed Services as well as to the Committee on Foreign Affairs.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Armed Services:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 16, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L(50) of the Rules of the House of Representatives, that Mr. Paul L. Tsompanas of the committee staff has been served with a deposition subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I will promptly inform you of the determinations required by the Rules of the House.

Sincerely,

LES ASPIN,
Chairman, Committee on Armed Services.

ADJOURNMENT UNTIL THURSDAY NEXT

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 a.m. on Thursday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPEAL LOGGING PROVISIONS FOR AUTO DRIVERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, today I am introducing a bill which would repeal in part the Tax Reform Act of 1984 with respect to those provisions that would compel every driver of every automobile who conducts any kind of business to maintain a complete log mile by mile on the use of that particular automobile.

Everyone knows, Mr. Speaker, the business community has the option under the law to use private automobiles and other vehicles for business purposes and are allowed to deduct as ordinary and business expenses those particular expenditures not for personal use.

And so we have lived under this system very satisfactorily for a long time. The new law that we passed in 1984, however, exerts a very burdensome requirement on our business community in that it requires them to log every single mile recorded by their various vehicles. We think that this is so burdensome that actually it is counterproductive. What it does is not to insure good records. What it does is to insure a diversion from good productivity. It forces a business entity to have their bookkeepers and all the other functionaries in their offices devote a full new desk and several drawers just to keep records of their automobiles and various usages made thereof.

What we would like to see is a return to the old system where proper records will be kept, but you will not have to force every driver of every automobile in a particular business to keep logs like a naval craft would for a worldwide journey.

Now, what do we mean to do by this? We want to release our business community from the burden of having to maintain these burdensome records so that they can continue and progress in the economic recovery through the rational use of their personnel and their vehicles and their property, to do business and to expand their payrolls and to further aid the economic recovery.

What we are doing in allowing this law to remain in effect, the one we are attempting to repeal here, is to cause them extra costs of doing business, just the opposite of what we are trying to foster in this economic recovery. To cause them to hire more people to keep track of what their drivers are going to be doing with these individual automobiles is to increase their costs and therefore another business expense will be used by them which will mean they will be paying less corporate income tax in any event.

So, is it not better to make sure that our IRS procedures would properly effect the collection of these taxes and to look over the shoulders of our business people as they take business deductions for the use of these automobiles, but making it impractical under the present law, the one we wish to repeal, by having them do this burdensome day by day reporting of mile after mile of usage of their automobiles.

□ 1230

We believe that over the past that our business community has shown good responsibility in properly allocating business use to personal use on their vehicles. There is no reason to believe that this procedure has changed in any dramatic way over the past few years.

Then to ask them now to change their whole procedures and put their CPA's and their accountants and their individual employees on to that additional burden of recording every single mile on their vehicles, and then later using calculators and computers to try to determine which was business use and which was personal use, is so burdensome, as we have said, that the opposite of what we are trying to accomplish will be occurring.

I would ask the Members of the House to join with me in sponsorship of this legislation. It will be a signal to us as we go forward with the budget process that we must take this into consideration as we fashion a working new budget and a deficit reduction for which we all yearn.

It will be helpful, I believe, when we can get the business community to support this measure which will be very helpful to them in their every day activities while at the same time asking for their cooperation in the overall effort we are going to make, as the U.S. Congress, to reduce the deficit in the future.

BAN CREDIT CARD SURCHARGES—FOREVER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, 7 out of 10 adult consumers have or use credit cards. Close to 700 million credit cards are in circulation today. Credit

cards are not luxuries but necessities which provide the means to purchase essential goods and services when overtaxed household budgets cannot come up with cash. In short, most American consumers today rely heavily on the use of credit cards for emergency expenses, safe travel and everyday use. Today's American lives in a credit card economy.

This being the case, why do we allow the majority of consumers to be penalized for their use of credit cards? On February 27, 1984, the ban on credit card surcharges expired. Some States ban surcharges outright, and in others usury laws make surcharges illegal. Nevertheless, surcharges are now permissible in most States. Most merchants have not imposed surcharges while they wait for a congressional decision on the issue.

Last year the Senate passed legislation which would have legalized surcharges of up to 5 percent nationwide. Such legislation would not only override any State laws banning surcharges but open an era in which surcharges are permitted and encouraged. If we fail to pass legislation banning surcharges, the past Senate action may be taken for a sign that Congress now favors surcharges.

Some misguided consumer advocates claim that credit card surcharges are just and fair. Surcharges, they mistakenly argue, insure the cash paying consumer from paying for the convenience of the credit card-user. But under the guise of fairness, surcharges allow merchants to drain billions from already tight-budgeted American consumers. Surcharges benefit only an undeserving few and hurt everyone. This situation is disgraceful.

Credit card surcharges are counterproductive to a healthy economy, confusing, and unfair to all consumers. Credit card surcharges initiate price-spirals to the detriment of all. A surcharge increases prices, which naturally leads to purchase declines. And when purchases decline, the cost of goods and services increases even further for cash and credit users alike. Credit sales have become an essential part of the U.S. economy. Credit card sales last year totaled almost $300 billion. And there is very good evidence to suggest that credit card use stimulates the economy by enabling consumers to purchase goods and services when cash may be scarce.

The confusion generated by surcharges is intolerable. With surcharges, a multiple price system becomes established whereby one item may have three different prices: a cash price, a credit price, and a fictional regular price. Wise comparison shopping becomes more difficult than filling out income tax returns as consumers juggle unnecessarily complex prices. Rather than aiding consumers, surcharges only enable some gluttonous merchants to burden consumers with usurious charges.

Some have argued that without credit card surcharges, the cash-paying poor end up subsidizing the credit-paying rich. These same few have argued that overall costs of retailing goods and services are increased 3 to 6 percent by the use of credit cards. And, they argue, the lion's share of that extra cost is passed onto the cash-paying customer. These arguments are simply not true. First of all, credit cards are not just for the rich. One quarter of the people who earn under $10,000 a year use credit cards. Nearly 50 percent of the Nation's senior citizens use them. Most Americans today rely on some form of plastic money.

Second, what is wrong with the cash discount system? Cash discounts benefit all and penalize no one. The cash discount system enables merchants to give unlimited discounts to customers using cash instead of credit. And those who need or desire to use a credit card pay the regular price. Interestingly, despite legalized surcharges, most service stations continue to offer cash discounts. This system is fair to all and is complimentary to credit card use in spurring on sales.

Third, the Federal Reserve Board has found no evidence that cash customers pay higher prices as a result of their credit card-using counterparts. Its 1983 study found that higher finance charges and user fees places the brunt of the cost of credit card operations onto the credit card user. Furthermore, many merchants view the cost of handling credit card transactions as equivalent to the cost of handling cash transactions. Credit card surcharge advocates seem to forget the time consumed and money spend by merchants dealing with cash. The possibility of theft, for instance, requires precautions such as in-store security personnel and insurance fees. In fact, one study found that the cost of cash transactions was actualy higher than the cost of transactions made with credit cards.

In one form or another, the issue of credit card surcharges has been before Congress for over 10 years. On three different occasions we extended the ban on these unfair and dangerous surcharges. On January 3, 1985, I introduced H.R. 24, legislation which would permanently protect consumers from the injustice of credit card surcharges. A permanent ban of surcharges is long overdue. American consumers have grown to use credit cards more and more. And it is truly ironic that in a time when credit cards are more useful, and are being used more than they ever have before, their users—and ultimately all consumers—are being penalized.

I urge the Congress, therefore, to enact H.R. 24 to ban credit card surcharges permanently.●

A LOOK AT THE FUTURE FOR THE 99TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, America is watching whether or not this House will be a part of the governing of this Nation in the future or is simply going to be a body which stands in the way of governing this Nation in the future.

Yesterday in his inaugural address President Reagan set forth a course of action. He said, in what I thought was an inspiring speech, that there were certain things that we need to get about doing if we are going to govern this Nation properly in the future.

What this House has as its agenda, as its obligation, is to begin proceeding down that course. Do we have to do everything the President asks? No.

Do we have to accept everything that comes up from the White House just the way it is sent up here? No.

But there are certain goals and certain kinds of programs that the President is asking the Nation to move toward that we should be a part of modifying, that we should be a part of moving so that in fact the course laid out by the President is a course into the future.

I must say that the initial indications of whether this House is going to be willing to move in that direction are not particularly encouraging. On the opening day when the rules of this House were adopted we specifically turned down reforms that were aimed at making this House into a more democratic body, meaning with a small "d;" in other words, a House willing to debate the issues, a House willing to face up to the issues, a House willing to tell America precisely what we were doing.

That rules package was brought to the floor by the minority leader. It was an excellent rules package and it should have been supported by anybody who believes in good Government, because what it was aimed at doing was opening up the processes of this body. It was turned down on a strict party line vote.

We are going to hear a lot in the course of this Congress about bipartisanship around here. Even an excellent rules package such as the minority leader brought forward could not engender any kind of bipartisanship in that opening day.

Let us think about what was in that package. One of the things in that package might be kind of interesting

to the people across the country who view us on television. As I speak here today, I assume the status is still the same, that the cameras will be sweeping the Chamber showing a lot of empty seats. That was a process we instituted in the last Congress.

What the rules package that the minority leader suggested was that we continue with that practice, that that is fine, but that we ought to begin sweeping the Chamber during the regular sessions of the House as well, that during the legislative sessions of the House we ought to see just how many people are on the floor conducting the business of the Nation, because we would find out that there are an awful lot of people who maybe for very good and righteous reasons are not here but nevertheless they are not on the floor, and it might have people across the country asking where is their Congressman.

It is 25 minutes of 1 and they are asking where is my Congressman.

I think that is one of the things that we could do to begin to indicate to the Nation just what the legislative process is all about.

If in fact we do not want to lie to the Nation about what happens during special orders, that they are not delivered to standing room only audiences in the House, we ought to make the same admission about what goes on here during the course of the regular legislative day.

That was one part of the rules package that the gentleman from Illinois [Mr. MICHEL], brought forward. It was turned down, as I said, on a party line vote, not a very auspicious start.

Then later on in that day and in other action, the minority was specifically denied a seat in the House of Representatives despite the fact that the Member of Congress came here duly certified by his State as the winner of the election in his State. Yet this body, voting on party lines, made the decision that Mr. McIntyre of Indiana would not be seated, an unprecedented action; never before in the history of the Congress has a Member who has been duly certified by his State, where there is absolutely no doubt that his State means for him to be seated, has such a Member ever been turned down in this body for seating. That is an unprecedented action that was taken here on the opening day. Not a very auspicious start for the kind of bipartisanship needed to govern the Nation in the future.

Then during the course of the inaugural activities here in Washington over the last couple of days I have had a chance to observe some of my Democratic colleagues talking on the television about what it is they want to see done in the future and how it is they are going to be helping to move the governing of the Nation forward. And, once again, I must say that it was a lack of encouraging information as far as I was concerned.

For example, I saw the gentleman from West Virginia, the minority leader in the other body, suggest on television that they are simply going to wait on the Republicans, that they have no agenda and they are going to sit back and simply criticize. That is not particularly the kind of bipartisanship that one would expect if we are going to move things forward on Capitol Hill.

But then we also heard this morning from the chairman of the Democratic Congressional Campaign Committee that serves in this Chamber who was talking about the fact that they want to cooperate with the President, and he made it quite clear that he thinks cooperation with the President is important. It is important, then, to realize how he thinks cooperation should take place.

For example, he suggested that they want to cooperate with the President on his goal toward a balanced budget, and in fact they had done everything that they could do in the last Congress toward that by adopting a pay-as-you-go budget. He did not go into the explanation of that pay-as-you-go budget. We all remember it well. It was a very high deficit budget that basically adopted all of the spending that is now in place, and then said, "If you are going to add anything else in the future, we are going to increase taxes in order to have those programs in the future."

That is not exactly the balanced budget approach the President I think is talking about, or the American people thought was appropriate.

In this election when the American people had the idea of additional taxes presented to them, the American people said overwhelmingly that they did not want new taxes. Recent polling information out also indicates the American people do not want new taxes.

□ 1240

So the pay-as-you-go approach brought to us by the Democrats last year was not a balanced budget approach, it was indefinite deficits coupled with higher and higher taxes. And if the chairman of the Democratic Congressional Campaign Committee thinks that that is cooperation with the President to suggest that that kind of budget will be a model of behavior for cooperation, it seems to me that he had better begin consulting a little bit with the American people, who overwhelmingly rejected his party in this last election.

It was interesting to note, I say as a footnote here, that he made quite a point of the fact that they really did not lose this last election because they elected Governors and they elected Members to this House, and so on, and he made a particular point, of course, about the election of Members to this House.

I would remind people that he had been somewhat misled over the last few months about what really happened in the congressional election, that the Republican Party nationwide got 49.6 percent of the votes cast for Congress. It was a very close election in the popular votes. It does not get reflected around here very well; in fact, when we started dividing up committee ratios we always seem to get disadvantaged in the House, even in terms of the numbers which we have here. We got 42 percent of the seats in the House, having gotten 49.6 percent of the vote. It shows you something of the way the Democratic legislatures have gerrymandered this country after the 1980 census, when you can get nearly half the votes and do not get anywhere close to half the seats in the House of Representatives.

It seems to me if we really wanted to be fair, if we really believed that the popular vote in this country had meaning, that instead of figuring out whether we get 42 percent of the seats on committees, which they are not really even willing to give us that much, that we ought to be getting half the seats on committees because that is really reflective of how people voted across this country.

In addition, the chairman of the Democratic Congressional Campaign Committee talked about that they want to cooperate with the President on world peace, and I really believe that that is the case, that there is a strong feeling among all political elements in the country that we need to do what we can to move toward peace.

The question is whether or not they are willing to stand and do the kinds of things that the President has outlined are necessary to begin those negotiations toward world peace.

Once again, when the minority leader of the other body was talking on television today he suggested one of the things we ought to eliminate is the B-1, just unilaterally, just give it up, that we already have the Stealth somewhere down the pike, so we unilaterally give up the B-1.

Other members of that party suggest that we ought to unilaterally give up the MX missile. Other Members have talked about unilaterally giving up the strategic defense initiative. The question is, Do we want to negotiate toward world peace, and want to do something with the Soviet Union where unilaterally we are canceling out all these systems, where do the negotiations toward world peace come from? The United States at that point has simply given up. Why do the Soviets have any initiative whatsoever to do something with us toward negotia-

tions if we in this body and particularly liberal Democrats in this body are willing to unilaterally give up all those things that we are able to take to the table to negotiate toward a more peaceful and stable world.

So, once again, not very auspicious from the standpoint of being willing to govern.

The chairman of the Democratic Campaign Congressional Committee also suggested they want to help the President on Social Security because the President said during the campaign that he does not want to cut Social Security. The President was serious about that.

The President I think means it when he says that he does not want to have any adverse impact on the people who are collecting Social Security. I think that is the majority position among Republicans in this House.

But once again that is always raised by the Democrats as a way of once again starting the fear tactics on Social Security; always raise the Social Security issue and make people fearful that something is going to be done in Washington to pull that blanket of support out from underneath them, that rug of support that they depend on will be canceled out by something done by the Republicans in this town.

That is just nonsense to begin with. But, second, it seems to me that it is a continuing pattern. It is very disturbing that we prey upon the elderly in the politics of this country by using scare tactics and fear tactics on every occasion. Liberal Democrats have become famous for getting to the end of campaigns and throwing out the scare tactic on Social Security as one of the ways of trying to win an election.

Well, we move onto the floor today and as I sat and listened today I heard a whole series of speeches where tax reform was called antigrowth.

I think the American people fully realize that if we could ever get special interest power out of our tax system that in fact it would bring about more growth, not less growth. The arguments were really made here on the floor today to the extent that this is a terrible thing that is going on when the President and the Treasury Department suggest we ought to have tax reform because it would impact adversely on a whole series of special interests. And we even had the nerve to come to the floor to tick off a whole series of special interests that might be affected by tax reform.

I would suggest that the American people sought to take a look at that kind of approach because it suggests to you precisely where Democrats believe their party's power comes from, it comes from all the special interest groups that they then come to the floor and attempt to protect.

The protection of special interests is what causes growth problems in this country, and I would hope, I would hope that as we analyze the potential for tax reform and particularly the potential for flattening the tax rates in this country, that people will begin to see that that really is what could cause the economy to grow by giving more people more access to their hard-earned dollars and thereby allow more investment and growth in the economy.

There is a refusal, there is a refusal among liberal Democrats to recognize the fact that this economy is growing. There is a refusal to recognize that we are improving in the economy. Have we solved all the problems? No.

Unemployment is still too high, interest rates are still too high, there are still many problems in the economy. But it is a much better economy than it was 4 years ago as a result of reforms and changes that were made.

To come to this floor and continue to suggest, as a couple of Members did in their speeches today, that there is something disastrously wrong out there, that we need to literally change the whole thing around and go back to the, basically, policies like those of the Carter administration, is, it seems to me, an incredible lack of perception about what is taking place in the economy today.

We had a report out just today, absolutely fantastic statistics about the growth rate of the economy during the final part of last year. If we can continue those growth rates out into the future we could do much to solve the budget deficit problem, we could do much to bring down the interest rates, we could do much to solve the unemployment problems that this country faces if we can continue to grow. If the Democrats go back to their tax-and-spend kinds of policies, if they do the kinds of things that they are suggesting on this floor that they want to do by protecting all the special interests throughout the country, by impacting adversely on our foreign trade with more and more protectionism, if they do all of those kinds of things we will in fact drag this economy back down, we will not get growth, and what we will have is even bigger deficits in the future.

It seems to me that as we look toward the possibility of governing that there can be no bipartisanship when the Democrats want to return to the failed economic policies because those that have failed us so miserably in the past simply cannot be endorsed on a bipartisan basis. They may make good politics but they are lousy ways of governing the country and there can be no bipartisanship on readopting failed policies of the past. There cannot be any bipartisanship when the Democrats use the rules of this House to disadvantage the minority, when they continue to come in with committee ratios that are such that the Republicans do not have a fair chance to get their policy options before the Congress. If seems to me that that drags down the bipartisanship that it takes for governing.

I would suggest that we had a speech a few weeks ago on the floor justifying why Democrats do that. I think it was the gentleman from Montana came out and told us that, in so many words, and this is my interpretation of what he said, that democracy just does not work very well; that every once in a while you have to turn to authoritarian tactics, that the Democrats have to have the kinds of super majorities on committees in order to get their policies enacted. I think that when we start suggesting that this House has to become more and more autocratic, more and more authoritarian in order to get its work done, that we have given up on democracy.

I personally think it is high time that we expand democracy, make this House more and more of an open body, and until the Democrats wake up to that it is going to be very, very hard to have bipartisanship toward governing the country.

I would also suggest that there cannot be bipartisanship when the first act of the majority is to try to steal a seat in the House away from the minority. And I do not think that we can be in a very bipartisan mood toward cooperating with suggestions from their side when we are in the process for the first time in history of trying to steal a certified seat from the State here in this body.

Our important task for the future is to get about the business of governing the Nation in the right way, to get about governing the Nation wisely.

□ 1250

The President outlined a course that this Nation should follow. A course that vast numbers of Americans voted for when they cast their votes for the President in the last election.

Whether we will follow that course and whether we will do what is right toward governing the Nation at this point is very much in doubt.

STATEMENT ON ABORTION: JANUARY 22, 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. WEISS] is recognized for 10 minutes.

Mr. WEISS. Mr. Speaker, 12 years ago today, the U.S. Supreme Court confirmed the constitutional right of women to decide for themselves one of the most important decisions they will face during the course of their lives:

Whether to bring an unwanted pregnancy to term.

Unplanned pregnancy and abortion were not new issues in 1973, however. It is estimated that between 200,000 and 1.2 million women a year were subjected to life and health endangering abortions, that hundreds of women died annually as a result of botched abortions, and thousands of women suffered permanent disability as a consequence of the procedures used by these women in their homes and in the underground network of back-alley abortionists. I saw the results of this butchery as a young prosecutor in New York charged with investigating and prosecuting these illegal abortionists.

It was in 1973 that the Court made it clear in Roe versus Wade that the "right of privacy, whether it be founded in the 14th amendment's concept of personal liberty * * * or * * * in the 9th amendment's reservation of rights of the people, is broad enough to encompass a woman's decision whether or not to terminate a pregnancy." The individual choice of abortion was not made easier, but a woman no longer had to risk her life as the result of her decision.

For the overwhelming majority of women, the choice to end an unwanted pregnancy is not an easy one. Each woman faces a different set of hard questions. One woman faces the effects of rape or incest; another's pregnancy threatens her life; another, thinking she was too old to become pregnant, fears for the health of the child; still another is too young or too poor to handle the responsibilities of motherhood. Whatever the reason, it is not without pain that a woman first enters the clinic's doors. But the Court, with its decision, made that fundamental choice hers.

Today, on the anniversary of that decision, these women are faced with a new barrier to exercising their constitutional rights: That of verbal harassment and physical violence by those who oppose their decisions and that of the Supreme Court. Pregnant women are now not only faced with their own set of difficult decisions, but with the aggressive judgment of others upon them. It is not uncommon for a woman approaching an abortion facility to be forced to endure verbal harassment by self-proclaimed pro-life counselors and hecklers. Some women have even been met by physical obstruction and abuse.

Since 1982 there have been 30 reported bombings at abortion clinics nationwide. Twenty-four of the bombings have taken place within the last year. Fortunately, no one has been physically harmed in these attacks. But, the constant threats received by the clinics, the physicians, and the patients have created an ever-present fear that "we might be next."

Leaders on both sides of the abortion issue have called these bombings criminal and anarchistic, and the President has condemned the bombings, pledging to do all in his power to bring the guilty to justice. But, while the Bureau of Alcohol, Tobacco and Firearms [BATF], with the help of the FBI, has done an excellent job in its investigation, having made arrests in 20 of the attacks, President Reagan's continuing antiabortion rhetoric serves only to aggravate the confrontational situation which he has condemned.

So, instead of a day of commemoration for this historic Supreme Court decision, we are faced with a day which many fear will be met by stronger and more violent opposition. Two weeks ago, the BATF felt it necessary to issue a warning to abortion clinics and medical offices of a potential for increased violence today, provoked further by the Presidential inauguration. While the National Abortion Federation has advised all of its members to stay clear of their facilities during nonworking hours, the National Organization for Women made its members available over the inaugural weekend to hold vigils at clinics requesting their presence. It is deplorable that people are again being forced to risk their lives to protect what is now a constitutional right.

While I respect the rights of those who oppose the court's controversial decision to voice their concerns publicly, I would like to point out that there is a clear distinction between the freedom of speech of the protesters, and the obstruction of the civil rights of those seeking legal medical attention. Abortion is not an issue that should be taken lightly, but neither is the obstruction of individual freedom.

Mr. Speaker, one final note. I noted with appreciation and approval the wise suggestion made earlier today during the 1-minute sessions by our distinguished colleague from Colorado [Mrs. SCHROEDER] of her proposal to introduce legislation which will allow a voluntary $1 checkoff on income tax returns so that those who want to will allow their voluntary contributions to pay for the abortions of victims of rape and incest who, under current law are denied that right. It is a fair, equitable proposal, allowing the conscience of individuals who want their tax refund dollars to be used in that fashion, to be so utilized.

It seems to me that it provides a transitional way of providing assistance for those who desperately need it, and they cannot afford to pay for abortions under the circumstances of rape and incest.

EMERGENCY HOUSING ASSISTANCE ACT OF 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, today I am introducing the Emergency Housing Assistance Act of 1985. The need for this legislation is urgent, and I intend to act expeditiously. Everyone is aware that the rate of home foreclosures is intolerably high, higher than in any year since the Great Depression. Many homeowners are still suffering from the effects of the severe recession of the early 1980's, but these families will be able to save their homes if we provide a reasonable degree of temporary assistance to help them through this crisis.

I offered similar legislation in the last Congress, and this legislation that was passed by a 20-vote margin in the House. Unfortunately, this proposal failed to receive any consideration at all in the other body of the Congress and so died, leaving countless numbers of families helpless and without hope in the face of imminent foreclosure. For those families who have held on but now face the threat of losing their homes, I hope that this legislation will pass swiftly through this Congress.

Even though the economy is expanding, it is imperative that we remember this: Nine and a half million Americans are officially reported as out of work today, and millions more are unemployed but too discouraged to seek work. There are 2½ million who have been unemployed for longer than 15 weeks. It is these millions to whom my bill is addressed; people who have lost their jobs through no fault of their own, who remain unemployed despite their best and diligent efforts to find work, and who now face the prospect of losing their homes. The economic recovery has not started for them; their economic desperation has not eased; and their prospects are not improved by the recent economic expansion. They remain innocent victims of a callous, cavalier economic and social policy.

Regardless of the tidings of economic recovery, the rate of home foreclosures today is at 5.86 percent—the highest in 30 years. It is also higher than the foreclosure rate in 1983, when the recession was at its depth. What kind of recovery is it when the rate of foreclosures increases? What kind of recovery is it when the amount of desperation and homelessness grows? What kind of recovery do we have when beneath the rosy figures we see a higher level of home mortgage foreclosures? If anything, the need for my emergency home mortgage assistance bill is greater now than it was last year.

We need to recognize that regardless of general economic recovery, there are industries and communities that remain in desperate straits. Automobile sales and production numbers look fine, but there are fewer jobs in the automobile industry today than there were a few years ago; automation has taken its toll. Likewise, where once recovery in autos meant recovery in steel, the steel industry remains depressed. Automobiles use less steel today than formerly; steel is a shrinking industry, both in tonnage and in employment. That great industrial heartland that we know as Smokestack America is facing enormous economic and social stress; my bill is addressed to the needs of those people whose jobs have not come back with recovery, whose communities have not bounced back with expansion, whose every effort to hold on has been frustrated by overwhelming forces.

We need to recognize that last year there were more bank failures than in any year since the Great Depression—and the prospect is that this year will be just as bad. This can only happen for one reason: hundreds of communities are in a depression. Farmers are worse off today than they have been in 40 years. Farms and farming communities, and industries that supply farmers, are in the gravest kind of difficulty. Where is economic recovery for them? It does not exist. My emergency housing assistance bill recognized that fact, and offers a reasonable response. It is callous, even irresponsible, to consign rural communities and small towns to economic oblivion, which is what has been done in these past 4 years.

I am not asking or proposing that assistance be extended to people who could retain their homes in any other way. I am not asking for a bailout for the imprudent or the improvident. I am asking only that we recognize the fact that economic recovery has been spotty, and that there are entire communities and industries that face immense difficulties. There are millions of workers out of jobs through no fault of their own and despite their best efforts to find new work; whose problems are overwhelming, and whose greatest hope is to hang on for a while longer, to keep the wolves away from the door. And that is what this bill does: It provides at least a modicum of help to people who face overwhelming and disastrous personal economic problems, through no fault of their own, and who face circumstances that are wholly beyond their control to change.

Just this weekend, we saw demonstrations in Minnesota, where farmers were demanding a moratorium on foreclosures. It is not the first such demonstration that we have seen, nor will it be the last. It is a measure of the economic hardship, deprivation and desperation that exists, recovery or no, in towns and cities all across this country. The Emergency Mortgage Assistance Act would provide help. Is help needed? Ask anybody who is facing financial disaster. I urge your support of this legislation.

□ 1300

SUPPLEMENTAL APPROPRIATION FOR DROUGHT AND FAMINE RELIEF IN AFRICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Jersey [Mrs. ROUKEMA] is recognized for 5 minutes.

● Mrs. ROUKEMA. Mr. Speaker, I rise to introduce, on behalf of myself and the Honorable SILVIO CONTE, the famine relief and recovery in Africa bill, a supplemental appropriations bill for drought and famine relief in Africa. We are all painfully aware that the African Continent is in the throes of the worst drought in this century. The lives of millions of Africans are being threatened by hunger on a scale we in the developed world can only imagine. Ten million people are in immediate danger of starving to death.

Beyond the imminent threat of mass starvation, deprivation shackles human existence at every turn. Disease is rampant. Of the children who survive the famine, many will be physically or mentally handicapped for the rest of their lives.

As ranking Republican on the House Select Committee on Hunger, I had the unparalleled opportunity to view this crisis firsthand with a group of my House colleagues during a recent trip to Ethiopia. Words cannot describe the anguish I felt at the Korem and Makelle refugee camps. My sense of helplessness was overwhelming.

Today, the knowledge of the existence of such misery reminds us of the words of John Donne, "No man is an island." Indeed, we can be assured that the United States has proven to be "our brothers' keeper."

The administration's response to this disaster has been commendable. Once again, the official U.S. contribution to this relief effort has been second to none. U.S. emergency food aid to Africa so far in fiscal year 1985 is already twice the amount sent in 1984. The title II emergency fund of Public Law 480, used for drought and famine relief, is already depleted after only 3 months into the fiscal year. The Agency for International Development [AID] has told us that U.S. emergency feeding operations will be serverely hampered if new resources are not available by March. It is imperative that the Congress act immediately. As the drought intensifies and the famine spreads throughout Africa, clearly we, as a nation, are morally bound to extend our assistance to prevent further catastrophe.

Using figures from the U.N. Food and Agricultural Organization, the World Food Program, and AID, Mr. CONTE and I calculate a 3.9-million-metric-ton shortfall in food aid needs between now and the end of the fiscal year. This assessment is based on the needs of the 18 most seriously affected African countries, as well as a small food aid requirement for Bangladesh, where the situation is also critical.

To arrive at this figure, we have looked at the cereals production and commercial food import figures for each affected country and made adjustments based on the crop and marketing year to approximate the U.S. fiscal year for purposes of this bill. The sum of these figures represents the amount of food a country is able to produce domestically or import, and includes estimates of informal food sources and farmer stocks. This figure is then subtracted from the food consumption needs that we project for each country based on population, past consumption, and food import patterns. We calculate the food gap between what a country is able to produce/import and what that country actually requires to feed its people. Hence, the 3.9-metric-ton food need figure for the remainder of fiscal year 1985. It represents the amount of required food not being supplied by the United States, the United Nations or other donors.

We feel strongly that, as in the past, the U.S. commitment should be based on providing 50 percent of assessed need—in this case, 1.9 million metric tons or the equivalent of $685.5 million. Our bill achieves that target. It does so by taking into account the administration's transfer of additional resources totaling $190 million to the emergency food aid budget, including 300,000 tons from the emergency wheat reserve. Our supplemental request for direct emergency food aid, therefore, is $495.5 million—the $685.5 million less the $190 million made available by the administration's actions. This total includes ocean transportation and one-half of the costs for inland transportation, to make sure that food is not only made available but gets to the starving of Africa. This additional food aid will be programmed by AID through both government-to-government agreements and through the private voluntary organizations active in famine relief in Africa. The remainder of the emergency food aid requirement is being met by other donors, such as the European Economic Community, Canada, and Australia.

In addition to food aid, this supplemental contains $132.5 million for emergency shelter, medical care and refugee programs. This additional aid will assist in medium-term recovery efforts linking emergency needs with ag-

ricultural development in order to help avoid conditions which could lead to future famines. The non-food-aid figure of $132.5 million is broken down as follows:

	Millions
Funding to assist private voluntary organizations in carrying out title II rehabilitation programs in health, water, and agricultural development	$10.0
Disaster assistance for shelter, emergency water needs, and $30,000,000 for emergency medical care, including vaccinations	70.0
Rehabilitation and recovery programs (under AID's agricultural, rural development, and nutrition account) for assistance to refugees, with 80 percent channeled through PVO's	30.0
Refugee programs, for African refugees and displaced persons (AID's African resettlement, services, and facilities project)	20.0
AID operating expenditures for monitoring of food aid and disaster assistance to prevent diversion	2.5
Total, nonfood needs	132.5

The total supplemental request for fiscal year 1985, including both emergency food and nonfood aid, is $628 million.

Given the deficit, we are sensitive to the budget pressures and difficult choices confronting us. This bill, is a responsible, reasoned approach to the African crisis, and it is commensurate with the need for continued strong American leadership on this issue. It is especially important that the Congress act swiftly on a supplemental if the additional aid we need to provide is to be effective and timely.

Again, the words of John Donne return to mind. "We are not an island," he wrote. "Any man's death diminishes me, because I am involved in mankind and therefore never send to know for whom the bell tolls; it tolls for thee."

Thankfully, the United States is involved in mankind, and its people will not allow us to ignore the deaths of men in Africa.

Mr. CONTE and I feel strongly that this $628 million appropriation will provide a lifeline for the millions who are in imminent danger of death and crippling disease that now threatens to decimate an entire generation of Africans. This Congress must act with resolve and speed.

There must be no delay or wavering by us, nor doubts by others that America will meet her responsibility. We are a generous and an idealistic people. Our response to this human catastrophe in Africa will be a telling manifestation of that.●

A TRIBUTE TO HOWARD HARRIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I would like to recognize and share with my colleagues in the House of Representatives the accomplishments of Mr. Howard Harris of San Benito County, CA. Mr. Harris has been active in agriculture all his life. He has served on the San Benito County Farm Bureau since graduating from University of California, Berkeley in 1934. He has served as representative, director, and president, of the State of California Farm Bureau, and as a representative on the Governor's water policy board. Howard has also served as a trustee for the Cienega Elementary School District, as president of the Hollister High School PTA, and is currently a trustee and chairman of the board of trustees for Gavilan College.

In addition, as if all of these activities were not enough to keep him busy, Howard has served as a leader of youth 4-H activities for 50 continuous years. It is this volunteer service that I would particularly ask my colleagues to note. During the past 50 years, Howard has served as president of the County 4-H Council, chaired several major council committees, directed the nature program for the 4-H summer camp, originated California's 4-H entomology project, and pioneered the 4-H woodworking and electricity projects in California.

Howard has been a key person in the lives of literally hundreds of children and young adults through his thoughtful guidance and personal example. I am proud to have the opportunity to acknowledge before this distinguished body the many valuable contributions of Howard Harris.●

ETHIOPIAN HUNGER PROBLEM BAFFLES THE MIND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. NELSON] is recognized for 8 minutes.

Mr. NELSON of Florida. Mr. Speaker, in Ethiopia, a drought-stricken country, the enormity of the hunger problem baffles the mind. As I visited the feeding centers where gentle humans are restoring life to some of the starving, I was bewildered as to how to solve this crisis.

The problem of famine in Africa is real. Twenty nations have been affected. Seven are critical. Just in Ethiopia alone, over 7 million people are threatened by starvation.

A severe drought is a major cause. The rains either did not come or were less than is required to germinate the seeds in the fertile soil.

Agricultural techniques are backward. There are few drilled wells, little irrigation, almost no fertilizer used and severe topsoil erosion. If there is to be problem solving, it will be long term and it will be painful. Attitudes will have to be changed to use modern agricultural methods. And in Marxist countries, the collective farm reduces the farmer's incentive to produce for himself and only aggravates the sparse production.

There have been four major droughts in Ethiopia in the last 35 years. People have died of starvation. But this is the worst drought and death is apparent throughout the land.

My visit to Alamata and Korem, two feeding centers 250 miles north of Addis Ababa, was shocking. The emaciated bodies of young and old were overwhelming. One's emotions cannot be controlled as you see the helpless trying to survive. The huge numbers dulled my sense of hope.

Thousands have died and thousands more died in remote villages which statistics will not record. But there is hope—because humankind is responding—and responding well.

The free world is responding swiftly by sharing its abundance of food, medicine, and blankets. Help from Western nations, from the private sector and from government, is pouring in. People are acting out of their best humanitarian instincts.

The United States is leading the pack. There are not many "ugly Americans" in Africa today. We are responding from our generosity. And America is responding mightily.

Americans are responding as a government. President Reagan has announced his intention to provide one-half of the food assistance needed in Africa this year—a $500 million U.S. contribution. For Ethiopia, a Marxist state, with whom we have strained relations, $130 million in food is already planned. This Government-supplied grain is distributed by many private volunteer agencies, such as Catholic Relief and World Vision, and soon some will be given directly to the Ethiopian Government relief agency. The sacks bear the words: "Donated by the People of the United States of America."

The private sector is also responding. For 1985, food assistance to Ethiopia through private organizations is estimated to be $125 million, with another $22 million spent on Ethiopian refugees elsewhere.

The private sector from Florida responded magnificently. A "flight of mercy" was organized, funded, loaded, and flown to Addis Ababa, which bespeaks the generosity of Floridians.

The mission was conceived by my wife, Grace Nelson, as a needed response to the problems she had seen in Africa last summer. In Mali, she held a starving child in her arms. She has not been able to forget it. After organizing some fundraising activities, the thought of a "flight of mercy" came from a discussion with the editor of the Florida Times Union. He sug-

gested that although people wanted to help, they needed a concrete mission to respond to and one which could be tracked to a successful conclusion.

This story is an American success story. A DC-8 was chartered and loaded with 40 tons of food, medicine and blankets, in the midst of ongoing fund drives. WCPX-TV in Orlando collected over $80,000 and two truckloads of blankets. World Vision, a Christian humanitarian organization, provided the mechanism for obtaining the 2 tons of medicine and 38 tons of fortified food, 11 tons of which were donated by a former Ethiopian official in Indiana. This special mixture of oats, powdered milk and honey, known as ATMIT, is indigenous to Ethiopia. Another $120,000 was raised before the flight departed Chicago on January 12.

The plane was so long you could hardly see from one end of the cargo bay to the other. During the 24-hour journey, our group of "food shepherds" slept on top of the pallets of fortified food using some of the donated blankets for warmth. It was a good feeling to know that our mission was one of trying to help the starving by actually taking food to them.

Our landing was the first of a stretch DC-8 on the Addis Ababa runway. TransAmerican Airlines and World Vision soon had the cargo unloaded.

Success does not come easily and indeed we soon had our problems. Food was being delayed to the feeding centers because rebel activity in the region interrupted transportation of supplies. When we finally were cleared for an old DC-3 to fly us to the camps, we found they were running dangerously low on food. But our supplies arrived just in time.

I shall never forget the children, also starved for affection, clinging to my hands and arms smiling in spite of their physical deprivation. They were proof that the World Vision feeding center was successful because only a few weeks before they had been lifeless and lethargic. Others were in intensive care, often with their mothers, as nutritional supplements were administered—sometimes through a tube because they were too weak to eat.

The staff was loving and kind, it showed. The nuns at the Missionaries of Charity Compound ministered to the dying. These sisters are sponsored by Mother Teresa of Calcutta, who had just paid a visit, greeting and blessing each person in the camp—9,000 of them. What a lesson in love.

There are those who say, "let them die." Their theories of overpopulation and survival of the fittest are practical, they say. Besides "why should we care about a foreign, strange land?" Fortunately, most of America does not think that way. The good will, hopes and prayers of Floridians were obvious in our specific flight of mercy. Many have responded before, others are following.

This mission was successful because of the spirit and character of our people. Perhaps it is best summed up in Matthew chapter 25: "When you did it for the least of these, you were doing it for me."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BARTON of Texas) to revise and extend their remarks and include extraneous material:)

Mr. BARTLETT, for 10 minutes, on January 24.

Mr. GEKAS, for 5 minutes, today.

Mr. WALKER, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, on January 24.

Mr. GINGRICH, for 60 minutes, on January 28.

Mr. RUDD, for 30 minutes, on January 24.

(The following Members (at the request of Mr. EDWARDS of California) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. DASCHLE, for 5 minutes, today.

Mr. WEISS, for 10 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. MOAKLEY, for 60 minutes, on January 24.

(The following Member (at the request of Mr. WALKER) to revise and extend her remarks and include extraneous material:)

Mrs. ROUKEMA, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BREAUX, for 60 minutes, January 30.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. PANETTA, for 5 minutes, today.

Mr. NELSON of Florida, for 8 minutes, today.

Mr. DASCHLE, for 5 minutes, January 29.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BARTON of Texas) and to include extraneous matter:)

Mr. ROTH in two instances.

Mr. FRANKLIN in two instances.

Mr. ZSCHAU in two instances.

Mr. RUDD in four instances.

Mr. FIELDS.

Mr. WORTLEY.

Mr. MCCAIN.

Mr. GILMAN in two instances.

Mr. YOUNG of Alaska.

Mr. LAGOMARSINO.

Mr. RINALDO.

Mr. LEWIS of Florida.

Mr. MCDADE.

Mr. COURTER.

Mr. BROOMFIELD.

(The following Members (at the request of Mr. EDWARDS of California) and to include extraneous matter:)

Mr. ADDABBO.

Mrs. KENNELLY.

Mr. DWYER of New Jersey in three instances.

Mr. FASCELL.

Mr. FOWLER in two instances.

Ms. MIKULSKI.

Mr. LEHMAN of Florida.

Mr. FLORIO in two instances.

Mr. HAMILTON.

Mr. FAZIO in two instances.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. ENGLISH.

Mr. FRANK.

Mr. OBERSTAR.

Mr. WYDEN.

Mrs. BOGGS.

Mr. DYMALLY.

Mr. MAZZOLI.

Mr. NELSON of Florida.

Mr. HOYER.

Mr. GUARINI.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 19 minutes p.m.), pursuant to House Resolution 29, the House adjourned until Thursday, January 24, 1985, at 11 a.m. in memory of the late Honorable Gillis W. Long of Louisiana.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

379. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of conversion to contractor performance the storage and warehousing function at the Naval Air Station, Jacksonville, FL, pursuant to 10 U.S.C. 2304 nt. (Public Law 96-342, section 502(b) (96 Stat. 747)); to the Committee on Armed Services.

380. A letter from the Secretary of Commerce, transmitting a report on the extension of export controls, pursuant to Public

Law 96-72, section 6(e) (E.O. 12214); to the Committee on Foreign Affairs.

381. A letter from the National Quartermaster and Adjutant, Veterans of World War I of the United States of America, transmitting a financial audit, pursuant to Public Law 88-504, section 3 (36 U.S.C. 1103); to the Committee on the Judiciary.

382. A letter from the Secretary of Commerce, transmitting the report on the administration of the quarterly financial report on business, pursuant to Public Law 97-454, section 4(c); to the Committee on Post Office and Civil Service.

383. A letter from the Secretary of the Interior, transmitting a study of Federal lands on Alaska's North Slope, pursuant to Public Law 96-487, section 1001; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON:

H.R. 549. A bill to repeal the changes made by the Tax Reform Act of 1984 in the tax treatment of seller-financed property transactions; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 550. A bill to restrict fraudulent, misleading, deceptive, and unscrupulous practices in the health club industry; to the Committee on Energy and Commerce.

H.R. 551. A bill to limit the liability of persons who without compensation transport in interstate commerce and by air human organs; to the Committee on the Judiciary.

H.R. 552. A bill to amend the Disaster Relief Act of 1974 to ensure that Federal assistance will be provided expeditiously to communities threatened by major disasters; to the Committee on Public Works and Transportation.

H.R. 553. A bill to direct the Secretary of the Army to construct a project to provide flood control on Braes Bayou in Harris County, TX; to the Committee on Public Works and Transportation.

By Mr. BONER of Tennessee:

H.R. 554. A bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt interest shall not be taken into account in the calculation determining the taxation of Social Security benefits; to the Committee on Ways and Means.

By Mr. DORNAN of California (for himself and Mr. BOULTER):

H.R. 555. A bill entitled, the "Preborn Children's Civil Rights Act of 1985;" jointly, to the Committees on Energy and Commerce, Education and Labor, Post Office and Civil Service, and the Judiciary.

By Mr. OBERSTAR:

H.R. 556. A bill to amend title II of the Social Security Act to repeal the separate definition of disability presently applicable to widows and widowers, and to provide in turn that the months of a widow's or widower's entitlement to SSI benefits on the basis of disability may be used in establishing his or her entitlement to Medicare benefits on that basis; to the Committee on Ways and Means.

H.R. 557. A bill to amend title II of the Social Security Act to modify the actuarial reduction formula as it applies to surviving spouses who qualify for disability insurance benefits after first having become entitled to reduced widow's or widower's insurance benefits, to assure that their own coverage credits (on which such disability benefits are based) will be more realistically recognized in the resulting combined benefit amount; to the Committee on Ways and Means.

H.R. 558. A bill to amend title II of the Social Security Act to extend the period during which a surviving spouse or surviving divorced spouse must have initially become disabled in order to qualify for widow's or widower's benefits before attaining age 60, in cases where such surviving spouse or surviving divorced spouse works after the death of the insured individual on whose wage record such benefits are payable; to the Committee on Ways and Means.

H.R. 559. A bill to amend title II of the Social Security Act to liberalize eligibility for disability benefits by providing for the determination of an individual's eligibility for such benefits without regard to the recency of such individual's coverage; to the Committee on Ways and Means.

H.R. 560. A bill to amend title II of the Social Security Act to provide full benefits for disabled widows and widowers without regard to age (subject to limited adjustments to reflect any previous reductions in their benefits); to the Committee on Ways and Means.

H.R. 561. A bill to amend title II of the Social Security Act to provide full benefits for disabled wives and husbands without regard to age (subject to limited adjustments to reflect any previous reduction in their benefits); to the Committee on Ways and Means.

H.R. 562. A bill to amend title II of the Social Security Act to provide benefits to essential spouses of disability beneficiaries without regard to age or children in care; to the Committee on Ways and Means.

H.R. 563. A bill to amend title II of the Social Security Act to extend the benefits of the delayed retirement credit to surviving spouses and surviving divorced spouses who work and whose widow's or widower's insurance benefits are higher than their old-age insurance benefits; to the Committee on Ways and Means.

H.R. 564. A bill to amend section 102 of the Social Security Amendments of 1983 to include individuals between the ages of 46 and 55 within the special provisions (now applicable only to individuals age 55 or over) which liberalize the insured status requirements for certain employees of nonprofit organizations whose services were mandatorily covered by such amendments; to the Committee on Ways and Means.

H.R. 565. A bill to amend title 5, United States Code, to modify the method for determining the amount payable by a Federal employee or Member of Congress in order to receive credit under the civil service retirement system based on certain military service, and to extend by 1 year the moratorium on the accrual of interest with respect to any such amount payable; to the Committee on Post Office and Civil Service.

By Mr. BROWN of Colorado (for himself, Mr. SCHAEFER, Mr. STRANG, and Mr. KRAMER):

H.R. 566. A bill to authorize the evaluation of recreational opportunities and flood plain management for a segment of the Cache la Poudre River corridor in Colorado; to the Committee on Interior and Insular Affairs.

By Mr. CAMPBELL:

H.R. 567. A bill to amend the Fair Labor Standards Act of 1938 to provide a special minimum wage for the employment for limited periods of time of youth aged 19 and under and to broaden the authority for the employment of full-time students at a special minimum wage; to the Committee on Education and Labor.

H.R. 568. A bill to provide procedures for certain cases of death or disqualification of persons eligible to be selected as President or Vice President by the Congress; by the Committee on House Administration.

By Mr. CHAPPELL:

H.R. 569. A bill to improve the method of verifying the eligibility of indviduals and families receiving assistance pursuant to the U.S. Housing Act of 1937; to the Committee on Banking, Finance and Urban Affairs.

H.R. 570. A bill to amend title 28 of the United States Code, to provide for an exclusive remedy against the United States in suits based upon acts or omissions of U.S. employees, and for other purposes; to the Committee on the Judiciary.

H.R. 571. A bill to authorize the Attorney General to exchange criminal record information with certain State and local agencies; to the Committee on the Judiciary.

H.R. 572. A bill to authorize the Secretary of the Interior to classify and inventory wetland resources, to measure wetlands degradation, to evaluate the environmental contribution of natural wetlands, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 573. A bill to amend the Internal Revenue Code of 1954 to allow individuals to designate $1 of their income tax liability to be used for purposes of reducing the public debt of the United States; to the Committee on Ways and Means.

H.R. 574. A bill to amend title II of the Social Security Act to eliminate the 5-month waiting period which is presently a prerequisite of eligibility for disability insurance benefits or the disability freeze; to the Committee on Ways and Means.

H.R. 575. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 576. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has 40 quarters of coverage, regardless of when such quarters were earned; to the Committee on Ways and Means.

H.R. 577. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income certain amounts received by members of certain firefighting and rescue units; to the Committee on Ways and Means.

H.R. 578. A bill to amend titles II and XVIII of the Social Security Act to eliminate the requirement that an individual must have been entitled to disability benefits for at least 24 months in order to qualify for Medicare on the basis of disability; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 579. A bill to amend title XVIII of the Security Act to provide for the administrative and judicial review of claims (involving the amount of benefits payable) which arises under the supplementary medical insurance program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. CHAPPELL (for himself, and Mr. SWIFT):

H.R. 580. A bill to amend title II of the Social Security Act to provide that the waiting period for disability benefits shall not be applicable in the case of a disabled individual suffering from a terminal illness; to the Committee on Ways and Means.

By Mr. COELHO:

H.R. 581. A bill to provide that any increase in the rate of pay for Members of Congress proposed during any Congress shall not take effect earlier than the beginning of the next Congress; to the Committee on Post Office and Civil Service.

H.R. 582. A bill to amend the Internal Revenue Code of 1954 to require that income tax returns include space designated for the taxpayer to specify the amount of any cash contribution such taxpayer wishes to make to the Federal Government for reduction of the public debt and to establish a trust fund with amounts contributed by taxpayers for reduction of the public debt; to the Committee on Ways and Means.

By Mr. DASCHLE:

H.R. 583. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the central South Dakota water supply system (Cendak unit) Pick-Sloan Missouri Basin Program, SD; to the Committee on Interior and Insular Affairs.

H.R. 584. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Lake Andes-Wagner Unit, South Dakota Pumping Division, Pick-Sloan Missouri Basin Program SD; to the Committee on Interior and Insular Affairs.

By Mr. EDWARDS of California (for himself, Mr. LAFALCE, Mr. EDGAR, Mr. DASCHLE, Mr. SAM B. HALL, JR., Mr. EVANS of Illinois, Mr. MURPHY, Mr. OBERSTAR, Mr. WIRTH, Mr. BOUCHER, Mr. PENNY, Mr. LELAND, Mr. ACKERMAN, Mr. ROE, Mr. STARK, Mrs. COLLINS, Mr. STOKES, Mr. SMITH of Florida, Mr. MITCHELL, Mr. FORD of Michigan, Mr. VENTO, Mr. OWENS, Mrs. SCHROEDER, Mr. WYDEN, Mr. FOWLER, Ms. OAKAR, Mr. PANETTA, Mr. RANGEL, Mr. GLICKMAN, Mr. LAGOMARSINO, Mr. MARLENEE, Mr. SOLARZ, Mr. HORTON, Mr. WORTLEY, Mr. SCHEUER, Mr. SYNAR, Mr. LANTOS, Ms. KAPTUR, Mr. GARCIA, Mr. BONIOR of Michigan, Mr. MORRISON of Connecticut, Mr. FROST, Mrs. BOXER, Mr. DE LUGO, Mr. LUJAN, Mr. BEVILL, Mr. DWYER of New Jersey, Mr. LEHMAN of Florida, Mr. SCHUMER, Mr. DORGAN of North Dakota, Mrs. SCHNEIDER, Mr. CHAPPIE, Mr. DICKS, Mr. KOSTMAYER, Mr. LOWRY of Washington, Mr. MINETA, Mr. MOAKLEY, Mr. REID, Mr. SKELTON, Mr. MATSUI, Mr. WEISS, Mr. STUDDS, Mr. DELLUMS, Mr. FAUNTROY, Mr. GEJDENSON, Mr. KILDEE, Mr. HUGHES, Mr. MCKINNEY, Mr. SPRATT, Mr. DOWNEY of New York, Mr. DAVIS, Mr. OLIN, Mr. DYSON, Mr. FAZIO, Mr. MAVROULES, Mr. RAHALL, Mr. SMITH of New Jersey, Mr. WALGREN, Mr. WOLPE, Mr. PEPPER, Mr. AKAKA, Mr. CONYERS, Ms. MIKULSKI, Mr. LUKEN, Mr. YATRON, Mr. YATES, and Mr. BRYANT):

H.R. 585. A bill to amend title 38, United States Code, to establish certain procedures for the adjudication of claims for benefits under laws administered by the Veterans' Administration; to apply the provisions of section 553 of title 5, United States Code, to rulemaking procedures of the Veterans' Administration; to provide for judicial review of certain final decisions of the Administrator of Veterans' Affairs; to provide for the payment of reasonable fees to attorneys for rendering legal representation to individuals claiming benefits under laws administered by the Veterans' Administration; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FIELDS (for himself, Mr. ARCHER, Mr. LELAND, Mr. ANDREWS, and Mr. DELAY):

H.R. 586. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project for flood control and recreation in the Upper White Oak Bayou area, TX; to the Committee on Public Works and Transportation.

By Mr. FRENZEL (for himself, Mr. GEPHARDT, and Mr. DUNCAN):

H.R. 587. A bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizers; to the Committee on Ways and Means.

By Mr. GEJDENSON:

H.R. 588. A bill to require motor vehicle rental companies to provide child restraint systems in rented motor vehicles on request and to direct the Secretary of Transportation to prescribe necessary regulations for administration and enforcement of such requirement; to the Committee on Energy and Commerce.

By Mr. GEKAS:

H.R. 589. A bill to repeal the provisions of the Tax Reform Act of 1984 relating to the maintenance of contemporaneous records with respect to the business use of certain property; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 590. A bill to provide supplemental benefits for families of members of U.S. Armed Forces who have been wounded or killed in the line of duty in a foreign country; to the Committee on Armed Services.

H.R. 591. A bill to provide that no person may charge interest at a rate which is greater than 10 percent per annum on loans exceeding $300, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 592. A bill to require the Secretary of Housing and Urban Development to provide emergency mortgage assistance to homeowners; to the Committee on Banking, Finance and Urban Affairs.

H.R. 593. A bill to establish a United States-Mexico Joint Development Bank; jointly, to the Committees on Banking, Finance and Urban Affairs and Foreign Affairs.

By Mr. HEFNER (for himself and Mr. LEATH of Texas):

H.R. 594. A bill to repeal the provisions of the Tax Reform Act of 1984 relating to the maintenance of contemporaneous records with respect to the business use of certain property; to the Committee on Ways and Means.

By Mr. HOYER:

H.R. 595. A bill to eliminate the requirement that the portion of the Baltimore-Washington Parkway located in the State of Maryland be conveyed to the State of Maryland upon completion of the reconstruction of the parkway authorized by the Federal-Aid Highway Act of 1970; jointly, to the Committees on Interior and Insular Affairs and Public Works and Transportation.

By Mr. HOYER (for himself, Mr. CARR, Ms. FIEDLER, and Ms. MIKULSKI):

H.R. 596. A bill to amend title 18 of the United States Code with respect to sexual assault; to the Committee on the Judiciary.

By Mr. HUTTO:

H.R. 597. A bill to amend title 10, United States Code, to repeal the social security offset applicable to annuities paid under the survivor benefit plan to surviving spouses of retired members of the Armed Forces; to the Committee on Armed Services.

By Ms. KAPTUR:

H.R. 598. A bill to amend title XVIII of the Social Security Act to provide for coverage of ambulette service for wheelchair bound individuals; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. LAGOMARSINO:

H.R. 599. A bill to disallow the Secretary of the Interior from issuing oil and gas leases with respect to a geographical area located in the Pacific Ocean off the coastline of the State of California; to the Committee on Interior and Insular Affairs.

By Mr. ROEMER (for himself, Mr. BLILEY, Mr. ROWLAND of Georgia, Mr. SLAUGHTER, Mr. PASHAYAN, Mr. LAGOMARSINO, Mr. YOUNG of Alaska, Mr. JONES of Tennessee, Mr. BOULTER, Mr. MCCURDY, Mr. DICKINSON, Mr. STENHOLM, Mr. WEBER, Mr. KINDNESS, Mr. ROSE, Mrs. BENTLEY, Mr. SKEEN, Mr. CRAIG, Mr. WORTLEY, Mr. BREAUX, Mr. JONES of North Carolina, Mr. STANGELAND, Mr. MONTGOMERY, Mr. LIGHTFOOT, Mr. WILSON, Mr. PORTER, Mr. FAUNTROY, Mr. DEWINE, Mr. MCKERNAN, Mr. BARTLETT, Mr. COMBEST, Mr. HUBBARD, Mr. STUMP, Mr. COELHO, Mr. LUJAN, Mr. SAM B. HALL, JR., Mr. HARTNETT, Mr. DAUB, Mr. CALLAHAN, Mr. SNYDER, Mr. SENSENBRENNER, Mr. ROWLAND of Connecticut, Mr. RAY, Mr. KANJORSKI, Mr. LEWIS of Florida, Mr. LIVINGSTON, Mr. RUDD, Mr. ROBERTS, Mr. LEATH of Texas, Mr. SPRATT, Mr. EMERSON, Mr. DANNEMEYER, Mr. DANIEL, Mr. TAYLOR, Mr. HORTON, Mr. O'BRIEN, Mrs. COLLINS, Mr. FUQUA, and Mr. SUNDQUIST):

H.R. 600. A bill to repeal the contemporaneous recordkeeping requirement and certain other recently enacted provisions of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. LAGOMARSINO:

H.R. 601. A bill to prohibit vessels transporting Alaskan oil from using routes through the territorial and international waters northward of the Santa Barbara Channel Islands; to the Committee on Merchant Marine and Fisheries.

H.R. 602. A bill to amend the Internal Revenue Code to provide for individual housing accounts; to the Committee on Ways and Means.

By Mr. LEWIS of California:

H.R. 603. A bill to make available for health and other humanitarian service to the needy a surplus vessel of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. LEWIS of Florida (for himself, Mr. CROCKETT, Mr. TOWNS, Mr. WEISS, Mr. BARNES, Mr. LAGOMARSINO, Mr. DARDEN, Mr. KINDNESS, Mr. YATES, Mr. BONER of Tennessee, Mr. WHITEHURST, Mr. ROSE, Mr. BATES, Mr. IRELAND, Mr. HYDE, Mrs. SCHNEIDER, Mr. BEVILL, Mr. YOUNG of Missouri, Mr. MITCHELL, Mr. GREEN, Mr. MCKINNEY, Mr. SMITH of New Jersey, Mr. ROE, Mr. FLORIO, Mr.

MAVROULES, Mr. DIOGUARDI, Mr. CONYERS, Mr. YOUNG of Alaska, Mr. GALLO, Mr. ROBINSON, Mr. LANTOS, Mr. YOUNG of Florida, Mr. FRANK, and Mr. FROST):

H.R. 604. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide States with assistance to establish or expand clearinghouses to locate missing children; to the Committee on Education and Labor.

By Mr. McCAIN (for himself and Mr. SMITH of Florida):

H.R. 605. A bill to amend section 1201 of title 18 of the United States Code to provide a mandatory life sentence in the case of certain kidnapings of persons who have not attained the age of 18 years, and for other purposes; to the Committee on the Judiciary.

By Mrs. ROUKEMA (for herself and Mr. CONTE):

H.R. 606. A bill making supplemental appropriations for the fiscal year ending September 30, 1985, for famine and recovery in Africa; to the Committee on Appropriations.

By Mrs. SCHROEDER:

H.R. 607. A bill to provide for a continuation of the authority to pay cash awards to Federal employees for certain cost-savings disclosures, and to clarify the authority to provide cash awards to members of the Armed Forces for such disclosures; jointly, to the Committees on Post Office and Civil Service and Armed Services.

H.R. 608. A bill to amend the Internal Revenue Code of 1954 to establish the national indigent women's abortion trust fund, to allow every individual to designate that $1 of his income tax payment shall be paid into such trust fund, and for other purposes; jointly, to the Committes on Ways and Means and Energy and Commerce.

By Mr. SLATTERY:

H.R. 609. A bill to deauthorize the Onaga Lake project, Vermillion Creek, KS; to the Committee on Public Works and Transportation.

By Mr. SOLARZ:

H.R. 610. A bill to amend the National School Lunch Act to restore the food service equipment assistance program repealed by the Omnibus Budget Reconciliation Act of 1981; to the Committee on Education and Labor.

H.R. 611. A bill to amend the Internal Revenue Code of 1954 to allow individuals a credit against income tax for expenditures made for the purchase and installation of locks and other security devices in principal residences; to the Committee on Ways and Means.

H.R. 612. A bill to establish an Interagency Committee on Arson Control to coordinate Federal antiarson programs, to amend certain provisions of the law relating to programs for arson investigation, prevention, and detection, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs, the Judiciary, and Science and Technology.

By Mr. SOLARZ (for himself and Mr. WAXMAN):

H.R. 613. A bill to amend title 18 of the United States Code to make it a Federal crime to vandalize a house of worship or any religious articles therein; to the Committee on the Judiciary.

By Mr. VALENTINE:

H.R. 614. A bill to repeal the provisions of the Tax Reform Act of 1984 relating to the maintenance of contemporaneous records with respect to the business use of certain property; to the Committee on Ways and Means.

By Mr. WALGREN (for himself, Mr. BARNES, Mr. BENNETT, Mr. BERMAN, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mr. CARNEY, Mr. CLAY, Mrs. COLLINS, Mr. CONTE, Mr. CONYERS, Mr. COYNE, Mr. FASCELL, Mr. HAWKINS, Mr. HOYER, Mr. HUGHES, Ms. KAPTUR, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LELAND, Mr. MAVROULES, Mr. MITCHELL, Mr. MOAKLEY, Mr. OWENS, Mr. RODINO, Mr. ROE, Mrs. SCHNEIDER, Mr. SKELTON, Mr. STOKES, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. WEISS, Mr. WIRTH, Mr. WYLIE, and Mr. YOUNG of Missouri):

H.R. 615. A bill to establish a National Commission on Neurofibromatosis; to the Committee on Energy and Commerce.

By Mr. WEAVER (for himself, Mr. HEFTEL of Hawaii, Mr. HOWARD, Mr. MATSUI, Mr. MILLER of Washington, Mr. MRAZEK, and Mr. LEVINE of California):

H.R. 616. A bill to ensure the responsible and effective use of antibiotics in farm animal husbandry, and for other purposes; to the Committee on Agriculture.

By Mr. WHITEHURST:

H.R. 617. A bill to establish a National Zoological Foundation; to the Committee on Merchant Marine and Fisheries.

H.R. 618. A bill to modify the navigation project for Lynnhaven Inlet, Bay, and connecting waters, Virginia; to the Committee on Public Works and Transportation.

H.R. 619. A bill to amend the Internal Revenue Code of 1954 to provide tax-saving incentives for savings accounts established for the purpose of purchasing a home; to the Committee on Ways and Means.

H.R. 620. A bill to terminate the Department of Education; jointly, to the Committees on Government Operations and Rules.

H.R. 621. A bill to terminate the Department of Energy; jointly, to the Committees on Government Operations, Energy and Commerce, and Rules.

By Mr. WYDEN:

H.R. 622. A bill to provide for uniform voting hours in the continental United States for Presidential general elections; to the Committee on House Administration.

By Mr. YOUNG of Alaska:

H.R. 623. A bill to amend the Internal Revenue Code of 1954 to simplify the tax system by repealing most deductions and credits for personal income taxes, by providing a single, flat rate schedule for individuals, and providing taxpayer protection standards; to the Committee on Ways and Means.

H.R. 624. A bill to establish a coastal resource and economic development fund in the Treasury of the United States, to provide grants to coastal States, and to units of local coastal government to enhance coastal resources, the coastal environment, and to foster the economic well-being of the coastal area; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

By Mr. ZSCHAU (for himself, Mr. PURSELL, and Mr. BROWN of Colorado):

H.R. 625. A bill to amend the Internal Revenue Code of 1954 to allow taxpayers to disregard certain retroactive administrative and judicial interpretations of such code; to the Committee on Ways and Means.

By Mr. BROOMFIELD (for himself and Mr. OWENS):

H.J. Res. 73. A joint resolution to grant honorary citizenship to Ignace Jan Paderewski, and for other purposes; jointly, to the Committees on the Judiciary and Veterans' Affairs.

By Mr. CAMPBELL (for himself, Ms. MIKULSKI, Mr. UDALL, Mr. FLIPPO, Mr. BEVILL, Mr. DICKINSON, Mr. ALEXANDER, Mr. ROGERS, Mr. HOPKINS, Mr. BOLAND, Mr. THOMAS of California, Mr. MATSUI, Mr. LAGOMARSINO, Mr. TORRES, Mr. HAWKINS, Mr. KRAMER, Mr. STRANG, Mr. IRELAND, Mr. HUTTO, Mr. MACKAY, Mr. SMITH of Florida, Mr. LOTT, Mr. MONTGOMERY, Mr. THOMAS of Georgia, Mr. BEDELL, Mr. FRENZEL, Mr. TALLON, Mr. SPRATT, Mr. HARTNETT, Mr. MADIGAN, Mr. HYDE, Mr. VISCLOSKY, Mr. STENHOLM, Mr. KASICH, Mr. JONES of North Carolina, Mr. REGULA, Mr. KOLTER, Mr. TORRICELLI, Mr. JEFFORDS, Mr. LUKEN, Mr. WYLIE, and Mr. BROWN of Colorado):

H.J. Res. 74. A joint resolution to designate the week of September 8, 1985, as "National Independent Retail Grocer Week"; to the Committee on Post Office and Civil Service.

By Mr. COELHO:

H.J. Res. 75. A joint resolution designating October 2, 1985, as a national day of recognition for Mohandas K. Gandhi; to the Committee on Post Office and Civil Service.

By Mr. COOPER (for himself, Mr. AKAKA, Mrs. BOXER, Mr. GORDON, Mr. LENT, Mr. LOWRY of Washington, Mr. THOMAS of Georgia, Mr. DARDEN, Mr. WHITLEY, Mr. DANIEL, Mr. CARPER, Mr. JONES of Tennessee, and Mr. BONER of Tennessee):

H.J. Res. 76. A joint resolution to designate October 26, 1985, as Mule Appreciation Day; to the Committee on Post Office and Civil Service.

By Mr. DERRICK:

H.J. Res. 77. A joint resolution designating the month of November 1985 as "National Alzheimer's Disease Month"; to the Committee on Post Office and Civil Service.

By Mr. DORGAN of North Dakota:

H.J. Res. 78. A joint resolution to freeze spending in the budget of the United States at fiscal year 1985 levels and reduce deficits, and to accelerate the off-budget treatment of the Social Security trust funds; jointly, to the Committees on Government Operations and Ways and Means.

By Mr. FOWLER (for himself, Mr. DIXON, Mr. DWYER of New Jersey, Mr. DE LUGO, Mr. HATCHER, Mr. COYNE, Mr. ROBERTS, Mr. JENKINS, Mr. TORRICELLI, Mr. NATCHER, Mr. JONES of North Carolina, Mr. BROWN of California, Mr. BLILEY, Mr. STARK, Mr. HAWKINS, Mr. CROCKETT, Mr. HEFTEL of Hawaii, Mr. HILER, Mr. GRAY of Pennsylvania, Mr. RAHALL, Mr. WEISS, Mr. HERTEL of Michigan, Mr. OWENS, Mr. ROSE, Mr. ROE, Mr. BEVILL, Mr. SMITH of Florida, Mr. SOLARZ, Mr. FRENZEL, Mr. MCKERNAN, Mr. SPRATT, Mr. STENHOLM, Mr. FAUNTROY, Ms. KAPTUR, Mr. BERMAN, Mr. WEAVER, Mr. SIKORSKI, Mr. WHEAT, and Mr. MANTON):

H.J. Res. 79. A joint resolution to designate the week beginning October 6, 1985, as "National Children's Week"; to the Committee on Post Office and Civil Service.

By Mr. LAGOMARSINO:

H.J. Res. 80. A joint resolution proposing an amendment to the Constitution of the United States to require a two-thirds vote of each House to increase taxes; to the Committee on the Judiciary.

H.J. Res. 81. A joint resolution proposing an amendment to the Constitution of the United States to prohibit any Member of Congress sentenced for conviction of a felony during a session of Congress from continuing to serve as a Member of such Congress after the date of such sentencing; to the Committee on the Judiciary.

H.J. Res. 82. A joint resolution proposing an amendment to the Constitution of the United States limiting annual increases in Federal budget outlays and new Federal budget authority; to the Committee on the Judiciary.

H.J. Res. 83. A joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; to the Committee on the Judiciary.

H.J. Res. 84. A joint resolution proposing an amendment to the Constitution of the United States relating to the compensation of Senators and Representatives, providing that no increase in compensation shall take effect earlier than the following Congress; to the Committee on the Judiciary.

By Mr. SHELBY (for himself, Mr. FLORIO, Mr. HEFTEL of Hawaii, Mr. BROOKS, Mr. DARDEN, Mr. MOAKLEY, Mrs. VUCANOVICH, Mr. RUDD, Mr. SAXTON, Mr. GUNDERSON, Mr. FEIGHAN, Mr. ROWLAND of Georgia, Mr. DUNCAN, Mrs. BOXER, Mr. BARNARD, Mr. UDALL, Mr. FOWLER, Mr. LANTOS, Mr. CLAY, Mr. DERRICK, Mr. HYDE, Mr. ARCHER, Mr. MORRISON of Connecticut, Mr. YATES, Mr. SUNDQUIST, Mr. EVANS of Iowa, Mr. KASICH, Mr. STARK, Mr. DANNEMEYER, Mr. VOLKMER, Mr. SWIFT, Mr. LEACH of Iowa, Mr. SPRATT, Mr. LAGOMARSINO, Mr. LEVIN of Michigan, Mr. BROOMFIELD, Mr. THOMAS of California, Mr. MOORE, Mr. PACKARD, Mr. GREEN, Mr. KOSTMAYER, Mr. ROEMER, Mr. CONTE, Mr. DURBIN, Mr. WYLIE, Mr. CHENEY, Mrs. SCHNEIDER, and Mr. LUJAN):

H.J. Res 85. A joint resolution to designate the week of March 24, 1985, through March 30, 1985, as "National Skin Cancer Prevention and Detection Week"; to the Committee on Post Office and Civil Service.

By Mr. LOTT (for himself, Mr. CAMPBELL, Mr. O'BRIEN, Mr. LEWIS of California, Mr. DWYER of New Jersey, Mr. BROWN of Colorado, Mr. GALLO, Mr. DEWINE, Mr. LEHMAN of Florida, Mr. DARDEN, Mr. SAXTON, Mr. LAGOMARSINO, Mr. KEMP, Mr. BROYHILL, Mr. MONTGOMERY, Mr. LIVINGSTON, Mr. KASTENMEIER, Mr. KOSTMAYER, Mr. HYDE, Mr. STENHOLM, Mr. BEVILL, Mr. SPENCE, Mr. TAUKE, Mr. SUNDQUIST, Mr. DAUB, Mr. LEWIS of Florida, Mr. FRENZEL, Mr. ROEMER, and Mr. HUGHES):

H.J. Res. 86. A joint resolution to designate the week of February 10, 1985, through February 16, 1985, as "National DECA Week"; to the Committee on Post Office and Civil Service.

By Mr. OBERSTAR (for himself, Mr. KILDEE, Mr. SIKORSKI, Mr. STANGELAND, and Mr. WEBER):

H.J. Res. 87. A joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. VENTO:

H.J. Res. 88. A joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional, Presidential, and State elections; to the Committee on the Judiciary.

By Mr. ANNUNZIO (for himself, Mr. ARCHER, Mr. DICKS, Mr. FRANK, Mr. FROST, Mr. LUKEN, Mr. MCCAIN, Mr. PASHAYAN, Mr. RUDD, and Mr. STENHOLM):

H. Con. Res. 34. A concurrent resolution expressing the sense of the Congress that the Federal Home Loan Bank Board should delay until June 30, 1985, the effective date of its proposed regulations regarding limitations on direct investment in real estate, service corporations, and equity securities by federally insured savings and loan associations; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BREAUX:

H. Res. 29. A resolution relating to the death of the Honorable Gillis W. Long, a Representative from Louisiana; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS:

H.R. 626. A bill for the relief of Paul Craig; to the Committee on Merchant Marine and Fisheries.

By Mr. CHAPPELL:

H.R. 627. A bill for the relief of Monique Georgette Boren; to the Committee on the Judiciary.

By Mr. COELHO:

H.R. 628. A bill for the relief of John M. Gill; to the Committee on the Judiciary.

By Mr. HOYER:

H.R. 629. A bill for the relief of David Brown, Truc Nuong Brown, and Jeffrey Brown; to the Committee on the Judiciary.

By Mr. OBERSTAR:

H.R. 630. A bill for the relief of Leah Ruth Houska; to the Committee on the Judiciary.

By Mr. SOLARZ:

H.R. 631. A bill for the relief of Li Nam Ping; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. HORTON, Mr. BLILEY, Mr. ROE, Mr. JONES of North Carolina, Mrs. HOLT, Mr. ROGERS, Mr. LAGOMARSINO, Mr. FRENZEL, Mr. GARCIA, Mr. EVANS of Iowa, Mr. JEFFORDS, Mr. WOLF, Mr. HYDE, Mrs. COLLINS, Mr. RUDD, Mr. CONTE, Mr. KINDNESS, Mr. EMERSON, Mr. WORTLEY, Mr. HENRY, Mr. KASICH, Mr. DEWINE, Mr. BIAGGI, Mr. SHAW, Mr. STENHOLM, Mr. DWYER of New Jersey, Mr. HILER, Ms. FIEDLER, Mr. BEREUTER, Mr. SNYDER, and Mr. FROST.

H.R. 55: Mr. REGULA, Mr. LIGHTFOOT, and Mr. JONES of North Carolina.

H.R. 111: Mr. PETRI and Mr. PENNY.

H.R. 217: Mr. MCCAIN and Mr. STUMP.

H.R. 239: Mr. CRANE.

H.R. 240: Mr. CRANE, Mr. ZSCHAU, Mr. MARLENEE, Mr. LUNGREN, Mr. WILSON, Mr. LAGOMARSINO, Mr. KINDNESS, Mr. WHITEHURST, Mr. WEBER, Mr. BLILEY, Mr. DAUB, Mr. RUDD, Mr. DUNCAN, and Mr. BATEMAN.

H.R. 241: Mr. ARMEY.

H.R. 242: Mr. ANDERSON, Mr. BARTLETT, Mr. BATEMAN, Mr. BEVILL, Mr. BLILEY, Mr. BORSKI, Mr. BROOMFIELD, Mr. BROWN of Colorado, Mr. CAMPBELL, Mr. COLEMAN of Texas, Mr. DARDEN, Mr. DAUB, Mr. DEWINE, Mr. DICKS, Mr. DUNCAN, Mr. DWYER of New Jersey, Mr. EMERSON, Mr. FROST, Mr. HARTNETT, Mr. HILER, Mrs. HOLT, Mr. HUGHES, Mr. HYDE, Ms. KAPTUR, Mr. KEMP, Mr. KINDNESS, Mr. KRAMER, Mr. LAGOMARSINO, Mr. LEATH of Texas, Mr. LEVINE of California, Mr. LEWIS of Florida, Mr. LOEFFLER, Mr. LUNDINE, Mr. LUNGREN, Mr. MCCAIN, Mr. MCCURDY, Mr. MARLENEE, Mr. MILLER of Ohio, Mr. MINETA, Mr. MURPHY, Mr. NIELSON of Utah, Mr. O'BRIEN, Mr. ORTIZ, Mr. OXLEY, Mr. QUILLEN, Mr. REID, Mr. RINALDO, Mr. ROBERTS, Mr. ROSE, Mr. RUDD, Mrs. SCHROEDER, Mr. SENSENBRENNER, Mr. SHAW, Mr. SHELBY, Mr. SMITH of Florida, Mr. ROBERT F. SMITH, Mrs. SMITH of Nebraska, Mr. STANGELAND, Mr. STENHOLM, Mr. STUMP, Mr. SUNDQUIST, Mr. THOMAS of California, Mr. TORRICELLI, Mr. TRAXLER, Mr. VOLKMER, Mrs. VUCANOVICH, Mr. WEBER, Mr. WHITEHURST, Mr. WILSON, Mr. WORTLEY, Mr. WYDEN, Mr. YOUNG of Alaska, and Mr. ZSCHAU.

H.R. 279: Mr. BEREUTER.

H.R. 436: Mr. MARLENEE.

H.R. 437: Mr. MCCAIN.

H.R. 479: Mr. ARCHER, Mr. BLILEY, Mr. DAUB, Mr. GLICKMAN, Mr. HAMILTON, Mr. HAWKINS, Mr. HENRY, Mr. JONES of Oklahoma, Mr. KINDNESS, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LEATH of Texas, Mr. LEWIS of Florida, Mr. RODINO, Mr. RUDD, Mrs. SCHNEIDER, Mr. SISISKY, and Mr. WALGREN.

H.R. 480: Mr. TALLON.

H.R. 512: Mr. EDGAR.

H.R. 513: Mr. EDGAR.

H.J. Res. 33: Mr. KANJORSKI, Mr. TORRICELLI, Mr. BARNES, Mr. ROE, Mr. FISH, Mr. GRAY of Illinois, Mr. LANTOS, Mrs. COLLINS, Mr. CROCKETT, Mr. CHAPPIE, Mr. SAXTON, Mr. HENRY, Mr. DWYER of New Jersey, Mr. ROEMER, Mr. LAGOMARSINO, Mr. BLILEY, Mr. TOWNS, Mr. STARK, Mr. GALLO, Mr. FUSTER, Mr. BONER of Tennessee, Mr. ATKINS, Mr. DARDEN, Mr. WILSON, Mr. HEFNER, Mr. GREEN, Mr. HEFTEL of Hawaii, Mr. YATES, Mr. SUNIA, Ms. KAPTUR, Mr. MCCAIN, Mr. SMITH of New Hampshire, Mr. ROSE, Mr. SMITH of New Jersey, Mr. PASHAYAN, Mr. BEVILL, Mr. JONES of North Carolina, Mr. RANGEL, Mr. DEWINE, Mr. HYDE, Mr. YOUNG of Missouri, Mr. MCKINNEY, Mr. KASICH, Mr. YOUNG of Alaska, Mrs. HOLT, Mr. WEISS, Mr. BROOKS, Mr. STENHOLM, Mr. BERMAN, Mr. MRAZEK, Mr. FRANK, Mr. FROST, Mr. RAHALL, and Mrs. BOXER.

H.J. Res. 41: Mr. MCCAIN, Mr. HAMMERSCHMIDT, Mr. LAGOMARSINO, Mr. CARNEY, Mr. ROE, Mr. BENNETT, Mr. BEVILL, Mr. MATSUI, Mr. DAUB, Mr. FRENZEL, Mr. STUMP, Mrs. HOLT, Mr. HUGHES, Mr. UDALL, and Mr. DARDEN.

H.J. Res. 49: Mr. MCEWEN, Mr. COURTER, Mr. LUNGREN, Mr. DENNY SMITH, Mr. SHUMWAY, Mr. WHITEHURST, Mr. NIELSON of Utah, Mr. EMERSON, Mrs. MARTIN of Illinois, Mr. MCCAIN, Mr. LIVINGSTON, Mr. IRELAND, Mrs. HOLT, Mr. ROGERS, Mr. MCCOLLUM, Mr. SAXTON, Mr. BLILEY, Mr. OXLEY, Mr. BADHAM, Mrs. MEYERS of Kansas, Mr. SCHUETTE, Mr. ROTH, Mr. HUNTER, Mr. WEBER, Mr. FRENZEL, Mr. PORTER, Mr. RUDD, Mr. STENHOLM, Mr. WHITTAKER, Mr. STUMP, Mr. BOULTER, Mr. DANNEMEYER, Mr. DAUB, Mr. MILLER of Washington, Mr. CHENEY,

Mr. ARMEY, Mr. LAGOMARSINO, Mr. HANSEN, Mrs. VUCANOVICH, Mr. BADHAM, Mr. KASICH, Mr. GALLO, Mr. LOTT, Mr. KOLBE, Mr. VANDER JAGT, Mr. FIELDS, Mr. HILER, Mrs. JOHNSON, and Mr. SAXTON.

H. Res. 24: Mr. MCCAIN, Mr. COURTER, Mr. CRAIG, Mr. MILLER of Washington, Mrs. VUCANOVICH, Mr. WEBER, Mr. GALLO, Mr. KINDNESS, Mr. DEWINE, Mr. LAGOMARSINO, Mr. WHITEHURST, Mr. SAXTON, Mr. SMITH of New Jersey, Mr. SENSENBRENNER, Mr. EMERSON, Mr. GROTBERG, Mr. LIVINGSTON, Mr. DIOGUARDI, Mr. DAVIS, Mr. BLILEY, Mr. ZSCHAU, Mr. PORTER, Mr. IRELAND, Mr. COMBEST, Mr. DAUB, Mr. BEREUTER, Mr. MADIGAN, Mr. RUDD, Mr. SLAUGHTER, Mr. STUMP, and Mr. TAUKE.

PETITIONS, ETC.

Under clause 1 of rule XXII,

17. The SPEAKER presented a petition of the Woodland Chamber of Commerce, Woodland, WA, relative to Federal deficit; which was referred to the Committee on Government Operations.

EXTENSIONS OF REMARKS

A TRIBUTE TO THE IMMACULATE CONCEPTION CHURCH ON THEIR 100TH ANNIVERSARY

HON. WILLIAM O. LIPINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. LIPINSKI. Mr. Speaker, it is with great pride that I call attention to a significant event which just passed in Illinois' Fifth Congressional District, which I am privileged to represent, and that event was the combined 100th anniversary of the Immaculate Conception Church.

The Immaculate Conception Parish in 1984 celebrated their 70th anniversary and Msgr. Damasus A. Mozeris just completed his 30th anniversary as pastor of the Immaculate Conception Church. This church and Monsignor Mozeris have made significant contributions to the people of the south side of Chicago.

I join with the residents of the Fifth Congressional District in paying tribute to the Immaculate Conception Church and Monsignor Mozeris in their combined 100th anniversary. I would like to insert a detailed history of Monsignor Mozeris and the Immaculate Conception Parish into the CONGRESSIONAL RECORD.

IMMACULATE CONCEPTION CHURCH

Immaculate Conception Church at 44th and California Ave. was organized in 1914 as a national parish to serve 60 Lithuanian Families who lived in the Brighton Park District on the south side of Chicago.

On Sept. 10, 1914, Archbishop James E. Quigley appointed Rev. Anthony M. Briszko to establish the new parish. Since his ordination in 1911, Father Briszko had been an assistant at the nearby Lithuanian Parish of Holy Cross at 46th and Wood Str.

In July 1949, Father Briszko was named a Papal Chamberlain with the title Very Reverend Monsignor in recognition of his work in establishing the Lithuanian College in Rome. He died on Sept. 2, 1953 at the age of 69.

Very Rev. Msgr. Damasus A. Mozeris, vice officialis of the Archdiocesan Metropolitan Tribunal, was appointed pastor of Immaculate Conception parish on Nov. 5, 1953. Under his leadership, a new school and church were built.

At the time of the parish's golden jubilee, which was celebrated on Oct. 18, 1964, 1,600 families belonged to Immaculate Conception parish and 790 children were enrolled in the school. On Christmas Day 1964, parishioners worshipped for the first time in the new edifice. The offical ceremony of dedication, scheduled for April 1965, was postponed due to the death of Cardinal Meyer.

On Oct. 2, 1966, Archbishop John P. Cody blessed Immaculate Conception Church. The modern edifice, which occupies the southeast corner of 44th and California Ave., was designed by the architectural firm of Belli & Belli. According to "The New World" the theme of the ch., from the circular baptistry in front, to the graceful sweep of the nave towards the main altar is to emphasize the Liturgy, and the public and social nature of the Mass.

The national parish of I.C. now includes second and third generation Lithuanians as well as several hundred Lithuanian families who came to Chicago from Germany in 1949 and 1950. Families of Polish, Irish, Italian, German, Mexican, Slovak, English, French, and Bohemian descent also belong to the congregation.

Associate pastors of I.C. Church include Rev. Fabian P. Kireilis, Spritual Leader of Council 36 of the Knights of Lithuania and Rev. Robert Martinkus.

"April 15, 1939 was a most memorable day in my life—the day I was ordained a priest by the late George Cardinal Mundelein at St. Mary of the Lake Seminary."—V. Rev. Msgr. D. A. Mozeris.

On April 15, Msgr. Mozeris returned to St. Mary of the Lake Seminary, where he and his classmates of 25 years ago observed their Silver Jubilee in the main chapel of the seminary, thanking Almighty God for the many blessings He has bestowed upon them.

Msgr. Mozeris was born on December 11, 1915, to Joseph and Valeria Mozeris in Cicero, Illinois. He received his education in St. Anthony's grade school in Cicero and Quigley Preparatory Seminary. Then, he attended St. Mary of the Lake Seminary in Mundelein for six years, remaining an additional year for post-graduate study. From 1940 to 1942, he attended the Catholic University of Washington, D.C.

Msgr. Mozeris holds a Doctorate in Sacred Theology (S.T.D.) and a Master's degree in Canon Law (J.C.L.).

On June 29, 1942, Msgr. Mozeris was assigned to the Metropolitan Tribunal as Notary, with residence at Holy Name Cathedral. Nine years later, on April 11, 1951, he was named Vice-Officialis of the Metropolitan Tribunal of the Archdiocese of Chicago.

On November 3, 1953, he was named Papal Chamberlain, with the title of the very Reverend Monsignor.

On November 5, 1953, His Eminence Samuel Cardinal Stritch appointed Monsignor Damasus A. Mozeris as the new pastor. The 37 year old Monsignor, after ten years in Chancery Office work, took to his new task with great enthusiasm and zeal.

Recognizing the need for more classrooms to accommodate the ever increasing number of school children, he began the construction of a two story addition to the school. The new structure consisted of a kindergarten, parish hall, principal's office and five classrooms. The cornerstone was blessed by Monsignor Ignatius Albavicius, pastor of St. Anthony Church in Cicero, on October 31, 1954. Cardinal Stritch dedicated the new addition on October 16, 1955. Included in the $275,000 building program was the renovation of the old school.

The remodeling and redecoration of the church, convent and rectory completed, in January of 1962, Monsignor Mozeris initiated the campaign for the building of a new, permanent church. In this Golden Jubliee Year of Immaculate Conception B.V.M. Parish the dream of the courageous pioneers will become a reality as old and young will enter the new church to give thanks to God for His many and great blessings.

A HISTORY OF OUR PARISH—1964 TO 1984

Within the Church there have been changes. The Liturgy has changed. Mass is now celebrated in the language of the people. The laity now takes a more active part in the celebration of the Mass; we are no longer spectators, we are participants. The sacraments have been altered to allow us a fuller understanding of them as well a greater participation in them. The laity has been given an increasingly more important role in the Church. The history of our parish reflects the change and growth of the years since the Golden Jubilee. Following is a thumbnail synopsis of that history . . .

1964

The consecration of the new altar . . . Dec. 16.

The first Mass in the new church . . . Midnight Mass on Christmas.

1965

Albert Cardinal Meyer dies . . . April 9.

Archbishop J. P. Cody of New Orleans installed as Archbishop of Chicago . . . August 24.

Vatican Council II closes in Rome in December.

1966

The Lenten rules and regulations are relaxed . . . Feb.

Father Vito Mikolaitis leaves to become chaplain at the Motherhouse of the Sisters of St. Casimir . . . March.

Father Frank Kelpsas is transferred to St. Christina parish . . . May.

Father Joseph Gilbert is transferred to Holy Cross Parish . . . May.

We welcome Father Leonard Vaisvilas and Father Peter Paurazas . . . May.

Work begins in the conversion of the old church into the parish hall . . . August.

The new church is dedicated by Archbishop Cody . . . Oct. 2.

The Shrine of the Immaculate Conception in the new church is blessed . . . December.

1967

The Parish Lay Advisory Board is formed . . . Feb.

Project Renewal begins . . . March.

A call goes out to the men in the parish to become commentators and lectors . . . April.

Archbishop J. P. Cody is nominated to the college of Cardinals . . . June.

The finance committee is formed . . . July.

The entire Mass, including the Eucharist Prayer, is celebrated in English . . . Oct.

1968

The Advisory Board decides to hold the first Family Fun Festival . . . Jan.

The first Family Fun Festival is held . . . Feb. 23, 24, 25.

The net profit from the first Family Fun Festival is $10,800.52 . . . March.

The new funeral liturgy is announced . . . July.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Bishop Abramowicz is welcomed to Five Holy Martyrs Parish . . . July 21.

The Green Stamp Drive to Purchase a new station wagon for our Sisters begins . . . Sept.

Weekly meetings for our senior citizens begin . . . Dec.

1969

School Board is formed . . . Jan.

The Green Stamp Drive ends with enough stamps and cash to buy the Sisters not only the station wagon but also the plates . . . Jan.

The Men's Club begins to furnish the Missalettes for our Church . . . Feb.

The first School Board is elected by our parishioners . . . March.

The Sisters receive their new station wagon . . . March.

Monsignor Mozeris celebrated his 30 anniversary as a priest . . . April 15.

The Older of the Sisters of Saint Casimir celebrates its Golden Jubilee . . . April.

The newly formed School Board elects its first executive board—Evelyn Ozelis is elected president . . . June.

Father Paul Juknevicius retires from full time duties in the parish . . . June.

Father John Plankis is assigned to our parish . . . June.

The Parish Bulletin is given a new look—it takes on the present format . . . Sept. 21.

The transfer of Father Leonard Vaisvilas is announced . . . December.

1970

The Saturday Evening Mass starts . . . Jan. 17.

Other major changes in the Mass are instituted . . . Jan.

The New Rite of Baptism is introduced . . . April.

Sister Theodorette is assigned to Maria High . . . August.

Sister M. Lawrence is appointed the new school principal . . . August.

1971

The Bingo Bill is signed into law . . . August.

The first weekly bingo games are played . . . Oct. 22.

The further revised Funeral Rites are instituted . . . Oct.

1972

Cardinal Cody celebrates 25 years as a Bishop . . . July.

Organist Justas Kudirka celebrates his 45th year with our parish . . . Oct. 1.

98 men are ordained to the permanent diaconate for the first time in over 400 years . . . Dec.

1973

The Vietnam war ends.

The Immaculate Conception Mothers' Club celebrates it Silver Anniversary.

Father Peter Paurazas is transferred to St. Adrian's parish . . . June.

Father Fabian Kireilis is assigned to our parish staff . . . Sept.

1974

A campaign to increase the Sunday offering begins Willingness to Try Cards are distributed . . . Jan.

Monsignor Mozeris celebrates his 35th anniversary in the priesthood . . . April.

Father John Weisengoff celebrates his 40th anniversary in the priesthood . . . June.

The preliminary work on the installation of the air conditioning in the church begins . . . June.

The names of the first four extraordinary ministers of communion are announced . . . Nov.

1975

The Catholic Television Network is born . . . Jan.

The air-conditioning in the church is in operation . . . June.

The class of 1965 under the leadership of Barbara Pavilonis paints the mural "Bright On" on a wall next to McDonald's on Archer Ave. . . . July.

Justa Kudirka retires as our organist.

1976

Changes in the Sacrament of Penance are implemented.

Father Thomas Kasputis is assigned to our parish.

Father John Plankis is reassigned to Our Lady of Charity Parish.

1977

The Sharing program begins—our Twining parish is Providence of God.

Sister M. Lawrence is assigned to the Motherhouse of the Sisters of St. Casimir . . . June.

Sister Margaret Petcavage is assigned as our new school principal . . . July.

Father Paul Juknevicius dies . . . November.

The first communal Anointing of the Sick takes place.

The option of receiving Communion in the hand is offered to us . . . Nov.

1978

Monsignor Mozeris celebrated his 25th anniversary as pastor of our parish.

Pope Paul VI dies . . . August 6.

Cardinal Luciani is elected Pope John Paul I and lives but a month following his election.

Karol Cardinal Wojtyla is elected Pope John Paul II. He has the distinction of being the first non-Italian Pope in centuries . . . Oct.

1979

Monsignor Mozeris celebrates his 40th anniversary as a priest . . . April.

The Immaculate Conception Parish celebrates its 65th anniversary . . . Sept. 23.●

NATIONAL INDEPENDENT RETAIL GROCERS WEEK

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. CAMPBELL. Mr. Speaker, I rise today to pay tribute to the American independent retail grocer. Across this great Nation, in the largest cities and the smallest towns, they ensure the steady and uninterrupted flow of grocery products to the American consumer. These small business people raise the American free enterprise system to its highest levels, providing needed services to the communities in which they live and work.

Independent retail grocers account for 64 percent of all grocery stores in the United States and are responsible for nearly one-half of all grocery products distributed. They provide employment for over 1 million people. The independent retail grocery stores know no geographical or socioeconomic boundaries with locations as diverse as Beverly Hills, CA, the South Bronx of New York, and Spartanburg, SC.

The independent retail grocer exemplifies the small business entrepreneur, the backbone of the American free enterprise system. Usually operating one store, independent grocers tailor their businesses to serve the needs of the community where they are located. Independent retail grocers deliver the highest quality product at the least expense—unsurpassed by any other food distribution network in the world.

Mr. Speaker, I ask my colleagues in the House to join me in honoring the American independent retail grocer by cosponsoring legislation I introduced today proclaiming September 8–14, 1985, as "National Independent Retail Grocers Week."●

SUPPORT FOR AN END TO ABORTIONS

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. RUDD. Mr. Speaker, today, thousands of concerned Americans are marching from the White House, along Constitution Avenue, to the Capitol and Supreme Court to urge the passage of the human life amendment and an end to abortion in the United States.

Since the Supreme Court made abortion-on-demand national policy in 1973, more than 16 million legal abortions of unborn children have occurred.

Abortion is an obvious tragedy for our Nation and for the millions of unborn children who have been denied their right to live.

But it is no less a tragedy for mothers for whom the consequences are less obvious, but still severe. Emotional difficulties following an abortion range from bad feelings to prolonged psychiatric trauma. Fathers are denied any say in the future of their unborn children.

The time to bring an end to abortion in this country is long overdue. I join the thousands of Americans who have come to Washington today and millions of others across the Nation in urging early action on the human life amendment.●

CONGRATULATIONS TO EAGLE SCOUT JAMES B. McNICHOL III

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. DWYER of New Jersey. Mr. Speaker, I would like to take this opportunity to bring to your attention

the elevation of James B. McNichol of my district to the rank of Eagle Scout.

To achieve the rank of Eagle Scout, a Boy Scout must demonstrate leadership, integrity, and a dedication to high ideals. Jim, a resident of Edison and member of Troop 318, proved that he had these qualifies through his invaluable service to the township of Edison. He worked over 133 hours to help the township of Edison refile and move old files from its old municipal offices to its new complex to complete his Eagle Scout project.

I ask you to join me in congratulating Jim on the exceptional honor of becoming an Eagle Scout.●

EFFECT OF AMTRAK ELIMINATION ON NEW JERSEY COMMUTER SERVICE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. FLORIO. Mr. Speaker, the Reagan administration will likely be proposing the complete elimination of Federal assistance for Amtrak. This would not only result in the elimination of Amtrak and all intercity rail passenger service in the United States, but it would also have drastic effects on New Jersey rail commuters.

Many New Jersey commuters depend on Amtrak trains. For example, the Amtrak "Clocker" Service between New York and Philadelphia is heavily patronized by daily commuters. Without Amtrak, the "Clockers" would cease.

In addition, many New Jersey Transit trains, including its Northeast corridor line and its north Jersey coast line, use Amtrak's Northeast corridor. The Federal Government has spent over $2 billion to improve the corridor over the last decade. This vital infrastructure must be maintained. Currently, the corridor is used by Amtrak trains, New Jersey Transit commuter trains, other commuter operators in Philadelphia and New York, and Conrail freight trains. The high fixed costs of maintaining the corridor are currently shared by all users, but Amtrak, as the owner and dominant user of the corridor, bears the largest share of the costs. If Amtrak were eliminated, the other users would have to pick up the difference. I understand it could cost these other users about $172 million a year extra for such expenses as maintenance of way, dispatching, signaling, and station costs.

While it is difficult to allocate this cost to the various other users, the additional cost to New Jersey Transit might be about one-third of this, or about $50 to $60 million a year. This additional cost would be crippling to New Jersey Transit and the commuters who depend on it for their daily livelihood.

Of course, the administration has also been proposing the elimination of Federal operating assistance for mass transit. The proposal to eliminate Amtrak is just another indication of the administration's insensitivity to the needs of those who depend on mass transit.●

HONORING DR. KING

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. ADDABBO. Mr. Speaker, we met yesterday to inauguarate President Reagan for a second term and as he was the overwhelming choice of the American voters last November, we in the Congress wish him well in the 4 years ahead.

But as he begins his second term, it would do all of us good to note that in New York City we are celebrating the 50th anniversary of the birth of Dr. Martin Luther King.

We honor Dr. King for his unending work to promote civil rights in our Nation and we remember with sadness how an assassin's bullet ended the life of this remarkable man. For it was not only Dr. King's work on behalf of the civil rights movement that is a legacy for us today, it was his conviction that men and women of all cultures, races, and creeds must live with one another in a spirit of harmony.

Dr. King lived this example and the spirit of Dr. King's love for every human being permeates our memories of him today. It is this simple doctrine that, if followed, could end the needless arms races, the bickering between nations, and the many jealousies that afflict man today. I would hope that as President Reagan took his oath of office yesterday, the teachings of Dr. King were with him. There are many creeds that a man can take with him when he serves in public office, but loving your neighbor and assuring that all men and women get a fair chance at life is as good a way to serve the people as any I can think of.●

UKRAINIAN INDEPENDENCE DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. ANNUNZIO. Mr. Speaker, 67 years ago, on January 22, 1918, the independence of Ukraine was declared by the Ukrainian Central Rada, the Parliament of the Ukrainian people, with high hopes for a new era of national renewal dedicated to the principles of freedom, justice, and self-determination.

Sadly, these expectations were dashed by the Bolsheviks in 1920, when they reestablished Russian control over the new republic, ushering in a long and desolate period of spiritual darkness which persists today. Over the last 67 years, millions of innocent people in Ukraine have been persecuted and imprisoned by agents of the Soviet Government. Despite severe repression by the Communists, Ukrainian tradition has survived and endured, and the Ukrainians have kept alive their unwaivering belief in the ideals of liberty and representative government.

During the last year, the Soviets have been responsible for the death of four prominent Ukrainian human rights activists. Ukrainian Helsinki Group member Oleksiy Tykhy, Ukrainian writer, and journalist Valeriy Marchenko, and independent labor union movement leader Oleksiy Nikityn, all died as a direct result of being denied medical care by the Communists while in prison. Ukrainian Helsinki Group member Yuriy Lytvyn was driven to suicide in a Soviet labor camp.

The Soviets have been brutal in their systematic attempts to suppress dissent in Ukraine. Nevertheless, despite overwhelming odds, the spirit and courage of the Ukrainian people remain strong. At this point in the RECORD, I include information prepared by Americans for Human Rights in Ukraine, outlining the tragic fate of many brave individuals in the human rights movement in Ukraine who dared to stand up to the authorities.

This listing follows:

Below is a list of members of the human rights movement in Ukraine who were either murdered by the Soviet regime or were driven to suicide.

1. Yuriy Lytvyn, writer, member of the Ukrainian Helsinki Group; served previous terms as a political prisoner, 1951–53, 1955–65, 1974–77; sentenced again in 1979 to 10 years' imprisonment and 5 years' exile. Died September 5, 1984 in Labor camp No. 36–1 near Perm, the R.S.F.S.R., driven to suicide. He was 50 years old.

2. Valeriy Marchenko, writer, translator, journalist; served a previous term as a political prisoner, 1973–81; sentenced again in March 1984 to 10 years' imprisonment and 5 years' exile; was seriously ill for much of both terms. Died October 7, 1984 in a prison hospital in Leningrad at age 37.

3. Oleksiy Tykhy, teacher, founding member of the Ukrainian Helsinki Group; served a previous term as a political prisoner, 1957–64; in 1977 sentenced again to 10 years' imprisonment and 5 years' exile. Died in May 1984 in the hospital of labor camp No. 36–1 at age 57.

4. Oleksiy Nikityn, mining engineer, leader of the independent labor union movement; served a previous term as a political prisoner, 1972–76; incarcerated in a special psychiatric hospital in 1977. Died in spring 1984 at age 47, a few weeks after being released.

5. Volodymyr Ivasiuk, composer. Tortured and murdered in May 1979. He was 30 years old.

6. Volodymyr Osadchy, brother of well-known Ukrainian dissident author and former political prisoner Mykhaylo Osadchy. Murdered in April 1979 at age 33.

7. Mykhaylo Melnyk, historian, teacher, member of the Ukrainian Helsinki Group. Died in March 1979 at age 35, driven to suicide by KGB harassment.

8. Viktor Kindratyshyn, artist. Murdered in November 1979 at age 27.

9. Rostyslav Paletsky, artist. Murdered in March 1978 at age 46.

10. Alla Horska, artist. Murdered in November 1970 at age 41.

The following two Ukrainian human rights activists have become crippled for life as a result of having been denied medical care while imprisoned.

1. Yuriy Shukhevych, member of the Ukrainian Helsinki Group, son of the commander-in-chief of the Ukrainian Insurgent Army; imprisoned 1947-68, 1972-82 for his continued refusal to renounce his father. As a result of mistreatment and lack of medical care while imprisoned went totally blind. Presently serving term of exile.

2. Ivan Svitlychny, writer, literary critic; served eight-month term of imprisonment in 1965-66; released in 1984 after serving full term of 7 years' imprisonment and 5 years' exile. As a result of mistreatment and lack of medical care during imprisonment he is paralyzed.

The same tragic fate—death or total disability—awaits many other political prisoners from whom the Soviet regime withholds medical care as a means of reprisal or additional pressure. Among those whose situation is especially threatening are:

1. Anatoliy Koryagin, psychiatrist, serving a prison term;

2. Vasyl Stus, poet, imprisoned in a labor camp;

3. Zoryan Popadiuk, student activist, imprisonment in a labor camp;

4. Yuriy Badzyo, historian, imprisoned in a labor camp;

5. Mykola Rudenko, writer, head of the Ukrainian Helsinki Group, serving term in exile.

Today, Ukrainian writers, literary critics, journalists, professores students, artists, scientists, and all representatives of Ukraine society who desire to maintain their nationality, their culture, and their religion, are still periodically arrested, beaten, and tortured by Soviet authorities for their efforts to assert their Ukrainian consciousness and to resist the decades-old campaign to destroy Ukrainian self-identity. Leaders in Ukrainian society, aided and supported by Ukrainians living in freedom in other countries throughout the world, are courageously continuing their struggle to turn the precious ideals of freedom into a working everyday reality, and the Communists have been unable to completely crush the desire for liberty and human dignity in Ukraine. We in Congress should continue to support the Ukrainians in their efforts, and must condemn Soviet conduct in the strongest possible terms.

Mr. Speaker, on the 67th anniversary of Ukrainian independence, it is with pride that I pay tribute to millions of Ukrainians who are continuing their struggle to achieve the blessings of liberty in their own homeland, and I am honored to join with Americans of Ukrainian descent in the 11th Congressional District of Illinois which I represent, and all over this Nation, who continue to cherish the hope of eventual independence and a free Ukraine. The spirit of the people of Ukraine is a testimony to the fact that tyranny, no matter how brutal or oppressive, cannot conquer the soul and resolve of a nation and its people.●

TO AMEND THE STAGGERS RAIL ACT OF 1980

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. RAHALL. Mr. Speaker, today, I am reintroducing legislation I sponsored during the last Congress which would amend the Staggers Rail Act of 1980 with respect to determinations of market dominance and standards for railroad rate reasonableness.

This legislation is in response to the irresponsible manner in which the Interstate Commerce Commission has implemented provisions of the 1980 act which affect shippers of bulk commodities who are captive to a single railroad and as such, do not ship in a competitive transportation environment.

While it was our intention in the Staggers Act to provide the Nation's railroads with greater freedoms so that they may regain their financial health, this regulatory flexibility was not extended to traffic which is market dominant to the railroads. Since such traffic is without competitive transportation alternatives, the Congress charged the ICC with the responsibility of insuring that rates on this traffic are maintained at reasonable levels and that such traffic is not made to bear an undue burden in the revitalization of the railroad industry.

In essence, the Congress said that where a railroad holds monopoly power over the transportation of a commodity, the ICC must maintain jurisdiction over railroad rates to insure they are reasonable.

Under this scenario, if a shipper believes that its rates are not reasonable, that shipper must first prove its traffic is market dominant to the railroad. As defiend by both the 4R Act of 1976 and the Staggers Act of 1980, market dominance is an absence of effective competition from other carriers or modes of transportation for the transportation to which a rate applies.

If the shipper proves railroad market dominance, the ICC is to then determine whether the rate in question is reasonable. One consideration of rate reasonableness is whether the railroad is earning adequate revenues. Other factors to be used in making a reasonableness determination are contained in the so-called Long-Cannon amendment to the Staggers Act which concern the relationship of the rate to the railroad's fixed cost of service, the reasonableness of the fixed cost contribution sought from the traffic and the effect of the rate on national energy goals.

While my explanation of this procedure is simplified, I would now discuss how the ICC has interpreted and implemented provisions which we all felt would provide necessary protections to captive traffic.

The Commission in its market dominance proceeding decided to consider the presence of product and geographic competition along with intermodal and intramodal transportation competition when determining the existence of market dominance. The use of product and geographic competition is, in my view, not within the scope of the statutory definition of the term market dominance. That definition speaks only of competition from other railroads or other modes of transportation. Moreover, consideration of product and geographic competition is arbitrary because, in the case of coal movements to an electric utility, it could always be shown that the utility, with respect to product competition, could burn natural gas instead of coal, or, with respect to geographic competition, it could purchase coal from Wyoming instead of West Virginia.

As I have mentioned, a key element in determining rate reasonableness is whether the railroad is revenue adequate. The Commission's method of determining revenue adequacy leaves much to be desired as it has not found a single class I railroad to be receiving adequate revenues. This is due to a degree of accounting hocus-pocus inherent in the ICC's method of computing revenue adequacy which does not provide a realistic picture of the railroads' true financial condition. Under this method, the railroads' income is minimized while its asset base is maximized and the cost of capital to the railroad is increased.

The Commission has ignored any other consideration of rate reasonableness and has chosen to rely solely on revenue adequacy in making such a determination. As such, the danger exists that although traffic may be found to be market dominant, no matter how high the rate is, it will be found to be reasonable since the railroads are all revenue inadequate.

As part of its implementation of these matters, the ICC developed the "Coal Rate Guidelines Nationwide" which have been the subject of great concern among both shippers and consumers. As proposed by the Commis-

sion, these guidelines will lead to higher electric utility rates for consumers as well as greater costs on just about every bulk commodity moved by the railroads since the guidelines will be applied to noncoal traffic as well.

On that note, I believe what we must all realize is that this is not an issue of concern only to coal, or to the electric utility industry, or to grain or chemicals or to any of the other bulk commodities. This is a consumer issue. For it will be the consumer who will pay the price in their electricity bills of unreasonable railroad coal rates. It will be the consumer who will pay the price in their agricultural products of increased railroad grain rates. And it will be the consumer who will ultimately pay the price of these railroad rates on all other bulk commodities as well.

The legislation I am reintroducing, and which is being sponsored in the other body by the distinguished gentleman from Kentucky, WENDELL FORD, is a moderate proposal to rectify the situation I have described. It is not reregulation. It is simply an attempt to put into place the policy Congress intended in enacting the Staggers Rail Act of 1980. Following my comments, I am inserting a section-by-section analysis of this legislation.

At this point, I would like to express by appreciation to my colleagues who cosponsored this legislation during the last Congress and it is my hope they will again join in this effort. I would further commend the distinguished chairman of the Committee on Energy and Commerce, JOHN DINGELL, and the chairman of the Subcommittee on Commerce, Transportation and Tourism, JAMES FLORIO, for their interest in this most important matter. It is my intention to continue a dialog with these fine gentlemen who are certainly champions of consumer interests.

The section-by-section analysis follows:

SECTION-BY-SECTION ANALYSIS

Section 1—Rail Transportation Policy:

This section amends two of the policy statements set forth in the Interstate Commerce Act at 49 U.S.C. § 10101a which have been relied upon by the Interstate Commerce Commission as supporting its proposed new constrained market pricing ratemaking methodology. The Commission's basic philosophy in the Coal Rate Guidelines decision is that the railroads should be permitted to set rates on captive traffic on the basis of demand considerations, i.e., whatever the traffic will bear.

Section 10101a(1) presently reads as follows:

To allow, to the maximum extent possible, competition and the demand for services to establish reasonable rates for transportation by rail.

The language referring to demand for services would be deleted and the language concerning competition would be clarified so that this provision would read:

To allow, to the maximum extent possible, competition among carriers to provide transportation services to establish reasonable rates for transportation by rail.

Paragraph 6 of the rail transportation policy (§ 10101a(6)) would also be amended to make it clear that rates on captive traffic must be maintained at reasonable levels even where a carrier has not achieved adequate revenues. In other words, this amendment is intended to refute the notion that the mere fact that a carrier has "inadequate" revenues on a system-wide basis should not justify allowing the carrier to charge whatever rate it desires on an individual movement. At present, this paragraph reads as follows:

To maintain reasonable rates where there is an absence of effective competition and where rail rates provide revenues which exceed the amount necessary to maintain the rail system and to attract capital.

This language was cited by the ICC in its Coal Rate Guidelines decision as justifying the view that until a carrier has achieved revenue adequacy, it is not necessary to scrutinize closely the reasonableness of individual rates. As amended by the bill, the provision would read:

To maintain reasonable rates where there is an absence of effective competition as defined in section 10709(a).

Section 2—Standard for Rail Rates and Burden of Proof:

In the Staggers Rail Act of 1980, the rail rates standard section of the Interstate Commerce Act was amended to specify that the ICC should consider a carrier's need to achieve adequate revenues in determining the reasonableness of a rate. This was the only criterion of rate reasonableness that was set forth in the rail rate standards section of the law. The Long-Cannon rate reasonableness factors were set forth separately in another provision of the law.

The ICC has treated revenue adequacy as virtually the sole consideration in determining rate reasonableness. The Long-Cannon factors have been given lip service but have been largely ignored. Section 2 of the bill addresses this problem in three separate ways.

First, the burden of proof is imposed on a railroad to establish the reasonableness of any rail rate (assuming, of course, that the jurisdictional prerequisite of market dominance is satisfied) where the rate in question exceeds 190% of variable costs. Under present law, the burden of proof as to the reasonableness of a rate is only imposed on a carrier in investigation proceedings (i.e., a proceeding initiated before a rate becomes effective). As a practical matter, the Commission has, of late, refused to institute any investigation proceedings and there is nothing a shipper can do where the Commission refuses an investigation, because the law is very clear that such decisions are not subject to judicial review. The shipper is free to file a complaint case after the rate becomes effective, but the burden of proof on the issue of reasonableness lies with the shipper in all complaint proceedings.

This section would also make it clear that railroads have the burden of going forward with evidence responsive to the Long-Cannon criteria (set out in 49 U.S.C. § 10707a(e)(2)(C)).

This is responsive to the problem which has arisen in many cases before the Commission where the rail carriers alone possess the information necessary to address these factors relating to rate reasonableness. The railroads have refused to provide such information to shippers in discovery proceedings and the Commission has not required it to be divulged.

Finally, this section amends the law in a manner which would make it clear that although revenue adequacy is an important consideration in maximum rate determinations, the Commission must also take into account a number of other important factors. The language of this provision would greatly reduce the present emphasis on adequate revenues, and would explicitly tie revenue adequacy considerations to the Long-Cannon factors. The factors which would be added to the rail rate standards provision concern the relationship of a challenged rate to the carrier's cost of service, the reasonableness of the fixed cost contribution sought from the traffic, and the effect of the rate on attainment of national energy goals.

Section 3—Revenue Adequacy:

This provision would require the Commission to take into consideration a variety of widely-utilized indicators of financial health in addition to return on investment in determining revenue adequacy, and would refine the manner in which the Commission calculates return on investment. It would direct the Commission to calculate return based on the depreciated original cost of rail assets (as opposed to reproduction costs as the Commission has recently proposed); it would exclude deferred tax reserves from the investment base (which the Commission includes under its current approach); and would require a rulemaking proceeding for the purpose of eliminating from the railroads' investment base assets which are not used and useful in providing railroad transportation services.

Under this new provision, the Commission's revenue adequacy determinations could be expected to more closely conform with the real-world view of the financial health of the rail industry.

Section 4—Rail Cost Adjustment Factor:

The legislative history of the Staggers Act clearly reflects that Congress intended the Commission to take into consideration railroad productivity in developing its inflation index that is published on a quarterly basis. To date, however, the Commission has failed to do so, and subsection (a) of Section 5 would make it clear that the Commission must consider changes in railroad productivity in calculating the index.

The effect of taking productivity into account in calculating the index would be to measure more accurately the effects of inflation on railroad costs. Rate increases taken pursuant to the inflation index are not subject to challenge, and failing to consider productivity has yielded the railroad industry repeated, automatic, unchallengeable, profit increases under the guise of recovering increased costs due to inflation.

Section 5—Market Dominance—Exemptions:

This provision would prohibit the ICC from exempting market dominant traffic from regulation. This is responsive to the decision in the Export Coal case.

It would also make it clear that in making market dominance determinations, the Commission's analysis must be restricted to transportation competition, and cannot include consideration of geographic and product competition.

Finally, it would codify the market share and substantial investment presumptions of market dominance which were contained in the Commission's market dominance regulations, that were in force when the Staggers Act was enacted, but would require market dominance to be found (as opposed to establishing a presumption that market domi-

nance existed) if either of these tests were met.

CONGRATULATIONS TO EAGLE SCOUT SCOTT A. DANISKAS

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. DWYER of New Jersey. Mr. Speaker, I would like to take this opportunity to bring to your attention the elevation of Scott A. Daniskas of my district to the rank of Eagle Scout.

Less than 1 percent of all the boys in America achieve the rank of Eagle Scout. This high honor can only be attained if a Scout demonstrates strong leadership abilities. Scott, a resident of Edison, and a member of troop 318, has proven that he has the ability to become an Eagle Scout. To complete his Eagle Scout project, Scott organized 30 Scouts, parents, and friends to give St. Helena's Church in Edison a facelift. They removed the old white rock border from around the church and replaced it with a new rock border with a rubber edger to keep it in place. They also weeded around the church and school, in all doing over 300 hours of work.

I ask you all to join me in commending Scott in the exceptional honor of becoming an Eagle Scout.●

COMMEMORATING UKRAINIAN INDEPENDENCE

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. GUARINI. Mr. Speaker, today marks the 67th Anniversary of the Independence of the Ukraine. I am proud to join with those people of Ukrainian origin in commemorating this occasion.

While we celebrate the 67th Anniversary of the Independent Ukrainian state, we must remember that the history of this proud and fiercely independent people runs throughout history. Even in the face of brutal assaults on the religious and cultural values of the Ukrainian people by the U.S.S.R., Ukrainian culture and tradition still thrives.

As we well know, the freedom of the Ukrainian people was short lived, although the quest for freedom continues today. On January 22, 1918, the Ukrainina Central Rada in Kiev proclaimed the sovereign and independent state of the Ukrainian people. The independence of this nation gained further credence in November 1918 by the addition of western Ukraine to the new United Ukrainian Republic. However, it was not long before the numerically superior armies of Communist Russia invaded the newly independent state. The Ukrainians fought 3 long years against tremendous odds before losing their freedom to the Russians.

Since that time Ukrainians have refused to allow the flame of freedom to die. We are all aware of the efforts of the Helsinki Monitoring Group in the Ukraine and the ultimate Soviet oppression and persecution of its members during the past 2 years. The plight of these people must be addressed by the international community.

In the light of the sacrifices and struggle of Ukrainians for freedom, it is a pleasure to join with my colleagues in recognizing the quest of the Ukrainian people for their own independent nation.●

NATIONAL CHILDREN'S WEEK

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. FOWLER. Mr. Speaker, last year the Congress passed a resolution I had introduced to designate a National Children's Week in October. The needs of our Nation's 65 million children still warrant the attention of the Congress and of our communities, and today I am again introducing a resolution with 38 cosponsors to designate a National Children's Week beginning October 6, 1985. Senator QUAYLE is introducing an identical bill in the Senate.

As you may recall, in 1982 in Atlanta, a dedicated group of my constituents conducted a highly successful children's week, which brought together volunteer agencies, State and local officials, educators, and other concerned individuals to review the needs of our children and the services being provided to them in our area. The extraordinary success of this program at the local level provided the impetus to expand Children's Week to communities across the Nation. National Children's Week subsequently became law.

A guidebook outlining how communities can conduct an effective Children's Week Program was published with a grant from a foundation. This publication, and the designation of National Children's Week, have proven successful in stimulating an examination of the needs of American children and the ways in which we can ensure that future generations are provided for in a thoughtful and comprehensive way. We are making progress in better understanding and caring for our Nation's most valuable resource, and I am again proposing a National Children's Week so that we can continue this progress.

I believe this can be an extremely worthwhile effort, and I hope all my colleagues will join me in support of National Children's Week.●

A CONGRESSIONAL SALUTE TO THE LONG BEACH GRAND PRIX'S "COMMITTEE OF 300"

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. ANDERSON. Mr. Speaker, this year marks the 10th anniversary of the Long Beach Grand Prix's "Committee of 300."

The Long Beach Grand Prix, which has become one of the racing circuit's premier events, has been one of the key ingredients to bring the city of Long Beach back to life and make it a truly "International City."

Of course, a successful event such as this does not happen overnight. It takes an organized team of volunteers from the community to devote the time and energy necessary to plan and carry out the many events associated with the race.

The Committee of 300 was organized a decade ago to assist with the preparation of the race and its great success over the years is indeed a tribute to all those who have graciously devoted their valuable time to this special event.

The committee, which is an administrative arm of the Long Beach Area Chamber of Commerce, is a nonprofit organization whose sole purpose is promoting the city of Long Beach through the Long Beach Grand Prix. For the first race, the committee had a contingent of 70 members; today, it has not only reached its full membership of 300, but there is a waiting list of over 100 persons.

Although there are many, most notably Monty Sharp, Long Beach Chamber of Commerce executive, and Chris Pook, Long Beach Grand Prix Association president and founder, who have played significant roles in fostering the development of the Long Beach Grand Prix, I would like to especially congratulate each president of the Committee of 300—Jim Willingham, 1975-76, Dr. James C. Serles, 1977, Roger Jesme, 1978, Mason T. Kight, 1979, Henry Meyer, 1980, Norm Reed, 1981, Roderic Ballance, 1982, Hank Wadleigh, 1983, Chuck Davis, 1984, and John Knauf, 1985—on a terrific job.

In sum, Mr. Speaker, the Committee of 300 is the driving force behind the Long Beach Grand Prix and is responsible for it being one of southern California's most unique and successful sporting events.

My wife, Lee, joins me in congratulating and commending the Commit-

tee of 300 on a tremendous job over the past 10 years. We wish the committee continued success and we know that through its support, the Long Beach Grand Prix will remain as one of the top racing events in the world.●

FOR THE RELIEF OF HELEN J. HUDSON

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. MATSUI. Mr. Speaker, I rise today to introduce legislation for the relief of Mrs. Helen J. Hudson, an employee of the Sacramento Appeals Office of the Internal Revenue Service, which will deem her as an employee with 5 years of civilian service. I believe this extraordinary relief is necessary in order to permit Mrs. Hudson, a terminally ill cancer patient, to apply for and have approved a disability pension which would sustain her as she continues to fight for life.

Mrs. Hudson has been employed with the Internal Revenue Service since March 23, 1980. She has been a loyal and dependable employee whose performance has been exemplary. In January 1984, Mrs. Hudson was diagnosed as a terminally ill cancer patient; yet, she has continued to work as much as possible even while undergoing chemotherapy treatments. As a single parent and sole supporter of her 13-year-old son, Mrs. Hudson is dependent upon the income and medical benefits from her position with the Internal Revenue Service.

Unfortunately, Mrs. Hudson's health has continued to deteriorate and she may no longer be capable of maintaining her level of performance with the Internal Revenue Service. The Internal Revenue Service and Mrs. Hudson's coworkers have pursued all administrative measures at the county, State, and Federal levels to remedy this tragic situation, without success, and I commend their valiant efforts. Consequently, as Mrs. Hudson has exhausted her sick and annual leave, she will soom be faced without any means of financial support as she attempts to combat this evil disease for her life.

I have no doubt that Mrs. Hudson is a dedicated civil servant, deserving of this life-supporting compensation as has been demonstrated by her exemplary service to the IRS and the U.S. Navy. Mrs. Hudson meets all of the requirements for a disability retirement; yet she is being denied this compensation on the basis that she lacks 61 days of civilian service—the length of time that would fulfill the 5 years of civil service as required by the Federal Personnel regulations. Unfortunately, the medical prognosis remains that Helen may not live to complete this 5-year requirement.

It is indeed a tragedy to deny a dying woman disability retirement on the basis that she lacks less than 2 months of civil service, especially in light of the fact that she served her Government in the military for nearly 2 years. By making Helen Hudson eligible for disability retirement, we will be providing her the opportunity to enjoy the remaining months of her life at home with her son. I urge my colleagues to join me in this humanitarian effort and seek the expeditious consideration of this matter.●

DON'T CONFUSE NECESSARY EMPLOYEE BENEFITS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. HUBBARD. Mr. Speaker, I have received an excellent letter from my friend and constituent Fred Paxton, president of Paducah Newspapers, Inc., in Paducah, KY.

Fred Paxton, who is also president of WPSD-TV, the NBC station in Paducah, KY, and publisher of the Paducah Sun newspaper, writes to me regarding the proposals to change the tax treatment of so-called fringe benefits of employees.

Paxton, a former national NBC affiliates board chairman, is strongly opposed to including necessary medical insurance, short- and long-term disability programs and pension programs for retired employees in any congressional discussions about fringe benefits.

I believe my colleagues will be interested in Fred Paxton's timely comments, and his letter follows:

PADUCAH NEWSPAPERS, INC.,
Paducah, KY, December 18, 1984.

Hon. CARROLL HUBBARD,
Rayburn Office Building,
Washington, DC.

DEAR CARROLL: In discussing tax alternatives for 1985 and beyond, there is much talk about changing the treatment of so-called "fringe" benefits of employees.

If by this term they mean medical insurance, short- and long-term disability programs and pension programs for retired employees, I hope you won't consider these to be "fringe" benefits. I can assure you that our employees consider them to be necessary and vital ingredients of their lives, and that they have earned them through hard labor. We certainly agree. We provide these benefits willingly, because we think they are essential to family security and are just reward for faithful work.

It is very, very costly to maintain these programs. We ask our employees to share in some of these costs. In the medical insurance field alone, we have seen our costs increasing at the rate of approximately 50 percent a year for the past two years. Our employees sustain one-third of the premium costs, while our company shoulders the other two-thirds. It is a strain for both parties to meet 50 percent cost increases, yet who can do without medical insurance?

Please don't do anything to apply new tax burdens to these programs.

If it is your judgment that tax increases are necessary for our country, please vote to put them on our incomes, personal and corporate, where we can all see them. Please don't let your colleagues tamper with the privately-sponsored employee welfare programs which are working. Thank you for your consideration of these thoughts.

Sincerely,

FRED PAXTON, *President.*●

STATE CLEARINGHOUSES FOR MISSING CHILDREN

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. LEWIS of Florida. Mr. Speaker, today I am reintroducing legislation to amend the Missing Children's Assistance Act to provide matching grant funds—$2 million in fiscal year 1986 and $2 million in fiscal year 1987—for State law enforcement departments to set up State clearinghouses for missing children.

Each year countless numbers of children are abducted or run away. It is tragic that many of them are later found dead. And, for those children who are still missing, it is tragic that there is so little information available for law enforcement to use in locating them. Clearly, this problem is much too serious to ignore. We no longer can afford to be passive in protecting our children and simply hope that the problems of child abduction, and sexual and physical abuse will disappear.

Therefore, Mr. Speaker, the bill I am introducing today is a positive step we as Members of Congress can take to protect our children. It calls for statewide missing children clearinghouses to operate within State law enforcement agencies alone or in cooperation with other State agencies. It also encourages these State clearinghouses to educate parents, children, community agencies, and private organizations in ways to prevent abductions, to provide information to assist in locating and returning missing children; to publish a directory of State resources; to establish an in-State toll-free line to report a missing child as quickly as possible; and to act as a liaison for other public and private organizations to locate missing children.

As you may know, on June 13, 1984, the National Center for Missing and Exploited Youth opened in Washington, DC. The Center, initially funded by a grant from the Justice Department, coordinates and disseminates information to State and local law enforcement departments, public agencies and concerned parents.

While I am encouraged by the establishment of a national center, I believe

it is essential that there be a link between all levels of law enforcement—local, State and national. We must provide State and local law enforcement with a cohesive and cooperative program to handle problems related to locating missing children.

Once the child is reported missing, the first 24 hours are critical. Parents' first reaction is to call their local police; therefore, it is vital that these law enforcement officers have ready access to an information file that will provide key statistics on the missing child and access to a system that will alert law enforcement agencies statewide. With the proper telecommunications system and trained personnel, State and local law enforcement can serve as an extremely effective frontline resource in the fight to locate and save our children.

Mr. Speaker, my home State of Florida is a leader in the nationwide effort to locate missing children. In 1982, on a shoestring budget, the Florida Department of Law Enforcement established an in-State missing children information clearinghouse. Since its inception, there have been impressive communication and cooperation between law enforcement personnel, public agencies, private organizations, and parents.

Several other States have followed Florida's example and set up similar networks. They too have found that these in-State clearinghouses can work closely with private organizations, public agencies, and parents to develop a comprehensive and uniform educational program designed to instruct parents and children of possible dangers.

After viewing Florida's program first hand, I am convinced that State clearinghouses are a vital key to locating missing children and that they should be implemented in all States if we are to successfully combat this tragic problem.

Mr. Speaker, I thank all my colleagues who have already joined with me today in being original cosponsors of my bill, and I strongly encourage the other Members of this body to join with us in cosponsoring this important legislation.●

FREEZE ALL FEDERAL SPENDING

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. DORGAN of North Dakota. Mr. Speaker, I am introducing today a resolution to freeze all spending in the unified Federal budget and to speed up the date at which Social Security is moved off-budget. Implementing this resolution would begin bringing the deficits down and getting a handle on our fiscal policies.

Without a spending freeze we will be piling $200 billion a year onto our national debt. Unless we get serious about deficits, we can expect a future of high interest rates, more record trade deficits, more farm foreclosures, and construction slumps. But I believe in busting the deficit without misusing Social Security funds. President Reagan was absolutely right when he said that Social Security has "nothing to do with balancing a budget or erasing or lowering the deficit."

The right kind of budget freeze can yield handsome dividends. A flat freeze on spending could trim the deficit by nearly $30 billion in fiscal year 1986 and by about $400 billion, if pursued over the next 4 fiscal years. This will save a lot of money and cut the deficit by two-thirds.

A 1-year freeze only puts the brakes on. But it offers a fair, effective, and winnable way to start reining in our runaway deficits. The freeze I propose is also flexible, since it permits program increases wherever fully offset by cuts in other programs or revenue increases. But it is not flexible enough to let defense spending slip through the cracks. Since $300 billion defense bills account for 30 percent of the total budget, it is absolutely essential that we freeze the Pentagon's checkbook.

But we must resist the temptation to balance the budget with Social Security trust funds. That revenue represents the employee and matching contributions of future retirees—not general revenue for any program running short. We must not break the Government's contract with working people and senior citizens.

A change that I successfully included in the Social Security Amendments of 1983 already mandates that Social Security be removed from the unified budget by fiscal year 1983. My resolution simply accelerates the off-budget treatment of Social Security trust funds to fiscal year 1986.

We must tear up the Government's credit card without breaking out promises to the holders of Social Security cards.

We are long past due in acting on the budget responsibility and seriously. A few years ago a budget freeze might have seemed radical; now it seems not only practical, but the only way out. If we don't act today, it will be that much harder to act tomorrow.●

THE IDEALS OF SCOUTING ARE PERSONIFIED BY JOHN WILLIAMSON OF PERTH AMBOY, NJ

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. DWYER of New Jersey. Mr. Speaker, as you and every other Member in this Chamber is well aware, 1985 represents the 75th anniversary of the Boy Scouts of America. This is an occasion for us, and for all Americans, to reflect on the positive contributions which Scouting has made to many individuals and to the fabric of our Nation, as a whole.

Within the context of this historic occasion, I would like to direct the attention of my colleagues to an individual who has dedicated his life to Scouting. His story is a remarkable one, showing integrity and commitment of the kind rarely seen.

John Williamson is the scoutmaster of Troop No. 15 in Perth Amboy. He first became involved in Scouting after he left the Navy in 1923. He could not become involved earlier, as he grew up in the hills of central Pennsylvania where Scouting had not yet reached. His first involvement was through the Simpson Methodist Church in Perth Amboy. By 1928, he had become an Eagle Scout himself, earning 50 merit badges; far more than the minimum of 21 which is necessary for such an honor.

In his 60 years in Scouting, Mr. Williamson has had 30 of the young men under his charge become Eagle Scouts—an indication of his ability as a leader and a teacher. He describes this record as his proudest achievement in Scouting. He has traveled throughout the country in connection with his Scouting activities and has attended six Boy Scout jamborees over the years.

Mr. Speaker, John Williamson has been a great Scout, a great leader in his community, and a great American. I am proud to salute him today.●

THE HEART OF RURAL AMERICA

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. OBERSTAR. Mr. Speaker, those of us who grew up in small towns know that in each such community there are several people who are at the heart of the life of those towns. These men and women often never hold any official position in town government. They don't always own the local bank or the local grocery store.

They are the people, however, who spend a lifetime serving others in the community, whose concern for their fellow citizens helps build the bonds which make life in small towns so special.

Charlotte Harrison Oberg is one such person whose active interest in others and in her community has made life fuller and happier for her neighbors in Crosby, MN, and the surrounding area in Crow Wing County.

For over 40 years, Mrs. Oberg has written a column for the Crosby-Ironton Courier, the weekly newspaper which serves a large part of Crow Wing County. Her columns, written under the pseudonym "Dick," kept readers up to date on the comings and goings of their friends and neighbors. Her columns are an integral part of the memories which those who have lived in Crosby-Ironton carry with them to this day.

As part of this tribute to Mrs. Oberg, I would like to include for the RECORD one of Mrs. Oberg's more memorable columns. As a resident of a small city in northern Minnesota, I hope that the Members of this House—be they small-town raised or residents of the Nation's great cities—will enjoy Mrs. Oberg's column.

OLDEST MINNESOTA TEACHER RETURNS HOME—RACHEL RODERICK

On Sept. 6, 1913, a very small and very scared little girl bravely clutched her lunch bucket in one hand, a new pencil and tablet in the other, smiled a tearful goodbye to Mother and Dad then trudged down a country road for her first day in school. To say she was frightened is putting it mildly. Just imagine an only child who had never been away from Mama more than two hours facing the task of spending seven hours with 17 other kids and a strange woman.

How vividly those first few days remain in my memory and the vision of Rachel Roderick's face has always been etched in my heart. She wasn't beautiful as beauty is determined today but she had a beautiful smile and her light brown hair was always neat and pretty. She wore glasses but they didn't detract one iota from the expressiveness of her eyes. I thought she dressed beautifully, mostly in white blouses and dark skirts but today I know the most beautiful thing about her was her understanding heart. It wasn't long until I would just as soon be with teacher as Mama. (I just suddenly realized we start losing our children the first day they go to school).

Rachel played the organ we had in school and she soon discovered that I had a great love for music and when she mentioned it to my Dad he bought me an organ because I had such good marks in school. She taught me music until she left our school the year I finished the fourth grade.

Time has a way of erasing many things from our memory and I must confess I don't remember many of my grade school teachers but somehow the memory of that first teacher lingered on. Over 45 years had passed when we bought a used furniture and antique shop in Crosby. One evening when we were buying near Okassippi the lady told me her neighbor had some antiques she wished to sell. Having a few minutes to spare I stopped at the designated house and when the door opened there stood Rachel Roderick.

I found a happy, energetic woman just a shade under 80 years of age who had continued to teach rural schools until four years before. Consolidation took away her closest school which was two miles away and since she never owned a car she had to quit. Fifty-four years of her life had been teaching us readin', 'riting, and 'rithmetic.

She taught her first school in 1903-04 and during her 50 years of teaching had taught in 40 districts in Crow Wing County and one in Aitkin County. Her monthly salary started at $30 a month in 1903 and she had worked up to $235 a month in 1955-56.

How interesting it would be if one could figure out the miles she has walked in her lifetime over hill and vale, through trails only a horse used, across lakes and meadows. She tells of how the timber wolves would sometimes start following her when she was a little late getting home but swears that as long as one keeps walking and shows no fear, they never molest you.

Her record of attendance was fabulous. She hardly ever missed a day of school and once she was voted the teacher of the year, an honor she truly deserved.

In 1967 her sister, Pearl, developed cancer and Rachel was called to Thousand Oaks, California, to care for her, which she did until her demise. With the youngest brother, Ira, still there she assumed the care of the house and cooking for him until shortly before he passed away in 1973.

Then she was the last member of a family of eight children and since she had fulfilled her obligation to all her loved ones, she had a great desire to come back to Minnesota so in 1974 she returned to the area that she had given most of her life to.

At the age 93 her favorite activity is walking and she can easily walk a mile a day when weather permits.

When she returned to Minnesota many of her old pupils came to see her some from clear across the U.S. Three of the Woods family that Rachel had taught and myself spend the day together in the fall of 1975. Rachel had boarded with them when she taught their school and they remembered there were 11 people living in one room. In order to give the teacher a little privacy they hung sheets up as partitions in one small corner. All the furniture in the room was one bed. Rachel's trunk served as clothes closet, dressing table and seat to sit down to dress your feet.

One little girl had to sleep with Rachel and they all remembered that when the baby was sick, Rachel took a turn walking the floor with her at night so Mrs. Woods could get some sleep. During the visit one of the girls said, "Everybody loved Rachel." What a lovely tribute to a woman who had spent her life for the welfare of others.●

INTRODUCTION OF OCS REVENUE SHARING LEGISLATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. YOUNG of Alaska. Mr. Speaker, I am introducing today a bill that will share Outer Continental Shelf revenues with coastal States. The bill is similar to one that I introduced in the 97th Congress. The modifications that have been made reflect subsequent concerns expressed in regard to other OCS revenue sharing measures.

OCS revenue sharing is a program that has consistently been supported by the House. In the 98th Congress, we passed an OCS revenue sharing bill three times, only to see it defeated each time by opposition from the administration in the other body. I have tried to go part way in meeting the administration's concerns; I expect them to do an equal amount of compromising.

OCS revenue sharing is not a Government windfall for coastal States. Rather, it recognizes that a coastal State can be affected by activities occurring offshore. In the case of onshore mineral leasing, we provide States with Federal funds to offset any impacts resulting from exploration and development. No similar program exists with respect to coastal States and offshore development, even though the impacts can be as large or larger. Sharing of OCS revenues with coastal States—and especially with affected coastal communities—is a sound way to address this issue.

Two important points about this bill should be brought to the Members' attention. First, the bill ties shared revenue directly to OCS leasing. In the formula for sharing OCS revenue, the bill provides that 85 percent of the funds accruing to a particular State are based on the OCS activity occurring adjacent to that State. The bill is not a giveaway; it does not seek to fund Federal programs by alternative means; it simply allows States and local communities to receive funds to offset impacts that occur from OCS activity.

Second, the bill does not attempt to solve the legal questions that have come under section 8(g) of the OCS Lands Act. Under the provisions of this section, the Federal Government is required to share with a State the revenues of a common pool of oil located in both State and Federal waters. Under my bill, tracts leased within 3 miles of a State's territorial waters will not be counted in the general revenue-sharing formula. Thus, both affected States and the Federal Government are free to pursue their section 8(g) claims in the courts, as they are now doing.

I am including a section-by-section summary of the bill as introduced. I commend it to my fellow Members and ask for your support:

SECTION-BY-SECTION ANALYSIS OF THE COASTAL RESOURCE AND ECONOMIC DEVELOPMENT GRANT ACT OF 1985

SECTION 1. It is the short title, "The Coastal Resource and Economic Development Grant Act of 1985".

SEC. 2. Definitions. This section defines a "coastal state" to include the same states as the Coastal Zone Management Act. All of

the states are eligible for funds under this Act.

The Governor of a coastal state or his designee is identified as the recipient of monies from the fund as are the individual coastal communities of a coastal state.

Coastal energy facilities are identified to include coal, oil, electricity, and related equipment and facilities.

Secretary of the Treasury is identified as the Administrator of the fund.

SEC. 3. This section directs that the Secretary of the Treasury establish a Coastal Resource and Economic Development Grant Fund in the Treasury of the United States. The Fund shall be made up of three percent of annual OCS revenues, with a minimum of $150 million up to a maximum of $350 million to be deposited annually.

SEC. 4. This section directs that grants be paid to coastal states, establishes the formula for disbursement of these funds, directs how these funds are to be spent by the coastal states, and creates certain conditions and requirements for receipt and expenditure of monies by the states.

The formula for determining the amount of money a specific state may be paid is made up of two categories. First, 85 percent of revenues to be received by a state is based on leasing and production that occurs between 3 and 250 miles of a state's seaward boundary; second, 15 percent of the amount of revenues to be received by a state is based upon the amount of energy facilities located in a state's coastal zone. [The amount of OCS bonus and royalty (subsection (b)) to be received by a coastal state is based on a maximum of 2.8 percent of bonus monies for tracts leased three miles from a state's seaward boundary decreased to 50 percent of the 2.8 percent for those tracts leased at 250 miles of a state's lesed seaward boundary. The maximum royalties that may be received is 4.2 percent of total royalties from production from a tract three miles from a coastal state's seaward boundary, and is reduced to 50 percent of that for a tract 250 miles from a state's seaward boundary (Section 4(b)).]

The Secretary of the Treasury shall pay 50 percent of a state's allocation to the Governor of that coastal state, and 50 percent of the coastal state's allocation shall be paid to units of local coastal government (subsection (b)). No state may offset the payment of state funds to a coastal community that they have been receiving because they are now receiving Federal funds. In addition, a state with an approved Coastal Zone Management Plan cannot receive less than $2.5 million annually (Section 4(f)).

The payment to the Governor and to the units of local coastal governments shall be included in the revenue sharing check received currently under the "State and Local Fiscal Assistance Act of 1972" (Section 4(d)(2)). Factors for determining local communities' share of revenues utilized by that Act shall also apply to the disbursement of funds under this Act.

From the monies received by the Governor of a coastal state, one-fourth must be used for fisheries development and scientific research (Section 4(h)). In addition, the state must match (in cash or kind) one-fourth of the amount of monies paid to the Governor of a coastal state (Section 4(i)).

Funds for local coastal communities in the unorganized borough of the State of Alaska shall be paid to the Governor of that state instead of to the local communities (Section 4(h)(3)).

The Secretary of the Treasury shall ensure that states spend the monies paid under this Act for the purposes of this Act which will include but not be limited to fish and wildlife conservation, port development, flood control and navigation, erosion control, shore stabilization planning, and resource development planning. If a state spends money on other than these programs, they shall return that money to the General Fund of the Treasury or the Secretary of the Treasury may withhold that amount from next year's payment to that state (Section 4(j)).

Section 5 of the Act requires the annual appropriation of OCS revenues up to $350 million per year to be deposited in the Coastal Resource and Economic Development Grant Act Fund.

SUMMARY

This Act establishes a fund in the Treasury to share OCS revenues from bonuses and royalties with coastal states because a state and coastal community may be impacted by such energy development. For this reason, 85 percent of the monies received by a coastal state (to be divided 50 percent with the coastal communities, 50 percent with the Governor of the state) shall be based on actual OCS activity, with the larger percentage being paid for activity that occurs three miles from a state's seaward boundary and a lesser percentage being paid for activity that occurs 250 miles from a state's seaward boundary. Fifteen percent of the revenues received by a coastal state shall be determined by the amount of coastal-related energy facilities located in that state's coastal zone.

A state with an approved Coastal Zone Management Plan shall receive a minimum of $2.5 million annually, this combined with the above formula shall ensure that all coastal states (including the Great Lakes, Trust Territories, and other islands) shall receive revenues under this Act.

The Act requires a state to expend the money on fisheries development, port development, estuary management, and other economic and environmental programs, or the Secretary of the Treasury shall require them to repay those funds to the Treasury of the United States.

Any monies remaining in this fund at the end of the fiscal year, regardless of the reason, shall be returned to the General Treasury as miscellaneous receipts.

The issue of 8(g) of the Outer Continental Shelf Lands Act is left as a separate issue because the formula under Section 4(b) of this Act begins with tracts that are three miles from a state's seaward boundary. Under 8(g) of the Outer Continental Shelf Lands Act, the drainage tracts for the sharing of bonuses and royalties by the Federal Government with states are for tracts that are within three miles of a state's seaward boundary.●

YOUTH OPPORTUNITY WAGE

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. CAMPBELL. Mr. Speaker, I have reintroduced a bill today that will provide assistance for unemployed teenagers. According to the latest U.S. Department of Labor statistics, there are 8.1 million people out of work today, representing 7.2 percent of our workforce. The teenage unemployment rate is better than twice the amount at 18.8 percent, and for black teenagers, the rate is a devastating 42.1 percent. While the overall unemployment rate has dropped recently, the rate for black teenagers has grown in quantum leaps—from 10 percent in 1948 to over 42 percent today. The unemployment rate for black teenagers has declined from a high of 50 percent several years ago, but the racial disparity still exists.

A basic law of economics is that the quantity of labor demanded is inversely related to the wage rate. When a minimum wage is established at a level above the one that would be determined by market forces, employment opportunities are restricted for the least productive workers by pricing their services out of the market. The resulting higher labor costs may exceed the value of some workers' services, causing disemployment among these workers. Indeed, the minimum wage may benefit those workers who retain their jobs at the higher wage, but those who lose their jobs or are not hired at all clearly are made worse off. Some unemployed workers may seek jobs in uncovered sectors, where minimum wage laws pose no barriers to employment, but in so doing, increase the supply of labor, exerting downward pressure on wage rates in those areas. In addition, as coverage has expanded, fewer jobs have become available in uncovered sectors for displaced workers to turn to.

Surely everyone can agree that there is a serious youth unemployment problem, contributing to crime rates and growth in welfare rolls, and that something must be done. There is, indeed, one obvious step we can take to attack teenage unemployment without embarking on an expensive Government jobs program. We can enact a youth opportunity wage. This legislation would allow youths of 19 years and under to be paid at 85 percent of the minimum wage for the initial year of their employment. After this training period, such employees would be paid at least the full minimum wage.

The Federal minimum wage has been extolled as a moral effort to assure every worker a decent wage. In reality, it prices many low-skilled workers out of the job market, and hits hardest at the teenage worker who is likely to be low-skilled because of age, immaturity, and lack of job experience. Most people assume that minimum wage benefits accrue to the needy, yet the Minimum Wage Study Commission's report reveals that less than one-third of an increase in the minimum wage would go to families with pretax earnings of $10,000 or less.

A youth opportunity wage would encourage private employment, with its hopes of job permanence. In fact, studies have shown that a 15-percent wage differential would create a minimum of 100,000 jobs at the current unemployment rate. Also, contrary to the arguments of some, experience in other nations with a youth differential indicates that older workers would not be displaced. Rather, business would be encouraged to retain the marginal, entry level jobs that would otherwise be lost in times of high unemployment or as the minimum wage increases. And this initiative would not cost the taxpayers a dime. Instead, it would save money as we move young people into the productive labor force.

Mr. Speaker, America's young people are anxious and willing to work, but without a youth opportunity wage, teenagers will continue to bear the burden of high unemployment.●

THE 99TH CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 9, 1985, into the CONGRESSIONAL RECORD:

THE 99TH CONGRESS

The new Congress is underway, but the biggest issue that it faces is not new. Once again, as it has in recent years, the same question will dominate the session: can the annual deficit, now exceeding $200 billion, be reduced? The 99th Congress will have before it most of the old and familiar problems left by its predecessor. Legislators face not only the deficit, but also a pile of important bills that nearly passed last year, and a clutch of major decisions that the last Congress ducked.

The President and congressional leadership agree that reducing the deficit is the top legislative priority. They acknowledge that the deficit is harmful to the economy, and that something should be done to get federal spending under control. Such a cooperative note is not unimportant, but neither is it sufficient to assure a significant reduction in the deficit. Although the problem is easy to identify and the danger of inaction is increasingly recognized, it will be difficult to get agreement on how to go about reducing the deficit, where to cut the budget, how deep to make the cuts, and what changes, if any, should be made in the tax structure. There will be sharp clashes on military and domestic spending proposals alike.

Tax simplification, including income tax cuts financed by the elimination of many popular deductions, will be another important budget issue in the 99th Congress. Chances for real tax reform appear slim unless the President pushes hard for it. Leaders in both the House and Senate have expressed reluctance to move ahead with tax reform if it gets in the way of deficit reduction. Members of Congress believe that deficit reduction should be the first order of business, but it would be a mistake to count tax reform proposals out. After the spending fight is resolved, these proposals are almost certain to be considered.

The 98th Congress left an enormous amount of uncompleted and urgent work to the 99th Congress in areas other than the budget. Among the most important foreign affairs and defense issues facing this Congress will be money for antigovernment guerrillas in Nicaragua, continued production of the MX missile, racial segregation in South Africa, and famine elsewhere in Africa.

Although the size and structure of the defense budget probably will be the prominent defense issue this year, Congress also must act to renew or lift the ban on anti-satellite missile tests in space and decide what we should spend on anti-missile defense during the next fiscal year. The sale of weapons to Arab countries in the Mideast certainly will be controversial. Congress will favor the President's request to boost aid to Israel, which is suffering its worst economic crisis ever, and it will take up a comprehensive immigration reform bill once again.

Among the most important domestic items that the 99th Congress will consider is the farm program, including price supports, credits, and research. Also on the agenda are: restructuring rural electric and telephone loan systems, legislation on interstate banking and expanded powers for financial institutions, and proposals on deregulation of banking and reforms to prevent the growing number of bank failures. Business practices involving corporate takeovers and mergers will be studied. Congress also may consider legislation to allow retailers to charge up to five percent for credit card purchases. In transportation, Congress will consider the final sale of Conrail, raising the national speed limit to 65 miles per hour on some highways, and the release of federal highway construction money urgently needed by the states.

Action on social and educational issues will include scrutiny of college student aid and educational reforms aimed at upgrading schools, cuts in Medicare spending, reconsideration of a vetoed biomedical research bill, subsidies for medical centers in low-income or rural areas, easing drug export restrictions, and a ban on saccharin as a food additive. Certain federal nutrition programs, such as food stamps and school lunch initiatives, need to be reauthorized. The President may try to reduce or eliminate housing and community development programs and probably will try again to gain support for a plan to create tax-free enterprise zones in inner cities. Civil rights advocates will continue to press for passage of the Equal Rights Amendment, stronger civil rights laws, and legislation to end sex-based discrimination in insurance and pensions. Presidential proposals to cut federal pay and restrict eligibility for veterans' health care will not gain easy passage in Congress.

Pending activity on energy and the environment would open new natural gas generating plants, speed up building and licensing of nuclear power plants, renew the Clean Water Act, rewrite the "Superfund" toxic waste cleanup legislation, overhaul the safe drinking water law, control atmospheric pollution, and address the problem of acid rain. We will see proposals for new water projects and an attempt to regulate commercial development of coastal areas.

My guess is that President Reagan will not win many easy legislative victories this year—certainly not as many as he did in the initial year of his first term. His landslide election victory will strengthen his hand, especially in the first few months of 1985, but the signs of a blissful honeymoon with Congress are difficult to spot. He is a lame-duck President, and he faces a new independence, even feistiness, among Republican leaders. In recent days, they have taken the lead in proposing larger cuts in military spending, cancellation of the MX missile, suspension of aid to the Nicaraguan guerrillas, and alternatives to the President's anticipated budget. Many legislators in both political parties are advocating some kind of across-the-board budget freeze.

All in all, it is an agenda packed with potential problems, and it all adds up to a contentious and lively 99th Congress.●

LEGISLATION TO REFORM THE FEDERAL UNEMPLOYMENT COMPENSATION LAWS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. CONTE. Mr. Speaker, I will introduce legislation Thursday to make major reforms in the Federal unemployment compensation laws. Specifically, my legislation would liberalize entitlement to extended benefits [EB], provide less confusing rules for implementation of the Federal Supplemental Compensation [FSC] Program, and make two minor amendments to current law dealing with the treatment of unemployed individuals.

Mr. Speaker, the Congress in 1983 extended the current FSC Program until March 1985. That extension was partially in response to an administration request, and in response to the continuing problems faced by the long-term unemployed. The Congress' action, however, fails to address the fundamental problems with unemployment compensation programs in general.

There are currently two basic programs which provide extended unemployment compensation to individuals who are out of work after they exhaust their entitlement to State unemployment compensation: Extended benefits [EB] and FSC. My legislation addresses both areas.

Under present law, an individual who has exhausted his State unemployment benefits is allowed to collect an additional 13 weeks of EB if his State is "triggered on" the program. The EB Program is paid for one-half out of Federal revenues and one-half out of the State unemployment trust fund. A State is "triggered on" the EB Program if either of the following are true:

First, the insured unemployment rate [IUR] is 6 percent, or,

Second, the IUR is 5 percent, and is 20 percent higher than the same 13-week period the year before.

At the present time, only Puerto Rico pays extended benefits.

There are, however, many problems with the so-called EB trigger. One major problem is that in the event of a continued high rate of unemployment, many States begin to trigger off the program, as evidenced by the fact that only Puerto Rico is presently paying EB.

Entitlement to EB is based on a State's insured unemployment rate [IUR], which is a fraction representing the number of individuals in a State claiming State benefits divided by the number of individuals working in jobs in the State which are covered by the unemployment program. Thus, if a State has 25,000 claimants for State benefits and 500,000 employees statewide, the IUR in the State would be 5 percent. Unfortunately, as individuals begin to exhaust their entitlement to State benefits, the numerator in the fraction becomes smaller, thus lowering the IUR—even though many individuals remain unemployed. This effect is even more dramatic during a prolonged recession, where the IUR becomes an inaccurate measure of a State's unemployment rate.

Prior to 1981—specifically, prior to passage of the Omnibus Budget Reconciliation Act of 1981—the numerator in the fraction included recipients of EB, thus extending the time before which a State could trigger off EB. Returning to the prereconciliation rules, however, does not seem desirable, as a State could then theoretically never trigger off EB.

My legislation addresses both problems. It would amend the formula for determining entitlement for EB by linking payments to a new base average unemployment rate [BAUR], which would be the average of a State's IUR and total unemployment rate. For example, if a State's IUR were 3 percent and its total unemployment rate were 9 percent, its BAUR for purposes of determining eligibility for EB would be 6 percent.

As well, the triggers for determining eligibility for EB would be amended to the following:

First, the BAUR would have to equal 5.5 percent, or,

Second, the BAUR would have to equal 4.5 percent, and be 20 percent higher than the equivalent 13-week period in the previous year.

My legislation would also address the possibility of using sub-State triggers to determine eligibility for extended benefits. This would be done because a State may have an overall low unemployment rate with pockets of unemployment that greatly exceed the lower State level. Under my legislation, the Department of Labor would be required to compile unemployment statistics—both the IUR and TUR—on unemployment in counties. The report would have to be completed within 6 months of enactment. After this report is completed, the BAUR of each county would be calculated, and EB would be paid in those counties that meet the EB criteria noted above. As a general rule, an unemployed individual would be eligible for EB if the county in which he or she last worked met or exceeded the EB triggers.

My legislation would also reform the FSC Program, which will expire at the end of March. Under my legislation, the FSC Program would trigger on at any time when the national BAUR was at least 6 percent. This trigger provision would end the confusion that usually surrounds congressional attempts to extend the program. The Department of Labor would be required to calculate the national BAUR monthly after March 31, 1985, and the program would last until 3 weeks after the national BAUR dropped below 6 percent. In no case would the program last for less than 13 weeks.

Benefits under any FSC extension would be paid as follows: 14 weeks in States with a 7 percent BAUR or above; 12 weeks in States with a BAUR of 6 to 6.99 percent; 10 weeks in States with a BAUR of 5 to 5.99 percent; 8 weeks in States with a BAUR of 4 to 4.99 percent; and 6 weeks in all other States.

The bill also contains a reachback provision, so that individuals who had exhausted entitlement to FSC on or before the end of the last extension of FSC could receive additional weeks of benefits, up to a maximum of 6 weeks. Under the rules in my bill, individuals who have entitlement to FSC remaining, or have exhausted all entitlement, could receive additional weeks of benefits up to one-half of their new entitlement. In no event, however, could an individual who had entitlement remaining receive more weeks of FSC benefits after the beginning of the new program than the maximum number of basic weeks of FSC payable in the State as of that date.

In addition, the legislation also contains a guarantee against benefit reductions. Under the bill, the maximum number of FSC weeks payable in a State will not be reduced more frequently than every 3 months, and will not be reduced more than 2 weeks in any 3-week period. Qualified unemployed workers will continue to be eligible for at least the number of FSC weeks to which they were entitled at the time they first qualified for FSC, even though the maximum number of basic FSC weeks payable in the State decreases because of a reduction in the State's BAUR.

Finally, my legislation makes two minor amendments to current law. First, it allows an individual to withdraw money from his individual retirement account [IRA] before age 59½ if the individual has, in the preceding 12-month period, exhausted all rights to Federal and State unemployment compensation. Under present law, an individual generally is subject to a penalty tax of 10 percent of any distribution from an IRA. This provision is identical to a Senate provision in the Social Security Amendments of 1983, but was deleted in conference.

Second, my bill would allow States the option of denying unemployment compensation to nonprofessional employees of educational institutions during the months in which they are out of work. This provision would not require States to deny these benefits, as under current law.

Mr. Speaker, this legislation will be an important reform of the unemployment laws in our Nation. I plan to share it with the members of the Ways and Means Committee, and hope that they will consider my ideas as they begin consideration of unemployment legislation in the coming months.●

THE 67TH ANNIVERSARY OF UKRAINIAN INDEPENDENCE

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. RUDD. Mr. Speaker, today marks the 67th anniversary of the proclamation of Ukraine's independence from the Russian Empire on January 22, 1918.

Ukrainians and Americans are bound by a common respect for human rights and desire for liberty and freedom. In fact, the Ukrainian revolution was very much like our own country's revolution in 1776 in that its ultimate objective was freedom and independence from colonial subjugation—in the Ukraine's case from Communist Russia.

For 3½ years—from March 1917 to the end of 1920—the Ukrainian people struggled valiantly to preserve their hard-won independence. But surrounded by predatory and imperialist-minded neighbors, alone and unaided, they succumbed to the superior physical forces of their enemies.

Under Communist Russia, Ukrainians have suffered the most inhuman treatment and persecution:

Since the incorporation of the Ukraine into the Soviet Union in 1922, Ukrainians have been made victims of genocide through man-made famines, executions, arrests and deportations;

They have suffered systematic Russification of their language and educational system, and obliteration of the Ukrainian national identity;

Their culture has been suppressed and their history and literature have been distorted; and

Ukrainians have suffered religious persecution, economic exploitation

and destruction of their political structure.

We, therefore, mark this anniversary today both to pay tribute to those who fought and died for Ukrainian independence and to remind Americans, and those throughout the Free World, of the grave consequences of Soviet domination.

Our brothers in the Ukraine must always be able to look to the United States as a beacon of hope and support that one day they will again be free. Our dream for a free and independent Ukraine will never die.●

SOLAR ENERGY TAX CREDIT EXTENSION LEGISLATION

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. FOWLER. Mr. Speaker, I am planning to reintroduce legislation which would extend the business and residential tax credits for solar installations through the year 1990.

Congress first enacted solar tax credits in 1978 and present law now allows a residential solar tax credit of 40 percent for solar equipment. On the commercial end, current law permits a 15-percent credit of the total cost of the installation. These provisions are due to expire December 31, 1985.

The solar industry is very new with most of these businesses having come into existence after the 1973 oil embargo. It has made an impressive beginning in building acceptance in the marketplace against competing fuels which continue to enjoy subsidies. In addition to creating new jobs and fostering new businesses, further development of the solar industry will lessen our dependency on foreign sources of energy.

Mr. Speaker, the legislation I intend to introduce would extend what I believe is a vital tax incentive. Specifically, this measure would extend the residential solar credits through 1990. In order to reduce the revenue loss and to provide for a gradual end to the subsidy, it provides for an annual 5-percent reduction in the credit level beginning in 1986. The credit for photovoltaics would remain at 40 percent through 1990 due to special needs, but since over 95 percent of the solar residential applications are for heating and cooling, the cost to the Treasury will be minimized. There is also a $6,000 credit limitation on domestic hot water systems as another provision to reduce revenue loss.

The solar investment tax credits would be extended at their current level of 15 percent through 1990. Because of their newness and, hence, need for special incentives, photovoltaics and high temperature solar industrial process heat and electricity systems would receive a 25-percent credit through 1990.

Taken together, the provisions of this bill represent a reasonable and cost-efficient response to the dual national goals of encouraging the development of secure, alternative energy resources at affordable prices, and reducing the Federal deficit. I hope my colleagues will join me in cosponsoring and actively supporting the extension of these solar energy credits. The text of the bill follows:

H.R. —

A bill to amend the Internal Revenue Code of 1954 to extend the residential energy credit with respect to solar renewable energy source expenditures, with declining percentages of credit, through 1990, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS RELATING TO SOLAR RENEWABLE ENERGY SOURCE EXPENDITURES.

(a) IN GENERAL.—Paragraph (2) of section 23(b) of the Internal Revenue Code of 1954 (relating to qualified renewable energy source expenditures) is amended to read as follows:

"(2) RENEWABLE ENERGY SOURCE.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, in the case of any dwelling unit, the qualified renewable energy source expenditures are 40 percent of so much of the renewable energy source expenditures made by the taxpayer during the taxable year with respect to such unit as does not exceed $10,000.

"(B) PHASEOUT OF CREDIT FOR SOLAR PROPERTY.—

"(i) IN GENERAL.—In the case of expenditures for solar property, there shall be substituted for '40 percent' in subparagraph (A) the percentage determined in accordance with the following table:

"For taxable years beginning in:	The percentage is:
1986	35
1987	30
1988	25
1989	20
1990	15
1991 or thereafter	0.

"(ii) SOLAR PROPERTY.—For purposes of this paragraph, the term 'solar property' means property described in paragraph (5) of subsection (c) by reason of the reference to 'solar energy'.

"(iii) CERTAIN PHOTOVOLTAIC CELLS REMAIN AT 40 PERCENT CREDIT.—The percentage determined under this subparagraph shall be 40 percent for taxable years beginning before January 1, 1991, with respect to photovoltaic cells used solely for the purpose of providing electricity.

"(C) MAXIMUM CREDIT FOR SOLAR HOT WATER SYSTEMS.—The taxpayer may not take into account under this paragraph with respect to any dwelling unit more than $6,000 of renewable energy source expenditures for solar property used to provide hot water for use within such dwelling.".

(b) SOLAR HOT WATER SYSTEMS AND ACTIVE SPACE HEATING SYSTEMS MUST MEET CERTAIN ADDITIONAL STANDARDS.—

(1) IN GENERAL.—Paragraph (5) of section 23(c) of such Code (defining renewable energy source property) is amended by striking out "and" at the end of subparagraph (C), by striking out the period at the end of subparagraph (D) and inserting in lieu thereof ", and ", and by adding at the end thereof the following new subparagraph:

"(E) in the case of property described in paragraph (11)(B), which meets the requirements of paragraph (11)."

(2) ADDITIONAL REQUIREMENTS.—Subsection (c) of section 23 of such Code (relating to definitions and special rules) is amended by adding at the end thereof the following new paragraph:

"(11) ADDITIONAL REQUIREMENTS WITH RESPECT TO CERTAIN SOLAR HOT WATER AND SPACE HEATING SYSTEMS.—

"(A) IN GENERAL.—Property described in subparagraph (B) shall not be treated as renewable energy source property for purposes of this section unless such property meets such test methods and minimum standards for performance, durability, reliability, and safety—

"(i) as are certified, rated, or listed by the Solar Rating and Certification Corporation, Inc., the Air Conditioning and Refrigeration Institute, or an equivalent organization recognized as such by the Secretary, and

"(ii) as are in effect at the time of the acquisition of the property.

"(B) PROPERTY TO WHICH ADDITIONAL REQUIREMENTS APPLY.—Property is described in this subparagraph if such property—

"(i) transmits or uses solar energy for the purpose of providing—

"(I) hot water for use within a dwelling, or

"(II) active space heating for such dwelling, and

"(ii)(I) is a solar collector,

"(II) is a component of an integral collector storage system or a thermosyphon system, or

"(III) is a component of a forced circulation system the solar collector components of which do not meet the requirements of subparagraph (A).

"(C) EXCEPTION FOR OWNER-CONSTRUCTED PROPERTY.—This paragraph shall not apply to any property if the taxpayer constructs such property from components not primarily designed for use as a solar collector or as a component described in subparagraph (B)."

(c) CONFORMING AMENDMENTS.—

(1) Subsection (f) of section 23 of such Code (relating to termination) is amended by striking out "This section" and inserting in lieu thereof "Except with respect to solar property (as defined in subsection (b)(2)(B)), this section".

(2) Subparagraph (B) of section 23(b)(5) of such Code (relating to carryforward of unused credit) is amended to read as follows:

"(B) LIMITATION ON CARRYFORWARDS.—

"(i) IN GENERAL.—Except as provided in clause (ii), no amount may be carried under subparagraph (A) to any taxable year beginning after December 31, 1987.

"(ii) CERTAIN SOLAR CREDITS.—In the case of a carryforward allocable to solar property (as defined in subsection (b)(2)(B)), '1992' shall be substituted for '1987' in clause (i). For purposes of applying the preceding sentence, a carryforward shall be treated as allocable to solar property to the extent of the credit under this section allocable to such property for the taxable year in which such carryforward arose."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1985.

SEC. 2. AMENDMENTS RELATING TO ENERGY INVESTMENT CREDIT FOR SOLAR PROPERTY.

(a) INCREASE AND EXTENSION OF CREDIT FOR CERTAIN SOLAR PROPERTY.—

(1) IN GENERAL.—The table contained in subparagraph (A) of section 46(b)(2) of the Internal Revenue Code of 1954 (relating to determination of energy percentage) is amended by adding at the end thereof the following new clauses:

"(viii) Low temperature solar property.—Property described in subparagraph (F)(ii).	15 percent	Jan. 1, 1986	Dec. 31, 1990.
"(ix) Other solar property.—Solar property other than low temperature property.	25 percent	Jan. 1, 1986	Dec. 31, 1990."

(2) DEFINITIONS.—Paragraph (2) of section 46(b) of such Code is amended by adding at the end thereof the following new subparagraph:

"(F) DEFINITIONS RELATING TO SOLAR PROPERTY.—For purposes of subparagraph (A)—

"(i) SOLAR PROPERTY.—The term 'solar property' means equipment which uses solar energy—

"(I) to generate electricity,

"(II) to heat or cool (or provide hot water for use in) a structure, or

"(III) to provide solar process heat.

"(ii) LOW TEMPERATURE SOLAR PROPERTY.—

"(I) IN GENERAL.—Except as provided in subclause (II), the term 'low temperature solar property' means property which is solar property solely by reason of subparagraph (B) of section 48(l)(4).

"(II) EQUIPMENT PROVIDING HOT WATER.—Property used to provide hot water shall be treated as low temperature solar property only if such property is designed to provide hot water at not more than 300 degrees Fahrenheit."

"(b) AFFIRMATIVE COMMITMENT RULE.—Paragraph (2) of section 46(b) of such Code is amended by adding after subparagraph (f) the following new subparagraph:

"(G) AFFIRMATIVE COMMITMENT RULE FOR CERTAIN SOLAR PROPERTY.—For purposes of applying the energy percentage contained in clause (ix) of subparagraph (A) with respect to property which is part of a project with a normal construction period of 2 years or more (within the meaning of subsection (d)(2)(A)(i)), 'December 31, 1993' shall be substituted for 'December 31, 1990' if the requirements of clauses (i) and (ii) of subparagraph (C) are met with respect to such project. For purposes of the preceding sentence, subparagraph (C) shall be applied by substituting—

"(i) 'January 1, 1991' for 'January 1, 1983', and

"(ii) 'July 1, 1992' for 'January 1, 1986'."

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 1985, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1954.●

WILLIAM G. RUTLAND

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Mr. William Rutland, who is retiring after a distinguished career in the Air Force. McClellan Air Force Base, in my congressional district, has been privileged to have Bill Rutland in its service as executive assistant to the commander for the past 4 years.

Bill has spent most of his Air Force career in the logistics field, having served as the chief of three branches in the directorate of materiel management. He was most recently the deputy director of the plans and programs directorate.

Bill has not only been an asset to McClellan but has taken an active part in community life in Sacramento. He served on the Sacramento Unified School District Board of Education for several years and was its president in 1970. He is a member of several civic and fraternal organizations including Rotary International, the American Red Cross, Sacramento Children's Home Society, and the Del Oro Girl Scouts Council.

Bill has come a long way from his birthplace in Cherokee, AL. He has built an exemplary career in the Air Force step by step, through hard work and dedication to the task at hand. The Air Force Logistics Command, and McClellan Air Force Base in particular, will sorely miss him, and we wish him and his family all the best in the years to come. Thank you.●

KNOWLEDGE FOR A BETTER WORLD

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. BEREUTER. Mr. Speaker, shortly before Christmas the University of Nebraska-Lincoln held its winter commencement exercises. Featured speaker at the event was Ambassador Zhang Wenjin of the People's Republic of China.

I have had the personal privilege of meeting with Ambassador Zhang and consider him to be a very able and distinguished representative of his country. With the growing importance of the People's Republic of China to the world and our own country, I was very pleased that the Ambassador agreed to address a university audience in the heartland of America.

The day also carried with it a bit of historical significance. University officials conferred an honorary degree upon the Ambassador—the first I understand he has received.

It is with great pleasure, Mr. Speaker, that I insert the text of the Ambassador's speech in the CONGRESSIONAL RECORD:

KNOWLEDGE FOR A BETTER WORLD

Mr. Chancelor, Mr. President, Ladies and Gentleman, it is a privilege and honor for me to witness history today. This commencement is the reflection of the excellence of your university, the crystalization of the wisdom of the faculty and the boundiful reward of the loving care of the parents. But above all, my dear young friends, it is a monument to your hard work and outstanding academic achievements.

From here you will proudly go to the world out there—to claim your own place and build your own happy life. But I also see clearly on your shoulders the responsibility to create a better world—a world free from poverty, disease, social injustice and the danger of war. To prefer a plateau of prosaic safety or a terrain of peaks and valleys is your choice. But in choosing to work for the common good and a better world, you will ultimately find a sense of self-fulfillment and a meaningful way of life.

Knowledge is a vitally important tool for bringing about a better world. College education may have given you an intelligent approach to knowledge, but knowledge itself is a long, mighty river. Rough and turbulent, it only allows those brave and indefatigable to rise above the flow and reach a point where they can enjoy a full view of the horizon.

China was once leading this herioc voyage with her brilliant ancient civilization. But owning to various historical reasons, she is now lagging behind the scientifically-advanced nations such as the United States. In our current efforts to modernize China, we need to learn from you while sharing with you our own tested knowledge. With the combination of Chinese and American resources and their wisdom old and new, the two countries will gain much more strength in navigating and choosing direction. The wind is up and the current is swift. Let us join hands and press ahead in this enternal river of knowledge.

The Chinese and American peoples are so different in their values, cultures, histories and political systems, yet they are both great peoples—dynamic, hardworking and peaceloving. They came to know and like each other a long time ago.

We will never forget the thousands of Chinese laborers who came to this country more than a century ago. They mingled the sweat of their brows with that of other immigrants and, together, they built the first American transcontinental railroad. We are pleased to note that today Chinese Americans are contributing even more greatly to the various aspects of American life.

We will always remember our American friends who came to China when the hours were dark. Their warm support and kind assistance went a long way in helping us repulse foreign aggression and usher in a new era represented by the founding of the People's Republic in 1949. Later, they worked hard for Sino-American mutual understanding and normalization of relations. We are happy to find that today more Americans are engaged in a host of worthy endeavors to the benefit of both our peoples.

Sino-American mutual understanding and friendship have now reached a much higher elevation. Our exchanges and cooperation in the economic, scientific-technological and cultural fields have made big strides forward. Together, the Chinese and American people will be in a much stronger position to help make this world a better, safer place.

Young people are like the rising sun. You represent the future of the world and our important bilateral relations. To be with you, people in the most creative and vigorous stage of life, makes me feel young and energetic. I am most grateful to the University of Nebraska for its decision to confer on me an honorary degree of humane letters,

which I regard, above all, as an important gesture of your sincere friendship to the Chinese people and strong commitment to Sino-American cultural exchanges. This high honor will spur me on in exerting all my efforts for the blossoming of these important exchanges.

Across the length and breadth of our two vast countries, tens of thousands of Chinese and American students are now living and studying together. It is my sincere hope that more Nebraskan sons and daughters will go to my country for academic study and exchanges. Out of mutual understanding grows a strong bond of friendship—a friendship which has already struck root in Lincoln, across the cornhusker state and all over the land.

Sitting among you in this hall are two graduate students from the People's Republic of China, who are also going to receive their M.A. degrees today. At present, there are about 40 PRC visiting scholars and students studying on this excellent campus, and I am sure that the number will grow year by year. When they go back to China for nationbuilding, their thoughts will always be with you—marvelous people in the center of the United States. In five, ten or fifteen years time, they will come back to you for a happy reunion. Together, you will cheer for the Big Red. (Sure, the cheers will be even louder, because by then you will be reinforced by your children's voice—a new generation of Big Red fans.) Together, you will not only reminisce about your colorful college life, but also reflect on the path traversed: Have I developed to the maximum potential of my ability? Have I used my knowledge not just for my own good but for the welfare of the general public as well? Have I contributed to Sino-American friendship and, above all, to the creation of a better world? In a sense, that will be a different yet equally important commencement.

From this commencement to that one, from the pursuit of happiness to its realization, from the acquisition of tools and resources to their fine products, it is indeed a long journey. As we say in China: A thousand mile journey begins with the first step.

My dear friends, today you have taken the first step. It is a big, determined and decisive step. I wish you good luck all the way.

Thank you.●

UPPER WHITE OAK BAYOU FLOOD CONTROL ACT OF 1985

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. FIELDS. Mr. Speaker, I am today introducing, along with several of my Houston colleagues, legislation to authorize the construction of the Upper White Oak Bayou flood control project.

It's been 11 long years since the Congress last enacted a major water resources development bill and nearly 50 years since the last major revision of our Fedeal water policy laws.

During that time, we have witnessed the serious decline of our port system and the tragic suffering by individuals in hundreds of communities throughout this Nation who have been subjected to the ravages of persistent flooding. Several of these communities are located in my own congressional district.

Mr. Speaker, the people who live in central and northwest Houston, along the Upper White Oak Bayou, have made every effort to protect their homes and businesses from flooding. The Federal Government must now do its part to assist these courageous Americans who regrettably are unable to provide this badly needed flood protection.

The project authorized by this legislation has been carefully studied by both the Army Corps of Engineers and the House Public Works and Transportation Committee.

The Upper White Oak Bayou flood control plan has been enthusiastically supported by all interested parties and has been given high nationwide priority by the Army Corps of Engineers. Upon completion, this project will provide $1.50 worth of flood protection for every $1 of Federal cost.

While this Congress will undoubtedly spend a great deal of time discussing and hopefully implementing deficit reduction measures, I, nevertheless, strongly believe this project must be approved and that this Congress enact an omnibus authorization bill.

As my colleagues well know, in the last Congress, the leadership of the House Public Works and Transportation Committee labored long and hard to develop a comprehensive and cost effective water policy for this Nation.

As a result of their tireless efforts, the House of Representatives considered for the first time in a number of years an omnibus water resources development authorization bill.

Despite the fact that this vital legislation, H.R. 3678, was overwhelmingly approved on three separate occasions by the House in 1984, regrettably, the other body failed to debate this important proposal prior to its adjournment.

Nevertheless, I would like to express my deep appreciation to Chairman JIM HOWARD, Subcommittee Chairman BOB ROE, Congressman GENE SNYDER, and Congressman ARLAN STANGELAND for their personal interest and willingness to include the Upper White Oak Bayou project within H.R. 3678.

In addition, I understand this important project has been incorporated within H.R. 6, the Water Resources Conservation, Development and Infrastructure Improvement and Rehabilitation Act of 1985 introduced by Chairman HOWARD on the first day of the new 99th Congress.

It is my fervent hope that we will quickly pass this vital legislation and that each Member of the House will, as I intend to do, prevail upon Members of the other body to expeditiously move this measure.

While I cannot speak for the dozens of other projects contained within Chairman HOWARD's bill, I strongly believe that the Federal investment called for in the Upper White Oak Bayou project is clearly justified. In evaluating this or any project, we must weigh the benefits which are derived to our Nation from vital communities with thriving industry, versus regional decay caused by persistent flooding which generates unemployment, saps our tax base, and impedes economic growth.

In fact, the Federal Government will end up saving millions of dollars by providing this flood protection rather than continue the endless cycle of rebuilding communities with Federal flood insurance money. In this way, we will not only provide these individuals with long-overdue flood relief but will simultaneously preserve our precious financial resources.

At the same time, it is important to recognize that my legislation has the added benefit of creating new jobs. According to the Army Corps of Engineers, the Upper White Oak Bayou flood control project will provide jobs both directly and indirectly to more than 2,000 Houstonians.

Mr. Speaker, the Upper White Oak Bayou project is sound. It is an investment in our Nation's future. It will save taxpayers money. It will create jobs. And, it will provide flood relief to thousands of citizens who must now suffer from the personal and economic hardships of persistent flooding.

Mr. Speaker, I intend to do whatever I can this year to seek the expeditious passage by both Houses of Congress of this long-overdue legislation. I urge my colleagues to join me in this most noble endeavor.

Finally, I would like to thank Congressmen ARCHER, LELAND, ANDREWS, and DELAY for joining me as sponsors of this legislation.●

REGULATING BIOTECHNOLOGY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 16, 1985, into the CONGRESSIONAL RECORD:

REGULATING BIOTECHNOLOGY

Regulation of the emerging biotechnology industry is an important challenge facing the 99th Congress. Genetic engineering and other related forms of biotechnology are viewed by some as the most promising frontier since computers, offering us everything from double-size livestock to a cure for cancer. Others, frightened by the possibility that man-made organisms may wreak havoc on the environment, see biotechnology as a major menace. Yet there is general agreement among ecologists and biotechnicians alike that federal regulation of the fledgling

industry is necessary. How tightly controls should be drawn is the question.

Even the most ardent critics of genetic engineering grant that its potential is enormous. It could revolutionize many different areas of human endeavor, including pharmaceutical and chemical manufacture, hazardous waste control, and energy production. Its greatest impact may be in animal and plant agriculture. For example, growth hormones to increase meat production and new crops that resist disease or make their own fertilizer are being developed. While the market for biotechnological products is less than $100 million today, it could be worth tens of billions in the next decade.

Congress faces many issues in biotechnology, including adequate federal funding of basic research, subsidized development abroad, revisions in patent law, extensions of tax breaks for "high-tech" research and development, and the misuse of biotechnology by other countries for military purposes. Its primary preoccupation, however, is the need for regulation. In recent months, critics called for strict oversight in general and a ban on some applications of biotechnology. A federal district judge halted federally-funded biotechnological experiments in the field.

Critics express several fundamental concerns. Ecologists cannot predict with any confidence what genetically-engineered organisms will do once outside the laboratory. Could a man-made organism designed to consume oil spills run amok and begin eating its way through fuel tanks or oil lubricating machinery? They point to gypsy moths, Dutch elm disease, and killer bees as examples of those rare but devasting intances when natural organisms introduced into a new environment ran out of control. They fear that in the rush to achieve the benefits of genetic engineering, the potential side effects have been given far too little scientific scrutiny.

On the other side, proponents of genetic engineering find these worries quite exaggerated, as fanciful as some "Killer-Tomato-Devours-Cleveland" movie. They suggest that similar objections could have been raised against the discovery of fire because fire always has had the potential to escape human control. They point out that the new biotechnologies are much more precise than the traditional ways in which scientists have caused genetic alterations, such as bombardment of cells with untraviolet rays. They also stress that genetic changes in organisms occur naturally all the time, and, moreover, that any genetic modification introduced in the laboratory is much more likely to impair rather than improve an organism's capability to adapt, making it less likely to survive on its own. In addition, they note that there are many ways to contain the spread of almost any organism.

Despite such assurances, rigorous oversight is necessary. The benefits of biotechnology are likely to be huge, but we cannot overlook the risks even while most ecologists admit that the possibility of a calamity is remote. From the industry's viewpoint, federal regulation may be regarded positively. It may forestall enactment of a patchwork of conflicting state regulations. If it helps head off a highly publicized crippling incident, it certainly will be in the industry's best interest. Most important, rigorous oversight is a comfort to the American people. Many concerns have been expressed, some legitimate, some not, so a prudent federal regulatory role is bound to create the feeling that responsible work is being done in a responsible way.

Currently, the main federal control over biotechnology is a review panel set up under the National Institutes of Health to judge the safety of government-backed experiments. It has no power over the private sector, but industry usually submits its experiments for approval anyway. As the products of biotechnology get closer to the marketplace, several federal agencies are taking responsibility for ensuring that they are safe. A presidential task force on biotechnology recently concluded that regulation can be handled properly under existing law by existing agencies, primarily the Environmental Protection Agency but also the Department of Agriculture and the Food and Drug Administration. It clarified the division of responsibility among the various agencies and called for the creation of a board to ensure that the evaluation of new products is consistent from agency to agency. Congress may go beyond the task force's effort and consider some regulatory improvements when the Toxic Substances Control Act comes up for renewal this year. A comprehensive biotechnology regulation bill is expected to be introduced in Congress soon.

The regulation of biotechnology must be rigorous, but it must be carried out in an equitable, balanced, and scientific manner. We need to weigh the public interest in regulation against the industry's need to innovate and stay competitive. An unreasonable and stifling regulatory system will not halt the progress of biotechnology: it will move the industry abroad. Other countries—notably Australia, France, Japan, England and West Germany—actively support biotechnology by designating it a national goal and accommodating its growth with a favorable system of regulation and economic and legislative assistance. If our regulations are too strict and our support is too casual, this future multibillion dollar industry could shift overseas.

The regulatory debate is taking place at the outset of biotechnology's development. Increased public attention to the issue means that we can hope to conduct a thorough examination of options and find a balanced solution to the problem.●

CONTINGENCY ELECTION PLAN

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. CAMPBELL. Mr. Speaker, political pundits and constitutional scholars alike have endlessly dissected the problems associated with a Presidential election being thrown to the House. However, a glaring loophole still exists that could send our system into a tailspin.

Current law makes no provision for replacement of a candidate—Presidential or Vice Presidential—who dies or is disqualified during the 3-week period between inconclusive voting of the electoral college and balloting by the House and Senate. Although the Constitution calls on Congress to provide by law for this contingency, to date we have done nothing. A major political party could be left without a candidate. Moreover, the will of the people could be denied solely because we neglected our duty.

Section 4 of the 20th amendment calls on Congress to provide for the possibility that a candidate for President or Vice President could die or be disqualified between the inconclusive voting of the electoral college and the balloting by the House and the Senate—a period of some 3 weeks. I urge my colleagues to consider the consequences of postponing our constitutional challenge and needlessly risking the disenfranchisement of millions of Americans.

To address this gap in our election laws, I am proposing that should a candidate for President die or be disqualified between the time the electoral college deadlocks and the balloting by the House, the Vice Presidential running mate of that candidate shall be automatically elevated to consideration by the House for President. The newly elevated candidate shall then appoint a person to be considered by the Senate for Vice President. Additionally, my bill provides that should the Vice Presidential candidate die or be disqualified, the Presidential candidate shall name a replacement for consideration for Vice President by the Senate.

Mr. Speaker, the 1984 Presidential election has concluded, and the time to act is now. To do nothing until or unless the contingency arises could make the Presidency itself a tarnished prize.●

EMPLOYEE STOCK OWNERSHIP

HON. DOUGLAS H. BOSCO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. BOSCO. Mr. Speaker, in early 1981, I became involved in an effort to try to perpetuate, as an independent company, the largest airline in California. For over 6 months, I worked closely with Continental Airlines employees and their employee association to try to get legislation enacted that would eliminate a lot of redtape in the granting of permits by the corporation commissioner in California, and had we been successful, there would still be an independent Continental Airlines. One of the leading proponents of employee ownership, Dickson C. Buxton, chairman of Private Capital Corp., introduced me to all of the complex provisions of the employee stock ownership plan [ESOP], and I became convinced that an ESOP could be used to help perpetuate many types of companies in America, especially the small- and medium-sized private corporation.

Mr. Buxton also described his efforts to try to affect changes in certain provisions of the Federal estate tax law so

that the government would not unknowingly continue to force the sale of private businesses—due to the heavy estate taxes that are levied on closely held corporation stock; there is very little market for that stock.

I recently cosponsored legislation which provided for a solution to this problem. It passed as part of the 1984 tax bill, and now the closely held company itself can assume responsibility for payment of the tax through tax-deductible contributions to an employee stock ownership plan so that the stock, which would otherwise normally be acquired by some larger entity if the company were not liquidated, will be acquired by a trust for the employees who can help to continue the growth of that private business. This is now section 2210 [IRC] and it was one of four critical improvements in ESOP legislation. The other three involved a lower interest rate for ESOP loans to encourage this type of transaction, rather than a traditional leveraged buyout where ownership is concentrated; tax deductible dividends, if passed through to employees, to stimulate their interest in building the company; tax free rollover on sale of stock to an ESOP, under certain circumstances, to place the shareholder in the same position as if he had exchanged his shares with a larger company.

Mr. Buxton recently wrote an article for the ESOP Association which ties together all four of these significant improvements in ESOP regulation. In my opinion, the partial ESOP leveraged buyout is a much better solution for may owners of closely held corporation stock than the total sale of the company, usually to a larger enterprise, with the resultant loss of independence for the company and possibly jobs.

I wanted to share with my colleagues Mr. Buxton's insightful article which follows:

PARTIAL ESOP LEVERAGED BUYOUT

(By Dickson C. Buxton)

The ESOP provisions of the 1984 Tax Act (1) are specifically designed to encourage control stockholders of private corporations to consider the "ESOP alternative" to a total sale of their company. This ESOP alternative to the total leveraged buyout is far more attractive for all concerned than highly publicized total leveraged buyout transaction which results in: Concentrated ownership of corporate assets; staggering interest charges that usually result in the necessity to sell off assets; a reduction in the work force which ends the careers of many senior employees who helped build the business.

Many bankers are re-assessing their lending policy for this type of transaction. The Treasury is denied corporate income tax from many companies acquired in an LBO transaction, as the buyer usually arranges the sale to provide for a stepped-up basis in the assets (which are then depreciated all over again). This, together with the interest paid on acquisition debt, takes many LBO companies off state and federal tax rolls for many years.

The traditional LBO transaction is being carefully scrutinized by several members of Congress, as the transaction does not help our budget deficit problem at all; it exacerbates it! In addition, many LBO sales eventually cause higher unemployment through consolidation of management functions and executive terminations. In some cases, as assets are sold to meet debt reduction requirements, mass layoff of rank and file employees results.

When a plant is liquidated, the affected employees in the local community suffer, welfare costs increase and there are additions to our already bloated federal budget deficit.

The four significant ESOP provisions included in the Tax Reform Act of 1984 make a partial ESOP leveraged buyout (PELBO) a most attractive alternative to the outright sale of the company for those who have it within their power to make this choice.

The Interest Exemption provision (2) will result in an ESOP loan at approximately two-thirds of the interest rate which would otherwise be paid by the corporation—if the lender is in a marginal 46% tax bracket and is willing to pass the tax savings on to the ESOP Trustee. This, in addition to the deduction of principal payments on the loan through the ESOP contribution, allows far more leverage in the transaction and increases the price that can be paid for company shares when compared to the usual leveraged buyout transaction.

The Tax-Free Rollover provisions (3) allow deferral of capital gains tax for shareholders who re-invest in qualifying domestic corporation stock. A sale of 80% of their shares, on a tax-free basis, is in most cases the same as selling 100% of their shares in a taxable cash transaction. Plus, the shareholders will still own 20% of their original shares and can hold them for future growth.

Growth in shares which are retained by the present shareholders should accelerate, after the ESOP transaction, through Tax-Deductible Dividends on ESOP-owned stock. (4) Participants will then have quarterly reminders that their increased effectiveness translates into immediate income and growth in their ESOP accounts. This benefits all shareholders as their own shares grow at the same increased rate.

One of the new ESOP tax provisions, which we have been promoting for some time, creates the equivalent of an Estate Tax Credit for company shares transferred to the ESOP by an estate executor.(5) The ESOP trustee may pay for the shares over a 14 year period with a low interest loan from the government. The company deducts the payments of principal and interest on the loan.

Due to these new tax provisions, an ESOP, if part of a well-designed business perpetuation plan, can provide stockholders more for their shares in a PELBO than in most other transactions. For example, an ESOP bank loan for 80% of the fair market value of all shares will finance the purchase of these shares. If shareholders acquire qualified shares in other domestic corporations and develop a diversified portfolio, this will give them, after tax, as much value as they would have in an outright sale, and they would still retain 20% of their company shares, with estate liquidity provided for those shares. Employee shareholders would still have their jobs and their autonomy! Shares remaining (after the sale to the ESOP) can be sold to the ESOP upon death to help finance estate tax on non-company stock assets.

To summarize, the partial ESOP leveraged buyout (PELBO) will do the following:

Properly reward stockholders for the risks they have taken over the years.

Recognize the "sweat equity" of employees, many of whom have dedicated their lives to building the company. (Most employee stockholders, who are also in top management of private companies, feel this career risk should be rewarded.) The sale of the company to outsiders would jeopardize the careers and standard of living of many long-time dedicated employees. This causes many "control shareholders" to avoid a total sale of the company.

ESOP participation encourages employees to work harder and smarter to help their company earn the money necessary to pay off the ESOP bank loan.

A well-designed PELBO transaction should provide stock incentives for key employees to ensure continuity of management. In many cases, senior management acquire substantial blocks of stock at the outset of the transaction, paying for their shares through incentive bonus programs based upon achieving quarterly bottomline results for their divisions.

Numerous surveys provide conclusive evidence that companies which share ownership enjoy higher levels of employee productivity. (We were involved in one of the major surveys(6).) Therefore, lenders and shareholders can expect accelerated earnings after the PELBO. The government can expect tax collections will be higher.

All in all, this is a win-win-win type of transaction:

The sellers of shares get as much, in cash, after tax, if company pre-tax cash flow can support an 80% of fair market value loan to the ESOP.

The buyers (management and employee ESOP participants) are assured of continued tenure and job security if they continue to maintain profits. They will also build a capital estate for themselves.

The State and Federal governments can look forward to a continuation of at least part of the revenue collected prior to the sale of the company, with a rapid return to full participation and sharing of the tax burden as soon as acquisition debt is paid off.

The ESOP provisions of the 1984 Tax Act provide substantial inducements to "control shareholders" to investigate this PELBO alternative carefully before selling out to others in the traditional LBO transaction. All of us who are active in ESOP consulting are appreciative of the efforts of the cosponsors of the ESOP provisions of the new tax bill: Senator Russell Long, Congressmen Douglas Bosco and Charles Rangel.

FOOTNOTES

1. a. Act Section 541, adding Section 1042 IRC, tax-free sale of Employer Securities to an ESOP;

b. Act Section 542, adding Section 409(k) IRC, amending Section 116 and 3406 IRC, corporate deduction for dividends payable to ESOP participants;

c. Act Section 543, adding Section 133 IRC, partial interest exclusion for certain lenders to an ESOP;

d. Act Section 544, adding Section 2210 IRC, assumption of estate tax liability by ESOP;

2. Partial interest exclusion for lenders to ESOPs—Act Section 543, adding Section 133 IRS.

Effective for loans extended after July 18, 1984, 50% of the interest received or accrued on loans to an ESOP or an employer having an ESOP to acquire stock for the ESOP is excluded from the income of the lender.

The section applies only to banks, insurance companies and corporations actively engaged in making such loans. It is specifically inapplicable to loans between corporate members of the same controlled group or to loans between the ESOP and the employer of any employees covered by the Plan or any member of a controlled group which includes such an employer.

3. Tax-free sales of employer securities—Act Section 541, adding Section 1042 IRC.

(a) a taxpayer who elects the application of Section 1042 to sale of Section 409(e) employer securities to an ESOP (but not ordinarily a TRASOP) may avoid recognition of gain upon the sale if—

I. after the sale, the ESOP owns at least 30% of the total value of employer securities, and

II. within 15 months beginning 3 months prior to the sale, the sellor purchases qualified replacement property (corporate stock, rights to subscribe for or receive corporate stock, bonds, debentures, notes, certificates or other evidences of indebtedness in registered form or with coupons attached issued by a domestic corporation that has no more than 25% passive income for the taxable year of issuance.

(b) No portion of the shares sold under Section 1042 may be allocated by the ESOP to the seller, members of his family (under Section 267(b)(4)) or any person who holds—directly or by Section 318(a) attribution—more than 25% in value of any class of outstanding Section 409(e) employer securities.

(c) The ESOP must retain shares acquired under Section 1042 for three years, except for the statutory permissible distributions at death, disability, retirement or severance. Any disposition by the ESOP will be deemed first to be of Section 1042 shares and unless sanctioned may attract a 10% excise tax upon the Plan.

(d) Stock sold under Section 1042 may not have been acquired under an option or other right granted by the employer; not by distribution from a qualified plan and must be issued by a domestic corporation having no issue readily traded on an established securities market.

(e) Any excess of deferred gain over the cost of replacement securities is taxable currently.

4. Corporate deduction for dividends paid to ESOPs—Act Section 542, adding Section 409(k), IRC and amending Sections 116 and 3406.

A special corporate deduction, allowed for tax years beginning after July 18, 1984, is now available for dividends paid in cash to an ESOP or TRASOP and either flowed through to participants directly or through the Plan within 90 days of the close of the Plan year.

5. Assumption of estate tax liability by ESOP—Act 3544 adding Section 2210 IRC.

(a) An Executor may elect to transfer (i.e., sell) a qualifying amount of 409(e) employee securities to an ESOP in consideration of the assumption by the ESOP of the federal estate tax attributable to such securities. The election must be accompanied by a written agreement under which the Plan administrator agrees to assume the appropriate amount of estate tax and another written agreement of the (or an) employer of employees covered by the Plan guaranteeing payment of the appropriate estate tax and any statutory interest by the Plan.

(b) The qualifying amount of employer securities is securities having a value equal to the estate tax assumed. The assumed tax is limited to the lesser of the value of the securities transferred or the estate tax imposed (less statutory credits allowed) upon the taxable estate.

Statutory credits allowed are: (1) the Unified Credit and (2) credits for state death taxes, gift tax paid, foreign death tax, tax on prior transfers and taxes on remainders or reversionary interests.

Note.—The Section 2210 transfer is a sale by the estate of securities included in gross estate for a consideration paid by assumption of estate tax liability. Transfers of excess value are not subject to Section 2210, so the Executor is not relieved of liability as to them. The Section 2210 transfer is treated as a Section 4975(e) loan, so is not subject to Prohibited Transactions tax; but it is a sale and does not generate a credit against tax.

If the Executor elects tax deferral under Section 6166 (for which the estate must meet all pre-conditions, including percentage of ownership based upon the total stock-holding inclusive of the shares sold under the shelter of Section 2210), the Plan administrator also may (but need not) elect to use Section 6166.

6. Summary of results of ESOP study done for Senate Finance Committee:

In 1979 Dickson C. Buxton, Chairman of Private Capital Corporation, conducted a survey at the request of Senator Russell B. Long, Chairman of the Finance Committee of the United States Senate, to determine the effect of ESOPs on the profitability and productivity of companies that have installed them, as well as to determine whether widespread use of ESOPs would increase, rather than decrease, federal government revenues from the corporate income tax. Based upon the return of detailed data from 72 respondents, the typical (average) company (in business 27 years and having installed an ESOP more than three years prior) showed, among other matters, the following results:

	Before ESOP	After ESOP	Increase (percent)
3-yr average:			
Sales	$19,596,000	$33,780,000	+72
Pre-tax profits	$794,000	$2,039,000	+157
Taxes	$312,000	$780,000	+150
Employees	438	602	+37
Productivity:			
Sales per employee	$44,700	$56,000	+25
Profit per employee	$1,812	$3,387	+86

While this survey and the summarized information above are not conclusive or necessarily predictive of future experience, Private Capital believes that it supports the view that significant productivity improvement has been associated with employee ownership. The study, entitled "Survey by the Senate Finance Committee", was published in The Congressional Record in October 1979 and summarized in a letter from the members of the Senate Finance Committee to the Editors of The New York Times published on October 24, 1979. Reference is made to the complete study for information concerning the methodology and assumptions used, the data obtained, and other observations and conclusions reached.●

HISTORY IN THE HOUSE

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mrs. BOGGS. Mr. Speaker, yesterday, history was made when President Reagan was officially inaugurated in the rotunda of the Capitol. Likewise, a precedent was set 4 years ago when an inaugural ceremony was held for the first time on the west front of the Capitol rather than at the more traditional east front site.

In the past three ceremonies marking the assumption of authority by the Chief Magistrate of our Nation have taken place in several diverse settings, including Statuary Hall, formerly the Hall of the House of Representatives.

In the second issue of "History in the House," the Office of the Bicentennial describes the occasions when Presidents were administered the oath of office in the House Chamber. It makes for very interesting and timely reading.

The article follows:

[From the History in the House, January 1985]

PRESIDENTIAL INAUGURATIONS IN THE HOUSE CHAMBER

JOHN ADAMS

"Your dearest friend never had a more trying day than yesterday," wrote President John Adams to his wife Abigail after his inauguration as the second President of the United States in 1797. This was the first of seven inaugurations to be held in the Chamber of the House of Representatives. The Congress was meeting in Philadelphia at the time and was still three years away from its move to Washington, D.C. The inauguration of John Adams also marked the first time in American history that there was a transfer of executive power. The press marveled at the virtues of a Republic where a Chief Magistrate actually attended the inauguration of his successor. Adams himself was overshadowed in the outpouring of emotion accompanying the retirement of George Washington.

George Washington preceded Adams into the crowded Chamber to much applause. Adams sat in the elevated seat of the Speaker of the House. On his right sat the new Vice-President Thomas Jefferson, George Washington, and the Secretary of the Senate. The Speaker of the House, Jonathan Dayton, and the Clerk of the House, John Beckley, were to his left and four Justices of the Supreme Court were seated at a table in front of Adams. After his address, Adams descended from his chair and Chief Justice Oliver Ellsworth administered the oath of office. This was the first time that the Chief Justice administered the oath to a President-elect. At George Washington's first inaugural the oath was administered by Robert Livingstone, Chancellor of the State of New York, and at the second by William Cushing, an Associate Justice of the Supreme Court.

When the ceremony was over Adams sat down briefly, then rose and bowed and left the Chamber. At this point there was a

question of precedence regarding who should leave next, Washington insisting that Jefferson go ahead of him. Adams held a modest reception after the inauguration, but the main event of the day was an elaborate farewell banquet given to George Washington by the merchants of Philadelphia.

No member of Adams's family attended the inauguration, but the new President wrote his wife the next day: "A solemn scene it was, indeed, and it was made more affecting to me by the presence of the General, whose countenance was as serene and unclouded as the day. . . . In the Chamber of the House of Representatives was a multitude as great as the space would contain, and I believe scarcely a dry eye but Washington's."

James Madison

Both of James Madison's inaugurations, 1809 and 1813, took place in the House Chamber. This was particularly appropriate since Madison was the first President to have been a Member of the House, having served in the first four Congresses.

The Capitol Building in Washington was still unfinished in 1809, but the imposing Hall of Representatives, considered to be the most beautiful room in America, had been in use since 1807. This room, on the site of present-day Statuary Hall, was destroyed in 1814 when the British burned the Capitol Building.

On March 4, 1809, the Hall of the Representatives was filled to capacity and 10,000 persons had gathered outside the building in the bright sunshine. John Quincy Adams, former U.S. Senator and later to be President himself, wrote in his diary: "The House was very much crowded and its appearance very magnificent."

Outgoing President Thomas Jefferson refused to share the limelight and declined an invitation to ride in the inaugural carriage with Madison and his wife Dolley. Jefferson, accompanied by his grandson, rode to the Capitol on horseback, hitched the horse to a nearby picket fence, and once inside took an inconspicuous seat below the dais, much to the chagrin of the Committee on Arrangements.

Madison had a slight vocal disability that made his inaugural address almost inaudible to those in the House Chamber. When he finished speaking, Chief Justice John Marshall administered the oath of office. Madison then reviewed the volunteer militia assembled on the Capitol grounds and returned to his home by carriage, where refreshments were served and the guests were treated to some of Dolley Madison's famous hospitality.

At Long's Hotel that night about 400 people attended the first inaugural ball to be held in Washington.

Vice-President George Clinton, who was continuing in office, did not attend the inauguration and took the oath of office on May 22, when Congress convened.

Madison's second inaugural on March 4, 1813, was almost exactly like the 1809 ceremony. Madison even wore the same suit, which the press had praised for being one of American manufacture from the wool of domestically raised merino sheep. The Vice-President, Elbridge Gerry, took the oath in Boston rather than make a special trip to Washington for that purpose.

James Monroe

After the British burned the Capitol in 1814, the Congress held its sessions in the Old Brick Capitol, a block away on the site where the Supreme Court Building now stands. The Capital was still being rebuilt in 1817 when President-elect Monroe requested the use of this temporary House Chamber for his inauguration. But Speaker of the House Henry Clay, who was angry at Monroe for selecting John Quincy Adams instead of himself as Secretary of State, refused the request, and the ceremony was held outdoors in front of the Old Brick Capitol. Monroe's second inauguration in 1821 was scheduled to be held outdoors but heavy snow and rain forced the ceremony indoors to the newly reconstructed House Chamber (now Statuary Hall) in the Capital Building. This room was the scene of all subsequent House Chamber inaugurations. There have been no inaugurations in the present Chamber, which has been in use since 1857.

In 1821, for the first time in our nation's history, Inauguration Day, March 4, fell on a Sunday. President Monroe consulted Secretary of State John Quincy Adams, who turned to Chief Justice Marshall to decide if it was proper to begin his second term on a legal holiday. The Chief Justice determined that although the President's term expired on March 3 at midnight, he favored postponing the ceremony until Monday, March 5. The Vice-President, Daniel S. Tompkins, who was ill at home in New York City, took the oath privately on March 3 and then took the oath again on March 5.

The crowds for Monroe's second inaugural were so great that several diplomats in full dress uniforms could not get into the Chamber through the crush of people in the corridors. More than 2,000 persons were in the Chamber itself. John Quincy Adams wrote in his diary:

"The President, attired in full suit of black broadcloth of somewhat antiquated fashion, with shoe-and knee buckles, rode in a plain carriage with four horses and a single colored footman. . . . There was no escort, nor any concourses of people on the way. But on alighting at the Capitol a great crowd of people were assembled and the avenues to the hall of the house were so choked up with persons pressing for admittance that it was with the utmost difficulty that the President made his way through them into the House."

Adams recorded that the crowd was boisterous and that "loud talking and agitation in the gallery" did not stop even when the President was reading his inaugural address. For the first time at an inauguration music accompanied the ceremony as the Marine Band played during Monroe's entrance and departure.

John Quincy Adams

In 1825 John Quincy Adams, whose diaries record details of the inaugurations of Presidents before him, became President himself. The new President's father, ninety year-old former President John Adams, was not among the members of the Adams family to attend the inauguration. He remained home in Massachusetts, although some secondary accounts of the inauguration claim that he was at the ceremony. Outgoing President James Monroe established the tradition of escorting his successor to the Capitol. Unlike the boisterous crowds in 1821, the people in the galleries during John Quincy Adams's inauguration were "remarkable for their stillness and decorum" according to one local newspaper.

Perhaps no President has been more intimately connected with the House than John Quincy Adams. This ceremony in the House Chamber had a unique and poignant aspect, since it was the House of Representatives that elected Adams President. When there is no majority in the Electoral College, the Constitution provides that the election be decided by the House of Representatives. This has happened only twice, in 1800 (when Jefferson was elected) and in 1824.

After his four year presidential term, Adams served seventeen years in the House and suffered a fatal stroke in the same Chamber in which he was inaugurated. His funeral, held in this Hall that meant so much to him, was a grand yet quietly dignified tribute to one of America's greatest public servants.

Andrew Jackson

The 1829 inauguration of Andrew Jackson was the first of many to be held outdoors on the East Portico of the Capitol. In 1833 Jackson planned to use the East Portico again, but snow, freezing temperatures and high wind drove the ceremony inside to the House Chamber.

Jackson's second inaugural was a simple one. Although there was no formal procession or military escort, many citizens braved the high winds and cold to wait at the Capitol doors. For the first time the President was received at the Capitol by the mayor of Washington and members of the city council.

Jackson, who was in poor health, returned to the White House and went to bed right after the swearing-in ceremony and did not attend any receptions or balls. The Vice-President, Martin Van Buren, also took his oath of office in the House Chamber.

Millard Fillmore

The last time the House Chamber was used for a Presidential inauguration was in 1850 after the sudden death of President Zachary Taylor. Taylor had attended a hot Fourth of July ceremony connected with the building of the Washington Monument and overindulged in cherries and iced milk. That night he was attacked by cholera morbus and fever and died five days later. This was the first time a President had died while the Congress was is session. The House and Senate convened at 11 o'clock on July 10, 1850, to receive the message from Vice-President Millard Fillmore that the President had died the night before. Fillmore proposed to take his oath as President at noon that same day.

This swearing-in ceremony had none of the pomp of a regular inauguration and was conducted quickly and solemnly, befitting a nation mourning the loss of a President. The gallery was crowded when the House convened at noon. Four minutes later the Senate entered the House Chamber, accompanied by the Senate's Sergeant-at-Arms and the Secretary. The Speaker of the House presided and all rose when Millard Fillmore and his cabinet entered the Chamber, escorted by a joint committee of Representatives and Senators. The oath was administered by Judge William Cranch, Chief Justice of the District and Circuit Court of the United States. The new President left the Chamber immediately without any remarks or speeches, but he quickly sent the Congress a message mourning the death of his predecessor. The National Intelligencer, a Washington newspaper, observed, "The profound silence of so great an assemblage of deeply concerned spectators, the ceremony, so brief and so simple, yet so important

in its consequences, national, political, and personal, presented an incident and a scene altogether American."

What the Intelligencer saw as American was the theme that has been present in all of this nation's inaugurals—the open and orderly transfer of authority from one person to another, from one party to another, through almost 200 years of government under the Constitution of the United States.

TOWARD A CURE FOR NEUROFIBROMATOSIS

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. WALGREN. Mr. Speaker, today, 34 other Members of the House and I join as original cosponsors in the introduction of a bill to establish a National Commission on Neurofibromatosis. We are pleased that a similar bill is being introduced simultaneously in the Senate by Majority Leader ROBERT DOLE.

Neurofibromatosis often referred to as NF, is a genetic disorder of the central nervous system occurring in 1 out of every 3,000 births. Approximately 100,000 people in the United States today have this disease; it occurs in both sexes and in all ethnic and racial groups. Each child of an affected parent has a 50-percent chance of inheriting the gene and developing NF.

Neurofibromatosis is totally unpredictable. Manifestations usually appear in childhood or adolescence, though they can appear later in life. Children with NF can frequently be identified shortly after birth by the appearance of a number of light brown spots. NF patients may develop a number of problems including many small tumors under or on the skin, large tumors just under the skin, curvature of the spine, enlargement and deformation of bones, and tumors of the auditory and optic nerves. These problems can lead to other problems like deafness and blindness which then create severe educational, economic, and social problems.

The cause of NF is unknown. There is no cure and medical opinions on treatment vary.

I hope this bill can help bring a nationwide focus to what we are now doing, and identify what more we need to do, to find a cure for NF. The National Commission would have 2 years to assess the nature and extent of public and private research into neurofibromatosis and to develop a plan to identify the research needed to develop a cure. The Commission would be composed of 12 members, including representatives of the National Institute of Neurological and Communicative Disorders and Stroke, the Director of the National Cancer Institute, the National Institute of General Medical Sciences, the National Institute of Child Health and Development, and the Department of Education. These representatives would be joined by three scientists or health professionals, and three individuals who have experience with the disorder. This approach is modeled after the National Commission established by the Congress for Huntington's disease in 1977.

For Members who have not yet cosponsored this legislation, I would like to share a letter received by Congressman WIRTH from a mother whose baby has NF. This letter conveys a more eloquent plea for this legislation than anything we might say.

FLORISSANT, MO,
September 4, 1984.

DEAR REPRESENTATIVE WIRTH: My son is now nine months old. At birth, Matthew weighed nine pounds and thirteen ounces, and was as healthy and beautiful as we could have hoped. At four months, I began to notice several brown spots, appearing on his back and legs. At first, I simply thought he had inherited a birth mark, like the one I have on my leg. I have since learned that I have passed on to him, the genetic disorder, called Neurofibromatosis, or NF. My case is mild. My physician never noticed it, but this is not the case with Matthew. He is progressing as the "classic" NF case does. This is typical of NF. It's "hit and miss" pattern is common. Still, if my physician had been better acquainted with NF, he very likely could have alerted me before I had a baby. I love Matthew dearly, but I worry that if the NF progresses severely, he may wish that he had not been born.

When we were first told he had NF, I had no idea what it was. It has been a much neglected disease, even though it is the most common genetic disease. Someone told me it was the disease the "Elephant Man" had. I had never seen the movie, because I had heard it was so sad. Unwisely, I borrowed a book about the "Elephant Man" and saw a photo of him. You can't imagine the horror I felt for my baby. I was terrified to think of what was to become of his beautiful face and skin. He still, at nine months, is as beautiful as when he was born, but so was the "Elephant Man" until he was two years old.

My husband and I took him to the best doctors in St. Louis, and heard the same thing. There has been little research of NF, no cure, no real treatment, no prenatal test for an unborn baby. There is a 50/50 chance that I would pass it on to any future children.

This all made me angry at first. Why haven't doctors done something about this? How can they simply look at my baby and me and tell us there is nothing they can do? Why haven't they alerted the public to this terrible disease, that effects one in every 3000 people, and little is being done about it? Some 100,000 people in the United States have NF.

Now, all we can do is wait until he reaches puberty, and pray that someone will help us find a cure for NF, before the hormonal change causes it to advance rapidly. It could disfigure him so badly, that he could never lead a normal life. It could cause him to develop a tumor in a vital organ, such as the brain, and kill him. Representative Wirth, you have the power to help us. To save my child's life, or to give him a chance at life like other children. If you would please cosponsor the House Bill, H.R. 1676, which would establish a National Neurofibromatosis Commission.

The public, like I was not long ago, is almost completely ignorant of this disease, and a National Commission would help to educate the public, so that we would be able to obtain funds to find a cure, a drug that would kill the neurofibromas that wrap themselves around our nerve cells. But, the public is not alone in ignorance of this disease. Many physicians also do not know the first signs of NF. That is the experience we had. The time to find out you have a genetic disease is not when you have a baby severely affected, but before you have a child.

Before we learned of all this, I felt there was no happier person in the world, than I. I had a wonderful husband, and a beautiful, sweet baby. That's all I had ever wanted. Now, I live in fear each day, that I will look at his skin and see the NF tumors beginning to grown and ruin his life.

Please help us, Representative Wirth. You are a very influential person, being a member of the "Energy and Commerce Committee on Health and Environment". I am a proud person, but I beg you, plead with you, with all the love a mother feels for her child. Please co-sponsor this bill. Please give us and the other victims, some 700 in St. Louis alone, some ray of hope that some day there will be a cure, or a treatment for Neurofibromatosis.

Thank you for your consideration.

Sincerely,

NANCY E. YOUNGERMANN.●

MARILYN SMITH

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. LEHMAN of Florida. Mr. Speaker, Marilyn Smith was the personification of courage. Her loss was a tragedy for her community and for her friends and loving family. She was a great role model for so many people. I knew her best through her son David who interned in our office a few years ago and was a pleasure to have working with us.

The editorial from the Miami Herald that follows captures part of her spirit and the specialness of Marilyn. I join with her many friends and loved ones in remembrance and sorrow.

[From The Miami Herald, Jan. 5, 1985]

MARILYN SMITH

Not all the good die young, but enough do to give that lament real meaning. Marilyn Smith—consummate volunteer—died last week at age 48. That's too soon for the Greater Miami community to have lost her dedication and special talents.

Mrs. Smith, vice president of the Greater Miami Jewish Federation and a board member of the United Way among other duties, was that rare individual with the knack of engaging others in a cause by the sheer force of her own sincerity. Her speeches on behalf of the federation, United Way, and the Miami Opera Guild, to name a few, were compelling in their eloquent simplicity and refreshing for the absence of high-pitched emotionalism. She relied on her well-defined sense of dedication to

convey her message forcefully. It always worked. Colleagues marveled at her ability to draw the most out of others—a necessity for a leader in the volunteer field.

When people recall their first meeting with Mrs. Smith, they invariably say the same thing: "What struck me most about Marilyn when we met was the way she made me feel at home, and so welcome." She had the same gracious attitude about her work. Not long ago, Mrs. Smith wrote of her views on volunteering. The effort was not just a payment of "Jewish dues," she said. She regarded it as a "privilege, a chance to grow . . . and a perpetuation of the dreams and values of our people. . . ." That caring attitude and the results of living up to it have created a legacy that make Mrs. Smith's passing all the more poignant.●

840,000 SOCIAL SECURITY RECIPIENTS SHORTCHANGED A MONTHLY AVERAGE OF $32.50 IN FISCAL YEAR 1983

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. STARK. Mr. Speaker, I recently asked the Social Security Administration what their error rate was in underpayments to Social Security beneficiaries.

Not counting the errors which occur from the late posting of earnings records, the results are significant: In fiscal year 1983, errors resulted in the underpayment of $332 million to 840,000 recipients, a monthly average of $32.50 per recipient.

While the response shows that the error rates are relatively low, they can by very, very important to the seniors involved. And what is especially disturbing is that the level of errors seems to be rising rapidly.

The Reagan administration is talking about cutting the number of Social Security Administration employees, but until we get these error rates back down and until we get earnings records posted in a more timely manner, it is almost open robbery of the Nation's elderly to make staffing cuts in this agency.

Persons contributing to Social Security have the right to expect and to get an accurate benefit payment. Clearly, the data from Social Security shows that people must do more to protect themselves and to ensure that they get an accurate payback from SSA.

A person can check their earnings records by completing form 7004—available at local Social Security offices. The office will reply with a computer readout showing the last 3 years of earnings, plus a lump sum of total earnings since contributions began—excluding the last 3 years. By ensuring that one's earnings records are being accurately recorded, one can then check the calculation of benefits to ensure that the correct payment is being received. I believe it is important for citizens to do this. Social Security—like all the rest of us—is not infallible and an error can result in the loss of thousands of dollars of retirement income over the years.

Following is the letter from SSA detailing the underpayment sitution:

THE COMMISSIONER OF
SOCIAL SECURITY,
Baltimore, MD, December 19, 1984.

Hon. FORTNEY H. STARK,
House of Representatives,
Washington, DC.

DEAR MR. STARK: This is in further response to your inquiry concerning Title II Social Security retirement and survivors insurance underpayments. Please accept my apology for the delay in sending you a full response.

Other than underpayments due because of delayed posting to earnings records, most Title II retirement and survivors underpayments are the result of benefits being computed incorrectly or of incorrect wages or self-employment income being used. About 80 percent of these errors are administrative. In fiscal year (FY) 1983, these errors accounted for about 3.2 percent of our benefit accounts being underpaid an average of $32.50 month. The underpayment rate for FY 1982 was 2.9 percent with an average underpayment of $22.50 per month. For FY 1981, 2.2 percent of our beneficiary accounts were underpaid an average monthly amount of $23.80.

To put these error data into perspective, we can relate them to the total payment rolls for the years involved. For FY 1983, this projects to .84 million underpayment cases out of a total of 26.3 million cases in payment status. This resulted in total underpayments of $332 million in relation to total continuing payments of $144.5 billion, representing a dollar rate of less than one-quarter of 1 percent.

For FY 1982, this projects to .75 million of 25.9 million cases, for a total underpayment of $200 million,which is less than one-seventh of 1 percent of the total continuing payments of $133.6 billion. For FY 1981, the projections were .55 million of 25.2 million cases for total underpayments of $152 million, or less than one-eighth of 1 percent of the total continuing payments of $116.9 billion. We estimate that about 35 to 40 percent of these underpayments are discovered in our operational processes at a later point and repaid to the beneficiaries.

Underpayments are detected by various types of quality review, one of which is the retirement and survivors insurance payment accuracy review process. Each year, we select a small number of cases for intensive review to determine the accuracy of payments. Under this process, we examine all case data, interview the beneficiary, and verify the evidence used to establish eligibility for payment. In addition to our quality review processes, underpayments come to light when we process subsequent transactions on a case or a beneficiary may make us aware that additional payment is due. After we verify that an underpayment is due, the current benefit rates are adjusted and payment is made for all retroactive benefits.

At the beginning of 1984 we undertook a number of initiatives designed to identify the causes, and how we could prevent, both overpayments and underpayments. We found that the major cause, other than delayed posting of earnings, of underpayments is high estimates of earnings by beneficiaries. Therefore, we have taken steps to reduce underpayments from both sources, including:

"Getting more precise earnings estimates from beneficiaries (this will also help reduce overpayments);

"More timely processing of recomputations, where new earnings are used to increase benefits; and

"Preventing errors in processing earnings reports that, unless detected, can lead to large underpayments."

Although the percentage to underpayments, especially as measured in benefit amounts, is very small, we recognize that the effect on individual beneficiaries can be significant. For the reason, we are committed to continuing our efforts to reduce both underpayments and overpayments.

We hope this information is helpful to you.

Sincerely,

MARTHA A. MCSTEEN,
Acting Commissioner.●

TAXES AND THE DEFICIT

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. RUDD. Mr. Speaker, during last year's Presidential campaign Walter Mondale eagerly promised to raise taxes if elected.

On November 6, the American people soundly repudiated Mr. Mondale's tax increase—and did so by the largest electoral margin in our Nation's history.

The American people know that if taxes are raised in 1985, Congress will undoubtedly find a way to spend the additional money.

The American people would not be fooled by Mr. Mondale, and will not be fooled by Congress.

Let's take a good clear look at whether or not tax increases have helped to reduce the deficit in the last several years.

In August 1982, Congress passed the Tax Equity and Fiscal Responsibility Act [TEFRA] raising $98.3 billion over 3 years. The increase was to be accompanied by spending cuts of $3 for each $1 of new revenue. However, most of those spending cuts never materialized. In fact, we ended up with about $1.67 in additional spending for every $1 of new taxes. In fiscal year 1982, we faced a deficit of $110.6 billion. Despite the 1982 tax increase, the deficit climbed to $195.4 billion for fiscal year 1983.

In 1984, Congress cleared the so-called Deficit Reduction Act increasing taxes by $50 billion over 3 years. Instead of the deficit falling, however, it will climb to $230 billion in fiscal year 1985 according to the Office of Management and Budget's recent estimates.

Tax increases haven't reduced the deficit because spending continues to

climb—from $728.4 billion in fiscal year 1982, to $796 billion in fiscal year 1983, to an estimated $841.8 billion in fiscal year and $930.6 billion in fiscal year 1985. That is nearly a 30-percent increase since fiscal year 1982. By contrast, inflation amounted to only around 9 percent from 1982 through 1984.

The December 14 issue of National Review carried a pertinent article in which Antonio Martino, a professor on monetary theory and policy at the University of Rome, cited Italy's recent experience to drive home the warning against tax increases to cover the Federal deficit.

According to Professor Martino, Italy has a deficit of more than 11 percent of gross domestic product [GDP] in 1980. Italian officials then ordered a drastic tax increase. From 1980 to 1983, the total tax revenue increased 90 percent in nominal terms, jumping from 39.8 percent of the GDP to 47.8 percent.

In the same period, the Italian deficit increased from $19.68 billion in 1980 to $46.92 billion in 1983, a rise of 138 percent.

When allowance is made for inflation, the deficit, adjusted in real terms, increased from 11 to 16.5 of GDP, a jump of more than 51 percent. Professor Martino concluded that "when the politicians pass a tax increase, they spend it all and a good deal more." To prove his point he says, "public spending in Italy, has jumped from 48.8 percent of GDP in 1980 to a staggering 61.2 percent in 1983."

Antonio Martino, professor of monetary theory and policy at the University of Rome, has reviewed Italy's recent experience to warn against a tax increase to "cover the federal deficit." In 1980, Italy had a horrendous deficit, more than 11 per cent of gross domestic product (the equivalent of a deficit of more than $350 billion here). "The solution was a drastic increase in taxes: from 1980 to 1983 the total tax revenue increased 90 per cent in nominal terms, jumping from 39.8 per cent of the GDP to 47.8 per cent. This is a very large increase, and it was made all the more painful by the fact that there was no real GDP increase over the same period." Did that end the deficit? Of course not. "Contrary to the expectations of the deficit-cutters, the Italian deficit increased from $19.68 billion in 1980 to $46.92 billion in 1983—a 138 per cent rise. Even when inflation is taken into account, the deficit has increased in real terms by more than 51 per cent, going from 11 per cent to 16.5 per cent of GDP." The phenomenon is universal. Regardless of the deficit, when the politicians pass a tax increase they spend it all and a good deal more. Politicians love deficits, not only so they can spend more, but so they have an excuse to raise taxes. And they won't abandon these practices unless forced to. In Italy, "public spending has jumped from 48.8 per cent of GDP in 1980 to a staggering 61.2 per cent in 1983."

Tax increases did not reduce Italy's deficit. They did not reduce the U.S. deficit in 1982 or 1984.

Tax increases should be soundly rejected as the remedy for deficits in 1985. The real culprit is continued overspending on the part of Congress.●

ZUCKERT MANAGEMENT AWARD TO GEN. DEWEY K.K. LOWE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. FAZIO. Mr. Speaker, it is my privilege and pleasure today to congratulate Maj. Gen. Dewey K.K. Lowe, commander, Sacramento Air Logistics Center, McClellan Air Force Base, CA, on another career accomplishment. General Lowe has been chosen as the 1984 recipient of the Air Force's Zuckert Management Award, an honor that is well deserved in light of his proven abilities in managing Air Force programs and people.

General Lowe has been commander at SM-ALC for over 5 years and in that time has led the Sacramento center to unprecedented excellence. The center was awarded the 1983 Maintenance Effectiveness Award in the depot and aircraft maintenance categories. SM-ALC was chosen as the system program manager for the advanced technical fighter aircraft and program manager and technology center for very high-speed integrated circuits, fiber optics, and advanced composites. These programs enable the AFLC to facilitate technology transfer, influence development, and exploit technology.

Several of General Lowe's management improvements, like the commander's information network system, have been adopted commandwide. The information network system provides senior ALC managers with on-line capability to access decision support information. For example, much of the budgetary data has been automated making it available within 6 to 10 days after the end of the month instead of the usual 15 to 17 days.

As chief of the Air Force management analysis group, General Lowe led the effort that devised new contracting and manufacturing procedures and led to the establishment of the Office of Competition Advocacy within the Logistics Command in 1983. Due to this initiative, both Air Force officials and industry are significantly reducing the overpricing of spares purchases Air Forcewide.

Further examples of General Lowe's management effectiveness are too numerous to cite here. Taken together, they represent an outstanding demonstration of leadership that is truly deserving of the Zuckert Management Award.●

WALPOLE, MA, SELECTS CITIZEN OF THE YEAR

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. FRANK. Mr. Speaker, one of the things that makes an elected official very happy is when he finds himself in very solid agreement with the opinions of his constituents on an important matter. So I was delighted to learn that I am in complete agreement with the selection committee in the town of Walpole which selected Sister St. Vincent as Walpole's Citizen of the Year.

I have worked closely with Sister St. Vincent for the past several years, and she is one of those people who teaches every minute of her life, by example, what goodness, charity, and love really mean. Sister St. Vincent is justifiably one of the most beloved people in the town of Walpole for her great work among the elderly. Typically she is dividing the prize money she received between the Wrentham State School for the Retarded and a group that serves older people in the town of Walpole.

I am honored to be able to call Sister St. Vincent a friend and I congratulate the very farsighted people of Walpole who have conveyed this very well-deserved honor on her.

Mr. Speaker, I ask that the article from the the Walpole Times about Sister St. Vincent's award be printed here.

[From the Walpole Times, Dec. 13, 1984]

SISTER ST. VINCENT IS CITIZEN OF THE YEAR

(By Dave Matthews)

Sister Mary St. Vincent Stynes, a teacher and friend to hundreds of residents for the past 13 years, has been selected Walpole's 1985 Citizen of the Year, the award's selection committee announced this week.

Sister St. Vincent, a dynamo of good humor and compassion was chosen unanimously by the committee for her charitable work among Walpole's elders, volunteer work at Southwood Community Hospital and years of faithful service to retarded youngsters at the Wrentham State School.

Informed early Tuesday of her selection, the usually voluble Sister St. Vincent said. "I can't believe it. There must be somebody else."

A nun for more than 50 years, she came to Walpole in 1971 and taught fifth grade at Blessed Sacrament Elementary School until she retired from teaching in 1976.

"I haven't exactly retired," she corrected amiably. "Semi-retired," she smiled.

For the past eight years she has been a fixture at Walpole's elder housing developments, Diamond Pond Terrace and Neponset View Terrace.

"She's a marvelous sister," said Diamond Pond resident, Mary McNamara, who receives a luncheon visit each Wedensday from Sister St. Vincent. "I like her because she's for the underdog . . . She can't do enough for people."

"She brings sunshine around," said Betty Densberger, director of the Walpole Housing Authority which administers the elder housing units. "I couldn't really begin to tell you all the good she's done."

Densberger termed Sister St. Vincent "our number one social worker."

A good portion of Sister St. Vincent's day is spent in service to Walpole elders, visiting the sick, the lonely and shut-ins. According to Sr. St. Vincent, loneliness among Walpole elders is a major problem.

"They're very lonely and need companionship," she said. "I go visit them, chat with them and have 10 cups of tea a day."

Her ability to drink tea is nearly as famous as the Nike tennis shoes she often wears as she make her rounds about town on foot. Of the former, says Densberger. "We've counted up to 26 cups of tea in one day," and of the latter and its bearing on Sister St. Vincent's nickname. The Flying Nun. "She's flying around here in her Nikes."

Some of her work among Walpole elders is spiritual; she distributes Communion at home to those unable to attend Mass, but much or her work is ecumenical.

"There's nobody she ever turns away," said Densberger.

Sister St. Vincent is legendary for her ability to organize social activities—parties, luncheons, virtually any kind of fellowship. Presently she is organizing at least two Christmas parties for elders, and in years past, she would organize Yuletide caroling groups of Blessed Sacrament youngsters and travel to local nursing homes to spread holiday cheer.

As recently as Thanksgiving she collected and distributed food baskets for those in need.

Her reputation as one who knows the needs of people in need has allowed Sister St. Vincent to act as a go-between. She interacts with many civil organizations to channel help to those in need. "She brings back to us needs we don't know exist," said Densberger.

Each Friday she travels to Southwood Community Hospital where she is a trained volunteer who specializes in visiting cancer patients. "When you come out of there, you're happy you can walk on two feet," she says.

In addition, Sister St. Vincent has carried her special brand of compassion to the sick at Norwood Hospital and the old Foxboro State Hospital.

In past years Sister St. Vincent's nearly boundless energy led her to participate in the Pace for Project FACE fundraising walkathon. She also served that organization as a volunteer worker.

Born in Ireland, Sister St. Vincent came to the U.S. in 1928 and immediately entered the convent of the Sisters of St. Francis of Glen Riddle, Pa. In 1978 she celebrated her 50th anniversary as a member of that order.

She has spent most of her religious life teaching first, fifth and sixth graders in Catholic schools in Rhode Island, New Jersey and Pennsylvania.

In all she estimates she's taught about 500 children—200 in Walpole alone—all of whom she remembers with fondness. She says her teaching philosophy was based on two principles: "I always try to be fair with the children. I always try to have them trust those in authority."

As the recipient of the 1985 Willis D. McLean Citizen of the year Award, Sister St. Vincent is splitting the $500 prize which accompanies it between the Wrentham State School and a Walpole elder service organization. She hopes the latter share will be used to buy a video cassette recorder so elders can get together to watch rented movies—good movies. "I would make sure that they got the good ones," she said.

Her only secret is her age; she delights in extracting a promise not to reveal it from a nosy reporter devious enough to try and deduce it through a series of trick questions. One jump ahead, she was so charmingly evasive, the reporter couldn't remember his own age following the questioning.

Sister St. Vincent will be honored at the Walpole Chamber of Commerce Ball Feb. 9 at Bernardi's. The Citizen of the year Award is co-sponsored by the Chamber and The Walpole Times.●

UKRAINIAN INDEPENDENCE DAY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. FLORIO. Mr. Speaker, on January 22, 1918, the Ukrainian people threw off the yoke of repression and declared their independence. The formation of the Ukrainian National Republic 67 years ago signified an important step in the history of the Ukrainian people as they have long struggled to assert their identity and their beliefs and preserve their meaningful culture while under foreign domination. I would like to take this opportunity to bring this important date to the attention of my colleagues.

Although 67 years have passed since this declaration, the memory of this day still lives on in the hearts of all Ukrainians. The Ukrainian nation rose out of the ashes of the Russian and Austro-Hungarian empires in 1918 and attempted to realize the dreams of their forefathers in declaring their independence. From the first, the new nation struggled to hold on to its newfound freedom, battered by Russian armies from the east and Polish armies from the west. Despite a valiant effort, the Ukrainian National Republic was crushed by the Communist Russians in the summer of 1920, only 3 years after its formation.

Since then, the Ukrainian people have suffered 65 years of repression and persecution at the hands of Soviet aggressors. They have been imprisoned and tortured for their political and religious beliefs and the doors of their churches and schools have been closed. Furthermore, during the 1930's, the Soviet Government attempted to erase an entire culture and race with the famine of 1932-33. During this manmade famine, 7 to 10 million Ukrainians starved to death because of Stalin's cruel collectivization program which resulted in widespread famine in the Ukraine. The causes and full effects of this famine are not yet known because the Soviet Government suppressed any information about the famine. Additionally, very little public awareness about this mass tragedy exists today.

For this reason, during the 98th Congress, I, together with Senator BILL BRADLEY from New Jersey, introduced legislation (H.R. 4459, S. 2456) to establish a 15-member congressional commission to study for 2 years the causes and effects of this great famine. As we recall the memory of January 18, 1918, during this 67th anniversary, I am proud to inform my colleagues that our legislation was attached by the other body to the continuing resolution which was signed by the President on October 12, 1984. The Commission on the Ukraine Famine is currently being formed and within 2 years, not only will a governmental study be available on this famine but we will also be able to promote public awareness of this tragedy.

Despite famines and persecution, despite the curtailment of their civil liberties, and despite the injustices that they have been subjected to, the Ukrainian people continue to display courage and perseverance and have not yet given up hope that, one day, they, too, will breathe the air of freedom. We must continue to remember this momentous declaration in the hope that our remembrance of this glorious moment will lend the Ukrainian people encouragement and hope. As the famous Ukrainian poet, Taras Schevchenko, said, "Our souls will never perish, freedom knows no dying." May the hope for freedom for the Ukrainian people never die and may their quest for independence be successful.●

ABORTION: A NATIONAL TRAGEDY

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. DENNY SMITH. Mr. Speaker, today marks the 12th anniversary of the Supreme Court decisions legalizing abortion-on-demand in the United States. In solemn observance of these decisions, tens of thousands of concerned citizens have come to Washington, DC, to express their support for the right to life for all in our Nation. Many of the marchers have come great distances at their own expense, and should be commended for their efforts on behalf of the unborn.

I would like to take this opportunity to express my opposition to abortion.

In 1973, the Supreme Court went far beyond its constitutional role of judicial review, and began establishing—in effect legislating—the Government's policy on abortion. The controversial Supreme Court decisions, Roe versus Wade and Doe versus Bolton, over-

turned antiabortion statutes in all 50 States. In the 12 years since these infamous decisions, no legislature—State or Federal—has affirmed the right to an abortion.

Many constitutional scholars claim that the Justice first had to find—some say fabricate—the right to privacy in the 14th amendment in order to establish the so-called freedom to choose an abortion.

I would like to point out some of the obvious flaws in the argument justifying abortion. First, the right of privacy does not extend to all acts committed in private. Men who beat their wives usually do so in private, but no one would argue that they have a constitutional right to carry out such assaults.

Second, the freedom of choice doesn't apply to all choices made. Someone may choose to rob a bank, but he certainly doesn't have a right to that choice.

The Constitution states that our Government was established, among other reasons, to ensure justice. Therefore, the Government must move to secure and protect the rights of minorities, at times in the face of opposition from the majority. Proabortionists claim that polls show a majority of Americans favor legalized abortion. Without debating the accuracy of such polls, I would like to point out that during other eras in our Nation's history the majority have favored such things as slavery and racial segregation, which we now view as abhorrent.

As a Member of Congress, I have a constitutional obligation to protect the right to life for all Americans, regardless of their age or condition of dependency. I hold this view in light of the overwhelming medical evidence that the fetus is indeed a living human being. After all, the fetus is most assuredly alive, or an abortion wouldn't be necessary to kill it. And if it isn't human, what is it? A dog? A cow?

By resorting to Orwellian doublespeak, proabortionists have tried to discredit the humanity of the unborn child. Referring to the unborn as "tissue" or the "products of conception," they hope to hide the fact that abortion involves the taking of another human life.

The 15 million unborn children aborted since 1973 aren't the only victims of abortion, however. Women themselves have been victimized by this multibillion dollar industry. Witness the establishment of groups such as Women Exploited by Abortion [WEBA], an organization whose membership has grown by over 10,000 in less than 2 years. All of these are women who have been traumatized as a result of having an abortion.

Children, too, are among the victims. One of the slogans in the push to legalize abortion was, "Make every child a wanted child." It was said that if, by legalizing abortion, women could have only those children they wanted, we would eradicate child abuse. The past 12 years have proven just the opposite. Incidents of child abuse have risen, not declined.

The handicapped have also been the Court's victims. In the 1973 decision Roe versus Wade, Justice Blackmun set for the dangerous "meaningful life" argument. An increase in infanticide has been the result.

Just as tragic, those who espouse this quality of life mentality are telling the handicapped, the aged, and the infirm in our society that they are an inconvenience to others and are leading a life not really worth living. Such a utilitarian mentality led to the murder of 70,000 handicapped and aged individuals during the reign of Adolf Hitler.

Abortion is not merely a women's issue, as some claim. It is an issue of great concern to all Americans. That is why I support efforts to adopt a human life constitutional amendment, to affirm the right to life for all of us.

Unless the right to life is secure for all—born and unborn—it is secure for none. After all, in order to have the unalienable rights of liberty and the pursuit of happiness, one must first have life.●

FRANK O'ROURKE, ONE OF BASEBALL'S GRAND OLD TIMERS

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. RINALDO. Mr. Speaker, the New Jersey Sports Writers Association will honor Frank O'Rourke with its Hall of Fame Award for his extraordinary career as a major league baseball player, minor league manager, baseball scout, and sportsman over a period of 75 years. It is a career that included the Golden Age of Sports when Frank O'Rourke played with the great Ty Cobb, Bucky Harris, Tris Speaker, Walter "Big Train" Johnson, "Sad Sam" Rice, George Sisler, and other baseball legends.

He learned baseball on the sandlots of Elizabeth, NJ, before making his major league debut with the Boston Braves in 1912 at the age of 18.

Daily Journal sports editor Bill Kennedy wrote about Frank O'Rourke in a recent column, which I insert in the RECORD as follows:

A lot of highly complimentary things have been said about Frank O'Rourke over the years.

The Hillside resident spent 14 seasons in major league baseball, more years as a minor league field manager, and somewhere near half a century as a major league baseball scout.

The baseball playing life of Frank "Blackie" O'Rourke, as documented by the Baseball Encyclopedia, reveals that he was a .254 lifetime hitter as an infielder who played shortstop and second and third base between 1912 and 1931 for six teams—the Boston Braves, Brooklyn Robins, Washington Senators, Boston Red Sox, Detroit Tigers and St. Louis Browns.

With the Tigers in 1925 O'Rourke enjoyed the type of season which would have made him a millionaire today, batting .293 with 40 doubles, 57 RBI and scoring 88 runs. That feat was overshadowed by the fact that the immortal Ty Cobb batted .378 during that year for Detroit, but it was nonetheless a great season by any standards.

While he is not a Hall of Fame candidate as a player and never competed in a World Series, O'Rourke had a fine playing career. Twenty years elapsed between the day he played in his first major league game and the day he hung up his spikes. Not many professional players—of any era—get to stay around that long.

O'Rourke played his first major league season when he was 18, participating in 61 games for the Braves. They farmed him out after that year and after hitting .327 in consecutive campaigns for Toronto of the International League, he returned to the big leagues with the Robins, which were the forerunners of the Dodgers. He was a Robin for two years, a Senator for two seasons, with the Red Sox just one, the Tigers three and completing his career with five years as a St. Louis Brown.

After his playing career had concluded, he managed and scouted for the Cincinnati Reds for 15 years. Desiring to return to the area in which he grew up, O'Rourke was signed by the Yankees for whom he has served as a metropolitan area scout many, many seasons.

This must be O'Rourke's year for honors, because the New Jersey Sports Writers Association is going to present him with its Hall of Fame Award at its annual banquet February 3.

Acknowledging that 75 years is more than a great many people live, and a longer professional baseball career than that of three very good and durable players, it is remarkable that O'Rourke still is able to remain active in baseball. He is still seen regularly at New Jersey high school and college games, taking note of talent for consideration by the Yankees.●

DEFICIT REDUCTION ACT OF 1984

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. BLILEY. Mr. Speaker, today I am joining my colleague BUDDY ROEMER in introducing legislation to repeal an onerous requirement of our tax laws that has already begun to affect millions of tax paying Americans who use their automobiles for business.

One of the provisions of the 1984 Deficit Reduction Tax Act has caused considerable problems for taxpayers who take standard business deductions for business use of their cars. This pro-

vision was only a few pages from a tax bill that ran to almost 6,500 pages. It was overlooked by some Members, and thought by others to be insignificant when compared to the tax bill in its entirety.

While taxpayers in different areas face different headaches from this law, its requirement that individuals who take standard business deductions must substantiate their mileage by keeping a contemporaneous account of their travels is similarly burdensome to all taxpayers.

Mr. Speaker, Congressman ROEMER and I have already been joined in introducing this legislation by over 50 of our colleagues. We invite others who have heard from their constituents about this new burden to join us in repealing this new requirement.

H.R. —

A bill to repeal the new substantiation requirements for deductions attributable to business use of passenger automobiles and certain other types of personal property

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 179(b) of the Tax Reform Act of 1984 is hereby repealed and the Internal Revenue Code of 1954 shall be applied and administered as if such section (and the amendments made by such section) had not been enacted.

DEFICIT REDUCTION ACT OF 1984

D. RECORDKEEPING

Present law

The taxpayer must substantiate any travel expenses by adequate records or other evidence corroborating his own statements. These records must show the amount, time, place, and business purpose of the travel expenses.

House bill

No provision.

Senate amendment

The Senate amendment extends present law substantiation requirements to all business use of an automobile and to the other property described above (i.e., property used for transportation, entertainment and recreation property, computers, and other property listed in regulations). The Senate amendment requires the maintenance of contemporaneous records.

The Senate amendment also requires that return preparers verify that adequate contemporaneous records have been kept supporting deductions before signing returns. The provision is effective with respect to property placed in service after March 15, 1984.

Conference agreement

The conference agreement follows the Senate amendment with modifications. Thus, taxpayers are required to substantiate by adequate contemporaneous records any investment tax credit or deduction with respect to the business use of listed property, traveling expenses (including meals and lodging while away from home as well as local travel) that are trade or business expenses or expenses for the production of income, for entertainment expenses, and for gifts. If the taxpayer does not have adequate contemporaneous records, no credit or deduction is allowed with respect to that item. If, however, these records are lost due to circumstances beyond the taxpayer's control, such as in a fire, flood, or earthquake, the conferees intend that taxpayers continue to have the ability, as they do under present law, to substantiate a deduction by reasonable reconstruction of expenditures (see Treas. reg. 1.274-5(c)(5)).

The conferees expect that these records will reflect with substantial accuracy the business use of the property. The records must indicate the business purpose of the expense or use, unless the business purpose is clear from the surrounding circumstances. With respect to automobiles, logs recording the date of the trip and the mileage driven for business purposes must be kept.

The requirement of the Senate amendment that return preparers verify that adequate records supporting all of these deductions have been kept before signing the return has been deleted. In place of that requirement, a return preparer must properly and fully advise the taxpayer of these contemporaneous recordkeeping requirements and obtain written confirmation from the taxpayer certifying that adequate contemporaneous records supporting these deductions and credits exist. If the return preparer does not obtain this written certification, the preparer may not sign the return. The conferees anticipate either that the content of this certification will be specified by the Secretary or that the Secretary will prescribe a form for this certification. The conferees expect that the Secretary will amend Form 2106 or any other appropriate form to require that the taxpayer directly indicate on his return whether the required records have been kept. This could be done, for example, by providing a box to check on the return.

The conference agreement also provides that any portion of an underpayment of tax attributable to a failure to comply with these contemporaneous recordkeeping requirements is treated as due to negligence in the absence of clear and convincing evidence to the contrary. Claiming a deduction or credit without the support of the required records is also potentially fraud. This is in addition to the loss of the credit and deduction which would occur under present law.

The conferees anticipate that the Secretary will draw the attention of taxpayers to these new recordkeeping requirements in the appropriate regularly issued Internal Revenue Service publications. To accomplish this, for example, the Service could describe these new recordkeeping requirements in the section of the instructions to the 1984 Form 1040 that highlights important tax law changes.

The compliance provisions are effective with respect to taxable years beginning after 1984.●

RAGING AGAINST "STAR WARS"

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. LAGOMARSINO. Mr. Speaker, the recent announcement from Geneva that the United States and the Soviet Union are planning to initiate new arms control talks on three important aspects of nuclear weaponry competition—strategic, or intercontinental systems, intermediate range systems, and antimissile or defensive systems—is encouraging; indeed, it is a step in the right direction. Secretary of State George Shultz is to be commended for not giving in the Soviet demands for immediate and unilateral concessions by the United States as a price for their returning to the negotiating tables.

One group of the upcoming talks will deal exclusively with defensive arms. It is important for all Americans to understand where the United States is "coming from" in this branch of negotiations, and what the reasons are for the President's desire to pursue research into the technological and policy implications of pursuing a ballistic missile defense system—his strategic defense initiative [SDI]. I, for one, applaud the President's decision to study this aspect of defense, and therefore highly recommend the following Op-Ed written by two well-respected strategic analysts, Leon Sloss and Seymour Weiss, taken from the Monday, January 7, 1985, edition of the Washington Post.

[From the Washington Post, Jan. 7, 1985]

RAGING AGAINST "STAR WARS"

(By Seymour Weiss and Leon Sloss)

(Seymour Weiss is a retired ambassador and former director of the State Department's bureau of political-military affairs. Leon Sloss, a Washington consultant, is a retired director of the Arms Control and Disarmament Agency.)

How is one to explain the passionate, sometimes almost frenetic, denunciation of the president's proposal for a defense against Soviet ballistic missiles? Even the label, "Star Wars," Seems designed to denigrate, to conjure up a vision of Hollywood production, a matter for ridicule, not serious national debate. While the critics scoff, the public seems to appreciate the commonsense approach of seeking to defend ourselves. What, after all, is the sin of attempting to develop a defense against Soviet attack?

Let us acknowledge at the outset that there are aspects to the Strategic Defense Initiative (SDI) that warrant healthy skepticism. This research carries a costly price tag of $26 billion. However, by today's standards of $100 million bombers and $5 billion aircraft carriers, the SDI costs—which are to be spread over more than five years—are not unreasonable if the research effort produces results that will improve the nation's security and that of our allies. We think it can.

It is also a legitimate matter of concern that some of our allies are deeply opposed to SDI. As ones who have discussed the issue with some of our NATO partners, we are persuaded that there is much confusion and misunderstanding on their part. Past experience also suggests that these concerns may, in time, be allayed if our diplomacy is patient and skillful. Such would already appear to have been the case with Margaret Thatcher.

It is also true that the most extravagant expectations for SDI may never be fulfilled. It is not unreasonable to be skeptical about whether a perfect defense will ever be developed. The president's hope that SDI will help to make nuclear weapons disappear

from the face of the earth is surely utopian. Still, these are not ignoble goals, and at this stage neither supporters nor critics of SDI can speak with confidence about what technology and diplomacy may accomplish decades hence.

One must probe more deeply to comprehend the antagonism toward the SDI that has emerged from certain quarters. When one does, two underlying issues emerge. They have to do with nuclear strategy and arms control.

While declaring their confidence that SDI won't work, the critics, in fact, are fearful it will. At least they fear it will work well enough to call into question their preferred nuclear strategy. Most critics adhere to the school of mutual assured destruction (MAD). That emerged in the 1960s from the mind of Robert McNamara, who was then secretary of defense and is now one of the principal critics of strategic defense. His calculations convinced him that so long as millions of Russians and millions of Americans were at risk of nuclear attacks on the cities on each side, each would be deterred. In this view defenses were bad because they removed the hostages that assured deterrence. There was then, and there is now, much wrong with this thesis.

Not the least of the problems is that the Soviets never bought McNamara's strategy. They don't believe in city busting as the prime objective of nuclear strategy. Thus, it is not clear that such a threat is the one most likely to deter them. Indeed, the Soviets, despite McNamara's contrary prediction, spent massively to overcome America's lead in offensive weaponry, going well beyond any conceivable inventory justified solely in terms of the requirements for the MAD strategy. In time, many U.S. leaders came to the realization that MAD did not serve us well either, and U.S. strategy has, for more than a decade, under Democratic and Republican administrations alike, been moving away from this concept.

Since the Soviets did not believe in the MAD strategy, they refused to rely solely on offensive nuclear capabilities and in addition deployed impressive defenses. They have more than 10,000 ground-to-air defensive missiles and thousands of fighter aircraft to protect against our bombers. We have none of the former and pitifully few of the latter. They have deployed ballistic missile defense in the Moscow area that provides defense to their central government and party apparatus and to two-thirds of the heavily industrialized western U.S.S.R. They have an impressive civil defense system, which has concentrated on defending key government and industrial people. They have continued to harden and make mobile their ballistic missiles and command centers. As Defense Secretary Casper Weinberger recently pointed out, they have spent more on strategic defense than on strategic offense since the signing of the ABM Treaty.

In fact, the Soviets built their forces to support the strategy they have held to consistently, based not on targeting U.S. cities but the U.S. military establishment. As a result, they are today capable in a first strike (and their doctrine has always emphasized the importance of surprise) of reducing the U.S. retaliatory force to a relatively small fraction of its nominal strength. Thus, we could be left with a force that, while having some countermilitary capability, was most suitable for attacking Soviet cities, even though our own cities had not yet been attacked by the Soviets—an unenviable choice for any president. Under the circumstances, we might find our strategy, having failed to deter, would leave him with unbelievably stark alternatives: suicide or surrender. Even if such a foreboding scenario seems unlikely, its prospect casts dark shadows that can influence peacetime and crisis actions well short of nuclear war.

Why is it not a good idea to seek alternatives that avoid such a stark choice? Is it not worth a considerable effort to see whether some degree of defense might help ensure deterrence? If deterrence could fail, why shouldn't we try to protect ourselves as best we can? Must we accept for all time a strategy based on the threat of killing millions of innocent people—a strategy Catholic bishops have rightly denounced as immoral? Critics of SDI have no good answers.

The opponents of SDI have a second worry. They fear it would complicate arms control negotiations with the Soviets. One might have thought that the barren results of the past two decades of arms control negotiations would have given rise to second thoughts to those who would have us rely so heavily on them for our security. They are most concerned about protecting the "jewel in the crown" of arms control, the ABM Treaty of 1972.

When the treaty was signed, the United States dismantled its one system and sharply cut back on research and development, even though these were permitted. The Soviets have proceeded to complete a nationwide radar net; to complete deployment of the one permitted system; to create a production base that would permit rapid expansion of conventional but advanced ABM capabilities; and to conduct extensive research in precisely those advanced technologies that would be encompassed by the SDI program. They have fully exploited the possibilities permitted by the treaty while we have not, and most observers are satisfied they have actually violated the treaty limits, most notably in deploying a large radar at Krasnoyarsk.

Apologists for the treaty hesitate to acknowledge these realities. The Soviets, being realists, are unlikely to permit any arms control agreement to stand in the way of advancing Soviet interests, in most cases at the direct expense of the West. Indeed, the Soviets' recent initiative to draw the Reagan administration into new arms control discussion clearly appears to be based upon a desire to kill off SDI while leaving them as free a hand as possible to pursue their own ballistic missile defense and antisatellite efforts. Any objective review of arms control history will demonstrate this to be vintage Soviet arms control strategy.

Still, critics of SDI hang fast to the belief that they can talk the Soviets into adopting a mutually suicidal strategy, while engaging in arms control efforts that, to succeed, would require the Soviets to abandon not merely some weaponry of which they may be fond, but their most fundamental political objectives. For Soviet exploitation of military power—the one thing the Soviets are good at developing—is not just some minor aberration in otherwise reasonable behavior. The Soviets develop that power because they require it for purposes of political intimidation and, should that fail, for actual employment as they pursue their goal of a world pliant to Soviet views.

Under these circumstances, it is folly for us to place our security solely or even primarily on arms control. The notion that the Soviets through arms control negotiations are likely to abandon hard-won military advantages over the West is about as naive as was the 1960s prediction that they would not even try to match our nuclear capabilities.

As we have suggested, the current defense debate is not just about the president's Strategic Defense Initiative. It is about more fundamental issues: How can we best prevent nuclear war? How ought we to deal with the Soviet Union in a continuing adversarial relationship? How do U.S. nuclear strategy and arms control concepts fit into and support nuclear war deterrence and prevent the expansion of Soviet influence?

No one side in our internal debates has a monopoly on wisdom, and one wishes the critics of the president's SDI program would cease acting as if they did. Would it not be reasonable to see whether this research effort can come up with capabilities that may promise the West a safer, more promising future than total reliance on the threat of mutual destruction?

Even though the research may be only partially successful, as Weinberger has recently suggested, if we can develop and deploy defensive systems with capabilities more modest than a perfect defense, might that not be very valuable in strengthening deterrence? Even if defenses initially provided protection of valuable military assets such as land based ICBMs, bombers and command-and-control centers, might that not be preferable to proliferating generation after generation of new offensive weapons systems? Even if an imperfect defense could save "only" tens of millions of lives, is there not some merit in such a defense?

Finally, if we are successful in developing increasingly capable defenses against Soviet nuclear attack, might not this induce the Soviets to adopt a more forthcoming position on arms control? We cannot with confidence answer these questions positively. The prospects are not without merit, however, and it is to these issues that the 1985 defense debate should turn if it is to contribute to making the nation and its allies more secure.●

FAIR VOTING HOURS ACT

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. WYDEN. Mr. Speaker and colleagues, today I am introducing the Fair Voting Hours Act of 1985.

The purpose of this bill is direct. It establishes uniform voting hours nationwide so that all voters have the opportunity to cast their ballots in a Presidential election year before media projections of the results are made. Under my legislation, voters in Portland, ME, and in Portland, OR, will go to the voter's booth knowing exactly as much about the eventual outcome of a Presidential election.

As my colleagues know, the use of exit polls to project the results of elections is chipping away at the credibility of the electoral process. Research shows that some of our citizens are being dissuaded from voting in Presidential elections because they hear projections of the results before the

polls close in their State. How many voters have been so discouraged is a subject open to debate. But what is not debatable is the fact that some citizens are discouraged from voting and that this obstacle to electoral participation is a barrier that we are capable of removing.

In recent months, there has been growing concern about this problem. Last fall, I wrote to President Reagan and Democratic candidate Walter Mondale asking both to pledge that they would make no statements on election night until polls closed in the West. Both men responded affirmatively to my request within a week, and both honored their pledges on November 6, 1984.

Last week, the House Elections Task Force announced that ABC, CBS, and NBC agreed to not use exit polling data to project or characterize election results in a State until the polls close in that State. The networks' agreement has paved the way for Congress to pass a uniform poll closing act. Such a law will be a perfect complement to the important pledge just made by the networks.

The key to a workable poll closing statute is to make it fair and simple to administer. I believe the legislation that I am introducing will do just that.

Under my bill, the voting booths would open at 8 a.m. eastern time and close at 11 p.m. eastern time. On the west coast, the voting day would begin at 5 a.m. and end at 8 p.m.

My legislation requires that on the east coast polls stay open 3 hours later than normal and on the west coast, polls open 3 hours earlier than normal. I have been told by local and State election officials that such a change in voting hours is practical and manageable.

My plan does not require the additional expense nor administrative hassles of proposals to adopt Sunday voting or 24-hour voting. With my plan we can keep the basic structure of the election systems in the various States and still address the issue at hand.

I have always said that to deal with this issue properly we need a two part package. The first part has to be the agreement of the networks to not characterize or broadcast results before the polls close in a State. The second part is a fair and simple national poll closing hours statute. We are now half the way to putting this package in place.

Several of my constituents have recently pointed out that all Americans watch the Super Bowl and learn who won at the same time. I think that is the way it should be for Presidential elections, too.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, beginning with the year 1988, presidential general elections shall be held, with respect to the continental United States, during the period beginning at 8:00 o'clock ante meridiem, eastern standard time, and ending at 11:00 o'clock post meridiem, eastern standard time, on the Tuesday next after the first Monday in November and all polling places for such election in the continental United States shall be open for that entire period.

SEC. 2. As used in this Act, the term—

(1) "continental United States" means the States of the United States (other than Alaska and Hawaii) and the District of Columbia; and

(2) "presidential general election" means the election for electors of President and Vice President.●

REPEAL VEHICLE LOGGING REQUIREMENTS OF TAX REFORM ACT OF 1984

HON. GLENN ENGLISH

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. ENGLISH. Mr. Speaker, today I am introducing legislation to repeal and lift off the recently implemented passenger vehicle logging requirements which have fallen like axed timber onto American taxpayers.

Section 179 of the Tax Reform Act of 1984 imposes and offensive burden upon thousands and thousands of American taxpayers. In order to verify that a vehicle is not owned primarily for personal use, drivers operating business vehicles must now fill out extensive driving records each time they operate such a vehicle. This is the so-called contemporaneous record keeping requirement. What this boils down to is that the Government is basically requiring certain taxpayers to hand over to the IRS an itemized listing of how an individual spends his day. I am afraid that this law could ultimately itself become a vehicle to drive Government surveillance into American private lives.

I am hearing from taxpayers throughout Oklahoma's Sixth District who adamantly object to these personally offensive restrictions. Not only is the requirement a serious threat to privacy, it also clearly contradicts efforts to simplify tax provisions and efforts to reduce paperwork.

I voted against passage of this measure, and I feel the best solution how is to repeal the measure before further damage is done. Consequently, I am introducing legislation to repeal subsection (b) and amendments thereto of section 179 of the Tax Reform Act of 1984. The text of this repeal legislation follows:

H.R. —

Be it enacted by the Senate and house of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 179 of the Tax Reform Act of 1984 (relating to contemporaneous recordkeeping requirements and other compliance provisions) and the amendments made by such subsection are hereby repealed.

(b) The Internal Revenue Code of 1954 shall be applied as if such subsection (b) (and the amendments made by such subsection) had never been enacted.●

A TRIBUTE TO DETECTIVE RICHARD WELLS

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. MRAZEK. Mr. Speaker, true dedication and valor are qualities that are found in very few people. Long Islanders, however, do not have to look very far to find a man who exemplifies these qualities. Detective Richard Wells of the Nassau County Police Department has dedicated much of his life to protecting our community, and for that we express our gratitude. It is a privilege to bring the accomplishments of Detective Wells to the attention of my colleagues in the U.S. House of Representatives.

Most recently, Detective Wells was honored by his peers in the Nassau County Police Department Detectives' Association as Detective of the Year at a gala "Law Enforcement Night" in Great Neck, NY, on October 26. I was pleased to meet Detective Wells on this occasion and to express my personal thanks to him for his ongoing contributions to protecting the safety of Nassau County residents.

As a uniformed patrolman and a detective, Detective Wells has received countless words of praise from residents of Nassau County whom he has personally helped over the years. In performing his functions as a law enforcement officer, whether it be comforting a victim in distress, recovering stolen property, or solving homicide cases, Detective Wells has consistently exhibited true professionalism, sincerity, and compassion. On several occasions, he has been commended for his work by Samuel J. Rozzi, the Nassau County Police Commissioner, and Denis Dillon, the Nassau County District Attorney.

Perhaps his greatest triumph thus far as a law enforcement officer involved his tireless efforts to solve a murder case which had remained unsolved for 6 years. On the night of March 9, 1975, Ralph Porcelli was murdered in a robbery attempt outside Roosevelt Raceway after cashing in winnings of $1,800. After years of relentless investigating, Detective Wells was able to close the case in 1981 and finally bring those who committed the crime to justice.

In a touching letter to Detective Wells, the family of Ralph Porcelli expressed its gratitude for all he had done on the family's behalf. Mr. Speaker, I would like to take this opportunity to share with my colleagues excerpts of that letter:

Dear Detective Wells: Words will never be sufficient to express the gratitude that we, the family of Ralph D. Porcelli feel for you. . . .

Your compassionate treatment of all of us during the early stages of your investigation is something that we will never forget. . . .

As time dimmed our hopes, your resolution never seemed to waver in spite of what appeared to be an insurmountable passage of years. Please be assured that all the arduous, painstaking, repetitious and selfless work that you have put in will never be considered "routine" by us. . . .

Richie, we all wish you continued success in your career and every happiness in your personal life. The words are not enough, but thank you.

Mr. Speaker, Richie Wells is truly an exemplary law enforcement officer whose efforts on behalf of the people of Nassau County should serve as a fine example to those who have dedicated themselves to serving the public. I ask my colleagues to join me in paying tribute to this very special man.●

INTRODUCTION OF LEGISLATION MAKING PENSION RIGHTS OF RETIREES A MANDATORY TOPIC OF BARGAINING

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. CONTE. Mr. Speaker, on January 3, I introduced legislation which would protect the rights of retirees in collective bargaining agreements. This legislation, which has been introduced in past Congresses, has never advanced beyond the hearing stages.

Mr. Speaker, in 1971, the Supreme Court ruled in Allied Chemical and Alkali Workers of America, Local Union No. 1 against Pittsburgh Plate Glass Company Chemical Division that retirees' benefits are not, under the meaning of section 8 of the National Labor Relations Act, a mandatory subject of bargaining. The Court's decision overturned an earlier decision by the National Labor Relations Board, which held that the benefits of already retired employees were a mandatory subject of bargaining as terms and conditions of employment of the retirees themselves. The NLRB ruled, in general, that an employer's midterm unilateral modification of such benefits constituted an unfair labor practice.

The legislation which I have introduced would adopt the view of the NLRB and thus overturn the Supreme Court's decision. Section 8 of the National Labor Relations Act requires as a mandatory subject of bargaining, terms and conditions of employment. Under the Supreme Court's decision, the rights of retirees—including pension and health benefits, are apparently not included in terms and conditions of employment even though the NLRB held that the benefits of already retired employees vitally affects the terms and conditions of current employment.

H.R. 309 would make bargaining with respect to retirement benefits for retired employees a mandatory subject of bargaining. In addition, it is illegal to make unilateral changes in an area considered to be a mandatory subject of bargaining. Without my legislation, conditions affecting retired employees can be altered unilaterally by labor or management.

I believe that this legislation is necessary to protect the rights of retired employees who, in many cases, helped build the company for which they worked. To that extent, they should be able to share in the future successes of that company. Retired employees often live on fixed incomes in an inflationary economy. The cost of living has risen steadily in recent years and the cost of hospitalization has more than doubled in some parts of the country. Yet pension and hospitalization benefits under collective bargaining agreements have tended to lag behind costs in part because the adjustment of these benefits remains a permissive rather than a mandatory subject of bargaining. Absent legal compulsion, some employers and unions have voluntarily continued their practice of bargaining with regard to retirees' benefits, but others have taken the opportunity to stop serious bargaining in this area as well as to make unilateral changes in retirees' benefits.

Mr. Speaker, in years past, the Education and Labor Committee has held hearings on legislation similar to this. I would urge that this legislation go beyond the hearing stage and to a markup by the full committee. I urge support for this legislation.●

JORDAN'S STANDING IN THE INTERNATIONAL COMMUNITY

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. COELHO. Mr. Speaker, I would like to draw attention to a December 28 Reuters dispatch from Jordan.

According to the news account, the Jordanian Government has approved death sentences for 15 of its citizens. Their crime? Selling their property on the West Bank of Israel to Israelis. Jordanian law forbids the sale of property to Israelis, and the penalty for such high treason, as it's called, is death.

Jordan is supposedly one of the moderate Arab States in the Middle East, but this type of inhumane treatment of its people is, in my view, inexcusable. I can only imagine that it will hurt Jordan's standing in the international community.

JORDAN DOOMS 15 FOR SELLING TO ISRAELIS

AMMAN, JORDAN, December 28 (Reuters).—The Jordanian Government has approved death sentences for 15 people convicted of selling their property on the Israeli-occupied West Bank to Israelis, the official Jordanian press agency reported today.

It said the 15 had been sentenced in absentia by a special court. It did not specify their present whereabouts.

Jordanian law forbids the sale of property in the occupied territories to the Israeli "enemies," with such action considered high treason and punishable by death.

The court voided the sales and ordered the confiscation of the defendants' property, the press agency said. It said the Cabinet approved the sentences on Thursday.

The defendants, including two women, were from the occupied West Bank areas of Tulkarm, Ramallah and Bethlehem, the agency said, although it did not give their nationalities. The West Bank was ruled by Jordan until the Israelis captured it in 1967.●

THE 19TH ANNIVERSARY OF THE SIGNING OF THE CUBAN EXILES' DECLARATION OF FREEDOM

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. FASCELL. Mr. Speaker, 19 years ago, on January 23, 1966, a group of heroic Cuban exiles met together in Key West, FL, to sign a declaration of freedom. This document was a manifestation of their firm commitment to the principles of democracy, individual liberty, and human rights, which had been denied to the Cuban people under the brutal totalitarian rule of Fidel Castro, as well as their desire that free and democratic institutions, which would guarantee these rights, would one day be reestablished in their homeland.

The thirst for freedom and opportunity, which forced these brave people to flee their beloved homeland and make new lives in exile, has motivated the members of the Cuban community to achieve success and prominence in the United States. Their contributions to their adopted country have been considerable, not the least of which has been their unwavering dedication to the democratic principles upon which our country was founded.

As we mark this anniversary, I ask that our colleagues reflect for a

moment upon the idealism and hope that is embodied in this declaration of a courageous people who chose the hardships of exile in order that they might live in freedom.

The text of the declaration of freedom follows:

DECLARATION OF FREEDOM

In the City of Key West, Monroe County, State of Florida, United States of America, we, the Cuban exiles in the United States, in the name of God Almighty, and speaking both for ourselves and the oppressed people in Cuba, the Martyr Island, do say:

That on January 1, 1959, the slavery yoke that came from Europe and was extinguished in Cuba at the end of the 19th century , was resumed.

That those responsible for this high treason to our Fatherland and to our People are just a score of traitors who, usurpating the Government of the Country, have been acting as mercenary agents for the Sino/Soviet imperialism, and have surrendered to that imperialism our Freedom and our Dignity, also betraying the American Hemisphere.

That as a consequence of this high treason, those who are usurpating the Power in Cuba (as they were never elected by the People), are imposing a regime of bloodshed, terror and hate without any respect or consideration to the dignity of the human being or the most elementary human rights.

That in their hunger for power, these traitors, following the pattern of totalitarian regimes, are trying, within Cuba, to separate the Family, which is the cornerstone of actual society, and at the same time, are poisoning the minds of the Cuban children and youth, in their hopes of extending the length of time for this abominable system.

That the rule of the Law has been wiped out in Cuba, and it has been replaced by the evil will of this score of traitors, who are acting under orders from their master, the Sino/Soviet imperialists.

In view of the aforegoing, we declare:

First: That the actual Cuban regime is guilty of high treason to our Fatherland and to the ideas of the Freedom Revolution which was started on October 10, 1868.

Second: That this score of traitors who have committed treason against our Fatherland, in case they survive the downfall of their regime, will have to respond, even with their lives before the Ordinary Courts of Justice of Cuba.

Third: That as the Nobel Cuban People will not ever surrender, because that Nation was not born to be slaves, we, the Cuban People, hereby make the present declaration of freedom.

We hereby swear before God Almighty to fight constantly, until death comes to us to free Cuba from Communism.

The fundamentals of this Revolution for Freedom are.

First: God Almighty, above all things, in Whom we believe as the essence of Life.

Second: The Fatherland, with all of its laws, traditions, customs and history as a spiritual value, only surpassed by the concept of God.

Third: The Family, as the cornerstone of the Human Society.

Fourth: Human Rights, for each and every citizen, regardless of race or creed.

Fifth: The Law, as the foundation for the proper development of the Human Society.

Sixth: Democratic Government, with its three independent branches: Legislative, Executive, and Judicial.

Seventh: Representative Democracy, through the exercise of Universal Suffrage, Periodically, Free and Secretive, as the expression of Popular Sovereignty.

Eighth: Freedom of Worship, Freedom of Teaching, Freedom of the Press and Free Enterprise.

Ninth: Private Property and Ownership, as the basic expression of Liberty.

Tenth: The improvement of living conditions for both rural and city working masses, with the just and necessary measures, keeping in mind the legitimate interests of both Labor and Capital.

Eleventh: the derogation and eradication of anything which is opposed to the political and religious fundamentals aforementioned and specifically, the abolition of Communism and any other form of totalitarian manifestation.

Signed and sealed in Key West, Florida, on the 23d day of January, 1966.●

THE VETERANS' ADMINISTRATION ADJUDICATION PROCEDURE AND JUDICIAL REVIEW ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. LaFALCE. Mr. Speaker, today I am proud to join the gentleman from California, Mr. EDWARDS, and 87 of our colleagues in introducing the Veterans' Administration Adjudication Procedure and Judicial Review Act. This bill will correct one of the most glaring inequities in the laws of the United States, the denial of the right to press legal claims for veterans' benefits in a court of law.

This denial is a serious infringement on the rights of a class of citizens to whom we should owe a special debt of gratitude. Our veterans have served us well, protecting us and our laws, yet they are denied the protections of our laws which the rest of us enjoy. We in Congress are powerfully obligated to restore their right to full legal equality.

The Veterans' Administration Adjudication Procedure and Judicial Review Act will correct the half-century-old inequity by allowing veterans the same right to judicial review of decisions of the VA that other citizens enjoy in appealing the decisions of virtually every other court and administrative agency of the Federal Government. The right of judicial review was codified for all other Americans by the Administrative Procedures Act of 1946, but veterans were unfairly and arbitrarily excluded from the act's protection.

Our bill also corrects another offense against veterans' rights. Under another antiquated and grossly unfair statute, veterans are prohibited by law from obtaining services of legal counsel worth more than $10. This outdated law effectively prevents veterans from independently pressing their lawful claims against the VA. No other group of Americans is systematically deprived of access to legal protection. Veterans surely deserve more from the Government they have so faithfully defended.

The Veterans' Administration is unique among the courts and administrative agencies of our Government in the finality of its decisions. Judicial review and legal counsel might be unnecessary for veterans if the VA, unlike every other court and administrative agency in the land, never erred in its decisions. Unfortunately, the VA sometimes does err. When it errs against itself, though, it has the right to seek legal redress against individual veterans, and to spend any amount of money for legal counsel in pressing its claim. Only when the error favors the VA, and aggrieves the individual veteran, do the rusty shackles of old laws prevent the error's correction in a court of justice.

The small number of citizens against whom these old laws discriminate in no way mitigates the magnitude of their injustice. We must affirm the fundamental values of equal rights and due process, and in fairness restore the protection of basic legal rights to those whose military service has helped to protect the rights of all other Americans.

Mr. Speaker, the Veterans' Administration Adjudication Procedure and Judicial Review Act will affirm our values and restore to veterans their proper rights. For the sake of fairness, I look forward to early consideration and passage of this important bill.●

A TRIBUTE TO THOMAS LEDERER

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. MRAZEK. Mr. Speaker, I rise today to pay tribute to Thomas Lederer, who while still a young man, has become one of the most respected citizens of New York's Third Congressional District. I am proud to call Tom my good friend and to bring his many contributions to our local community, the town of Huntington, to the attention of my colleagues in the U.S. House of Representatives.

A life-long resident of Huntington, Tom has worked tirelessly for many years to help make the town a better place to live for his family, friends, and all of its residents. For this, he deserves our sincere gratitude.

In addition to his full-time position as general manager and corporate vice president of Sportique Motors, Ltd., a local Jaguar-Peugeot dealership, Tom is an accomplished writer. He has served as a reporter for Huntington's

primary local paper, The Long Islander, since 1962, has been its sports editor and has written a host of its major feature articles. Tom is also presently a news correspondent for the New York Times and writes feature stories of particular interest to Long Islanders for the paper's Long Island Weekly section.

An avid and competitive sportsman, Tom has been a long-time volunteer commissioner of Huntington's softball league. In fact, he wrote the league's charter, rules and policies and has worked closely with the town's recreational department to ensure the success of the league and maintain a sense of fair play throughout the softball season. My own experience has confirmed that this is truly one of the most thankless tasks in Huntington.

In 1983, Tom developed the idea of a road race to benefit the Huntington Food Council. During the past 2 years, Tom has served as race director of the annual Sportique-Peugeot Food for Friends Five-Mile Foot Race. The race has been an enormously popular event and more importantly, has raised many needed funds to provide food for Suffolk County's disadvantaged population.

Most recently, Tom organized the Huntington Station Merchant's Association. This civic group was put together in an attempt to improve living and business conditions in the area. The association has already made significant strides toward this goal.

Tom is an active member of the Huntington Chamber of Commerce, the New York State Auto Dealers Association, the Press Club of Long Island as well as the Huntington Station Merchants Association.

Mr. Speaker, too often we overlook the accomplishments of people who simply strive to be citizens in the best sense of the word; men and women who spend hundreds of hours of their time not for personal advancement or gain, but rather for the basic good of their fellow citizens.

Mr. Speaker, I join with the family and friends of Tom Lederer in paying tribute to this outstanding citizen and only hope that his fine example of civic involvement will inspire others in my district and throughout the Nation.●

UKRAINIAN INDEPENDENCE DAY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. BROOMFIELD. Mr. Speaker, January 22, 1985, marks the 66th anniversary of Ukraine's proclamation of independence, and the 65th anniversary of the Proclamation of the Act of Union, whereby all Ukrainian lands were unified in one state. We are all too painfully aware of the brief time Ukrainians knew independence prior to the brutal Soviet annexation of their homeland in 1920. Since that fateful year, the Soviet occupation has unleashed virtual torrent of harsh repression and death. Soviet authorities have persecuted and imprisoned millions of innocent people over this period and during the early 1930's Stalin imposed an artificial famine on Ukraine which took the lives of between 7 and 10 million people.

The Soviet Union today continues to deny basic human rights to Ukrainians and its policy toward this conquered land and its captive people is brutal and relentless. In spite of this, the traditions, culture, and national character of the Ukrainian people live on both in their native land, and in the hearts of Ukrainians everywhere.

The Ukrainian American community is actively involved in maintaining the rich cultural identity of Ukraine and it is important on this occasion to commend it for its worthy efforts. Its clear voice in support of the aspirations of the Ukrainian people serves as a powerful moral booster for the 5 million Ukrainians still living under Soviet occupation.

Let there be no doubt that those of us in the Congress will not allow the continuing struggle of the Ukrainian people to be forgotten. The lengthy nature of the list of sovereign states that have fallen victim to Soviet aggression since 1920 will not in any way diffuse attention given to the plight of Ukraine. The methods and objectives of the Soviet Union have changed little since the invasion of Ukraine in 1920. But, nor has the determination of the Ukrainian people wavered during the time. On the occasion of this anniversary, let everyone be reminded of the injustice which is still visited upon the Ukrainian people, and of the need to continue the vital struggle to achieve a world free of captive nations.●

THE 99TH CONGRESS AND THE CONGRESSIONAL CALL TO CONSCIENCE FOR SOVIET JEWRY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. LEVIN of Michigan. Mr. Speaker, as the 99th Congress assembles to begin the challenge of addressing an unprecedented deficit and an uncertain economy, we, as its Members, will also face issues which concern all of humanity—the rights of fellow human beings around the world. The people of these United States share a special relationship with the peoples of the Earth, and, thereby, bear a special responsibility as well.

We are a Nation of immigrants from every corner of the Earth. We have been enriched by the cultures of the world, and strengthened by the commitment of these individuals to a free and just society. Our society does not easily turn its back to suffering and injustice at home or abroad.

The Congressional Call to Conscience for Soviet Jewry, devotes itself to bearing witness for individuals who are unjustly persecuted by their Government. Soviet Jews live in a state where the Government actively promotes anti-Semitism. Made unwelcome in their own country, many Soviet Jews have no alternative but to choose to leave the land of their birth. It is an outrage that once they have declared their intention to leave, they are then held captive and harassed by that same Soviet Government.

The Congressional Call to Conscience gives us a mechanism by which we, as Members of Congress, can continually bring attention to the plight of individuals trapped in this abusive cycle. We can tell the world their names and their stories. If their own Government will not hear them, the rest of the world will.

Last year, 148 Members of this body joined Congressman LARRY COUGHLIN, Chairman of the Congressional Call to Conscience for Soviet Jewry, in focusing attention on the plight of Soviet Jewry and Soviet refuseniks. Americans and the world have heard some of their names and know a little of their stories. They are individuals who share the same ideals and aspirations which Americans share—the desire to live in peace with their fellow beings, pursuing a better life for their children and contributing to the welfare of society with their God-given talents.

I know that all Americans appreciate the leadership of Congressman COUGHLIN and his predecessor Congressman TIM WIRTH on this issue. Numerous Americans have devoted countless hours to helping Soviet Jewry as well. They should know that we in the Congress also respect and welcome their individual and collective efforts on behalf of Soviet Jewry. The Union of Councils for Soviet Jewry has over the years been an outstanding leader in this regard.

This year, the Members of the 99th Congress have already responded enthusiastically to the effort to keep the issue of Soviet Jewry and the right of emigration from the Soviet Union before the court of world opinion. I would urge all of my colleagues to join the Congressional Call to Conscience for Soviet Jewry so that not a single legislative day may pass without the mention of one of these victims.●

NATIONAL CHILD PASSENGER SAFETY AWARENESS DAY

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. GEJDENSON. Mr. Speaker, over the years significant steps have been taken to expand the use of a product that has been proven to save children's lives, child restraints in motor vehicles. Forty-nine States and the Distict of Columbia have enacted some type of law requiring children to be placed in a safety seat while in a car. Congress has passed laws to provide monetary incentives for States in this regard and to establish a National Child Passenger Safety Awareness Day to increase public awareness regarding the lifesaving value of child restraints. These positive actions have been successful in expanding the use of safety seats and promoting the widely accepted and statistically proven fact that safety restraint devices reduce child fatalities and crippling injuries from motor vehicle accidents.

There is, however, an important area that has not yet been addressed. State laws do not require car rental companies to provide their customers with safety seats and in some States temporary vehicles are exempt from child restraint laws. While some of the larger agencies do furnish a limited number of seats at certain locations, not all companies do, and a driver is not always guaranteed this service. I feel that if virtually every State in the country has recognized the value of establishing child restraint laws, it seems both logical and consistent that these devices should be used in rented cars and thus, readily available from rental agencies.

Mr. Speaker, in an effort to close the gap in present law I am today reintroducing a bill to require motor vehicle rental companies to provide child restraint systems in rented motor vehicles to all travelers who need this service. This measure is important if we are to provide across the board protection for our young people while traveling in automobiles. My bill has been endorsed by Physicians for Automotive Safety, the American Academy of Pediatrics, Independent Insurance Agents, and the Consumer's Union.

As the parent of two small children, I have become increasingly sensitive to the statistics that demonstrate the need to protect my youngsters by using safety seats whenever they travel with me and feel that a rented car should be no exception. The statistics are staggering and point out that automobile accidents are the No. 1 cause of child mortality. For instance, more children under the age of 5 are killed or crippled in automobile accidents than by the seven common childhood diseases; automobile accidents are the major cause of epilepsy; and between the years 1978–82 3,400 children were killed and 250,000 were injured in automobile accidents. The truly tragic fact is that studies show that 90 percent of these injuries and deaths are preventable by the simple and correct use of child safety seats.

The bill I am reintroducing today is consistent with laws already in place that are intended to achieve universal usage of child safety seats in order to protect children—our most precious resource—from unnecessary harm. I urge my colleagues to join with me to in this truly worthwhile and lifesaving effort to further advance the use of child safety seats.●

FREEZE ALL SPENDING—INCLUDING SOCIAL SECURITY COLA'S AND DEFENSE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. PORTER. Mr. Speaker, I recently informed the Republican leadership that I cannot and will not support the position that exempts Social Security cost-of-living increases from consideration as we address the budget deficit. In fact, I'm absolutely amazed that anyone believes that the deficit can be addressed in any meaningful way without freezing cost-of-living increases and defense spending, or even worse, that deficits don't really matter.

The gallons of red ink that drench our books not only pose a grave danger to continued economic growth, but also put a crushing and unfair burden on our children. It is astonishing to realize that a child born in 1985 may have to pay as much as $10,000 in extra taxes, over a lifetime, just to meet the interest payment on this year's Federal budget deficit. If we don't act to control the deficit today, tomorrow it will destroy the opportunity and upward economic mobility that have always been the hallmark and genius of our economic system.

Accordingly, I will support a freeze on all spending programs next year—including defense and all Government cost-of-living adjustments, including Social Security. There is simply no other way to address the huge Federal deficit projected for the next 5 years and beyond.

Fairness dictates that all elements of our society share in the burden of solving this problem. In my discussions with hundreds of Americans, rich and poor, young and old, black and white, I have yet to find one who would not sacrifice if all others would also. If our leadership in Congress and the White House can find the courage to do what is right and necessary, I know the American people will respond as they have always responded in crisis.

I know my position risks retribution by special interests. But we can't continue to serve every special interest at the expense of a strong and dynamic economy that serves us all. The American people understand this. In fact, this was the exact message of the 1984 election: Americans are looking for courage and leadership in their elected officials.

It is time to stop the political gamesmanship and posturing that have dominated Washington for so long and get on with governing the country fairly and for the benefit of the American people as a whole. That includes our children and generations to come, who will bear the burdens or enjoy the benefits of the policies we set now.●

IN TRIBUTE TO FRANK DIAS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. MATSUI. Mr. Speaker, I would like to share with my colleagues a few thoughts about a man whose outstanding career is surpassed only by his sacrificial service to the community. This special American is Frank Dias.

Frank Dias has served with the California Department of Motor Vehicles since 1948. He began as a laborer and was promoted through the ranks to his current position as manager of the central inquiry unit. Because of his exceptional dedication and service on the job, he has received letters of commendation from the FBI, the Department of Justice, and several police departments.

But today I wish to recognize Frank Dias for more than his efforts as manager of the central inquiry unit. I wish to recognize his outstanding dedication to the Sacramento community and to the Portuguese-American community in this area.

Mr. Speaker, through the dedication and efforts of Frank Dias, through his radio program "Portuguese Echoes", and through his ability to convince people of the need to give, he has helped raise more than $150,000 in voluntary contributions for worthwhile charitable causes. These funds have gone to aid earthquake victims in the Azores after the 1973 disaster that left thousands homeless and have been used to feed people who would have otherwise gone hungry. They were used to provide water to a mountain village in the Azores where hundreds of families lived but water remained miles away.

Frank Dias has also used his radio broadcast to find jobs for non-English speaking people and has interceded with authorities to help ill people from the Azores who want to come to the United States for proper medical attention. Frank Dias is truly a special ambassador for the United States.

Mr. Speaker, Frank Dias' retirement this December will be a loss to the California Department of Motor Vehicles. But I am sure he will continue to take on, as he has done in the past, the fight for the needy. The Sacramento community and our Nation can only benefit from outstanding citizens like Frank Dias.●

OMNIBUS BUDGET RECONCILIATION ACT TO BE REVITALIZED AND EXTENDED

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mrs. SCHROEDER. Mr. Speaker, today I am introducing a bill to revitalize and extend the authority for agency Inspectors General and the President to pay cash awards to employees whose disclosures of fraud, waste, or mismanagement result in cost savings to the Government.

Last year, both Houses passed H.R. 5646, a bill very similar to the one I am introducing today. H.R. 5646 failed to become law because objection was heard to a unanimous consent request in the House of Representatives to accepting the Senate amendment in the final moments of the 98th Congress.

The bill I introduce today does not contain the Senate amendment which was found objectionable.

The cash awards program was established by section 1703 of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) and authorized for a 3-year test period which expired on September 30, 1984. This new legislation extends until September 30, 1988, the cash awards program so as to provide needed time to more fully assess its value and effectiveness. The bill requires the General Accounting Office [GAO] to issue a report prior to March 16, 1987, containing recommendations on whether the awards program should be continued. In addition, the bill responds to a request of the Department of Defense that the Inspector General of DOD be permitted the authority to grant cash awards to members of the military services who make cost savings disclosures. Last fall, the Committee on Armed Services, the Department of Defense, and the Committee on Post Office and Civil Service worked together to develop an amendment to title 10, United States Code, which establishes the program for the military while protecting the chain of command.

The administration has said that it supports a 3-year extension of the cost savings awards program. I hope Congress will move quickly to adopt this important legislation.●

RED BARBER—"THE VOICE OF THE DODGERS"

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. SOLARZ. Mr. Speaker, Today I want to honor a man who, for millions of Americans, will always be remembered as "The Voice of the Dodgers." That man is Red Barber. As one who represents a district in Brooklyn, I can say that from 1939 to 1954, Red Barber was for us, "The Voice of Brooklyn."

Red Barber has been on the air for 54 of radio's 60 year history. His professional career began in 1934 as an announcer for the Cincinnati Reds. After 5 years with the Reds, Mr. Barber moved to New York, where he broadcast Brooklyn Dodger games for the next 15 seasons.

During this time Barber acquainted the locals with such homey expressions as "sitting in the catbird seat." And anyone who remembers the "ol' Redhead" can't forget that when Barber says the bases are F.O.B. that meant the bases were "full of Brooklyns". Mr. Barber was a poet in the broadcasting booth. He put "rhubarb" into the baseball vocabulary, and had teams and players tearing up the "peapatch." He could make a 10-to-1 game interesting with his little insights and his little truisms about the players.

My constituents are extremely proud of this man, about whom one of the worst things ever said was that Red Barber was too fair! This fairness was tested in 1947, when Branch Rickey broke the color line in baseball and in American sports, by hiring Jackie Robinson. Barber says he was determined to report what he saw. Robinson would do the rest. Jackie Robinson was obviously satisfied with Barber's ability to report fairly. On June 30, 1984, the American Sportscasters Association voted Red Barber into the Hall of Fame. Rachel Robinson, Jackie Robinson's widow, accepted Barber's award.

In his years as a sportscaster Barber covered 13 World Series, 4 All-Star baseball games, 1 Sugar Bowl, and 5 NFL championship football classics. His career included a number of firsts. He broadcast the first night game in baseball history. Later he worked baseball's first televised game and covered games at Ebbets field during the 1940's and early 1950's when the Dodgers were first carving out a special place in the hearts and minds of baseball fans everywhere. Such a career leaves a man in demand!

Today, Mr. Barber makes his home in Tallahassee, FL—though we in Brooklyn, still count him as one of our own. He is currently working on his seventh book. And he has returned to his origins, performing on radio before a third generation of listeners. Mr. Barber says of his present radio program, "We're turning the clock back to the early days of radio, with its immediacy, spontaneity and excitement." It would be true excitement if we could hear a few seconds of his call to Cookie Lavegetto breaking up Bill Beven's no-hitter in the 1947 World Series: "Well, I'll be a suck-egg mule," but even without it, Red Barber is still in the "catbird seat."●

OUTSTANDING WORKING WOMEN

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mrs. KENNELLY. Mr. Speaker, I would like to call the attention of my colleagues to 10 special women who have been recognized by Glamour magazine as the "Outstanding Young Working Women of 1985." These 10 extraordinary young women provide excellent examples of the great strides women have made in entering a wide range of career fields.

I am most pleased to note that a woman from my own congressional district was chosen by Glamour magazine as one of these outstanding working women. Evelyn Horn of Hartford, CT, is the only woman in New England who directs a correctional facility for men that has over 500 inmates. As warden of the Hartford Correctional Center, Evelyn oversees a $5 million budget, supervises over 150 employees and evaluates the prison's custodial and rehabilitative programs. In addition to her professional responsibilities, Evelyn serves on the board of a local women-in-crisis center and actively promotes community participation in prison programs.

I would also like to share with you the names, careers, and residences of the other nine women recognized by Glamour for their achievements:

Judith Berger, President of MD Resources, Inc., Miami, Florida;

Maria Correa-Freire, Research Assistant Professor, Department of Biochemistry, University of Tennessee, Knoxville, Tennessee, currently a Congressional Science Fellow in Congressman Norman Mineta's office;

Marie Farrell-Donaldson, Auditor General, City of Detroit, Detroit, Michigan;

Donna Jean Hrinak, Chief of Political Section, United States Consulate General, Sao Paulo, Brazil;

Michelle Hughes Koehler, Airborne Military Intelligence Officer, United States Army, Fort Bragg, North Carolina;

Denise Marcil, President of Denise Marcil Literary Agency, Inc., New York City, New York;

Cynthia Pharr, President of Pharr Fox Communications, Dallas, Texas;

Lisa Ann Rogers, Advertising Manager, Vail Associates, Inc., Vail, Colorado; and

Merrie Spaeth, Special Assistant to the President, The White House, Washington, D.C.●

PAPERWORK REDUCTION ACT OF 1985

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. ROTH. Mr. Speaker, yesterday I introduced legislation to eliminate a new paperwork requirement that was imposed pursuant to the Tax Reform Act of 1984.

One provision of the 1984 act attempts to restrict tax avoidance that is based upon the deduction of vehicle expenses when such expenses are not truly related to business use. This new provision requires taxpayers to keep adequate contemporaneous records in order to receive routine business deductions. My bill would repeal that provision. While we all want to ensure that everyone pays their fair share of taxes, the provision is neither realistic nor workable.

The Internal Revenue Service recently proposed regulations to enforce this recordkeeping requirement. The IRS would require the taxpayer keep excessively detailed vehicle logs in order to receive formerly routine deductions. All of this information must be recorded at or near the time the property was used.

In an attempt to reduce the deficit, Congress has sought various ways to enforce stricter compliance with tax laws. The law, however, can go too far. The requirement for compliance can become too burdensome and, eventually, counterproductive. I believe Congress unwittingly created such a burden last year, and we should, therefore, undo the potential damage caused by the IRS.

My bill simply repeals section 179(b) of the Tax Reform Act of 1984. The law would revert back to what it was before the enactment of last year's tax bill.

Enactment of the legislation would not relieve taxpayers of reasonable recordkeeping responsibilities. Repeal of this particular section means that taxpayers would be required to maintain adequate records or sufficient corroborating evidence to document claimed deductions, just as they did before.

I do not want to perpetuate a tax loophole or promote tax evasion. I simply want to protect taxpayers from an unreasonable requirement to keep excruciatingly detailed logs of mileage, times, dates, and purpose of travel.

It is unfair to burden with unnecessary paperwork businessmen and farmers and other taxpayers who routinely use vehicles for business purposes. It is unfair to turn productive businesspeople into unproductive bookkeepers for the IRS. It is unfair for them to spend even more time coping with Government redtape. Companies that faithfully follow these regulations have no time to do anything else. This country cannot afford these types of senseless regulations.

I do not believe Congress intended to create an unreasonable paperwork burden on those who use vehicles for farming and business purposes. I believe that rather than go back and clarify our intent so there is no chance the IRS will misunderstand it, we would be better off restoring the previous law.●

LIMIT RETROACTIVE TAX RULINGS

HON. ED ZSCHAU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. ZSCHAU. Mr. Speaker, today I am introducing H.R. 625, a bill to protect taxpayers against the Internal Revenue Service applying retroactively administrative and judicial rulings that would have an unfavorable impact. This is the same bill that I introduced in the 98th Congress.

Our legal system has traditionally determined the legality of an action based on the laws that are in effect at the time of the particular action. In contrast, the IRS has enforced its rulings retroactively. Even when a taxpayer files a tax return that is accurate and conforms exactly to the existing instructions, the IRS has applied subsequent regulations reflecting later court decisions or a change in an administrative ruling that requires taxpayers to pay additional taxes. This has happened even in those cases when the taxpayer has received written advice from the IRS confirming the accuracy of the original tax treatment.

I believe such actions are wrong and unfair. But that's what can happen as the tax law stands today. For example, two of my constituents took a deduction for certain educational expenses in 1977. The form 1040 instructions at the time stated clearly that the particular deduction was allowed. Then, in 1980, new IRS regulations were written which reversed that instruction. When my constituents were audited in 1981, the IRS recomputed their 1977 taxes using the new instruction and demanded several thousand dollars in additional taxes. Since I introduced the bill in the 98th Congress, similar examples have come to my attention.

Mr. Speaker, H.R. 625, would modify section 7806 of the Internal Revenue Code of 1954 that covers the retroactive application of tax law. This change would prevent the IRS from applying to the detriment of a taxpayer any administrative or judicial interpretation of a provision in the tax law or regulations made subsequent to the time that the taxpayer had relied on that provision to compute his or her taxes. My bill would not modify the authority of the IRS to dispute returns that relied on tax instructions in an unreasonable manner, nor would it eliminate the authority to apply tax law changes in a retroactive manner. I do not believe that the complete elimination of such authority is warranted or desirable. For instance, there may be cases when taxpayers can recover overpayments of taxes through retroactive remedies.

Mr. Speaker, I hope that my colleagues will join me in supporting H.R. 625. At a time when we are seeking ways to reform the Tax Code, we should also look for ways to make its implementation fairer. H.R. 625 would do so.

The text of my bill follows:

H.R. 625

A bill to amend the Internal Revenue Code of 1954 to allow taxpayers to disregard certain retroactive administrative and judicial interpretations of such Code

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN RETROACTIVE ADMINISTRATIVE AND JUDICIAL INTERPRETATIONS OF 1954 CODE MAY BE DISREGARDED.

(a) IN GENERAL.—Section 7806 of the Internal Revenue Code of 1954 (relating to construction of title) is amended by redesignating subsections (a) and (b) as subsections (b) and (c), respectively, and by inserting before subsection (b) (as so redesignated) the following new subsection:

"(a) CERTAIN RETROACTIVE INTERPRETATIONS MAY BE DISREGARDED.—

"(1) IN GENERAL.—For purposes of this title, if—

"(A) the taxpayer's treatment of any tax item has a reasonable basis in law as of the date such item is properly taken into account under the method of accounting used by taxpayer for purposes of this title, and

"(B) the taxpayer filed a return or other wise relied on such reasonable basis with respect to such item,

the taxpayer may disregard any administrative or judicial interpretation announced after such date.

"(2) SPECIAL RULES.—

"(A) ACTS OF CONGRESS.—Nothing in paragraph (1) shall be construed to apply to any judicial or administrative interpretation carrying out any Act of Congress which applies retroactively to such date.

"(B) ADMINISTRATIVE AND JUDICIAL INTERPRETATIONS.—For purposes of paragraph (1)—

"(i) any published position of the Internal Revenue Service shall be treated as an administrative interpretation, and

"(ii) a judicial interpretation may be disregarded whether or not the taxpayer is a party in the case decided.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) PUBLISHED POSITION.—

"(i) IN GENERAL.—The term 'published position' means—

"(I) any regulation or ruling of the Internal Revenue Service,

"(II) any instruction for filing a return, or other publication, of the Internal Revenue Service, and

"(III) any other document of the Internal Revenue Service which can be acquired under section 552 of title 5, United States Code.

"(ii) EXCEPTIONS.—Such term does not include—

"(I) any position which is in proposed form, and

"(II) any written determination which may not be used or cited as precedent under section 6110(j)(3).

"(B) TAX ITEM.—The term 'tax item' means any item which is required to be, or may be, taken into account in determining any liability for tax under this title."

"(b) EFFECTIVE DATE.—The amendments made by this section shall apply to administrative and judicial interpretations announced after the date of the enactment of this Act.●

H.R. 50 "PORT DEVELOPMENT ACT OF 1985"

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Ms. MIKULSKI. Mr. Speaker, on the opening day of this 99th session of Congress, I introduced H.R. 50, the Port Development Act of 1985. This bill is being cosponsored by every Member of the Maryland delegation. We introduced it early because we feel we've waited 15 years for the money to dredge our harbor and we didn't want to wait another day in our efforts to finally get this project approved. The Port Development Act of 1985 provides a uniform basis for future sharing between the Federal Government and deep-draft commercial ports of the costs of constructing and maintaining port projects and providing necessary port-related services.

In 1970, Congress authorized a 50-foot channel for the Port of Baltimore. Fifteen years later, our port and our citizens are still waiting for the first bucket of deep dredging. We must act, and we must act now. This bill will bring Baltimore closer to that day when we can compete in imports and exports.

Baltimore is one example of the national need for this legislation. The national interest requires the promotion, operation, maintenance, and development of a viable and competitive domestic marine transportation system. The recent technological improvements in vessel construction and cargo handling—with the objective of increasing productivity, efficiency, energy conservation, and marine transportation—are reflected in the use of larger, deeper draft vessels. It, therefore, is necessary for increased capital investments and operating expenditures by the Federal Government and commercial ports for navigation improvements, the expansion of port facilities, and the extension of necessary port-related services.

The time has come for Congress to act to save the ports of this Nation. If we are to remain competitive in the world market, we must act now. The Port of Baltimore knows all too well the price of congressional inaction. The Port Development Act 1985 addresses the real need for port development. I encourage my colleagues to join me in this effort.●

MILITARY APPRECIATION DAY

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. BADHAM. Mr. Speaker, all across this land citizens of the United States of America appreciate the sacrifices of those among us who serve their country in time of war and peace. With this in mind, I would like to call the attention of this honorable body to an event in the 40th Congressional District on February 9, 1985.

This special occasion is known as Military Appreciation Day, and the citizens of my district in Orange County, CA, have banded together to honor a number of outstanding young men and women who have served their country well in peacetime and several others who have received the Nation's highest honor for wartime service, the Congressional Medal of Honor.

Honored at this event will be the Sailor of the Year, Marine of the Year, Coast Guardsman of the Year, and Airman of the Year. At least four recipients of the Medal of Honor will be present for recognition of their selfless service in wartime.

The Newport Harbor Post No. 291 of the American Legion is responsible for this superb civic effort for our veterans and men and women in uniform. Elected public officials throughout Orange County are joining me in this salute to our men and women, plus top-rank commanders of military units which are based in the area in and around the 40th District.

As a member of the House Armed Services Committee, who has spent countless hours visiting military installations at home and around the world, talking to our people in uniform, I have the utmost respect and admiration for those who have chosen to serve their country in our Nation's armed services.

I salute Newport Beach American Legion Post No. 291 for its efforts in bringing our Nation's service men and women and our past heros together on February 9.●

LONG BEACH CITY COUNCILMAN JAMES H. WILSON

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. ANDERSON. Mr. Speaker, the U.S. Congress is only one of many elected bodies in this country that is beginning a new legislative year this month, and I would like to pay a tribute to a member of one of those other legislative bodies, Long Beach City Councilman James H. Wilson. He will be 57 years old on January 30 and is beginning his 15th year of continuous service to the citizens of Long Beach, including two terms in the demanding position of vice mayor.

Jim Wilson was first elected to the city council in 1970 to serve the remaining 2 years of a retiring councilman's term, and was reelected in 1972 to a full 4-year term. He was subsequently reelected to the council in 1976 and in 1980, and served with such distinction that, in this last election, he received an overwhelming mandate to continue representing the residents of the sixth councilmanic district for another 4 years.

Jim is an exceptionally capable spokesman for the people of Long Beach, and it is always a pleasure to see him in Washington. Whether it be an airport noise problem, more Federal funding for low-income housing, medical needs of the elderly, or any other issue involving the legislative and executive branches of the Federal Government, his is always well prepared, forceful in his presentation, and makes his points clearly and concisely.

Councilman Wilson has been a resident of Long Beach for 40 years and has been one of our community's most active citizens in both local and national organizations. He is actively involved in both the League of California Cities and the National League of Cities, and is a past president of the Southern California Association of Governments and of the National Association of Regional Councils. On the local level, he has served on the board of directors for the Boy Scouts, United Way, NAACP, and St. Mary's Hospital. He is currently a member of the faculty of the black studies department at

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California State University at Long Beach.

My wife Lee joins me in wishing him a very happy birthday, and all the best in the years ahead to him, his wife Audry, their children Cynthia and Ronnie, and their four grandchildren.●

EXEMPT AGRICULTURAL VEHICLES FROM DEFICIT REDUCTION ACT OF 1984

HON. WEBB FRANKLIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. FRANKLIN. Mr. Speaker, today, I am introducing legislation that would exempt agricultural vehicles from the burdensome and unnecessary paperwork that the Deficit Reduction Act of 1984 now requires. While I applaud reasonable legislative efforts that are made to reduce the deficit and close certain unfair loopholes that now exist in our tax laws, I certainly do not believe that the present record keeping requirements for our farmers is the answers. This IRS regulation was printed in the October 24, 1984, Federal Register.

For example, one of the provisions in the regulation requires each user of a farm vehicle, such as a pick-up truck, to keep an excessively detailed log, or other similar record for each use of that vehicle. Farmers need less paperwork not more, their main interests should be focused on crop production not on needless and detailed record-keeping and filing.

I understand that Senator JAMES ABDNOR has recently introduced legislation similar to mine, and I support his efforts to eliminate this unnecessary regulatory requirement that has been imposed on our farmers.

I believe in proper accounting for farm business purposes but this new regulation is inefficient, time consuming, and burdensome to those hard working men and women on our Nation's farms. Therefore, I am introducing this bill which will exempt any vehicle primarily used for farming purposes from this new IRS regulation.●

MULE APPRECIATION DAY

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. COOPER. Mr. Speaker, on October 26, the American mule will be 200 years old.

That's right. George Washington, the Father of our Country, started the whole thing himself when he received two full-blooded jacks from King Charles III of Spain. The mules bred by George began a long tradition of service to our Nation in both peacetime and war. Mules have served us in agriculture, mining, transportation, and other endeavors.

Since mules have been such an important part in the building of this country of ours, we shouldn't let this historic bicentennial go by. I am introducing a resolution designating October 26, 1985, as "Mule Appreciation Day." Please join in recognizing the contributions of these strong and sturdy denizens of our land by cosponsoring this resolution.●

REPEAL OF CONTEMPORANEOUS RECORDS PROVISION OF 1984 TAX LAW

HON. W.G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. HEFNER. Mr. Speaker, numerous provisions of the 1984 Deficit Reduction Act were not considered in the House when tax legislation was debated but were added by the Senate and adopted later by the conference. In a bill so voluminous as this, it is not surprising that onerous requirements slipped through without adequate consideration on the part of Members as to their impact.

One provision which is causing a great deal of concern in my district, and I am sure elsewhere across the Nation, is the requirement for on-the-spot records to be kept on the use of mixed-use property such as vehicles. While I have no specific quarrel with the requirement that business use of automobiles, and so forth, constitute 50 percent or more for business purposes in order to be eligible for the investment tax credit and the accelerated cost recovery tax deductions, I do not believe that Congress intended the extremely burdensome paperwork requirements imposed by the section of the new tax law which mandates contemporaneous record keeping.

Our aim should be to simplify the Tax Code and to make compliance less costly for small businesses and farmers. Yet this provision places the greatest burden on this group and will require many of them to add new personnel to keep these records. Farmers who employ unskilled labor will be particularly burdened. Many of these employees drive pickup trucks associated with the farming operations; yet many of them are not able to keep the required records adequately. Many business operations make it absolutely essential for their service personnel to be on call and thus these employees must have access to the company vehicles at all times.

Mr. Speaker, I believe it is imperative that we repeal this section of last year's tax bill immediately, and I am introducing legislation that will return the Tax Code to its original status with respect to the mixed business and personal use of business-owned property. I urge the House Ways and Means Committee to give this matter prompt and favorable attention.●

CONGRESSIONAL CALL TO CONSCIENCE

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. WORTLEY. Mr. Speaker, once again it is time to participate in the congressional call to conscience on behalf of our Jewish brothers and sisters in the Soviet Union. It is a time for solidarity. A time to let Soviet Jews know that we have not forgotten.

Since the late 1970's, there has been a virtual cutoff of Soviet Jewish emigration. At the same time, there has been an enormous increase in anti-Semitic propaganda. Jewish cultural, educational, and employment opportunities have lessened. Soviet authorities interfere with the free flow of mail. If the Soviets refuse to abide by the precepts on human rights laid down in the Helsinki accords for their Jewish citizens, they will refuse to honor the basic human rights of their other citizens.

The U.S. Congress has the same message for those struggling for human rights everywhere but particularly for those struggling within the Soviet Union, you are not forgotten and you will not be forgotten.

For the past several years, cynics have said that congressional pressure on the Soviets to improve their human rights record is meaningless. I disagree.

Members of Congress, acting on behalf of the American people, must not let the Soviets' human rights violations to go unnoticed. We have an obligation to call the world's attention to Soviet violations of international agreements it purports to subscribe.

As Federal legislators our voices will be heard. We can call attention to the real heroes in the Soviet Union, the refuseniks and prisoners of conscience who have paid such a great price for what we in the United States take for granted.

The names of Shcharansky, Nudel, Slepak, and Lerner will be remembered for good, long after those of their oppressors have passed into oblivion; 40 years ago, Franklin Roosevelt said:

> We have learned that we cannot live alone, at peace; that our own well-being is dependent on the well-being of other nations, far away. We have learned that we must live as men, and not as ostriches, nor

as dogs in the manger. We have learned to be citizens of the world, members of the human community.

We have learned that lesson well. When the Soviet Union learns that lesson, human rights will be assured.●

CABRILLO CIVIC CLUBS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. COELHO. Mr. Speaker, I would like to take this opportunity to recognize the 50th anniversary of the Cabrillo Civic Clubs of California and the contributions which the club has made to communities throughout the State.

The Cabrillo Club is an important club to Portuguese-Americans. Not only does it enable the Portuguese-American to understand his heritage and be proud of it, but it also encourages the Portuguese-American to become actively involved in his community and local organizations. The club as a whole has been responsible for donating many hours of service to local hospitals and community programs as well as raising hundreds of thousands of dollars for the Cancer Society, Heart Fund, Polio Foundation, and many other worthy causes.

One of the objectives of the Cabrillo Club had been to promote better education among the youth by establishing a college scholarship fund. Students of Portuguese descent with outstanding academic qualifications and who otherwise cannot afford to attend college are awarded scholarships.

The Cabrillo Club has served to be an important organization for Portuguese-Americans. Not only has it provided a link to their past, but it has encouraged them to be an active part of the future. I would like to congratulate the membership of the Cabrillo Club for 50 years of outstanding service.●

TRIBUTE TO LYLE HALL

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. BERMAN. Mr. Speaker, I rise to pay tribute to a close friend and a valuable member of our community, Mr. Lyle Hall. From his appointment to the Los Angeles City Fire Department in 1962 to the present, he has distinguished himself by his consummate professionalism and his dedication to duty.

In 1971 he was elected to the United Firefighters Negotiating Team where he established the first memorandum of understanding between the city of Los Angeles and the UFLAC. In 1973 he was again appointed to the negotiating team. In 1974 he was elected to the UFLAC executive board. In 1976 he was appointed State representative for the International Association of Firefighters.

Aside from his dedication to his profession and his professional association, his career has been marked by instances of exceptional bravery. He has been awarded both the Fire Department Medal of Valor and the California State Firemen's Association Award of Valor.

It is our loss that he has chosen not to run for reelection this year, but we take heart in knowing that his counsel, his wisdom, and his experience is always available to his friends and colleagues in Los Angeles.●

TRIBUTE TO VAN DER AA BUS LINES, INC.

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. RUSSO. Mr. Speaker, I would like to take a moment to commend a company in my congressional district that is celebrating 60 years in the school transportation business on January 19 this year. Their success demonstrates what is possible in our country with hard work and good service.

Van Der Aa Bus Lines, Inc., was started in 1925 by Mike Van Der Aa with one school bus; expanded to a three-bus operation by 1940 and a seven-bus operation by 1950. In 1960, the company had grown to a 15-bus operation serving 12 schools. The company made its first acquisition of another bus company in 1962 with the purchase of DuPage Motor Coach, Inc., and has since acquired six additional companies. John G. Van Der Aa became a partner in the business in 1962 and his brother, Terry, in 1973. John and Terry purchased the entire bus operation in 1973, and at this time Mike and Kate Van Der Aa retired.

The orginal Van Der Aa Bros. school coach business has expanded from a family-operated, one-bus company in 1925 to a multicompany organization with 1,000 buses and over 1,100 employees. I know my colleagues join with me in commending this fine company on the occasion of their 60th anniversary.●

MAJ. GEN. CARL D. WALLACE, 10 YEARS AS ADJUTANT GENERAL

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. BONER of Tennessee. Mr. Speaker, the great State of Tennessee is proud to acknowledge the making of Volunteer State history. Maj. Gen. Carl D. Wallace, State adjutant general of the Tennessee National Guard, has served in that capacity for the last 10 years, longer than any other adjutant general.

He celebrated that honor on Wednesday, January 16, 1985.

Born in Stewart County, TN, Carl D. Wallace attended Austin Peay University and the University of Tennessee. He was on active duty in the Armed Forces from 1950 to 1954 and served in Korea with the 45th Infantry Division. He began his National Guard service in 1955, commanded several units and was the Guard's Command Information Officer before his appointment as adjutant general in 1975. He was appointed again by Gov. Lamar Alexander in 1979 and 1983.

A career journalist, Major General Wallace is on military leave as editor of the Lebanon Democrat in Lebanon, TN.

He leads more than 18,000 full-time and volunteer citizen-soldiers and oversees a budget of more than $200 million as he administers the Air Guard, Army Guard, Bureau of War Records, and the Tennessee Emergency Management Agency.

Known for his outgoing personality and award winning smile, General Wallace is recognized statewide for the outstanding job and leadership in keeping Tennessee's first line of reserve fit and able and ready to respond at a moment's notice.

His abilities aren't just known within the State's boundaries. Major General Wallace has also received the Legion of Merit Award, one of the highest that can be presented during peacetime.

It was presented by Lt. Gen. Charles P. Graham, commander of the 2d U.S. Army.

The people of the Fifth Congressional District of Tennessee applaud General Wallace for his service and dedication and wish him only the best in the years to come.●

JOHN F. HENNING, CALIFORNIA LABOR LEADER, HONORED

HON. MERVYN DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. DYMALLY. Mr. Speaker, it is my honor to call to the attention of my colleagues in the U.S. House of Representatives, a man who through many long years of dedicated service to laborers in California has earned their enduring respect, admiration and love. That man is John F. Henning. Before some members of this great body were born, John Henning was already at work bringing fair treatment

and decent pay to the laborers of California. Way back in 1949, John became research director of the California State Federation of Labor, AFL-CIO. At the same time he served as administration assistant to Neil Haggerty, then secretary-treasurer of the California AFL-CIO.

Those first 10 years he spent in organized labor were anything but unnoticed. His work earned him such regard that he was appointed director of the California State Department of Industrial Relations in 1959—a post in which he distinguished himself. His expertise was so highly regarded in fact that in 1962 he was asked to assume the coveted post of U.S. Under Secretary of Labor. For 6 years he served with honor in that position.

He worked so well with disparate groups and was so adept at reconciling differences that his natural diplomatic tendencies became obvious to President Johnson who made his Ambassador to New Zealand. Clearly, though, John Henning's first love was and is the American worker. In 1970 John surrendered his ambassadorship to become executive secretary-treasurer of the California Labor Federation, AFL-CIO. California and California workers have been the better for John's decision to return to their service. For 15 years now John Henning's name has been synonymous with organized labor. As the executive officer of a labor organization boasting almost 2 million of California's workers as members, it is an understatement to say that John has played a key role in seeing that California laborers receive their fair share of the wealth of a State which would be the 10th most prosperous nation in the world were it to exist independently of the United States.

John represents the best America has to offer. He has given of himself in every way imaginable: As an advocate for laborers, as a civil servant and as an official representative of our Nation. But I would like to emphasize to my colleagues that John has not been content with the activities of what might be called his working life. He has sought to lend his talents to the shaping of young minds by serving in his spare time in some very important leadership roles in higher education. Most prominently, perhaps, he has been a member of the board of regents of the University of California—which I regard as the premiere public institution of higher education in the United States—since 1977. He has also had a long and warm relationship with his own alma mater, St. Mary's College in Moraga, CA. He has served as president of that institution's alumni association and has been a member of its board of trustees. A grateful St. Mary's recognized his contributions to the institution with an honorary doctor of laws degree, one of several he has received. As if that were not enough, he has also served as a member of the board of regents of Lone Mountain College in San Francisco.

At the end of this month John Henning's life of spectacular achievement is to be honored by those to whom he has given so much. This year, the Third Annual California Laborer's Salute Dinner will be a tribute to John F. Henning. I consider it a high honor to join the AFL-CIO in their tribute to one of this Nation's outstanding citizens. John, thank God you were born a Californian.●

HOUSE OF REPRESENTATIVES—*Thursday, January 24, 1985*

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. NATCHER].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 23, 1985.

I hereby designate the Honorable WILLIAM H. NATCHER to act as Speaker pro tempore on Thursday, January 24, 1985.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

Rev. Charles Mallon, permanent deacon, Holy Family Church, Mitchellville, MD, offered the following prayer:

Father, predispose our hearts and minds to the urgent needs of the Nation. Help us to order our priorities to meet these urgent needs. Allow the heartfelt prayers of the Nation, offered to You on our behalf, to find in us a responsive force eager to do Your will.

We acknowledge that all authority comes from You. And express our gratitude for the shared participation You have extended to us. Grant that You will find us worthy servants now and forever.

We ask this through Christ our Lord. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 1. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the State of the Union.

ADJOURNMENT TO MONDAY, JANUARY 28, 1985

Mr. MAVROULES. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

NOTICE

To Members of Congress and congressional offices:

Beginning with the 99th Congress, the biweekly, greenbound edition of the Congressional Record will no longer be published.

A newly-installed automated binding system at the Government Printing Office now provides a daily edition of the Record with an adhesive cover. This product not only has a longer shelf life, but also has identifying information printed on its spine for easier reference use. The biweekly, greenbound edition of the Record provides no additional information or other features that cannot be found in the daily edition. As such, its publication is now a needless duplication of effort. Elimination of the biweekly edition will save the Congress approximately $250,000 in annual production and distribution costs.

Members who maintain the Congressional Record for office reference are advised to save copies of the daily edition.

Later in the 99th Congress, two alternative formats of the Record will be offered to congressional users: (1) an on-line electronic version, along with the Congressional Record Index, offered through regular congressional computer services; and (2) a microfiche version of the daily edition, available from the Government Printing Office.

By order of the Joint Committee on Printing.

FRANK ANNUNZIO, *Chairman.*

ANNOUNCEMENT OF APPOINTMENT AS MEMBERS OF FUNERAL COMMITTEE OF THE LATE HONORABLE GILLIS W. LONG

The SPEAKER pro tempore. The Chair desires to announce that on Wednesday, January 23, 1985, pursuant to House Resolution 29 and the order of the House of January 22, 1985, the Speaker appointed as members of the funeral committee of the late Gillis W. Long the following Members of the House:

Mr. BREAUX of Louisiana;
Mr. O'NEILL of Massachusetts;
Mr. WRIGHT of Texas;
Mr. FOLEY of Washington;
Mrs. BOGGS of Louisiana;
Mr. MOORE of Louisiana;
Mr. HUCKABY of Louisiana;
Mr. LIVINGSTON of Louisiana;
Mr. TAUZIN of Louisiana;
Mr. ROEMER of Louisiana;
Mr. BROOKS of Texas;
Mr. PEPPER of Florida;
Mr. ROYBAL of California;
Mr. PICKLE of Texas;
Mr. DE LA GARZA of Texas;
Mr. BEVILL of Alabama;
Mr. ALEXANDER of Arkansas;
Mr. OBEY of Wisconsin;
Mr. MITCHELL of Maryland;
Mr. RANGEL of New York;
Mr. MOAKLEY of Massachusetts;
Mr. STARK of California;
Mr. BEDELL of Iowa;
Mr. DERRICK of South Carolina;
Mr. HEFNER of North Carolina;
Mr. MINETA of California;
Mr. WIRTH of Colorado;
Mr. LUNDINE of New York;
Mr. BONIOR of Michigan;
Mr. DICKS of Washington;
Mr. FLIPPO of Alabama;
Mr. GEPHARDT of Missouri;
Mr. GLICKMAN of Kansas;
Ms. OAKAR of Ohio;
Mr. WALGREN of Pennsylvania;
Mr. WATKINS of Oklahoma;
Mr. WEISS of New York;
Mr. COELHO of California;
Mr. FROST of Texas;
Mr. GRAY of Pennsylvania;
Mr. HALL of Ohio;
Mr. LOWRY of Washington;
Mr. SABO of Minnesota;
Mr. FRANK of Massachusetts;
Mr. HERTEL of Michigan;
Mr. SCHUMER of New York;
Mr. HOYER of Maryland;
Mr. CARR of Michigan;
Mr. ANDREWS of Texas;
Mr. DURBIN of Illinois;
Mr. LEVIN of Michigan;
Mr. LEVINE of California;
Mr. MACKAY of Florida;
Mr. MOLLOHAN of West Virginia;
Mr. ROWLAND of Georgia;
Mr. SISISKY of Virginia;
Mr. SLATTERY of Kansas;
Mr. SMITH of Florida;
Mr. WHEAT of Missouri;
Mrs. BURTON of California;
Mr. GRAY of Illinois; and
Mr. FAUNTROY of the District of Columbia.

APPOINTMENT AS MEMBERS OF BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The SPEAKER pro tempore. Pursuant to the provisions of 20 U.S.C. 42 and 43, the Chair, without objection, appoints as members of the Board of Regents of the Smithsonian Institution the following Members on the part of the House:

Mr. MINETA of California;
Mr. BOLAND of Massachusetts; and
Mr. CONTE of Massachusetts.

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
January 23, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 4:00 p.m. on Wednesday, January 23, 1985 and said to contain a message from the President wherein he transmits the first annual report of the National Endowment for Democracy.

With kind regards, I am,
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

FIRST ANNUAL REPORT OF NATIONAL ENDOWMENT FOR DEMOCRACY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs:

(For message, see proceedings of the Senate of today, January 24, 1985.)

CIVIL RIGHTS RESTORATION ACT OF 1985

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute.)

Mr. EDWARDS of California. Mr. Speaker, I am pleased to announce that today a bipartisan group of Members of the House of Representatives have introduced the Civil Rights Restoration Act of 1985.

This bill, when enacted, will reverse the unfortunate decision of the Supreme Court in the Grove City case. This passed the House overwhelmingly in the last session and failed in the Senate because of a filibuster. The same bill will be introduced today in the Senate. It is a simpler bill. It is a good bill, and the principle of the bill, of course, is that Federal money shall not be used for discrimination against the aged, against the disabled, against minorities, or against anybody else; that if you want to accept Federal funds, an institution or a State or a city, you do not have to accept them, but if you accept them, you better not discriminate, because this law says you cannot do it.

ADJOURNMENT FROM MONDAY, JANUARY 28, 1985, TO WEDNESDAY, JANUARY 30, 1985, AND HOUR OF MEETING ON WEDNESDAY NEXT

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday next, it adjourn until 11 a.m. on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LET EACH STATE REGULATE ITS OWN SPEED LIMIT

(Mr. HANSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, in 1974, Congress temporarily abandoned States rights and passed legislation creating a national speed limit of 55 miles per hour. That legislation later became permanent.

Since that time, there has been much debate on keeping the 55 miles per hour shackles on the States. Most recently, in a National Research Council study, it was suggested that speed limits could safely be raised on some rural interstate highways.

What the council is saying is that driving conditions across the Nation vary, so why can't speed limits vary? The absurdity of the law struck me on a trip from Washington to Utah across the long stretches of roads through Wyoming and Nebraska. I had my cruise control set, and about the only form of life I saw was an occasional jackrabbit. But there I was dawdling along in a car designed to go much faster and on a road designed to ac-

commodate faster cars. However, if my cruise control had been set at 61, I could be cited for a traffic violation. Why are we making dishonest citizens out of everyone? Why does the support for the double nickel that we hear so much about disappear when we take to the highways?

Let me say that I am not advocating, nor do I have the right to advocate, the repeal of the 55-mile-per-hour limit. Being a States rights issue, that is something that each State must decide. Those who argue that this measure would be unsafe on the crowded eastern highways fail to realize that they would be the ones making the decision. And that's exactly my point. It's time to cut the strings the Federal Government has on our States and put the power back where it belongs—with our States, as it should be. It's time to let each State regulate its own speed limit. The bill I am introducing would do just that.

□ 1110

THE CIVIL RIGHTS RESTORATION ACT OF 1985

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include extraneous matter.)

Mr. RICHARDSON. Mr. Speaker, today, the Civil Rights Restoration Act of 1985 was introduced. It is an important piece of legislation that has bipartisan support and simply redresses the civil rights reverses that this country has undertaken since 1964.

The Federal Government must take the lead and set an example in eradicating discrimination in this country. This legislation simply clarifies title 6 of the Civil Rights Act of 1964, title 9 of the Educational Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

The message is very simple in this legislation. It says that "if you are going to discriminate, don't do it with taxpayers' money."

I urge the passage of this important legislation that has been fostered by our colleagues, the gentleman from California [Mr. HAWKINS] and the gentleman from California [Mr. EDWARDS].

Mr. Speaker, I include with my remarks a press release of the Congressional Hispanic Caucus, dated January 24, 1985, as follows:

CHAIRMAN BILL RICHARDSON CALLS ON OTHERS TO SUPPORT THE CIVIL RIGHTS RESTORATION ACT OF 1985

"The Federal Government must take the lead and set an example in eradicating discrimination in this country," stated Representative Bill Richardson, (D-NM) and chairman of the Congressional Hispanic Caucus. "That is why I am joining my colleagues today from the Women's Caucus and the Black Caucus in urging bipartisan support of the Civil Rights Restoration Act of 1985."

"It is now in the hands of Congress to define the scope of coverage in this restoration of four major civil rights statutes. This legislation clarifies Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975." added Richardson.

"I firmly believe that the American public wants to work individually and collectively to remove all vestiges of discrimination from our society." he said. "But to accomplish this task, we, as a society, need a strong legal code with enforcement capability."

"Last year, the members of the Congressional Hispanic Caucus voted overwhelming in support of this concept, only to see the legislation held up in the Senate by last minute maneuvering. It is my hope that this year we can move quickly to enact this legislation into law."

THE CIVIL RIGHTS RESTORATION ACT OF 1985

This year's bill seeks the same result we sought to achieve in 1984—the restoration of four major civil rights statutes—Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975—to the broad scope of coverage which the Supreme Court in *Grove City College* v. *Bell*, 104 Sup. Ct. 1211 unduly narrowed.

To achieve this goal, each of the four laws is amended—and they are amended in exactly the same way. However, in order to answer the criticism that S. 2568 was too complex, and, therefore, unclear, we have taken a different approach this year.

The definition of the term recipient, which was the core of S. 2568 and was used in lieu of the term "program or activity" is not included in this year's bill. Instead the term "program or activity" (the phrase narrowly interpreted by the Supreme Court in Grove City) is retained and a definition of that term is added to each of the four laws.

Our definition of "program or activity" is simple and clear. It sets out three important standards for determining coverage under these laws which are consistent with the prior coverage:

1. When a state or local government agency or department receives federal funds, the entire agency or department is covered.

2. When a university, higher education system, local education agency, or other elementary and secondary school system receives federal funds, the entire entity is covered.

3. When a corporation, partnership, or other private organization receives federal funds, the entire entity is covered.

The same institution-wide principles used to determine coverage for the state and local government, educational institution and corporate categories will also be used to determine coverage for any entity which does not fit one of these three categories.

The bill will also make clear that when a state or local government receives federal financial assistance for distribution to agencies, only that unit (e.g. the Governor's office) to which the funds were extended, and those agencies that actually receive funds, would be covered.

The bill also includes last year's amendment to the enforcement sections of the four statutes which is designed to insure that the pinpointed fund termination remedy is retained.

PERSONAL EXPLANATION

(Mr. MILLER of Washington asked and was given permission to address the House for 1 minute.)

Mr. MILLER of Washington. Mr. Speaker, on January 3, 1985, I was unavoidably detained in my office and missed two rollcall votes.

Had I been present for rollcall No. 5, I would have voted "nay." Had I been present for rollcall No. 6, I would have voted "yea."

Mr. Speaker, I ask unanimous consent that these statements appear in the permanent CONGRESSIONAL RECORD.

THE SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

ERDREICH CALLS FOR RECORDKEEPING REPEAL

(Mr. ERDREICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ERDREICH. Mr. Speaker, overregulation by the Federal Government has been a major reason for a decline in productivity and innovation by businesses in Jefferson County, AL, and across the Nation. The new IRS regulation requiring taxpayers to keep extensive records of the use of private vehicles for business purposes is just another example of Government policy that works to discourage, rather than encourage, expansion and increased production by business.

I have received many letters from businessmen and women across Jefferson County expressing their outrage at this increase in business regulation.

The Tax Reform Act of 1984, which I opposed, added this new paperwork requirement. This new redtape mandate is an unnecessary and wasteful burden on businesses and should be repealed.

I have introduced legislation in the House that would repeal these provisions in the tax bill and return to the eligibility criteria before 1984, requiring only that the taxpayer maintain adequate records or have other sufficient evidence corroborating his own statement of vehicle use.

Government policy should be about the business of promoting growth and productivity, not paperwork and regulation. This IRS regulation is an example of Government overkill. Its repeal will allow business in Jefferson County and the Nation to concentrate on producing jobs and economic activity, rather than increased recordkeeping.

INTRODUCTION OF ARMS CONTROL RESOLUTION

(Mr. KRAMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KRAMER. Mr. Speaker as President Reagan said in his inspiring inaugural address, the United States and the Soviet Union must rid the world of the threat of nuclear destruction and create a security shield—a star shield—over the Earth, a shield that will not kill people but destroy weapons and help denuclearize the world's arsenals.

These goals will be realized only if the Nation unites behind our President in the forthcoming arms control talks.

So today, I, together with a bipartisan group of colleagues, have introduced Concurrent Resolution 35 voicing strong congressional support for the President's commitment to achieve deep, lasting cuts in offensive nuclear weapons and, at the same time, to substitute for them a star shield—a phased-in buildup of nonnuclear strategic defense systems.

As the President said in his inaugural:

> We seek another way—a far better way. For the sake of every child in every corner of the globe, we seek, one day, total elimination of nuclear weapons from the face of the Earth.

Please join us in this historic effort.

THE 12TH ANNUAL MARCH FOR LIFE

(Mr. COBEY asked and was given permission to address the House for 1 minute.)

Mr. COBEY. Mr. Speaker, on Tuesday of this week I participated in the 12th annual march for life held in this city. Over 71,500 people marched for the purpose of bringing national attention to the terrible tragedy of abortion.

I feel that most of our national leaders are out of touch with the people on this vital issue. Because of well organized lobbying activities by proabortion groups, Congress has shielded itself from the horrible reality of abortion. These proabortion groups represent only a small fraction of our society.

Mr. Speaker, when 71,500 citizens brave frigid weather to march from the White House to the Supreme Court, I think we as leaders of this free country should get a clear signal. Abortion is a matter of life and death for millions of unborn children.

WHAT EVER BECAME OF REAGANOMICS?

(Mr. McEWEN asked and was given permission to address the House for 1 minute.)

Mr. McEWEN. Mr. Speaker, the final report card on Reaganomics is in, and as the Washington Post reported, the "U.S. economy stages its best year since 1951." Yes, Mr. Speaker, the Washington Post has given Reaganomics straight A's for jobs, inflation, interest rates, and economic growth.

The American economy has created more jobs in the past 15 months than have been created in all of Europe in the past 15 years. Inflation is at its lowest level since the 1960's. Interest rates are half what they were 4 short years ago and going lower; $1.54 gasoline and long lines have been replaced by 99-cent gasoline at 24-hour service stations.

Mr. Speaker, compassion is getting a grip on the inflation that was robbing our Nation's poor and elderly. Compassion is an economy creating millions of new jobs for the unemployed.

Low inflation, declining interest rates, more new jobs, increasing real net income, and growth for all Americans—that is fairness, I say to the Members of the House. That is Reaganomics, and now you know the rest of the story.

THE CIVIL RIGHTS RESTORATION ACT OF 1985

(Mr. JEFFORDS asked and was given permission to address the House for 1 minute.)

Mr. JEFFORDS. Mr. Speaker, I could not be more pleased that the first bill I am introducing with others as ranking Republican member of the Committee on Education and Labor is the bipartisan Civil Rights Restoration Act of 1985.

I am even more proud as a Vermonter, for Vermont has been a leader in this field over the centuries. Vermont was the first State to do away with slavery. It was the first State to put in women's suffrage. It was the first State to pass workmen's compensation. These are among many of its "firsts."

I am also pleased because my grandmother was an activist on women's issues back at the time when women's suffrage was passed.

I believe it is virtually important that we give this bill a strong push early in this session. It is a bill that should be passed expeditiously, without fanfare or controversy. It plows no new ground. It only restores rights previously granted by Congress and revoked by an overly narrow interpretation by the Supreme Court.

We know from last year's experience that legislation to restore those civil rights will only be passed if there is an active effort every step of the way by a broad coalition of supporters in Congress. I think we have such a coalition, and it is well represented in this room.

Last year I remarked that Congress will not have great cause to congratulate itself if the legislation is passed but will have cause for deep embarrassment if we do not adopt it. Today we have an opportunity to avoid embarrassment. Let us reaffirm congressional intent to assure that the original legislative will of this body is no longer frustrated.

REPUBLICAN CHALLENGER GAINS IN INDIANA VOTE RECOUNT

(Mr. FRENZEL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, today marks the third week that the people of the Eighth District of Indiana have been without representation because the majority party in this House, in my judgment, wantonly refused to seat in this body the duly elected and certificated winner of that election, Mr. Rick McIntyre.

As of today, in the recount procedure that is going forward, all recount commissioners have completed their tallies. In one county, Warrick, the report is to be made to the judge perhaps by today. In another county, Vanderburgh, the recount commission will report to the judge on Friday. It has completed its work. In two other counties, Greene and Gibson, litigation may be resolved as early as next week.

Taking into account the report of the recount commissioners only, Mr. McIntyre has increased his lead to 415 votes.

Mr. Speaker, when the recount is completed, it is my intention to give the House a chance to repudiate its terrible error and to remove the injustice that it has given to the people of the Eighth District of Indiana.

□ 1120

INTRODUCTION OF BILL TO CORRECT THE "NOTCH" EFFECT IN SOCIAL SECURITY

(Mr. WORTLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WORTLEY. Mr. Speaker, for several years now, citizens in this country who were born between 1916 and 1922 have been discriminated against by social security law. In 1977, Congress passed legislation containing a new benefit formula to correct imperfections in the 1972 amendments to the Social Security Act. Unfortunately, in correcting one mistake, Congress created another: the famed "notch" effect.

As a result of the "notch" effect, two people who worked the same number of years with equal contributions to the Social Security system and who retired the same year may nevertheless receive vastly different retirement

benefits simply because one was born in 1916 and the other in 1917. This inequity has been caused by an inadequate transition formula from benefits as granted under the 1972 amendments to those granted by the 1977 amendments.

To help smooth the transition to the new system, the 1977 Social Security amendments provided that the retirement benefit for persons age 62 in 1979–83 would be equal to the higher of the benefit computed under the new system or a special transitional benefit. The transitional provision was intended to avoid adversely affecting persons nearing retirement age who would not have had time to adjust their retirement plans.

As indicated above, however, and as attested to by hundreds of letters from people born between 1916 and 1922, the transition formula needs adjustment. The 1977 amendments exclude wages earned after age 62 by those born after 1916 from the computation of benefits. Combined with the high inflation rates at the turn of the decade, this has caused a larger than anticipated short-range differential between benefits received by those born in 1916 or before and those born in 1917 or after. In the worst case scenario, the differential may be as much $110 per month.

Today I am introducing a bill that addresses this inequity. This bill establishes a new transitional formula that will reduce or eliminate the current notch problem. It also eliminates the disincentive to work past age 62 that is contained in current law.

The 1977 amendments made the mistake of trying to resolve too quickly the problems caused by the 1972 amendments. The transition contained in my bill will phase out early in the next century and will provide a smooth and fair transition. It will even out the notches created by current law, preventing all but a few small notches under even the most adverse economic projections.

This is a matter of extreme importance for senior citizens born after 1916. I urge my colleagues to take prompt action on this corrective bill.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks and to include therein extraneous material on the subject of the special order speech today by the gentleman from Massachusetts [Mr. MOAKLEY].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

THE PLIGHT OF SOVIET JEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BARTLETT] is recognized for 10 minutes.

Mr. BARTLETT. Mr. Speaker, I speak today again on the plight of Soviet Jews and on efforts of Americans to spotlight that plight. I bring to the attention of this House the beginning of a significant effort in Texas and call further attention to human rights abuses in the Soviet Union.

The B'nai B'rith lodges of Dallas have announced their "adoption" of the city of Kishinev, a community of 40,000 individuals in the Moldavian Republic. Kishinev is the capital of the Moldavian Republic and before World War II, the Jewish community there was quite large, about 50,000 persons. By the end of the war, over 10,000 Jews had been killed by the Nazis, and since then the Communists have further attempted to eliminate Judaism from Kishinev.

Glen Paul Freedman, president of the B'nai B'rith Council of Greater Dallas, expressed the view that the various B'nai B'rith lodges participating "will be the voice of Jews in Kishinev, who have no right to speak out for themselves." He added that the lodges will, in effect, "be their extended family—that part of the Jewish family fortunate enough to live in freedom."

With emigration of Jews from the Soviet Union now reduced to a few individuals, the efforts of groups such as B'nai B'rith are essential. Their activities, coupled with those of Members of Congress who have committed themselves to an improvement in the circumstances of Soviet Jewry, have become crucial to the long-term status of Jewish emigration to the West and the preservation of Jewish culture and religious practice in the U.S.S.R.

I served as cochairman of the 98th Congressional Class for Soviet Jewry. I am currently planning to visit the Soviet Union to gain a firsthand understanding of the situation of Jews there. Based on my involvement in Soviet Jewry issues, it is clear that events in Dallas, whether they be an "adoption" of a Soviet town, a candlelight vigil expressing concern over restrictions on Jews in various parts of the globe, or a letter to the Soviets from Members of Congress, do have a direct, positive impact. Soviet officials do notice the spotlight of world opinion.

Today, I wish to commend the latest effort by the Dallas B'nai B'rith to demonstrate support for Soviet Jewry in both a direct and personal way. I am encouraged by such activities and extend to the Dallas B'nai B'rith my commendations. With this adoption of Kishinev, the members of B'nai B'rith of Dallas demonstrate their understanding that we who live in freedom have an obligation to reach out to those who do not. No man or woman is truly free when others remain slaves.

HOUSE CONCURRENT RESOLUTION 2

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 60 minutes.

● Mr. MOAKLEY. Mr. Speaker, on January 3, I introduced, for myself and the distinguished gentleman from Ohio [Mr. KINDNESS], a resolution (H. Con. Res. 2) to provide improved structures and procedures for congressional oversight of the Federal regulatory process and for congressional review of agency rules, and for other purposes.

The intent of the Congressional Regulatory Oversight Improvements Resolution of 1985 is to strengthen the structures and procedures by which Congress oversees Federal regulatory activities, to enable Congress to better fulfill its constitutional responsibility for the manner in which the laws it writes are implemented. In particular, the resolution seeks to respond to constitutional issues raised in connection with recent Court decisions relating to traditional legislative vetoes.

In fashioning this resolution, we have relied upon two powers which have generally been the greatest strengths of Congress, and particularly of this House. The Constitution reserves absolutely to each House the right to determine the rules of its proceedings and it mandates that no moneys may be paid out of the Treasury except in consequence of appropriations. These are among the strongest powers of Congress, and I believe they are appropriate tools for fashioning improvements in congressional oversight of the Federal regulatory process.

Mr. Speaker, I should stress that House Concurrent Resolution 2 is the product of careful thought and thorough examination. Over a period of years, the gentleman from Ohio and I have worked closely together, from our respective positions on the Committee on the Judiciary and the Committee on Rules, to try to fashion a responsible system for regular and systematic review of the regulations written by the Federal Establishment.

Many of the features of this resolution have been in discussion for several years. However, it has seemed appropriate to defer action during the last Congress to assure that Congress had an opportunity to thoughtfully examine the impacts of the Supreme Court decision in *Immigration and Naturalization Service* v. *Chadha*, striking down the traditional legislative veto on constitutional grounds. But, Mr. Speaker, we believe that the

time may be ripe in this Congress to begin to examine concrete proposals for reform.

THE 98TH CONGRESS RULES COMMITTEE ACTION

Mr. Speaker, I would be remiss if I did not open these remarks by paying tribute to the energy and enthusiasm with which the distinguished chairman of the Committee on Rules, the gentleman from Florida [Mr. PEPPER], took up the extraordinary challenge, over the last 2 years, of assessing the impact of the High Court's decision.

The gentleman chaired an important series of hearings to weigh the institutional impact of the *Chadha* decision. Those hearings helped to bring into sharp focus both the similarities and differences in Members' opinions with respect to the legislative veto and alternatives for improved congressional oversight of the Federal regulatory establishment.

These hearings responded to a request by the leadership of a number of committees, most concerned by the Court decision, that the Committee on Rules, and particularly the committee's able chairman, provide active leadership in reviewing *Chadha* and beginning the task of formulating a general response The gentleman from Florida responded to this challenge with a keen personal interest. All of us on the committee have benefited, in this painstaking review, from the caution, judgment and experience that the gentleman has brought to bear on this subject.

DEVELOPMENT ON CONGRESSIONAL REVIEW LEGISLATION

Mr. Speaker, the legislative veto, for most purposes, has been a creature of the past decade. Its wide use and its death largely occurred in the period from 1974 to 1983.

The first clearly documented use of the technique by which Congress delegates a function of legislative character to the executive, subject to congressional nullification, is found in the Legislative Branch Appropriation Act for fiscal year 1933, An amendment to that bill, sought by President Hoover, authorized the President to implement certain reorganizations in the executive branch, to become effective, after a statutory delay, unless disapproved by resolution of either House. That reorganization authority has been renewed or reinstated numerous times since. I also should note that our able colleague from California [Mr. PASHAYAN] has called the attention of our committee to precedents of immediate post-Revolutionary Congresses which imply much earlier use of the device.

Regardless of the origins of the legislative veto, its use beyond reorganization statutes clearly had been infrequent until 1974. That was the year of enactment of the Congressional Budget and Impoundment Control Act of 1974, which established procedures for congressional review of Presidential impoundments of previously appropriated funds.

That title of the act served as the model for legislative vetoes subsequently applied to a wide variety of rulemaking and other executive actions. These mechanisms, carried in law, numbered in the hundreds by the time that the Supreme Court ruled in *Chadha*, and two related matters, in sweeping language, which is generally understood to have invalidated almost any traditional use of the legislative veto.

PROPOSALS FOR GENERAL SYSTEMS OF REGULATORY REVIEW

Mr. Speaker, beginning in 1975, proposals were introduced to establish a generic one-House veto, applicable to the regulations of all Federal agencies. Over the years, variations on this proposal began to appear, requiring either the affirmative or passive concurrence of the other House for a veto resolution to overturn a regulation.

These proposals gained significant support over the years. Starting in 1979, regulatory reform also became a significant issue, pressed by both the Carter and Reagan administrations. In Congress, the legislative veto became tightly wedded to the issue of regulatory reform. Because of this, it became necessary for agreements to be reached on both controversial issues for any legislative action to occur. The result, regrettably, has been total inaction.

In the 96th and 97th Congresses, there was a significant level of action on both issues, but no final resolution of these matters was possible. The Supreme Court ruling, in *Chadha* and related matters, introduced a new complexity which prevented any significant legislative action in the 98th Congress.

However, I think Congress has done a commendable job, in responding to the court ruling with thorough and cautious reviews to weigh the impact of the decision. I have previously noted the hearings by the Committee on Rules. The Subcommittee on Administrative Law and Intergovernmental Relations of the Committee on the Judiciary also held useful hearings on the broad issue. A number of other committees reviewed the specific vetoes, touched by *Chadha*, within their jurisdictions. Notable among these were the full committee hearings by the Committee on Foreign Affairs to weigh foreign policy review statutes, and those in the Committee on Government Operations, which produced two pieces of legislation, ultimately enacted, to resolve all the implications of the *Chadha* decision, as they apply to the Reorganization Act.

Likewise, Mr. Speaker, the committees of the other body have been active, and reviews by the appropriate subcommittees of the Committee on the Judiciary and the Committee on Governmental Affairs have been thorough and have made important contributions to an intelligent assessment of *Chadha*.

I believe these reviews have contributed to a clearer perception of the impact of the Supreme Court decision and will serve as an appropriate basis in this Congress to begin formulating comprehensive reforms in congressional review of agency rules and other executive actions.

DEVELOPMENT OF HOUSE CONCURRENT RESOLUTION 2

Mr. Speaker, at the time that a generic legislative veto was first proposed, in the 94th Congress, the Committee on the Judiciary presented the proposal for a House vote. The bill had strong support but failed to obtain the two-thirds necessary under a motion to suspend the rules. Over the years since, controversy over the proposal has grown, and the proposal has never again reached a House vote, although a generic legislative veto did pass the Senate in 1982, as part of a major regulatory reform bill (S. 1080, 97th Congress).

During the 94th Congress, the full Committee on Rules held hearings on the legislative veto and the Subcommittee on Rules and Organization of the House, chaired by the able gentleman from Louisiana [Mr. LONG], held more thorough hearings in the 95th Congress.

At the beginning of the 96th Congress, the Committee on Rules established two standing subcommittees. The panel I have chaired, the Subcommittee on Rules of the House, was specifically charged by the committee with responsibility for a comprehensive study of congressional review proposals, in the context of regulatory reform. These hearings were conducted throughout the 96th and 97th Congresses.

The subcommittee reviewed a number of proposals pending before it. One, which was not pending before the subcommittee, struck my particular personal interest. In 1978, the gentleman from Ohio [Mr. KINDNESS] had submitted legislation (H.R. 14222, 95th Congress), similar to other bills to establish a one-House legislative veto. But that legislation had proposed the establishment of a joint committee to carry out the reviews.

During the course of our subcommittee investigations, the sound judgement of the gentleman from Ohio was continually underscored. On the not remarkable notion that there was no need to reinvent the wheel, our subcommittee undertook a very careful study of what other legislatures had done in establishing systems for legislative review of agency rules. I continue to think it is very instructive to note that the overwhelming majority of State legislatures and virtually all

national legislatures, which have formal review systems, have chartered specific committees to carry out those reviews. This has commonly been the case even in legislatures which had attempted ad hoc systems. Notable was that the British House of Commons, which has the oldest review system and the scope of national regulation which comes closest of any legislative body to the scale of matters that would be presented to the U.S. Congress.

The judgment of the gentleman from Ohio was further underscored by the fact that, in the majority of cases in which committees had been established, joint committees had been used. This was even true, commonly, in legislatures whose standing committee structure is bicameral.

In 1981, I submitted legislation (H.R. 1, 97th Congress) to provide a systematic approach to congressional review of agency rules, through a select committee of the House. The select committee would have been authorized to report joint resolutions, the enactment of which would overturn a regulation, on specified grounds. In view of the unwillingness of the other body, at that time, to consider a joint committee, the select committee seemed to offer a reasonable position.

During the following 6 years, however, I elected not to attempt to move this proposition. During the 96th and 97th Congress, although I had become convinced that the traditional legislative veto was unconstitutional, it continued to enjoy broad, bipartisan support in the House. Likewise, any proposal to establish a select committee tended to raise obvious concerns.

Nevertheless, I have accepted the widespread experience of other legislatures and continue to believe that a formal system and structure for review of Federal agency regulations is needed. The Congressional Regulatory Oversight Improvements Resolution of 1985 attempts to address that need.

Mr. Speaker, two specific aspects of the resolution are the heart of the proposal. And, since it is these aspects which will generate the most controversy, I should address them in some detail at this point.

CONGRESSIONAL REFORM

Mr. Speaker, the central component of the resolution is the establishment of a Joint Committee on Regulatory Affairs, which would have authority to review all Federal agency rules. The joint committee would report to each House on those it viewed appropriate to call to the attention of Congress.

I have maintained for many years that the root causes of many of our problems in the regulatory arena lie on Capitol Hill. Perhaps, if one shares this viewpoint, in an unexpected way, the Supreme Court has done Congress an enormous favor in *Chadha*. Up until now, the legislative veto has allowed Congress to focus our complaints and concerns on unelected bureaucrats and made it very easy to avoid a long, hard look at deficiencies of our own institution.

I do not disparage the need for regulatory reform legislation, in noting that genuine reform of the procedure by which Congress oversees Federal regulation is an equal priority.

For a variety of reasons, Congress often finds itself unable to legislate with precision. In many cases this is unavoidable, as in the case of regulation of a highly technical nature or over situations that are subject to rapid change or emergency. But, in many more cases, the requirement is imposed only by convenience. Major factors include the May 15 deadline imposed by the Congressional Budget Act for authorization bills, the increase in multiple referred measures, the proliferation of subcommittees and caucuses, and decreased resistance to revising bills in committee markup sessions and in Committees of the Whole.

All these factors have made it difficult to write legislation with real clarity, and the political context often makes it tempting to resort to vagarity to compromise, or simply to obscure, policy differences.

And so, too frequently, Congress has attacked unelected bureaucrats for writing regulations which are vague or confusing or which do not reflect legislative intent. And seldom do people step forward to point out that poorly written laws can only be implemented with poorly written regulations.

Equal outrage has been expressed in Congress over conflict, duplication and overlap between regulations. But a detailed examination would indicate that, not coincidentally, most specific conflicts, duplications and overlaps very precisely mirror those in the congressional committee structure which this House established in 1946 and hasn't seriously modified since.

These are not problems that are unique to this body. State legislatures and other national legislatures face similar difficulties, often compounded by limited sessions. At the same time that the problem of legislative accountability for regulations confronted the Congress, other legislatures have acted. In the majority of cases they have determined that review of regulations is a function sufficiently large and sufficiently discrete from the legislative process to warrant chartering a committee for this function. Nevertheless, from our long experience advocating this position, the gentleman from Ohio and I are aware that this is the most controversial aspect of the resolution we are presenting.

Any proposal to establish a new committee presents significant political concern, and there is particular institutional resistance to joint committees. Nevertheless, the proposal is a reasonable one, and it provides an effective vehicle by which Congress can undertake the important work of making the regulatory process more accountable and efficient.

ENFORCEMENT

Mr. Speaker, our review of other legislatures offers high hope that the joint committee could make its most useful contribution by providing a forum for resolution of disputes raised in the regulatory process and as a quality assurance check in the development of new rules. If the joint committee were to function in the manner that I would hope, confrontations that brought regulations to congressional votes would be rare.

Nevertheless, experience has demonstrated that such a committee must have some enforcement mechanism, and that mechanism must actually work if it needs to be used.

The resolution (H. Con. Res. 2) proposes to use the appropriations process as a principal tool for enforcement. If Congress adopted a resolution of the two Houses objecting to a regulation, it would be a rule in each House that the respective Committees on Appropriations would be prohibited from reporting new appropriations to carry out the regulation.

This proposal is not without controversy. However, it should be noted that the proposal is neither disruptive nor radical. First, it is understood that committees act as agents for their respective Houses, and it is rather difficult to imagine that the Appropriations Committee of either House would propose to fund a rule, rejected on specific findings by Congress. Indeed, the intent of this requirement can be met by only minor refinement of a rather simple and straightforward rider that has been carried in appropriation bills for several years.

The provision for a rider would provide temporary relief while the joint committee, in cooperation with the appropriate standing committees of each House, explored more direct and preferred solutions. Two methods provided for under the Congressional Regulatory Oversight Improvements Resolution of 1985 are regulatory reconciliation and judicial review.

Regulatory reconciliation would permit the joint committee to report legislation to require agency revision of a regulation that had been disapproved. This provides a method to avoid one of the great deficiencies of the traditional legislative veto. It would enable Congress to deal legislatively with its specific objections to regulation, without being straitjacketed into "yes" or "no" response to complex or difficult issues.

Judicial enforcement is a route too seldom explored by Congress. I recog-

nize that there are legitimate concerns about the weight that the courts have accorded to the judgments of Congress. However, the courts have constitutional authority to overturn, on constitutional grounds, a regulation which is beyond statutory authority or inconsistent with legislative intent. Likewise they have authority, under the Administrative Procedures Act, to address a rule that is arbitrary, capricious, or unreasonable. If the Congress makes a formal judgment, by resolution, that a rule is objectionable on either ground, it seems reasonable that Congress should lay these issues before the judiciary.

SUMMARY AND EXPLANATION

Mr. Speaker, I believe that the *Chadha* decision may offer Congress an extraordinary opportunity to separate the issues of regulatory reform and congressional review of agency rules and finally to find reasonable and responsible approaches to each of these vital issues.

But, the court decision does not appear to advance the cause of separating the general subject of legislative veto from the far narrower topic of congressional review of agency rules. The important hearings, chaired by our colleague from Florida [Mr. PEPPER], have provided a forum for identifying the vast impact of the *Chadha* ruling. Clearly the ruling requires Congress to undertake a vast change in the oversight of executive actions. Regulations are an important part of this issue, and I commend this resolution to the study of my colleagues as an approach that may meet many concerns. However, I must stress that tremendously difficult issues remain in nonregulatory areas of oversight, and warrant equal attention.

Mr. Speaker, at this point I would propose to discuss the Congressional Regulatory Oversight Improvements Resolution of 1985 in some detail. For convenience I would explain the provisions of the resolution (H. Con. Res. 2) by section:

Short Title

Mr. Speaker, the first section states that the concurrent resolution may be cited as the "Congressional Regulatory Oversight Improvements Resolution of 1985."

Unlike other "regulatory reform" bills, the resolution is entirely concerned with improvements in the process of congressional oversight of the Federal regulatory process and individual agency rules.

Exercise of Rulemaking Power

Mr. Speaker, section 2 states that the provisions of the resolution are adopted as an exercise of the rulemaking power of Congress; that they supersede other rules only to the extent that they are inconsistent therewith; and with full recognition of the constitutional right of either House to change such rules.

It is customary to include, in bills which operate as rules, a disclaimer noting the power of each House of Congress to make or change its rules. The provisions of section 1001 of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) are the modern model and are largely followed in this section. The Committee on Rules has previous reported to the House that "the authority of each House to 'determine the rules of its proceedings' is constitutionally grounded and the power of each House to modify rules it chooses to enact in statutory form is unaffected by whether that statute carries such a disclaimer" (H. Rept. 97-809, part 2). However, the committee has found the use of the disclaimer to be customary and appropriate.

This resolution is in the form of a congressional rule, and the resolution does not require the President's signature to take full effect, within its terms; as a result, it is not expected that it would be enacted in law. The precedents of the 44th Congress, in which the last system of joint rules were abrogated, imply that the situation is corollary to statutory rules; nevertheless inclusion of the disclaimer in the resolution is considered prudent.

Applicability

Mr. Speaker, section 3(a) establishes that, for purposes of determining the applicability of the resolution, the term "agency rule" means the whole of any statement or guideline, of any Federal officer or agency, of general applicability, whether applied to the entire regulated community or a segment thereof, designated to implement, interpret, or describe law or policy—whether or not such statement or guideline is subject to the notice and hearing requirements of title 5, United States Code, or any other law—including any amendment, revision, or repeal of such statement or guideline.

The policy of Congress has been that major regulatory actions should occur within the context of the Administrative Procedures Act, and it is that type of rulemaking that it intended to be the perview of review under the resolution. Nevertheless, it seems appropriate to place agencies on notice that review under the resolution cannot be escaped by using other forms of agency action.

Computation of Session

Mr. Speaker, section 3(a) provides that continuity of session shall be broken only by an adjournment at the end of Congress, and that only days on which either House is not in session because of an adjournment exceeding 15 days shall be excluded in computing days of continuous session.

Several references in the resolution require calculations of days of session and the method of computation needs be defined. The resolution attempts to impose as few delays as possible in order to assure prompt resolution of regulatory issues.

Relation to Other Laws

Mr. Speaker, section 3(c) provides that the resolution supersedes all other legislative veto laws, except those which provide for action by enactment of a bill or joint resolution.

The purpose of the resolution is to establish a uniform and coordinated procedure and structure for addressing regulatory concerns. The resolution therefor substitutes its procedures for those in existing law whose efficacy is in doubt.

Establishment of Joint Committee

Mr. Speaker, section 101 establishes a joint committee of the Congress to be known as the Joint Committee on Regulatory Affairs.

During studies on regulatory reform, in the 96th and 97th Congresses, the Subcommittee on Rules of the House established a hearing record that indicated that the overwhelming majority of State legislatures, and virtually all national legislatures, which have established formal regulatory review systems have chartered specific committee to conduct the reviews.

In connection with this proposal, two questions need to be examined. The first is the wisdom and propriety of setting up any committee for regulatory review and the second is the determination to use the format of a joint committee.

The proposal for a committee has several purposes.

The principal point is that it appears to offer the only possible method to bridge the concerns of two prominent philosophies that have stalemated the House on the specific issue of congressional review of regulations and, as a result, the broader question of regulatory reform. Authors of various legislative veto proposals have argued that a review cannot be effective within a system that essentially depends on a report from the committee which is part of the "iron triangle" which produced the rule. Opponents of such proposals, however, have argued that systems which allow matters to come before the House, other than by committee report or on demand of a majority, reverse a century of progress in establishing a legislative process that has any hope of handling the volume and complexity of concerns now facing Congress.

The establishment of a regulatory review committee allows effective congressional review of rules, within the tradition of committee consideration, but places the matter before a committee whose horizontal jurisdiction offers more independence than is possible within the legislative committees. For further discussion of these issues, see sections 202(b) and 301(c).

Although most congressional criticisms of the regulatory process have focused on ultra vires rules, public criticism has tended to focus more on rules which conflict with, or duplicate, each other or which prove either excessively vague or detailed for efficient implementation. It can reasonably be argued that these criticisms are misdirected and that these problems actually derive from underlying statutes, which largely mirror similar deficiences in the congressional committee structure. A committee authorized to review all rules on a commonsense basis would be free to bring a perspective to rules, or sets of related rules, that is impossible within the existing congressional or executive structure.

The establishment of a joint committee, in many respects, runs counter to the general trend of congressional committee structure. The nature of the proposed committee's functions must be weighed against the political philosophy that has created a strong congressional tradition of bicamerical committee consideration. It generally has been felt that the separate development of legislation by each House, and subsequent conference to compromise difference which have developed, produces a legislative product that is improved or, at least, more cautious. In the present case, however, the proposed committee's principal function is to report regulatory disapproval resolutions which make findings with respect to a rule which are required, at each stage of consideration, to be identical.

The one report of a legislative character which the committee is permitted to make is a joint resolution to reconcile a regulation to the findings of an adopted concurrent resolution. And, in that case, the resolution provides for the joint resolution to be considered sequentially by the respective standing committees of each House—see section 204.

Appointment

Mr. Speaker, section 102 provides that the joint committee shall be composed of 16 members, 8 from each House. The chairmanship and vice chairmanship would rotate in the customary manner, with a House chairman in each odd numbered Congress. Appointments to the joint committee would be in proportion to the respective party membership of each House, and would be made in consultation with the respective party leadership of each House. Vacancies in the membership of the joint committee would not affect the power of a quorum of the authorized membership of the joint committee to execute the functions of the joint committee and would be filled in the same manner in which the original appointment was made.

The determination of the size of a joint committee is arbitrary, but it is generally wise to fix a specific size. Joint and select committee appointments historically have been made casually, and have been used to accommodate Members frustrated in the regular committee bidding process. As an example, the Select Committee on Aging now has 60 members. Sixteen members would seem to be a group in which it would be possible for members to act collegially, and in which it might not be too difficult to make a quorum.

The requirement that the committee reflect the party ratios of each House is a new, but not particularly radical, proposal. To the extent that the experience of other legislatures is indicative, the joint committee will make its most useful contribution as a quality assurance check on the regulatory process, rather than as a regulatory policy tribunal. This is not a partisan function and is enhanced by appointment of a committee which reflects the Congress as a whole.

Provisions relating to equal membership, rotation of chairmanship, and vacancies are boilerplate for joint committees.

Investigations

Mr. Speaker, section 103 sets the general responsibilities of the joint committee and the basis of its relationship to the standing committees. It states that the joint committee shall have the responsibility of monitoring on a continuing basis the rulemaking activities of all Federal agencies. It specifies that the joint committee may undertake an investigation of any agency rule on its own initiative or at the request of any Member or group of Members of either House, and requires an investigation at the request of any standing committee of either House having substantial jurisdiction over the subject matter of such rule.

The committee may undertake an investigation of any currently effective rule or of any proposed new rule, at any stage of consideration, and may consolidate reviews of two or more related rules.

The resolution states that it shall not be construed to prevent or discourage any standing committee of either House from carrying out its legislative and oversight responsibilities with respect to the regulatory activities of Federal agencies within its jurisdiction, and requires the joint committee to keep the appropriate standing committees of each House continuously apprised of any study or investigation it undertakes.

The section attempts to establish a charter for the joint committee based on the real oversight needs of Congress with respect to the regulatory process. It also attempts to set a reasonable balance between the respective functions and responsibilities of the joint committee and the standing committees of each House.

Agency Cooperation

Mr. Speaker, section 104 states that the joint committee, at the time it initiates an investigation of an agency rule, is required to notify the head of the agency in question.

As authorized by the joint committee, such notice may include a request that the agency suspend or otherwise delay the implementation of a new proposed rule, which has not yet become effective, for a period of not to exceed 90 calendar days. The section states that it is the sense of Congress that any such request should be accommodated.

A provision which only urges Federal agencies to delay the implementation of proposed rules which are being investigated may be a weaker provision than would be desired. However, if the provision is found unsatisfactory in practice, a strong delaying mechanism can be enacted separately. The question does not seem so decisive as to warrant abandoning the convenience of using a concurrent resolution.

Concurrent Resolutions

Mr. Speaker, section 201 authorizes the joint committee to report identical concurrent resolutions to the House of Representatives and to the Senate disapproving an agency rule it has reviewed on any of the following grounds:

First. The agency has failed to provide the joint committee with adequate or timely information that it needed to carry out an investigation of the rule under the resolution;

Second. The rule is arbitrary, capricious, or unreasonable;

Third. The rule duplicates, overlaps, or conflicts with other Federal rules or statutes—or common State regulations or statutes—in such a way that compliance is unnecessarily costly or burdensome;

Fourth. The rule imposes a significant cost or burden which is not adequately offset by the public benefit;

Fifth. The rule has been issued in such a way as to make it unreasonable to expect the regulated community to be aware of the rule;

Sixth. The rule is written in such a way that the regulated community cannot reasonably be expected to understand the rule;

Seventh. The rule does not provide adequate guidance for compliance; or

Eighth. The rule is beyond the statutory authority of the agency or inconsistent with the legislative intent of the applicable statute.

The section also provides for a number of technical matters relating to the time, form, and nature of joint committee reports.

The proposed reporting authority of the joint committee is broad and would seem to include any reasonable basis on which objection might be made to a rule. Although it seems nec-

essary to establish the specific grounds on which the committee might report, the committee should enjoy broad bases on which to report to Congress on its reviews.

Senate Consideration of Concurrent Resolutions

Mr. Speaker, section 202(a) establishes the procedures for Senate consideration of a concurrent resolution. The section provides a highly expedited procedure, with 2 hours of debate, divided in the customary manner, and providing for a straight up-or-down vote on the resolution. It provides for a privileged motion to discharge the joint committee on petition of 20 Senators. It is similar to expedited procedures the Senate has generally adopted for similar matters.

If, prior to the adoption of the resolution of the Senate, an identical resolution is received from the House, the vote on adoption would occur on the resolution of the House.

The Senate has long recognized the need for expedited procedures to assure that a majority is able to act; under its standing rules the serious opposition of a single Member is decisive unless the matter enjoys strong leadership backing and the voting support of a super-majority of 60 Senators—66 in the case of rules. This has been accepted as particularly important in the case of measures intended to review exercises of authority granted under previously enacted delegations, and the Senate frequently inserts such provisions when it enacts legislation granting executive discretion to make policy determinations of a legislative character.

In the absence of such special rules, it would be possible for a policy determination, especially by an independent regulatory agency, which was opposed by a majority in each House and by the President, to be affirmed by the support of 31 Senators voting "no"—or even just absent—on cloture.

Although various political philosophies in the Senate may differ over specific applications of expedited procedures, a bipartisan consensus exists across the political spectrum about their necessity, and the adoption of expedited procedures in the Senate occasions little, if any, dispute.

The procedures proposed by the resolution are substantially similar to those proposed by the Senate in prior bills of a similar nature.

House Consideration of Concurrent Resolutions

Mr. Speaker, section 202(b) establishes the procedures for House consideration of a concurrent resolution. Concurrent resolutions would be considered on the second Thursday of each month or, if the House is not in session, on the next Thursday that the House is in session. Two hours of debate are provided, divided in the customary manner, and there would be a straight up-or-down vote on the resolution. Reports are subject to the usual 3-day layover. To accommodate an emergency situation, the joint committee could determine the order in which resolutions would be called up and the Speaker would be permitted to allow joint committee business to be brought up on any other day.

If, prior to the adoption of the resolution of one House, an identical resolution were received from the other, the vote on adoption would occur on the resolution of the other House.

The rules for floor consideration are designed to balance the need to obtain floor consideration with the other scheduling concerns of the House leadership. Although, as noted above, a Senate consensus existed on the subject, in the House, the need for, and the propriety of, expedited procedures has been subject to more contention.

Because of its larger size and somewhat more partisan history, the House has needed to establish special procedures to enable a majority to act even on regular legislation. Since 1883, this customarily has been effected by special orders, reported from the Committee on Rules, to establish a "rule" permitting any action—other than passage of a joint resolution proposing a constitutional amendment, the question of passing a bill returned without the President's signature, or dispensing with Calendar Wednesday or a motion to recommit—to be accomplished by majority vote.

The Rules Committee tends to act in concert with the legislative committee and the leadership but, since the revisions of the discharge rule in 1935, an alternative method has existed which enables any majority to act and to set aside any rule of the House which would impede that action.

Opponents of expedited procedures have argued that the existing rules adequately protect the ability of a majority to effect action on legislation or regulations. They have also advanced the argument that a new special procedure, for a subsidiary class of legislation, creates potential for mischief that could disrupt more vital matters. Their argument enjoys persuasive support from the experience of the British Parliament with a similar ad hoc system that brought the government to the brink of paralysis in the early 1950's, and was finally resolved by the establishment of a review procedure based on reports on regulations from the Joint Committee on Statutory Instruments.

Advocates of strong congressional review of agency rules have argued that structural barriers to effective review exist in the House. Prior to the Supreme Court decision in *INS* v. *Chadha*, their argument was particularly persuasive in that most legislative delegations, subject to congressional review, had permitted rules to become effective as the functional equivalent of law, unless the legislative review was voted upon within a specified period of time.

In the wake of the *Chadha* decision, that timing issue is less compelling. Nevertheless, many of the structural concerns continue to exist. When an agency acts under statutory authority that is lacking or vague or, in the words of the British regulatory review statute, "makes an unexpected use" of an otherwise valid authority, it is to the committee that had opposed that statutory basis, by inadvertence or design, that congressional opponents of the rule first must turn.

The resolution attempts to bridge the differences between these groups in several ways. The proposal to establish a joint committee with a broad charter for review provides a method which draws on the strengths of the committee review process but still allows the review to occur outside the "iron triangle" within which the rule originated. The provisions of this subsection guarantee the committee's ability to obtain a vote by the House. By filtering the rules through a committee, most concerns about abuse are satisfied.

The fixing of a specific regular day for consideration of the committee's reports assures one faction that joint committee reports will be voted on and the other faction that regulatory review will not crowd out the normal processing of legislation by the House.

Appropriations Enforcement of Concurrent Resolution

Mr. Speaker, section 203 effectively requires that any appropriation for an agency must prohibit the use of those funds to carry out a rule, if Congress has adopted a concurrent resolution disapproving the rule.

It also protects that rider from points of order under other rules. And it protects the language from one procedural method by which conferees on the appropriation could circumvent the intent of the rider as submitted to the managers by the two Houses.

The section also establishes a procedure by which the Senate may waive the point of order; it is similar to the procedure used by the Senate for waiver of certain points of order under the Congressional Budget Act of 1974.

Adequate waiver procedures exist in the House.

It has been the recent policy of Congress to include in appropriate bills a rider which prohibits use of funds to carry out a rule which has been disapproved under a statute which provides for a legislative veto. Although the riders required under this resolution are similar, this rule presents important differences.

Of course, the principal point is the vastly broader scope. Although various sources have noted the existence of

"hundreds" of legislative vetoes, only a handful of these statutes apply to regulations. But, they apply only to those regulations promulgated under that statute and, at that, only to those issued after enactment. Even those regulations are usually only open for review during certain windows of opportunity, which seldom exceed 90 days. The joint committee on the other hand can report on a rule at any time. So the potential reach of riders under this resolution is the entire range of Federal regulation, currently effective and proposed, rather than the dozen or so a year that are potentially within the reach of the current riders.

The process proposed by the resolution meets the basic objective of legislative veto proponents, by providing Congress with an effective method to control a rule that is beyond statutory authority, by concurrent action of the two Houses. And, in the wake of the *Chadha* decision, it is probably the only method by which the two Houses can exercise that authority. The system is an exercise of the rulemaking power of Congress and, as such, is beyond review by any entity outside the Congress.

Regulatory Reconciliation

Mr. Speaker, section 204 authorizes a joint resolution to reconcile a rule to the findings Congress has made, in adopting a concurrent resolution relating to the rule. The joint resolution would be reported from the joint committee and sequentially referred to the appropriate standing committee for 60 days. After committee consideration, it would be subject to expedited procedures.

The joint resolution could require the agency in question to revise or repeal, or not to promulgate, the rule.

Once Congress, by concurrent action of the two Houses, has voiced objection to a rule, it is the obvious responsibility of the agency to respond to those concerns by revision or repeal of the rule, or suspension of a proposed rule. Failing that, it is equally the responsibility of the appropriate committees to act legislatively to remedy that situation.

This provision allows the joint committee, which has developed expertise through its review of the rule, to suggest such a remedy and to place it before the legislative committees in a manner which requires their action. But it does not limit the options available to the committee in reporting on the resolution. Nor does it limit the authority of the House to act on those reports.

The resolution contemplates a joint resolution which would require the agency to take the action specified. This is an attempt to accommodate concerns, voiced after *Chadha*, about the effect of joint resolutions of disapproval and, particularly, joint resolutions of approval. This concern would be even more serious in the case of resolutions to modify rules.

Nevertheless, this formulation is expected to be fully effective; it is highly doubtful, for example, that the courts would be inclined to give any support to a rule that had not been modified by the agency in compliance with a joint resolution that had been enacted into law.

Court Action

Mr. Speaker, section 205 authorizes the joint committee, acting on behalf of the Congress, to bring, or intervene in, a Federal court proceeding relating to an agency rule which had been disapproved by Congress on the basis that it is: First, arbitrary, capricious, or unreasonable or second, beyond the statutory authority of the agency or inconsistent with the legislative intent of the applicable statute.

In general, Federal courts will review agency rules on the basis of statutory authority and legislative intent, under constitutional authority, and on the grounds that it is arbitrary, capricious, or unreasonable, under judicial authority derived from the Administrative Procedures Act.

Although the standards used to reach such judgements in Congress and in the courts are different, and Congress cannot bind the courts to make the same determination, it seems prudent to authorize recourse to the courts in a case in which the judgement of Congress is that a rule contravenes a standard on which the courts have power to set a rule aside.

Although critics of the Federal judiciary are skeptical about the level of deference the courts accord to the judgement of the Congress, in general, the Federal courts have broadly construed the standing of Congress to bring, and to intervene in, suits. Therefore, it is expected that a committee, acting on the basis of a joint rule and a specific finding by the Congress, would usually be successful in meeting the requirements of standing.

Committee Rules

Mr. Speaker, section 301(a) provides that the joint committee shall adopt rules of procedure which shall, to the maximum extent practicable, be consistent with the rules of each House applicable to its standing committees.

The rules of each House set a substantial number of requirements for committee action, intended to preserve the rights of political and ideological minorities in Congress; however, they are not totally consistent. The intent of this section is to require that the joint committee rules comply as fully as possible with the spirit of both sets of rules.

Quorum

Mr. Speaker, section 301(b) requires, for the purpose of establishing committee rules, making reports to both Houses, or certifying contempts to either House, the joint committee shall act on the basis of a majority vote of the members of the joint committee who are Members of each House, a majority of the members of the joint committee who are Members of each House being present. The joint committee, in its rules, may fix a lower quorum for other purposes.

The provision is intended to preserve the respective rights of each House by assuring that actions of the joint committee reflect the interests of a majority from each House.

Subcommittees

Mr. Speaker, section 301(c) permits the establishment of ad hoc subcommittees to carry out investigations or reviews of any specific agency rules. But the joint committee would be prohibited from establishing standing subcommittees.

Based on the experience of other legislatures, it is expected that one of the joint committee's most important contributions will be in reviewing conflict, duplication and overlap in regulations, which cannot be properly addressed within the existing committee structure. A prohibition on the establishment of standing subcommittees would prevent the joint committee from duplicating the compartmentalism of the standing committee and appropriation subcommittee structure.

Without such a prohibition, there would be some danger of adding another leg to the "iron triangle," defects of which are much of the reason for proposing a new regulatory review committee.

Authority

Mr. Speaker, section 302 authorizes the joint committees to sit and act during a Congress at such times and places, within the United States or elsewhere, whether either House is in session, has recessed or has adjourned, to hold such hearings at it deems necessary, and to send for persons and papers.

The provision is boilerplate to authorize committees to carry out investigations and to issue subpoenas.

Administration

Mr. Speaker, section 303 provides that, subject to appropriations, the joint committee can incur expenses, employ staff and consultants, and reimburse travel expenses of Members, staff, and certain witnesses, and it fixes pay ceilings for committee staff. The section provides that expenses will be paid equally from the contingent fund of each House but states the sense of Congress that, insofar as practicable, the joint committee should utilize the services of a consolidated, nonpartisan staff.

This provision is substantially boilerplate for the administrative authority of committees. As in the case of all joint committees, the committee

would be funded in the annual appropriation bill for the legislative branch. The senior House and Senate Member would each be able to appoint one staff person to be directly responsible to that House and it is expected that the remainder of the staff would be appointed jointly on a nonpartisan basis.

Report on Regulatory and Oversight Improvements

Mr. Speaker, section 304 provides that, as soon as practicable in the 100th Congress, the joint committee would report to each House on its activities during the preceding Congress and make recommendations with respect to statutory changes and changes in the rules of each House necessary to improve the effectiveness of the functions of the joint committee and its responsiveness to the regulatory concerns of the Congress. The report would also include any recommendations for the enactment of such laws as the joint committee considers necessary and appropriate to improve the Federal regulatory process. The committees having jurisdiction over the subject matter of such report would conduct appropriate hearings during that Congress to review the report.

The establishment of the committee by a joint rule, adopted in the form of a concurrent resolution, has certain advantages. However, in the course of carrying out its responsibilities, the joint committee may encounter difficulties that cannot be addressed within the terms of a rule of Congress, relating to submission of agency rules, delay in the implementation of new rules, and other matters. This section is intended to allow the joint committee to recommend improvements in its charter, of a statutory character, based on its experience under this resolution.

Regulatory Library

Mr. Speaker, section 305 provides for a regulatory library to be established in the House, to be administered by the Postmaster.

During studies of regulatory reform, it has been noted that the information resources of Congress on administrative law are limited. It is therefore recommended that a congressional regulatory library be established. It is expected that a substantial number of other Members and committee staff would be clients of a such a facility. The only other library operated by the House makes available a substantial body of House publications. That library is operated by the Clerk, since he is responsible for the printing and custody of papers of the House. The proposed regulatory library would provide materials generally obtained from executive branch agencies. Since these would generally be made available to Congress through the Postmaster, he has been proposed as the officer to operate the library.

Effective Date

Mr. Speaker, section 306(a) provides for the resolution to be effective at the later of: First, the first day of the month which begins at least 60 days after the day on which the resolution is adopted by both Houses; or second, the beginning of the fiscal year which starts after May 15 on or before which the resolution is reported.

It is assumed that it would be desirable to implement the resolution promptly, but a brief delay is considered appropriate to afford the bipartisan leadership in each House some opportunity to weigh committee appointments. This section complies with the intent of section 402(a) of the Congressional Budget Act of 1974 that all authorizations must be reported by May 15 preceding the fiscal year in which they become effective.

House Transition Provision

Mr. Speaker, section 306(b) provides that the Speaker would be authorized to appoint the members of the joint committee on the part of the House. When acting under this section, they would be subject to all requirements of rule XI, as they apply to committees of the House. They would carry out the responsibilities of the joint committee under the resolution, as they pertain to the House.

The effective date required by section 402(a) of the Congressional Budget Act of 1974 could result in a delay between the adoption of the resolution and establishment of the joint committee of at least 4½ months or as much as 16½ months. This provision would enable the House to make use of any period preceding full implementation of the resolution to organize.

Amendment to Rules of the House

Mr. Speaker, section 306(c) amends rule XXIV of the Rules of the House of Representatives, relating to the order of business, by adding a new clause which restates the establishment of a special period for House consideration of joint committee reports under section 202(b) of the resolution, and provides for the continued applicability of the resolution to future Congresses.

Under the precedents, a concurrent resolution would expire with the Congress that passes it. Although the Senate is a continuing body, the House is not. In 1876, the last set of joint rules was abrogated, based on a finding by the Senate that the House had failed to readopt them for that Congress. A provision carried in the rules of the House would enable the House to readopt the rule at the organization of each Congress.●

● Mr. KINDNESS. Mr. Speaker, I am pleased to join with my distinguished colleague from Massachusetts [Mr. MOAKLEY] in introducing House Concurrent Resolution 2. He and I began examining the possibility of creating a joint congressional committee for the purpose of overseeing executive agency rulemaking activities some 6 years ago. The situation has changed a great deal since that time. For example, just 2 years ago, in Immigration and Naturalization Service versus Chadha, the Supreme Court dealt what many considered a fatal blow to the entire process of regulating the regulators by declaring the legislative veto unconstitutional, although that was not a rulemaking case.

By way of historical background, Mr. Speaker, the Congress attempt to reign in the unelected fourth branch of Government has developed considerably in the past decade. The continued and substantial cost of Federal regulation makes it a subject ripe for congressional attention. In a number of formal and informal exchanges with our colleagues on the subject of regulation, Mr. Speaker, I have found a growing number of the Members believe, and I think rightly so, that executive agencies have too often used the discretion granted them by statute to issue regulations which stray from or far exceed the intent of Congress. As a consequence, there has been an increasing interest in the past several Congresses to subject regulations to careful analysis. With regard to cost effectiveness, the administration has made strides by issuing Executive Order 12291. The resolution being put forth by my colleague and I today will compliment this by ensuring a thorough and thoughtful congressional review of all rulemaking activities.

I would be remiss, Mr. Speaker, if I failed to note that one of the principal problems in this entire area, however, has been the marriage of legislative veto with regulatory reform efforts. As a result of this, neither proposal has been successful. Under the proposed resolution, the issues of legislative oversight of agency rulemaking and regulatory reform are clearly separated.

Mr. Speaker, I would like to commend the gentleman from Texas [Mr. SAM B. HALL, JR.] for the insight he provided in assessing the *Chadha* decision through the hearings held by the Administrative Law and Governmental Relations Subcommittee in the last Congress. I had the pleasure of serving with that gentleman on the Subcommittee on Administrative Law of the Judiciary Committee and believe that both the Judiciary and Rules Committee hearings have generated a careful examination of the issue. Indeed, a proper understanding now exists for the passage of House Concurrent Resolution 2.

Mr. Speaker, this resolution is perhaps the only effective response to the

Chadha decision, which essentially held that there is only one way to effect legislation and that is bicameral passage and presentment to the President. Therefore, any procedure devised by the Congress which uses bicameral passage and presentment to approve regulations is, in fact, not legislative veto but rather legislation. I might add, Mr. Speaker, that as such, it would be subject to the same rules of judicial review as any other congressional enactment.

As a consequence, the gentleman from Massachusetts and I have introduced House Concurrent Resolution 2 as an alternative vehicle to the one-House legislative veto struck down in *Chadha*. In this resolution, we have focused on those powers which generally lie outside of the review of any court, specifically the right of each House of Congress to determine its own rules of procedure and the constitutional power of Congress—and particularly the House of Representatives—to control all governmental expenditures. As my colleague has noted, these are among the strongest powers Congress has at its disposal and they are vital instruments in crafting an effective regulatory oversight mechanism.

In short, Mr. Speaker, I believe this resolution is one of the most balanced proposals ever introduced in the area of congressional oversight of agency rulemaking. From the vantage points of the rules and Judiciary Committees, my colleague and I have had the benefit of a vast institutional examination of this issue. Indeed, I would like to compliment my colleagues on both sides of the aisle who have worked so diligently in fashioning a congressional response to the *Chadha* decision. We hope many of them will join with us in supporting House Concurrent Resolution 2.

Mr. Speaker, I would also like to call to the attention of the Congress the fine job our colleague from Massachusetts has done in providing this body with the background necessary to properly consider the resolution. His statement accurately recalls the history of the issue in the 98th Congress, presents a cogent review of the development of congressional review legislation as well as the proposals for general systems of regulatory review. Similarly, he provides a brief background of the development of the present resolution and its specifics. I would once again, Mr. Speaker, like to thank the gentleman and state how much I look forward to working with him in the passage of this resolution.●

ORDER OF BUSINESS

Mr. GINGRICH. Mr. Speaker, I ask unanimous consent that the distinguished gentleman from Arizona [Mr. RUDD] be allowed to precede me in his special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

REINSTATE DEATH PENALTY FOR CRIMES OF ESPIONAGE AND TREASON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. RUDD] is recognized for 30 minutes.

Mr. RUDD. Mr. Speaker, I would like to take this moment to thank the distinguished gentleman from Georgia [Mr. GINGRICH] for allowing me to go ahead of him in his very special order.

Mr. Speaker, I am today introducing legislation to reinstate the death penalty for those convicted of crimes of espionage and treason against the United States.

The current maximum penalty of life in prison for these crimes is obviously not strong enough when individuals are willing to sell top U.S. security secrets for paltry sums and endanger the liberty and freedom of our citizens.

In fact, we have more people charged with espionage right now than ever before in our history. The number of persons charged with espionage in 1984 was nine times greater than only 5 years before.

Among those charged last year was a Northrop engineer in Los Angeles who allegedly tried to sell classified technical manuals, blueprints, drawings and a list of subcontractors involving Stealth technology to the Soviets for only $25,000. The money was apparently to be used to pay off debts which had prevented the engineer from obtaining top-level security clearance. The loss of that strategic Stealth technology to the Soviets would undoubtedly have caused irreparable damage to U.S. security.

Another case involved a naturalized U.S. citizen who had infiltrated U.S. intelligence and allegedly provided classified national security information to the intelligence service of his native Czechoslovakia. The individual had undergone training as an intelligence officer by Czech authorities for several years prior to immigrating to the United States.

Yet another case involved an employee of the United States Army, Intelligence and Security Command who allegedly sold classified information on a double agent operation to the Soviets for as little as $11,000.

National security in an open society like ours is always more vulnerable. We are ripe targets for picking by our enemies. But anyone who is thinking about doing irreparable harm to our national security by transferring defense information to the Soviets or others might reconsider if the death penalty hangs over them.

Tougher penalties for these crimes are widely supported by the public. A 1984 survey of my own constituents in Arizona's Fourth Congressional District revealed that an overwhelming 85 percent of those responding favored the death penalty for crimes of treason and espionage.

I urge my colleagues to join me as a cosponsor of this important legislation. The text of the measure follows:

H.R. 704

A bill to amend title 18 of the United States Code to establish rational criteria for the imposition of the sentence of death in cases of espionage and treason, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 2381 AMENDMENT

SECTION 1. (a) Section 2381 of title 18 of the United States Code is amended by inserting "(a) OFFENSE.—" before "Whoever".

(b) Section 2381 of such title is further amended by adding at the end the following:

"(b) HEARING REQUIRED.—A person shall be subjected to the penalty of death for an offense under this section only if a hearing is held in accordance with this section.

"(c) NOTICE BY THE GOVERNMENT.—Whenever the Government intends to seek the death penalty for an offense under this section, the attorney for the Government, a reasonable time before trial or acceptance by the court of a plea of guilty, shall sign and file with the court, and serve upon the defendant, a notice—

"(1) that the Government in the event of conviction will seek the sentence of death, and

"(2) setting forth the aggravating factor or factors which the Government will seek to prove as the basis for the death penalty.

The court may permit the attorney for the Government to amend this notice for good cause shown.

"(d) HEARING BEFORE COURT OR JURY.—When the attorney for the Government has filed a notice as required under subsection (c) and the defendant is found guilty of or pleads guilty to the offense, the judge who presided at the trial or before whom the guilty plea was entered, or any other judge if the judge who presided at the trial or before whom the guilty plea was entered is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

"(1) before the jury which determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury which determined the defendant's guilt has been discharged for good cause; or

"(D) after initial imposition of a sentence under this section, redetermination of the sentence under this section is necessary; or

"(3) before the court alone, upon the motion of the defendant and with the approval of the Government.

A jury impaneled pursuant to paragraph (2) of this subsection shall consist of twelve

members, unless, at any time before the conclusion of the hearing, the parties stipulate with the approval of the court that it shall consist of any number less than twelve.

"(e) PROOF OF AGGRAVATING AND MITIGATING FACTORS.—Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure or any other provision of law, when a defendant is found guilty of or pleads guilty to an offense under this section, no presentence report shall be prepared. In the sentencing hearing, information may be presented as to any matter relevant to the sentence and shall include matters relating to any of the aggravating or mitigating factors set forth in subsections (h) and (i), or any other mitigating factor. Where information is presented relating to any of the aggravating factors set forth in subsection (i), information may be presented relating to any other aggravating factor. Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. Any other information relevant to such mitigating or aggravating factors may be presented by either the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury. The Government and the defendant shall be permitted to rebut any information received at the hearing and shall be given fair opportunity to present argument as the adequacy of the information to establish the existence of any of the aggravating or mitigating factors, and as to appropriateness in that case of imposing a sentence of death. The Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the Government, and is not satisfied unless established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless established by a preponderance of the information.

"(f) RETURN OF FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any mitigating factors, and any aggravating factors set forth in subsection (i), found to exist. If one of the aggravating factors set forth in subsection (i) is found to exist, a special finding identifying any other aggravating factor may be returned. A finding of such a factor by a jury shall be made by unanimous vote. If no aggravating factor set forth in subsection (i) is found to exist, the court shall impose a sentence, other than death, authorized by law. If one or more of the aggravating factors set forth in subsection (i) is found to exist, the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or in the absence of mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall return a finding as to whether a sentence of death is justified.

"(g) IMPOSITION OF SENTENCE.—Upon a finding under this section that a sentence of death is justified, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law.

"(h) MITIGATING FACTORS.—In determining whether a sentence of death is to be imposed on a defendant under this section, the following mitigating factors shall be considered but are not exclusive:

"(1) The defendant was less than eighteen years of age at the time of the crime.

"(2) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to the charge.

"(3) The defendant was under unusual and substantial duress, although not such duress as constitutes a defense to the charge.

"(4) The defendant is punishable as a principal (as defined in section 2(a) of this title) in the offense, which was committed by another, but his participation was relatively minor, although not so minor as to constitute a defense to the charge.

"(i) AGGRAVATING FACTORS.—If the defendant is found guilty of or pleads guilty to an offense under this section, the following aggravating factors shall be considered but are not exclusive;

"(1) The defendant has been convicted of another offense involving espionage or treason for which either a sentence of life imprisonment or death was authorized by law.

"(2) In the commission of the offense the defendant knowingly created a grave risk of substantial danger to the national security.

"(3) In the commission of the offense the defendant knowingly created a grave risk of death to another person.

"(j) INSTRUCTION TO JURY ON RIGHT OF THE DEFENDANT TO JUSTICE WITHOUT DISCRIMINATION.—In any hearing held before a jury under this section, the court shall instruct the jury that in its consideration of whether the sentence of death is justified it shall not consider the race, color, national origin, creed, or sex of the defendant. The jury shall return to the court a certificate signed by each juror that consideration of race, color, national origin, creed, or sex of the defendant was not involved in reaching his or her individual decision.

"(k) SENTENCING IN CAPITAL CASES IN WHICH DEATH PENALTY IS NOT SOUGHT OR IMPOSED.—Notwithstanding any other provision of law, upon conviction of a person for an offense under this section, the court may impose a sentence of life imprisonment without the possibility of parole.

"(l) PREGNANT WOMEN.—In no event shall a sentence of death be carried out upon a pregnant woman.

"(m) APPEAL FROM SENTENCE OF DEATH.—(1) In any case in which the sentence of death is imposed under this section, the sentence of death shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time prescribed for appeal of judgment in section 2107 of title 28. An appeal under this subsection may be consolidated with an appeal of the judgment of conviction. Such review shall have priority over all other cases.

"(2) On review of the sentence, the court of appeals shall consider the record, the evidence submitted during the trial, the information submitted during the sentencing hearing, the procedures employed in the sentencing hearing, and the special findings returned under subsection (f).

"(3) The court shall affirm the sentence if it determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(B) the information supports the special finding of the existence of any aggravating factor, or the failure to find any mitigating factors as set forth or allowed in this section.

"(4) In all other cases the court shall remand the case for reconsideration under subsections (b) through (l) of this section.

"(5) The court of appeals shall state in writing the reasons for its disposition of the review of the sentence.".

SECTION 794 AMENDMENT

SEC. 2. Section 794(a) of title 18 of the United States Code is amended by striking out the period at the end of the section and inserting in lieu thereof ", except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds that the offense directly concerned nuclear weaponry, military spacecraft or satellites, early warning systems, or other means of defense or retaliation against large-scale attack; war plans; communications intelligence or cryptographic information; or any other major weapons system or major element of defense strategy. Subsections (b) through (m) of section 2381 of this title shall apply with respect to a sentence of death sought, imposed, or carried out for an offense under this subsection in the same manner and to the same extent such subsections (b) through (m) apply with respect to such a sentence for an offense under section 2381 of this title.".

□ 1130

VETERANS' ADMINISTRATION PROCEDURE AND JUDICIAL REVIEW ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. EDWARDS] is recognized for 10 minutes.

Mr. EDWARDS of California. Mr. Speaker, on January 21, 1985, I introduced the Veterans' Administration Adjudication Procedure and Judicial Review Act. This act will restore important rights to the veterans of America and I look forward to its enactment in the 99th Congress.

American veterans fought for this country and sacrificed a very important part of their lives to protect the rights and freedoms enjoyed by other American citizens. Yet, veterans are denied important rights of citizenry—the right to judicial review and the right to be represented by counsel.

The preclusion of judicial review for decisions involving veterans benefits was first enacted in 1933 and reflected the then-current view that veterans had no right to benefits and thus did not warrant the protection that judicial review afforded.

In 1924, a $10 attorney fee limitation was set to protect pensioners from unethical lawyers; in reality, this limitation denies veterans the rights to counsel of their choice.

Both of these limitations are clearly anachronisms in today's society and are not in the best interest of today's veterans.

Nevertheless, under current law, a veteran's claim for benefits is decided upon completely with the closed system of the Veterans' Administration and may not be brought before the courts for adjudication should the veteran feel aggrieved.

Thus, veterans, who fought to protect the constitutional rights of every American, are denied by law the basic right to due process in their dealings with the Veterans' Administration.

The right to judicial review is available for virtually every other Federal benefit except those involving the VA and that simply is not right. I strongly believe that veterans should not be treated in this way, as second-class citizens. Particularly in the eyes of the law, veterans should not be discriminated against in their pursuit of justice.

The bill I have introduced will give veterans access to the judicial system if, upon final decision by the Board of Veterans Appeals, a veteran feels aggrieved and wants court review of that decision. It would also provide for reasonable attorney fees so that, if the veteran chooses, legal services can be retained at an affordable fee.

By advocating the changes contained in this bill, I am not saying that the VA deliberately reaches unfair decisions or that the internal VA process should be changed. In fact, my bill codifies current VA procedures for benefit claims.

I am saying that the VA has a vast, complex machinery dealing with billions of dollars of benefit claims. Sometimes, just in the normal course of events, errors will be made. Sometimes, just in the normal course of the human condition, arbitrary or capricious decisions will be made.

The current VA system fails to provide outside checks against such action by the agency. If you are the one suffering the error, inadvertent or otherwise, you should have recourse to judicial review.

I believe, in fact, that judicial review would benefit everyone, including the VA whose processes would be opened to the light of appropriate judicial scrutiny.

Under this bill, the current $10 attorney fee limitation is not lifted for a particular case until the veteran has received an initial BVA decision. Even after it is lifted, the bill contains various checks to ensure against unreasonable lawyer fees being charged the veteran. Thus, the veteran is protected, without prejudicing representation after denial of a claim. This approach seems clearly preferable to the current law.

Federal courts have reviewed for decades the most complex issues imaginable and the most complex of agency decisions. Indeed, for decades, the courts have interpreted and applied VA rating guidelines to the military disability retirement system since veterans filing under that system already have the right to judicial review. Even opponents of judicial review for VA decisions admit that this has worked very well.

The military disability retirement system closely parallels that of the VA. Many of the cases under the two systems are of similar character. Since the record shows that judicial review works well for the one, there is no reason to believe that it would not work equally as well for the other.

The military disability retirement system's boards handle about 35,000 cases per year. Their denial rate is about the same as that of the Board of Veterans Appeals. The few hundred cases that go to the courts from the military system clearly do not overwhelm the courts. There is no reason to believe that cases from the VA system would do so, either.

The main point to remember, however, is that even if they did, it is up to the Congress to address that problem on an equitable basis. Singling out the veterans in the VA system is arbitrary, blatantly unfair, and not the answer to court problems.

Mr. Speaker, let me conclude by saying that this bill restores fundamental rights to America's veterans. Eighty-seven House Members joined me as original cosponsors of this legislation. I urge our colleagues to join with us to pass this bill into law. Then, the law will be inclusive of the rights of veterans and justly so.

THE SEATING OF RICHARD D. McINTYRE OF THE EIGHTH DISTRICT OF INDIANA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I take this time to talk about the very important question of why the people of the Eighth District of Indiana are being deprived, unjustly and improperly, of a voice in the U.S. House of Representatives.

□ 1140

This case is unique in American history. Never before has a majority, in this case the Democratic majority, sought to deprive a people of their district of the legitimately elected and certified Representative.

I cite from the Clerk of the House on the opening day of the session, January 3, 1985, when he said, and I quote:

> Certificates of election covering the 435 seats in the 99th Congress have been received by the Clerk of the House and the names of those persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States and of the United States, will be called.

And I note that under Indiana on this page H1 of January 3, 1985, is listed the name of the gentleman from the Eighth District, Mr. McIntyre. And the Clerk of this House had in fact reported to the House and to the Nation that his credentials indicated from the secretary of state from his State that he had been elected and that he was certified as having won.

A great deal of misinformation was brought forth that day by the Democratic leadership in seeking to create a very dangerous precedent of depriving the people of a district of their legitimately elected and certified representation. The key points to note are that the election was over, the duly elected secretary of state of the State of Indiana had certified Mr. McIntyre as the winner, there was no question about the normal procedures and there was absolutely no precedent for barring the people of the Eighth District of Indiana from having a voice in this Congress.

In an act of sheer brute power the Democratic Party sought to deny the people of the Eighth District of Indiana of a seat. Since that time a recount has been underway. That recount is not yet technically completed, but the counting is over and there is no question that the position of Mr. McIntyre and the position of the Eighth District of Indiana has been strengthened. There are no grounds to believe that the election will in any way change. So we are faced today with two raw facts: First, that a very, very dangerous precedent is being attempted by which any majority could deny the people of a district of their due representation; and second, that there are no factual grounds for denying Mr. McIntyre and the people of the Eighth District of Indiana their due representation in this Congress.

And in that spirit I wish to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

I think the gentleman would agree with me that we really do have a situation which appears that the Democratic majority in the House is going to continue to deny Mr. McIntyre his rightful seat in the Congress despite the fact that the recount has been completed.

In yesterday's Washington Post we had some quotes by Democratic leadership that are very, very disturbing in what they had to say. The chairman of the Democratic Campaign Committee says flatly that the House is going to resist any effort to seat Mr. McIntyre. Beyond that he says, and this is rather interesting, he says and I quote:

Nothing has changed the fact that Frank McCloskey won on election day and an honest, complete and nonpartisan vote count would confirm that.

I mean that just does not have any basis in reality at all. No. 1, things have changed the fact that Frank McCloskey won on election day from their perception; we now have a recount which shows that Frank McCloskey did not win on election day. It has not been completely certified yet, but we have the count in hand.

He implies that the State of Indiana is not honest because he says, "An honest vote will confirm that." Well, you know, what is he saying, that there is no honest count in Indiana? That it seems to me is a horrible statement. A complete count? We have a complete count now. The recount has been completed.

A nonpartisan vote? It is my understanding that most of the counties that have done the recount are in fact Democratic counties rather than Republican counties. So certainly the recount at this point has been nonpartisan in its nature.

I just think that the statements we hear coming out of the Democratic leadership at this point are very disturbing because what it seems to confirm is that they do intend to have the House Administration Committee rather than the State of Indiana make the determination as to who the victor of that seat is. That of course is a committee which they intend to stack against us by almost a 2-to-1 margin, and we can assume that that is being done with a purpose.

So certainly our perception of the situation has to be that we do have a wielding of brute power here. We have the kind of arrogance that has too often characterized the leadership of this House. And I think that what we need to be doing is congratulating Mr. McIntyre the winner, making certain that he is brought to the Chamber as early as possible and sworn in. If he is the rightful possessor of that seat, the people of his district deserve to be represented by the man they elected.

And I thank the gentleman for yielding.

Mr. GINGRICH. I am delighted to yield to the distinguished senior member from our delegation, the gentleman from Indiana.

Mr. MYERS of Indiana. I thank my colleague for yielding.

The statement was made this morning that the Democratic leadership has been saying that Frank McCloskey was declared the winner on election night. This is not true. Frank McCloskey has never been declared the winner by any properly elected official in the State of Indiana, either countywide or statewide.

The media, in the early morning hours after the election on Wednesday morning, was declaring McIntyre the winner. But in the middle of the afternoon on Wednesday it had found a 200-vote error in Vandenburgh County, a Democratic county. At that time the media started declaring McCloskey the winner. But the secretary of state is prohibited by law in the State of Indiana from certifying anyone for 10 days just because of this reason.

And during that 10-day period it was found that in another county two precincts had been counted twice and when they were eliminated by court action, when they were eliminated from the county, McIntyre was declared the winner and received the certificate 10 days later, as he should have, and as you say he should have been seated. Frank McCloskey was never declared the winner by any properly elected official in the State of Indiana.

Mr. GINGRICH. I might ask the gentleman from Indiana [Mr. MYERS] to answer several questions, as a very distinguished leader of this effort within the Indiana delegation.

I of course will yield at this point to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

In other words, what the gentleman is saying is that this statement by Mr. COELHO, the Chairman of the Democratic Campaign Committee, is just not true, it is an absolutely false statement that appeared in yesterday's Washington Post.

Mr. MYERS of Indiana. If the gentleman will yield, it is very politically motivated. We can all see what is happening here: Confuse the issue, try to delay the action as long as you can, figuring out a way that they could steal the election. Really, you are exactly right, this has never happened since I have read back through history of this House, never happened before, and I do not think the American people appreciate it one bit.

And I thank the gentleman for yielding.

Mr. GINGRICH. Let me make one final question of the gentleman from Indiana, if I might. It is very important for people to understand this back home.

As I understand it, the only reason there was ever any confusion at any point was that a Democratic-elected clerk in a particular county had double counted two precincts, counted them twice, is that right?

Mr. MYERS of Indiana. If the gentleman will yield, yes. Gibson County, on the election night or in the early morning hours, certified, at least released the figures, of showing Frank McCloskey with x number of votes.

The McIntyre Campaign Committee recognized that this particular instance, that the McCloskey-McIntyre race received significantly more votes than either President, the Governor or other races. They went back and started putting figures together and realized that two precincts had been counted twice. They so notified the clerk of that county, who happens to be a Democrat. The clerk did acknowledge, it is my understanding, that the error had been made but refused to change the certification and did not change for more than a week until a Democratic judge in the same county directed the clerk to give the proper certification to the secretary of state, which the Democratic clerk did at that time, which did then give McIntyre the lead.

Mr. GINGRICH. If I might then summarize, and I hope the gentleman will correct me if I misunderstand this, a local Democrat clerk initially reported wrongly two precincts by counting them twice in favor of the Democratic candidate.

Mr. MYERS of Indiana. They happened to be Democratic precincts that gave McCloskey, the Democrat, a significant increase.

Mr. GINGRICH. Right. When it was pointed out to him that in fact this was wrong, he refused to change it until directed by a court to do so.

Mr. MYERS of Indiana. That is right. In court, when it did go to court, the clerk admitted the error, that the error was acknowledged. It was not an intentional error. No one has ever accused this county clerk of any wrongdoing. It was just late night, certification, you know, everybody is working with figures, but the clerk did refuse to do so until directed by the judge, by the court.

In Indiana each county conducts its own recount and it is under the control of the circuit court judge, unlike some other States where you have a statewide recount. But each county has its own recount. So the judge has the final say and does direct the recount or how it is conducted.

□ 1150

Mr. GINGRICH. So in effect, the national Democratic leadership in this House is deliberately avoiding the honest count, is misinforming its own Members and the national news media, and at the same time is smearing the good name of the State of Indiana by suggesting that Indianans cannot hold an honest election.

Mr. MYERS of Indiana. Will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. I cannot speak for the Democratic leadership of this House or would I even try, or do I want to, but in any event, yes; I cannot believe some of the things that have happened.

Yesterday morning's press release, according to the Washington Post, ac-

cording to the Speaker and the chairman of the Democratic Campaign Committee, were in error by fact. Now I do not know whether it was intentional or not; but there were gross mistakes made, particularly by the chairman of the Democratic Campaign Committee.

But in any event, that election was held back in November. Now is the time for everybody to say, "OK, we lost the election, let us go ahead and seat the Member that has the certification. We tried and we failed." And that to deny anything different than that is a gross injustice.

Mr. WEBER. Will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman from Georgia for yielding, and I wonder if I can impose on the gentleman from Indiana [Mr. MYERS] one more time; he has been generous with his wisdom here.

The Speaker has been specifically citing a precedent for the refusal to seat McIntyre, which ironically is also from an Indiana race. Now, in my understanding of that, there is no precedent at all involved there, and I wonder if you could explain for the benefit of the Members here why exactly the Speaker keeps calling this 1961 Indiana race a precedent for not seating Mr. McIntyre?

Mr. MYERS of Indiana. Well, the precedence is this, if the gentleman will yield.

Mr. Speaker, both happened in Indiana; both affected an election for a Member of Congress; but the facts are quite different: In 1960, in that election for the 1961 Congress, after election, Mr. Chambers, a Republican, was certified by the secretary of state as having won the election on election night.

Subsequent to that, under a recanvas, it was found that there were some tabulation errors. The Clerk of the House had a certificate for Mr. Chambers. Then a letter was sent by the secretary of state; not a new certificate; a letter was sent by the secretary to the Clerk of the House stating that there had been an error, and under a reconsideration, a recanvas, not a recount, a recanvas of those votes, a retabulation, that Mr. Roush, a Democrat, was the winner.

The House was uncertain at that time because they first had a certificate on one and a letter on the other. So the House properly said, we are confused, we do not know who to seat. In this instance, where we have only one certificate, there is no question about who the winner was after all the dust settled, after the election, in this case there is no comparison because there are no two certificates. There is no confusion in Indiana at this point. Indiana knows the House says under its constitutional responsibility to seat Members, it has a right; but under Powell against McCormack the Supreme Court said the House does not have a right to decide which Member should be seated.

Only under three conditions, and those are spelled out by the Constitution. The House is in error; it has violated the Constitution, it has violated case history and political precedent.

Mr. WEBER. Will the gentleman yield further?

Mr. GINGRICH. Yes, I yield to the gentleman.

Mr. WEBER. Mr. Speaker, I will not take much time because I know we have a number of other Members here, Members who were elected with Mr. McIntyre and who were seated that want to speak on this issue.

I want to make the point: It is important to realize who is calling the shots on this issue within the Democratic caucus. The resolution to seat Mr. McIntyre has been referred to the House Administration Committee, and we keep talking about the House Administration Committee. It is not the House Administration Committee that is making the decisions on this issue, nor is it the House Rules Committee or any other duly constituted committee of this House. It is the Democratic National Campaign Committee that is making the decisions about whether or not Mr. McIntyre should be seated.

The evidence of that is that the chairman of that committee has been the primary spokesman on behalf of Mr. McCloskey, and his reasoning is specious at best and political at worst. And we should label this for what it is; it is simply a political power grab in violation, as the gentleman from Indiana [Mr. MYERS] has just pointed out, of the Constitution as well as the rules of the House.

Mr. GINGRICH. I would be delighted to yield to the gentleman from Arizona.

Mr. KOLBE. I thank the gentleman from Georgia for yielding to me.

Mr. Speaker, I rise this morning to join with my colleagues to urge this body to move swiftly to seat the gentleman from Indiana, Mr. McIntyre, as the representative of Indiana's Eighth District.

Mr. Speaker, the gentleman from Indiana has been subjected to an ordeal for these last 10 weeks that none of us should wish to inflict on another.

However, in emerging from this ordeal, he can probably claim more truly the title of "winner" than any other Member of this body.

Mr. McIntyre won his election on November 7. He won it again when the counties in his district recanvassed their vote totals and forwarded the results to the secretary of state. He won it again when the secretary of state certified Mr. McIntyre as the winner of the race and so informed this House. And now, Mr. Speaker, at the end of a long and painstaking recount in which every ballot in every precinct in every county was reexamined and recounted he stands as the apparent winner. The certificate of the secretary of state stands.

Mr. Speaker, the time is long past for this body to give the Eighth District of Indiana the representation that it deserves. If there are any unresolved issues in this election there is ample time for the House Administration Committee and the State and Federal courts to examine them.

It is highly unlikely that any of this will change the outcome of the election. But in the meantime, the precedents of this body argue forcefully for giving every district the presumption of representation.

Mr. Speaker, I look at my colleagues on both sides of the aisle and I see among them Members who won their election by fewer votes than the outcome in the Eighth District of Indiana. But they were seated—as they should have been—because their States decided they had fairly won the election and issued a certificate to that effect.

Mr. McIntyre was the winner of his election. He was so certified by the secretary of state in Indiana. This body must give the benefit of the doubt to the State.

The voters of that district should not be disenfranchised for even 1 more day. I urge this body to act swiftly to seat the winner of that election, and I tip my hat to Mr. McIntyre for his perseverance and the dignified manner in which he has conducted himself through this ordeal.

Mr. GINGRICH. If I might, Mr. Speaker, let me reaffirm what the gentleman from Arizona has said, because he himself has been in close elections, not always on the winning side, and he knows the chaos that would occur in a democracy if every time an election was close, the losing side decided to cheat.

The fact is that the American way is to allow the winner to be seated to represent the 500,000 people of that district, not to try to steal the seat against the wishes of the people.

I will be delighted to yield to the distinguished gentleman from Texas [Mr. BOULTER].

Mr. BOULTER. I thank the gentleman for yielding to me.

Mr. Speaker, I want to join in with the distinguished gentleman from Arizona [Mr. KOLBE] in expressing admiration for the eventual Congressman from the Eighth District of Indiana, Rick McIntyre.

I simply have been amazed at Mr. McIntyre's attitude throughout this whole process, and I have been able to talk with him nearly every day; I did so this morning. As many of us new-

comers—the other 32 on the Republican side of the aisle, at least—have gotten to know Mr. McIntyre and his lovely wife Meredith, we are aware that they have a brandnew baby.

It is incredible that Mr. McIntyre continues to hold faith in our democratic process; has throughout this whole ordeal, throughout the court processes, the House deliberations. With all of these groups literally holding Mr. McIntyre's fate in their hands, he still has maintained an attitude of confidence in our system.

It encourages me to see almost this blind faith on the part of Mr. McIntyre in our democratic process. He is a good family man. He does not like to spend time away from his family, and yet he is still having to do so, and the other 32, and all of the newcomers on both sides of the aisle realize what a great personal sacrifice it is to get elected to this body.

Therefore, we can see how frustrating it must be to Rick and Meredith to keep going through this. I just want to join with the gentleman from Arizona in expressing my disappointment in the inaction of this body to go ahead and seat the gentleman from Indiana; it is costing the citizens of the Eighth District representation; they need a Congressman now who is able to research the issues that he is going to have to be facing: the farm bill, the budget process; and they do not have a Congressman who is able to do that because they do not have any representation right now.

□ 1200

In some of the remarks—and I especially thank the gentleman from Indiana for clarifying some points, because really as newcomers to the House, I say to the gentleman from Indiana, it has been confusing to us. In fact, some of wondered who won close elections, "Why didn't I have to go before the House Administration Committee."

Mr. MYERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. BOULTER. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. It is confusing to some of us who are here. I might add that the gentleman has used the word Mr. McIntyre is aware of the democratic process and still has faith in it.

Congressman-elect McIntyre is very much aware of the democratic process, except he spells democratic with a capital "D."

Mr. BOULTER. But I would say this: It is not a Republican versus capital "D" Democrat problem. It is almost a capital "D" Democrat problem versus democracy.

However, I still think, and I think everyone would agree that there are plenty of Members on that side of the aisle who also want to see the democratic process work. Maybe it is true, as the gentleman from Georgia stated, maybe it is true that they have heard some factual inaccuracies or something from certain Members on that side of the aisle, but I believe that they want to see the democratic process work and I just look forward to the day when Congressman-elect McIntyre, with his family, can be sworn in on this floor as the rest of us were.

Mr. GINGRICH. I just want to say that I think the gentleman from Texas put his finger on what has to be for a brand new participant in congressional politics a very frustrating moment to suddenly discover that there are some political bosses who desire power so much that they would threaten the very fragile compact by which we all agree that once the election is over we are Americans first and we recognize the results of that election. I think that this has been, in that sense, a threatening experience to see a handful of bosses on the Democratic side of the aisle try to seize a seat that the people of Indiana have deliberately chosen to give to a new Member.

Mr. Speaker, I yield to the distinguished gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. I thank my distinguished colleague from Georgia for yielding.

Mr. Speaker, as a new Member of this body who in the primary in my Republican Party had to go through a recount which I ended up winning by 10 votes and then a court case where that recount was certified, I can understand the personal frustration and agony that both Mr. McIntyre and Mr. McCloskey have gone through the last several weeks.

I am delighted that the recount has been completed and that my good friend, Rick McIntyre, is apparently the winner by a margin of 415 votes.

I think we have before this body a number of pressing issues that need to be addressed in the very near future and we need to get all 435 Members certified and in office so that we can begin the work before us. I am looking forward that next week when Mr. McIntyre presents himself to be seated that my colleagues both on my side of the aisle and the Democratic side of the aisle will uphold the certificate of the secretary of Indiana and seat Mr. McIntyre because we have got pressing business and we need to get on with it.

I am delighted that Congressman-elect McIntyre will soon be among us.

Mr. GINGRICH. I thank the gentleman.

Mr. Speaker, I yield to our distinguished colleague from North Carolina [Mr. COBEY].

Mr. COBEY. I want to thank the gentleman from Georgia for yielding to me.

Mr. Speaker, I am particularly struck with the hypocrisy of this situation. As I have been out on the campaign trail like my fellow colleagues, I have heard the Democratic Party over and over again trumpet themselves as the party of fairness. I am struck by the fact that this is a totally unfair situation and a complete affront to our democratic process.

This past summer it was my pleasure to be in Dallas at the Republican Convention and to meet a wonderful decent, fine, human being who was running for the Eighth District of Indiana, a family man, a man who had a wife expecting. And we all know the tension and stress that something like that can bring. I think that we should look at and I would hope that our Democratic colleagues would consider the human cost involved here, the tremendous agony and stress. And, yes, financially, the expense that has been brought about by this unprecedented action. It is high time and we should not wait one minute to quickly seat this outstanding representative of the people of the Eighth District of Indiana.

Mr. GINGRICH. If the gentleman would respond for just a moment, it suddenly struck me listening to the gentleman talking, as earlier the gentleman from Arizona, we have several members of the freshmen class who themselves were defeated in close races in the past. It must strike you as peculiarly disturbing that you abided by the system, that you allowed the will of the people of your district to dominate, that you went back out and campaigned, and it never occurred to you to try to steal a seat that you had not yet won fairly.

I am curious if the gentleman could comment just for a second on what must be sort of a disbelief that the Democratic leadership is so thwarting the will of the people of Indiana.

Mr. COBEY. I certainly am disturbed. I had no idea that anything like this could happen in our country. As my colleagues have mentioned, just an unprecedented power grab. Our whole country is built on fairness and equity and decency and this violates all that. We cannot allow this, both Republicans and Democrats, to happen in our country because we will be setting such a tremendously dangerous precedent that it would be very, very difficult to reverse in the future.

Mr. GINGRICH. It is with particular interest that I yield to the next gentleman who in his own right as a former secretary of state, I think, has enlightened many Republicans on just how severe a power grab and how disquieting this whole process can be. I yield to the gentleman from Utah [Mr. MONSON].

Mr. MONSON. I thank the gentleman for yielding.

Mr. Speaker, I rise today to express my appreciation to Congressman-elect Rick McIntyre from Indiana for his diligence and persistence for working within the system to allow the democratic process to fulfill its objectives of allowing for representation in Government.

As was mentioned by the distinguished gentleman from Georgia, I have just left a position as the chief election officer of one of our 50 States. My State of Utah twice elected me Lieutenant Governor and in that capacity I had the opportunity of overseeing elections for that State. In that capacity I had the opportunity to associate with all of the other election officers from the other States in our country. That opportunity taught me several things. First of all, these people are all public officials just like each of the Members of this body.

They all take an oath of office to uphold the laws of their State and of this land. They all have concerns for the election process and primary among those concerns are the insurance that accuracy is maintained in the election process with a strong desire to increase the public involvement in the election process.

It is actions like we have seen here that raise questions in people's minds and help them to decide that they do not want to participate in the democratic process any longer.

Each of these officials takes great care before they issue an election certificate to make sure that they are certain of the outcome that they are certifying.

As we have heard today, once in a while a mistake can occur, but it happens very rarely because of the care that is taken. There is certainly no evidence that a mistake has occurred in this instance.

So I would hope that all Members of this body will begin to realize the grave injustice that has taken place, the unfairness that has occurred and will immediately rectify that situation and allow Mr. McIntyre his proper place in this House and those 500,000 citizens of Indiana the opportunity to be represented.

Mr. GINGRICH. I thank the gentleman.

Mr. Speaker, I yield to the very distinguished economist and professor from Texas [Mr. ARMEY].

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Speaker, I would like to speak for a moment about the young people and tell a little about my own experience in my campaign. I believed what I learned as a young person about the democratic processes in the United States. I entered my race without any political connections, without any political background, but with a belief in what I was doing and an understanding that if I presented myself to the people they would go to the polls and they would express their will and when those votes were counted if I had more votes than the other fellow I would be declared the winner and be certified by the proper State authority.

When I received that certificate I gave it to my 15-year-old son who had worked with me all summer. He kept the faith.

□ 1210

Because he knew that if we worked hard, if we presented ourselves to the voters and if they approved of us and more of them voted for us than the other fellow, that we would get that certificate, and that was the outcome of the process. I was very proud to see him receive that certificate because he had earned it alongside me, along with many other young people.

Now, I know that in this Hall we often have young people in the galleries who study in their classrooms and come here to see the process and the outcome of that process where on the principle that will outlive each and every Member of this House of one man and one vote this democracy will prevail, and they come to see that and to watch that practice. I do not want them to see that, in the final analysis, despite the vote of the people, despite the certificate that the winner receives, that in the final analysis it is political connections and it is partisan numbers that might decide who will represent those people who went to vote, exercised their privilege and performed their duty by saying who they wanted to represent their will.

I believe that Mr. McIntyre worked hard for his race, he presented himself to the people in his district, they approved of him, they voted for him, he was certified, and the day should come when he presents that certificate to his son and says that represents the democratic process in action and it is honored. This is very important, not to me, not to Mr. McIntyre, but to the young people who will inherit the legacy we leave them. I hope and pray that this body will rally behind those democratic principles on which this Nation was born and do honor to those principles and do honor to our young people and seat Mr. McIntyre in the manner to which he is entitled.

I thank the gentleman.

Mr. GINGRICH. Mr. Speaker, let me say that I am particularly interested in yielding to the next person because she lost two elections, as I did, and we had close races, and we know personally what it is like not just once, but twice, to be put in a situation where it would be very tempting to try to come to Washington and say, "Please overturn the will of the people, please ignore how they voted, please give me the seat because I would like it." Both of us agree with the distinguished gentleman from Texas that the system of self-government requires that we honor the people and not just the political bosses.

So it is with particular delight that I yield to the distinguished gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. I thank the gentleman from Georgia for yielding and for his comments.

Yes, indeed, there were two times that I lost, and particularly on the second time I was urged by some to demand a recount and to go after it, because they felt that I had won. But again I said no, the vote that is apparent there shall prevail and the certification from the secretary of state shall prevail. So therefore I did not challenge it.

And this time, when I was the victor, my opponent said that the margin was sufficient that he was not going to challenge it even early on, before I even claimed victory, he conceded that he had lost. And that is part of the system. That is the system that many of our forefathers came to this country for. My parents were immigrants, and they came here because of our democracy, they came here because of our fairness, and they came here because they felt that right shall prevail here.

I want to be able to carry that on, that belief, by saluting Rick McIntyre as a seated Member to this body in the immediate future.

The recount report from Indiana on Tuesday shows that Congressman Rick McIntyre's margin of victory has widened, and it should be only a matter of clearing up some technical points that McIntyre will be able to join the rest of the 1985 freshman class as a voting Member, and we will welcome him with open arms.

We feel very, very strongly that the 415-vote margin of Tuesday only confirms our belief that he should have been seated on January 3 when the difference was 34 votes, and thus the people of the Eighth District of Indiana would have been represented, would be represented on this floor by a voting Member, rather than having the taxpayers of the United States paying two salaries and also for the staff of a loser while those 500,000 citizens of Indiana are disenfranchised in this body. That is not fairness, Mr. Speaker.

Congressman McIntyre has weathered the legal recount of the State of Indiana as a gentleman and has, as we have all pointed out, multiplied his margin of victory during this period while again the counties in the Eighth Congressional District of Indiana completed their responsibility.

I do congratulate him for his upward climb and also the people of his district for their support and loyalty, and I am certain that when he finally is able to perform all of the duties to which he has been elected as a legislator, his merit will become more evident every day and his margin of victory will multiply many times over for later terms of office. The matter should now be ended, and he should be seated with all of the other Members who won election. And until some new standard is applied, is adopted and applied to all of those who run for public office, Mr. McIntyre is the elected Representative of the Eighth District of Indiana. I think that I speak for a number of his peers in saying that we will defend his right to his place for him, for his constitutents, and for the safety of representative government.

I thank the gentleman.

Mr. GINGRICH. I thank the gentlewoman for her comments.

Mr. Speaker, I yield to the distinguished gentleman from Florida [Mr. MACK].

Mr. MACK. I thank the gentleman for yielding.

A couple of thoughts go through my mind on this day, the first of which is how proud I am of the new Members, the new freshman Republican Members of Congress, who are having, I guess, their first opportunity to speak to this body.

I had the opportunity to be with many of you during these past few weeks, as we went through the orientation program, and I thought back to my disappointment, frankly, that our numbers were not greater as a result of the November 6 election. But I remember the last night that you all got together and each of you had the opportunity to express your feelings about the election that you had won and excitement of being involved in this great process that we have in this country and the importance of what we are doing, and I left that meeting with the feeling that the quality certainly is going to make up for any concern I had about the quantity. I think we are seeing that being expressed here today.

The other feeling that I have is, listening to the gentleman from Texas [Mr. ARMEY], that he really kind of reduced the debate that should be taking place here today down to its very central point, and that is that it is not really a debate or an argument between parties. What we are really talking about here is the message that is being sent to the American people, that once again what we have is the result of the greed of power that just cannot stop consuming any possible way of adding to its majority. Unfortunately, the message that has been given so far, at least as far as the press, the media, is concerned, is that it is strictly a squabble between the Republican Party and the Democratic Party, when, in reality, it goes so much deeper than that, it goes down to the very roots, the very basis of our country, and that is the one man, one vote, the point that we make to so many people, that it is time for them to become involved in the political process.

One of the things that I said when I first decided to run for Congress was that I think that the responsibility that each of us has is to try to reach out and involve more people in the process. And then we see that those who are in control and those who are in power are not saying that. In fact, their actions are basically saying to people, "Don't get involved in the process because we are going to control it, we are going to decide who wins, who loses, who gets to play the game."

So I want to commend you for what you are doing today. I hope we can deliver a message to the American people through the media that this debate is much more than a political partisan battle, it in fact goes to the very roots of our democracy.

I thank the gentleman for yielding.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield briefly to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman from Georgia for yielding.

I cannot resist making the observation that it is instructive for all of us as Republicans to have the gentleman from Florida speaking on this topic, because the gentleman from Florida [Mr. MACK] was unopposed in the recent election. And the way things are going, that is the only way Republicans are going to get elected around here.

Mr. GINGRICH. I yield to the distinguished gentleman from New Hampshire [Mr. SMITH].

Mr. SMITH of New Hampshire. I thank the gentleman from Georgia for yielding

Mr. Speaker, as we sit here this morning and this afternoon watching individuals for the first time addressing this body, I cannot help but think, since I was a little boy, dreaming about this moment, the first time being able to address this body as a Member of the House of Representatives, and I cannot help but think that there is something that goes far beyond the Democrats and the Republicans who sit here.

□ 1220

There is a term that goes in front of all of our names, and it is the "honorable." The "honorable." I watched here, on January 3, when the Speaker of this body asked all Members to stand and be sworn in, with the exception of Mr. McIntyre and one other individual whom the Republicans voted to seat. His family had to share that disappointment on that day of being here and not being able to see their loved one sworn into this body.

I taught, as Mr. ARMEY referred to, the Constitution, for 6 years in the public school system. I was taught and I taught by students to respect it. This is not a Democrat issue; this is not a Republican issue. It goes to the very heart of the U.S. Constitution. Constitution, that is what we are talking about here. We are snubbing the U.S. Constitution. Mr. McIntyre was certified; he should have been seated. That does no stop the recount. There have been recounts before. But he was certified by the secretary of state. His lead has now increased; he should be seated.

I ask this body, especially the people on the opposite side of the aisle, to consider fairness here. To consider respect for the Constitution of the United States of America. Think about it; America, the American people are watching what is going on here in this body. We owe it to the American people to respect the Constitution of the United States.

You were not elected, none of us were elected to abuse power. Does the other party have the power? You bet they have the power, we know they have the power. We know you can use it; but you are not supposed to abuse it. You were elected to uphold the Constitution.

I ask you when the motion comes again before this body next week, to uphold the Constitution and seat Mr. McIntyre from the Eighth District of Indiana.

I thank the gentleman for yielding to me.

Mr. GINGRICH. Let me ask the gentleman just one thing: The gentleman represents in New Hampshire one of the great States which has local town meetings with a deep sense of the right of individuals to be heard and to participate. How are your folks reacting to this idea that a man can win an election, as Mr. McIntyre has and the people of Indiana can make a choice as they have, and yet nothing works because people for power reasons take away the seat? How does that fit in with the tradition of New Hampshire.

Mr. SMITH of New Hampshire. It does not fit in well, I can assure the gentleman. The situation being town meetings, the proud tradition of one man, one vote, local control. Here the people of Indiana have expressed an opinion.

I would point out to this body that an individual, there is no requirement in terms of the number of votes that you have to win by. It can be one vote; it can be a million votes. But, it is the number of votes, the greatest number

of votes that should provide that that individual be seated.

Mr. GINGRICH. I yield to the distinguished gentleman from California, a member of the Judiciary Committee and an expert on the law in his own right.

Mr. LUNGREN. I thank the gentleman for yielding.

There obviously are some ironies and tragedies involved in this whole process. One of the tragedies is the lack of public attention that has been focused on this question. I dare say that if this special order were about the question of us attempting to get a salary increase for Members of Congress, the galleries in which the press find themselves would be packed. Our phones would be ringing off the hook.

If, on the other hand, we were talking about the fact that an owner of a major baseball team who happened to own the stadium in which the World Series was played stole the last or seventh game of the World Series, we would be hearing about it. We are concerned in the Congress at present time about the NFL moving some of its teams from one city to another. That is such a severe crisis that legislation is now being entered into the Congress to deal with that problem.

Here we have a question about the basics of the Constitution, and literally no press attention is being given to it. It was written up on swearing in day as a partisan squabble, and the real question here is whether people are having their democratic rights trampled upon. Yet virtually no word is being heard about this question.

In 1960, a crucial Presidential election took place between Richard Nixon and John F. Kennedy. As chronicled in the book by Theodore White, there was very good evidence of large-scale vote fraud in three major States of the Union. This was brought to the attention of the defeated candidate, Mr. Nixon, by the Justice Department, the Attorney General, and the head of the FBI.

Despite the fact that there was that information, the Republican candidate at that time made the decision not to challenge that election, not because he necessarily believed it would not turn out that he in fact had won, but because he thought the crisis of confidence in the constitutional processes of the United States would come about and the institutions that flow from that Constitution would be shaken. He made the judgment, and in Theodore White's he said it was one of the finest moments in Presidential election history that he not challenge the election of John F. Kennedy.

Now we have in this situation the fact that someone was duly elected; someone was duly certified by a sovereign State of the Union, and that person is not being seated. Why? Because, as everyone has said, raw political power has overcome this body. It is a sad day for this body.

We have no Members of the other side here; we said that before in certain other occasions, and have been criticized for saying that, but I would hope that at some point in time they come and defend their position as to why they would deny the people of the Eighth District of Indiana the opportunity to have representation here.

As I mentioned to one of the Representatives of Indiana, I went to college at the University of Notre Dame in Indiana, and at that time, as I recall, it was still a sovereign State. It was on a coequal status with the State that I represent, California. But evidently we have decided here that the certification process that certified the other elected officials from the State of Indiana, Democrat and Republican alike, does not count in this case. Why? Because the margin of victory was, on swearing in day, something on the order of 35 votes, now on the order of 400-plus votes.

You can go down the record and find that there are a number of other people that have been seated who won by as small a margin. I lost my first election by 2,866 votes out of over 200,000 cast. I got 49.3 percent of the vote. I did not challenge my Democratic incumbent who was reelected at that time. I thought the people had spoken; he was seated. If I wanted to be seated I would come back and I would try and defeat him which I did 2 years hence.

The point is that this ought to be of a concern to every Member that is seated because if they can do this to Rick McIntyre, they can do it to me, they can do it to you. Now that is important for us personally, but beyond that, it is extremely important to the people we represent. The people of the 42d District of California sent me here. What right would this House have to refuse to have me seated. If I am concerned about my constituents, I have an obligation under the Constitution to be concerned about the constituents of Rick McIntyre.

We represent our districts, yes, but we represent them in the U.S. House of Representatives. We are referred to as the gentleman or the gentlewoman from the State of California; the State of Maryland, but we sit in the United States House of Representatives. We have an obligation to all the people.

This is a tragedy that has affected this House. It can be overcome by a vote of the people of this House, but it only will be overcome, in the short run, by a vote of the people of this House. I hope that the people of the Nation will be watching when we have another opportunity to vote on this because if we do not change this every single seat in the House of Representatives is subject to being overturned, and the views of the people of every district in every State of the Union is subject to being overturned, and that compromises the principles contained in the Constitution.

I thank the gentleman from Georgia for having this special order. I am only sorry he did not put out a press release saying that this special order was about a pay raise for Members of Congress, because, as I say, then we would get far more press attention that evidently we are going to get today.

I thank the gentleman.

Mr. GINGRICH. I yield to the distinguished gentleman from Alabama.

Mr. CALLAHAN. I thank the gentleman for yielding to me.

Mr. Speaker, I rise in support of the seating of Mr. McIntyre of Indiana. The gentleman from Florida mentioned just a few minutes ago, Mr. MACK, that this body is going to send a message to the people of America, and indeed, he is right. But I should also like to remind this body that the people of America sent us a message, too, in November, and they sent this entire body a message. A message that we were to come to Washington to address the issues that are so serious today: The issues of the deficit, the issues of the new foreign policy, the issue of tax reform, the issue of a balanced budget amendment, and on and on and on. The national defense. Certainly to deprive the people of the Eighth District of Indiana a seat in this body and to delay the representation by that particular area of our great country by refusing to seat Representative McIntyre, consitutionally, in my opinion, is wrong, and that issue has been discussed here today.

□ 1230

Legally it is wrong not to seat him, but most of all it is wrong not to seat him because it is right to do so. I urge the Members of this body to use their good judgment, to use their rationale, to use their good intelligence, to use the legal ramifications that they have backing them up and to immediately seat Mr. McIntyre, where the people from the great State of Indiana, the Eighth Congressional District, can have a bona fide Representative sitting in this body, as they are so entitled to do.

Mr. SLAUGHTER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the distinguished gentleman from Virginia.

Mr. SLAUGHTER. I thank the gentleman from Georgia for yielding a part of his time.

Mr. Speaker, the election in the Eighth District of Indiana, the electoral process of counting the vote in that election, have shown Mr. McIntyre to be the winner, and when a duly qualified official who has to certify the election of Members of Congress and other candidates in the election states

that a certain candidate is the winner, he is the winner until that result has been changed by action in Indiana, by action of the authorities or the courts in Indiana.

We have no such change. We have had recounts and it seems apparent that Mr. McIntyre is still the winner, and we still have that certificate from the duly qualified official in Indiana.

What sort of precedent will be set here today or in this session of Congress if we do not seat Mr. McIntyre? What elections are to be questioned by the House? By winners of by less than 50 votes, those who have won by less than 1 percent of the vote or one-half of 1 percent of the vote? In some States, including my own, if the election is close enough there is an automatic right to a recount by the candidate who appears to have been defeated.

Is the House to judge the results of all of those elections, all of those recounts, all of those narrow elections? Mr. Speaker, I think it would be very unwise for the House to do so. If it set that precedent, it would be wrong, it would be cumbersome, it would be setting the House up as a judge in place of the people who have voted in the elections.

On the other hand, if the House picked and chose certain elections to review and decide who the winner is, that would be an abuse of power by the House.

Mr. Speaker, I do not believe that the constitutional provision providing that the House shall be the sole judge of the qualifications of its Members relates to how votes are counted and to the results of the elections, but I think it relates to the other qualifications of Members of Congress as specified in the Constitution.

Mr. LIGHTFOOT. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the distinguished gentleman from Iowa.

Mr. LIGHTFOOT. I thank the gentleman for yielding.

Mr. Speaker, I will make this very brief. I think that what we have heard here today reflects the thoughts and wishes of many of us, and in the words of the gentleman from Texas and the gentleman from Florida, Mr. MACK, I, too, have youngsters who participated in the campaign and feel that this is something that is a travesty on the things that they have been taught and what our country stands for.

Coming from a State which right now is going through some tremendous economic problems, we have had a bit of a problem with seeing the Government as our friend. I think this is going to underscore once again that the Government is something not to be trusted. It boils down, I believe, into one word, and that is the word "fairness" which our distinguished colleagues from the other side of the aisle used against all of us during the campaign process.

If I were a freshman member of the Democratic class, I think I would have a great deal of difficulty in resting well at night knowing that that first vote that I cast on this floor was one of total unfairness.

Mr. McIntyre satisfies the four things he has to do. He is of legal age, he has been a resident of his State, he is certified the winner, and he has the votes in his column. There is absolutely no reason for any of this discussion to be taking place other than a show of brute strength of power.

So I think it boils down to one word, and that is "fairness." I think if any of those who voted not to seat Mr. McIntyre would choose to use that term in the future, I think it is going to be very, very difficult for them to live with that. The thing that I feel proud of, those of us here can sleep well at night and we know where we are.

So, Mr. Speaker, I think that we should cut all this folderol out and get on with the business, seat Mr. McIntyre, and let this body get on with what we would like to do here.

Mr. DIOGUARDI. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the very distinguished gentleman from New York, who knows, possibly as anyone in this House, about the process of counting.

Mr. DIOGUARDI. I thank the gentleman for yielding.

Mr. Speaker, I, too, had a very close race in New York, and it was a long count, almost 2 weeks, so I can fully understand the trauma that the gentleman from Indiana is going through right now. It is outrageous to think that the process has gone this long.

The citizens of Indiana have spoken, the secretary of state has spoken, and yet we do not have seated with us the distinguished gentleman from Indiana.

I agree with the distinguished gentleman from Iowa that the issue of fairness is the key word, fairness not just to Mr. McIntyre, although that is very important, but fairness to the State of Indiana, fairness to the people of Indiana, the citizens of the Eighth Congressional District, and yes, fairness to the great tradition of this Democratic body.

It is outrageous to think that someone can come here with a certificate from the secretary of state and not be seated. This body serves 50 States. We are not the master of those States.

I came here from New York thinking that the great issues of the day would have to be solved with a bipartisan attitude, the issues that we have heard of, and yet one of the very first votes that I participate in is one of rank partisanship. Should the Senate do likewise, where the Republicans have the majority? Should they fail to seat someone because they have the numbers in a similar situation? I think not. In fact, I voted to seat Representative STALLINGS under almost identical circumstances because I believe in his rights and the rights of the people of his State.

I had hoped that my first speech on the floor of this body would be one praising the democratic character of this great institution, the greatest legislative body in the world. Instead, I am confronted with a very disturbing display of partisanship that threatens to withhold representation from thousands of Americans.

Richard McIntyre should be seated as the Representative of the Eighth Congressional District of Indiana. He has been certified the winner of that election. The recount is over. He has extended his count tenfold. I, and the overwhelming majority of my Republican colleagues, voted to seat Representative STALLINGS under very similar circumstances, and it should be done now.

This act is virtually unprecedented, and I think we should not let it go any further. I hope to work with my colleagues on the other side of the aisle to address the great questions of the day in a bipartisan manner. Actions such as these will erode the will to work with the majority and govern this country with the effectiveness it deserves.

Mr. GINGRICH. I thank the gentleman.

Mr. Speaker, let me close my particular part of this process by saying that Lord Acton warned us over a century ago that power tends to corrupt, and absolute power tends to corrupt absolutely.

For 30 years the same group, the Democrats, have been in charge in the House of Representatives. There is a very great danger that among some of the Democratic leaders power now has become an end in itself. Not satisfied with working the gerrymander of the country so that 49.6 percent of the vote becomes only 42 percent of the seats for Republicans, there is now a serious effort underway in this House, led not by a radical faction or a rump group, but led by leaders of the Democartic Party, to deny the people of Indiana their fair seat, to deny the process fairness, and, in effect, to steal a seat in the U.S. House of Representatives.

This is probably the most alarming single effort to establish precedent that we have seen in our lifetime, and I hope every Member of the House will look at it accordingly.

● Mr. GROTBERG. Mr. Speaker, I, too, rise in support of the seating of my colleague from Indiana, Mr. McIntyre. Mr. McIntyre is the legitimate and certified winner of the 1984 election in the Eighth District of Indiana. In the recount of ballots which has

just been completed there, his margin of victory has been increased from 30 votes to nearly 500 votes. Mr. McIntyre was certified the winner of the election in mid-December by the Indiana secretary of state. It seems incomprehensible to me that the majority leadership of the House would refuse to seat him as the duly elected representative of the congressional district in question. Although the House shall be the judge of the elections, returns, and qualifications of its Members, there is no precedent for the House not seating a Member who has a valid and duly executed certificate of election. There will be election contests resulting from the last election which will be decided by the Committee on House Administration, but the Members, certified as winners in those elections, have been seated. McIntyre should be seated now so that he can begin to represent the people of the Eighth District of Indiana who are at this time disenfranchised in the House of Representatives. It is a tragedy not only for Mr. McIntyre and the residents of his district, but it is one of the most unfair and unjust actions of the Democratic leadership of the House not to seat him immediately.●

GENERAL LEAVE

Mr. GINGRICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

THE WORLD'S FORESTS ARE IN PERIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. WEAVER] is recognized for 60 minutes.

Mr. WEAVER. Mr. Speaker, the world's forests are in peril. The condition of the world's forests is not good. This situation imperils our forest industry, it imperils the atmosphere and the air we breathe, it imperils the world's water and watersheds, and it imperils the world's wildlife.

In my own Northwest, the States of Oregon and Washington, Idaho and California, our timber industry is in deep depression.

□ 1240

There are many reasons accounting for this, but the reason that stands out at this time, the reason that is causing mills in my congressional district in southwest Oregon to close, is the vastly increased importation of lumber from our friends to the north in Canada.

Canada and Canada's timber industry have been very beneficial to the United States in the decades past at times when our housing starts and economy are high. Canada has shipped us extra lumber, helping us meet the demand in this country. At times when the economy has fallen off and housing starts have fallen off, Canada's imports have also fallen off, and this has allowed us a flexibility. It has been beneficial for our housing industry and our timber industry.

But now one thing has occurred that has upset this balance, and that is the strong rise of the U.S. dollar against the Canadian dollar and against almost all other currencies in the world. The Canadian dollar now stands at 75 cents to the U.S. dollar, although it has been for most decades in the past at rough parity. This means that the Canadians can undersell us by 25 percent, and they are doing so.

At a hearing that I held as chairman of the subcommittee which has jurisdiction over forest management in Portland in December, John Stephens, the president of Roseburg Lumber Co., the largest independent lumber company in this country, whose mills and headquarters are in my congressional district in Roseburg, OR, said he could put random length 2 by 4's on the dock at Long Beach, CA, for $254 a thousand board feet while the Canadians could put it on the dock at almost $100 a thousand board feet less. He was selling his lumber at a loss at $213 a thousand, but the Canadians would reduce their price to below that and undersell him.

The upshot has been that Canada's share of the U.S. lumber market has increased sharply from an historical average of 25 percent of our market to what is estimated to be as high as 40 percent or, according to some data, around 34 percent of the American market.

The result has been, as I mentioned, mill closings in the Northwest and a deep hurt to the Southern area and other areas of the U.S. timber industry.

Just a few weeks ago International Paper closed a lumber mill in Gardiner, OR, laying off 500 people in a community which, together with Reedsport, numbers not less than 5,000 people. That is an area that has already been hurt badly by the depression of the timber industry.

Major lumber corporations such as Weyerhaeuser, International Paper, Champion International, and Boise Cascade have closed mills in the past year that have never been closed before, that have withstood the onslaught of previous recessions in the timber industry. They are now closing. People are being laid off, many of them permanently, and they have extreme difficulty in finding jobs. Their condition is that if they are a 50-year-old lumber worker who has been working in his community for 20 or 30 years and has his home there, he is now unable to sell that home and leave and find employment elsewhere. The real estate will not move. The situation is critical for both the workers and the industry.

I am introducing, together with a host of cosponsors, the primary cosponsor being the gentleman from Idaho [Mr. CRAIG], a bill to restrict Canadian lumber imports to their traditional market share. Now, that is not an imposition of any hardship. We are just simply saying to our friends in Canada, "You have helped us in the past, we appreciate that, and all we are asking now is to limit your imports to what is your traditional historical market share, around 25 percent of our market."

I believe this could be beneficial to both the United States and Canadian workers in the timber industry, and I would hope that at the very least we have negotiations between our Government and the Canadian Government for voluntary restrictions on Canadian imports, much as the Japanese and the United States agreed on voluntary import restrictions on Japanese automobiles.

The state of the world's forests continues to be imperiled as well by the mysterious disease that is threatening to kill the entire forests of Germany. The Black Forest, supposedly the best-managed forest in the world, is dying. Over half the Black Forest has now died. Experts testifying at a hearing I held in May of 1984 said that it probably had been dying for 20 years but they did not know it. Only in the last several years, when the trees actually turned brown and died, did they realize the tremendous peril and the deep nature of the condition causing the death of the German forests.

They are convinced that air pollution is the cause of this death. They do not know as yet the precise ways in which air pollultion is killing the trees, killing all species. They are working on this, they are investigating it. They do not know whether it is the sulfurs or the nitrogens from the coal and other industries or whether it is nitrogens and ozone from automobile pollution, or both, or how it kills the trees. They do not know whether it is the fog depositing elements on the needles and leaves or whether it is attacking the root system through changing the soil content. They are unsure.

Our own Appalachian forests have shown signs of the some critical disease. The red spruce have died in the high elevations in our Appalachian forests all the way from New England down to Georgia and Alabama, and we may be facing the same critical situation as well in this country.

□ 1250

I was able to get additional research funds in the last Interior appropriations bill to investigate the condition of the western forests, the forests in my area, the great Douglas fir forests of the Cascade Mountains to see if something of this nature might be occurring there.

Remember, the German forests were dying for 20 years before they realized they were. This may be occurring in this country. We should and must find out.

The third great forestry condition in the world on which much of our well-being depends is tropical forestry, that great belt of forestry that runs around the equator in South America, Africa, Indonesia, the Philippines, Malaysia, and parts of other areas in other countries of the world. This is the vastest forest of all and many scientists feel the most fragile. Even though it is lush with life. with thousands and thousands of varieties of species and animal and insect life, it could be in the greatest jeopardy of all.

Tropical forestry is most imperiled today from what is called slash and burn agriculture, where the peoples of the tropical countries are forced one way or another to feed themselves or to increase their incomes and they go into the forests, cut the trees down, burn them, clear the land, and plant their crops.

The tragedy of this is that when they do that they are lucky to get one or two crops out of the soil before it turns bad and then they move on the cut and burn further expanses of the tropical forests.

Our tropical forests are disappearing also because of vast clearings for cattle ranches to provide the hamburger for McDonald's and other fast foods and also, of course, by logging. Our own industry in the Northwest, many of the famous names there, have gone to such places as Indonesia, the Philippines, and South America, to open mills to log and harvest the tropical trees, some of which grow to great heights, although most of them are the so-called deciduous or hardwoods, such as mahogany and teak.

The forests, particularly in Indonesia, the Philippines, and Malaysia, are disappearing at extremely rapid rates because of logging. It is estimated that in some of these countries that timber may be gone by as early as 1990 and in most of them the forests will be gone by the year 2000.

Slash and burn agriculture, which most affects Africa and Latin America, is of great seriousness also in the depreciation of these tropical forests, with some countries' loss of the tropical forests running to as much as 4 percent a year. At a rate of 4 percent a year we all know that in a few scant decades the entire forest will be gone.

We do not even know the effect that this disappearance of the forests will have on our atmosphere. Many scientists now suspect that rainfall may decrease or be changed if the forests are harvested or lost through slash and burn agriculture. They suspect that the addition of carbon dioxide to our atmosphere would increase sharply, which could threaten the entire world, and in fact, carbon dioxide levels have gone up sharply in the last 100 years.

The vanishing tropical forests could also have terrible impact on our own forests in the Northwest and throughout North America. It can affect them through demand for trees that we cannot supply. Even today such countries as China, Japan, and the People's Republic of China are buying logs from the Northwest at an extremely rapid rate and we are becoming in effect a tree farm for China and Japan, sending them our raw logs, a policy that I think is misguided, is tragically wrong, is costing us jobs in the Northwest, where if the few precious trees we do have we should manufacture ourselves; but all the world's forests are wrapped together in terms of its effect on our timber industries and our forests, our air, our water, and our wildlife. The vast genetic pools of the tropical forests contain thousands of species, while in the temperate zone you might have a few tens or hundreds of various species of plants and animals, in the tropical forests you have thousands of species and if the tropical forests disappear the world's genetic pool will shrink dramatically, endangering life on this planet.

With this in mind, I hope as chairman of the Forest Management Subcommittee to try to bring to the Congress a better picture and understanding of the various forests of the world and to aid me in my fight for my own timber industry and workers in the Northwest. So I ventured in January to one of the great research institutes of the world, the Smithsonian Tropical Research Institute located in the country of Panama. The STRI is a branch of the prestigious Smithsonian Institute here in Washington. The Smithsonian Research Institute is in Panama because of some farsighted people set up this research institute up at the time we built the Panama Canal and opened it in 1914 and it has been in operation now for over 60 years. Because our knowledge of tropical forests is so slim and yet the impact of tropical forests on the world and the ability of life to maintain itself on this Earth are so closely entwined, research into tropical forestry is of greatest importance.

□ 1300

The first person I visited at the Smithsonian was its Director, Dr. Ira Rubinoff. This outstanding man is one of the finest administrators that I have had the privilege of meeting, and is a good scientist as well. He runs the Smithsonian Tropical Research Institute in a fashion that allows scientists to do pure research and to develop thoughts, data, and experiments that they believe could enhance the knowledge of tropical forestry, and also to develop practical research that will help preserve tropical forestry through many ways such as helping the peoples of the tropical countries feed themselves on foods that are native to their areas so that they do not feel as impelled to go ahead and slash and burn their forests.

Dr. Rubinoff, himself an excellent scientist in marine shore fisheries and sea snakes, strikes me as the ideal person to run such an institute, and I was most impressed by him.

His Deputy Director, only recently appointed to the Smithsonian, is Dr. James R. Karr. Although Dr. Karr has been studying and doing work with the Smithsonian Tropical Research Institute for many, many years, he strikes me as a valuable addition to the administrative staff at Smithsonian Tropical Research Institute. He also continues to do research in the ecology of birds and the conservation of natural resources. In both his administrative capacity and in his research, Dr. Karr is making a valuable contribution to our understanding of the life within a tropical forest.

Another fine Panamanian scientist employed by Smithsonian Tropical Research Institute, is Dr. Gilberto Ocana. We met with him and listened to his ideas of how to develop agriculture for his own people, to help them feed themselves. I cannot think of a greater endeavor on this Earth than for each individual nation to help its own people develop the agriculture necessary to feed themselves.

With the burgeoning populations throughout the world, this is going to become increasingly difficult, and relying on outside sources of food can become very dangerous. I believe it is the first priority of a nation to develop the means to feed its people. Dr. Ocana is working in this area, and I commend him highly.

Another young man, a very capable scientist named David Roubik, has been working now for 6 years in Panama and before that in French Guinea on the African bee that has been imported by Brazil. They imported it to help develop a bee breed that would do a better job for them in producing honey. But we got the African bee. It is sometimes called the killer bee, and that bee now has burgeoned in population and is moving to the north areas of South America and Central America. It has now reached up to Panama and into Costa Rica and Honduras and Nicaragua. Dr. Roubik estimates that the African bee will

have reached the Southern United States by 1989 where it could have serious effects both on the Southern bee industry as well as Southern agriculture, because, you see, it does not do as good a job of pollinating, or at least of grouping as our bees, and it could produce a real threat, aside from the fact that it has a very, very bad sting. And we have Dr. Roubik, an outstanding young scientist, to thank for the knowledge we will have of the African bee before it comes to the United States.

Another scientist, named Stephen P. Hubbell, has done a most remarkable thing. He has developed roughly a 140-acre area on an island in the middle of Gatun Lake, the artificial lake created when we built the Panama Canal. It is really the top of a big hill. The island is called Barro Colorado, and BCI is the center of research on tropical forestry by the Smithsonian Tropical Research Institute. And there are many young, vigorous, wonderful scientists on BCI, and even younger research assistants who are helping them.

I was most impressed that they were living in conditions that were decent but old wooden barracks, houses, and laboratories. It was quite an operation on Barro Colorado, and Stephen Hubbell has tagged, measured, categorized, and put down into a computer each plant in that 140 acres.

There are 250,000 plants of a size higher than, I believe, 3 feet, which was the cutoff point that Dr. Hubbell has cataloged. Many of them, of course, are trees, and now scientists can come in to study them and their ecology. They have, in effect, a huge natural laboratory to do their research on tropical forestry in the Hubbell-Foster Research Area. The person working with Hubbell, Robin Foster, aided Hubbell in this endeavor. They are now reinventorying the area, which is an enourmous amount of work. I commend them for this.

We are going to learn a lot about tropical forestry from them.

One outstanding scientist, Alan P. Smith, is doing work on Barro Colorado on the effects of Sun flecks on lower canopy trees. As you know, on a walk in a tropical forest, you cannot see the Sun most of the time because of this huge canopy of trees overhead. The Sun just gets through in little flickers, and the plants that are shorter, the subcanopy, only get a flicker of light here and there. Dr. Smith is finding out effectively these plants deal with this fleck of light in their photosynthesis and other aspects of their ecology—something we need to know badly to understand tropical forestry.

Dr. Joe Wright, our host on Barro Colorado, is a wonderful young man who, with his wife, Claudia, a charming and wonderful young woman, are going to have a baby later this year. So other things grow in the tropics besides trees.

□ 1310

Dr. Wright, among his many other duties on BCI, is doing something that I thought we probably had done many, many years before and certainly it is one of the most important things we do today. He has an apparatus that is measuring the levels of carbon dioxide at the various levels in the forest. When I say levels, there is a tall tower going up well over 100 feet with five monitoring stations from the top, down to the middle, to the bottom, in order to determine how much carbon dioxide is absorbed by the trees at these various levels.

We need to know this because one of the great threats to our world's environment is the increase of carbon dioxide in our atmosphere.

David Hamill and Gene Schupp are working on projects having to do with seed distribution. That is the real thing in a tropical forest. Every single plant, every species, is fighting to get its seeds out so that it can regrow. And if we want to keep our tropical forests, and regrow them, we are simply going to have to know a lot more about how the various species of plants and trees in a tropical forest develop the various means and techniques they use to disperse their seeds, and how well the seed does once it gets planted.

By that, I mean, does the seed grow better when it is right around its mother tree? Or does it grow better further out? These are the kinds of questions that Hamill and Schupp are asking.

Dr. Peter Becker, another of the outstanding young scientists on BCI, is studying the plant physiology of tropical forests. Dr. Becker's research into the relationships between soil quality, moisture retention, and plant growth is an essential prerequisite to our understanding of the regeneration of tropical forests.

There were some very, very outstanding women scientists, Lynn Loveless, Monica Geber, Marina Wong, doing work on insects, wasps, and genetics, whose work is forming an extremely significant background for our further understanding of life in tropical forests.

I met a most fascinating man named Charles Handley whose research work is on bats.

There are a lot of bats in tropical forests. They live up in the palm trees and in other trees. They come out at night and are vegetarian bats, mainly. They eat figs and have a great deal to do with dispersing fig seeds and fig production.

One of the most enchanting times that I spent working with the scientists in the Smithsonian Tropical Research Institute was with Dr. Nicholas Smythe, who studies the behavior and ecology of mammals.

One of his projects is with a rodent called the paca. Now the paca is not an ordinary rat or mouse; it is a rather large animal several feet in length, with a lovely brown fur. The peoples of the rural areas in the tropics consider it the best meat they can find in the entire tropics. It is valued highly.

So Dr. Smythe is seeing if he can develop a technique raising pacas, naturally, in a way that small rural farmers in tropical countries could use to keep pacas beside their farm area, without destroying the jungle, and raise them for meat.

A similar experiment is being conducted with iguanas by Dr. Dagmar Werner. She is a most remarkable woman, of great proficiency. Her experiments with iguanas are designed to help farmers develop techniques for raising iguanas in exactly the same way that Dr. Smythe is working on the paca because the iguana is also highly valued for its meat. She is attempting to develop a way of keeping and raising iguanas in a rural farm setting so that they can produce the meat, the food that the people of the tropical nations desperately need.

Protein consumption, as you can imagine, among the people of tropical countries is very small. Their diet is mainly rice and beans, with very little protein, very little meat.

So Dr. Werner has an enormous number of experiments, such as the kinds of feed for iguanas, and whether they get along better with their own age group or with older or younger iguanas. She has literally hundreds of experiments going on simultaneously to determine the best way of raising iguanas. I was most impressed.

At the marine laboratory of the Smithsonian Tropical Research Institute, we met Jeremy Jackson, who is studying the ecology of reef-dwelling invertebrates, and Nancy Knowlton whose research examines the ecology and behavior of crustaceans, and the biology of coral reef populations. We also met Harilaos Lessios, who is doing work on the great mystery which occurred in the Caribbean last year: the death of the sea urchin.

I think anybody who has ever been to the seashore knows those black, spiny little animals. Most people think they are plants. They sit on rocks near the seashore.

If you step on them, you will know it for a number of days because they are highly poisonous. Ninety-nine percent of the most common species of sea urchins suddenly died last year—in 1 year. That could be a most serious thing. We do not know.

These people are doing research on it now trying to find out what happened.

I had the privilege of listening to a seminar given by Dr. Mary West Eberhard. She, with her husband, William G. Eberhard, is working on the ecology of insects. We do not like to get bitten or stung or whatever, but without the insects, we do not have tropical forests; we would not have any plants because the insects are the ones that do the fertilization of the seeds, the pollination. We simply have to know a lot about insects if we want to make sure we are going to continue to have tropical forestry.

In my estimation, and in that of many others, without our vast tropical forests, the world itself is imperiled. There were many other scientists in the Smithsonian that I did not have the privilege of meeting with or working with. I have given you only those I did go out with into the jungles and had the privilege of listening to them describe their own research.

I invite anyone to read the report of the Smithsonian Tropical Research Institute to know more about the other scientists as well as the ones I have described here and the projects that they are working on.

All in all, I consider the Smithsonian Tropical Research Institute to be one of the most important research projects in the world. The people working in it are outstanding, vital, extremely intelligent scientists doing one of the great jobs of scientific research. I cannot commend them or the Smithsonian highly enough.

I also commend the members of the Committee on Appropriations, its Subcommittee on Interior Appropriations of this House of Representatives and its chairman, SID YATES, and the ranking minority member, JOSEPH MCDADE, for the support that they have given the Smithsonian. I urge them to increase that support.

□ 1320

We also were briefly in Puerto Rico where we met with scientists at the research station there at the Caribbean National Forest and they are doing important work and hope to develop a model program there that will help peoples from all over the tropics come to learn more about their own tropical forests.

I think one of the most important things to think about when we think about the research station at Puerto Rico, the U.S. Department of Agriculture Research Station, as well as the Smithsonian Tropical Research Institute, is that we are helping all the peoples of the tropical forest nations to learn more about their forestry. The programs that Puerto Rico would like to develop and that already have begun at the Smithsonian in Panama and in Costa Rica are important research and educational institutions where the people of the tropical forest nations are sending their young people to learn more about ways they can improve the use, and minimize the destruction, of their tropical forests.

There is one project that the Smithsonian has, financed by Exxon Oil Co. that is enabling dozens of young people to work in this tropical scientic endeavor.

There were many outstanding people at Puerto Rico; I will mention only several. Dr. Frank Wadsworth is considered the grand old man of tropical forestry. He knows more, or has forgotten more, perhaps, than most people will ever know. An outstanding person, and obviously a man who we will count on for much understanding in years to come.

A very bright young scientist, most impressive, is Dr. Ariel Lugo, whose ideas sparkled and who I was simply enthralled to be with, and I look forward to Dr. Lugo doing some great work in the years to come.

We had a State forester named Dick Schmidt, who is doing an outstanding job in the Puerto Rico state forests, and the supervisor of our own U.S. national forest, the Caribbean National Forest, Juan Munoz, was a very fine example of Forest Service personnel.

We will be writing a report on these research institutes and submitting it to the committee, and from time to time I hope to continue to apprise my colleagues in the House of Representatives of the state of the world's forests.

CENTRAL AMERICA—TIME AWASTING: TIME TO GET OUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, today I have introduced a resolution that invokes the War Powers Resolution with respect to Central America.

The War Powers Resolution is law, and it was enacted into law to prevent the gradual escalation of U.S. military activity in the absence of a realistic assessment of our interests, our capabilities, and our goals. This resolution was enacted into law in the wake of the Vietnam conflict and was intended to preserve the constitutional prerogative of the U.S. Congress to declare wars and to prevent so-called executive branch wars—wars that occur when we are confused about our motives or the depth or purpose of our commitment. The Congress has failed, in my opinion, and I have said so all last year and the year before, to ever use this law effectively to prevent avoidable tragedies—and we failed most recently to prevent the tragic loss of lives in Lebanon—a loss that could have been avoided if we had been honest with ourselves in acknowledging our confusion about why those young men were in Lebanon and what they were supposed to be accomplishing. The timely and effective implementation of the War Powers Resolution, by requiring the President to report on the level of our military activity, the nature of the threat requiring our military intervention, and the estimated duration of our activity, would not only force Government leaders to define the boundaries of the military activity but would be a means of holding the U.S. Government accountable for our military commitment.

The Congress once again has a chance to use the War Powers Resolution for its intended purpose—and that is to prevent tragedies in Central America as we failed to prevent in Vietnam and Lebanon. We have the opportunity to stop yet another executive war; we have the opportunity to preserve our constitutional right to declare when and where and for what purpose we will commit our young to war. The War Powers Resolution does not require death or injury to be suffered by American troops before the President must report to the Congress and the American people on the exact nature and purpose of the thousands of troops and millions of dollars of U.S. military activity in Central America. Yet we have already had deaths and serious bodily harm. They continue as I speak, because of the illicit, the illegal actions by the Commander in Chief, the President, in involving our armed services personnel in purely indigenous civil wars.

All that is required is for members of the U.S. Armed Forces to be sent into hostilities or into areas where the threat of hostility is imminent. And we have ample documentation of the presence of U.S. Armed Forces in Central America where they are under the threat of hostile action and, indeed, have been in the midst of major military efforts.

What began in the final days of the Carter administration as a short-term effort to provide emergency assistance to El Salvador against which I warned and protested, and in fact after 20 years in the House, I spoke for the first time with respect to Central America or Latin America, on April 1, 1980, for that purpose.

The President then was Democratic, President Jimmy Carter. This has now been escalated into a full scale war covering the entire region of Central America.

The known military aid to El Salvador—and I say known, because that is what statistically you can document—but even that has ballooned from the $5 million requested by former President Carter to over $196 million appropriated last year.

What is not recorded is that just in the last 3 years, the President's discretionary appropriations, or budget, has incremented exponentially 7½ times, 750 percent. I charge that the greatest

portion of those really secret funds have been used and diverted for what Congress has not appropriated, in and around Central America and other places.

This does not include the unaccounted sums of money allocated or otherwise derived by the CIA.

□ 1330

And again because of the unaccountability of these powerful forces in our Government today to anybody, the President or the Congress.

The number of the so-called advisers present in El Salvador has risen from about 20 in 1981 to over 80 in 1984. There again we are talking about those that on a given count day they will count in El Salvador while most absent themselves across the border or offshore and come back after the count. But I know that it exceeds the official count considerably.

Military equipment sent to El Salvador has grown from six helicopters in 1980 to a total now of over 52 helicopters, planes, and jets, which also include as of about some 50 days the Huey attack monsters.

Now we declaim greatly against Russia in Afghanistan in using those tactics. You have seen pictures of Russian helicopters hovering over these peasants, completely horrified, frightened to death. And in cases, I am sure, shooting them down. But we are doing the same thing. Our Afghanistan is every country south of our border. There is no difference. It just has not been interpreted that way because our perceptions of ourselves of course are quite different from what the world perceptions, including our neighbors north and south of us have of our activities.

We now have for the first time these Huey attack gunships gunning down Salvadoran peasants and civilians. Just in the last week well over 100.

Military equipment, as I say, has expanded exponentially just in El Salvador where just 4 years ago the then Secretary of State General Haig drew the line and said, "We draw the line here and we are going to eliminate all of this." We are worse off. Even Napoleon Duarte, whom we have placed in power, cannot control the situation and will not because the very same forces which we have aligned ourselves all up and down in this new world, the forces of oppression, the forces of depotism are not going to relinquish power.

In addition to all of this the advisers that we have sent to El Salvador, for instance, for a period of months, so-called, or at most what was announced for a year are still present and that is 4 years. Thus far the administration has circumvented the provisions and the dictates of the War Powers Resolution to avoid the restrictions that that resolution was intended to impose. The law prohibits coordination between the U.S. military and the Salvadoran or any other unless the War Powers Act has been invoked and Congress has authorized such activity.

Yet, our military certainly is indeed coordinating efforts with the Salvadorans and others. Information gathered by U.S. reconnaissance missions flown over El Salvador and Nicaragua is sent through U.S. facilities in Panama to listening posts in the United States and back to U.S. advisers and CIA and their agents in that area in Central America. For this certianly would be coordination between the United States and the Salvadorans, the Salvadoran officials simply listen to the message as they are transmitted to the advisers and the others down the line.

The so-called interdiction effort in Nicaragua has escalated in cost from $19 million in fiscal year 1982 to $150 million in fiscal year 1984. There again, that is just the tip of the iceberg which you can document. So I am placing it in the RECORD.

But I know as a matter of fact though naturally how can you document a CIA activity. That the figure really now has reached, if you include this activity in Salvador and in Honduras and against Nicaragua, a billion dollars plus. This original effort to interdict the flow of arms from Nicaragua into El Salvador has escalated into an undeclared war on the Sandinista government of Nicaragua. We hypocritically recognize the regime. We have an accepted Ambassador with credentials and while the Ambassador is clucking friendly sounds between nations at peace, our President is involved in a war against that regime. The CIA has tried for more than a year and a half to assassinate the leaders of that coalition government up to recently in Nicaragua.

We have through the CIA and other agents and with our money even our equipment, even our U.S.-made bombs attempted to destroy the port facilities, other facilities of a public nature in Nicaragua.

CIA backed so-called Contras in Nicaragua have killed 1,600 Nicaraguans, 600 of which were civilians, including 100 children under the age of 12. And these CIA backed Contras in Nicaragua have caused 255 billion dollars' worth of damage to the Nicaraguan economy.

There are even reports that CIA supported forces have killed Hondurans when they perceive as obstructionist or who are unsupportive of the Contra operations based in Honduras. There is no question that it was a CIA that attempted to assassinate the so-called Commandante Sero, the original revolutionary with the so-called now Sandinista leaders that knocked off the dictator Somoza but who because of whatever you want to call it disputation in the inner councils fled, went to Venezuela for a while and then was attracted to join the rebels, but who protested and refused to receive CIA money or work in conjunction with the CIA backed Contras, most of whom are ex-Somozistas. For that and for his absolute refusal and threat to lay down arms and remove himself from the scene of opposition he was almost killed at a meeting in which unfortunately a member of the press, a reporter following to this conference in the jungles was killed in the explosion.

Commandante Sero is now removed from the scene and is in one of the South American countries still fearful that he will be followed there and eliminated by the CIA agents.

In Honduras U.S. military aid has increased for Honduras the poorest country in Central or South America that aid has increased from $4 million in fiscal year 1980 to $77.5 million in fiscal year 1984, officially. U.S. bases in Honduras were to be temporary and yet a recent GAO report states, "it is clear that a more extended use was also contemplated by DOD."

Thus far, the United States has built 132 buildings in Honduras, including barracks, offices, a PX, and mess halls and have also constructed a road network and fuel storage facilities. The air base runway has been lengthened and improved to accommodate U.S. aircraft as we are witnessing now when we see the painful experience of the C-130 and the apparent loss of life of all those aboard.

1340

We have thousands of U.S. military personnel present in Honduras. And of those, over 85 percent of that personnel are ethnic minorities, either black or brown. That is interesting but reminiscent of what I spoke out in the middle of the Vietnamese conflict in 1965. It was I who pointed out the disproportionate involvement of the poor and the ethnic minority which, of course, are synonymous. In 1965, I pointed out, in the summer, that over 45 percent of those in the areas of conflict were draftees and, of course, those were preponderantly the poor and the ethnic minorities.

If we wait for something to happen, for thousands of young American men to die in Central America, as they did in Vietnam, and as I know they will be soon if this President does not change his policies—and I was hoping and praying that after his overwhelming victory he would have full opportunity to review those policies and reconsider a unilateral military intervention, which has been the centerpiece of his policy, if there is a policy.

But, no. He clearly evinces, as of this week, a determined continuation of his war.

Well, if we do not, then we will have to make up for our lack of foresight with subsequent militarism in order to justify the deaths of American soldiers, which are in the books, they have already happened, and we have it happening every day. Even as I am speaking here today, official service personnel of our country are engaged in conflict and in direct combat in Central America.

We have lost a few, and they have not been labeled that way, and the whole operations have been deceptive and a subterfuge by describing the personnel and the actions in what the CIA used to call plausible denials in case they are killed or captured.

We have no clear purpose in Central America. I know we have no military purpose and should have brought back every one of our soldiers in all of Central America 3 years, 4 years ago. We have no clear conception of the depth of our commitment there. And if there is anybody in this body foolish enough to think that in case when the alarms sound and the resolutions are passed here, like we did in the Gulf of Tonkin case, that the conflict is going to be limited to Nicaragua, let me assure my colleagues that is an egregious error. We will be, as we are now, ensuring that our children, grandchildre,n and great-grandchildren will be in an eternal enmity and a hostile world with the very people with whom we must share and destiny dictates we must share this part of the world.

We have no clear purpose, we have no clear concept, and the perceptions of our leaders are misperceptions. That world is not the world of the President's concept, which goes back to 1929. It is another world. It is not even the world it was 5 years ago. And I hope we can avoid paying the unnecessary price for that misperception.

There is no question in my mind that we must reassess our involvement in Central America even though I believe it is rather late. I urge the Congress to invoke the War Powers Resolution and hold the President, as well as ourselves, as elected Representatives of the American people, accountable for the undeclared war in Central America; and I know that many of my colleagues have young will-be-eligible men. I just say to you: Do you want your boy now, even though we have a volunteer Army and you do not have to worry about it now, do you want your boy to go and to fight and to die in the jungles of Central America? For what? For no better purpose than Chiquita banana.

Mr. Speaker, I include for the RECORD an article from the Washington Post of Thursday, January 24, 1985, entitled "Under Fire in a Nicaraguan Tank":

UNDER FIRE IN A NICARAGUAN TANK

(By John Lantigua)

TELEPNEAC, NICARAGUA—The Sandinistas have launched a large offensive against their rebel adversaries here in the northern mountains, but we were told the road was free of *contra* guerrillas and our ride with a military convoy would almost certainly be uneventful.

In the past, Sandinista officials maintained that the front line in their war against these rebels, who were organized and funded by the CIA, was too dangerous for foreign correspondents, although they did allow journalists for their own publications to cover combat units.

But the policy has changed in recent weeks and on Monday, with five other journalists, I found myself in a heavily protected convoy about three miles north of the village of Telpaneca.

We were driving slowly through the densely wooded hillsides when we were ambushed from three sides. For 40 minutes I huddled inside a Soviet-made tank with its cannon firing inches from my head.

When our journey began, about 20 Sandinista militiamen were riding atop two tanks. Another 20 militiamen were following in two green military supply trucks. We had been heading toward a military command post about five miles away, where the tanks and their 76-mm cannons were to reinforce about 800 Sandinista soldiers engaged with an estimated 400 rebels.

Commander Manuel Salvatierra, in charge of the Sandinista offensive, said his troops were trying to inflict high numbers of casualties on the *contras* to force most of the rebel forces to retreat from the coffee zones. This would allow the government to move coffee pickers into these zones to save the harvest, which provides about a third of the country's foreign exchange.

I had put on a tankman's leather helmet, to protect my hearing in case the cannon had to be used, and ducked into the tight confines of the tank.

Lying on my back, I was wedged against the front bulkhead almost cheek to cheek with the tank driver, Miguel Angel Medrano, 23. He also had his leather helmet buttoned tight around his chin. He was watching the road through three small bulletproof windows, and steering the tank by fits and starts, hauling levers that controlled the speed of the tank treads. Sometimes he stuck his head out the open hatch to get a better view.

The other two crewmen were Carlos Barrero, 23, crew chief and artilleryman, and his assistant, Jose Ramon Calero, 19, in charge of ammunition. They had the main hatch open, and were sitting above me on the edge, enjoying the ride.

I had seen the barrels of the cannon and the 50-mm machine gun outside the tank. Now I saw the metal ammunition belt loaded with shells curling out of the gun and disappearing into a metal box on the floor.

There was no conversation because of the great rumbling noise of the tank. So I made unsuccessful attempts to read the Russian labels on the dials next to me, counted the gold-tipped cannon shells—40 of them more than a foot long—and looked up at the two tankmen sitting on the open hatch envying the breeze they were enjoying.

Suddenly everything changed. The two men above me plunged down into the tank and I heard a loud noise on all sides.

The piece of blue sky above me went black as the hatch was slammed shut. Medrano, the driver, just 18 inches from me, also slammed shut his hatch. Now he was grimacing through his three small windows, with a look of fear and anger, pulling wildly at the gears as Barrero screamed at him.

"Where are they? Where are they?" screamed Barrero.

"They're right in front of us. Right in front. The sons of bitches," screamed the driver. "Give them the cannon, the cannon."

I realized then that the sound that engulfed me was the sound of bullets hitting the tank, like taps from a hammer against the metal, but many of them, like rain. We had been ambushed.

I thought of the people who had been riding atop the tank, but now there was no way to know what was happening to them. I found out later that the tanks had just been entering a sweeping mountain curve when rebels in three positions along the road and across a gulch had opened up on the convoy. The people on top had dived into a culvert.

Inside I had to put my legs up suddenly because the turret was turning and Barrero was cranking the barrel down while Medrano continued to scream at him.

"On the road ahead; they're running on the road ahead." Barrero pulled at the leather pouch filled with sand tied to the cannon trigger and the first cannon blast sounded. The cannon recoiled, a great flame leaped out the back and the cannon seemed to leap forward and then jump back. There was a smell of powder in the confined compartment and smoke mixed with the screaming.

An empty cannon shell fell into an asbestos bag at my knee, the same bag that had caught the flame of the cannon blast. Calero, the munitions man, slammed another shell into the breech, as Barrero swiveled the turret and Medrano, squinting fiercely through his three windows, shouted that they should level the house just above them.

"Hit the house. That's where they're hiding," he yelled. The cannon sounded again and the tank rocked. Sandinista troops later said they had seen the blast and that the houise, which they said had been abandoned by its owners earlier in this guerrilla war, had been demolished.

The radios built into the leather helmets were not working and Medrano and Barrero, who was using a sight built into his hatch, continued to scream at eacth other at the top of their lungs, as they saw *contras* on all sides.

Medrano took the tank farther up the road where he had seen the blue uniforms of the rebels, and Barrero continued to blast away at the densely wooded hills. The impact of the bullets on the outside of the tank had stopped, the *contras* apparently having given up trying to penetrate it with small arms fire. But suddenly the tank took a jolt that shook it for the first and only time in the ambush.

Barrero looked genuinely scared.

"What was that?" he screamed, swiveling the turret all around and scanning the mountainside.

"It was a monkey," screamed Medrano, using Sandinista slang for a U.S.-made M79 grenade.

The tank men said later they had no fear of the M79, but only of RPG antitank grenades, hard-tipped projectiles made to penetrate a tank's armor and then explode. Sandinista soldiers and one of the journalists later said the *contras* had fired several RPGs during the battle.

At one point the tank's gears froze. Barrero said later that with a well placed RPG at that moment, we might have been "cooked."

Medrano, unable to move the tank, pulled desperately at his levers, as Barrero screamed at him to move. Barrero kept the turret swiveling, peppering all around them with machine gunfire and pounding away with the cannon in all directions at anyone who might want a clear shot at them. The tank sat dead still for about two minutes and the atmosphere inside went from tense to desperate. The air filtration system was working, but the heat and smoke of the cannon blasts were still in the air.

Then a blast of their own cannon shook the gears loose, and we moved again.

Now the tank behind us was moving in reverse back down the road, and ours did the same. The enemy fire had diminished, but Barrero was still peppering the hillside with his machine gun. Medrano yelled to him to watch out for the Sandinista troops who were now in front of us.

Rounding the bend back down the road, I saw the journalists who had been atop the tank, now walking ahead of me. One of them, Luis Diaz, a television cameraman, had suffered a shrapnel wound in the leg, but it was not serious and he was able to walk.

One Sandinista militiaman was killled and three were wounded in the ambush. The shooting had lasted about 40 minutes and the three young tankmen said it was the fiercest action they had seen in their six months in the war.

"If they weren't such cowards, they would shoot better," said Barrero. But the tanks had used much of their ammunition and had to turn back. It wasn't until much later in the day that three other tanks were able to reach the Sandinista command post.

REINTRODUCTION OF FOOD IRRADIATION LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. MORRISON] is recognized for 30 minutes.

● Mr. MORRISON of Washington. Mr. Speaker, today, along with several of my colleagues, I am reintroducing legislation which promotes the use of ionizing energy as a postharvest treatment for food commodities. Senator SLADE GORTON of Washington State is also introducing an identical bill today in the Senate.

The original House cosponsors of this legislation are: Mr. TOM FOLEY, Mr. MEL PRICE, Mr. PAT ROBERTS, Mr. WES WATKINS, Mr. BILL WHITEHURST, Mr. VIN WEBER, Mr. JOHN MCCAIN, Mr. JOE SKEEN, Mr. ROD CHANDLER, Mr. CHARLES PASHAYAN, Mrs. MARILYN LLOYD, Mr. JIM LEACH, Mr. TOM TAUKE, Mrs. BEVERLY BYRON, Mr. BOB SMITH of Oregon, Mr. SAM STRATTON, Mr. NEIL SMITH of Iowa, Mr. BERKLEY BEDELL, Mr. VIC FAZIO, Mr. ELWOOD HILLIS, Mr. COOPER EVANS, Mr. TONY COEHLO, Mr. HAROLD VOLKMER, and Mr. JIM LIGHFOOT.

This bill, the Federal Food Irradiation Development and Control Act of 1985, is similar to legislation I introduced last year, H.R. 5605. (See the May 7, 1984, CONGRESSIONAL RECORD, starting at page H3438). I have made slight revisions to this year's bill, but the general thrust expressed in H.R. 5605 has remained the same. Last year's bill was cosponsored by 36 Members and was the subject of two committee hearings, one before the Subcommittee on Department Operations, Research, and Foreign Agriculture of the Agriculture Committee on May 9, 1984, and the other before the Energy Research and Production Subcommittee of the Science and Technology Committee on July 26.

The principles embodied in this legislation were endorsed by 15 national associations last year. These include the American Medical Association, the National Food Processors Association, the Grocery Manufacturers Association, the American Farm Bureau, the National Association of State Departments of Agriculture, the National Grange, and food associations representing the concerns of fresh fruit and vegetable growers, and pork and other meat, poultry, and fish producers.

This broad-based and diverse support for food irradiation should come as little surprise. The impact of food irradiation as a postharvest treatment could be revolutionary; it could be the most important development in food preservation since the introduction of canning and freezing in the last century. The possibilities are unlimited and exciting.

Food irradiation can protect food from pests much as ethylene dibromide [EDB] does. But unlike EDB, it will not leave a toxic residue on the food. If other postharvest fumigants are restricted by the Environmental Protection Agency, food irradiation is viewed by many as one of the most effective and safe substitutes.

Besides acting as a possible substitute for EDB and other fumigants, low doses of irradiation eliminate trichinosis in pork, and stop the Medfly in citrus fruits and the codling moth in apples. Irradiation could also destroy botulinum and salmonella in red meats, poultry, and fish and extend the shelf life of fresh fruits, vegetables and grains.

There is a growing international consensus behind food irradiation. Two international organizations, the Joint FAO/IAEA/WHO Expert Committee and the Codex Alimentarins Commission, have recommended the use of irradiation on food up to doses 10 times higher than FDA is now proposing. Twenty-eight countries have approved various uses of gamma radiation on at least 40 different foods. Since about a quarter of the food supply in the Third World is lost to spoilage, food irradiation could also play a major role in helping feed the world.

The food irradiation technology is not new; we have accumulated over 40 years of research data. In fact, over these past four decades, food irradiation has been studied in more detail than any other food preservation technique. Based upon this extensive study, experts across the world agree that food irradiation is safe and wholesome.

Food irradiation is ionizing energy which passes through food killing organisms and microorganisms. As a farmer, I have always marveled at our expanding use of other energy waves such as visual light, radio, TV, microwave, and ultraviolet light. These energy sources have become friends, and servants. Ionizing energy used to irradiate food is similar in many ways.

As with these energy sources I just mentioned, the food absorbs only the energy of the radioactive source, not the source's radioactivity. For instance, an x ray in the dentist office does not make your teeth radioactive and the x ray table in the doctor's office does not absorb radioactivity even after thousands of x rays. In a sense, exposing food to gamma radiation, x ray, or machine-made radiation, is similar to exposing it to electric light: such exposure, no matter how long, will never cause the food to generate electricity.

Indeed, it is physically impossible for food irradiation to induce radiation in food at any of the dose levels now being studied. It is true that irradiation may change the food slightly, but these changes are no more significant than the changes that occur from boiling or freezing food. Experts across the world agree that food irradiation is safe and wholesome. It is interesting to note that severely ill patients in our hospitals and our astronauts in space are sometimes served foods sterilized with gamma radiation.

I view food irradiation as a food safety issue. It kills undesirable biological elements which contaminate food without seriously eroding the food's nutritional value. It retards spoilage and keeps the food fresh and more natural tasting. It does not leave a residue on the food-like fumigants. The endorsement of food irradiation by the American Medical Association at their national convention last June is a true testament to its safety and wholesomeness.

It is clear that food irradiation holds substantial promise for farmers, the food processing and agricultural export industries, the consumer, and the many millions who are on the brink of starvation. Despite this technology's acceptance by the scientific and academic community, however, food irradiation has been slow in gaining the necessary approval from regulatory bodies and the public.

The first step to remedy this sluggish Government approval of food irradiation is a proposed Food and Drug Administration regulation which was

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promulgated last year and should be finalized sometime during 1985. The regulation permits limited application of food irradiation primarily for fresh fruits and vegetables up to a dose of 100 kilorads, a dose which is one-tenth the standard now accepted by most international authorities. This limited regulation is an excellent first step in gaining commercial and public acceptance of this technology. However, we need to build up the regulation with legislation to insure a favorable regulatory climate and to promote consumer acceptance of food irradiation.

Hence, the need for legislation I am introducing today. First of all, the bill defines irradiation of food as a process and expressly excludes irradiation from being defined as a food additive. I firmly believe that defining food irradiation as a food additive, as it is currently defined due to a 1958 amendment to the Food, Drug, and Cosmetic Act, is wholly inappropriate. Food irradiation is a process, much like boiling, freezing, or cooking in a microwave oven, and not an additive. Despite the change in definition so that food irradiation will be considered a process, FDA under the bill will still retain general authority to regulate food irradiation for consumer protection in much the same way as they do now.

The bill also provides for ongoing research and development of food irradiation, national uniformity of food irradiation regulations, and further provides explicit authority for leasing of federally owned irradiation source materials to the private sector to ensure an adequate supply while meeting Federal safety and transportation standards.

The centerpiece of the bill is the establishment of a Joint Operating Commission to facilitate acceptance of food irradiation. The Commission will operate within the Department of Agriculture and would coordinate currently fragmented research and information exchange efforts. It will also act as a liaison to promote consumer acceptance of food irradiation and private development. The intent of the Commission is to do nothing more than provide a forum to coordinate largely existing activities and to facilitate consumer understanding of this technology.

Most agree that the public in general has an emotional, almost fearful response, to food irradiation. This bill, particularly the Joint Operating Commission, should promote open discussion of food irradiation so that public concerns about the use of irradiation can be addressed.

No matter how successful and safe food irradiation proves to be, it will never obtain large scale commercial application unless there is consumer acceptance. The consumer needs reassurance from the Federal Government, and the Joint Operating Commission is the least restrictive way to facilitate public knowledge and subsequent acceptance. It is most certainly not my intent to provide a mechanism for Government to get in the way of private enterprise progress in development of this exciting technology.

A section-by-section summary of the bill and other relevant information on food irradiation follow:

SECTION-BY-SECTION SUMMARY OF FOOD IRRADIATION BILL

Section 1.—Short Title:

The bill is called the "Federal Food Irradiation Development and Control Act of 1985".

Section 2.—Finding and Purposes:

The bill declares that food irradiation at regulated doses is safe and wholesome, is effective as a food preservative technique, and is one of the substitutes for postharvest fumigants, including ethylene dibromide (EDB). The bill further finds that irradiation is a process and does not induce radioactivity in food. Finally, Congress finds that a coordinated effort to advance food irradiation is needed.

Section 3.—Definitional and Regulatory Changes:

Section 201(s) of the Federal Food, Drug, and Cosmetic Act is amended by deleting "sources of radiation" from the definition of food additive and further exempting "food irradiation treatment" from being defined as an additive. A definition is added to the Act which defines "food irradiation process" as a food treatment in which ionizing energy is applied to food to destroy microorganisms which cause infestation, disease, and spoilage.

Section 409 of FDA Enabling Act is further amended to make conforming changes. These changes would generally insert "or food irradiation process" every time "food additive" is used. Thus, the regulatory provisions of section 409 would apply to "food additive or food irradiation process". However, there are a few exceptions so that requirements of the petition approval process of section 409 which are clearly intended to apply only to additives are specifically exempted from being considered for food irradiation process.

Section 4.—National Uniformity:

The section declares that it is the intent of Congress to require national uniformity in the regulation of food irradiation process. Under the section, no state or political subdivision could establish any food irradiation requirement which is "in addition to or different from" the FDA requirements. This section essentially restates the acknowledged common law that federal law usually preempts conflicting and duplicative state law.

Section 5.—Leasing of Byproducts Material for Food Irradiation:

Section 81 of the Atomic Energy Act is amended to clarify the Department of Energy's existing authority to lease defense nuclear byproducts material to the private sector. The amendments would clarify current leasing guidelines so that byproducts are leased at fair market value (with profits going to the Treasury) and should be leased to encourage food irradiation process.

Section 6.—Establishment of Joint Operating Commission:

This section of the bill establishes within the Department of Agriculture a Joint Operating Commission for Food Irradiation (JOCFI). JOCFI shall be under the supervision of the Secretary of Agriculture and the Secretary shall provide necessary staff and office facilities. There is also a general authorization to carry out the activities of the Commission.

JOCFI shall consist of eight members including one individual, appointed by the President, who will represent the interests of the general public. The other seven members will be one representative each from the Departments of Agriculture, Health and Human Services, Energy, Commerce, and the Environmental Protection Agency, the Nuclear Regulatory Commission, and the Agency for International Development. The appointments of the initial eight members shall be made within 90 days following the enactment of the Act and all vacancies shall be filled within 60 days. The seven members of JOCFI who are already employees of the Federal Government shall receive a salary equivalent to grade GS-15 for each day service.

The functions of the JOCFI Commission include: (1) to coordinate and review all federal on-going and future food irradiation research and development activities. Additional research shall be conducted at Agricultural Research Service stations, at land-grant colleges, or at federal multi-program laboratories; (2) to collect and consolidate all research data already gathered by various federal agencies; (3) to coordinate information exchange activities on food irradiation process with various federal agencies, interested private organizations, and the general public; (4) to encourage investment by private sources in food irradiation process; (5) to consider and make recommendations to decision-making bodies on labelling of products processed with irradiation; (6) to encourage better understanding by the general public of food irradiation process; and (7) to petition FDA, if deemed appropriate, under section 409 of the FDA enabling Act to expand the scope of regulations allowing for commercial food irradiation.

IRRADIATION PROPOSED TO TREAT FOOD

(By Chris Lecos)

[Irradiation doses are measured in rads. The term "rad" is shorthand for "radiation absorbed dose." A low dose for food irradiation is in the range of 0 to 100 kilorads; a medium dose is 100 to 1,000 kilorads or 1 megarad; a high dose is 1,000 to 5,000 kilorads or 1 to 5 megarads. A kilorad is equal to 1,000 rads; a megarad is equal to 1 million rads. In more recent years the germ "gray" (Gy) also has been used to describe dose levels. One hundred rads equals 1 gray.]

In the not-too-distant future, American shoppers can expect to buy foods treated with radiation to control insect and bacterial contamination. Although this may make some consumers uneasy, the Food and Drug Administration says the foods will be safe and wholesome to eat.

More than 30 years of research, most of it government sponsored, has gone into food irradiation. After years of careful study and review of this research and technological development, FDA has proposed a regulation that would expand uses of ionizing radiation on such foods as fresh fruits, vegetables and spices. In the early 1960s, FDA issued regulations allowing processors to irradiate wheat and wheat flour to control insect contamination and to irradiate potatoes to slow the development of sprouts. However, no commercial uses ever resulted.

In announcing its latest proposal, FDA stressed that this treatment of food at the

levels of radiation proposed would add no radioactivity to the foods, nor would it expose consumers to any radioactivity. "Food that is not made radioactive cannot expose consumers to radiation," the agency emphasized, adding that the type of radiation to be allowed "will not induce in foods any radioactivity that can be detected, even by methods that detect the presence of radioactive isotopes that occur naturally in all foods."

Although irradiation does not make food radioactive, it can produce chemical changes in it. A special committee formed by FDA's Bureau of Foods reviewed the world's scientific literature on the effects of irradiation and concluded that any changes that would occur in food are inconsequential compared to changes that occur normally in storage or in cooking. FDA scientists also note that in all studies in which irradiated foods were fed to animals over many generations, no adverse effects were found that could be attributed to the irradiation, a point also made by international and regulatory groups in other countries.

Currently, many foods are treated with chemical additives, pesticides, or some other substance to protect them from insect and microbial contaminants and to give them extended shelf life. Irradiation presents another prospect for maintaining the quality of foods. It might be used, for example, as a replacement for the controversial fumigant ethylene dibromide (EDB), to control insects in certain agricultural products. EDB is a known animal carcinogen (cancer-causing agent).

As announed in the *Federal Register* on Feb. 14 [1984] FDA is proposing:

To permit such foods as fresh fruits and vegetables to be treated with a dose level not to exceed 1 kilogray (the equivalent of 100 kilorads or 100,000 rads or radiation to inhibit the "growth and maturation" of the products as well as to kill insects that are present after harvest. In other words, the proposal would allow irradiation to keep fruits and vegetables from spoiling, thus extending the shelf life for both sellers and buyers. That level of irradiation also would permit growers to treat products for the kind of insect infestation that occurred several years ago in California and Florida, where citrus and other crops were threatened by the Mediterranean fruit fly (Medfly).

To allow the treatment of a wide variety of spices, including dried and dehydrated onions and garlic, with a dose level of up to 30 kilograys to kill insects or bacteria in the products. FDA officials pointed out that the higher dose level could be allowed because spices are used in small amounts that make no nutritional contribution to the human diet. However, like some other food ingredients, spices may contain high bacterial loads, and, when the bacteria-laden spices are added to processed foods, they can be sources of contamination.

Technically, the regulation would allow the use of irradiation—up to the 100-kilorad maximum—on any food where insects may be a problem. As a practical matter, however, its main uses would be with foods such as fruits, vegetables, spices and grains.

A key part of FDA's proposal states that food treated with ionizing radiation "shall receive the minimal radiation dose reasonably required to accomplish its intended technical effect and not more than the maximum dose specified by the applicable regulation." Thus, despite the 100-kilorad ceiling, FDA would expect industry to use only as much radiation as would be needed.

The maximum dose is not needed, for example, to prevent potato sprouting. The 100 kilorads "would turn the potatoes into mush," an FDA scientist explained. Only 5 to 15 kilorads are needed to keep potatoes from sprouting. That is the limit FDA permits in its existing regulation for this use.

Companies that plan to irradiate food would be expected to specify the procedure they would use and the dose levels. In addition, industry must to able to demonstrate to FDA upon request that its irradiation procedures were established by experts qualified in radiation processing.

Under the proposal, FDA also would monitor industry compliance with requirements. Food producers would be required to maintain records of radiation doses used for up to one year past the expected shelf life of a product, with all records subject to examination by FDA inspectors.

Besides complying with FDA's irradiation regulation, food processors would have to adhere to federal plant and worker safety requirements of the Nuclear Regulatory Commission and the Occupational Safety and Health Administration.

Irradiated foods shipped in bulk to a processor for further processing must bear a labeling statement that says: "Treated with ionizing radiation—do not irradiate again." The wording would have to appear on the container and on any invoices or bills of lading.

Foods sold at retail would not be labeled to indicate that they had been treated with irradiation. However, FDA invited public comment on retail labeling, and the proposal will not become effective until after the agency has reviewed all comments and has published a final regulation.

FDA's responsibility for regulating the irradiation of foods comes under the 1958 Food Additives Amendment to the Food, Drug, and Cosmetic Act, which classified irradiation as a food additive. Thus, if a food firm wants to use irradiation, it must demonstrate the safety of its process to FDA's satisfaction before the treated food products can be marketed.

The irradiation of foods has worldwide implications. It is viewed by economic experts as a means of increasing food supplies. It could also mean expanding exports of American agricultural products. The process could help save some of the estimated 25 to 30 percent of the world's food supply that is lost each year because of pests and spoilage.

A number of countries already allow certain foods to be irradiated. The Food and Agriculture Organization of the United Nations, International Atomic Energy Agency, and World Health Organization have issued general standards for irradiated foods. The Institute of Food Technologists reported recently that between 1958 and 1981, 24 countries had approved irradiation treatment of some 40 foods.

A report issued last November by the U.S. Department of Commerce's Bureau of Industrial Economics predicted that "many important domestic and international markets for irradiated foods could develop if FDA permits the use of irradiation technology." The U.S. Department of Energy also has been interested in food irradiation, spending about $7 million annually on its development. One of the byproducts of spent nuclear fuel processing is cesium-137, a potential source of radiation for food. The Commerce Department report noted: "Any use of cesium-137 for irradiation substantially reduces the disposal cost of nuclear plant wastes."

There is nothing new or revolutionary about the idea of using radiation on foods. As far back as 1908, a technique was developed by a Philadelphia man for killing tobacco pests with X-rays. Twelve years later, a French scientist discovered that ionizing radiation could be used to preserve food.

The World War II need to feed millions of men and women in uniform brought renewed interest in food irradiation. In 1943, the U.S. Army asked the Massachusetts Institute of Technology (MIT) for its view of whether the shelf life of food could be extended by irradiation. By 1947, MIT reported that the process was feasible. In 1953, various federally funded irradiation research projects were under the Army Quartermaster Corp's Research and Development Command Laboratory in Natick, Mass. There, fruits, vegetables, dairy products, fish and meat were exposed systematically to gamma rays and other forms of energy bombardment.

Most of this early research was federally sponsored, and enough attention had been focused on the issue to prompt Congress, when it passed the 1958 food additives legislation, to adopt specific provisions on food irradiation. The legislation permits FDA to adopt new regulations permitting food irradiation uses, and it empowers FDA to take action if a food has been intentionally irradiated without a regulation covering the proposed irradiation use. "Obviously," the preamble to the proposed regulation notes, "Congress did not intend that the radiation itself be tested, but rather its effects on food." Thus, FDA continued, "to issue a food additive regulation for the source of radiation, the agency must be assured with reasonable certainty that no harm will result from the proposed use."

It is difficult to predict how wide the future uses of food irradiation will spread. Much depends on industry interest and willingness to make the substantial investment the technology demands.

When food is irradiated, most of the radiation energy passes through the food without being absorbed. However, some of the rays do not pass through the food. This absorbed energy slows maturation and kills insects.

Irradiation is sometimes described as a "cold" process because it does not cause a significant rise in the temperature of food. The irradiation—through gamma rays, electron beams, or by X-rays—does cause chemical changes in a food, producing new chemical substances called radiolytic products. The extent of change and the amount of radiolytic products that result depend on the amount of radiation absorbed. Because each food varies in its chemical composition, the changes from irradiation differ among foods.

Even small changes that may pose no safety concerns can affect flavor, texture and other characteristics. These might be unnoticed by some consumers but discernible to others. But these changes are not produced by irradiation alone. Most processing techniques—including cooking, canning and freezing—have some effect on the flavor and texture of foods.

Over the years, there has been considerable research on the various radiation doses of foods so that, in effect, scientists have a pretty good idea what range of radiation is generally needed for specific effects. Meanwhile, the agency has issued this cautionary statement: "The exact dose that will achieve a particular effect in a specific food without otherwise damaging the food is not yet

known in all cases . . . ." Further research is needed before acceptable dosage levels can be determined for commercial uses.

(Chris Lecos is a member of FDA's publications staff.)●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ARMEY) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, today.

Mr. MORRISON of Washington, for 30 minutes, today.

(The following Members (at the request of Mr. EDWARDS of California) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. EDWARDS of California, for 10 minutes, today.

Mr. WEAVER, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ARMEY) and to include extraneous matter:)

Mr. GRADISON.
Mr. MORRISON of Washington.
Mr. WORTLEY.
Mr. CONTE.
Mr. YOUNG of Alaska.
Mr. CRANE.
Mr. GILMAN in two instances.
Mr. SHUMWAY in two instances.
Mr. FIELDS in two instances.
Mr. GEKAS.
Mr. CHAPPIE.
Mr. SOLOMON.
Mr. KINDNESS.
Mrs. SCHNEIDER.
Mr. MCKERNAN.

(The following Members (at the request of Mr. EDWARDS of California) and to include extraneous matter:)

Mr. GEJDENSON.
Mr. TORRES.
Mr. HAMILTON.
Mr. FROST.
Mrs. BOXER.
Mr. MAZZOLI.
Mr. WHEAT.
Mr. EDWARDS of California.
Mr. MURTHA.
Mr. MONTGOMERY.
Mr. DINGELL in two instances.
Mr. GUARINI in two instances.
Mr. APPLEGATE.
Mr. ROYBAL in two instances.
Mr. LIPINSKI.
Mr. LAFALCE in two instances.
Mr. MANTON.
Mr. BARNES.
Mr. LUKEN.
Mr. TRAXLER.
Mr. HAWKINS in two instances.
Mr. COELHO.
Mr. MOAKLEY.
Mr. FRANK.
Mr. JACOBS.
Mr. RODINO.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until Monday, January 28, 1985, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

384. A letter from the Secretary of State, transmitting a report explaining the manner in which the national interest has been served by payments under loan guarantees to Poland, pursuant to Public Law 97-257, section 306; Public Law 98-151, section 101(d); to the Committee on Appropriations.

385. A letter from the Secretary of Defense, transmitting a summary of the operational test and evaluation activities of DOD for 1984, pursuant to 10 U.S.C. 136a(g)(1) (97 Stat. 635); to the Committee on Armed Services.

386. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-229, "D.C. Government Quick Payment Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

387. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-230, "D.C. Air Pollution Control Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

388. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-240, "First Source Employment Agreement Act of 1984 Amendments Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

389. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-242, "Motor Vehicle Definition Wheelchair Exception Amendment Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

390. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-242, "Closing of Portions of Public Alleys in Square 181 Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

391. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-243, "Hacker's License Requirements Amendment Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

392. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-233, "D.C. Automatic Data Processing Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

393. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-234, "Dedication of Land in Square in 5809 for Highway Purposes Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

394. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-235, "Closing of a Public Alley in Square 530 Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

395. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-236, "D.C. Uniform Controlled Substance Penalty Amendment Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

396. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-237, "Closing of Parts of T Street, N.E., 7th Street, N.E., and Brentwood Road, N.E., Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

397. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-238, "Fees for Clinical Services and Asbestos Abatement Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

398. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-239, "Day Care Policy Act of 1979 Amendments Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

399. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-231, "D.C. General Hospital Commission Act Amendments Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

400. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-232, "Uniform Commercial Code Amendment Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

401. A letter from the Chairman, Board of Trustees, Public Defender Service, transmitting the annual report of the Public Defender Service, pursuant to Public Law 91-358, section 306(a); to the Committee on the District of Columbia.

402. A letter from the Director, Defense Security Assistance Agency, transmitting notification of a proposed agreement for lease of defense articles to NATO Supreme Headquarters, Allied Powers Europe, pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

403. A letter from the Acting Administrator, General Services Administration, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

404. A letter from the Chairman of the Board, U.S. Synthetic Fuels Corporation, transmitting a report on the activities of the Inspector General's Office for fiscal year 1984, pursuant to Public Law 96-294, section

122(d); to the Committee on Government Operations.

405. A letter from the Chairman, Administrative Conference of the United States, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

406. A letter from the Comptroller General of the United States, transmitting a report entitled "Public Involvement in Block Grant Decisions: Multiple Opportunities Provided But Interest Groups Have Mixed Reactions to States' Efforts"; to the Committee on Government Operations.

407. A letter from the Executive Director/Administrator, Federal Labor Relations Authority, transmitting a report on compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act), pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

408. A letter from the Secretary, Mississippi River Commission, transmitting a report on compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act), pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

409. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, U.S. Army, on the Santa Ann River main stem phase I, together with other pertinent reports, pursuant to Public Law 94-587, section 109 (H. Doc. No. 99-20); to the Committee on Public Works and Transportation and ordered to be printed.

410. A letter from the Director, National Legislative Commission, the American Legion, transmitting a report and financial audit, pursuant to Public Law 88-504, section 3 (36 U.S.C. 1103) (H. Doc. No. 99-21); to the Committee on Veterans' Affairs and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROEMER:

H.R. 632. A bill to ban new investment by United States persons in South Africa, to require United States persons to comply with certain employment principles in doing business in South Africa, to prohibit United States banks from making loans to enterprises in South Africa, and for other purposes, in order to distance the United States from the abhorrent apartheid policies of the South African Government and to send a clear signal to that regime to modify those racist policies or face further economic isolation; jointly, to the Committees on Banking, Finance and Urban Affairs, and Foreign Affairs.

By Mr. ACKERMAN (for himself), Mr. ADDABBO, Mr. MANTON, Mr. SCHEUER, Mr. BARNES, Mr. BERMAN, Mrs. BOXER, Mrs. BURTON of California, Mrs. COLLINS, Mr. DAUB, Mr. DE LA GARZA, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EDWARDS of California, Mr. ENGLISH, Mr. FASCELL, Mr. FAUNTROY, Mr. FISH, Mr. FRANK, Mr. GALLO, Mr. GRAY of Pennsylvania, Mr. HEFTEL of Hawaii, Mrs. HOLT, Mr. HORTON, Mr. KASTENMEIER, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LOWRY of Washington, Mr. MILLER of California, Mr. MILLER of Washington, Mr. MITCHELL, Mr. MONTGOMERY, Mr. MRAZEK, Mr. MURPHY, Mr. OWENS, Mr. PEPPER, Mr. RANGEL, Mr. ROE, Mr. ROSE, Mr. SMITH of Florida, Mr. SOLARZ, Mr. TOWNS, Mr. TRAXLER, Mr. WEISS, and Mr. YATES):

H.R. 633. A bill to designate the U.S. Post Office Building in Flushing, N.Y., as the "Benjamin S. Rosenthal Post Office Building"; to the Committee on Public Works and Transportation.

By Mr. ALEXANDER:

H.R. 634. A bill entitled "Office Machine Dealers Equity Act"; to the Committee on the Judiciary.

H.R. 635. A bill entitled: "Office Products User Protection Act"; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. BARNARD:

H.R. 636. A bill to amend the Federal Reserve Act to enhance the abilities of depository institutions to compete with the Federal Reserve System in the business of exchanging and clearing checks, drafts, and other evidences of transaction account funds and balances and changes in such balances and to promote the efficiency of the national networks for the transfer of funds and moneys; to the Committee on Banking, Finance and Urban Affairs.

H.R. 637. A bill to effectuate the congressional directive that accounts established under section 327 of the Garn-St Germain Depository Institutions Act of 1982 be directly equivalent and competitive with money market mutual funds; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BARNES:

H.R. 638. A bill to amend the Export Administration Act of 1979 to restrict the export of goods which have been found to be hazardous to the public health; to the Committee on Foreign Affairs.

By Mr. BIAGGI:

H.R. 639. A bill to establish temporary provisions governing the day and times for congressional and Presidential elections, and to amend title 39, United States Code, to provide that absentee ballots may be mailed free of postage; jointly, to the Committees on House Administration and Post Office and Civil Service.

H.R. 640. A bill to provide for 24-hour voting in Federal general elections in 1988, 1990, and 1992, and to amend title 39, United States Code, to provide that absentee ballots may be mailed free of postage; jointly, to the Committees on House Administration and Post Office and Civil Service.

By Mr. BREAUX:

H.R. 641. A bill to amend the Coastal Zone Management Act of 1972, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries (for consideration of section 1 only).

By Mrs. COLLINS:

H.R. 642. A bill to imporve coordination in the formulation of telecommunications policy within the executive branch, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CONTE:

H.R. 643. A bill to provide jobs through assistance for railroad rehabilitation projects, and for other purposes; to the Committee on Energy and Commerce.

H.R. 644. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax for expenses incurred in the care of certain elderly family members; to the Committee on Ways and Means.

H.R. 645. A bill to amend the Internal Revenue Code of 1954 to extend permanently the exclusion from income for educational assistance payments; to the Committee on Ways and Means.

H.R. 646. A bill to revise the trigger provisions of the Federal-State Extended Unemployment Compensation Act of 1970, to extend the Federal Supplemental Compensation Act of 1982 under certain conditions, and for other purposes; to the Committee on Ways and Means.

By Mr. DAUB:

H.R. 647. A bill to repeal the provisions of the Tax Reform Act of 1984 relating to the maintenance of contemporaneous records with respect to the business use of certain property; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 648. A bill to amend chapter 67 of title 10, United States Code, to grant eligibility for retired pay to certain reservists who did not perform active duty before August 16, 1945, and for other purposes; to the Committee on Armed Services.

H.R. 649. A bill to provide that Social Security benefit increases occurring after January 1985 shall not be considered as income or resources for the purposes of determining the eligibility for or amount of assistance which any individual or family is provided under certain Federal housing laws; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HAWKINS:

H.R. 650. A bill to authorize a national program of improving the quality of education; to the Committee on Education and Labor.

By Mr. DUNCAN:

H.R. 651. A bill to provide that certain good faith transfers of property made by the Southern Industrial Banking Corp. to depositors shall not be voidable under title 11 of the United States Code; to the Committee on the Judiciary.

H.R. 652. A bill to amend title 18 of the United States Code to exempt newspapers from the prohibition against depositing in letter boxes mailable matter on which no postage has been paid; to the Committee on the Judiciary.

H.R. 653. A bill to amend the Tennessee Valley Authority Act of 1933 relating to the sale of electricity to industrial users by the Tennessee Valley Authority through State, counties, municipalities, and cooperative organizations; to the Committee on Public Works and Transportation.

By Mr. PICKLE (for himself and Mr. FRENZEL):

H.R. 654. A bill relating to the tax treatment of qualified dividend reinvestment plans; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 655. A bill to establish a Coastal Resource and Economic Development Fund in the Treasury of the United States, to provide grants to coastal States, and to units of local coastal government to enhance coastal resources, the coastal environment, and to foster the economic well-being of the coastal area; to the Committee on Merchant Marine and Fisheries.

By Mr. DUNCAN:

H.R. 656. A bill to require the Internal Revenue Service to follow Frederick against

the United States in the administration of the Internal Revenue Code of 1954 with respect to transportation expenses; to the Committee on Ways and Means.

H.R. 657. A bill to amend title II of the Social Security Act to treat great-grandchildren, nieces, and nephews in the same manner as grandchildren in applying the 1-year dependency test to adopted children in determining entitlement to child's insurance benefits; to the Committee on Ways and Means.

H.R. 658. A bill to strengthen the assignment program for durable medical equipment under title XVIII of the Social Security Act, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DUNCAN (for himself and Mr. GUARINI):

H.R. 659. A bill to amend the Internal Revenue Code of 1954 with respect to the unrelated business taxable income of certain nonprofit charitable organizations; to the Committee on Ways and Means.

By Mr. DYSON:

H.R. 660. A bill to clarify the statutory limitation on the amount the Department of Defense may spend during fiscal year 1985 for certain contracted advisory and assistance services and to require the Secretary of Defense to develop a standardized auditing procedure for identifying and controlling expenditures for such services in later fiscal years; to the Committee on Armed Services.

By Mr. EDWARDS of California:

H.R. 661. A bill to eliminate the exemption for Congress from the application of certain provisions of Federal law relating to employment, and for other purposes; jointly, to the Committees on Education and Labor and House Administration.

By Mr. ERDREICH:

H.R. 662. A bill to repeal certain recently enacted substantiation and compliance provisions of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. FIELDS:

H.R. 663. A bill to modify the Houston Ship Channel navigation project for the purpose of maintaining 40-foot project depths in certain portions of the project, and to make the Port of Houston bridge across Greens Bayou, TX, eligible for reimbursement under the Truman-Hobbs Act; to the Committee on Public Works and Transportation.

By Mr. FIELDS (for himself, Mr. JONES of North Carolina, Mr. HUBBARD, Mr. YOUNG of Alaska, and Mr. TAUZIN):

H.R. 664. A bill to amend the Panama Canal Act of 1979 with respect to the payment of interest on the investment of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. GLICKMAN (for himself, Mr. FRANK, Mr. SMITH of Florida, Mr. BERMAN, Mr. CONTE, Mr. WHEAT, Mr. LELAND, Mr. HAYES, Mr. GARCIA, Mr. MITCHELL, Mr. LUNDINE, Mr. MARKEY, Mr. WORTLEY, Mr. FRENZEL, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. BORSKI, Mr. ROE, and Mr. KOLBE):

H.R. 665. A bill to establish criminal penalties for crimes against religious practices and property; to the Committee on the Judiciary.

By Mr. GRADISON (for himself and Mr. HOPKINS):

H.R. 666. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the North Fork of the Red River in Kentucky as a component of the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. GUARINI (for himself and Mr. ECKART of Ohio):

H.R. 667. A bill to amend the Consumer Product Safety Act to strengthen the authority of the Consumer Product Safety Commission over amusement parks; to the Committee on Energy and Commerce.

By Mr. HAMILTON:

H.R. 668. A bill to amend section 313 of the Federal Election Campaign Act of 1971 to eliminate a provision that permits certain Members of Congress to use excess campaign funds for personal purposes; to the Committee on House Administration.

H.R. 669. A bill to recognize the organization known as the 82d Airborne Division Association, Inc.; to the Committee on the Judiciary.

By Mr. HAWKINS (for himself and Mr. MARTINEZ):

H.R. 670. A bill to provide employment opportunities to long-term unemployed individuals in high unemployment areas in projects to repair and renovate vitally needed community facilities, and for other purposes; to the Committee on Education and Labor.

H.R. 671. A bill to establish a program to provide part-time school year and full-time summer employment to economically disadvantaged youth who are pursuing further education or training leading to meaningful unsubsidized employment; to the Committee on Education and Labor.

By Mrs. HOLT:

H.R. 672. A bill to authorize recomputation at age 60 of the retired members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1972, and for other purposes: to the Committee on Armed Services.

H.R. 673. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay provisions for dental officers in the armed services; to the Committee on Armed Services.

H.R. 674. A bill to amend title 10, United States Code, to reduce the cost sharing required of participants in the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) for inpatient medical care provided on an emergency basis; to the Committee on Armed Services.

H.R. 675. A bill to repeal the Davis-Bacon Act, and for other purposes; to the Committee on Education and Labor.

H.R. 676. A bill to provide a remedy for sex discrimination by the insurance business with respect to the availability and scope of insurance coverage for women; to the Committee on Energy and Commerce.

H.R. 677. A bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 to provide emphasis within the National Institute on Alcohol Abuse and Alcoholism for families of alcohol abusers and alcoholics; to the Committee on Energy and Commerce.

H.R. 678. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions; to the Committee on the Judiciary.

H.R. 679. A bill to authorize awards, decorations, insignia, and other recognition for service in the U.S. Merchant Marine, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 680. A bill to amend title 5, United States Code, to allow certain employees of the National Transportation Safety Board to receive civil service retirement credit for their service under the Federal railroad retirement program; to the Committee on Post Office and Civil Service.

H.R. 681. A bill to amend the Internal Revenue Code of 1984 to allow a taxpayer a deduction from gross income for expenses paid by him for the education of any of his dependents at an institution of higher learning; to the Committee on Ways and Means.

By Mrs. HOLT (for herself and Mr. HOYER):

H.R. 682. A bill to authorize the Secretary of the Interior to convey certain land located in the State of Maryland to the Maryland-National Capital Park and Planning Commission; to the Committee on Interior and Insular Affairs.

By Mr. HUBBARD:

H.R. 683. A bill to extend and modify the "Net Worth Certificate Act" (12 U.S.C. 1811); to the Committee on Banking, Finance and Urban Affairs.

H.R. 684. A bill to amend title 28, United States Code, with respect to the places where court shall be held in certain judicial districts, and for other purposes; to the Committee on the Judiciary.

By Mr. KASTENMEIER (for himself and Mr. OBEY):

H.R. 685. A bill to amend the Agricultural Act of 1949 to repeal the authority of the Secretary of Agriculture to reduce the rate of price support applicable to milk, and to grant to the Secretary authority to make additional contracts to reduce milk production through the period ending March 31, 1986; to the Committee on Agriculture.

By Mr. KOSTMAYER:

H.R. 686. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Delaware River in Pennsylvania and New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LAFALCE:

H.R. 687. A bill to require the Board of Governors of the Federal Reserve System to impose limitations on the number of days a depository institution may restrict the availability of funds which are deposited by check; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LAFALCE (for himeself and Mr. WORTLEY):

H.R. 688. A bill to amend section 5155 of the Revised Statutes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LEHMAN of Florida:

H.R. 689. A bill to allow a refundable income tax credit for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. McKERNAN:

H.R. 690. A bill to amend the Internal Revenue Code of 1954 to provide that certain fishermen who are treated as self-employed for social security tax purposes shall be treated as self-employed for pension plan purposes; to the Committee on Ways and Means.

By Mrs. MARTIN of Illinois (for herself, Mr. CLINGER, Mr. CONTE, Mr. FRENZEL, Mr. GRADISON, Mr. IRELAND, Mr. JEFFORDS, Mrs. JOHNSON, Mr.

LEACH of Iowa, Mr. MCKERNAN, Mr. MCKINNEY, Mr. NIELSON of Utah, Ms. SNOWE, Mr. GALLO, Mr. DAUB, Mr. MITCHELL, Mr. STOKES, Mr. SCHUMER, Mr. FRANK, Mr. BARTLETT, and Mr. HEFTEL of Hawaii):

H.R. 691. A bill to amend title VII of the Civil Rights Act of 1964 to prohibit discrimination based on race, color, religion, sex, handicap, national origin, or age in employment in the legislative or judicial branches of the Federal Government, and to establish the Employment Review Board composed of senior Federal judges selected by the Chief Justice of the United States, which shall have authority to adjudicate claims regarding such discrimination; jointly, to the Committees on Education and Labor, the Judiciary, and House Administration.

By Mr. MCCURDY:

H.R. 692. A bill to establish a commission to advise the President on proposals for national commemorative events; to the Committee on Post Office and Civil Service.

H.R. 693. A bill to permit States to raise the maximum speed limit to 65 miles per hour on rural interstate routes where the Secretary of Transportation determines that highway safety will not be significantly adversely affected; to the Committee on Public Works and Transportation.

By Mr. MCEWEN:

H.R. 694. A bill to apportion funds for construction of interstate highway projects and substitute highway and transit projects; to the Committee on Public Works and Transportation.

By Mr. MICHEL (for himself, Mr. MOORHEAD, Mr. HYDE, Mr. RITTER, and Mr. ZSCHAU):

H.R. 695. A bill to improve the transfer of technology from Government laboratories to the public and for other purposes; jointly, to the Committees on the Judiciary and Science and Technology.

By Mr. MORRISON of Washington (for himself, Mr. FOLEY, Mr. PRICE, Mr. ROBERTS, Mr. WATKINS, Mr. WHITEHURST, Mrs. LLOYD, Mr. WEBER, Mr. MCCAIN, Mr. SKEEN, Mr. CHANDLER, Mr. PASHAYAN, Mr. LEACH of Iowa, Mr. TAUKE, Mrs. BYRON, Mr. ROBERT F. SMITH, Mr. STRATTON, Mr. SMITH of Iowa, Mr. BEDELL, Mr. FAZIO, Mr. HILLIS, Mr. EVANS of Iowa, Mr. COELHO, Mr. VOLKMER, and Mr. LIGHTFOOT):

H.R. 696. A bill to provide Federal coordination for the continued development and commercialization of food irradiation through the establishment of a Joint Operating Commission for Food Irradiation in the Department of Agriculture and through other means; jointly, to the Committees on Energy and Commerce, Armed Services, and Agriculture.

By Mr. OWENS (for himself, Mr. FAUNTROY, Mr. TOWNS, Mr. RICHARDSON, Mr. FRANK, and Mr. FRENZEL):

H.R. 697. A bill to amend the Immigration and Nationality Act to permit the entry as immediate relatives of spouses, children, and parents of persons who died a service-connected death while on active duty in the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. PASHAYAN (for himself and Mr. MATSUI):

H.R. 698. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit to taxpayers who recycle certain agricultural chemical containers in accordance with the applicable laws and regulations; to the Committee on Ways and Means.

By Mrs. ROUKEMA (for herself and Mr. CONTE):

H.R. 699. A bill to authorize supplemental fiscal year 1985 appropriations for famine relief and recovery for Africa; to the Committee on Foreign Affairs.

By Mr. HAWKINS (for himself, Mr. EDWARDS of California, Mr. FISH, Mr. JEFFORDS, Mr. RODINO, Mr. CONYERS, Mrs. SCHROEDER, Mr. MILLER of California, Mr. TAUKE, Mrs. BURTON of California, Mr. FRANK, Mr. ACKERMAN, Mr. BOUCHER, Mr. FEIGHAN, Mr. KASTENMEIER, Mr. SCHUMER, Mr. CROCKETT, Mr. MARTINEZ, Mr. WILLIAMS, Mr. KILDEE, Mr. CLAY, Mr. OWENS, Mr. HAYES, Mrs. SCHNEIDER, Ms. SNOWE, Mr. ADDABBO, Mr. SAVAGE, Mr. DYMALLY, Mr. FRENZEL, Mr. MORRISON of Connecticut, Mrs. KENNELLY, Mr. COELHO, Mr. WHEAT, Mr. SCHEUER, Mr. LELAND, Mr. RICHARDSON, Mr. MINETA, Mr. VENTO, Mr. MOODY, Mrs. JOHNSON, Mr. TORRES, Mr. DE LUGO, Mr. GARCIA, Mr. ROYBAL, Mr. BUSTAMANTE, Mrs. COLLINS, Mr. DELLUMS, Mr. GRAY of Pennsylvania, Mr. MITCHELL, Mr. STOKES, Ms. OAKAR, Ms. KAPTUR, Ms. MIKULSKI, Mr. FAUNTROY, Mrs. BOXER, Mr. TOWNS, Mr. CARPER, Mr. MCKERNAN, Mr. FUSTER, Mr. ANDREWS, Mr. CONTE, and Mr. DIXON):

H.R. 700. A bill to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; jointly, to the Committees on Education and Labor and the Judiciary.

By Mr. ROYBAL:

H.R. 701. A bill to establish the Civilian Conservation Corps II to perform such projects on public or Indian lands or waters as the Secretary of the Interior may authorize, and for other purposes; to the Committee on Education and Labor.

H.R. 702. A bill to amend title 5, United States Code, to include as creditable service for civil service retirement purposes service as an enrollee of the Civilian Conservation Corps, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROYBAL (for himself, Mr. SCHEUER, and Mr. MINETA):

H.R. 703. A bill to provide for payment by the United States for certain medical services and treatment provided to U.S. citizens and permanent residents suffering from physical injuries attributable to the atomic bomb explosions on Hiroshima and Nagasaki, Japan, in August 1945; to the Committee on the Judiciary.

By Mr. RUDD:

H.R. 704. A bill to amend title 18 of the United States Code to establish rational criteria for the imposition of the sentence of death in cases of espionage and treason, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHULZE:

H.R. 705. A bill to increase for a 3-year period the duty on imported sheet vinyl flooring; to the Committee on Ways and Means.

By Mr. SHELBY:

H.R. 706. A bill to repeal the new substantiation requirements for deductions attributable to business use of passenger automobiles and certain other types of personal property; to the Committee on Ways and Means.

By Mr. SKELTON:

H.R. 707. A bill to repeal the provisions of the Tax Reform Act of 1984 which required contemporaneous recordkeeping of the business use of certain property to justify income tax deductions; to the Committee on Ways and Means.

By Mr. DENNY SMITH:

H.R. 708. A bill to amend the Internal Revenue Code of 1954 to provide for inflation adjustments to the income levels at which Social Security benefits are subject to income tax; to the Committee on Ways and Means.

H.R. 709. A bill to amend the Internal Revenue Code of 1954 to repeal the taxation of Social Security and tier 1 railroad retirement benefits; to the Committee on Ways and Means.

By Mr. SOLOMON:

H.R. 710. A bill to amend the Foreign Service Act of 1980 to remove the requirement that the Director General of the Foreign Service and the Chairman of the Board of the Foreign Service be members of the Senior Foreign Service and to clarify the definition of "Management officials" as used in chapter 10 of title I of that act; to the Committee on Foreign Affairs.

H.R. 711. A bill to impose mandatory sentences for violent felonies committed against individuals of age 65 or over, and for other purposes; to the Committee on the Judiciary.

H.R. 712. A bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes; to the Committee on the Judiciary.

H.R. 713. A bill to provide that rates of pay for Members of Congress shall not be subject to adjustment under the Federal Salary Act of 1967 or subject to any other automatic adjustment; to the Committee on Post Office and Civil Service.

H.R. 714. A bill to provide that increases in the rate of compensation for Members of the House of Representatives and the Senate shall not take effect until the start of the Congress following the Congress in which such increases are approved; to the Committee on Post Office and Civil Service.

H.R. 715. A bill to amend the Internal Revenue Code of 1954 to allow certain married individuals who file separate returns to be taxed as unmarried individuals; to the Committee on Ways and Means.

H.R. 716. A bill to amend title II of the Social Security Act to make it clear that Social Security benefits are and will continue to be exempt from all taxation; to the Committee on Ways and Means.

H.R. 717. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $10,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

H.R. 718. A bill to amend the Internal Revenue Code of 1954 to provide individuals a limited exclusion from gross income for interest on deposits in certain savings institutions; to the Committee on Ways and Means.

H.R. 719. A bill to increase the maximum amount which may be deducted from gross income for retirement savings to $2,500 for a single individual and $5,000 for a married couple; to the Committee on Ways and Means.

H.R. 720. A bill to impose an embargo on trade between Iran and the United States; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. SOLOMON (for himself and Mr. CARNEY):

H.R. 721. A bill to provide a special defense to the liability of political subdivision of States under section 1979 of the Revised Statutes (42 U.S.C. 1983) relating to civil action for the deprivation of rights; to the Committee on the Judiciary.

H.R. 722. A bill to repeal the provisions in the Internal Revenue Code of 1954 relating to the inclusion of Social Security and certain railroad retirement benefits in gross income to the extent such provisions do not apply to nonresident aliens; to the Committee on Ways and Means.

By Mr. SPENCE:

H.R. 723. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for the cost of medically necessary custodial care provided to elderly individuals; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 724. A bill to amend the provisions of the Internal Revenue Code of 1954 relating to tax sales so as to allow property seized for the collection of taxes to be released to the owner thereof in certain cases; to the Committee on Ways and Means.

H.R. 725. A bill to prohibit the importation into the United States of goods that are the products of countries that aid or abet acts of international terrorism against the person or property of U.S. citizens; to the Committee on Ways and Means.

H.R. 726. A bill to amend the Internal Revenue Code of 1954 to clarify that the farm syndicate rules of section 278(b) apply in the case of inedible fruits and nuts; to the Committee on Ways and Means.

H.R. 727. A bill to allow the Secretary of the Treasury to withdraw a notice of deficiency erroneously issued to a taxpayer; to the Committee on Ways and Means.

By Mr. TAUZIN:

H.R. 728. A bill to repeal the provisions of the Tax Reform Act of 1984 relating to the maintenance of contemporaneous records with respect to the business use of certain property; to the Committee on Ways and Means.

By Mr. TAUZIN (for himself, Mr. HUBBARD, and Mr. FIELDS):

H.R. 729. A bill to amend the Panama Canal Act of 1979 in order that claims for vessels damaged outside the locks may be resolved in the same manner as those vessels damaged inside the locks, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. UDALL:

H.R. 730. A bill to declare that the United States holds in trust for the Cocopah Indian Tribe of Arizona certain land in Yuma County, AZ; to the Committee on Interior and Insular Affairs.

By Mr. VANDER JAGT:

H.R. 731. A bill to amend section 119 of the Internal Revenue Code of 1954 to provide that meals furnished by an employer to an employee may be considered furnished for the convenience of the employer if the meals are funished on the business premises of the employer generally, except under certain conditions whereby meals may be furnished off the business premises of the employer; to the Committee on Ways and Means.

By Mr. WORTLEY:

H.R. 732. A bill to amend title II of the Social Security Act to protect the future benefit levels of individuals becoming eligible for benefits in or after 1979 by eliminating the disparity (resulting from changes made in 1977 in the benefit computation formula) between those levels and the benefit levels of persons who became eligible for benefits before 1979; to the Committee on Ways and Means.

By Mr. WYDEN (for himself and Mr. SIKORSKI):

H.R. 733. A bill to permit group health care payors to provide for alternative rates with providers of health care; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 734. A bill to amend the Internal Revenue Code of 1954 to exempt certain emergency transportation of individuals from the excise tax on transportation by air, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDERSON:

H.J. Res. 89. Joint resolution to amend the Constitution of the United States to provide for balanced budgets and elimination of Federal indebtedness; to the Committee on the Judiciary.

By Mr. ATKINS:

H.J. Res. 90. Joint resolution designating the first Sunday of August as "National Day of Peace"; to the Committee on Post Office and Civil Service.

By Mr. DORNAN of Califorina (for himself, Mr. BOULTER, and Mr. CARNEY):

H.J. Res. 91. Joint resolution to amend the Constitution of the United States to protect the right to life; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.J. Res. 92. Joint resolution to call for the removal of the U.S. Armed Forces from Central America; to the Committee on Foreign Affairs.

By Mr. KOSTMAYER (for himself, Mr. GRAY of Pennsylvania, Mr. FOGLIETTA, Mr. EDGAR, and Mr. BORSKI):

H.J. Res. 93. Joint resolution authorizing appropriations to the Secretary of the Interior for the fiscal year 1986 for the Benjamin Franklin National Memorial; to the Committee on Interior and Insular Affairs.

By Mr. LUKEN (for himself, Mr. SMITH of New Jersey, Mr. LENT, Mr. ROE, Mr. O'BRIEN, Mr. YOUNG of Missouri, Mr. KANJORSKI, Mr. BOLAND, Mr. MURPHY, Mr. TAUZIN, Mr. ARMEY, Mr. APPLEGATE, Mr. DAUB, Mr. SILJANDER, Mr. YOUNG of Alaska, Mr. TRAXLER, Mrs. VUCANOVICH, Mr. BILIRAKIS, Mr. SHUMWAY, and Mr. PETRI):

H.J. Res. 94. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. OWENS:

H.J. Res. 95. Joint resolution proposing an amendment to the Constitution of the United States to provide that the United States shall guarantee to each person the right to employment opportunity; to the Committee on the Judiciary.

By Mr. SHUMWAY (for himself, Mr. BADHAM, Mr. HANSEN, Mr. HYDE, Mr. KINDNESS, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. NIELSON of Utah, Mr. PACKARD, Mr. PORTER, Mr. RUDD, Mr. SUNDQUIST, and Mr. WHITEHURST):

H.J. Res. 96. Joint resolution proposing an amendment to the Constitution of the United States establishing English as the official language of the United States; to the Committee on the Judiciary.

By Mr. SOLOMON:

H.J. Res. 97. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations acts; to the Committee on the Judiciary.

H.J. Res. 98. Joint resolution proposing an amendment to the Constitution to require that congressional resolutions setting forth levels of total budget outlays and Federal revenues must be agreed to by two-thirds vote of both Houses of the Congress if the level of outlays exceeds the level of revenue; to the Committee on the Judiciary.

By Mr. SPENCE:

H.J. Res. 99. Joint resolution proposing an amendment to the Constitution of the United States relative to the balancing of the budget; to the Committee on the Judiciary.

By Mr. TRAXLER:

H.J. Res. 100. Joint resolution to designate the week beginning May 5, 1985, as "National Correctional Officers Week"; to the Committee on Post Office and Civil Service.

By Mr. KRAMER (for himself, Mr. HUTTO, Mr. DAUB, and Mr. KOLBE):

H. Con. Res. 35. Concurrent resolution supporting the President's commitment to arms control policies, understandings, and agreements leading to genuine, lasting reductions in nuclear weapons and their delivery systems and the ultimate elimination of such weapons from the world's arsenals; jointly, to the Committees on Armed Services and Foreign Affairs.

By Mr. BROWN of California:

H. Con. Res. 36. Concurrent resolution expressing the sense of the Congress that the common security of all nations is threatened by the escalating arms race and that the danger of nuclear war requires renewed and persistent efforts to negotiate a comprehensive treaty for staged disarmament to be verified by an international security and disarmament authority and accompanied by strengthened international peacekeeping and dispute resolution institutions; to the Committee on Foreign Affairs.

By Mr. GILMAN (for himself, Mr. SOLARZ, Mr. LAGOMARSINO, Mr. LENT, Mr. MICA, Mr. HYDE, Mr. TORRICELLI, Mr. MOORE, Mr. LEVINE of California, Mr. LANTOS, and Mr. SOLOMON):

H. Con. Res. 37. Concurrent resolution to express the sense of the Congress regarding Americans missing in Southeast Asia; to the Committee on Foreign Affairs.

By Mrs. HOLT:

H. Con. Res. 38. Concurrent resolution declaring the sense of Congress regarding periods of silence in public schools; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. ROYBAL (for himself, Mr. WAXMAN, Mr. STARK, Mr. PEPPER, Mr. SCHEUER, Mr. BIAGGI, Mr. WEISS, Mr. RODINO, Mr. ANDERSON, Mr. TOWNS, Mr. KANJORSKI, Mr. MINETA, Mr. ROE, Mr. SOLARZ, Mr. COYNE, Mr. HAWKINS, Mr. RAHALL, Mr. MITCHELL, Mr. APPLEGATE, Mrs. COLLINS, Ms. MIKULSKI, Mr. BONER of Tennessee, Mr. LEVINE of California, Ms. KAPTUR, Mr. FRANK, Mr. LOWRY of Washington, Mr. TORRICELLI, Mr. WEAVER, Mr. MURPHY, Mr. BUSTAMANTE, Mr. FUSTER, Mr. OBERSTAR, Mr. OWENS, and Mr. STOKES):

H. Con. Res. 39. Concurrent resolution expressing the sense of the Congress that no law should be enacted which would restrict eligibility, or increase costs incurred by the elderly and poor, for Medicare and Medicaid; jointly to the Committees on Ways and Means and Energy and Commerce.

By Mr. SOLOMON:

H. Con. Res. 40. Concurrent resolution expressing the sense of Congress in support of the President's leadership with respect to American prisoners of war and missing in action; to the Committee on Foreign Affairs.

By Mrs. HOLT:

H. Res. 30. Resolution to amend the Rules of the House of Representatives to require a recorded vote upon the passage of any legislation that economically affects Members as a separate class, and for other purposes; to the Committee on Rules.

By Mr. ROYBAL (for himself, Mrs. COLLINS, Mr. TOWNS, Mr. COYNE, Mr. BORSKI, Mr. BIAGGI, Mr. KASTENMEIER, Mr. HAWKINS, Mr. BOUCHER, Mr. RODINO, Mr. SAXTON, Mr. LELAND, Mr. CROCKETT, Mr. ANDERSON, Mr. STOKES, Mr. STRATTON, Mr. OBERSTAR, Mr. ROE, Mrs. KENNELLY, Mr. TRAXLER, Mr. KILDEE, Mr. SNYDER, Mr. RAHALL, Mr. MORRISON of Connecticut, Mr. MITCHELL, Ms. MIKULSKI, Mr. YOUNG of Florida, Mr. BERMAN, Mrs. JOHNSON, Mr. LEVINE of California, Mr. SCHEUER, Ms. KAPTUR, Mr. APPLEGATE, Mr. FRANK, Mr. KANJORSKI, Mr. TORRICELLI, Mr. WEISS, Mr. WEAVER, Mr. STARK, Mr. MARTINEZ, Mr. PEPPER, Mr. GAYDOS, and Mr. BUSTAMANTE):

H. Res. 31. Resolution expressing the sense of the House of Representatives that no changes be enacted to current law which would freeze cost-of-living adjustments for beneficiaries under the Social Security Act; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHAPPELL:

H.R. 735. A bill to clear certain impediments to the licensing of the vessels *Jane E* and *Diane M* for employment in the coastwise and fisheries trades; to the Committee on Merchant Marine and Fisheries.

By Mrs. HOLT:

H.R. 736. A bill for the relief of Brett Williams; to the Committee on the Judiciary.

By Mrs. HOLT (by request):

H.R. 737. A bill for the relief of Ms. Chang Ai Bae; to the Committee on the Judiciary.

By Mrs.HOLT:

H.R. 738. A bill for the relief of Kenneth G. Schacht; to the Committee on the Judiciary.

H.R. 739. A bill relating to the documentation of the vessel *Marilyn* to be employed in the coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Mr. HORTON:

H.R. 740. A bill for the relief of Mordechai Dror; to the Committee on the Judiciary.

By Mr. HUBBARD:

H.R. 741. A bill to direct the Administrator of General Services to convey certain real property in Virginia Beach, VA, to Harold L. Jackson and Anne A. Jackson; to the Committee on Government Operations.

By Mr. SPENCE:

H.R. 742. A bill for relief of Reina Estela Olvera; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 743. A bill to clear certain impediments to the licensing of the vessels *Jane E* and *Diane M* for employment in the coastwise and fisheries trades; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. RANGEL, Mr. SCHUMER, Mr. MAVROULES, Mr. DWYER of New Jersey, Mr. SEIBERLING, Mrs. BURTON of California, Mr. MILLER of Washington, Mr. BROWN of California, Mr. OWENS, Mr. MCKINNEY, Mr. HAYES, Mr. KASTENMEIER, Mrs. HOLT, Mr. WEISS, Mr. STUDDS, Mr. ADDABBO, Mr. SOLARZ, Mr. WHEAT, Mr. RAHALL, Ms. KAPTUR, Mr. RUSSO, Mr. LEVIN of Michigan, Mr. GREEN, Ms. MIKULSKI, Mrs. BOXER, Mr. APPLEGATE, Mr. BEILENSON, Mr. LUNDINE, Mr. HORTON, Mr. MARTINEZ, and Mr. CLAY.

H.R. 12: Ms. SNOWE and Mr. RINALDO.

H.R. 22: Mr. TORRICELLI, Mr. CRANE, Mr. RITTER, Mr. COMBEST, and Mr. RAHALL.

H.R. 44: Mr. MILLER of California, Mr. WILSON, Mr. STENHOLM, Mr. CHAPPIE, Mr. MARTINEZ, Mr. HAWKINS, Mr. LUJAN, Mrs. LLOYD, Mr. SIKORSKI, Mr. CARR, Mr. HENRY, Mr. THOMAS of California, Mr. REID, and Mr. SHUMWAY.

H.R. 55: Mr. APPLEGATE, Mr. HORTON, and Mr. MARTINEZ.

H.R. 100: Mr. BROWN of California, Mr. MAVROULES, Mr. SOLARZ, Mr. HENRY, Mrs. BOXER, Mr. BIAGGI, Mr. MARKEY, Mr. SCHEUER, Mr. TORRICELLI, Mr. DYMALLY, Mr. SABO, Mr. MARTINEZ, Mr. PENNY, Mr. HAWKINS, Mrs. KENNELLY, Mr. AKAKA, Mr. KOLTER, Mr. COYNE, Mr. SIKORSKI, Mr. GEJDENSON, Mr. FOWLER, Mr. HEFTEL of Hawaii, Mr. EDWARDS of California, Mr. YATRON, Mr. MILLER of California, and Mr. TORRES.

H.R. 110: Mr. VANDER JAGT and Mr. HENRY.

H.R. 111: Mr. SENSENBRENNER.

H.R. 193: Mr. LENT.

H.R. 217: Mr. HORTON, Mr. KOLBE, Mr. MARTINEZ, Mr. RICHARDSON, and Mr. DAVIS.

H.R. 236: Mr. PEASE, Mr. DAVIS, Mr. KASTENMEIER, Mr. HEFTEL of Hawaii, Mr. SABO, Mr. GLICKMAN, Mr. MITCHELL, Mrs. JOHNSON, and Mr. DWYER of New Jersey, Mr. HAYES, Mr. FRANK, Mr. BEDELL, Mr. WEISS, Mr. TORRICELLI, Mr. WEAVER, Mr. LEHMAN of California, Mr. MILLER of California, Mrs. COLLINS, and Mr. MARTINEZ.

H.R. 238: Mr. ARMEY.

H.R. 240: Mr. RAHALL, Mr. COMBEST, Mr. FRENZEL, Mr. ARMEY, and Mr. KOLBE.

H.R. 242: Mr. LANTOS, Mr. FIELDS, Mr. WOLF, Mr. CONTE, Mr. DANIEL, Mrs. LLOYD, Mr. MCCANDLESS, Mr. BEDELL, Mr. WEAVER, Mr. SPRATT, Mr. GREGG, Mr. TALLON, Mr. TAYLOR, Mr. HALL of Ohio, Mr. HEFNER, Mr. SNYDER, Mr. KOLTER, Mr. ARMEY, and Mr. HUBBARD.

H.R. 429: Mr. GUNDERSON, Mr. SENSENBRENNER, and Mr. PETRI.

H.R. 431: Mr. KINDNESS, Mr. WEBER, Mr. PETRI, Mr. WILLIAMS, Mr. TRAXLER, Mr. JEFFORDS, and Mr. HORTON.

H.R. 452: Mr. RODINO, Mr. WILSON, Mr. KINDNESS, Mr. BRYANT, Mr. LEHMAN of Florida, Mr. DWYER of New Jersey, Mr. APPLEGATE, Ms. KAPTUR, Mr. ENGLISH, Mr. FRANK, Mr. CONTE, Mr. HAWKINS, Mr. MARLENEE, Mr. BORSKI, and Mr. HORTON.

H.R. 469: Mr. SKEEN.

H.R. 528: Mr. BARNARD, Mr. BONER of Tennessee, Mr. LOTT, Mr. GUARINI, Mr. DOWDY of Mississippi, Mr. DUNCAN, Mr. MANTON, Mr. REID, Mr. CHAPPELL, Mr. LEATH of Texas, Mr. MCKINNEY, Mr. FASCELL, Mr. UDALL, Mr. DICKS, and Mr. LIVINGSTON.

H.R. 531: Mr. ARCHER, Mr. ZSCHAU, Mr. FROST, Mr. NICHOLS, Mr. VOLKMER, Mr. FIELDS, Mrs. BOGGS, Mr. CALLAHAN, Mr. HEFTEL of Hawaii, Mr. WHEAT, Mr. YOUNG of Missouri, Mr. DOWDY of Mississippi, Mr. BADHAM, Mr. EVANS of Illinois, Mr. TALLON, Mr. COLEMAN of Texas, Mr. ROGERS, Mr. ARMEY, Mrs. KENNELLY, and Mr. MARTINEZ.

H.R. 539: Mr. PERKINS, Mr. DURBIN, Mr. HILLIS, Mr. BURTON of Indiana, Ms. KAPTUR, Mr. FOWLER, Mr. FOGLIETTA, Mr. HORTON, Mrs. LLOYD, Mr. OXLEY, Mr. WEAVER, Mr. PRICE, Mr. LEVIN of Michigan, Mr. TORRICELLI, Mr. CLINGER, Mr. GROTBERG, Mr. CARR, Mr. MARTINEZ, and Mr. OWENS.

H.R. 555: Mr. PETRI, Mr. CARNEY, and Mr. SILJANDER.

H.R. 585: Mr. SMITH of Iowa, Mr. FRANK, Mr. FASCELL, Mr. O'BRIEN, Mr. WISE, Mr. ROYBAL, Mr. TORRICELLI, Mr. WEAVER, Mr. MARTINEZ, Mr. FLORIO, Mr. LEVIN of Michigan, and Mr. GRAY of Illinois.

H.R. 593: Mr. GARCIA, Mr. ANNUNZIO, and Mr. LELAND.

H.J. Res. 20: Mrs. COLLINS, Mr. LAGOMARSINO, Mr. FUSTER, Mr. TORRICELLI, Mr. HOYER, Mr. EDWARDS of California, Mr. LELAND, Mr. HEFTEL of Hawaii, Mr. HYDE, Mr. SMITH of New Jersey, Mr. MCCAIN, Mr. OWENS, Mr. SAXTON, Mr. WEISS, Mr. KINDNESS, Mr. JONES of North Carolina, Mr. ROE, Mr. FEIGHAN, Mr. FRENZEL, Mr. STUMP, Mrs. HOLT, Mr. BARNES, Mr. MCKERNAN, Mr. SISISKY, Mr. KILDEE, Mr. YOUNG of Alaska, Ms. KAPTUR, Mr. BERMAN, Mr. RAHALL, Mr. SPRATT, Mr. DARDEN, Mr. RANGEL, Mrs. BOXER, Mr. ACKERMAN, Mr. BATEMAN, Mr. O'BRIEN, Mr. APPLEGATE, Mr. CARNEY, Mr. HORTON, and Mr. BRYANT.

H.J. Res. 41: Mr. BATEMAN, Mr. MURPHY, Mr. APPLEGATE, Mr. WOLF, Mr. HORTON, Mr. DE LA GARZA, Mr. BRYANT, Mr. LIGHTFOOT, and Mr. VOLKMER.

H.J. Res. 49: Mr. MCCANDLESS and Mr. RITTER.

H.J. Res. 79: Mr. RANGEL, Mr. BONER of Tennessee, Mr. GRAY of Illinois, Mr. DARDEN, Mrs. BOXER, Ms. MIKULSKI, Mr. ROWLAND of Georgia, Mr. MURPHY, Mr. BATEMAN, Mr. ENGLISH, Mr. BENNETT, Mr. FASCELL, Mr. FLIPPO, Mr. SUNIA, Mr. HORTON, Mr. FRANK, Mr. BRYANT, Mrs. COLLINS, Mr. BARNES, Mr. ORTIZ, Mr. STOKES, and Mr. FISH.

H.J. Res. 85: Mr. SMITH of Iowa, Mr. HENRY, Mr. GUARINI, Mr. KASTENMEIER, Mr. EMERSON, Mr. LOTT, Mr. PORTER, Ms. KAPTUR, Mr. BILIRAKIS, Mr. ANDREWS, Mr. TAUKE, Mr. SNYDER, Mr. MILLER of Washington, Mr. LUNDINE, Mr. MOLINARI, Mr. DENNY SMITH, Mr. SPENCE, Mr. ANDERSON, Mr. WAXMAN, Mr. MURTHA, Mr. VALENTINE, Mr. REID, Mr. SCHEUER, Mr. HUBBARD, Mr. KEMP, Mr. BEDELL, Mr. FRANKLIN, Mr. THOMAS of Georgia, Mr. ST GERMAIN, Mr. ZSCHAU, Mr. FRENZEL, Mr. TORRICELLI, Mr. BREAUX, Mr. BOLAND, Mr. COELHO, Mr. WOLF, Mr. LOWRY of Washington, and Mr. HARTNETT.

H. Con. Res. 7: Mr. BENTLEY, Mr. COYNE, Mr. MRAZEK, Mrs. COLLINS, Mr. FAUNTROY, Mr. TOWNS, Mr. BORSKI, Mr. FISH, Mr. DIOGUARDI, Mr. SCHUMER, Mr. OWENS, Mr. MITCHELL, Mr. GALLO, Ms. KAPTUR, Mr. RAHALL, Mr. GILMAN, and Mr. LAFALCE.

H. Res. 10: Mr. FRANK and Mr. BOLAND.

PETITIONS, ETC.

Under clause 1 of rule XXII:

18. The SPEAKER presented a petition of Steven R. Davenport, California, relative to Anwar Sadat; which was referred to the Committee on Post Office and Civil Service.

SENATE—*Thursday, January 24, 1985*

(Legislative day of Monday, January 21, 1985)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable GORDON J. HUMPHREY, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father in Heaven, we thank You for our Senate leadership and we pray that they may enjoy the fresh, warm, renewing winds of the spirit of God as they set their sails for the next 2 years. Remembering the pressures and frustrations of the closing days of the 98th Congress, help them to establish ways of going that will ensure maximum efficiency and productivity. The sign along a dirt road in North Dakota many years ago is relevant: "Pick your ruts carefully, you will be in them a long time."

We are grateful, gracious God, for strong leaders and for the reliable support they will receive from families, peers, staffs, and all the faithful people who work in this place. Help us to demonstrate the unlimited power of a body of people who love one another and serve one another as we serve our Nation and our God. In His name who was the Servant of Servants. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 24, 1985.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GORDON J. HUMPHREY, a Senator from the State of New Hampshire, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. HUMPHREY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the acting majority leader is recognized.

THE CHAPLAIN'S PRAYER

Mr. SIMPSON. Mr. President, I will not use the time allocated to the majority leader this morning. I will, however, yield some of it to Senator GOLDWATER.

Mr. President, the words of the Chaplain are always most appropriate. I have always loved that story of picking the rut carefully because you will be in it for a long, long time. That is one of my favorites, and we do that beautifully around here. We stay in them too long, however, even when we could get out.

But he is always gentle in his comments and always very authentic and a great source of inspiration to us all.

Mr. President, with that, I yield 5 minutes, or such time as is required, to my colleague from Arizona [Mr. GOLDWATER].

Mr. GOLDWATER. Mr. President, I appreciate the remarks of my friend from Wyoming, particularly his remarks about the Chaplain. I, too, have always enjoyed his prayers. I will ask him in quiet that when he says one prayer for the body, he say three for me.

The U.S. DEFICIT—A NEED FOR COURAGE

Mr. GOLDWATER. Mr President, about 40 years ago, during the first term of Franklin Roosevelt in the midst of the Great Depression, we first started to spend money that we did not have to try to help the economy. Even at that time, I began to worry and to speak out about the spending of money that the Federal Government did not have. I was greatly concerned because, regardless of how much money Roosevelt spent, we did not come out of the depression. We did not cure the depression until World War II started and that, finally, brought the depression to a close.

Let us not misunderstand; we do not want any more wars, whether it ends in depressions or not. However, I am worried today more than I have ever been about our country being in a state of economic trouble that not even a war could produce cure. When World War II ended, there was every reason to expect that the vast amount of money that we had spent during that war would come to an end. For a short time, it appeared that would happen. But then, we went through the experience of the cold war, Korea and the experience of Vietnam and, all the while, we continued to be in a war economy.

But, even when peace came, our deficits continued to mount and mount and mount. I will say, without any particular fear of contradiction, that it was not the spending related to Korea and Vietnam that produced the major part of our deficit that we are confronted with today. Our problem has been the spending, during war and peace, on what we call welfare and Government support spending.

At the outset of the President's first term and even during his campaign for that first term, he continually called attention to the deficit, the increased interest we had to pay on it, the accompanying inflation and the accompanying high interest rates. Even then, he pledged to do everything in his power to get it down.

Just the other day, President Reagan started his second term of office after having been elected by the highest plurality ever enjoyed by a President. But what are we looking at? The deficit is higher than it has ever been. The budget is going to be higher.

Yet, a strange thing has been happening during this period of increased deficit. During the last half-year, prime interest rates have gone down three times and the indications are growing that they will go down some more. This leads me to believe that a new source or new form of capital is being created in this country. I will not argue for this nor against it nor for the reason or against any reason. But, nevertheless, it is happening. If this trend continues and our economy continues on at an increasing rate of growth, the deficit problems will be relieved greatly. But, and this is a great big but, if it does not do that and we are merely going through a temporary increase in our economy and then the interest rates start to go up again and the deficits persist, then the people of this country are going to have all manner of hell to pay along with all kinds of economic trouble. The possibility of national bankruptcy is a distinct reality if we persist in unabated spending across the board.

As chairman of the Armed Services Committee, I will not make the flat statement that we can not decrease the money spent there. Already, I have suggested that we close the unneeded military bases in this country and I am going to introduce legislation to accomplish that. Secretary of Defense Weinberger has already done a

very commendable job on not reorganizing the defense establishment, but in deorganizing it. I mean by that, that he has been putting men who were in uniform back into the field and then reducing the civilian staff no longer needed. There is much more that can be done in this field and the Secretary knows this, but he is going to need the help of the Congress to get this accomplished.

The other day, I picked up a book written by John Kennedy before he became President. It was called "Profiles in Courage" and it dealt with those men in the Senate whom he had judged to be the great ones. Their common attribute was one of personal courage. While I did no reread the book completely, as I skimmed through it the thought hit me that everyone should read that book now. If there ever was a time in the history of our Nation when we need individual and collective courage, starting with the President right on down through every elected official including the citizenry as a whole, it is now. We must take a hard look at the deficit that is going to grow. We will have to look at tax rates that will have to be raised. We must look at an economy that is good now, but might not be so good in the future. And then, we begin to look at the problems and possible solutions.

I mention the need for courage because we are looking at things that are pretty close to people. We are looking at things that influence votes. As a result, the question that keeps coming to my mind is, "Do we have people of enough courage to take a hard look at the problems that face us and to say no to those things that need to be said no to?"

As much as I do not like to say it, we are in a welfare state, whether anyone cares to admit it or not. I have tried to get the last four Presidents to talk to the American people about this and to warn them what would have to be done to get us out of this situation, but none have faced the issue. A lot of people will say, "What's wrong with the welfare State?" Well, as a matter of history, no country in the world has ever gotten out of one. All of the welfare States that I can remember wound up as a dictatorship and most of them wound up broke.

It could be that this country of ours can find a solution that would enable us to go on with uncontrolled spending in the welfare field and, at the same time, take care of our defense needs. If we can, we should start trying to do it without trying to go along under the pretense that we do not have to do anything but continue on our present path.

Let us face up to this one truth. Let us tell the American people about the actual condition of this country and of the very difficult, if not impossible, task of getting us out of it. Let me remind my colleagues that it is not enough just to say, "Let's cut the defense budget." We could eliminate the entire defense budget and still not get out of the trouble we are in. And I would remind my colleagues also that the first charge to us in the Constitution is to defend our country. But that is irrelevant. What I am worried about is that the fiscal situation we can find ourselves in can lead to the fiscal bankruptcy of our country and the end of our dream of freedom.

Now, what is it going to take to get us out of this? First of all, the President has to go to the American people in very understandable language and simple terms to explain to them that Social Security is in bad shape, that civil service retirement is in trouble, also railroad retirement. The retirement funds of all the military personnel stand in jeopardy and there are many, many welfare performances we are funding today that need to be cut down or eliminated completely. Also, there are many Government financed programs of no use that are relics of a bygone era. I believe completely in the statement of Abraham Lincoln that it is the duty of the Federal Government to take care of those people who cannot take care of themselves, but we have gone past that point. What these expenditures are, in total, I cannot tell you. But what all of this means is that we have to go to people and tell them that the way they live may change.

The wage earner, the wealthy, the middle class, the retired people, and particularly the people living on the wages of others have to know that everyone is going to have to make a change in life. It is not going to be easy and I recognize that. It is not easy to tell someone to lower their sights and lower their way of living. But, if we do not, then we had better pray that the American people with their eternal courage will say, "Let's do what we have to do and not get this country into more trouble."

All of us could say that we will not allow this country to get into deeper trouble and that we will strive to maintain our individual pride and collective freedom. What it means, ultimately, is that the time for speeches has passed and it is now time for some courageous action.

Mr. President, I ask unanimous consent to have printed in the RECORD an article touching on this subject, written by Robert J. Samuelson.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE REAL STORY ABOUT 1985

(By Robert J. Samuelson)

The new year is only a few weeks old, but there's already a good candidate for the most overplayed story of 1985. "Arts Agency Faces 11.7% Budget Cut," read The New York Times page one headline on Jan. 15. "Support for Opera, Music and Dance Would Decline Most Under '86 Reagan Plan."

Someone at the Times thinks the nation would suffer grievously if art subsidies were cut. I think the story important, but for a different reason: It symbolizes the mentality that has given us big budget deficits. We have overused government to support almost anything that seemed worthy.

Balancing the budget isn't so difficult, as I will show. But I don't think we'll make much headway unless we confront the root cause of the problem: a confusion over the role of government. We should focus on the larger issues of government's proper responsibilities and citizens' obligation to pay for necessary government. Instead, the budget debates dissolve into dizzying detail and exaggerate the turmoil threatened by any realistic effort to reduce the deficits.

Should the national government pay for local opera? No way. In the American tradition, government is—or ought to be—about society's collective needs. Its vast powers shouldn't be dissipated into secondary activities that, however desirable they seem, serve little public purpose. If you ask what those purposes are, I'd list four: national security; activities that benefit society as a whole but may not be done privately (for example, environmental regulation); protecting those most vulnerable to private markets—the unemployed, disabled, poor and elderly; and doing these things in a way that promotes prosperity.

Opera doesn't qualify. It's a form of entertainment and expression not unlike, say, rodeo. There's no more public purpose in subsidizing opera singers than rodeo riders. But opera subsidies are a metaphor for the condition of government. It supports everything from dairy farmers to a passenger railroad. The careless expansion of governmental powers presumed that a strong economy could bear the extra costs. We are now discovering that it can't. Large deficits raise interest rates, enlarge trade deficits and ultimately threaten the growth of living standards. In effect, we are sacrificing a stronger economy to cater to all the groups (and most of us belong to one) addicted to today's splintered government benefits.

The attachment to individual benefits also creates the false impression that disturbing them—what deficit reduction is all about—would be enormously disruptive. This isn't true. Even eliminating the deficit would not fundamentally discomfort most of us. In August, the Congressional Budget Office estimated the 1988 deficit at $238 billion. Here's how it might be closed:

Save $30 billion by eliminating programs without a compelling national need and imposing user fees on groups receiving government services below costs. Most farm programs, general revenue sharing for localities and many other subsidies (for exports, culture, Amtrak) would vanish. Plane and boat owners, truckers and users of federal irrigation would pay higher fees.

Freeze for a year cost-of-living adjustments for Social Security and most other government retirement and transfer programs, saving $12 billion in 1988.

Require most Medicare recipients (the poor might be excluded) to pay slightly more of their health costs. Along with some limits on hospital and doctor fees, this would save $8 billion.

Impose a 25-cent-a-gallon oil tax, raising about $50 billion. Because oil prices have been dropping, the tax wouldn't raise "real

(inflation-adjusted) retail prices above their 1981 peak.

Together, these measures would cut the deficit $100 billion in 1988, generating interest-rate savings because the government would borrow less. Those savings would total between $17 billion and, if interest rates dropped 2 percentage points, $40 billion. Further cuts would properly have to come from defense or higher income taxes. National security is government's first responsibility. If the Reagan buildup is wasteful, then it can be cut. If not, it needs to be paid for through taxes. Holding the "real" growth of military spending to 3 percent annually—the administration wants about 6 percent—would require roughly a $60 billion increase in personal and corporate income taxes in 1988 (about an 11 percent rise) to balance the budget.

This is reform, not revolution. An 11 percent income-tax increase is painful, not oppressive. A one-year freeze of Social Security is a trimming, not a gutting. The elderly's economic position has improved; they can bear a tad more of government's burden. An oil tax is something the government should do anyway to prevent falling oil prices from increasing our consumption and dependency on insecure imports. What about programs that get axed? Mostly, they pay for private or local benefits. Will the nation be worse off without Amtrak? Assuredly not. However, Amtrak passengers may be worse off. Instead of being subsidized, they will have to travel by car, bus or plane.

What frustrates change is a bias in our system favoring small, organized interests over the general national interest. They lobby for their programs and tax preferences because they receive the full benefits. By contrast, almost no one lobbies for measures that benefit the nation as a whole because the benefits are dispersed. Take the dairy program. The government pays dairy farmers to produce milk no one wants. There's no public purpose, but eliminating it would bankrupt some dairy farmers. So dairy groups lobby for it, Congress is sympathetic, and the program survives.

"Special interests" are often powerful because they are not evil interests. Dairy farmers are decent people who have become dependent on federal benefits, whose withdrawal would cause genuine harm. There may be a case for softening the transition, but instead we often maintain an unjustifiable benefit. And we all ultimately pay in the loss to the economy's overall strength. Government is about society's collective needs, and no one doubts our collective interest in general prosperity. What is at issue is our ability to endure immediate and modest inconvenience for larger, but deferred, gains. That's 1985's real story.

Mr. GOLDWATER. Mr. President, I thank the Senator from Wisconsin for being cooperative.

Mr. SIMPSON. Mr. President, we, in turn, thank the Senator from Arizona. It would be well to heed him, because he is indeed one of the deans of this body; and the message that he gave us in 1964 is perhaps more clearly heard in 1985. We will see what happens.

THE CONSTITUTIONAL RIGHT TO BUY ELECTIONS

Mr. GOLDWATER. Mr. President, a leading constitutional scholar, Prof. Ray Forrester, professor of constitutional law at Hastings College of the Law, San Francisco, and former dean of the law schools of Tulane, Cornell, and Vanderbilt, has criticized the present status of campaign law as "the new constitutional right to buy elections." Professor Forrester has argued persuasively that Congress must enact stronger campaign spending limits and work to overturn the 1976 U.S. Supreme Court decision in Buckley against Valeo which opened the doors for virtually unchecked independent and personal political spending.

The magnitude of growth of independent and personal political spending is becoming increasingly clear as new fundraising and spending data are made available for the 1984 Presidential and congressional elections. To mention just a few of these recent reports, there is the Washington Post article of November 7, 1984, headed "New Fund Raising Record Set," the Wall Street Journal article dated December 24, 1984, entitled "PAC Money Talks Louder Now," and the Washington Post article of January 3, 1985, which carries the headline "Congressional Candidates Were Given $104 Million by Special Interests."

Estimates of campaign spending in the 1984 elections indicate that, since Buckley was decided in January 1976, all spending in Presidential and congressional campaigns has skyrocketed from $300 million to $900 million. Political Action Committee contributions to congressional campaigns alone multiplied five times from 1976 to 1984, jumping to more than $104 million in the 1984 elections.

Mr. President, Dean Forrester believes that the dramatic change in the factual situation since 1976 offers a real opportunity for Congress acting in a carefully structured statute to cause the Supreme Court to look at the problem again and reach a different conclusion. Dean Forrester believes that the issue, as framed in Buckley, is fundamentally an issue of fact.

Pursuant to this advice, I have included in my bill, S. 59, to restrict campaign spending, a specific declaration of findings of facts supporting the conclusion of the Congress that today there is a compelling public interest in restraining spending in politics, whether independent and personal or in the form of contributions.

To paraphrase a legal memorandum prepared for me by Dean Forrester:

The point is that if the Congress makes findings of facts concerning the dangers of excessive political spending and concludes that there is a compelling governmental interest in restraining the increasing rate of spending, the Supreme Court should accept the Congressional choice of means.

As Justice Brennan said, in the case of Katzenbach against Morgan in 1966, it is enough that the Court "perceive a basis upon which Congress might predicate a judgment."

Mr. President, I hope that my colleagues will look at the problem of runaway campaign spending and that we will have enough concern for the free election process to control the alarming increase in American campaign spending.

Mr. President, I ask unanimous consent that the three news articles described above and the text of S. 59 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 7, 1984]

NEW FUND RAISING RECORD SET

(By George Lardner, Jr.)

House and Senate candidates raised a record $284 million as the elections entered their final stretch in mid-October, Common Cause, the self-styled citizens' lobby, reported yesterday.

Nearly 29 percent of the money, $81.9 million, came from political action committees. Two years ago, PAC receipts at the same point totaled $66.5 million, or about 28 percent.

The candidates spent $231.6 million by Oct. 17, and had $60.6 million left for the last three weeks of the campaign.

The Common Cause report said that receipts rose faster than expenditures since mid-October 1982. Fund raising for House and Senate candidates rose 19 percent over the 1982 total of $239.1 million, while spending increased 9 percent over the 1982 level of $211.9 million.

House candidates, the study showed, took considerably more money from PACs than did Senate candidates. Contributions from PACs accounted for 36.3 percent of the money raised for House contests, but 19.2 percent of the Senate war chests.

Candidates in House races, Common Cause also found, were holding onto 56 percent more cash going into the final weeks than their counterparts did in 1982. And House incumbents are holding onto most of the money, retaining $42.7 million or 91 percent of the $46.9 million in cash on hand reported as of Oct. 17.

Rep. James Jones (D-Okla.), chairman of the House Budget Committee, raised the most—$1,224,306—for a House race, and he got more of that from PACs—$585,330—than did any other House candidate.

Forty-six House candidates, all incumbents, received $200,000 or more from PACs, Common Cause said. A total of 148 incumbents, including 18 committee chairmen and party leaders, got 50 percent or more of their funds from PACs, while only 17 challengers and three open-seat candidates received that high a proportion.

In the Senate races, Rep. Phil Gramm (R-Tex.) and Sen. Charles H. Percy (R-Ill.) each collected more than $1 million in PAC contributions.

Top House fund-raisers after Jones were Manhattan Borough President Andrew Stein (D-N.Y.) with $1,176,199, and Rep. Bruce Morrison (D-Conn.), $887,395.

Democrats also were the biggest spenders in House races so far, led by Stein who had paid out $1,083,782; Jones, $882,383; and Rep. Joseph Addabbo (D-N.Y.), $848,670. Stein's opponents in New York's silk stocking district, Rep. Bill Green (R), was in fourth place on the spending list with $700,993.

Total 1983-84 House fund-raising as of Oct. 17 was $159.6 million, or 10 percent more than for the comparable period in 1982. But total spending dropped by 4 percent from $127.4 million in 1982 to $121.9 million this time.

In Senate contests, fund raising and spending both went up sharply. The 65 candidates for the Senate collected $124.3 million, or 32 percent more than in 1982, through Oct. 17, and they had spent $109.7 million, a 34 percent increase.

The top Senate fund-raiser in 1982 was Sen. Pete Wilson (R-Calif.) with $7.2 million. Four Senate candidates already have topped that—Sen. Jesse Helms (R-N.C.), with $14.4 million; Gov. Jay Rockefeller (D-W.Va.), $9.4 million; North Carolina Gov. James B. Hunt Jr., $8.6 million; and Gramm, $7.9 millon.

By mid-October, the same four men also had surpassed the 1982 spending record of $7.17 million set by Minnesota Democratic candidate Mark Dayton.

Spending in the Hunt-Helms race in North Carolina, by far the most expensive congressional contest in history, totaled $21.7 million. The Texas battle between Gramm and state Sen. Lloyd Doggett (D-Tex.), was next, costing $12 million. The West Virginia race between Rockefeller and John Raese (R) ranked third with more than $10 million in expenditures, and all but $765,425 of that was Rockefeller's money.

[From the Wall Street Journal, Dec. 24, 1984]

TROUBLE FOR TAX, BUDGET BILLS—PAC MONEY TALKS LOUDER NOW

(By Brooks Jackson)

WASHINGTON—New figures show money from political action committees is talking more loudly than ever in the newly elected Congress, a factor that will work against enacting a simpler tax system or controlling the federal government's red ink.

A computer-aided tabulation of the latest campaign-finance reports shows that 44% of the contributions raised by this year's winning House candidates came from PACs. The figure is a record and reflects a remarkably sharp increase from the last election when 35% of the winners' receipts came from special-interest groups.

This year's Senate winners got 23% of their contributions from PACs, compared with 22% of receipts two years ago and 14% in 1978, the last time the same Senate seats were contested.

Final, official figures won't be published by the Federal Election Commission for about a year and may differ somewhat from this first, unofficial tally. But it is clear that many powerful PACs continued to grow in this latest election year and that lawmakers have become even more reliant on them for campaign funds.

CONTRIBUTORS MAY BE HURT

The result, some predict, could well be legislative gridlock on the crucial issues of taxation and budget.

"The tax bill is most likely going no place, and the reason is that all the groups that benefit from the current system are all big contributors," says Jay Angoff, staff attorney for Congress Watch, a group founded by consumer-activist Ralph Nader. Oddly, the Naderites find themselves strongly in favor of the tax-simplification package proposed by President Reagan's Treasury Department, which calls for, among broader changes, reducing tax deductions for business lunches and country-club dues.

Mr. Angoff has a point. The Treasury's tax plan would restrict a number of tax benefits to the real estate industry, including mortgage-interest deductions for second homes and the use by state and local governments of tax-exempt securities to finance low-rate mortgages for apartments and single-family homes. But none of these are viewed with much favor by the National Association of Realtors or the National Association of Home Builders, two groups with huge PACs. Together, they dispensed more than $4.3 million to federal candidates in last month's election.

The Treasury plan to achieve a lower overall tax rate would also begin taxing such fringe benefits as employer-paid health insurance. This of course is opposed by labor unions, which control some of the largest PACs. The United Auto Workers union and the Machinists union, for example, each gave more than $1.5 million through their PACs in the 1984 election.

Groups with big PACs defend not only their pet tax provisions but their favorite federal spending programs as well. The American Medical Association, for example, is gearing up to fight Reagan administration proposals to slice into federal spending for child and maternal health, immunization programs, Medicare and Medicaid.

ENOUGH IS ENOUGH

"Enough is enough," said the AMA's president, Joseph F. Boyle, at the group's annual convention in Hawaii earlier this month. "We are the protectors of the public health. We must not stand impotently by."

The AMA is hardly impotent. Its PAC gave more than $2 million.

Other proposed spending cuts will be fought by public-employee unions, which run some of the biggest and fastest-growing PACs. The Letter Carriers union, for example, is keenly opposed to cutting civil-service retirement benefits or other costly fringe benefits for postal workers. The union's PAC nearly quadrupled its donations in the recent election to just under $1.5 million.

Also fighting domestic spending cuts is the American Federation of State, County and Municipal Employees, whose two PACs increased combined donations by 59% to $1.1 million from the 1982 election. "Every time President Reagan cuts a program, he's cutting a program implemented by our people," says the union's director of political action, Jerry Clark.

Overall, PACs increased donations to congressional candidates by at least 23% to $103 million. The total could go higher when December gifts are tallied. About three-quarters of the money went to winners.

LARGER GIFTS EXPECTED

The growth is likely to continue, although at somewhat slower than the 40% jumps recorded between past elections.

PAC directors say this just shows that more and more citizens are giving political donations collectively, through the committees. But the trend worries Fred Wertheimer, president of Common Cause, an anti-PAC group. "It means that the new Congress comes in more in debt and more dependent on PACs than they ever have been," he says. "It's going to make it that much harder to achieve consensus on public-policy questions."

A proponent of PACs, Richard Armstrong, president of the Public Affairs Council, disagrees but only to a point. "I do see a gridlock," he says, but "I don't see the PACs playing a very large role in it."

Still, Mr. Armstrong sees at least one area where PAC money is likely to cause congressional inaction: campaign-financing legislation.

"The chances of any kind of reform legislation (on campaign financing) in the next year or two are almost nil," he says. "If all that money is going to incumbents, why should they complain?"

[From The Washington Post, Jan. 3, 1985]

CONGRESSIONAL CANDIDATES WERE GIVEN $104 MILLION BY SPECIAL INTERESTS—HOUSE DEMOCRATS AMONG LEADING PAC BENEFICIARIES

(By Dan Balz)

Political action committees gave a record $104 million to congressional candidates in the 1984 elections, with House Democrats among the leading beneficiaries, according to a report released yesterday.

Incumbents fared better than ever, receiving 73 percent of the PAC money. That compares with 66 percent that was funneled to incumbents during the 1982 campaigns and 61 percent in 1980.

Total PAC contributions rose by 25 percent in the 1983-84 cycle, according to the study by Public Citizen's Congress Watch, a Ralph Nader organization.

In the 1981-82 cycle, PACs gave $83.6 million.

Democrats continued to increase their share of the special-interest money, collecting 58 percent during the 1984 campaign, compared to 54 percent two years ago and 52 percent four years ago.

The increased role of special-interest money in financing congressional campaigns was most evident in the number of House and Senate candidates who received substantial PAC contributions.

Two Senate candidates—Rep. Phil Gramm (R-Tex.) and Sen. Charles H. Percy (R-Ill.)—received more than $1 million apiece from PACs. Gramm won his Senate race, while Percy was defeated by Rep. Paul Simon (D-Ill.).

Eleven other Senate candidates received more than $800,000 in PAC funds. In the 1979-80 election cycle, no Senate candidate received more than $800,000.

In the House, 95 candidates received more than $200,000 in special-interest money, led by Rep. James R. Jones (D-Okla.), with $694,212. In the 1980 elections, only four House candidates received more than $200,000, while two years ago 30 candidates received that much.

Of the top 25 PAC recipients in the House, 21 were Democrats, the study found. After Jones, the leading PAC beneficiaries in the House were Reps. Jerry M. Patterson (D-Calif.) with $435,875, Gerry E. Sikorski (D-Minn.) with $419,147, Bruce A. Morrison (D-Conn.) with $407,779, and Les AuCoin (D-Ore.) with $400,766.

Patterson was defeated for reelection by former House member Robert K. Dornan (R-Calif.). Morrison and Sikorski, freshman Democrats thought to be in difficult races, both won reelection.

House Minority Leader Robert H. Michel (R-Ill.) was the leading Republican PAC recipient, with $388,329. Second was Rep. Jack Fields (R-Tex.), with $361,342.

The Congress Watch study also found that 12 House incumbents with little or no opposition received more than $200,000 from PACs. Of the 12, eight are on the House Ways and Means Committee, where tax legislation originates.

Tops among this group was Rep. Dan Rostenkowski (D-Ill.), the Ways and Means chairman, with $295,505, followed by Rep. Richard A. Gephardt (D-Mo.), $245,660.

The National Association of Realtors and the American Medical Association both gave more than $2 million to congressional candidates.

S. 59

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Election Campaign Expenditure Limits Act".

FINDINGS AND DECLARATIONS

SEC. 2. The Congress finds and declares that—

(1) campaign spending by congressional candidates directly increased to an estimated $400,000,000 in 1983-1984, more than triple the $125,500,000 spent in the 1976 elections, the period of the United States Supreme Court decision in Buckley against Valeo;

(2) campaign spending by all sources in Presidential elections increased from $160,000,000 in 1976 to an estimated $325,000,000 in 1984, a rise of more than double;

(3) political action committee contributions to congressional campaigns increased from $22,600,000 in the 1976 elections to more than $104,000,000 in the 1984 elections, almost five times the earlier amount;

(4) independent campaign spending by political action committees and other associations and individuals, to influence election results in Federal campaigns amounted to more than $17,000,000 in the 1984 elections;

(5) total spending by political action committees at the Federal level rose from $53,000,000 in the 1976 elections to an estimated $270,000,000 in the 1984 elections, a rise exceeding 500 per centum;

(6) all campaign spending in the 1984 Presidential and congressional elections totaled $900,000,000 compared with a total of $300,000,000 spent in 1976, triple the earlier amount;

(7) the sharp increase in the amount and nature of excessive campaign spending in Federal elections poses a danger of real or perceived corruption among candidates for Federal offices and elected Federal officials and thereby discourages and reduces full voting participation by all citizens in Federal elections;

(8) the burden on elected Federal officials of soliciting campaign funds and attending or participating in campaign fundraising activities interferes with and adversely affects the performance of their official duties;

(9) the ability of candidates, parties, and individuals or independent associations and committees to communicate their political expressions and views is not dependent on making unlimited expenditures for political advertising, direct mail appeals, polls, and other political services;

(10) the establishment of limitations on total campaign spending in Federal elections by candidates, parties, individuals or independent associations, which allow a reasonable amount and diversity of political expenditures, will not unduly restrain the quantity and diversity of political expression and speech;

(11) excessive campaign expenditures endanger the integrity and stability of the election process and the successful functioning of self-rule by the people under the Constitution;

(12) the interest of political expression must be balanced against other compelling and legitimate governmental interests; and

(13)(A) it is therefore necessary and proper to enact comprehensive campaign spending limitations in Federal elections and to limit the length of Presidential campaigns in order to accomplish the compelling interests of Congress in—

(i) securing the stability of the political system;

(ii) furthering the full participation of all voting age citizens in Federal elections;

(iii) protecting against corruption in the political system;

(iv) furthering the effective performance of their duties by elected Federal officials; and

(v) carrying out its duty to "secure the blessings of liberty" to the people; and

(B) there is no alternative which will adequately accomplish these purposes.

FUNDRAISING INCLUDED IN CEILINGS

SEC. 3. Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended—

(1) by striking out clause (vi), relative to fundraising amounts; and

(2) by redesignating clauses (vii) through (x) as clauses (vi) through (ix), respectively.

ADDITIONAL REPORTING REQUIREMENTS

SEC. 4. (a)(1) Section 301(9)(B)(iii) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 (9)(B)(iii)) is amended by striking out "(ii)" and inserting in lieu thereof "(iii)";

(2) Section 301 is further amended by adding at the end thereof the following:

"(20) The term 'address' means—

"(A) for an individual, the voting domicile of such individual, or

"(B) for a political committee, the principal place of business of such committee.".

(b) Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended—

(1) in subparagraph (2)(A) by—

(A) redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(B) inserting after clause (i) the following:

"(ii) an additional pre-election report which shall be filed no later than the fifth day before (or posted by registered or certified mail no later than the eighth day before) any election, or nomination for election, and which shall be complete as of the tenth day before such election;";

(2) in paragraph (3)(A) by—

(A) striking out "a pre-election report shall be filed in accordance with paragraph (2)(A)(i)" in clause (i) and inserting in lieu thereof "pre-election reports shall be filed in accordance with clauses (i) and (ii) of paragraph (2)(A)";

(B) striking out "(2)(A)(ii)" in clause (i) and inserting in lieu thereof "(2)(A)(iii)";

(C) striking out "a pre-election report or reports" in clause (ii) and inserting in lieu thereof "pre-election reports";

(D) striking out "paragraph (2)(A)(i)" in clause (ii) and inserting in lieu thereof "clauses (i) and (ii) of paragraph (2)(A)";

(E) striking out "(2)(A)(ii)" in clause (ii) and inserting in lieu thereof "(2)(A)(iii)"; and

(F) striking out "(2)(A)(iii)" in clause (ii) and inserting in lieu thereof "(2)(A)(iv)";

(3) in paragraph (4)(A) by—

(A) redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively; and

(B) inserting after clause (ii) the following:

"(iii) an additional pre-election report which shall be filed no later than the fifth day before (or posted by registered or certified mail no later than the eighth day before) any election, or nomination for election, and which shall be complete as of the tenth day before such election;";

(4) in paragraph (4)(B) by—

(A) striking out "a pre-general election report" in subparagraph (B) and inserting in lieu thereof "pre-general election reports";

(B) striking out "paragraph (2)(A)(i)" and inserting in lieu thereof "clauses (i) and (ii) of paragraph (2)(A)"; and

(C) striking out "(2)(A)(ii)" and inserting in lieu thereof "(2)(A)(iii)";

(5) in paragraph (5) by striking out "paragraph (2)(A)(i) or (4)(A)(ii)" and inserting in lieu thereof "clause (i) or (ii) of paragraph (2)(A) or clause (ii) or (iii) of paragraph (4)(A)";

(6) in paragraph (6)(A) by—

(A) striking out "$1,000" and inserting in lieu thereof "$500"; and

(B) striking out "20th" and inserting in lieu thereof "tenth".

(7) in paragraph (8) by—

(A) striking out "(2)(A)(iii)" and inserting in lieu thereof "(2)(A)(iv)"; and

(B) striking out "a pre-election report under paragraph (2)(A)(i) or paragraph (4)(A)(ii)" and inserting in lieu thereof "pre-election reports under clauses (i) and (ii) of paragraph (2)(A) or clauses (ii) and (iii) of paragraph (4)(A)"; and

(8) in paragraph (9) by striking out the second sentence.

(c) Section 304(b)(4)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)(A)) is amended by adding before the semicolon at the end thereof the following: "setting forth such expenses in specific categories including, but not limited to, categories for such expenses as consultants, media time, political polling, and direct mail communications".

(d) Section 304(c)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)(2)) is amended by—

(1) striking out "$1,000" and inserting in lieu thereof "$500"; and

(2) striking out "20th" and inserting in lieu thereof "tenth".

(e) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following:

"(d) All political committees required to file reports or statements pursuant to this section shall, at the time any such report or statement is filed, in addition to the other locations at which such reports or statements are made available, make all such reports and statements available to the public at the campaign headquarters or their principle place of business of such committee. The reports and statements at such location shall be available to the public and, upon request, shall be furnished to a member of the public for the actual cost of duplication of such material.

"(e) When any political committees make any communication in connection with the solicitation of contributions, such communication shall include information identifying the organizers and officers of such committee and all organizations, and if such committee is associated with, or operating in cooperation, or concert with any other committee, association or organization, information identifying all such entities.".

(f) Section 309(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended by striking out "(iii)" and inserting in lieu thereof "(iv)".

LENGTH OF PRESIDENTIAL CAMPAIGNS

SEC. 5. (a) Section 305 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437) is amended by—

(1) inserting "(a)" before "Each committee"; and

(2) adding at the end thereof the following:

"(b) No convention by any party held to nominate a candidate for the office of President or Vice President shall be held before the first Monday in September of the calendar year in which the election for such office is to be held.".

"(b) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) No candidate for the office of President or Vice President, or for the nomination of any party for such office, nor the authorized committees of any such candidate, nor any person may make any expenditures or incur any costs in connection with the solicitation of contributions on behalf of such candidate for the general election before June 1 of the calendar year of the election in which such individual is a candidate. The amount of any such expenditure shall be added to all other expenditures made by any such candidate for purposes of subsection (b)(1)(B) of this section, and shall not exceed the limitations set forth in such subsection.".

EXPENDITURE LIMITS

SEC. 6. (a) Section 315 (b) (1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)(1)) is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) $15,000,000 in the case of a campaign for nomination for election to such office;" and

(2) in subparagraph (B) by striking out "$20,000,000" and inserting in lieu thereof "$25,000,000".

(b) Section 315 of the Federal Election Campaign Act of 1917 (2 U.S.C. 441a) is amended by—

(1) repealing subsection (c), relative to price index increases;

(2) redesignating subsections (d) through (h) as subsections (c) through (g), respectively; and

(3) striking out "(e)" each place it appears in subsection (c) as redesignated and inserting in lieu thereof "(d)".

(c) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) as amended by this Act is further amended by adding at the end thereof the following:

"(j)(1) A candidate for the office of Senator of the United States shall not make expenditures—

"(A) in any primary election in excess of the larger of—

"(i) 12 cents multiplied by the voting age population, as certified under subsection (e), of the State in which such election is held; or

"(ii) $150,000; and

"(B) in any good election in excess of the larger of—

"(i) 22 cents multiplied by the voting age population, as certified under subsection (e), of the State in which such election is held; or

"(ii) $250,000.

"(2)(A) Except as otherwise provided in this paragraph, a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress shall not make expenditures in excess of $100,000 in any primary or general election.

"(B) For a candidate for the office of Representative for a State entitled to only one Representative, the limitations on expenditures applied to Senators, pursuant to paragraph (1) shall be applied to such Representative in lieu of the limitation applied by this paragraph.

"(k)(1) A candidate in an election for the office of President, may make expenditures from his pesonal funds, or the personal funds of his immediate family, in connection with his campaign for election to the office of President up to an amount which, when added to all other expenditures made by such candidate during the calendar year in which such election is held, does not exceed the expenditure limits provided in subsection (b)(1). For purposes of this paragraph, expenditures from personal funds made by a candidate for the office of Vice President shall be considered to be expenditures by such candidate for the office of President.

"(2) A candidate of a party in an election for the office of Senator or Representative in, or Delegate or Resident Commissioner to the Congress of the United States may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for election to such office up to an amount which, when added to all other expenditures made by such candidate during the calendar year in which such election is held, does not exceed the expenditure limits provided in subsection (j).

"(l)(1) For purposes of this section expenditures made on behalf of any candidate or by any person including a member of the immediate family of such candidate for the office of Senator or for the office of Representative in, or Delegate or Resident Commissioner to, the Congress of the United States shall be considered to be expenditures made by such candidate.

"(2) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouses of such individuals, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate's spouse, and the spouses of such individuals.".

LIMITATIONS ON INDEPENDENT EXPENDITURES

SEC. 7. Section 315 of the Federal Election Campaign Act of 1971, as amended by section 6 of this Act, is further amended by adding at the end thereof the following:

"(n) No person may make any independent expenditure on behalf of or with respect to a clearly identified candidate, advocating the election or defeat of such candidate during a calendar year which, when added to all other independent expenditures made by such person on behalf of or with respect to such candidate during the calendar year in which such election is held advocating the election or defeat to such candidate exceeds $5,000.".

TECHNICALS

SEC. 8. (a) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended—

(1) in paragraph (8)(B)(ix) by striking out "or chapter 95 or chapter 96 of the Internal Revenue Code of 1954";

(2) in paragraph (9)(B)(vii)(II) by striking out "or chapter 95 or chapter 96 of the Internal Revenue Code of 1954"; and

(3) by adding at the end thereof the following:

"(21) The term 'major party' means with respect to any presidential election, a political party whose candidate for the office of President in the preceding Presidential election received, as the candidate of such party, 25 per centum or more of the total number of popular votes received by all candidates for such office.

"(22) The term 'minor party' means, with respect to any Presidential election, a political party whose candidate for the office of President in the preceding Presidential election received, as the candidate of such party, 5 per centum or more, but less than 25 per centum of the total number of popular votes received by all candidates for such office.

"(23) The term 'new party' means with respect to any Presidential election, a political party which is neither a major party nor a minor party.

"(24) The term 'Presidential election' means the election of Presidential and Vice-Presidential electors.".

(b) Section 302(h) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(h)) is amended by striking out "or chapter 95 or chapter 96 of the Internal Revenue Code of 1954".

(c) Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended by—

(1) inserting "and" at the end of subparagraph (I);

(2) striking out "; and" at the end of subparagraph (J) and inserting in lieu thereof a period; and

(3) striking out subparagraph (K).

(d) Section 306 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c) is amended—

(1) in subsection (b) by striking out "and chapter 95 and chapter 96 of the Internal Revenue Code of 1954"; and

(2) in subsection (c) by striking out "or with chapter 95 or chapter 96 of the Internal Revenue Code of 1954."

(e) Section 307(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437d) is amended)—

(1) in paragraph (6) by striking out "and chapter 95 and chapter 96 of the Internal Revenue Code of 1954,"; and

(2) in paragraph (8) by striking out "and chapter 95 and chapter 96 of the Internal Revenue Code of 1954."

(f) Section 308 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437f) is amended—

(1) in subsection (a)(1) by striking out "chapter 95 or chapter 96 of the Internal Revenue Code of 1954,";

(2) in subsection (b) by striking out "or in chapter 95 or chapter 96 of the Internal Revenue Code of 1954"; and

(3) in subsection (c)(2) by striking out "or by chapter 95 or chapter 96 of the Internal Revenue Code of 1954".

(g) Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) in paragraph (1) by striking out "or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954";

(2) in paragraph (2) by striking out "or chapter 95 or chapter 96 of the Internal Revenue Code of 1954";

(3) in paragraph (4)(A)(i) by striking out "or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954";

(4) in paragraph (4)(A)(ii) by striking out "or chapter 95 or chapter 96 of the Internal Revenue Code of 1954";

(5) in subparagraphs (A) and (B) of paragraph (5) by striking out "or of chapter 95

or chapter 96 of the Internal Revenue Code of 1954" each place it appears;

(6) in paragraph 5(C) by striking out "or a knowing and willful violation of chapter 95 or chapter 96 of the Internal Revenue Code of 1954,";

(7) in subparagraphs (A) and (C) of paragraph (6) by striking out "or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954" each place it appears; and

(8) in paragraph (6)(B) by striking out "or chapter 95 or chapter 96 of the Internal Revenue Code of 1954".

(h) Section 309(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437(d)) is amended by striking out "or of chapter 95 or chapter 96 of title 26" each place it appears in paragraphs (2) and (3).

(i) Section 311 of the Federal Election Campaign Act of 1971 (2 U.S.C. 438) is amended—

(1) in subsection (b) by striking out the second sentence: and

(2) in subsection (e) by striking out "or by chapter 95 or chapter 96 of the Internal Revenue Code of 1954".

(j) Section 314 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439c) is amended by striking out "and under chapters 95 and 96 of the Internal Revenue Code of 1954,".

(k) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended in subsection (a)(5)(C) by—

(1) inserting "and" at the end of clause (i);

(2) stirking out "; and" at the end of clause (ii) and inserting in lieu thereof a period; and

(3) striking out clause (iii).

(l) Section 315(b)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 411a(b)(1)) is amended by striking out all the material beginning with "who is eligible" through "Secretary of the Treasury".

REPEAL OF PUBLIC FINANCING PROVISIONS

SEC. 9. Chapter 95 of the Internal Revenue Code of 1954, the Presidential Election Campaign Fund Act (26 U.S.C. 9001 et seq.), and chapter 96 of such Code, the Presidential Primary Matching Payment Account Act (26 U.S.C. 9031 et seq.) and all references to such chapters are repealed.

EFFECTIVE DATE

SEC. 10. This Act and the amendments made by this Act shall apply to all campaigns for election to Federal offices for which the election is held after January 1, 1985.

ORDER OF PROCEDURE

Mr. SIMPSON. Mr. President, I ask unanimous consent that the special order for Senator GOLDWATER be vitiated, since he has concluded his remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SIMPSON. There will be special orders, not to exceed 15 minutes each, for Senator PROXMIRE, Senator METZENBAUM, and Senator SPECTER.

Following the special orders just identified, there will be a period for the transaction of routine morning business, not to extend beyond 1:30 p.m., with statements therein limited to 5 minutes each.

LEGISLATIVE SCHEDULE

Mr. SIMPSON. Mr. President, I can share with my colleagues the program for the remainder of the week and next week.

For the information of Senators, the Senate will not be in session on Friday of this week.

ORDER FOR RECESS UNTIL 10 A.M. ON MONDAY, JANUARY 28, 1985

Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Monday, January 28, 1985, for a pro forma session only.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SIMPSON. No business will be transacted during Monday's session.

ORDER FOR RECESS FROM MONDAY, JANUARY 28, UNTIL 2 P.M. ON TUESDAY, JANUARY 29, 1985

Mr. SIMPSON. Mr. President, I ask unanimous consent that following the conclusion of Monday's pro forma session, the Senate stand in recess until 2 p.m. on Tuesday, January 29.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS PROXMIRE AND SPECTER ON TUESDAY, JANUARY 29

Mr. SIMPSON. Mr. President, following the recognition of the two leaders under the standing order on Tuesday, I ask unanimous consent that the following Senators be recognized for not to exceed 15 minutes each, for special orders: Senator PROXMIRE and Senator SPECTER.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS ON TUESDAY

Mr. SIMPSON. Mr. President, I ask unanimous consent that following the special orders on Tuesday, there be a period for the transaction of routine morning business, not to extend beyond 3 p.m., with statements therein limited to 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, it will be the intention of the leadership to go into executive session following the conclusion of morning business on Tuesday, to consider the nomination of James A. Baker to be Secretary of the Treasury. It is hoped that there will be a brief time agreement. Therefore, a rollcall vote can be expected during Tuesday's session.

The remainder of the week is uncertain at this point, although it is the intention of the leadership to proceed to the consideration of any nominations that have been cleared and when they become available.

With that, Mr. President, I yield back the remainder of the leadership time, for the recognition of Senator PROXMIRE.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin is recognized, for not to exceed 15 minutes.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time of the minority leader be reserved for his later use.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

1984 WAS SUCH A GREAT YEAR THANKS TO THE DEFICIT—WHY CUT IT?

Mr. PROXMIRE. Mr. President, the administration and the supply siders have been bubbling over like high school cheerleaders whose team has just come from behind to win the upset victory of the year. Why all the joy and jubilation? There is good reason.

The economic figures are out now on 1984. Are they good? They are better than good. They are terrific. Consider: Our country had the best growth year since 1951, 33 years ago, a remarkable 6.8 percent after—that is right, after—inflation. And with this superb growth performance, the American economy increased the number of jobs to a record all-time high. Real personal income after inflation broke all records. But what really put the blissful icing on the cake was the amazing fact that the United States enjoyed all this exuberant prosperity with a continued moderate inflation.

What a great record for inflation in the past 3 years. Keep in mind that inflation in 1980 exceeded 12 percent. By 1982, it was down to only 3.9 percent. In 1983, it stayed at 3.8 percent. Last year, 1984, it came in at about the same level—4 percent. Think of what that means. Inflation in 1982 plus inflation in 1983 plus inflation in 1984 was less—less in those 3 years all together than in the single year 1980.

So why should not the President crow over this record? Many of us, including this Senator, had said over and over again that the policies of this administration were taking the country over the cliff into a disastrous crash. Were we wrong? After all, here we have a record overall growth, continued low inflation, more jobs than ever, higher profits, and the United States has served as the economic locomotive pulling the rest of the free world out of a worldwide recession into better times.

So we not only have the best record that we have had in 33 years but we are the only country of all the free world that is doing this well.

That sounds as if those of us who criticized the administration were not just wrong but abysmally wrong.

Should we feel absolutely humiliated? Should we slink off and hang our heads in the corner? Maybe we should. But then again, maybe we should not.

Here is why maybe we should. For whatever reason, the Reagan-Kemp-Novak supply side nostrum worked. It worked. And in this pragmatic country we judge policy on the basis of performance.

And what a performance. And why should we not judge by results, especially in economic matters? What other criteria are there? After all, there is no policy in economics that does not have its high priests. Nobel prize-winning economists are all over the place with what we ought to do. Also, there are Harvard University sages, Wall Street gurus, widely venerated pros like Leonard Silk of the New York Times and Louis Rukeyser of Wall Street Week. You can find an expert for every kind of practice any public official pursues. So how can we judge a policy except by the results?

And not only does Reaganomics seem to work like a happy dream, it is political magic. We have the proof. The people of this democracy want it. Here is a President who has just been reelected by a record smashing landslide. And on what issue? Well, the issue was obviously the economy. It was even more specific. The issue was the policies that caused the biggest deficits in the history of this Republic. And the people voted for the deficits. Oh, sure, they said they do not like deficits. But they also said, as specifically as an electorate ever said anything, "no new taxes." They said they wanted spending cut. But they wanted spending cut without cutting the major programs. They did not want Social Security reduced. Oh, yes, they wanted to hold down military spending, but they also wanted a stronger military force. Of course, they wanted the Government to continue to pay interest on the exploding national debt, and they wanted more for education, more for the environment, more to fight crime. So sure they wanted us to cut the deficit, provided we did not go too far and really reduce resources for major spending programs. And especially and above all they did not want us to raise taxes.

So they sort of, kind of, maybe wanted the deficit cut, but they wanted the cut without pain and they sure liked what the deficit did. Many Americans may not fully understand it. But the deficit is what has given us these remarkable good times. The deficit did it. The deficit did it. Without the deficit there is no way 1984 could have been such a sensationally good year economically. Doubt it? Then consider we have had 3 successive years of back-to-back megadeficits. In 1982 we broke all the records with an unprecedented $109 billion monster. In 1983 the deficit made that look like kid stuff when the Federal Government spent $195 billion more than it took in. And last year it was almost as bad at $175 billion. Now, I do not think there is any economist anywhere who would not tell you that deficits of this size will stimulate the economy and result in rapid economic growth. So did the deficits cause the record-smashing growth of 1984? Of course they did.

Did the deficits also increase the number of jobs to an all-time high? Indeed, they did, just as the deficits increased the profits of American corporations. Did the deficits pull the rest of the world out of recession? Sure they did.

But now wait a minute. Do you say the remarkable development in the past 3 years is not economic growth? Of course, the deficits did that. The remarkable development was the accompanying drop in inflation and its stabilization at around 4 percent a year, an astonishing one-third of the level it had reached in 1980. A deficit can stimulate growth, but how can it slow down the rise in prices that increased demand and surging prosperity usually brings? Well, the deficit—this exploding, record, irresponsible deficit did reduce inflation and then hold it down? You do not believe it? Well, here is how it worked:

The deficit required immense borrowing both by our Federal Government to fund the deficit and the private sector to finance the recovery. That borrowing attracted capital from all over the world. The Japanese sold their yen and bought the dollar so they could take advantage of the relatively high interest rates and low risk securities in America. The English sold the pound and bought the dollar. The Germans the mark. The Italians the lira. The French sold the franc and bought dollars. So the dollar became more and more bloated. It is now at an all time high. What does this have to do with low American inflation? Well, the answer is everything. The yen dropped about 25 percent compared to the dollar that cut the price of Japanese cars and TV sets by 25 percent.

In Europe Common Market currencies fell more than 40 percent, so the price of German steel, English textiles, French wine, and many other products fell through the floor for American consumers. Even more important, Mr. President, even more important American business could not compete with cheaper foreign imports unless it too held down prices. So why can the President take bows for the low level of inflation as well as the happy surge in economic growth? Because the low level of inflation is the happy product of the massive deficit caused by the administration's and Congress' policies. The next time you or I feel inclined to knock the deficit keep in mind like all major policies the consequences of these deficits are varied. They have given this country a very sweet recovery.

Should we then forget all this theoretical folderol about the deficit as a scourge that we must seek out and destroy?

The distinguished Senator from Arizona earlier today spoke so eloquently about should we relax and enjoy this happy and oh so rare combination of booming growth and relatively stable prices.

Should we tell the mournful ideologues the sobbing sisters of sorrows who warn us of the evil day to get lost? Should we really get practical and continue on this path of triumph until we stumble into visible trouble and then, only then change it and only if and when trouble comes? We know it is not here yet. Maybe it will never come.

The answer is we absolutely should not do that. That deficit is sure, lead-pipe certain to shove us into very deep trouble indeed. We are like a family that is living it up on its credit card, having a great time while it sinks into perpetual debt. What a great time you can have on this old credit card. You can fly to Hawaii. You can go to Las Vegas. You can buy a car. You can have all kinds of joy and pleasure and forget about tomorrow.

Every day we are building a bigger and bigger, an exploding national debt. Unless we change this deficit policy, service cost, that is paying interest on the national debt, will become the biggest single cost of Government.

We will rivet ourselves into perpetually high interest rates.

Let me say something about solving the national debt. I can see myself—I have a 6-year-old grandson and a 4-year-old grandson. I can see them saying, "Granddad, you were a Senator back in 1985. Why in the world did you follow such a benighted, stupid, ridiculous policy that is imposing on us a cost of servicing that debt that you increased that is bigger than any other expense we have?" I predict unless we act on this, that is going to be the biggest expense and one we cannot cut, we cannot postpone. We cannot freeze; we are going to have to pay.

But we will also rivet ourselves into perpetually high interest rates and, of course, that will devastate the homebuilding industry, the automobile industry, and all the other interest-sensitive industries.

Judging by the absolutely consistent experience of all other countries who have fallen deeply into debt, we will suffer a huge inflation.

Mr. President, if I have done nothing else in this speech, I hope I have helped my colleagues who may read it to understand how extraordinarily dif-

ficult it will be for us to pull ourselves out of this sinking quicksand of debt.

Think what we have to do. We have to turn our backs on the kind of stimulus that brought us economic growth with all its other jobs and moderate inflation, too. And let us face it. As we reduce these deficits we can very likely expect a slowdown in economic growth, perhaps a severe slowdown, combined with more inflation. What a formula for losing an election.

Like a family that decides it must begin to reduce its borrowing and pay off its debt, we are going to have to make some very painful sacrifices. It will mean more unemployment, a reduced standard of living, higher prices, less, much less in Government services, and higher taxes. Will Congress have the courage to persist year after year for all the years it will take to achieve this agonizing trip to a healthy fiscal policy and a sound economy? More fundamentally, will the American people elect Congresses and Presidents in the future who are willing to assume this kind of fiscal puritanism?

You know, that great Baltimore sage, H.L. Mencken, defined puritanism as the haunting fear that somewhere someone is happy.

Well, that is the kind of puritanism it will take to bring this grossly irresponsible fiscal policy under control and keep it under control.

THE PAY-AS-YOU-GO BUDGET ACT

Mr. PROXMIRE. Mr. President, I am introducing legislation to require that the Federal budget be put on a pay-as-you-go basis. This bill exempts trust funds—Social Security, Medicare are examples—which now pay for themselves from this requirement.

What it does is provide that in the future whatever program the Congress adopts we will have to also pass taxes to pay for that program. We have not done that in the past. This legislation has been considered very seriously in the House of Representatives and I think we should consider it here in the Senate. I am hopeful that we can enact this legislation.

Pay-as-you-go is a simple concept. If Congress decides to increase spending for a particular program, this bill requires that we either cut some other program or raise taxes. And if we want to take the always popular course and cut taxes, then we must make an equal cut in spending.

Over a period of 4 or 5 years, this bill will result in a balanced budget. Revenues generated by economic growth will not be frittered away on additional spending—they will be used to balance the budget. After we reach that happy condition, the bill provides that the budget resolution shall specify how additional revenues are to be used.

Mr. President, why is this legislation needed? Over the last two or three decades, Congress and the administration have not applied any rule to the Federal budget. As a result, we face staggering deficits as far as the eye can see.

Up until the early sixties, the Federal Government operated as though a balanced budget was always a desirable goal. True, we might not balance the budget but not doing so was widely considered a failure. Even during the midst of the Great Depression, President Roosevelt was chagrined to discover that he would be unable to balance the budget.

But that same depression mortally wounded the powerful but unwritten balanced budget rule. Economists—led by John Maynard Keynes—speculated that a balanced budget during an economic downturn was economic poison. Instead of trying to balance the budget, the Federal Government should be trying to stimulate the economy by spending more or taxing less.

The Federal Government fell head over heels in love with this theory. Speaking as a Member of Congress for over 27 years, I can testify that most of us enjoy appropriating money for our favorite programs or cutting our constituents' taxes. This theory offered us a rationale for doing both.

Deficits bloomed during economic downturns as we tried to stimulate the economy. But they also bloomed during good times when the theory called for budget surpluses. The result—an economy plagued by inflation, low productivity, and growing unemployment.

Now many economists are beginning to question the usefulness of deficits even during a downturn. If businessmen, labor leaders, and investors expect the Federal Government to run a deficit, and inflationary expectations are aroused much of the stimulative effect of a deficit can be lost. In addition, as international influences play a larger role in national economics the stimulative effect of a deficit can be drained by something as uncontrollable as a change in the value of a national currency. These two factors suggest that managing our economy is far more difficult than we had thought.

Clearly, we need a new approach to fiscal policy. And if we have learned anything over the past two decades it is that gimmicks do not work. At first, they may appear to resolve a problem but, sooner or later they fail and we are faced with a more difficult situation than when we resorted to the gimmick.

Under these circumstances, Mr. President, the purpose of fiscal policy should be to encourage long-term, balanced economic growth. Efforts to fine tune the economy are doomed to fail.

That is why a pay-as-you-go budget is now particularly appropriate. It is politically feasible—if we want to spend more money on a specific program, we should raise the money to pay for it. That is an approach the American people can understand and approve.

Furthermore, it is an approach which is prudent from an economic viewpoint. We are now in an expansion but one imperiled by staggering deficits. This bill will reduce those deficits. When Keynesian economics was triumphant, we used to hope that economic growth would pay for new programs. That did not work as our fervor for new programs overwhelmed the economy's ability to generate new revenue. This bill suggests a more humble approach—use this additional revenue to balance the budget while requiring us to pay for new programs.

This bill contains a wrinkle not in most pay-as-you-go legislation. It exempts from the pay-as-you-go requirement trust funds which already meet this test. The most well known of these funds are Social Security and Medicare.

Why have I exempted these funds? First, these are trust funds. We should not be using revenue raised for a specific purpose for something else. In my opinion, that is a violation of our trust responsibilities. Second, these funds are usually financed by some type of payroll or sales tax. These taxes are notably regressive, meaning that they hit lower and middle-income people harder. We should not place the burden of paying for new programs wholly on the shoulders of these taxpayers.

Mr. President, I believe the time is right for a reform of fiscal policy. A pay-as-you-go approach is the right reform to make. Let us act now while we have the opportunity.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

S. 291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Pay-As-You-Go Budget Act".

SEC. 2. (a)(1) Notwithstanding any other provision of law, and except as provided in paragraph (2), it shall not be in order in the Senate or the House of Representatives to consider any concurrent resolution on the budget for any fiscal year beginning after September 30, 1985, or any amendment thereto, or any conference report thereon, if—

(A) the adoption of such concurrent resolution as reported;

(B) the adoption of such amendment; or

(C) the adoption of the concurrent resolution in the form recommended in such conference report, would cause—

(i) the appropriate level of total budget outlays set forth in such concurrent resolution for such fiscal year to exceed the appropriate level of total budget outlays set forth for the preceding fiscal year in the most recently agreed to concurrent resolution on the budget for that preceding fiscal year; or

(ii) the recommended level of Federal revenues set forth in such concurrent resolution for such fiscal year to be less than the recommended level of Federal revenues for the preceding fiscal year set forth in the most recently agreed to concurrent resolution on the budget for that preceding fiscal year.

(2) Notwithstanding paragraph (1), a concurrent resolution on the budget for a fiscal year may—

(A) provide for an amount of budget outlays for such fiscal year in excess of the appropriate level of total budget outlays for the preceding fiscal year set forth in the most recently agreed to concurrent resolution on the budget for that preceding fiscal year if the concurrent resolution on the budget for such fiscal year also—

(i) provides for an amount of revenues for such fiscal year (in addition to an amount of revenues equal to the recommended level of Federal revenues for the preceding fiscal year set forth in the most recently agreed to concurrent resolution on the budget for that preceding fiscal year) that is not less than such amount of excess budget outlays; and

(ii) identifies the source of such additional amount of revenues and proposes changes in law to achieve such additional amount of revenues; or

(B) provide for a reduction in the recommended level of Federal revenues for such fiscal year below the recommended level of Federal revenues for the preceding fiscal year set forth in the most recently agreed to concurrent resolution on the budget for that preceding fiscal year if the concurrent resolution on the budget for such fiscal year also—

(i) provides for a reduction in budget outlays for such fiscal year below the appropriate level of total budget outlays for the preceding fiscal year set forth in the most recently agreed to concurrent resolution on the budget for that preceding fiscal year, in an amount not less than the amount of the reduction in revenues for such fiscal year; and

(ii) identifies the program or activity in which such reduction in budget outlays is to be made and proposes changes in law to accomplish such reduction in budget outlays.

(3) Any additional amount of revenues contained in a concurrent resolution on the budget pursuant to paragraph 2(A)(i) shall only include additional revenues which will result from proposed changes in law. Any reduction in budget outlays contained in a concurrent resolution on the budget pursuant to paragraph 2(B)(i) shall only include reductions in budget outlays which will result from proposed changes in law.

(b) Subsection (a) may be waived by a two-thirds vote of the Members of each House of Congress, duly chosen and sworn.

(c) Notwithstanding any other provision of law, it shall not be in order in the Senate or the House of Representatives to consider a concurrent resolution on the budget for a fiscal year that sets forth a recommended level of revenues for such fiscal year in excess of the appropriate level of total budget outlays for such fiscal year, unless such concurrent resolution specifies the purposes for which such excess revenues are to be allocated.

SEC. 3. (a) Notwithstanding any other provision of law and except as provided in subsection (b), the budget transmitted pursuant to section 1105(a) of title 31, United States Code, for the following fiscal year shall not contain—

(1) an estimate of total budget outlays for such following fiscal year which exceeds the appropriate level of total budget outlays for the fiscal year in progress set forth in the most recently agreed to concurrent resolution on the budget for the fiscal year in progress; or

(2) an estimate of total revenues for such following fiscal year which is less than the recommended level of revenues for the fiscal year in progress set forth in the most recently agreed to concurrent resolution on the budget for the fiscal year in progress.

(b) Notwithstanding subsection (a), the budget transmitted pursuant to section 1105(a) of title 31, United States Code, for the following fiscal year may—

(1) contain an estimate of budget outlays for such following fiscal year in excess of the appropriate level of total budget outlays for the fiscal year in progress set forth in the most recently agreed to concurrent resolution on the budget for the fiscal year in progress if the budget also—

(A) contains an estimate of revenues for such following fiscal year (in addition to an amount of revenues equal to the recommended level of Federal revenues for the fiscal year in progress set forth in the most recently agreed to concurrent resolution on the budget for the fiscal year in progress) that is not less than the amount of such excess budget outlays; and

(B) identifies the source of such additional estimated revenues and proposes changes in law to achieve such additional estimated revenues; or

(2) contain an estimate of a reduction in revenues for such following fiscal year below the recommended level of Federal revenues for the fiscal year in progress set forth in the most recently agreed to concurrent resolution on the budget for the fiscal year in progress if such Budget also—

(A) contains an estimate of a reduction in budget outlays for the following fiscal year below the appropriate level of total budget outlays for the fiscal year in progress set forth in the most recently agreed to concurrent resolution on the budget for the fiscal year in progress, in an amount not less than the amount of the reduction in revenues for such following fiscal year; and

(B) identifies the program or activity for which such estimated reduction in budget outlays is proposed and proposes changes in law to achieve such estimated reduction in budget outlays.

(c) Any additional estimated revenues that, pursuant to subsection (b)(1)(A), are contained in the Budget transmitted pursuant to section 1105(a) of title 31, United States Code, shall only include additional estimated revenues that will result from proposed changes in law. Any estimated reductions in budget outlays, that, pursuant to subsection (b)(2)(A), are contained in any such budget shall only include estimated reductions in budget outlays that will result from proposed changes in law.

SEC. 4. For purposes of this Act—

(1) the term "budget outlays" has the meaning given to such term in section 3(1) of the Congressional Budget and Impoundment Control Act of 1974, except that such term shall not include any amount appropriated to, or disbursed from, the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, the Black Lung Disability Trust Fund, the Highway Trust Fund, or the Aquatic Resources Trust Fund;

(2) the term "revenues" shall not include any taxes the revenues from which are appropriated to a trust fund specified in paragraph (1) by section 201 or 1817 of the Social Security Act, or by section 9501, 9503, or 9504 of the Internal Revenue Code of 1954, or any other receipts of any such trust fund; and

(3) the term "concurrent resolution on the budget" has the same meaning as in section 3(4) of such Act.

SEC. 5. (a) The provisions of sections 2 and 4 of this Act are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

NEW YORK ASSOCIATION FOR NEW AMERICANS

Mr. PROXMIRE. Mr. President, for years I have risen before this body to discuss the horrors of genocide and the importance of ratifying the Genocide Convention. I have spoken about numerous human rights violations occurring in countries throughout the world including China, Uganda, Cambodia, Indonesia, and the Soviet Union. I have often reported morbid accounts of torture and suffering and related them to the most barbarous crime of all, genocide.

We must not forget the pain and suffering that occurs in the world. It is a constant reminder of the need to denounce human rights violations and to take a stand against genocide.

Today, however, I would like to mention some positive actions taken in response to world oppression. For 35 years the New York Association for New Americans [NYANA] has been assisting refugees as they resettled in America. Founded in 1949, NYANA originally assisted Jewish refugees affected by the Holocaust.

In its first 2 years of existence NYANA helped to resettle 38,000 individuals. Since that time it has assisted 13 successive waves of immigrants. Refugees from Greece, Hungary, Egypt, Romania, Cuba, Czechoslovakia, Poland, and most recently Syria, Iran, and Indochina, have all benefitted from NYANA's various programs.

For 35 years NYANA has courageously dealt with the tragic consequences of oppression and genocide.

The organization has lived with the pain and suffering of human beings as they fled from the forces of evil. It has assisted people who have lost family and friends to murderous regimes. It has witnessed tragedy and sorrow, but also triumph and hope. Above all, however, the people of NYANA have witnessed courage, the courage of people dealing with the most abhorrent of circumstances. NYANA has experienced genocide.

Many of us feel ambivalent to atrocities that occur in far away lands, to groups of people different from ourselves. NYANA has illustrated the common bond we all share. They have assisted diverse groups of people with seemingly one thing in common. Through this one shared circumstance however, many similarities have appeared. It is time we acted on behalf of our fellow human beings wherever they are from. They need our support. Let us act and provide it. Let us ratify the Genocide Convention.

NUCLEAR TEST BAN SHOULD COME FROM TALKS

Mr. PROXMIRE. Mr. President, today I am introducing a resolution expressing the sense of the Congress that the President should challenge the Soviet Union to a nuclear testing moratorium so both sides can negotiate a comprehensive test ban treaty.

As we all know, Mr. President, Secretary of State Shultz and Soviet Foreign Minister Gromyko are presently engaged in umbrella arms control talks in Geneva. We all hope and pray that these talks are successful, for the sake of all mankind.

Mr. President, a halt to all testing of nuclear warheads is probably one agreement we could probably achieve fairly quickly and easily. And to get those negotiations out of the starting block, this resolution proposes challenging the Soviets to a testing moratorium, just as John F. Kennedy did more than two decades ago.

Twenty years ago, relations between the United States and the Soviet Union were in bad shape. The United States had just come out of the Cuban missile crisis, during which the superpowers edged as close as they ever have to nuclear war.

But on June 10, 1963, John Kennedy decided to break the ice.

On June 10, Kennedy challenged the Soviets to a test ban and announced that the United States would suspend nuclear testing in the atmosphere as long as other countries halted testing.

What happened as a result of Kennedy's challenge?

Two months later, the United States and the Soviet Union signed the Limited Test Ban Treaty.

Kennedy took a bold step 20 years ago. Today, we should take that same kind of bold step.

Today, as we hopefully make a fresh start in arms control negotiations with the Soviet Union, let's not forget that one of the most important treaties we could conclude with the Soviet Union would be a comprehensive test ban treaty, a CTB Treaty.

It would also be a treaty we could probably negotiate in the quickest amount of time.

All the hard bargaining on a CTB has been done by previous administrations.

If the President requested Senate ratification of the 1974 Threshold Test Ban Treaty and the 1976 Peaceful Nuclear Explosions Treaty, he would have the verification mechanisms in place, which would make a comprehensive test ban easier to monitor and implement.

Mr. President, this resolution is similar to the one I introduced in the last Congress. It calls on the President to seek a 6-month moratorium with the Soviet Union on nuclear warhead testing.

I stress that this would have to be a mutual moratorium. Both sides would have to halt testing or the deal is off.

And this moratorium would have to be verifiable. The United States already has the capability to detect any militarily significant testing by the Soviets during the 6-month moratorium.

During those 6 months, United States and Soviet negotiators would sit down and put the finishing touches on a comprehensive test ban treaty.

The resolution also calls on the President to request Senate ratification of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty, which have provisions that would make verification of a comprehensive test ban easier.

As I have said, this would be a bold step for the United States to take.

The Soviets might turn us down. Or they might stall us in the negotiations. We know that bargaining with them is no picnic.

But if ever the time was right to try, it is now.

I ask unanimous consent that the text of the concurrent resolution be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

S. CON. RES. 7

Whereas the nuclear arms race between the United States and the Soviet Union is getting dangerously out of control;

Whereas a comprehensive ban on the testing of nuclear warheads would be an important first step in achieving a verifiable United States-Soviet freeze on the nuclear arms race;

Whereas every American President from Dwight Eisenhower on has supported negotiations toward a comprehensive test ban;

Whereas the United States and the Soviet Union pledged in the Limited Nuclear Test Ban Treaty of 1963 "to achieve the discontinuance of all test explosions of nuclear weapons for all time";

Whereas the United States and the Soviet Union pledged in the Threshold Test Ban Treaty of 1974 to "continue their negotiations with a view toward achieving a solution to the problem of the cessation of all underground nuclear weapon tests";

Whereas the United States and the Soviet Union pledged in the Treaty on the Non-Proliferation of Nuclear Weapons of 1968 to "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date" and a comprehensive nuclear test ban would aid efforts to halt the spread of nuclear weapons;

Whereas the United States signed the Threshold Test Ban Treaty in 1974 and the Peaceful Nuclear Explosions Treaty in 1976, but has yet to ratify these important treaties;

Whereas ratification of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty would greatly aid in the negotiation, verification, and implementation of a comprehensive nuclear test ban;

Whereas President Kennedy on June 10, 1963 challenged the Soviet Union to a test ban and announced a United States moratorium on nuclear tests, and on August 5, 1963 the United States and the Soviet Union signed the Limited Nuclear Test Ban Treaty;

Whereas substantial progress has already been made in previous negotiations toward a comprehensive nuclear test ban so that the conclusion of such a treaty could be quickly achieved;

Whereas a bold initiative is now needed by the United States to achieve a mutual and verifiable halt to the testing of nuclear warheads; and

Whereas a six-month United States-Soviet moratorium on the testing of nuclear warheads would provide the United States and the Soviet Union an opportunity to negotiate a comprehensive nuclear test ban and would aid those negotiations: Now, therefore, be it,

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should—

(1) immediately seek a six-month verifiable moratorium with the Government of the Soviet Union on the testing of nuclear explosive devices;

(2) utilize the six-month moratorium period to negotiate a verifiable comprehensive nuclear test ban with the Government of the Soviet Union; and

(3) request the advice and consent of the Senate to the ratification of the Threshold Test Ban Treaty of 1974 and the Peaceful Nuclear Explosions Treaty of 1976 in order to aid in the negotiation, verification, and implementation of a comprehensive nuclear test ban treaty.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

WILLIAM J. BENNETT FOR SECRETARY OF EDUCATION—FINALLY A CABINET APPOINTMENT WITH RELEVANT EXPERIENCE

Mr. PROXMIRE. Mr. President, I recently discussed here the appointment of people to four top administration jobs, none of whom had any relevant experience and simply were not

qualified for their jobs. When the nominees for Secretary of the Treasury, our chief arms control negotiator, the Attorney General of the United States, and Secretary of Energy, all fail to have minimal experience and will have to get on-the-job training, the situation is serious indeed.

Because of that sad track record, I am pleased to note that in appointing William J. Bennett to be Secretary of Education, the President has found someone who has spent considerable time involved in education.

In fact, Dr. Bennett has been involved in one aspect or another of education for most of his life. He was an outstanding student who attended Williams College in Massachusetts on scholarship. He went on to earn a Ph.D. in philosophy at the University of Texas and later, a law degree at Harvard University. During the time he was working toward his law degree, Dr. Bennett served as an adviser and tutor in an undergraduate dorm.

He has taught law and philosophy at a number of outstanding universities in our Nation, including the University of Wisconsin.

From 1972 to 1976, Dr. Bennett was an assistant to the president of Boston University.

Before being appointed Chairman of the National Endowment for the Humanities, William Bennett was president and director of the National Humanities Center in North Carolina.

Dr. Bennett has been a consultant to dozens of secondary schools on quality in curriculum development.

He has not only published numerous articles and books, but also has sought to influence the general public's outlook on education by writing articles in a number of popular magazines and leading newspapers.

I certainly do not agree with every decision taken by Dr. Bennett as Chairman of the National Endowment for the Humanities. For example, I do not share his views regarding the limiting of affirmative action plans for the hiring of women and members of minority groups. But I fully respect him as a thoughtful and dedicated advocate of quality education in our Nation.

I applaud his promoting tougher standards for teachers and students, and greater discipline in our Nation's schools. I support his strong advocacy of more intellectual rigor in our colleges and universities, and his strong emphasis on the notion that a well-educated person must study philosophy, literature, and history.

Clearly, William J. Bennett is an experienced voice for reason and excellence in education and, based upon what I now know of his record, I intend to vote to confirm him as Secretary of Education.

The President has nominated a man who is well qualified to be Secretary of Education. The President deserves credit for making the nomination and I hope that Mr. Bennett will be unanimously confirmed. He certainly deserves it. He has exactly the right kind of qualifications and background.

RECOGNITION OF SENATOR METZENBAUM

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Ohio is recognized for not to exceed 15 minutes.

Mr. METZENBAUM. Mr. President, I expect to share this time with the distinguished Senator from Tennessee, Senator GORE. It is my understanding that he is on his way over. In the interest of time, I will make some remarks in which he and I join.

THE INFANT FORMULA ACT

Mr. METZENBAUM. Mr. President, almost 5 years ago, I watched President Carter sign into law the Infant Formula Act of 1980. Also present that day were many childen—beautiful little children who had suffered illness because, as infants, they were fed defective formula. Some of those children have physical and mental disabilities that will follow them throughout life.

The Senator from Tennessee, the original author of the act, who introduced and guided to passage the House version of the bill, and I pushed this legislation for one simple reason—to ensure that never again would defective formula be sold in America. By instituting strong quality control measures over the production of formula, we hoped that never again would we face a situation like that we experienced in 1979—a massive recall of all infant formula produced by the Syntex Corp., a leading producer of formula at that time.

In this case, Mr. President, Syntex decided to stop including chloride as one of the ingredients in their formula. Syntex did not bother to ask how the new mixture would affect babies. In fact, for many months the company did not bother to print new labels that reflected the change. And as a result, no one knew that the formula lacked a life-sustaining nutrient.

What happened?

Before the defective formula was finally recalled, some 20,000 babies were exposed to it. Many became ill, but recovered, others were permanently damaged. Some infants died.

I think that virtually everyone in and out of the industry would agree that Syntex was guilty at the very least of negligence—everyone, that is, except the Justice Department.

In spite of overwhelming evidence that the company was in violation of the Federal Food, Drug and Cosmetic Act, Justice refused to act.

Why?

Because, Justice said, punishing Syntex would not benefit society.

Now that is truly a remarkable conclusion, and certainly a new kind of approach to the whole question of criminal law.

If it does not benefit society to punish a company whose negligence endangered the health and even the lives of 20,000 infants, then what benefit does society derive from punishing anyone?

If ever there was an outrageous decision, Mr. President, that of the Justice Department in this instance is certainly outrageous.

But at least, I thought at the time, with the Infant Formula Act of 1980 in effect, problems with unsafe formula would not occur.

I was wrong.

Since passage of the Infant Formula Act of 1980, 3 million cans of formula have been recalled.

The reason?

Shortly after the FDA had finished writing tough regulations to implement the act, the election of 1980 ushered in a new administration—and one of the first initiatives of the Reagan FDA was to scrap those regulations.

And it was not until 2 weeks ago—after 4 full years in office—that they finally published labeling regulations.

On quality control, the Reagan FDA was a bit prompter—it took them only 2 years to write those. And instead of establishing detailed quality control procedures, the rule simply permitted each manufacturer to use whatever quality control system is best suited to its needs. How absurd. How unbelievable to permit the manufacturer to use whatever quality control system is best suited to its needs, and particularly in view of the fact that this Congress has made its views clear on the subject.

What has been the result?

In one case, a manufacturer was in possession of laboratory results confirming that its product was defective. The formula was released anyway. In fact, FDA itself knew this formula was bad 2 months before it was finally recalled.

I say to Members of the Senate, we are talking about little children, infants, hardly born infants, who take into their bodies the formula that they think is right, proper, and that there is quality control, and then too many of them have been deformed or have been mentally harmed by reason of the ingestion of that product.

When Senator GORE and I introduced the Infant Formula Act, we were concerned not with the needs of the infant formula industry, but with the health and well-being of our Nation's infants.

Senator GORE provided this Nation with distinguished leadership when, as

a Member of the House, he authored and proposed the bill which eventually became the law.

As the original sponsors of that legislation, we are here today to state emphatically that the intent of Congress in this matter has clearly been ignored by the FDA.

We are, therefore, today introducing a measure which will provide the protections that were meant to be part of the Infant Formula Act 5 years ago. The provisions of the Infant Formula Amendments of 1985 include establishing a uniform quality control system, scheduling regular tests of infant formula products both prior to and thoughout their shelf lives, requiring strict record keeping by the manufacturer, and establishing an application process that must be successfully completed prior to marketing of a new infant formula. In addition, the bill establishes guidelines with regard to the recall of defective formula.

Mr. President, I cannot adequately stress to my colleagues the importance of this legislation. Commercially prepared infant formulas are the sole source of nourishment for babies who cannot digest cows' milk or whose mothers cannot, or choose not to, breast feed them.

Children who are fed nutritionally defective formula run the risk of suffering severe mental or physical retardation, illness, or even death. We have a duty to make certain that infant formula is both safe and nutritious before it is released for distribution.

Mr. President, the Infant Formula Act directed FDA to prescribe quality control and recordkeeping requirements for the infant formula industry. Instead, FDA issued regulations which allow manufacturers to decide for themselves what quality control procedures they will use and which records they will keep. This measure will correct that dangerous situation. I hope that my colleagues will give to this measure the support it deserves and that we can move expeditiously to pass it.

Mr. President, I ask unanimous consent that S. 265 be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 412 of the Federal Food, Drug, and Cosmetic Act is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (h), (i), and (j), respectively;

(2) by striking out the last sentence of paragraph (1) of subsection (h) (as redesignated by clause (1) of this section) and inserting in lieu thereof the following new sentence: "Such records shall be retained for at least one year after the expiration of the shelf life of the infant formula."; and

(3) by striking out subsections (a) through (d) and inserting in lieu thereof the following:

"(a)(1) An infant formula shall be deemed to be adulterated if—

"(A) such infant formula does not provide nutrients as required by subsection (j);

"(B) such infant formula does not meet the quality factor requirements prescribed by the Secretary under this section; or

"(C) the processing of such infant formula is not in compliance with the quality control procedures prescribed by the Secretary under this section.

"(2)(A) The Secretary shall by regulation—

"(i) establish requirements for quality factors for nutrients required by subsection (j);

"(ii) establish quality control procedures and requirements respecting the retention of records that the Secretary determines are necessary to assure that an infant formula provides nutrients in accordance with this section; and

"(iii) establish requirements for the conduct by the manufacturer of an infant formula of regularly scheduled audits to determine that such manufacturer has complied with the quality control procedures prescribed under clause (ii).

"(B) The quality control procedures prescribed by the Secretary under subparagraph (A)(ii) shall include—

"(i) the testing of each batch of infant formula prior to the distribution of such batch; and

"(ii) regularly scheduled testing of samples of infant formulas during the shelf life of such formulas, in order to ensure that such formulas are in compliance with this section and do not contain any deleterious or otherwise unsafe substance.

"(C) The record retention requirements prescribed by the Secretary under subparagraph (A)(ii) shall include requirements for the retention of:

"(i) all records necessary to demonstrate compliance with the quality control procedures prescribed by the Secretary under such subparagraph, including records containing the results of all testing required by subparagraph (B);

"(ii) copies of all records prepared by or for all suppliers of raw materials and food packaging materials used in the processing of infant formula to demonstrate compliance by such suppliers with all regulations, guidelines, and action levels prescribed by the Secretary with respect to such raw materials and food packaging materials and with respect to infant formula;

"(iii) all records pertaining to the microbiological quality of raw materials used in infant formula and of finished infant formula (including infant formula powder); and

"(iv) all records of the results of regularly scheduled audits conducted pursuant to the requirements prescribed by the Secretary under subparagraph (A)(iii).

Records required under this paragraph with respect to an infant formula shall be retained for at least one year after the expiration of the shelf life of such infant formula. Such records shall be made available to the Secretary for review and duplication upon request of the Secretary.

"(D) In prescribing requirements for audits under subparagraph (A)(iii), the Secretary shall provide that such audits be conducted by appropriately trained individuals who do not have any direct responsibility for ensuring that the manufacturer of an infant formula complies with the quality control procedures prescribed by the Secretary under subparagraph (A)(iii).

"(3) the Secretary may be regulation—

"(A) revise the list of nutrients in the table in subsection (1); and

"(B) revise the required level for any nutrient required by subsection (j).

"(b) No persons shall introduce or deliver for introduction into interstate commerce any new infant formula unless an application has been filed pursuant to subsection (c) with respect to such formula and such application has not been disapproved. For purposes of this section, the term 'new infant formula' includes any infant formula for which there has been a change in formulation or processing which may affect whether the formula is adulterated within the meaning of this section.

"(c) Any person may file with the Secretary an application with respect to any infant formula subject to the provisions of subsection (b). Each such application shall include—

"(1) full reports of testing demonstrating that such infant formula provides nutrients in accordance with subsection (j) and complies with the quality factor requirements prescribed by the Secretary under subsection (a)(2)(A)(i);

"(2) records demonstration that the processing of such infant formula complies with the quality control procedures prescribed by the Secretary under subsection (a)(2)(A)(ii); and

"(3) such additional information as the Secretary may by regulation prescribe.

"(d) Within ninety days after an application is filed under subsection (c), or prior to the end of such additional period as may be agreed upon by the Secretary and the applicant, the Secretary shall either—

"(1) approve the application if the Secretary finds that the infant formula complies with the requirements of this section and the quality control procedures and quality factor requirements prescribed by the Secretary under subsection (a)(2)(A); or

"(2) deny the application.

"(e) An applicant whose application has been denied under subsection (d)(2) may appeal such denial pursuant to procedures specified in regulations prescribed by the Secretary. After the applicant has exhausted the remedies specified in such procedures, the applicant may appeal the denial of such application to the United States court of appeals for the circuit wherein such applicant resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, within sixty days after the entry of the Secretary's final order denying such application.

"(f)(1) If the manufacturer of an infant formula has knowledge which reasonably supports the conclusion that an infant formula which has been processed by the manufacturer and which has left an establishment subject to the control of the manufacturer—

"(A) may not provide the nutrients required by subsection (j); or

"(B) may be otherwise adulterated or misbranded, the manufacturer shall promptly notify the Secretary of such knowledge and shall immediately take all actions necessary to recall shipments of such infant formula from all wholesale and retail establishments, and to assist such retail establishments in publicizing such recall in a manner reasonably designed to notify purchasers of such infant formula of such recall and the reasons for such recall.

"(2) For purposes of this paragraph (1), the term 'knowledge' as applied to a manufacturer means (A) the actual knowledge that the manufacturer had, or (B) the knowledge which a reasonable person would have had under like circumstances or which would have been obtained upon the exercise of due care.

"(g)(1) If a recall of an infant formula is begun by a manufacturer, the recall shall be carried out in accordance with such requirements as the Secretary shall prescribe under paragraph (2), and—

"(A) the Secretary shall, not later than the 15th day after the beginning of such recall and at least once every 15 days thereafter until the recall is terminated, review the actions taken under the recall to determine whether the recall meets the requirements prescribed under paragraph (2); and

"(B) the manufacturer shall, not later than the 14th day after the beginning of such recall and at least once every 14 days thereafter until the recall is terminated, report to the Secretary the actions taken to implement the recall.

"(2) The Secretary shall by regulation prescribe the scope and extent of recalls of infant formulas necessary and appropriate for the degree of risk to human health presented by the formula subject to the recall.".

Mr. METZENBAUM. Mr. President, I yield to the distinguished junior Senator from Tennessee, and at this time I also want to take this opportunity to express to him how pleased all of us are that he has joined us by reason of the recent election.

Mr. GORE. Mr. President, I appreciate my friend from Ohio having such kind words to say, and I am pleased to join him in introducing this important corrective legislation. He has accurately stated the history of this matter in the previous two Congresses. As he has informed the Senate, the intent of the legislation has been frustrated. Indeed, the regulations implementing the Infant Formula Act of 1980 were held up in the Office of Management and Budget for almost 2 years. And during that time, we had another unfortunate instance where thousands of infants throughout the country were given deficient infant formula. And this was an unnecessary episode.

The Commissioner of the Food and Drug Administration testified at that time that if the quality control regulations had been implemented by the Food and Drug Administration, that incident would not have occurred.

Belatedly, after this unfortunate incident occurred, the Food and Drug Administration finally did put out regulations, but there was a vast difference between the proposed and final versions of these regulations. The FDA substituted vague, general standards for the specific proposed rules, and so altered the original proposal that the two versions cannot be compared in a meaningful manner. The agency adopted, virtually in every respect, the suggestions of the infant formula industry to relax the proposed rules.

In fact, the degree of difference between the proposed and final regulations was so great that FDA's own legal counsel questioned their legality. In a well-reasoned memorandum, he concluded:

The changes being made in the regulation from proposal to draft tentative are far greater than any of those that have been upheld so far. Ultimately, I believe that many courts will have trouble accepting the argument that a consumer group will have had a meaningful opportunity to participate in rule making when the original rule has been so completely transformed as to preclude a productive section-by-section comparison.

The greatest shortcoming was in the quality control provisions of the regulations, where FDA decided-upon the urging of the infant formula industry—not to require testing of the final product. This left the new infant formula quality control regulations less stringent than the agency's quality control regulations for such low-priority medical devices as tongue depressers.

During a hearing which I chaired at that time, then Secretary Schweiker responded to my question on this matter by stating:

Mr. Chairman, let me say I was not aware of the facts you are bringing to my attention now. I, frankly, think they should be investigated.

Mr. President, despite those hearings and numerous inquiries, the final regulations did not change and they still do not provide sufficient safeguards.

The legislation which is being introducted this morning by the Senator from Ohio and myself is intended to fill these gaps, and is intended to serve the original purpose of the legislation which was introduced back in 1980.

I think it is fair important to say that there has been a great deal of progress since the Infant Formula Act of 1980 was passed, and the regulations implementing it, though tardy, have caused some improvement in the situation. But they are still inadequate and they do still have loopholes. This legislation being introduced today is intended to correct the situation.

And I am pleased to join the Senator from Ohio in introducing this bill.

I yield back to my colleague.

Mr. METZENBAUM. Mr. President, I yield back the balance of my time.

RECOGNITION OF SENATOR SPECTER

The ACTING PRESIDENT pro tempore. Under the previous order, The Senator from Pennsylvania is recognized for not to exceed 15 minutes.

PENNSYLVANIA FLOOD CONTROL PROJECTS—REINTRODUCTION

Mr. SPECTER. Mr. President, today I am reintroducing for Senator HEINZ and myself four bills that provide for the authorization of flood control projects located in Lock Haven (Clinton County), Harrisburg (Dauphin County), Wyoming Valley (Luzerne County), and Milton (Northumberland County), PA. Passage of these bills is essential to protecting the health and safety of the residents of these areas.

I introduced these bills in the 97th and 98th Congress as well. The first three of these bills were incorporated into both the Senate—S. 1739—and House—H.R. 3678—versions of the Water Resources Development Act of 1983. I have continually worked with my colleagues to bring this vital legislation, which was reported out of committee, to the floor. In addition, I supported the effort to include this bill in the continuing resolution of 1985. Unfortunately, this legislation was stripped from the continuing resolution in a compromise package. However, I intend to persist in this matter because of the importance of these projects.

All of these proposed projects are on the Susquehanna River: the first two on the main river; the latter two on the west branch. The cities of Wilkes-Barre, Harrisburg, Lock Haven, Milton, and other nearby communities were devastated by a series of floods in late June 1972 from the heavy rains of tropical storm Agnes. These projects are in response to that widespread flooding and to a subsequent flood from Hurricane Eloise a few years later.

With respect to Lock Haven, it should be noted that nearly the entire city is subject to flooding from the Susquehanna River and from Bald Eagle Creek. The city has been flooded 19 times in the last 130 years. As in other areas, the most damaging flood occurred in 1972 when tropical storm Agnes inundated the entire business district and much of the residential areas of the city and adjoining townships.

The Corps of Engineers' plan would provide a local flood protection system consisting of levees, floodwalls, interior drainage works, highways, and railroad closure structures. Also, the corps is considering the removal of structures affected by flooding in communities directly across the river from Lock Haven. Because of the importance of this project, Congress has approved a total of $1.2 million in the past 2 years for the continuation of planning and engineering [CP&E] for this project, which has a total estimated cost of $69.8 million. The time has come to follow through on the excellent work the corps has already done.

Due to increased urbanization, flooding from Paxton Creek along the industrial corridor of Harrisburg is a perennial problem. This area is also subject to backwater flooding from the Susquehanna River. As a result of tropical storm Agnes, which caused damages estimated at $55 million, the Army Corps of Engineers recommended in 1979 a flood control project for the South Harrisburg-Paxton Creek area which would include a floodwall 3,800 feet long. Since fiscal year 1982, $2.178 million has been appropriated for the CP&E. The estimated cost for the entire project is $123 million.

The Corps of Engineers also recommended favorable action, in general concurrence with the findings and recommendations of the Baltimore district engineer in the North Atlantic division, concerning increased flood protection in the Wyoming Valley flood control system. Tropical storm Agnes, the most severe storm on record, exceeded the existing levee system by 4 to 5 feet. Flood damages in the area were estimated to have $730 million at June 1972 price levels. Were the Wyoming Valley area to suffer, under today's conditions, another flood of equal magnitude to that caused by Hurricane Agnes, damages would total in excess of $1 billion.

The existing Federal flood control system in Wilkes-Barre provides only a 50-year design level of flood protection for what the Corps of Engineers correctly identifies as an intensively developed major urban area. The corps' plan would protect the Wyoming Valley against a flood magnitude equal to that caused by tropical storm Agnes.

The recommended plan will raise the existing levee system in the Wyoming Valley by 5 to 7 feet, provide new closure and drainage structures, construct a new pumping station, and provide new levees and floodwalls to maintain the system's integrity at five communities in the Wyoming Valley. The five communities are: First, Wilkes-Barre/Hanover Township; second, Swoyersville/Forty-Fort; third, Exeter/West Pittston; fourth, Kingston/Edwardsville; and fifth, Plymouth.

Induced flooding from raising the existing levee system will be mitigated at eight communities. Mitigation at five of the communities with existing flood protection projects—Sunbury, Danville, Brookside, Miners Mills, and Duryea—will be accomplished by raising levees or floodwalls. At two communities, Plainsville and Port Blanchard, nonstructural mitigation measures consisting of a combination of evacuation, flood-proofing, relocation, and a ring levee-floodwall system will be employed. At Bloomsburg, the mitigation measure will consist of removal of an abandoned Conrail bridge. Congress appropriated $1.8 million for CP&E for this project which has a total cost of $224 million.

The Borough of Milton in Northumberland County was also devastated by tropical storm Agnes in 1972. Located along the west branch of the Susquehanna River, the Milton area has a variety of structural flaws that make it prone to flooding. In 1972, for example, tropical storm Agnes ravaged a large portion of the Susquehanna River basin, causing millions of dollars worth of damage to Milton and various other population centers. Without this badly needed flood control project, Milton will continue to exist under the threat of severe destruction from future storms. The Corps of Engineers estimates the cost of the Milton project to be $87 million. The possibility of future destruction from flooding and the necessity of providing valuable jobs to this region make the Milton project important to central Pennsylvania.

It has been proposed that the cost sharing policies of the past be abandoned and more stringent requirements be placed on State, local, and private interests. I suggest that, while cost sharing may have its merits, some allowance must be made for a community's ability to pay. In the meantime, we need to authorize these four flood control projects promptly to meet our obligation to protect the lives and property of our citizens. Pennsylvanians wonder why, in over 12 years after a devastating flood, these four needed projects have not been authorized.

Mr. President, it is my view that serious consideration should be given at the present time to the public works projects which are necessary, demonstrably so, at a time when there is a real need to provide jobs.

The projects authorized by the four bills that I am reintroducing today should have been accomplished long before this day. They certainly should be addressed now, and doubly so in the context of the national need to provide jobs for unemployed Americans.

I ask unanimous consent that the full texts of the four proposed bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 268

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, acting through the Chief of Engineers, is authorized to implement a project for the prevention of flood damage on the west branch of the Susquehanna River at Lock Haven, Pennsylvania, substantially in accordance with, and subject to conditions recommended in, the report of the Chief of Engineers dated December 14, 1981, at an estimated cost of $69,800,000.

(b) Sections 201 and 202 and the last three sentences of section 203 of the Flood Control Act of 1968 (Public Law 90-483) shall apply to the project described in subsection (a).

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

S. 269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Army, acting through the Chief of Engineers, is authorized to implement a project for the prevention of flood damage in Wyoming Valley, Luzerne County, Pennsylvania, substantially in accordance with, and subject to conditions recommended in, the report of the division engineer dated February 16, 1982, at an estimated cost of $224,000,000.

(b) Sections 201 and 202 and the last three sentences of section 203 of the Flood Control Act of 1968 (Public Law 90-483) shall apply to the project described in subsection (a).

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

S. 270

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Army, acting through the Chief of Engineers, is authorized to implement a project for the prevention of flood damage on the Susquehanna River at Harrisburg, Pennsylvania, substantially in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in his report dated May 16, 1979, at an estimated cost of $117,000,000.

(b) Sections 201 and 202 and the last three sentences of section 203 of the Flood Control Act of 1968 (Public Law 90-483) shall apply to the project described in subsection (a).

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

S. 271

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, acting through the Chief of Engineers, is authorized to implement a project for flood damage prevention at Milton, Northumberland County, Pennsylvania, on the west branch of the Susquehanna River, substantially in accordance with the report of the Corps of Engineers entitled "Local Flood Protection Study at Milton, Pennsylvania" dated July 13, 1977, at an estimated cost of $87,000,000.

SEC. 2. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

S. 267—REINTRODUCTION OF THE PRESQUE ISLE PROJECT

Mr. SPECTER. Mr. President, today I am reintroducing a bill for Senator HEINZ and myself to authorize the construction of a system of breakwaters along the lakeward length of Presque Isle Peninsula on Lake Erie in the northwest corner of Pennsylvania. I introduced this bill in the 97th and 98th Congress as well.

The Presque Isle State Park is one of Pennsylvania's, and the Nation's, greatest natural treasures. The park is a popular recreational area and provides facilities for a wide spectrum of recreational opportunities. The year-round attractiveness of the park is shown by the over 4 million visits that are made to it annually.

In 1956, the Federal Government, in cooperation with the Commonwealth of Pennsylvania, completed a beach erosion control project on Presque Isle Peninsula. As I observed last year when I visited Presque Isle, the project has proven to be inadequate. Sand replenishment measures have been required periodically through the 1960's and 1970's and annually since 1975, in order to protect the Federal structures and State park facilities along the neck of the peninsula. Since actual sand replenishment requirements have far exceeded estimates, a more effective method of protection and beach stabilization has become necessary.

The Corps of Engineers has recommended a plan of improvement that provides for construction of a system of rubblemound breakwaters located offshore along the lakeward length of Presque Isle Peninsula, parallel to the shoreline, and positioned in the trough between the first and second offshore sand bars. Each structure will be 150 feet long with a 350-foot gap between structures. In addition, sand fill will be placed along the shoreline in the lee of the breakwaters to provide a recreational beach berm.

The system of offshore breakwaters allows sufficient wave energy to pass through the gap between breakwater segments to generate an along-shore current in the lee of the breakwater system. Therefore, natural shore processes will continue to transport sand in quantities that will preserve the integrity of the natural environment, especially the sensitive and unique portion of the Ecological Reservation on the east end of the peninsula. An important element of the recommended plan will be the operation of a post-construction monitoring program that would note the presence of any adverse sediment transport impacts. Should adverse impacts arise, the annual replenishment program would be adjusted to provide sand in order to eliminate, minimize, or ameliorate possible adverse environmental impacts.

Recognizing the value of this project, Congress included it in both the Senate (S. 1739) and House (H.R. 3678) versions of the Water Resources Development Act of 1983. Additionally, Congress has already appropriated $1.1 million for the continuation of planning and engineering of this project since fiscal year 1983. The project costs would be $27 million.

Mr. President, I ask unanimous consent that the full text of the proposal will be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Army, acting through the Chief of Engineers, is authorized to implement a project for the control of beach erosion at Presque Isle Peninsula, Pennsylvania, substantially in accordance with, and subject to conditions recommended in, the Report of the Chief of Engineers dated October 2, 1981, at an estimated cost of $27,000,000.

(b) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

UKRAINIAN INDEPENDENCE DAY

Mr. SPECTER. Mr. President, 67 years ago, on January 22, 1917, the Ukrainian Central Council proudly proclaimed: "From this day on the Ukrainian National Republic becomes an independent, subordinate to no one, free sovereign state of the Ukrainian people." Yet, the new sovereign nation which had suffered centuries of czarist domination could only maintain 3 years of independence. For as soon as the Communists consolidated power in Russia, they turned their Red army toward the Ukraine, and although the Ukrainians fought vehemently to protect their young liberated nation, the Communists, by the summer of 1920, had successfully brutalized the Ukraine into submission. In just 3 short years, Soviet domination had replaced czarist domination.

Since 1920, the Ukrainians have been subjected to the severest forms of repression and Russification. As we know, in 1932-33, when the Ukrainians refused to accept Stalin's plan to collectivise farming, he responded by confiscating enough Ukrainian grain to create a tragic famine which took the lives of an estimated 7 to 10 million.

Although this unforgivable act of Soviet repression has been the severest, it has been by no means the lone act of brutality. In fact, throughout Soviet dominated Ukrainian history, any Ukrainian who has openly spoke of his nation's oppression or desire for freedom has been harassed, imprisoned and, in some cases, tortured. Yet, despite the Soviet Union's attempt to destroy Ukrainian culture, tradition and spirit in the hopes of Russification, the Ukrainian drive and quest for freedom remains as strong as ever. We must, in the free world, show our support, and share the dream of the persistent land of 50 million—the same dream our forefathers had over 200 years ago.

Mr. President, comments on the Ukraine are especially significant to me because my father, Harry Specter, came to the United States in 1911 from the Ukraine, fleeing czarist domination. He had left his family there. He came as a young man of 18 to save his life in the United States.

In July of 1982, I had occasion to visit the Soviet Union. I traveled from Moscow to Kiev, by automobile to the Ukraine, and visited the hometown of my father.

I found an elderly gentleman who did know my grandfather, Avram Spectorsky there.

In recognizing Ukrainian Independence Day, it is of special significance for me personally that I do so, in light of my own roots going to a small village by the name of Batchkurina, near Kiev in the Ukraine.

Mr. President, I thank the Chair and yield the floor.

THE AGRICULTURAL CREDIT CRISIS

Mr. MELCHER. Mr. President, the economic indicators we are seeing now and the reaction of the stock market to the rather favorable economic indicators are not truly reflecting the uncertainty of a continued economic recovery. I say that because there is growing evidence of a very serious agricultural credit crisis that is facing the agricultural producers of this country.

Of course, when the agricultural producers are in trouble, it is not just their own individual operations and their own individual farmers. It is a crisis for their lenders and for all the people involved in what we called agribusiness.

Almost 21 or 22 percent of the people in this country are directly or indirectly involved in agriculture. It is our most basic and by far the largest industry of this country, even though relatively few Americans are directly involved in farming or ranching. From cowboys to truckers, to the people who run our trains, to the people in the steel mills and in the manufacturing business, to the vast chemical industry and the supplies they make available for fertilizers and other products used by agriculture, a great number of people are involved in the outcome of the agricultural producers' plight.

As part of the agricultural credit crisis that has been developing, three of the production credit associations in Montana abruptly liquidated over the past 8 weeks; and part of the sequence of trouble in this district, the 12th district of the farm credit system, with its headquarters at Spokane, was reflected in these three PCA's in Montana.

There has been concern among commercial banks in Montana and in the upper plains States in addition to the concern of those connected with the Production Credit Association and the

farm credit system. This concern was compounded with the failure of the Farmers Home Administration in not being able to keep up with the commercial agricultural loans.

All this prompted me to call for a hearing, representing the Senate Agriculture Committee, on Saturday afternoon, January 12, at Helena, MT. We thought it was high time to hear from the people involved, how the credit crisis developed, and what their ideas were for necessary action. At that hearing on Saturday, January 12, we heard from lenders of the farm credits system, commercial banks, and the Farmers Home Administration. We heard from the borrowers, those involved in agriculture. Though there were different aspects presented in their testimony, three key points were reflected in all the testimony that was received from all these sources.

First, the price received by agricultural producers for their products has been pretty low, and it has not been getting better. Indeed, these are the lowest commodity prices, which result in the lowest net farm income for 1983, 1984, and projected into 1985, since the Great Depression. That is the first point. If there is going to be a turnaround in the agricultural credit situation for these producers, there has to be some improvement in prices.

Second, it became obvious that the interest rates are too high for America's farmers and ranchers. It is running 14 percent to 15 percent; and combined with low prices and high interest rates, it is a surefire recipe for going broke.

The third point that was brought out clearly from all sources of testimony, whether it was the Farmers Home Administration or the farm credit system or the commercial bankers or the farmers and ranchers, was that there had to be a stretch out of credit for those agricultural producers who are now in credit trouble.

So, obviously, the time for concerted action by Congress and the administration is now. It is not a question of Republicans versus Democrats. It is really a question of Republicans and Democrats in Congress and in the administration working together, cooperatively, to develop the types of planning and the types of action that will be necessary.

I am not here today prepared to say what actions may become necessary. But I can say this: Farmers, their bankers, and their creditors are reflecting true concerns for the problems that do indeed exist.

This past several days our colleagues from Nebraska have shared this same type of concern with me and with other Members of the Senate, telling us about a meeting last Saturday at Sioux City, NE, where 4,500 farmers met to describe the bind they are in and the situation they are finding with the lack of credit not being sufficient to meet their needs.

An open air meeting in St. Paul before the State capitol also this week found 10,000 to 12,000 farmers expressing their concerns and demanding some appropriate action be taken by their legislators meeting in the Minnesota legislature. The repeated theme of both the legislators and the farmers at the St. Paul meeting was that there had to be concern not only in the States involved but there had to be concern in Washington, DC, and Congress itself.

I have urged Chairman HELMS of the Agriculture Committee to hold a hearing on the agriculture credit crisis but he believes that it is premature at this time, making one point, among others, that the farm credit system is meeting in San Antonio this week.

What the farm credit system boards will come up with as a recommendation I am not certain, but I am anxious to hear from them and to see how we fit in as Members of the Senate in assisting them in this crisis.

There will be a meeting by the Farm Credit Council, I understand, here in Washington next week and that is very timely.

As Senators, I believe that our first task is to hear from the people involved in this credit crisis, hear from the producers, hear from the farm credit system, hear from the Farmers Home Administration and from the commercial banks.

For that reason, I have asked agricultural leaders, farm producers themselves, and their bankers to testify next Wednesday, January 30, here in Washington.

I ask that all interested Senators consider whether or not they would like to participate. It will be a public meeting. The room we have scheduled is room 628 in the Dirksen Building. It will commence at 10 a.m. That is Wednesday, January 30, and I invite all my colleagues to consider whether or not they would like to participate in such a meeting.

Our goal has to be a united front, without partisanship, but a front that is ready to respond with whatever actions are needed to meet the very serious crisis that is existing at the moment and is continuing to build into a worse situation.

Agricultural producers must have the credit that is necessary to keep them in business, and I repeat it is not just for them. It is for their creditors; it is for the sake of the country.

INAUGURAL LUNCHEON REMARKS

Mr. MATHIAS. Mr. President, on Monday, the official proceedings of the inaugural ceremony were printed in the RECORD as is the custom of Congress.

Today, to complete the RECORD, I wish to introduce the informal remarks that were made in the form of toasts at the inaugural luncheon following the swearing-in ceremonies. I ask unanimous consent that those remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

EXCHANGE OF TOASTS AT THE INAUGURAL LUNCHEON

TOAST TO PRESIDENT REAGAN BY THE CHAIRMAN OF THE JOINT COMMITTEE ON INAUGURAL CEREMONIES SENATOR CHARLES MCC. MATHIAS, JR.

Mr. President, you are the star of this show! Of course, you have a beautiful leading lady and a super co-star. But you also have a great supporting cast—literally hundreds of people who have helped with this production as stage hands, carpenters, spearcarriers and in dozens of other ways. On behalf of the Joint Congressional Committee on Inaugural Ceremonies, I want to thank each one of them.

But every show needs an impresario to generate ideas, find the resources and meet the deadlines. My wife Ann has done all of this. I gratefully confess that she is the de facto Chairman of the Joint Congressional Committee on Inaugural Activities, and she is responsible for this luncheon and its theme.

By assembling here from every corner of the country we are symbols of a more perfect union. We celebrate the constitutional goals of justice, tranquility and liberty guaranteed by law. But law itself was not the end, it was the means by which Americans could attain a unique quality of life.

John Adams said it succinctly:

I must study politics and war, that my sons may * * * study mathematics * * * and agriculture, in order to give their children a right to study painting, poetry, architecture, statuary, tapestry and porcelain * * *

We today are the heirs of that vision! We are the posterity who are secure in the blessings of liberty. And we are the children's children who enjoy the quality of life that John Adams anticipated.

Mr. President, Mr. Vice President, to mark this day of celebration, of achievement and of thankfulness, it is my honor to present a crystal bowl to each of you, on behalf of the Congress and the American people.

Mr. President, the base of your bowl is engraved with the noble purposes of the Constitution of which you are the sworn protector.

Mr. Vice President, the base of your bowl is engraved with Thomas Jefferson's psalm of liberty that we heard sung so beautifully today.

Ladies and gentleman, I ask you to rise and join me in a toast—To The President of the United States.

REMARKS OF THE PRESIDENT IN AN EXCHANGE OF TOASTS

Senator Mathias, honorable members of the House, and distinguished guests, and members of the Senate, of course, this has been an historic day and it's not over yet. Together we mark the end of one term and the beginning of another. And I want each of you to know how grateful I am for all that you've done—all the energy and personal commitment that you have mustered in these last four years to make our system work.

In the shifting alliances of a free government, we in this room have been intense allies and—and on some issues but—while disagreeing on others. But I think the level of respect and courtesy with which we've treated each other speaks well for us and confirms the viability of this great democratic system which is now in our care.

There's been quite a few inaugurations in my lifetime. I missed Abe Lincoln's but—(laughter)—I do remember Calvin Coolidge's. (Laughter.) Even though I was of the other party at the time, I—he was much loved and respected. I was a Democrat in those days.

His Inaugural Address said, "Our Congress represents the people and the states. In all legislative affairs, they are the national—the natural collaborator of the—with the President. In spite of all the criticism which often falls to its lot, I do not hesitate to say that there is no more independent and effective legislative body in the world. It is, and should be, jealous of its prerogatives. I welcome the cooperation and expect to share with it not only the responsibility but the credit for our common effort to secure beneficial legislation," Calvin Coolidge.

Well, I hope we can work together in that same spirit. I have a plaque on my desk in the office that says what I firmly believe and that is there is no limit to what a man can accomplish if he doesn't—what he can do and where he can go if he doesn't care who gets the credit. (Laughter.)

So, I hope in the days and the years to come that we can move ahead, meet the challenges of our day, thinking only of how much we can accomplish if we maintain our good will and cooperation.

We're very grateful to you for these gifts. And may I offer a toast to all of you here, the members of the Congress, all the guests who are here with you and to the best Vice President this country has ever had, George Bush, and to the next four years. (Applause.)

Thank you very much. (Applause.)

Senator MATHIAS. The distinguished Republican leader of the House of Representatives, Bob Michel.

Congressman MICHEL. Thank you, Mac. (Applause.)

Mr. President, Mr. Vice President, Mr. Speaker and Mr. Chief Justice, your wives and ladies and ladies and gentlemen, four years ago, we presented to the President one of the letter openers that was used in opening the Electoral College ballots that came in from the state.

We'd like to do that again this year, in addition to give the Vice President one, but, Mr. Speaker, we're going to spare you any—we're just going to spare you by not reading the inscription on the plaque because of the number on the Electoral College vote. (Laughter.)

There's one other here that I'd like to present to the President on behalf of the leadership of both the House and Senate, Republican and Democrat alike.

Mr. President, you've been very good to come up to the Hill every once in awhile, not only with official messages, but when you just had an informal word to say, from time to time. As you know, beyond this beautiful picture here is a normal route to the House of Representatives. When this Chamber was once the old Chamber, and then, as we developed the new Chamber beyond it, there were a set of beautiful bronze doors that were between the two, that are now down in the East Portico of the Capitol.

We have here for you, Mr. President, a likeness prepared by one of our craftsmen here in the Capitol, and also a very special key to those doors; because, as you know, the Speaker pretty well controls this side of the Capitol over here. (Laughter.) In the event you want to come up sometime for some reason, for whatever—(Laughter)—here's the key to the Capitol and to the House of Representatives. (Applause.)

The PRESIDENT. I've just been told we should get out of here. (Laughter.) They said I could do anything I wanted on the way out, so I just want to express a heartfelt thanks. These are wonderful things to have in celebration of this day. And, Tip, do you want to have a key, too. (Laughter.) If you don't, feel free to borrow it anytime. (Laughter.) All right, thank you all very much. (Laughter.)

Mr. MATHIAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER [Mr. MCCONNELL]. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

THE MEESE NOMINATION

Mr. LEVIN. Mr. President, I come to the Chamber today because I am troubled by the pending nomination of Edwin Meese to be Attorney General, and I want to lay before my colleagues the reasons for my unease. Some are of a generally known nature, and I will only briefly touch on those issues. Others pertain to a series of written exchanges that I had with Mr. Meese over the so-called Carter papers in the Reagan campaign, and these are the concerns I wish to share with our colleagues in some detail today.

My involvement in the nomination of Mr. Meese stems from my role as ranking minority member of the Governmental Affairs Subcommittee on Oversight of Government Management. That subcommittee has jurisdiction over the ethics laws—their enforcement and their administration through the Office of Government Ethics. Because the investigation into the Carter papers conducted by the Human Resources Subcommittee in the House of Representatives, chaired by former Congressman Donald Albosta, questioned the need for changes in the ethics laws, I followed that investigation closely. And since our Oversight Subcommittee recently amended and, I believed, improved, the statute governing the appointment and role of the independent counsel, I took the time to follow the investigation by Jacob Stein of Mr. Meese and to read Mr. Stein's report. In other words, I have spent a considerable amount of time looking into Mr. Meese's qualifications by reading the available relevant materials.

Neither of these investigations resulted in findings that Mr. Meese violated any civil or criminal law, and there is an understandable inclination to feel that this disposes of the matter. Mr. Meese has been investigated and found unindictable. But is that enough? Anyone who has read the independent counsel's report carefully will quickly conclude that is certainly not enough. The independent counsel's report details a pattern of questionable conduct by Mr. Meese in case after case which paints a picture of a man who frequently seems to ignore the ethical implications of his actions. The instances of particular concern to me are:

First, Mr. Meese's retention of his rank of colonel in the Army Reserve, knowing that his promotion to that rank could only have been made as a result of reinstatement to active status made in violation of Army Reserve regulations and the preferential granting of constructive educational credit;

Second, the fact that Mr. Meese failed to either recuse himself from or disclose his personal involvement in the appointments of John McKean and Thomas Barrack, with whom he had significant financial dealings, when their nominations to office in the executive branch came before the Senior Staff Personnel Committee for approval;

Third, his failure to disclose, as required by law, either the $15,000 loan from his then top aide, Edwin Thomas, or the Biotech stock which was purchased with the loan moneys;

Fourth, his participation in the receipt of $10,000 from the transition trust for what was to be the cost of moving expenses and his subsequent direction to the secretary of the trust to change the trust records and the canceled checks to show payment for consulting fees once it became evident that it was illegal to be reimbursed by the trust for such moving expenses.

These instances raise questions relating to the ethical judgment so much expected of the Attorney General of the United States, who serves as the Nation's top law enforcement officer and, indeed, who serves as administrator of its ethics in Government laws and regulations. But these examples are already known, as I said earlier, to many of our colleagues, Mr. President.

I have an additional reason for concern over this nomination, a concern relating to the recent investigation into the so-called Carter papers by both the Albosta Subcommittee and the Independent Counsel. During those investigations Mr. Meese was shown numerous documents which referred to "our White House source," or "a very reliable source," or "a very reliable Carter aide," or "an unimpeachable source who has received information from ABC XYZ," or "reli-

able White House mole." Mr. Meese was either the named recipient of one or more such documents or a person to whom a copy was sent, or the document was found in his personal files. In analyzing Mr. Meese's recollection, or lack thereof, of these documents, it is apparent to me that Mr. Meese seems not to remember those documents which either on their face appear to be the most potentially damaging to him or the possession of which may be the most ethically questionable. But he does remember many documents which are apparently innocuous or harmless.

I am troubled by this pattern of Mr. Meese's memory and by Mr. Meese's evasive answers to questions submitted to him on my behalf during the first set of hearings by the Senate Judiciary Committee. I asked Mr. Meese, for the record, to: "Please state what personal knowledge he had relative to President Carter's papers being physically available to the Reagan campaign." He replied to that question as follows: "I have no knowledge of any effort by the 1980 Reagan-Bush (sic) Presidential campaign, or anybody associated with that campaign, to obtain from the Carter administration, or the 1980 Carter-Mondale Presidential campaign, any private material or information."

While it may be helpful to know that Mr. Meese was not aware of any effort to obtain Carter campaign or White House materials, that was not responsive to the question I had asked him. I had asked him if he had any personal knowledge of Carter campaign or White House materials being present in the Reagan campaign. So I tried again. On March 9, 1984, I wrote to Mr. Meese, stating that his reply to my question had been nonresponsive. I asked him again to answer my earlier question specifically and in full. Mr. Meese never answered that letter. On March 25, 1984, a New York Times reporter asked Mr. Meese a similar question. The reporter wrote, "(H)e (Meese) was silent for a few moments and then said, I had no knowledge of any effort to obtain them."

Because Mr. Meese's nomination was in question during the pendency of the Stein investigation, I witheld purusing the matter further at that time, until it became apparent that Mr. Meese's name would again be submitted to the Senate for approval.

When that became clear, I wrote to Mr. Meese again. In a letter dated December 21, 1984, I asked Mr. Meese to state whether or not he remembered seeing eight specific documents from the 1980 Presidential campaign, and I restated my earlier question. "Did you during the 1980 Presidential campaign believe, or have any knowledge, that copies of nonpublic documents from the White House or the Carter campaign were physically available to, or in the possession of, the Reagan Campaign?" I also asked Mr. Meese: "During the 1980 Presidential campaign were you aware of, or did you believe that, a source, or sources, inside the White House and/or the Carter campaign was providing nonpublic information to the Reagan Campaign?"

Mr. Meese answered that letter yesterday. He said he did not remember seeing any of the eight documents I listed and he stated: "To the best of my recollection, during the 1980 Presidential campaign I did not believe or have any knowledge that copies of nonpublic documents that had been improperly obtained from the White House or the Carter campaign were physically available to or in the possession of the Reagan campaign; nor was I aware of nor did I believe that a source, or sources, inside the White House and/or the Carter campaign was improperly providing nonpublic information to the Reagan campaign."

I ask unanimous consent that copies of these letters and documents be printed in the RECORD immediately following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. Now, again, Mr. Meese evades the clear questions. I did not ask whether Mr. Meese had known about nonpublic Carter documents being improperly obtained. I asked if he knew if nonpublic Carter documents were in the Reagan campaign, period, however they had been obtained.

The evasiveness of Mr. Meese in answering what I think is a simple and straightforward question triggers two reactions. First, I am concerned that a nominee for the position of Attorney General is unwilling to be forthright in answering a question of some importance, at least to this Senator. Second, his evasiveness tells me that he is well aware of the purpose of my line of inquiry and wants to avoid it. If Mr. Meese knew nonpublic Carter campaign or White House documents were in the Reagan campaign, he would have had to have judged whether or not they were properly obtained. That was the ethical issue that confronted him then, and the actions he took in response are what we must judge now. From his answer of January 23, one could infer that he in fact did see nonpublic documents which were, according to him, properly obtained. But to actually admit that, openly and directly, Mr. Meese would then be subject to the question as to what steps he took to determine whether or not the nonpublic documents which he saw had been obtained properly. Because of his evasiveness, I am led to believe that Mr. Meese does not want to answer that question. If Mr. Meese saw nonpublic documents and asked about the propriety of the Reagan campaign having or using them, then we need to know what questions he asked, of whom and by what standard he decided what was proper or improper.

Mr. Meese, in an interview with the staff of the Albosta subcommittee was asked about the ethics of the presence or use of nonpublic documents from the Carter campaign or White House in the Reagan campaign. He said that, in the words of the subcommittee investigator "it would depend on how the material was acquired and how it was used." Later, in the same interview, he said it would depend "on how it came into the hands of the campaign." Still later in the same interview, he said it "would depend on the source of the information." These are questions pertaining to Mr. Meese's ethical judgment that must be answered before his fitness for the office of Attorney General can be fully judged. Specifically, I feel obligated to find out whether Mr. Meese will admit or deny, without evasiveness or equivocation, that he knew of the presence or use of nonpublic Carter documents in the Reagan campaign. And, if he did, what effort did he make to determine whether or not having or using such nonpublic Carter papers was proper. And, if he made that effort, we deserve to know Mr. Meese's basis for judging the propriety of the use or presence of such documents. Did it depend upon the source of the nonpublic documents, the manner in which they were obtained, or how the nonpublic documents were used by the Reagan campaign?

So, it comes down to this: Did Mr. Meese know that there were nonpublic Carter documents present in the Reagan campaign? What did he do to find out if they got there properly? How did he judge right from wrong? These are three questions to which the Senate is owed simple and straightforward answers.

I will be asking Mr. Meese these questions for the record during the Judiciary Committee hearing on his nomination. I invite members of the Judiciary Committee to pursue this line of inquiry at the hearings in person. Much of Mr. Meese's conduct as a public official has been thoroughly reviewed by the 385 page Stein report. Those findings, alone, give me pause and demand further inquiries of Mr. Meese as to his ethical judgments on a number of those issues. It is also important, however, that Mr. Meese be required to explain his evasiveness to questions concerning the Carter papers over the past year and that his judgment calls on these matters also be probed in depth.

Mr. President, if Mr. Meese continues to refuse to answer these questions and thereby denies the Senate the op-

portunity to review the implications his answers would have in assessing his ethical judgment, the Senate should not proceed to confirm him.

EXHIBIT 1

QUESTIONS SUBMITTED BY SENATOR CARL LEVIN FOR SENATE JUDICIARY COMMITTEE HEARING RECORD IN MARCH 1984

Please state what personal knowledge you have relative to President Carter's papers being physically available to the Reagan Campaign.

RESPONSES OF EDWIN MEESE III TO QUESTIONS SUBMITTED BY SENTOR CARL LEVIN

I have no knowledge of any effort by the 1980 Reagan-Bush presidential campaign, or anybody associated with that campaign to obtain from the Carter Administration, or the 1980 Carter-Mondale presidential campaign, any private materials or information.

U.S. SENATE,
Washington DC, March 9, 1984.

Mr. EDWIN MEESE III,
Counsellor to the President, The White House, Washington, DC.

DEAR MR. MEESE: On March 7, 1984, Senator Thurmond, Chairman of the Senate Judiciary Committee, forwarded to you on my behalf two questions regarding the allegations that President Carter's papers ended up in the Reagan campaign. The questions and your responses are attached. Your answers to my questions were unresponsive, and so I am now writing to request that you directly and specifically respond to those portions of the questions that were not addressed in your responses.

Specifically, I asked for the substance and dates of all conversations you had with James Baker or Bill Casey relative to the Carter papers. You answered relative to Mr. Casey but, relative to Mr. Baker, simple said that you had had "very general conversations with James A. Baker, III, concerning this subject." I asked for the substance and you responded with a characterization rather than substance.

I also asked for any personal knowledge that you had relative to the Carter papers, "being physically available to the Reagan campaign." Instead of answering the question, you said that you knew of no effort by the presidential campaign to obtain the papers. Again your answers were unresponsive. I did not ask whether the Reagan campaign made an effort to obtain them, but about your personal knowledge relative to their being physically available to the Reagan campaign.

I would request that you promptly respond to my questions specifically and in full.

Sincerely,

CARL LEVIN.

U.S. SENATE,
Washington, DC, December 21, 1984.

Mr. EDWIN MEESE III,
Counsellor to the President, The White House, Washington, DC.

DEAR MR. MEESE: I would appreciate your notifying me by letter whether you remember seeing the following attached documents during the 1980 Presidential Campaign:

Memorandum from Bob Garrick to Ed Meese, dated September 12, 1980;

Memorandum from Bob Garrick to Ed Meese, dated September 4, 1980;

Memorandum from Bob Gray to Bill Timmons, dated October 21, 1980;

Memorandum from Wayne Valis to Jim Baker, dated October 21, 1980;

Memorandum from Thelma Duggin to Art Teele, dated October 17, 1980;

Memorandum from Dick Allen to Governor Reagan, Bill Casey, Ed Meese and Dick Wirthlin, dated October 15, 1980;

Memorandum from Max Hugel to Ed Meese, dated August 11, 1980;

Memorandum from Dan Jones to Bob Gray, Bill Casey and Ed Meese, dated October 27, 1980.

I would also appreciate your written response to the following question: Did you during the 1980 Presidential Campaign believe, or have any knowledge, that copies of non-public documents from the White House or the Carter Campaign were physically available to, or in the possession of, the Reagan Campaign? (When I asked you a similar question before, you responded that you knew of no *effort* by the 1980 Reagan Campaign to obtain such materials. That was a non-responsive answer, since I was asking about your knowledge or belief relative to the physical presence of those documents in the Reagan Campaign and not relative to any effort to obtain that physical presence.)

Finally, I would appreciate your written response to the following question: During the 1980 Presidential Campaign were you aware of, or did you believe that, a source (or sources) inside the White House and/or the Carter Campaign was providing non-public information to the Reagan Campaign?

A letter to me responding to these questions by one week before your confirmation hearing would be most appreciated. Thank you.

Sincerely,

CARL LEVIN.

THE WHITE HOUSE,
Washington, January 23, 1985.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: In response to the questions set forth in your 21 December 1984 letter, I do not remember seeing, during the 1980 Presidential campaign, the documents described in your letter.

To the best of my recollection, during the 1980 Presidential campaign I did not believe or have any knowledge that copies of non-public documents that had been improperly obtained from the White House or the Carter campaign were physically available to or in the possession of the Reagan campaign; nor was I aware of nor did I believe that a source (or sources) inside the White House and/or the Carter campaign was improperly providing non-public information to the Reagan campaign.

Sincerely,

EDWIN MEESE III,
Counsellor to the President.

Mr. LEVIN. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection,it is so ordered.

(Mr. SYMMS assumed the chair.)

A NATIONAL TAX AMNESTY PLAN

Mr. DIXON. Mr. President, the Federal budget deficit in fiscal year 1984 was an appalling $175 billion. The latest estimate for the fiscal 1985 deficit prepared by the President's Office of Management and Budget is even worse—$205 billion. This ongoing budget crisis, however, seems to defy the efforts of Congress and the President to end it. Budget deficits are not under control, in spite of the major efforts to cut spending over the past 4 years, and in spite of the passage of two major tax increase bills in the last 3 years.

There are a lot of reasons for our budget crisis. One very important reason that has not received anywhere near the attention it deserves has to do with tax compliance levels.

In 1981, the most recent year for which comprehensive data is available, Federal tax collections were more than $81 billion—yes, I said $81 billion—below what they would have been if every taxpayer had paid his or her legal tax obligations. Individual taxpayers failed to report to the Internal Revenue Service almost $250 billion in income that year.

Unfortunately, 1981 is not an unusual year. The tax gap was more than $28 billion in 1973, or approximately double the Federal budget deficit of $14 billion that year, and it has increased steadily since then. The Treasury Department is estimating a tax gap of between—this is almost unbelievable—$89 and $92 billion for 1985, and believes that level could rise to between $386 and $473 billion by the turn of the century.

These figures indicate that there is something fundamentally wrong with our national tax collection system. The tax gap is growing not just because the economy is growing, but also because taxpayers are increasingly not paying the taxes they owe. A recent story in the Wall Street Journal illustrates the point. It states that, "the IRS says, 19 percent of those surveyed admit to cheating on their taxes, and that probably is an underestimate of the actual number who do."

Our tax collection system in the past was able to rely on voluntary compliance with the tax laws, but that voluntary compliance is breaking down. For example, in 1973, more than 90 percent of all dividends were reported; by 1981, that percentage fell to approximately 83 percent. In 1973, over 75 percent of all capital gains were reported; by 1981, that percentage had fallen below 60 percent. According to the Internal Revenue Service, there is currently about 80 percent compliance overall among individuals and about 90 percent compliance for corporations.

The Service believes that the compliance rate for individuals is falling by about 0.2 percent per year. That may not seem like a large number, but over time, and given the size of the U.S. economy, it represents a real problem.

This tax cheating, Mr. President, has a dramatic impact on our budget crisis. In 1981, for example, the Federal deficit was $57.9 billion. Including off-budget borrowing programs, the total deficit was approximately $78.9 billion, still smaller than the tax gap that year of over $81 billion. What this means is that if everyone had paid the taxes they owed that year—Mr. President, a year when you and I sat in the Senate as new Members, in 1981—if everyone had paid their taxes that year, there would have been no deficit. In 1976, as I stated earlier, the effect was even more dramatic; 100 percent compliance that year would have resulted in a Federal budget surplus, instead of a deficit, and would have permitted an actual reduction in the national debt.

The tax gap raises two kinds of issues. First, there are questions involving improving compliance rates over time. Congress, in the last two tax bills, has taken a number of steps to improve compliance. Tax legislation to be considered this year, I am sure, will take additional steps to improve compliance, and increase the fairness of Federal tax laws.

Second, there are questions involving how to recover some of the missing tax revenues from prior years. The States, which have had compliance problems similar to those experienced at the national level, have undertaken a number of efforts to deal with this matter, and perhaps the most innovative of these is tax amnesty.

Eight States—Illinois, Alabama, Arizona, Idaho, Massachusetts, Missouri, North Dakota, and Texas—have tried tax amnesty periods. Illinois and Massachusetts had legislative amnesty programs; the other State programs were set up by their revenue departments or Governors.

Amnesty is a simple concept. It provides an opportunity for delinquent taxpayers to fully pay their overdue tax liability without being subject to criminal prosecution. Amnesty programs have also involved reductions, or elimination, of civil and interest penalties in order to create an incentive for taxpayers to make use of the amnesty period.

While the State amnesty programs differed in scope, extent, and many other particulars, they did have one thing in common: They were successful. They all resulted in taxpayers coming forward to pay overdue taxes who would probably have not otherwise done so. The State of Massachusetts, for example, collected over $72 million. In my own State of Illinois, collections exceeded $150 million.

Mr. President, let me tell the Senate a bit more about the Illinois experience. The Illinois tax amnesty bill was introduced by my warm personal friend, the president of the Illinois Senate, Phil Rock. At the time it was introduced, the Illinois Department of Revenue opposed it and the Illinois Department of Revenue said it could not bring in any significant amount of revenue. The sponsor himself, in the course of the debate on the subject matter, said he optimistically hoped it might bring in $100 million.

Mr. President, that bill has exceeded all expectations by every person who prognosticated upon its success. As of the latest information, it had brought in over $150 million, and when all negotiations with delinquent taxpayers are completed and all papers have ultimately been completed, the tax amnesty program in Illinois will likely bring in more than $200 million, more than 10 times what the Illinois Department of Revenue, which originally opposed it, said it would.

The State programs were not giveaways, Mr. President. They did not reward tax cheaters. The State programs increased compliance efforts and increased penalties for noncompliance after the amnesty period. The State programs resulted in placing additional taxpayers on the rolls, and in additional tax collections that the States would probably not otherwise have received.

Because I firmly believe a national tax amnesty program could be effective and ought to be tried, I introduced, on January 21 of this year, S. 203, the Federal Tax Delinquency Amnesty Act of 1985.

This bill establishes a 6-month amnesty period, to begin on July 1, or as soon thereafter as practical. The amnesty would cover all tax years through 1983 still eligible for collection efforts by the IRS—which can go back 7 years.

All taxpayers would be eligible for the amnesty, with the following limited exceptions: first, those involved with the IRS in administrative or judicial proceedings—in other words, already under investigation—before the amnesty period begins; second, those under criminal investigation where the IRS has referred the matter to the Justice Department before the amnesty period begins; and third, those who make false or fraudulent representations in attempting to take advantage of the amnesty.

The amnesty itself would be simple and straightforward. It would include amnesty from criminal and civil penalties and from 50 percent of any interest penalty owed. However, the amnesty would apply only to legal-source income. Taxes due on income resulting from criminal activity would not be covered by the amnesty.

All Federal taxes would be covered by the amnesty, not just the Federal income tax—also Social Security taxes and all of the excise taxes that are part of the great fabric of our Federal tax system.

The amnesty provisions are generous and provide a substantial incentive for taxpayers to take advantage of the amnesty period. However, the bill does not rely just on carrots, it also contains a couple of substantial sticks.

First, it increases all tax-related civil and criminal penalties, including money fines and jail terms, by 50 percent. The tougher penalties will apply to any tax year after 1984, and, after the amnesty period, to any open tax year. Of course, the increased penalties will not apply to cases pending on the date of enactment where a judgment was entered before that date.

Second, the bill authorizes such funds as are necessary to add 3,000 additional revenue agents to the IRS, an increase of about 20 percent in the agent force. This is an extremely cost-effective provision, because each additional agent brings in approximately 12½ times his salary in additional tax revenue, depending on where enforcement efforts are concentrated.

The bill also authorizes the funds the Treasury will need to administer and publicize the amnesty program. The State experience demonstrates that wide publicity can significantly enhance the effectiveness of an amnesty program.

I recognize, Mr. President, that amnesty, by itself, will not solve the fundamental problems that have led to decreasing levels of voluntary compliance with the tax laws. I know that it is equally true that tougher penalties and additional IRS agents are not enough to totally arrest the growth of the tax gap.

A comprehensive reexamination of our tax law, designed to restore the fairness that many taxpayers believe has been lost, is necessary to restore the kind of voluntary compliance that the United States has been used to and to which our country is entitled.

What amnesty will do is collect substantial tax revenues from past years that would not be otherwise collected. Increasingly, the public is convinced that the Tax Code is unfair and that many taxpayers get away with cheating. Amnesty can help reverse that perception by collecting at least part of those tax obligations. It will demonstrate that the Federal Government is a good manager, and willing to take substantial steps to obtain the taxes that are legally required to be paid.

Amnesty will benefit the honest taxpayer, because it will bring in additional revenue that could help lessen the need for further tax increases.

Efforts to restore fairness, simplicity, and equity to our tax laws are nec-

essarily future oriented. Amnesty, on the other hand, is oriented toward past actions, or in this case, past tax delinquencies.

By bringing forward new taxpayers and those who did not fully pay their past taxes, however, the amnesty will have much more than a one-time impact. Having additional taxpayers on the rolls is a permanent benefit, and the amnesty will also help the IRS to focus its future enforcement efforts on the areas that are the most promising.

Now some may say that amnesty is unfair, and that it rewards tax delinquents. While I understand that argument, I do not find it persuasive. Amnesty is clearly more fair than not collecting the unpaid taxes at all, which is otherwise what would, in all likelihood, be the result. Amnesty, far from rewarding tax delinquents, actually collects the taxes due, together with at least some interest. Again, given the alternatives, it is hard to conceive of that as a reward.

I know, Mr. President, that this Congress will be spending a lot of time considering tax issues. I urge my colleagues to consider the role that tax amnesty legislation can play in any comprehensive tax bill. Tax amnesty has demonstrated that it can work in the States. There is no reason to believe that it will not be even more successful at the national level. I am pleased to be able to report that I have discussed this bill with my distinguished colleague from Oregon, Senator PACKWOOD, the chairman of the Senate Finance Committee, and he has given me his assurance that the bill will be the subject of early hearings in his committee.

I have requested a meeting with President Reagan to discuss my amnesty proposal. I urge my colleagues to consider it carefully, and to join with me in an effort to see that it is quickly enacted into law. I ask unanimous consent that a copy of S. 203 and a summary of its provisions be printed in the RECORD at this point.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Tax Delinquency Amnesty Act of 1985".

SEC. 2. WAIVER OF CRIMINAL AND CIVIL PENALTIES AND 50 PERCENT OF INTEREST PENALTY.

(a) GENERAL RULE.—In the case of any underpayment of Federal tax for any taxable period, the taxpayer shall not be liable for any criminal or civil penalty (or addition to tax) or 50 percent of any interest penalty provided by the Internal Revenue Code of 1954 with respect to such underpayment if—

(1) during the amnesty period—

(A) the taxpayer files a written statement with the Secretary which sets forth—

(i) the name, address, and taxpayer identification number of the taxpayer,

(ii) the amount of the underpayment for the taxable period, and

(iii) such information as the Secretary may require for purposes of determining the correct amount of the underpayment for the taxable period, and

(B) the taxpayer agrees to a waiver of any restriction on the assessment or collection of such underpayment,

(2) when filing the statement described in paragraph (1), the taxpayer pays the amount of the underpayment shown on such statement, and

(3) not later than 30 days after the date on which the taxpayer is notified by the Secretary of the amount which equals 50 percent of the interest payable with respect to the underpayment (and the amount of any tax delinquent amount with respect to the taxpayer), the taxpayer pays the full amount of such interest (and such tax delinquent amount).

(b) INSTALLMENT PAYMENT OF TAX PERMITTED IN CERTAIN CASES.—The requirements of paragraphs (2) and (3) of subsection (a) shall be treated as met if—

(1) the taxpayer in the statement filed under subsection (a)(1) requests the privilege of making installment payments under this subsection, and

(2) the taxpayer enters into an agreement with the Secretary for the payment (in installments) of the amounts required to be paid under paragraphs (2) and (3) of subsection (a) within 30 days after contacted by the Secretary for purposes of entering into such an agreement (or in any case where the Secretary determines that permitting the payment in installments of such amounts is not appropriate, the taxpayer pays the entire amount of such amounts within 30 days after notified by the Secretary of such determination).

(c) AMOUNT OF UNDERPAYMENT DISPUTED.—If the amount under paragraph (3) of subsection (a) is disputed by the taxpayer, such amount must be paid within the period described in subsection (a). If the taxpayer is entitled to a refund as a result of the resolution of the dispute through normal administrative and judicial procedures, the Secretary shall refund the amount plus interest at the 6-month Treasury bill rate in effect as of the date the dispute is resolved.

(d) AMNESTY NOT TO APPLY IN CERTAIN CASES.—

(1) WHERE TAXPAYER CONTACTED BEFORE STATEMENT FILED.—Subsection (a) shall not apply to any underpayment of Federal tax for any taxable period to the extent that before the statement is filed under subsection (a)(1)—

(A) such underpayment was assessed,

(B) a notice of deficiency with respect to such underpayment was mailed under section 6212 of the Internal Revenue Code of 1954, or

(C) the taxpayer was informed by the Secretary that the Secretary has questions about the taxpayer's tax liability for the taxable period.

(2) WHERE FRAUD IN SEEKING AMNESTY OR WHERE CRIMINAL INVESTIGATION PENDING.—Subsection (a) shall not apply to any taxpayer if—

(A) any representation made by such taxpayer under this section is false or fraudulent in any material respect, or

(B) a Justice Department referral (within the meaning of section 7602(c)(2) of the Internal Revenue Code of 1954) is in effect with respect to such taxpayer as of the time the statement is filed under subsection (a)(1).

(3) ILLEGAL SOURCE INCOME.—Subsection (a) shall not apply to any underpayment of Federal tax with respect to income resulting from a criminal offense under Federal, State, or local law.

(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) AMNESTY PERIOD.—The term "amnesty period" means the 6-month period which begins on July 1, 1985, or on the first July 1 after the date of the enactment of this Act.

(2) FEDERAL TAX.—The term "Federal tax" means any tax imposed by the Internal Revenue Code of 1954.

(3) TAXABLE PERIOD.—

(A) IN GENERAL.—The term "taxable period" means—

(i) in the case of a tax imposed by subtitle A of the Internal Revenue Code of 1954, the taxable year, or

(ii) in the case of any other tax, the period in respect of which such tax is imposed.

(B) SPECIAL RULE FOR TAXES WITH NO TAXABLE PERIOD.—In the case of any tax in respect of which there is no taxable period, any reference in this section to a taxable period shall be treated as a reference to the taxable event.

(4) ADDITION TO TAX INCLUDES ADDITIONAL AMOUNT.—The term "addition to tax" includes any additional amount.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or his delegate.

(6) FORM OF STATEMENT.—Any statement under subsection (a)(1) shall be filed in such manner and form as the Secretary shall prescribe.

(7) NOTICE TO RELATED PERSONS TREATED AS NOTICE TO THE TAXPAYER.—

(A) IN GENERAL.—For purposes of subsection (d)(1)(C), any notice to a related person with respect to a matter which may materially affect the tax liability of the taxpayer for any taxable period shall be treated as notice to the taxpayer with respect to such taxable period.

(B) RELATED PERSON.—For purposes of subparagraph (A), the term "related person" means—

(i) any person who during the taxable period bore a relationship to the taxpayer described in section 267(b) of the Internal Revenue Code of 1954,

(ii) any partnership in which the taxpayer was a partner during the taxable period, or

(iii) any S corporation (as defined in section 1361 of such Code) in which the taxpayer was a shareholder during the taxable period.

(f) PERIODS FOR WHICH AMNESTY AVAILABLE.—The provisions of this section shall apply only to underpayments of Federal tax for taxable periods ending before January 1, 1984 (or, in the case of a tax for which there is no taxable period, taxable events before January 1, 1984).

(g) ADDITIONAL AUTHORIZATIONS.—

(1) AMNESTY PROGRAM.—There are authorized to be appropriated such sums as are necessary to administer the amnesty program, using special efforts to publicize such program including direct-mail contacts and radio, television, and print-media advertising.

(2) ADDITIONAL IRS AGENTS.—There are authorized to be appropriated such sums as are necessary to employ 3,000 additional Internal Revenue Service agents.

SEC. 3. CRIMINAL AND CIVIL TAX PENALTIES INCREASED BY 50 PERCENT.

(a) CIVIL PENALTIES.—

(1) Paragraphs (2) and (3) of section 6651(a) of the Internal Revenue Code of 1954 (relating to failure to file tax return or to pay tax) are each amended by striking out "0.5 percent" each place it appears and inserting in lieu thereof "0.75 percent".

(2) The following provisions of such Code are each amended by striking out "1 percent" each place it appears and inserting in lieu thereof "1.5 percent".

(A) Section 6657 (relating to bad checks).

(B) Subsection (b) of section 6706 (relating to original issue discount information requirements).

(C) Paragraph (2)(B)(i) of section 6707(a) (relating to failure to register tax shelter).

(3) The following provisions of such Code are each amended by striking out "5 percent" each place it appears and inserting in lieu thereof "7.5 percent".

(A) The heading and paragraph (1) of section 72(q) (relating to 5-percent penalty for premature distributions from annuity contracts).

(B) Paragraph (5)(A)(i) of section 6013(b) (relating to joint return after filing separate return).

(C) Paragraph (1) of section 6038(c) (relating to penalty of reducing foreign tax credit).

(D) Subsection (a)(1) of section 6651 (relating to file tax return or to pay tax).

(E) Subsection (a)(3)(A)(ii) and (g)(3)(B) of section 6652 (relating to failure to file certain information returns, registration statements, etc.).

(F) Paragraph (1) of section 6653(a) (relating to failure to pay tax).

(G) Subsection (a) of section 6656 (relating to failure to make deposit of taxes or overstatement of deposits).

(H) Subsection (a) of section 6677 (relating to failure to file information returns with respect to certain foreign trusts).

(I) Subsection (a) of section 6689 (relating to failure to file notice of redetermination of foreign tax).

(4) The following provisions of such Code are each amended by striking out "10 percent" each place it appears and inserting in lieu thereof "15 percent".

(A) Subsection (m)(5)(B) and (o)(2) of section 72 (relating to annuities; certain proceeds of endowment and life insurance contracts).

(B) Paragraph (1) of section 408(f) (relating to additional tax on certain amounts included in gross income before age 59½).

(C) Paragraph (1) of section 6038(c) (relating to penalty of reducing foreign tax credit).

(D) Paragraph (3)(A)(i) of section 6652(a) (relating to returns relating to information at source, payments of dividends, etc., and certain transfers of stock).

(E) Subsection (a) of section 6661 (relating to substantial understatement of liability).

(F) Section 6683 (relating to failure of foreign corporation to file return of personal holding company tax).

(5) The following provisions of such Code are each amended by striking out "10 percent" each place it appears and inserting in lieu thereof "15 percent".

(A) Subsection (b) of section 6659 (relating to addition to tax in the case of valuation overstatements for purposes of the income tax).

(B) Subsection (b) of section 6660 (relating to addition to tax in the case of valuation understatement for purposes of the estate or gift taxes).

(6) Subsection (a) of section 6700 of such Code (relating to promoting abusive tax shelters, etc.) is amended by striking out "20 percent" and inserting in lieu thereof "30 percent".

(7) The following provisions of such Code are each amended by striking out "20 percent" each place it appears and inserting in lieu thereof "30 percent".

(A) Subsection (b) of section 6659 (relating to addition to tax in the case of valuation overstatements for purposes of the income tax).

(B) Subsection (b) of section 6660 (relating to addition to tax in the case of valuation understatement for purposes of the estate or gift taxes).

(8) The following provisions of such Code are each amended by striking out "25 percent" each place it appears and inserting in lieu thereof "37.5 percent".

(A) Subsection (b) of section 6038B (relating to notice of certain transfers to foreign persons).

(B) Paragraphs (1), (2), and (3) of section 6651(a) (relating to failure to file tax return or to pay tax).

(C) Paragraph (1) of section 6656(b) (relating to overstated deposit claims).

(9) Subsection (f) of section 6659 of such Code (relating to addition to tax in the case of valuation overstatements for purposes of the income tax) is amended by striking out "30 percent" and inserting in lieu thereof "45 percent".

(10) The following provisions of such Code are each amended by striking out "30 percent" each place it appears and inserting in lieu thereof "45 percent".

(A) Subsection (b) of section 6659 (relating to addition to tax in the case of valuation overstatements for purpose of the income tax).

(B) Subsection (b) of section 6660 (relating to addition to tax in the case of valuation understatement for purposes of the estate or gift taxes).

(11) The following provisions of such Code are each amended by striking out "50 percent" each place it appears and inserting in lieu thereof "75 percent".

(A) Paragraph (5)(A)(ii) of section 6013(b) (relating to joint return after filing separate return).

(B) Paragraph (2) of section 6332(c) (relating to enforcement of levy).

(C) Subsection (c) of section 6652 (relating to failure to report tips).

(D) Subsection (a)(2), (b)(1), (b)(2), and (e) of section 6653 (relating to failure to pay tax).

(12) Subsection (b) of section 6697 of such Code (relating to assessable penalties with respect to liability for tax of qualified investment entities) is amended to read as follows:

"(b) 75-PERCENT LIMITATION.—The penalty payable under this section with respect to any determination shall not exceed 75 percent of the amount of the deduction allowed by section 860(a) for such taxable year.".

(13) Subsection (a) of section 6651 of such Code (relating to failure to file tax return or to pay tax) is amended by striking out "100 percent" and inserting in lieu thereof "150 percent".

(14) The following provisions of such Code are each amended by inserting "150 percent of" after "equal to" each place it appears.

(A) Subsection (a) of section 6672 (relating to failure to collect and pay over tax, or attempt to evade or defeat tax).

(B) Section 6684 (relating to assessable penalties with respect to liability for tax under chapter 42).

(C) Subsection (a) of section 6697 (relating to assessable penalties with respect to liability for tax of qualified investment entities).

(D) Subsection (a) of 6699 (relating to assessable penalties relating to tax credit employee stock ownership plans).

(15) Paragraph (1) of section 6621(d) of such Code (relating to interest on substantial underpayments attributable to tax motivated transactions) is amended by striking out "120 percent" and inserting in lieu thereof "180 percent".

(16) Subsection (a) of section 6675 of such Code (relating to excessive claims with respect to the use of certian fuels) is amended by striking out "Two times" and inserting in lieu thereof "Three times".

(17) Subsections (b) and (e) of section 6652 of such Code (relating to failure to file certain information returns, registration statements, etc.) is amended by striking out "$1" and inserting in lieu thereof "$1.50".

(18) The following provisions of such Code are each amended by striking out "$5" each place it appears and inserting in lieu thereof "$7.50".

(A) Section 6657 (relating to bad checks).

(B) Subsection (a) of section 6687 (relating to failure to supply identifying numbers).

(C) Subsection (a) of section 6687 (relating to failure to supply information with respect to place of residence).

(D) Paragraph (2) of section 6695(e) (relating to failure to file correct information return).

(19) The following provisions of such Code are each amended by striking out "$10" each place it appears and inserting in lieu thereof "$15".

(A) Subsections (d), (i), and (j) of section 6652 (relating to failure to file certain information returns, registration statements, etc.).

(B) Subsection (a) of section 6675 (relating to excessive claims with respect to the use of certain fuels).

(20) The following provisions of such Code are each amended by striking out "$25" each place it appears and inserting in lieu thereof "$37.50".

(A) Subsections (f), (g)(2), and (h) of section 6652 (relating to failure to file certain information returns, registration statements, etc.).

(B) Subsection (a), (b), and (c) of section 6695 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons).

(21) The following provisions of such Code are each amended by striking out "$50" each place it appears and inserting in lieu thereof "$75".

(A) Paragraphs (1) and (2) of section 6652(a) (relating to returns relating to information at source, payments of dividends, etc., and certain transfers of stock).

(B) Section 6674 (relating to fraudulent statement or failure to furnish statement to employee).

(C) Subsection (a), (b), and (c) of section 6676 (relating to failure to supply identifying numbers).

(D) Subsection (a), (b), and (c) of section 6678 (relating to failure to furnish certain statements).

(E) Section 6690 (relating to fraudulent statement or failure to furnish statement to plan participant).

(F) Subsection (a) of section 6693 (relating to failure to provide reports on individual retirement accounts or annuities).

(G) Subsection (d) of section 6695 (relating to other assessable penalties with re-

spect to the preparation of income tax returns for other persons).

(H) Subsection (b)(1) of section 6698 (relating to failure to file partnership return).

(I) Subsection (b)(1) of section 6704 (relating to failure to keep records necessary to meet reporting requirements under section 6047(e)).

(J) Subsection (a) of section 6706 (relating to original issue discount information requirements).

(K) Paragraph (2) of section 6707(b) (relating to failure to furnish tax shelter identification number).

(L) Subsection (a) of section 6708 (relating to failure to maintain lists of investors in potentially abusive tax shelters).

(22) The following provisions of such Code are each amended by striking out "$100" each place it appears and inserting in lieu thereof "$150".

(A) Subsection (as) of section 6651 (relating to failure to file tax return or to pay tax.

(B) Paragraph (3)(A)(iii) of section 6652(a) (relating to returns relating to information at source, payments of dividends, etc., and certain transfers of stock).

(C) Section 6686 (relating to failure to file returns or supply information by DISC or FSC).

(D) Section 6688 (relating to assessable penalties with respect to information required to be furnished under section 7654).

(E) Subsection (a) of section 6694 (relating to understatement of taxpayer's liability by income tax return preparer).

(F) Paragraph (1) of section 6695(e) (relating to failure to file correct information return).

(G) Paragraph (1) of section 6707(b) (relating to failure to furnish tax shelter identification number).

(23) Subsection (c) of section 6708 of such Code, as added by section 612(d)(1) of Deficit Reduction Act of 1984 (relating to penalties with respect to mortgage credit certificates) is amended by striking out "$200" and inserting in lieu thereof "$300".

(24) The following provisions of such Code are each amended by striking out "$500" each place it appears and inserting in lieu thereof "$750".

(A) Subsection (a) of section 6602 (relating to false information with respect to withholding).

(B) Subsection (b) of section 6694 (relating to understatement of taxpayer's liability by income tax return preparer).

(C) Subsection (f) of section 6695 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons).

(D) Subsection (a) of section 6702 (relating to frivolous income tax return).

(E) Subsection (a) of section 6705 (relating to failure by broker to provide notice to payors).

(F) Paragraph (2)(A) of section 6707(a) (relating to failure to register tax shelter).

(25) The following provisions of such Code are each amended by striking out "$1,000" each place it appears and inserting in lieu thereof "$1,500".

(A) Paragraphs (1) and (2) of section 6038(b) (relating to dollar penalty for failure to furnish information).

(B) Paragraphs (1) and (2) of section 6038A(d) (relating to penalty for failure to furnish information).

(C) Subsection (b) and (e)(2) of section 6652 (relating to failure to file certain information returns, registration statements, etc.).

(D) Subsection (a) of section 6679 (relating to failure to file information returns with respect to certain foreign trusts).

(E) Subsection (a) of section 6679 (relating to failure to file returns, etc. with respect to foreign corporations or foreign partnerships).

(F) Section 6685 (relating to assessable penalties with respect to private foundation annual returns).

(G) Section 6686 (relating to failure to file returns or supply information by DISC or FSC).

(H) Section 6692 (relating to failure to file actuarial report).

(I) Subsection (a) of section 6700 (relating to promoting abusive tax shelters, etc.).

(J) Subsection (b)(1) of section 6701 (relating to penalties for aiding and abetting understatement of tax liability).

(K) Subsection (a) of section 6708, as added by section 612(d)(1) of Deficit Reduction Act of 1984, (relating to penalties with respect to mortgage credit certificates).

(26) Subsection (c) of section 6708 of such Code, as added by section 612(d)(1) of Deficit Reduction Act of 1984 (relating to penalties with respect to mortgage credit certificates) is amended by striking out "$2,000" and inserting in lieu thereof "$3,000".

(27) The following provisions of such Code are each amended by striking out "$5,000" each place it appears and inserting in lieu thereof "$7,500".

(A) Subsections (d), (e)(1), and (i) of section 6652 (relating to failure to file certain information returns, registration statements, etc.).

(B) Section 6673 (relating to damages assessable for instituting proceedings before the tax court primarily for delay, etc.).

(28) The following provisions of such Code are each amended by striking out "$10,000" each place it appears and inserting in lieu thereof "$15,000".

(A) Paragraph (2)(A) of section 6038(c) (relating to penalty of reducing foreign tax credit).

(B) Subsection (h) of section 6652 (relating to failure to file certain information returns, registration statements, etc.).

(C) Subsection (b)(2) of section 6701 (relating to penalties for aiding and abetting understatement of tax liability).

(D) Paragraph (2) of section 6707 (relating to failure to register tax shelter).

(E) Subsection (b) of section 6708, as added by section 612(d)(1) of Deficit Reduction Act of 1984, (relating to penalties with respect to mortgage credit certificates).

(29) Subsection (f) of section 6652 of such Code (relating to failure to file certain information returns, registration statements, etc.) is amended by striking out "$15,000" and inserting in lieu thereof "$22,500".

(30) Subsection (e) of section 6695 of such Code (relating to other assessable penalties with respect to the preparation of income tax returns for other persons) is amended by striking out "$20,000" and inserting in lieu thereof "$30,000".

(31) Paragraph (2) of section 6038A(d) of such Code (relating to penalty for failure to furnish information) is amended by striking out "$24,000" and inserting in lieu thereof "$36,000".

(32) The following provisions of such Code are each amended by striking out "$25,000" each place it appears and inserting in lieu thereof "$37,500".

(A) Paragraph (3) of section 6652(g) (relating to returns, etc., required under section 6039C).

(B) Section 6686 (relating to failure to file returns or supply information by DISC or FSC).

(C) Subsection (d) of section 6695 (relating to other assessable penalties with respect to the preparation of income tax returns for other persons).

(33) The following provisions of such Code are each amended by striking out "$50,000" each place it appears and inserting in lieu thereof "$75,000".

(A) Paragraphs (1) and (3)(B) of section 6652(a) (relating to returns relating to information at source, payments of dividends, etc., and certain transfers of stock).

(B) Subsection (a) of section 6676 (relating to failure to supply identifying numbers).

(C) Subsection (a) of section 6678 (relating to failure to furnish certain statements).

(D) Subsection (b)(2) of section 6704 (relating to failure to keep records necessary to meet reporting requirements under section 6047(e)).

(E) Subsection (a) of section 6708 (relating to failure to maintain lists of investors in potentially abusive tax shelters).

(b) CRIMINAL PENALTIES.—

(1) Paragraph (3) of section 9012(e) of such Code (relating to kickbacks and illegal payments) is amended by striking out "125 percent" and inserting in lieu thereof "187.5 percent".

(2) Subsection (b) of section 7212 of such Code (relating to attempts to interfere with administration of internal revenue laws) is amended by striking out "$500" and inserting in lieu thereof "$750", and by striking out "double" and inserting in lieu thereof "triple".

(3) The following provisions of such Code are each amended by striking out "$1,000" each place it appears and inserting in lieu thereof "$1,500".

(A) Section 7204 (relating to fraudulent statement or failure to make statement to employees).

(B) Subsections (a) and (b) of section 7205 (relating to fraudulent withholding exemption certificate or failure to supply information).

(C) Section 7209 (relating to unauthorized use or sale of stamps).

(D) Section 7210 (relating to failure to obey summons).

(E) Section 7211 (relating to false statements to purchasers or lessees relating to tax).

(F) Subsection (b) of section 7213 (relating to unauthorized disclosure of information).

(G) Subsection (a) of section 7216 (relating to disclosure or use of information by preparers of returns).

(4) Subsection (a) of section 7212 of such Code (relating to attempts to interfere with administration of internal revenue laws) is amended by striking out "$3,000" and inserting in lieu thereof "$4,500".

(5) The following provisions of such Code are each amended by striking out "$5,000" each place it appears and inserting in lieu thereof "$7,500".

(A) Subsection (a) of section 7212 (relating to attempts to interfere with administration of internal revenue laws).

(B) Subsection (a) of section 7213 (relating to unauthorized disclosure of information).

(C) Subsection (b) of section 7214 (relating to offenses by officers and employees of the United States).

(D) Subsection (a) of section 7215 (relating to offenses with respect to collected taxes).

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(E) Section 7231 (relating to failure to obtain license for collection of foreign items).

(F) Section 7232 (relating to failure to register or false statement by manufacturer or producer of gasoline or lubricating oil).

(G) Subsections (a)(2), (b)(3), (f)(3), and (g)(2) of section 9012 (relating to criminal penalties).

(6) The following provisions of such Code are each amended by striking out "$10,000" each place it appears and inserting in lieu thereof "$15,000".

(A) Section 7202 (relating to willful failure to collect or pay over tax).

(B) Section 7207 (relating to fraudulent returns, statements, or other documents).

(C) Section 7208 (relating to offenses relating to stamps).

(D) Subsection (a) of section 7214 (relating to offenses by officers and employees of the United States).

(E) Section 7240 (relating to officials investing or speculating in sugar).

(F) Section 7241 (relating to willful failure to furnish certain information regarding windfall profit tax on domestic crude oil).

(G) Subsection (c)(3), (d)(2), and (e)(2) of section 9012 (relating to criminal penalties).

(H) Subsections (b)(2), (c)(2), and (d)(2) of section 9042 (relating to criminal penalties).

(7) The following provisions of such Code are each amended by striking out "$25,000" each place it appears and inserting in lieu thereof "$37,500".

(A) Section 7203 (relating to willful failure to file return, supply information, or pay tax).

(B) Subsection (a) of section 9042 (relating to criminal penalties).

(8) Section 7207 of such Code (relating to fraudulent returns, statements, or other documents) is amended by striking out "$50,000" and inserting in lieu thereof "$75,000".

(9) The following provisions of such Code are each amended by striking out "$100,000" each place it appears and inserting in lieu thereof "$150,000".

(A) Section 7201 (relating to attempt to evade or defeat tax).

(B) Section 7203 (relating to willful failure to file return, supply information, or pay tax).

(C) Section 7206 (relating to fraud and false statements).

(10) The following provisions of such Code are each amended by striking out "$500,000" each place it appears and inserting in lieu thereof "$750,000".

(A) Section 7201 (relating to attempt to evade or defeat tax).

(B) Section 7206 (relating to fraud and false statements).

(11) Section 7209 of such Code (relating to unauthorized use or sale of stamps) is amended by striking out "6 months" and inserting in lieu thereof "9 months".

(12) The following provisions of such Code are each amended by striking out "$1 year" each place it appears and inserting in lieu thereof "1.5 years".

(A) Section 7203 (relating to willful failure to file return, supply information, or pay tax).

(B) Section 7204 (relating to fraudulent statement or failure to make statement to employees).

(C) Section 7205 (relating to fraudulent withholding exemption certificate or failure to supply information).

(D) Section 7207 (relating to fraudulent returns, statements, or other documents).

(E) Section 7210 (relating to failure to obey summons).

(F) Section 7211 (relating to false statements to purchasers or lessees relating to tax).

(G) Subsection (a) of section 7212 (relating to attempts to interfere with administration of internal revenue laws).

(H) Subsection (b) of section 7213 (relating to unauthorized disclosure of information).

(I) Subsection (a) of section 7215 (relating to offenses with respect to collected taxes).

(J) Subsection (a) of section 7216 (relating to disclosure or use of information by preparers of returns).

(K) Section 7231 (relating to failure to obtain license for collection of foreign items).

(L) Section 7241 (relating to willful failure to furnish certain information regarding windfall profit tax on domestic crude oil).

(M) Subsections (a)(2), (b)(3), (f)(3), and (g)(2) of section 9012 (relating to criminal penalties).

(13) The following provisions of such Code are each amended by striking out "2 years" each place it appears and inserting in lieu thereof "3 years".

(A) Subsection (b) of section 7212 (relating to attempts to interfere with administration of internal revenue laws).

(B) Section 7240 (relating to officials investing or speculating in sugar).

(14) The following provisions of such Code are each amended by striking out "3 years" each place it appears and inserting in lieu thereof "4.5 years".

(A) Section 7206 (relating to fraud and false statements).

(B) Subsection (a) of section 7212 (relating to attempts to interfere with administration of internal revenue laws).

(15) The following provisions of such Code are each amended by striking out "5 years" each place it appears and inserting in lieu thereof "7.5 years".

(A) Section 7201 (relating to attempt to evade or defeat tax).

(B) Section 7202 (relating to willful failure to collect or pay over tax).

(C) Section 7208 (relating to offenses relating to stamps).

(D) Section 7213 (relating to unauthorized disclosure of information).

(E) Subsection (a) of section 7214 (relating to offenses by officers and employees of the United States).

(F) Section 7232 (relating to failure to register, or false statement by manufacturer or producer of gasoline or lubricating oil).

(G) Subsections (c)(3), (d)(2), and (e)(2) of section 9012 (relating to criminal penalties).

(H) Section 9042 (relating to criminal penalties).

(c) OTHER PENALTIES.—

(1) Section 7273 of such Code (relating to penalties for offenses relating to special taxes) is amended by inserting "double the amount of" after "equal to".

(2) The following provisions of such Code are each amended by striking out "double" each place it appears and inserting in lieu thereof "triple".

(A) Section 7268 (relating to possession with intent to sell in fraud of law or to evade tax).

(B) Section 7270 (relating to insurance policies).

(C) Section 7273 (relating to penalties for offenses relating to special taxes).

(3) Section 7273 of such Code (relating to penalties for offenses relating to special taxes) is amended by striking out "$10" and inserting in lieu thereof "$15".

(4) The following provisions of such Code are each amended by striking out "$50" each place it appears and inserting in lieu thereof "$75".

(A) Section 7271 (relating to penalties for offenses relating to stamps).

(B) Section 7272 (relating to penalty for failure to register).

(5) Subsection (c) of section 7275 of such Code (relating to penalty for offenses relating to certain airline tickets and advertising) is amended by striking out "$100" and inserting in lieu thereof "$150".

(6) The following provisions of such Code are each amended by striking out "$500" each place it appears and inserting in lieu thereof "$750".

(A) Section 7268 (relating to possession with intent to sell in fraud of law or to evade tax).

(B) Section 7269 (relating to failure to produce records).

(7) The following provisions of such Code are each amended by striking out "$1,000" each place it appears and inserting in lieu thereof "$1,500".

(A) Section 7261 (relating to representation that retailers' excise tax is excluded from price of article).

(B) Section 7262 (relating to violation of occupational tax laws relating to wagering—failure to pay special tax).

(8) Section 7262 of such Code (relating to violation of occupational tax laws relating to wagering—failure to pay special tax) is amended by striking out "$15,000" and inserting in lieu thereof "$7,500".

(d) EXCISE TAX PENALTIES.—

(1) Subsection (a)(1) of section 4701 of such Code (relating to tax on issuer of registration—required obligation not in registered form) is amended by striking out "1 percent" and inserting in lieu thereof "1.5 percent".

(2) The following provisions of such Code are each amended by striking out "2½ percent" each place it appears and inserting in lieu thereof "3.75 percent".

(A) Subsection (a)(2) of section 4941 (relating to taxes on self-dealing).

(B) Subsection (a)(2) of section 4945 (relating to taxes on taxable expenditures).

(C) Subsection (a)(2) of section 4951 (relating to taxes on self-dealing).

(D) Subsection (a)(2) of section 4952 (relating to taxes on taxable expenditures).

(3) Section 4981 of such Code (relating to excise tax based on certain real estate investment trust taxable income not distributed during the taxable year) is amended by striking out "3 percent" and inserting in lieu thereof "4.5 percent".

(4) The following provisions of such Code are each amended by striking out "5 percent" each place it appears and inserting in lieu thereof "7.5 percent".

(A) Subsection (a)(1) of section 4941 (relating to taxes on self-dealing).

(B) Subsection (a)(1) of section 4943 (relating to taxes on excess business holdings).

(C) Subsections (a) and (b)(2) of section 4944 (relating to taxes on investments which jeopardize charitable purpose).

(D) Subsection (a) of section 4953 (relating to tax on excess contributions to black lung benefit trusts).

(E) Subsection (a) of section 4971 (relating to tax on prohibited transactions).

(F) Subsection (a) of section 4975 (relating to tax on prohibited transactions).

(5) Subsection (a) of section 4973 of such Code (relating to tax on excess contributions to individual retirement accounts, certain section 403(b) contracts, and certain individual retirement annuities) is amended by striking out "6 percent" each place it ap-

pears and inserting in lieu thereof "9 percent".

(6) The following provisions of such Code are each amended by striking out "10 percent" each place it appears and inserting in lieu thereof "15 percent".

(A) Subsection (a)(1) of section 4945 (relating to taxes on taxable expenditures).

(B) Subsection (a)(1) of section 4951 (relating to taxes on self-dealing).

(C) Subsection (a)(1) of section 4952 (relating to taxes on taxable expenditures).

(D) Subsection (b)(1) of section 4978 (relating to tax on certain dispositions by employee stock ownership plans and certain cooperatives).

(7) Subsection (a) of section 4942 of such Code (relating to taxes on failure to distribute income) is amended by striking out "15 percent" and inserting in lieu thereof "22.5 percent".

(8) The following provisions of such Code are each amended by striking out "25 percent" each place it appears and inserting in lieu thereof "37.5 percent".

(A) Subsection (a)(1) of section 4911 (relating to tax on excess expenditures to influence legislation).

(B) Subsection (b)(1) of section 4944 (relating to taxes on investments which jeopardize charitable purpose).

(9) Subsection (a) of section 4977 of such Code (relating to tax on certain fringe benefits provided by an employer) is amended by striking out "30 percent" and inserting in lieu thereof "45 percent".

(10) The following provisions of such Code are each amended by striking out "50 percent" each place it appears and inserting in lieu thereof "75 percent".

(A) Subsection (b)(2) of section 4941 (relating to taxes on self-dealing).

(B) Subsection (b)(2) of section 4945 (relating to taxes on taxable expenditures).

(C) Subsection (b)(2) of section 4951 (relating to taxes on self-dealing).

(D) Subsection (b)(2) of section 4952 (relating to taxes on taxable expenditures).

(E) Subsection (a) of section 4974 (relating to excise tax on certain accumulations in individual retirement accounts or annuities).

(11) The following provisions of such Code are each amended by striking out "100 percent" each place it appears and inserting in lieu thereof "200 percent".

(A) Paragraph (6)(A) of section 857(b) (relating to method of taxation of real estate investment trusts and holders of shares or certificates of beneficial interest).

(B) Subsection (b) of section 4942 (relating to taxes on failure to distribute income).

(C) Subsection (b)(1) of section 4945 (relating to taxes on taxable expenditures).

(D) Subsection (b)(1) of section 4951 (relating to taxes on self-dealing).

(E) Subsection (b)(1) of section 4952 (relating to taxes on taxable expenditures).

(F) Subsection (b) of section 4971 (relating to taxes on failure to meet minimum funding standards).

(G) Subsection (b) of section 4975 (relating to tax on prohibited transactions).

(H) Subsection (a) of section 4976 (relating to taxes with respect to funded welfare benefit plans).

(12) The following provisions of such Code are each amended by striking out "200 percent" each place it appears and inserting in lieu thereof "300 percent".

(A) Subsection (b)(1) of section 4941 (relating to taxes on self-dealing).

(B) Subsection (b) of section 4943 (relating to taxes on excess business holdings).

(13) Paragraph (5) of section 857(b) of such Code (relating to method of taxation of real estate investment trusts and holders of shares or certificates of beneficial interest) is amended by inserting "2 times" after "equal to".

(14) The following provisions of such Code are each amended by striking out "$5,000" each place it appears and inserting in lieu thereof "$7,500".

(A) Subsection (d)(2) of section 4944 (relating to taxes on investments which jeopardize charitable purpose).

(B) Subsection (c)(2) of section 4945 (relating to taxes on taxable expenditures).

(15) The following provisions of such Code are each amended by striking out "$10,000" each place it appears and inserting in lieu thereof "$15,000".

(A) Subsection (c)(2) of section 4941 (relating to taxes on self-dealing).

(B) Subsection (d)(2) of section 4944 (relating to taxes on investments which jeopardize charitable purpose).

(C) Subsection (c)(2) of section 4945 (relating to taxes on taxable expenditures).

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 1983 (or, in the case of a tax for which there is no taxable period, taxable events occurring after such date).

(2) AMNESTY PERIOD.—At the expiration of the amnesty period described in section 2, in the case of any taxpayer remaining liable for any underpayment of Federal tax, the amendments made by this section shall apply to any taxable year (or any taxable event occurring during such taxable year) for which any period of limitation has not expired.

(3) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any judicial or administrative proceeding with respect to any underpayment of Federal tax pending on the date of enactment of this Act in which a judgment was entered before such date.

SUMMARY OF FEDERAL TAX DELINQUENCY AMNESTY ACT OF 1985

(1) *Amnesty period:* Six-month period—July 1, 1985, through December 31, 1985, or the six-month period beginning the first July 1st after the date of enactment of the bill.

(2) *Tax years covered:* All open tax years ending by December 31, 1983, or taxable events occurring before January 1, 1984.

(3) *The amnesty:* Amnesty from criminal and civil penalties and 50% of the interest penalty owed.

Note: Exception—no amnesty for illegal source income (income resulting from a criminal offense under federal, state, or local law).

(4) *Eligibility:* Every tax delinquent individual or corporation is eligible for the amnesty, with the following exceptions:

(a) Those currently involved in administrative or judicial proceedings with regard to their unpaid tax liability before the date the amnesty period begins;

(b) Those under criminal investigation where the Internal Revenue Service has referred the matter to the Justice Department before the amnesty period begins; and

(c) Those who make false or fraudulent representations in attempting to take advantage of the amnesty.

(5) *Taxes covered:* All federal taxes, including the income tax, social security tax, and excise taxes.

(6) *Increase in Tax Penalties:* All tax-related civil and criminal penalties, including money fines and jail terms, are increased by 50%. The tougher penalties will apply to any tax year beginning after December 31, 1983, and to any taxable event occurring after that date. The tougher penalties are also to apply to open tax years before 1984 after the expiration of the amnesty period. The increased penalties will not apply to cases pending on the date of enactment of this bill where a judgment was entered before that date.

(7) *Authorization of funds for additional IRS agents:* Authorizes such funds as are necessary to add *3,000* additional IRS agents.

(8) *Administration:* Treasury, or its designee, is given the authority to administer the program (design forms, issue regulations, etc. . . .). Payment of taxes owed must be made during the amnesty period (except that installment payments, as in Section 2(b) of H.R. 4885, would be permitted). In cases where there is a dispute between Treasury and the taxpayer as to the amount owed, the total amount, including the disputed amount, must be paid by the end of the amnesty period. If the taxpayer is entitled to a refund as a result of the resolution of the dispute, through the normal administrative and judicial procedures, then the Treasury must refund that amount plus interest at the six-month T-bill rate in effect as of the date the dispute is resolved.

(9) *Authorizations:* Treasury is authorized to request sufficient appropiations to administer and publicize the amnesty program. Treasury is directed to make special efforts to publicize the amnesty program, including, but not limited to, direct-mail contacts, radio, TV, and print-media advertising. Direct-mail contact by the Treasury under this provision will not make a taxpayer ineligible to participate in the amnesty program.

REPEAL OF INCLUSION OF TAX EXEMPT INTEREST IN TAXATION OF SOCIAL SECURITY BENEFITS—S. 210

Mrs. HAWKINS. Mr. President, I join my distinguished colleagues, Senator D'AMATO and Senator LONG, as I did last year, in their efforts to repeal the inclusion of tax exempt interest when calculating gross income for purposes of taxation of Social Security benefits.

I recall that this was a long and heated debate last year on the floor, but we were successful in passing an amendment, identical to the one we are discussing today, to the Deficit Reduction Act. As Senator D'AMATO has already mentioned, that amendment was unfortunately dropped in conference, so once again we are gearing up to correct this unfair requirement.

The current law is in need of repeal for three main reasons. First, it will inequitably affect the middle class elderly only to scrounge a few million dollars in revenues over a 7-year period. I cringe at the thought of the elderly residents in my State of Florida, on fixed incomes and barely able to make ends meet, having to include this longtime tax exempt interest in the calculation of their gross income to deter-

mine if their Social Security benefits will be taxed.

Second, this is clearly taxation on tax-exempt income. I know that during the debate last year several Senators tried to dissuade the Members of this Chamber from recognizing this fact. However, a close examination of a real-life scenario puts the argument into perspective. A Social Security recipient's benefits will be taxed if his or her income, plus half their Social Security benefits and any tax-exempt interest come to more than a given amount. Those limits have been set at $25,000 for singles and $32,000 for a married couple filing jointly.

Senator D'AMATO gave a perfect illustration of an individual earning $25,000 in income with tax-exempt interest income of $500. Obviously, when this interest is added, the individual is pushed over the threshold level. Even if one insists that this cannot be called the taxation of tax-free interest, the result and the effect is the same; the individual is required to pay taxes on Social Security benefits that he or she would not otherwise have to pay.

Finally, Mr. President, I object to this requirement because it infringes on our municipalities' ability to raise adequate capital to meet their needs. I am not talking about money to build extravagant facilities, but essential services—police, fire and school services. Florida is a growth State and the current law, if not repealed, could possibly have a dramatically damaging effect on my State's ability to meet the demands of a growing population.

Essentially, by adopting these provisions in the Deficit Reduction Act last year, Congress created an incentive for Americans to sell their tax exempt bonds, even at a discount, and in the future purchase higher yielding taxable securities. Not only does this raise the question of impairing State and local borrowing power, which is unconstitutional, but forces me to wonder why we are stripping our cities of their ability to pay for existing services during the current movement to transfer more and more responsibilities from the Federal level to the local communities.

I urge my colleagues to consider the ramifications of this legislation, and hope that they will join us in again fighting for the justice of our elderly residents and the cities of our communities.

REVIEWS OF CENTER FOR DISEASE CONTROL'S VIETNAM VETERAN/AGENT ORANGE BIRTH DEFECTS STUDY

Mr. CRANSTON. Mr. President, on August 17, 1984, the Centers for Disease Control [CDC] released the results of their study on Vietnam veterans' risks for fathering babies with birth defects. After reviewing those results, I asked the Office of Technology Assessment, the science panel of the interagency agent orange working group, and the Veterans' Administration's Advisory Committee on Health-Related Effects of Herbicides to review the CDC study, provide their views on it, and make suggestions on what additional birth defects research might be indicated or appropriate.

During Senate debate on S. 1651 on October 4, 1984, I included in the RECORD my letters to those agencies, as well as several responses. Subsequently, I received a December 3, 1984, letter from Dr. John Ditzler, the VA's Chief Medical Director, updating the status of the review of this study by the VA's Advisory Committee on Health-Related Effects of Herbicides.

Mr. President, I ask unanimous consent that Dr. Ditzler's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VETERANS' ADMINISTRATION,
DEPT. OF MEDICINE AND SURGERY,
Washington, DC, Dec. 5, 1984.

Hon. ALAN CRANSTON,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR CRANSTON: This will update you on the Veterans' Administration's Advisory Committee on Health-Related Effects of Herbicides review of the birth defects study published by the Centers for Disease Control.

Let me summarize briefly the chronology of this review. On August 16, 1984, one day prior to publication, we sent all Advisory Committee members an advanced copy of the Journal of the American Medical Association (JAMA) article regarding the study. A second letter was sent to all members on August 29, 1984. This letter referred to the JAMA article previously sent, noted that the agenda for the September 12, 1984, meeting of the Advisory Committee included a presentation on the study by Dr. Joseph Mulinare, and enclosed your letter of August 15, 1984 and a related letter from Congressman Bob Edgar.

Our letter requested review of the JAMA article prior to the upcoming meeting and urged those who would be absent to send in comments. On September 7, 1984, an interim response to your August 15, 1984 letter was signed and dispatched.

On September 12, 1984, the Advisory Committee met. Dr. Mulinare briefed both subcommittees as well as the full committee on the details of the study and the results. Members made some preliminary remarks, but withheld judgment until they had an opportunity to review the full report.

On September 26, 1984, we sent copies of the full report to all members, requesting comments by October 29, 1984. A follow-up interim letter was sent to you on October 1, 1984.

Since that time, we have received several thoughtful reviews from committee members. To encourage further comments, we sent reminders to committee members on November 19, 1984.

During the next two weeks, we hope to develop a consensus statement on the study. We shall then circulate it to Advisory Committee members.

Again we regret the delay in our response to your concerns and assure you that we will provide the requested information as soon as possible.

Sincerely,

JOHN W. DITZLER, M.D.,
Chief Medical Director.

DR. DENNIS JAHNIGEN'S WORK IN GERIATRICS AT THE VETERANS' ADMINISTRATION MEDICAL CENTER IN DENVER, CO

Mr. CRANSTON. Mr. President, the number of elderly persons in our society is growing steadily both in absolute terms and in proportion to the population as a whole. The ramifications of the increasing number of older Americans are just not being analyzed. Some have suggested that if we do not make a more concerted effort to understand and address the impact of the changes in the makeup of our population, we will find ourselves in serious difficulty in a relatively few years.

One institution that is already well embarked on studying and addressing issues relating to aging is the Veterans' Administration. The veteran population, by virtue of the large number of World War II and Korean conflict veterans, is aging more rapidly than the population in general—the veteran population is several decades ahead of the overall population; by 1990, 26.6 percent of all veterans will be age 65 or older, 37.1 percent by 2000. That's 9 million elderly veterans in the year 2000—when veterans will constitute two-thirds of all male senior citizens—as compared to about 4 million now. In view of these demographics, the VA could scarcely afford to be other than at the forefront in this area.

Mr. President, in the December 1984 issue of Esquire magazine, an article was published—"The Caretaker," by David Gelman—which discussed one of the VA's many efforts in the aging area, the geriatric clinic at the Denver Veterans' Administration Medical Center, and the clinic's head, Dr. Dennis Jahnigen. As the article points out, since becoming the Denver VAMC's chief of geriatrics 5 years ago, Dr. Jahnigen has not only built a geriatrics program which is highly regarded nationwide, but he has also become known as a sensitive practitioner—in the words of the author, a caretaker.

Mr. President, included in my bill, S. 6, introduced on January 3, is a new VA pilot program designed to keep out of institutional-care arrangements the type of ill elderly veterans that Dr. Jahnigen treats. This program is described and explained in detail in a floor statement on that bill I am making today as the ranking minority member of the Veterans' Affairs Committee.

So that my colleagues and the public might be made more aware of the ex-

cellent geriatrics services being provided by Dr. Jahnigen at the Denver VA facility—which I believe fairly represents many other programs and professionals within the VA health-care system—I ask unanimous consent that the Esquire article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Esquire Magazine, December 1984]

THE CARETAKER

(By David Gelman)

Reuben James waited about ten minutes before anyone spoke to him. He had somehow become separated from his wife, and I saw him standing there, at the teeming crossroads on the main floor of the Veterans Administration Hospital in Denver, Colorado, a gaunt, intact figure in a sea of crutches and casts and wheelchairs, flashing his dentures in a nervous grin, now and then running a hand through his thin, crew-cut hair.

Finally, perhaps because he was the only stationary object in all that tumultuous human traffic, the receptionist noticed him. "Can I help you?" she asked. James (names of patients have been changed) ignored her and she called out again, louder this time, "Can I help you, sir? Step over here, please." But he simply kept looking around, and that set everyone laughing, not necessarily in a malicious way but because there was something funny about his total self-absorption.

That's the way it looked. Actually, James is quite hard of hearing. He has trouble with his eyes as well, and as he searched the crowd for the face he still recognizes as his wife's he may have been feeling a touch of panic. It took a few minutes more for the receptionist to get things straightened out and lead him to the geriatrics clinic just down the hall, where his wife, a large, exhausted-looking woman with some serious medical problems of her own, soon caught up with him.

It's odd how we would, most of us, like to reach old age and yet we manage to avert our eyes from it. Even in a setting where infirmity should be the great equalizer, the old are somehow less visible, their petitions less commanding than everyone else's. Robert Butler, a former head of the National Institute on Aging, took doctors to task once for referring to older patients as "crocks" and "gomers," and many doctors still see them as a drag on their livelier interests—supernumeraries in the drama of illness and recovery.

Fortunately, the elderly have a clinic of their own at Denver's V.A. Hospital, a place where they can count on being treated as if their lives still mattered enough to be fussed over. That surprisingly rare concern is largely due to Dr. Dennis Jahnigen, the lean, windburned Ohioan who is the hospital's hardworking chief of geriatrics.

At thirty-seven, Jahnigen, who climbs mountains, cross-country skis, and backpacks through national parks on his vacations, looks almost too robustly boyish to be devoting his days to old people. In fact, he is one of the relative handful of medical doctors of any age giving serious attention to the narrow span of years after eighty, a slice of the life cycle often so fraught with ills that most other doctors tend to shun it.

In the five years since he took the assignment, he has built one of the most comprehensive and integrated geriatrics programs in the country. Small though it is, it includes a hospice unit, an evaluation unit, a patient-family advocate, and a geriatric researcher. It has a home-care team: a visiting nurse, a dietitian, and a social worker who go out a couple of times a month to monitor a patient's functioning, change dressings, put each day's medicine dosages in marked containers—anything that might keep the patient out of a nursing home. When the hospital's current construction program is completed, the geriatrics department will also have an on-site, sixty-bed nursing home of its own. And it has plans for a kind of geriatric day-care center, where outpatients can be looked after while their spouses have some relief.

DR. DENNIS JAHNIGEN MINISTERS TO THE SOULS, AS WELL AS TO THE BODIES, OF THE AGING

But what it has, especially, is the shrewd, resourceful, unflagging devotion of Dennis Jahnigen. The V.A. hospital system on the whole, with its burgeoning constituency of aging veterans, is leagues ahead of other hospitals in care of the elderly. Even so, what Jahnigen has done in Denver is unique. When he was first brought in from the hospital's outpatient service to head the geriatrics program, he found he had no secretary, no office, no staff. It was little more than an examining room. Month by month, year by year, fighting the "system inertia" of a large bureaucracy and pushing always for a little more than he had, he has squeezed substance into the program. He helped put across the idea of a three-bed "model" hospice ward with its own TV sets and microwave oven. He got funding for another doctor and the two-bed evaluation unit, secured an outside grant for a nurse practitioner-researcher, and instituted multidisciplinary team meetings to review the status of patients. "They had no idea how demanding I was going to become," he says with pardonable pride. "I've tried to push just hard enough not to be obnoxious."

At the adjacent University of Colorado School of Medicine, where he is also director of geriatrics and an assistant professor of medicine, Jahnigen has applied the same discreet but relentless pressure to expanding his departmental teaching staff and winning student converts. It is all part of the consciousness-raising effort he engages in under both hats—he has become a kind of evangelist for his discipline. In the hospital he never appears without his geriatrics name tag prominently displayed on his lab coat. ("It promotes curiosity," he explains. "There are still so few people who know about it.")

His weekly slide talks on geriatric problems are generally packed with attentive doctors and nurses, brown-bagging their lunches to hear him. During one such session, on incontinence in the elderly, Dr. Robert Brettell, a specialist in internal medicine, leaned over to me and whispered, "We're all grateful for the work Dennis is doing. The rest of us are stretched in too many different directions to focus on geriatrics."

In truth, not many doctors choose to focus on geriatrics. As little as ten years ago almost none were in the field. The tendency was to view advanced age as an accomplishment sufficient to itself. Beyond that, Jahnigen remembers, the attitude was much like that toward the dying: "You'd close the door." The doctor bias has changed somewhat since then, as the number and visibility of old people have grown. (According to Census Bureau projections, the number of Americans over eighty will have doubled, to something over five million, by the turn of the century.) But generally the geriatric specialty is still seen as a one-way street, with no hallelujahs along the way—a job for caretakers rather than healers.

Jahnigen not only welcomes the role of caretaker, but he also gives the last years of life the sort of painstaking attention that a pediatrician addresses to the first years. It is the heart of his conviction as a doctor that it is a worthwhile goal, as much as any dramatic cure in a younger patient, to get the extra mile or two of sentient, more or less independent functioning even from a ninety-year-old with a constellation of ailments. "I'm not a Pollyanna about it," he says. "But if you can keep someone home two more years, with his family, his familiar surroundings, that's a success."

Catching up with Jahnigen on an average morning is a bit like hopping aboard a speeding express train. By 9 a.m., a respectable starting time for a conscientious reporter, he has already been up and about for several hours, jogging seven or eight miles with his wife, Juanita (one of the few times they get a chance to talk), coming to the office by seven or so to make quick rounds of the intensive-care patients; phone calls and paper work till eight, clinic and regular rounds with the house staff till ten, and so on, through team meetings, slide talks, nursing-home visits, and more paper work (he is often busy applying for grants), until 7, sometimes 8 p.m.

When he arrived at the clinic on the morning of Reuben James's visit, James had already been examined by a nurse practitioner, who had also gotten a quick rundown from Mrs. James of how the patient has been doing since his last visit. At that point Jahnigen strode briskly into the room and clapped James lightly on the back, exclaiming, "How are ya, young fella?" James seemed to perk up at once, but he stared at Jahnigen craftily, without answering. "Did Barbara examine you?" Jahnigen asked, raising his voice. "She didn't have time—you walked in!" James shot back. He looked pleased with himself; he seemed to be chaffing the doctor a bit.

"How's your throat, Mr. James?" Jahnigen inquired. "Are you swallowing any better?" James tried a cautious swallow. "Not bad," he reported. "Feeling pretty good." "They x-rayed your throat, didn't they?" A brief pause. "Nope." "Didn't they take you down for X rays?" No answer. Jahnigen tried another tack: "How long have you been married?" "Too long, I'd say," replied James. "How old are you?" Another pause. "Old enough to know better." "How old did you say?" For the first time James seemed flustered, his eyes searching the room. "Seventy-six," he ventured. "Uh . . . eighty-six. "His wife spoke up wearily. "He's eighty-seven."

Jahnigen knew that James wasn't just being playful, he was being evasive. It is a typical patter in senile dementia—a patient can conduct himself with perfect poise in all the "overlearned" amenities ("How are you feeling?" "Fine and dandy. How's yourself?"), while he may be thinking, "Do I know this man? Why is he asking me these questions?" Dementia can be caused by heavy drinking, by a series of minor, sometimes undetected strokes, or by Alzheimer's disease, a degenerative brain disorder of still uncertain origins that accounts for about 60 percent of the cases. It is also overdiagnosed: its most obvious symptoms, confusion and loss of memory, may be the result of a

temporary disorientation—when a patient is first hospitalized, for instance—or of the interaction of medications, or of depression, probably the most under diagnosed affliction of aging. Jahnigen is always cautious about the diagnosis. It is one the two principal reasons for admission to nursing homes—the other being incontinence—and it is far too easy to ship an elderly patient to one at the first sign of confusion.

In James's case, it was real enough. He had already forgotten his examination by Barbara Cinnan, and his visit to the X-ray room a few days earlier. At home he was experiencing a characteristic day-night confusion. He would start rattling around the kitchen, looking for breakfast, in the middle of the night, and that was placing an added strain on his wife, who had had a string of heart attacks. One midnight last winter he had sauntered out for a stroll, and before police found him about a mile away, after a frantic hour or so, his toes had almost frozen. The immediate concern was that Mrs. James was due to be hospitalized for the removal of cataracts on both eyes and would have to leave him alone. Jahnigen talked to her about the possibility of finding a hospital bed for her husband while she was in for surgery. He wasn't too hopeful; beds were scarce.

As the discussion proceeded—a boarding home for the elderly was another possibility—the patient himself seemed almost forgotten. Yet all the while he talked to Mrs. James, Jahnigen kept a hand on her husband's shoulder, massaging it gently back and forth, a gesture that I saw again and again during the week that I followed him on his rounds.

Beneath the bantering style, Jahnigen seems always sensitive to what he describes as the "precarious" situations of advanced age. A debilitated elderly couple like the Jameses, for example, may go along just managing on their own, until one of them gets sick or needs an operation, and then the whole "toothpick structure" threatens to collapse. It is very much a matter of keeping things in a kind of delicate balance, rather than making heroic interventions. "You're dealing with diseases that you can't cure," says Jahnigen, "that by their very nature mean decline." About a third of his patients have some degree of dementia, but most have more problems than that. Reuben James, besides his hearing and vision difficulties, is under treatment for a hiatus hernia, a bleeding ulcer, sinusitis, arthritis, and coronary artery disease. It is not an unusual list for the geriatrics department. On the day James came in Jahnigen saw an eighty-five-year-old veteran, Mr. Coleman, who was suffering from renal insufficiency, hypothyroidism, congestive heart failure, degenerative arthritis, peripheral neuropathy (a loss of sensation in the extremities), and anemia, not to mention the acute diarrhea brought on by one of the medications he was taking. With such a patient there are often critical decisions to be made: Is he responding well, or is he in a downward spiral? How aggressively should he be treated? At what point does aggressive medical care merely prolong an intolerable life, as opposed to extending his capacity to function acceptably?

Jahnigen had been angered that week (as had half the country, apparently) by some remarks by Governor Richard Lamm of Colorado implying that ailing old people have an obligation to get out of the way and make room for the young, instead of clinging to life-support devices and making unreasonable demands on the medical system. What particularly outraged Jahnigen was the typical lumping together of all the aged, as if there weren't wide differences in their "quality." The lists of diagnoses often don't tell the story, Jahnigen explained. "You could have a single disease—a metastatic cancer, let's say—and your quality of life could be miserable. On the other hand, when Mr. Coleman is in good balance, when his medicines are adjusted, his quality is quite good."

During the week, as we moved about among some gravely ill patients, I asked Jahnigen if he didn't find it depressing at times to be working so much in the shadow of decline and death. I realized later that the question reflected the very bias against the old that we had been discussing, but he seemed used to it. "You know," he said, "I could do this same sort of thing in cardiology and have no impact. Here it makes an enormous difference just to get a flu shot into an eighty-year old, say—that's like giving inoculations in the Third World. Anything you do is an enormous stride."

Jahnigen had mentioned one day that one of his favorite books was Sinclair Lewis's medical fable, "Arrowsmith," a novel he rereads about every four years. I hadn't read it since high school, and when I looked at it again I was surprised to find that Martin Arrowsmith's priorities seemed the opposite of Dennis Jahnigen's. Arrowsmith didn't have much enthusiasm for bedside doctoring he was "wild" for the romance of the laboratory for finding ultimate truth among the test tubes. For Arrowsmith, the real romance of medicine was to wipe out disease, not to "just tinker at a lot of worn-out old bodies, but make a new world."

Yet I came to see that Jahnigen, tinkering at all those worn-old bodies, is in his fashion as much a rebel as Arrowsmith. It took a certain single-mindedness, after all, to choose a branch of medicine that many of his contemporaries view with undisguised distaste.

At the time Jahnigen started advanced training in primary-care medicine, after graduating from the Ohio State University School of Medicine, most of the young doctors he knew were going in for the high-tech glamour specialties—cardiology, oncology, immunology, and the various surgical subspecialties. But he had found a role model, and a real-life hero, in the person of Dr. Raymond Rowberg, director of medical education at Sacred Heart Hospital in Spokane, where he had signed up for a one-year internship (after a three-month mountain-climbing expedition in the Yukon). Jahnigen says he chose the "more humanistic" setting of a private hospital because he felt the academic teaching centers were overemphasizing science and technology and neglecting the basis business of caring for people. Rowberg, he says, was the finest physician he had met to that point in his training, a doctor who could keep up scientifically and yet never lost sight of his primary responsibility to patients. He was also the first doctor in Jahnigen's experience who seemed to care genuinely about old people, while too many others seemed all to willing to consign them to nursing homes. "He tried to alter medicine to serve old people and not warehouse them," Jahnigen reverently recalls. "He showed me that just because they're old doesn't mean they can't benefit from good medical care. I would say he was a geriatrician before there were any."

When Jahnigen finished his internship Rowberg asked him to take over his practice while he went off to Tanzania to found a hospital and medical school. It was a dream of an assignment for a fledgling medic. For a year he took care of Rowberg's patients, lived in his house, sat on his committees. Then he took two more years of training at the University of Washington before he was recruited by Denver's V.A. Hospital, where (as it always seems in restrospect) his destiny as a doctor lay.

Jahnigen is optimistic about what he sees as the growth of humanistic values in medicine. In the past five years or so, he says, there has been a trend back to primary care among graduating students. Last year, for the first time, he had a student whose declared specialty was geriatrics; this year, he notes with satisfaction, there are four or five. "They're the critical element," he said. "You wanna change anything, you change the student."

At dinner one night Jahnigen talked about his father, who worked his way up from pole climber to telephone company manager, who did beautiful cabinetry as a hobby and had looked forward to retirement, when he would be able to give full time to it, and who was now, at sixty-four, a big, powerful man of six feet two inches, so disabled by rheumatoid arthritis that he couldn't even handle a screwdriver. Jahnigen's interest in geriatrics predated his father's debility, so there was only a coincidental connection there. But with obvious pride, he told me something else: his father had been involved with the Boy Scouts all his life, and this year he was to be recognized for fifty years of dedicated service. I was interested to hear that, because in the early Sixties, when I worked for the Peace Corps as an evaluator of overseas programs, I had got the impression that the best volunteers, the ones who worked most uncomplainingly, and even happily, at what they were supposed to do, were those who grew up in families with some tradition of church or community service. That's where I had seen it before, the sort of clean, unselfish energy that kept Jahnigen going around the clock, helping people and thinking constantly about how he could help them more. It occurred to me that he would have made a terrific Peace Corps volunteer.

But he has found his own underdeveloped country to work in. Martin Arrowsmith and his fellow microbe hunters helped make a new world of very old people who were then left in it to fend for themselves. Dennis Jahnigen's achievement is the promulgation, in a small but effective way, of the idea that attention must be paid to these, the eldest but not the least of our brethren. As he summed it up himself, "Basically, we've made the elderly special here. And everybody who's involved with them has to treat them as special, or recognize that they deserve a little extra attention."

BAN ON CREDIT CARD SURCHARGES—S. 212

Mrs. HAWKINS. Mr. President, I rise in support of S. 212, legislation to place a permanent ban on credit card surcharges. I supported this effort in the 98th Congress and am hopeful that the Members of this Chamber will support passage of this important and necessary legislation this year.

In my State of Florida, a credit card surcharge could have a devastating impact on the No. 1 industry in the

State; tourism. Millions of Americans visit the Sunshine State for their family vacation, and few pay for their expenditures in cash. It is not only inconvenient to carry the amount of money necessary for a family of four to vacation for 1 week, but it is also dangerous. Any person carrying that much cash is a moving target for those individuals who prey on vacationers. I do not believe that we should penalize those who choose to utilize a safer and more convenient method of payment which is essentially the effect of a credit card surcharge.

Although the impact on Florida would be significant, this is by no means a regional issue. It is estimated that 7 out of 10 households have at least one credit card. Consumers in every State of this Nation use credit cards, and not only for vacation purposes. Many families purchase television sets, meals and clothing on their cards. Elderly citizens rely heavily on their use either because they do not have the cash available at the time of purchase or they are afraid to carry cash.

Merchants also benefit from credit cards. They increase volume and profits, and they cut costs of keeping cash on hand, maintaining charge accounts and cashing bad checks. If this legislation is adopted, the merchant would retain the option to offer a cash discount which is a far superior method of passing on any costs of credit card use to those actually making the purchase by credit card.

I urge my colleagues to support this legislation. It is a fair and equitable solution and will protect the majority of consumers in this Nation who have chosen to use credit cards as a safe and convenient method of payment.

HONORING JACK WOOD

Mr. LEVIN. Mr. President, tomorrow leaders from prominent labor, construction, political and other community organizations will gather to recognize the contribution made by Jack Wood to the quality of life of working people throughout Metropolitan Detroit and around the Nation. In an industry sometimes disrupted by strife and disorder, Jack Wood has served as a peacemaker and organizer. While I could at length describe his accomplishments, let me instead include in the RECORD an account from the Detroit Free Press of Jack Wood's accomplishments. I join with thousands of other admiring Michiganders in wishing him well earned retirement.

I ask unanimous consent that the material to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUILDING PEACE—UNIONIST HAS MADE CAREER OF AVOIDING, SOLVING DISPUTES

The record of Jack Wood's union leadership is written in the concrete and steel of a dozen buildings we all know on sight.

There's the soaring grace of the American Natural Resources Co. Buildings on Woodward and Jefferson.

There are Cobo Arena and Cobo Hall in the Civic Center and Detroit's main post office on Fort Street.

There's the Renaissance Center shining by the river and the stadium in Pontiac with its floating fabric Silverdome.

"Yeah," said Wood on Friday in a deep rasp as a reporter listed the structures. "That's ours."

When Wood says "ours," he's referring to workers in unions—specifically unions led by him.

There also are 100 lesser-known buildings Wood helped in the building of. Detroiters live, work and study in them daily without a thought of the men who worked to build them.

Being able to set the workers—craftsmen such as carpenters, ironworkers and painters from as many as 75 local unions—to pull together to set jobs done without labor strife is the strength Wood brought to his work as secretary—manager of the AFL-CIO's Greater Detroit Buildings and Construction Trades Council.

"He has certainly left his mark," said Stan Arnold, leader of the state buildings trades council.

Wood is to retire in early February after 50 years in the construction industry. For the last 20 years, he led the local council, made up of workers from Monroe to Port Huron.

According to Wood's colleagues in the union and among building contractors, his legacy is that of a peacemaker.

The crusty union activist with the deep, raspy voice learned peace the hard way—as a frontline soldier in the construction industry's labor warfare.

Born and raised on a farm in West Branch, Wood later lived in Clare and became a carpenter in 1935 when he was 16. In 1942, he joined the carpenters union and built hangars at Willow Run.

In 1954, at the urging of friends, he ran for business agent of his local union, Carpenters Local 674. He was elected leader of the council in 1965.

"I thought I would run once, get beat and that would be the end of it," he said last week. "Instead I won. I got caught up in it and I've been here ever since."

In the years after World War II, there was bitter fighting between labor and management in the construction industry, and there were battles between rival craft unions.

In addition, each of some 28 craft unions bargained separately with 18 or more contractors.

In 1970, Wood and his management counterpart, Stan Veighey, labor relations director for the Detroit chapter of Associated General Contractors, set out to find a solution to the strife.

It came after two years of disastrous battles and work stoppages that culminated in a 95-day strike.

"The strike was the costliest in Detroit area history," said Veighey, who retired last year. "The workers lost. The employers lost."

Because of weariness and need for labor peace, Veighey said, he and Wood were able to persuade all 18 employers and 28 unions to bargain a single contract.

When the contract expired in 1972, Wood and Veighey did it all over again.

The feat so astounded other trades groups and contractors that Veighey and Wood often took to the road, explaining their "multitrades agreement" to industry leaders from Washington, D.C., to Honolulu.

"We tried to do away with major strikes. They were so wasteful. So many people got hurt—contractors and union members both," Wood said.

Said Arnold: "At the time, bringing all the trades in to bargain together was an innovation. Certainly that helped stabilize the construction industry throughout the country."

In 1975, when the Wood-Veighey team was instrumental in the drive to complete the $136 million Silverdome on time for a Lions opener, the public and politicians alike sang the praises of the labor relations marvel.

It almost seemed to prove a point at a time when contractors using non-union labor were competing with unionized contractors such as those in the Associated General Contractors.

It's a point that Wood—union man first, last and always—frequently makes.

But it was Floyd Whalen, the superintendent for Barton-Malow, the project's general contractor, who paid unionized builders the supreme compliment on the date of the completion of the Silverdome.

"Open shop (non-union) guys could never have done this job," he said.

EXTENDING DAYLIGHT SAVING TIME

Mr. CRANSTON. Mr. President, on Tuesday along with my distinguished colleague from Rhode Island, Senator CLAIBORNE PELL, I introduced S. 240, a bill to extend daylight saving time [d.s.t.] by approximately 2 months, commencing on the first Sunday of March following enactment.

As my colleagues know, under existing law, the Uniform Time Act of 1966, we presently observe d.s.t. from the last Sunday in April until the last Sunday in October, a period of approximately 6 months.

Under our bill, d.s.t. would begin nearly 2 months earlier, on the first Sunday in March and end on the last Sunday in October, a period of approximately 8 months.

There is wide public support for this bill as well as many advantages to its passage.

Studies done by the Department of Transportation support the concept of 8 months of d.s.t. With additional daylight hours, the Department of Transportation predicts that energy consumption, traffic fatalities, and violent crimes will all decrease.

Mr. President, this bill has the potential to save American consumers as much as 100,000 barrels of oil per day for the 2 months each year of extended daylight saving time. Though the present world "oil glut" has diminished the attention on the need for conservation, oil remains a finite re-

source of which our supply is limited. Each year we could reduce our oil consumption by approximately 5.6 million barrels by adopting this legislation.

As a result of this huge energy savings, utility ratepayers would save more than $130 million at current oil prices.

We have included in this bill several provisions to avoid any possible adverse effects from extending d.s.t. The bill would preserve the option of any State to be exempt from d.s.t. And it would give the Federal Communications Commission power to grant broadcasting exemptions to certain AM-only radio stations which might otherwise lose their right to broadcast during the profitable early commuter hours, since some stations may presently broadcast only after sunrise.

Mr. President, the history of daylight saving time legislation in the Congress makes a strong case for the prompt enactment of this bill.

In 1973, Congress passed the Emergency Daylight Saving Time Energy Conservation Act authorizing a 2-year experiment with year-round d.s.t. beginning in January 1974.

Because that approach extended d.s.t. through the winter months, requiring children to go to school in the dark, there was considerable opposition to it. Our bill does not require children to go to school in the dark. The light conditions for the period in the springtime—essentially the months of March and April—during which this bill would extend d.s.t., are at least as favorable as those which exist in September and October, during which we now have d.s.t.

During October of 1974, in response to concerns about children expressed by both the general public and the Department of Transportation, year-round d.s.t. was repealed. It was subsequently replaced by Public Law 93-434, providing for 8 months of d.s.t. beginning on the last Sunday in February—a week earlier than this bill—and ending on the last Sunday in October, as S. 240 does. Like our bill, that legislation enabled us to use available daylight much more efficiently.

Public Law 93-434 unfortunately expired in April 1975, returning us to a 6-month d.s.t., although in the 94th Congress, the Senate passed 70 to 23 S. 2391, providing for d.s.t. on a 7-month basis.

The House of Representatives failed to enact the 7-month plan, and it died when the 94th Congress ended.

Similar legislation was again introduced in the 96th Congress, but did not receive hearings because the Department of Transportation was late in indicating its support for the bill.

In the 97th Congress, the House of Representatives passed H.R. 4437 an 8-month d.s.t. bill, by a vote of 243 to 165. H.R. 4437 was similar to the bill I introduced in the 98th Congress, S. 63, which never reached the Senate floor, although it received committee hearings.

In the 98th Congress, the House considered 8-month d.s.t. legislation similar to the present bill. This bill failed to pass by a 12-vote margin, 199 to 211, after adoption of a controversial amendment permitting those States opting for d.s.t. to choose either 6 or 8 months of daylight saving time. With this option, Members correctly perceived that we would have returned to the confusing system where each State kept its own time.

Mr. President, as one who enjoys the benefits of the present d.s.t., I want to explain how our bill will improve the situation, consistent with common and scientific sense.

The amount of daylight we derive on a given day from the Sun results from the constant tilt of the Earth's axis, as it revolves around the Sun. This tilt changes the length of daylight hours, causing the seasons.

On March 20 the vernal equinox, and on September 21 the autumnal equinox, the light of the Sun just reaches from one pole to the other. The Sun is directly overhead at the Equator, and days and nights are equal all over the globe.

In the Northern Hemisphere, the vernal equinox begins spring just as the autumnal equinox beings fall.

The amount of daylight increases about 2 minutes each day from March 20 until June 21, the summer solstice, when the North Pole is most tilted toward the Sun. As a result, June 21, our traditional first day of summer, is the longest day of the year.

Each day after June 21, we have roughly 2 minutes less daylight until the winter solstice, December 22, the shortest day of the year, when the light of the Sun falls well short of the North Pole.

Under present law, using 1985 as an example, daylight saving time will commence on April 28, the last Sunday in April, and end on October 27, the last Sunday in October. But on April 28, the hours of daylight are far longer than on October 27. Our bill is designed to take advantage of the available light in March and April, just as present daylight saving time uses the light available in September and October.

Mr. President, our bill errs on the side of caution. It does not change the ending date for daylight saving time, which this year will be October 27, at all. Nor would it move the starting day for daylight saving time all the way to February 12 when light conditions equivalent to those on October 27 will exist.

Rather it merely changes the starting date of daylight saving time to the first Sunday in March, in 1985, that would be March 3. The hours of daylight on March 3 will be the same as those on October 2, and the morning daylight hours start far earlier than on October 27.

If daylight saving time makes any sense at all, as a vast majority of people believe, then S. 240 perfects the existing situation to take advantage of daylight we are presently wasting.

Mr. President, I hope that hearings will be held promptly and S. 240 adopted promptly.

REINTRODUCTION OF EQUAL RIGHTS AMENDMENT—SENATE JOINT RESOLUTION 10

Mr. HOLLINGS. Mr. President, I rise today to join as a cosponsor of the equal rights amendment. The reintroduction of the ERA in the 99th Congress marks the beginning of a new campaign to pass and to ratify this all-important amendment to our Constitution.

Though ratification by the requisite 38 States fell just 3 States short in 1982, we are proud of our commitment and of our efforts in obtaining for women what is necessary and just. We must remind ourselves, however, of the difficulty the women of this Nation had in obtaining the right to vote and we must not give up the fight. When the 15th amendment to the Constitution was passed and ratified, women, who were some of the most vigorous supporters of abolition, were left behind. They had to carry the fight for another 50 years before they, too, gained the right to vote. Women at that time and now do not seek special treatment; they seek basic justice and freedom. They seek only equal rights as individuals and citizens under law. As those who before tried and persevered so must we here today persist until we gain the basic rights for all the citizens of our Nation.

As a father I have watched with great pleasure as my children, sons and daughters, have grown to their majority. As any parent in this body, I have taken great pride in them and have done my best to love, nurture, educate, and in general prepare them for what the future holds. But, I did not raise my daughters to accept the mantle of limited citizenship. I want for my daughters the same as I want for my sons—the opportunity to rise to the highest level their ability will take them.

Unfortunately, this opportunity does not now exist. Women in this country suffer inequality in economic opportunities. Today, nearly 60 percent of America's women work outside the home. Yet, it is a fact that women are paid less and promoted less. In my State alone, women are paid about three-fifths to two-thirds what men make. And, it is with much regret that I point out that women with college educations earn less than men with

9th and 10th grade educations. With more and more women beginning to work outside the home—most for reasons of economic necessity—this startling and blatant discrimination will only become worse unless we do something to bring about change.

The vehicle for change is the equal rights amendment. It is the most powerful tool to obtain equal pay and equal opportunity for the women of this Nation. Admittedly, much progress has been made since the equal rights amendment passed Congress in 1972, and was sent to the States for ratification. Much of this significant progress came in anticipation of the passage of the amendment. And, these are accomplishments in which the whole Nation should be proud. But the truth remains that there is much to be accomplished. Today the preservation of fundamental rights is dependent on legislation, executive action, and interpretation by the courts. The unfinished work must be completed. The full rights of citizenship must be accorded to the majority of Americans. We must make the equal rights amendment a part of the U.S. Constitution, and I pledge my continuing support in gaining its passage and ratification.

ARMAND HAMMER CALLS FOR UNITED STATES-SOVIET SUMMIT

Mr. CRANSTON. Mr. President, few analysts of United States-Soviet relations have more experience and greater understanding of the issues which divide us than Armand Hammer. Armand Hammer's knowledge of the evolution of United States-Soviet relations over the past many decades has been gained first hand and has provided important insights for American leaders as we pursue efforts to reduce the tensions between Washington and Moscow.

I therefore read with great interest Armand Hammer's recent article in the Los Angeles Times calling for a prompt summit meeting between the American and Soviet leadership. I strongly support this proposal and commend Armand Hammer's article to my colleagues' attention.

I ask unanimous consent that this article "It's Time for a United States-Soviet Summit Session," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Dec. 27, 1984]

IT'S TIME FOR A UNITED STATES-SOVIET SUMMIT SESSION

(By Armand Hammer)

The death of the Soviet Union's defense minister, Marshal Dmitri F. Ustinov, clearly strengthens the power of President Konstantin U. Chernenko, and in my opinion makes a summit meeting between Presidents Reagan and Chernenko within the first six months of this year even more imperative.

During 63 years of dealing with the leadership of both superpowers, it has been my experience that nothing can take the place of the two top men exchanging views face-to-face. I compare it to the meeting of two "bosses" in a business deal: When one sits down with the other, and they trash out the general parameters of an agreement, it is then the responsibility of those who are below them to put their efforts into the task of making the details work.

In recent years summitry has too often been under the control of aides rather than leaders, and has also been delayed too many times, for one reason or another. This is a loss to all people who, as the polls consistently show, have a great fear of nuclear war.

Yet summits do work, especially when the leaders are at the height of their powers. That is certainly the case with Reagan and Chernenko. A good example is the meetings of Presidents Richard M. Nixon and Leonid I. Brezhnev in Moscow, Washington and San Clemente. Sitting quietly together, without assistants other than interpreters, they trashed out the major paragraphs of the breakthrough SALT agreement. At that time both men were powerful, and they knew how to use their power.

Conversely, President Jimmy Carter, despite the urging of myself and others, waited a year or more longer than he should have before meeting with the sick and aging Brezhnev in Vienna in 1979. The SALT II treaty that they negotiated was a good one, but Carter's power was beginning to dwindle and the treaty could not be ratified—even though there was a Democratic majority in the Senate.

Furthermore, the Soviet invasion of Afghanistan angered Carter, who was poorly advised to retaliate with the grain embargo when he should have sat down with Brezhnev and negotiated a Soviet withdrawal. Brezhnev told me at the time that he would be willing to do so if the United States would guarantee against a hostile anti-Soviet government being set up along his southern border. Pakistan's President Zia ul-Haq told me that he was willing to work this out, but Carter's advisers turned him against the idea.

Brezhnev's health and subsequent death put detente on the shelf, and the window that had been opened was rather rapidly closed. I believe, however, that the window is now open again. I cannot say how long it will remain open, but I think the timing has to begin in 1985.

Chernenko, whom I met for an hour-and-a-half recently in Moscow, is at the height of his power. He is from the Brezhnev mold—one of the last of the leaders who remember the horrors of World War II—and is anxious, as the capstone of his career, to initiate a step backward from nuclear confrontation.

The death of Ustinov, a hard-liner, further consolidates Chernenko's power. I found Chernenko in better health than I had been led to expect, and our conversation, which was conducted in Russian and lasted longer than originally planned, flowed freely, constantly touching on the need for a better understanding and relationship.

Chernenko mentioned the treaties signed by three former American Presidents that have never been ratified, and suggested that one result of the summit might be some action on those treaties taken by the Republican-controlled Senate. He recognizes the potential difficulties, however, and also said that he would meet to sign a simple agreement worked out between himself and Reagan stating the policy of no-first-use of nuclear weapons.

I believe that Reagan, with his strong personality and ability to persuade and working through Secretary of State George P. Shultz, could enlarge on this and create a communique calling for no-first-use of any force, including conventional and nuclear. Such a basic document could then be used by the principal negotiators, Shultz and Foreign Minister Andrei A. Gromyko, for detailed development.

I feel that the President has picked the right man for this historic moment in Shultz, who has a unique understanding of the issues involved. I also believe that the President has been wise in continuing his policy of a strong defense. I am not one of those who dream that better understanding will come overnight.

But everything that I know about both Presidents, and the policies of both countries, tells me that this great opportunity for a summit early in 1985 must not be lost. If the leaders meet and generally agree, then the rest of the negotiations can fall into line. What a gift that would be to the people of this world, who have lived too long with an insecure feeling about the future.

JACKIE STRANGE: FIRST WOMAN DEPUTY POSTMASTER GENERAL

Mr. SASSER. Mr. President, I rise to offer my congratulations to Ms. Jackie Strange on her appointment as Deputy Postmaster General of the United States. She is now second in command at the Postal Service and she holds the highest post ever held with the Service by a woman.

My staff and I have had occasion to work with Jackie Strange in her previous role as Regional Postmaster General for the agency's 11-State southern region. We appreciate both her competence and her courtesy in assisting us on behalf of our constituents.

As a fellow southerner, I note that she hails from Georgia, which is a neighboring State to mine. So, as a neighbor, I welcome her to Washington.

As a member of the Senate Subcommittee on Civil Service, Post Office and General Services, I welcome her managerial skills as the chief operating officer of the Postal Service. She will be responsible for the work of 702,000 employees at 39,000 facilities throughout the country. I know she will handle her duties well, since she has a proven record supervising 23 percent of the Nation's mail service in the southern region.

I ask unanimous consent that a U.S. Postal Service news release and an article from the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JACKIE STRANGE NAMED FIRST WOMAN DEPUTY POSTMASTER GENERAL

Jackie A. Strange, Regional Postmaster General for the 11-state Southern Postal Region, has been named Deputy Postmaster General of the United States, the number two job in the U.S. Postal Service.

The announcement was made by John R. McKean, Chairman of the Postal Service's Board of Governors, in Washington, D.C. on January 8.

In her new position, Ms. Strange, a Georgia native, will hold the highest rank ever held by a woman in the Postal Service. She had also held that same distinction as Southern Regional Postmaster General, headquartered in Memphis, Tenn., a position she held from February 1983 to the present.

She will succeed Jim Finch, who announced his resignation as Deputy Postmaster General effective February 15, after serving in that capacity since June 1, 1983. Ms. Strange's appointment is effective February 16.

As Deputy Postmaster General, Ms. Strange will be a member of the Postal Service's Board of Governors and its alternate chief executive officer. She will serve as the Postal Service's chief operating officer, helping to guide the activities of some 702,123 employees in 39,000 postal facilities throughout the nation. The five Regional Postmasters General will report directly to her.

Jackie Strange entered the Postal Service in 1946, while still a student at Georgia Southern College. After her graduation, she taught high school English and coached girls' basketball, continuing to work at the college post office during the summers. During her career she has served in a number of positions: acting postmaster, finance branch superintendent, organization specialist, organization officer, acting post office and delivery services division director, customer programs manager, acting director of customer services, acting district manager, general manager of customer programs and district manager.

Before being named Assistant Postmaster General for the Procurement and Supply Department at postal headquarters in October 1981, Ms. Strange was District Manager of the Kentuckiana Postal District, headquartered in Louisville, since 1979. Prior to that she held several management positions at the Southern Regional Headquarters in Memphis.

Ms. Strange received her B.S. degree in education from Georgia Southern College and did graduate work at Georgia Southern, the University of Virginia and Columbia University.

She has received many Postal Service awards and citations, including the Postal Career Executive Service Special Achievement Award. In 1982, Ms. Strange was named to the World's Who's Who of Women and honored as a Distinguished American Penwoman.

She has two sons, Danny of Phoenix, Arizona, and Nick of Durham, North Carolina.

WOMAN NAMED TO NO. 2 POSTAL SERVICE JOB

Postmaster General Paul N. Carlin yesterday named Jackie Anderson Strange deputy postmaster general, the No. 2 job in the U.S. Postal Service and the highest post ever held there by a woman.

Strange has served as regional postmaster general for the agency's 11-state southern region since 1983. She began her postal career in 1946 at the student post office at Georgia Southern College, where she earned a bachelor's degree in education.

As head of the southern region, Strange has supervised 23 percent of the nation's mail service. She replaces Jim Finch, who will resign Feb. 15.

As deputy postmaster general, Strange will be a member of the postal Board of Governors and oversee the agency's day-to-day affairs as chief operating officer of the agency, which employs 702,000 workers at 39,000 facilities.

S. 2 THROUGH S. 10—EXPLANATIONS AND DESCRIPTIONS

Mr. CRANSTON. Mr. President, on January 3, the distinguished minority leader, the Senator from West Virginia (Mr. BYRD), graciously introduced on my behalf nine bills, S. 2 through S. 10, inclusive. Today, I will share with my colleagues some background pertaining to each of these measures and a description and explanation of the provisions of each of the bills.

S. 2: OLDER AMERICANS EMPLOYMENT OPPORTUNITIES ACT OF 1985

Mr. CRANSTON. Mr. President, on January 3, my bill S. 2, the proposed "Older Americans Employment Opportunities Act of 1985", was introduced. This legislation is based upon similar legislation I introduced during the 97th and 98th Congresses. This measure, designated as S. 2 during the 98th Congress and as S. 3010 during the 97th Congress, contains a number of provisions aimed at encouraging older workers to remain in the work force, particularly in part-time positions, and at stimulating employers to make employment opportunities available to older workers. Two of the proposals from my original legislation—increasing the social security delayed retirement adjustment factor and modifying the social security earnings limitation—were enacted in the Social Security Amendments of 1983, Public Law 98-21. Accordingly, on August 3, 1983, I reintroduced the remaining provisions of S. 2 as separate bills, S. 1751, S. 1752, and S. 1753. The current bill once more draws together the provisions of these three separate bills.

NEED FOR NEW POLICIES REGARDING OLDER WORKERS

Mr. President, each year, thousands of older workers are forced out of their jobs or discouraged from continuing to work because of a variety of policies, fiscal disincentives, myths, and stereotypes. Demographic data, however, make it clear that we must begin now to revise and reform the policies and practices which have been used to discourage these older workers, deny them the opportunity to remain active participants in the economic life of the Nation, and, in many cases, force them into unwanted dependency and idleness. There are two important reasons why this must be done.

First, America is aging. In a few short decades, the number of Americans over age 65 will constitute fully one-fifth of the population. In 1980, 1 in 9, or 24 million Americans were 65 years or older, compared to 1 in 12 in 1950. This population will increase only moderately over the next 25 years, but soon after 2010 its size will grow dramatically. It is projected that by 2030, nearly 1 in 5, or almost 56 million Americans will be 65 or older.

Second, despite persistently high rates of unemployment in the 1970's and 1980's, we will soon be entering an era of labor-shortages, when the number of new, young workers entering the work force will be declining. It is predicted that the number of 18- to 24-year-old entrants into the work force will fall by 15 percent in the next two decades, largely because of the drop in births during the 1970's. As the number of young workers declines, our labor force will need to retain the experienced older workers that our society now forces into retirement.

Moreover, there is every indication that the new job slots that will need to be filled in the years ahead will be ones that are ideal for older workers. According to available employment projections, 74 percent of the increase in employment slots in the next two decades will be in wholesale or retail sales and in service industries—two industries which currently employ 60 percent of all workers age 65 or older. These data also indicate expanded opportunities for part-time employment for older workers over the same period since those same industries and occupations projected to have the largest increased future employment needs are frequent users of part-time employees.

Finally, Mr. President, every public opinion poll conducted in recent years has demonstrated beyond a shadow of doubt that an overwhelming percentage of older workers would like to continue in the work force beyond the normal retirement age of 65. A significant majority of these older workers indicate that they would like to have the option of part-time work. For example, a 1981 Harris poll found that 79 percent of workers between the ages of 55 and 64 said they would prefer part-time work to complete retirement. Surveys of those already retired demonstrate an equally strong desire to continue to work, particularly in part-time positions.

Although economic factors play a role in some of these responses, the desire to continue in the labor force is consistently expressed even when an adequate retirement income is present or assumed. It is clear that older Americans appreciate and seek the

noneconomic benefits of employment—the sense of vitality and productivity that comes from continuing as active participants in the labor force.

Despite these data relating to the desires on the part of older workers to continue working in some fashion, their labor force participation has been steadily declining. Between 1950 and 1980, the portion of those 65 or older in the labor force fell from 24 percent to 13 percent.

The cause of this continual decline of older workers lies in part with the retirement and employment policies that discourage their remaining in the work force.

Mr. President, it is clear that this Nation is going to need the skill of older workers in the labor-scarce years ahead. It is equally clear that many older workers want to stay in the work force, particularly in part-time employment. And it is just as clear from the standpoint of the Social Security System and Federal tax revenues that the Nation would benefit substantially from their continued employment. Our task should be to remove the obstacles, policies, and practices which currently drive out of the work force those older workers who want to continue working.

REEVALUATING AND REVISING RETIREMENT CONCEPTS

Mr. President, in order to meet the challenges that lie ahead, it is imperative that we begin now to reevaluate and revise our basic attitudes toward retirement. Retirement today means a total, abrupt withdrawal from the labor force. One day, an individual is engaged as an active, contributing worker; the next, he or she is faced with a total retirement—complete exclusion from the workplace. This often has a severe, deteriorative impact upon physical and psychological health, taking away from many older Americans that sense of fulfillment and self-sufficiency which comes from productive employment. Retirees are generally left with a loss of meaning and worth in their lives and often without sufficient resources to maintain an adequate standard of living.

We should begin to foster a new perspective on retirement, a shift from the concept of an abrupt, total withdrawal from the labor force to one of gradual withdrawal, where older workers are afforded the opportunity, if they choose, to reduce their work pace, shift to less demanding work roles, or participate in more flexible work schedules. Part-time employment, in particular, represents an appealing and practical way for older workers to remain in the work force, contributing their skills and experience and supplementing their incomes, yet still allowing them to reduce their workpace.

This new concept—sometimes called phased-retirement or gradual retirement—would not only serve the interests of older workers, but it would also help meet the future needs of the labor force. As I indicated earlier, much of the increase in new employment in the next two decades will be in fields that frequently use part-time employees.

Mr. President, because it is clear that older workers today desire these part-time work arrangements, a number of the provisions in my proposal are focused upon encouraging part-time employment opportunities for them.

Efforts to develop new models of retirement options are already beginning as some leading corporations throughout America have initiated programs that capitalized on the skills and experience of older workers and promote hiring practices and work patterns that accommodate the needs and desires of these workers.

Hearings over the past several years in both the Senate and House have documented the extent to which major American corporations, such as Xerox, Polaroid, G.E., Grumman Aerospace Co., the Bank of America, and the Travelers Insurance Co., have begun developing innovative ways of providing employment opportunities for older workers. Travelers Insurance Co. provides an excellent example. After learning that 85 percent of its employees over 55 were interested in some kind of paid employment after retirement, the company established a retiree job bank, offering flexible work options to retirees—options include temporary work, either part or full time, from 1 day to 6 months or more; part-time permanent jobs, either 5 part days or several full days a week; and job sharing in which two or even three retirees share the same full-time job. In order to encourage retirees to work, Travelers changed its pension benefits to provide that retirees can work for the company 960 hours a year—nearly half time—with no reduction in pension benefits. Travelers has found the program of benefit to both the retirees and the company as it retains the services of experienced employees. Out of the average of 60 temporary positions to be filled at Travelers headquarters each day, 55 of those positions are filled by retirees familiar with the work. However, the companies experimenting with these innovative approaches have expressed concern about the continuation of certain Government policies which hinder and impede the development of these new concepts.

NEED TO REVISE GOVERNMENT POLICIES WHICH HINDER FLEXIBLE RETIREMENT POLICIES

Mr. President, success in implementing an older worker's employment policy and reversing the existing restrictive concepts of retirement depends in large part upon American employers voluntarily accepting and promoting this new approach to older workers. As I noted, many of our leading corporations are starting to propose and implement these new policies.

But this task cannot be successful unless we begin, at the Federal level, to revise those Government policies that encourage early retirement, discourage delayed retirement, and inhibit employers from developing the types of flexible work arrangements that older workers need in order to encourage them to stay in the work force.

For example, until the passage of the 1983 Social Security legislation, the Social Security System—the major retirement program for the vast majority of Americans—contained several serious disincentives to continued work for older Americans. The adjustment schedule for early and delayed retirement—the basis for computing benefit levels—was tilted to encourage early retirement. I had proposed in S. 3010, when it was first introduced in 1982, to change the adjustment schedule so that those workers who remain in the work force after age 65 would receive an actuarially fair adjustment in their ultimate Social Security benefit levels to reflect these additional work years.

Similarly, I had included in the initial version of this measure provisions to modify the Social Security earnings limitation. Prior to the 1983 amendments, a Social Security recipient under the age of 70 who continued to work, would have lost $1 in benefits for every $2 earned over the exempt amount, set at $6,600 in 1983. That was the equivalent of a 50-percent tax on the additional income. When this 50-percent tax was added to the Social Security payroll tax imposed upon earned income, to the Federal income tax, and to possible State and local income taxes, it could run up to a tax rate over 70 percent on earnings above the $6,600 limitation until the entire Social Security benefit was forfeited.

The 1983 amendments included changes along the lines I had proposed, providing gradual raises in the delayed retirement adjustment factor to an actuarially fair rate and modifying the earnings limitation to provide the loss of $1 for every $3 in earned income, rather than for each $2. The increases in the delayed retirement adjustment factor from the current 3 percent per additional work year to 8 percent per year will be phased in between 1990 and the year 2008. The change in the earned income limitation will also take effect in 1990. These changes should help substantially in making continued work more desirable to older Americans.

There is, however, much more that can and must be done to reduce other obstacles and fiscal disincentives that discourage older workers and their employers. S. 2 seeks to deal with many of the other remaining problems.

DESCRIPTION OF S. 2

Mr. President, as I indicated in my opening remarks, the legislation I am introducing today is a comprehensive proposal aimed at eliminating the obstacles and disincentives which tend to discourage employers from providing employment opportunities for older workers and discourage the older workers themselves from staying in the work force. The proposed Older Americans Employment Opportunities Act of 1985 deals with a number of Federal laws relating to these issues, and I would like to describe the various provisions contained in this measure.

ELIMINATION OF MANDATORY RETIREMENT

Mr. President, the first step that must be taken to encourage older workers to stay in the work force is elimination of mandatory retirement.

Forcing older workers out of their jobs at some arbitrary age is an archaic, discriminatory, and unreasonable policy. It is a policy that robs society of the contribution and productivity of an increasingly important segment of our work force, and it robs these individuals of the dignity and self-sufficiency which comes from working. In 1978, we began to deal with the issue of mandatory retirement by abolishing it for Federal workers and by raising the age from 65 to 70 for most other workers. I supported the 1978 measure as an interim step toward total abolition of mandatory retirement. It is time now to finish the work we began in 1978 and to eliminate once and for all the mandatory retirement policies that force workers out of their jobs at an arbitrary age.

Section 101 of S. 2 would eliminate the age 70 provision as well as the two exemptions contained in the 1978 legislation which denied tenured college professors and certain business executives the full protection of the statute.

Mr. President, the 1978 amendments to the Age Discrimination in Employment Act [ADEA] also directed the Department of Labor to conduct a study to determine the impact on both older and younger workers and upon employers of raising the mandatory retirement age from 65 to 70 and to determine the probable impact of total abolition of mandatory retirement. The report of the Department of Labor estimated that raising the retirement age from 65 to 70 would result in over 250,000 older workers being able to stay in their jobs. This represents a 5-percent increase in the total older work force. The report estimated that another 200,000 would continue working if mandatory retirement ages were abolished altogether. This report also contains some very interesting data on the impact upon women, minorities, and younger workers of retaining older workers in their jobs. As my colleagues may recall, in 1978, the argument was made that raising the retirement age from 65 to 70 would adversely affect employment opportunities for younger workers, women, and minorities. Those arguments were forcefully rebutted by the testimony of a number of groups, such as the National Organization for Women and the National Caucus on the Black Aged, which pointed out that women and minority group individuals have a special interest in seeing the elimination of mandatory retirement since they often have the least resources in their retirement years; hence forced retirement often means relegating them to an existence below the poverty level.

Mr. President, the Department of Labor report is particularly important because it conclusively and finally lays to rest the spurious argument that we must deny employment opportunities to older workers in order to protect other groups of workers. The final report concluded that there was no significant job slot competition between older workers likely to continue in the work force and those other categories of workers. The 1981 interim report submitted by the Department of Labor had presented data supporting that conclusion which showed that the additional over-65 workers would be potential competitors of less than one-quarter of 1 percent of all full-time workers aged 16 to 24; of less than one-half of 1 percent of all full-time black workers aged 16 to 59; and of around one-tenth of 1 percent of all full-time female workers aged 16 to 59. The interim report also had cited studies indicating that even a substantial increase in labor force participation by workers over age 65—such as a 10-percent rise—would have insignificant impact upon the employment and promotional opportunities for younger workers. The Department's final report concluded by recommending that mandatory retirement be prohibited.

Mr. President, elimination of mandatory retirement policies will give older workers the option—I stress, the option—of continuing in the labor force rather than being forced to retire when they reach some fixed chronological age. An older worker's abililty to perform a job and the desire to continue working—not his or her birthdate—should be the determinative factors in retirement decisions. Elimination of mandatory retirement at a specified age is an essential prerequisite to the development of a comprehensive policy to encourage older workers to stay in the labor force.

Mr. President, during the last Congress there were several proposals pending in the Senate to remove the age 70 ceiling in the ADEA. S. 2 differs from other measures which were before the Senate in the last Congress in that it would also abolish the exemptions created in 1978 that deny certain categories of workers protection against mandatory retirement rules. In 1978, over my strong objections, exemptions were included in the ADEA to allow colleges and universities to force certain employees—tenured faculty members—to retire at age 65 and to allow businesses to take the same actions with regard to certain executives.

The exemption for universities and colleges, however, expired on July 1, 1982. Thus, under the ADEA today, college professors enjoy the same protections against mandatory retirement before age 70 that every other worker enjoys. Some of the proposals introduced in the 98th Congress would have recreated an exemption that would allow universities and colleges to force out tenured employees when they reach age 70. These proposals would also have allowed continuation of the exemption for businesses which choose to force executives with pension benefits over a certain level to retire when they reach 65.

My bill does not exclude any category of employees from the protection of the ADEA. I recognize that those employers who seek to retain the freedom to discharge an employee when he or she reaches a certain age truly believe that the circumstances in their particular field warrant special consideration. But, Mr. President, we are dealing with what is a basic civil right—the right to be judged on the basis of individual ability to perform a job. Employment discrimination on the basis of chronological age is just as invidious and unfair as the discrimination on the basis of race or sex or religion or national origin that title VII of the Civil Rights Act prohibits. It has no place in our society.

Some of the proponents of these exemptions claim the need to hire new blood to get new ideas into higher education or into their corporate offices. The presumption, however, that younger individuals have a monopoly on new ideas is simply an outdated ageist stereotype. There are countless examples of major breakthroughs in the sciences, art, literature, music, and other fields which have come from those individuals over the normal retirement age.

Mr. President, if we believe as a matter of principle that no American should be forced to retire at a set age without regard to individual competency—and that is the view held by most Americans—then there is simply no justification for carving out particular work force segments for which such protection will not be provided.

The ADEA clearly does not limit an employer's ability to discharge any employee, regardless of age, who cannot adequately perform his or her duties. That ought to be the standard in every occupational field, not some arbitrary age factor.

Mr. President, I shall ask unanimous consent that an article which appeared in the Chronicle of Higher Education discussing some of the issues associated with the tenured-professor exemption be reprinted in the RECORD at the conclusion of my remarks.

PENSION DISCRIMINATION

Mr. President, it is estimated that one-half of the male retirees and one-third of the female retirees between 1979 and 1982 were eligible for a private pension. Discrimination in private pension plans against older workers is among the various factors which tend to discourage older workers from continuing in the work force.

There are two ways in which a number of private pension plans discourage continued work past a set retirement age: First, many plans provide that an employer can refuse to credit the additional work years after retirement age to an employee's pension; and, second, many plans provide for a total forfeiture of pension benefits if an employee continues working beyond a minimum amount in a particular industry or for a former employer.

According to a report published by the Congressional Budget Office, Work and Retirement Options for Continued Employment of Older Workers, July 1982, 27 percent of the workers covered by private pension plans are subject to provisions that prohibit accrual of pension benefits entirely after the normal retirement age, and 22 percent are in plans that limit in some fashion pension benefit accrual after a particular age. Under these plans, if a worker continues to work after the normal retirement age, he or she gets no or reduced additional pension credits for those additional work years. In effect, the older worker is denied this fringe benefit that younger workers receive automatically. The Department of Labor estimates that elimination of this private pension plan discrimination against older workers would keep close to 70,000 more men in the work force after normal retirement age. No estimates were available on the number of female workers likely to continue working if these desincentives were eliminated.

Section 102 of S. 2 would deal with this problem by amending the ADEA to state clearly that it is unlawful to treat older workers differently from younger workers with respect to the accrual of pension benefits. A companion amendment contained in section 201 would prohibit plans under the Employee Retirement Income Security Act [ERISA] from containing this type of discrimination.

Mr. President, I am delighted to report that on June 26, 1984, the Equal Employment Opportunity Commission [EEOC], which in July 1979 assumed jurisdiction over the Age Discrimination in Employment Act [ADEA], voted to rescind the rule which had been adopted by the Department of Labor with respect to this issue. According to a letter I received from Phyllis Berry, Director of EEOC's Office of Congressional Affairs, the Commission's action in rescinding the previous interpretation was based upon the following beliefs of the Commission: First, that the former interpretive provisions were not consistent with the stated purposes of the ADEA; second, that a new rule regarding post-normal-retirement age pension contributions which comport with the legislation history and purpose behind section 4(f)(2) of the ADEA is desirable; third, that the Department of Labor's 1979 interpretation, which permitted the cessation of pension contributions, appeared inconsistent with the Department of Labor's administration interpretation of section 4(f)(2); and, fourth, the Department of Labor's reliance on portions of the 1978 legislative history of ADEA in promulgating its 1979 rule permitting the cessation of pension contributions was misplaced. The Commission has indicated its intention to publish a new proposed rule in the Federal Register for public comment.

Mr. President, I very much support the EEOC's stated intention to revise the restrictive rule published in 1979 which allows employers to cease accrual of pension benefits and share the view that the existing rule is inconsistent with the purpose of the ADEA. I congratulate the Commission for its vision, and I look forward to reviewing the new rule. In the meantime, however, I have included in my legislation provisions which would overturn the existing rule.

Mr. President, the second type of disincentives contained in private pension plans involves provisions requiring total forfeiture if an individual continues to work for the same employer or in the same industry after he or she becomes eligible for pension benefits. Prior to 1982, a pension could be withheld for any amount of work by a pensioner. According to one estimate, there are about 66,000 pensioners between the ages of 65 to 69 who did not work because of these forfeiture of benefit rules. Current Department of Labor regulations permit some work activity by pensioners but allow all benefits to be withheld from retirees who work more than 40 hours per month in prohibited employment.

Section 202 of S. 2 would prohibit an employer from withholding pension benefits so long as the pensioner did not work more than 1,000 hours per year. This is roughly twice the current allowable amount and would enable a retiree to work approximately half-time before losing his pension.

Mr. President, I want to stress again that what we are trying to achieve is increased flexibility and opportunities for older workers to stay in the work force, particularly part time. We are rapidly approaching an era when our society is going to need the skills and contributions of these older workers. These part time employees will be able to contribute to our national productivity, continue to be taxpayers, and increase their own standards of living in old age through continued work effort.

PART-TIME EMPLOYMENT INCENTIVES

Mr. President, a major purpose of this legislation is to promote the availability of part-time employment opportunities for older workers. Older Americans have repeatedly indicated that they are desirous of these part-time employment opportunities. In addition to the provision permitting part-time work without losing pension benefits which I just described, there are several other provisions in this legislation designed to have specific impact upon part-time employment opportunities.

First, S. 2 would provide for cutting in half the FICA tax—commonly known as the Social Security payroll tax—imposed upon both the employee and the employer for workers over age 65 with respect to wages that do not exceed one-half of the contribution and wage base established under the Social Security Act—presently $39,600 per year. Under current law, the employer is obligated to pay the full FICA tax for each employee, regardless of the fact that the employee may be part time. Thus, an employer faces a situation where the FICA tax on two part-time employees will exceed the tax which would have been paid to one worker performing the same job.

For the older worker, having to pay the full employee FICA tax on part-time employment creates an additional fiscal disincentive, particularly if the employee is already subjected to the Social Security earnings limitation. There have been proposals made to eliminate entirely FICA taxes on workers over 65. Consideration has also been given to providing for a pro rata reduction in the FICA tax. However, the administrative difficulties in applying a pro rata reduction would be enormous. Hence, section 302 of S. 2 would simply cut the FICA tax in half for older workers and their employees for wages up to one-half of the applicable contribution and wage base provided under the Social Security Act.

Second, section 301 of this legislation would extend the existing target-

ed job tax credit to low-income older workers. As I will explain in a moment, this would result primarily in the creation of part-time jobs for older workers.

The targeted job tax credit provides employers with a tax credit equal to 50 percent of the first $6,000 in wages paid in the first year to workers in certain targeted categories, and 25 percent of the first $6,000 paid in the second year of employment. Between 1979 and 1981, 800,000 workers were benefited under the existing targeted categories which cover persons who are economically disadvantaged and are one of the following: 18- to 24-year-old, Vietnam-era veterans, former convicts, youths aged 16 to 19 in cooperative education programs, former CETA public service employment participants, vocational rehabilitation referrals, or welfare assistance recipients.

The Congressional Budget Office has estimated that 1.5 million older workers between the ages of 62 and 69 and 2.6 million who are 70 years and older would be eligible under the same income standards that are applied to the other categories under the existing credit. Costs of extending the credit to low-income older workers could range between $50 million per year in reduced revenues if 2 percent of the 1.5 million used the credit to $250 million if 10 percent used the credit. However, the Congressional Budget Office estimates that this cost would be partially offset by increased Social Security revenues ranging from $7 to $25 million, by increased income taxes paid by the employee, and reduced Social Security benefit payments resulting from the work effort of these new employees.

Mr. President, obviously, this proposal is made in the context of the existing tax code which already contains a targeted jobs tax credit. By introducing this provision as part of S. 2, I do not intend to suggest that I would necessarily advocate this type of tax credit in the context of a modified flat tax reform or other tax simplication reform.

The Congressional Budget Office has also indicated that because of the combined effects of the Social Security earnings limitation and the $6,000 limit in the existing offset for employers, the likely effect of extending the TJJC to this group would be primarily to create jobs paying under $6,000, likely to be part-time jobs. Thus, this provision would contribute to stimulating the availability of the part-time employment opportunities that older workers have repeatedly indicated they desire.

APPRENTICESHIP PROGRAMS

Finally, Mr. President, section 401 of the proposed Older Americans Employment Opportunities Act of 1985 includes a provision amending the National Apprenticeship Act in order to prohibit age discrimination in apprenticeship programs. A great number of apprenticeship programs which recruit entrants into the skilled trades apply upper age limits for aspiring workers. These policies reflect an attitude toward the productivity and longevity of older workers that is inconsistent with the demographic changes ahead in our work force. As the demand for older workers grows and older workers look at second careers, age barriers in apprenticeship and other job training programs must be reevaluated. A worker in the year 2000 is as likely to spend as many years in the work force after his 45th birthday as before that age. In many cases, older workers will be needed to transfer from heavy industrial jobs to lighter tasks. They will need to have access to training programs to make these transfers. Elimination of age discrimination in apprenticeship programs is one of the steps that should be taken as we attempt to reorient our attitude toward older workers.

CONCLUSION

Mr. President, I believe that S. 2 represents a comprehensive approach to expanding the employment opportunities of older Americans who want to stay in the work force in some fashion after the normal retirement age. The changes which have taken place in our society and will continue to take place in the coming decades demand that we discard our existing rigid concepts about retirement and replace them with a flexible range of options that will meet the needs of older workers, of American business, of our economy, and of our society. I hope that action can be taken on these proposals to help eliminate the obstacles that deter older workers from remaining in the work force. Public opinion and desire clearly point in this direction. We need to make a firm commitment to action. I intend to write to the chairmen and ranking minority members of the Finance Committee and the Select Committee on Aging urging them to hold hearings on this legislation.

Mr. President, I ask unanimous consent that the full text of S. 2 be printed in the RECORD at the conclusion of my remarks followed by the article from the Chronicle of Higher Education.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit Nos. 1 and 2.)

EXHIBIT No. 1

S. 2

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Employment Opportunities Act of 1985".

TITLE I—AMENDMENTS TO AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967

AGE LIMITATION

SEC. 101. (a)(1) Section 12(a) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 631(a)) (relating to age limitations) is amended by striking out "but less than 70 years of age".

(b) Subsections (c) and (d) of section 12 of such Act (29 U.S.C. 631 (c) and (d)) are repealed.

BENEFIT ACCRUAL BEFORE MAXIMUM NORMAL RETIREMENT BENEFIT

SEC. 102. Section 4(f)(2) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(f)(2)) (relating to prohibition of age discrimination) is amended—

(1) by striking out "and" after "hire any individual,"; and

(2) by inserting before the semicolon at the end a comma and "and no employee benefit plan shall require or permit the suspension of an employee's benefit accrual or the reduction of the rate of an employee's benefit accrual because of age before accruing the maximum normal retirement benefit".

TITLE II—PENSION ACCRUALS FOR OLDER WORKERS

BENEFIT ACCRUAL BEYOND NORMAL RETIREMENT AGE

SEC. 201. (a)(1) Subsection (a) of section 204 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(a)) (relating to benefit accrual requirements) is amended to read as follows:

"(a) Each pension plan shall satisfy the requirements of subsection (b)(3), and—

"(1) in the case of a defined benefit plan, shall satisfy the requirements of subsection (b)(1); and

"(2) in the case of a defined contribution plan, shall satisfy the requirements of subsection (b)(2).".

(2) Section 204(b)(1) of such Act (29 U.S.C. 1054(b)(1)) is amended by adding at the end the following new subparagraph:

"(H) Notwithstanding the preceding subparagraphs, a defined benefit plan shall be treated as not satisfying the requirements of this paragraph if, under the terms of the plan, an employee's benefit accrual is suspended or the rate of an employee's benefit accrual is reduced solely because of age before accruing the maximum normal retirement benefit.".

(3) Section 204(b) of such Act (29 U.S.C. 1054(b)) is further amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) An individual account plan satisfies the requirements of this paragraph if, under the plan, employer contributions to the employee's account are not suspended or reduced solely because of age.".

(b)(1) Section 411(b)(1) of the Internal Revenue Code of 1954 (relating to accrued benefit requirements) is amended—

(A) by striking out "GENERAL RULES.—" and inserting in lieu thereof "DEFINED BENEFIT PLANS.—"; and

(B) by adding at the end the following new subparagraph:

"(H) CONTINUED ACCRUAL BEYOND NORMAL RETIREMENT AGE.—Notwithstanding the preceding subparagraphs, a defined benefit plan shall be treated as not satisfying the requirements of this paragraph if, under the

terms of the plan, an employee's benefit accrual is suspended or the rate of an employee's benefit accrual is reduced solely because of age before accruing the maximum normal retirement benefit.".

(2) Section 411(b) of the Internal Revenue Code of 1954 is further amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) DEFINED CONTRIBUTION PLANS.—A defined contribution plan satisfies the requirements of this paragraph if employer contributions to the employee's account are not suspended or reduced solely because of age.".

(3) The first sentence of section 411(a) of the Internal Revenue Code of 1954 (relating to minimum vesting standards) is amended by striking out "paragraph (2) of subsection (b), and" and all that follows down through the end and inserting in lieu thereof "subsection (b)(3), and also satisfies, in the case of a defined benefit plan, the requirements of subsection (b)(1) and, in the case of a defined contribution plan, the requirements of subsection (b)(2).".

EMPLOYMENT BEYOND NORMAL RETIREMENT AGE

SEC. 202. (a) Section 206 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056) (relating to form and payment of benefits) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) If—

"(1) a participant or beneficiary is receiving benefits under a pension plan, or

"(2) a participant is separated from the service and has nonforfeitable rights to benefits,

a plan may not deny, suspend, or reduce the benefits of such a participant by reason of any increase in the income of the participant due to employment of the participant by any employer for less than 1,000 hours during a calendar year.".

(b)(1) Section 203(a)(3)(D)(v) of such Act (29 U.S.C. 1053(a)(3)(D)(v)) is amended by striking out "section 206(c)" and inserting in lieu thereof "section 206(d)".

(2) Section 211(b)(1) of such Act (29 U.S.C. 106(b)(1)) is amended by striking out "206(d)" and inserting in lieu thereof "206(e)".

(3) Section 514(b)(7) of such Act (29 U.S.C. 1144(b)(7)) is amended by striking out "206(d)(3)(B)(i)" and inserting in lieu thereof "206(e)(3)(B)(i)".

EFFECTIVE DATE

SEC. 203. The amendments made by this title shall apply with respect to plan years beginning after December 31, 1986.

TITLE III—FURTHER AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1954

CREDIT FOR EMPLOYMENT OF CERTAIN NEW EMPLOYEES

SEC. 301. (a) Subsection (d) of section 51 of the Internal Revenue Code of 1954 (relating to members of targeted groups) is amended—

(1) in paragraph (1)—

(A) by striking out "or" at the end of subparagraph (I);

(B) by striking out the period at the end of subparagraph (J) and inserting in lieu thereof a comma and "or"; and

(C) by adding at the end the following new subparagraph:

"(K) low-income older worker.";

(2) by redesignating paragraphs (11), (12), (13), (14), (15), and (16) as paragraphs (12), (13), (14), (15), (16), and (17), respectively, and inserting after paragraph (10) the following new paragraph:

"(11) LOW-INCOME OLDER WORKER.—The term 'low-income older worker' means an individual certified by the designated local agency as—

"(A) at least 65 years of age, and

"(B) a member of an economically disadvantaged family (as determined under paragraph (12)).";

(3) by striking out "paragraph (11)" each place it appears in paragraph (13)(A)(iv) (as redesignated by paragraph (2) of this subsection) and in paragraphs (3)(A)(ii), (4)(C), and (7)(B) and inserting in lieu thereof "paragraph (12)"; and

(4) by striking out "paragraph (14)" in paragraph (13)(C) (as redesignated by paragraph (2) of this subsection) and inserting in lieu thereof "paragraph (15)".

(b) The amendments made by this section shall apply to amounts paid or incurred after December 31, 1986, in taxable years ending after such date.

REDUCTION IN EMPLOYMENT TAXES WITH RESPECT TO OLDER WORKERS

SEC. 302. (a)(1) Section 3101 of the Internal Revenue Code of 1954 (relating to rate of FICA tax on employees) is amended by adding at the end of the following new subsection:

"(e) TAX WITH RESPECT TO OLDER WORKERS.—In the case of wages received during a calendar year by an individual who is 65 years of age or older, each rate of tax imposed by subsection (a) and subsection (b) shall be, with respect to that portion of such wages which does not exceed one-half of the contribution and benefit base (as defined in section 230 of the Social Security Act) in effect for such calendar year, one-half of the rate otherwise applicable under such subsection.".

(2) Section 3111 of such Code (relating to rate of FICA tax on employers) is amended by adding at the end the following new subsection:

"(d) TAX WITH RESPECT TO OLDER WORKERS.—In the case of wages received during a calendar year by an individual who is 65 years of age or older, each rate of tax imposed by subsection (a) and subsection (b) shall be, with respect to that portion of such wages which does not exceed one-half of the contribution and benefit base (as defined in section 230 of the Social Security Act) in effect for such calendar year, one-half of the rate otherwise applicable under such subsection.".

(b)(1) Section 3201 of such Code (relating to rate of Railroad Retirement Act tax on employees) is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

"(c) TAX WITH RESPECT TO OLDER WORKERS.—In the case of compensation paid in any calendar year for services rendered by an employee who is 65 years of age or older, each rate of tax imposed by subsection (a) and subsection (b) shall be, with respect to that portion of such compensation which does not exceed one-half of the applicable base (as defined in section 3231(e)(2)(B)) in effect for such calendar year, one-half of the rate otherwise applicable under such subsection.".

(2) Section 3211 of such Code (relating to rate of Railroad Retirement Act tax on employee representatives) is amended by adding at the end the following new subsection:

"(c) TAX WITH RESPECT TO OLDER WORKERS.—In the case of compensation paid in any calendar year for services rendered by an employee representative who is 65 years of age or older, each rate of tax imposed by subsection (a) and subsection (b) shall be, with respect to the portion of such income described in section 3201(c), one-half the rate of tax otherwise imposed under such subsection.".

(3) Section 3221 of such Code (relating to rate of Railroad Retirement Act tax on employers) is amended by redesignating subsection (e) as subsection (f) and inserting after subsection (d) the following new subsection:

"(e) In the case of compensation paid in any calendar year by an employer for any services rendered by an employee who is 65 years of age or older, each rate of tax imposed on such employer under subsection (a) and subsection (b) shall be, with respect to the portion of such compensation described in section 3201(c)(1), one-half the rate of tax otherwise imposed on such employer under such subsection.".

(c) The amendments made by this section shall apply with respect to wages received and compensation paid after December 31, 1986.

TITLE IV—AMENDMENTS TO THE NATIONAL APPRENTICESHIP ACT

PROHIBITION OF AGE DISCRIMINATION IN APPRENTICESHIP PROGRAMS

SEC. 401. The first section of the Act of August 16, 1937 (50 Stat. 664, chapter 663; 29 U.S.C. 50), popularly known as the National Apprenticeship Act, is amended by inserting "(a)" after the section designation and by adding at the end the following new subsection:

"(b) In promoting labor standards for the welfare of apprentices under subsection (a) of this section, the Secretary shall ensure that no program of apprenticeship discriminates against any individual, because of the age of such individual, in admission to, or employment in, any such program.".

EXHIBIT NO. 2

"I WASN'T READY TO GO": THE CONFLICT OVER FORCING PROFESSORS TO RETIRE

(By Suzanne Perry)

Five years ago, Saul Levine, then a professor of art history at Fairleigh Dickinson University, turned 65.

It was a traumatic experience.

For although Mr. Levine loved teaching, he was being forced to give up his tenured position because he had reached the age for mandatory retirement under a faculty contract with the university. The university then appointed him to a nontenured position for one year and offered him only a part-time job for the year after that.

The professor says he was so unprepared to pull back from his life's work that he felt as though he had been stricken by "emotional leukemia."

One day you're at peace with yourself, he says, and then "suddenly there is the restraint of serious illness, and very little can be done about it. You have to accept the reality of a status that is brutally changed."

Mr. Levine did what he could: He sued the university on charges of age discrimination, and won—mainly because the university, in stripping him of his tenure, left itself open to a judgment that it had violated the feder-

al Age Discrimination in Employment Act. Ironically, until last July, that law protected nontenured faculty members—but not tenured faculty members—after age 65.

Under the terms of Mr. Levine's settlement, however, he had to leave Fairleigh Dickinson at age 69.

"I wasn't ready to go," he says. "I considered myself at the peak of my teaching abilities. I'm a Michelangelo scholar, and the interaction between teaching and scholarship is always there. You can't separate it."

Mr. Levine says his leave disrupted the lives of others, as well, as evidenced by letters that many colleagues and students sent to administration on his behalf.

Mr. Levine's legal battle is over now, but the philosophical questions surrounding mandatory retirement still tug at him. Is it morally right, he asks, for an employer to require workers to retire against their will?

Mr. Levine says No.

"Retirement in a democratic society has to be voluntary," he says. "Any arbitrary imposition of retirement is a violation of our civil rights. It's something ugly. It's anathema. It violates our basic sense of decency."

BURGEONING MOVEMENT

Throughout American society a burgeoning movement against age discrimination is forcing people to confront such issues these days.

In academe, however, there are special complications, because leading professional associations have said that tenured faculty members should be treated differently from other employees. Others disagree. The arguments reflect a classic conflict between the rights of individuals and the needs of institutions.

Five years ago, when the Age Discrimination in Employment Act was amended to prohibit mandatory retirement before age 70, colleges and universities were temporarily exempted—until July, 1982—in the case of tenured professors.

This year, Rep. Claude Pepper, Democrat of Florida, one of the nation's leading advocates of rights for older Americans, and Sen. John Heinz, Republican of Pennsylvania, introduced bills to abolish mandatory retirement altogether. But once again, under their proposals, application of the law to tenured professors would be delayed—this time for 15 years.

The exemption is the product of intensive lobbying by the American Council on Education on behalf of all major higher-education associations, reportedly augmented by hundreds of letters to Congress from college and university presidents.

The institutions' arguments, basically, is that "uncapping" the retirement age for tenured professors would exacerbate demographic pressures that have already sharply reduced the number of openings for new faculty members across the country. Confronted with projections of declining enrollments and a bulge of middle-aged faculty members who were hired during higher education's boom period of the 1950's and 1960's, college and university officials say they must be able to retire older professors.

No other profession, they say, must grapple with the intricacies of academic tenure, which makes it difficult to fire an unproductive professor. Moreover, the "graying" of college faculties will lead to increased salary costs and a lack of fresh blood, the officials maintain.

AAUP SUPPORTS EXEMPTION

On the surface that might seem to be strictly a management viewpoint. Yet the proposed 15-year exemption is also being supported by the American Association of University Professors, which opposed a faculty exemption in 1978 but now fears that uncapping the retirement age altogether could freeze out younger faculty members from the tenure system.

Said the association's Committee on Academic Freedom and Tenure in a report published last fall:

"An effect of uncapping legislation, though one probably not consciously intended by its framers, will be to shift institutions' total personnel costs toward the older edge of the faculty age spectrum, as many professors elect to stay on at full salary, past the traditional mandatory retirement age of 70 at many institutions, as well as past the previously traditional retirement age of 65 at many other institutions."

Matthew W. Finkin, professor of law at Southern Methodist University and chairman of the A.A.U.P. committee, says the association's concern extends to "the vitality of the professoriate as a whole."

Officials of the association say its position has attracted little negative response from members.

But in other corners of academe, there are ripples of discontent.

For one thing, the two other major faculty organizations—the American Federation of Teachers (A.F.L.-C.I.O) and the National Education Association—oppose the exemption. The N.E.A. opposes mandatory retirement for any workers, and it argues in a letter to Congress that excluding tenured faculty members from legislative protection would be "double discrimination—once on the basis of age and again on the basis of occupation." The A.F.T. has not taken a position on the general question of mandatory retirement, but it says that any legislation on the issue should afford tenured faculty members "treatment comparable to other professionals."

For another thing, some faculty members and administrators passionately believe that forcing competent professors to retire involuntarily is as unjust as discriminating against someone on the basis of race or sex.

"WORST FORM OF DISCRIMINATION"

"In some ways this is the worst form of discrimination," says Allen D. Calvin, professor of organization and leadership at the University of San Francisco. "If we're lucky enough, all of us will get to be 65 or 70, so this will affect all of us."

Mr. Calvin has launched a one-man campaign against mandatory retirement. For years, he has been collecting documents, writing letters, contacting Congressional staff members, and lobbying in California for a pending state bill that would prohibit forced retirement of professors.

He sees those efforts as a logical extension of his own involvement in the civil-rights movement. While retirement will not affect him directly for some time—he is only 55—Mr. Calvin says he was moved to act after watching some of his former colleagues become "absolutely destroyed" by mandatory retirement.

"The more I watched some of the finest professors I knew being fired, the more irritated I got," he says.

Another opponent of mandatory retirement is Thomas M. Stauffer, now chancellor of the University of Houston. Until last summer, he was director of external relations at the American Council on Education, one of the leading advocates—both in 1978 and today—of allowing colleges to force tenured professors to retire.

Mr. Stauffer's view, which he explained in a recent letter to the New York Times, is that academe is inviting greater federal intervention by asking the government to exempt it from "fundamental national policy."

"American higher education is part of the American nation, not separate from its basic social trends," he wrote. "The American population is aging, and recognizing the value of older workers is just as significant as recognizing the value of women and minorities in the work place."

Mr. Stauffer says he sympathizes with the A.C.E., which was flooded with letters from college presidents who opposed raising or uncapping the mandatory-retirement age for tenured professors. But he says he couldn't shake the feeling that their arguments were discriminatory.

"I thought what A.C.E. was doing in a constituent sense was correct—representing the people in higher-education land," he says. "But I thought it was wrong, pure and simple."

J. W. Peltason, president of the American Council, says its position serves the needs of the entire higher-education community. "In all fields, one needs a balance of younger faculty and more experienced faculty to stimulate students and colleagues alike by challenging old as well as new ways of thinking and by contributing varied perspectives," he told Congress in a letter.

On the other side of the question, Bernard Roth, professor of mechanical engineering at Stanford University, is an example of someone who became "converted" by considering the individuals involved. He says he began fighting mandatory retirement after investigating the issue about five years ago as chairman of Stanford's A.A.U.P. chapter.

"My mind literally got blown," Mr. Roth recalls. "Every stereotype I had on the issue was wrong."

He says he discovered that instead of "doddering guys with yellow notes," many of the Stanford professors who were being forced to retire were "stars who were bringing in millions of dollars" that created jobs for young scholars.

Mr. Roth testified against a California bill, which eventually passed, that exempted tenured professors at private universities from state legislation abolishing mandatory retirement. And he led a fight on behalf of Stanford professors who were in what he calls the "window group"—they turned 65 between the time Congress amended the mandatory-retirement law and the time the exemption affecting tenured professors expired. Stanford agreed to offer the affected employees half-time assignments.

Opponents of mandatory retirement in higher education also raise these points.

There is no evidence that many professors would stay past 70 even if they could, so predictions of dire consequences from uncapping the retirement age may be exaggerated.

Colleges and universities are using mandatory retirement as a way to rid themselves of unproductive professors, instead of dealing directly with a problem that can afflict faculty members at any age.

Some professors can't afford to retire because their pensions are inadequate.

The argument that hard data on mandatory retirement do not exist is supported by a Congressional staff member who is closely involved with the pending legislation.

"I find it kind of curious that the supposed scientific and academic leaders of this

country are running around screaming Chicken Little stories," he says.

Although the bills' sponsors agreed for political reasons to include the 15-year exemption, this source adds, "it will be up to the academics to prove their case to Congress."

According to the Teachers Insurance Annuity Association and College Retirement Equities Fund, the average age at which faculty members begin collecting their pensions—which usually represents a retirement date—has been declining over the past 10 years. In 1982, the organizations report, 10 per cent of their participants began receiving annuity checks at age 70 or over, compared with 12.5 per cent in 1973.

The report by the A.A.U.P.'s academic-freedom committee said academe should be exempted from proposals to uncap the retirement age for tenured professors "so long as the professoriate is otherwise fairly treated in the administration of the institution's retirement plan."

Mr. Finkin defends the committee's positions as a highly principled one. The academic-freedom panel considered the civil-liberties argument carefully, he says, and "the question was a close one."

But on balance, the committee believed that its position served the greater good. The prospect of unlimited employment of faculty members, he says, could cause administrations to attack the tenure system.

Furthermore, mandatory retirement is a "civilized" way to ease out a faculty member who, "after 30 years of service, is not as productive as he once was," Mr. Finkin adds. "One of the advantages of mandatory retirement is it is neutral."

Mr. Peltason of the A.C.E. agrees that the prospect of charging older professors with incompetence—and perhaps fighting the battle in court—is unappealing.

"You'd have letters from students of 20 to 30 years ago, saying, 'He was the best thing in my life.' Then the university has to come forward and say, 'Yes, Professor X was a fine biochemist, but he hasn't done anything up to date in the last 10 years.' "

Meanwhile, as the debate continues, individual lives are directly affected by colleges' decisions on retirement. While many professors undoubtedly look forward to retiring, for some the experience is wrenching.

Gifford E. McCasland, for example, in 1978 and 1979 waged a bitter fight through his faculty union against his forced retirement at age 65 from the University of San Francisco. Because of the 1978 exemption, however, he had no legal recourse. Mr. McCasland, a former professor of chemistry, found that a bitter pill to swallow.

"To single out any one occupation and deny you the protection of the law—I think it's an outrage," he says. "To me, it's unconstitutional. I don't know how they get away with it."

The outrage also extended to Mr. McCasland's wife, Evelyn, who says it was difficult to watch her husband become the victim of discrimination for the first time in his life.

For several years, the McCaslands were consumed by the mandatory-retirement issue. They wrote letters, clipped and filed dozens of articles about retirement, and monitored efforts to change the California law.

But, they say, they eventually gave up hope that anyone was listening. Mr. McCasland found a part-time research position at the University of California at San Francisco, but the bitterness lingers. Mrs. McCasland says they refuse to attend the annual emerti dinners of the University of San Francisco.

In a final effort to state his case, Mr. McCasland wrote an article that he hoped *Newsweek* would print on its "My Turn" page. The article, which has not been published, was entitled "Professors—On the Scrap-Heap at 65."

S. 3: SOCIAL SECURITY EQUITY ACT OF 1985

Mr. CRANSTON. Mr. President, on January 3, my bill, S. 3, the proposed "Social Security Equity Act of 1985," which is identical to legislation I introduced in the past two Congresses—S. 3 in the 98th Congress, and S. 3034 in the 97th Congress—was introduced. This measure would incorporate the concept of earnings sharing into the Social Security system. I am pleased to be joined in sponsoring this legislation by the distinguished Senator from Colorado [Mr. HART] and the distinguished Senator from Ohio [Mr. GLENN], the ranking minority member of the Senate Special Committee on Aging. S. 3 is almost identical to a proposal, H.R. 158, which was introduced in the House on January 3 by Representative MARY ROSE OAKAR. She is the chair of the body's Select Committee on Aging's Task Force on Social Security and Women and has been a tremendous leader in the effort to reform the Social Security System in a manner that would adequately and equitably deal with the needs of older women. Representative OAKAR has also introduced this legislation in the House in the past several Congresses and, as I will discuss in a few moments, we have worked closely together in seeking to move forward in this area, as well, I might add, as on pay-equity legislation, S. 5, also introduced on January 3.

Mr. President, the basic concept underlying earnings sharing is relatively simple: Marriage for Social Security purposes should be and would be regarded as a partnership. In order to compute benefits, all of the earnings of a married couple would be combined and divided equally between the spouses upon retirement or divorce. Each member of the couple would then have established for him or her an individual Social Security account. Earnings acquired before or after a marriage would go into this individual account along with whatever share each member acquired during marriage.

Mr. President, to understand the need for reform, it is necessary to understand the conditions of poverty and dependency which face millions of older women in our society and how the present system of determining Social Security benefits contributes to these and other problems.

OLD AGE AND POVERTY

Poverty in this country among the elderly is principally a problem afflicting women. Although women constitute 59 percent of the total noninstitutionalized aged, they account for more than 70 percent of elderly poor. In 1983, more than 2.6 million older women had incomes below the poverty line. The poverty rate of elderly women was 17 percent in 1983, compared to the 10-percent rate for older men. For unmarried elderly women—it was a staggering 28.7 percent.

A 1984 report issued by the Women's Research and Education Institute of the Congressional Caucus for Women's Issues, "Older Women: The Economics of Aging," succinctly summarizes the data which explain, in part, the reasons for this disproportionate representation of women among the elderly poor.

ELDERLY WOMEN LIKELY TO BE DEPENDENT ON SOCIAL SECURITY

First, Mr. President, women are far more likely than men to be almost totally dependent upon Social Security for income in their old age. Since Social Security was never intended to meet all of the financial needs of a retiree, Social Security alone seldom provides more than a marginal standard of income.

In 1982, only 19 percent or less than one in five older women had any income from pensions and/or annuities, and only 13 percent of the unmarried elderly women received private pensions in contrast to 33 percent of married couples and 24 percent of unmarried men. Typically, these private pension benefits were low, especially those received by women who retired after years of working at low paying jobs or by women who, as surviving spouses, received reduced benefits from their deceased husband's pension plans.

Interest from assets, such as savings, provide only a minor source of income for many elderly persons, particularly for unmarried elderly women. In 1982, for example, the median income received by elderly persons from all assets amounted to only $1,540.

The importance of Social Security to elderly women is demonstrated by the fact that, according to the 1982 data, nearly three-quarters of all unmarried women are dependent on Social Security for at least half of their total income and for almost 40 percent of them it represents 90 percent or more of their total income. For 1.7 million of these women, Social Security represented 100 percent of their income. In contrast, only 17 percent of married couples and only 27 percent of unmarried males relied upon Social Security for 90 percent or more of their income.

As I will discuss in a moment, this dependence upon Social Security as the major source of their income by elderly women—especially elderly women living alone—when combined with the generally lower Social Security benefits received by these women is a key factor in the disproportionate repre-

sentation of these women in the poverty population.

ELDERLY WOMEN LIKELY TO LIVE ALONE

Second, Mr. President, elderly women are far more likely than elderly men to be living alone in their old age. Ony 40 percent of elderly women live with their husbands and about 20 percent live with other people—mostly family members, and more than 40 percent live alone. Among women over age 75, the percentage living with a husband drops to less than one-fourth and the percentage living alone increases to nearly one-half. These statistics and the likelihood that a woman will be alone in old age arise from higher male mortality rates coupled with the tendency of men to marry younger women. An elderly man is far more likely to be living with a wife: 7 of every 10 men aged 75 and older is living with a spouse while nearly 7 of every 10 women is a widow. Even at the younger ages, the difference in marital status is striking. Of those between age 65 and 74, almost 40 percent of the women are widowed compared to less than 10 percent of the males. Remarriage rates for these men are vastly higher than for women. As I indicated earlier, those elderly women living alone are far more likely to be poor than elderly women living with a spouse.

WOMEN'S SOCIAL SECURITY BENEFITS LIKELY TO BE LOWER

Third, although so many elderly women living alone depend upon Social Security as their principal and sometimes only source of income, their benefits are dramatically lower than the average benefits received by men. In 1982, nearly 4.5 million women were receiving Social Security benefits as widows based upon age (rather than because of disability or presence of dependent children). Their benefits averaged $379 per month which, if it were the only or primary source of income wasn't much in 1982. Another 3 million beneficiaries were wives of retired workers receiving a dependent spouse average monthly benefit of $213. In the event that these wives become widows, their monthly benefit would double to $416. The picture for divorced wives was even bleaker. Their benefits averaged $177 a month. For retired workers, the average benefit for women in 1982 was $335; for men, $438. The average for all adult women was $308; for men, $430.

ELDERLY WOMEN PREDOMINATE IN NEAR-POVERTY STATUS

Finally, although the disproportionate poverty status of elderly women frequently has drawn the most attention because of its staggering nature, the situation is equally grim for millions of elderly women just above the poverty line—$4,770 for individuals 65 and over in 1983. As of 1983, older women had a median personal income of $5,599 compared to the median income of $9,766 for older men. When the median income figures are broken down to show income distributions, an even more grim picture emerges. Forty-five percent of these women, or nearly one in every two had incomes of less than $5,000 in 1983; less than one in five men fell into this category.

Mr. President, in every income category—whether it is private pensions, asset income, or Social Security—older women have dramatically fewer resources and less income in old age than do men. There are, of course, many factors which contribute to the economic hardships that face women in their retirement years. A lifetime of wage discrimination and pay inequities contribute enormously to these problems in old age—and there is a real need to do something further about eliminating those factors—the goal of the proposed "Pay Equity Act of 1985," S. 5, which I mentioned earlier. But there is little question that a major contributing factor lies in the failure of the present Social Security benefit structure to take into account the changing roles and needs of American women.

HISTORICAL PERSPECTIVE

Mr. President, much of the problem lies in the fact that the Social Security System was developed in an era when the role of women in our society was far different from what it is today. In the 1930's when the Social Security Program was created, the typical American family consisted of a man who was a full-time worker and his wife who was a full time, lifelong homemaker. The labor force participation of married women was less than 17 percent and fewer than 1 in 12 marriages ended in divorce. The Social Security benefit structure was thus established on the concept of a lifelong couple with one wage earner and a dependent spouse.

The situation has dramatically changed over the past 50 years and the typical family of the thirties and forties—even the fifties and sixties—is not the typical family of today. Women have become a major part of America's work force, enriching the world of work with their contributions and productivity, despite continuing wage discrimination and employment barriers. The percentage of married women in the work force exceeds 50 percent and it has been estimated that 90 percent of all women spend some portion of their lives in the work force, many of them moving in and out of the roles of wage earners and homemakers as the needs of their families change. It is no longer true that women are likely to be either lifelong homemakers or lifelong wage earners; these roles are combined and interchanged throughout a lifetime.

Similarly, we must recognize, like it or not, that the status of marriage has changed dramatically over the past 50 years. Today, one of three marriages ends in divorce.

Mr. President, despite these massive changes in our society, the Social Security System has continued to operate on the basis of a philosophy designed for an era when most women did not work and when most women were part of a lifelong marriage. Consequently, the current system works well only for that very small number of women whose family and work patterns have not changed from the 1930's and 1940's. For the vast majority of women and families that no longer fit into that pattern, the system fails to provide either adequately or equitably for their needs.

CURRENT BENEFIT STRUCTURE

Under the current system, a woman can receive benefits as a covered worker based upon her own earnings record or she can receive benefits as a dependent wife, widow, or ex-wife of a covered worker, but she cannot receive both benefits. If she is entitled to both a worker's benefit and a dependent spouse's benefit, she received only the higher of the two benefits and loses the other.

DEPENDENT SPOUSE BENEFIT

A dependent spouse benefit is equal to 50 percent of the benefit of the working spouse. Because many women have gaps in their work history due to absences from the workplace for childcare responsibilities and generally have much lower earnings records, many find that their benefits as a dependent spouse are greater than the benefits they would be entitled to receive on the basis of their own work history. Thus, many married women who enter the work force and make contributions to the Social Security System find that their years of work and contributions make little or no difference in their benefit levels. They are no better off than if they had never worked and never paid into the Social Security System.

DIVORCED OR WIDOWED SPOUSE BENEFITS

Mr. President, the inequities of the current system can be even more acute for those women who have been full-time homemakers and are displaced from that role either by divorce or the death of a spouse. After years of work as a homemaker in a marriage, a divorced woman may find herself without any work record of her own and eligible for Social Security benefits only as a dependent spouse. Although she may be of retirement age, she can not receive any Social Security benefits unless the marriage lasted 10 years. Until enactment of the 1983 Social Security Amendments, she could not receive benefits until her former spouse reached age 62 and if he elected to continue working, she would receive no benefits at all until he retired or died. Fortunately, that particular inequity was corrected in the 1983 legis-

lation, allowing these women of retirement age with at least a 10-year marriage to receive benefits regardless of whether the former spouse continued working.

However, the benefits received by a divorced spouse are likely to be woefully inadequate. The level of the dependent spouse benefit—50 percent of the primary benefit—was geared toward the notion of women whose marriages do not end in divorce and who will be able to rely upon a combination of their husband's 100 percent benefits and the additional 50 percent spouse benefit—in other words, 150 percent of the primary benefit. The spouse benefit by itself may well be insufficient to live on alone.

A widow is equally vulnerable under the present system. Unless she has been able to establish a sufficient Social Security account in her own name, she will be dependent upon the work and earnings record of her deceased spouse. Unable to build up sufficient credits in her own account and unable to add his credits to her account to the extent of her earnings after his death, she is likely to be left with a benefit level that condemns her to entering retirement in poverty.

ONE WAGE-EARNER VERSUS TWO WAGE-EARNER FAMILIES

The current system also discriminates against intact families with two wage earners as contrasted with one wage earner families. Under the benefit calculation formula, a two-earner couple is likely to receive less benefits at retirement than a one-earner couple with exactly the same lifetime earnings. Thus, one family with average monthly earnings of $1,000 and one wage-earner can ultimately receive higher benefits from Social Security than another family with the exact same average earnings but with two wage earners contributing to the total family income. This occurs because of the dependent spouse benefit and because of the formula which is used to calculate benefits.

The 1979 HHS report, "Social Security and the Changing Roles of Men and Women" (page 32) described this problem as follows:

> Since spouse's benefits are not payable to two-earner couples (unless one spouse has low average indexed monthly earnings (AIME)), a two-earner couple generally receives lower total benefits than a one-earner couple with the same total AIME. Benefits for two-earner couples with the same AIME can also vary dependent on the proportion of the total AIME earned by each spouse within the couple.
>
> For example, a one-earner couple each age 62 in 1980 with AIME of $1,000 would have a benefit of $648 (a worker's benefit of $432 plus a spouse benefit of $216). If each spouse had one-half of the earnings, the benefit would be $544. (Each would receive a worker's benefit of $272.)

The HHS report also observed that, as in the case of couples, the survivor of a two-earner couple generally gets a lower benefit than the survivor of a one-earner couple with the same total AIME. For example, the report noted, at AIME of $1,000, the aged survivor's benefit is $432 if only one spouse was a paid worker and only $272—$160 less—if each spouse had AIME of $500—the same total earnings of $1,000.

As I noted earlier, this results from the interplay of the dependent spouse benefit and the weighted benefit formula.

DISABILITY PROTECTION

Finally, a woman who spends years working in the home has no disability protection under Social Security for herself or her dependents even though her disability could cause grave economic hardships for her family. Even if she has recently returned to the work force and is currently earning Social Security credits, she may not yet have met the insured status requirements for disability benefits if she becomes disabled soon after she reenters the work force.

MARRIAGE ALSO AN ECONOMIC PARTNERSHIP

Mr. President, it is time that we begin the task of revising the Social Security System to recognize and reflect the changing roles and responsibilities of both men and women in our society and provide for a more equitable recognition of their contributions to a family unit.

Marriage, insofar as economics are concerned, should be viewed as an interdependent partnership in which each spouse makes a contribution—either in the paid work force or as a homemaker or in some combination of roles—and both ought to accrue Social Security protection equally.

The view of female dependency which is a foundation of the present Social Security System belongs to a bygone era. Women today are achieving the status of equal partnership with men in every facet of our society. The Social Security System needs to be updated to reflect that partnership.

EARNINGS SHARING—A CONCEPT FOR TODAY'S MARRIAGE PARTNERSHIP

Mr. President, as I indicated at the outset, S. 3 would incorporate the concept of earnings sharing into the Social Security System. Marriage for Social Security purposes would be regarded as an economic partnership. In order to compute benefits, all of the earnings of a married couple would be combined and divided equally between the spouses upon retirement or divorce. Each partner would have established for him or her an individual Social Security account. Earnings acquired before or after a marriage would go into this individual account along with whatever share each partner acquired during marriage. The concept of dependency would be replaced by the concept of equality.

Although this is a major change from the current Social Security System of benefit accrual, it is a principle which is now applied in virtually every jurisdiction with respect to other assets acquired during a marriage. Upon the termination of a marriage, these other assets are generally divided equally between the husband and wife. It is similar to the concept of community property which has long existed in States like California. Interests in other pension programs are now generally considered part of the assets acquired during the marriage and are considered in the division of property between the couple upon the termination of the marriage.

The same would be true if we incorporate the earnings-sharing concept into the Social Security System. I think it is interesting to note, in this regard, that recently enacted Federal legislation has allowed these principles to be applied to military and civil service pensions.

There have, of course, been numerous proposals made to deal with the inequities and inadequacies of the current system. The earnings-sharing concept, however, has numerous advantages. It would eliminate the current discrimination against two-wage earner families. It would no longer be possible for them to receive less benefits than one-earner families with identical earnings records. It would recognize the value of the contribution of a homemaker and accord her a Social Security account in her own right. If divorce or death of a spouse should occur—and for a woman age 65 or older, the chances are very high that she will confront one of these situations—a woman could build upon the separate account created for her during her years of marriage, rather than be forced to start from scratch in establishing a Social Security account. Likewise, credits from earnings she receives prior to marriage will be able to be added to her account accrued during marriage. The same, of course, would be true for the husband. Women who enter and leave the workforce to fill the necessary child-rearing roles would no longer be unfairly penalized by gaps in their Social Security coverage.

Mr. President, earnings sharing has repeatedly been identified as the most direct and equitable approach to dealing with the variety of different problems facing women under the current system. Although various interim and single-purpose measures have been proposed, the attractiveness of the earnings-sharing approach is that it would help to resolve many of these problems.

VARIATIONS WITHIN THE EARNINGS-SHARING CONCEPT

Obviously, however, a proposal such as earnings sharing which calls for a major restructuring of the Social Security benefit system involves many

complex and important questions. No one has seriously proposed a pure earnings-sharing model. Such a model would be far too harsh on many individuals. Thus, every earnings-sharing model which has been put forward has represented a modified earnings-sharing concept. For example, the legislation that Representative OAKAR and I have introduced provides for 100-percent inheritance of a couple's combined benefits—up to the ceiling for the applicable years—for the surviving spouse. Other proposals advanced—for example, the model contained in the 1979 report "Social Security and the Changing Roles of Men and Women"—have proposed variations such as an 80-percent inheritance provision. Virtually all models include provisions to address the need to provide adequate protection for dependent children of deceased workers and special provisions to deal with disabled workers.

COST IMPLICATIONS

There is widespread agreement that the earnings-sharing concept itself would not entail any additional costs for the Social Security System. Indeed, a pure earnings-sharing model would probably result in substantial cost-savings. Most of the modified earnings-sharing proposals which have been developed would be cost-neutral. They would simply reallocate benefits on a more equitable basis. However, it is also generally recognized that a transition from the current system to a new system would entail certain transitional costs designed to protect various categories of beneficiaries from being unduly hurt during the transition period. What those costs would be depend in part upon how these transitional provisions are designed and the length of time for such a transition.

TRANSITION PERIOD

There are major decisions which must be made with respect to a transition period. Changes of this dimension and scope must be phased-in over time so that individuals can make appropriate plans for their retirement years. The 1979 HHS report represented two models for a transition period. Representative OAKAR's bill included the first model, which provides for a grandfathering of current benefits or benefits established under the earnings-sharing concept, whichever is greater until the year 2011. The other model proposed in the HHS report, providing for a lengthy delay in the effective date, is the one included in S. 3.

The Social Security changes proposed in S. 3 would not take effect with respect to any one over the age of 50 in 1985. Those under 50 would begin having Social Security accounts established and computed under this proposal henceforth. Because no one under age 50 could reach the minimum retirement age of 62 before 1997, no one under age 50 in 1985 would actually begin receiving benefits under this system until 1997 at the earliest. Different transition provisions are provided for individuals who might become eligible for Social Security disability benefits during this phase-in. In no case, however, would a person who became disabled during this period ever receive less benefits as long as that disability continued than they would be entitled to under the old system.

Mr. President, each of the transition proposals presented in the HHS 1979 report are thus represented in the earnings-sharing measures which have been introduced in the Congress—H.R. 158 and S. 3. I suspect, however, that a preferable approach lies somewhere in between the first option, the grandfathering of current benefits for a long period of time, and the second option, delaying the effective date of the new system. The complete grandfathering approach, although attractive from a beneficiaries perspective, would entail significant additional costs.

Conversely, although the second option of delaying the effective date would not have any additional cost implications, it would mean that none of the benefits of the new system would be realized by those women over age 50 who are rapidly approaching retirement. The need to develop a satisfactory transition mechanism was a major motivating factor behind my offering an amendment to the 1983 Social Security legislation directing HHS to prepare and submit to Congress a report on implementation of various models of earnings sharing in Social Security, including appropriate transition mechanisms.

It is important to note that such a transition would most likely take place after fiscal year 1992 when the Social Security trust fund moves out of the unified budget pursuant to the 1983 amendments. Thus, any costs associated with such a transition would not affect the Federal deficit. Additionally, this transition would take place during the period when the trust fund itself is projected to be building up major surpluses. Whatever costs would be incurred within the transition period would have to be consistent with the overall fiscal condition and future obligations of the trust fund, but those transition costs would have no impact upon the Federal deficit once Social Security is removed from the unified budget at the end of fiscal year 1992.

1983 REPORT AMENDMENT

Mr. President, because of the need for substantial in-depth analysis of the modifications that would be needed in any earnings-sharing proposal and the necessity of providing for an adequate transition process, when the 1983 Social Security legislation was before the Senate, I offered an amendment, which was enacted as section 344 of Public Law 98-21, to require the Department of Health and Human Services to submit to the Congress a report on implementation of earnings sharing. At the time that I offered this amendment, I explicitly stated that the mandate report should not be viewed as a study of the problems facing women under Social Security, but rather it should be focused upon how an earnings sharing concept could be implemented. At the time I offered the amendment—March 16, 1983, CONGRESSIONAL RECORD, daily ed. S3045, I stated:

> I want to stress that this amendment does not call for another study. We did that in 1977. The 1977 social security amendments called for HHS to study the problems facing women under the social security system. The report developed as a result of the 1977 amendments presented the earnings-sharing model as one of two possible comprehensive approaches for dealing with these problems. . . . What needs to be done now is to work out and test the details on how a specific earnings-sharing model can be implemented, and determine what type of transition provisions are needed and what modifications in the basic earnings-sharing concept are necessary in order to provide adequate protection for various categories of beneficiaries.

I should note also that the distinguished majority leader, the Senator from Kansas [Mr. DOLE], who was then chairman of the Senate Finance Committee and the floor manager of the Social Security bill, also made it clear in his statement accepting my amendment that he, too, recognized that the amendment was not—I stress not—calling for another study of the problems facing women in Social Security, but was focused upon advancing the concept of earnings sharing beyond the study stage. The amendment as enacted called for the Department to submit its report to Congress by July 1, 1984.

REPORT LONG OVERDUE

However, Mr. President, as of this date, the statutorily mandated report has not been submitted. Indeed, not only did the Department fail to meet the deadline for submission, no request for an extension of time or formal notification to the Congress that the report was delayed or would be forthcoming at any particular time has been submitted. I would note, however, that the acting Social Security Commissioner, Martha McSteen, was exceedingly courteous and responsive to my requests for information on the Department's progress on the report, including coming to my office last spring to brief me and other interested parties on the Department's plans. Her staff was equally cooperative.

Nevertheless, one of the reasons for the failure to submit the report on time is, in my view, absolutely unac-

ceptable. Early last year, I was advised that the Department intended to enter into a contract with a private organization for the purpose of soliciting the views of various interested groups regarding the treatment of women under the Social Security system. At that time, I along with Representative OAKAR and many organizations interested in the earnings-sharing report, expressed strong opposition to such an undertaking as certainly not being what was sought by Congress in enacting section 344. Despite this opposition, the Department on May 9 awarded a 6-month contract to carry out this survey which obviously made it impossible for the administration to meet the July 1 statutory deadline.

Mr. President, I ask unanimous consent that a March 16, 1984, letter, which I sent to Secretary Heckler and a joint letter of July 31, 1984, which Representative OAKAR and I sent to the Secretary be printed in the RECORD at the conclusion of my remarks following the text of the bill.

Although the report from the contractor has not been released yet, it is fairly easy to conclude from information from the various organizations which were surveyed that nothing particularly new was discovered as a result of this survey and expenditure of a quarter of a million dollars. The problems of special concern to women in the Social Security System have been identified over and over by the various commissions and task forces which have looked at the problem; they have been discussed in congressional hearings for a number of years; and they have been the subject of numerous articles and reports. The time for study is over; the time for action is here.

CONTENT OF DRAFT REPORT

Mr. President, although I have not yet received a copy of the report, what I have learned about it already causes me grave concern. At the same time that HHS was given the responsibility for preparing an implementation report on earnings sharing, a number of indivduals and organizations interested in earnings sharing began meeting to work on the development of an earnings-sharing proposal. Supported by a variety of private funds, this group, called the "Technical Committee for Social Security Reform for Women," has been working over the past several years on this project. The Urban Institute has been providing data analysis to the Technical Committee, using its computer model of the Social Security population. The preliminary model developed by the Technical Committee was finished last year. The committee has planned to hold a series of meetings and conferences to discuss the model before completing its work.

In the meantime, last year the Department of HHS requested permission to use in its report the preliminary model of an earnings-sharing proposal developed by the Technical Committee. The committee agreed on the condition that they would be provided with an opportunity to review and comment in advance how the Department was using and describing the data which the Technical Committee has developed in connection with its proposal. At the end of last year, the chapter of the Department's report dealing with the Technical Committee's work was shared with representatives of that group. Unfortunately, it appears that there are sharp disagreements over the presentation of the data in that chapter and the omission of Technical Committee's transition proposal as well as strong indications that the rest of the report may be seriously flawed. It is a great disappointment to me that this opportunity for the Department of HHS to assist in development of a long-range, but sorely needed reform has been a source of continuing controversy, in so many respects—in terms of the insistence of the Department to employ a private contractor for a totally unnecessary task, the delay in submitting the report, and now what appears to be a substantial problem over whether the report will represent an objective and unbiased analysis of the issue.

In any event, I am pleased that the Technical Committee's work has gone forward and that its model will soon be available for public discussion. Members of my staff have attended meetings of the Technical Committee, as have staff representing Representative OAKAR, and I feel very enthusiastic about the depth of the work that this group has done and its findings regarding the impact of the earnings-sharing model, particularly in terms of the issues of adequacy and equity and an appropriate transition. As soon as the Technical Committee's preliminary report is finalized, I intend to share some of its findings and analyses with my colleagues.

CONCLUSION

Mr. President, as I indicated earlier, earnings sharing represents a major reform which obviously cannot be implemented overnight. But such an effort must begin now so that future generations of women will be adequately and equitably treated under the Social Security System. The Social Security System is vital to the security and well-being of millions of Americans—current retirees and disabled persons and future ones. We have an obligation to protect the system. But equally important is the obligation to make sure that the system remains responsive to the changing needs and roles within our population. Over the years, the Social Security System has grown and responded to changing needs in many ways, such as adding disability coverage and the Medicare Program. Earnings sharing is a concept that is part of that process of growth and responsiveness.

Mr. President, I ask unanimous consent that the full text of S. 3 be printed at this point in the RECORD followed by the letters previously described.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Social Security Equity Act of 1985".

Sec. 2. Title II of the Social Security Act is amended by adding at the end the following new section:

"SHARING OF EARNINGS BY MARRIED COUPLES

"Sec. 234.(a)(1) For purposes of determining the eligibility of an individual and the spouse of such individual for old-age and disability benefits and the amount of such benefits to which each is or may become separately entitled, the combined earnings of such individual and such spouse shall, to the extent that such earnings are attributable to the marriage period of such individual and such spouse (as determined under paragraph (2)), be divided, equally between then and shared in accordance with this section.

"(2)(A) Except as provided in subparagraph (B), for purposes of this section, the term 'marriage period' means the period—

"(i) beginning with the first day of the calendar year in which the marriage of an individual and the spouse of such individual occurs, and

"(ii) ending with the last day of the calendar year preceding the earliest calendar year in which such individual or such spouse dies, they are divorced, or one of them files application for old-age or disability insurance benefits.

"(B)(i) No marriage period shall begin for any individual and the spouse of such individual if their marriage occurs after such individual or such spouse has filed an application for old-age insurance benefits.

"(ii) No marriage period shall include a period for which such individual or such spouse is entitled to disability insurance benefits or the waiting period (as defined in section 223(c)(2)) with respect to such benefits.

"(iii) A marriage period shall include the 'earliest calendar year' referred to in clause (ii) of subparagraph (A) for purposes of recomputations for that year under section 215(f)(2), in any case where an individual or the spouse of such individual dies or they are divorced, unless the survivor (where one of them dies) or either of them (where they are divorced) is remarried later in the same year.

"(b)(1) Except to the extent otherwise provided in subsections (c), (d), and (e), an individual and the spouse of such individual shall each be credited for all the purposes of this title with wages and self-employment income, for each calendar year for which either of them is credited with any wages and self-employment income without regard to this section during their marriage period, in an amount equal to—

"(A) 50 percent of the combined total of the wages and self-employment income otherwise credited to both of them for that year if (at the close of the month for which the benefit determinations involved are being made) they are both still living, or

"(B) 100 percent of such combined total, up to but not exceeding the maximum amount that may be counted for that year without exceeding the ceiling imposed for that year under section 215(e), if (at the close of such month) one of them has died.

"(2) Nothing in this section shall affect the crediting of wages and self-employment income to any individual for any calendar year not included in a marriage period of such individual; but to the extent that wages and self-employment income are credited pursuant to this section the other provisions of this title specifying the manner in which wages and self-employment income are to be credited shall (to the extent inconsistent with this section) not apply.

"(3) Except where the context requires otherwise, for purposes of this section, the term 'spouse' includes a divorced spouse, a surviving spouse, and a surviving divorced spouse.

"(c) Subsections (a) and (b) shall not apply with respect to the crediting of wages and self-employment income for any calendar year, in the case of any individual and the spouse of such individual, if—

"(1) as a result of the application of such subsections with respect to that year such individual or such spouse would cease to be a fully insured individual (as defined in section 214(a)); or

"(2) such individual or such spouse is applying for disability insurance benefits (or for the establishment of a period of disability) and as a result of the application of such subsections with respect to that year would cease to be insured for such benefits under section 223(c)(1) (or for such a period under section 216(i)(3)).

"(d) Subsections (a) and (b) shall not apply for purposes of determining the amount of the benefit payable to any individual for any month if—

"(1) the total amount of the wages and self-employment income credited to such individual for a marriage period, as determined without regard to this section, is higher than the total amount of the wages and self-employment income credited to such individual's spouse for that period, as so determined; and

"(2) such individual's spouse (taking subsections (a) and (b) into account) has not filed application for old-age or disability insurance benefits by the close of such month.

"(e) Notwithstanding any of the preceding provisions of this section—

"(1) benefits payable under subsection (d) or (h) of section 202 on the basis of the wages and self-employment income of any individual, and benefits payable under subsection (b), (c), (e), (f), or (g) of such section 202 (on the basis of such wages and self-employment income) to any person other than a spouse who has shared in or been credited with a part of such individual's earnings under subsections (a) and (b) of this section, shall be determined as though this section had not been enacted if—

"(A) the application of this section has changed such individual's primary insurance amount from what it would otherwise have been; and

"(B) the crediting of wages and self-employment income to such individual and the spouse of such individual without regard to this section would increase the amount of such benefits; and

"(2) in the application of section 203(a) (relating to maximum family benefits) with respect to benefits payable on the basis of the wages and self-employment income of any individual, where all or any part of the wages and self-employment income of such individual and the spouse of such individual was credited to them in accordance with this section, the primary insurance amount of such individual (and the crediting of such wages and self-employment income) shall be determined in accordance with this section but the benefits payable to any other person on the basis of the wages and self-employment income of such individual shall be determined without regard to this section.

"(f) Notwithstanding any other provision of this title, no wife's, husband's, widow's, or widower's insurance benefit shall be paid to any individual for any month under subsection (b), (c), (e), or (f) of section 202, and no individual shall be entitled to any such benefit, unless—

"(1) the period of such individual's marriage (to the spouse or former spouse on the basis of whose wages and self-employment income such benefit is payable) ended before the effective date of this section;

"(2) such individual is under the age of 62 (and is otherwise entitled to such benefit);

"(3) such benefit is payable without regard to age and solely by reason of such individual's having a child in his or her care; or

"(4) the application of this section to such individual is prevented by subsection (c) or (d) (or by clause (i) or (ii) of subsection (a)(2)(B)).

"(g) For purposes of subsections (a)(2) and (d), an individual's application for old-age or disability insurance benefits shall be deemed to have been filed on the first day of the first month for which (by reason of the operation of section 202(j) or 223(b)) such individual is entitled to such benefits.".

SEC. 3. (a) Section 202(b)(1) of the Social Security Act is amended by striking out "The wife" and inserting in lieu thereof "To the extent permitted by section 234(g), the wife".

(b) Section 202(c)(1) of such Act is amended by striking out "The husband" and inserting in lieu thereof "To the extent permitted by section 234(g), the husband".

(c) Section 202(e)(1) of such Act is amended by striking out "The widow" and inserting in lieu thereof "To the extent permitted by section 234(g), the widow".

(d) Section 202(f)(1) of such Act is amended by striking out "The widower" and inserting in lieu thereof "To the extent permitted by section 234(g), the widower".

(e) Section 205(c)(5) of such Act is amended—

(1) by striking out "or" at the end of subclause (I);

(2) by striking out the period at the end of subclause (J) and inserting in lieu thereof a semicolon and "or"; and

(3) by adding at the end the following new subclause:

"(K) to reflect any changes in the crediting of wages and self-employment income which may be necessitated by section 234.".

(f) Section 215(b) of such act is amended by adding at the end the following new paragraph:

"(5) The determination of the wages and self-employment income to be credited to an individual under this subsection shall in all cases be made after the application of section 234.".

SEC. 4. (a) Except as provided in subsection (b), the amendments made by this Act shall apply only to wages and self-employment income payable after December 31, 1986, to an individual who has not attained age 50 on or before such date, and only if—

(1) the spouse of such individual has not attained age 50 on or before such date; and

(2)(A) in the case of a benefit based upon the attainment by the wage earner of age 62, such individual and such spouse attain age 62;

(B) in the case of a benefit based upon the death of the wage earner, such death occurs after December 31, 1986, and the individual claiming such benefit attains age 62; and

(C) in the case of a benefit described in subparagraph (A) or (B) with respect to a divorced individual and spouse, the divorce occurs after December 31, 1999.

(b) In the case of a disability insurance benefit, and a widow's or widower's insurance benefit based upon disability—

(1) if an individual is entitled to such benefit before January 1, 1987, the provisions of this Act shall not apply—

(A) for the period for which such individual continues to be entitled to such benefit, and

(B) in the case of an individual who continues to be entitled to such benefit until age 62, for the period such individual is entitled to an old-age insurance benefit;

(2) if—

(A) an individual becomes entitled to such benefit after December 31, 1986, and before January 1, 1999; and

(B) the total benefits payable to all individuals on the basis of the wages and self-employment income of the individual upon whose disability such entitlement is based (determined without regard to the provisions of this Act) exceeds the total of benefits payable to all individuals on the basis of the wages and self-employment income of the individual upon whose disability such entitlement is based, and to the spouse of such individual, under the provisions of this Act,

the provisions of this Act shall not apply for the period during which the conditions of subparagraph (B) continue to be met and during which such individual (i) continues to be eligible for such benefit, or (ii) in the case of such an individual who continued to be eligible for such benefit until age 62, is entitled to an old-age insurance benefit.

UNITED STATES SENATE,
Washington, DC, March 16, 1984.

Hon. MARGARET M. HECKLER,
Secretary of Health and Human Services, Washington, DC.

DEAR MARGARET: Thank you for your February 28 letter regarding the Department's progress on the earnings sharing report mandated by Public Law 98-21. I appreciate the continuing cooperation of you and the Department staff in keeping my office apprised on the project.

I am writing today to share with you my very strong concerns about the proposed contract which the Department intends to enter into with a private contractor for the purpose of soliciting the views of various interested groups. First, the utilization of such a device creates the unfortunate impression that the Department is attempting to insulate itself from any direct contact with the interested groups. In my earlier correspondence, I had suggested that the Department establish some sort of communication process to keep these organizations apprised of the Department's activities. I had envisioned some sort of formal or informal briefing process to give the groups firsthand information on the Department's progress on the report.

Second, the purpose of this contract—as described in the Statement of Work enclosed with the February 16, 1984, bid solicitation letter—appears to bear little, if any, relationship to the report mandated by Public Law 98-21. The primary task of the contract is to "gather information on the views of the various interested organizations regarding the treatment of women under social security. . . ." Footnote 1 on page 2 of the Statement of Work underscores this purpose.

This kind of undertaking is certainly not one contemplated by section 343 of Public Law 98-21. Indeed, the legislative history of this section makes it quite clear that Congress did *not* want the Department to undertake a "study" of the problems facing women under the social security system. At the time I offered the amendment in the Senate, I stated, "I want to stress that this amendment does not call for another study. We did that in 1977. The 1977 social security amendments in section 341 called for HHS to study the problems facing women under the social security system." (*Congressional Record*, March 16, 1983, S3045). The distinguished Chairman of the Finance Committee, Senator Dole, made it clear in his floor statement accepting my amendment that he, too, recognized that the amendment was *not* calling for another study of the problems facing women in social security, but was focused upon advancing the concept of earnings sharing beyond the study stage. (*Id.* at S3046.) The relevant excerpts from the *Congressional Record* are enclosed.

There is little justification for the Department to expend in the neighborhood of a quarter of a million dollars to gather the information described in the Statement of Work, particularly in light of the legislative history of section 343 of Public Law 98-21 and the fact that the general issues relating to women and social security have been amply studied for the past decade. Moreover, many groups recently submitted testimony outlining their views and concerns in hearings before the Task Force on Social Security and Women of the House Select Committee on Aging (September 22, 1983). If this hearing record is somehow inadequate for the Department's information needs, the Department could, through a *Federal Register* notice, solicit various groups to submit their concerns in writing on the points delineated in the Statement of Work.

Third, I fail to understand how the results of a contract with a six-month period of performance could contribute to the report you are required by law to submit by this July 1. Certainly, the noncompletion of an irrelevant contract would form no basis for noncompliance with the statutory due date for the report.

Not only is this contract totally unnecessary, but it is apparently being offered by the Department in lieu of any meaningful communications process with the interested groups about the mandated report.

Under these circumstances, I strongly urge that the proposed contract be cancelled and that briefings with the concerned groups be instituted immediately. In order to move this process forward and use the time of your staff most effectively, and because the last briefing of my staff was over a month and a half ago, I ask that a briefing be scheduled for my staff and other interested Congressional staff along with interested groups at the earliest possible time. Please ask a member of your staff to contact Susanne Martinez (224-3553), my Legislative Assistant, to work out the details regarding time, location, and participants.

With warm regards,
Cordially,

ALAN CRANSTON.

CONGRESS OF THE UNITED STATES,
Washington, DC, July 31, 1984.

Hon. MARGARET HECKLER,
Secretary of Health and Human Services, Washington, DC.

DEAR MADAME SECRETARY: As you know, section 343 of Public Law 98-21 requires you, by July 1, 1984, to develop proposals for earnings-sharing legislation for social security and to submit a report to the appropriate Committees of the Congress on them. Section 343 also specifies that this report contain certain other information relating to implementation of earnings-sharing legislation. Obviously, the mandated report was not submitted by the statutory deadline.

We are very disappointed that the Department did not meet the deadline required by law or formally request the Congress to extend the reporting date. If such a request had been properly submitted, it undoubtedly would have been granted. However, simply to ignore the statutory deadline suggests a cavalier attitude towards Congressional mandates that neither fosters respect for the law nor enhances Congressional relationships.

Moreover, in the instant case, failure to request a legislative extension leaves the Congress and those interested in the content of the mandated report with no indication of when—if ever—the Department intends to comply with the requirements of section 343 of Public Law 98-21. These concerns are compounded by the Department's decision to proceed with its contract with an outside organization to "gather information on the views of various interested organizations regarding the treatment of women under the social security system."

We have previously expressed our strong opposition to this contract, both because of the unnecessary cost as well as the limited relationship of the scope of work outlined under the contract to the mandated earnings-sharing report. Similar concerns have been expressed by virtually every outside organization interested in the earnings-sharing report.

Given the circumstances, and your failure to comply with the clear statutory requirements, we strongly urge that the report be completed and sent to Congress no later than September 25, 1984.

Finally, Acting Commissioner Martha McSteen previously made a commitment to hold a briefing in July for interested organizations and Congressional representatives on the progress that has been made by the Department on the report. We strongly urge that this briefing take place immediately and that the Department be prepared to provide orally a progress report on the study, how it has been conducted, an explanation of the contractor's activities and how the results will fit into the final report, and any other appropriate information. We also suggest that a representative from the private contractor be available at the briefing to respond to questions that may arise relating to the contractor's work.

The results of the earnings-sharing study are of great importance in Congress' consideration of this issue and to the millions of women who receive social security benefits. We look forward to hearing from you and appreciate your immediate attention to this matter.

With best wishes,
Cordially,

Alan Cranston.

S. 4: CHILD-CARE ASSISTANCE ACT OF 1985

Mr. CRANSTON. Mr. President, on January 3, the first day of the 99th Congress, S. 4, the proposed Child-Care Assistance Act of 1985, was introduced. This measure is based upon the legislation I first introduced in 1979, and which I introduced in the last Congress. This legislation has been numbered S. 4 on each previous occasion on which it has been introduced. This proposal arose out of the recommendations and testimony presented during an extensive series of hearings which I chaired in 1977, 1978, and 1979 while I had the privilege of serving as the chairman of the Subcommittee on Child and Human Development of the Labor and Human Resources Committee. It has been shaped by consultations over the past several years with numerous organizations and individuals concerned about the need to provide adequate affordable child-care services to the millions of American families who need and desire such services in order for one or both parents to remain or enter the labor force. The changes in the bill in the 98th and 99th Congress represent continuous refinements of the initial proposal. The basic framework and purpose remains the same—to increase assistance to working families in need of child-care services.

I am pleased to be joined in introducing this measure by the distinguished Senator from Michigan [Mr. RIEGLE], who served with me on the Child and Human Development Subcommittee when this legislation was being developed and was an original cosponsor of S. 4 when it was first introduced in 1979, as well as the distinguished Senator from Connecticut [Mr. DODD] who is the current ranking minority member of the Family and Human Services Subcommittee of the Labor and Human Resources Committee as well as the cochairman of the Senate children's caucus, and the Senator from Massachusetts [Mr. KENNEDY], the ranking minority member of the full Labor and Human Resources Committee, who has also been a strong supporter and cosponsor of this legislation in the past.

Mr. President, as I will discuss in a few moments, there are certain other child-care initiatives which several of us are currently exploring. Reintroduction of S. 4 on the first day of the 99th Congress was intended to make clear a continuing commitment to a comprehensive approach to dealing with a wide array of needs in the area of child care. Nevertheless, a realistic assessment of the potential for achieving enactment of legislation of the scope of S. 4 during this Congress has stimulated the supporters of S. 4 and others to seek to develop a series of separate, more limited child-care measures which could be acted upon

at different points and by different committees. I intend to work closely with other interested Senators in developing these separate bills.

Mr. President, I am pleased to report that a companion bill to S. 4 will be introduced in the House of Representatives by my good friend and colleague from California, Representative EDWARD ROYBAL, who also introduced the companions to S. 4 in the House in the 96th, 97th, and 98th Congresses, H.R. 1211, H.R. 573, and H.R. 1741, respectively. ED ROYBAL has a longstanding and deep commitment to the issue of child care, and I am delighted to continue working with him to develop sound and realistic proposals to meet the growing need of American families for high quality, yet affordable, child care.

BACKGROUND

Mr. President, throughout my service in the Senate, I have been deeply involved with issues relating to child-care services for working parents. The lack of adequate child care is one of the most serious problems facing millions of families, and it serves as a major impediment to the attainment of economic security for countless numbers of women and children.

While I served as the chairman of the Child and Human Development Subcommittee, I had the opportunity to chair a series of hearings, both in Washington and in my own State of California, which focused upon the enormous and growing need for decent, affordable child-care services for the millions of young children whose parents are in the work force.

Mr. President, it is not an exaggeration to say that what was once a major problem is rapidly approaching a major crisis. During the past 4 years under the Reagan administration, the Nation's inadequate supply of child care has deteriorated even further. At the same time as the Federal Government has reduced funding for existing child-care programs, the number of mothers of young children entering the labor force has continued to grow.

When I first began work on S. 4 in 1977, it was estimated that 50.7 percent of the mothers of children under age 18 and 40.9 percent of the mothers of children under age 6 were in the work force. By 1984, those numbers had increased to 65 and 52 percent, respectively. These figures translate to more than 9 million children under 6 and almost 15 million children between 6 and 13 whose mothers are employed. This week new figures were reported by the Department of Labor showing that last year almost half—46.8 percent—of the mothers of children under age 1 and nearly two-thirds—65 percent—of those with children under the age of 3 were in the work force.

Moreover, demographic data indicate that these increases will continue. It has been projected that by the year 1990 there will be 11.5 million children under the age of 6 and 17.2 million children between the ages of 6 and 13 whose mothers will be working. That represents an increase of almost 5 million children from the current 24 million children under age 13 with mothers in the work force.

The data also indicate a wide disparity between the number of children with employed mothers and the number of available child-care slots. The Department of Health and Human Services, in reports issued in 1980 and 1981, indicated that there were some 900,000 center-based and 5.2 million family day-care places available. That's less than 1 place in 3 for the then 22 million under-age-13 children who had employed mothers.

WHERE ARE THE CHILDREN AND WHAT IS HAPPENING TO THEM?

What is happening to the two-thirds of the children for whom there were no slots?

We don't really know. We do know from Census reports that almost 20 percent of the children between the ages of 6 and 13 whose mothers are working full time take care of themselves after school until a parent returns home. That means that millions of children, many as young as 6 years of age, are left for periods up to four hours a day in empty homes or in school yards or on the streets.

The Census figures are also probably on the low side since in many States leaving a child of tender years alone without adult supervision can be considered child neglect and many parents are reluctant to admit they leave their children alone. The Children's Defense Fund has estimated that as many as 6 to 7 million children under the age of 13 are probably left to fend for themselves for a large part of their day.

During the hearings on S. 4 held in the 95th and 96th Congresses, we heard parents from all over the country testify about the inadequacy of existing resources, the lengthy waiting lists, and the dismal alternatives faced by families. We heard of children being sent to live with relatives in other States because their parents could not find adequate, affordable child care. The large gap between the number of available child-care places and the number of children needing care translated into the very real and moving stories told by witness after witness. Similar hearings were held last year by the House Select Committee on Children, Youth, and Families. the findings from those hearings are remarkably similar to those we arrived at during our Senate hearings.

The House committee, in its report issued in September of 1984, said of the problem—page ix:

> Waiting lists for family day care homes and centers for infants and after-school programs for school-aged children are commonplace. Child care for children who are ill or disabled is extremely limited, as is care for abused and neglected children, and for children of teen parents. Even preschool care, the most widely available of all child care, is inadequate in many communities.

Indeed, the problem has grown, not diminished.

Mr. President, in every community across the land, the number of children left alone appears to be significant. A September 1981 U.S. News & World Report story told of Houston officials' estimates that between 40 and 60 percent of that city's schoolchildren are on their own until parents return from work; estimates by an elementary schoolteacher in Indianapolis that 80 percent of her school's children go home to empty houses; and reports by a sixth grade teacher in Maryland that 24 of her 28 students were latch-key children.

In two major cities—Detroit and Newark—fire department officials are reported to have said that one in six calls received involve children alone in a house. The chilling consequence of such statistics—the loss of young lives—has become all too frequent.

Mr. President, add to the number of latch-key children the number of children who are left in unsafe or inadequate care, the number of parents who are forced to drop out of the work force and go on welfare because they cannot find child care, and the number of children who are shuffled from program to program, and the picture becomes more and more grim.

CHILD CARE DRASTICALLY CUT

As desperate as the situation was in 1979, when S. 4 was first introduced, it has quite obviously grown worse in the intervening years. While the number of children needing care has continued to escalate, resources for child care have been slashed. The Social Security Act title XX program, the major source of direct financial assistance to child-care programs was reduced in fiscal year 1982 from $3.1 to $2.4 billion and the $200 million earmark for child care was eliminated. The estimates were at that time that some 150,000 families would lose their child-care assistance under title XX as a result of the first-year Reagan cuts. Those projections have been substantiated by reports on how child-care programs in various States have actually been hurt by the funding cutbacks.

The National Women's Law Center, in a report issued in April 1982, documented some of the impact. It found, for example, that in Alabama the number of title XX subsidized day-care slots were reduced from 11,000 to

8,500. In Michigan, an almost 25-percent reduction in the number of children being served in child-care programs was reported. In Massachusetts, eligibility for title XX was lowered to include only persons with income no greater than 70 percent of the State's median income. Arkansas and Illinois were reported to have imposed new, higher fee requirements, pushing many low-income families out of the progam.

Mr. President, more recently, the Children's Defense Fund [CDF] completed a national survey on the impact of the Federal title XX cuts on State child-care programs between 1981 and 1983. That report, entitled "Children and Federal Child Care Cuts," presents a devastating picture of what has happened to what was at best a dismally inadequate support system. CDF surveyed every State to gather information from State officials responsible for the child-care program funded under title XX. The report found that—

Thirty-two States were providing title XX child care to fewer children in 1983 than in 1981;

The total combined Federal and State spending for title XX child care dropped by 14 percent between 1981 and 1983;

Ten States made fewer low-income working families eligible for title XX child care;

Twenty States made it more difficult for low-income mothers in training programs to become eligible for title XX child care;

Nineteen States increased fees for services or imposed minimum fees that made it harder for low-income working families to afford title XX child care, forcing many families to move their children to less desirable child-care arrangements;

Forty-two States made changes that threaten to lower the quality of title XX child care services;

Twenty-four States reduced funds for training child-care workers;

Thirty-three States lowered their child-care standards; and

Thirty-two States cut back on the number of child-care staff.

The CDF report concluded that there is no reason to believe that the many children who lost title XX child care were picked up by other programs. Indeed, one 1983 survey in New York State indicated that many children who lost title XX subsidies are staying home alone. The study estimated that at least one-sixth of the children affected by the funding cuts are regularly left unsupervised.

Mr. President, between May and July of 1984, CDF did a followup survey of State officials responsible for the child-care programs funded under title XX. That report entitled "Child Care: The States' Response. A Survey of State Child Care Policies, 1983-1984," found, at best, minor improvements in limited areas of child care since the first report, and concluded that the majority of States, although not having made further reductions, had not yet begun to restore the damage done in 1981. They found that 25 States were still spending less for child care in 1984 than they did in 1981, despite the increased need and inflation, and that 27 were serving fewer children under the title XX program in 1984 than they did in 1981.

Mr. President, the information is not yet all in, but what we do know paints a dismal picture for child care across the Nation. The reduction of Federal support has forced many States to slash support for child-care programs; in many cases, this has caused programs to raise their fees, further driving up—beyond the reach of many low-income families—the cost of child care.

FEMINIZATION OF POVERTY

Mr. President, as serious as the problems are in the supply of safe, affordable child care today, there is simply no question that the need will grow in the decade ahead.

It is equally important to understand that these mothers are in the work force for one major reason: economic necessity. Two-thirds of the women in the work force are either sole providers or have husbands who earn less than $15,000. In 1983, 25 percent of the married women in the work force had husbands earning less than $10,000; 50 percent under $20,000, and nearly 80 percent less than $30,000. The earnings of these women play a critical role in the economic well-being of their families. For the 1 in 6 American families headed by a woman, her earnings are a matter of simple survival.

Mr. President, although adequate child care is a matter which ought to concern every member of our society—male and female alike—there is little question that the lack of adequate child care has a major and profound impact upon the economic well-being of millions of women and children in this country. Increasingly, our Nation has been experiencing what has been graphically described as "the feminization of poverty." Although the number of families living in poverty has remained relatively constant over the past decade, the composition of those families has dramatically changed. The number of poor families headed by a male dropped from 3.2 million to 2.6 million between 1969 and 1978, while the number headed by women increased by one-third, from 1.8 million to 2.7 million. Today, families with female heads have a poverty rate six times that of male-headed families, and almost one-third of all female-headed families live below the poverty line.

Lack of affordable child care is a major factor in keeping these women and their children in poverty. The U.S. Commission on Civil Rights has published two important reports focusing on the factors that limit economic opportunities for women. The first report, "Women: Still in Poverty," published in July 1979, identified the lack of adequate child care as one of the key obstacles to women in poverty. The Commission noted:

> In the absence of safe affordable child care, women who would raise their families out of poverty must remain outside the labor force, or when compelled to work, place their children in circumstances detrimental to their wholesome growth.

The second report, "Child Care and Equal Opportunity for Women," published in July 1981, examined in even greater detail the extent to which lack of adequate child-care services restricts women, particularly in terms of employment opportunities.

Here is what this report found:

First, substantial numbers of women are prevented from taking paid work because of the unavailability or inadequacy of child care. The Commission noted that a number of studies suggest that approximately one of every five or six unemployed women is unemployed because she is unable to make satisfactory child-care arrangements.

Second, the unavailability of adequate child care limits employment opportunities for many women—either in terms of their hours of employment or their inability to seek or accept job promotions or acquire the training necessary for advancement.

Finally, lack of child care or inadequate child care can have a detrimental effect upon job performance. A UAW representative told the Civil Rights Commission that stress was a significant factor in industrial accidents and that worry about inadequate child care was cited as the single greatest cause of stress by a number of female assembly line workers participating at a 1978 conference on occupational health and working women. One of the key reasons a number of employers have recently become interested in helping their employees find or secure adequate child-care services is because of the recognition that lack of such care has a detrimental effect upon employee performance.

Mr. President, it is clear that the unavailability of adequate child care restricts very substantially the employment opportunities of working mothers and does so in a variety of ways. Adequate child care must be a cornerstone of any effort to provide equal opportunities in the work force to American women. Without such assistance, attainment of economic security will remain an elusive goal for millions

and millions of women and their children.

THE WIDENING GAP IN FEDERAL ASSISTANCE

Mr. President, it is important, I believe, to focus for a moment on what appears to be a widening gap in Federal assistance for child-care services between families at different ends of the income spectrum.

On the one hand, as I have described, the little support which was once available to low-income families through title XX has been drastically reduced. At the same time, Federal assistance for child-care expenses incurred by moderate and upper income families has been steadily increasing. Today, the largest source of Federal support for child-care costs—now estimated to be almost $2 billion—is provided under the IRS child-care tax credit.

I cosponsored and supported the 1981 expansion of the child-care tax credit because I shared the view that increases in the credit were long overdue. Those changes, enacted as part of the 1981 tax bill, Public Law 97-34, increased the maximum amount of credit which could be claimed and included provisions giving more benefits to families on the lower end of the income scale. However, the measure which was approved by the Senate and which I strongly supported included provisions which would have made the credit refundable, thus allowing benefits to go to those low-income working families whose taxable income is too low to be affected by a nonrefundable tax credit. Unfortunately, however, the House conferees refused to accept the Senate refundability provisions and, as a consequence, these families continue to be excluded from the benefits of the largest source of Federal support for child-care expenses.

Mr. President, in 1979, almost 80 percent of the benefits under the child-care tax credit went to families with annual incomes over $15,000. Although the 1981 amendments should result in a greater proportion of the credit going to lower income families, the fact remains that utilization of the tax code as a primary vehicle for providing Federal financial assistance in meeting child-care expenses of working parents has major limitations in terms of helping those in greatest need of assistance. Even with the Senate refundability provision, the tax credit would not have adequately resolved many of the problems faced by these families. Tax adjustments the following April do little to help families with limited cash resources to meet the weekly and monthly child-care fees that absorb major portions of their incomes.

And, finally, a tax credit does little to increase the supply of adequate child care—a continuing problem.

Thus, although bringing about a reasonable and fair child-care tax credit is an important part of an overall program to help working families meet their child-care needs, it cannot be the sole source of support. We need to find ways to help those families who are falling through the cracks, and that is what S. 4 is designed to do.

PURPOSES OF S. 4

Mr. President, the purpose of the proposed Child-Care Assistance Act of 1985 is to promote the availability and diversity of quality child-care services for all children and families who need such services by providing assistance to the States to expand the existing supply of child-care services, improve the quality of and coordination among child-care programs, and generally foster increased coordination of programs at the local, State, and Federal levels. Grants would be available to States, under the terms specified in the bill, to carry out these activities and to make additional resources available to help families find and meet the costs of child care. The bill would also create mechanisms to facilitate an assessment of the extent of the need for child-care services throughout the Nation, both an initial assessment within the next few years and continuing assessments periodically thereafter.

Additionally, and fundamentally, the bill is aimed at strengthening the functioning of families by seeking to assure that parents are not forced by lack of available programs or financial resources to place a child in an undesirable care facility or arrangement.

SUMMARY OF S. 4, THE PROPOSED CHILD CARE ASSISTANCE ACT OF 1985

Mr. President, for the benefit of my colleagues, I will describe the provisions of our bill.

Section 1 would establish the short title of the bill as the Child Care Assistance Act of 1985.

Section 2 would set forth the findings and purposes of the act. The findings pertain to the extent of the need for child-care services. The purposes of the act are to provide assistance to the States in improving the quality of and coordination among child-care services; to provide mechanisms for assessing the extent of the need for child-care services in the Nation; to promote at all governmental levels coordination of child-care programs and other services for children and their families; to promote the availability and diversity of quality child-care services for all children and families who need such services; to provide assistance to families whose financial resources are insufficient to pay the full cost of necessary child-care services; and to strengthen the functioning of families by seeking to ensure that parents are not forced by lack of available programs or of financial resources to place a child in an undesirable care facility or arrangement.

Section 3 would direct that nothing in the act be construed to authorize any public agency or private organization or any individual associated therewith to interfere with, or to intervene in, any child-rearing decision of parents. The purpose of this legislation is to help parents who need financial or other assistance to secure the child care they want for their children—not to diminish or interfere with the rights of parents.

Section 4 would provide for State participation under the act through the submission to the Secretary of Health and Human Services of a State plan providing for the specification of a State agency to be responsible for administration and oversight of a State plan designed to meet the need for child-care services within the State for preschool children and school-age children of working parents, with special attention to meeting the need for services of migrant children, disabled children, children with limited English-language proficiency, and other groups of children having special needs. The term "preschool" is used broadly to encompass children under the age of 6, including infants. Similarly, the term "disabled" is not intended to be limited to children who have been formally classified as such but rather to focus broadly upon the special needs of some children.

This State plan would provide the basic framework within each State for assessing child-care needs and for developing a plan for meeting those needs. Each State would have substantial flexibility to design the plan to meet its own particular needs within the parameters set by the act. The State agency specified under the plan would also be responsible for coordinating, to the maximum extent feasible, the provision of services under this act with other child-care programs and services assisted under other State of Federal laws and with other appropriate services, including health, nutrition, and social services, available to such children under other Federal and State programs.

In response to suggestions made by several witnesses at our 1979 hearings, section 4(a)(1) specifies that the State agency designated to administer the program should be an "appropriate" agency with the capacity to carry out programs. Such an agency should have an appropriate mission in terms of the welfare of children.

Section 4(a)(3)(A)(i) would provide that funds be distributed within the State, in accordance with the plan developed, to child care providers that are licensed or otherwise in compliance with State laws and meet the quality standards developed by the Secretary for all child-care programs receiving Federal funds under this proposed act and for such other HHS-

funded programs as the Secretary may specify. In this 1985 version of S. 4, this provision is modified to provide that the Secretary may specify other HHS-funded child-care programs to be covered by these new standards. The original S. 4 referred only to "licensed" providers that meet the standards established under the act. Various witnesses pointed out that in some States procedures other than licensing are used to regulate child-care providers. For example in certain States, registration programs are used for some family day-care providers. The original language was modified to clarify that programs and providers that are in compliance with applicable State laws are eligible for participation. All providers, however, would also be subject to the second requirement—section 4(a)(3)(A)(ii)—of meeting the quality standards applicable to programs funded under the act.

Section 4(a)(3)(b) would require States to distribute the funds by grants to or contracts with eligible child-care providers or, on a demonstration project basis, through alternative payment mechanisms. This limitation of alternative payment mechanisms to only demonstration projects is in response to the concerns expressed by some witnesses that some restrictions should be placed upon alternative payment mechanism approaches until thorough evaluations of their effectiveness have been completed. At the same time, other witnesses expressed support for the notion of developing innovative types of programs that would further enhance parental choices.

Various alternative payment programs have been developed in several States. For example, in California alternative payment programs were created under the State's 1978 alternative child-care legislation, commonly referred to as the AB 3059 Program. Nineteen programs were established under this legislation. These programs act primarily as administrative mechanisms to pay for subsidized child care for eligible families; they do not generally provide child care directly. Payment are made either to the child-care providers under a vendor program or to the parents themselves under a voucher program. In a number of cases, the vendor/voucher program operates as part of an information and referral program. Assessment of these programs has been very favorable. Similar types of programs have also been established in Florida. The Community Coordinated Child Care for Central Florida Program is an example of a very effective alternative payment program. In 1979, 3,000 childen were receiving assistance under this program.

However, in both California and Florida, these alternative payment programs are operated in conjunction with other services and safeguards to ensure that quality child care is provided. These approaches might not be feasible in other areas, particularly where an inadequate supply of child care exists or where adequate safeguards are not in place to protect against misuse. Thus, the new provisions limit utilization of alternative payment mechanisms to demonstration projects established under guidelines issued by the Secretary. Those guidelines would be focused upon ensuring the quality of care and safeguards as well as evaluation of the effectiveness of these programs.

Section 4 contains another modification from the version of S. 4 first introduced in 1979 to make it clear that a State could choose, in the development of its plan for expenditure of the funds under the act, to transfer a portion of funds to an umbrella-type organization—either public or private nonprofit—to distribute funds to child-care providers within a particular community. For example, a State might passthrough funds to a city or county or a local nonprofit entity rather than deal directly with child-care providers.

Section 4(a)(3)(C)(i) would provide that priority for receipt of funds be given to child-care providers that provide priority for services for children on the basis of child and family need, taking into account factors such as family income, family size, and the special needs of children from households with a single parent, with particular emphasis on the provision of child-care services to families where lack of child care is or would be a barrier to the continuation or commencement of employment. Under this provision, the need of a child for continuity of care, for example, could be a factor in determining priority for services. As part of the overall focus of S. 4 upon meeting employment-related child-care needs, emphasis is placed upon services to families where lack of such services would be an obstacle to continued employment or attainment of employment.

Section 4(a)(3)(C)(ii) would provide that priority in the distribution of funds within a State be given to child-care providers that, to the maximum extent feasible, provide for an economic mix of children enrolled in the program. This provision, coupled with a requirement in section 4(a)(5) for the establishment of a sliding fee scale, based upon the services provided and family income adjusted for family size, is designed to promote programs which encourage an economic mix as well as avoid the problems that occur presently when a family loses its assistance if a parent gets a raise or promotion. During our earlier hearings, we heard witnesses describe how parents were dropped from programs when their income rose slightly. A sliding fee scale which provides for an increase in family contributions as income rises is a far preferable approach.

Section 4(4)(a) would give the State agency the responsibility of making sure that funds will be distributed, to the maximum extent feasible, to a variety of child-care providers, including but not limited to child-care centers and family day-care providers. In other words, parental choice should not be limited to a particular type of care. A diversity of providers is a key factor in promoting real parental choices.

Section 4(a)(4)(B) would give a priority in the distribution of funds to community-based programs which provide meaningful opportunities for parental involvement. The issue of whether only nonprofit providers should be eligible for receipt of public funds has been a difficult issue which has often divided the child-care community. On the one hand, some argue that allowing proprietary child-care programs to receive funds to provide services to eligible families would invite substantial problems. On the other hand, many argue that limiting participation, for example, only to nonprofit or public agencies, would restrict parental choice. Indeed, proprietary child-care programs now are major providers of child care in this country, and excluding them from participation would substantially limit the freedom of a parent to choose the particular program that the parent feels is best for his or her child. On balance, such an exclusion would undermine the fundamental philosophy underlying S. 4—that we should be assisting parents in securing child-care services and increasing their choices, not limiting them to a particular program. The most effective ways of ensuring that all providers—nonprofit and public as well as proprietary—provide quality care for children is to establish uniform standards applicable to all programs which seek such funds and to make reliable information about competing programs available to inquiring parents.

At the same time, I recognize the concerns expressed by those who fear that syndicated profit-making programs make seek to dominate the program. Our modification of section 4 to provide a priority for funding of community-based programs—which could include local proprietary entities—with meaningful opportunities for parental involvement is designed to target limited funds toward those programs most likely to involve parents actively in the actual operation of the program, while still allowing other programs the opportunity to participate.

Section 4(a)(6) would further provide that the State's plan include provisions for the establishment of proce-

dures for data collection to show how the child-care needs of the State are being met by programs assisted under the act, and the degree of unmet child-care needs within the State.

Section 4(a)(7) would specifically provide that the State plan must include a provision for the establishment or support by grants to or contracts with public or private nonprofit entities, of information-and-referral services. These provisions have been expanded to stress the fact that these programs not only help parents in locating child care, but also that they perform a host of other functions ranging from technical assistance and training services for existing child-care providers to needs-assessment information for potential child-care providers. These provisions for information-and-referral programs, or resource-and-referral as they are sometimes called, are a particularly important part of S. 4. I am proud to say that California has been a national leader in the establishment of and support for information-and-referral programs. These programs have overwhelmingly demonstrated their effectiveness in dealing with a number of problems in the child-care area.

Mr. President, we did make some progress during the 98th Congress with regard to Federal support for information-and-referral programs with the enactment of section 109 of Public Law 98-558, the Human Services Reauthorization Act. Section 109 authorized the establishment of a grant program to the States for planning and development of dependent care programs. Although child-care resource-and-referral systems are eligible for grants under this new program, funds are limited to startup or planning costs and cannot be used to provide for ongoing operating expenses. In contrast, S. 4 would provide for grants to support the actual operation of these type of programs which are of such importance to parents searching for good quality child care.

Similarly, funds are available under the new program to help with the costs of planning and establishing programs for school-aged children. They are not available, however, to help such programs actually provide child-care services.

Moreover, the total authorization of appropriations for the new program is $20 million for each of fiscal years 1985 and 1986, and the types of groups covered by resource-and-referral systems include elderly and disabled individuals, not just children in need of child-care services. Thus, although I strongly supported the legislation which had been introduced in the Senate during the last Congress dealing with the need for school-aged child care and providing for support for child-care information-and-referral programs, the legislation that was ultimately enacted fell short of what is truly needed in these areas.

Provisions are also included in sections 4(a)(8), (9), (10), and (11) of S. 4 to require the State plan to provide for the training of child-care personnel, for the development and implementation of State licensing or regulation of child-care providers, for the establishment of procedures for meaningful parental involvement in State and local planning, and for the monitoring and evaluation of programs and services provided under the act, and to require certain assurances that funds received under the act will be used to supplement, and not supplant, existing Federal funds used for the support of child-care services and related programs. For each fiscal year, the State would be limited to using no more than 10 percent of its funding for administration of the program.

Section 4(b) would provide, as part of the State plan requirements, for the establishment of a State advisory panel on child care. At least one-third of the members of the panel would be parents of children who are receiving or have recently received child-care services of the types supported under the act. Another one-third would be representatives of different types of child-care providers and individuals who are professionals in the field of child development or related fields.

The State advisory panel would be responsible for advising the State agency on the preparation of, and policy matters arising in the administration of, the State plan, and for the review and evaluation of child-care programs and services provided under the act and other provisions of law, and would be authorized to prepare and submit, through the State agency, recommendations to the Secretary. Sufficient funds would be required to be made available under the State plan for the State advisory panel to carry out its functions, to obtain the services of such professional, technical, and clerical personnel as necessary, and to pay the reasonable expenses—as determined in accordance with guidelines prescribed by the Secretary—of panel members while carrying out their duties.

Section 4(c) would provide for the Secretary to approve any State plan which meets the requirements set forth in the act, and provide that the Secretary may not disapprove any State plan, except after reasonable notice, an opportunity to correct deficiencies in the plan, and notice of an opportunity for a hearing on the grounds for the disapproval.

Section 4(d) would provide that the specified State agency be required to provide the Secretary with a concise report on an annual basis describing activities, results, and performance of the State agency in meeting the objectives of the State plan and the purpose of the act.

Section 5 relates to the national administration of the act. The Secretary would be directed to designate an identifiable administrative unit within HHS and an individual within that administrative unit to be responsible for carrying out the provisions of this act, for coordination of other activities within HHS relating to child care, and for seeking to coordinate pertinent HHS child-care-related activities with those of other Federal departments and agencies. The Secretary would also be directed to make available to such unit such staff and resources as are necessary for it to carry out effectively its functions under the act.

Section 5 also would provide for the establishment of a National Advisory Panel on Child Care Needs and Services, of which not less than one-third of the members must be parents of children who are receiving or have recently received child-care services of the type supported under the act and not less than one-third must be representatives of child-care providers, including representatives of different types of child-care programs and individuals who are professionals in the field of child development and related fields. One-third of the members serving on the National Advisory Panel would be required to be individuals who are serving on, or have served on, a State advisory panel established under the act.

The National Advisory Panel would be made responsible for reviewing Federal policies with respect to child-care services and advising the Secretary with respect to the standards developed for programs receiving assistance under the act.

Section 5 further would provide that the Secretary, after consulting with the National Advisory Panel, and not later than 12 months after the date of enactment of the act, shall prepare proposed standards to be applied to programs receiving assistance under the act and such other HHS-funded child-care programs as the Secretary may specify. The proposed standards would cover factors having a demonstrated impact on the quality of child care, including, but not limited to, such factors as group size and composition in terms of the numbers of teachers and the number and ages of children, the qualifications of the child-care providers, and the physical environment, parental involvement, and necessary support services—including but not limited to health, nutrition, and social services—for child-care programs. These standards would be published in the Federal Register for public comment and distributed to each State advisory panel and State agency designated or established under the act.

Mr. President, extensive work has already gone into the development of standards for federally-supported child-care programs, and it is anticipated that the Panel would utilize these materials.

Section 6 would provide authority to the Secretary to make direct grants to or contracts with public and private organizations for the support of innovative child-care demonstration projects in such areas as night-time care and care for sick children, migrant children, disabled children, children with limited English-language proficiency, or other special needs populations. Project funded under this section would have to have an evaluation component, and the Secretary would be required to establish regulations to carry out these provisions not later than 6 months after the date of enactment.

Section 7 would provide that States receiving assistance under the act shall submit to the Secretary every 2 years a report outlining the current status of child-care licensing or regulation within the State, the deficiencies, if any, in the existing licensing or regulating program, a plan by the State to expand its licensing or regulating program, and the types of assistance the State requires in order to make improvements in its licensing or regulating program. The Secretary would be authorized to make grants to States for the purpose of developing, improving, or implementing child-care licensing or regulating programs. Also, the Secretary, after consulting with the National Advisory Panel, would be mandated to develop a Model State Licensing or Regulating of Child Care Providers Act, to be used by the States as a guide to improving licensing or regulating of child-care providers, and to publish it in the Federal Register not later than 18 months after the date of enactment.

Again, in each of the provisions the word "regulation" or "regulating" has been added in recognition of the fact that some States may use other terms or systems for certain types of child care.

Section 8 would authorize the Secretary to make grants to and enter into contracts with institutions of higher education, State and local public agencies, and private organizations to provide training programs for child-care providers and employees. The Secretary would also be authorized to provide technical assistance to the States in the planning, developing, and coordinating of child-care services, in the developing, expanding, and implementing of State licensing or regulating of child-care programs, and in developing and conducting teacher or child-care-provider training programs.

Section 9 would provide for an allotment of 1 percent of the total sums appropriated to be made available to Guam, American Samoa, the Virgin Islands, the Northern Marina Islands, and the Trust Territory of the Pacific Islands. The remainder of the sums appropriated would be allocated among the States based, with even weight, upon, first, each State's relative proportion of children living in homes where both parents are employed or seeking employment or where the child resides with only one parent and that parent is employed or seeking employment and, second, the State's relative proportion of children who reside in households having incomes which are equal to or less than one-half of the median income of the United States for families of the same size. Section 9 also provides for reallotment of any State's allotment which is not utilized.

Section 10 would provide for the Secretary to make payments to each State having a plan approved under section 4 in the amount allotted under section 9, and provide that payments under the act may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

Section 11 would authorize the Secretary, after reasonable notice and opportunity for hearing, to withhold payments to any State where there has been a substantial failure to comply with any provision or any requirement set forth in the State plan or with any applicable provision of the act. In the case of noncompliance by a particular program or project, further payments would be authorized to be limited to programs or projects under the State plan, or portions thereof, that are not affected by such noncompliance.

Section 12 would direct the Secretary to carry out reviews and evaluations of the programs and activities carried out under the act and conduct studies on child care needs for the purpose of providing information aimed at achieving the following purposes:

Enabling the Congress and the executive branch to seek to reach agreement upon specific, realistic objectives and expectations for programs and activities under the act;

Assuring that programs and activities established and carried out under the act at the Federal, State, and local levels are likely to achieve progress toward such objectives and expectations;

Obtaining sufficient data to measure progress under the act and making those data available to the Congress and the executive branch; and

Enabling Congress and the executive branch to better understand the child care needs of the Nation and how best to meet those needs in a cost-effective fashion.

In carrying out these functions, the Secretary would be directed to consult with appropriate committees of the Congress and members of the executive branch, to examine representative samples of actual programs, to indentify or develop cost-effective programs, and to determine how the results of such reviews and evaluations can best be disseminated and utilized to achieve the purposes described. Also the Secretary would be directed to prepare and transmit to the President and the Congress every 2 years on or before March 1 a concise report of activities and progress under the act.

Mr. President, the evaluation and oversight provisions of this bill were originally developed in close consultation with the General Accounting Office. In 1978, the Comptroller General released a report with respect to improving congressional oversight efforts. That report outlined a process for planning and carrying out congressional oversight programs. GAO staff provided great assistance to us in designing and drafting these provisions, and I am deeply appreciative of their efforts to assist us in building effective monitoring mechanisms into our legislative efforts.

Section 13 would set forth definitions of the various terms utilized in the act. A "child" is defined as any individual who has not attained the age of 15 except that with respect to eligibility for services, the definition of "child" may include a disabled individual who has not yet attained the age of 18. A "parent" includes any natural parent, foster parent, or legal guardian with whom the child resides.

Section 14 would, subject to two express limitations which I will describe, authorize appropriations to carry out the provisions of the act of $200 million for fiscal year 1984 and such sums as may be necessary for each of the four succeeding fiscal years. Of the sums appropriated for any fiscal year, 75 percent would be earmarked for grants under section 4, relating to grants for carrying out the State plan; 5 percent for making grants under section 6, relating to demonstration projects; 5 percent for making grants under section 7, relating to licensing or regulating assistance; 5 percent for making grants or contracts under section 8(a), relating to training programs; and 10 percent for carrying out sections 5, 8(b), and 12, relating to national administration—including the reasonable expenses of the National Advisory Panel on Child Care Needs and Services—and training and technical assistance.

Mr. President, the level of authorization of appropriations for the first year—$200 million—represents the amount which had been available prior to fiscal year 1982 at the 100-percent Federal funding for child care services provided under title XX. It would thus represent simply a restora-

tion of funding which was lost as a result of the Reagan administration's budget reductions. In subsequent years, appropriations would presumably be increased at reasonable rates consistent with the availability of Federal resources and national needs.

Mr. President, let me stress that this bill is not intended to meet the entire need for assistance in the child care area. Rather, S. 4 would simply provide the framework for a modest and measured increase in support for those families with the greatest needs. In addition, built into the legislation are provisions for the collection of data to assess the extent to which additional funds are needed. Increases in future appropriations would be related to the evaluation of this information and assessments of effectiveness of the expenditures of the funds already appropriated.

Section 14 contains two express limitations on the authorization of appropriations. First, subsection (b)(1) would provide that no funds would be authorized to be appropriated for any fiscal years unless funds appropriated for the preceding fiscal year to carry out part A of title V of the Economic Opportunity Act of 1964, relating to the Head Start Program, are at least equal to the funds appropriated for that program for fiscal year 1985—approximately $1 billion.

Second, section 14(b)(2) contains a provision which relates specifically to the current problem of massive Federal deficits. Although I do not believe that we should bring to a halt all of our efforts to deal with pressing national problems—like child care—I am acutely aware of the need to bring down the growing Federal deficits.

Since I do not wish to submit any proposal that would be inconsistent with efforts to develop a fiscal year 1986 budget premised on a Governmentwide freeze concept, I have added a provision to S. 4—as well as to the authorization of appropriations for a new pilot demonstration program of noninstitutional treatment approaches for veterans, included in S. 6, which was also introduced on January 3—which would provide that in the event that a first concurrent budget resolution is adopted by the Congress for fiscal year 1986 which is based on a comprehensive freeze in Government spending or incorporates a fiscal 1986 spending level no greater than the total of fiscal year 1985 outlays plus any cost-of-living increases provided for entitlement payments and increases due to increased interest payments on the national debt, then no funds would be authorized to be appropriated for this new program in fiscal year 1986.

Thus, if there is congressional agreement in support of such a freeze in fiscal year 1986, funds would not be authorized under this bill for fiscal year 1986; if, on the other hand, no such agreement is reached, the first-year authorization would remain fiscal year 1986.

In future years, it would be my intention to seek reductions in spending in other areas to offset any new funds appropriated for this program. This approach would allow us to continue to address pressing areas of need in a fiscally prudent manner. Clearly, outdated, ineffective, or unnecessary programs should be eliminated or trimmed back so that new, needed initiatives can be pursued.

Given the changing demographics and the growing demand for child care services which I have outlined, this is certainly a new initiative that should be pursued in terms of the welfare of the Nation and its families. We cannot halt all programs in attempting to address these types of issues, but we can and must proceed in a fiscally prudent manner. This obviously means making decisions about existing programs so that there will be room in the overall Federal budget for new initiatives. And those decisions need not be confined just to the domestic side of the Federal budget. Certainly, some of the trade-offs can come from pruning back some unnecessary spending in the defense budget so that we can enhance our national security by investment in the future of our Nation—our children.

OTHER INITIATIVES

Mr. President, as we move forward in our efforts to develop a comprehensive framework for child care services along the lines envisioned in S. 4, there are certain other steps that can and should be taken to make child care services more readily available and affordable.

Mr. President, as I indicated at the outset, I have been exploring with the cosponsors of S. 4 and others concerned with child care issues, the possibilities of putting together a series of smaller child care initiatives—many of which are covered in the comprehensive approach of S. 4 but are certainly also amenable to being acted upon in separate vehicles. These separate, smaller initiatives might well have a greater likelihood of enactment in the 99th Congress than the more comprehensive approach envisioned in S. 4. Thus, although I believe that the framework provided in legislation like S. 4 would ultimately be preferable, I am prepared to do whatever I can to see some progress made in addressing the child care needs of millions of American families, while at the same time continuing to work toward developing a sound and coordinated overall approach in this area.

CONCLUSION

Mr. President, I believe that the proposed "Child-Care Assistance Act of 1985" addresses an important—and ever-growing—need in this country for a comprehensive, coordinated approach to child care. There is simply no question that the demand and need for child care will continue to grow. If we take steps today to design an efficient and cost-effective mechanism for meeting those needs, the ultimate savings will far outweigh the short-term expenditure.

Indeed, child care itself is both a short-term and a long-term investment in the future. Short-term expenditures may be almost immediately offset by increased tax revenues derived from parent earnings and reductions in governmental subsistence and other expenditures necessitated by the effects of lack of adequate child care arrangements. Some longer term social costs such as juvenile vandalism, delinquency, and child abuse and neglect may also be reduced by prudent and cost-effective investments in child care today.

Mr. President, I am deeply grateful to the many individuals and organizations that have provided their insights, guidance, and encouragement in the development and formulation of this legislation. I very much hope that by introducing S. 4 again, we will move closer to enacting meaningful child care legislation, legislation sorely needed and so long awaited. I look forward to working with my colleagues and interested individuals and organizations toward that end.

Mr. President, I ask unanimous consent that the text of S. 4 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child-Care Assistance Act of 1985".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the number of children living in homes where both parents work or where children are living with a single parent who works has increased dramatically over the last decade;

(2) the number of licensed child-care openings is far short of the number required for children in need of child-care services;

(3) existing child-care programs are frequently filled to capacity and often have long waiting lists for admission;

(4) the lack of available child-care services results in many children being left—some all day—without adequate supervision;

(5) the rise in school vandalism, juvenile alcoholism, and serious juvenile crimes has been accompanied by an increase in the number of school-age children with working parents and without resources for after-school supervision;

(6) many parents are unable to afford adequate child-care services and do not receive any financial assistance for such services through any established program;

(7) the years from birth to age six are especially important in the development of a

child and the care children receive during this period is critical to the developmental process;

(8) making adequate child-care services and alternatives available for working parents and parents seeking employment or to develop employment skills promotes and strengthens the well-being of families and the national economy; and

(9) there is a lack of coordination among existing child-care programs receiving Federal and State assistance and among such programs and other programs providing services to children and their families, and an absence of a coordinated administration of child-care programs and services at the Federal level.

(b) Recognizing that the parent is and must continue to be the primary influence in the life of the child and that the parent must have ultimate responsibility for decisions on how the child will be raised, it is the purpose of this Act—

(1) to provide assistance to States in improving the quality of and coordination among child-care programs and to provide additional resources for child-care services;

(2) to provide mechanisms for assessing the extent of the need for child-care services in the Nation;

(3) to promote coordination at all governmental levels of child-care programs and other services for children and their families;

(4) to promote the availability and diversity of quality child-care services for all children and families who need such services;

(5) to provide assistance to families whose financial resources are not sufficient for them to pay the full costs of necessary child-care services; and

(6) to strengthen the functioning of families by seeking to ensure that parents are not forced by lack of available programs or financial resources to place a child in an unsafe, unhealthy, or otherwise undesirable care facility or arrangement.

PROTECTION OF PARENTAL RIGHTS

SEC. 3. Nothing in this Act shall be construed to authorize any public agency or private organization or any individual associated therewith to interfere with, or to intervene in, any child-rearing decision of parents.

STATE ACTIVITIES

SEC. 4. (a) Any State desiring to participate in a program authorized by this Act shall submit to the Secretary a plan, not less often than biennially, in such detail and form as the Secretary deems necessary. Each such plan shall—

(1) specify an appropriate State agency (with the capacity to administer the programs and services authorized under this Act and to coordinate with other State and local agencies involved in the provision of services to children) to be designated or created as the State agency to act either directly or through arrangements with other State or local public agencies, act as the State agency responsible for the administration and oversight of the plan submitted under this subsection (hereinafter in this Act referred to as the "State agency");

(2) provide that the specified State agency will—

(A) make an assessment of child-care needs in the State and an assessment of the effectiveness of programs and services funded under this Act and other provisions of law in meeting such needs;

(B) develop a plan designed to meet the need for child-care services within the State for preschool children and school-age children, with special attention to meeting the need for services of migrant children, disabled children, children with limited English-language proficiency, and other groups of children having special needs;

(C) coordinate, to the maximum extent feasible, the provision of services under this Act with other child-care programs and services funded under any State or other Federal law, and with other appropriate services, including social, health, mental health, and nutrition services, available to such children under other Federal and State programs; and

(D) prepare the reports required under subsection (d);

(3) provide that—

(A) funds under this Act will be distributed within the State in accordance with the plan submitted to the Secretary under this section and will be used for services provided only by child-care providers which—

(i) are licensed in the State or have applied for a renewal of such license and are determined by the State to be likely to be approved for renewal or, if not required to be licensed under applicable State law, have otherwise met the requirements of State law; and

(ii) meet the standards prescribed under section 5(c);

(B) funds will be distributed to eligible child-care providers by contract or grant either directly or, as provided in the State plan, through grants to or contracts with public or private nonprofit agencies for distribution to eligible child-care providers within a designated geographic area, or distributed through alternative payment demonstration projects under such terms as the Secretary prescribes for demonstration projects; and

(C) priority will be given to child-care providers in the State that provide assurances that—

(i) priority for services will be given to children on the basis of child and family need, taking into account such factors as family income, family size, and the special needs of children from households with a single parent, with particular emphasis on the provision of child-care services to families where lack of child care is or would be a barrier to the continuation or commencement of employment; and

(ii) each such child-care program will, to the maximum extent feasible, provide for an economic mix of children enrolled;

(4) provide that—

(A) funds will be distributed, to the maximum extent feasible, to a variety of child-care providers in each community, including but not limited to, child-care centers and family day-care providers; and

(B) priority will be given in the distribution of funds to community-based programs providing meaningful opportunities for parental involvement.

(5) provide for the establishment of sliding fee schedules based upon the services provided and family income adjusted for family size for children receiving services assisted under this Act;

(6) provide for the establishment of procedures for data collection and evaluation designed to show (in a manner not inconsistent with guidelines established by the Secretary)—

(A) how the child-care needs of the State are being met by programs funded under this Act including information as to the numbers of children being assisted, type of child care and child-care provider, numbers of programs and child-care providers, care givers, and support personnel utilized, and such other information as the Secretary considers necessary to explain how funds provided under this Act are being utilized;

(B) the degree to which child-care needs are not being met by programs funded under this Act or other programs;

(C) the extent to which the availability of child care has been increased, including but not limited to, numbers of licensed or regulated child-care openings, the extent to which existing child-care programs are filled, and the numbers and average time associated with waiting lists for admission to such programs; and

(D) how the purposes of the Act and the objectives of the State set forth in its State plan are being met;

(7) provide, by grants to or contracts with public or private nonprofit agencies, for the support or establishment of information-and-referral services to assist in identifying existing child-care services, in providing information and referral to interested parents, and in providing information and technical assistance to existing and potential child-care providers and others concerned with the availability of child care;

(8) provide, by grant or contract, for the support of training programs for child-care personnel;

(9) establish procedures for the development and implementation of State licensing or regulating of child-care providers in accordance with the criteria prescribed pursuant to section 7(a);

(10) establish procedures for meaningful parental involvement in State and local planning, monitoring, and evaluation of child-care programs and services in the State;

(11) provide assurances that funds provided under this Act will be used to supplement, and not supplant, existing Federal funds used for the support of child-care services and related programs;

(12) provide, for each fiscal year, that the State will use for administration of the State plan for such fiscal year an amount not to exceed 10 percent of the funds distributed to such State, except that in the case of Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, the State will use for administrative costs an amount not to exceed 5 percent of the funds distributed to such State;

(13) provide for the establishment of a State Advisory Panel in accordance with subsection (b) and specify the amount of funds to be allocated to such panel; and

(14) provide for the establishment of reasonable opportunities to be heard for any parent, child-care provider, or child-care program which has been adversely affected or aggrieved by a decision of the State agency or any program funded under this Act.

(b)(1) The State Advisory Panel on Child Care established by the State shall be composed of not less than fifteen members—

(A) of which not less than one-third shall be parents of children who are receiving or have recently received child-care services of the type funded under this Act; and

(B) of which not less than one-third shall be representatives of child-care providers and care givers within the State, including representatives of different types of child-care programs (such as public, private, private nonprofit, center-based, and family day-care programs) and individuals who are

professionals in the field of child development.

(2) The State Advisory Panel shall—

(A) advise the State on the preparation, and policy matters arising in the administration, of the State plan submitted under subsection (a);

(B) review and submit comments to the State agency on the State plan; and

(C) review and evaluate child-care programs and services funded under this Act and other provisions of law in the State and the progress of such programs and services in meeting the objectives of the State plan and the purposes of this Act and make recommendations, as appropriate, on the development of State standards and policies relating to child-care programs and the provision of child-care services,

and may prepare and, through the State agency, submit to the Secretary such recommendations and evaluations, together with such additional comments, as that State agency considers appropriate.

(3) Each State Advisory Panel shall meet within thirty days after the beginning of each fiscal year and establish the time, place, and manner of its future meetings, except that such panel shall have not less than two public meetings each year at which the public is given an opportunity to express views concerning the administration and operation of the State plan.

(4) Each State Advisory Panel shall be authorized to obtain the services of such professional, technical, and clerical personnel and to contract for such other services as may be necessary to enable the panel to carry out its functions under this Act. Members of the State Advisory Panel, while serving on the business of the Panel, shall be reimbursed, in accordance with standards prescribed by the Secretary, for reasonable travel, subsistence, and other necessary expenses incurred by them in carrying out their duties as members of the State Advisory Panel. The Secretary shall ensure that funds sufficient for the purpose of this paragraph are made available to each panel from funds available for the administration of the State plan.

(c) The Secretary shall approve any State plan, and any modification thereof, if (after approval of the first such plan) the State agency has complied with the provisions of subsection (d) and if such plan complies with the provisions of subsections (a) and (b), and the Secretary shall not disapprove any State plan except after reasonable notice, an opportunity to correct deficiencies in the plan, and notice of an opportunity for a hearing.

(d) For the purpose of providing information to the Secretary and the Congress to aid in their understanding of the implementation and effectiveness of programs under this Act, the State agency, not later than December 1 of each year, shall prepare and submit to the Secretary, a concise report describing activities, results, and performance in the State in meeting the objectives of the State plan and the purposes of this Act. The report submitted under this subsection shall contain the results of the data collection, reviews, and evaluations carried out pursuant to subsections (a)(6) and (b)(2)(C).

NATIONAL ADMINISTRATION

SEC. 5. (a)(1) The Secretary shall designate an identifiable administrative unit and an individual in charge of such unit within the Department of Health and Human Services to carry out the provisions of this Act, to coordinate all activities of the Department relating to child care, and to seek to coordinate such activities with the pertinent activities of other Federal agencies.

(2) The Secretary shall make available to such unit such staff and resources as are necessary to enable it to carry out effectively its functions under this Act.

(b)(1) Within six months after the date of the enactment of this Act, the Secretary shall establish within the Office of the Secretary a National Advisory Panel on Child Care Needs and Services which shall be composed of not less than fifteen members—

(A) of which not less than one-third shall be parents of children who are receiving or have recently received child-care services of the type funded under this Act, and

(B) of which not less than one-third shall be representatives of child-care providers, including representatives of different types of child-care programs (such as public, private, private nonprofit, center-based, and family day-care programs) and individuals who are professionals in the field of child development and related fields.

Not less than one-third of the members serving on the National Advisory Panel shall be individuals who are serving on, or have served on, a State Advisory Panel established by a State under section 4(b).

(2) The National Advisory Panel shall review Federal policies with respect to child-care services and make recommendations to and advise the Secretary with respect to the standards developed by the Secretary pursuant to subsection (c) and may submit to the President and to the Congress such comments as it considers appropriate with respect to the reports of the Secretary submitted under section 12.

(3) The Secretary shall make available to the National Advisory Panel such personnel and technical assistance as are necessary to carry out effectively its functions under this section.

(4) Members of the National Advisory Panel who are not regular full-time employees of the United States shall, while attending meetings and conferences of the National Advisory Panel or otherwise engaged in the business of the Panel (including traveltime), be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the rate specified at the time of such service for GS-18 in section 5332 of title 5, United States Code; and, while so serving on the business of the Panel away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(c)(1) After consultation with the National Advisory Panel, and not later than twelve months after the date of the enactment of this Act, the Secretary shall prepare and develop proposed standards to be applied to programs funded under this Act and such other child-care programs funded by the Department of Health and Human Services as the Secretary may specify. The standards developed pursuant to this subsection shall cover factors having a demonstrated impact on the quality of child care including, but not limited to—

(A) group size and composition in terms of the number of teachers and the number and age of children;

(B) the qualifications of the child-care provider;

(C) the physical environment;

(D) parental involvement; and

(E) necessary support services including but not limited to health, nutrition, and social services.

(2) After distribution for comment to each State agency and State Advisory Panel established under section 4(a)(13) and 4(b), the Secretary shall publish the proposed standards in the Federal Register.

(3) After taking into consideration any comments received by the Secretary with respect to the regulations proposed under paragraph (1) of subsection (c), but in no event later than one hundred and twenty days after the Secretary publishes proposed standards under paragraph (2), the Secretary shall publish in the Federal Register final standards to be applied to programs funded under this Act and such other child-care programs funded by the Department of Health and Human Services as the Secretary may specify.

(4) Until such time as the final standards have been adopted, programs funded under this Act shall comply with the requirements imposed upon child-care programs funded through payments made under title XX of the Social Security Act.

DEMONSTRATION PROJECTS

SEC. 6. (a) The Secretary is authorized to make grants to and enter into contracts with public agencies and private organizations to support innovative child-care demonstration projects, including projects providing nighttime care or care for sick children, migrant children, children with limited English-language proficiency, disabled children, or other special needs populations. No grant may be made under this section unless adequate funds are included in such grant to evaluate and report to the Secretary on the effectiveness of the approach of the program in meeting the child-care needs of the families being served.

(b) No grant may be made under this section unless an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary considers necessary. Not later than six months after the date of the enactment of this Act, the Secretary shall prescribe regulations to carry out the provisions of this section.

LICENSING IMPROVEMENT GRANTS

SEC. 7. (a) Each State receiving funds under this Act shall prepare a report to be submitted to the Secretary outlining the current status of child-care licensing or regulation within the State, deficiencies, if any, in the existing licensing or regulating program (including an assessment of the adequacy of staff to carry out effectively the State program), the plan of the State for expanding its licensing program to cover all types of child-care providers (except where children are being cared for in their own homes, by a relative, or on a less than full-time basis in a noncommercial, neighborhood setting, such as a cooperative play group or occasional child-care arrangements), and the types and amounts of assistance the State requires to make improvements in such licensing or regulating program. Each such State shall submit its report under this subsection not later than twelve months after it first receives a payment under section 10. The report submitted under this subsection shall include, separately, information with respect to center-based programs and family day-care programs.

(b) The Secretary is authorized to make grants to States submitting a report under subsection (a) for the purpose of developing,

improving, or implementing its child-care licensing or regulating program. No grant may be made under this section unless the State submits an application to the Secretary therefor at such time, in such manner, and containing or accompanied by such information as the Secretary considers necessary.

(c) After consultation with the National Advisory Panel on Child Care Needs and Services and with the cooperation of the National Conference of Uniform Commissioners of State Laws, the Secretary shall develop a Model State Licensing or Regulating of Child Care Providers Act to be used by the States as a guide to improving licensing or regulating of child-care providers. Not later than eighteen months after the date of the enactment of this Act, the Secretary shall publish such Model Act in the Federal Register.

TRAINING AND TECHNICAL ASSISTANCE

SEC. 8. (a)(1) The Secretary is authorized to make grants to and enter into contracts with institutions of higher education, State and local public agencies, and private organizations to provide preservice and inservice training to teachers, other care givers, and administrative personnel involved in child-care programs, to recruit and train low-income parents for child-care positions, to provide specialized training in early childhood education for certified elementary school teachers who are unemployed, to train information and referral workers, to train persons in the provision of services to disabled children, migrant children, and children with limited English-language proficiency, and to develop and improve teacher certification criteria for child-care programs.

(2) The Secretary is authorized to provide technical assistance to States in planning, developing, and coordinating child-care services, in developing, expanding, and implementing State licensing or regulating of child-care programs, and in developing and conducting teacher or child-care-provider training programs with special attention to the factors described in paragraph (1).

(b) No grant may be made under this section unless an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary considers necessary.

ALLOTMENTS

SEC. 9. (a) From the sums appropriated pursuant to section 14(a) for each fiscal year, the Secretary shall allot not more than one percent among Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands according to their respective needs.

(b) From the remainder of such sums, the Secretary shall allot—

(1) to each State the amount which bears the same ratio to 50 percent of such remainder as the number of children living in homes in which—

(A) both parents of such child are employed or seeking employment, or

(B) the child resides with only one parent and that parent is employed or seeking employment,

in such State bears to the number of such children in all States; and

(2) to each State an amount which bears the same ratio to 50 percent of such remainder as the number of children who reside in households having incomes which are equal to or less than one-half of the median income of the United States for families of the same size, as determined in accordance with criteria established by the Secretary, in such State bears to the number of such children in all States.

For the purpose of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(c) The Secretary shall obtain from the appropriate departments and agencies of the United States the most recent satisfactory data available in order to determine the allocation provided for in subsection (b).

(d) That portion of any State's allotment under subsection (b) for a fiscal year that the Secretary determines will not be required for the period for which such allotment is available shall be available, from time to time on such date during such period as the Secretary may fix, for reallotment to other States in proportion to the original allotment of such States under subsection (b) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates will be needed in such State and will be used for such period for carrying out State plans approved under this Act, and the total of such reduction shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (b) for such year.

PAYMENTS

SEC. 10. (a) From the amounts allotted to each State under section 9, the Secretary shall make a grant to each State having a plan approved under section 4 in an amount equal to the total sums to be expended by the State under the plan for the fiscal year for which the grant is to be made.

(b) Payments under this Act may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

WITHHOLDING OF GRANTS

SEC. 11. Whenever the Secretary, after reasonable notice and opportunity for a hearing to a State, finds—

(1) that there has been a failure to comply substantially with any provision or any requirements set forth in the State plan of that State approved under section 4, or

(2) that in the operation of any program or project funded under this Act there is a failure to comply substantially with any applicable provision of this Act,

the Secretary shall notify such State of the findings and that no further payments may be made to such State under this Act (or, in the case of noncompliance by a particular program or project, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by such noncompliance) until the Secretary is satisfied that there is no longer any such failure to comply, or that the noncompliance will be promptly corrected.

REVIEW AND EVALUATION

SEC. 12. (a) The Secretary shall make reviews and evaluations of the programs and activities funded under this Act (to be conducted by persons not directly or indirectly involved in administration of the programs or activities to be reviewed or evaluated), and conduct studies of child-care needs for the purpose of providing information aimed at—

(1) enabling the Congress and the executive branch to seek to reach agreement upon specific, realistic objectives and expectations of achievement for programs and activities funded under this Act;

(2) determining whether the programs and activities established and carried out under this Act at the Federal, State, and local levels will be likely to achieve progress toward such objectives and expectations;

(3) ensuring that sufficient data necessary to ascertain such progress is collected and made available to the Congress and the executive branch; and

(4) improving the capability of the Congress and the executive branch to understand child-care needs in the Nation and how best to meet such needs in a cost-effective fashion.

(b) In carrying out reviews, evaluations, and studies under this section, the Secretary shall—

(1) ascertain the specific objectives and expectations for achievement regarding programs and activities carried out under this Act of appropriate managers and policymakers in the executive branch and of appropriate committees of the Congress;

(2) examine a representative sample of the actual operation and results of such programs and activities at the Federal, State, and local levels;

(3) compare the objectives and expectations for achievement with the actual operation and results of such programs and activities, including comparisons of the objectives of State plans with the actual operation and results under such plans and an assessment of the effects of increased availability of child care (including changes in the incidence of child abuse, school vandalism, and juvenile delinquency, and other relevant effects such as changes in health status, school attendance, and school performance);

(4) identify or develop programs and activities, or parts of programs and activities, that are able, or are likely to be able, to achieve in a cost-effective fashion progress toward such objectives and expectations; and

(5) determine how the results of such reviews, evaluations, and studies can best be disseminated and utilized to achieve the purposes described in subsection (a).

The Secretary shall prepare and transmit to the President and the Congress on or before March 1 of 1988 and every two years thereafter a concise report containing—

(1) a statement of specific, realistic objectives and expected progress toward such objectives over the next two years for the programs and activities funded under this Act, and a statement relating such objectives and expected progress to the purposes of this Act;

(2) the results of all comparisons made under subsection (b)(3), including comparisons necessary for judging the effectiveness with which State plans, and the objectives of such plans, are carried out at the State and local levels;

(3) the results of efforts under subsection (b)(4), including options or recommendations (or both) with respect to any legislative action that the Secretary considers necessary or desirable for achieving the purposes set forth in subsection (a); and

(4) plans for reviews, evaluations, and studies under this section for the ensuing year, including a statement detailing the programs and activities (or parts thereof) funded under this Act to be the subject of such reviews, evaluations, and studies.

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(d) The Secretary shall prepare and transmit to the President and the Congress not later than four years after the date of the enactment of this Act a report on child-care needs in the Nation. Such report shall include, but not be limited to, a summary of the results of data collection under sections 4(a)(6)(A), 4(a)(6)(B), and 4(b)(2)(C) and any studies of child-care needs conducted by the Secretary under this section, a summary of other relevant research on child-care needs, and an analysis of options for more fully meeting such needs, including options for legislative action.

(e) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall, until the expiration of three years after the completion of a program, project, or activity authorized or assisted under this Act, have access for the purpose of audit and examination to any books, documents, papers, and records of entities receiving grants or contracts under this Act that in the opinion of the Secretary or the Comptroller General may be related or pertinent to assistance provided under this Act.

DEFINITIONS

SEC. 13. As used in this Act—

(1) "child" means any individual who has not attained the age of fifteen except that with respect to eligibility for services, the definition of "child" may include a disabled individual who has not yet attained the age of eighteen;

(2) "parent" includes any natural parent, foster parent, or legal guardian with whom the child resides;

(3) "Secretary" means the Secretary of Health and Human Services; and

(4) "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, America Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

AUTHORIZATION OF APPROPRIATIONS

SEC. 14. (a) Except as provided in subsection (b), there are authorized to be appropriated $200,000,000 for fiscal year 1986 and such sums as may be necessary for each of the four succeeding fiscal years for carrying out the provisions of this Act. Of the sums so appropriated for any fiscal year, 75 percent shall be used for making grants under section 4, relating to grants for carrying out the State plan; 5 percent shall be used for making grants under section 6, relating to demonstration projects; 5 percent shall be used for making grants under section 7, relating to licensing assistance; 5 percent shall be used for making grants or contracts under section 8(a), relating to training programs; and 10 percent shall be used for carrying out the provisions of sections 5, 8(b), and 12, relating to national administration (including the reasonable expenses of the National Advisory Panel on Child Care Needs and Services) and training and technical assistance.

(b)(1) No funds are authorized to be appropriated for any fiscal year unless funds appropriated for the preceding fiscal year to carry out part A of title V of the Economic Opportunity Act of 1964, relating to Project Head Start, are at least equal to the funds appropriated for such part for fiscal year 1985.

(2)(A) In the event that, pursuant to title III of the Congressional Budget Act of 1974, a concurrent resolution for fiscal year 1986 is in effect which sets forth total budget outlays for fiscal year 1986 in an amount which does not exceed the sum of—

(i) the total budget outlays for fiscal year 1985 set forth in such resolution (or, if not set forth therein, as estimated by the Congressional Budget Office as of the date such resolution was adopted);

(ii) the cost in budget outlays in fiscal year 1986, as estimated by the Congressional Budget Office as of the date such resolution was adopted, of such cost-of-living increases taking effect in fiscal year 1986 in entitlement programs as Congress provides for in such resolution; and

(iii) any amount by which interest on the public debt for fiscal year 1986 was estimated by the Congressional Budget Office, as of such date, to exceed the amount of such interest for fiscal year 1985,

no appropriations are authorized under subsection (a) to be appropriated for fiscal year 1986.

(B) For the purpose of this paragraph, the term "entitlement programs" means programs of benefits which the United States is obligated to pay under the laws establishing such programs to persons who meet the eligibility requirements established by such laws.

S. 5: PAY EQUITY ACT OF 1985

Mr. CRANSTON. Mr. President, on January 3, my bill, S. 5, the proposed "Pay Equity Act of 1985," was introduced. This legislation is virtually identical to S. 1900, the bill I introduced, during the 98th Congress. It is aimed at helping bring an end to what is one of the most devastating economic problems facing millions of American women and their families and one of the most pervasive forms of employment discrimination in our society—the refusal of many employers in both the public and private sectors to pay female employees fair and equitable wages for the work they perform.

I was joined in sponsoring this measure by the distinguished Senator from Montana [Mr. MELCHER] who also cosponsored S. 1900 in the 98th Congress. Similar legislation was introduced in the House on January 3—H.R. 27 and H.R. 375—by Representative MARY ROSE OAKAR with whom I have worked closely on this issue as well as on the Social Security earnings-sharing legislation, S. 3, also introduced on January 3.

Mr. President, this type of discrimination against female employees has persisted despite applicable State and Federal laws and directives and court decisions outlawing gender-based wage discrimination. Unfortunately, the existence of these laws and court decisions has not been translated into elimination of these unlawful practices. What is clearly needed is a strong national commitment to ending once and for all the practice of paying certain employees lower wages because those employees are female.

S. 5 is intended to stimulate those Federal agencies responsible for enforcement of our Federal equal employment opportunity laws to begin an aggressive campaign to enforce these laws and help bring about an end to wage discrimination.

THE PROBLEM: THE WAGE GAP

Mr. President, I am sure that every Member of this body is acutely aware of the enormous gap between the average earnings of female workers and the average earnings of male workers. In the 1950's, full-time female workers earned 64 cents on the average for every dollar earned by a full-time male worker. For the past decade, the ratio of male-to-female earnings has hovered around the 60-percent mark.

According to the most recent available data—1983—the median earnings—representing the point below and above which fall an equal number—for fully employed female workers—those working 50 or more weeks per year and 35 or more hours per week—was $13,915; for similarly employed males, it was $21,881. This represents a ratio of 63.6 percent. However, it is important to note that the mean, or average, earnings for this group was $12,758 for the female workers and $21,090 for male workers. This represents a ratio of 60.5 percent in terms of mean or average earnings, as compared to a ratio of 63.6 percent when dealing with median income data.

The difference in earnings for minority women, as compared to all male wage earners has consistently been even wider. For example, in 1983, the median earnings for black women in this category was $12,690; for Hispanic women it was $11,664. These represent a ratio of 57.9 and 53.3 percent, respectively, as compared to the median earnings for all male workers in this category.

In 1982, the median earnings of all fully employed male workers was $21,077; for similarly situated women, it was $13,014, representing a ratio of 61.7 percent. For black women in this category, the median income was $12,132, representing a 57.6-percent ratio as compared to median earnings for all male workers in this category; for Hispanic women, it was $11,112, representing a 52.7-percent ratio. Although these statistics show some progress in closing the wage gap over the past several years, it remains large.

The disparity between the average wages earned by female workers and those earned by male workers exists today in every profession, occupation, or field of employment and at every level of experience. It persists in male-dominated fields. It persists in female-dominated fields. It persists in the new occupational fields that have not yet become sexually stereotyped.

For example, female college professors and lawyers receive only 71 percent of what their male counterparts earn; female engineers earn only 86 percent of the salary of male engi-

neers. Although 60 percent of the retail sales clerks are female, they earn only 67 percent of what male clerks earn. Average starting salaries for female Harvard MBA's are reported to be $2,000 less than those paid to male MBA's. Entry-level male college lecturers average $13,577; females, $11,870. Sex bias in wages have even appeared in the computer field. In 1981, the median weekly pay for female computer operators was $355; for males, $488. A study of the careers of 1972 graduates of Harvard's Schools of Law, Dentistry, Design, Divinity, Education, Public Health, and Arts and Sciences 7 years after students were awarded advanced degrees found that women graduates had consistently lower salaries regardless of marital or family status. This study, for example, found that the average salaries of graduates of the Harvard School of Public Health were $37,860 a year for men and $21,300 for women.

Mr. President, the overall wage gap has been closely and repeatedly studied by researchers. Variables such as attachment to the work force, level of experience, education, job commitment, and similar factors have been examined in various studies. These studies attempting to "explain" the difference in earnings between male and female workers have been able to account for generally less than one-fourth and never more than one-half of the earnings differential on the basis of different labor-force participation patterns of male and female workers. Virtually every researcher has concluded that there remains a large gap which can be explained only by the existence of discriminatory employment policies.

PAY EQUITY: EQUAL PAY AND COMPARABLE PAY

Mr. President, two distinct forms of wage discrimination contribute to the earnings gap. The first involves the problem of equal pay for equal work. The second involves the problem of comparable pay for work of comparable worth.

The first—equal pay for equal work—is relatively simple to understand and has clearly been unlawful since the passage of the Equal Pay Act in 1963. That law provides that it is unlawful for an employer to discriminate between employees on the basis of sex by paying lower wages than those paid to employees of the other sex for equal work. Prior to the enactment of the Equal Pay Act, many employers openly paid female workers lower wages for performing the same work as male workers.

Unfortunately, this practice continues today, albeit in more subtle forms. Employers no longer argue—as they did prior to 1963—in favor of lower pay for female workers on the grounds that women "need" less than male workers. Instead, they have developed creative rationalizations for paying women less than men for substantially identical work. The Federal Equal Pay Act actually encourages this type of "creativeness" since it provides four defenses which an employer may raise when a violation of the act has been alleged. For example, the fourth defense—that the discrimination was based upon a factor "other than sex"—invites employers to develop arguments that the apparent discrimination is actually based upon a factor other than sex. For example, employers have argued that the willingness of female workers to work for lower wages constitutes a factor "other than sex" which would justify setting their wages below those of male workers who would refuse to work at the lower wages. Fortunately, the courts have, for the most part, rejected these thinly disguised discriminatory practices.

It is clear, however, that although it has been more than 20 years since passage of the Equal Pay Act, equal pay for equal work has not yet been fully achieved. Indeed, even more vigorous enforcement activities are needed today to deal with the more subtle and devious tactics used to justify the continuation of Equal Pay Act violations.

But, Mr. President, it is generally agreed that denial of equal pay for equal work is no longer the major factor contributing to the earnings gap. The major factor today is the concentration of female workers in a limited number of job classifications where the wages are lower than the education, training, skills, experience, effort, responsibility, or working conditions involved would otherwise warrant. The conclusion is virtually inescapable that a primary reason that wages are lower in these jobs is because they are filled predominantly by women. This problem, often referred to as the comparable worth issue, must be dealt with forcefully if we are ever to achieve equitable pay for all workers.

COMPARABLE PAY FOR WORK OF COMPARABLE WORTH

Mr. President, the concept of comparable pay for work of comparable worth stands for the relatively simple notion that the wages a worker earns should be based upon the value of the work performed, not the sex of the employee. Unfortunately, it is widely recognized that the wages paid in jobs and occupational fields dominated by female workers are lower than the wages paid in those jobs and occupational fields dominated by male workers that involve comparable education, skills, training, education, effort, responsibilities, and working conditions.

In the now classic case of *Lemons* v. *City and County of Denver,* 620 F.2d 228 (10th Circuit), the nurses in the city of Denver public hospitals were paid less than the men who trim the trees in the city parks, not because of any greater intrinsic value of the work done by the tree trimmers or greater difficulty in finding individuals to trim trees, but simply because the tree trimmers were predominantly male and the nurses were predominantly female.

There are many other examples of this type of inequity. In Montgomery County, MD, clerks in the county-operated liquor stores were reported to earn more in 1979 than teachers in the county schools. Secretaries at the University of Washington in Seattle with 2-years experience were paid between $847 and $1,085 while university truck drivers received a starting salary of $1,168 to $1,289. In New York and Wisconsin, the salaries for State parking lot attendants were considerably higher than the wages paid to State clerical employees. A study in San Jose, CA, found the salaries of librarians below those paid to street-sweeper operators. In a dictionary of occupational titles, a dog pound attendant and a zookeeper were rated more highly than a nursery school teacher or a day care worker.

In each of these examples, one difference emerged: The higher wages were paid where employees were predominantly males and lower wages were paid where employees were predominantly females. In many cases, the employer's own numerical job-evaluation system gave the male-dominated jobs and the female-dominated jobs similar ratings; yet, the wages for the female jobs were nonetheless set lower than the male-dominated jobs.

Mr. President, although the phrase "comparable pay for work of comparable worth" has been useful in helping to understand the circumstances involved, the underlying issue is really simply one of wage discrimination based upon the sex of the employee. Hence, the term "pay equity," which also includes the better understood concept of "equal pay for equal work," is a more accurate description of the effort which is ongoing to help reduce that portion of the wage gap which is attributable to discrimination. Although for clarity sake, I have used the "comparable worth" phraseology, I concur with the view that "pay equity" is a more accurate and preferable term.

OPPONENTS OF COMPARABLE WORTH

Mr. President, those who oppose elimination of wage disparities based upon the devaluation of work that is performed predominantly be female workers make three basic arguments in opposition to these efforts. First, they argue that it is impossible to compare different jobs and establish their relative worth. Second, they contend it is not discrimination, but the invisible and neutral hand of the marketplace at work in creating these wage disparities. Third, they argue

that even if it is discrimination, the cost of eliminating the inequities would be too great. Each of these arguments has an inherent weakness.

First, with respect to the so-called apples-and-oranges argument—that you can't compare different types of jobs—the fact is that different jobs are compared all the time by employers in establishing wage rates. Objective job-evaluation techniques have existed for many years, and they are widely used by employers in both the public and private sectors. The National Academy of Sciences' Committee on Occupational Classification and Analysis in its important study, "Women, Work, and Wages: Equal Pay for Jobs of Equal Value," commissioned by the Equal Employment Opportunity Commission, noted the widespread use of such job-evaluation plans. As I will discuss in a few moments, these job-evaluation techniques provide an objective method of determining the value of different jobs and a promising approach to eliminating discriminatory wage-setting practices and the resulting wage differentials.

Second, the short answer to the argument that it is the marketplace, not discrimination, that determines wage rates, is that the so-called free marketplace has been radically altered by the presence of discrimination. Historical wage discrimination against female workers, once not only prevalent but acceptable, continues to distort the marketplace to depress the wages of women and to devalue the work performed by women. Only in the past 20 years has it become unacceptable—legally and otherwise—to pay women less than men for precisely the same work or to exclude women from certain jobs or occupations. The effects of this de jure discrimination against female workers were built into most wage structures, and these effects continue to be felt. The argument that the marketplace is a neutral determinant of job value is clearly specious. A pure marketplace does not exist, given historical wage discrimination.

Moreover, our Nation has already made the decision as a matter of social policy that workers will not be left to whatever fate a so-called free market resolves for them. Protective labor laws do not permit employers to pay workers less than the minimum wage, even though some desperate workers might work for less, nor do they allow employers to set wages lower for minority workers, even though high unemployment rates among many minority groups might drive some of these workers to accept lower wages.

In short, a civilized and humane society does not countenance the exploitation of its workers. Women, like other classes of vulnerable workers, are entitled to the protection of the law against unfair exploitation.

COST IMPLICATIONS

Mr. President, the arguments that eliminating the wage difference would destroy the economy and cost billions and billions of dollars are vastly exaggerated. First, many of these estimates are based upon elimination of the entire wage gap. The studies I mentioned earlier have found that a certain portion of the gap—between one-fourth and one-half—is probably attributable to nondiscriminatory factors, including differences in female-worker labor-force participation patterns. No one has ever asserted that the entire gap is caused by discrimination.

Second, as to that portion of the wage gap that is attributable to discriminatory practices, it is not anticipated that the resulting inequities could be eliminated overnight. Even with the most vigorous commitment to eliminating wage inequities, the task is likely to be a long and tedious one. Indeed, in the more than 20 years since passage of the Equal Pay Act, those inequities have not been eliminated. Attainment of full pay equity is likely to be gradual and incremental.

Finally, Mr. President, the dire predictions of economic disaster simply haven't been borne out where voluntary wage adjustments to achieve pay equity have taken place. Although most of the opponents point to the size of the judgment awarded in the case brought in Washington State, American Federation of State, County, and Municipal Employees versus State of Washington, what has taken place in the State of Minnesota is a much more instructive example of how a pay-equity policy can be implemented in a fiscally responsible manner.

The Washington State case involved a situation where State officials failed for years to act after a 1974 State-commissioned study had shown that State employees in traditionally female jobs received about 20 percent less on the average than State employees in traditionally male jobs of comparable value. It was not until after a lawsuit was filed in 1983, that the State legislature took any action to eliminate the pay disparities. In 1983, it appropriated $1.5 million for this purpose. The Federal district court characterized this action as "belated" and a "token" representing at best a change in attitude by the State. Under the court's judgment, the plaintiffs were awarded backpay adjustments to September 1979. It was this backpay award, not simply the correction of the undervaluation of the women's jobs, that created the size of the judgment in the Washington State case.

In contrast, the Minnesota Legislature moved quickly to respond to the results of a report from a State-established task force on pay equity. In 1983, the Minnesota Legislature passed a bill providing for a phased-in equalization over 4 years. The annual cost of the pay-equity increases currently amounts to $26 million, or about 4 percent of the State's payroll budget, and 0.3 of the total State budget. Similarly, not considering the backpay award, it is estimated that the cost for future pay equity adjustments in Washington State will amount to 5 percent of the annual payroll, or approximately $75 million per year.

New York State, following the Minnesota example, is currently implementing a pay-equity study which will include several options for carrying out phased-in pay-equity adjustments.

Local government efforts in this area have been numerous. In my own State of California, pay-equity adjustments have been negotiated for municipal workers in San Jose, Los Angeles, Long Beach, Pismo Beach, Anaheim, Fremont, Hayward, Berkeley, and Woodland. None of these municipalities have gone bankrupt as a result. The increases have been moderate and phased-in over time. For example, librarians in Long Beach won a 5-percent comparable-worth adjustment. In San Jose, a 2-year agreement for pay-equity adjustments in 60 female dominated classifications resulted in 5- to 15-percent increases for these categories over a 2-year period, costing a total of $1.4 million. Clerical workers in the city of Los Angeles negotiated pay-equity increases of between 1 and 8½ percent.

Obviously, voluntary and mutual efforts to identify and eliminate pay inequities through wage adjustments phased-in over reasonable periods of time are far preferable to accumulating large back-pay judgments. The costs, while not insubstantial, are clearly manageable when they are approached in this fashion.

Finally, whenever the issue of costs is discussed, it is important to remember that the costs of pay inequities are already being borne—by the underpaid workers. The price is being paid by the increasing feminization of poverty and the cost of Government assistance to those underpaid workers and their families who cannot survive on the meager wages produced by discriminatory employment practices. Society is also paying in terms of the loss of productivity and reduced consumer spending that results when workers are denied fair wages.

OTHER OPPOSING ARGUMENTS

Mr. President, some of the opponents of efforts to eliminate these types of pay inequities have also attempted to portray such activities as leading to the Federal Government setting the wages for all workers. This is clearly a distortion and scare tactic designed to avoid entering into a serious dialog about the problem and how to remedy it. There is absolutely noth-

ing in the comparable-worth issue that would lead to such a result, any more than passage of the Equal Pay Act or title VII led to Government control of wage-setting practices. Former Secretary of Labor, Raymond Marshall, has aptly stated:

A remedy for pay discrimination does not require that wages be equalized for men and women, only that the jobs be valued on a nondiscriminatory basis. This does not lead to central planning or Government wage fixing; the Government does not have to fix wages to eliminate discrimination.

Mr. Marshall has written a very thoughtful and comprehensive paper discussing the debate surrounding the comparable-worth issue.

Mr. President, I ask unanimous consent that this paper, entitled "The Employment and Earnings of Women: The Comparable Worth Debate," be reprinted in the RECORD at the conclusion of my remarks following the reprinting of the text of the bill and a letter to the General Accounting Office.

Mr. President, implementing pay equity means nothing more than requiring employers to eliminate discriminatory wage-setting practices. There are certainly legitimate issues for discussion regarding the concept of comparable worth, but dragging out the specter of big government control of wages does not contribute to a responsible discussion of those issues.

IMPORTANCE OF RESOLVING THE COMPARABLE-WORTH PROBLEM

Mr. President, there are some who may argue that rather than attempting to resolve the difficult issues surrounding the comparable-worth problem, we should be focusing our attentions on eliminating the earnings gap by encouraging young women to enter nontraditional, male-dominated fields where the wages are likely to be higher and the advancement opportunities more open.

I believe we must do both.

I have long been deeply committed to opening up every occupational or professional field to women. The barriers which have blocked women seeking to enter male-dominated fields must be eliminated. Our educational systems must be encouraged to do a better job in preparing young women for the world of work and educating them about the jobs that will be emerging out of the new technologies. Their horizons should not be limited in any fashion by sexist stereotypes about what is or is not an appropriate field of employment for women or by false perceptions about the workforce.

But at the same time that we are seeking to break down those barriers which have kept many women in job ghettos where the wages are low and the opportunities for advancement limited, it is important to recognize that the work performed in many of these female-dominated fields is important both to our economy and to our society. If we force our creative and talented teachers to leave our schools in order to get adequate compensation, or our nation's nurses all to become doctors in order to gain the recognition and compensation they deserve, what would happen to the quality of our schools or our hospitals? We need good teachers as well as good nurses, regardless of their sex.

Moreover, Mr. President, whatever opportunities may exist for young women just entering or about to enter the work force, those women who have already acquired years of education, training, and experience in fields like teaching or nursing should not be required to abandon those career investments in order to earn a decent wage.

Finally, unless we resolve once and for all the ambivalence about the value of female workers that underlies the comparable-worth problem, the inequities are not likely to end. Indeed, as more and more women enter a new field, the wages there are likely to become depressed. History has already demonstrated this to be true. For example, bank tellers were once universally male. The job then represented a relatively well-trained position on the career ladder to higher management in the banking field. Today, bank tellers are predominantly female and the wages and advancement opportunities have been curtailed accordingly. The value of a job shouldn't decrease just because more women fill the position.

GUNTHER VERSUS COUNTY OF WASHINGTON

Mr. President, until 1981, there was some disagreement as to the interrelationship of the Equal Pay Act, with its scope limited to matters relating to equal pay for equal work, and the broader coverage of title VII of the Civil Rights Act of 1964 with respect to discrimination on the basis of sex in all aspects of employment, including compensation. Some argued that the Bennett amendment to title VII limited its coverage to only those instances of wage discrimination which would be covered by the Equal Pay Act. Others, noting the broad purposes of Congress in enacting title VII, argued that an employer violated title VII when the wages of female workers were set below those paid to male workers even though the jobs were not identical.

The issue was definitively resolved in the landmark decision of the Supreme Court in *Gunther* v. *County of Washington*, 452 U.S. 161 (1981).

Mr. President, the facts in the Gunther case are interesting because they show how blatant much of the wage discrimination against women can be. In Gunther, the employer evaluated the worth of both male and female correction guards and determined that the female guards should be compensated at a rate 95 percent that of the male rate. Notwithstanding that determination, the county set the female wage rate at only 70 percent of the male rate while paying the male guards the full 100-percent value established in the job evaluation.

In Gunther the Supreme Court held that it would be a violation of title VII for an employer to set the wages of female workers below the value determined by the employer's own objective job evaluation while setting the wages of male workers at the full value. The Court correctly concluded that Congress intended title VII to prohibit "all practices in whatever form which create inequality in employment opportunity due to discrimination on the basis of race, religion, sex, or national origin" and to "strike at the entire spectrum of disparate treatment of men and women resulting from sex stereotypes."

Mr. President, wage discrimination—in situations where jobs involved are different as well as where they are similar—is now clearly unlawful under title VII following Gunther. What remains to be settled is how this rule will be applied in particular fact situations and what evidence will suffice to demonstrate unlawful discrimination.

In the much discussed Washington State case, the court found there was overwhelming evidence of "historical discrimination against women in employment in the State of Washington, and that discrimination has been, and is, manifested by direct, overt, and institutionalized discrimination." Although the State's refusal to correct discrimination identified by a job-evaluation study was one part of the evidence produced, the record also showed such discriminatory practices as deliberate segregation of occupations—evidenced by classified ads in "male only" and "female only" columns—equal pay violations, and admissions by top State officials of discriminatory practices.

Litigation involving these issues is, of course, going on throughout the country, and where the evidence demonstrates that the wages of particular categories of employees have been depressed because of their sex, it is clear that a remedy exists under title VII. At the same time, however, numerous voluntary efforts are underway in both the public and private sectors to identify and eliminate wage discrimination.

STATE, LOCAL, AND PRIVATE INITIATIVES

Mr. President, it has been estimated that in the past 4 years over 100 governmental initiatives have taken place in the area of comparable worth. These activities have included actions by State legislatures, city councils, county commissions, school boards, Governors' offices, and State administrative agencies. I ask unanimous consent that a summary of State and local-pay equity/comparable-worth initiatives that was included in the tes-

timony of Nina Rothchild, commissioner for employee relations of the State of Minnesota, at the U.S. Civil Rights Commission consultation on comparable worth (June 1984), be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APPENDIX TO TESTIMONY OF NINA ROTHCHILD, COMMISSIONER OF EMPLOYEE RELATIONS, STATE OF MINNESOTA

STATE PAY EQUITY LEGISLATION

State, Year, and Description

ALASKA

1980: Adds specific comparable worth (CW) language to fair employment practices (FEP) law.

CALIFORNIA

1981: Establishes CW as policy for State workers, requires annual reports.

1983: Prohibits local government ordinances or policies which preclude consideration of CW.

1983: Creates commission on status of women task force on CW.

1983: Adds specific CW language to FEP law. (Pending as of 5/1/84.)

CONNECTICUT

1979: Pilot study for State workers.

1981: Full job evaluation (JE) study for State workers.

HAWAII

1981: (Resolution) Urges employers to adopt CW policies.

1982: Requires report and recommendations on CW for State employees.

IDAHO

1977: Provides for JE study on State employees.

ILLINOIS

1982: Requires pilot CW study for civil service; $10,000.

1983: Requires comprehensive JE study for civil service. (Pending as of 5/1/84.)

1983: Includes CW standard in State equal pay act. (Pending as of 5/1/84.)

IOWA

1983: Establishes CW policy, requires JE study of civil service, appropriates $150,000 for study.

KENTUCKY

1982: Allocates $14,000 for JE study.

MASSACHUSETTS

1983: Requires JE study of civil service, appropriates $75,000 for study.

MICHIGAN

1982: Amends wage and hour law to prohibit wage secrecy policies.

MINNESOTA

1982: Establishes CW policy and process for civil service.

1983: Appropriates $21.8 million for CW increases.

1984: Requires local governments to implement CW.

MISSOURI

1983: Requires report and recommendations on CW for civil service; establishes CW policy.

MONTANA

1983: Requires "work toward the goal of establishing equal pay for comparable worth," study and annual report.

NEBRASKA

1978: Requires preliminary civil service study.

NEVADA

1983: Requires preliminary civil service study.

NEW JERSEY

1984: Establishes task force to study civil service; appropriates $150,000. (Not yet signed by Governor as of 5/1/84.)

NEW MEXICO

1983: Appropriates $3.3 million in salary increases to lowest paid State workers.

OREGON

1983: Requires JE/CW study for civil service; appropriates $300,000 for study.

PENNSYLVANIA

1983: Adds CW language to FEP law. (Pending as of 5/1/84.)

VIRGINIA

1984: Requires research on CW.

WASHINGTON

1977: Requires biennial update of 1974 JE study that had not yet been implemented.

1983: Establishes CW policy for civil service and sets up a 10-year implementation plan.

1983: Appropriates $1.5 million for salary increases to lowest paid workers.

WISCONISN

1977: Establishes CW policy for civil service.

Other State-level Activity

ILLINOIS

1983: AFSCME wins pay equity increases for word processing operators through arbitration.

HAWAII

1983: AFSCME wins pay equity increases for nurses through arbitration.

CONNECTICUT

1983: AFSCME negotiates pay equity increases for clerical workers.

Local Government, Type, and Description

Fresno, CA; City; Information gathering; pay equity policy.

San Francisco, CA; City; Information gathering; pay equity policy.

Sonoma County, CA; County; Information gathering.

South Lake Tahoe, CA; City; Information gathering.

Alameda County, CA; County; Information gathering.

Colorado Springs, CO; City; Information gathering; implementation.

Berkeley, CA; City; Information gathering.

Montgomery County, MD; County; Information gathering.

Los Angeles Sch Di, CA; School; Information gathering.

Minnetonka SD, MN; School; Negotiated CW increases.

Osseo SD, MN; School; Information gathering.

Northfield SD, MN; School; Information gathering.

Tucson SD, AZ; School; JE study.

Chico SD, CA; School; JE study.

Manhattan Beach, CA; School; JE study.

Sacramento SD, CA; School; JE study negotiated by SEIU.

San Lorenzo SD, CA; School; JE study.

Hunter College, NY; School; JE study.

Virginia Beach, VA; City; JE study; implementation.

Bellevue, WA; City; JE study; implementation.

Renton, WA; City; JE study; implementation.

Seattle, WA; City; JE study.

Los Gatos, CA; City; Pay equity policy.

Long Beach, CA; City; Implementation.

Burlington, VT; City; Implementation.

Princeton, MN; City; JE study; implementation.

Los Angeles, CA; City; Pay equity increases negotiated (AFSCME).

Spokane, WA; City; Pay equity increases negotiated for all female-dominated classes (AFSCME).

Green Bay, WI; City; Pay equity increases for nurses of $118 per month (AFSCME).

San Mateo, CA; County; Pay equity increases negotiated. (AFSCME).

San Jose, CA; City; Pay equity increases negotiated (AFSCME).

Hennepin County, MN County; Pay equity increases negotiated for welfare eligibility technicians (AFSCME).

Belmont, CA; City; Pay equity increases negotiated (AFSCME).

Woodland Hills, PA; School; Pay equity increases negotiated; implementation on a 3-year schedule (SEIU).

Vacaville, CA; School; Negotiated for comparable worth committee and pay equity study (SEIU).

Mott Comm. College, MI; School; Negotiated for JE study and appeals procedure for classification decisions (SEIU).

Santa Clara, CA; County; Negotiated for reclassification of many jobs and pay equity adjustments (SEIU).

Mr. CRANSTON. Mr. President, Ms. Rothchild, in her testimony also reviewed in detail the experience of the State of Minnesota in addressing and implementing a pay-equity initiative. Observing that Minnesota had gone further than other States in actual implementation of pay equity, she stated, "We now have the experience to show that implementation need not be extremely costly, chaotic, or controversial."

In addition to these activities with respect to State and local public employees, pay equity has become a major issue at the bargaining table. On November 14, 1984, I placed in the CONGRESSIONAL RECORD (S14644, daily ed.) a report issued by the Communications Workers of America entitled "Closing the Wage Gap." This report not only provided a comprehensive overview of the pay-equity problem, but it also described some of the efforts made by this particular union to help close the wage gap through collective bargaining efforts. Although most of the activities that have taken place have been in the area of public employees, labor-management negotiations on pay-equity issues in the private sector, for example, between AT&T and the Communications Workers, have also been instituted.

Clearly, Mr. President, these voluntary initiatives to identify and remedy pay inequities ought to be encouraged. S. 5 contains provisions directing the Equal Employment Opportunity Commission to develop and implement an education and information program aimed at assisting those employers seeking information on the various

techniques that can be used to identify and eliminate pay inequities.

FEDERAL ENFORCEMENT ACTIVITIES

However, despite the considerable activity taking place in the States and in the courts, Federal efforts in this area are at a virtual standstill. Prior to the Reagan administration, the two agencies with primary responsibility for enforcement of Federal equal employment opportunity laws and directives—the Equal Employment Opportunity Commission [EEOC] and the Office of Federal Contract Compliance Programs [OFCCP] in the Department of Labor—has begun activities in the comparable-worth area. EEOC filed an amicus curiae brief on the side of the plaintiffs in the Gunther case and commissioned the study I mentioned earlier by the National Academy of Sciences. In August 1981, shortly after the Gunther decision, EEOC, then under the acting chairmanship of J. Clay Smith, issued interim guidelines to its field offices to assist in identifying and processing cases in light of the Gunther decision. Similarly, OFCCP included in regulations published in December of 1980 language clarifying that the prohibition against employment discrimination by Federal contractors encompassed wage differentials based upon comparable-worth principles.

However, the Reagan administration immediately suspended those regulations and under the Reagan-appointed EEOC, work on comparable-worth cases appears to have ceased, thereby effectively sabotaging the guidelines issued after Gunther. At the House hearing in 1982, the current chairman of the EEOC, Clarence Thomas, defended his agency's inaction by saying that the Commission was in the legal arena, without specific guidance and he was unsure whether the agency had authority to process certain of these cases. The situation at EEOC does not appear to have changed since that statement.

Mr. President, EEOC is specifically charged with the responsibility of providing leadership in matters relating to equal employment opportunity. If the agency is not able to exert that leadership, then Congress must provide the push that is needed. S. 5 would help provide EEOC and OFCCP with the specific guidance which seems to be necessary in order to get these agencies to enforce fully and aggressively the Federal laws and directives relating to unlawful employment practices.

Mr. President, I must note, however, that while the EEOC, the agency responsible for equal employment opportunity law enforcement activities has remained mute on the subject, the Chairman of the Civil Rights Commission, Clarence Pendleton, has gone out of this way to attempt to ridicule the very serious efforts to deal with the problems of comparable worth. His recent characterization of this issue and debate as looney has not contributed to efforts to approach the problem in a responsible fashion.

JOB-EVALUATION TECHNIQUES

Mr. President, before I describe the specific provisions of S. 5, I want to take a few moments to discuss a specific issue related to the elimination of unlawful wage discrimination—utilization of objective job-evaluation techniques.

As I indicated earlier, objective job-evaluation techniques have been utilized for many years by employers in both the public and private sectors as a basis for determining job classifications and wage rates. Job-evaluation techniques provide, through numerical rating systems, standards and measures of job worth that are used to estimate the relative worth of jobs. It has been reported that almost two-thirds of the adult working population are already paid on the basis of a job-evaluation scheme, and that virtually every large employer, including Federal and State governments, uses some objective job-evaluation system to determine the relative worth or grade level of each job classification.

In a job-evaluation plan, pay ranges for a job are based on estimates of the worth of the jobs according to such criteria as the skill, effort, and responsibility required by the job and the working conditions under which it is performed. Pay for an individual, within the pay range, is set by the worker's individual characteristics, such as credentials, seniority, productivity, and quality of job performance. Job-evaluation systems vary from employer to employer, both in terms of the criteria used and the relative weights. However, the concept of numerical rating and comparative measurement of different jobs is common to all job-evaluation systems.

The National Academy of Sciences in its 1981 study, "Women, Work and Wages: Equal Pay for Jobs of Equal Value," observed:

> • • • job evaluation plans provide measures of job worth that, under certain circumstances, may be used to discover and reduce wage discrimination for persons covered by a given plan. Job evaluation plans provide a way of systematically rewarding jobs for their content—for the skill, effort, and responsibility they entail and the conditions under which they are performed. By making the criteria of compensation explicit and by applying the criteria consistently, it is probable that pay differentials resulting from traditional stereotypes regarding the value of women's work or work customarily done by minorities will be reduced.

Mr. President, the National Academy of Sciences study went on to state that existing job-evaluation techniques were by no means perfect. Many incorporated into them factors associated with sex, race, or ethnicity, and many utilized actual wages to figure into the computations, thereby perpetuating existing inequities. Other problems in applying these plans universally were also raised. The Academy concluded, nevertheless, that statistical techniques exist that may be able to generate job worth scores from which components of wages associated with sex, race, or ethnicity have been at least partly removed. The Academy urged that these techniques be further developed.

It is also important to note that in many cases, where the employer has utilized a job-evaluation plan to establish the comparative worth of different jobs, the employer has simply chosen not to apply the results of its own evaluation to the wages of the female workers. For example, as I mentioned earlier, in the Gunther case the employer arbitrarily paid the female workers 25 percent less than the employer's own job evaluation had determined was the comparative worth of the jobs. The law is clear that employers must abide by the results of their own reasonable job-evaluation systems. What is needed is for the law to be enforced.

Finally, Mr. President, it should be noted that the failure of an employer to utilize a job-evaluation system to set wages can give rise to an inference of intentional discrimination. In one case brought under the Equal Pay Act, *Taylor* v. *Charley Brothers*, 25 FEB Cases 602 (W.P.Pa. 1981) a Pennsylvania Federal district court found that an employer's intent to discriminate against female employees could be inferred from the fact, among other things, that it had not undertaken any evaluation that would have indicated the value of jobs held by either men or women. Employers seeking to avoid the impact of the Gunther decision by refusing to do their own objective job evaluations certainly run the risk of thereby providing evidence of intentional discrimination.

CONGRESSIONAL ACTION DURING THE 98TH CONGRESS

Mr. President, during the last session of Congress, several developments occurred with respect to pay-equity legislation.

First, on June 28, 1984, the House of Representatives, by an overwhelming vote of 415 to 6, passed legislation, H.R. 5680, authored by Representative MARY ROSE OAKAR, who chairs the Subcommittee on Compensation and Employee Benefits of the House Post Office and Civil Service Committee, providing for a study of the Federal job classification system to determine if the wages paid in job classifications filled predominantly by female workers are set lower than the wages paid in job classifications filled predominantly by male workers, because of the sex of the employees, rather than on the basis of any intrinsic differ-

ences in the relative value of the work performed, the qualifications required for the job, or the working conditions. The study called for in the House-passed bill was similar to that provided for in section 4(d) of my bill, S. 1900.

Shortly after H.R. 5680 was approved by the House as a substitute for a Senate-passed bill dealing with civil service matters, S. 958, on July 25, 1984, I urged the Senate to accept the House-passed provision in conference (CONGRESSIONAL RECORD, S9113, daily ed.). Unfortunately, however, the Senate leadership left the bill at the Senate desk in a legislative limbo and refused to appoint conferees or take any steps toward convening a conference to resolve the issue regarding the pay-equity study. Because of this refusal to let the matter come to a vote in a regular manner, on October 3, 1984 (CONGRESSIONAL RECORD, S12995-13003, daily ed.), I offered an amendment to the fiscal year 1985 continuing resolution which would have compelled the Director of the Office of Personnel Management to carry out the study. Although my amendment was defeated on a procedural vote, it was clear that there was substantial support for the underlying merits. Thereafter, the distinguished Senator from Alaska (Mr. STEVENS), chairman of the Senate Subcommittee on Civil Service, Post Office, and General Services of the Committee on Governmental Affairs, and I others entered into an agreement set forth in a colloquy I had with Senator STEVENS on October 10, 1984 (CONGRESSIONAL RECORD, S14003-4, daily ed.) regarding a plan for and a timetable for carrying out, a series of events to bring about the necessary review of the Federal classification system.

First, in order to lay the ground work for the actual pay-equity study, it was agreed that a joint request would be made to the General Accounting Office to provide, not later than March 1, 1985, to the House Committee on Post Office and Civil Service and the Senate Committee on Governmental Affairs, a detailed report on the options for carrying out a pay-equity study of the type which would have been mandated under the House-passed legislation and the amendment I had offered to the continuing resolution. That letter, which I signed along with a number of members of the Senate Governmental Affairs Committee, as well as the chairman of the House Post Office and Civil Service Committee and the chairman of the House Subcommittee on Compensation and Employee Benefits, was sent to the Comptroller General of the United States on November 15, 1984. I ask unanimous consent that a copy of this letter be printed in the RECORD at the conclusion of my remarks following the text of the bill.

Second, the Senator from Alaska agreed that, not later than the week following the Easter recess, he would convene subcommittee hearings on the GAO report and the outline for the study to be conducted.

Third, following that hearing, the Senator from Alaska, agreed to assist in efforts to develop legislation to facilitate carrying out such a study, unless a decision was reached that GAO itself should carry out the study, and seek to have such legislation considered in committee and on the floor in a timely fashion.

Fourth, and finally, in the event that efforts to reach agreement on such legislation following the GAO report were unsuccessful, the Senator from Alaska promised to do his best to provide us with an opportunity to have a vote on the merits of the issue on an appropriate vehicle.

Mr. President, I am pleased to report that the GAO activities are well underway and we have been assured that the report will be submitted by the March 1 deadline. In the meantime, the Senator from Washington (Mr. EVANS) who has been a true leader in the area of pay equity and participated in the development of the agreements I have just outlined, has indicated (CONGRESSIONAL RECORD, October 11, 1984, S14497, daily ed.) his plans for developing legislation providing for a pay equity study of the Federal classification system which can serve as the vehicle for incorporating the relevant findings of the GAO report. It is my intention to work closely with the Senator from Washington in this effort.

OUTLINE OF LEGISLATION

Mr. President, as I indicated at the outset, S. 5 is aimed at compelling those Federal agencies responsible for enforcement of Federal equal employment opportunity laws to begin an aggressive campaign to enforce those laws and help bring about an end to wage discrimination against female workers. Certainly this could be accomplished by the executive branch without a congressional mandate. The law already prohibits wage discrimination. But the law is not self-executing.

Unfortunately, under the current administration it is highly unlikely that such actions will take place voluntarily. Nevertheless, Congress has the power and the authority to direct these agencies to take appropriate action. Enactment of this legislation would provide the congressional mandate that is evidently necessary to bring about Federal action in this area. I do not believe that it is fair or appropriate to rely solely upon private litigants to enforce that law. The Federal Government has a role and responsibility to fulfill. It's time it did so.

SUMMARY OF PROVISIONS: "PAY EQUITY ACT OF 1985"

Mr. President, I would like to outline the provisions of the bill:

Section 1 would establish the short title of the bill as the "Pay Equity Act of 1985."

Section 2 would set forth the findings and purposes of the Act. The findings pertain to the existence of the earnings gap between male and female workers, its causes and impact upon individiuals and our economy, and the failure of appropriate Federal agencies to enforce applicable laws and directives. The expressed purpose of the act is to help eliminate discriminatory wage-setting practices and resulting discriminatory wage differentials by, first, providing for the development and utilization of equitable job-evaluation techniques to promote the establishment of wage rates based upon the work performed rather than the sex of the employee and thereby ensure that all employees, irrespective of sex, or race, or ethnicity, will receive comparable pay for work of comparable worth; second, directing the Federal agencies charged with the responsibility for enforcement of Federal equal employment opportunity laws to help eliminate discriminatory wage-setting practices and discriminatory wage differentials; third, encouraging public and private employers to use equitable job-evaluation techniques in order to eliminate discriminatory wage-setting practices and discriminatory wage differentials; and, fourth, bringing the Federal Government's wage-setting practices into compliance with the purpose of the proposed act and the provision of the 1978 Civil Service Reform Act which provides that equal pay should be provided for work of equal value performed by Federal employees.

Section 3 would set forth definitions of the various terms utilized in the act.

Section 4 would set forth specific actions to be taken by the Equal Employment Opportunity Commission [EEOC]. First, the Commission would be directed to issue guidelines for the identification and elimination of discriminatory wage-setting practices and discriminatory wage differentials.

Mr. President, the EEOC is charged by Executive order with the responsibility for providing leadership within the Federal Government on matters relating to the equal employment laws. Its nonaction on the important and urgent issue of pay equity is inexcusable. Employers are entitled to some guidance from the Commission to enable them to identify and eliminate discriminatory wage-setting practices. In the past, the Commission has made many important contributions to the development of equal employment opportunity law; for example, its early guidelines on employment testing

issues contributed to the development and utilization of validated testing procedures. It should be fulfilling a similar role with respect to the development and utilization of equitable job-evaluation techniques. Instead, the Commission's policy seems to be to sit back and await the piecemeal development of this body of law by private litigants and the courts. This is an abrogation of executive branch responsibility under title VII.

In order to assure appropriate coordination between the Commission and the Department of Labor's Office of Federal Contract Compliance Programs [OFCCP], the office responsible for enforcement of equal employment opportunity rules with respect to Federal contractors and subcontractors, section 4 of the bill would specifically require consultation with OFCCP in the promulgation of the Federal guidelines. Section 4 also would direct the Commission to develop and carry out a continuing program of education, information, and technical assistance with respect to the elimination of discriminatory wage-setting practices and discriminatory wage differentials and the development and utilization of equitable job-evaluation techniques.

Mr. President, in order to ensure adequate congressional oversight, section 4 contains provisions directing the Commission to make annual reports to the President and Congress on the steps it has taken and plans to take to carry out the proposed act. A self-evaluation of the effectiveness of the Commission's efforts is to be included in the report along with inclusion of such recommendations for statutory changes or administrative action, or both, as the Commission considers necessary to effectuate the purpose of the proposed act. The requirements with respect to this report have been made rather detailed in light of the fact that the Commission has shown no willingness voluntarily to take any action in this area.

Finally, section 4 would require the Commission, through a contract with a private consultant selected with public input, to undertake a study of the Federal system for establishing pay grades for Federal employees to determine whether that system satisfies the definition of an equitable job-evaluation system as proposed in the bill. In 1978, in enacting the Civil Service Reform Act, the Congress explicitly provided in section 101(a) of that act—5 U.S.C. 2301(b)(2)(3)—that equal pay should be provided for work of equal value in the Federal work force. Yet, at the House hearings in 1982, the Director of the Office of Personnel Management—OPM—admitted that the system being used had not been reviewed for sex bias. Numerous other witnesses testified at those hearings as to the inherent bias in the Federal classification system, which is derived from the system in existence in 1923.

The Commission was given the responsibility for enforcement of equal employment opportunity laws within the Federal work force in the 1978 EEO reorganization. But, in view of its last 4 years of inactivity on comparable worth, it is unclear at this point which Federal agency would be most appropriate to carry out or oversee this study. As introduced, S. 5 would leave the responsibility with EEOC—but require that the study be carried out by an independent private contractor. However, once, the GAO report has been submitted, we will be better able to make final decisions on how this study should be conducted. As I indicated previously, I plan to work closely with the Senator from Washington [Mr. EVANS] on this issue.

Section 5 would set forth directives to the Secretary of Labor, acting through OFCCP, with regard to Federal contractors. One primary way in which the Federal Government has sought to eliminate discrimination in employment is to obligate Federal contractors to ensure nondiscrimination with regard to employment practices and to take affirmative steps to provide equal employment opportunities throughout all of their activities as a condition of the contract. Executive Order 11246, promulgated by President Johnson in 1965, provides this basic directive and requires that Federal contractors meet these requirements. The lead agency for enforcement of this Executive order is the Department of Labor, through OFCCP.

Section 5 would specifically direct the Secretary of Labor, acting through OFCCP, to issue guidelines to require Federal contractors to identify and eliminate discriminatory wage-setting practices and discriminatory wage differentials. Those guidelines would be issued after and should be consistent with the guidelines that would be required to be issued by EEOC under section 4. Section 5 also would require that such OFCCP guidelines also provide that Federal contractors required to submit written affirmative action plans or updates of existing plans include in such plans or updates—within a year after the guidelines are issued—a review of the employer's wage-setting practices, an identification of any discrimination in those practices, and a plan of action to correct such discrimination. Section 5 would also strongly encourage these contractors to use equitable job-evaluation techniques by requiring pay-equity compliance reviews for those who fail to do so.

Currently, OFCCP guidelines provide generally that Federal contractors with more than 50 employees and a contract of more than $50,000 must submit a written affirmative action plan and require annual updating of such plans. Section 5 would thus require those contractors to include in their written affirmative action plans additional material relating to discriminatory wage-setting practices and discriminatory wage differentials. Although the guidelines would not require every Federal contractor to adopt an equitable job-evaluation system for use in setting wage rates, they would provide a strong stimulus to do so.

Section 5 would further require the Secretary of Labor to submit to the President and Congress annual reports describing in detail the activities undertaken by the Department to carry out the provisions of the proposed act. Again, this reporting requirement is designed to give Congress adequate information to exercise its oversight responsibilities.

Section 6 would provide that each Federal agency required under section 717 of the Civil Rights Act to submit an equal employment opportunity plan must include in such plan or update of an existing plan information on its wage-setting practices and wage differentials. Again, this is a written plan already required to be prepared under section 717; this legislation would simply add to what that plan is required to include new information with respect to discriminatory wage-setting practices and discriminatory wage differentials. The required information must be submitted within 1 year of the date of enactment.

Finally, Mr. President, section 7 would require the EEOC to provide the President and Congress with a detailed report on its enforcement activities relating to the Equal Pay Act. The statistics relating to the average earnings of women indicate a continuing failure to achieve equal pay for equal work. Congress needs a clear understanding of what the Commission has been able to do since responsibility for Equal Pay Act violations was transferred to it in 1978 and of what was done by the Department of Labor prior to the transfer. Section 7 also would require submission to the Congress of the Department of Labor's comments on the Commission's report.

CONCLUSION

Mr. President, pay equity is a matter of fundamental fairness. It is also a matter of economic necessity.

Our Nation has increasingly been experiencing what is graphically described as the feminization of poverty. Two out of three adults in this Nation living in poverty are women. As the National Advisory Council on Economic Opportunity has noted, "Poverty among women is becoming one of the most compelling social facts of this decade."

Lack of comparable pay for work of comparable worth is a primary factor in producing this poverty rate.

For men in our society, poverty often comes as a consequence of joblessness and the way out of poverty is through employment. But many women live in poverty even though they already have jobs and are working full time; their jobs just do not pay a living wage. In 1983, 57 percent of the fully employed women earned less than $10,000. In 1983, the poverty level for a four-person family was $10,180. The poverty rate for families headed by a full-time working woman is more than double that for households headed by full-time working men.

The National Advisory Council on Economic Opportunity also concluded that if working women earned the same wages that similarly qualified men now earn, the number of families living in poverty would be cut in half.

Mr. President, the elimination of discriminatory wage-setting practices that deny female workers a fair return for their labor should be of paramount importance to every American. The issue of wage discrimination is not a woman's issue or a special interest issue. It is a national issue. It goes to the very heart of our national commitment to the eradication of poverty, our commitment to a just society, and our commitment to revitalize our economy. Pay inequities must end. We cannot afford the enormous societal costs—in low morale, lost productivity, increased Government support payments and perpetuation of injustice—of allowing them to persist.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD at this point followed by the letter previously described and the Marshall article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 5

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Pay Equity Act of 1983".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the average earnings of full-time female workers are significantly lower than the average earnings of similarly situated male workers;

(2) this average earnings difference arises, in significant part, because wages paid in occupational fields or job classifications held predominantly by female workers are lower than those paid in occupational fields or job classifications held predominantly by male workers, and this differential results, in significant part, from wage-setting practices based on the sex of the employees, rather than any intrinsic differences in the comparable worth of the job as measured by the education, training, skills, experience, effort, responsibility, or working conditions required for the job;

(3) because of these discriminatory wage differentials resulting from discriminatory wage-setting practices, many female workers are underpaid and undercompensated for their work efforts and thereby denied equal employment opportunities;

(4) these discriminatory wage-setting practices and discriminatory wage differentials result in depressing the wages, devaluing the work, and lowering the living standards of many female workers and contribute to the increasing number of women and children living at or near the poverty level and a consequent increase in their need for various forms of government assistance;

(5) the contributions of female workers are vital to our economy, and the continued existence and tolerance of these discriminatory wage-setting practices and discriminatory wage differentials prevent full utilization of the talents, skills, experience, and potential contributions of female workers and result in the exploitation of those workers;

(6) these discriminatory wage-setting practices and discriminatory wage differentials persist despite applicable State and Federal equal employment opportunity laws and directives;

(7) the Federal agencies charged with the responsibility for enforcement of Federal equal employment opportunity laws and directives have failed to take action, pursuant to applicable such laws and directives, to seek to eliminate discriminatory wage-setting practices and discriminatory wage differentials; and

(8) objective job-evaluation techniques now exist which are utilized by many public and private employers to determine the comparative value of different jobs through a system which numerically rates the basic features and requirements of a particular job, and additional efforts should be made to develop, improve, and implement these techniques so as to help eliminate discriminatory wage-setting practices and discriminatory wage differentials.

(b) Recognizing that the elimination of discriminatory wage-setting practices and discriminatory wage differentials is in the public interest, the purpose of this Act is to help eliminate such practices and differentials by—

(1) providing for the development and utilization of equitable job-evaluation techniques that will promote the establishment of wage rates based upon the work performed rather than the sex of the employee and thereby help ensure that all employees, irrespective of sex, race, ethnicity, age, disability, receive comparable pay for work of comparable worth;

(2) providing to those Federal agencies charged with the responsibility for enforcement of Federal equal employment opportunity laws and directives specific guidance and direction to help eliminate discriminatory wage-setting practices and discriminatory wage differentials;

(3) encouraging and stimulating public and private employers to eliminate discriminatory wage-setting practices and discriminatory wage differentials through the development and utilization of equitable job-evaluation techniques in setting wage rates; and

(4) bringing the Federal Government's wage-setting practices into compliance with the purpose of this Act and section 2301(b)(3) of title 5, United States Code, which provides that equal pay should be provided for work of equal value in Federal employment.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "Commission" means the Equal Employment Opportunity Commission established by section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e—4);

(2) "Secretary" means the Secretary of Labor;

(3) "Federal agency" means any agency of the Federal Government or the District of Columbia, including any executive agency as defined in section 105 of title 5, United States Code, the United States Postal Service and the Postal Rate Commission, and the Library of Congress, the General Accounting Office, and the Office of Technology Assessment;

(4) "discriminatory wage-setting practices" means the setting of wage rates paid for jobs held predominantly by female workers lower than those paid for jobs held predominantly by male workers although the work performed requires comparable education, training, skills, experience, effort, and responsibility, and is performed under comparable working conditions;

(5) "discriminatory wage differentials" means different rates of compensation resulting from utilization of discriminatory wage-setting practices;

(6) "job-evaluation technique" means an objective method of determining the comparative value of different jobs utilizing a system which rates numerically the basic features and requirements of a particular job, including such factors as education, training, skills, experience, effort, responsibility, and working conditions; and

(7) "equitable job-evaluation technique" means a job-evaluation technique which, to the maximum extent feasible, does not include components for determining the comparative value of a job that reflect the sex, race, ethnicity, age, or disability of the employee.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ACTIVITIES

SEC. 4. (a)(1) Not later than nine months after the date of the enactment of this Act, the Commission, in consultation with the Secretary (acting through the Office of Federal Contract Compliance Programs in the Department of Labor), shall publish in the Federal Register, for public review and comment, proposed guidelines for the purpose of identifying and eliminating discriminatory wage-setting practices and discriminatory wage differentials. Such guidelines shall include recommendations for utilization of equitable job-evaluation techniques in setting wage rates for employees.

(2) Not later than one year after such enactment date, the Commission, in consultation with the Secretary (acting through the Office of Federal Contract Compliance Programs), shall publish final guidelines for the purpose described in paragraph (1).

(b) In order to effectuate the purpose of this Act, the Commission shall develop and carry out a continuing program of education and information, under which, among other things, the Commission shall—

(1) undertake and promote research into the development of equitable job-evaluation techniques;

(2) develop a program for maximum dissemination and utilization of such equitable job-evaluation techniques; and

(3) develop and implement a program for providing appropriate technical assistance to any public or private entity requesting such assistance to eliminate discriminatory wage-setting practices and discriminatory wage differentials.

(c) On February 1, 1987, and annually thereafter, the Commission shall submit to the President and the Congress a report de-

scribing in detail the activities of the Commission during the preceding fiscal year to carry out the provisions of subsection (b). Such report shall include an evalaution of the effectiveness of such activities, a description of the Commission's plans for carrying out the provisions of subsection (b) and effectuating the purpose of this Act during the fiscal year in which the report is submitted, and such recommendations for statutory changes or administrative action, or both (other than any measure which would result in a reduction in the rate of pay payable for any position), as the Commission considers necessary to effectuate such purpose.

(d)(1) The Commission shall provide for the conduct, by a private consultant selected upon recommendation of a nine-member advisory committee (including not less than six individuals who are representatives of labor organizations representing Federal employees or Federal employee organizations composed primarily of female employees), of a study of the wage-setting practices and wage differentials within and between the Federal Government's position-classification system under chapter 51 of title 5, United States Code, and the job-grading system under subchapter IV of chapter 53 of such title, using equitable job-evaluation techniques, for the purpose of determining whether any discriminatory wage-setting practices or discriminatory wage differentials exist within or between such systems. The private consultant selected to conduct the study shall meet the advisory committee on a regular basis and keep it advised as to the progress of the study. The study shall be completed eighteen months after the date of the enactment of this Act.

(2) Not later than twenty-four months after the date of the enactment of this Act, the Commission shall submit to the President and the Congress a report on its findings, in light of the final guidelines published under subsection (a)(2), with respect to the study undertaken pursuant to paragraph (1) and shall provide a copy of this report to the Director of the Office of Personnel Management. The report shall include such recommendations for statutory changes or administrative action, or both (other than any measure which would result in reduction in the rate of pay payable for any position), as the Commission considers necessary to effectuate the purpose of this Act.

(3) Not later than ninety days after receiving a copy of the report pursuant to paragraph (2), the Director of the Office of Personnel Management shall submit to the President and the Congress a report commenting on the Commission's report and specifying its intentions and the reasons therefor (and, as appropriate, the timetable) to carry out or not carry out the Commission's recommendations.

(4) Notwithstanding any other provision of law, the Director of the Office of Personnel Management and the head of each Federal agency shall cooperate in all respects with the Commission (and its consultant) in connection with the conduct of the study required under this subsection and shall provide to the Commission (and its consultant) such data, reports, and documents in connection with the subject matter of such study as the Commission (or its consultant) may request.

FEDERAL CONTRACTS

SEC. 5. (a)(1) Not later than thirty days after the date of the publication of final guidelines under section 4(a)(2), the Secretary (acting through the Office of Federal Contract Compliance Programs) shall publish in the Federal Register proposed guidelines for the purpose of requiring all contractors of the United States to identify and eliminate discrimination wage-setting practices and discriminatory wage differentials. Such guidelines shall—

(A) include provisions to encourage all such contractors to develop and utilize equitable job-evaluation techniques in setting wage rates for employees;

(B) provide that each such contractor that is required by Federal law or directive to submit a written affirmative action plan shall (i) with respect to each such plan or update of each such plan submitted after the date of the publication of the final guidelines published pursuant to paragraph (2), include in such plan or update a review and identification of any discriminatory wage-setting practices and discriminatory wage differentials within such contractor's labor force and a plan of action to eliminate any such practices and differentials, or (ii) if such contractor does not submit such plan or update within one year after such publication date, submit, within such one-year period, an amendment to its existing plan which shall include the information described in subclause (i); and

(C) provide for compliance reviews of any such contractor that has failed to utilize equitable job-evalution techniques in setting wage rates for employees.

(2) Not later than sixty days after the date of the publication of the proposed guidelines under paragraph (1), the Secretary shall publish final guidelines for the purpose described in paragraph (1).

(b) On February 1, 1987, and annually thereafter, the Secretary shall submit to the President and the Congress a report describing in detail the activities by the Office of Federal Contract Compliance Programs pursuant to subsection (a) undertaken during the preceding fiscal year and to be undertaken during the fiscal year in which the report is submitted. Such report shall include such recommendations for statutory changes or administrative action, or both (other than any measure which would result in a reduction in the rate of pay payable for any position), as the Secretary considers necessary to effectuate the purpose of this Act.

FEDERAL DEPARTMENTS AND AGENCIES

SEC. 6. Each Federal agency responsible for submitting an equal employment opportunity plan pursuant to section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) shall include, in each such plan or update of such plan submitted to the Commission after the date of the enactment of this section, a review and identification of any discriminatory wage-setting practices and discriminatory wage differentials with respect to its labor force and a plan of action to eliminate any such practices and differentials. Any such agency which does not submit such plan or update within one year after such enactment date shall, not later than one year after such enactment date, submit an amendment to its existing plan which shall include the information described in the preceding sentence.

EQUAL PAY ACT REPORT

SEC. 7. (a) Not later than January 1, 1986, the Commission shall submit to the President and the Congress a report describing in detail the activities of the Commission with respect to enforcement of the provisions of the Equal Pay Act of 1963 (29 U.S.C. 206(d)) since the date of transfer of authority for Equal Pay Act enforcement activities to the Commission pursuant to Reorganization Plan Numbered 1 of 1978. Such report shall include with respect to such activities—

(1) information on the number of complaints received and processed by the Commission, their disposition, and the allocation of Commission resources to Equal Pay Act enforcement activities;

(2) a comparison of the disposition of, and allocation of resources to, these cases by the Commission to the disposition of, and allocation of resources to, similar cases by the Department of Labor prior to the transfer of such responsibilities to the Commission; and

(3) any recommendations for statutory changes or administrative action, or both, as the Commission considers necessary to carry out the provisions of such Act and effectuate the purpose of this Act.

(b) Not later than ninety days after the date of the submission of the report required by subsection (a), the Secretary shall submit to the President and the Congress a report commenting on the Commission's report and containing such recommendations for statutory changes or administrative action, or both, as the Secretary considers necessary to carry out the provisions of such Act and effectuate the purpose of this Act.

CONGRESS OF THE UNITED STATES,
Washington, DC, November 15, 1984.

Hon. CHARLES A. BOWSHER,
Comptroller General of the United States, U.S. General Accounting Office, Washington, DC.

DEAR MR. COMPTROLLER GENERAL: During the 98th Congress, much interest was expressed in both the House of Representatives and the Senate regarding the issue of wage-based sex discrimination in the federal government. The House passed legislation mandating a study of the federal pay and classification systems to determine if they discriminate in wages on the basis of sex. In the Senate, similar legislation was introduced but not passed.

In the 99th Congress, both the House Post Office and Civil Service Committee and the Senate Subcommittee on Civil Service, Post Office, and General Services intended to continue the work begun in the 98th Congress regarding pay and classification disparities which may exist in the federal system, as indicated in discussions relating to this issue on both the House and Senate floors on October 10, 1984 (H11768-70 and S14003).

On December 10, 1982, the House Subcommittee on Civil Service, Human Resources, and Compensation and Employee Benefits requested the General Accounting Office to study and report on the principal systems for classifying federal and non-federal civilian personnel in order to provide background information for evaluating sex bias in federal classification systems. The first phase of your report, dated July 13, 1984, was helpful in describing how various federal classification systems operate. We anticipate that phase two of the report, which will analyze non-governmental job classification systems, will be equally informative.

In addition to your efforts to complete this report, we believe that a report presenting various options for selecting an appropriate scope and methodology for a thorough pay equity analysis of federal executive agencies' pay and classification prac-

tices (to determine whether job classifications held predominantly by female workers are underpaid in contrast to job classifications held predominantly by male workers although the job qualifications, working conditions, and requirements are comparable) would be very useful to the appropriate House and Senate Committees.

We, therefore, request that you prepare such a report and that the report include:

(1) An evaluation and analysis of the advantages and disadvantages of various methodologies that could be used in a study to accurately and effectively determine whether and, if so, the extent to which sex-based wage discrimination exists in the federal pay and classification systems (including but not limited to those methodologies used in all of the studies underway or completed in the various States, with a description of follow-up action which may have resulted from such studies in those States), with particular emphasis on which of these methodologies would be suited to be used to evaluate accurately and effectively the federal pay and classification systems. In particular, we ask that you address the methodology described in the enclosed excerpt from the House Committee report (98-832).

(2) An estimate and analysis of the time that would be involved in conducting such a study.

(3) Estimates of the cost of conducting such a study on a contract basis or directly by a branch of the federal government.

(4) An analysis of the advantages and disadvantages, in terms of conducting an objective and thorough study, of having the study done by a private contractor selected by the Office of Personnel Management, by a private contractor selected by the General Accounting Office, by the General Accounting Office alone, or by the Office of Personnel Management alone, or under some other suitable arrangement that you might also believe should be considered.

(5) A determination of the relationship of the current Office of Personnel Management review of the classification process to be completed by the end of the year to the objectives of the pay equity analysis that we are asking GAO to address in this request.

We also request that your Office consult with federal employee organizations, job evaluation experts, and the Office of Personnel Management throughout the preparation of the report.

In order that the information be reviewed in a timely fashion by appropriate Members of the House and Senate, the report should be completed not later than March 1, 1985.

We appreciate your attention to this matter and look forward to receiving your report.

With warm regards,

Cordially,

Mary Rose Oakar, William D. Ford, Dave Durenberger, Alan Cranston, Ted Stevens, Jeff Bingaman, Daniel Evans, Thomas F. Eagleton.

The Employment and Earnings of Women: the Comparable Worth Debate

(By Ray Marshall* and Beth Paulin†)

INTRODUCTION

The increasing labor force participation of women is perhaps the most important labor market development of this century. Women have always worked, of course, but in the preindustrial society the family was the basic producing unit, and the work of women was an integral part of that unit. Industrialization caused an expansion of the labor market and made economic activity increasingly external to the family. In the new division of labor, women were considered to be peripheral and temporary participants in the male-dominated market economy. Decisions concerning wages and other conditions of employment were made on the assumption that men would be the main wage earners. Hence, market values gave inadequate attention to the importance of home work. This "traditional model" described the dominant features of labor market patterns in the United States until the 1960s.

The increased labor force participation of women has changed the character of the work force: women are no longer peripheral but integral parts of the work force, most women spend more time working than they do bearing children, and male and female expectations about self-realization from jobs and careers are converging. Unfortunately, conditions of employment have not changed to reflect the new realities.

The tensions and relationships produced by the dichotomy between the conditions of employment and the increased labor force participation of women have very important social and economic implications. The way traditional labor, management, and governmental institutions respond to these new realities will affect their institutional strength as well as the conditions of women and men and, indeed, the health and stability of the entire society.

Discrimination against women, both overt and institutional, has, therefore, become an important policy issue. Overt discrimination occurs when decisions are made to deny women certain jobs or pay them less than men on the assumption that women are either not "suited" for certain jobs or are worth less than men who do similar work or work of equal value to the employer. Institutional discrimination is a more subtle and intrasigent form of discrimination. Institutional discrimination is deeply embedded in social institutions where it is naturally assumed that men and women will do different kinds of work and receive different compensation. In general, the job and pay assignments reflect the belief that women are "inferior" participants in the work force and, therefore, the higher status and higher paying jobs are reserved for men. Women as well as men adjust to these institutional patterns, thereby perpetuating this form of discrimination.

Employers can use institutional discrimination to cover overt discrimination. One way is through what is sometimes called "statistical" discrimination, where employers recruit from sources where one race or sex predominates because of the assumption that the probability of finding qualified workers from those sources is higher. In addition, if employers are really biased against women for certain jobs, they can use screening procedures that appear to be bias free, but that actually yield results compatible with their biases. The result is occupational segregation.

The issue of pay equity precipitates directly from the phenomenon of occupational segregation in which predominantly female jobs are paid less then male jobs of equal value to the employer in terms of such factors as skill, effort, and responsibility required in those jobs. The main purpose of this paper is to explore this issue of pay equity or what is popularly called comparable worth. We first examine the evidence with respect to male-female employment and earnings patterns and then analyze the pros and cons of the pay equity or comparable worth issue.

THE PATTERN

The increased labor force participation of women is likely to continue, though at a declining rate; women are expected to constitute two-thirds of the growth in the labor force during this decade. In 1950, 70 percent of American households were headed by men whose income was the sole source of family income: in 1984, less than 15 percent of families fit this "traditional" model, even though many of our employment policies assume it still to be pervasive. The evidence also indicates that the labor force participation of women is increasing for minorities as well as whites and that younger women have higher labor force participation rates than their mothers and grandmothers (see table 1). [Deleted.]

There also is a trend toward convergence in male-female occupational distributions and attitudes toward work. A paid job has become an important symbol of self-worth and personal independence for women, even though most women work for economic reasons. The mechanization of household work and increasing life expectancy have created much more time for women to pursue careers. Around 1900 the average life expectancy for all women was 47 years, 18 of which were spent childbearing; today, life expectancy is 77 years, only 10 of which are devoted to childbearing (although more is devoted to childbearing). Because minorities have different life expectancies, the impact of trends can be seen more clearly by looking at the experiences of white women. In 1900 the life expectancy of a white women was about 64 years. She could expect, on the average, to be widowed at 52 and die before her last child left home. In 1980 a white women who married at 22 could expect to live about 79.4 years and to stop having children at age 30. Her last child would leave home when whe was 48. However, there was a 47.4 percent chance that her first marriage would end in divorce. Davis and van den Oever (1982) observe:

"Underlying demographic changes thus force women to reduce the importance of marriage in their lives. The prospect is that two-thirds of their adult years will be spent without children in the household and half to two-thirds without a husband."

Women's employment patterns influence, and are influenced by, declining fertility rates. The average birth rate has declined from 22.3 per 1,000 in the 1935-55 period to 19.5 per 1,000 between 1955 and 1978 and is expected to be 15.8 for 1975 through 1995 to 2000.[1] These declines in birth rates reflect changing employment and lifestyles for women. They make it possible for more time to be devoted to work outside the home.[2]

Related to the decline in fertility rates is the fact that young women are also delaying marriage. In 1960 only 28 percent of 20-24-year-old women had never married; by 1980 this proportion had increased to 52 percent, and it expected to be 55 percent by 1995.

The trend toward convergence in male-female occupational distributions can be attributed in part to education. To the extent that occupational distributions reflect educational attainment, there should be a convergence of male and female job patterns, especially for younger people. The median educational levels of all women and men are about equal and have been since 1970; the medians for both were 12.2 years in 1970 and 12.6 years in 1979. There have been marked declines in the proportion of women and men in the labor force who have com-

pleted less than 4 years of high school [3] and marked increases in the proportion who have completed 4 years of college.[4]

Data on the proportions of men and women who have had 4 or more years of college indicate significant differences for age groups. Table 2 shows that young women 18-24 years of age are more likely to have completed 4 or more years of college than men in the same age group. In the older age categories, men constitute the larger proportion of labor participants with 4 or more years of college. It should also be noted that a larger percentage of men than women did not complete 4 years of high school in every age category.

Although a large percentage of women remained in traditional occupations, there were significant increases in nontraditional areas like medicine, law, and accounting. In 1970, 60 percent of all female professional and technical workers were in the traditional occupations of nursing and precollege teaching; by 1979 this percentage had dropped to about 52 percent; however, 80 percent of women were in occupations where women constituted 70 percent or more of total employment.

Table 3, [deleted] using data from the Equal Employment Opportunity Commission, shows the proportions of the total professional labor force represented by different groups. As the data show, white women have made particularly impressive gains in broad professional occupations. However, as will be seen later, there is still considerable job segregation within these broad classifications.

Although conclusive proof is not available, there is little doubt that a major factor responsible for the integration of nontraditional occupations has been pressure from the Federal Government to enforce antidiscrimination legislation and the affirmative action requirements of government contractors. Surveys suggest that women in managerial positions, particularly, feel that discrimination is the main barrier to their advancement and that during the early 1980s, "businesses sense less federal pressure to hire and promote women as part of affirmative action requirements." [5]

Although women have made impressive gains in professional jobs, the main determinants of future employment growth for women will be the growth of nonprofessional occupations because this is where most of the jobs are. These will, in turn, depend on general economic conditions and the extent to which women are able to break into nontraditional occupations.

EARNINGS

At the beginning of the 1980s, despite some occupational upgrading, women had about the same earnings relative to men that they had at the beginning of the 1970s. Women who worked full time earned about 60 percent as much as men. Although women almost achieved earnings parity in some newer occupations like computer science, they ordinarily were concentrated in lower paying jobs in each occupation. In 1978 white women earned 55.6 cents for every dollar earned by white men, while black women and Hispanic women fared even worse, 52.3 cents and 48.2 cents for every dollar earned by white men, respectively. (For 1979 data see table 4.) [Deleted.]

The real wage gap for young white men and women actually appears to be widening when other things are held constant. A 1984 study by Gordon W. Green, Jr., a senior official of the Census Bureau, found a growing real wage gap for young (average age 21 or 22) white men and white women full-time workers who entered the job market for the first time in 1980. Table 5 displays the wage gaps. [Deleted.]

The average wages for white women, as a proportion of the average for white men, were 86 percent in 1970 and 83 percent in 1980. For black men, the average wages as a proportion of the average for white men were 80 percent in 1970 and 88 percent in 1980; for black women, the figures were 77 percent in 1970 and 79 percent in 1980.

Some might argue that these earnings differentials can be partially explained by the quality of education. However, a study by Susan Bailey and Barbara Burrell (1980) examined the careers of 1972 graduates of Harvard's schools of law, dentistry, design, divinity, education, public health, and arts and sciences 7 years after students were awarded advanced degrees and found that women graduates had consistently lower salaries regardless of marital or family status. For instance, the average salaries of graduates of the Harvard School of Public Health were $37,800 a year for men and $21,300 for women.[6]

COMPARABLE WORTH

Two basic facts stand out from the preceding analysis of labor market patterns. First, on average in 1980, full-time women workers earned only about 60 cents for every dollar earned by men. Second, about 80 percent of all women workers were concentrated in occupations in which women constituted 70 percent or more of the work force.[7] Even though the absolute number of women breaking into nontraditional, male-dominated occupations is on the rise, the occupational distribution of men and women workers has changed very little since 1900.[8] And according to Meyer and Maes (1983), the patterns of occupational segregation are likely to persist as the new generation of women workers follows closely in the occupational mold, despite the convergence of education and labor force participation patterns of men and women.

That the male-female earnings gap and occupational segregation have proven to be stable labor market phenomena in the face of dynamic economic change leads one to question the equity and efficiency of the labor market's allocative and remunerative forces. Are women underpaid for their work, or do they merely hold those jobs that are worth relatively less? This is the crux of the comparable worth controversy.

ARGUMENTS AGAINST COMPARABLE WORTH

Those who oppose the concept of equal pay for work of comparable value usually base their convictions on a model of the labor market that is quite different from those who favor comparable worth. The former believe that the labor market operates in accordance with the competitive forces of supply and demand: women's labor is akin to any commodity that is for sale on the market. If women's wages are low, it is because market forces deem that they should be low.

Holding firmly to this scenario, Gary Becker (1957) "proved" to the world that discrimination cannot persist in a free market economy modeled in accordance with the neoclassical tradition.[9] Given all to the assumptions inherent in the neoclassical, general equilibrium model—profit maximization, perfect mobility of resources, unbridled competition, etc.—the existence of discrimination is said to be a temporary aberration of an otherwise smoothly running labor market. Given time, market forces will eradicate this market imperfection. Thus, the argument is made that without the long-term threat of discrimination, there is no need for corrective action to be instigated outside the market.

In theory this simplistic view of a self-adjusting labor market may be logically sound, but in practice it leaves many questions unanswered. For example, if discrimination is only temporary, how is one to account for the existence and longevity of occupational segregation and the male-female earnings gap? If discrimination is not the cause, what is? Can neoclassical theory adequately explain these labor market phenomena? If so, we can then conclude that this theory is correct in its view of discrimination and that those who hold to it are correct in opposing comparable worth. If not . . . .

Becker's original theory of discrimination has proven to be incapable of explaining the earnings gap and occupational segregation. According to one group of theorists, led by Becker himself, this does not make the theory wrong, but merely incomplete. Whereas Becker's first approach was demand oriented, the situation calls for an analysis of labor supply, which is provided by the human capital school.

Human capital theory has a commonsense appeal. Generally speaking, one would naturally assume that education, occupational status, and wages are positively correlated. The same should hold true for other human capital factors, such as the level of experience, specialized training, and so forth. The key here is the presumed connection between human capital attainment and productivity. Both general and specialized training are said to increase one's productivity. According to the marginal productivity theory of wages, other things equal, the higher a worker's productivity, the higher will be his or her wages.

What does all this have to do with the earnings gap and occupational segregation? According to the human capital school of thought, both can be explained by differences in human capital accumulation among men and women. As previously stated, the level of individual earnings is assumed to depend upon individual productivity, which is assumed to be a positive function of the amount of human capital embedded in an individual. Thus, if it can be shown that (1) human capital investment determines earnings, (2) human capital investment is significantly different for men and for women, and (3) earnings differentials can be explained by these differences in human capital accumulation, then we can dismiss the charge of wage discrimination.

The first empirical tests of human capital theory fell far short in their attempt to explain earnings. Even though it was well documented that men in general had "more" human capital than women, human capital factors were found to explain only up to one-third of the earnings differential. Not only did their equations lack decent correlation coefficients, but human capital theorists also had to explain such facts as why a woman with a college degree made on average only as much as a man with an eighth grade education.

Faced with this dilemma, human capital theorists were quick to point out the difficulties associated with measuring productivity. Years of schooling was an imperfect measure of general education, since it was believed that quality of schooling was also a factor. There was a similar problem with age as a proxy for experience. Not only was measuring productivity a problem, but there

was also the possibility that something was "left out" of the equation.

Undaunted, human capitalists held their ground. The explanations turned from a direct explanation of wage differentials to an indirect one via occupational segregation and the resulting excess supply of women for "women's" occupations. Those who take this approach argue that occupational segregation and wage disparity have their roots in lifetime optimizing behavior. Women are said to freely segregate themselves in low-wage occupations because this is optimal for them. (This is known in the field as "rational" behavoir.)

Solomon Polachek has done much work in this area, using choice as an explanation of occupational segregation. According to Polachek, all labor force participants choose their occupations based on some lifetime optimizing behavior. They choose that occupation with the highest benefit-cost ratio, discounted accordingly. Occupational differences among participants arise from the different costs and benefits each expects to confront in his or her lifetime.

Of particular consequence for men and women is the fact that women's occupational choices vary from men's because expected lifetime labor force commitment varies. Men expect to remain in the labor force their entire working lives. Women, on the other hand, expect that their patterns of labor force participation will be characterized by intermittency due to childbearing responsibilities and other familial obligations.

It also is observed that the characteristics of occupations vary in such matters as the level of responsibility required, flexibility allowed, overtime demanded, and skills and education needed. What is of particular interest to Polachek and others is the way occupations vary (1) in their rate of depreciation, the rate at which the skills required depreciate or atrophy when not in use, and (2) in their rate of appreciation, the rate at which new skills are learned (assumed to be a function of occupational longevity). Those occupations with low appreciation rates (jobs that allow for very little or no skill enhancement) have relatively flat earnings curves. Wages rise very little as one's experience in that occupation increases. Those occupations with high appreciation rates have steep earnings curves. Because of the costs associated with training, wages are relatively low at the beginning of the work experience. Skills are enhanced with experience and wages respond accordingly.

Now, because women exhibit optimizing behavoir and because, on average, their labor force commitment is best described as intermittent, they will choose to enter those occupations that have a minimal cost associated with that intermittent labor force participation. These occupations will be those with low depreciation rates and those with the highest starting salaries, whose payoff come quickly, not at some future date when they likely will be out of the labor force. These are the jobs with the lowest appreciation rates such as elementary school teaching, operative and sales work, and household work.[10] Thus, because women have little life-cycle labor force commitment, they choose to segregate themselves in a select group of occupations that are limited in number.

Conversely, men choose occupations with high rates of appreciation and high future payoffs because this is optimal given their strong lifetime commitment to the labor force. In addition, men are not constrained by depreciation rates, a factor that women must consider because of their intermittent behavior. Therefore, since labor force commitment is different for each sex and the costs of labor force intermittency vary among occupations, the natural and optimal outcome is occupational segregation.

Human capital theorists link this analysis to earnings in two ways. One is through the previously mentioned relationship between human capital accumulation and earnings: because of their expected intermittent behavoir in the labor market, women do not find it optimal to invest in as much on-the-job training as men or in as much education (not only in terms of years of schooling, but in quality of schooling, the latter being reflected in the different college majors chosen by women).[11] Their payoff period is shorter, increasing the probability that costs incurred will be greater than the expected future benefits. If women do not invest in as much human capital, they should not expect to earn as much as men.

The second link between occupational segregation and the earnings differentials is through the interaction of supply and demand: because women choose to enter a limited number of occupations, supply exceeds demand, resulting in downward pressure on wages. Thus, claim the human capital theorists, it is erroneous to attribute low wages in women's occupations to discrimination when it is really women themselves who, by their rational behavior, are bloating supply and keeping their own wages low.

If Polachek's twist to human capital theory were correct, the labor market would reveal several facts;

(1) If women with little labor force commitment choose to enter those occupations that have a minimal cost associated with intermittency, we should find that women who choose predominantly female jobs will be penalized less for the time they spend out of the labor market than those women who choose "men's jobs."

(2) Women who have more continuous employment patterns should be more apt to be in men's jobs than women with less commitment to the labor force.

(3) As women's labor force participation patterns and educational characteristics become more like men's (as they have over time), we should expect to see the sexual occupational distributions converge.

Paula England (1982) investigated the validity of these logical outgrowths of Polachek's theory. Curiously, she found that the NLS (National Longitudinal Survey) data used by Polachek do not show that women in women's jobs are penalized less for their intermittent labor force participation than are women in men's jobs. Women lose relatively little from labor market withdrawal and recoup their earnings relatively fast when they reenter the work force. Similarly, she found no significant correlation between increased continuity in the labor market and the probability of a woman choosing a man's job.

These findings cast serious doubts on the validity of human capital theory's explanation of occupational segregation and the earnings differential. This should not be so surprising given the theoretical and logical defects of human capital theory: women do not invest in human capital because they do not expect to earn high wages given their intermittent labor force participation and because they do not invest in human capital they do not earn high wages. Tautology has never proved itself to be solid reasoning.[12]

Similarly, Corcoran and Duncan (1978) investigated the underlying causes of wage differentials betweeen the sexes, differentiating by race. They included variables in their equations that quantified absenteeism and self-imposed restrictions on work hours and locations, along with the traditional human capital factors relating to work history and on-the job training.[13]

As expected, the data revealed a number of differences between women and men and blacks and whites that are said to affect productivity. Women worked less and had shorter continuity in work experience. Women's absenteeism was slightly higher than that for men, and more women had self-imposed employment limits than men.[14]

Even though differences exist between men and women, and blacks and whites, no conclusion can be reached concerning the reasons for these wage differentials until it is determined that the measured factors do, in fact, determine earnings and it is shown that these factors account for a significant portion of the wage gap. Corcoran and Duncan found that the productivity-related factors affect the earning of all four subgroups in a similar way. This implies that all receive almost identical marginal payoffs for identical skills. But they also found that the constant terms differed substanitally among the four subgroups, suggesting that white men earn more than women or blacks at any given skill level. There is a premium paid for being both white and male.[15]

Finally, Corcoran and Duncan combined the information on differences in the amounts of education, work experience, and work commitment with the estimated effects of these factors on earnings to see how well they would account for earnings differences between white men and the other three groups of workers. Differences in work history are most important for white women, while educational differences also play a large role for black women.[16] Significantly, however, a very large part of the wage differentials cannot be explained, suggesting that sex earnings differentials are attributable more to labor market discrimination and employment policies and less to choice by women than implied by the human capital studies.

ARGUMENTS FOR COMPARABLE WORTH

Advocates of comparable worth can point to numerous studies to discredit those who refuse to admit that discrimination—both racial and sexual—plays an active role in wage and occupational determination. When examined more closely, theories that may "look good" on paper turn out to be inconsistent with both the data and common sense. The problem is that opponents of comparable worth base their arguments on a theory of the labor market that might fit neoclassical, general equilibrium models, but that does not fit well with reality and, therefore, is an inadequate guide to policy.

As noted in the previous section, the comparable worth controversy is based on two different perceptions of the structure and functioning of the labor market. On one side is the emphasis on the forces of supply and demand. The other side gives greater weight to internal labor markets, a subject to which we now turn.

One way to describe an internal labor market is to say what it is not. It is not a place where workers are continually searching for better jobs at higher wages and employers are continually searching for workers who will take a lower wage. It is not a place where workers compete amongst themselves for job openings by offering to accept a lower wage. It is not a place where

job vacancies are known about or open to all workers. It is not, in short, a place where external labor market forces of supply and demand have much direct effect on the rules governing compensation and the assignment of people to jobs. This is not to argue, of course, that what happens outside the enterprise has no effect on internal wages and occupational structures; rather, the argument is that the effects of external demand and supply are sufficiently imperfect to leave room for discretion, i.e., discrimination.

In contrast to the traditional perception of the labor market, the internal labor market is a place where most jobs have elements that are unique to a particular enterprise and, thus, are not subject to competition from "outside" supply and demand pressures. Job allocation is a routinized process whereby job vacancies are filled by moving up the job ladder one step at a time. Relative wages are set by custom and are rarely changed for fear of internal disruption in the work lives of employees.

To be more specific, the labor market consists, in part, of many internal labor markets. These "markets" are found within sizable firms and workplaces, in both the public and private sectors. It has been estimated that approximately 80 percent of the labor force works in these internal labor markets.[17]

Internal labor markets developed within firms, corporations, and other public and private organizations because of job uniqueness. Job uniqueness and the resulting demand for firm-specific skills introduced on-the-job training as a necessary prerequisite to a smoothly operating establishment. For on-the-job training to be carried out properly, those who train their replacements must have the security of knowing that they will be adequately compensated. Giving up knowledge is akin to giving up one's power. Job security becomes an important issue, as does relative remuneration. Thus evolved the customary laws of the internal labor market. These laws solidify the relationships between the workers themselves and between workers and the employers in regard to job allocation and relative wages, providing security for all involved.

In order for an individual to enter the internal labor market, one must typically be hired into a job that is properly termed a "port of entry." These entry jobs require little or no firm-specific skills and often are at the bottom of promotional ladders or are professional and managerial jobs that tend to be standardized across industries. Market forces act more strongly on these jobs as their characteristics are representative of many of the traditional assumptions made by neoclassical wage theory. (For instance, the jobs are often well advertised, especially since the advent of antidiscrimination laws and Executive orders, and wages are more sensitive to the market than other jobs in the internal labor markets.)

Once in the internal labor market, promotions and earnings are tied to seniority, custom, and tradition brought into the market from the community. Since internal labor markets reflect societal customs and social order, so too will the allocation of women's labor within those markets and the relative payments made for that labor. Thus, the knowledge that communities have historically ranked women inferior to men (at least in the labor market) goes a long way towards explaining women's present position. Women have been denied certain jobs because of their "inferior status." Women have been denied promotions and have been paid less than men for doing exactly the same work. Women have also been paid less than men for doing work of equal value but different in nature, again because of their inferior status.18

The practice of paying women's jobs less than men's jobs, even though both are of equal value to the organization, is embedded in internal labor markets and integral to "maintaining order." To suggest that the elimination of discrimination in internal labor markets is optimal for the profit-maximizing firm is to misunderstand the importance of order (and security) is the efficient operation of the production process in these markets. As Doeringer and Piore tell us:

"In almost all cases the full effects of . . . discrimination cannot be remedied without costs being imposed on the incumbent work force in terms of job security and promotion opportunities. This in turn is often perceived as a threat to the entire rule and equity structure of the internal labor market."

Anything that upsets the balance of job allocation and payment mechanisms hinders the productive potential of the internal labor market participants. The reliance on on-the-job training underscores the importance and power of information. When workers feel their security is threatened by a change in the status quo, they will exist what power they have to show their displeasure. They will withhold information; not the type of information found in job manuals, but the kinds of information gathered by working with particular machines and particular people—knowledge of what makes them work better and harder, of what makes them run most efficiently. Without this type of information, the smoothly running firm can become an unproductive quagmire.

Employers who operate in internal labor markets, thus, have little or no reason to eliminate discrimination once it is embedded in the operational scheme. Contrary to popular belief, eliminating discrimination will not necessarily increase profits.

It is often asked why women employees do not go elsewhere if they feel they are being treated unjustly. Why do they not get jobs at a port of entry where there is a probability of moving up the ladder? Since many do not, can it not be concluded that women are fairly compensated for their work?

Questions such as these elicit two responses. First of all, alternative employment is just not that easy to find. Quitting a secure, but underpaid job for one at an entry-level position where promotion is uncertain is quite a risk to take. And considering the fact that two-thirds of women who work do so because of economic necessity, taking such a risk may be too much to ask. Even if one does take the risk, as long as society considers women's place as subordinate to that of men, the internal labor market will reflect this. Many men will resent women bosses. Women will not be given that information "missing" from the company manual. This will hinder their productivity, and they will likely be passed over for promotions. Order and security are too important to be taken lightly.

Secondly, those who argue that women choose the jobs they can get into not only are involved in circularity, but also ignore the reality of "institutional" discrimination. Institutional discrimination originates in specific overt acts of discrimination rooted in community beliefs and customs and personal prejudices of decisionmakers. Women adjust to these patterns (just as blacks did) because it takes more power than most individuals have to change the system. This does not, however, mean that society is not damaged by discrimination against them (most do perceive discrimination); it merely means that as *individuals* they have limited power to change the system. Moreover, since institutional discrimination is deeply embedded in community customs, women rarely have role models for nontraditional jobs and are rarely counseled to aspire to those jobs.

Occupational discrimination benefits employers if there are many women with positive attributes with limited options. Employers can get more productive labor by paying a wage that is lower than the contribution those who are not discriminated against could make in those occupations. There is evidence, for example, that employers can get better qualified women at lower wages than they would have to pay men—which probably is one of the reasons that Greene's study cited earlier found a widening real wage gap (between 1970 and 1980) between white men and women with similar labor market attributes.

Similarly, although women might have "chosen" traditional occupations, they do not choose to be paid lower wages than men for work of equal value to the employer or to be discriminated against in periodic wage adjustments. It is no answer to say that those women who already are in predominantly female jobs could solve their problem by applying for men's jobs—it is not very practical for women who already are established in their careers to be told they should train for and seek to enter predominantly men's jobs. More women will enter nontraditional jobs as we break down overt and institutional discrimination, but that is no argument against ending pay discrimination against women who (1) already have made their career choices or (2) really want to be in "traditional" women's jobs. Not many women or men want to have their choices restricted; occupational discrimination restricts choices for men and women.[19]

SOME MISPERCEPTIONS ABOUT COMPARABLE WORTH

Many of the arguments against comparable worth are based on misinformation about what the comparable worth concept is all about. Germanis,[20] for example, defines comparable worth as "equal pay for jobs requiring similar levels of training, responsibility, and other *employee characteristics.*" Comparable worth does not intend to compare *employee* characteristics. The concept is equal pay for *jobs* of comparable worth. If an organization, through job evaluation or whatever system is used, determines that a man's job is as valuable to the firm as a woman's job, then the employees in both these jobs should be paid equally even though the jobs themselves are different.

Germanis[21] also states that "under this doctrine, pay would be based on the opinion of an 'objective' government board or similar body, whose decisions would derive from an estimate of the skill, effort, and responsibility involved in one job relative to another." George Hildebrand makes a similar point.[22] "The proposal leads directly to administrative wage control for the entire American economy."

Again, these statements reveal a misinterpretation. Comparable worth is a concept that is to be instituted at the level of the firm.[23] Advocates of comparable worth do

not ask that the government establish wage rates for the entire labor market or for any geographical region of that market. Comparable worth requires only that the firm's evaluation of jobs be unbiased and that pay scales be set up accordingly. The government would not tell enterprises what to pay, any more than they do under other nondiscriminatory measures; the government's requirement is and should be only to see to it that whatever system the company uses not be discriminatory. Of course, if courts find after trial that employers have discriminated, then they appropriately require certain wages to be paid as a remedy—just as is currently done in discrimination cases.

Germanis[24] also argues that "[u]nder comparable worth wages would no longer be based on productivity and initiative." Quite the contrary! Comparable worth *requires* that wages be based on "productivity" as measured by whatever techniques employers use to measure the value of a job to them—not as measured by the sexual makeup of an occupation. If women's and men's jobs are determined to be equal value, i.e., equally "productive," they should be paid accordingly.

Daniel Seligman[25] makes the claim that "comparable worth is just the latest dodge in the neverending effort of interest groups to get a better deal than the market is giving them." The problem is that the market is giving women a raw deal. Women's work is undervalued in the market—historically because of overt discrimination and now because of institutionalized discrimination. Women have been channeled into jobs that were considered to be "appropriate" for them, which ordinarily meant an extension of their nuturing home duties, such as teaching, social work, and nursing. Because home work was (and is) considered less valuable than men's market work, jobs that are seen as an extension of home work, women's jobs, are undervalued also.

Many researchers challenge comparable worth on the grounds that it cannot be proven that women's jobs are undervalued. These arguments assert that an earnings gap between men and women does not "prove" sex discrimination.

June O'Neill:[26] "The existence of a wage differential does not prove the existence of discrimination any more than the absence of a wage differential proves the absence of discrimination."

O'Neill:[27] "There is no firm evidence that pay is lower in women's occupations because of undervaluing these occupations." Referring to a previous study,[28] O'Neill argues that "being in a more female dominated occupation was associated with somewhat lower pay. But it could not be ascertained whether this effect was capturing an unspecified characteristic of the job or whether it simply reflected transitory market phenomena."

Then there are the other explanations of the earnings differential:

Germanis:[29] "Closer examination of these factors[30] reveals that the relatively lower earnings obtained by women actually reflect their own preferences and productivity—not systematic sex discrimination by society." Elaborating on this, Germanis lists several reasons for the differential:

1. A large proportion of women are in entry-level positions due to the large influx of women into the labor market.

2. Men work more hours than woman during the week and also work more weeks during the year.

3. Women are tied to their husbands and thus are restricted to a limited geographical region in their search for a "high-wage" job.

4. Women have higher turnover rates than men. "If an employer believes a woman is more likely than a man to leave the firm—the woman is likely to be hired only if she accepts a lower wage than a man with identical credentials to compensate the firm for the additional risk."[31] (Again, this shows his confusion with employee characteristics and job characteristics.)

5. Women are lacking in "human capital" relative to men.

6. The characteristics of men's jobs require that they be paid a premium. "Since male-dominated jobs are more closely linked to fluctuations in the economy, part of the wage gap between the sexes can be explained by the wage premium paid men to compensate them for the greater risk of job loss."[32] Along the same lines, he argues that "women trade off wages for better working conditions, such as good hours and pleasant surroundings. . . . Many male-dominated professions, on the other hand, are characterized by less agreeable and more dangerous surroundings."

7. Our tax system with its high marginal tax rates "creates an economic disincentive for women to pursue a demanding career."[33]

June O'Neill also argues that human capital factors and women's preferences, high turnover, and other "female" characteristics are the major reasons for occupational differences and hence earnings differences.

Again, these arguments reveal some misconceptions. Advocates of comparable worth do not base their claims simply on the fact that an earnings gap exists between the sexes. It is that when analyzing the underlying causes of this phenomenon, they are able to make the charge that women's work is undervalued. Sure, there are differences in the amount of "human capital" men and women have. There are also well-documented differences in other general characteristics between men and women that are expected to affect productivity and in turn affect earnings. But the fact is that all these factors cannot explain why the gap is what it is. Besides, when we are comparing jobs, we must assume that the human capital requirements for those jobs would be equal regardless of sex. Human capital differences might explain the differences between compensation of workers, but not the jobs they accept.

Opponents of comparable worth will respond with statements like the following: "Studies that do not attribute the whole wage differential to economic factors cannot assert that the differential is due to sex discrimination—only that reliable statistics on certain factors are difficult to assemble."[34] "The residual is a measure of our ignorance, not of discrimination."[35]

But the residual is evidence of discrimination. It is not perfect, but it provides some evidence, which must be supplemented with additional supporting logic and data. The residual is not a perfect measure in part because the labor market does not operate according to the assumptions implicit in those kinds of tests and in part because of measurement and data problems. Regressions assume workers are paid the value of their marginal product; i.e., job allocation and wage remuneration result from perfectly competitive forces of supply and demand. Wage payments and job allocations are not carried out in this way. They are carried out in imperfect external and more imperfect internal labor markets. In internal markets, wages are insulated from the external forces of supply and demand, except for the "ports of entry," where workers are hired from the external labor market. Job evaluations are used extensively—often to justify the existing wage relationship; i.e., discriminatory wage practices.

This view of the labor market is in striking contrast to the one presented by opponents of comparable worth. In their world, the whole system runs on the profit motive with firms continually competing with each other for a bigger share of the market by striving to reduce costs so that they can lower product prices. This neoclassical model of the labor market precludes the existence of wage discrimination. "The wage setting process is the result of two conditions, neither of which the employer controls: (1) Wages are limited from above by the worker's productivity in the job and (2) supply considerations prevent an employer from paying to workers of a given productivity a wage that makes working for that employer less attractive than working for other employers. To do so invites these workers to seek employment elsewhere."[36] "What is true of the product market is equally true of the labor market. Prices are determined by demand and the marginal cost of production."[37]

"If discrimination did exist, non-discriminating and profit seeking firms would simply hire females for lower wages, thereby lowering production costs and enabling them to bid business away from discriminating firms by charging lower prices."[38] Thus, "[t]he market has a built-in mechanism to eliminate discrimination: the profit motive."[39] O'Neill[40] agrees: "The firm would of course like to pay less than the value of productivity. It is the existence of alternatives and the workers' power to quit that keep the wage from falling below productivity. Discrimination is one factor that can lead to an employer paying more for some workers than they are worth while others are paid less or not hired at all. In the case of discrimination, an employer's prejudices against a worker (or group of workers) is sufficiently great that the employer is willing to forgo profits (by overpaying the favored workers) rather than employing the disliked group. Because such inefficient behavior is penalized in a competitive market, there are powerful forces working against discrimination."

This "inefficient behavior" may be penalized in a competitive labor market, but the fact remains that the labor market is not perfectly competitive in the neoclassical sense. Workers do not continually search for jobs with higher pay. They make investments in the jobs they currently hold; they establish relationships. Nor do workers compete amongst themselves for jobs by lowering their asking pay. And employers do not fire someone just because they found someone who will work for less. Again, investments are made and relationships established. Moreover, it is more likely that employers will underpay those discriminated against or segregate them into certain occupations than that they will "overpay" preferred workers. In a competitive market, it is difficult to see why employers would pay white males more, especially in a world characterized by unemployment where white males could be hired at the going wage. Finally, most of the comparable worth cases have arisen among public employees, where the critical assumption of profit maximization is not appropriate.

Because on the way in which internal labor markets work (and these are the markets at which comparable worth is aimed), discrimination, i.e., "inefficient behavior," is not so unprofitable. Actually, as noted earlier, from the employers' perspective the elimination of discrimination is likely to be "inefficient behavior" in these markets.

Although the competitive forces of supply and demand do not operate with much precision in the internal labor market, it must be admitted that some jobs are impacted by their influence. A problem that has been uncovered, however, is that this does not always apply in women's occupations. Take nursing, for example. The nursing profession is made up predominantly of women. The nursing profession has for years and years been suffering from a perceived labor shortage. And yet, wages have not risen enough to correct the situation.

Moreover, the neoclassical model assumes away the importance of group decisions by assuming that conduct is based on individual maximizing decisions. It cannot handle decisions made by groups and classes of workers—white workers, black workers, unions, etc.—that have very important influences on wage and employment decisions.

Finally, we must look at the arguments against comparable worth that are based on economic consequences. These arguments are similar to those historically raised against regulation of labor market activities and range from assertions that comparable worth will lead to unemployment and inflation to total economic chaos.

"There are three ways comparable worth will increase unemployment and along with it poverty and welfare dependency. . . . It will raise the price of low-productivity workers without improving their productivity. . . . In consequence, employers will be induced to lay part of the group off to hold down the enforced rise in their costs. . . . For the low-paid women working in the numerous small or even tiny firms, the imposed rise in labor costs will bring about either much bankruptcy or voluntary closure. Disemployment of these workers will follow. . . . In larger firms the imposed increase in labor costs will create an incentive to substitute capital and to revise plant or shop organization to replace low-paid women or alternatively, to raise hiring standards so that fewer workers of either sex who are more productive can replace them." [41] In addition. Hildebrand asserts that "[t]here will be some withdrawal of discouraged women workers from the labor force, precisely because official policy will have destroyed their jobs for them, despite their own efforts to be productive and self-supporting citizens." [42]

O'Neill [43] objects to comparable worth on the grounds that it will subvert the role of affirmative action. "Comparable worth could distort the price signals that have been the impetus for men and women to enter particular occupations. It would lock women into the traditional women's occupations and in the long run would work to the disadvantage of women." Germanis agrees with this asssessment, arguing that comparable worth will distort wages and make male jobs less attractive. Curiously, he sees another problem: "It could also encourge some men to enter the traditionally female occupations, generating greater competition for the jobs in these sectors." [44]

Opponents of comparable worth warn that governments, too, will have additional problems: Higher wages for women will force public officials either to increase spending or cut services in order to be able to pay. Taxes will then have to be raised if the first option is chosen while public sector workers will be laid off if government opts for the latter. Either way, the public loses.

Germanis argues that comparable worth will also have adverse effects on unions by preventing them from winning the best possible terms for their members—the reason being that wages would no longer be a product of collective bargaining. "Unions [will] be reduced to toothless watchdogs, ensuring that management paid the wage rates determined by the board of evaluation." [45]

He also argues that economic growth will slow down as a result of worker apathy. "Wages determined by wage boards [will] mean an end to pay increases reflecting productivity increases. As such, workers [will] have less incentive to develop their skills if they [feel] that a point system [will] not reward them sufficiently." [46]

Finally, it is argued that comparable worth will accelerate inflation, hurting the economy through both its domestic and international effects. One estimate of the total cost is $320 billion.[47]

There is as much disagreement over the economic consequences of comparable worth measures as there is over their need. Listening to the opponents of comparable worth, one would get the impression that if comparable worth were to be instituted, the U.S. economy would be thrown mercilessly out of "equilibrium," resulting in unemployment, inflation, and numerous bottlenecks in production. Does the American public need to fear comparable worth as these arguments suggest?

Doubtless, there will be some "losers" if comparable worth takes its rightful place in the U.S. economic system,[48] but it is doubtful if the economy will lose more than it will gain by paying women what they are worth. However, since women are not paid the value of their marginal product, as opponents of comparable worth erroneously assume, arguments like those above should not receive much weight.

First of all, it will be admitted that raising women's wages will have some substitution effects. Of this there can be no doubt. The question is, however, is this so bad? Even granting the validity of neoclassical analysis, paying a factor of production less than the value of its marginal product implies that resources are being used inefficiently. Thus, to the extent that comparable worth will correct the misallocation of resources, we must conclude that this is a gain for the economy.

Secondly, eliminating discrimination also would increase the firm's costs. Profits might fall, some firms might struggle, and consumers might pay higher prices. However, if the firm extracted monopsony profits because of its ability to discriminate against women, or operated under imperfectly competitive conditions, it could increase wages without raising prices. Even if there were "losers," is it fair to make women subsidize firms so that profits can remain high, marginal firms can survive, and consumers can benefit from lower prices?

Third, unemployment among women might rise, but it is highly unlikely where discrimination exists (because the wages of women were less than comparable pay for men) that paying women what they are worth would lead either to the displacement of women or to the substitution of men for women.

Fourth, as noted, increasing the pay for women's jobs doubtedly will entice more men to enter these occupations. We view this as a positive outcome—the net effects will be to increase the pay and options for women and the options—if not the pay—for men.

Lastly, the estimated cost to the economy of $320 billion is just that—estimated. If it is true that $320 billion is being withheld from women's paychecks as a result of discrimination, then the extent of discrimination should be enough to convince all that the problem is important enough not to be brushed aside.

SUMMARY AND CONCLUSIONS

The arguments for and against comparable worth can be summarized as follows:

(1) The wage differentials between men and women are not based on discrimination, but merely reflect the forces of demand and supply.

The problem with this argument is that it assumes a model of the labor market that is very different from the way wages actually are determined. The forces of demand and supply are important, but they function very imperfectly, leaving much room for discretion, i.e., discrimination.

Few would argue that discrimination is the only reason for the pay gap, but few objective analysts could argue that there is no discrimination against women in the labor market. Numerous efforts to account for the pay gap by a variety of techniques usually have a sizable residual that cannot be accounted for by so-called human capital factors.

However, several points should be made about these general, economywide studies. The first is that regression equations cannot prove discrimination or the absence of it—they merely constitute one piece of evidence to be used in arguments over whether or not discrimination exists. Other evidence ordinarily is required to make the case. Secondly, these arguments have little to do with comparable worth, which refers to the pay scales attached to jobs in a particular organization, not to the wages paid to men and women in the economy or a given external labor market. Of course, there should be some relationship between job requirements and human capital attributes, but people and jobs are not matched perfectly, and many factors affect earnings besides the wage rates attached to the job.

Comparable worth relates to specific jobs in particular enterprises. The basic question to be answered in determining discrimination in wage rates for jobs is: Do the jobs where men are concentrated have higher rates of pay attached to them than the jobs where women are concentrated in terms of the value of those jobs to the employer, on the basis of a standard job evaluation procedure, or the employer's own evaluation system—whatever that is?

Of course, job evaluation techniques are not "precise." They are inherently judgmental. But so are all compensation systems. There are few, if any, perfect markets for labor, or even markets like stock and commodity markets that approximate auctions. As noted, this is particularly true of internal labor markets where jobs are enterprise-specific and where custom, equity, and discretion play a major role in compensation systems as well as in assigning people to jobs. Job evaluation techniques have become well-established mechanisms for bringing some order and objectivity to internal labor markets. It is surprising that labor relations professionals who have dealt with job evaluation systems for years would argue

against them in comparable worth cases. It was especially disingenuous for the State of Washington to argue against its own job evaluation system, which suggested discrimination in pay based on points assigned to jobs.

Again, however, these job evaluation techniques leave latitude for discretion. We are persuaded, though, that most job evaluation techniques that have been used to show a pay gap between predominantly male and female jobs probably understate the margin for discrimination because they use factors that are more likely to predominate in men's jobs or that are more common among men than women.

Indeed, the sex bias in job evaluation techniques is a proper concern for antidiscrimination agencies. If it is assumed, as we do, that there is discrimination in external labor markets, then importing the bias into the internal labor market through wage surveys is no defense against discrimination. This is particularly true for governments, where most of the comparable worth cases are likely to originate. It can be argued that the market is more important to a profit-maximizing private firm where the demand for labor is a derived demand, but what does the government's labor demand schedule look like? What is the marginal product of a government employee?

Governments typically assign wage rates to jobs on the basis of wage surveys that reflect structures in the external (mainly private) market. The evidence suggests that these markets are more discriminatory than public markets, where political power can offset some of the effects of market discrimination (see tables 6 and 7 from Joel Popkin & Co., based on census data for 16,000 workers using multiple regression analysis based on 68 variables that explain almost 60 percent of the variation in wages; 50 of the variables are significant at the 5 percent level). [Deleted.]

(2) It is sometimes argued that comparable worth is like attempting to return to the obsolete medieval concept of "just price." The trouble with this argument is that "just price" or equity still plays an important role in wage determination in internal labor markets, especially in government employment. Governments typically make surveys, but do not translate the results into wage changes, arguing that such survey results are "too high" or in some cases "too low." Similarly, most organizations preserve hierarchies of wage payments based on status considerations—as when it is determined that Federal employees should not be paid more than Cabinet officers or Members of Congress; that State employees should not be paid more than their supervisors or Governors; or that wages in one occupation should retain established relationships to other occupations or there will be morale problems; or that no wages should be cut, regardless of survey results. These are perfectly valid considerations for wage and salary administration, but they are not the automatic consequences of the forces of demand and supply.

Unfortunately, these traditional job hierarchies also contain the consequences of traditional attitudes about "men's" jobs and "women's" jobs. In most cases, discrimination was blatant enough before the Equal Pay and Civil Rights Acts that direct relationship probably can be established between the internal wage structure and specific overt acts of discrimination that established those structures. Intentional discrimination can be established where employers perpetuate internal structures they know to have had discriminatory origins, as was done in the Washington State case.

(3) This background makes it possible to deal more quickly with typical arguments against comparable worth (see Hildebrand, Germanis, and Seligman for examples):

(a) The wage gap is due to things other than discrimination. We agree, but most studies leave a residual unexplained by "other things."

(b) Comparable worth would require the government to force employers to pay equal wages for unequal work. A variant of this argument is that comparable worth would lead to government wage fixing. The government would not force employers to do anything except not to discriminate in whatever compensation system the organizations uses. The government would not fix wages, though courts might order specific wages where discrimination has been proved.

(c) Acceptance of the comparable worth principle would be very disruptive and expensive. Response: who knows? It would depend on the evidence in each case. Some critics assume comparable worth means the elimination of wage differentials between men and women: this is absurd—not many argue that all of the differential is based on discrimination.

As noted, however, the evidence of discrimination in compensation must be judged in each case. If much discrimination in pay can be demonstrated to the satisfaction of courts or administrative agencies, there could be some disruption, but that is the price for correcting serious problems of discrimination. If the critics of comparable worth are correct and discrimination cannot be demonstrated, there will not be much disruption.

We have noted, however, that the theoretical and general arguments used by most of the critics prove nothing. If you assume perfectly competitive labor markets and equilibrium conditions, then any intervention would be disruptive by definition. If on the other hand, you assume markets to be imperfect and discrimination to be a reality, interventions that might distort a perfect market will improve an imperfect one by reducing discrimination that should not exist.

It also should be noted that most critics of comparable worth assume discrimination to be mainly a matter of specific overt acts of discrimination and ignore the institutional patterns, which they assume not to be a concern of public policy. This assumption is in keeping with the highly individualistic assumptions underlying neoclassical economics. It is this assumption that makes it possible for critics to dismiss occupational segregation on the grounds that "women chose those conditions for rational reasons," even though most of the so-called "rational" reasons are not supported by careful analysis of the data. Discrimination is at least as much a social and group as an individual phenomenon. Social action, therefore, will be required to overcome institutional discrimination.

In conclusion, therefore, whether or not there is discrimination in pay must be determined on the basis of the facts in each case. A remedy for pay discrimination does not require that wages be equalized for men and women, only that the jobs be valued on a nondiscriminatory basis. This does not lead to central planning or government wage fixing; the government does not have to fix wages to eliminate discrimination. It is true that comparable worth is based on some elements of "just price" or equity, but in the absence of auctions for labor, a sizable equity element is inevitable in labor markets. Similarly, job evaluation is not precise—it is inherently judgmental, but it is an established technique, and comparable worth cases would involve no more judgment than ordinarily is involved in wage and salary administration.

FOOTNOTES

*Professor, Lyndon B. Johnson School of Public Affairs, University of Texas.

†Ph.D. candidate, Department of Economics, University of Texas.

[1] United Nations, 1979.

[2] Declining fertility rates also means that there will be less job competition in the future from domestic population increases. Moreover, declining birth rates, if sustained, would imply an aging population.

[3] Between 1970 and 1979, the proportion of women in the labor force who completed less than 4 years of high school declined from 30.6 percent to 27.7 percent. The analogous figures for men were 37.3 percent and 26.4 percent.

[4] For women, 10.7 percent in 1970 and 14.9 percent in 1979, and for men, 14.2 percent in 1970 and 19.6 percent in 1979.

[5] Lublin, 1982.

[6] Of further significance is the fact that only 1 percent of women graduates of Harvard Law School were partners in law firms, in contrast to 25 percent of men graduates.

[7] These occupations tend to be those with lower pay and little or no opportunity for advancement. Also note that the percentage of women making up an occupation can increase while the percentage of all women who are in that occupation (as opposed to other occupations) does not have to change.

[8] Hartmann and Reskin, 1983, 1. Even within integrated occupations, women are segregated into separate jobs, noticeable at the lower end of the wage spectrum. In addition, most women in "men's occupations" are found in the lower profit, lower wage firms.

[9] Strangely enough, Becker purported to explain discrimination and yet assumed that it was exogenous.

[10] Polachek, 1979. Note that these are occupations that are 70 percent or more female, at least superficially substantiating this theory of occupational segregation.

[11] Polachek, 1979.

[12] For other problems with human capital theory, see Levitan, Mangum, and Marshall, 1981.

[13] It is believed that because women are absent from work more than men (they are the parent more likely to stay at home when the kids are sick, etc.), they are denied promotional opportunities. Some even postulate that women refuse positions with more responsibility and thus higher wages, because they do not want to be tied to the job if something "comes up" at home. Being in menial positions, they supposedly can get time off more easily and without much hassle.

[14] Employers apparently structure jobs for women to accommodate this pattern and provide less opportunity for on-the-job training leading to higher paying jobs. However, the experience factor is becoming more favorable to women because the main reason for their increased labor force participation rates (LFPR) is that experienced women are reentering or never leaving the work force (Barrett, 1980).

[15] They also found that the coefficients on the work continuity and labor force attachment variables were small and insignificant. Note that these findings, like those of England, are in contrast to what Polachek and others would have us believe.

[16] Differences in educational attainment for the four subgroups are as follows: white male, 12.85 years; white female, 12.73 years; black female, 11.75 years; and black male, 10.96 years.

[17] Doeringer and Piore, 1971, 41.

[18] The first three of these phenomena have been recognized as discrimination and made illegal by Title VII of the Civil Rights Act of 1964 and the Equal Pay Act of 1963 (although there is evidence that these forms of discrimination still exist). The last, a variation of the first three, is still widely rejected as being a form of discrimination, and until quite recently employers who practiced it were immune from prosecution.

[19] Men might avoid "women's " jobs because they are paid less than in "men's" jobs for the same attributes.
[20] 1984a,1.
[21] 1984b, 1.
[22] 1982, 83.
[23] The word "firm" is used here in a generic sense, meaning all organizations both public and private.
[24] 1984b, 6.
[25] 1984, 134.
[26] 1983b, 4.
[27] 1983b, 27.
[28] O'Neill, 1983a.
[29] 1984a, 1-2.
[30] Personal, cultural, and market conditions.
[31] 1984a, 6. This is illegal! In Phillips v. Martin Marietta and City of Los Angeles v. Manhart, the Supreme Court ruled that empoyees must be treated as individuals, not as members of a sexual or racial class.
[32] 1984a, 7.
[33] 1984a, 11.
[34] Germanis, 1984a, 2.
[35] O'Neill, 1983b, 26.
[36] Germanis, 1984a, 3-4.
[37] O'Neill, 1983b, 8.
[38] Germanis, 1984a, 2.
[39] Germanis, 1984a, 4.
[40] 1983b, 8.
[41] Hildebrand, 1982, 106.
[42] Ibid.
[43] 1983b, 1.
[44] 1984a, 7.
[45] Germanis, 1983b, 7.
[46] 1983b, 8.
[47] Germanis, 1984b.
[48] Discrimination "protects" those discriminated against from competition for the (usually inferior) jobs to which they are relegated.

S. 6—VETERANS' ADMINISTRATION HEALTH-CARE AMENDMENTS OF 1985

Mr. CRANSTON. Mr. President, as the ranking minority member of the Committee on Veterans' Administration Health-Care Amendments of 1985, introduced on January 3. This bill has as its basic purpose the continued maintenance and improvement of the VA's ability to meet the needs of our Nation's veterans and their dependents.

As a preliminary matter, I want to note that an overriding concern for me during this Congress will be seeking out ways in which to reduce the enormous, burgeoning Federal deficit. Hence, I will be extremely reluctant to advocate any new spending by the Federal Government. Although I believe that our national obligation to those who answered the country's call to arms in its hours of need is an obligation of the highest order, I do not view all efforts relating to veterans as sacrosanct. Nor would it be realistic to expect that the VA can remain unaffected as we move ahead with Governmentwide efforts to reduce the deficit. This perspective is reflected in S. 6—which seeks to find ways to improve VA programs without incurring any significant new costs.

SUMMARY OF PROVISIONS

Mr. President, the nine substantive provisions in S. 6 would:

First, expand the definition of the Vietnam era for the purposes of title 38, United States Code, so as to include service in Vietnam at any time during the period beginning on February 21, 1961, and ending on August 4, 1964, the day before the starting date of the Vietnam era in current law.

Second, preclude the Administrator of Veterans' Affairs from implementing any systematic reduction of VA employee pay grades without first submitting to the Veterans' Affairs Committees a plan and justification for the proposed reduction, including a determination that, in the personnel area involved, the VA, in comparison to non-VA employers, has a disproportionate number of employees at the salary levels involved; and direct the Comptroller General to evaluate comment on any such VA plan, justification, and determination.

Third, extend for 2½ years, until the end of fiscal year 1989, which is 12 months after the centers for disease control plans to submit the results of the congressionally mandated epidemiological study, the period during which certain veterans—those exposed to dioxin or other toxic substances in Vietnam or to ionizing radiation from nuclear detonations—would be eligible to receive priority VA health-care services for disabilities not determined to be unrelated to such exposure.

Fourth, extend by 3 years, until the end of fiscal year 1988, the VA's current authority to place veterans with alcohol or drug abuse dependencies or disabilities in non-VA halfway houses and other community-based programs for treatment and rehabilitation, and require annual reports in 1986, 1987, and 1988 on the experience under this authority.

Fifth, provide that any remuneration received by VA patients in a rehabilitation therapy program under section 618 of title 38 would not be counted as income for the purpose of VA pension programs.

Sixth, provide that section 3305 of title 38, relating to the confidentiality of certain VA medical quality-assurance records, does not authorize or require the withholding by the VA of disclosure of statistical information regarding VA health-care programs, including aggregate morbidity and mortality rates associated with specific activities at individual VA health-care facilities.

Seventh, provide that procedures set forth in section 4110 of title 38, relating to disciplinary proceedings involving physicians and certain other VA health-care personnel employed under the special title 38 personnel system would apply in cases involving proposed reductions or revocations in the clinical privileges of such personnel.

Eighth, require the VA, in order to evaluate various actions that would enable veterans to receive needed health care in noninstitutional settings, to conduct a 48-month pilot demonstration program through which certain veterans would be helped to avoid institutional care through the provision of appropriate health and health-related services from the VA and from appropriate public private agencies.

Ninth, direct the Administrator and the Secretaries of Defense and of Health and Human Services to submit to the Congress a joint report on the question of U.S. Government responsibility for disabilities that possibly result from service in Vietnam—such as exposure to agent orange or to particularly traumatic events—to individuals who were present there during the Vietnam era as employees of voluntary organizations that provided significant assistance to U.S. forces, such as the American Red Cross and the USO.

DEFINITION OF "VIETNAM ERA"

Mr. President, section 2 of S. 6 would modify the definition of "Vietnam era" for title 38 purposes to include, in the case of those who served in the Republic of Vietnam, the period beginning on February 28, 1961, the date established in Public Law 89-257 for acceptance of awards from foreign governments for service in Vietnam, and ending on May 7, 1975, the current law ending date for the Vietnam era.

Under this provision, those who served in Vietnam during the period from February 28, 1961, to August 5, 1964, the current starting date from the Vietnam era, would be made eligible for certain benefits that are available only to veterans of specified wartime service. These benefits would include nonservice-connected pension for those who also satisfy the disability or age criteria and the income and net-worth limitations of that program; readjustment counseling; certain burial benefits; loan guaranty benefits in certain cases; certain education, on-job training, and apprenticeship benefits for educationally disadvantaged, unskilled, or unemployed veterans; and certain employment assistance, including eligibility for veterans' readjustment appointments—VRA's.

As noted above, the starting date for the Vietnam era in current law is August 5, 1964. This date coincides with the Gulf of Tonkin incident, unquestionably a watershed event in the history of U.S. involvement in Vietnam, and one which precipitated the resolution adopted by the Congress following that incident. However, there were many U.S. troops in the Republic of Vietnam prior to August 1964, and our service personnel faced combat conditions in that country well before that time.

Mr. President, establishing a starting date for a period of war such as the Vietnam conflict where there was no one single action beginning the conflict, is admittedly an arbitrary undertaking. However, telling veterans who actually served in Vietnam prior to August 5, 1964, as we do now, that they are not Vietnam-era veterans

does not seem appropriate or defensible to me. After reviewing various alternative dates, I proposed—and the Veterans' Affairs Committee and the Senate agreed last year, in taking favorable action on an identical provision in the last Congress—the date of February 28, 1961, as an appropriate starting point.

As I noted earlier, this is the date, set forth in Public Law 89-258, after which U.S. service personnel could accept awards from the Government of the Republic of Vietnam in connection with service in Vietnam. In the reports on the legislation, H.R. 3405 in the 89th Congress, that was enacted as this public law, the Committees on Armed Services in the House of Representatives and the Senate indicated that this date was selected because that was the approximate date on which American military advisers began to accompany "their Vietnamese counterparts on military operations"—House Report No. 89-239, page 2; Senate Report No. 89-800, page 2. That same date is used in other statutory contexts, including section 112 of the Internal Revenue Code, title 26, United States Code, relating to the treatment of income for tax purposes for members of Armed Forces serving in Vietnam in certain circumstances, and in section 329(a) of the Immigration and Nationality Act [INA] which appears at section 1440 of title 8, United States Code, relating to expedited naturalization based on wartime service. In addition, as noted in a letter from a Department of Defense representative to the chairman of the House Committee on the Judiciary in connection with that committee's consideration in 1966 of the INA provision as noted above, February 28, 1961, is the date selected by the Department of the Army for the award of the Combat Infantryman's Badge and the Combat Medic Badge.

As was noted in the Veterans' Affairs Committee report accompanying the legislation, S. 2514, which contained this provision in the last Congress—Senate Report No. 98-467, page 54—the committee believes that bringing the starting date of the Vietnam era for title 38 purposes into conformity with the above provisions for those who actually served in Vietnam would be an appropriate action that would make access to veterans benefits on the basis of service in Vietnam during wartime more consistent with other laws and regulations relating to such service.

I agree with this view completely and regret that our distinguished colleagues in the House were unwilling to accept the Senate-passed change. According to the Congressional Budget Office in its cost estimate on this provision during the last Congress, because there would be a "relatively low number of new (veterans made eligible for VA benefits)" there are no significant costs associated with this provision, and I have included it in this bill in order to ask our House colleagues, as well as the Senate, to give it renewed consideration.

VETERANS' ADMINISTRATION GRADE REDUCTION

Mr. President, section 3 of S. 6 is designed to address what I and many others believe is a very wrong-headed effort by the Office of Management and Budget to apply to the Veterans' Administration the Government-wide effort to reduce the number of employees in grades GS-11 through GS-15. In order that my colleagues and others with an interest in this matter might have a better understanding of this issue, I ask unanimous consent that there be printed in the RECORD at this point an exchange of letters I had with OMB Director Stockman—my August 23, 1984, letter to Mr. Stockman and his September 19, 1984, response which enclosed a copy of an August 9, 1984, letter from him to Congressman SONNY MONTGOMERY, chairman of the House Veterans' Affairs Committee—as well as a subsequent exchange of letters between Congressman MONTGOMERY and Mr. Stockman—Congressman MONTGOMERY's October 16, 1984, letter, and Director Stockman's November 13, 1984, reply.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, August 23, 1984.

Hon. DAVID A. STOCKMAN,
Director of Management and Budget, Executive Office Building, Washington, DC.

DEAR DAVID: House Veterans' Affairs Committee Chairman Sonny Montgomery shared with me a copy of his July 23, 1984, letter to you regarding the issue of proposed reductions in the number of personnel in grades GS 11 through 15 in the Veterans' Administraiton's Department of Medicine and Surgery (DM&S). I agree strongly with Chairman Montgomery's views and recommendations on this issue and would appreciate receiving a copy of your response to his letter.

In addition, to the extent your response to Chairman Montgomery does not address the following points, I would appreciate receiving your responses to them:

What specific analysis, if any, has been carried out with respect to the issue of whether there is an "excess" of DM&S personnel in grades GS 11 through 15 (and, more specifically, an excess of such personnel providing direct patient-care services or services ancillary to such services)?

What opportunity has been or will be provided to VA management officials to respond to any directed grade reduction within DM&S?

Thank you for your attention to this letter.

With warm regards.

Cordially,

ALAN CRANSTON,
Ranking Minority Member.

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 19, 1984.

Hon. ALAN CRANSTON,
U.S. Senate, Washington, DC.

DEAR ALAN: This is in response to your letter of August 23, 1984, regarding the participation of the Veterans Administration (VA) in the Administration's efforts to reduce the number of government employees in grades GS-11 through 15. As you requested, we are enclosing a copy of our response to Chairman Montgomery on this issue.

This initiative arises from the Grace Commission's analysis, drawing upon data from the Office of Personnel Management (OPM), that the private sector has approximatley 26 percent of white collar positions in the equivalent of the government's GS-11 to 15 range, while the government has approximately 39 percent, or a 50 percent greater distribution. Since the VA employs, primarily through the Department of Medicine and Surgery, 20 percent of the civilian workforce, we believe their employment characteristics were represented in the OPM data.

As we pointed out in the enclosed letter to Chairman Montgomery, however, all agencies will have the opportunity to seek any needed adjustment this fall. Further, agencies have been given maximum flexibility in how to meet their targets, which have been set well below normal attrition rates to avoid any adverse effect on agency employees and mission accomplishment.

Thank you for providing us your views on this important initiative.

Sincerely,

DAVID A. STOCKMAN,
Director.

AUGUST 9, 1984.

Hon. G.V. MONTGOMERY,
Chairman, Committee on Veterans' Affairs, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of July 23, 1984, expressing your views on the participation of the Veterans Administration in the Administration's effort to reduce the number of government employees in grades GS-11 through 15.

First, let me assure you that I share your concern with recruitment and retention by VA of high quality health care personnel. The priority given by the Administration to veterans health care is evident in the nearly 40 percent increase in budget authority and the addition of almost 9,000 employees for VA medical care since 1981. Given these increases, two factors lead to the conclusion that the Administration should maintain, in the VA medical care area, the effort to influence the average grade of mid-level government workers:

The VA is free to direct the application of grade level reductions among its activities so that it can maintain its own priorities within overall guidelines, and

All agencies—including the VA—will have an opportunity to seek needed adjustments this fall, as 1985 supplemental requests for pay are being formulated.

With these factors in mind, I believe that the Administration can safely continue this effort. It is one of the means toward our overall objective; to assist the VA to continue to identify the most efficient means for

providing excellent medical care for our veterans in need of care.

Sincerely,

DAVID A. STOCKMAN,
Director.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, October 16, 1984.

Mr. DAVID STOCKMAN,
Director, Office of Management and Budget, Executive Office of the President, Washington, DC.

DEAR MR. STOCKMAN: I am increasingly concerned by the attitude of the Office of Personnel Management and the Office of Management and Budget with regard to the Grace Commission's initiative which now goes under the rubric "Improved Position Management of GS/GM 11-15 Positions." On July 23, I wrote to you expressing my concern about the application of this initiative to health care personnel employed in the Veterans Administration under the authority of title 38, United States Code. I also wrote to Dr. Devine expressing similar concern. Your reply seemed to indicate that, as applied to the Veterans Administration, this initiative is a mere pretext to cutting the VA's budget for personnel compensation. More recently, I received information from the Office of Personnel Management which would indicate to me that no reduction of any sort should be applied to the Veterans Administration in any of its departments as a result of this initiative.

The justification for reductions in grades 11-15 is set forth in the background section of FPM Bulletin 312-8, which was enclosed with the reply I received from Dr. Devine. The first factor OPM cites is that 39 percent of the General Schedule full time workforce is classified in the GS 11-15 grade band. However, at the Veterans Administration this proportion is only 17.5 percent, a lower percentage than the 1959 figure for the entire government. Certainly, few large institutions, government or private, can match this figure.

The second factor cited is the average grade of the workforce. The Governmentwide average grade is noted to be 8.3, but in the VA it is only 6.58, almost two whole grades lower! Most persons will agree that some increase in average grade over the past 30 years is justifiable in light of the increasing complexity of Government functions. Therefore, the VA's average grade would seem to warrant praise as an example of how to hold the line against grade creep.

The third factor is the salaries earned in the private sector compared to those earned by government employees. I find it confusing at best when the Advisory Committee on Federal Pay reports that most Federal employees are underpaid when compared with their counterparts in the private sector, and yet the Grace Commission presents different evidence. I believe that recent remarks made about the accuracy of both reports add further confusion to this issue, so that it is not possible for anyone to say with certainty that Government employees are or are not overpaid.

Dave, there may be overgraded employees in the VA, and I tend to believe that there are too many people in grades 11-15 at the VA's Central Office, particularly in the Department of Medicine and Surgery. However, the figures cited above show that the VA compares very favorably with other Government agencies on these measures. Even if we included title 38 employees in the comparison, which the Grace Commission did not contemplate, the numbers are still favorable to the VA. This is true despite the fact that the direct provision of health care requires the VA to hire thousands of highly skilled and relatively highly paid health care professionals.

Considering all of this evidence, I would like to know whether OMB and OPM would give further thought to applying this initiative in a selective manner to those agencies where it is truly needed, and leaving agencies such as the Veterans Administration alone.

Sincerely,

G.V. (SONNY) MONTGOMERY,
Chairman.

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C. November 13, 1984.

Hon. G. V. MONTGOMERY
Chairman, Committee on Veterans' Affairs, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of October 16, 1984, in which you express increasing concern over the application to the Veterans Administration of the Administration's effort to reduce the number of Government workers in grades GS-11 through 15. In your letter, you cite three factors as support for exempting the VA from the grade reduction effort. They are:

The percentage of VA employees in grades GS-11 through 15 is lower than the average for the Government as a whole;

The VA's average grade is lower than the Governmentwide average; and

The notion that it is impossible to say with certainty whether Government employees, as a group, are overpaid.

As you know, the first two factors result from the large number of hospital and clerical workers below GS-11 who are employed in operating the VA's hospital and benefits payment systems. Over half of VA's general schedule employees are in grades 3, 4, and 5. This obscures the fact that VA employs over 44,000 people in grades 11 through 15 (and their equivalents under Title 38), more people than the entire employment rolls of nine of the other fifteen large Federal departments and agencies.

Regarding your third factor, I believe it useful to point out that over the last four years, VA personnel compensation costs for GS and Title 38 staff have grown at a rate 25 percent faster than the general schedule pay scales. Pay for these employees (now totaling $3.7 billion) is almost 30 percent higher than it was in 1980, while the general schedule rates have increased by less than 24 percent. This matter must certainly be a cause for concern on the part of both the Executive and Legislative Branches.

You have asked in your letter whether—given the factors you cite—OMB and OPM will give further thought to exempting the VA from the GS-11 through 15 grade reduction initiative. As I noted in response to your letter of July 23, 1984, all agencies including the VA, will have an opportunity to seek needed adjustments later this fall.

I appreciate your concern that the VA be treated fairly. Please be assured that careful consideration will be given to all such requests.

Sincerely,

DAVID A. STOCKMAN,
Director.

Mr. CRANSTON. Mr. President, as these various letters demonstrate, the VA is being required to make reductions in the number of agency employees in grades GS-11 through GS-15 on the basis of a conclusion by private-sector volunteers on the so-called Grace Commission that, on a Governmentwide basis, there are a disproportionate number of employees in those grades and salary levels as compared to the ratio of employees at these salary levels in the private sector. Regardless of whether or not this conclusion is valid on a Governmentwide basis, these letters also demonstrate that the ratio of upper to lower GS-level employees in the VA is significantly lower than the Governmentwide ratio and that that is true both in the Department of Medicine and Surgery and the Department of Veterans' Benefits.

Mr. President, without analyzing the accuracy or meaning of the Governmentwide ratio—except to note that those findings in that regard and the meaning of those findings are very controversial—it seems clear that, in light of the VA ratio, the VA should not be required to take steps to redress an imbalance that does not exist within that agency. To apply a remedy to the VA that is defended as necessary to correct a problem that the agency is not in any way responsible for, makes no sense.

The only possible reason for requiring the VA to take such an action would be to reduce funding for the agency work force in an arbitrary manner. I reject such an action and believe most of my colleagues do as well, although that is, I believe, the purpose of the Office of Management and Budget in insisting that VA appropriations for health-care programs be reduced by amounts that reflect application of the grade-level reduction. In this regard, I note that OMB—according to reports I have received regarding pertinent decisions that will be reflected in the fiscal year 1986 budget submissions—has already directed such a reduction with respect to fiscal year 1985. This would apparently be achieved through offset against any supplemental request for the costs of the January 1985 cost-of-living pay increase.

Revealing clearly its motivation for this action, OMB, despite having exempted from the mandatory reduction physicians, nurses, and other VA health-care professionals employed under the DM&S title 38 health-care personnel system, has required the VA to absorb the cost savings that would be achieved if the grade reduction were applied to the title 38 personnel. Thus, there can be no doubt that OMB has a singular purpose—reducing the appropriations for DM&S—and has no great concern that its motive is so thinly disguised.

Section 3 of S. 6 is designed to prevent an arbitrary application of this Governmentwide grade reduction to the VA by prohibiting the implementation of a systematic grade-reduction effort unless and until the Administrator has first submitted at least 90 days in advance of implementation—not counting any day during which either House is not in session—a report thereon to the Committees on Veterans' Affairs. This report would be required to contain a plan for the grade reduction and, most importantly, a justification for the reduction, including the Administrator's determination, together with supporting data, that, in the personnel area concerned, the VA is overgraded in comparison to non-VA entities.

As a further check on this process, the Comptroller General would be required to submit to the two committees a report on the Administrator's compliance with these requirements and on the accuracy of the Administrator's determination and supporting data.

Mr. President, I believe this proposed process will safeguard the VA from having to implement arbitrary personnel reductions—reductions that have no justification as to VA activities—while leaving open to the agency and the Administration the opportunity to make reductions in those areas as to which it can be demonstrated that the VA is indeed overgraded. This provision, coupled with section 5010(a)(4) of title 38, United States Code, and specific direction in connection with future appropriation action relating to the funding to support VA personnel levels should prevent in fiscal year 1986 the arbitrary appropriations reduction that OMB has imposed on DM&S this fiscal year, particularly if, as seems reasonably likely, there is no Federal employee cost-of-living pay raise in 1986.

I, along with many of colleagues in both Houses and from both parties, have worked hard over the years to ensure that the VA has sufficient, qualified staff to carry out the agency's missions. This has been particularly true in the Department of Medicine and Surgery, the Department for which the great majority of VA employees work, over 199,000 of the VA's over 223,000 full-time equivalent employees. The VA is frequently at a disadvantage competing in the relevant health-care-personnel marketplace, and the numbers of health-care workers in grades 11 through 15 and their equivalent rates under title 38 reflect the entry-level salaries necessary to meet this competition, not grade-creep of supervisory employees. It is vital to the continued ability of the VA to provide quality health care that DM&S not be forced to make unwarranted personnel changes that could seriously disrupt its ability to attract and retain needed personnel, and this provision should help to achieve that result.

EXTENSION OF HEALTH-CARE ELIGIBILITY BASED ON EXPOSURE TO DIOXIN OR OTHER TOXIC SUBSTANCES IN VIETNAM OR TO NUCLEAR RADIATION

Mr. President, section 4 of S. 6 would extend for several more years, until September 30, 1989, the provision in current law which provides certain veterans—those exposed to dioxin or other toxic substances used in herbicides or defoliants in Vietnam or to ionizing radiation from nuclear detonations—with eligibility for priority health care from the VA for the treatment of disabilities which cannot be attributed to a cause other than the exposure in question. Under current law, this authority is scheduled to terminate 1 year after the Administrator submits the first report on the epidemiological study of Vietnam veterans that was mandated by Public Law 96-151. That first report is to be submitted 24 months after the protocol for the study is approved which was on February 14, 1984. Thus, the health-care eligibility is scheduled to expire on February 14, 1987.

Mr. President, I have been deeply involved, first as chairman of the Veterans' Affairs Committee and, since 1981, as the committee's ranking minority member, in efforts to address the concerns of veterans, veterans' families, and many others about the potential health effects of veterans' exposure to dioxin and ionizing radiation. Both groups' concerns have generally fallen into three broad categories—a vital interest in receiving information about their exposure and the possible health effects of that exposure, a desire to receive health care for the treatment of conditions that may be related to their exposure, and compensation for diseases or disabilities resulting from their exposure.

As to each concern, I have developed legislative solutions, gotten them enacted, and overseen the implementation of the legislation. I am generally satisfied that, although much follow-up and oversight activity remains to be done with reference to these matters, the Congress has enacted the necessary legislation and that no additional legislation, other than relatively minor modification such as is represented by this provision in S. 6, is needed at this time. When we obtain further, reliable information regarding long-term health effects, Congress will have to reassess the adequacy of the existing legislative structure.

With specific reference to the issue of health care for disabilities that may be related to exposure to these hazards, I am proud to have authored in the Senate Public Law 97-72 which was enacted in 1981 to give both groups of veterans interim, special priority and eligibility for VA health care. As I noted during final Senate consideration of that legislation, I view the enactment of this health-care eligibility as providing important, temporary relief while the Government continues to gather information necessary to make final decision about establishing service-connected status for various disabilities.

I am proposing to extend this authority because the major studies designed to yield the necessary information—the epidemiological study of Vietnam veterans mandated by Public Law 96-151 and expanded by Public Law 97-72 which is being carried out by the Centers for Disease Control [CDC] and the scientific study of the health status of veterans exposed to radiation mandated by Public Law 98-160—will not be sufficiently advanced by 1987 to permit final decisions to be made.

Although picking any cut-off date for this authority—that is, a date by which the Congress should be able to address the question of access to health care on a more permanent basis—cannot be a very precise process, I am proposing September 30, 1989, on the basis of CDC's plans to report on the agent orange study in September 1988. If that target date is met, the Congress should then have sufficient time to evaluate the results of that study and other pertinent information and decide as to appropriate further action with regard to dioxon exposure prior to the 1989 expiration date.

In this regard, so that my colleagues and others might be brought up to date on these studies, I ask unanimous consent that the most recent report from the Office of Technology Assessment—the agency which has a statutory responsibility for monitoring these studies—on the status of the studies, as set forth in a December 12, 1984, letter to me from OTA Director John Gibbons, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
OFFICE OF TECHNOLOGY ASSESSMENT,
Washington, DC, December 12, 1984.

Hon. ALAN CRANSTON,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR ALAN: Public Law 98-160 mandates that I report to the appropriate committees about progress in studies to determine possible long-term health effects among veterans exposed to nuclear radiation. This letter is my second report. As I did in the first report (May 24, 1984), I will also use this letter to inform you of OTA's activities related to Agent Orange as mandated by Public Laws 96-151 and 97-72.

ATOMIC VETERANS

In May, I reported that I was expecting to consult with the Administrator of Veterans Affairs about the feasibility of a Veterans Administration (VA) plan for the study of

veterans exposed to radiation from weapons testing. At that time, I had been informed that the newly formed Committee on Interagency Radiation Research and Policy Coordination, which is chaired by the Office of Science and Technology Policy, was reviewing the study plan. My understanding was that the study plan and the committee's review and comments would be returned to the VA in late June or early July.

Unfortunately, events have not followed that schedule. The plan and the committee's review did not reach the VA until mid-November. OTA staff, in conversations with VA staff, have been told that the Department of Medicine and Surgery at VA is now examining the study plan and the review preparatory to making a recommendation to the Administrator. I expect and hope that the Administrator will be contacting me in the next two or three weeks about OTA's consulting with him.

As you know, veterans who claim damage from radiation exposure are prevented from suing the Federal government by the Feres Doctrine, a 1950 Supreme Court decision, that prohibits suits against the government for injuries related to military service. Furthermore, a recently enacted law prevents veterans from suing government contractors for damages from radiation. I believe that those two restrictions eliminate any opportunity for a veteran who believes he was harmed by radiation to obtain relief through the courts. If my interpretation is correct, veterans can only turn to the VA for compensation, and, according to news reports, few veterans have been compensated. While the decisions not to compensate may be justified on scientific grounds, there still remains a perception on the part of some people that veterans may have been harmed by the radiation exposure. The proposed VA study takes on added importance because, rightly or wrongly, it can be viewed as the last chance for veterans to obtain evidence to support their claims of injury.

I am still unable to predict how much time and effort OTA will have to invest in its review of the VA study plan to enable me to consult with the Administrator. However, if OTA's review will take substantially longer than 30 days after we receive the plan, I will inform the committees.

Agent Orange

OTA's mandate to monitor the conduct of epidemiologic studies of Vietnam veterans has led to a broad range of activities including review and comment on other Agent Orange and Vietnam experience studies. Virtually all the studies are being conducted directly by or on contract to the VA or Centers for Disease Control (CDC) and employ similar methods for estimating exposures and measuring outcomes. Those common elements make the congressional requests for OTA's views logical extensions of the OTA mandate. In this letter, I will first provide an update on developments in the Congressionally mandated CDC studies and then discuss two OTA activities not directly covered by the mandate.

The studies have moved steadily ahead since May. One important personnel change has taken place. Dr. Peter Layde, who has been working on the studies since CDC began them, has assumed responsibility as Director for Agent Orange Projects. Dr. J. David Erickson, who began as project director, requested that he be allowed to return to his work in the epidemiology of birth defects, his specialty.

We have received two quarterly reports from CDC, one in July, the second in October. You will recall that CDC's studies of the health of Vietnam veterans include three components: the Agent Orange study, the Vietnam Experience study, and a study of Selected Cancers that have been associated with exposure to dioxin. The reports make it clear that the three studies are, in general, on schedule. Several contracts have been awarded and others are in review. The Research Triangle Institute (Research Triangle Park, NC) has been awarded the contract to contact and conduct telephone interviews of the 30,000 participants in the Agent Orange and Vietnam Experience studies. Several bids for the physical examination contract were received, and CDC expects to make an award for the conduct of 10,000 examinations in February 1985.

Six cancer registries (at Emory University, Yale University, University of Miami, University of California at Berkeley, University of Kansas, and Iowa State University) are under contract to locate and interview individuals ("cases") who have the cancers included in the selected cancer study. Individuals who are to be "controls" are to be identified by WESTAT, Inc. (Rockville, MD), and interviewed by personnel from the cancer registries. Proposals for contracts to provide pathological review of the cancers in the study are being reviewed by CDC.

CDC expressed concern that requirements of the Office of Management and Budget (OMB) might eventually cause delays. OMB is requiring that results of pilot studies be submitted to the Agent Orange Working Group (AOWG) for review before proceeding with the full study. This applies to the Agent Orange and Vietnam Experience studies. The Selected Cancers Study was approved unconditionally.

In a third and separate report, CDC described very encouraging results from the Vietnam Experience pilot study. The pilot study was designed to evaluate (1) the success of locating and securing participation of veterans in the study, and (2) the quality of the questionnaire to be used in the telephone interviews. The overall location/participation rate of 83 percent is substantially higher than CDC's goal of 70 percent for the pilot study. The participation rate for those contacted was 97 percent, an extremely high figure for this type of study.

The questionnaire was administered through a computer assisted telephone interview [CATI] system by the Research Triangle Institute, under contract to CDC. The interviewers and the CDC researchers used the experience of interviewing 249 Vietnam-era veterans to make minor adjustments to the questionnaire itself, generally to improve the flow and to increase the understandability of the questions.

The process of reviewing military records and identifying those individuals who meet the study criteria ("qualifying" veterans) for the Vietnam Experience study is ahead of schedule. This work is carried out by cooperative efforts of the U.S. Army and Joint Services Environmental Support Group, the National Personnel Records Center, and several other Federal agencies, in concert with CDC.

CDC has been considering the feasibility of a study of female Vietnam veterans. It considers such a study to be feasible, and has broadly outlined a research protocol. OTA has not as yet formally addressed this issue, but, as part of the mandate to review and approve protocols for the study of Vietnam veterans, will do so when a reviewable protocol becomes available.

Communication between CDC and OTA, which we felt was not as good as it should have been, has improved, and appears to be on firm footing. Dr. Layde has met with OTA staff, and we are now confident that the communications lines will function to benefit both CDC and the Congress. In general, our relationship with CDC has been one of mutual cooperation, and we expect that to continue.

OTA's Review of the CDC Birth Defects Study.—This activity stems not from the Congressional mandate, but from requests from both Houses. A report of the study, "Vietnam Veterans' Risk of Fathering Babies with Birth Defects," was published in the Journal of the American Medical Association, and the full study was published by CDC. OTA received a letter from Senator Cranston (August 15, 1984) asking that we review the study, and subsequent letters from Representative Edgar (August 17, 1984) and from the Chairman and Ranking Minority Members of the House Committee on Veterans' Affairs (Representatives Montgomery and Hammerschmidt) on August 30, 1984 requesting copies of our review. We also received a request from the House Veterans' Affairs Committee Subcommittee on Hospitals and Health Care to testify at a hearing on this subject on October 3, 1984.

OTA's testimony raised serious questions about the validity of the findings concerning Agent Orange. The main conclusions of the study, that there was no detectable increase in major birth defects associated with service in Vietnam, are not affected by OTA's analysis. However, OTA's analysis casts doubt on the CDC findings that two specific birth defects (spina bifida and cleft lip with or without cleft palate) and a third category containing an aggregate of cancers were associated with increasing likelihood of Agent Orange exposure as estimated by an "Agent Orange Exposure Opportunity Index."

OTA's reservations about the utility of the "exposure opportunity index" extend well beyond the birth defects study because several ongoing or planned studies will be using similar indices. The upshot of OTA's testimony is that the methods used to derive the index and the resultant estimates of likelihood of exposure are now under review by the AOWG Science Panel. OTA is participating in that review effort. It is our understanding that the Science Panel and the U.S. Army and Joint Services Environmental Support Group, the unit that processes records and gathers information to be fed into the index, will work toward agreement on a valid index before it is used in any more studies.

OTA Involvement is the VA "Vietnam Experience Twin Study" [VETS].—A study under consideration at the VA is designed to examine the effects of Vietnam service and Agent Orange exposure on identical twins. Representatives Montgomery and Hammerschmidt asked OTA to review the protocol for this study and to make a recommendation about whether the study is "scientifically meritorious" and whether the study plan "presents a sound and efficient method of achieving that purpose" (letter of November 7, 1984). The study has been in planning for about two years and has been something of a hot potato at the VA. The report of a group of consultants recently assembled by the Research and Development division of the VA Department of Medicine and Surgery recommends that the study not be executed. Others at the VA and elsewhere in the Executive Branch are keenly in favor of doing the study. Whether the study ultimately goes ahead or not may well hinge on

the OTA review. Our review will be assisted by the standing OTA Agent Orange Advisory Panel supplemented with outside experts who have not already been party to one of the previous reviews.

Currently OTA plans to hold an Agent Orange Advisory Panel meeting to discuss VETS and progress on the Vietnam Experience and Agent Orange studies sometime in February 1985. In my May letter, I predicted that this meeting would be held in late summer of 1984, but we have postponed it until CDC is ready to present results of its pilot studies.

I would appreciate any comments you may have about OTA's activities and plans. If you wish additional information, please call me at 224-3695 or Dr. Michael Gough or Ms. Hellen Gelband at 226-2070.

Sincerely,

JOHN H. GIBBONS.

ALCOHOL AND DRUG TREATMENT AND REHABILITATION

Mr. CRANSTON. Mr. President, section 5 of S. 6 would amend section 620A of title 38, which provides authority pursuant to which the VA may contract with various community facilities to provide care and treatment to veterans suffering from alcohol or drug dependence or abuse disabilities, to change that authority from a pilot program and extend it for 3 years, through the end of fiscal year 1988. This provision is similar to one passed by the Senate last year but which our colleagues in the House were unwilling to accept at that time.

The pilot program authority, which I authored, was enacted in 1979 in Public Law 96-22 and is scheduled to expire on September 30, 1985. Pursuant to section 620A(f) of title 38, the Administrator was required to submit by March 31, 1984, a report on the operations of the pilot program through September 30, 1983.

This VA report on the initial experience under the program, which was finally submitted in early May last year, was generally quite positive about the impact of the program through 1983. However, because of concerns of some members of the committee that more needed to be heard about the program before the authority was made permanent—as I had originally proposed last year in section 5 of S. 2269—the committee last year authorized only a 2-year extension. As I noted earlier, the Senate passed such a measure, but it was not included in the final compromise legislation developed with the House.

On the basis of all of the evidence that I have reviewed—including the VA report as well as reactions from veterans who have been placed in halfway houses and other community-based facilities, VA employees who work with veterans with drug or alcohol abuse dependencies, and individuals associated with various community-based drug and alcohol treatment programs—I remain convinced that the pilot program has been quite successful in enabling significant numbers of veterans to receive appropriate and helpful assistance. I intend to work hard for the adoption of this extension.

PAYMENT FOR THERAPEUTIC AND REHABILITATION ACTIVITIES

Mr. President, under section 618 of title 38, the VA operates, in the Department of Medicine and Surgery, therapeutic and rehabilitation programs under which participants—VA patients, either inpatients, residents in domiciliary facilities, or outpatients, selected for such programs—perform services for which they receive a small payment. These programs are known commonly as incentive therapy—IT—and compensated work therapy—CWT—programs. The IT programs involve patients being assigned duties within the treating VA medical center whereas the CWT programs involve work under VA contracts with private industry. Both programs are designed to promote self-sufficiency in the participating patients.

In 1983, the VA's Inspector General conducted an audit that indicated that many veteran-patients participating in these programs were also in receipt of VA pension and were not reporting as income for pension purposes the payments they received from their participation in IT or CWT programs. In response to this report, the VA's Department of Medicine and Surgery instituted a program of income verification pursuant to which VA medical facilities, as of approximately January 1, 1984, began to inform appropriate regional offices of the Department of Veterans' Benefits of the amounts paid to veteran patient participants in these programs. For many of these veterans who are in receipt of pensions under the VA's non-service-connected disability pension program, this change in how IT/CWT payments are counted has the result of reducing benefits by an amount equal to the amount received by the veteran under incentive therapy. Thus, for every dollar a patient receives under incentive therapy, his or her pension is reduced by $1 and he or she is no better off financially as the result of IT/CWT participation. This change in how these funds are counted has already had the entirely predictable result of discouraging participation in these programs among those in receipt of VA pension. The General Accounting Office is investigating this matter and should have some preliminary findings by April 1, 1985.

Mr. President, I have received complaints from staff of IT and CWT programs, other VA employees, veteran participants in these programs, veterans' service organizations, and others about the adverse impact on these programs that counting these payments as income was having. To remedy this unfortunate situation, I proposed legislation last year in amendment No. 2850 to specify that payments under these programs not be counted as income for purposes of VA pension.

As is noted in the committee report accompanying VA health-care legislation last year, S. 2514—Senate Report No. 98-487, pp. 67-68—this proposal received wide support during the committee's April 11 hearing. In light of the record before the committee on this issue, the Committee determined that it was important to take steps with respect to the relationship between payments earned by participants in these programs and their eligibility for VA pension.

However, instead of the permanent solution I had proposed, the committee agreed to a provision requiring the VA to conduct a 3-year demonstration project, ending December 31, 1987, during which payments received by participants in connection with their participation in IT and CWT programs would not be counted in determining annual income for VA pension purposes. Under the committee bill last year, the administrator would have been required to submit a report by February 1, 1987, on the experience under this proposed demonstration project during fiscal years 1985 and 1986.

This short-term action was proposed because of a lack of comprehensive information on, first the extent to which participants in the program are in receipt of VA pension; the extent to which such participants are adversely affected by counting IT/CWT payments in determining annual income for pension purposes; and, the extent to which veterans, because of participation in the program, have gained employment and are no longer in receipt of pension.

Although I believed there was a sufficient basis for more comprehensive action, I supported this demonstration program. Unfortunately, our colleagues in the House were unwilling to accept even the demonstration project.

Because of my very strong, personal interest in and support for the IT and CWT programs, and my belief that offsetting any payments received in these programs against pension payments severely restricts the value of these programs, I have again introduced a provision, section 6 of S. 6, to provide for a permanent exclusion of therapy payments in the computing of income for purposes of VA pension and will work hard for its enactment.

MEDICAL QUALITY-ASSURANCE RECORDS

Mr. President, section 3305 of title 38 makes certain VA records confidential and, except in certain specified situations, prohibits any disclosure of these records outside of the VA. The records which are sought to be protected by this provision of law, which was enacted in 1980, are those created

by the VA through the agency's medical quality-assurance program.

Under the VA's medical quality-assurance program, known as the Health Services Review Organization—HSRO—Program, VA medical professionals review the health-care activities in a facility to determine what deficiencies exist in such care so as to recommend corrective action. The program is divided into two main components: An external review process—the Systematic External Review Program—SERP—involving teams composed of VA medical and dental professionals from outside a particular VA facility who conduct a comprehensive review of all facets of the facility's operation; and the Systematic Internal Review Program—SIR—a program of ongoing reviews in each VA facility conducted by designated committees made up of physicians and other health professionals from the facility's own staff. Each component of this quality assurance program produces various documents which contain information identifying individual VA patients or employees, such as those conducting the reviews, citing and describing any inappropriate medical practices and deficiencies discovered in the provision of health care, and making recommendations for corrective actions.

Because these quality-assurance efforts depend to a significant degree on the willingness of the VA personnel conducting the reviews to be completely candid in their comments and because of concerns that this vital degree of candor could be lost if the participants could not be assured that their remarks and evaluations incorporated in SERP and SIR reports would be kept confidential, the Congress acted to place stringent limitations on the disclosure of these documents.

However, there have been a number of reports since 1981 of situations in which various VA facilities have relied on section 3305 to refuse disclosure of information and records that did not appear to warrant the confidentiality accorded by that section. In a recent example of such misplaced reliance on section 3305, the VA resisted disclosing to a journalist with the Fort Lauderdale News-Sun Sentinel aggregate information regarding mortality data associated with the agency's cardiac surgery program, both at a Florida VA medical center and nationwide. In my view, such a withholding of information about Government programs is not good public policy.

In order to ensure that the intent of Congress in enacting section 3305 is clear—namely, that medical quality-assurance records should be kept confidential but only to the extent necessary to promote the candor of individuals involved in the quality-assurance process—and to specify generally that withholding aggregate data relating to morbidity and mortality associated with various VA programs is not necessary to achieve this purpose, I am proposing an amendment to section 3305. This amendment, set forth in section 7 of S. 6, will make it clear that such aggregate information is not made or considered confidential as medical quality-assurance records. Thus, unless some other basis for nondisclosure exists, such information would be available for disclosure.

DISCIPLINARY BOARD ACTION INVOLVING CLINICAL PRIVILEGES

Mr. President, section 4110 of title 38 sets forth, in broad outline, the procedures that are to be followed in cases involving charges of "inaptitude, inefficiency, or misconduct" brought against VA health-care personnel employed under the VA Department of Medicine and Surgery's title 38 personnel system—namely, physicians, dentists, podiatrists, optometrists, nurses, physician assistants, and expended-function dental auxiliaries. Together with the implementing guidelines which are set forth in a VA personnel manual, this provision provides due process protections to these health-care personnel involved in disciplinary actions.

Recently, in connection with VA actions against a physician at a VA health-care facility in California, I came to realize that it was the agency's view that the provisions of 4110 do not apply in a case involving a reduction or revocation of clinical privileges—the types of health-care services that the individual is authorized to perform as a VA employee at a particular VA facility. It appears that the VA's view in this regard is premised on the point of view that such an action is not a true adverse action worthy of the due process protections—such as the right to confront witnesses and the right to a decision on the record—that apply in proceedings under section 4110 and that, even it, for example, an individual physician suffers a reduction or loss of clinical privileges, he or she would still be employed and would thus not have suffered a significant loss.

I believe that clinical privileges are a very fundamental component of a physician's or other health-care professional's employment with the VA. Although it might well be true that an individual could still be employed by the VA following a reduction or revocation of clinical privileges, such a loss would have a very serious impact on the individual's professional reputation and career opportunities. Thus, I am proposing, in section 8 of S. 6, to amend section 4110 so as to make the provisions of that section expressly applicable in any case in which a reduction or revocation of clinical privileges is proposed on the basis of a deficiency in the individual's clinical practice. Also, because I believe that clinical privileges are so directly related to a physician's or other professional's clinical competence and that they should be at risk of loss or reduction only in a situation in which he or she has been put on notice and, if his or her conduct as a professional is the basis for the action, notified of the particular charges involved, this provision in S. 6 would limit the power of a disciplinary board to reduce or remove privileges by requiring that before this could be done appropriate notice must first be provided to the employee and the board's finding must be based on a finding of a deficiency in the individual's clinical practice.

PILOT PROGRAM OF NONINSTITUTIONAL TREATMENT PROGRAMS

Mr. President, as most of my colleagues understand and appreciate, because of the very large number of World War II veterans whose average age is nearing 65, the VA is involved in issues related to aging to a much greater degree and on a more urgent basis than most other departments and agencies of the Federal Government. Concerns about the graying of America that still have a somewhat theoretical concern to many are immediate and quite real to the VA. The number of veterans 65 and over will increase from approximately 4 million at present to 7 million by 1990 and 9 million by 2000. At present, less than 40 percent of the males 65 and over are veterans; by the year 2000; over 62 percent of this population will be veterans. No matter how some issues are resolved that are likely to be debated in the coming years regarding the VA and eligibility for VA services, it is abundantly clear that the VA will be providing assistance to a very significant number of older veterans in the years ahead.

Section 9 of S. 6 is part of a series of efforts in recent years that have attempted to address this issue and to help prepare the VA to meet the challenge. This provision would require the Administrator, in order to evaluate the effectiveness, feasibility, and desirability of various actions that would enable veterans to receive needed care in noninstitutional settings, to carry out a pilot program in five geographic regions, for a period of 48 months, during which veterans participating in this program would receive coordinated services, both health care and health-related services, from the VA and, under certain circumstances, from appropriate public and private agencies that provide such services. Under this pilot program, veterans would be selected to participate on the basis of their eligibility for hospital or nursing home care and their need for such care or for ambulatory care to obviate the need for such institutional care. These veterans would be provided health and health-related services,

such as homemaker and nutrition services, in order to help them remain living in their communities and out of institutions, such as hospitals or nursing home facilities. Such a result has a double benefit: Veterans will be receiving needed care in a more humane environment which is more conducive to their regaining their health while, at the same time, the cost of their care will be reduced. Finally, in order to ensure that the desired level of coordination exists between the VA and non-VA service providers, each veteran participating in the pilot program would have a case manager who would be charged with responsibility for coordinating the veterans' access to the appropriate mix of needed services.

Mr. President, I believe that this pilot program could provide important information for the VA in a variety of important respects. First, the emphasis on providing noninstitutional care should promote greater understanding about the process of placing veterans in need of care at the lowest, most appropriate level of care available and of the benefits of such actions—both to the veteran and in terms of cost, as noted earlier. This approach will become increasingly important in the years ahead as the potential demand from older veterans for care could easily overwhelm the agency's existing bed capacity. In this regard, I note that under the pilot-program provision in the bill, in at least three of the geographic regions involved in the pilot program, a geriatric evaluation unit [GEU] at a VA health-care facility would have to be involved. I have been very encouraged by the early reports on the success of GEU's within the VA—most recently, the very positive report in the December 27, 1984, issue of the New England Journal of Medicine on the results of a research project at the GEU at the Sepulveda VA Medical Center—and I look forward to a further evaluation of these units as part of this pilot project.

A second area in which I believe the pilot project can yield important new learning involves VA-community interaction and cooperation. As I noted earlier, under the pilot program, veterans would receive both health and health-related services. It is my anticipation that the latter services—such as homemaker, personal care, communal or at-home nutrition, and transportation assistance services—would come almost exclusively from public and private agencies already providing such services in the various communities in which the program is carried out. The VA-community interaction necessary to make arrangements for VA patients to receive these services and to coordinate the provision of services with VA health-care services for the veterans involved has the potential of providing significant benefit to both parties in such an arrangement.

In this regard, I note the testimony of the VA's then-Chief Medical Director, Dr. Donald Custis, before our committee in June 1982, when he addressed this issue of VA-community cooperation and how improving such cooperation might better enable the VA to meet the needs of older veterans. In remarks that appear on pages 24-25 of the committee's June 30, 1982, oversight hearing on Veterans' Administration's health-care programs and policies affecting needs of aging veterans, he stated:

I should like to put forward what I believe is a new approach to VA-community interaction. It is based on the evident fact that all the statistics I have cited to you, confined as they are to veterans as actual and potential patients in our system, may seem to bypass the fact that America is "graying." The issue of an aging population and what means exist or must be created to deal with it creates a set of problems for society as a whole.

It seems to me that we must begin to work with communities all over this country in a variety of ways that recognize that we are a part of the problem (albeit a large part, with an estimate that 60% of all males over 65 in 1990 will be veterans). It should follow then, that we are only a part of the solution. I think we should, on a local basis, begin to participate in the creation of structures to deal with overall problems of an aging population, some of whom are veterans, so that we can work together with the communities to get the best "bang" for both their "bucks" and ours.

We have recently launched, within the Department of Medicine and Surgery, a Medical District Initiated Program Planning (MEDIPP) process which will increasingly rely on planning that comes up to the center from the grass roots. Through this and other means, we want to encourage the growth of such considerations on the local level, the initiation of experiments along these lines and the search for valid interlocutors in the communities where we are located.

It may be, if we can succeed in starting and nurturing the growth of such VA-community interactive structure, that both the VA facilities and the communities in which they are located can accomplish more with existing and additional resources than each of us is now doing or can anticipate doing alone.

In regard to this idea, let me note that I am proposing some experimentation in the area of a new Federalism, one which makes use of our resources and knowledge, the resources and knowledge of other Federal agencies, and the states and communities.

The agency itself, in a report issued last year—"Caring for the Older Veteran"—addressed the same point in setting forth the following as one of five goals for DM&S in meeting the needs of older veterans:

NATIONAL AND COMMUNITY COORDINATION STRATEGIES

Goal: To exert maximum efforts to coordinate and integrate VA programs for the aging veteran with similar programs in the community at large in a fashion which will benefit both the VA and the community.

Mr. President, it is just such an interaction of Federal, State, and local resources as Dr. Custis described and the VA advocated that I am proposing the VA carry out.

Two recent activities involving the VA and non-VA organizations and individuals concerned abut VA-community cooperation and interaction provide strong support for increased action in this area. The first was a collaborative project between the VA and the Division of Health Policy Research and Education at Harvard University which was designed to explore improved integration of VA and community resources for caring for the elderly. This project featured a conference held in the fall of 1983 and the recent publication of a book, entitled "Older Veterans: Linking VA and Community Resources," embodying the results, of that conference. The second activity was a joint conference in September 1984 sponsored by the VA and the American Health Planning Association entitled "The Complex Cube of Long Term Care." Both activities demonstrate the VA's vital interest in the question of how the agency, in cooperation with outside entities, can best meet the needs of the increasing population of older veterans and also show the strong interest in such cooperation on the part of many non-VA entities. Certainly it is clear that such interaction is needed and needed now, both for the sake of the VA and the Nation as a whole. As is noted in the preface to "Older Veteran: Linking VA and Community Resources":

The nation's demographic changes over the next half century will be compressed into two decades for the Veterans' Administration. The response of the VA to this challenge will provide models for caring for the growing population of elders, veteran and non-veteran as well.

I believe that the proposed pilot project will help further that VA effort as well as contribute to the Nation's knowledge about caring for its elderly citizens.

As a final point regarding the pilot program, I note expressly the funding provision that I am proposing for it. As I noted at the outset of my remarks, I am strongly committed to seeking ways in which to bring the enormous Federal deficit under control and, because of this, will be extremely reluctant to advocate any new spending by the Federal Government. Although I do not anticipate that this pilot program will incur great costs—I am proposing an authorization of $10 million for the first fiscal year—it would represent a new expenditure, and I do not wish to submit any proposal that would be inconsistent with efforts to develop a fiscal year 1986 budget premised on a Government-wide freeze concept. For this reason, I have included a provision relating to the authorization of appropriations for the pilot program specifying that, if the Congress adopts a first concur-

rent resolution on the budget for fiscal year 1986 which is based on a comprehensive freeze in Government spending or which incorporates a fiscal 1986 spending level no greater than the total of fiscal year 1985 outlays plus the costs of any cost-of-living increases provided for in entitlement programs and the amount by which interest on the public debt in fiscal year 1986 exceeds fiscal year 1985 interest, then no appropriations would be authorized for the pilot program in fiscal year 1986. Thus, if there is congressional agreement in support of such a freeze in fiscal year 1986, this pilot program would not begin before fiscal year 1987; if, on the other hand, no such agreement is reached, appropriations for the program would be authorized for fiscal year 1986. I included a similar provision in S. 4, the proposed "Child-Care Assistance Act of 1985," legislation also introduced on January 3, to improve child-care assistance efforts.

In future years, it would be my intention to seek reductions in spending in other areas—not necessarily in veterans' programs—to offset any new funds appropriated for this pilot program. This approach would allow us to continue to address pressing areas of concern in a fiscally prudent manner. Costly, outdated, ineffective, or unnecessary programs should be eliminated or trimmed back so that new, needed initiatives can be funded.

Given the changing demographics and the growing demand for care from older veterans and the VA's likely inability to meet that demand on its own, this pilot program is certainly a new initiative that should be pursued. We cannot halt all progress in attempting to address these types of issues, but we can and must proceed in a fiscally prudent manner. This obviously means making decisions about existing programs so that there will be room in the overall Federal budget for new initiatives. And those decisions need not be confined just to the domestic side of the Federal budget. Certainly, some of the tradeoffs should be from pruning back some unnecessary spending in the defense budget so that we can meet our obligations to those who served in the past.

REPORT ON FEDERAL GOVERNMENT RESPONSIBILITY TO INDIVIDUALS WHO SERVED WITH VOLUNTARY CIVILIAN ORGANIZATIONS IN VIETNAM

Mr. President, last year, in response to concerns from a number of non-Federal civilians who were present in Vietnam during the Vietnam era with voluntary organizations—principally the Red Cross and the USO—about the effects of their presence there on their health and the Federal Government response to their concerns, I introduced and the Senate passed legislation which included a provision mandating a joint report from the VA, Department of Defense, and Department of Health and Human Services on this issue. Under the provision passed by the Senate, section 12 of H.R. 5618, the required report would have contained an evaluation of the question of U.S Government responsibility—and alternative approaches for providing Federal and other benefits, services, and assistance to these civilians—for disabilities that possibly result from certain aspects of their presence in Vietnam, such as exposure to agent orange or to particularly traumatic events.

Unfortunately, our distinguished colleagues in the House would not accept this provision last year and, thus, it was not included in the final compromise legislation.

I have again introduced such a provision, as section 10 of S. 6. As I have noted in the past, for those who served in Vietnam with the military, there can be no question about the Federal Government's responsibility to address concerns they raise regarding adverse health effects of service in Vietnam—whether as a result of exposure to herbicides such as agent orange or through other experiences there. In the case of these former service members, it is also very clear that it is the VA which bears the majority of this responsibility. Thus, our committee has engaged in considerable activity in seeking responsive Federal Government action to deal with concerns regarding the long-term health effects of Vietnam service, with special attention to the question of the long-term health effects of herbicides, such as agent orange, which were sprayed in Vietnam by the U.S. military as a means of depriving the enemy of cover and food.

In view of the contribution that the individuals who worked in voluntary organizations in Vietnam provided to their country and their concerns about the long-term health effects of their work in Vietnam that may be related to actions of the Federal Government, I continue to believe strongly that the Federal Government has the responsibility, at least, to evaluate these concerns and consider possible appropriate alternatives—Federal and non-Federal—for addressing them. It is for this reason that I am again introducing this report provision.

CONCLUSION

Mr. President, as I noted at the outset, the diverse provisions of this bill have as a general unifying purpose bringing about the continued improvement of the VA's ability to meet the needs of our Nation's veterans and their dependents. I look forward to working on this measure with the new committee chairman, the distinguished Senator from Alaska [Mr. MURKOWSKI], and other members of the committee, the VA, the veterans' service organizations, and others interested in legislation affecting veterans.

I want to take this opportunity to note the transition in the committee chairmanship. Since 1981, the committee has been guided by the firm hand of my very good friend from Wyoming [Mr. SIMPSON]. Upon AL's election as majority whip, he had to relinquish the committee chairmanship. I will miss him greatly in that role. His strong, personal, very sincere interest in matters coming before the committee and his effective work as chairman have been of genuine benefit to our Nation's veterans. I am sure he will continue to play a very active role on the committee, and I look forward to continuing to work with him both on the committee and in our mutual roles as whip for our parties.

At the same time, I wish publicly to extend hearty congratulations to the new chairman. Immediately upon his arrival in the Senate in 1981, FRANK MURKOWSKI was assigned to the Veterans' Affairs Committee. His first 4 years on the committee have provided him with an impressive foundation of experience on which to build as chairman, and I stand ready to work closely with him as he assumes this important job.

Mr. President, I ask unanimous consent that the text of S. 6 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Veterans' Administration Health-Care Amendments of 1985".

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendments to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

DEFINITION OF VIETNAM ERA

SEC. 2. Section 101(29) is amended to read as follows:

"(29) The term 'Vietnam era' means (A) the period beginning on August 5, 1964, and ending on May 7, 1975, and (B) the period beginning on February 21, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during such period.".

VETERANS' ADMINISTRATION GRADE REDUCTION

SEC. 3. Section 210(b) is amended by adding at the end the following new paragraph:

"(3)(A)(i) The Administrator may not in any fiscal year implement a grade reduction described in division (ii) of this subparagraph unless the Administrator first submits to the Committees on Veterans' Affairs of the Senate and the House of Reprsentatives a report containing a detailed plan for such reduction and the justification for a plan, including a determination by the Administrator, together with data supporting such determination, that, in the personnel

area concerned, the Veterans' Administration has a disproportionate number of employees in the salary grade or grades selected for reduction in comparison to the number of such employees at the salary levels involved who perform comparable functions in other departments and agencies of the Federal Government and in non-Federal entities. Any such report shall be submitted not later than the beginning of a period of ninety calendar days (not including any day or with either House of Congress is not in session) prior to the implementation of any proposed grade reduction.

"(ii) A grade reduction referred to in division (i) of this subparagraph is a systematic reduction, for the purpose of reducing the average salary cost for Veterans' Administration employees performing certain functions, in the number of Veterans' Administration employees at any specific grade level who perform those functions.

"(B) Not later than the forty-fifth day after the Administrator submits a report pursuant to subparagraph (A) of this paragraph, the Comptroller General of the United States shall submit to such Committees on Veterans' Affairs a report on the Administrator's compliance with such subparagraph and shall include in the report the Comptroller General's opinion as to the accuracy of the Administrator's determination (and of the data supporting such determination) made pursuant to such subparagraph.".

EXTENSION OF HEALTH-CARE ELIGIBILITY BASED ON EXPOSURE TO DIOXIN OR OTHER TOXIC SUBSTANCES IN VIETNAM OR TO NUCLEAR RADIATION

SEC. 4. Paragraph (3) of subsection (e) of section 610 is amended to read as follows:

"(3) Hospital and nursing home care and medical services may not be provided under or by virtue of subsection (a)(5) of this section after September 30, 1989.".

ALCOHOL AND DRUG TREATMENT AND REHABILITATION

SEC. 5. (a) Section 620A is amended—

(1) in subsection (a)(1), by striking out "pilot" both places it appears;

(2)(A) in subsection (e), by striking out "fifth" and inserting in lieu thereof "eighth"; and

(B) by striking out "pilot";

(3) in subsection (f)—

(A) by inserting "(1)" before "Not";

(B) by adding at the end the following new paragraph:

"(2) Not later than March 1, 1986, March 1, 1987, and March 1, 1988, the Administrator shall report to such committees on the findings and recommendations of the Administrator pertaining to the operation of the program authorized by subsection (a) during fiscal year 1985, fiscal year 1986, and fiscal year 1987, respectively, and shall include in each report information for the fiscal year involved regarding the average duration of participation of veterans, rates of successful rehabilitation, and any changes in average and maximum allowable charges per veteran under contracts entered into by the Veterans' Administration as part of the program."; and

(4) by striking out the semicolon and "pilot program" in the catchline.

(b) The item relating to such section in the table of sections at the beginning of chapter 17 is amended by striking out the semicolon and "pilot program".

PAYMENT FOR THERAPEUTIC AND REHABILITATION ACTIVITIES

SEC. 6. Section 618 is amended by adding at the end the following new subsection:

"(f) Notwithstanding any other provision of law, no amount of remuneration provided to an individual as a participant in a therapeutic or rehabilitative activity carried out pursuant to this section shall be included in determining annual income for purposes of pension payments.".

MEDICAL QUALITY-ASSURANCE RECORDS

SEC. 7. Section 3305(b) is amended by adding at the end the following new paragraph:

"(6) Nothing in this section shall be construed as authorizing or requiring withholding from any person or entity the disclosure of statistical information regarding Veterans' Administration health-care programs (including information on aggregate morbidity and mortality rates associated with specific activities at individual Veterans' Administration health-care facilities).".

DISCIPLINARY BOARD ACTION INVOLVING CLINICAL PRIVILEGES

SEC. 8. Section 4110 is amended by adding at the end the following new subsection:

"(f) This section applies in any case in which a reduction or revocation of the clinical privileges of any person employed in a position described in paragraph (1) of section 4104 of this title is proposed by reason of a charge of inaptitude, inefficiency, or misconduct. A disciplinary board may impose a reduction or revocation of clinical privileges only (1) in a case in which, prior to the hearing under this section, such person has been provided with notice of the proposal to reduce or revoke such privileges, and (2) on the basis of deficiency in such person's clinical practice.".

PILOT PROGRAM OF NON-INSTITUTIONAL TREATMENT PROGRAMS

SEC. 9. (a)(1) In order for the Administrator of Veterans' Affairs to evaluate the effectiveness, feasibility, and desirability of various actions that would enable veterans—

(A) who are eligible for hospital or nursing home care from the Veterans' Administration, and

(B) who are in need of hospital or nursing home care or of services to obviate the need for such care;

to receive needed health and health-related services in noninstitutional settings, the Administrator shall, subject to appropriations made pursuant to subsection (d), conduct a pilot program, in not less than five geographic areas, for a period of forty-eight months. In not less than three of such areas, such program shall also involve the use of a geriatric evaluation unit at a Veterans' Administration health-care facility.

(2) In the course of such program, the Administrator shall develop and provide to certain of such eligible veterans appropriate health-related services in addition to any appropriate services, such as home health or adult day health-care services, for which they may be eligible under chapter 17 of title 38, United States Code. In selecting veterans for participation in such program, the Administrator shall accord a priority to those veterans with service-connected disabilities.

(3)(A) In order to avoid duplication of services available to eligible veterans from the Veterans' Administration and other sources and to avoid fragmentation of effort under such program, the Administrator shall (i) utilize appropriate services of appropriate public and private agencies that provide health-related services, and (ii) in the case of each eligible veteran receiving services under such program, appoint a Veterans' Administration employee to serve as the case manager to coordinate the provision of services to such veteran. In order to avoid such duplication and fragmentation and to evaluate the cost-effectiveness of utilizing certain health services of an agency or agencies other than the Veterans' Administration in cases in which no Veterans' Administration facility in such a geographic area provides such services, the Administrator, in not more than two of the geographic areas at which such program is being carried out, may utilize appropriate health services of appropriate public and private agencies that provide such services.

(B) The Administrator may provide in-kind assistance (through the services of Veterans' Administration employees and the sharing of other Veterans' Administration resources) to an entity furnishing services to veterans and subparagraph (A)(i) of this paragraph.

(4) The beginning date for such progam shall be not later than the end of the fifth month after funds are appropriated pursuant to subsection (d).

(b) Not later than the end of the thirty-ninth month following the date on which the program described in subsection (a) is begun, the Administrator shall submit to the Congress a report on the results of such program during its first thirty months of operation. Such report shall contain an evaluation of the cost factors associated with providing various alternative services and combinations of service and the impact of providing such services or combinations thereof on achieving the goal of enabling eligible veterans to live in noninstitutional settings. The report shall also include any recommendations for administrative or legislative action, or both, that the Administrator considers appropriate based in the results of such program and on other pertinent information.

(c) For the purpose of this section:

(1) The term "service-connected" has the meaning given that term in paragraph (16) of section 101 of title 38, United States Code.

(2) The term "health-related services" includes, but is not limited to, homemaker, personal care, communal or at-home nutrition, and transportation assistance services.

(d)(1) Except as provided in paragraph (2), there are authorized to be appropriated for carrying out the pilot program under this section (other than for the provision of services under chapter 17 of title 38, United States Code) $10 million for fiscal year 1986 and such sums as may be necessary for each of the succeeding four fiscal years.

(2)(A) In the event that, pursuant to title III of the Congressional Budget Act of 1974, a concurrent resolution for fiscal year 1986 is in effect which sets forth total budget outlays for fiscal year 1986 in an amount which does not exceed the sum of—

(i) the total budget outlays for fiscal year 1985 set forth in such resolution (or, if not set forth therein, as estimated by the Congressional Budget Office as of the date such resolution was adopted),

(ii) the cost in budget outlays in fiscal year 1986, as estimated by the Congressional Budget Office as of the date such resolution was adopted, of such cost-of-living increases taking effect in fiscal year 1986 in entitlement programs as Congress provides for in such resolution, and

(iii) any amount by which interest on the public debt for fiscal year 1986 was estimated by the Congressional Budget Office, as of such date, to exceed the amount of such interest for fiscal year 1985,

no appropriations are authorized under paragraph (1) to be appropriated for fiscal year 1986, but there are authorized to be appropriated for carrying out the pilot program under this section (other than for the provision of services under chapter 17 of title 38, United States Code) $10 million for fiscal year 1987 and such sums as may be necessary for each of the four fiscal years succeeding fiscal year 1987.

(B) For the purpose of this paragraph, the term "entitlement programs" means programs of benefits which the United States is obligated to pay under the laws establishing such programs to persons who meet the eligibility requirements established by such laws.

REPORT ON FEDERAL GOVERNMENT RESPONSIBILITY TO INDIVIDUALS WHO SERVED WITH VOLUNTARY CIVILIAN ORGANIZATIONS IN VIETNAM

SEC. 10. (a)(1) The purpose of this section is to provide a basis for the executive branch and the Congress to evaluate the question of United States Government responsibility, and alternative approaches, for providing individuals who served for a period of at least thirty days in the Republic of Vietnam during the Vietnam era as employees of voluntary organizations, determined by the Administrator of Veterans' Affairs, in consultation with the Secretary of Defense, to be organizations which provided significant assistance to the United States Armed Forces in the Republic of Vietnam during the Vietnam era, with Federal and other benefits and services (including, but not limited to, health care and monetary compensation for disabilities which may be related to exposure to dioxin or be the result of traumatic events), either through the Veterans' Administration or otherwise, and for asssisting such individuals in connection with disabilities they may have incurred as a result of such service.

(2) In order to carry out the purpose stated in paragrpah (1), the Administrator, the Secretary of Defense, and the Secretary of Health and Human Services, not later than one hundred and eighty days after the date of the enactment of this Act, shall submit to the appropriate committees of the Congress a joint report on the question of United States Government responsibility and shall include in such report various alternative approaches (together with comments on the appropriateness and the advantages and disadvantages of each) and any recommendations by such officials for legislative and administrative action with respect thereto, for establishing a program for providing such benefits, services, and assistance to such individuals.

(b) For the purpose of this section, the terms "Armed Forces" and "Vietnam era" have the meanings given such terms in section 101 (10) and (29) (as amended by section 2 of this Act), respectively, of title 38, United States Code.

S. 7—MEDICAID COVERAGE FOR LOW-INCOME WOMEN

Mr. CRANSTON. Mr. President, on January 3, S. 7, legislation which would complete an effort I began almost a decade ago to help close the gaps in the existing Medicaid Program which resulted in many low-income pregant women being excluded from coverage under that program, was introduced. I was delighted that we were able during the 98th Congress to enact legislation, Public Law 98-369 on July 18, 1984, to extend coverage to two of the three groups of low-income pregnant women we were attempting to reach. Those two groups included low-income women who were pregnant with their first child and low-income women whose husbands are unemployed. S. 7 would complete these efforts by extending covrage to the third category of impoverished pregnant women—that is, poor women living with an employed husband but whose family income and assets fall below the AFDC eligibility standards of the State in which they live.

I was pleased to be joined in introducing this legislation by the distinguished Senator from New York [Mr. MOYNIHAN] who has been an ardent and steadfast supporter of this measure, the Senators from Hawaii [Mr. MATSUNAGA and Mr. INOUYE], the Senator from Michigan [Mr. RIEGLE], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Connecticut [Mr. DODD]. Since the date of introduction, we have been joined by the Senator from Michigan [Mr. LEVIN] who has also been a cosponsor of this legislation in previous Congresses. I expect that many other Senators will join with us since this effort has always enjoyed broad, bipartisan support.

Our efforts in this area have also been supported by a wide range of outside groups. In particular, this type of legislation has been supported by organizations which differ sharply on the issue of abortion but strongly agree that the lack of economic resources to pay for the medical care necessary to carry a pregnancy to term should not be allowed to play a role in this very delicate decisionmaking process. For those who support freedom of choice, nothing could be more central to that freedom of choice than the right of a low-income woman to choose to carry a pregnancy to term free from the economic pressures arising from the inability to pay for the costs of the medical care needed. For those who believe that abortion should never be permissible, making available the medical care necessary for a low-income woman to carry a pregnancy to term is essential to alleviating economic pressures which might otherwise influence a decision to terminate a pregnancy.

Mr. President, in the near future I intend to place in the RECORD a list of the numerous organizations who support this initiative.

HISTORICAL BACKGROUND

Mr. President, I first became aware of the problems many women have with regard to access to adequate medical care during pregnancy when I began my efforts in 1973 to enact legislation to help break down barriers to adoption that were then prevalent throughout the country. Witnesses who testified about the need for Federal legislation in the adoption area stressed the necessity of providing financial assistance to cover the medical costs associated with carrying a pregnancy to term for those impoverished women who, for one reason or another, were excluded from Medicaid coverage. In a number of cases, witnesses told us that these women were forced to resort either to abortion or to black market adoptions facilitated by those in the business of buying or selling babies in exchange for payment of the medical costs associated with a pregnancy.

In response to these concerns, the adoption legislation I introduced in the 93d and 94th Congresses included provisions to help pay the medical costs of prenatal care for women who were considering placing their infants for adoption. In 1977, because of my strong belief that all low-income pregnant women, not just those considering adoptive placements, should have access to necessary prenatal care, I approached then Secretary of Health, Education, and Welfare Joseph Califano and urged that the Carter administration join with me in seeking an amendment to the Medicaid Program to help ensure that no low-income pregnant woman be denied the assistance critical to the outcome of her pregnancy. Secretary Califano responded affirmatively, and on August 10, 1978, I introduced such a proposed amendment on behalf of the Carter administration—amendment No. 3457, 95th Congress. This initiative was included in the House-passed Child Health Assurance Program legislation during the 95th Congress, but the legislation was not taken up by the Senate in the 95th Congress. I joined with former Senator Ribicoff in sponsoring legislation introduced in the Senate as S. 1204 in the 96th Congress and worked hard for its passage. When the Child Health Assurance Program legislation again failed to be enacted during the 96th Congress, the effort to extend Medicaid coverage to all low-income pregnant women also tragically failed.

At the beginning of the 97th Congress, I reintroduced, as S. 667, the legislation to accomplish this goal. Unfortunately, because of the Reagan administration's efforts to make substantial cuts in the Medicaid Program in the 97th Congress, action on S. 667 proved impossible. On January 26, 1983, the first day of the 98th Congress, I reintroduced this legislation again, as S. 7. On that day, I also introduced a proposal, S. 6, to expand the Medicaid Program along the lines proposed in the original Child Health Assurance Program, including, as well, the provisions relating to coverage of low-income pregnant women.

As my colleagues will recall, these bills laid the foundation for the first step toward enactment of an expansion of maternal and child health coverage. That came in April 1983 when the Senate agreed to the amendment Senators HATFIELD, MOYNIHAN, and I offered to the fiscal year 1984 first concurrent budget resolution in order to provide sufficient budget authority for enactment of S. 7. Congressional acceptance of that additional budget authority for the enactment of this initiative and for beginning the first steps of legislation along the lines of S. 6 set the stage for last year's success in this area.

MAJOR SUCCESS IN THE 98TH CONGRESS

As I indicated at the outset, section 2361 of Public Law 98-369 extended Medicaid coverage to two of the three major groups of low-income pregnant women who had previously been excluded. Much of the credit for enactment of these provisions should go to the distinguished Senator from Texas [Mr. BENTSEN] who, along with the Senator from New York [Mr. MOYNIHAN], championed these provisions during the Finance Committee deliberations. Without their tireless work and dedication, the legislation would not have survived. Credit also should go to the distinguished Senator from Kansas [Mr. DOLE], who not only agreed to the budget amendment that I offered in 1983, but who followed through in supporting the legislative initiative itself in the Finance Committee. The ranking minority member of the Finance Committee, the Senator from Loui-siana [Mr. LONG], who has been supportive of these efforts over the years, was also instrumental in achieving the outcome. My good friend and colleague from California, Representative HENRY WAXMAN, was also a strong advocate of this initiative and deserves special tribute for his skillful efforts which not only helped secure enactment of the provisions relating to medical assistance for low-income pregnant women, but led to the long overdue improvements in the Medicaid Program with respect to services and coverage under Medicaid for low-income children.

Although I am delighted with the success we achieved last year in closing the Medicaid gaps with respect to low-income women pregnant with their first child or those with unemployed husbands as well as with respect to health-care services for low-income children, we did not finish the job. The remaining group of low-income pregnant women must also be extended coverage. These women differ from the other two groups only by virtue of the fact that they are living with their husbands who are employed. The families' income, nevertheless, is so low that they would meet the State's income as well as assets tests for Medicaid eligibility for a pregnant woman living alone or with an unemployed husband. It is unconscionable, I believe, to deny medical assistance in these cases. As I will explain shortly, it is particularly unconscionable since the moment the child is born, he or she will be eligible for Medicaid assistance. Yet, by excluding this group of women from Medicaid eligibility during their pregnancy, we are denying them the medical assistance which could increase the likelihood that the child will be born healthy and strong and thus need less medical intervention later on.

SERIOUSLY ILL NEWBORNS: PREVENTING "BABY DOES" THROUGH ADEQUATE PRENATAL CARE

Mr. President, making sure that every low-income pregnant woman has access to adequate medical care during her pregnancy and the delivery of her child has implications for another issue of compelling dimensions—the birth of a seriously disabled infant with a life-threatening condition.

Over the past several years, many of us have agonized over the so-called "Baby Doe" problem and what is the proper role for Government to play in the very sensitive and emotionally charged issues involving the care and treatment of these seriously disabled infants. I was one of the six Senators who participated in developing the "Baby Doe" compromise enacted as part of the Child Abuse Amendments of 1984, Public Law 98-457. I believe that we achieved in that legislation the framework for a responsible and sensitive approach for dealing with these cases through the existing State child protective services system. But I am equally convinced that there is much more that can and should be done to reduce the number of children and families involved in these heartbreaking cases.

Although it may not be medically possible to eliminate entirely the incidence of high-risk births, there is absolutely no questions that the availability of adequate care during pregnancy is critical to reducing the likelihood that a child will be born with a serious disabling condition or life-threatening condition. Every Member of this body who is concerned about treatment of "Baby Doe" infants ought to be equally concerned about making sure that the medical assistance which could reduce the likelihood of a child being born with these disabling and life-threatening conditions is provided during pregnancy. Just as we developed a consensus last Congress to deal with these very difficult decisions at and after birth, we should coalesce to provide the same consensus to help reduce the incidence of these tragic cases.

PRENATAL CARE CAN MAKE A DIFFERENCE

Mr. President, adequate care during pregnancy is critical to determining the outcome of the pregnancy. There is no question in the medical community about the importance of the relationship between inadequate maternity care and infant mortality and morbidity. Adequate prenatal, delivery, and postnatal care has been proven over and over to be successful in helping to lower infant mortality and morbidity.

According to the Surgeon General's 1980 report, "Healthy People," low birth weight is the greatest single hazard for newborns, increasing their vulnerability to developmental problems and to death. Low birth-weight infants have as much as a 40 times greater risk of dying in their first year of life than do newborns of normal weight. Very low birth-weight infants—those who weigh less than 1,500 grams—face an especially high risk of death; although they constitute only 1 percent of all newborns, they account for almost half of all infant deaths.

Low birth-weight infants are also at increased risk for serious congenital defects and impairments. Most of these low birth-weight infants are premature and the most common complication of prematurity is hyaline membrane disease, a consequence of immature lung development. Low birth-weight and premature infants are at a high risk of becoming mentally retarded, due to birth complications, lowered resistance to infections, lack of fully developed nervous systems, and other factors. Low birth-weight infants are about 10 times as likely to develop mental retardation. Also, intraventricular hemorrahages frequently occur in low birth-weight and premature babies, and many of these small premature infants develop cerebral palsy.

Clearly, our success in reducing infant mortality and morbidity lies in reducing the number of high-risk infants born. The identification of potential problems in the mother as early as possible and the application of appropriate and adequate medical care can have significant beneficial effects on the pregnancy outcomes. Adequate prenatal care enable steps to be taken to prevent or reduce risks. It is generally agreed that the majority of mothers at risk of having a low birth-weight and/or premature infant can be identified by present clinical and laboratory expertise.

We know, for example, that women with such medical conditions as diabetes, hypertension, kidney or heart disease, or who experience complications of pregnancy such as toxemia or infections of the uterus have a much greater risk of poor pregnancy outcome. Adequate prenatal care provided to these high-risk women can help reduce or prevent the likelihood they will have a high-risk infant.

Mr. President, we know as a fact that providing adequate prenatal care works in reducing high-risk births. The examples are numerous. A Mis-

souri study found a 50-percent greater prematurity rate among white mothers with inadequate prenatal care than among white mothers who had received adequate care. A Colorado study found that women who received no care had a prematurity rate of 28 percent. A California prenatal care project found that low birth-weight rates for project participants who were provided with comprehensive maternity coverage were 50-percent less than among women not participating in the project.

These and numerous other similar findings lead the General Accounting Office and numerous other witnesses who testified at hearings I chaired during the 96th Congress to conclude that the single most important step that we could take to improve pregnancy outcome and reduce infant mortality in this country would be to ensure that every pregnant woman receives proper prenatal, delivery, and postnatal care. Identical findings were made in 1981 by the Select Panel for the Promotion of Child Health, which was created by the Congress to assess the status of maternal and child health and to develop a comprehensive plan to promote the health of children and pregnant women in the United States.

One of the first recommendations made by that panel was to mandate Medicaid eligibility for all pregnant women whose family income is at or below the federally-established poverty level. Although the legislation I have introduced would not go that far, it would ensure that all pregnant women whose family income is at or below a State's income standard and assets test for AFDC would be eligible for Medicaid assistance for her pregnancy.

A COST SAVINGS MEASURE

Mr. President, as a result of the 1984 amendments, a newborn infant whose family income and assets meet the States AFDC income and resources requirements will be eligible for Medicaid until the age of 5 regardless of whether the family would otherwise be eligible for Medicaid. For example, such a newborn living with both parents would be eligible for coverage even though the State does not cover two-parent families under its existing Medicaid Program.

This creates the incredible situation that I mentioned at the outset wherein the Federal Government and the State involved will pick up the medical costs for a seriously ill newborn, but will not help pay for the prenatal care that could have reduced the likelihood that the child would be born seriously ill or with a disabling condition.

In other words, we are prepared to pick up the tremendously high costs of neonatal intensive care which can average $8,000 per episode and can likely reach $40,000, if not more. Roughly 6 percent of all births annually in this country require this specialized care at a staggering cost of over $2 billion.

Society also can be faced with monumental lifetime costs for care of developmentally disabled individuals. Low birth-weight infants are 10 times as likely to suffer developmental disabilities as are infants of normal birthweight. Institutional care for these children can run anywhere from $25,000 to $30,000 a year to as high as $100,000 a year depending on the level of care required. When applied to a lifetime of care, estimating an average life of 40 years the costs would run between $1 million and $4 million per developmentally disabled infant.

Clearly, it is far more prudent to provide the medical assistance during a pregnancy that can help avert these problems in the first place. The investment in this type of preventive care would be a small price to pay for the health of these women and infants, and the costs would be returned many times over in savings that would be realized from a reduction in pregnancy complications and infant morbidity which result from inadequate care during pregnancy.

OTHER COSTS

Moreover, Mr. President, although there is no question that this legislation can easily be justified in terms of averting much greater costs to the Federal Government for the remedial medical care that these children will otherwise require, we must look beyond the dollars and cents implications as well. We must look at the heartache that is produced and the human potential that is lost or reduced, through the tragedies of infant mortality and morbidity. The "Baby Doe" cases I mentioned earlier represent just the tip of the iceberg in terms of the tremendous emotional and societal costs that must also be accounted for.

OTHER MATERNAL PROGRAMS NOT SUFFICIENT

Mr. President, let me address briefly one issue that has occasionally arisen in connection with this effort to ensure Medicaid coverage for all low-income pregnant women. There are other Federal programs, in addition to Medicaid, aimed at helping address the health needs of low-income Americans. In particular, the Maternal and Child Health Program is focused on helping meet the health-care needs of mothers and children. I am a strong supporter of that program; however, this block grant program is not an adequate substitute for extending Medicaid eligibility to this group of women. Not all of the women targeted by this amendment have access to a maternal and child health grantee.

In 1980, the General Accounting Office found that the former title V Program—the predecessor to the current block grant program—did not provide sufficient funding to provide any prenatal or well-baby services in many areas of need and that the services afforded under that program in many other areas were insufficient. GAO reported that of the approximately 3,100 counties in the United States, only 242 were reportedly served by such a project in 1978. In 21 States, these projects generally served only one county, and only 13 States reported that these projects served four or more counties. In particular, substantial difficulties were reported in gaining access to residents of rural areas under the title V Program.

Moreover, GAO found that States used these funds for many purposes other than serving mothers and infants. For example, these projects provide family planning and immunizations, as well as well-baby health services. GAO concluded that in the aggregate only a portion of the funds were available for services that most directly relate to improved pregnancy outcome, that some States gave relatively little emphasis to activities that most directly related to this objective, and, finally, that States spent a major portion of those funds on programs or projects that served relatively few communities.

Mr. President, quite simply, short of establishing maternal and child health projects in every community, the only certain way in our present system of health care of reaching all low-income pregnant women is through a third-party reimbursement system like Medicaid. Ideally, Medicaid and grant programs like the Maternal and Child Health Block Grant Program should coexist and complement each other. Together, they can help ensure that all needy women have access to the necessary prenatal and delivery assistance.

BUDGET IMPACT

Mr. President, at the time a similar provision was included in the House-passed legislation, H.R. 4170, the Congressional Budget Office estimated that extending Medicaid coverage for this category of low-income pregnant women would cost approximately $175 million in Federal outlays in the first fiscal year. I have been advised, however, that that estimate was based upon an assumption of a 100-percent participation rate among the population at issue. I do not believe that is a reliable assumption for the following reasons:

First, a certain portion of this group will be covered by private insurance through their employers;

Second, a certain portion of those without employer health coverage will rely upon other sources of health care, for example, the maternal and child health care projects discussed previously; and

Third, a certain portion will not seek medical assistance until the time of de-

livery of the infant and therefore not utilize medical care during the pregnancy itself.

Thus, I am convinced that the CBO estimate in 1984 was much too high and that the actual additional Federal outlays would be considerably lower. I am asking CBO to take another look at the matter.

In addition, as an original cosponsor of S. 2424, the Kennedy-Gephardt healthcare cost-containment bill which was introduced in the 98th Congress and will soon be reintroduced in this Congress, I believe that substantial Federal savings could and should be achieved from enactment of such a measure which would far more than offset any additional spending that would result from enactment of this legislation.

Finally, as I have also indicated, enactment of S. 7 would also lead to a reduction of subsequent Medicaid expenditures for treatment of disabling conditions that could be averted by the adequate prenatal care that this measure would provide for.

CONCLUSION

Mr. President, there are 28 States which currently do not cover low-income pregnant women in two-parent working families. The rest have already made the wise decision to provide coverage for these women. We should take the steps that are necessary to make sure that all low-income pregnant women, wherever they may live, are eligible to receive this coverage. Enactment of S. 7 would be another major step in that process.

Two years ago, when I reintroduced S. 7, as I had done in the 95th, 96th, and 97th Congresses, I indicated that I would continue to press for adoption of this legislation until Congress had extended Medicaid coverage to all pregnant women who lack the economic resources to enable them to afford prenatal, delivery, and postnatal care so necessary for their health and the health of their expected babies. We made major progress in that effort in the last Congress with the enactment of Public Law 98-369. There is still more to be done, however, to complete that effort. I intend to continue the work until it is finished.

I ask unanimous consent that the text of S. 7 be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 7

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1905(n)(1) of the Social Security Act is amended to read as follows:

"(1) a pregnant woman (whose pregnancy has been medically verified) who is a member of a family which meets the income and resources requirements of the State plan approved under part A of title IV; and".

(b) Section 1902(e) of such Act is amended by adding at the end thereof the following new paragraph:

"(5) Notwithstanding any other provision of this title, each State plan approved under this title must provide that any pregnant woman who is eligible for, has applied for, and has received medical assistance under the State plan, shall remain eligible for all pregnancy-related and post-partum medical assistance provided under the State plan until the end of the sixty-day period beginning on the last day of her pregnancy. The provisions of this paragraph shall not reduce the period of time for which any individual is eligible for medical assistance under the State plan by reason of any other requirement of this title or part A of title IV.".

(c)(1) except as provided in paragraph (2), the amendments made by this Act shall apply to medical assistance provided, under a State plan approved under title XIX of the Social Security Act, on or after the first day of the first calendar quarter beginning at least six months, after the date of the enactment of this Act.

(2) If the Secretary of Health and Human Services determines that State legislation is necessary to permit amendment of the State plan under title XIX of the Social Security Act to meet the additional requirements imposed by the amendments made by this Act, he shall not find a failure to comply with the requirements of such title solely on the basis of such State's failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

(d) The Secretary of Health and Human Services shall issue the regulations to implement this Act within six months after the date of the enactment of this Act.

S. 8: CHARTER FOR VIETNAM VETERANS OF AMERICA, INC.

Mr. CRANSTON. Mr. President, as the ranking minority member of the Veterans' Affairs Committee, I want to explain my bill, S. 8, introduced on January 3, to grant a Federal charter to the Vietnam Veterans of America, Inc. [VVA]. Joining with me as the principal cosponsor is the distinguished former chairman of the Veterans' Affairs Committee and now the assistant majority leader, my very good friend from Wyoming [Mr. SIMPSON]. Joining us as cosponsors were our fellow members of the committee, Senators MATSUNAGA, STAFFORD, and SPECTER, and 23 other Senators who cosponsored the predecessor to this bill, S. 2266, in the 98th Congress, Senators BRADLEY, BURDICK, BYRD, CHILES, COHEN, DODD, FORD, GLENN, HART, HATFIELD, KASSEBAUM, KENNEDY, LEAHY, LEVIN, MATHIAS, METZENBAUM, PELL, PRESSLER, PROXMIRE, PRYOR, SASSER, and WILSON. In addition, one of the Senate's newest Members, the distinguished Senator from Massachusetts [Mr. KERRY] is cosponsoring the measure. In sum, 27 Members of the Senate joined with me in introducing this measure.

Today I am adding 3 more cosponsors: Senator SASSER, Senator BIDEN, the ranking minority member of the Judiciary Committee, and Senator DECONCINI, who is a member of both the Veterans' Affairs and Judiciary Committees, as also are Senators SIMPSON and SPECTER. It is the Judiciary Committee to which this legislation has been referred.

The VVA is a national service organization devoted to the welfare of Vietnam-era veterans. Formed in 1978, VVA has growth into an organization with over 150 chapters stretching from New England to California, and its membership is over 21,000 strong—an over 30-percent increase since last year.

For over 8 years, the VVA has addressed the major issues that face Vietnam veterans, including needs of readjustment, employment, and economic assistance, the adequacy of GI bill benefits, VA health-care programs, agent orange, and post-traumatic stess disorder. In the past several years, as it has become a truly national, representative organization, it has acted as a progressive catalyst on major legislative issues and has promoted the importance of recognizing Vietnam veterans as a valued and valuable national resource for America.

The members of VVA represent a wide spectrum of income levels, political beliefs, religions, professions, and ethnic groups. The VVA, through its State councils and local chapters, brings these different backgrounds and experiences together in order to seek to accomplish several purposes. One is to provide mechanisms through which Vietnam veterans can develop positive identification with their Vietnam service and with those who served with them. A second is to deal with the physical, psychological, and economic consequences of the war for individual veterans. A third is to seek to effect basic reform in the governmental and private institutions that have major impact on the lives of veterans.

The VVA is recognized by the VA under section 3402 of title 38, United States Code, to provide representation for veterans in connection with claims for benefits before the VA. The organization's claims service department has developed and distributed a comprehensive claims manual for use by its service officers and others involved in assisting Vietnam veterans.

The VVA has also been deeply involved in efforts to gain a better understanding of the psychological and other health-related problems of Vietnam veterans and to foster their readjustment to civilian life. It has joined in the fight to seek judicial review of VA decisions denying veterans' benefit claims. The organization has also contributed to efforts to promote employment opportunities for Vietnam veter-

ans and to heighten recognition of the needs of women, minority groups, and incarcerated Vietnam veterans.

As the local service providers, its 150 chapters serve as the most important component of the VVA. Each chapter sets its own goals to address the needs of its members and the community in which it operates. Each chapter has in common that they serve as the primary contact point for information and referral services; many have established local rap groups to help Vietnam veterans express their concerns and interests. They also operate other programs to meet the needs of Vietnam veterans, such as job fairs and substance abuse programs. Chapters also work to portray a positive image for Vietnam veterans in their communities by running such programs as Special Olympics, Big Brothers, and other community service projects.

Most importantly, Mr. President, the VVA works to enable Vietnam veterans to be proud of their time in the service in spite of the many controversies surrounding the war itself.

Mr. President, S. 8 is—with the exception of some minor technical changes—identical to legislation I introduced with Senator SIMPSON in the 98th Congress, S. 2266, and which was cosponsored by 51 of our Senate colleagues, making 54 sponsors in all. Although no action was taken on S. 2266, the companion legislation, H.R. 4772—introduced by the distinguished chairman of the House Veterans' Affairs Committee [Mr. MONTGOMERY]—was passed by the House by a vote of 295 to 96 on June 11, 1984.

I am aware, Mr. President, of the opposition of some to the granting of a charter to the VVA. However, the VVA has come a very long way in its struggles for recognition and is continuing to move constructively forward in the veterans' community. I believe the substantial bipartisan support in both Houses in the 98th Congress for granting a charter and the support already shown for S. 8 this year are evidence of the great strides that the VVA has made and is continuing to make.

Regarding this controversy, I note the views of my good friend from Mississippi in the other body as he led the debate on the charter legislation last June 11 (CONGRESSIONAL RECORD at H5498, daily editions):

Most of this controversy is not about the organization itself but the organization's president, Mr. Robert E. Muller. Before being too critical of him I would remind my colleagues that Bobby Muller suffered severe wounds while in combat in Vietnam and he will never fully recover from those wounds. I think it is understandable that he and others like him may have very strong feelings about the war in Vietnam, the way it was conducted and the way it ended. He has earned the right to express his personal feelings on any issue even though I may strongly disagree with his views.

The granting of a Federal charter to the Vietnam Veterans of America should not be decided on the basis of whether we agree or disagree with Bobby Muller, the organization's president. Bobby Muller and I disagree on many issues and it should be noted that many local VVA chapter leaders and members disagree with him on many occasions. Whether we grant a Federal charter should be based on the VVA as an organization rather than the deeds of one of its leaders.

I share this sentiment completely. The measure we have introduced proposes to grant a Federal charter to the VVA. It is not an endorsement of any one individual. Rather, it recognizes the organization and the important work that it has done, is doing, and will continue to do.

I am aware that the proposal for a charter for the VVA does not meet the Judiciary Committee's unwritten policy generally requiring that an organization be in existence for at least 10 years before that committee will recommend that it be granted a Federal charter. However, as Senator SIMPSON and I pointed out in a July 25, 1984, letter to the distinguished chairman of the Judiciary Committee [Mr. THURMOND], I believe that an exception to this policy is warranted in the case of the VVA. The Vietnam era itself has not yet been officially ended for 10 years, and the granting of a charter to the largest organization which represents exclusively those who served during that very difficult time in our Nation's history would be a most appropriate and important recognition of the valuable contributions which Vietnam veterans have made to our Nation. A charter would also strengthen the VVA's effectiveness and its ability to move forward with the work and effort that needs to be completed now.

Mr. President, I believe that the granting of a Federal charter is an appropriate form of recognition for this group and should help promote its valuable ongoing work. I intend to work closely with my colleagues in the Senate in pursuing this issue during this Congress, and I urge all Senators to become acquainted with the organization and join with us in this initiative.

I also want to note that on January 7, the distinguished chairman of the House Veterans' Affairs Committee [Mr. MONTGOMERY] introduced H.R. 512, an identical bill to grant the VVA a charter. I am sure that he will be just as forceful in advocating for it and as successful in securing passage as he was last year.

Mr. President, I ask unanimous consent that a copy of our July 25, 1984, letter, followed by the text of the bill, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, July 25, 1984.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR STROM: We are writing to you regarding S. 2266, a bill to grant a Charter to the Vietnam Veterans of America, Inc. (VVA), and would respectfully urge you to schedule early Committee consideration of this measure.

We introduced S. 2266 on February 7, and it has now received the requisite bipartisan 40 member cosponsorship necessary for the Judiciary Committee's consideration—including 15 members of each party. Indeed, as of today, there are 50 Senators cosponsoring this measure—16 Republicans and 34 Democrats. The attachment lists the 48 Senators who have joined us in cosponsoring this measure. Plainly, there is broad bipartisan support for the legislation.

In addition, on June 11, the House of Representatives considered and passed, by a vote of 295 to 96, a companion bill, H.R. 4722, to grant a Charter to the VVA. The House action also evidences the wide support that exists in the Congress for a Charter for this organization.

We are also aware that the proposal for a Charter for the VVA does not meet the Committee's policy with respect to an organization which seeks a Federal Charter being in existence for at least ten years. However, we believe that an exception to this policy is warranted in the case of the VVA. Indeed, the "Vietnam era" itself has not yet been officially ended for ten years. The granting of a Federal Charter to the largest organization which represents exclusively those who served during that very difficult time in our Nation's history would be a most appropriate and important recognition of the valuable contributions which Vietnam veterans have made to our Nation. A Charter would strengthen the VVA's effectiveness and its ability to move forward now with the work and effort that we firmly believe needs to be completed now. Thus, we would urge you to embrace the procedure of the House Judiciary Committee regarding the 10-year criterion in this case.

Strom, we fully recognize that there is continuing controversy about this bill, but we believe that, in view of the substantial bipartisan support for the bill, there should be a good faith opportunity to have it pursued through the Committee process.

We do look forward to your response at your earliest convenience.

With warmest personal regards and our sincere thanks for your consideration of this issue.

Cordially,

ALAN CRANSTON,
Ranking Minority Member.

UPDATE OF COSPONSORS AND WITHDRAWALS ON VVA CHARTER BILL

Republicans: Simpson, Pressler, Cohen, Gorton, Durenberger, Hawkins, Stafford, Andrews, Boschwitz, D'Amato, Mathias, Specter, Wilson, Kassebaum, Hatfield, and Roth.

Democrats: Cranston (sponsor), Randolph, Matsunaga, DeConcini, Riegle, Lautenberg, Ford, Sarbanes, Inouye, Hollings, Burdick, Pell, Biden, Pryor, Tsongas, Levin, Bradley, Huddleston, Bumpers, Mitchell, Leahy, Moynihan, Proxmire, Exon, Dodd, Glenn, Byrd, Chiles, Bentsen, Sasser, Hart, Johnston, Dixon, and Metzenbaum.

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Republicans withdrawn: Hecht, Cochran, Nickles, Abdnor, Thurmond, Trible, Warner, Humphrey, and Lugar.

Democrats withdrawn: None.

Republican cosponsors	16
Democratic cosponsors	34
Republican withdrawals	9
Democratic withdrawals	0
Total	50

S. 8

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

RECOGNITION AS CORPORATION AND GRANT OF FEDERAL CHARTER

SECTION 1. The Vietnam Veterans of America, Inc., a nonprofit corporation organized under the laws of the State of New York, is hereby recognized as such and is granted a charter.

CORPORATE POWERS

SEC. 2. The Vietnam Veterans of America, Inc. (hereinafter in this Act referred to as the "corporation"), shall have only those powers granted to it through its articles of incorporation filed in the State in which it is incorporated and its constitution and bylaws, and subject to the laws of such State.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those stated in its articles of incorporation, constitution, and bylaws and include a commitment to—

(1) uphold and defend the Constitution of the United States;

(2) foster the improvement of the condition of Vietnam-era veterans;

(3) promote the social welfare (including educational, economic, social, physical, and cultural improvement) in the United States by encouraging the growth and development, readjustment, self-respect, self-confidence and usefulness of Vietnam-era veterans and other veterans;

(4) improve conditions for Vietnam-era veterans and develop channels of communication to assist Vietnam-era veterans;

(5) conduct and publish research, on a nonpartisan basis, pertaining to the relationship between Vietnam-era veterans and the American society, to the Vietnam war experience, to the role of the United States in securing peaceful coexistence for the world community, and to other matters which affect the educational, economic, social, physical, or cultural welfare of Vietnam-era veterans and other veterans and the families of such veterans;

(6) assist disabled Vietnam-era veterans and other veterans in need of assistance and the dependents and survivors of such veterans; and

(7) consecrate the efforts of the members of the corporation and Vietnam-era veterans generally to mutual helpfulness and service to their country.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Except as provided in section 8, eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the constitution and bylaws of the corporation.

BOARD OF DIRECTORS

SEC. 6. Except as provided in section 8, the board of directors of the corporation, and the responsibilities of the board, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws of the State in which it is incorporated.

OFFICERS

SEC. 7. Except as provided in section 8, the officers of the corporation, and the election of such officers, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws of the State in which it is incorporated.

NONDISCRIMINATION

SEC. 8. In establishing the conditions of membership in the corporation and in determining the requirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, national origin, handicap, or age.

RESTRICTIONS ON CORPORATE POWERS

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any person who is a member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(d) The corporation shall not claim congressional approval or Federal Government authority by virtue of this Act for any of its activities.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 10. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 11. The corporation shall keep correct and complete books and records of accounts and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of the corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 12. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by inserting after paragraph (67) the following new paragraph:

"(68) The Vietnam Veterans of America, Inc.".

ANNUAL REPORT

SEC. 13. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit of the corporation required by section 2 of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1102). The report shall not be printed as a public document.

RESERVATION OF RIGHT TO ALTER, AMEND, OR REPEAL CHARTER

SEC. 14. The right to alter, amend, or repeal this charter is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 15. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and each of the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 16. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954.

EXCLUSIVE RIGHT TO NAMES

SEC. 17. The corporation shall have the sole and exclusive right to use the name "The Vietnam Veterans of America, Inc.", "Vietnam Veterans of America, Inc.", and "Vietnam Veterans of America", and such seals, emblems, and badges as the corporation may lawfully adopt. Nothing in this section shall be construed to interfere or conflict with established or vested rights.

FAILURE TO COMPLY WITH RESTRICTIONS OR PROVISIONS

SEC. 18. If the corporation shall fail to comply with any of the restrictions or provisions of this Act, the charter granted by this Act shall expire.

S. 9: VETERANS' ADMINISTRATION HOUSING PROGRAM AMENDMENTS OF 1985

Mr. CRANSTON. Mr. President, as the ranking minority member of the Veterans' Affairs Committee, I want to explain my bill, S. 9, the proposed "Veterans' Administration Housing Program Amendments of 1985," introduced on January 3. This measure would amend title 38, United States Code, to increase by 27 percent, from $27,500 to $35,000, the maximum amount of the Veterans' Administration loan-guaranty entitlement available to a veteran for the purchase of a conventional home, a single-family residential unit in a condominium, or a farm residence, and increase by 10 percent, from $20,000 to $22,000, the maximum guaranty for purchase of a manufactured home. It would also authorize VA guaranties of qualified adjustable rate mortgages.

INCREASE IN LOAN GUARANTY MAXIMUMS

The VA loan guaranty is designed to substitute, in large measure, for the downpayment that would otherwise be required when a veteran purchases a home. Under current law, the guaranty is limited to 60 percent of the loan amount or $27,500, whichever is the lesser, with regard to conventionally built homes and condominium apartments, and 50 percent or $20,000,

whichever is the lesser, in the case of manufactured homes. Lenders are thus assured of the substantial protection afforded by the VA loan guaranty and are generally willing to make loans to veterans without the necessity of a downpayment or with a lower downpayment than would otherwise be required.

Mr. President, as my colleagues are well aware, housing prices have risen substantially since the most recent increase in the VA loan-guaranty maximum, which was enacted by the Congress in 1980 based on an amendment I proposed. According to data provided by the National Association of Realtors, the median purchase price of an existing home in October 1980 was $62,700. By November 1984—the most recent month for which data are available—the median purchase price of an existing home had risen by more than 15.6 percent to $72,500. In the case of new homes, the National Association of Home Builders advises that in 1980, the median purchase price was $64,600; by November 1984, the price had risen to $80,100—an increase of 24 percent. Additionally, according to the NAHB, the median cost of a new home is expected to rise by another 6.1 percent in 1985, making the cost more than $85,000 or 31.6 percent more than in 1980. Assuming a similar increase in existing homes, the median price for purchase of an existing home would rise to nearly $77,000—a 22.8-percent increase since 1980. Thus, by raising the guaranty by approximately 27 percent—the average of the percentage increases in existing and new home median prices—to $35,000, we would be helping to insure that the value of the VA home-loan guaranty keeps pace with increases in the housing market.

In the case of manufactured homes, data available from the National Manufactured Housing Institute show that, from 1980, when the last increase in the maximum guaranty was enacted, through 1983, the average sale price of a manufactured home increased by 6 percent. In addition, the average cost per square foot of a manufactured home increased from $18.85 to $20.29—an increase of 7.6 percent. Although data are not yet available for 1984 and 1985, assuming an increase in the Consumer Price Index of 7.6 percent—3.5 percent for fiscal year 1984 and 4.0 percent for fiscal year 1985—a 10-percent increase in the maximum, from $20,000 to $22,000, would help protect this benefit from inflation.

Mr. President, there has been a dramatic increase in the number of VA home loans closed since fiscal year 1982—from about 103,400 loans during fiscal year 1982 to over 225,000 in fiscal year 1984. This is evidence of the continuing popularity of and demand for the program. According to the President's fiscal year 1985 budget, 240,000 loans will be closed in fiscal year 1985. With the increasing number of veterans seeking to use their VA home-loan guaranty entitlements, it is even more important that we make the program sufficient to meet their needs.

This legislation is designed to help insure that, to the extent interest rates and other economic factors generally make home purchases possible, the VA loan-guaranty program will continue to play the role that Congress intended of helping veterans become homeowners.

Mr. President, this portion of S. 9 is identical to S. 2265, a measure I introduced with Senators RANDOLPH, MATSUNAGA, and DECONCINI in the 98th Congress. Despite passage last year by the House of Representatives of legislation that would have increased the loan-guaranty maximum—section 1 of H.R. 5617—no action was taken on my proposal in the Senate. Unfortunately, during negotiations with the House Veterans' Affairs Committee in connection with the Veterans' Benefits Improvement Act of 1984, Public Law 98-543, agreement could not be reached on any increase in the guaranty maximums. However, as I noted during the Senate debate on the compromise agreement on October 9—at page S13885 of the CONGRESSIONAL RECORD (daily edition)—I am committed to pursuing an increase in the maximums and intend to work very closely with my colleagues in the Senate to do all that I can to secure enactment of appropriate increases.

GUARANTY OF QUALIFIED ADJUSTABLE RATE MORTGAGES

Mr. President, as the costs of housing and the cost of borrowing money to purchase housing have increased over the past decade, both lenders and borrowers have searched for new means of obtaining the necessary financing to enable more potential homebuyers to purchase housing. A relatively recent innovation for this purpose has been the adjustable rate mortgage—known popularly as an ARM. Typically, an ARM contains terms that permit a lender to adjust periodically the effective rate of interest charged for a mortgage loan. Such adjustments generally correspond to an interest rate index and, because lenders are assured of a competitive rate of return on ARM's a prospective homeowner may be offered an initial mortgage interest rate below the rates associated with level payment, fixed rate mortgages. ARM's have increased homeownership availability and given the consumer an opportunity to select from an array of available options and tailor a borrowing plan that meets his or her individual needs.

Much has been heard—both negative and positive—about the use of ARM's, their advantages and disadvantages and the opportunities that they represent to homebuyers as well as the very unfortunate consequences that can result from them. Quite clearly, the ARM is a reality in the home-financing industry. The use of ARM's over the past several years has increased dramatically—from 35 percent of all conventional loans made in January 1983 to 68 percent of such loans made in August 1984. As interest rates have declined, that percentage has dipped; nevertheless, his past December, ARM's were still accounting for half the conventional loans being made.

Mr. President, I believe that is is important that the Veterans' Administration's home-loan guaranty program have the capacity to keep pace with changes in the housing industry, while guarding against unduly risky or harmful innovations. Toward these ends, S. 9 would permit the VA to offer guaranties in the cases of ARM's that meet specified criteria—referred to in the bill as "qualified ARM's." The provisions of section 1 of S. 9 are modeled after section 443 of the Housing and Urban-Rural Recovery Act of 1983, Public Law 98-181, which authorized the Secretary of Housing and Urban Development to insure adjustable rate mortgages under the FHA program.

Specifically, my proposal would authorize the VA—in accordance with regulations that the Administrator of Veterans' Affairs would be required to prescribe to establish an ARM-guaranty program—to provide for the guaranty of a loan the terms of which permit the lender to make periodic adjustments in the effective rate of interest, with the adjustments corresponding to interest rate changes specified in a national rate index prescribed by the Administrator. Moreover, adjustments could be made not more than annually and would be limited to not more than 1 percentage point in the case of any single adjustment and to not more than 5 percentage points over the term of the loan. Thus, for example, a loan bearing an initial interest rate of 9 percent in the first year of the loan could increase to only 10 percent in the second year and could never increase to more than 14 percent over the life of the loan. When a veteran applied for an ARM, the lender would be required to make available a full, written explanation of the features of the ARM as well as a worse case example of the payment schedule.

Mr. President, if the VA's home-loan guaranty program does not keep pace with developments in the industry, veterans will be disadvantaged in using their VA loan-guaranty entitlements. This is why the Congress in the past few years has made such improvements as increasing the maximum length of mortgages in the case of

manufactured housing, providing that permanently affixed manufactured homes may, in certain situations, be guaranteed pursuant to the criteria applicable to conventional homes, and permitting the guaranty of graduated payment mortgages.

Thus, I am making this new legislative proposal to put the issue of qualified ARM's on the table for consideration in this session of the 99th Congress. I have an open mind on the issue and intend to work very closely with all of those who are interested and involved in the VA loan-guaranty program. I look forward to receiving all of their suggestions and recommendations as the legislation is further developed and refined.

Mr. President, I ask unanimous consent that the text of S. 9 be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 9

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Administration Housing Program Amendments of 1985".

SEC. 2. Paragraph (1) of section 1803(c) of title 38, United States Code, is amended—

(1) by inserting "(except as provided in subparagraph (C) of this paragraph)" before "shall bear";

(2) by designating the first and second sentences as subparagraph (A) and (B); and

(3) by adding at the end the following new subparagraph:

(C) In establishing rates of interest under this paragraph for loans made for one of the purposes described in clauses (1), (2), (3), (4), and (6) of section 1810(a) of this title, the Administrator may, pursuant to regulations which the Administrator shall prescribe consistent with this subparagraph, provide for the guaranty under this chapter of a loan in a case in which the terms and conditions agreed to by the parties include provision for periodic adjustments by the lender in the effective rate of interest charged (herein-after in this subparagraph referred to as a 'qualified adjustable rate mortgage'). Such interest rate adjustments may be accomplished, in accordance with such terms and conditions, through adjustments in (i) the monthly payment amount, (ii) the outstanding principal balance, (iii) notwithstanding subsection (d)(1) of this section, the maturity of the loan, or (iv) any combination of the items described in clauses (i), (ii), and (iii) in this sentence, except that in no case may any such adjustment of the maturity of a loan result in a total term in excess of forty years. Adjustments in the effective rate of interest shall—

"(I) correspond to a national interest rate index specified by the Administrator, after consultation with the Secretary of Housing and Urban Development, in such regulations;

"(II) be made not more often than annually;

"(III) be limited, with respect to any single interest rate increase, to not more than 1 percent on the outstanding loan balance; and

"(IV) be limited to a maximum increase of 5 percentage points above the initial contract interest rate over the term of the loan.

Such regulations shall contain a requirement that the lender make available to the veteran applicant, at the time that the veteran applies for the loan, a full, written explanation of the features of the qualified adjustable rate mortgage, including a written hypothetical payment schedule that displays the maximum potential increases in monthly payments to the veteran over the first five years of the loan.".

SEC. 3. (a) Section 1810(c) of such title is amended by striking out "$27,500" and inserting in lieu therefo "$35,000".

(b) Section 1811(b)(2) of such title is amended—

(1) in subparagraph (A), by striking out "$27,500" both places it appears and inserting in lieu thereof "$35,000"; and

(2) in subparagrpah (B), by striking out "$20,000" both places it appears and inserting in lieu thereof "$22,000".

(c) Section 1819(c) of such title is amended by striking out "$20,000" each place it appears and inserting in lieu thereof "$22,000".

(d) The amendments made by this section shall take effect on October 1, 1985.

S. 10: FEDERAL RESERVE REFORM ACT OF 1985

Mr. CRANSTON. Mr. President, I want to explain my bill, S. 10, the proposed "Federal Reserve Reform Act of 1985," introduced on January 3, to give Congress and the President greater influence over the Federal Reserve Board and over the conduct of monetary policy.

The purpose of my bill is to give Congress and the President greater influence in the development and implementation of monetary policy and to place a reasonable limit on the ability of the Federal Reserve to perpetuate its policies and its monetary thinking irrespective of changes in elected administrations.

The fundamental principle underlying my proposal is that it is inconsistent with representative democracy for the tremendous power of the Federal Reserve Board to be wielded exclusively by individuals who are politically accountable to no one.

The Federal Reserve Board, as presently established by the Federal Reserve Act, enjoys greater independence than any executive branch agency. The Fed is the only agency whose budget is not subject to the appropriations process. The Fed pays itself. Its members serve 14-year terms, virtually on a par with the lifetime terms of members of the Federal judiciary, which average out to be 16 years.

However, unlike the Federal courts, the Federal Reserve Board was not created by the Constitution. The Fed clearly is a legislative creature of Congress—there is no constitutional requirement that we have a Fed.

Presently, Congress exercises virtually no oversight of the Fed. Should Congress disagree strongly with the conduct of monetary policy there are only very limited opportunities for Members to raise concerns in an effective manner.

I do not want to suggest that the Federal Reserve Board, as presently constituted, is some Frankenstein monster running amok. The lack of political accountability by those who decide our monetary policy, however, is a misservice to our democracy. It is contrary to the principles upon which our Nation is founded and should be governed.

My proposal has been criticized on the grounds that it could subject monetary policy to political expediency, undermining the stability of our monetary and banking system.

Independence from politics, however, is no guarantee of wise, sound policy. The so-called independence of the Fed has not rendered it immune from occasional suspicions that monetary policy has been modified from time to time to meet the election year needs of incumbent administrations.

As for market confidence, that ultimately depends upon performance.

Even with the independence of the Fed, the markets clearly understand that the Federal Reserve can resist for only a time the widespread, desperate needs of Government and the economy, including the world economy, for additional credit. There is a real limit as to how long those needs can go unmet without worse disasters occuring. Thus, the markets see as inevitable the Fed's eventual yielding.

My point is that the independence of the Fed probably produces results no different from those that would be produced under my bill with two major exceptions: First, there would be political accountability for the conduct of monetary policy, and, second, there would be a real opportunity to coordinate fiscal and monetary policy.

Under our present system, there is no effective way for our Government to coordinate fiscal and monetary policy. The Reagan administration marched fiscal policy in a stimulative direction; the Fed countermarched in the opposite direction. The result obtained brought double trouble to the economy.

Monetary policy is important, and, to paraphrase Milton Friedman, it is too important to be left in the hands of central bankers.

I favor abolishing the Fed as an independent agency and making it part of the Treasury Department.

That would be the simplest, most effective solution to the plaguing national problem of division of responsibility for monetary and fiscal policy when both should be the responsibility of the elected administration.

Realistically, I recognize the chance of enacting such a drastic change at this time is virtually nil.

My bill amends the Federal Reserve Act to require the Fed to obtain its operating funds through a congressional appropriation—the procedure that is followed by all other executive and independent agencies.

Congressional power over the Fed's purse would for the first time make congressional oversight effective when we feel the Fed's monetary policy is dangerously off track.

Currently, the Federal Reserve gets its operating budget independently of Congress from the Reserve's surplus funds account which derives from profits earned on its open market transactions.

My bill gives the President a greater voice in determining monetary policy by returning the Secretary of the Treasury to the seat he once held on the Fed's Board. The Secretary of the Treasury originally was designated a member of the Board when the Fed was established in 1913, but this seat was abolished in 1936.

The Secretary, who is the principal economic figure in the executive branch, should sit on the Fed Board of Governors so that an administration can have a formal opportunity to push for monetary policies consistent with its own program. The Secretary's presence on the Fed Board would provide a greater opportunity for coordination of monetary and fiscal policy.

The bill further strengthens the President's voice by making the 4-year term of the Board's Chairman and Vice Chairman coterminous with that of the President. The President should be able to name a Chairman sympathetic to his economic views at the very outset of his administration.

Under current law, the Chairman of the Board of Governors of the Federal Reserve, who is second only to the President in power over the Nation's economy, is always a holdover from the prior administration.

President Reagan was not able to name a Chairman until August 7 of last year when the term of Paul Volcker, who was appointed by President Carter, expired. President Reagan's successor may have to wait until 1991 to name the key monetary policy figure in the executive branch.

My bill also proposes to shorten the terms of Board members from 14 years to 7 years. It would not affect the terms of any present incumbent.

Mr. President, what I have proposed is very moderate. Shortening the terms of members of the Board of Governors and making the terms of the Chairman and Vice Chairman coterminous, were recommended in 1961 by the prestigious Commission on Money and Credit.

Placing the Secretary of the Treasury on the Board returns to the Federal Reserve System an important part of its original structure. The reasons for removing the Secretary from the Board in 1936 are not entirely clear. In large part, it occurred at the insistence of Senator Carter Glass who thought that the Secretary contributed very little to the Board's deliberations. I think to the contrary that there must be vastly improved communications between the Fed and the administration. The best way to accomplish this, short of placing the Fed within the Treasury, is to make the Secretary of the Treasury a voting member of the Board and to permit the President to name his Chairman at the start of his administration.

Finally, it is time for Congress to assert the power of the purse over the Fed. Congress should remind the Federal Reserve Board that it works for all the people. We specifically should remind the Board and its employees here in Washington that they are our representatives in the Nation's banking system, and are not acolytes of a self-perpetuating, quasi-central banking institution.

I have confidence that monetary policy arrived at through democratic political processes can serve the Nation better and more consistently than the present secretive process conducted by a very small enclave of persons.

I know that the process of politically responsible determination of monetary policy is not easy, but I am convinced that the success of our economic future depends upon it. It is not healthy in a democracy for important policymaking to become alienated from the general public. This is happening with monetary policy.

Thus, my bill is an effort to build broader support for sound monetary policy.

I urge my colleagues to consider it carefully in this light.

When S. 10 was reintroduced in this Congress, the text inadvertently contained errors with respect to certain dates. I ask unanimous consent that the corrected text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 10

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Reserve System Reform Act of 1985".

BOARD OF GOVERNORS SUBJECT TO APPROPRIATIONS

SEC. 2. (a) The last sentence of the first paragraph of section 7 of the Federal Reserve Act (12 U.S.C. 289) is amended by striking out "surplus fund of the Federal Reserve bank" and inserting in lieu thereof "general fund of the Treasury".

(b)(1) The third paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 243) is amended to read as follows:

"There are authorized to be appropriated such sums as may be necessary for the salaries and operating and administrative expenses of the Board in carrying out the provisions of this Act, and the Board may not expend any amount not appropriated pursuant to such authorization. The Board may enter into agreements with the Administrator of General Services with respect to the maintenance, operation, or protection of any building owned by the Board.".

(2) The amendment made by paragraph (1) shall not be construed to prohibit the Board of Governors of the Federal Reserve System from retaining amounts held by such Board on the date of the enactment of this Act and using such amount for purposes of carrying out its responsibilities under the Federal Reserve Act (12 U.S.C. 221 et seq.) other than for its salaries and operating and administrative expenses.

(c) The fourth paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 244) is amended by striking out the fourth sentence.

(d) The amendments made by this section apply to fiscal years beginning on or after October 1, 1986.

TERMS OF MEMBERS AND EXECUTIVE OFFICERS OF BOARD OF GOVERNORS

SEC. 3. (a) The first paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 241) is amended by inserting after the first sentence thereof the following: "On and after the date of enactment of the Federal Reserve System Reform Act—

"(1) The Secretary of the Treasury shall serve as a member of the Board ex officio; and

"(2) the term of office of each member shall be seven years.".

(b) The third sentence of the second paragraph of section 10 of such Act (12 U.S.C. 242) is amended by striking out "term of four years" each place it appears and inserting in lieu thereof "until such time as the term of the President making such designation shall expire".

(c) The amendments made by this section shall apply to individuals appointed to be members of the Board of Governors of the Federal Reserve System or designated to serve as Chairman or Vice Chairman of the Board of Governors of the Federal Reserve System on or after the date of enactment of this Act.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE RECESS

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on January 22 and January 23, 1985, during the recess of the Senate, received messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on January 22 and January 23, 1985, are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 11

Under the authority of the order of the Senate of January 3, 1985, the Sec-

retary of the Senate on January 23, 1985, during the recess of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to the provisions of Section 504(h) of Public Law 98-164, I herewith transmit the first annual report of the National Endowment for Democracy, which covers the period from November 18, 1983, through September 30, 1984.

RONALD REAGAN.

THE WHITE HOUSE, *January 23, 1985.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting a nomination, which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-242. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, D.C. ACT 5-195; to the Committee on Governmental Affairs.

EC-243. A communication from the Chairman of the Federal Home Loan Bank Board transmitting, pursuant to law, a report on the Board's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-244. A communication from the Chairman of the National Capital Planning Commission transmitting, pursuant to law, a report on the Commission's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-245. A communication from the Assistant Attorney General, Department of Justice, transmitting, pursuant to law, a report on a modification to a Privacy Act system of records; to the Committee on Governmental Affairs.

EC-246. A communication from the Chairman of the National Labor Relations Board transmitting, pursuant to law, a report on the Board's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-247. A communication from the Chairman of the Federal Labor Relations Authority transmitting, pursuant to law, a report on the Authority's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-248. A communication from the Chairman of the Federal Labor Relations Authority transmitting, pursuant to law, a report on the Authority's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-249. A communication from the Chairman of the Federal Communications Commission transmitting, pursuant to law, a report on the Commission's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-250. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, D.C. Act 5-225; to the Committee on Governmental Affairs.

EC-251. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, D.C. Act 5-212; to the Committee on Governmental Affairs.

EC-252. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, a report on the Department's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-253. A communication from the Secretary of Agriculture transmitting, pursuant to law, a report on the Department's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-254. A communication from the Chairman of the Board of Governors of the U.S. Postal Service transmitting, pursuant to law, a report on the compliance with the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC-255. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, D.C. ACT 5-228; to the Committee on Governmental Affairs.

EC-256. A communication from the Assistant to the President for Management and Administration transmitting, pursuant to law, a report on the Executive Office of the President's system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC-257. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, D.C. ACT 5-202; to the Committee on Governmental Affairs.

EC-258. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, D.C. ACT 5-203; to the Committee on Governmental Affairs.

EC-259. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, D.C. ACT 5-204; to the Committee on Governmental Affairs.

EC-260. A communication from the Chairman of the D.C. Council transmitting, pursuant to law, D.C. ACT 5-208; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Special report on the Oversight activities of the Committee on Banking, Housing, and Urban Affairs (Rept. No. 99-1).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Finance: James A. Baker III, of Texas, to be Secretary of the Treasury.

By Mr. GOLDWATER, from the Committee on Armed Services: John W. Shannon, of Maryland, to be an Assistant Secretary of the Army.

Mr. GOLDWATER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: In the Navy there are 36 appointments to the permanent grade of commodore (list begins with Henri Bertram Chase III); in the Air Force there are 50 appointments to the grade of brigadier general (list begins with Edward P. Barry, Jr.); in the Air Force there are 30 appointments to the grade of major general (list begins with Melvin G. Alkire); in the Air Force Reserve there are 25 appointments to the grade of major general and below (list begins with Miles C. Durfey); in the Army Reserve there are 14 appointments to the grade of major general and below (list begins with Roger R. Blunt); in the Air Force Reserve there are 19 appointments to the grade of major general and below (list begins with Donald G. Aten); Gen. Paul F. Gorman, U.S. Army, (age 57) to be placed on the retired list; Lt. Gen. John R. Galvin, U.S. Army, to be general; Gen. Wallace H. Nutting, U.S. Army, (age 56) to be placed on the retired list; Lt. Gen. Fred K. Mahaffey, U.S. Army, to be general; Vice Adm. James R. Hogg, U.S. Navy, to be reassigned in the grade of vice admiral; Rear Adm. Frank B. Kelso, II, U.S. Navy, to be vice admiral; Vice Adm. Edward H. Martin, U.S. Navy, to be reassigned in the grade of vice admiral; Rear Adm. Paul F. McCarthy, Jr., U.S. Navy, to be vice admiral; and Vice Adm. Robert F. Schoultz, U.S. Navy, to be reassigned in the grade of vice admiral. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, in addition, in the Air Force there are 7 appointments to the grade of colonel (list begins with Edward A. Cardoza); in the Air Force Reserve there are 56 appointments to the grade of colonel (list begins with Joseph G.C. Adams); in the Air Force there are 27 appointments to the grade of colonel and below (list begins with Larry G. Broome); in the Air National Guard there are 24 promotions in the Reserve of the Air Force to the grade of lieutenant colonel (list begins with Garry S. Bahling); in the Air National Guard there are 21 promotions in the Reserve of the Air Force to the grade of lieutenant colonel (list begins with James G. Abbey); in the Air Force Reserve there are 6 appointments to the grade of lieutenant colonel (list begins with John Joseph Conroy III); in the Air Force there are 2 appointments to the grade of major and below (list

begins with John H. Lamb); in the Air Force there are 5 appointments to the grade of major and below (list begins with Charles H. Mead); in the Air Force there are 39 permanent promotions to the grade of lieutenant colonel and below (list begins with William E. Bartlett); in the Air National Guard there are 29 promotions in the Reserve of the Air Force to the grade of lieutenant colonel (list begins with Kenneth D. Allen Jr.); in the Air Force there are 915 permanent promotions to the grade of colonel (list begins with Douglas A. Abbott); in the Air Force there are 1,233 appointments to the grade of captain (list begins with Jorge Acevedo); in the Air Force there are 1,060 appointments to the grade of captain and below (list begins with Anthony C. Adamson); in the Army there are 34 appointments to the grade of captain (list begins with Brian D. Bailey); in the Army there are 19 appointments to the grade of captain (list begins with David E. Bell); in the Army there are 88 appointments to the grade of colonel and below (list begins with Jeffrey Berenberg); in the Army there are 763 appointments to the grade of major (list begins with James P. Abramson); in the Marine Corps there is 1 appointment to the grade of lieutenant colonel (Charles P. Erwin); in the Marine Corps there are 618 appointments to the grade of Chief Warrant Officer (W-4) and below (list begins with Rudy K. Abrams); in the Navy there are 2 appointments to the grade of captain and below (list begins with Jon A. McBride); in the Navy there is 1 appointment to the grade of captain (David M. Walker); and in the Navy there is 1 appointment to the grade of lieutenant commander (Charles E. Shipman). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of January 3, 1985, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BYRD (for Mr. BENTSEN):

S. 261. A bill to provide for a feasibility study of south Texas medical facility; to the Committee on Veterans' Affairs.

By Mr. BYRD:

S. 262. A bill to provide for the preservation of the ferroalloy industry in the United States; to the Committee on Finance.

By Mr. METZENBAUM:

S. 263. A bill to provide a deduction from gross income for individual taxpayers who maintain a household which includes a dependent of the taxpayer who suffers from Alzheimer's disease; to the Committee on Finance.

By Mr. METZENBAUM (for himself and Mrs. HAWKINS):

S. 264. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that the label or labeling of a food state the specific common or usual name and the amount of each fat or oil contained in such food and the amount of sodium and potassium contained in such food; to the Committee on Labor and Human Resources.

By Mr. METZENBAUM (for himself and Mr. GORE):

S. 265. A bill to amend section 412 of the Federal Food, Drug, and Cosmetic Act, relating to requirements for infant formulas; to the Committee on Labor and Human Resources.

By Mr. METZENBAUM:

S. 266. A bill to amend title XVIII of the Social Security Act to require that physicians who provide services under part B of such title shall be paid for such services only on the basis of an assignment, and for other purposes; to the Committee on Finance.

By Mr. SPECTER:

S. 267. A bill to authorize the implementation of a project for the control of beach erosion at Presque Isle Peninsula, PA, and for other purposes; to the Committee on Environment and Public Works.

S. 268. A bill to authorize the implementation of a project for the prevention of flood damage on the west branch of the Susquehanna River at Lock Haven, PA, and for other purposes; to the Committee on Environment and Public Works.

S. 269. A bill to authorize the implementation of a project for the prevention of flood damage in Wyoming Valley, Luzerne County, PA, and for other purposes; to the Committee on Environment and Public Works.

S. 270. A bill to authorize the implementation of a project for the prevention of flood damage on the Susquehanna River at Harrisburg, PA, and for other purposes; to the Committee on Environment and Public Works.

S. 271. A bill to authorize the implementation of a project for flood damage prevention at Milton, PA; to the Committee on Environment and Public Works.

By Mr. DOLE (for himself, Mr. HATCH, Mr. GRASSLEY, Mr. WARNER, Mr. GORTON, Mr. HATFIELD, Mr. WILSON, Mr. ABDNOR, Mr. SPECTER, Mr. SIMPSON, Mr. PRESSLER, Mr. TRIBLE, Mr. HEINZ, and Mr. MCCONNELL):

S. 272. A bill to clarify the meaning of the phrase "program or activity" as applied to educational institutions that are extended Federal financial assistance, and for other purposes; to the Committee on Labor and Human Resources.

By Mrs. KASSEBAUM:

S. 273. A bill for the relief of Mildred C. Eide of Leavenworth, KS; to the Committee on the Judiciary.

By Mr. DENTON:

S. 274. A bill to provide for the national security by allowing access to certain Federal criminal history records; to the Committee on the Judiciary.

S. 275. A bill to protect the internal security of the United States by creating the offense of terrorism, and for other purposes; to the Committee on the Judiciary.

S. 276. A bill to amend the Freedom of Information Act to provide for the protection from disclosure of records related to terrorism and foreign counterintelligence; to the Committee on the Judiciary.

By Mr. ANDREWS (for himself, Mr. ABDNOR, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOSCHWITZ, Mr. BURDICK, Mr. COCHRAN, Mr. DECONCINI, Mr. DOMENICI, Mr. DURENBERGER, Mr. GOLDWATER, Mr. GORTON, Mr. INOUYE, Mr. KENNEDY, Mr. MELCHER, Mr. MURKOWSKI, Mr. PRESSLER, Mr. STEVENS, and Mr. EVANS):

S. 277. A bill to reauthorize the Indian Health Care Improvement Act, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. KASTEN:

S. 278. A bill to amend the Agricultural Act of 1949 and the Dairy Stabilization Act of 1983 to provide for a 6-month extension of the milk diversion program from April 1, 1985, to September 30, 1985, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SYMMS (for himself, Mr. STAFFORD, Mr. ABDNOR, and Mr. DOMENICI) (by request):

S. 279. A bill to approve the Interstate and Interstate Substitution Cost Estimates; to the Committee on Environment and Public Works.

By Mr. DURENBERGER (for himself and Mr. BOSCHWITZ):

S. 280. A bill entitled the "Food Stamp Redemption Act of 1985"; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PRYOR (for himself, Mr. HEINZ, Mr. NUNN, Mr. ZORINSKY, Mr. SASSER, Mr. QUAYLE, and Mr. BOREN):

S. 281. A bill to amend the Internal Revenue Code of 1954 to add a section dealing with public safety vehicles; to the Committee on Finance.

By Mr. HOLLINGS:

S. 282. A bill to establish a National Trade Council within the Executive Office of the President, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MITCHELL (for himself, Mr. CHAFEE, Mr. STAFFORD, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. CRANSTON, Mr. DODD, Mr. COHEN, Mr. RUDMAN, Mr. LEAHY, Mr. KASTEN, Mr. HUMPHREY, Mr. HOLLINGS, Mr. PELL, and Mr. BAUCUS):

S. 283. A bill to amend the Clean Air Act to better protect against interstate transport of pollutants, to control existing and new sources of acid deposition, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEVIN:

S. 284. A bill to make certain amendments to title 18, United States Code, relating to rights of witnesses appearing before grand juries; to the Committee on the Judiciary.

By Mr. GORE:

S. 285. A bill to provide that certain good faith transfers of property made by the Southern Industrial Banking Corporation to depositors shall not be voidable under title 11 of the United States Code; to the Committee on the Judiciary.

By Mr. RIEGLE:

S. 286. A bill to amend the Securities and Exchange Act of 1934; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GORTON (for himself, Mr. MATHIAS, Mr. SARBANES, Mr. LONG, and Mr. JOHNSTON):

S. 287. A bill to provide stability in the location of professional sports teams, to establish a procedure by which important community interests are considered in the relocation of such teams, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GORTON (for himself and Mr. HARKIN):

S. 288. A bill to provide Federal coordination for the continued development and commercialization of food irradiation through the establishment of a Joint Operating Commission for Food Irradiation in the Department of Agriculture and through other means; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GORE:

S. 289. A bill to amend the Inspector General Act of 1978 to establish an office of inspector general in the Federal Emergency Management Agency; to the Committee on Governmental Affairs.

By Mr. THURMOND:

S. 290. A bill for the relief of Catherine and Robert Fossez; to the Committee on Judiciary.

By Mr. PROXMIRE:

S. 291. A bill requiring a pay-as-you-go budget for the U.S. Government; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days of continuous session to report or be discharged.

By Mrs. HAWKINS:

S. 292. A bill to provide for the Mary McLeod Bethune Memorial Fine Arts Center to be established by the Bethune-Cookman College in Volusia County, FL; to the Committee on Labor and Human Resources.

By Mr. KENNEDY:

S. 293. A bill to provide for the admission of the State of New Columbia into the Union; to the Committee on Governmental Affairs.

By Mr. HATFIELD:

S. 294. A bill for the relief of Spalding & Sons, Inc.; to the Committee on the Judiciary.

By Mr. BOREN:

S. 295. A bill to amend title 38, United States Code, to authorize a service pension of $150 per month for veterans of World War I and for certain surviving spouses of such veterans; to the Committee on Veterans Affairs.

By Mr. BOREN (for himself, Mr. COCHRAN, Mr. ZORINSKY, and Mr. ANDREWS):

S. 296. A bill to authorize the Secretary of Agriculture to establish a special cropland conservation program for erosion-prone cropland whereby the Secretary of Agriculture will assist the owners and operators of such land to make an orderly change in their cropping and land-use systems and to implement the conservation treatment needed to conserve the soil and water resources of the cropland; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOREN:

S. 297. A bill to amend the Federal Election Campaign Act of 1971 to change certain contribution limits for congressional elections; to the Committee on Rules and Administration.

By Mr. DECONCINI:

S. 298. A bill to clarify the application of the antitrust laws to professional team sports leagues, to protect the public interest in maintaining the stability of professional team sports leagues, and for other purposes; to the Committee on the Judiciary.

By Mr. PACKWOOD (for himself and Mr. PROXMIRE):

S.J. Res. 25. Joint resolution to designate March 16, 1985, as "Freedom of Information Day"; to the Committee on the Judiciary.

By Mr. PRESSLER (for himself, Mr. HARKIN, Mr. DOMENICI, and Mr. ABDNOR):

S.J. Res. 26. Joint resolution to designate "National Farm Crisis Week"; to the Committee on the Judiciary.

By Mr. HATCH:

S.J. Res 27. Joint resolution to designate the week containing March 8, 1985 as "Women's History Week"; to the Committee on the Judiciary.

By Mr. BOSCHWITZ (for himself, Mr. HOLLINGS, Mr. THURMOND, Mr. DURENBERGER, Mr. NUNN, Mr. HELMS, Mr. SARBANES, Mr. TRIBLE, Mr. CHILES, Mr. SYMMS, Mr. SIMON, Mr. GORE, Mr. BOREN, Mr. COCHRAN, Mr. JOHNSTON, Mr. BAUCUS, Mr. HUMPHREY, Mr. DOMENICI, Mr. LUGAR, and Mr. KASTEN):

S.J. Res. 28. Joint resolution to designate the week of September 8-14, 1985, as "National Independent Retail Grocer Week"; to the Committee on the Judiciary.

By Mr. GLENN (for himself, Mr. KENNEDY, Mr. MELCHER, Mr. METZENBAUM, Mr. ABDNOR, Mr. HEINZ, Mr. SARBANES, Mr. BRADLEY, Mr. THURMOND, Mr. BUMPERS, Mr. ROTH, Mr. NUNN, Mr. MOYNIHAN, Mr. HELMS, Mr. ANDREWS, Mr. HOLLINGS, Mr. JOHNSTON, Mrs. HAWKINS, Mr. INOUYE, Mr. CHILES, Mr. RIEGLE, Mr. MATSUNAGA, and Mr. DURENBERGER):

S.J. Res. 29. Joint resolution to designate the week of November 11, 1985, through November 17, 1985, as "National Reye's Syndrome Week"; to the Committee on the Judiciary.

By Mr. BOREN (for himself and Mr. BURDICK):

S.J. Res. 30. A joint resolution proposing an amendment to the Constitution of the United States to establish a 10-year term of office for Federal judges; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. KASSEBAUM:

S. Res. 48. A resolution to refer S. 273 entitled "A bill for the relief of Mildred C. Eide of Leavenworth, KS" to the chief judge of the U.S. Claims Court for a report thereon; to the Committee on the Judiciary.

By Mr. DOLE (for himself and Mr. BYRD):

S. Res. 49. A resolution directing the Senate Legal Counsel to represent the Committee on Banking, Housing, and Urban Affairs in obtaining a Writ of Habeas Corpus Ad Testificandum; considered and agreed to.

By Mr. CRANSTON:

S. Res. 50. A resolution reaffirming the Senate's commitment to the Job Corps Program; to the Committee on Labor and Human Resources.

By Mr. PROXMIRE:

S. Con. Res. 7. A concurrent resolution expressing the sense of the Congress that the President should seek a 6-month moratorium with the Soviet Union on the testing of nuclear warheads in order to negotiate a mutual and verifiable comprehensive nuclear test ban treaty; to the Committee on Foreign Relations.

By Mr. GRASSLEY (for himself, Mrs. KASSEBAUM, Mr. BIDEN, Mr. BAUCUS, Mr. MELCHER, and Mr. MATTINGLY):

S. Con. Res. 8. A concurrent resolution revising the Congressional Budget for the U.S. Government for the fiscal years 1985, 1986, and 1987; to the Committee on the Budget.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BYRD (for Mr. BENTSEN):

S. 261. A bill to provide for a feasibility study of south Texas medical facility; to the Committee on Veterans' Affairs.

FEASIBILITY STUDY ON THE NEED FOR A VETERANS' MEDICAL FACILITY IN SOUTH TEXAS

● Mr. BENTSEN. Mr. President, today, I am introducing legislation to provide for a study for the establishment of a veterans' hospital in south Texas. Presently, south Texas is served only by an outpatient clinic substation in McAllen. An outpatient clinic substation has only minimal facilities. For that reason, veterans living in south Texas must travel 200 or 300 miles to one of the hospitals in Houston or San Antonio if they are in need of anything more than minor health care. South Texas is not easily accessible by air or land travel. Further, when a veteran reaches the point where he needs more medical attention than the minimal facilities of a clinic substation can provide, his or her condition can often be aggravated by extensive travel. I think we have put an unreasonable burden on veterans who live in south Texas.

Americans have a proud tradition of honor, bravery, and service to their country. Many of those Americans are Texans—over 70,000 veterans live in the 14 southern most counties of Texas. These loyal and patriotic citizens responded to their country's call and willingly gave of themselves to serve their Nation's interest, often in far-off lands. The freedom we enjoy today is the greatest monument to them and to their bravery. Nothing is more important to the soul of America than remembering those who gave of themselves so that we might enjoy the fruits of peace and liberty. We must provide our veterans with access to adequate medical care. Establishing a veterans' hospital in south Texas would constitute a decided step toward achieving this worthy goal and the keeping of the commitments we have made to these men and women.●

By Mr. METZENBAUM:

S. 263. A bill to provide a deduction from gross income for individual taxpayers who maintain a household which includes a dependent of the taxpayer who suffers from Alzheimer's disease; to the Committee on Finance.

DEDUCTION FOR TAXPAYERS WHOSE HOUSEHOLD INCLUDES A DEPENDENT WHO SUFFERS FROM ALZHEIMER'S DISEASE

Mr. METZENBAUM. Mr. President, in past years, I have taken the floor of the Senate on many occasions to speak on the subject of Alzheimer's disease and its devastating impact on the elderly of this Nation. In each of those instances, I felt it necessary to describe to my colleagues the nature of this illness and the incredible cruelties that it imposes on the stricken. Time and again, I have cited the shocking numbers involved and have recounted statistics which point inevitably toward an epidemic.

I no longer feel that I must repeat that information before this body.

Alzheimer's disease has brutally forced itself into our consciousness and into our lives. The magnitude of this sickness has made millions of Americans painfully aware of a disorder that most had never before heard of.

It pleases me to report that this new awareness has translated into some significant strides in the battle against Alzheimer's. Much of the credit for these gains can be attributed to the responsiveness of Congress.

This year, we will target $50 million specifically for Alzheimer's disease research. Ten years ago, we weren't spending a dime toward the development of a treatment and a cure.

Two years ago, I offered an amendment on the floor to establish five specialized research centers on Alzheimer's. Not only was that amendment approved, but this year we authorized the funds to set up five additional centers.

Last year, my amendment to the Older Americans Act reauthorization provided funds to set up demonstration projects and to make grants available to students who will specialize in caring for Alzheimer's victims.

As you can see, Mr. President, we in the Congress have been successful in providing some hope for the future. We have not, however, done enough to alleviate the problems of the present.

For every person stricken, there are dozens of others who are indirectly victimized. Friends and loved ones must somehow try to cope as they helplessly watch as the Alzheimer's victim literally disintegrates before them. The immediate family must not only confront this emotionally; they are forced to face the financial challenge of a lifetime.

Therefore, today I am introducing a bill which will provide a tax deduction for individuals who are caring for an Alzheimer's victim in the home. This measure would make expenses related to the home care of an Alzheimer's victim—other than medical expenses—deductible from an individual's gross income.

Mr. President, the need for this measure is well documented. I recently chaired a hearing of the Subcommittee on Aging in my home State in which witness after witness described how an entire life's savings can be wiped out in a frighteningly short period of time. Testimony consistently indicates that around-the-clock care of an Alzheimer's victim can cost a family over $30,000 a year. Very few families can hope to afford that. Typically, they care for the patient themselves, with little or no professional help.

This bill certainly will not eliminate all the financial hardships of a family who has been touched by Alzheimer's disease. But this is an illness that is making the lives of those family members barely livable. By providing a deduction for certain home health services and for respite care, we can go a long way toward restoring some financial stability in these households.

I urge my colleagues' support for this measure. We are making progress toward the development of a treatment and a cure. Until the day arrives when we can say that we have defeated this disorder, we must do everything possible to ease the suffering of both Alzheimer's victims and their families.

By Mr. METZENBAUM (for himself and Mrs. HAWKINS):

S. 264. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that the label or labeling of a food state the specific common or usual name and the amount of each fat or oil contained in such food and the amount of sodium and potassium contained in such food; to the Committee on Labor and Human Resources.

DIETARY INFORMATION LABELING ACT OF 1985

Mr. METZENBAUM. Mr. President, as we begin work in a new Congress, we will be faced with a great many new issues which will require swift and thoughtful action. However, much of our attention here will be devoted to problems that have confronted us in previous years and past Congresses.

High on this list is the tragic fact that cardiovascular disease continues to be the Nation's No. 1 killer, claiming close to a million lives every year.

This year, however, there appears to be encouraging evidence that the battle against heart attack, high blood pressure, and stroke can be won. Study after study now tell us that by reducing the amount of cholesterol and sodium in our diets, we can dramatically cut the chances of developing cardiovascular disease.

In fact, a panel from the National Institutes of Health recently concluded that a mere 10 percent reduction in blood cholesterol would save 100,000 lives a year. Elimination of sodium literally spares the lives of many of the 60 million Americans who suffer from high blood pressure.

Mr. President, we Americans now know that our eating habits have made us high risks for developing these diseases. That knowledge has prompted many of us to reassess our diets and to drop some old habits.

Unfortunately, much of the information that consumers need in order to reduce fat and salt is simply unavailable. Even though it's been almost 5 years since the Food and Drug Administration proposed mandatory quantitative declaration of sodium and potassium and stricter guidelines for fat and oil labeling, we still don't know how much salt we are ingesting or the amount and the type of fat in the foods we buy.

Therefore, Mr. President, today I am introducing, along with my distinguished colleague PAULA HAWKINS, "The Dietary Information Labeling Act of 1985." This bill will enable consumers to make intelligent choices regarding fat and salt at the grocery store.

First, the bill requires food manufacturers to disclose the amount of salt their products contain. Although there are now voluntary regulations to this effect, FDA states that only one-third of processed foods are labeled. Regulations must be made mandatory.

Second, the amount and specific type of fat will also be included on the label. Now, we are not only in the dark in regard to how much fat is contained in these foods, we don't even know if the fat is vegetable or animal. In many cases, the industry practices an "and/or" method of labeling. For example, a typical label may read, "contains one of the following: palm oil, peanut oil, cottonseed oil, beef fat, and/or lard."

Mr. President, I consider this a matter of great urgency. There is no longer any debate—cholesterol and salt are killers. Unlike a great many serious illnesses, we know exactly how to avoid cardiovascular disease. We can cure ourselves by making informed choices about our diet. Sadly, we just don't have the proper information available to us to make those choices.

I am hopeful that hearings can be held on this legislation very soon. Americans have both the need and the right to know exactly what is contained in the foods they buy—especially when the ingredients can be harmful to their health.

Again, I ask my colleagues to bear in mind that this is the No. 1 killer of Americans. I urge their support of this measure and its swift enactment.

Mrs. HAWKINS. Mr. President, I rise today to join Senator METZENBAUM in cosponsoring the Dietary Information Labeling Act of 1985. This legislation would require that food labels state the sodium, potassium and fat and oil content contained in each food. Mr. President, each year we hear the dis-

tressing statistics regarding how many lives are lost to heart disease, stroke, high blood pressure, and other diseases. But the real distressing news is how many of the individuals could have been saved through proper diet.

Our Nation has always been concerned about the need for accurate labeling of food products, but as more information regarding diet and its relationship to certain diseases becomes known, full and accurate labeling of food products has become even more important. The 1969 Conference on Food, Nutrition, and Health signaled a change in attitude regarding food labeling, a progression away from labeling as a means of protecting against economic adulteration and toward a means of helping consumers make informed decisions regarding foods that might lead to better health. But implementation of the recommendations of that conference have been delayed for far too long. Over 5 years have passed since the Food and Drug Administration proposed mandatory quantitive declaration of sodium and potassium and stricter guidelines for fat and oil labeling. We need to enact these labeling provisions today. To the 43 million Americans who suffer from heart or blood disease, it is crucial to know the type of fat contained in their food. To the 37 million Americans who suffer from high blood pressure, the amount of salt they eat is related directly to their ability to control their blood pressure and reduce their risk of stroke. To the countless Americans who are concerned about their health and want to do all they can to prevent heart disease or high blood pressure, the knowledge of salt and fat content in the food they buy is an essential element of their overall health program.

More and more, scientific evidence is suggesting there's a good deal of truth in that old saying, "You are what you eat." We know that a healthy diet, low in saturated fat, can reduce the risk of heart attack and, perhaps, the risk of certain cancers. Controlling salt or sodium intake can help in the treatment of blood pressure. Findings like these have made Americans more nutrition conscious, that's good news. What's bad news, however, is that consumers trying to reduce their sodium or fat intake are often frustrated in trying to determine the ingredients of processed foods.

Although some food manufacturers do an excellent job of labeling the ingredients of their products, it is a voluntary effort on their part. The vast majority of American manufactured food products still have no nutritional labeling information to help guide the American consumer in making decisions affecting their health. To protect their health, to reduce the number of deaths in the United States, I believe that American consumers have the right to know what's in the food they buy. It's time our labeling laws gave the consumers this essential information. Therefore I am pleased to join Senator METZENBAUM, my colleague on the Senate Labor and Human Resources Committee in cosponsoring the Dietary Information Labeling Act.

By Mr. METZENBAUM:

S. 266. A bill to amend title XVIII of the Social Security Act to require that physicians who provide services under part B of such title shall be paid for such services only on the basis of an assignment, and for other purposes; to the Committee on Finance.

PAYMENT FOR PHYSICIANS' SERVICES

Mr. METZENBAUM. Mr. President, this year, senior citizens are paying as much out of their pockets for health care as they were before Medicare began. A large portion—as much as $2.5 billion in 1983—of these out-of-pocket costs result from doctors charging their elderly patients more than the Medicare determined reasonable rate for health care services.

As seniors have to reach into their pockets for nearly $2,000 to pay their health care costs in 1985, they will have good cause to wonder whatever happened to the protection which Medicare was meant to provide.

The legislation which I am introducing today seeks to repair one of the major holes in the Medicare Program—the failure of physicans to accept assignment.

This bill will require physicians who participate in the Medicare Program to accept Medicare reimbursement rates as payment in full for health care services. Currently, a great many physicans require elderly and disabled patients to pay the difference between the Medicare determined reasonable rate for those services and their own higher fees.

Less than 20 percent of physicans accept Medicare assignment for all of their Medicare patients. Half of all physicians accept Medicare's rates for some but not all of their Medicare patients.

The failure of so many physicans to abide by Medicare rates has placed a terrific burden on the elderly. The extent of this burden was outlined in a recent report by the chairman of the House Select Committee on Aging, Mr. ROYBAL.

One quarter of the average cost which seniors pay for physician services results from doctors charging the elderly more than Medicare considers reasonable. In 1983, senior citizens were burdened with $2.5 billion of these extra charges—an average of $107 per Medicare patient.

The total annual costs for physician services to Medicare patients averaged $917 in 1983. Medicare's net payment was only $449. The elderly had to pay the remaining $468 out-of-pocket. So, in 1983, the elderly were responsible for more than half their total physician bills.

The problem has clearly been getting worse. In 1973, the average bill submitted to Medicare was 11.7 percent higher than what Medicare would pay. By 1983, this discrepancy had more than doubled to 23.1 percent.

The point has often been made that the poor elderly are taken care of by doctors willing to be more lenient with their charges. The fact is, that in 1983, the poorest elderly—under $5,000 annual income—paid $137 out-of-pocket for physician services outside of hospital, compared to an average of $142 for the highest income elderly—over $35,000 annual income. In short, the burden is falling on those least able to bear it.

Of course the major argument against legislation requiring physicians to abide by Medicare's reasonable rates is that there will be massive defections of physicians from the program as a result.

However, given an increasingly competitive environment surrounding medical providers; the surplus of physicians expected by the end of the decade; and the fact that the elderly represent 35 percent of the average doctor's patient load; I believe physicians are unlikely to refuse elderly and disabled Medicare patients.

We should also keep in mind that in 1981, physicians received an average of $27,490 or 17 percent of their income from Medicare with some specialists—thoracic surgeons—receiving an average of $72,420 from the Medicare Program.

I believe that physicians have an obligation to charge no more than a reasonable fee for service to their elderly and disabled patients on Medicare, and if the profession itself cannot find a way to deliver affordable health care to Medicare beneficiaries, then I believe that the time has come to make accepting assignment a precondition for participation by physicians in the Medicare Program.

Mr. President, this bill recognizes that for many doctors, the barriers to accepting assignment are more than financial. The bill includes provisions intended to reduce burdensome paperwork and to speed up payments. In addition, the Secretary of Health and Human Services will establish an advisory committee of physicians and consumers to review all aspects of the present physician reimbursement system.

Mr. President, I am also concerned about physician billing practices under the Medicare system. The average number of physician bills submitted for each Medicare patient increased by 129 percent between 1970 and 1980. In 1970, there were 2,097 bills submitted

for each 1,000 Medicare patients; by 1980 this had risen to 4,797 per 1,000 patients.

The increase in bills cannot be explained by an increase in physician visits. Since 1970, the average number of physician visits by the elderly has risen by less than 2 percent.

The dramatic increase in the number of physician bills per patient suggests that physicians are getting around Medicare's reimbursement limits by billing for more procedures. My concern is that this practice adds to the burden of senior citizens and to the Medicare Program as a whole.

The large number of doctors who refuse to accept assignment coupled with rapidly escalating doctors' fees, has placed an enormous burden on Medicare recipients. The Medicare Program should serve the elderly as it was intended. We must not allow increased out-of-pocket expenses to serve as a barrier to affordable health care while enriching those in the medical profession who place profit above the obligation to meet human needs.

By Mr. DOLE (for himself, Mr. HATCH, Mr. GRASSLEY, Mr. WARNER, Mr. GORTON, Mr. HATFIELD, Mr. WILSON, Mr. ABDNOR, Mr. SPECTER, Mr. SIMPSON, Mr. PRESSLER, Mr. TRIBLE, Mr. HEINZ, and Mr. MCCONNELL):

S. 272. A bill to clarify the meaning of the phrase "program or activity" as applied to educational institutions that are extended Federal financial assistance, and for other purposes; to the Committee on Labor and Human Resources.

CIVIL RIGHTS AMENDMENTS ACT OF 1985

Mr. DOLE. Mr. President, I am pleased to introduce with the support of the President, legislation to overturn a part of last February's ruling by the Supreme Court in Grove City College versus Bell.

THE GROVE CITY CASE

A major issue presented in the Grove City case, of course was the scope of title IX of the education amendments of 1972 which prohibits sex discrimination in any education program or activity receiving Federal funds. Specifically, the Court was confronted with the question of whether title IX's program or activity language prohibits sex discrimination throughout an education institution or only in those specific programs that actually receive the Federal aid, either directly or indirectly. The Supreme Court adopted the latter interpretation and held that since the only Federal money received by Grove City College came in the form of financial aid to its students, only the college's financial aid office was covered by title IX. It should be noted that the case came to the Supreme Court on purely jurisdictional grounds, and there was never any allegation that Grove City College discriminates.

I need not remind my colleagues of the public controversy sparked by this ruling. Indeed, I was one of the first to express my strong disagreement with the decision. The fear was that the decision would result in a loss of civil rights protection for women in such areas as athletics—which ordinarily are not directly subsidized by Federal funds. The problem was complicated by the fact that three other major civil rights statutes—title VI of the landmark 1964 Civil Rights Act, prohibiting race discrimination; S. 504 of the Rehabilitation Act, prohibiting handicap discrimination; and the age discrimination act—all used the identical program or activity language at issue in Grove City.

THE CIVIL RIGHTS ACT OF 1984

As a consequence, shortly after the decision, I joined a number of my colleagues in introducing a bill intended to broaden the protection against discrimination—not only as it pertains to sex, but also to race, age and handicap—to the entire institution receiving Federal aid, not just its discrete, funded programs. I strongly supported the stated purpose of the bill, which was to overturn the restricted programmatic interpretation announced by the Supreme Court in Grove City. During Senate hearings on the measure, however, substantial concerns were raised that the bill's language was too sweeping and ambiguous, and could result in a dramatic and unforseen expansion of Federal civil rights jurisdiction. On the basis of these concerns, I was unable to continue my support for the bill when the issue arose on the Senate floor during consideration of the continuing resolution. I did, however, initiate and participate with the administration in negotiations between the bill's leading proponents and opponents in an effort to develop a consensus alternative. I did propose a compromise which was acceptable to many Senators involved in the negotiations, as well as the administration. I am reintroducing that proposal today.

THE COMPROMISE

The approach of the bill is simple. It would amend all four laws to make clear that where Federal financial assistance is extended to any educational program or activity of an education institution, the institution itself is to be considered the covered program. The bill also adds a grandfather clause to each law to insure that the Grove City case does not serve as precedent for judicial interpretation of civil rights coverage in other areas, it being the clear intent of this bill that such coverage is to be as broad as it was before the case was decided.

The clause provides that in circumstances not involving education institutions, the meaning of the phrase program or activity remains the same and should be construed without consideration given to the Grove City decision—and also to the Supreme Court's earlier North Haven decision, portions of which the Court relied upon in reaching its holding in Grove City.

Mr. President, I appreciate that many in the Senate are not satisfied with the approach of the bill I introduce today. I know that my distinguished colleague from Utah, Senator HATCH, believes that Congress should also deal with the first part of the Grove City decision which held that financial aid extended to college students, but not directly to the college, triggers title IX coverage, as well as various issues that have arisen in connection with title IX coverage of religiously affiliated institutions and organizations. On the other hand, I understand that my distinguished colleague from Massachusetts, Senator KENNEDY, believes this bill is too narrow, and will be offering his own proposal which will again seek to spell out the scope of coverage for all recipients of Federal funds.

Though I am sensitive to differing viewpoints, I believe that this proposal represents the best possible middleground. It is a realistic proposal which has the President's endorsement and support. It is a responsive proposal to the concerns raised by the Supreme Court's Grove City interepretation of title IX and it is a simple, straight forward proposal which avoids the kinds of problems that led to the defeat of the Civil Rights Act of 1984.

CONCLUSION

Mr. President, I believe the major reason we were unable to pass legislation overturning Grove City in the last Congress was the concern expressed by many of my colleagues that the proposal before the Senate simply went too far. There is no consensus for expanding pre-Grove City civil rights coverage: There is consensus for restoring the status quo. We can pass a bill which remains within pre-Grove City parameters and that is precisely what this bill does.

I am pleased that such a diverse group of Senators have decided to cosponsor the measure, which underscores, I believe, its potential broad base of appeal. This is an important issue for the 99th Congress and I believe the Senate should act on this measure as expeditiously as possible.

Mr. President, we were not quite able to work this out before we adjourned last year. But this is essentially what we agreed upon last year—at least the Republicans agreed—and I think that had it come to a vote, many Democrats would have supported it, too. The approach of the bill is very simple. It would amend all four laws to make certain that where Federal fi-

nancial assistance is extended to any educational program or activity of an education institution, the institution itself is to be considered the covered program. The bill also adds a grandfather clause to each law to ensure that the Grove City case does not serve as a precedent for judicial interpretation of civil rights coverage in other areas, it being the clear intent of this bill that such coverage is to be as broad as it was before the case was decided.

We have a broad range of sponsors—Senator HATCH of Utah, Senator GRASSLEY of Iowa, Senator WARNER of Virginia, Senator GORTON of Washington, Senator HATFIELD of Oregon, Senator WILSON of California, Senator ABDNOR of South Dakota, Senator SPECTER of Pennsylvania, Senator HEINZ of Pennsylvania, Senator PRESSLER of South Dakota, Senator TRIBLE of Virginia, and Senator SIMPSON of Wyoming are all cosponsors of the legislation.

I hope we will find support from other colleagues on both sides of the aisle, and I also hope that we can move rather quickly on this legislation because it is a matter of great concern.

Let me be the first to suggest that obviously this legislation does not completely satisfy either side of this issue. Some may want more narrow coverage; others may want more expansive coverage. But, for those who really want to simply restore the status Grove City, quo ante, this legislation is it.

I hope we will finally resolve this issue, and do it as one of the first orders of business in the Senate this year. I am advised that the House is moving quickly with a different version of the legislation. I am aware that the distinguished Senator from Massachusetts, Senator KENNEDY, the distinguished Senator from Connecticut, Senator WEICKER, and others had a press conference this morning to announce that they would be introducing their own version of legislation to overrule Grove City.

I have not yet seen their proposal, but I would emphasize one thing. I can pass legislation overturning Grove City; there is not broad consensus to go beyond that. So, I hope when all is said and done, we will move quickly and resolve this issue.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Amendments Act of 1985".

SEC. 2. (a) Title IX of the Education Amendments of 1972 is amended by adding at the end thereof the following new section:

"SEC. 908. (a) Notwithstanding the decisions of the Supreme Court in *Grove City College et al.* v. *Bell, Secretary of Education, et al.* and in *North Haven Board of Education et al.* v. *Bell, Secretary of Education, et al.*, the phrase 'program or activity' as used in this title shall, as applied to educational institutions which are extended Federal financial assistance, mean the educational institution.

"(b) In any other application of the provisions of this title, nothing in subsection (a) shall be construed to expand or narrow the meaning of the phrase 'program or activity' and that phrase shall be construed without reference to or consideration of the Supreme Court Decisions in *Grove City* and *North Haven.*".

(b) Section 504 of the Rehabilitation Act of 1973 is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b)(1) Notwithstanding the decisions of the Supreme Court in *Grove City College et al.* v. *Bell, Secretary of Education, et al.* and in *North Haven Board of Education et al.* v. *Bell, Secretary of Education, et al.*, the phrase 'program or activity' as used in this section shall, as applied to educational institutions which are extended Federal financial assistance, mean the educational institution.

"(2) In any other application of the provisions of this section, nothing in paragraph (1) shall be construed to expand or narrow the meaning of the phrase 'program or activity' and that phrase shall be construed without reference to or consideration of the Supreme Court decisions in *Grove City* and *North Haven.*".

(c) The Age Discrimination Act of 1975 is amended by adding at the end thereof the following new section:

"SEC. 310. (a) Notwithstanding the decisions of the Supreme Court in *Grove City College et al.* v. *Bell, Secretary of Education, et al.*, and in *North Haven Board of Education et al.* v. *Bell, Secretary of Education, et al.*, the phrase 'program or activity' as used in this title shall, as applied to educational institutions which are extended Federal financial assistance, mean the educational institution.

"(b) In any other application of the provisions of this title, nothing in subsection (a) shall be construed to expand or narrow the meaning of the phrase 'program or activity' and that phrase shall be construed without reference to or consideration of the Supreme Court decisions in *Grove City* and *North Haven.*".

(d) Title VI of the Civil Rights Act of 1964 is amended by adding at the end thereof the following:

"SEC. 606. (a) Notwithstanding the decisions of the Supreme Court in *Grove City College et al.* v. *Bell, Secretary of Education, et al.*, and in *North Haven Board of Education et al.* v. *Bell, Secretary of Education, et al.*, the phrase 'program or activity' as used in this title shall, as applied to educational institutions which are extended Federal financial assistance, mean the educational institution.

"(b) In any other application of the provisions of this title, nothing in subsection (a) shall be construed to expand or narrow the meaning of the phrase 'program or activity' and that phrase shall be construed without reference to or consideration of the Supreme Court decisions in *Grove City* and *North Haven.*".

● Mr. HATCH. Mr. President, I wish to join the distinguished majority leader [Senator DOLE] in the introduction of legislation to overturn the Supreme Court's 1984 decision in Grove City versus Bell. This legislation would establish institutional coverage in the context of title IX of the Education Amendments of 1972. Thus, any educational institution receiving Federal financial assistance would be subject to the provisions of title IX with respect to each of its programs and activities, not merely with respect to those directly receiving such assistance.

In addition, this legislation would extend further than merely overturning Grove City by subjecting such educational institutions to institutional coverage under title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act, and the Age Discrimination Act. Each of these acts, in my legal judgement, has heretofore been construed in a program-specific manner.

Finally, the proposed legislation would state clearly that nothing contained within it is designed to affect the scope of coverage in these other civil rights laws to the extent that they are applicable to other entities, including private businesses, State and local governments, and nonprofit institutions. In other words, the so-called grandfather clause would avoid involving this important legislation in extraneous controversies by clarifying that there is no intent here to alter existing law in any area of law outside of that explicitly set forth here.

Mr. President, let me offer several personal observations about this legislation. First, I would note that I happen to believe that the Supreme Court was legally correct in interpreting title IX in a "program-specific" manner. That, in my view, was the clear intent behind title IX as well as the manner in which it had been interpreted by the courts. My support for this measure is not predicated upon disagreement with the Court's holding but rather upon a belief that the law ought to be changed. If an educational institution is receiving Federal largesse, in the context of any of its programs or activities, I believe that it is appropriate that they be subject to the conditions which attach to such largesse.

Second, I would observe that my support for this legislation does not suggest that I am wholly satisfied with its provisions. Rather, I believe that it reflects an honest, good-faith effort on the part of the majority leader and others—including the Reagan administration—to deal with this difficult controversy.

Finally, I would note that I am also introducing today two separate amendments to the present legislation that I believe to be extremely important ones. The first would establish a

partial religious exemption, based upon similar provisions in title VII of the 1964 Civil Rights Act. It would resolve genuine questions of conflict between the dictates of title IX rules and regulations and the religious principles of certain educational institutions in favor of the latter. Existing rules, for example, prohibit such institutions from making distinctions in their student and employee health and leave policies between abortions and other medical procedures. Under the proposed partial exemption, a religiously motivated educational institution would be exempt from this particular requirement if its tenets demanded alternative policies.

The second intended amendment would entirely exempt from title IX coverage an estimated 25 educational institutions which receive absolutely no campus-based educational assistance from the Federal Government and which have done everything possible to maintain their independence from the Federal Government. The only apparent rationale for the coverage of such institutions is that they have students in attendance who themselves receive GI benefits or ADS Pell grants. In order to be exempt from coverage, such institutions additionally would have to have maintained their 501(c)(3) tax-exempt status—denied to some schools because of racially discriminatory policies—and would have had to be free of any other violations of civil rights laws for at least the previous period of 5 years. The schools covered by this amendment are, without exception, open and tolerant institutions with an absence of any history of discrimination. The issue involved in this amendment is not civil rights but educational independence and integrity.

Mr. Chairman, again I offer my congratulations to the majority leader and urge my colleagues to consider this important initiative on an extremely difficult issue.●

By Mrs. KASSEBAUM:

S. 273. A bill for the relief of Mildred C. Eide, of Leavenworth, KS; to the Committee on the Judiciary.

RELIEF OF MILDRED C. EIDE

Mrs. KASSEBAUM. Mr. President, today, I am reintroducing a private bill on behalf of Mildred C. Eide, of Leavenworth, KS. Mrs. Eide, a civilian Government employee for more than 18 years, was curator of the post museum at Forth Leavenworth, KS. On October 14, 1976, Mrs. Eide, then 64 years old, was attacked by an inmate of the U.S. disciplinary barracks serving on a work detail to the museum. The attacker struck Mrs. Eide several times on her face, hurled her repeatedly to the floor and attempted to sexually assault her. As a result of the vicious attack, Mrs. Eide suffered severe physical and psychological injury, including the loss of her left eye and a cardiac-related incident resulting in the implantation of a pacemaker. Mrs. Eide was permanently disabled and could never resume her work. A U.S. district judge awarded Mrs. Eide $1.1 million in actual and punitive damages. However, as all of the responsible parties except the attacker himself claimed Government immunity, the judgment is uncollectible.

Although she receives benefits under the Federal Employees Compensation Act, which approximate her salary had she been able to continue working, there is no compensation for her pain and suffering—her apparently permanent psychological and emotional injuries. The facts of this case are sufficiently unique to prohibit a wide application to other cases and call for some measure of equity and justice.

Mr. President, I hope that prompt action will be taken on this bill.

By Mr. DENTON:

S. 274. A bill to provide for the national security by allowing access to certain Federal criminal history records; to the Committee on the Judiciary.

ANTINUCLEAR TERRORISM ACT OF 1985

Mr. DENTON. Mr. President, I rise today to reintroduce the Antinuclear Terrorism Act of 1985. The bill, which would amend the Atomic Energy Act of 1954, would significantly improve the security of nuclear power facilities by granting power reactor licensees access to certain information in FBI criminal history files. The information would be used to assist in screening prospective nuclear facility employees.

In addition, the bill provides for the conduct of a background investigation on any individual having unescorted access to nuclear power facilities. Such investigations would help to ensure that only individuals who are reliable and trustworthy have access to critically sensitive areas.

Most background checks by nuclear power reactor licensees are limited to State and local files. Unfortunately, those files do not include information about an individual's criminal record, if any, in other parts of the country. By allowing nuclear power reactor operators to have access to the FBI's national files, they would be able to obtain more complete criminal histories. That information is, and should be, essential to determine who will be granted unescorted access to nuclear facilities. Since FBI records are covered by the provisions of the Privacy Act of 1974, all Privacy Act protections and limits on disclosure would apply.

The Nuclear Regulatory Commission advises that there are 85 U.S. nuclear reactor plants that produce and are licensed for full power. There are five that are licensed for fuel loading and low power. Those facilities currently produce approximately 13 percent of all U.S. electrical power. As of December 1984, 37 plants had been granted construction permits. When those plants become operational, nuclear power will provide approximately 25 percent of all our electrical power. Although increasingly vital for energy, nuclear facilities can also present a grave danger to the environment and to human life if they are not managed properly.

The NRC has investigated more than a dozen incidents of suspected sabotage by plant employees. The incidents involved critical valves in the wrong position, miswired electrical equipment, and other problem areas. A Commission report indicated that between 1974 and 1982 there had been 32 possible deliberate acts of damage at 24 operating reactors and reactor construction sites, including the dozen reported since 1980.

Examples of incidents include instrument valves apparently deliberately mispositioned in a way that knocked out the steam generator feed-water pump, thus forcing the operator to reduce power immediately to keep the reactor from going into emergency shutdown. That incident happened on May 1, 1982, at the Salem atomic power station in southern New Jersey. At the Beaver Valley plant near Pittsburgh, a valve that is normally left in an open position was found closed, and the chain and padlock that secured the valve in the open position were missing. With the valve closed, emergency cooling water would not have been available for high-pressure injection into the core.

The NRC reported, "Since there were no indications of unauthorized entry to the sites of these incidents, they are thought to have involved insiders." A 1983 Commission memorandum concluded that, "The major threat of sabotage to a nuclear plant is associated with the insider." More stringent employee screening procedures might have prevented many incidents of that kind.

According to FBI statistics on incidents of terrorism, there is a slight decrease in the number of domestic terrorist incidents; however, the FBI points out that these incidents are more aggravated than those which occurred in prior years. If a nuclear power facility ever became a terrorist target, the consequences could be catastrophic. If we allow nuclear power reactor licensees access to FBI criminal history files, and thus give the Bureau the authority to help screen individuals having unescorted access to sensitive areas of the nuclear plant, we will greatly aid in preventing sabotage from within.

The act would help to ensure the safety of nuclear powerplants, and thereby protect our citizens and our environment. I urge my colleagues to

join with me in support of the legislation. It is urgently needed to safeguard the security of the United States and the welfare of the American people.

I ask unanimous consent that the text of the bill appear in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 274

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Anti-nuclear Terrorism Act of 1985".

FINDINGS

SEC. 2. The Congress finds that—

(1) the presence of nuclear power facilities, fuel cycle facilities, and nuclear materials in our society represents a potential and grave threat to our national security should terrorists gain access;

(2) the increasing threat of terrorism directed against the United States is greatly enhanced by insider access to nuclear power facilities and nuclear material; and

(3) the Federal Bureau of Investigation should assist in screening persons who have access to nuclear facilities and material.

NATIONAL SECURITY ACCESS

SEC. 3. (a) The Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended by adding after section 148 the following new section:

"SEC. 149. FINGERPRINTING FOR SECURITY CLEARANCE.—

"a. Every person in the process of being licensed or licensed pursuant to section 103 or 104b to operate a utilization facility shall require that each individual allowed unescorted access to the facility be fingerprinted. All fingerprints obtained by a licensee as required in the preceding sentence shall be submitted to the Attorney General of the United States through a person or persons designated by the Commission in consultation with the Attorney General for identification and appropriate processing.

Notwithstanding any other provision of law, the applicant for or holder of the license may receive the results of such search from the Attorney General.

"b. The Commission, by rule, may relieve persons from the obligations imposed by this section, upon specified terms, conditions, and periods, if the Commission finds that such action is consistent with its responsibilities to promote the common defense and security and to protect the health and safety of the public. The Commission may also prescribe regulations to establish the conditions for use of information received from the Attorney General or to limit its redissemination.".

(b) The table of contents at the beginning of such Act is amended by inserting after the item for section 148 the following new item:

"Sec. 149. Fingerprinting for security clearance.".

By Mr. DENTON:

S. 275. A bill to protect the internal security of the United States by creating the offense of terrorism, and for other purposes; to the Committee on the Judiciary.

ANTITERRORISM ACT OF 1985

Mr. DENTON. Mr. President, I am today introducing the Antiterrorism Act of 1985, which would help to protect the internal security of the United States by creating the legal offense of terrorism. It defines the crime of terrorism, sets forth penalties, and gives the FBI concurrent jurisdiction with Federal, State, or local law enforcement agencies to investigate terrorist activities.

Surprisingly, terrorism itself is not a crime in the United States as it is in many Western industrialized nations. For example, Greece, Ireland, Israel, Italy, Japan, the United Kingdom, and West Germany all have laws against terrorism.

The FBI indicates that there were 13 terrorist acts in 1984. The examples include bombings at the Washington Navy Yard and at the Motorola and General Electric corporations in New York. Of course, we are all aware of the bombing of the Capitol itself just over a year ago. Such terrorist acts not only damage property, but jeopardize lives as well.

In its definition of terrorism, the bill includes part of the language used in the Foreign Intelligence Surveillance Act (FISA), 50 U.S.C. 1801, without the language prescribing to political or ideological motivation as a necessary element of the crime. In essence, the bill defines the crime of terrorism as involving violent acts that are in violation of the criminal laws of the United States, or of any State and that appear to be intended to intimidate a civilian population, to influence Government policy by intimidation, or to affect the conduct of Government. The FISA definition has been upheld by at least two courts against challenges that it is unconstitutionally vague and involves the courts in making delicate political judgments for which they are not suited.

The bill provides for penalties ranging from 5 years imprisonment for someone who has been convicted of threatening to commit an act of terrorism, to the death penalty, for terrorist acts that kill people.

In addition, the bill allows for concurrent investigatory jurisdiction to be shared between the FBI and the appropriate Federal, State, or local law enforcement agency. That is, the Federal, State, or local agency may, by consent, give the FBI primary jurisdiction to investigate violations of the law.

I am sensitive to the fact that any legislation must strike a balance between the need to punish terrorists and the need to protect the constitutional rights of all Americans, especially the right to dissent. I believe that the bill strikes that balance.

Terrorism is a threat that we face now. Terrorists must be made aware that we will not tolerate their activities.

I ask unanimous consent that the text of the bill appear in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Antiterrorism Act of 1985".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that terrorism is—

(1) an offense which results in the killing of innocent persons, the loss of civil rights through intimidation and coercion, and the loss of property;

(2) a crime that has as its goal the furtherance of a political or ideological objective by violent means;

(3) directed against the orderly and democratic conduct and security of all people;

(4) a threat to our national security and our national interests;

(5) a burden on commerce or threat affecting the free flow of interstate commerce;

(6) a threat to the safety of the President of the United States and Vice President of the United States, the Congress, the Supreme Court, and the Government of the United States as a whole; and

(7) a threat to the continued and effective operation of the Government of the United States and of the government of each State as guaranteed by Article IV of the Constitution.

(b) It is the purpose of this Act to—

(1) protect the internal security of the United States by creating the offense of terrorism; and

(2) grant to the Federal Government and the Federal Bureau of Investigation under appropriate circumstances primary investigative jurisdiction over the crime of terrorism.

OFFENSE OF TERRORISM

SEC. 3. (a) Title 18 of the United States Code is amended by adding after chapter 113 the following new chapter:

"CHAPTER 113A.—TERRORISM

"Sec.
"2331. Definition.
"2332. Offense.
"2333. Jurisdiction to investigate.

"§ 2331. Definition

"For purposes of this chapter, the term 'terrorism' means activity that:

(1) involves violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

(2) appears to be intended—

(A) to intimidate or coerce a civilian population;

(B) to influence the policy of a government by intimidation or coercion; or

(C) to affect the conduct of a government by assassination or kidnapping.

"§ 2332. Offense

"(a) Whoever commits or procures the commission of an act of terrorism within the United States or any State, territory, possession, or district shall be punished (1) by death, if the death of any person results from the commission of the act of terrorism, and if the verdict of the jury shall so recommend, or (2) by imprisonment for a term of

years not less than 20, or for life, or for life without possibilty of parole.

"(b) Whoever attempts to commit an act of terrorism within the United States or any State, territory, possession, or district shall be punished (1) by death, if the death of any person results from commission of the attempt, and if the verdict of the jury so recommend, or (2) by imprisonment for not less than 10 years nor more than 20.

"(c) Whoever threatens to commit an act of terrorism within the United States or any State, territory, possession, or district shall be punished by imprisonment for not less than 5 years nor more than 10 years.

"(d) In the case of a second or subsequent conviction under subsection (a) or (b), such person shall be sentenced to a term of life imprisonment without possibility of parole, or death, if the death of any person results from the commission or attempted commission of the act of terrorism.

"(e)(1) A person shall be subjected to the penalty of death for any offense prohibited by this section only if a hearing is held in accordance with this subsection.

"(2) When a defendant is found guilty of or pleads guilty to an offense under this section for which one of the sentences provided is death, the judge who presided at the trial or before whom the guilty plea was entered shall conduct a separate sentencing hearing to determine the existence or nonexistence of the factors set forth in paragraphs (6) and (7), for the purpose of determining the sentence to be imposed. The hearing shall not be held if the Government stipulates that none of the aggravating factors set forth in paragraph (7) exists or that one or more of the mitigating factors set forth in paragraph (6) exists. The hearings shall be conducted—

"(A) before the jury which determined the defendant's guilt;

"(B) before a jury impaneled for the purpose of the hearing if—

"(i) the defendant was convicted upon a plea of guilty;

"(ii) the defendant was convicted after a trial before the court sitting without a jury; or

"(iii) the jury which determined the defendant's guilt has been discharged by the court for good cause; or

"(C) before the court alone, upon the motion of the defendant and with the approval of the court and of the Government.

"(3) In the sentencing hearing the court shall disclose to the defendant or his counsel all material contained in any presentence report, if one has been prepared, except such material as the court determines is required to be withheld for the protection of human life or for the protection of the national security. Any presentence information withheld from the defendant shall not be considered in determining the existence or the nonexistence of the factors set forth in paragraph (6) or (7). Any information relevant to any of the mitigating factors set forth in paragraph (6) may be presented by either the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials; but the admissibility of information relevant to any of the aggravating factors set forth in paragraph (7) shall be governed by the rules governing the admission of evidence at criminal trials. The Government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any of the factors set forth in paragraph (6) or (7). The burden of establishing the existence of any of the factors set forth in paragraph (7) is on the Government. The burden of establishing the existence of any of the factors set forth in paragraph (6) is on the defendant.

"(4) The jury, or if there is no jury, the court shall return a special verdict setting forth its findings as to the existence or nonexistence of each of the factors set forth in paragraph (6) and as to existence or nonexistence of each of the factors set forth in paragraph (7).

"(5) If the jury or, if there is no jury, the court finds by a preponderance of the information that one or more of the factors set forth in paragraph (7) exists and that none of the factors set forth in paragraph (6) exists, the court shall sentence the defendant to death. If the jury or, if there is no jury, the court finds that none of the aggravating factors set forth in paragraph (7) exists, or finds that one or more of the mitigating factors set forth in paragraph (6) exists, the court shall not sentence the defendant to death but shall impose any other sentence provided for the offense for which the defendant was convicted.

"(6) The court shall not impose the sentence of death on the defendant if the jury or, if there is no jury, the court finds by a special verdict as provided in paragraph (4) that at the time of the offense—

"(A) he was under the age of eighteen;

"(B) his capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to prosecution;

"(C) he was under unusual and substantial duress, although not such duress as to constitute a defense to prosecution;

"(D) he was a principal (as defined in section 27(a) of title 18 of the United States Code (18 U.S.C. 27(a))) in the offense, which was committed by another, but his participation was relatively minor, although not so minor as to constitute a defense to prosecution; or

"(E) he could not reasonably have foreseen that his conduct in the course of the commission of the offense for which he was convicted would cause, or would create a grave risk of causing death to another person.

"(7) If no factor set forth in paragraph (6) is present, the court shall impose the sentence of death on the defendant if the jury, or, if there is no jury, the court finds by a special verdict as provided in paragraph (4) that the death of another person resulted from the commission or attempted commission of the offense, and

"(A) the defendant has been convicted of another Federal or State offense (committed either before or at the time of the commission or attempted commission of the offense) for which a sentence of life imprisonment or death was imposable;

"(B) the defendant has previously been convicted of two or more Federal or State offenses with a penalty of more than one year imprisonment (committed on different occasions before the time of the commission or attempted commission of the offense), involving the infliction of serious bodily injury upon another person;

"(C) in the commission or attempted commission of the offense, the defendant knowingly created a grave risk of death to another person in addition to the victim of the offense or attempted offense; or

"(D) the defendant committed or attempted to commit the offense in an especially heinous, cruel, or depraved manner.

"§ 2333. Jurisdiction to investigate

"The Federal Bureau of Investigation should defer the investigation of violations of this chapter to the appropriate Federal, State, or local law enforcement agency. However, if after consultation between the Federal, State, or local law enforcement agency and the Bureau, the agency requests or concurs in the decision that primary investigation be undertaken by the Bureau, the Bureau shall assume full responsibility for directing the investigation.".

(b) The table of chapters for part 1 of title 18, United States Code, as amended by adding after the item for chapter 113 the following:

"113A. Terrorism ..... 2331.".

By Mr. DENTON:

S. 276. A bill to amend the Freedom of Information Act to provide for the protection from disclosure of records related to terrorism and foreign counterintelligence; to the Committee on the Judiciary.

PROTECTION FROM DISCLOSURE OF RECORDS RELATING TO TERRORISM AND FOREIGN COUNTERINTELLIGENCE

Mr. DENTON. Mr. President I rise today to reintroduce a bill to amend the Freedom of Information Act [FOIA] to provide for the protection from disclosure of records related to terrorism and foreign counterintelligence. The legislation would also delete a current provision of 5 U.S.C. section 552 that requires the release of segregable portions of a record.

On December 10, 1981, FBI Director William Webster testified before the Subcommittee on the Constitution of the Senate Judiciary Committee. He described in detail cases in which hostile foreign intelligence services, members of terrorist groups, and others have used the FOIA to identify FBI informants and frustrate FBI investigations. Judge Webster revealed that, as early as 1979 and for that year alone, there were 125 cases where individuals refused to provide the FBI with information because of fears that their names would be released under an FOIA request.

At a hearing on April 3, 1984, before the same subcommittee, W. Raymond Wannall, former Assistant Director of the FBI, noted that he had observed the debilitatiing effects on our national security of the 1974 amendments to the FOIA and the Privacy Act.

I firmly believe that, in order to deal more effectively with terrorists and foreign intelligence operatives who have become increasingly more sophisticated in their intelligence-gathering methods and who rejoice at the ease with which they are able to obtain sensitive information in our open, democratic society, we need to close the loopholes in the law that allow

them access to information they should not have.

Moreover, we need to rectify the chilling effect that FOIA requests have on informants who fear exposure through information released under the act. Those informants have become increasingly hestitant about cooperating with our law enforcement agencies.

Finally, we should deal with the fact that, in some cases the response to an FOIA request amounts to an acknowledgement by the FBI that a file exists on a specific subject and alerts hostile intelligence services that an investigation is under way or has taken place.

Because of the need to act quickly to protect highly sensitive information gathered for foreign counterintelligence purposes, I am reintroducing my legislation, offered in the last Congress, to amend the Freedom of Information Act.

The need for an FOIA exemption for information about terrorism and foreign counterintelligence was recognized during the Carter administration, when then Attorney General Benjamin Civiletti proposed establishing a moratorium on access through the Freedom of Information Act to any records related to terrorism, organized crime, or foreign counterintelligence.

The need for the exemptions was also identified by the Reagan administration when it undertook its comprehensive review of the Freedom of Information Act during the 97th Congress. Provisions for the exemptions for terrorism and foreign counterintelligence information were included in S. 1751, which was introduced by my distinguished colleague from Utah, Mr. HATCH, on behalf of the administration on October 20, 1981. Moreover, the Judiciary Subcommittee on the Constitution incorporation exemptions on terrorism and foreign counterintelligence from S. 1751, the Freedom of Information Reform Act of 1981, into S. 1730, which Senator HATCH had introduced 2 weeks earlier.

After extensive hearings, the Subcommittee on the Constitution approved S. 1730 on December 14, 1981, including the exemptions for terrorism and foreign counterintelligence information. During the course of seven hearings—three more, incidentally, than were held in 1965 when the FOIA was originally passed—the subcommittee heard testimony from more than 50 witnesses who represented nearly every conceivable viewpoint about the strengths and weaknesses of the act.

In the 98th Congress when Senator HATCH reintroduced S. 1751 and S. 774, but without the terrorism and foreign counterintelligence exemptions, I advised my colleagues on the Judiciary Committee that, although I would support S. 774 as a compromise measure, the Senate and House needed to act quickly to protect information gathered for foreign counterintelligence purposes. For that reason, I introduced S. 2395.

Now, in the 99th Congress, Senator HATCH has reintroduced S. 774 as the Freedom of Information Reform Act (S. 150), a bill that I have cosponsored even though it lacks the necessary terrorism and foreign counterintelligence exemptions. The bill that I introduced today completes the necessary reform proposed in S. 150.

The legislation also addresses the problem of segregability. As the law stands, records requested under the FOIA must be reviewed line-by-line to determine releaseability. Tht kind of review frequently requires the release of often seemingly innocuous information. One such piece, which, when pieced together with other information, could conceivably be the information a hostile intelligence-gathering team needs to complete its mosaic.

The time has come to stop what amounts to giving help to terrorists and foreign intelligence services of hostile governments through provisions in a law that was never intended to be used for that purpose. I ask my colleagues to support amending the FOIA.

I ask unanimous consent that the full text of the bill be printed in the RECORD immediately following my statement.

Thank you, Mr. President.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 552 of title 5, United States Code, is amended—

(1) by striking out "or" at the end of paragraph (8);

(2) by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon;

(3) by adding after paragraph (9) the following new paragraph:

"(10) related to the investigation of terrorism or concerned with foreign counterintelligence operations."; and

(4) by striking out the second sentence thereof.

By Mr. ANDREWS (for himself, Mr. ABDNOR, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOSCHWITZ, Mr. BURDICK, Mr. COCHRAN, Mr. DECONCINI, Mr. DOMENICI, Mr. DURENBERGER, Mr. GOLDWATER, Mr. GORTON, Mr. INOUYE, Mr. KENNEDY, Mr. MELCHER, Mr. MURKOWSKI, Mr. PRESSLER, and Mr. STEVENS):

S. 277. A bill to reauthorize and amend the Indian Health Care Improvement Act, and for other purposes; to the Select Committee on Indian Affairs.

INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS

● Mr. ANDREWS. Mr. President, I rise today to introduce the Indian Health Care Amendments of 1985, a bill to reauthorize the Indian Health Care Improvement Act of 1976 through fiscal year 1989. I am joined in this effort by my colleagues from both sides of the aisle, calling for Senate consideration of this urgently needed legislation which extends many of the important programs that seek to improve the poor health status of this country's native Americans. The Federal responsibility for Indian health care reflected in this legislation, recognizes the legal commitments and treaties made with Indian tribes—obligations undertaken by the Federal Government during the early days of our westward expansion, in exchange for the cession of vast amounts of Indian lands to the United States.

As many here know, Indian health care improvement legislation introduced in the last Congress met with a fate similar to other major health initiatives from the 98th Congress—a Presidential veto. The veto of the Indian health bill was premised upon a demonstration program in the State of Montana and a congressionally appointed commission on the organizational placement of the Indian Health Service. And, although there was considerable opposition to the basis for the President's veto, neither provision is contained in the bill that I am introducing today. Rather, we are hopeful that the administration will demonstrate the strong support for Indian health programs that President Reagan expressed in his veto message, and will work closely with interested Members of the Senate to assure that this most important Indian health legislation will be approved by the President in 1985.

The need to continue targeting Federal resources to address the health problems of native Americans has been well-documented. Indian people suffer the lowest health status of all Americans. The possibility that an Indian child, born today, will not survive infancy is 11 percent greater than his non-Indian counterpart. His mother will also face greater odds against surviving her pregnancy than do other American mothers. And, should that Indian child survive infancy, his chances of death from tuberculosis are six times that of other U.S. citizens, and five times as great for death from alcoholism. While most Americans—66.4 percent—will live to age 65 or older, the Indian child born today has only a 35-percent chance of reaching age 65. The fact is that 40 percent of all Indian people will die before they reach age 45. These are realities that we cannot afford to ignore.

The Indian Health Care Amendments of 1985 propose a modest investment in improving the health status of people who comprise this country's most vulnerable population in terms of poor nutrition, continued exposure to unsafe water supplies and inadequate sanitation facilities, and who suffer from a greater incidence of kidney disease, hypertension, diabetes, tuberculosis, pneumonia, and influenza than all other American citizens. The bill I introduce today extends the major health care programs that are designed to combat these conditions, and establishes a new policy emphasis on health promotion and disease prevention. I urge my colleagues to consider this legislation carefully, for it will clearly determine the future of this country's first Americans.

I ask unanimous consent that the bill be printed in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 277

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Indian Health Care Amendments of 1985".

REFERENCES

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Indian Health Care Improvement Act (25 U.S.C. 1601, et seq.).

TITLE I—INDIAN HEALTH MANPOWER

HEALTH PROFESSIONS RECRUITMENT PROGRAM FOR INDIANS

SEC. 101. Subsection (c) of section 102 (25 U.S.C. 1612(c)) is amended to read as follows:

"(c) There are authorized to be appropriated for the purpose of carrying out the provisions of this section—

"(1) $600,000 for fiscal year 1986,
"(2) $650,000 for fiscal year 1987,
"(3) $700,000 for fiscal year 1988, and
"(4) $750,000 for fiscal year 1989.".

HEALTH PROFESSIONS PREPARATORY SCHOLARSHIP PROGRAM

SEC. 102. (a) Section 103 (25 U.S.C. 1613) is amended by striking out subsection (d) and inserting in lieu thereof the following:

"(d) The Secretary shall not deny scholarship assistance to an eligible applicant under this section solely on the basis of the applicant's scholastic achievement if such applicant has been admitted to, or maintained good standing at, an accredited institution.

"(e) There are authorized to be appropriated for the purpose of carrying out the provisions of this section—

"(1) $4,700,000 for fiscal year 1986,
"(2) $5,400,000 for fiscal year 1987,
"(3) $6,100,000 for fiscal year 1988, and
"(4) $6,800,000 for fiscal year 1989.".

(b) Subsection (c) of section 103 is amended by striking out "expenses" and inserting in lieu thereof "expenses of a grantee while attending school full time".

INDIAN HEALTH SERVICE EXTERN PROGRAMS

SEC. 103. Section 105 (25 U.S.C. 1614) is amended by striking out subsection (d) and inserting in lieu thereof the following:

"(d) No stipend may be paid to any person under section 103 or 104 while such person is employed under this section.

"(e) There are authorized to be appropriated for the purpose of carrying out the provisions of this section—

"(1) $350,000 for fiscal year 1986,
"(2) $400,000 for fiscal year 1987,
"(3) $450,000 for fiscal year 1988, and
"(4) $500,000 for fiscal year 1989.".

HEALTH PROFESSIONS SCHOLARSHIP PROGRAM

SEC. 104. Title I is amended by adding at the end thereof the following new sections:

"INDIAN HEALTH PROFESSIONS SCHOLARSHIPS

"SEC. 107. (a) In order to provide health professionals to Indian communities, the Secretary, acting through the Service and in accordance with this section, shall make scholarship grants to Indians who are enrolled full time in schools of medicine, osteopathy, dentistry, veterinary medicine, nursing, optometry, clinical psychology, public health, and allied health professions. Such scholarships shall be designated Indian Health Scholarships and shall be made in accordance with section 338A of the Public Health Service Act (42 U.S.C. 254l) except as provided in subsection (b) of this section.

"(b)(1) The Secretary, acting through the Service, shall determine who shall receive such scholarships and shall determine the distribution of such scholarships among such health professions on the basis of the relative needs of Indians for additional service in such health professions.

"(2) An individual shall be eligible for a scholarship under subsection (a) in any year in which such individual is enrolled full time in a health-profession school referred to in subsection (a).

"(3) The active duty service obligation prescribed under section 338B of the Public Health Service Act (42 U.S.C. 254m) shall be met by a recipient of an Indian Health Scholarship by service in the Indian Health Service, including service under a contract under the Indian Self-Determination and Education Assistance Act (Public Law 93-638); in a program assisted under title V of this Act; or in the private practice of his profession if, as determined by the Secretary, in accordance with guidelines promulgated by the Secretary, such practice is situated in a physician or other health professional shortage area and addresses the health care needs of a substantial number of Indians.

"(c) For the purpose of this section, the term 'Indian' has the same meaning given that term by subsection (c) of section 4 of this Act, including all individuals described in clauses (1) through (4) of that subsection.

"(d) There are authorized to be appropriated for the purpose of carrying out the provisions of this section—

"(1) $7,000,000 for fiscal year 1986,
"(2) $8,100,000 for fiscal year 1987,
"(3) $9,234,000 for fiscal year 1988, and
"(4) $10,300,000 for fiscal year 1989.

"COMMUNITY HEALTH REPRESENTATIVE PROGRAM

"SEC. 108. (a) Under the authority of the Act of November 2, 1921 (25 U.S.C. 13), popularly known as the Snyder Act, the Secretary shall maintain a Community Health Representative Program under which the Service—

"(1) provides for the training of Indians as health paraprofessionals, and

"(2) uses such paraprofessionals in the provision of health care to Indian communities.

"(b) The Secretary, acting through the Community Health Representative Program of the Service, shall—

"(1) provide a high standard of paraprofessional training to Community Health Representatives to ensure that the Community Health Representatives provide quality health care to the Indian communities served by such Program, and

"(2) in order to provide such training, develop a curriculum that—

"(A) combines education in the theory of health care with supervised practical experience in the provision of health care,

"(B) provides instruction and practical experience in health promotion and disease prevention activities, particularly—

"(i) nutrition,
"(ii) physical fitness,
"(iii) weight control,
"(iv) cessation of tobacco smoking,
"(v) stress management,
"(vi) control of alcohol and drug abuse,
"(vii) control of high blood pressure, and
"(viii) prevention of lifestyle-related accidents, and

"(C) provides instruction in the latest and most effective social, educational, and behavioral approaches to the establishment and maintenance of good health habits,

"(3) develop a system which identifies the needs of Community Health Representatives for continuing education in health care, health promotion, and disease prevention and develop programs that meet the needs for such continuing education,

"(4) develop and maintain a system that provides close supervision of Community Health Representatives,

"(5) develop a system under which the work of Community Health Representatives is reviewed and evaluated,

"(6) ensure that the provision of health care, health promotion, and disease prevention activities are consistent with the traditional health care practices and cultural values of the Indian tribes served by such Program.".

TITLE II—HEALTH SERVICES

IMPROVEMENT OF INDIAN HEALTH STATUS

SEC. 201. (a) Section 201 is amended to read as follows:

"INDIAN HEALTH CARE IMPROVEMENT FUND

"SEC. 201. (a)(1) To further implement the national policy of raising the health status of Indians to a zero level of deficiency as defined in subsection (c) by eliminating backlogs in health care services and meeting unmet Indian health needs as soon as possible and in an equitable manner, the Secretary is authorized to expend, through the Service, over the 4-year period beginning with fiscal year 1986 the amounts authorized to be appropriated by subsection (h) of this section. Funds requested under this section shall be separately stated in the Service budget request as submitted to Congress under section 1105 of title 31, United States Code, and funds appropriated under this section shall not be used to offset or limit appropriations made to the Service under authority of the Act of November 2, 1921 (25 U.S.C. 13) or any other law. Funds appropriated under this section in any fiscal year shall be included in the base budget of the Service for the purpose of determining appropriations under this section in subsequent fiscal years.

"(2) Nothing in this section is intended to diminish the primary responsibility of the Service to eliminate existing backlogs in unmet health care needs of the Service, nor is it intended to discourage the Service from undertaking additional efforts to achieve parity among tribes.

"(b)(1) Funds appropriated under this section shall be expended to augment the ability of the Service to meet the following health service responsibilities—

"(A) clinical care (direct or indirect);

"(B) preventive health;

"(C) dental care (direct or indirect);

"(D) mental health, including community mental health services, inpatient mental health services, dormitory mental health services, therapeutic and residential treatment centers, and training of traditional Indian practitioners;

"(E) emergency medical services;

"(F) treatment and control of, and rehabilitative care related to, alcoholism among Indians; and

"(G) maintenance and repair.

"(2) Where any funds allocated to a tribe or service unit are used for a contract under the Indian Self-Determination and Education Assistance Act, not more than 15 percent of such funds shall be used for health planning, training, technical assistance, and other administrative support functions.

"(3) To the extent that all or a portion of the funds appropriated under subsection (h) are required to raise tribes which are below a Level II deficiency, as defined in subsection (c)(2), to such level, such funds shall not be available for allocation to tribes at or above such level. Funds appropriated under this section may be allocated on a service unit basis but must be used by each service unit to raise the deficiency level of each tribe served by such service unit. Apportionment of a tribe's or service unit's allocation of funds among the health service responsibilities listed in paragraph (1) shall be determined by the Service and the affected Indian tribes.

"(c)(1) Within 60 days of the date of enactment of the Indian Health Care Amendments of 1985, the Secretary shall submit to the Congress the current health services priority system report of the Service for each tribe or service unit including service units serving newly recognized or acknowledged tribes. Such report shall contain—

"(A) the methodology for determining tribal health resources deficiencies; the level of health resources deficiency for each tribe; the amount of funds necessary to raise all tribes below a Level II deficiency to a Level II deficiency; the amount of funds necessary to raise all tribes below a Level I deficiency to a Level I deficiency; and the amount of funds necessary to raise all tribes to a zero level of deficiency; and

"(B) an estimate of—

"(i) the amount of health service funds appropriated under the authority of this or any other Act for the preceding fiscal year which is allocated to each service unit, tribe, or comparable entity; and

"(ii) the number of Indians eligible for health services in each service unit or tribe.

"(2) For purposes of this section, the health resources deficiency levels of a tribe are as follows:

"Level I—0 to 20 percent deficiency,

"Level II—21 to 40 percent deficiency,

"Level III—41 to 60 percent deficiency,

"Level IV—61 to 80 percent deficiency, and

"Level V—81 to 100 percent deficiency.

"(3) The Secretary shall establish by regulation procedures which allow any Indian tribe to petition the Secretary for a review of any determination of the health resources deficiency level of such tribe.

"(d) Upon enactment of the Indian Health Care Amendments of 1985, the Secretary, acting through the Service, shall take all necessary action, in cooperation with each Indian tribe, to bring current the tribal specific health plans which were developed as a part of the plan required by section 703 and which formed the basis for such plan in response to the requirements of section 701. These plans shall be based upon the methodology submitted under subsection (c), as may be further modified through tribal consultation, and shall form the basis for the health services priority system report to be submitted by the Secretary for fiscal years 1986, 1987, 1988, and 1989. Such reports shall be submitted to the Congress not more than thirty days after the submission of the annual budget for such fiscal years to the Congress by the President.

"(e) The Secretary, acting through the Service, shall expend directly or by contract, including contracts under the Indian Self-Determination and Education Assistance Act (Public Law 93-638), not less than 1 percent of the funds appropriated under subsection (h) for research in the areas of Indian health care set out in subparagraphs (A) through (F) of subsection (b)(1).

"(f) Programs administered by any Indian tribe or tribal organization under the authority of the Indian Self-Determination and Education Assistance Act shall be eligible for funds appropriated pursuant to subsection (h) on an equal basis with programs that are administered directly by the Indian Health Service.

"(g) The President shall include with the budget submitted under section 1105 of title 31, United States Code, for each fiscal year a separate statement which specifies the total amount obligated or expended in the most recently completed fiscal year to carry out subsection (d) and to carry out each of the subparagraphs of subsection (b)(1).

"(h) There are authorized to be appropriated for the purpose of carrying out the provisions of this section—

"(1) $29,000,000 for fiscal year 1986,

"(2) $28,000,000 for fiscal year 1987,

"(3) $46,000,000 for fiscal year 1988, and

"(4) $46,000,000 for fiscal year 1989.

Any funds appropriated under this subsection shall be designated as the 'Indian Health Care Improvement Fund'.".

(b) Section 4 (25 U.S.C. 1603) is amended by striking out subsections (i), (j), and (k), and by inserting in lieu thereof the following new subsections:

"(i) 'Area office' means an administrative entity including a program office, within the Indian Health Service through which services and funds are provided to the service units within a defined geographical area; and

"(j) 'Service unit' means an administrative entity within the Indian Health Service or a tribe or tribal organization operating health care programs or facilities with funds from the Service under the Indian Self-Determination Act through which services are provided, directly and by contract, to the eligible Indian population within a defined geographic area.".

CATASTROPHIC HEALTH PROGRAM

SEC. 202. Title II is amended by adding at the end thereof the following new section:

"CATASTROPHIC HEALTH EMERGENCY FUND

"SEC. 202. (a) There is established an Indian Catastrophic Health Emergency Fund (hereinafter in this section referred to as the 'Fund') to be administered by the Secretary, acting through the Service, solely for the purpose of meeting the extraordinary medical costs associated with the treatment of victims of disasters or catastrophic illnesses falling within the responsibility of the Service. The Fund shall be administered by the central office of the Service and shall not be allocated, apportioned, or delegated on a service unit or area office basis. Funds appropriated under subsection (c) shall not be used to offset or limit appropriations made to the Service under authority of the Act of November 2, 1921 (25 U.S.C. 13) or any other law. No part of the Fund or its administration shall be subject to contract or grant under any law, including the Indian Self-Determination and Education Assistance Act (Public Law 93-638).

"(b) The Secretary shall, through the promulgation of regulations consistent with the provisions of this section—

"(1) establish a definition of disasters and catastrophic illnesses for which the cost of treatment, whether provided under contract or directly by the Service, would qualify for payment from the Fund; and which shall provide that a service unit shall not be eligible for reimbursement for the cost of treatment from the Fund until its cost of treating any victim of such catastrophic illness or disaster shall have reached a certain threshold cost which the Secretary shall establish at not less than $10,000 or not more than $20,000;

"(2) establish a procedure for the reimbursement of service units or facilities rendering treatment or, whenever otherwise authorized by the Service, the reimbursement of non-Service facilities or providers rendering treatment;

"(3) establish a procedure for payment from the Fund where the exigencies of the medical circumstances warrant treatment prior to the authorization of such treatment by the Service; and

"(4) establish a procedure that will assure that no payment shall be made from the Fund to any provider to the extent that the provider is eligible to receive payment for the treatment from any other Federal, State, local, or private source of reimbursement for which the patient is eligible or by which the patient is covered.

"(c) There are authorized to be appropriated for the purpose of carrying out the provisions of this section—

(1) $12,000,000 for fiscal year 1986, and

(2) for each of the fiscal years 1987, 1988, and 1989, such sums may be necessary to maintain the Fund at $12,000,000.

Funds appropriated under this subsection shall remain available until expended.

COMPETITIVE PROCUREMENT

SEC. 203. Title II is amended by adding at the end thereof the following new section:

"COMPETITIVE PROCUREMENT

"SEC. 203. (a) Notwithstanding any other provision of law, the Secretary, acting through the Service, may waive any statutory or administrative requirement for competitive procurement of health services if, in the judgment of the Chief Medical Officer who will have jurisdiction over such health services, such competitive procurement would compromise the accessibility, quality, and continuity of health services or would not result in any appreciable competition or savings.

"(b) Notwithstanding any other provision of law, the Secretary, acting through the

Service, shall reject any bid submitted under any statutory or administrative requirement for competitive procurement of health services upon the certification of the Chief Medical Officer who will have jurisdiction over such health services that acceptance of such bid would compromise the accessibility, quality, and continuity of health services.".

HEALTH PROMOTION AND DISEASE PREVENTION

SEC. 204. (a) The Congress finds that—

(1) health promotion and disease prevention activities will—

(A) improve the health and well being of Indians, and

(B) reduce the expenses for medical care of Indians,

(2) health promotion and disease prevention activities should be undertaken by the coordinated efforts of Federal, State, local, and tribal governments, and

(3) in addition to the provision of primary health care, the Indian Health Service should provide health promotion and disease prevention services to Indians.

(b) Section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603), as amended by section 201(b) of this Act, is amended by adding at the end thereof the following new subsections:

"(k) 'Health promotion' includes—

"(1) cessation of tobacco smoking,

"(2) reduction in the misuse of alcohol and drugs,

"(3) improvement of nutrition,

"(4) improvement in physical fitness, and

"(5) control of stress.

"(l) 'Disease prevention' includes—

"(1) immunizations,

"(2) control of high blood pressure,

"(3) control of sexually transmittable diseases,

"(4) family planning,

"(5) pregnancy and infant care,

"(6) control of toxic agents,

"(7) occupational safety and health,

"(8) accident prevention,

"(9) fluoridation of water, and

"(10) control of infectious agents.".

(c) Title II (25 U.S.C. 1621, et seq.) is amended by adding at the end thereof the following new section:

"HEALTH PROMOTION AND DISEASE PREVENTION SERVICES

"SEC. 204. (a) The Secretary, acting through the Service, shall provide health promotion and disease prevention services to Indians.

"(b) The Secretary shall include in each health services priority system report which is required under section 201(d) an evaluation of—

"(1) the health promotion and disease prevention needs of Indians identified in tribal specific health plans,

"(2) the health promotion and disease prevention activities which would best meet such needs,

"(3) the resources which would be required to enable the Service to undertake the health promotion and disease prevention activities necessary to meet such needs,

"(4) the resources currently available to the Service which could be used to undertake such activities.

"(b) Under regulations, the Secretary shall require that each Indian tribe include within any tribal specific health plan that such tribe is required to submit to the Secretary a comprehensive plan developed by such tribe for health promotion and disease prevention among members of such tribe.

"(c) The Secretary, acting through the Service, shall—

"(1) develop from tribal specific health plans a comprehensive plan for the provision by the Service of health promotion and disease prevention services to Indians, and

"(2) establish a schedule for the provision of health promotion and disease prevention services by the Service.".

TITLE III—HEALTH FACILITIES

SEC. 301. Section 301 (25 U.S.C. 1631) is amended to read as follows:

"HEALTH FACILITIES

"SEC. 301. (a)(1) Within sixty days after the date of enactment of the Indian Health Care Amendments of 1985, the Secretary shall submit to the Congress a report which shall set forth the current health facilities priority system of the Service and which shall include the planning, design, construction, or renovation needs for the ten top priority inpatient care facilities and the ten top priority ambulatory care facilities together with required staff quarters, the justification for such priority listings, and the projected cost of such projects. The report shall also include the methodology adopted by the Service in establishing priorities under its health facilities priority system.

"(2)(A) Within thirty days of the submission of the annual budget to the Congress by the President for each of the fiscal years 1986, 1987, 1988, and 1989, the Secretary shall submit to the Congress a report which complies with the requirements of paragraph (1).

"(B) In preparing such report in such fiscal years, the Service shall consult with tribes and tribal organizations including those tribes or tribal organizations operating health programs or facilities with funds from the Service under the Indian Self-Determination Act, and shall review the needs of these tribes and tribal organizations for inpatient and outpatient facilities, including their needs for renovation and expansion of existing facilities.

"(3) The Service shall use the same criteria for each of the fiscal years 1986, 1987, 1988, and 1989 to evaluate the needs of facilities operated under contract under the Indian Self-Determination Act as it uses to evaluate the needs of facilities operated directly by the Service in such fiscal years.

"(4) The Secretary shall ensure that the planning, design, construction, and renovation needs of Service and non-Service facilities which are the subject of a contract for health services entered into under the Indian Self-Determination and Education Assistance Act are fully and equitably integrated into the development of the health facility priority system.".

"(b)(1) All funds appropriated under the Act of November 2, 1921 (25 U.S.C. 13) for the planning, design, construction, or renovation of health facilities for the benefit of a tribe or tribes may be used for the expenses of such activities incurred by such tribe or tribes under contracts or grants under the Indian Self-Determination Act. The United States shall hold the title to any facility constructed under a grant provided under this section.

"(2) Any tribal contractor or grantee shall expend the funds described in paragraph (1) for the purpose for which appropriated pursuant to rules and regulations established by the Secretary for contracting and procurement.

"(c) Prior to the expenditure of, or the making of any firm commitment to expend, any funds appropriated for facilities planning and design, construction, or renovation under the Act of November 2, 1921 (25 U.S.C. 13), the Secretary, acting through the Service, shall—

"(1) consult with any Indian tribe that would be significantly affected by such expenditure for the purpose of determining and, wherever practicable, honoring tribal preferences concerning size, location, type, and other characteristics of any facility on which such expenditure is to be made, and

"(2) ensure, wherever practicable, that such facility, not later than one year after its construction or renovation, shall meet the standards of the Joint Commission on Accreditation of Hospitals.

"(d) The Secretary shall not close, under any existing authority, any Service hospital or other outpatient health care facility or any portion thereof unless he has submitted to the Congress at least one year prior to the planned closure date an evaluation of the impact of the proposed action which shall include the following factors—

"(1) accessibility of alternative health care resources for the service population;

"(2) cost-effectiveness of the closure;

"(3) quality of health care to be provided to the service population after closure;

"(4) availability of contract health care funds to maintain current levels of service; and

"(5) the views of the Indian tribe or tribes served by such facility on the planned closure.

"(e) The President shall include with the budget submitted under section 1105 of title 31, United States Code, for each of the fiscal years 1986, 1987, 1988, and 1989, planning information documents for the construction of 10 Indian health facilities which—

"(1) comply with applicable construction standards, and

"(2) have been approved by the Secretary.".

SAFE WATER AND SANITARY WASTE DISPOSAL FACILITIES

SEC. 302. Section 302 (25 U.S.C. 1632) is amended to read as follows:

"SAFE WATER AND SANITARY WASTE DISPOSAL FACILITIES

"SEC. 302. (a)(1) Congress finds that—

"(A) the provision of safe water supply and sanitary sewage and solid waste disposal systems is primarily a health consideration and function;

"(B) Indian people suffer an inordinately high incidence of disease, injury, and illness directly attributable to the absence or inadequacy of such facilities;

"(C) the long-term cost to the United States of treating and curing such disease, injury, and illness is substantially greater than the short-term cost of providing such facilities and other preventive health measures;

"(D) many Indian homes and communities still lack safe water supply and sanitary sewage and solid waste disposal facilities; and

"(E) it is in the interest of the United States and it is the policy of the United States that all Indian communities and Indian homes, new and existing, be provided with safe and adequate water supply and sanitary sewage and solid waste disposal facilities as soon as possible.

"(2) Congress reaffirms the primary responsibility and authority of the Service to provide the necessary sanitation facilities and services as provided in section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a).

"(b) Beginning in fiscal year 1986, the Secretary, acting through the Service, shall de-

velop and begin implementation of a 10-year plan to provide safe water supply and sanitary sewage and solid waste disposal facilities to existing Indian homes and communities and to new and renovated Indian homes.

"(c)(1) Within 60 days of the date of the enactment of the Indian Health Care Amendments of 1985, the Secretary shall report to Congress on the Service's sanitation facilities priority system. The Secretary, in preparing such report, shall uniformly apply the methodology for determining sanitation deficiencies to all Indian tribes. Such report shall identify the methodology for determining sanitation deficiencies; the level of deficiency for each Indian community or tribe; the amount of funds necessary to raise all communities to a level I deficiency; and the amount of funds necessary to raise all communities or tribes to a zero level of deficiency. For the purpose of such report—

"(A) a level I deficiency means a sanitation system which complies with all applicable water supply and pollution control laws and regulations in which the defined deficiencies consist of routine replacement, repair, or maintenance needs;

"(B) a level II deficiency means a sanitation system which complies with all applicable water supply and pollution control laws and regulations in which the defined deficiencies consist of capital improvements necessary to improve the facilities to meet the needs of the communities for domestic sanitation facilities;

"(C) a level III deficiency means a sanitation system which has an inadequate or partial water supply and sewage disposal facility which does not comply with applicable water supply and pollution control laws and regulations or which has no solid waste disposal facility;

"(D) a level IV deficiency means a sanitation system which lacks either a safe water supply system or a sewage disposal system; and

"(E) a level V deficiency means the absence of a safe water supply and sewage disposal system.

Any tribe or community which lacks the operation and maintenance capability to meet pollution control laws and regulations shall be deemed to have a level III deficiency.

"(2)(A) Within 30 days of the submission of the annual budget to the Congress by the President for fiscal years 1986, 1987, 1988, and 1989, the Secretary shall submit a report to the Congress which meets the requirements of paragraph (1).

"(B) In preparing such report for each of the fiscal years 1986, 1987, 1988, and 1989, the Secretary, acting through the Service, shall consult with tribes and tribal organizations including those operating health care programs or facilities under contracts under the Indian Self-Determination and Education Assistance Act to determine the sanitation needs of each tribe.

"(d)(1) To clarify the powers conferred by subsection (a) of section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a) the Secretary, acting through the Service, is authorized to provide—

"(A) financial and technical assistance to Indian tribes and communities in the establishment, training, and equipping of utility organizations to operate and maintain Indian sanitation facilities,

"(B) ongoing technical assistance and training in the management of utility organizations, and

"(C) operation and maintenance assistance for and emergency repairs to tribal sanitation facilities when necessary to avoid a health hazard or to protect the Federal investment in sanitation facilities in situations where the community or tribe or family is not financially or technically capable of performing the required emergency repairs with their own resources.

"(2)(A) This section is not intended to diminish the primary responsibilities of the Indian family, community, or tribe to establish, collect, and utilize reasonable user fees, or otherwise set aside funding, for the purpose of operation and maintenance of sanitation facilities.

"(B) The financial and technical capability of an Indian tribe or community to safely operate and maintain a sanitation facility shall not be a precondition for the provision or construction of such facilities and the Secretary may not require a tribe or community to accept a transfer of such facilities where he has determined the tribe or community does not have, or may not be reasonably expected to achieve, such capability.

"(e) Programs administered by Indian tribes or tribal organizations under the authority of the Indian Self-Determination and Education Assistance Act shall be eligible for—

"(1) funds appropriated pursuant to subsection (f), and

"(2) funds appropriated for the purpose of providing water supply or sewage disposal services,

on an equal basis with programs that are administered directly by the Indian Health Service.

"(f)(1) There are authorized to be appropriated for each of the fiscal years 1986, 1987, 1988, and 1989, $5,000,000 for the purpose of providing funds necessary to implement the expanded responsibilities of the Service under subsection (d).

"(2) In addition to the amount authorized under paragraph (1), there are authorized to be appropriated for each of the fiscal years 1986, 1987, 1988, and 1989, $850,000 for the purpose of providing 30 new full-time equivalents for the Service which shall be used to carry out the expanded responsibilities of the Service under subsection (d).".

USE OF NON-SERVICE FUNDS FOR RENOVATION

SEC. 303. Section 305 (25 U.S.C. 1634) is amended to read as follows:

"EXPENDITURE OF NON-SERVICE FUNDS FOR RENOVATION

"SEC. 305. (a) Notwithstanding any other provision of law, an Indian tribe is authorized to expend—

"(1) any funds of such tribe which are not held in trust by the Secretary of the Interior,

"(2) upon approval of the Secretary of the Interior, any funds held in trust by the Secretary of the Interior for the benefit of such tribe, and

"(3) any funds appropriated under Federal law which are not appropriated to the Secretary for expenditure through the Service, for the purpose of making any major renovation or modernization of any Service facility or of any other Indian health facility operated pursuant to a contract entered into under the Indian Self-Determination and Education Assistance Act (including an expenditure for the planning or designing of such renovation or modernization) if the requirements of subsection (b) are met.

"(b) The requirements of this subsection are met with respect to any renovation or modernization if the renovation or modernization—

"(1) does not require or obligate the Secretary to provide any additional employees or equipment,

"(2) is approved by the appropriate area director of the Service, and

"(3) is administered by the Indian tribe in accordance with the rules and regulations prescribed by the Secretary with respect to construction or renovation of Service facilities.

"(c) A renovation or modernization shall not be authorized by this section if such renovation or modernization would require the diversion of funds appropriated to the Service from any project which has a higher priority under the health facility priority system of the Service.".

TITLE IV—ACCESS TO HEALTH SERVICES

GRANTS AND CONTRACTS WITH TRIBAL ORGANIZATIONS

SEC. 401. (a) Section 404 (25 U.S.C. 1622) is amended—

(1) by striking out "and" at the end of subsection (a)(2) and inserting in lieu thereof "or", and

(2) by striking out "shall include, but are not limited to," in subsection (b) and inserting in lieu thereof "may include, as appropriate,", and

(3) by adding "or" at the end of subsection (b)(3).

(b) Section 404(c) (25 U.S.C. 1622(c)) is amended by striking out "and" after "1983," and by inserting before the period a comma and "$1,500,000 for the fiscal year ending September 30, 1986, $2,000,000 for the fiscal year ending September 30, 1987, $500,000 for the fiscal year ending September 30, 1988, and $500,000 for the fiscal year ending September 30, 1989.".

MEDICARE PROVISIONS

SEC. 402. (a) Section 1880 of the Social Security Act is amended—

(1) in subsection (a), by striking out "A hospital or skilled nursing facility" and inserting in lieu thereof "A provider of services or a rural health clinic";

(2) in subsection (a), by striking out "hospitals or skilled nursing facilities (as the case may be)" and inserting in lieu thereof "facilities of that type";

(3) in subsection (b), by striking out "a hospital or skilled nursing facility" and inserting in lieu thereof "a provider of services or a rural health clinic";

(4) in subsection (b), by striking out "hospitals or skilled nursing facilities (as the case may be)" and inserting in lieu thereof "facilities of that type";

(5) in subsection (c), by striking out "any hospital or skilled nursing facility" and inserting in lieu thereof "any provider of services or rural health clinic";

(6) in subsection (c), by striking out "hospitals and skilled nursing facilities" each place it appears and inserting in lieu thereof in each instance "providers of services and rural health clinics"; and

(7) in subsection (d), by striking out "hospitals and skilled nursing facilities" and "hospitals and facilities", and inserting in lieu thereof in each instance "providers of services and rural health clinics".

(b) Section 1880(c) of the Social Security Act is further amended—

(1) by inserting after the first sentence the following: "In making payments from such fund, the Secretary shall ensure that each service unit of the Indian Health Service receives at least 50 percent of the amounts to which the providers and rural

health clinics of the Indian Health Service, for which such service unit makes collections, are entitled by reason of this section, if such amount is necessary for the purpose of making improvements in such providers and rural health clinics in order to achieve compliance with the conditions and requirements of this title."; and

(2) by striking out "The preceding sentence" and inserting in lieu thereof "This subsection".

(c) The amendments made by this section shall apply to services performed on or after the date of the enactment of this Act.

MEDICAID PROVISIONS

SEC. 403. (a) Section 1911 of the Social Security Act is amended by striking out "or skilled nursing facility" each place it appears and inserting in lieu thereof in each instance "skilled nursing facility, or any other type of facility which provides services of a type otherwise covered under the State plan".

(b) Section 1911 of the Social Security Act is amended by adding at the end thereof the following new subsections:

"(c) The Secretary is authorized to enter into agreements with the State agency for the purpose of reimbursing such agency for health care and services provided in Service facilities to Indians who are eligible for medical assistance under the State plan.

"(d) Notwithstanding any other provision of law, payments to which any facility of the Indian Health Service (including a hospital, intermediate care facility, skilled nursing facility, or any other type of facility which provides services of a type otherwise covered under the State plan) is entitled under a State plan approved under this title by reason of this section shall be placed in a special fund to be held by the Secretary and used by him (to such extent or in such amounts as are provided in appropriation Acts) exclusively for the purpose of making any improvements in the facilities of such Service which may be necessary to achieve compliance with the applicable conditions and requirements of this title. In making payments from such fund, the Secretary shall ensure that each service unit of the Indian Health Service receives at least 50 percent of the amounts to which the facilities of the Indian Health Service, for which such service unit makes collections, are entitled by reason of this section, if such amount is necessary for the purpose of making improvements in such facilities in order to achieve compliance with the conditions and requirements of this title. This subsection shall cease to apply when the Secretary determines and certifies that substantially all of the health facilities of such Service in the United States are in compliance with such conditions and requirements.".

(c) Subsections (b) and (c) of section 402 of the Indian Health Care Improvement Act (42 U.S.C. 1396j, note) are repealed.

(d) The amendments made by this section shall apply to services performed on or after the date of the enactment of this Act.

DEMONSTRATION PROGRAM; STUDY

SEC. 404. Title IV is amended by adding at the end thereof the following new sections:

"DEMONSTRATION PROGRAM FOR DIRECT BILLING OF MEDICARE, MEDICAID, AND OTHER THIRD PARTY PAYORS

"SEC. 405. (a) The Secretary shall establish a demonstration program under which Indian tribes, tribal organizations, and Alaska Native health organizations, which are contracting the entire operation of an entire hospital or clinic of the Indian Health Service under the authority of the Indian Self-Determination and Education Assistance Act, shall directly bill for, and receive payment for, health care services provided by such hospital or clinic for which payment is made under title XVIII of the Social Security Act (medicare), under a State plan for medical assistance approved under title XIX of the Social Security Act (medicaid), or from any other third-party payor. The Federal medical assistance percentage under the medicaid program shall continue to be 100 percent for purposes of the demonstration program.

"(b)(1) Each hospital or clinic participating in the demonstration program described in subsection (a) shall be reimbursed directly under the medicare and medicaid programs for services furnished, without regard to the provisions of sections 1880(c) and 1911(d) of the Social Security Act, but all funds so reimbursed shall first be used by the hospital or clinic for the purpose of making any improvements in the hospital or clinic that may be necessary to achieve or maintain compliance with the conditions and requirements applicable generally to facilities of such type under the medicare or medicaid program. Any funds so reimbursed which are in excess of the amount necessary to achieve or maintain such conditions or requirements shall be used in accordance with the regulations of the Indian Health Service applicable to funds provided by the Indian Health Service under any contract entered into under the Indian Self-Determination Act.

"(2) The amounts paid to the hospitals and clinics participating in the demonstration program described in subsection (a) shall be subject to all auditing requirements applicable to programs administered directly by the Indian Health Service and to facilities participating in the medicare and medicaid programs.

"(3) The Secretary shall monitor the performance of hospitals and clinics participating in the demonstration program described in subsection (a), and shall require such hospitals and clinics to submit reports on the program to the Secretary on a quarterly basis (or more frequently if the Secretary deems it to be necessary).

"(4) Notwithstanding sections 1880(c) and 1911(d) of the Social Security Act, no payment may be made out of the special fund described in sections 1880(c) or 1911(d) of the Social Security Act for the benefit of any hospital or clinic which is participating in the demonstration program described in subsection (a).

"(c)(1) In order to be considered for participation in the demonstration program described in subsection (a), a hospital or clinic must submit an application to the Secretary which establishes to the satisfaction of the Secretary that—

"(A) the Indian tribe or Alaska Native health organization contracts the entire operation of the Indian Health Service facility;

"(B) the facility is eligible to participate in the medicare and medicaid programs under sections 1880 and 1911 of the Social Security Act;

"(C) the facility meets any requirements which apply to programs operated directly by the Indian Health Service; and

"(D) the facility is accredited by the Joint Commission on Accreditation of Hospitals, or has submitted a plan, which has been approved by the Secretary, for achieving such accreditation prior to October 1, 1987.

"(2) From among the qualified applicants, the Secretary shall, prior to October 1, 1986, select no more than 4 facilities to participate in the demonstration program described in subsection (a). The demonstration program described in subsection (a) shall begin by no later than October 1, 1987, and end on September 30, 1989.

"(d)(1) Upon the enactment of the Indian Health Care Amendments of 1985, the Secretary, acting through the Indian Health Service, shall commence an examination of—

"(A) any administrative changes which may be necessary to allow direct billing and reimbursement under the demonstration program described in subsection (a), including any agreements with States which may be necessary to provide for such direct billing under the medicaid program; and

"(B) any changes which may be necessary to enable participants in such demonstration program to provide to the Indian Health Service medical records information on patients served under such demonstration program which is consistent with the medical records information system of the Service.

"(2) Prior to the commencement of the demonstration program described in subsection (a), the Secretary shall implement all changes required as a result of the examinations conducted under paragraph (1).

"(3) Prior to October 1, 1986, the Secretary shall determine any accounting information which a participant in the demonstration program described in subsection (a) would be required to report and shall provide funding for the development of any such accounting system by any facility which has been selected to participate in such demonstration program.

"(e) The Secretary shall submit an interim report to the Congress at the end of fiscal year 1988, and a final report at the end of fiscal year 1989, on the activities carried out under the demonstration program described in subsection (a), and an evaluation of whether such activities have fulfilled the objectives of such program. In the final report the Secretary shall provide a recommendation, based upon the results of such demonstration program, as to whether direct billing of, and reimbursement by, the medicare and medicaid programs and other third-party payors should be authorized for all Indian tribes and Alaska Native health organizations which are contracting the entire operation of a facility of the Indian Health Service.

"(f) The Secretary shall provide for the retrocession of any contract entered into between a participant in the demonstration program described in subsection (a) and the Indian Health Service under the authority of the Indian Self-Determination and Education Assistance Act. All cost accounting and billing authority shall be retroceded to the Secretary upon the Secretary's acceptance of a retroceded contract.

"STUDY OF BARRIERS TO PARTICIPATION

"SEC. 406. (a) The Secretary shall, in consultation with Indian tribes and tribal organizations, conduct a study of any barriers which may exist to the participation of Indians in programs established under title XVIII of the Social Security Act (medicare) or under title XIX of the Social Security Act (medicaid).

"(b) By no later than the date which is 1 year after the date of enactment of the Indian Health Care Amendments of 1985, the Secretary shall submit to the Congress a

report on the study conducted under subsection (a). Such report shall include—

"(1) recommendations for legislation which—

"(A) would remove any barriers to participation identified in such study, and

"(B) would encourage participation by Indians in the programs described in subsection (a); and

"(2) estimates by service unit of—

"(A) the potential number of Indians eligible for medicare,

"(B) the potential number of Indians eligible for medicaid,

"(C) the number of Indians participating in the medicare program, and

"(D) the number of Indians participating in the medicaid program.".

TITLE V—URBAN INDIAN HEALTH SERVICES

REVISION OF PROGRAM

SEC. 501. Title V (25 U.S.C. 1651, et seq.) is amended to read as follows:

"TITLE V—HEALTH SERVICES FOR URBAN INDIANS

"PURPOSE

"SEC. 501. The purpose of this title is to encourage the establishment of programs in urban centers to make health services more accessible to urban Indians.

"CONTRACTS WITH URBAN INDIAN ORGANIZATIONS

"SEC. 502. Under authority of the Act of November 2, 1921 (25 U.S.C. 13), popularly known as the Snyder Act, the Secretary, through the Service, shall enter into contracts with urban Indian organizations to assist such organizations in the establishment and administration, within the urban centers in which such organizations are situated, of programs which meet the requirements set forth in this title. The Secretary, through the Service, shall include such conditions as the Secretary considers necessary to effect the purpose of this title in any contract which the Secretary enters into with any urban Indian organization pursuant to this title.

"CONTRACTS FOR THE PROVISION OF HEALTH CARE OR REFERRAL SERVICES

"SEC. 503. (a) Under authority of the Act of November 2, 1921 (25 U.S.C. 13), popularly known as the Snyder Act, the Secretary, through the Service, shall enter into contracts with urban Indian organizations for the provision of health care or referral services for urban Indians residing in the urban centers in which such organizations are situated. Any such contract shall include requirements that the urban Indian organizations successfully undertake to—

"(1) determine the population of urban Indians residing in the urban center in which such organization is situated who are or could be recipients of health care or referral services;

"(2) determine the current health status of urban Indians residing in such urban center;

"(3) determine the current health care needs of urban Indians residing in such urban center;

"(4) identify all public and private health services resources within such urban center which are or may be available to urban Indians;

"(5) determine the use of public and private health services resources by the urban Indians residing in such urban center;

"(6) assist such health services resources in providing services to urban Indians;

"(7) assist urban Indians in becoming familiar with and utilizing such health services resources;

"(8) provide basic health education to urban Indians;

"(9) establish and implement manpower training programs to accomplish the referral and education tasks set forth in clauses (6) through (8) of this subsection;

"(10) identify gaps between unmet health needs of urban Indians and the resources available to meet such needs;

"(11) make recommendations to the Secretary and Federal, State, local, and other resource agencies on methods of improving health service programs to meet the needs of urban Indians; and

"(12) where necessary, provide, or enter into contracts for the provision of, health care services for urban Indians.

"(b) The Secretary, through the Service, shall by regulation prescribe the criteria for selecting urban Indian organizations to enter into contracts under this section. Such criteria shall, among other factors, include—

"(1) the extent of unmet health care needs of urban Indians in the urban center involved;

"(2) the size of the urban Indian population in the urban center involved;

"(3) the accessibility to, and utilization of, health care services (other than services provided under this title) by urban Indians in the urban center involved;

"(4) the extent, if any, to which the activities set forth in subsection (a) would duplicate—

"(A) any previous or current public or private health services project in an urban center that was or is funded in a manner other than pursuant to this title; or

"(B) any project funded under this title;

"(5) the capability of an urban Indian organization to perform the activities set forth in subsection (a) and to enter into a contract with the Secretary under this section;

"(6) the satisfactory performance and successful completion by an urban Indian organization of other contracts with the Secretary under this title;

"(7) the appropriateness and likely effectiveness of conducting the activities set forth in subsection (a) in an urban center; and

"(8) the extent of existing or likely future participation in the activities set forth in subsection (a) by appropriate health and health-related Federal, State, local, and other agencies.

"CONTRACTS FOR THE DETERMINATION OF UNMET HEALTH CARE NEEDS

"SEC. 504. (a) Under authority of the Act of November 2, 1921 (25 U.S.C 13), popularly known as the Snyder Act, the Secretary, through the Service, may enter into contracts with urban Indian organizations situated in urban centers for which contracts have not been entered into under section 503. The purpose of a contract under this section shall be the determination of the matters described in subsection (b)(1) in order to assist the Secretary in assessing the health status and health care needs of urban Indians in the urban center involved and determining whether the Secretary should enter into a contract under section 503 with the urban Indian organization with which the Secretary has entered into a contract under this section.

"(b) Any contract entered into by the Secretary under this section shall include requirements that—

"(1) the urban Indian organization successfully undertake to—

"(A) document the health care status and unmet health care needs of urban Indians in the urban center involved;

"(B) with respect to urban Indians in the urban center involved, determine the matters described in clauses (2), (3), (4), and (8) of section 503(b); and

"(2) the urban Indian organization complete performance of the contract within one year after the date on which the Secretary and such organization enter into such contract.

"(c) The Secretary may not renew any contract entered into under this section.

"EVALUATIONS; CONTRACT RENEWALS

"SEC. 505. (a) The Secretary, through the Service, shall develop procedures to evaluate compliance with, and performance of, contracts entered into by urban Indian organizations under this title. Such procedures shall include provisions for carrying out the requirements of this section.

"(b) The Secretary, through the Service, shall conduct an annual onsite evaluation of each urban Indian organization which has entered into a contract under section 503 for purposes of determining the compliance of such organization with, and evaluating the performance of such organization under, such contract.

"(c) If, as a result of the evaluations conducted under this section, the Secretary determines that an urban Indian organization has not complied with or satisfactorily performed a contract under section 503, the Secretary shall, prior to renewing such contract, attempt to resolve with such organization the areas of noncompliance or unsatisfactory performance and modify such contract to prevent future occurrences of such noncompliance or unsatisfactory performance. If the Secretary determines that such noncompliance or unsatisfactory performance cannot be resolved and prevented in the future, the Secretary shall not renew such contract with such organization and is authorized to enter into a contract under section 503 with another urban Indian organization which is situated in the same urban center as the urban Indian organization whose contract is not renewed under this section.

"(d) In determining whether to renew a contract with an urban Indian organization under section 503, or whether to enter into a contract with an urban Indian organization under section 503 which has completed performance of a contract under section 504, the Secretary shall review the records of the urban Indian organization, the reports submitted under section 507, and, in the case of a renewal of a contract under section 503, shall consider the results of the on-site evaluations conducted under subsection (b).

"OTHER CONTRACT REQUIREMENTS

"SEC. 506. (a) Contracts with urban Indian organizations entered into pursuant to this title shall be in accordance with all Federal contracting laws and regulations except that, in the discretion of the Secretary, such contracts may be negotiated without advertising and need not conform to the provisions of the Act of August 24, 1935, as amended.

"(b) Payments under any contracts pursuant to this title may be made in advance or by way of reimbursement and in such installments and on such conditions as the Secretary deems necessary to carry out the purposes of this title.

"(c) Notwithstanding any provision of law to the contrary, the Secretary may, at the

request or consent of an urban Indian organization, revise or amend any contract entered into by the Secretary with such organization under this title as necessary to carry out the purposes of this title, except that whenever an urban Indian organization requests retrocession of the Secretary for any contract entered into pursuant to this title, such retrocession shall become effective upon a date specified by the Secretary not more than one hundred and twenty days from the date of the request by the organization or at such later date as may be mutually agreed to by the Secretary and the organization.

"(d) In connection with any contract entered into pursuant to this title, the Secretary may permit an urban Indian organization to utilize, in carrying out such contract, existing facilities owned by the Federal Government within the Secretary's jurisdiction under such terms and conditions as may be agreed upon for the use and maintenance of such facilities.

"(e) Contracts with urban Indian organizations and regulations adopted pursuant to this title shall include provisions to assure the fair and uniform provision to urban Indians of services and assistance under such contracts by such organizations.

"REPORTS AND RECORDS

"SEC. 507. (a) For each fiscal year during which an urban Indian organization receives or expends funds pursuant to a contract entered into pursuant to this title, such organization shall submit to the Secretary a quarterly report including—

"(1) in the case of a contract under section 503, information gathered pursuant to clauses (10) and (11) of subsection (a) of such section;

"(2) information on activities conducted by the organization pursuant to the contract;

"(3) an accounting of the amounts and purposes for which Federal funds were expended; and

"(4) such other information as the Secretary may request.

"(b) The reports and records of the urban Indian organization with respect to a contract under this title shall be subject to audit by the Secretary and the Comptroller General of the United States.

"(c) The Secretary shall allow as a cost of any contract entered into under section 503 the cost of an annual private audit conducted by a certified public accountant.

"REPORTS REQUIRED

"SEC. 508. By no later than the date which is 1 year after the date of enactment of the Indian Health Care Amendments of 1985, the Secretary, through the Service, shall submit a report to Congress which assesses the health status and health care needs of urban Indians. The report shall—

"(1) specify the health care needs of urban Indians and, with respect to urban centers for which urban Indian organizations have entered into contracts under section 503, whether additional health care personnel are needed to meet such needs;

"(2) make recommendations for additional programs, technical assistance, funding, and additional health care personnel to meet the health care needs of all urban Indians; and

"(3) contain recommendations for legislation and administrative actions to achieve the national goal of providing the best possible health status for urban Indians.

"LIMITATION ON CONTRACT AUTHORITY

"SEC. 509. The authority of the Secretary to enter into contracts under this title shall be to the extent, and in an amount, provided for in appropriation Acts.

TITLE VI—ORGANIZATIONAL IMPROVEMENTS

MANAGEMENT INFORMATION SYSTEM

SEC. 601. (a) Title VI is amended to read as follows:

"TITLE VI—INDIAN HEALTH SERVICE

"MANAGEMENT INFORMATION SYSTEM; ACCESS TO PATIENT'S RECORDS

"SEC. 601. (a)(1) The Secretary shall establish an automated management information system for the Service.

"(2) The information system established under paragraph (1) shall include—

"(A) a cost accounting system,

"(B) a patient care information system for each area served by the Service,

"(C) a privacy component that protects the privacy of patient information held by, or on behalf of, the Service, and

"(D) a services-based cost accounting component that provides estimates of the costs associated with the provision of specific medical treatments or services in each Area office of the Service.

"(3) By no later than September 30, 1986, the Secretary shall submit a report to Congress setting forth—

"(A) the activities which have been undertaken to establish an automated management information system,

"(B) the activities, if any, which remain to be undertaken to complete the implementation of an automated management information system, and

"(C) the amount of funds which will be needed to complete the implementation of a management information system in the succeeding fiscal years.

"(b) Notwithstanding any other provision of law, each patient shall have reasonable access to the medical or health records of such patient which are held by, or on behalf of, the Service.".

(b) The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

INDIAN HEALTH SERVICE PLACED WITHIN PUBLIC HEALTH SERVICE

SEC. 602. (a) Title VI, as amended by section 601 of this Act, is further amended—

(1) by redesignating section 601 as section 602, and

(2) by inserting after the heading of the title, the following new section:

"ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF THE PUBLIC HEALTH SERVICE

"SEC. 601. (a) In order to more effectively and efficiently carry out the responsibilities, authorities, and functions of the United States to provide health care services to Indians and Indian tribes, as is or may be hereafter provided by Federal statute or treaties, there is established within the Public Health Service of the Department of Health and Human Services the Indian Health Service. The Indian Health Service shall be administered by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the Indian Health Service shall report to the Secretary through the Assistant Secretary of Health and Human Services for Health, and shall not report to, or be under the supervision of, any other officer or employee of the Department of Health and Human Services.

"(b) The Indian Health Service shall be an agency within the Public Health Service of the Department of Health and Human Services, and shall not be an office, component, or unit of any other agency of the Department.

"(c) The Secretary shall carry out through the Director of the Indian Health Service—

"(1) all functions which were, on the day before the date of enactment of the Indian Health Care Amendments of 1985, carried out by or under the direction of the individual serving as Director of the Indian Health Service on such day;

"(2) all functions of the Secretary or the Department of Health and Human Services relating to the maintenance and operation of hospital and health facilities for Indians and the planning for, and the provision and utilization of, health services for Indians; and

"(3) all health programs under which health care is provided to Indians based upon their status as Indians which are administered by the Secretary, including (but not limited to) programs under—

"(A) this Act;

"(B) the Act of November 2, 1921 (25 U.S.C. 13);

"(C) the Act of August 5, 1954 (68 Stat. 674);

"(D) the Act of August 16, 1957 (71 Stat. 370);

"(E) the Indian Self-Determination and Education Assistance Act (Public Law 93-638); and

"(F) the Act of December 5, 1979 (93 Stat. 1056).

"(d)(1) Notwithstanding any other provision of law, the Secretary may not reorganize, alter, or discontinue the Indian Health Service or allocate or reallocate any function which this section specifies shall be performed by the Director of the Indian Health Service or by the Secretary of Health and Human Services through the Director of the Indian Health Service.

"(2) Paragraph (1) shall not apply to any action taken by the Director of the Indian Health Service which the Director of the Indian Health Service determines to be appropriate.

"(e)(1) The Director of the Indian Health Service shall have the authority—

"(A) except to the extent provided in paragraph (2), to appoint and compensate employees for the Service in accordance with title 5, United States Code;

"(B) to enter into contracts for the procurement of goods and services to carry out the functions of the Service; and

"(C) to manage, expend, and obligate all funds appropriated for the Service.

"(2) The provisions of section 12 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 472), but not the provisions of section 2 of Public Law 96-135 (25 U.S.C. 472a), shall apply to personnel actions taken with respect to positions within the Service.

"(3) The authority of the Director of the Indian Health Service to enter into contracts under this subsection shall be to such extent or in such amounts as are provided in appropriation Acts.".

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new item:

"DIRECTOR, INDIAN HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES.".

(c) All personnel, records, equipment, facilities, and interests in property that are administered by the Indian Health Service on the day before the date on which the amendments made by this section take effect shall be transferred to the Indian

Health Service established by the amendment made by subsection (a) of this section.

(d) By no later than August 30, 1986, the Secretary shall submit to the Congress a plan for the implementation of the amendments made by this section which takes into account—

(1) the results of any study conducted by the Office of Technology Assessment or the Comptroller General of the United States relating to the organizational structure of the Indian Health Service, and

(2) any other relevant study or information relating to the organizational structure of the Indian Health Service.

(e)(1) The requirements of section 601 of the Indian Health Care Improvement Act, as amended by this section, shall be met within 180 days after the date on which the amendments made by this section take effect.

(2) The Secretary of Health and Human Services may waive the application of the Indian preference laws during the 180-day period beginning on the date on which the amendments made by this section take effect on a case-by-case basis for any temporary transfer which is necessary in order to implement the amendments made by subsection (a) of this section.

(f) The amendments made by this section shall take effect on May 30, 1987.

TITLE VII—MISCELLANEOUS

LEASING AND OTHER CONTRACTS

SEC. 701. Section 704 (25 U.S.C. 1674) is amended—

(1) by striking out "Notwithstanding", and inserting in lieu thereof "(a) Notwithstanding", and

(2) by adding at the end thereof the following new subsection:

"(b) The Secretary may enter into leases, contracts, and other legal agreements with Indian tribes or tribal organizations which hold—

"(1) title to;

"(2) a leasehold interest in; or

"(3) a beneficial interest in (where title is held by the United States in trust for the benefit of a tribe);

facilities used for the administration and delivery of health services by the Indian Health Service or by programs operated by tribes or tribal organizations to compensate such tribes or tribal organizations for costs associated with the use of such facilities for such purposes. Such costs include rent, depreciation based on the useful life of the building, principal and interest paid or accrued, operation and maintenance expenses, and other expenses determined by regulation to be allowable.".

JUVENILE ALCOHOL AND DRUG ABUSE

SEC. 702. Section 706 (25 U.S.C. 1676) is amended to read as follows:

"JUVENILE ALCOHOL AND DRUG ABUSE

"SEC. 706. (a) Within 90 days of the date of enactment of the Indian Health Care Amendments of 1985, the Secretary shall enter into an agreement with the Secretary of the Interior and the Secretary of Education to coordinate the efforts of their Departments related to alcohol and drug abuse among Indian juveniles. The agreement shall provide for the identification and coordination of available resources and programs to combat Indian juvenile alcohol and drug abuse through prevention, education, counseling, and referral. The Secretary shall publish such agreement in the Federal Register within 120 days of the date of enactment of the Indian Health Care Amendments of 1985.

"(b) The Secretary, acting through the Service and in consultation and cooperation with the Secretary of the Interior and the Secretary of Education, shall develop a program to provide training in—

"(1) preventive education;

"(2) the identification of juvenile alcohol and drug abusers; and

"(3) counseling techniques on juvenile alcohol and drug abuse.

Such training shall be provided to elementary and secondary teachers and counselors—

"(A) in schools operated by the Bureau of Indian Affairs;

"(B) in schools operated under contract with the Bureau of Indian Affairs; and

"(C) in public schools on or near Indian reservations (including public schools in Oklahoma and Alaska with significant numbers of Indian students).

The Service may provide such training either directly or through contract with qualified private or public entities.

"(c) The Secretary of the Interior, acting through the Bureau of Indian Affairs and in consultation with the Service, shall review existing literature and reports on juvenile alcohol and drug abuse, including studies and school curricula and any other material relevant to an understanding of the problem of juvenile alcohol and drug abuse, and shall make available the results of such review to the schools described in subsection (b).

"(d) The Secretary shall establish an Office of Alcohol and Drug Abuse within the Service which shall be responsible for the administration of the programs and authorities of the Service in the field of alcohol and drug abuse. The Office shall have assigned to it a number of full-time equivalent positions which shall be not less than eight full-time equivalent positions in the Central Office of the Service and one full-time equivalent position in each Service area and Program Office.

"(e) For the purpose of implementing subsection (b), there are authorized to be appropriated $1,500,000 for each of the fiscal years 1986, 1987, 1988, and 1989.".

NUCLEAR RESOURCE DEVELOPMENT HEALTH HAZARDS

SEC. 703. (a) Subsections (a) and (b) of section 707 (25 U.S.C. 1677) are amended to read as follows:

"(a) The Secretary, acting through the Service, shall enter into appropriate arrangements with the National Academy of Sciences, in consultation with the Office of Technology Assessment, to conduct a study of the health hazards to Indian miners and to Indians living on, or near Indian reservations or in Indian communities which result from development of nuclear resources. Such study shall include—

"(1) an evaluation of the nature and extent of nuclear resource development related health problems currently exhibited among Indians and the causes of such health problems;

"(2) an analysis of the potential effect of ongoing and future nuclear resource development on or near Indian reservations and communities;

"(3) an evaluation of the types and nature of activities, practices, and conditions causing or affecting such health problems, including uranium mining and milling, uranium mine tailing deposits, nuclear powerplant operation and construction, and nuclear waste disposal;

"(4) a summary of any findings and recommendations provided in Federal and State studies, reports, investigations, and inspections during the 10-year period ending on the date of enactment of the Indian Health Care Amendments of 1985 that directly or indirectly relate to the activities, practices, and conditions affecting the health or safety of such Indians; and

"(5) an evaluation of the efforts that have been made by Federal and State agencies and mining and milling companies to effectively carry out an education program for such Indians regarding the health and safety hazards of nuclear resource development.

To assist the Academy in conducting such study, the Secretary and the Secretary of the Interior shall furnish at the request of the Academy any information which the Academy deems necessary for the purpose of conducting the study. In addition, they shall cooperate with the Academy in obtaining information necessary to carry out the intent of the study.

"(b) Upon the completion of the study described in subsection (a), the Secretary, acting through the Service, shall develop, on the basis of the results of such study, a health care plan to address the health problems studied under subsection (a). The plan shall include—

"(1) methods for diagnosing and treating Indians currently exhibiting nuclear resource development related health problems;

"(2) preventive care for Indians who may be exposed to such health hazards as a result of nuclear resource development, including the monitoring of the health of individuals who have or may have been exposed to excessive amounts of radiation, or otherwise affected by nuclear development activities that have had or could have a serious impact upon the health of such individuals; and

"(3) a program of education for Indians who, by reason of their work or geographic proximity to nuclear development activities, may experience health problems.".

(b) Subsection (c) of section 707 is amended by striking out "no later than the date eighteen months after the date of the enactment of this Act" and inserting in lieu thereof "by no later than the date which is 18 months after the date of enactment of the Indian Health Care Amendments of 1985".

(c) Subsection (f) of section 707 (25 U.S.C. 1677(f)) is amended to read as follows:

"(f) There are authorized to be appropriated $750,000 for the purpose of conducting the study described in subsection (a). Such funds shall remain available for expenditure until the date which is 18 months after the date such funds are appropriated.".

ARIZONA AS A CONTRACT HEALTH SERVICE DELIVERY AREA; FORMERLY RECOGNIZED TRIBES IN CALIFORNIA

SEC. 704. (a)(1) Subsection (a) of section 708 (25 U.S.C. 1678 (a)) is amended—

(A) by striking out "1984" and inserting in lieu thereof "1989", and

(B) by striking out "Indians in such State" and inserting in lieu thereof "members of federally recognized Indian tribes of Arizona".

(2) Subsection (c) of section 708 (25 U.S.C. 1678(c)) is amended to read as follows:

"(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.".

ELIGIBILITY OF CALIFORNIA INDIANS

SEC. 705. Section 709 (25 U.S.C. 1679) is amended to read as follows:

"ELIGIBILITY OF CALIFORNIA INDIANS

"SEC. 709. The following California Indians shall be eligible for care from the Service:

"(1) Any Member of a federally recognized Indian tribe.

"(2) Any descendant of an Indian who was residing in California on June 1, 1852, but only if such descendant—

"(A) is living in California,

"(B) is a member of the Indian community served by a local program of the Service, and

"(C) is regarded as an Indian by the community in which such descendant lives.

"(3) Any Indian who holds trust interests in public domain, national forest, or Indian reservation allotments in California.

"(4) Any Indian in California who is listed on the plans for distribution of the assets of California rancherias and reservations under the Act of August 18, 1958 (72 Stat. 619), and any descendant of such an Indian.

Paragraph (4) shall not apply after September 30, 1988.".

CALIFORNIA AS A CONTRACT HEALTH SERVICE DELIVERY AREA

SEC. 706. Section 710 (25 U.S.C. 1680) is amended to read as follows:

"CALIFORNIA AS A CONTRACT HEALTH SERVICE DELIVERY AREA

"SEC. 710. The State of California, excluding the counties of Alameda, Contra Costa, Los Angeles, Marin, Orange, Sacramento, San Francisco, San Mateo, and Santa Clara, shall be designated as a contract health service delivery area by the Service for the purpose of providing contract health services to Indians in such State.".

CONTRACT HEALTH FACILITIES

SEC. 707. (a) Title VII is amended by adding at the end thereof the following new section:

"CONTRACT HEALTH FACILITIES

"SEC. 711. (a) The Indian Health Service shall provide funds for health care programs and facilities operated by tribes and tribal organizations under contracts with the Indian Health Service under the Indian Self-Determination Act—

"(1) for the maintenance and repair of clinics owned or leased by such tribes or tribal organizations,

"(2) for employee training,

"(3) for cost-of-living increases for employees, and

"(4) for any other expenses relating to the provision of health services,

on the same basis as such funds are provided to programs and facilities operated directly by the Indian Health Service.

"(b) In the case of eligible California Indians as defined by section 709 who are not members of Indian tribes or eligible for membership in such tribes, the Secretary may not enter into a contract to provide health services to such Indians under section 103 of the Indian Self-Determination Act if 51 percent of the adult population of such Indians object prior to the award of such contract through any legally established organization of Indians representative of such Indians, in which case the Secretary, acting through the Service, shall make alternate arrangements for the delivery of health care services to such Indians. In making such alternative arrangements for such Indians, the Service may—

"(1) provide services directly to some or all of such Indians through its own facilities,

"(2) purchase services for some or all of such Indians on a contract basis,

"(3) contract with a qualified organization representing some or all of such Indians for the provision of services under the terms of the third proviso of the first paragraph under the heading "Secretary" in the division relating to general provisions of the Act of April 30, 1908 (35 Stat. 71, chapter 153; 25 U.S.C. 47), popularly known as the Buy Indian Act, or

"(4) make other effective arrangements for the delivery of health care services to such Indians.

"(c) Nothing in this section shall be construed to restrict or interfere with the right of any Indian tribe to contract for health services on behalf of its own members.".

(b)(1) The Secretary of Health and Human Services shall determine whether the provisions of subsection (b) of section 711 of the Indian Health Care Improvement Act have interfered with the effective administration of contracts entered into under section 103 of the Indian Self-Determination Act (25 U.S.C. 450g).

(2) The Secretary of Health and Human Services shall submit to the Congress a report on the determination made under paragraph (1) by not later than the date that is 18 months after the date of enactment of this Act.

NATIONAL HEALTH SERVICE CORPS

SEC. 708. (a) Title VII, as amended by section 707 of this Act, is further amended by adding at the end thereof the following new section:

"NATIONAL HEALTH SERVICE CORPS

"SEC. 712. (a) The Secretary of Health and Human Services shall not—

"(1) remove a member of the National Health Service Corps from a health facility operated by the Indian Health Service or by a tribe or tribal organization under contract with the Indian Health Service under the Indian Self-Determination Act; or

"(2) withdraw funding used to support such member,

unless the Secretary, acting through the Service, has ensured that the Indians receiving services from such member will experience no reduction in services.".

(b) The amendment made by subsection (a) of this section shall take effect as of May 1, 1984.

ADDITIONAL PROVISIONS

SEC. 709. Title VII, as amended by sections 707 and 708 of this Act, is further amended by adding at the end thereof the following new sections:

"SERVICE TO INELIGIBLE PERSONS

"SEC. 713. (a)(1) The Secretary, acting through the Service, may provide or authorize the provision of medical care, treatment, or benefits by the Service to persons who are not otherwise eligible for such services in health facilities maintained by the Service or contracted under the Indian Self-Determination and Education Assistance Act (Public Law 93-638) or through contract health care services, subject to the limitations of this section.

"(2) Persons eighteen years of age or under who are the natural or adopted children (including foster- and step-children), legal wards, or orphans of an eligible Indian person and who are not otherwise eligible for the medical care, treatment, or benefits of the Service shall be eligible for all such services on the same basis and subject to the same rules as apply to eligible Indians until their nineteenth birthday. The existing and potential medical needs of such persons shall be taken into consideration by the Service in determining the need for, or the allocation of, its health resources. Any such person who has been determined to be legally incompetent prior to their nineteeth birthday shall remain eligible for such services until one year after the date such disability has been removed.

"(3) Non-Indian spouses of eligible Indians or spouses of Indian descent who are not otherwise eligible for the medical care, treatment, or benefits of the Service shall not be eligible for such service unless they are made eligible, as a class, by an appropriate resolution of the governing body of the relevant Indian tribe. The medical needs of persons made eligible under this subsection shall not be taken into consideration by the Service in determining the need for, or allocation of, its health resources.

"(b)(1)(A) At the request of the Indian tribe or tribes included within the service area of any service unit of the Service, the Secretary may authorize the medical care and treatment of otherwise ineligible persons residing within such service area in health facilities maintained and operated by the Service.

"(B) Persons receiving medical care and treatment under this subsection shall be liable for the payment for such services under a fee schedule adopted by the Secretary which, in the judgment of the Secretary, shall result in reimbursement in an amount not less than the actual cost of providing the service. Fees collected under this subsection, including medicare or medicaid reimbursements under titles XVIII and XIX of the Social Security Act, shall be credited to the account of the facility providing the service and shall be used solely for the provision of health services within that facility.

"(2)(A) Except as provided in subparagraph (B), where the governing body of an Indian tribe or, in the case of a multi-tribal service area, any Indian tribe revokes its concurrence to the provision of services under paragraph (1)(A), the Secretary's authority to provide such service shall terminate at the end of the fiscal year following the fiscal year in which such revocation was adopted.

"(B) In California, in the case of a multi-tribal service area, unless 51 percent or more of the Indian tribes in the Service area revoke their concurrence to the provision of services under paragraph (1)(A), the authority to provide such service shall not be affected.

"(3)(A) In the case of health facilities operated directly by the Service, such medical care and treatment may be provided under this subsection only where the Secretary and the affected tribe or tribes have jointly determined that—

"(i) the provision of such service will not result in a denial or diminution of services to eligible Indian persons; and

"(ii) there is no reasonable alternative health facility or service, within or without the service unit area, available to meet the medical needs of such persons.

"(B) In the case of health facilities operated under contract under the Indian Self-Determination and Education Assistance Act, the governing body of the Indian tribe or tribal organization providing health services under a contract with the Service under the Indian Self-Determination Act is authorized to determine the eligibility for such services of persons who are not otherwise eligible for such services. Such determination shall be in accordance with the requirements of this section.

"(4) The Service may continue to provide medical care, treatment, and benefits to persons not provided service under subsections (a) or (b) to achieve stability in a medical emergency, to prevent the spread of a communicable disease or otherwise deal with a public health hazard; to provide care to non-Indian women pregnant with an eligible Indian's child for the duration of the pregnancy through post partum, or to immediate family members of an eligible person where such care is directly related to the treatment of the eligible person.

"(5) Hospital privileges in health facilities operated and maintained by the Service or operated under contract under the Indian Self-Determination and Education Assistance Act may be extended to non-Service health care practitioners under a plan adopted under subsection (d) of this section. Such non-Service health care practitioners shall not be regarded as employees of the Federal Government for purposes of sections 1346(b) and 2671 et seq. of title 28 of the United States Code relating to Federal tort claims even if providing services to eligible persons as a part of the condition under which privileges are extended.

"RESTRICTIONS ON THE USE OF INDIAN HEALTH SERVICE APPROPRIATIONS

"SEC. 714. Unless otherwise specifically provided, any restriction placed on the use of appropriations for Indian health services shall not be interpreted—

"(1) to apply to the use of funds other than such appropriated funds by an entity with a contract with the Indian Health Service;

"(2) to prohibit the support of litigation with such other funds; or

"(3) to prohibit the promotion of public support for or opposition to any legislative proposal with such other funds.

"INFANT AND MATERNAL MORTALITY

"SEC. 715. (a) Not later than January 1, 1986, the Secretary shall develop and begin implementation of a plan to achieve the following objectives by January 1, 1991:

"(1) Reduction of the rate of Indian infant mortality in each Area Office of the Service to twelve deaths per one thousand live births or to that of the United States population, whichever is lower.

"(2) Reduction of the rate of maternal mortality in each Area Office of the Service to five deaths per one hundred thousand live births or to that of the United States population, whichever is lower.

"(b) The President shall include with the budget submitted under section 1105 of title 31, United States Code, for each fiscal year a separate statement which specifies the total amount obligated or expended in the most recently completed fiscal year to achieve each of the objectives described in subsection (a).

"REDUCTION AND CONTROL OF HEPATITIS-B IN ALASKA

"SEC. 716. (a)(1) By no later than the date which is 1 year after the date of enactment of the Indian Health Care Amendments of 1985, the Secretary, through the Service and in conjunction with the State of Alaska and the Center for Disease Control, shall complete the implementation of a program to provide for—

"(A) screening and reporting of cases of,

"(B) vaccinations for the prevention of, and

"(C) control of the incidence of, hepatitis-B in Alaska.

"(2) By no later than December 31, 1987, the Secretary shall submit to the Congress a report concerning the activities carried out under the program described in paragraph (1). The report shall include—

"(A) a description of any activities which, on the day the report is submitted, need to be carried out to control the incidence of hepatitis-B in Alaska, and

"(B) a schedule for the completion of such activities.

"(b) The Secretary shall include in the budget submitted under section 1105(a) of title 31, United States Code, for each of the fiscal years succeeding the fiscal year in which the Indian Health Care Amendments of 1985 are enacted, a request for budget authority for, and estimates of outlays for, a program to control the incidence of hepatitis-B in Alaska.

"CONTRACT HEALTH SERVICES FOR THE TRENTON SERVICE AREA

"SEC. 717. The Secretary, acting through the Service, is directed to provide contract health services to members of the Turtle Mountain Band of Chippewa Indians that reside in the Trenton Service Area of Divide, McKenzie, and Williams counties of North Dakota and the adjoining counties of Richland, Roosevelt, and Sheridan in the State of Montana. The Secretary is directed to conduct a population survey of Indians residing in the Trenton Service Area for the purpose of determining the basis for the distribution of equity health care funds and the provision of contract health care. Should the results of the population survey indicate that additional eligible members of the Turtle Mountain Band of Chippewa Indians reside outside the boundaries of the named North Dakota and Montana counties, the contract health service delivery area shall be defined to include those additional counties of North Dakota or Montana in which such eligible tribal members reside.".

"STUDY OF HEALTH CARE NEEDS OF NATIVE HAWAIIANS AND OTHER NATIVE PACIFIC ISLANDERS

"SEC. 718. (a)(1) The Secretary shall conduct a study of the physical and mental health care needs of Native Hawaiians and other Native American Pacific Islanders.

"(2) In conducting the study required under paragraph (1), the Secretary shall consult with the Commissioner of the Administration for Native Americans, the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, the Director of the Indian Health Service, leaders in the field of health care, and representatives of Native Hawaiians and other Native American Pacific Islanders.

"(b) By no later than the date that is 1 year after the date of enactment of the Indian Health Care Amendments of 1985, the Secretary shall submit to the Congress a report on the study conducted under subsection (a). Such report shall include—

"(1) an assessment of the access of, and barriers to, Native Hawaiians and other Native American Pacific Islanders in receiving physical and mental health care services,

"(2) an assessment of the physical and mental health care needs of Native Hawaiians and other Native American Pacific Islanders, and

"(3) specific recommendations for the development of a national strategy to address such needs.".

SEVERABILITY

SEC. 710. If any provision of this Act, any amendment made by this Act, or the application of such provision or amendment to any person or circumstances is held to be invalid, the remainder of this Act, the amendments made by this Act, and the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.●

● Mr. ABDNOR. Mr. President, I am pleased to join with Senator MARK ANDREWS, distinguished chairman of the Senate Select Committee on Indian Affairs, and my other colleagues in reintroducing legislation to reauthorize and amend the Indian Health Care Improvement Act.

Similar legislation was passed in the 98th Congress by both the Senate and the House—only to be vetoed by the President because of the inclusion of several amendments which the Department of Health and Human Services opposed. I strongly disagreed with the action of the President and continue to believe that the legislation which Congress passed should have been signed into law.

Now, we begin again. Native Americans continue to experience the lowest health status of all Americans. Infant mortality rates continue to be among the highest in our Nation. If you are a native American—you are six times more likely to contract tuberculosis than other Americans. Cancer and heart disease are above the national norm as well. Alcohol abuse and related medical problems are prevalent both on and off the reservations. This is a situation which demands attention.

I am especially pleased that this new bill is similar to last year's legislation in that it continues to place a major emphasis on preventive health care and health education programs. Prevention is much more successful than finding cures and it will have a positive impact on the lives of native Americans for years to come. If we are to make major strides in improving native American health care we must have proper preventive care and education and basic health services on and off the reservations.

In addition, this legislation addresses the serious needs in areas such as direct patient care, mental health, dental care, and alcohol abuse treatment. Legislative authority for urban and rural Indian health programs will also be extended. This bill also attempts to address the serious shortage of physicians, medical assistants, and nurses. This is especially important for native Americans located in rural areas where many of our reservation are located and where medical problems are most acute.

Since this legislation was debated extensively in the last Congress, it is my hope that the Congress will move quickly to pass this legislation and send it on to the President. I know first-hand of the health needs of nearly 50,000 native Americans in South Dakota and I hope that my col-

leagues in the Senate will join with me in working together to reauthorize this vital national program which will address many of the long-standing health problems of native Americans in our Nation.●

● Mr. PRESSLER. Mr. President, today we are again introducing desperately needed Indian health care legislation. The provisions of this bill which the President objected to in his veto statement have been removed. I would hope that this legislation can now be promptly approved once again by Congress and signed into law by President Reagan.

In my home State of South Dakota, the services provided as a result of the Indian Health Care Improvement Act are invaluable. The necessary services must continue and we must also fulfill our commitment to provide quality health care to the Indian population of this country. The quantity and quality of health care on the reservations must continue to improve.

There are several unique situations on the reservations, such as high rates of infant mortality, suicide, and alcoholism. These problems are not going to go away. The Indian Health Care Amendments are a step in the right direction toward finding solutions to these ever-present problems.

We now have the opportunity to pass this legislation and send it to the President for his approval. I believe the time has come for us to approve this bill and show our true commitment to the Indian population of our country.

Mr. President, I ask my colleagues to support this important Indian health care reauthorization legislation.●

● Mr. DURENBERGER. Mr. President, I am pleased to join my colleagues in the introduction of Indian Health Care Amendments of 1985. This bill reauthorizes and amends the Indian Health Care Improvement Act of 1976 to provide funds for the improvement of the health status of our country's American Indians and Alaskan Natives. It is essential that the act is reauthorized this year to ensure quality health care services are available to all Americans.

I am particularly concerned about title V of this act which provides funding for Indian Health Programs in urban areas. The Indian Health Board of Minneapolis represented the original model for title V and was selected by Congress in 1972 to document the health care needs of the urban Indian population. Since its beginning, the Indian Health Board has served over 19,000 patients and has demonstrated the efficient delivery of health care services to the Indian population. This program has served the area well. In Minneapolis the services provided to pregnant women and children have helped to reduce the infant mortality rate from 29.6 deaths per 1,000 in 1975-77 down to 15.7 deaths per 1,000 for 1977-79. However, the latest statistics show that infant mortality rate in Minneapolis was back up to 25.4 deaths per 1,000 in 1979-81. This concerns me greatly.

While the Indian Health Service has made marked improvements in the health status of American Indians across the country, their health status is still way below that of the general population. The infant death is still over 20 percent greater than that of the general population and the Indian death rate for tuberculosis is still four times greater than the general U.S. population. In addition, while 66 percent of the general population will reach the age of 65, only 35 percent of the Indian population ever will.

These statistics show that the objective of the Indian Health Care Improvement Act of 1976—to raise Indian health status to that of the general population—has not been reached. The Indian Health Care Amendments of 1985 represents society's commitment to the improvement of the health status of American Indians. The concerns of the President regarding last year's bill have been addressed and passage of this year's bill is vital. I strongly support this bill and urge the Congress and the President to do the same.●

● Mr. STEVENS. Mr. President, I am proud to be a cosponsor of the Indian Health Care Amendments of 1985—it was a good bill when we passed it last fall, and I believe it is an even stronger bill now.

In Alaska the inherent difficulties of providing adequate health care services to a predominantly rural population are made even more acute by the extremes of distance, climate, and isolation that shape the lives of most Native Alaskans. A number of the programs authorized by this bill directly address the needs of these communities—in preventive as well as direct care programs, including mental health services and alcoholism prevention programs. The bill also includes authorization of a hepatitis-B immunization and eradication program which formalizes the intent of the ongoing effort in my State to protect the high risk population of Alaska Natives from this serious, sometimes fatal, disease. The Medicare and Medicaid collections demonstration program which my colleague, FRANK MURKOWSKI, and I offered as an amendment when the bill was on the floor last fall, is incorporated into the main body of the bill before us today. This demonstration program will test the feasibility of those tribal contractors which operate Indian Health Service facilities to directly bill for and retain 100 percent of the Medicare and Medicaid reimbursements they collect for services provided at their facility. In turn, we will be able to evaluate if this capability on the part of tribal contractors results in increased collections, as well as more completely fulfilling the intent of Public Law 98-638 contracts by giving contractors complete control over the financial management of the facilities they operate.

Most important, however, is the overall intent of the Indian Health Care Amendments of 1985 to raise the health status of all American Indians and Alaska Natives to a level more on a par with that of the rest of the country. Current Indian Health Service data indicate that the incidence of diseases such as pneumonia, influenza, and diabetes among native Americans is well above the national averages for all other races in the United States. The rate of tuberculosis is six times greater than that of the general population, and the infant mortality rate is 11 percent higher. Epidemics of bubonic plague in the Southwest, and hepatitis-B in Alaska, also point to the discrepancy between the health status of native Americans and that of other Americans. The Indian Health Care Amendments of 1985, if enacted, will make significant inroads toward correcting this appalling inequity.●

● Mr. MURKOWSKI. Mr. President, I rise in support of the reauthorization of the Indian Health Care Improvement Act which was passed by the Congress last year but was vetoed by the President. As I have stated before, passage of this legislation is essential to ensure the continued delivery of health care to American Indians and Alaska Natives.

The measure that was passed in the 98th Congress was the product of many hours of hearings, meetings, and thoughtful consideration and had strong bipartisan support. It is my hope that we can build upon the work of the last Congress and get speedy passage of the bill.

Many of the concerns outlined in President Reagan's veto message have been addressed in this new legislation. The controversial Montana provision has been dropped and certain provisions in the elevation of the Indian Health Service process have been modified. The spending authorizations have also been reduced.

Native Americans are probably the most medically underserved population in the country and there are statistics to prove it. In Alaska, for example, the mortality rate for Natives is substantially higher than that of non-Natives. Alaska Natives comprise only 16 percent of the State's population, but 27 percent of the State's mortality. Alaska Native infant mortality is also several percentage points higher than that of non-Natives. In fact the American Indian infant death rate is approximately 20 percent greater than that of the general population.

Recognizing our responsibility to address this matter, we have included in the reauthorization bill a specific requirement that the Secretary of Health and Human Services develop and begin to implement a plan to reduce the rate of Indian infant mortality.

The incidence of alcoholism among American Indians and Alaska Natives also far exceeds national averages. In Alaska, alcohol abuse remains one of the five leading causes of hospital discharges in the Alaska area. The Indian health care amendments establish an Office of Alcohol and Drug Abuse within the Indian Health Service which will have the responsibility for administering prevention, education, counseling, and referral services. This, in my opinion, is one of the most important sections of the bill. We must educate our youth about the dangers of drug and alcohol abuse.

The Indian Health Care Improvement Act also authorizes funds for the Hepatitis-B Screening Program in Alaska. A program is now in place that will eradicate this serious health problem. The bill authorizes the funds necessary to complete the program.

Prompt passage of this bill will be a confirmation to American Indians and Alaska Natives that the Federal Government intends to fulfill its responsibility to provide health care services to native Americans.

I am pleased to cosponsor this important legislation.●

By Mr. KASTEN:

S. 278. A bill to amend the Agricultural Act of 1949 and the Dairy Stabilization Act of 1983 to provide for a 6-month extension of the milk diversion program from April 1, 1985, to September 30, 1985; to the Committee on Agriculture, Nutrition, and Forestry.

MILK DIVERSION PROGRAM EXTENSION ACT

Mr. KASTEN. Mr. President, today I am introducing legislation to extend the Milk Diversion Program.

During these difficult times for the dairy industry, the worst thing we could do is settle for a Federal dairy policy that is inconsistent and unpredictable. Yet unless Congress acts quickly, we will have exactly that in 1985.

The Milk Diversion Program is currently scheduled to expire on March 31. After that date, dairy farmers will face one price support cut on April 1, are likely to face another on July 1, and will have to deal with a completely new policy on October 1—assuming that Congress is able to pass a farm bill by then. So many changes in Government policy in 1 year just do not allow farmers to plan.

This bill, which has been introduced in the other Chamber by my colleague from Wisconsin, Mr. GUNDERSON, would provide a stable dairy policy during the time that Congress is debating the 1985 farm bill. It would extend the Milk Diversion Program through September 30, 1985, the date all the other commodity programs are scheduled to expire. It would also cancel the Secretary of Agriculture's authority to cut the support price in April and again in July. This authority is not required if our objective is a predictable dairy policy this year.

Mr. President, the Milk Diversion Program has done what it was intended to do; it has reduced spending on the Dairy Price Support Program, and it has done it quickly. In fiscal year 1984, the taxpayers saved over $1 billion as a result of greatly reduced Government purchases of surplus dairy products. The diversion program deserves much of the credit for this.

No one questions the need for reductions in Government spending to bring the deficit down and lower the high interest rates which hurt farmers most of all. Until Congress is able to come up with a new dairy program for the 1985 farm bill, why not continue a program which has saved the taxpayers money, has been funded entirely by the dairy farmers themselves, and has not raised the price of milk and other dairy products to the consumer? If Congress is able to come up with something better in the farm bill, fine; but until then, let's stay with the program that is working well right now.

Mr. President, I ask that the complete text of my legislation be printed in the RECORD at this point, and I urge all my colleagues to join me in cosponsoring this important agricultural initiative.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Milk Diversion Program Extension Act of 1985".

SEC. 2. Section 201(d)(1)(B) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)(1)(B)) is amended to read as follows:

"(B) Effective for the period beginning on the first day of the first calendar month following the date of enactment of the Dairy Production Stabilization Act of 1983 and ending on September 30, 1985, the price of milk shall be supported at a rate equivalent to $12.60 per hundredweight for milk containing 3.67 per centum milkfat.".

SEC. 3. Section 201(d)(2)(A)(i) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)(2)(A)(i)) is amended to read as follows:

"(i) Effective for the period beginning with the first day of the first calendar month following the date of enactment of the Dairy Production Stabilization Act of 1983 and ending on September 30, 1985, to encourage the adjustment of milk production to levels consistent with the national demand for milk and the products of milk, the Secretary shall provide for a reduction of 50 cents per hundredweight to be made in the price received on all milk produced in the United States and marketed by producers for commercial use.".

SEC. 4. Section 201(d)(3) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)(3)) is amended to create a new subparagraph (P) as follows:

"(P) The Secretary shall, on April 1, 1985, offer to extend the diversion contact, at any time up to May 1, 1985, of any producer who participated in the milk diversion program provided by this paragraph for an additional six-month period beginning on April 1, 1985, and ending on September 30, 1985, under the same terms and conditions for reductions in marketings and diversion payments as provided in this paragraph and by that contract, except that—

"(i) a producer need not submit another plan describing how that producer will accomplish the intended reduction in marketings; and

"(ii) the marketing history of a producer shall be the marketings of milk by such producer for commercial use during the period beginning April 1, 1982, and ending September 30, 1982, or, at the option of the producer, the average marketings of milk during that period and the period beginning April 1, 1981, and ending September 30, 1981, and may be adjusted and transferred only as provided in this paragraph.".

SEC. 5. The amendments made by this Act are effective on and after March 31, 1985.

By Mr. SYMMS (for himself, Mr. STAFFORD, Mr. ABDNOR, and Mr. DOMENICI):

S. 279. A bill to approve the Interstate and Interstate Substitution Cost Estimates; to the Committee on Environment and Public Works.

EMERGENCY HIGHWAY AND TRANSIT COST ESTIMATES APPROVAL ACT

Mr. SYMMS. Mr. President, I am pleased to introduce highway legislation today at the request of the administration. This legislation—the Emergency Highway and Transit Cost Estimates Approval Act of 1985—is similar to legislation (S.J. Res. 8) that Environment and Public Works Committee Chairman STAFFORD and I introduced on the first day of the 99th Congress. I understand that since then, several other bills to approve the interstate cost estimate [ICE] and interstate substitute cost estimate [ISCE] have either been introduced or are being considered by my colleagues in both the Senate and the House of Representatives. I welcome these collective efforts to secure congressional passage of clean ICE-ISCE legislation.

Three weeks ago in introducing Senate Joint Resolution 8, I said that over $7 billion in already authorized funds for interstate highway construction and interstate highway and transit substitute projects was in effect frozen, despite the fact that highway users are continuing to pay their taxes into the Highway Trust Fund. However, without congressional approval, those funds cannot be released to the States, and vital interstate construction and substitute projects have had to be indefinitely postponed.

In the past, the ICE and ISCE approvals have been very routine, noncontroversial, and timely. Unfortunately, the process has been complicated and seriously delayed for over a year by several major, extraneous issues. The administration bill would release interstate construction funds for fiscal years 1985 and 1986 which were available in fiscal years 1984 and 1985, release the remaining interstate substitution funds for fiscal years 1984 and 1985, and permit the apportionment of minimum allocation funds. If the ICE and ISCE had been approved on schedule, 2 years of funding could have been apportioned to the States, but so far Congress has only been able to pass interim legislation providing 6 months of funding. Public Law 98-229 was signed by the President on March 9, 1984, and the fraction of funding it provided has long since run out.

In submitting the administration bill, Secretary Dole said:

I hope . . . that we can work together for rapid approval of this emergency legislation so that we can get these vital programs moving again. However, I must note that the Administration will oppose enactment of emergency ICE/ISCE legislation that adds to the cost of the Interstate system, revises existing programs, creates new spending authorizations, or earmarks existing programs.

Mr. President, I ask unanimous consent that the entire text of Secretary Dole's letter as well as the section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, DC, January 14, 1985.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: We face a very serious transportation problem in this country. Construction of the Interstate highway system, which is critical to interstate commerce and the Nation's defense capability, has come to a near standstill because of Congressional inaction on an Interstate Cost Estimate (ICE) which is necessary to release more than $5 billion in Interstate construction funds. Other critical highway and transit construction activity has also been delayed by inaction on the Interstate Substitution Cost Estimate (ISCE).

I am required by 23 U.S.C. 104(b) to submit a new ICE for use in apportioning Interstate construction funds available in fiscal years 1986 and 1987. That ICE is attached. Additionally, I am taking this opportunity to submit a draft bill entitled:

"The Emergency Highway and Transit Cost Estimates Approval Act of 1985."

As described in detail below, it is essential that Congress act quickly to approve these cost estimates.

This bill would authorize the apportionment of the remaining Interstate construction funds for fiscal years 1985 and 1986 (which were available in 1984 and 1985) and the remaining Interstate substitution funds for fiscal years 1984 and 1985. By so doing it would also permit the apportionment of minimum allocation funds under 23 U.S.C. 157. This transmittal includes all of the information necessary to permit rapid action by the Congress. The bill would release Interstate construction funds on the basis of the tables in the 1985 ICE which I am now submitting. It would apportion Interstate substitution funds on the basis of the factors contained in committee print 98-36 of the House Committee on Public Works and Transportation.

Action on the ICE and ISCE is critical. More than $7 billion in Interstate construction, Interstate substitution, and minimum allocation funds, with the potential of providing more than 220,000 person-years of employment, is waiting to be released. Projections of the amount that each state is estimated to receive are shown in enclosure 5. Currently, 40 states are without sufficient Interstate funds to move forward with projects, and every state is being denied some Federal-aid of much-needed transportation improvements. Because of the delay in release of funds, work is not being done to close gaps in the Interstate highway system. Indeed, the entire 1985 construction season is now in jeopardy for many states, with serious safety, economic and convenience consequences to motorists.

Further, this disruption will ripple through related industries, adversely affecting contractors, materials suppliers, equipment manufacturers, and many others. Delays are adding to the cost of the system. By January, the loss of purchasing power due to these delays in apportioning fiscal years 1985 and 1986 funds will reach approximately $159 million and this figure could increase by an additional $18 million each month the ICE approval is delayed beyond January. A satisfactory bill needs to be enacted by March 1, 1985, to give the states time to advertise and award construction contracts in time for the summer construction season.

The failure to make this funding available will undermine efforts for timely completion of the Interstate System and substitute highway and transit projects, goals that were envisioned when Congress passed the Surface Transportation Assistance Act (STAA) of 1982 (Pub. L. 97-424) and increased user charges supporting the Highway Trust Fund. We do believe, however, there is sufficient time through the remainder of the 1980's to make up the ground lost in 1984, so long as there are no further disruptions in the flow of funds to the states.

The Federal-aid highway program has been financed directly through user fees since passage of the 1956 Federal-Aid Highway Act which established the Highway Trust Fund. Over the years, there has been strong support for the highway user fees which finance new and improved highways. However, if the funds are not distributed for the most important and significant highways in the nation, the Interstate System, the credibility of user fee financing becomes lost.

Because of the importance of quick approval of the ICE and ISCE, we have not included any highway program changes in this bill. We are proposing that the 1985 ICE be used as the basis for apportioning the remaining Interstate construction funds for fiscal years 1985 and 1986 because it reflects the most current estimate of the proportionate needs of each state to complete the Interstate System. As an example of how the situation has changed since the 1983 ICE, the cost to complete the Interstate System is estimated to be $26 billion in the 1985 ICE, compared to $36 billion in the 1983 ICE. The substitute highway and transit apportionment factors, as included in committee print 98-36, are recommended for use in apportioning remaining substitution funds for fiscal years 1984 and 1985. These factors are a revision of the 1984 ISCE transmitted by the Department in February. These ISCE tables were used by the Congress in allocating the Department's fiscal year 1985 discretionary funds.

In the spring, we will submit a comprehensive proposal for a post-1986 program, which is necessary since the STAA of 1982 authorizes most funds only through FY 1986. Further Congressional action will be necessary to apportion fiscal years 1987 and 1988 Interstate construction and fiscal year 1986 Interstate substitution funds, which need to be apportioned next October 1. I believe the proposal for the post-1986 program will provide the appropriate forum for debating program changes that were included in the ICE legislation which was considered but not passed by the 98th Congress. I hope that you will agree with this approach and that we can work together for rapid approval of this emergency legislation so that we can get these vital programs moving again. However, I must note that the Administration will oppose enactment of emergency ICE/ISCE legislation that adds to the cost of the Interstate System, revises existing programs, creates new spending authorizations, or earmarks existing programs.

The Office of Management and the Budget advises that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,

ELIZABETH HANFORD DOLE.

SECTION-BY-SECTION ANALYSIS

Section 1 gives the short title of the bill.

Section 2(a) requires the Secretary of Transportation to apportion the remaining Interstate construction funds previously authorized for the fiscal year 1985 and 1986 using the apportionment factors from the 1985 Interstate Cost Estimate (ICE). This section makes available over $5 billion for Interstate construction projects in states across the country. The apportionment factors for each state are shown in table 5 of the 1985 ICE Report.

Section 2(b) approves the 1983 ICE for technical and conforming purposes. It does not affect the apportionments of Interstate construction funds.

Section 3 requires the Secretary to apportion remaining Interstate substitution funds for the fiscal years 1984 and 1985. The factors that are approved are used to apportion funds made available for highway and transit projects by the withdrawal of unbuilt Interstate highway segments under the provisions of 23 U.S.C. § 103(e)(4). The areas that benefit from this approval and their apportionment factors are shown in tables 3 and 4 of committee print 98-36 of the House Committee on Public Works and Transportation.

Mr. SYMMS. Certainly I share the Secretary's hope, and I am encouraged by the growing number of highway users and Government officials who strongly support a clean 18-month ICE-ISCE approval, unencumbered by controversial policy changes and large, new special interest authorizations.

At their annual meeting last month, the American Association of State Highway and Transportation Officials

[AASHTO] adopted a resolution in favor of a clean ICE and ISCE and did so by more than a two-thirds majority vote of all States.

Recently, the Environment and Public Works Committee asked AASHTO to survey all State departments of highways and transportation on their outlook for the Federal-aid highway program and the effect of the delayed ICE-ISCE approvals on each of the 50 States. This week AASHTO provided the survey results. To date, 239 projects worth approximately $1.2625 billion have been delayed. If there is no ICE-ISCE approval by October 1, 1985, the States estimate that nearly five times as many projects, 1,174 projects in all, worth $4.0522 billion will be on hold.

My own State, Idaho, described the problem shared by so many other States. as a result of withheld interstate funding, manpower and other resources have had to be shifted to noninterstate projects. The 1990 target date set by Congress for completion of the Interstate System has been jeopardized. Highway planning and research funding has been delayed. And there has been a significant economic impact due to the loss of construction activity and jobs.

According to the Federal Highway Administration, the present disruption has had a ripple effect through related industries, adversely affecting contractors, materials suppliers, equipment manufacturers, and many others. Delays are adding to the cost of the system. By the end of January, the loss of purchasing power due to these delays in apportioning fiscal years 1985 and 1986 funds will reach approximately $159 million and this figure could increase by an additional $18 million eah month the ICE approval is delayed beyond January.

The Road Information Program [TRIP], a nonprofit highway research group, has looked in particular at the economic impacts caused by the ICE/ISCE freeze. According to TRIP's analysis which will be released in its entirety next Monday:

More than 417,000 jobs, including a direct construction payroll of $3.2 billion, are being lost due to slow congressional action on passage of the interstate cost estimate.

Some $7 billion already earmarked primarily for the interstate highway system has not been released, leaving 43 States without enough money to build even 1 mile of interstate highway.

This money would create or sustain 184,100 construction and related jobs and another 233,100 "multiplier effect" jobs as the ICE funding moves through local and State economies.

"These jobs are critical to the Nation's continued economic recovery," said Donald S. Knight, executive director of TRIP.

Mr. President, I might just say that the money has already been raised. The taxpayers have already been asked to allocate these resources to the highway trust fund. So that money is not available to be spent on some other type of human activity or endeavor. It has already been allocated by the taxpayers to the Federal highway trust fund and now is being held hostage.

I agree, and I think the U.S. and State transportation departments agree. The Environment and Public Works Committee will be marking up ICE/ISCE legislation on Tuesday, January 29. I believe there is an urgent need for congressional approval of these estimates so that States will have time to advertise and award construction contracts in time for the summer construction season. I hope we can move as quickly as possible to report legislation out of committee and bring it to the Senate floor. There is growing national support for release of the more than $7 billion in interstate construction and substitute funding that has already been paid for in highway user taxes.

The Federal-aid highway program has been financed directly through user fees since passage of the 1956 Federal-Aid Highway Act which established the Highway Trust Fund. Over the years, there has been strong support for the highway user fees which finance new and improved highways. However, if the funds are not distributed for the most important and significant highways in the Nation, the Interstate System, the credibility of user fee financing becomes lost.

Even more importantly, we will begin to experience serious safety and economic consequences nationwide. I urge my colleagues to join in a concerted effort to pass clean ICE/ISCE legislation as soon as possible, or the closest thing to it we can pass. Each and every State will then at long last receive the funding it needs for vital transportation improvements.

Mr. President, I urge my colleagues to examine the two or three different bills that we have before us in the Environment and Public Works Committee and advise those of us on the committee who are working on the highway legislation which bill they would feel more comfortable with.

Last year, at the close of the 98th Congress, there was a very responsible approach. We did give some ground to some of the wishes with respect to some of the demonstration projects, but we did it in a way that we did not completely break the budget. The new wave of budget concern and spending reductions that is in the forefront here in the Nation's Capital at this point in time however, makes me think that probably the responsible thing for us to do would be to pass legislation very close to this that I now introduce by request for the administration.

Mr. President, I introduce this legislation on behalf of myself, by request from the administration, and for Senators STAFFORD, ABDNOR, and DOMENICI, and I ask unaminous consent that the bill be printed in the RECORD.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, may I say to my distinguished friend and colleague from Idaho that I congratulate him upon the introduction of this clean ICE. He knows we were engaged in a considerable amount of discussion at the conclusion of the last session on differences over the formula for allocation of funds, some of which I felt impacted unfavorably on my State of Illinois. I have always supported, as my friend from Idaho knows, the passage of clean ICE. It is desperately needed in all parts of the country and in my State. I assure him he has my warm support as this matter comes to fruition.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this bill may be cited as the "Emergency Highway and Transit Cost Estimates Approval Act of 1985."

SEC. 2. (a) The Secretary of Transportation shall apportion for each of the fiscal years ending September 30, 1985, and September 30, 1986, the remaining funds to be apportioned for such years under section 104(b)(5)(A) of title 23, United States Code, using the apportionment factors from the Interstate Cost Estimate submitted to the Congress in January of 1985.

(b) The Interstate Cost Estimate submitted to the Congress in March of 1983 as it appears in the committee print numbered 98-202 of the Committee on Environment and Public Works of the United States Senate is approved for any statutory purpose other than the apportionment of funds.

SEC. 3. The Secretary of Transportation shall apportion for each of the fiscal years ending September 30, 1984 and September 30, 1985, the remaining sums to be apportioned for such years under section 103(e)(4) of title 23, United States Code, using the apportionment factors contained in the committee print numbered 98-36 of the House Committee on Public Works and Transportation.

By Mr. DURENBERGER (for himself and Mr. BOSCHWITZ):

S. 280. A bill entitled the "Food Stamp Redemption Act of 1985"; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD STAMP REDEMPTION ACT OF 1985

● Mr. DURENBERGER. Mr. President, I rise today to introduce the Food Stamp Redemption Act. In brief, this bill prohibits financial institutions from charging retail food stores service charges for the redemption of food

stamp coupons. It is identical to legislation I introduced last session. I would like to make clear that, while I am the first Member of the Senate to introduce legislation to accomplish this end, I am not the only Member of the Senate to express an interest in this matter. In particular, I would like to express my gratitude and appreciation for the fine work which has been done on this by my two distinguished colleagues, Senator BOSCHWITZ and Senator DOLE.

This bill is an outgrowth of a series of meetings I have had with small, independent grocers in Minnesota and, after listening to their concerns, I am not sure we should not call this legislation the Food Stamp Preservation Act. The problem this legislation is designed to address is one which threatens the efficiency, if not the viability, of the Food Stamp Program.

In a nutshell, financial institutions have instituted a policy of charging retailers service charges for processing food stamp coupons. These charges apparently are not uniform, ranging from $1.50 per bundle to 8 cents per coupon. Many of my grocers tell me that these fees could very well exceed their margin of profit on food stamp transactions. If these service charges are allowed to continue unchecked, they could force many small grocers to withdraw from the program. This is a development to be avoided at all costs, and I am hopeful that this bill will prevent that development from occurring.

A similar provision can be found in the House-passed Hunger Relief Act of 1984.

Mr. President, I ask unanimous consent that the bill and a statement by James Toll on behalf of the National Grocers Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Food Stamp Redemption Act".

SEC. 2. (a) Section 10 of the Food Stamp Act of 1977 (7 U.S.C. 2019) is amended by adding at the end thereof the following new sentence: "No financial institution may impose on or collect from a retail food store a fee or other charge for the redemption of coupons that are submitted to the financial institution in a manner consistent with the requirements, other than any requirements relating to cancellation of coupons, for the presentation of coupons by financial institutions to the Federal Reserve Banks".

(b) The Secretary, in consultation with the Board of Governors of the Federal Reserve System, shall issue regulations implementing the provisions of subsection (a).

STATEMENT OF JAMES A. STOLL ON BEHALF OF NATIONAL GROCERS ASSOCIATION

I. INTRODUCTION

My name is James Stoll, president and chairman of Stoll's Foods, Inc., headquartered in New Philadelphia, Ohio. My company operates three stores in eastern Ohio and has been in the retail grocery business since 1972.

I am a past chairman of the National Association of Retail Grocers in the United States (NARGUS), which in October 1982 merged with the Cooperative Food Distributors of America (C.F.D.A.) to form the National Grocers Association (N.G.A.). As a member of the N.G.A. Board of Directors and its Executive Committee, I am pleased to present this testimony on its behalf.

N.G.A. is a national trade association representing over fifteen hundred independent retail grocers, sixty-six retailer-owned cooperative warehouses which serve over twenty-eight thousand food stores, and fifty-six state and local food distributor associations. N.G.A. members serve consumers in every type of community—rural, suburban, urban and inner city—by operating supermarkets, small and medium size grocery stores, as well as warehouse and convenience stores.

I wish to commend the Chairman and this Subcommittee for holding a hearing on the food stamp program and for providing N.G.A. with this opportunity to comment upon the increasing amount and types of fees which many banks are imposing upon food retailers making food stamp deposits. While new and escalating bank fees borne by consumers and business have received recent Congressional and media attention, these food stamp charges levied on an instrument intended to help feed the needy in our society are particularly objectionable.

My testimony will focus upon these food stamp-related bank fees, the resulting costs to retail food stores, the inequities of the situation and the need for corrective Congressional action.

II. FEDERAL FOOD STAMP REQUIREMENTS

The Food Stamp Act of 1977, 7 USC Section 201, et seq., states that food coupons must be redeemed for face value:

Coupons issued and used as provided for in this chapter shall be redeemable at face value by the Secretary through the facilities of the Treasury of the United States. 7 U.S.C. Section 2012(a).

Additionally, USDA regulations require retail stores participating in the food stamp program to accept coupons "for eligible foods at the same prices and on the same terms and conditions applicable to cash purchases of the same foods at the same store." 7 CFR Section 278.2(b)

Therefore, pursuant to federal law and in accordance with USDA regulations, food retailers are explicitly prohibited from discriminating against food stamp recipients by charging higher prices or by imposing special fees.

Nevertheless, more and more banks are penalizing grocery stores, and indirectly the food stamp user, by assessing special fees for food stamp deposits. N.G.A. submits that this discriminatory banking practice is contrary to federal law and USDA regulations and should not be permitted to continue.

III. BANK CHARGES FOR ACCEPTING FOOD STAMPS

The members of N.G.A. are distressed that many financial institutions are discounting the face value of food stamps deposited by grocery stores, as well as charging a fee for the food stamp deposit itself. As discussed above, federal law prohibits retailers from discriminating against food stamp recipients. On the other hand, many financial institutions are penalizing grocery stores by assessing special fees for food stamp deposits. In turn, these banking fees are indirectly discriminating against consumers who rely upon food stamp assistance to feed themselves and their families.

Food retailers participating in the food stamp program incur additional labor and administrative costs. For example, time management studies document that food stamp transactions take a cashier longer to complete than cash or check purchases of grocery items. In addition, many banks require retailers to bundle or wrap coupons before they will accept them for deposit. Also, because some banks have established minimum amounts for food stamp deposits, many retailers are forced to hold the food stamps for days or weeks until an amount sufficient for a bank deposit accumulates. Throughout this waiting period, these coupons represent another cost—a negative cash flow—for the retailer.

In order to comply with federal law and department regulations, food retailers must allocate labor and administrative cost associated with accepting food stamps throughout their overall cost of doing business. However, in an industry in which the average annual margin or profit is 1 percent, the allocation of any extra costs, including the labor and administrative costs of accepting food coupons, has a significant impact upon the economic viability of the retail food store.

A survey of N.G.A. members conducted last year discloses that a substantial number of its members are being assessed a food stamp handling fee. About 20 percent of the respondents indicate that they are being charged a fee by at least one bank in over twenty states. Over two-thirds of those being charged indicate that they are being charged for each coupon. The charges range from a low of $.025 per 100 coupons to a high of 6 cents per coupon reported by a retailer in Minnesota. A summary of typical food stamp redemption fees reported by representative retailers in several key states appears in Appendix A.

In my business, each of my three stores makes approximately 20 food stamp deposits per month. My bank is charging me a fee of $.25 for each individual deposit. In addition, the bank requires food stamps to be bundled for deposit and charges me for the special strap or wrapper which must be used. Also, each food stamp deposit must be accompanied by a special deposit slip, for which I am charged, too.

Other retailers throughout Ohio are incurring greater processing fees by banks which are charging on a per coupon basis, instead of a per deposit basis. For example, Russo's Eagle Supermarket in Cleveland, Ohio, whose annual sales exceed $1 million, including a large percentage of food stamp purchases, is being charged a $.02 per coupon fee by its bank, regardless of the face value of the coupon. Also in the Cleveland area, Dave's Eagle Supermarket and Wayside Eagle Supermarket were paying to its bank a $.05 and $.04 per coupon fee, respectively. In an attempt to avoid these charges, both retailers "shopped" for another bank. However, the "best deal" in their local areas still requires them to pay a food stamp charge for each deposit.

This is not a local or regional problem. Indeed, N.G.A. members throughout the country are having their food stamps dis-

counted by banks. Specifically, Macey's Inc., a six-store Utah retailer doing business as Sack N' Save, has been assessed by its banks fees of various kinds and amounts on food stamps deposits. Its highest volume store was being charged a $.03 per coupon fee. Although its bank has recently acquiesced to the store's complaints and reduced the processing fee, this store is still being charged $0.01 for each food stamp coupon.

Other Sack N' Save stores have been given three fee options by the banks with which they do business. First, loose coupon deposits would cost the retailer $0.0475 per deposit. Second, if the retailer cancels and bundles the coupons itself, then the bank would charge it $0.50 per 100 coupons. Finally, in addition to cancelling and bundling the coupons, if the retailer bags and seals them for direct delivery to the Federal Reserve, then the bank's processing fee would be $2.00 per bag.

By opting for the last alternative, these Sack N' Save stores have reduced their monthly food stamp charges from $350 to $10, but they have increased their labor and administrative costs. Moreover, each deposit contains nearly $12,000 worth of food stamps, representing a significant security risk in the event that they are lost, stolen or destroyed prior to the deposit. During the time that it takes to fill each bag with food stamps, they represent a negative cash flow to each individual store, as well.

So while this particular Utah retailer has reduced, but not eliminated, his direct bank charges for processing food stamps, the stores have increased their internal costs, assumed a constant security risk and absorbed a continual negative cash flow. In the meantime, each Sack N' Save store continues to accept food stamps from its customers in a nondiscriminatory way, as federal law requires.

Likewise, retailers throughout Northern California are being assessed processing fees on food stamps. On the lower end of the spectrum is a charge of 1.4 cents per unit (each food stamp is considered a unit regardless of its face value) reported by Sure Save Market in Madera. Larry's Market in Arcata, CA, is being charged 3 cents for coupons in bundles of a minimum of 100 stamps and 3.9 cents for each loose coupon. Also, Pacific Foodland in Cresecent City, CA. reports that all but one of the banks in the area are charging .05 cents for each coupon deposited. The only bank that has yet to institute a food stamp processing fee has informed Pacific Foodland that it intends to do so, shortly.

As the Subcommittee might suspect, these food stamp fees are part of many new and increased service fees being assessed by banks throughout the country. Appendix B contains a list of a variety of charges, including food stamp fees, which banks are passing to retail grocery stores and to other commercial customers.

Based upon the foregoing information, N.G.A. respectfully submits that this is a nationwide problem which is having a detrimental impact upon a federally-funded benefit program, thereby clearly justifying Congressional inquiry and action.

IV. USDA REFUSES TO CORRECT INEQUITABLE SITUATION

Before turning to Congress to resolve this inequitable situation, N.G.A. and other retail food trade associations, including the Food Marketing Institute and the National Association of Convenience Stores, had worked with the U.S. Department of Agriculture throughout 1983 in an attempt to resolve the problem. In a series of meetings with the Secretary of Agriculture and the Administrator of the Food and Nutrition Service, N.G.A. urged that the Secretary exercise his authority contained in the Food Stamp Act of 1977 to stop banks from continuing this costly practice.

A reading of the Act reveals that the Secretary of Agriculture, in cooperation with the Department of Treasury, has the authority to regulate financial institutions participating in the food stamp redemption process. Specifically, Section 2019 of the law, 7 USC, states:

Regulations issued pursuant to this chapter shall provide for the redemption of coupons accepted by retail food stores through approved wholesale food concerns or through financial institutions which are insured by the Federal Deposit Insurance Corporation, with the cooperation of the Department of Treasury.

The regulations, which the Secretary of the Agriculture has promulgated under the law, clearly govern both retail stores and banks which participate in the food stamp program. For example, Section 278.5, 7 CFR Part 278.5, specifically regulates the redemption of coupons by banks, requiring Federal Reserve Banks to act as "fiscal agents of the United States (to) receive canceled coupons for collection as cash items."

Because the Secretary of the Agriculture has already exercised authority under the Food Stamp Act to regulate banks participating in the food stamp program, N.G.A. believes he has the authority to prohibit banks from charging redemption fees to retail stores, in the present instance. Unfortunately, the department has refused to exercise this authority. In a letter dated December 6, 1983, John W. Bode, Deputy Assistant Secretary for Food and Consumer Services, wrote to N.G.A. President Thomas K. Zaucha, stating "we have determined not to initiate a rulemaking to preclude financial institutions from charging fees for the redemption of food stamp coupons." (See Appendix C.)

In light of the increasing number of financial institutions throughout the country assessing processing fees on food stamp coupons and the decision of the Secretary of the Agriculture not to take appropriate action, the country's retail food industry is forced to turn toward Congress to correct this growing problem.

V. LEGISLATIVE ACTION IS NECESSARY AND APPROPRIATE

Despite language in the Food Stamp Act requiring food retailers to treat food stamp transactions as cash transactions and requiring banks to exchange coupons for their face value, more and more banks are proceeding to adopt a practice which discounts the face value of the food stamp and assesses a processing fee to the retailer participating in the food stamp program. While grocers are prohibited from discriminating against food stamp users, banks are proceeding to do so. On its face this is an inequitable situation which threatens to undermine the integrity of a major component of our federal feeding programs.

Accordingly, N.G.A. respectfully urges this Subcommittee to amend the act to prevent a practice which is contrary to the intent of the law, that is unfair to retail food stores and coupon users, and allows banks to profit improperly from the food stamp program—a program which was designed to aid the poor, not to assist the banks. To this end, the association would wholeheartedly support a clarifying amendment prohibiting all institutions participating in the food stamp program, including retail grocery stores, food wholesalers and banks, to pay or assess any fees or charges in connection with the acceptance, processing the redemption of these food coupons.

VI. CONCLUSION

On behalf of the National Grocers Association, I want to thank Chairman Panetta and the members of this Subcommittee for allowing me the opportunity to testify on this matter of great importance to our industry. In addition, I wish to commend Mr. Panetta for holding hearings on this issue, as well as on the overall effectiveness of our federal food programs. In this regard, H.G.A. commends Congressman Panetta for introducing H.R. 5151, the "Hunger Relief Act of 1984," and hopes that our recommended prohibition on charging processing fees for redeeming food stamps can become part of this commendable legislative proposal.

APPENDIX A

The following is a summary of typical food stamp redemption fees reported by representative retailers in several key States:

FOOD STAMP REDEMPTION FEES IN SELECTED STATES

State	Amount
California	$0.03 per bundle.
	$0.04 per coupon.
Louisiana	No amount stated.
Idaho	$0.25 per coupon.
North Carolina	$0.02 per coupon or $0.25 per bundle of 100.
	$0.05 per coupon or $0.50 per bundle of 100.
	$0.025 per coupon.
Utah	$0.045 per coupon.
Massachusetts	$0.02 per coupon.
Wisconsin	$0.01 per coupon or $0.20 per bundle.
	$0.05 per coupon.
	$0.02 per coupon.
New Jersey	$0.02 per coupon.
Ohio	$0.01 per coupon.
	$0.02 per coupon.
	$0.03 per coupon.
	$0.17 per deposit.
Michigan	$0.50 per 100 coupons—$1 per partial bundle.
	$0.35 per bundle of 100.
Washington	$0.05 per coupon.

APPENDIX B

The following table illustrates some typical services provided by banks to food retailers and the charge associated with each of those services:

SCHEDULE OF BUSINESS CHECKING ACCOUNT SERVICE CHARGES

Cost per check (volume per month):	
0 to 500	$0.15
501 to 25,000	.13
25,001 to 45,000	.11
45,001 and over	.095
Deposited items:	
Unencoded	.055
Encoded	.0275
Deposit slips	.25
Statement preparation (volume of debits per month):	
0 to 500	7.00
501 and over	7.50
Food coupons (each):	
Direct charge (each coupon)	.03
Account analysis (without minimum balance)	.02
Currency (per strap)	.08
Coin (per box)	.70
Currency wrappers (per box)	2.00

Source: A major financial institution which services a retailer in Cleveland, Ohio.

APPENDIX C

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, December 6, 1983.

Mr. THOMAS K. ZAUCHA,
President, National Grocers Association, Reston, VA.

DEAR MR. ZAUCHA: Thank you for meeting with us to express the views of the National Grocers Association (NGA) regarding bank service charges incurred by grocery retailers for food stamp redemption. We have thoroughly reviewed the matter.

We share your concern that a growing number of retailers who honor food stamps are being charged a handling fee by banks. We see these charges as part of a larger trend among financial institutions. Specifically, a growing number of these institutions charge fees for various services such as handling cash and checks.

Consistent with the deregulatory effort in financial institutions, the Food and Nutrition Service (FNS) has promulgated regulations which permit savings and loan institutions, as well as banks, to redeem food stamp coupons. This new rule is intended to expand the number of financial institutions at which retailers may redeem coupons. Increased competition will help curtail financial institution service fees.

As you know, FNS is experimenting with alternatives to the food coupon in the operation of the Food Stamp Program, and eventually some of these ideas may alleviate the significant costs associated with redeeming coupons. Thereby, the pressure for financial institution service fees would be relieved.

In light of these efforts and our reluctance to expand the scope of FNS regulatory activities to a broad new class of institutions, we have determined not to initiate a rulemaking to preclude financial institutions from charging fees for the redemption of food stamp coupons.

We will, however, continue to monitor this situation and work with representatives of the financial community in an effort to limit this practice.

Sincerely,

JOHN W. BODE,
DEPUTY ASSISTANT SECRETARY
for Food and Consumer Services.●

By Mr. PRYOR (for himself, Mr. HEINZ, Mr. NUNN, Mr. ZORINSKY, Mr. SASSER, Mr. QUAYLE, and Mr. BOREN):

S. 281. A bill to amend the Internal Revenue Code of 1954 to add a section dealing with public safety vehicles; to the Committee on Finance.

TAX TREATMENT OF PUBLIC SAFETY VEHICLES

● Mr. PRYOR. Mr. President, today I am introducing a bill to correct what I believe is a very serious flaw in our existing Tax Code and Treasury regulations. It is in the area of fringe benefits and involves the question of whether or not an individual, like a sheriff's deputy, is taxable on any portion of the use of his patrol car. The bill I am introducing today will ensure that public safety employees are not taxable on any use of a specially equipped vehicle. It adds a new subsection (6) to section 132(h) of the Internal Revenue Code (added by last year's Tax Reform Act) to provide that any use of a public safety vehicle shall be treated as a working condition fringe benefit, and therefore, not taxable.

Mr. President, last year in our deliberations on the tax bill, we discussed the issue of fringe benefits. The final version of the act (Public Law 98-369) added a new section to the Tax Code—Section 132. This section provides four general fringe benefit categories. If an employer-provided benefit fits into one of these categories, then the employee does not have any income to the extent of the benefit provided. The four types of benefits are the working condition fringe, the no-additional-cost fringe benefit, the qualified employee discount, and the de minimis fringe. Included in the statute are certain special rules dealing with automobile salesmen, parking, and athletic facilities. The bill I am introducing today adds a new special rule to section 132 covering the use of a public safety vehicle by a public safety employee.

Pursuant to new section 132, Mr. President, temporary and proposed regulations were issued by the Internal Revenue Service on December 31, 1984. These regulations have certain rules dealing with employee use of cars, whether for full-time use, or solely for commuting purposes. Generally, if certain requirements are met, and the car is used only for commuting purposes, the regulations provide that the employee has additional income of $4 per day. If the conditions for the special $4 per day rule aren't met, then the individual is taxable for the percentage of personal use of the vehicle. This percentage is applied against the annual lease value of the car, depending upon the fair market value. In order to figure personal use, Mr. President, travel logs must be kept. As I understand the regulations that have been proposed, Mr. President, there is no exemption from these rules for our law enforcement and fire officials. If this is the case, then they'll have taxable income of $4 per day, or alternatively, will be taxed on a portion of the annual lease value and have to keep a travel log.

Mr. President, it seems to me that this is the wrong result. The bill I'm introducing will provide a statutory exemption. The reason an exemption is needed is clear—these men and women protect the public safety and every time they're in their vehicles they are "on duty." Even though their shift might end in a technical sense, they are constantly on call and respond to emergencies at all hours of the day and night. Further, they respond to emergencies whenever they are in their vehicles, whether driving around town or out on the highways. Therefore, it seems to me that these public safety personnel are always "on duty." Every State trooper, sheriff, deputy sheriff, city policeman, and emergency medical worker I know in Arkansas is always on duty, ready to respond to any type of emergency. These perople work extremely long hours, in good weather and bad, and it just seems to me that we should not impose any tax or require travel logs when they drive these vehicles.

If we don't change this, consider the alternatives. Before going anywhere after their shift ends, they'll probably have to keep a log. Also, during their shift, they could conceivably have to keep a log to record any "personal use." What if, instead of having to have an extra $4 per day in compensation, a trooper or deputy decided to leave the patrol car at the courthouse and commute in his own car or truck? When an emergency occurs they would have to go to the courthouse, get the patrol car, and then respond.

For all of these reasons, Mr. President, I think the statute should have a clear exemption for the use of public safety vehicles. The bill defines a "public safety vehicle" as any type of specially equipped transportation used by a public safety employee. Under the bill, a "public safety employee" is a person working in law enforcement; fire protection; emergency medical services (like an ambulance driver or emergency medical technician); or any other activity, as defined by the Secretary, where a substantial portion of the work involves the protection of public safety.

Mr. President, I urge my colleagues to join me in this effort. I strongly believe this is something we should do for our public safety employees, and I think it will correct a serious flaw in this area of employee use of an automobile.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

(a) Section 132 (h) of the Internal Revenue Code of 1954 is amended by inserting a new paragraph "(6)" to read as follows:

"(6) PUBLIC SAFETY VEHICLES.—

(A) IN GENERAL.—For purposes of subsection (a) (3), any use of a public safety vehicle by a public safety employee shall be treated as a working condition fringe.

(B) PUBLIC SAFETY VEHICLE.—For purposes of subparagraph (A), the term 'public safety vehicle' means any type of specially equipped transportation used by a public safety employee.

(C) PUBLIC SAFETY EMPLOYEE.—For purposes of subparagraphs (A) and (B), the term 'public safety employee' means any person working in law enforcement, fire protection, emergency medical services, or any other employment as defined by the Secretary, wherein a substantial portion of the work involves protection of public safety."

51-059 O-86-33 (Pt. 1)

(b) The amendments made by this Act shall be effective for taxable years beginning on or after January 1, 1985●

By Mr. HOLLINGS:

S. 282. A bill to establish a National Trade Council within the Executive Office of the President, and for other purposes; to the Committee on Governmental Affairs.

NATIONAL TRADE COUNCIL ACT OF 1985

Mr. HOLLINGS. Mr. President, no problem we face—and we face many—holds more peril to our future than the growing noncompetitiveness of the United States in the global economic contest. In calendar year 1984, we suffered a trade deficit of $130 billion and this year, that will rise easily to $150 billion unless we sober up and straighten out our Government's twisted sense of priorities. Just as surely as $200 billion budget deficits have busted the Federal Government, these gigantic and totally unprecedented trade deficits are breaking the economy. Indeed, this Nation of once huge trade surpluses—this country of Yankee traders, hard bargaining, and world commerce—has come a cropper. We are now, believe it or not, a debtor Nation, in hock to the rest of the world. Worse, at the whim of the world, for if these other investing countries decide to pull the plug on America and take the billions they have invested here home, we would be washed right down the money drain.

There is no mystery as to the cause of our trade malady. Oh, some will tell you that it's because other peoples have surpassed the American worker in productivity. That is profoundly false. The Bureau of Labor Statistics and the chamber of commerce both agree that the American is still the most productive worker in the world. While the rates of increase here the past few years have lagged behind increases elsewhere, in absolute terms we are still measurably ahead in the productivity index. Others will argue that we lack the research and technology and this is wherein America fails. While it is true we have exported much of our expertise, America still has the lead in creativity, research know-how, education, and industrial innovation. Nor is our problem any lack of competitive zeal among our business leaders and their employees. The captains of American industry have been retooling, modernizing, finding new ways to compete. Unfortunately, for want of encouragement to produce here at home, many have taken this know-how—and the jobs it produces—offshore. Not because they are unpatriotic, but because they are denied the help of their Government in the international trade competition.

This is the nub of the problem. All around this world of ours, countries are throwing their resources into taking over America's markets and picking off America's jobs. Governments everywhere work with business people to give them the advantage. They erect every sort of barrier imaginable to keep our products out of their markets and they confer on their producers every advantage imaginable to corner our markets. Tax rebates on exported goods, complicated licensing requirements, lengthy inspection practices at the foreign dock, remote port facilities overseas, direct and indirect subsidies, government research and planning, government-backed loans, government procurement, government financing, government monetary and trade policies—you name it and it's being used against us even as we speak.

While other nations are down on the field competing for jobs, dollars, and markets, America sits up in the stands with our leaders caterwauling free trade, protectionism, free trade protectionism as if the world hadn't moved on since the turn of the century. Their debate is as remote from the realities of today's world competition as the clipper ship is to the world of modern commerce. For in truth, what is at issue here is simple and stark. At issue are our jobs, our standard of living, our national security.

Jobs.—Every billion dollars in America's trade imbalance is 25,000 lost jobs. Figure it out. Last year's trade deficit translates into 3,250,000 job opportunities lost to the United States.

Standard of living.—The shirt I am wearing can be produced in Shanghai for 18 cents an hour. Would the free traders reduce America's standard of living to 18 cents an hour? Public policy exacts of America's industry certain costs of doing business. We require a minimum wage, a safe working place, product liability for defects, unemployment compensation, Social Security, clean air, clear water—together they constitute the American standard of living. Impose these standards on others and their costs rise too. But others don't require that standard. Safeguarding it is not undercutting any overseas comparative advantage. In this modern world, any product can be produced anywhere. The point is, we produce in a society where production must meet certain high standards vital to us all.

National security.—The United States is the leader of the free world. Upon the success of our economy rests the future of enterprise, the future of freedom. The world's leader cannot denude itself of the capacity to produce and still expect to lead. As a world power, we must have the capacity to produce steel, rubber, glass, textiles, machine tools, automobiles, rolling stock. You cannot deliver your wheat on an optic fiber. You cannot go to war in foreign uniforms. We cannot sustain without basic industry. We must disenthrall ourselves. What has been visited on basic industry is now experienced by every sector of American enterprise, including the electronics, computers, and high tech which were supposed to be our salvation.

Mr. President, Congress over the years has responded to our growing trade vulnerability. It has enacted statutes to protect against dumping, overshipments, foreign subsidization and other unfair and illegal trade practices being deployed against America. We have on the books a host of remedies which, if enforced, would level the field of play and give America's business and America's workers the chance to compete and show their stuff. We have countervailing duties, antidumping duties, section 201 actions, section 301 actions, section 406 actions, and section 337 actions. We have had escape clauses, peril points and trigger prices put on the books. We have established agencies and tribunals to monitor America's trade condition. We have armed ourselves to compete.

Unfortunately, Presidents come to town and refuse to use the weapons provided. They get caught up in the State Department mentality of turning the other cheek whenever somebody infringes our markets. Because, after all, if we aren't nice to anyone, we won't have any friends left. This sounds nonsensical and is nonsensical, but that's been standard operating procedure down in Foggy Bottom and standard operating procedure in the Oval Office too. And nowadays, that mentality is further entrenched by an overlay of free trade ideology making this administration even blinder than most of its dim-eyed predecessors.

Mr. President, after World War II, with communism on the march and America's well-being threatened, we instituted in the President's office the National Security Council. It was formed to coordinate the bureaucracies of the State and Defense Departments, to evaluate and distill the conflicting advice and competing constituencies of all the agenices of the government involved in our national security. The object: To give the President the unvarnished facts and unbiased perspective from which to act quickly and effectively in the national interest. That procedure has served America well.

Now it is time to be equally serious about our dismal performance in the global economic contest. For on the outcome of this contest hinges perpetuation of our jobs, our standard of living, our very national security.

Today I introduce legislation to establish a Trade Council in the White House, analogous to the National Security Council. My legislation is patterned directly on the legislation which authorized the National Security Council. The Trade Council would

coordinate all those departments and agencies of government, and they are legion, who dip into trade policy. It would coordinate the Departments of State, Treasury, Commerce, Defense, Labor, Agriculture, and the U.S. Trade Representative into a coherent and competitive trade policy. Just as there is an assistant to the President for National Security Affairs, so would there be an assistant to the President for Trade Policy. The Council would be charged with advising the President on the totality of our competitive position and mandated to consider the standard of living and national security ramifications of America's trade policy.

The Trade Council would call on America's best and brightest in its deliberations. This legislation would provide an advisory board from science and education to counsel on research and technology. There would be an advisory council of business and labor to understand that in the enforcement of our laws, investments should go for jobs and increased productivity, and to ensure consideration of America's standard of living in all trade deliberations. There would be a food and fiber board advising the Trade Council so that once again we can become a reliable supplier of foodstuffs the world around.

A Trade Council brings a focus to trade decisions and provides the President with the unvarnished facts and the unbiased advice that only a council within the White House can provide. It makes no sense to continue down the road we have been traveling, with one agency deciding on relief only to have a bureaucrat in another agency or a Cabinet head in another department reverse the decision. A Trade Council confers on trade the high priority it demands. Don't come with suggestions to add the word "trade" to an old Cabinet department and call that meaningful. Don't come with suggestions simply to move the deck chairs around on the Titanic. That may improve the appearance of the ship on the surface, but the ship is sinking. America is sinking, and unless trade is given the focus and the priority attention which only a Trade Council can provide—unless there is a Trade Council above the bureaucratic fray to give the President what he needs to act—then we continue to sink until we are out of sight and out of breath.

Mr. President, I hereby introduce this important Trade Council legislation, and I request its joint referral to the Senate Committee on Commerce, the Senate Committee on Governmental Affairs, and the Senate Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Trade Council Act of 1985".

ESTABLISHMENT

SEC. 2. There is established in the Executive Office of the President a council to be known as the National Trade Council (hereinafter referred to as the "Council").

MEMBERSHIP OF THE COUNCIL

SEC. 3. (a) The Council shall be composed of—

(1) the President;
(2) the Vice President;
(3) the Secretary of State;
(4) the Secretary of the Treasury;
(5) the Secretary of Defense;
(6) the Secretary of Agriculture;
(7) the Secretary of Commerce;
(8) the Secretary of Labor; and
(9) the United States Trade Representative.

(b) The President shall preside over meetings of the Council. In the President's absence, the President may designate a member of the Council to preside in the President's place.

FUNCTIONS OF THE COUNCIL

SEC. 4. (a) The Council shall advise the President with respect to the integration of national and international policies relating to trade so as to enable the President and the departments and agencies of the Federal Government to cooperate more effectively in matters involving international trade.

(b) In addition to performing such other functions as the President may direct, for the purposes of more effectively coordinating the policies and functions of the departments and agencies of the Federal Government relating to international trade and making recommendations to the President, the Council shall, subject to the direction of the President—

(1) assess and appraise the Nation's international trade policies (including commodity and direct investment matters) and international trade objectives;

(2) consider policies on matters of common interest to the departments and agencies of the Federal Government concerned with international trade;

(3) consider the relationship between the Nation's standard of living and its international trade policies; and

(4) evaluate the effects of the Nation's international trade policies and objectives on the national security.

EMPLOYEES OF THE COUNCIL

SEC. 5. The Council shall have a staff to be headed by an executive secretary who shall be appointed by the President. The executive secretary, subject to the direction of the Council and in accordance with the provisions of title 5, United States Code, may appoint and fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed by the Council in connection with the performance of its functions.

RECOMMENDATIONS AND REPORTS

SEC. 6. The Council shall, from time to time, make such recommendations and such other reports to the President as the Council considers to be appropriate or as the President may require.

ADVISORY COMMITTEES

SEC. 7. (a)(1) The Council shall appoint a Food and Fibre Advisory Committee to advise the Council regarding the production and distribution of food and food products in international trade.

(2) The Council shall appoint a Business and Labor Advisory Committee to advise the Council regarding methods to increase the productivity of the Nation's workforce so as to improve international trade.

(3) The Council shall appoint a Research and Development Advisory Committee to advise the Council regarding technological research and development, in order to improve international trade. Members of such Advisory Committee shall be selected on the basis of their expertise in the fields of science and education.

(b) The Council may appoint such other advisory committees and employ, consistent with the provisions of this Act, such part-time advisory personnel as the Council may consider necessary in carrying out its functions under this Act.

(c) Members of advisory committees established pursuant to this section who are employees of the Federal Government shall receive no additional compensation for their service on such advisory committees. Members of such advisory committees who are not employees of the Federal Government shall be entitled to receive compensation at a daily rate not to exceed the daily equivalent of the rate of pay in effect for grade GS-18 of the General Schedule established by section 5332 of title 5, United States Code.

Mr. KASTEN subsequently said: Mr. President, I ask unanimous consent that the previous request of Senator HOLLINGS dealing with a joint referral be temporarily vitiated. I would like to inform the Senate that this request has been cleared with Senator HOLLINGS.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. MITCHELL (for himself, Mr. CHAFEE, Mr. STAFFORD, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. CRANSTON, Mr. DODD, Mr. COHEN, Mr. RUDMAN, Mr. LEAHY, Mr. KASTEN, Mr. HUMPHREY, Mr. HOLLINGS, Mr. PELL, and Mr. BAUCUS):

S. 283. A bill to amend the Clean Air Act to better protect against interstate transport of pollutants, to control existing and new sources of acid deposition, and for other purposes; to the Committee on Environment and Public Works.

ACID DEPOSITION CONTROL ACT

● Mr. MITCHELL. Mr. President, I am today introducing, for the third time, comprehensive legislation to deal with the problem of acid rain. This bill requires a 10-million-ton reduction in sulfur dioxide emissions within 10 years after enactment. It is virtually identical to the legislation I introduced for Senate consideration in the 97th Congress and again in the 98th Congress.

Twice the Committee on Environment and Public Works has approved a slightly modified version of my legislation by an overwhelming margin, in 1982 and in 1984. Twice it has not been

scheduled for consideration by the full Senate. I hope that this will not be the case in the 99th Congress.

The evidence of environmental damage from acid precipitation continues to grow. While I would prefer to have been successful in my efforts to enact legislation, the accumulation of scientific knowledge over the past 5 years makes me confident that we will eventually have a meaningful acid rain control program. There is no question as to whether we will act, only a question as to when we will act. To the extent that we wait, the reductions required will likely increase, and the program will be more comprehensive.

There can be no serious doubt that acid precipitation has damaged lakes and streams. Evidence is also mounting that acid rain may indeed be causing forest damage in the United States. And we are beginning to see evidence of human health damage that is associated with current levels of acidic compounds.

I know of no other situation in which so much evidence for action has been available, but has been ignored by policymakers. We will pay for this shortsightedness in increased environmental damage, and perhaps in the cost of a control strategy. There may be disagreement as to the details of a control strategy. This is to be expected. My frustration has been the inability to discuss and debate such issues openly in the Congress. Only when this occurs can we fashion a program which addresses the legitimate concerns of Members of this body.

The U.S. Congress, and in particular this body, has always acted to address an environmental problem when action has been needed at the Federal level. We have been leaders. Such an opportunity presents itself now. It is my hope that we will once again provide such leadership, to assure that further losses to our water resources are prevented, and potential losses to our agriculture and forest resources are not realized.

Mr. President, I ask unanimous consent that a description of the bill be printed following my statement, as well as the full text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DESCRIPTION OF ACID RAIN LEGISLATION, INTRODUCED BY SENATOR GEORGE J. MITCHELL, JANUARY 24, 1985

ACID RAIN REGION

1. A 31-State acid rain mitigation region, consisting of all States east of or bordering on the Mississippi River is established.

2. The Environmental Protection Agency shall conduct a study of the long-range transport of air pollutants in the regions of the continental United States not included in the acid rain region, and report the results of the study to the Congress within two years after enactment.

SULFUR REDUCTION STRATEGY

1. Sulfur dioxide emissions in the acid rain region shall be ten million tons below 1980 levels within ten years after enactment.

Sources which will achieve sulfur reductions through fuel switching must be in compliance with their mandated reductions six years after enactment. Sources which will comply through installation of control technology or installation of replacement capacity must be in compliance ten years after enactment.

2. During and after the reduction period, increases in the emission rates of sulfur dioxide and nitrogen oxides from existing and new sources must be offset by reductions from sources within the acid rain region.

3. The ten million ton reduction is to be apportioned among the 31-States. Each State's sulfur reduction share is to be determined by the amount of sulfur dioxide being emitted at a rate in excess of 1.2 lbs per million Btu in each State relative to the total amount of sulfur dioxide being emitted in the region at a rate greater than 1.2 lbs per million Btu.

4. The mandated reductions are to be planned for and accomplished according to the following schedule:

The Governor of each State in the 31-State acid rain region shall submit to the Federal Environmental Protection Agency for approval a plan to achieve its required sulfur reduction.

The EPA Administrator shall approve within six months each State's plan if it is adequate to achieve the mandated reduction within the specified time.

If a State does not submit a plan to achieve its mandated reductions, or its plan is disapproved by the Administrator, a fallback cleanup strategy will go into effect in that State.

The owner or operator of each fossil-fuel burning electric generating facility located in that State must comply with an emission limitation at all of its facilities in the region which is equivalent to an average of 1.2 lbs. of sulfur dioxide per million Btu among those facilities.

18 months after State plans are submitted (four years after enactment), sources subject to sulfur reduction requirements must state whether they will achieve reductions through fuel switching or the installation of technology, which may be either retrofit of an existing source or the installation of replacement capacity for a retiring source.

Within 24 additional months (six years after enactment) sources subject to sulfur reduction requirements must either switch fuel or enter into binding contractual commitments for control technology.

Within ten years after enactment, conventional retrofit technology must be in operation.

5. In addition to all conventional methods of compliance currently authorized by the Clean Air Act such as installation of control technology and fuel switching, the following methods of emissions reduction are authorized: least emissions dispatch, early retirement of sources, energy conservation, interstate trading of emission reductions, and precombustion cleaning of fuels.

S. 283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Acid Deposition Control Act".

SEC. 2. Title I of the Clean Air Act is amended by adding the following new part:

"PART E—INTERSTATE TRANSPORT AND ACID PRECURSOR REDUCTION

"FINDINGS AND PURPOSES

"SEC. 180. (a) The Congress finds that—

"(1) the long-range transport of pollutants and their transformation products is an interstate and international problem;

"(2) current levels of emissions of air pollutants from existing sources as well as increased emissions from new existing sources threaten public health and welfare and the environment in States and countries other than those in which emitted;

"(3) reduction of total regional atmospheric loading of pollutants such as sulfur oxides and nitrogen oxides will enhance protection of public health and welfare and the environment;

"(4) more effective regulation of the interstate transport of air pollutants is needed in order to protect the health and welfare of the citizens of downwind States and the economic growth opportunities of downwind States; and

"(5) in particular—

"(A) the deposition of acid compounds from the atmosphere is causing and contributing to widespread long-term ecosystem degradation;

"(B) the principal source of the acid compounds in the atmosphere, and their precursors, is the combustion of fossil fuels;

"(C) the problem of acid deposition is of national and international significance and cannot be addressed adequately without Federal intervention;

"(D) control strategies and technology for precursors to acid deposition exist now that are economically feasible; and

"(E) current and future generations of Americans will be more adversely affected by delayed action, so that efforts to remedy the problem should commence now.

"(b) The purposes of this part are to:

"(1) protect public health and welfare and the environment from any actual or potential adverse effect caused by ambient concertrations or deposition of air pollutants, including the products of atmospheric transformation of pollutants; and

"(2) preserve the rights and responsibilities of States to protect the public health and welfare and the environment of their citizens from air pollution originating in other States.

"ESTABLISHMENT OF REGION

"SEC. 181. (a) There is hereby established a long-range transport corridor, hereafter referred to as the 'acid deposition impact region,' consisting of the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

"(b) The Administrator shall conduct a study of air pollution problems associated with long-range transport of pollutants in the portions of the continental United States not included in (a) of this section. Not later than two years after the enactment of this section, the Administrator shall report to the Congress the results of such study.

"ACID PRECURSOR CONTROLS

"SEC. 182. (a) Emissions of sulfur dioxide and of oxides of nitrogen from stationary sources in the acid deposition impact region

established under section 181(a) of this Act shall not be allowed to increase over the total actual emissions of each pollutant in such region as of January 1, 1981. No major stationary source in operation in such region before January 1, 1981, or which began operation in such region after January 1, 1981, shall increase its actual rate of emissions of sulfur dioxide or oxides of nitrogen over that experienced by such source during the calendar year 1980, unless there has been identified for such source in accordance with section 185 of this Act a simultaneous net reduction in emissions of such pollutant at one or more points in such region in excess of the proposed increase in emission rate, and not otherwise required by a State implementation plan under section 110 of this Act or under section 183 or 184 of this part.

"(b) There shall be achieved a reduction in annual emissions of sulfur dioxide in the acid deposition impact region established under section 181(a) of this Act of 10,000,000 tons from the total actual annual level of such emissions between January 1, 1980, and December 31, 1980. Such reduction shall be achieved pursuant to a phased reduction and completed no later than ten years after the enactment of this part.

"STATE SULFUR DIOXIDE REDUCTION REQUIREMENTS

"SEC. 183. (a)(1) Each State shall be required to achieve within its borders a reduction in annual sulfur dioxide emissions equal to that fraction of 10,000,000 tons which is the ratio of all the actual utility emissions in such State in excess of 1.2 pounds of sulfur dioxide per million British thermal units to the total in all States in the region of all the actual utility emissions in excess of 1.2 pounds of sulfur dioxide per million British thermal units.

"(2) The Governors of any two or more States within the region may by agreement reallot among agreeing States the reductions required under paragraph (1) provided that the total reductions equal the total required under (a)(1).

"(b)(1) Not later than two years after the enactment of this part, each State shall adopt enforceable measures to achieve the reduction in sulfur dioxide emissions required by subsection (a) of this section, including emission limitations and schedules for compliance for sources within such State and other means of emission reduction in accordance with section 185 of this Act. The Governor of such State shall submit such measures to the Administrator for review in accordance with paragraph (2) of this subsection, and to the Governors of all other States in the acid deposition impact region for comment.

"(2) The Administrator shall approve within six months such measures submitted under paragraph (1) of this subsection if, taking into consideration the comments of Governors of other States in such region, the Administrator finds that such measures (A) contain enforceable requirements for continuous emission reduction, (B) contain requirements for monitoring by the source and enforcement agencies to assure that the emission limitations are being met, and (C) are adequate to achieve the reduction in sulfur dioxide emissions for such State required by this section within the time specified in section 182(b) of this Act.

"(3) Not later than four years after the enactment of this part, each major stationary source subject to an emission limitation established under this subsection shall notify the Governor of the State in which it is located of its intended method of compliance. The Governor shall submit such notifications to the Administrator.

"(4) Each emission limitation, schedule for compliance or other measure adopted and approved under this subsection shall be deemed a requirement of the State implementation plan approved or promulgated for such State under section 110 of this Act.

"(c)(1) Not later than six years after the enactment of this part, each major stationary source which pursuant to subsection (b)(3) of this section or section 184 states that it will comply with an emission limitation established under subsection (b) of this section or section 184 through the use of fuel substitution shall be in compliance with such emission limitation.

"(2)(A) Not later than six years after the enactment of this part, each major stationary source which pursuant to subsection (b)(3) or section 184 states that it will comply with an emission limitation established under subsection (b) of this section or section 184 through the installation of a technological system of continuous emission reduction or the replacement of existing facilities with new facilities with substantially lower emissions, shall enter into binding contractual commitments to acquire, install, or construct such system or facilities.

"(B) Not later than ten years after the enactment of this part, each major stationary source subject to this paragraph shall be in compliance with an emission limitation established under subsection (b) of this section or section 184.

"MAJOR STATIONARY SOURCE SULFUR DIOXIDE REDUCTION REQUIREMENTS

"SEC. 184. In any State in the acid deposition impact region established by section 181(a) of the Act which has not in accordance with section 183(b)(1) of this Act adopted measures to achieve the reduction required by section 183(a) of this Act within two years after enactment, or which has not had such measures approved by the Administrator under section 183(b)(2) of this Act within two years and four months after enactment of this Act, the owner or operator of each fossil-fuel-burning electric generating facility which is a major stationary source which is not subject to section 111(a) and which emitted at an annual rate equal to or greater than 1.2 pounds of sulfur dioxide per million British thermal units during 1980 shall comply with an emission limitation or limitations for all such facilities owned or operated by the same entity equivalent to an average among such facilities of 1.2 pounds of sulfur per million British thermal units on a thirty-day average. The owner or operator of each such facility shall submit to the Administrator a plan and schedule of compliance for achieving such emission limitation or equivalent emission reduction in accordance with section 185 of this Act, not later than three years after the enactment of this part. The Administrator shall approve such plan and schedule for compliance if it (A) contains enforceable requirements for continuous emission reduction, (B) contains requirements for monitoring by the source and enforcement agencies to assure that the emission limitations are being met, and (C) will achieve the emission reduction required by this section at the earliest practicable date, but no later than the deadlines established under section 183. Failure of such owner or operator to submit such approvable plan and schedule within three years after enactment of this part, failure to comply with the plan and schedule of compliance, and failure to achieve the emission reduction required by this section at the earliest practicable date, but no later than the deadlines established under section 183 shall be violations of emission limitations for the purposes of sections 113, 120, and 304 of this Act.

"ENFORCEABLE EMISSION REDUCTION PROGRAMS

"SEC. 185. (a) For the purposes of maintaining the limitation on emissions required by section 182(a) of this Act or attaining emission reductions required by section 182(b), 183, or 184 of this Act, the following methods or programs for net emission reduction may be used, in addition to enforceable continuous emission reduction measures, by a State or the owner or operator of a source, if emission limitations under such methods or programs are enforceable by the Federal Government, States other than those in which the emissions occur, and citizens under section 304 of this Act:

"(1) least emissions dispatch to meet electric generating demand at existing generating capacity;

"(2) retirement of major stationary sources at an earlier date than provided in schedules on file with the Federal Energy Regulatory Commission, the Internal Revenue Service, or State utility regulatory agencies;

"(3) investments in energy conservation where reductions in emissions can be identified with such investments;

"(4) trading of emission reduction requirements and actual reductions on a State or regional basis, for which States and the Administrator are authorized to establish emission reduction banks or brokerage institutions to facilitate such trading; and

"(5) precombustion cleaning of fuels.

"(b) A State or the owner or operator of a source required to achieve emission reductions under section 182, 183, or 184 of this Act may substitute reduction in emissions of oxides of nitrogen for required reductions in emissions of sulfur dioxide, at a rate of two units by weight of oxides of nitrogen for each unit of sulfur dioxide.".

SEC. 3. Section 110(1)(2)(E) of the Clean Air Act is amended by inserting after "visibility," the following: "or (III) contribute to atmospheric loadings of pollutants or their transformation products which may reasonably be anticipated to cause or contribute to an adverse effect on public health or welfare or the environment in any other State or foreign country.".●

● Mr. PELL. Mr. President, I am joining today with my distinguished colleague, the Senator from Maine [Mr. MITCHELL], in introducing legislation that would require a 10-million-ton reduction of the pollutants linked with acid rain within 10 years.

I have cosponsored, supported and testified in favor of this key environmental protection legislation in the past and I am pleased to join in the continuing effort to enact the provisions of this vital measure.

We urgently need to address the problem of acid rain by taking action. We must not be satisfied with merely continuing to study the problem. The action detailed in this legislation is a sound step in the right direction.

This legislation would require that, within a 31-State region comprising all States east of or bordering the Mississippi River, sulfur dioxide emissions

shall be 10 million tons below 1980 levels within 10 years of enactment.

During and after the reduction period, increases in the emission rates of sulfur dioxide and nitrogen oxides from existing and new sources must be offset by reductions from sources within the acid rain region.

In my own State of Rhode Island we suffer from acid rain, largely attributed to air pollutants emitted in States to the south and west of Rhode Island. Although our own emissions are slight, transported pollutants from other States are believed to threaten our waters, marine life, and even our buildings.

Rhode Island is one of 15 States that were identified several years ago as extremely vulnerable to the harmful effects of acid rain. This identification was made in a National Wildlife Federation study of 26 States east of the Mississippi River.

Studies have found our rainfall in Rhode Island averages about 4.4 on the pH scale. The pH scale, on which zero is the most acid and 14 is the most alkaline, sets the neutral level of distilled water at 7 and normal rainfall as slightly acidic at 5.6. Each numerical decrease means a tenfold increase in acidity.

Although 4.4 was identified as our average rainfall, I have been advised by the Rhode Island Department of Environmental Management that our State is seeing rainfall even higher in acidity—in the range of 3 to 4 on the pH scale.

Most average waterways in Rhode Island have very low buffering capacities and Fish and Wildlife Division records indicate a threatening increase in acidity over the years in our waterways.

There is no question that acid rain exists and little doubt that it is caused when sulfur and nitrogen oxide emissions from coal-burning powerplants, motor vehicles, and other sources combine with rain and snow.

There also is a growing body of evidence that acid rain also threatens even the buildings we erect—sometimes as the seat of our governments. I understand that the old State House, a limestone building in Providence, and our new State House, a marble building are particularly vulnerable.

Both limestone and marble deteriorate as they are eaten away by acid rain.

An expert panel of the National Research Council noted, more than 3 years ago, that:

> Continued emissions of sulfur and nitrogen oxides at current or accelerated rates, in the face of clear evidence of serious hazard to human health and to the biosphere, will be extremely risky.

I hope and trust that we will not continue to take that risk too much longer. We must not wait until our buildings crumble, our water turns to vinegar, and our fish disappear. It is incumbent upon us to act now to control the pollutants that contribute to the threat of acid rain.

I continue to believe that strong environmental legislation is an investment in our future and a key to preserving the public health.●

● Mr. COHEN. Mr. President, I am once again pleased to be a cosponsor of S. 283, legislation introduced by my colleague from Maine [Mr. MITCHELL], which establishes an acid rain control strategy for the eastern half of the United States. I must state at the outset that if it were not for my colleague's perseverance in placing the issue of acid rain before the Senate and the Nation, there would be much less attention paid to this significant problem.

As in the past two Congresses, my cosponsorship of this particular acid rain control legislation is based on the growing body of evidence demonstrating the deleterious effects of manmade pollutants which cause acid rain. Both the prestigious National Academy of Sciences and the administration's own interagency task force on acid rain have documented the environmental relationship between sulfur emissions from powerplants and industrial sources and the existence of heavily acidic lakes, streams, and forests. The damage to our environment from acid deposition is widespread and growing, and will continue to pose a serious threat if we do not curb the emission of sulfur dioxide into the atmosphere. The time to act is now.

On January 18, 1985, researchers at the U.S. Fish and Wildlife Service laboratory in Orono, ME, released a report which details the dangerously high levels of acid found in the smaller streams of eastern Maine. These findings are particularly alarming because they focus on the damage to streams which serve as the principal spawning areas for the only wild populations of sea-run salmon remaining in the eastern United States. Acid rain has already killed salmon and other fish in many rivers in Nova Scotia and Scandinavia, and I believe the conclusions found in the U.S. Fish and Wildlife Service report require immediate action. The Federal Government, State, and local authorities, as well as numerous private citizens and groups, have invested an extraordinary amount of time, effort, and money in the restoration of the Atlantic salmon to Maine's rivers. It would be an unforgivable waste if we were to let this valuable resource, in addition to many others, perish as a result of our inability to move forward with acid rain controls.

In the Portland, ME, Press Herald of January 22, 1985, columnist Bill Caldwell likened the U.S. Fish and Wildlife Service reports findings on salmon habitat to the canary in the coal mine test used by coal miners many years ago. The death of a single species like the Atlantic salmon may not, in and of itself, constitute the evidence which justifies the need for acid rain controls. It might, however, be viewed as a harbinger of more widespread damage in the years to come should we fail to take decisive action now.

Mr. President, I ask unanimous consent that at the conclusion of my statement the commentary by Bill Caldwell entitled "Canaries and salmon" be printed in the RECORD.

It is extremely frustrating that the problem of acid rain is not being given the legislative and executive attention it deserves. The administration continues to minimize the reality of the damage that is occurring to our natural resources at the hands of manmade pollution. There is no time like the present for the United States to resume its leadership role on this issue and work with Canada and the European countries toward the reduction of sulfur dioxide emissions and the diminution of the impact of acid rain on the world's environment.

During the 98th Congress the Senate Environment and Public Works Committee demonstrated its leadership on the acid rain issue by reporting to the Senate legislation similar to that being introduced today. The committee's legislative solution was part of its proposed amendments to the Clean Air Act. Unfortunately, the reauthorization of this important law was never placed on the Senate Calendar. I hope that this year, or at least during the present Congress, the full Senate will finally have the opportunity to consider a control program for acid rain. I urge my colleagues to support the legislation offered today.

There being no objection, the article was printed in the RECORD, as follows:

[From the Portland (ME) Press Herald Jan. 22, 1985]

CANARIES AND SALMON

(By Bill Caldwell)

Maine salmon cannot get in out of the rain and so we may lose our famous sport fish to pollution from heaven.

Acid rain from factories in the Midwest is the predator which may kill our salmon and our trout. A Maine Sunday Telegram article by Bob Cummings reported that the Maine streams where salmon breed are on the verge of becoming too acidic to support them. These conclusions are part of a new study by federal fish and wildlife researchers, working out of Ontario.

The acids which do the damage arrive in clouds, descend in rain drops and are formed when oil and sulphur coal are burned in power plants and industrial boilers far distant from Maine.

Reading the Telegram article, I wondered whether the legislation to reduce acid rain stands much chance of being passed in Congress. Sen. George Mitchell and others have been pushing for it without much success for the past four years. While most people don't want to sacrifice the lordly salmon, which has accompanied man since the Ice

Age, only a few people, comparatively, seem willing to limit the industrial freedom which produces the acid rain, the salmon's ultimate killer.

If the choice were simply between keeping salmon or keeping factory jobs, the jobs would surely win.

But is the death of salmon from acid rain an early warning signal of worse to come?

Years before there were scientific instruments to detect first warnings of dangerous gases in coal mines, miners used to carry canaries in cages down into the mine pits. They'd put the canary beside them where they were cutting coal. The job of the canary was not to sing but to die. The tiny yellow birds were very susceptible to the first fumes of dangerous gases. The canary would keel over and die before the miners even smelled danger. The canary was their early warning system; when the canary died, they fled. They took positive action.

Are these salmon our early warning system? I put it this way because I doubt whether enough people are concerned about acid rain just because it could kill off the breeding streams of sea-run Atlantic salmon. But if these salmon are looked at as an early warning system of other, different and more frequent deaths to come, then a wider public may be alerted and roused to support efforts to restrict the production of even more dangerous acid rain.

The scenario has already played in Norway and Sweden. Acid rain, originating in the factories of Western Europe, was discovered in their famous fishing rivers in the 1960s. By the 1970s, there were no fish. The same story is told in Nova Scotia. There, nine once-famed salmon rivers now have no salmon left.

Salmon have over the centuries been threatened by development. But at the last moment, a limit was put on development to protect salmon. King Ethelred II forbid the sale of young salmon in the year 996. In 1318 the king ordered that salmon nets be spaced far enough apart at the mouth of rivers so that a sow and her pigs (a measure used then) would have room enough to grow. Called the King's Gap, it gave spawning salmon easy access to their breeding grounds.

In Maine, we have built fishways for the same purpose. We lost our great salmon rivers such as the Penobscot and Kennebec to industrial and municipal sewage. Then Maine passed laws to clean up our rivers and these salmon are back.

But the important fact is not really that the salmon are back. The important point is that the beautiful rivers are alive again. All life flourishes better in the clean rivers and along the banks of the clean rivers. And that emphatically includes a better life for man along the riverbanks.

It is easy to make a mistake of writing off the death of salmon by saying, in effect, "If acid rain is the price of jobs and industry and power, and salmon are the only casualty, let's pay the price." That is the moment to remember the canaries. Their death was the early warning signal by which miners saved their lives. The dangerous gases were not, outlawed by government to save canaries, but to save people. And so it may be with the salmon and the acid rain. These could be yet another early warning signal given to we humans who are thick-headed about such matters.●

By Mr. LEVIN:

S. 284. A bill to make certain amendments to title 18, United States Code, relating to rights of witnesses appearing before grand juries; to the Committee on the Judiciary.

RELATING TO RIGHTS OF WITNESSES APPEARING BEFORE GRAND JURIES

Mr. LEVIN. Mr. President, today, I am introducing legislation I have sponsored in previous Congresses, which amends the Federal Criminal Code to allow witnesses called before Federal grand juries to be accompanied by an attorney in the grand jury room. According to an analysis prepared by the Library of Congress, 16 States permit counsel to be present in the grand jury room under some circumstances. The American Bar Association, which supports this most basic grand jury reform proposal, has reported that "The experience to date in those States that allow counsel in the grand jury room has been good."

Allowing counsel to advise Federal grand jury witnesses—without permitting counsel to actually participate in the proceedings—is necessary in order to ensure that witnesses are not deprived of important rights and privileges available to them, such as the right against self-incrimination.

Furthermore, this reform will provide some protection against prosecutorial abuse. Hearings held in 1978 on a broader grand jury reform bill sponsored by Senator Abourezk revealed abuses of power on the part of some prosecutors which transformed the grand jury into a "rubber stamp" of the prosecutor.

Under current Federal law witnesses must leave the room to seek the advice of counsel. This process is disruptive, burdensome and can create prejudices in the minds of some jurors, without providing any commensurate law enforcement benefits. My proposal will not turn the grand jury's proceeding into an adversarial one since the attorney would only be present to advise the witness in the same manner counsel can now advise the witness outside the grand jury room.

My bill specifically states that—

Counsel shall be allowed to be present only during the questioning of the witness and shall be allowed only to advise the witness. Such counsel shall not be permitted to address the attorney for the Government or the grand jurors, or otherwise take part in the proceedings before the grand jury.

Few attorneys would risk disrupting the grand jury proceedings by ignoring these rules, but if this should ever occur, the court would have authority to remove such counsel.

The American Bar Association has long supported legislation which will allow a lawyer to accompany his client into the grand jury room. In addition, the American Law Institute supported this reform in its 1975 Model Code of Pre-Arraignment Procedure. I hope my colleagues will join me as a cosponsor of this important grand jury reform measure.

Mr. President. I ask unanimous consent that a copy of this legislation be printed following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 215 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 3329. Counsel for grand jury witnesses

"(a) Each witness subpenaed to appear and testify before a grand jury impaneled before a district court or to produce books, papers, documents, or other objects before such grand jury shall be allowed the assistance of counsel during such time as the witness is questioned in the grand jury room. Such counsel may be retained by the witness, or counsel shall be appointed, as provided in section 3006A of this title, for any person financially unable to obtain counsel.

"(b) Such counsel shall be allowed to be present in the grand jury room only during the questioning of the witness and shall be allowed only to advise the witness. Such counsel shall not be permitted to address the attorney for the Government or the grand jurors, or otherwise take part in the proceedings before the grand jury.

"(c) A lawyer shall not represent more than one client in a grand jury proceeding if the exercise of the independent judgment of the lawyer on behalf of one of the clients will be or is likely to be adversely affected by his representation of another client. If the court determines that this principle is violated, it may order separate representation of witnesses, giving appropriate weight to a right of the individual to counsel of his own choosing.

"(d) The court shall have the power to remove such counsel, and appoint new counsel or order the witness to obtain new counsel, whenever the court finds that the counsel has violated subsection (b) of this section, or that such removal and replacement is necessary to insure that the activities of the grand jury are not unduly delayed or impeded. This subsection does not affect the contempt powers of the court or the power of the court to impose other appropriate sanctions.

"(e) Upon service of any subpena requiring any witness to testify or produce information at any proceeding before a grand jury impaneled before a district court, the witness shall be given adequate and reasonable notice of his or her right to counsel as provided in this section.".

(b) The table of sections for chapter 215 of title 18, United States Code, is amended by inserting after the item for section 3328 the following:

"3229. Counsel for grand jury witnesses.".

By Mr. GORTON (for himself, Mr. MATHIAS, Mr. SARBANES, Mr. LONG, and Mr. JOHNSTON):

S. 287. A bill to provide stability in the location of professional sports teams, to establish a procedure by which important community interests are considered in the relocation of such teams, and for other purposes; to the Committee on Commerce, Science, and Transportation.

PROFESSIONAL SPORTS TEAM COMMUNITY PROTECTION ACT

Mr. GORTON. Mr. President, one of the subjects with respect to which I intended to propose legislation when I first came to the Senate, concerned the arbitrary movement of professional sports teams. My interest was, unfortunately, based on first-hand experience. In 1970, during my tenure as attorney general of the State of Washington, I sued the American League when the Seattle Pilots left that fine city after only one season of play. After several years of procedural maneuvering the case went to trial. Midway through the trial, the American League settled the suit by agreeing to expand to Seattle—and to Toronto as well.

In 1981, the interest of many fans, including some who happen to be Senators, was aroused by the then proposed move of the Oakland Raiders to Los Angeles. That interest was not sufficiently broad based, however, to prompt congressional action. Last year, following the incredibly callous treatment of the people of Baltimore by the Baltimore Colts' organization, I introduced S. 2505, the Professional Sports Team Community Protection Act. Although that bill was reported by the Senate Commerce Committee, there was insufficient time left in the session for its consideration by the full Senate. And frankly, the attitude of many of my colleagues was that the Raiders and the Colts moves were the exceptions. Moreover, they asked, what could the legitimate interest of Congress in this field possibly be?

Mr. President, in January 1985, no city can feel confident that its professional sports teams will be back for the next season. One needs a scorecard to keep track of the moves being threatened by teams within the several leagues. Cities are forced to make unreasonable concessions to owners as a team is auctioned to the highest bidder, or as each owner looks for greener pastures. Ironically, the winner of this bidding war has merely set itself up to be the next victim. In short, the situation is totally out of hand.

For those of my colleagues whose State contains a professional sports team, the bill I am introducing today, together with Senators MATHIAS, SARBANES, LONG, and JOHNSTON, represents a fair balance between the legitimate interests of our cities and the interests of the leagues and members of the leagues in relocating in the rare instance in which such a relocation is necessary and appropriate. I commend the bill to those Senators for their support.

For those for whom the Federal interest in this area is still not self-evident, I will briefly state the case. First, only a very few teams among the four sports covered by the bill play in stadiums built with private funds. Surely, if our cities were asked to, and did build steel mills, the interest in the continued operation of those mills in the community would be a legitimate one. Second, the phenomenon we see today is most simply the result of a demand which has far exceeded the supply. The face of the country is changing.

Many of our cities are just emerging as social and commercial centers and with that development comes a desire to be considered "big league." For instance, the demand of a growing and prospering Indianapolis for a National Football League team and the failure to meet that demand by the NFL was a necessary element in the move of the Colts. And the list is growing, Phoenix, Tampa, Sacramento, Birmingham. No city alone can stem the tide.

Could Baltimore have protected itself from the move of the Colts with Indianapolis prepared to match any offer or to provide better terms in any lease? And finally, as legislators we like to hang our hats on tangibles—tell us what the loss of the Colts means to Baltimore in lost dollars. But the fact is, there is a vital role played by a professional sports team in the psyche of a city. That role cannot be underestimated. Mayor Good of Philadelphia was responding to more than the potential for lost revenues when he negotiated with the Philadelphia Eagles to have that team stay in Philadelphia. Local politicians understand this. We must recognize it as well.

Before I set forth a summary of the provisions of the bill, I must point out that, in terms of the cities, the heart of the bill lies in two of its aspects. First, unlike the type of bill the leagues would prefer, this bill guarantees that the legitimate interests of the city will be reviewed by someone without any interest in the outcome. It is cold comfort to a city that the league may summarily reject proposed moves, if the league can also summarily approve a move. And second, to require stability without requiring an increase in the number of teams is simply unfair to the cities which believe they can support a team but which do not now have one.

Who in this body wants to tell the people of Phoenix that they will have to wait for the NFL to expand before they can have an NFL team, when that expansion may never come? To the knowledge of this Senator, the NFL has never expanded as a result of an acknowledgement that there were cities who wanted a team and who could support them. Rather, expansion has been more closely linked to the desire of the NFL to achieve some legislative goal. For that reason, it is necessary to force expansion.

SUMMARY

TITLE I

Title I requires that before a professional sports team can relocate it must first obtain the approval of the relevant league. The bill requires that that approval take the form of a determination that the move is a necessary and appropriate one. The determination is made by the league after the specific consideration of nine factors, taking into account the findings, purpose and policy of the Act. Those factors are:

First, the adequacy of the stadium in which the team played its home games in the previous season and the willingness of the stadium authority to remedy any deficiencies in such facility;

Second, the extent to which fan support for the team has been demonstrated during the team's tenure in the community;

Third, the extent to which the team has, directly or indirectly, received public financial support by means of any publicly financed playing facility, special tax treatment, and any other form of public financial support;

Fourth, the degree to which the owner or management of the team has contributed to any circumstance which might otherwise demonstrate the need for such relocation;

Fifth, whether the team has incurred net operating losses, exclusive of depreciation and amortization, sufficient to threaten the continued financial viability of the team;

Sixth, the degree to which the team has engaged in good faith negotiations with members and representatives of the community concerning terms and conditions under which the team would continue to play its games in such community;

Seventh, whether any other team in its leagues is located in the community in which the team is currently located;

Eighth, whether the team proposes to relocate to a community in which no other team in its league is located; and

Ninth, whether the stadium or arena authority, if public, is not opposed to such relocation. Nothing in this title prohibits a league from denying a proposed relocation pursuant to any lawful rule it may have.

Once the team has received a determination by the league that the move is necessary and appropriate, the team must get the approval of an ad hoc arbitration board. The board will consist of three members, one appointed by the league, one by the community and one by the President of the American Arbitration Association. The board will consider, de novo, whether the factors as applied to the proposed move demonstrate that the move is necessary and appropriate.

If the board finds the move is not necessary and appropriate, there can be no relocation. If the board finds that the move is necessary and appropriate, then the board evaluates offers of retention, that is, offers to purchase or offers of terms and conditions which would keep the team in its current location. If any of the offers is equal to or greater in value than the offer associated with the proposed relocation, then there can be no relocation. This process takes place over a 3-month period, at the end of which the board goes out of existence.

This title provides for a limited degree of judicial review. An aggrieved party may seek review of the determination of the league or the board as to whether the move is necessary and appropriate, but only on the issue of whether the nine factors wer specifically considered. The courts will not be placed in the position of second guessing the leagues or the boards which may exist from time to time. Nor will a league be subjected to substantial damage awards against it if it has proceeded in accordance with the act. The issue of the value of the offer of retention or the value of there location offer, however, is reviewable under the standard used in administrative appeals, that is whether the decision was arbitrary and capricious or an abuse of discretion.

Finally, the league is given a chance to review any offer of retention equal to or greater in value to the offer of relocation to ensure that any new member of the league would meet league's criteria for membership. That review, however, is limited to considerations which would not otherwise violate Federal or State law. Any such decision would be fully reviewable under the applicable Federal or State law.

Nothing in this title is intended to or does supersede any contract between a professional sports team and any stadium or person, unless such contract is inconsistent with the provisions of the title.

TITLE II

Title II contains two provisions. The first, codifies the existing practices of the leagues in sharing revenues under their television contracts. Although 15 U.S.C. 1291, allows the leagues to collectively bargain for the sponsored telecasting of games, it is silent on how the league may distribute the revenue among its members. This section clarifies that aspect of such agreements and requires that any expansion team be given its proportional share of revenues under any contract in effect when such team enters the league. The section also clarifies that the league may compel its members to enter into collective bargaining for telecasting if that is the league's intent. The 1961 act is unclear about the impact of a decision by a member of the league not to enter such collective bargaining.

The second provision of title II provides that publically owned or operated playing facilities must be made available to any team on a fair and nondiscriminatory basis. Currently, new leagues have difficulty getting access to facilities. Although a concerted effort by members of a rival league to freeze such a new league out of facilities would be a violation of the antitrust laws, such cases are lengthy, expensive and proof of a conspiracy is a difficult undertaking. The provision does protect the legitimate concerns of teams with current contracts with the facility that their use and enjoyment under the lease not be adversely affected by any use by a new team.

TITLE III

Title III addresses the concerns of those cities who continue to demand professional sports teams in baseball and football and whose demand has been unmet. The title would require professional baseball to expand by two teams to commence play at the start of the 1988 season. The National Football League is required by this title to expand by two teams in 1988, one of which is to be located in Baltimore, MD, and two more teams in 1990, one of which will be located in Oakland, CA, unless Oakland has an NFL team by the first expansion or by a successful conclusion to its eminent domain proceeding against the Raiders.

Mr. President, although I think that certain elements are essential to any bill on this subject if we are fairly to deal with the cities who have, and hope to keep, and the cities who have not, and hope to gain, I will be happy to work with any of my colleagues, or other interested parties including owners, cities, and fans to broaden the base of support for this bill. The uncertainty of the current situation aids no one. Even owners who may initially benefit from the bidding wars among the cities will lose when public support for the leagues is eroded, as it must be by these types of activities.

Congress has intervened in the free enterprise system's application to professional sports teams in the past, and may unwittingly have helped to create this chaos. It is time for us to either engage in a modest degree of regulation, or to return to a true state of free enterprise in professional sports, that is, application of the antitrust laws without exemptions and for all sports. That is a result which the leagues would surely oppose.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Professional Sports Team Community Protection Act".

TITLE I

FINDINGS AND POLICY

SEC. 101. (a) The Congress finds that—

(1) professional sports teams achieve a strong local identity with the people of the community in which they play, and provide a source of pride and entertainment to their supporters;

(2) professional sports teams are invested with a strong public interest;

(3) the public, through a municipal stadium authority, generally authorizes capital construction bonds to finance the construction of the stadium in which a professional sports team plays;

(4) in some cases, the lease or use agreement between the municipal stadium authority and the professional sports team sets rent to defray only the operating costs of the stadium, and does not reimburse the public for the costs of constructing the stadium;

(5) professional sports stadiums often serve as focal points for substantial urban renewal projects in many communities, and often such projects involve a significant amount of Federal assistance;

(6) despite the close association with and support from the people in the community in which it plays, a professional sports team may be enticed from time to time to relocate to a new geographical location without regard to important interests and considerations which may be thought to be inconsistent with immediate financial gain for the owner of such a team;

(7) stability in the location of professional sports teams which are members of leagues subject to the provisions of this title enhances the quality of athletic competition in leagues in which such teams operate;

(8) it is difficult for any single community or State to provide adequate protection against those professional sports team relocations which are not consistent with the public interest; and

(9) communities in which professional sports teams play derive substantial revenues and employment opportunities from the operation of such teams.

(b) It is the policy of the Congress in this title to discourage the unnecessary relocation of any professional sports team which is receiving adequate support from the people in the community in which such team plays, and to encourage, to the extent practicable, continuity and stability in the location of professsional sports teams. The increased frequency of biding contests between communities regarding the location of professional sports teams (which contests are in most cases not in the best interests of such communities) has necessitated the establishment of a procedure by which important community interests are considered in the relocation decision process.

PURPOSE

SEC. 102. It is the purpose of this title—

(1) to provide stability in the location of professional sports teams;

(2) to provide predictability with respect to the relocation of professional sports teams; and

(3) to ensure that the interests of communities which have supported such teams are considered through an equitable procedure.

DEFINITIONS

SEC. 103. As used in this title, the term—

(1) "Board" means the Professional Sports Team Arbitration Board established in section 106 of this title;

(2) "community" means the Standard Metropolitan Statistical Area in which the team plays its home games or its assigned territory, whichever is smaller;

(3) "offer of retention" means any offer to purchase a professional sports team and to continue to locate such team in the community in which it then plays, or to provide terms not involving a transfer of ownership which will ensure that such team continues to be located in the community in which it then plays;

(4) "proposed relocation" means a proposal to relocate a team by the owner of such team who intends to retain ownership, or either the acceptance of an offer of sale of a team by the owner or the offering to purchase a team by any person, as a result of which such team will not continue to be located in the community in which it then plays;

(5) "stadium" means the principal physical facility within which a professional sports team plays the majority of its home games; such term includes any arena, coliseum or sports complex; and

(6) "territory" means the geographic area within which a professional sports team has agreed to operate and play the majority of its home games, as that territory is defined by the relevant league.

AUTHORITY FOR RELOCATION

SEC. 104. (a) No person may change the community location of any professional sports team unless—

(1) the relevant league determines, in accordance with subsection (b) of this section, that the proposed relocation is necessary and appropriate; and

(2) such person has received the approval of the Board pursuant to section 107 of this title, unless the relevant community has provided notice (in accordance with section 106(a) of this title) that it does not desire that such a Board be established.

(b) The league shall make its determination under subsection (a)(1) of this section pursuant to such rules as the league may adopt. In making such determination, the league shall specifically consider, taking into account the findings, policy and purpose of this title—

(1) the adequacy of the stadium in which the team played its home games in the previous season and the willingness of the stadium authority to remedy any deficiencies in such facility;

(2) the extent to which fan support for the team has been demonstrated during the team's tenure in the community;

(3) the extent to which the team has, directly or indirectly, received public financial support by means of any publicly financed playing facility, special tax treatment, and any other form of public financial support;

(4) the degree to which the owner or management of the team has contributed to any circumstance which might otherwise demonstrate the need for such relocation;

(5) whether the team has incurred net operating losses, exclusive of depreciation and amortization, sufficient to threaten the continued financial viability of the team;

(6) the degree to which the team has engaged in good faith negotiations with members and representatives of the community concerning terms and conditions under which the team would continue to play its games in such community;

(7) whether any other team in its league is located in the community in which the team is currently located;

(8) whether the team proposes to relocate to a community in which no other team in its league is located; and

(9) whether the stadium authority, if public, is not opposed to such relocation.

(c) Nothing in this section shall affect in any manner—

(1) the decision of a league, pursuant to any lawful rule of such league, to refuse to allow the relocation of any team which is a member of that league; or

(2) the validity or application of any rule of a league regarding any proposed relocation within the community in which the relevant team is currently located.

NOTICE

SEC. 105. (a) Any person seeking to relocate a professional sports team to a new community location shall furnish notice of such proposed relocation to the appropriate stadium authority and to the county in which the stadium is located at least three months before the proposed date for such relocation.

(b) Such notice shall—

(1) be in writing;

(2) be delivered through certified mail or be personally delivered;

(3) contain a statement of intention to relocate, the new location, reasons for such relocation, and the date on which such relocation is scheduled to occur; and

(4) a certifed copy of the determination of the league pursuant to section 104 of this title that the proposed relocation is necessary and appropriate.

(c) On the date that such a person furnishes notice pursuant to this section, such person shall also transmit to the league a cashier's check in the amount of $50,000. The league shall deposit such check in an escrow account which it establishes for such purpose. Amounts deposited under this subsection shall be used for activities of the Board established under section 106 of this title. Any amounts remaining in such account after the termination of the Board pursuant to section 106(b) of this title which are not required for expenses incurred by the Board shall be returned to such person.

ARBITRATION BOARD

SEC. 106. (a) In any case involving a proposed relocation of a professional sports team and within 30 days after notice of such proposed relocation is delivered pursuant to section 105 of this title, there shall be established a Professional Sports Franchise Arbitration Board to carry out the activities of this section, unless the chief executive officer of the relevant community notifies the President of the American Arbitration Association in writing that the community does not desire that such a Board be established.

(b) The Board shall be composed of three members, of whom—

(1) one member shall be appointed by the relevant league;

(2) one member shall be appointed by the governmental authority which operates the studium or, if no governmental authority operates the stadium, by the city or county in which such stadium is located; and

(3) one member shall be appointed by the President of the American Arbitration Association.

(c) No individual may serve on the Board if such individual has or might have (as a result of the relocation or sale of such team) a financial or other pecuniary interest in any professional sports team which engages in—

(1) the same sport as the professional sports team involved in the proposed relocation; or

(2) any other sport regularly played in the same community where the team then plays or in the community of the proposed relocation.

(d) The Board shall select a chairman from among its members.

(e) Any member of the Board who is not an officer or employee of the Federal Government shall be entitled to receive compensation at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including traveltime) during which the member is engaged in the actual performance of the duties of the Board.

(f) The Board shall terminate when it reaches a final decision with respect to a proposed relocation or offer of retention in accordance with the provisions of this title.

RESPONSIBILITIES OF THE BOARD

SEC. 107. (a) All information required to be provided by this title shall also be furnished promptly to the Board. Any person who makes an offer to purchase a team or accepts an offer which would result in the relocation of a team, and any owner transmitting any notice under this title, shall, upon request of the Board, provide access to all relevant financial records necessary to allow the Board to make the determination required in subsection (e) of this section. The Board may, notwithstanding any other provision of this title, disapprove a proposed relocation if any information requested by the Board is not submitted in a timely manner.

(b)(1) Within two months after the establishment of the Board, any person wishing to make an offer of retention under this title shall make such offer and furnish notice of such offer in accordance with the provisions of this subsection.

(2) Such notice shall be furnished to the team, to the relevant league, to the stadium authority, to the county in which such team plays, and to the Board. Such notice shall—

(A) be in writing;

(B) be delivered through certified mail or be personally delivered; and

(C) contain a statement of intention to purchase such team and to continue thereafter to locate the team in the same community or to provide terms not involving a transfer of ownership which are more favorable to such team than the terms currently in effect.

(c)(1) Not earlier than two months nor later than three months after notice is furnished pursuant to section 105(a) of this title, the Board shall conduct a formal hearing on the record—

(1) to consider *de novo* whether, after specifically considering the factors identified in section 104(b) of this title and taking into account the findings, policy and purpose of this title, the proposed relocation is necessary and appropriate; and

(2) if it appears to the Board that the proposed relocation is necessary and appropriate, to take evidence and consider testimony regarding the estimated value of any such proposed relocation or offer of retention.

(d) If the Board determines that the proposed relocation is not necessary and appropriate, the Board shall disapprove the proposed relocation.

(e) After the hearing required by subsection (c) of this section and not later than

three months after notice is furnished pursuant to section 105(a) of this title, if the Board determines that the proposed relocation is necessary and appropriate, it shall determine whether any offer of retention is equal to or greater in value than the proposed relocation. The Board may contract with an independent actuary for all such valuations.

(f)(1) If the Board determines under subsection (e) of this section that it has received an offer of retention which does not involve a change of team ownership and which is of a value equal to or greater than the proposed relocation, it shall disapprove the proposed relocation. If an offer of retention which would involve a change in team ownership is determined by the Board to be of a value equal to or greater than the proposed relocation, the Board shall, before approving or disapproving the proposed relocation, transmit all necessary and appropriate information concerning such offer of retention to the relevant league.

(2) After receipt from the Board of the information regarding the offer of retention, the league shall review such offer under its applicable rules for a transfer of league membership. If, by vote of a simple majority of its members and based upon a written record, the league determines that the person making such offer of retention satisfies the criteria of the league for a transfer of league membership, it shall so inform the Board, and the Board shall then disapprove the proposed relocation. If, by vote of a simple majority of its members and based upon a written record, the league determines that the person making the offer of retention does not satisfy the criteria of the league for a transfer of membership, it shall so inform the Board, and the Board shall then approve the relocation. If more than one offer of retention is transmitted by the Board to the league for its consideration, the league, if it determines that more than one offer of retention has been made with respect to which the offeror satisfies the criteria of the league for a transfer of membership, may indicate to the Board its order of preference for membership. If the team owner elects to accept any such offer, the team owner shall accept any offer which is preferred by the league.

(g) If the Board determines that the proposed relocation is necessary and appropriate and that it has received no offer of retention which is of a value equal to or greater than the proposed relocation, the Board shall approve the relocation.

(h) No decision of the Board under this section shall become effective until five days after such decision is made. A court may, in accordance with section 108 of this title, stay the effective date of such decision during the pendency of judicial review proceedings under such section.

(i) Any information submitted to the Board which relates to the financial condition of the team seeking to relocate shall be confidential and shall not be disclosed, except when required under court order or as required in the course of judicial review of any decision made by the Board pursuant to the provisions of this title. Any such disclosure shall be made under such terms and conditons as the reviewing court may direct.

(j) The Board may obtain the assistance of counsel regarding its activities or in response to any action brought under section 108 of this title.

JUDICIAL REVIEW

SEC. 108. (a) Except as provided in this section, no person (including a team, league or community) may bring a civil action seeking judicial review of any act or decision made pursuant to any authority specifically provided in this title. For purposes of this section—

(1) a determination by a league, after specific consideration of the factors set forth in section 104 of this title, that a proposed relocation is or is not necessary and appropriate shall be considered to be an act or decision made pursuant to authority specifically provided in this title; and

(2) any act or decision by a league under section 104(c) of this title shall not be considered to be an act or decision made pursuant to authority specifically provided in this title.

(b) No team, community or other person aggrieved by a decision of a league under section 104 of this title may seek judicial review of the decision, but any such community may seek judicial review in the district court of the United States for the district in which the team is currently located solely regarding whether the league specifically considered the factors identified in section 104(b) of this title. The court may award such equitable relief, other than an award of damages, as the court considers appropriate.

(c) No team, community or other person aggrieved by a decision of the Board pursuant to section 107(d) or (g) of this title may seek judicial review of the decision, but such team, community or person may seek judicial review in the district court of the United States for the district in which the team is currently located solely regarding whether the Board specifically considered the factors identified in section 104(b) of this title. If such review is sought, the court may stay the effective date of any such decision during the period of such review.

(d) Any person wishing to seek judicial review under subsection (b) or (c) of this section shall seek such review within 30 days after the decision of the league or Board, as appropriate.

(e) Any person aggrieved by any decision made by a league pursuant to section 107(e) of this title or by the Board pursuant to section 107(f)(2) of this title may seek judicial review of such decision in the district court of the United States for the district in which the team is currently located. In any such review, the court shall consider whether such decision was arbitrary, capricious or an abuse of discretion, or was a violation of any applicable Federal or State law. The procedures relevant to such standard of review in chapter 7 of title 5, United States Code, shall apply to such review.

(f) Any person may bring an action in the district court of the United States for the district in which the team is currently located or was located in the previous season to enjoin a failure to comply with any provision of this title regarding relocation of a professional sports team or a failure to comply with any decision by a league or the Board under this title, unless such decision is the subject of judicial review under subsection (b) or (c) of this section.

EFFECT ON CONTRACTS

SEC. 109. Nothing in this title shall affect in any manner any contract between a professional sports team and any stadium or other person, unless such contract is inconsistent with the provisions of section 110 of this title.

APPLICABILITY

SEC. 110. This title applies to any proposed relocation of a professional baseball, basketball, football or hockey team which plays its home games in a community within the United States and which is a member of a league subject to the provisions of this title, if such relocation occurs or is scheduled to occur on or after January 24, 1985, except that nothing in this title shall affect in any manner the decision of any court to order the relocation of any professional sports team subject to the provisions of this title, in connection with any litigation regarding the location of such team which was pending on January 24, 1985.

TITLE II

AGREEMENTS RELATING TO SPONSORED TELECASTING

SEC. 201. The antitrust laws, as defined in the Federal Trade Commission Act (15 U.S.C. 41 et seq.) and in the first section of the Clayton Act (15 U.S.C. 12), shall not apply to an agreement by a majority of the members of any professional sports league to require such members to participate in or to share revenues generated by any contract pursuant to which the rights of such members in the sponsored telecasting of any game of such league are sold or otherwise transferred (in whole or in part). Any such agreement relating to the sharing of revenues shall provide that any person who becomes a member of such league after the date of such agreement will share in such revenues in the same manner and to the same extent as the members of such league as of the date of such agreement, except that any such person will only share in such revenues in proportion to the period of time during such contract that the person is a member of such league.

ACCESS TO FACILITIES

SEC. 202. (a)(1) Each publicly-owned or operated facility for the public display of games of professional sport shall be available for use by all professional sports teams on fair and reasonable terms and without unfair discrimination. Each stadium shall be made available for use by professional sports teams under nondiscriminatory and substantially comparable rates, rentals and other charges and under nondiscriminatory and substantially comparable rules, regulations and conditions. The right of any professional sports team which submits a request under this subsection to use any such facility shall not be unreasonably denied, notwithstanding the fact that there is an existing contract or arrangement between such facility and any other professional sports team in effect for the season within which the requested dates occur.

(2) Whenever any professional sports team submits to any such public authority a written request for the use of such facility for team contests and exhibitions, such public authority shall, except as provided in subsection (b) of this section, permit such team to use the facility in accordance with the provisions of paragraph (1) of this subsection.

(b) No such public authority shall be required under this section to permit a professional sports team which submits a request under subsection (a) of this section to use any such facility if—

(1) the date of the requested use is the same date on which any other user of such facility has a right (under any contract or other agreement in effect on the date of the request) to use such facility for scheduled exhibitions or contests; or

(2) the requested use will impose a significant burden on the continued use of such

facility by any such user who is entitled to use the facility pursuant to any contract or other agreement in effect on the date of such request.

(c) Any such public authority which receives a request for use by a professional sports team under this section shall make such reasonable efforts as may be necessary to permit the use of the facility by such team.

(d) Any professional sports team which submits a request for use under this section may bring an action in any appropriate district court of the United States against any such public authority which fails to comply with the provisions of this section. The court may award damages and such equitable relief, including injunctive relief, as the court considers appropriate.

(e) As used in this section, the term "facility" includes facilities associated with any publicly-owned or operated facility for the public display of games of professional baseball, basketball, football or hockey.

(f) As used in this section, the term "professional sports league" shall have the meaning given to such term in section 401(2) of this Act, without regard to the length of time such league has been engaged in competition in such sport.

TITLE III

DEFINITION

SEC. 301. As used in this title, the term "antitrust laws" has the meaning given to such term in the Federal Trade Commission Act (15 U.S.C. 41 et seq.) and in the first section of the Clayton Act (15 U.S.C. 12).

FINDINGS

SEC. 302. The Congress finds and declares that—

(1) in the past, professional sports leagues have received special treatment by Congress with respect to the application of the Federal antitrust laws;

(2) relocations of professional sports teams are likely to occur more frequently, when the number of communities which believe they can adequately support a team exceeds the number of franchises made available by professional sports leagues;

(3) because maintaining the number of franchises in a league below the level of demand increases the value of the existing franchises, increases the bargaining power of the holders of existing franchises with stadium authorities, and causes revenues from broadcasting (to the extent such revenues are shared) to be shared by fewer teams, previous increases in the number of franchises in any league generally have not been solely in response to the demand of the communities which seek such a franchise;

(4) the failure of the National Football League to respond to the demand for teams by communities such as Jacksonville, Florida, Memphis, Tennessee, Phoenix, Arizona, and Indianapolis, Indiana, was a contributing factor in the recent move of the Baltimore Colts football team from Baltimore, Maryland;

(5) since there is a significant difference in the value to the City of Oakland, California, between the location in such city of the professional football team presently known as the Los Angeles Raiders and a new professional football team, it is appropriate that the City of Oakland be allowed to continue to pursue its eminent domain proceeding or other litigation which was pending on January 1, 1984 against the Los Angeles Raiders; and that, although section 303(a) of this title requires that the National Football League locate a new professional football team in the City of Oakland, California, if such city is not successful in such proceeding or other litigation, such location will only partly mitigate the loss to such city caused by the relocation of the Los Angeles Raiders to Los Angeles, California;

(6) there exists a clear, reasonable, and, as yet, unmet demand by certain communities in the United States for a National Football League franchise or a Major League Baseball franchise;

(7) it is unlikely that the National Football League or Major League Baseball will voluntarily increase the number of franchises in each league in the near future; and

(8) to the extent that continued or expanded special treatment under the Federal antitrust laws may, as a consequence, contribute to the perpetuation of a scarcity of franchises for professional sports teams, it is necessary to couple such continued or expanded special treatment with measures designed to prevent an unreasonable failure by such leagues to respond to the demand of communities for such franchises.

RESTRICTION AGAINST CERTAIN ACTIONS

SEC. 303. (a) Any of the following actions constitutes a violation of section 2 of the Sherman Act (15 U.S.C. 2):

(1) The failure of Major League Baseball to increase its membership by two new members over the total number of its members on January 24, 1985, and to ensure that such new members will commence play in the 1988 season.

(2) The failure of the National Football League to increase its membership by two new members over the total number of its members on January 24, 1985, and to ensure that (A) both of such new members will commence play in the league in the 1988 season, and (B) one of such new members will be located in, and play its home games in, Baltimore, Maryland.

(3) The failure of the National Football League to increase its membership by two new members over the total number of its members after the increase specified in paragraph (2) of this subsection, and to ensure that (A) both of such new members will commence play in the league no later than the 1990 season, and (B) that one of such new members will be located in Oakland, California.

Paragraph (3)(B) of this subsection shall not constitute an unfair and exclusionary practice of the relevant league in violation of section 2 of the Sherman Act (15 U.S.C. 2) if, prior to the increase in membership specified in such paragraph, a member of the National Football League has been located in Oakland, California, either pursuant to any eminent domain proceeding or other litigation regarding such matter which was pending on January 1, 1984 or pursuant to the increase specified in paragraph (2) of this subsection.

(b) Any person who submits to Major League Baseball or the National Football League an application to operate a franchise specified in subsection (a) of this section may maintain an action pursuant to section 4 of the Clayton Act (15 U.S.C. 15) if the relevant league fails, within the time specified in subsection (a) of this section, to increase the number of franchises in such league as specified in such subsection.

(c) Notwithstanding any other provision of law, for purposes of this title, Major League Baseball is a business involved in interstate commerce and is subject to the provisions of section 2 of the Sherman Act (15 U.S.C. 2) and any other provision of the antitrust laws necessary for the enforcement of such section.

(d) For purposes of this section, discussions among members of the National League and the American League of Major League Baseball regarding the number and the location of members of such Leagues shall not be considered to be a violation of the antitrust laws.

TITLE IV

DEFINITIONS

SEC. 401. As used in this Act, the term—

(1) "person" means any individual, partnership, corporation, or any unincorporated association, or any combination or association thereof, or any political subdivision;

(2) "professional sports league" or "league" means, except as provided in section 202(f) of this Act, an association composed of two or more professional sports teams which has adopted, accepted or put into effect rules for the conduct of professional sports teams which are members of that association and the regulation of contests and exhibitions in which such teams regularly engage, and which has been engaged in competition in such sport for more than seven years; and

(3) "professional sports team" or "team" means, in accordance with section 110 of this Act, any group of professional athletes organized to play major league baseball, basketball, football or hockey and which is also a member of a league subject to the provisions of this Act; the term includes all equipment and memorabilia associated with current or former athletes playing on such a team.

APPLICABILITY

SEC. 402. Nothing in this Act shall be construed to affect in any way eminent domain proceeding or other litigation by the City of Oakland, California, against the professional football team presently known as the Los Angeles Raiders which was pending on January 1, 1984, or otherwise to affect adversely the position or rights of the City of Oakland with respect to such proceeding or litigation, including any right which may exist to relocate such professional football team in the City of Oakland.

OVERSIGHT

SEC. 403. The Senate Committee on Commerce, Science, and Transportation shall conduct periodic oversight hearings on the effects of this Act no less often than annually for the first 3 years following the date of enactment of this Act. As part of such hearings, the Committee will consider testimony from the Federal Trade Commission, consumers, members of professional sports leagues, and players for professional sports teams. The Committee shall also consider the need or desirability, or both, of the establishment of a national policy regarding the expansion of professional sports leagues.

SEVERABILITY

SEC. 404. If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those with respect to which it is held invalid, shall not be affected by such invalidation.

Mr. MATHIAS. Mr. President, today I join Senators GORTON and SARBANES in offering legislation that will clarify the legal relationship between sports franchises and their hometowns. I

have been involved with the issue for several years, and the urgency for congressional action has grown each year.

Professional sports are an important part of American life. Baseball is called our national pastime, and along with apple pie, serves as a standard analogy for what is American. Teams are sources of community cohesion and civic pride. And these teams make a tremendous contribution to the economic life of a community, in terms of jobs, taxes, and tourism.

Over the years, owners have generally respected the interests of the local community and dedicated fans, but occasionally their selfish interests have overwhelmed their sense of civic obligation. We all saw what happened to Baltimore and Oakland. Some of us even remember what happened to baseball right here in Washington when we were victims of a double whammy, losing one team to Minneapolis, and a second to Arlington, TX. Even threatened team relocations can be costly to communities. Recently, Buffalo, Minnesota, Philadelphia, and St. Louis have made enormous concessions at public expense to keep team owners happy.

All of these events remind us that it is not the sporting contests, civic pride, or fan loyalty that determine team location, but hard-boiled business interests. In each of these cases, private interest outweighed any public interest. It is the sports industry and those interests that we are discussing today.

More cities want sports teams than there are teams available. This situation creates competition among cities that is more intense than the competition between teams on the field; we've got to change that. Cities competing for teams become locked in bidding wars that only the owners can win.

For an owner, moving a franchise is relatively easy. For an owner, the value of the team stems from league revenue-sharing arrangements, TV revenue-sharing agreements, and player contracts, all of which can be traded over the counter and moved in a briefcase. Communities cannot move, nor can the publicly financed highways, stadiums and sports complexes that have been built to serve teams be packed up, sold, and shipped to a new city. When a team moves, the owner reaps the harvest, and the city is left only with some pretty expensive chaff on its hands in the form of a deserted stadium.

Normally, our system relies on competition to protect economic freedom and promote efficient markets. With the antitrust laws, the Government safeguards the public interest by encouraging competition. But enforcement of the antitrust laws against the owners and the leagues would drastically change the way the sports industry operates. Under the umbrella of their limited antitrust immunity, the leagues, representing the owners, negotiate TV deals, divide up the crop of new players, and made decisions every day that would in any other business violate the antitrust laws. So the sports industry enjoys a preferred status under the antitrust laws.

What we've got to do in the public interest, is impose a little restraint on owner whim in exchange for this preferred status under the antitrust laws. This is a justifiable exercise of the power of Government, especially since self-regulation has failed. We have to ensure that the major markets—our great cities—can keep their sports teams if they want them, and if they are supported by the fans and by the taxpayers.

The bill we introduce today balances those interests, recognizing that the interests of the public, owners, and the leagues do not always coincide. We cannot expect the owners to forgo considerations of private gain for the sake of public benefit. But we ask them to share with us these decisions to relocate. When an owner wants to move, or when the sale of a team would result in a move, this bill would set out clear standards and procedures for evaluating that request. First, the question of relocation would go to the league with guidelines from Congress. Second, if the league allowed the relocation, an arbitration board would be convened to consider whether it meets the standards set by the bill—such as stadium inadequacy or financial hardship. If the board concludes that the move is justified, the community has the right of first refusal—an opportunity to match the financial package offered by another community or new owner, in order to retain the team.

The bill strikes a nice balance between the rights of business owners in our free enterprise system, and the rights of the people to impose a modest degree of regulation on businesses, when required by the public interest. I urge all of my colleagues to support it.

● Mr. SARBANES. Mr. President, I rise today to join Senator GORTON and my colleagues in reintroducing the Professional Sports Team Community Protection Act, which I cosponsored in the last Congress. This important legislation will give sorely needed, responsible protection to sports fans and sports leagues alike against a growing problem—the abrupt and unwarranted relocation of professional sports teams. The recent history of professional sports in this country has shown us the great need for this legislation.

On March 10, 1980, the National Football League voted 22 to 0 against allowing the Oakland Raiders to move to Los Angeles. The Raiders defied that vote and successfully sued the NFL for antitrust law violations. Four years later, the NFL was unable to prevent the owner of the Baltimore Colts from spiriting the team away under cover of darkness. Less than a year later, the city of Philadelphia had to put up $30 million to prevent the owner of the NFL Eagles from moving his team to Phoenix. The NFL's St. Louis Cardinals are reported to be considering such a move, as are baseball's Pittsburgh Pirates and Minnesota Twins. The National Basketball Association has filed a suit to send the new Los Angeles Clippers back to San Diego after they moved last year without league approval.

No one can say when this game of musical chairs will end. Indeed, unless Congress acts, it will not end. Our Nation's cities will be left scrambling to lure professional sports teams away from each other.

In testimony before the Senate Commerce Committee last year, the commissioner of the NFL, Pete Rozelle said "Federal law as currently developed ignores fan, league, and public interests that need protection." The legislation that we introduce today strikes a responsible balance among many legitimate, competing interests. It provides the leagues with the opportunity to regulate their own affairs while requiring that they utilize certain reasonable criteria in making their decisions. It provides communities with guarantees that their voices will be heard and gives them a right of first refusal.

Perhaps the real cause of team instability is the artificial scarcity of teams caused by the leagues' refusal to expand into new cities. At every meeting of the leagues' representatives of cities are on hand to lobby for expansion clubs. In response, a viable new football league has emerged, with highly professional playing standards. Despite league arguments to the contrary, there is no shortage of fans, players or host communities, just a shortage of teams. For that reason, this legislation will mandate expansion in major league baseball and in the NFL.

This expansion in baseball and the NFL will help meet this need. It will also redress the loss of NFL football to the people of Baltimore and Oakland, by 1988 and 1990.

With this legislation we seek to provide a stable framework of professional sports with the support of the communities in which they play. It is the responsibility of Congress to provide this carefully defined framework.●

By Mr. GORTON (for himself and Mr. HARKIN):

S. 288. A bill to provide Federal coordination for the continued development and commercialization of food irradiation through the establishment of a Joint Operating Commission for

Food Irradiation in the Department of Agriculture and through other means; to the Committee on Agriculture, Nutrition, and Forestry.

FEDERAL FOOD IRRADIATION DEVELOPMENT AND CONTROL ACT

● Mr. GORTON. Mr. President, today I have the distinct pleasure of joining with our new and distinguished colleague, Senator HARKIN, to introduce legislation to promote the use of ionizing radiation as a postharvest treatment for food commodities. This bill, the Federal Food Irradiation Development and Control Act of 1985, builds upon legislation Representative SID MORRISON and I introduced in the 98th Congress—S. 2254, S. 2652, H.R. 4544, H.R. 5605—and a proposed Food and Drug Administration regulation [48 FR 5714] which was promulgated in February 1984. Representative MORRISON is introducing legislation identical to this bill today.

Just this afternoon, Senator HARKIN, Representative MORRISON, and I joined about 100 other hungry souls for a hearty lunch consisting of Iowa pork, a dish which more than pleased the Senator from that fine farm State, seafood from the Northwest, which made my palate yearn for home, new potatoes, Washington State apple pie, and numerous other dishes, all of which were processed using irradiation to retain the foods' freshness and wholesomeness. None of the irradiated foods were treated chemically at any time during their trip from the farm or ocean to the table. That is a claim that is hard to believe in this age of pesticides and chemical preservatives.

Food irradiation means exposing fruits, vegetables, meats, and other foodstuffs to low doses of gamma-, beta-, and x rays. The irradiation is merely ionizing energy which penetrates through food killing microorganisms. The ionizing energy used is similar to microwaves. It leaves no residue in the food, which absorbs only the energy of the radioactive source, not the sources radioactivity. Irradiation delays spoilage of fruits and vegetables; disinfects cereals, fruits, and vegetables of all insects, insect eggs, and fungi; tenderizes meat; and inhibits the natural sprouting of potatoes and onions. It can kill the trichinae larvae in pork and can replace the use of ethyl dibromide [EDB] as a postharvest treatment. There are also a variety of current or potential uses for irradiation beyond processing of food, including sterilization of surgical instruments and other medical products, sterilization of baby powder, manufacture of nonstick cookware, treatment of cosmetic products, pasteurization and sterilization of sewage sludge, soil and timber fumigation, seed stimulation, processing of polymers, production of chemicals, and many others.

Currently, irradiation is defined by a statute as a food additive. In addition to being illogical, this definition means that irradiated food is considered adulterated unless the irradiation process conforms to complex and burdensome regulations. This legislation would exempt sources of irradiation from the definition of food additive, and instead subject food irradiation to the same regulations which are applied to pesticide chemicals used on raw agricultural commodities.

Irradiation represents an exciting innovation in food processing. It was developed 30 years ago by the Army Research Laboratory in Natick, MA. Irradiation has now been approved for various foods by approximately 28 countries. Japan, India, and the Netherlands make extensive use of the process. Canada recently decided to treat irradiation as a food process rather than a food additive, which is the approach taken by this bill.

If anyone doubts the relevancy of food irradiation technology to the problems of food preservation that confront the world in 1985 need only look to Africa where hundreds of thousands have died from starvation and more are threatened. No, irradiation is not a panacea, but it does offer hope for those nations where refrigeration is an uncommon luxury and protein-rich foods necessary for good health spoil easily. Irradiation is an alternative for much of the Third World and can surely be a part of the solution to the global malnutrition problem. Here, at home, irradiation offers a safe alternative to chemical treatments now widely used in food processing.

Another indication of the salience of the food irradiation issue is the huge volume of public comments responding to the FDA's proposed rule, which would permit limited application of food irradiation primarily for fresh fruits and vegetables up to a dose of 100 kilorads, a dose which is one-tenth of the standard now accepted by most international authorities. The public comments have been insightful as well as plentiful. As I did last year, I would like to take this opportunity to commend the FDA and the Secretary of Health and Human Services Margaret Heckler for this important first step in promoting this promising new technology.

The specifics of the legislation are outlined in greater detail in the section-by-section analysis. I hope this new bill and the FDA regulation will contribute to the advancement of food irradiation as a safe and effective food preservation technique.

Mr. President, I ask unanimous consent that the text of this bill and a section-by-section summary of its provisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Food Irradiation Development and Control Act of 1985".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) irradiation of food at regulated doses is recognized by international authorities and the Department of Health and Human Services as safe and wholesome;

(2) irradiation of food inhibits or destroys the bacteria and other microorganisms which cause food to spoil and eliminates trichinosis in pork, insect pests in fruits, vegetables and grains, and food-borne pathogens, such as salmonella and botulinum in red meats, poultry, and fish products;

(3) irradiation of food is one of the substitutes for many of the post harvest fumigants including ethylene dibromide;

(4) radiation sources used for irradiation process including 5 MeV (million electron volts) for gamma rays and x-ray, and 10 MeV for electrons cannot induce added risks to consumers from radioactivity in food;

(5) irradiation of food is a process, much like cooking in a microwave oven, boiling, or freezing;

(6) additional research and development is needed to determine the optimum dose level for irradiation on foods and the appropriate marketing factors in order to apply the benefits of irradiation to a variety fo products assuring public safety;

(7) there needs to be national uniformity in the regulation of irradiation processing of food;

(8) public understanding of ionizing radiation is essential to develop widespread commercial opportunities and to promote consumer acceptance of food irradiation;

(9) irradiation is currently approved in the United States for use of spices, fresh potatoes to inhibit sprouting, wheat and wheat flour for disinfestation, and twenty-five other countries have approved application of food irradiation on at least 40 different food items;

(10) there are a variety of current or potential uses for irradiation beyond processing of food, including sterilization of surgical instruments and other medical products, sterilization of baby powder, manufacture of non-stick cookware, treatment of cosmetic products, pasteurization and sterilization of sewage sludge, soil and timber fumigation, seed stimulation, processing of polymers, production of chemicals, and many others;

(11) there is an acute shortage of United States source material required for food irradiation process and current supplies are unable to meet projected demand;

(12) the Federal Government owns by-products materials as part of our defense nuclear waste program;

(13) a significant return on investment can come back to the United States Treasury through the lease of irradiation source materials to private and public agencies;

(14) there needs to be coordination with international organizations and state governments on research, development, applications, and standards for irradiation and among the many Federal agencies involved, including the Department of Agriculture, the Department of Energy, the Food and

Drug Administration, the Department of Health and Human Services, the Environmental Protection Agency, the Nuclear Regulatory Commission, the Department of Commerce, and the Agency for International Development; and

(15) there needs to be coordination between the Federal Government and the private sector for the purpose of encouraging private enterprise development and utilization of irradiation processing.

(b) the purposes of this Act are to—

(1) change the definition of food irradiation so that it is defined as a food process, subject to existing regulatory authority of the Food and Drug Administration;

(2) expand research and development of ionizing radiation in order to facilitate commercialization of a variety of beneficial use technologies;

(3) provide for education regarding food irradiation by ionizing radiation in order to promote public understanding and acceptance;

(4) provide for national uniformity in the regulation of irradiation processing of food;

(5) ensure adequate supplies of source material by providing for the safe domestic leasing of nuclear byproduct material for use in commercial applications of food irradiation and continue the current foreign nuclear byproduct distribution program; and

(6) provide for the creation of a Joint Operating Commission for Food Irradiation within the Department of Agriculture to serve as an intermediary with private enterprise, Federal and State government agencies, international organizations, and the public.

DEFINITIONAL AND REGULATORY CHANGES

SEC. 3. (a) Section 201(s) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C 321(s)) is amended by—

(1) striking out "; and including any source of radiation intended for any such use" in the first parenthetical material;

(2) striking out "or" at the end of paragraph (4), and by striking out the period at the end of paragraph (5) inserting in lieu thereof ";or"; and

(3) adding the following new paragraph at the end thereof:

"(6) food irradiation process.".

(b) Section 201 of such Act (21 U.S.C. 321) is amended by adding the following new subsection at the end thereof:

"(bb) The term 'food irradiation process' means a food treatment in which ionizing energy is applied to raw agricultural commodities, processed foods, or other foods to destroy the organisms which cause infestation in food, to inhibit or destroy bacteria and other mircoorganisms which among other things cause food to spoil or make the food unwholesome, to inhibit sprouting, to retard the postharvest ripening of foods, and to improve the food's functional properties.".

(c)(1) Section 409 of such Act (21 U.S.C. 348) is amended—

(A) in subsection (a) by—

(i) inserting "or food irradiation process" after "food additive" each place it appears;

(ii) inserting "or process" after "such additives" and after "such additive";

(iii) inserting "or clause (7)" after "clause (2)(C)"; and

(iv) inserting "or having been treated by such a process" after "such an additive";

(B) in subsection (b) by—

(i) inserting "or food irradiation process" after "food additive" in paragraph (1);

(ii) inserting "for such additive" after "including" in paragraph (2)(A);

(iii) inserting "or process" after "such additive" each place such term appears except the first time it appears in paragraph (2)(B) and except in paragraphs (2)(C), (2)(D) and (3);

(iv) inserting "or the source of the food irradiation process" after "food additive" in paragraph (2)(A);

(v) inserting "or the proposed procedures and methods for conducting the food irradiation process" after the first time "such additive" appears in paragraph (2)(B);

(vi) inserting ", unless the level of the proposed food irradiation process has already been recognized to be safe by the Secretary" before the period at the end of paragraph (2)(E);

(vii) inserting "in the case of a food additive," after "(or," and "food irradiation process or" after "for," in paragraph (3); and

(viii) inserting ", or in the case of food irradiation process, such information as the Secretary requests" before the period at the end of paragraph (4);

(C) in subsection (c) by—

(i) inserting "or food irradiation process" after "food additive" and "food additives" each place such terms appear;

(ii) inserting "or process" after "such additive" the first place it appears in paragraph (1)(A) and each place it occurs in clause (i) of the proviso of paragraph (3)(A) and in paragraph (4)(A);

(iii) inserting "or process" after "no additive" in paragraph (3)(A), after "the additive" in paragraph (3)(B), and after "an additive" in paragraph (4); and

(D) in subsection (d) by—

(i) inserting "or food irradition process" after "food additive"; and

(ii) inserting "or process" after "such additive"; and (E) in subsection (i) by—

(i) inserting "or food irradiation process" after "food additive"; and

(ii) inserting "or treated by such process" after "such additive".

(2) The heading of section 409 of such Act (21 U.S.C. 348) is amended by inserting "AND FOOD IRRADIATION PROCESS" after "ADDITIVES".

(3) The heading of section 409(a) of such Act (21 U.S.C. 348(a)) is amended by inserting "and Food Irradiation Process" after "Additives".

NATIONAL UNIFORMITY

SEC. 4. (a) It is declared to be the express intent of Congress to require national uniformity in the regulation of irradiation processing of food in order to permit national marketing of all irradiated food without jurisdictional barriers.

(b) No State or political subdivision thereof may establish or continue in effect any requirement relating to the irradiation processing of food, or to the labeling or marketing of irradiated food, which is in addition to or different from the requirements of the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act, and the regulations and interpretations issued thereunder.

(c) Any State or political subdivision thereof may exercise concurrent jurisdiction with the Secretary of Health and Human Services over the irradiation processing of food, and the labeling and marketing of irradiated food, for the purpose of enforcing requirements identical with those established in the Federal Food, Drug, and Cosmetic Act, the Fair Packaging and Labeling Act, and the regulations and interpretations issued thereunder.

(d) Any State or political subdivision thereof may petition the Secretary of Health and Human Services to adopt by regulation as a Federal requirement any requirement relating to the irradiation processing of food or to the labeling or marketing of irradiated food.

LEASING OF NUCLEAR BYPRODUCT MATERIAL FOR FOOD IRRADIATION

SEC. 5. (a) The third sentence of section 81 of the Atomic Energy Act of 1954 (42 U.S.C. 2111) is amended—

(1) by inserting "at rates that reflect fair market value" before the comma at the end of clause (a);

(2) in clause (b), by inserting "commercial or other" before "use";

(3) by striking out "and" at the end of clause (b); and

(4) by inserting before the period at the end thereof the following: ", and (d) will encourage commercial applications of byproduct material as defined in section 11 e. (1), particularly as a source for food irradiation process".

(b) The fourth sentence of section 81 of such Act (42 U.S.C. 2111) is amended—

(1) by striking out "either"; and

(2) by inserting ", in commercial applications of food irradiation process," after "development".

(c) The changes made by this section to section 81 of such Act (42 U.S.C. 2111) are intended to apply only to byproduct material produced as a result of the defense nuclear waste program.

ESTABLISHMENT OF JOINT OPERATING COMMISSION FOR FOOD IRRADIATION

SEC. 6. (a) There hereby is established within the Department of Agriculture a commission to be known as the Joint Operating Commission for Food Irradiation (hereafter in this section referred to as the "Commission"). The Commission shall carry out the functions specified in subsection (c), subject to the supervision of the Secretary of Agriculture.

(b)(1) The Commission shall consist of eight members as follows:

(A) one individual, appointed by the President, who is representative of the interests of the general public and who is not an officer or employee of the Federal Government;

(B) one individual appointed by the Secretary of Agriculture from among the officers and employees of the Department of Agriculture;

(C) one individual appointed by the Secretary of Health and Human Services from among the officers and employees of the Department of Health and Human Services;

(D) one individual appointed by the Secretary of Energy from among the officers and employees of the Department of Energy;

(E) one individual appointed by the Administrator of the Environmental Protection Agency from among the officers and employees of the Environmental Protection Agency;

(F) one individual appointed by the Nuclear Regulatory Commission from among the officers and employees of the Nuclear Regulatory Commission;

(G) one individual appointed by the Secretary of Commerce from among the officers and employees of the Department of Commerce; and

(H) one individual appointed by the Administrator of the Agency for International Development from among the officers and employees of the Agency for International Development.

(2) The appointments of the initial members of the Commission shall be made before the expiration of the 90-day period

following the date of the enactment of this Act.

(3) Each member of the Commission shall report directly to the authority appointing such member and each Commission member shall serve for such period of time as the authority appointing such member considers appropriate.

(4) A vacancy in the Commission shall be filled before the expiration of the 60-day period following the date on which such vacancy occurs, and in the same manner in which the original appointment was made.

(5)(A) Any member of the Commission who is a full-time officer or employee of the Federal Government shall receive no additional pay, allowances, or benefits by reason of the service of such member on the Commission.

(B) Each member of the Commission not described in subparagraph (A) shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for grade GS-15 of the General Schedule for each day, including travel time, during which such member is engaged in the actual performance of duties vested in the Commission. Each such member shall be reimbursed for actual expenses, including travel expenses, incurred in the course of performing such duties.

(c) It shall be the function of the Commission—

(1) to coordinate and review all research, development, and demonstration activities of the Federal Government relating to the use of irradiation in agricultural production including food irradiation process and the food irradiation process activities of the Department of Energy, except that any additional research determined by the Commission to be required for the commercialization of food irradiation process and the use of irradiation in agricultural production including post-irradiation monitoring and inline dosimetry shall, to the maximum extent practicable, be conduced at existing laboratories of the Agricultural Research Service of the Department of Agriculture, at landgrant institutions of higher education, and at existing federal multiprogam laboratories;

(2) to collect and consolidate the data produced by all Federal agencies as a result of research, development, and demonstration activities relating to food irradiation process;

(3) to coordinate informational exchange and educational activities with respect to food irradiation process with appropriate Federal agencies, the States including appropriate interstate compacts, commodity groups, export trading groups, other interested private organizations, and the general public;

(4) to encourage interest and investment by private enterprises in the development and application of food irradiation process;

(5) to consider and make recommendations to decision-making bodies on the labelling, packaging, and handling of food products processed with irradiation;

(6) to encourage a better understanding by the general public with respect to food irradiation process;

(7) if determined by the Commission to be appropriate, to petition the Food and Drug Administration under section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348) to expand the scope of regulation allowing for commercial application of food irradiation process; and

(8) to submit annually to the Congress a report setting forth the specific progress made by and future plans of the Commission in carrying out the functions described in paragraphs (1) through (7).

(d) The Secretary of Agriculture shall provide the Commission with such staff and office facilities as the Secretary, following consultation with the Commission, considers necessary to permit the Commission to carry out its functions under this section.

(e) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SECTION-BY-SECTION SUMMARY OF FOOD IRRADIATION BILL

SECTION 1.—SHORT TITLE

The bill is called the "Federal Food Irradiation Development and Control Act of 1985".

SECTION 2.—FINDING AND PURPOSES

The bill declares that food irradiation at regulated doses is safe and wholesome, is effective as a food preservative technique, and is one of the substitutes for postharvest fumigants, including ethylene dibromide (EDB). The bill further finds that irradiation is a process and does not induce radioactivity in food. Finally, Congress finds that a coordinated effort to advance food irradiation is needed.

SECTION 3.—DEFINITIONAL AND REGULATORY CHANGES

Section 201(s) of the Federal Food, Drug, and Cosmetic Act is amended by deleting "sources of radiation" from the definition of food additive and further exempting "food irradiation treatment" from being defined as an additive. A definition is added to the Act which defines "food irradiation process" as a food treatment in which ionizing energy is applied to food to destroy microorganisms which cause infestation, disease, and spoilage.

Section 409 of FDA Enabling Act is further amended to make conforming changes. These changes would generally insert "or food irradiation process" every time "food additive" is used. Thus, the regulatory provisions of section 409 would apply to "food additive or food irradiation process". However, there are a few exceptions so that requirements of the petition approval process of section 409 which are clearly intended to apply only to additives are specifically exempted from being considered for food irradiation process.

SECTION 4.—NATIONAL UNIFORMITY

The section declares that it is the intent of Congress to require national uniformity in the regulation of food irradiation process. Under the section, no state or political subdivision could establish any food irradiation requirement which is "in addition to or different from" the FDA requirements. This section essentially restates the acknowledged common law that federal law usually preempts conflicting and duplicative state law.

SECTION 5.—LEASING OF BYPRODUCTS MATERIAL FOR FOOD IRRADIATION

Section 81 of the Atomic Energy Act is amended to clarify the Department of Energy's existing authority to lease defense nuclear byproducts material to the private sector. The amendments would clarify current leasing guidelines so that byproducts are leased at fair market value (with profits going to the Treasury) and should be leased to encourage food irradiation process.

SECTION 6.—ESTABLISHMENT OF JOINT OPERATING COMMISSION

This section of the bill establishes within the Department of Agriculture a Joint Operating Commission for Food Irradiation (JOCFI). JOCFI shall be under the supervision of the Secretary of Agriculture and the Secretary shall provide necessary staff and office facilities. There is also a general authorization to carry out the activities of the Commission.

JOCFI shall consist of eight members including one individual, appointed by the President, who will represent the interests of the general public. The other seven members will be one representative each from the Departments of Agriculture, Health and Human Services, Energy, Commerce, and the Environmental Protection Agency, the Nuclear Regulatory Commission, and the Agency for International Development. The appointments of the initial eight members shall be made within 90 days following the enactment of the Act and all vacancies shall be filled within 60 days. The seven members of JOCFI who are already employees of the Federal Governments shall receive no additional pay and the one representative of the public shall receive a salary equivalent to grade GS-15 for each day service.

The functions of the JOCFI Commission include: (1) to coordinate and review all federal on-going and future food irradiation research and development activities. Additional research shall be conducted at Agricultural Research Service stations, at land-grant colleges, or at federal multi-program laboratories; (2) to collect and consolidate all research data already gathered by various federal agencies; (3) to coordinate information exchange activities on food irradiation process with various federal agencies, interested private organizations, and the general public; (4) to encourage investment by private sources in food irradiation process; (5) to consider and make recommendations to decision-making bodies on labelling of products processed with irradiation; (6) to encourage better understanding by the general public of food irradiation process; and (7) to petition FDA, if deemed appropriate, under section 409 of the FDA enabling Act to expand the scope of regulations allowing for commercial food irradiation.●

By Mr. RIEGLE:

S. 286. A bill to amend the Securities and Exchange Act of 1934; to the Committee on Banking, Housing, and Urban Affairs.

TO AMEND THE SECURITIES AND EXCHANGE ACT WITH RESPECT TO GREENMAIL

● Mr. RIEGLE. Mr. President, last year I introduced legislation to restrict the practice in corporate takeover schemes known as "greenmail." I am introducing an identical bill today.

"Greenmail," as every Senator by now knows, is a play on the word blackmail and refers to the premium price management is willing to pay a corporate raider to foil a possible takeover, but which the corporation is unwilling to pay to the everyday shareholders of its corporation.

I was successful in attaching my greenmail bill last year to the Financial Services Competitive Equity Act which we passed in the Senate Banking Committee on June 27, 1984. My

greenmail provision was agreed to unanimously, by voice vote, and later when the banking bill passed the full Senate by vote of 89 to 5 on September 13, 1984, the greenmail provision was again passed without a single word of opposition.

Mr. President, the greenmail legislation I am introducing today would prohibit the purchase by a company of its own shares at a price above the existing market price from any person who holds more than 3 percent of the shares and has held them for less than two years, unless the shareholders of the company approve.

Greenmail has been criticized harshly by both bidders for companies and attorneys for targets, as well as by the press and public at large.

For example, T. Boone Pickens, the president of Mesa Petroleum, wrote me September 12, 1984, that he finds "greenmail abhorrent and inconsistent with the concept of a free and open market . . . Greenmail is the antithesis of fairness. A target company should not be able to repurchase its stock at a premium from a dissident shareholder without offering the same price to all shareholders."

I agree.

Likewise, Martin Lipton, who is a well-known corporate attorney in the takeover field, has been quoted as saying, "Greenmail is a disgrace and should be eliminated."

Finally, the Securities and Exchange Commission and the SEC Advisory Panel on Tender Offers support curbing the practice of greenmail and the language I am about to reintroduce.

As a headline in the Wall Street Journal pointed out just a short time ago, "Greenmail, Far From Disappearing, Is Doing Quite Well in Disguised Forms."

Mr. President, I ask unanimous consent that the article that appeared in the January 23 issue of the Wall Street Journal and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUSINESSMEN TO SEEK END TO "GREENMAIL," "GOLDEN PARACHUTES"

(By John D. Williams)

NEW YORK.—A group representing leading corporations plans to press Congress for laws to end two elements of some hostile-takeover battles: "greenmail" and "golden parachutes."

Under greenmail, a company buys back stock from an unwanted suitor at a higher-than-market price. Golden parachutes give lavish settlements to top managers of target companies when the managers are forced out by a takeover. The controversy over both practices sharply escalated last year.

Andrew Sigler, who heads a special industry task force reviewing hostile-take-over problems for the Business Roundtable, indicated in a talk to financial journalists that the Roundtable has adopted a firmer policy toward what he called the "takeover craze." The Roundtable is a public-policy group of chief executive officers from 200 major U.S. companies.

Mr. Sigler is chairman and chief executive of Champion International Corp., a Stamford, CT-based forest-products concern.

Last October, in a Securities and Exchange Commission hearing, Mr. Sigler had urged the federal agency to study only the underlying causes of the takeover trend. But yesterday he said the Roundtable will seek two congressional remedies:

A requirement that when a suitor has about 5 percent to 10 percent of a target's stock, an offer for all of the company's stock should be submitted to its board. If the board accepted, the acquisition would be carried out. If the board rejected the offer, the suitor could seek the target via a proxy contest, within a quick 30-to-90 day period, with both sides providing full disclosure of their motives. Such a requirement would stop greenmail, the Roundtable group believes.

Golden parachutes could also be stopped by legislation, Mr. Sigler said, but the Roundtable hasn't agreed on a specific plan, because business leaders are opposed to any plan that would have government officials setting executive remuneration standards.

But Mr. Sigler said he favored a measure that would restrict special payments to executives removed by a takeover. He said executives should have to follow their usual employment contracts.

There aren't any official figures on how many times greenmail or golden parachutes were used in 1984—a record year for takeovers. Some of the smaller greenmail cases never have been announced.

The largest case considered to be greenmail involved Texaco Inc.'s buy-back of a 9.9 percent stake of its stock from the Bass Brothers of Fort Worth, TX, for $1.28 billion, although the brothers hadn't made any publicly known threat that they were seeking Texaco.

Charles L. Marinaccio, an SEC member, recently told a business group in Chicago that Congress should "conduct a fundamental review" of takeovers. Among other things, he would ban greenmail.

"Greenmail—a polite term for extortion—should be banned by prohibiting the purchasers of blocks of shares from selling those shares to the corporation for a period of years," he said.

S. 286

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by inserting after subsection (e) the following new subsection:

"(f) It shall be unlawful for an issuer to purchase, directly or indirectly, any of its securities at a price above the market from any person who holds more than 3 per centum of the class of the securities to be purchased and has held such securities for less than two years, unless such purchase has been approved by the affirmative vote of a majority of the aggregate voting securities of the issuer, or the issuer makes an offer to acquire, of at least equal value, to all holders of securities of such class and to all holders of any class into which such securities may be converted."●

By Mr. GORE:

S. 289. A bill to amend the Inspector General Act of 1978 to establish an Office of Inspector General in the Federal Emergency Management Agency; to the Committee on Governmental Affairs.

ESTABLISH AN OFFICE OF INSPECTOR GENERAL

Mr. GORE. Mr. President, I am today introducing the FEMA Inspector General Act of 1985.

During my tenure in the House of Representatives, as chairman of the Investigations and Oversight Subcommittee of the Committee on Science and Technology, I conducted a series of hearings into misconduct at the Federal Emergency Management Agency which uncovered a litany of outrageous abuses and instances of gross mismanagement involving thousands of taxpayers' dollars and numerous Federal employees.

Many of my colleagues may be aware of the incredible revelations that came out of those hearings.

The subcommittee discovered that the third-ranking official at FEMA, Fred J. Villella, had misused Government funds to construct a private residence and directed Government personnel to perform personal errands. Mr. Villella resigned as a result of these discoveries. Additionally, documents obtained by the subcommittee revealed that on two separate occasions, Louis O. Giuffrida, the Director of the Agency, attended expensive black tie political receptions and his attendance was paid for by an Agency contractor. The contractor then billed the expense to the taxpayers. The same contractor was, moreover, also hiring friends and associates of both Mr. Giuffrida and Mr. Villella, and there is evidence that it and other contractors were engaged in a host of other potentially illegal activities, including overbilling, fraud, and forgery. These and other revelations are now the focus of a grand jury probe by the Department of Justice.

While these events in themselves are incredible, what is doubly disturbing is that FEMA has no independent institutional mechanism for ferreting out waste, fraud, and abuse. The Agency currently has an inspector general's office, but it does not have any institutional or statutory independence from the Agency. In almost every other Federal body, the inspector general has institutional independence from the Agency which it has responsibility to investigate. In contrast, the inspector general at FEMA reports only to the Director and cannot circulate his findings outside of the Agency without the approval of the Director. Purely and simply, the present inspector general works for the Director, with disastrous results.

The events that I have described fully illustrate the problem created by the current situation at FEMA. The existing inspector general's office did begin an inquiry into these matters, but only after interest in investigating

them was shown by the Investigations and Oversight Subcommittee. Moreover, the results of the FEMA inspector general's investigation were made available to no one but Louis Giuffrida, who had definite involvement and associations with the parties being investigated. Needless to say, the findings from the inquiry were not distributed widely to the public or even distributed within the Agency itself. Moreover, there is every indication that the inspector general's office was really being utilized for political "damage control" and as an organ to assist Director Giuffrida in avoiding embarrassment, rather than as a legitimate investigative body to keep the Government and the taxpayers from being cheated.

Mr. President, this legislation offers a quick, precise, and much-needed solution to the recurring and unacceptable problems at this Agency. While congressional oversight has fufilled its function of rooting out and exposing these abuses, congressional oversight alone is not enough. FEMA should have its own independent, statutorily established mechanism. Almost every agency of the Government has some statutorily independent office to keep its own house in order, and given the recent history of this Agency, the need for FEMA to have such an office is undeniable. I believe that this legislation represents an idea that my colleagues can readily embrace, and I urge them to join me in sponsoring it and ensuring its speedy passage.

By Mrs. HAWKINS:

S. 292. A bill to provide for the Mary McLeod Bethune Memorial Fine Arts Center to be established by the Bethune-Cookman College in Volusia County, FL; to the Committee on Labor and Human Resources.

MARY MC LEOD BETHUNE MEMORIAL FINE ARTS CENTER

● Mrs. HAWKINS. Mr. President, today I am reintroducing a bill to provide for the construction of a living memorial to one of the Nation's most revered citizens. This measure directs the Secretary of Education to make the necessary funds available to build a memorial fine arts center on the campus of Bethune-Cookman College in Volusia County, FL. This fine arts center will serve as the Nation's tribute to Dr. Mary McLeod Bethune. I first introduced this legislation late in the 98th Congress and am pleased to do so again. I look forward to early action on this measure.

Dr. Mary McLeod Bethune deserves to be memorialized for her skillful leadership and advocacy of equality for all Americans. On the long road toward this goal, Dr. Bethune made an important difference in opening the door to a better way of life for black women. Her efforts spanned all walks of life: religion, business, government, and academia.

Among her many accomplishments, Dr. Bethune served as a member of President Franklin Delano Roosevelt's informal "Black Cabinet" during her term as Director of the Division of Negro Affairs within the National Youth Administration. The black cabinet was the unofficial watchdog to insure that black Americans received a fair deal from the New Deal. As a leader of this group, Mary McLeod Bethune, with the help of her friend, Eleanor Roosevelt, reached behind the scenes of F.D.R.'s White House and into the Oval Office. From this vantage point, she affected national policy from the top down. Another of Dr. Bethune's outstanding achievements was the founding of the National Council of Negro Women.

The National Council was the black woman's first political voice. It is still a voice that calls for equal opportunity for black women.

Mr. President, this memorial fine arts building will be located on the campus of Bethune-Cookman College. This institution stands as Dr. Bethune's finest work. Founded by Dr. Bethune in 1904, Bethune-Cookman College is one of the Nation's leading historically black colleges. The institution was originally chartered as the Daytona Normal and Industrial School for Negro Girls. The school's existence provided southern black women and girls one of their first opportunities to climb up and out of servitude and toward a life of promise. The school held its first classes, with Dr. Bethune serving as instructor, with five young girls as students. Within 3 years, Dr. Bethune raised enough funds from private sources to erect the school's first building, Faith Hall. This was quite an achievement considering that on the first day of class, the school had $9 in its treasury and fruit crates served as seats for the students.

Today, Bethune-Cookman College has a 60-acre campus and an enrollment of 1,200 male and female students. It is an appropriate reminder of how much the hard work and dedication of one individual can mean to so many others.

Mr. President, the construction of this fine arts center will be a fitting memorial to a woman whom we should all strive to emulate. I urge my colleagues to support this measure.●

By Mr. KENNEDY:

S. 293. A bill to provide for the admission of the State of New Columbia into the Union; to the Committee on Governmental Affairs.

NEW COLUMBIA ADMISSION ACT

● Mr. KENNEDY. Mr. President, I am pleased today to introduce legislation admitting the District of Columbia into the Union as the State of New Columbia.

In the last Congress, Delegate WALTER FAUNTROY introduced similar legislation in the House of Representatives, and I introduced companion legislation in the Senate. This month we celebrate a decade of home rule in the District of Columbia and today, January 24, is Statehood Day. As we commemorate the movement for self-determination in the District, I am proud to introduce statehood legislation in the Senate for consideration by the new Congress.

It is easy to forget that 10 years ago, the members of the school board were the District of Columbia's only local elected officials. Before the passage of the Home Rule Act, congressional committees scrutinized even the smallest details of the affairs of the District.

The Home Rule Act was an important landmark on the road to full representation for the people of the District. But it is not enough.

The issue before us is of simple justice for the 623,000 citizens of the Nation's Capital. Nowhere in America should the principles of democracy be more firmly established than in the District of Columbia. Yet, the second-class citizenship of District residents makes a mockery of the principles of representative government on which our Nation was founded. The time has come at long last to end the unacceptable status of the District of Columbia as America's "Last Colony."

In the past two decades, Congress has approved several measures to increase self-determination for the District. The 23d amendment, the Home Rule Act and the D.C. voting rights amendment were each designed to enfranchise District residents. These measures were important steps in the right direction, but they have failed to achieve the fundamental goal of full citizenship for residents of the District of Columbia. Only statehood can make the citizens of the District of Columbia full partners in the American Union.

The Home Rule Act has been undermined by the courts and Congress, and the voting rights amendment is languishing far short of ratification in the State legislatures.

Part way measures and halfhearted initiatives in Congress are no longer enough; the time has come for full rights for the District of Columbia—and that means statehood and nothing less. The residents of the District deserve to be full-fledged Americans, with the same rights and responsibilities as the citizens of every other State.

I believe that the District of Columbia clearly meets the long accepted historical standards for the admission of new States to the Union. The three

preeminent conditions are: Commitment to the principles of democracy, resources and population sufficient to support statehood, and the will of the people for statehood.

The active local government and the active participation of residents in local elections are ample proof of the District's strong commitment to the democratic process.

The District has a thriving private sector and a sound and diverse economic base. It is time to put to rest, once and for all, the shameful myth that the District of Columbia is nothing more than a collection of Federal monuments, Federal employees, and foreign embassies. Contrary to popular belief, 70 percent of District residents are employed outside the Federal Government.

In addition, the population of the District today is greater than that of four existing States. The District supplies more revenues to the U.S. Treasury than 12 States. By virtually every measure of comparison, the District deserves to become a State.

The necessary preliminary steps toward statehood have already been completed. In 1982, in support of statehood, the residents of the District convened a constitutional convention and drafted and ratified a State constitution. Although this proposed constitution has generated controversy on some issues, I am confident that, in the process of reconciliation already under way, these issues can be resolved fairly by the representatives of the people of the District.

I reject the view that the language of the D.C. clause in the Constitution (article I, section 8, clause 17) somehow prohibits statehood as an option for the District of Columbia. The proposed constitution for the State of New Columbia carves out the Capitol, the White House, and other essential parts of the seat of the Federal Government as a completely separate and independent area, over which the Congress will continue to exercise exclusive jurisdiction.

In addition, article IV, section 3 of the Constitution clearly specifies, in language plainly applicable to the District, the authority of Congress to admit new States to the Union.

For generations, the residents of the District of Columbia have borne the burdens and responsibilities of American citizenship without its rights and privileges. The time has come to remove this unfair cloud of second-class status from the District of Columbia.

The people of the District have voted twice for statehood. They have vigorously pursued the statehood process. The District amply meets the criteria for statehood, and it is time for New Columbia to take its rightful place as the 51st State of the United States.

I ask unanimous consent that the entire text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "New Columbia Admission Act".

ADMISSION INTO THE UNION

SEC. 2. Subject to the provisions of this Act, and upon issuance of the proclamation required by section 7(d)(1) of this Act, the State of New Columbia (hereinafter referred to as "the State") is declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever, and the constitution formed pursuant to the provisions of the initiative measure numbered 3 for District of Columbia Statehood Constitutional Convention, approved May 29, 1982, by duly elected delegates from the District of Columbia, and adopted by a vote of the people of the District of Columbia in the election held on November 2, 1982, is found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and is accepted, ratified, and confirmed.

CONSTITUTION

SEC. 3. The constitution of the State of New Columbia shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

TERRITORY AND BOUNDARIES

SEC. 4. (a) Subject to the provisions of this section, the State of New Columbia shall consist of all of the territory, together with the territorial waters, of the District of Columbia. The State of New Columbia shall not include the National Capital Service Area of the District of Columbia, which is described in subsection (b). As of the date of admission of New Columbia into the Union, the District of Columbia shall consist of the National Capital Service Area.

(b) The National Capital Service Area, subject to the provisions of section 16, is comprised of the principal Federal monuments, the White House, the Capitol Building, the United States Supreme Court Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building.

(c) Notwithstanding any other provision of this section or of section 16, the boundaries of the State of New Columbia shall include the District Building.

COMPACT WITH UNITED STATES; CLAIMS TO FEDERAL LANDS AND PROPERTY

SEC. 5. (a) As a compact with the United States, the State and its people disclaim all right and title to any lands or other property not granted or confirmed to the State or its political subdivisions by or under the authority of this Act, the right or title to which is held by the United States or subject to disposition by the United States.

(b)(1) Nothing contained in this Act shall recognize, deny, enlarge, impair, or otherwise affect any claim against the United States, and any such claim shall be governed by applicable laws of the United States.

(2) Nothing in this Act is intended or shall be construed as a finding, interpretation, or construction by the Congress that any applicable law authorizes, establishes, recognizes, or confirms the validity or invalidity of any such claim, and the determination of the applicability or effect of any law to any such claim shall be unaffected by anything in this Act.

(c) No taxes shall be imposed by the State upon any lands or other property now owned or hereafter acquired by the United States.

(d) Notwithstanding any other provision of this Act or any other provision of law, the annual federal payment authorized to be appropriated to the District of Columbia pursuant to section 502 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 47-3406) shall be authorized to be appropriated to the State of New Columbia.

STATE TITLE TO LANDS AND PROPERTY

SEC. 6. (a) The State of New Columbia and its political subdivisions shall have and retain title to all property, real and personal, title to which is held by the territory of the District of Columbia.

(b)(1) Subject to paragraph (2), the State of New Columbia is granted, effective upon its admission into the Union, title to all public lands and other public property within the boundaries of the State of New Columbia, title to which is held by the United States immediately prior to admission of the State into the Union.

(2) Any lands and other properties that, as of the date of admission of New Columbia into the Union, are set aside pursuant to law for the use of the United States under any (A) Act of Congress, (B) Executive order, (C) proclamation of the President, or (D) proclamation of the Mayor of the District of Columbia, shall remain the property of the United States.

(c) Not later than five years after the date of admission of New Columbia into the Union, each Federal agency having control over any land or property that is retained by the United States pursuant to subsection (b) of this section shall submit a report to the President and the Congress concerning the need for such land or property. If the President determines that any such land or property is no longer needed by the Federal Government, it shall be conveyed to the State of New Columbia.

(d) All laws of the United States reserving to the United States the free use or enjoyment of property which vests in or is conveyed to the State of New Columbia or its political subdivisions pursuant to this section or reserving the right to alter, amend, or repeal laws relating thereto shall cease to be effective upon the admission of the State of New Columbia into the Union.

ELECTIONS

SEC. 7. (a)(1) Not more than sixty days after the date of enactment of this Act, the President of the United States shall certify such enactment to the Mayor of the District of Columbia. Not more than thirty days after such certification the Mayor of the District of Columbia shall issue a proclamation for the elections, subject to the provisions of this Act, for officers of all State elective offices provided for by the constitution of the proposed State of New Columbia and for two Senators and one Representative in Congress.

(2) In the first election of Senators from the State (pursuant to paragraph (1)) the two senatorial offices shall be separately

identified and designated, and no person may be a candidate for both offices. No such identification or designation of either of the two senatorial offices shall refer to or be taken to refer to the terms of such offices, or in any way impair the privilege of the Senate to determine the class to which each of the Senators elected shall be assigned.

(b) The proclamation of the Mayor of the District of Columbia required by subsection (a) shall provide for the holding of a primary election and a general election and at such elections the officers required to be elected as provided in subsection (a) shall be chosen by the people. Such elections shall be held, and the qualifications of voters shall be, as prescribed by the constitution of the proposed State of New Columbia for the election of members of the proposed State legislature. Election returns shall be made and certified in such manner as the constitution of the proposed State of New Columbia may prescribe. The Mayor of the District of Columbia shall certify the results of such elections to the President of the United States.

(c)(1) At an election designated by proclamation of the Mayor of the District of Columbia, which may be the primary or the general election held pursuant to subsection (b), a territorial general election, or a special election, there shall be submitted to the electors qualified to vote in such election, for adoption or rejection, the following propositions:

(A) New Columbia shall immediately be admitted into the Union as a State.

(B) The boundaries of the State of New Columbia shall be as prescribed in the New Columbia Admission Act and all claims of the State to any areas of land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States.

(C) All provisions of the New Columbia Admission Act reserving rights or powers to the United States, including those prescribing the terms or conditions of the grants of lands or other property made to the State of New Columbia, are consented to fully by the State and its people.

(2) In the event the propositions under paragraph (1) are adopted in such election by a majority of the legal votes cast on such submission, the proposed constitution of the proposed State of New Columbia, ratified by the people at the election held on November 2, 1982, shall be deemed amended accordingly.

(3) In the event any one of the propositions under paragraph (1) is not adopted at such election by a majority of the legal votes cast on such submission, the provisions of this Act shall cease to be effective.

(4) The Mayor of the District of Columbia is authorized and directed to take such action as may be necessary or appropriate to ensure the submission of such propositions to the people. The return of the votes cast on such propositions shall be made by the election officers directly to the Board of Elections of the District of Columbia, which shall certify the results of the submission to the Mayor. The Mayor shall certify the results of such submission to the President of the United States.

(d)(1) If the President finds that the propositions set forth in subsection (c)(1) have been duly adopted by the people of New Columbia, the President, upon certification of the returns of the election of the officers required to be elected as provided in subsection (a), shall issue a proclamation announcing the results of such election as so ascertained. Upon the issuance of such proclamation by the President, the State of New Columbia shall be deemed admitted into the Union as provided in section 2 of this Act.

(2) Until the State of New Columbia is admitted into the Union, individuals holding legislative, executive, and judicial offices of the District of Columbia, including the Delegate in Congress from the District of Columbia, shall continue to discharge the duties of their respective offices. Upon the issuance of such proclamation by the President of the United States and the admission of the State of New Columbia into the Union, the officers elected at such election, and qualified under the provisions of the constitution and laws of such State, shall proceed to exercise all the functions pertaining to their offices in, under, or by authority of the government of such State, and offices not required to be elected at such initial election shall be selected or continued in office as provided by the constitution and laws of such State. The Governor of such State shall certify the election of the Senators and Representative in the manner required by law, and the Senators and Representative shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

HOUSE OF REPRESENTATIVES MEMBERSHIP

SEC. 8. The State of New Columbia upon its admission into the Union shall be entitled to one Representative until the taking effect of the next reapportionment, and such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law, except that such temporary increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives or affect the basis of apportionment for the Congress.

LAWS IN EFFECT

SEC. 9. Upon admission of the State of New Columbia into the Union, all of the territorial laws then in force in the Territory of the District of Columbia shall be and continue in force and effect throughout the State, except as modified or changed by this Act, or by the Constitution of the State, or as thereafter modified or changed by the legislature of the State. All of the laws of the United States shall have the same force and effect within the State as elsewhere in the United States.

CONTINUATION OF SUITS

SEC. 10. (a) No writ, action, indictment, cause, or proceeding pending in any court of the District of Columbia or in the United States District Court for the District of Columbia shall abate by reason of the admission of the State of New Columbia into the Union, but shall be transferred and shall proceed within such appropriate State courts as shall be established under the constitution of the State, or shall continue in the United States District Court for the District of Columbia, as the nature of the case may require. And no writ, action, indictment, cause, or proceeding shall abate by reason of any change in the courts, but shall proceed within the State or United States courts according to the laws thereof, respectively. The appropriate State courts shall be the successors of the courts of the District of Columbia as to all cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with such cases, and award mesne or final process therein, and all files, records, indictments, and proceedings relating to any such writ, action, indictment, cause, or proceeding shall be transferred to such appropriate State courts and shall be proceeded with therein in due course of law.

(b) All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of the State, but as to which no writ, action, indictment, or proceeding shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Columbia in like manner, to the same extent, and with like right of appellate review, as if such State had been created and such State courts had been established prior to the accrual of such causes of action or the commission of such offenses. The admission of the State shall effect no change in the substantive or criminal law governing causes of action and criminal offenses which shall have arisen or been committed, and any such criminal offenses as shall have been committed against the laws of the District of Columbia shall be tried and punished by the appropriate courts of the State, and any such criminal offenses as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Columbia.

APPEALS

SEC. 11. Parties shall have the same rights of appeal from and appellate review of final decisions of the United States District Court for the District of Columbia or the District of Columbia Court of Appeals in any case finally decided prior to the admission of the State of New Columbia into the Union, whether or not an appeal therefrom shall have been perfected prior to such admission. The United States Court of Appeals for the District of Columbia Circuit and the Supreme Court of the United States shall have the same jurisdiction in such cases as by law provided prior to the admission of the State into the Union. Any mandate issued subsequent to the admission of the State shall be to the United States District Court for the District of Columbia or a court of the State, as appropriate. Parties shall have the same rights of appeal from and appellate review of all orders, judgments, and decrees of the United States District Court for the District of Columbia and of the Supreme Court of the State of New Columbia, as successor to the District of Columbia Court of Appeals, in any case pending at the time of admission of the State into the Union, and the United States Court of Appeals for the District of Columbia Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided in any case arising subsequent to the admission of the State into the Union.

JUDICIAL AND CRIMINAL PROVISIONS

SEC. 12. Effective upon the admission of New Columbia into the Union—

(1) Section 41 of title 28, United States Code is amended in the second column by inserting ", New Columbia" after "District of Columbia".

(2) The first paragraph of section 88 of title 28, United States Code, is amended to read as follows:

"The District of Columbia and the State of New Columbia comprise one judicial district.".

MILITARY LANDS

SEC. 13. (a) Subject to subsection (b) and notwithstanding the admission of the State of New Columbia into the Union, authority is reserved in the United States for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land as, immediately prior to the admission of the State, are controlled or owned by the United States and held for defense or Coast Guard purposes.

(b)(1) The State of New Columbia shall always have the right to serve civil or criminal process within such tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the State but outside of such tracts or parcels of land.

(2) The reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over such lands shall not operate to prevent such lands from being a part of the State of New Columbia, or to prevent the State from exercising over or upon such lands, concurrently with the States, any jurisdiction which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation of authority.

(3) The power of exclusive legislation shall vest and remain in the United States only so long as the particular tract or parcel of land involved is controlled or owned by the United States and used for defense or Coast Guard purposes, except that the United States shall continue to have sole and exclusive jurisdiction over such military installations as have been or may be determined to be critical areas as delineated by the President of the United States or the Secretary of Defense.

UNITED STATES NATIONALITY

SEC. 14. No provision of this Act shall operate to confer United States nationality, to terminate nationality lawfully acquired, or to restore nationality terminated or lost under any law of the United States or under any treaty to which the United States is or was a party.

REPEAL OF INCONSISTENT LAWS

SEC. 15. All Acts or parts of Acts in conflict with the provisions of this Act, whether passed by the legislature of the District of Columbia or by Congress, are hereby repealed.

NATIONAL CAPITAL SERVICE AREA

SEC. 16. (a) The National Capital Service Area referred to in section 4 is more particularly described as follows:

Beginning at the point on the present Virginia-District of Columbia boundary due west of the northernmost point of Theodore Roosevelt Island and running due east of the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to Eighteenth Street Northwest;

thence south on Eighteenth Street Northwest to Constitution Avenue Northwest;

thence east on Constitution Avenue to Seventeenth Street Northwest;

thence north on Seventeenth Street Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Jackson Place Northwest;

thence north on Jackson Place to H Street Northwest;

thence east on H Street Northwest to Madison Place Northwest;

thence south on Madison Place Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue Northwest to Fifteenth Street Northwest;

thence south on Fifteenth Street Northwest to Pennsylvania Avenue Northwest;

thence southeast on Pennsylvania Avenue Northwest to John Marshall Place Northwest;

thence north on John Marshall Place Northwest to C Street Northwest;

thence east on C Street Northwest to Third Street Northwest;

thence north on Third Street Northwest to D Street Northwest;

thence east on D Street Northwest to Second Street Northwest;

thence south on Second Street Northwest to the intersection of Constitution Avenue Northwest and Louisiana Avenue Northwest;

thence northeast on Louisiana Avenue Northwest to North Capitol Street;

thence north on North Capitol Street to Massachusetts Avenue Northwest;

thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square;

thence following Union Square to F Street Northeast;

thence east on F Street Northeast to Second Street Northeast;

thence south on Second Street Northeast to D Street Northeast;

thence west on D Street Northeast to First Street Northeast;

thence south on First Street Northeast to Maryland Avenue Northeast;

thence generally north and east on Maryland Avenue to Second Street Northeast;

thence south on Second Street Northeast to C Street Southeast;

thence west on C Street Southeast to New Jersey Avenue Southeast;

thence south on New Jersey Avenue Southeast to D Street Southeast;

thence west on D Street Southeast to Canal Street Parkway;

thence southeast on Canal Street Parkway to E Street Southeast;

thence west on E Street Southeast to the intersection of Canal Street Southwest and South Capital Street;

thence northwest on Canal Street Southwest to Second Street Southwest;

thence south on Second Street Southwest to Virginia Avenue Southwest;

thence generally west on Virginia Avenue to Third Street Southwest;

thence north on Third Street Southwest to C Street Southwest;

thence west on C Street Southwest to Sixth Street Southwest;

thence north on Sixth Street Southwest to Independence Avenue;

thence west on Independence Avenue to Twelfth Street Southwest;

thence south on Twelfth Street Southwest to D Street Southwest;

thence west on D Street Southwest to Fourteenth Street Southwest;

thence south on Fourteenth Street Southwest to the middle of the Washington Channel;

thence generally south and east along the midchannel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;

thence due east to the side of the Washington Channel;

thence following generally south and east along the side of the Washington Channel at the mean high water mark, to the point of confluence with the Anacostia River, and along the northern shore at the mean high water mark to the northernmost point of the Eleventh Street Bridge;

thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;

thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;

thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;

thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary;

thence generally north and west up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

(b) Where the area in subsection (a) is bounded by any street, such street, and any sidewalk thereof, shall be included within such area.

(c)(1) Any Federal real property affronting or abutting, as of the date of the enactment of this Act, the area described in subsection (a) shall be deemed to be within such area.

(2) For the purposes of paragraph (1) Federal real property affronting or abutting such area described in subsection (a) shall—

(A) be deemed to include, but not limited to, Fort Lesley McNair, the Washington Navy Yard, the Anacostia Naval Annex, the United States Naval Station, Bolling Air Force Base, and the Naval Research Laboratory; and

(B) not be construed to include any area situated outside of the District of Columbia boundary as it existed immediately prior to the date of the enactment of this Act, nor be construed to include any portion of the Anacostia Park situated east of the northern side of the Eleventh Street Bridge, or any portion of the Rock Creek Park.●

By Mr. HATFIELD:

S. 294. A bill for the relief of Spalding & Sons, Inc.; to the Committee on the Judiciary.

RELIEF OF SPALDING & SONS, INC.

● Mr. HATFIELD. Mr. President, today I am reintroducing legislation designed to begin the process of rectifying a dispute between a private timber company in my State and the Bureau of Land Management.

In 1977, a family-owned timber company located in Grants Pass, OR, Spalding & Sons, Inc., purchased the Jamison-Harris timber sale from the Bureau of Land Management. Subsequently, a significant portion of the sale was damaged by fire in 1978. Due to an apparent mistaken belief between the BLM and Spalding & Sons regarding legal rights involved, the parties agreed to execute a modification of the sale, which resulted in the

BLM repurchasing the damaged portion of the timber sale at the original bid price—a price far below fair market value. This difference in price, a total of $250,000, is what the company wishes to recover from the BLM.

For many reasons, the claim has been denied by the BLM, and the best method to settle this dispute is introducing this legislation, which will be referred to the Claims Court by the Senate Judiciary Committee. There is no question in my mind that this matter deserves a full hearing, and it is my hope that both the court and the Judiciary Committee will move quickly to render a decision.●

By Mr. BOREN:

S. 295. A bill to amend title 38, United States Code, to authorize a service pension of $150 per month for veterans of World War I and for certain surviving spouses of such veterans; to the Committee on Veterans' Affairs.

WORLD WAR I VETERANS' SERVICE PENSION ACT

● Mr. BOREN. Mr. President, I am introducing legislation today which will authorize a service pension of $150 per month for veterans of World War I and for certain surviving spouses of such veterans. A similar bill is being introduced by Representative GLENN ANDERSON of California.

Those who valiantly served our country during World War I in order to preserve the principles of freedom should not be forgotten. Veterans of World War I are few in number and deserving of this small monthly pension. It is appropriate to demonstrate our concern and compassion for these veterans while we still have the time to do so.

Under this legislation, title 38 of the United States Code would be amended to extend benefits of $150 per month to veterans of World War I and certain surviving spouses. The measure will clearly take into consideration the availability of appropriations in paying these benefits.

The VA Administrator will make these payments to any World War I veteran who served in the active military, naval, or air service for 90 days or more during World War I, was discharged or released for such service for a service-connected disability, or served for a period of 90 consecutive days or more which began or ended during World War I.

Those who served during World War I, did so under very adverse and unfavorable circumstances and deserve every benefit possible. In this respect, our praise should go beyond the mere recognition of their deeds but should also extend to include this proposed benefit. We should not only extend our appreciation and compassion in words, but also in deeds.

Mr. President, I am introducing this legislation as a firm believer in those individuals who courageously gave of themselves in World War I. There are only 297,000 World War I veterans and 210,000 spouses still surviving. I am convinced this cause is worthwhile to honor those who fought for our freedoms during World War I.

I urge my colleagues to join me in supporting the passage of this bill. I ask unanimous consent that a copy of the bill be included in the RECORD.

S. 295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "World War I Veterans' Service Pension Act".

SEC. 2. (a) Subchapter II of chapter 15 of title 38, United States Code, is amended by inserting after section 512 the following new section:

"§ 513. Veterans of World War I

"(a) Notwithstanding section 101(7) of this title, for the purposes of this section, the term 'World War I' means the period beginning on April 5, 1917, and ending on July 2, 1921.

"(b) Subject to the availability of appropriations, the Administrator shall pay to any veteran of World War I who meets the service requirements of this section a pension at a monthly rate of $150.

"(c) A veteran meets the service requirements of this section if the veteran served in the active military, naval, or air service—

"(1) for ninety days or more during World War I;

"(2) during World War I and was discharged or released from such service for a service-connected disability; or

"(3) for a period of ninety consecutive days or more which began or ended during World War I.

"(d) Any payment to a veteran under this section is in addition to any payment to which the veteran is entitled under section 521 of this title or section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 512 the following new item:

"513. Veterans of World War I.".

SEC. 3. (a) Subchapter III of chapter 15 of title 38, United States Code, is amended by inserting after section 541 the following new section:

"§ 541a. Certain surviving spouses of World War I veterans

"(a) Subject to the availability of appropriations, the Administrator shall pay to the surviving spouse of any deceased World War I veteran who met the service requirements of section 513(c) of this title a pension at a monthly rate of $150.

"(b) No pension shall be paid to the surviving spouse of a veteran under this section unless such surviving spouse was married to the veteran—

"(1) before December 14, 1944;

"(2) for one year or more; or

"(3) for any period of time, if a child was born of the marriage or was born to them before the marriage.

"(c) Any payment to a surviving spouse under this section is in addition to any payment to which the surviving spouse is entitled under section 541 of this title or under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 541 the following new item:

"541a. Certain surviving spouses of World War I veterans.".

SEC. 4. The amendments made by this Act shall apply to payments under chapter 15 of title 38, United States Code, for months after September 1985.●

By Mr. BOREN (for himself, Mr. COCHRAN, Mr. ZORINSKY, and Mr. ANDREWS):

S. 296. A bill to authorize the Secretary of Agriculture to establish a special cropland conservation program for erosion-prone cropland whereby the Secretary of Agriculture will assist the owners and operators of such land to make an orderly change in their cropping and land-use systems and to implement the conservation treatment needed to conserve the soil and water resources of the cropland; to the Committee on Agriculture, Nutrition, and Forestry.

SPECIAL CROPLAND CONSERVATION ACT

● Mr. BOREN. Mr. President, on behalf of Senator COCHRAN, Senator ZORINSKY, Senator ANDREWS and myself, I am introducing legislation today which will authorize the Secretary of Agriculture to implement a special soil and water conservation program for erosion-prone cropland. This bill is identical to a bill I introduced in the 98th Congress, S. 998 and virtually identical to a provision the House added to S. 663, the so-called "Sodbuster" bill.

An integral part of our food and agricultural policies must be the conservation and wise use of our land and water resources. By far, the most serious threat to soil productivity is erosion. The 1980 RCA appraisal indicated that our agricultural productive capacity is threatened by conservation problems. A decline in productive capacity will translate into an increase in production costs. The most critical resource problem identified in the RCA appraisal was soil erosion occurring at rates that could reduce the sustained productive capacity of agricultural lands.

According to the National Agricultural Lands Study [NALS], we are losing the equivalent of 1.01 million acres of cropland annually to erosion. In the 10 Great Plains States, wind erosion results in the loss of an additional 240,000 acre-equivalents.

Soil erosion by water and wind is reducing the productivity on 141 million acres, that is, one out of every four acres. Nearly 3 billion tons of soil erode from the Nation's cropland each year. Over the next 50 years, productivity losses could equal the output of 25 to 62 million acres of cropland, or production of 50 to 75 million metric tons of grain annually.

USDA estimates that more than a third of the Nation's cropland is eroding at an unacceptable rate, at a rate that reduces the long-term productivity of the land. An acceptable rate is one that can be tolerated indefinitely without reducing the soil's productive capacity. For most cropland soils, this annual rate ranges from 3 to 5 tons per acre. At this rate, 1 inch of topsoil is lost every 30 to 50 years.

Combined water and wind erosion exceeds tolerable levels for maintaining soil resources on almost 300 million acres of non-Federal cropland, pastureland, forest land, and rangeland. For cropland, the combined wind and water erosion totals 2.8 billion tons each year for a per acre average of 6.8 tons annually.

Each year, water, alone, causes 1.9 billion tons of soil to erode from our cropland. Sheet and rill erosion exceeds the average tolerance rate of 5 tons annually on 94 million acres of cropland. Fifty-four percent of all sheet and rill erosion and 89 percent of the excessive sheet and rill erosion occurs on 10 percent of the Nation's cropland—41 million acres. On this land, erosion annually exceeds 10 tons per acre.

Even if the lands eroding annually at over 10 tons per acre were adequately protected, erosion at 5 to 10 tons per acre would continue to threaten our long-term agricultural productivity on another 53 million acres—13 percent of all cropland.

In my home State of Oklahoma, sheet, rill, and wind erosion is more than 5 tons per acre per year on 43 percent of the cultivated cropland. On an average, all Oklahoma cropland annually loses more than 7 tons per acre—an average of 4 tons erode due to water and an average of 3.43 tons erode due to wind erosion. Wind, alone, causes over 35 million tons per year to erode from Oklahoma cropland. Wind erosion in the western half of the State is a major problem, especially during drought conditions. In November and December of 1984, wind erosion reports showed that almost 114,000 acres were damaged by wind erosion. Over 53,000 acres of crops were destroyed during this period and there are presently 835,000 acres in condition to blow at the present time.

Mr. President, the conservation programs that we have in place today have helped to reduce erosion over the past years. Yet, it is obvious there is a need for more to be done. Over 35 percent of Oklahoma's cropland is eroding at rates greater than the allowable soil loss. It is estimated that 40 percent of the conservation job remains to be done in Oklahoma in all aspects, including watershed protection and land treatment. Approximately 5.9 million acres of Oklahoma cropland needs conservation treatment. I would imagine that similar situations are true for many other States.

The current programs simply have not been able to meet the need for conservation treatments. The Great Plains program provided $1,240,192 in fiscal year 1984 for new contracts in Oklahoma. Yet, 228 applications were not approved because of an insufficient amount of funds. Right now, we have a 2-year backlog for this one program. For each year the land is not brought into approved conservation uses or under approved conservation treatment, we continue to lose valuable soil at an alarming rate. Resources that go unprotected today will be unavailable to produce commodities tomorrow. Uncontrolled, erosion continues to degrade natural soil productivity.

Mr. President, we continue to experience a depressed farm economy and it is unlikely that the situation will improve in the very near future. In today's economic climate, many farmers simply lack the resources necessary to implement needed conservation treatments. On some highly erodible land, the only way to correct the problem is to remove the land from cultivation. Yet, converting the land to a less intensive use can reduce the owner's income. Given the cash-flow problems our farmers are facing, they simply cannot afford to lose any income. The costs incurred, or income foregone, in soil and water conservation investments are rarely recovered in the short-term cash-flow of farm businesses.

The conservation of our soil is in the public interest. In a poll conducted by Louis Harris and Associates, conservation was viewed as a joint public and private responsibility in which the burden should be shared. It is important to remember that many of the benefits of soil and water conservation go to society at large, yet, it is usually the landowner or operator, alone, who must apply the practices and bear the costs, unless he is lucky enough to have his application for cost-sharing with the Government approved.

The legislation I am introducing today will give the Secretary of Agriculture another tool to share the cost of the implementation of conservation treatment. This legislation gives the Secretary the authority to implement a special conservation program for erosion-prone cropland. Under the program, the Secretary would provide technical and financial assistance to the owners and operators of erosion-prone cropland. Essentially, the program is patterned after the Great Plains Conservation Program which has been so successful in the Great Plains area.

The Special Cropland Conservation Program is targeted to erosion-prone cropland and eligibility for the program is not dependent upon participation in an acreage reduction program. Additionally, this program is designed to allow for conversion of erosion-prone cropland to permanent cover and other treatments which require a number of years.

Lands eligible for the Special Cropland Conservation Program are those croplands in classes IIIe, IVe, VI, VII, and VIII under the land capability classification system used by the Soil Conservation Service. The Secretary does have the authority to include land that is not in these classes upon a demonstration by the owner or operator that a serious soil erosion problem exists on the land or that the land is an integral part of the erosion-prone cropland. Primarily, the program is directed at land which in most cases require a number of years of treatment.

The Special Cropland Conservation Program is designed to give the Secretary of Agriculture some flexibility in the financing of the program as the Secretary could make the payments in cash or in-kind commodities. At times when Government surpluses of commodities are high, this will allow the Secretary to use the commodities for payments under this program.

In the past, some farmers have participated in conservation programs only to find that they lost their acreage base as a result of their participation. Under this legislation, the acreage that is diverted for conservation treatment under the program would be considered as active cropping acres for the purposes of any Federal commodity program. Further, the diverted acreage would be considered as part of the base history for as long as the permanent cover is maintained.

Mr. President, we must protect and maintain the productivity of agricultural lands through actions that prevent gradual degradation caused by excessive soil erosion. If we are to continue to produce an adequate supply of food for home and exports, we simply must maintain high-quality soil resources. Now is the time to increase the effectiveness of our conservation efforts, while the damage can be controlled.

Mr. President, this is not a costly program. In fact, this program will reduce Government costs of commodity programs by taking out of production cropland now producing crops eligible for commodity programs. For example, Representative DASCHLE's staff estimated last year that in the one wheat-producing county for which data was available, total conservation agreement payments over 10 years would be less than 1 year's Federal crop support payments. Further, if we were to take 5 million wheat acres out of production as part of a conservation program costing $150 million, we would save approximately $500 million in crop support payments.

I urge my colleagues to join me in support of this legislation and ask unanimous consent that the bill and a staff summary of the bill be included in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Special Cropland Conservation Act".

DEFINITIONS

SEC. 2. As used in this Act—

(1) the term "erosion-prone cropland" means land classified as Class IIIe, IVe, VI, VII, or VIII under the Land Capability Classification System used by the Soil Conservation Service and on which cultivated or rotation crops have been grown in three out of the past five years;

(2) the term "Secretary" means the Secretary of Agriculture;

(3) the phrase "owner or operator" means the owner or operator of erosion-prone lands; and

(4) the phrase "in-kind commodities" means commodities that normally are produced on land that is the subject of agreements under this Act.

SPECIAL CROPLAND CONSERVATION PROGRAM

SEC. 3. (a) Notwithstanding any other provision of law, the Secretary may formulate and carry out a conservation program, in cooperation with owners and operators of erosion-prone cropland, to assist such owners and operators in an orderly change in their cropping or land-use systems and to implement the conservation treatment needed to conserve the soil and water resources of cropland managed under such changed systems. The Secretary may approve inclusion of other than erosion-prone cropland in the program on a demonstration by the owner or operator involved that a serious soil erosion problem exists on such land or that such land is an integral part of the field and the conservation system needed for the erosion-prone cropland. The Secretary shall provide technical and financial assistance to participating owners and operators to accomplish the objective of this Act.

(b) The Secretary may enter into agreements of not more than ten years with owners or operators to carry out the changes in cropping or land use and conservation treatment described under subsection (a) of this section. By entering into the agreement with the Secretary, the owner or operator shall agree (1) to effectuate a plan, approved by the appropriate soil conservation district, for the cropland substantially in accordance with the schedule outlined therein unless any requirement thereof is waived or modified by the Secretary; (2) to forfeit all rights to further payments under the agreement or refund to the Secretary all payments, with interest, received thereunder on violation of the agreement at any stage during the time the owner or operator has control of the land if the Secretary, after considering the recommendations of the soil conservation district and the Chief of the Soil Conservation Service, determines that the violation warrants refund or termination of the agreement; (3) upon transfer of the owner or operator's rights and interest in the cropland during the agreement period, to forfeit all rights to further payments under the agreement and to refund to the Secretary all payments received thereunder, unless the transferee of any such land agrees with the Secretary to assume all obligations under the agreement; (4) not to adopt any practice that would tend to defeat the purposes of the agreement; and (5) to such additional provisions as the Secretary determines are desirable and are included in the agreement to effectuate the purposes of the program under this Act or to facilitate the practical administration thereof.

(c) In return for such agreement by an owner or operator, the Secretary shall agree to provide technical assistance and to share the cost of carrying out the changes in cropping or land-use conversions and conservations treatments set forth in the agreement for which the Secretary determines that cost sharing is appropriate and in the public interest. The portion of such cost (including labor and maintenance costs) to be shared shall be that part the Secretary determines is necessary and appropriate to effectuate the changes in cropping or land-use conversions and the installation and maintenance of the conversation treatment for a normally expected life of such treatment.

(d) Payments made under this section shall be made in accordance with a formula developed by the Secretary. In developing such formula, the Secretary shall take into consideration (1) the costs of establishing and maintaining the agreed-upon conservation treatments for the normally expected life of such treatment; (2) the severity of the erosion hazard involved; and (3) other factors the Secretary determines necessary to encourage participation in the program under this Act.

(e) Notwithstanding any other provision of law, payments under this section shall be made in cash or in in-kind commodities in such amounts as agreed upon and specified in the agreement. However, the use of Commodity Credit Corporation commodity in making payment under this section shall be subject to a finding by the Secretary that payments in kind of such commodity will not displace to any significant degree the usual marketings of such commodity. If the payment is made with in-kind commodities, the payments shall be made by delivery by the Commodity Credit Corporation of the commodity involved to the owner or operator at a warehouse or other similar facility located in the county in which the cropland is located or such other location as agreed to by the Secretary and the owner or operator, by the transfer of negotiable warehouse receipts, or by such other methods, including sale of the commodity in commercial markets, determined by the Secretary to be appropriate to enable the owner or operator to receive efficiently and expeditiously possession of the commodity. If Commodity Credit Corporation stocks of the commodity are not readily available to effect full payment in kind to the owner or operator, the Secretary may substitute fully or partially payment in cash for payment in kind.

(f) The Secretary shall provide the owner or operator the option of receiving payments as the agreement items are completed or, where appropriate, the Secretary may provide for payment in advance of the performance of the planned conservation treatment.

(g) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis, in payments under the program.

(h) The Secretary shall take steps to ensure that acreage diverted from the production of crops to permanent conservation cover under an agreement are considered as active cropping acres (also known by such titles as cropland acreage base or normal crop acreage) for any Federal commodity program, including, but not limited to, production control and adjustment programs, that uses cropping history in the operation of the program. The diverted acreage shall be considered as part of the base history for as long as the permanent cover established under the agreement is maintained.

(i) The Secretary shall, within sixty days after the enactment of this Act, publish in the Federal Register regulations implementing this Act, including those describing erosion-prone land.

(j) In carrying out the program authorized by this Act, the Secretary may use the funds, facilities, and authorities of the Commodity Credit Corporation.

ADDITIONAL AUTHORITY

SEC. 4. The authority provided by this Act shall be in addition to and not in place of other authorities available to the Secretary and Commodity Credit Corporation for carrying out soil and water conservation programs.

SPECIAL CROPLAND CONSERVATION PROGRAM

STAFF SUMMARY OF THE MAJOR PROVISIONS

1. The land eligible for the program would be restricted to Class IIIe, IVe, VI, VII, or VIII cropland, unless the Secretary determines, upon a demonstration by the owner or operator of other land, that a serious soil erosion problem exists on the land or that the land is an integral part of the erosion-prone cropland.

2. The Secretary would enter into agreements lasting no more than 10 years with the participants of the program. The participant would agree (1) to effectuate a plan for the cropland; (2) to forfeit all rights to further payments or refund to the Secretary all payments if the participant violates the agreement while he has control of the land if the Secretary determines that the violation warrants a refund or termination of the agreement; (3) to forfeit all rights to further payments and to refund all the payments received if the particpant transfers his rights and interest in the cropland, unless the transferee agrees to assume all obligations under the agreement; (4) not to adopt practices that would tend to defeat the purposes of the agreement; and (5) to such other provisions as the Secretary determines necessary.

3. The Secretary would agree to provide technical assistance and to share the cost of carrying out the necessary conservation treatments. The portion of the cost to be shared will be that part the Secretary determines to be necessary to effectuate the conservation treatment.

4. Payments would be made according to a formula, developed by the Secretary. The Secretary, in developing the formula, shall take into consideration the costs of establishing and maintaining the conservation treatment and the severity of the erosion hazard involved.

5. Payments would be in cash or in-kind commodities. Before making payment by in-kind commodities, the Secretary would have to determine that making the in-kind payment would not displace to any significant degree the usual marketings of the commodity.

6. The Secretary would be required to make payments as the agreement items are

completed, or where appropriate, in advance of the performance of the treatment.

7. The Secretary will be required to safeguard the interests of tenants and sharecroppers.

8. The acreage diverted from production of crops under this program would be considered as active cropping acres for the purposes of any Federal commodity program. The diverted aceage will be considered as part of the base history for as long as the permanent cover is maintained.●

By Mr. BOREN:

S. 297. A bill to amend the Federal Election Campaign Act of 1971 to change certain contribution limits for congressional elections; to the Committee on Rules and Administration.

TO CHANGE CERTAIN CONTRIBUTION LIMITS FOR CONGRESSIONAL ELECTIONS

● Mr. BOREN. Mr. President, the experiences of this past campaign cycle dictate that I once again introduce this bill limiting the contributions individual candidates for the U.S. Senate and House of Representatives can receive from political action committees [PAC's]. I noted when I introduced this bill last session that it dealt with "an area whose rapid growth is truly alarming and represents a serious danger to the political process." There are some who, for philosophical or personal reasons, fail to acknowledge this imminent danger and argue that we need not be so concerned with PAC's. They feel assured that PAC's will soon reach their saturation point both in terms of growth and their desire to contribute to congressional campaigns. I stand before you today to assert that neither the history nor the revealed inclination of PAC's indicates any such tendency for either curtailed growth or limited campaign expenditures. In fact, history teaches us just the opposite lesson.

PAC's have been around since the beginning of this century. By 1974 their number totaled just over 600. Early in the 1970's there were a number of legislative enactments and administrative and judicial rulings which spawned a growth in the number and activity of PAC's unprecedented in our political system. It took PAC's three quarters of a century to reach a total number of 608. In just the next decade their number increased by 580 percent to 3,525. The spending trend of PAC's illustrates the real crux of this problem even more vividly. During the 1972 election cycle, PAC's gave approximately $8,500,000 to candidates campaigning for Congress. By the 1984 election cycle, this figure had multiplied by more than 1,200 percent to $104,400,000. Astounding as this amount is, it is certain to increase even more for this period because these figures only go up to election time and characteristically one of the heaviest contribution periods for PAC's is after the election when they help pay off campaign debts.

The inherent danger PAC's present to our democratic political process lies not in their fundamental right to this type of self-expression. Rather it lies in their very imminent and immediate ability to subvert the political process by becoming the overwhelmingly predominant force in the congressional campaign process. When I introduced this bill last session I reported that PAC contributions were doubling every 4 years and at this rate PAC's would be contributing over one quarter of a billion dollars to candidates running for the U.S. Senate or House of Representatives by the year 1992. Updating these figures in light of the experiences of this past election, we may well see the quarter billion dollar PAC contribution mark reached as early as 1988. In terms of our democratic system and congressional campaign process, this is absolutely devastating. In the election cycle ending in 1982, there were 97 Senate and House candidates who received 50 percent or more of their campaign funds from PAC's. As of October 18, 1984 this figure had increased to 150 candidates with the close of the reporting period still 3 months off. This represents a 50 percent increase from just one election cycle to the next. Given the nature of PAC's left unrestrained, this figure can only increase.

Mr. President, it is not my intent, nor the purpose of this bill, to remove PAC's from the elective arena. I believe that PAC's enjoy a rightful and necessary place in a democratic political system. As James Madison argued so eloquently over 200 years ago in Federalist 10, there is inherent in a democratic system such as ours the idea that no group or small collection of groups should be permitted to become so powerful or influential that it constitutes a prevailing or decisive force in the electorate. PAC's, if left to their own unbridled ambition, will become that force. Madison told us there were two ways in which to deal with factions. One was to suppress them; the other was to control them. Again, as Madison pointed out, suppression is not consistent with our idea of democratic theory. Consequently, we are left with the only viable option of controlling them.

This bill takes a modest step in the direction of bringing PAC's into proper balance among themselves and with the rest of society. For the benefit of those who may be fearful that we are chipping away at the bedrock of our democratic system, let me stress that in no way does this bill outlaw all PAC contributions. It merely places what we feel are reasonable limits on total PAC contributions. Rather than undermining our democratic process, it will provide just the opposite effect of broadening our democratic base by not permitting our elective process to fall prey to well-financed special interest. The limits proposed here will help bring under control the runaway campaign expenditures we have witnessed due to the extraordinary amounts of money pumped into the congressional campaign process by PAC's.

A candidates' campaign funds, like a candidates' votes, should derive from his or her prospective constituents, not from some small but wealthy source whose headquarters and even membership may not be located in the candidates' State. This bill will help insure that while PAC's play their proper role in our elective process, their support and influence will not dominate to the point of excluding from our political process that collective body of individuals upon which our political system is based. When we, as the elected Representatives of the people in the various States, reflect upon whom we are indebted to for the esteemed position we hold, we should conjure up in our mind an image of our collective constituency, not a handful of wealthy and influential PAC's.

This bill does the following:

First. Limits to $75,000 the amount a House candidate can accept from all political action committees [PAC's] in each election cycle.

Second. Limits Senate candidates to an amount varying with the population of their State—with a low of $75,000 and a high of $500,000.

Third. Raises the PAC limit to $100,000 if two or more candidates qualify for the ballot in the primary and the general election.

Fourth. Allows for an additional $25,000 in PAC money in the event of a Senate or House runoff election.

Fifth. Increases from the current $1,000 to $2,500 the amount an individual can contribute to a congressional candidate in each election.●

By Mr. DECONCINI:

S. 298. A bill to clarify the application of the antitrust laws to professional team sports leagues, to protect the public interest in maintaining the stability of professional team sports leagues, and for other purposes; to the Committee on the Judiciary.

SPORTS COMMUNITY PROTECTION AND STABILITY ACT

● Mr. DECONCINI. Mr. President, I am introducting today legislation to bring some order to the chaotic situation surrounding professional sports in this country. My approach to this problem is different from some of my colleagues in this body. Instead of insinuating Government into the affairs of these private business enterprises, I propose that we take Government out. Instead of trying to formulate a Government solution to sports problems, we should step back and let the businessmen involved solve them. Instead of Government regulating sports, we

should create a legal climate in which sports can regulate itself.

The purpose of this legislation is to clearify congressional intent regarding the application of antitrust laws to certain types of major sports leagues practices and decisions. Those of us who have been involved in this legislation from the outset are primarily concerned about the impact of court decisions on communities that have or expect to have major sports league franchises. I have for the last two Congresses introduced legislation that would protect communities and fans from arbitrary and unilateral decisions by owners while simultaneously not affecting other sports antitrust issues such as labor-management relations and interleague competition.

The Sports Community Protection and Stability Act of 1985 will reform the application of our antitrust laws to professional sports in two very basic, limited, and specific ways. First, the right of sports leagues to maintain a team in its current home territory is recognized. It is important to note that this provision is a one-way street. It does not immunize from antitrust laws league decisions to relocate franchises. The bill only permits leagues to act to protect the interests of fans and their home-area communities.

Second, this legislation would confirm the right of sports leagues to provide for the division of league or club revenues in a manner that tends to reduce financial disparities among clubs. This provision would sanction practices that have made it feasible to establish and preserve professional football in small and midsize communities across the country.

I want to particularly point out that this legislation explicitly states that it does not apply to any labor-management or collective bargaining matter, to any pay television, or other broadcasting issue, or to any conduct with respect to a competing sports league. Additionally, the antitrust immunity currently applicable to professional baseball is not affected.

I am pleased to say that in past hearings on these issues, my legislation has enjoyed widespread support from this Nation's mayors. Among others, the mayors of San Francisco, Pittsburgh, Baltimore, Green Bay, and Phoenix have testified in support of my legislative approach.

It is understandable why these community leaders would favor bringing stability to the movement of sports franchises. Professional sports stadiums and arenas built or subsidized with public funds have become the norm for most teams. Communities throughout the Nation have reason to be concerned about their relationship with professional sports teams—and are anxious to insure that community interests are adequatley protected.

At the present time we have allowed a situation to evolve in which Federal district court judges are making decisions which should be reserved for the collective judgment of sports franchise owners. A judge has decided whether the National Football League should play its games in Oakland or Los Angeles. Another judge is deciding whether the National Basketball Association should have two teams in Los Angeles, or one in Los Angeles and one in San Diego. Still another judge is faced with the question whether the National Hockey League belongs in St. Louis, MO, or Saskatoon, SK. The leagues involved should be making these decisions. They have the expertise and experience, and they must live with the consequences of their decisions.

I am not a newcomer to this issue. I am not involved because of the most recent spate of franchise shifts or rumors of franchise shifts. I believe that bringing order to the jumbled mess that presently exists benefits everyone. Cities that have sports teams, and Phoenix is one of them, will benefit because decisions on franchise locations would be based on sound long-term business criteria. Cities that want teams, and Phoenix is one of those too, would benefit because a legal climate would be created wherein sports leagues would follow their best business judgments and expand to those deserving cities that could support teams. I have absolutely no doubt that if and when the National Football League believes it can expand and looks around for the city that would make the best addition to its league, Phoenix would be at the top of the list.

I want to make sure that when Phoenix gets a football team it will be able to keep it. I want to make sure that the Phoenix Suns NBA team stays in Phoenix. I believe that the best way to protect the interests of fans and communities is to let the collective business judgments of professional sports franchise owners determine the location of franchises and the distribution of league income.

Mr. President, I ask unanimous consent that the Sports Community Protection and Stability Act of 1985 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Sports Community Protection and Stability Act of 1985".

FINDINGS AND DECLARATIONS

SEC. 2. The Congress finds and declares that the public has an interest in preserving stability in the relationship between professional sports teams and the communities in which they operate and in encouraging professional team sports leagues to promote the economic and geographic stability of their member clubs: Therefore, be it enacted, that—

(1) it shall not be unlawful by reason of any provision of the antitrust laws for a professional team sports league and its member clubs—

(a) to enforce rules or agreements authorizing the membership of the league to decide that a member club of such league shall not be relocated from its league-franchised home area provided that nothing in this subsection shall otherwise affect the applicability or nonapplicability of the antitrust laws to any action instituted by a municipality or other public authority challenging the relocation of a club from its league-franchised home area; or

(b) to enforce rules or agreements for the division of league or member club revenues that tend to promote comparable economic opportunities for the member clubs of such a league;

(2) subject to the terms of subsection 1(a) of this section, any civil action under the antitrust laws to challenge a league decision granting permission to a member club to relocate must be commenced in a United States district court having jurisdiction under title 28, United States Code, section 1331, except that no such action may be brought in any district wheren such member club is located or to which such member club proposes to relocate.

INAPPLICABILITY TO CERTAIN MATTERS

SEC. 3. Nothing contained in this Act shall—

(a) be deemed to change, determine, or otherwise affect the applicability or nonapplicability of the labor laws, the antitrust laws, or any other provision of law to the wages, hours, or other terms and conditions of player employment within any sports league, to any player employment matter within any sports league, or to any collective-bargaining rights and privileges of any player union within any sports league;

(b) exempt from the antitrust laws any agreement to fix the prices of admission to sports contests;

(c) exempt from the antitrust laws any predatory practice or other conduct with respect to competing sports leagues which would otherwise be unlawful under the antitrust laws; or

(d) modify any existing Federal statutes relating to the television practices of sports leagues, or change, determine, or otherwise affect the applicability or nonapplicability of the antitrust laws or communications laws to any form of joint dealing practices by sports leagues with respect to the sale of any form of television.

FEDERAL PREEMPTION

SEC. 4. Notwithstanding any other provision of law, no State or political subdivision thereof shall establish, maintain, or enforce any regulation of commerce that imposes any limitation on the collective conduct of professional team sports leagues or their member clubs authorized by this Act.

DEFINITIONS

SEC. 6. For purposes of this Act, the term "professional team sports league" means the organized professional team sports of basketball, football, hockey, or soccer.●

By Mr. PACKWOOD (for himself and Mr. PROXMIRE):

S.J. Res. 25. Joint resolution to designate March 16, 1985, as "Freedom of

Information Day"; to the Committee on the Judiciary.

FREEDOM OF INFORMATION DAY

● Mr. PACKWOOD. Mr. President, I am pleased to join my colleague Senator PROXMIRE in introducing a joint resolution designating March 16, 1985, as "Freedom of Information Day." March 16 is the anniversary of James Madison's birthday, and few Americans are more worthy of this recognition.

James Madison, our fourth President, was one of the framers of our Constitution. He is considered the architect of our Bill of Rights, yet his contribution to our democratic society are all too often overlooked. We frequently take for granted the free access to information Madison's efforts helped guarantee.

The first amendment reads:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and the petition the Government for a redress of grievances.

Our ancestors fought and died for those protections. They guarantee, among other things, that we have access to the information we need to effectively govern ourselves. By proclaiming Madison's birthday as "Freedom of Information Day," we will reaffirm the significance we attach to our most precious liberties. I urge all of my colleagues to join me in honoring Madison and the principles for which he stood.

Mr. President, I ask unanimous consent that the text of this joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 25

Whereas a fundamental principle of our Government is that a well-informed citizenry can reach the important decisions that determine the present and future of the Nation;

Whereas the freedoms we cherish as Americans are fostered by free access to information;

Whereas many Americans, because they have never known any other way of life, take for granted the guarantee of free access to information that derives from the first amendment to the Constitution of the United States;

Whereas the guarantee of free access to information should be emphasized and celebrated annually; and

Whereas March 16 is the anniversary of the birth of James Madison, one of the Founding Fathers, who recognized and supported the need to guarantee individual rights through the Bill of Rights: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 16, 1985, is designated as "Freedom of Information Day", and the President is authorized and requested to issue a proclamation calling upon Federal, State, and local government agencies and the people of the United States to observe such day with appropriate programs, ceremonies, and activities.●

By Mr. PRESSLER (for himself, Mr. HARKIN, Mr. DOMENICI, and Mr. ABDNOR):

S.J. Res. 26. Joint resolution to designate "National Farm Crisis Week"; to the Committee on the Judiciary.

NATIONAL FARM CRISIS WEEK

Mr. PRESSLER. Mr. President, today I am introducing a joint resolution designating the week of February 25, 1985, as "National Farm Crisis Week." Congressman VIN WEBER of Minnesota will be introducing a companion resolution in the House of Representatives today.

The intent of the resolution is to emphasize the plight of the American family farmer and draw attention to the need for action to assist family farmers. In recent years, farm income has declined, while high interest rates and declining farmland values have placed many farmers in severe financial difficulty. The problem has been highlighted by several recent farm meetings. For example, nearly 5,000 farmers gathered in Sioux City, IA, and another 12,000 assembled in St. Paul, MN.

However, the problems of the farm economy go well beyond the farm gate. Agriculture is our Nation's largest industry. Approximately one out of every five jobs in the private sector is related to agriculture. Thousands of small businesses are dependent on farmers and ranchers for their livelihood. With farm debt at over $200 billion, the financial institutions of our Nation have a great deal of interest in the farm economy. In fact, many agricultural lenders are also experiencing serious financial problems. It is clear that if farmers continue to go under, many others will not be far behind. Action is needed to assist these family farmers and help them get back on their feet.

This resolution is intended to draw attention to these problems and, hopefully, the agricultural community and Congress will also use this time in an effort to meet and try to create a unified plan for dealing with the farm crisis. In past years, the various farm organizations and commodity groups have had wide-ranging views on agricultural policy. Now, with less than 3 million Americans farming and that number continuing to decline, the agricultural community must speak with a united voice. All farmers and all Members of Congress must recognize the problems in the farm economy and work to find effective solutions that will preserve the family farm.

Mr. President, I urge my colleagues to join me in cosponsoring this resolution and also to work to formulate an effective farm policy that will bring the benefits of the recovery to rural America.

Mr. President, I ask unanimous consent that the text of this joint resolution be printed in full at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 26

Whereas farm prices are at the lowest parity levels since the 1930s;

Whereas agriculture is America's largest industry, providing employment to approximately one out of every five Americans in private enterprise;

Whereas farm debt exceeds $200 billion and the number of farmers facing foreclosure or forced sales continues to increase;

Whereas the high interest rates have been devastating to farmers and ranchers because of their dependence on credit;

Whereas a failure of a large number of farmers and ranchers will have a great impact on rural communities and agricultural lenders; and

Whereas designation of a "National Farm Crisis Week" would emphasize the importance of American agriculture and the financial plight that American family farmers are facing: Now, therefore, be it

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate the week of February 25, 1985, as "National Farm Crisis Week".

By Mr. HATCH:

S.J. Res. 27. Joint resolution to designate the week containing March 8, 1985, as "Women's History Week"; to the Committee on the Judiciary.

WOMEN'S HISTORY WEEK

Mr. HATCH. Mr. President, I would like to take this opportunity to introduce a resolution designating the week containing March 8, 1985, as "National Women's History Week." As I have for the last 3 years, I am proud to sponsor this legislation setting aside a time to reflect on the many contributions women have made throughout our history. We are all aware of and grateful for the wives and mothers in our lives, for the irreplaceable, priceless gifts of time and love and nurturing they have provided. We are all incalculably richer for the children they have borne, the homes they have created, the families they maintain. The homemaking profession is a labor of love requiring great, though often unrecognized sacrifice.

It is unfortunate, however, that many historical accounts tend to overlook other vital roles women have played. We do ourselves and out national community a disservice if we fail to recognize that, in addition to their traditional concerns as wives and mothers, women are leaders in medicine, law, arts, sciences, religion, business, academics, and social work. My children and grandchildren can look to their own great-grandmothers' lives for example and inspiration, just as they can reflect on the good works of their great-grandfathers; to overlook

either would be to deny half of their heritage.

In taming the West, especially in my home State of Utah, women and men literally worked side-by-side to transform a desert into a civilization. In time of war, when we are called to defend our country, women take the lead in keeping struggling communities alive and prosperous. This leadership was not confined to home and hearth alone, and we must never fail to recognize and remember their countless contributions in the history of our Nation.

Again, I am proud to introduce this resolution. I encourage my colleagues to join me in cosponsoring this piece of legislation setting aside a time to reflect upon and commemorate the vital contributions women have made and are making to our Nation's History.

By Mr. BOSCHWITZ (for himself, Mr. HOLLINGS, Mr. THURMOND, Mr. DURENBERGER, Mr. NUNN, Mr. HELMS, Mr. SARBANES, Mr. TRIBLE, Mr. CHILES, Mr. SYMMS, Mr. SIMON, Mr. GORE, Mr. BOREN, Mr. COCHRAN, Mr. JOHNSTON, Mr. BAUCUS, Mr. HUMPHREY, Mr. DOMENICI, Mr. LUGAR, and Mr. KASTEN):

S.J. Res. 28. Joint resolution to designate the week of September 8 through 14, 1985, as "National Independent Retail Grocer Week"; to the Committee on the Judiciary.

NATIONAL INDEPENDENT RETAIL GROCER WEEK

● Mr. BOSCHWITZ. Mr. President, I rise today to introduce a joint resolution to pay tribute to the American independent retail grocer. All across the country, in the largest cities and the smallest towns independent retail grocers ensure the steady and uninterrupted flow of grocery products to the American consumer. These small business people raise the American free enterprise system to its highest levels, providing needed services to the communities in which they live and work.

Independent retail grocers account for 64 percent of all grocery stores in the United States and are responsible for nearly one-half of all grocery products distributed. They provide employment for over 1 million people. Independent retail grocery stores know no geographical or socioeconomic boundaries and are located throughout the United States.

The Independent retail grocer exemplifies the small business entrepreneur, the backbone of the American free enterprise system. Usually operating one store, independent grocers tailor their business to serve the community where they are located. Independent retail grocers deliver the highest quality product at the least expense—unsurpassed by any other food distribution network in the world.

Mr. President, I would like to express my appreciation to my distinguished cosponsors, Senators HOLLINGS, THURMOND, DURENBERGER, NUNN, HELMS, SARBANES, TRIBLE, CHILES, SYMMS, SIMON, GORE, BOREN, COCHRAN, JOHNSTON, BAUCUS, HUMPHREY, DOMENICI, LUGAR, and KASTEN for their support and I ask the rest of my colleagues to join us in honoring the American independent retail grocer by cosponsoring legislation I introduced today proclaiming September 8-14, as National Independent Retail Grocers Week.●

By Mr. GLENN (for himself, Mr. KENNEDY, Mr. MELCHER, Mr. METZENBAUM, Mr. ABDNOR, Mr. HEINZ, Mr. SARBANES, Mr. BRADLEY, Mr. THURMOND, Mr. BUMPERS, Mr. ROTH, Mr. NUNN, Mr. MOYNIHAN, Mr. HELMS, Mr. ANDREWS, Mr. HOLLINGS, Mr. JOHNSTON, Mrs. HAWKINS, Mr. INOUYE, Mr. CHILES, Mr. RIEGLE, Mr. MATSUNAGA, Mr. LUGAR, and Mr. DURENBERGER):

S.J. Res. 29. Joint resolution to designate the week of November 11, 1985, through November 17, 1985, as "National Reye's Syndrome Week"; to the Committee on the Judiciary.

NATIONAL REYE'S SYNDROME WEEK

● Mr. GLENN. Mr. President, today I am introducing a joint resolution calling for the declaration of November 11 through November 17, 1985, as National Reye's Syndrome Week. I am pleased to be joined by Senators KENNEDY, MELCHER, METZENBAUM, ABDNOR, HEINZ, SARBANES, BRADLEY, THURMOND, BUMPERS, ROTH, NUNN, MOYNIHAN, HELMS, ANDREWS, HOLLINGS, JOHNSTON, HAWKINS, INOUYE, CHILES, RIEGLE, MATSUNAGA, and DURENBERGER.

Reye's syndrome is a life-threatening disease which affects primarily healthy children under the age of 20, usually as they are recovering from a viral illness such as the flu or chicken pox. Approximately 25 percent of its victims do not survive. In fact, Reye's syndrome is now classified as one of the 10 major causes of death in children aged 1 to 10 in the United States. Those children who do survive are too often left with varying degrees of motor or learning disabilities due to brain damage.

While the cause of Reye's syndrome remains a mystery, promising research is underway at medical facilities throughout the country. We do know that early diagnosis and treatment of Reye's syndrome are critical for survival. Therefore, increased awareness to this disease has the very real potential to save lives.

Thanks in large part to the efforts of the National Reye's Syndrome Foundation, public and professional awareness of Reye's syndrome is expanding. Mr. and Mrs. John Freudenberger of Bryan, OH, founded this national foundation to promote research into the cause, treatment, cure, and prevention of Reye's syndrome; and to promote awareness among the public and the medical community of this tragic disease. The work of John and Terri Freudenberger and other concerned citizens is paying dividends as more cases are being detected and treated earlier, and the death rate is declining.

Currently, much media attention is being focused upon the preliminary findings of a recently released study by the centers for disease control. This study provides strong evidence that giving aspirin to a child with the flu or chicken pox could increase the probability, by 12 to 25 times, that the child could develop Reye's syndrome. The establishment of this link is important and, in light of these findings, the Federal Government has requested aspirin manufacturers to develop warning labels. However, it should be stressed that these findings are preliminary and although aspirin may very well contribute to the development of Reye's syndrome, it is not necessarily the cause of the disease. We still do not know how or why Reye's syndrome occurs, nor do we have a cure for it.

At this time, the most valuable tool we have in the fight against Reye's syndrome is shared knowledge. It is my hope that the activities of National Reye's Syndrome Week will generate greater awareness, and I urge prompt approval of this resolution.●

● Mr. ABDNOR. Mr. President, I am pleased to join the distinguished Senator from Ohio, Mr. GLENN, in sponsoring this joint resolution to designate the week of November 11-17, 1985, as "National Reye's Syndrome Week."

Reye's syndrome is a devastating disease. It strikes children of all ages, 30 percent of whom do not survive. Many other children stricken with this disease develop motor or learning disabilities.

Mr. President, early detection and treatment of Reye's syndrome is vital. Thus, by promoting greater public awareness and understanding of this serious disease, we may save more young lives.

As a member of the Senate Children's Caucus, I am particularly pleased to lend my support to this important initiative. I strongly urge my colleagues to help combat this life-threatening disease by joining Senator GLENN and me in calling for the designation of the week of November 11-17, 1985, as "National Reye's Syndrome Week."●

By Mr. BOREN (for himself and Mr. BURDICK):

S.J. Res. 30. Joint resolution proposing an amendment to the Constitution of the United States to establish a 10-

year term of office for Federal judges; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT PROPOSING A TEN-YEAR TERM OF OFFICE FOR FEDERAL JUDGES

● Mr. BOREN. Mr. President, I am again introducing a Senate joint resolution that would eliminate life tenure for Federal judges and limit their terms of office. The constitutional amendment proposed by the resolution would apply to judges of both the Supreme Court and inferior courts.

There is no clearer illustration of the adage that absolute power corrupts absolutely than the use of excessive power by some Federal judges. It is too much to expect a human being to restrain his own power when he has that power for life and is accountable to no one. We must strike a balance between the necessary independence of the judiciary from political pressures and the need to hold judges accountable for the proper performance of their duties. This legislation will strike the proper balance.

Under this resolution, the Constitution would be amended to limit the tenure of Federal judges, who are appointed by the President, subject to reconfirmation by the Senate.

Currently, the only method for removal established by the Constitution is impeachment. Unless a Federal judge has committed a crime or some clearly impeachable offense, he cannot be removed. No Federal judge has been removed by impeachment for nearly 45 years.

A term of 10 years is long enough to protect the judge against daily political pressure so that justice will be impartial and fair. A good judge could be reappointed. However, this legislation would mean that the people would not be saddled with a bad judge for life. Even persons who are very good judges when appointed may suffer physical or emotional changes over the years which would make them unfit for reappointment. While the majority of Federal judges serve with distinction and a proper respect for the law, there must be a practical check on those who do not. Even while the Constitution was being drafted, leading scholars of the day objected to its life tenure provisions, and revisions of this section of the Constitution have been considered on several occasions since that time.

Some Federal judges today tend to feel that they constitute a super legislature. They tend to act as if they were annointed instead of appointed. They freely legislate social issues and clearly preempt the Congress and the executive branch. The Federal courts have the legitimate right and the duty to protect the individual citizen against the unconstitutional acts by the other branches of Government. However, the Federal judiciary has become the branch of Government which has assumed authority to revise the Constitution without admitting that it is doing so.

Clearly, the Constitution leaves legislating to the Congress and State legislatures, and establishes definite provisions for amending the Constitution which give the people a say in the amendment process. While the courts should legitimately interpret the Constitution, too often the process turns into a practical amendment of the Constitution by the arbitrary whim of some Federal judge who serves for life.

Mr. President, my bill calls for an amendment to the U.S. Constitution, which would require ratification by the legislatures of three-fourths of the States within 7 years after the amendment is approved by Congress. It amends article III of the Constitution to state that the term of office of each Federal judge shall be 10 years and will begin at noon on the day after the President has commissioned the judge. The amendment would take effect immediately upon ratification, but would not be retroactive and would not apply to Federal judges serving prior to its ratification. It would apply only to persons appointed to a Federal judgeship after ratification of the amendment.

Mr. President, I have introduced similar legislation in the past. I know that the fight to change the tenure system may be a long one. This issue has been debated since Thomas Jefferson argued against lifetime appointments for Federal judges. I am firmly convinced that this cause is well worth the effort and commitment which may be necessary to see it through to a satisfactory conclusion.

I urge my colleagues to join me in supporting passage of this joint resolution. I ask unanimous consent that a copy of the bill be included in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 30

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

ARTICLE —

"SECTION 1. Notwithstanding the provisions of the second sentence of section 1 of Article III of the Constitution of the United States, the judges, both of the Supreme Court and inferior courts, shall be appointed to their offices for a term of ten years and shall hold their offices for such term during good behavior. The term of office of each judge shall begin at noon on the day after the day on which the President commissions such judge. During the tenth year of each term of office of any such judge, his nomination for an additional term of office for that judgeship shall be placed before the Senate for its advice and consent to such additional term, unless that judge requests that his nomination not be so placed. Any judge whose nomination for an additional term of office is so placed may remain in office until the Senate gives its advice and consent to, or rejects, such nomination. If the Senate gives its advice and consent to an additional term of office, that term shall commence from the date of such advice and consent, or the day immediately following the last day of his previous term of office, whichever is later.

"SECTION 2. Section 1 of this article shall take effect on the date of ratification of this article, but shall apply only with respect to any person appointed as a judge of the Supreme Court or as a judge of an inferior court after such date of ratification.".●

ADDITIONAL COSPONSORS

S. 7

At the request of Mr. CRANSTON, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 7, a bill to amend title XIX of the Social Security Act to provide medicaid coverage for certain low-income pregnant women.

S. 8

At the request of Mr. CRANSTON, the names of the Senator from Delaware [Mr. BIDEN], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 8, a bill to grant a Federal charter to the Vietnam Veterans of America.

S. 9

At the request of Mr. CRANSTON, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 9, a bill to amend title 38, United States Code, to authorize the guaranty of qualified adjustable rate mortgages and to increase the maximum amounts of Veterans' Administration loan guaranties.

S. 11

At the request of Mr. HEINZ, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 11, a bill to amend the Steel Import Stabilization Act.

S. 32

At the request of Mrs. KASSEBAUM, the names of the Senator from Montana [Mr. MELCHER], and the Senator from Georgia [Mr. MATTINGLY] were added as cosponsors of S. 32, a bill to provide for a 1-year, across-the-board freeze on Federal spending.

S. 68

At the request of Mr. PRYOR, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 68, a bill to prohibit the use of appropriated funds for the production of lethal binary chemical weapons; to express the sense of the Congress on achieving an international agreement to ban the production and stockpiling of chemical weapons; and to express the further sense of the Congress encouraging the improvement of de-

fenses against the effects of the use of chemical weapons on the Armed Forces of the United States.

S. 104

At the request of Mr. THURMOND, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 104, a bill to amend chapter 44, title 18, United States Code, to regulate the manufacture and importation of armor piercing bullets.

At the request of Mr. THURMOND, the name of the Senator from Indiana [Mr. QUAYLE] was withdrawn as a cosponsor of S. 104, supra.

S. 140

At the request of Mrs. HAWKINS, the names of the Senator from Tennessee [Mr. GORE], the Senator from Alabama [Mr. DENTON], the Senator from Oklahoma [Mr. BOREN], the Senator from Montana [Mr. MELCHER], the Senator from North Dakota [Mr. BURDICK], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 140, a bill to amend the Child Abuse Amendments of 1984 to encourage States to enact child protection reforms which are designed to improve legal and administrative proceedings regarding the investigation and prosecution of sexual child abuse cases.

S. 141

At the request of Mrs. HAWKINS, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was added as a cosponsor of S. 141, a bill to amend the Board for International Broadcasting Act of 1973 to provide for a special Radio Liberty program of Russian language broadcasting for the Jewish population of the Soviet Union.

S. 176

At the request of Mr. PROXMIRE, the names of the Senator from Utah [Mr. GARN], the Senator from Tennessee [Mr. GORE], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 176, a bill to require a charge for meals furnished to certain high-level Government officers and employees in the executive branch and for meals furnished in Senate dining facilities.

S. 177

At the request of Mr. HART, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Hawaii [Mr. INOUYE], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 177, a bill to authorize a national program of improving the quality of education.

S. 178

At the request of Mr. SYMMS, the names of the Senator from Wisconsin [Mr. KASTEN], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 178, a bill to approve the interstate and interstate substitute cost estimates, to amend title 23 of the United States Code, and for other purposes.

S. 210

At the request of Mr. D'AMATO, the names of the Senator from Florida [Mrs. HAWKINS], and the Senator from North Carolina [Mr. EAST] were added as cosponsors of S. 210, a bill to repeal the inclusion of tax-exempt interest from the calculation determining the taxation of Social Security benefits.

S. 212

At the request of Mr. D'AMATO, the name of the Senator from Florida [Mrs. HAWKINS] was added as a cosponsor of S. 212, a bill to make permanent the prohibition of credit card surcharges.

S. 231

At the request of Mr. DOLE, the names of the Senator from Arizona [Mr. GOLDWATER], the Senator from Massachusetts [Mr. KERRY], the Senator from Maryland [Mr. SARBANES], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 231, a bill to establish a National Commission on Neurofibromatosis.

S. 236

At the request of Mr. SPECTER, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 236, a bill to amend the Unfair Competition Act of 1916 and Clayton Act to provide for further relief in the event of unfair foreign competition.

S. 237

At the request of Mr. THURMOND, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 237, a bill to amend title 18 to limit the application of the exclusionary rule.

S. 238

At the request of Mr. THURMOND, the names of the Senator from Idaho [Mr. SYMMS], the Senator from Nebraska [Mr. ZORINSKY], and the Senator from New Hampshire [Mr. RUDMAN] were added as cosponsors of S. 238, a bill to reform procedures for collateral review of criminal judgments, and for other purposes.

S. 239

At the request of Mr. THURMOND, the names of the Senator from Idaho [Mr. SYMMS], and the Senator from Nebraska [Mr. ZORINSKY] were added as cosponsors of S. 238, a bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes.

S. 260

At the request of Mr. HEINZ, the names of the Senator from New York [Mr. D'AMATO], the Senator from Washington [Mr. GORTON], the Senator from Idaho [Mr. MCCLURE], the Senator from Tennessee [Mr. SASSER], the Senator from Utah [Mr. GARN], the Senator from Nebraska [Mr. EXON], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 260, a bill to amend the Internal Revenue Code of 1954 to provide that the substantiation requirements of section 274(d) of such code may be met, in the case of passenger automobiles and other transportation property, if the taxpayer provides substantial evidence other than contemporaneous records.

SENATE JOINT RESOLUTION 4

At the request of Mr. HATCH, the names of the Senator from Illinois [Mr. SIMON], the Senator from Oregon [Mr. HATFIELD], the Senator from Connecticut [Mr. WEICKER], the Senator from Arizona [Mr. GOLDWATER], the Senator from Florida [Mrs. HAWKINS], the Senator from Maine [Mr. MITCHELL], the Senator from Tennessee [Mr. GORE], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 4, a joint resolution to designate the week of March 24, 1985, through March 30, 1985, as "National Skin Cancer Prevention and Detection Week."

SENATE JOINT RESOLUTION 8

At the request of Mr. SYMMS, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of Senate Joint Resolution 8, a joint resolution to approve the interstate and interstate substitute cost estimates, to amend title 23 of the United States Code, and for other purposes.

SENATE JOINT RESOLUTION 10

At the request of Mr. KENNEDY, the names of the Senator from Maryland [Mr. MATHIAS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Colorado [Mr. HART], the Senator from California [Mr. CRANSTON], the Senator from Michigan [Mr. LEVIN], the Senator from Oregon [Mr. PACKWOOD], the Senator from New York [Mr. MOYNIHAN], the Senator from Maryland [Mr. SARBANES], the Senator from Montana [Mr. MELCHER], the Senator from Missouri [Mr. DANFORTH], the Senator from Montana [Mr. BAUCUS], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from North Dakota [Mr. BURDICK], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 10, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

SENATE JOINT RESOLUTION 13

At the request of Mr. THURMOND, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Texas [Mr. GRAMM], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator

from New Hampshire [Mr. RUDMAN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Kansas [Mr. DOLE], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Virginia [Mr. WARNER], the Senator from Louisiana [Mr. JOHNSTON], the Senator from New Mexico [Mr. DOMENICI], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 13, a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget and tax limitation.

SENATE JOINT RESOLUTION 22

At the request of Mr. HOLLINGS, the names of the Senator from Missouri [Mr. EAGLETON], the Senator from Missouri [Mr. DANFORTH], the Senator from Tennessee [Mr. GORE], and the Senator from Indiana [Mr. QUAYLE] were added as cosponsors of Senate Joint Resolution 22, a joint resolution designating March 1985 as "National Mental Retardation Awareness Month."

SENATE JOINT RESOLUTION 23

At the request of Mr. MOYNIHAN, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Vermont [Mr. LEAHY], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Joint Resolution 23, a joint resolution designating 1985 as the "Year of Social Security."

SENATE CONCURRENT RESOLUTION 7—SEEKING A 6-MONTH BAN ON THE TESTING OF NUCLEAR WARHEADS

Mr. PROXMIRE submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 7

Whereas the nuclear arms race between the United States and the Soviet Union is getting dangerously out of control;

Whereas a comprehensive ban on the testing of nuclear warheads would be an important first step in achieving a verifiable United States-Soviet freeze on the nuclear arms race;

Whereas every American President from Dwight Eisenhower on has supported negotiations toward a comprehensive test ban;

Whereas the United States and the Soviet Union pledged in the Limited Nuclear Test Ban Treaty of 1963 "to achieve the discontinuance of all test explosions of nuclear weapons for all time";

Whereas the United States and the Soviet Union pledged in the Threshold Test Ban Treaty of 1974 to "continue their negotiations with a view toward achieving a solution to the problem of the cessation of all underground nuclear weapon tests";

Whereas the United States and the Soviet Union pledged in the Treaty on the Non-Proliferation of Nuclear Weapons of 1968 to "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date" and a comprehensive nuclear test ban would aid efforts to halt the spread of nuclear weapons;

Whereas the United States signed the Threshold Test Ban Treaty in 1974 and the Peaceful Nuclear Explosions Treaty in 1976, but has yet to ratify these important treaties;

Whereas ratification of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty would greatly aid in the negotiation, verification, and implementation of a comprehensive nuclear test ban;

Whereas President Kennedy on June 10, 1963 challenged the Soviet Union to a test ban and announced a United States moratorium on nuclear tests, and on August 5, 1963 the United States and the Soviet Union signed the Limited Nuclear Test Ban Treaty;

Whereas substantial progress has already been made in previous negotiations toward a comprehensive nuclear test ban so that the conclusion of such a treaty could be quickly achieved;

Whereas a bold initiative is now needed by the United States to achieve a mutual and verifiable halt to the testing of nuclear warheads; and

Whereas a six-month United States-Soviet moratorium on the testing of nuclear warheads would provide the United States and the Soviet Union an opportunity to negotiate a comprehensive nuclear test ban and would aid those negotiations: Now, therefore, be it,

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should—

(1) immediately seek a six-month verifiable moratorium with the Government of the Soviet Union on the testing of nuclear explosive devices;

(2) utilize the six-month moratorium period to negotiate a verifiable comprehensive nuclear test ban with the Government of the Soviet Union; and

(3) request the advice and consent of the Senate to the ratification of the Threshold Test Ban Treaty of 1974 and the Peaceful Nuclear Explosions Treaty of 1976 in order to aid in the negotiation, verification, and implementation of a comprehensive nuclear test ban treaty.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

SENATE CONCURRENT RESOLUTION 8—REVISING THE CONGRESSIONAL BUDGET FOR THE FISCAL YEARS 1985, 1986, AND 1987

Mr. GRASSLEY (for himself, Mrs. KASSEBAUM, Mr. BIDEN, Mr. BAUCUS, Mr. MELCHER, and Mr. MATTINGLY) submitted the following concurrent resolution; which was referred to the Committee on the Budget:

S. CON. RES. 8

RECONCILIATION

SEC. 6. Resolved by the Senate (the House of Representatives concurring), That the Congress hereby determines and declares pursuant to sections 304, and 301(b)(2) of the Congressional Budget Act of 1974, that: It is necessary to make changes in enacted laws in order to reduce outlays by $1 billion in fiscal year 1985, and budget authority in fiscal year 1985 by an amount sufficient to achieve such outlay reduction; and to reduce outlays by $35 billion in fiscal year 1986, and budget authority by an amount sufficient to achieve such outlay reduction in fiscal year 1986.

● Mr. GRASSLEY. Mr. President, the purpose of this resolution is to serve as the basis for Senate action to reduce the fiscal year 1986 budget deficit by freezing the Federal budget across-the-board. For the last several years the national debt has been growing faster than the gross national product. This growth, which is the direct consequence of the unprecedented magnitude of recent budget deficits, places an increasingly unfair burden on future generations.

Moreover, since the deficits divert scarce resources from productive employment in the private sector, since it hurts our international competitiveness, and since it makes our government more dependent on foreign funds for public finance, the deficits threaten to constrain long-term growth.

It has become clear that Congress will not achieve dramatic deficit reduction, to the extent necessary, unless special interest pressures have been disarmed. Disarming these pressures will occur if and only if an environment of shared sacrifice is established. This means all programs must be dealt with in the same evenhanded way. Without this approach, substantial deficit reduction is unlikely to occur. This is the lesson history has taught us—a lesson hopefully we will not learn too late.●

SENATE RESOLUTION 48—REFERRING S. 273 TO THE CHIEF JUDGE OF THE U.S. COURT OF CLAIMS FOR A REPORT

Mrs. KASSEBAUM submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 48

That S. 273 entitled "A bill for the relief of Mildred C. Eide of Leavenworth, Kansas" now pending in the Senate, together with all accompanying papers, is referred to the chief judge of the United States Claims Court. The chief judge shall proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code, and report back to the Senate, at the earliest practicable date, giving such findings of fact and conclusions that are sufficient to inform the Congress of the nature and character of the demand as a legal or equitable claim against the United States or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

SENATE RESOLUTION 49—DIRECTING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. DOLE (for himself and Mr. BYRD) submitted the following resolu-

tion; which was considered and agreed to:

SENATE RESOLUTION 49

Whereas, the Committee on Banking, Housing, and Urban Affairs wishes to file an application in the United States District Court for the District of Columbian for a writ of habeas corpus ad testificandum to federal authorities to bring Luis Hector Neira, a witness who is in the custody of federal correctional authorities in Florida, to New York, New York, for questioning by the Committee at hearings to be held there;

Whereas, pursuant to section 708(c) of the Ethics in Government Act of 1978, 2 U.S.C. 288g(c) (1982), the Senate may direct the Senate Legal Counsel to perform such duties consistent with the purposes and limitations of title VII of the Ethics in Government Act of 1978 as the Senate may direct: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Committee on Banking, Housing, and Urban Affairs in its application for a writ of habeas corpus ad testificandum to obtain the presence of Luis Hector Neira at a hearing of the Committee.

SENATE RESOLUTION 50—RELATING TO THE JOB CORPS PROGRAM

Mr. CRANSTON submitted the following resolution; which was referred to the Committee on Labor and Human Resources;

S. RES. 50

Whereas the problems of youth unemployment, particularly for young men and women who are economically disadvantaged, continue to be significant as demonstrated by the 18.4-percent rate of unemployment in the fourth quarter of 1984 for individuals ages 16 through 19; and

Whereas the Job Corps is entering its third decade of operation of providing job-training opportunities and support services to assist disadvantaged youths in becoming more responsible, employable, and productive citizens; and

Whereas more than 1.2 million economically-disadvantaged youths have participated in the program since its inception and have benefited from the services and opportunities provided by the program; and

Whereas a 1982 independent evaluation of the post-program experience of enrollees demonstrates that the program is effective and that its benefits exceed its costs; and

Whereas, in program year 1983-84, the Job Corps experienced a positive termination rate of nearly 80 percent and placed 68 percent of its graduates in unsubsidized jobs; and

Whereas a significant reduction in the opportunities provided through this program would deny to thousands of disadvantaged youths access to a proven successful means of pursuing a productive life and increase the already intolerably high rate of youth unemployment: Now, therefore be it

Resolved, That it is the sense of the Senate that the Job Corps program has been a cost-effective and successful effort to assist disadvantaged young men and women in obtaining and holding employment, that the Senate's commitment to the program is reaffirmed, and that no significant reduction in the level of the program should be made.

JOB CORPS FUNDING

Mr. CRANSTON. Mr. President, I am submitting today Senate Resolution 50, a resolution expressing the sense of the Senate that the Job Corps Program has been a cost-effective and successful effort to assist disadvantaged young men and women in obtaining and holding employment, that the Senate's commitment to the program is reaffirmed, and that no significant reduction in the level of the program should be made.

The problems of unemployment among young Americans are not recent. They are deeply entrenched in our labor force and have proved to be largely resistant to most attempts to resolve them. Despite all of the efforts of Federal, State, and local government to alleviate the problems, the high rates of unemployment for young men and women, ages 16 through 19, continue. In the fourth quarter of 1984, despite the substantial improvements in the national unemployment rate from a year ago, the rate for young Americans stood at 18.4 percent. Among those who are member of a minority group, the rate was a disastrous 41.1 percent. Nearly 1.5 million young people who were actively seeking work during the fourth quarter were unable to obtain jobs.

And the consequences of being unable to find productive employment—even at this stage in life—can be just as devastating as they are for other Americans. Many young people may need to find a job in order to supplement the family income or, indeed, to support their own families. The financial benefits of a job may be needed to help stay in school. The psychological aspects of not being able to find work, of having been defeated at the very outset of labor-force experience, the frustration of not being able to get a job without experience and not being able to get that experience, can have life-long implications.

Since 1964, Mr. President, one program has been in existence specifically designed to address the needs of some of the more difficult-to-resolve problems among disadvantaged youth. That program, first established by the Economic Opportunity Act of 1964, still exists today: it is the Job Corps.

Now entering its third decade of operation, the Job Corps has served more than 1.2 million economically disadvantaged young men and women, ages 16 through 21, and has helped them become more responsible, employable, and productive citizens. The Job Corps Program consists of two principal components—basic education and vocational skills training. To be eligible to participate, a youth must be out of work and out of school and in need of additional education, vocational training, counseling, and other services to help him or her obtain employment, return to school, qualify for other training programs, or enlist in the Armed Forces. A unique aspect of Job Corps training is the residential living component, although nonresidential programs are also offered in some areas.

The success of the Job Corps program is demonstrated by the high positive termination rate enjoyed by the program. The term "positive termination rate" is a measure of individuals who have terminated their participation in the program in a positive manner—that is, for example, they have returned to school, found employment, or entered the military. For the most recent program year, 1983-84, the Job Corps Program experienced a positive termination rate of nearly 80 percent. Importantly, in that year more than 68 percent of Job Corps graduates were placed in unsubsidized jobs upon the completion of their training.

Furthermore, a September 1982 report, entitled "Evaluation of the Economic Impact of the Job Corps Program," prepared for the Department of Labor by Mathematica Policy Research, Inc., found that the program is not only effective at what it is trying to do, but that the benefits of the program exceed its costs. The report and its findings are based on the post-program behavior of Job Corps graduates and what their behavior would have been had they not participated in the Job Corps.

Mr. President, I intend to ask unanimous consent that a summary of the report's findings be printed in the RECORD at the conclusion of my remarks. However, at this time, I wanted in particular to call to my colleagues' attention the finding that the Job Corps Program is "a worthwhile public investment" and that the "Job Corps is an economically efficient use of public resources in the sense that the program provides greater value to society than the value of the resources it uses up."

In this connection and against the successful track record of the program, I have read with great concern reports of the Reagan administration's plan for a 20-percent reduction in fiscal year 1986 and then total elimination of this valuable program. According to press reports, the program would be reduced by $120 million in fiscal year 1986 from its current, fiscal year 1985 level of $617 million which is expected to support 40,544 slots.

This, Mr. President, would deny what I believe to be a valuable and proven successful means of pursuing a productive life to hundreds of thousands of young men and women. Since the average length of enrollment in the program is 6 months, more than 16,200 disadvantaged youths would be deprived of this opportunity in fiscal year 1986 and at least 81,000 every

year thereafter, and the major consequence would be increases in youth unemployment and the abandoning of those young lives at a most critical point.

Against the background of unacceptably high unemployment among youths, especially minority youths, it is nonsensical to eliminate the one program proven effective in dealing with hard-core youth unemployment. Yet that is what this administration apparently intends to propose.

Mr. President, my familiarity with and support for the Job Corps is not new. Indeed, when I first came to the Senate in 1969, my "maiden" speech and first floor fight were in connection with President Nixon's attempt to dismantle the Job Corps and the resolution I introduced—Senate Resolution 194 in the 91st Congress—to express the sense of the Senate that President Nixon's proposal to reduce the Job Corps Program significantly should not be implemented without congressional approval.

Although the battle on the resolution itself was lost by a vote of 40 to 52 on May 13, 1969, and certain reductions did occur, the ultimate goal of the Nixon administration—to incorporate the Job Corps into a decentralized comprehensive manpower system—was not achieved. Despite the fact that the Comprehensive Employment and Training Act of 1973 consolidated and absorbed many previously categorical employment and training programs authorized by the Economic Opportunity Act and the Manpower Development and Training Act, the Job Corps has remained a separate and distinct nationally administered program—first under the CETA authority and today under the authority of the Job Training Partnership Act.

Thus, Mr. President, the resolution I am submitting today expresses the sense of the Senate that the program has been a cost-effective and successful effort and that it is an effort that should be continued. It would reaffirm the Senate's commitment to the program and express our view that no significant reduction in the level of the program should be made. I urge my colleagues to join with me in this initiative and help protect this proven, effective, and cost-effective means of assisting our Nation's greatest resource—our youth.

Mr. President, I ask unanimous consent that the summary of findings to which I earlier referred be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

PROJECT REPORT: EVALUATION OF THE ECONOMIC IMPACT OF THE JOB CORPS PROGRAM

(Third follow-up report, September 1982)

(Prepared for: Office of Policy Evaluation and Research, Employment and Training Administration, U.S. Department of Labor, Washington, D.C. 20213)

(Prepared by: Mathematica Policy Research, Inc., P.O. Box 2393, Princeton, New Jersey 08540)

SUMMARY OF FINDINGS

1. The estimated effects of Job Corps on former participants' postprogram behavior are generally consistent with hypothesized economic impacts and the important program goal of improving Corpsmembers' economic prospects. During the first four postprogram years, we find that Job Corps is at least moderately successful overall in achieving its desired effects: (1) increasing employment and earnings, (2) improving future labor-market opportunities through work experience, military service, higher education and training, better health, and geographic mobility, (3) reducing dependence on welfare assistance and other public transfers, and (4) reducing criminality.

2. In terms of size and statistical significance, some of the most noteworthy effects of Job Corps on the behavior of former participants are (on a per-Corpsmember basis, including military jobs, and averaged over the four-year observation period, see further in Table 1):

An increase in employment of over three weeks per year;

An increase in earnings of approximately $665 per year and over a 15 percent increase (controlling for nonlinear time trends)

A very substantial increase in the probability of having a high school diploma or equivalent degree (a fivefold increase)

Higher college attendance

A decrease in high school attendance associated with the effects of high school degrees obtained in Job Corps

Better health, with a reduction in serious health problems of an average of over one week per year

A reduction in the receipt of financial welfare assistance, amounting to an average of over two weeks per year, and

A reduction in the receipt of Unemployment Insurance of nearly one week per year.

The crime effects (not shown in Table 1) are erratic over the postprogram period and, in aggregate over the entire period, show no effect on arrests; however, there is a significant shift from more to less serious crimes.

3. The positive, overall impacts generally persist throughout the four years of postprogram observation. The trend over the four-year postprogram observation period (see Figures 1 and 2, and Table 1) appears to be an increase in program benefits during the first few months (especially for employment and earnings during the transition from center life to re-entering the regular labor market), and then relatively stable effects throughout the rest of the four-year period.

4. We believe that the most prudent conclusion about the longevity of the Jobs Corps effects is that the effects persist at a relatively stable rate from approximately three months after termination until the end of the four-year observation period; beyond that point, our ability to extrapolate is very limited. The evidence is mixed as to whether the program effects were growing or shrinking toward the end of the observation period. When only civilian jobs are considered and a simple linear time trend is assumed for the economy, the empirical estimates show a substantial shrinkage of the employment and earnings effects for the fourth postprogram year. However, when military jobs are included (as we believe they should be) and better account is taken of the time trends in the economy, the employment effects are relatively constant for the fourth postprogram year (see row 4 in Table 1, and Figure 2), and the earnings effects show a sizable (21 percent) growth (see row 8 in Table 1). Furthermore, for males—the largest group of Corpsmembers (70 percent of all Corpsmembers)—we have adequate observations to extend our analysis further, from 48 to 51 postprogram months (as in Figures 1 and 2); we find a significant upturn in the estimated effects for males for both employment and earnings during that time period. (Through month 48, the estimated effects for females without children are similar on average to males, but are more erratic; the estimated effects for females with children, the smallest group, are much lower and more erratic than for males.)

5. Differential impacts among Corpsmembers are found to be associated with sex and child responsibility. We find relatively larger impacts on males for the probability of being in military service (more than doubled by the end of the observation period) and the receipt of Unemployment Insurance, while relatively larger impacts on females who have no children present are found for education, health, and the receipt of welfare. The estimated Job Corps impacts on females who have children living with them are generally much less positive than for either males or females without children. This latter finding can possibly be attributed to delays in childbirth among Corpswomen, such that those who have children living with them some time during the observation period are more likely to have been temporarily faced with labor-market constraints from pregnancy (which also increases their reporting of health problems) and from having very young children during the period of postprogram observation.

6. We also find differential program impacts among categories of program completion. A substantial, positive correlation exists between the estimated Job Corps impacts and the proportion of the Job Corps program completed. Program completers consistently benefit the most, particularly in terms of employment, earnings, and welfare dependence. The impact estimates for youths who complete the program are generally more than twice the overall program average. In contrast, early program dropouts appear to benefit little or not at all. Furthermore, these differential impacts by completion category seem to be at least partially attributable to the effect of staying in the program longer and completing the program, which indicates the potential for additional benefits to the program from increased lengths of stay and greater numbers of completions.

7. In examining the sensitivity of our findings to alternative econometric specifications, we find that (1) adding controls for differences in marital status (even preenrollment values) makes the estimates consistently more favorable for Job Corps among all three major sex and family-responsibility groups (males, females without children, and females with children), (2) adding controls for differences in the age composition of children makes the findings

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much more positive for females with children, (3) accounting for Job Corps effects on fertility and childbearing increases the estimated benefits to females, and (4) not controlling for any differences between the Job Corps and comparison groups makes the findings much less favorable for males and much more favorable for females with children, and changes the findings only slightly for females without children.

8. The findings summarized in Table 2 from a comprehensive evaluation of the social benefits and costs of the Job Corps program suggest that the program is a worthwhile public investment. Our benchmark estimate is that in 1977 social benefits exceed costs by over $2,300 per Corpsmember (nearly $3,500 in 1982 dollars), or, equivalently, by approximately 45 percent of costs. Thus, Job Corps is an economically efficient use of public resources in the sense that the program provides greater value to society than the value of the resources it uses up. Because over 40,000 youths enrolled in Job Corps during fiscal 1977, our benchmark estimate of the net social benefit for the entire program exceeds $90-million for that year.

9. The information obtained from organizing all of the estimated program effects into a systematic comparison of the benefits and costs is much more powerful than can be summarized by a few aggregate numbers on the economic efficiency to society. Therefore, we have been careful to provide adequate detail in the report to ensure that informed policymakers can form their own judgments and value the estimated effects in alternative ways. However, under a wide range of alternative assumptions, estimated effects, and values, we find that the program is economically efficient without including the unmeasured benefits shown in Table 1.

10. Over 50 percent of the estimated social benefits are derived from increases in the value of output produced by Corpsmembers. Another 40 percent of the social benefits are attributable to reductions in criminal activities among Corpsmembers, particularly murder, robbery, and larceny (including very large reductions during the program).

11. In assessing the distribution of benefits and costs, we find a net transfer from non-Corpsmembers as a group (everyone in society other than Corpsmembers) to Corpsmembers. The primary economic benefits to Corpsmembers are derived from increased earnings (approximately 70 percent of the benefits) and transfers they receive while in Job Corps. The primary economic benefits to non-Corpsmembers are derived from reductions in Corpsmembers' criminal activities, Corpsmembers' reduced use of transfer programs, and increased tax payments.

12. The estimated timing of benefits suggests that the average social investment per Corpsmember is paid back in approximately three years. Counting only the estimated benefits for the observation period (the first four postprogram years), Job Corps has an internal rate of return of approximately 18 percent (i.e., under the assumption that no further benefits occur after that point).

13. Alternative benefit-cost estimates are made for a wide range of assumptions. A sensitivity analysis based on this range of alternatives generally conforms that Job Corps is an economically efficient program. As long as displacement in the labor markets that Corpsmembers enter is not severe and the observed crime reductions are minimally valued, Job Corps is estimated to be an economically efficient investment.

14. The benefit-cost findings based on the additional data from the third follow-up survey are very close to those estimated in the Second Follow-Up Report: the social net present value estimates are now higher but by less than 3 percent. However, because benefits are now estimated to exceed costs without extrapolating benefits into the future, we feel that more confidence can now be placed in the overall finding that Job Corps is an economically efficient investment.

TABLE 1.—SUMMARY OF MAIN FINDINGS FOR OVERALL IMPACTS PER CORPSMEMBER ON AN ANNUALIZED BASIS—1977–82

Variable	Estimated Job Corps effects for first year after termination	Estimated Job Corps effects for second year after termination	Estimated Job Corps effects for third year after termination	Estimated Job Corps effects for fourth year after termination
1. Weeks employed, civilians	1.56	4.84	3.12	1.35
2. Weeks employed, controlling for nonlinear time trends, civilians	1.75	4.20	2.80	2.04
3. Weeks employed, civilians and military	1.35	5.04	4.06	2.81
4. Weeks employed, controlling for nonlinear time trends, civilians and military	1.53	4.37	3.69	3.51
5. Earnings, civilians	$406	$626	$386	$77
6. Earnings, controlling for nonlinear time trends, civilians	$571	$608	$442	$370
7. Earnings, civilians and military	$376	$706	$626	$533
8. Earnings, controlling for nonlinear time trends, civilians and military	$515	$667	$652	$787
9. Probability of high school diploma or GED	0.239	0.265	N.A.	0.275
10. Weeks in college, civilians	0.39	0.55	0.65	1.04
11. Weeks in college, civilians and military	0.16	0.29	0.34	0.65
12. Weeks in high school, civilians	−1.51	−1.20	−0.68	−0.60
13. Weeks in high school, civilians and military	−1.22	−0.99	−0.55	−0.26
14. Weeks of serious health problems, civilians	−1.01	−1.07	−1.22	−1.09
15. Weeks of serious health problems, civilians and military	−0.96	−1.07	−1.22	−1.12
16. Weeks received any cash welfare, civilians	−2.99	−1.87	−2.31	−1.46
17. Weeks received any cash welfare, civilians and military	−2.96	−1.87	−2.37	−1.51
18. Weeks received Unemployment Insurance, civilians	−1.07	−0.65	−0.75	−0.70
19. Weeks received Unemployment Insurance, civilians and military	−1.04	−0.65	−0.75	−0.75

TABLE 2.—ESTIMATED NET PRESENT VALUES PER CORPSMEMBER UNDER THE BENCHMARK ASSUMPTIONS (1977 DOLLARS)

	Perspective [1]		
	Social	Non-Corpsmember	Corpsmember
BENEFITS			
1. Output produced by corpsmembers:			
In-program output	$757	$673	$83
Increased postprogram employment output	3,276	0	3,276
Increased postprogram tax payments	0	596	−596
2. Reduced dependence on transfer programs:			
Reduced public transfers	0	791	−791
Reduced administrative costs	172	172	0
Increased utility from reduced welfare dependence	+	+	+
3. Reduced criminal activity:			
Reduced criminal justice system costs	1,253	1,253	0
Reduced personal injury and property damage	1,366	1,366	0
Reduced stolen property	300	462	−162
Reduced psychological costs	+	+	+
4. Reduced drug/alcohol abuse:			
Reduced drug/alcohol treatment costs	31	31	0
Increased utility from reduced drug/alcohol dependence	+	+	+
5. Reduced utilization of alternative services:			
Reduced costs of training and education programs other than Job Corps	244	244	0
Reduced training allowances	0	33	−33
6. Other benefits:			
Increased utility from redistribution	+	+	+
Increased utility from improved well-being of Corpsmembers	+	+	+
Total benefits	7,399	5,621	1,777

TABLE 2.—ESTIMATED NET PRESENT VALUES PER CORPSMEMBER UNDER THE BENCHMARK ASSUMPTIONS (1977 DOLLARS)—Continued

	Perspective [1]		
	Social	Non-Corpsmember	Corpsmember
COSTS			
1. Program operating expenditures:			
Center operating expenditures, excluding transfers to corpsmembers	2,796	2,796	0
Transfers to corpsmembers	0	1,208	−1,208
Central administrative costs	1,347	1,347	0
2. Opportunity Cost of Corpsmember Labor During the Program:			
Foregone output	881	0	881
Foregone tax payments	0	153	−153
3. Unbudgeted expenditures other than corpsmember labor:			
Resource costs	46	46	0
Transfers to corpsmembers	0	185	−185
Total Costs	5,070	5,735	−665
Net Present Value (benefits minus costs)	2,327	−115	2,442
Benefit-Cost Ratio [2]	1.46	0.98	1.99

[1] In addition to the value to society as a whole, the estimates are calculated from the non-Corpsmember, and Corpsmember perspectives in order to indicate redistributional effects. In doing so, Corpsmembers are treated as nontaxpayers (except for their own taxes) to simplify the exposition, and non-Corpsmemers encompass everyone in society other than Corpsmembers.

[2] The numerators for the benefit-cost ratios include all of the benefits listed in this table as either positive benefits or negative costs, and the denominator includes all of the costs listed in this table as either positive costs or negative benefits.

Note.—Details may not sum exactly to totals because of rounding.

AMENDMENTS SUBMITTED

GROVE CITY LEGISLATION

HATCH AMENDMENTS NOS. 8 AND 9

(Ordered referred to the Committee on Labor and Human Resources.)

Mr. HATCH submitted two amendments intended to be proposed by him to the bill (S. 272) to clarify the meaning of the phrase "program or activity" as applied to educational institutions that are extended Federal financial assistance, and for other purposes; as follows:

AMENDMENT No. 8

At the appropriate place, add the following new provision:

"*Provided, however,* That no institution of higher education shall be deemed a 'recipient' where the only Federal financial assistance extended consists of grants received directly by students in attendance at such institutions under 20 U.S.C. 1070a (Basic Educational Opportunity Grant Program, ADS); or 38 U.S.C. 1681 (Veteran's Educational Assistance Program). This exclusion shall not apply to proprietary institutions of higher education; vocational schools; any school not entitled to tax exempt status under 26 U.S.C. 501(c)(3); or to any school which, during the five years preceding has been finally adjudged by any court of the United States to have discriminated in violation of any provision of the Constitution or law of the United States relating to civil rights.".

AMENDMENT No. 9

At the appropriate place, add the following new provision:

Subsection 901(a)(3) is amended by striking everything following "educational institution which is" and inserting in lieu thereof the following: ", in whole or substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, or society, or in which the curriculum is directed toward the propagation of a particular religion if the application of this subsection would not be consistent with the tenets of such".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, January 24, to meet in executive session to hold a hearing on NATO cooperative efforts, with members of the North Atlantic Assembly.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of public hearings before the Committee on Energy and Natural Resources.

On Thursday, January 31, beginning at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building, the committee will consider the nominations of John S. Herrington, of California, to be Secretary of Energy.

On Friday, February 1, beginning at 9 a.m., in room SD-366 of the Dirksen Senate Office Building, the committee will consider the nomination of Donald P. Hodel, of Virginia, to be Secretary of the Interior.

Those wishing to testify or to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information regarding these hearings, you may wish to contact David Doane or Nora Melnick at 224-5305, regarding the nomination of Mr. Herrington; Jim Beirne or Becky Barbour at 224-2564, regarding the nomination of Mr. Hodel.

ADDITIONAL STATEMENTS

NATIONAL CONSENSUS ON AMERICAN FOREIGN POLICY

● Mr. BOSCHWITZ. Mr. President, I am convinced there now exists a rare opportunity, and a rapidly increasing need, to seek a national consensus on American foreign policy. The President's sweeping election victory provides an excellent opportunity in the second term for us to formulate a bipartisan approach on a wide range of foreign policy and defense issues, perhaps the most important being the arms control process.

I recommend to my colleagues two recent articles by Dr. Henry A. Kissinger. His thoroughly insightful analyses concerning the significance of a national consensus for U.S. foreign policy, and the dynamics of the arms control talks, are very timely, especially for those of us on the Foreign Relations Committee, who begin this month to conduct a full review of U.S. foreign policy and start the search for this consensus. Accordingly, I ask that the two articles which appeared in the Washington Post be printed in the CONGRESSIONAL RECORD.

The articles follow.

RONALD REAGAN'S GREAT OPPORTUNITY

President Reagan's landslide victory coincides with a period of extraordinary opportunity in American foreign policy. Difficulties, even crises, continue, of course: East-West relations, the Latin American debt problem, the Middle East all demand our attention. But a farsighted American foreign policy is in a position to improve each trouble spot substantially.

The president's greatest opportunity goes far beyond the solution of any particular issue. Destiny and his own achievements have placed him in a position to restore for the first time in a decade and a half a national consensus on the nature and aims of our foreign policy. For too long, presidential elections have led to "reassessments" of American foreign policy; reversals of our po-

sitions have made America a factor of uncertainty in international affairs. The almost universal preference abroad for President Reagan's reelection reflected in large part the desire to avoid the nightmare of yet another new administration's pulling up all the trees to see whether the roots were still there.

The disintegration of the national consensus on foreign policy is often ascribed to the Vietnam war and Watergate. These events were surely traumatic. But I doubt that they were seminal. The key event was the collapse in the late '60s of the premises in which our postwar foreign policy had been based. That process may have been speeded and exacerbated by Vietnam, but it would surely have happened without it.

When America ended its isolation after World War II, an atomic monopoly gave America a margin of security unprecedented in history. As late as 1950 the United States produced 52 percent of all the world's goods and services. America by itself represented the global balance of power. American alliances were in effect unilateral guarantees; recognized problems could be overwhelmed with resources.

By the late '60s these conditions were disappearing. Nuclear parity was upon us. As Europe and Japan recovered and other nations industrialized, America's percentage of the world's total gross national product was declining. By 1970 we produced about 30 percent of the world's goods and services; today the figure is around 22 percent.

Henceforth we would have to live in a world of relative security, capable of reducing dangers but unable to banish them. We continue to possess resources larger than any other nation. But America is no longer able to handle all possible challenges simultaneously or alone. Foreign policy for us has become what it has always been for less favored nations—a balancing of risks.

The America of the '60s and '70s was not emotionally prepared for the fundamental transformation from absolute dominance to relative strength. The deepest significance of Reagan's second term is that it has liberated us to undertake, in a climate of conciliation, a long-overdue reassessment of the basic assumptions of our foreign policy.

For example, in the recent campaign both parties seemed to agree on a definition of peace as a kind of terminal state in which nations live with a consciousness of harmony and the need for further effort disappears. The difference was that the Democratic Party often talked as if that blissful state were attainable through strenuous negotiating unrelated to power, while Republicans tended to imply that power would supply an automatic route to the millennium.

Unfortunately, neither conception corresponds to the reality that in our time peace is a process, not a condition. There are no final "happy endings." Whatever they may agree on, the United States and the Soviet Union will remain superpowers impinging on each other globally. Ideological hostility will continue. Specific, precise arrangements can, indeed must, be made. But they are more likely to ameliorate tensions than to end them. An apocalyptic notion of peace risks turning diplomacy into a form of psychiatry and the American domestic discourse into competitive masochism that seeks all fault on our side.

When in the recent debate both candidates were asked to describe the regions they considered vital to American security, they wallowed in superficialities. And this was no accident. Historically the notion of vital interest has implied that a nation resists an infringement of such an interest no matter how it happens. Britain for three centuries left no doubt that it would fight to prevent the port of Antwerp from falling into the hands of a major power because command of the seas depended on it.

Does the United States have such vital interests? Further, does our domestic consensus permit such a concept? With respect to the first question, certainly so. With regard to the second question, much less clearly so. We tend as a people to edge up to but never fully to decide that the concept has applicability to us. In the Cuban missile crisis, for example, we ended up by transforming a specific issue into a legal formula that in the end facilitated the Soviet military buildup of Cuba. Nuclear weapons and delivery vehicles were proscribed; in the end everything not specifically prohibited was tolerated. Thus, Cuba turned into the second-largest military power in the Western hemisphere; Cuban expeditionary forces appeared in distant continents without serious challenge from the United States. The same process seems to be repeating itself in Nicaragua with respect to MiG21s. It is of course possible to argue that no possible change in Central America can affect an American vital interest. But if not in Central America, then where? And if so, at what point do we resist and by what means?

Only a nation convinced of its invulnerability could afford the philanthropic view that no such answers are needed. Recent elections show that most Americans prefer a more assertive approach. But they have not faced its implication, which is a clear articulation of what we shall defend or what we shall seek to achieve and with what means.

This is because America has traditionally been much more comfortable defining its security interests in legal rather than in geopolitical or strategic terms. We never quite seem to make up our minds whether we resist the fact of change or the way it comes about. Much of our domestic debate implies that in case of aggression the first person a president should call is his lawyer.

The fact is that obligations reflect interest; they do not create them. Nor is it always possible to embody all our national interests in legally binding form. For example, in case of all-out Soviet attack on China, the United States would have to consider the impact on the global balance of the military defeat of the world's most populous nation and not simply or even primarily the diplomatic record.

No charge recurs more frequently in our political debate than the cliché that a problem should be resolved by diplomacy rather than by power. But the idea that power and diplomacy are separable and discrete falsifies the essence of each. Power without purpose leads to posturing; diplomacy without power exhausts itself in rhetoric.

When Soviet Foreign Minister Andrei A. Gromyko visited President Reagan, there was much speculation about the personal interaction of the two leaders and the chances of a breakthrough. Since these are the wrong questions, we clearly lack a framework for meaningful answers. Soviet leaders believe that personal convictions of leaders reflect "objective reality" such as the structure of society and the global balance of forces. In other words, while America feels its way toward the notion of vital interests, Soviet leaders have no other category for judging diplomatic encounters.

The significance of the Gromyko visit was therefore that Moscow had made a prior decision to explore negotiation. This was not because it liked President Reagan more but because of a need for a period of calm to sort out succession problems and to invigorate a moribund economy. Thus, East-West negotiations at this moment require not a gimmick to get the Soviets to return to the conference table, but careful thought regarding a precise and imaginative program to put forward once they get there. This is all the more important because the very sclerosis of leadership that tempts the Kremlin to explore negotiations may also prevent the flexibility to sustain a fast-moving negotiation.

Thus President Reagan has a dual task. He must overcome the divisions regarding our national purpose and at the same time extend the base of our national consensus. And contrary to the predilection of his traditional constituency, he has every incentive to seize the middle ground. Experience has shown that our diplomacy cannot be sustained when the policy pendulum swings too far to either extreme. A policy that seeks agreement for its own sake will run up against the national mood of self-assertion. A confrontational course evokes elementary fears of nuclear war and forfeits domestic and allied support.

The ultimate challenge to the Great Communicator is to add the laurel of the Great Educator. He must take bipartisanship beyond the least common denominator. The country needs an unambiguous vision of the world for which to strive and of the dangers to be overcome. The bureaucracy, if left to its own devices, will segment what should be a national strategy into a series of ad-hoc decisions that place a premium on the satisfaction of departmental self-will. And the task will be complicated as well by the way the American political process has developed. In each party, the stalwarts, often fanatics, who are motivated to work in primary campaigns, have acquired a disproportionate influence. They are experts at refining distinctions, not transcending them. The quest for the middle ground is almost certain to be resisted by the extremists of each party. The fault line runs within each party as well as between them.

Yet as the victor in a landslide, the president can afford, indeed, he has the obligation, to be generous. No president in a generation has had a better opportunity to involve the broadest spectrum of serious opinion, especially if the Democratic Party learns the lesson from its debacle and returns to the responsible international role it pioneered in the postwar period.

America's prospects are bright. The Soviets need a respite. Our allies look to us for leadership, and developing nations have learned that their hopes for progress depend on our economy. Not since the immediate postwar period has a president had such an opportunity to shape a more benign international order. And few presidents have been better placed to act on the understanding that societies thrive not on the victories of factions over each other but on their reconciliations.

How Will We Measure Progress?

The eagerness with which the Soviets have resumed arms control talks marks a complete reversal of a position they have held adamantly for the better part of two years. They have abandoned what they had presented as the immutable precondition: that American missiles first be withdrawn from Europe.

Whether this represents a change of tactics or of strategy, or whether the present Politburo is capable of a fluid diplomacy, is a matter that lies outside of Western control. What is in the West's power to control is whether we avoid raising excessive expectations about negotiations that have not even started. Western overeagerness could tempt the Soviets to stall to elicit unilateral concessions. Or else it could produce an agreement that, because it avoids all fundamental issues, will be only an interlude in the East-West conflict.

A great deal depends therefore on America's ability to define criteria by which to measure progress. This will be far from simple. For more than a decade the phrase détente polarized the American domestic debate. The Reagan administration has so far muted this controversy by a skillful balancing act, which combined the rhetoric of the opponents of détente with many of the policies of its advocates. But now that negotiations are starting in earnest it will no longer be able to avoid the issues by deft verbal formulations.

The beginning of wisdom is to admit—however painful this may be in the light of previous pronouncements—that the administration is now involved in an essentially irrevocable process indistinguishable in substance from what used to be called détente. As its fourth year in office began, the administration obviously concluded that the United States and its allies would not support confrontation except as a last resort. Given this eloquent commitment, the adminstration's credibility and allied support depend on making clear that any failure of negotiations is not its fault.

American relations with the Soviet Union have been characterized by oscillations between extremes of intransigence and extremes of conciliation—an oscillation to which the present administration is far from immune. Histrically, Americans have either sought to solve tensions in one conclusive negotiation or to defeat a recalcitrant opponent in battle. In either case there was a clear-cut terminal point. Americans have had little experience in working out a *modus vivendi*—especially on arms—with a nation that continues to proclaim its ideological hostility and to challenge American interests globally.

Unfortunately, the paradox that the apocalyptic nature of nuclear war imposes precisely this necessity became apparent during the traumatic period when Vietnam and Watergate converged to divide America. Attacking détente proved a convenient—and relatively safe—way to avoid facing the central tragedy that it was America's divisions much more than its adversary's cunning that sapped its credibility and weakened its international position. Between 1969 and 1972 Congress cut $40 billion from administration requests for defense (in 1970 dollars)—before any arms control agreement was ever concluded.

No policy—least of all détente—can substitute for a strong and purposeful United States. Still, granting that the conflict with the Soviets has no clear-cut terminal point, is it nevertheless possible to make agreements that reduce the danger of nuclear war and the risk of political crisis?

Now that the Reagan administration has ended America's self-flagellation, the question no longer brooks evasion. Regrettably American governmental procedures in any administration are not well-suited for the task of defining long-range national objectives. The adversary process from which American foreign policy emerges leads each department to put forward its own, often parochial, set of proposals. What passes for national strategy is usually a compromise negotiated in the White House and as a last resort imposed by the President. But in foreign policy success almost invariably depends less on the merit of individual measures than on their relationship to each other and to clearly understood long-range goals. Unfortunately, nuance and continuity have no bureaucratic constituencies.

Over the past four years the historic rivalry between the State and Defense departments has more than once degenerated into personal animus. Such disputes are especially difficult for a president to referee. He can never be as "expert" as the experts who disagree before him so eloquently in their recommendations. So in the end, the procedure drives him toward a compromise that may combine the disadvantages of every proposed course of action. It also tends to transmute factual issues into theological ones.

A good example is the question over who is ahead in the arms race. To be sure, the issue involves weapons of unprecedented complexity and for which there is no operational experience. But it cannot be beyond the wit of the American government to devise a comparison of the probable growth of nuclear arms with, and without, arms control agreements.

Even greater precision should be attainable with respect to the issue of verifiability. There is no doubt that the Soviets have often barely observed the letter of agreements; in some cases they clearly seem to have violated them. Critics have seized on even the most technical discrepancy to assault a process they oppose for quite different reasons.

Successive administrations have been reluctant to make a formal charge of violation lest they undermine the domestic support for negotiation and because they did not know what to do about it. The factual content of verification has, as a result, received insufficient study—especially the tolerances that must be part of any agreement. Some questions such as these require resolution:

What is the U.S. capacity to verify the numbers of each Soviet strategic weapon?

What is the margin of uncertainty?

Is that margin strategically significant either by itself or in combination with other weapons?

What countermeasures are available to Soviet violations and how rapidly can they be implemented?

If the United States cannot resolve these technical questions, it will surely be stymied by the more fundamental issue that each day bears down on it more heavily: contemporary weapons technology has made traditional arms control theory obsolescent. Developed in the late 1950s and early 1960s, this theory assumed stationary missiles and relatively inaccurate single warheads. Since it would take more than one attacking missile to destroy an offensive one, it was plausible to believe that if one could negotiate essential equality of strategic forces the incentive for surprise attack would have been removed.

Modern technology has overtaken this simple equation. Today launchers can carry 10 or more highly accurate warheads; some missiles are becoming mobile. Equality in numbers of launchers has become less and less relevant to strategic stability. Even reductions can prove meaningless or dangerous if they do not ameliorate the disproportion between warheads and launchers.

The appointment of the experienced and sophisticated Paul H. Nitze as special adviser to the secretary of state is an important step—especially in the negotiating field. But nobody can solve the conceptual issues, act as chief negotiator and achieve a bipartisan consensus at the same time. I cannot think of a more suitable occasion for a bipartisan commission to define the basic options for the president and his senior advisers, thereby making it unnecessary for the president to referee abstruse technical decisions.

Whatever the organizational device, the internal debate in the administration must be shifted from controversy about the importance of arms control to an analysis of which specific limitations would in fact reduce the danger of nuclear war. Otherwise, the United States will be driven by negotiating tactics or impose on itself the absurdity of accepting reductions in strategic forces that it refuses to put forward as bargaining chips in negotiation—in the name of reducing the budget deficit.

There has been even less of a systematic effort to come to grips with the complicated relationship of offensive and defensive forces. The so-called Star Wars issue threatens to turn into one of those symbolic tests of will by which America drains its national purpose. Critics have jumped gleefully on extravagant presidential claims implying the possibility of a perfect civilian defense. In fact, the possibility of protecting retaliatory forces and lessening the danger of attack from third world nuclear countries cannot simply be shrugged off with emotional proclamations. To base deterrence irrevocably on the mutual threat to exterminate civilians would be a fateful decision. When mass slaughter becomes a mathematical equation, the siren songs of the advocates of pacifism and unilateral disarmament will sound increasingly attractive in the democracies.

The administration can approach the problem of defense in three alternative ways:

1. Impose a moratorium on testing of all defensive weapons at the beginning of the negotiations.

2. Use defensive weapons as leverage to obtain a massive cut in offensive forces that reduces the danger of nuclear war.

3. Explore an agreement containing a balance between offensive and defensive forces that would substantially reduce the threat of nuclear war.

It is not necessary to decide between the last two options at this stage. Indeed, it cannot be done in the absence of systematic, careful, unemotional studies. But a moratorium at the beginning of the negotiating process—or a slowdown imposed by Congress—would be bitterly wrong.

The Soviets have left little doubt that their principal objective in resuming the dialogue is to stop the American efforts to develop a ballistic missile defense. According to the media, important elements of the American government favor a moratorium with the argument that testing can always be resumed if negotiations fail. But previous negotiating experience should remind us of the vacuity of such arguments. No moratorium in the arms field has ever been ended by the United States, because negotiations never fail unambiguously, and because no president is eager to tempt the political storm such a step would cause.

A moratorium would complicate the ability to obtain congressional appropriations. It would foreclose the option of using defensive weapons either for leverage or as part

of an agreement. It would almost surely slow the pace of negotiations because the United States would have handed the Soviets their ultimate goal as a unilateral gesture.

Before the United States goes very far in negotiations, a close process of consultation with its allies must begin. But past experience suggests that they will be nearly as uneasy about a separate bilateral U.S.-Soviet deal as they were previously about being drawn by us into an unwanted confrontation.

Perhaps Soviet rigidity will defeat the best efforts of America and its allies. But it is not often that an opportunity occurs to change East-West relations fundamentally. In the past the West has too often settled for the essentially psychological relief inherent in an easing of tensions. Our challenge now is to translate the yearning for peace into concrete terms that improve not only the tone but also the substance of international relations.●

KIM DAE JUNG RETURNS TO KOREA

● Mr. SIMON. Mr. President, in a few days, South Korean democratic leader Kim Dae Jung will leave Washington for his homeland, after having spent 2 years in exile in this country. I am deeply concerned that the South Korean Government may immediately arrest and imprison him out of a misplaced fear that democratic reform will weaken that nation's security, or that his freedom would endanger the state in some way.

That concern is heightened by the report in today's Washington Post that quotes President Chun's political secretary, former General Chow Change Yoon, as saying that "we cannot treat (Kim) as a politician—he is a revolutionary." The Korean Government has publicly stated that Kim will be reimprisoned when he returns.

Kim Dae Jung is known throughout the world for his lifetime commitment to the values of democracy. If he is a "revolutionary," it is in the same meaning of that word as used by President Reagan earlier this week in his Inaugural Address, when he exhorted the American people to return to our revolutionary tradition. Should the Korean Government mistakenly believe itself to be endangered by such a revolutionary, perhaps we should reexamine the close ties in defense and trade benefits which have supported that Government and its predecessors since the Republic of Korea was founded in 1948.

In 1973, when the Korean CIA, under President Park Chung Hee, kidnaped Kim Dae Jung from a Tokyo hotel and threatened to kill him, the State Department was prompt to respond. "We are gravely concerned about Mr. Kim's safety and welfare," the statement said. "Mr. Kim is a respected Korean political leader and a friend of the United States." In 1980, when a military court, under President-to-be Chun Doo Hwan, sentenced Kim Dae Jung to death on sedition charges, the Department of State called those charges farfetched.

I urge the administration to make it clear to the Korean Government that we continue to consider Kim Dae Jung a respected Korean political leader and a friend of the United States, and that an attempt to reimprison him on grounds we have already termed farfetched would be viewed with considerable disfavor and might jeopardize the present economic and military relationship between our two countries.

When Kim Dae Jung returns to Korea on February 8, he will have the support and the admiration of many of us in this country. Many of us recently expressed our hopes for a safe return and for freedom for Mr. Kim, in a letter sent to President Chun Doo Hwan. I ask unanimous consent to have printed in the RECORD the text of this letter and the list of the 136 signators. I strongly endorse their appeal and call on the Government of the Republic of Korea to reconsder its position.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CAMPAIGN TO ASSURE
A SAFE RETURN FOR KIM DAE JUNG,
Washington, DC, January 10, 1985.

HIS EXCELLENCY, PRESIDENT CHUN DOO HWAN,
The Blue House, 1, Sejong-ro, Jangno-ku Seoul, Republic of Korea.

DEAR PRESIDENT CHUN: We write to encourage you in your government's efforts to build what you have termed an "advanced homeland" through diplomatic, economic and political means. Integral to this process will be the granting of safety and freedom to Mr. Kim Dae Jung, who is respected throughout the world for his devotion to democracy and human rights, when he returns home. We also urge that you restore his civil and political rights.

Efforts to reduce tension and build confidence domestically are of great importance in all countries. They are, we believe, a critical element in assuring the social harmony needed as Korea prepares for National Assembly elections in 1985, the Asian Games in 1986, and both the Olympic Games and presidential elections in 1988. We share your desire that these events be characterized by social stability and political progress that enhance Korea's international stature.

By allowing Kim Dae Jung full participation in public life, you will, we believe, cogently communicate to the world your government's growing confidence in itself and in the people of Korea.

All of the persons listed on the pages following our signatures have agreed to join in sending this appeal. Please be assured of our continued commitment to the people of Korea and to efforts to strengthen our countries' mutual devotion to genuine freedom and democracy.

Sincerely,

PEGGY BILLINGS,
Deputy General Secretary, General Board of Global Ministries, United Methodist Church.

WILLIAM J. BUTLER,
President, American Association for the International Commission of Jurists.

PATRICIA M. DERIAN,
Washington, DC.

EDWIN O. REISCHAUER,
Harvard University.

CO-SIGNERS OF APPEAL

(Note: Institutions are listed for Identification Purposes Only)

Mia Adjali, director, United Methodist Office for the United Nations, New York, NY.

Jack Anderson, Columnist, Washington, DC.

Paul H. Anderson, Esq. attorney-at-law, Atlanta, GA.

Bernard Aronson, director, The Policy Project, Washington, DC.

Harry S. Ashmore, Center for the Study of Democratic Institutions, Santa Barbara, CA.

Edward Asner, actor, Hollywood, CA.

Edward J. Baker, Esq., Harvard University, Cambridge, MA.

Robert S. Bates, executive secretary, Department of East Asia and Pacific, Christian Church (Disciples of Christ), Indianapolis, IN.

Asia Bennett, executive secretary, American Friends Service Committee, Philadelphia, PA.

Robert L. Bernstein, chairman of the board and president, Random House, Inc., New York, NY.

(Rev.) Philip Berrigan, Baltimore, MD.

Derek Bok, president, Harvard University, Cambridge, MA.

Leslie H. Brown, Center for International Affairs, Harvard University, Cambridge, MA.

Zbigniew Brzezinski, Washington, DC.

Claude Buss, Hoover Institution, Stanford, CA.

David Carliner, Esq, chairman, International Human Rights Law Group, Washington, DC.

Hodding Carter, Washington, DC.

Marilyn Clement, director, Center for Constitutional Rights, New York, NY.

John Collins, co-director, Clergy and Laity Concerned, New York, NY.

James R. Compton, president, The Compton Trust, Los Gatos, CA.

James H. Cone, professor, Union Theological Seminary, New York, NY.

Wayne H. Cowan, editor, Christianity and Crisis, New York, NY.

Bruce Cumings, associate professor, University of Washington, Seattle, WA.

(Rt. Rev.) John S. Cummins, Bishop, Roman Catholic Church, Archdiocese of Oakland, CA.

(Rev.) Richard Baggett Deats, Fellowship of Reconciliation, Nyack, NY.

Adrian W. Dewind, Esq., Weiss, Rifkind, Wharton, & Garrison, New York, NY.

Bishop Jesse R. DeWitt, The United Methodist Church, Chicago, IL.

Edward W. Doherty, (Minister-Counsellor and Deputy Chief of Mission, U.S. Embassy Seoul, 1963-66), advisor on Asian Affairs, United States Catholic Conference, Washington, DC.

(Rev.) Robert F. Drinan, S.J., professor of law, Georgetown University Law Center, Washington, DC.

David Dyson, director, Union Label Department, Amalgamated Clothing & Textile Workers, New York, NY.

John King Fairbank, Fairbank Center for East Asian Research, Harvard University, Cambridge, MA.

Richard Falk, Milbank Professor of International Law, Princeton University, Princeton, NJ.

Mike Farrell, actor, Hollywood, CA.

Jonathan E. Fine, M.D., president, American Committee on Human Rights, Cambridge, MA.

Murray H. Finley, president Amalgamated Clothing & Textile Workers Union, New York, NY.

Richard B. Finn, administrative director, Program in U.S.-Japan Relations, Harvard University, Cambridge, MA.

Robert Foxworth, actor, Beverly Hills, CA.

John Hope Franklin, James B. Duke Professor of History, Duke University, Durham, NC.

Donald M. Fraser, mayor, Minneapolis, MI.

Felice Gaer, executive director, International League for Human Rights, New York, NY.

John Kenneth Galbraith, professor, Harvard University, Cambridge, MA.

Allan Geyer, director, Center for Theology and Public Policy, Washington, DC.

(The Rev.) Gerald F. Gilmore, Human Rights Action Group South Orleans, MA.

W. Kenneth Goodson, bishop, The United Methodist Church (ret.), Durham, NC.

Marshall Green, Foreign Service Officer (ret.), Washington, DC.

Daniel J. Greenwald, III, Esq., attorney at law, Washington, DC.

(Most Reverend) Thomas J. Gumbleton, Bishop, Roman Catholic Church, Archdiocese of Detroit, MI.

Morton Halperin, director, Center for National Security Studies, Washington, DC.

(Rev.) James Hamilton, Associate General Secretary, National Council of Churches of Christ, New York, NY.

Hurst Hannum, Esq., Executive Director, Procedural Aspects of International Law Institute, Washington, DC.

Michael Harrington, co-chair, Democratic Socialists of America, New York, NY.

Richard Healey, executive director, Coalition for a New Foreign and Military Policy, Washington, DC.

Pharis J. Harvey, executive director, North American Coalition for Human Rights in Korea, Washington, DC.

Rev. J. Bryan Hehir, secretary, Department of Social Development and World Peace, U.S. Catholic Conference, Washington, DC.

Gregory Henderson, Fairbank Center for East Asian Studies, Harvard University, Cambridge, MA.

James Herman, president, International Longshoremen's and Warehousemen's Union, San Francisco, CA.

Theresa Hoover, department general secretary for women's division, General Board of Global Ministries, United Methodist Church, New York, NY.

Haviland Houston, general secretary, General Board of Church and Society, United Methodist Church, Washington, DC.

Samuel Huntington, professor, Harvard University, Cambridge, MA.

John Isaacs, legislative director, Council for a Liveable World, Washington, DC.

John E. Jacob, president, National Urban League, Inc., New York, NY.

Marius B. Jansen, professor of East Asian History, Princeton University, Princeton, NJ.

Robert Kapp, Esq., attorney at law, Washington, DC.

Ellen Kirby, assistant general secretary, United Methodist Women's Division.

Lane Kirkland, president, AFL-CIO.

Clifton Kirkpatrick, director, International Mission, Presbyterian Church, U.S.A., Atlanta, GA.

Stephen Klitzman, Esq., chair, American Bar Association Network of Concerned Correspondents, Washington, DC.

Morton Kondrake, editor, The New Republic, Washington, DC.

Jeri Laber, executive director, Association of American Publishers, International Freedom to Publish Comm., New York, NY.

James Laney, president, Emory University, Atlanta, GA.

Rear Adm. Gene R. LaRocque, director, Center for Defense Information, Washington, DC.

Wassily Leontief, director, Institute for Economic Analysis, New York University, New York, NY.

Isabel Letelier, director, Third World Women's Project, Institute for Policy Studies, Washington, DC.

Sally Lilienthal, president, Ploughshare Fund, San Francisco, CA.

Mary Ann Lundy, National Student YWCA, New York, NY.

Blaise Lupo, co-director, Clergy and Laity Concerned, New York, NY.

Raul S. Manglapus, president, Center for Development Policy, Washington, DC.

Lindsay Mattison, director, Center for Development Policy, Washington, DC.

J. Oscar McCloud, general director, Presbyterian Church Program Agency, New York, NY.

J. Irwin Miller, chairman, executive committee, Cummins Engine Co., Inc., Columbus, IN.

(Rev.) Howard Moody, senior minister, Judson Memorial Church, New York, NY.

Right Rev. Paul Moore, Jr., bishop, Protestant Episcopal Church, Diocese of New York, New York, NY.

Edmund S. Muskie, former Secretary of State, Washington, DC.

Aryeh Neier, Esq., vice chairman, Americas Watch, New York, NY.

William Nottingham, president, Division of Overseas Ministries, Christian Church (Disciples of Christ), Indianapolis, IN.

Randolph Nugent, general secretary, Board of Global Ministeries, United Methodist Church, New York, NY.

Joseph S. Nye, Jr., professor, Harvard University, Cambridge, MA.

Edward A. Olsen, professor, National Security Affairs, Naval Postgraduate School, Monterey, CA.

George R. Packard, dean, School of Advanced International Studies, John Hopkins University, Washington, DC.

Charles A. Perlik, Jr., president, The Newspaper Guild, (AFL-CIO, CLC), Washington, DC.

Lucien W. Pye, professor of political science, Massachusetts Institute of Technology, Cambridge, MA.

(Sr.) Lora Ann Quinonez, C.D.P., executive director, Leadership Conference of Women Religious, Silver Spring, MD.

Donald Ranard, director, Center for International Policy, Washington, DC.

Claire Randall, general secretary, National Council of Churches of Christ in the U.S.A., New York, NY.

Joseph L. Rauh, Jr., attorney at law, Washington, DC.

Thomas Robinson, professor, School of Foreign Service, Georgetown University, Washington, DC.

Maurine P. Rothschild, trustee, Fund for Peace, New York, NY.

Letty Russell, professor, Yale University Divinity School, New Haven, CT.

Ginetta Sagan, president, The Aurora Foundation, Atherton, CA.

Bishop Roy I. Sano, The United Methodist Church, Denver, CO.

(Rabbi) David N. Saperstein, co-director and counsel, Religious Action Center, Washington, DC.

Robert A. Scalapino, director, Inst. of East Asian Studies, University of California, Berkeley, CA.

Orville H. Schell, Esq., chairman, Americas Watch, New York, NY.

Arthur M. Schlesinger, Jr., professor, City University of New York, New York, NY.

Steven M. Schneebaum, Esq., Patton, Boggs & Blow, Washington, DC.

Jack Sheinkman, secretary-treasurer, amalgamated Clothing & Textile Workers, New York, NY.

Jerome J. Shestack, Esq., president, International League for Human Rights, Philadelphia, PA.

Donald Shriver, president, Union Theological Seminary, New York, NY.

Sophie C. Silberberg, executive director, the Fund for Free Expression, New York, NY.

(Rt. Rev.) Robert F. Smith, moderator, The United Church of Canada, Toronto, ON.

Edward F. Snyder, executive secretary, Friends Committee on National Legislation, Washington, DC.

Eric Stover, board of directors, American Committee on Human Rights, Washington, DC.

David M. Stowe, executive vice president, United Church Board for World Ministries, New York, NY.

Rose Styron, Fund for Free Expression, New York, NY.

Leonard R. Sussman, executive director, Freedom House, New York, NY.

Kenneth L. Teegarden, general minister and president, Christian Church (Disciples of Christ), Indianapolis, IN.

William P. Thompson, Esq., attorney at law, New York, NY.

James F. Tierney, executive director, The Fund for Peace, New York, NY.

George O. Totten III, chair, Department of Political Science, University of Southern California, Los Angeles, CA.

Louis C. Vaccaro, president, The College of Saint Rose, Albany, NY.

Philippe Villers, president, Automatix, Inc., Billerica, MA.

Ezra F. Vogel, chairman, East Asian Studies, Harvard University, Cambridge, MA.

George Wald, professor, biology, Harvard University, Cambridge, MA.

(Rt. Rev.) John T. Walker, bishop of Washington, D.C., Protestant Episcopal Church, Washington, DC.

Paul C. Warnke, Washington, DC.

Donald J. Welch, president, Scarrit Graduate School, Nashville, TN.

Charles C. West, professor, Princeton Theological Seminary, Princeton, NJ.

Robert E. White, professor, International Relations, Simmons College, Boston, MA.

(Rt. Rev.) Lois Wilson, president, World Council of Churches, Toronto, ON.

(Rev.) William Wipfler, director, Human Rights Office, National Council of Churches of Christ, New York, NY.

Laurie Wiseberg, Human Rights Internet, Washington, DC.

Amy Young, Esq., executive director, International Human Rights Law Group, Washington, DC.

BURY ME WITH SOLDIERS

● Mr. DENTON. Mr. President, during recent travels I was approached by a Vietnam veteran who was ordained as a Catholic priest after his combat in Vietnam. The veteran, Rev. Charles R. Fink, gave me a copy of a poem that he had written entitled "Bury Me With Soldiers."

Perhaps the poem is not one of the greatest poems of all time, but it does seem to express better than anything else that I have seen, the appreciation that we should all have for our military personnel who fought in Vietnam as well as in other wars.

We have been too prone to make our service men and women the scapegoats for an outcome in Vietnam that was painful for us and disastrous for the people of Vietnam and Indochina, culminating as it did in the tragic fall of Saigon nearly 10 years ago and the even more tragic series of subsequent events in South Vietnam, Laos, and Cambodia, now expanding to include armed conflict on the border with Thailand.

Although our Vietnam experience may have been mishandled by several branches of our Government, on the whole our military personnel served faithfully, loyally, and effectively. Many of them paid the supreme price for their efforts. They deserve full credit for their service to our country and for their personal sacrifices. The poem recognizes that, and states it with a touching eloquence.

Mr. President, I ask that the poem "Bury Me With Soldiers," by Rev. Charles R. Fink, be printed in the RECORD. I commend it to my colleagues and to all Americans as a statement of recognition and tribute for our Vietnam veterans and, indeed, for all America's veterans.

The poem follows.

BURY ME WITH SOLDIERS [1]

I've played a lot of roles in life;
I've met a lot of men.
I've done some things I'd like to think
I wouldn't do again.
And though I'm young, I'm old enough
To know someday I'll die,
And think about what lies beyond,
Beside whom I would lie.

Perhaps it doesn't matter much;
Still, if I had my choice,
I'd want a grave 'mongst soldiers when
At last death quells my voice.
I'm sick of the hypocrisy
Of lectures by the wise.
I'll take the man, with all his flaws,
Who goes, though scared, and dies.

The troops I know were commonplace:
They didn't want the war;
They fought because their fathers and
Their fathers had before.
They cursed and killed and wept—God knows
They's easy to deride—
But bury me with men like these;
They faced the guns and died.

It's funny, when you think of it,
The way we got along.
We'd come from different worlds
To live in one where none belongs.
I didn't even like them all;
I'm sure they'd all agree.
Yet I would give my life for them,
I hope; some did for me.

So bury me with soldiers, please,
Though much maligned they be.
Yes, bury me with soldiers, for
I miss their company.
We'll not soon see their like again;
We've had our fill of war.
But bury me with men like them
Till someone else does more.

[1] By Rev. Charles R. Fink (formerly Sgt. in the 199th Lt. Infantry Brigade Vietnam 3/69-3/70).●

THE 67TH ANNIVERSARY OF THE PROCLAMATION OF INDEPENDENCE IN UKRAINE

● Mr. DURENBERGER. Mr. President, January 23 was the 67th anniversary of the proclamation of Ukraine's independence from Russian rule. This declaration, which was made in Kiev in January 1918, represented the culmination of over 200 years of struggle by Ukrainians who sought freedom from Russian domination.

Sadly, Ukrainian independence was to be short-lived. The Ukrainian Republican struggled valiantly to preserve its independence against the attacks of Red and White Russian forces as well as Polish armies. In 1920, the Soviets defeated the Ukrainian Army and began an occupation of Ukraine which has lasted approximately 65 years.

This long occupation has not crushed Ukraine's spirit nor its will to resist Russian imperialism. This anniversary seems an appropriate occasion to honor the courage of several Ukrainian democrats, who have suffered grievously for their beliefs. We should recognize their sacrifice and not forget that brave men still die in pursuit of freedom in Ukraine.

In the last year, various members of the human rights movement in Ukraine died in suspicious circumstances or were driven to suicide in Soviet prisons, labor camps, and psychiatric hospitals. Yuriy Lytvyn was a member of the Ukrainian Helsinki Group as well as a writer. He served terms as a political prisoner from 1951-53, 1955-65, and 1974-77. In 1979, Lytvyn was sentenced again to 10 years' imprisonment and 5 years' of exile. On September 5, he was driven to suicide at Labor Camp No. 36-1 near Perm, R.S.F.S.R. He was 50 years old and had spent nearly half of his life as a political prisoner.

Valeriy Marchenko was a writer, translator, and journalist. He served an earlier term as a political prisoner from 1973 to 1981. In March 1984, Marchenko was sentenced again to 10 years' imprisonment and 5 years' exile. He was seriously ill for much of both terms of imprisonment. On October 7, he died of complications resulting from an untreated kidney ailment and hypertension in a prison hospital in Leningrad. Marchenko was 37 years old.

Oleksiy Tykhy was a founding member of the Ukrainian Helsinki Group and a teacher. He served an earlier term as a political prisoner from 1957 to 1964. In 1977, Tykhy was sentenced again to 10 years' imprisonment and 5 years' exile. In May, he died in the hospital at Labor Camp No. 36-1. Tykhy was 57 years old.

Oleksiy Nikityn was a leader in Ukraine's independent labor union movement and an engineer. He served a previous term as a political prisoner from 1972 to 1976. In 1977, Nikityn was transferred to a special psychiatric hospital. Last spring, he died a few weeks after having been released by prison officials. He was 47 at the time of his death.

There is little that we can do for these courageous men, but to remember their sacrifices. And to offer our support to other brave Ukrainians who are struggling for their freedom. We can, however, take positive action to see that other Ukrainian activists for human and national rights do not suffer the same fate. We in the West should demand that the Governments of the U.S.S.R. and the Ukrainian S.S.R. permit the U.N. Commission on Human Rights to undertake a full investigation into the deaths of these human rights activists. Also, the International Red Cross Committee should be allowed to visit all prisoners of conscience held by the Soviet Union, especially in order to determine safety conditions and the level of medical care that these prisoners receive.

In recognizing this anniversary of Ukrainian independence, we in the Western democracies honor those 50 million people of Ukraine and over 3 million Americans of Ukrainian descent. We in the Congress should let the Soviet Union know of our concern about the many Ukrainian prisoners of conscience. For example, Mykola Rudenko, the head of the Ukrainian Helsinki Group, is currently serving a term in exile for demanding Soviet compliance with the Helsinki accord. Yosyf Zisels was arrested on December 8, 1978 and charged with "slandering the Soviet state" for disseminating Ukrainian and Russian "samizdat" writings. Zisels was accused of having contacts with the Moscow and Ukrainian Helsinki Monitoring Groups. He joined the Ukraine Helsinki Monitoring Group in 1979 while serving his sentence in a labor camp in the Chernivtsi region of Ukraine. Yuriy Shukhevych is another member of the Ukrainian Helsinki Group who has spent a significant portion of his life in Soviet political prisons. As the son of the commander-in-chief of the Ukrainian Insurgent Army, Shukhevych was imprisoned from 1947-68 and from 1972-82 for his continued refusal

to renounce his father. As a result of mistreatment and deprivation of medical care during his imprisonment, Shukhevych went totally blind. He is presently serving a term of exile.●

IN PRAISE OF MAHONING VALLEY STEELWORKERS

● Mr. GLENN. Mr. President, no one better understands the rigors of international competition than the steelworkers of the Mahoning Valley in Ohio. I am proud to say that no one has done more to meet the challenges of that competition. They have shown that a well-trained and motivated work force, in cooperation with forward-looking management, can increase productivity and improve the quality of output. In doing so, they have demonstrated that in our Nation's quest for excellence our greatest resource is our people.

Mr. President, I ask that a recent article describing the accomplishments of labor-management cooperation at LTV's steelmills in the Mahoning Valley be printed in the RECORD.

The article follows:

[From the Cleveland Plain Dealer, Jan. 17, 1985]

MAHONING STEELWORKERS PRAISED

(By Richard Ellers)

YOUNGSTOWN.—Once known for their hard-nosed unionism. Mahoning Valley steelworkers were praised here last night for accepting lower pay and increasing output to help their companies meet the steel industry's harsh global competition.

The praise came from the top, from David H. Hoag, new chairman and chief executive officer of Cleveland-based LTV Steel Co.

At the annual meeting of the Industrial Information Institute in Boardman, Hoag said LTV mills in Campbell, Youngstown and Warren demonstrate new labor-management cooperation, which provides the profitability needed for survival.

LTV has 7,000 workers in the Mahoning Valley, many of them still laid off, at its pipe mills in Youngstown and Campbell and basic steel and semifinished plants in nearby Warren.

Hoag said that in return for union acceptance of two-tiered wages scales and simplified job classifications, the company has financed modernizations of the mills to improve product quality and profitability.

He said the company will soon invest $1 million to keep the Mahoning bar mill open after negotiating a recent agreement providing for wage limits for present workers and for hiring new workers at lower rates.

Hoag said similar worker concessions and improved productivity and quality at the welded steel mill here meant that plant would remain open while a similar LTV plant in Aliquippa, Pa., is closed.

He also credited workers at LTV's Campbell pipe mill with improving the quality of its oil and gas drilling pipe to 50 times better than the standards set by the American Petroleum Institute.

With worker cooperation and a $65 million modernization completed in 1983, the Campbell mill cut its man-hours-per-ton by 30% in the past year and in three years, has doubled the tons-per-hour production.

"There are only four job classifications compared with 42 previously," he said. "The new approach created a well-trained and motivated work force freed from the monotony and boredom inherent in rigid job classifications.

"The Campbell mill now produces oil country products (pipe) that are as good or better than any in the world," he said, but warned that "the Youngstown mills have won a round in the battle, but the war is not over."●

STATEMENT OF SPONSORSHIP OF THE EQUAL RIGHTS AMENDMENT, S.J. RES. 10

● Mr. PACKWOOD. Mr. President, on January 11, 1985, we celebrated the centennial birthday of one of this century's foremost fighters for women's equality: Alice Paul. Sixty-two years have passed since Ms. Paul first authored the equal rights amendment in 1923. Ms. Paul saw the ERA introduced in every session of Congress since then until it passed both Houses in 1972. Her own words best describe why Congress should approve the ERA:

A national amendment is the most effective way to establish equality of rights for men and women throughout the country. The amendment would, at one stroke, compel both Federal and State governments to observe the principle of Equal Rights since the Federal Constitution is the supreme law of the land.

Alice Paul spent her entire life fighting to win passage of the ERA. I am proud to carry on that struggle for equality by adding my name as a cosponsor to the very same ERA. There is no doubt in my mind that someday Ms. Paul's dream will be realized. It is a matter of time, not lack of dedication of principle, before the ERA becomes an integral part of the law of our land.

The equal rights amendment is a fundamental statement of our democratic ideals. But, unfortunately, history demonstrates that fundamental rights have often been achieved only by virtue of long-term concerted efforts. The Magna Carta and our Bill of Rights are themselves the result of persistent struggles to guarantee basic rights and freedom from abuse by the Government. The more recent civil rights movement and the struggle for women's suffrage are poignant reminders that equal rights have not been readily granted to blacks or women. Though a difficult course, some goals have been achieved: 60 years of tenacity and courage by women and men led to the adoption in 1920 of the 19th amendment granting women the right to vote.

The 62 years of struggle to pass the ERA has been just as long but like the struggle to pass the 19th amendment, it has endured and it will be successful. And it will continue with courage, diligence, and persistence until ERA is a reality. Women and men committed to equal justice will not rest until the equal rights amendment is adopted as part of the U.S. Constitution.

Women's roles in our society have changed. The clock will not turn back. The women of this country, and the men who care, will not tolerate a return to the time when women were relegated to the sidelines of our society—when blatant discrimination and barriers to equal opportunities deprived women of the chance to reach their full potential—whether in the home or in a career.

Much progress has been made in recent years toward ending discrimination against women: The Equal Pay and Equal Credit Acts, ensuring parity and pay and credit; the Civil Rights Act, forbidding discrimination in employment; and, title IX, ensuring equality in education. These are great achievements. But they are a piecemeal approach to an enormous problem. As laws directed to specified subjects, they cannot address comprehensively the many kinds of discrimination women face everyday. A constitutional amendment is the simple statement of equality for all.

The American Bar Association explained the need for ERA this way:

No ordinary statute can provide the bedrock protection assured by a constitutional amendment. No court decision can provide that protection, for the courts can interpret, but they may not amend the Constitution.

ERA is a self-evident principle of simple justice. It would not prevent anyone, man or woman, from living the kind of life they want. It would not force anyone, man or woman, to live according to rules dictated by others. ERA is the only permanent insurance that all of us can have an equal chance.

No time limit can be placed on the pursuit of equality and justice for all Americans. Opponents of ERA must realize that those of us who seek true equality for all people will never allow the equal rights amendment to die. We will not give up the struggle. We will not give in. We will continue until all Americans, and especially the 51.4 percent who are female, are truly "We are the People."

Mr. President, I submit for the RECORD, remarks made by Elizabeth Chittick of the National Women's Party on the occasion of Alice Paul's 100th birthday.

The remarks follow:

ELIZABETH CHITTICK—WELCOME

(Alice Paul Centennial Birthday Celebration Jan. 10, 1985)

Good Evening—Welcome to the Sewall-Belmont House, headquarters of the National Women's Party since 1929.

This is a very special night for us as we celebrate the 100th birthday of a very, very special woman—the kind of woman we do not know today. A woman who truly gave her whole life to the cause of eliminating discrimination against women. A woman who could not be swerved from this goal—a

woman who had the ability to inspire others to support and work for this cause—her cause—the Equal Rights Amendment.

Alice Paul was born in a Quaker family in Moorestown, New Jersey, on January 11, 1885, and she died a Quaker on July 9, 1977. Her peaceful background, no doubt, influenced her leadership activities during the suffrage years in America. As a young social worker in England, under the leadership of Emmeline Pankhurst, she took part in the English demonstrations for suffrage, which were violent and destructive—bricks were thrown through windows—and she was jailed in England and Scotland.

When she returned to America, her leadership tactics were peaceful and demonstrations were quiet with only one objective—to obtain attention for the suffrage cause.

But she was an activist with a flair for the dramatic. In 1913 she organized over 5,000 women to parade the evening before President Woodrow Wilson's inauguration. In 1917 she and some of her followers were jailed for refusing to leave their positions at the White House. They went on a hunger strike and she was force-fed to sustain her life. Many demonstrations followed until, finally, the 19th Amendment was passed in 1920 and women had the legal right to vote.

In 1923, after the passage of suffrage, Alice Paul held a commemorative convention at Seneca Falls, New York, where the first Equal Rights convention was held in 1848 by Lucretia Mott, Elizabeth Cady Stanton and friends. At this convention Alice Paul was asked to obtain legislation that would give women the balance of rights Elizabeth Cady Stanton had demanded. She returned to Washington, wrote the Equal Rights Amendment and saw to it that it was introduced in every session of Congress from 1923 until it was passed in 1972.

It is interesting to note that during the period of 1922-1927, she added three law degrees to her Ph.D. in social work.

She worked for suffrage from 1913 to 1920 but her total life's work, from 1912 until she died on July 9, 1977, was for passage of the Equal Rights Amendment.

In addition to her lifetime dedication to the cause of the Equal Rights Amendment, her commitment to equality for women extended beyond America.

In 1928, she was author of the resolution that founded the Inter-American Commission of Women, an important arm of the Organization of American States.

In 1938, with the help of prominent women from all over the world, she founded the World Woman's Party, and worked with women throughout the world—women in Japan, Europe, South America, China and India.

In 1943, under the leadership, the World Woman's Party was successful in persuading the World Court to include a statement supporting the principle of human rights for all.

In 1945, when the United Nations was founded in San Francisco, under her leadership, the National Woman's Party and World Woman's Party were instrumental in having included in the U.N. charter, a statement declaring recognition of equality for men and women.

In 1964, it was the pressure and lobbying of National Woman's Party lawyers that were mainly responsible for the word "sex" being inserted in title VII—the Civil Rights Act. Alice Paul and her lobbying techniques were without parallel.

This remarkable, petite woman used all of her God-given talents and zeal to make this a better place for men and women.

She was, without knowing it, a great pioneer, fighting for equality for women not only in the United States, but throughout the world.

During a period of time when women were not accepted as equals, her accomplishments were awesome.

She showed the way for women who would be pioneers in their fields of endeavor. She opened doors for women who strive for that special gold ring—equality.

Today, we rejoice and celebrate the 100th birthday of this great pioneer, whom I was privileged to know and who inspired me to work for her cause.

Alice Paul is the unsung, unknown heroine of the 20th century. A pioneer achiever—she has left us a heritage to fulfill—passage of the Equal Rights Amendment. Her spirit remains as our inspiration.●

TRADE EXPANSION ACT OF 1985

● Mr. ROTH. I ask that S. 234, a bill to amend the Tariff Act of 1930 to make the trade laws more equitable and to expand trade, which was introduced on Tuesday, January 22, be printed in the RECORD in its entirety.

The text follows:

S. 234

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trade Expansion Act of 1985".

TITLE I—TRADE NEGOTIATIONS

SEC. 101. FINDINGS.

The Congress finds that—

(1) open and fair trading among all countries is a fundamental element of world economic growth;

(2) unfair trade practices of increasing subtlety and variety are undermining America's ability to compete fairly abroad;

(3) the Tokyo Round agreements governing the trading system are frequently imprecise, ambiguous, and unresponsive to emerging economic sectors;

(4) strengthening the General Agreement on Tariffs and Trade (hereinafter in this Act referred to as "GATT"), including the Tokyo Round agreements, will provide the necessary leadership for an open and fair world trading system;

(5) creating a more effective trading system involves not only the delineation of new trade rules, but also consideration of basic institutional reform of GATT procedures and authority;

(6) millions of Americans now depend on exports for their jobs and exports will be a key source of future job creation in the United States; and

(7) providing American exports with a fair and reasonable access to world markets is an important concern.

SEC. 102. SENSE OF CONGRESS REGARDING TRADE NEGOTIATIONS.

(a) It is the sense of the Congress that the President should initiate trade negotiations with the trading partners of the United States at the earliest possible time.

(b) The following should be the principal objectives of the trade negotiations referred to in subsection (a):

(1) Establishment of more effective rules governing trade in agriculture for the purpose of providing greater market access for all countries and the curbing of excessive use of export subsidies that have hindered American agricultural exports abroad.

(2) The strengthening and clarification of the safeguards provision of the GATT with particular emphasis on establishing transparency of safeguard actions through improved notification procedures as well as better surveillance of safeguard actions, their duration, and their specific application to all countries.

(3) Improvement of the dispute settlement procedures of the GATT so that—

(A) industries suffering from unfair trade practices will receive more expeditious relief, and

(B) affected contracting parties will abide by decisions reached.

(4) The strengthening of existing GATT codes to make them more responsive to growing economic change, in particular—

(A) delineation of those domestic subsidies that distort trade, with special emphasis on government assistance of a long-term nature that aids specific economic sectors in capturing foreign markets;

(B) extension of coverage of the GATT codes to investment practices that distort trade;

(C) discouragement of discriminatory regional standards;

(D) establishment of rules that provide for mutual acceptance of test data and greater transparency;

(E) extension of coverage of the GATT codes to additional government entities, as well as economic sectors, particularly the services sectors; and

(F) strengthening the rules that affect trade in high technology.

(5) Extension of GATT rules, and the rules of any other appropriate forum, to services sectors for the purpose of providing a more open environment for these sectors in world markets.

(6) Establishment of multilaterial rules affecting trade in counterfeit goods.

(7) Clarification of the rights and obligations of trading countries in actions related to intellectual property that affect international trade.

(8) Creation of stronger institutional links between the GATT and international financial institutions such as the World Bank and the International Monetary Fund.

(9) Establishment of a new standing committee within the GATT that would indentify emerging trade problems and explore solutions to such problems.

(10) Implementation of any institutional changes to the GATT that would increase the effectiveness of the GATT in promoting open and fair trade.

(11) Improvement in the application of GATT rules to trade by all countries.

TITLE II—TRADE ADJUSTMENT ASSISTANCE

SEC. 201. CASH ASSISTANCE.

(a) Section 231 of the Trade Act of 1974 (19 U.S.C. 2291) is amended—

(1) by striking out "(a)" before "Payment";

(2) by striking out subsection (b); and

(3) by adding after paragraph (4) the following new paragraph:

"(5) Such worker is enrolled in or has completed a training program approved under section 236.".

(b) Section 232 of such Act (19 U.S.C. 2292) is amended to read as follows:

"SEC. 232. WEEKLY AMOUNT OF READJUSTMENT ALLOWANCE.

"The trade readjustment allowance payable to an adversely affected worker for a

week of unemployment shall be an amount equal to the most recent weekly benefit amount of the unemployment insurance payable to the worker for a week of total unemployment preceding the worker's first exhaustion of unemployment insurance (as determined for purposes of section 231(a)(3)(B)), reduced (but not below zero) by income that is deductible from unemployment insurance under the disqualifying income provisions of the applicable State or Federal unemployment insurance law.".

(c) Section 233 of such Act (19 U.S.C. 2293) is amended—

(1) by striking out paragraph (3) of subsection (a); and

(2) by striking out subsections (b) and (c) and redesignating subsection (d) as subsection (b).

SEC. 202. TRAINING AND JOB VOUCHERS.

(a) Section 236 of the Trade Act of 1974 (19 U.S.C. 2296) is amended to read as follows:

"SEC. 236. TRAINING AND JOB VOUCHERS.

"(a) Each adversely affected worker covered by a certification under this chapter shall be eligible for a job training voucher issued by the Secretary of Labor, subject to amounts appropriated for purposes of providing such vouchers. The voucher shall be in the amount of $4,000, and may be used only in accordance with the provisions of this section to defray (in whole or in part) the cost of any of the following training programs provided to such worker:

"(1) A training program provided by the State pursuant to section 303 of the Job Training Partnership Act.

"(2) A training program provided by a private entity if such program has been approved for purposes of this section by a private industry council established under section 102 of the Job Training Partnership Act. A private industry council shall approve a training program for purposes of this section only if the council determines that the program provides training in occupations for which a need exists in the private sector of the economy.

"(3) Training provided by an employer who agrees to employ the worker upon completion of the training, for a period (including the training period) of not less than 26 weeks.

"(b)(1) The State (in the case of a voucher used pursuant to subsection (a)(1)) or the private training program (in the case of a voucher used pursuant to subsection (a)(2)) may redeem such voucher from the Secretary of Labor upon completion of the training program.

"(2) An employer (in the case of a voucher used pursuant to subsection (a)(3)) may redeem such voucher only as a credit against the tax imposed under the Federal Unemployment Tax Act (chapter 23 of the Internal Revenue Code of 1954), or, if the total amount of such vouchers exceeds the tax liability under such Act, as a credit against such employer's tax liability under chapter 1 of the Internal Revenue Code of 1954. Such credit shall become effective at the end of 26 weeks of training and employment of such worker.

"(c)(1) No employer may redeem a voucher used by a worker pursuant to subsection (a)(3) if such employer is engaged in the same occupation from which the worker was separated and with respect to which such worker's group was certified pursuant to section 222.

"(2) No employer may redeem a voucher used by a worker pursuant to subsection (a)(3) unless such employer has provided such worker with training and employment for a combined period of not less than 26 weeks.

"(3) No employer may redeem a voucher used by a worker pursuant to subsection (a)(3) if such employer terminated the employment of an employee for the purpose of hiring and training such worker under the provisions of this section. Any employer found by the Secretary of Labor to have violated the provisions of this paragraph shall also be subject to a civil penalty not to exceed $12,000 for each such violation.

"(d) Any entity which redeems a voucher used by a worker pursuant to subsection (a)(2) shall repay to the United States the amount of such voucher plus interest at a rate of 10 percent if the Secretary of Labor subsequently determines that the entity's training program was not approved by a private industry council for purposes of this section.".

(b)(1) Section 237 of the Trade Act of 1974 (19 U.S.C. 2297) is amended—

(A) by striking out "section 236(b)(1) and (2)" in subsection (a)(2) and inserting in lieu thereof "subsection (c)", and

(B) by adding at the end thereof the following new subsection:

"(c) LIMITATIONS.—

"(1) SUBSISTENCE.—The amount of allowable subsistence expenses shall not exceed the lesser of—

"(A) the actual per diem expenses for subsistence, or

"(B) the amount determined by using 50 percent of the prevailing per diem allowance rate authorized under Federal travel regulations.

"(2) TRAVEL.—The amount of allowable travel expenses shall not exceed the prevailing mileage rate authorized under Federal travel regulations.".

(2) Paragraph (1) of section 238(d) of the Trade Act of 1974 (19 U.S.C. 2298(d)) is amended by striking out "section 236(b) (1) and (2)" and inserting in lieu thereof "section 237(c)".

SEC. 203. REPEAL OF ADJUSTMENT ASSISTANCE FOR FIRMS AND COMMUNITIES.

Chapters 3 and 4 of title II of the Trade Act of 1974 (19 U.S.C. 2341 through 2374) are hereby repealed.

SEC. 204. TRUST FUND.

Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended to read as follows:

"SEC. 245. TRADE ADJUSTMENT ASSISTANCE TRUST FUND.

"(a) There is established within the Treasury of the United States a trust fund to be known as the Trade Adjustment Assistance Trust Fund (hereinafter in this section referred to as the "Trust Fund"), consisting of such amounts as may be transferred or credited to the Trust Fund as provided in this section or otherwise appropriated to the Trust Fund.

"(b)(1) The Secretary of the Treasury shall transfer to the Trust Fund out of the general fund of the Treasury of the United States amounts determined by the Secretary of the Treasury to be equivalent to the amounts received into such general fund which are attributable to the duty imposed by section 206(b) of the Trade Expansion Act of 1985.

"(2) The amounts which are required to be transferred under paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury of the United States to the Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in paragraph (1) that are received into the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of, or less than, the amounts required to be transferred.

"(c)(1) It shall be the duty of the Secretary of the Treasury to hold the Trust Fund, and to report annually to the Congress on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the current fiscal year and the next 5 fiscal years after the current fiscal year. Such report shall be printed as a House document of the session of the Congress to which the report is made.

"(2)(A) It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired—

"(i) on original issue at the issue price, or

"(ii) by purchase of outstanding obligations at the market price.

"(B) Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

"(C) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

"(d) Amounts in the Trust Fund shall only be available for making expenditures, as provided by appropriations Acts, to carry out the provisions of this chapter.

"(e) There are authorized to be appropriated out of the Trust Fund such sums as may be necessary to carry out the provisions of this chapter.".

SEC. 205. SUNSET OF TRADE ADJUSTMENT ASSISTANCE.

(a) Subchapter B of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2291 through 2298) is amended by adding at the end thereof the following new section:

"SEC. 2299. TERMINATION.

"No assistance, vouchers, allowances, or other payments may be provided under this subchapter after the date that is 4 years after the date described in section 208(a) of the Trade Expansion Act of 1985.".

(b) Section 285 of the Trade Act of 1974 is hereby repealed.

SEC. 206. IMPOSITION OF SMALL UNIFORM DUTY ON ALL IMPORTS.

(a) The President shall undertake negotiations necessary to achieve changes in the GATT that would allow any country to impose a small uniform duty on all imports to such country for the purpose of using the revenue from such duty to fund any program which assists the workers of such country in adjusting to import competition.

(b)(1) There is hereby imposed a duty on the entry, or withdrawal from warehouse, for consumption in the customs territory of the United States of any article.

(2) The rate of the duty imposed by paragraph (1) shall be a uniform rate determined by the President—

(A) to be in accordance with the GATT, and

(B) to be sufficient to provide the funding necessary to carry out the provisions of chapter 2 of title II of the Trade Act of 1974.

SEC. 207. TAXATION OF TRADE READJUSTMENT ASSISTANCE.

Section 85(c) of the Internal Revenue Code of 1954 is amended by inserting before the period at the end thereof the following: ", including any trade readjustment allowance paid under section 231 of the Trade Act of 1974, but not including a voucher issued under section 236 of such Act".

SEC. 208. EFFECTIVE DATES.

(a) The amendments and repeals made by sections 201, 202, 203, 204, and 205 of this Act shall take effect on the first day after the date of enactment of this Act on which the GATT permits any country to impose a uniform duty on all imports to such country for the purpose of using the revenue from such duty to fund any program which assists the workers of such country in adjusting to import competition.

(b) The provisions of section 206(a) shall take effect on the date of enactment of this Act.

(c) The provisions of section 206(b) shall apply to any article entered, or withdrawn from warehouse, for consumption on the date that is 15 days after the day described in subsection (a).

(d) The amendment made by section 207 shall apply to taxable years ending on or after the day described in subsection (a).

TITLE III—IMPORT RELIEF AMENDMENTS TO TITLE II OF THE TRADE ACT OF 1974

SEC. 301. ESTIMATION OF THE EFFECT OF IMPORT RELIEF ON CONSUMERS.

(a) Subparagraph (A) of section 201(d)(1) of the Trade Act of 1974 (19 U.S.C. 2251(d)(1)(A)), is amended by inserting the following after "injury": "and estimate the short-term and long-term effects of such increase or imposition on private and industrial consumers (including the effect on the price and availability of the imported article and the like or directly competitive article produced in the United States)".

(b) Paragraph (4) of section 202(c) of the Trade Act of 1974 (19 U.S.C. 2252(c)(4)) is amended to read as follows:

"(4) the effect of import relief on consumers (as estimated by the Commission under section 201(d)(1)(A)) and on competition in the domestic markets for such articles;".

(c) The amendments made by this section shall apply to investigations that begin after the date of enactment of this Act.

SEC. 302. FACTORS OTHER THAN IMPORTS; EVALUATION OF EFFECTIVENESS OF RELIEF.

(a) Subsection (b) of section 201 of the Trade Act of 1974 (19 U.S.C. 2251(b)) is amended by adding at the end thereof the following new paragraph:

"(7) In the course of any proceeding under this subsection, the Commission shall examine factors other than imports which are a cause of injury, or threat of injury, to the domestic industry concerned. The findings of such examination shall be included in the report submitted by the Commission to the President under subsection (d)(1).".

(b) Paragraph (1) of section 203(b) of the Trade Act of 1974 (19 U.S.C. 2253(b)(1)) is amended—

(1) by striking out "On the day" and inserting in lieu thereof "(A) On the day", and

(2) by adding at the end thereof the following new subparagraph:

"(B) Each report submitted by the President under subparagraph (A) shall include a description of all actions which the firms and workers in the domestic industry concerned and the Federal, State, and local governments are taking, or have agreed to take during the period for which import relief is provided under this section—

"(i) to combat any factors other than imports which have been identified by the Commission under section 201(b)(7), and

"(ii) to enable the domestic industry concerned to compete more effectively with imports.".

(c) Section 203 of the Trade Act of 1974 (19 U.S.C. 2253) is amended by adding at the end thereof the following new subsection:

"(l)(1) After import relief provided under this section has terminated, the Commission shall evaluate the effectiveness of the relief.

"(2) During the course of the evaluation conducted under paragraph (1), the Commission shall, after reasonable public notice, hold a hearing on the effectiveness of the import relief. All interested persons shall have the opportunity to attend such hearing and to present evidence or testimony at such hearing.

"(3) A report on the evaluation made under paragraph (1) and the hearings held under paragraph (2) shall be submitted by the Commission to the President and to the Congress by no later than the date which is 6 months after the date on which the import relief terminated.".

(d)(1) The amendments made by subsections (a) and (b) shall apply to investigations that begin after the date of enactment of this Act.

(2) The amendment made by subsection (c) shall apply with respect to import relief that terminates after the date of enactment of this Act.

TITLE IV—COUNTERVAILING AND ANTIDUMPING DUTIES

SEC. 401. REFERENCES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a title, subtitle, part, section, or other provision, the reference shall be considered to be made to a title, subtitle, part, section, or other provision of the Tariff Act of 1930 (19 U.S.C. 1202 et seq.).

SEC. 402. MATERIAL INJURY CAUSED BY SUBSIDIES OR DUMPING.

(a)(1) Paragraph (2) of section 701(a) (19 U.S.C. 1671(a)(2)) is amended by striking out "imports of that merchandise" and inserting in lieu thereof "such subsidy".

(2) Paragraph (1) of section 705(b) (19 U.S.C. 1671d(b)(1)) is amended by striking out "imports of the merchandise" and inserting in lieu thereof "the subsidy".

(b)(1) Paragraph (2) of section 731 (19 U.S.C. 1673(2)) is amended by inserting "sales at less than fair value of" after "by reason of".

(2) Paragraph (1) of section 735(b) (19 U.S.C. 1673d(b)(1)) is amended by inserting "sales at less than fair value of" after "by reason of".

(c) The amendments made by this section shall apply to investigations begun, and petitions filed, after the date of enactment of this Act.

SEC. 403. AGREEMENTS TO SUSPEND INVESTIGATION OF SUBSIDIZED IMPORTS OR DUMPING.

(a) Subsection (d) of section 704 (19 U.S.C. 1671c(d)) is amended by adding at the end thereof the following new paragraph:

"(4) NO AGREEMENTS ACCEPTED AFTER FINAL DETERMINATION BY COMMISSION.—No agreement shall be accepted under subsection (b) or (c) with respect to an investigation at any time after the Commission has made a final determination with respect to such investigation under section 705(b)(1) (regardless of whether the Commission has provided notice of the facts and conclusions of law upon which such final determination is based).".

(b) Subsection (d) of section 734 (19 U.S.C. 1673c(d)) is amended by adding at the end thereof the following new paragraph:

"(3) NO AGREEMENTS ACCEPTED AFTER FINAL DETERMINATION BY COMMISSION.—No agreement shall be accepted under subsection (b) or (c) with respect to an investigation at any time after the Commission has made a final determination with respect to such investigation under section 705(b)(1) (regardless of whether the Commission has provided notice of the facts and conclusions of law upon which such final determination is based).".

SEC. 404. JUDICIAL REVIEW OF CERTAIN ACTIONS BY COURT OF APPEALS FOR THE FEDERAL CIRCUIT.

(a) Paragraphs (1)(A), (1)(B), and (2)(A) of section 516A(a) (19 U.S.C. 1561a(a)) are each amended by striking out all that follows "in which the matter arises" and inserting in lieu thereof "may appeal such determination to the Court of Appeals for the Federal Circuit, contesting any factual findings or legal conclusions upon which the determination is based."

(b)(1) Section 516A (19 U.S.C. 1516a) is amended—

(A) by striking out subsection (a)(3),

(B) by striking out "United States Court of International Trade, or of the Court of Appeals for the Federal Circuit" in subsection (c)(1) and inserting in lieu thereof "Court of Appeals for the Federal Circuit",

(C) by striking out "the United States Court of International Trade" each place it appears in subsections (c)(2) and (d) and inserting in lieu thereof "the Court of Appeals for the Federal Circuit",

(D) by striking out "action" each place it appears in subsection (d) and inserting in lieu thereof "appeal", and

(E) by striking out "of the United States Court of International Trade or" in subsection (e).

(2) Each of the following provisions of title 28, United States Code, and any references to any such provision, are repealed:

(A) Section 1581(c).

(B) Section 2631(c).

(C) Section 2632(c).

(D) Section 2635(b).

(E) Section 2636(c).

(F) Section 2636(d).

(G) Section 2640(b).

(3) Section 1295(a) of title 28, United States Code, is amended by—

(A) striking out "and" at the end of paragraph (9);

(B) striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and

(C) adding at the end thereof the following:

"(11) of appeals described in section 516A of the Tariff Act of 1930.

For purposes of paragraph (11), the provisions of section 516A of the Tariff Act of 1930 shall apply to such appeal and, except to the extent it is inconsistent with such section, the Court of Appeals for the Federal Circuit may take such action on appeal as may be taken pursuant to this title.".

(4) Section 2631(j)(1) of title 28, United States Code, is amended—

(A) by inserting "and" at the end of subparagraph (A),

(B) by striking out subparagraph (B), and

(C) by redesignating subparagraph (C) as subparagraph (B).

(5) Section 2639(a)(1) of title 28, United States Code, is amended by striking out ", 516, or 516A" and inserting in lieu thereof "or 516".

(6) Section 2647 of title 28, United States Code, is amended to read as follows:

"§ 2647. Precedence of cases

"The following civil actions in the Court of International Trade shall be given precedence, in the following order, over other civil actions pending before the Court, and shall be assigned for hearing at the earliest practicable date and expedited in every way:

"(1) First, a civil action involving the exclusion of perishable merchandise or the redelivery of such merchandise.

"(2) Second, a civil action commenced under section 515 of the Tariff Act of 1930 involving the exclusion or redelivery of merchandise.

"(3) Third, a civil action commenced under section 516 of the Tariff Act of 1930.".

(c) The amendments made by this section shall apply to agency determinations made on or after the date of the enactment of this Act.

SEC. 405. EXPEDITED COUNTERVAILING OR ANTIDUMPING DUTY PROCEDURES.

(a)(1) Subtitle A of title VII (19 U.S.C. 1671 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 708. ELECTION OF EXPEDITED PROCEDURES.

"(a) IN GENERAL.—If any interested person elects to have the provisions of this section apply with respect to any investigation under this subtitle, then—

"(1) the provisions of subsections (a) and (e) of section 703 and of paragraphs (1) and (2) of section 703(d) shall not apply with respect to such investigation (and this subtitle shall be applied without regard to such provisions);

"(2) subsections (b) and (c) of section 703 shall be applied—

"(A) by substituting '100 days' for '85 days' in section 703(b)(1),

"(B) by substituting '130th day' for '150th day' in section 703(c)(1), and

"(C) without regard to the requirement in section 703(b)(1) that the preliminary determination by the administering authority be made after a preliminary determination by the Commisision,

"(3) the periods within which final determinations must be made under section 705 shall be determined under subsection (b), and

"(4) subsection (c) shall apply in determining whether countervailing duties are imposed by section 701 with respect to the unliquidated entry of the merchandise.

"(b) TIME FOR MAKING FINAL DETERMINATIONS.—If an election is made under subsection (a), the determinations under section 705 shall be made as follows:

"(1) The determination under section 705(a)(1) shall be made within 150 days (180 days if section 703(c)(1) applies) of—

"(A) the filing of the petition under section 702(b), or

"(B) the date on which the investigation is commenced under section 702(a).

"(2) The determination under section 705(b)(1) shall be made within 5 days after the date of the determination made under section 705(a)(1).

"(c) IMPOSITION OF COUNTERVAILING DUTIES.—If—

"(1) an election is made under subsection (a),

"(2) the final determination of the Commission under section 705(b)(1) with respect to any merchandise is affirmative, and

"(3) in such determination, the Commission finds that the domestic industry has been materially injured,

then the countervailing duties imposed by section 701 shall apply to the entry, or withdrawal from warehouse, for consumption of any of such merchandise that is unliquidated on or after the date on which the Commission publishes notice of such final determination in the Federal Register.

"(d) INTERESTED PERSON DEFINED.—For purposes of this section, the term 'interested person' means—

"(1) in the case of a petition filed under section 702(b), the person filing such petition, or

"(2) in any other case, an interested party described in subparagraph (C), (D), or (E) of section 771(9) who is acting on behalf of an industry.".

(2) Subparagraph (B) of section 705(c)(1) (19 U.S.C. 1671d(c)(1)(B)) is amended by striking out "where the preliminary determination by the administering authority under section 703(b) was negative" and inserting in lieu thereof "in which the administering authority has made a negative determination under section 703(b) and the application of section 708 was not elected".

(3) The table of sections for subtitle A of title VII is amended by adding at the end thereof the following new item:

"Sec. 708. Election of expedited procedures.".

(b)(1) Subtitle B of title VII (19 U.S.C. 1673 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 741. ELECTION OF EXPEDITED PROCEDURES.

"(a) IN GENERAL.—If any interested person elects to have the provisions of this section apply with respect to any investigation under this subtitle, then—

"(1) the provisions of subsections (a) and (e) of section 733 and of paragraphs (1) and (2) of section 733(d) shall not apply with respect to such investigation (and this subtitle shall be applied without regard to such provisions);

"(2) subsections (b) and (c) of section 733 shall be applied—

"(A) by substituting '100 days' for '160 days' in section 733(b)(1),

"(B) by substituting '130th day' for '210th day' in section 733(c)(1), and

"(C) without regard to the requirement in section 733(b)(1) that the preliminary determination by the administering authority be made after a preliminary determination by the Commission,

"(3) the periods within which final determinations must be made under section 735 shall be determined under subsection (b), and

"(4) subsection (c) shall apply in determining whether antidumping duties are imposed by section 731 with respect to the unliquidated entry of the merchandise.

"(b) TIME FOR MAKING FINAL DETERMINATIONS.—If an election is made under subsection (a), then the determinations under section 735 shall be made as follows:

"(1) The determination under section 735(a)(1) shall be made without regard to section 735(a)(2) and within 150 days (180 days if section 733(c)(1) applies) of—

"(A) the filing of the petition under section 732(b), or

"(B) the date on which the investigation is commenced under section 732(a).

"(2) The determination made under section 735(b)(1) shall be made within 5 days after the date of the determination made under section 735(a)(1).

"(c) IMPOSITION OF ANTIDUMPING DUTIES.—If—

"(1) an election is made under subsection (a),

"(2) the final determination of the Commission under section 735(b)(1) with respect to any merchandise is affirmative, and

"(3) in such determination, the Commission finds that the domestic industry has been materially injured,

then the antidumping duties imposed by section 731 shall apply to the entry, or withdrawal from warehouse, for consumption of any of such merchandise that is unliquidated on or after the date on which the Commission publishes notice of such final determination in the Federal Register.

"(d) INTERESTED PERSON DEFINED.—For purposes of this section, the term 'interested person' means—

"(1) in the case of a petition filed under section 732(b), the person filing such petition, or

"(2) in any other case, an interested party described in subparagraph (C), (D), or (E) of section 771(9) who is acting on behalf of an industry.".

(2) Subparagraph (B) of section 735(c)(1) (19 U.S.C. 1673d(c)(1)(B)) is amended by striking out "where the preliminary determination by the administering authority under section 733(b) was negative" and inserting in lieu thereof "in which the administering authority has made a negative determination under section 733(b) and the application of section 741 was not elected ".

(3) The table of sections for subtitle B of title VII is amended by adding at the end thereof the following new item:

"Sec. 741. Election of expedited procedures.".

(c) The amendments made by this section shall apply to petitions filed, and investigations begun, after the date of the enactment of this Act.

SEC. 406. SAMPLING AND AVERAGING IN DETERMINING UNITED STATES PRICE AND FOREIGN MARKET VALUE.

(a) Section 777A is amended to read as follows:

"SEC. 777A. SAMPLING AND AVERAGING.

"(a) UNITED STATES PRICE AND FOREIGN MARKET VALUE.—

"(1) IN GENERAL.—For the purpose of determining United States price and foreign market value under sections 772 and 773, and for purposes of carrying out annual reviews under section 751, the administering authority may—

"(A) use averaging or generally recognized sampling techniques whenever a significant volume of sales is involved or a significant number of adjustments to prices is required, and

"(B) decline to take into account adjustments which are insignificant in relation to the price or value of the merchandise.

"(2) SELECTION OF SAMPLES AND AVERAGES.—The authority under paragraph (1) to select appropriate samples and averages shall rest exclusively with the administering authority; but such samples and averages shall be representative of the transactions under investigation.

"(b) MATERIAL INJURY.—

"(1) IN GENERAL.—For the purpose of making determinations under this title, and for purposes of carrying out reviews under section 751, the Commission may, if the industry in the United States consists of small

businesses, use averaging or generally recognized sampling techniques to determine—

"(A) whether such industry is being—

"(i) materially injured, or

"(ii) threatened with material injury, or

"(B) whether the establishment of such an industry is being materially retarded.

"(2) SELECTION OF SAMPLES AND AVERAGES.—The authority under paragraph (1) to select appropriate samples and averages shall rest exclusively with the Commission; but such samples and averages shall be representative of the industry concerned.".●

WORLD TRADE AND THE DEFICIT

● Mr. SIMON. Mr. President, the president of Caterpillar Tractor Co.; delivered a speech on October 15 which I read at that time. It impressed me then, and as I have reread it, it impresses me even more.

Here is a company that is facing economic difficulties and understands the issues confronting us, both as far as trade and the deficit situation are concerned.

We ought to be listening carefully to this message. I urge my colleagues in the Senate to read his remarks, and I ask that the speech be printed in the RECORD. The speech follows:

PROGRESS OR SURRENDER—WHAT'S NEXT IN TRADE?

I'm greatly honored to receive the Robert Dollar Award. Anyone would be proud to receive recognition for "distinguished contributions to American foreign trade and investment."

At first, though, I wasn't sure you had the right guy. Caterpillar's export sales last year were off about 55 percent from their peak. Around Peoria, we don't call that "distinguished" performance.

We do appreciate your recognition of Caterpillar's long-standing commitment to a healthy world trade environment. Like Captain Dollar, we feel foreign trade provides opportunities to bring the peoples of the world closer together in peace and understanding.

We understand well the importance of a functioning, growing world trade system. About half of Caterpillar's sales are outside the United States.

Today, I'd like to talk about the world trade scene . . . from the viewpoint of someone who's out there trying to compete in it. I won't be painting a pretty picture. Massive trade imbalances exist, and trade-related tensions are threatening many relationships.

As a nation, we simply cannot afford to let the current trends continue. It's clearly in our interest to preserve the vigor and growth of the global trading system.

I believe it's within our power. But we had better start now.

It's traditional to use this forum to extol the benefits of free trade. I hope that tradition continues . . . as it will today.

Four years ago, I stood before you with a highly optimistic message. I spoke of "excitement in the air . . . excitement about restoring the economic vigor and competitive spirit of this nation."

I said we need to adapt to a changing world. We still do.

I said we need to remove barriers to exports. We still do.

And I said we need a free and open arena of international trade—in which companies from all nations compete on an equal basis. We still do.

Four years ago, I was worried that trouble was ahead in the form of growing international protectionism. There still is, and it's getting worse.

The free trade heritage in the United States is threatened . . . because companies that were the most competitive in the world a few years ago now struggle to stay competitive in the international marketplace.

As recently as 1980, the U.S. had a $5 billion trade surplus in manufactured goods. This year's trade deficit in manufactured goods is the largest contributor to a deepening national trade deficit.

Both consumer goods and automotive products have recorded growing trade deficits in their economic sectors.

In capital goods, the export surplus we enjoyed at the start of this decade has declined by two-thirds.

In 1980, U.S. machinery exports were nearly twice the dollar volume of imports. This year, exports are falling behind imports for the first time. Meanwhile, Japan's machinery exports are nearly six times imports.

In my own segment, construction machinery, U.S. exports increased 17 percent in the first half of this year. That was encouraging. But imports were up 127 percent over last year . . . and that's discouraging. Imports are growing seven times faster than exports.

In "high tech" manufacturing, the negative trend is even more pronounced than it is in capital goods—in spite of all that talk about high tech's role as America's salvation. The 1980 trade surplus in high tech goods has plunged by 75 percent.

The implications are major.

Our manufacturing industries have been the foundation for the nation's economic, political and military strength. It's true that our agricultural and service sectors are important, but we cannot sustain our world leadership without a growing, thriving manufacturing sector.

As American competitiveness declines, more and more of our industries are turning to protectionism. The recent list includes International Trade Commission cases involving steel, copper, machine tools, and more. Congress considered domestic content requirements for cars, restraints on steel imports, and wine quotas.

Only a few years ago, trade lawyers were the only people who talked about "upstream subsidies," "downstream dumping," and "industrial targeting." Today, most of us are familiar with the implications of these practices by our trading partners. These practices have increased protectionist pressures in this country.

Protectionist thrusts in the United States are becoming more sophisticated and more subtle. In labor negotiations, "job security" and "outsourcing" seem to get more attention than "wages" and "benefits." And we all should recognize that many approaches being used to achieve job security and restrain outsourcing are clearly protectionist.

Destructive conflict over protectionism separates good friends within the business community. At Caterpillar, we dealt with it first-hand when the steel and auto industries said they needed protection from imports to help their competitive position.

We said higher steel and labor costs would inevitably follow, and damage our company's competitive position. We wound up arguing publicly with other companies that are both major suppliers . . . and good customers.

Again and again, one man's protection is another man's poison. But as long as our country is losing ground in world competition, these kinds of squabbles are inevitable.

To deal with these problems, our nation needs a long-term commitment to an open international economic climate. Worldwide commerce promotes international economic stability and makes it possible for all the world to enjoy a rising standard of living.

We saw what protectionism can do to the standard of living during the Great Depression, 50 years ago. Those of us old enough to remember it don't care to see a rerun.

But perhaps our commitment to "free trade" can't be as pure . . . as doctrinaire . . . as unquestioning as it has been in the past.

The conclusion that free trade is good for your company and mine presumes that competitors from all countries have an equal chance of winning the business.

It's popular these days to talk about needing a "level playing field" so trade can prosper. I agree wholeheartedly. And I believe some important public policy changes will be needed to accomplish that leveling.

As we consider, those changes, each of us needs to look in the mirror at our own company's situation and make sure we have the right . . . the credibility . . . to call for dramatic action. Some American companies—including Caterpillar—face problems today because their own past decisions let costs get out of hand. If we refuse to deal with our internal problems we can't expect help with external problems.

We all know how to keep our companies competitive . . . staying on the cutting edge of technology in products and manufacturing . . . involving people in the decisions that affect them . . . innovative marketing . . . asset management . . . and what's been called a "bias for action," a willingness to assume more risk and respond more quickly to changing conditions.

Those approaches are included in Caterpillar's strategies. We face the toughest competition in our experience and we're dealing with it aggressively.

We're reducing costs—substantially, permanently, and relentlessly. We are emphasizing development of new and improved products. We intend to remain the industry leader in quality and value.

But if we want to stay king of the hill, the playing field of international trade has to be level.

There are many external conditions, beyond our immediate control, that we'd change if we could.

At the top of my list, and underlying all the others, is the continued lack of a consistent U.S. policy on investment and trade. Over and over, the United States makes domestic or foreign policy decisions with no apparent consideration of how those decisions will affect the ability of American companies to compete in world markets.

In my view, our competitive position in world trade should be a factor in virtually all U.S. government policy decisions. Obviously, it can't always be the controlling factor . . . but it should, at least, be considered.

The most important example of this problem is the lack of sensitivity to the impact of an overvalued dollar. I'm not sure whether to rejoice or despair at recent reports from Washington that a "subtle" change in administration policy has begun, designed to offset the impact of the strong dollar on export and import competition.

I regret that it took three years and 10 months to develop that sensitivity. I also regret that Don Regan recently repeated his old line about the dollar not being "overvalued" in a technical sense.

I say to the Treasury Secretary today, as I have many times in the past, that Americans out of work . . . exporters on the skids . . . and merchants losing sales to cheap imports don't give a damn about the technical niceties of currency alignments.

They care about their ability to compete. They care about their ability to survive!

The Council of Economic Advisors says the strong dollar is responsible for half of our trade deficit. And the Commerce Department says the dollar's strength contributed to the second quarter's current-account deficit of $24 billion.

The strength of the dollar is a competitive handicap in pricing products for the U.S. and third-country markets . . . and the flood of capital from abroad to fund the federal budget deficit has hindered foreign economic recovery and demand for U.S. products.

Our awesome deficits have helped create an insatiable appetite for capital. It's no accident that capital flows are overwhelming trade flows in determining exchange rate relationships.

Reduction of our debt has got to be a top priority in 1985. I share the general business community view that emphasis should be on the spending-cut side, but I'm not prepared to rule out possible tax increases as a way of dealing with the problem.

A related issue is the undervalued yen. That's a problem I've spoken about regularly for the past couple of years because it was . . . and I repeat, was . . . an orphan. No one seemed to care about it.

In the past year, the orphan found a home. President Reagan and Prime Minister Nakasone declared the yen/dollar problem a major bilateral irritant and committed both governments to action.

That commitment was fleshed out this May by Japan's agreement to undertake a number of key steps designed to internationalize the yen, liberalize capital flows, and provide access to the financial sector.

I believe Japan has displayed good faith by starting that undertaking. We don't expect quick results, but we're encouraged by the actions taken to date.

Clearly, there's more Japan must do. But it's also time for the United States to start fulfilling its part of the bargain by dealing effectively with the federal deficit, which contributes to high U.S. interest rates.

We must consider every available option to reduce the extraordinary misalignment between the dollar and other major currencies. As I've talked publicly about exchange rates over the past couple of years, I've always rejected devices like capital controls, import surcharges and restructuring of the monetary system.

Each of those cures has inherent problems. But my resolve is weakening. We've got to do something!

It's not too far-fetched to compare the situation to 1971, when President Nixon revolutionized our economic policy with a series of unilateral actions. The ultimate results included the 1973 Smithsonian Agreement, which "floated" the dollar in foreign exchange . . . the U.S. Trade Act of 1974 . . . and the Tokyo round of trade negotiations.

The impacts of those decisions have served us well for most of the last decade. But now the system is out of sync again and it needs some fine tuning, if not a major overhaul.

"Shock" treatment, of the magnitude that President Nixon applied, may be the only alternative for us if the trade imbalances persist.

Until the system is repaired, the U.S. must assertively enforce its unfair trade laws . . . and the principle of reciprocity in our trade relations. If our trade laws and their administration don't provide timely relief for clearly aggrieved industries, then we must improve them.

It shouldn't have taken such intense political pressure for the U.S. steel industry to get attention for its legitimate complaints about unfair trade practices, foreign steel industry subsidies, and dumping.

We also need export control policies that won't place us at a severe competitive disadvantage. Our nation's arrogant applications of trade restraints have disrupted domestic industry but barely raised a ripple in world events. It's time to face reality.

And, there is a need for a better system to assist employees displaced from the industries that have become non-competitive, temporarily or permanently. One response should be meaningful retraining for work in other industries, not just extended unemployment benefits.

All of these elements—and probably others—belong in a broadly conceived and broadly supported national policy to promote trade growth and respond decisively to any attempt at rigging the competitive game.

Today's extraordinary economic conditions call for extraordinary measures to preserve our competitiveness.

In my view, if our government is not prepared to take the necessary steps to keep America competitive, then protectionism may become the prescription of last resort we will all be forced to swallow.

I hope that day never comes. If it does, we'll be trading short-term advantage for long-term adversity. That trade's not free . . . it's expensive.

But your long-term prospects don't matter if you can't make it through the short term.

There's little solace in the slogan "free trader forever" if it's used as your epitaph.

Companies must prepare themselves to compete against all comers, adapting and changing as needed. There is no excuse . . . and no hope . . . for a business-as-usual attitude.

From our government, we must have fiscal responsibility. That means federal spending restraint . . . possibly higher taxes . . . and improved exchange-rate relationships. And we need assertive leadership in developing a set of international economic relationships that can put us back on the road to trade prosperity.

We can restore the balance of trade . . . create or restore millions of jobs . . . improve the chances for a sustained economic recovery . . . and heal some of the wounds that trade tensions have created among companies, trade unions and policy makers.

Let's have a trade policy that Robert Dollar would be proud of.●

TO ELIMINATE GENDER-BASED DISCRIMINATION—S. 86

● Mr. D'AMATO. Mr. President, I am again pleased to be an original cosponsor of legislation to eliminate sex discrimination in the laws of the United States. S. 86 seeks, as did its predecessor in the 98th Congress (S. 501), to amend the 150 Federal laws identified by the Attorney General and the Senate Judiciary Committee as laws containing some form of unfair sex discrimination. Although S. 501 was unanimously approved by the Senate, no action was taken by the House of Representatives to enact it into law in the last Congress.

S. 86 amends several laws, particularly the Social Security Act and the Railroad Retirement Act, to guarantee equal benefits to all eligible recipients, regardless of sex. It amends other laws to make them gender-neutral and to conform them to existing practice and case law. A number of obsolete laws are simply repealed.

This bill's sponsor, our new majority leader, Senator DOLE, has stated the case for S. 86 very well:

> Though each of the laws to be amended may be of minimal impact, their cumulative effect is to imply an inferior or dependent status for women. Today, Americans overwhelmingly believe that men and women should be treated as equal partners in society. Our Nation's laws should reflect that fact, in both form and substance.

I urge my colleagues to join as cosponsors of S. 86 and to work for its early passage.

Thank you, Mr. President.●

A CALL TO CONSCIENCE FOR SOVIET JEWRY

● Mr. DURENBERGER. Mr. President, since 1976, Members of Congress have joined together in a Congressional Call to Conscience on behalf of the large number of Jews in the Soviet Union who suffer persecution. The precipitous decline in the number of Jews allowed to emigrate from the Soviet Union in the past 4 years is indeed disturbing. This is particularly so as it has been accompanied by a substantial increase in violence, persecution, and discrimination against Jews in the Soviet Union.

I am therefore pleased to join the Congressional Call to Conscience for the 99th Congress. I would strongly urge my colleagues to participate in this important human rights initiative. It is my understanding that we'll raise this issue on at least a weekly basis. Sadly, there is no shortage of victims of Soviet persecution. Even if each one of the 535 Members of Congress adopted 100 such victims, we would only begin to make a dent in the vast numbers of oppressed people in the Soviet Union. Nevertheless, our effort remains worthwhile and important.

Mikhail Elman was born in 1955 and is married to Dina Nayfeld. Misha and Dina have three children. He studied applied mathematics and later worked as a computer engineer. He first applied for the right to emigrate to Israel in 1979, but this request was refused by Soviet authorities without ex-

planation. Following this application, Misha was dismissed from his engineering job. Later, he was able to find a job as an attendant in a public bathhouse in Leningrad.

On September 26, 1981, he and a friend were arrested and detained for 10 days for attempting to lay a wreath at the Babi Yar Memorial on the 40th anniversary of the massacre. In April 1982, Mikhail was brought before a Soviet court and charged with disobeying police orders. Three friends appeared on his behalf and he was fined 10 rubles.

On November 1, 1984, Mikhail was picked up in the street, driven to the militia offices, and pressured to give information against his refusenik friends. When he refused to do so, he was given a thorough beating and was told by Soviet security officials: "We'll put an end to religious activities." After 3 hours, he was forced to sign a pledge not to tell anyone of his treatment, and he was allowed home. Two days later, however, he was again picked up, again pressured to become an informer. When he refused, he was beaten again. On his release, the officer specifically mentioned his friends Yakov Gorodetsky and Leonid Rokhlin, and told Mikhail to warn them that they could expect "to be next in line for 'special treatment.'"

Dina Elman and her mother were given permission to leave the Soviet Union in February of 1983. After Dina married Kikhail, however, their request for exist visas was turned down. No reason for this refusal was given by Soviet officials. The Elmans live at 103 Suzdalsky Prospect, Apartment 55, Leningrad, R.S.F.S.R., U.S.S.R.

It is vitally important that free people in the West offer their support to all victims of persecution in the Soviet Union. The United States and its allies should raise the question of Soviet Human Rights violations in all bilateral and multilateral discussions with the Soviet Union. By doing this on a consistent and continuing basis, the Soviets will realize the depth and the breadth of our concern about the widespread violation of human rights in that country. It is my firm belief that such pressure will force the Soviets to come to their senses and will bring them to comply with the commitments that they made when they signed the Helsinki accords.●

WRITE TO VOTE

● Mr. PRYOR. Mr. President, I am proud to say that in Arkansas we have voters who are among the most enlightened anywhere in America. And we start them early.

Brian Keith Hudson, age 7, of West Helena, AR, won the "Write to Vote" national contest last fall that was sponsored by the Hospital Corporation of America for the children and grandchildren of hospital employees. Brian was recently in Washington with his parents as part of his prize for winning both the district and later the national contests.

Brian's essay is both enlightening and instructive. He says that voting, very simply, means freedom. And this basic definition is something all of us should keep in mind.

I want to congratulate Brian on his essay and on the timeliness of his message. I also want to thank the Hospital Corporation of America and Helena Hospital for sponsoring the contest that made possible Brian's contribution. They were determined to do everything in their power to combat voter apathy, and the results were impressive.

I ask that Brian's essay be printed complete in the RECORD at this point.

The essay follows:

WRITE TO VOTE

(By Brian Hudson, Desoto School, age 7)

When my mother first told me about this contest, I was not sure what voting really meant. Then my parents explained about the different countries and how they were governed. After hearing about the different countries, I think voting and being able to choose your own president is the best way.

Voting means freedom to me. In school we are studying about the freedoms that are in the constitution. If we could not vote, then we would not have one of our freedoms. The freedom to tell each other how we feel about something. If people did not vote then someone that was very powerful could take over and take away all our rights.

Voting is very important to America. If I was old enough to vote, I know who I would vote for. I would vote for —?— (that's my secret because I live in America.)●

INDEXATION OF INDIVIDUAL INCOME TAXES SHOULD BE A PERMANENT PART OF THE TAX LAW

● Mr. DURENBERGER. Mr. President, because Congress had the foresight in 1981 to enact legislation providing for the indexation of individual income taxes, and the wisdom not to modify it, many individual taxpayers will pay less Federal income taxes in 1985 than they would have paid if indexation had not been enacted. In the years to come, I doubt that many taxpayers will remember that the Economic Recovery Tax Act of 1981 provided the largest tax cut in history. However, I do expect that the 1981 Tax Act will be remembered as the law that added indexation to the Internal Revenue Code.

I strongly supported indexation when it was being considered in 1981, and today I am totally committed to its retention as a permanent part of the tax law. I believe that indexation was the most equitable provision of the 1981 Tax Act. The January 1, 1985, effective date for indexation was appropriate because of the phase-in of the 3-year individual tax cut that was enacted in the 1981 Tax Act.

The 1981 Tax Act provides for the indexation of the personal income tax brackets, the zero bracket amount and the personal exemption. The amount of the indexation for the calendar year—say 1986—will depend on the percentage by which the average Consumer Price Index for the preceding 12 months—ending in September 1985—exceeds the average CPI for the fiscal year ending September 1984. Thus, a new computation is made each year.

Under indexation, the tax rates are not changed but the amount of income subject to tax in the bracket will be adjusted according to the change in the CPI and rounded to the nearest $10. In the case of the zero bracket amount—the amount which is subtracted from total itemized deductions to determine the amount that the taxpayer may deduct from adjusted gross income—it will also be adjusted by the change in the CPI and rounded to the nearest $10. Similar annual adjustment will be made to the amount of the personal exemption.

Without indexation, inflation-boosted income pushes the taxpayer into higher tax brackets with progressively higher-marginal bracket rates. Indexation eliminates this bracket creep or the tax on inflation. This bracket creep is most unfair as it results in an unlegislated tax increase on the individual and a windfall to the Government. If taxes are to be increased, the Congress should pass the legislation and thereby, be responsible for the tax increase and accountable to their constituents.

Prior to the enactment of indexation in 1981, Congress attempted to deal with inflation-boosted income by making periodic changes to the tax laws. The official explanation of the staff of the Joint Committee on Taxation for adopting indexation in 1981 is as follows:

The Congress believed that "automatic" tax increases resulting from the effects of inflation were unfair to taxpayers, since their tax burden as a percentage of income could increase during intervals between tax reduction legislation, with an adverse effect on incentives to work and invest. In addition, the federal government was provided with an automatic increase in its aggregate revenue, which in turn created pressure for further spending.

The Treasury Department recently announced that for calendar year 1985, the personal exemption, the zero bracket amount and all marginal tax rate brackets will be indexed or increased approximately 4.1 percent. Treasury states that nearly 80 percent of the 1985 tax savings under the indexation will benefit taxpayers earning less that $50,000 a year. For 1985, the personal exemption will be increased from the present level of

$1,000 to $1,040. The zero bracket amount will be increased from $2,300 to $2,390 for single returns and from $3,400 to $3,540 for joint returns. Treasury estimates that the tax saving in 1985 for a median-income family of four—$30,120 in 1984—will be $84 and if inflation stays at 4 percent over the next few years, indexation will save this median income family $2,576 of taxes for the years 1958 through 1990.

Indexation is of the greatest benefits to the low- and moderate-income taxpayers because they are the ones who are pushed into higher tax brackets. High-income taxpayers are already at the top tax bracket. Treasury states that nearly 80 percent of the tax savings under the indexation will benefit taxpayers earning less than $50,000 a year. Indexation is such a fair and equitable concept that one has to question why it was not added to our tax laws years ago.

For many years, I have been a strong supporter of indexation. Almost 2 years before the 1981 Tax Act, I introduced on November 2, 1979 a bill (S. 1974) which provided for inflation adjustments for certain provisions of the code. One part of my bill would have adjusted annually personal exemptions, zero bracket amount and the tax tables to reflect percentage increases in the CPI—the same items adjusted under the 1981 Tax Act. In my November 2, 1979 statement accompanying S. 1974, I stated that:

> The bill will . . . take the government's profit out of inflation . . . Indexing will give taxpayers the relief they need.

In July 1981, when the Senate was considering indexation, I spoke at length on the merits of indexation, and I referred to indexation as "the single most important step we can take to provide permanent relief to inflation—and tax-burdened Americans".

Soon after indexation was added to the law, there were a number of suggestions for its modification or repeal. In March 1983, the Washington Post published by op-ed remarks entitled "We Need Tax Indexing" in which I supported indexation and I referred to how the tax indexation system was working in my State of Minnesota. I concluded that:

> Indexing will bring fiscal responsibility and accountability back to the federal government as well.

I ask that the entire texts of my November 2, 1979 remarks, my July 1981 remarks, and my March 1983 remarks be printed in their entirety in the CONGRESSIONAL RECORD at the conclusion of my statement.

There have been a number of thoughtful articles written on the merits of indexation, and I believe the following articles deserve your attention:

First, "Why Tax Indexing Must Not Be Repealed" by Martin Feldstein, former Chairman of the Council of Economic Advisers, published in the Wall Street Journal for March 1, 1983;

Second, "A Way to Keep the Government Honest" by Senator BOB DOLE, Republican of Kansas, and recently elected majority leader of the Senate, published in the New York Times for March 6, 1983.

Third, "Indexed Taxes and Honesty" by George F. Will, published in the Washington Post for May 3, 1983; and

Fourth, "Don't Derail Indexing" by Donald T. Regan, Secretary of the Treasury, published in the New York Times for January 23, 1984.

I ask that the entire texts of the four articles referred to above be printed in their entirety in the CONGRESSIONAL RECORD at the conclusion of my statement.

The principle of indexation has survived in our tax laws without change for the past 4 years and it has now gone into effect. In all probability there will be additional efforts to modify or repeal indexation. Those who have thoughts about eroding indexation should know that I feel strongly that it should be a permanent part of the tax law. It is an equitable solution to solving the tax burden for individuals caused by inflation. Indexation works—let us keep it.

The material referred to follows:

By Mr. DURENBERGER:

S. 1974. A bill to amend the Internal Revenue Code to provide for inflation adjustment; to the Committee on Finance.

TAX INDEXING

Mr. DURENBERGER. Mr. President, today I am introducing a bill to take inflation out of the Internal Revenue Code for the individual income tax, capital gains tax, corporate income tax brackets, and depreciation.

It is clear that our present tax system must be corrected. The system that has evolved over the years places virtually all the burden of inflation on taxpayers, while Government reaps the benefits. In the current era of double-digit inflation, that burden is breaking the backs of many. We cannot sit back and do nothing. Taxpayers are falling farther and farther behind the cost of living and Government spending, funded in large part by the windfall inflation tax, continues virtually unabated.

The fact that Government is the major beneficiary of inflation was emphasized in an article Monday in the New York Times. The Times reported that revenue in relation to the gross national product will rise from 20.5 percent this fiscal year to 21.3 percent next year and 22 percent in 1982. The 1982 ratio will reach a record high, surpassing the peak set in World War II.

An example will point out Government's inflation windfall. Assuming a cost-of-living wage increase of 10 percent per year during the next 3 fiscal years. Government will reap a windfall profit of $13 billion in 1980, $26 billion in 1981, and a staggering $40 billion in 1982. This undeserved revenue, due directly to inflation, will be at the expense of individual taxpayers.

The massive transfer of purchasing power from consumers to the Government, in an attempt to balance the budget, is a true windfall profit. It is unconscionable that the same folks who have created double-digit inflation and caused the American public to suffer from the ravages of inflation by misguided fiscal and monetary policies are now reaping a windfall profit for such policies.

What are these misguided policies? In recent years, we have increased the demand for goods and services by increasing spending, allegedly cutting taxes, and creating money faster than ever. We have had the largest deficits in history. We assumed that supply would automatically rise to satisfy the demand. This policy has not worked. Output has not responded. Output has not responded because Government has restrained it with higher taxes and higher regulatory costs. Government has increased demand and throttled supply resulting in double-digit inflation.

Inflation pushes people into higher tax brackets. Our so-called tax cuts in recent years have not kept pace with inflation, especially if we include social security taxes. The marginal taxes taken out of each cost-of-living increase have reached amazing levels. Even middle income taxpayers now face tax rates of 40 percent to 50 percent on each additional dollar earned.

The high and rising marginal tax burdens have reduced the rate of return to labor. There has been no increase in real after-tax-spendable-earnings for the average worker since 1965. Extra effort is taxed at record rates. Workers have substituted leisure, early retirement, and nontaxable fringe benefits for added work and added pay. A graphic demonstration of the impact of inflation on wages and taxes was published in a monthly economic letter of Citibank:

Take the example of a family of four that earned $15,000 in 1955 and suppose that its income has kept pace with inflation during the ensuing 21 years: that is, its gross income buys neither more nor less in 1976 than it did in 1955. If, for the moment, we ignore changes in the tax law so we can get a clear picture of the pure effects of inflation, the equivalent of a $15,000 income in 1955 is $32,900 in 1976, an increase of 120 percent. But taxes on those equivalent incomes rise from $1,540 to $6,600, a 330-percent increase. This happens because the family's marginal tax rate—the highest rate at which an extra dollar of its income is taxed—increased from 22 to 36 percent. The combination of inflation and tax progressivity lowered the family's real after-tax income by 11 percent even though real gross income was constant.

Capital gains are another area where the Tax Code levies a tax on illusory gains due to inflation. Capital gains have been eroded by inflation to such an extent that most reported gains are really losses when adjusted for inflation. In a study done for the National Bureau of Economic Research by Martin Feldstein and Joel Slemrod which analyzed 1973 tax returns, the authors found that individuals paid taxes on $4.5 billion in nominal capital gains made from the sale of stock. But after adjusting for the increases in the Consumer Price Index since the stock was purchased, the study found that the sellers actually had a real capital loss of nearly $1 billion.

The process by which phantom windfalls tranform real capital losses into gain is also strikingly apparent in the purchase and sale of a personal residence. Assuming that we could lower inflation and keep it constant at a 6-percent rate for future years, a family that bought a home in 1977 for $40,000 and kept it for 20 years would have to receive $130,000 upon its sale in 1997 in order to receive back their initial investment. In that

event, this family would owe a capital gain tax on $54,000 even though the real property value has not increased.

Even more dramatic is the assumption of an inflation rate of 12.2 percent. The $40,000 house in 1977 would have to be sold in 1997 for $400,000 in order to break even, and the family would face taxes on a capital gain of $216,000. While the family may defer its tax liability by buying another home, the potential tax liability remains.

Mr. President, another study by the National Bureau of Economic Research reported that the effect of inflation with the existing tax law was to raise the 1977 tax burden on corporate income by more than $32 billion. This is an amount equal to 69 percent of the real after-tax income of the nonfinancial corporate sector.

Mr. President, the above examples clearly show the need for legislation to adjust certain portions of the Internal Revenue Code for inflation.

The bill I am introducing has four provisions:

First. Individual rate tables, the personal exemption and the zero bracket amount are adjusted annually to reflect the precentage increase of the Consumer Price Index for the current year ending September 30, to that for the year ended September 30, 1978.

Second. Section 11 of the Internal Revenue Code provides a graduated corporate income tax for small businesses of: 17 percent on the first $25,000 of taxable income; 20 percent on the second $25,000; 30 percent on the third $25,000; 40 percent on the fourth $25,000; and 46 percent on the taxable income over $100,000.

This provision would adjust the corporate tax brackets for small businesses by the percentage by which the GNP deflator for the preceding calendar year exceeds the GNP deflator for calendar year 1978.

Third. For the purposes of determining gain or loss on the sale of capital assets such as stock, tangible personal property, and real estate, the basis of the property is adjusted by the percent increase in the Consumer Price Index from the date of purchase.

Fourth. For purposes of determining the allowance for depreciation, the annual deduction is adjusted for inflation or replacement cost of the asset, whichever is lower.

Mr. President, the continuing problem of inflation and prospects for future inflation requires the above adjustments to the Internal Revenue Code to protect the American people from inflation induced tax increases. Inflation has been defined as a hidden tax because it is a tax that can be imposed without specific legislation. It has been labeled as "truly taxation without representation" but I call it taxation with representation as long as we, the elected representatives of the people, allow it to continue. It is also a true windfall profits tax accruing to the Government at the expense of the taxpayer.

Some opponents have said indexing is a concession of defeat in our battle against inflation. That argument ignores the point and the purpose of indexing. This legislation will assure people that they will be required to pay taxes at no more than the statutory rate.

The bill will also take the Government's profit out of inflation. Indexing will not curb inflation. We must take immediate action toward that end. But, while we are working on a remedy, we cannot allow the patient to die of the disease. Indexing will give taxpayers the relief they need.

[From the Congressional Record, July 15, 1981]

TAX INDEXING

Mr. DURENBERGER. Mr. President, none of the tax reform measures we have considered this week are as desperately needed, or as long overdue, as tax indexing. Passage of the Finance Committee amendment is the single most important step we can take to provide permanent relief to inflation- and tax-burdened Americans.

Tax indexing is nothing more than a windfall profits tax on Government. It proceeds from the philosophy that any windfall income created by inflation should remain with the income earner and taxpayer as a buffer against rising prices, rather than passing to the Federal Government. And this is a sound philosophy.

Under the pressure of consistently high inflation, the present tax system has demonstrated built-in inequities and an inherent tendency to fuel the inflationary cycle. Individuals receiving cost-of-living wage increases are penalized by a tax system that simply thrusts them into higher brackets.

As a result, these individuals often suffer actual loss of income through the losses in real dollar purchasing power. They end up falling behind the rise in living costs, forcing them to rob their savings and investments to feed, clothe, and shelter their families. This fuels the desire for even higher wage increases in the next round of bargaining, but the results remain the same. Without indexing, the present tax system guarantees progressive erosion of real income, at the same time it spurs inflationary psychology.

In the absence of indexing, that system inevitably makes Government, one of the primary causes of inflation, also the main beneficiary of inflation. For each 1 percent rise in the Consumer Price Index, Federal tax receipts rise by approximately 1.4 percent. This process cuts deeply into savings and investment, disrupting the balance of the economic system as a whole. It also permits Government to profit from annual tax increases without the necessity of congressional actions—a paradox in this era of increasing demand for Government accountability. It is, in effect, a 1981 version of taxation without representation. Tax increases should neither be hidden nor automatic. Unless Congress chooses otherwise, the inflation dividend should remain in private hands where it can be saved, invested, or used to mitigate the human hardship of inflation.

Frankly, Mr. President, I find it difficult to understand the argument that tax indexing is somehow a concession to inflation. On the contrary, tax indexing does nothing more than redistribute the tax implications of inflation, so that consumers no longer bear all of the burden, while Government reaps all of the benefits. In fact, there is empirical evidence that tax indexing has a positive fiscal effect in slowing down the increase in Government spending.

In Canada, where tax indexing became national policy in 1974, real dollar spending by the Canadian Parliament had been increasing at an annual rate of 15.9 percent prior to enactment of the indexing law. In the year following its enactment, that growth rate decreased to 10.2 percent, and it fell progressively over the next 3 years to a rate of 2.1 percent. In my own home State of Minnesota, during the years 1971-81, State spending grew at an average rate of 23.8 percent per biennium. Since we indexed our tax system, State spending has been increasing at the rate of only 14 percent. In terms of dollars, indexing will save Minnesota taxpayers over $4 billion during the next two bienniums.

What has happened, Mr. President, is what should be happening all over this country. This legislative session, the legislators came to the State capital in Minnesota and they reduced recommended spending by almost $1 billion. They got it right down to the hardcore of what they absolutely had to do to meet the needs of the people of Minnesota.

Then they went over and looked into the anticipated tax pot for the coming biennium and they found they were $503 million short.

The ended up having to increase State taxes to accomplish it.

The next time, I suspect they will find a way to reduce that spending even more by finding better ways to deliver public service.

So, clearly, in my opinion, the empirical evidence in at least one State and the figures I have cited show that by forcing revenue projections to be scaled down, tax indexing actually induces fiscal responsibility by placing a restraining effect on budgetary decisionmaking.

After a thorough examination of the nine States that have indexed their tax systems since 1978, the Advisory Commission on Intergovernmental Relations concluded that "we can draw one inference with a fairly high degree of confidence—indexation has forced State policymakers to take a somewhat harder look at their expenditure priorities than would have been the case under a nonindexed system."

That is what indexing is all about.

But, Mr. President, the best way to gauge the impact of an unindexed tax system is to measure its impact on individual taxpayers. For example, take the case of a family of four in Minnesota where one parent contributes 70 percent of the family's income while the other contributes 30 percent.

If the combined income of that family was $25,000 in 1979, and if the income kept pace with inflation through cost-of-living allowances, the family by 1981 would have lost $206 in purchasing power if the State tax system were not indexed. More important, with the effects of Federal taxes taken into account, the purchasing power of that family would be reduced by over $500 in just 2 years. In other words, inflation and "bracket creep" have left them with substantially less purchasing power despite cost-of-living wage increases. However, at the same time, the Government—which must share a major part of the blame for causing inflation—now has a lot more of this family's money to spend as it wishes.

Nationally, an employee receiving a 10-percent pay increase to offset a 10-percent inflation rate will be required to pay 16 percent more in Federal and State taxes. Thus, the Government benefits from a 6-percent increase in the employee's tax liability, while the employee loses purchasing power—the power to buy food, the power to buy shelter, the power to buy clothing, the power to buy an education for his family.

Mr. President, the indexing concept has been endorsed by such diverse sources as the American Enterprise Institute, the Christian Science Monitor, and the New York Times. In one form or another, it has become national policy in Brazil, Canada, Israel, the Netherlands, Argentina, Denmark, France, and Luxembourg. In this country, the States of Minnesota, Arizona, California, Colorado, Iowa, Montana,

Oregon, South Carolina, and Wisconsin have indexed their tax systems to some degree.

Adopting tax indexing on a national level will minimize the short-term effects of inflation while we treat its causes with long-term remedies. And minimizing inflationary impact on human needs is, by any standard, the principal goal behind our anti-inflation policy.

The American people are demanding indexing, and after 2 years of double digit inflation, they need its relief as quickly as we can possibly provide it. So I speak as strongly as I can in favor of this amendment.

[From the Washington Post, Mar. 17, 1983]

WE NEED TAX INDEXING

(By Dave Durenberger)

The 1981 Economic Recovery Tax Act is a historic bill. For better or worse, it is a major driving force in shaping our economy. The magnitude of individual tax relief through cuts in marginal tax rates and the reordering of priorities to encourage greater business productivity will be key stimulants in the economic recovery finally under way. As important as these provisions are, though, I'm convinced that in the long run, indexing inflation out of the federal income system will be seen as the bill's most significant achievement.

Indexing is the key that locks other accomplishments into place. Without indexing, the American taxpayer would have no guarantees beyond the three years of the individual tax rate cuts. Without indexing, we'd have a tax system that would be no more predictable than it was before the 1981 Economic Recovery Tax Act. Indexing makes our tax system more fair and our government more accountable.

An unindexed progressive income tax is a boon only to government. Interacting with inflation, such a system increases government revenues faster than the rate at which inflation increases taxpayers' incomes. In other words, government gets an automatic tax increase, while taxpayers get less real after-tax income as inflated incomes are taxed at higher average rates. The result: government continually extracts a greater proportion of taxpayers' real income for its coffers.

My own state of Minnesota illustrates the point. Like the federal government, Minnesota has a steeply progressive income tax, steeper than most other states'. In 1972, a typical taxpayer with a gross income of $20,000 paid 7.9 percent of his gross income to the state in income taxes. By 1978, assuming that his income increased at exactly the rate of inflation to $31,855, the interaction of inflation and the unindexed progressive Minnesota income tax had increased his average tax rate to 8.7 percent, even though his real income remained constant.

Let the record be clear: Minnesota's severe fiscal problems are not a result of indexing. It is true that for the 1980-81 biennium, indexing cost Minnesota approximately $317 million in lost revenues; in the current 1982-83 budget cycle, the estimated cost is about $543 million. But over the four years, this $860 million has been fully taken into account by budget restraint cutting programs, containing their growth or looking for better, more cost-efficient ways to meet the needs of people.

Something else happened independently of indexing to create fiscal stress on the state after 1979. Both the national and state economies fell far short of their expected performance, and so the drop in state revenues was over and above the expected and planned-for decreases due to indexing. This additional fall-off in revenues is what spawns Minnesota's continuing fiscal troubles. It has absolutely nothing to do with indexing. It has everything to do with a weak economy.

Another curious argument is that indexing is somehow a sneaky way to shift reliance away from the progressive income tax and onto the regressive sales tax. Again, the Minnesota experience, when fully understood, shows exactly the opposite. When state legislators in Minnesota had to raise additional revenues last year, competing proposals to raise the sales tax or raise the income tax were openly debated in the state legislature. The governor recommended increasing the income tax—already the highest in the nation in several brackets. But thousands of Minnesotans contacted their state legislators, and, in the end, an increase in the income tax was soundly rejected, while a 1 percent increase in the sales tax was approved.

This was certainly a more open way to increase taxes than under the previous unindexed system, when tax rates were automatically increased by inflation, and revenue rolled into the state treasury without a single public official's being accountable for a single public decision. Indexing *restored* rather than destroyed, honesty in Minnesota fiscal policy. It will do the same at the federal level.

To see the fiscal irresponsibility bred by an unindexed progressive income tax, one need only look to Minnesota over the 10 years prior to indexing. The state income tax served as a great money machine for the state government. To make matters worse, the legislature also put in place a well-known mechanism to dispense the money as fast as it came in: entitlement programs that do not have to be voted on each year but automatically send out the money. The state of Minnesota was on full automatic pilot, and on a collision course.

The entitlement with the largest appetite in Minnesota is the real property tax circuit-breaker, the Homestead Tax Credit. While the income tax levied hidden tax increases annually, the circuit-breaker bestowed highly visible—and politically valuable—so-called "tax relief" to homeowners and renters. This tax credit was continually increased until now Minnesota property taxpayers pay only about 42 percent of their levied property tax; the state of Minnesota pays the rest. Of course, this grew far beyond true tax relief, into a targeted political payoff.

Finally, Minnesota's experience with indexing explodes the myth that it hurts the low- to moderate-income taxpayers while giving a break to the rich. At lower income levels, tax brackets are much narrowed, meaning that inflation propels those taxpayers into a higher bracket much more readily than those already in a higher and wider bracket.

Indexing is designed to correct this "bracket creep." But since high-income individuals are already in the highest tax bracket, they do not suffer from bracket creep in the first place, so indexing gives them no special aid. Furthermore, taking into account the erosion of fixed-dollar deductions and credits as well, there is no doubt that indexing the Minnesota income tax granted greater relief to lower income levels.

For those who support ever-increasing spending through the public sector as a basic philosophy of government, indexing no doubt causes great concern. Indexing eliminates the part of the system that most facilitates and encourages the growth of government.

On the other hand, if one supports the notion that taxing and spending decisions should be made explicitly through the legislative process on a periodic basis, then indexing in Minnesota is having exactly the effect one would hope. Indexing will bring fiscal responsibility and accountability back to the federal government as well.

INDEXED TAXES AND HONESTY

(By George F. Will)

Before Congress enacted indexation of the income tax system, to take effect in 1985, Rep. Barber Conable (R-N.Y.) visited Canada to see how indexation was viewed there. Politicians told him: "Don't do it—you only get credit for it once." But taxpayers thought indexing was, in Conable's words, "the greatest thing since pearl-button spats."

Many Democrats (and a few liberal Republicans) seem determined to make repeal of indexation their principal contribution to social thought in 1983, thereby establishing the contrast between the parties that the president wants for 1984. He has the votes to sustain a veto of any repeal, but Democrats seem duty bound to try. Their budget proposal calls for $265 billion in new revenues through 1988, but the only revenue-raising measures Democrats are eager to discuss are repeal of the third year of the tax cut, and of indexation. Repeal of indexation would raise $90 billion, one-third of the Democrats' total new revenues—assuming what cannot be assumed: an inflation rate of only 4.5 percent. If inflation is higher than that there is a gusher of revenues.

Indexation adjusts brackets to compensate for inflation. It prevents "bracket creep," whereby inflation floats taxpayers into higher brackets so that their real tax burdens increase faster than their real incomes. It denies government a revenue windfall from the inflation government causes. Indexation determines the mode, not the level, of taxation. It means tax increases must be voted, not left to inflation. It means Congress cannot get credit every few years for tax cuts that merely reduce taxes to what they were before the last few years of inflation.

Indexation, although Reagan's most consequential domestic policy change, was not part of his original proposals. It bubbled up from the Republican fermentation in the 1970s, from line soldiers like Rep. Bill Gradison of Ohio.

Conable says that in 18 years in Congress he has seen five major income tax cuts and only one temporary surtax increase. The result of all this "reducing"? Federal revenues have risen from about $100 billion to $620 billion. Some of that has been due to real economic growth and social-insurance taxes. But, Conable says, the growth of government has been financed substantially by inflation—by "bracket creep."

By favoring repeal of indexation and cancellation of the third installment of the tax cut (due in July), Democrats forfeit their pose as the party of "fairness." If you earn $200,000, the third-year cut is just 5 percent of your benefit from the entire Reagan cut. But if you earn $25,000, the third year is 40 percent of your total cut. In fact, because of Social Security tax increases and bracket creep, if the third year of the cut were eliminated, only the wealthy would have re-

ceived, on balance, a tax reduction. Furthermore, indexation is, Conable says, the populist issue where the populists are right: indexation offers nothing for the wealthy, who already are in the top bracket.

Many legislators rejected the president's proposal for a "standby" tax that would be automatically triggered a few years hence if budgetary conditions are bad. Opponents said, reasonably, that such a tax would be an abdication of legislative control. Those legislators should not vote to repeal indexation and leave the blind force of inflation as the nation's principal taxing power. Opponents of indexation say repeal is needed to shrink the deficit. But repeal cannot substantially reduce the deficit unless inflation is re-ignited. Is re-ignition an implied Democratic proposal?

Some conservatives supporting indexation are interested less in equity for taxpayers or governmental due process than in putting sand in the gears of government. They still believe what Reagan's experience refutes—the idea that you can suppress spending by suppressing revenues. But what really shrinks when revenues fall is support for the most important item on the conservative agenda—rearmament.

There is cynicism all around this issue. Many businessmen want indexation repealed because they are afraid their taxes will be raised if we adopt the novel practice of having taxes raised by the legislature, consciously, rather than by inflation, surreptitiously. Liberals who want government to grow and conservatives who say they do not (they do not count the Defense Department as part of government) share a cynicism: they assume Congress will not have the courage to raise taxes by candid action.

Those of us who believe the nation is undertaxed, given the bills it must pay, but who also support indexation as a step toward more honest and intelligent government, thereby acquire a duty. It is the duty to help create a constituency for a kind of courage Congress has not had to show when counting on inflation to generate revenues. Certainly a new era of legislative life begins in 1985: indexing, unlike pearl-button spats, will be permanent.

[From the Wall Street Journal, Mar. 1, 1983]

WHY TAX INDEXING MUST NOT BE REPEALED

(By Martin Feldstein)

The most important legislative battle this year will be the attempt to repeal the indexing of the personal income tax that is now scheduled to begin in 1985. Although tax indexing may seem at first to be a rather technical tax matter, it actually holds the key to controlling the future growth of government spending and to preventing a resurgence of spiraling inflation. The long-term success or failure of Ronald Reagan's economic program is likely to hinge more on retaining tax indexing than on any other piece of legislation.

In practice, an indexed tax system prevents inflation from pushing individuals into higher tax brackets and increasing the share of income taken in taxes. This is achieved by increasing each of the bracket points by the rate of inflation during the previous year. For example, in 1984 the 18% tax bracket will include income between $16,000 and $20,200. If consumer prices rise by 5% in the year ending Oct. 1, 1984, the 18% tax bracket for 1985 would be adjusted to the range from $16,800 to $21,210. Indexing would also raise the personal exemption from $1,000 to $1,050.

The repeal of indexing would mean that bracket creep would raise taxes higher and higher, permitting Congress to finance ever greater amounts of government spending without having to vote explicitly for any increase in tax rates. The repeal of indexing would permit Congress to reduce the budget deficit over time without any cuts in government spending by just waiting while tax receipts grow and grow.

TAXES WOULD BE HIGHER

Even with inflation declining gradually over the next few years as the administration forecasts, the repeal of indexation would raise tax revenue by $17 billion in 1986, $30 billion in 1987, $44 billion in 1988 and ever higher amounts in later years. A $44 billion tax increase in 1988 would mean that the repeal of indexing had raised taxes by more than 10%. And after a decade of inflation at just 4% a year, taxes without indexing would be 25% higher than if indexing is retained.

Of course, a higher rate of inflation would mean more bracket creep and thus a bigger tax increase each year. If inflation averaged 6.5% for the next five years, the extra tax revenue in 1988 would be about $80 billion instead of $44 billion. And a replay of the inflation experience of the 6.5% in 1985 to 13.5% in 1988—would raise tax receipts by about $120 billion more in 1988 if the tax system is not indexed.

The repeal of indexing would thus give Congress a strong incentive to pursue inflationary policies. With indexing gone, spiraling inflation would generate a surge of tax revenues that could finance greater government spending while permitting Congress the political luxury of voting occasional "tax cuts" that actually failed to offset inflation but provided a framework for further income redistribution.

Many financial investors and others would interpret the repeal of indexing as an indication that inflation would soon be on the rise. This change in the expected rate of inflation would raise interest rates, especially long-term interest rates on bonds and mortgages. Higher interest rates could threaten the recovery in housing and other interest-sensitive sectors and possibly bring the incipient recovery in the economy as a whole to a premature end.

Those who want to repeal indexing frequently wrap themselves in the cloak of fiscal responsibility and argue that "with the large budget deficits that we now face, we cannot afford an indexed tax system." What they should say is that the large budget deficits in future years mean that we must either cut spending or raise taxes or both. The administration's budget calls for a balanced package of spending cuts and revenue increase, including a standby tax equal to 1% of GNP that will go into effect in October 1985 unless very rapid economic growth between now and then had reduced the deficit to less than 2.5% of GNP.

If tax revenue must be raised, the repeal of indexing isn't a satisfactory substitute for an explicit tax increase. Because the repeal of indexing is a hidden way of increasing taxes, it removes the pressure to choose between spending cuts and more taxes. And unlike voting an explicit tax increase, repealing indexing doesn't provide a fixed amount of additional tax revenue but starts a money machine that will squeeze more and more money from taxpayers in the years ahead. The repeal of indexing is politically tempting to many without explicitly increasing taxes. But it is the very opposite of responsible budgeting.

A common alternative rationale for repealing indexing is given by those who mistakenly believe that the combination of indexed benefits and indexed taxes inevitably produces budget deficits because "indexing raises benefits but reduces taxes." This argument is wrong because it misrepresents what indexing is all about. The indexing of benefits means that benefits just keep pace with inflation. The indexing of tax rates means that tax receipts don't rise faster than inflation through bracket creep. With complete indexing, inflation doesn't alter the real value of either benefits or taxes and therefore doesn't increase or decrease the real value of the deficit.

There are finally those who claim that they don't want to repeal indexing but just to postpone it for a year or two to help shrink the budget deficit. In reality, postponing indexing would have relatively little effect on future budget deficits. Slipping the starting date for indexing to 1986 would only raise an extra $12 billion in 1988. It is hard to avoid the suspicion that those who advocate postponement believe that if indexing is postponed once, it will be postponed again and again until it is eventually repealed. It is critically important to start indexing on schedule in 1985 because once the Ameican taxpayers experience indexing it will be here to stay.

If indexing were repealed, the resulting tax increases would be relatively greatest for the lowest income taxpayers. It is the lowest income taxpayer who benefits most from the indexing of the $1,000 personal exemption and the $3,400 zero bracket amount. In addition, since the tax brackets are narrower at lower incomes, bracket creep is more severe. Eliminating indexing would cause the 1985 tax liability of those with incomes under $10,000 to rise by more than 9% while the tax liability of those with incomes over $100,000 would rise by less than 2%.

The liberals who want to repeal indexing are unconcerned about this increase in the tax burden on low-income taxpayers. revenue that would result from de-indexing would permit Congress to vote further tax cuts for these lower income groups that would more than offset the effect of bracket creep on their tax liabilities. Tax reform would thus be deflected from a proper concern about incentives and simplification and would be focused instead an annual debates about egalitarian redistribution.

NO NATURAL CONSTITUENCY

The current congressional discussion about the repeal of indexing is counterproductive in several ways. By raising the possibility that indexing might be repealed, it increases the risk of high inflation in future years and thereby keeps current long-term interested rates higher than they should be. By focusing attention on the indexing issue, Congress avoids facing the difficult decisions about the control of spending and about the explicit tax changes that must eventually be made as part of this year's budget process.

Unfortunately, despite the critical importance of the indexing issue, it doesn't generate much pressue on Congress from individuals or from representative groups. While proposed policies that would affect a segment of the population often induce intensive lobbying activity, a major subject like indexing that influences the entire economy doesn't have a natural constituency. There is therefore the danger that Congress won't

recognize how important indexing is to the public both now and in the future.

President Reagan strongly supports indexing as a central feature of his tax program. He has said clearly that he will veto any legislation that would repeal indexing or postpone its starting date. The president believes that an unindexed tax system is fundamentally dishonest. The repeal of indexing would eliminate political accountability and encourage wasteful government spending. It would make greater inflation an aid to politicians and an extra burden to taxpayers. It would initiate a continuous battle over the distribution of the tax burden.

The indexing of the personal income tax is the most fundamental and far-reaching aspect of Ronald Reagan's tax program. It must not be repealed.

[From the New York Times, Jan. 23, 1984]

DON'T DERAIL INDEXING

(By Donald T. Regan)

WASHINGTON.—Income-tax indexing, one of the most important aspects of the Economic Recovery Tax Act of 1981, is scheduled to take effect in 11 months. This provision is both fair and fiscally responsible. It is imperative that Congress refrain from interfering with indexing—in a misguided attempt to lower Federal deficits—through repeal or revision.

Instead of attacking overspending, which is the true cause of the deficit, some members of Congress would prefer that indexing not take effect—and thus continue to profit from inflation at the taxpayers' expense.

Without indexing, we will continue to see automatic, non-legislated tax increases caused by "bracket creep." This is the process by which unsuspecting taxpayers are shoved into higher tax brackets because of inflation. It raises tax liabilities as a percent of income even when *real* income does not rise. Currently, because of this country's graduated tax system, every 10 percent rise in aggregate prices and wages pushes taxpayers' Federal income tax up 17 percent.

Indexing is designed to counteract bracket creep by adjusting tax rates to inflation, allowing higher taxes only when real income gains are made. Under indexing, all tax rate schedules (including the zero bracket amount) will be adjusted by Dec. 15 each year to reflect any increase in the Consumer Price Index. The $1,000 personal exemption will also be adjusted to reflect increases in the index.

Yet some legislators are growing nervous, and as the time when indexing will take effect draws near, we may see attempts in Congress to revise or scuttle the policy. The reason for this nervousness is plain enough: many legislators realize that indexing will deprive them of the built-in tax increases that bracket creep automatically provides. They are also aware that if indexing goes into effect as scheduled, they will have to change their free-spending ways unless they are ready to vote on the record, subject to the electorate's judgment, for new tax increases.

Repealing indexing, or revising it to water it down, would have serious long-term consequences for the entire United States economy. Excessive Federal spending lies at the core of the economic problems in this country. If lawmakers know they can count on continued, easy revenue increases through bracket creep, they will have little incentive to change their spending practices. And the tax-spend-re-elect cycle will continue. Inflation is the key here. The higher the rate of inflation, the faster tax revenues accrue to the Federal Government. This is why some legislators (to the extent it is politically feasible) would favor and even welcome some degree of inflation.

Besides its importance to the economy, tax indexing is desirable simply because it is fair. Polls show that taxpayers continue to be deeply concerned about not only the growing tax burden but also about questions of whether the tax system is equitable.

Moreover, indexing is perhaps of greatest importance to lower-bracket taxpayers, since inflation forces incomes to rise fastest through the bottom tax brackets. In addition, personal exemptions and the zero bracket amount are large relative to total income in the lower brackets. Indexing will prevent these exemptions from losing their real value and won't allow inflation to push the very poor onto the tax rolls.

The importance of indexing is illustrated in the following example. Our estimates show that inflation-induced bracket creep will cause income tax increases totaling almost $100 billion for fiscal years 1985 through 1988, if indexing is not in effect. This is $100 billion collected in taxes without a single vote being cast in Congress. Taxation without representation was a primary reason for one American revolution. But indexing is itself another American revolution—this time, a revolution in the economic thinking of both Congress and the taxpayers.

Opponents have said that by reducing Federal tax receipts, indexing will drive deficits up even more. This argument is mathematically faulty and demonstrates the free spenders' refusal to concede that the problem is excessive outlays, not inadequate revenues. Nor would indexing cause additional shortfalls in revenues earmarked for programs that themselves are adjusted for inflation. Additional revenues would accrue at the same level of inflation.

This Administration promotes indexing as a cornerstone to its tax program. No one can argue that indexing is inequitable or irresponsible. To American taxpayers, the burden of bracket creep is no less real than a legislated tax increase. For these reasons, opponents of indexing will inevitably be on the defensive. And whether the smokescreen arguments of the opposition actually prevail may well be determined in the voting booth.

[From the New York Times, Mar. 6, 1983]

A WAY TO KEEP THE GOVERNMENT HONEST

(By Bob Dole)

There are certain things that everyone is in favor of as a matter of principle, but that somehow never seem to win out when real decisions are made and votes are counted. Balancing the budget is one example; getting rid of pork-barrel projects in the Federal budget is another. At times we make some progress to support these goals, but the fact remains that real, significant, lasting political reforms are rare indeed. That is why we ought to consider very carefully before we undo the most vital reform of the past decade—the decision to index our progressive income tax to inflation.

The problem that tax indexing addresses is simply stated. For many years we have held fast to the notion that those who have more ought to contribute more to support public services and provide for our national needs. To achieve that goal we have instituted a system of income taxation with a series of tax brackets, with the applicable rate of tax increasing as the taxpayer's income rises, from the lowest to the highest bracket.

Inflation, however, plays havoc with the system, first by eroding the dollar's purchasing power. As a consequence, it also erodes the real value of cut-off points for each tax bracket, which are stated in dollar terms. As the value of the dollar declines in real terms, effective tax rates go up. A $15,000 income is taxed at the same rate even after, say, 10 percent inflation. Yet that $15,000 is worth 10 percent less to the taxpayer.

Take the example of a family of four in 1980 that had a 10 percent cost of living increase in its annual income, to $16,500 from $15,000. This pushed it from a tax bracket of 18 percent to the 21 percent tax bracket. The value of the personal exemption—$1,000 per taxpayer—also fell by 10 percent because of inflation. Thus, this family's tax bill rose by more than 23 percent—from $1,242 to $1,530—while its income grew by only 10 percent.

As a simple matter of equity, it would seem that tax indexing to eliminate this unlegislated bracket creep ought to have universal support. To be fair, opponents of indexing generally acknowledge that bracket creep is a real problem; they simply reject indexing as a solution. Generally, they make two arguments: that Congress provides ad hoc inflation adjustments by periodically legislating tax cuts and that fiscal policy in a period of inflation requires bracket creep to automatically dampen the economy and keep up with the rising cost of Government.

Unfortunately, these arguments are self-contradictory, and both miss the real point. Congress does cut taxes, but it tends to redistribute the tax burden when it does—it does not compensate all taxpayers equally for their inflation tax increases. Further, automatic tax increases do not stablize the economy when inflation is accompanied by little or no real growth. In any event, the Government always manages to find a way to spend whatever revenues it can get its hands on. The fact that the Government can always use more money is no justification for unlegislated tax increases.

Eliminating tax indexing is no solution to the deficit problem. Fiscal responsibility means making the necessary legislative choices to bring revenues and expenditures as nearly into balance as the state of the economy permits. We may make mistakes, but at least we will be making decisions, openly and honestly, that the public can judge on their own merits.

That is just what we in Congress have been trying to do over the past two years. It is a slow and painful process, but it is necessary. It has to continue. With tax indexing, revenues will continue to rise with inflation—they simply will not rise faster than inflation, as they do under the nonindexed system. That should be adequate to finance increments in Government expenditures caused by inflation. If we need to spend still more, for defense, food stamps or whatever, we can vote to raise the necessary revenues.

Proponents of tax indexing have no reason to be on the defensive. It is the advocates of repeal who had better be prepared to explain their case to the American people. As President Reagan has stated, this is fundamentally an issue of accountability. Will we take responsibility for our tax and spending decisions, or will we again resort to evasion of the inflation tax? Low- and moderate-income taxpayers—who are hit hardest when we fail to index the rate bracket,

the zero bracket and the personal exemption—will be watching what we do. No issue is more vital to the working man and woman than tax indexing.

But the voters will not be the only ones watching. Financial markets and economic decision-makers around the world understand the implication of tampering with tax indexing. As Martin Feldstein, chairman of the Council of Economic Advisers, said last year, eliminating indexing would send a signal that the Government intends to reduce the deficit by inflating the economy, pushing taxpayers into higher brackets, and collecting more taxes.

Tax indexing is a potent symbol of our will to resist inflating the economy. At this crucial juncture in our campaign to achieve long-term stable growth, we need tax indexing more than ever before. It is not only a pledge to be honest with the American people: It is a sign of our commitment to lead the world to an economic recovery that will last. Indexing will have lasting significance for our political process and for our economy. This is one political reform that should be preserved.●

U.S. FOREIGN POLICY

● Mr. QUAYLE. Mr. President, my good friend and colleague from Indiana, Mr. LUGAR, made his first major speech January 23 as chairman of the Foreign Relations Committee to the National Press Club here in Washington. I believe that Senator LUGAR is charting a new path, not only to revitalize the Senate Foreign Relations Committee but also to open an important dialog on U.S. foreign policy in the next decade. In view of the importance of his remarks to the institution of the Senate and to the Nation as a whole, I ask that his remarks be printed in the RECORD.

The remarks follow:

THE DIRECTION OF AMERICAN FOREIGN POLICY

(By Senator Richard G. Lugar, Chairman, Foreign Relations Committee)

I have accepted the hospitality of the National Press Club as the Mayor of Indianapolis advocating general revenue sharing, as a newly elected Senator from Indiana advocating the overthrow of encrusted special interests, and as Chairman of the Republican Senatorial Committee advocating universal Republican victory.

Had Bob Dole simply chosen to run for President without entertaining new responsibilities or had Chuck Percy and Jesse Helms conducted their reelection campaigns in different ways, I might have returned to you as Majority Leader, or Chairman of the Senate Committee on Agriculture, or even more simply as Chairman or Leader of nothing at all. Although it was not a Chairmanship that I sought or could have predicted would come to me though the decisions of others, I have tried to answer questions about my new role with cheerfulness and courage.

The first question usually begins with a background paragraph sketching in a political graveyard and with tombstones bearing the names of previous Foreign Relations Committee Chairmen. The second usually starts with the Foreign Relations Committee described as a faded flower with sharply diminished glory and future prospects.

Nevertheless, my best political judgment, reinforced by 92 Indiana County grass roots political coordinators and smoothly functioning fund raising machinery still warm from the 1984 campaign, convinces me that reelection prospects for 1988 are good and that a remarkable opportunity is at hand for significant public service.

The Senate Foreign Relations Committee is about to enjoy an extraordinary period of education, decision making, and achievement.

At the beginning, we will seek to find and to strengthen an American consensus for clear and achievable foreign policy.

On January 31st, Secretary of State George Shultz and Secretary of Defense Caspar Weinberger will commence a comprehensive review of American foreign policy. The hearings will continue on February 1, and on the 4th through the 7th of February, and for several weeks following the Lincoln Day recess. These hearings will, I believe, establish the Committee as a place where the future of American foreign policy will be debated.

At grass roots town meetings, constituents often ask if we have a foreign policy. They have heard that we have sacrificed steadiness and consensus of the past for the unpredictability of one crisis after another of the present. Much is made of the disruptions and new beginnings of a succession of Presidencies, as well as strong Congressional intervention on foreign policy. Indeed, perhaps too much is made of this.

Nevertheless it does seem to me that the United States has not yet fully recovered from the Vietnam War. Not has the United States fully adjusted to the role which its values, its economic strength, its geography, and its interests define for it in the world today.

Before Vietnam, some widely shared assumptions were held about the national interest and potential threats to it. Some consensus was apparent on appropriate remedies to our problems. One of the costs of Vietnam was the break up of this consensus. The United States has been and continues to be uncertain about the use of force in the conduct of American foreign policy. A broader popular involvement in foreign policy questions has deepened the historical reluctance of Americans to employ force to achieve our national purposes.

We continue to employ a strategy which is still best described by the word "containment". But in recent years there is evidence that this has become a very special kind of containment policy: It is containment without cost. In poll after poll, Americans express their concern about hostile governments which imperil our interests in Latin America and elsewhere. But in these same polls, Americans display an equal and overwhelming opposition to any course of action which might actually frustrate governments which are harmful to us.

It is important to restore a greater degree of consensus about our interests and commitments around the world and about our willingness to defend them. Do we really have vital intersts all around the globe? Do we have the economic and military capabilities and the political will to support these interests with a safe margin of risk? Do we have a long term, substantial, and correct view of the Soviet Union? Do we have an appropriate understanding of the economic, political, and spiritual forces that move nations?

There are grounds for optimism. The great majority of the American people agrees upon several basic truths about American foreign policy: a sense of realism about the Soviet Union; an appreciation of the need for a strong defense; solidarity with allies and friends; openness to discussions and negotiations with adversaries; and a strong commitment to justice, human dignity, and economic well-being for all people.

We have just inaugurated President Ronald Reagan for a second four year term. I believe that President Reagan is open to the idea of consensus in foreign policy around the themes which I have mentioned. I believe too, that the outcome of the recent election should indicate to many Democrats the importance of foreign policy consensus around these themes which are so fully supported by the great majority of American people.

Questions about commitments and the proper use of force must be resolved in the coming years and strengthen the heart of American foreign policy.

The foreign policy discussion agenda is substantial. The issues include the health of our alliances, the readiness of our forces, regional instabilities, indigenous revolutions, human rights violations, nuclear proliferation, resolution of famine and hunger crises, and the evolution of new economic and technological realities. Today, I will discuss two areas, however, which are surely at the core of our foreign policy: Namely, (1), East-West relationships and Arms Control; and, (2), the state of the international economy.

What is to be our relationship with the Soviet Union and with countires that are held within its orbit? This has been an issue for American foreign policy since the end of World War II. The key factor of this relationship has been containment. At one point, we attempted to move beyond containment to what has been described as detente.

Much has been said and written about the meaning of detente. As I understand this view, it was intended by its American originators to have contained two elements. Coupled with a relaxation in our direct bilateral relationship with the Soviet Union, there was to be an understanding of the continued need for American political will and resoluteness in defending ourselves and those at the margin of the East-West dispute. Two things went wrong. First, it is apparent that the Soviet Union either did not play by the rules of the understanding that it shared no such understanding in the first place. The Soviet Union continued on a course of unparalleled arms expansion and strenuous activity in Africa, Asia, Latin America and elsewhere to undermine governments friendly to the West. Second, of course, was Vietnam, which shattered our will to employ force anywhere in the World.

We have been down that road and a substantial majority of Americans in both political parties now maintain a high degree of realism about the Soviet Union. At the same time, most Americans continue to hope that a common interest on the part of the United States and the Soviet Union might result in a reduction of nuclear arms which are poised on both sides.

A key question in analyzing the state of the Soviet-American relationship concerns the place of the arms control process and any arms control agreements in the broad context of that bilateral relationship.

Arms control negotiations and possible or actual agreements must be viewed as part of a broad range of policies and actions designed to protect and promote U.S. interests in a world where Soviet power has been

steadily increasing and Soviet ambitions are actively asserted. The U.S. purpose must be to see to it that at any given moment and also over time, Soviet leaders recognize that the risks of assertive and aggressive uses of power outweigh the benefits. This is essential for a positive evolution of U.S. relations with the Soviet Union.

The broad purpose of the United States in conducting its policies toward the Soviet Union must be defined in terms of American interests. These interests clearly include the prevention of war and may, in that respect, overlap to a degree with the interests of the Soviet Union. But they cannot ignore, and must centrally incorporate, the protection of U.S. security and well-being in the face of challenges posed to the United States and other nations by the emergence of the Soviet Union as a major military power. There are few signs that the impulses and ambitions which have carried the Soviet Union to the position and status it has reached to date are subsiding. On the contrary, they remain a central ingredient in Soviet conduct. Soviet interests in arms control remains subordinated to these adventurous ambitions. Of course, the Soviet Union wants to see potential enemies constrained, particularly the United States with its impressive economic and technological resources. And Soviet leaders probably wish to have greater certainty in their economic planning. But they are unlikely to want to see their one shining achievement and the principal source of their international influence—military power—significantly curtailed.

The expanded Soviet role and influence in the world, undergirded by growing military power, leads inevitably, to the conclusion that we cannot in the foreseeable future expect to avoid maintaining strong and diversified military forces of our own. Arms control arrangements can affect the pace and character of some military programs, but they cannot alone contribute substantially to the balance we require for our security.

This brings us to the present stage of Arms Control negotiations and the results following from the meeting between Secretary Shultz and Soviet Foreign Minister Gromyko earlier this month. The Reagan Administration approach to Geneva reflects the need for major changes in the framework of our thinking about Arms Control policy. I firmly believe that without the introduction of the new strategic defense initiative, we would have little reason to hope for any substantial or positive development in Arms Control negotiations. The fact is that the realities of offensive weapons and modernization programs on both sides would have led to little positive incentive for alternation of the stalemate which has existed for a decade.

The strategic defense initiative offers something which is new and helpful. We do not know the form or the completeness which a strategic defense system might take. But we do know that for the first time there are incentives for both sides to look to something other than the development of newer, more powerful, more precise offensive weapons of mass destruction. The full scope of the changes which will flow from these developments has not yet been sufficiently appreciated.

S.D.I. has already made its first contribution to Arms Control. The Soviet Union is back at the negotiating table. We should not expect the S.D.I. to do too much too quickly, but we should be prepared for the fact that this research effort is here to stay and that its consequences will be great.

The technological capabilities which make it possible to conceive a strategic defense leads me to a second set of foreign policy issues, the economic and technological realities underlying many of the political and military decisions which we confront.

In this city are located many experts who debate the arcana of arms control negotiating positions, conventional force postures, and a host of other topics well known to those in the political/military world. These are important in their own right, but if I have one wish, it would be that these decisions must be grounded more fully in the economic realities which make an adequate defense possible at all.

Defense is costly, as we all know. Defense spending must compete with many other important and worthy programs, not only in this country but among our allies and among countries in the developing world. We simply must learn to confront the dangers and dilemmas, as well as to maximize the opportunities, inherent in a world economy. Too often, debate about budgets and deficits takes place wholly apart from debates about defense. There are deep connections between our own budget decisions and the defense decisions which we expect from others. Would a freeze in United States defense spending have no consequence on our demands for greater burden-sharing on the part of our allies?

We must confront the imperative of economic growth directly. If, for example, the nations of West Europe do not grow at a rate comparable to that of the United States or the countries of the Pacific Basin, will Europe be able to retain, much less to expand, its own role in the defense of West Europe if challenged by the need for strong leadership to invigorate its economies and, in some cases, to break out of constraining economic rigidities.

In the same vein, we must address complex relationships between the economies of major trading nations. Rapid currency changes have placed intense political pressures on nations to protect their own industries.

The dollar has soared against major currencies by some 41 percent since 1980. The strong dollar is the major contributing factor to the record trade deficit in 1984, a deficit calculated to be some $130 billion and growing to some $140 billion in 1985. Imports to the United States in 1984 were up some 27 percent over the 1983 figures, while U.S. exports increased in 1984 by some 8 percent, as the strong dollar that accompanied economic recovery in the United States made American products sold abroad much more expensive. The strong dollar-high interest rate impact of the budget deficit on the American economy has been mixed, with the anti-inflationary trends reinforced by low-priced imports more than counter-balanced by increased prices on American exported goods and the resulting impact on American manufacturers.

The accelerating trade deficit is a major cause for concern in efforts to sustain the American economic recovery, for it undermines those key industries who find it increasingly more difficult to sell their products overseas while simultaneously enhancing the pressures for greater protectionism. If the dollar stays high and the trade deficit worsens, demands for action by the American business community are likely to grow more strident. Protectionist sentiment, including even extreme measures such as import surcharges, may find a greater resonance in the Congress as the 1986 elections draw nearer. While the idea of import surcharges may enjoy little support at the moment, that could change if the trade deficit continues to grow and the White House and the Congress prove unable to agree on means for cutting the budget deficit. And, of course, any attempts to restrict imports by quotas or tariffs would likely generate severe trade conflicts between the United States and its trading allies.

Like the future course of the dollar, the direction of American trade will have an important bearing on the overall prospects for the world economy. Increasingly we have come to appreciate the close relationship of trade and development finance issues, especially for Third World debtor countries. World trade volume after exploding by nearly 11 percent in 1984, is likely to grow by only 5 percent in 1985 and 4 percent in 1986. That will hurt Third World debtor nations who can service their debts (let alone actually repay capital) only by increasing their exports. However, such an expansion of Third World exports will come up against pressures for new barriers to world trade. This means that the Third World debt problem is still very much alive and must be a constant high priority consideration.

After a few weeks, I believe that the Committee will better define how many missions our country has undertaken. We will have a better idea of the military forces needed to meet our obligations and the economic resources required to sustain those commitments.

We will probably agree on containment of Soviet adventurism, the value of nuclear reduction negotiations, the importance of world-wide economic growth, of fewer trade barriers, greater building of democratic constitutions and human rights guarantees. We will probably make progress on famine relief and necessary long-term agricultural assistance. We will have a better idea of the strength and the future requirements of international institutions and our proper role in them.

During all of this revitalization of the Committee, I will be in Indiana much more often than on Embassy Row.

The foreign policy consensus that we seek is not simply one of a few dedicated Senators, but a coming together of the American people at the grassroots.

The role of a free and responsible press, world-wide, will be an essential element in the rebuilding of an informed and vital consensus. The availability and openness of public servants will be equally important.

I am deeply gratified for the opportunity you have given me to make an important beginning step, here, today●

TAXING OF FRINGE BENEFITS

● Mr. D'AMATO. Mr. President, during the 98th Congress, I joined a number of my colleagues in cosponsorings S. 2995, legislation introduced by my good friend and colleague from New York, Senator MOYNIHAN. I am pleased to again join Senator MOYNIHAN in introducing legislation identical to S. 2995.

This legislation would rectify an inadvertent error in the fringe benefit provisions of the recently passed Deficit Reduction Act of 1984. These provisions generally made most fringe bene-

fits nontaxable by statute. Previously, a moratorium had been in place prohibiting the IRS from issuing regulations taxing most fringe benefits. This moratorium expired on December 31, 1983.

The Deficit Reduction Act of 1984 stated that a fringe benefit provided by an employer to an employee that represented no additional cost of service would be treated as nontaxable income to the recipient. However, this only applied to employees of the direct company providing the service, not a separate subsidiary of the same parent corporation.

In particular, the legislation introduced in this session by Senator MOYNIHAN rectifies this problem for Pan Am. Pan American World Services is a subsidiary that provides a myriad of services, including servicing Pan Am aircraft. Yet, under the Deficit Reduction Act of 1984, Pan American World Services' employees cannot enjoy previously received fringe benefits. This is unfair and would change the rules for thousands of employees in the middle of the game.

Mr. President, this legislation is narrow in focus. It would allow the employees of Pan American World Services to receive their traditional fringe benefits with no change in tax status. This would only apply to individuals employed by Pan American World Services as of September 12, 1984.

The bill would assist 7,700 employees in Pan American World Services that are hurt only by the unique corporate structure of Pan Am. No other airline has this particular corporate problem. These employees provide a range of services many of which invlove servicing the airline. I feel that equity dictates that this corrective legislation be enacted into law.

Mr. President, I urge the Senate to support this important legislation which will allow middle-class individuals to continue to enjoy their fringe benefits on a nontaxable basis.●

TRIBUTE TO DON BUTLER

● Mr. PACKWOOD. Mr. President, all too often, veteran politicians and journalists spar with each other like two punch-drunk fighters. There is little time for assessing strengths and weaknesses, just hard-fought confrontations. These scraplike tussles, especially during an election year, do not a friendship make. Today, I should like to talk about an exception, where one politician and one journalist became fast friends, not because they needed each other's favor but simply because they had each other's respect, found comfort and laughter in sharing a good story, and satisfaction that they were serving the public's needs.

Of course, the politician is myself, and the journalist, Don Butler, was a good friend I wanted you to meet. Unfortunately, Oregon TV veteran Don Butler died recently, last winter, climbing to the base camp of Mt. Everest in Nepal. Friends tell me Don was fulfilling a lifelong dream just being able to stand at the foot of the Everest, the world's highest peak.

One tragic fact about his death is that Don, a very athletic man, died from a stroke, a freak mishap prompted by lack of oxygen, during what seemed like a safe day hike with his wife, Laura, and two other friends.

Still another tragedy, and the reason I speak before this Chamber today, is a greater loss for all U.S. citizens that Don's death brings: the absence of a great standard bearer for American journalism.

Don Butler, executive producer of KOIN-TV's investigative weekly news magazine, "Northwest Illustrated," received local, regional, and national recognition for outstanding reporting, including broadcasting's equivalent to the Pulitzer Prize, the prestigious Columbia-Dupont Citation, given to the program in 1979.

Don produced "Northwest Illustrated" since the program's inception in 1978. One goal of the program was to provide Portland's KOIN-TV news with an investigative arm, which might better serve the community by providing in-depth exploration of complicated stories and issues. Committed to his profession, and a bit of an idealist, Butler saw his role as a conduit or information broker, working in the public's interest.

Don's no-nonsense style and dedication to fair, balanced reporting earned him the respect of others during his early career. He started at KOIN-TV in 1969 as a general assignment reporter. Soon his workaholic proficiency earned him a spot as the city hall reporter, a much-sought-after news beat. In 1971, Butler became the station's State political reporter. As executive producer of "Northwest Illustrated," Don wrote expansive bimonthly segments of the program. A Portland native, Butler attended Benson High School. He obtained his bachelor of arts degree from Washington State University at Pullman in 1964.

He started his broadcast career at KELA-Radio in Centralia, WA, where he served as news director. Butler's next broadcast move was to KID-TV in Idaho Falls, ID. An Army veteran who served in Vietnam in 1968, Don was a member of the 116th Combat Engineers of Idaho. He served as a select member of Oregon's State Legislative Improvement Committee in 1974, as well as the 1972 Citizens Committee on Tri-Met, Portland's public transit authority.

In Don's memory, KOIN-TV established the Don Butler Memorial Scholarship Fund, which will provide cash grants to deserving students from Oregon, enrolled in Oregon colleges and universities—and at Don's alma mater, Washington State—to pursue their studies in broadcast journalism.

It is my hope that this small entry into Congress' official RECORD will pay a very small tribute to a man not many Americans knew, but whose contribution we can all appreciate.

He is one friend I will not forget.●

INTERNATIONAL CUSTOMS DAY

● Mr. ABDNOR. Mr. President, 32 years ago, on January 26, 1953, the international customs organization known as the Customs Cooperation Council held its first meeting in Brussels, Belgium. In recognition of this occasion, the Council has declared January 26 as International Customs Day. This occasion is also being used to give recognition to customs services around the world in view of the role they play in producing national revenue and in protecting national borders from economically and physically harmful importations.

I am particularly proud of the U.S. Customs Service for its great contributions to the Nation over the past 196 years of its existence. U.S. Customs was once the sole revenue producer for a young United States. Although that role has diminished over the years, in fiscal year 1984, Customs collected a record $12.5 billion in revenue. In addition, Customs has taken on such important responsibilities as interdicting narcotics at our borders, preventing the exportation of critical technology, and enforcing the regulations for over 40 Government agencies.

The U.S. Customs Service represents the United States at the Customs Cooperation Council [CCC], a 95-member international organization founded to facilitate international trade and promote cooperation between governments on customs matters. The CCC works to simplify and standardize legal instruments and rules of international customs. The CCC also renders technical assistance in areas such as customs tariffs, valuation, nomenclature, and law enforcement. Its objective is to obtain, in the interest of international trade, the best possible degree of uniformity among the customs systems of member nations. The United States became a member on November 5, 1970. All America benefits when both exporters and importers operate in an atmosphere of simple and unambiguous customs operations around the world.

I want to take this opportunity to congratulate the Customs Cooperation Council on its past accomplishments and for its ambitious goals of further harmonizing and simplifying those customs rules which affect international commerce. I also congratulate the U.S. Customs Service for its fine

work both nationally and internationally.●

ADVANCE NOTIFICATION—PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that two such notifications have been received.

Interested Senators may inquire as to the details of these advance notifications at the office of the Committee on Foreign Relations, room SD 423.

I ask that correspondence in this connection be printed in the RECORD.

The correspondence follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, January 18, 1985

In reply refer to I-17366/84.

Mr. GRAEME BANNERMAN,
Deputy Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. BANNERMAN: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost $50 million.

Sincerely,

PHILIP C. GAST,
Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, January 17, 1985.

In reply refer to I-20037/85ct.

Mr. GRAEME BANNERMAN,
Deputy Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. BANNERMAN: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to an East Asian country tentatively estimated to cost $50 million.

Sincerely,

PHILIP C. GAST,
Director.●

ESTABLISHMENT OF ENGLISH AS OFFICIAL LANGUAGE

● Mr. ABDNOR. Mr. President, I rise today as a cosponsor of the proposed constitutional amendment introduced January 22 by my distinguished colleague from Idaho [Mr. SYMMS] to establish English as the official language of the United States.

Mr. President, this is an issue about which I feel very strongly. In this Nation, comprised of people from every corner of the globe, our common language is our most vital link. Let me speak for a moment of my own family's experience.

My father came to this great Nation from Lebanon. While peddling goods in rural South Dakota, Sam Abdnor learned English from speaking with farm families who asked him to join them for meals. A number of years later, after settling in Kennebec, SD, Sam met and married his wife, Mary, who also immigrated to the United States from Lebanon, in Cedar Rapids, IA. My parents established a general merchandising business in Kennebec, where they raised my brother, Joseph, my sister Marina, and me.

My parents believed that familiarity with the common language of this country, the English language, is essential for all Americans. Thus, they spoke English, rather than their native Arabic, in our home. Although there are times when I wish I was conversant in Arabic, I am not sorry my parents placed such great importance on the English language.

Mr. President, I believe that if one is to benefit fully from the tremendous opportunities this Nation has to offer, he or she must be fluent in the English language. I am concerned that in recent years, we have lost sight of the significance of this most common of all denominators. It is the English language which unites us all as citizens of this great Nation. It is time we specify that the language of our Consitution—the English language—is indeed the official language of the United States.

Mr. President, I call on all our colleagues, in this and the other body, to act favorably and expeditiously on this necessary amendment to our Constitution.●

GAO HOTLINE IS 6 YEARS OLD

● Mr. SASSER. Mr. President, this month marks the sixth anniversary of the most established, cost-efficient weapon in the battle against waste, fraud, and abuse in the Federal Government: the nationwide toll-free fraud hotline of the General Accounting Office.

Instituted at my urging, the hotline began receiving and processing allegations of waste, fraud, and abuse over its nationwide, toll-free telephone line back in January 1979. Since that time, the small hotline staff operating out of a modest one room headquarters in the sixth floor of the GAO's office building at 441 G Street, NW., in Washington, DC, has received over 64,000 calls, resulting in 15,900 cases significant enough to be classified, and nearly 11,000 of which were serious enough for further investigation.

Mr. President, I ask that additional details concerning the 6 years of the GAO hotline operation be printed in the RECORD at the conclusion of my remarks.

Abstract data never convey the reality nor the human dimension involved in a case in which someone willfully defrauds our Government. Following are some examples of the types of allegations reported to the hotline and successfully resolved, either through legal prosecution or through some sort of administrative action.

The material submitted for printing in the RECORD follows:

EXAMPLES OF GAO HOTLINE ALLEGATIONS SUBSTANTIATED BETWEEN JANUARY 18, 1984, AND JANUARY 17, 1985

An informant alleged kickbacks and bribery between a company supplying aircraft parts and a DOD civilian responsible for the procurement. The DOD-OIG found that the company and its owner set up "shell" corporations to submit bids on spare parts contracts in order to create an appearance of competition. The DOD civilian received kickbacks for awarding contracts to the company. The company was suspended from doing business with the government and fined $159,000. The owner was found guilty of 10 counts of bribery and nine counts of mail fraud, resulting in a four year jail term and a $209,000 fine. The government employee pleaded guilty of receiving illegal gratuities and conspiracy and was sentenced to serve one year and one day in jail. The case also resulted in three other convictions and spin-off investigations.

An anonymous informant alleged that a Lieutenant General (LTG) in the Army had misused Army aircraft. The Army-IG found that the LTG had an Army aircraft deliver a small dog he had sold for $175 to a General in the state national guard. The Vice Chief of Staff, in the Army, wrote the LTG about his conduct even though the LTG has since retired from the military.

An anonymous informant alleged that a contractor was overcharging the Air Force for a simple spring used in an aircraft. As result of the complaint, the contractor reduced his price from $390 a unit to $109, and repaid over $2,200 that it had overcharged the government.

A DOD employee supplied documentation to the GAO hotline showing the prices on computer parts a manufacturer sold to the government thru GSA were higher than the open market prices for the same parts by the same manufacturer. GSA-IG's investigation showed that the manufacturer had failed to disclose price and discount arrange-

ments during negotiations with GSA. The manufacturer refunded $3.2 million for the overcharges.

An anonymous informant alleged that a Naval shipyard was ordering brass fittings from a contractor and scrapping most of them because of poor appearance or manufacture. The Defense Logistics Agency investigated the allegation for the DOD-IG and found that the shipyard was correct in scrapping the parts but had not properly reported the deficiency to the personnel monitoring the contractor's performance. A number of recommendations were made to prevent this from occurring in the future. While the contractor was responsible for the poor products, the government did not require the company to redo the fittings because the government was partially responsible.

An anonymous informant alleged that a cashier at a VA Medical Center in Norfolk, Virginia, was making travel reimbursements to people who were not veterans and did not have appointments at the center. The VA-OIG investigated and proved that the cashier working with six others had defrauded the government by submitting over 700 false travel claims. The cashier was convicted and received a 10 year prison sentence for conspiracy, bribery and fraud. In addition he agreed to pay a $70,000 judgment. The others were allowed to plead guilty on misdemeanors in exchange for their testimony against the cashier.

Two civilian Naval officials in California used free airline tickets received as a result of mileage accumulated from government travel for vacation trips to the Bahamas instead of turning them in to the government for future use. An investigation revealed both officials violated Naval policy. Both were issued letters of reprimand and they are making restitution to the Navy of $5,597.

An anonymous informant alleged that FAA employees were misusing a micro computer at a facility. The DOT-IG investigated and found an unreasonable number of computer games and personal data in the computer. Only about 12 percent of the data in the computer related to government business and it was only used 30 minutes a day for official purposes. As a result of the DOT-IG's investigation, employees involved were counseled and FAA advised all employees nationwide that personal use of computers, in the future, would result in disciplinary action.

An allegation that a school was improperly using Title III institutional development grant funds was substantiated by the Education-IG. Funds were being used for labor costs not associated with that program, for non-Title III activities and for supplanting other program funds. Request for repayment of $188,801 is disallowed expenditure has been made.

An anonymous Army command's employee alleged that their contracting office was paying for training courses that were not being conducted by the contractor. An investigation by DOD found that the contractor failed to deliver contractually required services and that command officials were derelict in their duties and approximately $110,000 to $125,000 was misspent. The command took administrative action against certain employees and are seeking restitution from the contractor and possible criminal action.

A caller alleged that an administrative law judge was assigning cases to be heard by himself so that he could combine the hearing with a personal visit to relatives. The caller stated that it would be more efficient and less costly to assign a field judge to the matter.

An investigation by the agency substantiated the allegations and recovered the travel funds from the judge. In addition, reporting procedures were changed so that the judge became more accountable for his time and attendance.

It was alleged that several tenants of a subsidized housing complex were not reporting total income and were ineligible for the subsidy. A HUD investigation revealed that 13 tenants had received subsidy overpayments of $59,701 and that project management had illegally collected $1,920 in subsidies from HUD after a tenant had moved out of the complex. Claims collection action was initiated by HUD against the tenants and project management refunded the $1,920. The AUSA declined prosecution in lieu of HUD administrative action.

Mr. SASSER. Mr. President, it is only when an act of waste, fraud, or abuse is caught, punished and corrected that the hotline is able to perform another important service: It becomes a deterrent to those who might commit such acts. Untold millions of dollars are saved American taxpayers through this deterrent function.

Another major indication of the success of the GAO hotline is reflected in its emulation through the establishment of hotlines by State and local governments which have contacted GAO for assistance, and by other Federal agencies. Over 20 Federal agencies have hotlines of their own. These hotlines have provided agency inspectors general with reports of allegations of waste, fraud, and abuse that have yielded substantial savings to the Federal Government—a fact in which the administration and all of us concerned about this issue have taken great satisfaction.

We in Congress cannot stop, however, in merely taking satisfaction with the proven record of achievement of the GAO hotline and its emulators. We must begin to take advantage of the data base generated by the network of hotlines and use it to impose reforms in the Federal system. We must prevent waste, fraud, and abuse from occurring, not just report or punish these acts.

Toward this end, I will push for studies of the data accumulated by the hotline directed at promoting systemic reforms which will further reduce waste, fraud, and abuse in the Federal Government.

Mr. President, the Congress the administration and the American people are indeed fortunate that Comptroller General Charles Bowsher has given, and continues to give, the hotline operation his full support.

Also essential to the continued success of the hotline are the others who share in its management and operation. They are:

Frederick D. Wolf, Director of the Accounting and Financial Management Division [AFMD].

Arthur R. Goldbeck, Deputy Director, AFMD.

John J. Adair, Deputy Director, Fraud Prevention and Oversight Group, AFMD.

Gary W. Carbone, Director, Fraud Referral and Investigations Group, AFMD, Barney Gomez, Harvey Gold, Yvonne MacDonald, Jerry Wilburn, Woodrow Hunt, Hugh Delaney, Ray Liebricht, Tom Luttrell, Warren Martin, Glenn Wolcott, Sam Holland, Teresa Renner, Ron Ramsey.

Administrative staff: Denise Brooks, Yvonne Prince, Trudy Moreland.

Mr. President, I want to point out that the GAO encourages both the public and Federal employees to call the hotline.

The nationwide hotline number is 1-800-424-5454; in the Washington, DC, area, the number is 633-6987.

I ask that material in connection with this subject be printed in the RECORD.

The material follows:

GAO FRAUD HOTLINE SUMMARY REPORT—JANUARY 17, 1985

VOLUME OF CALLS AND GEOGRAPHIC AREA—FIRST 6 YEARS OF OPERATION

We announced the hotline telephone number on January 18, 1979, and after the first 6 years of operation, (January 17, 1985), had written up over 15,900 allegations which require classification as to materiality, agency and program involved, and geographic location. In addition to the above, we have received numerous calls that were more appropriately the concern of other Federal agencies or State or local officials that were referred but not written up. We have received over 64,000 calls in total.

Calls have been received from all 50 States, the District of Columbia, and overseas locations.

A geographic breakdown based on the 10,959 allegations believed to warrant further review in our screening of 15,961 cases is as follows:

Location of reported activities:

Washington, DC	760
Alabama	194
Alaska	37
Arizona	125
Arkansas	127
California	1,435
Colorado	167
Connecticut	60
Delaware	15
Florida	474
Georgia	454
Hawaii	33
Idaho	44
Illinois	298
Indiana	139
Iowa	89
Kansas	91
Kentucky	207
Louisiana	133
Maine	43
Maryland	322
Massachusetts	154
Michigan	338
Minnesota	76
Mississippi	109
Missouri	256
Montana	53
Nebraska	52
Nevada	52
New Hampshire	25

New Jersey	188
New Mexico	96
New York	496
North Carolina	211
North Dakota	40
Ohio	519
Oklahoma	120
Oregon	89
Pennsylvania	455
Rhode Island	26
South Carolina	105
South Dakota	36
Tennessee	420
Texas	614
Utah	49
Vermont	12
Virginia	483
Washington	272
West Virginia	92
Wisconsin	102
Wyoming	16
Overseas	95
Missing codes	61
Affected Government entity executive branch:	
Department of Agriculture	581
Department of Commerce	119
Department of Defense (other than Air Force, Army, Navy)	218
Department of the Air Force	383
Department of the Army	594
Department of the Navy	603
Department of Energy	134
Department of Health and Human Services (formerly HEW) (other than SSA, NIH)	893
Social Security Administration	2,193
Department of Education	144
National Institute of Health	22
Department of Housing and Urban Development	680
Department of the Interior	269
Department of Justice (other than FBI)	259
Federal Bureau of Investigation	14
Department of Labor	593
Department of State	18
Department of Transportation	230
Department of the Treasury (other than IRS)	108
Internal Revenue Service	1,012
Community Services Administration	82
Environmentasl Protection Agency	126
Equal Employment Opportunity Commission	35
Federal Emergency Management Agency	39
General Services Administration	291
National Aeronautics and Space Administration	43
Small Business Administration	89
Tennessee Valley Authority	40
Office of Personnel Management	71
U.S. Postal Service	282
Veterans Administration	463
Agency for International Development	17
Legislative branch:	
Congress	19
General Accounting Office	34
Government Printing Office	15
Library of Congress	9
Other:	
D.C. Government	18
Other Federal agencies	194
Missing Agency codes	25

TYPES OF ALLEGATIONS RECEIVED

Approximately 25 percent of all calls received appear to have some substance and are written up for further evaluation. After additional screening approximately 69 percent of those written up appear to have some substance for investigation or audit. For example, of 15,961 allegations that have been screened, 10,959 appear to have some substance for investigation or audit. Of the 10,959, about 21 percent are in the "mismanagement" category, while the remaining 79 percent appear to involve intentional wrongdoing.

In summarizing the allegations of wrongdoing, we found it useful to categorize them according to participants in the alleged improper activity. We established the following five activity participant categories:

1. Federal employees only.
2. Federal employees in conjunction with others.
3. Federal contractors or grantee organizations.
4. Individual and corporate recipients of Federal financial assistance.
5. Other individuals or corporate entities.

Of the 8,638 allegations of wrongdoing, the highest proportion, 36 percent, was in the participant category "Individual and corporate recipients of Federal financial assistance." The following table shows the number and proportion of total wrongdoing allegations falling in each of the five participant categories.

Participating category	Number of allegations	Percent of total
1. Federal employees only	2,220	26
2. Federal employees in conjunction with others	460	5
3. Federal contractors or grantee organizations	1,639	19
4. Individual and corporate receipts of Federal financial assistance	3,114	36
5. Other individuals or corporate intities	1,205	14
Total	8,638	100

Looking first at the "Federal employees only" category, we found there were 299 allegations of theft, 473 allegations of private use of Government property, 655 reports of employee working hour abuses, 435 report of improper financial transactions, and 358 reports of other improper activities.

In the second category, "Federal employees in conjunction with others," there were 210 allegations of a bribe or kickback having been paid, 7 allegations of extortion and 243 miscellaneous other allegations.

In the "Federal contractor/grantee" category there were 641 allegations of contract non-performance, 121 reports of the theft of Government funds or property and 582 other allegations of various natures.

The fourth category, "Individual and corporate recipients of Government financial assistance," included 1,010 allegations of welfare cheating, 499 of cheating on social security benefit eligibility, 707 on collecting inappropriate disability benefits, 137 of cheating on veterans benefits, 202 instances of food stamp cheating, 77 of medicare/medicaid cheating, and 482 miscellaneous allegations.

The fifth and final category, "Other individuals or corporate entities" included 905 allegations of personal and corporate income tax cheating and 300 other allegations of improper activity.

The allegations of wrongdoing that were received to date involve the funds of every one of the 13 cabinet departments of the Federal Government and involve activity in Washington, D.C., and all 50 States.

In 70 percent of the cases, the informant was anonymous. Twenty-eight percent of the informants were Federal employees.

Referrals made as of January 17, 1985

HHS	3,118
DOL	633
HUD	721
DOD	1,740
IRS	1,147
VA	532
GSA	355
USDA	597
Post Office	260
Interior	248
EPOA	122
FEMA	46
D.C. Government	19
Office of Personnel Management	91
State Department	17
DOT	230
DOE	115
Commerce	115
Justice	310
Treasury	164
SBA	97
NASA	41
GAO	337
CSA	90
TVA	36
Legal Services Corporation	25
Department of Education	178
AID	19
Other agencies	17
Total referrals	[1] 11,420

[1] Total cases referred is greater than the number of substantive cases received because some allegations were referred to more than one agency.●

THE WRONG WAR

● Mr. STEVENS. Mr. President, recently I read an article that appeared in the Baltimore Sun on November 28, 1984, entitled "The Wrong War." It is my hope that by placing it in the RECORD, other Members of the Senate and the House will think about the subject in depth. As we approach the problem of reducing our deficit, it may well be that the savings that some argue for in defense could be accomplished while at the same time improving our overall defense capability. I ask that the article I have referred to be printed in the RECORD.

The article follows:

[From the Baltimore Sun, Nov. 28, 1984]

THE WRONG WAR—PENTAGON PLANS FOR AN IMPROBABLE THREAT

(By Jeffrey Record)

WASHINGTON.—In 1951, in response to General Douglas MacArthur's plea to expand the Korean War by launching attacks on China, Omar Bradley, the chairman of the Joint Chiefs of Staff, commented that "this strategy would involve us in the wrong war, at the wrong place, at the wrong time, and with the wrong enemy." U.S. force planners may be committing the same mistake today.

Since the end of World War II the United States has fought two major wars, both of them in Asia against Asian enemies. U.S. military forces also have intervened, and in some cases been attacked, in a variety of places, including the Far East, the Middle East and Caribbean. Nowhere have U.S. forces clashed directly with Soviet forces, and in no instance have U.S. or NATO military units been called upon to fight in Europe. In fact, Europe, for centuries a hotbed of interstate violence and the cockpit of both world wars has for almost 40 years been an island of comparative peace.

Why, then does the defense of Europe against a massive Soviet attack remain the principal determinant of the size and structure of U.S. military forces (over 50 percent of the U.S. defense budget is consumed by preparation for war in Europe)? And why does the vision of a worldwide war with the Soviet Union remain the basis of the Pentagon's declared strategy? Secretary of Defense Caspar Weinberger has stated that, "Given the Soviets' capability to launch simultaneous attacks in [the Persian Gulf], NATO and the Pacific, our long-term goal is to be capable of defending all theaters simultaneously."

Forget that the strategic interests of the Soviet Union, which has a historic dread of two-front wars, might not be served by simultaneous attacks on two or more geographically separate fronts. Forget that "defending all theaters simultaneously" is simply beyond the present and projected military resources of the United States (even with the Russians on our side, it took us four years and a defense budget approaching 40 percent of the gross national product to beat Nazi Germany and Imperial Japan). Forget that NATO has successfully deterred a Soviet attack on Europe for over 35 years, in large measure because of the unacceptable risks posed to the Soviets' own survival by the continuing presence on Allied territory of thousands of nuclear weapons coupled with NATO's declared determination to use them first in *extremis*. Also forget that it is high time that our fat and prosperous European allies assumed more responsibility for their own defense.

The real issue is the cost, in terms of U.S. military effectiveness, of continuing to prepare for a war that has never taken place and is unlikely to do so, instead of preparing for the kinds of wars and violent incidents that *have* engaged the United States and almost certainly will again. Different kinds of wars against different kinds of enemies in different kinds of places require different kinds of force structures and weapons. If the Vietnam War and more recent terrorist attacks on U.S. diplomats and military forces have taught us one thing, it is that a military establishment geared primarily to stop Soviet armor in Europe is not necessarily capable of dealing with other kinds of violent challenges outside Europe.

Primary focus on Europe's defense against technologically-advanced Soviet forces has compelled investment in such large complex and costly items as tank-heavy ground divisions, high-performance fighter aircraft and nuclear-powered submarines. Tank divisions, however, have little utility in the jungles of Southeast Asia and Central America. Nor are high-performance aircraft of much use against unconventional foes of the kind we encountered in Vietnam. And nuclear powered submarines are irreleveant counters to terrorist threats of the kind that claimed the lives of 241 United States servicemen in Beirut last year. Even the high-tech, set-piece conventional Falkland Islands War of 1982 was ultimately decided by foot-slogging light infantry.

Future historians may well judge it remarkable that U.S. military planners, 40 years after the end of World War II, continued to focus on a world war with the Soviet Union despite the Korean War, the Bay of Pigs, the Vietnam War, the Pueblo incident, the Mayaguez incident, the seizure of American hostages in Iran and the truck-bombing of Marines in Beirut. In most of those instances the performance of U.S. military forces proved wanting, in large measure because they were designed and equipped primarily for the one war they were never called upon to fight.

There is no doubt that the Soviet Union is America's most dangerous potential adversary. And there is no doubt that the defense of Europe is vital to the United States, and that American investment in Europe's defense has contributed substantially to deterring war there. Few would suggest that the United States abandon its commitment to Europe's defense or that U.S. force planners be instructed to ignore the possibility of a war with the Soviet Union in Europe or anywhere else.

On the other hand, it must be recognized that investment in deterrence of improbable threats is not synonymous with adequate preparation for defense against more likely threats, threats that have actually and repeatedly materialized. While the U.S. military has succeeded in deterring war in Europe, it has neither deterred attacks on American interests elsewhere nor provided an effective defense of those interests when attacked.

All of this suggests an urgent need for a reduction in current levels of investment in so-called "general purpose forces" (i.e., heavy, high-tech forces designed primarily for combat against heavy, high-tech Soviet forces) in favor of heightened investment in lighter, more strategically mobile forces that are specifically tailored, both in organization and weaponry, to deal with the unique threats and operational environments that characterize much of the world beyond Europe.

To its credit, the U.S. Army is moving in this direction. The Army plans to create at least two new small light infantry divisions structured for combat in rugged terrain, and is expanding investment in such special operations units as the Rangers, Special Forces and counter-terrorist formations, and both the Army and the Marine Corps are working on new armored fighting vehicles light enough to be rushed in quantity overseas by air.

On balance, however, the Pentagon's primary focus remains on the defense of a peaceful continent against an adversary that seems to have no desire to attack it.●

AUTHORITY OF THE SENATE LEGAL COUNSEL

Mr. DOLE. Mr. President, I send to the desk a resolution on behalf of myself and the distinguished minority leader, Senator BYRD, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 49) directing the Senate Legal Counsel to represent the Committee on Banking, Housing, and Urban Affairs in obtaining a Writ of Habeas Corpus Ad Testificandum.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, the Committee on Banking, Housing, and Urban Affairs wishes to apply to the U.S. District Court for the District of Columbia for a writ of habeas corpus ad testificandum. The purpose of the application is to obtain the testimony of a Federal prisoner, who is presently in Florida, at a hearing of the committee in New York City on January 28, 1985. The following resolution will authorize the Senate Legal Counsel to represent the Committee on Banking, Housing, and Urban Affairs in this matter.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 49) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 49

Whereas, the Committee on Banking, Housing, and Urban Affairs wishes to file an application in the United States District Court for the District of Columbia for a writ of habeas corpus ad testificandum to federal authorities to bring Luis Hector Neira, a witness who is in the custody of federal correctional authorities in Florida, to New York, New York, for questioning by the Committee at hearings to be held there;

Whereas, pursuant to section 708(c) of the Ethics in Government Act of 1978, 2 U.S.C. 288g(c)(1982), the Senate may direct the Senate Legal Counsel to perform such duties consistent with the purposes and limitations of title VII of the Ethics in Government Act of 1978 as the Senate may direct: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Committee on Banking, Housing, and Urban Affairs in its application for a writ of habeas corpus ad testificandum to obtain the presence of Luis Hector Neira at a hearing of the Committee.

AUTHORITY FOR THE RECORD TO REMAIN OPEN UNTIL 5 P.M. TODAY

Mr. DOLE. Mr. President, I ask unanimous consent that the RECORD remain open until 5 p.m. today for the introduction of bills and resolutions and for the submission of statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME AGREEMENT ON BAKER NOMINATION

Mr. DOLE. Mr. President, as in executive session, I ask unanimous consent that following the conclusion of morning business on Tuesday, January 29, the Senate go into executive session to consider the nomination of James A. Baker, to be Secretary of the Treas-

ury, and that it be considered under the following time agreement: Two hours equally divided between the Senator from Oregon [Mr. PACKWOOD] and the Senator from Louisiana [Mr. LONG], or their designees; and that following the conclusion or yielding back of time, the Senate proceed to vote on the nomination of James A. Baker, to be Secretary of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I failed to mention and I assume on the Baker nomination we may expect a rollcall, so Members should be on notice there will probably be a rollcall on this nomination.

Mr. BYRD. Mr. President, I believe that the distinguished majority leader reserved the time which would be under my control under the standing order of 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair and I thank the distinguished majority leader.

IMPROVEMENTS IN SENATE PROCEDURES

Mr. BYRD. Mr. President, I ask unanimous consent that a statement which I made during a hearing before the Committee on Rules and Administration today with reference to improvements in Senate procedures be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

IMPROVEMENT IN SENATE PROCEDURES

Mr. BYRD. Mr. Chairman, I appreciate the opportunity to appear before the Committee on Rules and Administration today in order to discuss several suggestions I have made regarding modifications in the standing rules of the Senate.

On January 3, 1985, I submitted a series of resolutions recommending a number of changes in the rules. S. Res. 2 is on the Senate Calendar, over under the rule. However, S. Res. 28, an identical resolution was submitted and referred to the Rules Committee, along with nine other resolutions which represent the individual components of S. Res. 28.

There has seemed to be increased dissatisfaction among the Members with the manner in which the Senate has been functioning. While I believe that many of our present rules, if observed, would provide increased efficiency and while I do not necessarily support changes in the rules simply for the sake of change, I do believe that there are some areas where modifications or new concepts would be beneficial to the overall operation of the Senate. Changes are possible which respond to new conditions without violating the unique rule of the Senate. It is possible to maintain our traditions while also meeting the realities of our times.

A number of the suggestions contained in S. Res. 28 are designed to move the Senate toward an acceptance of the current state of technology by providing for electronic voting and television and radio broadcasts of Senate proceedings. However, a number of my proposals are simply ones that I believe are necessary in order to improve the daily functioning of the institution.

Without television coverage, the Senate is rapidly becoming the invisible half of the Congress. Almost every evening Americans see the House of Representatives on the nightly news and numbers of them watch live coverage of debate in the House on C-Span. At the other end of Pennsylvania Avenue, the President always has ready access to media coverage of any announcement, speech, press conference, trip, or ceremonial event. The Senate, however, is forced to rely on far less visible forums in order to communicate its views. As a result, it is often difficult to provide coverage of both sides of an issue or relay interesting, lively, actual debate in the chamber. I believe it is becoming increasingly essential to find a way to accommodate television broadcasts of our proceedings if we are to remain a visible policy-making part of our national Government.

In the interest of providing media coverage of Senate proceedings, we should not trample on Senate traditions and rules in such a manner that the unique aspects of this body are lost.

While a tradition of free and open debate has remained in place for 196 years, changes have been made in our rules which permit debate to be shut off, but it requires more than a simple majority to do so. Agreements by unanimous consent have evolved so that the time for debate can be controlled if the body wishes. These practices and modifications have developed in response to changing situations, and in just such a manner the Senate needs to adopt the necessary changes to move into television coverage without losing its unique identity.

Proposals for television coverage of our proceedings have been controversial over the past several years and with good reason. The difficulty of structuring Senate debate for television under Senate rules cannot be underestimated, particularly when it comes to providing equity in debate time. How can we ensure that all sides of an issue receive their fair share of time available? When an issue is divided along partisan lines, how can the minority party be assured that the majority party, which often controls the Chair and which has the majority leader with priority recognition, will afford the minority with equal time to present opposing views?

I believe the difficulties can be overcome.

In an effort to deal with some of the fairness problems, my resolution would require a nondebatable motion, jointly agreed on by the majority and minority leaders, for the Senate to enter into a televised session. One leader could not offer such a motion without the support of the other leader. Whenever the Senate is being broadcast, time would be divided and controlled so that equal time is ensured to both majority and minority parties.

In order to permit Senators to attend televised sessions of the Senate, my resolution provides that the Senate shall be in session on Mondays, Tuesdays, and Thursdays, and committee meetings must be scheduled on days or times that the Senate is not being televised. In this manner, Senators will not face scheduling conflicts between committee meetings and Senate debate being televised.

If there is no necessity to be in session on one of the 3 days mentioned or if there is need to be in session on Wednesdays, Fridays, Saturdays, or Sundays, the majority leader may make that change by motion or by unanimous consent. The daily convening time is handled in much the same way. The Senate has a regular convening time of 12 noon—or such other time as may be decided by Senate resolution at the beginning of a new Congress—but that time can be, and now is, adjusted by unanimous consent or motion on almost a daily basis.

There are other more technical problems of camera coverage and lighting. Senators do not speak from one fixed place on the floor and the resolution provides that the camera is to cover the Presiding Officer and those Senators the Presiding Officer has recognized, including Senators who are recognized with the consent of another Senator.

A trial period for television broadcast is provided in the resolution. This trial is to be conducted by the Senate Committee on Rules and Administration over the coaxial cable system of the Architect of the Capitol and is not to be available for the public. Termination of the trial period is to be at a date agreed upon by the majority leader, minority leader, chairman of the Rules Committee, and ranking member of the Rules Committee.

In addition to the specific sections on television coverage of the Senate sections 1-8 of S. Res. 28, contain the following eight changes in the rules.

1. It provides that any vote may be conducted by electronic voting procedures, upon joint agreement by the majority and minority leaders. Electronic votes are to last 15 minutes and any subsequent back-to-back votes shall be 5 minutes each (secs. 11 and 12).

In recent years, we have tended to use way more than 15 minutes for each roll call. An electronic voting system should help to keep us to a stricter time limitation for votes and would also be useful for televised coverage.

2. It proposes a 2-hour time limitation on a motion to proceed to a measure or matter made outside the morning hour other than a change in Senate rules. (sec. 14).

This proposal removes one layer of filibuster but it is still possible to filibuster the measure itself, amendments thereto, and there are other opportunities further down the legislative road such a House message on the same matter, appointment of conferees, or a conference report on the measure. It does give the majority leader the opportunity to at least bring a bill up for consideration—a right which is generally recognized by the fact that cloture is almost always invoked on a motion to proceed.

3. It contains a motion, which can be made twice in any one calendar day, to require that amendments to a measure must be germane to the measure or to the committee amendment. Such motion would have to be carried by three-fifths of those present and voting. After the adoption of such a motion, any appeal from a ruling of the Chair that an amendment is not germane must be carried by two-thirds of those present and voting in order to overrule the Chair. Sense-of-Senate and sense-of-Congress amendments that do not directly relate to the measure would be considered nongermane (sec. 16).

The use of nongermane amendments has proliferated and, because of this, there has been an increased difficulty in obtaining time agreements. A germaneness motion, such as the one contained in S. Res. 28, would give the Senate the option of deciding that only germane amendments are in order without having to resort to the stricter re-

quirements of cloture or without the specific limitations that a unanimous consent time agreement imposes. A two-thirds requirement to overturn the Chair on the question of germaneness after such a motion is adopted helps to ensure that a simple majority will not contradict the Senate's prior decision by three-fifths of those voting to impose a requirement of germaneness.

4. It modifies rule XXII with respect to cloture by requiring that the motion to invoke cloture be carried by two-thirds of those present and voting with the exception of invoking cloture on a change in the Senate rules, which would require two-thirds of those duly chosen and sworn. After cloture is invoked, any appeal from a ruling by the Chair on the question of germaneness must be carried by two-thirds of those present and voting. Once cloture has been invoked no more than 20 hours are available for debate, and the time is then equally divided and controlled by the majority and minority leaders or their designees (sec. 17).

The Senate did not agree to provide any mechanism to shut off debate until 1917, and since then, any attempt to strengthen the cloture rule has been exceedingly controversial. It has become easier and easier to invoke cloture in recent years but the technique of post-cloture filibuster has thwarted the decision to bring debate to an end, and if used at the end of a session, has made cloture almost meaningless. In addition, the Senate came all too close to overturning the Chair on a question of germaneness during consideration of the so-called Grove City amendment last fall. In that instance, overruling the Chair would have produced far-reaching and serious consequences.

In that instance, 92 Senators voted to impose cloture on the Grove City amendment, but, subsequent to cloture's having been invoked, a simple majority was about to overturn the Chair's ruling on the germaneness of certain amendments. This would have been most unfortunate from the standpoint of orderly Senate procedure under cloture. The germaneness requirement under rule XXII would have been gutted. While 60 Senators are needed to invoke the strict germaneness and time requirements of cloture, once cloture has been invoked, 51 Senators can overturn the Chair. If this happened, it would be next to impossible to invoke cloture in the future.

5. It changes the 3-day rule on availability of reports to a 2-day rule with Sunday and holidays excluded (sec. 15).

This is a relatively minor change. A report would still have to be available for 48 hours prior to moving to a piece of legislation but by eliminating 1 day from the present 3-day rule, it would make it easier for the majority to schedule legislation for debate, while, at the same time, affording sufficient time for Senators to study a committee report and prepare for action on the measure reported.

6. It prohibits the defense of germaneness of amendments to appropriations measures unless there is House legislative language on the subject matter contained in a given amendment (sec. 13).

This precedent was set on November 9, 1979, and the Senate has been operating under this precedent since that date.

7. It eliminates the committee-of-the-whole proceeding from consideration of treaties in executive session. The treaty would be open for debate and action by the Senate, but the repetitious and needless step of considering the treaty in the committee of the Whole would be deleted (sec. 10).

The committee-of-the-whole proceeding was removed from consideration of legislative business many years ago.

8. It requires that any matter reported by any committee not be reported by polling (sec. 9).

A prohibition on polling would emphasize that the present rule which requires a quorum present in order to report legislation or other matter from a committee cannot be circumvented.

Whenever changes in the rules are contemplated, there are a number of complex questions to be answered. From my experience, as former majority leader in this body, I know of changes in the rules that would make it easier for a majority leader to move legislation more efficiently through the Senate. Changes such as a 2-hour debatable motion to proceed, and reducing the 3-day rule to 2 days on availability of reports are changes of this nature.

From my experience as minority leader, I also am aware of the necessity to protect the rights of the minority. The changes I have proposed would not leave the minority without resources to effectively protect its rights.

Delay, when warranted, will still be possible, and the minority will still have available the legislative tools with which to protect itself against the tyranny of a majority.

A great number of the present membership of the Senate has indicated support for changes to improve the capability of the Senate to act without sacrificing the unique powers and purposes of this body.

The Rules Committee may feel that constructive improvements may be made in some or all of my proposals, and I invite all of my colleagues to carefully examine them in the interest of necessary modifications in Senate procedure to carry us through the remaining few years of this century and beyond.

Mr. BYRD. Mr. President, I have nothing further and I again thank the distinguished majority leader.

RECESS UNTIL MONDAY, JANUARY 28, 1985 AT 10 A.M.

Mr. DOLE. Mr. President, I move in accordance with the previous order that the Senate stand in recess until 10 a.m. on Monday, January 28, for a pro forma session only, there to be transaction of no business; it will be pro forma only.

The motion was agreed to and, at 2:41 p.m., the Senate recessed until Monday, January 28, 1985, at 10 a.m.

NOMINATIONS

Executive nomination received by the Secretary of the Senate January 22, 1985, under authority of the order of the Senate of January 3, 1985:

DEPARTMENT OF THE INTERIOR

Donald P. Hodel, of Virginia, to be Secretary of the Interior.

Executive nominations received by the Secretary of the Senate January 23, 1985, under authority of the order of the Senate of January 3, 1985:

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the regular corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

For appointment:

TO BE ASSISTANT SURGEON

Philip E. Coyne, Jr.
Freddie R. Guyer II
Noreen A. Hynes

IN THE COAST GUARD

The following Regular officers of the U.S. Coast Guard for promotion to the grade of commander:

Dennis C. Foresman
Peter A. Lenes
John R. Ryland
Kyle E. Jones III
Gary J. Turvill
Lee S. Rumley
James P. Wysocki
Jon W. Hall
Eckhard E. Magsig
John A. Doty
Roy G. Cook
James G. Montgomery
Ronald W. Tanner
Gerald W. Abrams
James C. Perry
Zacarias S. Chavez
Carl E. Wolcott
Thomas E. Bernard
Richard E. Ford, Jr.
Malcolm J. Williams, Jr.
David L. Crede
Gary R. McGuffin
John K. Kirkpatrick
Thomas L. Davis
Michael D. Gentile
William B. Thomas
Gerald A. Gallion
Harold G. Ketchen
James S. Carmichael
Joseph L. Bryson
Roy J. Casto
Mark A. O'Hara
Robert J. Williamson, Jr.
Ernest J. Blanchard IV
Dennis R. McLean
Thomas B. Taylor
Anthony S. Tangeman
John R. Mitchell
Douglas B. Stevenson
Stephen R. Rottier
Philip E. Sherer
Samuel E. Burton
Michael J. Perrone
Steven A. Macey, Jr.
Albert J. Sabol
David T. Jones
Richard S. Muller
Myron F. Tethal
Melvin W. Garver
Jonathan M. Vaughn
Marc F. Pettingill
Frederick H. Sellers, Jr.
James C. Olson
Samuel J. Apple
Donald G. Bandzak
William W. Pickrum
Robert A. Breunig
Richard L. Hilliker
Richard B. Harden, Jr.
Ronald C. Zabel
Rick A. Sistek
David A. Desiderio
Kenneth S. Shepard, Jr.
Stanley E. Breedlove
Lewis C. Dunn
Johnnie L. Johnson
Roger D. Chevalier
Steven A. McCall
Charles F. Guldenschuh
Newton L. Bennett
Salvador Romo, Jr.
Leo T. Weyenberg
James Q. Neas, Jr.
Robert E. Pearce
Paul J. Bibeau
Leigh R. Taylor
Robert E. Maloney
Joel A. Thuma
David S. Belz
Richard D. Crane
Timothy L. Terriberry
James G. Marthaler
Robert D. Sirois
Paul C. Jackson
Kevin L. Ray
William E. Kozak
Alan F. Walker
Gale W. Fisk
William H. Anderson
Larry F. Lanier
Ralph D. Utley
Henry J. Rohrs, Jr.
Richard W. Brandes
Frederic N. Squires III
Thomas M. Daley
Paul L. Hagstrom
Edward J. Dennehy
George F. Johnson
Alan E. Spackman
Charles R. Brown
Kenneth C. Kreutter
Bruce B. Stubbs
Allen K. Boetig
John H. Fearnow
Terrance P. Hart
Edmund F. LaBuda, Jr.
John M. Murphy
Guy T. Goodwin
Kenneth E. Gray
Robert L. Pray
Thomas B. Rodino
Richard M. Cool
Christopher Desmond
George R. Speight, Jr.
John S. Merrill
Patrick M. Stillman
Thomas X. Worley
James A. Kinghorn
Philip C. Volk
Terrance M. Edwards

The following Regular officer of the U.S. Coast Guard for promotion to the grade of lieutenant commander:

Roman T. Lewandowski, Jr.
Derek A. Capizzi
William M. Bentley
Stephen E. Sharpe
Hugh A. McGraw
Francis J. Lynch
Robert G. Stevens
John M. Berglund
Lawrence P. Taylor
Michael G. Ditto
Horance D. O'Neal
Gerald D. Jenkins
Steven P. Mojonnier
Robert L. Griffin
Kenneth A. Baker
Bradford W. Black
Gregory S. Fitzpatrick
Roger M. Dent
Edmond J. Brady
Donald A. Perillo
Robert P. Simpson
Richard D. Carter
John F. Lazaretti, Jr.
Robert E. Heins, Jr.
Susan H. Kinner
Dennis J. Cashman
John B. Moore, Jr.
Christopher L. Lee
John F. Grossweiler
Hugh S. Edwards
Gordon P. Lau
Kenneth M. Hay
James C. Montgomery
John S. Browning
Andrew J. Cascardi
Roger B. Peoples
Robert H. Warman
Charles W. Isherwood
John B. Whiddon
Jack L. Hardin
Robert L. Knapp
Jill D. Losh
Robert T. Douville
Robert E. Davila
William T. Carreiro
Billy R. Slack
Keith L. Randall
Ben R. Thomason III
Ronald R. Korenek
Philip A. Thibault
Gary T. Blore
James J. Hanks
Richard D. Kassler
Douglas H. Alsip
Fred M. Rosa, Jr.
William S. Vicek
Michael L. Dobravec
Dale G. Gabel
Joseph R. McFaul
George R. Turner, Jr.
John P. Aherne
Gary R. Kaminski
Gerald M. Donohoe
Gregg A. Leibert
Walter L. Owens, Jr.
Ellis H. Davison
Dean W. Kutz
Robert T. Powell
Gerald Bowe
Carl Schellenberg
Terry A. McKay
Robert W. Renoud
Stephen C. Rapalus
Elizabeth A. Calhoun
Frederick R. Galloway
Christopher E. DeWhirst
James W. Shafovaloff
Billy J. Bush
Howard H. Hudgins
Gary L. Perry
Danny K. Daniel
Charles F. Hall
James G. Simpson
Michael E. Tobbe
William P. Prosser
Terry L. Steinford
Cordell S. Viehweg
Timothy M. Keegan
Michael L. Hunt
Allan L. Shell
Thomas A. Murphy
John E. Williams
William J. Hutmacher
Gary E. Gamble
William B. Leland
Louis S. Stanton
Mark E. Benjamin
Michael J. Hall
Michael P. Rolman
William E. Lesko
David F. Breuninger
John P. Guyer III
Thomas G. Gordon
Stephen R. Judson
Robert C. Boetig
John J. Stoneman III
Roger A. Whorton
Albert P. Delgarbino
Lawrence A. Eppler
David W. Hoover
Lawrence A. Hall
Dennis J. Ihnat
Roger W. Bogue
Harvey E. Johnson, Jr.
Craig L. Schnappinger
Wayne C. Raabe
Michael Bray
Randall R. Fiebrandt
Steven M. Conway
David W. Jones
William T. Bailey
Thomas J. McDaniel
Charles T. Lancaster
Walter S. Miller
Glenn L. Snyder
Martin E. Reeves
Clyde K. Watanabe
Douglas P. Rudolph
Matthew G. Williams
Patrick K. Lesesne
Herbert H. Sharpe III
Richard W. Goodchild
Arthur J.Volkle, Jr.
Gordon D. Garrett
John L. Grenier
Michael E. Thompson
Jeffery A. Florin
Phillip A. Fallis
John L. Byczek
Paul C. Ellner
Marvin J. Pontiff
Michael J. Smith
John R. Barrett
Frank N. McCarthey
John E. Crowley, Jr.
Harlan Henderson
William M. Parker, Jr.
Lutz G. Buesing
Mark L. Scire
Michael F. Holmes
Mark E. Blumfelder
William H. Southwood
David W. Broughton
John F. Pillsbury
Richard P. Prince
Erik N. Funk
Timothy S. Sullivan
Walter E. Veselka III
David W. Ryan
Mark G. Vanhaverbeke
Stephen D. Cmar
James Sabo
John C. Simpson
Frank J. Gross
Craig R. Berry
Robert M. Latas
Frederick T. Nichols

The following officer of the U.S. Coast Guard Reserve for promotion to the grade of captain:

Robert N. Ross, Jr.
Donald E. Jenkins
Charles L. Rhinard
John W. Winslow

The following officers of the U.S. Coast Guard Reserve for promotion to the grade of commander:

Ronald L. Hindman

The following Regular officer of the U.S. Coast Guard of the Permanent Commissioned Teaching Staff on the Coast Guard Academy for promotion grade of commander:

Earl H. Potter III

The following Regular officers of the U.S. Coast Guard for promotion to the grade of lieutenant (junior grade):

Steven E. Morehouse
Lester M. Sechrist
Michael D. Hargadon
Mark S. Fretwell
Robert B. Birthisel
Bruce A. McIntosh
William E. Patterson
Eugene G. Mortorff

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be admiral

Vice Adm. Lee Baggett, Jr., [redacted] U.S. Navy.

IN THE MARINE CORPS

The following-named officer under the provisions of title 10, United States Code, section 601, to the grade of lieutenant general in a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601, to which grade he was appointed during the last recess of the Senate.

Lt. Gen. David M. Twomey, [redacted], U.S. Marine Corps.

IN THE NAVY

The following-named chief warrant officers, W-4 to be appointed permanent chief warrant officer, W-2, in the U.S. Navy, pursuant to title 10, United States Code, section 555:

Hahn, Robert A.
Hundley, John D.
Saundres, Maryus O.

The following-named Navy enlisted candidates to be appointed permanent chief warrant officer, W-3, in the U.S. Navy, pursuant to title 10, United States Code, section 555:

Anderson, Alan Clark
Bafus, James Bernard
Conti, Clifford Jay
Hoerntlein, Michael Joseph
Jones, William Albert
King, Glen David
Kurkowitz, Frank Dillard
Massey, Deloren
Medina, Joe Refugio
Meisburger, William John
Pabst, Charles Wilbert
Pearsall, Donald Joseph
Pruitt, Michael Everett
Snodgrass, Preston Lee
Steele, Johnnie Lee
Tisdale, Gerald Lorenza

The following-named Navy enlisted candidates to be appointed permanent chief warrant officer, W-2, in the U.S. Navy, pursuant to title 10, United States Code, section 555:

Abbott, David Creighton
Alexander, Gregory William
Allanigue, Rodante Penafuer
Allison, Albert Edward
Ambrosio, Alexander Rabonza
Anderson, Benjamin Calvin
Anderson, Wallace Clay
Andres, Ignacio Salvador, Jr.
Armistead, Michael Sterling
Arwine, Thomas Edward
Asbel, Dennis Cecil
Austin, James Grover, Jr.
Bader, Ronald Lynn
Bagarella, Kenneth John
Baker, Roy Gene
Barber, Jerry Lee
Baril, Michael Bruce
Baxley, Robert Lee
Bearden, Brady Calvin
Beasley, Donald Richard
Beckett, Norman Lee
Bedford, Alfred Ray
Beltran, Elmor Tijam
Bennette, Joan Helen
Benton, Dwight
Bergeron, William Paul
Bergeson, Donald Eugene
Beshears, Phillip Larry
Biancardi, Richard Kevin
Biggs, Robert Lee, Jr.
Birch, Charles Code
Booher, Thomas Allen
Borio, John James
Bott, Kenneth Roger
Bowman, Ira Alvin
Boydstun, Timothy Scott
Brienza, Robert Alfred
Britton, Willie Mack, Jr.
Bullens, Edward Boyd
Buncher, Robert Emery
Burns, Gary Merrill
Burns, Richard Grego
Caha, Jerald Guy
Cain, Stephen Charles
Calvery, Jimmy Ray
Camp, Steven Eugene
Cannon, Gregory Scott
Capua, Paul Jon
Cartwright, Howard Lynn
Case, Richard Edward
Chaney, Douglas Lewis
Christy, Michael Eugene
Cigich, David Charles
Claassen, Darrell Dean
Clark, Robert Laverne
Collins, Richard Henry
Cooper, James S.
Cooper, Paul Wayne
Corley, Gary Nicky
Cornish, Dewayne Edward
Cotton, Alvin Nathaniel
Cowherd, Clifton Paul
Cranfill, Ronald Lee
Currey, Randy Vaughn
Cushing, Charles Fowell
Cywinski, David Duane
Czapleski, Thomas Bernard
Daniel, Dwight Willard
Darrow, Joseph Andrew
Dean, Timothy James

Dearing, Edward, Jr.
Deausen, Nelson Canlas
Dedios, Nemesio Chavez
Dembo, Robert, III
Devine, Wesley August
Dewire, Jonathan Carl
Douglas, Robert Alvi
Dow, William Edward
Duval, Lee Paul
Eddington, Stephen Ransom
Eisley, William Clifford
Elejorde, Eduardo Fontillas
Elkins, Ernest Porter
Ellenwood, Robert Roy
Erhardt, Warren E., Jr.
Etchison, John Frankin
Evans, Jerry Glenn
Fabian, Bernard Carbonel
Fischman, Jonathan
Flaherty, William Eugene
Flick, Gregg Stanley
Fortuno, Leonardo Porlante
Fourman, William Michael
Freeman, Donald Eric
French, Michael Richard
Fritz, Bruce Clarence
Fritz, Jack Robert
Galbreath, Larry A.
Galik, David Paul
Giedd, Lonnie Steven
Gilbert, Thomas Angus
Giles, Willie Clayton
Gizzarelli, Anthony John, Jr.
Grahn, Gary Robert
Grimes, Jerrell Robert
Guinoo, Marito Prudente
Gumphrey, Edward Peter, Jr.
Gundelfinger, Charles J.
Gunn, William Henry
Haith, William Andrew
Hammond, Mark Douglas
Harker, James Arthur
Harmon, Richard Theodore
Harper, Gerald Warren
Harrah, David Earl
Harrison, William C.
Hart, Paul Litwin
Harwell, Chris Arnold
Hedinger, Joseph Oscar
Heidman, Gary Allen
Heinitz, Gary Richard
Heins, Philip N.
Helm, Neil Arthur
Herald, John Marion
Hiday, Robert Lee
Holbrook, Jerod Lee
Holt, Dennis Wayne
Hubbard, Stephen Preiss
Ignacio, Ben Franada
Ison, Larry Wayne
Jackson, Douglas Leo
Jackson, Paul Wesley
Jenkins, Lee Richmond
Jensen, Richard Lee
Jimenez, Mario Bautista
Johnson, Robert Michael
Johnston, Gary Edward
Jones, Robert D.
Jones, Troy Malcolm
Judy, Raymond Lee
Kahawaii, Robert Mona Yau Q.
Kahle, Michael Paul
Keidel, William Lloyd, Jr.
Kimbrell, Richard Ivan
Kingery, David Leonard
Knightnen, Wd, Jr.
Knott, Dwane Michael
Knuth, James Alan
Korth, Neil Eugene
Krehl, Robert
Kutsch, Dale Kenneth
Lambert, Larry Eugene
Lathrop, Peter Justus
Leasure, George Matthew
Leonard, Robert William
Lester, James Patrick
Lewis, Charles Raymond, III
Litogot, Gary Charles
Liwag, Ernesto Divino
Locke, Dwight Ashley
Lockhart, Robert Wayne
Logue, Richard Tobin, Jr.
Loken, Robert Edward
Lord, Sterphen Thomas
Lucas, Daniel Eugene
Luellen, Ralph Louis, Jr.
Majkut, Daniel
Manes, Gerald Gene, Jr.
Manning, John Thomas
Marcus, Michael Robert
Marcus, Robert Murray
Marion, Jerry Lane
Mason, Catherine NMN
Mason, John Daniel, Jr.
Maston, Dwaine Alvin
McCabe, Robert Michael
McCall, Virgil Alan
McCaul, Leroy Linnaeus, Jr.
McClain, Terry Hugh
McCollum, Calvin Ray
McCrary, Textor Fred
McGinnis, Charles Dean
McSheffrey, Brian Francis
Meisenburg, Richard Karl, Jr.
Metzler, Steve Dennis
Milnarik, Ricky Paul
Miranda, Andy Cruz,
Mizell, Thomas Rudolph
Monk, Gerald
Monroe, Steven Kenneth
Montez, Nestor, Jr.
Moore, Clark Hugh
Moore, Lawrence Allen
Morgan, Edson Hall
Morgan, Richard Eugene
Morris, Charles Earl
Morton, David Lynn
Moye, Dwight Lee
Neidig, Gilbert Craig
Nobis, Jeffrey Witte
Normal, Phillip H.
Normington, William James
Norton, James Edward
Oakley, Marcus Eugene
O'Neal, Michael Dean
O'Reilly, Craig
Page, David Wayne
Paige, Thomas Eugene
Parker, James
Patterson, Walter Gerald
Pearce, Randall Ray
Pearson, Charles Richard
Pearson, Lloyd Ronald
Peluso, Paul Richard
Penley, Robert Earl, Jr.
Penn, Larry Joe
Piper, Christopher Denton
Poag, Roy Caylon
Ponko, Thomas Daniel
Primeaux, Ronald Lee
Privette, Joseph Jennings
Pruitt, Robert Early
Prusak, Timothy Paul
Quattropani, Paul A.
Quinn, Michael
Ramsey, Earl Don
Ramsey, Edward Harold, Jr.
Reed, Raymond Melvin, II
Reid, Mark Steven
Reifschneider, Edward John
Renninger, Dale J.
Revels, David Wesley
Riley, Martin James, Jr.
Riley, Thomas Newman
Rimes, William Norman
Rimmer, Richard Alan
Rogers, Michael Robert
Rosado, Raymond
Rose, James Henry, Jr.
Rosfeld, Ernest Anthony
Ross, Michael A.
Rothe, William George
Roxbury, Gerald Charles
Runne, Robin G.
Rutland, Leonard Arnold, Jr.
Rutter, Kenneth Ronald
Sailes, Dempsey Powell, Jr.
Sammons, Harold Tyalor, III
Saxton, James Douglas
Schaeffer, Raymond Lester
Schuler, Robert Charles
Scott, James Morrison
Seaman, Marvin Lee
Sebree, Frank James
Shelton, Charles Leo
Sinclair, David Gilbert, II
Singleton, Daniel Wayne
Skistimas, Robert John, Jr.
Smith, Edward Rene
Smith Gerald Lewrance
Smith, Lonnie Dale
Smith, Michael George
Smith, Wilbert Randall
Solice, Larry Wayne
Soyland, Gary Deforest
Standridge, Burt Randolph
Stewart, Rondo Keith
Stout, John Alexander
Stroy, Leon
Sullivan, Stanley Wayne
Symuleski, Robert Mike
Szymczak, Robert Henry
Tate, David Edwin
Taylor, Roger Lee
Tennyson, Clifford Leonard
Thaden, Gene Arlan
Thigpen, Donald Melvin
Thompson, Calvin Lewis, Jr.
Tomas, Mario Derije
Toothaker, David Harrison
Turner, Robert David
Underwood, Thomas Paul
Vola, James Joseph
Vonreuss, Edward Joseph
Wagoner, Mitchell Raymond
Wallace, William Stephan
Walton, Jerry Allen
Warren, William Wade
Wasson, Gary Lee
Waterman, Jere Lee
Watzlavick, Charles Edward
Wear, Morton Warnock, Jr.
Webb, James Leslie Morgan
Werner, Barry Lee
Wesp, David Paul
Westney, Clarence Michael
Wetherington, Judy Taggart
Whetzel, James Allan
White, James Arthur
Whiting, Almur S.
Wilkinson, Robert Thomas
Williams, David Lee
Williams, Harry III
Wilson, Donald Mack
Wilson, Kelly James
Wilson, Victor Malcolm
Woodruff, Dennis D.
Workman, Thomas Clark
Wraalstad, Gary Goodwin
Wyatt, James Rollin
York, Robert Elden
Zeliff, Alan Norman
Zimmerman, Gary Keith
Zittrauer, Don S.

IN THE NAVY

The following-named Naval Academy midshipmen to be appointed permanent ensign in the line of staff corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Abounader, Selim Boutros

Abresch, Richard James
Adamiak, David Vincent
Adams, Christopher Caswell
Adams, Gregory Scott
Adams, Kenneth Mark
Adams, Thomas Lee, III
Adkins, Lemonte Andre
Albert, Philip Sham
Alberto, Donald Patrick
Alberts, Edward Anthony
Alexander, Lewis Bert, Jr.
Alexander, Marc Richard
Alexander, Todd Matthew
Alfaro, Raymond Maningas
Altman, Bern Jacob
Andersen, Gene Russell
Anderson, James Daniel
Anderson, Kimberly Kay
Andow, Andrew James
Andreas, Mark James
Arcaro, Ralph, III
Armes, Bobby Dean, Jr.
Armstrong, Robert Kyle, Jr.
Arnold, Ralph Brian
Asjes, David Christopher
Assel, Allan James, Jr.
Atkinson, David Robert
Bia, Shawn Eric
Bailey, David Allen
Bailey, Jane Elizabeth
Baker, David Edward
Baldyga, Jeffrey Ronald
Ballard, Daniel Wayne
Ballard, Gordon Walker
Bamonte, Scott Michael
Bandyk, Marya Rose
Baquer, Jeffrey Ronald
Baratta, James Natale
Barham, Dennis James
Barr, Harold E.
Barron, Danny Hugh
Barton, Robert James, III
Bartosik, Angela Agnes
Barwis, Robert Calvin
Bates, Troy Randall
Beach, John Alan
Beadles, Joseph Ware, III
Beattie, Michael Allen
Bechter, Timm Pallas
Becker, Delwayne Philbert
Beckler, Eric Millard
Bedell, Daniel Giorda
Beel, Joseph John
Belair, Steven James
Bell, Walter Joseph
Bellus, Andrew James
Belt, Jeffrey Allen
Benson, Christopher Paul
Benvenutti, Eugene S., Jr.
Benzing, Barry Joseph
Berchtold, David Allen
Berdeguez, James
Bereska, George John, Jr.
Berg, Timothy Lyle
Berger, Michael John
Bernard, Jeffrey Thomas
Best, Kevin Jon
Betton, Christopher Roy
Bever, Lynne Marie
Beyke, Gregory Lee
Bianchi, Kevin Albert
Biggs, Jeffrey Scott
Bishop, Peter Palmer, Jr.
Bishop, Steven Brian
Bixby, David Robert
Bizzard, Jan Marie
Blaise, Lauren Rose
Blakeley, John William
Boehle, Mark Stephen
Boelsche, Dan Jackson
Bolivar, Babette Rose
Bongardt, Steven Alexander
Bonomo, James Allan
Borneman, John Ralph, III
Borrosh, Michael Andrew
Bourbeau, Thomas Frank
Bowers, Earl Clayton
Bowhers, Vincent Carroll, Jr.
Bowman, Eric Edward
Brightwell, Jeffrey John
Broberg, Brian Markley
Brodeau, David Allen
Brooks, Dennis Mark
Brooks, Kevin Steward
Brown, Gregory Robert
Brown, Larry Vonselle, Jr.
Brown, Michael Garret
Brown, Paul Curtis
Brown, Richard Allen
Brown, Roger Neil
Brownell, Mark Judson
Brunini, Keith Alan
Bruno, Anthony, III
Bryan, Scott Riley
Bryant, Michael Edward
Brezezinski, Edwin John
Buckta, David Matthew
Budway, James Edward
Buehler, Christopher L.
Burchell, Wade C., Jr.
Burgard, Robert Leo, Jr.
Burke, Brian Thomas
Burke, Christopher Kevin
Burke, Christopher Paul
Burton, Douglas Ray
Bush, Edward Thomas
Buss, Karl Ray
Buswell, Bradley Irvin
Butler, Patrick Warner
Butterfield, Andrew Alden
Butterworth, Frank W., IV
Byron, Robert Murray
Cade, Steven Charles
Caisse, Bryan Paul
Callaghan, Timothy Patrick
Callahan, Shaun Patrick
Callahan, Shawn Michael
Camacho, Richard Anthony
Cameron, Richard Frazier
Camp, Melanie Sue
Campbell, Eric Martin
Canvin, Joseph Christopher
Caputo, Lisa Marie
Card, Stuart William
Cardon, Anthony James
Carey, Jacquelyn Beth
Carlson, Richard Clark
Carlson, Scott Matthew
Carra, Christopher James
Carson, Deborah Jayne
Carver, John David
Casey, Michael Martin
Casity, Madeline Marie
Cassidy, Shawn Paul
Castillo, Arthur Gonzales
Castillo, Henry A., Jr.
Castleton, James Robert
Cates, Thomas Gerard
Cedrone, Louis James
Challender, James Paul
Chambers, Christopher Scott
Chambers, Steven Douglas
Chaplin, Stephen Ramsey, Jr.
Chase, Andrew David
Chen, Douglas Tu Kang
Cheney, George Andrew
Chrisman, Kenneth Paul
Christman, Michael Ignatius
Cissel, Robert Carroll
Clapp, Jeffery Randal
Clark, Elizabeth Josephine
Clark, Gard John
Clark, Laurance Robert
Clark, William Woodrow
Clay, Layton Frederic
Clifton, John Wayne
Clinch, Kevin Douglas
Clody, James Carroll
Clouse, Richard Louis
Clyborne, Thomas Michael
Cobb, Richard Marshall
Coblentz, William Lester
Cochrane, James Roger
Coen, Joseph Andrew
Coetzee, Althea Helen
Colby, Mark Duane
Coleman, Austin Hughes
Collins, Charles Sherwin
Collom, Kurt Steven
Commons, David Michael
Conway, Robert Edward
Coombs, Richard Joaquin
Coonrod, Mark Richard
Cooper, Donald Newton
Cortesio, Michael John
Constantini, William Richard
Costello, Timothy Patrick
Coury, Michael Joseph
Cox, Craig Allen
Coyne, Ellen
Cozad, Garey Laurence
Cozad, Kyle James
Cramer, Scott Frederick
Creager, Brian Keith
Criswell, Philip Walter, Jr.
Croce, Raffaele Enrico
Crowe, Craig Anthony
Croy, Timothy Wayne
Cull, Scott David
Culpepper, Edward Charles
Curtis, Adam John
Cuthbert, Douglas Lee
Cuyno, Dominic Vincent
Dahlin, Michael Warren
Dalton, Ronald Ray
Daly, Brendan Patrick
Daniel, Jeffrey Allen
Dashiell, Michael Marcellus
Datko, Laurence Craig
Davis, Barry Lynn
Davis, Bruce Gary
Day, John Siebert
Dayoub, Gretchen Marie
Dean, Edwin Dudley, III
Debban, Vincent Eugene
Debonis, Steven Anthony
Decelle, Timothy John
Deist, David William
Dejoie, Bertel Jacques
Delcamp, John Ross
Delgado, Anthony Edward
Denardo, John Vincent
Denman, Charles C., III
Denno, Marc William
Deranian, John Robert
Derbes, Henry Daniel, II
Devers, James Edward
Devine, Floyd L.
Devore, Stephen Lane
Dezelon, Richard Matthew
Dibono, Daniel Leonard, Jr.
Dickerson, Donald Alvin
Diederich, Karl Timothy
Dierkes, Christopher F.
Digges, Edward Dudley
Dill, Robert Williamson
Dillard, Mark Vincent
Dishman, Robert Bryan
Donohue, Robert Patrick
Donovan, Daniel Michael
Dop, Thomas Michael
Dorn, Jonathan Jerome
Dorrell, Russell Elven, III
Doud, Brendan Xavier
Dougherty, Timothy Ignatius
Douglas, James Patrick
Downing, Thomas Milnor
Doyle, Eric David
Drenter, Chris Allen
Dueker, Scott Douglas
Dunbar, Laura Ann
Duncan, Robert Simms

51-059 O-86-35 (Pt. 1)

Dunkel, Tammy Lou
Dunn, Patrick
Dunning, Maria Zoe
Dupuis, Steven Francis
Duran, John Martin
Duzan, Robert Howard, II
Earl, Robert Christopher
Earle, Robert Charles
Edmiston, Jan Marie
Edmiston, Scott Severance
Edwards, John Drosten
Edwards, John Hairston
Edwards, Jonathan David
Ellegood, John Alan
Ellis, John Dana
Ellis, Kevin Lee
Elmer, David Potter, III
Espe, Benito Licudine, Jr.
Etkins, Robert James
Evans, Evan George, Jr.
Evans, James Lewis
Fahy, Brendan
Fain, Ellen Elizabeth
Falkenbach, Laura Ann
Fasanello, Thomas Joseph, Jr.
Fazzio, Michael Edward
Fenton, William Edward
Field, Scott Arthur
Fields, David Lee
Figgins, Gerald Dale
Figuerres, John Malate
Fisher, David Thomas
Fitzgerald, Kent Matthew
Fitzgerald, William Anthony
Fitzgerald, William A.
Fitzpatrick, Michael John
Fitzpatrick, Norman Geatz
Flagg, Marcus Wilson
Fletcher, Mark David
Fletcher, Matthew Donald
Flint, Daniel John
Flowers, Michael Lavern
Floyd, Glenn Allen
Flynn, Joseph Sylvester, II
Ford, Maureen Patricia
Fordham, Joseph Paul
Francis, Edward Philip
Franke, Jon Albert
Freitas, Kyle David
Fries, Franklin Pierce
Fritz, Thomas Murray
Fry, Ronald Nevin, Jr.
Fulton, Jonathan Alan
Gabel, William Henry, III
Gage, Larry Scott
Gannon, Michael William
Garbesi, Vinton Gregg
Garbuzinski, Terrence J.
Garcia, Gregory Alfred
Gardner, Eric William
Gardner, Todd Alan
Gaulke, Caroline Sue
Geier, John Harold, II
Geis, Randall Joseph
Genoble, Brett Joseph
George, Thomas Paul
Germano, Donald Joseph
Getty, Richard Kenneth
Gibb, Andrew Marion
Gigliotti, William C.
Gilday, Michael Martin
Giles, Charles Francis, III
Gilmore, David Scott
Gilstad, Elizabeth Alison
Goddard, Brent Peter
Godeaux, Aaron Jerome
Goehler, Barry Jackson
Goffi, Richard James
Gomez, Louis Aboytes
Gonda, Philip Andrew
Gonzalez, Leonardo Miguel
Goodman, Robert Alan
Goodwin, Joanne
Grace, Stephen Douglas
Graf, Holly Anne
Graham, Michael Ray
Green, Stefani
Greenwood, Michael Donnell
Gregory, Michael Ray
Grenier, Shawn Robert
Griffith, Christopher John
Grill, Jeffrey Joseph
Grimson, James McCall
Grippo, John David
Groover, William Kenneth, II
Gross, Allison Stacey
Grossmann, Douglas John
Gue, Kevin Randolph
Gunning, Edward George, Jr.
Gunsallus, Frank Lewis, III
Haack, Douglas Phillip
Habel, Gregg Thomas
Hacker, Bruce Laurence
Hadley, Robert Clarke, Jr.
Hahn, David James
Haidvogel, Robert F., Jr.
Hajosy, Michael Francis
Hale, Brian Scott
Hale, Richard John
Hall, Jack Quentin
Hall, Robert Wesly, Jr.
Hamby, Andrew Logan
Hamman, Jefferey Paul
Hanlon, Peter Hall
Hannink, John G.
Hanson, Joel Leland
Hanson, Timothy Gene
Harman, Emily Duvall
Harrington, William B., Jr.
Harris, Billy Thomas, Jr.
Harris, Paul, Jr.
Harrison, Daniel Edward
Harrison, Scott Fraser
Harter, Darlene Ruth
Hartman, Richard Matthew
Hasson, Dennis Jude
Hasty, Mark Duane
Hauman, Mark Hazen
Haumer, Mike Alfred
Hawkins, Mark Frederick
Heaphy, Brian Michael
Heckman, Nancy Lynne
Hee, Paul Joseph
Hefti, John Arthur
Heida, Jeffrey Dean
Hein, Jeffrey Oscar
Heine, Kenneth Andrew
Henderson, Mark Russell
Henigan, Lawrence F.
Henry, Jennifer Sue
Henson, Jeffrey Alan
Hernandez, Ernest David
Hess, Gregory Clayton
Hickey, Christopher Neil
Hickey, Laurence Michael
Higgins, William Boothe
Hillman, Simon Stuart
Hinckley, Alan Wade
Hirsch, Walter Dickson
Hitchcock, Marcus A.
Hobbib, Thomas Peter
Hodges, Christopher John
Hoffer, Robert Henderson, Jr.
Hogsten, Carl Thomas, Jr.
Holdstein, Christopher M.
Hollis, Kevin Charles
Holmes, Gary Keith Edward
Holmes, Steven Wayne
Holt, Timothy Scott
Holte, Carl Truman
Holzrichter, Daniel J.
Honan, Nancy Ann
Hooker, Robin Michelle
Hoppa, Robert Valentine
Horan, Dale Ernest
Horine, Kimberly Jan
Horton, Jeffrey Charles
Howell, Terrance Isaac
Hoyle, Jeffery Wayne
Hudson, Derek Dewitt
Hudson, Douglas Ray
Hudson, James Neil
Huey, Joel Wilson
Huffstutler, Thomas W., III
Hugenroth, Randolph Joseph
Huggins, Michael Carren
Hull, Charles Clayton
Hull, Jeffrey David
Hume, Donald Keith
Hunt, Timothy Eugene
Hurley, Donald Jefferson
Hyer, Randall Nelms
Ing, Rudolf Andrew
Ireland, John Karl Francis
Isaminger, Eric Foster
Island, David Clark
Ivey, Robert Joe, Jr.
Jaenichen, Edward Lee
James, Patrick Thomas
Jenkins, Kevin Charles
Jenkins, Paul Christopher
Jenkins, Shawn Kent
Jensen, James Sheridan
Johnson, Christina Marie
Johnson, James Gilbert
Johnson, Richard Andrew, Jr.
Johnson, Richard Erik
Johnson, Robert Frederick
Johnson, Tracy Scott
Johnson, William Carter
Johnston, Jeffrey Wayne
Jones, Andrew Laidler
Jones, Thomas Paul
Jones, Warren Richard, Jr.
Jordan, Gerald James
Jordan, Richard Charles
Joy, Vonnie Wayne
Kane, Timothy Christopher
Kaneshiro, Kenn Keola
Katz, Jonathan Huy
Kehlenbach, Jeffrey Keith
Kelly, Steven Anthony
Kennedy, Steven Lynn
Kent, Gary Richard, Jr.
Kenyon, Edward Francis
Kerber, Thomas Allen
Kerr, Anton George
Kessler, Michael Lee
Kettell, Kent William
Kiefer, Alex John
Kim, Dal Ho
Kindschuh, Jeffrey John
King, Tammy Lynn
Kintzel, Stephen John
Kirby, Sandra Lee
Kirkbride, Christopher Todd
Klein, Gary Dale
Klimczyk, Thomas William
Klooster, Michael Charles
Knauer, Steven Turner
Knehans, William Frederick
Kock, David Kurt
Kolley, Chester Michael
Kowalewski, Joseph Alan
Kowalkoski, Steven Aaron
Krebs, Eric Merlin
Kreeger, Victor Glen
Krepsz, Julie Jane
Krotow, Stephen Charles
Krueger, Anthony Lloyd
Kulsa, Stanley Adam, III
Kwon, Tony
Kyser, James Giles, IV
Kyto, David Joseph
La Fave, Daniel James
Landauer, Anthony Thomas
Landefeld, Todd John
Lange, George Omura
Langford, Glen Christopher
Lankau, Paul Allen, Jr.
Lansing, Scott George
Larson, Arthur David

Lascari, Lesley Ted
Lastra, Guido Javier
Laurenzano, Nancy Jane
Lawrence, Andrew David
Lawton, David Scott
Lebredo, Nicolas
Ledbetter, Brian Richard
Leeds, Kevin Joseph
Legaspi, Joey Emile
Legenza, Raymond Joseph, Jr.
Lennox, James Michael
Lerch, Thomas Jay
Lerke, Paul Walter
Lesser, David Sheilds
Lester, Michael Theodore
Leung, Victor Hun On
Lewis, Andrew Lloyd
Libonate, Mark Reynolds
Licholai, Matthew S.
Lightfoot, Ashley E.
Linder, Jay Ronald
Lindsay, Curtis Scott
Litonjua, Jonas Alampay
Little, Mark Daniel
Livingston, Mark Robert
Locher, Oliver Gregg
Loeblein, James True
Loeblein, Thomas Robert
Loesch, David John
Logan, Sean Curtis
Logan, Todd Bennett
Long, Mark Robert
Loria, Robert Claude
Losee, Geoffrey Andrew
Lowery, Chistopher Michael
Lowry, Thomas Robert
Luman, Robert James
Lumsden, Richard Elbyrne, Jr.
Lunifeld, Robert Gerard
Luther, James Donald
Lutz, Chris Michael
Lynn, David Scott
Lyons, William Eugene
Lysaght, Mark Christopher
Lyter, Curtis Eugene
Mack, Scott Jeffrey
MacKinnon, Douglas John
MacOlino, Scott William
Maddox, Mario Renara
Magnoni, David Anthony
Mahlum, Sandra Kay
Mai, Bradley Carl
Makaidis, Basil Kimon
Malick, Thomas
Mangente, Gordon G.
Maraoui, Anne Marie
Marotta, Thomas William
Marquis, David Daniel
Marr, Jerome Tsai Heng
Marsh, Laurence Anthony
Marshall, Thomas Bowman
Martin, Kismine Marie
Martino, Peter Dominic
Martins, Delano Paul, II
Mata, Silvester Galvan
Matic, John Robert
Matthews, Paul Edward
Matthews, Peter Welty
Matza, Joseph David
Matzke, Daniel
Maxwell, Gregory Todd
Mayer, Patrick Kelly
Mayfield, Howard Edward, Jr.
McAllister, Steven Thomas
McArthur, Robert Cromwell
McCallum, Napoleon Ardel
McCartan, Kathleen Margaret
McClary, Rob Blair
McCord, John Francis Xavier
McDonald, Brian Louis
McDonald, James Patrick
McDonnell, David Charles
McDonough, Mark Wilson
McDuffie, David Michael
McElroy, Kenneth Lee Jr.
McElroy, Paul Leon, III
McEnroe, Martin Patrick
McGiffney, Gregory Joshph
McGill, Susan Elizabeth
McGinn, Elizabeth Marie
McHale, Paul Francis
McKay, Michael Lawrence
McKenney, Gregory Thomas
McKinney, Gordon Charles
McKinney, Lucinda Anne
McKinney, Roberta Valencia
McLean, Robert Alger, III
McNamara, Daniel Timothy
McNeilly, James Patrick
McPherson, Patrick Dennis
Mearig, Aaron Austin
Medve, Martin Stephen
Meeks, David Warren
Mellecker, Daniel Dean
Meloro, Mark William
Melton, Michael Scott
Melvin, Barry Stephon
Mendoza, Eugenio Roman
Menke, Kurt William
Menzies, Margaret Anne
Merren, Michael Edward
Merriman, Richard William
Merritt, Charles Raymond, Jr.
Merritt, John Shelton
Merritt, Michael Francis
Meyer, Victor Alan Jr.
Miceli, James Robert
Midgley, Michael Shannon
Miernicki, Stephen Joseph
Migliori, Martin William
Mikkelson, Thomas Costello
Miley, John
Miller, Deborah Kaye
Miller, Gregory Alan
Miller, Karen Ann
Milligan, John C, IV
Mills, Charles Harold, III
Milowicki, Gene Vincent
Mimms, Bernard Fairbanks, Jr.
Minzenmayer, Brian
Misiaszek, Alan Peter
Mitchell, Donald Moore
Mize, Michael Todd
Mlincsek, John James
Moeller, David John, Jr.
Mogelgaard, Erik Jensen
Mohr, Thomas Campion
Molinari, Michael Robert
Monaghan, Joseph Francis, Jr.
Monk, Charlotte Dee
Montesanti, Michael William
Mooney, Patrick Hamilton
Mooradian, Stephen Edward
Moore, David Joseph
Moore, Michael Thomas
Moore, Thomas Edward
Moosmann, James Brian
Moraytis, John Louis
More, Bradley Roy
Morgan, Charles Richard
Morgan, David Jeffrey
Morgan, Timothy Michael
Morris, Daniel Stephen, Jr.
Morris, David Clyde
Morris, Michael Fred
Morrow, Gregory William
Mosher, Kevin Lee
Moulton, John Patrick
Mudd, Michael William
Mulich, Terrence Joseph, Jr.
Mullen, Edward Joseph
Mullican, Jon Charles
Munsch, Stuart Benjamin
Murphy, Henry Louis, III
Muxlow, Robert Andrew
Myers, Kelly Lauren
Nasson, Scott Lyngklip
Neira, Paul Mark
Nelson, Robert Truman
Nelson, Steven Glenn
Neumann, Barbara Ellen
Newhart, Dale Timothy
Newman, Daniel Thomas
Newton, Stanley Clark
Nguyen, Phong
Nies, Michael Steven
Nixon, John Craig
Noel, Jack Sherm II
Nolan, Charles Howard, Jr.
Nolan, John Patrick
Nolan, William John
Norman, Thomas Kelvin
Norris, Warren O. Brian, Jr.
Novak, Francis Gerard
Nowak, Richard Todd
Obrien, Seamus Martin
Olds, Bradley Lohrbauer
Oleson, John Edward
Oliver, David Milton
Oliver, Robert Evan
Olmsted, James Nicholas
Olsen, Greer Gibson
Olsen, Scott Carlton
Olson, Eric Wayne
Olson, Gregg Peter
Olson, Lester Carl
Olson, Timothy Karl
Olson, Todd Douglas
Olt, Theodore Frederick, III
O'Neil, David Patrick
O'Neile, John Stocker
O'Neile, Kathleen
Orlando, Anthony Robert
Ormond, Dale Andrew
Orr, James Brian
Osborne, Maynard Scott
Otero, Augustin, Leopoldo
Otero, Victor Hugo
Ottinger, Michael John
Owen, Teresa Coleen
Padich, Gerard Thomas
Paige, Brian Frank
Palladino, Richard Gene
Panico, Stephen Lawrence
Papet, Louis Martin Jr.
Papetti, Joseph Mark
Parham, Thomas David, III
Park, Bill Todd
Patton, Kevin Ward
Patton, Sean Ferran
Paul, Andrew Thomas
Payoyo, Jun Gonzales
Pearson, Curtis Harvey
Pecaut, Mark Allen
Peck, Debra Lynn
Peck, William Lawrence
Pedersen, Timothy Christian
Perdomo, Maurice Caballero
Perreca, Christopher Jon
Perrone, Kenneth Angelo, Jr.
Perry, John Stephen Jr.
Perry, Robert Corbett
Peters, Gordon Dean
Peters, James Francis
Peters, Jeffrey Wescott
Peters, Norman Lance
Peterson, David John
Petouhoff, Michael Leonard
Petrilla, James David Jr.
Petruncio, Emil Thomas
Pettit, Steven Lee
Pfeiffer, Curtis Dwayne
Pflieger, David Harry Jr.
Phelps, Peter Michael
Phelps, Roger Sherman III
Phillip, Lester Stephen
Phillips, Michael David
Pierce, Carlton
Pierce, James Arthur
Piercey, Patrick Andrew
Pierson, Edward Francis
Pietkiewicz, John Waslaw

Pimple, David Mark
Pimpo, Stephen Joseph
Platt, Samuel Martin
Plofchan, Thomas Kenneth, Jr.
Ploof, Steven James
Pogue, Edward Francis
Pohl, Sydney Joseph
Poindexter, Mark Andrew
Poitras, Robert Lee
Polinchock, F. Todd
Polo, James Michael
Poor, Robert Wesley
Porter, David Allen
Portnoy, Ralph Ira
Powers, Stephen Lee
Preddy, Joseph Paul
Price, David Lynn
Price, David Ray
Price, Ricardo Andres
Price, Stuart Lee
Proctor, Frank C
Prosperi, Michael Victor
Prudencio, Humilde Sales, Jr.
Prudhomme, David Shelton
Puglisi, John David
Puliatti, Rene Angelo
Punelli, James Victor
Quinn, Eric Michael
Racine, Stephen Armand
Racoosin, Robert Wallis
Randle, David James
Randolph Michael Charles
Ransier, Randy Lee
Rasberry, John Dee
Rasnick, Lannes Basil, Jr.
Rauch, Charles Scott
Rauch, Steven Lee
Redmon, Patrick Leo
Reed, Brian Keith
Reese, Christopher Lynn
Reese, Jeffrey Morgan
Reeves, Jeffrey Alan
Reichard, Scott Ray
Reid, Randall Kevin
Reimer, Keith Alexander
Reynolds, Christopher Scott
Rhodes, Christopher Michael
Rhodes, Douglas Todd
Rhoe, Reginald Montaigne
Ricardson, Daniel Jackson
Ricardson, Victor James
Richcreek, Karl Johann Von
Richmond, Phillip Paul
Ridings, William Vaughn
Risberg, Timothy Harold
Rist, Joseph Patrick
Roberts, James Lloyd
Roberts, Lawrence Scott
Robertson, Jeffrey Stuart
Rocha, Jeffrey Gene
Roland, Roger Wesley
Rosati, Joseph John
Rose, Mark David
Rosen, Glenn Stewart
Rosmilso, Paul Alexander
Rosner, John Charles
Ross, Kenneth Brent
Rouble, Patricia Ann
Royal, Joel Patrick
Rubino, Mark David
Ruiz, Antolin, Jr.
Ruiz, David Louis
Rush, Charles Andrew, III
Russell, Richard David, Jr.
Ruthford, Ericston, R.
Rutkowski, Richard Jay
Ruttenberg, John Joseph
Ryan, Christopher Alan
Sahler, Christy Lee
Salza, Theresa Ellyn
Saxman, Brian Wayne
Schaeffler, Mark Abegg
Schatzle, Matthew Francis
Schiefer, Charles Walter
Schill, Thomas Kenneth
Schmidt, Wade Herman
Schmidt, John Joseph
Schnorr, Donald Peter, Jr.
Schoenborn, Timothy Mark
Schott, Charles Lee
Schroeder, Duane Edward
Schuhlein, Paul Michael
Schulz, William John, Jr.
Schwarz, Thomas Francis
Schweizer, David Dale
Sears, Gregg Gordon
Seigenthaler, Daniel Mark
Selvy, Donald Scott
Selvy, Ronald Alan
Severs, Paul Joseph
Sham, Robert Reginald
Sharkey, Charles William
Sheehan, Francis Xavier
Shelden, Craig Benjamin
Sheldrup, James Gardner
Shigley, Mark Vincent
Shihadeh, Matthew
Shippey, John Thomas
Shroyer, Deborah Ann
Siewertsen, Michael Hans
Sigler, Jeffrey Allen
Siletzky, Stephan
Simei, Frank Angelo, Jr.
Sims, Charles Michael
Sims, John Van
Skelly, Michael Porter
Skufca, Joseph Daniel
Sladcik, Gregory Scott
Slater, Neysa Maureen
Slyth, Paul Herbert, III
Smith, Charles Michael
Smith, Charles William, Jr.
Smith, Christopher, John
Smith, Eric Brackett
Smith, Gregory Allen
Smith, Jeffrey Thomas
Smith, Kent Charles
Smith, Lee Oliver
Smith, Maribeth
Smith, Michael Gerard
Smith, Robert Joseph
Smith, Scott Gray
Smith, Steven John
Smith, Thomas Anthony
Smith, Troy Laverne
Smith, William Durwood, III
Snight, William Lee
Snow, Richard Vinton
Sobka, Scott Thomas
Sodeur, Michael J.
Solgere, Andrew Louis
Soltesz, Peter John
Spear, William Harold
Speed, Stephen Richard
Spieth, Susan Monique
Spinelli, Julia Marcia
Springer, Cory Alan
Stahlman, Michael Ross
Stamps, Peter David
Steadley, Robert Scott
Steigers, Curt William
Stem, Jack Lloyd
Stemple, James Bryon
Stepaniak, Michael George
Sterrett, Arthur Merle, Jr.
Stevens, Mark
Stevenson, Steven Neil
Stewart, Joseph Scott
Stewart, Ray Braxton
Stone, William David
Stoner, Troy Allen
Stout, Daniel Paul
Stout, Theodore John
Strieter, Joel Winfried
Strong, Edwin Tiemeyer, III
Studevan, Colin Charles
Sullivan, Patrick Michael
Sun, Dean Tom
Sutton, Patrick Andrew
Swartz, Jeffrey Raymond
Sweeney, Gregory Scott
Switzer, Larry Wayne
Sylvester, Thomas Yarnell
Syring, James Dale
Syvertsen, James Michael
Szymanski, Timothy G.
Taboada, Frank Joseph
Taylor, Craig Benjamin
Taylor, David Mark
Taylor, Michael Garron
Taylor, Thomas Joseph, Jr.
Tees, Timothy Howland
Thebaud, Cynthia McCulley
Thola, Forest Dale
Thomas, Jeffery Allen
Thomas, Wilbert Edward
Thompson, Andy William
Thompson, Bruce Russell
Thone, William Bradley
Tilghman, Richard William
Tinney, Timothy Edward
Torbit, Michael Clay
Tranchina, Michael Sean
Trettin, James Gordon
Trost, Steven Glenn
Trotta, Andrew Patrick
Trujillo, Mario Gustavo
Turner, David Patrick
Tuten, David Douglas
Uhl, Jonathan MacFarlane
Ulbricht, Jonathan Gustav
Underwood, Robert Ralph
Vahsen, Steven Scott
Valentine, Joseph Francis
Vanbrabant, John David
Vance, Robert Michael
Vancleave, John Aaron
Vandiver, James Lee
Vangorden, Alexander Robert
Vanorden, Andrew James
Varallo, Thomas Anthony, Jr.
Vaughan, Robert George
Venable, Jaime Richard
Villanueva, John Astilero
Villar, Reuben
Volgenau, Douglas, Jr.
Wade, John Cogan
Wagner, Franz Karl
Waidelich, George Morgan, Jr.
Waigand, Edward Christ
Wain, Bruce Geoffrey
Walker, Jeffrey Bryan
Walker, Mark Andrew
Wallace, Eric Kendall
Walls, Kenneth Christopher
Walters, John Robert
Walzer, Robert Jon, II
Ward, James Inman, Jr.
Ward, William Barry
Waterman, Mark Russell
Watka, Gregory Olavi
Watson, Charles Pfennig
Watson, Kayle Newkirk, III
Watson, Troy Frank
Watts, Geoffrey William
Weaver, Susan Marie
Webb, Andrea Lloyd
Weber, Mark Evans
Webster, Richard Ewing, Jr.
Weiler, Christopher John
Weiss, David Adam
Weist, Kathleen
Wellborn, Raymond Burke, Jr.
Wells, Susan Kay
Whalen, John David
Wheatley, Wade Marion
Whitbeck, Wesley Allen
White, Kevin Lee
White, Robert Tolar, Jr.
Whitehouse, Edward Aaron
Whitfield, Gregg Devon
Wiggs, Tracy Jeanne

Wild, Thomas Scott
Wileman, Robin Thomas
Wilkens, Peter Leonard
Williams, Byron Antonio
Williams, Christopher Alan
Williams, Daniel Howard
Williams, Gordon C.
Williams, James Matsuo
Williams, John Benedict, III
Williams, Paul Gunter
Williams, Steven Graig
Williamson, Brad
Williamson, Ricky Lee
Williamson, Thomas James
Wilson, Chet Bradley
Winkler, James Paul
Winkler, John Kenneth
Winter, Timothy Peter
Wiseman, Brett Wallner
Witt, Glenn Eric
Wohld, Richard Von
Wolfe, Gilbert Robert
Wolski, Eugene Joseph, Jr.
Wood, Dakota Lee
Woods, David Robert
Worsh, Kevin Arthur
Wozniak, Eugene
Wray, James Michael
Wright, Benjamin Taliaferro
Wright, Joseph Thomas, III
Wright, Lloyd Allen
Yamashita, Kenneth James
Yancigay, John Richard
Yankovich, Michael Charles
Yetman, Ashley Page
Yi, Chong Man
Yniguez, Mark Lawrence
Young, Riki Gerard
Young, William Ritchie
Yurovich, Daniel Joseph
Zaccardi, Vincent Joseph
Zaleski, Ronald Alexander
Zdanowicz, Andrew Frank
Zebell, Timothy Edwin

IN THE NAVY

The following-named Naval Reserve Officers Training Corps candidates to be appointed permanent ensign in the line or staff corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Abbott, John C.
Abbot, Preston G.
Abbott, Walter D., III
Abramson, Daniel
Acock, Mitchell D.
Adair, Tyrone A.
Adamchik, Walter P.
Adams, Mark A.
Adams, Steven E.
Adamus, Stanley J.
Afont, Alfredo
Ahlgrim, Michael W.
Aiken, Scott D.
Ailes, John W.V.
Akerlund, Paul W.
Albert, David J.
Alexander, Edward P.
Allen, Harry E., III
Allen Jonathan G.
Allen, Joyce A.
Allen, Kelly A.
Allen, Kenneth D.
Allen, Russell E.
Aller, John C.
Altman, Mark A.
Ambrose, Francis J.
Amick, Brian D.
Anderson, Robert R.
Anderson, Rodney W.
Anderson, Todd W.
Anderson, Wesley G.
Andrews, Stephen J.
Andrus, Edward Y.
Angelino, Henry D., Jr.
Angulo, Vince E.
Angwin, Martin V.
Ankewich, Carl M.
Ansley, Jeffrey D.
Apodaca, Ronald D.
Applegate, Carolyn L.
Arendt, Mark D.
Arp, Randy R.
Aucoin, William E.
Ausley, Paul D.
Baber, Bruce A.
Bables, Michael T.
Backus, Christopher T.
Bade, Andrew A.
Bagwell, Brenn C.
Bailer, James C.
Bailey, Robert E.
Baim, Fay E.
Bain, Dale W.
Baker, Charles E.
Baker, William B.
Balderson, Christopher C.
Ballard, Daryl L.
Ballard Debra E.
Banks, Sidney M.
Barge, James L.
Barlow, Carl A., III
Barnard, Lawrence E.
Barnett, David T.
Barrickman, Darryl L.
Barrows, Patricia A.
Barth, John D.
Barthol, David T.
Bartlett, Robert D.
Bass, Mark A.
Batten, Jack B.
Bauknecht, Joseph A.
Beardsworth, Robert M.
Becker, Walter D.
Beder, Mark N.
Belanger, Jon C.
Belczyk, Karl S.
Bell, Harold A.
Bellerose, Joann C.
Benedict, Rex A.
Bennett, Joseph E.
Bennett, Thomas H.
Bentley Ricky J.
Bercaw, Sean S.
Berger, Steven W.
Berkhimer, Frank K.
Berkowitz, Robert J.
Bernal, Ronnie A.
Bernard, Kenneth D.
Berry, James R.
Berryman, Michael C.
Bessette, Gerald R.
Bethge, Thomas M.
Bevins, Andrew C.
Beyer, Doug C.
Bie, Ernest W.
Bilbrey, Darrell F.
Billings, Kyle T.
Billingsley, Arthur B.
Binda, Gregory J.
Bittorf, Stephen F.
Blackburn, William F.
Blackmon, Warren A.
Blagg, Michael F.
Bland, Richard K.
Blonsick, John S., III
Bobinski, Mitchell H.
Bockoven, Paul C.
Boex, Anthony R.
Bogan, Harold A.
Boger, Harold
Bohdan, Timothy E.
Bohler, Jeffrey A.
Bojanowski, Thomas R.
Bolick, Thomas N.
Bolinger, Charles V.
Boll, Dan R.
Bolter, Mark S.
Bombka, Walter J.
Bonam, Gregory J.
Bonds, John B.
Bonn, Bo R.
Booth, Erik K.
Borsody, Joseph J.
Bosler, William E.
Bothwell, Marc E.
Botond, Andrew I.
Bottelson, Jay D.
Boucher, Thomas M.
Bouika, Harold A.
Boveri, Joseph A.
Bowens, Brian E.
Bowman, Dennis J.
Boyd, Jennifer L.
Boyington, Roger C.
Bradshaw, Eugene B.
Brady, Jeffry S.
Brahosky, Vance A.
Brake, Jon M.
Braker, Patrick J.
Brandt, Henry H.
Braunschweig, John J.
Brawley, Robert F.
Brenne, Stephen D.
Brenton, Kevin R.
Brewer, Brent A.
Brewer, Jeb E.
Brewer, Thomas M.
Bridgens, David W.
Briede, Robert R.
Bristow, Steven G.
Britt, Eric A.
Brock, Donald C.
Brodeur, David L.
Brooke, Nicholas S.
Brooks, Sheryl E.
Brooks, William S.
Broward, John C.
Brown, Adam R.
Brown, Chad K.
Brown, Gary E., Jr.
Brown, Jeffrey S.
Brown, Russell O.
Brown, Yvette C.
Browne, Gene C.
Bruner, Jeffery R.
Bryant, Matthew H.
Buchanan, Bryan C.
Buckley, James F., II.
Bureage, Michael F.
Burch, James A.
Burchinal, David L.
Burg, Claude J.
Burgess, Diane E.
Burke, Adrian W.
Burke, Christopher F.
Burke, Gregg A.
Burke, Tracy W.
Burkholder, Gary J.
Burkhouse, Peter A.
Burns, Emmet R.
Burns, James B.
Burns, Royce A.
Burtis, Brett K.
Burton, Brian A.
Bushong, Adam C.
Bushta, Robert E.
Bynum, Andreas L.
Bynum, James S.
Byron, Keith A.
Cadwell, Ronald G.
Cairns, Rugenia L.
Cajka, Daniel A.
Calderaro, Charles, III.
Caler, Craig D.
Calhoun, Richard A.
Camacho, Steven J.
Campbell, David B.
Campbell, Patrick J.
Campion, James
Cannon, Joseph R.
Capozzi, John F.
Capra, Andrew M.

Carey, Robert H., Jr.
Carpenter, Bradley A.
Carpenter, Charles S.
Carpenter, James D.
Carrico, Timothy K.
Carroll, Dennis K.
Carroll, Steven R.
Carter, David J.
Carter, Matthew J.
Carter, Perry W.
Casey, John M.
Casey, Patrick C.
Casper, Ronald A.
Cauthen, John M.
Cavanagh, Donald J., Jr.
Cavanaugh, Paul R.
Caverly, Eugene S., IV
Cekov, Ivan D.
Cervantes, Kenneth M.
Chabay, John E.
Chaddic John L.
Chambers, Kenneth M.
Chambers, Robert H.
Chan, Bruce A.
Chandler, Richard H.
Chang, David C.
Chapman, Kurt J.
Chapman, Murray W.
Chapman, Robert M.
Charette, Mark L.
Chartier, James B.
Chase, Darren E.
Cheney, David P.
Chiarotti, Charles G.
Childs, Kevin W.
Chlarson, Kerry L.
Chlaupek, Todd D.
Chodak, Paul, III
Christensen, Kevin L.
Christensen, Racine L.
Christy, Clifford T.
Chun, Christopher C.
Chun, Stephen G.
Clabaugh, Clayton R.
Clark, Brian J.
Clark, Mark A.
Clark, Robert D.
Clark, Thomas S., III
Clarke, Dwayne W.
Clarke, Robert S.
Clarkin, Christopher J.
Clay, Stephen W.
Clayton, Larry
Cline, Larry W.
Clyde, Andrew S.
Cobb, Joseph M.
Coco, Joseph D.
Cocotis, Constance P.
Cofer, Darren D.
Coffman, David W.
Cohen, Philip
Colburn, Mark E.
Collins, Eric H.
Colluci, Jay W.
Comfort, Deborah A.
Conkle, Christopher E.
Conklin, Stephen T.
Connelly, Patrick P.
Consunji, Rey S.
Cook, Allan A.
Cock, Eric D.
Coonce, Thomas J., Jr.
Copp, Adam J.
Costello, Christopher P.
Coughlin, Paula A.
Coulter, Jeffrey M.
Courtney, William L.
Cox, Wendell A.
Coyne, Thomas P.
Craig, Daniel M.
Craig, Martin L.
Crane, Steven M.
Cranney, William L.
Crawford, David M.
Crawford, Gregory A.
Creighton, Robert K.
Cronk, Catherine E.
Cross, John S.
Crouch, Robert M.
Croxton, Martin F.
Crozier, Francis J., II
Crump, Dennis R.
Cuff, Daniel R.
Culhane, Brian M.
Cullen, Glen T.
Curran, Daniel A.
Curtis, Scott D.
Dabney, William H., Jr.
Daley, Thomas F.
Damon, Karl K.
Daniel, Matthew F.
Daniels, Thomas A.
Danner, David A.
Daunt, Brendan M.
Davis, Brett J.
Davis, Brian J.
Davis, David E.
Davis, Keith E.
Davis, Lynn R.
Davis, Mark A.
Dawson, David A.
Deakin, Kenneth A.
Dearolph, Jeffery E.
Decaria, Alex J.
Decker, William A.
Deghetto, Todd H.
Delaney, Edward C.
Delaney, Thomas E.
Delatte, Patrick M.
Dellaira, Paul A.
Delcrier, Peter L.
Delozier, Kenneth W.
Denham, Penny A.
Denko, Alan R.
Denlinger, James S.
Deguy, Moniaue
Deschak, Robert
Devogel, Gregory F.
Dickson, David W.
Dietrich, Dean E.
Dietrich, Stanton W.
Dillenberger, Kelley T.
Dixon, Raymond A.
Dodge, Vincente
Doerzeacher, John C.
Dogonniuck, Christopher C.
Dogs, Dennis A.
Dollar, Christopher
Donithan, Michael G.
Donovan, Daniel J.
Donovan, Michael J.
Dopilka, Sheila A.
Dore, Ted A.
Douquet, Gregory M.
Downs, Bruce M.
Downs, Michael S.
Doyle, Gregory V.
Drake, David A.
Drake, Scott E.
Drane, Aaron R.
Drescher, Phillip M.
Dube, Hans G.
Dudenhoeffer, Andrew J.
Duffy, Thomas M.
Dugan, Moises S.
Duhrkopf, Scott C.
Dumas, Lorena
Duncan, Barry T.
Duncan, Robert A. Jr.
Dunham, Gerald L.
Dunham, Lewis
Dunlap, Gary H.
Dunlap, Timothy J.
Dunn, Daniel M.
Dunn, John F.
Duran, Peter C.
Durel, Christopher M.
Duren, Jennifer N.
Dutcher, Roger E.
Dziejowski, David A.
Eagle, Christopher J.
Earle, Richard G.
Easterling, Sharon M.
Eberling, George G.
Ebert, Richard V.
Edmundson, Jay D.
Edwards, Terry M.
Egan, Jeanne L.
Ehlers, Kim W.
Eidson, Brian E.
Eilertsen, Bradley J.
Einhorn, John K.
Elmore, Kevin R.
Emero, Bruce D.
Emerson, Thomas J. Jr.
Emmerson, Raymond H.
England, Lucretia E.
English, Michael E.
Engman, Joseph D.
Ennis, Phillip A.
Enterline, Greg A.
Entner, Jeffrey G.
Epps, Kelly J.
Espinosa, Daniel C.
Estano, Fred L.
Estell, William A.,III
Etheridge, Tracy A.
Evans, Timothy S.
Fabre, Stacie M.
Fack, Joachim W.
Fagan, Thomas W.
Fahy, Richard H.
Farey, Michael E.
Fariello, Brian G.
Farkas, David J.
Farmer, Thomas L.
Faulk, Cornelius L.
Fava, Mark C.
Feeney, Brian T.
Feliberti, Roberto
Felton, Carl
Felton, Mark D.
Felzien, Thomas J.
Ferencz, Nicholas, III
Ferguson, Leslie C.
Ferrelli, Karen E.
Fewell, John H,III
Fewster, Timothy B.
Fiely, Scott A.
Files, Clinton H.
Fink, Daniel L.
Fish, Steven P.
Fisher, Herbert A.
Flanagan, Jack E.
Flessner, Mark
Flowers, Joel R.
Flynn, Robert P.
Fortin, Donna L.
Foster, Timothy S.
Fowler, Demetrius E.
Fox, Eric E.
Fox, Terry L.
Fox, William H.
Fraenkel, Richard J.
Franchetti, Lisa M.
Francis, Leslie A.
Franklin, Jeffrey A.
Frazer, Mark D.
Frear, Richard A., Jr.
Frederick, Jeffrey D.
Freemon, Bennett C.
Frese, Michael A.
Frie, David J., Jr.
Friend, John E.
Fries, Bruce D.
Fritts, Donale C., Jr.
Furtner, Thomas F.
Gabay, Mark R.
Gaddy, Peter J.
Gahaghan, Steve W.
Gaines, Mark E.
Gaiter, Valerie Y.

Gallagher, Frank B.
Gallagher, John T.
Gallagher, Lawrence C.
Gallagher, Martin L.
Gallip, William C.
Gancas, RCD N.
Gannon, Brian E.
Gannon, Dennis M.
Gannon, James M.
Gardner, Robert L.
Garman, Matthew S.
Garner, John S.
Garrett, Patsy A.
Garrigan, Raymond C.
Gast, Vincent J.
Gates, Mark A.
Gates, Timothy W.
Gauthier, Ronald D.
Gear, Sally J.
Gearhart, Peter A.
Gebert, Stephen E.
Geisen, John P.
Gentil, Mark S.
Gentry, Roy E., Jr.
George, Glenn R.
George, Mark A.
Gerstbrien, Erad R.
Getgood, Andrew J.
Geyer, Bradley N.
Ghyzel, Philip W.
Gibbs, Tricia A.
Gibson, Charles M.
Gibson, Mark C.
Gilbert, Jeffrey L.
Gill, Thomas J.
Gillette, Gregory D.
Gillie, Scott C.
Gillies, James F.
Ginder, Scott R.
Giornelli, Raymond B.
Givens, Andrew W.
Glaze, Charlene K.
Glazier, Elton G.
Gleason, Frederick F.
Glisson, Carl L.
Glynn, Rob S.
Golembiewski, Jeffrey S.
Goode, Douglas D.
Goode, Richard A.
Gorham, Michael S.
Gorrell, Kenneth E.
Gosnell, Glenn C.
Gottfried, Russell
Gough, Theron T.
Gould, Dean A.
Grabowsky, Maria D.
Grady, Michael G.
Granger, James A.
Graul, Michael H.
Gray, Douglas G.
Gray, Edward A.
Graziano, Thomas A.
Greco, Anthony J.
Green, Kenneth J.
Green, Richard A.
Green, Timothy J.
Greene, Karl J.
Greenspon, Thomas S.
Greenwood, John E.
Greenwood, Mark R.
Greiner, Keith A.
Greisen, Bruce R.
Grgas, Paul C.
Grice, Kevin M.
Griffin, Brian E.
Gross, Brian E.
Groves, David B.
Groves, Jeffrey E.
Grubbs, Daniel W.
Guerra, Louis P.
Gunderson, Kevin R.
Gunerman, Todd A.
Gunnell, Dan E.
Gurry, Michael J.
Gutierrez, Patricia A.
Haagen, Perry D.
Haas, Eric E.
Haas, Russell E.
Haefner, Joseph P.
Haeg, Todd T.
Hager, Gregory S.
Hahne, Douglas D.
Hailey, Jeffrey A.
Hair, Thomas W.
Hakim, William R.
Hales, Stephen R.
Hall, Michael A.
Hall, Michael J.
Hall, Raymond J.
Hamilton, Mark W.
Hamlett, Neil A.
Hamre, Darren W.
Hanahoe, Michael P.
Hanemann, Reg W.
Hanft, Catherine T.
Hankins, Lindsay R.
Hanley, Craig E.
Hanna, Guy C.
Hannes, Kevin L.
Hansen, David K.
Hansen, Robert A.
Hansen, Robert C.
Hanson, Jay E.
Harcourt, Steven C.
Harder, Brenton C.
Hardgrove, Susan M.
Hardt, Dan W.
Harley, Cynthia K.
Harlow, Jack L.
Haroth, Stephens R.
Harp, Dwight T.
Harr, Gene F.
Harrington, Keith T.
Harris, Christopher N.
Harris, Jeffrey L.
Harris, Scott W.
Harris, Sharon E.
Harrision, Gregory S.
Harrison, Jeffrey G.
Hart, Troy L.
Hauser, Chris H.
Hawes, Eric A.
Hawkins, Daniel H.
Hawkins, James P.
Haws, Gregory J.
Hayes, Christopher M.
Hayes, Lisa A.
Hayes, Michael F., Jr.
Hayman, Edward M.
Headlee, Daniel W.
Headley, William V.
Healy, John G.
Hearn, Brent II
Hearne, John H., Jr.
Hearney, Brian T.
Hechenberger, Paul A.
Heckroth, Nelson T.
Hee, Vernon F.
Heffner, Scott A.
Heinrich, Konrad M.
Henderson, Mark D.
Henderson, Robert L.
Henderson, Steven C.
Henneberger, Mark W.
Hennelly, John C.
Henry, Keith P.
Henry, Mark C.
Hepburn, Laird W.
Hermanson, Gregory A.
Heron, Riva M.
Heron, Thomas M.
Herrick, Craig L.
Herrington, David M.
Hess, David L.
Hess, Richard C.
Hewlett, Clifford T.
Hibben, Quentin L.
Hibbett, Keith J.
Hicks, Dixon K.
Hicks, Raymond C.
Higgins, Gregory S.
Hildebrand, William S.
Hildner, Steven T.
Hileman, Rebecca E.
Hill, Mark E.
Hill, Michael S.
Hill, Thomas E.
Hill, Timothy S.
Hill, Wayne A.
Hill, Wayne D.
Hilton, Warren S.
Hinds, David H.
Hines, Joseph E.
Hinson, Daniel K.
Hirl, Joseph P.
Hirsch, Chester L.
Hite, Jeffery A.
Hnilicka, Joseph R.
Hobbs, Edward T.
Hobley, Leslie K.
Hochsprung, Loren K.
Hochwalt, Joseph C.
Hockensmith, Shane W.
Hoefer, Craig M.
Hoggatt, Cory C.
Hoglund, Steven R.
Hoicos, Thomas R.
Holdener, Brenda M.
Holland, Steven W.
Holmes, John F.
Holmes, John J.
Holton, Christopher W.
Hoc, Erwin T.
Hopkins, Andrew E.
Hotle, William P.
Houghton, David W.
Houser, Christopher B.
Hovda, David C.
Hower, Michael J.
Howick, Bradford L.
Howlin, Timothy M.
Huff, Timothy L.
Huffman, Mark A.
Hughes, Kenneth D.
Hughes, Kenneth M.
Huling, Rebecca E.
Humphries, Terri K.
Hunter, David S.
Huntsman, Jay S.
Hurless, Gregory S.
Hufley, John F.
Hurley, William J.
Hurst, Ronald
Husmann, Peter J.
Iatrou, Steven J.
Iland, Edwin A.
Ingebretsen, David A.
Innis, Pall R.
Irby, Gregory A.
Isleib, Charles C.
Ivens, Albert H.,Jr.
Iversen, Kurt W.
Jackson, Henry M.
Jackson, Lawrence B.
Jackson, Mark W.
Jackson, Maudeva
Jackson, Servon J.
Jacobs, Alan L.
Jacobsen, Kenneth S.
Jacobus, Peter W.
Jacoby, Edward F.
James Patrick J.
Jamieson, Richard G.
Janas, Michael J.
Jansen, Adrian J.
Jaszewski, Paul J.
Jefferson, Eric E.
Jenkins, Kevin D.
Jenkins, Michael A.
Jenne, Kevin M.
Jensen, Richard E.
Jensen, William J.
Jerabek, Scott B.

Jesse, Darrell H.
Jodcin, Jeffrey J.
Johannsen, Christopher S.
Johansen, Richard J.
Johnson, Eonita E.
Johnson, Charles S.
Johnson, Dwayne A.
Johnson, Walter E.
Johnson, Welborn V., IV
Johnston, Steven J.
Johstone, Adam E.
Jones, Bobby C.
Jones, Justin T.
Jones, Kathleen A.
Jones, Michael S.
Jones, Quinntella C.
Jones, Reginald L.
Jones, William M.
Jordan, George M.,Jr.
Joseph, Robert L.
Judkins, Warren T.
Kalemeer, Duane C.
Kamel, Gerard S.
Kandle, Paul J.
Karam, Mariana R.
Kardell, Robert L.
Karns, James J.
Keane, Patrick T.
Keefer, Kenneth M.
Keller, Lee A.PKelley, Kyle K.
Kelley, Richard C.
Kelley, Stephen H.
Kelly, Gordon P.
Kelly, James J.
Kelly, Kathleen P.
Kelly, Patrick K.
Kelly, Steven M.
Kelso, Patrick W.
Kenker, Erian J.
Kennedy, Daniel P.
Kennedy, James P.
Kennedy, Jon T.
Kennedy, Mary L.
Kennedy, Paul J.
Kenney, Kevin M.
Kerns, Kellie E.
Kessler, Stephanie S.
Keutel, Caroline C.
Kilmer, Jeffrey E.
King, Anne E.
King, Christopher K.
King, Gary W.
Kinney, Donald J.
Kinney, Troy W.
Kinsey, Scott D.
Kinzer, Bryan J.
Kirby, Jeffrey L.
Kirby, Michael C.
Kirk, Keith T.
Kirk, Kerry D.
Kirkland, Charles L.
Klein, Jeffrey J.
Kleinsmith, Douglas R.
Kliewer, Charles P.
Kliewer, Kevin E.
Kmiecik, Janet M.
Knight, Jeffrey, R.
Koch, Matthew H.
Koch, Paul A.
Koch, Stephen F.
Kocher, Brian M.
Koehr, James G.
Koenig, George A.
Kolenda, Randy G.
Kolling, Paul M.
Komlosy, John A.
Konko, Jeremy A.
Kordyjak, William E.
Korman, Michael A.
Kortz, Jeffrey D.
Kosack, Dorothy P.
Kotheimer, William C.
Kowald, Cash G.
Krejci, Eric J.
Krestos, Dean M.
Kruse, Michael L.
Kuhn, Eric M.
Kuhn, Sherree L.
Kurihara, Joel C.
Kurtz, Kevin R.
Kutina, Kevin K.
Kutzora, Peter G.
Laboo, Joseph A.
Lackey, Gregory J.
Laco, Rodelic Jr.
Lafleur, Dean A.
Lain, Robert J.
Lally, John D.
Lamberson, Jeffrey D.
Lambert, Alan D.
Lancaster, Edward E., III
Landis, Bruce D.
Landry, Claire M.
Lang, Scott M.
Lanicek, Richard E.
Laprise, William M.
Largent, Scott D.
Larsen, Albert D.
Larsen, John E.
Larson, James E.
Larson, Keith A.
Larson, Thomas E.
Latham, William H.
Latimer, Henry G.
Lattanze, Ronald K.
Laughlin, Lawrence P.
Lauridsen, Timothy P.
Lavia, Vernon J.
Lavoie, Steven F.
Law, Mark A.
Lawler, Brian A.
Lawler, William L.,Jr.
Lawless, Michael H.
Lawlor, James J.,Jr.
Lawrence, David A.
Lawrence, Michael L.
Lawton, Bruce W.
Lebo, Mark E.
Leeovich, David A.
Lee, John H.
Lehmann, Gary C.
Leibson, David A.
Lennon, James
Lepler, Jeffrey M.
Lerma, Joseph C.
Leslie, James E.
Lessard, Stephen C.
Levesque, Roland W.
Lewis, Douglas P.
Lewonski, Ronald F.
Liles, Jon P., Jr.
Lillie, Christopher T.
Lilly, Jason D.
Lindgren, Robert J.
Lindland, Lloyd K.
Lindquist, Douglas E.
Lindstrom, Jana S.
Link, Jeffrey P.
Lipka, Andrew A.
Lipp, Joseph J., III
Liptak, Christopher P.
Lisko, Timothy J.
Little, Brian S.
Livingston, Ashley M.
Lloyd, Robert J.
Lockwood, Douglas R.
Lockwood, John L.
Logalbo, Salvatore E., Jr.
Lohr, Allan R.
Lohr, William J.
Lollar, Benjamin D.
Lones, Kenneth R., II
Long, Kimberly A.
Lonon, Stephen P.
Looges, Peter J.
Looney, John P.
Looney, Patrick G.
Loos, Peter C.
Lopez, Jorge I.
Lorenzi, Mark E.
Loring, Steven S.
Losby, Michael J.
Love, Thomas J.
Lovelady, James T.
Lowery, Carlyn M.
Lucas, Theodore J.
Ludwig, Leonard C.
Lund, Deborah F.
Lunde, Kern D.
Lussier, John P.
Lutes, Lavern D.
Lydon, Robert E.
Lyman, Lawrence F.
Lynch, Kristin M.
Lynch, Michael P.
Lyon, Michael W.
Lyon, Robert J.
Lyons, Martin A.
MacDougall, Mark A.
MacDuff, Gordon S.
MacFarlane, Colin J.
MacGregor, Mary J.
Mackey, Stephen A.
Mackin, John M.
Maercklein, Eric J.
Magaro, Phillip A.
Magrino, Christopher
Maher, Jacqueline M.
Mahon, George A.
Main, Steven M.
Maino, Edward J.
Makepeace, Lester B.
Malarkey, Michael D.
Malavet, Joaquin F.
Maletz, Stanley D.
Malik, John C., III
Malin, Randy P.
Mallette, Pope S.
Malone, Victor S.
Manchor, Michael A.
Manis, Johnnie L.
Manring, Keith G.
Marello, Joseph C., Jr.
Markman, Christopher P.
Marlow, James P.
Marr, David W.
Marsenison, Paul R.
Marsh, William B.
Marshall, Peter J.
Marshall, Todd W.
Martel, Richard R.
Martellotto, Michael J.
Marti, John R.
Martin, Darrell E.
Martin, Larry A.
Martin, Scott H.
Martine, Tracey E.
Martz, David J.
Marvin, Stephen J.
Masimore, William R.
Maskell, Dawn
Mason, Charles A.
Mason, Elaine M.
Mastoris, William
Mathieu, Edward C.
Matthes, Jay D.
Matthew, John T.
Matthews, Brent R.
Matthews, Thomas E.
Mattocks, Jeffrey J.
Maugans, Peter L.
May, Christopher W.
Mayberry, Bradley D.
McAllister, James C.
McAtee, Aaron M.
McCabe, Patrick M.

McCall, Brendan J.
McCarthy, Patrick M.
McCaslin, Christopher R.
McCauley, James M.
McCauley, John F.
McClelland, Gary F.
McClenney, Don A.
McCloskey, Michael N.
McClurg, Kathleen A.
McColgan, James T.
McCool, Morris A., Jr.
McCormick, Clark R.
McCormick, Terri J.
McCoy, Marc D.
McCrorie, David J.
McCullough, Richard E.
McDermott, Frederick C.
McDonald, Eugene P.
McDonald, Nancy A.
McDonald, Patrick J.
McDowell, John K.
McEachen John C., II.
McElvain, Richard A.
McEvers, Marcia L.
McGavic, Derrick E.
McGee, Susan P.
McGowan, Douglas A.
McGrath, John A.
McGraw, Mark D.
McGraw, Mark W.
McHugh, Joseph M.
McHugh, William E.
McIlraith, Douglas J.
McIntire, Scott R.
McIntyre, Eddie L.
McIntyre, Own D., Jr.
McKenney, Timothy
McKey, Christopher G.
McKinstry, Paul L.
McKone, Daniel J.
McLaughin, Leslie A.
McLaughlin, Charles
McLaughlin, David J.
McLaughlin, John E.
McLaughlin, John J., Jr.
McMahon, Neal P.
McMilian, Jeffery M.
McMillen, Morton D.
McMonagle, Robert B.
McNoldy, Darren L.
McPherson, Robert B.
McQuillin, Randy P.
McSteen, Harry R.
Mecca, Frank A.
Medeiros, Scott J.
Medeiros, Stephen A.
Medins, Gunars M.
Meeker, Benjamin S.
Meeks, Andrew P.
Mehan, Vincent F.
Meisenheimer, Charles C.
Mejia, David M.
Mellon, Troy D.
Merritt, Matthew A.
Metzger, Kenneth R., Jr.
Meyer, Hal B.
Meyer, Lawrence E.
Meyer, Scott D.
Meyer, Timothy E.
Miglio, Keith C.
Mikeska, Dennis C.
Mikolanis, Michael A.
Miller, Andrew P.
Miller, Bradford E.
Miller, Danny M.
Miller, David D.
Miller, Franklin O.
Miller, Gerald J.
Miller, Hawkins E.
Miller, Kirby D.
Miller, Scott A.
Miller, Scott W.
Mills, Randell G.
Mills, Thomas A.
Mirabile, James A.
Mirabile, Joseph M.
Misiolek, Theodore J.
Missildine, Scott M.
Mitchell,
Mizerak, Joseph M.
Mobed, Jeffrey N.
Mobley, Joe K.
Mock, Andrew J.
Moczygemba, Gary F.
Moffett, Paul L.
Moin, Wilson J.
Monast, Kerry E.
Monroe, Thomas A.
Monteferrante, Richard A.
Montgomery, Mark C.
Mooldyk, Evan J.
Moore, Freddie, Jr.
Moore, Mark A.
Moore, Randall W.
Moorer, Brian
Morelan, Bruce D., Jr.
Morgan, Glenn A.
Morgan, Sarah E.
Morgan, William F.
Morrell, Stephen L.
Morrison, Dane W.
Morrison, James A.
Morrison, John H., Jr.
Morrissey, Michael D.
Morse, Timothy E.
Moser, Richard T.
Mosser, Sean A.
Moyers, Gregory D.
Mueller, Hal S.
Mueller, Russell A.
Mull, Tim B.
Mullally, Patrick S.
Mulligan, John W.
Mullins, Mark E.
Mullins, Paul A.
Munn, Anthony J.
Munson, Jeffrey S.
Murphy, Michael S.
Murphy, Patrick J.
Murphy, Terrence M.
Murray, Owen W.
Murtha, James C.
Musselman, Mark A.
Musser, Steven J.
Muyers, William J.
Myers, David S.
Myers, Wendy L.
Myllo, Christpher J.
Nace, Larry D., II
Nadler, George M.
Nagle, James P.
Nauck, Marshall H.
Navarro, Joe R.
Neace, Kerrin S.
Nees, James E.
Neseit, Eugene
Nevarez, David J.
Newell, Robert D.
Ng, Calvin C.
Nielsen, Kelly L.
Nierle, James E.
Nieusma, William J.
Nishimura, Alexander T.
Noden, Ronald T.
Noe, Scott A.
Noonan, Greg J.
Norkaitis, Anthony M.
Norman, Donald M.
North, Timothy M.
Norton, Paul H.
Norton, Thomas, A.
Nos, Scott P.
Nowicki, Anthony W.
Nyilis, Michael J.
Oberhaus, Thomas E.
O'Brien, Donna M.
O'Brien, Jeffery T.
O'Brien, Robert E.
O'Connell, Matthew J.
O'Connell, William M.
O'Connor, John A.
O'Donnell, John M.
O'Donnell, Kenneth J.
Ogar, Todd D.
Ohta, Bert T.
Oldani, Raymond A.
Oliver, Raymond A.
Oliver, Shawn P.
Oloughlin, James A.
Olsen, Keith E.
Olszko, Christopher J.
Olszowy, David P.
Ortman, Stephen A.
Otis, Philip S.
Ovenshire, Clayton S.
Overson, Christopher J.
Owen, Geoffery L.
Owen, John E.
Owens, Kevin C.
Owens, Michael J.
Paco, Tina M.
Padelford, Timothy P.
Padget, Steven A.
Paganucci, Dante, II
Page, Earl A.
Paladeau, Robert E.
Palermo, Michael S.
Palmer, James K.
Palombo, Richard A.
Palumbo, Christopher A.
Panepinto, Richard N.
Pappas, Andrew
Parent, Steven A.
Parente, John V.
Parks, Clarence A.
Parode, Steven L.
Parry, John R.
Parsons, Frank W.
Passaretti, Lance J.
Patrick, Pamela H.
Patten, Eric A.
Paul, John E.
Pauquette, Phillip R.
Pavolko, Michael T.
Payment, Michael S.
Payne, Daniel C.
Pcola, John M.
Peaden, Russell L.
Pearl, Ira G.
Pearson, Dean H.
Pearson, Robert S.
Peck, Stephen W.
Pederson, Richard G.
Pedisich, Sam J.
Peifer, Douglas C.
Pelikan, Kathy E.
Pellegrino, Peter A.
Pellissier, Joseph B.
Pepin, Jeffrey C.
Perea, Paul G.
Perkins, Walter D.
Perry, Geoffrey O.
Perun, John J., Jr.
Peterson, Thomas L., Jr.
Pfaff, Scott A.
Phelps, Michael W.
Phillips, Brian R.
Pickett, David W.
Pidcock, Mark D.
Pietrowicz, Michael J.
Pinkowski, Christopher R.
Pinto, William M.
Pipkin, Christian A.
Pippin, Sondra A.
Pish, Clifford A.
Pitcher, Allen J.

Pitney, Michael P.
Pittman, Craig L.
Pitts, John D.
Plassche, Douglas A.
Plaziak, Michael R.
Plunkett, Michael R.
Pocklington, William T.
Podlogar, Kurt A.
Polarolo, Todd E.
Pollock, John M.
Polsin, Timothy J.
Polydores, Paul L.
Poppen, Kevin L.
Porter, Millard R., Jr.
Post, Jonathan P.
Post, Robert E.
Poston, Samuel E.
Powell, Alwillia D.
Powell, Johnny C.
Powell, Roger E., Jr.
Powers, Ernest K.
Powers, Gregory E.
Powers, Joel R.
Powers, Norman D.
Poynter, James H.
Preston, Kenneth J.
Price, Robert E.
Priest, Lesley S.
Primmer, Mark D.
Prince, Sandra J.
Proulx, Guy L.
Pryor, Mark S.
Pugh, James B.
Pumphrey, Edward A., IV
Pupo, David A.
Purcell, Kieran J.
Purdy, Kathleen A.
Purnell, John S.
Putnam, John J.
Quast, Peter
Queally, Gerard L.
Quick, Frank T.
Quick, Robert J.
Quimey, Kurt W.
Quinn, Brian J.
Quintana, Miguel E.
Rance, James M.
Randall, Steven F.
Raney, Johnny R.
Rarick, Timothy C.
Rasmusse, Ronald C.
Rasmussen, Terry L.
Rausch William N.
Raymond, James L.
Rebarker, Warren A.
Reese, John J.
Reeves, Oeie G.
Reid, William H.
Reif, Mark D.
Reimann, Ronald H., Jr.
Reiter, Michael L.
Renier, Craig S.
Renner, Gregory M.
Rentner Michael J.
Reynolds, Patrick C.
Rich, Lyford D.
Richards, David B.
Richardson, Kathleen D.
Richart, Patrick M.
Riddle, Susan K.
Riedinger, Darrel W.
Riehl, Joseph J., Jr.
Riley, John F.
Riley, John R.
Riley, Wendell
Riordan, Stephen R.
Ripley, John F.
Rishel, John L., Jr.
Risley, Allan D.
Rissky, George J.
Ritz, Michael J.
Roberson, Janie F.
Roberson, Keith W.
Roberts, Raymond R.
Robinson, Donald E., Jr.
Robinson, Robert R., Jr.
Robles, Kevin
Robnett, Eradford S.
Roby, DeWayne E.
Roddensberry, Devin S.
Rodenas, Diego N., Jr.
Rodgers, Bruce M.
Roeser, Daniel O.
Rogers, David G.
Rogers, Jeffrey C.
Rogers, John M.
Rogers, Kevin C.
Rogers, Randolph T.
Rogers, Steven J.
Rollo, Lawrence D., Jr.
Romedy, Brooks N.
Roncoroni, John R.
Rosa, Andrew M.
Rose, Herbert C.
Rose, John E.
Ross, Douglas A.
Ross, George K.
Ross, Gerald A.
Ross, Paul D.
Rothermel, Karl F.
Rovedatti, Russell R.
Rozier, Robert
Rudolfer, Joe
Rupert, Jeremiah I.
Russell, Eugene R., Jr.
Russnogle, Noel R.
Ruth, Donald J.
Ruziska, Shannon J.
Ryan, John C.
Ryan, Justin M., Jr.
Ryan, Michael E.
Ryan, Thomas D., Jr.
Rybicki, Alice J.
Ryken, Brian S.
Sacha, Dennis J.
Salazar, Ricardo A.
Salmon, James C.
Salzberger, Mark T.
Samuels, John P.
Sanders, Edwards S.
Sanford, Alison N.
Sanford, Patrick A.
Sanford, Stricker C.
Sasse, George B.
Satterly, Thomas A.
Satterwhite Melvin D., Jr.
Sauger, James P.
Sawyer, Darren A.
Scanlan, James P.
Scarcia, Domenic J.
Schachterle, Michael B.
Schade, Jeffrey P.
Schall Ronald T.
Scharpf, Norman T.
Schick Samuel D.
Schirmer, Jeffrey P.
Schlichting, Scott E.
Schneider, Bruce W.
Schneider, Greig T.
Schoeneck John D.
Schoettle, James J.
Scholes, Dallas S.
Schoonover, Eric H.
Schram, Gary R.
Schryver, Antoinette D.
Schultz, Robert G.
Schwartz, Garry S.
Scott, Paul H.
Scroggs, Steven D.
Scukas, John M.
Scurlock, Gayron
Sears, John A.
Sears, Michael E.
Secola, Robert R.
Sedlacek, Mark T.
Seibert, Sidney C.
Seidel, Gregory E.
Sergent, Daniel G.
Settlemyer, Sidney R.
Sexton, Kevin M.
Seymour, Christopher R.
Shaffer, Joseph E.
Shannon, George M.
Shannon, John I.
Sharp, Christopher A.
Sharp, Daniel L.
Shaw, John A.
Shaw, Theodore D.
Shea, David S.
Shea, James A.
Shea, Joseph W.
Shea, Richard J.
Sheedy, Daniel S.
Sheets, Teresa R.
Shepherd, Frances M.
Sherwood, Brian D.
Shimotsu, John M.
Shinkle, Bruce D.
Shoaf, James R.
Shoemaker, Paul M.
Sibert, William
Sidlovsky, Steven G.
Siggins, Robert G.
Silva, Shawn D.
Sims, Johnny D.
Sinibaldi, Kevin S.
Sisk, James G.
Skinner, John A.
Slade, Lawrence R.
Slais, Thomas A.
Slavens, Douglas J.
Slavinsky, John J.
Slinkard, John D., II
Small, Dwane L.
Smart, Eric W.
Smart, John J.
Smathers, Warren E.
Smilowitz, Gary J.
Smith, George W., Jr.
Smith, Hugh C.
Smith, Jeffery C.
Smith, Kevin P.
Smith, Kurt D.
Smith, Leon W., Jr.
Smith, Linda M.
Smith, Linda M.
Smith, Meck Matthew J.
Smith, Michael J.
Smith, Richard A.
Smith Ronald L., II
Smith, Stephen T.
Smith, Steven W.
Smith, Thomas W.
Smythe, Julien R.
Snow, Gordon M.
Snyder, Stephen M.
Snyder, Steven E.
Snyder William J.
Sobotik, Mark S.
Sohl, Paul A.
Solms, David A.
Sonifrank, Edward L.
Sonnemaker, Scott A.
Sorber, Timothy J.
Sos, Jerome J.
Soule, William L., III
Soupiset, Shannon R.
Soutor, Kevin R.
Spendley, John K.
Speranzo, Joseph L.
Spicer Keith A.
Spivey, Joseph M., IV
Spohnholtz, James R. Jr.
Spondre, Ira
Spratt, Steve G.
Squires, Steven D.

Stack, Richard B. Jr.
Stafford, William H.
Stager, Curt E.
Stallworth, Eric L.
Stammer, Robert M.
Stampfli, David E.
Stansfield, Floyd J.
Starich, Michael P.
Stauff, Arthur W.
Steadman, Scott J.
Stefanyshyn, Heidemarie M.
Steffen, Ronald G.
Stein, Fredric C.
Steiner, Raymond E.
Steins, Karl M.
Stenstrom, Kevin G.
Stephens, Gregory F.
Stephens, Edward C.
Stevens, John A.
Stevens, John R.
Stevenson, Robert J.
Stewart, Dean E.
Stickford, John M.
Stierheim, Joseph B.
Stinebower, James K.
Stinnette, David E.
Stoebe, Janacek Elfriede
Stoecker, Andrew P.
Stoll, Peter J.
Stowell, Charles A., II
Strait, Mark D.
Strand, Neil B.
Straw, Jennifer L.
Street, John W.
Strozier, Kyal B.
Stubbs, Willard B.
Stubbs, William C.
Stucki, Wesley K.
Stull, Roger D.
Sturgis, Mark B.
Sugiyama, Dean C.
Sullivan, Daniel J.
Sullivan, David E.
Sullivan, Shane D.
Sullivan, Thomas M.
Surgeoner, Robert F.
Sutherland, James M.
Swain, David R.
Swallow, Robert C.
Swanson, Michael R.
Swatzell, William J.
Sweet, John D.
Sweet, John M. Jr.
Sytsma, John D.
Szymanski, Gregory R.
Tagg, David A.
Talaber, Richard E.
Tallman, John E.
Tamas, Robert J.
Tapkas, Ronald S.
Tarpey, Christopher J.
Tatomer, William J.
Taylor, Barry R.
Taylor, Channing H.
Taylor, Earl
Taylor, George E.
Terlaje, Francis D.
Teschke, Craig E.
Thackaberry, Erian T.
Thigpen, George D.
Thilenius, James E.
Thomas, Glenn E.
Thomas, Gregory S.
Thomas, Mark A.
Thomas, Michael K.
Thomas, Tommy D.
Thomason, Walter G.
Thompson, Eric E.
Thompson, Frederick
Thompson, Glenn A.
Thompson, Kenneth A.
Thompson, Lee E.
Thompson, Scott T.
Thompson, Timonthy L.
Thornlow, Christopher C.
Ticknor, Kirk W.
Tierney, John J.
Tilden, Darryn V.
Tillman, Henry C.
Tindal, Ralph L.
Tokarewich, John W.
Tomilowitz, Robert P.
Toney Yolanda E.
Tosh, Jonn H.
Touton, Charles P.
Towne, Jack S.
Townsend, Thomas P., III
Trailer, Jeffry W.
Treman, Leonard T.
Trepa, Kevin M.
Triantafyllides, George
Triebwasser, Richard V.
Trotter, Douglas A.
Trudeau, Michael A.
Tshontikidis, Thomas W.
Tucker, Stephen D.
Turner, Arlene
Turner, Graig V.
Turner, Jeffry T.
Twite, Michael G.
Tyer, Jack A.
Tyler, David G., IV
Tyree, Karla T.
Underwood, James T.
Underwood, Kent F.
Upchurch, Timothy J.
Urbon, Bruce C.
Urness, Eric A.
Utschig, Joseph M.
Vanbrimer, Hugh W.
Vanderneck, Gustave R.
Vandeusen, Karl J.
Vanhook, Tina H.
Vanmetre, Christopher R.
Vanpolanen, Petel Roy S.
Vanrooy, Joseph J.
Vanstee, Peter M.
Vash, Mary J.
Vaughn, Andrew F.
Vendrzyk, Judith M.
Venegas, Ray T.
Ventura, Gustavo, M.
Verbos, Franklin J.
Verfurth, John M.
Verzello, Albert L. Jr.
Viator, John A.
Vickers, David A.
Victor, Eric L.
Victory, Charles W.
Vidinhar, Lamond R.
Villarreal, Jerry A.
Vissers, Stephen J.
Voge, Eric P.
Vonachen, John R.
Wackler, Ted M.
Walden, Thomas L. Jr.
Walker, Duncan H.
Walker, John A., III
Walker, Mark F.
Walker Michael A.
Walker, Roger C.
Walker, Sonya R.
Wall, Eugene P.
Wallace, Lorne J.
Waller, Mark C.
Walling, Joseph T.
Wallingford, Denise L.
Walsh, Daniel J.
Walsh, Gerald P.
Walters, Ricky Z.
Walton, William C.
Washabaugh, Jason
Washburn, Scott F.
Waters, Rolland P.
Watt, David M.
Watts, Mark L.
Waugh, David C.
Waugh, Lawrence T.
Wayson, Robert E.
Wedekind, Lawrence
Weilert, Matthew E.
Weinheimer, John A.
Welker, Ernest E., Jr.
Welsh, Richard G.
Welsh, Timothy J.
Wendel, Robert F.
Wentland, Barbara
West, Michael B.
West, Michael E.
Westbrook, Kyle E.
Weston, Wilbur H.
Whearty, Michael J.
Wheatley, William
Wheaton, Wellington Y
Wheeler, Arthur L., IV
Whelan, John P.
Whidden, Kenneth D.
Whitaker, Stephen C.
White, Michael L.
White, Rodney C.
Whitehurst, Jon B.
Whitlow, Gregory
Wickline, James
Wiechmann, Jeff R.
Wiegand, Joseph B.
Wiegel, John W.
Wike, William M.
Wilborn, James N., III
Wilhoite, Brian K.
Wilkie, Heather R.
Wilkinson, James B., Jr.
Willette, Paul M.
Williams, Charles J., Jr.,
Williams, Charles F.
Williams, James T.
Williams, Joseph E.
Williams, Joseph P.
Williams, Phillip M.
Williams, Richard R.
Williams, Ronald T.
Williams, Vincent L.
Williams, William L.
Williamson, Thomas S., IV
Willingham, Jeffrey D.
Willson, Gary N.
Wilmot, Todd J.
Wilson, John W.
Wilson, Kalin P.
Wilson, Tony W.
Winchell, James C.
Winding, Mark P.
Wingo, Susan L.
Winter, Daniel H.
Winter, Kyle I.
Wise, Ronald L., Jr.
Wisniewski, Daniel M.
Wolf, Charles T.
Wollenbecker, John W.
Wood, David P.
Wood, Kent A.
Wood, Sidney E., III
Wood, Todd M., Jr.
Woods, Alphonso L.
Woods, Peter R.
Woosley, David A.
Wooten, Kevin M.
Worrell, Charles A.
Wright, Bobby L.
Wright, Douglas E.
Wright, Matthew P.
Wyatt, David C.
Wyckoff, Andrew B.
Wydler, Charles W.
Yamada, Asa K.
York, Will T.
Youmans, David C.

Younan, Dalour H.
Young, Joseph P., Jr.
Young, Richard T.
Young, Robert R.
Young, Steven J.
Young, Vernon E.
Young, William J., Jr.
Zachary, Daniel S.
Zalewski, Anthony J.
Zampogna, Christopher J.
Zangaro, Anthony G.
Zanomi, Mark A.
Zarrilli, Mary G.
Zimmerman, Daniel R.
Ziyani, Said E.
Znachko, Carrol A.
Zoellick, Michael J.

Executive nomination received by the Senate January 24, 1985:

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Andrew P. Chambers, xxx-xx-... x.., U.S. Army.

EXTENSIONS OF REMARKS

COMPARABLE WORTH—A REPLY TO NISKANEN

HON. FORTNEY H. (PETE) STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. STARK. Mr. Speaker, it has always seemed to me that it is elementary fairness that people who do essentially the same type or value of work should be paid about the same. But the idea of comparable worth was ridiculed last fall by one of President Reagan's Council of Economic Advisers, William Niskanen, who called the idea a truly crazy proposal.

Maybe it is time to abolish the Council.

In any event I would like to include in the RECORD the very fine and thoughtful comments of Ms. JoAnn S. Ainsworth, legislation chair of the Bay Valley District of the California Federation of Business and Professional Women. I think she helps set the record straight.

The comments follow:

CALIFORNIA FEDERATION OF
BUSINESS AND PROFESSIONAL WOMEN,
Oakland, CA, October 24, 1984.

MR. WILLIAM NISKANEN,
Member, President's Council of Economic Advisers, The White House, Washington, DC.

DEAR MR. NISKANEN: Business and Professional Women (BPW), the voice of working women since 1919, supports, through its California legislative platform, the implementation of comparable worth.

Friday's San Francisco Chronicle reported your comments on comparable worth before the Women in Government Relations meeting. The report said you consider comparable worth to be "a truly crazy proposal" and that salaries of 40-year-old single men and women in the same field would be "essentially identical" except that "most of the difference between men and women's salaries is a consequence of the fact that many, if not most, women have interruptions in their job experience over a period of time associated with marriage and child-bearing."

This letter is to tell you that the research I have done on comparable worth for BMP and my own personal experience give the lie to the statements you made.

First of all, most women who started working in the 1950's or early '60's had little chance to be in the same field as a man. I am a 45 year old woman. When I started working in 1956, women were strongly urged (it was called 'counseling') into the fields of nursing, teaching and secretary. I chose secretary. While a male starting as stock clerk had the opportunity to become chairman of the board, a woman starting as secretary could not expect to become chairwoman. Her highest expectations were executive secretary or administrative assistant to the president or chairman, or office manager.

But, you say, that is a discrimination problem, not a comparable worth issue. I say gender discrimination is basis for the inequities that comparable worth will resolve. Historically, the work of women has been undervalued. Jobs where 70% or more of the workers are women—when compared as to skill, education, responsibility, working conditions and effort to male-dominated jobs—are usually 20-40% underpaid.

And education and child bearing are not the problem. My child was born when I was 39. I have a B.A. with honors in English and social science from U.C.-Berkeley; a Masters in Teaching, cum laude, from Fairleigh Dickinson University; and M.B.A. studies from Pepperdine University, lacking only a thesis to complete the degree. My salary in no way equates with a man of my age with my education and years of working experience. Research shows that women workers with four or more years of college make about the same income as men who have one to three years of high school. The Willis Study done for the State of Washington shows the value of the job of legal secretary at 187 points while a warehouse worker had 97 points and a laborer 110. Guess who makes the most money? The answer is in the undervaluing of the work done by women.

It took almost ten years of my working before things started to loosen up—after the civil rights activity in the '60s. By 1966 I was Chief Clerk of a U.S. Senate Subcommittee. Although I had the title and the responsibilities of Chief Clerk, my salary equated more with that of the secretaries. My salary history (the basis for my Chief Clerk salary) was that of secretary and administrative assistant—one of those job categories dominated by women and which is undervalued and underpaid.

Suppose that instead of a 40 year old woman, we consider a woman in her 20's who has had the benefit of the civil rights laws. Research shows women and men now receive approximately equal starting salaries for entry jobs. However, soon a noticeable difference takes place. The woman trails the man in income. A Columbia University study of "executive ladder" jobs shows, over a ten year period, males exceed the salaries of females by an average of $14,000 a year. For me the answer to this difference is not childbearing. Forty-four percent of the women working are either single, widowed, divorced or separated. We work out of dire necessity. Yet women, even today, are not being selected for the training or promoted into the career paths that will lead them into the power positions that command high income. The question is "why?"

I believe the answer is that men and women of today are still not able to envision women in power positions. I will give a personal example.

Recently I spoke with a male administrator in charge of hiring a new manager for a top position in a firm. While speaking, the administrator said, "When he's in place. . . ." I said, "or she."

I'm told this administrator is kind to his secretary, good to his family, and admired by his peers. But, although he had replied immediately, "of course, or she," he unconsciously dropped right back into saying, "When he's in place. . . ." I say unconsciously, because it was not a deliberate slight on his part towards me. You can imagine that I was not surprised when indeed the new manager who arrived was male.

Even my management textbooks go through the levels of a business hierarchy saying "he," presumably following traditional grammatical style. Then the author gets to the clerical level. Style goes out the window. The "he" turns to "she" and remains until the work of the secretary or clerk has been discussed and dismissed. This kind of perception gets passed on to the students who then envision males in top corporate positions and females in low-paying clerical positions. The power of its suggestion is tremendous.

Considering the number of women in the work force, female C.E.O's and Chairwomen of the Board are far and few between. Often the woman, in order to get into these power positions, must be two to three times as good at the work as the male and very aggressive. Women come in the same ranges of abilities and personal work styles as men. Not all of us can be that good or that aggressive. And why should we be? We should have equal opportunity.

Working women are concentrated into approximately 20 of the over 400 jobs categories reported by the federal government, and those 20 job categories are lower paying. To say move to higher-paying, male-dominated job categories to demand equal pay is not the full answer either. It is estimated that a job shift of 10 million workers would have to take place to get things to where women and men would be evened out in jobs categories so that the equal pay for equal work concept could come into play. That is a drastic shift.

Women are not working for pin money these days. The number of female-headed households increased 97% nationwide between 1970 and 1980. One half of all the children in the United States today can expect to live in one-parent homes for a significant part of their lives. A divorced husband usually becomes "single" while the wife becomes a "single mother." Only three years after a divorce, just 19 percent of divorced fathers continue to pay awarded child support.

As Nila Bevan says in her article, "One Man Away from Welfare," (Ms., July 1984), "Three of us live on less than what their father has for himself, and our rent, utilities, and so on are much higher than his. Even at that, I am so much better off than many other single women I have met."

In California it is feared that, if the current trends are not reversed, by the year 2000 almost all those in the poverty level will be women and children.

The problem is insidious. Lower salaries produce lower salary histories produce lower dollar raises produce lower pensions. We slip into poverty, either with our children or in old age.

Women are not asking for the disruption of economies when asking to receive the pay they deserve for the value of the work they do. Senator Linda Berglin of Minnesota came to California to assure us that comparable pay implementation in Minnesota did not disrupt its economy. The pay increases

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

are being implemented over several years and employers are indemnified against past discrepancies.

I have obtained my information from "Pay Inequities for Women: Comparable Worth and Other Solutions" (Calif. Comm. on the Status of Women, 926 J Street, Room 1506, Sacramento, CA 95814), the information packet of the Comparable Worth Project of Oakland (488 41st Street, No. 5, Oakland, CA 94609), A Public Forum on Comparable Worth, June 22, 1984 (Senate Office of Research, 1100 J Street, Suite 650, Sacramento, CA 95814) and the Lt. Gov.'s Commission on the Feminization of Poverty (1028 State Capitol, Sacramento, CA 95814). I suggest that you read them.

For myself, I would like to have the titles and addresses of the resource materials you used as the basis for your comments. I am open to hearing new information. I trust you are, too.

Sincerely,

JoAnn S. Ainsworth,
Legislation Chair
Bay Valley District.●

PANAMA CANAL INTEREST BILL

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. FIELDS. Mr. Speaker, I am today reintroducing my legislation to correct a fundamental problem in the Panama Canal Act of 1979.

Joining me in this important effort are several of my very distinguished colleagues from the Merchant Marine and Fisheries Committee including Congressmen Walter B. Jones, Don Young, Carroll Hubbard, and Billy Tauzin.

This bill was first introduced in the last Congress to insure that the interest on the U.S. investment in the Panama Canal is paid to the general fund of the U.S. Treasury.

While H.R. 5655 was passed overwhelmingly and without dissent by the House of Representatives on June 25, 1984, regrettably, the other body was unable to approve this proposal prior to its adjournment.

Mr. Speaker, it was clearly the intent of the authors of the Panama Canal of 1979 that the interest payment on our investment in the canal would be paid directly into the general fund of the U.S. Treasury. Unfortunately, because of the ambiguous wording of section 1302(b) of Public Law 96-70 that interest is now being paid into the Panama Canal Commission Fund instead of the general fund of the U.S. Treasury.

As a result, the Federal Government has not only been denied access to these funds but the level of our investment in the canal has been reduced by some $52 million in interest.

Mr. Speaker, my bill corrects this glaring problem by simply requiring that the interest on our investment in the canal be automatically deposited on a monthly basis into the general fund of the Treasury. By so doing, the bill not only solves the interest problem but it ensures that there will be no further erosion in our investment base.

In this era of serious budget concerns, my colleagues will be interested to know that the interest payment to be deposited in the general fund would amount to some $10 million each year.

Mr. Speaker, while this bill will eliminate the interest problem in a prospective manner, it does not deal with the interest payments currently deposited into the Panama Canal Commission Fund. I have opted not to address this issue because the Commission has strongly indicated that this money is needed to assist them in their cash flow requirements.

Nevertheless, as I have previously stated, if a method can be devised to transfer the $52 million into the general fund of the Treasury without adversely impacting upon the cash needs of the Commission, I will gladly support such an effort.

Mr. Speaker, I strongly believe this simple, straightforward proposal is long overdue and I am hopeful this Congress will quickly enact this important legislation.

For the benefit of my colleagues, I have submitted for the Record a section-by-section analysis of this legislation.

Thank you, Mr. Speaker.

The section-by-section analysis follows:

Section-by-Section Analysis

Section 1(a)—Section 1302(b) of the Panama Canal Act requires that all tolls and other receipts of the Panama Canal Commission be deposited in the Panama Canal Commission Fund in the U.S. Treasury.

The bill amends Section 1302(b) and directs that the portion of the tolls that represents the interest on the U.S. investment in the Panama Canal be deposited on a monthly basis into the General Fund of the Treasury as miscellaneous receipts.

Section 1(b)—Section 1603(b)(2)(A) of the Panama Canal Act states that monies deposited into the "Treasury" (which according to Section 1302 is the "Panama Canal Commission Fund" in the Treasury) will decrease the U.S. investment in the Panama Canal. When that money is withdrawn from the Panama Canal Commission Fund and deposited into the General Fund of the U.S. Treasury, the U.S. investment would be increased by that amount, thereby nullifying the decrease required by Section 1603(b)(2)(A) (See Section 1603(b)(1)).

This section of the bill strikes the word "Treasury" and inserts in lieu thereof "the Panama Canal Commission Fund". This ensures that the deposit in the General Fund required by Section 1 of this bill will have no impact on the level of the U.S. investment.

Section 2—Section 1302(b) of the Panama Canal Act states that the provisions of the Act became effective upon it being signed into law. Section 2 of my bill simply states that the provisions in this legislation will become effective when it is signed into law.●

CIVIL RIGHTS RESTORATION ACT OF 1985

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. COELHO. Mr. Speaker, I am pleased to join with my colleagues in introducing the Civil Rights Restoration Act of 1985. This legislation will restore the foundations of our four major civil rights laws and clarify Congress' intent that programs and activities receiving Federal financial assistance do not discriminate against any segment of our society.

In the attention given to the Supreme Court's Grove City decision, many overlooked another opinion handed down by the Court that same day. Disabled people won a major victory in Conrail versus Darrone. The Supreme Court unanimously ruled that section 504 of the Rehabilitation Act, the primary civil rights law for disabled individuals, covered employment discrimination.

Employment is one of the cornerstones of the disability rights movement. Without a job, disabled people remain dependent on friends and family, church and charity, and the Government. But, holding a job provides the income security, the independence, the pride that we all feel in making our own way.

Our Supreme Court victory may be short lived, however, because the Court added a caveat to its Darrone decision. Section 504 would cover employment discrimination only in the specific program receiving Federal funds. The Court specifically referred to its Grove City decision and sounded an ominous warning that section 504 coverage was narrow and limited as that of title IX.

I referred to our Supreme Court victory. I am a disabled person. I know only too well the pain of discrimination. When I was diagnosed as having epilepsy, people suddenly no longer saw me but only a disability. They presumed that epilepsy dictated my life. Well, they were wrong. The social stigma of disability—the discrimination which is often worse than the disability—must not be condoned by our Government.

There are those who believe that the only legislative remedy we need is one limited to education. I think the Supreme Court's caveat in the Darrone decision explains why such legislation is inadequate. The Court clearly indicated that it would apply the same reasoning about narrow coverage to other civil rights laws, and would apply it in other areas other than education, such as employment. Congress must clearly ban discrimination in all areas receiving Federal aid, including

education, employment, health, social services, transportation, and housing.

Section 504 guarantees 36 million disabled Americans the opportunity to participate fully in our society. The Civil Rights Restoration Act ensures that the opportunity is not a hollow one. I will work in the coming weeks to persuade my colleagues to expeditiously enact this legislation. I look forward to the day when all disabled people can take their rightful place in our society.●

TRIBUTE TO RICHARD NICHOLAS IVINS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. DUNCAN. Mr. Speaker, Daniel Boone, Joseph W. Burns, Davey Crockett, Sam Davis, Cordell Hull, and Presidents Jackson, Johnson, and Polk are a few of the outstanding Tennesseans listed in a recent article by Richard N. Ivins. Mr. Ivins is himself another proud man of that State with accomplishments which merit recognition.

While serving in the 117th Infantry—or the old 3d Tennessee—during World War I, Mr. Ivins was awarded a Purple Heart, a Victory Medal, and the Cross of the Confederacy among other distinguished medals for meritorious military service. Following military duty, he privately studied in his father's law offices and then pursued degrees at both the University of Tennessee and Vanderbilt Schools of Law.

The 10 years between 1922 and 1932 saw Mr. Ivins in many trial and appeals courts, until he was subsequently appointed to the Veteran's Administration in Louisville, KY. Following this, he served the Department of Justice handling war risk insurance.

Due to lung damage sustained under gassing in World War I, the military could not accept him for additional service for World War II, but the Department of Justice transferred Mr. Ivins to Washington, DC, utilizing his extensive trial experience through 1950. Until retirement in 1960 he served an appointment to the Federal Power Commission. His immense record shows he lost very few litigated cases, and his decisions were never reversed by either the National Labor Relations Board, the Federal Power Commission, or the courts.

In his retirement, Mr. Ivins continues to fulfill family, civic, and church related responsibilities in Tennessee, while writing articles for newspapers in the area. These articles describe the importance of democracy and praise the beauty of his home State.

Richard N. Ivins is one of many men and women who tirelessly served their country and continue through the later years of life to work for their community. I would like to offer my high esteem for this gentleman, as he typifies the American ideal.●

ELECTION REFORMS TO STIMULATE VOTER TURNOUT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. BIAGGI. Mr. Speaker, today I am introducing two separate bills aimed at stimulating our Nation's dismal voter turnout rate. The two measures, which are similar to legislation I authored during the prior Congress, both seek to accomplish this worthwhile objective by making it more convenient for people to vote.

The first measure would change election day to Sunday and require that all polling places across the country would open at 12 p.m. [e.s.t.] and close at 9 p.m. [e.s.t.]. This same-time/Sunday-voting format would apply for a 4-year experimental period beginning with the 1988 Presidential election.

The second measure would provide for 24-hour voting, beginning at 9 a.m. [e.s.t.] on the Tuesday now used for Federal general elections. This same-time/24-hour-voting format would also apply for the same 4-year experimental period covering the 1988, 1990, and 1992 Federal general elections.

Both of these measures would also provide that absentee ballots may be mailed free of postage. Unlike the other election reforms proposed, this change would apply on a permanent basis.

Having carefully studied the issue of election reform, I am convinced that either same-time/Sunday voting, or same-time/24-hour voting would significantly increase voter participation in the United States. It is my understanding that the House Administration Committee will soon be conducting hearings on a variety of election reform proposals and I believe both of the measures I am introducing today should be considered during those hearings. Only after careful deliberation by the committee should a decision be made as to whether Sunday voting, 24-hour voting, or a combination of the two is more preferable.

The need for a more convenient voting procedure is clear. Under our current election system 80 percent of the normal 13-hour-voting period falls during the time our Nation's work force is either at their jobs or commuting to and from their jobs. A 24-hour-voting period, or moving election to a nonwork day, would solve that inconvenience problem.

Further, simultaneous opening and closing of the polls, which is called for under both of these proposals, would eliminate early election projections by the media. This is especially significant since the television networks recently agreed not to use exit polls or any other means to project the winner of Presidential elections before all polls have closed. This development, which is largely attributable to the diligent work of our distinguished colleague from Washington, Mr. SWIFT, makes same-time voting all the more appealing.

Finally, Mr. Speaker, it should be pointed out that the 28 Western democracies, 17 of which vote on Sunday or have 24-hour voting, have a median voter turnout rate of 82.8 percent. This is in dramatic contrast to our own paltry participation rate of 53.3 percent in the 1984 Presidential election. The time has come for a change and the two measures I am introducing today provide us with that opportunity.●

ENGLISH THE OFFICIAL LANGUAGE

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. SHUMWAY. Mr. Speaker, I, and 12 other Members of the House, are proposing a constitutional amendment designating English the official language of the United States. We share the view of a growing number of Americans that English must remain our only national language, and that the Federal Government should not encourage the use of others.

Throughout our history, America has been immeasurably enriched by her ethic, religious, and cultural diversity—and it is vital that this tradition be preserved. At the same time, our common language has been a powerful factor in forging national strength, unity, and stability.

Unfortunately, the primacy of English in America has been challenged in recent years by a trend toward the quasi-official recognition of languages other than English. This trend is clearly seen in Government-sponsored policies that recognize other languages as the accepted medium of instruction in school. Such programs, although well intentioned, actually discourage proficiency in our common tongue. While purportedly temporary in nature, these programs foster continued dependence on languages other than English—thus serving to impede the process of assimilation of our Nation's linguistic minorities.

The English language amendment, therefore, seeks to provide a needed measure of legal protection to the English language, and makes it clear to our Nation's immigrants that profi-

ciency in English is a civic responsibility as well as an indispensible ticket to educational, professional, and social opportunities in America.

The joint resolution that we are introducing establishes English as the official language of the United States, prohibits the use of the bilingual ballot, allows the instruction of English in non-English languages for the purpose of making students proficient in English, and ends the use of foreign languages in subject-matter instruction. This amendment does not seek to discourage the use of any foreign language for religious or ceremonial purposes, for domestic use, or for the preservation of ancestral culture; nor does the bill affect the teaching of foreign languages to American students.●

A BILL TO CORRECT MISTAKES BY THE SECRETARY OF THE TREASURY IN ISSUING NOTICES OF DEFICIENCY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. STARK. Mr. Speaker, The Secretary of the Treasury is required to issue a statutory notice of deficiency in order for unagreed cases to legally proceed to the Tax Court. Since the Secretary mails these notices in the hundreds of thousands, it should come as no surprise that the Secretary may on occasion send one out erroneously. However, the inflexibility of current law prohibits the Secretary from correcting such mistakes. As a result, a taxpayer who receives an erroneously issued notice of deficiency must either petition the Tax Court to prevent the disputed tax from being assessed, or agree to pay this tax and then file a claim for refund. Either way, that is a lot of trouble to put taxpayers through just to handle a procedural error inadvertently committed by the Government. There has to be a better way.

The legislative solution to this problem I am proposing is a simple one, but it will be fully effective in righting the wrong. Under the provisions of this bill, if the Secretary determines that a notice of deficiency was erroneously sent to a taxpayer, the Secretary would be empowered to withdraw it! How is that for simplicity? The only imposed condition is that the notice of withdrawal must be sent to the taxpayer before he or she would have to file a petition with the Tax Court under present law.

This legislation remedies a chronic and long-standing defect in the statutory rules that govern the administration of unagreed tax cases. It gives the Secretary needed authority to nullify unintended notices of deficiency, and will thereby facilitate the Service's administrative consideration of such cases. The bill should help produce more settlements, and also reduce the cost and inconvenience of resolving these cases to both the Government and the taxpayer.

I hope that Members will fully support this worthwhile legislation.●

RED RIVER GORGE

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. GRADISON. Mr. Speaker, today my colleague from Kentucky, Mr. HOPKINS, and I are reintroducing a bill to designate a portion of the Red River in Kentucky as a component of the National Wild and Scenic Rivers System.

This section of the river, known as the Red River Gorge, is a beautiful, untouched area, and is one of the most scenic stretches of river in the Eastern United States.

It richly deserves its name as the "Grand Canyon of the East." The Red River twists through the 600-foot gorge overshadowed by jagged hills. Thirty naturally formed stone bridges are still intact in this area, which also contains a unique diversity of animals and plants, some of which are classified as endangered.

In 1962, the Army Corps of Engineers proposed to build a dam on the Red River, an action that would have flooded the gorge and destroyed its beauty. National attention was drawn to the need to preserve the area in its natural state when Supreme Court Justice William O. Douglas led a march of concerned citizens through the gorge. After years of debate, Congress chose not to fund construction of the dam, but the door remains open for future development.

As one who hiked and camped in the area, I have a strong interest in protecting the gorge. The first bill I introduced when I came to Congress 10 years ago was to protect the gorge from the dam. I also authored language in the 1978 Parks and Recreation Act authorizing the U.S. Forest Service to study the Red River as a candidate for the Wild and Scenic Rivers System. The Forest Service completed the study in 1984. I was deeply disturbed that, despite the fact the study states that the river qualifies for the Wild and Scenic Rivers System in every respect, the Forest Service recommended against designation. Not only does the study contradict itself, but the recommendations differ totally from the recommendations made in an earlier unpublished draft which called for designation.

Not surprisingly, the Forest Service has received a significant number of public comments in opposition to their recommendations. The bill that we are introducing today would override the Forest Service's proposal. Wild and scenic status would preserve the gorge by barring any construction or water projects which would affect the free flow of the river.

We owe it to future generations to preserve outstanding natural resources like the Red River Gorge. I believe that this legislation will provide lasting protection for this priceless natural treasure.●

HOUSTON SHIP CHANNEL NAVIGATION IMPROVEMENT ACT

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. FIELDS. Mr. Speaker, I am today introducing the Houston Ship Channel Navigation Improvement Act of 1985.

This comprehensive proposal includes four measures I introduced separately in the 98th Congress to improve the operation and efficiency of the Houston ship channel.

Since coming to Congress in 1981, I've had the honor of representing this vital waterway which has grown to become our Nation's third largest port.

The Houston ship channel, which is a 40-foot deep waterway, was officially opened to ocean-going vessels by President Woodrow Wilson on November 10, 1914.

Since that time, the availability of this waterway has acted as a magnet to industry and dozens of companies who have invested more than $15 billion in plants along both sides of the ship channel, which has become known as the fabulous 50 miles.

Today, the ship channel is home for one of the largest petrochemical complexes in the entire world.

It has been estimated that $1 of every $3 in the Houston economy can be attributed to the ship channel. Directly and indirectly, the Port of Houston provides jobs and livelihoods for thousands of Houstonians.

In the State of Texas, the port provides positive economic benefits to some 160,000 of our citizens and over $3 billion a year in tax revenues.

I firmly believe that by enacting this legislation we will improve the overall efficiency of the port, thereby helping the economy of the entire Houston area and protecting vital jobs along the channel.

The first operative section of my bill authorizes the Army Corps of Engineers to maintain a 40-foot depth in the Barbours Cut Channel at Morgan's Point.

The Barbours Cut terminal is a relatively new, multimillion dollar intermodal facility constructed by the Port of Houston Authority in 1970.

Prior to that time, the Barbours Cut Channel had been a part of the Federal Houston Ship Channel project and it served as a barge-depth tributary.

By 1970, however, it became obvious that existing cargo handling and storage facilities could not accommodate the increasing amount of waterborne traffic which arrived at the port on a daily basis.

In response to this growing demand, the port authority built the Barbours Cut terminal and on three separate occasions has dredged the 40-foot-deep access channels to the new cargo handling facilities at an estimated cost of $1.9 million.

Since that time, the terminal has played an increasingly active role in the overall commerce of the port and, in fact, in 1983 it handled some 2.2 million tons of general cargo.

What the Port of Houston Authority is seeking is not any type of Federal reimbursement for its construction and dredging costs but simply that the Corps of Engineers maintain the Barbours Cut terminal channel at a 40-foot depth.

This maintenance responsibility is one that the corps has assumed throughout its history and it is fully consistent with its congressional mandate.

Section 3 of my legislation is similar in that it would require the corps to maintain a 40-foot level at a second tributary of the Houston Ship Channel known as the Bayport Ship Channel.

The Bayport Ship Channel, which is also owned by the port authority, was completed in 1975 at a cost of $21 million. Its purpose was to connect the Houston Ship Channel with a new industrial complex in southeast Harris County.

While commerce at this facility has not approached that of the Barbours Cut terminal, the Bayport Ship Channel will play a key role in the future economic development of the Port of Houston.

Like the Barbours Cut terminal, the Corps of Engineers would assume the financial responsibility of maintaining this tributary at 40 feet.

The Fourth section of my bill requires the corps to maintain a 40-foot depth at Greens Bayou, also a tributary of the Houston Ship Channel.

Like the first two projects, the Greens Bayou area was dredged and has been maintained by the Port Authority of Houston. In the case of this project, the problem has been that the River and Harbor Act of 1965 authorizes the corps to maintain the water depth at 36 rather than 40 feet. As a result, the port authority has maintained the level at 40 feet and has borne the cost of keeping this tributary free of silt and debris.

Once again, this is contrary to Congress' mandate to the Corps of Engineers. I believe we must eliminate this technical limitation of 36 feet. By so doing, there will be no appreciable additional cost to the corps since once the initial dredging has been completed, a similar amount of silt and debris must be removed to maintain the channel's depth.

The final section of my bill would allow the port authority to receive Federal reimbursement for the raising of a railroad bridge which the Coast Guard ruled was an obstruction to navigation over the Greens Bayou area.

While actual modifications were completed in 1980, I believe the Federal Government should provide partial reimbursement for these repairs which became necessary because of severe land subsidence.

Since the port authority spent in excess of $1 million to make the necessary Coast Guard modifications, I'm hopeful Congress will authorize a payment of a portion of their expended funds.

Mr. Speaker, the components of this legislation are neither new nor radical. In fact, they have been the subject of numerous congressional hearings and were incorporated within H.R. 3678, the omnibus water resources development bill, which passed the House overwhelmingly on three separate occasions last year.

In addition, with the assistance of the House Public Works and Transportation Committee, my proposal has been incorporated into H.R. 6, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1985 introduced by Congressman JIM HOWARD on January 3 of this year.

Mr. Speaker, I'm extremely grateful for the committee's support in helping to secure congressional approval of these important projects and hopeful we will act favorably and expeditiously on H.R. 6.

Thank you, Mr. Speaker.●

THE BANKING CONVENIENCE ACT OF 1985

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. WORTLEY. Mr. Speaker, when low-tech laws collide with high-tech developments, somebody gets hurt, and that somebody is the consumer. But the consumer does not have to be a loser. Prompt enactment of the Banking Convenience Act will put things in proper perspective.

Congressman LAFALCE and I, along with Senator TRIBLE, have introduced legislation, which assures customers of small banks, big banks, savings banks, savings and loan associations and credit unions that they can continue to put their plastic cards into automatic teller machines and obtain cash, check their balances and make deposits.

Why is legislation necessary for something that's been a widely accepted practice for the last decade?

Because a law suit was filed in the U.S. District Court for the Western District of New York that claimed shared automatic teller machines violated the 1927 Federal law that sets out the rules for branching by national banks. A decision was rendered that stated that a national bank was guilty of illegal branching by participating in a shared automatic teller machine network. The decision is now on appeal.

Prior to the recent decision in the second circuit, the courts had held that a national bank was gui'.y of illegal branching via automatic teller machines only if the bank owned or rented the teller machine. If a national bank participated on a transactional fee basis, it could not be accused of illegal branching.

The Banking Convenience Act clears up what has become a murky situation by codifying the so-called owned or rented rule.

The Banking Convenience Act is not just a New York issue. The Banking Convenience Act protects consumers across the country who own access cards to shared automatic teller machines that were issued by national banks.

In 1927, Congressman McFadden produced his landmark banking bill, which permitted national banks to obtain parity on the branching question with their State chartered sister banks. At the time it was a very liberal law. Now 58 years later, the McFadden Act has been turned around by the courts.

Wise as Congressman McFadden was, he could not have anticipated the many changes in technology that have occurred in the last 50 years but I do believe he would be aghast at the manner in which the courts have interpreted the law bearing his name.

Customers of national banks should be able to participate in shared networks. And if national bank customers are away from home and need a cash advance, they should not be discriminated against.

Customers of other financial institutions that belong to shared networks do not want to be priced out of the automatic teller machine market by absorbing more and more of the costs due to the loss of national bank customers in their system.

Funds available for customers of financial institutions is an important matter. If the Banking Convenience

Act is not enacted in a timely fashion, then Congress will be guilty of making it more difficult for average national bank customers to get their money when it is convenient for them and where it is convenient for them.

Consumers need protection from arbitrary court rulings. I suggest we start with the enactment of this bill.●

FRITZ GRUPE, "STOCKTONIAN OF THE YEAR"

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. SHUMWAY. Mr. Speaker, I ask that my colleagues join with me in paying tribute to Greenlaw (Fritz) Grupe, of Stockton, CA. Fritz has been chosen as the "Stocktonian of the Year" by the city's board of realtors for his exceptional contributions to the betterment of the community. I am delighted to have this opportunity to recognize his outstanding accomplishments, and to congratulate him on this highly regarded award which is so well deserved.

For five generations, the Grupes have loved the land around Stockton and Fritz is no exception. As chairman and chief executive officer of the Grupe Co., Fritz has perpetuated his family's dedication to productivity and environmental beautification through carefully planned and executed development projects.

Fritz' leadership has benefitted the community across the spectrum. He has served as president of the chamber of commerce and the board of realtors. He is a member of the Board of Trustees, Research Foundation, Land Use Policy Board and Executive Committee of the Urban Land Institute. He also serves as a member of the International Board of Directors of the Young President's Organization, and is a member of the University of the Pacific Board of Regents.

From athletics and physical fitness through youth programs and family activities to education and culture, Fritz Grupe has contributed his time and talent to virtually every aspect of Stocktonian life. He has worked to fight world hunger, to assist the United Way Campaign, and to promote community health, spirit, and cooperative understanding.

In short, Fritz Grupe exemplifies the type of community spirit so important to the American way of life. He has never been too busy to give a little more of himself to another worthwhile endeavor. Fritz has gone out of his way to enhance Stockton, and it is especially fitting that Stockton express its appreciation with this high award. Congratulations to Fritz, and every best wish for continued success.●

JOJOBA TAX SHELTER ELIMINATED

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. STARK. Mr. Speaker, today I am reintroducing a bill to clarify that the farm syndicate rules which requires capitalization of expenses under section 278(b) of the Internal Revenue Code apply to jojoba growers.

In case you haven't heard of these desert-style tax shelters, jojobas are beans which grow on bushes in arid climates and produce an oil used in shampoo and cosmetics and as an industrial lubricant. The jojoba plant takes 5 or 6 years to produce oil for marketing purposes. It takes 3 years to determine if the plants are female and bear beans. It takes then another 3 years for the plants to mature to a stage when they can produce the oil which can be marketed as a substitute for sperm whale oil.

During the first 6 years, the jojoba produces something better than sperm whale oil: The jojoba promoters claim that jojoba syndicates shelter outside income of investors with deductions for 6 years in a row before there is any income from the investment. Their claim, however, is not substantiated by the Tax Code.

The Tax Reform Act of 1976 provides that, when a crop grown by a farming syndicate is the type of crop which takes years to develop from planting to marketing stage, the investors must capitalize the costs of planting, cultivating, and maintaining the crop until there is a commercial crop or yield. The law expressly covers fruits and nuts.

The jojoba investors have argued that section 278(b) does not apply to them because the jojoba is the seed of a fruit and is inedible. Then IRS issued regulations in November 1983, making it quite clear that the capitalization requirement covers jojoba growers. These regulations have brought great consternation on the part of jojoba investors who have petitioned me to "save the whales." Maybe the jojoba investors don't realize that Congress stopped the importation of sperm whale oil in 1971. I surmise that it's a whale of a tax shelter they want me to save.

I am not about to protect taxpayers who have profited from end-running the Tax Code. Therefore, I am introducing this bill today to amend section 278(b) of the Internal Revenue Code to remove any possible shade of ambiguity, any doubt, that the capitalization requirements apply to jojoba syndicates.●

THE FUNDS AVAILABILITY ACT OF 1985

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. LaFALCE. Mr. Speaker, I would like to introduce legislation designed to end what is called the float game—a game in which banks have been able to set their own rules, often to the detriment of their customers. This is legislation which I proposed with the last Congress.

By way of explanation, the float game is played when a bank and thrift customers are refused access to their funds until deposited checks have cleared. In some instances, customers are informed that the clearing process takes up to 3 weeks—a time period that hardly squares with the reality of the check clearing system.

In part, the float game is a creature of the technological revolution in banking, and its existence demonstrates the unevenness of progress in the electronic age. The fact is that the movement of checks forward through the interstate processing system run by the Fed is quite efficient. When the accepting bank starts a check on its way through the system to the payer bank, the check is handled by machines programmed to read MICR—Magnetic Ink Character Recognition—codes. This mechanized handling of checks results in very rapid clearance of good checks. A problem occurs when a check is bad and must be sent back through the system to the bank which originally presented it for collection. Because only 1 percent of total checks fail to clear, there has been little investment of thought or money in the check return system. The return process is manual, and an uncollectable check must pass through each institution that has handled it, so final notification to the collecting bank can take days. In the interim, the check floats. Institutions that want to take advantage of the slow return process simply tell their customers they must wait until final acknowledgement is received that a check is good.

Depository institutions have a vested interest in the float game. This is so because as long as the funds are not credited and made available to the customer, the bank has the authority to make use of them. Overnight investments of floating funds earn millions for depository institutions—though often at the expense of the consumer.

The chairman of the House Banking Committee, FERNAND ST GERMAIN, has vigorously pressed Federal regulators to end the float game by requiring changes in bank policy and improving the return system. Last year, after

New York State moved to end the float game through regulation, Chairman ST GERMAIN declared that the time had come to demand action on the Federal level. I strongly support that view, and thus today introduce "The Funds Availability Act of 1985," a bill requiring the Federal Reserve to devise and implement rules providing a reasonable period of time within which banking customers can draw on an item deposited in their accounts. In addition, my bill requires institutions to notify their customers in writing of the time limitations applicable to their accounts and to post such notification in a conspicuous place at each branch of the institution.

The check clearing system is a complex maze that handles 3.5 billion pieces of paper per year. It is a system that should be used for the benefit of consumers—not against them. The "Funds Availability Act" would ensure that the system works well for all participants.

The text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Funds Availability Act".

PURPOSE

SEC. 2. It is the purpose of this Act to provide all retail banking customers with the ability to draw against items deposited fo posited for collection with any depository institution located in the United States within a reasonable period of time.

REGULATIONS

SEC. 3. (a) The Board of Governors of the Federal Reserve System shall promulgate regulations to establish a reasonable period of time within which a depository institution shall permit a retail banking customer to draw on an item which has been received for deposit in such customer's account.

(b) The Board is authorized to collect from depository institutions such information as may be required by the Board for purposes of promulgating the regulations required by this section.

(c) If special circumstances are involved, a depository institution and a retail banking customer may agree in writing to a greater period of time than the period of time specified in regulations promulgated pursuant to this section for the drawing against items received for deposit in such customer's account, except that such agreement shall not be contained on a preprinted form and the use of such agreements shall not be a usual or regular business practice of such depository institution.

NOTIFICATION TO CUSTOMERS

SEC. 4. The regulations promulgated under this Act shall require each depository institution—

(1) to notify each of its retail banking customers, in writing, of the applicable time limitations on the right to draw on items received for deposit in such customer's account; and

(2) to keep posted, in a conspicuous place at each branch of such depository institution, a notice which substantially sets forth the generally applicable time limitations relating to the right of the customers of such depository institution to draw on items deposited in their accounts.

DEFINITIONS

SEC. 5. For purposes of this Act—

(1) the term "Board" means the Board of Governors of the Federal Reserve System; and

(2) the term "depository institution" shall have the same meaning given such term in clauses (i) through (vi) of section 19(b)(1)(A) of the Federal Reserve Act.

EFFECTIVE DATE

SEC. 6. This Act shall take effect on the date of the enactment of this Act.●

CAPPING FRINGE BENEFITS

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. GRADISON. Mr. Speaker, I would like to take this opportunity to share with my colleagues an article which I wrote for the Cincinnati Business Courier on the subject of capping fringe benefits, and which appeared in the December 10–16, 1984, issue.

FRINGE BENEFITS: TIME FOR MODEST REFORMS

The Internal Revenue Code defines income for tax purposes to be "all income from whatever source derived." Like most rules, however, this one has its exceptions. Over the years, Congress has excluded from taxable income about a dozen fringe benefits. In addition, other nonstatutory benefits have been excluded on the basis of judicial rulings or administrative practice.

I believe it is desirable to encourage the availability of tax-free fringe benefits. They serve useful social purposes, such as providing health insurance education benefits, legal services, dependent care assistance, group term life insurance and pensions.

On the other hand, there are sound reasons to question the continuation on unlimited tax-free fringe benefits. For example, unrestricted employer-provided health insurance has had the unintended effect of helping to make health care costs the most inflationary component of the economy. The reason is that the present system has discouraged both health care recipients and providers from more carefully considering costs in selecting health care plans.

Based on data collected by the U.S. Chamber of Commerce and the U.S. Department of Commerce, the proportion of employee compensation represented by non-taxable fringe benefits has grown from 12.6 percent to 28.5 percent in 1983. Others have produced somewhat different numbers, but they all tell the same story. Clearly, without some modification, the present system threatens to erode the revenue base. A narrower tax base means higher deficits or higher tax rates, or both.

Fringe benefits comprise approximately one-third of all so-called tax expenditures, defined as how much revenue is lost because of tax exemptions, exclusions, credits and deductions. That's more than $100 billion every year because of tax-free fringe benefits alone! Unrestrained tax expenditures contribute to higher deficits every bit as much as runaway spending, and both deserve public scrutiny.

There are other reasons for concern. Tax-exempt fringes are obviously counterproductive to the goal of a simpler tax system. Furthermore, employer-provided benefits contain strong elements of inequity. For example, highly compensated employees benefit more from the same dollar value of fringes than do others. In addition, many people, such as most farmers and owners of unincorporated businesses, have no access to tax-free fringes.

This year, Congress clarified a tax treatment of non-statutory fringe benefits. Specifically, the Deficit Reduction Act of 1984 excludes from gross income (that is, as nontaxable) any employer-provided benefit which meets at least one of the following criteria: a no-additional cost service, a qualified employee discount, a working condition fringe, a "de minimus" (so small as to be insignificant) fringe, and on-premises gyms and athletic facilities.

One well-known benefit qualifying for exemption is free airline travel provided to employees by airlines. Under the new law, this and similar benefits will be continued, but only if specific non-discrimination and line-of-business requirements are met.

The changes recently approved by Congress generally have been confined to constraining fringes with relatively minor revenue impact. There are additional steps that would make our tax system fairer and more predictable.

One alternative is to place a value limit, or cap, on each fringe. Group life insurance and death benefits already have such limits. Recently, I proposed a $5,000 cap on employer-provided education assistance available tax-free to employees, which was enacted. (The average benefit is $250.)

I think an even better approach might be to provide a single cap on the total value of all fringes offered to each employee. Similar to a so-called cafeteria plan, employees would choose from a menu of fringes and would only pay tax on any amount that exceeded the total cap.

The basic tax treatment of fringe benefits is unlikely to change, nor do I advocate major change. But some reform is clearly appropriate. Modest reforms, along the lines I have just mentioned, will lead us to a more efficient and fairer tax system for all Americans.●

ON THE NEED FOR A SPECIAL ENVOY FOR NORTHERN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. BIAGGI. Mr. Speaker, in my capacity as chairman of the bipartisan Ad Hoc Congressional Committee for Irish Affairs, I have introduced House Concurrent Resolution 7 to designate a special envoy for Northern Ireland.

I wish to place into the RECORD two articles which relate to the need for such a special envoy as well as the support which it enjoys within the Irish-American community. The first is an article by Jack Holland printed in the December 15, 1984, Irish Echo entitled, "After Thatcher's Out—The U.S. Should Come In." The second is an

editorial printed in the Irish Echo the week that the new resolution was introduced.

Following these articles I also wish to insert the full text of House Concurrent Resolution 7 which I omitted from my CONGRESSIONAL RECORD statement of January 3, 1985:

[From the Irish Echo, Dec. 15, 1984]

AFTER THATCHER'S "OUT"—U.S. SHOULD COME IN

(By Jack Holland)

Now that British Prime Minister Thatcher has effectively squashed the prospect of any real progress in Anglo-Irish diplomacy on the matter of Northern Ireland, a few American politicians are arguing it is the time for some diplomatic moves on this side of the Atlantic.

Bronx Congressman Mario Biaggi and Bronx Assemblyman John Dearie both advocate, that the U.S. should take the opportunity to make itself heard in Ireland and England and Belfast. They suggest that the Reagan Administration appoint a special envoy to Northern Ireland. He would act as an "honest broker" between London, Dublin, and Belfast.

In a recent letter to the New York Times, Biaggi wrote: "The time has come for the United States to play a more positive role in trying to assist the peace process in Northern Ireland." He intends to reintroduce his resolution before the Congress calling for the President to designate a special envoy "to investigate and report how best the United States could assist parties in Belfast, Dublin and London, as well as communities in Northern Ireland, to arrive at an early, just and peaceful resolution of the present conflict in Northern Ireland."

Likewise, John Dearie, who has been advancing the special envoy proposal for 18 months, has come to "the sad conclusion . . . that virtually no realistic hope for progress to peace will be attained solely through Ireland and Great Britain negotiating."

"Now more than ever," he says, "American participation in both a peace process and a peace solution" is needed. He notes that every Irish American organization supports the idea of a special envoy.

He also observes that twice recently Reagan's administration rejected the idea. But he argues that Thatcher's off-hand and contemptuous dismissal of the forum report recommendations has created a new set of circumstances which might lead the administration to reevaluate its position. Dearie points out that Reagan gave verbal support to the work of the New Ireland Forum.

He says, "It would appear very inconsistent for the American Government to simply remain silent allowing Prime Minister Thatcher to flatly say 'no, no, no' to the major proposals the report advanced."

Dearie believes that the Irish American community "simply cannot let up their organized, unified voice," which should demand that America give attention to Northern Ireland and apply pressure on Thatcher.

Both Biaggi and Dearie note that President Reagan has made references to Northern Ireland's crisis on several occasions. Biaggi observes that on March 17, 1981, Reagan said, "As President, I recognize the vital importance to our nation and the Western alliance of a peaceful, just and swift solution to the current problems in Northern Ireland."

Earlier this year, Reagan spoke in support of the forum. But it is time, wrote Congressman Biaggi, "for the administration to back that sentiment with action." All the pious sentiments in the world, as everyone knows, "don't amount to a hill of beans"—in the words of Humphrey Bogart.

President Reagan will meet with Mrs. Thatcher next week, on Dec. 22. It is obvious what she will be demanding of him: stronger action against Irish American supporters of the Irish Republican Army—however they are vaguely defined.

But it is doubtful if Reagan will do anything to strain that "special relationship" between the two governments. He has shown no inclination to do so before—and there is, from his point of view, even less of a reason to do so now.

In the wake of the IRA's recent attack on Thatcher, Reagan will be more concerned about showing a solid front to oppose terrorism than getting involved in such a contentious issue.

The great pity of it is that Mario Biaggi and John Dearie and those other American politicians involved in the issue are right. There is a vital role for America in regard to Ireland. The British are more sensitive to American sentiment on Northern Ireland than they are to anything else.

The very fact that Irish Americans are monitoring British actions in Northern Ireland already acts as a kind of a brake on British military policy. A more concerted and formal diplomatic approach from the U.S. Government is probably the only thing that will get the British moving. Unfortunately, this administration has shown no will to initiate such an approach—nor is one likely. When I spoke with Congressman Biaggi last week on the phone from Washington, I asked him what he thought about prospects for some move on Reagan's part to pressure Thatcher on Northern Ireland. There was a short silence.

"Hope springs eternal," said the Congressman.

[From the Irish Echo, Jan. 12, 1985]

BACKING A SPECIAL ENVOY

On the opening day of the new Congress resolutions were introduced in both houses calling on the President to appoint a special U.S. envoy to assist in solving the Northern Ireland impasse.

There is ample precedent for such an appointment. In recent years special U.S. envoys have been involved in the Middle East and Latin America. More importantly, there is much that can be done by such an action in the role of a catalyst.

Northern Ireland has been left in a vacuum while world leaders concerned themselves with other trouble spots. This situation cannot continue. Indeed it continues at the peril of the Western democracies.

It is in the interest of not just Ireland and Britain that peace and justice come to this area, but it is important to the United States, Canada and all the Common Market nations.

We commend Representative Mario Biaggi and Senator Daniel P. Moynihan for introducing the resolutions and we urge other members of Congress to support this very worthwhile action.

H. CON. RES. 7

Whereas the conflict in Northern Ireland continues;

Whereas a lasting political and peaceful settlement in Northern Ireland can only be achieved through diplomatic discussion and accommodation based on the consent and respecting the rights and concerns of all of the people of Ireland;

Whereas the violence associated with the conflict in Northern Ireland, whether civilian or official in nature, serves to impede progress toward a peaceful political solution and has claimed throusands of innocent victims;

Whereas President Ronald Reagan on March 17, 1981, said "As an American proud of his Irish ancestry and as President I recognize the vital importance to our Nation and the Western alliance of a peaceful, just, and swift solution to current problems in Northern Ireland. The United States will continue to urge the parties to come together for a just and peaceful solution. * * * I add my personal prayers and the good offices of the United States to those Irish and indeed to all world citizens who wish fervently for peace and victory over those who sow fear and terror."; and

Whereas the United States has been constructive and helpful in trying to help settle other conflicts in troubled areas of the world by designating special envoys: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should appoint a highly qualified, independent, and appropriately experienced special envoy to investigate and report how best the United States could actively assist all intertested parties in Belfast, Dublin, and London as well as the communities in Northern Ireland to arrive at an early, just, and peaceful resolution of the present conflict in Northern Ireland●

TRADE PHOBIA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. EDWARDS of California. Mr. Speaker, I, too, am committed to national security. However, I also want export policies that encourage U.S. firms to sell in the increasingly competitive world market. That is why I am deeply concerned with President Reagan's recent decision authorizing systematic Defense Department review of high-tech exports to 15 non-Communist nations.

I have written to President Reagan urging him to rescind his unfortunate decision. In view of the mounting trade deficit and the accompanying loss of millions of jobs, I believe that this increased Pentagon role in exports can only result in a further deterioration in overseas sales and a further loss of export-related jobs.

I would like to share with my colleagues my letter to the President and an editorial on the issue which was printed in my local newspaper, the San Jose Mercury News. I believe this material will be helpful in the upcoming debate on foreign trade.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 15, 1985.

Hon. RONALD REAGAN,
President, The White House,
Washington, DC.

DEAR MR. PRESIDENT: It was with grave concern that I learned of your decision to authorize systematic Pentagon review of all applicaitons for licenses to export certain types of high-tech equipment to 15 non-communist nations.

Your order, Mr. President, clearly downgrades the Commerce Department. It removes from this department, traditionally interested in helping American business, the major responsibility for export licenses and shifts it to the Pentagon. Your order also apparently gives to the Pentagon new authority over "distribution licenses" and authorizes the Pentagon to revise the list of 15 countries as circumstances change. With this order, the signal will go to American manufacturers: "Don't bother to apply for an export license. The Pentagon bureaucrats with kill your sales, either by delay or harrassment."

I believe that proper management of the export license process by the Commerce Department can ensure that the Defense Department's concerns will be met. There is total agreement, shared by Commerce, that we don't want sensitive high-tech goods ending up in Soviet hands. The problems will not be resolved, however, by new responsibilities assigned to the Pentagon, a massive bureaucracy notorious for delays and excess paper work.

I represent a portion of California known as Silicon Valley where innovative companies have been at the heart of the explosive development of high technology, providing hundreds of thousands of new jobs and hundreds of millions of dollars in goods sold overseas. In recent years the overvalued dollar and other phenomena have caused our high-tech trade surplus to plummet from $26 billion in 1981 to approximately $5 billion in 1984.

I know, Mr. President, that with our trade deficit approaching $150 billion per year, you share my deep concern over our serious trade imbalance. This imbalance has already resulted in the loss of 2-3 million jobs. Yet your order, giving the Pentagon new powers over export licenses, can only result in a further deterioration in overseas sales and further loss of export related jobs.

Mr. President, the export licensing situation even before this unfortunate new order discouraged legitimate American exporters. Companies in my area have been coming to me frustrated with licensing delays and bureaucratic hassles. One firm, for example, had to wait up to 5 months for licenses which, in the past, had been routinely approved for shipments to Hong Kong, France, and Ireland. Six hundred thousand dollars worth of sales were at risk. Another had to wait nearly 9 months to add a new consignee to a distribution license. Still another, which has consistently exported the same type of product and never once had a license denied, suddenly had two licenses rejected in a matter of weeks. I believe the new order can only make matters worse.

I respectfully, but urgently, request that you rescind your decision transferring the responsibility for these export licenses to the Pentagon. The people in charge at the Commerce Department clearly care about our national security; but, they also clearly care about selling American-made products overseas. It is they who can best balance these two very important national concerns. For the export licenses at issue here, I strongly urge that you return the responsibility, and provide the resources to carry out that responsibility, to the Commerce Department.

With kindest regards.

Sincerely,

DON EDWARDS,
Member of Congress.

[From the San Jose Mercury News, Jan. 18, 1985]

TRADE PHOBIA

The Pentagon and the Commerce Department couldn't agree, so the National Security Council made up their minds for them. That's not a great way to make a decision, as the new rules for exporting high technology products show.

Last September, this issue seemed to have been largely resolved. High-tech companies would be required to put together a plan to assure that their exports didn't fall into unfriendly hands. The Commerce Department would write a model plan and check up on the companies.

But the Pentagon was displeased. Although its office of Strategic Trade already has authority to oversee any high-tech exports to communist countries, it was concerned about exports to nations like Austria and Hong Kong, where high-technology products have little difficulty parting the Iron Curtain.

Last fall's Commerce Department rules were a reasonable middle ground between national security concerns and the economic benefits of expanded trade.

The forced NSC compromise; on the other hand, may decide the delicate balance between trade and defense by pulling a heavy thumb on the Pentagon's side of the scale.

The NSC compromise allows the Pentagon to choose any 15 non-communist countries and review exports to those countries case-by-case. If the Pentagon objected to a potential shipment, it would have to object within 15 days. If Commerce and the Pentagon could not resolve the disagreement, an NSC deputy would decide.

For the NSC compromise to work well, the Pentagon would have to display an uncharacteristically light touch, choosing countries and products with restraint.

But its Office of Strategic Trade is gearing up to examine 16,000 cases per year which argues that defense authorities intend to make full, complete, and obstructive use of their new powers.

That would add an extra stratum of oversight to a trade process that is already buried in paper work.

The extra bureaucracy put U.S. firms at a competive disadvantage, while the buyers will simply turn to European or Asian suppliers. Up to 40 percent of Silicon Valley sales are exports so new restrictions could really hurt.

Meanwhile, there is no evidence that this extra level or review, over and above the existing Commerce Department restrictions will prevent the Soviets from acquiring technology from foreign products, from reviewing the published technical literature, and from outright theft and smuggling.

This battle over high-tech exports was fought all last year in the Congress. In the end, even the Republican-controlled Senate didn't believe it made sense to give the Pentagon the statutory authority to oversee exports to non-communist nations.

That was the right decision not this second-guess NSC compromise.●

AAA SUPPORTS SEAT BELT LAWS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. DINGELL. Mr. Speaker, the American Automobile Association, which has been in the forefront of promoting automobile safety, recently has announced its strong support for State mandatory safety belt use laws as the preferred means of slashing highway death and injury toll. AAA will soon undertake a major nationwide effort to convince 40 State legislatures to pass such laws. A national survey of the general public recently completed by AAA showed that American drivers prefer safety belt use laws by a wide margin over automatic restraints. When asked whether they prefer mandatory safety belt laws or purchasing automatic safety devices, fully 67 percent preferred safety belt laws compared to only 27 percent who chose the purchase of automatic safety devices.

In this light, I insert into the RECORD the text of a formal statement on AAA's support for mandatory seat belt use laws which was presented by James B. Creal, AAA president, as part of the AAA Public and Government Services National Conference in Washington, DC, on December 10, 1984.

The statement follows:

STATEMENT BY JAMES B. CREAL, PRESIDENT, AMERICAN AUTOMOBILE ASSOCIATION

No one knows better than AAA that in our highly mobile American society death by motor vehicle is a national health problem. It ranks just behind heart disease, cancer and stroke as the leading cause of death in this country. And it is the leading cause of death for children and young adults ages 1 to 24.

In 1983, some 43,000 Americans died in highway accidents. Another 400,000 suffered traffic injuries. During the past 10 years 470,000 Americans died in crashes on our nation's roadways.

Total societal costs of these crashes, in 1980 dollars, is about $57 billion. This includes medical care, productivity losses, property damage, legal and court costs, coroner medical examiner, emergency services, insurance, public assistance administration and government traffic safety programs.

It is equally well known that the single best way to reduce these tragedies is to protect motor vehicle occupants by packaging them securely inside the passenger compartment.

In July of this year, 15 years after the automobile crash protection question first became a public policy issue, Secretary of Transportation Elizabeth H. Dole issued a final rule on occupant crash protection standards. The rule requires installation of automatic restraints in all new cars by the 1990 model year, on a phased-in basis beginning with 1987 models. However, the rule would be rescinded if states representing two-thirds of the U.S. population pass mandatory safety belt laws before April 1, 1989.

Three months ago we wrote to all AAA club managers seeking their views as to which option AAA should support—mandatory safety belt laws or automatic restraints.

Almost unanimously, clubs responding advocated mandatory safety belt use laws. They cite numerous surveys of AAA members on the question. All surveys reported to us show that given the choice, AAA members support belt use laws.

AAA Headquarters also commissioned a study of the attitudes of the general public on the occupant crash protection issue. The survey, just completed last week, was conducted by a reputable, full-service research organization on a national probability sampling basis. It involved 1,005 respondents.

When asked whether they prefer mandatory safety belt use laws or purchasing automatic safety devices, a vast majority of all respondents preferred safety belt use laws: fully 67 percent chose this option, compared to only 27 percent who chose the purchase of automatic safety devices. Six percent were undecided.

The general public, according to the survey, prefers safety belt use laws 2-to-1 over automatic restraints. Analysis of the data shows that the results hold true across all demographic lines—including age groups, income levels and education.

This is a remarkable turn-around in public attitudes over a period of just a few years. Just as drinking and driving is no longer acceptable in our society, there is a shift in mood toward slashing the sorry statistics behind highway crash deaths and injuries.

Based on these findings, the AAA Board of Directors has just unanimously approved a new policy on passenger protection.

The new policy of the American Automobile Association supports mandatory safety belt use laws.

The Board took this action at its December 6 meeting for four reasons:

1. AAA members and the general public show a significant preference for safety belt laws.

2. A policy change at this time positions AAA clubs to work *now* for laws in their respective states. Forty-four state legislatures should begin session next month. Forty-two of them are expected to have safety belt laws introduced, or public hearings held on the issue. Two other states—New York and New Jersey—already have enacted safety belt laws.

3. Safety belt equipment exists in almost every car on the road right now. It is easy to use, and there is no further cost involved. Its effectiveness has been proven worldwide. It can reduce—by half—the risk of death and injury in a crash.

4. Voluntary safety belt use, which AAA has always strongly promoted, reached an all-time high of only 15 percent national compliance in 1983. By June of this year the use rate had dropped to 13 percent, despite government and private sector initiatives to increase their use.

For these reasons, AAA supports legislation or regulations which mandate use of safety belts and approved child restraint systems by all occupants of passenger cars, vans, pick-ups and trucks, provided the legislation includes at least the following:

1. There should be a reasonable fine established, certainly no higher than that imposed for the ordinary traffic infraction.

2. Violation of the law should not be a part of a state's point system nor have any relation to suspension or revocation of a driver's license.

3. Exemption should be made for certain persons who cannot or should not use safety belts.

4. Exemption should be made for in-use vehicles that at the time of manufacture did not contain safety belt systems.

Where such legislation or regulations are enacted, states should also determine whether violations should be considered when assessing liability for damages in civil actions arising out of motor vehicle accidents, or for imposing surcharges on auto insurance premiums.

AAA also recognizes that compliance with mandatory belt use legislation requires continuing enforcement and public support. Also essential are information programs that increase public understanding of the safety benefits belt use provides to vehicle occupants in traffic crashes or other emergency situations.

At the same time, AAA recognizes that additional passenger protection is necessary. A decision to require vehicle occupants to use their currently available safety systems should not deter efforts to improve on crash protection.

Occupant restraint technologies have advanced considerably during the past decade and further breakthroughs should improve the performance and comfort of such systems, while reducing their costs to a reasonable figure.

Meanwhile, if all states can be convinced to pass safety belt laws, 5,000 lives can be saved each year.

Thirty-four nations with mandatory safety belt laws already have achieved significant decreases in serious injuries and fatalities. In many countries safety belt usage rates have doubled and reductions in fatalities range to nearly 20 percent.

The United States should do no less.

Let's all work to make it happen.●

TAX SEIZURE LEGISLATION—THE PUBLIC IS ENTITLED TO RELIEF FROM BAD DEALS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. STARK. Mr. Speaker, when regular Internal Revenue Service collection efforts fail and a taxpayer does not pay his delinquent tax obligations, the Government is empowered to seize the taxpayer's property and sell it to satisfy the liability. This does not happen very often but it does happen. The resulting revenue is very important to the Nation's tax base.

When the law requires the Government to acquire the seized property, this can often turn out to be a bad deal for the Treasury Department and the public. In the absence of an offer to buy the seized property at the minimum bid price, the Internal Revenue Code now requires that it "shall be declared to be purchased at such price for the United States."

What happens if the seized property turns out to be in poor condition or is otherwise unmarketable unless the Government makes a substantial additional investment in it? For example, what would be the result if the seized property is real estate with a cloud on the title, that would be prohibitively expensive to remove in relation to the delinquent tax obligation? Or how would a seizure be handled involving an automobile that is found to be a real lemon?

Obviously, these kinds of transactions turn out often to be bad investments for the Government. As the law now exists, the IRS has no choice but to bite the bullet, treat the property as purchased by it for the minimum bid price, get stuck with something the Government may not be able to dispose of except at considerable cost to other taxpayers and also lose its tax claim against the delinquent taxpayer for the amount of the mimimum bid price.

Some time ago, the General Accounting Office uncovered this problem and recommended that Congress find a legislative solution to it. I am pleased today to present a bill which addresses that concern. It should reduce the needless waste of revenue caused by the Government being forced to restore the marketability of unwanted property it reluctantly acquired through tax seizures.

The idea behind the bill is very simple. I propose that the Internal Revenue Code be amended to provide that if no person offers to buy the seized property at a sale for the minimum bid price, it shall be considered as either: First, purchased at such price for the United States; or second, released back to the taxpayer if the IRS determines it to be against the Government's interest to acquire the property. This Government election shall be made under criteria to be developed by the Commissioner of the IRS.

The bill makes a lot of sense by giving the Government added flexibility to conduct its property seizures on a more prudent and businesslike basis. I welcome Members' support of this needed tax reform legistation.●

TOLERANCE ABORTED

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. AuCOIN. Mr. Speaker, Tuesday was the 12th anniversary of the historic Supreme Court decision Roe versus Wade, and the Nation's Capitol was again filled with thousands of demonstrators participating in the annual "March For Life."

My record is one of strong commitment to what I consider to be a fundamental individual freedom for women and their families in allowing them, legally, under our laws, to make their own reproductive choices.

So I don't agree with the march participants who want to overturn Roe versus Wade and to make access to safe abortions in this country illegal.

But I believe most strongly that it is the marchers right to come here, to protest what they consider bad policy and to seek change through the legitimate and recognized channels of change. On this we agree.

And it is a far better response to a perceived wrong than the criminal violence we've seen in crimes across this country—arson and abortion clinic bombings—committed by individuals, and sometimes groups of individuals who somehow see their crimes as furthering their "pro-life" cause.

President Reagan addressed the "March For Life" for the first time since becoming President. I do not agree with his call for a constitutional amendment outlawing abortion. I'm more than a little mystified at the logic that allows him to call for a halt of Government interference in the lives of individuals during his inaugural speech while at the same time trying to inject the Government into the most private of all decisions.

But I was pleased to hear him repudiate the clinic bombings by calling for a complete rejection of violence as a means of settling the issue. In tandem with an earlier statement in which he condemned the violence and pledged to punish those responsible to the fullest extent of the law, a clear message has been sent from a President who opposes abortion but also abhors the bombings. Perhaps now we can be hopeful that the violence will stop.

Last year there were 25 incidents of arson or bombings of abortion clinics in this country, some in my home State of Oregon. Damage has been done in varying degrees—fortunately, so far, with no loss of life or major physical injury to individuals. But damage has been done just the same in terms of increased fear and concern of these bomb attacks and from an enormous increase in clinic picketing, and sidewalk intimidation and harassment. That's a kind of damage that can't be quantified, particularly in terms of invading one of the most private and tortuous decisions a woman ever makes. I'm convinced that the Bureau of Alcohol, Tobacco and Firearms is committed to solving all of the clinic bombings, and commend their fine work I read about in the paper on Saturday in which an intensive investigation on their part led to the arrest of three Maryland men in connection with eight bombings of abortion facilities in the Washington area.

Our response to the violence must be measured and reasoned. And I urge my colleagues to consider some of the thoughts raised in the following editorial which appeared in the New York Times yesterday reminding us of the need for tolerance. With this in mind, I'm hopeful that hearings on clinic violence can be held sometime soon, with an opportunity for people on both sides of this issue to testify before appropriate committees.

The editorial follows:

TOLERANCE, ABORTED

Last Saturday, dozens of women—some still groggy from anesthesia, some weeping—stood shivering in the icy wind outside the Eastern Women's Center in Manhattan. They had gone there to end their pregnancies, a right affirmed by the Supreme Court in its Roe v. Wade decision 12 years ago; but that right was obstructed by a bomb threat that evacuated the building.

Roe v. Wade does not endorse abortion; it leaves the decision, at least during the first three months of pregnancy, up to a woman and her doctor. Nevertheless, some Americans disagree with it so strenuously that they approve of threats, forcing clinic patients to run a cruel gantlet, and even violence. There have been 30 instances of bombing, firebombing and arson at abortion clinics since May 1982.

"These are hard decisions they make and live with," the director of the center said of the women forced into the cold in Manhattan. "Why are they being singled out as targets of abuse? How can anyone dare?"

Those who dare—those hissers of threats and builders of bombs—do so because they are possessed by a zeal that poisons politics. They are so sure they are right they cannot acknowledge that people on the other side of the debate can also be creatures of conscience.

The abortion controversy did not begin with Roe v. Wade, or with modern medical technology. It has divided humankind for centuries; even Aristotle was wary of the question. Those who call themselves pro-life have as much right to speak their minds as those who call themselves pro-choice. But once the former denounce the latter as murderers, they risk one offense against civilized society and commit another.

The risk is that they inflame those hissers of threats and builders of bombs. The offense is that they deny the freedom of thought promised by the American contract.

They insist that they proceed on the basis of morality. Not *your* choice, they are telling women. *Our* choice. But someone who believes that no woman should be forced to incubate a fetus against her will can also proceed on the basis of morality.

How do societies resolve conflicts between two opposing moralities? In other countries and other eras, the answer has often been violence, even war. The answer that America has promised, from the Pilgrims forward, is tolerance.

Yesterday President Reagan addressed, for the first time, the annual March for Life anti-abortion protest. After calling for "a complete rejection of violence as means of settling this issue," the President reiterated his commitment to "ending the terrible national tragedy of abortion."

Mr. Reagan's statement was predictable. He has campaigned against abortion for years. But there are millions of Americans who hoped for something more from the President of the United States on this 12th anniversary of a decision that gives practical, even brilliant voice not to abortion and not to its foes but to tolerance.●

LEGISLATION CLARIFYING THE STATUS OF AUTOMATED TELLER MACHINES

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. LaFALCE. Mr. Speaker, we all understand that one of the fundamental challenges of writing laws is to have them specific enough to ensure that the policy question at hand is addressed, yet general enough to anticipate what will take place in the future. Inevitably, we realize that we must rewrite and revise laws that did not anticipate the knowledge explosion and technological advances of the last two decades.

I have found these economic and technological advances to be of particular relevance in the area of banking law. Therefore, I wish to introduce a measure which seeks to smooth the way for consumers to benefit from innovation in the financial service sector.

THE BANKING CONVENIENCE ACT

Mr. Speaker, today I am introducing legislation to clarify the legal treatment of automated teller machines [ATM's].

In so-doing, I am joining Senator PAUL TRIBLE, who proposed this legislation in the Senate in the last Congress. Representative GEORGE WORTLEY of Syracuse also joins me as an original cosponsor.

USE AND DEVELOPMENT OF ATM NETWORKS

ATM's have become important sources of bank services for many consumers, and represent the fastest growing means of electronic funds transfer. Financial institutions are increasingly participating in shared ATM networks, where cardholders of one institution can engage in financial transactions at the terminals owned by many other institutions—ATM's are owned both by banks and by vendors in other industries.

Today, after an investment of over $1 billion in shared ATM systems, 50 million magnetic cards are used in networks and 9,000 financial institutions participate in over 200 regional systems and 7 national ones. This explosive growth in shared systems has been driven by financial considerations and consumer demand. Shared systems enable institutions to offer their customers convenience and, at the same time, reduce the costs of providing transaction services. Shared ATM's save the costs of tellers and branch facilities, and act as competitive equalizers for smaller institutions which do not have the customer base or income to build their own systems.

Shared ATM networks are also important structural components of the continuing revolution in electronically

provided bank services. ATM network growth has stimulated interest in developing point-of-sale systems—in which the customer's account is accessed by electronic device at the point-of-sale—and in computerized shopping and banking services—both of which will demand system sharing.

ATM NETWORKS THREATENED

Because most of our banking laws were written before the electronic revolution in financial services, ATM networks have developed under a cloud of legal uncertainty and confusion. This cloud of uncertainty has darkened ominously because of a recent court case, and I believe that we must act immediately to dispel any doubts about the viability of these systems.

In April 1984, the U.S. District Court for the Western District of New York ruled that an ATM owned by a supermarket, but used by customers of Marine Midland Bank as part of a shared network, was a branch of the bank for purposes of the McFadden Act, and was thus subject to any branching restrictions applied by the State. Marine Midland is a national bank and had, like most banks participating in shared networks, relied on an interpretation by the Comptroller of the Currency that an ATM utilized by customers of a national bank was not to be considered a branch for the purposes of the McFadden Act unless the machine was owned or rented by the bank in question.

The district court ruling, which is now being appealed, has implications far broader than the specifics of the case imply. In fact, the ruling highlights what has become a patchwork quilt of State and Federal regulation of ATM's, and threatens the existence of shared systems across the Nation. If this ruling is upheld or similar suits instituted, the ultimate result could be that many institutions participating in networks will suddenly be deemed to be engaged in illegal branching. Under the McFadden Act, national banks can branch only to the extent that their state of residence allows State-chartered banks to do so.

In 1981, anticipating such a legal quandary over the status of ATM's, I introduced legislation authorizing national banks to gradually expand their ATM services. These services would expand in the home office area and State, and ultimately across State lines. In January, Representative CHALMERS WYLIE, the ranking Republican on the House Banking Committee, introduced a bill containing language to except ATM's from McFadden Act branching restrictions—an approach I endorse as an ultimate goal.

At this time, however, I have determined to join Senator TRIBLE in introducing legislation to get at the immediate problem of the viability of shared ATM networks. This approach simply codifies the Comptroller's ruling that an ATM is not to be considered a branch under McFadden unless it is owned or rented by the bank in question.

I should add that in addition to the question of economic and consumer convenience addressed in this legislation, we would also be working toward a more equitable system of regulation for the Nation's banks and thrifts. Under current laws, federally chartered thrifts and credit unions and nondepository institutions like Sears are not subject to restrictions on participation in ATM networks or on their geographic placement. Banks should be accorded the same treatment.

Mr. Speaker, in approving the Banking Convenience Act we would be promoting the very beneficial aspects of the electronic revolution, thus ensuring that consumer convenience is well served.

The text of the bill follows:

H.R. 688

A bill to amend section 5155 of the Revised Statutes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Banking Convenience Act of 1985".

SEC. 2. Section 5155 of the Revised Statutes (12 U.S.C. 36) is amended by adding at the end thereof the following:

"(i)(1) Notwithstanding any other provision of this section, a national bank may share, or permit its customers to use, an automated device that is not established by that bank, and such automated device shall not be considered a branch of that bank within the meaning of subsection (f) of this section.

"(2) For the purpose of this subsection—

"(A) an automated device is established by a national bank only if it is owned or rented by that bank;

"(B) an automated device is not established by a national bank if the bank is assessed transactional fees or similar charges for its use; and

"(C) the term 'automated device' includes, without limitation, automated teller machines, customer bank communication terminals, point-of-sale terminals, and cash dispensing machines.".●

CONDEMNING VIOLENCE IN SRI LANKA

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. MARTINEZ. Mr. Speaker, in the wake of the senseless assassination of President Indira Gandhi, world attention has turned toward India. As this occurs it is my hope that we can all look southward and observe the violent situation occurring on the island nation of Sri Lanka.

I have recently been informed of the murder of a Catholic priest, Father Mary Bastian, at his church situated at Bangalai Mannar in the northern province of Sri Lanka. This tragic act is but one of thousands that have taken place over the years between the Sinhalese and Tamil communities. The major source of tension involves a movement for greater autonomy by Tamils. The Sinhalese majority had made a concerted effort to reduce the power and influence of the Tamils, who have lived for centuries in the north of Sri Lanka.

Both sides have perpetrated violence against each other. However, what is most alarming is the Sinhalese government's sponsorship of violence against unarmed civilians. The mass relocation of Tamil youths to detention centers is a reprehensible human rights violation. This coincides with reports that government troops have been sent to indiscriminately burn down the homes and businesses of thousands of Tamils in retaliation for the terrorist acts of a small group of Tamil rebels.

Our Nation has been active in seeking a diplomatic resolution to this situation which could soon become an all out civil war. It is essential that the Sinhalese and Tamils come to a negotiated agreement, and that the United States urge the government in Sri Lanka and the rebel Tamils to control their armies and not use innocent civilians as targets to induce terror and submission.●

UKRAINIAN INDEPENDENCE DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. GILMAN. Mr. Speaker, today, I would like to join my colleagues in commemorating the 67th anniversary of Ukrainian citizens proclaimed an independent and sovereign Ukraine.

But this short-lived independence fell under Communist domination 3 years later, in 1921, when Soviet military might and represession crushed the small Ukrainian Army. Eleven years later, this group of men, women, and children was subjected to Josef Stalin's instigated famine of 1932 and 1933. Ukrainian citizens were made slaves of the Soviet Union and ordered to turn over all of their grain to the State. To insure industrialization and collectivization of the Soviet Union, Stalin forced an estimated 7 million Ukrainians to starve to death. Not only did this Soviet tyrant deny that a famine existed, but he refused international assistance and increased grain exports from the Soviet Union. This famine can only be called a manmade holocaust.

This commemoration day of independence 67 years ago serves as a constant reminder of the many decades of oppression committed by the Soviet

Union to freedom loving peoples. Human rights violations continue to occur on a daily basis in the Soviet Union and its satellite countries. The nations of the free world cannot overlook the many years of defiance by the Soviet Union against the spirits of freedom and independence. This spirit is being crushed today in Poland and Afghanistan, and against the more than 50 million Ukrainians held hostage in their own land.

I join my colleagues in commemorating the 67th anniversary of Ukrainian Independence Day today, and pray with them that one day they will see the light of freedom shine across their own shores.●

ECONOMIC OUTLOOK FOR 1985

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, January 23, 1985 into the CONGRESSIONAL RECORD:

ECONOMIC OUTLOOK FOR 1985

The economy is doing well at present, but serious troubles lie ahead if several problems are not addressed. The curious thing is that the better the economy is doing, the harder it will be to address the problems.

For the moment, anxiety about the economy is not in style. Economic forecasts have brightened, and there seems to be reason for optimism. The numbers on inflation, growth, interest rates, employment, and industrial activity look good. On the other hand, the strong dollar, the trade deficit, and the federal budget deficit are major obstacles to sustained prosperity.

Will these obstacles bring about a new recession in 1985? I think not. None of the usual signs of an impending recession, such as shortages of labor or rising prices for oil and commodities, are present. Consumers are still confident. The last few recessions were brought about to fight inflation, and with no double-digit inflation to contain there is no good reason to allow another. Thus, I expect the economy to maintain forward momentum in 1985.

While I do not anticipate a recession in 1985, I doubt that we will have another surge of growth. I look for slow growth in the next two years, primarily because rapid growth would raise the prospect of a clash between the economy's need for credit and the Federal Reserve's determination to keep the money supply under control.

The government predicts growth of 4.3 percent in 1985. That is not very different from private forcasters, whose projections for growth are only a bit lower. Recently, for example, a group of economists unanmously predicted that the economy will keep moving. They said that the gross national product will expand at a healthy 3 percent to 4 percent rate in 1985, typical for the third year of a recovery and close to what has been viewed as the long-term potential of the economy. They expect the unemployment rate to drop from 7.2 percent to 7 percent by mid-1985, short-term interest rates to rise only slighly, and inflation to vary little from last year's historically high but now seemingly reasonable rate of 4.3 percent if oil and commodity prices continue to be weak and wage settlements remain moderate. In the longer term, there is concern about resurgent inflation. We have not "nailed inflation," as the White House just announced. There is also concern that joblessness will remain indefinitely at today's fairly high levels.

One very worrisome obstacle is the strong dollar, which makes foreign goods cheaper and U.S. goods more expensive. It is the major reason that the U.S. is running a record trade deficit of $150 billion per year. Although low-priced imports into this country do much to keep inflation in check, a trade deficit of such size means that most gains in domestic demand promote employment and production abroad rather than in the U.S. Imports are expected to grow faster than exports again this year. Even if the dollar begins to fall soon, I believe that the trade deficit will deepen in 1985 because adjustments occur slowly.

The dollar is being kept up by foreign investors seeking a safe haven and high interest rates in the U.S. Foreigners pumped more than $100 billion into the economy last year alone, a rate of investment that soon will turn the U.S. into a debtor nation for the first time since World War I. The conditions that attract foreign investment exist in part because the federal budget deficit now exceeds $200 billion a year. Government borrowing on such scale props up interest rates and draws in money from all over the world.

Immediate and concrete action to cut the federal budget deficit is needed for several reasons. Such action will push the dollar down and narrow the trade deficit. It also will lessen the chance of a recession caused by a clash between a Federal Reserve determined to keep the money supply under control and the demand for credit generated by a growing economy and heavy government borrowing. The willingness of foreign investors to supply most of the funds that business needed was the only reason that government demand for credit did not crowd out business demand last year. However, when the desire of foreign investors to place their money here diminishes, interest rates could skyrocket and the economy could slide into recession if the federal budget deficit has not been cut.

My view is that the economy will not move ahead briskly enough to sweep away these obstacles to sustained prosperity. Consumer spending, the largest single component of the gross national product, is expected to rise only modestly. With federal spending still rising sharply, federal purchases of goods and services will stimulate the economy, but state and local spending are rising more slowly, and, besides, the government sector by itself simply is not big enough to accomplish all that much.

Decisive action to cut the federal budget deficit is the nearly universal prescription for what ails the economy. At least for now, everyone in Washington is saying that the federal budget deficit should be reduced by cuts in spending of $50 billion or more this year. That target, worthy as it may be, probably will not be hit. Modest cuts in spending may be the best that we can achieve.

Given the political difficulty of big reductions in defense and entitlement spending and the political unpopularity of big tax increases, the effort to cut the federal budget deficit could end in stalemate. This prospect leads me to think that we will make the necessary cuts only if a crisis develops—a dramatic rise in interest rates, for example. I continue to believe that doing nothing, or very little, is the most perilous course of all.

There is an urgent need in Washington today for extraordinary leadership—leadership that can address problems now before a crisis arises.●

JOB CREATION FOR THE LONG-TERM UNEMPLOYED

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. HAWKINS. Mr. Speaker, today, I am introducing, the Community Renewal Employment Act which will provide employment opportunities to long-term unemployed individuals in high unemployment areas. This bill is essentially the same as the one which passed the House on September 21, 1983. Unfortunately, this measure did not become law because the Senate failed to act on it during the 98th Congress. However, I am hopeful that action will be taken by both Houses of Congress this year.

Although the official rate of unemployment has dropped significantly from its peak of 10.8 percent, unemployment remains at intolerably high levels. Moreover, the official rate does not accurately reflect the total number of unemployed, underemployed, or discouraged workers. Almost 8.19 million people were out of work in December 1984 and another 1.3 million were discouraged workers who had given up hope of finding a job. On the average, people who were unemployed in December had been out of work for more than 19 weeks. Almost 1.4 million had been jobless for 27 weeks or longer.

Last July, the National League of Cities conducted a survey of city officials about the kinds of employment problems the cities are facing, what is being done to alleviate these problems and what else needs to be done. The results of this survey were published in August in a report entitled "Employment Problems and America's Cities." The majority of official responding to the survey said that employment is among their highest priorities and would remain so for the foreseeable future. More than half the city officials said one of their most severe employment-related problems is just not enough jobs. Three out of four officials surveyed said that their cities need a program of direct job creation. "City officials clearly do not see the unemployment problem going away soon," the report stated. Not only must public officials help prepare people for employment, but, "at the

same time, they must increase the number of available jobs."

Another study, conducted by the U.S. Conference of Mayors in August and September 1984, found that economic recovery has not reached low-income people in more than half the cities responding. When asked what the Federal Government could do to improve the conditions in their cities, local officials most frequently pointed to job-creation programs. These officials were concerned about the increased dependence on public assistance among former workers who have exhausted unemployment insurance and have joined the ranks of the chronic poor. Declining unemployment rates mask the increase in long-term unemployed people who dropout of the labor force, yet local officials report a growing demand among these new poor for human services. At least half the cities said they are unable to meet this demand.

"The most urgent priority for U.S. domestic economic policy is the creation of new jobs," concluded the recent statement of the American Roman Catholic Bishops. "Society has a moral obligation to * * * ensure that no one among us is hungry, homeless, unemployed or otherwise denied what is necessary to live with dignity," the draft pastoral letter stated.

The Community Renewal Employment Act is a small but essential component of an overall economic strategy. This legislation would not create jobs for all of the almost 2.4 million people who have been unemployed at least 15 weeks, but it would provide some of them with an opportunity to perform needed community services in return for a wage. To allow critical public services to go undone, while millions of workers are idle, is a waste of our most valuable national asset. This legislation would create meaningful jobs for people with demonstrated inability to secure unsubsidized employment and who are in greatest need. Funding would be targeted to areas with higher than average unemployment rates and jobs would be coordinated with longer term economic development strategies. The bill also ensures that rural areas receive a fair share of the jobs provided. Moreover, this bill addresses the employment needs of women by creating jobs not only in programs to repair public facilities, but also in social service activities.

The Community Renewal Employment Act would supplement the existing training programs currently operated under the Job Training Partnership Act. While effective, JTPA provides no actual employment and, at current funding levels, is only serving about 3 percent of the eligible population. The declining, but still high, unemployment rate should not be used to justify inaction on behalf of the millions of jobless workers who have not yet shared in any economic recovery.

The following is a summary of the major provisions of the Community Renewal Employment Act.

SUMMARY OF THE COMMUNITY RENEWAL EMPLOYMENT ACT

GENERAL PROVISIONS

Purpose: To provide employment opportunities to long-term unemployed individuals, especially in high unemployment areas, through grants to State and local governments for labor costs associated with the repair, maintenance or rehabilitation of essential pubic facilities; for essential public safety, health and social service activities; and for conservation and improvement of public lands.

Eligible Participants: Individuals 16 years of age or older who have been unemployed 15 out of 20 weeks with priority for those who have exhausted or who are otherwise ineligible for unemployment insurance, particularly those who have been unemployed the longest and those in families in which no other member is employed on a full-time basis. Individuals must be certified as meeting these requirements by the appropriate State employment service.

Youth Employment: 20% of the community improvement project funds must be spent on unemployed youth aged 16-19 for part-time work combined with training. Priority is given to economically disadvantaged youth.

Eligible Activities: Community improvement projects include repair, rehabilitation and maintenance of public facilities such as road repair, water systems, mass transportation systems and education facilities; rehabilitation and conservation of public lands and resources such as erosion, flood, drought and storm damage control, and services such as health care emergency food and shelter, child care, and dependent care activities, domestic violence programs, services to the elderly, handicapped and veterans.

Educational Facilities Repair: Funds are to be used for detecting or removing asbestos, energy efficiency remodeling, conformity with environmental protection and health and safety programs, and conversion of unused structures into adult training centers.

Use of Funds: Not less than 75% of the funds available to any recipient under Titles II and III of this Act from funds appropriated for any fiscal year shall be used to provide for wages and related employment benefits to eligible participants. Not more than 15% may be used for the cost of administration. The remainder of the funds may be used for acquisition of supplies, tools, equipment and other materials.

Wages: Eligible participants shall be paid prevailing wages but at least the minimum wage. Participants may be paid up to $230 weekly ($11,960 annually) and the maximum wage shall be adjusted annually based on increases in the national average wage. Wages may be supplemented up to 50% from sources other than the Act. Individuals may not be employed in excess of 52 weeks in any two year period.

Authorization: $3.5 billion is authorized to be appropriated for fiscal year 1986. For each succeeding fiscal year the authorization level is tied to 20% of the long-term unemployed.

Anti-Substitution Provisions: These provisions prevent the displacement of regular public workers with workers subsidized under this Act, provide for an automatic review where reductions and subsidized jobs occur in the same department, and establish a complaint process for any allegation of substitution.●

TIME FOR ACTION: SAVE THE UNBORN

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. LUKEN. Mr. Speaker, 12 years ago this week, the Supreme Court handed down a landmark decision that allows the almost unrestricted right to an abortion. Today I am introducing an amendment to the Constitution that will guarantee a right to life for all persons, regardless of age, health, function, or condition of dependency, including unborn children.

The protection and sanctity of innocent human life ranks in the highest level of moral culture. Our Nation was founded with this principal among others. Yet in 1973, the Supreme Court rules that a human fetus is not a "person" in the constitutional definition of the word, because nowhere in the Constitution does the word "person" have "pre-natal application."

But abortion has been an issue that won't fade away. One of the reasons is the continuing medical research that is providing insight into fetal life. With regular frequency we see new information on the advances in prenatal surgery or the publication of an important study of life before birth. Several forms of fetal distress and some genetic problems can now be detected and treated by prenatal medicine. A fetus likely to be born prematurely can receive drugs that accelerate the maturation of the lungs, and drugs are available to correct irregular heart rhythms of the unborn. Blood transfusions have been given to unborn children and physicians have been able to detect and treat the inability of a fetus to assimilate necessary vitamins.

Despite the insight and cures this marvelous medical science provides, we live in a nation where abortion is one of the most frequently performed operations, and our Supreme Court rules that a fetus is not a "person" under the protection of the 14th amendment. In the case of abortion, our moral sense is running opposite of our advancement in prenatal medical science.

My amendment will recognize the unborn child as a person under the laws of our Constitution. If this amendment is adopted as part of the Constitution, laws would permit medical intervention to save a woman's life, but would require that a reasonable

effort be made to save the life of the unborn as well.●

A TRIBUTE TO THE WORLD'S MOST SOPHISTICATED DIVING COLLEGE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. ANDERSON. Mr. Speaker, with the growth of Outer Continental Shelf drilling activities and worldwide expansion of underwater construction and exploration projects, the need for professionally trained underwater divers has greatly increased.

Filling this demand for professional divers has been the College of Oceaneering, headquartered in the Los Angeles Harbor at Wilmington, CA. Founded in 1969, as the Commercial Diving Center, the school has grown to be the largest, most sophisticated commercial diving college in the world. In 1971, Oceaneering International, the world's largest diving contractor, purchased the school as its official diving training division.

Since that acquisition, more than 3,000 divers have been successfully trained for the rigors of the offshore oil industry in three major categories: exploration, construction and repair, and maintenance.

The College of Oceaneering, under the direction of President Jim Joiner, offers students more than 5 acres of campus (8,000 square feet of classroom space), facilities containing double lock hyperbaric chamber and training tanks and a fully equipped shop building and rigging yard. It is the only school in the United States that offers a completely operational bell/saturation system in open water and utilizes such state-of-the-art atmospheric diving systems as the JIM and the WASP.

In recognition of its accomplishments, the Western Association of Schools and Colleges accredited the facility as a community college, allowing the institution to award associate in applied science degrees. The college receives more than 13,000 worldwide inquiries yearly and accepts approximately 350 applications annually.

I join with my wife, Lee, in celebrating the success of the College of Oceaneering. May the international reputation of the school and its faculty continue to grow.●

67th ANNIVERSARY OF THE PROCLAMATION OF INDEPENDENCE IN UKRAINE

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. MANTON. Mr. Speaker, on January 22, 1918, a free and sovereign nation was declared in Kiev and the long cherished dream of the Ukrainian people was realized. I am honored to join in today's celebration which marks the 67th anniversary of the proclamation of independence in Ukraine.

Although today we celebrate Ukrainian independence, Mr. Speaker, we must remember that this independence was shortlived. Within 3 short years after their sovereignty was established, the Ukrainian National Republic was overpowered by the Bolsheviks and more than 40 million Ukrainians lost their freedom. Therefore, today is not only a day of remembrance, but also one of hope and determination that soon Ukraine will be free again.

For the past 67 years, the leaders of the Soviet Union have sought to eradicate the Ukrainian national identity. Under Soviet occupation, the Ukrainian people have suffered persecution and repression. The leaders of the Soviet Union have waged a war of Russification against the Ukrainians which has endangered their culture and heritage. Ukrainians are prohibited from using their language in their schools. The Ukrainian Catholic and Eastern Orthodox religions are outlawed.

The Ukrainian people and their families around the world have never forgotten their fight for a free Ukraine. They have not allowed their spirit, or their determination and optimism that the Ukraine will one day again be free, to diminish. Their dedication is an inspiration to people around the world who are struggling for freedom.

We all share the Ukrainians' struggle because their fight is ours as well. The plight of the Ukrainians is a reminder to all free people to cherish and protect their liberty. And there is no better way to protect our freedom than by supporting the struggles of those who have been denied their basic human rights.

Mr. Speaker, I again pledge my support for the Ukrainian people. It is my hope that one day soon the Ukraine will again be a free and sovereign nation. Today many of us in the Congress commemorate the 67th anniversary of the proclamation of independence in Ukraine. However, this must not be a 1-day event. We must continue the vigil year around until Ukraine is free once again.●

INTRODUCTION OF LEGISLATION TO PROVIDE TAX CREDITS FOR ELDERLY HEALTH CARE EXPENSES

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. CONTE. Mr. Speaker, I stand before my colleagues today to introduce legislation of tremendous importance to the elderly members of our country.

The legislation I am introducing provides a nonrefundable, sliding-scale tax credit for expenses incurred in the care of elderly family members living at home. Under the language of this bill, a qualifying family member is any individual other than the taxpayer's spouse who is: (1) Related by blood or marriage, and (2) at least 70 years of age, or (3) diagnosed by a physician as having Alzheimer's disease, or (4) disabled within the meaning of the Social Security Act.

Qualified elderly care expenses are community-based in nature. They include, but are not limited to, payments by the taxpayer for home health agency services, health care equipment and supplies not compensated for by insurance, and adult day care.

The purpose of this legislation is twofold. First, cost considerations and how best to control public program costs for home health care. The tax credit equals 30 percent of the qualified elderly care expenses during the taxable year. This 30 percent figure would be reduced by 1 percent for each $2,000 of the taxpayer's income that exceeds $25,000. In no event, however, would the credit be reduced more than 20 percent. If an individual's adjusted gross income exceeds $75,000, the credit is reduced by $1 for each dollar over $75,000.

The community-based long-term care services emphasized in this legislation are greatly needed. Yet, the magnitude of spending for institutional care continues to dominate. According to a 1984 analysis by the Education and Public Welfare Division of the Library of Congress, expenditures for nursing home care have experienced annual increases averaging 16.3 percent since 1965. In 1982, total nursing home costs amounted to $27.3 billion. Such costs are expected to reach $67.1 billion by 1990. Sizable amounts of public dollars are at stake. The legislation which I propose offers a cost-effective approach to reduce health care costs at the public level.

The second issue this bill addresses is the need for a legislative approach that suits the health care preferences of a growing elderly population. Home health care is on the rise. It has been estimated that 60 to 80 percent of dis-

abled or impaired persons receive home care services from family or friends. Once an elderly person has been placed in an institutional setting for a significant period of time, a pattern of dependency often evolves making residence elsewhere difficult. Institutionalization can virtually deplete the elderly person's life savings and other private resources, making independent living financially impossible. In addition to fearing a loss of independence, many elderly resist nursing home placement because it often means they must give up their lifelong possessions and sever community ties. The administration has shown its support for home health care by their SSI-deeming waiver regulations which allow individuals being cared for at home to retain Medicaid and SSI eligibility even if family income places them over the SSI income guidelines. The only requirements are that home health care costs less than institutionalized health care, and that home health care be as good as, or better than, institutionalized care.

Mr. Speaker, we have a serious issue before us. I feel strongly that this legislation is a positive step to help lower health care costs and promote a closeness within the family. I invite my colleagues to join me in my effort to alleviate the health care burdens placed upon so many families. As our cosponsor list grows, I urge the Ways and Means Committee to hold a hearing to address this legislation.●

OPPOSITION TO SOCIAL SECURITY COLA FREEZE ESCALATING

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. ROYBAL. Mr. Speaker, once again the elderly are being threatened with cuts in Social Security benefits to help reduce the deficit. Despite the fact that we cut the cost-of-living adjustment [COLA] in the last Congress as part of the Social Security rescue plan and despite the President's campaign promise not to reduce Social Security benefits, the leadership in the other body wants to deny Social Security beneficiaries the cost-of-living adjustment altogether next year.

I believe Social Security beneficaries have already borne a disproportionate share of the burden for saving Social Security. I also believe that all of us who campaigned last fall with promises of no more cuts in Social Security should not be allowed to break those promises. I cannot believe that such proposals are being seriously considered so soon after the votes have been counted. Therefore, I am joined by 42 of my colleagues in introducing a resolution that no changes be enacted in current law which would reduce or freeze the COLA for beneficiaries under the Social Security Act.

The declines in the elderly poverty rate from 35 to 15 percent over the last 25 years, which can in large part be credited to the improvement in Social Security benefits, is beginning to be reversed by dramatic cuts in Social Security over the last decade. The 1977 changes in the benefit formula created a "notch" which reduces the value of Social Security benefits for age 65 retirees in the remainder of the 1980's by up to 21 percent as compared with persons retiring at age 65 in 1981. In addition, our Nation's retirees will bear 69 percent of the long-run costs of the Social Security Amendments of 1983 which were designed to solve the Social Security system's financial problems. The most obvious reduction was the permanent provision to delay cost-of-living adjustments from July to January every year. Last year the Office of Management and Budget estimated that this 6-month delay will cost the average retired couple $1,698 in benefits by the end of the decade. This reduction and annual delay in the COLA, coupled with the taxation of benefits and the increase in the retirement age, have put Social Security on a sound footing by taking money out of the pocket of beneficiaries. It would be a terrible injustice to ask these beneficiaries to take more cuts to solve the budget problems in the rest of Government.

The Social Security System is in good financial condition. The Social Security and Medicare Programs will actually save 3 cents out of every dollar taken in this year while the rest of Government spends $1.40 for every dollar received. We should not solve the budget deficit by intensifying the hardship of the elderly. A COLA freeze will only reduce the overall budget deficit on paper and would increase Social Security surpluses even more than currently forecast.

I wish to commend my colleagues from Ohio and North Dakota, Ms. OAKAR and Mr. DORGAN, who introduced legislation to remove Social Security from the unified budget in fiscal year 1986, rather than in fiscal year 1992. I agree with Mr. DORGAN and Ms. OAKAR that the Old Age Survivor's and Disability Trust Funds should be removed from the unified budget. Such a move, along with enactment of legislation which I expect to join with the leadership of the Ways and Means Committee in offering next week, establishing a board governed agency, will remove Social Security from the political pressure we have seen over the last few years.

I urge my colleagues to join me in opposing any COLA freeze for beneficiaries under the Social Security Act. According to 1983 Census Bureau data almost half—43 percent—of families with heads of households age 65 and over have incomes below $15,000, and one quarter—23 percent—have incomes below $10,000. According to the estimates of Data Resources Inc., a Social Security COLA freeze would force more than one-half million older Americans below the poverty line in 1986, and more than 2.3 million by 1990. A proposal which reduces the major source of income to the elderly is unconscionable.●

CIVIL RIGHTS RESTORATION ACT OF 1985

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. ADDABBO. Mr. Speaker, today I proudly joined a bi-partisan group of my colleagues in cosponsoring the Civil Rights Restoration Act of 1985.

It is most fitting that the authors have inserted the work "restoration" in the bill's title this year. Although the measure will overturn the Supreme Court's decision in Grove City against Bell, it is actually only a restatement of what we had all considered to be the law of the land. The Supreme Court's narrow interpretation of title IX of the Education Amendments of 1972 threatens to undo much of what we have accomplished toward eliminating discrimination on the basis of sex.

And if allowed to stand, this ruling could further threaten our enforcement of all other civil rights legislation. My colleagues may remember that in drafting the language for title IX, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975 were used as models. Application of Grove City to the interpretation of any one of these statutes will widen the reach of this bad law and strip many of our citizens of basic protections they have every right to expect. We are heading down a dark tunnel and only swift, effective action will keep us from nightmares.

The legislation now before us is clearer and simpler than the version which passed the House during the 98th Congress. Strong bipartisan support is necessary to insure prompt action, and I am pleased that we are already well on our way toward speedy passage. I urge my colleagues who have not already done so to join this effort to restore the full force and effect of some of the most important laws we have ever enacted.

We know from past experience that passage of a civil rights law is a fine tuned procedure, not possible without an active and persistent coalition. But we have fought these battles already.

We fought them in 1964, in 1968, in 1972, in 1973, in 1975, and at various other times in our Nation's history. Indeed, four administrations have fought along with us. Our civil rights initiatives began with the stroke of a pen. Let's not stand by and watch them disappear the same way. I call on the House to take the lead and see that passage of the Civil Rights Restoration Act is an early first session priority. I call on the House to see that discrimination is not allowed to rear its ugly head once again.●

PREFERRED PROVIDER HEALTH CARE ACT OF 1985

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. WYDEN. Mr. Speaker, I rise today to reintroduce the Preferred Provider Health Care Act. It's no secret that even through the rate of inflation in health care has slowed somewhat in more recent days, health care costs are still rising far too quickly.

Some elements of regulation, like the prospective payment system, have had very real success in slowing the rate of inflation in the health care system. And increased competition in the health care community can help us do the same. Competition can help us bring down costs and keep quality high, without causing the problems that regulation can create.

There is not one quick, easy solution to what is ailing our health care system. The effort to control health care costs will require major doses of innovation, compromise, and cooperation. And I firmly believe that competition and regulation must exist side by side in the health care market if we are to achieve a balanced approach to the very severe and complicated problems we face.

One competitive approach that is gaining acceptance around the country is the preferred provider organization. Preferred provider organization [PPO's] have sparked fresh hope that Americans can have high quality health care at reasonable prices.

PPO's are alternative health care financing arrangements in which services of some specified list of providers—hospitals, doctors, and so forth—are offered to employers, union trust plans, insurers, and others at predetermined rates, usually at a discount.

Consumers, providers, employers, and insurers can all gain from participating in a PPO. Patients who participate in a PPO not only receive rate breaks, they also retain the right to choose their own physician. Most PPO's also tell providers, prior to treatment, how much they will pay, and in most instances, if a patient sees a preferred provider, this amount is accepted as payment in full.

Health care provider who participate in PPO's are guaranteed a significant volume of new patients and reimbursement on the traditonal fee for service basis.

Employers who participate in PPO's get cost savings and an improved benefit package to offer to their employees.

Insurers who participate in PPO's get a competitive product that can be attached to existing benefit plans.

There are a number of reasons why I am attracted to the PPO concept. First, I believe PPO's have the potental to help us rein in health care costs without Congress setting up a new, massive regulatory labyrinth.

Second, PPO's give communities around the country the flexibility to tailor health care financing arrangements to meet the needs of the local community. This is particularly important because one thing we have learned over the years is that what works for consumers and providers in Portland doesn't necessarily work in Des Moines, and what works in Des Moines doesn't necessarily work in the Bronx.

The third reason I am attracted to PPO's is because they seem to be one of the few approaches for controlling health care costs that many doctors seem ready, willing, and able to participate in.

Finally, I am attracted to PPO's because I believe they can help us forge a new set of relationships between purchasers and providers which emphasize cooperation and consensus. Specifically, they seem to have the potential to bring American businesses, doctors, and hospitals together to work for more cost-effective arrangements for delivering health care services.

In fact, this is where PPO's can make the greatest contribution. PPO's will allow purchaser, such as private-sector employers and unions, which bargain for health care services, to obtain discounts, not by cutting corners on quality, but by ensuring the delivery of services in the most efficient manner possible.

Despite the benefits of these financing arrangements, however, there are obstacles that prevent the use of PPO's nationwide. For example, some PPO's have felt the chilling effects of legal contraints, such as State insurance laws which bar insurers from varying the amount of reimbursement among health care providers.

Other States have laws which prohibit insurers from influencing a covered patients choice of health care provider. Under these statutes, insurers can do absolutely nothing to discourage patients from seeing doctors who overcharge.

The purpose of my bill, the Preferred Provider Health Care Act of 1985 is to remove these legal obstacles to PPO development. Specifically, this legislation would strike down State laws that limit a patient's choice of provider, restrict insurers from negotiating contracts for lower rates of payment, or prohibit the lawful negotiation of contracts among one or more health plan payors.

I would also like to make clear that this legislation is in no way intended to interfere with procompetitive State laws that relate to provider groups' ability to practice. State laws that promote choice in the delivery of health care services have the same basic thrust as this bill. I want to make it clear that there is nothing in this bill that should be read to overturn those portions of State laws dealing with providers' ability to practice.

In short, my PPO bill does nothing but strike the barriers to PPO development so that we can expand the galaxy of health care choices for American consumers.

This bill would not cost anything and it would not lay out a prescriptive set of ground rules for PPO development.

It would not take away any benefits or cut any needed services for Medicare or Medicaid beneficiaries.

And it would not limit patients' freedom of choice or lock any consumer into a rigid health care delivery system.

Mr. Speaker, no piece of legislation will remedy all of the problems of the health care system, because there is not one, and only one, simple solution. But I think the Preferred Provider Health Care Act can make an important contribution, as we labor to find the right set of approaches for controlling health care costs in this country.●

AMUSEMENT PARKS SAFETY ACT

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. GUARINI. Mr. Speaker, today I am introducing legislation which will strengthen the authority of the Consumer Product Safety Commission over amusement parks. I am pleased to be joined in this effort by my colleague, Mr. ECKART of Ohio.

At present, the Consumer Product Safety Commission has authority only over mobile amusement rides which are dismantled and reassembled by traveling carnivals. In 1981, Congress rescinded the Commission's jurisdiction over similar rides at over 650 fixed sites throughout the country.

My bill will restore the Commission's authority over fixed site rides and will expand it to include amusement buildings or facilities on the same premises which charge an entry fee or its equivalent.

Each year, millions of Americans visit amusement parks around the country. They are a prime attraction for children and teenagers, and are a popular favorite for many family outings. The thrill of the rides and the terror of the spook houses lend excitement to the illusion of danger such visitors seek.

Unfortunately, that illusion can be transformed without warning into a frightening reality. Thousands of serious accidents and occasional deaths occur annually as a result of amusement park mishaps. Yet the Consumer Product Safety Commission is unable to limit the risks families take when they pass through the theme park gates.

In 1983, the Consumer Product Safety Commission estimated that nearly 10,000 injuries sustained on amusement park rides required hospital emergency room treatment. The severity of amusement park injuries ranges from fractures, contusions, abrasions, and dislocations to horrendous fatalities. In the past 10 years, nearly 100 people have died.

Just last year, eight teenagers died in my home State of New Jersey when a fire raged through an amusement park haunted house. In North Dakota, a young child was killed in a fall when a roller coaster restraining bar failed to lock in place. Other tragic deaths have occurred when ride cars have derailed, chains have snapped, and protective devices have failed.

Ordinances governing the safety of amusement rides and facilities vary from State to State. At present, only one-half of the States have any kind of regulations requiring inspection of amusement rides. The patchwork varies from strict guidelines and enforcement procedures to lax and inadequate regulations. And as long as the Consumer Product Safety Commission is unable to set nationwide safety standards for these rides and attractions, American families will play amusement ride roulette every time they make an outing to a theme park.

My bill will address these very real concerns by authorizing the Consumer Product Safety Commission to treat all amusement rides and amusement attractions the same way they treat other consumer products which may cause harm or injury to an unsuspecting public.

Under my bill, the Consumer Product Safety Commission will be able to require amusement park owners to report information which indicates that a particular ride or attraction poses a substantial hazard to the safety of consumers. Commission experts will be authorized to investigate serious accidents in order to identify design or structural failures which could present threats on other rides. The Commission will be able to act as a national clearinghouse for such information, disseminating warnings to other amusement parks throughout the country. Finally, it will be able to use its authority to require a corrective action plan with the goal of averting further accidents or fatalities.

It is urgent that we take steps to protect the rights of visitors to amusement parks more fully. As consumers, they are entitled to assurances that the thrills they seek at amusement parks are illusory and that their safety on amusement rides and attractions is protected.

I encourage my colleagues to support this legislation, which will enhance and promote safety at amusement parks throughout the country, and will restore the American public's confidence in amusement rides and attractions.●

DOROTHY L. STARBUCK

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. MONTGOMERY. Mr. Speaker, on December 21, 1984, this Nation lost to retirement one of its most dedicated and most successful public servants, Dorothy L. Starbuck, the Chief Benefits Director of the Veterans Administration. Hers has been a lifetime of good will, great works, high standards and unwavering professionalism.

Dorothy Starbuck distinguished herself as a member of the U.S. Army from 1942 to 1946, serving overseas for 2 years in France and Germany and being separated as a captain.

In 1946, working as a clerk in the Chicago branch office, she began what would become a 39-year career with the Veterans Administration, one that would have her serve during the tenure of 11 administrators.

Dorothy gained national attention as the first woman to be appointed to a number of VA managerial positions. In 1962, she was appointed assistant director of the Baltimore regional office and, in 1963 she was named director of the Denver regional office.

In 1967, Dorothy became one of four area field directors in the VA's central office in Washington, heading the benefits program in 13 Western States. For 3 years, 1972-75, she directed the Washington regional office before returning to central office to direct the benefits program in nine Northeastern States and the District of Columbia.

In 1977, Dorothy became the 10th person and the first woman to head the Department of Veterans Benefits, assuming the responsibilities of an annual budget of $15 billion, a network of 58 regional offices from Manila, Philippine Islands, to San Juan, and one of the most comprehensive benefits programs administered by the Federal Government.

Dorothy Starbuck has served America's veterans and their families with concern and compassion. Her decisive and firm leadership has set standards of achievement throughout the Veterans Administration and the Federal service. Through her drive for excellence and through the development of innovative and efficient management processes, she has gained for the benefits program, as well as the Agency, international attention.

Dorothy's work is greatly appreciated and admired, as evidenced by the numerous awards and honors recognizing her tremendous accomplishments, among them: The President's award for distinguished Federal Civilian Service, presented by President Jimmy Carter; being named by President Ronald Reagan as a distinguished executive for her "extraordinary accomplishment"; the Civil Service Commission's Federal Woman's Award in 1969; AMVETS' Civil Servant of the Year Silver Helmet Award in 1978; the National Civil Service League's Career Service Award in 1978; and VA Employee of the Year, awarded by the Air Force Association in 1980.

Mr. Speaker, the Committee on Veterans' Affairs and the Congress have depended heavily upon the knowledge, wisdom and advice of Dorothy Starbuck in its numerous legislative considerations regarding veterans' benefits and services over the years.

I know that this great body will want to join with me in commending Dorothy for her dedication to the Nation's veterans and for her remarkable achievements in upholding the principles of freedom through that dedication. We also extend our best wishes to Dorothy as she begins her retirement.●

THE TIME HAS COME FOR A FAIR AND SIMPLE FLAT RATE TAX

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. YOUNG of Alaska. Mr. Speaker, for several years I have been working for tax reforms which would help to resolve the two most serious problems facing taxpayers—the complexity of the Tax Code and fear of the IRS.

Because these two problems have become more serious over the past few years, I believe the time has come to seriously consider repealing most of

the Tax Code and substituting a simple, flat rate personal income tax. A fair and simple flat income tax with taxpayer protection standards would eliminate the abuses which have been built into the tax system over the years. For this reason, I have reintroduced legislation, H.R. 623, which would substitute a flat rate of tax for the current progressive tax rate system.

The last 2 years, I joined with several colleagues to form a coalition to seek passage of a legislative package establishing a flat rate tax combined with taxpayer protection standards. The proposed legislation would provide for a simple, flat rate tax on personal income with few deductions. Deductions would be allowed for charitable contributions, mortgage interest paid on the taxpayer's principle residence, and trade or business expenses.

Also, there would be an exemption for the first $10,000 of income. Income above $10,000 would be taxed at a rate of 15 percent. Most economists estimate that a rate of 15 percent would yield the same amount of personal income tax revenue as the current complicated progressive tax system. These estimates generally do not take into account the amount of revenue which has been lost as more and more otherwise law-abiding taxpayers are being driven to the underground economy by complex tax laws and a growing fear of the IRS. Estimates of revenue lost to the underground economy now total as high as $91 billion a year.

The income based that is taxed has been so eroded by exceptions and preferences that the rates on what is left to tax must be kept unusually high. Thus, the tax on an extra dollar of income for a typical family earning $20,000 is 28 percent and become progressively higher.

Another important part of the tax reform legislation would be the enactment of laws protecting taxpayers when dealing with the IRS. These reforms would include protections I have worked for including the requirement of a court order before the IRS could seize property, the requirement that the IRS must follow the written advice of its agents, and the establishment of legal rights for taxpayers during audit examinations.

Passage of this legislative package would go a long way toward providing a fair and simple tax system in which all taxpayers paid their fair share of taxes. Many abuses have been built into a tax system which now covers 2,000 pages of laws and 6,000 regulations and most abuses are difficult to eliminate individually. Instead of piecemeal changes which only increase the complexity of the code, it is time to enact a comprehensive reform which provides a fair tax system for all taxpayers.

Mr. Speaker, the present system creates mistrust and invites abuse by both sides. Some may consider a wholesale change of the tax system a radical step but we in Congress have been trying the piecemeal approach for decades, and look where we are now.●

COMBATING YOUTH UNEMPLOYMENT

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. HAWKINS. Mr. Speaker, today, I am introducing the Youth Incentive Employment Act which will provide employment opportunities to economically disadvantaged youth, who agree to resume or maintain their education in pursuit of a high school diploma or its equivalent. The bill is essentially the same as that which I introduced in the 98th Congress.

This legislation is designed to combat one of our Nation's most distressing and persisting problems: the problem of high youth unemployment. Despite a modest upturn in overall economic activity, youth in this country continue to face devastating rates of unemployment. The 1984 jobless rate for youth averaged 18.8 percent, more than 2½ times the rate of the total civilian labor force. For minority youth, the problem is much worse; in December of last year, black teenagers experienced a 42.1 percent unemployment rate, nearly six times the national average.

In order to understand the full dimensions of this problem, the Education and Labor Committee's Subcommittee on Employment Opportunities held hearings in May and August of last year on the youth unemployment problem. Testimony confirmed the urgent need for Congress to adopt measures to confront this national tragedy of youth joblessness. I am hopeful that my colleagues will see the merit of taking action on this legislation.

We can no longer afford to ignore this problem and its effects. The high rate of youth unemployment not only creates economic difficulties for our youth today, but also, it creates grave long-term economic and social consequences for the Nation as a whole. The hundreds of thousands of unemployed youth in today's labor market will carry over to higher rates of adult unemployment. Therefore, in order to secure economic well-being for all Americans, it is necessary that we develop methods to employ these disadvantaged youth.

Existing training programs do not offer the necessary resources to cope with the full proportions of youth unemployment. Under the Job Training Partnership Act, work experience is limited and does not provide the sufficient experience needed to succeed in the labor market. Another obstacle confronted by disadvantaged youth seeking employment lies in their deficiency of basic educational skills. In the May 3, 1984, hearing on youth unemployment, Andrew Hahn of Brandeis University noted that "13 percent of all 17-year-olds are classified as functionally illiterate."

Last year, the Reagan administration proposed a subminimum wage for youth as a means to reduce youth unemployment. Rather than propose an effective initiative to deal with youth unemployment, the administration may submit the proposal to the Congress once again. The subminimum wage is not a viable solution because it ignores those factors which really cause youth unemployment. The subminimum wage would create higher unemployment among older workers, because it would result in the displacement of older workers, while forcing younger workers to choose between a cut in pay or loss of work. The proposal would not open up new employment opportunities, nor would it address the lack of training and basic education faced by America's disadvantaged youth.

Unlike the subminimum wage proposal, the Youth Incentive Employment Act incorporates the needed components of a comprehensive attack on youth joblessness. Under this legislation, employment opportunities work in tandem with the encouragement of educational attainment.

Since the lack of a high school diploma is associated with labor market adjustment problems for youth, it is important that educational achievement accompany employment opportunities as envisioned in my bill. It is estimated that over 1 million youth annually either drop our of school or rarely attend classes. The dropout problem is particularly drastic for young Hispanics. A recent report issued by the Hispanic Development Policy Project based in Washington, DC, places the Hispanic dropout rate in the United States at 45 percent, the highest rate of any group in the Nation. Through the Youth Incentive Employment Act, we have designed a program to discourage this extremely high dropout rate.

The Youth Incentive Employment Act is based on the successful implementation of a Department of Labor 30-month demonstration project mandated by Congress as part of the Youth Employment Act of 1977. The results of this project demonstrate a significant increase in post-program wage earnings which occurred as a result of a job guarantee program. Evaluators of this program found that the low rate of minority youth em-

ployment is not voluntary. When offered minimum wage jobs under this demonstration, minority youth came forward in large numbers. Evaluators concluded, "We now have evidence that the employment deficit is not of the youth's making. The shortage is jobs, not motivation."

Today's youth want to work and want to be of service to their Nation. It is our responsibility as policy makers to guarantee them employment opportunities to enable them to make meaningful contributions to society. The Youth Incentive Employment Act would encourage the completion of school, provide training opportunities and help youth develop a responsible, productive attitude toward work. This legislation is an investment in the youth of our country who are without an education or a job, an investment which will bring us as a nation to return in the form of a healthier economy.

The following is a summary of the major provisions of the Youth Incentive Employment Act:

YOUTH INCENTIVE EMPLOYMENT ACT

Purpose: To provide employment opportunities for unemployed, economically disadvantaged youth as an incentive for such youth to remain in or return to school to improve their long-term employment prospects.

Eligibility: Youth may participate in the Youth Incentive Employment Program if they are: One, not employed; two, age 16-19; three, economically disadvantaged (family income of 70% of the Bureau of Labor Statistics lower living standard).

Participating youths must agree to maintain minimum attendance and performance standards in an educational program leading to a high school diploma or its equivalent or in a remedial education program or approved training program.

Type of employment: Eligible youth may be placed on worksites operated by public agencies, private non-profit organizations or private for-profit employers. Eligible employment may be part-time employment not to exceed 80 hours per month during the school year, part-time employment combined with remediation or training during the summer months, or full-time summer employment of not more than 40 hours per week for at least eight (8) weeks.

Education services: Not less than 15% of the funds provided shall be used for basic, remedial, and alternative education for youth enrolled in the program. Of that sum no more than 15% can be used to provide youth counseling, performance standard enforcement, and coordination between the worksites, the schools and the administrative entities.

Wage subsidy: Eligible employment may be subsidized up to 100% for the first six months of any eligible youth's employment with an employer; the subsidy declines to 75% for any employment with the same employer for more than six months.

Full-time employment during the summer may not be subsidized with a private for-profit employer unless such employment is a continuation of employment for an eligible youth during the school year.

Wages: No less than 70% of the funds from the Act will be allotted for the purposes of wages, benefits, and supportive services for the employed youth and for worksite supervision and supplies. Wages paid to an eligible youth must be at least minimum wage or the rate of pay for similar employment by the same employer.

Administration: Funds will be provided by the Secretary of Labor to service delivery areas under the Job Training Partnership Act (local political jurisdiction or combinations of jurisdiction designated by the governor to administer employment and training services) whose youth incentive plan has been reviewed and approved by the Private Industry Council and local elected official(s) for the service delivery area and has been submitted for review and comment to the governor for a period of 30 days.

Fund allocation: Funds will be allocated among eligible jurisdictions on the basis of a formula taking into account unemployment and the number of economically disadvantaged youth.

Authorization: The Act authorizes the appropriation of $2 billion for FY 1986 and such sums as may be necessary thereafter. At this level of funding, approximately 750,000 eligible youth could be served.●

REPEAL OF CONTEMPERANEOUS RECORDS PROVISION OF 1984 TAX LAW

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. VALENTINE. Mr. Speaker, the Tax Reform Act of 1984 contains many restrictive provisions including limitations on investment credits and deductions for automobiles and other related assets.

One provision of the new law which has now gone into effect, received less attention than other provisions during the debate of the bill, and will probably be one of the most difficult provisions of the law to enforce. I refer specificially to the new recordkeeping requirements of amended Code section 274. The amendment to the Code has given the Internal Revenue Service agents more authority in disallowing expenses and credits by removing the taxpayers' ability to prove their expenses by evidence other than logs, diaries, and other forms of recordkeeping.

As a result of this, my office, and I am sure many other congressional offices, has been inundated with letters, telephone calls, and personal visits from constituents who are quite concerned about the effects of this onerous provision.

This public outcry reminds me of the beginning of the 98th Congress when a similar situation existed with the enactment of the 10 percent withholding provision on savings and dividends. We are now faced with a very similar situation and I believe the taxpayers are sending a strong message to us to change the provision of the Tax Reform Act relating to recordkeeping.

Prior to the enactment of the Tax Reform Act of 1984, there were no specific recordkeeping requirements except for travel away from home overnight, entertainment expenses including country club dues, and gifts. The new law adds to the list for which records must be kept: local travel which had been previously exempted from rules by the courts; other transportation property including automobiles, trucks, vans, airplanes, and boats; property used for amusement, recreation or entertainment; computers and related equipment unless used exclusively at the employers' place of business, and other property as listed in the Internal Revenue Service regulations.

Accordingly to the Ways and Means conference report that accompanied the bill, the law means that logs must be kept for automobiles to document business use of the auto; that similar documentation must be kept to prove business use of other listed assets; and that if adequate documentation is not kept for listed property, then no deduction or credit will be allowed with respect to that item.

Thus, the Internal Revenue Service has promulgated regulations to disallow deductions for expenses where "adequate contemporaneous documentation" is not kept.

This is both a change in statute and in Internal Revenue Service policy. Previously, taxpayers had been able to reconstruct documentation when an Internal Revenue Service agent requested proof of deductions. As of now, the reconstruction of records may occur only where they have been destroyed by fire, earthquake, flood or similar disaster. In all other cases, if a taxpayer does not have "adequate contemporaneous documentation," the taxpayer get no credit or deduction for the business expenditures.

Further, all tax return preparers are required to explain the documentation requirement to taxpayers. Then the taxpayer is required to sign a certified statement that the required records exist or the preparer cannot sign the return. Additionally, the taxpayer must indicate on the return, by checking a box, that the required records exist.

As if the above rules are not enough, the statute says that in the absence of clear and convincing evidence to the contrary, a taxpayer claiming deductions without the required documentation will be subject to the negligence penalty. Again, the conference report states that claiming a deduction or credit without the support of the required records is also potentially a fraud.

Because of the harshness of these new rules, many taxpayers will lose deductions this year. I understand that some Internal Revenue Service agents

are even arguing that taxpayers should have logs, diaries, et cetera for previous years. They also argue that the old section 274 statute and regulation are broad enough to require the record.

Because of the severity of the new rules, I introduced legislation on January 22, 1985, H.R. 614, to repeal the provisions of the Tax Reform Act of 1984 relating to the maintenance of contemporaneous records with respect to the business use of certain property. The bill simply repeals section 179(B) of the Tax Reform Act of 1984 and reinstates the provisions of the law that were in effect prior to the enactment of the Tax Reform Act of 1984.

I do not believe that a proliferation of abuses will occur with the repeal of the new regulations. Our intent should be to simplify the tax codes without adding enormously to the burdens of the taxpayers. But yet, this provision does just the opposite. Repealing this provision would not excuse taxpayers of their obligation to prove, upon request, their business expenses. It would simply revert back to the law prior to enactment of section 179(B) of the Tax Reform Act.

I urge my colleagues of the House Ways and Means Committee to give this matter their prompt and immediate attention.

Mr. Speaker, thank you.●

JAPANESE AUTO QUOTAS

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. TRAXLER. Mr. Speaker, recently, our colleague, JOHN DINGELL, distinguished chairman of the Energy and Commerce Committee, wrote an article discussing the voluntary restraints on the importation of Japanese motor vehicles into the United States. This article appeared in the January 17, 1985, edition of the Detroit Free Press.

As cochairman of the Congressional Automotive Caucus, and as a Member who represents a substantial number of people employed either directly or indirectly by the automobile industry, I believe that the points raised by Mr. DINGELL merit the attention of all our colleagues who believe that the Japanese are interested in free trade.

[From the Detroit Free Press, Jan. 17, 1985]

QUOTAS HELP KEEP US COMPETITIVE

(By John D. Dingell)

Trade policies developed during the rest of this decade can relegate the United States to a fragile and inferior corner of the world market-place or, alternatively, can result in this nation becoming a strong leader in the international trade arena.

We now face a federal budget deficit threatening to exceed $225 billion for fiscal year 1986. The federal deficit receives more news media attention, but there is also a trade deficit that may well surpass $130 billion. If we do nothing about it, or industries, particularly our auto industry and its suppliers, will assuredly be condemned to mediocrity.

Since 1981, the U.S. auto trade deficit has more than doubled—from $11 billion to $27 billion. Automobile imports have expanded from $19 billion to $32 billion while U.S. automobile exports have declined from $8 billion to $5 billion. The $19 billion automobile trade deficit with Japan alone accounts for more than half of our overall $36 billion deficit with Japan. This deficit will be greater if Japan fails to renew its voluntary export restraints beyond March.

Japanese tax and currency policies give that nation's automakers a big competitive advantage. The yen is undervalued reportedly by as much as 15 percent, which results in a $900 per-car advantage. Forgiveness by Japan's government of its commodity tax on exported vehicles saves Japanese automakers an additional $600 to $700 per vehicle. Thus, where our automakers compete head-to-head with Japanese automakers, they are at a severe economic disadvantage of over $1,500 per car.

While the health of the domestic auto-industry has improved over the past year, there are far fewer auto production workers employed today than in 1978, and many once-thriving production facilities are closed forever. High federal deficits are still keeping interest rates high, and modernization of domestic facilities is not yet complete and continues to be a costly burden. Further, Japanese competition has expanded from a small car market, with their automakers now targeting the larger car and sports car markets of the United States, markets once enjoyed almost exclusively by U.S. firms.

Earlier this month Japanese Prime Minister Yasuhiro Nakasone, met in Los Angeles with President Reagan. Trade relations were the main focus of discussion. After the meeting, the president said: "We agreed to work strenuously in the months ahead to open our markets fully and to resist protectionist pressures in both countries."

No one can reasonably fault this statement. However, it is important to recognize the effects of uneven implementation of "free trade" policies and that free trade with the Japanese in the auto industry does not exist and probably never will. The United States opens its doors wide; Japan opens its doors a mere crack or not at all.

Further, workers in the auto industry living in Michigan, Indiana, Missouri, Ohio and other auto-producing states are still unemployed, or at least remember well the heavy toll unemployment has had on their savings and families over the past decade.

Similarly, auto industry suppliers, such as those manufacturing glass, rubber, textiles, machine tools, steel and semi-conductors, are also adversely affected by uneven free trade and reductions in U.S. auto production.

Despite the gravity of the problem in the auto industry, two very significant facts came to light during the Los Angeles talks.

First, our top trade negotiators, U.S. Trade Representative William E. Brock and Commerce Secretary Malcolm Baldrige, were not in Los Angeles. Their only information came from secondhand briefings.

Second and most important, the president and the Japanese prime minister never discussed the question of continuing the voluntary restraints on the importation of Japanese motor vehicles to the United States adopted in 1981. These restraints limit the number of new cars and trucks that can enter the United States from Japan; unless extended, they will expire in March.

Even with the restraints, large numbers of Japanese vehicles enter our ports each year, while only a trickle of U.S.-made cars crosses the Pacific to Japan. Though the restraints are voluntary on Japan's part—adopted only after considerable pressure from our own country—they have resulted in Japan's curbing its appetite to export more vehicles to the United States. Some predict that without the restraints Japan, with its $1,500 yen-tax advantage, would quickly capture 40 to 50 percent of the U.S. market, making the United States, in effect, a Japanese colony.

In addition, expiration of the restraints would remove a significant incentive for the Japanese to build auto production facilities in the United States. Nissan and Honda now operate facilities here, largely because of the voluntary restraints. Plans to locate a Mazda facility in Michigan also result in large part from the restraints. But more such investments in the United States are needed, and they should involve more than just assembling vehicles with more than 50 percent of the parts produced in Japan.

No one assumes that the restraints will last forever, but the Reagan administration must pressure for their continuation until there is a real gain by the United States in exchange and our auto industry has fully recoverd from the recent recession. That gain should include a requirement that Japan resolve the yen-dollar problem, eliminate its tax advantage, and build more cars in the United States. Opening its markets to U.S. cars would be an added, but limited, bonus.

Until there is real action on these matters, the restraints should be extended in March and thereafter.●

TRIBUTE TO TOM KEATING

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. JACOBS. Mr. Speaker, I place in the RECORD, the Indianapolis Star story of January 11, 1985, announcing the retirement of Columnist Tom Keating, as well as his final column.

These items belong in the permanent RECORD because Tom Keating is simply and superlatively a chronicler of the human heart.

So far as I know, nobody doesn't like Tom Keating.

TOM KEATING LEAVES READERS OF THE STAR AFTER 3,500 COLUMNS

The last of approximately 3,500 daily columns by Tom Keating appears today on Page 19.

Keating, a member of *The Indianapolis Star* staff since 1966 and a columnist since 1971, is leaving the newspaper business to become director of communications at Lilly Endowment Inc.

Though his talent for mining drama, humor and inspiration out of everyday life has made him an Indianapolis institution, Keating refused to portray his career change as a newsworthy event.

"I just wanted to do something different," he said Thursday afternoon. "I've enjoyed the hell out of this, but you feel after a while you could write the history of the world in 700 words."

Others were less restrained.

"I don't believe anyone knows this city—and its people—like Tom Keating," said Lawrence S. Connor, managing editor of *The Star*.

"How does he expect us to start the day without his column? It's worse than being taken off coffee."

"But despite our disappointments, we wish him well in his new endeavor."

Marion County Sheriff James L. Wells, one of the countless sources of story tips developed by Keating over the years, praised the "compassion and human interest" shown in his work.

"It's going to be a loss to *The Star*, but not to the community, because Tom's going to be good wherever he goes," Wells said.

Except for a reception thrown by colleagues, Keating's final workday at The Star was typical—a column to write under deadline, a thick stack of mail to sort and a telephone that rarely was silent more than a minute at a stretch.

By his estimate, his phone has rung 50 to 100 times a day, bringing story ideas, pleas for help, words of thanks, compliments and curses.

The columns that have resulted from, and resulted in, those calls have dealt with the highest and lowest echelons of life in Indianapolis and far beyond, even to the Soviet Union.

Policemen and politicians, preachers and prisoners, ballplayers and bums, entrepreneurs and unlikely heroes have been grist for the 45-year-old journalist's vintage Royal Standard typewriter.

A "favorite" column or "favorite" subject would be impossible to single out, he said.

"I just try to write a feature story every day, rather than a gossip column or a political column. Some people call it 'human interest,' whatever that is. I try to find something interesting, something that I myself didn't know about. That's my criterion."

One of Keating's best-remembered columns was one of his earliest. Written in 1971, it concerned an obscure peddler named Herbie Wirth, who told the columnist he had paid for his own funeral in advance because he feared his death would go unnoticed.

The Star briefly reported Wirth's death months later, and more than 1,000 people went to Crown Hill Cemetery to pay their respects.

Keating's columns have won numerous first-place awards in state competitions, in sports as well as features categories. A book of selected columns, *Indiana Faces And Other Places*, was published in 1982.

Keating also has been in cited by many civic organizations for community service work.

No decision has been made about a replacement for his Monday-through-Friday column.

A FEW FINAL WORDS: THANKS FOR HELPING, THANKS FOR READING

Not long ago a journalism student asked me what I liked best about being a newspaperman.

At the time I gave him a quick answer, but this week I've been thinking about the question a lot because I'm leaving the newspaper business.

This will be my last column for *The Indianapolis Star*. I've accepted a job at Lilly Endowment Inc. and will start work there next week.

What I've enjoyed most about the last 18 years are the irreverent and unpredictable people who make up a newspaper staff, and simply being able to sit down and write every day.

The thrill of first seeing your name on a story is something that is hard to match.

Even more satisfying is realizing for the first time that you actually can string words together and sometimes make people laugh or cry or just be interested in what you have to say.

And, on those rare occasions when you get it just right, and know you have, it's better than anything.

It makes up for the days when you can't get a sentence on paper in intelligible form.

There also is the matter of access for a newspaperman.

Not only can you pick up a telephone and call a policeman or politician or coach and find out what really happened, but you can always find someone at a newspaper with a great curiosity and a lot of information about nearly every subject.

Everyone asks me what stories I remember best. Actually, I don't remember the stories as much as the excitement or humor or sadness surrounding them.

I have no idea why certain incidents come to mind today.

I remember Bobby Kennedy coming to declare his candidacy in the 1968 Indiana presidential primary. He arrived one night to sign his name at the secretary of state's office in the Indiana Statehouse.

When a huge crowd surged in behind him, aides whisked him inside the tall doors of the office and shut them tightly. By luck, I was watching the proceedings from inside the office, and all of a sudden I had Kennedy, his wife and a daughter all to myself for a quiet interview while about 5,000 people caused a commotion outside.

I introduced myself and was half-expecting some Olympian reply along the lines of "I dream dreams, etc." Instead, Kennedy cleared his throat and asked "Could you tell me if there's a restroom in here? I really have to go."

A few weeks later, I was at 17th Street and Broadway the night Martin Luther King Jr. was assassinated and I watched Kennedy calm an angry crowd with the sheer force of his words. It was the most supercharged moment I've ever witnessed. Part of what he said that night is inscribed on his tombstone.

The most insignificant I ever felt was at a reception for some 100 winners of the Medal of Honor at an out-of-the-way motel in Washington, D.C.

In the space of an hour I met Jimmy Doolittle, Pappy Boyington and many men with no arms and legs, and I realized I was about the only person in the room who had not performed an incredible act of heroism.

I can't forget the man who phoned me and said he was going to kill himself and that I was his last resort. That kind of call was not that unusual, and I took too long getting help for him. The man did kill himself.

Then there was the time I managed to get a private interview with President Gerald Ford in the Oval Office. I was armed with a hundred questions but spent almost the entire 25 minutes talking about how Indiana University had defeated Michigan, Ford's alma mater, in the NCAA basketball championship game a few weeks earlier.

Being able to scribble down stories has given me a chance to see places such as Russia and Israel and to talk to murderers and maniacs, stars and geniuses. But best of all, I've had the opportunity to ask questions and learn from all sorts of unsung people struggling with their particular lots in life.

I owe a great debt to Larry Connor, who hired me, taught me much, had confidence in what I could do and let me do it without interference. He remained someone I could look up to.

I also owe thanks to people, such as Bill Anderson, Bob Collins, Helen Connor, Mac Trusnik, the late Bob Mooney, Carolyn Pickering, Jerry Lyst, Fremont Power for showing me how to see what was going on and write it down.

My biggest thanks go to the people who have paid their money to read what I have written and who have responded in so many ways for so many years. I appreciate you more than you can imagine.●

BAPTIST MEDICAL CENTER

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. WHEAT. Mr. Speaker, Baptist Medical Center is celebrating its 25th year of outstanding service to the Kansas City community this month. The center's medical staff, employees, and administrators—both past and present—have earned the community's praise and congratulations on this momentous occasion.

In 25 years, Baptist Medical Center has continually upgraded its medical facilities to meet the needs of the community and increased its participation in community affairs.

Initial fundraising efforts began as early as 1938 when the board of trustees incorporated under the name of Baptist Memorial Hospital. Charles F. Curry was appointed general chairman of the building fund campaign. Construction on the hospital finally began in 1953 and on January 20, 1960, the first patients entered Baptist Memorial Hospital. Mr. Goldman Drury served as the hospital's first administrator from 1957 until 1960 and Mr. Hamilton Reid managed the hospital for the next 17 years.

In 1972, the hospital expanded to include a new lobby, emergency room and the relocation of several departments to two new lower levels. In the same year, the Charles F. Curry Center for Education was completed. The center provided enough room to begin education programs for the community as well as the hospital staff.

Baptist Memorial Hospital underwent corporate reorganization in 1982 forming a parent corporation, Baptist Health Systems. Under the reorganization, the hospital's name was changed to Baptist Medical Center. Today, the medical center is the largest of six subsidiary corporations of Baptist Health Systems. For the past 4 years, Dan H.

Anderson has served as president of Baptist Health Systems and Baptist Medical Center.

The medical center has expanded its services to include the Midwest Diabetes Center, the Eye Institute of Mid-America and the Cancer Institute of Mid-America. Most recently, the Eye Institute of Mid-America opened an outpatient surgery center. In 25 years, Baptist Medical Center has grown to a facility of 325 staffed beds, 1,200 employees and a medical staff of 508 physicians.

Community involvement has always been a growing priority at Baptist Medical Center. Two years ago, the medical center sponsored Kansas City's first triathalon and plans are underway for the third annual event. In the past 2 years, the medical center has invited the community to participate in the Colon Cancer Screening Program and a Wellness Program designed to promote better health in business and industry.

Mr. Speaker, congratulations to Mr. Anderson and the entire medical center staff for 25 years of service to Kansas City.●

PHYLLIS FRANK

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. BARNES. Mr. Speaker, while the Congress was out, Montgomery County, MD, lost a very dear friend. Phyllis Frank did so much more in her life than seems, to most of us, humanly possible. Phyllis was a leader in the purest sense, providing to us in every moment that virtually nothing was impossible, no challenge too awesome, no principle too burdensome—no dream that could not, with dedication of purpose, be fulfilled. The world's misery and hardship never dissuaded her belief that each person can choose to live on the brighter side of life, and that, in doing so, makes life better for those around them. Hubert Humphrey once said that life is to be enjoyed, not endured. Phyllis Frank, in her remarkable way, showed us how beautifully it can be done.

I want to share a beautiful eulogy written by Phyllis' dear friend, Mary Ann Winter, and an editorial about Phyllis printed in the Washington Jewish Week:

WE MOURN PHYLLIS FRANK

My wonderful organization Pioneer Women/Na'amat and my wonderful friend Phyllis are so intertwined within my memories, within my heart that it is nearly impossible to separate them. I venture that for most of us here and by now throughout this country and in Israel that this is also true. And today it is so very painfully true for all of us and for the most recent new members and for our dear council president and national president and past national president and Phyllis' co-vice presidents because they loved her so.

For nearly 20 years almost daily and until most recently between the hours of 8:00 and 8:30 a.m., Phyllis and I began our day on the phone with what was happening and with what needed to be done. As the years went by and Phyllis became involved in more and still more issues, organizations, causes and concerns our topics pyramided and divided into the most complex and crucial issues facing the Jewish people and people everywhere.

And still each conversation began with Pioneer Women. Of course Pioneer Women is a major participant in the events of modern Jewish history, but deeper than this was that for us, Pioneer Women had been the starting point—the adventure that was to become the focus of our entire adult lives, our values, our friendships, the way we raised our children began in Pioneer Women. And we learned and grew and worked and laughed and cried but mostly laughed. Then before you knew it, Phyllis was the expert and along the way, Phyllis brought us all with her.

Her personal honor and integrity became Pioneer Women's honor and integrity. She brought us to new awareness and involvement. When Phyllis had a cause, there was no battle she wouldn't fight, no issue too big or too small. She would come with all of her energies and intellect, with a zeal we would all get caught up in. And by the next morning everyone had their job to do—and boy, were we doing it! You didn't realize for a moment that just yesterday you hadn't known anything much about French Djibouti or about that particular bill that was up before that particular committee. Phyllis brought her zeal and confidence for getting it done, and because her honor, which was by then our honor, was all wrapped up with the issue, we got it done. She had the ability to focus what seemed to be all of herself on each individual issue and on each individual person simultaneously.

She was the most giving, generous person, of herself and of her family, that I have ever known. Her entire home became a Hanukkah bazaar or a movie theater. Each friend and relative was taken to her heart and into her family. No hour of the day or night was ever inconvenient and nothing was too much to do. She would go to a Task Force meeting in the morning, give a major speech at noon, something that was never easy for her to do though she did it often, pick up Stuart and Wynne at school, make her 15th stop at the supermarket and cook dinner for the 20 people coming that evening. We used to joke that there was a sign at Ben Guiron airport that read: "When in Washington, stop at the Franks."

And she loved it. She so loved the life she led. The political intrigues, the behind the scenes maneuvering and the shtick—she understood it all. Her interests and abilities and leadership brought her into contact with every segment of the community, and all came to respect and admire her and more—to care for her. And within Pioneer Women, she cared about and knew about what was going on in every aspect of our daily functioning at every level—club, council, national and international—both personally and organizationally, and she loved it.

She was proud of her own accomplishments, of our accomplishments. Sometimes she was amazed. There were times that we would just hug each other and giggle for the joy and wonder of it all, of what we had done.

And we were so proud of her. She gave prestige to our organization. We were proud to be her associates. Proud to be able to almost keep up with her. Proud to be her friend. No, more than that—and we said it to each other. We felt so lucky that the fates had allowed us different women of different ages from different geographical locations to be together in the same time and in the same place.

All the positions she held, all the awards bestowed upon her were hers in our minds and hearts way before the official presentations. She and Morty and Stuart and Wynne were part of each of our personalities, and we all were warmly, genuinely taken into theirs. She was more than "Pioneer Woman of any one year." She was our "Pioneer Woman of two decades."

From all of us, Phyllis, from your friends and neighbors, from the community, Jewish Community Center, U.J.A. Federation, Habonim, Labor Zionist Alliance, National Jewish Community Relations Advisory Council, American-Israel Public Affairs Committee, the Israel Embassy, the political arena, from your loving haverot throughout the country and in Israel and all of us in the 14 clubs here and most especially from your fellow members at the lunch at the Big Boy Club—for being what you were for being part of us—our undying gratitude and love.

PHYLLIS FRANK

Only death could stop Phyllis Frank. When she fell and broke her hip in Israel at the end of the World Zionist Congress two years ago, she flew all the way to Washington before undergoing medical treatment.

Within days, she was mobile—on crutches or in a wheelchair—heading a search committee at the Jewish Community Council, attending meetings for Pioneer Women, travelling to New York for Zionist assemblies, making speeches, hosting receptions in her home, and performing the endless and often thankless tasks that made her a leader.

Phyllis Frank was indefatigable. She would hold a planning meeting at home in the morning, attend a luncheon, and an afternoon meeting, and host a reception for a visiting dignitary in the evening—day in and day out. All the while she enjoyed a rich personal life and worked closely with her husband and children.

She was passionately in love with Israel but not uncritically. A life-long Labor Zionist, she disagreed strongly and vocally with the policies of the Likud government. When she spoke of Israel, her face shone, and she talked softly.

She was a feminist and a pioneer. She was the first woman president in the 50-year history of our Jewish Community Council. Pioneer Women—a women's Zionist organization committed to helping working women—was her particular cause.

She was a fighter. She never walked away from a battle worth pursuing, but she never fought with ill will. She fought for her principles and she fought to win. She never quit.●

SALUTE TO THE FORTY-NINERS

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mrs. BOXER. Mr. Speaker, we live in extremely complicated and busy times, and at the moment, our national consciousness is wrestling with both domestic challenges and international dilemmas. But this past weekend many of us were treated to a healthy relapse into the world of recreation and sports and we watched and cheered an all-American phenomenon, the Super Bowl footfall game.

Of course, as a Representative from the great city of San Francisco, this was no ordinary Super Bowl for me. The Forty-Niners took their place in football history as the 1985 champions.

I congratulate each and every member of the team and I extend special thanks and congratulations to Coach Bill Walsh and owner Edward DeBartolo, Jr., for their outstanding achievement. We are so proud of you all and I know the people in the bay area are proud of their team.

I am taking this effort to underscore the Forty-Niners Super Bowl win because their triumph can be an example to all of us, even as we cope and maneuver off the football field. The team's strong sense of persistence, its skill, its ability to strategize, and its determination contributed to its win. Those attributes are laudable in all of us. But even without these comparisons, the Super Bowl was simply great entertainment and a wonderful break from a world of many complicated issues and pressures.●

FEDERAL INCOME TAX

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. SHELBY. Mr. Speaker, in 1913, when Congress originally decided to permanently tax personal incomes, it predicted that "all good citizens will willingly and cheerfully support and sustain this, the fairest and cheapest of all taxes." Well, the Federal income tax is no longer either fair or cheap. Consequently, tax avoidance and delinquency are on the rise and show no sign of stopping.

Furthermore, Mr. Speaker, as we search for the enemy in this ultimate of compliance battles, it is increasingly apparent that we are the enemy—a Congress which continually passes onerous tax measures under the guise of "reform."

This was no more evident than in the Deficit Reduction Act of 1984. As you all know by now, section 179(b) imposes new recordkeeping requirements for deductions attributable to business use of passenger automobiles and small trucks. These requirements, incorporated into the House-Senate conference agreement, will undoubtedly lead to mountains of additional paperwork and years of lost productivity.

Our tax system can only function on the basis of trust between the taxpayer and the Government. Once that trust is questioned the credibility of the entire system is jeopardized. Provisions such as section 179(b) place an intolerable strain on the Tax Code's credibility. Consequently, I have today introduced legislation which would repeal these reporting requirements. I urge my colleagues to join me in this effort.●

HOUSING TAX CREDIT FOR THE ELDERLY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. LEHMAN of Florida. Mr. Speaker, today I am introducing a bill which would allow a refundable tax credit for the amount of State and local real property taxes paid by persons over 65. This credit could be taken for taxes paid directly or indirectly through rent.

Elderly homeowners often have their homes paid for, and in such cases they probably would not itemize their deductions thereby taking advantage of the deduction currently allowed for State and local taxes. Because of their reduced incomes, a credit will be more beneficial to older taxpayers than a deduction. For many elderly homeowners, real estate taxes are a major expense which can often force them to sell their homes as inflation pushes property values higher.

Our present tax policies have a definite bias toward homeownership, but we must not forget the needs of our elderly renters. In an attempt to help these persons, my legislation will permit eligible persons to take a credit for the portion of their rent used to pay property taxes. As defined in the bill, rent constituting property taxes shall equal 25 percent of the rent paid during a taxable year.

In order to insure that the tax credit allowed by this legislation goes to those most in need, there is a limit to the credit based on the adjusted gross income of the eligible person. The credit will be reduced by the amount by which the taxpayer's adjusted gross income exceeds $15,000. In addition, there is an absolute limit of $300 on the credit itself.

Mr. Speaker, I believe this legislation merits the serious attention of the Congress as it considers changes in the Tax Code. It will provide important assistance to our elderly homeowners and renters alike.●

THE HARDER LINE ON FEDERAL CRIME

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. MAZZOLI. Mr. Speaker, I commend to the attention of my colleagues the following article, "The Harder Line on Federal Crime," which appeared in the December 28, 1984, Washington Post.

I regret that the omnibus crime bill had to be the subject of such parliamentary "maneuvering" in the House in order to be passed.

Be that as it may, this article describes that the firm and unflinching use of the provisions of the new crime bill can achieve the results sought by those of us who supported the omnibus approach: It is ridding the streets of dangerous, repeat offenders, and it is protecting innocent citizens from further victimization.

THE HARDER LINE ON FEDERAL CRIME

(By Loretta Tofani)

Donald Payden had served time for cocaine dealing, but he fully expected to be released on bail while awaiting trial on another cocaine charge in New York this fall.

To his surprise, U.S. District Court judge David Edelstein denied bail and ordered Payden held in preventive detention, calling him a danger to the community.

The legal basis for Edelstein's decision—and the decisions of judges in 154 other cases throughout the nation since October—was a provision in the Comprehensive Crime Control Act of 1984, a new federal law that strips away some rights and civil liberties of defendants and convicted persons—and in other cases simply makes life more difficult for them.

In addition to providing for preventive detention, the new law abolishes parole for federal crimes, establishes a commission to determine sentences, narrows the range of the insanity defense and gives federal law enforcement authorities more power to take the assets of persons convicted or narcotics violations or organized crime.

Lawyers in the Justice Department's Criminal Division have been seeking passage of such legislation for years to provide better balance between what Attorney General William French Smith calls "the forces of law" and "the forces of lawlessness."

"People are going to be safer in this country as a result of this law," said Asssitant Attorney General Stephen Trott, head of the Criminal Division.

The preventive detention provision—perhaps the most controversial—states that bail can be denied to defendants charged with federal crimes who are a danger to the community. Previously, judges could deny bail only if there was substantial risk that the defendant would not appear for trial.

Preventive detention will help prosecutors "lock up a small group of rabid maniacs who are terrorizing others," said Trott.

But some criminal defense lawyers and laywers for the American Civil Liberties Union are uncomfortable with the law—particularly with the provision allowing judges to deny bail on the basis of a defendant's potential danger to the community, which in turn is based largely on probable cause for arrest and the defendant's record.

"It's a reversal of the presumption of innocence," said David Landau of the ACLU. "Judges are saying, 'You are dangerous because you're charged with this, and you have to prove you're not dangerous to be released on bail.' "

Defense lawyers also question whether preventive detention will achieve its goal of decreasing violence. They say few defendants commit another serious crime while awaiting trial. They also note that the new law applies only to federal crimes, including bank robbery, terrorism, drug distribution, mail fraud, transporting guns and embezzlement. Defendants in some of the most violent crimes—murder, rape and armed robbery—would not be denied bail under the law.

The establishment of a sentencing commission and sentence guidelines will eliminate much of judges' discretion. Beginning in 1986, federal judges will consult the commission's guidelines to determine the sentence for each convicted person.

Judges will be required to explain in writing any departure from the sentencing guidelines. The law permits defendants and prosecutors to appeal sentences harsher or more lenient than the guideline sentence.

Once the sentence is final, the convict will serve it in full and will not be eligible for parole, although a sentence could be shortened 15 percent for good behavior.

The Justice Department's Trott supports the guidelines. Sentencing by judges today is a "fraud," he said. "The real sentencing was being done by parole officials."

The American Bar Association also supports the sentencing guidelines and reduced discretion of judges. "There has been a wide disparity in sentences [for the same crime]," said Tom Smith of the ABA. "The sentencing guidelines will narrow the disparity by providing to judges a measure by which they can compare the sentence they have in mind with other sentences."

But the ACLU's Landau noted that under the old system any disparity in sentences was corrected by the parole board.

Landau also said prosecutors will have increased power because they will be able to threaten to charge defendants with a specific crime carrying a specific sentence unless they plead guilty, Landau said.

Another provision would limit the insanity defense to those who are unable to comprehend the wrongfulness of their acts. A defendant with a serious mental disease who says he committed a crime because "voices" ordered him to do it could not use the insanity defense.

"It eliminates the present kind of battle of experts you see where we have a struggle over whether or not there was a lack of volition, where it's a question of whether or not there was irresistible impulse," said Associate Attorney General D. Lowell Jensen.

The law also would give federal law enforcement authorities broader powers to seize property, goods and money in narcotics cases and organized crime activities. Previously federal authorities could keep only the contraband seized during an arrest.

Under the new law, however, authorities can keep or sell all assets—including homes—of a defendant convicted in a drug or organized-crime case. The convicted person can keep only assets that he or she can prove did not result from the illegal activity.

To ensure that the defendant does not dispose of assets between arrest and trial, the government has new powers to freeze assets.

Prosecutors say the new provisions will strip away some remaining "benefits" of crime—because convicted persons will no longer return to illegally accumulated wealth when they leave prison.

Some defense attorneys say it could result in inadequate legal defense for clients because they would not have access to their money and other assets.

The defense attorneys' fear is not without basis. Neal R. Sonnet, a Miami defense attorney and former federal prosecutor, this month received a letter from Assistant U.S. Attorney Brian Leighton regarding Sonnet's defense of two men charged with operating a continuing drug enterprise in California.

Leighton wrote, "The government hereby puts you on notice that any and all assets belonging to the defendants are forfeitable to the United States, including any attorneys fees or other valuable consideration received by you, or to be received by you for your representation of the defendant."

Said Sonnet: "People have a right to be represented by the lawyer of their choice. If the Justice Department wants to say that any lawyer who represents a person like this does so at his own peril, then I think this needs to be straightened out in the courts or in Congress."

But the Justice Department sees the matter differently. "If you have drug money, you're not allowed to buy a plane with it, a house with it, or more drugs with it," said Trott. "Why should there be a different rule for lawyers' fees? That money is blood money."●

A VERY SPECIAL RESCUE-TEAM

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. MURTHA. Mr. Speaker, during the recent tragic disaster at the Wilberg Mine in Orangeville, UT, a very special rescue team from the area I represent worked at the scene.

Based in Latrobe, PA, this team of a doctor and six paramedics is believed to be the only medical team in the Nation trained for such mine rescues.

I spoke by telephone recently with Dr. Richard Kunkle who heads the special medical response team, and he will be sending me a report on their work which I will share with the appropriate committee.

For the information of the members, I want to insert at this point an article from the Greensburg Tribune-Review outlining the efforts of the special medical response team.

The article follows:

[From the Greensburg Tribune-Review, Dec. 24, 1984]

TEAM'S WORK WASN'T IN VAIN

(By Dave Lester)

Weary and disappointed, seven members of a Latrobe-based medical team sent to the scene of the Utah mine disaster returned home Sunday after it became clear that there were no more survivors.

"We're obviously upset because our goal was to go down there and save those lives," said Dr. Richard Kunkle, who headed the Special Medical Response Team dispatched to the Wilberg Mine near Orangeville.

Four former Pennsylvanians were among the 27 trapped in the burning mine. Nanette Wheeler, 34, formerly of Johnston, and Lester Walls Jr., 23, formerly of Commodore, in Indiana County were confirmed dead Saturday. Two other former area residents—Barry Jacobs, 27, formerly of Colver in Cambria County and James M. Bertuzzi, 37, formerly of Clymer in Indiana County—are presumed dead.

Working in shifts, the seven-member medical team stayed for hours in 50-degree temperatures while the mine fire raged behind them. They got no more than five hours of sleep during the three-day ordeal, but looked remarkably refreshed as they were greeted by wives and children last night at Greater Pittsburgh International Airport.

"We knew going in it was going to be a big challenge," said Daniel Sacco, the team's chief paramedic.

As it was, the team treated numerous mine rescue personnel suffering from hypothermia, smoke inhalation and extreme exhaustion. They also spent much of their time coordinating operations with other medical personnel in Utah, setting up plans for evacuation by military helicopter.

But Sacco said he felt the team played another important role.

"I think one of the biggest advantages of us being there was the psychological lift we gave," said Sacco. "The rescuers felt very comfortable with us being there and knowing that if something would happen to them we were very close by."

The medical response team—believed to be the only one of its kind—also was able to demonstrate the potential life-saving role of such a unit.

"Without a doubt we proved the validity of the concept," said Kunkle, who is director of emergency medicine at Latrobe Area Hospital.

The team was formed after organizers analyzed a two-year history of mine accidents and found that in at least eight cases a medical rescue team could have made the difference in saving a life.

The team, which includes two other members who were not able to join them, has participated in two other underground rescue efforts in which no one was killed.

The effort also provided them with valuable experience. "It was a great opportunity for the team to see how it could perform under stress," said Paul Culligan, a paramedic from Greensburg. "We knew that we were going into an uncontrolled situation."

They spent much of their time underground in a fresh air base some 3,000 feet inside the mine, according to Kunkle. The fire was burning in an area adjacent to the entryway used for access and ventilation, and they were forced to evacuate the mine twice when the air became dangerous. When they first entered the mine, the fire was still out of control, with rescue crews unable to

get to the location where the trapped miners were believed to be.

It was 3 a.m. Sunday before rescue teams finished exploring the corridors in hopes of finding someone alive. It was at that point that the medical team's job ended.

Sacco said he was struck by the number of miners who were killed. "It's just a horrible, traumatic thing for that many families to go through," he said.●

GLENS FALLS SALUTES DR. C. RICHARD BARBER

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. SOLOMON. Mr. Speaker, last year, Dr. C. Richard Barber of Glens Falls Hospital in Glens Falls, NY, was honored by the hospital staff and members of the community on the occasion of his 70th birthday. I want to take this occasion, as the 99th Congress begins, to join them in paying homage to him for his years of service promoting quality health care for the people of the Glens Falls area.

Dr. Barber is a graduate of St. Mary's Academy and the University of Vermont Medical School. After his internship, he opened a private country practice in Comstock, NY, as well as serving as the doctor of the local State prison. In early 1942, Dr. Barber served our country in the U.S. Army 98th Infantry Division as a commander of the 323d Medical Battalion-Pacific Theater in World War II. He was decorated with the Bronze Star and achieved the rank of lieutenant colonel. Upon returning home to Glens Falls in December 1945, Dr. Barber opened a private general medical practice.

But Dr. Barber had not finished serving his country. In September 1968, he received a certificate of appreciation from the results of Vietnam Ministry of Health in recognition of his invaluable cooperation and assistance in the field of general surgery at Bac Lieu Hospital. He devoted 3 months of his time to help the sick and wounded as a result of the Vietnam conflict at a difficult time in our history. Three of his sons also served our country during Vietnam.

Throughout his long association with Glens Falls Hospital, Dr. Barber has worked with others to improve significantly the quality of health care in our region. He was active in the establishment of cobalt and chemotherapies, the intensive care unit, the burn unit, the recovery room, and the amnionic membrane bank at the hospital. Dr. Barber was also instrumental in the introduction of hyperalimentation, radioisotope use, tube feeding, and other modern medical procedures. Throughout his long service as chief of surgery, Dr. C. Richard Barber has fulfilled the canons of his profession with such a degree of excellence and dedication that he remains an inspiration to his patients, the hospital, the staff, and the entire community. We salute him.●

CHILD RESTRAINTS SAVE LIVES

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. GEJDENSON. Mr. Speaker, over the years significant steps have been taken to expand the use of a product that has been proven to save children's lives, child restraints in motor vehicles. Forty-nine States and the District of Columbia have enacted some type of law requiring children to be placed in a safety seat while in a car. Congress has passed laws to provide monetary incentives for States in this regard and to establish a "National Child Passenger Safety Awareness Day" to increase public awareness regarding the lifesaving value of child restraints. These positive actions have been successful in expanding the use of safety seats and promoting the widely accepted and statistically proven fact that safety restraint devices reduce child fatalities and crippling injuries from motor vehicle accidents.

There is, however, an important area that has not yet been addressed. State laws do not require car rental companies to provide their customers with safety seats and in some States temporary vehicles are exempt from child restraint laws. While some of the larger agencies do furnish a limited number of seats at certain locations, not all companies do, and a driver is not always guaranteed this service. I feel that if virtually every State in the country has recognized the value of establishing child restraint laws, it seems both logical and consistent that these devices should be used in rented cars and thus, readily available from rental agencies.

Mr. Speaker, in an effort to close the gap in present law I am today reintroducing a bill to require motor vehicle rental companies to provide child restraint systems in rented motor vehicles to all travelers who need this service. This measure is important if we are to provide across-the-board protection for our young people while traveling in automobiles. My bill has been endorsed by Physicians for Automotive Safety, the American Academy of Pediatrics, Independent Insurance Agents, and the Consumer's Union.

As the parent of two small children, I have become increasingly sensitive to the statistics that demonstrate the need to protect my youngsters by using safety seats whenever they travel with me and feel that a rented car should be no exception. The statistics are staggering and point out that automobile accidents are the No. 1 cause of child mortality. For instance, more children under the age of 5 are killed or crippled in automobile accidents than by the seven common childhood diseases; automobile accidents are the major cause of epilepsy; and between the years 1978-82 3,400 children were killed and 250,000 were injured in automobile accidents. The truly tragic fact is that studies show that 90 percent of these injuries and deaths are preventable by the simple and correct use of child safety seats.

The bill I am reintroducing today is consistent with laws already in place that are intended to achieve universal usage of child safety seats in order to protect children—our most precious resource—from unnecessary harm. I urge my colleagues to join with me to in this truly worthwhile and lifesaving effort to further advance the use of child safety seats.●

BREAKING THE CHAIN OF POVERTY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. MILLER of California. Mr. Speaker, the Chicago Tribune recently ran a series of editorials entitled "Breaking the Chain." These editorials represent journalism at its best, because they do more than just condemn poverty among children and the enormous costs society pays in the long run. They also describe some proven and very positive alternatives.

"Breaking the Chain" draws attention to many of the same research findings described to the Select Committee on Children, Youth, and Families. In its first 2 years, the committee conducted a number of broad-ranging hearings on children's early development, as well as an intensive series of hearings on child care. What we learned, from some of our Nation's leading scholars and practitioners, is that preschool learning programs are very effective in preventing early school failure and the tragic decline into dependency and poverty that often follows. These programs have also proved to benefit society greatly through lower welfare costs, higher tax revenues, and greater worker productivity.

Early learning intervention on a massive scale, beginning in the very first years of life, could have a far reaching, almost unimaginable impact on poverty if, as noted in the final editorial, we have the foresight and patience to invest now in programs that will yield results only in the years and decades to come. If we have that pa-

tience, the contention in "Breaking the Chain"—that a "strong national commitment to early education is the surest way to break the chain of poverty"—could not be more accurate.

What follows are highlights from the six Tribune editorials. I commend them to my colleagues.

[Dec. 23, 1984]

THE COST OF CHRONIC POVERTY

* * * Neither party is talking about the ways chronic poverty saps this nation's strength, and how this affects every American. * * * In this fiscal year, federal aid to the poor will total more than $44 billion, despite the Reagan cuts. The entire nation pays, too, through the failure of American industry to keep pace with productivity gains of its foreign competitors. If you live in a state like Illinois whose 5.1 million workers help support more than 1.1 million public aid recipients, the burden on your pocketbook is even greater. * * *

Eventually, [politicians'] constituents must realize that doing nothing carries an enormous cost in lost tax dollars, crippled cities and frayed nerves. For some, it may even mean a knife in the gut or a bullet in the brain.

But there is a reason for mounting a national effort against chronic poverty that goes beyond dollars and fear. There has always been a strong sense in this country, among conservatives as well as liberals, that every American deserves a chance to build a decent life. Conservatives, in particular, know that it should not come in the form of a handout, but as an opportunity a person can seize and develop. * * *

[Dec. 24, 1984]

A KEY TO CRIME AND SCHOOLS

* * * Here in Chicago, violent youth gangs have come to symbolize the way chronic poverty, educational failure and criminal behavior are inextricably linked. * * *

When [youth] turn to crime, their direct victims are usually each other. But they have also managed to drive businesses from Lawndale, middle-class blacks from Woodlawn, a stable ethnic mix from Humboldt Park and good teachers from the Chicago school system. Their problems force up the cost of state and city government at the same time those costs send taxpaying homeowners and businesses fleeing to safer sites. * * *

The old hope was that the classroom would break the chain of poverty and dependency. That hasn't happened. In fact, inferior schools are often blamed for perpetuating the underclass. In survey after survey, poor schools and poor public safety outrank high taxes and congestion as the prime reasons for business flight. Companies want a work force that can read and write, and their employees want neighborhood schools where the dominant atmosphere is learning, not terror. * * *

The Chicago Board of Education fuzzes statistics on dropouts, but counts by neighborhood and civic groups indicate that more than half the students leave before graduation in many high schools. That leads to another figure, perhaps the most revealing of any single statistic on urban life today: About 85 percent of prisoners in the Illinois correctional system have not finished high school. * * *

[Dec. 25, 1984]

THE PAYOFFS FOR PRESCHOOLING

A strong national commitment to early childhood education is the surest way to break the chain of chronic poverty. * * *

That isn't just theory. It has been convincingly demonstrated, for example, in a long-term study conducted by the High/Scope Educational Research Foundation of Ypsilanti, Michigan. The findings should appeal as much to taxpayers and government budget-cutters as to humanitarians.

In the mid-1960s, researchers in Ypsilanti began to study 123 young children considered to be at high risk of failing once they started school. All came from poor black families. They scored low on IQ tests. Few of their parents had finished high school. Half of the families were on welfare. Almost half were headed by single parents.

Half of these youngsters were enrolled in high-quality preschool programs five mornings a week, either for one year when they were 4 years old or for two years at ages 3 and 4. A visiting teacher also spent 90 minutes a week in each child's home helping a parent provide more learning opportunities. The other youngsters got no preschool education.

Ever since, researchers have followed the progress of both groups. The first reports confirmed that those with the early learning opportunities got better grades and fewer failing marks. They were absent less from school. They needed less special education. And they had a better attitude toward school than a group of similar youngsters who did not get the preschooling.

A second payoff has just been documented, now that the groups have reached age 19. The long-range data show that those who had the preschool education were much more likely than the others to have finished high school and to score average or above on competency tests. More of them had jobs or were involved in higher education. And they were less likely to have been arrested, to be on welfare or to be pregnant.

Because they needed less remedial and special education, it actually cost less to educate the children who got the preschooling than those who didn't, even when the expense of the early classes was included. Researchers report preschool cut the cost per student of each succeeding year in school by about 20 percent—about $800 per child every year in savings.

In terms of reduced crime alone, taxpayers will save $3,100 for every one of the young people who got the preschool training, researchers estimate. These are the direct costs of the criminal justice system and don't count the anguish, fear and physical suffering that criminals can inflict on victims. Nor does it attempt to measure the psychological benefits of a reduction in crime rate in a community or any subsequent cutback in private security systems.

Taxpayers have already saved seven times the cost of one year of preschool education in the Ypsilanti project and 3½ times the tab for two years. And the savings resulting from reduced needs for welfare, from less crime and from greater ability to earn will continue for the rest of the lives of these young people—and even reach into the lives of the following generation. * * *

[Dec. 26, 1984]

HOW TO BUILD SMARTER BRAINS

* * * Scientific findings and abundant case histories leave no doubt that appropriate opportunities to learn are essential to optimal brain development in early childhood. Some researchers estimate that providing an enriched learning environment can raise the level of a child's IQ (only a rough measure of some mental abilities, of course) by 20 to 30 points. This, however, can mean the difference between a child who can function well in a normal classroom and one who is considered educably mentally handicapped, or between a child with average abilities and one with a superior mind. * * *

Linguists know that young children accomplish the most difficult and challenging mental task of their lives—learning language with its complex syntax and symbolic meanings—largely before the age when schooling normally begins. Even proud parents and doting grandparents seldom realize the magnitude of this intellectual achievement. * * *

Psychologists have also documented how difficult it can be for children ever to catch up if their brains are not adequately nourished by mental stimulation during these critical early years. * * * Without abundant, appropriate verbal responses from a loving adult and without great opportunity to learn through every sensory channel, the brain will remain malnourished and its great potential stunted. * * *

Excitement about early learning is fast becoming an accepted part of child-rearing. * * * But many children lack adequate mental nourishment; their parents are too young, too uninformed, too troubled by their own problems to provide well for the needs of their offspring's growing brains. These youngsters will already be behind when they start 1st grade. And their failures to keep up in school will make them more vulnerable to drug abuse, delinquency, premature pregnancy, unemployment—and inability to escape from poverty.* * *

[Dec. 27, 1984]

HEAD START IS ONLY A START

For complex biological and psychological reasons, children who are mentally malnourished during the first few years of life have enormous difficulty catching up in the classroom. Most never do.* * *

When this fact first became evident in research done in the early 1960s, it quickly became the basis for one of the most successful of the War on Poverty programs—Head Start. But even Head Start is essentially too little and too late to prevent some mental malnourishment in disadvantaged children. And it has reached only a small percentage of the poor youngsters who qualify for its help.

Even so, Head Start has succeeded. Several dozen scientifically sound, long-term studies have followed Head Start youngsters for many years. Almost all of them show that even this small amount of mental stimulation makes a difference in school achievement, even years later.* * *

But Head Start programs are only one way early learning programs can be used to help avoid the devastating effects of mental malnutrition among children who are at risk because of poverty, broken homes and other family circumstances.

Home Start programs are considerably more successful in raising IQ and reducing school failure because they reach disadvantaged children earlier—sometimes beginning during the first months of life—and because they involve parents in increasing the amount of mental stimulation in the home. In Home Start plans, a visiting teacher comes regularly to a home to play learning games with a young child, to lend toys and

learning materials and, in a low-key way, to show the baby's mother how happily her offspring responds to mental stimulation and why it is crucial.* * *

If this nation really wants to help children escape from the underclass and to equip them to succeed in school and after, the most effective way would be to provide them a coordinated package of early learning programs.* * *

[Dec. 30, 1984]

WHAT REAGAN SHOULD DO

* * * An enormous amount of public attention has been focused on the problems created by [the] underclass, but there has been scant attention to the failure of anti-poverty programs to stop its growth. The reason is as simple, and as complicated, as the human life cycle itself. The chain of chronic dependency was not broken because the right resources were not concentrated at the right point: in the preschool years, when a human being can be most easily influenced.

A network of early learning centers serving America's urban ghettoes would do more to solve city problems and give a long-range lift to the economy of the entire country than any other domestic initiative hatching in any think-tank or in any politician's position papers or in any socio-economic journal. * * *

The federal government must help. It must begin with a strong commitment, followed by some tough choices. The deficit problem rules out the multibillion-dollar additions to the budget that Lyndon Johnson rammed through in his guns-and-butter days. New federal money for early education will have to be accompanied by cuts in other areas, and that will set off a storm of opposition from recipients, contractors, special-interest lobbyists and the rest of the beneficiaries of government spending. Some people will be hurt. There's no way to avoid it.

But there's also no question that early learning will do what other spending programs have not done, and that is break the chains that lock the underclass out of any real possibility of achievement. The big difficulty lies in gearing the American political process to do the job. It's programmed for quick results, with a notoriously short attention span. Can it acquire the patience and consistency needed to reap the full benefits of educating 3-year-olds? Savings in remedial education will come first, but even those will be several years down the road. The payoff in reduced dependency, crime and neighborhood deterioration, with a resulting boost in productivity, won't be realized for a decade or two.

Only a determined, forceful administration that has the confidence of the bulk of the American people can initiate such a long-term commitment. Ronald Reagan is uniquely positioned to lead that initiative. * * *

Political leaders in a number of states have been impressed with this growing body of evidence and are starting to use it. The leader is California, which will spend $260 million this school year to educate 150,000 prekindergartners. Much smaller programs are getting underway in New York and New Jersey. South Carolina has a new law reimbursing local school districts for half the cost of educating 4-year-olds considered "at risk." And next year Texas will begin an early childhood education effort expected to cost about $50 million annually. Eight other states—all in New England or the South—are about to start early-learning projects for disadvantaged children or are seriously considering them.

These initiatives are promising, but for the most part they don't touch the urban areas hit hardest by the interlocking burdens of poverty, dependency, poor schools, crime, neighborhood decay and business flight. * * *

President Reagan should devote these next four years to leading a national drive to break the bonds of the underclass through early childhood education. Federal money will be needed, but states and cities should divert some of their resources to the effort, too, for the sake of their own fiscal futures. For the same reason, private agencies and businesses should pitch in.

Some presidents earned greatness by winning wars. For Ronald Reagan, there's a better way. He can end the wars raging in the souls of America's cities.●

DES REGISTRY AND SCREENING ASSISTANCE

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. GUARINI. Mr. Speaker, on January 7 I introduced legislation which will provide Federal grants to States for programs to identify and aid women and their children who have been exposed to the cancer-causing drug diethylstilbestrol, commonly called DES. I was pleased to be joined in this effort by Mr. WAXMAN of California, Ms. MIKULSKI of Maryland, Mr. WEISS of New York, and Ms. SNOWE of Maine.

My bill, H.R. 508, will assist States which establish programs to identify women who took DES during pregnancy and their children who were exposed to DES before birth. The bill will also aid efforts to disseminate information about the health risks associated with DES, and will support screening and diagnostic services for exposed individuals.

Created in 1938, DES is a synthetic hormone which was frequently prescribed to women who had histories of complications during pregnancy. It was most heavily prescribed from 1940 to 1960. Studies as early as 1953 proved that DES was ineffective in preventing miscarriage, but its use continued until 1971. That year, the Food and Drug Administration (FDA) banned its use during pregnancy. By then, an estimated 4 to 6 million women and their children had been exposed to the drug.

In 1971, a clear link was established between exposure to DES before birth and an increased risk of a rare form of cancer in young women. By 1980, a surprising number of cases of clear-cell adenocarcinoma had been reported. Further studies indicate that up to 90 percent of DES daughters experience adenosis, abnormal growths or structural changes in their reproductive tracts. While these abnormal cell growths may be the basis for the development of clear-cell adenocarcinoma, increasing evidence indicates that the abnormalities may disappear over time.

Early detection and treatment are vital to efforts to contain this cancer and preserve the reproductive capacities of its victims. My bill will assist DES daughters in obtaining the regular medical examinations and proper diagnostic screening which are such an important part of the follow-up care they require.

Additional studies show that DES daughters experience more difficulties than average women during their own pregnancies. Such women have a higher rate of premature deliveries, miscarriages and associated complications. It is suspected that these difficulties are related to reproductive damage resulting from their exposure to DES before birth. These findings were outlined in a January 25, 1980 article in the Washington Post:

[From the Washington Post, Jan. 25, 1980]

MISCARRIAGES, EARLY BIRTHS HIGHER IN DES DAUGHTERS

(By Susan Okie)

The daughters of women who took the drug DES during pregnancy face an increased risk of miscarriage or premature delivery when they themselves become pregnant.

The new finding of researchers at the University of California at San Diego, the University of Chicago and other medical centers is an ironic twist in the history of DES (diethylstilbestrol), a synthetic hormone taken during pregnancy by so many as 1.5 million American women because doctors mistakenly believed it prevented miscarriages.

Dr. Larry Cousins and co-workers at UC-San Diego studied 71 women who had been exposed to the drug because their mothers took it while pregnant.

Comparing these "DES daughters" to a group of unexposed women, Cousins found that 40 percent of the DES group had premature babies and 25 percent of their babies died. The unexposed group had no premature births or infant deaths. Thirty-five DES-exposed women had visible abnormalities of the vagina and cervix. Among them the figures were even higher: 71 percent delivered prematurely, and 43 percent of their babies died.

While the San Diego researchers' results may be artificially high because of the way they chose patients—most women were referred to the medical school by their doctors—other DES experts are also finding that DES daughters have a higher risk of terminated pregnancies or delivering premature babies.

Dr. Arthur Herbst, the gynecologist who discovered in 1971 that DES had triggered cases of a previously rare vaginal cancer in young women exposed to it before birth, now believes the drug has caused an increase in premature deliveries, pregnancy loss and possibly infertility among other DES daughters.

In a study at the University of Chicago, Herbst has found, according to sources who have seen his data, that only 47 percent of DES-exposed women delivered full-term,

live babies in their first pregnancy, compared to 85 percent of women not exposed to the drug. Twenty-two percent of the DES-exposed women delivered prematurely compared to 7 percent of unexposed women and 31 percent of the DES daughters miscarried during their first pregnancy or lost their babies, compared to only 8 percent of unexposed women.

Herbst said the reason why DES daughters may have problem pregnancies is unknown, but recommended that a woman whose mother took DES "should have increased medical surveillance" during her own pregnancy.

She should see her doctor more often than once a month, and the cervix—the opening of the uterus—should be watched carefully for premature dilation.

Because DES exposure before birth may have weakened the cervix, a DES daughter who has lost a pregnancy or shows abnormal dilation may need the cervix tied close during the pregnancy. But he said such treatment is not routinely necessary for DES-exposed women, since most can have live babies without it.

DES, a synthetic form of the hormone estrogen, was prescribed to prevent miscarriages from the 1940s until the early 1970s, despite a controlled study at the University of Chicago in 1951-52 which showed it did not work. It is the daughters of those Chicago women—half exposed to the drug, the other half not—who participated in Herbst's most recent research.

DES, along with other estrogens, is still approved by the Food and Drug Administration for symptoms in older women related to menopause, as a treatment for breast and prostate cancer, and for a few other conditions, although the drug label contains a warning about its ability to cause cancer of the uterus and forbids its use during pregnancy.

Until an FDA ban went into effect last year, it was fed to chickens and cattle as a fattening agent, and was therefore present in meat.

It is still prescribed by some doctors to women just after delivery to stop milk formation by the breast and as a "morning after pill" to prevent pregnancy. Neither of these uses is approved by the FDA.

It is essential that DES daughters and their doctors are familiar with the potential complications DES daughters face if they become pregnant. H.R. 508 will facilitate education efforts aimed at physicians and other health care professionals so that appropriate medical care can be provided to women at risk.

In recent years, evidence has accumulated that shows an increased rate of reproductive and urinary tract abnormalities in the sons of women who took DES during pregnancy. To date, studies have not confirmed a suspected link between exposure to DES and increased rates of genital cancer or infertility in young men. Another Washington Post article, dated October 12, 1980, reported the disturbing preliminary findings:

FERTILITY PROBLEMS LINKED TO DES-EXPOSED SONS

NEW YORK, October 11.—The sons of women who used the controversial drug DES in hopes of preventing miscarriage may have a higher incidence of sterility than other men, a pilot study suggests. The drug is already linked to vaginal cancer among DES daughters.

The study, based on a new technique for determining male fertility, found an infertility rate of nearly 80 percent among a small group of men who were exposed to DES in the womb and have reached adulthood.

"It's a pretty small pilot study but the numbers are quite significant and somewhat disturbing," said Dr. Morton Stenchever, head of the study and chairman of obstetrics and gynecology at the University of Washington School of Medicine in Seattle.

Stenchever presented the data Thursday at the annual meeting of the Pacific Coast Obstetrical and Gynecological Society in Monterey, Calif.

DES, or diethylstilbestrol, was prescribed to an estimated 4 million women in the 1950s and early 1960s in hopes of preventing miscarrages. It has been linked to a rare form of vaginal cancer in daughters of women who took it, and to genital malformations in their sons. But the fertility of DES-exposed men has never before been reliably tested, Stenchever said, partly because no accurate test of male fertility existed.

The new study used at test called "sperm penetration as say," in which hamster eggs that have been stripped of an outer shell which would block human sperm are exposed to samples of semen. If more than 15 percent of the eggs are penetrated by sperm within two hours, the donor is fudged fertile, although actual fertilization cannot occur.

Among a group of men who had never tried to have children, 10 of 13 DES-exposed men were judged infertile by the test compared to only one of 11 of a control group of men not exposed to the drug.

None of the men, who ranged in age from 17 to 30, had an abnormal semen analysis, the only method by which male fertility could previously be tested, Stenchever said.

Continued medical investigation of the effects of DES on men is indeed warranted, and is currently underway. My bill will help keep these young men informed of new developments related to DES by aiding the establishment of voluntary registries of exposed individuals.

Finally, newly completed research indicates that the mothers who took DES during pregnancy are at a much higher risk for contracting breast cancer. On December 12, 1984, the Washington Post reported the most recent findings:

[From the Washington Post, Dec. 4, 1984]

U.S. URGED TO WARN WOMEN WHO TOOK DES—STUDY LINKS DRUG TO BREAST-CANCER RISK

Women who took the drug DES to prevent miscarriage 20 or more years ago are 40 percent to 50 percent more likely than other women their age to develop breast cancer, a Dartmouth University medical study has found.

Dr. Sidney M. Wolfe, director of the Health Research Group, a branch of Ralph Nader's Public Citizen, said yesterday the figures show that the use of DES has led to about 25,000 more cases of breast cancer than would have resulted without DES.

Wolfe urged Health and Human Services Secretary Margaret M. Heckler to begin an effort to notify the estimated 2 million women who received DES of the increased risk.

Until the early 1970s, diethylstilbesterol (DES) was given to pregnant women in the belief that it prevented miscarriages; it later was shown to be completely ineffective. It also was established that daughters of women who took DES have an increased risk of developing cancer of the cervix or vagina. Several hundred such cases have been documented.

The medical study, published in last week's New England Journal of Medicine, compared a group of nearly 2,700 women who had taken DES between 1940 and 1960 with a group of otherwise similar women who were pregnant during that time.

Of the DES women, 4.40 percent had breast cancer, compared with 3.12 percent of the control group. When the figures were adjusted to eliminate potentially confounding factors, the researchers said, the DES group's breast-cancer rate was 47 percent higher.

"DES thus becomes the major environmentally identified cause of breast cancer," Wolfe said. "All doctors who have ever administered DES to women should search their files to identify all such women and immediately notify them."

The study was conducted by Dr. E. R. Greenberg of Dartmouth University medical school and included women from New Hampshire, Massachusetts and Minnesota.

Scientists suspect that DES mothers may also be especially vulnerable to other forms of cancer of the reproductive organs as they enter middle and old age, when such cancers appear most frequently. It is vitally important that DES mothers are alerted to the risks they face and are provided with opportunities to obtain the thorough examinations they need. My bill will contribute to both these goals.

Clearly, women and their children who have been exposed to DES face increased health risks. The oldest DES daughters and sons are barely 40, so the long-term effects of DES are still unknown. It will be necessary for DES mothers and their children to be examined at regular intervals for the rest of their lives. Yet many DES-exposed individuals are unaware that they are at risk and that they require special screening for cancer and other health problems.

Despite a well-coordinated public education program implemented by the National Cancer Institute in the late 1970's, efforts to publicize the health risks associated with DES have not reached many women and their children requiring special medical attention. In many cases, doctors have been unable to locate women for whom they prescribed DES. In other cases, exposed individuals remain unfamiliar with the drugs their doctors prescribed and have not sought access to their medical records. Still others remain unaware that both their daughters and sons face health risks from their exposure to DES.

Programs to identify DES exposed individuals, advise them of the health risks they face, inform them of the

need for appropriate medical care, and provide minimal diagnostic services have been initiated by only a few States. My bill will encourage and assist these efforts by providing grants to States which establish identification, registration, public education, and screening programs for DES victims. Six million dollars will be available to States or public or private organizations within the States for these programs. The Federal share of funds for such efforts will be available for 5 years, and will decrease from 75 percent in the first year to 35 percent in the final year.

I urge my colleagues to join me in supporting this measure. It is too late to prevent the damage caused by exposure to DES, but we can and should make a commitment to providing health information and medical assistance to those who face an increased risk of cancer or other complications because of their exposure to this drug.●

A TRIBUTE TO REV. EDWARD SURGES

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. LIPINSKI. Mr. Speaker, it is with great pride that I call attention to a respected citizen from Illinois' Fifth Congressional District, which I am privileged to represent, and he is Rev. Edward Surges. Reverend Surges has consistently devoted his time and efforts on behalf of the community, with a particular commitment to our youth.

Reverend Surges grew up on the southwest side of Chicago and, except for time away to study for the priesthood and to study church law in Rome, has lived and worked in the Chicago area. Reverend Surges has worked at St. Dionysius Parish in Cicero and is currently the pastor of St. Rene Goupil Church on the southwest side of Chicago.

Through the efforts of Reverend Surges, St. Rene's has become one of the most active parishes in the community. His work has brought about numerous physical improvements to the church, retirement of the church debt and a strong commitment to the Christian education of our youth in establishing a parish school board.

In addition to his work for the church and the community, Reverend Surges returned to school to obtain a law degree for Loyola University in 1974. He has also undertaken a position with Catholic charities, to assist people in their efforts to obtain Social Security disability benefits.

I join with the residents of the Fifth Congressional District in paying tribute to Rev. Edward Surges for his work in our behalf, and I would like to introduce into today's CONGRESSIONAL RECORD a newspaper article honoring Reverend Surges upon his receipt of the Ray McDonald Community Achievement Award.

[From Midway Sentinel, October 1984]

MCDONALD AWARD TO SURGES

The Midway Sentinel proudly salutes Reverend Edward Surges as October's recipient of the Ray McDonald Community Achievement Award.

Rev. Surges, the present pastor of St. Rene Goupil Church, grew up on the Southwest Side of Chicago. Following his four year tenure at Leo High School he entered the seminary and was ordained a priest in 1954.

After completing his first assignment at St. Catherine's, Rev. Surges left for Rome where he studied and researched Church law for three years. Upon his return to Chicago he worked in the Archdiocese on the Matrimonial Tribunal for 11 years, assisting people who sought a church annulment of their marriage. During this 11 year period he resided at St. Dionysius parish in Cicero where he served as moderator of their teen club. In 1974 he graduated from Loyola University School of Law and was admitted to the bar the same year. His admission to the legal profession was followed by an assignment to St. Rene's parish as associate pastor and culminated in 1980 when he was appointed pastor of the parish.

Under Rev. Surges guidance and leadership St. Rene's has become one of the most active parishes in the community. He recently instituted a debt retirement program which resulted in the liquidation of the church debt. Through his perseverance and hard work many improvements have been realized, including updated lighting and renovation of the landscaping around the church grounds.

Reverend Surges has also developed a deep commitment to the Christian Education of our youth and played an integral role in instituting a parish school board. His involvement at the church extends far beyond the normal duties imposed upon one individual. Along with a number of adults from the congregation he co-ordinates and oversees the operations of the Mothers Club, Altar Rosary Society, Holy Name Society, Athletic Club, and is currently organizing St. Rene's 25th anniversary celebration. His enthusiastic approach and spiritual guidance was instrumental in forming a true family unit at the parish which is exemplified by the number of worthwhile community activities sponsored by the group.

Besides his many other duties and responsibilities, Cardinal Bernadin recently assigned Rev. Surges to work two days a week at Catholic Charities, assisting people in their efforts to obtain Social Security disability benefits.

The Staff of Midway Sentinel expresses its thanks to Rev. Surges and honors him for the unselfish dedication of time and concern he has shown for the community of the 23rd Ward and the Southwest Side.●

DON'T BE BAMBOOZLED

HON. THOMAS N. KINDNESS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. KINDNESS. Mr. Speaker, let's not let them bamboozle us. Sure, there's a lot of talk about belt tightening and bullet biting; but balancing the budget is easy. The following questions illustrate just how easy it is to develop realistic economic assumptions, simplify the tax structure, increase revenues, and limit Federal spending. (You can choose more than one answer for each question.)

(1) Which of the following do not have an impact on the Federal deficit?
(a) The level of unemployment.
(b) The level of taxation.
(c) The level of spending.

(2) Increasing taxes would make the deficit
(a) Smaller.
(b) Larger.
(c) Easier to live with.

(3) The Congress can increase Federal revenues by
(a) Refusing to touch the deduction for charitable contributions.
(b) Refusing to touch the deduction for interest on home mortgages.
(c) Refusing to tax fringe benefits.

(4) Revenues can also be increased by repealing
(a) The cigarette tax.
(b) Taxes on distilled spirits.
(c) The gasoline tax.
(d) The diesel fuel tax.
(e) The capital gains tax.

(5) There can be no sacred cows when it comes to a spending freeze, but we can't freeze spending for
(a) Defense.
(b) Welfare services.
(c) Veterans benefits.
(d) Social Security.
(e) Medicare.

(6) The Federal Government should stop subsidizing the railroads, except for
(a) Conrail.
(b) Amtrak.
(c) All of the above.

(7) Public works projects should not be funded, except in states
(a) That are round on the end and high in the middle.
(b) Whose capital is Columbus.
(c) Whose official song is "Beautiful Ohio."

(8) Federal spending on agriculture programs should be reduced, except for
(a) The dairy price support program.
(b) Target prices for wheat and feed grains.
(c) The food stamp program.
(d) Farmers Home Administration loan programs.
(e) Rural Electrification Administration.
(f) Soil conservation.

(9) Which of the following do not constitute "corporate welfare" and should be spared the budget ax?
(a) Urban Development Action Grants.
(b) Industrial Development Bonds.
(c) Accelerated depreciation.
(d) Synthetic Fuels Corporation.
(e) Export-Import Bank.

(10) Federal funding for education should be reduced, except for
(a) Head Start.
(b) Elementary and secondary education.
(c) Post-secondary education.
(d) Vocational education.
(e) Student loans.
(11) Waste, fraud and abuse can be eliminated in every area of Federal spending, except for
(a) Defense spending.
(b) Non-defense spending.
(12) The Office of Management and Budget can forecast a budget surplus by
(a) Assuming all Americans will work two jobs, thereby paying higher taxes.
(b) Asking each person in the Federal workforce to work one year without pay.
(c) Selling Alaska back to the Russians.

If you've answered each of these questions correctly, it may be advisable to ignore most of the sound and fury of the budget cycle that is about to begin. Excessive exposure to the budget process may be hazardous to your health.●

ETHIOPIAN FOOD CRISES PROMPTS RESPONSE IN FALL RIVER, MA

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. FRANK. Mr. Speaker, my staff and I have recently been given a chance to participate in a very encouraging effort by a group of citizens in and around Fall River, MA, to show their concern for people in need.

Fall River City Councilor Daryl Gonyon has organized a creative effort to provide volunteer assistance to the desperately hungry people of Ethiopia. Dorothy Reichard and Bill Whitty of my congressional staff have been privileged to work closely with Daryl Gonyon in trying to mobilize resources to provide a means for talented and dedicated American citizens to go to Ethiopia to help in this time of crisis. I have been extremely impressed with the diligence and energy and compassion that Councilor Gonyon has shown, and I have been equally impressed with the number of talented citizens who have responded to his call for assistance.

I hope that this kind of effort can be duplicated elsewhere, and I would like to share with the Members a description of this activity which was prepared by those who are participating in it.

The material follows:

IN ETHIOPIAN CRISIS: AID OFFERED

A major grass roots effort to recruit Fall Riverites and transport them to drought-stricken Ethiopia to render medical assistance and distribute foodstuffs is being conducted by Fall River City Councilor Daryl Gonyon. Volunteers, now numbering seventy-five, come from five states: Connecticut, Massachusetts, Maine, New Hampshire and Rhode Island. These volunteers have many different skills to offer.

Councilor Gonyon is seeking donations and has promised strict accountability for any funds received, using funds for transportation of volunteers to work in famine relief only not one penny of any funds received from this appeal will be used for administrative or overhead costs of any kind. "If I had $50,000 I could send a team of 25 volunteers for one full month!", says Gonyon. One hundred fifty thousand dollars would have to be raised to send all 75 volunteers.

Travel assistance and co-ordination has been offered free from Fall River Travel Bureau, Inc., 154 No. Main St., Fall River, MA.

Volunteers are helping out in many ways. One such volunteer is Sr. Rosemarie Higgins, F.M.M., a Catholic nun residing in No. Province, R.I. with the Franciscan Missionaries of Mary, a congregation of women established exclusively for world-wide mission. Her help has been invaluable. She has co-ordinated information amongst most New England agencies and groups concerning the so-called "Fall River effort", and has furnished leads to possible sponsors along with valuable printed materials concerning Ethiopia and other African nations.

Rev. Lee Ferry, an Episcopalian chaplain at Southeastern Massachusetts University, has been promoting the Fall River effort on that campus, and has been directly responsible for the recruitment of ten volunteers.

Claire Boulay, a resident of Assonet, MA is the primary administrative helper for the Fall River effort. She has volunteered many many hours on the phone to other volunteers. Her most recent effort was to gather volunteers at Councilor Gonyon's home in Fall River to meet one another and U.S. Representative Barney Frank. Kate Boylan, a staff writer for the Sunday Standard-Times, New Bedford, MA wrote substantially the following: When City Councilor Daryl Gonyon met his guests at the door, he asked them to fill out a "hello, my name is" tag and write on it how they can help Ethiopia's starving people. Medical student, registered nurse, carpenter and helper were among the skills they listed. One woman simply wrote, "Save lives." More than 40 people crowded into Gonyon's home to share their concerns. Some spoke of taking a semester's break from medical school. Bob Souza of Tiverton, RI, wondered aloud how people would react to working with dying people. Could they handle it or would they want to turn around and go home? Dan O'Leary from Connecticut told other volunteers how to get involved in fund-raising. A florist, O'Leary has raised thousands of dollars, mostly through students' sales of carnations. Asked about what one could do in Ethiopia, O'Leary said: "I think the needs are very fundamental, very basic. I think we can use our hands for just about anything. When people are dying and they're too weak to feed themselves, it seems like there's quite a bit you could do. At the very least," O'Leary said, "I could wipe the flies off some dying little kid's eyes."

Typical of letters Councilor Gonyon has received from volunteers is one from Janice Clifford, RN from Coventry RI: "I would like to be added to the list of volunteers for Ethiopia. I am a 42 year old mother of three grown children. When I see the heart breaking pictures of suffering people I feel most fortunate my children and I are able to live comfortably without sickness and hunger. I am a registered nurse and director of nursing for a 300 bed health care facility. It would be possible for me to volunteer two weeks of my time. This letter is written to you with the encouragement of my children. It is our way of repaying God for all our blessings."

James N. Dunbar, Staff Reporter for the Fall River Herald News, Fall River, MA has written two articles concerning the Fall River effort. Councilor Gonyon gives Dunbar the credit for getting the Fall River effort off the ground. "I was discussing my recruitment idea with Mr. Dunbar. The next day this was front page news. The first volunteer, Steve Scanlon from Tiverton, R.I., called me when the story in the Herald News had barely hit the street. My home was deluged with calls from people who wanted to help. My wife Lauretta, by far my strongest helper in this relief effort, has been a very busy phone receptionist, co-ordinator and host to the volunteers."

Linda Borg, Staff Writer for the Providence Journal, Massachusetts Edition, Fall River, MA has written an article with comments substantially as follows: "When Ken Ford's newborn son recovered from a serious illness seven years ago, he promised to do whatever he could to help other suffering children. After reading City Councilor Gonyon's plea for volunteers to go to Ethiopia, he knew what he had to do. "It's the children," he said, when asked why he wanted to volunteer. "You see their faces. You see the look of anguish on a mother's face. If I can leave there and see a couple of smiling faces, that's fine. I'll wash dishes or do whatever's needed." Paul Rodrigues, a data processing supervisor from Fall River said, "I thought about sending money, but you wonder how much filters down to the people? By going myself, I know where the help is going. It's one man doing whatever he can to help. What's one year out of a possible 80?" For Ron Travis, a former truck driver in Vietnam, it's a matter of "payback." "I've always had plenty to eat and a roof over my head," said Travis, 38, of Fall River. "That's the reason, if anything." For sister Maria Ceballos, it's a vocation. A native of Colombia, she has never forgotten the lessons she learned in childhood when hunger was an everyday reality in the sprawling tent cities that encircled the city she lived in.

How did all this begin? "I heard people on talk shows complaining, 'Where is God in a crisis like this?'" Gonyon said. "I suspect God might be wondering, 'Where is man?'" Gonyon decided that manpower—not money and food—was the most important aspect of the international relief effort. Gonyon contacted Congressman Barney Frank's office in Newton which agreed to act as a go-between.

Kate Boylan, in her most recent article concerning the Fall River effort carried in the Sunday Standard-Times, New Bedford, MA wrote substantially as follows: "Louis Bouchard figures he can pay off a debt. The Navy gave him an education so he could make a life for himself and his family. A dental technician and former Navy corpsman, Bouchard volunteered to go to Ethiopia to help the famine-stricken population. Bouchard said, "There was famine in the days of the Bible. But there was no way of helping the people then as we can today. I feel that now, today, with the means of transportation we have, people should get together and do what they can to help these poor unfortunate people." "Dorothy Reichard in Congressman Frank's Newton office has been a tremendous help to me

and my effort to get volunteers to Ethiopia," says Councilor Gonyon. Dorothy has been in contact with the U.S. State Department for co-ordination purposes. She has also written letters for Congressman Frank which have gone to international agencies and airlines seeking sponsorship.

"Catholic Relief Services and Save the Children seem to be our best hopes for sponsorship," says Gonyon. "After having talked with almost all international agencies involved with relief for African nations, I have learned that the Fall River effort is the largest such effort of its kind in the United States. I am praying and working now for benefactors to sponsor transportation for the volunteers. God asked the question that we are responding to, the question "Where is man in this crisis? We provide the effort, and leave the results up to Him."●

COMMON SECURITY RESOLUTION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. BROWN of California. Mr. Speaker, this summer will mark the 40th anniversary of the atomic bombing of Hiroshima and Nagasaki. About 65 percent of the present American population was not even born in 1945. Throughout their lives they have lived under the sway of not merely death, but human extinction. Gradually, and with a growing insidious terror until the only sane option for many is to ignore its reality, this postwar generation has watched two superpowers compete to make the most accurate, most deadly of weapons. If recent reports are accurate, our youth expect a nuclear holocaust before the end of their natural lives, and this expectation engenders hopelessness, despair, and pessimism.

A few years ago, there was a resurgence of interest in halting nuclear proliferation; an awareness that Americans, as individuals, have the power to influence the politicians who make the policy decisions to proceed with the continued acquisition of nuclear weapons. This movement resulted in the passage by the House of a nuclear freeze resolution, and the education of millions of Americans, including politicians.

Contributing to the nuclear debate was a series of articles by Jonathan Schell entitled "The Fate of the Earth." American consciences, indeed world consciences, were moved to action by his compelling portrayal of the horrors of nuclear annihilation and its consequences. But most reactions, regrettably, were rhetorical and failed to understand Schell's ultimate conclusion and challenge. To quote:

It is often said that nuclear arms have made war obsolete, but this is a misunderstanding. Obsolescence occurs when a means to some end is superceded by a new and presumably better means. But war has not been superceded by some better means to its end, which is to serve as the final arbitrator of disputes among sovereign states. On the contrary, war has gone out of existence without leaving behind any means at all—whether superior or inferior—to that end. There is no need to "abolish war" among the nuclear powers; it is already gone. The choices don't include war any longer. They consist now of peace, on the one hand, and annihilation, on the other. And annihilation—or "assured destruction"—is as far from being war as peace is and the sooner we recognize this, the sooner we will be able to save our species from self-extermination.

An immediate political and social revolution, he concluded, is necessary in order to save mankind from itself. Peace is not a technical or military problem; nuclear capability is now embedded in mankind's history. We can no more turn the clock back on this knowledge, than we can the knowledge of the lever or wheel. Therefore, we must go beyond the concept of war and its inevitable consequences and toward the concept of peace for all nations based on a collective commitment to solving the problems which create wars. We must invent the political means by which the world can peacefully settle the issues that throughout history it has settled by war.

In order to do this, we must address our common interests, our common security as a global community. Today I will be reintroducing the common security resolution. Its objective is to find the political means for the establishment of peace. Based on the 1961 joint statement of agreed principles for disarmament negotiations, also known as the McCloy-Zorin agreement, which was approved unanimously by the United Nations, this resolution calls for a multilateral, comprehensive approach to nuclear and conventional disarmament. More importantly, it would require verification of disarmament, promote institutions dedicated to peaceful resolutions of disputes, and require the peaceful development of space.

I incorporated into this generation-old proposal concepts from a more recent May 1982 report by the Independent Commission on Disarmament and Security Issues, entitled "Common Security—A Blueprint for Survival." This report looks beyond superpower confrontations to the need to hold multilateral negotiations on nuclear arms reductions, the need to limit nonnuclear weapons of mass destruction, and the need to be concerned about the international build-up of conventional weapons. This report proposes concrete, constructive remedies, and I recommend it. Significant contributions—including the title of my resolution—made by the Commission should be a starting point in the process of achieving true international security and genuine disarmament. The Chairman of the Commission, Olaf Palme, former Prime Minister of Sweden, deserves much credit.

Even without the advent of high technology weapons of mass destruction, the great philosopher, as well as politician and inventor, Thomas Jefferson, realized the importance of our political development. "Laws and institutions," he said, "must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made * * * institutions must advance also to keep pace with the times." As each day passes and we forgo the opportunity to reduce tensions, we increase the probability that the annihilation of mankind will not come from a calculated plan of attack, but rather through miscalculation, miscommunication, or technological error.

The common security resolution is but one step toward our objective. Peace—true, lasting peace—is a treacherous endeavor. We work hard to continue the struggle with very little evidence of success. Today's introduction is not the world's salvation, but it provides the political and social avenue for each individual, acting according to their conscience, to take the responsibility to change their lives, their nation, and their world. As the famed author, Norman Cousins, has proclaimed, "Nothing is more powerful than an individual acting out of his conscience, thus helping to bring the collective conscience to life."

I welcome the cosponsorship of my colleagues on this resolution. Let us not wait for the political and military tensions to mount beyond our grasp. Let us begin to develop the new social technologies we will need for not only our children's very survial—but for the survival of their hope, their optimism, their idealism. With these, anything is possible—including peace.

H. CON. RES. 36

Whereas the United States was founded upon the principle that all people are created equal and are endowed by their Creator with the inalienable right to life, liberty, and the pursuit of happiness;

Whereas these inalienable rights are being jeopardized today by the unprecedented destructive power of modern weapons and the unchecked growth of national armaments;

Whereas the Secretary General of the United Nations in his 1982 report called urgently for rededication to the charter principle of collective action for peace and security;

Whereas President Reagan in his March 1983 address to the Los Angeles World Affairs Council noted, "that nations should turn their best energies to moving away from the nuclear nightmare";

Whereas the House of Representatives has passed H.J. Res. 13 (Ninety-eighth Congress), calling for the pursuit of an immediate, mutual, and verifiable freeze as an objective to the strategic arms reduction talks (START);

Whereas H.J. Res. 13 referred to the fact that the United States and the Soviet Union

have previously signed a "Joint Statement of Agreed Principles for Disarmament Negotiations", known as the McCloy-Zorin agreement, which the General Assembly of the United Nations endorsed unanimously on September 20, 1961;

Whereas the United States has, as its ultimate goal, a world which is free from the scourge of war and the dangers and burdens of armaments, a world in which the use of force has been subordinated to the rule of law, and a world in which international adjustments to changing circumstances are achieved peacefully;

Whereas the fears and suspicions of, and misunderstandings among, nations make progress toward this goal difficult at the very time the increasing dangers and burdens of armaments make progress imperative; and

Whereas a decent respect for the opinion of humankind makes it incumbent on this great free Nation to set forth its vision of the world at peace and declare its willingness to move with all deliberate speed in concert with others to negotiate the agreements, conditions, and institutions for world peace and the rule of law: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should be encouraged in his efforts to achieve deep cuts in the amounts of nuclear weapons held by each nation and to establish a peace which will endure.

SEC. 2. The Congress would welcome an international agreement which would provide for the common security of all nations through (A) the staged, proportional disarmament of all nations until nonthreatening force levels are reached under effective international inspection and control, and (B) concurrent agreements providing methods and instrumentalities for the peaceful settlement of international disputes, for effective compliance during the staged disarmament process, and for effective enforcement as nonthreatening force levels are approached, in accordance with the following principles of the McCloy-Zorin agreement:

(1) The international agreement should specify the sequence for disarming all nations, by stages, and the time limits for each stage.

(2) The international agreement, with the understanding of all parties that the nature and extent of control will depend on the verification required for each stage, should provide such strict and effective international control at all stages that all parties could be assured that all other parties are complying with the agreement.

(3) An international security and disarmament authority should be established with its own voting procedures within the framework of the United Nations, to implement control over the inspection of disarmament.

(4) The international security and disarmament authority should have its own inspectors who should have unrestricted access without veto to all necessary places for verification at each stage of the disarmament process and its own international peacekeeping surveillance system, using the best available satellite surveillance technology.

(5) The disarmament process should proceed in such a manner that at no point could any nation or group of nations gain military advantage, and equal security is insured for all.

(6) There should be agreement among all parties before each subsequent stage in the disarmament process is begun that the preceding stage has been implemented and verified in a satisfactory manner and that any additional verification arrangements required for the next stage are ready.

(7) Progress in disarmament should be accompanied by measures to create new institutions, and to strengthen existing ones, for maintaining the peace and resolving all international disputes by peaceful means.

(8) The nations participating in the negotiations for an international agreement should strive to achieve and implement the widest possible agreement at the earliest possible date and should continue their efforts without interruption until agreement upon the total program has been achieved.

(9) Nuclear-free zones and existing treaties and agreements should be preserved and expanded as part of the negotiating process and efforts on other arms control and disarmament measures should continue in a manner designed to facilitate negotiations on the international agreement.

SEC. 3. The Congress, therefore, calls upon the President to initiate renewed serious consideration of the "Joint Statement of Agreed Principles for Disarmament Negotiations" by the appropriate agencies of the Government and to initiate joint reconsideration of the "Joint Statement of Agreed Principles for Disarmament Negotiations" with the Soviet Union for the purpose of assessing the relevance and validity of these principles today as the basis for an alternative to war. The Congress further encourages private organizations, foundations, and private citizens to assess the relevance and validity of these principles today and to determine a practical approach to achieve these goals.

SEC. 4. The President is requested to transmit copies of this resolution to the heads of government of all nations of the world and to invite their participation in establishing the common security of all nations and peace in the world.

SEC. 5. (a) The President is requested to report to the Congress by January 15, 1986 on the steps he has taken respecting this resolution and the responses received.

(b) The President is requested to submit a final report to the Congress by June 15, 1986 on the United States Government's reassessment of the "Joint Statement of Agreed Principles for Disarmament Negotiations" and the comments received from other governments.●

HOMER L. KOLIBA, SR.—CITIZEN OF THE YEAR

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. FROST. Mr. Speaker, on January 16, former State representative Homer L. Koliba, Sr. of Columbus, TX, was honored as Citizen of the Year in the county seat of Colorado County, TX.

The membership of the Columbus Chamber of Commerce named Homer Koliba as their Citizen of the Year for his continuing lifelong effort to improve life in Columbus and the State of Texas.

Homer L. Koliba, Sr., at 81 years of age, has resided in Columbus since 1923. He had formerly lived in Yoakum.

He has served as a peace officer for many years, and he was successfully engaged in the oil and gas business prior to trying his hand at politics.

The Colorado County Citizen stated, on January 10, 1985:

As he recalls it, he lost a close race by "about 16 votes" and figured on ending his political career right there, but "when I went up to congratulate the man who beat me, he wouldn't even shake my hand. He told me to get away from him. It made me so mad I announced right there that I would run again in 1954 and I did. I beat him by about 750 votes."

Mrs. Koliba, the former Bernice Townsend, was a big part in Homer's success. She wore out three pairs of shoes in their effort.

Homer Koliba served five terms in the Texas House of Representatives, where he compiled a proud record, including a bill to provide teachers with 3-year contracts rather than year-to-year contracts.

When he left the legislature in 1963, he returned to Columbus where he and Mrs. Koliba opened the Koliba Home Museum, which is opened to the general public. Southern Living magazine will be showing the Koliba Home Museum in a future edition.

In 1979, Koliba was appointed a State parole officer by the Governor of Texas, and his record in that position stands envied by other parole officers of the State—none of the parolees he has supervised has ever had his parole revoked.

Again quoting from the Colorado County Citizen:

He (Koliba) said he tries to help them steer their lives in a productive way and proudly showed a Christmas letter he received from one former parolee who now is a minister in this area. The letter praised Mr. Koliba for his interest and gave him credit for turning the young man's life around.

No doubt, Mr. Speaker, this type of praise will continue for the deeds of Homer L. Koliba, Sr., for many years to come.

The Columbus Chamber of Commerce has chosen well.●

A BILL TO HELP THE UNITED STATES COUNTER STATE-SUPPORTED TERRORISM

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. STARK. Mr. Speaker, today I am introducing a bill that is intended to correct a grave deficiency in our ability to combat state-supported terrorism; that deficiency is the enormous difficulty the President experiences in attempting to prohibit imports from a nation that aids or abets

act of terrorism. This bill gives the President clear legal authority to prohibit importation of products from any nation that provides financial or logistical support to, assists in the recruitment and training of, or provides de facto sanctuary from prosecution, to any group that commits a terrorist act against a U.S. citizen.

For example, this measure could be applied to Iran if its government takes no significant action against the terrorists who murdered two American officials aboard a hijacked Kuwaiti airliner in Teheran in December 1984. There is substantial evidence that Iran acted in collusion with the hijackers in this incident, by providing selective media access and weapons and by staging a sham rescue of the hostages. Available evidence also suggests that without Iranian assistance, the Beirut truck bombings, which cost over 300 American lives, would not have occurred. Despite its sponsorship of anti-American terrorism, there has been no limitation on Iranian exports to this country.

Presently, it is far easier for the President to prohibit or limit exports to a particular nation, and thus to hurt domestic industry, than it is for him to control the level of imports from a foreign country. In these years of weakened American commercial competitiveness, it is both ironic and unfortunate that the most energetic use of the economic sanctions available to the President that are intended to encourage change in another nation's behavior will often hurt both domestic industries and our overall international trade posture, without seriously affecting the economy of the targeted nation.

I feel this bill strengthens our commitment to combat international terrorism in several ways. It will make the threat of economic sanctions by the United States, the world's largest importer, far more serious; for our policymakers in times of crisis, it will create more options between inaction and the last resort of force.●

CONGRESSIONAL COMMEMORATIVE SALUTE TO THE UKRAINIAN PEOPLE OF THE 67TH ANNIVERSARY OF UKRAINIAN INDEPENDENCE DAY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. ROE. Mr. Speaker, I take great honor in rising today to salute the brave Ukrainian people on the occasion of the 67th anniversary of the Ukrainian Independence Day.

Mr. Speaker, January 22, 1918, was a true day of glory for the Ukrainians when their free democratic Parliament, the Rada, declared the nation's independence. But the Communist forces that had taken over Imperialist Russia during the Revolution of 1917 saw the Ukrainian National Republic as a serious threat to itself and its heinous goals.

Finally in 1922, the Russian Communists forcibly took control of the Ukraine and began a brutal repressive campaign that continues today. It is no underestimation that millions of Ukrainians have been systematically slaughtered by a series of Russian Communist regimes over the past 59 years. The Russian slavemasters have forced the proud Ukrainian people to leave their homeland and serve on factories and farms throughout the Soviet Union.

But despite all the turmoil and tragedy, the Ukrainians living in the Soviet Union have somehow managed to maintain both their dignity and their ethnic identity. There is no question that while Russian control over the Ukraine is brutal and complete, the spirit of the Ukrainian people has never been diminished.

The Soviet ruling elite should take note that while it maintains political control over its nation, it will never be able to obliterate the strong national traditions held by millions of people living in the Ukraine, the Baltic States, Byelorussia and the Transcausus.

Mr. Speaker, on behalf of the people of the Eighth Congressional District of New Jersey and the people of New Jersey, I join in saluting the heroic Ukrainian people on the anniversary of this important day in their lives. May it serve as a hope for all Ukrainians to maintain in their hearts, that with God's help, their self-destiny as a nation may once again become a reality.●

THE 67TH ANNIVERSARY OF UKRAINIAN INDEPENDENCE DAY

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. DWYER of New Jersey. Mr. Speaker, I wish to join my colleagues in commemorating the 67th anniversary of Ukrainian Day.

As the Ukrainian people commemorate the anniversary of their declaration of independance, they continue to face serious threats to their language, culture, and their very existence. Indeed, we know that those who speak out against oppression will receive long terms of imprisonment for espousing the principles of democracy and freedom.

I wish to take this opportunity to reaffirm my commitment with those in the Ukraine who suffer from the oppression of totalitarianism. Let us remember their brave struggle for freedom and national identity after decades of Soviet occupation. The daily indignities to which the Ukrainians are subjected to should serve as a constant reminder to us in the Free World.

These statements are now an essential ingredient in the worldwide effort to aid the Ukrainian people. So today, we the people of the United States, in conjunction with other nations of the world rededicate ourselves to the cause of human rights, democratic self-rule and freedom. The desire for liberty and independence for the brave people of the Ukraine must be kept alive. As representatives in the Free World, we shall continue to share with their aspirations for freedom and independence.●

A PROUD LITTLE TOWN

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. APPLEGATE. Mr. Speaker, the Ohio Valley and, in particular, eastern Ohio, have always taken the avocation of sports very seriously. This could never be better demonstrated than by relating to you and the Members of the House of Representatives the story of a small community in my congressional district.

The village of Lansing, with a population of 600 people, is a very proud little town and with every reason to be so. It was here where four of this country's outstanding athletes were born and raised.

John Havlicek enjoyed a brilliant 16-year career with the Boston Celtics of the National Basketball Association which earned him selection to the National Basketball Hall of Fame. He is also a member of the Ohio State University Sports Hall of Fame and the Upper Ohio Valley Dapper Dan Hall of Fame. John is now a businessman who resides in the Boston area.

Phil Niekro has enjoyed 21 seasons in the National and American Baseball Leagues. After 20 years of pitching with the Atlanta and formerly Milwaukee Braves, Phil was traded to the New York Yankees where he will again play this year for the second year. He enters this campaign with 284 career victories.

Joe Niekro, who is Phil's brother, will be playing his 19th season this year as a member of the Houston Astros. He enters 1985 with 193 career victories including earlier stints with the Chicago Cubs, San Diego Padres, Detroit Tigers, and Atlanta Braves. Before turning pro, Joe was an NAIA All-American pitcher for a national

championship West Liberty State College team.

The Niekro brothers combined career victories total 477 and stand as the second highest ever for brothers in the major leagues.

And fourth from this community is Bill Jobko, a seventh round draft pick of the Los Angeles Rams of the National Football League. After four seasons with the Rams, Bill was traded to the Minnesota Vikings and played there for another 4 years before being traded to the Atlanta Falcons in the teams initial year, 1966; 1 year later, Bill joined the Falcons' scouting staff and has remained with the club ever since, including his current position as pro player personnel director.

With these stellar athletes all being from this community, it is easy to see why there is the pride that exists in Lansing. The town is to be congratulated for its contribution to the world of sports, and these fine men for the thrills, excitement, and entertainment they have provided over the years.●

FRED W. MANNING

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. KANJORSKI. Mr. Speaker, recently a distinguished gentleman, and friend of mine from Carbon County, PA, was honored by his neighbors.

The Mauch Chunk Historical Society in the very historic town of Jim Thorpe named Fred W. Manning as their 1984 Citizen of the Year.

His selection for this award reminds us all how America depends on people like him—who through their civic involvement and community commitment—keep our country strong. Fred Manning's values, his selflessness and his devotion as a husband, father and a grandfather are vital to our Nation.

Day in and day out, people like Fred Manning make contributions to the fabric of this Nation which are not recognized nationally, but nonetheless—their role is important to our national betterment.

I'm proud to represent Jim Thorpe, the Mauch Chunk Historical Society, and its members. I'm proud Fred Manning and his family are constitutents of mine. And I'm especially pleased to be able to share with my colleagues the inscription on Mr. Manning's plaque, and his remarks upon accepting the award:

CITIZEN OF THE YEAR AWARD—1984: FRED W. MANNING

In Recognition for Outstanding Service to Jim Thorpe, PA;

Sterling Citizen, Humanitarian, Advocate of Historical Restoration, Responsible Industrialist and Beloved for His Fine Qualities by Family and Friends;

By the Mauch Chunk Historical Society, December 29, 1984.

REMARKS BY FRED W. MANNING

In history it is said that we study and look to the past so that we may preserve the good of the past and be inspired to meet the changes and challenges of the future.

I am sure that is the objective of the Mauch Chunk Historical Society: To preserve the history of richness, and of the beauty, and in every sense of the word—the uniqueness of Jim Thorpe.

Your society and other agencies under the direction of our progressive county commissioners may well be considered a catalyst of the changes that are taking place in our county to make many Pennsylvanians aware of us.

The natural beauty of the area and of the historically-renowned structures of a bygone era are again being recognized. This is good for our economy because it promotes tourism. But it is also good for history. Efforts such as yours show that preservation need not be only an academic or aesthetic endeavor.

Our county's historic sites are being revitalized and brought to new life for the enjoyment and edification of people from far and wide. One of those sites which my family is pleased to have renewed is the Hooven Building.

As owners of the Hooven Building, we are happy to be part of that effort that takes historic sites, renovates them and preserves them for future generations of Pennsylvanians—and indeed, Americans. I hope by your honoring me tonight that others will hear and see the value of such efforts and in years to come many other individuals will be honored for having taken the same type of action.●

A CONGRESSIONAL SALUTE TO THE SACRAMENTO SHERIFF'S POSSE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. MATSUI. Mr. Speaker, I rise today to honor a group of fine Americans, the Sacramento Sheriff's Posse. I take great pleasure in commending this outstanding group of lawmen for their selection to participate in the 50th Presidential Inauguration.

The Sacramento Sheriff's Posse, under the leadership of Sacramento Sheriff Robbie Waters, represents the culmination of dedication to the ideals of horsemanship and law enforcement. The Posse exemplifies the spirit of California and has represented Sacramento County throughout the Nation with pride and dignity. The Third Congressional District of California has been duly represented by this remarkable organization.

Mr. Speaker, it is not surprising that the Sacramento Sheriff's Posse has twice been selected to honor the President of the United States on the occasion of his inauguration. In the over 30 years that the Posse has been organized as a drill team, they have been awarded over 20 California State drill team championships. This consistently demonstrated level of excellence, coupled with other numerous awards and honors that have been bestowed upon the posse, is indeed commendable. I ask my colleagues to join me in saluting this talented organization.●

TRIBUTE TO PAUL GONZALEZ

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. TORRES. Mr. Speaker, I would like to take the opportunity to commend the accomplishments of one of our dedicated athletes in the east Los Angeles community, Paul Gonzalez. Paul Gonzalez was awarded a gold medal in the 1984 summer Olympics held in Los Angeles.

The 23d summer Olympiad brought excitement and splendor to many amateur athletes participating in this sport spectacular. Paul received his gold medal in the lightweight boxing competition.

Paul Gonzalez story is unique and deserves mention. Paul came out of the barrio of east Los Angeles and his prior involvement in street gangs could have steered him toward a troublesome future. However, through the support and encouragement of Al Stankiweicz, a Los Angeles police officer, Paul's energies were geared toward the boxing ring. Mr. Stankiweicz has also been responsible for coaching Paul in the boxing arena for the past 10 years. Paul has earned the privilege of serving as an exemplary model for many young Mexican Americans in the barrios of east Los Angeles.

Mr. Speaker, this story serves as a vision of hope which should be viewed with optimism. At a time when many of our teenagers are victims of violence and involved in criminal activity in our communities, it is encouraging to see young men like Paul Gonzalez shattering the negative influences of their environment and fulfilling a dream. I know that Paul is proud of his Olympic accomplishment. He should also be proud that he can help others to fulfill their dreams and aspirations. I would like to thank him for his perseverance and stamina. Paul Gonzalez is truly a leader.●

ST. CHARLES BORROMEO PARISH CELEBRATES 50TH ANNIVERSARY

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. LUNDINE. Mr. Speaker, today I should like to offer a few words of

praise for the St. Charles Borromeo Parish of Elmira Heights, NY.

This is a special year for the parish. This January St. Charles Borromeo is celebrating its 50th year as an independent parish. The month of May will mark 25 years that it has been located at its present site. It is, therefore, fitting that we take a few moments to recognize the parish's record of service to the people of Elmira Heights.

St. Charles Borromeo, archbishop of Milan, helped lead the efforts to reform the Catholic Church from within during the 16th century. The archbishop not only set an example by his conduct, but also worked to improve the religious education of children. He founded the Confraternity of Christian Doctrine, which established the first Sunday schools and educated over 40,000 youths.

The St. Charles Borromeo Parish has followed in this august tradition. It provides religious instruction to the young, at both the grammar and high school levels. Over the past 50 years, the parish has set an example by its outstanding conduct, in providing spiritual leadership and guidance to its parishioners. It has also sponsored innumerable activities, such as outings and dinners, and offered a variety of services, including the distribution of Christmas food baskets, that have nurtured and aided the community.

I am certain that my colleagues join with me today in congratulating the St. Charles Borromeo Parish on its 50th anniversary and wishing it the best for the years to come.●

ARLINGTON COUNTY POLICE DEPARTMENT AWARDED ACCREDITATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. WOLF. Mr. Speaker, I am extremely pleased to share with my colleagues news of a distinct honor recently received by the Arlington County Police Department located in the 10th Congressional District of Virginia which I represent.

On November 17, 1984, the Arlington County Police Department became the first law enforcement agency in the Commonwealth of Virginia and the second agency—the first nonpilot agency—in the Nation to be granted nationwide accreditation by the Commission on Accreditation for Law Enforcement Agencies. The Commission was founded in 1979 to promote excellence, efficiency, and professionalism throughout our Nation's law enforcement agencies, approving law enforement standards and administering a voluntary accreditation program.

Through accreditation, law enforcement agencies at the State, county, municipal, or local level gain objective testimony that they meet professional criteria. The accreditation process for law enforcement agencies was completed in 1983 with the publication of 944 standards which deal with almost every aspect of law enforcement. In accomplishing the objective of accreditation, the Arlington County Police Department complied with all of the mandatory and over 90 percent of the nonmandatory standards.

Chief of Police William K. Stover is to be commended for his excellent leadership of the men and women of the Arlington County Police Department. All the members of the department and the citizens of Arlington County can take great pride in the achievement of accreditation status for the Arlington Police Department and the recognition of the department as one of the finest law enforcement agencies in the United States.●

RIATA RANCH COWBOY-GIRLS

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. PASHAYAN. Mr. Speaker, in March Equitana '85, an event billed as the "World's Fair of Horses," will be held in Essen, West Germany. One of the featured performances at Equitana once again will be five young women from Exeter, CA, known as the Riata Ranch Cowboy-girls.

The Riata Ranch Cowboy-girls of 1985 are the result of some 28 years of patient training and guidance by Tom Maier of Exeter during which over 2,100 young women have learned the fine points of the difficult and sometimes painful sport of trick riding. The riders begin with the basics, which include the unglamorous tasks of cleaning stables, horses, and tack, feeding their mounts, and all the other work involved with their four-legged performing partners.

During the 28 years he has served as coach, teacher, and on-the-road father to the riders, Tom Maier has also worked to overcome personal tragedies, including auto and riding accident injuries, and a bout with cancer.

Not all the 59 girls who signed up to become a Riata Ranch rider this season will become members of one of the three performing teams. Many students drop out during the years of arduous training required to qualify for team membership.

But acceptance as a member of the Riata Ranch red, white, or blue team can mean travel and the opportunity to perform at a variety of events. The blue team, composed of girls 13 years of age and under and headed by a 21-year-old Lillis Lancaster, performs at some 18 California rodeos each year. Twenty-one-year-old Jennifer Welch heads up the white team of high-school-age riders which performs at special events in the United States, including the Olympics.

The Riata Ranch varsity is the red team, headed by Maier. Jana and Kathy Copley, Julie Negard, and blue and white team leaders Lancaster and Welch make up the red team, which has appeared in Austria, Belgium, Canada, the United Kingdom, France, Germany, Holland, Italy, Japan, Switzerland, and all over the United States. Riata Ranch riders have also performed on many network and local television shows.

Mr. Speaker, the young women who are the Riata Ranch riders and their founder and mentor, Tom Maier, deserve our thanks and appreciation for their continuing efforts to serve as unofficial ambassadors-on-horseback as they travel around the world providing entertainment and an outstanding demonstration of American equestrian skills. Citizen's efforts such as theirs offer an excellent example of unofficial but personal diplomacy that can improve understanding between the peoples of this troubled world.●

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO MEDICARE AND MEDICAID BENEFIT CUTS FOR ELDERLY AND POOR

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. ROYBAL. Mr. Speaker, I rise today to introduce a House concurrent resolution which states that Congress is opposed to any Medicare and Medicaid changes which reduce eligiblity and benefits or increase costs to our Nation's most vulnerable citizens—the elderly and poor.

Given that the elderly are already using a large portion of their income for health care, it is totally unreasonable to make that burden heavier. The administration's proposals for premium increases and benefit cuts will place an even greater burden on the elderly. If these proposals were enacted, the elderly would have to pay an average of about $2,300 for health care in 1988. This amounts to 18.3 percent of their limited incomes and is substantially higher than the 15 percent they were paying before Medicare and Medicaid began. Cutting Medicare payments to hospitals and doctors will also cause major problems if the cuts are too deep or if the elderly are not adequately protected from cost shifting and reductions in quality. I oppose

any Medicare cut which increases the elderly's costs or threatens their access to good quality care.

The Medicaid Program has also been targeted for major cuts by the administration. Tragically, the poor and elderly already suffer from Medicaid's limited eligiblity and benefits. This administration again fails to address the problems faced by our most vulnerable citizens and intends to make these problems worse. Coupled with the cuts proposed for Medicare, the Medicaid cuts will be especially harmful to the poorest elderly. Faced with the proposed Federal cuts of averaging $346 per elderly recipient in 1988, the States will undoubtedly cut back on Medicaid. This is an injustice I cannot accept. No further cuts should be made to Medicaid's already restricted eligiblity and benefits. Instead, Congress and the States must take steps to deal positively with gaps in Medicaid eligibility and coverage.

Rather than creating more problems for the elderly and poor, it is high time that the administration focus its efforts on helping to make an intolerable situation tolerable. This concurent resolution provides the House, and hopefully the Senate, an opportunity to express its opposition to any cuts which harm this Nation's elderly and poor citizens.●

THE CIVIL RIGHTS RESTORATION ACT OF 1985

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mrs. SCHNEIDER. Mr. Speaker, last June the House of Representatives reaffirmed its commitment to civil rights by overwhelmingly approving H.R. 5490, the Civil Rights Act of 1984. That vote expressed our intention to overturn the Supreme Court's decision in Grove City College versus Bell, and to ensure a return to comprehensive coverage of antidiscrimination statutes protecting women, minorities, the elderly and the disabled. Unfortunately, as we all know, that bill ran into road blocks in the other body and died at the close of the 98th Congress.

Today, the fight to overrule the Grove City decision begins in this Congress. I am pleased to join my distinguished colleagues on both sides of the aisle in introducing the Civil Rights Restoration Act of 1985. The bill we introduce today will clarify once and for all the coverage of title IX of the 1972 education amendments, title VI of the 1964 Civil Rights Act, section 504 of the Rehabilitation Act, and the Age Discrimination Act. By defining the meaning of the term, "program or activity," in each of these four statutes, we remove the ambiguity that misled the Court in Grove City, and make it clear that anywhere taxpayer money goes, taxpayer supported prohibitions on discrimination follow. This bill makes it clear that Federal money cannot be used to support discrimination on the basis of gender, age, race, national origin, or physical handicap.

The need for the Civil Rights Restoration Act of 1985 is clear, and the time for action is now. I urge my colleagues to join me in supporting this critical legislation.●

WORLD FREEDOM DAY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. CRANE. Mr. Speaker, as the hostilities in Korea came to a close at the beginning of 1954, a very significant event took place. More than 22,000 of the North Korean and Chinese Communist troops that were being held in allied prison camps refused to be repatriated. In spite of intimidation and threats from other Communists, they marched out of the camps to freedom. This occurrence in a very real sense epitomizes what has been going on since the advent of communism as millions have fled Communist oppression for the freedom of democratic nations.

Other individuals have remained in Communist countries to wage the battle for freedom there. But in either case the struggle against Communist oppression that has been diligently and bravely carried on is indeed worthy of recognition and support. The example set by the many fearless martyrs who have given their lives in this struggle is an inspiration to all people everywhere, but expecially to those who live beneath the yoke of communism.

I am reminded of the words of the great patriot of this country, Thomas Jefferson. He must have understood very well the price of freedom, for he stated: "The tree of liberty must be refreshed from time to time with the blood of patriots * * *." Certainly those who have given their lives in the struggle against communism know all too well the meaning of Mr. Jefferson's words. I have no doubt that they considered it not only a necessity but an honor to give their lives for freedom.

Mr. Jefferson also made another statement that bears repeating as we honor those who have sought freedom from Communist repression. He once declared that: "I have sworn upon the altar of God, eternal hostility against every form of tyranny over the mind of man." The tyranny that the Communists have tried to exercise over the minds of the free peoples in this world must never be allowed to triumph. I know that it never will, for the spirt of liberty is strong and will remain strong. It is our duty, indeed our privilege, to support this ongoing struggle to restore the lost principles of political and cultural self-determination that have been wrested from those living under Communist tyranny.●

COMMEMORATING THE 67TH ANNIVERSARY OF UKRAINIAN INDEPENDENCE

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. ST GERMAIN. Mr. Speaker, as an American of Ukrainian descent, I am proud to commemorate January 22, 1985, as the 67th anniversary of the proclamation of independence in Ukraine. Although the independent republic lasted only 3 years, the Ukrainian people remember and continue to seek their freedom despite years of harsh Communist rule. We, too, remember and take the opportunity of this anniversary both to celebrate the spirit and determination of the Ukrainian people and to condemn Soviet action to oppress this spirit and punish that determination to be free.

The people of Ukraine are fighting an ongoing Soviet campaign to eradicate Ukrainian culture and national identity, and they face persecution and violations of their human rights for these efforts. In places like St. Michael's Ukrainian Orthodox Church of Woonsocket, RI, parishioners work to keep the Ukrainian heritage alive, and I am pleased to be a part of the annual recognition of the anniversary of Ukrainian independence.●

IN TRIBUTE TO THE HONORABLE SHELDON H. GROSSFELD

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. MATSUI. Mr. Speaker, one of my most respected and civic-minded constituents, the Honorable Sheldon H. Grossfeld, a faithful public servant to the State of California and long time superior court judge, has announced his retirement.

Sheldon Grossfeld's first introduction to the legal process was as an assistant counsel for the California Department of Finance in 1960. What followed was a meteoric rise through the judicial ranks of California, culminating with a 7-year stint as a judge of the Sacramento Superior Court. Judge Grossfeld is noted for his expertise in

matters of criminal procedure and evidence. At the time of his retirement, he was recognized as this country's leading authority on capital murder cases. He shared this knowledge with other judges by teaching a course on death penalty trials, while serving as a member of the faculty of the California Continuing Judicial Studies Program. His farsightedness in this area has frequently anticipated changes in the law, thus enabling Sacramento County to avoid costly reversals and retrials of serious cases.

Mr. Speaker, Judge Grossfeld will also leave behind a superlative record as a civil court judge. His skills at settling cases enabled the Sacramento County Superior Court to maintain its fine record of keeping down the backlog of untried cases. He knew from experience how cases would be resolved by the trier of fact. He shared this experience with his litigants, and they soon developed a sense of confidence in his opinion and his judgment. His expertise and devotion to his job will be sorely missed by both his colleagues and by the people of California.

Mr. Speaker, on behalf of the citizens of Sacramento, I extend my thanks and best wishes to the Honorable Sheldon H. Grossfeld. We can rest assured that his new pursuits in the private sector will be as creative and fulfilling as those he has devoted to public service.●

ANATOLY SHCHARANSKY—YET ANOTHER BIRTHDAY IN PRISON

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. GILMAN. Mr. Speaker, this past Sunday, January 20, Anatoly Shcharansky celebrated his 37th birthday in a Siberian labor camp in the infamous Soviet gulag. This birthday is his eighth in captivity, since he was arrested and given a 13-year sentence for the false charge of treason, as an agent of the United States.

Although those of us in the United States may be particularly thankful that 1984—George Orwell's year of Big Brother—has come and gone, with our personal freedoms in this country maintained intact, the grim implications of that novel continue to manifest themselves in the Soviet Union's treatment of Anatoly and all other outspoken Soviet Jews. For those imprisoned and refused Jews of the Soviet Union, every year is 1984, and what we refer to as the Iron Curtain has become an iron wall. The doors of emigration have been slammed shut, where only 896 Soviet Jews were granted emigration visas to freedom during 1984.

But none of those now imprisoned have come to symbolize the Soviet Jewry movement more than Anatoly Shcharansky. Though over the years he has been deprived, denied and maltreated, his spirit has remained strong. The crux of Anatoly's situation rests with our ability to continue to monitor Soviet activities, and to speak out at every opportunity. Now, as we enter 1985 and U.S.-U.S.S.R. arms control talks, Congress and the President must absolutely make Anatoly's well being and release our No. 1 human rights priority. In the past the Soviets have denied Anatoly medical treatment when it was requested. Yet we do know that Anatoly was recently transferred to a hospital for an undisclosed illness. If the Soviets have assented to hospitalization, his situation must have been grave indeed.

Having recently returned from a trip to the Soviet Union, I can assure my colleagues of the gravity of the situation facing Anatoly Shcharansky and other Soviet Jews. Their only crime is the desire to practice their Judaism openly, and to live a life of religious freedom in Israel.

As we join Anatoly Shcharansky in commemorating his 37th birthday, let us greet this new year with renewed commitment to our brethren in the Soviet Union. If not for our efforts, Soviet authorities would be more than pleased to allow Anatoly to languish or even disappear in the vast expense of the Soviet gulag. Let us remind the Soviets that we will continue to protest and to speak out and act on behalf of Anatoly Shcharansky, until the day he is released and allowed to reunite with his wife, Avital, in Israel.

Avital, in recognition of Anatoly's 37th birthday, said:

I hope and pray that we can celebrate Anatoly's 38th birthday in Israel . . . in peace and in freedom."●

UKRAINIAN INDEPENDENCE

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. MOAKLEY. Mr. Speaker, I rise today to commemorate the 67th anniversary of the proclamation of independence in Ukraine.

The years that the Ukrainian people have been forced to live under Soviet control have been hard and harsh. Through deportations, executions, starvation, and collectivization, millions of men, women, and children have been victims as their Communist overlords have attempted to tighten their grip on the country.

Most admirable and encouraging, however, is the fact that despite deliberate attempts to destroy the Ukrainian culture and people, their spirit of freedom, lust for liberty and sense of national pride is as strong as it was 67 years ago when they declared their independence. Such fervent desires and aspirations express for us today the emotions and hopes our Founding Fathers had over 200 years ago.

Mr. Speaker, I consider myself most fortunate to live in a country that entitles me to freedom and independence. I cherish these privileges more than anything. I volunteered for the service during World War II because I believed so strongly that these essential rights should and must be protected. My heart goes out to the people of the Ukraine. I realize the agony that these freedom loving people must be experiencing. Therefore, I urge my fellow Members of Congress to join in not only condemning the oppression that still plagues the people of the Ukraine—but to also support and encourage their struggle to regain their freedom.●

BIG BROTHER/BIG SISTER APPRECIATION WEEK

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. GEKAS. Mr. Speaker, many times adults forget that the most important and sometimes the most trying times in a person's life are those years when we are growing up and experiencing many of life's adventures for the first time. Big Brothers and Big Sisters is a group that has been formed to provide to many underprivileged kids an experienced ear with whom they can discuss problems and ask questions so that they will understand and appreciate each step of the process of growing up.

February 17, 1985, marks the beginning of Big Brother/Big Sister Appreciation Week. This commemoration was designated by the President and Congress so that all Americans can show their support and appreciation for the time and effort put forth by this small but dedicated group of volunteers. These men and women use their free time to develop a 1-on-1 relationship with underprivileged children, giving those children opportunities they may not otherwise experience and allowing the boys and girls to spend more constructive time with a concerned adult.

Today, when so many people are in such a hurry to get from one place to another and many disregard the small pleasures in life, it is nice to know that some still take the time to spend a few hours each week making the children of America feel appreciated, needed, and loved. May the work of the Big Brothers and Big Sisters continue for years to come and may the stream of volunteers continue to flourish as they have in the past with such dedicated and respected individuals.●

TAXING THE ELDERLY

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. DENNY SMITH. Mr. Speaker, I have long been concerned about the massive budget deficits that threaten to destroy our economy. For several years now I have been pushing for a 1-year freeze on all Government spending. Such a freeze would save the Government $35 billion in 1986 alone, and would give us an opportunity to identify what long-term structural changes can be made to reduce Government spending and cut the deficit.

Deficit reduction should not be achieved, however, by filling the Treasury's coffers with taxes from senior citizens on fixed incomes. I have always been opposed to the taxation of Social Security benefits. Therefore, I am introducing two bills today concerning taxes recently imposed on certain benefits.

The first bill is an outright repeal of the provisions of the 1983 Social Security amendments that instituted taxation on up to one-half of the benefits received by individuals earning over $25,000 or couples earning over $32,000.

This new tax penalizes individuals for past, unalterable, decisions concerning savings and investments. Hardworking individuals who were able to set-aside funds for their "Golden Years" are now being hit with an unanticipated tax by the Federal Government. The Government should be encouraging self-sufficiency in retirement years, not discouraging it.

Unlike other taxes, Social Security withholding has never been a deduction for the computation of Federal tax liabilities. Therefore, benefits currently paid out are based on contributions that have already been taxed, resulting in double taxation on these funds.

The budget will never be balanced by simply raising taxes. Tax increases have only fueled further spending increases. How many times has this body approved tax increases on the promise of further spending cuts? Yet we never see the spending cuts.

While I favor an outright repeal of the taxation on benefits—and will push for such legislation—something must be done to ensure that while such legislation is still on the books, it is not applied to lower income social security recipients.

Under current law, the income thresholds for taxation of Social Security benefits aren't indexed for inflation. In 1984, 9 percent of Social Security recipients faced an increased tax liability because of the new law. The Social Security Administration estimates that by 1990, 17 percent of all recipients will be affected by these tax provisions. I am, therefore, introducing a bill to index the income thresholds.

There is much talk on the floor of this Chamber about compassion for the elderly in our great Nation. I ask my colleagues to join me in turning talk into action by eliminating the taxes on benefits that the elderly earned throughout their working years.●

OUTSTANDING YOUNG ATHLETES

HON. GENE CHAPPIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. CHAPPIE. Mr. Speaker, I would like to take this opportunity to recognize the outstanding achievement of the Pleasant Valley High School girls' basketball team of Chico, CA. Recently USA Today ranked the Pleasant Valley girls as the ninth best team in the whole country.

These fine young athletes have amassed an overall record of 15–0 and are most certainly bound for postseason play. I speak for all of the people of the Second District of California in expressing our pride. These young ladies and their coach have demonstrated a high level of skill and commitment.

Mr. Speaker, this team has earned a mark of distinction with their fine play, and they have the best wishes of all the people of the Second District of California. We are tremendously proud and wish them the best of luck.●

A BILL TO PROVIDE EQUITABLE TAX TREATMENT FOR FISHERMEN

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. McKERNAN. Mr. Speaker, I rise today to introduce a bill which, although negligible in cost, would provide significant benefits to many fishermen in Maine and elsewhere in this country. This legislation would amend the Internal Revenue Code of 1954 to provide that certain fishermen, who are treated as self-employed for Social Security and Federal withholding purposes, are treated as self-employed for pension plan purposes as well.

Mr. Speaker, much of the Tax Code recognizes the self-employed status of most fishermen. As self-employed individuals, they incur the same tax burdens as any normal business. In general, self-employed individuals are entitled to take advantage of tax-leveraged retirement funding mechanisms, such as Keogh plans. Because group retirement funds are not practical in the fishing industry due to frequent crew turnover, Keogh-type plans offer an ideal means for individual fishermen to provide themselves with a more secure future. But, in that portion of the Tax Code which deals with pension plans, fishermen are not considered self-employed, and are thus not eligible to establish their own Keogh plans.

I do not believe that it was the intent of Congress to establish a tax disparity of this nature. In fact, Congress has already acted to rectify similar situations affecting other groups of taxpayers, including traveling salesmen, pieceworkers, and ministers.

The bill I am introducing simply includes fishermen, who work aboard boats with fewer than 10 crewmen operating on a share basis, I believe that this measure represents sound public policy and I urge my colleagues to support this effort.●

A TRIBUTE TO ROBERT F. BARRETT

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1985

● Mr. SHELBY. Mr. Speaker, on Friday, February 1, the Alabama Power Co. will honor a man who has given the major part of his professional life in service to the company.

After 43½ years of service, Mr. Robert T. Barrett will retire, and his friends and neighbors, including myself, feel that his exemplary career should be brought to public attention as a model for those who are inspired by dedication to duty.

Bob started as a groundman in the construction department in 1941 when he was 19 years of age. From 1945 to 1968 he was a lineman working in Carbon Hill, Winfield, Haleyville, Dora, and Columbiana. Bob was made local manager of the Centreville office in 1968. He returned to Columbiana in 1973 as local manager of the Columbiana office.

Not only has Bob worked hard in the company, but he has been active in various civic affairs and organizations. He has served on the Columbiana Library Board, been a long time member and served as its chief of the Columbiana Fire Department. He is also a member of the Columbiana Kiwanis Club and is immediate past president of the organization.

During World War II, Bob served with Patton's 3d Army, 80th Division from 1942 to 1945. He was a German prisoner of war the last 6 months of the war.

Bob is married to Mary Wicker and they have two daughters, and five grandchildren.

Mr. Speaker, Bob Barrett is the kind of man who makes America work. The qualities of a good employee—dedication, trustworthiness, diligence, and loyalty, are all abundant in Bob's character.

All of us should take a moment and reflect on this attitude toward life. We need more men like Robert F. Barrett who have given so much of themselves in helping others. He is a fine father, husband, conscientious businessman, and leader in the community.

Not many people achieve the measure of admiration and respect that Bob has enjoyed. He earned that respect because he has always truly cared about the people he served and about the welfare of his community. There is no doubt in my mind that this tribute is well deserved by this outstanding individual.

I am honored to be able to share this exceptional story with my colleagues in in the House of Representatives, and certainly wish Bob well in his future endeavors.●

HOUSE OF REPRESENTATIVES—*Monday, January 28, 1985*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. WRIGHT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 23, 1985.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, January 28, 1985.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The SPEAKER pro tempore. Our prayer for today will be offered by an old friend, the former Chaplain of the House of Representatives, Dr. Edward G. Latch.

The Reverend Edward G. Latch, D.D., former Chaplain of the House of Representatives, offered the following prayer:

They that wait upon the Lord shall renew their strength.—Isaiah 40:31.

Eternal God, our Father, unto Thee do we lift up our hearts in prayer. Always art Thou with us and now we pray that Thou wilt help us to be aware of Thy presence that by clear thinking, clean living, and a creative faith we may find Thy Spirit arising with new life within us. We pray for strength to resist evil, strength to overcome temptation, strength to do what we ought to do, and to live as we ought to live. O God, come into our hearts and help us to do for ourselves what we cannot by ourselves—win the struggle over our own weaknesses.

Bless our President, our Speaker, all Members of this body, and those who work for them and with them that together we may make and keep our Nation good and sound and wise: For the glory of Thy name and the good of all our people. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

COMMUNICATION FROM HON. HENRY J. HYDE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Hon. HENRY J. HYDE, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 23, 1985.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to rule L(50) of the Rules of the House of Representatives, that I have received a deposition subpoena issued by the U.S. District Court for the District of Columbia.

I will, in consultation with the general counsel to the House, make the determinations required by the rule and will promptly notify you of those determinations.

Sincerely,

HENRY J. HYDE.

MAJORITY LEADER CLARIFIES ISSUES CONCERNING THE FEDERAL DEFICIT

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, I report to my colleagues and to those persons interested the statement of the majority leader in the news conference this morning. It is an important step in trying to come to grips with the most preeminent issue facing our Nation—the Federal deficit.

The majority leader points out that if we as a nation are to come to grips with this wrenching problem, it is necessary for both the White House and Congress to first agree on the facts. He referred to a comment of the President on his inauguration which clearly misstated the facts. He said that Congress is the problem in that it had appropriated more funds than requested by the President over the last 50 years.

I will submit today an exact reproduction of a chart which shows that on last year the President submitted a budget request for appropriations of $568 billion. The Congress acted upon that request by reducing it to $551 billion for a reduction in amount of $17.3 billion. In fact, the record will show that only four times in the past 40 years has Congress appropriated more than the President requested.

Mr. Speaker, I urge all persons of concern to refer to the record.

Mr. Speaker, the material to which I referred earlier is as follows:

SPEAKER'S PRESS CONFERENCE, MAJORITY LEADER WRIGHT PRESIDING, JANUARY 28, 1985

Mr. Wright made a short statement on the "three myths" of the Reagan Administration.

"The first myth was contained in the statement made by the President during his Inaugural Address. The President said that 50 years of deficit financing had finally caught up with us. He was seeking, obviously, to spread the blame among all the Administrations of the past 50 years. This was grossly inaccurate. The budget crisis that we face today was brought about by the policies of the past four years. Approximately four years ago today, we reached a national debt of $1 trillion. Before this year is out, the debt will be $2 trillion. We will have added more to the national debt in five years of this Administration than was added in the preceding 192 years of our nation's Constitutional history. The Administrations of Washington to Jimmy Carter, inclusive, did not add as much to the debt as these five years of Mr. Reagan. It is just a myth to say that it has been over the last 50 years.

"The second myth is contained in a report in yesterday's Washington Post. It was quoting some comments made by the President in an interview with radio broadcasters in which he is quoted as saying that Congress is to blame for the huge deficits of his first term. That is just a falsehood. This is in quotes—'Every budget that we have submitted since I have been here (left a smaller deficit) than what Congress finally agreed to.' This is an inaccuracy and a misstatement. Last year the House budget would have reduced by $181 billion the deficit projected by the President in his budget request for three years. After the Senate refused to go along with some of our reductions, we still passed a budget for the next three years that is approximately $130 billion less than Mr. Reagan's. Now, if he (Reagan) wants to talk only in terms of spending—if he really meant appropriations—last year, for fiscal '85, he asked for $568 billion in appropriations. Congress appropriated $551 billion. That is $17.3 billion less for the current fiscal year than the President requested. So it is grossly inaccurate for him to say that Congress is to blame. He is misstating facts.

"The third of the myths, which we will touch on very lightly because it should be self-evident that it's not true, is what Mr. Weinberger said—that defense spending does not contribute to the deficit. That is outrageous and ridiculous. Spending a dollar on a bomb adds as much to the deficit as spending a dollar on a school book. Defense spending has increased dramatically during the last four years. In 1980, Congress appropriated $146 billion. For the current fiscal year, we appropriated $292 billion. Mr. Weinberger is asking for $313 billion for the current budget. It is, of course, preposterous to suggest that military spending is not spending.

"So that is it. I hope that we can work together with the White House. We want to, and I would like very much to see things

such as they were when Eisenhower was President and Johnson was in the Senate and Rayburn was in the House. The Speaker will bend over backward to try to be conciliatory and helpful, but these misstatements are not helpful."

CONGRESS SPENDS LESS THAN PRESIDENT REQUESTED

Information from the House Appropriations Committee shows that Congress appropriated about $17 billion less than the President requested for fiscal 1985. The following table gives details. Figures from the Senate Appropriations Committee are in agreement.

FISCAL YEAR 1985 APPROPRIATIONS BILLS

[In millions of dollars]

Bill	Budget request	Enacted	Over (+) under (−) request
Agriculture	$35,005	[1] $34,999	−$6
Commerce-Justice-State	11,146	11,550	+404
Defense	292,222	[1] 274,398	−17,824
District of Columbia	503	[1] 533	+30
Energy and water development	15,875	15,372	−503
Foreign operations	18,271	[1] 18,190	−81
HUD-Independent Agencies	54,668	56,543	+1,875
Interior [2]	7,704	2,768	−4,936
Labor-HHS-Education [3]	96,940	[1] 101,437	+4,497
Legislative	1,642	1,596	−46
Military construction	10,318	[1] 8,405	−1,913
Transportation	11,784	[1] 11,595	−189
Treasury-Postal Service	12,350	[1] 12,766	+416
Continuing resolution (misc. items)	417	1,399	+982
Total	568,845	551,551	−17,294

[1] Enacted by the continuing resolution.
[2] Reflects rescission of −$5,375 million.
[3] Includes $7,923 million carried in the continuing resolution.

COMPARISON OF PRESIDENTIAL BUDGET REQUESTS AND CONGRESSIONALLY APPROPRIATED AMOUNTS ENACTED IN REGULAR ANNUAL, SUPPLEMENTAL, AND DEFICIENCY APPROPRIATIONS BILLS [1]

	Presidential budget request	Congressionally appropriated amounts	Congressionally appropriated amounts less (minus) or more (plus) than Presidential request
Calendar year:			
1943	$115,041,366,395	$110,634,660,785	−$4,406,705,610
1944	63,513,471,020	61,257,906,152	−2,255,564,868
1945	62,453,310,868	61,042,345,331	−1,410,965,537
1946	30,051,109,870	28,459,502,172	−1,591,607,698
1947	33,367,507,923	30,130,762,141	−3,236,745,782
1948	35,409,550,523	32,699,846,731	−2,709,703,792
1949	39,545,529,108	37,825,026,214	−1,720,502,894
1950	54,316,658,423	52,427,926,629	−1,888,731,794
1951	96,340,781,110	91,059,713,307	−5,281,067,803
1952	83,964,877,176	75,355,434,201	−8,609,442,975
1953	66,568,694,353	54,539,342,491	−12,029,351,862
1954	50,257,490,985	47,642,131,205	−2,615,359,780
1955	55,044,333,729	53,124,821,215	−1,919,512,514
1956	60,892,420,237	60,647,917,590	−244,502,647
1957	64,638,110,610	59,589,731,631	−5,048,378,979
1958	73,272,859,573	72,653,476,248	−619,383,325
1959	74,859,472,045	72,977,957,952	−1,881,514,093
1960	73,845,974,490	73,634,335,992	−211,638,498
1961	91,597,448,053	86,606,487,273	−4,990,960,780
1962	96,803,292,115	92,260,154,659	−4,543,137,456
1963	98,904,155,136	92,432,923,132	−6,471,232,004
1964	98,297,358,556	94,162,918,996	−4,134,439,560
1965	109,448,074,896	107,037,566,896	−2,410,508,000
1966	131,164,926,586	130,281,568,480	−883,358,106
1967	147,804,557,929	141,872,346,664	−5,932,211,265
1968	147,908,612,996	133,339,868,734	−14,568,744,262
1969	142,701,346,215	134,431,463,135	−8,269,883,080
1970	147,765,358,434	144,273,528,504	−3,491,829,930
1971	167,874,624,937	165,225,661,865	−2,648,963,072
1972	185,431,804,552	178,960,106,864	−6,471,697,688
1973	177,959,504,255	174,901,434,304	−3,058,069,951
1974	213,667,190,007	204,012,311,514	−9,654,878,493
1975	267,224,774,434	259,852,322,212	−7,372,452,222
1976	282,142,432,093	282,536,694,665	+394,262,572
1977	364,867,240,174	354,025,780,783	−10,841,459,391
1978	348,506,124,701	337,859,466,730	−10,656,657,971
1979	397,653,765,836	386,822,093,291	−10,831,672,545
1980	340,339,446,763	333,695,164,197	−6,644,282,566
1981	440,398,234,909	442,215,127,541	+1,816,892,632
1982	507,740,133,484	514,832,375,371	+7,092,241,887
1983	542,956,052,209	551,620,505,328	+8,664,453,119
1984	576,343,258,980	559,151,835,986	−17,191,422,994

[1] This data is given on a calendar year, not a fiscal year basis, since supplemental and deficiency appropriations laws are generally enacted in the calendar year succeeding the calendar during which the regular annual appropriations acts for to which they apply are enacted. The "Presidential Budget Request" column includes on those requests which are considered by the Committees on Appropriations.

Data source: Committee on Appropriations, U.S. House of Representatives.

AUTHORIZING ACQUISITION OF SHUTTLE FOR DOD

(Mr. KRAMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KRAMER. Mr. Speaker, as the controversy surrounding the just completed secret military mission of the space shuttle *Discovery* clearly demonstrates, neither NASA nor the Defense Department benefits when their two vital missions in space are closely intertwined.

Therefore, I will soon introduce legislation that will authorize acquisition of a fifth space shuttle—to be owned and operated by the Department of Defense.

NASA's job of free and open research and development of new civilian space systems—such as the manned space station—is not consistent with secrecy. The Defense Department's job of national security space missions requires it.

The bill I will introduce—which is similar to a provision of my People Protection Act, introduced in the last Congress—will bring our shuttle fleet up to the full strength originally planned for: Free NASA of the burden of secrecy it now must bear and give Defense the flexibility and security it needs to accomplish its necessarily secret shuttle missions.

It will also have the added benefit of freeing funds now spent by NASA for shuttle operations to be used for new R&D work—the job NASA was created to do in the first place.

LET'S NOT ELECTROCUTE OUR FARMERS

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, John Block, in describing the current farm situation, is quoted in yesterday's Washington Post as saying that "the circuits are overloaded and this is the time to tough it out." It sounds to me

like he is saying the only answer to our farm problem is to let our farmers be electrocuted. I, for one, don't accept that solution, and I trust the Congress will not be party to signing this kind of death warrant for this Nation's farmers.

We do have to hold the line of farm program spending, just as we have to hold the line on spending across the board. That does not mean telling farmers who have made many of their management decisions based on directives from the Federal Government that they are going to have to go cold turkey and make it on their own. It means, instead, that we are going to have to target farm support payments to those small and midsized farm operations which have been the backbone of the agricultural productivity which has been so important to this Nation's strength. It means trimming back and holding the line on Federal farm spending, not pulling the plug on farm programs carelessly.

Times are tough in farm country, but the Federal Government should be looking for ways to help out, not telling farmers to tough it out.

INTRODUCTION OF LEGISLATION TO REPEAL IRS LOGBOOK REQUIREMENTS

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, there is a revolution brewing. Just one more little shove by the IRS; one more little abuse by the tax collectors; one more push by Congress which should be responsible for regulations, and we will lose the voluntary tax system.

A few more regulations and we will surely turn our monetary system into an uncontrolled, underground, and barter system.

Hundreds of Montanans join me in protesting the so-called IRS logbook requirements, and today I'm introducing legislation repealing this section of law.

Businessmen, farmers, and ranchers are revolting against efforts to turn them into paper pushers.

These regulations are a repulsive intrusion into everyday life, and a total mockery of the Paperwork Reduction Act.

Mr. Speaker, the following letter is typical of those I received:

DEAR RON: I made the following five entries in my truck log this morning before 9 a.m. and they total only 4 miles!

Barn to heifer pen—picked up calf and back to barn.

Barn to east pasture to put out salt and mineral blocks, then to shop.

Shop to corral to fix broken gate, then to house to call bank about loan.

House to stock pond to bust up ice so cattle can drink, back to shop for parts.

Shop to tractor with new brake parts.

Mr. Speaker, I urge my colleagues to join me in totally repealing this provision of last year's tax law.

□ 1210

UPDATE ON H.R. 600, THE TAXPAYERS' RELIEF ACT

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, as the first Member of Congress to warn you about the proposed changes in deducting legitimate business expenses, I want to give you an update on our progress.

I introduced H.R. 600, the Taxpayers' Relief Act, weeks ago on behalf of several Members of Congress. We have received overwhelming bipartisan support totaling almost 100 Members of Congress, with more cosponsoring each day. In response to our efforts and other efforts, the IRS has now revised their proposals, throwing even more uncertainty into the marketplace. That is not good enough. The cure is still worse than the disease.

We are going to keep the heat on. We want the complete elimination of the contemporaneous records provisions. We need your help.

We are not on the Ways and Means Committee, but we have millions of taxpayers who were affected by the turn of events.

Are you tired of waiting for someone else to correct their mistake? If so, make a stand. Join with us in cosponsoring H.R. 600 now.

CONSTITUENTS ANGRY OVER IRS UNREASONABLE RECORDKEEPING REQUIREMENTS

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, I would like to join my colleagues in expressing my concern about the contemporaneous recordkeeping requirements of the IRS.

I have received literally hundreds of letters from all over the country regarding this provision. The theme is the same in every letter, that is, that these recordkeeping requirements are unworkable and are a real impediment to a good business climate and the creation of jobs. A letter from a constituent of mine in Pound, WI, sums it up by saying, "With all the IRS regulations, a person won't have time to make a living." I agree.

I think the IRS is well aware of the problem it has caused by these unreasonable recordkeeping requirements. It has agreed to carve out some of the exemptions for our farmers and those using their vehicles consistently and constantly during the working day; but I think that we have to agree with our constituents and say that this is not going to solve the problem.

Now, we simply must return to a commonsense approach to recording vehicle use for business purposes. I urge my colleagues to either join with my legislation or some of the other legislation that has been introduced so we can correct this problem.

SUPPORT H.R. 531, TO REPEAL IRS CONTEMPORANEOUS RECORDKEEPING

(Mr. ANTHONY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANTHONY. Mr. Speaker, I introduced H.R. 531. It is a piece of legislation to repeal the contemporaneous recordkeeping to claim the business use of not only automobiles, but airplanes, computers, and other business equipment.

Unfortunately, when that piece of legislation was introduced, Congressman HAROLD VOLKMER of Missouri was inadvertently left off.

Mr. Speaker, I ask now unanimous consent for Congressman VOLKMER to be listed as an original cosponsor.

The SPEAKER pro tempore (Mr. ALEXANDER). The gentleman should submit a new list of cosponsors as of today.

Mr. ANTHONY. Mr. Speaker, I will submit a new list with Congressman VOLKMER's name on it.

THE CITY OF ANDERSON, IN, FIRE DEPARTMENT ENERGY CONSERVATION PROGRAM: A STORY OF SUCCESS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the city of Anderson, IN, fire department stands as a model for fire departments throughout our Nation. Anderson has eight fire stations and several years ago faced a critical budget crunch. But instead of closing some stations and forcing people out of jobs, they rallied behind Deputy Chief Carl Greenlee and began an innovative energy program to save money.

They proceeded to insulate and remodel their buildings one by one. Five of the eight are completed. They've spent $25,000 on remodeling, and saved over $60,000 on utility bills alone. The city received a special Energy Conservation Award from Donald Hodel, Secretary of Energy, as well as several other awards. They have also had their tips on saving energy published in several national magazines.

Credit goes to many, but Chief Greenlee deserves a special salute. He has been tagged "Kilowatt Carl" for leading the energy savings program which earned the city of Anderson its reputation for innovative ideas. This is quite a feat for any municipality to achieve, and I think the Anderson Fire Department is to be congratulated, and emulated.

The DOE award to Anderson, IN, fire department read as follows:

THE U.S. DEPARTMENT OF ENERGY AWARD FOR ENERGY INNOVATION FOR 1984

Presented to the Anderson Fire Department for distinguished contribution to our Nation's energy efficiency.

Signed, Donald Paul Hodel, Secretary of Energy.

OCTOBER 1, 1984.

IN SUPPORT OF HUTTO'S BIENNIAL BUDGETING BILL

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, today I have introduced a bill, along with Mr. ASPIN, Mr. LOTT, and Mr. COURTER, that would amend the Congressional Budget Act of 1974 to provide for a 2-year (biennial) budgeting cycle.

We believe the primary issue for the 99th Congress is to get a handle on Federal spending, and we are convinced that going to a 2-year budgeting cycle will help considerably.

Unlike previous bills that have been introduced, under our proposal, the Congress will complete all authorizing and appropriating actions during the first year of the cycle. A single concurrent resolution on the budget for the 2 fiscal year period will be completed by May 15. The second year of the cycle will be devoted to planning, evaluation, oversight and supplemental funding and emergency authorization.

The arguments in favor of the biennial approach are:

All Federal agencies could plan better because of greater funding certainty, thus improving program efficiencies and reducing costs.

With the number of budget measures cut in half, Congress would move through legislative agendas in a more deliberate and orderly fashion.

Provide more time for nonbudgetary matters and for oversight activities.

Should give Members more opportunity for reflection and review, thus improving the quality of legislation and congressional responsiveness to policy issues.

Starting the 2-year cycle on an odd-numbered year (1987) will result in these very specific advantages:

It simplifies the transition from an annual to a 2-year cycle.

It schedules the primary budget votes in nonelection years.

It allows new Members, and a new President, to quickly make their imprint on budget policies.

It reserves a full year (the second session) principally for oversight activities.

We urge the Members of this House to endorse our biennial budgeting bill.

THE WORSENING PLIGHT OF THE FAMILY FARM

(Mr. ROSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSE. Mr. Speaker, we have all heard in recent days about the cry for help from rural America. Well, if the farmers of America think they have lost their shirts so far, what the Reagan administration has in mind for them will take their britches as well.

I have just gotten a copy of a portion of a budget that will be moved soon through the Senate that will literally eliminate all farm price support programs, terminate the dairy program, cut farm credit, eliminate the Soil Conservation Service, slice the Farmers Home Administration in half and do all of it in the Senate in the name of a budget reconciliation package that will then be shoved over here to us, with the President's blessing on TV telling the American people that he must have this package if he is to reduce the deficit.

I want to reduce the deficit, Mr. Speaker, but I do not want to do it at the expense of the family farm. If you are concerned about the future of rural America, you should call anybody that you know in a farm organization that can band together with us to help us stop these kinds of tragic, unfair, insensitive cuts that this administration has planned for the people that live in rural America.

ONCE AGAIN IRS REACHES OUT TO HARASS THE FARMER AND SMALL BUSINESSMAN

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, once again, Members of the House are being inundated by angry calls and letters from the people of America. Once again, the regulatory power of the Internal Revenue Service reaches out to harass the farmer and small businessman with new reporting requirements that would tax the patience of Job. To be fair, the IRS is only responding to the directives given them by our colleagues in the other body. However, they manage to find the most burdensome way to do so.

To repeal this ridiculous recordkeeping requirement, I have joined with my distinguished colleague from Arkansas [Mr. ANTHONY] in sponsoring H.R. 531. I urge the Committee on Ways and Means to make this legislation its first order of business so that we can relieve the business taxpayer of this paperwork nightmare as quickly as possible.

THE MONTGOMERY INITIATIVES

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, we must take responsible action aimed at reducing the mounting Federal deficit. I believe that increased reliance on our National Guard and Reserve forces is an effective method of reducing the defense portion of the Federal budget.

The Armed Services Committee recognizes the very significant contributions made by the Reserve components of our Armed Forces. In last year's committee report on the DOD authorization bill, a number of initiatives were recommended which were designed to increase the effectiveness of the Reserves. While I do not agree with all of the recommendations, I feel the report serves as an excellent basis for development of additional initiatives.

Accordingly, I have developed a package of seven initiatives which I believe will further enhance the readiness of the Reserves. The initiatives which I plan to pursue through appropriate congressional activity and legislation include: First, selected reserve manpower; second, IRR manpower; third, training; fourth, family support; fifth, employer support; sixth, equipment; and seventh, facilities.

These initiatives were developed in close concert with the leaders of the Guard and Reserve communities, both military and civilian. I know of no other occasion when all of these leaders have come together in such a spirit of cooperation. I thank them for their advice and continued efforts.

Beginning this week, I will speak on each individual initiative and introduce associated legislation. I hope that the membership will be able to support my efforts at achieving a more Ready Reserve Force and, in turn, a more secure nation.

□ 1220

ATTORNEY GENERAL WILLIAM FRENCH SMITH ON PAY EQUITY

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, I am outraged by the article which appeared in yesterday's Outlook section of the Washington Post by the departing At-

torney General, William French Smith, lambasting pay equity.

It is unfortunate that the Attorney General has denigrated such an important civil rights issue affecting millions of working women in this country—pay equity. While he shrouded himself in legalistic rhetoric, the Attorney General has simply added his name to a long list of administration officials who have chosen to deride pay equity. We all remember Clarence Pendleton's statement that pay equity is looney tunes and Linda Chavez statement that it will ruin the economy. Instead of seeking to eliminate sex-based wage discrimination wherever it may exist, this administration has decided that the market should be left untouched, permitting such discrimination to continue. If we were to have adopted this philosophy years ago, we would still be living in a society that advocates slavery and child labor abuse.

Based upon the course which Attorney General Smith has chosen to travel, I would not be surprised if the Justice Department filed an amicus brief in the AFSCME versus Washington case, against the employees who are seeking relief from discrimination.

Mr. Speaker, it is high time this administration opened its eyes to the realities surrounding the pay equity issue and began working to support, rather than thwart, the law.

PROVIDING OF INFORMATION BY THE PENTAGON TO FAMILIES OF MIA'S AND POW'S

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, several families in North Dakota have sons missing in action in Vietnam for more than 10 years. A few months ago, they received a letter from a Vietnamese physician in a refugee camp in Thailand who said, "I have seen your sons. They are being held prisoner in Vietnam."

I talked with the Pentagon about this report. The Pentagon assured me they had interviewed the Vietnamese who wrote to these families. The Pentagon also assured me that the information was false. I looked at the Pentagon's information, including an interview of the Vietnamese source, and determined myself that this was a hoax, a very cruel hoax. You can imagine what it did to the families that received it.

Then, I asked the Pentagon to send the families the report of the interview with the Vietnamese physician. The Pentagon said, "Well, we can't do that. That report is classified confidential."

That is a very low level of classification. They stamp a classification on just about everything over there.

I said, "Wait a second. We are dealing with families who have received information from someone who said they know where their sons are. You owe this information to them. You owe them that interview that was conducted with that source. You owe these families an explanation why you think that source is false."

I have been working with the Pentagon for 90 days to try to get this information to these families. Still no luck.

The next time the Pentagon says they are working with all MIA families, giving them all of the information, I say, don't you believe it. The Pentagon is not responding as fully as they should to these families. These families deserve that information, and I intend to keep after the Pentagon until they get it.

The Pentagon is not going to discontinue hearing from me until they come clean.

Let us send all of the information to the MIA families. That is the very least the Pentagon owes those families.

CONNECTICUT COMMEMORATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. MCKINNEY] is recognized for 5 minutes.

● Mr. MCKINNEY. Mr. Speaker, today I am introducing legislation marking the 350th anniversary of the State of Connecticut. The resolution requests that the President of the United States issue a proclamation encouraging the people of the United States to reaffirm their pride in Connecticut's history and development, and to observe this year with appropriate ceremonies and activities.

In October 1635, 50 Pilgrims from the settlement of New Town, now Cambridge, MA, assembled all of their belongings and traveled southwest. They were in search of more fertile land and greater autonomy. The Pilgrims settled at a place they called Suckiaug, now Hartford, CT, marking the beginning of our State.

Connecticut has had an integral role in shaping our Nation's heritage and history. Connecticut was the first State to form a government "by the people" through the Fundamental Orders of 1639. The Connecticut delegates to the Constitutional Convention in 1787 are credited with breaking the deadlock which almost caused its premature adjournment. Unable to decide upon the organization of the legislative branch, the delegates accepted Roger Sherman's "Connecticut Compromise," which created the Congress comprised of the Senate, elected by State legislatures, and the House of Representatives, apportioned by State population and elected by the people.

We were granted our charter from the King of England in 1662. Physically, the State was quite different then. The Connecticut Colony was partitioned 73 miles wide, and steteched from Narragansett Bay in Rhode Island to the Pacific Ocean. It was not until the late 1700's that Connecticut established its modern borders.

During the Revolutionary War, Connecticut enarned the nickname "the Provisional State." As a chief supplier of food, shelter, and munitions to the Colonial Army in its struggle for freedom, Connecticut was instrumental in securing our Nation's independence.

Today, Connecticut is recognized nationally as one of our Nation's largest supplers of copper products, ball bearings, clocks, and insurance. We are a leader in producing defense, transportation, and hardware equipment.

Connecticut, however, is foremost distinguished by its people. Throughout our history, we have strongly adhered to the principles of Yankee ingenuity and independence in government, industry, and our private lives, which are exhibited in our achievements.

Mr. Speaker, the people of Connecticut take great pride in the heritage and history of their State. We look forward to an auspicious anniversary, and as a central element in our celebration, we ask for early consideration of this resolution.●

ECONOMIC PLIGHT OF AMERICAN FARMER

The SPEAKER pro tempore (Ms. OAKAR). Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 5 minutes.

Mr. ALEXANDER. Madam Speaker, today during earlier proceedings under the 1-minute rule, several of our colleagues took the well of the House to address their concern for the desperate economic plight of the American farmer.

Over the weekend, the Washington Post featured an article which described the economic depression of the American farmer throughout America, and one of the statements quoted an Iowa farmer who said, in desperation, "The people in Washington don't know or care about farmers any more."

While it is of little consolation to the farmer in Iowa to know that people in Washington do know about their circumstances, I wish to include, nonetheless, the contents of the Washington Post article as a part of the record so that it may be distributed throughout the land so other Americans might be advised of the situation which we address.

Meanwhile, I want to assure Members of Congress who are representatives of farm States who are meeting in order to adopt a policy which will be an alternative to the current policy of this administration to provide relief for American agriculture.

I include the Washington Post article as follows:

[From the Washington Post, Jan. 27, 1985]

FARM FAILURES THREATEN TO RESHAPE RURAL U.S.

(By Ward Sinclair)

DES MOINES, IOWA.—All across the winter-blitzed Midwest, the clouds of a massive agricultural economic crisis are quickly taking shape, threatening to throw thousands of farmers out of business and send country banks and businesses toppling.

The Great Farm Shakeout that many have predicted since 1981 appears to be at hand, with no clear sense of how far the ripples of failure will reach into the national economy or of how rural America will be reshaped.

The fears and frustrations of farmers, public officials and businessmen, whose cries for emergency federal credit assistance show little sign of being heeded, are compounded by a feeling that Washington isn't listening and doesn't care.

On Friday, for example, as Iowa Gov. Terry Branstad was saying that he saw a bit more sympathy developing in the Reagan administration, newspapers were quoting Agriculture Secretary John R. Block as saying, "The circuits are overloaded [and] this is a time to tough it out."

Officials and economists in Iowa and Nebraska say the next two months are critical to agriculture, with 1984 notes coming due and farmers going to lenders seeking credit to put in the new crops. Thousands will not get it, leaving them in foreclosure or bankruptcy, and leaving their heavily leveraged farm-supply creditors in the lurch.

More ominously, Iowa State University economist Neil Harl said last week, at least 40 percent of the farmers in the North Central region—Minnesota to Missouri, Ohio to Kansas—have such burdensome debt that they are "on a conveyor belt, headed down . . . headed toward insolvency" in the next several years.

Those farmers are in jeopardy, Harl explained, because their debt loans are growing rapidly while the value of their assets, such as land and tractors, is dropping steadily. Only a surge in farm prices or a sharp interest-rate drop will help them, and few economists foresee either.

Harl added, "The next 70 days are vital because the decisions are going to be made on who gets credit. We are going to go through a terribly stressful period. . . . We must use this time creatively. We know times are stern in Washington, but we do believe we have to have some federal assistance to avoid the devastation. If, at least, we don't keep interest payments current, then lenders are going to go down the tubes also."

In Washington, farm-state legislators are pressuring the administration to quickly come up with additional credit and loan guarantees to help the battered farm sector through the growing storm. Senate Majority Leader Robert J. Dole (R-Kan.) and others want a presidental task force to tackle the problem.

Whatever is done must be done swiftly, officials, here say. In Iowa, the nation's No. 2 farm-income state, economists say that as many as 17,000 of the 113,000 farmers will go under by late spring as their applications for 1985 operating-money are rejected. More than 130 banks in Iowa are listed by the state as having "more than normal problems" and 48 of them are on a Federal Deposit Insurance Corp. "problem list."

In neighboring Nebraska, where about two of every five jobs are related to agriculture and where six country banks and two farm-credit banks have failed since Labor Day, at least 10 percent of the 63,000 farmers are expected to shut down for lack of operating credit.

"The problem is at the crisis stage," Nebraska banking commissioner Roger Beverage said. "There sure as hell is no economic recovery in Nebraska and it spills into all we do on Main Street . . . It is a parade of horribles. The people in Washington have to realize this is not a joke. This is a depression."

The story is similar all around the Midwest, the fertile bread basket that produces the bulk of the wheat, corn and soybeans that feed the nation and bring in billions of export dollars.

The reasons for the crunch of 1985 are many, but they can be boiled down this way: Low farm prices, continuing high interest rates, plummeting land and machinery values that rose beyond worth in the inflationary 1970s, a strong dollar that has depressed exports and overproduction of basic goods.

A key culprit is the interest rate that has stayed high as inflation cooled. Illinois farmers, for instance, have paid more than $1 billion in interest in each of the last two years, compared with $430 million in 1977. Nebraska farmers, with the sixth largest debt load in the country, have paid more than $1 billion in interest in each of the last three years, compared with $50 million in 1960.

"High real interest rates and rising debt loads have combined in the 1980s to sap the strength of the Illinois farm economy," said John White Jr., president of the Illinois Farm Bureau. "Lower interest rates could help bring profit back to the farms."

But, added Iowa Gov. Branstad, "It is a lot more than just the farmers. We are talking about businesses on Main Street. President Reagan's debt-restructuring program hasn't worked and it appears that the Office of Management and Budget has blocked the key elements to make it work . . . The downward spiral is speeding up and it has deteriorated even further in the last few months."

Both Branstad and Harl, in separate interviews, described their alarm after meeting last week with OMB Director David A. Stockman. Both said that Stockman lectured them and Block about the administration's determination not to provide a bailout for a localized problem.

These and other Washington reports have ignited bipartisan fears that the administration has decided to pull the plug on an industry that it believes has more producers and more production capacity than it needs.

In Nebraska last week, farmer-rancher Tom Vickers, also a state senator, said, "The Nebraska economy has been on a downhill slide for a number of years. We're about to see a disaster this state hasn't seen since the 1930s. Farmers and bankers are going to go under, and what happens here affects the whole nation."

The state legislature quickly passed a Vickers resolution calling on the legislatures of nine nearby farms states to send a delegation to Washington next month to try once more to deliver the call for help. Several states already have joined Vickers' campaign.

Bruce Johnson, an economist as the University of Nebraska, added that "literally half of the state's agricultural wealth has been lost since 1981. This ripples up through the financial institutions. When you aggregate the loss, how many banks does it take to affect national institutions? Crisis is not too strong a word to use for what is happening out here."

The numbers generate strong fears. William Nichol, the Republican speaker of the state legislature, said, "I am frightened and I never have been frightened before—and I lived through the Great Depression. Nothing is of any value and there doesn't seem to be anything to change it. I see nothing but deterioration in the months ahead."

"It's scary, sure it is," added GOP state Sen. Rod Johnson, 27, a farmer who chairs the legislative agriculture committee, "and we're not sure the federal government understands what is happening. I think Ronald Reagan owes the farmers something."

Adding to the current mix, many rural banks and farms of the farmer-run credit system have started to tighten the screws on borrowers who are not delinquent on loans, insisting that they sell land and equipment on a market where such commodities are going at firesale prices—if a buyer can be found.

"Some banks are notorious on this, said the Rev. David Ostendorf, Midwest director of Rural America. "People are then forced to go to the Farmers Home Administration or elsewhere to seek credit—and those systems are struggling already. People are being dumped every day, and it's outrageous."

As the tension and the frustration build, farmers have begun to band together to draw attention to their plight. A St. Paul, Minn., rally last week drew 10,000 protesters. Another 4,000. Farmers fill the state capitol building here daily, lobbying their legislators, and they're planning a major rally for Des Moines next month.

The Iowa Farm Unity Coalition, a family-farm-advocacy organization that has operated an informational telephone hot-line for farmers since late 1982, also is stepping up its efforts to publicize the crisis. This week, for example, it will attempt to stop another forced sale of farm machinery—a practice that has become increasingly common throughout the region.

The coalition also is promoting a campaign to force Branstad to declare a moratorium on loan foreclosures. The Iowa legislature has passed a resolution that could lead to declaration by the governor of an economic emergency and possibly a moratorium. Branstad has appointed a committee to study the idea.

"People out here have begun to realize that the whole house will topple if we do not take steps very soon," said Ostendorf, who also is a coalition official. "The question is whether we can act fast enough and get a response from Washington. It will mean a massive amount of money for debt restructuring and it will mean a new federal-state relationship in debt handling."

"We wouldn't have been in this situation if public officials had taken the appropriate steps three years ago. It could have been avoided if the politicians had listened," Ostendorf said. "Now they're reaching for the

panic button and we're into crisis management once again."

CONNECTICUT'S 350TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mrs. KENNELLY] is recognized for 5 minutes.

● Mrs. KENNELLY. Madam Speaker, this year marks the 350th anniversary of the founding of the State of Connecticut. In recognition of our State's rich heritage and tradition, I am pleased to join my fellow colleagues from Connecticut in sponsoring this resolution.

In 1635, pilgrims migrated from the Massachusetts Bay Colony and established settlements in the towns now known as Hartford, Wethersfield, and Windsor. Since that time, Connecticut has played an important role in the history and industrial development of the United States. In 1787, Connecticut delegates to the Constitutional Convention drafted the Connecticut Compromise which in turn broke a deadlock over how many men each State should be elected to the U.S. Congress. The compromise established the present bicameral legislature and earned Connecticut the nickname of the Constitution State.

Connecticut is the birthplace of mass production manufacturing thanks to the ingenuity of Eli Whitney who pioneered mass production techniques in Hamden. Eli Terry of East Hartford became the first person to make clocks by mass production in 1808. Two years later Samuel Colt of Hartford invented the first successful repeating pistol. Connecticut continues to take a strong industrial role in promoting our Nation's economy as one of the largest suppliers of copper, ball bearings, clocks, and defense systems. Connecticut has contributed to the well-being of our Nation by developing and maintaining a leading position in the services industry. The first insurance policies covering accidents, automobiles, and aircraft were written in Hartford.

Finally, I would like to mention that I am proud of Connecticut's rich heritage in the areas of education and literature. Yale University, founded in 1701 is the third oldest university in the United States. The Nation's first law school was founded in Litchfield in 1784, and the first free American school for the deaf was founded in Hartford in 1817. Currently, Connecticut has 24 universities and colleges accredited by the New England Association of Schools and Colleges.

In the field of literature, Hartford has the honor of being the home of Mark Twain between 1874 and 1891, during which time he wrote and published seven of his major works. Harriet Beecher Stowe also resided in Hartford from 1873 until her death 23 years later.

I hope all of my distinguished colleagues will join me commemorating the 350th anniversary of the founding of Connecticut and support the joint resolution.●

THE CURRENCY DESIGN ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

● Mr. ANNUNZIO. Madam Speaker, on January 3, 1985, I introduced H.R. 48, the Currency Design Act, which would give Congress the final decision in any proposed design changes of our currency and coins.

The passage of this bill is more urgent than ever. On the basis of a hypothesized threat to our currency posed by possible advances in color copier technology, the Treasury Department is considering currency design changes to be implemented late in 1986. The changes under consideration include background tints, patterns that change depending on how they are viewed, and security threads. Millions of dollars have already been spent on the research and development of these expensive new devices. The Treasury believes that future improvements in color copiers could turn counterfeiting from a crime of expertise to a crime of opportunity. With improved color copiers, they assert, anyone could spend lunch breaks printing up extra 20's for weekend sprees in Atlantic City. These color copiers, however, do not exist. And before the hypothetical threat is confirmed, the Treasury is planning to spend millions more on printing and distribution. Without the Currency Design Act, the American public might wake up some morning in 1986 to find that the currency in their pockets looks more like Cracker Jack prizes than money.

We have learned—sometimes painfully—that the final success or failure of any coin or note depends upon how well the public receives it. If the Government spends millions of dollars to produce money which is shunned by the public, as has happened in the past, those millions will be spent for naught.

Article I, section 8 of the Constitution gives Congress authority over U.S. money. As elected representatives, we in Congress are naturally more sensitive and responsive to the people's opinions, concerns, and desires than are appointed officials. Every day we correspond with our constituents trying to fulfill the will of the people. In matters that deeply and personally affect each and every American citizen—matters such as the design or our money—the Government must be as receptive as possible to public input.

Congressional approval in these matters is vitally important in order to ensure the success and popularity of new currency designs. Without the kind of public dialog that occurs only via the elected representatives in Congress, new currency designs are liable to fail.

Wasted money, resources, and energy are the surest results of new money produced without public consultation. The public was not properly consulted with regard to the size of the Susan B. Anthony dollar. Eight hundred fifty-eight million dollar coins were minted, and today, due to its unpopularity, 497 million—over half—are sitting idle in useless storage at the Mint and Federal Reserve. Besides initial minting costs, the storage of these coins costs over $40,000 a year.

The $2 note is another case in point. Despite the lesson learned with the failure of the $2 notes; despite the numerous studies indicating no public demand for a $2 note; and despite the teller confusion the notes were known to generate, the Treasury printed the notes in 1976, shrugging off all warnings as superstitious prophecies of doom. The Treasury Department unleashed great publicity schemes urging the public to employ the new $2 note. Millions of dollars were spent in handling, printing, distributing, and, in the end, storing the unused $2 bill.

The waste generated from the production of the Susan B. Anthony dollar and the $2 bill directly results from misunderstanding the public's needs and desires. Changes in the design of our money have to be made only with the people's knowledge and approval. The American public must not be rudely surprised by a behind-the-scenes bureaucratic decision changing our money. That type of decisionmaking leads only to the failure of new currency and coins and millions of dollars wasted.

The Currency Design Act would eliminate such surprises and waste. Americans have a right to know what their Government is doing in all matters. They especially have a right to know what kind of money they will be carrying in their pockets. With the successful passage of H.R. 48 that right will be upheld.●

TRIBUTE TO THE HONORABLE JOHN W. BYRNES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

● Mr. ROSTENKOWSKI. Madam Speaker, I had the privilege to serve with our former colleague, John Byrnes, for 14 years in the House of Representatives and for 9 years on the Committee of the Ways and Means.

During his 28 years of service in the House, John Byrnes was esteemed by his colleagues for his intellectual and political leadership. His reputation as a skilled negotiator and compromiser was well deserved as evidenced by a solid record of legislative achievement.

John Byrnes participated actively in the development of all major economic legislation in the post-World War II period, as well as the recodification of the Internal Revenue Code in 1954. As ranking minority member of the Committee on Ways and Means, John made critical contributions to important legislative initiatives in the areas of tax, trade, social security, health, and welfare, including the enactment of two landmark bills: Medicare in 1965 and the Tax Reform Act of 1969.

The bipartisan cooperation between John Byrnes and our former chairman, Wilbur Mills, is now legendary. That legend is clearly supported by a legislative record of distinction. However, the tradition of bipartisanship—of political cooperation in the Nation's best interest—is more than merely a legend around the Committee on Ways and Means. Bipartisan cooperation, as practiced by John Byrnes, is a tradition of which all Members of Congress can be proud, and a standard to which all Members should aspire.

Madam Speaker, as impressive as his congressional service was, I will best remember John Byrnes as a personal friend who in 1964, when I first jointed the Committee on Ways and Means, went out of his way as ranking minority member to befriend the most junior member of the committee. He will be truly missed. LaVerne joins me in extending our condolences to his wife and family.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. BLAZ) to revise and extend his remarks and include extraneous material:)

Mr. MCKINNEY, today, for 5 minutes.

(The following Members (at the request of Ms. OAKAR) to revise and extend their remarks and include extraneous material:)

Mr. ALEXANDER, for 5 minutes, today.

Mr. ROSE, for 5 minutes, today.

Mr. NEAL, for 5 minutes, today.

Mrs. KENNELLY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BLAZ) and to include extraneous matter:)

Mr. CONTE in two instances.

Mr. WHITEHURST.

(The following Members (at the request of Ms. OAKAR) and to include extraneous matter:)

Mr. ROSTENKOWSKI.

Mr. SKELTON.

Mr. MAZZOLI.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. RODINO.

Mr. LIPINSKI.

Mr. HOYER.

Mr. STARK in three instances.

Mr. KOSTMAYER.

Ms. MIKULSKI.

Mr. LANTOS.

Mr. MARTINEZ.

Mr. DYMALLY.

Mr. HEFTEL of Hawaii.

Mr. BROWN of California in 10 instances.

ADJOURNMENT

Mr. ALEXANDER. Madam Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until Wednesday, January 30, 1985, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

411. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-254, "Prohibition of the Buying and Selling of Human Body Parts Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

412. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-253, "Water Pollution Control Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

413. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-251, "D.C. Economic Development Finance Corporation Act of 1984 Board of Directors Amendment Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

414. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-248, "D.C. Residential, Commercial, and Institutional Structures Fire Protection Study Commission Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

415. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-252, "D.C. Comprehensive Plan Act of 1984 Land Use Element Amendment Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

416. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-256, "National Rehabilitation Hospital, Inc., Revenue Bond Act of 1984," pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

417. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-247, "Closing of the Public Alleys in Square 669 Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

418. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-246, "Closing of Virginia Avenue, N.W., Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

419. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-255, "The Phillips Collection Revenue Bond Act of 1984," pursuant to Public Law 93-198, section 602(c) to the Committee on the District of Columbia.

420. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-257, "D.C. Association for Retarded Citizens, Inc., Revenue Bond Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

421. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-245, "Uniform Requirements for Security Officers Regulation Amendment Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

422. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-244, "D.C. Comprehensive Bicycle Transportation and Safety Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

423. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-250, "Residential Permit Parking Regulation Amendment Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

424. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-262, "Cable Television Public Access Corporation Facilitation Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

425. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-249, "Driver License Compact Adoption Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

426. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-259, "Metropolitan Police Department Presumption of Ownership from Possession Amendment Act of 1984." and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

427. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-258, "Medicaid Provider Fraud Prevention Amendments Act of 1984," and

report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

428. A letter from the Vice Chairman and Chief Financial Officer, Potomac Electric Power Co., transmitting a copy of the balance sheet of the Potomac Electric Power Co. as of December 31, 1984, pursuant to the act of March 4, 1913, section 8; to the Committee on the District of Columbia.

429. A letter from the General Council, Department of Energy, transmitting a notice of a meeting related to the International Energy Program, pursuant to 42 U.S.C. 6272(c); to the Committee on Energy and Commerce.

430. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

431. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, Department of State, transmitting notification that the United States would no longer participate in the proceedings before the International Court of Justice brought by Nicaragua against the United States; to the Committee on Foreign Affairs.

432. A letter from the Acting Comptroller General of the United States, transmitting a cumulative list of reports issued by the GAO during December 1984, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

433. A letter from the Chairman, Commodity Futures Trading Commission, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

434. A letter from the Chief, Insurance and Debt Management, Department of the Air Force, transmitting the annual report of the Air Force nonappropriated fund retirement plan for civilian employees, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

435. A letter from the Commandant, U.S. Coast Guard, transmitting a list of activities that are expected to be subject to contract during the fiscal year, pursuant to Public Law 98-557, section 14(c); to the Committee on Merchant Marine and Fisheries.

436. A letter from the Director, Office of Personnel Management, transmitting the results of the actuarial review of the civil service retirement system, pursuant to 5 U.S.C. 8347(f); to the Committee on Post Office and Civil Service.

437. A letter from the U.S. Merit Systems Protection Board, transmitting a report entitled, "Blowing the Whistle in the Federal Government: A Comparative Analysis of 1980 and 1983 Survey Findings," pursuant to 5 U.S.C. 1209(a); to the Committee on Post Office and Civil Service.

438. A letter from the Chairwoman, U.S. International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal 1986; to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California (for himself, Mr. FUQUA, and Mr. WALGREN):

H.R. 744. A bill to maintain and enhance the U.S. leadership in information science and technology by establishing an Institute for Information Policy and Research to address national information policy issues; to provide a forum for the interaction of government, industry and commerce, and educational interests in the formulation of national information policy options; to provide a focus and mechanism for planning and coordinating Federal research and development activities related to information science and technology; and to amend the National Science and Technology Policy, Organization and Priorities Act of 1976 to create a new position of Special Assistant for Information Technology and Science Information; to the Committee on Science and Technology.

By Mr. BROWN of California (for himself, Mr. WALGREN, and Mr. DYMALLY):

H.R. 745. A bill to advance the national prosperity and welfare, to establish a National Technology Foundation, and for other purposes; jointly, to the Committees on the Judiciary and Science and Technology.

By Mr. DYMALLY (for himself, Mr. STOKES, Mr. DE LUGO, Mr. MITCHELL, Mr. FAUNTROY, Mr. HAYES, Mrs. COLLINS, Mr. FUSTER, Mr. RANGEL, and Mr. DELLUMS):

H.R. 746. A bill to provide for the establishment of the International Advisory Commission for the Caribbean Region; to the Committee on Foreign Affairs.

By Mr. HAWKINS:

H.R. 747. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a program to promote more effective schools and excellence in education, and for other purposes; to the Committee on Education and Labor.

By Mr. HUTTO (for himself, Mr. ASPIN, Mr. LOTT, and Mr. COURTER):

H.R. 748. A bill to amend the Congressional Budget Act of 1974 to provide for a 2-year (biennial) budgeting cycle, and for other purposes; jointly, to the Committees on Rules and Government Operations.

By Mr. KOSTMAYER (for himself, Mr. BORSKI, Mr. LELAND, Mr. BARNES, Mr. TOWNS, Mr. HEFTEL of Hawaii, Mr. WHITEHURST, Mr. DIOGUARDI, Mr. KANJORSKI, Mr. ANDREWS, Mrs. COLLINS, Mr. HAWKINS, Mr. MAVROULES, Mr. BEVILL, Mr. RAHALL, Mr. GEJDENSON, Mr. MARTINEZ, Ms. KAPTUR, Mr. STUDDS, Mrs. BOXER, Mr. WHEAT, Mr. TORRICELLI, Mr. ANNUNZIO, Mr. OWENS, Mrs. ROUKEMA, Mr. FAUNTROY, Mr. DEWINE, Mr. STOKES, Mr. MRAZEK, and Mr. RANGEL):

H.R. 749. A bill to amend title 23, United States Code, to provide incentive grants in order to encourage States to adopt and enforce laws requiring the use of safety belts by schoolchildren in new schoolbuses, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. MARLENEE:

H.R. 750. A bill to repeal recently added provisions of the Internal Revenue Code of 1954 which limit the deduction for depreciation and the investment tax credit in cases of property which may be used for personal purposes and to repeal recently added recordkeeping requirements imposed in connection with such property; to the Committee on Ways and Means.

By Ms. MIKULSKI (for herself, Mr. STARK, Mrs. BENTLEY, Mrs. HOLT, Mr. DYSON, and Mr. MITCHELL):

H.R. 751. A bill to provide for stability in the location of professional sports franchises, to provide equitable relocation procedures to ensure that the interests of communities which support such franchises are given due consideration, and for other purposes; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. MONTGOMERY (for himself, Mr. HAMMERSCHMIDT, and Mr. SOLOMON):

H.R. 752. A bill to amend title 38, United States Code, to ensure an orderly transition to the new educational assistance program established by chapter 30 of that title; jointly, to the Committees on Veterans' Affairs and Armed Services.

By Ms. OAKAR:

H.R. 753. A bill to amend the Federal Salary Act of 1967 and title 5 of the United States Code to provide that the authority to determine levels of pay for administrative law judges be transferred to the Commission on Executive, Legislative, and Judicial Salaries; to the Committee on Post Office and Civil Service.

By Ms. OAKAR (for herself, Mr. FORD of Michigan, Mr. JONES of North Carolina, and Mr. HUBBARD):

H.R. 754. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income certain quarters allowances for certain employees of the Department of Defense serving in the area formerly known as the Canal Zone; to the Committee on Ways and Means.

By Mr. SHELBY (for himself, Mr. SMITH of New Jersey, Mr. MONTGOMERY, and Mr. HAMMERSCHMIDT):

H.R. 755. A bill to direct the Administrator of Veterans' Affairs to establish a national cemetery in Merced County, CA; to the Committee on Veterans' Affairs.

By Mr. SHELBY (for himself and Mr. SMITH of New Jersey):

H.R. 756. A bill to amend title 38, United States Code, to increase certain dollar limitations under Veterans' Administration housing programs; to the Committee on Veterans' Affairs.

H.R. 757. A bill to amend title 38, United States Code, to provide for the orderly expansion of the National Cemetery System, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STARK:

H.R. 758. A bill to assist in improving unemployment compensation programs carried out by States; to the Committee on Ways and Means.

H.R. 759. A bill to provide for 3-year demonstration projects in two States of provisions under which unemployed individuals will receive retraining, education, and relocation assistance in lieu of certain extended or other additional unemployment compensation benefits; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. STRATTON:

H.R. 760. A bill to amend the Federal Cigarette Labeling and Advertising Act to prohibit the advertising of any tobacco product on any medium of electronic communication; to the Committee on Energy and Commerce.

H.R. 761. A bill to amend the Federal Election Campaign Act of 1971, to provide

free radio and television time to candidates for election to Federal office; to the Committee on House Administration.

H.R. 762. A bill to require the Secretary of the Interior to enter into a cooperative agreement to maintain the gravesite of Samuel "Uncle Sam" Wilson and to erect and maintain tablets or markers at such gravesite in commemoration of the progenitor of the national symbol of the United States; to the Committee on Interior and Insular Affairs.

By Mr. SUNDQUIST:

H.R. 763. A bill to amend title 4 of the United States Code to limit the authority of any State or political subdivision to tax income of Federal employees who are not residents of such State, and for other purposes; to the Committee on the Judiciary.

H.R. 764. A bill to amend title 18, United States Code, regarding sentencing for capital offenses; to the Committee on the Judiciary.

H.R. 765. A bill to require high-buoyancy life vests aboard commercial aircraft; to the Committee on Public Works and Transportation.

By Mr. SUNDQUIST (for himself, Mr. WORTLEY, and Mr. STUDDS):

H.R. 766. A bill to amend the Asbestos School Hazard Detection and Control Act of 1980; to the Committee on Education and Labor.

By Mr. THOMAS of California:

H.R. 767. A bill to terminate the effect of provisions of the Voting Rights Act of 1965 that require bilingual ballots and election materials; to the Committee on the Judiciary.

By Mr. COURTER:

H.J. Res. 101. Joint resolution to designate December 7, 1985, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor; to the Committee on Post Office and Civil Service.

By Mr. McKINNEY (for himself, Mr. GEJDENSON, Mrs. JOHNSON, Mrs. KENNELLY, Mr. MORRISON of Connecticut, and Mr. ROWLAND of Connecticut):

H.J. Res. 102. Joint resolution designating 1985 as the 350th Anniversary Year of Connecticut; to the Committee on Post Office and Civil Service.

By Mr. SUNDQUIST:

H.J. Res. 103. Joint resolution proposing an amendment to the Constitution relating to the continuance in office of judges of inferior courts; to the Committee on the Judiciary.

By Mr. HEFTEL of Hawaii:

H. Res. 32. Resolution to request that the President establish a bipartisan Commission on the Budget Deficit; to the Committee on Government Operations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HUTTO introduced a bill (H.R. 768) for the relief of Vincent J. Markalonis; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of January 24, 1985]

H.R. 4: Mr. RODINO, Mr. FASCELL, Mr. HAWKINS, Mr. MITCHELL, Mr. HOWARD, Mr. ST GERMAIN, Mr. ROYBAL, Mr. TRAFICANT, Mrs. SCHNEIDER, Mr. HOYER, Mr. ROE, Mr. HEFTEL of Hawaii, Mr. ATKINS, Mr. FUSTER, Mr. DONNELLY, Mr. LEVINE of California, Mrs. SCHROEDER, Mr. SMITH of Florida, Mr. BORSKI Mr. BARNES, Mr. ACKERMAN, Mr. LELAND, Mr. MOODY, Mr. TORRICELLI, Mr. MOAKLEY, Mr. TOWNS, Mr. MANTON, Mr. STOKES, Mr. MILLER of California, Mr. WOLPE, Mr. DYMALLY, Mr. STARK, Mr. SCHEUER, Mr. FAUNTROY, Mr. LOWRY of Washington, Mr. SABO, Mr. LEHMAN of Florida, Mr. WHITEHURST, Mr. DIXON, and Mr. YATES.

[Submitted January 28, 1985]

H.R. 147: Mr. MAVROULES, Mr. FUQUA, Mr. WIRTH, and Mr. STUDDS.

H.R. 242: Mr. CRANE, Mr. TAUZIN, Mr. HANSEN, Mr. SHUMWAY, Mr. CHENEY, Mr. STRANG, Mr. HEFTEL of Hawaii, Mr. SHUSTER, Mr. BILIRAKIS, Mr. MRAZEK, Mr. CARNEY, Mr. LOTT, Mr. GUNDERSON, Mr. ROWLAND of Georgia, and Mr. BADHAM.

H.R. 467: Mr. McKERNAN, Mr. ROYBAL, Mr. RINALDO, Mr. MITCHELL, Mr. WEISS, Mr. TOWNS, Mr. WORTLEY, Mr. NEAL, Mr. LANTOS, Mr. LAGOMARSINO, Mr. GALLO, Mr. YOUNG of Alaska, Mr. DARDEN, Mr. HENRY, Mr. BATEMAN, Mr. HUTTO, Mrs. LLOYD, Mr. RITTER, and Mr. MRAZEK.

H.R. 468: Mrs. SCHNEIDER, Mr. LAGOMARSINO, Mr. MITCHELL, Mr. RINALDO, Mr. TOWNS, Mr. WORTLEY, Mr. WEISS, Mr. NEAL, Mr. DARDEN, Mr. GALLO, Mr. YOUNG of Alaska, Mr. SMITH of New Jersey, Mr. HENRY, Mr. DEWINE, Mr. FROST, Mrs. LLOYD, Mr. HUTTO, Mr. WEAVER, Mr. COATS, Mr. FISH, and Mr. KOLTER.

H.R. 479: Mr. BATEMAN, Mr. DARDEN, Mr. FASCELL, Mr. FRENZEL, Mrs. JOHNSON, Mr. LIVINGSTON, Mr. MORRISON of Washington, Mr. MRAZEK, Mr. PEASE, Mr. SLAUGHTER, Mrs. VUCANOVICH, and Mr. WOLF.

H.R. 512: Mr. LOWRY of Washington.

H.R. 531: Mr. SHELBY and Mr. MONTGOMERY.

H.R. 535: Mr. JONES of North Carolina, Mr. HUBBARD, Mr. KINDNESS, Mr. STUMP, and Mr. DEWINE.

H.J. Res. 46: Mr. ROEMER, Mr. GRAY of Illinois, Mr. PURSELL, Mr. SMITH of Florida, Mr. DAUB, Mr. BEVILL, Mr. ROYBAL, Mr. WORTLEY, Mr. GUARINI, and Ms. MIKULSKI.

H.J. Res. 49: Mr. COATS.

H.J. Res. 67: Mr. RODINO.

H.J. Res. 93: Mr. COUGHLIN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

19. By the SPEAKER: Petition of the City Council, Laredo, TX, relative to proposed budget cuts; to the Committee on Government Operations.

20. Also, petition of the Hawaii State Association of Counties, Honolulu, HI, relative to Hawaii; to the Committee on Interior and Insular Affairs.

SENATE—*Monday, January 28, 1985*

(Legislative day of Monday, January 21, 1985)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable CHARLES E. GRASSLEY, a Senator from the State of Iowa.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 28, 1985.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHARLES E. GRASSLEY, a Senator from the State of Iowa, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. GRASSLEY thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will stand in recess until 2 p.m. tomorrow.

RECESS TO TUESDAY, JANUARY 29, 1985, AT 2 P.M.

Thereupon (at 10 o'clock and 18 seconds a.m.) the Senate recessed, under the order of Thursday, January 24, 1985, until Tuesday, January 29, 1985, at 2 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

EXTENSIONS OF REMARKS

BLACK HISTORY IN PRINCE GEORGES COUNTY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. HOYER. Mr. Speaker, last year I submitted remarks for the RECORD in honor of Black History Month regarding the Plummer family of Prince Georges County. My remarks were based primarily on the research of Miss Bianca Floyd, project manager of the black history project of the Maryland National Capital Park and Planning Commission. In the past year, Miss Floyd has continued her work and thanks to the Prince Georges County Council, especially Council man Floyd Wilson and Councilwoman Hilda Pemberton, a park historian aide position has been established as a career position.

One of the subjects of the research of the black history project has been black suburban community development. A number of suburban communities were established soon after the turn of the century in Prince Georges County specifically for the black middle class. One of the recommendations Miss Floyd has made to the Maryland National Capital Park and Planning Commission is that several of these communities be considered for historic status.

North Brentwood is the first black incorporated municipality in Prince Georges County. The town lies close to the northeast line of the District of Columbia. It is situated on a tract of land which was originally part of the farm of Capt. Wallace Bartlett. Captain Bartlett was a Civil War veteran who had commanded a regiment of black soldiers in Texas. Subsequent to the Civil War, Captain Bartlett settled in Maryland. He subdivided his property with the desire that it be inhabited by black families as a memorial to the soldiers who had served in his regiment. At the start of this century, the area had approximately 65 residents, and was known as Randallstown after one of its leading families.

In 1924, the town was incorporated as North Brentwood. The first mayor of North Brentwood was Jeremiah Hawkins, a native of Brandywine who was active in Republican politics in Prince Georges County for more than 50 years. He served as a delegate to four Republican National Conventions.

A second town of special note in the history of Prince Georges County is Eagle Harbor which was incorporated in 1926. Located on the site of a former tobacco farm, the town was originally started as a summertime resort for black residents of Washington and Baltimore. Although the town now numbers some 200 year-round residents, Eagle Harbor, in southernmost Prince Georges County on the banks of the Patuxent River, continues to serve as a resort for families which have been coming there for generations.

Just over the border of the District of Columbia lies Fairmount Heights. Had incorporation been granted when application was first made in 1922, it would have been the first black incorporated municipality in the State of Maryland.

Due to its proximity to the District of Columbia and its attractiveness as a community, a number of activists and professionals were drawn to Fairmount Heights. Among them was William Pittman, a prominent black architect of the early part of this century. Pittman, a graduate of Tuskegee Institute, moved to a new home in Fairmount Heights in 1907. He helped to found the first civic association and in 1911, he was hired by the Prince Georges County Board of Education to design a new high school for the community. Completed in 1912, the school housed the first industrial department for black students in Prince Georges County.

Each of the three communities which I have mentioned continue to have operating municipal governments today. Another community, the history of which has been extensively researched by the black history project, is Lincoln. Although not an incorporated town, Lincoln is located off Maryland Route 450 in the Lanham-Glen Dale area.

Thomas J. Calloway was one of the founders of Lincoln. A close friend and associate of Booker T. Washington, Calloway was a graduate of Fisk University. Prior to coming to Lincoln, he had served as president of Alcorn College in Alcorn, MS (1894-96) and assistant principal of Tuskegee Institute (1897-99). In 1899, Calloway was appointed U.S. Special Commissioner to the Paris Exposition and was responsible for organizing a photographic exhibit of black industrial education in the United States. Mr. Calloway became a practicing attorney following his graduating from Howard University Law School in 1904. He purchased a lot in Lincoln for $100 in 1910. Construction of a house on that lot was completed in 1912.

Calloway's vision was to establish Lincoln as an ideal community for black Americans. He described his vision in this way, "Lincoln, MD, has a plan to establish without restriction as to race, but primarily by, for and of colored persons, a community with its own municipal government, schools, churches, commercial and industrial life."

In 1908, the Lincoln Land & Improvement Co., of which Calloway was vice president and general manager, had purchased 200 acres of land between the Vista and Glen Dale stations of the Washington, Baltimore & Annapolis Electric Railway. Lots of 50 by 100 feet were laid out on wide streets and were sold for $270 each.

Aside from his considerable real estate investments in Lincoln and nearby Buena Vista, and his law practice, Thomas J. Calloway was active in establishment of the Bethel A.M.E. Church, later named the Seaton A.M.E. Church. Calloway was also instrumental in establishment of a school in Lincoln. It was fitting that he should serve as the first principal of the school which was opened in 1922.

In addition to the church and school, Lincoln had a general store-hotel-restaurant operated by W.A. Davis, a native of Philadelphia. The town had its own water system, gas plant and a brick factory. Although the community organization continued to develop, the Lincoln Land & Improvement Co. went bankrupt between 1917 and 1920 and housing construction ceased. The original 20 to 25 homes built in Lincoln are still standing, as is the school.

Mr. Speaker, from this brief discussion, I know that Members will be able to see the great service that the black history project is providing in adding to the historical record of my county. Compiling data from written records and from interviews with older residents, the project benefits all citizens by teaching us about the development of Prince Georges County communities. I urge the Members of Congress to encourage similar projects in their own communities and districts. Again, I commend Bianca Floyd for her work and research as well as the Maryland National Capital Park and Planning Commission and the Prince Georges County government for their support of the black history project.●

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

TRIBUTE TO COACH GIL RECTOR

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. SKELTON. Mr. Speaker, I would like to honor Coach Gil Rector for being named the Missouri 3A Coach of the Year. Coach Rector has been coach at Lexington High School for 17 seasons and has led the Lexington Minutemen to three State titles in the past 8 years. I praise him for his hard work and wish him continued success in the future.●

DEPARTMENT OF DEFENSE SHOULD ALLOW TAX EXEMPTION FOR DEPARTMENT OF DEFENSE EMPLOYEES

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Ms. OAKAR. Mr. Speaker, late in the 98th Congress, I introduced and the Congress passed H.R. 6101, a bill which authorizes payment of a housing allowance to an executive agency employee whose permanent duty station is in the Republic of Panama.

Mr. Speaker, due to the implementation of the Panama Canal Treaty of 1977, a number of functions and associated personnel were transferred from the Panama Canal Co., and Canal Zone Government to the U.S. Department of Defense. These transfer-of-function employees, principally schoolteachers and medical personnel, were permitted to continue to rent the Panamanian-owned housing under the control of the Panama Canal Commission. This right, however, was limited by an executive agreement between our Government and the Republic of Panama that expired on October 1, 1984, when the Republic of Panama became entitled to take possession of the housing units.

Because the Department of Defense would not have had sufficient housing units to accommodate these employees and they would have had to find suitable housing on the Panamanian economy, I introduced H.R. 6101 to alleviate this problem.

The new authority to pay a housing allowance, however, is subject to the restrictions that: First, the amount of the allowance must be reduced by the amount that the employee would have paid in rent for Government quarters; and second, the allowance may never exceed the maximum set by the State Department regulations governing overseas allowances. Moreover, the housing allowance will not be paid if suitable Government quarters are available, but are refused by the employee.

Mr. Speaker, H.R. 6101 was passed by the Congress under very restrictive conditions and time contraints due to the impending congressional adjournment. Just as Congress was quickly approaching its deadline to act on legislation, so was the Defense Department's ability to provide adequate housing for its civilian employees stationed in the Republic of Panama coming to an end. Due to the necessity for expeditious passage of H.R. 6101, we wanted to make certain that the allowance was available to these employees, and that related matters, such as the granting of a tax exemption on U.S. income taxes for the housing allowance, could await the current Congress.

Mr. Speaker, my new legislation would grant this tax exemption to those Department of Defense personnel stationed in the Republic of Panama. This exemption is now provided to all other Federal civilian employees stationed overseas. I see no reason why Department of Defense civilian employees stationed in the former Canal Zone should be excluded. Without the ability of the U.S. Department of Defense to provide this tax exemption to this important group of employees, I believe that a significant loss of personnel could result and recruitment and retention of replacements would be extremely difficult.

Moreover, it is important to note that the revenue lost through this much needed tax exemption will be very slight when compared to the potential loss of many valuable Department of Defense personnel.

I urge all my colleagues to cosponsor this important legislation.●

INTRODUCTION OF LEGISLATION TO EXTEND SECTION 127 OF THE INTERNAL REVENUE CODE OF 1954

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. CONTE. Mr. Speaker, I recently introduced legislation to extend permanently the section of the Internal Revenue Code which provides for the exclusion from income of educational assistance payments. In the 98th Congress, we passed H.R. 2568, which extended this exclusion only until the end of this year. My bill would extend the exclusion permanently.

The legislation is very important for several reasons. It is beneficial to all aspects of business, labor, and education.

Under present law, Mr. Speaker, a taxpayer generally may exclude the value of educational assistance payments—including tuition, books, fees, and supplies—provided by an employer from income. In other words, education can be purchased with tax-free dollars, even if its availability would not normally be a deductible business expense for the taxpayer.

Tax-free educational assistance allows employees the opportunity to keep their education up to date—which is a key factor in their growth potential. Not only does it allow them to function more effectively in their present jobs, but it also increases their ability for promotion. This, in turn, means increased salaries, and more taxes being paid by a more highly educated workforce.

The exclusion also benefits educational institutions. It provides a means for them to promote their own employees' education, while also increasing their enrollment with students who otherwise might be unable to afford a higher education.

The tax-free educational assistance plan is also profitable for the corporations themselves. It is essential for their productivity to keep their employees up to date on the latest changes in their field. It is also better for the morale of the company's employees if promotion is done from within—something that would not be possible if the employees were not constantly enriching themselves.

The groups most harmed by the expiration of the educational assistance plan would be women and minorities. It is essential for them to be able to continue their education if they are to remain competitive in the job market. For many, higher education would not be possible if they could not receive tax-free education payments from their employers.

Mr. Speaker, this legislation gained a great deal of support in the 98th Congress, and I urge my colleagues to support it now. I also urge expeditious consideration of the legislation by the Ways and Means Committee.●

UNEMPLOYMENT COMPENSATION/ADJUSTMENT ASSISTANCE ACT [UI/AA]

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. STARK. Mr. Speaker, I am reintroducing today my bill from the 98th Congress, H.R. 5748, a bill to provide for 3-year demonstration projects in two States of provisions under which unemployed individuals will receive retraining, education, and relocation assistance in lieu of certain extended or other additional unemployment compensation benefits.

The Ways and Means Committee will soon be considering the Unem-

51-059 O-86-37 (Pt. 1)

ployment Insurance [UI] Program, since the Federal Supplemental Compensation Program will expire in March. It is my hope that the ideas contained in my bill will be explored and that there will be a willingness to test out these concepts in two volunteer States.

Let me stress that under this bill, trading in one's extended UI benefits in order to get up front cash assistance for retraining, reeducation, or relocation is strictly up to the worker. It is an option; it is not mandatory. Ideally, I would like to see additional retraining funds for workers in declining and dead-end industries. But with these growing deficits, that is not in the cards. We will be lucky to maintain our current level of job training and support programs. Therefore, I have looked to the UI Program as a possible source of no additional cost financing of worker selected retraining and relocation.

This bill is an attempt to bring some new ideas to the 50-year-old UI Program. I am open to suggestions and ideas on how to make this a better bill, one which provides more flexibility to the worker himself in the selection and use of his UI benefits and retraining opportunities.

Following is a factsheet describing the bill:

FACTSHEET

FINDINGS AND STATEMENT OF PURPOSE

Owing to structural changes in the economy and increased trade competition, millions face prolonged joblessness, lack the appropriate job skills to obtain reasonable employment, and exhaust their UI benefits without the opportunity for retraining, education, or relocation necessary to enter occupations or labor markets where job openings are available.

The budget deficits make new retraining, education, and relocation programs difficult, and require that we improve the effectiveness of existing programs.

Therefore, allowing UI recipients early in their period of regular UI benefits to obtain the cash value of the various extended UI benefits be extended benefits and Federal Supplemental Compensation, for which they will be eligible, will provide a "pool of capital" to fund retraining, education, and relocation programs without increasing the Federal budget.

INDIVIDUALS ELIGIBLE TO EXERCISE ADJUSTMENT ASSISTANCE OPTION

Any individual eligible for regular UI, in a State where extended UI benefits and/or Federal Supplemental Compensation benefits are in effect, who applies for the AA option within the first 30 days of his UI eligibilty will be eligible for the AA option.

AMOUNT OF AA

The maximum amount of AA will be the value of the various forms of extended UI available to him in his state when the individual applies for UI. In other words, the bill assumes that without Adjustment Assistance the worker will exhaust not only his regular UI, but the various forms of extended benefits available to him—and in lieu of waiting for this to happen, the bill makes available a "pool of capital" equal to what the person would have received in extended benefits.

TYPES OF AA

Retraining: If an employer hires and provides significant adjustment in the workers job skills thru retraining, then the State Employment Security Agency (SESA) may pay the employer an amount up to the cash value of the training or the individual's UIAA, whichever is less. The employer must certify that the hiring does not displace current workers. The SESA will maintain a list of participating employers for interested workers.

Education: SESAs will also maintain a list of education programs for which individuals can use UIAA as payment. The program must result in a significant adjustment in the worker's job skills.

Relocation: UIAA participants may receive job search and relocation cash allowances to help pay for the cost of looking for work outside of the normal commuting area (if the SESA determines jobs in the individual home area are not likely) and/or relocating to another area to accept employment.

FINANCING

The Federal/State share of UIAA shall be the same as their share of extended UI benefits. State administrative costs shall be covered as under current UI programs.

GROUP APPLICATIONS AND APPROVALS

For administrative simplicity, group applications for AA shall be encouraged. Thus, a union or company which is shutting down a production process could seek group approval if it is aware that rehiring is unlikely.

REPORTS AND STUDIES

A report to Congress after 1 year on utilization of the program, barriers to utilization, and how this type of program could be made available to workers not eligible for UI.

EFFECTIVE DATE

January 1, 1986, with amendments to State laws required by 1/1/88.

COST OF UIAA

Duration of unemployment for many is so long that benefits are being exhausted without alternative employment being found. The people who need Adjustment are already using up all or most of their regular and extended UI benefits. Thus, allowing them to trade in their additional benefits for Adjustment Assistance will involve little or no extra cost. Since many of these people have been in cyclical industries in long-range decline, breaking out of this cycle and into new job fields will reduce the number of "repeat" UIU beneficiaries and future UI expenses.●

FEDERAL FUNDING IS VITAL

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. FRANK. Mr. Speaker, recently, an extremely thoughtful editorial appeared in the Fall River Herald News about the importance of continued Federal support for several of the programs which provide assistance to older, poorer cities. The Fall River Herald News does an excellent job of monitoring the economic and political behavior of the city of Fall River. The Herald News has been a voice for fiscal responsibility, and in this very thoughtful editorial the Herald News shows a recognition that fiscal caution must not be achieved at the expense of some of our older industrial areas.

As the editorial points out, Fall River, under the able leadership of Mayor Carlton Viveiros, has spent its Federal funds wisely. There are many areas of the Federal budget in which we can make cuts. I agree very much with the points made by the Fall River Herald News about the lack of wisdom of making some of the cuts in urban-related programs which have been proposed and I insert the editorial here.

The editorial follows:

[From the Fall River (MA) Herald News, Jan. 22, 1985]

FEDERAL FUNDING IS VITAL

Mayor Viveiros has spoken out strongly against proposals reportedly contained in the administration's new federal budget.

The budget will not be submitted to Congress until the first week of February, but it is already being argued over because of the frequent informal disclosure of parts of its contents by persons involved putting it together.

What Mayor Viveiros is objecting to is the proposal that the federal revenue sharing program be eliminated as well as the block grant community development program.

The Mayor points out that Fall River uses the federal money that is received here by both programs for a wide range of essential purposes.

For instance, this city gets nearly $2 million in revenue sharing funds each year. It is used to pay the salaries of policemen and firemen, and to maintain public safety.

The funds received by the Community Development program are used for any number of civic betterment purposes. Many of those are essential to keep the city functioning effectively.

It is all very well to say the city ought to be able to pay for these things itself.

But the fact is that it cannot, and the federal money it receives has been well-spent. It has certainly not been squandered.

It is no wonder that Mayor Viveiros echoes similar expressions of alarm and dismay by the Conference of Mayors.

The reports about what the administration's budget contains may turn out to be inaccurate.

This is possible but unlikely.

What the mayors obviously hope is that if they respond vigorously enough to the report that revenue sharing and community development are to be eliminated, they will make the White House change its mind before the budget is sent to Congress.

Yet the trouble is that the federal deficits must be reduced.

Just last week the President indicated that he does not really expect to see the deficits eliminated before he leaves office, but they must be trimmed.

Everyone agrees on that, and the problem the administration and Congress are facing is how to do it.

If the reductions are accomplished entirely by cutbacks, as the President seems to wish, then it is hard to see how some ex-

tremely valuable programs can avoid being sacrificed.

But if cutbacks are combined with judicious tax increases, then it should be possible to salvage some of the vital programs.

Something along these lines is what the Conference of Mayors must seek to achieve in the next few months.

It will do no good merely to advocate retaining this or that federal program without explaining how this can be done while still reducing the deficit.

But it must not be supposed that increasing taxes, although undesirable, is totally out of the question.

A tax increase may indeed be preferable to some of the cuts that the White House reportedly has in mind.

At any rate Mayor Viveiros is right to make perfectly clear that this city is in no position to absorb the loss of federal revenue sharing and community development funds.

And if enough mayors feel as he does, it is hard to believe that Washington will ignore the clamor from cities everywhere in the country.

The battle of the new budget has not yet begun. It must not be supposed that it has been lost even in advance of the administration's budget being sent to Capitol Hill.●

THE CITY OF COMMERCE CELEBRATES 25TH ANNIVERSARY

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. MARTINEZ. Mr. Speaker, this year marks the 25th anniversary of the incorporation of the City of Commerce, CA. Since its incorporation, the City of Commerce has evolved into one of southern California's most prolific industrial communities, while providing such outstanding city services that it is a desirable place to live as well as to work.

This modern industrial city was one part of Rancho San Antonio, a Spanish land grant bestowed upon Don Antonio Maria Lugo in 1810. In the latter half of the 1850's Don Antonio portioned the rancho among his heirs. After the death of one of his daughters, he sold her portion to Abel Stearns, a New Englander who had become a merchant in Los Angeles. Stearns gradually acquired other land from Lugo heirs and eventually joined all his holdings into the 6,000-acre Rancho Laguna. This rancho included all of the present City of Commerce with the exception of the small portion south of present day Gage Avenue.

Rancho Laguna began to be broken up in 1900, and in 1922 the last of the land was sold. Subdivision of the land into what would eventually become the City of Commerce started in 1905 with the creation of the El Carmel tract, which was located in the area east of Vail Avenue. The various residential areas were created during the ensuing years. First, the northwest area was created in 1925, followed in 1928 by the Ferguson neighborhood, located on the site of the former Vail Field. The Rosewood Park area was subdivided in 1929, followed by the present southeast area in 1928 and by the Freeway tract in 1941. The Bandini-Rosini neighborhoods, which are actually the oldest of the developed neighborhoods, grew out of earlier subdivisions.

Until 1960, Commerce was an unincorporated portion of Los Angeles County. Relatively low taxes, and the superior rail facilities of Union Pacific and Santa Fe, together with aggressive real estate activities by the railroads themselves, attracted industry with increasing success. As the industrial community grew, so did the property values. Neighboring cities began to look enviously at City of Commerce's potential tax revenues.

By 1959, it was clear that Commerce would have to act at once to protect itself. Such cities as Downey, Montebello, Bell, and others were reported drafting papers and talking to local leaders about annexation. Los Angeles, Vernon, and Maywood were said to be interested.

Despite statements that annexation would be good for the City of Commerce, residents and businessmen alike feared such a fate. They saw as their "reward" higher taxes, a limited voice in their "adopting government," and possibly even fewer services than they were receiving from the county.

In June 1959, the area's business leaders formed the industrial council with the announced purpose of studying the question of incorporation. Faced with such vigorous annexation efforts by neighboring cities, the council retained a management consultant firm to make a complete analysis of the situation. When their report was published in August 1959, its authors noted that a citizens' group had already, on their own, begun the petition drive for signatures to authorize an incorporation election. The report concluded that "a future city will have an excellent chance of real success."

Incorporation sentiment was growing. Charles T. Atwood, a Lever Brothers executive and the first chairman of the industrial council, declared the council's "basic purpose is to promote the development of a model city." He pledged industry support for an improved library, better parks, swimming pool, streets, sidewalks, and curbs—which were services most frequently mentioned as needed in the incorporation survey.

The citizens' committee was chaired by Warren B. Bedell, assisted by Dean Mericle, Georgetta G. Welch, Bernice Parker, Eva Long, Mrs. Leone Thornburg, Lou Gretz, Larry Maese, Mrs. Kathryn Pahl, Mrs. Valentina Bassett, Mrs. Wilma Bedell, Mr. and Mrs. James Bristow, Mr. Leslie Mabey, Mrs. Lu Mericle, Henry Van Unen, and Earl J. Welch. This committee signed up 34 percent of the residents, representing 42 percent of the assessed valuation, although only 25 percent of each was needed.

In the special election held January 12, 1960, Commerce residents voted 895 to 283 for incorporation. They also chose, from among 25 candidates, 5 members for their new city council: Maurice Quigley, James W. Bristow, Leone Thornburg, Kathryn Pahl, and Charles F. Scheibler.

On January 28, 1960, the council elected Quigley as first mayor and Scheibler as first mayor pro tem. County Supervisor Ernest Debs swore in the mayor and council. Incorporation was now complete. Commerce became Los Angeles County's 67th city with a population of 9,555.

The new City of Commerce boasted many advantages to both residents and industry. One of the most notable was the absence of city property taxes. In the decade that followed incorporation, the city made rapid progress toward becoming the "Model City" envisioned by its founders. An olympic-sized swimming pool, built at a cost of $800,000, was opened in December 1961. A new municipal bus system, the Nation's first free bus service, was inaugurated in June 1962. This system still provides fare-free service and carries approximately 180,000 passengers annually. The post office was established in 1963.

The city began its own library operation in a rented duplex on July 1, 1961. In August 1964, the library moved into new quarters in the civic center building with 16,150 square feet of floor space. This library became known as Central Library, and to its first branch library (Atlantic Branch), it added two other branch libraries—Northwest and Greenwood—both dedicated in 1966. The library now houses over 100,000 volumes and is well known in southern California for its excellent resources for business and industry.

Recreation services grew rapidly. In addition to the indoor aquatorium facility, four city parks and park buildings were developed, along with a baseball stadium, gymnasiums, and an indoor rifle and pistol range. Today, the city's parks and recreation department provides over 1,000 activities annually.

Social services to residents included free immunization clinics and transportation for medical appointments as well as a city office for referral services and information services.

A senior citizens center was developed, offering nutritional meals and many social programs and opportunities for the seniors.

Street improvements desired by the founders were made by the city's public works departments.

The seventies saw some changes in the industrial composition of the city and new efforts by the city toward redevelopment and toward retaining old businesses and attracting new ones.

An industrial development committee was formed in 1972 to gather together Commerce's best business minds to work on long-range plans for enlarging the city's economic base. Tom Hall, general manager of the industrial council, was appointed to that post by then-Mayor Michael V. Guerra.

When some major businesses began leaving in the midseventies, the city started a redevelopment agency in 1974 to improve the competitive position of Commerce by improving appearances and by pursuing the elimination of blight from all areas of the city. Projects designed to improve housing quality and increase the availability of low- and moderate-income housing included an ambitious conversion of Great Western Exhibit Center site to 140 single-family units and 94 seniors apartments. All in all, as of 1984, a total of 291 units had been completed, with all types of housing units represented.

Antiquated industrial sites (U.S. Steel, Triangle Industrial Park) were rehabilitated or redeveloped into industrial and office complexes. Currently, the agency is attempting to redevelop the former Uniroyal Tire site. This would enhance the city's image as a major commercial/business area while retaining the distinctive Assyrian wall, which has been declared an historical monument.

The Atlantic Boulevard Commercial Revitalization Project (now in progress) will provide much needed community shopping areas and improve the quality of surrounding neighborhoods.

A bold new project to convert refuse to energy is now underway and should provide additional revenue to the city as well as creatively utilizing technology for alternative energy sources.

As the 25th anniversary year begins, Commerce should be well underway to establishing its cable TV system, which will be owned by the city. In addition to the usual features of cable, two-way capabilities will be designed into the system for long-range industrial and residential applications.

Services for residents of the city have not been forgotten in the latter decade of Commerce history. All city departments stress fine services to residents, and new programs have been developed of special benefit to the residents. A community outreach program was initiated in 1981 to try to alleviate the antisocial problems of youth. This program has now evolved into a community education program, reaching out to Commerce families to inform them and to help prevent problems with drugs, alcohol, and crime. They also have initiated a program that is getting jobs for young people and is teaching them job skills.

An employment referral office was begun in 1982 to help match residents in need of employment to jobs in Commerce industries.

In 1984, the Commerce library joined the California literacy campaign with a special project which provides tutoring to adults who need to learn to read in English.

Ever mindful of the need for the safety of residents and workers, the public safety office has started a Neighborhood Watch Program, and the city council has authorized a new team of public safety specialists to help the city's Neighborhood Watch Program.

As Commerce reaches its 25th anniversary, the city is proud of its past accomplishments and is looking forward to exciting and creative years ahead. The present city council, consisting of Mayor Dr. Michael V. Guerra, Mayor Pro-Tem James B. Dimas, Sr., and councilmembers Robert Cornejo, Arturo Marquez, and Richardo Vasquez, are pledged to continue the development of Commerce as a fine place to live for its residents and as a outstanding environment for business. They stress to all city departments the necessity for first-class service to residents and business alike and for a continuation of the unique cooperation of council, city departments, residents, and industry that makes Commerce truly a "Model City."●

TRIBUTE TO ROY GERHARDT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. SKELTON. Mr. Speaker, small town America is the backbone of our country, and it often does not get the recognition it deserves. Now, thanks to a book by Mr. Roy Gerhardt, more people will know what it is like to live in a small town, and the contributions a small town makes to its country. The book, titled "A Town Called Speed," is the result of painstaking research, and I commend Mr. Gerhardt for his diligence in bringing small town America alive.●

GILMAN INTRODUCES RESOLUTION FOR MIA/POW'S IN SOUTHEAST ASIA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. GILMAN. Mr. Speaker, last week I introduced along with some of my colleagues on the House task force on American MIA/POW's in Southeast Asia and along with other committed Members of this body, a resolution expressing the sense of the House regarding the status of these brave yet unaccounted for Americans.

The issue of our "Missing in Action" for well over a decade has been of fundamental importance to us all. The exceptional commitment put forth by the National League of Families has been a magnet for involvement on the part of hundreds of thousands of Americans. Resolving the fate of 2,483 missing and unaccounted for Americans has been assigned a high priority by President Reagan, and his commitment to utilizing every avenue for information on their behalf is to be commended and emulated.

The issue of our missing is one that affects all Americans. It has strong bipartisan support in both Houses of Congress. This sense of the House resolution is similar to one which enjoyed significant support in the last Congress. It deserves the endorsement of all of our colleagues. The thrust of this measure focuses on requesting the President to continue to ensure that his commitment to a full accounting by Indochinese governments be carried out by American officials at all levels of government, as well as working to obtain the immediate release of any Americans who may still be held captive in Indochina and for the immediate return of all American servicemen and civilians who have died in Southeast Asia whose remains have not been returned.

Furthermore, every effort should be made to secure the further cooperation that has been pledged by the Socialist Republic of Vietnam in resolving this humanitarian issue of fundamental importance. Although some progress has been made in recent months, Vietnam is again to be urged by Congress to accelerate cooperation with our Government in achieving the fullest possible accounting for Americans missing or unaccounted for in Indochina.

Mr. Speaker, last Congress I was privileged to serve as chairman of the House task force on MIA/POW's. Along with my colleagues on our task force, we heard much moving testimony that has spurred us on to further commitment. I ask our colleagues to join in supporting this measure with

their cosponsorship, and insert the full text of the resolution at this point in the RECORD:

H. CON. RES. 37

Whereas the President has declared the issue of 2,483 Americans missing and unaccounted for in Indochina a matter of highest national priority and has initiated high level dialogue on this issue with the Governments of the Lao People's Democratic Republic and the Socialist Republic of Vietnam;

Whereas the Congress, on a bipartisan basis, fully supports these initiatives to determine the fate of Americans still missing in Indochina and realizes that the fullest possible accounting can only be achieved with the cooperation of the Indochinese governments; and

Whereas the Government of the Socialist Republic of Vietnam has pledged to accelerate efforts to cooperate with the United States Government in resolving this humanitarian issue, separate from other issues dividing our two countries, and the Government of the Lao People's Democratic Republic has taken some positive actions to assist the United States Government in resolving the status of missing Americans: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should—

(1) ensure that officials of the United States Government consciously and fully carry out his pledge of highest national priority to resolve the issue of 2,483 Americans still missing and unaccounted for in Indochina;

(2) work for the immediate release of any Americans who may still be held captive in Indochina and for the immediate return of all American servicemen and civilians who have died in Southeast Asia whose remains have not been returned; and

(3) make every effort to secure the further cooperation of the Lao People's Democratic Republic and the Socialist Republic of Vietnam in resolving this humanitarian issue of fundamental importance.

SEC. 2. The Congress calls on the Socialist Republic of Vietnam to fulfill their pledge to accelerate cooperation with the United States in achieving the fullest possible accounting for Americans missing or unaccounted for in Indochina.●

POLONIA FOUNDATION HONORS TWO OHIO WOMEN

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Ms. OAKAR. Mr. Speaker, on October 7, 1985, the Polonia Foundation of Ohio held its Pulaski scholarship and recognition awards banquet at the Knights of Columbus Hall in Garfield Heights, OH. The banquet was held to honor one of Poland's great heroes and a great friend of the United States, Gen. Casimir Pulaski. To honor the occasion, President Reagan proclaimed October 11, 1984, as "National Pulaski Day." Governor Celeste of Ohio issued a similar proclamation.

The memory of General Pulaski is also traditionally honored by publicly acknowledging the accomplishments of men and women of Polish descent who have contributed their time and talents to the community at large. The 1984 Heritage Awards of the Ohio Polonia Foundation were bestowed upon Mrs. Helen Karpinski, a civic and political leader in Greater Cleveland and upon Mrs. Ursula Preebe who has long been a leader in volunteer youth, civic, religious, and philanthropic organizations.

I commend to my colleagues attention, the biosketches of these two fine citizens who were justly honored by the Polonia Foundation last fall.

The following are sketches of both outstanding citizens:

BIOSKETCH OF URSULA PREEBE

Ursula Preebe was born in the Warzala area of Cleveland, the daughter of the late Adolph and Josephine Biegacki. She attended St. Stanislaus Elementary School, A.B. Hart Junior High School and graduated from South High School. In 1946, she married Stanley J. Preebe who also attended the same schools. Later, she received her secretarial and business education at Schauffler College. Twenty eight years ago, she started her voluntary youth work. This experience led to full-time employment with the Parma City School District; nineteen years at Schaaf Junior High School; six at Fay Junior High and one at Pleasant Valley Junior High. Over these years, she was responsible for training, developing, and supervising the Cooperative Office of Education that trained students in acquiring practical business skills. She assisted students in securing post graduate in business and still keeps in touch with many of the students to see the end results of these experiences and is thrilled with the end results. She reported directly to the principal and was expected to perform on a self-directed capacity. She primarily served as a liaison between principal, teachers, parents, and students to promote a successful educational experience for students. Now retired, she is like a second mother to these young people. Her destiny in life is apparently to continue guiding students. She is best described as being sensitive and sympathetic to the needs of people and enjoys active participation in constructive and positive projects that promote and encourage excellence.

Over many years, she has been involved in a wide range of community activities. She served as past secretary and treasurer of the Educational Secretary's Chapter of the Ohio Association of Public School Employees; founding member of the Playhouse Square Association; past participating member of the Cleveland Safety Council; Life Member of the Parma Community General Hospital Auxiliary; Rotary Ann Club of Parma; contributing and participating member of the Y's.

She also served as the secretary-treasurer of her husband's corporation, the S.J. Preebe and Associates, a multi-million dollar industrial sales marketing firm.

Stanley J. Preebe, also retired as the corporate president. Both continue to be jointly active in Polonia and community activities.

Both have shared their good fortune and talents with others. They are known as "Polish Philanthropists" for their generous grants to worthwhile Polonia and community projects. They are proud of their Polish Heritage and continue to foster the cultural traditions of Poland.

The Preebe's have a close relationship with Marymount Hospital. Stanley J. Preebe serves on the Marymount Civic Advisory Board. Satisfied with the hospital's care, they donated the "Visitation Chapel." They wanted to do something for the hospital and for the families of patients that visited the hospital that were upset with their sick loved ones. The Preebe's wanted to provide a quiet place where these visitors could meditate and find a moment of solitude and peace.

After the Chapel was built, the Preebe's financed a public address system for Marymount Hospital. This allowed bedridden patients to hear Chapel services.

The plaque gracing the entrance to the "Visitation Chapel" reads: "With Gratitude and Love"/Mr. & Mrs. Stanley J. Preebe."

The Preebe's received statewide recognition for donating the "Visitation Chapel" with its unique public address system beamed to rooms at Marymount Hospital. A resolution of recognition was passed by the Ohio General Assembly to honor them for their generous and thoughtful gift to those in need. This sincere concern and consideration is the hallmark of an involved, sensitive, and responsible citizenship. This noteworthy civic accomplishment is evidence of their potential as individuals to positively affect the quality of life in our society.

The Preebe's have earned the respect of others by their unfaltering and unselfish commitment to those in need. They are worthy of the highest form of praise and recognition. They were, furthermore, commended as truly selfless individuals and outstanding Ohioans.

Expressing a sense of humility, the Preebe's consider themselves blessed. "We have received more than we have given. Through giving, you receive."

The Preebe's reside in Parma.

BIOSKETCH OF HELEN B. KARPINSKI

Born in Cleveland, Helen Karpinski married the late John Karpinski in St. Casimir's Church and lived in the "Poznan" area most of her married life, where she was active in community affairs. In 1938 she was an organizer and officer of the Ladies Auxiliary of the Polish Legion of American Veterans, George Washington Post No. 31. Recently she was honored as a founder of the Ave Maria Senior Citizens Club at St. Casimir's.

For over 60 years she actively participated in the American Polish Women's Club, an organization devoted to preserving Polish customs and traditions and to assisting in civic improvement. Elected the Club's sixth President, she initiated projects as part of the World War II effort and helped establish the Polish Garden in Cleveland's Cultural Gardens. Through her leadership, funds were acquired for a sculptured bust of Madame Marie Curie for the Polish Garden. For over 20 years she has been a chapter officer in the Polish Women's Alliance of America, through which she has promoted fraternal insurance. She is also a member of the Association of Polish Women and the Alliance of Poles. Through her pioneering leadership and unselfish service, she has provided an effective role model to younger ethnic women, demonstrating that a woman could combine responsibilities of a wife and mother with employment and active work in the community.

Her civic interests include 43 years of membership in the Cleveland Cultural

Garden Federation, where she has represented the Polish Garden and presently serves as Vice-President. The Federation is a chain of ethnic gardens united for peace, culture, and brotherhood. As an officer during most of its history, Helen Karpinski came into contact with a large variety of ethnic groups. One of the major goals in her life, evolving from this experience, has been to develop political influence through ethnic co-operation. To this end, she helped found the Women's Cosmopolitan Democratic League of Cuyahoga and in 1952 served as its President. The League's purpose is to promote mutual understanding among ethnics and to provide an organization for the political activity of ethnic women.

A believer in the two-party system and in women participating in the political process, Helen Karpinski took an early active role in the Democratic Party beginning in the 1930's and continuing to the present. She served as an elected Democratic Ward Leader for 15 years and as precinct committeeperson for 20 years; was one of the first women nominated to Cleveland City Council; and has served on both the County and State Democratic Executive Committees for many years. In 1967 she was elected President of the Federated Democratic Women of Ohio. She has served as an elected Delegate or Alternate at Democratic National Conventions since 1932 and was a member of the Democratic National Committee from 1980 to 1984.

She has promoted and supported women aspiring to public office and chaired the successful 1970 campaign to elect the first woman to the Office of Treasurer of the State of Ohio and was a Cleveland coordinator in the present State Treasurer's 1982 campaign. She has served on ethnic campaign committees ranging from the President of the United States to numerous Cuyahoga County judges and has served on the Ethnic Committee of the Democratic National Committee.

Having recently returned from the Democratic National Convention, she witnessed a life-long dream coming true—to see an ethnic woman nominated as Vice-President. Through 54 years of political activity, she has been determined to demonstrate to women and to ethnics that they could be successful in politics and government. In recognition of her pioneer efforts in the changing role of women in our society and their emergence especially in politics and government, the Ohio Hall of Fame gave her an award as a special honoree in 1983.

Other recognition she has received includes:

1959 Public Recognition Reception, Women's Cosmopolitan Democratic League.

1965 Community Service Award, Baptist Ministers Association.

1974 Ohio Democratic Woman of the Year Award, Federated Democratic Women of Ohio.

1982 Distinguished Service Award, American Polish Women's Club.

Helen Karpinski is the mother of three daughters: Gloria Joy Battisti, Mercedes Spotts, and Diane Karpinski.●

LEGISLATION TO COMMEMORATE SHAYS' REBILLION

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. CONTE. Mr. Speaker, we are on the verge of the historical bicentennial of Shays' Rebellion. I stand before my colleagues to share the significance of this hallmark and to summon their support in commemorating its contribution to our American heritage.

Shays' Rebellion was the result of citizens' discontent with the Government and the economy following the Revolutionary War. Revolt took place in almost every State but ignited in Massachusetts where the war had devastated its major industries. Exports fell, resulting in massive public indebtedness. The only accepted tender for a long while was cash and its unstable fluctuations made paying costs close to impossible. Debts were high, punishments were severe. Overall, a general distrust of the Government persisted because public grievances were not being addressed.

By 1786, feelings of unrest had spread across the Massachusetts Commonwealth. Daniel Shays and a group of farmers obstructed court proceedings, demanding that the court be attentive to their concerns. The unrest culminated in January 1787 when Shays and his followers stormed an arsenal in Springfield on the 25th. The uprising of Shays' Rebellion climaxed the newspaper debating, the listing of grievances, the interference with the courts and the rioting which marked the years between 1780 and 1786. People in all States were alarmed by the revolutionary disorder and the underlying social and economic problems that had caused such a reaction.

Plagued by a weak and disorganized economy, and an unresponsive government, the rebels in Massachusetts voiced their dissatisfaction with the post-war crisis. The rebellion hastened special reforms in taxation and judicial procedure. In addition, it alerted leaders of America to the frailities of the Government under the Articles of Confederation and served as the impetus for the drafting of our Constitution.

The influence of Shays' Rebellion in the formation of our present Government deserves recognition by Congress and the people of the United States. I invite my colleagues to support a joint resolution celebrating the historical significance of this event. Please join me in designating January 19 to January 25, 1987 as Shays' Week and Sunday, January 25 as Shays' Day in honor of the rebellion leader.

Mr. Speaker, I feel strongly about this endeavor. Shays' Rebellion represents more than a glimmer of our past. It represents the spirit of the American way and the struggle of a people to persevere and combat injustice. We who have reaped the benefits of the seeds Daniel Shays and his rebels sowed, owe them an enthusiastic recognition. A commemorative resolution signals a step in that direction.●

REPEAL RECORDKEEPING REQUIREMENT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. SKELTON. Mr. Speaker, I have introduced today a bill to repeal the law that requires that so-called contemporaneous records or logbooks be kept with minutely detailed entries in order for a farmer or a business person to benefit from the lawful deduction of the expenses incurred by the business use of a car or truck. Bear in mind that laws already exist that require business deductions be justified. The law I seek to repeal, however, created an excessive standard to justify the expense and, in my view, imposes too much Government into the life of private citizens.

In the past few weeks, Mr. Speaker, I have interviewed or heard from a large number of small businesses and farmers who have complied with these rules during January. They tell me from firsthand experience that these rules drain their time unnecessarily; time which they could put to better use feeding the country or creating jobs. As a member of the House Small Business Committee, I have heard repeatedly that small businessmen do not mind paying their fair share nor do they mind doing those activities which genuinely safeguard our Nation. They are a patriotic group and a valuable resource. What they do mind are unjustified Federal requirements for thousands of pages of unneeded, unheeded, and unread paper. This body responded to their outcry with the Paperwork Reduction Act, which was designed to systematically reduce Government recordkeeping requirements and to require Government agencies to justify any further demands. The contemporaneous recordkeeping requirement flies in the face of that goal.

Determined tax cheats are not thwarted; they will simply falsify entries or construct false books if they are ever required to "produce the record." It is the honest taxpayer, who already works a good portion of the year for Uncle Sam, who will now spend time filling in the blanks. If what we are trying to do is impose a charge on those who drive their business cars home, then let us debate that issue directly and vote on it on its own merits.

Mr. Speaker, it is time that we left our farmers and small businessmen with enough time to do what they do best: tend to business.●

A TRIBUTE TO MARY ANN DYBALA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. LIPINSKI. Mr. Speaker, it is with great pride that I call attention to a respected citizen from Illinois' Fifth Congressional District, which I am privileged to represent, and she is Mary Ann Dybala. Mary Ann has consistently shown that every neighborhood has people who are dedicated to the growth and progress of their community.

Mary Ann is a native of Chicago and has devoted herself to numerous community activities and projects in the hopes of encouraging future community growth and improvement. Her participation in the community can be highlighted through her efforts as president of the Garfield Ridge Chamber of Commerce. Mary Ann has been active in the chamber for 10 years and is beginning her second consecutive terms as president. Throughout her many years of community service, she has always looked at participation as a way to help others as she has been helped by others in the community.

I join with the residents of the Fifth Congressional District in paying tribute to Mary Ann Dybala for her work in our behalf, and I introduce into today's RECORD a newspaper article honoring Mary Ann Dybala upon her receipt of the Ray McDonald Community Achievement Award.

The article follows:

MCDONALD AWARD TO MARY ANN DYBALA

The Midway Sentinel Proudly salutes Mary Ann Dybala as the recipient of the Ray McDonald Community Achievement Award for the month of November.

Mary Ann Dybala is a native of Chicago having spent here early years in the Brighton Park area. She moved to Garfield Ridge in 1950 with her parents, two brothers and a sister. She graduated from St. Daniel's the Prophet Grammar School and from Kelly High School. She also attended Bogan Junior College and Northern Illinois University studying nursing.

Many long time residents may remember her from the old Dvorak's Pharmacy on Archer and Rutherford streets in the late 50s where she worked as an apprentice pharmacist. She also was both a Tupperware Demonstrator and group manager for almost 14 years. It was at one of these parties that a friend in the real estate business convinced her to give selling homes a try. She had always enjoyed sales and meeting people, so she took the state exam and began as a sales associate in one of the community realty officers. After almost two years at that agency, she went into partnership in her own business forming a realty, then located in a small office at the corner of Archer and Austin Aves. Business grew to the point where relocation became necessary, so a move was made one-half block west to the present location at 6165 S. Archer Ave. where she is now the sole owner.

Beside her interest in this area from the home standpoint, she has a genuine interest in people, the Garfield Ridge area and in the future growth of the 23rd Ward. She believes that with the promised improvements to the southwest side such as the Rapid Transit leg to Midway and the regrowth of the airport itself, and the new businesses, our community can only continue to grow and flourish. To that end she has devoted herself to many community organizations and projects. She is presently beginning her second consecutive term as president of the Garfield Ridge Chamber of Commerce of which she has been an active member for almost 10 years. She is also a member of the Board of Directors of the Garfield Ridge Chapter of the American Cancer Society and is involved with the Southwest Realty Board.

Throughout her many years as a resident of the southwest side and the 23rd Ward, she has participated in many other worthwhile communtiy activities because she truly believes in "getting involved" to help others as she has been helped by others in this community.

She currently lives in the 23rd Ward with Ray, her husband of 19 years, and their daughter Kim, and son Philip.

The staff of the Midway Sentinel Expesses its thanks to Mary Ann and honors her for the unselfish dedication of the time and concern she has shown for the business and residential community of the 23rd Ward and the southwest side.●

TOUR OF DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Ms. OAKAR. Mr. Speaker, during the recent congressional recess I had the opportunity to chair an inspection tour of the U.S. Department of Defense dependents schools located in Japan. The inspection tour included stops at Sollars Elementary School, Edgren High School, West Elementary School, Byrd Elementary School, Yokota High School, East Elementary School, Sullivan Elementary School, Kinnick High School, Zama Middle and High Schools, and Arnn Elementary School.

These Federal public schools are responsible for the education of American children living abroad—children who are the sons and daughters of our service women and men who have contributed so much to the defense of our country.

Mr. Speaker, while most of us would view the prospect of living and teaching in a foreign country as an exciting adventure, the realities of life are far less pleasant for our overseas personnel. During my recent inspection tour of the dependents schools I came across a number of glaring problems that could affect not only the morale of the educational staff but also could hinder the recruitment and retention of important military personnel.

The recent inspection tour revealed, among other things, that Department of Defense education personnel face a high cost of living that is not met by their modest salaries. Furthermore, many of the employees encounter on a daily basis substandard housing, language difficulties, cultural adjustments, poor or nonexistent medical facilities and less than sophisticated communication and transportation systems.

There is no doubt in my mind that the educational personnel serving in these schools are of superior quality. It is unfortunate they face personnel problems that no other teacher or administrator could faintly imagine. If we are to continue to provide a superior education for our military dependent children, then we must solve the overwhelming social problems that the educational staff face on a daily basis.

During my tour of the dependents schools, I had the opportunity to meet with and talk to many of the fine teachers and administrators serving in the overseas school system. My lengthy conversation with the personnel brought to light two major problems. The most common complaint was the lack of transfers. Most teachers said they would be willing to experience substandard living conditions for a year or two if they had some hope of moving to another less isolated location. Shockingly, I discovered that some teachers had served in the same location for 10 and 12 years without being able to transfer to a more desirable location. If we are to retain these teachers, then we must design a system that will allow them to compete on an annual basis for available vacancies in other countries.

The second most serious problem facing Department of Defense educational personnel was their inability to use medical facilities on military bases. While our overseas military bases will attend to the needs of military personnel they have refused time and again to provide even the most minimal of medical care to the staff educating their children. It is ludicrous that Defense Department educational personnel have to travel 60 to 75 miles per day to see a foreign doctor for medical care while military doctors and dentists sit idle less than 10 or 15 minutes away.

Finally, the recent tour of our Defense Department dependents schools reaffirmed my belief that we must improve the working conditions of our educational personnel overseas. If we are to continue to recruit and retain superior personnel from the United

States to serve in Department of Defense schools, then I ask all my colleagues to support my bill, H.R. 43, the "Overseas Teachers Act of 1985." The issues addressed in H.R. 43 will guarantee the finest possible education for the children of our armed services and civilian employees serving abroad.

Mr. Speaker, my bill, among other things, will ensure equality of benefits, provide a simplified method of pay, allow sabbatical leave, define the school day, year, and class size, and establish a career ladder that will allow teachers to remain in the classroom. Only when we have accomplished these goals can we be assured that we have provided a superior education for the children of our military personnel. Mr. Speaker, if there are other Members who are interested in continuing the long tradition of providing a superior education for the children of our armed service employees then I ask them to join me in supporting this important proposal.

Mr. Speaker, in closing, I would like to express my sincere thanks to Dr. Beth Stephens, Director of the Department of Defense Dependents Schools and Lieutenant. General Weyand, Commander of the IX Corps, Japan, for their assistance in making the visit of the Subcommittee on Compensation and Employee Benefits of the House Post Office and Civil Service Committee a success. A special thanks is in order to the many fine enlisted and commissioned personnel that provided ground and air transportation during the subcommittee's visit. Without their efforts and cooperation the subcommittee's tour would not have been the success that it was.●

PROTECTION NEEDED FOR TEAM FRANCHISES AND COMMUNITIES

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Ms. MIKULSKI. Mr. Speaker, last year, in the middle of a snowy night, the Baltimore Colts were moved from our city to Indianapolis.

At other times, in other cities around this country, other sports teams have also arbitrarily moved from city to city. Oakland lost its Raiders, New York lost its Jets, San Diego lost its Clippers. Philadelphia almost lost its Eagles and, now, there are rumors that the St. Louis Cardinals may be flying the coop.

When professional sports teams leave a city, they not only leave behind the broken hearts of millions of fans, they often leave an empty stadium with enormous financial debts they helped create.

What we've seen recently is that sometimes teams hold local governments hostage by threatening to leave and making ransom demands for additional guarantees and subsidies.

It's a sad commentary today that many of our professional sports teams want guaranteed ticket sales and guaranteed stadium improvements but they don't want to guarantee they'll stay in a city. To me, that's not being a good sport.

The legislation we are introducing today is designated to protect local governments and taxpayers who have put millions of dollars into stadiums and playing arenas.

It is also designed to protect the integrity of professional sports leagues and to enable them to be good faith bargainers.

This bill creates an orderly framework of events that must occur and criteria that must be met if a professional sports team wants to move from one city to another.

This bill allows teams to move for financial need, but not for financial greed. It gives cities the right of first refusal if a team does want to leave and it establishes an arbitration panel to determine if there are valid financial reasons for a move.

This bill goes even further in protecting communities and team franchises.

It allows leagues to bargain collectively for telecast agreements and revenue sharing.

It also mandates that by 1988, the NFL must expand its league by two teams and that one of those teams must be in Baltimore. Further, the NFL is to add two more teams by 1990 and one of those teams must be in Oakland, CA.

I have been a fan of professional football all my life. I used to love to go to Colts games with my uncles, and one of the first things I bought when I finished college and got a job was my own set of season tickets.

I am a sports fan. I am also a representative of the fans. Communities are fighting aggressively today to get sports teams as they are to get the high-paying microelectronic industries. Sports teams mean jobs. They mean community pride.

Through this legislation I hope we can bring order and stability to what is otherwise becoming a very chaotic playing field. I urge my colleagues in the House of Representatives to support it.●

LAW ENFORCEMENT ACCREDITATION COMMISSION DOES EXCELLENT WORK

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. FRANK. Mr. Speaker, one of the most interesting, educational, and valuable experiences I have had as an elected official was serving as a member of the Commission on the Accreditation of Law Enforcement Agencies. This group was established by several private organizations concerned with law enforcement and had representation from law enforcement professionals, elected officials, private citizens, and others to propose standards which police forces throughout the country could, on a voluntary basis, be accredited.

During the last years of my service as a State legislator in Massachusetts, I was a member of that commission and found the commission meetings to be extraordinarily useful to me. A diverse group of people representing many ideologies and backgrounds were brought together on a periodic basis to discuss difficult issues of law enforcement, and the results were in all cases stimulating discussions and mutual conclusions. I was serving on the commission in my capacity as a State legislator, so I left when I became a member of this body. But I have continued to follow the commission's work with interest and I was recently delighted to read in Parade magazine a very good article describing the extraordinary progress that has been made with the important work that the Law Enforcement Accreditation Commission does. The fears that some had that this commission would be an intrusive national presence disturbing local traditions have proven unfounded. Instead the commission has already begun to show its usefulness and I long to call to the attention of the Members the interesting work that has been done in this article by Mr. Bernard Gavzer.

The article follows:

[From Parade Magazine, Dec. 30, 1984]

CAN YOUR POLICE DEPARTMENT PASS MUSTER?

(By Bernard Gavzer)

Everyone knows—or thinks he knows—what makes a good cop: honesty, strength, dedication, persistence, street smarts, compassion.

But what makes a good police department?

How do you know whether the organization behind the men and women in blue is employing their talents most efficiently and professionally in delivering police services?

You know how to judge schools because of objective tests and standards. The same is true of hospitals.

And now, there's the promise of a sort of revolution in police work. For the first time, there is a nationwide program to accredit entire police departments.

This can be done through the Commission on Accreditation for Law Enforcement Agencies, headquartered in Fairfax, Va. It is an independent, nonprofit, nongovernmental organization operating since 1983 with the goal of raising police work from a blue-collar job to a profession.

"Our goal is to involve every eligible law-enforcement agency in the country in the accreditation program," says James Cotter, executive director of the commission. More than 15,000 agencies could be eligible.

Being accredited would be the equivalent of saying about a department that it "is in an outstanding category, that it rightfully has an uncontested status and that its accreditation is a guarantee that it conforms to a desirable standard," says Cotter. But that definition alone, you could be reasonably sure that, if your department was accredited, at least the professionals regarded it as good.

Charles Plummer, police chief in Hayward, Calif., addresses the issue with emotion, saying: "If you had a heart attack, how'd you feel being wheeled into a hospital that's not accredited? Would you send your kid to a college that's not accredited? If you want standards for health and education, by God, why not for public safety? Why wouldn't any community insist on a police department that meets professional standards?"

His department is seeking accreditation.

So far, five police departments have been accredited. In addition, to the 17-member force in Mount Dora, Fla., which was the first to win accreditation, they are the 290-member Arlington County Police Department in Virginia, the 1370-member Baltimore County Police Department in Maryland, the 44-member department of North Providence, R.I., and the 51-member Elkhart County Sheriff's Department in Indiana. (Figures in this article are for full-time members of a department, but part-time police also must pass muster.)

Thirty-six departments, including those in Denver, Tampa and Atlanta, are in a preliminary stage leading to accreditation, while 130 others—including departments in Boston, Phoenix, Houston and Louisville—have applied. The accreditation is for five years.

Mount Dora was one of five departments that took part in a test to design an accreditation program. "It's not a 'good ole boy' department anymore," says the former police chief, Earl Gooden, who was in command during the process. And his successor, Bob Roberts, says, "The beauty of accreditation was proved right here because, when Earl left there was no concern about policy changes or interpretations or who would do what. I think it was the most orderly change of authority I ever heard of."

Chicago's force of 12,000, according to Deputy Superintendent Ira Harris, is "in the self-assessment phase of moving toward accreditation." That would make it the largest department in the nation to pursue accreditation.

Like many other big-city departments, Chicago has had its share of grief over corruption, which is the major problem of every police department, regardless of size. "The heritage of American policing is one of brutality and corruption," says Joseph McNamara, chief of the San Jose Police Department in California and a highly regarded but controversial commentator on police matters. He adds that it's been that way since New York City formed its police department in 1845. "The police were manipulated by politicians," says McNamara. "And it is as true today as then that where you have a politically controlled police system, the motives and goals of the political machine are foremost, and you have scandal, brutality and corruption."

McNamara believes accreditation can turn that image around.

The need caused four leading police executive organizations to act. They are the International Association of Chiefs of Police, the National Sheriffs' Association, the Police Executive Research Forum, and the National Organization of Black Law Enforcement Executives, which Chicago's Ira Harris heads. Their aim was to find a way to develop a realistic, workable strategy to raise the status of police work, deal with its problems and make it truly professional.

"There couldn't have been more credible, knowledgeable and professional police organizations involved," says Hubert G. Locke, dean of the University of Washington Graduate School of Public Affairs. "It bodes well for accreditation."

The organizations created the Commission on Accreditation in 1979 and picked Jim Cotter to run it. Cotter had headed the FBI National Academy for 18 years, until his mandatory retirement. On the commission are 11 law-enforcement professionals and 10 representatives from the public and private sectors.

They came up with 1000 standards they thought should be met by most departments. These were sent to 358 randomly selected departments. The number of standards later was pared to 944. If you don't meet them, you can't be accredited. Obviously, a small department without a crime lab wouldn't have to meet standards relating to crime labs.

One revolutionary aspect is that the public has a say in the accreditation. This happens when the inspection team visits the community, inviting the public to say, in effect, if there is any reason accreditation should be withheld. Traditionally, police departments are very cool to the notion of inviting citizens to take such a close look.

Jim Cotter says accreditation can work for any size department, whether it's the 25,000-member New York City force or the four-member department at Painted Post, N.Y." But Sheriff Richard Elrod of Cook County, Ill., a commission member and former president of the National Sheriffs' Association, sees some problems for big agencies.

"It can be difficult in a large department—New York, Chicago, Los Angeles—because of a need to possibly change existing policies, criteria and standards," he says. "It is not an easy task changing longtime practices."

New York and Los Angeles are in states whose police chiefs' associations have reservations about the accreditation commission. "We object to a national commission as an intrusion on local government," says Joe Dominelli, executive director of the New York police chiefs' outfit. "We go along with standards and accreditation but want it done on a statewide basis." The California chiefs' group says standards of the Peace Officers Standards and Training Commission (POST) are good enough. It expresses a fear that the accreditation commission could lead to having to deal with a Big Brother out of Washington.

"You know what they're afraid of is what happened with the 21-year-old drinking age because of drunk drivers," says Howard Runyon, chief of police in Sterling, N.J., and former president of the International Association of Chiefs of Police. "States that wouldn't set a 21-year minimum age were threatened with losing federal funds. They think maybe one day there'll be someone—the commission—saying if you don't get accredited, you can't get funds."

Thomas J. Sardino, the current head of the international police chiefs' group, says there's an option open to departments that fear the national commission might become an interfering Big Brother. "That is for meshing the standards to comply with standards set within their own states," he says, "whether it's POST or, in New York, the Municipal Police Training Council."

"The council's standards on use of deadly force, for example, differ only in minor ways from the accreditation commission's, so it's not much of a problem in New York," adds Sardino, who is chief of the 400-member police department in Syracuse, N.Y. "But in Tennessee that is a very heated issue right now because of considerable differences relating to the use of deadly force. States like Tennessee may not want to meet the commission's standards—or may not be able to because of state law—so they are not likely to go along with the commission."

Sardino clearly favors accreditation as a step toward police professionalism. He says the Syracuse department already meets most of the commission standards and will very likely seek accreditation.

Jim Cotter says the accreditation commission has no control over any federal or state funds going to police organizations. He also insists there is no way accreditation can lead to a national police force any more than school or hospital accreditation has led to nationalization of hospitals and schools.

The standards aim to prevent or correct problems confronting every police department. "Procedures have been thought through and put down on paper as clear directives on how to handle such diverse events as corruption, abuse of suspects, delinquencies by police, hazardous waste spills, mass murder, domestic violence, crowd control, missing persons, runaway children and traffic control," says Cotter.

To deal with corruption, for example, there is a strict system of accountability and a sophisticated process for seeing what goes on within a department. Even so, no one is prepared to say there can't be human failure.

As for excessive force, many states permit police to shoot at fleeing felons or suspects. But the standards say such force may be used only if the life of the officer, or others in the immediate area, is threatened . . . and only then.

"We finally have standards of what a good department ought to look like and be, and put together by professionals," says Neil Behan, chief of the Baltimore police. "These are humanistic standards."

Gary Hayes, executive director of the Police Executive Research Forum, recommends those things stressed by the accreditation commission: leadership, training, written policy.

Charles Sorrentino, a former director with the Law Enforcement Assistance Administration, says such leadership would be shown by any police chief moving toward getting accreditation because "he is telling them he wants to be professional."

Charles Seiger, chief of the department in Egremont, Mass., with two full-time members, says it would be great to have the same standards apply to all departments. "It's crazy that they should differ from one place to another."

And Dean Locke says the cost—from $3,800 to $15,000, depending upon size—should play no role, "especially when you realize that whom you select for a chief or what you do for your department is as important as whom you choose for the local football coach or team."●

PROSECUTORIAL AUTHORITY TO SEIZE DRUG-RELATED ASSETS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. MAZZOLI. Mr. Speaker, I commend to the attention of my colleagues the following article, entitled "Attorneys' Fees Become Issue in Narcotics Cases", which appeared in the January 13, 1985, Washington Post.

For a long time, prosecutors have asked for the authority to seize assets of defendants convicted in drug or organized crime cases. Thus, I was particularly pleased by the inclusion of this authority in the omnibus crime bill enacted into law by the 98th Congress, in 1984.

I believe officials of the Justice Department are exactly right in targeting defendants' assets as "blood money" and ill-gotten gain which should be frozen before trial and forfeitable in full on conviction.

Attorneys who defend these drug kings do so with their eyes open. They deserve no more protection than any other person or entity who knowingly does business with persons indicted on drug or organized crime-related charges.

[From the Washington Post, Jan. 23, 1985]

ATTORNEYS' FEES BECOME ISSUE IN NARCOTICS CASES

LAWYERS CALLED TO TESTIFY AGAINST CLIENTS

(By Loretta Tofani)

Robert Simels, a New York criminal defense lawyer, said he was shocked when he was subpoenaed by the prosecution to testify as a witness at a client's trial on charges of cocaine dealing.

Simels this month received a second subpoena, this time to appear before a grand jury to document the size of his fee and who is paying it.

Simels and other defense lawyers say that such testimony jeopardizes the attorney-client relationship, perhaps forcing the attorney to disqualify himself. But prosecutors say the testimony is necessary to determine whether the defendant has unreported and illegal income.

While lawyers have been receiving subpoenas to testify in their clients' narcotics cases for about 10 years, such subpoenas remain unusual.

Defense attorneys predict that the numbers of such subpoenas will rise as a result of the Comprehensive Crime Control Act of 1984, which gives prosecutors the right to take most assets—including homes and money that would pay lawyers' fees—of a defendant convicted in a drug or organized-crime case.

To ensure that the defendant does not spend the money before trail, the government now has the right to freeze the defendant's assets.

"Now that the government is seeking to freeze the defendant's money, it has more incentive to issue subpoenas because it wants to get the money back," said Alan Ellis of the National Association of Criminal Defense Lawyers.

Federal prosecutors have warned at least two attorneys since passage of the law in October that they cannot spend fees from certain clients because that money will belong to the government if the client is convicted of a narcotics or racketeering charge.

Neal R. Sonnet, a Miami defense attorney and former federal prosecutor, last month received a letter from Assistant U.S. Attorney Brian Leighton saying, "The government hereby puts you on notice that any and all assets belonging to the defendants are forfeitable to the United States, including any attorney's fees or other valuable consideration received by you, or to be received by you for your representation of the defendant."

In another case, defense attorney Jeffrey Gordon of Los Angeles was notified by a prosecutor that the government might be entitled to any money paid him by client Leo Rogers. Rogers had been indicted on charges of obstruction of justice and operating a continuing criminal enterprise—a tax-shelter investment program.

Gordon said he intends to argue in federal court this month that the forfeiture provision of the law is unconstitutional because it violates a defendant's Sixth Amendment right to counsel by leaving the defendant unable to pay an attorney.

Prosecutors disagree, saying that the defendant is entitled to a public defender. But defense attorneys point out that only defendants without money can use public defenders. Most defendants charged with drug dealing or racketeering technically have money.

"It might be a catch-22," Simels said.

Gordon said the forfeiture provision also could result in violations of attorney-client privilege because if the client is convicted, the attorney must try to prove that the money used to pay his fee did not come from an illegal activity—or he cannot keep his fee.

"The forfeiture provision really strikes at the heart of the adversary system," Gordon said.

Defense attorneys also were worried that the forfeiture provision has great potential for abuse because it makes it difficult for certain defendants to hire excellent defense lawyers, both because the government can claim the attorney's fee and because the government can force the lawyer to testify against his client, encouraging the lawyer to disqualify himself from the case.

But the Justice Department sees the matter differently. "If you have drug money, you're not allowed to buy a plane with it, a house with it or more drugs with it," Trott said. "Why should there be a different rule for lawyers' fees? That money is blood money."

Answered Ellis: "There's no constitutional right to a Mercedes. There is to a lawyer."●

A BILL TO AMEND THE FEDERAL SALARY ACT OF 1967

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Ms. OAKAR. Mr. Speaker, I am introducing today a bill to amend the Federal Salary Act of 1967, and title 5 of the United States Code. The purpose of this legislation is to transfer the authority to determine the pay classification of Federal administrative law judges [ALJ's] from the Office of Personnel Management [OPM] to the Commission on Executive, Legislative, and Judicial Salaries.

Administrative law judges occupy a unique position in our Federal work force. They are judges serving in the executive branch, who have existed since the days of George Washington when officers were appointed to figure import duties and determine which soldiers were disabled. They hear and decide the appeals from the millions of decisions made by our Federal agencies each year, dealing with everything from the payment of Social Security benefits to the regulation of utilities, the media and interstate commerce.

There are currently more than 1,100 ALJ's, serving in approximately 29 separate agencies and working under the auspices of the Administrative Act and other Federal statutes. Unlike most other Federal employees, administrative law judges are considered personnel of the agency to which they are appointed, but they are selected by the OPM independently of any agency recommendation or rating. In addition, OPM also controls the pay of the ALJ's, and they can only be removed from office after a hearing establishing good cause before the Merit Systems Protection Board.

Administrative law judges also occupy an important place in our constitutional system. While they are not appointed in the same manner as judges in our Federal judiciary, they are, nevertheless, vested with the same responsibilities for maintaining the integrity of our judicial system as are the judges commissioned pursuant to article III of the Constitution. More importantly, administrative law judges generally perform the same duties as do trial judges in our Federal courts. As triers of fact and law, their job is to ensure that agency rulings are legal and fair, and that our citizens are afforded due process of law.

The U.S. Supreme Court has recognized the special character of administrative law judges. In *Butz* v. *Economou*, 438 U.S. 478 (1978), the Court held that ALJ's are "functionally comparable" to judges employed in the judicial branch, and the Court conferred on them absolute immunity for judi-

cial acts. Later in *Marshall* v. *Jerrico, Inc.*, 466 U.S. 238, 250 (1980), the Court commented on the role of the administrative law judge, observing that the independent administrative law judge is one "whose impartiality serves as the ultimate guarantee of a fair and meaningful proceeding in our constitutional regime."

Over the years, we in Congress have also been concerned with the unique position of administrative law judges in both the career Federal service and our judicial system. Legislative history clearly demonstrates congressional concern and action to preserve the functions of administrative law judges and their freedom from agency influence and control.

In passing the Civil Service Reform Act of 1978, we in Congress expressly excluded administrative law judges from the Senior Executive Service [SES], recognizing that performance evaluations and pay bonuses are incompatible with the decisional independence required of an administrative law judge. ALJ's are, therefore, classified under the General Schedule [GS] pay system. However ALJ's are prohibited by statute from receiving merit pay increases or other bonuses for outstanding performance and, in fact, are excluded from any performance evaluations. These exclusions are necessary and proper in order to avoid exposing administrative law judges to conflict of interest situations. ALJ's need to be independent and impartial in rendering their decisions. To be impartial, however, requires that administrative law judges must be free from all political and employment pressures and control.

Mr. Speaker, impartiality is what this legislation seeks to assure. We have all seen the recent reports that some agencies are allegedly pressuring their administrative law judges to reject appeals. We have read that some agencies may even have quotas on the number of claims which are granted, and that others are supposedly threatening to dismiss or otherwise penalize administrative law judges who grant too many appeals. In fact one group of ALJ's has filed suit against an agency precisely on these grounds. Such allegations, especially if true, do nothing but undermine public confidence in our Government. They strike at the heart and very foundations of our system of justice.

These reports also point out a continuing need to keep the administrative law judges independent and free from improper control by the agencies to which those judges are assigned as well as from arbitrary actions of the OPM. Congress has always recognized the efficacy of an independent administrative judiciary. Such independence serves to structurally insulate ALJ's from the potential of agency retaliation for their decisions. To reassure private litigants of the impartiality of the ALJ employed by the opposing agency, to enhance the credibility of the administrative process, to remove any appearance of impropriety and to maintain public confidence in the administrative process. Congress must continue to foster the independence of administrative law judges.

Mr. Speaker, this bill creates no new obligations, rights or privileges. It follows on recommendations of the Federal Administrative Law Judges Conference and the Judicial Administration Division of the American Bar Association. It is needed to solidify the independence of ALJ's. To retain administrative law judges on the GS pay schedule tends to encourage their agencies to view them as other Government employees and to deal with them as such. Moreover, it nurtures unnecessary tension among ALJ's and other agency personnel who take an adversary role in litigation before them. Such dealings impede fair and impartial dispensing of justice. It is entirely appropriate, therefore, that the pay classification of administrative law judges be determined by an outside source, the Commission on Executive, Legislative, and Judicial Salaries, which has, for years, studied and recommended the salaries of Federal judges in the judicial branch.●

FOOD FOR THOUGHT—AND FOR THE FUTURE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. SKELTON. Mr. Speaker, an editorial written by Mr. Kim Sexton of the Blue Springs Examiner, which is published in my district, brings up a point which should be taken to heart by the various factions working on the 1985 farm bill. The point is the need to work together, to form a farm coalition which will protect all farmers. It is important that we, from rural districts and those with other agriculture interests, do not let the fighting among farm interests cause irreparable damage to the family farmers and farm economy in general. I ask the article be reprinted, and commend it to my colleagues.

FOOD FOR THOUGHT—AND FOR THE FUTURE

My New Year's prediction is that farmers will organize in order to drive up the price they receive for their products.

At a time when the world is starving it is difficult to understand how there could be a record number of farm failures.

Food prices have certainly gone up in the last decade, but most of the increase has gone to distributors rather than growers.

I believe there should be a federal investigation to see whether there has been a conspiracy against farmers and consumers. Meanwhile, I would suggest that producers get together, go on strike or do whatever is necessary to obtain a fair return on their investment of time, money and energy to feed us.

I know a lot of readers are going to get mad at me for advocating what will likely substantially increase the price of food. I won't like paying more money, either. But I would rather do that now to protect the family farmers and competition than wait for our farmland to be gobbled up by big corporations that will certainly charge even more later.

I don't see any way to keep food prices from going up. The demand is increasing at home and abroad for the most important thing humans need besides water.

I think it is ridiculous for this nation to continue in many cases to pay farmers not to farm, too. Let's grow all we can and send what we don't need to nations where starvation is most prevalent.

It's a national shame to allow the farm foreclosure fad to continue. We know U.S. Rep. Ike Skelton is concerned about this agricultural assault epidemic, and we believe he will encourage his colleagues to give high priority to a solution.

Many of the farms being taken have been in families for several generations. Why are they now suddenly failing at a time when the nation's economy is strong? Please find out, congressmen. Our future requires food.●

SEATBELTS IN SCHOOL BUSES

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. KOSTMAYER. Mr. Speaker, today I reintroduced legislation that would provide States with a financial incentive to require the installation of seatbelts in new schoolbuses. I want to congratulate the National Coalition for Seatbelts in School Buses for all of their work in this field and would like to insert into the CONGRESSIONAL RECORD excerpts from an article from one of its recent newsletters.

SEATBELTS IN SCHOOL BUSES

RATIONALE

Seatbelts in school buses serve two functions. The first purpose is to reduce the number and extent of injuries. Although 8 years have passed since the National Highway Transportation Safety Administration enacted stricter school bus design standards, a significant reduction in injuries has not resulted. The National Safety Council statistics reveal 4,100 injuries for 1971 and 4,200 for 1982. Unbelted children have little lateral collision protection, no rollover protection and during a crash they can become human missiles as they are thrown into each other, into the unpadded areas of the bus, and into the aisles, thus blocking quick evacuation.

The second function seatbelts in school buses serve is the education of the children in seatbelt usage. Between 11 percent and 14 percent of the American population wears seatbelts. Children have few role models to follow. Seatbelts in school buses offer an excellent opportunity to teach children the life-saving habit of wearing a seatbelt. This positive training will carry over to the

family car and protect children from their number one killer—the automobile accident.

EXISTING PROGRAMS

The following areas in the country contain school districts operating Type I school buses with seatbelts for each passenger:

Ardsley, Greenburgh, and Port Jefferson Station, NY.
Hartland, VT.
Dalton, GA.
Manchester and Marblehead, MA.
Oxford, MI.
West Orange and Plainsboro, NJ.
Pleasant Hill and Klamath, OR.
Catalina Foothills, AZ.
Wilmette, Skokie, and Glencoe, IL.
Rochester, MI, will have seatbelts in school buses sometime this year.

THE ILLINOIS PROGRAM

Illinois has four school districts operating school buses with seatbelts. No one has used the belts as weapons and usage rates are extremely high. The buckles are light-weight, easy to operate, and fingers don't get caught in them. Tripping hazards have been eliminated through the installation of the shorter end of the belt in the aisle position. Furthermore, belts are attached to the posterior or seat frame and not to the floor of the bus. The belts are color-coded allowing the children to quickly locate their appropriate belts.

Two of the districts have bus monitors, while the other two districts used parent volunteers the first few days of school to help acquaint the students with the seatbelts. The primary function of the monitors is to watch the children outside of the bus and prevent them from being run over by their own bus or another vehicle. Several of our reports indicate that bus drivers have noted a substantial improvement in the behavior of their passengers. Driver error is a frequent cause of school bus accidents and the calmer climate produced by seatbelt usage allows delivers to concentrate better on their driving and observe more carefully the students in the danger zones outside the bus.

Seatbelts make it more difficult for a student to stand up and stick his head out of a bus window. A student in Tennessee was decapitated by an electrical cable when he stuck his head out of the school bus window.

The U.S. Department of Transportation has been actively encouraging seatbelt usage in automobiles, the installation of seatbelts in new school buses is a logical extension of this commitment.●

A BILL TO PROVIDE MORE WORKER OPTIONS IN UNEMPLOYMENT INSURANCE AND RETRAINING

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. STARK. Mr. Speaker, today I am introducing a bill to provide more worker options in the use of unemployment insurance and retraining opportunities.

The idea for the bill is drawn from sections 401 through 406 of the Economic Competitiveness and Cooperation Act (S. 2795), which was authored by Senator KENNEDY and others and introduced during the last Congress. This is but a small section from that legislation, which provides many incentives to increase the international competitiveness of American businesses. Introduction of just this part of S. 2795 will enable the good ideas relating to unemployment insurance [UI] to be considered in just one committee of the House—a procedure which greatly simplifies the legislative process.

The bill:

First, extends expiring TEFRA language designed to encourage States to establish short-term compensation [STC] programs and to provide short-term UI benefits for a worker in a declining industry who works part time while in a State-approved training program. STC is an important, but underutilized option, which helps both firms and workers. As an example, if a firm faces a cut of 20 percent, rather than lay off 20 percent of its workers, the company could cut work hours and pay 20 percent. Under STC, employees could receive 80 percent of full-time pay and 20 percent of what their unemployment benefit would be.

STC has been used in California and two or three other States, but has gone unused in the other States. It is a great tool for encouraging employee loyalty. Rather than firing and hiring with the economic cycles, trained workers can be kept and support for the company built. This is almost a Japanese-style of management idea. For the worker, fewer are laid off, and health and pension benefits are maintained during recessions.

Second, gives UI benefits to workers who voluntarily resign from a declining firm to enter a training program. A declining firm would be defined as one which has had a 40-percent loss of jobs over 18 months or has announced eventual closure, or meets other criteria set by the States.

Third, gives to a worker 80 percent of his remaining weeks of UI benefits if the person accepts a lower wage job. These payments would be made periodically over the course of 1 year to a worker who keeps this lower paying job. This provision is obviously useful for the adjustment of workers in towns where middle-income jobs have been eliminated and only lower paying, or service industry jobs may be available. Rather than having workers wait through their period of unemployment benefits in the often vain hope that better paying jobs will return, it encourages the worker to look at different types of jobs.

Fourth, authorizes extra UI benefits for a worker in a retraining program. This final provision costs money—some $200 million is provided—and is therefore the most difficult provision to consider during this period of rising deficits. Yet, to the extent it breaks people out of cycles of unemployment, it could be a long-term savings. Under this section, during his first 8 weeks of UI benefits, a worker could elect to get an amount equal to 125 percent of the remainder of his benefits if he's in an approved training program. He will be eligible for these higher benefits for a period equal to the lesser of the length of the training course or two times the number of weeks of eligibility which remained at the time of election.

The Nation spends from $25 to $32 billion a year on UI. It is a program that is 50 years old this year—and I believe that for all its good service, it is a program that has grown too stagnant and too rigid over the years. This golden anniversary year would be a great year to clean out the cobwebs, from top to bottom. In a time when training programs are being slashed and yet unemployment is still above 7 percent, we clearly need to think of new and better ways to use existing resources to help the jobless.

We should be asking ourselves:

Can we make the UI Program more than just a half year to year's subsistance for displaced workers and workers in declining industries?

Since many people in declining industries bounce in and out of UI year after year, can they be retrained or relocated through the UI system so that this cycle is broken?

The bill I am introducing today tries to provide increased flexibility—some increased personal choice—to help workers find a way out of declining industries, to find new careers, and to stay with firms temporarily in trouble.

Congress must consider the future of UI soon as the Federal supplemental compensation provisions expire this March. I hope that at that time some of the ideas contained in this bill can be enacted.●

H.R. 480

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. WHITEHURST. Mr. Speaker, as I have in previous Congresses, I have introduced legislation which would amend the United States Code to provide that the remarriage of a surviving spouse of a veteran after the age of 60 would not result in the termination of dependency and indemnity compensation. The bill number in this Congress is H.R. 480.

For the benefit of my colleagues, I am including at this point in the RECORD information which I have inserted in previous years, since the facts have not changed. The first item is a copy of the report sent to the chairman of the House Committee on Veterans' Affairs on May 18, 1978, by

Max Cleland, who was at that time Administrator of the Veterans' Administration. He pointed out that the total cost for the fiscal years 1978 through 1983 would have been less than $10 million, and he indicated that the legislation had the administration's support.

The second item is an excerpt from the testimony before the Subcommittee on Compensation, Pension, Insurance and Memorial Affairs of the Veterans' Affairs Committee on April 30, 1980, by Max Beilke, legislative counsel for the National Association for Uniformed Services; NAUS also supported the provisions of my bill.

While the bill numbers have changed from Congress to Congress, there has been no change in the text of the legislation except that "widow" was changed to "surviving spouse."

H.R. 480 would bring the Veterans' Administration into line with the Social Security Administration, OPM, and the Department of Defense, and it seems to me to be a matter of simple equity to take this step to ensure fair and equitable treatment of surviving spouses of veterans, so that some fine elderly people will be permitted to live together in comfort and dignity—and legally married. I urge prompt and favorable action on this legislation.

Thank you, Mr. Speaker.

VETERANS' ADMINISTRATION, OFFICE OF ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, DC, May 18, 1978.

Hon. RAY ROBERTS,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We are pleased to respond to your request for a report on H.R. 1744, 95th Congress.

The bill would amend section 103 of title 38, United States Code, "to provide that remarriage of the widow of a veteran after age 60 shall not result in termination of dependency and indemnity compensation.

Prior to the enactment of Public Law 91-376, effective January 1, 1971, the remarriage of a widow(er) constituted a permanent bar to the payment of Veterans' Administration gratuitous benefits. The law (38 U.S.C. § 103(d), as amended by Public Law 91-376) allows the Veterans' Administration to restore those benefits when the spouse's remarriage terminates or is dissolved, absent fraud by either party or collusion. The veteran's spouse may therefore enter into a second marriage without fear of economic deprivation, should the second marriage prove to be short-lived. This provision of the current law proves especially benefical to older surviving spouses who tend to marry men or women of advanced years.

The purpose of H.R. 1744 is to extend the liberalization provided by Public Law 91-376 to the dependency and indemnity compenation program for surviving spouses.

When a surviving spouse of advanced age remarries, termination of dependency and indemnity compensation may impose severe financial hardship. The new spouse, similarly advanced in age, is generally preparing for or already retired. Such new spouse faces a reduction in income and may be unable, because of age or disablement, to augment it. The remarried, aged surviving spouse also in many instances is precluded from employment to supplement the loss of dependency and indemnity compensation. H.R. 1744 would provide remedial action to retain for surviving spouses, age 60 or over, entitlement to dependency and indemnity compensation at an economic level at least comparable to that which existed prior to the remarriage.

We observe that the bill employs the term "widow" of a veteran. We believe that, if further consideration is given to this measure, a technical correction may be required to change the term "widow" to "surviving spouse," in order to conform with other recent enactments attempting to eliminate any reference to the gender of a surviving spouse.

Assuming an effective date of October 1, 1978, the estimated 5-year costs of H.R. 1744, if enacted is as follows:

Fiscal year:	*Cost (in thousands)*
1979	$1,556
1980	1,646
1981	1,716
1982	1,801
1983	1,887

In view of the foregoing, the Veterans' Administration favors enactment of H.R. 1744.

This will also serve as a report on H.R. 2893, 95th Congress, an identical measure.

Advice has been received from the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

MAX CLELAND,
Administrator.

EXCERPT FROM TESTIMONY BY MAX BEILKE

Eligibility to DIC terminates upon remarriage of the surviving spouse, but can be reinstated if that marriage is terminated. NAUS believes that it should not terminate if marriage takes place after the surviving spouse's 60th birthday. Current benefits to recipients of social security, military and civilian survivor benefit plans, and the Retired Serviceman's Family Protection Plan do not terminate if remarriage takes place after age 60. H.R. 809, introduced by Rep. G. William Whitehurst (Va.-2-R), would allow DIC recipients to remarry after age 60 without loss of benefits. H.R. 809 has 78 cosponsors and is a resubmission of H.R. 1744 on which the 95th Congress failed to take action. H.R. 1744 had the favorable endorsement of the Veterans Administration.

Senate Committee Print No. 14, 95th Congress, 2d Session, dated January 31, 1978 stated on page 146 that remarriage rate of DIC recipients occurred at a less than one percent rate. Of those that did remarry, 16 percent were over age 60. That computes out to less than 16 for every 10,000 DIC recipients. Those that remarried ranged in ages 60 to 93.

NAUS urges this subcommittee and the full Veterans' Affairs Committee to give consideration to H.R. 809.

NAUS has received several letters and telephone calls, as I'm sure you have also, from widows over age 60 desiring to remarry, but cannot afford the loss of DIC benefits. This leaves them only the choice of continuing to live alone, or "living in sin." We do not believe that either choice is desirable, either for the individuals involved or for society as a whole.●

NATIONAL TECHNOLOGY FOUNDATION ACT OF 1985

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. BROWN of California. Mr. Speaker, the bill I am introducing today establishing the National Technology Foundation corresponds, with only minor revisions, to H.R. 481, introduced in the 98th Congress. The issues that motivated me and my colleagues to reintroduce this bill have neither been resolved nor diminished through our past legislative efforts. These issues loom larger than ever as we begin the new year and the new session of Congress.

We cannot continue to accept the decline in our national competitive position in the world market. Our trade deficit at the end of the third quarter of 1984 was roughly $33 billion, and has been increasing steadily; this trend shows no sign of abating. The causes of our present economic difficulties are many and complex. Some of the problems have been developing for more than a decade, and some are the result of recent shortsighted policies. Fundamental changes have been taking place in the world economy, and we have been slow in responding to them. International trade is becoming an increasingly important part of the world economy. Our economic leadership in the past resulted in large part from our lead in technology and industrial innovation. Now other countries are realizing the important role that technological developments will play in the coming decades. Other nations, such as Japan and France, have been using targeted research and development plans to challenge the United States in markets of both mature industries and new high-technology industries. This fundamental change in the world economy has forced us to search for new approaches in both the short and the long term to ensure that the United States may remain competitive.

Three important areas that require novel approaches are our investment in human resources, investment in new technologies, and our rules for economic cooperation and competition. These areas have received considerable attention in past Congresses, including hearings on the crucial topics of innovation and productivity enhancement by the Subcommittee on Science, Research and Technology on which I served in the 98th Congress. Other committees and subcommittees have also held hearings on related issues; the Office of Technological Assessment [OTA] has produced a number of relevant reports.

Through all of this activity, it has become clear that current efforts by the Federal Government to provide technically trained workers, to facilitate the development and commercialization of advances produced through our basic research efforts, or to enhance cooperative arrangements with our international trading partners are fragmented and insufficient. One obvious consequence is the magnitude of the economic problem currently facing the Nation; another, fraught with significance for our future, is the possibility that the innovative developments we need now to avoid even more serious economic problems later may simply not be happening.

Mr. Speaker, the bill I am introducing today will consolidate in a single Federal agency the responsibility of technology-related programs, now scattered throughout the Federal Government. It is one of various alternative approaches suggested in bills on technology policy in the 98th Congress, several of which were reviewed in hearings held in June 1984 by the Subcommittee on Science, Research and Technology under the title "Federal Organization for Technological Innovation." There is not, as yet, a developed consensus on the best course of action to achieve the kinds of enhancement in innovative technology and productivity that the Nation needs; this bill to establish a National Technology Foundation provides a vehicle by which we can continue to focus the discussion of alternatives.

As we consider alternatives, it is important to note that the administration is reported to be considering two reorganization initiatives that would have a significant impact on support for technology. These initiatives involve the creation of two new Cabinet-level agencies: a Department of International Trade and Industry [DITI] and a Department of Science and Technology. We welcome these proposals as indications of administration concern and leadership. I know that many Members of Congress from both parties would participate in discussing the best means to solve the problems all of us recognize. If these ideas are formally brought before the 99th Congress, I know that they will be seriously considered by the Members and will help shape our own discussion of support for technology, as well as of many other issues.

SPECIFIC NEEDS ADDRESSED BY THE NATIONAL TECHNOLOGY FOUNDATION

Links between the generation of knowledge and its use need to be strengthened. The National Technology Foundation would help tie progress in basic scientific research to useful applications.

The National Technology Foundation is proposed as an independent agency with eight main branches dealing with, first, small business; second, institutional and manpower development; third, technology policy and analysis; fourth, intergovernmental technology; fifth, engineering; sixth, national—problem-focused—programs; seventh, the National Bureau of Standards; and eighth, the Patent and Trademark Office and the National Technical Information Service. The agency would have programs transferred from the National Science Foundation [NSF] and from the Department of Commerce.

The act establishing NTF incorporates the two main features of Public Law 96-480, passed with bipartisan support of the 96th Congress, by putting the Office of Industrial Technology functions of Public Law 96-480 into the technology policy and analysis branch of the Foundation, and placing the responsibility for support of centers for industrial technology in the institutional and manpower development branch.

The governance of the Foundation would be handled by a Director and a National Technology Board patterned in organization, though not in composition, after the National Science Board. Key functions of the Board would be to establish the policies of the Foundation and review the Foundation's budget and programs. The Director would have all powers not assigned to the Board, and would be assisted by a deputy and eight assistant directors, one for each branch.

The bill requires close coordination between the National Technology Foundation and other agencies, particularly the National Science Foundation and Department of Commerce. The NTF and the NSF are to have interlocking directorates.

Authorizations in the bill include sums for fiscal years 1986, $480 million; 1987, $670 million, and 1988, $875 million. In each year the eight branches, plus an other purposes category, each have a line item; each branch grows over the 3 years of the authorization. For further information about the bill, I refer you to my introductory statement for H.R. 481 in the CONGRESSIONAL RECORD of January 6, 1983.

SUMMARY

The concept of a National Technology Foundation grows out of a continuing search for means to enhance the Nation's productivity and competitiveness by the Subcommittee on Science, Research and Technology during the past three Congresses, as well as studies by other committees and subcommittees and by the Office of Technological Assessment. The consolidation and enhancement of existing fragmented programs in a National Technology Foundation is an alternative deserving careful consideration, especially now when we urgently need to revitalize the American economy.

Mr. Speaker, I welcome any comments on, and support for, this legislative effort.●

CIVIL RIGHTS RESTORATION ACT OF 1985—H.R. 700

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. RODINO. Mr. Speaker, I am pleased to join with many of my distinguished colleagues in introducing the Civil Rights Restoration Act of 1985. This bill, which enjoys widespread bipartisan support, will literally restore our Nation's civil rights laws to the scope and effectiveness that existed before the Supreme Court severely narrowed them in the Grove City case last year.

As an original author of these civil rights laws, I know well that Congress intended them to be applied broadly. It is now our responsibility to close any loopholes and to preserve the full extent of their antidiscrimination provisions.

The Civil Rights Restoration Act of 1985 ensures that Federal money will not be granted to institutions that practice discrimination on the basis of sex, race, age, national origin, or physical handicap. It states specifically that when a program or activity of an institution receives Federal funds, then all the operations of that institution must comply with the civil rights laws.

Its message, simply put, is that the Federal Government will not, directly or indirectly, subsidize discrimination.

What is at stake, in the end, is the integrity of our civil rights laws. Indeed, these laws embody the promise of American democracy. That promise must not be undermined by a narrow interpretation of our laws.

The Judiciary Committee plans to act quickly on this legislation as a top priority. We look forward to its prompt enactment.●

TAXING SENIOR CITIZENS

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. DENNY SMITH. Mr. Speaker, I have been concerned about the massive budget deficits that threaten to destroy our economy. For several years now I have been pushing for a 1-year freeze on all Government spending. Such a freeze would save the Government $35 billion in 1986 alone, and would give us an opportunity to identify what long-term structural changes

can be made to reduce Government spending and cut the deficit.

Deficit reduction should not be achieved, however, by filling the Treasury's coffers with taxes from senior citizens on fixed incomes. I have always been opposed to the taxation of Social Security benefits. Therefore, last week I introduced two bills concerning the taxes recently imposed on certain benefits.

The first bill, H.R. 709, is an outright repeal of the provisions of the 1983 Social Security Act Amendments that instituted taxation on up to one-half of the benefits received by individuals earning over $25,000 or couples earning over $32,000.

The new tax penalizes individuals for past, unalterable decisions concerning savings and investments. Hard-working individuals who were able to set aside funds for their "Golden Years" are now being hit with an unanticipated tax by the Federal Government. The Government should be encouraging self-sufficiency in retirement years, not discouraging it.

The budget will never be balanced by simply raising taxes. Tax increases have only fueled further spending increases. How many times has this body approved tax increases on the promise of further spending cuts? Yet we never see the spending cuts.

While I favor an outright repeal of the taxation on benefits—and will push for such legislation—something must be done to ensure that while such legislation is still on the books, it is not applied to lower income Social Security recipients.

Under current law, the income thresholds for taxation of Social Security benefits aren't indexed for inflation. In 1984, 9 percent of Social Security recipients faced an increased tax liability because of the new law. The Social Security Administration estimates that by 1990, 17 percent of all recipients will be affected by these tax provisions. I have, therefore, introduced H.R. 708, to index the income thresholds.

There is much talk in this Chamber about compassion for the elderly in our Nation. I ask my colleagues to join me in turning talk into action by eliminating the taxes on benefits that the elderly earned throughout their working years.●

NEED FOR A BIPARTISAN COMMISSION ON THE DEFICIT

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. HEFTEL of Hawaii. Mr. Speaker, balancing the Federal budget remains our Nation's highest priority. Unfortunately, balancing the budget has proven to be an elusive goal and future trends show an increasing rather than declining budget deficit. If we are to maintain our economic recovery on a steady course, these deficits must be controlled. Developing a consensus among the many competing interests we in the Congress face has made the task of responsible budgeting increasingly difficult.

Mr. Speaker, our Nation desperately needs a comprehensive budget plan that will guide our economy through a recovery which stands to be compromised if we delay further action on the deficit. I invite my colleagues to join me in cosponsoring the House resolution I have introduced urging the President to establish a bipartisan commission to formulate a deficit reduction plan.

There's recent precedent for such a body. In January 1983 a bipartisan commission presented a plan to solve the Social Security funding crisis. The solution required compromise by all interested parties. Democrats and Republicans alike supported its proposals knowing that they represented the best efforts of men and women of different political persuasions and great expertise. In the same bipartisan spirit and through similar means, we can deal with our growing deficits now.

Mr. Speaker, the urgency of our deficit problem does not allow us to postpone work on its solution. The Nation needs a sound, well-reasoned deficit reduction plan on the table at the earliest possible time. A bipartisan commission on the deficit will move us closer to the goal of a balanced Federal budget and I urge my colleagues to join me in this effort.●

TRIBUTE TO BENNY O. LARSEN, EXECUTIVE DIRECTOR OF GUIDE DOGS FOR THE BLIND, INC.

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. LANTOS. Mr. Speaker, I wish to pay tribute today to Mr. Benny Larsen, who has been called the "elder statesman of Guide Dog Schools." Mr. Larsen is retiring now, after 25 years of service to the blind as head of one of the finest facilities providing guide dogs to help the visually impaired.

There are few examples of dedication that can equal that of Benny Larson. He has devoted over a quarter of a century to Guide Dogs for the Blind, in San Rafael, CA, where he began as a trainer in 1958 and served as executive director from 1969 to 1985.

A native of Copenhagen, Denmark, Benny has always believed in service to others. He proved this during World War II as a member of the Danish Marines and through participation in the Danish underground resistance movement.

In 1958 Benny came to the United States with his wife, his young son and his dreams. He believed in the concept of America as the land to opportunity and determined that he would use that opportunity to help others.

For Benny Larsen, a lover of dogs and people, the most logical way to do that was by applying his vast knowledge of the dog world toward service to humans. He had trained guide dogs, police dogs and Government dogs in Denmark and, now, in his new country, Benny lent his talents and experience to a rapidly growing Guide Dog Program.

He became a California State-licensed instructor on January 5, 1959, and quickly rose through the ranks of the Guide Dog organization, from training supervisor, to assistant director, and finally, to executive director. His adopted country became his own when, on February 18, 1964, he became a naturalized American citizen.

Throughout the years his advice and expertise have been sought by Government agencies, service organizations for the blind, and those interested in animal behavior and training throughout the world. His sensitivity to animals and people has enabled him to bring out the greatest potential of those he served and who worked for him over the years.

A teacher, in the truest sense of the word, Benny Larsen's wise leadership has made Guide Dogs for the Blind one of the most highly respected service organizations for the blind anywhere in the world today. He has legitimized the role of the dog as a service partner to humans and he has influenced the ongoing development of the guide dog movement in a profound way.

Benny Larsen's mark on the guide dog community is one of dignified and compassionate service leadership, combining faith in man's best friend with belief in human potential.●

SUPPORT FOR THE REINTRODUCTION OF THE NATIONAL TECHNOLOGY FOUNDATION ACT

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. WALGREN. Mr. Speaker, I am pleased to join Congressman GEORGE BROWN in the reintroduction of the National Technology Foundation Act. This legislation represents a partial but important answer to our mounting

trade deficits. It also places the Federal Government in a position to be more helpful to American companies wishing to compete at home and abroad with products based on new technology.

The National Technology Foundation [NTF], called for by this legislation, would provide a governmental focal point for applied research and technology development. The National Bureau of Standards, the Office of Patents and Trademarks, portions of the National Science Foundation dealing with engineering, and various other governmental offices concerned with innovation in technology would be gathered together in one organization. Over a period of 3 years, major offices dealing with small business, institutional and manpower development, engineering, and national programs would be added. At that point we would have an independent Government agency whose primary purposes were to promote applied research and facilitate the use of Government research results by the private sector as new commercial products.

We have delayed much too long in setting up a technology foundation. Had the foundation been created when this bill was first introduced four Congresses ago, we would be well on the way to matching the efforts of Japanese and European governments in supporting technological innovation. Instead, the Japanese have recorded the largest favorable balance of trade in history while the United States registered the worst. I urge my colleagues to rally behind an idea that can make a real contribution to our economy in the future.●

INTERNATIONAL ADVISORY COMMISSION FOR THE CARIBBEAN REGION

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. DYMALLY. Mr. Speaker, I would like to call to the attention of my colleagues in the U.S. House of Representatives a matter of vital significance to the future of United States-Caribbean relations. For many years, the social, agricultural, educational and economic problems which have confronted the Caribbean region have not been sufficiently addressed by U.S. policy. The President's Caribbean Basin Initiative [CBI] has defined United States-Caribbean relations in business and strategic terms; however, a serious gap remains in the areas of development and infrastructure improvements. I am offering a vehicle to fill that gap.

As a former citizen of Trinidad and an interested American, I welcome the President's desire to solidify United States-Caribbean ties. Nevertheless, there is confusion in the Caribbean as to the best possible American-Caribbean relationship. The current development plans, offered by a variety of governments, development banks, and academics, sometimes contradict, or at best, complement each other. Indeed, there is no regional plan to assault the basic infrastructure problems of the islands.

Responding to the requests of a number of Caribbean government leaders, development experts, and others, I have introduced legislation to create an international commission. It would serve as the prime institution for promotion economic cooperation and development in the Caribbean, defining development plans, providing an international forum for Caribbean development issues, and offering expert advice to donor-aid countries, such as the United States. Consisting of the Caribbean region nations, the United States, and other interested countries, the commission would include delegates from the U.S. Congress in addition to an American commissioner. The U.S. representatives, as in the case of all other representatives, would report their findings to their respective governments for action.

Without question, this commission represents the type of cooperation and planning coordination that has been needed in the Caribbean for decades. It symbolizes the best possible approach in harmonious United States-Caribbean relations. And it is my honor and privilege to introduce a program that promises a peaceful path to the 21st century and beyond.●

THE 67TH ANNIVERSARY OF THE UKRAINIAN INDEPENDENCE PROCLAMATION

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. CONTE. Mr. Speaker, the Soviet Union is made up of a number of diverse nationalities and ethnic groups. Each has a culture, identity and history which separates it from the rest of the Nation. No people have a stronger sense of national identity than the Ukrainians. They are proud, hard-working people, who have tried to maintain their own individuality and integrity in a system which tries to mold them into conformity. There are, however, people living in the Ukraine who will not be silenced by the repression of a system which ignores their individual rights. These men and women are willing to risk their lives and undergo harsh prison sentences for an ideal. The ideal is that all men and women should be allowed to live free of constraints on their individual rights.

Oleksiy Tykhy, Yuriy Lytvyn, Valery Marchenko, and Oleksiy Nikityn join the list of countless others who have paid the ultimate price for their belief in a better way of life. These brave people died during 1984 in Soviet prisons; their only crime was pursuing a policy contrary to the views of the Soviet leadership. On January 22, the Ukrainian Congress Committee of America commemorated the 67th anniversary of the proclamation of independence in Ukraine. The tragic deaths of these courageous individuals last year indicates that the commitment embodied in that proclamation burns on. In this regard, I recently sent a letter to Mr. Chernenko decrying the deaths of these brave people, and I also asked that his government make a new and lasting commitment to the Helsinki accords. The time has come for the Soviet Union to guarantee human rights to the people of the Ukraine and all members of its society.●

UKRAINIAN INDEPENDENCE DAY

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. STRATTON. Mr. Speaker, January 22, 1985, marked the 67th anniversary of the declaration of independence by the Ukrainian Central Rada, the Parliament of the Ukrainian people. I am pleased to have this opportunity to rise in the House, as I have in previous years, to commemorate this anniversary and that brief, yet unforgotten period of freedom for the Ukrainian people, and to reaffirm my continued support and dedication to their fight to regain that freedom.

The Ukraine is one of a growing list of captive nations which has fallen, tragically and violently, under the control of the Soviet Union. The people of the captive nations have suffered severe deprivation. Not only have they been denied the right of self-determination, freedom of expression, and freedom of movement, but actual material well-being.

What happens under the Soviet regime, behind the Iron Curtain, is often obscured to those of us in the free world. News of our friends and families in captive lands is often kept from us, as we are currently reminded by the cloud of mystery that shrouds Afghanistan and that country's fight against Soviet invaders. An earlier, devastating example of this silence was the Ukrainian Famine of 1932–33, whereby the forced relocation and collectivization of the Ukrainian peasants and the confiscation and export of their grain caused a disastrous famine

that claimed as many as 7 million lives. However, little is known about this famine, and of course, the Soviets deny the whole thing.

But progress was made last year in shedding light on this crime. Following on the heels of the 50th anniversary of the Ukrainian famine, Congress passed legislation, which I cosponsored, to establish a Commission on the Ukrainian Famine to study the causes and extent of this calamity. Congress appropriated $400,000 for the Commission and has required that a report be submitted to Congress in 2 years and be published for the public record. I supported this legislation from the start, and was glad to see it passed late last year. I look forward to the establishment of the Commission and wish them well in their study. I know it will not be an easy or a pleasant task, but it is our duty and our reponsibility to know and to pursue the truth.

We must know what happened during the Ukrainian famine, not only to record an honest history of the people of the Ukraine, but also to understand and perhaps fight its recurrence. Sadly, famine seems still to be the result, if not the partner, of totalitarianism. The Soviet-backed Marxist government of Ethiopia has shown little concern for the plight of the people of that country who are dying by the thousands. Americans and people of other free nations have responded vigorously and generously to the famine victims, yet the Ethiopian Government has even interfered with our humanitarian aid efforts.

So today I want to again commemorate the brief moment of independence for the Ukraine, and to rededicate myself to the fight for freedom and for a decent life for people of the Ukraine for all people.●

INFORMATION SCIENCE AND TECHNOLOGY ACT OF 1985

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1985

● Mr. BROWN of California. Mr. Speaker, today I am introducing the Information Science and Technology Act of 1985. Joining me as cosponsors of this bill are the chairman of the Committee on Science and Technology, DON FUQUA, and DOUG WALGREN, the chairman of the Subcommittee on Science, Research and Technology, in the 98th Congress. This proposed legislation is an updated version of a bill I introduced originally in the 97th Congress, H.R. 3137, and reintroduced in the 98th Congress as H.R. 480. The Subcommittee on Science, Research and Technology has held hearings on this bill, and the subcommittee's recommendations and an analysis of the hearings prepared by the Congressional Research Service [CRS] are available through the subcommittee.

Since I introduced this legislation, the computer and computer-based national information systems have come to pervade nearly every facet of our Nation's life—we can truly speak of the United States as an "information society." From cash registers and supermarket checkouts to 24-hour banking machines and electronic funds transfers; from memory-equipped telephones to microprocessor-controlled appliances from intelligent terminals, word processors and personal computers to supercomputers, robots and automated factories; and from bibliographic data bases to communications networks; computers and computer-controlled communications systems have converged in a conglomerate of technologies that are rapidly changing American habits of work, finances, education, and leisure. The information pipeline has become a mighty stream.

Information technology and policy issues have not gone unnoticed by Congress. At the request of various House and Senate committees, the Office of Technology Assessment [OTA] has completed or is conducting a variety of studies:

"Computer-Based National Information Systems: Technology and Public Issues," completed in September 1981;

"Radiofrequency Use and Management: Impacts from the World Administrative Radio Conference of 1979", completed in January 1982;

"Alternatives for a National Computerized Criminal History System," completed in October 1982;

"Informational Technology and American Education," completed in November 1982;

"Computerized Manufacturing Automation: Employment, Education and the Workplace," completed in April 1984;

"Effects of Information Technology on Financial Services Systems," completed in September 1984;

"Information Technology Research and Development: Critical Trends and Issues," due to be issued in February 1985;

"Intellectual Property Rights in an Age of Electronics and Information";

"Federal Government Information Technology: Congressional Oversight and Civil Liberties"; and

"Information and Communication Technologies and the Office."

In the 1st session of the 98th Congress alone, 255 bills were introduced dealing with this area, and over the entire 98th Congress 12 bills on this subject were enacted into law. And yet Congress—and, in fact, the Federal Government as a whole—continues to lack a coherent information policy, or even mechanisms for policy coordination and implementation.

Because of the rapid pace of developments in information science and technology, and because of the threats to our international competitive stance created by the development of supportive policies in the countries that are our most active trading partners, the likely consequences of our lack of a coherent policy in this area are highly negative. We must not risk losing our competitive edge, our leadership, in information science and technology; continued increases in productivity in all economic sectors depend on our continued ability to innovate, and information technology has been (and will continue to be) the source of our major innovations.

As hearings and studies on information policy over the last two Congresses have shown, however, we still lack a national consensus on whether we should have a national information policy, much less on what that policy should be and how it should be implemented. To develop such a national consensus, we need to establish a forum in which all the stakeholders can meet and articulate their needs and concerns. The Institute for Information Policy and Research, proposed in the bill I am introducing today, is one of several alternatives for such a forum. The Subcommittee on Science, Research and Technology will be evaluating this and other suggestions for means to attain a national information science and technology agenda. My purpose in reintroducing this bill in essentially unmodified form is to provide a vehicle for continued discussion.

I would like to include here an excerpt from a keynote address by Lewis M. Branscomb, vice president and chief scientist at IBM and the immediate past chairman of the National Science Board. This keynote address was delivered at a workshop held on April 14, 1983, under the sponsorship of the Numerical Data Advisory Board of the National Academy of Sciences, the House Committee on Science and Technology and the Congressional Research Service. This workshop was called "Improving R&D Productivity: The Federal Role." Dr. Branscomb's comments illustrate some of the bases for a national information policy, and are especially noteworthy because they are offered by a person with extensive experience in industry, government, and academia.

In his address, Dr. Branscomb outlined six elements of a national science and tech data policy:

1. Productivity of the research and development process, half of which is sustained with Federal funds, should be a major Federal concern. Agencies sustaining the science and technology infrastructure should be held accountable for increasing R&D productivity.

2. Funding of research to produce generally useful knowledge carries with it a responsibility, not only to insure publication of results, but also their evaluation and preparation in a form suitable for application and the assurance of public access at reasonable cost. Again, all agencies funding research should be held accountable.

3. The private sector should be encouraged to take an increasing, but not exclusive, role in the provision of access to evaluated data, but commercial companies cannot be expected to finance the depth of scholarship required for data analysis and evaluation. That must be viewed as the obligation of the sponsor of the original research. User fees for the allocated cost of access are appropriate for Government—provided information systems.

4. Unrestricted access to unclassified data, generated at public expense, is a cardinal requirement for a dynamic, high-technology economy. The desire to frustrate technical progress by hostile nations must not be allowed to impede the competitiveness of our own economy in its dependence on available scientific and technical data.

5. It is strongly in the U.S.' interest to make agreements with other nations, to share the costs and scarce skills for data evaluation and access. We should take the lead in this worldwide cooperative effort, as, indeed, we have done in the past. For, as the nation with the most innovative economy, most dependent upon being innovative in the future, we stand to gain the most from global cooperation.

6. The task of evaluating and preparing for application published scientific and technical data of general utility is a joint responsibility of user institutions in the private sector, private information vendors, professional associations and societies, and agencies funding, producing and using research. Some national body with Federal and private participation should monitor the adequacy of this science and technology information system and provide policy guidance to the Federal agencies and recommendations to the private sector.

Mr. Speaker, these remarks deal with only one aspect of the information science and technology policy issues, that of the organization of information; but the remarks apply with equal force to many of the issues facing us in our "information society." I ask my colleagues in Congress, as I have done before, to move quickly to address some of the important concerns brought upon us by the information revolution. At the very least, we must work together to establish a forum within which all the stakeholders can join a national debate. I look forward to working with other Members and other committees to meet the legislative challenge posed by these issues.

A national information policy will happen, whether we come together to bring it about or not; but without a framework for national discussion and coordination, it will be haphazard and self-contradictory and thus operate against the Nation's own best interests. I ask my colleagues again whether our Government, and this Congress in particular, can be foresighted enough to take a considered and coordinated approach to information science and technology. I continue to hope and believe that we will, and invite my colleagues to join with me and make that hope a reality.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, January 29, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 30

10:00 a.m.
Armed Services
Task Force on Selected Defense Procurement Matters to hold hearings on the Defense procurement process.
SD-538

Energy and Natural Resources
Business meeting, to consider committee's rules of procedure for the 99th Congress, and committee structure.
SD-366

Environment and Public Works
To hold hearings on the nomination of Lando W. Zech, Jr., of Virginia, to be a member of the Nuclear Regulatory Commission.
SD-406

Governmental Affairs
To hold hearings on the nomination of Herbert B. Dixon, to be an associate judge of the Superior Court of the District of Columbia.
SD-342

Select on Intelligence
Closed business meeting, to consider committee budget for 1985, committee rules of procedure for the 99th Congress, and legislative priorities.
SH-219

2:00 p.m.
Armed Services
To hold closed hearings on a strategy for the employment of U.S. naval forces.
SR-222

JANUARY 31

9:00 a.m.
Armed Services
Closed briefing on the strategic doctrine.
SR-222

9:30 a.m.
Energy and Natural Resources
To hold hearings on the nomination of John S. Herrington, of California, to be Secretary of Energy.
SD-366

10:00 a.m.
Foreign Relations
To hold hearings to discuss American foreign policy.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Joint Economic
To hold hearings in preparation of its forthcoming annual report.
SR-325

2:00 p.m.
Foreign Relations
To continue hearings to discuss American foreign policy.
SD-419

FEBRUARY 1

9:00 a.m.
Energy and Natural Resources
To hold hearings on the nomination of Donald P. Hodel, of Virginia, to be Secretary of the Interior.
SD-366

9:30 a.m.
Joint Economic
To hold hearings on the employment/unemployment situation for January.
2203 Rayburn Building

10:00 a.m.
Foreign Relations
To continue hearings to discuss American foreign policy.
SD-419

FEBRUARY 4

10:00 a.m.
Foreign Relations
To resume hearings to discuss American foreign policy.
SD-419

FEBRUARY 5

9:30 a.m.
Joint Economic
To resume hearings in preparation of its forthcoming annual report.
SD-342

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider the nominations of John S. Herrington, of California, to be Secretary of Energy, and Donald P. Hodel, of Virginia, to be Secretary of the Interior, and other pending calendar business.
SD-366

Foreign Relations
To continue hearings to discuss American foreign policy.
SD-419

FEBRUARY 6

10:00 a.m.
Environment and Public Works
To hold hearings on the proposed nomination of Lee M. Thomas, of South

Carolina, to be Administrator, Environmental Protection Agency.
SD-406

Foreign Relations
To continue hearings to discuss American foreign policy.
SD-419

Joint Economic
To continue hearings in preparation of its forthcoming annual report.
SD-G-50

FEBRUARY 7

10:00 a.m.
Foreign Relations
To continue hearings to discuss American foreign policy.
SD-419

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to review advertisements promoting the use of alcohol.
SD-430

FEBRUARY 20

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider the committee budget for 1985, and other pending calendar business.
SD-366

1:00 p.m.
Veterans' Affairs
To hold hearings on proposed budget estimates for fiscal year 1986 for the Veterans Administration.
SR-418

FEBRUARY 21

9:00 a.m.
*Veterans' Affairs
Business meeting, to consider committee budget for 1985, and committee rules of procedure for the 99th Congress.
SR-418

FEBRUARY 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Disabled American Veterans.
345 Cannon Building

FEBRUARY 27

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Paralyzed Veterans of America, Blinded Veterans of America, Purple Heart, and Vietnam Veterans of America.
334 Cannon Building

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1986, focusing on the Department of the Interior.
SD-366

FEBRUARY 28

9:30 a.m.
Energy and Natural Resources
To continue oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1986, focusing on the Department of Energy.
SD-366

MARCH 1

9:00 a.m.
Energy and Natural Resources
To continue oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1986, focusing on the Forest Service (Department of Agriculture), U.S. Synthetic Fuels Corporation, and the Federal Energy Regulatory Commission (Department of Energy).
SD-366

MARCH 6

9:00 a.m.
Veterans' Affairs
Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1986 for the Veterans Administration.
SR-418

MARCH 12

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Veterans of Foreign Wars.
345 Cannon Building

MARCH 14

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Aeronautics and Space Administration.
SD-192

MARCH 20

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, World War I Veterans, Jewish War Veterans of the U.S.A., and Atomic Veterans.
334 Cannon Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the American Battle Monuments Commission, Army cemeterial expenses, Office of Consumer Affairs (Department of Commerce), and the Consumer Information Center.
SD-124

MARCH 21

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Neighborhood Reinvestment Corporation, National Credit Union Administration, Office of Revenue Sharing and the New York City loan program (Department of the Treasury), Federal Home Loan Bank Board, and the National Institute of Building Sciences.
SD-192

MARCH 27

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Selective Service System, Consumer Product Safety Commission, Office of Science and Technology Policy, and the Council on Environmental Quality.
SD-124

MARCH 28

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Veterans Administration and the Environmental Protection Agency.
S-126, Capitol

APRIL 4

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development.
SD-192

APRIL 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Emergency Management Agency and the National Science Foundation.
SD-124

MAY 1

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

MAY 2

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

SENATE—*Tuesday, January 29, 1985*

(Legislative day of Monday, January 21, 1985)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Gracious God, Lord of Creation—as our eyes are made to see—our ears to hear—our fingers to touch and grip—our hearts are made to love You and one another. Save us from preoccupation with the material to the neglect of the spiritual. Forgive our secularism which ignores holiness—our earthiness which makes us indifferent to You, O God. Enable us to see that our relationship with You, our worship of You, our love for You are fundamental to authentic humanness. Grant us the grace to order our priorities, giving You preeminence in our lives so that rancor and alienation may be replaced by love, frustration by fulfillment. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SENATE SCHEDULE

Mr. SIMPSON. I thank you, Mr. President pro tempore.

Under the special order, the two leaders have a period of 10 minutes each. There will be special orders for not to exceed 15 minutes each for Senators PROXMIRE and SPECTER.

Following the special orders just identified, there will be a period for the transaction of routine morning business not to extend beyond the hour of 3 p.m. with statements therein limited to 5 minutes each. Following the conclusion of morning business, the Senate will go into executive session to consider the nomination of James A. Baker, to be Secretary of the Treasury under a 2-hour time limitation. A rollcall vote is then expected on the nomination of Mr. Baker.

Mr. President, at this time I do not have any need for leadership time, and I note that none of my colleagues wishes a portion of that 10-minute period.

I reserve the remainder of that time, and I yield to the minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. SYMMS). Under the previous order, the Democratic leader is recognized.

Mr. BYRD. Mr. President, I thank the distinguished assistant Republican leader.

SENATOR BAUCUS ON UNITED STATES-JAPAN TRADE

Mr. BYRD. Mr. President, Senator MAX BAUCUS from Montana is known to his colleagues in the Senate—and the people of his State—as a leader in the effort to open the Japanese market to American goods. Senator BAUCUS shares my conviction that we must work to reduce the staggering trade imbalance between these two great nations. Last year alone, the United States experienced a trade shortfall with Japan that is estimated at $35 billion—the largest trade gap between any two nations in history.

I am pleased that Senator BAUCUS will be joining with Senator BENTSEN and the other members of the Democratic Trade Policy Working Group to examine this problem and suggest possible solutions.

Recently, MAX BAUCUS traveled to Japan to meet with Prime Minister Nakasone and other senior officials of the Japanese Government and business community to emphasize the importance of greater access for American goods. His remarks to Japanese business leaders provide an excellent statement of the problems and opportunities of United States-Japan trade. I encourage my colleagues to read Senator BAUCUS' thoughtful observations, and I ask unanimous consent that his speech of January 18, 1985 entitled "United States-Japanese Trade Relations: A View From the Senate," be printed in the RECORD in its entirety.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

UNITED STATES-JAPANESE TRADE RELATIONS: A VIEW FROM THE SENATE

(By Senator Max Baucus)

INTRODUCTION

Watakushi wa Big Sky no Montana-Shuu kara kimashita Baucus jo-in gi-in de gozaimus. (I am Senator Baucus, from the "Big Sky" State of Montana.)

When someone from my state of Montana visits Japan, he quickly notices both differences and similarities.

First, the differences:

Japan has a population of 120 million people; Montana, though the same size, has only 800,000.

Japan was settled more than a thousand years ago; Montana became a state less than 100 years ago.

Japan's economy is based on manufacturing; Montana's is based on agriculture and the development of natural resources.

But the similarities are much more important. Montanans and Japanese are forward-looking people. We see our futures linked during what Ambassador Mansfield calls "The Coming Century of the Pacific."

That's why there are so many ties between Montana and Japan:

Some of these ties are political. Right now, a young Kumamoto bureaucrat is working in the Montana Governor's office. And next month, Ambassador Okawara will deliver the annual "Mansfield Lecture" at the University of Montana.

Some of these ties are cultural. Many of Japan's greatest pottery craftsmen have studied in Montana. And when Japan began participating in the "Friendship Force" citizen exchange program, the first trip was to Montana.

Some of these ties are economic. Mitsui has a major headquarters in Great Falls, Montana. And several joint ventures are planned or underway.

Because of the close ties between Montana and Japan, we hope, as a Montana newspaper recently wrote, to "cement . . . [a] Japanese-American friendship of an enduring kind."

I'm happy to report that the close relationship between Montana and Japan is a fair representation of the overall relationship between the United States and Japan. Our two countries are the world's largest trading partners; we exchanged over $80 billion worth of goods last year. And our alliance remains the foundation for peace and security in the Pacific Basin.

THE TRADE CRISIS

But there's another side to the coin. Despite the continued strength of the U.S.-Japanese relationship, there's danger ahead . . . for both our bilateral relationship and the overall international trading system.

The danger lies in America's huge trade deficit.

This deficit is a new development. For most of our history, America ran trade surpluses. In fact, beginning in 1893, we ran trade surpluses every year for three quarters of a century.

But, in the mid-1970's, this changed. Our surplus declined, then disappeared. We began running trade deficits.

In the past few years, these deficits have grown dramatically. When the U.S. economy recovered in 1983, we pulled other industrialized countries along. We imported huge quantities of goods from Japan, Germany, and others. As a result, these countries recovered from the recession. But America's trade deficit almost doubled, from $32 billion in 1982 to $58 billion in 1983.

Since then, our trade deficit has grown steadily larger, reaching $130 billion last year and perhaps $200 billion this year.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

These deficits are not just an abstract problem for economists. America's shift from being a net exporting nation to a net importing nation has cost millions of jobs, affecting virtually every state.

For example, Butte, Montana, was once the copper mining capital of the world. Today, every mine has closed. All 13,000 workers have lost their jobs to workers in Chile, Peru and Zaire. And Butte, once our proudest city, has hit hard times. Its population has declined from 100,000 to 30,000 people.

Butte, is not an isolated example. Hundreds of other communities, all across the United States, have suffered the same fate, whether they produce steel, autos, or some other product.

Americans are reacting with frustration and anger. Many of them believe America is being victimized by one-way free trade: acting the international "patsy."

A Montana cattle rancher expressed these feelings well. During a Finance Committee hearing about Japan's beef quota, she said that "there is something very wrong here. I can go to a Datsun dealer in Billings and buy a nice little pickup truck for an attractive price . . . But when it comes to offering my tasty Montana beef at a very competitive price to the Japanese worker who made the pickup truck, the Japanese Government says no. This just isn't fair."

Senators and Congressmen are hearing similar complaints day-after-day, covering industry-after-industry.

THE POLITICAL IMPACT

When the American people feel this strongly about something, their feelings are reflected in Washington. This means that the huge U.S. trade deficit has serious political ramifications.

Let me describe some of these ramifications, as we begin the second Reagan Administration and the 99th Congress.

On the surface, there's been little change.

In the Senate, the Republicans retain control, under moderate, practical leaders.

In the House, the Democrats retain control, and power is shifting to moderate leaders who emphasize economic growth.

President Reagan has been re-elected with broad popular support. He'll continue to pursue moderate economic expansion. He'll attempt to reduce the U.S. budget deficit, primarily by cutting spending.

On trade matters, the President will continue his free-trade policy. He'll emphasize our key bilateral relationships, as his recent meeting in Los Angeles with Prime Minister Nakasone showed. And he'll resist protectionism in Congress.

But the President's trade policy is only part of the story. In the second Reagan term, Congress will play an equally important role.

No matter how personally popular he is, the President is now a "lame duck." He cannot run for reelection. This reduces the power and leverage that he can exert over the Republican party, because many Republican leaders want to enhance their own political reputations and begin running to succeed President Reagan in 1988.

What's more, the Republicans risk losing the control of the Senate. Twenty-two of the 34 Senators running for reelection in 1986 are Republicans. Such vulnerability makes it likely that Republican Senators will follow policies oriented more toward their own state constituencies than toward the President's agenda.

Given this situation, President Reagan cannot dominate the policy debate like he did during his first term. He must work more closely with Congress, building consensus.

This has already begun to happen. A few weeks ago, the White House disclosed details of the President's 1986 budget proposal. It quickly became apparent that Congress would reject the proposal and draft its own. In response, the President signaled that he would acquiesce.

Trade issues will follow a similar pattern, with Congress playing a more active role than usual.

Therefore, it's important to recognize the trends in Congress, keeping in mind that, as an institution, Congress is responsive to public opinion.

As a member of the Senate Finance Committee, which has jurisdiction over trade issues, I want to describe four especially significant trends.

The first trend is a greater interest in international trade.

For a long time, trade issues were considered esoteric. Only a few key Senators got involved in them.

That's no longer true. During the last Congress, 809 trade bills were introduced—one-third more than during the previous Congress.

This shows that many Senators and Congressmen are becoming concerned about America's international trade position.

The second trend is increased frustration with foreign trade barriers. Many such barriers have existed for years, and have been the subject of extensive negotiations. But the flood of imports puts these barriers in a different light, making them powerful symbols of unfair trade.

A Japanese proverb says that the "sack of a man's patience is tied with a slip knot." Well, many Senators and Congressmen are losing their patience with foreign trade barriers, in Japan and elsewhere. As a result, Congress will monitor trade negotiations closely, demanding quick, clear progress.

The third trend is increased frustration with the multilateral trading system.

Since 1948, there's been a general consensus, in the U.S., that the multilateral trading system serves America's national interest. There's been broad Congressional support for the economic sacrifices necessary to maintain the system.

But with our trade deficit so high, many Americans are prepared to reconsider the basic utility of the multilateral trading system. Consequently, there are many proposals to amend our basic trade laws, including our "escape clause" and countervailing duty laws.

And there is a subtle shift from multilateralism to bilateralism. For example, in the trade act Congress passed last year, we did not extend the President's authority to negotiate multilateral trade agreements. But we did authorize him to negotiate bilateral "reciprocity" and to negotiate a specific "Free Trade Agreement" with Israel.

This may portend a general shift in emphasis, from multilateral negotiations to selective bilateral negotiations in which it's clear that each specific agreement will serve America's economic interest.

Finally, and perhaps most significantly, there's an increased willingness to consider dramatic, short-run solutions to the trade deficit problem. An example is an across-the-board import surcharge. Some major U.S. business groups have proposed such a surcharge. It will receive serious study, especially since it may be legal under the GATT provision permitting temporary measures to correct a severe balance of payments shortfall.

Don't misunderstand me. I'm not endorsing these trends. I'm just warning you about them, because they could endanger the U.S.-Japanese relationship.

But there's hope. To paraphrase the author, Charles Dickens, "this is a picture of the future as it could be, not as it must be." We can avert the danger. But it will take hard work by those of us, in both countries, who understand the importance of our relationship. We must rise to the challenges—the challenges for America, and the challenges for Japan.

THE CHALLENGES FOR AMERICA

What are the challenges for America?

In the sweep of history, nations rise and fall. There's no guarantee of continued success. This is as true of America as of any other country. To maintain our position in world affairs, we must put our own house in order.

Our first and most important task is reducing the federal budget deficit, which is increasing by $22 million an hour. I agree completely with the point some of my Japanese friends have made this week. An important cause of America's trade deficit is our budget deficit, which inflates the international value of the dollar to make imports cheaper and exports more expensive.

It won't be easy to reduce the budget deficit. It will take painful political choices. Many worthy spending programs will have to be cut or even eliminated. For example, Montana is a farm state. We face potential cuts in agricultural subsidies. I think Montana farmers may be willing to accept such cuts, but only as long as they know that the cuts are a part of a comprehensive program, of shared sacrifice, that brings the budget deficit under control.

Democrats and Republicans alike, who have supported various spending programs in the past, understand that cuts must be made. For example, I've joined with another Democratic Senator and two Republican Senators to propose a freeze on all Federal spending, saving $170 billion over three years. This freeze has attracted substantial bipartisan support. So have other similar proposals in the House and Senate. Overall, there are good signs that Congress will pass a major deficit reduction package this year. That should improve our trade position considerably—across all product lines.

America must also face a second challenge: increasing productivity and expanding worldwide markets of our products.

The economic world constantly changes. As it does, companies must adapt: to new consumer tastes, to new competition, and to new technology. If they don't adapt, they perish.

In this respect, we can continue to learn from Japan.

During my visit this week, I've been impressed by the sense of "meichi"—or corporate mission—that I saw at the Matsushita plant in Osaka. I've been impressed by the worker innovation I saw at the Toyota Plant in Nagoya, where a worker had suggested installing a small railcar to increase the mobility of his work station. And I've been impressed by the ability of Japanese companies to market their products all around the world, by adapting to local consumer tastes, marketing systems, and legal requirements.

American companies can adopt many of these practices. For example, Mr. Yamamoto of Toyota told me that Toyota's system of efficient automobile production

has been "100% transferable" to the Toyota-GM plant in California. American companies can compete. But, in some cases, they simply must try harder.

Finally, America must face a third challenge, resisting protectionism.

With the trade deficit so high, Senators and Congressmen face great protectionist pressure. It will take a special effort to explain the importance of an open trading system and resist the pressure for short-term, protectionist solutions.

Many American political leaders are willing to make this effort, but only as long as we know that our trading partners share our commitment, and are prepared to meet their challenge.

THE CHALLENGE FOR JAPAN

What is the challenge for Japan?

At the risk of being presumptuous, let me present an American view.

The challenge for Japan is formidable: to assume a greater role supporting the international trading system, and, in particular, to open its markets wider to other countries' products.

Let me explain.

Forty years ago, it may have been appropriate for Japan to embrace the "Yoshida Doctrine" and become a kind of Asian Switzerland, concentrating on economic development and avoiding international political responsibility.

But the role and responsibilities of nations change. Today, Japan is not Switzerland. Rather, Japan is the world's second-leading economic power: with a projected growth rate higher than any other industrialized nation; producing more steel, cars, and robots than any other nation; and home to many of the world's largest corporations, including Toyota, Matsushita, and Mitsubishi.

Japan has achieved this powerful position largely because of the open post-war trading system, which enabled Japan to sell its fine products throughout the world, especially in the United States. For example, last year, Japan exported $138 billion worth of goods, which accounted for almost 10% of worldwide exports. In fact, it's no exaggeration to say that Japan has benefitted from the open trading system more than any other nation.

Now, that system is badly strained, by huge trade deficits and the political friction they create.

Many Americans see Japan as a major culprit. They see Japan's $35 billion bilateral surplus. They believe, with some justification, that Japan wants one-way free trade. It wants open markets for products in which Japan enjoys a comparative advantage, such as cars, steel, televisions, and VCRs. But it wants closed markets for products in which America enjoys a comparative advantage, such as processed forest products, beef, telecommunications equipment, satellites, pharmaceuticals, and medical equipment.

Let me give you an example.

Half of the income in Western Montana comes from forest products, such as plywood, laminated lumber, and kraft linerboard.

Japan is an attractive market for these products. In fact, in some recent years there have been more housing starts in Japan than in the United States.

U.S. companies have been working hard to sell in Japan. They've opened Tokyo offices. They've learned the language. And they've changed some of their manufacturing standards, by doing things like adding a special tint to the color of kraft linerboard (which has been done by a company in Missoula, Montana).

U.S. forest products companies are selling more than $1 billion worth of forest products in Japan each year. They should be selling even more. But they're blocked by Japan's two-tier tariff system. Japan permits logs to be imported freely, but subjects processed products to tariffs as high as 20%. As a result, many processing jobs that could be in Missoula, Montana are protected in Sapporo or Osaka, Japan.

This two-tier tariff system reduces potential U.S. sales by more than $500 million a year. Granted, that's only a small part of our bilateral trade deficit. But, to the forest products industry and to the workers in Montana and elsewhere whose livelihood depends on that industry, it's a very significant amount.

This is only one example. You've all heard many more.

So what's my point?

Given the stake Japan has in the open trading system, and the friction Japan's trade barriers create, Japan must assume a political role equal to its economic and cultural roles.

Japan has already begun to do so in some areas, by increasing defense expenditures and providing aid to developing nations. And Japan has invested heavily overseas, thereby strengthening economic ties.

But I respectfully submit that that's not enough. The trading system is under great strain. And Japan, which has a trade surplus with every industrialized nation, should assume a greater political role maintaining public support for that system.

It's not enough to call for a new GATT round. Japan must lead, and assume some of the sacrifices leadership demands. As the Keidanren itself has said, "At this critical juncture Japan must proceed in opening its markets in a thorough manner."

This won't be easy. As a public servant, I understand the political problems that market liberalization can cause. I've met with Japanese ranchers and lumbermen. I know how strongly they feel.

But you can't have it both ways. You can't ask the American people and the American government to overcome domestic political pressure, unless the Japanese people and the Japanese government are willing to do the same, by opening Japan's markets and helping the affected Japanese industries adjust to economic change.

In this regard, I was delighted that Prime Minister Nakasone agreed, two weeks ago, to make "further market opening efforts," especially in the key sectors of forest products, telecommunications equipment, medical equipment, and pharmaceuticals.

I know that Congress will watch these negotiations carefully. If they are concluded quickly, and result in substantially increased U.S. sales in all four sectors, it would be a major step in the right direction. It would benefit producers and consumers in both our countries. But, more important, it would benefit generations to come, around the world, by strengthening the international trading system for the critical tests ahead.

But, let me repeat. Both of our countries must meet their respective challenges. America, as well as Japan. If either of us fails, trade tensions will increase and our relationship could deteriorate dramatically.

We can't afford to let that happen.

CONCLUSION

In conclusion, let me say how much I have enjoyed your hospitality.

The Kezai Koho Center, and especially my good friend, Mr. Kurisaka, have been gracious hosts and good teachers. I have learned a lot about Japan.

This is my third visit. Each time, I become more convinced that, as President Reagan said, "There is no relationship more important than that between the United States and Japan."

And I become more convinced of the simple wisdom of the Montana rancher I mentioned before.

She testified before the Finance Committee during the negotiations over Japan's beef quota. As you know, those negotiations sometimes were acrimonious.

But there was no acrimony in her message. She understood the fundamental importance of the special relationship between the United States and Japan. She said, "Let us grow together. Let us use trade to benefit our producers as well as our consumers. Let us settle our problems as friends."

Arigatoo Gozaimashita (Thank you).

Mr. BYRD. Mr. President, I yield 5 minutes of my time to the distinguished Senator from Ohio [Mr. GLENN].

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I thank the distinguished minority leader.

THE REMARKS OF MICHAEL BURCH CONCERNING SENATOR DOLE

Mr. GLENN. Mr. President, in the past few days, the debate over how much this country should spend on defense has taken an ugly turn. I am specifically referring to a remark attributed to Mr. Michael Burch, chief spokesman for Secretary of Defense Weinberger. According to Mr. Burch—and I quote—"Secretary Weinberger feels that those who hope for success in bringing down the defense budget really mean success in weakening the security of the country."

Mr. President, that kind of charge does more than merely revive the rhetorical ghosts of McCarthyism. It impairs political cooperation, it further politicizes an important policy debate, and it further polarizes those who—on both sides of the aisle—are working hard and in good faith to find a way of reducing the monstrous budget deficits that are threatening the economic security—and yes, even the national security—of our Nation.

Indeed, Mr. President, let us remember that the comment made by Secretary Weinberger's chief spokesman occurred on the very same day that the distinguished majority leader of this body, Senator DOLE, expressed his growing frustration over the administration's seeming unwillingness to compromise in any way on the issue of defense spending.

Now the majority leader is a Republican and I, of course, am a Democrat. We have often disagreed in the past, and we will often disagree in the future. But no matter how often we

disagree, there is one thing that should never be debated, and never questioned here; that is, the patriotism we share for this Nation.

I served for 23 years in the U.S. Marine Corps, and I fought in two wars for America. Senator DOLE's wartime sacrifice was far greater than mine, and he has the scars and disabilities that go along with his war-time service, even to this day. His sacrifices were greater than mine, but others in this Chamber, and in the House of Representatives, also have distinguished records of service to this country—and we all deserve better than to have our motives and our loyalty challenged by officials in the Reagan Defense Department simply because we may not agree with their assessment of how much money the Pentagon needs in 1986.

This is a very complex subject. We can start off with "What is the foreign policy of this country? What is the defense policy that will back it up? What kind of R&D do we need? What kind of arms controls impinges on these decisions? How about burden sharing from our allies?" These are all issues that come into play, and play a very major role in what goes into our defense budget.

Mr. President, I have not yet decided what level of defense spending I will support for the next fiscal year. I want to carefully review the budget in light of all of the matters which I just mentioned. I want to review the budget the administration sends forward as well as the specific weapons systems that the administration wants to fund. I also want to analyze what impact unbridled budget deficits will have on our long-term economic health and national security. But in the meantime, let me point out that over the past 4 years this Congress and this country have spent approximately $1 trillion on defense. That hardly qualifies as unilateral disarmament. I can further assure you that no one in this body has or will consciously seek to "weaken the security of this country," as Mr. Burch suggested.

At some point, Mr. President, I will come to a decision about next year's defense spending—as will each and every Member of this body. When we do, I hope we will do so without fear of having our motivations, and even our loyalty, challenged by President Reagan's Defense Secretary. The glue that holds a democracy together, Mr. President, is a recognition that there is indeed such a thing as a loyal opposition—with emphasis on the "loyal." I think it is time Secretary Weinberger and his staff showed that they understand and respect that concept. Accordingly, I call on the Secretary to retract the statement made on his behalf and to apologize for impugning the motives of those who disagree with him, and in particular the majority leader of the U.S. Senate.

I yield the floor.

Mr. PROXMIRE. Mr. President, will the Senator from Ohio yield briefly?

Mr. GLENN. I yield.

Mr. PROXMIRE. Mr. President, I congratulate my good friend from Ohio on that statement. He is 100 percent right. I do not know of anyone in this body nor in the other body who does not agree that we need an increase. However, the talk is only about how much.

What the Secretary of Defense is calling for is more than many of us in the Senate would like to increase it to. No one that I have talked to has proposed that we cut it. We simply disagree, perhaps, on the MX; we disagree, perhaps, on the strategic defense initiative. We may disagree on the B-1. We want a strong military force.

This kind of charge that is made by a Defense official certainly demeans the dignity of the Secretary of Defense, and demeans Members of this body.

I think the Senator from Ohio has made an excellent statement in protest of it.

Mr. GLENN. I thank the Senator.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. GLENN. Mr. President, I yield the floor.

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The minority leader has 4 minutes remaining.

Mr. BYRD. I thank the Chair.

THE MAJORITY LEADER HERALDED

Mr. BYRD. Mr. President, in November, the distinguished Senators of the majority had a difficult task. From among several outstanding candidates, the Republican Senators had to elect a new leader to succeed Senator Howard M. Baker, who retired from the Senate at the end of the 98th Congress.

Faced with an admirable array of choices, however, our colleagues of the majority made a felicitous decision in electing Senator ROBERT DOLE of Kansas to lead them in the 99th Congress. Senator DOLE came to his new duties with a wide background in national affairs, as a Member of the House of Representatives, the chairman of the National Republican Committee, the Republican Vice-Presidential candidate in 1976, and as chairman of the Senate Finance Committee, to name some of his past responsibilities. Noted for his wit and practical intellect as well as his experience, Senator DOLE was greeted with broad approval and applause on being chosen majority leader.

Senator DOLE has disappointed neither his friends nor the prophets. Nor do I think he will disappoint them. In the short weeks of this session of Congress, he has proved to be the able leader his Republican colleagues hoped he would be and the fair and wise statesman that those of us who have worked with him from both sides of the aisle knew he would be.

For the February issue of the Washingtonian magazine, Jack Germond and Jules Witcover have written a thorough and penetrating article on the distinguished majority leader. I request that this article on Senator DOLE be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HERE'S BOB!

(By Jack W. Germond and Jules Witcover)

Bob Dole may have a little of Bob Hope in him, but he is also a very shrewd political leader. Can his wit and power take him to the White House?

Bob Hope—who is the Bob Dole of stage, screen, and television—reportedly once said that the formula for a successful act is to stride up to the microphone and bowl over the audience with two lightning-fast minutes of one-liners.

And so, ladies and gentlemen, let's have a big round of applause for the new Senate Majority Leader—Bob Dole!

Running for re-election to the Senate in 1974, when asked whether he would like Watergate-embattled President Richard Nixon to come to Kansas to campaign for him, Dole said, "I'd settle for a fly-over by Air Force One."

At a Texas reception referring to the state's diminutive senator: "I once got a standing ovation from John Tower, but I didn't know the difference."

About the procrastination of his predecessor as Senate Republican Leader: "If Howard Baker had been working on the Declaration of Independence, we'd still be speaking with British accents."

In 1976, when asked how he took his defeat as President Gerald Ford's running mate: "On election night, I slept like a baby; every two hours, I woke up and cried."

In 1978, commenting on Jimmy Carter's penchant for gaffes: "When the last Pope was elected, he sent him a telegram that read, "Congratulations. Please give my best to the missus.'"

In 1980, speaking of one of his opponents for the Republican presidential nomination: "George Bush says he's never been a part of the problem in the Senate. Well, he tried to be—twice—but he lost both times in Texas."

In 1983, introducing his spouse, Elizabeth, at her Senate confirmation hearing to be Secretary of Transportation: "I regret that I have only one wife to give for my country's infrastructure."

As chairman of the Senate Finance Committee during discussion of a proposal to end the home-mortgage tax deduction: "Take it easy on that. Four realtors just fainted in the back of the room."

At the 1983 Gridiron Dinner, describing former President Carter, Ford, and Nixon: "See no evil, hear no evil, and-evil."

There is no doubt that Bob Dole can lay 'em in the aisles. But the question is: Can he

get his now-expanded audience to take him seriously—as Senate Majority Leader and, potentially, as a candidate in 1988 for the Republican presidential nomination?

A decade ago, the question itself might well have had 'em in the aisles. Then, Dole was not only regarded as the Senate's funniest member, he was also seen as a slashing, driven partisan in the mold of Richard Nixon himself—so much so that when Nixon chose him in 1971 to be Republican national chairman, succeeding the big and affable Rogers Morton, a While House aide said Nixon had "replaced a St. Bernard with a hungry Doberman pinscher."

Not since the days of the two McCarthys from the Midwest—Joe of Wisconsin and Gene of Minnesota—had the Senate had such a verbal executioner. Joe was best known for his sobriquets for fellow senators such as "Sanctimonious Stu" Symington and "Stillborn" Pell. Gene, when he heard that Republican presidential hopeful Governor George Romney had said he was brainwashed in Vietnam, observed that he'd thought "a light rinse" might have done the job. Similarly, Dole's humor wasn't always appreciated in the Senate because it so often came at the expense of others.

As the party's national chairman, Dole was tough. The 1972 Democratic presidential nominee, George McGovern, later lamented that Dole "used to eat me for breakfast," and he was far from the only Democrat to feel Dole's bite. Dole acknowledges today that he was "very partisan" in the post but, he says, "I assumed it went with the territory." Dole quickly won the label of "hatchet man," and it stuck even after he got booted as chairman following the 1972 election—to make room, he says, for George Bush, who wanted out as United Nations ambassador.

For all his partisan efforts, Dole was never appreciated by the henchmen around Nixon, and in the inaugural parade of January 1973, he recalls, he was shunted to a rear car.

When President Gerald Ford picked Bob Dole as his running mate in 1976, the assumption was that he had won the job because he was such an experienced and effective ax-wielder. That view was reinforced in his debate with the Democratic vice-presidential nominee, Walter Mondale. Dole was his most acerbic—first trying to wisecrack his way through, then ranting at "Democrat wars"—one of which, he said, was World War II.

Many Republicans blamed the narrow loss of the Ford-Dole ticket to Carter-Mondale on Dole's performance that night, though Ford himself credited Dole with holding the farm belt as well as the more conservative wing of the party. While Ford was campaigning from the Rose Garden, Dole observed later, he was assigned to "the briar patch" in the traditional running mate's role of attacking the opposition and trying to be a lightning rod for the presidential candidate.

Later, he told dinner audiences: "I'll never forget the Dole-Mondale debate—and don't think I haven't tried. I won't say how we did, but halfway through the debate, three empty chairs got up and walked out. . . . President Ford was supposed to take the high road, and I was supposed to go for the jugular. And I did—my own."

In the wake of the Ford-Dole defeat, he recalls, Nixon called and warned him, "Now it's scapegoating time." But Dole weathered the criticism, and today he says of that 1976 defeat, "I'm sort of the survivor. Carter's gone, Ford's gone, Mondale's gone. I'm still here."

After the 1976 campaign, Bob and Elizabeth Dole sat down together and watched television tapes of the debate with Mondale as well as other campaign performances. Whether or not that exercise led him to blunt the point of his oratorical spear, he did seem to wield it with more discipline thereafter. His humor had always had a self-deprecating style, and this aspect increasingly dominated—to the relief of his colleagues.

As Dole approached 1980 and his first try for the GOP presidential nomination, he already had put much of the criticism for harshness behind him. "As long as you turn it on yourself, you're all right," he says now. "But you get on a roll sometimes," he adds with a wry grin, "and your judgment leaves you. I try not to be a free spirit so much anymore."

In competition with Ronald Reagan on the 1980 campaign trail, neither Dole nor any of the other Republican candidates was a fair match. He still led the league in one-liners, but he never achieved much political identification outside Washington.

As a long-time member of the minority party in the Senate, he never had much opportunity to demonstrate legislative effectiveness and political leadership. Dole ran poorly in the Iowa caucuses and New Hampshire primary and then got out of the race.

The success of Reagan in 1980, and of a host of Republican Senate candidates, unexpectedly gave Dole the chance to strut his stuff. The ousting of twelve Democratic senators in the 1980 election put the Republicans in control of the Senate for the first time since the Eisenhower sweep of 1952, and Dole suddenly found himself—as they say in this town—"the influential chairman of the powerful Senate Finance Committee."

Overnight, the spotlight was on Dole as the new President proceeded to act with a vengeance on his campaign pledge to "drain the swamp"—including sharp tax cuts, whose enactment came under purview of the Finance Committee. Dole's performance in navigating the tax cuts, the cornerstone of Reaganomics, through his committee and the Senate at once marked him as a master legislator and—to the surprise of those who still perceived him as the ruthless hatchet man—as a deft conciliator.

These talents received continued exposure and drew continuing praise through 1982 and 1983, as the Reagan formula for prosperity first plunged the country into recession and then embarked on recovery. In August 1982, Dole took the lead away from a reluctant President and shaped and pushed through the Senate a tax increase of just under $100 billion that, with bipartisan support, temporarily saved Reagan's bacon. "If we hadn't had the 1982 bill," he muses now, "what would the deficit be today?"

The rescue operation was not without political cost to Dole, who came under fire from supply-siders who labeled him with that worst of all epithets in the Republican lexicon—a (gasp!) liberal.

But Dole did not back off. In an article in the *Washington Post*, he defended himself by noting his 94 percent rating in the *Congressional Quarterly* in support of party positions and 84 percent in support of Reagan in 1981.

Citing Henry Adams's observation that "practical politics consists of ignoring the facts," Dole wrote, "We Republicans have a responsibility to lead, to legislate effectively, and to keep the public interest always before us as our ultimate objective. We live up to that responsibility by confronting problems squarely, by standing firmly on our principles, and by reaching out through consensus to forge a partnership with those presumably 'non-political' politicians who do not ignore the facts. . . . We are not making a U-turn; we are merely adjusting the route to keep from going off the road. . . . I am not a liberal. Neither am I a lemming."

In addition to shaping the 1982 bailout, Dole played a leading role in salvaging Reagan's position in the 1983 bipartisan compromise on Social Security and that year's "down payment" on deficit reduction. In four years as chairman of the Finance Committee, Dole established himself not only as an effective legislator and conciliator within the Senate, but as a cooperative but independent representative of Senate Republicans in dealing with the President of their own party.

He swallowed the Reagan formula in these years, but not hook, line, and sinker. Moreover, rather than go to the wall with his differences, he used his legislative skills to shape the finished products more to his liking without causing a serious rupture in his relations with the White House.

Nevertheless, Dole's ambitions to be Senate Majority Leader did not get any visible helping hand from 1600 Pennsylvania Avenue. Rather, the White House hunkered down during the intense electioneering for the late-November balloting that led to Dole's narrow election over the Senate assistant Majority Leader, Ted Stevens of Alaska. In the end, in fact, a belief among his colleagues that Dole would protect the Senate's prerogatives while carrying the President's mail on Capitol Hill was a major factor in his election.

Now, unsurprisingly, there is nothing but praise coming from the White House about the choice. Outgoing White House chief of staff James Baker predicts Dole will be "an extremely successful Majority Leader, as perhaps the very best legislative tactician and strategist in the Senate. We found that to be the case in the first four years, during his tenure as chairman of the Finance Committee. And contrary to what people may say about his independence, while he felt free to question the President on some things, when the President decided, Bob was with him more times than not."

Senators on both sides of the aisle, and especially those who have served on the Finance Committee with him, also predict that Dole will be an effective Senate leader. Republican John Chafee of Rhode Island says Dole "has an excellent capacity for bringing people together and touching all bases so people won't be surprised. He makes sure you get your day in court." Chafee says Dole's sense of humor will stand him in good stead because it has softened and because it is natural and not programmed. "His wit is not into the class-clown area by any means," he says. "He's not always groping for the gag, as some people do."

Democrat George Mitchell of Maine says that Dole, while not regarded with the affection in which retired Majority Leader Howard Baker was held, is seen as "very able, intelligent, and articulate—aggressive and ambitious in the good sense of those words." And Democrat Bill Bradley of New Jersey calls him "a strong leader, fair and knowledgeable, who understands compromise and how to deal across the aisle.

On the far right, Dole remains anathema to many. Representative Newt Gingrich of Georgia, in a stinging letter late last year to budget director David Stockman, referred derisively to Dole as "the tax collector for the welfare state." Dole has been a particular champion of the food-stamp program and of programs for the handicapped, but he cannot fairly be accused of being an apostle of the federal handout. He is the founder of the nonprofit Dole Foundation in Kansas that helps train and employ the disabled in the private sector.

Gingrich says he was "angry" when he wrote the letter and that it wasn't intended for publication. And Dole's observations right after his election as Majority Leader that he would take a look at a budget freeze, Gingrich says, suggested that he was "backing off tax increases"—death to supply-siders such as Gingrich, who say economic growth in "the Opportunity Society" will solve the deficit dilemma.

Others on the right are not so hopeful about Dole. Conservative master fundraiser Richard Viguerie calls Dole "Mr. Tax-Increaser" and says he is no conservative. "Would you say," he asks, "that someone George McGovern has said 'has grown' can be considered a conservative?" Dole, for his part, observes, "I can't be all bad. Viguerie's against me."

The opposition to Dole on the right, where he once seemed to sit very comfortably, is only one roadblock in a run for the 1988 Republican presidential nomination from the post of Senate Republican leader. Dole, in keeping with protocol, is not saying he will be a presidential candidate again. For one thing, he faces re-election to the Senate in 1986. His wife, Elizabeth, says they have not even talked about it, choosing to focus on the challenge of the Senate leadership for now.

But assuming he wants to shoot for the White House in 1988, some Senate colleagues and others doubt the wisdom of seeking the presidency while carrying the burdens of party leadership in the Senate. One reason for Howard Baker's decision to quit not only the Majority Leader's post but the Senate itself was that he was convinced that his unsuccessful 1980 effort to run for President—he was only Minority Leader then—was handicapped by his heavy duties on Capitol Hill. Baker insists that this reason was not his prime consideration in leaving the Senate, though he admits few seem to believe him. "Principal for me is that eighteen years is long enough," he says, "and if I'm ever going to do anything else, whether it's political or non-political, now is the time to do it."

Dole himself, when he was faring poorly in the 1980 presidential race, expressed reservations about seeking the presidency from the Senate. "I guess it's hard to give two jobs 100 percent," he said then. "Maybe I've been too cautious. You can't generate any money if you're not out there. Maybe I'm my own worst enemy. It's so strange, but my biggest asset seems to have become my biggest liability—my job." If that observation was valid five years ago, it would seem even more so now, with Dole's greatly increased Senate responsibilities.

There is, at the same time, an up side to the situation. For one thing, Dole, as the former Finance Committee chairman and present Majority Leader, ought to have a much easier job raising money for a presidential campaign than he had in 1979 and 1980. For another, as Majority Leader for at least the next two years, he will be much more influential—and hence likely to draw much more media attention—than was Baker as Minority Leader in 1979 and 1980. Dole will be seen coming out of the White House so often in the next two years that he'll look as if he has set up premature residency.

The realities of politics may also work in Dole's favor. As matters stand now, the chances seem good that he will have to surrender his Majority Leader post and slip down to Minority Leader in 1987. Of the 34 Senate seats up in 1986, 22 are held by Republicans and only 12 by Democrats, so the odds favor the Democrats' regaining control. By that time, Dole should have obtained his biggest publicity boost from being Majority Leader, and the somewhat lesser duties of Minority Leader might make it easier for him to focus on another presidential bid.

Dole says his first priority politically will be to retain GOP control of the Senate. His own political-action committee, Campaign America, already has $500,000 in the till that will go primarily for the re-election of Republican senators—and, not incidentally, the storing away of political IOUs.

Dole's observation upon being elected Majority Leader that holding on to the Senate was number-one with him and that Senate Republicans would support Reagan "when we can" raised some eyebrows at the time, hinting as it did at the famous Dole independent streak. On that point, Howard Baker says, "He has one fundamental question to decide, the same question I had. I had to decide whether to be a Bob Taft or a Bill Knowland. Bob Taft [as Majority Leader] decided to support President Eisenhower, and he did it with great grace and skill. Knowland tried to be President himself. He lost the Senate, got himself defeated, and damaged Eisenhower. I read with great interest the columns and newspaper accounts about how independent the Senate may be [under Dole], and that's all well and good. The Senate is an independent body. But it's also going to be part of the team, and the leader has to be the point man, and I rather expect Dole will come down on that side."

Baker says he and Dole have discussed the matter of running for President from the Majority Leader's post, "and we've acknowledged one of us is making a mistake." Baker points out that the job has "built-in pitfalls" that go beyond the possibility of differing with the President on specific votes and being tied down to the Senate. The Majority Leader, he says, "has the necessity of dealing with the other fellows' issues every day and leaving precious little time for talking about your own positions and issues."

Concerning the possibility of a conflict between Dole's role as Majority Leader advancing a Republican President's legislative goals and the need of a presidential hopeful to demonstrate independence, Jim Baker says the White House isn't worried. "It's not easy to run for President from the majority leadership," he says. "I think that's one reason Howard Baker got out. I don't see Bob using that office to maintain an independent posture from the President. The best way to be a presidential candidate is to be a good Majority Leader, and to be a good Majority Leader he will want to work with the President."

Dole says that while "1988 is probably remote for me," he doesn't agree with Howard Baker that being Majority Leader would be detrimental in seeking the White House. He says he knows he will have to walk a fine line between working with Reagan and defending his own and the Senate's independence, but he notes his strong record of support for the President over the last four years and says he sees no reason it can't be continued while retaining independence. "I can't serve the Senate and be a lap dog," he says bluntly. And Bill Bradley, who himself is being mentioned as a 1988 presidential prospect on the Democratic side, says, "There ought to be a moratorium on talking about everybody's presidential ambitions for at least eighteen months."

Finally, there is what one of Bob Dole's colleagues calls his "extraordinary energy and stamina." Lean and fit at 61, he has been a whirlwind of activity not only as chairman of the Finance Committee but in taking leadship roles on legislation in his other two committee assignments before becoming Majority Leader—on Agriculture and Judiciary—and on the Senate floor.

Elizabeth Dole says her husband's being Majority Leader won't change their lives all that much because he's always on the go anyway. Another presidential campaign would only be in keeping with the all-out pace that has been his lifestyle for years.

Four years is a long time, and a lot can happen to clarify whether it will make sense for Bob Dole to try one more time for the White House in 1988. He has long since demonstrated that he has the sense of humor to be a very popular President, and in moving up to Senate Majority Leader he has shown he has the legislative and conciliatory talents to lift him to the vanguard of Capitol Hill operatives. But as a national figure able to draw the kind of support required for election to national office, he remains a question mark, with his 1976 and 1980 setbacks marked up against him.

Like Howard Baker before him, Bob Dole has succeeded far more inside the Beltway than outside it. One of his critics, Viguerie, observes that Dole's quick wit and independence have made him a special favorite of the news media in Washington without giving him a comparable national constituency. "Try taking it into Iowa, New Hampshire, and Florida [early caucus and primary states]," he says. "News-media popularity is capital you can't spend there, and it has a short shelf life." In fact, Viguerie insists, such popularity is a negative nowadays. "It's inconceivable now that anyone who has the support of the national media is going to get the Republican nomination," he argues.

For now, Bob Dole is riding high, and he doesn't have to resort to Bob Hope one-liners to get attention. He used to get a laugh by asking Republican audiences, "Can you hear me on the left? I know you can hear me on the right." Now when Bob Dole, Majority Leader of the United States, speaks, even E.F. Hutton listens. Especially E.F. Hutton.

ORDER OF BUSINESS

Mr. BYRD. I have a little time remaining, Mr. President. Would either of my colleagues on this side of the aisle, Mr. GORE or Mr. SIMON—or Mr. ROCKEFELLER—wish to have some time?

Mr. PROXMIRE. If the Senator has no requests for the remainder, I will be happy to have it.

Mr. BYRD. Mr. President, I yield the remainder of my time to the Senator from Wisconsin.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 15 minutes plus the remaining time of the minority leader.

WHY JASTROW, BRZEZINSKI, AND KAMPELMAN ARE WRONG ON "STAR WARS"

Mr. PROXMIRE. Mr. President, on Sunday, January 27, in the New York Times magazine, three distinguished experts called for the Congress to move ahead with the strategic defense initiative or "Star Wars." The three experts represent an impressive combination of experience and scientific competence. Dr. Zbigniew Brzezinski headed the National Security Council under President Carter. He obviously qualifies as a competent professional in policies designed to meet the Soviet military and foreign policy threat. Robert Jastrow is one of the Nation's most eminent scientists, highly respected both in the academic community and for his distinguished work in both civilian and military space programs. Max Kampelman has just been appointed as the head of the arms control negotiating team that will meet with Soviet negotiators in March. Before Congress moves to fund or refuses to fund what may become the most critical and possibly the most expensive weapons program facing our Government, we should certainly listen to the case these experts make for moving ahead.

What this trio of experts proposes is not what the President has been talking about. The President has called for an antimissile program that would defend our cities as well as our retaliatory capacity. The President's vision of SDI and, indeed, that of Secretary of Defense Weinberger, has been the creation of a series of antimissile shields that would provide perfect or near perfect protection for American cities and citizens from a Soviet nuclear attack.

On the other hand, the expert scenario is far more limited. It would make no attempt to shield our cities from attack. It would not, in the initial stage they advance as their primary objective, even fully defend our deterrent. It would rely on a "two-tiered" system costing $60 billion to provide a "point defense" of enough of our retaliatory capacity that the Russians would be discouraged from inititating a preemptive first strike. These experts propose to deploy such a system in about 10 years at an annual cost of about $6 billion per year. By early in the next century, the Congress would have the option of deploying a four-tiered system that would make Soviet penetration to destroy our retaliatory capacity "just about nil." That is the way they put it. Presumably, another $40 or $50 billion of deployment would provide this final protection.

What is wrong with this proposition? Has it not reduced the threat of a trillion-dollar program to a small fraction of that? Is it not more practical to confine protection to our deterrent than to try to protect the enormous area of American major cities? Does not the ABM Treaty already permit a single antimissile system for each country? Have not the Russians already deployed such a system around Moscow? And, have we not planned the possibility of such deployment around an American missile base? We could renounce the treaty or we could seek to modify it to permit an SDI point defense. Why not?

Here's why not: First, the proposal would direct us to plan to nullify an arms control treaty the Senate ratified by a smashing 88-to-2 vote. Second, the diminution or the total nullification of the prospect of a Russian preemptive strike would add nothing to our present deterrent posture. Right now, today, this minute, our country has an invulnerable nuclear deterrent that would survive any conceivable preemptive attack by the U.S.S.R. Unlike the Soviet Union, we have only 25 percent of our deterrent invulnerable stationary land-based deployment that the $60 billion point defense would protect.

A full 50 percent of our deterrent is in submarines, much of that is at sea—moving invisibly underwater at all times. Another 25 percent is in bombers, much of which is either in the air or able to be in the air within minutes. We know this. The Soviets know it. As the Secretary of the Navy has testified, we are constantly improving the invulnerability of our deterrent. The SDI proposed by Brzezinski, Jastrow, and Kampelman adds very little, certainly nothing near the cost of violating the 1972 ABM Arms Control Treaty, or spending upward of $60 billion.

Mr. President, the Reagan administration and the three eminent experts who support the SDI have one immense psychological argument on their side. It is this: If SDI will not work, if it's such a turkey, such a fiasco, why are the Russians so agitated about it? Why has it seemed to be the single biggest force in bringing them back to the arms control bagaining table? What is the answer?

The answer is that this is a beautiful ploy for the Russians. What a made-to-order basis for splitting the Americans and their NATO allies. An SDI system is designed to do what? To protect America from a Russian nuclear attack. It is not designed to protect NATO, not Europe, but America.

If such a system did work, where would that leave our NATO partners? Here we hunker down behind our shield of Star Wars. What does Western Europe do? Star Wars probably would not work to defend America, but it certainly, obviously, would not work to defend Europe. An ICBM designed for America and launched from Russia would travel thousands of miles for as long as 30 minutes at a very high trajectory. SDI might stop some of those missiles. But a Russian missile aimed at Rome or Paris or London? It would take about 5 minutes. Trajectory? Almost none. It is wham bam, goody-bye man. So our European friends do not like it, and the Russians nestle right up to them by opposing it too.

Second, the Russians do not like Star Wars for another reason. It makes them change their very costly stationary land-based ICBM deterrent. The cost would probably not be as great for them as Star Wars is for us, but it would be very great. They would have to shift their deterrent to submarines and bombers, to cruise missiles, and possibly state-directed terrorists. Sure, it would cost them a-plenty. It would be draining for a Russian economy that is far weaker than the American economy. So they do not want to have to make the change. But, if necessary, make it they would. And we would find ourselves in no better position to defend our country, no more secure or safer than before. The nuclear arms race would go on, rushing ahead, out of control, constantly threatening to destroy the relative stalemate that has kept a superpower peace for the past 30 years. Mr. President, the best hope for peace is to stop this arms race cold and stop it now. At this moment, neither superpower can win a nuclear war no matter how big a preemptive strike it launches. We have a balance between the two superpowers. Let us freeze it and keep it.

I ask unanimous consent that the article to which I have referred in the Sunday, January 27, New York Times' magazine be printed in the Record.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEFENSE IN SPACE IS NOT "STAR WARS"

(By Zbigniew Brzezinski, Robert Jastrow, Max M. Kampelman)

Faith moves mountains. When it is in eternal religious values, faith is an indispensable strength of the human spirit. When it is directed toward political choices, it is often an excuse for an analytic paralysis.

Regrettably, our national debate over President Reagan's suggestion that the country develop a strategic defense against a Soviet nuclear attack is taking on a theological dimension that has no place in a realistic search for a path out of the world's dilemma. The idea of basing our security on the ability to defend ourselves deserves serious consideration. Certainly, the role of strategic defense was a major issue in the

recent dialogue in Geneva between United States Secretary of State George P. Shultz and Soviet Foreign Minister Andrei A. Gromyko on new arms-control negotiations.

For many years, our search for security has been restricted to designing offensive weapons to deter aggression through fear of reprisals. We must not abandon nuclear deterrence until we are convinced that a better means is at hand. But we cannot deny that, for both the Soviet Union and the United States, the costs, insecurities and tensions surrounding this search for newer, more effective and more accurate nuclear missiles produce a profound unease that in itself undermines stability.

The conventional view is that stability in the nuclear age is based on two contradictory pursuits: the acquisition of increasingly efficient nuclear weapons and the negotiation of limits and reductions in such weapons. The United States is diligently pursuing both objectives, but the complexity of arriving at effectual arms-control agreements is becoming apparent as more precise and mobile weapons, with multiple warheads, appear on both sides. Unlike ours, moreover, many Soviet missile silos are reloadable, and thus the number of silos does not indicate the number of missiles, further complicating verification.

We must never ignore the reality that the overwhelming majority of the Soviet strategic forces is composed of primarily first-strike weaponry. And given the large numbers of first-strike Soviet SS-17, -18 and -19 land-based missiles, no responsible American leader can make decisions about security needs without acknowledging that a Soviet first strike can become a practical option.

The Russians could strike us first by firing the reloadable portion of their nuclear arsenal at our missiles, the Strategic Air Command and nuclear submarine bases, and if the surviving American forces (essentially nuclear submarines) were to respond, the Russians could immediately counter by attacking our cities with missiles from nonreloadable silos and, a few hours later, with whatever of their first-strike reloadable weapons had survived our counterattack. They are set up for launching three salvos to our one.

To us, this catastrophic exchange is unthinkable. But, with the strong probability that the American response would be badly crippled at the outset by a Soviet strike, some Russian leader could someday well consider such a potential cost bearable in the light of the resulting "victory." Furthermore, such an analysis might well anticipate that an American President, knowing that a strike against our cities would inevitably follow our response to a Soviet first strike, might choose to avoid such a catastrophe by making important political concessions. No responsible American President can permit this country to have to live under such a threat, not to speak of the hypothetical danger of having to choose either annihilation or submission to nuclear blackmail. Hence the understandable and continual drive for more effective offensive missiles to provide greater deterrence.

The result is that weapons technology is shaping an increasingly precarious American-Soviet strategic relationship. For this reason, we urge serious consideration be given to whether some form of Strategic Defense Initiative (S.D.I.) might not be stabilizing, enhancing a deterrence and even helpful to arms control. To that end, we address the major issues in strategic defense from three points of view:

(1) The technical: Is a defense against missiles technically and budgetarily feasible?

(2) The strategic: Is a defense against missiles strategically desirable? Does it enhance or diminish stability? Does it enhance or diminish the prospects for arms control and a nuclear-weapons build-down?

(3) The political: What are the political implications of strategic defense for our own country and for our relations with our allies? What are the implications for the larger dimensions of our relationship with the Soviet Union? How do we seek the needed domestic consensus on a viable strategy?

A great deal has been written about the state of missile-defense technology. Some experts say the technology sought is unattainable, others that it is merely unattainable in this generation. Yet the promise of the Strategic Defense Initiative is real. Some of the technologies are mature and unexotic. Their deployment around the end of this decade would involve mainly engineering development. Technically, these vital defenses could be in place at this moment were it not for the constraints accepted by the United States in its adherence to the antiballistic missile treaty of 1972.

With development and some additional research, we can now construct and deploy a two-layer or double-screen defense, which can be in place by the early 1990's at a cost we estimate to be somewhere in the neighborhood of $60 billion. A conservative estimate of the effectiveness of each layer would be 70 percent. The combined effectiveness of the two layers would be over 90 percent: Less than one Soviet warhead in 10 would reach its target—more than sufficient to discourage Soviet leaders from any thought of achieving a successful first strike.

The first layer in the two-layer defense system—the "boost-phase" defense—would go into effect as a Soviet first-strike missile, or "booster," carrying multiple warheads rises above the atmosphere at the beginning of its trajectory. This boost-phase defense—based on interception and destruction by nonnuclear projectiles—would depend on satellites for the surveillance of the Soviet missile field and the tracking of missiles as they rise from their silos. These operations could only be carried out from space platforms orbiting over the Soviet Union. Because they are weightless in orbit, such platforms could be protected against attack by heavy armor, onboard weapons and maneuverability.

After the booster has burned out and fallen away, the warheads are through space on their way to the United States. The second layer of the defense—the terminal defense—comes into play as the warheads descend. Interception would be at considerable altitude, above the atmosphere if possible. This second phase requires further engineering, already under way, because interception above the atmosphere makes it difficult to discriminate between real warheads and decoys. In the interim, interception can take place in the atmosphere, where differences in air drag separate warheads from decoys. In either event, destruction of the warheads would take place at sufficiently high altitudes, above 100,000 feet, so that there would be no ground damage from warheads designed to explode when approached by an intercepting missile.

Of the two layers in the defense, the boost phase is by far the most important. It would prevent the Russians from concentrating their warheads on such high-priority targets as the national-command authority (the chain of command, beginning with the President, for ordering a nuclear strike), key intercontinental-ballistic missile silos or the Trident submarine pens, because they could not predict which booster and which warheads would escape destruction and get through.

This fact is important. Simply a so-called "point defense" of our missile silos, it has been suggested, would be sufficient to restore much of the credibility of our land-based deterrent, now compromised by 6,000 Soviet ICBM warheads. It is particularly necessary to protect the 550 silos containing our Minuteman III ICBM's, of which 300 have the highly precise Mark 12A warheads. These are the only missiles in the possession of the United States with the combination of yield and accuracy required to destroy hardened Soviet military sites and the 1,500 hardened bunkers that would shelter the Soviet leadership. But their very importance to us illustrates the difficulty of a point defense, because the value of the silos to us means they will be among the highest-priority targets in any Soviet first strike. The Russians can overwhelm any point defense we place around those silos, if they wish to do so, by allocating large numbers of warheads to these critical targets. But if we include a boost-phase defense to destroy their warheads at the time of firing, their objective becomes enormously more difficult to accomplish.

The boost-phase defense has still another advantage. It could effectively contend with the menace of the Soviet SS-18's, monster missiles twice the size of the 97.5-ton MX. Each SS-18 carries 10 warheads, but probably could be loaded with up to 30. The Russians could thus add thousands of ICBM warheads to their arsenal at relatively modest cost. With numbers like that, the costs favor the Russians. But a boost-phase defense can eliminate all a missile's warheads at one time—an effective response to the SS-18 problem.

The likely technology for an early use of the boost-phase defense would use "smart" nonnuclear projectiles that home in on the target, using radar or heat waves, and destroy it on impact. The technology is close at hand and need not wait for the availability of the more devastating but less mature technologies of the laser, the neutral particle beam or the electromagnetic rail gun. The interceptor rocket for this early boost-phase defense could be derived from air-defense interceptors that will soon be available, or the technology of antisatellite missiles (ASAT) launched from F-15 aircraft. These rockets could weigh about 500 pounds, the nonnuclear supersonic projectiles about 10 pounds.

Interceptor rockets would be stored in pods on satellites and fired from space. The tracking information needed to aim the rockets would also be acquired from satellites orbiting over the Soviet missile fields. The so-called "space weapons" of strategic defense are indispensable for the crucial boost-phase defense. To eliminate them would destroy the usefulness of the defense.

We estimate that the cost of establishing such a boost-phase defense by the early 1990's would be roughly $45 billion. That price tag includes 100 satellites, each holding 150 interceptors—sufficient to counter a mass Soviet attack from all their 1,400 silos; plus four geosynchronous satellites and 10 low-altitude satellites dedicated to surveillance and tracking; plus the cost of facilities

for ground-control communications and battle management.

The technology used for the terminal defense could be a small, nonnuclear homing interceptor with a heat-seeking sensor, which would be launched by a rocket weighing one to two tons and costing a few million dollars each. Interception would take place above the atmosphere, if possible, to give wider "area" protection to the terrain below. These heat-seeking interceptors can be available for deployment in about five years if a decision is reached to follow that course. One concept for this technology was tested successfully last June by the Defense Department, when an intercepting missile zeroed in on an oncoming warhead at an altitude of 100 miles and destroyed it.

The technology for a terminal defense within the atmosphere would be somewhat different, but would probably also depend on heat-seeking missiles. The cost of this terminal layer of defense would be about $15 billion and include $10 billion for 5,000 interceptors, plus $5 billion for 10 aircraft carrying instruments for tracking of the Soviet warheads.

The estimated $60 billion for this two-layer defense is a ball-park figure, of course. However, even with its uncertainties, it is surely an affordable outlay for protecting our country from a nuclear first strike.

To be sure, the above is not an attractive option to those who place all their eggs in the arms-control basket and underestimate the immense difficulty of attaining an effective and truly verifiable pact. It is also not appealing to those wedded to the idea that it is best to assure survival by simply maintaining the perilous balance of terror between the United States and the Soviet Union. We favor energetically pursuing arms-control negotiations and seeking to achieve credible deterrence, but these options by themselves are unfortunately not as likely to provide a more secure future as the alternative strategy of mutual security combining defense against missiles with retaliatory offense.

The simplest and most appealing option, quite naturally, is comprehensive arms control. Large reductions in both launchers and warheads, as well as effective restrictions on surreptitious deployment or qualitative improvements, would enhance nuclear stability and produce greater mutual confidence. It would, if properly negotiated and effectively monitored, enhance mutual survival.

How likely is such a future? Some progress in arms control is probably possible, but genuinely effective arms control would require that: (1) there be a restraint imposed on qualitative weapons enhancement; (2) mobile systems, relatively easy to deploy secretly, be subject to some form of direct verification; (3) a method be devised for distinguishing nuclear-armed and nonnuclear cruise missiles, and (4) monitoring arrangements be devised for preventing surreptitious development, testing and deployment of new systems. So far, the Soviet record of compliance with the SALT I and SALT II accords is sufficiently troubling to warrant skepticism regarding the likelihood of implementing any such complex and far-reaching agreement.

Moreover, such an agreement would have to recognize that it is no longer possible to limit space-based systems without imposing a simultaneous limit, along the above lines, an terrestrially deployed systems, which present the greater threat to survival. After all, the space-based defenses include no weapons of mass destruction and no nuclear weapons. And it should be some cause for concern to note the Soviet insistence on prohibiting space-based defensive systems, the only method now available to inhibit the frist-strike use of land-based Soviet offensive systems.

Finally, a comprehensive and genuinely verifiable agreement, limiting both qualitatively and quantitatively the respective strategic forces, on earth and in space, will require a much more felicitous political climate than currently exists. Negotiations may lead to such improvement, but in the setting of intense and profound geopolitical rivalry, how realistic is it to expect in the near future accommodation sufficient to generate the political will essential for a genuine breakthrough in arms-control negotiations? The mere mentions of Afghanistan, Nicaragua, Sakharov and Soviet violations of the humanitarian provisions of the Helsinki Final Act dramatize the depths of the problem. There may be no direct negotiating linkage between these acts of Soviet misconduct and arms control, but their political interaction is evident.

This is why there is currently such an emphasis on maintaining peace via the doctrine of deterrence based on mutual assured destruction, called MAD. But what does this mean in an age when weapons are becoming incredibly precise, mobile and difficult to count? In the absence of a miraculous breakthrough in arms control, the only possible protection within the framework of the deterrence approach is to stockpile more offensive systems. This is in part what we are doing. But how many of such systems will be needed in the likely conditions of the next decade? If Soviet strategic forces continue to grow both quantitatively and qualitatively, our country will have to deploy, at enormous cost, probably no fewer than 1,500 to 2,000 mobile Midgetmen to preserve deterrence. How will they be deployed? Where? And at what cost? And will the Soviet Union and the United States be more or less secure with the deployment of such precise weaponry capable of effective preemption? The Soviet answer is clear: The Russians are busy enhancing the survivability of their leadership and of their key facilities by hardening, dispersal and deception.

This second traditional alternative, mutual assured destruction, cannot be an acceptable, long-run option, although it is a necessary policy in the absence of an alternative, given the dynamics of weapons technology. Thus, a new third option, the Strategy of Mutual Security, must be explored as preferable. The combination of defense against space missiles with retaliatory offense in reserve enhances deterrence.

And it does not compromise stability, even if only the United States were initially to have such a strategic defense. The deployment of the systems described above would not give us absolute protection from Soviet retaliation against a possible first strike by us, a reasonable though misplaced Soviet concern. Furthermore, the Russians know we are not deploying first-strike counterforce systems in sufficient numbers to make a first strike by us feasible. In any case, one can be quite certain that the Russians will also be moving to acquire an enhanced strategic defense, even if they do not accept President Reagan's offer to share ours. Indeed, they are doing so now and have been for some time.

As our strategic space-defense initiative expands incrementally, it should be realistically possible to scale down our offensive forces. Such a transition, first of the United States and eventually of the Soviet Union, into a genuinely defensive posture, with neither side posing a first-strike threat to the other, would not only be stabilizing but it would also be most helpful to the pursuit of more far-reaching arms-control agreements. Strategic defense would compensate for the inevitable difficulties of verification and for the absence of genuine trust by permitting some risk-taking in such agreements. This is another reason why strategic defense should not be traded in the forthcoming negotiations in return for promises that can be broken at any time.

No significant public policy can be carried out in a democracy without being fully discussed and accepted by the broad polity. Nor can an interested public be expected to resolve disputes among experts as to questions of technical feasibility. The current debate over President Reagan's initiative for a strategic defense program suffers from that conflict among scientists. It is important to clarify this issue.

We can begin a two-tiered strategic defense that would protect command structure as well as our missiles and silos and thus discourage any thoughts by the Soviet military that a first-strike effort would be effective. Some within the scientific community minimize the importance of this technical feasibility and emphasize instead the view that it is scientifically impossible today to provide a strategic defense that will protect our cities. Such a broad defense of populations is today not feasible, but it is prudent for our society to keep in mind the rising tide of technical and scientific advances so rapidly overwhelming the 20th century.

The "impossible" is a concept we should use with great hesitation. It is foolhardy to predict the timing of innovations. We are persuaded that the laws of physics do not in any way prevent the technical requirements of a defensive shield that would protect populations as well as weapons. A total shield should remain our ultimate objective, but there is every reason for us to explore transitional defenses, particularly because the one we have discussed would serve to deter the dangers of a first strike. Defenses against ballastic missiles can be effective without being "perfect," and the technology for this is nearly in hand.

Society must also not forget that ever since the beginning of the scientific age, the organized scientific community has not had a particularly good record of predicting developments that were not part of the common wisdom of the day. In 1926, for example, A. W. Bickerton, a British scientist, said it was scientifically impossible to send a rocket to the moon. In the weapons field, United States Adm. William D. Leahy told President Harry S. Truman in 1945: "That [atomic] bomb will never go off, and I speak as an expert in explosives." And Dr. Vannevar Bush, who directed the Government's World War II science effort, said after the war that he rejected the talk "about a 3,000-mile rocket shot from one continent to the other carrying an atomic bomb . . . and we can leave that out of our thinking." In the strategic area, as late as 1965, the capable Secretary of Defense Robert S. McNamara wrote: "There is no indication that the Soviets are seeking to develop a strategic force as large as our own."

Our debate and our discussion, furthermore, must not ignore what the Russians, who have always understood the need for defenses, are doing in space. They have

spent more on strategic defensive forces since the antiballistic missile (ABM) treaty was signed in 1972 than on strategic offensive forces. Their antisatellite program began nearly two decades ago. The Soviet military is now working aggressively on a nationwide missile-defense system; and it now appears ready to deploy a system capable of defending the country not only against aircraft, but also many types of ballistic missiles. Clearly, the Soviet work in strategic defense has taken place in spite of ABM treaty provisions. The large radar installation in central Siberia expressly violates that treaty with us. Yet the planning for it must have begun many years ago.

The recent Geneva meeting must be considered a major productive result of President Reagan's March 1983 speech announcing that we would begin developing a strategic defense initiative. We are reminded that in 1967 President Lyndon B. Johnson proposed to Prime Minister Aleksei N. Kosygin a ban on ABM's, which was flatly rejected. In 1969, President Nixon proposed to the Congress that our country begin such an ABM program, because the Russians showed little desire to join us in prohibiting such weapons. Shortly after Congress approved that program, the Russians embraced the idea of an ABM treaty. Had our Government not announced its S.D.I. program, we might still be in the cold storage of the Soviet freeze precipitated by their walking out of the Geneva negotiations.

Arms control has been said to be at a dead end, and the stalemate has reflected an impasse in thought and in conception. Our present policy requires both us and the Soviet Union to rely on a theory of mutual annihilation based on a strategic balance of offensive weapons. The American approach has been to depend on deterrence alone and not on defending ourselves from Soviet offensive weapons, while the Russians have made it clear by their actions that they intend to defend themselves against our missiles. In any event, what is clear is that mankind must find ways of lifting itself out of this balance of terror. Mutual assured destruction must be replaced by mutual assured survival. Our safety cannot depend on our having no defense against missiles. The proper role of government is to protect the country from aggression, not merely avenge it. It is astounding that a President should be faulted for seeking a formula and an approach that will protect us from the continual threats and terrors coming from the volatile vagaries of aventurism and miscalculation.

Even if a perfect defense of our population should be impossible to achieve—and none of us can be certain of that—the leaders of our Government have a responsibility to seek defense alternatives designed to complicate and frustrate aggressi*** BAD MAG TAPE ***on by our adversaries. The very injection of doubt into their calculations strengthens the prospect of hesitation and deterrence. It may not be possible to destroy the world's ballistic missiles, but if we can return them to the status of a retaliatory deterrent rather than a pre-emptive strike we will have reduced the need for the existing large arsenal and thereby the threat of war.

The argument has been made that the S.D.I. is politically harmful because our North Atlantic Treaty Organization allies have not received the initiative with any enthusiasm. Their skepticism is an understandable initial reaction. First of all, our allies were taken by surprise by the President's March proposal of a Strategic Defense Initiative. At times, secret discussions are necessary, but doubtless allied cooperation will be forthcoming in direct proportion to timely and honest consultation. Furthermore, European politisal leaders feel under great pressure from an activist peace movement that emphasizes traditional arms-control negotiations as a major objective. A new approach, which the Russians critize as hostile, is, therefore, looked upon as troubling, regardless of its merit.

As to the substance of the initiative, coupling our national security interest with that of our allies is a foundation of NATO defense. Any tendency toward decoupling produces great concern on their part. Western European leaders look upon all security proposals with that criterion in mind. Should America technically succeed in providing a shield against missiles, Europeans wonder whether they would then not be left in an exposed position, facing a superior Soviet conventional military force.

The concerns may be understandable, but will diminish with time and discussion. First of all, President Reagan's call for strategic defense brought the Russians back to the Geneva negotiating table. More important, however, it will become increasingly evident to our friends, as some of the confusion about the technology dissipates, that the ability of the United States to protect its missiles immeasurably strengthens our power to deter and thereby serves to protect our allies. Indeed, such a system is expected to be at least as effective against the SS-20's aimed at western Europe as it is against ICBM's. Finally, a development pulling the world away from the precipice of nuclear terror goes far to help create an encouraging atmosphere for dialogue and agreement, a vital prerequisite for peace.

In light of the above, we reach two basic conclusions:

(1) Developing a stabilizing, limited two-tier strategic defense capability is desirable and called for by the likely strategic conditions immediately ahead. Such a deployment would be helpful both in the military and in the political dimensions. It is a proper response to the challenge posed by political uncertainties and the dynamics of weapons development. The two-layered defense described here can be deployed by the early 1990's. Americans will rest easier when that limited defense is in place, for it will mean that the prospect of a Soviet first strike is almost nil.

(2) A three- or four-layer defense, using such advanced technologies as the laser now under investigation in the research phase of the Strategic Defense Initiative, may become a reality by the end of the century. If this research shows an advanced system to be practical, its deployment may well boost the efficiency of our defense to a level so close to perfection as to signal a final end to the era of nuclear ballistic missiles. A research program offering such enormous potential gains in our security must be pursued, in spite of the fact that a successful outcome cannot be assured at this juncture.

The current debate is necessary. There are many questions, technical and political, ahead of us. For the debate to be constructive, however, we must overcome the tendency to politicize it on a partisan basis. Our objectives should be to find a way out of the current maze of world terror. The President's initiative toward that end is a major contribution to arms control and stability. The aim of making nuclear weapons impotent and obsolete should be encouraged and not savaged.

WILL YOU REALLY BE ABLE TO COUNT ON YOUR FRIENDLY JAPANESE BANKER?

Mr. PROXMIRE. Mr. President, the new President of Citibank—the biggest bank in the world—plans to leapfrog the Federal laws that insulate our local banking institutions from an invasion by the huge banks in New York and California. He may do it. He has a lot going for him. If he succeeds, American banking and American small communities will never be the same again. American banking is unique in the world. Only in America do we have thousands of commercial banks—in fact, 15,000—that are largely locally owned and serve local communities. But even those commercial banks constitute only a part of the credit available to the American economy in this credit economy of ours. We have another additional 25,000 financial institutions, largely locally owned—savings and loans and credit unions. These institutions too are now empowered by law to make most loans required by Americans.

So what is so special about all this? Mr. President, there is plenty special about the role these locally owned, small institutions play in this country. In most every other large country in the world—you name it, Canada, the United Kingdom, West Germany, France, Italy, the Scandinavian countries—a very few big banks, usually only four or five, do literally 90 percent of the banking business. Oh, sure, there are a few small banks here and there that handle some specialty or provide some credit. But a few big banks dominate the credit business in the vast majority of countries. The United States is the rare exception.

Is this good or bad for the United States? Well, I like it. I think most Americans, if they know about our country's unique distinction, like it too. American small business can work in our thousands of communities with an owner who lives in the community, a person he knows often from growing up with him, an owner who has made the community his community, a place where he was born, lives, works and, when he dies, will lie in the local cemetery with everyone else. But suppose the local business man turns out to be a success and a big one. He needs big financing. He outgrows the bank. Then what? Then the local bank has an easy, available answer. The small local banker has a big correspondent bank in the State's major city, another even larger correspondent bank in the nearest big money center; for example, Chicago, Atlanta, New York, or San Francisco. This works very well. The biggest banks in this country are already big enough to finance anything—whether the borrower is the biggest corporation or a foreign country. Our biggest banks are as big as

they come. But our country is so vast that, unlike every other country on Earth, our 10 biggest banks do not do 90 percent of the banking business but only about 30 percent.

This country has the best capital markets in the world. We also have locally owned banks in thousands of American communities. It is a great system, but we are about to lose it. In the past 20 years, there has been a spectacular invasion of local banking by bank holding companies. Almost all of this has been within States. In Wisconsin, for instance, the largest banks—headquartered in Milwaukee—have used their holding company to extend ownership into communities throughout the State. In some parts of the country—notably New England—interstate regional pacts have permitted banks to extend their holding companies into neighboring States. This country has moved a long way toward centralized banking. Locally owned banks are beginning to lose ground.

Now Mr. Reed and National City, armed with some very big advances in technology, are about to crash through in a way that will knock out thousands of local banks and begin to make local banking appear to be technologically obsolete. How will Reed do it? He will do it with a credit card that permits holders to borrow money for mortgages, student loans, auto loans, and even business working capital loans on their National City Bank credit card. They can also invest their savings, that is, make deposits. They can buy certificates of deposit and even make ordinary savings deposits through their Citibank credit card. It is quite a convenience. It certainly violates the spirit, and possibly the letter, of Federal laws that prohibit branch banking across State lines. And what does it do to your local banker? It threatens to take away the very heart of his business. After all, bankers are in business to make loans, just as farmers are in the business of growing crops and doctors in the business of healing people who become ill. If National City takes the banking business out of the hands of the Farmers & Merchants Bank of Richland Center, WI, that little local bank has had it. Needless to say, if the Jim Browns who live in Richland Center decide to deposit their savings through their credit card with National City instead of the F&M Bank in Richland Center, the local bank will have nothing to lend. So is this a life and death struggle for local banking? You bet it is.

Mr. President, on Saturday, January 26, the New York Times, in a remarkable article by Nicholas Kristof, documented how this amazing credit technology has made banking not just a national instead of a local business but is increasingly making it an international operation. Borrowing, lending, and investing can now be accomplished instantaneously between New York and Tokyo with telephones, teletypes, and computers that can bring such a transaction together as quickly as if the depositor or borrower were right across the street from the bank. As Mr. Kristof points out, Japanese investors are buying U.S. securities by the billions—so are United Kingdom investors and investors from all over the world. Foreigners are, in fact, underwriting much of our colossal deficit. In the process they are holding down our interest rates and pushing up their own. The international credit market surely makes our own monetary policy far more difficult. After all, how can the Federal Reserve control our money supply when American borrowers can easily and quickly tap funds from other countries. Difficult as this becomes for the U.S. Federal Reserve Bank, it is almost impossible for central banks in foreign countries. Our economy is so big that the Fed can limit credit in this country even if borrowers do get much of their credit abroad. But how about the monetary policy of a country like England or France or West Germany? France, in fact, tried a few years back to stimulate its economy with an easy monetary and fiscal policy but was frustrated because the attempted stimulus simply spilled over into other countries and produced a run on the franc that increased inflation. The New York Times article reports that:

> Experts say that a dozen odd financial houses from the United States, Japan, and Europe—those equipped with capital and innovation—will come to dominate the business.

That is business lending. A manager of Brown Bros., Harriman predicts:

> What I think we'll see over about the next 10 years is the development of world-class institutions, with headquarters in three or four cities.

A Miss McFadden of the New York Mercantile Exchange is reported to have said: "It's tremendously exciting. And to a certain extent we're all pioneers."

The reaction of this Senator is "Whoa, take it easy. Slow down." All this may be exciting for some of the biggies on Wall Street. But back in Wisconsin, whether you are a banker or local businessman who depends on local banks, it is very threatening. If a few big banking firms in Tokyo, Paris, London, and New York control the credit that constitutes the lifeblood of business, what happens to our thousands of American communities that now rely on local bankers who are born in the community, live in the community, and die in the community? Will the big banking house in Tokyo really have that kind of concern? Does the American small businessman want to rely on his friendly Japanese banker for the credit that constitutes his lifeblood?

Mr. President, I ask unanimous consent that the article by Nicholas Kristof from the Saturday, January 26, edition of the New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 26, 1985]

WORLD FINANCIAL CURBS EASED BY TECHNOLOGY AND IDEOLOGY

(By Nicholas D. Kristof)

From Tokyo's gleaming business district to the hectic trading rooms of Wall Street, a wave of financial deregulation is sweeping business centers.

Spurred by a spreading free-market ideology and by advances in global communications, restrictions that had curbed and cosseted financial markets are being dismantled.

Interest rates are being freed from government regulation. Withholding taxes are being eliminated on the foreign purchase of domestic securities. Domestic financial markets are being opened to foreigners. Financial institutions are being allowed to enter new business.

ERODING ECONOMIC BOUNDARIES

As these changes gather momentum, they are eroding economic boundaries, providing new opportunities for international investment but also frustrating national economic policies and provoking competition among the world's largest financial houses.

"As the world gets smaller," said David J.P. Meachim, a managing director of Merrill Lynch Capital Markets, "the major financial centers are trying to cope with the need of companies to raise money around the world and the desire of investors to invest in foreign securities. All of these things, going on at the same time, are increasingly connecting the capital markets."

To be sure, the internationalization of markets, as it is called, has precedents. As far back as the 13th century, Florentine banks financed England's wars. And since the 1960's, the explosion of American dollars abroad and then the growth of other currencies held outside national borders have given risen to the vast Eurodollar and Eurocurrency markets for international finance.

What is new is the extent to which markets are being further internationalized by the dismantling of domestic financial regulations.

U.S. OWNERSHIP OF FOREIGN STOCKS

"In a much more internationalized world, the U.S. institutional investors are becoming truly more interested in international investing, on a more opportunistic, long-term, planned basis," said Yves-André Istel, a managing director of the First Boston Corporation. "As an example, we believe there is probably $10 billion to $12 billion in non-U.S. equities owned by U.S. institutional investors, up from $1 billion to $2 billion five or ten years ago."

The deregulation trend has been gathering force for more than a decade. In 1973 foreign currency markets abandoned fixed exchange rates and moved to floating rates set by market forces. In 1975, the United States abolished fixed stock commissions and then, as a deregulatory philosophy took

hold, proceeded to dismantle restrictions on interest rates.

A more permissive attitude was adopted toward the activities of financial institutions, and the distinctions betwen banking and brokerage and other financial services began to blur. Last summer Washington ended the withholding tax on interest paid to foreign holders of bonds.

AMERICAN INSPIRATION

Other countries, inspired by the invigorated American economy, seemed determined not to be left behind. In some cases, such as Japan, countries were prodded by the United States to open up their closed financial systems to international competition. Among the manifold results are these:

The London Stock Exchange agreed two years ago to adopt major changes, including an end to fixed commissions by the end of 1986. New competition will be injected by allowing stockbrokers to hold shares for themselves, instead of just trading stock for others. And foreigners will be allowed a much greater role, already setting off a wave of purchases of stakes in British financial houses by American institutions.

Last May the Japanese Government agreed under pressure from the United States to liberalize its financial markets. The first fruit of this is the Euroyen market, which since Dec. 1 has allowed American and European countries to raise yen outside of Japan. Foreign companies are expected to join the Tokyo stock exchange, although none has been able to join so far, and some of the $375 billion in postal savings accounts and $60 billion in pension funds probably will be invested abroad. Interest rates also will probably be deregulated in home markets.

Canada is dramatically relaxing its rules on foreign investment. "Canada is open for business again," its new Prime Minister, Brian Mulroney, declared in proposing abolition in most cases of the complex review procedures that had stymied foreigners who wished to establish businesses in Canada.

There are other examples as well.

Australia's Labor Party Government, elected in March 1983, has ended exchange controls and allowed foreign banks to compete in domestic markets. South Korea is making it easier for foreigners to invest there. China last year issued its first public stock offering since the Communists took over in 1949 and a stock market is being planned for Zhuhai in southern China, near Macao. And last year Norway, Sweden and Portugal became the last of the 24 members of the Organization for Economic Cooperation and Development to admit foreign banks into their domestic markets, at least under some circumstances.

IMPACT OF TECHNOLOGY

What brought about these changes? Analysts say technology, especially in communications, was the principal factor. Computer screens and telephones can link New York almost as easily with Tokyo as with Chicago. In addition, more sophisticated investors began to look for better returns abroad, while high interest costs drove companies that wanted to borrow to the Euromarkets.

"What you have is massive financial flows, such as you haven't had at any time in our history," said William C. Freund, chief economist of the New York Stock Exchange.

"What you have is developments in technology with microprocessing and satellites that make it possible to access markets all over the world. And then you also have in many countries a trend toward financial deregulation."

In addition, the changes created their own momentum. Britain, in particular felt that its financial district would have to modernize to remain a significant world business center. The United States repealed its withholding tax so that it could help entice foreigners to finance the Federal budget deficit, and to compete for funds France and West Germany said they would repeal theirs.

Political pressures were also a factor, especially in Japan, where the Government agreed to free its financial markets after long negotiations with the United States. Washington had pushed for these measures largely to strengthen the yen and reduce the United States trade deficit. Many experts believe, however, that the effect of the deregulation at least for several years will be a flow of capital from Japan—weakening the yen further and aggravating the trade deficit.

The intellectual underpinning for deregulation came with the return to vogue of market economics. Conservative governments are in office in the United States, Britain, Japan, West Germany, Canada and elsewhere, while Socialist governments in France, Spain and Australia have adopted fairly conservative economic policies.

The trend is less clear among developing countries. For example, the Cairo stock exchange—the oldest in the third world—is gaining vigor but is far from integrating with markets in any other country. Some disenchantment with deregulation arises in developing countries because of its ill effects.

"In Latin America, the deregulation has really been catastrophic," said Rudiger Dornbusch, Ford International Professor of Economics at the Massachusetts Institute of Technology. The combination of heavy government borrowing and deregulation, he added, has pushed interest rates so high that they strangle the economy.

Even in industrialized countries, deregulation may have pernicious consequences for economic policy. Jeffrey A. Frankel, and economics professor who has just completed a monograph on the Japanese liberalization for the Institute of International Economics in Washington, said that one of the Japanese concerns was that creation of a pool of Euroyen would hamper control of the money supply. For the same reason, West Germany has been reluctant to internationalize its currency.

EFFECT ON INTEREST RATES

But the problem is not merely one of controlling the money supply. As funds become fickle, willing to fly abroad at the drop of an interest rate, they tug interest rates up and down. For example, when rates rose in the United States a year ago, European countries found that, to keep savings at home, they had to raise their rates, too.

The other arm of economic policy, a fiscal stimulus by deficit spending, also becomes more complex in an integrated world. For example, a stimulative economic policy failed in France in 1981 and 1982, when its neighbors were retrenching. President François Mitterrand has to abandon the policy because it was ineffective—much of the stimulus spilled over into other countries—and provoked a run on the franc that increase inflation and threatened national honor.

On the other hand, countries may find it easier to finance their budget deficits with foreign capital than with local capital. The United States, of course, is financing its record budget deficit in part with foreign savings. And Sweden last summer made the largest debt offering in history—$1.5 billion—which would have been very difficult for the country itself to absorb. Even the European Economic Community chose to borrow last month not in Europe, but in the United States. That bond issue, denominated in a mix of currencies called the European Currency Unit, was the first public debt issue in America in a currency other than dollars.

Many experts say the contagion of innovation and deregulation in the bond markets is spreading to stock markets. Among the signs that point in that direction are the offering of stocks in different countries, the listing of foreign companies on stock exchanges, the prospect of allowing foreigners to join exchanges, the increasing diversification of portfolios by investing in equities in different countries and the linking of trading floors.

In the largest stock sale in history, for example, the British national telephone company was sold eight weeks ago to investors not only in Britain but also in Japan, Canada and the United States. And American companies have been rushing to London to be listed on the London Stock Exchange, while American brokerage houses hope eventually to join the exchange. Meanwhile Japanese traders have been dealing in such stocks as the International Business Machines Corporation, which are now listed on the Tokyo Stock Exchange.

"International deregulation of the equity world is probably what will happen next, and the British are probably leading the way," said Roy C. Smith, a general partner of Goldman, Sachs & Company. Mr. Smith returned in September from four years of running the investment bank's rapidly expanding London office.

John J. Phelan Jr., chairman of the New York Stock Exchange, is pushing for 24-hour trading—which to a very limited degree already exists informally—and he has tried to lure foreign companies to be listed on the Big Board.

Meanwhile, the American Stock Exchange is studying a link with the Toronto Stock Exchange, and the Chicago Mercantile Exchange has already established one with the Singapore Monetary Exchange. Rosemary T. McFadden, president of the New York Mercantile Exchange, said the Merc was considering links with exchanges in London and Singapore.

Some experts say that the trading floors themselves will disappear as trades are made by telephone or computer instead of in person.

CORPORATE BENEFITS

Among the beneficiaries of the deregulation are corporations, which will be able to raise money more flexibly and probably more cheaply than in the past. Instead of simply issuing bonds or shares, for example, they can raise yen in Europe and then swap them into dollars or another currency. The result is that they pay slightly less interest than they would otherwise.

"More options are available to corporate treasurers," said W. Allen Harrison, assistant treasurer of the Exxon Corporation, "and last year a record number of American companies went abroad to European and other markets." Corporations issued $180.3 billion in bonds in the Euromarkets in the first 11 months of 1984, compared with only $47.9 billion in Eurobonds in all of 1983, according to Saloman Brothers estimates.

This new and complex business is a delight for many investment banks. Experts say that a dozen-odd financial houses from the United States, Japan and Europe—those equipped with capital and innovation—will come to dominate the business even more than they do now.

"What I think we'll see over about the next 10 years is the development of world-class financial institutions, with headquarters in three or four cities," said Lawrence A. Veit, a manager of Brown Brothers Harriman.

No one can guess all the possibilities, and past predictions about economic integration are not reassuring. For example, a best-selling book published in 1910, "The Great Illusion," argued that increased interdependence among economies and rising military costs made another major European war impossible. But the uncertainty about the future is one reason why many financial players find the times so exhilarating.

"It's tremendously exciting," Miss McFadden of the New York Mercantile Exchange said. "And to a certain extent, we're all pioneers. In 10 years, I think we'll be looking back at how we're doing this, and we'll think it was primitive."

GRIPPING TELEVISION IS NOT ENOUGH

Mr. PROXMIRE. Mr. President, "Playing for Time," a movie depicting the atrocities of a Nazi death camp, aired on ABC the 9th and 10th of January. The movie is one of many concerned with the horrors of the period. Our society teems with literature of the Holocaust. Nazi Germany's attempted elimination of the Jews stands at the apex of genocidal acts through history.

Apparently, exposure to the plight of the Jews has numbed some to the brutal reality of the world outside. It has led others to conclude that it must not happen again. Unfortunately, publicity and condemnation of the Holocaust has not expunged genocide from current events.

Anyone would agree that genocide is the most heinous of acts. But cultural assumptions do not suffice. Our record on human rights is not enough. Publicity is not enough. Condemnation is not enough. We must ratify the Genocide Treaty in order to proclaim through law our serious opposition to such barbarous campaigns.

Doubtless, participation in the convention can only underline our determination. Ratification would be a preliminary step to constitutionally consistent legislation. Accordingly, our advice and consent is the very least we can offer by stating that we will be bound by the most fundamental principles of human rights.

Furthermore, when the United States becomes party to the convention, its position in foreign affairs will be vastly improved. First, our current status makes us obvious and vulnerable targets beneath the eye of members. How can we point the finger of human rights when we ourselves cannot even resolve to ratify the Genocide Convention?

Second, becoming party to the convention will enable us to encourage others to join. The greater the number of members, the lesser likelihood of genocidal campaigns.

Experts state that the treaty is within the bounds of our Constitution and does not override the authority of that Constitution. Its ratification is a gesture essential to our credibility as a proponent of human rights.

WIDESPREAD EDITORIAL OPPOSITION TO THE MEESE NOMINATION

Mr. PROXMIRE. Mr. President, is the nomination of Edwin Meese to be Attorney General of the United States opposed mainly by a vocal band of critics situated inside the beltway? Far from it. Through the good efforts of Common Cause, the determined and dedicated citizens lobby of 250,000 strong, Senators and the Nation as a whole are learning of the widespread editorial opposition to the selection of Mr. Meese to head the Justice Department.

Publications from coast to coast—over 50 in number, to date—are denouncing the Meese nomination for what it is: A total disaster and a gross insult to the American people. Thanks to Common Cause, it is clear that strong voices in every section of our country are speaking out against Mr. Meese and asking the U.S. Senate to do its duty and reject this uniquely ill-suited nominee.

As the Senate Judiciary Committee begins its hearings on the Meese nomination, I hope that my colleagues will review these expressions of outrage and concern.

Mr. President, I ask unanimous consent that a sampling of the editorial views to which I have been referring be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Dec. 29, 1984]

APPOINTING A CRONY-GENERAL

According to Archibald Cox, the former special prosecutor in the Watergate case, presidential counselor Edwin Meese has shown "utter insensitivity to ethical standards" and therefore should not be confirmed as U.S. attorney general. His reasons seem more complicated than they need be. Mr. Meese should not be attorney general simply because he is a bad choice for the job.

Mr. Cox made his comments at a press conference on findings by another special prosecutor—this one a court-appointed investigator who looked into charges that Mr. Meese had violated federal laws. The conclusion was that he had not. He was charged with nominating or supporting for federal jobs several persons with whom he'd had financial dealings; Jacob Stein, the independent counsel, did not dispute that, but found that these actions did not add up to criminal wrongdoing. Mr. Stein did not comment on the ethical questions involved or Mr. Meese's overall fitness for the post.

Ethics is just what concerned Mr. Cox and Common Cause, the public-interest group he now heads. And it has become the principal focus of attention in the Meese appointment.

But this is not the only argument against Mr. Meese, or even the main one. Let us pretend that Mr. Meese had never tried to wrangle federal jobs for people who had done him financial favors—that he was a model of rectitude admired by all. That does not change the fact that he is unqualified for the post.

Mr. Meese has some background in law; he was deputy district attorney of California's Alameda County, and formerly directed the Center for Criminal Justice Policy and Management at the University of San Diego school of law. But this country abounds in better legal scholars and constitutional experts; Mr. Meese is primarily a businessman, and his role in the administration has been that of a planner and organizational troubleshooter. He was nominated for the sole reason that President Reagan likes him and seems unaware that any other qualification is needed.

If the appointment goes through, it will be an unabashed admission that the federal government is being run on the buddy system. To be the nation's top legal officer under this administration, one apparently needs only to be a booming, jovial fellow whose political views coincide with the President's. But that isn't nearly enough.

[From the Los Angeles Times, Dec. 31, 1984]

MEESE: THE WRONG MAN

Last February President Reagan nominated his longtime associate and counselor, Edwin Meese III, as attorney general. Late next month the Senate Judiciary Committee is expected to hold confirmation hearings on that nomination. This will be the second time around for Meese and the committee, the first hearings having been suspended earlier this year so that an independent counsel could investigate allegations of criminal wrongdoing by the nominee.

The counsel, Jacob A. Stein, a respected Washington lawyer, concluded last September that there was no evidence to support criminal prosecution of Meese on any of the 11 charges raised against him. But Stein said that he would leave it to others to determine whether Meese had adhered to the standards of ethics and propriety that his White House position required and that his potential role at the head of the Justice Department demands.

The ethical questions regarding Meese for the most part involve money and patronage. In half a dozen cases Meese arranged federal jobs for people who had either directly or, through the institutions that they served, indirectly helped the Meese family financially. These favors included cash loans—among them an interest-free loan of $15,000 to Meese's wife that he failed to disclose, as the law requires.

An additional favor to Meese came from the Army, which at his request approved a highly irregular transfer from the retired to the ready reserve. That move opened the way for Meese to enjoy more exalted rank and the benefits that accompany it. The Army later acknowledged the impropriety of the transfer, and Meese withdrew to the retired reserve. But he retained the promo-

tion and benefits that he received as a result of the unwarranted move.

There may indeed be nothing illegal about a government official conferring public rewards on those who have done him private favors, but, unproscribed or not, such actions are ethically indefensible. They are particularly so for a person who seeks to become the nation's chief law-enforcement officer. The Senate, in the view of many of its leaders, has no taste for continuing the fight over the Meese nomination, and his confirmation as attorney general for now seems assured. But Senate approval will neither answer nor eradicate the questions that have been raised about proper behavior. An ethical blind spot is a major infirmity in an attorney general. In our view it is a disqualifying one.

[From the Cleveland (OH) Plain Dealer, Dec. 31, 1984]

EDWIN MEESE, REDUX

Early in the new year White House counselor Edwin Meese III is expected to appear before the Senate Judiciary Committee in his second effort to win confirmation as attorney general. He should not be confirmed.

Ethical questions regarding Meese's personal financial dealings, which caused the committee to suspend 1983's confirmation proceedings, remain. The fact that the five-month investigation by special prosecutor Jacob A. Stein could find no basis for prosecuting the president's lawyer for violating criminal law does not mean that Meese is fit to serve as the nation's chief law enforcement officer.

Nor did the Stein report attempt to address that issue. The special prosecutor specifically pointed out that he was making no comment on Meese's ethics or the propriety of his conduct.

He wasn't required to. Nor was there any need to. It was plainly improper for Meese to have helped people who lent him money get government jobs—before or after the exchange of funds. Since he did, ignoring the ethical considerations involved with such behavior, there is no putting aside the concern that at attorney general, Meese might be less than effective as a watchman responsible for pursuing the impropriety of others.

There is further discomfort in Meese's engineering for himself a promotion to the rank of colonel in the Army reserve when he lacked the formal training requirements—which were waived in lieu of something called "constructive educational credit." Presumably he was awarded such credit for his White House work experience with the commander-in-chief. In any event, the man who assigned the credit—the chief of the Army reserve, was recommended for a second term. By the new reserve colonel and counselor to the president, Edwin Meese III.

If the attorney general of the United States should be a person whose credentials should be above reproach—and that is what the job demands—then Meese is the wrong individual for the post. His casualness with ethical standards places a disagreeable scent in the public nostril. He does not deserve Senate confirmation.

[From the Beaumont (TX) Enterprise, Dec. 22, 1984]

REAGAN SHOULD LIFT MEESE NOMINATION

America's top law enforcment officer *never* should have to prove his innocence of charges that he misused his position or influence.

Yet, that is what presidential counselor Edwin Meese III—President Reagan's choice to be the nation's new attorney general—has been forced to do.

Despite being cleared of criminal wrongdoing by an investigation into whether he improperly obtained government jobs for friends, Meese is no more qualified to join the Cabinet now than he was when the questions first arose.

The citizens public interest lobby Common Cause, certainly no friend of the Reagan administration, has issued a report of its own that condemns the Meese nomination. Common Cause chairman Archibald Cox, the former Watergate special prosecutor, said the group's study reveals Meese's "utter insensitivity to ethical standards critical to confidence in government."

Meese's nomination came under fire last year when an investigation looked into allegations that his wife spent government money for personal use and charges that Meese used his influence in the administration to win favors for friends. But just last September, a special prosecutor who investigated Meese said he found "no basis . . . for the bringing of a prosecution against Mr. Meese for the violation of a federal criminal statute."

However, the prosecutor did not deny that Meese did the things for which he was investigated. He said only that he saw no grounds for prosecution.

All right, Meese is not a criminal.

But that does not automatically qualify him to be attorney general of the United States.

Too many questions remain from the investigation into Meese's conduct for him to serve in a post that requires absolute trust.

Characteristically, the president has vowed to stick with his nominee and says he will present his name to the Senate once more for consideration. He should, however, withdraw his good friend's name.

The president surely can find someone with impeccable professional *and* ethical qualifications. Ed Meese simply does not fit that description.

[From Newsday, Dec. 21, 1984]

MEESE IS UNFIT TO BE ATTORNEY GENERAL

Archibald Cox and Common Cause, the nonpartisan citizens' lobby he heads, are doing the nation a favor by continuing to address the issue of Edwin Meese's fitness to serve as attorney general.

In a letter sent this week to all senators, Cox said a special prosecutor's report showed that Meese was "blind to the ethical standards and obligations required of a public official." Cox understands those requisites; he was the first Watergate prosecutor and was fired for being too effective.

Last spring, the Senate postponed action on Meese's nomination to succeed William French Smith after a number of charges surfaced. They were subsequently investigated by a special prosecutor, Jacob Stein, who concluded that there was not enough evidence to support a prosecution for violations of federal criminal law. President Ronald Reagan has said he intends to renominate his counselor and old friend, early next year.

Yet Meese and his family were repeatedly the objects of extraordinary financial largesse from friends and acquaintances, several of whom later landed federal jobs. There were also allegations of filing false financial disclosure statements, illegally accepting gifts and insider stock trading.

In response to the special prosecutor's queries, Meese often said he couldn't remember events or actions. As Cox noted, Stein's report "reflects a man who is not merely occasionally forgetful, but rather, if taken at his word, suffers from frequent lapses of memory concerning conversations, documents and events bearing upon the integrity of his conduct."

Last fall, Meese and Reagan hailed Stein's report as proof of Meese's total exoneration. But it's considerably less than that. Stein refused to comment on the appropriateness or ethics of Meese's actions or his fitness for office. But he noted rather pointedly, "There is sufficient interest in those other issues to support an expectation that they will not remain unexplored . . . " Common Cause now seeks to insure that they won't.

Not being indictable is surely an insufficient qualification for the nation's top law enforcement job. As we have said before, Reagan would be wise to look for another nominee. Better yet, Meese should withdraw of his own accord.

[From the Charlotte Observer, Jan. 2, 1985]

IS MEESE FIT? ETHICAL QUESTIONS REMAIN

Apparently Edwin Meese's nomination as U.S. Attorney General will sail through the Senate next month, now that a court-appointed independent counsel has found him unindictable for criminal misconduct.

In other words, Mr. Meese is not a crook. Never mind that he has shown almost no sensitivity for the questions of ethics, integrity and propriety that ought to concern the nation's top law enforcement officer. Apparently his loyalty to the president is sufficient qualification to get him into the attorney general's office.

Last year's confirmation hearings were aborted when questions arose about Mr. Meese's propensity for making rashly insensitive remarks about civil libertarians (among others) and for helping people get federal jobs after they helped bail him out of financial crises.

After a five-month probe of the favoritism charges, independent counsel Jacob Stein reported in September that he had found "no basis" for "the bringing of a prosecution against Mr. Meese for violation of a criminal statute." Mr. Stein took pains to point out, however, that he made "no comment on Mr. Meese's ethics and the propriety of his conduct or an evaluation of (his) fitness for office."

The president nevertheless hailed the report as a "gratifying" vindication of his old friend. N.C. Sen. John East, a judiciary committee member, said it reaffirmed his view of Mr. Meese as "a man of character and integrity." And Sen. Robert Dole, the new majority leader, pledged to move swiftly on the nomination. "I think we've held Ed Meese hostage long enough," Sen. Dole said.

The only fly in the ointment at this point is Archibald Cox, chairman of Common Cause and former Watergate special prosecutor. Mr. Cox has lately been pointing out that the Senate will be shirking its responsibility if it does not examine the ethical questions raised—but not resolved—by the Stein report.

". . . It is not enough for an attorney general to have a little ticket saying, 'we find no basis . . . for the bringing of a (criminal) prosecution.' Lack of evidence of violation of criminal statutes is one thing," said Mr. Cox. "Compliance with the ethical requirements of high office is quite another."

We concur with Mr. Cox and admire his perseverance. But we fear his eloquent de-

fense of integrity will be drowned out by the pro-Meese chorus, led by a president whose standards for cabinet members have set a new low.

[From the Syracuse Herald-Journal, Dec. 5, 1984]

MEESE: THE AWFUL APPOINTMENT THAT SIMPLY WON'T GO AWAY

As soon as Bob Dole was crowned king of the Senate, he started showing signs of a strange ailment.

His mind goes blank whenever Edwin Meese III, friend of the president and financial finagler extraordinaire, is discussed. It may be catching; Meese's problem also involves memory lapse.

One of Dole's first promises as Majority Leader was to push for a vote on Meese's appointment as attorney general. Given his powerful position, if Dole wants a vote he'll get a vote.

And he'll probably get Meese confirmed which would be an insulting disregard of the job description for the attorney general. He or she is supposed to be the nation's top law enforcement officer.

It's reasonable to expect high standards of conduct from anyone in that post. That's why we choke at the thought of Meese.

Soon after President Reagan nominated him, allegations about Meese's financial sleights of hand began surfacing. A special prosecutor was appointed but, on Sept. 20, he decided there was "no basis" under federal law for prosecuting Meese.

Sen. Dole sees that as complete exoneration. "I think we've held Ed Meese hostage long enough," he said Sunday.

Poor Ed Meese. There he is, chained to his White House desk and forced to stay in a $60,000-plus job when he could be having fun as the nation's top cop.

Meese was clearly legally, it's true, but he certainly wasn't cleared ethically. The special prosecutor didn't say Meese did nothing wrong—nothing as clearcut as that. He chose his terminology carefully. The prosecutor found "no substantial evidence of any motive" to conceal questionable financial deals. Meese's explanations for omissions were "credible," prosecutor Jacob Stein said.

We'd call that a less than wholehearted exoneration—with good reason. Consider one of several accusations against Meese: He "forgot" to report a $15,000 interest-free loan to his wife from an old friend, Edwin Thomas. Later, Thomas, his wife and son got federal jobs. All just coincidences, the special prosecutor assures us.

Right. We're expected to believe a man with serious financial difficulties stemming from problems selling his California home would forget a loan amounting to one-fourth of his salary. And we're expected to believe he forgot or overlooked other financial favors from powerful people.

Dole accepts all this with blind faith—or he has forgotten Meese's past.

Senators should give the nominee the benefit of doubt legally. He's entitled to that. Then they should consider if his conduct meets the high ethical standards required of an attorney general.

On that count, Meese is entitled to no such benefit of doubt.

[From the New Republic, Jan. 21, 1985]

WHAT A MEESE!

By last spring it had become clear that Ed Meese couldn't be confirmed as Attorney General as long as suspicions remained about why so many of his financial benefactors had obtained government jobs. So Mr. Meese did a smart thing. He asked the Justice Department to appoint an independent counsel to decide whether or not to indict him—thus shifting public attention from the question of his fitness to be Attorney General to the question of his criminality. Last September Independent Counsel Jacob Stein decided that, on balance, Mr. Meese was not a criminal. President Reagan hailed the report as conclusive proof that the charges against Mr. Meese were "baseless." He demanded that the Senate swiftly confirm his friend. Most Senators seem eager to go along with this post post-Watergate mentality: if you're not indicted, you're a Boy Scout.

Well, we hate to be the only bluenoses in town, but we still have our doubts about Mr. Meese's qualifications. Mr. Stein himself emphasized that he could not meet a request from Mr. Meese's lawyers to dispel charges of "moral turpitude" against Mr. Meese. And the Stein report makes it clear that its conclusion doesn't mean there was no evidence of criminal conduct. The report depended also on "prosecutorial discretion"—subjective judgments about the severity of Mr. Meese's offenses and how difficult it would be to gain a conviction. Indeed, far from finding that the charges against Mr. Meese were baseless, the Stein report introduces damning new evidence, some of which is at odds with testimony given during Mr. Meese's confirmation hearings. (Scandal connoisseurs who want to learn more should consult articles by Christopher Hitchens in the December 29-January 5 issue of The Nation and Julie Kosterlitz in the January-February Common Cause.)

Mr. Meese, who always had to struggle to keep up with his wealthy California friends, invited trouble in the first place by living beyond his means. Then he relied on the kindness of those friends (and even strangers) to bail him out. Mr. Stein couldn't prove beyond a reasonable doubt that Mr. Meese knew his financial angels wanted government jobs—largely because Mr. Meese couldn't recall dozens of crucial events and documents. But it's hard to believe that Mr. Meese wasn't aware of what they were after.

Take the case of Thomas Barrack. In the summer of 1982, the Meeses wanted desperately to sell their San Diego home. Not only was their bank about to foreclose on the place, but they were also behind in payments on their $250,000 home in suburban Virginia. At the request of Mr. Meese's friend, Pendleton James, who had just stepped down as White House personnel chief, Mr. Barrack (whom Mr. Meese barely knew) came to the rescue. By September 1, Mr. Barrack had arranged a complicated sale which involved shelling out $83,000 of his own money.

Mr. Barrack then set about looking for a federal job. At Mr. Meese's confirmation hearings, Mr. Barrack said he never met with Mr. Meese during this job hunt. But the Stein report shows that Mr. Meese and Mr. Barrack met no fewer than four times that fall. After a meeting in Washington on September 8, Mr. Barrack sent Mr. Meese a letter thanking him for his "counsel and encouragement." On November 9 the Meeses had dinner in Georgetown; earlier that day Mr. Barrack had met with two cabinet officers about possible jobs. (Pendleton James was supposed to be there too, but had to cancel at the last minute. He asked Mrs. Meese if she and her husband would recognize Mr. Barrack. Mrs. Meese replied, "Oh, we'll recognize him. He'll be the one with a halo around his head.") Mr. Meese and his wife stayed at Mr. Barrack's California ranch over the Thanksgiving holiday, by which time James Watt had created a job for Mr. Barrack at the Interior Department. And on December 2 Mr. Barrack showed up at Mr. Meese's birthday party; the day before, he had started working for Mr. Watt. But Mr. Meese is not a curious man. He claims he didn't ask about Mr. Barrack's job hunt on any of these occasions. Yet another murky series of events centers on the $10,000 Mr. Meese received from the Presidential Transition Trust in November 1980. Mr. Meese testified to the Senate Judiciary Committee that the money was a "consulting fee." According to the Stein report, however, the $10,000 check was marked "moving expenses" when Mr. Meese cashed it on November 22. Later the check stubs were changed to read "consulting fees." Why the switch? No one remembers exactly. But Peter McPherson, a lawyer who headed the Transition Trust, testified to Mr. Stein that he told Mr. Meese in early December that it was illegal to use the trust's money for moving expenses. According to Mr. McPherson, Mr. Meese told him to drop the matter—but didn't mention that he'd already cashed a check for moving expenses. Also, fellow White House aide Michael Deaver told Mr. Stein that Mr. Meese said he'd try to find a source of cash to help Mr. Deaver make the move east, but later told him that "the lawyers" wouldn't permit it.

The only thing Mr. Meese claims to remember about all this is that he heard—somewhere—that there would be a "problem" with being paid moving expenses, and ordered the checks changed. Is Mr. Meese saying that he changed the records, but doesn't know why? (He never submitted a bill for consulting.) In a particularly generous bit of prosecutorial discretion, Mr. Stein came up with an innocent explanation. "Mr. Meese . . . did substantial work for [the Trust] . . . and thus was entitled to compensation for his services. Despite questions as to who authorized the changes . . . the records of the Trust were changed to reflect the revised purpose of the checks as consulting fees. On the basis of the above, we do not believe a violation . . . by Mr. Meese could be established."

We could go on and on. At a meeting on November 8, 1982, Mr. Meese and a San Francisco accountant, John McKean, agreed to defer $12,000 in interest payments Mr. Meese owed Mr. McKean. At the same meeting the two discussed extending Mr. McKean's appointment on the Postal Board of Governors. But Mr. Meese insists "there was never any connection in his mind" between the two matters. Contrary to what Mr. Meese implied at his confirmation hearings, the Secretary of the Army warned Mr. Meese—in a memo and a phone call—that it would at the very least create a bad appearance to grant Mr. Meese's request for a highly unusual (and highly lucrative) promotion in the Army Reserve. Mr. Meese took the promotion anyway. He claims not to remember the memo, even though the Stein investigators tried to refresh his memory by showing him a copy which he himself had mailed back to the Secretary. (Interestingly enough, the Stein report is silent on the question of whether Mr. Meese remembers the phone call.)

But you get the picture. The Stein report goes on for 400 pages and one searches in vain for signs that Mr. Meese ever thought of calling a halt to the monkey business

being conducted on his behalf. He may not have done anything provably criminal, but his behavior was hardly what we'd expect from the nation's highest law enforcement officer. Mr. Meese's nomination comes up again at the end of this month, and the Administration wants a no-muss, no-fuss confirmation. The Senate shouldn't go along.

[From the New York Times, Dec. 20, 1984]

QUESTIONS FOR MR. MEESE

To be cleared of criminal suspicion is a relief but not a qualification for high office. Yet when a court-appointed independent counsel found no basis for indicting Edwin Meese in September, President Reagan saw the judgment as "vindication" of his nomination to be Attorney General. Now Robert Dole, the new Senate majority leader, says Mr. Meese, having endured Judiciary Committee grilling and a six-month special investigation, merits swift confirmation next month.

That skips an important step, as a new report by Common Cause makes clear. Before confirming Mr. Meese, the Senate needs to confront the ethical questions raised but not resolved in the report of the special counsel, Jacob Stein. It was beyond Mr. Stein's mandate to state an opinion of Mr. Meese's fitness for the highest law enforcement office. But the facts recited in his report call for analysis by the Senate.

Of chief concern are a number of financial favors for Mr. Meese around the time that, as the President's counselor, he helped his benefactors get Federal jobs. The Stein investigation uncovered no evil motive, or even conscious pattern in those favors. But Mr. Meese needs finally to explain why he sees no connections between favors received and extended, and why he senses no ethical danger in those transactions.

For example, Mr. Meese's promotion to colonel in the Army Reserve, though in no sense criminal, was highly irregular. Lacking the educational requirements, he was given "constructive educational credit" and the promotion—and then recommended an unusual second term for the chief of army reserves who had awarded that credit. Mr. Meese's well-based intercession, with the Secretaries of the Army and Defense, was successful.

Curiously, Mr. Meese couldn't recall either a memorandum or telephone call from former Secretary of the Army John Marsh advising that it would be better for him to wait a year for a more regular-seeming promotion. Such forgetfulness ran through Mr. Meese's Senate testimony and also his responses to Mr. Stein.

An Attorney General needs a good memory and a sharp eye for impropriety. The office helps set an administration's moral tone. The Senate cannot responsibly confirm Mr. Meese without getting better answers to the questions of ethics and appearances that his case raises.

[From the St. Louis Post-Dispatch, Dec. 23, 1984]

NO VINDICATION ON CHARACTER

Should Edwin Meese, the White House counselor, be confirmed as attorney general? Breaking its tradition of never having opposed a Cabinet-level nomination, the respected and nonpartisan citizens' lobby, Common Cause, says No. The reasoning behind that unusual judgment is solid and deserves the most serious consideration by the Senate, which must confirm President Reagan's selection.

Common Cause based its conclusion on the report, issued in September, by Special Prosecutor Jacob Stein, who investigated a wide assortment of charges of wrongdoing that had been leveled against Mr. Meese. Chief among these were allegations that Mr. Meese had improperly helped put persons who had assisted him financially into high positions in the Reagan administration and that he had failed to report, as required, a $15,000 interest-free loan to his wife. Both Mr. Meese and the president say that the prosecutor's finding, which absolved Mr. Meese of criminal behavior, has vindicated him. But Archibald Cox, Common Cause chairman and the first Watergate special prosecutor, says the report does no such thing.

To understand why, it is important to keep clear the exact purpose and intent of Mr. Stein's report. That is the only way to appreciate the significance of what it said and what it did not. A special prosecutor's only charge is to determine whether cause exists for criminal action against a high federal official. He has no mandate—and indeed it would be inappropriate for him to assume one—for any other investigation into that official. Hence, the question of Mr. Meese's fitness for attorney general was beyond Mr. Stein's charter. Properly, it was left unaddressed in the report.

Mr. Stein found no evidence that Mr. Meese had engaged in crimes, such as bribery, which had been suggested by the apparent quid pro quo of financial help for him, and federal jobs for his benefactors. But the 385 pages of the Stein report constitute a deep reservoir of facts—about loans to Mr. Meese and other matters—that ought to be deeply disturbing to those who must vote on his confirmation.

Was it good judgment to accept the money and then assist the lenders to obtain federal positions? Was it ethical for Mr. Meese to redesignate a $10,000 payment from a Reagan presidential transition trust from "moving expenses" to "consulting fees"—after learning that the former might well have been a violation of criminal law? Was it proper for Mr. Meese to recommend a second term as chief of Army Reserves to the officer who made possible his promotion to reserve colonel, although Mr. Meese lacked the former educational requirements for the rank?

The criminal possibilities in those questions have been answered by the special prosecutor. But the issues of judgment, ethics, and sensitivity to propriety—in short, the question of character—remain unsettled. The nation's highest law enforcement officer must have impeccable credentials on these matters; and here, the verdict of the Stein report has not vindicated Mr. Meese.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania is recognized.

S. 301—COMPREHENSIVE COAL BILL

Mr. SPECTER. Mr. President, today I am introducing a comprehensive coal bill to expand production and consumption of coal to revive this vital industry and expedite our national progress toward energy self-sufficiency.

This country is sitting on an estimated 4 trillion tons of coal, enough to assure U.S. energy independence for centuries to come. Yet, while coal comprises more than 80 percent of America's fossil fuel resources, it supplies only 23 percent of the Nation's energy.

Even with record production and consumption levels for 1984, that figure is projected to reach only 27 percent by 1995.

This valuable domestic resource is vastly underutilized, and as a result, we have failed to achieve the energy independence that is so vital for our national security and economic well-being. We must redouble our efforts to expand the market for coal, and this legislation is designed to do just that through a variety of measures.

By the end of 1984, it appeared as though the coal industry was beginning to recover from the economic slump which had seriously threatened it for the last several years. Record production and consumption figures raised hope for a revitalization that would benefit not only those in the coal industry, but all Americans. However, as we move into 1985, there are indications that this optimism should be tempered. Most experts point out that the 1984 surge in production and consumption is somewhat misleading because much of it was spurred by customers stockpiling coal in anticipation of a possible mine workers' strike. Since there was no strike, most analysts expect both production and sales to fall from present levels as customers use their large reserves.

Even a full economic recovery will not return the coal industry to the prosperity it once enjoyed. Demand for electricity, the largest use for coal by a factor of three, is done and will remain relatively low due to conservation. Exports are down because the cost of inland transportation makes American coal practically noncompetitive in the world marketplace. In fact, certain domestic coal markets are in danger of being lost to low-cost imports.

Economists predict that eastern coal production will total only 553 million tons, an increase over 1983 levels, but still below 1982 levels. Exports are expected to fall from 87 million tons to 60 million tons, a 31-percent decrease.

Over the long term, a number of problems could prevent coal from ever assuming its logical role as the fuel of choice for industry and utilities. In some instances, coal-fired facilities may be required to add expensive air quality control equipment. This would prevent many facilities from ever converting to coal from other fuel sources such as imported oil and natural gas. Another factor clouding the future of coal use is the faltering synthetic fuels

industry. Due to the current low world price for oil and our domestic surplus of natural gas, synthetic fuels projects are finding that potential markets are closed to them.

My bill seeks to solve these problems and strengthen the coal industry so that our Nation's energy goals can be realized. It is imperative, both in the terms of national security and improving the domestic economy, that coal production and consumption increase substantially.

The legislation makes a number of adjustments to the tax laws. These changes should encourage private sector initiatives that will result in a more competitive coal industry.

COAL CONVERSION TAX CREDIT—SECTION 1 OF THE BILL

Section 1 extends for 10 years the 10-percent tax credit for fuel-fired facilties that convert to coal. This credit has been instrumental in making conversions to coal possible. While coal is usually a cheaper fuel to burn, there are large capital outlays associated with converting from a different fuel source. The tax credit lessens this burden.

A report issued at my request by the United States General Accounting Office in June 1984, described the status of, and outlook for, the coal conversion program administered by the Economic Regulatory Administration under the Industrial Fuel Use Act of 1978 [FUA]. The FUA was enacted as part of the National Energy Act to expand coal use to replace oil imports and declining production of domestic oil and gas.

In its review, GAO found that, as of May 1984, 45 of the 79 boilers in the program either were converted or were expected to be converted by 1988, and 34 were not going to be converted or decisions to convert had been deferred indefinitely. The status of the 79 boilers is summarized below. The following table identifies each of the boilers and compares their conversion status as reported in September 1981, to their status in May 1984.

SUMMARY OF THE STATUS OF 79 BOILERS INCLUDED IN ERA'S REGULATORY PROGRAM

Status of boilers	Number of boilers—	
	September 1981	May 1984
Converted	13	23
Plan to convert by 1988	38	22
Opposed to conservation	15	(1)
Undecided	13	(2)
Not converting		24
Deferred indefinitely		10
Total	79	79

[1] Of the 15 boilers which were opposed to conversion in September 1981, 12 are not converting; 1 is scheduled for conversion by 1988; and 2 are deferred indefinitely.

[2] Of the 13 boilers which were undecided in September 1981, 10 are not converting; 2 are scheduled for conversion by 1988; and 1 is deferred indefinitely.

After the program became voluntary in August 1981, companies voluntarily submitted plans to ERA on the possible conversion to coal use of an additional 55 boilers. Thirteen of these boilers are scheduled for conversion by 1989.

GAO also obtained information from EIA [Energy Information Administration] and NERC [North American Electric Reliability Council] on the outlook for the use of coal as boiler fuel by electric utilities. EIA projects coal use in new and existing boilers by 1995. NERC's projections go to 1992 but only include coal use in existing boilers.

EIA has projected that by 1995, coal-fired generation in both new and existing electric utility powerplants will account for 55 percent of the total kilowatt hours of electricity generated in the United States. EIA also projected that nuclear power would account for 19 percent of the kilowatt hours generated; oil and gas, below 18 percent; and hydroelectric, less than 10 percent. In addition, NERC's latest report on electric power supply and demand had projected that by 1992, coal use in existing electric utility powerplants will account for about 54 percent of the total kilowatt hours of electricity generated. NERC also projected that nuclear power would account for about 24 percent of the kilowatt hours generated; oil and gas, below 12 percent; and hydroelectric, less than 9 percent.

While I was gratified by the optimistic projections from EIA and NERC, and by the four additional boilers included in the converted or plan to convert categories, I am concerned about the number of boilers in the program that are not converting or are deferred indefinitely. In its 1981 report, GAO noted that about 350,000 barrels of oil per day could be saved if all 80 units then in the program converted. While this figure would be altered as circumstances have changed, it is clear that significant coal conversions would reduce our dependence on unstable foreign sources of energy and improve the economic outlook for coal-producing regions. Section 1 of my bill is designed to encourage and expedite such conversions.

SECTION 2: 1-YEAR AMORTIZATION FOR POLLUTION CONTROL EQUIPMENT

In conjunction with the tax credit for conversions, my bill provides for a 1-year amortization for pollution control equipment. The current law, enacted in 1981, permits a 5-year amortization. The 1-year period better reflects the needs of those who burn coal and would promote protection of the environment.

A significant cost of converting to coal is the cost of installing pollution control equipment. Usually a combination of coal-washing houses and smokestack scrubbers are required to meet air quality standards. These are expensive modifications. It has been estimated that to reduce sulfur emissions by 50 percent, a $10 billion investment in pollution control equipment would have to be made. Allowing companies to amortize these costs over 1 year will ease this significant impediment to burning coal.

SECTION 3: INCREASED TAX CREDIT FOR NEW MINING EQUIPMENT

In conjunction with the previously discussed tax incentives, the third part of my bill gives favorable treatment for purchases of new coal mining equipment. As the 1984 statistics and projections through 1995 reveal, the demand for coal is increasing and producers must be able to meet this increase. To do this, the industry needs to maintain state-of-the-art machinery. Also, in order to remain competitive in the world market, the mine operator will have to be able to produce coal at a cost that is comparable to or better than the cost in any other country.

My bill ensures that American coal production will remain efficient by increasing the investment tax credit for the purchase of mining equipment from 10 percent to the new level of 15 percent. While not an overly profound increase, it is enough to make the purchase of advanced technology equipment an economic reality.

Many coal producers have been forced to file for bankruptcy or otherwise leave the business. Easing the tax burden will permit those companies that were strong enough to survive the recession to replenish their mining equipment.

SECTION 4: INCREASED CREDIT FOR COAL RESEARCH

The fourth part of my bill provides tax incentives to private industry for the research and development of coal-related technologies. Federal money for research and development of coal-related technologies has been reduced across the board. The private sector is ill equipped to increase its share of research: It is expensive and time consuming. Clearly there is a need for continued research in the coal industry.

Certain limited tax credits for research were passed into law 2 years ago, but these provisions are not sufficient to address the needs of the coal industry. This bill increases the credit for research into coal-related technology to 50 percent. Without this change, many research projects will be discontinued before the intended benefits are realized.

A number of important technologies are currently being developed. These include fluidized bed combustion, magnethydrodynamic technology and new methods for converting coal to combustible liquid form. All of this work is important and should be encouraged.

The work being done on nonpolluting methods for burning coal is especially important. Development of this

technology could lead to huge savings for boilers using coal because less expensive equipment will be necessary at the smokestack. The clean burning of coal is a new frontier with great promise. Simple adjustments to the Tax Code would provide adequate incentives for research and development by the private sector. This legislation could complement the Clean Coal Technology Reserve Program that was enacted in the last Congress.

SECTION 5: CONVERSION OF FEDERAL FACILITIES

Another part of my bill requires that the executive branch, under the direction of the Secretary of Energy, use its best efforts to convert major Federal fuel-fired facilities to coal. These efforts need to be continued and more Federal facilities converted to coal.

Work in this direction was begun under Executive Order 12217, issued in June 1980, which required each Federal agency to survey its electric powerplants and fuel-burning facilities and prepare plans for converting those facilities capable of using coal and other alternate fuels. This order was revoked on August 11, 1983, and my bill is designed to renew this important effort.

As in private conversions, the use of domestic coal at Federal facilities would help relieve our Nation's excessive dependence on foreign oil, and would provide a much lower cost source of fuel to the Government which will translate into long-term savings. A Department of Defense report to Congress, for example, identified 12 facilities at which the capital costs of conversion would be recovered in less than 5 years. After that, the fuel savings would go directly into the Treasury.

SECTION 6: REPEAL OF 15 PERCENT REDUCTION IN DEPLETION ALLOWANCE

Next, the bill I introduce today will repeal the 15-percent reduction in the percentage depletion for coal and iron ore.

This effort began when, under the Tax Equity and Fiscal Responsibility Act of 1982, the allowable percentage depletion deduction for both coal and iron ore was to be reduced by 15 percent. Originally the reduction was scheduled to go into effect beginning in 1983. However, after an extensive battle, we were able to delay the effective date to January 1, 1984.

During consideration of the Deficit Reduction Act of 1984, action was then taken to increase the alternative minimum tax on preference items from 15 to 20 percent—percentage depletion for coal is 1 of 12 preference items. I argued strongly against the proposal, and successfully introduced an amendment to retain the 15-percent reduction, saving the coal industry approximately $50 million over the next 3 years. Ultimately, the tax writing committee of the Congress agreed, and coal and iron ore percentage depletion were excepted from the increase.

With this legislation today, I am renewing my effort to repeal the 15-percent reduction.

Taken together, these efforts will help the coal industry get back on its feet. They will encourage increased use of coal without harming other segments of America's economy. The only losers in this equation are the foreign oil exporting countries. With sufficient political will, we can reduce our Nation's dependence on imported oil and come much closer to realizing our goal of energy self-sufficiency in the United States.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 301

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN ENERGY INVESTMENT TAX CREDIT FOR COAL MINING EQUIPMENT AND CONVERSIONS TO COAL.

(a) IN GENERAL.—Subparagraph (A) of section 46(b)(2) of the Internal Revenue Code of 1954 (relating to energy percentage) is amended by adding at the end of the table thereof the following:

"(viii) Conversions to Coal Fuel.—Property described in section 48(1)(3)(A)(iv).	10 percent	Jan. 1, 1985.	Dec. 31, 1993
"(ix) Coal Mining Equipment.—Property described in section 48(1)(3)(A)(x).	5 percent	Jan. 1, 1985.	Dec. 31, 1993".

(b) DEFINITIONS.—

(1) CONVERSIONS TO COAL FUEL.—Clause (iv) of section 48(1)(3)(A) of such Code (relating to alternative energy property) is amended to read as follows:

"(iv) equipment designed to modify existing equipment which uses oil or natural gas as a fuel or as feedstock so that such equipment will use coal as a fuel or feedstock.".

(2) COAL MINING EQUIPMENT.—Subparagraph (A) of section 48(1)(3) of such Code is amended—

(A) by striking out "and" at the end of clause (viii),

(B) by striking out the period at the end of clause (ix) and inserting in lieu thereof ", and", and

(C) by adding at the end thereof the following new clause:

"(x) equipment used for mining coal.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods beginning after December 31, 1984, under rules similar to the rules under section 48(m) of such Code.

SEC. 2. AMORTIZATION FOR POLLUTION CONTROL EQUIPMENT.

(a) IN GENERAL.—Section 169 of the Internal Revenue Code of 1954 (relating to amortization of pollution control facilities) is amended by redesignating subsection (j) as subsection (k) and inserting after subsection (i) the following new subsection:

"(j) FACILITIES USED IN CONNECTION WITH PLANTS FUELED BY COAL.—In the case of a certified pollution control facility used in connection with a plant that uses coal as a principal fuel, if the taxpayer elects the application of this subsection (at such time and in such manner as the Secretary may prescribe)—

"(1) subsection (a) shall be applied—

"(A) by substituting '12-month period' for '60-month period', and

"(B) by substituting '12 months' for '60 months',

"(2) subsection (b) shall be applied by substituting '12-month period' for '60-month period', and

"(3) subsection (f)(2) shall not apply.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1984.

SEC. 3. TAX INCENTIVES FOR COAL RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Subsection (a) of section 30 of the Internal Revenue Code of 1954 (relating to credit for increasing research activities) is amended to read as follows:

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to:

"(1) 50 percent of the excess (if any) of the qualified research expenses for activities relating to coal mining or burning and to controlling pollutants caused by the burning of coal for the taxable year, over the base period research expenses for such activities; and

"(2) 25 percent of the excess (if any) of the qualified research expenses for all other activities for the taxable year, over the base period research expenses for such activities.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1985.

SEC. 4. FEDERAL CONVERSION REQUIREMENTS.

(a) IN GENERAL.—Subtitle E of title VII of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 et seq.) is amended by adding at the end thereof the following new section:

SEC. 748. FEDERAL CONVERSION REQUIREMENTS.

"(a) SURVEY.—Each Federal agency shall survey its electric powerplants and major fuel-burning installations in order to identify those that could result in substantial savings if converted to coal. The results of the survey shall be reexamined and updated every 5 years. The results of the surveys shall be transmitted to the Secretary. The Secretary shall establish guidelines for accomplishing the survey.

"(b) ANNUAL PLANTS.—Each Federal agency shall submit to the Director of the Office of Management and Budget, through the Secretary, an annual plan, including cost estimates, for the conversion of electric powerplants and major fuel-burning installations to coal. The Secretary shall establish guidelines for developing such plans.

"(c) OTHER REGULATIONS.—The plan shall be submitted in accordance with any other instructions that the Director of the Office of Management and Budget may issue.

"(d) PRESIDENTIAL REPORTS.—The Secretary shall prepare for the President's consideration and transmittal to the Congress the report required by section 403(c) of this Act.".

(b) CONFORMING AMENDMENT.—The table of sections for such Act is amended by adding after the item relating to section 747 the following new item:

"Sec. 748. Federal conversion requirements.".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply beginning after December 31, 1985.

SEC. 5. COAL AND IRON ORE DEPLETION ALLOWANCE.

(a) IN GENERAL.—Subsection (a) of section 291 of the Internal Revenue Code of 1954 (relating to 20-percent reduction in certain preference items) is amended by striking out paragraph (2) and redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 291(c) of such Code (relating to special rules involving pollution control facilities) is amended by striking out "subsection (a)(5)" and inserting in lieu thereof "subsection (a)(4)".

(2) Paragraph (1) of section 57(b) of such Code (relating to application with section 291) is amended to read as follows:

"(1) IN GENERAL.—In the case of any item of tax preference of a corporation described in paragraph (4) or (7) of subsection (a), only 59% percent of the amount of such item of tax preference (determined without regard to this subsection) shall be taken into account as an item of tax preference.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 204 of the Tax Equity and Fiscal Responsibility Act of 1982.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 3 p.m., with statements therein limited to 5 minutes each.

AGRICULTURAL CRISIS VIGIL

Mr. BOREN. Mr. President, for some time, several Members of the Senate have been talking about the crisis in American agriculture. Regretfully, our words have been unheeded by the administration and by Congress, in general. We now face a critical national emergency in agriculture and still most of the Nation remains unaware of the wave of tragedy that appears ready to cascade across America's heartland. As an article on the front page of the Washington Post Sunday said:

> The great farm shakeout that many have predicted since 1981 appears to be at hand, with no clear sense of how far the ripples of failure will reach into the national economy or of how rural America will be reshaped.

Unfortunately, too many people in this country believe that the health of the agricultural economy does not affect them personally. Yet, history has provided us with a great lesson if we would but consult it. For those who have not seen my statements over the past few years. I will repeat here the lesson that history teaches.

It was the collapse of the agricultural economy, leading to dispersal sales of land and equipment, which signaled the beginning of the Great Depression. At that time, there was a domino effect from the collapse of agriculture which brought this country virtually to an economic standstill. As more and more farm land was forced on the market, land values and equity for everyone fell drastically. As land values fell, more and more banks were unable to remain in operation. As banks failed, more and more businesses were placed in jeopardy. As should be apparent, Mr. President, a failure in agriculture has a tremendous effect that ripples throughout the economy.

Despite history, there are many who believe that this will not happen again because not as many people are dependent upon agriculture for the main support. However, the economic health of this country as a whole remains very much dependent upon the health of the agricultural sector. Agriculture remains the backbone of this country.

The Nation's biggest industry is agriculture, with farm assets totaling over $1,050 billion and representing approximately 70 percent of the capital assets of all manufacturing corporations in the United States. Not only is agriculture the biggest industry, it is the Nation's largest employer, with 22 million people working in some phase of agriculture or refinement of agricultural products. Farming, alone, has as many workers as the work forces of transportation, the steel industry, and the automobile industry combined. Approximately 1 out of 5 jobs in private enterprise is generated directly by agriculture. Agriculture, alone, generates about 20 percent of the gross national product.

The agricultural sector uses output from more than 80 percent of the other basic industries in the United States. Farmers are the fourth largest customer of the finance and insurance industry and the fourth largest user of real estate and rental services. Farmers annually spend over $10 billion for farm tractors and other motor vehicles, machinery, and equipment. This, alone, provides jobs for about 150,000 employees in the auto industry. Farming also uses more petroleum than any other single industry with annual expenditures for fuel, lubricants, and maintenance for machinery and motor vehicles used in the farm business amounting to $15.4 billion. Each year, farmers purchase $21.4 billion for feed and seed and $9 billion for fertilizer and lime. Farmers use 360 million pounds of rubber each year. Farmers annually purchase 6½ million tons of steel in the form of farm machinery, trucks, cars, fencing, and building materials. From the use of steel products alone, 40,000 jobs in the steel industry are created by agriculture.

Agricultural exports, alone, have a considerable impact upon the economy. In 1984, the overall trade deficit was reduced by the $19 billion in the agricultural account where we had a surplus. For every $1 billion in agricultural exports, 35,000 jobs are created. Each dollar of agricultural export stimulate an additional $1.05 of output in the U.S. economy. About 70 percent of this additional economic activity accrues to nonfarm sectors of the economy.

Mr. President, agriculture is critically important in our Nation's economy. A thriving agricultural economy means a thriving American economy. A depressed agricultural economy translates into a depressed American economy. For the past few years, several of us have tried to warn Congress and the administration about the ultimate effects of the agricultural crisis. But even our words were unheeded. Too many thought the problem would just go away, would take care of itself. Regretfully, that is not the way it has worked out. There is, and has been, a crisis in American agriculture for the past 4 years. Today, the crisis has spread to the banking industry, just as it did over 50 years ago. Today, we not only have a crisis in agriculture, we have a crisis in the banking sector as well.

Over the past 5 years, we have seen an increase in farm bankruptcies and forced liquidations of over 200 percent. During the decade of the seventies, 21 percent of the farmers in my home State of Oklahoma went out of business. For the same period, the number of farms in Iowa were decreased by 12,000. For Nebraska, there were 8,000 fewer farms in 1980 than in 1970. So what, some may say. Secretary Block has made the comment that this is not an unusual trend, that it has been happening for the past 50 years. Yes, farm numbers have declined steadily over the past 50 years. However, right now, we are experiencing a time where the number of farmers going out of business in 1 year is equivalent to or greater than the number of farmers that went out of business during the entire decade of the seventies. According to the Washington Post article in this past Sunday's paper, it is estimated that 17,000 farmers in Iowa out of a total of 113,000 in that State will be out of business by the end of the next few months. Compare this to the numbers cited above. This tremendous increase in foreclosures, bankruptcies, and liquidations have placed in jeopardy more than 130 Iowa banks according to this article. The Post article also talks about the problems the State of Nebraska is experiencing. It is estimated that 6,300 farmers in that State will go out of business this year, compared to the 8,000 figure for the entire decade of the seventies. Of 40 banks that have failed nationally in the past 6 months, more than half had large agricultural portfolios.

Mr. President, the situation we are confronting in agriculture constitutes a critical national emergency. This is not true merely from the standpoint of the farmer, but also from the standpoint of every citizen in this country. I do not believe the American people will allow the impending agricultural collapse to happen if they are aware of the ramifications, if they are aware of the facts. For the past 6 years, I have done everything I have known to provide these facts to the general public. Yet, repeatedly over that time period, I felt as though no one were listening, as though the press in our large cities did not care to report what was happening to the backbone of this Nation. Finally, Mr. President, we are beginning to see some interest in the agricultural crisis. Right now, three movies are playing at theaters across America telling of the plight of the American farmer. Two stories, by the very able Ward Sinclair, about the crisis in agriculture were carried on the front page of the Washington Post in the last 2 days. I commend Mr. Sinclair for his diligence. These two articles are excellent and should be read by every American, and particularly by every Member of this Congress. I ask unanimous consent that the text of these two articles be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOREN. Mr. President, we do have a crisis and the American people need to be aware that the crisis is threatening the entire structure of rural America and placing in jeopardy the American economy as a whole. In an effort to bring national attention to the problem, I am, today, beginning a "vigil" in the Senate. Every day, I intend to make a speech on the Senate floor outlining the problems in American agriculture, and concentrating on a different sector of that industry.

I hope that other Senate colleagues will join me. Hopefully, with constant effort and thoughtful reflection, we can arrive at a solution that will put American agriculture back on its feet. Emergency action will not wait. Action on the credit front must be taken now.

Unless the emergency is confronted now, the questions of the long-range solution of the agricultural problem will become moot.

I yield the floor.

EXHIBIT 1

FARM FAILURES THREATEN TO RESHAPE RURAL U.S.—LONG-PREDICTED CRISIS SEEMS AT HAND

(By Ward Sinclair)

DES MOINES, IOWA.—All across the winter-blitzed Midwest, the clouds of a massive agricultural economic crisis are quickly taking shape, threatening to throw thousands of farmers out of business and send country banks and businesses toppling.

The Great Farm Shakeout that many have predicted since 1981 appears to be at hand, with no clear sense of how far the ripples of failure will reach into the national economy or of how rural America will be reshaped.

The fears and frustrations of farmers, public officials and businessmen, whose cries for emergency federal credit assistance show little sign of being heeded, are compounded by a feeling that Washington isn't listening and doesn't care.

On Friday, for example, as Iowa Gov. Terry Branstad was saying that he saw a bit more sympathy developing in the Reagan administration, newspapers were quoting Agriculture Secretary John R. Block as saying, "The circuits are overloaded [and] this is a time to tough it out."

Officials and economists in Iowa and Nebraska say the next two months are critical to agriculture, with 1984 notes coming due and farmers going to lenders seeking credit to put in their new crops. Thousands will not get it, leaving them in foreclosure or bankruptcy, and leaving their heavily leveraged farm-supply creditors in the lurch.

More ominously, Iowa State University economist Neil Harl said last week, at least 40 percent of the farmers in the North Central region—Minnesota to Missouri, Ohio to Kansas—have such burdensome debt that they are "on a conveyor belt, headed down . . . headed toward insolvency" in the next several years.

Those farmers are in jeopardy, Harl explained, because their debt loans are growing rapidly while the value of their assets, such as land and tractors, is dropping steadily. Only a surge in farm prices or a sharp interest-rate drop will help them, and few economists foresee either.

Harl added, "The next 70 days are vital because the decisions are going to be made on who gets credit. We are going to go through a terribly stressful period. . . . We must use this time creatively. We know times are stern in Washington, but we do believe we have to have some federal assistance to avoid the devastation. If, at least, we don't keep interest payments current, then lenders are going to go down the tubes also."

In Washington, farm-state legislators are pressuring the administration to quickly come up with additional credit and loan guarantees to help the battered farm sector through the growing storm. Senate Majority Leader Robert J. Dole (R-Kan.) and others want a presidential task force to tackle the problem.

Whatever is done must be done swiftly, officials here say. In Iowa, the nation's No. 2 farm-income state, economists say that as many as 17,000 of the 113,000 farmers will go under by late spring as their applications for 1985 operating money are rejected. More than 130 banks in Iowa are listed by the state as having "more than normal problems" and 48 of them are on a Federal Deposit Insurance Corp. "problem list."

In neighboring Nebraska, where about two of every five jobs are related to agriculture and where six country banks and two farm-credit banks have failed since Labor Day, at least 10 percent of the 63,000 farmers are expected to shut down for lack of operating credit.

"The problem is at the crisis stage," Nebraska banking commissioner Roger Beverage said. "There sure as hell is no economic recovery in Nebraska and it spills into all we do on Main Street . . . It is a parade of horribles. The people in Washington have to realize this is not a joke. This is a depression."

The story is similar all around the Midwest, the fertile bread basket that produces the bulk of the wheat, corn and soybeans that feed the nation and bring in billions of export dollars.

The reasons for the crunch of 1985 are many, but they can be boiled down this way: Low farm prices, continuing high interest rates, plummeting land and machinery values that rose beyond worth in the inflationary 1970s, a strong dollar that has depressed exports and overproduction of basic goods.

A key culprit is the interest rate that has stayed high as inflation cooled. Illinois farmers, for instance, have paid more than $1 billion in interest in each of the last two years, compared with $430 million in 1977. Nebraska farmers, with the sixth largest debt load in the country, have paid more than $1 billion in interest in each of the last three years, compared with $50 million in 1960.

"High real interest rates and rising debt loads have combined in the 1980s to sap the strength of the Illinois farm economy," said John White Jr., president of the Illinois Farm Bureau. "Lower interest rates could help bring profit back to the farms."

But, added Iowa Gov. Branstad, "It is a lot more than just the farmers. We are talking about businesses on Main Street. President Reagan's debt-restructuring program hasn't worked and it appears that the Office of Management and Budget has blocked the key elements to make it work . . . The downward spiral is speeding up and it has deteriorated even further in the last few months."

Both Branstad and Harl, in separate interviews, described their alarm after meeting last week with OMB Director David A. Stockman. Both said that Stockman lectured them and Block about the administration's determination not to provide a bailout for a localized problem.

These and other Washington reports have ignited bipartisan fears that the administration has decided to pull the plug on an industry that it believes has more procedures and more production capacity than it needs.

In Nebraska last week, farmer-rancher Tom Vickers, also a state senator, said, "The Nebraska economy has been on a downhill slide for a number of years. We're about to see a disaster this state hasn't seen since the 1930s. Farmers and bankers are going to go under, and what happens here affects the whole nation."

The state legislature quickly passed a Vickers resolution calling on the legislatures of nine nearby farm states to send a delegation to Washington next month to try once more to deliver the call for help. Several states already have joined Vickers' campaign.

Bruce Johnson, an economist at the University of Nebraska, added that "literally half of the state's agricultural wealth has been lost since 1981. This ripples up through financial institutions. When you aggregate the loss, how many banks does it take to affect national institutions? Crisis is not too strong a word to use for what is happening out here."

The numbers generate strong fears. William Nichol, the Republican speaker of the state legislature, said, "I am frightened and never have been frightened before—and I lived through the Great Depression. Nothing is of any value and there doesn't seem to be anything to change it. I see nothing but deterioration in the months ahead."

"It's scary, sure it is," added GOP state Sen. Rod Johnson, 27, a farmer who chairs the legislative agriculture committee, "and we're not sure the federal government understands what is happening. I think Ronald Reagan owes the farmers something."

Adding to the current mix, many rural banks and farms of the farmer-run farm credit system have started to tighten the screws on borrowers who are not delinquent on loans, insisting that they sell land and equipment on a market where such commodities are going at firesale prices—if a buyer can be found.

"Some banks are notorious on this," said the Rev. David Ostendorf, Midwest director of Rural America. "People are then forced to go to the Farmers Home Administration or elsewhere to seek credit—and those systems are struggling already. People are being dumped every day, and it's outrageous."

As the tension and the frustration build, farmers have begun to band together to draw attention to their plight. A St. Paul, Minn., rally last week drew 10,000 protesters. Another in Sioux City attracted more than 4,000. Farmers fill the state capitol building here daily, lobbying their legislators, and they're planning a major rally for Des Moines next month.

The Iowa Farm Unity Coalition, a family farm advocacy organization that has operated an informational telephone hot-line for farmers since late 1982, also is stepping up its efforts to publicize the crisis. This week, for example, it will attempt to stop another forced sale of farm machinery—a practice that has become increasingly common throughout the region.

The coalition also is promoting a campaign to force Branstad to declare a moratorium on loan foreclosures. The Iowa legislature has passed a resolution that could lead to declaration by the governor of an economic emergency and possibly a moratorium. Branstad has appointed a committee to study the idea.

"People out here have begun to realize that the whole house will topple if we do not take steps very soon," said Ostendorf, who also is a coalition official. "The question is whether we can act fast enough and get a response from Washington. It will mean a massive amount of money for debt restructuring and it will mean a new federal-state relationship in debt handling."

"We wouldn't have been in this situation if public officials had taken the appropriate steps three years ago. It could have been avoided if the politicians had listened," Ostendorf said. "Now they're reaching for the panic button and we're into crisis management once again."

WRIGHT HITS REAGAN, DENIES CONGRESS CULPABLE ON DEFICIT—PRESIDENT TO RECEIVE FARM STATUS REPORT

(By Ward Sinclair)

Agriculture Secretary John R. Block said yesterday that he plans to brief President Reagan, perhaps this week, on the deteriorating economy of the Farm Belt, but he warned that there is "no new grandiose scheme to save the day."

The secretary, responding to farm-state complaints the administration has turned its back on thousands of farmers so strapped they may not be able to get loans for spring planting, agreed there is a "serious problem" in the agricultural economy but said rural America should not look entirely to Washington for solutions.

Block added that the farm financial situation "has heated up" since he last briefed Reagan about a month ago. Some banks are in trouble as well as farmers. But, Block continued, "I don't want farmers to think all of the answers are here in Washington . . . . It is a big problem and everyone has to work on it."

Meanwhile yesterday, an official of the Independent Bankers Association of America, which represents about 4,100 country banks, said an expanded federal loan guarantee program would be the quickest and easiest way to deal with the growing credit crisis in the farm belt.

"In the final analysis," Weldon Barton said, "it is a question of whether the Republican senators who represent those areas, particularly those who face reelection in 1986, become committed to taking significant action to alleviate this situation. That's basically where the initiative is going to have to come from."

A group of Republican senators has called on Reagan to form a presidential task force to look at the farm-credit situation, but Barton said yesterday that "there is little demonstrated need for more study. . . . Time is very short."

Barton charged that the administration's farm debt restructuring package, announced by the president six weeks before the November election, had been made "unworkable" by adding conditions that were not attractive to country bankers.

Under the Reagan plan, the banks must agree to forgive at least 10 percent of a loan to a farmer to have the transaction guaranteed by the federal government. They are not going along with that plan, Barton said, because "many have reached their bottom line on ability to absorb loan losses . . . and we are having an escalated degree of farm-bank failures."

"We don't mind some saving of face," the IABA official continued, "but we hope there is some way the administration could disentangle itself from the forgiveness feature and provide loan guarantee authority, expanded in a way that would be workable."

Barton said that of 40 banks that failed since last June 15, 22 were farm banks, lenders with at least of one-fourth of their portfolios in farm loans, in rural communities.

"What this says is that during the last six months, a larger number of agricultural banks were reaching the bottom. . . . Now we have a situation in the farm belt with several hundred agricultural banks that have reached the limit in their ability to absorb losses from farm loans," Barton said.

In other activities related to the farm economic crunch:

An unusual coalition that includes the American Farm Bureau Federation, the National Farmers Organization and the Grange—often at odds—plans to mount a lobbying effort here this week to pressure the administration and Congress to move more rapidly in dealing with the credit issue * * *.

GILLIS LONG: LAWMAKER

Mr. MATSUNAGA. Mr. President, in the death of Representative Gillis Long the Congress has lost a distinguished Member, the State of Louisiana a respected leader, and his family a wise and loving father—while I have lost a dear friend.

Gillis and I were both elected to the House of Representatives for the first time in 1962, and formed the "88th Club," where we discovered our common background. We both had been wounded in infantry battle in Europe during World War II Army service, and, after postwar public service—his gained as an officer at the Nuremberg war trials—we had both enrolled in law school, graduating in 1951. Gillis brought to the 88th Congress more familiarity with the ways of the Hill than I did because he had been a staff counsel in both Chambers. I soon recognized his personal quality so valuable in a lawmaker—a wide ranging, inquiring mind combined with an even temperament and a talent for cultivating friendships.

He supported the Democratic leadership in his first term in enlarging the size of the Rules Committee, for which he paid a political price in his next election, but he returned again in 1972 and it was with much joy that we welcomed him back to the House. Shortly thereafter, Gillis was assigned to the Rules Committee, where his leadership was soon recognized. That leadership was grounded in a masterly understanding of procedure, a keen appreciation for the concerns of his colleagues, and an intellectual curiosity that enabled him to track and guide negotiations of great complexity. He brought that curiosity to play in his role as a member of the Joint Economic Committee over the last 12 years, especially in regard to such subjects as Japan-United States trade, world energy supplies and the institutional vehicles for global commerce.

His colleagues appreciated his qualities as was evidenced by his election as chairman of the Democratic caucus, where he proved himself to be both innovative and fair minded in matters both great and small.

On behalf of my wife and myself, I offer sincerest condolences to our dear friend, his beloved widow, Catherine, and their son and daughter. Gillis Long will be sorely missed, not only among his House colleagues, but by Senators also.

YOSHIO OKAWARA: WORLD-CLASS DIPLOMAT

Mr. MATSUNAGA. Mr. President, if diplomacy is an art, the medium of its expression should speak to a country's citizenry, not merely to its officialdom. No one appreciates this fact of interchange between democracies more than Yoshio Okawara, Japan's Ambassador to Washington and a painter of harmonious interpretations across a wide canvass.

I bring Ambassador Okawara's qualities to the attention of my colleagues for he will soon be taking leave of us in order to return to his homeland after an assignment here in Washington of 5 years. He arrived at a time of

no little tension between our two nations and he has gained a reputation for adroit insight, in addition to professional tact, in working out some of the diverse problems giving rise to them. With persistence and an acute sense of timing he has resolved most effectively difficult negotiations. A flawless command of both English and his native tongue, a wide range of friends throughout the country, and a depth of knowledge about our country and its institutions: All these attributes have enabled him to perform his mission with great skill. Perhaps his strongest forte is his ability as an educator—a communicator and interpreter—for two nations, one to the other. A recent newspaper feature story speaks of his "barnstorming" travels to address all manner of groups across our country regarding his own and the warmth of his reception in most of his journeys.

I know I speak for many of my colleagues when I say how much he and his charming wife, Mitsuko, will be missed here in Washington. In order to gain an appreciation of the service he has rendered, Mr. President, I ask unanimous consent to insert into the RECORD an article appearing in the Wall Street Journal of January 2, 1985, by staff reporter Eduardo Lachica entitled "Exemplary Envoy: Japanese Ambassador to U.S. Wins Friends, Helps Put Out Fires."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EXEMPLARY ENVOY—JAPANESE AMBASSADOR TO U.S. WINS FRIENDS, HELPS PUT OUT FIRES—OKAWARA SEES NATIONS' TIES "CLEARLY ON THE UPSWING" DESPITE DISCORD ON TRADE—PLANNING FOR TODAY'S TALKS

(By Eduardo Lachica)

SAN ANTONIO, TX.—Yoshio Okawara, the Japanese ambassador to the U.S., was overwhelmed by his welcome here. Mayor Henry Cisneros introduced him to business leaders as a "world-class diplomat" who helped steer U.S.-Japan ties safely through a period of trade tensions. A Catholic nun opened a luncheon in his honor with a blessing in flawless Japanese.

More touching yet, the city council invited the ambassador to witness the renaming of an old public garden built by a Japanese immigrant family with stunted pines and golden carp imported from their homeland. After Pearl Harbor, the city had discharged the Japanese groundskeepers, hired a Chinese couple to take their place and renamed the Japanese creation the "Chinese Sunken Garden."

"It took us 43 years to repair that injustice, but it's now called by its proper name—the Japanese Tea Garden," says Van Archer, a council member. "Heck, there's nothing Chinese about it."

Such changes of heart convince Ambassador Okawara that he is winning his campaign to increase U.S. appreciation of Japan. "When I took this post in April 1980, the U.S. economy was at its lowest ebb in years, and Japanese-bashing was one way some Americans gave vent to their frustrations," he recalls. Not only were U.S. manufacturers and unions disturbed by Japanese imports, but also "we were blamed for buying oil from Iran while it held American hostages," he says. In addition, "we were criticized for enjoying a free security ride while enlarging our trade surpluses."

The 65-year-old career diplomat helped put out some of those fires by settling a succession of nettlesome trade issues and getting Japan's side of the story to grass-roots America. Like many successful diplomats, Mr. Okawara realizes that the corridors of influence stretch far beyond the State Department. He promotes his nation's interests on Capitol Hill and Main Street and spends about half his time on the road.

Mr. Okawara says he feels "pretty good" about the current state of the relationship. "It's clearly on the upswing." Some Japanese business interests complain that he gives away too much in negotiating with the U.S., but such criticism is the price every successful intermediary pays. "Any ambassador Japan sends here has to be a conservator of a strategic relationship that accounts for a quarter of the world's trade and a third of its output of goods and services," says William Sherman, the deputy assistant secretary of state for Asian and Pacific affairs. "Yoshio is one of the very best."

TODAY'S MEETING

The preparations for today's meeting between President Reagan and Prime Minister Yasuhiro Nakasone probably will turn out to be Mr. Okawara's last major assignment before his anticipated retirement in March. The meeting isn't expected to generate any problems for Mr. Okawara, despite Japan's $33 billion trade surplus with the U.S. Mr. Reagan recently rejected staff recommendations that he press Mr. Nakasone on trade. He called the prime minister a "very good friend" who has been "most cooperative" on trade issues.

Mr. Okawara, a slender six-footer with gray-streaked hair, looks and acts like a diplomat. But his strongest resource is 16 years' experience in U.S. affairs, including two previous stints in Washington.

Mr. Okawara's ancestral roots in Gumma, an alpine prefecture in central Japan, and his clannish ties with two other influential Gumma natives, former Prime Minister Takeo Fukuda and the incumbent, Mr. Nakasone, also help. Prime Minister Nakasone has told Mr. Okawara to call him directly if he needs to.

THE BEEF DISPUTE

All these assets came in handy last April during talks over renewing Japanese quotas for U.S. beef. "In dollar terms, the issue was insignificant compared to the size of the U.S. trade deficit, but beef arouses passions in both countries. It was the hardest problem I've had to handle," Ambassador Okawara says.

The Japanese agriculture minister had given up, canceled a news conference at the Watergate Hotel and packed to go home. Then, the ambassador, who had been just a silent observer in the talks, opened lines to his prime minister, U.S. Trade Representative William Brock and Secretary of State George Shultz and pleaded for one more try. The next day, a new pact was sealed; the U.S. got large yearly increases in export tonnage but dropped its demand for eventual elimination of the quotas.

The size of Mr. Okawara's mission reflects its importance. He has 84 accredited diplomats in Washington—more than Britain, West Germany or the Soviet Union. One of his attaches does nothing but monitor U.S. environmental policies; another just keeps track of U.S. antitrust policies.

The Japanese chancellery on Massachusetts Avenue, Washington's Embassy Row, isn't pretentious. Two jerry-built annexes accommodate a staff that works late into the night to report the latest Washington news to Tokyo as it starts its day. If a Japanese newspaper "scoops" the embassy on a late-breaking Washington development, Mr. Okawara's staff promptly gets a scathing inquiry from the Foreign Ministry.

The ambassador's routine, like that of other emissaries, is cluttered with diplomatic ritual and dull, shrimp-cocktail receptions. But he turns obligations into opportunities. "His socials are often not so social after all," says Marshall Coyne, the Madison Hotel proprietor who often turn up as a guest of the ambassador and his Paris-born wife, Mitsuko. "Before you know it, the conversation turns to serious business."

Few turn down an invitation to the ambassador's official residence, a large, attractive evocation of old Japan surrounded by elegant gardens and containing a tennis court and swimming pool. Mr. Okawara sometimes invites U.S. reporters for a tempura lunch and a sounding of Washington's current mood.

Keeping track of the flood of Washington business is a crushing labor for any embassy. "It isn't enough to keep up with the administration," says Charles Anson, the British Embassy spokesman. "You have to deal with Congress, with the media, with the think tanks all over town."

Ambassador Okawara leaves most of the congressional work to his staff but handles many important contacts himself. He showed his diplomatic skill when Sen. Max Baucus of Montana invited him and his senior aides to a steak lunch to show what Japan is missing by limiting beef imports. The ambassador brought Japanse soy sauce to season the Montana sizzlers. "Most of the soy sauce we consume comes from U.S. soybeans," he told the gathering. "We're also doing something for your farm economy."

INVALUABLE FRIENDSHIPS

In Washington, friendships are invaluable. Ambassador Okawara had little trouble explaining Japan's sharing of the Asian defense burden to Congress because he has known leaders of congressional Armed Services committees for years.

Melvin Laird, President Nixon's defense secretary, also helps steer the ambassador around U.S. defense circles. They have been close friends since Mr. Okawara, as the Foreign Ministry's deputy director of North American affairs, arranged for the then-chief of the Pentagon to visit Japan in 1971. "That was a turning point in our security relations," says Mr. Laird, now senior counselor for Reader's Digest. "It started the tradition of annual consultations between our defense departments."

Now, the two men share golfing vacations together. Mr. Laird attests to the ambassador's negotiation ability—particularly on the first tee. "He'd complain about his long hours and lack of practice and ask for a high handicap. Then, he'd beat the pants off everybody."

Mr. Okawara's aides contend that he has access to most of the Reagan cabinet and other senior policy makers. He quickly reached Teasury Secretary Donald Regan and Federal Reserve Chairman Paul Volcker when some U.S. companies charged that Tokyo was manipulating the foreign-exchange market to keep the yen weak and

thus promote Japanese exports. Mr. Okawara built a strong case to deny such intervention; both Mr. Regan and Mr. Volcker later supported his argument.

A FAILURE OF ACCESS

But access to President Reagan himself is difficult for an ambassador. Mr. Okawara once aroused the pique of his foreign minister, Shintaro Abe, for failing to get Mr. Abe an appointment in the White House, some Japanese lobbyists confide.

For all his success at winning American friends, Ambassador Okawara has to worry about being second-guessed and sometimes outflanked by bureaucratic rivals in Japan. The Ministry of International Trade and Industry, for instance, maintains its own listening post in New York—the "MITI Embassy," some Japanese businessmen call it. The MITI does its own covert lobbying because it doesn't think that the ambassador presses hard enough on issues affecting Japanese companies.

The MITI, for instance, would like the embassy to spend more time fighting buy-American laws designed to force the use of U.S. steel and other products. But at a time when Japan is running a $30 billion trade surplus with the U.S., Mr. Okawara worries about generating more tension. "We have to look at the totality of the relationship," he argues.

The ambassador can't control, either, the independent lobbying by hundreds of Japanese companies. These concerns spend millions of dollars a year on Washington lawyers, publicists and intelligence-gatherers. The Japanese business community is nearly as divided as its U.S. counterpart over certain issues. Toyota and Nissan, the two biggest auto makers, want the Reagan administration to extend auto-import limits because the ceilings keep their U.S. prices high. The smaller Japanese companies want to end the curbs so that they can increase their market shares.

PROMOTING UNDERSTANDING

It is in his role as educator, though, that Mr. Okawara has been most effective. "We were scapegoated for a lot of America's troubles because Americans had all sorts of misconceptions about Japan," says Yoshitake Sajima, vice president of Mitsui & Co.'s U.S. subsidiary. "Ambassador Okawara did a lot to make Americans understand us better."

On his informational missions, Mr. Okawara logs almost as much mileage as any barnstorming American politician. He talks to Detroit auto makers one day, to Harvard Business School graduates on another, and to U.S. navy midshipmen in Annapolis on a third occasion.

Lately, he has been stressing the "humanization" of Japan. "We're no longer the faceless robots who make cars and stereo sets," he says. "Japan is now known for its food and fashions. And what crossword solver doesn't know that 'obi' means a Japanese sash?"

He usually travels alone, for his English is nearly faultless and he knows airline schedules as well as any traveling executive. "I'd like to take an aide or two, but the Foreign Ministry keeps our budget tight," he says with a wink, while refusing to disclose any numbers.

WOOED BY HIS HOSTS

In the Sun Belt, where every governor is scrambling for Japanese investments, his hosts usually do the wooing. "The Japanese don't have to sell themselves to us. We have to sell ourselves to them," says Fred Lepick, the president of Frost National Bank of San Antonio.

Even in Bethlehem, Pa., a smokestack city whose economy has been battered by steel imports, the ambassador didn't run into a hostile audience. Students at the city's Lehigh University gave him a hand for his brave attempt to defend the free-trading system.

"It's hard to stay mad at them [the Japanese] when there are many things about Japan that you admire," admits Richard Copaken, a Washington lawyer who has fought a long trade case against Japanese machine-tool imports. "I've a love affair with my Datsun Z, and I also do some sumi (Japanese-ink) painting."

Mr. Okawara generously gives the Reagan administration much of the credit for the improved relationship. "The Reagan recovery put more Americans to work. That certainly made our job easier," he says. President Reagan also helped by getting on a first-name basis with Mr. Nakasone and avoiding public airings of differences. The second Reagan term is likely to see more of this low-key problem solving.

But the work of dispute settlement never ends. Mr. Reagan handed the ambassador another problem early this year when he promised Oregon plywood manufacturers to try to get Japan to reduce its tariffs on plywood. Tokyo is resisting because Japan's own plywood industry is in a recession.

Mr. MATSUNAGA. Mr. President, I yield the floor.

CALL TO CONSCIENCE VIGIL FOR SOVIET JEWRY

Mr. BOREN. Mr. President, again in 1985 I join with many of my colleagues in participating in the Call to Conscience Vigil for Soviet Jewry. I commend my colleague from Minnesota, Senator BOSCHWITZ, for his leadership in this effort in the coming year, and I urge all of us here in the Senate to raise our voices on behalf of Jews in the Soviet Union who wish to emigrate yet are denied that basic right.

While the problem which we will be discussing as this vigil continues over the coming year is not a new one, it continues to bring hardship and suffering to many people. Individuals are put at risk, their physical and mental health deteriorates, and families are split apart by virtue of unfair and unjustifiable policies of a government. Cases of imprisonment and "internal exile" are rampant, and the names of Anatoly Shchransky and Iosef Begun, Zacher Zunshine and many "refuseniks" are well known to us.

Most of us are well aware of the problems associated with Soviet emigration, particularly for Jews and other people who practice their religious beliefs in spite of Government pressure to the contrary. The statistics graphically demonstrate to all the world that the willingness of the Soviet Government to relax barriers to emigration was short-lived, and that in most recent years the doors leading out of the Soviet Union have been closed, particularly to Soviet Jews.

In response to this startling reversal, people of all faiths from around the world have joined together on behalf of those desiring to leave the Soviet Union. The size, diversity, and intensity of this group seems to be increasing all the time. In a unified and persistent voice, many of us have expressed our outrage and total dissatisfaction with the policies of the Soviet Government in this area. And, in spite of the tremendous problems which still face Soviet citizens who apply to emigrate, there have been some positive steps which appear at the very least to have been encouraged by this pressure from outside the Soviet Union. There have been a number of instances which demonstrate that we do indeed have some influence in this area. Therefore, it is incumbent upon us, Mr. President, to redouble our efforts on behalf of all those in the Soviet Union who are being denied their basic human rights, including the right to emigrate and live in the place of their own choosing.

Another encouraging element in this effort today is that in the past, there has been a correlation between levels of emigration from the Soviet Union and relations between the United States and the Soviet Union. In times of positive relations between our two Governments, levels of Soviet emigration have been higher than in times of poor relations. As arms control negotiations resume, we must hope and pray that this pattern will continue and that emigration from the Soviet Union will again increase. While we cannot and should not expect this trend to "solve" the problem at hand, it may indeed mean that the Soviet Union will be even more receptive to expressions from the United States and other countries on behalf of Soviet "refuseniks." Our work, then, in some respects, becomes even more critical.

The Call to Conscience Vigil, which is taking place both in the House and in the Senate, is one important way for the United States to serve notice to the Soviet Union that we are aware of this tremendous problem and that we will not rest until it is resolved. In the weeks ahead, many of us will be discussing the particular problems facing individual families in the Soviet Union, and asking for a direct response from the Soviet Government regarding these cases. The unfair and inhumane policies which the Soviet Government imposes on its own people do not go unnoticed. And if the Soviet Government persists in these practices, the governments and peoples of the world will continue to criticize the Soviet Government and to call upon the leaders of the Soviet Union to account for its actions. As we again bring this issue before the U.S. Congress, the American people and all the world on a daily basis, I hope that we will stir the conscience of the world.

REPRESENTATIVE GILLIS LONG

Mr. LONG. Mr. President, a few days ago, my family and I mourned the loss of my good friend and cousin, Representative Gillis Long, who served with distinction for eight terms as a Member of Congress from the Eighth District of Louisiana.

Those of us who knew him and worked beside him will always remember Gillis as a tireless champion of the everyday American, a man whose life was dedicated to creating a better world for those he represented. His dedication to the poor and underprivileged many times led his critics to unfairly label him a liberal. But we knew that Gillis would never allow any label—conservative or liberal—to influence the way he thought or acted. Gillis did not wear those labels. He concerned himself more with helping people around him, than worrying about whether he would be called a liberal because he had compassion in his heart.

His relatives and friends will always remember Gillis, not because he was an outstanding legislator or because he achieved fame and influence outside his hometown. Gillis' memory will be cherished by all of us because he left the world around him a better place as a result of his devotion to an ideal.

Recently, there appeared in the Washington Post a thoughtful article by Mark Shields discussing the motives and philosophy of Gillis Long. I commend it to the Congress:

A talented politician and one of the House's ablest legislators was how the authoritative "Almanac of American Politics" described Rep. Gillis Long, the Louisiana Democrat, who died this week at 61.

First elected to the House in 1962, Long lost his seat two years later after being accused by his conservative opponent of helping pass the Civil Rights Act by having voted, at the request of the Kennedy White House, to enlarge the House Rules Committee. Ten years passed before Gillis Long returned to Congress where he served so ably.

To its own disservice and eventual regret, Long's party in recent years chose to ignore his wise counsel that it was necessary for Democrats to demonstrate their "compassion to care, but also the toughness to govern." During and between recent campaigns, a lot of Democrats have seemed to emphasize compassion while simultaneously disdaining toughness.

One result of that decision will be that as of January 20, 1989, the Republicans will have held the presidency for 16 of the last 20 years. As Gillis Long understood, American voters prefer their political leaders competent as well as compassionate.

Throughout the most recent presidential campaign, Democratic optimists were invariably encouraged by the public opinion surveys, which almost uniformly showed the electorate's judgment that the Democratic candidate was more concerned with their personal well-being than was the Republican incumbent. One Washington Post/ABC News survey indicated that, by nearly a 2-to-1 margin, voters judged that Ronald Reagan sided "with special interests" rather than "with the average person." In the same survey, voters by a margin of 3 to 2 saw Walter Mondale on the side of "the average person."

In poll after poll, voters said that Democrat Mondale did "care more" about people like themselves, more about the elderly, more about the less fortunate and more about an arms limitation agreement with the Soviets. And, yes, said these very same voters, they were going to vote for Ronald Reagan, something they did do in record numbers.

But as political philosopher Alan Baron explains and Gillis Long understood, the logic of the voters is compelling. Consider Baron's analogy: In one hour, you are about to have 20 guests for an important dinner at your home. Your water pipe bursts. You have to make an immediate phone call. Now, who "cares more" about your about-to-be-ruined dinner and your predicament—your dear Mom or your local plumber? And who knows more about the theory of water pressure—the chairman of the local university's engineering department or the local plumber? Who has more personal charisma—Robert Redford or the plumber?

Whom do you call? You call the person with demonstrated competence, even if he does not care as much about your personal happiness and emotional well-being.

In a number of recent national elections, voters have understood that the Democrats have been more genuinely concerned with their happiness and more genuinely compassionate about the less fortunate than their opponents. But the opponents seemed to be much more likely to be able to fix the busted pipes before the evening was ruined, or worse.

Caring is a large help in winning congressional races. Americans are compassionate people, and they appreciate that quality in their elected representatives. But in their presidents, in addition to that compassion, the voters want, as Gillis Long told his fellow Democrats, "the toughness to govern" as well?

ELECTIN' POLITICIANS

Mr. KASTEN. Mr. President, I very much enjoyed reading the following poem "Electin' Politicians" which appeared in the January 4, 1985, issue of Agri-View.

I ask that the poem be printed in its entirety in the CONGRESSIONAL RECORD for the enjoyment of my colleagues. The poem was written by Robert Stowell, a farmer in Walworth, WI.

The poem follows:

ELECTIN' POLITICIANS

Electin' politicians can really
Be upsettin'
You cast your vote in a ballot box
And wonder what you're gettin'!

It's somethin' like a game of cards
Or maybe goin' fishin'
You never know what's comin' up
When you elect a politician!

Now I don't mind 'em shakin' hands
Or even doffin' hats
But why do they promise us so much
Then change their minds . . . like that!

One says he'll fix the national debt
The other'll curb inflation
But it costs as much to pay these men
As it did to run the nation!

They've got a cure for everything
From bussin' to pollution
But when the election's over
They've forgotten each solution!

"We'll lower the cost of livin'!"
They cry from stage and gallery
And then their first official act
Is . . . to raise their salary!

They say they're for the workin' man
They preach it all the time
Then spend a million dollars
Just to give him back a dime!

If we would run a business
The way the country's run
We'd all be takin' welfare
And baskin' in the sun!

They throw hundred dollar dinners
With folks dancin' and a 'drinkin'
Then hire twenty "experts"
To help 'em do their thinkin'!

And limousines may add prestige
When travellin' hill and holler
But I'd sure like a candidate
Who's thrifty with a dollar!

I guess I'm just a simple man
Indulgin' a suspicion
That I'd rather trust a nervous cow
Than trust a politician!

THE REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

Mr. DENTON. Mr. President, on October 12, 1984, President Reagan signed legislation which reauthorized the Juvenile Justice and Delinquency Prevention Act through 1988. The extension indicates a continued commitment on the part of the Federal Government to juvenile justice.

With a strong Federal commitment, significant progress has been achieved in meeting the principal mandates of the Juvenile Justice and Delinquency Prevention Act of 1974 of: First, deinstitutionalization of status offenders, such as running away or truancy, which would not be offenses if committed by an adult, and second, removal of juveniles from adult jails and lockups.

However, despite this progress, thousands of children are inappropriately incarcerated each year. According to a study prepared by the Office of Juvenile Justice and Delinquency Prevention, based on 1978 figures, entitled, "Juvenile Suicides in Adult Secure Detention Facilities," an estimated 479,000 juveniles continue to be held in adult jails and lockups each year. Of these, approximately 20 percent are accused of status offenses. Statistics supplied by Alfred S. Regnery, Administrator of OJJDP at a Subcommittee on Juvenile Justice hearing, indicated that the number of youths held "in regular contact with adults" has been reduced to 27,552. This total does not include data from the four nonparticipating States. The number held in adult jails and lockups generally is much higher.

Other estimates of the number of status offenders held in secure facili-

ties annually range from 35,000 to 50,000. Recent statistics supplied by Mr. Regnery indicate that in the 53 participating jurisdictions, 22,833 status offenders are annually held in secure detention.

Gary Turbak in an article entitled "Children in Jail: A Shocking Crime" which appeared in the January 1985 edition of Kiwanis, forcefully demonstrates what can happen to juveniles who are held in adult jails. With the reauthorization of the Juvenile Justice and Delinquency Prevention Act and a recommitment by the Federal Government, the progress in meeting the mandates of the act of removing juveniles from adult jails and thereby preventing the tragedies cited by Mr. Turbak, will become more and more significant.

I ask unanimous consent that the Turbak article be printed in its entirety in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHILDREN IN JAIL: A SHOCKING CRIME

(By Gary Turbak)

One December morning in 1981, Robert, thirteen, walked into a grocery store in a small town in western Tennessee. As he strolled the aisles of the tiny market, he slipped a ninety-nine-cent bag of candy into his pocket.

Suddenly, he felt the store owner's hand on his shoulder and in a few minutes a deputy sheriff arrived. Though the boy's only previous brush with the law had involved the shoplifting of a can of fishing bait, the police threw Robert into the county jail.

No detention hearing was held. No judge was notified. No charges were filed. On their own, the police decided that Robert needed to be kept in custody.

To separate Robert from adult inmates, jailers placed the boy in a dull gray, windowless, isolation cell measuring about eight feet by five feet. He was allowed no exercise or recreation. He left his cell only to go to the bathroom. A previous eye injury went untreated. Eventually, the boy's mother (who at first had been denied access to her son) was allowed to bring Robert clean clothes and a few other items.

For eight days, this thirteen-year-old suspected candy thief languished in solitary confinement. Only when a local public defender heard about Robert was a judge consulted and the boy released.

Robert's case was not an aberration, not a one-in-a-million foul-up. The seamy nether world of juvenile justice is full of such cases.

Each year in the United States alone, nearly 500,000 youngsters "do time" in adult jails and lockups. (A lockup is a facility, usually municipal, for temporary detention of accused prisoners.) These are the places—often old, dark, and dirty—where town drunks sleep it off and burglars, thieves, and other criminals serve their time. Sometimes, kids and criminals end up in the same cell.

A child's average stay in jail is 4.8 days, and nearly 10 percent of these kids are thirteen years old or younger, according to the US Department of Justice's Office of Juvenile Justice and Delinquency Prevention.

As flotsam in what sometimes is a human cesspool, these kids are sometimes beaten, raped, and sodomized—and commit suicide at an alarming rate. Some are murdered.

They are also some times denied basic rights. Though adults in many jails are allowed a phone call, mail, and visitors, juveniles often are not. Many accused adults may post bail and go home. Juveniles may not.

About 20 percent of the children in adult jails are there because they have committed status offenses—running away, skipping school, drinking, being sexually promiscuous. Four percent of the kids behind bars are accused of no offense at all. They are in jail because they are the victims (of incest or abuse, for example), and authorities don't know what else to do with them.

Most of the remaining kids have been accused of relatively minor crimes—shoplifting, petty theft, vandalism. Only about 10 percent of the youngsters in jail are accused of serious crimes.

In a kind of bizarre, backward justice, convicted juvenile offenders usually cannot be sentenced to county jails or other adult facilities. They must serve their time in juvenile detention centers. Yet in some communities, a youngster who is only accused of a crime may be tossed in with the dregs of humanity.

"Certainly, some kids do commit serious offenses, and they need to be incarcerated," says James Brown, director of the Community Research Center at the University of Illinois. "But adult jails and municipal lockups are not the places to hold kids—especially not status offenders. Conditions in most country jails are not adequate for adults, let alone children."

Juveniles, who usually are smaller, weaker, and less aggressive than other prisoners, frequently become the targets of jailhouse abuse. One boy, fourteen, was shot in the face by a trusty guard. A fifteen-year-old girl was raped repeatedly by the adult women in her cell. Another girl, fifteen, was thrown into a cell with an adult male drunk who raped her.

Often, juveniles behind bars have even more to fear from their own tortured minds than from fellow prisoners.

"There's a high potential for self-destruction for kids in jail," says Brown. "The suicide rate for juveniles in adult jails is eight times higher than the suicide rate for children in separate juvenile detention centers. And these are kids who have been convicted of nothing."

Stephen was one of statistics. About a week before Christmas in 1982, Stephen, fifteen, argued with his mother about money that was missing from her purse. When the disagreement became heated, the woman took her son to the local sheriff's office and confessed that she didn't know what to do with the boy.

A local judge did. Stephen was placed in the county jail, where he had recently served a four-day sentence for being chronically absent from school. At 11 pm, the door slammed shut on the second-floor juvenile cell.

Out of sight and sound of the jail office one floor below, Stephen removed his long-sleeved shirt. One sleeve he tied securely to a cell bar high above the floor. Then he climbed on top of the shower fixture, knotted the other sleeve around his neck, and jumped. By 11:30 pm, Stephen was dead.

Out of every 100,000 kids put in jail, twelve will kill themselves there, according to the National Coalition for Jail Reform. And it is thought that each year as many as 1,500 kids attempt suicide while in an adult jail.

But even when children do not harm themselves and are separated from violent prisoners, jail can still be a very dangerous place. In February 1981, Barbara—a short, dark-haired honor student—and a girlfriend took her family car and, without their parents' permission, headed from Ohio toward South Carolina to visit Barbara's brother. Two days later, police in South Carolina spotted the girls, both fifteen, and they were returned to their parents.

Back in Ohio, Barbara's parents wanted the matter dropped, but the juvenile-court judge did not. He ordered the pair held in the county jail for five days to teach them a lesson.

Late on the third night, a twenty-one-year-old deputy jailer, a trusty inmate, and another immate released by the jailer, came to the girls' cell. Over the next hour, the men led Barbara and two other girls one by one into an adjacent cell block, where they sexually assaulted the teen-agers. Finally, on Tuesday morning, the girls were released, but the damage had been done.

Even if a child is not physically harmed by his stay in a county jail, he or she may walk out with another kind of scar.

Says the University of Illinois' James Brown: "A kid in a small town who gets thrown into the county jail will carry the jailbird stigma with him for a long time.

The 450 largest cities in the US have separate detention facilities for juveniles and do not mix adult offenders with children. In many rural and semiurban areas, however, kids are commonly held in a county jail or municipal lockup.

If you think there should be a law against this, you're right. There already is.

The US Juvenile Justice and Delinquency Prevention Act, passed in 1974, prohibits the detention of juveniles in any institution in which they have contact with adult prisoners. Many jurisdictions attempt to comply with the law by separating juveniles from adults within a jail.

The statute also calls for states to begin removing juveniles entirely from adult jails by the end of 1985 and to complete that process by 1987. The problem is that the act has no sharp teeth. The only leverage it holds over noncomplying states is a cutoff of federal funds.

"Most states also have laws requiring the sight and sound separation of juveniles from adults in jails, but enforcement is another question," says Linda O'Neal, director of the Institute for Children's Resources in Tennessee. "For example, about 90 percent of the kids in Tennessee jails are not separated by sight and sound from adult prisoners. And it's not unusual to have adults and juveniles in the same cell."

But most experts agree that even separating juveniles from adults within a jail is not enough.

"Convicted prisoners—of any age—should not be held with juveniles who have only been accused of wrongdoing," says Barbara Fruchter, executive director of the Juvenile Justice Center of Pennsylvania. "Until he has had his trial, a child must be presumed innocent, and he should not be held with convicted criminals, even other juveniles."

In May 1982, police in an Idaho city served seventeen-year-old Paul with a contempt of court summons for not paying $73 in traffic fines and court costs. Paul, a lean, blond-haired high school drop-out, had a reputation as a good, hard-working youngster. He had never been in serious trouble with the law.

He talked the matter over with his parents, and together they decided that Paul should be accountable for his negligence and go to jail—the punishment in that city for not paying traffic fines.

Apprehensive about doing time in the county jail, Paul was relieved to see that his cellmates also were teen-agers. He told a visitor: "Tell Dad not to worry. I'm in a cell with five guys my own age. I'll be all right."

What Paul perhaps did not know was that two of the young men were convicted felons and that among them the teens faced fifty felony charges.

Less than twenty-four hours after locking the door behind Paul, jail guards found him slumped and bleeding in the cell shower stall. Over a period of fourteen hours, Paul had been brutalized by his cellmates.

They wrapped toilet paper around his feet and set it on fire. They held his head under water in a filthy toilet bowl and told him to blow bubbles. They smashed his nose with a shoe. They took turns kicking him in the head and groin.

At one point, they held his limp body up to a window so inmates in the exercise yard could view their work. Later that day, Paul died—for not paying $73 in traffic fines.

Why are kids held in adult jails? Who's responsible for this practice? There are no easy answers.

Very few people openly support the practice, and every major organization involved with juvenile justice stands opposed to it. In the US, the American Bar Association, the National Council of Juvenile and Family Court Judges, the National Sheriff's Association, the Department of Justice, and many other organizations have called for removal of juveniles from adult jails.

"Most sheriffs hate having kids in their jails and will do anything within reason to get them out," says attorney Mark Soler, director of the Youth Law Center in San Francisco, California. Children simply do not make good inmates. And officials know that law-suits may arise if anything goes wrong while youngsters are in their custody.

Many juvenile court judges also detest the jailing of children. "In most instances, it's a cruel and inhuman thing to do to the child." says Luke Quinn, probate judge in Flint, Michigan.

But some juvenile court judges have a different attitude. "A large number of judges think it's a good idea to punish kids by locking them up in jail," says Soler. "They believe the experience will teach the kids a lesson."

Before being ordered by the courts to stop the practice, the Ohio judge who jailed Barbara had routinely sentenced juveniles to jail for such offenses as smoking (tobacco) cigarettes, swearing in school, and skipping classes.

But the blame does not lie solely at the feet of individual jurists who send kids to jail. In large measure, it rests on the shoulders of society—and on parents.

Says Soler: "There's an institutional inertia that keeps sending kids to jail. It's a tradition in some areas. And parents are responsible, too. Some parents still believe jail will teach their kid something, but they don't really understand how terrifying it can be for a child."

In Canada, however, things are different. It has a long-standing national tradition of separating juveniles from adults.

"Since around the turn of the century, Canada has prohibited the jailing of juveniles in adult facilities," explains Anthony Doob, director of the University of Toronto's Center of Criminology. "With the rare exception of juveniles who commit very serious offenses, no children are held in adult jails in Canada. In fact, we don't even hold very many children in juvenile facilities prior to their court appearances."

In Canada, status offenders (the truants, runaways, drinking teens) are handled by provincial welfare—not law enforcement—agencies, and there is no provision for jailing these juveniles.

"A province such as British Columbia may have about 30,000 incarcerations in a year, but only about ten of them will involve juveniles under the age of seventeen," says Peter Elliott of the Canadian Center for Justice Statistics.

Perhaps the major reason for the difference between the two nations is that the US labors under a mosaic of state regulations, while Canada's entire juvenile justice system is governed by the sweeping Young Offenders Act.

According to the University of Illinois' James Brown, about ten states in the US have legislation or court decisions prohibiting the jailing of juveniles and have or are developing alternative programs. About thirty states have made a philosophical commitment to getting kids out of jails, but programs are still in the planning stages. About ten states have made no commitment.

Many areas are indeed developing effective alternatives. Maine, Utah, and Michigan operate regional detention centers that can serve even the remotest areas. In Annapolis, Maryland, police use citations similar to parking tickets to order minor offenders to court.

In New Bedford, Massachusetts, women are paid to take female juvenile offenders into their homes and provide twenty-four-hour supervision. In other places, juvenile suspects may live at home, but they must check in with trained supervisors once or twice each day.

Pennsylvania is one state where there are no juveniles in adult jails. In the early 1970s, a coalition of concerned people formed the Juvenile Justice Center (JJC) of Pennsylvania to educate citizens about the injustices foisted upon children in adult jails. The JJC organized tours of local jails for parents and other concerned community members.

"People seem to think that once a child is arrested, wise and kindly authorities determine what is best for the youngster and act as surrogate parents," says Barbara Fruchter, the JJC's executive director. "We know now that instead the children are sometimes brutalized, abused, neglected, and held with dangerous criminals."

Through the work of the JJC and other organizations, Pennsylvania passed a law in 1977 prohibiting the jailing of juveniles in adult facilities. A network of alternatives—group homes, foster care, and close supervision—now exists to care for nondangerous juvenile offenders. The state and communities share the cost of alternative care.

Pennsylvania has reduced its juvenile jail population from 3,300 to zero.

Even without sweeping legislation the number of juveniles in jail can be reduced dramatically by closely screening their admission. Often, the decision to jail a juvenile is a subjective judgment call. Kids thrown in to jail in one community may go free in another.

The American Bar Association has suggested that three factors be considered when determining whether a juvenile needs secure detention: First, what is the suspected offense? Second, what is the youngster's criminal record? And finally, has the juvenile failed to appear in court before?

Wherever citizens have become concerned about this problem, group homes, attention centers, runaway programs, evening-report centers, counseling programs, and other alternatives to jail emerge. And many communities have found alternative care to be significantly cheaper than putting kids in jail.

"Possible solutions," says James Brown, "are limited only by the creativity of a community and its desire to keep its kids out of jail."

THE STOCKHOLM CONFERENCE: A REPORT ON ITS FIRST YEAR

Mr. HATCH. Mr. President, last November, I visited the Stockholm Conference on confidence-building measures in Europe. There I held detailed consultations with the U.S. delegation and had a thorough exchange of opinions with the chief of the Soviet delegation, Ambassador Oleg Grinevsky. Although there are many differences between our country and the Soviets, I came away from my discussions in Stockholm convinced that there are real possibilities there for taking practical steps to reduce the risk of war in Europe.

It is my profound belief that we have neglected for too long the vital task of putting into place in Europe arrangements which will help prevent miscalculations and crises, and by these means reducing the risks of war in Europe to the vanishing point. Such measures cannot be a substitute for substantial reductions in both conventional and nuclear forces. They can, however, complement other arms control measures in a way which would make the world truly safer for all of us.

Recently, the Stockholm Conference agreed unanimously to proceed to the next phase of the negotiations by establishing working groups to begin the process of detailed analysis and criticism which is the necessary precondition to the drafting of agreements. In my meeting with the Soviet Ambassador to the Stockholm Conference, I emphasized that the U.S. Senate solidly supports President Reagan's efforts to bring about meaningful and equitable agreements to reduce the risks of war. Let us hope that Soviet agreement to enter this new phase of the negotiations in Stockholm means that the Soviets are now also prepared for such agreements.

Recently, Ambassador Goodby, the head of our delegation in Stockholm gave a year-end report on the Conference to the French Institute of International Relations. I find this report to be a good succinct summary of the issues before the Conference and I ask unanimous consent that it be inserted in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE STOCKHOLM CONFERENCE: A REPORT ON ITS FIRST YEAR

(Ambassador James E. Goodby)

I. THE STAKES

Last July, your distinguished and talented Associate Director, Pierre Lellouche, wrote in Newsweek magazine that "The Soviets are quietly turning the Stockholm forum into a deadly machinery to alter to its advantage the postwar political and strategic order in Europe." Their method, he wrote, was to influence Western public opinion through "empty but nice sounding declarations"; their objective was to establish a "Pan-European security order from which the United States would ultimately be expelled." And he argued that "Western weakness . . . makes for the steady success of Moscow's strategy."

It is too seldom noticed that the Stockholm Conference, in fact, is addressing matters which could lead to profound changes in the present system of European security. Because the Conference is dealing with some of the most fundamental issues of Western security, it is no exaggeration to say that the essential agenda of Stockholm is the future political and strategic order in Europe. Stockholm is a part of the struggle between contending visions of the future. Ideas which are being discussed there must necessarily be seen as potentially contributing to the success of one or the other of these visions.

The Soviet vision we know well. As practiced in the past it has required limitations on the sovereignty of neighboring states; it is based on the expectation of endless confrontation and an impulse towards hegemony, as the ultimate requirement of security. The Western vision hopes that despite deep and persisting ideological differences, the walls which now divide the community of European nations can give way to a system more tolerant of diversity; that security can be found in balance and restraint. Of course, we are speaking of long historical processes, and, of course, the Stockholm Conference is only one of the arenas in which this "long twilight struggle" is being conducted. But when one hears of the seemingly trivial debate in Stockholm over obscure or arcane points, it is well to recall, as Mr. Lellouche has done, that the ultimate stakes are very high indeed.

II. THE BALANCE SHEET

If the stakes in this "Great Game" are so fateful, we must weigh what the Soviets have done to create a new strategic order in Europe and what degree of success they have achieved. As Pierre Lellouche suggests, some Soviet proposals at Stockholm are "empty but nice-sounding declarations." Others have more content, but it is of a nature designed to disadvantage the West. Some proposals, such as those relating to chemical weapons and military budgets, would cut across useful and promising work being done elsewhere. In these categories fall the following Soviet proposals: a pledge not to be the first to use nuclear weapons; nuclear-free zones; a freeze and reduction of military budgets; and a ban on chemical weapons in Europe. And, indeed, as Mr. Lellouche suggests, these proposals have the potential for altering the global balance of power.

But the fact is that there is no ground swell of support at Stockholm for this Soviet program nor for any individual proposal in it. The neutral and non-aligned countries have introduced a series of proposals, the thrust of which is quite different from the direction taken by Moscow. The countries of the Atlantic Alliance have patiently exposed the shortcomings in each of these Soviet proposals. No one can credibly contend that the Soviets have succeeded in turning Stockholm into a propaganda platform which has deceived public opinion. The press, when it covers Stockholm, quite sensibly has found the stock items of the Soviet program to be not very interesting. Moscow has tried hard to steer Stockholm toward a polemical debate about nuclear weapons. As the party which last year chose to turn its back on nuclear negotiations, however, the Soviet case has not seemed very plausible.

Now we should ask how Western ideas are faring at Stockholm. Norway's Johan Holst wrote recently that "Confidence-building measures should be viewed as elements in a process for peaceful change of the post-war political order in Europe toward a more open, equitable, and cooperative order." These words elegantly sum up the larger aims of the proposals which the Atlantic Alliance has introduced in Stockholm. The West has held that Stockholm can be a place for serious arms control business and that this should be based on the principle of cooperation among all participants on an equal footing. An approach based on mutual, rather than unilateral, advantage in the building of confidence and the enhancement of stability implies a relationship among all the nations of Europe which is antithetical to the instinct for hegemony. Among other things, the proposals of the Atlantic Alliance emphasize the need for accurate perceptions of the intent of military operations, as a remedy for miscalculation and a deterrent against surprise attack. This objective requires positive cooperation, since it concerns the act of reassurance. And that means greater openness, or as the Belgian Ambassador at Stockholm nicely put it, the "de-mystification" of military activities on the continent of Europe.

In contrast to the polite but rather indifferent reaction to the supposedly eye-catching wares of the Soviet Union, the down-to-earth ideas which have been advanced by the countries of the Atlantic Alliance are in the mainstream of the Conference. The neutral and non-aligned group has presented very similar proposals. The debate in the Conference has been focused primarily on the theme of how to strengthen the practical confidence-building measures first developed in the Helsinki Final Act of 1975. The press in Western Europe almost unanimously has seen the purpose of the Stockholm Conference as that of reducing the risk of war through implementing practical measures designed to prevent crises and foster practical forms of cooperation. In short, Western ideas and the specific methods of implementing those ideas seem to be accepted as the real business of Stockholm.

I turn now to a description of some of the specific Western proposals and objectives in Stockholm and to a few of the key developments of the year just passing.

III. A NEW APPROACH TO ARMS CONTROL

Stockholm is not only about political visions; it is also and most immediately about a new approach to arms control. In the last quarter of a century very few arms control efforts have been aimed at eliminating the proximate causes of war, such as crises arising from misperceptions. Arms control negotiations typically have dealt with reducing the perceived threat, whether that be the threat perceived from arsenals of nuclear warheads or from the levels of conventional forces in Central Europe. The few arms control attempts to deal directly with the "proximate" causes of war have been important but limited in scope and objectives, the Moscow-Washington "hot line" and the United States-Soviet "incidents at sea" agreement being two examples. No comprehensive negotiation has yet succeeded in putting into place arrangements designed to prevent crises or to contain or resolve them should they occur. This is, however, the aim of the Western nations represented at Stockholm. Success in achieving this goal would encourage natural and normal relations among the countries comprising the whole of Europe.

Another way of considering the difference between "classical" arms control and the new ideas being discussed in Stockholm is that the former has dealt with the levels of forces whereas the latter deals with the operations of military forces. "Classical" arms control negotiations typically try to establish long-term stability, for example, by providing greater predictability about the types and levels of strategic forces that will be maintained over a future span of time. But in Stockholm, the Allies are urging agreements which will promote short-term stability, that is, during periods of intense and possibly turbulent international political developments which might require urgent attention. The aim would be to have procedures in place which would prevent misunderstandings possibly leading to dangerous escalation and which would assist nations in keeping potentially dangerous situations under control. How well the West has done in rallying support for this point of view may be seen in the following review of other proposals introduced in Stockholm.

During 1984, five sets of proposals were submitted to the Stockholm Conference. In addition to those of the Atlantic Alliance, proposals were advanced by Romania, by the neutral and nonaligned countries, by the Soviet Union, and by Malta.

Romania's proposals were important for several reasons. Its ideas included elements based on the Warsaw Pact's political proposals, but also included were interesting approaches to confidence-building designed to strengthen the measures agreed to in the Helsinki Final Act. One of the Soviet Union's proposals also provided for improvements in "Helsinki-style" confidence-building measures. The proposals submitted by the neutral and nonaligned countries deserve special attention because they have helped to define the "center of gravity" of the Stockholm Conference. Nine of the twelve proposals included in their approach were similar to those introduced by the Allies. Three of them went beyond the Alliance's approach, in that they called for specific limitations, or constraints, on the way military forces could be deployed. In so doing, the neutral countries identified a "gray zone" that lies between the stabilizing intent of the Alliance's proposals and the arms reduction aims of "classical" arms control. Their approach deserves—and is receiving—serious study.

The point which emerges from this is clear: there is a significant degree of convergence between all of these proposals and those made by the Allies.

IV. THE MECHANICS OF UNDERWRITING STABILITY

The nations of the Atlantic Alliance have used as their common point of departure the confidence-building measures of the 1975 Final Act of Helsinki. Those measures were modest experiments; they needed to be improved substantially. In their proposals, the Western countries are seeking to negotiate agreements that will, among other things, build on the rudimentary notification and observation procedures in the Helsinki Final Act. By mandate, the Stockholm Conference is already advancing significantly from the Final Act: by mutual agreement of all the countries, Stockholm is dealing with the whole of Europe, from the Atlantic to the Urals, whereas the Final Act exempted most of the European part of the Soviet Union.

The countries of the Atlantic Alliance are seeking to extend notification of maneuvers to include alerts, amphibious operations, and mobilization. They are urging that military units, specifically the division rather than levels of manpower, should be the basis for notifications. They are proposing an exchange of information as a standard against which to judge the significance of out-of-garrison military activities. On-site inspection to clear up questions arising from implementation of this agreement and to defuse potential crises should be part of a strengthened regime for enhancing stability. Means for urgent communications among the participants in this system could also serve to deter or resolve crises. The Allies are seeking longer advance notice of military activities and a lower threshold for notification than was provided in the Helsinki Final Act. In addition, the Western countries are proposing to exchange annual forecasts of military operations within the zone. This annual forecast will have a constraining effect, in that it will be more difficult for a military exercise suddenly to be mounted for the purpose of political intimidation. Together with mandatory observation of all notified military activities, these measures would exert pressure for stability in Europe. By establishing normal patterns of military activities for military operations in Europe and arrangements for reacting jointly to situations outside these "norms", we would create conditions which could facilitate the resolution of potential crises.

Johan Holst has suggested that "We should look at confidence-building measures as management instruments designed to reduce the pressure from arms on the process of politics during peacetime and on decision-making in crisis and war." The Alliance's proposals are designed to do exactly that. If a system can be established which promotes stability, which damps down potential crises, which discourages the use of military force for political intimidation, and in which crises can be contained and quickly resolved, we will indeed have "reduced the pressures from arms on the process of politics".

V. SOME PERSPECTIVES ON 1984

The Foreign Ministers of the thirty-five participants opened the Conference in January 1984, a period that marked, in retrospect, the beginning of a transition in Soviet-American relations. President Reagan's major policy statement on Soviet-American relations was delivered on January 16; it was followed immediately by talks between Secretary Shultz and Foreign Minister Gromyko. Although icy winds from the East were lowering temperatures everywhere, the seeds of future negotiations were even then being planted.

Perhaps the most important political impetus which the Stockholm Conference received during the year was President Reagan's speech of June 4 in Dublin. In that speech the President, in effect, outlined the shape of an ultimate agreement when he mentioned the possibility of discussing a Soviet-sponsored proposal regarding nonuse of force if the Soviets would negotiate concrete confidence-building measures such as those which the Alliance and the neutral countries had been advocating.

In the four sessions which were held during 1984, however, the Soviets showed little inclination to accept the Alliance's invitation to a negotiation. But just today, December 3, all participants, including the Soviet Union, have agreed on a working structure which should encourage serious and detailed negotiations. This could be a turning point. The opportunity now exists, more than ever before, for the "flexible give-and-take negotiating process" President Reagan called for in September. The portents are increasingly favorable, and we hope that the Soviets will use this new opportunity to work out agreements within the range of proposals which are truly negotiable at Stockholm. There has existed for some time a substantive "point of departure" for negotiations which many delegations have already discerned; now there is available to the negotiators a structure to facilitate detailed comparison of proposals and to begin the process of bridging the gaps.

It should be noted that many delegations in Stockholm have remarked that all the problems to which individual nations attach high priority cannot possibly be dealt with in Stockholm. But these matters need not go unattended, quite the contrary. For example, President Reagan in speaking before the United Nations on September 24 offered some ideas which would help to build confidence bilaterally between the United States and the Soviet Union. It is obvious that the Stockholm Conference is not the universe. Many things can be done bilaterally or in other forums to improve confidence between states; these could reinforce measures agreed in Stockholm.

VI. SUMMING UP

Today, as we near the end of the Conference's first year, it seems that the West is not doing too badly, as measured against the basic thesis of Pierre Lellouche. The weakness to which he referred has not been in evidence. Perhaps we may even be permitted to say that the restoration of America's sense of strength, purpose, and confidence had something to do with this.

The Conference appears to have accepted a Western concept of security. Plenty of declarations have been heard from the East, but the majority of the Conference participants appear firmly committed to serious negotiations on practical measures designed to enhance stability in Europe. A consensus-building process has been at work which points to an outcome based on combining a reaffirmation of the renunciation of force with practical confidence-building measures intended to give real expression to that principle. And the idea of a more open continent is even more firmly entrenched than ever.

The Soviets, even if they use the new working structure to begin to hammer out a consensus, certainly will continue to offer the West self-serving panaceas for Europe's security problems. The temptation to seize easy results at the expense of meaningful results will always be there and it will always be exploited to the disadvantage of the West, if possible. But the first year of discussions suggests that if the West remains united, meaningful results are possible in Stockholm.

The meeting between Secretary Shultz and Foreign Minister Gromyko in January will, we hope, lead to a common understanding as to the subject and objectives of negotiations on a whole range of nuclear issues. We hope, also, that in this same spirit the nations participating in the Stockholm Conference may be able in the course of 1985 to make progress towards more stable and cooperative relations and an easing of military confrontation. Whatever the success of other negotiations in reducing the level of arms and men, formidable and potentially devastating military power will exist for a long time to come. While our nations strive to reduce the level of armaments, we must also strive in Stockholm to reduce to the vanishing point the risk of a war that no one wants.

As the Stockholm Conference convened nearly one year ago, President Reagan spoke of Soviet-American relations in a way which, I think, sums up the American attitude towards this enterprise. He said:

"Strength and dialogue go hand-in-hand. We are determined to deal with our differences peacefully, through negotiations. We are prepared to discuss the problems that divide us, and to work for practical, fair solutions on the basis of mutual compromise. We will never retreat from negotiations."

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

EXECUTIVE SESSION

NOMINATION OF JAMES A. BAKER, III, TO BE SECRETARY OF THE DEPARTMENT OF THE TREASURY

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed into executive session to consider the nomination of James A. Baker III, of Texas, to be Secretary of the Treasury.

The Senate proceeded to the consideration of executive business.

Mr PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon is recognized.

Mr. PACKWOOD. Mr. President, I ask for the yeas and nays on the pending nomination.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

(Mr. STEVENS assumed the chair.)

Mr. PACKWOOD. Mr. President, I think everybody in the body knows Jim Baker quite well. We know him as a man of competence, as a man of honesty, as a man of integrity, and, certainly, as a man of fairness. Most of us who have been here any length of time had some dealings with him when he was Under Secretary of Commerce in the later years of the Ford administration. Most of us on the Republican side, at least, are intimately familiar with him because of his involvement in the 1976 campaign for the reelection of President Ford and in Vice President Bush's campaign for the Presidential nomination in 1980. In every sense, he has dealt with all of us fairly and openly.

As to his particular qualifications to be Secretary of the Treasury, they are as good as any who have been submitted to us in the past and superior to most. If the argument is to be made, has this man served as a chairman of one of the regional Federal Reserve Boards, the answer of course is no. Has he taught economics at the University of Michigan and has he a Ph.D. from Harvard? Of course he has not. Are those qualifications necessary to be Secretary of the Treasury? They indeed are not.

What you want is a man of intelligence and you have it in Jim Baker.

What you want is a man of balance and you have it in Jim Baker.

What you want is a man who has a good concept of what is doable, and that is Jim Baker.

I can think of no one that the President could have submitted to us who is better suited right now for this position than Jim Baker.

The President will, at some time, be submitting to us a tax reform bill. He has not yet; the only bill that has been discussed is a tentative Treasury proposal. I think it is fair to say that there will be changes made in that proposal before it comes to us, and it will not come to us for some time.

There is no question that that tax reform bill is controversial. I personally like most of it. I intend to fight for it, and I intend to try to get the great bulk of it passed. But for any of us to pretend that it is not controversial would be either fooling ourselves or fooling the public. In order to get that bill passed, the President is going to need as Secretary to the Treasury a man who is very wise to the ways of this Congress and Jim Baker is that.

So, for all those reasons—honesty, integrity, competence, fairness, openness—I feel very strongly that the Senate should act and act unanimously today in approving his nomination.

Mr. President, I yield the floor.

Mr. LONG. Mr. President, the President of the United States has submitted to the Senate the name of James Baker as his choice to undertake the duties of Secretary of the Treasury. This position has, in all periods of our history, been one of the most important and responsible offices of the U.S. Government. It is especially so at the present moment. In the coming months, the new Secretary of the Treasury will be called upon to show wisdom, courage, and responsibility as he works with the President and the Congress in seeking a remedy for the massive deficits which now face the accounts of the Government.

I believe the President has made a fine choice in James Baker. I have worked with him in the past on several occasions, and have always found him to be knowledgeable and thoughtful in his approach to the problems facing our Government, and willing to listen to a different point of view. He has broad experience both within the Government and in the private sector. He will bring to the office of Secretary of the Treasury a proven record of ability to deal with major problems and effectiveness in working with Congress and with the various agencies of the executive branch.

I joined the other members of the Committee on Finance in their unanimous vote to report Mr. Baker's nomination, and I shall vote in favor of his confirmation by the Senate.

Mr. BOREN. Mr. President, I am very happy that a man with Jim Baker's abilities is willing to continue offering himself for public service. Mr. Baker's business experience and his tenure at the White House serve him in good stead as the new director of the President's plan for tax policy.

In his hearing before the Finance Committee, Mr. Baker made it clear that he will participate in policy discussions about energy taxation and other risk oriented enterprises. I am pleased that as he serves as Secretary, the Nation will have the benefit of his knowledge of these fields. During the Finance Committee hearing on his nomination, I gave Mr. Baker a copy of the recent Interstate Oil Compact Commission study which anticipates the impact of the Treasury's tax proposal on intangible drilling costs. Mr. Baker has agreed to read the study. I ask unanimous consent that it be printed in the RECORD following these brief comments so that the Members of the Senate can determine the impact of these proposals on employment, production, and income in the domestic energy industry so vital to our national security.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

INTERSTATE OIL COMPACT COMMISSION

OKLAHOMA CITY, OKLAHOMA.—More than six billion barrels of oil will remain undiscovered and 630,000 jobs will be lost if the Regan tax proposal is adopted, a task force of the Interstate Oil Compact Commission stated today.

The task force was charged with determining the impact of several tax proposals with emphasis on the proposal advanced by Secretary of the Treasury Donald Regan on the state governments and economy. This is the second phase of the preliminary reports and focuses on tax treatment of drilling expenses.

The first, released last week, predicted the loss of 90,000 jobs and 850 million barrels of oil if the Congress repeals the existing depletion allowance. The study shows that one out of every 12 stripper wells would be abandoned and an increase in the trade deficit of $750 million would occur if Regan's proposal is passed.

The IOCC is an organization of 30 petroleum producing states concerned with the conservation of oil and gas through waste prevention at the production level.

Cash available within the industry for drilling would also be sharply reduced, finds the report commissioned by Gov. George Nigh and Gov. Mark White of Texas, IOCC joint chairmen.

The reduction in the states' drilling activities would result in a substantial loss of jobs, petroleum reserves available to production, and revenue.

The Treasury Department's proposal, which repeals the expensing of intangible drilling costs, would cut the amount of investment capital available for drilling from $25 billion to $15 billion.

Presently 38 percent of the funds available for drilling of oil is generated outside the industry from other sources such as investors and bank loans. Sixty-two percent of the funds available for drilling is generated within the industry from oil and gas revenues.

As drilling declines so will the amount of funds available within the industry for investment, the task force found.

Under the Treasury Department's plan, the nation could also expect: A reduction of 203,000 of the total number of wells projected to be drilled between 1986–1991. A reduction in oil and gas revenues of $6 billion over the next five years. A reduction of 838,293 barrels of oil per day by 1991. The U.S. presently produces approximately 8.5 million barrels a day. The loss of an average of $360 million from gross production tax receipts annually from 1986–1991.

It is expected that industry expenditures will drop by one-third by 1986 due to uncertainties and projected reductions in third party funding will fall by a like fraction due to uncertainties in the tax treatment. It is estimated that a one million dollar drop in drilling expenditures will result in a loss of 50 jobs, 32 in direct petroleum industry jobs and 18 in related fields.

These figures reflect the results of the second phase of a three-part study prepared by the RAM Group of Oklahoma City, a management consulting organization, under the supervision of the IOCC staff. Phase I, covering the impact of the loss of depletion allowance on low volume or "stripper" wells, was released Jan. 9. Phase III on enhanced oil recovery will be released Jan. 24.

Nigh and White directed the IOCC to measure the impact on the production, taxes, and the economy of the oil producing states if any of the tax revision plans circulating Washington are adopted.

Sam Hammons of Oklahoma City and Charles A. Moore of Houston head the task force. Each is the official representative of the governor to the IOCC.

SUMMARY—IMPACT OF FEDERAL TAX PROPOSALS ON INTANGIBLE DRILLING COSTS 1986–91, INTERSTATE OIL COMPACT COMMISSION

Average impact 1986–91	Nationally	Texas	Oklahoma
Reduction in annual drilling (per year)	$12,609,000,000	$3,948,000,000	$1,857,000,000
Reduction in jobs (per year)	630,443	197,399	92,841
Reduction in number of wells drilled [1] (wells)	203,521	68,250	24,880
Reduction in drilling rigs (per year)	1,219	461	159
Reduction in oil and gas reserves added [1] (Boe)	6,304,000,000	1,974,000,000	928,000,000
Reduction in oil and gas production (Boe per day)	838,293	262,479	123,450
Reduction in annual oil and gas revenues (per year)	$6,006,000,000	$1,881,000,000	$885,000,000
Reduction in severance tax payments (per year)	$360,000,000	$114,000,000	$63,000,000

[1] Wells drilled and reserves are cumulative 1986 thru 1991. All others are averages per year.

Basis.—Industry expenditures are reduced by one-third in 1986 due to uncertainty and reduced third party funding. Third party funding is reduced by one-half in 1986 due to uncertainty in tax treatment. After 1986 industry expenditures remain at two-thirds of 1984 levels plus or minus cash flow effects from accelerated tax payments. After 1986 third party funding remains at two-thirds of 1984 levels plus or minus cash flow effects from accelerated tax payments. Reserves are added at a $12 per barrel oil of equivalent from 1986–91. The 1986–91 average wellhead price of oil and gas combined is $19.63 per barrel of oil equivalent. A reduction in drilling expenditures of $1 million results in a loss of 50 jobs (32 direct petroleum industry jobs and 18 indirect jobs).

Mr. MATSUNAGA. Mr. President, there is no objection, so far as we can see, on this side of the aisle to the confirmation of the nomination of Jim Baker. One of the things which pleased me and my colleagues on this side of the aisle during the hearings before the Senate Committee on Finance was the fact that his responses to questions were so well considered and the fact that he openly stated that he did not buy the entire package as was presented by his predecessor in tax simplification. Of course, there are some who are opposed to certain sectors of the package; there are those who favor certain provisions of the package; but it seems there are hardly any who support the package in toto.

Jim Baker recognized that. The fact that he recognized that is an indication that he is guided by his fairmindedness. His stress on fairness of a tax measure over simplification of our tax system, I think, was very impressive. I, for one, was very impressed by his presentation.

I should point out that the vote in the Committee on Finance to report his nomination out favorably was unanimous.

I rise here to join the chairman of the Finance Committee in the remarks which he made when naming all the attributes of the nominee. I might even go to the extent of saying that I do hope that the confirmation will be unanimous.

I yield the floor.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, will the Senator from Hawaii yield time to me to speak on the nomination?

Mr. MATSUNAGA. I am happy to yield to the Senator from Wisconsin.

WHY THE SENATE SHOULD CONFIRM AN UNQUALIFIED SECRETARY OF THE TREASURY

Mr. PROXMIRE. Mr. President on Wednesday, January 23d, the Finance Committee of the U.S. Senate questioned James Baker, the nominee for Secretary of the Treasury. They questioned him for 2 hours and 20 minutes. I have read that testimony and I could not find a single question directed at the qualifications of Mr. Baker to be Secretary of the Treasury. The Constitution under which we operate, and which we swear to uphold, charges each of us in this body to advise and consent to the President's nominations for the top policymaking positions in our Government.

The Senate, in my judgment, has a deplorable record of neglect in discharging this constitutional advise and consent responsibility. Think of it: for 25 years, the Senate has not rejected a single Presidential Cabinet nominee. Not one. Many of the nominees have been well qualified but dozens have not. Since 1959 the Senate approved them all. In fact, only twice in this century has the Senate turned down a Cabinet nominee. It is a disgraceful record. There are few, if any, more important positions in our Government than Secretary of the Treasury. This is especially true today when the No. 1 domestic problem that confronts this country is a series of immense deficits that has plagued this Government for each of the last 3 years and promises to plague us for the next 4 years, during which Mr. Baker will be Secretary of the Treasury. How do the deficits challenge the qualifications of the Secretary of the Treasury? They do so in the following ways:

First, the deficits require that the Secretary and the Treasury Department must raise massive sums by borrowing from both domestic and foreign sources. These will not be routine borrowings of the kind that this country has made during most of our history. The size of Treasury issues will have a far more profound effect on our own capital markets, on the interest rates that tens of millions of American consumers and millions of American businessmen will pay. It will have an increasing effect on the cost of capital in foreign countries throughout the world. The timing of this borrowing, the maturity of the debt instruments the Treasury chooses, will have a critical effect on the economic performance of this country and countries throughout the free world. The next Secretary of the Treasury will have to handle this borrowing with great skill.

Second, it requires that the Secretary of the Treasury must work in close cooperation and understanding with the Federal Reserve Board. The Secretary, especially James Baker as Secretary, will speak with special clout and authority with respect to the Federal Reserve. Neither the current Chairman of the Fed nor the Board as a whole are easily intimidated. But Mr. Baker comes to the Treasury Department from a specially close and unusually influential relationship with a very strong and popular President. When this new Secretary of the Treasury talks, the Fed will listen. And why not? He will talk with the same authority as the President of the United States. Do you say we can rely on Chairman Paul Volcker? No one will intimidate him? Well, Mr. President, within a year or so Chairman Paul Volcker may leave the Federal Reserve Board. At his confirmation hearing in July 1983, in answer to questions I asked him, Chairman Paul Volcker took the unusual precaution to warn the Banking Committee that he would not commit himself to serve out his 4-year term. Volcker further said that he thought that ideally the Fed Chairman's term should end on January 31, 1 year after the President is elected. That would end Volcker's service on January 31, 1986.

So President Reagan might appoint a new Chairman of the Federal Reserve Board next January. By that time Secretary Baker will be firmly in charge at the Treasury Department. Secretary Baker will probably play a big part in picking the next Fed Chairman and he will be in a very strong position to lean on him. Will Treasury Secretary Baker lean on the next Fed Chairman? Secretary Baker will next January be faced with the mammoth problem of borrowing immense sums without driving American or world interest rates our of sight. There will be a very great temptation for this new Treasury Secretary to insulate our American capital markets and, indeed, the world capital markets from this huge borrowing. Possibly for the rest of the Reagan term. How can he do that? He can do that at least temporarily by pushing the Fed to buy an ever increasing share of the Treasury borrowing. So why not? If that will keep interest rates down, why not do it? Here is why not: The danger here is that this kind of policy could serve the short-term interest of our country for a year or two or even more, but in the long run it would have the consequence that monetizing the debt always has. It would mean inflation and big inflation.

Mr. President, what do we know about this new Secretary of the Treasury and his attitude toward an independent Federal Reserve Board? We know the Federal Reserve Board has usually been able to stand fast against inflationary policies. We know just

about every Congress and just about every administration—this is not partisan. Democrats and Republicans are all the same on this kind of thing—wants those easy money policies to hold down interest rates. We know they especially want these easy money policies when deficits threaten to hold up or push up interest rates. So how about James Baker? What effect will his administration of the Treasury Department have on the Federal Reserve Board? What is the "book" on Baker. The day that the shift of James Baker to Treasury was announced, some newspapers featured in their stories that Baker has been a "Fed basher." Now of course James Baker is not a basher of any kind. He is far too skillful and subtle—and I might add effective—to betray such an instinct. Then why the reports? Many of the first press reports indicated that in his relatively anonymous role as White House Chief of Staff, Baker was one of those pushing hardest for an easy money, or let-the-Fed-buy-the-deficit policy. What did the confirmation hearing disclose about this critical issue? At the hearing, Mr. Baker simply said he believed in very close cooperation between the Secretary of the Treasury and the Fed and frequent—in fact weekly—meetings between the two. Baker also said he believed the term of the Fed Chairman should be coterminous with the term of the President. That would in effect assure the President of having his own Fed Chairman. What all this adds up to Mr. President, is that in confirming Mr. Baker we may be starting the beginning of the end of the independence of the Federal Reserve Board. The irony is that we would do this right after an independent Fed—the only game in town fighting inflation—has just achieved the single most impressive economic attainment in the last decade: bringing runaway inflation under control.

Third, at his confirmation hearings, Mr. Baker told the Finance Committee that he would become the President's chief economic adviser and spokesman on economic issues. This would be a great challenge for any Secretary. Is Mr. Baker qualified to meet it? Is he intelligent? He is, indeed. Has he demonstrated that intelligence in matters of great complexity and difficulty? He certainly has done exactly that as the President's Chief of Staff throughout the President's first term. During that first term, Mr. Baker was not the President's prime economic adviser. But he was very close to the President and there is no evidence that he disagreed with any of the major economic policies pursued by the administration. Those policies have given this country both the deepest recession since the Great Depression and a very strong recovery. What was the prime feature of the Reagan-Baker economic policy during this 1981 to 1984 economic roller coaster ride? The obvious hallmark of the recovery was the record-breaking, massive series of deficits, rising from a record-smashing $109 billion in 1982, to $195 billion in 1983 and $175 billion in 1984 with more sure to come. The vast stimulus of those deficits has given this country a truly great economic year in 1984. The economy grew by 6.8 percent, the best growth year since 1951, 33 years ago. The stimulus of the massive deficits undoubtedly provided the main steam for that exuberant recovery. But the deficits did something else that was both welcome and surprising. The deficits, oddly enough also helped maintain the great improvement in the inflation rate that tough Federal Reserve Board monetary policy earned. Inflation in 1982, 1983, and 1984 stayed at or below 4 percent each year, an astonishing performance compared to the more than 13-percent inflation the economy suffered in 1979 and more than 12-percent inflation in 1980.

How did deficits help do that? The deficits helped hold down inflation by so increasing foreign borrowing which required foreigners to sell their currencies and buy the dollar that foreign currencies dropped sharply in value. The American dollar shot up in value. So Americans could buy more cheaply from abroad. Even more important, the deficits, by bloating the dollar and cheapening foreign imports, prevented American business from increasing prices. They could not do so without losing business to foreign imports.

So the Reagan-Baker economic policy worked like a charm during 1983–84 recovery. Then, why not have more of the same big growth, low inflation medicine? Why not confirm Mr. Baker as Secretary of the Treasury and as the chief economic adviser to the President? The answer is that this Reagan-Baker deficit policy is great in the short run as the 1984 economic growth and low inflation figures show, but for the long run? Watch out. It is stricly bad news.

And yet, this Senator will vote for Mr. Baker, but he will do so with serious misgivings. James Baker, as we have said, is an intelligent man. That is enormously valuable in any position of importance, such as running the Treasury Department. He will have the full confidence of the President. He has worked well with Congress in the past and will do so again. But he has virtually no relevant background to serve as Secretary of the Treasury. I would happily vote for him for Attorney General. Why not the Treasury? Because Mr. Baker has had little experience in dealing with any of the specific responsibilities of the Treasury Department. He has no training in economics. He has written nothing about economic policy. He has not had one day's experience in handling any of the kind of duties the Secretary of Treasury will have to handle. But, frankly, this Senator knows he must hold this administration to a much lower standard of qualification than other administrations. I know that if Mr. Baker should be rejected, the next nominee will be even less qualified. So with great respect for Mr. Baker's fine personal qualities, while deploring his lack of significant qualifications, I will cast a reluctant vote for his confirmation.

Finally, Mr. President, Mr. Baker has courteously written me a letter setting forth his qualifications to be Secretary of the Treasury. I believe they show him to be qualified for many offices, particularly, as I have said, Attorney General, certainly President of the United States—of course, a lot of people are qualified for that—but Secretary of the Treasury? No. And as the principal economic adviser to the President, you have to be kidding. Absolutely not.

I ask unanimous consent that the letter be printed in the RECORD.

There being on objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, January 25, 1985.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, DC.

DEAR SENATOR PROXMIRE: I have just had lunch with Bob Dole who suggested that I drop you this note about my private sector and government experience in order to assist you in judging my qualifications to be Secretary of the Treasury.

I graduated from your alma mater (The Hill School) in 1948. I graduated from Princeton University in 1952 with a B.A. degree. My law degree was obtained, following two years active duty in the Marine Corps, from the University of Texas (with honors) in 1957. From 1957 to 1975 I practiced law as both an associate and partner of Andrews & Kurth in Houston, Texas—the fifth largest firm in Texas. I was a member of the management committee of that firm and my practice was of a general business law nature. I did quite a bit of banking and securities law work. I also did general corporate law including mergers, acquisitions, etc. I have served on the Board of Directors of three banks and one bank holding company. In August, 1975, I was appointed Under Secretary of Commerce by President Ford and I served in this capacity until May, 1976, when President Ford asked me to move to the President Ford Committee. For several months during this time I was the acting Secretary of Commerce. I was a regular participant in meetings of the Economic Policy Board which was the top economic policy coordinating entity in the Ford Administration.

In August, 1976, President Ford asked me to be the Chairman of the President Ford Committee and I served as such until I resumed my law practice in 1977, which continued until I entered government on January 20, 1981 as President Reagan's Chief of Staff. (I did take time off during that period, however, to run for Attorney Gener-

al of Texas, to organize and serve as Chairman of the George Bush for President Committee and to serve as Senior Advisor to the Reagan-Bush Committee.)

On January 20, 1981 I became Chief of Staff and Assistant to President Reagan. As such I have attended Economic Summits with him and accompanied him on other foreign trips. I have worked extensively with both Dave Stockman and Don Regan in the development of our budget and tax policy recommendations for the President, and I have assisted our efforts to implement the President's policies by chairing our legislative strategy group here in the White House. I have been a Presidentially designated member of the National Security Council for four years and I am a member of the various Cabinet Councils which are functioning within the executive branch.

I hope this is helpful to you in determining whether or not you will vote to confirm my nomination as Secretary of the Treasury.

I know you do not make it a practice of seeing nominees in advance of their confirmation hearings, but I would look forward to visiting with you at a later date if I am confirmed by the Senate.

Sincerely yours,

JAMES A. BAKER III,
Chief of Staff and Assistant to the President.

Mr. PACKWOOD. I will yield such time to the Senator from Mississippi as he may need.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I rise to indicate my strong support for the nomination of James Baker to be Secretary of Treasury. In the time that he has been in Washington, I think Jim Baker has proven he is a man of great ability and dedication and can work in a very constructive way in this administration to help set straight some of the economic problems that we confront. I have a very high regard for him personally, having had the privilege and honor of observing his work as a member of this administration. I compliment the President on his selection of Jim Baker for this important position because I know that he will serve with distinction and skill. It is my hope, in view of the unanimous recommendation of this nomination by the Senate Committee on Finance, that the entire membership of the Senate will vote in approval of this nomination.

I thank the distinguished Senator from Oregon, the chairman of the committee, for yielding.

Mr. PACKWOOD. I thank my distinguished friend from Mississippi for those very generous words about Mr. Baker.

I yield such time as the majority leader, the Senator from Kansas, may want.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I congratulate the Finance Committee and its chairman, BOB PACKWOOD for moving so promptly to report the President's nomination of James Baker to be Secretary of the Treasury, replacing Don Regan, who will be moving to the White House as Chief of Staff. I am confident the Senate will follow suit, because swift action on Jim Baker's nomination is important—not just because of the outstanding qualifications both he and Don Regan will bring to their new jobs, but because it is vital that the President get his team in order and working at top strength as soon as possible. The ambitious agenda President Reagan outlined in his second inaugural address demands the immediate attention of Jim Baker at the Treasury Department, so that he can bring to bear on that agenda the exceptional skills he has demonstrated at the White House over the past 4 years.

A DISTINGUISHED RECORD

Those of us who have worked with Jim Baker, particularly in advancing President Reagan's economic program, have no doubt that he is eminently qualified to serve as Secretary of the Treasury. Jim has been closely involved in the formulation and implementation of the President's tax and budget policies, and he has proven extremely effective in working with us in Congress. The importance of that skill should not be underestimated, given the President's ambitious economic agenda. Major spending cuts to reduce the deficit are our top priority, and no doubt Jim Baker will continue to focus primarily on that goal as he moves into the role of chief economic officer of the administration. But tax reform, constitutional reform of our fiscal policy, and maintaining good economic relations around the globe also are important to President Reagan, and will demand a firm guiding hand at Treasury.

Jim Baker's experience is by no means confined to the White House. He has served as Under Secretary of Commerce under President Ford, and he has been active in politics for many years—with considerable success, I might add. He has had a distinguished legal career, and he has served on the boards of many major companies. But most important of all, he knows us and he knows President Reagan, and he has won the confidence of those who govern from both ends of Pennsylvania Avenue. He will be able to get the job done that must be done on the economic front.

SENSE OF URGENCY

Mr. President, I hope the Senate will approve the nomination of James Baker to be Secretary of the Treasury without delay. The sooner we have all the players in place, the sooner we can complete legislative action to reduce the budget deficit. The work we have done in Senate discussions so far, with the cooperation of the administration, should enable us to pass a major spending reduction, "freeze plus" package that will secure and consolidate the tremendous economic gains of the past 4 years. Inflation subdued, tax rates controlled, regulation reduced, the growth of spending restrained—all of these achievements have made our citizens' restrained—all of these achievements have made our citizens' economic future look much brighter than anyone could have imagined 4 years ago. Anyone, that is, except Ronald Reagan, who led the way to economic recovery with the help of able lieutenants like Jim Baker and Don Regan. But we cannot relax now, with the challenge of the deficit still before us. Time is wasting, and the sooner we have Messrs. Baker and Regan in their new posts, the sooner we can get the job done.

Mr. President, I share the views just expressed by the distinguished Senator from Mississippi. Having worked closely with Jim Baker over the years and knowing of his willingness to compromise, his integrity and his dedication, I think it is fortunate that his nomination is before the Senate this afternoon. It is also maybe symbolic in a sense; this will be the first record vote this session. It is a very important nomination, and I am very pleased to support it. We will have a lot of work to do over the next few weeks and months dealing with the Treasury Secretary, dealing with Don Regan, who will move from Treasury to the White House, dealing with various members of the Cabinet, the President, and Members on both sides as we continue our work on deficit reduction. I am convinced that we can rely on the constructive assistance from the distinguished nominee, James Baker, and I hope and believe that we will unanimously approve his nomination this afternoon.

Mr. PACKWOOD. Mr. President, I might tell the majority leader we also sent out of committee today Mr. Darman to be Deputy Secretary and Mr. Pearlman to be Assistant Secretary. I hope we can have those on the floor before too long.

Mr. President, I suggest the absence of a quorum and ask that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATSUNAGA. Mr. President, I yield such time as the Senator from Texas may desire.

Mr. BENTSEN. I thank the distinguished Senator from Hawaii.

Mr. President, I wish to join my colleagues in recommending speedy con-

firmation of Jim Baker's nomination by the Senate.

The country may be at a crossroads in Federal tax policy today. Opinion polls show that the public favors the concept of a lower-rate, broader-based tax, and we may be at the point of undertaking a wholesale reappraisal of the many deductions, credits, and preferences in the Tax Code.

But the polls also show that the public wants to preserve deductions for such things as charitable contributions and mortgage interest. And most of the special provisions in our tax laws are based on policies that similarly have strong support—such as encouraging research and development or encouraging oil exploration.

I think Jim Baker is a good choice to steer us down the narrow path between these inconsistent positions. Whether or not the President decides to give a priority to tax reform on his agenda, I do not doubt that many of the special deductions, credits, and preferences in the Tax Code will be reexamined.

Mr. President, Jim Baker comes from a family that has given our State of Texas generations of leadership. He has carried on in that tradition. He, of course, has superlative credentials—from an excellent education, to military service, to law firm partnership. And he has an impeccable reputation for integrity. Moreover, I think he will be able to appreciate the effect of the tax laws on business and personal decisions and on the economy. As former Treasury Secretary and fellow Texan John Connelly pointed out recently, "He knows that lower interest rates are good for the country."

Mr. President, in his hearings before the Finance Committee last week, Jim Baker demonstrated a solid grasp of the complicated issues that he will deal with. I think the committee also demonstrated to him the diversity of opinion that he will have to deal with on the Hill. I urge my colleagues to approve his nomination.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATSUNAGA. Mr. President, I yield such time as he may consume to the minority leader.

Mr. BYRD. I thank my distinguished friend.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, a President's second term often brings a new team. The nomination of a key part of President Reagan's new team, Mr. James Baker, is before us today. As White House Chief of Staff, Mr. Baker was a key member of the President's first term team as well. In that very difficult and demanding post, Mr. Baker generally was given high marks for efficiency and effectiveness. He acquired a reputation for pragmatism and the ability to strike a compromise that could break policy or some kind of legislative logjams. These are abilities that will serve him well in his new post as Secretary of the Treasury.

From the early days of the Republic, the Treasury post has been a key part of the economic life of the country. The Treasury's responsibilities range from shaping tax policy to helping maintain the stability of the international financial system.

In many ways, Mr. Baker enters the Treasury post in favorable circumstances. He is the choice of an immensely popular President with whom he has worked closely for 4 years. The economy has grown rapidly for 2 years and the relatively strong performance in the last 3 months has quieted at least for the moment fears of a near-term recession. He has the opportunity to be remembered as a Secretary of the Treasury who helped lay a solid base for long-term prosperity.

However, Mr. President, the new Secretary of the Treasury also will have to face some serious challenges—challenges that could determine the industrial and financial health of the United States for years to come. Mr. Baker will have to face the problem of a severely overvalued dollar. Last year's estimated trade deficit of $125 billion almost doubled the all-time record trade deficit of a year before. Recently, Ambassador Brock estimated that the 1985 trade deficit could be 25-percent higher still. There is more than one cause of the trade deficit, but the dollar is a major factor. The value of the dollar has risen so high that manufacturing industries in particular are placed in a position of severe competitive disadvantage in both overseas and domestic markets.

Mr. Baker also faces an international financial system still burdened by hundreds of billions of dollars of loans to developing countries. Many American banks are involved in those loans—and the larger the bank the more deeply it is likely to have been involved. In addition to foreign loans, domestic banks are struggling with the uncertain path of further deregulation and the prospect of loan defaults in the energy and agricultural sectors.

As a leading economic figure in the administration, Mr. Baker will have to wrestle with the difficult problem of deficit reduction. What finally happens to deficit reduction this year, will, in some part, be influenced by Mr. Baker's views on the economic outlook and where spending cuts should be made.

Mr. Baker also has a rare opportunity to play a major role in simplifying the Tax Code. The American public clearly wants a tax code that is simple, fair, and supportive of economic growth. More than anyone except the President himself, Mr. Baker can contribute to giving us a revised tax system with these characteristics.

Mr. President, the future offers Mr. Baker both many challenges and opportunities. His choices can help us move forward toward a path of long-term growth or downward toward the road of debt and deficits. He brings many skills to his new office. He will need them all.

I wish Mr. Baker well in his new post, because, in saying that, I am wishing our Nation well.

Mr. THURMOND. Mr. President, I rise today in strong support of President Reagan's nomination of James A. Baker III, to the Office of Secretary of the Treasury.

The Treasury Secretary holds a position of great importance in our system of government. This office is fifth in the line of succession to the Presidency. As the chief adviser and analyst on economic and monetary matters to the President, the Treasury Secretary performs a vital function in formulating the financial policies of our country.

Mr. President, in my estimation, Jim Baker is eminently qualified to serve as Secretary of the Treasury. He is a man of the utmost integrity, and his remarkable energy and acumen have earned him the respect of those persons with whom he has worked and consulted. For the past 4 years, Mr. Baker has served ably as Chief of Staff and Assistant to President Reagan, establishing an impressive record as an excellent manager and keen legislative strategist.

His formidable negotiation skills and a capacity for hard work helped to secure passage in 1981 of President Reagan's landmark tax cut and spending reduction legislation. This legislation is responsible in large measure for the economic recovery our country is enjoying today. Moreover, Mr. Baker can list among his credits the important role he played in the successful legislative effort to place the Social Security Retirement Program on a sound financial footing, thereby easing the concerns of millions of our senior citizens whose economic survival depends on their Social Security benefits.

Mr. Baker's many other accomplishments while working at the White House are too numerous to recite here. Suffice it to say that the experience gained as Chief of Staff and Assistant to the President has made him particularly well suited to serve in the po-

sition to which he has been nominated.

Mr. President, the fine record Mr. Baker has made for himself as Chief of Staff and Assistant to President Reagan is but part and parcel of a distinguished professional career. After graduating from Princeton University in 1952, Mr. Baker served his country proudly as a lieutenant in the U.S. Marine Corps. Subsequent to his military service, he attended the University of Texas School of Law, graduating with honors in 1957. He then joined the law firm of Andrews, Kurth, Campbell & Jones in his native Houston, TX, where he practiced law for 23 years, and earned a reputation as a superb corporate lawyer. From August 1975 to May 1976, Mr. Baker served as Under Secretary of Commerce. Mr. Baker's strong sense of civic responsibility is evidenced by his active involvement in numerous public service projects, including the Texas Children's Hospital and M.D. Anderson Hospital and Tumor Institute.

Mr. President, Jim Baker is a man of exemplary character whose work experience and education have prepared him well to meet successfully the enormous responsibilities of the Office of the Secretary of the Treasury. I have enjoyed working closely with Jim Baker in his role as Chief of White House Staff and Assistant to the President, and I look forward to working with him in the future in his new capacity as Secretary of the U.S. Department of the Treasury.

I strongly support the nomination of Mr. Baker to this post. If confirmed by the Senate, as I expect he will be by an overwhelming vote, I have every confidence that he will perform with exceptional skill and diligence the new duties and public trust reposed in him.

Mr. BOSCHWITZ. Mr. President, today I rise to express my support for the nomination of James A. Baker III to be Secretary of the Treasury.

The announcement that Jim Baker and Don Regan would trade positions caught me—and virtually everyone else—by surprise. After the initial surprise wore off, I quickly concluded as did everyone else I spoke with that Jim Baker would make an excellent Secretary of the Treasury—especially if his past service as the President's chief of staff is any indication, which I believe it is.

During the past 4 years as chief of staff, Jim Baker has served the President and the country with extraordinary skill. He has demonstrated an exceptional ability to deal with a broad range of substantive, legislative, and political issues and achieve tangible results for the President. As the primary strategist for the 1981 tax and budget cuts, Jim Baker played a vital role in President Reagan's successful effort to reverse the trend of increased Government involvement in our economy. As the chief of staff, his efforts were Herculean and his accomplishments substantial.

I am confident that he will be a strong and effective Secretary of the Treasury. While the range of issues may not be as broad, the importance of the issues he will face during the President's second term cannot be underestimated. As the administration's economic spokesman, he will be the point person for deficit reduction, tax simplification, and international debt problems. The skills he demonstrated so ably as chief of staff will serve him well in dealing with Congress, foreign governments, and the American people on these issues.

I am confident that Jim Baker will serve the President and country well as Secretary of the Treasury. I congratulate him on his selection, look forward to working with him in his new position, and hope he stays in his new position for the entire second term.

Mr. HART. Mr. President, by nominating James Baker the President has chosen a Treasury Secretary known for his competence, his relative pragmatism, his political acumen, and his ability to get things done.

There are many things that need urgently to be done.

The departing Secretary, Donald T. Regan, leaves with his most important monument designed but as yet not built. That is the program for tax simplification and reform, prepared by the Treasury Department over the past year at the direction of the President, and presented to the public in November 1984.

The Treasury's proposal is—let us say frankly and without partisanship—a landmark work. It builds on the initiative of Senator BRADLEY in designing a broad-based, simplified progressive tax structure. It preserves the progressive, income-based character of our tax system. It would restore the universality and fairness required to make such a system work. It rejects suggestions to pile new tax burdens onto working men and women and onto the middle class, such as through a national sales or value-added tax.

The Treasury's proposal provides this body, the administration, and the new Treasury Secretary with an opportunity of singular importance.

We can rise above the clientele politics that so often characterizes our behavior—or we can sink beneath it.

We can act, for once, in the interest of the 80 percent of the Nation who want a simple, fair, progressive tax system—or we can act in the multiple interests of the organized minorities who do not.

We can give our system of revenue, and our system of government itself, new life with decisive action in favor of this plan—or we can administer its slow death by insisting that every interest be taken care of.

Responsibility to lead the way lies with the President, and the new field commander will be James Baker. Will he pursue tax simplification with the vigor that the public wants? Or will he let it die the death of a thousand cuts? The Nation will be watching.

Interest rates have fallen by over 2 points since the summer of 1984, and for a simple reason: easier monetary policy. It may be that we have exhausted the scope for still lower rates by this mechanism alone—that the Federal Reserve cannot safely risk still more easing of money all by itself. Yet, as every farmer, every small businessman, and every young couple seeking to buy a home knows, interest rates have not fallen enough.

Herein lies the second great challenge facing the Treasury Department: How to get interest rates down.

Deficit reduction must top any list of measures. Every serious analyst agrees that our deficits must be cut. But among this choir of voices, there has been one conspicuous exception: the U.S. Treasury Department. There, under the influence of some profoundly silly ideas, spokesmen have routinely waded into the tide of evidence on this point and ordered it to recede. "Deficits don't affect interest rates" they insist. Yet real interest rates and deficits have risen in tandem in the Reagan years.

The particular danger of this cavalier attitude toward revenues and deficits stems from the institutional role that the Treasury must play. The Treasury, to put it simply, must be the guardian of the public purse. If the Treasury is not concerned with the deficit, then who will be? We are only beginning to learn the consequences of allowing this role to be usurped by a radical theory.

A new Secretary provides an opportunity for a new departure. Secretary Baker should eschew the false optimism and phony scholarship of the supply-siders, just as Jim Baker resisted their worst incursions into high policy when he served as Chief of Staff at the White House. Perhaps, once in a while, he may even stroll over to his old offices and update his predecessor—even his boss—on the return of the Treasury Department to the fold of common sense.

The Treasury has another important role to play affecting interest rates in the area of international economic relations. These are properly reserved to the Treasury, and are not the sole province of the Federal Reserve. In this area the administration has not shown the imagination that the situation requires.

The urgent need of the world economy is for international leadership and coordinated action on two problems: to

lower real interest rates around the world, and to resolve, rather than merely manage, the debt crisis in Latin America. On these issues—partly because of the scorn with which the Treasury view on budget deficits has been reviewed by our friends abroad—the Department has been ineffective. Perhaps here, too, with the authority that Mr. Baker brings to his job, we can hope for a change.

Finally, there is the conduct of monetary policy itself. For 4 years now, the Department of the Treasury has been embarrassingly wrong-headed on this subject. We have had 4 years of Fed-baiting, spurious criticism and scapegoating—while at the same time the Treasury supported the worst excesses of the tight money, high interest rate policy of the Federal Reserve.

We can hope for a return to reason on this score. Let the Federal Reserve be criticized when it is wrong. But let the administration also speak with one clear voice on monetary matters—and not one supportive voice in private and another carping, criticizing voice for the benefit of the public press.

Mr. President, James Baker has long sought a Cabinet level appointment. On a personal level, I am pleased he will be able to realize this goal. But with the unique qualities he is bringing to the Treasury Department, his selection as Secretary of the Treasury may augur well for the country. He has an enormous task before him—on tax reform, interest rates, and international economic policy as well. He has a well-earned reputation for his ability to get things done. His reputation on that point will certainly be tested in the months ahead. I intend to support his nomination.

Mr. SIMPSON. Mr. President, I want to express my strong support for James Baker as nominee for Secretary of the Treasury. Jim Baker has had an extraordinary record of service in the past 4 years in the administration of President Reagan as chief of staff and assistant to the President. During his time at the White House, Jim Baker had the responsibility to develop and implement the President's legislative strategy. I believe he has discharged his duties with great skill and aplomb and he has proven himself to be just an exceptionally talented individual.

Jim Baker has approached the legislative branch in an open and fair-minded spirit. He has worked with most of my colleagues at various times and has developed a strong rapport with many Members of Congress. I believe that this will serve him well as he proceeds to deal with the very difficult issues ahead in the coming months and years. I have the highest regard for Jim Baker personally and I urge my colleagues to join me in unanimous support of this truly remarkable individual for the position of Secretary of the Treasury.

Mr. GRASSLEY. Mr. President, I rise to offer my words of support for our President's nomination of his trusted chief of staff to become the Secretary of the Treasury. Mr. Baker's experience in Washington and in working with so many members of the administration will serve him well as he undertakes his new duties. In the course of my discussions with Mr. Baker over the past 4 years, and in my capacity as a member of the Finance Committee which confirmed his nomination last week, I have found him to be sensitive to my concerns about the economic crisis now facing so many of the citizens of my State of Iowa.

I am confident that as he assumes his duties as chief advocate of the administration's economic policies that he will consider the need to address the farm crisis with immediate actions to implement the President's farm credit plan. It is my hope that Mr. Baker will make it a priority to encourage the freeze on Federal spending necessary to bring the budget deficits under control. Only then will there be the relief from the high interest rates and poor international exchange rates that have caused such havoc for our Nation's farmers.

I hope he will continue your predecessor's efforts to work closely with Chairman Volker of the Federal Reserve Board for a reduction in the interest rates. I am looking forward to working with Mr. Baker in the coming session as the Finance Committee considers the tax reform proposals now being proposed by the administration and Members of Congress. As we examine the various elements of each plan, I would expect his support for formulating a tax policy that will promote economic growth and productivity, with a sense of fairness and equity for all segments of our country.

Mr. PRESSLER. Mr. President, I commend President Reagan for his excellent choice of James A. Baker III as Secretary of the Treasury. Knowing Jim Baker, and the excellent job he has done as the President's chief of staff, there is no question that he has the qualities and expertise necessary to meet the extremely challenging and taxing responsibilities which await him as Secretary of the Treasury. His outstanding record as chief of staff is sure to be reflected in his new capacity. I am extremely pleased to give Jim Baker my complete and unequivocal support as he assumes this most important position.

Jim Baker takes on this role at an extremely difficult and challenging time in this country's economic history. The present U.S. Tax Code is too complicated, it is unfair, and it retards economic growth. While the desire to reform taxes is probably as old as the tax structure itself, recently interest in this issue has greatly increased on the part of the American people.

Many individuals and businessmen from all economic strata believe strongly in, and are calling for, basic tax reform aimed at restoring simplicity and fairness to our system of taxation. This issue, together with the serious debt problem this country faces, will keep both Congress and the Treasury Department extremely busy in the coming years, and it is vital that we have an individual of the caliber of Jim Baker at the head of Treasury during this time.

I have had the distinct pleasure of working with, and getting to know Jim Baker on a personal level. I am very impressed with his abilities and dedication to the service of the American people. I am confident that he will continue to serve his country well as Secretary of the Treasury.

Mrs. HAWKINS. Mr. President, I am proud to rise in support of the nomination of James Baker as Secretary of the Treasury. He has served our President and this Nation well during the last 4 years in his capacity as the President's chief of staff, and I have the utmost confidence in his ability to efficiently and successfully run the Treasury Department.

Mr. Baker's credentials are outstanding and his experience in coordinating many of President Reagan's triumphs on Capitol Hill will be useful as he undertakes the arduous but necessary task of simplifying this country's Tax Code. In 1981, his contributions were crucial to the success of the tax-cut package and spending reductions which laid the foundation for our currently vibrant economy. He also helped to guide the Social Security package through the Halls of Congress which rescued the program and enabled millions of our elderly residents to live without the fear that one day that check, their sole source of income, would not be in the mail.

These are achievements of profound proportion and clearly demonstrate that his service has touched the lives of literally millions of Americans. I am very grateful to Mr. Baker for his contributions to this administration thus far, and eagerly anticipate his contributions and successes in the next 4 years. His desire and willingness to selflessly continue working as a public servant rather than opt for the less frazzled and higher paying jobs in the private sector is a reflection of this man's dedication to fair and decent principles.

I urge my colleagues to unanimously support the nomination of Mr. James Baker as Secretary of the Treasury.

Mr. GORTON. Mr. President, I support the nomination of James Baker to be the Secretary of the Treasury. In the last 4 years, he has consistently demonstrated good humor, patience, and political wisdom in a most demanding job. These qualities will serve

him well in his new position, and will permit him to continue to serve the President well, as he has since 1981.

I look forward to working with Treasury Secretary Baker in a number of areas. Certainly among the most important of these will be the enactment into law of fundamental and broad-based personal and corporate tax reform. I am encouraged that Mr. Baker has confirmed that such tax reform is a top priority of the administration, because I personally believe that we have an opportunity to carry out a policy change of historic significance in this area. Should Mr. Baker ever, in the press of affairs, lose sight of the importance of tax reform; or should his devotion to the subject flag, I will certainly be among those pressing it upon him again.

I wish Mr. Baker well in his new undertaking, although I am sure that if success comes to those who bring to their tasks intelligence, diligence, and perspective, then success will be his. I urge my colleagues to join me in supporting his nomination.

Mr. DURENBERGER. Mr. President, I am pleased to take this opportunity to strongly support James A. Baker for the position of Secretary of the Treasury. I believe President Reagan has made an excellent choice for I am convinced that Mr. Baker has the necessary qualifications to be Secretary of the Treasury. For the past 4 years Mr. Baker has served the President and the American people in a professional and dedicated manner as the chief of staff and assistant to the President, and I am confident that as Secretary of the Treasury he will continue to demonstrate his high degree of loyalty, integrity, and leadership.

When the Senate Finance Committee considered the nomination of Jim Baker, he responded in a highly satisfactory manner to a number of queries including the budget deficit, tax reform, trade deficit, the Federal Reserve, and interest rates. In his prepared statement, Mr. Baker said:

> I am particularly grateful for the personal relationships I have developed in the process. More generally, however, I have tried to help assure that we approach relations with the Legislative Branch in a constructive, open, and fair-minded spirit—and I have been gratified that this spirit has been consistently reciprocated. If confirmed by the Senate, I would hope and expect to continue to work with the Congress, and your committee, in the same constructive spirit.

I firmly believe Jim Baker will continue to work constructively with the Congress in his new position as Secretary of the Treasury.

During the 6 years that I been in the Senate, the Treasury Department has played an important role in helping to solve problems affecting the constituents of Minnesota and the Nation. During the several years that I have worked with Jim, I have found him to be helpful and cooperative. As he assumes his new responsibilities in the Treasury Department, I look forward to continuing our good working relationship in solving issues affecting Minnesota and the Nation.

There are, of course, many issues that arise periodically in my office that require discussion with the Treasury Department. A few of these current issues are: First, intergovernmental issues including limiting the deductibility of State and local taxes for Federal income tax purposes to the extent these taxes exceed 1 percent of adjusted gross income; second, the importance of solving the imputed interest problem quickly and in an uncomplicated fashion; third, the role of Treasury in solving the American farm problem; fourth, providing support for troubled basic industries—agriculture, forest products, mining, steel and transportation—which have not shared in the recent economic recovery; fifth, tax reform issues; and sixth, placing a dollar limitation on the amount of total tax free fringe benefits that an employer can provide an employee—with each employee permitted to select his benefits—and with a separate limitation for medical premium costs. The following is a more detailed discussion of the first two issues listed above:

INTERGOVERNMENTAL ISSUES AND DEDUCTIBILITY OF STATE AND LOCAL TAXES

Throughout the past 4 years, President Reagan has expressed his strong intention to return program responsibilities and the resources needed to fulfill them to State and local governments.

No matter how noteworthy, those goals have proven difficult to implement. In our haste to solve the budget dilemma and reform the Tax Code, we sometimes lose sight of the needs and problems at the State and local government level. We don't always take the time to think about the role of Government and the operation of the intergovernmental fiscal system.

As Jim Baker takes over at Treasury, he has a golden opportunity to signal State and local governments that the President is still serious about making the intergovernmental system work.

The issue of State and local tax deductibility is a good example. This deduction helps protect the ability of State and local governments to raise revenue and assume program responsibility. It also helps cushion the effect of fiscal disparities between States—disparities which result from differing capacities to raise revenue. For example, some States have a better capacity to generate revenue from natural resources, manufacturing, or financial transactions, and in the process keep individual income tax rates low. Some States have to raise more revenue because they are highly urbanized or carry a larger-than-average percentage of poor Americans.

Instead of outright repeal or selective modification, the Treasury should be looking at alternatives which preserve the intergovernmental benefits of State and local tax deductibility.

I have suggested to Mr. Baker that he look at an alternative to outright repeal which I plan to introduce soon. It would allow a taxpayer to deduct his or her State and local taxes exceeding 1 percent of adjusted gross income. Everything below 1 percent AGI would be nondeductible.

I also hope Jim Baker will take a look at the ongoing Treasury Department study of the intergovernmental fiscal system. The intergovernmental community has raised serious concerns about approaches Treasury is taking to project future fiscal outlooks.

If he works closely with State and local officials on these and other issues, it will make it far easier for those of us charged with implementing the President's New Federalism proposals to see them become reality.

IMPUTED INTEREST ISSUE

Another issue that the Treasury Department must look at soon is the imputed interest problem. Most of you will recall that the imputed interest provisions enacted as part of the Deficit Reduction Act of 1984, became the subject of intense debate at the very end of the 98th Congress. We enacted temporary rules to solve the problem, but they expire on July 1, 1985. We must act before July 1 to provide a permanent solution so that homeowners, farmers, and small businessmen, among others, can be certain of the law when contemplating a transaction utilizing seller financing.

The Internal Revenue Code has long contained rules for determining if the contracts in such transactions had properly distinguished between principal and interest and for reallocating the payments if they had not. The IRS is required to scrutinize debt instruments for below-market interest rates giving rise to amounts of "unstated interest" and, when found, to "impute" an amount of interest based on market rates. The amount of interest that each payment would have contained if it had been computed at market rates is the "imputed interest" in that payment, and the rate of the payment is allocated to principal.

The IRS has usually used its power to define unstated interest conservatively. For example, the pre-Deficit Reduction Act IRS rules for installment sales set the "market" rate used to test for unstated interest at only 9 percent sample interest, which is below the current actual market rate. This leaves buyers and sellers considerable room to bargain.

Essentially, then, the crux of the problem is that the 1984 act mandated to the Treasury Department that they could no longer use conservative fig-

ures for unstated interest. The result is that parties have lost flexibility to bargain, and at times of high interest rates this bargaining is essential to sell homes, farms, and small businesses.

In order to solve this problem, I have introduced legislation, S. 251, which is a simple effective solution. I look forward to working with the Treasury Department, and Secretary Baker in an effort to resolve this issue before the temporary rules expire.

The position of Secretary of the Treasury is an extremely important Cabinet post. Jim Baker has the qualifications for that post and has my unqualified support.

Mr. DOMENICI. Mr. President, James Baker III is before the Senate for confirmation. I should like to state that I have many things in common with the distinguished nominee. First, he has eight children, I have eight children; he is an avid hunter, and I enjoy nothing more than a good day of hunting; he enjoys tennis, and so do I; he is a lawyer, and so am I but neither of us have practiced for quite some time. I think everybody would conclude that because of those similarities he will obviously make a magnificent Secretary of the Treasury.

However, on a serious note, Mr. President, I am very pleased that James Baker III has been nominated to be Secretary of the Treasury. If I have any misgivings, he should know that it is only because I have worked closely with him for 4 years. I was very pleased with that working relationship. I have nothing but compliments for him and the splendid way that he handled a most difficult job as he helped our President at his right hand for 4 years. Because he did such a splendid job, obviously it is with reluctance that I watch him leave that position. I have the greatest confidence in the President's selection of the person to succeed him, and in all honesty I am convinced that, while Jim Baker III says he wants to leave the job he has because he needs a bit of relief, I am in complete accord, but I know he will have another very difficult job; the job of the Secretary of the Treasury. Tax simplification, deficit reduction, economic adviser to the President, trade matters, deregulation and regulation of the financial institutions are a sufficient recipe in terms of activities for any one human being. He will do them well. It is my pleasure to support him and I do so with absolutely no reluctance whatsoever. My congratulations to the President for having selected him.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, if the distinguished Senator from Hawaii is prepared to yield back the remainder of his time, I am prepared to yield back the remainder of my time, and I think we are ready to vote.

The PRESIDING OFFICER. Does each side yield back the remainder of their time?

Mr. MATSUNAGA. I yield back the remainder of my time.

Mr. PACKWOOD. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is: Will the Senate advise and consent to the nomination of James A. Baker III of Texas, to be Secretary of the Treasury? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN] is necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. GARN] would vote "yea."

Mr. CRANSTON. I announce that the Senator from Arkansas [Mr. BUMPERS], the Senator from Illinois, [Mr. DIXON], the Senator from Montana [Mr. MELCHER], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois [Mr. DIXON], the Senator from Montana [Mr. MELCHER], and the Senator from Mississippi [Mr. STENNIS] would each vote "yea."

The PRESIDING OFFICER [Mr. MCCONNELL]. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 1 Ex.]

YEAS—95

Abdnor	Domenici	Humphrey
Andrews	Durenberger	Inouye
Armstrong	Eagleton	Johnston
Baucus	East	Kassebaum
Bentsen	Evans	Kasten
Biden	Exon	Kennedy
Bingaman	Ford	Kerry
Boren	Glenn	Lautenberg
Boschwitz	Goldwater	Laxalt
Bradley	Gore	Leahy
Burdick	Gorton	Levin
Byrd	Gramm	Long
Chafee	Grassley	Lugar
Chiles	Harkin	Mathias
Cochran	Hart	Matsunaga
Cohen	Hatch	Mattingly
Cranston	Hatfield	McClure
D'Amato	Hawkins	McConnell
Danforth	Hecht	Metzenbaum
DeConcini	Heflin	Mitchell
Denton	Heinz	Moynihan
Dodd	Helms	Murkowski
Dole	Hollings	Nickles
Nunn	Roth	Symms
Packwood	Rudman	Thurmond
Pell	Sarbanes	Trible
Pressler	Sasser	Wallop
Proxmire	Simon	Warner
Pryor	Simpson	Weicker
Quayle	Specter	Wilson
Riegle	Stafford	Zorinsky
Rockefeller	Stevens	

NOT VOTING—5

Bumpers	Garn	Stennis
Dixon	Melcher	

So the nomination was confirmed.

Mr. PACKWOOD. Mr. President, I move to reconsider the vote by which the motion was confirmed.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. SIMPSON. Mr. President, I announce that there will be no more rollcall votes today. That should certainly clear the Chamber so we can get on with our legislative activity.

ORDER OF PROCEDURE

Mr. SIMPSON. Mr. President, I inquire of the minority leader if he is ready to proceed to the legal counsel resolution and the material with regard to the Executive Calendar.

Mr. BYRD. Mr. President, this side is ready to proceed to the consideration of the resolution to which the distinguished acting Republican leader has alluded.

AUTHORIZATION TO PROCEED

Mr. SIMPSON. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The bill clerk read as follows:

A resolution (S. Res. 52) to authorize production of documents and deposition testimony by Senator JESSE HELMS and representation by the Senate Legal Counsel.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, Senator HELMS has received a deposition sub-

poena issued on behalf of the plaintiff in the case of *The Alan Guttmacher Institute* v. *M. Peter McPherson, et al.*, Civil Action No. 83-4461-CSH, which is pending in the U.S. District Court for the Southern District of New York. The plaintiff is challenging a decision by the Agency for International Development not to renew a grant for publication of a journal entitled "International Family Planning Perspectives." The subpoena calls for testimony by Senator HELMS and for the production of documents concerning his communications with AID officials about population or family planning publications funded by AID.

The resolution would authorize Senator HELMS to produce documents and to testify about nonprivileged matters which may be relevant to this lawsuit, and would also authorize the Senate legal counsel to represent Senator HELMS in this proceeding.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 52) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 52

Whereas, the case of *The Alan Guttmacher Institute* v. *M. Peter McPherson, et al.*, Civil Action No. 83-4461-CSH, is pending in the United States District Court for the Southern District of New York;

Whereas, counsel for the plaintiff has served a subpoena for the production of documents and taking of testimony at a deposition upon Senator Jesse Helms, concerning communications from 1980 to the present, in his official capacity as a United States Senator, relating to certain grant funding by the Agency for International Development;

Whereas, title VII of the Ethics in Government Act of 1978, Public Law 95-521 ("the Act"), establishes the Office of Senate Legal Counsel and provides that the Senate may direct its Counsel to represent the Senate, its committees, Members, officers, or employees;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony of a Member of the Senate is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That pursuant to section 704(a)(2) of the Act, the Senate Legal Counsel is directed to represent Senator Jesse Helms in connection with his testimony in the case of *The Alan Guttmacher Institute* v. *M. Peter McPherson, et al.*, Civil Action No. 83-4461-CSH.

SEC. 2. That Senator Jesse Helms is authorized to produce documents and testify at a deposition in the case of *The Alan Guttmacher Institute* v. *M. Peter McPherson, et al.*, Civil Action No. 83-4461-CSH, except concerning matters that he and the Senate Legal Counsel or his representative determine are privileged from disclosure.

ROUTINE MORNING BUSINESS

Mr. SIMPSON. Mr. President, I ask unanimous consent that there be a period of morning business for Senators to speak not more than 5 minutes and not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

BEHIND THE SCENES IN HEALTH CARE

Mr. DURENBERGER. Mr. President, these are times of unprecedented change and challenge in health care. Stimulated by modifications which have been made in the Medicare system, hospitals and other health care providers are undergoing significant changes in how they treat patients and continue to provide the highest quality care possible.

Overall, we are seeing a shift toward incentives which reward efficiency and efforts to keep people well. These changes are long past due. In 1984, health care cost Americans an estimated $390 billion, or about 11 percent of all the money spent on goods and services in this country. It's hard to find anyone these days who isn't concerned about the rising cost of health care and the impact it is having on both family and governmental budgets.

That's why it's encouraging to note the fact that changes being made in Medicare—and the health-care system in general—appear to be working. Last year, the cost of hospital care in the United States rose only 3.5 percent, well below the kind of double-digit increases we have experienced in recent years.

In the first 3 months of 1984, total hospitalization of Medicare patients in Minnesota declined 22.5 percent. That represents a significant savings for both Medicare patients and for the Medicare Program as a whole.

Whenever significant change like this occurs, it's important to recognize the crucial role played by the people who are on the front lines—actually working every day to carry out that change.

Among those most responsible for implementing the dramatic changes we see taking place in health care today are the millions of dedicated individuals who work in hospitals. From administrators to nurses on the wards, and from dietitians to housekeepers, hospital employees across the country are making a significant contribution to continuing our tradition of providing high quality care, but at a more affordable price.

One of those individuals is Cecelia Razook who has worked for the past 50 years at what are now United Hospitals in St. Paul. Cecelia has worked most of her 50 years in the hospital's housekeeping department. She has also been active as an executive board member and steward of her union local and is a member of the St. Paul Trades & Labor Assembly.

Even more impressive than her length of service, however, is the fact that—over the past 50 years—Cecelia has never taken a day of sick leave.

Because of the contributions which she has made, and because of her outstanding commitment to providing high quality health care, I ask unanimous consent that the text of a recent article on Cecelia Razook from the Saint Paul Pioneer Press be printed in the RECORD.

There being no objection, the text of the article was ordered to be printed in the RECORD, as follows:

50 PERFECT YEARS JUST ALL IN A DAY'S WORK FOR CECELIA RAZOOK

(By Dorothy Lewis)

Gold balloons will fill the lobby at United Hospitals today and a small army of doctors, nurses, dietitians, bookkeepers and maintenance workers will wear "Cecelia Razook" buttons on their lapels.

A tea, reception and dinner are scheduled as part of the festivities.

Why the big celebration? And who is Cecelia Razook?

Ask any of the 2,800 workers at the hospital and they will point out a rather short gray-haired woman who is usually seen plumping pillows, smoothing sheets or, with broom and dustpan, tidying up the third floor.

HONORS TODAY

Razook, who noted her 50th year with the hospital Sunday, is being honored today for her 50 years of service and for setting the unlikely record of never having taken a sick day in all of that time.

So Razook will be something of a "queen for a day" today, even riding to and from work in a limousine.

"How about that?" She asked, flashing a broad smile.

How she happened to set the half-century record of perfect attendance reflects partly her affinity for a work ethic, but it also points to a remarkable health record and an ability to save for a rainy day.

JUST HAD COLDS

"A friend of mine used to take every sick day she had coming as she earned it," Razook said. "Then when she was really ill and needed the time, she didn't have it.

"Besides, I was never that sick," she added. "And I don't believe in taking time off for nothing."

Throughout her years of service, Razook has only had an occasional light cold. Even as a child, she escaped all of the usual childhood diseases: measles, mumps and the like.

"I am lucky to have had such good health," she said, "but I also take care of myself and don't neglect my health. Some people are out there in shorts, running, the minute the sun shines. That's not for me. That's a quick way to get a bad cold or pneumonia."

Razook has been taking care of herself since her early teens.

Born in Rugby, N.D., Razook was 3 when her mother died; her father died three years later. Razook lived with an older brother

and sister until she was 14, when she moved to St. Paul. She finished school at Mechanic Arts High School and at 16, while attending Rasmussen Business College, she began working at the former Charles T. Miller Hospital.

"I had planned to finish business school," she said, "but we were in the Depression and jobs were very hard to find. I liked hospital work. I liked meeting patients, doing things for them.

"You see them come in so sick, then as they improve, their spirits rise and they look so changed. It's really satisfying to watch that happen."

So Razook stayed on.

For years, she lived with her sister, who was active in the International Ladies Garment Workers' Union local. She became interested in the labor movement and, in 1946, helped organize fellow workers at Miller into the Hospital & Nursing Home Employees Union local 113. She has been an executive board member and steward of the local for more than 30 years, and is a member of the St. Paul Trades & Labor Assembly.

During World War II when a shortage of male workers developed, Razook became an elevator operator at the hospital. She remained on that job until the elevators were switched to automatic controls, then she returned to housekeeping.

Until her sister died in the late 1970s, Razook and her sister planned their vacations together and traveled extensively.

"We were in almost every state in the union," she said. "But I still have to see Hawaii and Alaska."

It was during her travels years ago that she decided to remain single. "I saw so many couples arguing, not getting along. I thought, 'That isn't for me.' "

Razook appreciates her independence.

"I like it this way," she said. "I can do as I please. That's how I've always liked to live."

If she had her life to live over, Razook admits she probably would not have remained with the hospital this long.

"I'm sure I would have changed jobs in my earlier years," she said. "I don't think of it as a rut, but when you say you've worked at one place 50 years, well, you wonder. I'm really not the type to let the grass grow under my feet.". And she is not thinking of retiring.

"This is not a retirement party, just a 50-year anniversary," she said. "As long as I have my health, and enjoy my work, why retire?"

ARTS IN THE TWIN CITIES

Mr. DURENBERGER. Mr. President, last week the Kennedy Center announced the creation of the new American National Theater. This ambitious project is designed not only to offer fine locally produced shows, but also to bring together in our Nation's Capital the best offerings of regional theaters across the country. This is a welcome acknowledgment of the importance of regional theater to the national arts community.

As a resident of Minneapolis-St. Paul I have been privileged to live in one of the Nation's most dynamic and innovative cultural centers. Walk around the Twin Cities and you seem continually to be bumping into theaters.

Minnesota has a well deserved reputation for being progressive: We treasure tradition, but we also revel in breaking with it. That attitude extends to our theaters, where traditional fare is mixed with adventurous new approaches that both challenge and entertain.

Thanks to a loyal community generous with their moral and financial support, groups providing theater, music, dance, and other performing arts have flourished in the Twin Cities. Newsweek magazine calls it "an artistic boom that has turned Minneapolis-St. Paul into a major U.S. cultural center.

That quote come from an article entitled "Adventures in the Twin Cities" (Jan. 28, 1985), concerning the latest addition to the area's cultural life: the new Ordway Music Theatre in St. Paul.

The Ordway was designed by Benjamin Thompson, who also designed the renovated Old Post Office here in Washington, and the theater is a similar blend of traditional and contemporary styles. The surroundings are warm and comfortable, while also alive with light and color. The complex provides two new theaters; it also provides a home for the St. Paul Chamber Orchestra and for the Minnesota Opera, known for its adventurous approaches to staging.

Mr. President, for our national arts community to remain a dynamic creative force, it has to depend on the fresh infusions of talent and ideas that come from regional and local organizations. The new Ordway Music Theatre will doubtless provide another springboard for that creative energy, proving an asset to Minnesotans and all who appreciate the performing arts.

I ask unanimous consent that the Newsweek article, "Adventures in the Twin Cities," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ADVENTURES IN THE TWIN CITIES

The sad songs go on: hard times in the arts, orchestras and opera companies feeling the pinch, and, just last week, reports of a possible slash in funding for the National Endowment for the Arts. None of this seems to have diminished the cultural edifice complex. In the last five years no fewer than 12 new performance centers have been completed in the United States and Canada, ranging in size from San Francisco's Louise M. Davies Symphony Hall (3,063 seats) to the Pikes Peak Center (1,836 seats) at Colorado Springs. This month St. Paul's $45 million Ordway Music Theatre joined the list. At 1,815 seats it's the smallest of the new halls, and also one of the nicest.

A three-night opening bash included a sublime Leontyne Price recital and two performances by the local organizations that will occupy the Ordway: a Mozart program by the Saint Paul Chamber Orchestra, conducted by its music director Pinchas Zukerman, and the American premiere of Swedish composer Lars Johan Werle's "Animalen" by the Minnesota opera. If neither of these latter events did much to relive the chill of a Minnesota January, the hall itself more than made amends.

The clichés of contemporary music-hall design are stony massiveness and ceilings festooned with enough high-tech acoustical gadgetry for a fleet of spaceships. Neither, praise be, held any charm for Ordway's architect, the locally born Benjamin Thompson, whose previous masterworks include the renovations of Boston's Faneuil Hall, Marketplace and Washington's Old Post Office. Ordway was planned, says Thompson, as a "living room for the city." It is set among several handsomely restored buildings that face a downtown park. The interior is alive with color. The auditorium space is divided by wide center aisles—a vast convenience compared with the nuisance of straight-across "continental seating," in which access to a centrally located seat means pushing past as many as 40 pairs of knees. The lobby lighting is generous enough to set all of downtown St. Paul aglow. A second, more intimate theater with 315 seats is ideal for experimental events. Although acoustician R. Lawrence Kirkegaard has allowed for further "tuning" of the main hall with a series of adjustable sound reflectors, the sounds of opening week were clear, warm-hued and well diffused through the house.

ENTERPRISING

The Ordway (whose building was sparked by a $14.4 million donation from 3M heiress Sally Ordway Irvine and her family) is but the latest sign of an artistic boom that has turned Minneapolis-St. Paul into a major U.S. cultural center. A thread of experimentation has always run through the artistic life of the region. The conductors of the 81-year-old Minnesota (formerly Minneapolis) Orchestra have included such iconoclasts as the fiery Dimitri Mitropoulos and Stanislaw Skrowaczewski. The Walker Art Center has long won national attention for its sponsorship of progressive artists and composers. In the last two decades several other enterprising institutions have appeared: the celebrated Guthrie Theater and the Minnesota Opera (formerly known as Center Opera), both founded in 1963, and the 16-year-old Saint Paul Chamber Orchestra. Somewhat more sleek and respectable now under Zukerman's foursquare direction, the Chamber Orchestra made a national reputation as a champion of new music during the eight-year tenure (1972-80) of Dennis Russell Davies.

Above all, it has been the Minnesota Opera that has earned the Twin Cities a reputation for all-out adventure—both for its receptiveness to contemporary repertory and for its innovative staging, which has broken completely with the static look of old-fashioned opera. In such works as "Postcard from Morocco" by Minneapolis resident Dominick Argento and "Transformations" by Conrad Susa, the company ardently explored the idea that a night of contemporary opera just might be fun.

ELEMENTAL SCORE

Given that tradition, the choice of "Animalen" to inaugurate the company's first permanent home seemed curiously cautious. The libretto, by filmmaker Tage Danielsson, tells a simplistic fable. An American boy loves a Russian girl. The diplomats of both nations try to separate them. Love, aided by a deputation from the animal world, conquers all, to an elemental score by sometime movie composer Werle. Billed as the first Swedish opera staged in the United States,

"Animalen" goes a long way to answer questions about why there haven't been more.

At the very least, the company showed off its long-touted brilliance of production and the exceptional leadership of principal conductor Philip Brunelle. There was no question, however, that the Ordway itself was the star of the occasion. "St. Paul has been known as a place where people get up early and go to bed early," say five-term Mayor George Latimer, an enthusiastic music lover. Now, with its pretty new hall full of activity most nights, St. Paulites may find good reason to change those hours.

AMBASSADOR LEON WEIL STRESSES IMPORTANCE OF PRIVATE SECTOR IN NEPAL

Mr. PRESSLER. Mr. President, earlier this month I had the opportunity to meet personally with the American Ambassador to Nepal, Mr. Leon J. Weil.

A successful businessman himself, Ambassador Weil has made encouragement of private entrepreneurship in Nepal one of his highest priorities. Based on my discussions with Nepalese officials and businessmen, this approach to economic growth and development is receiving a warm reception among leading figures in Nepal.

Because the phenomenon of reliance on the private sector as the principal engine of economic development needs to be encouraged, Ambassador Weil should be commended for his work in that direction.

Mr. President, I ask unanimous consent that a Nepalese press article concerning Ambassador Weil be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INCREASED AWARENESS OF PRIVATE SECTOR'S IMPORTANCE LAUDED

The ambassador of the United States of America, Leon J. Weil, has commended the growth of awareness in Nepal of the critical importance of the private sector in generating wealth and capital for productive economic growth.

Addressing a talk programme held by the Federation of Nepali Chambers of Commerce and Industry in Kathmandu Thurday afternoon, Mr. Weil observed the resources and initiative of the private sector are instrumental in generating real growth.

Referring to his business background marked by 34 years of experience in the investment business in New York City, the U.S. envoy referred to the opening of the new securities exchange market in Nepal some time ago.

This, remarked Mr. Weil, was the concrete example of Nepal's commitment to increasing the role of the private sector in the growth of the nation's economy.

Mr. Weil said things are beginning to move in Nepal and I for one am excited by what I see to be real opportunities waiting to be developed.

When we talk about Nepal America economic relations as they exist today, there is no escaping the fact that trade and investment are at a very low level, he said adding this is partly due to various inescapable constraints, primarily geographical and partly due to such factors as the previous lack of a sufficient infrastructure, communication, transportation, and the like to support meaningful industrial growth or a dynamic international trade.

Stating that things have changed over the past several years and they continue to change, the American ambassador said partially supported by assistance from my own government and others, Nepal has made great strides in developing the kind of modern economic environment in which trade and investment can begin to prosper.

Educational opportunities have increased tremendously, creating an ever increasing pool of educated, skilled labour which is so essential to economic growth, Mr. Weil said and added the road network that has and is being built is a tremendous asset and Nepal is now linked to the outside world by efficient and speedy satellite communications.

On foreign investment the U.S. envoy remarked, to successfully attract foreign investment factors such as a clearly announced schedule of tax waivers for the starting up period, confidence among potential investors that the ground rules will not be changed abruptly from year to year, the cutting of bureacratic red tape and streamlining of administrative procedures must be present.

What is required is an aggressive positive campaign on the part of Nepal to attract investment in those areas of the economy in which you yourselves perceived the maximum, optimum advantage to Nepal's economy in terms of generating employment, use of domestic resources, growth of exports, meaningful import substitution or whatever, observed Mr. Weil.

On trade, the American ambassador noted though the level of our bilateral trade is low, it is growing.

Under the Generalised System of Preferences the U.S. government is encouraging increased exports from Nepal to the U.S., he said, remarking, recently we have seen a growth in the garment industry in this country with a significant amount being targeted to the American market.

An additional area where we can look forward with some confidence to increased Nepal America economic ties is in the participation of American electronic and engineering firms in the development of your vast hydro electric potential, Mr. Weil remarked.

Mr. Weil said we recognize the importance of the proposed hydro electric projects to the future of Nepal and we encourage their development.

The FNCCI chairman Pashupati Giri speaking on the occasion said Nepal can benefit from the scientific and technological experience of the U.S.

Mr. Giri underlined the need to promote the U.S. Nepal joint venture in industry in this country.

JESSE CARR

Mr. STEVENS. Mr. President, earlier this month I lost a long-time friend with the death of Jesse Carr, secretary-treasurer of the Alaska Teamsters and director of the Western Conference of the International Brotherhood of Teamsters.

Jesse's indefatigable work on the Alaska pipeline labor contract resulted in an agreement that benefited not only the Teamsters but every individual who worked in the pipeline. Those benefits live on—they live on in the form of the pension fund checks, the medical, legal and recreational services, and buildings that arose under Jesse's guidance.

Jesse Carr knew that the best way to have a friend was to be one. I and many Alaskans mourn the loss of our good friend.

Mr. President, I ask unanimous consent that the following articles and editorials be inserted in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JESSE CARR DIES—FRIENDS, ASSOCIATES LAUD UNION LEADER'S DEDICATION

(By Annette Taylor)

Jesse Carr, who built Teamsters Local 959 in the 1970's into the most powerful local in the nation, died Thursday night in Palm Springs, Calif., Teamsters officials in Seattle confirmed this morning.

"Jesse was a good friend who worked to preserve amiable relations between labor and management," Alaska Sen. Ted Stevens said today. "He'll long be remembered for his work on the pipeline.

"More than any other person, he built the Teamsters up from a small local to the most powerful union in the state," said state labor commissioner Jim Robison. "His objective was always service to the member."

Carr, secretary-treasurer of the Alaska local for 28 years, also served as head of the 450,000 member Western Conference of the International Brotherhood of Teamsters and as one of 16 vice presidents of the 1.8 million member labor union. He was appointed to the top union slots in February and June 1984, respectively.

Carr, 59, rose to national prominence during construction of the $9 billion trans-Alaska pipeline when Local 959 swelled from 300 members a decade earlier to 28,000 members. To many at that time, Carr was considered the most powerful man in the state.

During that time, the union and Carr's power became the subject of several local and national news stories, many of which detailed alleged crime and corruption—charges Carr vehemently denied.

Earlier, in the late 1960s, Carr also generated headlines after being indicted on federal charges including extortion and embezzlement. He was aquitted of some and the others eventually were dropped.

In an interview earlier this year, Carr recalled those days as among his most trying and disappointing because, he said, he had been accused by friends.

Although feared by some, many others considered Carr a likeable, fair and honest man with an appealing manner of a straight-talking, friendly truck driver who made good.

A Teamster since 1946, Carr came to Alaska from San Bernardino, Calif., in 1951 and became business agent and organizer for Local 959 in 1953. The last time he drove a truck for a living was in 1952.

In 1957, Carr merged five Alaska locals into one. Under his leadership, the local developed what was nationally recognized as the best pay and benefits package in the nation. Local 959 also was one of the first locals in the country to develop full dental and prepaid legal programs for its members.

Carr was born and raised in Ontario, Calif. He served with the U.S. Marines in the Pacific Theatre in World War II.

He is survived by Helen, his wife of 37 years.

[From The Anchorage Times, Jan. 4, 1985]

JESSE L. CARR

The death of Jesse L. Carr in Palm Springs last night marks the passing of the best friend Alaska's teamsters ever had. It also ends an amazing career that has shaken the very foundations of many of the state's economic institutions.

Mr. Carr leaves thousands of devoted friends who benefited from his aggressive leadership and the hard-dealing methods he applied on employers in their behalf. He also leaves hundreds of employers who, bruised and battered from their associations with him, would be inclined to greet the end of his era as teamster leader. He had a strong love/hate relationship with people, usually with each case easy to understand.

All can agree, however, that Jesse Carr's career was eminently successful in Alaska. He came here as a young man, his only "equipment" being the blessing of Dave Beck, then the labor boss of the Pacific Northwest. Mr. Beck had designated Mr. Carr to be his man in organizing Alaska. He parlayed that one blessing into an empire that reached its peak during the pipeline construction days when he became what some have termed the nation's most powerful union leader. The Teamsters dominated the 25,000 workers who built the pipeline.

Jesse Carr will be remembered for his success as an organizer and administrator of the Union. He has left indelible imprints on the economic structure of the state through his hard-knuckled wheeling and dealing of union contracts and pensions.

He was famous for his vicious devotion to unionism. He had a knack for discarding in the wastebasket, often literally, an employer's presentation of contract proposals with words like: "OK, now let's talk about this," whereupon he presented his demands that, ultimately, often became the contract.

Mr. Carr's terms were so severe that the list of businesses that folded under his terms would be long and astonishing. Simultaneously, however, his Teamster union members were never better off and were strong in his support.

During most of the years of his regime, Jesse Carr was known as a man of his word. A verbal deal was as good as a written one, it was said. He never went back on a deal once it was made, and all that.

Hard times for Mr. Carr and the union came with the reduction in memberships after the pipeline was built. He had undertaken enormous obligations in financing recreational facilities for the Teamsters, and had become involved in investments of his huge pension funds.

Although he was constantly under investigation for possible mistakes in judgment or even violations of the law, none was ever discovered and proven. As far as the record goes, it can be said that while his operation may have been lavish and expensive—with union planes rendering many special services to union members and especially certain officers—he ran a clean operation as far as the law is concerned.

An investment of pension funds in a housing project in Palm Springs proved his biggest financial headache when the houses failed to sell and the financial drain was great.

There are reports that Mr. Carr's many fine characteristics were blemished in the later years when he faced financial troubles. He lost some of his friends of long standing.

When death came, Mr. Carr was starting a new career as a national officer of the Teamsters union. It killed the expectations of his friends that he would become national president. It also closed the book on one of the most unusual careers of any Alaskan.

[From the Arctic Dispatch, Jan. 17, 1985]

A SHARED LOSS

Alaska lost one of its most colorful and effective leaders on January 4th, when Jesse Carr died of a heart attack in California. His death is a loss shared by all Alaskans, because his life touched all Alaskans.

His death comes at an especially crucial time for the unions of Alaska. They are facing relentless assault financed by millions of dollars, as well as unfair and stubborn opposition from a federal government that should know better, and one that should be ashamed of itself. His kind of leadership and vision is exactly what labor must once again produce if the state is to hold on to its hard-earned and much-deserved standard of living.

Some Alaskans disagreed with Carr politically and philosophically, but he did as much as any leader the state has ever produced to make good things possible for Alaska, and that is an indisputable legacy.

We can only hope that Alaska will once again provide the right chemistry for the right person, so we can get on with the proper things for the working people of Alaska, History makes us believe that such hope is well-placed. But we also know that somehow things will never again be the same without Jesse Carr.

[From the Fairbanks Daily News-Miner, Jan. 9, 1985]

LABOR'S LOSS IS ALL ALASKA'S

Alaskans and others said goodbye to Teamster leader Jesse Carr Tuesday, at memorial services held in Ontario, Calif., to mark his death last Friday.

No other labor leader in Alaska has achieved the stature of Mr. Carr. He is credited with forging the powerful Teamsters Local 959, extending its influence during the pipeline construction years, and keeping it untainted by organized crime.

It seems likely that historians will have the final say on the full effects of Mr. Carr's influence, for he was a controversial figure during his own time. Nevertheless, he deserves a large measure of credit for union agreements during pipeline days that called for Alaska hire and prohibited union strikes during the project construction.

Though Mr. Carr was not a public person in the sense of seeking publicity for himself or his activities, friends and colleagues credit him with a strong dose of personal integrity, and the ability to extend a personal touch to those he worked with.

Since construction of the massive pipeline project was completed, the influence of unions in Alaska has undergone considerable change, following a pattern that is stretching across the nation. Just how that pattern will emerge in the future in Alaska is a subject for considerable speculation.

One thing's certain, though. Without Jesse Carr in the driver's seat, the Teamsters Union in Alaska will not be quite the same. No matter the feelings of Alaskans on labor issues, Jesse Carr uniformly earned our respect.

ASSEMBLYMAN CONTEMPLATES LABOR LEADER'S STUBBORN STYLE

(By Dave Walsh)

As I sat in the First Baptist Church in Ontario, Calif., during Jesse Carr's funeral it occurred to me that Jesse Carr was among the hardest and most tender men I've ever met.

The hard Jesse Carr had a faith in the working men and women of Alaska that was total, complete and without qualification. When negotiating on behalf of his members he asked for no quarter and he gave none.

The tender Jesse Carr was equally committed to those around him, Teamster or not. His dedicated and relentless pursuit of better health and retirement benefits for his members is well known.

Not as well known, however, is that Jesse Carr was a faithful, honest and consistent friend to those with whom he worked and lived. He would always help in times of trouble, quietly, without a lot of fanfare. When he asked in his characteristic greeting, "Well, how the heck are you?" you felt he really cared to know.

There were more flowers at his funeral than I had ever seen at a funeral. Dozens of floral arrangements as big as garage doors had been sent by people from all over the country.

More impressive, however, were the hundreds of small, simple, less expensive bouquets sent by Alaskans of moderate means. They appreciated all that Jesse had done for them and cared enough to send a small remembrance to their friend and champion.

The most striking aspect of the service were the people in the church. The prominent and the powerful were there because Jesse Carr had worked with them. But so were hundreds of ordinary, work-a-day Alaskans, because Jesse had worked for them.

U.S. Senators, elected and appointed officials from Alaska and Canada, international labor leaders and clerics from different denominations sat next to men and women from all over Alaska who took time away from their jobs to attend the funeral. Their bond with Jesse had spanned three decades and in their saddened eyes, the accomplishments of his life and pain could be plainly seen.

The speakers at the service all spoke quietly and affectionately of Carr as a friend and colleague. But the three Alaskan speakers moved me the most. Anchorage Archbishop Francis T. Hurley gave a comforting benediction that focused on the fact that Jesse Carr left Alaska better than he found it.

Sen. Ted Stevens spoke eloquently of Jesse Carr as an Alaskan and as an intelligent, hardworking man who put his state and its people first. John Forceskie, president of Teamsters Local 959, spoke of Jess as a union brother. His remarks came directly from the heart and expressed what most of us were feeling that day as he bid a touching farewell to a good and dear friend.

[From the Anchorage Daily News, Jan. 5, 1985]

CARR REMEMBERED AS QUIET, GENTLE, AND A HARD NEGOTIATOR

(By Craig Medred and Jim Erickson)

Teamster Jesse Carr, was the most powerful labor leader in Alaska, and he made more than his share of enemies and friends in 33 years here.

Friends said Carr was a quiet and gentle man, but he carved for himself a reputation

among friend and foe alike as a hard bargainer, a political powerbroker, a tough guy.

"He was the godfather to some great segment of the population," said former state Rep. Bill Parker, whom the Teamsters once tried to unseat.

"No question he was one of the best negotiators in the United States," said Sen. Pat Rodey, D-Anchorage, a long-time friend of Carr. "He had that touch. It's hard to describe or put in words."

Carr did not back down. He said what he was going to do, and then he did it. Friends and enemies agreed he was a man of integrity and almost unbelievable tenacity.

He pushed a strike against Anchorage Cold Storage for more than three years. It continues today.

"The thing you have to admire about the guy is that when he gave an employer a strike he gave them the best strike he knew how," said Frank Shoeppel, a federal labor negotiator.

"Jess was always good for his word," said Edgar Paul Boyko, a former Alaska attorney general.

It was Boyko who in the 1966 gubernatorial campaign first accused Carr and his union of running Alaska. The charge was to reach its peak during the construction of the trans-Alaska oil pipeline when Teamster ranks swelled to 28,000 members.

"Jess reached his finest hour during the pipeline boom," added Boyko, who later became an attorney for the Teamsters.

Carr negotiated lucrative contracts for Teamster employees.

"For a period there, Teamsters were receiving just enormous benefits," said then-Attorney General Avrum Gross. "He did things for that union that only governments are supposed to do."

As the union grew, millions of dollars in dues flowed into its coffers. Along with the money came political power.

There was speculation in the early 1970s that Carr had a strangehold on the state because of the ability to strike nearly all of the major transportation and communications centers.

Gross remembers discussions of that issue in the halls of the state Capitol in Juneau.

"It was a threatening force," Gross said, "but I didn't see it as a sinister thing. I always thought it was an economic problem."

By 1984, Carr's union had shrunk to 12,000 members. Its power diminished with its reduced size and smaller bankroll.

"Jess was too profligate in providing for his people out of the bonanza that was coming out of the pipeline," said Boyko. "He plowed most of the monetary benefits back into benefits for his people.

"He created a somewhat inflated welfare system that couldn't be supported by the members. He might have husbanded the resources better."

But there were heady days for Jesse Carr and the Teamsters when the pipeline was snaking its way across Alaska.

"He was the symbol of organized labor on the pipeline," said Parker. "A political endorsement from Jess Carr in those days was worth an awful lot, and not just financially."

Carr's chief political adversary through the 1970s was Gov. Jay Hammond.

Carr wanted public employees to bargain collectively; Hammond disliked the idea. Carr wanted the state to encourage industrial growth; Hammond didn't want new industry unless it benefited all the state's citizens.

"Carr was obviously a tough political adversary," said Gross, Hammond's confidant. Gross still remembers the first meeting between the labor leader and the governor from Bush Alaska.

"They were both ex-Marines," Gross said. "Hammond said that once everyone left they circled the table like two pit bulls."

"I remember Hammond had enormous respect for him. Hammond called it grudging admiration."

There were many who felt that way.

"Carr was very thorough, and very capable. He kept lots of options open, options for footwork," said Pete Nichols, a federal labor negotiator. "He didn't get himself boxed into a corner or cemented into a position that he might have to retreat from."

"There were some (labor leaders) who didn't like Jesse Carr," said Ike Waldrop, a former head of the International Brotherhood of Electrical Workers in Alaska. "But that was probably just petty jealousy."

"He was a man of his word," said Boyko, who first met Carr while negotiating a contract for the Yellow Cab Co. 30 years ago.

"He was basically fair," said Boyko. "But he could be very, very tough if you got cute with him. He was direct, above board, no bullshit. If you gave him the honest approach, no problem. But don't lie to him."

"Boyko remembers the problems that befell the German brewers of Prinz Brau beer after they crossed Carr in Alaska. The Germans had asked for a moratorium on unionization when they built a brewery in the state."

"Jess said, 'How much time do you need?' They said a year, and he said, 'OK, but I get first crack. Just be fair with me and don't let me lose my advantage with being first around,' " Boyko said.

Boyko said the company reneged on the agreement. Carr was angry. The Teamsters eventually helped force Prinz Brau out of business.

"Jesse Carr believed that by taking care of Alaska's working men and women, Alaska itself would be built and bettered," said former Gov. Walter Hickel. "That's what he fought for and won, and that's his legacy."

"He was a great Alaskan, one of the strong characters that a strong land breeds," said Anchorage Mayor Tony Knowles, a one-time roughneck in the Alaska oil fields.

"He absolutely loved Alaska and was dedicated to it. And he was dedicated to his people."

Carr's fortunes climbed with the union in Alaska. He came to Anchorage in 1951 to drive a gravel truck. A close friend and former local 959 vice president, Orville Lake, remembers helping Carr fix up a small trailer and lean-to as a home for Carr and his wife, Helen. They had to dip into Helen's tips as a waitress at Peggy's Airport Cafe to pay for nails for the project.

Eventually, as the union grew, Carr came to own several homes and various property, but he did not live ostentatiously, said Boyko.

[From the Fairbanks Daily News-Miner, Jan. 4, 1985]

LAWMAKERS PAY TRIBUTE TO TEAMSTER

Official reaction to the death of Alaska Teamster leader Jesse Carr was quick in coming.

Gov. Bill Sheffield, who visited Carr while in Palm Springs last week, extended his condolences to the family this morning.

"Alaska has lost a great labor leader whose efforts on behalf of the working people will be felt for many years to come," Sheffield said in a statement released through his press office in Juneau.

Alaska Rep. Don Young, interrupted at a committee meeting in Washington, said he was "very saddened by the passing of Jesse Carr."

"He was a great labor leader who built a dynasty in Alaska and the western U.S. Alaskans should be proud of what he was able to accomplish for the working people in the state."

Young called him "a good friend and supporter and above all an honorable person who was always fair right down the line.

Sen. Ted Stevens also said he was saddened to hear of Carr's death.

"He was a good friend who worked hard to preserve amiable relations between labor and management," Stevens said.

"His work on the pipeline will long be remembered."

State Sen. Frank Ferguson, D-Kotzebue, a Teamster for more than 20 years, expressed similar sentiments.

"He was the kingpin of the Teamsters when he had to be, during the Trans-Alaska Pipeline, and it's very sad to hear of the passing of a man of his stature," Ferguson said.

Sen. Frank Murkowski was enroute to Palm Springs where he is vacationing with his family and could not be reached for comment.

The national Teamsters office here was working on a statement on Carr's death but it was not ready at press-time.

TRIBUTE TO REPRESENTATIVE GILLIS LONG

Mr. JOHNSTON. Mr. President, for those of us who belong to it, Democrats and Republicans alike, the Louisiana congressional delegation is a lot like a family. We work closely together, largely from the sense that, as a State, Louisiana is relatively so small, so diverse, so different that we cannot rely on anyone else to understand our unique situation. That is why we feel the loss of our friend and colleague Gillis Long so poignantly.

Gillis' district may have been the most diverse and different of all. To its service, he devoted 13 years of hard work and political acumen. His reward was his position in the House and Democratic Party leadership, a position which he used, not for partisan purposes, not to aggrandize himself, but to advance his very sensible ideas about the way in which the American people should govern themselves. He believed in moderation in all things, and he believed in looking at new ideas and new trends. Under his leadership, the Members of the House Democratic caucus submerged their differences and produced a series of working papers on the future of the party and the Nation. Many of the papers were notable contributions to the art and science of government; all were testimonials to the power that Gillis had to get people to do what he believed they ought to do. They did it because they genuinely liked him, and they re-

spected him for his intelligence, his decency, his compassion for those less fortunate and his capacity for hard work.

Because we were his friends, we hoped in recent years that Gillis could find some way to work a little less and still satisfy his conscience. It was not possible: Gillis could not find it in his heart to give less than 200 percent to his constituents, his family and his country. The authors of "The Book of America," a survey of the politics of the 50 States, are not overly impressed by most politicians, so their approval of Gillis is the ultimate accolade. He served, they said, with unusual distinction in the House of Representatives. We, his colleagues, think so too.

ONLY 896 JEWS IMMIGRATE TO ISRAEL

Mr. CHILES. Mr. President, as we begin this first session of the 99th Congress, I want to impress upon my colleagues something of immediate and pressing concern. What is it? It is the number 896.

Last year, the Soviet Union allowed only 896 Jews to immigrate to Israel. Only 896 of the estimated 400,000 Soviet Jews who have requested to leave. Only 896 were granted the privilege to leave the Soviet Union. And I use that world "privilege" very liberally. For it should not be a privilege but a right for Soviet Jews to immigrate to a country which wholeheartedly welcomes them, Israel.

The number of Soviet Jews to emigrate this year is the lowest since 1970. This is quite a change from 1979 when over 51,000 Jews left the Soviet Union for the religious freedom that they enjoy in Israel.

As the numbers of Soviet Jews permitted to leave has dropped dramatically, the persecution of those who stay has risen just as dramatically. Informed reports from within the Soviet Union tell us stories of arrests without charges, detentions without the basic amenities of life, and convictions for crimes never committed. Such is repugnant to human decency and we must do all that we can to put an end to it.

I hope that in 1985 we will see both a stop to the unfair treatment of Jews within the Soviet Union as well as heretofore unsurpassed numbers of Jews allowed to emigrate. Is this too much to hope for? Perhaps, but as we embark upon this 99th Congress, I ask my colleagues, is 896 too few to expect? The answer is unquestionably yes.

MESSAGE RECEIVED FROM THE PRESIDENT DURING THE RECESS

Under the authority of the order of the Senate of January 3 1985, the Secretary of the Senate, on January 28, 1985, during the recess of the Senate, received a message from the President of the United States submitting a nomination; which was referred to the appropriate committee.

(The nomination received on January 28, 1985, is printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-261. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-211 adopted by the Council on November 7, 1984; to the Committee on Governmental Affairs.

EC-262. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-213 adopted by the Council on November 7, 1984; to the Committee on Governmental Affairs.

EC-263. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-214 adopted by the Council on November 29, 1984; to the Committee on Governmental Affairs.

EC-264. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-215 adopted by the Council on November 11, 1984; to the Committee on Governmental Affairs.

EC-265. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-219 adopted by the Council on December 4, 1984; to the Committee on Governmental Affairs.

EC-266. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-216 adopted by the Council on November 11, 1984; to the Committee on Governmental Affairs.

EC-267. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-217 adopted by the Council on December 4, 1984; to the Committee on Governmental Affairs.

EC-268. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-220 adopted by the Council on December 4, 1984; to the Committee on Governmental Affairs.

EC-269. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-221 adopted by the Council on December 4, 1984; to the Committee on Governmental Affairs.

EC-270. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-222 adopted by the Council on December 4, 1984; to the Committee on Governmental Affairs.

EC-271. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-223 adopted by the Council on December 4, 1984; to the Committee on Governmental Affairs.

EC-272. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-272 adopted by the Council on December 4, 1984; to the Committee on Governmental Affairs.

EC-273. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-226 adopted by the Council on December 4, 1984; to the Committee on Governmental Affairs.

EC-274. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-227 adopted by the Council on December 4, 1984; to the Committee on Governmental Affairs.

EC-275. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-253 adopted by the Council on December 18, 1984; to the Committee on Governmental Affairs.

EC-276. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, a report on the system of internal accounting and financial controls in effect during fiscal year 1984; to the Committee on Governmental Affairs.

EC-277. A communication from the President of the Inter-American Foundation, transmitting, pursuant to law, the Foundation's report under the Freedom of Information Act for calendar year 1984; to the Committee on the Judiciary.

EC-278. A communication from the Clerk of the U.S. Claims Court, transmitting, pursuant to law, a statement of all of the judgments rendered by the court during fiscal year 1984, including, dates, amounts, parties in whose favor they were rendered, a description of the nature of the claims, and a statement of the costs taxed in each case; to the Committee on the Judiciary.

EC-279. A communication from the Acting Secretary of Education, transmitting, pursuant to law, the final regulations for the 1985-86 Pell Grant Program family contribution schedule—family size offset tables; to the Committee on Labor and Human Resources.

EC-280. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated January 1, 1985; pursuant to the order of January 30, 1975; jointly, to the Committee on Budget and the Committee on Appropriations.

EC-281. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on a violation of law involving the overimbursement of certain funds in excess of approved apportionment of appropriations; to the Committee on Appropriations.

EC-282. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, a report concerning the disbursement of Military Assistance Program funds to Turkey, including the justification therefor; to the Committee on Armed Services.

EC-283. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on the reasons for the disparity in size among the Offices of the Secretaries of the the military depart-

ments with particular emphasis on the comparative size of the Office of the Secretary of the Navy in relation to the other service secretariats; to the Committee on Armed Services.

EC-284. A communication from the Export-Import Bank of the United States, transmitting, pursuant to law, a report on loan, guarantee and insurance transactions supported by Eximbank during October and November 1984 to Communist countries; to the Committee on Banking, Housing, and Urban Affairs.

EC-285. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department's quarterly report on the Community Development Block Grant Jobs Program; to the Committee on on Banking, Housing, and Urban Affairs.

EC-286. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department's report on the impact of the 20 to 25 percent nonmetropolitan set-aside requirement; to the Committee on Banking, Housing, and Urban Affairs.

EC-287. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a study of the administrative feasibility and potential impact in terms of effectiveness and equitability of applying alternative formula approaches to the entire Federal budget; to the Committee on the Budget.

EC-288. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a copy of the program plan of the National Earthquake Hazards Reduction Program; to the Committee on Commerce, Science, and Transportation.

EC-289. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, a report explaining the Commission's determination to extend the time period for acting on the appeal in Allied Chemical Corporation et al versus Ann Arbor Railroad System; to the Committee on Commerce, Science, and Transportation.

EC-290. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, a notice of meetings related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-291. A communication from the Secretary of the Interior, transmitting, pursuant to law, the fourth annual report on progress under the Alaska National Interest Lands Conservation Act; to the Committee on Energy and Natural Resources.

EC-292. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to approve the interstate and interstate substitution cost estimates; to the Committee on Environment and Public Works.

EC-293. A communication from the Secretary of State, transmitting, pursuant to law, a report on payments to U.S. creditors on credits guaranteed by the Commodity Credit Corporation for which payments have not been received from the Polish People's Republic; to the Committee on Foreign Relations.

EC-294. A communication from the Chairman of the Administrative Conference of the United States, transmitting, pursuant to law, an evaluation of the internal accounting and administrative control of the Conference in effect during calendar year 1985; to the Committee on Governmental Affairs.

EC-295. A communication from the Chairman of the Administrative Conference of the United States transmitting, pursuant to law, the results of an evaluation of the Conference's accounting system indicating that the system conformed to the requirements set forth by the Comptroller General; to the Committee on Governmental Affairs.

EC-296. A communication from the secretary of the Mississippi River Commission transmitting, pursuant to law, the annual report for the Mississippi River Commission for the calendar year 1984; to the Committee on Governmental Affairs.

EC-297. A communication from the Acting Administrator of the General Services Administration transmitting, pursuant to law, a report on the donation of Federal surplus personal property; to the Committee on Governmental Affairs.

EC-298. A communication from the Acting Administrator of the General Services Administration transmitting, pursuant to law, a report on financial management improvement; to the Committee on Governmental Affairs.

EC-299. A communcation from the Chairman, Board of Trustees, Public Defender Service for the District of Columbia, transmitting, pursuant to law, the annual report of the Public Defender Service Board of Trustees for the period fiscal year 1983; to the Committee on Governmental Affairs.

EC-300. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on NASA's plan to dispose of certain excess real property; to the Committee on Governmental Affairs.

EC-301. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Public Involvement in Block Grant Decisions: Multiple Opportunities Provided But Interest Groups Have Mixed Reactions to States' Efforts;" to the Committee on Governmental Affairs.

EC-302. A communication from the Director of the National Park Service, Department of the Interior, transmitting, pursuant to law, a report on the disposal of excess real property under the public benefit discount program for parks and recreation purposes for fiscal year 1984; to the Committee on Governmental Affairs.

EC-303. A communication from the Acting Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, a proposed plan for the use of certain Indian judgement funds; to the Select Committee on Indian Affairs.

EC-304. A communication from the Secretary of Energy, transmitting, pursuant to law, the second annual report for the deployment of Federal interim storage; to the Committee on Environment and Public Works.

EC-305. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, the annual report on the Foreign Service retirement and disability system for fiscal year 1983; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STAFFORD, from the Committee on Environment and Public Works, without amendment:

S. Res. 51. Resolution authorizing expenditures by the Committee on Environment and Public Works.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Finance:

Richard G. Darman, of Virginia, to be Deputy Secretary of the Treasury; and

Ronald Alan Pearlman, of Missouri, to be an Assistant Secretary of the Treasury.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CHILES (for himself, Mr. ANDREWS, Mr. BOREN, Mr. BURDICK, Mr. BYRD, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. DOMENICI, Mr. EAGLETON, Mr. EXON, Mr. FORD, Mr. GORE, Mr. GRASSLEY, Mr. HATFIELD, Mrs. HAWKINS, Mr. HEFLIN, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LAXALT, Mr. LEAHY, Mr. LEVIN, Mr. NUNN, Mr. SIMON, Mr. STENNIS, and Mr. ZORINSKY):

S. 299. A bill to provide for the release of interstate construction and interstate substitution funds; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself, Mr. THURMOND, Mr. LAXALT, Mr. HATCH, Mr. SIMPSON, Mr. EAST, Mr. DENTON, Mr. NICKLES, Mr. GOLDWATER, Mr. DOMENICI, Mr. HELMS, Mrs. KASSEBAUM, Mr. WILSON, Mr. SYMMS, Mr. TRIBLE, Mr. ABDNOR, Mr. WARNER, Mr. HUMPHREY, Mr. HECHT, Mr. KASTEN, Mr. MATTINGLY and Mr. WALLOP):

S. 300. A bill to amend section 1951 of title 18 of the United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 301. A bill to amend the Internal Revenue Code of 1954 to increase the energy investment tax credit for conversions to coal-fueled facilities, and for other purposes; to the Committee on Finance.

By Mr. GOLDWATER:

S. 302. A bill for the relief of George K. Jue (also known as Jue Gar King and Jew Ten); to the Committee on the Judiciary.

By Mr. STAFFORD:

S. 303. A bill to authorize certain smaller-community activities to be undertaken by the Army Corps of Engineers; to the Committee on Environment and Public Works.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 304. A bill for the transfer of certain interests in lands in Socorro County, NM, to the New Mexico Institute of Mining and Technology, Socorro, NM; to the Committee on Energy and Natural Resources.

By Mr. GOLDWATER (for himself and Mr. DENTON):

S. 305. A bill to repeal the War Powers Resolution; to the Committee on Foreign Relations.

By Mr. PROXMIRE:

S. 306. A bill for the relief of Shyh-Fann Tyan-Norem and Bin-Ti Yao Tyan-Norem; to the Committee on Judiciary.

By Mr. BURDICK:

S. 307. A bill amending the conveyance of property to Mountrail County Park Commission, North Dakota, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HART:

S. 308. A bill to amend the Internal Revenue Code of 1954 to reduce the deduction for business meals and to earmark the savings from such reduction for the school lunch programs; to the Committee on Finance.

By Mr. PROXMIRE (for himself, Mr. HARKIN, Mr. METZENBAUM, Mr. LEAHY, and Mr. CRANSTON):

S. 309. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to better protect the environment and man from the hazards of pesticides, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KASTEN:

S. 310. A bill to direct the President to impose certain limitations on the amount of milk protein products that may be imported into the United States; to the Committee on Finance.

By Mr. MATSUNAGA:

S. 311. A bill for the relief of Ronilo Ancheta; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. 312. A bill to amend the Communications Act of 1934 to establish an Office of Ethnic and Minority Affairs within the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. MATSUNAGA:

S. 313. A bill to amend the National Foundation on the Arts and Humanities Act of 1965 to provide for the Office of Poet Laureate of the United States; to the Committee on Labor and Human Resources.

By Mr. FORD:

S. 314. A bill to amend the Internal Revenue Code of 1954 to modify the substantiation requirements for 100 percent qualified business use of passenger automobiles and to provide an exemption for agricultural vehicles from the requirements of section 280F of such Code (relating to limitation on certain property used for personal purposes); to the Committee on Finance.

By Mr. DURENBERGER:

S. 315. A bill to modify the deduction for certain tax payments to State and local governments; to the Committee on Finance.

By Mr. RIEGLE:

S. 316. A bill for the relief of Samson Kossivi Kpadenou, doctor of medicine; to the Committee on the Judiciary.

By Mr. DURENBERGER (for himself, Mr. HOLLINGS, Mr. BUMPERS, Mr. ANDREWS, Mr. HUMPHREY, Mr. LEAHY, Mr. PELL, Mr. CHAFEE, Mr. MOYNIHAN, Mr. BRADLEY, Mr. BOSCHWITZ, Mr. HATFIELD, Mr. LUGAR, and Mr. BINGAMAN):

S. 317. A bill entitled the "State and Local River Conservation Act of 1985"; to the Committee on Energy and Natural Resources.

By Mr. HEINZ (for himself, Mr. SASSER, Mr. WEICKER, Mr. SPECTER, Mr. D'AMATO, and Mr. MURKOWSKI):

S. 318. A bill to extend the revenue sharing program for local governments through fiscal year 1991; to the Committee on Finance.

By Mr. COHEN:

S. 319. A bill for the relief of Pandelis Perdikis; to the Committee on the Judiciary.

By Mr. DENTON (for himself, Mr. EAST, Mr. HELMS, and Mr. SYMMS):

S. 320. A bill to assure the First Amendment rights of all citizens by establishing a uniform Federal policy prohibiting taxpayer financing of private political advocacy; to the Committee on the Judiciary.

By Mr. BURDICK:

S.J. Res. 31. Joint resolution to designate the week of November 24 through November 30, 1985, as "National Family Week"; to the Committee on the Judiciary.

By Mr. PRESSLER:

S.J. Res. 32. Joint resolution to authorize and request the President to designate September 15, 1985, as "Ethnic American Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STAFFORD from the Committee on Environment and Public Works:

S. Res. 51. An original resolution authorizing expenditures by the Committee on Environment and Public Works; to the Committee on Rules and Administration.

By Mr. SIMPSON (for Mr. DOLE (for himself and Mr. BYRD)):

S. Res. 52. Resolution to authorize production of documents and deposition testimony by Senator JESSE HELMS and representation by the Senate Legal Counsel; considered and agreed to.

By Mr. DODD:

S. Res. 53. Resolution concerning the Internal Revenue Code; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHILES (for himself, Mr. ANDREWS, Mr. BOREN, Mr. BURDICK, Mr. BYRD, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. DOMENICI, Mr. EAGLETON, Mr. EXON, Mr. FORD, Mr. GORE, Mr. GRASSLEY, Mr. HATFIELD, Mrs. HAWKINS, Mr. HEFLIN, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LAXALT, Mr. LEAHY, Mr. LEVIN, Mr. NUNN, Mr. SIMON, Mr. STENNIS, and Mr. ZORINSKY):

S. 299. A bill to provide for the release of interstate construction and interstate substitution funds; to the Committee on Environment and Public Works.

INTERSTATE COST ESTIMATE ACT

● Mr. CHILES. Mr. President, today I introduce highway legislation to permit the release of over $7 billion of interstate construction money that has been withheld from the States since last March because of the failure to adopt an interstate cost estimate. I am pleased to be joined by 25 of my colleagues as original cosponsors in the introduction of this important legislation.

Mr. President, the repeated failure in 1983 and 1984 to pass the interstate cost estimate [ICE] has resulted in long and expensive delays to our Nation's Interstate Construction Program. The legislation I am introducing today would remedy the problem by delegating to the Department of Transportation the authority to administratively establish interstate cost estimates on October 1 of each year, if Congress has failed to act by that time. Similar legislation passed the Senate last year as part of S. 2527, the Federal-Aid Highway Act of 1984.

In past years, starting in 1958, approval of the ICE has occurred in a timely fashion every 2 years and was approved by the Congress by means of concurrent resolutions. Since the Supreme Court Chioda decision, the ICE has been approved by joint resolutions requiring the signature of the President.

Since congressional approval of the ICE has been accomplished by law, it has begun to attract increasing numbers of special provisions resulting in controversy and legislative gridlock. The 1983 ICE was approved 3 months late. In 1984, the ICE was delayed twice. In early March 1984, the President signed a 6-month ICE which was 5 months overdue and resulted in the delay of the release of approximately $5 billion of funds. Efforts to provide an ICE for the second half of 1984 and all of 1985 have now been delayed 10 months. This has resulted in the delay in the release of approximately $7 billion in interstate construction funds.

At the current time, 22 States have less than $1 million of unobligated interstate funds and 43 States have less than $10 million of interstate funds remaining. With the start of the spring construction season, highway construction across the country will come to a virtual standstill. As the Members know, the interstate cost estimate is a key factor in the distribution formula and its approval triggers the release of money that the Congress has already provided in the Surface Transportation Assistance Act of 1982.

I believe that this legislation is the fairest and most direct way to resolve the current impasse and I am hopeful that we can do so in a very timely fashion in the months ahead.●

By Mr. GRASSLEY (for himself, Mr. THURMOND, Mr. LAXALT, Mr. HATCH, Mr. SIMPSON, Mr. EAST, Mr. DENTON, Mr. NICKLES, Mr. GOLDWATER, Mr. DOMENICI, Mr. HELMS, Mrs. KASSEBAUM, Mr. WILSON, Mr. SYMMS, Mr. TRIBLE, Mr. ABDNOR, Mr. WARNER, Mr. HUMPHREY, Mr. HECHT, Mr. KASTEN, Mr. MATTINGLY, and Mr. WALLOP):

S. 300. A bill to amend section 1951 of title 18 of the United States Code,

and for other purposes; to the Committee on the Judiciary.

HOBBS ACT AMENDMENT

Mr. GRASSLEY. Mr. President, today I am introducing along with 21 cosponsors, legislation aimed at eliminating an injustice that currently exists in our Federal criminal laws. That injustice stems from a 1973 decision by the U.S. Supreme Court known as United States versus Enmons, in which the Court ruled that the use of force or violence to coerce the payment of property, did not constitute extortion under the Hobbs Act, if the violence was undertaken in the pursuit of "legitimate union objectives."

Mr. President, in the *Enmons* case, (410 U.S. 396) striking workers at the Gulf States Utility Co. in Louisiana had been accused of coordinated attacks on company property resulting in damages of many tens of thousands of dollars. Rifle shots were fired into electrical transformers and their liquid coolents drained. The implications were clear, either meet the striking union's demands, or incur even heavier financial costs due to property damage.

Before trial began, the district judge dismissed the indictment because the acts of violence were undertaken for a "legitimate union objective." Under a direct appeal provision that then applied, the matter went directly to the U.S. Supreme Court, which, I regret to say, affirmed the district court's ruling by a 5-to-4 margin.

The Supreme Court's majority looked at the Hobbs Act (18 U.S.C. 1951) definition of extortion:

* * * the obtaining of property from another, with his consent, induced by the wrongful use of actual or threatened force, violence, or fear * * *

The Court then read the word "wrongful" as indicating a congressional intent to excuse violence intended to coerce payment of property if it was a "legitimate union objective." As evidence of this congressional intent, the Court quoted the words of Congressman Samual Hobbs, but misread him. In the congressional debates during the 78th Congress, Hobbs was asked by Congressman Marcantonio, "In connection with a strike * * *," and responded that "This bill does not cover strikes or any question relating to strikes * * * because a strike is perfectly lawful * * * the act must be unlawful to come within the purview of this bill."

It seems apparent to me that what Congressman Hobbs was saying was that a strike is legally permitted coercion in an economic sense, but that any act which is illegal in connection with a strike, is still illegal and punishable under the law. Yet this unfortunate exchange in the floor debate appears to be the sole basis of the majority's opinion.

In fact, supporters of a union exemption to the extortion law proposed an amendment to Congressman Hobbs' bill on three separate occasions. Each time, the amendment was defeated soundly. It is this fact, which the Court's majority simply ignored, that caused Justice William O. Douglas to remark in his dissent:

The Court today achieves by interpretation what those who were opposed to the Hobbs Act were unable to get Congress to do * * * the opposition (to Hobbs) lost in the 79th Congress what they win today.

How to protect the right of labor unions to use economic coercion while still punishing other means of coercion is a recurring legislative problem. The Supreme Court had also read an exemption for labor unions into the predecessor Federal extortion law, the Anti-Racketeering Act of 1934.

THE ANTI-RACKETEERING ACT

The Anti-Racketeering Act of 1934 (48 Stat. 979) also prohibited robbery and extortion but contained a section known as the "wage clause." This "wage clause" provision said that racketeering was using force to coerce payment of money, unless the payment represented "the payment of wages by a bona fide employer to a bona fide employee." The wage clause was an attempt to exclude from the criminal laws, legitimate wage demands of labor unions that were not accompanied by violent coercion, but the Court took it farther than Congress intended.

In *United States* v. *Local 807, International Brotherhood of Teamsters* (315 U.S. 521). The Supreme Court ruled that this exception covered members of New York City Teamsters Local No. 807 which had exacted payments from out-of-town truckers for the unwanted and superfluous service of driving the trucks, or allowing them to be driven, within the city of New York.

The Local 807 case saw union members, with the apparent approval of the union's officers, stopping out-of-town truckers at shotgun-point in the Holland Tunnel and other points of entry into New York City. There the gun-toting Teamsters would offer the out-of-town truckers a choice: They could either pay the local union a sum for the privilege of driving their trucks on the streets of New York, or they could hire a member of the local union to drive the truck for them. The shotgun made the out-of-town trucker's other choice clear.

The Supreme Court of the United States held that the union could not be prosecuted for extorting the payment of money to the union at the threat of physical harm, because the Federal racketeering law contained the language "not including * * * the payment of wages by a bona fide employer to a bona fide employee * * *". In the view of the Supreme Court, the fact that the out-of-town truckers had been forced at gunpoint to hire the local's drivers was irrelevant. The mere fact that the payment to the union had taken the form of wages was enough to remove it from the racketeering law.

The language of the racketeering statute was not intended to exempt such coercion from the law. Rather, it was intended to protect the right of union members to engage in a strike or similar concerted activity to obtain their goals. A strike is inherently coercive in an economic sense, but we have made a decision of public policy to allow a strike against an employer. This coercion loses, however, its legal and protected status when the strikers resort to violence and intimidation. Then, the coercion flows not from the worker's refusal to work until their demands are met, but rather from the fear of property damage or physical harm. This is what the Court failed to distinguish in the Local 807 case and again in Enmons. As a result, the Court construed Congress' decision to shield economic coercion as a decision to exempt violent coercion from prosecution whenever the payment took the form of wages.

The Court's decision, in effect, exempted all violent activity and coercion from the Federal law if it had as its basis a labor-management quarrel. This clearly was beyond what Congress had intended to do in the 1934 act and "congressional disapproval of this decision was swift," in the words of Justice Douglas. Several bills were introduced with the purpose of overturning the Supreme Court's decision in the Local 807 case. The bill which eventually passed and became known as the Hobbs Act, eliminated the "wage clause" that had been the basis of the Supreme Court's decision in that case.

Mr. President, what I propose is essentially a continued effort to apply the extortion law equally to everyone, without regard to their union status or purpose. In this effort, we seek to correct the Court's reading of the word "wrongful." I believe that the Supreme Court misread Congress' intent when it interpreted the word "wrongful" to exempt violence pursued for a legally permissible objective, just as an earlier court gave an overly broad interpretation to the "wage clause." I agree with Congressman Hobbs that "violence is violence, crime is crime, no matter who commits it, and that robbery is robbery, and extortion is extortion, whether or not the perpetrator has a union card." I believe that it is time for Congress to say so with finality, by passing this amendment to the Hobbs Act.

A PATTERN OF VIOLENCE

Mr. President, for 10 years between 1961 and 1971, when I worked at the

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Waterloo Register Co. in Cedar Falls, IA, I carried a union card and was a voluntary member of the International Association of Machinists. When my union went out on strike, I went out on strike. The men and women that I worked with and went out on strike with, did not believe that they had a right to use force or violence to get their way. I do not believe that the overwhelming majority of working men and women union members do either.

But there are some bad apples who apparently do believe that they have a right to use violence, and it has been happening all too often in labor-management strife. During a series of hearings in the last Congress, the Senate Judiciary Committee and its Subcommittee on Separation of Powers under the able chairmanship of my colleague from North Carolina [Senator EAST], heard more than a dozen victims of union violence from as many States, describe what happened to them when they did not "go along" with union demands.

On June 8, 1983, Bob Wholsen went to his company's construction site near Lancaster, PA, because he had been told that union picketers were blocking the access to it. When he got there, Bob was attacked and struck on the side of the head with a hard object and knocked to the ground. His lawyer was held down while an official of the Philadelphia Area Building and Trades Council poured hot coffee on him; and Bob's son-in-law who was carrying a video camera, was beaten and his camera destroyed. As a result of his injuries, Bob suffered a subneural hematoma and was forced to undergo two separate brain surgery operations. In addition to severe personal injury, Bob's company has suffered because area developers are afraid of "union trouble" if they hire Wholsen Construction. No one was ever punished for the violence.

Cher and Walter Mungovan started a construction company on the island of Maui, HI in 1979. Within 2 years, C&W Construction was doing over a million dollars' worth of business. Then the Hawaii Carpenters Union started an organizing effort at the Mungovan firm and an election was held in which the employees voted unanimously to remain nonunion. The election should have stopped the picketing under Federal law, but instead, the picketing continued and turned violent. C&W Construction began to lose business because developers were threatened with violence if they hired them. Then the union offered Walter Mungovan a deal. His problems would be over if he would just disregard the employees vote to remain nonunion, sign a contract with the Carpenters Union, fire his employees and hire through the union hall. When Walter sought help from local and Federal authorities, he found that he was on his own. His life was threatened, his family harassed, job sites burned and tools stolen, but local law enforcement officials looked the other way, and sometimes, even sided with the union.

When Cher and Walter went to the U.S. attorney in Hawaii, they learned that the union could get away with what it was doing because of the Enmons loophole in the Hobbs Act.

Since then, Cher and Walter have been able to prove that the union officials had lied in the affidavits filed with the NLRB, and the head of the Carpenter's Union has been convicted on multiple counts of perjury. But this tragic story has no happy ending. The Mungovan family now lives separately. Walter is in the Federal Witness Protection Program, Cher and her 11-year-old son, Ian, live in Hawaii.

Mr. President, I cannot describe to my colleagues how I felt last April in the anteroom of the Senate Judiciary Committee, when Walter Mungovan and his son saw each other for the first time in more than 1 year. Walter Mungovan is in hiding—not because he did anything wrong, but because he did what all parents tell their children that they should do. Stand up for what is right, report crimes to the police, testify against criminals. He did that and he is in hiding, while the union officials who have now been convicted of crimes remain free pending appeal—where I might add, they have been caught recently committing the same crimes again.

Mike Ashby, a lumber worker in northern Idaho, and Sheriff Ron Smith of Boundary County, ID, told the Judiciary Committee on firebombings, gun shots, rocks and bottles being hurled at nonstriking workers at the Louisiana Pacific Co. Both brought into the hearing "captured weapons" that had been used by the union to deter nonstrikers from working. These included Molotov cocktails, homemade devices casually known as frisbees and spiders as well as items resembling punji sticks from Vietnam. Steel ball bearings were fired from wrist rocket slingshots at car and truck windows, and at people.

What is most frightening is that Mr. Ashby testified to being present at the union's meeting when an officer of the international union actually encouraged the strikers to engage in violent harassment of the nonstriking workers and to destroy company property.

Sheriff Smith proved himself to be an exceptional and courageous man. His Sheriff's department did try to stem the tide of violence, but, as he told the committee, his six deputies were simply not enough to control the violence that occurs when an entire segment of the community chooses to disregard the law.

John Pickell of the Brinderson Corp. of Irvine, CA, told the committee of death threats and firebombings of company facilities, while they were on the premises of a U.S. Air Force base in Montana. Local and State officials were either unable or unwilling to prevent the violence there.

Horace Guyton of New Jersey continued to work at his janitorial job because he could not afford to participate in the strike, and because the union officials refused to tell him why they were on strike. His wife was followed and subjected to verbal harassment while he was at work and while she was alone with their child. On one occasion, Mr. Guyton was threatened at knifepoint and called the police. When the police arrived, they met first with the union picketers and then threatened to arrest Guyton—the victim—for harassing the picketers if he ever called the police again.

I have met Horace Guyton. He is a courageous young man, but he is not particularly large or threatening in appearance or manner. I seriously doubt that he had threatened a group of picketers. The calculated brutality of the union in this case went even further. A "hit list" of Horace and other nonstriking workers was maintained and posted at the union hall. The hit list contained not only the name of the nonstriking workers, but also their home addresses. When Guyton was forced to move out of concern for his family's safety, the list was updated with his new address.

David Young of Florida was doing construction work when a mob of union supporters trapped him and several other workers in a room and threatened to kill them. Heavy equipment was dropped from upper levels of the construction site. One of the pieces of equipment came through the roof of David's pickup truck while he was fleeing. Had the equipment landed just a few inches nearer to the driver's side of the truck, David probably would have died.

Yet another construction incident involved Gerry Bartow. He was doing construction work in Port Huron, MI with nonunion labor. More than 400 union picketers stormed the construction site and destroyed his company equipment. He and several of his employees were trapped on the rooftop of a building for several hours by an angry mob. When Bartow was rescued by the sheriff's police and a handful of the mob's leaders were arrested, an aide to Michigan's Governor asked that the union leaders be released from jail. On another occasion, the Governor's office applied pressure on the sheriff to remove Bartow and his workers from the job site.

When 28-year-old graduate student Sygmund Kaye stopped at a building he had invested in to check on the remodeling work that had been done, he found 15 men wearing yellow tee

shirts doing a little remodeling of their own. The men were beating and ripping apart the work that had been done by the nonunion crew Sygmund had hired. When Sygmund demanded to know what they were doing, several of them beat Sygmund Kaye to the point that he is now partially paralzed. As they were leaving the scene, Sygmund saw the men board a grey bus—the same grey bus, I might add, that brought thugs to Bob Wohlsen's job-site—and he took down the license number. The grey bus was registered to the Philadelphia Area Buildings and Trades Council. But the police would do nothing. The district attorney told him that "it is an election year" when he refused to do anything. So bold were the thugs in the Philadelphia area that the men who beat Sygmund Kaye into paralysis wore tee-shirts proclaiming: "Union Carpenters, We Hit Harder."

Mr. President, still other victims of union violence have been invited to testify before the Judiciary Committee, but were afraid of further violence, and even more we simply could not fit into a busy schedule. Without revealing which witnesses were afraid to tell the Senate what happened, I wish to describe some of their stories.

Karen Minnetta is a divorced mother of two children, aged 5 and 11 in 1983. Karen was working as a flight attendant during the strike by employees of Continental Airlines in Texas. She continued to work for the same reason that Horace Guyton did, she had a family and needed the money. Karen was awakened about 12:30 a.m. on December 3, 1983 by the smell of smoke. Downstairs she found her condominium on fire, and a gallon size can containing a flammable liquid. Her sliding glass door was opened, and the word "SCAB" was painted on the outside of her home.

After getting her children out of the apartment alive, Karen ran throughout the nearby condominium units knocking on doors and warning others of a fire which was in danger of spreading to other buildings. According to some of Karen's neighbors, she was hysterical and was yelling, "It's my fault." Think about that, her home was on fire, a gas can was in plain view, as was the word "SCAB," and Karen had been caused to believe that it was her fault that her neighbors were going to lose their homes—because she had crossed a picket line.

Nor was Karen the only person threatened with serious violence in that strike. In San Antonio, two striking Continental pilots were arrested when they attempted to evade a routine license checkpoint set up by the State police. Before their arrest, they threw out the window of their car a bag containing pipe bombs—that's right, pipe bombs. Inside the car was the address and a photograph of the home of nonstriking pilot David Guildhart, located about a mile away from the checkpoint. Was David Guildhart about to see his home destroyed, perhaps to blame himself, like Karen Minnetta, for crossing a picketline?

Guildhart might not have been as lucky as Karen Minnetta if it hadn't been for the routine checkpoint. He was in Chicago as part of his business, and his family was at home.

In Alabama, 21-year-old Russell Gillian was shot in the face, and 20-year-old Roger Patterson was shot in the arm, while crossing the picket line at the Birmingham Manufacturing Co., on October 1, 1983. The bullet is still lodged in Russell's cheek because doctors are afraid that removing it could cost him his life.

In eastern Kentucky in 1982, a United Mine Workers Union wrote local checks for $3,000 to pay for guns and ammunition in a strike. But here a Hobbs Act conviction was obtained—but for one unique reason. The violent strike was part of a conspiracy with a unionized company to put its nonunion competitors out of business. Had there been no conspiracy with the employer, the gunfire would have been permissible as a "legitimate union objective." At one point, the strikers were so bold as to have opened fire on the Kentucky State Police when they tried to restore order.

In Montana, the Oklahoma based Haines Pipeline Co. was constructing a pipeline for the Montana Power Co. Periodic violence involving hundreds of picketers resulted in personal injury to workers and destruction of company property. During some of the worst of the Montana violence, a bomb blast destroyed the office of the Haines Co. president—in Oklahoma. Clearly there was an interstate—not just local—conspiracy to intimidate the company into agreeing to union demands.

On January 26, 1984, John Knighton was working as a security guard during a strike in Lake Charles, LA, when he was shot in the face and chest with a shotgun. At 28 years of age, John has been permanently blinded.

In southern Arizona, during the long and bitter strike at Phelps Dodge, violence and baseball bats were a common occurrence. In one tragic incident, 3-year-old Chandra Talant laid asleep in her bed as a bullet passed through the walls of her home striking her in the head. Her father, Keith, was not honoring the strike and continued to work. Keith Talant later died in a one-car auto accident. We cannot say with certainty that the strike and these tragedies were related, but I fear they are.

In Toledo, OH, an estimated 2,000 picketers attacked police protecting the plant gates of the AP Parts plant with baseball bats, bottles, bricks, and rocks. A police van was burned and 18 police vehicles heavily damaged.

Mr. President, the violence is not confined to industrial States such as Pennsylvania and Michigan. Since 1981, there have been periodic incidents of violence in my home State of Iowa, in downtown Des Moines. Gunshots and firebombing of vehicles have done more than $1.5 million in damages to local construction companies and the city. Clearly, Mr. President, there exists a nationwide pattern of violence.

ORGANIZED CRIME BENEFITS FROM THE ENMONS EXEMPTION

Mr. President, according to the 1981 Labor Department report of the Inspector General, over 400 labor organizations are "directed, influenced, or controlled by organized crime." Extortion, kickbacks, and illegal payments are a major problem in areas where Federal law requires companies to deal with mobsters who control these local unions. According to the Labor Department report:

> Employers who want their cargos unloaded or to keep their business open too frequently are forced to bow to extortionate demands. Although the problem is perhaps more prevalent in the construction industry, no business is immune . . .

A scenario under which organized crime working through a union can gain substantial influence over a legitimate business is easy to construct. Union leaders with organized crime ties could threaten an employer with "labor troubles" if he does not do what is demanded. The demands could involve requiring the company to grant a concession to a mob-controlled company for vending machines or cafeteria services, or a strike will be called at the end of the contract period—or immediately, alleging a contract violation. While most union leaders are good people who work hard for their members, this happens all too frequently.

Mr. President, the Federal Bureau of Investigation testified in favor of the legislation I propose, and reported several instances in which an FBI investigation of extortion involving organized crimes was blocked because of the Enmons loophole in the Hobbs Act. In each case, Federal officials provided their information to State and local authorities. In each of the cases, local prosecutions were unsuccessful.

Indeed, the FBI told the Senate Judiciary Committee that four large international unions are "substantially influenced and/or controlled by organized crime," and that "in these four unions, organized crime figures routinely extort employers or companies whose employees they represent." "Routinely," Mr. President, employers are extorted by these unions, according to the FBI, but the FBI cannot do

a thing about it because of the Enmons decision.

Of course, this keeps these unions in the control of these organized crime figures who do not need to respond to union members, because a fair and open election will not be held.

Mr. President, Congress has repeatedly attempted to make extortion a Federal crime without regard to who commits it, while at the same time permitting economic coercion unaccompanied by violence or threats of violence. Each time Congress has chosen to punish coercion, but the courts have construed the statutes more narrowly. Now is the time for us to resolve this conflict clearly. Across the street from these Chambers are inscribed the words "Equal Justice Under Law." Let us now proceed to give renewed meaning to those words and make the law clear, that extortion is extortion—no matter who commits it.

I ask unanimous consent that a copy of this legislation be printed in the RECORD, along with a newspaper clipping from the January 6 Des Moines Sunday Register, detailing recent violence in Iowa.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (2) of subsection (b) of section 1951 of title 18, United States Code, is amended to read as follows:

"(2) The term 'extortion' means the obtaining of property from another, with his or her consent, induced by use of actual or threatened force, violence, or fear thereof, or wrongful use of fear not involving force or violence, or under color of official right.".

(b) Subsection (c) of such section is amended to read as follows:

"(c) Nothing in this section shall be construed as indicating an intent on the part of the Congress—

"(1) to repeal, modify, or affect section 17 of title 15, the Act of March 23, 1932, popularly known as the Norris-La Guardia Act (47 Stat. 70; 29 U.S.C. 52, 101, 115, 151-166), or the Railway Labor Act (45 U.S.C. 151-188); or

"(2) to exclude Federal jurisdiction over the offenses defined in this section on the ground that the conduct is also a violation of State or local law, or that the conduct, if it involves force, violence or fear of force or violence, takes place in the course of a legitimate business or labor dispute or in pursuit of a legitimate business or labor objective.".

(c) Section 1951 is amended by adding at the end thereof the following:

"(d) It is an affirmative defense to a prosecution under this section that the conduct of the defendant—

"(1) was incidental to peaceful picketing in the course of a legitimate labor dispute, as defined in section 2(9) of the National Labor Relations Act, as amended (29 U.S.C. 152(9));

"(2) consisted solely of minor bodily injury, or minor damage to property not exceeding a value of $2,500, or a threat of such minor injury or damage; and

"(3) was not intended to extort property.".

[From the Des Moines Sunday Register, Jan. 6, 1985]

VANDALISM ON THE JOBSITE—CONTRACTORS BEMOAN YEARS OF DAMAGE

(By Rick Jost)

Holiday season sabotage at some major downtown Des Moines buildings is only the most brazen example of a high-priced vandalism problem at Iowa job sites, angry contractors say.

Pinpointing the perpetrators has been difficult. Contractors suspect some of the problems stem from disputes between unions, or between union and non-union workers. The unions defend their members, saying there is no proof and it would be "self-defeating" for its members to commit such crimes.

But the federal government is now investigating the situation, as the trouble continues.

Since mid-1981 vandals have tossed acid on a contractor's car, spray-painted a new building, knocked down a building wall with a backhoe, fired bullets and set off fire bombs at construction trailers, and knifed tires and shot holes through construction equipment, among other things, according to a report to the Des Moines Construction Council's board of directors.

And those are some of the minor incidents.

In that same period vandals have also "torched" five cement trucks, causing $200,000 in damage; "torched" a fast-food restaurant, causing $100,000 in damage, and used acid to ruin $125,000 worth of specialized siding for a metal building, the contractor group's report said.

Last July "people who knew what they were doing" found a way to collapse the entire steel frame of a lumber company's new building under construction in Altoona. The result was $200,000 in damage, said Scott Norvell, manager of Des Moines Construction Council Inc.

Construction groups say 83 acts of vandalism totaling more than $1.5 million in damage have been reported within the past four years "in Des Moines and surrounding areas."

Norvell and others in the construction industry say the costly sabotage of job-site property is out of control.

"It's time that this kind of stuff comes to an end," Norvell said.

Construction site vandalism is a statewide problem, but "it tends to be more concentrated in urban areas," said William Hansen of Associated General Contractors. But when it comes to "dollar volume and severity, it's centered in Polk County."

At the Iowa Division of Criminal Investigation, reports of construction site vandalism in Polk County increased during 1984 compared with previous years, DCI Director Thomas Ruxlow said.

Ruxlow, who would not disclose DCI figures, said the increase could simply represent "more awareness" and increased reporting of such crimes in the Polk County area.

It's difficult to arrest the culprits responsible for the damage, because the crimes often occur in the dead of night and usually at remote construction sites. Many times it's impossible to pin down whether the destruction is the handiwork of mischievous youths or an attack on a company.

A frustrated James Ryan, general manager of Master Builders of Iowa, said "no one's ever been apprehended. And we apprehend guys for stealing $500 from a 7-Eleven on a regular basis."

"If you can go out and shoot a major building at Fifth and Grand, you're not too worried about being caught," Ryan said, referring to the bold Christmas-week shootings of windows at the new Des Moines convention center and two other downtown buildings.

Even last week, the sabotage at downtown construction sites continued. Workers at the Plaza, a 25-story condominium tower, found that someone had tampered with the power cable to a manlift.

Although it appeared the deed was intended only to keep the manlift from working, the altered cable could have sent 480 volts through the manlift and caused electrocution, said spokesmen for developer Ted Glasrud Associates of St. Paul, Minn.

A police report indicated that whoever rigged the power cable "knew what they were doing," but Glasrud officials said they don't know who is responsible for the act.

The window shoot-out a week earlier is a different story. Norvell and Ryan are among those who suspect the shootings and some earlier incidents are linked to a long-running battle over jobs involving two unions—the glaziers and the ironworkers.

In fact, "we all saw it coming, we knew it was coming," Ryan said of the trouble at the convention center.

Gunshots, apparently from a pellet gun, damaged 51 panes of glass valued at $64,399 at the convention center, 30 window panes worth about $7,000 at the Capitol Center 3 office complex under construction near the Statehouse, and more than 12 large panes of glass and lights at Forman Ford and Co. Forman Ford is the glazing subcontractor for the convention center project.

The FBI has joined the investigation of the shootings.

"Our investigation is to determine if there is any violation of a federal law," said Robert Keane, supervisory special agent for the FBI in Des Moines. Specifically, he said, the FBI is checking for violations of the Hobbs Act, an anti-racketeering law making it a crime to interfere with interstate commerce by violence or threatened violence to people or property.

Asked whether the FBI investigation was limited to the downtown shootings or whether it was also probing other incidents, Keane said, "We're looking at the totality of circumstances that surround it."

Though Ryan and Norvell have no proof, they say circumstances surrounding the window-shootings point to a long-running "jurisdictional dispute" between the glaziers and the ironworkers over the right to install window frames.

That job was handled by the glaziers at both the convention center and Capitol Center 3, and Forman Ford and Glass Co. was the glazing subcontractor on the convention center job, said Orville Crowley, president of the convention center's construction firm of Ringland, Johnson and Crowley Co.

Norvell, who represents management in construction industry labor negotiations, said he sensed trouble brewing at the convention center job site early last August, during a discussion he had with Earl Harris, business representative for Ironworkers Local 67.

Norvell said Harris had told him, "basically," that if the ironworkers were not assigned the job of installing the convention

center window frames, "there was going to be some problems."

Said Ryan, "These guys seem to have a different marketing technique."

Harris, in an interview, said he did not recall "making any statement like that" comment recounted by Norvell.

Harris also said he did not have any knowledge of Local 67 officers making similar "innuendos" to Crowley, as Crowley alleged.

"I don't have any knowledge as to who was responsible for what happened down there," said the ironworkers official.

From Aug. 23 through Oct. 22, the Des Moines Construction Council sent five letters and telegrams to the international union offices of the ironworkers and the glaziers, asking them to step in and resolve the jurisdictional dispute. Those pleas brought no results, Norvell said.

Aaron Davis of St. Louis, Mo., a general representative of the glazier's international union, said he discussed the Des Moines dispute with Robert Arric, an international representative of the ironworkers' union.

The two agreed to urge leaders of the Des Moines local unions to get together and settle their differences, Davis said.

"That's all I can do," Davis said, adding, "I'm not going to go in and force my guys off the work."

Unionized glaziers and ironworkers were operating under a complicated national agreement covering metal, glass and some painting jobs until 1974, when the glaziers pulled out of it, Davis said.

"But even with the agreement, there was bad blood then" between the two unions, Davis said.

Norvell of the Construction Council said he had been especially worried about the convention center last fall "based on what had happened in the past."

He and Ryan both said they believe much of the construction site vandalism in the Des Moines area is tied either to the dispute between these two unions, or to clashes between union and non-union workers.

One of the buildings victimized by the window-shootings—Capitol Center 3—was a project covered by the local United Committees of Labor and Management, or Unicon labor-management construction program, said Charles Stroh, co-chairman of the group.

With Unicon's help, about 20 construction projects have proceeded successfully without work-stopping jurisdictional disputes among unions, Stroh said.

"Obviously, this is something that Unicon just deplores," Stroh said of the downtown vandalism.

Mr. HATCH. Mr. President, I want to express my continued support for S. 300. I am pleased to see that the Senator from Iowa [Mr. GRASSLEY] is reintroducing his bill to amend the Hobbs Act in order to correct the unfortunate decision by the U.S. Supreme Court in the Enmons case. Since that 1973 decision, which held that the Hobbs Act was not violated by the "use of violence to achieve legitimate union objectives, such as higher wages * * *," the Federal Government has not had the ability to effectively punish acts of extortion and violence when they occur in a labor-management context.

One of the most important and legitimate responsibilities of government is to ensure, to the greatest extent practical, that law abiding citizens are free to live and work in peace—free from the threat or use of violence. And, while I firmly believe that law enforcement is the primary responsibility of State and local governments, the Federal Government has a significant role to play in the prevention and prosecution of localized acts of violence which disrupt interstate commerce.

The Hobbs Act, which makes it a Federal crime to obstruct interstate commerce by robbery or extortion, is an important tool in bringing justice to those who use actual or threatened violence as a means to gain wealth and power. Because of the astonishing holding in the Enmons decision, parties involved in labor-management disputes enjoy a unique exemption from the Hobbs Act. They alone are not subject to Federal investigation and prosecution for using force or fear to obtain property in an interstate context. No other group can use the lame excuse that they believed that they deserved more money to avoid criminal penalties for employing extortionate violence. No group or individual should be able to.

As chairman of the Labor and Human Resources Committee I have heard countless witnesses testify of the pain and injury which they have suffered as a result of violence arising out of labor-management disputes. How frustrating it has been to hear how the criminals who have seriously injured people go unpunished because State and local officials frequently lack the resources to see that justice is done.

In America we cherish the notion that no one is above the law. The Hobbs Act needs to be amended to reflect that principle. This bill is not designed to subject those involved in minor picketline scuffles to Federal prosecution. Nor has it been drafted in an effort to undermine worthy union objectives. The sole goal of this legislation is to make it clear to labor and management alike that extortion and the destruction of life and property to the degree they have any impact on interstate commerce are Federal crimes no matter who you are or what your motive is.

For over a decade now Federal agencies—such as the FBI—as well as Federal prosecutors have been hamstrung in their efforts to curtail industrial violence because of the Enmons decision. The measure proposed today will restore the ability of the Federal Government to fulfill its obligation to assist State and local law enforcement authorities in the punishment and prevention of instances of serious, extortionate violence. I urge my colleagues to join me in support of this amendment to the Hobbs Act. It is long overdue.

Mr. DENTON. Mr. President, I am pleased to join my distinguished colleague from Iowa, Mr. GRASSLEY, as an original cosponsor of a bill which addresses the Supreme Court's mistaken interpretation of the Hobbs Act in its 1973 decision in *United States* v. *Enmons,* 410 U.S. 396. That misinterpretation has allowed union members to engage with impunity in violence and threats of violence in the name of pursuing "legitimate" union goals.

Mr. President, according to statistics published by the Industrial Research Unit of the Wharton School of the University of Pennsylvania, there were, at least 4,350 acts of violence committed by union members from 1975 to 1984. Those acts of violence were not isolated to any one area of the country but have been nationwide in scope. In fact, every State represented in this body has experienced incidents of union violence. Since 1975 there have been 36 documented incidents in Alaska; 21 documented incidents in Arkansas; 88 documented incidents in Arizona; 454 documented incidents in California; 44 documented incidents in Colorado; 108 documented incidents in Connecticut; 16 documented incidents in District of Columbia; 13 documented incidents in Delaware; 79 documented incidents in Florida; 38 documented incidents in Georgia; 22 documented incidents in Hawaii; 44 documented incidents in Iowa; 31 documented incidents in Idaho; 125 documented incidents in Illinois; 115 documented incidents in Indiana; 16 documented incidents in Kansas; 225 documented incidents in Kentucky; 62 documented incidents in Louisiana; 87 documented incidents in Massachusetts; 34 documented incidents in Maryland; 20 documented incidents in Maine; 174 documented incidents in Michigan; 68 documented incidents in Minnesota; 199 documented incidents in Missouri; 25 documented incidents in Mississippi; 62 documented incidents in Montana; 40 documented incidents in North Carolina; 4 documented incidents in North Dakota; 11 documented incidents in New Hampshire; 186 documented incidents in New Jersey; 11 documented incidents in New Mexico; 38 documented incidents in Nevada; 249 documented incidents in New York; 227 documented incidents in Ohio; 115 documented incidents in Oklahoma; 66 documented incidents in Oregon; 390 documented incidents in Pennsylvania; 54 documented incidents in Rhode Island; 10 documented incidents in South Carolina; 5 documented incidents in South Dakota; 179 documented incidents in Tennessee; 99 documented incidents in Texas; 8 documented incidents in Utah; 11 documented incidents in Vermont; 91 documented incidents in Virginia; 90 documented incidents in Washington; 75 documented incidents

in West Virginia; 115 documented incidents in Wisconsin; 2 documented incidents in Wyoming; and in my home State of Alabama there were 68 documented incidents of union violence.

While I will not take the Senate's time to summarize all of the 68 incidents in Alabama, I will cite one incident which involved the injury of two young men in a dispute on a picketline at Birmingham Manufacturing Co., in Springville, AL. Russell Ray Gillian of Pell City, AL, was shot in the face with a gun of an unknown caliber when he reportedly confronted pickets at the plant. Roger Lee Patterson, a worker from Springville, AL, was shot in the arm. There were other examples of union violence at the Birmingham Manufacturing Co. plant during that strike, involving harassment of company workers, property vandalism in the form of smashed windows, damaged cars, tacks thrown in driveways, puncturing of tires, fires, and the like. The remaining incidents demonstrate a similar lack of respect for the law.

I would ask unanimous consent that certain news articles detailing these and other acts of union violence be placed in the RECORD at the conclusion of my remarks.

Mr. President, thanks to the loophole created in the Hobbs Act by the Supreme Court, few of the incidents of union violence result in prosecution. The bill introduced today would close that loophole by allowing criminal prosecution of individuals involved in violent, extortionate labor union tactics. It would allow for the punishment of individuals who use or threaten the use of force or violence during strikes or similar union activities.

Moreover, passage of the bill would correct the clear implication of the Enmons decision that the legitimacy of the ends sought by union agents—contract concessions—exempts them from prosecution under the Hobbs Act for the use of wanton destruction as a means to force employers to accede to their demands. If we follow the "ends justifies the means" rationale of Enmons, we in effect condone the systematic destruction of property and the maiming or killing of innocent individuals in order to obtain higher wages or better fringe benefits for union members.

The bill would not interfere with the right of workers to strike for higher wages. Its provisions would come into effect only if a strike goes beyond the mere withholding of labor to include activities such as shooting, dynamiting, and arson directed against employers and nonstriking workers. The bill explicitly exempts minor incidental incursions. The fact that the actions of a defendant caused only a minor bodily injury, or minor damage to property not exceeding $2,500, would be an affirmative defense to a prosecution under my amendment.

Mr. President, I continue to believe that this legislation is of paramount importance. I commend Senator GRASSLEY and the other Members of Congress who are endeavoring to free the workplaces of our Nation from violence.

We need the peacefulness that this bill would bring. We need teamwork and cooperation in the workplace, not extortion and violence.

Thank you, Mr. President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the St. Clair [AL] News-Aegis, Oct. 2, 1983]

TWO HURT IN SPRINGVILLE PICKET LINE DISPUTE

(By Lou Ann Ray)

Two young men were injured Wednesday night in a dispute on a picket line at Birmingham Manufacturing Co. in Springville, according to St. Clair Co. Sheriff's Department reports.

Russell Ray Gillian, 21, of Route 2 Box 484 Pell City was shot in the face with a gun of an unknown caliber when he reportedly confronted picketers at the trailer manufacturing plant. Also injured was a coworker, Roger Lee Patterson, 20, of Route 1 Box 323 Springville. He was shot in the arm and is listed in satisfactory condition at St. Clair County Hospital, according to a hospital spokeswoman. The condition of Gillian could not be obtained, but a sheriff's department spokesman said he was transferred to University Hospital in Birmingham.

Both Patterson and Gillian are employed as welders at the factory. The shooting reportedly occurred at about 7:30 when Gillian and Patterson returned to the company after they had left from work. Patterson had found some tacks in his driveway when he returned from work Wednesday, according to St. Clair County Investigator Richard Smith. Smith said Patterson and Gillian were taking the tacks back to the picket line.

When they arrived, tacks were thrown at the men, Smith said, and a picketer yelled "He's got a gun." Two shots were reportedly fired at Gillian and Patterson.

No arrests have been made. The incident is being investigated by the sheriff's department and the Springville Police Department.

Eighty-four members of United Steel Workers Union 7832 walked off their jobs in early May in a dispute primarily centered around insurance benefits. "There is nothing to indicate it (the strike) will be at an end at this point," Plant General Manager Richard Norman said. Norman declined to make comments about the shooting.

The Wednesday shooting was not the first incident of violence since the 20-week-old strike began. Problems reportedly began occurring after management ran advertisements asking for permanent workers interested in replacing strikers. Violence occurred at the plant on several occasions, two of which two union men were charged with harassment early in the strike and four picketers were arrested in connection with smashed car windows that resulted in a shoulder injury to one man, according to earlier reports.

[From the Anniston (AL) Star, Sept. 30, 1983]

ST. CLAIR MEN INJURED NEAR PICKET LINE

SPRINGVILLE.—Authorities said this morning they didn't know who fired the shots that wounded two St. Clair County men Wednesday night during a picket line disturbance between striking workers and nonstrikers at Birmingham Manufacturing Co. in Springville.

St. Clair County sheriff's deputy Richard Smith and Roger Lee Patterson, 20, of Springville and Russell Ray Gillian, 21, of Pell City were wounded in a quarrel with striking workers. Both men had refused to join striking workers at the plant, Smith said.

Gillian, wounded in the face, was in good condition this morning at University Hospital in Birmingham, a hospital spokesman said. Patterson, wounded in the arm, was in good condition this morning at St. Clair County Hospital, a spokesman said.

Smith said he wasn't sure who fired the shots. There were "a number" of picketers on the picket line when the shots were fired at about 7 p.m., Smith said. Gillian and Patterson had already left work but had returned to the plant when the incident happened, Smith said. He wasn't sure why the men returned, he said.

During the "disturbance," someone fired "two or three shots," wounding the two men, Smith said.

Workers at Birmingham Manufacturing have been on strike since they walked off their jobs May 9 in a dispute over insurance benefits, Smith said.

Several disturbances have broken out between strikers and non-strikers in the past few months, Smith said.

[From the Birmingham [AL] News, May 26, 1983]

FOUR MEN ARRESTED ON PICKET LINE AT SPRINGVILLE PLANT

Springville.—Police arrested four men Wednesday during a disturbance at Birmingham Manufacturing plant in Springville, where a strike by members of the United Steelworkers Union is in its third week.

Police Chief Kermit Bailey said about 25 strikers were on the picket line when nonstriking workers arrived at the plant about 7 a.m.

Bailey said strikers used clubs and rocks and that several car windows were broken.

"We had three State Troopers to help us, and we got between them and made the four arrests," the chief said.

"After three cars were attacked and one man suffered a shoulder injury, we started waving the other workers' cars away," said Bailey.

He said the four arrested men were released on bond. He did not identify them.

[From the Birmingham Post Herald, Feb. 3, 1983]

TRUCKERS ADVISED TO SHUN NIGHT

Alabama State Troopers are advising truckers to drive only during daylight hours after shooting and rock throwing continued across the state yesterday.

"We are encouraging and advising driving during daylight hours only. Park them at night," Theresa Trotter, state police dispatcher in Birmingham, said.

That warning is being echoed by state troopers across the state, said Paula Weiss,

a spokeswoman for the Department of Public Safety.

She said state troopers are keeping track of the violence during the independent truckers strike with the aid of local authorities who have been calling state troopers.

Meanwhile, Col. Byron Prescott, director of the state Department of Public Safety, said troopers would be supplemented by law enforcement officers from other state agencies in patrolling highways and interstates.

Officers from the state alcoholic beverage control board, conservation department, revenue department and the Public Service Commission will be patrolling with the troopers in marked and unmarked cars, Prescott said. They will have arrest powers.

"If incidents continue to escalate in number or violence, it could become necessary for this department to request additional manpower or assistance from other state departments and the Alabama National Guard," he said.

Lt. Roy Smith of the state troopers said last night there have been about 50 incidents since the strike began with two resulting in minor injuries.

These were reported yesterday:

Two trucks were shot at, but not hit, in Franklin County on Alabama 247 north of Red Bay at 6:26 p.m.

A trucker was stopped on U.S. 82 in Chilton County and threatened by four men in a black pickup truck about 4:30 p.m. A short time later two other trucks approached and were fired on by the occupants of the pickup.

Shots fired from a car hit the top of a feed truck trailer on Alabama 160 near Nectar at 6:34 p.m.

An object shattered the passenger window and part of the windshield of a truck traveling on U.S. 278, east of Alabama 79 interchange in Blount County at 8 p.m.

Two trucks were struck by objects thrown from a car in the opposite lane south of Tuscumbia on Alabama 247 at 6:26 p.m.

A truck was struck by a piece of metal thrown from a passing car on U.S. 278 in Hamilton at 5:28 p.m.

A truck was hit by gunfire on Interstate 65 near Warrior about 5 a.m. The driver was not injured, but the cab and trailer were damaged.

Cinder blocks were reported on Interstate 65 near an overpass in Morgan County about 2 a.m.

Rocks hit a truck about 1 a.m. on Interstate 65 between Morris and Kimberly.

Drivers reported rocks thrown at trucks about 12:05 a.m. on Interstate 20 near the Talladega-Calhoun county line.

A truck was struck by a rock south of Addison in Winston County at 1:30 p.m.

In Birmingham police are investigating the shooting of two trucks late Tuesday night.

Inspector B.R. Goforth said police have leads, but he did not wish to discuss specifics for fear of jeopardizing the investigation.

Goforth said Birmingham police would patrol near overpasses, exits and truck stops where they suspect trouble may occur.

Meanwhile, C.E. McBride, president of Colonial Fast Freight Lines, said the independent truckers strike is hurting the company he founded in 1942.

"We're practically shut down. Our income is completely shut off."

McBride said the 85 drivers who haul for his company are independent owner-operators. All 85 are staying off the roads.

McBride, 72, has laid off eight of his 12 employees during the strike. "We are in (financial) danger. If it's out too long, it will be questionable whether it will be worth it to start it back up again."

McBride also opposes the increased fuel tax and user fees, but he feels the strike will not be effective. He thinks lobbying in Washington, D.C., would be a better method.

"We're in complete sympathy with them, but they're going about it wrong."

Independent truckers are protesting the Surface Transportation Act of 1982 which will raise fuel taxes to 9 cents a gallon, from 4 cents, starting in April and increase user fees from $240 a year to $1,900 a year by 1989. The fee increases take effect July 1985.

Spokesmen for local wholesale grocers claim the strike has not affected them significantly.

An official of Western Supermarkets said, "We are not experiencing any problems at all. A few trucks have been late because they're not running at night."

A spokesman for Food Service Distributors Inc. said, "It's hard to tell directly. I've had one or two shipments held up, but I don't know if it was because of this."

Louis C. DiChiara, manager of City Wholesale Grocery Co., Inc. said, "It has not affected us yet. We have gotten all our shipments in on time. We got three in today (Wednesday). One trucker came in from Orlando and he said he didn't have any trouble.".

DiChiara said the company does receive large quantities of goods at the main terminals in Birmingham, which are then distributed by trucks. He said the strike could cause problems in distributing these goods, at any time.

[From the Huntsville [AL] Times, Aug. 13, 1983]

BELL STRIKE: VANDALISM UP, SERVICE NORMAL

MONTGOMERY, AL.—Vandalism had inceased, but South Central Bell service was near normal as a nationwide strike of telephone workers entered the seventh day.

Tom Somerville, a spokesman for the telephone company, said Friday operations were being carried out with about 46 percent of the work force in Alabama.

"Over 90 percent of the operator-assisted calls are now being completed in comparision with 84 percent Monday, the first business day of the strike," he said.

But Somerville said there were reports of about a dozen acts of vandalism since the strike began, including Thursday's damage of a "carrier system," which knocked out long-distance service to 4,500 customers of an independent telephone company near Huntsville.

"That's about 10 times the normal volume of incidents of vandalism in Alabama," Somerville said.

He said about 400 Bell customers were affected when cables were cut in Opelika and Birmingham and cable connection boxes in Pelham, Montgomery and the Birmingham area were damaged.

But repair work was being handled in near normal fashion and work crews have been able to get around to some non-emergency work, he said.

[From the Huntsville [AL] Times, Aug. 14, 1983]

VANDALISM CUTS PHONE SERVICE

MONTGOMERY.—Acts of vandalism knocked out telephone service to 1,500 South Central Bell customers during the first week of a nationwide strike of telephone workers.

Tom Somerville, a spokesman for the telephone company, said four cable connection boxes were damaged in the Birmingham area on Friday, and 1,100 customers lost service for a short while.

Somerville said scattered reports of vandalism have increased since the Communications Workers of America went on strike last Sunday. A total of 1,500 South Central Bell customers have lost service because of damage to cables and cable connection boxes.

On Thursday, damage to a carrier system knocked out service to 4,500 customers of an independent telephone company near Huntsville.

CWA, the Telecommunications International Union and the International Brotherhood of Electrical Workers represent a total of 675,000 workers who struck the American Telephone & Telegraph Co. over wages, job security and working conditions.

Meanwhile, telephone operations were being carried out Friday with 46 percent of the work force in Alabama.

Somerville said over 93 percent of operator-assisted calls and 62 percent of the directory assistance calls were completed Friday.

[From the Birmingham News, May 2, 1984]

BOND FOR ACCUSED STRIKING TRUCKER REVOKED

MOBILE.—A federal judge revoked the bond of a striking Teamster trucker accused of opening a truck valve that spilled 641 gallons of pesticide in a motel parking lot.

U.S. District Judge W. Brevard Hand ordered Larry Steven Barnes, 44, held without bond Tuesday after a prosecutor said he threatened a witness who allegedly reported the spill to authorities.

Barnes and Royce Allday, 55, were arrested Friday by FBI agents on a complaint charging them with willfully destroying property moving in interstate commerce.

The two Teamsters are accused of opening the valve of a Redwing Carriers Inc. truck on April 16, allowing nitrophenol, a poison to drain into the parking lot of the Red Roofs Inn.

Hand had temporarily revoked Barnes' bond Monday after a woman testified he made an alleged threat against the life of anyone implicating him in the spill.

Barnes has been held on a $15,000 bond since Friday.

Assistant U.S. Attorney E.T. Rolison told Hand Monday the bond should be denied. Barnes and Royce Allday, 55, were charged last Friday by the FBI with willfull destroying property moving in interstate commerce.

A tanker truck belonging to the strike-bound Redwing Co. of Creola was parked at a motel on Interstate 65 in Mobile when 641 gallons of pesticide, nitrophenol, was drained from it on April 16.

Company officials estimated the cost of cleaning up the spill at $750,000 to $1 million. The pesticide ran into a gaping drainage ditch, complicating the nine-day cleanup. The company posted $10,000 reward for an arrest and conviction in the case.

According to an FBI affidavit, Barnes told Frances Yonker that if anyone reported what he and Allday had done "they would be killed."

Barnes also asserted that "Teamsters stuck together," according to Ms. Yonker who testified during a preliminary hearing Monday.

Union drivers on April 15 launched a strike against Redwing in a dispute over wages.

Charges against Barnes and Allday carry maximum penalties of 10-year prison terms and fines of $5,000.

By Mr. STAFFORD:

S. 303. A bill to authorize certain smaller community activities to be undertaken by the Army Corps of Engineers; to the Committee on Environment and Public Works.

SMALLER COMMUNITIES WATER RESOURCES ASSISTANCE ACT

● Mr. STAFFORD. Mr. President, the smaller communities of our Nation confront a variety of needs, including many within the responsibility of the U.S. Army Corps of Engineers. I am today introducing legislation designed to ameliorate the situation for some of these communities, including ones in the State of Vermont.

I have had the honor to introduce each of these proposals during the 98th Congress. Each won approval of the Committee on Environment and Public Works. However, they failed to become law when we did not pass omnibus water resources legislation.

The initial provision in the bill seeks to improve the situation of ice buildup. Severe icing problems in many communities can produce flooding, when chunks of ice clog a river, backing water into city streets.

As just one example, in Hardwick, VT, ice buildup in the Lamoille River has backed the river flow into low-lying areas of the town almost every winter.

The citizens of Hardwick have developed an imaginative plan that would lessen that danger. With some support from the State of Vermont, the town in 1983 installed ice booms—tires strung on cable across the river. These booms collect ice above the town, lessening the likelihood that ice will pile up in the community to produce flooding.

The language that I am submitting today would assist the citizens of Hardwick by demonstrating this useful technique in a wider, more effective way. It will also enable the Corps of Engineers, on an ongoing basis, to assist other communities affiliated with the ice-flooding problem.

In the case of Hardwick, one issue has been the compatibility of the existing ice boom with the needs of white-water canoeists, once the spring breakup occurs.

The canoeists oppose any permanent structures in the river, and they want the ice boom removed as soon as possible each spring. The town and the canoeists have worked out a mutually acceptable position. The terms of my bill reflect that agreement. This demonstration project for Hardwick will in no way impede sports canoeing.

Section 3 of the bill authorizes the Army Corps of Engineers to undertake a program of technical assistance to many small communities where the capability exists to revive former industrial sites with new hydroelectric facilities.

Many of these old industrial sites, millraces, and similar facilities can be revived for new hydro use. This bill will enable the corps to offer technical advice to these communities. It will not pay for any of the actual facilities.

Finally, this bill will augment safety repair work at Waterbury Dam in Vermont. Work is underway to construct, for safety purposes, a new low-level outlet and related facilities at this dam. I applaud the corps for this work, designed to assure the continued integrity of Waterbury Dam.

Yet other repairs are necessary and are properly a Federal responsibility, particularly work on the concrete spillway, which is in disrepair. This bill would assure that such work can and will go forward. Once the safety of the dam and the spillway are assured, the State will, I understand, be willing to assume full responsibility for all future work on the dam.

Mr. President, I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 303

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Smaller Communities Water Resources Assistance Act of 1985".

SEC. 2. (a) The Secretary of the Army, acting through the Chief of Engineers (hereinafter in this Act referred to as the "Secretary"), shall undertake a program of research for the control of river ice, and to assist communities in breaking up such ice, which otherwise is likely to cause or aggravate flood damage or severe streambank erosion.

(b) The Secretary is authorized further to provide technical assistance to local units of government, to implement local plans to control or break up river ice. As part of such authority, the Secretary shall acquire necessary ice-control or ice-breaking equipment that shall be loaned to local units of government together with operating assistance, where appropriate.

(c) For the purposes of Subsections (a) and (b) of this section, the sum of $5,000,000 is authorized to be appropriated to the Secretary in each of the fiscal years ending September 30, 1986, through September 30, 1990, such sums to remain available until expended.

(d) To implement further the purposes of this section, the Secretary, in consultation and cooperation with local officials, is authorized and directed to undertake a demonstration program for the control of river ice at Hardwick, Vermont. The work authorized by this subsection shall be designed to minimize the danger of flooding due to ice problems in the vicinity of such community. In the design, construction, and location of ice-control structures for this project, full consideration will be given to the recreational, scenic, and environmental values of the reach of river affected by the project, in order to minimize project impacts on these values. Full opportunity shall be given to interested environmental and recreational organizations to participate in such planning. For the purposes of this subsection, the sum of $900,000 is authorized to be appropriated to the Secretary for the fiscal year ending September 30, 1986, or thereafter, such sum to remain available until expended.

(e) No later than March 1, 1988, the Secretary shall report to the Congress on activities under this section.

SEC. 3. (a) The Secretary shall, upon the request of local public officials, survey the potential and methods for rehabilitating former industrial sites, millraces, and similar types of facilities already constructed for use as hydroelectric facilities. The Secretary shall, upon request, provide technical assistance to local public agencies, including electric cooperatives, in designing projects to rehabilitate sites that have been surveyed, or are qualified for survey, under this section.

(b) There is authorized to be appropriated to the Secretary, to implement this section, the sum of $5,000,000 for each of the fiscal years ending September 30, 1986, through September 30, 1990, such sums to remain available until expended.

SEC. 4. The Waterbury, Vermont, project in the Winooski River Basin, authorized for modification in section 10 of the 1944 Flood Control Act, approved as Public Law 78-534 of December 22, 1944, is hereby further modified to provide that any major rehabilitation of such project, including restoration of the concrete spillway of such dam, shall be undertaken by the Secretary. Nothing in this section shall be construed as altering the conditions established in the Federal Power Commission license numbered 2090, issued on September 16, 1954.●

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 304. A bill for the transfer of certain interests in lands in Socorro County, NM to the New Mexico Institute of Mining & Technology, Socorro, NM; to the Committee on Energy and Natural Resources.

TRANSFER OF CERTAIN LANDS TO THE NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY

● Mr. DOMENICI. Mr. President, today I introduce legislation that will convey some 8,278.39 acres of land currently under the control of the Bureau of Land Management to the New Mexico Institute of Mining & Technology located at Socorro, NM.

The purpose of the transfer is to provide this university with enough land so that valuable educational, research, and testing work done at this university can continue and expand to meet growing needs in both New Mexico and the Nation.

The legislation is a very simple land transfer which contains language which will revert the land back to the U.S. Government if it is not used for the purposes set forth in the legislation. Further the university agrees to pay a $2.50 an acre administrative charge to assist with costs associated with the transfer. The legislation reserves to the Federal Government any

mineral rights associated with the land. I am aware of the fact that representatives of the university have been working diligently with grazing permitees in an effort to minimize any hardship this transfer may entail.

The transfer is important for the university, for New Mexico, and for our Nation. The New Mexico Institute of Mining & Technology is located in Socorro in the Rio Grande Valley some 75 miles south of Albuquerque. Founded as the School of Mines of territorial New Mexico, the intervening years have been the development of a highly technical college and noted research center. The school is comprised of a small college—some 1,300 undergraduate and graduate students—plus three other divisions—the State of New Mexico Bureau of Mines and Mineral Resources, the New Mexico Petroleum Recovery Research Center, and the Research and Development Division.

The Bureau of Mines is the official State agency responsible for original investigations and recommendations concerning the development of New Mexico's mineral and energy resources. The Petroleum Recovery Research Center is the newest of Tech's division. Since its establishment in 1975, the center has gained international prominence for its studies on new and improved methods of recovering oil and gas.

The Research and Development Division supports research throughout New Mexico Tech and operates a number of geophysical laboratories including a new center for explosive technology research and terminal effects research and analysis [TERA].

TERA expertise centers on experimental development, evaluation, and analysis of system components intended for use by the U.S. Government. In recent years, the spread of our Nation's cities has made it increasingly difficult for Federal laboratories and project offices to carry out certain types of research and development activities onsite. As a consequence, TERA has assumed more of the testing work which is required to fulfill many Govenment individual missions. The land under question meets several requirements. Importantly it is contiguous to the present laboratory and is thus well situated in terms of physical needs, it will allow for economies of operation that might otherwise not exist in a location further removed from the existing facilities and will provide for a longer testing range.

As a State institution of higher education the New Mexico Institute of Mining and Technology [NMIMT] is fully committed to the preservation of the environment and the ecology of the State of New Mexico and of the Nation. NMIMT is nationally recognized for its mine reclamation work in the San Juan Basin of New Mexico, and for its environmental chemistry research on New Mexico's streams and rivers. The NMIMT Safety Committee, which reports directly to the president of the institute, reviews all procedures and land usage within the institute involving potential damage to the environment. This review process assures that institute activities are consistent with the State of New Mexico Environmental Improvement Division regulations, as well as the U.S. EPA regulations. The planned activities for the requested land will involve, at most, limited, short-term effects on the ecosystem. Any damage to the land will be reversed to the extent practical using standard reclamation techniques.

Currently a number of groups are working with the university on this project and I hope the Congress can act quickly on this legislation to allow this important research to go forth.●

By Mr. GOLDWATER (for himself and Mr. DENTON):

S. 305. A bill to repeal the War Powers Resolution; to the Committee on Foreign Relations.

REPEAL OF WAR POWERS RESOLUTION

● Mr. GOLDWATER. Mr. President, together with Senator DENTON, I am introducing a bill to repeal the War Powers Resolution. The biggest mistake any Congress could ever make would be to become convinced that it has exclusive or primary control over tactical military decisions and that Congress alone can give the order to go to war or make peace, something the Constitutional Fathers were careful to prevent.

The War Powers Resolution would have prevented Franklin Roosevelt from taking courageous action prior to a declaration of war against Nazi Germany, action which probably saved Great Britain and the resistance in Europe from total annihilation.

The War Powers Resolution would have halted Andrew Jackson from moving his army into Spanish-occupied Florida and blocked the contribution of his military mission to American expansion.

And it would have denied Thomas Jefferson authority to protect American shipping against pirate attacks by the barbary powers, just to name a few instances in history when important defensive action would have been illegal under the War Powers Resolution.

Mr. President, in my opinion, the statute is unconstitutional. But in order to avoid uncertainty or hesitation at a moment when an immediate defensive reaction is required, I believe we should repeal the measure now. We may never have a definitive court decision on the issues because the judicial branch usually finds a way to duck political questions.

The War Powers Resolution attempts to deny flexibility to the President in the defense of American citizens and their freedoms. Even if it were not unconstitutional, it is impractical, and dangerous.

Not only does the statute restrict the engagement of U.S. military forces beyond 60 days, without a declaration of war, but it claims that Congress can order the President to remove military forces sooner than 60 days from any such hostility. Under the provisions of the resolution, Congress can technically direct the withdrawal of American forces from hostilities within an hour after the President has deployed them, assuming Congress is in session and chooses to act with such speed.

What the statute does is to encourage this country's adversaries to take action harmful to the vital interests of the American people in the belief that the President will be unable to carry out a sustained response to foreign threats.

The War Powers Resolution is a modern day invention that lacks any support in the Constitution or our history. It runs directly opposite to the practical experience gained by the Founding Fathers during the War of Independence when impediments erected by the Continental Congress nearly lost the cause of liberty.

The framers of the Constitution, who met in Philadelphia in 1787, knew this for a fact. They were aware from first-hand knowledge that the Continental Congress, acting under supreme military powers vested in it by the Articles of Confederation, had changed and disrupted General Washington's plans time after time with disastrous effects. The framers wanted to correct this situation and that is one reason why they designated the President as Commander in Chief.

To get at the intent of the framers, we will have to put ourselves in their setting. We will have to see things as they did. Looking through their eyes, we would see an American people faced by great military dangers, both immediately and in the future.

In 1787 the United States was surrounded by hostile forces. Spain controlled the mouth of the Mississippi and the Floridas and blocked free U.S. navigation of the river to American trade. Spain plotted to erect a hostile Indian nation between its possessions on the American mainland and the territories of the Thirteen Original United States.

To the north, Britain still occupied military forts on American soil in direct violation of the Treaty of Paris of 1783. Like Spain, Great Britain incited Indian raids across the borders of the United States.

Even our recent ally, France, looked upon the United States as little more than a dependent client. France

sought to draw the United States into its own foreign conflicts.

Also, something we forget today is that in 1787, when the Constitution was drafted, U.S. trade was already reaching all corners of the globe. In fact, John Jay commented in the Federalist Paper No. 4 that the U.S. people may find themselves drawn into a military conflict far away from our borders because our shipping was active in places as distant as China and India.

How could the new Government of the United States cope with these problems and face up to its obligations to protect Americans at home and wherever they may be in the world? One answer the framers provided was national unity under a stronger Federal Government. But this was not a complete answer. In order to safely meet the needs of the new nation, the framers knew it was necessary to vest all the executive power of the Government in a single officer, the President.

Executive power includes the defense power. From the 18th century to the 1970's, President after President made the decision of when and where the military forces would be used. In fact, my office has cataloged over 200 instances in which U.S. Presidents, acting without any declarations of war, ordered American military units to engage in hostilities outside the United States in the defense of our citizens and freedoms.

When Congress suddenly changed course in the early 1970's and began to assert for itself control over military decisionmaking, it brought humiliation upon this country and severely damaged our position in the world. Congressionally legislated restrictions led directly to the total collapse of South Vietnam, to genocide in Cambodia, and to the loss of a neutral Laos. Soviet sponsored aggression in Ethiopia, Angola, and Nicaragua and the Soviet invasion into Afghanistan stem in part form the perception of the Russian leaders that the United States has become so weakened by congressional restraints that we no longer have the ability or will to meet serious challenges while they remain manageable.

Mr. President, I suggested earlier that we should test the War Powers Resolution against history. Let us take just one example. What would have happened if President Franklin Roosevelt had been bound by the War Powers Resolution before the official entry of the United States into World War II?

Historians have discovered in recently uncensored materials that the independent and often secret actions of President Roosevelt enabled the United States to keep alive necessary foreign opposition to Nazi Germany before war was declared.

For example, Congress was not consulted when President Roosevelt sent American troops to occupy bases in Greenland and Iceland in 1941 and ordered them to cooperate with British Armed Forces already present there. Nazi planes overflew these bases and no one knew whether or when a German attack was coming. It was clearly a hostile situation.

Would Congress have extended President Roosevelt's authority to keep American marines on these islands after 60 days, as would have been required by the War Powers Resolution? I think not. Remember, Congress had renewed the military draft in 1940 by the slim margin of a single vote.

Mr. President, I might also ask whether Congress would have consented to President Roosevelt's action in September 1941 when he ordered American warships to escort and protect British convoys west of Iceland and to destroy German submarines on sight. Again, the answer is surely "No," Congress would not have voted to continue his military action.

Or, would Congress have authorized President Roosevelt's action in May 1941, when he secretly lent long-range U.S. amphibian planes to Great Britain and assigned 80 of our Navy airmen to help in British operations to sink the German battleship, *Bismarck?* Again, the answer must be "No."

The fact is that if the War Powers Resolution had been on the books in the early 1940's President Roosevelt could not have kept troops in Greenland, he could not have reinforced the marines on Iceland, he could not have escorted British shipping in the Atlantic and he could not have taken any of the many bold actions which prevented a total collapse of resistance to Nazi Germany. The War Powers Resolution would have brought a total disaster to the democracies had it been in effect in the 1940's.

Mr. President, the point of my little review of history is that a President must have flexibility to resist challenges to our freedom in the early stages. The American people cannot rely on an often reluctant and divided Congress to act soon enough in every crisis to deal effectively with every threat against our Nation. The framers of the Constitution understood this fact. They recognized that the ultimate decision for the defense of American freedoms must rest with the Nation's Commander in Chief.

This is not to say that there are no checks on the President. The President does not inherit his position. He must be elected by the people. He must stand for reelection if he wishes to have a second term.

He must get Senate approval for appointments of executive officers and he must come to Congress for defense appropriations. Ultimately, there is the check of impeachment if Congress determines the President has abused his constitutional powers.

And, I would point out that every President knows it is the sovereign people who retain the reins of powers. Yet, the President has the sworn duty to "preserve, protect, and defend" the Constitution. He has the right and responsibility to judge how to defend the Nation as he believes best.

Mr. President, whether it is unconstitutional, as I believe, or unwise barrier to American security, the War Powers Resolution should be repealed and that is why we are introducing this bill today.●

By Mr. BURDICK:

S. 307. A bill amending the conveyance of property to Mountrail County Park Commission, North Dakota, and for other purposes; to the Committee on Environment and Public Works.

MOUNTRAIL COUNTY PARK COMMISSION, NORTH DAKOTA

● Mr. BURDICK. Mr. President, in section 44 of Public Law 93-251 (88 Stat. 12), a small tract of federally owned land along Lake Sakakawea in North Dakota was conveyed to the Mountrail County Park Commission through the Army Corps of Engineers to maintain a park for public use and recreation. The site covered part of a town that had been leveled for the Garrison Dam Reservoir, but that area was declared in excess of what was finally required.

The Mountrail County Park Commission upgraded the primitive camping site by filling in the remains of basements, removing rubble, and planting vegetation to create an attractive park area. In addition, it has added many improvements such as a wash and bath house, access road, boat ramp, fish cleaning facility, and covered picnic shelters.

The park commission generates revenue for the park from space rental agreements. A small portion of the rental space has been set aside for lease to individuals for long-term advanced reserved parking arrangements from May through September. Lease agreements are reviewed and signed on an annual basis. A number of campers trailers, and wooden structures are located on these rental units on a year-round basis for use by their owners as weekend retreats.

The Omaha Division of the Corps of Engineers has notified the park commission that they consider the long-term parking of such vehicles a violation of the original conveyance. The trailer owners understand that the structures are not permanent and that they must be removed at the owner's expense if asked to do so by the park commission. All parties involved agree that remedial legislation is necessary

to clarify the issue. The legislation introduced today allows such leasing to be carried out under the authority of the park commission. It also provides for reimbursement at fair market value by the park commission to the Federal Government for that portion of the land.

I would urge the adoption of this legislation so that the park commission, which has worked so diligently to build up a facility, will be provided full management authority it needs to obtain necessary revenues, and thus to continue its fine service to the public.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 44 of the Water Resources Development Act of 1974 (Public Law 93-251, 88 Stat. 12) is amended by striking subsection (b)(2) and inserting in lieu thereof the following:

"(2) The lands conveyed pursuant to this section, including the Olson Second Addition, shall be used by the Mountrail County Park Commission, Mountrail County, North Dakota, for public park and recreation purposes: *Provided,* That the park commission may designate a portion of the lands conveyed for leasing of cabin sites. The Mountrail County Park Commission shall reimburse the Federal Government for lands used at the fair market value for such property. If any lands used for public purposes are ever used for any other purpose, title thereto shall revert to, and become the property of, the United States which shall have the right of immediate entry thereof.

"(3) The Secretary of the Army is authorized to execute and file an amended deed to reflect the provision of this Act."●

By Mr. HART:

S. 308. A bill to amend the Internal Revenue Code of 1954 to reduce the deduction for business meals and to earmark the savings from such reduction for the school lunch programs; to the Committee on Finance.

ESTABLISHING A SCHOOL LUNCH TRUST FUND FROM REDUCTIONS IN BUSINESS MEALS

Mr. HART. Mr. President, one need not look far in our society to find examples of inequity and unfairness. But few examples are more palpable than the allocation of federally subsidized meals. Over the past 2 years, while we have cut over $1 billion from the National School Lunch Program, we continue to subsidize business meals at a cost of several hundred million dollars a year. This perverse policy is not only wasteful, it is also unjust. In depriving millions of schoolchildren of basic needs such as nutrition, we are harming our young people, our greatest national resource.

Today, I am reintroducing legislation to remedy this inequity by amending the Tax Code to reduce the deduction for business meals and entertainment expenses by 30 percent, with the savings, as estimated by the Secretary of the Treasury, earmarked for the National School Lunch Program. Passage of this bill, which will leave no impact on the Federal budget, will significantly bring school lunch funding in line with that which existed prior to the fiscal year 1981 Federal budget. This bill is similar to legislation I introduced in the 98th Congress.

This measure would not eliminate or abolish the business meals deduction. It merely reduces from 100 percent to 70 percent the allowable deduction for business meals and entertainment expenses, to provide for greater Federal support of school nutrition.

The national school lunch program was created "to safeguard the health and well-being of the Nation's children." The program provides pre-elementary, and secondary schools with cash and commodities, so that schoolchildren can receive nutritious lunches. Over 80 percent of the program's expenditures go to support free and reduced-price meals for low-income children. Currently, the National School Lunch Program assists 23 million schoolchildren in over 91,000 schools—nearly half of whom are from poor families.

Since its inauguration, the Reagan administration has taken it upon itself to cripple the program. In fiscal year 1982, the administration cut funding for all child nutrition programs by $1.5 billion—that figure represented more than a third of all child nutrition funding. Most prominent among these cuts was a $1 billion cut in the National School Lunch Program, a decrease in funding of 35 percent. Cutbacks were achieved through reducing benefits for moderate-income students, lowering income eligibility guidelines for free and reduced-price meal participants, and raising the cost of reduced-price meals to the individual student from 20 cents to 40 cents.

In its fiscal year 1983 budget, the administration proposed over $400 million in school lunch cuts. Fortunately, the Congress rebuffed the administrations's proposals. Through the budget process of that year, all child nutrition programs received funding to meet current expenditures, including increases for inflation. The Congress also rejected the administration's proposed fiscal year 1984 cuts in these programs. As a member of the Senate Budget Committee, I am pleased that on a bipartisan basis, the Senate had the good sense to preserve the national school lunch program against further encroachment.

The fiscal year 1982 cuts have severely reduced the possibilities of many of our Nation's schoolchildren to receive at least one nutritious meal per day. Since 1981, over 3 million children have left the school lunch program. The decline is due in large part to a decrease in free and reduced-price meals, of benefit mainly to poor children. Over 1 million fewer poor children are now receiving free and reduced-price lunches as compared to when the Reagan administration took office.

The decline in student participation has been accompanied by a fall-off in school participation, as reduced student volume raises unit costs for the whole program at each school, forcing some school districts to drop out of the program entirely. Over 2,700 schools dropped out of the program between March 1981 and March 1982. Moreover, the number of States that supplemented Federal school lunch reimbursements dropped from 17 in 1980-81 to 13 in 1981-82. At the same time, over 500,000 children and 1,100 schools have left the School Breakfast Program.

Unwilling to comb intelligently the entire mix of Federal taxing and spending policies for ways to curb the deficit, the Reagan administration focused its ax on child nutrition programs, seemingly unaware that future cuts in this area have major effect on the health and welfare of many of our Nation's poorest schoolchildren. We have work to do in restoring the school lunch program to its pre-cutback levels.

The benefits of the school lunch program to the health and welfare of our Nation's young people are well-documented. In cutting funds for these programs, we are restricting opportunities for all of us who might benefit from the contributions made by well-nourished, healthy people to our society. As the nutritionist Dr. Jean Mayer put it: "Of all the dumb ways of saving money, not feeding kids is the dumbest."

Numerous studies have shown that the National School Lunch Program provides emotional as well as nutritional benefits for schoolchildren, and that it enhances the ability of children to perform well in school. A study by the Food Research and Action Center found that students who eat school lunches are much more likely to consume milk, a fruit, and a vegetable than students who attended schools that dropped the National School Lunch Program. Students participating in the National School Lunch Program had more of their nutritional needs fulfilled than those students who did not participate. A study by Dr. Barry Popkin, of the University of North Carolina, found that children of all ages benefit nutritionally from the school lunch and breakfast programs, particularly in the consumption of those foods traditionally slighted by young people.

Finally, the Agriculture Department's recently released "National

Evaluation of School Nutrition Programs" demonstrates that children of all ages and incomes benefit nutritionally from the school breakfast and lunch programs. Clearly, the National School Lunch Program fulfills a most fundamental need for many of our Nation's schoolchildren. A hungry child, a malnourished child, is hardly able to think, to create, to concentrate on the lessons in the classroom.

Cuts in the National School Lunch Program were made in the name of fiscal austerity. Yet, while our poorest children are forced to tighten their belts—or give them up altogether—American business men and women continue to have the costs of luxury meals subsidized by the U.S. Treasury. Under existing law, business meals and entertainment expenses are fully deductible as ordinary and necessary operating expenses.

The arguments against this subsidy are well known. The Senate has heard them many times before. It is expensive. The Joint Committee on Taxation estimates that the Treasury will forgo in lost revenue, $1.8 billion in fiscal year 1985 from tax deduction for business meals other than those associated with travel. It is inefficient, inflationary, and wasteful. The deduction helps drive up the cost of meals, and is given for meals that people would eat anyway. Finally, it is unfair. Selected members of the business community are allowed to enjoy themselves at public expense.

Such unfairness might be overlooked in times of prosperity. But at a time when infant mortality is on the rise, when families are forced to choose between food and clothes and rent—such unfairness is unconscionable.

If this deduction were reduced—if 30 percent of the deduction were disallowed, as this bill would require—the Treasury would collect in increased revenue over $1.1 billion in fiscal year 1986. If this increased revenue were earmarked for the National School Lunch Program, we would make great strides toward restoring the program to pre-cutback levels.

What would this increased money provide? We could, first of all, restore the reduced price meal reimbursement to 20 cents. We could also restore the free and reduced price eligibility levels close to those that existed in 1981 for the school lunch program.

The free meal eligibility criteria is currently tied to food stamp eligibility; 130 percent of the poverty level or $12,090 for a family of four. The reduced price eligibility is currently 185 percent of the poverty level, or $17,210 for a family of four. Funding for the National School Lunch Program should be increased sufficiently to set the free meal eligibility at 125 percent of the poverty level plus $85 for an indexed monthly standard deduction. The reduced price eligibility level should be set at 195 percent of the poverty level plus $85 for an indexed monthly standard deduction. These changes would provide assistance for the 3 million children no longer participating in the National School Lunch Program.

Mr. President, this bill stands for a simple reassessment of national priorities. It says, in effect, that nutritionally balanced meals for our poorest children in our Nation's schools should take precedence over expense account meals in private clubs and fancy restaurants. It says that, at a time when all claims upon the public purse cannot be realized, equity and fairness must win out. My former colleague, Philip Hart, the Senator from Michigan, stated well the best reasons for supporting child nutrition programs:

> A child whose brain is damaged or whose growth is stunted because of a poor diet faces a life of dependency and poverty. If the moral considerations of taking every possible step to prevent such damages are not compelling enough, then cost cutters should at least consider the cost to future generations of lost earnings capacities and perhaps, public assistance.

In supporting this bill, the Congress will be acting to protect future generations. Ours is not a secure society when millions of children—future contributors to national excellence in the arts and the sciences, business, politics, and the classroom—go to bed hungry. This bill outlines a different future for our Nation and I urge my colleagues to support it.

Mr. President, I ask unanimous consent that a full copy of this bill be printed in the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDUCTION IN BUSINESS MEAL DEDUCTION.

(a) IN GENERAL.—Paragraph (1) of section 274(e) (relating to business meals) is amended by striking out "Expenses" and inserting in lieu thereof "70 percent of the expenses".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1984.

SEC. 2. NATIONAL SCHOOL LUNCH TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the National School Lunch Trust Fund (hereinafter in this section referred to as the "Trust Fund"), consisting of such amounts as are transferred to the Trust Fund under subsection (b)(1) and any interest earned on investment of amounts in the Trust Fund under subsection (c)(2).

(b) TRANSFERS TO TRUST FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall transfer to the Trust Fund an amount equal to the revenues from the business meal deduction reduction.

(2) REVENUES FROM THE BUSINESS MEAL DEDUCTION REDUCTION.—The term "revenues from the business meal deduction reduction" means, for any fiscal year, the amount which the Secretary estimates to be the excess of—

(A) the gross revenues received in the Treasury of the United States for such fiscal year, over

(B) the gross revenues which would have been received for such fiscal year if the amendment made by section 1(a) had not been enacted into law.

(3) METHOD OF TRANSFER.—The amounts required to be transferred to the Trust Fund under paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustment shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(c) MANAGEMENT OF TRUST FUND.—

(1) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to hold the Trust Fund and (after consultation with the Secretary*** BAD MAG TAPE *** of Agriculture) to report to the Congress each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operation during the next fiscal year. Such report shall be printed as both a House and Senate document of the session of the Congress to which the report is made.

(2) INVESTMENTS.—

(A) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in the Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired (i) on original issue at the issue price, or (ii) by purchase of outstanding obligations at the market price. The purchase for which obligations of the United States may be issued under the Second Liberty Bond Act are hereby extended to authorize the issuance at par of special obligations exclusively to the Trust Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 percent, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(B) SALE OF OBLIGATION.—Any obligation acquired by the Trust Fund (except special obligations issued exclusively to the Trust Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(C) INTEREST.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall

be credited to and form a part of the Trust Fund.

(d) USE OF FUNDS.—For each of the fiscal years beginning after September 30, 1985, there is appropriated, out of any amounts in the Trust Fund, such sums as may be necessary to carry out the programs established under the National School Lunch Act and the Child Nutrition Act of 1966.

By Mr. PROXMIRE (for himself, Mr. HARKIN, Mr. METZENBAUM, Mr. LEAHY, Mr. CRANSTON):

S. 309. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to better protect the environment and man from the hazards of pesticides, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE REFORM ACT

Mr. PROXMIRE. Mr. President, today with Senators HARKIN, METZENBAUM, LEAHY, and CRANSTON, I am introducing the Federal Insecticide, Fungicide, and Rodenticide Reform Act. This bill is identical to S. 1774 which I introduced during the last Congress and is supported by a coalition of over 30 major farm, environmental, labor, and church groups.

The bill tightens existing law yet imposes no new programs or costs on either farmers or pesticide producers. Instead, it refines existing law and responds to its biggest deficiencies—lack of adequate health and safety data and lack of standards for granting exemptions from pesticide law requirements.

Why do we need a complete overhaul of the pesticides program? The answer is simple. The present program is dangerous to public health and safety.

According to a 1982 report of the House Agriculture Committee's Subcommittee on Department Operations, Research, and Foreign Agriculture, despite supposedly tough Federal pesticide laws, over 60 percent of major pesticides have not been tested for their potential to cause cancer. Over 90 percent of pesticides now in use have not been tested for their potential to cause genetic mutations and at least 70 percent of major pesticides in use have never been tested for their potential to cause birth defects.

Has the program improved since 1982? Not much. A recent study by the House Committee on Government Operations, "Problems Plague the Environmental Protection Agency's Pesticide Registration Activities," indicates that the pesticides program may have actually deteriorated since the first report.

In fact, between April 1981 and March 1984 EPA initiated no new rebuttable presumption against registration actions designed to restrict or ban use of the most potentially hazardous registered pesticides.

To make matters worse EPA reduced by three-fourths the staff assigned to this most important task.

While EPA has beefed up its program in the past six months, recent actions to control a handful of chemicals do not offset the basic weaknesses of current law such as pesticides registered with faulty data, untested pesticides in our food and drinking water, inadequate testing procedures and lack of worker safety standards.

Several parts of the bill are especially important. Chief among them is the section which closes the most serious loophole in existing law—the lack of reliable current health and safety data. This is a particular problem with respect to older pesticides, some dating back to the 1940's, which were registered before the 1972 Pesticides Act tightened data requirements. Reregistration of all old pesticides under the new standards was clearly the intent of the 1972 act, yet the policy was never implemented. In fact by 1983 less than 1 percent of all pesticides had been reregistered to conform to modern scientific knowledge.

My bill also closes a number of loopholes in the statute, including the abuse of emergency provisions contained in sections 18 and 24 of the current law which are often used to circumvent the requirements of the act. Not every situation can be an emergency and this bill provides a means to limit these exceptions.

The bill also makes it easier to remove from the market those pesticides registered on the basis of fraudulent data.

Finally, the bill expands public access to decisionmaking and limits use of secret, confidential data in EPA's pesticide registration process.

I ask unanimous consent that the text of the bill, a basic explanation of its provisions, and a list of supporting groups be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Insecticide, Fungicide, and Rodenticide Reform Act".

REFERENCES TO THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

DEFINITIONS

SEC. 3. (a) Section 2(a) (7 U.S.C. 136(a)) is amended—

(1) by striking out "and" at the end of paragraph (3);

(2) by striking out the period at the end and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(5) in the case of any pesticide, an ingredient which will endanger human beings.".

(b) Section 2(e) (7 U.S.C. 136(e)) is amended—

(1) in paragraph (1)—

(A) by striking out "or supervise the use of" in the first sentence; and

(B) by striking out "use" in the second sentence and inserting in lieu thereof "uses";

(2) by striking out "or supervises the use of" each place it appears in paragraphs (2) and (3); and

(3) by striking out paragraph (4).

(c) Section 2(n) (7 U.S.C. 1367(n)) is amended—

(1) by striking paragraph (1) and inserting in lieu thereof—

"(1) the name of any inert ingredient and the name and percentage of each active ingredient, and the total percentage of all inert ingredients, in the pesticide; and".

(d) Section 2(bb) (7 U.S.C. 136(bb)) is amended by striking out "man or".

(e) Section 2 (7 U.S.C. 136) is further amended by adding at the end thereof the following new subsections:

"(ff) DATA GAP.—The term 'data gap' means any study, information, or data required by the guidelines issued pursuant to section 3(c)(2), or other action determined by the Administrator to be necessary to make the determinations required under section 3(g), which (1) has not been submitted to the Agency, or (2) has been submitted to the Agency but which the Administrator determines does not satisfy the requirements of an adequate scientific study or is inconsistent with sound scientific principles. In making the determination required under clause (2) of the preceding sentence, the Administrator shall examine, at a minimum, the protocols, documentation of the conduct and analysis of the study, and the results of the study to determine whether the study fulfills the data requirement for which the study was submitted to the Administration.".

REGISTRATION OF PESTICIDES

SEC. 4. (a) Section 3(c) (7 U.S.C. 136a(c)) is amended—

(1) in paragraph (2)(A)—

(A) by striking out "shall revise" in the first sentence and inserting in lieu thereof "may revise";

(B) by inserting after the first sentence the following new sentence: "The Administrator shall (i) require sufficient information under the guidelines to enable the Administrator to assess pursuant to the standards prescribed in this Act the risks and benefits of pesticides (including relevant data on toxicity, exposure of workers and nonworkers, product and residue chemistry, environmental fate, product efficacy, and hazards to wildlife), (ii) impose, to the extent practicable, uniform and consistent data requirements under the guidelines, and (iii) grant an individual waiver from, or variance in data requirements or protocols under, the guidelines only after public notice and comment and only if the advisability of the waiver or variance is clearly established.";

(C) by striking out "he" each place it appears in the third sentence (after the amendment made by subclause (B)) and inserting in lieu thereof "the Administrator"; and

(D) by striking out the last sentence and inserting in lieu thereof the following new

sentence: "Except as provided in section 10, during and after the comment period referred to in section 3(c)(4), data submitted to the Administrator in support of a petition to establish a tolerance or in support of an application for registration, and any other scientific information which is relevant to registration actions taken by the Administrator, shall be made available to the public in an expeditious manner.";

(2) amending subsection 6(c)(2)(B) to read as follows:

"(B) ADDITIONAL DATA TO SUPPORT EXISTING REGISTRATION.—

"(i) If the Administrator determines, pursuant to section 3(g) or otherwise, that additional data are required to maintain in effect an existing registration of a pesticide product (or a category of products) containing a particular active ingredient, the Administrator shall notify all existing registrants of the pesticide to which the determination relates and publish a list of such registrants and of such data requirements in the Federal Register. The notice shall specify the data required, the date by which the data shall be submitted, and the procedure for obtaining rulings by the Administrator on questions concerning the applicability of the notice to various registrants or concerning the nature of the data required to be submitted.

"(ii) Each registrant of such a pesticide product to whom the notice is applicable shall provide evidence within 120 days after receipt of the notification specified in clause (i) of this subparagraph that it is taking the appropriate steps prescribed by the Administrator to secure the required data. If more than one registrant is subject to the notice, such steps shall include entering into a joint data development arrangement, unless the registrants subject to the notice unanimously agree otherwise. The joint data developers shall furnish to the Administrator the name, address, and telephone number of the person to whom inquiries concerning the arrangement should be addressed. As an initial cost of participation the joint data developers shall divide equally 25 percent of the estimated total cost of producing the required data or each shall pay $100,000, whichever is less. The balance of the cost of producing the data shall be paid by the joint data developers as needed, and shall be shared by each joint data developer on the basis of its United States market participation for the pesticide being tested, based on total pounds of active ingredient equivalent sold or used annually. Each joint data developer's market participation shall be adjusted during the period of the data development so that the most recent sales figures are used to compute each member's market share for the purpose of determining its share of the remaining cost of producing the required data. Each of the joint data developers shall submit adequate evidence of its annual market participation to an independent auditor for each of the years during the period of the joint data development. Such independent auditor shall be chosen by the joint data developers. The auditor's decisions and determinations shall be final and binding on each of the joint data developers. If further data are required by the Administrator under this paragraph, either before or after the additional data that were originally requested have been submitted, the same formula and procedure specified in this paragraph shall apply as if the subsequent request were the initial request for data. Any registrant who shares in the cost of producing the data shall be entitled to receive a copy of the data, and to examine and rely upon such data in support of maintenance of such registration.

"(iii) Notwithstanding any other provision of this Act, if a registrant who is subject to the notice from the Administrator, within the 120-day period prescribed in clause (ii) of this subparagraph, fails to enter into a joint data development arrangement under that clause, or fails to take appropriate steps to secure and submit the required data, or fails to comply with the terms of a joint data development arrangement, the Administrator shall issue a notice of intent to suspend such registrant's registration of the pesticide for which additional data are required. The Administrator may include in the notice of intent to suspend such provisions as the Administrator deems appropriate concerning the continued sale and use of existing stocks of such pesticide. Any suspension proposed under this subparagraph shall become final and effective at the end of 30 days from receipt by the registrant of the notice of intent to suspend, unless during that time a request for hearing is made by a person adversely affected by the notice, or the registrant has satisfied the Administrator that the registrant has complied fully with the requirements that served as a basis for the notice of intent to suspend. If a hearing is requested, a hearing shall be conducted under section 6(d) of this Act. The only matters for resolution at that hearing shall be whether the Administrator had a valid and reasonable basis for requiring the additional data, whether the registrant has failed to take the action that served as the basis for the notice of intent to suspend the registration of the pesticide product for which additional data is required, and whether the Administrator's determination with respect to the disposition of existing stocks is consistent with this Act. If a hearing is held, a determination shall be made within 75 days after receipt of a request for such hearing, and the decision made after completion of such hearing shall be final. Any registration suspended under this subparagraph shall be reinstated by the Administrator if the Administrator determines that the registrant has complied fully with the requirements that served as a basis for the suspension of the registration.

"(iv) Subject to the provisions of clause (vi) of this subparagraph, data submitted under this subparagraph (before or after the effective date of the Federal Insecticide, Fungicide, and Rodenticide Reform Act) shall not be considered by the Administrator to support any application for registration, amended registration, reregistration or experimental use permit on behalf of any person other than the joint data developers for a period of 15 years after the data are submitted, unless any such person has reimbursed the joint data developers by paying a share of the real cost of producing the data in proportion to the number of persons sharing in such costs. Upon payment, such person shall be considered to be an original participant and shall share in all rights and be bound by all obligations entered into by the original data developers. Such reimbursement shall be made to the original participants based on the percentage of the overall monetary participation in the joint data development arrangement.

"(v) The provisions of this clause shall apply to health and safety data submitted voluntarily by a registrant or applicant at any time after September 30, 1978, to replace data which such person deems scientifically insufficient under generally accepted good laboratory practices or test standards. In order to obtain the rights provided by this clause and clause (iv) of this subparagraph with respect to such data, a registrant or applicant undertaking such a replacement study shall notify the Administrator that the replacement study is being performed or has been performed. The Administrator shall publish any such notification in the Federal Register promptly after its receipt, and shall state therein whether the validity of the study is under review and any determinations as to its validity which have been made. Each person who, as of the date of publication, is a registrant or an applicant for registration of any product containing the active ingredient which is the subject of the study shall have the opportunity to participate in a joint data development arrangement as provided in clause (ii) of this subparagraph. If a registrant or applicant of record as of the date of publication of the notice informs the person undertaking the study, within 90 days of the date of publication, of the registrant or applicant's decision to voluntarily participate, the registrant or applicant shall have the rights and duties of a joint data developer as described in clauses (ii), (iii), and (iv) of this subparagraph.

"(vi) With respect to any study which has been or is being performed in response to a request for additional data issued under this subparagraph between September 30, 1978, and the date of enactment of the Federal Insecticide, Fungicide, and Rodenticide Reform Act, any person who on such date of enactment is the registrant of a product of the type to which that request applies but who is not already a party to an agreement to share in the cost of performing that study shall be entitled to enter into a joint data development arrangement with any person or group which is performing or has performed that study, under which arrangement such person shall have the rights and duties of a joint data developer as follows: In the case where a study is being performed by two or more persons under a joint data development agreement, a registrant who wishes to avail himself of the rights provided by the clause shall be bound by the terms of such agreement; and in all other cases, a registrant who wishes to avail himself of the rights provided by this clause shall share in the cost of producing the data as provided in clause (iv) of this subparagraph and shall be subject to the provisions of clause (iii) of this subparagraph: *Provided*, That any registrant who wishes to be availed of the rights provided by this clause shall, not later than 120 days after date of enactment of the National Pesticide Hazard Prevention Act, submit an irrevocable offer to enter into such an arrangement to the person or group which is performing or has performed the study.".

(3) by striking out "30" in the second sentence of paragraph (4) and inserting in lieu thereof "ninety";

(4) in paragraph (5)—

(A) by inserting "with respect to both active and inert ingredients, and makes written findings" after "determines" in the first sentence;

(B) by striking out "and" at the end of subparagraph (C) of the first sentence;

(C) by striking out "generally" in subparagraph (D) of the first sentence;

(D) by striking out the period at the end of the first sentence and inserting in lieu thereof "; and";

(E) by adding after subparagraph (D) in the first sentence the following new subparagraph:

"(E) when used in accordance with widespread and commonly recognized practice it will not endanger human beings (including children who are permitted under the Fair Labor Standards Act (20 U.S.C. 201 et seq.) to work in areas treated with pesticides).";

(F) by inserting after the first sentence the following new sentence flush to the margin:

"In determining whether a pesticide will endanger human beings under subparagraph (E) of the preceding sentence, the Administrator shall consider the potential chronic effects of the pesticide on human beings (including oncogenicity, mutagenicity, fetotoxicity, reproductive effects, and behavioral effects).";" and

(G) by striking out the second to the last sentence and inserting at the end of the paragraph the following new sentences: "If the Administrator determines that the requirements of this paragraph are satisfied, the Administrator shall publish in the Federal Register notice of the determination and a summary of the factual basis and reasons therefor. Upon publication of the notice, a person adversely affected by the notice (including a person opposed to the registration and use of the pesticide) shall have the same remedies as are provided to a person adversely affected by a notice under section 6(b).";

(5) by striking out "may" in the first sentence of paragraph (6) and inserting in lieu thereof "shall";

(6) in paragraph (7)—

(A) by striking out "and" at the end of clause (i) of the first sentence of subparagraph (A);

(B) by inserting before the period at the end of the first sentence of subparagraph (A) the following: ", and (iii) a use of the pesticide has not been cancelled or suspended under section 6, or voluntarily withdrawn if the Administrator determines that the voluntary withdrawal of the pesticide was associated with concern over potential adverse human health or environmental consequences of the pesticide"; and

(C) by adding at the end of subparagraph (C) the following new sentence: "Subject to section 10, the Administrator shall make available to the public data submitted in support of a conditional registration under this subparagraph (including a list of the outstanding tests to be performed on the pesticides and the timetables for the performance of the tests).";" and

(7) by striking out paragraph (8).

(b) Section 3(d) (7 U.S.C. 136a(d)) is amended—

(1) in paragraph (1)—

(A) by striking out "generally" in subparagraph (B);

(B) by inserting "or contamination of ground water," after "applicator," in the matter preceding clause (i) of subparagraph (C);

(C) by striking out "or under the direct supervision of" in subparagraph (C)(i);

(D) by inserting "(including contamination of ground water)" after "environment" in the first sentence of subparagraph (C)(ii); and

(E) by inserting after the first sentence of subparagraph (C)(ii) the following new sentence: "In establishing such other restrictions, the Administrator shall specifically consider the seasonal, soil-specific, and hydrogeologic characteristics of the location in which the pesticide will be applied."; and

(2) by inserting "(including contamination of ground water)" after "environment" in the first sentence of paragraph (2).

(c) Section 3(f) (7 U.S.C. 136a(f)) is amended—

(1) by inserting "registration of an active ingredient that has been registered under subsection (c) of this Act, or reregistered under subsection (g) since October 21, 1982" after "a pesticide" in the proviso of paragraph (2); and

(2) in paragraph (3)—

(A) by inserting "and States" before the period at the end of the caption; and

(B) by inserting "or with any State" before the period at the end thereof.

(d) Subsection (g) of section 3 (7 U.S.C. 135a(g)) is amended to read as follows:

"(g) REREGISTRATION OF PESTICIDES.—

"(1) The Administrator shall accomplish the reregistration of all pesticides in accordance with this subsection.

"(2)(A) Within 120 days after the date of the enactment of the Federal Insecticide, Fungicide, and Rodenticide Reform Act, the Administrator shall publish in the Federal Register a list of pesticide-active ingredients not reregistered since September 31, 1978, in the order of their priority for reregistration under this Act.

"(B) In establishing the list, the Administrator shall—

"(i) give the highest priority on the list to pesticides used in substantial volumes that result in a postharvest residue in or on food or feed crops or in postapplication residues in potable ground water; and

"(ii) include among the pesticides accorded the highest priority on the list the pesticides shown to cause mutagenic effects in an appropriately designed and conducted experiment using a bacterial test system.

"(C) The establishment of the list by the Administrator shall not be subject to judicial review.

"(3) In accordance with the schedule prescribed in subparagraph 2(A) above, the Administrator shall examine the information in the files of the Environmental Protection Agency which relates to pesticide-active ingredients included in the list described in paragraph (2), identify any data gaps in the information, and publish in the Federal Register a notice of the data gaps at the same time the list required under subparagraph 2(A) above is published. Within 1 year of publishing the list and data gaps, the Administrator shall issue letters pursuant to section 3(c)(2)(B) requiring registrants to fulfill as expeditiously as possible any data gaps identified pursuant to subparagraph (A) above.

"(4) If the Administrator with respect to a pesticide-active ingredient does not take the actions required under paragraphs (3) above, and if there are outstanding data gaps on a pesticide-active ingredient, the Administrator shall issue pursuant to subsection (c)(2)(B)(iv) a notice of intent to suspend the registration of pesticides containing the ingredient.

"(5)(A) In accordance with the schedule specified by the Administrator under section 3(c)(2)(B), but in no event later than 3 years after the date of the publication under subparagraph (3) of the notice of data gaps with respect to a pesticide-active ingredient, a registrant of the ingredient shall—

"(i) conduct such studies as the Administrator determines are necessary to fill the data gaps identified in the notice; and

"(ii) report the results on the studies to the Administrator, unless additional time, not to exceed 1 year, is required to carry out range-finding or other preparatory studies needed to conduct a scientifically acceptable long-time experiment.

"(B) If a registrant does not comply with subparagraph (A) above, the Administrator shall issue pursuant to section (c)(2)(B)(iv) a notice of intent to suspend the registrant's registrations of the active ingredient.".

(e) Sections 3 (7 U.S.C. 136a) is amended by adding at the end thereof the following new subsection:

"(h) INERT INGREDIENTS.—No later than June 30, 1984, the Administrator shall issue regulations which require a registrant to conduct tests on the inert ingredients in pesticide product formulations to determine if the ingredients may cause an unreasonable adverse effect on man or the environment, either alone, or synergistically with the active ingredient or other inert ingredients contained in the formulation. Information on the toxicity of inert ingredients shall be subject to disclosure under the provisions of section 10 of this Act: *Provided*, That the Administrator shall not disclose the percentage of each inert ingredient in a given pesticide formulation unless the Administrator has determined that such disclosure is necessary in the public interest.".

SEC. 5. Section 4(a)(1) (7 U.S.C. 136b(a)(1) is amended—

(1) by striking out "and shall not require private applicators to take any examination to establish competency in the use of pesticides" in the proviso of the first sentence; and

(2) by striking out ": *Provided, however*" In the seventh sentence and all that follows through the end of the eighth sentence and inserting in lieu thereof a period.

EXPERIMENTAL USE PERMITS

SEC. 6. (a) Section 5(a) (7 U.S.C. 136c(a)) is amended by inserting after the fifth sentence the following new sentence: "The Administrator may not issue an experimental use permit for a use of a pesticide if the use has been voluntarily withdrawn for health or environmental reasons, canceled, or suspended pursuant to this Act and other registered pesticides or pest-control practices are available to control the pest damage which the pesticide is designed to control.".

(b) Section 5(e) (7 U.S.C. 136c(e)) is amended—

(1) by striking out "may" and inserting in lieu thereof "shall";

(2) by striking out "or" the second place it appears; and

(3) by inserting before the period at the end thereof the following: ", or that the use of the pesticide in accordance with the permit will not yield data or information which is useful in satisfying registration requirements imposed by section 3".

ADMINISTRATIVE REVIEW

SEC. 7. (a) Section 6(a) is amended by adding a new subsection (3) as follows:

"(3) If at any time after the registration of a pesticide or the establishment of a tolerance it appears to the Administrator that false, misleading, or inaccurate information has been submitted by the registrant to the Agency in support of such registration or tolerance, the Administrator may immediately issue a notice of intent to cancel such registration or revoke tolerances. In the event that a hearing is held pursuant to such notice, the issues shall be limited to a determination of whether false, misleading, or inaccurate information was submitted to the Agency: *Provided*, That the registration or tolerance shall not be canceled or re-

voked if the registrant establishes that such information is not presently material to the findings required under section 3(c)(5). The hearing shall be concluded within 90 days after issuance of the notice and the Administrator's final decision shall be issued within 30 days of completion of the hearing.".

(b) Section 6(b) (7 U.S.C. 136d(b)) is amended—

(1) in the first sentence—

(A) by striking out "generally";

(B) by inserting "or may reasonably be expected to endanger human beings (including children who are permitted under the Fair Labor Standards Act (29 U.S.C. 201 et seq.) to work in areas treated with pesticides)" after "environment"; and

(C) by striking out "may" and inserting in lieu thereof "shall"; and

(2) by inserting before the period at the end of the ninth sentence the following: "(including a registrant, a user of the pesticide, or a member of the public with or without an economic interest in the continuation of the registration of the pesticide)".

(c) Section 6(d) (7 U.S.C. 136d(d)) is amended by inserting after the first sentence the following new sentence: "If a hearing is held to consider the registration of a previously canceled pesticide use, the scope of the hearing shall be limited to an examination of the data and evidence not available to the Administrator at the termination of the hearing held under section 6(a) or 6(b), or upon issuance of a cancellation decision.".

(d) Section 6 (7 U.S.C. 136d) is amended by adding at the end thereof the following new subsection:

"(g) EFFECT OF CANCELLATION, SUSPENSION, OR WITHDRAWAL.—If the registration of a pesticide has been canceled, suspended, or voluntarily withdrawn, if the Administrator determines that the voluntary withdrawal of the registration was associated with concern over potential adverse human health or environmental consequences of the pesticide, the pesticide shall not be eligible for registration or conditional registration under section 3, and experimental use permit under section 5, or a special local needs registration under section 24(c) for the use or uses for which the registration has been canceled, suspended, or voluntarily withdrawn, unless the Administrator finds that—

"(1) another registered pesticide or other feasible alternative to the pesticide is not available to control the pest damage the pesticide is designed to control;

"(2) the pest damage has increased substantially, or is a new pest infestation since the cancellation, suspension, or withdrawal of the pesticide causing, or threatening to cause, significant damage; and

"(3) data is available to the Administrator which demonstrates that the pesticide will effectively control the damage or infestation.".

STANDARDS APPLICABLE TO PESTICIDE APPLICATORS

SEC. 8. Subsection (a) of section 11 (7 U.S.C. 136i(a)) is amended to read as follows:

"(a) IN GENERAL.—The Administrator shall issue regulations which require a commercial applicator to maintain records, and file annual reports or other records, concerning pesticide use by the applicator, including the time, location, quantities, mixtures, application rates and equipment, and any such other information as the Administrator determines necessary to carry out this Act.".

INDEMNITIES

SEC. 9. Section 15 (7 U.S.C. 136m) is repealed, except for any indemnification actions underway before enactment of the National Pesticide Hazard Reduction Act.

CITIZEN SUITS

SEC. 10. The Act (7 U.S.C.136 et seq.) is amended by inserting after section 16 (7 U.S.C. 136n) the following new section:

"SEC. 16A. CITIZEN SUITS.

"(a) IN GENERAL.—

"(1) Except as provided in subsection (b), a person may commence a civil action for damages or equitable relief, or both—

"(A) against a person (including (i) the United States, and (ii) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution of the United States) who is alleged to be in violation of this Act; or

"(B) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administration.

"(2) The district courts of the United States shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties—

"(A) to enforce this Act;

"(B) to order the Administrator to perform an act or duty described in paragraph (1)(B); and

"(C) to apply any appropriate civil or criminal penalty provided under this Act.

"(b) NOTICE.—

"(1)(A) An action may not be commenced under this section against a person, other than the Administrator—

"(i) prior to 60 days after the date the plaintiff has given notice of the alleged violation to the Administrator, the State in which the alleged violation occurs, and the defendant; or

"(ii) if the Administrator or a State has commenced and is diligently prosecuting a civil or criminal action in a Federal or State court to require compliance with this Act.

"(B) A person may intervene in an action described in subparagraph (A)(ii) as a matter of right.

"(2) Except as provided in subsection (f) and unless the violation poses an imminent hazard to human beings or the environment, an action may not be commenced under this section against the Administrator prior to 60 days after the date the plaintiff has given notice of the alleged violation to the Administrator.

"(3) A person shall provide notice under this subsection in such manner as the Administrator shall prescribe by regulation.

"(c) CERTAIN UNLAWFUL ACTS.—

"(1) An action alleging a violation of section 12(a)(1) may be brought under this section only in the judicial district in which the violation has occurred.

"(2) If the Administrator is not a party to an action described in paragraph (1), the Administration may intervene in the action as a matter of right.

"(d) COSTS OF LITIGATION.—A court may award the costs of litigation (including reasonable attorney and export witness fees) to a prevailing party, other than the United States, in an action brought under this section.

"(e) LEGAL AND EQUITABLE RELIEF NOT RESTRICTED.—Nothing in this section shall restrict a right which a person may have to any legal or equitable relief for a violation of this Act by another person.

"(f) CIVIL ACTION BY STATE GOVERNORS.—If the Administrator has failed to enforce this Act in a State and the failure causes an adverse effect on the public health or welfare of another State, the Governor of the other State may at any time commence a civil action against the Administration under this section.".

IMPORTS AND EXPORTS

SEC. 11. The first sentence of section 17(b) (7 U.S.C. 135o(b)) is amended by inserting "whether voluntary, involuntary, or pursuant to settlement," after "be effective".

EXEMPTION OF FEDERAL OR STATE AGENCIES

SEC. 12. Section 18 (7 U.S.C. 136p) is amended to read as follows:

"SEC. 18. EXEMPTION OF FEDERAL OR STATE AGENCIES.

"(a) REQUESTS.—A Federal or State agency may request the Administrator to exempt the agency from any provision of this Act in accordance with this section.

"(b) EXEMPTIONS.—

"(1) Except as provided in paragraph (2), the Administrator may grant a requested exemption if the Administrator determines that the exemption is necessary to prevent or substantially mitigate an imminent and substantial danger to public health or welfare.

"(2) The Administrator may not grant an exemption which would permit the sale or distribution of a pesticide for a use for which it is not registered under this Act if—

"(A) another pesticide is registered under this Act for that use, unless the applicant for the emergency exemption demonstrates that the registered pesticide is ineffective or cannot be made available for that use;

"(B) the Administrator determines that there is another pest control practice which could be used for the same purpose and would produce a less detrimental effect on the public health, welfare, or environment. For the purposes of this subsection, the term "pest control practice" includes both a means of controlling a pest without using a pesticide and the use of a pesticide which is registered for another use or uses.

"(c) LENGTH AND RENEWAL.—An exemption under this section may not be issued for more than 1 year or renewed more than twice.

"(d) CONSULTATION.—In determining whether to grant an exemption under this section, the Administrator may consult with appropriate State or Federal officials, including those with responsibilities in areas such as agriculture, public health, and fish and wildlife protection.

"(e) PUBLIC COMMENT.—Unless the Administrator determines it is necessary to grant an exemption within 48 hours as prescribed in paragraph (g) below, the Administrator shall publish notice of the application for an emergency exemption in the Federal Register within 10 days of receipt of the application. Information contained in the application for an emergency exemption that is requested by a member of the public within 10 days of the notice of the application in the Federal Register must be provided at least 10 days prior to the Administrator's decision with respect to the application. In making a determination on the application, the Administrator shall consider any information provided to the Administrator by a member of the public. The Administrator shall publish in the Federal Register in a timely manner his decision and the reasons therefor.

"(f) DISCLOSURE OF INFORMATION CONTAINED IN EMERGENCY EXEMPTION APPLICATIONS.—All information submitted to the Administrator in support of an application for an emergency exemption shall be disclosed by the Administrator to any member of the public within 30 days of receipt of a request for such information.

"(g) PRIOR APPROVAL OF THE ADMINISTRATOR.—In no case may this section permit an unregistered use of a pesticide without the prior approval of the Administrator: *Provided*, That the Administrator must act upon an application for an emergency exemption within 48 hours if he concurs with the applicant that extraordinary emergency circumstances exist where immediate pest control measures are necessary to prevent imminent and substantial harm to man, the environment, or the public welfare.".

RESEARCH AND MONITORING

SEC. 13. Section 20 is amended by—

(1) amending subsections (b) and (c) to read as follows:

"(b) NATIONAL MONITORING PLAN.—In consultation with the Scientific Advisory Panel established by section 25(d) of this Act, and the Science Advisory Board established under the Evironmental Research and Development and Demonstration Authorization Act of 1978, the Administrator shall formulate and periodically revise, in cooperation with other Federal, State, or local agencies, a comprehensive national plan for monitoring pesticides. This plan shall include provisions for the collection, storage, interpretation, and dissemination of data on quantities of pesticides used, by active ingredient, by crop, and by geographical area; on human exposure to pesticides, including direct and indirect exposure to applicators, farmworkers, homeowners, and others associated with or residing near application sites, and indirect exposure via food, drinking water, and other sources; on existing environmental loadings of pesticide residues including, specifically, air, soils, surface water, ground water, sediments, man, plants, and animals; on trends in residues; and on identifying and preventing potential problems. The plan shall be reviewed at least every 5 years and updated as appropriate. To the extent feasible, the monitoring plan shall incorporate and make use of existing data-collection efforts by EPA or other Federal, State, or local agencies.

"(c) MONITORING.—The Administrator shall undertake such monitoring in air, soil, surface water, ground water, sediments, man, plants, and animals, as may be necessary for the implementation of this Act and of the national pesticide monitoring plan. The Administrator shall establish procedures for the monitoring of man and animals and their environment for incidental pesticide exposure, including, but not limited to, the quantification of incidental human and environmental pesticide pollution and the secular trends thereof, and identification of the sources of contamination and their relationship to human and environmental effects. Such activities shall be carried out in cooperation with other Federal, State, and local agencies. The Administrator shall assure the quality of all data.".

(2) adding new subsections (d), (e), (f), and (g) to read as follows:

"(d) The Administrator shall make available to the public the monitoring data in a timely and useful way.

"(e) The Administrator is hereby authorized to request other agencies to expand or extend existing data-collection activities as necessary for the implementation of this Act and of the national pesticides monitoring plan. The Administrator is further authorized to pay reasonable funds for such data.

"(f) The plan required by subsection (b) shall be proposed by rule not later than June 1, 1984, and shall go into effect not later than October 1, 1984, upon which date the Administrator shall begin undertaking the monitoring activities required under subsection (c).

"(g) Provided that the purposes of the National Monitoring Plan for pesticides and the requirements of subsection (f) of this section are carried out, nothing in this section shall prevent the Administrator from making pesticides monitoring a part of a more comprehensive agency monitoring program.".

SOLICITATION OF COMMENTS

SEC. 14. Section 21(b) (7 U.S.C. 136s(b)) is amended by striking out "may, at his discretion," and inserting in lieu thereof "shall".

DELEGATION AND COOPERATION

SEC. 15. Section 22 (7 U.S.C. 136t) is amended by adding at the end thereof the following new subsection:

"(c) OCCUPATIONAL SAFETY OR HEALTH STANDARDS.—In exercising any authority under this Act, the Administrator shall not, for purposes of section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1)), be considered to be exercising statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.".

AUTHORITY OF STATES

SEC. 16. (a) Section 24(b) (7 U.S.C. 136v(b)) is amended—

(1) by striking out "Such" and inserting in lieu thereof "(1) Except as provided in paragraph (2), the"; and

(2) by adding at the end thereof the following new paragraph:

"(2) A State may impose or continue in effect requirements for labeling or packaging in order to enforce a prohibition on the use of a federally registered pesticide or device in the State. If a State imposes or continues in effect the requirements, the State shall require that the prohibited use be stated on the labeling or packaging and shall notify the Administrator of the action and the reasons for the action. The Administrator shall keep a record of the requirements and make the record available to the public.".

(b) Section 24(c) (7 U.S.C. 136v(c)) is amended—

(1) by striking out "federally registered pesticides" in the first sentence of paragraph (1) and inserting in lieu thereof "pesticides which are registered under paragraph (5) or (7)(A) of section 3(c) and";

(2) in paragraph (2)—

(A) by striking out "for more than 90 days if disapproved by the Administrator within that period" in the first sentence and inserting in lieu thereof "until 90 days have elapsed after the date on which the Administrator is notified by a State of the intent of the State to issue the registration";

(B) by inserting after the first sentence the following new sentence: "If the Administrator disapproves the registration during the 90-day period, the registration shall not become effective."; and

(C) by striking out "(A) on the basis of lack of essentiality of a pesticide or (B)" in the last sentence;

(3) in paragraph (3)—

(A) by striking out "or" in the second sentence and inserting in lieu thereof "that";

(B) by inserting after "hazard," in the second sentence the following: "or that the registration is unnecessary to meet special local needs and therefore the registrant should apply for registration under section 3(c)(5),";

(C) by striking out "may" in the second sentence and inserting in lieu thereof "shall"; and

(D) by adding at the end thereof the following new sentence: "If more than 5 States provide under this subsection for the registration of a new or additional use of a pesticide to meet the same special local need, there shall be a rebuttable presumption that a special local need does not exist for purposes of this subsection.";

(4) by striking out "may" in the first sentence of paragraph (4) and inserting in lieu thereof "shall"; and

(5) adding at the end thereof the following new paragraphs:

"(5) A registration issued by a State under this subsection shall expire after a 5-year period. At the end of each 5-year period, the State may issue a new registration in accordance with this subsection.

"(6) If a special local need registration has not been used, or has lapsed, the State authority initially granting the registration must so inform the Administrator.".

AUTHORITY OF ADMINISTRATOR

SEC. 17. (a) Section 25(d) (7 U.S.C. 136w(d)) is amended by inserting after the eighth sentence the following new sentences: "In appointing members to the panel, the Administrator shall attempt to appoint members from the fields of agricultural economics, entomology, plant pathology, animal pathology, epidemiology, and ecology, and to avoid the appointment of members from similar disciplines. The Administrator shall appoint each member of the panel for a 3-year term and stagger the appointments such that the terms of no more than three members expire during the same year.".

(b) Section 25 (7 U.S.C. 136w) is amended by adding at the end thereof the following new subsection:

"(f) REGULATIONS CONCERNING PESTICIDE USE.—

"(1) As soon as practicable, but in no event later than 1 year, after the date of the enactment of the Federal Insecticide, Fungicide, and Rodenticide Reform Act, the Administrator shall issue regulations which require the safe use of pesticides and the protection of individuals present in the vicinity of areas treated with pesticides.

"(2) The regulations shall require—

"(A) the protection of individuals present in the vicinity of areas treated with pesticides taking into account—

"(i) the expected levels and effects of exposure to pesticides;

"(ii) the need to establish buffer zones to protect the individuals from the overspray and drift of pesticide applications;

"(iii) the need to provide adequate advance warning to individuals present in the areas; and

"(iv) the need for adequate field posting of pesticide applications;

"(B) the documentation of pesticide applications by applicators and access to the documents by interested parties;

"(C) the safe storage, warehousing, and disposal of pesticides and pesticide containers; and

"(D) the reporting of harm caused by pesticides to man and the environment.".

STATE PRIMARY ENFORCEMENT RESPONSIBILITY

SEC. 18. (a) Section 26(a)(1) (7 U.S.C. 136w-1(a)(1)) is amended by inserting "which are at least as stringent as sections 12 and 25" after "regulations".

(b) Section 26 (7 U.S.C. 136w-1) is amended by adding at the end thereof the following new subsection:

"(d) In order to maintain primary enforcement responsibility for pesticide-use violations, a State which has the responsibility on the date of the enactment of the Federal Insecticide, Fungicide, and Rodenticide Reform Act must meet the requirements of subsection (a)(1) within 2 years after such date.".

FEES

SEC. 19. The Act (7 U.S.C. 136 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 32. FEES.

"No later than 120 days after the date of the enactment of the Federal Insecticide, Fungicide, and Rodenticide Reform Act, the Administrator shall require persons—

"(1) in order to register or reregister a pesticide or receive other services under sections 3, 5, 18, and 24(c), to pay such fees to the Administrator as the Administrator determines will be sufficient over a reasonable period of time to establish and maintain a fully self-supportive registration process under this Act; and

"(2) in order to receive services under sections 6, 7, 8, 9, and 13, to pay such fees to the Administrator as the Administrator determines will be sufficient to defray the costs of the services.".

EMPLOYEE PROTECTION

SEC. 20. The Act (7 U.S.C. 136 et seq.) (as amended by section 20 of this Act) is amended by adding at the end thereof the following new section:

"SEC. 33. EMPLOYEE PROTECTION.

"(a) IN GENERAL.—An employer may not discharge an employee, or otherwise discriminate against an employee with respect to the compensation, terms, conditions, or privileges of employment of the employee, on the ground that the employee has—

"(1) commenced, caused to be commenced, or is about to commence or cause to be commenced a proceeding under this Act;

"(2) testified or is about to testify in any such proceeding; or

"(3) assisted, participated, or is about to assist or participate in any manner in such a proceeding or in any other action undertaken to carry out this Act.

"(b) REMEDY.—

"(1)(A) Within 30 days after the occurrence of an alleged violation of this Act, an employee who believes that the employee has been discharged or otherwise discriminated against by a person in violation of subsection (a) may file a complaint with the Secretary of Labor (hereinafter in this section referred to as the 'Secretary') alleging the discharge or discrimination.

"(B) Upon receipt of the complaint, the Secretary shall notify the person alleged to have committed the violation of the filing of the complaint.

"(2)(A)(i) Upon receipt of a complaint filed under paragraph (1), the Secretary shall conduct an investigation of the violation alleged in the complaint.

"(ii) Within 30 days after the receipt of the complaint, the Secretary shall complete the investigation and notify in writing the complainant and the person alleged to have committed the violation of the results of the investigation conducted pursuant to clause (i).

"(iii) Within 90 days after the receipt of the complaint, unless the proceeding on the complaint is terminated by the Secretary on the basis of a settlement entered into between the Secretary and the person alleged to have committed the violation, the Secretary shall issue an order providing the relief prescribed by subparagraph (B) or denying the complaint.

"(iv) An order of the Secretary under this subparagraph shall be made on the record after notice and opportunity for an agency hearing.

"(v) The Secretary may not enter into a settlement terminating a proceeding on a complaint without the participation and consent of the complainant.

"(B)(i) If the Secretary receives in accordance with paragraph (1) a complaint of a violation of subsection (a) and determines that the violation has occurred, the Secretary shall order the person who committed the violation to—

"(I) take affirmative action to abate the violation;

"(II) reinstate the complainant to the former position of the complainant, together with the compensation (including back pay), terms, conditions, and privileges of the employment of the complainant;

"(III) pay the complainant compensatory damages; and

"(IV) where appropriate, pay the complainant exemplary damages.

"(ii) If the Secretary issues an order described in clause (i), the Secretary shall, at the request of the complainant, assess against the person against whom the order is issued a sum equal to the amount of all costs and expenses (including attorney's fees) reasonably incurred (as determined by the Secretary) by the complainant for, or in connection with, the bringing of the complaint upon which the order was based and remit the sum to the complainant.

"(c) REVIEW.—

"(1)(A) Within 60 days after the issuance of an order described in subsection (b), an employee or employer adversely affected or aggrieved by the order may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred.

"(B) The review shall be conducted in accordance with chapter 7 of title 5, United States Code.

"(2) If an order of the Secretary is eligible for review under paragraph (1), the order shall not be subject to judicial review in a criminal or other civil proceeding.

"(d) ENFORCEMENT.—

"(1) If a person fails to comply with an order issued under subsection (b)(2), the Secretary shall file a civil action in the United States district court for the district in which the violation as found to occur to enforce the order.

"(2) A district court shall have jurisdiction to grant all appropriate relief (including injunctive relief and compensatory and exemplary damages) in an action brought under this subsection.

"(3) A civil action brought under this subsection shall be heard and decided expeditiously.

"(e) EXCLUSION.—Subsection (a) shall not apply with respect to an employee who, acting without direction from the employer of the employee, deliberately causes a violation of this Act.".

INDOOR EXPOSURE

SEC. 21. Section 25(c) (7 U.S.C. 136w(c)) is amended—

(1) in paragraph (5) by striking "and";

(2) in paragraph (6) by striking the period at the end of the paragraph and substituting in lieu thereof ";" and

(3) by adding a new paragraph (7) as follows:

"(7) to establish and enforce standards for indoor human exposure to pesticides.".

CONFORMING AMENDMENTS

SEC. 22. The table of contents contained in section 1(b) (7 U.S.C. 116 note) is amended—

(1) by striking out the item relating to paragraph (4) of section 2(e);

(2) by adding at the end of the items relating to section 2 the following:

"(ff) Data gap.";

(3) by striking out the item relating to paragraph (8) of section 3(c);

(4) by inserting "and States" before the period at the end of the item relating to section 3(f)(3);

(5) by adding at the end of the items relating to section 3 the following:

"(h) Inert ingredients.";

(6) by adding at the end of the items relating to section 6(a) the following:

"(3) Actions in response to false, incomplete, or inaccurate data.";

(7) by adding at the end of the items relating to section 6 the following:

"(g) Effect of cancellation, suspension, or withdrawal.";

(8) by striking out the items relating to section 15;

(9) by inserting after the items relating to section 16 the following:

"Sec. 16A. Citizen suits.
"(a) In general.
"(b) Notice.
"(c) Certain unlawful acts.
"(d) Cost of litigation.
"(e) Legal and equitable relief not restricted.
"(f) Civil action by State Governors.";

(10) by striking out the items relating to section 18 and inserting in lieu thereof the following:

"Sec. 18. Exemption of Federal or State agencies.
"(a) Requests.
"(b) Exemptions.
"(c) Length and renewal.
"(d) Consultation.
"(e) Public comment.";

(11) by adding at the end of the items relating to section 22 the following:

"(c) Occupational safety or health standards.";

(12) by adding at the end of the items relating to section 25 the following:

"(f) Regulations concerning pesticide use."; and

(13) by adding at the end thereof the following:

"Sec. 32. Fees.
"Sec. 33. Employee protection.
"(a) In general.
"(b) Remedy.
"(c) Review.
"(d) Enforcement.
"(e) Exclusion.".

BRIEF EXPLANATION OF THE "FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE REFORM ACT"

Section 1 contains the title of the bill. Section 2 states that all amendments altering an existing statute refer to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), unless otherwise specified.

Section 3 contains several changes in definition of basic terms in FIFRA. An additional clause is added to the definition of "active ingredient," stating that the definition shall include an ingredient of a pesticide which will endanger human beings. The primary intent of this change is to allow the Administrator to require data on inert ingredients, to consider potential adverse impacts from inert ingredients in reading regulatory decisions under FIFRA, to list inert ingredients on the label, and to state and enforce pesticide use restrictions specified because of the potential toxicit of inert ingredients. (Several other sections of the "Pesticide Hazard Prevention Act" contain other amendments to FIFRA clarifying how specific provisions of FIFRA shall apply to inert ingredients.)

Section 3 also changes the definitions of "certified," "private," and "commercial" applicators. In all three cases, a clause is eliminated that allows a certified applicator to "supervise the use of" a restricted use pesticide applied by another person. The definition specifying what it means to apply a restricted use pesticide "under the direct supervision of a certified applicator" is deleted. Accordingly, all applicators of restricted use pesticides must be certified under the provisions of section 4 of FIFRA.

The definition of "ingredient statement," which must appear on pesticide labels, is extended to include the name of toxic inert ingredient, in addition to the name and percentage of active ingredients. The definition does not require the percentage of each inert ingredient to be specified in order to help protect from potential competitors the exact formula of pesticide products.

The definition of "unreasonable adverse effects on the environment," the basic standard governing nearly all regulatory decisions under FIFRA, is changed by deleting references to adverse effects on man. The "adverse impacts" standard would still apply to environmental impacts. Elsewhere in this Act, a "will endanger human health" standard is specified for adverse effects on man.

A definition of the term "data gap" is added to the statute. A "data gap" exists when a data requirement prescribed by the Administrator applicable to a given active ingredient or pesticide product has not been satisfied by pesticide registrants through submission of a valid study which has been conducted according to an experimental design judged to be acceptable in response to the data requirement. The definition also specified the criteria the Administrator shall apply in judging whether a given study satisfies a data requirement. These include the study protocols, documentation of the conduct and analysis of the study, and the results of the study.

Section 4 contains a number of extensive amendments to section 3 of FIFRA. Section 4(a)(1) of this Act alters the provision stating the Administrator "shall revise" the guidelines specifying what data shall be required in support of a registration to "may revise." This change is intended to grant the Administrator greater discretion. A provision is added which clarifies what information the Administrator shall require in support of pesticide registrations. "Pursuant to the standards of this Act," the Administrator shall require sufficient information to assess the risks and benefits of pesticides. Such data requirements shall be applied uniformly and consistently to the extent practicable. Waivers or variation in data requirements may be granted only if the advisability of the waiver or variation is clearly established, taking into account public comments received pursuant to a notice proposing such an action. The term "he" is replaced throughout this paragraph by "the Administrator."

Subsection 4(a)(1)(D) of this Act changes the provisions of FIFRA pertaining to the disclosure of information submitted to the Administrator in support of a pesticide registration. Under current law, the Administrator is required within 30 days of granting a registration to make available to the public, subject to the provisions of section 10 of FIFRA, the data submitted by registrants relevant to the registration actions. This Act establishes elsewhere a 90 day comment period after receipt of an application for registration of a pesticide containing a new active ingredient or a changed use pattern of previously registered active ingredient. Section 4(a)(1)(D) of this Act specifies that the Administrator shall make available to the public in an expeditious manner the data submitted in support of such registration applications, or petitions to establish tolerances. Hence, data would be disclosable subject to the provisions of section 10 prior to granting registrations or establishing tolerances during the period the Administrator is evaluating the pertinent applications.

Subsection 4(a)(2) of this Act contains a substantial rewrite of section 3(c)(2)(B) of FIFRA. The amendment is substantially identical to the language contained in H.R. 5203, the bill which passed the House August 11, 1982. This section of FIFRA specifies the procedures and provisions governing the joint development and sharing of "defensive data" as required by the Administrator to fill a data gap. The new provisions would:

(1) Allow registrants 120 days to respond to an EPA data request, rather than the present 90 days;

(2) Require, rather than permit, registrants to enter into joint data development arrangements, unless all registrants agree otherwise;

(3) Establish a cost-sharing arrangement under which each of the joint data developers would pay an initial cost of $100,000 or divide equally 25 percent of the estimated total cost, whichever is less, and pay the balance of the costs as needed on a pro rata basis, according to individual United States market share of the pesticide in question. Each participant's share would be determined by an independent auditor, based on the most recent available sales figures;

(4) Provide for suspension of the registration of any registrant that fails to enter into a joint data development arrangement for the products for which the additional data are requested, and make such arrangement enforceable in a Federal district court action instituted by any of the participants;

(5) Expand the scope of hearings provided for registrants who appeal such suspensions to allow consideration of whether the Administrator had a valid and reasonable basis for requiring the additional data. Now such hearings are restricted to considering whether the registrant has failed to take the action required to provide the requested data and whether the suspension order provides for disposition of existing stocks consistent with the Act. Other hearing provisions would be unchanged;

(6) Provide a 15-year period of protection for defensive data, following the date the data were submitted, during which time any party could obtain the right to use defensive data by joining the joint data development group and reimbursing the previous members of the group. The new member would pay a share of the total data cost in proportion to the number of persons sharing in such cost. The payment then would be distributed among the previous group members according to the amount of their contribution;

(7) Provide for data submitted by a registrant after September 30, 1978, to replace previous data that are deemed scientifically insufficient by generally accepted standards to be treated in the same way as defensive data requested by EPA, except that other registrants would be entitled, but not required, to participate in joint data development arrangements; and

(8) Provide a transition between current procedures and the new procedures of this amendment by giving persons, who had received notices from EPA asking for additional data to support existing registrations, the right to compel joint data development with other registrants currently performing testing. This option must be exercised within 120 days after enactment of the bill.

Subsection 4(a)(3) of this Act extends the comment period from 30 to 90 days for persons wanting to comment on applications for registration. Subsection 4(a)(4) adds a requirement that the Administrator shall, when registering a pesticide, make a written determination with respect to the active and inert ingredients of a pesticide. Another change specifies that the determination shall be that the pesticide, when used in accordance with widespread and commonly recognized practices, "will not cause unreasonable adverse effects on the environment," instead of "will not generally cause . . ." as under existing law. A new subparagraph (E) is added establishing the new "will endanger" standard applicable to a pesticide's potential hazards to man. The Administrator is further directed to consider a full range of potential chronic health effects in determining whether a pesticide "will endanger" human beings.

Subsection 4(a)(b) of this Act eliminates the Administrator's existing authority to waive efficacy data requirements. A new provision is added requiring the Administrator to publish in the Federal Register a summary of the factual basis supporting registration actions. Persons adversely affected or opposed to registration actions are granted the same remedies to initiate judicial review of the action as specified in section (6) of FIFRA.

Subsection 4(a)(5) of this Act removes the Administrator's discretionary authority to deny registrations when the basic requirements of paragraph (5) are not met. The clause "the Administrator may refuse to register a pesticide" is changed to "the Administrator shall . . .".

Subsection 4(a)(6) of this Act alters when the Administrator may grant a conditional registration for a pesticide under section 3(c)(7) of FIFRA. The new provision prohibits the Administrator from granting a conditional registration for a use of a pesticide which has previously been cancelled or suspended. The same prohibition applies if a registration was voluntarily withdrawn, if the Administrator determines that the voluntary withdrawal was associated with concern over potential adverse effects of the pesticide. Another provision is added requiring the Administrator to make available to the public, subject to section 10 of FIFRA, the data submitted in support of a conditional registration, along with a list of outstanding tests to be performed on the pesti-

cide and the timeable governing completion and submission of the tests.

Subsection 4(a)(7) of this Act strikes the so-called "Grassley-Allen" amendment pertaining to the conditions which must be met before initiating an interim administrative review (formerly known as an RPAR review, now called a Special Review). The Grassley-Allen amendment prohibits the Administrator from initiating a Special Review, unless the Administrator has "a validatd test or other significant evidence raising prudent concerns of unreasonable adverse risk to man or the environment."

Subsection 4(b) amends the provisions pertaining to classification of pesticides under section 3(d) of FIFRA. The Administrator may classify a pesticide for general use when it "will not cause unreasonable adverse effects . . ." rather than when it "will generally not cause . . .". The Administrator is further directed in all decisions pertaining to classification to consider the potential contamination of groundwater in determining whether pesticide should be classified for restricted use. The allowance in section 3(d)(1)(c)(ii) that a restricted use pesticide may be applied "under the direct supervision" of a certified applicator is eliminated.

Subsection 4(c) amends the "miscellaneous provisions in section 3(f) of FIFRA. Under current law, a pesticide registration is prima facie evidence that a pesticide is in compliance with the Act, unless a cancellation proceeding is in effect. This provision is amended to provide the registration of a pesticide constitutes such evidence only if the active ingredient has been registered after enactment of this Act or re-registered since October 21, 1972, and provided that a cancellation proceeding is not in process and that no required studies are outstanding. The Administrator is granted authority to consult any state, in addition to other federal agencies, in connection with regulatory action under FIFRA.

Subsection 4(g) extensively amends the provision of FIFRA requiring that pesticides be re-registered "in the most expeditious manner practicable.". The new provision requires the Administrator to publish in the Federal Register a list of pesticide active ingredients not re-registered since September 31, 1978, in order of their priority for re-registration. The list is to be published by 120 days after the date enactment of this Act. In establishing the order of the list, the Administrator is directed to give highest priority to pesticides used in high volumes on food or feed crops, and to pesticides shown to cause mutagenic effects in an appropriately designed study using a bacterial test system. The establishment of the list shall not be subject to judicial review.

Following the same schedule, the Administrator is required to also publish in the Federal Register a list of all data gaps by active ingredient. Within one year of publication of the list of active ingredients and data gaps, the Administrator is required to initiate steps under section 3(c)(2)(B) to fill the data gaps as expeditiously as possible.

Subsection 4(g)(4) requires the Administrator to issue a notice of intent to suspend a pesticide's registration if there are outstanding data gaps on the pesticide and the Administrator has failed to include the ingredient on the re-registration priority list. Subsection 4(g)(5) stipulates that a registrant must conduct studies to fill data gaps and report the results of the studies to the Administrator within three years after the publication of the list and data gaps under paragraph (3) above. Data gaps shall be filled according to the schedule specified in the 3(c)(2)(B) letters sent to registrants. When a short-term study is needed to establish appropriate dosage levels in a chronic feeding study, up to an additional year is provided for reporting the results of the chronic study to the Administrator. The Administrator is directed to issue a notice of intent to suspend a pesticide's registrations if the prescribed schedule for filling data gaps is not followed.

Subsection 4(e) adds a new subsection 3(h) dealing with inert ingredients. The Administrator is required to issue regulations specifying what tests shall be undertaken on inert ingredients. Information on inert ingredients may be disclosed under the provisions of section 10, provided that the Administrator may not disclose the percentage of each toxic inert ingredient unless such disclosure is necessary in the public interest.

Section 5 changes the requirements that must be met by persons seeking certification to apply restricted use pesticides. The amendment eliminates the existing clauses that prohibit a state from requiring a written examination as part of the certification process.

Section 6 of this Act restricts the Administrator from granting an experimental use permit for a use of a pesticide under section 5(a) of FIFRA if the use has previously been canceled, suspended, or voluntarily withdrawn for health or environmental reasons (unless there are no available alternatives). The discretion of the Administrator to suspend an experimental use permit if the terms of the permit are violated or inadequate to avoid unreasonable adverse effects on the environment is eliminated by changing "may revoke" to "shall revoke." In addition, the Administrator is required to revoke a permit if he finds that the permit will not yield data useful in satisfying section 3 registration requirements.

Section 7 of this Act amends the administrative review and suspension provisions contained in Section 6 of FIFRA. A new subsection (3) is added to the section 6(a) of FIFRA. This provision authorizes the Administrator to immediately issue a notice of intent to cancel a pesticide's registrations, or revoke tolerances, if it appears to the Administrator that false, misleading, or inaccurate information has been submitted in support of the registrations or tolerances. If a hearing is held pursuant to the notice, the issues for resolution shall be limited to whether false, misleading, or inaccurate information was submitted to the Administrator. The Administrator is prohibited from canceling a registration or revoking a tolerance if other valid data has been submitted to the Agency to replace the questionable data. The hearing shall be concluded within 90 days of issuance of the notice, and the Administrator's final decision is required 30 days after completion of the hearing.

Subsection 7(b) of this Act amends section 6(b) of FIFRA. The term "generally" is struck in the provision stating that the Administrator may issue a notice of intent to hold a hearing or cancel a pesticide's regulation because it appears to the Administrator that a pesticide "generally causes unreasonable adverse effects" when used in accordance with widespread and commonly recognized practices. The "will endanger" standard applicable to human health effects is added in the provision discussed previously in this paragraph, with specific mention of potential harm to children permitted to work in areas treated with pesticides. The "may issue a notice of intent . . ." is amended to read "shall issue . . .". The standing of a citizen, company, or public interest group to initiate and participate in a hearing under FIFRA section 6(a) or 6(b) is restored by adding a clause clarifying that a "person adversely affected by the notice" may include pesticide users, pesticide registrants, or a member of the public with or without an economic interest in the terms of the cancellation notice. Subsection 7(c) of this Act restricts the scope of a hearing held to consider data not available to the Administrator either when the registration of a previously cancelled use of a pesticide to cancellation hearing was terminated or when the cancellation decision was issued.

Subsection 7(d) adds a new section entitled "Effect of Cancellation, Suspension, or Withdrawal" of a pesticide registration. When a use or uses of a pesticide have been cancelled, suspended, or voluntarily withdrawn because of health or environmental concerns, such use or uses shall not be eligible for registration under sections 3, 5, or 24(c) of FIFRA, unless there are no alternatives to control new or expanding pest infestation. The Administrator must also have data demonstrating that the pesticide will effectively control the pest infestation.

Subsection 8 of this Act amends the reporting requirements applicable to pesticide applicators as specified in section 11 of FIFRA. The Administrator is authorized to issue regulations requiring commercial applicators to maintain records and file annual reports with the Agency regarding the time, place, quantities, and mixtures of pesticides applied, and any other information the Administrator determines is necessary.

Section 9 repeals the indemnification provisions of FIFRA which require the Administrator to compensate persons who suffer losses as a result of a suspension of cancellation of a pesticide (except for any current cases in which the indemnification procedures have already been initiated).

Section 10 of this Act establishes a private right to sue for damages or equitable relief, or both in the district courts of the U.S. A suit may be brought against a person, company, government agency, or the Administrator. An action may not be commenced under this section against a person or company, other than the Administrator, prior to sixty days after notice of the alleged violation has been made to the Administrator, the state, and the defendant. An action may also not proceed if the Administrator or state has commenced and is diligently prosecuting a civil or criminal action on the alleged violation. Legal provisions pertaining to the location, timing, and nature of unlawful acts subject to private suits under this section are specified. A court may award the costs of litigation to a prevailing party, other than the U.S. A governor of a state is granted authority to sue the Administrator under this section.

Section 11 of this Act amends the "Imports and Exports" section of FIFRA. The section 17(b) foreign government notification requirement is extended to include cases where a pesticide's registration has been voluntarily withdrawn.

Section 12 of this Act extensively amends the "Emergency Exemption" provision contained in section 18 of FIFRA. The Administrator is authorized to grant an exemption to a state or federal agency from the provisions of FIFRA when such an exemption is necessary to prevent or substantially mitigate an imminent and substantial danger to public health or welfare. An exemption for

use of a pesticide may not be granted if there is an efficacious registered pesticide available to fill the pest control need for which the exemption is sought, or if an alternative pest control technology is available.

Subsection 12(c) of this Act limits the time period for an emergency exemption to one year, and allows for no more than two renewals. The Administrator is required to publish notice in the Federal Register within 10 days of applications for emergency exemptions, and to consider public comments received on the applications, unless the Administrator determines that it is necessary to grant an exemption within 48 hours of receipt of the application because of extraordinary emergency circumstances. The Administrator is further directed to disclose to the public all information contained in an application for an emergency exemption within 30 days of receipt of a request for such information. The Administrator is also required to publish in the Federal Register in a timely manner his decision and the reasons therefor.

Subsection 12(g) of this Act states that in no case may section 18 of FIFRA authorize an unregistered use of a pesticide without the prior approval of the Administrator. In extraordinary emergencies, the Administrator must act on an application for an emergency exemption within 48 hours of receipt.

Section 13 of this Act amends the research and monitoring provisions contained in section 20 of FIFRA. The amendment contains additional specificity regarding the content of the national monitoring plan called for in section 20(b) of FIFRA. The plan shall be proposed by rule not later than June 1, 1984, and effective not later than October 1, 1984. The Administrator is further required to assure the quality of data collected pursuant to the plan, and is authorized to make available the monitoring data to the public in a timely and useful way.

Section 14 of this act amends Subsection 21(b) of FIFRA requiring that the Administrator "shall", rather than "may, at his discretion", solicit the views of all interested parties on actions taken under this Act.

Section 15 of this Act transfers responsibility for regulating occupational exposure to pesticides to the Occupational Safety and Health Administration.

Section 16 of this Act amends Section 24(b) and (c) of FIFRA pertaining to the authority of states to regulate the sale and use of pesticides. A state is authorized to impose or continue in effect requirements for pesticide labeling or packaging in order to enforce a prohibition on the use of a federally registered pesticide or device in the state. The Administrator must be notified of such requirements, and keep a record of them available for public inspection.

Section 24(c) of FIFRA is amended to refer to "pesticides which are registered under paragraph (5) or 7(A) of section 3(c) . . .", rather than to "federally registered pesticides . . .". The effective date for a registration under section 24(c) is changed to ninety days after the date on which the administrator is notified by a state of the state's intention to issue the registration, assuming the Administrator does not disapprove the use during the ninety day period. The clause prohibiting the Administrator from disapproving a section 24(c) registration on the grounds of a lack of essentiality is eliminated. The Administrator is also authorized to deny a section 24(c) registration if the pesticide use is unnecessary to meet special local needs. The Administrators discretion to disapprove a special local need registration that is inconsistent with the Federal Food, Drug, and Cosmetic Act is eliminated by changing "may immediately disapprove the registration" to "shall immediately disapprove . . .".

Subsection 16(b)(3)(D) specifies that a rebuttable presumption shall arise that a special local need for a pesticide does not exist if five or more states seek the same pesticide for the same special local need. The discretion of the Administrator to suspend the authority of a state to issue registrations under section 24(c) is eliminated when the Administrator determines a state is not capable of exercising adequate controls to assure that state registrations are granted in accordance with the provisions of FIFRA. This change is brought about by changing "may suspend the authority" to "shall suspend . . ." A new subsection is added stipulating that special local need registrations shall expire after five years, and may be reissued in accord with this subsection.

Section 17 of this Act amends the provisions pertaining to the appointment of members to the Scientific Advisory Panel. The amendment directs the Administrator to appoint the seven panel members from several different disciplines, and to stagger the three year terms so that the terms of no more than three panel members expire in any year.

Subsection 17(b) of this Act establishes a new requirement that the Administrator promulgate within one year regulations concerning the safe use of pesticides. The regulations shall require measures that protect individuals in the vicinity of pesticide applications, including steps to guard against exposure to pesticide drift from aerial applications. Posting areas where pesticides are to be applied, and other warnings are among the protective measures the Administrator should consider.

Section 18 of this Act amends the provisions delegating to states primary responsibility for carrying out programs to enforce FIFRA. States are required to administer an enforcement program "at least as stringent as sections 12 and 25" of FIFRA. This change would allow states to impose enforcement provisions and regulations more stringent than required by federal law. A new subsection (d) is added which grants states two years to adopt an enforcement program responsive to the new requirements and regulations established pursuant to the National Pesticide Hazard Prevention Act.

Section 19 of this Act adds a new section 32 to FIFRA. This section directs the Administrator to collect fees for registration actions under FIFRA. The fees shall be set at a level sufficient to make the pesticide program self-supporting.

Section 20 of this Act introduces another new section to FIFRA addressing the protections governing employees who have commenced actions, testified, or otherwise participated in an enforcement action or complaint under FIFRA. Remedies patterned after employees protection provisions in other statutes are specified, including the right to file and pursue a complaint with the Secretary of Labor.

Section 21 of this Act authorizes the Administrator "to establish and enforce standards for indoor human exposure to pesticides."

Section 22 of this Act contains several changes in the FIFRA statute's table of contents necessitated by the "Federal Insecticide, Fungicide, and Rodenticide Reform Act."

SUPPORTING GROUPS

American Federation of State, County and Municipal Employees.
American Public Health Association.
Bakery, Confectionery and Tobacco Workers International Union.
Center for Science in the Public Interest.
Clean Water Action Project.
Conference on Alternative State and Local Policies.
Consumer Federation of America.
Defenders of Wildlife.
Environmental Action.
Environmental Defense Fund.
Environmental Policy Institute.
Environmental Task Force.
Farmworker Justice Fund.
Food and Allied Service Trades Department, AFL-CIO.
Friends of the Earth.
League of Conservation Voters.
National Audubon Society.
National Coalition Against the Misuse of Pesticides.
National Demonstration Water Project.
National Women's Health Network.
Natural Resources Defense Council.
Public Voice for Food and Health Policy.
Rachel Carson Council.
Rural Advancement Fund.
Rural America.
Rural American Women.
Rural Coalition.
Sierra Club.
Urban Environmental Conference.
United Farmworkers of America.
Garden Club of America.
International Brotherhood of Teamsters.
National Wildlife Federation.
Service Employees International Union, AFL-CIO.

● Mr. METZENBAUM. Mr. President, I am pleased to join Senators PROXMIRE, HARKIN, LEAHY, and CRANSTON in introducing the Federal Insecticide, Fungicide, and Rodenticide Reform Act of 1985.

There can be little doubt that the Federal Insecticide, Fungicide, and Rodenticide Reform Act [FIFRA] is in dire need of revision. The Nation's pesticide registration program is simply not working. Serious loopholes in the health and safety data supporting pesticide registrations continue to permit serious abuses. And in addition, anticompetitive practices in the pesticides industry are destroying small businesses and driving up prices for farmers and consumers.

It is a scandal, Mr. President, that we know relatively little about the potential impact of pesticides upon public health. Consider, for example, the findings of the December 1982, House Agriculture Subcommittee staff report on EPA's pesticide regulatory program:

Between 79 and 84 percent of the products on the market were not adequately tested for their ability to cause cancer.

Between 90 and 93 percent of the same products were not adequately

tested for their ability to cause genetic damage.

Between 60 and 70 percent were not fully tested for their ability to cause birth defects.

Between 30 and 46 percent were not fully tested for reproductive effects.

But the problems don't stop there.

In May 1931, after a 5-year joint investigation by the FDA and the Justice Department, the president and three top executives of Industrial Bio-Test Laboratories, Inc.—one of the largest, independent chemical scientific testing laboratories in the United States—were indicted for fraud. Tests conducted by IBT for pesticides, food additives, cosmetics, pharmaceuticals, and even coloring for ice cream were allegedly seriously flawed, or in some cases, faked outright.

FDA considered the IBT case to be the most massive scientific fraud ever perpetrated in the United States. As a result of this fraud, Mr. President, an estimated 15 percent of all pesticide active ingredients approved by EPA for use on the U.S. market had been for sale to consumers on the basis of faulty or fraudulent health and safety data.

EPA's solution to this falsified data crisis has been disturbingly slow. EPA claims it lacks the authority to remove these fraudulently tested products from the market and instead, has requested replacement studies. As of March 1984, however, EPA had requested new studies on only 243 of the 392 studies which needed to be redone. EPA decided, in other words, to defer replacement studies for fully 38 percent of these substances, choosing instead to address them in the future under routine review.

Obviously, Mr. President, these are very serious health and environmental concerns. They require prompt congressional action. And so do the anti-competitive practices of the pesticide industry which threaten the economic well-being of small businesses, farmers, and consumers.

Current FIFRA provisions have failed to prevent the continued control of pesticide pricing by a few multinational chemical corporations. Large chemical companies have used the proprietary and exclusive use provisions of FIFRA—intended to protect innovation while guarding against long term, monopolistic control of pricing—to thwart competition. In recent years, these same companies have also sought to utilize the emergency exemption provisions of FIFRA to secure back door registration of new products.

The end result of these practices? Less competition and higher prices.

The bill we are introducing today will go a long way in addressing the concerns I have outlined.

It will make it easier to remove pesticides from the market when faulty registration data is discovered. It will also close a number of loopholes in the act, including the emergency provisions section, which are used to circumvent its requirements. And this bill will open up the entire registration process to more public scrutiny.

This bill will also help to improve the competitive atmosphere of the pesticide industry. Not only will it prevent the back door registration of pesticides by a handful of companies, but it will enable competing firms to buy into the production of defensive data, at a cost to be determined by their market share of the specific product. This provision will assist small-scale pesticide producers who would otherwise be unable to generate the information on their own or afford the costs of developing the data.

Mr. President, the legislation we are introducing today will help protect the public health and promote competition in the pesticide industry. I urge its prompt consideration and passage.●

By Mr. KASTEN:

S. 310. A bill to direct the President to impose certain limitations on the amount of milk protein products that may be imported into the United States; to the Committee on Finance.

MILK PROTEIN FAIR TRADE ACT

● Mr. KASTEN. Mr. President, it is time for action on casein imports. Subsidized imports of casein have displaced large quantities of domestically produced nonfat milk every year since restrictions on these imports were rejected by the Congress in the 1981 farm bill debate.

In 1983 alone, it is estimated that 159.5 million pounds of imported casein displaced about 400 million pounds of nonfat dry milk. Because the Federal Government must purchase surplus dairy products under the price support program, the taxpayers paid for this displacement, to the tune of about $350 million.

Today I am introducing legislation to correct this problem. The Milk Protein Fair Trade Act—which has also been introduced in the other body by my colleague from Wisconsin Mr. ROTH—would direct the President to impose a quota on imports of casein equal to 50 percent of the average yearly imports during the period from January 1, 1979 to December 31, 1983. The imposition of this quota would be pursuant to section 22 of the Agricultural Adjustment Act of 1935, which authorizes trade restrictions on imports determined to interfere with domestic price-support policies.

Mr. President, this legislation would authorize the establishment of an import licensing system for milk protein products—primarily casein. This is in recognition of the fact that not all casein imports displace domestic dairy products.

Under this licensing system, first preference would be given to those importers who demonstrate that their importation of casein is for purposes for which no substitutes are available. Second preference would be given to importers using casein for purposes for which domestic skim milk or skim milk substitutes cannot be substituted. This licensing system should adequately protect the interests of people and businesses in such fields as medicine and industry who cannot substitute dairy products for the casein they now use. In addition, the Agricultural Adjustment Act of 1935 grants the President authority to review and change the quota if circumstances warrant. Finally, under this legislation the casein import quota will end on December 31, 1988.

There is no question that the cost to the taxpayers of the dairy surplus must be reduced. There is also little doubt that the unfair subsidization of imports by the nations of the European Economic Community must be discouraged. This legislation offers us the opportunity to do both these things at once. Its adoption would be a strong step toward fair trade, lower Federal spending, and fair treatment for the hard-pressed American dairy farmer.

Mr. President, I ask unanimous consent that the complete text of the Milk Protein Fair Trade Act be printed in the RECORD at this point.

S. 310

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Milk Protein Fair Trade Act of 1985".

SEC. 2. (a) The President shall by proclamation limit the quantity of milk protein products which may be entered, or withdrawn from warehouse, for consumption in any calendar year (or portion of a calendar year in the case of the calendar year in which such proclamation is issued) to a quantity equal to 50 per centum of the average of the quantity of milk protein products annually imported into the United States during the period beginning January 1, 1979, and ending December 31, 1983 (or, in the case of such portion of a calendar year, a proportionately lesser quantity).

(b) The proclamation issued under subsection (a) shall be considered a proclamation which is issued by the President under section 22 of the Agricultural Adjustment Act (7 U.S.C. 624) and which meets the requirements of such section.

(c) The proclamation issued under subsection (a) shall apply during the period beginning on the day after the date of issuance of such proclamation and ending December 31, 1988.

SEC. 3. In implementing the proclamation under section 2, the Secretary of Agriculture shall establish an import licensing system for foreign milk protein products under which—

(1) first preference shall be given to those importers or users who establish that their importation or utilization of such products is for purposes for which no substitutes are available;

(2) second preference shall be given to those importers or users who establish that their importation or utilization of such products is for purposes for which domestically produced skim milk or skim milk solids cannot be substituted; and

(3) third preference shall be given to importers or users not qualifying for allocation under paragraph (1) or (2).

SEC. 4. For purposes of this Act, the term "milk protein products" includes—

(1) casein,

(2) caseinates,

(3) lactalbumin,

(4) whey protein concentrates, and

(5) mixtures containing not less than 5 per centum of any product referred to in paragraphs (1) through (4).●

By Mr. D'AMATO:

S. 312. A bill to amend the Communications Act of 1934 to establish an Office of Ethnic and Minority Affairs within the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

OFFICE OF ETHNIC AND MINORITY BROADCASTING ACT

● Mr. D'AMATO. Mr. President, I rise today to introduce legislation to establish an Office of Ethnic and Minority Affairs within the Federal Communications Commission. Early in 1984, I introduced identical legislation to address a serious problem in our growing communications industry.

The FCC, an independent governmental agency, has been an effective steward over the tremendous and rapid advancements in the field of communications. Corresponding with the growth of the communications industry is the growth of the FCC itself. I am concerned, however, that this agency now is becoming too big to respond to special communities and circumstances and too big to assist those such as ethnics and minorities.

Presently, there are no comprehensive services for ethnics and minorities within the FCC. The purpose of my bill is to create a specific FCC department to be a clearinghouse for complaints and suggestions regarding radio and television broadcasting which affects ethnic and racial minorities. Although it is not the intention of this legislation to mandate specific programming or to assist current or potential ethnic and minority broadcasters, this legislation would advocate educational programming and would encourage a more positive public image of ethnics and minorities.

I expect this legislation to cost very little. Even though the FCC now has no comprehensive services for ethnics and minorities, there are many departments within the FCC which have people who specifically handle ethnic and minority matters. This legislation would mostly use existing resources within the FCC to create this Office.

Since the FCC is committed to broadcast deregulation, I believe it is in the best interest of Congress, the administration, and the broadcast industry that we show ethnic and minority communities, which are often the most adversely affected by deregulation, that there is a special Federal office to assist them and to register their opinions on broadcasting every year. Thus, it is appropriate that we move to establish an office within the FCC to more effectively deal with these problems.

Mr. President, I ask unanimous consent that a copy of my bill be printed in the RECORD in its entirety.

Thank you, Mr. President.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Ethnic and Minority Affairs Broadcasting Act of 1984".

SEC. 2. Section 5 of the Communications Act of 1934 is amended by inserting after subsection (d) the following new subsection:

"(e)(1) There shall be established within the Commission an office of ethnic affairs to be known as the 'Ethnic and Minority Affairs Office'. The Ethnic and Minority Affairs Office shall—

"(A) carry out an educational program that—

"(i) promotes educational ethnic and minority programming;

"(ii) encourages the positive portrayal of ethnic groups in radio and television broadcast programming; and

"(iii) demonstrates the importance of such a positive portrayal on the part of the mass media;

"(B) receive complaints and grievances regarding radio and television broadcast programming which unfairly depicts ethnic groups;

"(C) collect, analyze, and prepare information from public and private agencies related to the portrayal of ethnic groups by radio and television broadcast programming, and furnish such information, upon request and without charge, to public and private agencies that serve the needs and interests of such groups;

"(D) conduct an annual conference designed to focus public attention upon the images of ethnic groups and minorities depicted by radio and television broadcasting programming and encourage the participation of such individuals and organizations, public and private, that serve the needs and interests of such ethnic groups and minorities;

"(E) prepare and transmit to the Congress an annual report which details the activities of the Ethnic and Minority Affairs Office, including a compilation of all grievances filed under subparagraph (B); and

"(F) make such information available to the Commission which may be used for reviewing applicants for licensing.

"(2) Not later than ninety days after the date of the enactment of the Ethnic and Minority Affairs Broadcasting Act of 1984, the Commission shall establish the Ethnic and Minority Affairs Office and provide appropriate staff and services for it to carry out its functions under this subsection.".●

By Mr. MATSUNAGA:

S. 313. A bill to amend the National Foundation on the Arts and Humanities Act of 1965 to provide for the Office of Poet Laureate of the United States; to the Committee on Labor and Human Resources.

OFFICE OF POET LAUREATE OF THE UNITED STATES

Mr. MATSUNAGA. Mr. President, I am reintroducing today a bill which would create the Office of Poet Laureate of the United States. An amendment to the National Foundation on the Arts and Humanities Act of 1965, this measure is identical to one which I first introduced in the 88th Congress and, most recently, in the 98th Congress.

The proposed Poet Laureate would be appointed by the President of the United States, in consultation with the National Council on the Arts, from among poets whose work reflects the qualities and attributes associated with the historical heritage, present achievements, and future potential of the United States. The Poet Laureate would perform duties assigned by the President and continue his or her own creative endeavors.

The United States is one of only a few advanced nations which have failed to give appropriate recognition to its great poets. England, from which we inherited many of our cherished democratic ideals, officially created the position of Poet Laureate in the 17th century, but the unofficial origin of the honorary position dates back to the reign of King Henry III in the 13th century. Japan and China also have given official national recognition to their great poets since early in their history.

In our own country, poets such as Carl Sandburg, Robert Frost, Walt Whitman, Henry Wadsworth Longfellow, Archibald MacLeish, Robert Penn Warren, Phyllis McGinley, and James Dickey have captured the American spirit in a unique and timeless way. The establishment of an American Poet Laureate may encourage and stimulate similar contributions to our cultural heritage from others and would add a new dimension to historic and ceremonial occasions, such as the upcoming bicentennial of the U.S. Constitution. I believe that the recognition accorded to the Poet Laureate also would inspire and encourage young and relatively unknown poets, giving them a goal to which they might aspire.

Mr. President, I have always envisioned the post of Poet Laureate as a largely honorary position and my bill would leave it up to the President of the United States to set the Laureate's compensation either in the form of expenses or regular stipend. The bill would set a limit on the amount, however, and provides that the Poet Laureate's compensation shall not exceed 60 percent of the salary of a Federal district court judge.

I urge that early consideration be given to my bill and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Foundation on the Arts and Humanities Act of 1965 is amended by adding at the end thereof the following new section:

POET LAUREATE OF THE UNITED STATES

"SEC. 15. (a) There is established the Office of Poet Laureate of the United States. The Poet Laureate shall perform such duties as the President shall prescribe, but the duties so prescribed shall not impair the continuation of the creative work of the individual chosen to be Poet Laureate.

"(b) The Poet Laureate of the United States shall be appointed by the President after consideration of the recommendations of the National Council on the Arts from among poets whose works reflect the qualities and attributes associated with the historical heritage, present achievements, and future potential of the United States. The Poet Laureate shall be appointed for a term of five years, and shall receive compensation at a rate set by the President, but not to exceed 60 per centum of the salary of a Federal District Court Judge."

By Mr. FORD:

S. 314. A bill to amend the Internal Revenue Code of 1954 to modify the substantiation requirements for 100 percent qualified business use of passenger automobiles and to provide an exemption for agricultural vehicles from the requirements of section 280F of such code (relating to limitation on certain property used for personal purposes); to the Committee on Finance.

SUBSTANTIATION REQUIRED FOR 100 PERCENT QUALIFIED BUSINESS USE OF PASSENGER AUTOMOBILES

● Mr. FORD. Mr. President, I rise today to introduce legislation dealing with the provisions in the 1984 tax bill which require taxapayers to keep detailed contemporaneous records of the business use of their transportation vehicles.

This legislation would remove the contemporaneous recordkeeping burden from those taxpayers who use transportation vehicles solely for business purposes. I have also cosponsored legislation that would repeal this new recordkeeping requirement. I offer this legislation as a workable alternative in the event that total repeal is not feasible.

This legislation provides, first of all, that those taxpayers who use a vehicle 100 percent of the time for business purposes would not be required to maintain "adequate contemporaneous records." Instead, the prior law would apply to require that the taxpayer maintain adequate records or have other sufficient evidence corroborating the business use of the vehicle.

In addition, the principal user and the employer would be required to sign an affidavit at the beginning of the year as to the intended use of the vehicle and at the end of the year as to the actual use. If the intended use were to change during the year, then the requirement for contemporaneous records would go into effect. For purposes of determining if a vehicle is used 100 percent of the time for business purposes, the use by the employee of the vehicle for commuting purposes, if it is for the convenience of the employer, would not be counted.

Examples of vehicle use which is for the convenience of the employer include vehicles taken home to prevent theft or vandalism; vehicles used by employees on call who go to and from job sites from their residences; and vehicles used to transport employees to job sites when required by the nature of the project.

Furthermore, in the case of all agriculture vehicles, the 1984 legislation requiring contemporaneous records would be repealed. For agriculture vehicles, the pre-1984 requirements would apply so that the taxpayer would have to maintain adequate records or have other sufficient evidence corroborating his own statement of the business use of the farm vehicle.

With these changes, the additional paperwork burden would be removed for many businesses; and it would be removed in those cases where it is particularly inappropriate to impose this kind of paperwork burden. This is a start toward making these rules more reasonable, but I will also support other proposals that address this problem. The best situation would be repeal, but short of that, we must take action to remove these excessive and unnecessary burdens from the business community.

The 1984 legislation, to the extent that it limited the amount of depreciation deductions and investment tax credits that taxpayers may claim on transportation vehicles and other business assets, had the support of Congress and was fully debated on the Senate and House floors. However, the provision for requiring adequate contemporaneous records slipped by without adequate review by Members of Congress. It was added in the conference committee and not debated on the floor. I know it slipped by me; I was unaware of it, and I think other Members were also.

The bottom line is that it is excessive. It imposes undue burdens on all taxpayers who wish to write off the value of their transportation vehicles to enable the IRS to catch those few who stretch the law. Well, that is certainly a valid purpose, and one which I support; I think we have not struck the proper balance here between enforcing our Internal Revenue laws and burdening the business community. It simply does not make sense to require every taxpayer in the country to keep a daily log of every trip made, the purpose of the trip, the mileage, and who used the vehicle. While in theory that may sound appropriate, it indicates a total ignorance of the business community and their operating procedures. We cannot expect every construction, delivery service, and maintenance business to comply with these requirements without incurring substantial costs and delays. To the extent that we impose these excessive paperwork burdens on the business community, we only breed contempt for our Internal Revenue laws and further undermine our voluntary tax compliance system.

Congress should take legislative action as quickly as possible to address this issue, hopefully by repeal; if not, then by some other approach that at least begins to remove these burdens from the business community.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 314

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUBSTANTIATION REQUIRED FOR 100 PERCENT QUALIFIED BUSINESS USE OF PASSENGER AUTOMOBILES

(a) IN GENERAL.—Section 274 of the Internal Revenue Code of 1954 (relating to disallowance of certain entertainment, etc., expenses) is amended by redesignating subsection (i) as subsection (j) and inserting after subsection (h) the following new subsection:

"(i) SUBSTANTIATION REQUIREMENT FOR 100 PERCENT QUALIFIED BUSINESS USE OF PASSENGER AUTOMOBILES.—

"(1) IN GENERAL.—In the case of any passenger automobile provided by an employer to an employee, if—

"(A) it is reasonable to expect that the business percentage use (within the meaning of section 280F(d)(6)(A)) of such automobile during any taxable year will be 100 percent, and

"(B) before the beginning of such taxable year, such employer and employee furnish to the Secretary, in such manner as the Secretary may prescribe, a certificate declaring such use,

then the substantiation requirement of subsection (d) shall be substituted by the requirement of adequate records or sufficient evidence corroborating such certificate.

"(2) SUBSTITUTION CEASES TO APPLY WHERE USE NO LONGER 100 PERCENT QUALIFIED BUSINESS USE.—Paragraph (1) shall cease to apply with respect to any passenger automobile whenever the use of such automobile during the taxable year is no longer 100 percent qualified business use.

"(3) QUALIFIED BUSINESS USE OF PASSENGER AUTOMOBILES.—For purposes of this subsection, use of a passenger automobile by the employee between the place of employment and such employee's home shall be treated

as a qualified business use (within the meaning of section 280F(d)(6)(B)) if for the convenience of the employer.".

(b) CONFORMING AMENDMENT.—Subsection (d) of section 274 of such Code is amended by striking out "No deduction" and inserting in lieu thereof "Except as provided in subsection (i), no deduction".

SEC. 2. AGRICULTURAL VEHICLES EXEMPTED FROM REQUIREMENTS OF SECTION 280F.

(a) IN GENERAL.—Section 280F(d) of the Internal Revenue Code of 1954 (relating to definitions and special rules involving limitations on property used for personal purposes) is amended by adding at the end thereof the following new paragraph:

"(11) EXEMPTION FOR CERTAIN AGRICULTURAL VEHICLES.—For purposes of this section, the terms 'listed property' and 'passenger automobile' shall not include any agricultural vehicle (within the meaning of section 4483(d)(5)(B)).".

(b) CONFORMING AMENDMENTS.—Paragraphs (4) and (5) of section 280F(d) of the Internal Revenue Code of 1954 (defining listed property and passenger automobile) are each amended by inserting "and paragraph (11)" after "subparagraph (B)".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect as if included in the amendments made by section 179 of the Tax Reform Act of 1984.●

By Mr. DURENBERGER:

S. 315. A bill to modify the deduction for certain tax payments to State and local governments; to the Committee on Finance.

LIMITATION OF CERTAIN TAXES AS DEDUCTIONS

Mr. DURENBERGER. Mr. President, the tax deduction used most by those who itemize their Federal income taxes is the deduction for payment of State and local taxes. Some current tax reform proposals, including the recent plan released by the Treasury Department, call for repeal of the State and local tax deduction.

Most of these proposals are aimed at "broadening the tax base"—cutting back on tax deductions and credits thereby allowing individual tax rates to fall. This is a worthy aim, and one that the American public seems to support. As a move in that direction, elimination of the State and local tax deduction seems, at first glance, a logical step.

However, it's not. Repeal of the State and local tax deduction would be a mistake. This deduction is no fat-cat loophole, it's a friend of the middle class and a protector of State and local governments and the intergovernmental fiscal system.

Though most of us aren't old enough to remember, once all taxes paid by individuals were deductible from the Federal income tax. You could even deduct your Federal income tax from your Federal income tax. It was argued that the Federal Government shouldn't be taxing income used for payments over which citizens had no discretionary school. But gradually Congress has dropped the deductibility of many State and local taxes over the years.

Shouldn't we go ahead and repeal one or more or the remaining deductions for State and local taxes—sales, income, personal property, or real estate? Isn't it worth it if overall tax rates fall? Doesn't every step to simplify Federal income taxes take the Federal Government another step out of our lives?

The answer is "No," not in light of the intergovernmental consequences of repeal. In the past, deductibility was repealed for a variety of reasons. For instance, some viewed gasoline excise taxes and motor vehicle license fees as user charges. Alcohol and cigarette excise taxes were seen as sumptuary taxes, levied to reduce consumption. In each case, Congress felt Federal deductibility was inappropriate. In many cases where deductibility was repealed, the Internal Revenue Service believed it administratively difficult to determine a taxpayer's legitimate deductions.

The remaining deductions do a lot more than help the taxpayer pay less income taxes. Through the years this deduction has helped protect the ability of our State and local governments to serve us.

First, taxpayers have their limits when it comes to paying taxes; the more the Federal Government taxes them, the less State and local governments are politically able to raise revenue from the same base. Deductibility helps preserve a little of that base for State and local governments.

There are those who argue that with deductibility, taxpayers in low-tax States subsidize a preference for government spending that high State and local taxes seem to reflect.

There are many factors, however, other than a preference for government that cause disparities in tax rates between States. Some States have a high capacity to generate revenue from natural resources, manufacturing, or financial transactions that can be used to keep rates on individual income low. Some States by any objective criteria of need must have more government spending because they are highly urbanized or carry a larger than average percentage of the Nation's poor. Some simply have more residents to tax.

For instance, Mississippi must tax its residents 2½ times more than Alaska to raise the same amount of revenue per capita. States like New York and California, with large urban areas and relatively large numbers of poor, need to finance more public services than States like Wyoming and Maine.

Deductibility doesn't wipe out these differences, but it provides a cushion for States and localities that fear losing population and business to areas with larger tax bases and lower tax rates.

For example, consider the following example of two married taxpayers itemizing deductions, each with a taxable income of $30,000 but living in two different States. Both faced marginal tax rates of 32 percent in 1982. Taxpayer A lives in a State where the combined State taxes for general sales, income, personal property, and real estate amounted to $1,000. Taxpayer B, on the other hand, lives in a higher tax State where the combined State taxes for the same items equaled $3,000. The disparity in tax liabilities between the two States equal $2,000 if none of these taxes are deductible on the taxpayer's Federal income tax.

However, if both taxpayers are permitted total deductibility of all four taxes, taxpayer A's real State tax liability drops from $1,000 to $680 while taxpayer B's real liability falls from $3,000 to $2,040. In effect, the disparity is reduced by about 32 percent.

In searching for alternatives to outright repeal, some suggest selective repeal of deductibility for certain taxes. However, this approach is just as dangerous to the intergovernmental fiscal system as outright repeal. It virtually allows the Federal Government to tell State and local officials what kind of taxes they should utilize, ignoring past political decisions at those levels about what taxes are most efficient given their particular industries and resources.

For example, selective repeal of the deductibility of sales tax payments would penalize those States that have decided to use them as a significant revenue source. There is tremendous variation nationwide as to the extent sales taxes are utilized. At least 46 States have sales taxes but in 1980, sales taxes represented about 16 percent of all deductions claimed for State and local taxes and ranged from an average of 1 percent in Oregon to 46 percent in Louisiana. In absolute dollars terms, the average size of the sales tax deduction claimed by itemizers in 1980 was $400 nationwide, ranging from $112 in Delaware to $560 in New York.

Selective repeal of deductibility of the sales tax would place States that principally rely on property or income taxes at a tremendous advantage over States which extensively utilize sales taxes. The Federal Government would be forcing State and local governments to make certain fiscal choices, even though such choices might not represent the most efficient means for raising revenue in a particular State.

Echoing this fact, the Ways and Means Committee stated in its report on the Revenue Act of 1964 that:

It was further indicated that, if property and income taxes are to be deductible for Federal income tax purposes, it also is important to allow the deduction of general sales taxes. To deny the deductibility of general sales taxes while allowing deduc-

tions for the other major revenue sources would encourage State and local governments to use these other resources in place of the sales tax * * * it is important for the Federal Government to remain neutral as to the relative use made of these three forms of State and local taxation.

The intrusion of the Federal Government into State and local fiscal choices is especially burdensome when at the same time we are trying to sort out program responsibilities and returning many of them back to State and local government. It makes little sense to tie the hands of State and local officials who must locate appropriate resources to assume those responsibilities.

As policymakers who are concerned with broadening the Federal revenue base, we are faced with a dilemma. With tax reform at the top of the national agenda, changes in the deductibility of State and local taxes is probably inevitable. Can we reconcile the genuine need to broaden the Federal tax base with the need to save the deductibility of State and local taxes?

Yes, through the compromise approach I am introducing today. This bill would allow each itemizing taxpayer to deduct those State and local tax payments which exceed 1 percent of their adjusted gross income. Everything below 1 percent AGI would be taxable. It would work similar to the existing medical deduction.

This proposal broadens the Federal tax base. If it had been included in the Tax Equity and Fiscal Responsibility Act [TEFRA], the Joint Tax Committee estimates it would be raised $4.6 billion in fiscal year 1985, $4.7 billion in fiscal year 1986, $5.3 billion in fiscal year 1987, and $6.1 billion in fiscal year 1988.

It would add a little progressivity to the State and local tax deduction. A person in the 14 percent marginal tax bracket would face a tax increase of only a few dollars while a person in the 50 percent bracket would pay several hundred dollars in additional taxes. Keep in mind that only itemizers would pay any additional tax.

However, it would raise this revenue equitably. No State would gain a competitive advantage over its neighbor. For instance, expressed as a percentage of adjusted gross income, the average percentage deducted nationwide in 1980 was about 6 percent, ranging from a low of over 3 percent to a high exceeding 12 percent. Even if my proposal was in place, taxpayers in the State with the lowest overall tax burden would still be able to deduct two-thirds of his or her State taxes.

Mr. President, I don't advocate this change independent of a move to raise substantial new revenue or to significantly amend the Internal Revenue Code. However, I intend to have it ready when we discuss eliminating the State and local tax deduction in the name of balancing the budget or simplifying the code. It is imperative that in our zeal to make these changes, we not unfairly upset the intergovernmental fiscal system in the process.

By Mr. DURENBERGER (for himself, Mr. HOLLINGS, Mr. BUMPERS, Mr. ANDREWS, Mr. HUMPHREY, Mr. LEAHY, Mr. PELL, Mr. CHAFEE, Mr. MOYNIHAN, Mr. BRADLEY, Mr. BOSCHWITZ, Mr. HATFIELD, Mr. LUGAR, and Mr. BINGAMAN):

S. 317. A bill entitled the "State and Local River Conservation Act of 1985"; to the Committee on Energy and Natural Resources.

STATE AND LOCAL RIVER CONSERVATION ACT

Mr. DURENBERGER. Mr. President, today it is with great pleasure that my colleagues and I reintroduce the State and Local River Conservation Act.

The State and Local River Conservation Act, first introduced in the 98th Congress, is designed to stimulate conservation of rivers by State and local governments through a grants program for the purpose of establishing and administering a State river program, including the development of river management plans, land conservation strategies, regulations and demonstration projects. The act also provides protection from adverse development projects, encourages volunteer participation and clarifies existing tax laws for conservation purposes.

Traditionally, protection of natural resource areas considered of national importance has been essentially a Federal prerogative. National parks, refuges, wilderness areas, national monuments, and the National Wild and Scenic Rivers System are all controlled by the Federal Government. Bitter controversies with local citizens and landowners have marked the past decade as major units were added to these Federal systems.

Delays and deficiencies in payments for land acquisition, loss of a portion of the local tax base and the multiple use of the resource itself add to the Federal/State/local tensions. This is compounded by the perception that somehow "Washington knows best and must protect the resource from the local citizens."

Not only are Federal, State, and local relations threatened by these sorts of tensions—so too is the resource which needs protection. We need to work together to protect our outstanding natural resources, in this case, those portions of rivers identified as possessing outstanding natural values by either Federal or State Governments.

The State and Local River Conservation Act is designed to complement the National Wild and Scenic River System. Authorized in 1968, this is the Nation's chief means of protecting river segments of outstanding quality. However, after an initial flurry of activity on the part of the Federal Government, no new rivers or river segments were added to the system until the 2d session of the 98th Congress.

Legislation was passed last year to add five new rivers to the national system, bringing the total number of rivers or river segments in the system to 65, totaling about 7,200 miles.

This is just a small portion, however, of the more than 1,500 river segments, totaling 62,000 miles, the National Park Service has identified, in the Nationwide Rivers Inventory, as possessing exceptional natural values as to make them potentially eligible for inclusion in the national system. These rivers comprise about 2 percent of the 3.25 million river miles in the country.

It is clear that the national system cannot, nor is it appropriate that it should, protect all 62,000 miles of these outstanding rivers. The States and local governments must play a vital role. And they are.

In the absence of Federal action, 28 States have developed State river programs, encompassing approximately 12,000 miles of rivers. However, even among these programs, the adequacy of protection varies greatly. Because of a lack of funding, personnel, and government support, most of these programs fail to provide adequate protection and exist chiefly on paper. According to a recent assessment of State river programs prepared by the River Conservation Fund, only 11 State programs are seperately budgeted, land acquisition is not a management tool for most States and most States allocate the equivalent of one person's time to rivers.

But despite these problems, the same survey noted a number of important features that strong State river programs seem to share:

Successful State programs network well with other levels of government;

Successful programs coordinate their activities with other States and local agencies, and this task is made easier by a consistency provision in the enabling legislation;

State and local programs have the advantage over the Federal Government of being able to institute land-use controls, and the successful programs make the best of what they have; and

The best programs aggressively seek citizen participation throughout the study, designation, and management process.

The notion that States and local governments could better conserve and manage their rivers started in Minnesota with the Mississippi Headwaters Board. This board, authorized by the Minnesota Legislature, is comprised of State, county, and local officials and landowners who together

manage over 400 miles of the upper Mississippi River.

This highly successful river conservation effort was developed as an alternative to proposed inclusion in the National Wild and Scenic River System. Their management plan is impressive, not only in its success, but that it is a proven, creative alternative to the Federal management of a local resource.

As chairman of the Subcommittee on Intergovernmental Relations, I held a hearing in Grand Rapids, MN, on the Mississippi Headwater Board's management plan. The hearing examined the elements and process by which local management of an area considered of national importance takes place, and assessed the possibilities of its application elsewhere.

We discussed, at length, alternatives for natural resource management in an effort to find new ways to achieve national policy through redesigning the respective roles of government. The State and Local River Conservation Act being introduced today rose out of the findings and recommendations made at that hearing.

The State and Local River Conservation Act strengthens State and local government's ability to protect their natural resources. Derived from successful State and local initiatives, its flexibility is needed to move the Wild and Scenic River Program forward. It is an option, with low Federal investment, to spur development of State and local river conservation efforts nationwide.

Up to $8 million a year would be available for 5 years in grants to State and local governments, or private organizations, under this bill. These grants can be used for the establishment and administration of State river programs, development of river management plans and demonstration projects, and conservation of streamside lands. These funds cannot be spent directly on land acquisition. Further, 50 percent of the funds available to a State would be passed through to local governments and private organizations. Finally, there is a 50-percent cap of Federal funds per project.

An additional $2 million would be available on a one time basis for States without river programs to conduct a statewide river assessment. Once that assessment is completed, these States would be eligible to participate in the whole program.

Third, this bill clarifies existing law concerning citizen involvement and tax incentives. There are existing authorities to promote low cost river conservation. These include laws which encourage volunteer efforts in our national parks and forests, as well as providing tax incentives for the donation of land for conservation purposes. This legislation clarifies these laws to insure that their applicability to river conservation is recognized and to encourage their use in conserving rivers.

Finally, this legislation removes roadblocks to State river conservation efforts. Presently, States can act to protect rivers, but Federal agencies can preempt those efforts and allow projects that are counter to established State policies. This bill provides a mechanism for States to concur in Federal development projects on a limited number of rivers which the State has specifically set aside for conservation practices.

Although Federal law will continue to protect many of America's rivers, the State and Local River Conservation Act will expand the options available for river conservation, often at a lower cost and with more local control. It builds on the ability of State and local interests to conserve community waters, with the Federal Government playing a supporting role in river conservation activities without becoming a dominant player.

The concepts embodied in the legislation being introduced today are in agreement with the administration's principle that river conservation and protection measures affecting State and private lands are best initiated and carried out at the State and local levels.

At hearings held last year by the Subcommittee on Public Lands and Reserved Waters, the State and Local River Conservation Act received wide national support from State and local officials, national and local environment groups and landowners associations. I believe its enactment will provide a great impetus to the many efforts already underway to conserve and widely use our Nation's precious rivers.

Mr. President, I ask unanimous consent that the State and Local River Conservation Act of 1985, and bill summary, be printed in the RECORD along with my comments today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 317

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "State and Local River Conservation Act of 1985".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) many rivers throughout the Nation possess outstanding scenic, recreational, geologic, fish and wildlife, historical, cultural, or ecological values which could be harmed or destroyed by adverse development;

(2) the Nationwide Inventory of Rivers lists many rivers possessing such values and a number of outstanding rivers have been designated for protection under the National Wild and Scenic Rivers System, but that system does not include all rivers which require protection; and

(3) Federal incentives for river conservation through a cooperative effort among Federal, State, and local governments, landowners, and private organizations, can provide a significant additional means to protect the values of many outstanding rivers which are not presently included in the Federal system.

(b) The Congress declares that it is the purpose of this Act to stimulate the conservation by State and local governments and by private nonprofit organizations of rivers which have outstanding scenic, recreational, geologic, fish and wildlife, historical, cultural, or ecological values.

DEFINITIONS

SEC. 3. For the purposes of this Act, the term—

(1) "Secretary" means the Secretary of the Interior;

(2) "approved State program" means a State program approved by the Secretary under section 5(a);

(3) "approved local program" means the program of a local government approved by the Secretary under section 5(c);

(4) "approved State river assessment" means an assessment by a State of rivers within, and continuous to, the State which assessment is approved by the Secretary under section 5(b);

(5) "approved private nonprofit organization" means any organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which the Secretary approves as having a demonstrable conservation interest and as otherwise qualified to carry out projects under this Act;

(6) "natural and environmental values" includes scenic, recreational, geologic, fish and wildlife, historical, cultural, and ecological values;

(7) "designated river or river segment" includes lands adjoining a river or river segment which are within the boundaries of any area or zone established by a State or local government for protection in connection with such river or river segment; and

(8) "State eligible to receive grants" means a State for which there is in effect an approved State program or an approved State river assessment.

STATE PROGRAM GRANTS

SEC. 4. (a) The Secretary is authorized to make grants to eligible States for the following:

(1) The establishment of State and local programs designed to conserve the natural and environmental values of designated rivers or river segments within (or contiguous to) the State or a political subdivision therein.

(2) The administration of an approved State or local program, including the development of—

(A) river management plans,

(B) land conservation strategies, and

(C) regulations

for designated rivers or river segments which are components of a federally approved State or federally approved local program.

(3) Special projects carried out by any State or local government or by approved private nonprofit organizations to demonstrate innovative methods of river conservation.

(b) No part of any grant made under this section may be used for the acquisition of any land or interest in land, or for development of facilities.

(c) Funds made available to a State under this section in any fiscal year shall be allocated among the States as follows:

(1) 40 per centum of the amount appropriated for grants under this section for any fiscal year shall be allocated equally among all States eligible to receive grants under this section;

(2) 60 per centum of such amount shall be allocated to those States eligible to receive grants under this section in proportion to each State's share of the total mileage of rivers which are—

(A) included in the Nationwide Rivers Inventory, and

(B) located in, or contiguous to, any State eligible to receive such grants.

At least 50 per centum of the funds made available to any State under this section shall be made available by that State to local governments and approved private nonprofit organizations for the purposes set forth in subsection (a).

(d) Not more than 50 per centum of the costs of any program or project carried out under subsection (a) may be funded by grants made under this section.

(e)(1) For the five fiscal years commencing after the date of enactment there is authorized to be appropriated $8,000,000 for the purposes of making grants under this section. For each of such five fiscal years there is authorized to be appropriated such additional sums as may be necessary for the Administration of this Act as determined by the Secretary.

(2) No amount appropriated under this section shall be treated for any purposes—

(A) as an appropriation of amounts authorized to be appropriated under section 6 of the Land and Water Conservation Fund Act of 1965, and

(B) as reducing the amounts which may be appropriated and made available for apportionment among the States under section 6 of such Act.

APPROVAL OF STATE AND LOCAL PROGRAMS AND ASSESSMENTS

SEC. 5. (a) A State may submit a State program to the Secretary for his approval under ths section. The Secretary shall approve such program if he determines that, by State statute, constitution, or Executive Order, the program—

(1) designates rivers or river segments within, or contiguous to, such State which are recognized for their natural and environmental values;

(2) establishes clearly defined lateral and terminal boundaries for such designated segments pursuant to a process and criteria which are adopted prior to designation;

(3) contains State policies for the protection of such designated rivers or river segments from new dams, water resources projects, and other developments which would adversely affect those values;

(4) manages such designated river or river segments under special regulations designed to preserve the values for which the river or segment was designated, including regulations regarding the consistency of State and local actions (including permits and other forms of State or local approval) with the preservation of such values;

(5) provides for adequate enforcement of such policies and regulations; and

(6) includes an identification of Federal financial assistance programs and Federal development projects for which the State will review individual assistance applications or development projects for their effect on designated rivers or river segments pursuant to the procedures set forth in Executive Order 12372 as in effect on September 17, 1983, to determine whether such assistance applications or development projects would be consistent with, and further the purposes and objectives of the program prepared under this subsection.

For the purposes of paragraph (6), identification shall not be limited to the assistance programs or development projects subject to the Executive Order 12372 but may include any programs listed in the most recent Catalog of Federal Domestic Assistance which may have an effect on the purposes and objectives of the State's river protection program.

(b) A State may submit a State river assessment to the Secretary for his approval under this section. The Secretary shall approve such assessment if he determines that it includes—

(1) an identification of the natural and environmental values of rivers within, and contiguous to, the State;

(2) a priority rating indicating which river or river segments in the State should be protected from actions which would degrade their natural and environmental values; and

(3) a significant public involvement program in the development of the assessment and the protection of their values.

(c) A local government may submit a program to the Secretary for approval under this section. The Secretary shall approve any such program if he determines that the program has been authorized by the State legislature and—

(1) establishes, by local ordinance, designated rivers or river segments within, or contiguous to, the political subdivision concerned which are recognized for their natural or environmental values; and

(2) provides for local government management of each such river or segment under special guidelines for the preservation of the values for which the river or segment was designated.

(d) The Secretary may promulgate, within 180 days of enactment, such guidelines as he deems appropriate regarding criteria, consistent with the purposes of this Act, to be used in the approval and disapproval of State and local programs under this section and for the grants program under section 4.

GRANTS FOR STATE ASSESSMENTS

SEC. 6. (a) For the purpose of developing State river assessments, the Secretary may make grants to a State which has not carried out such an assessment (including any State which has established a river conservation program prior to carrying out such an assessment). Not more than 50 per centum of the costs of such an assessment may be funded by grants made under this section. No State shall be eligible to receive more than one grant under this section for the development of a State river assessment.

(b) There is authorized to be appropriated $2,000,000 which shall be available until expended to carry out this section.

CONVEYANCES

SEC. 7. For the purpose of conserving or enhancing the values of rivers included in State, local, or Federal river programs, assessments, or inventories and environs thereof as determined by the appropriate Governor or Secretary, landowners are authorized to donate or otherwise convey qualified real property interest to qualified organizations consistent with section 170(h)(3) of the Internal Revenue Code of 1954, including right-of-way open space, scenic, or conservation easement without regard to any limitation on the nature of the estate or interest otherwise transferable within the jurisdiction where the land is located if the appropriate agency responsible for the management or supervision of the river concurs in the donation. The conveyance of any such interest in land in accordance with this section shall be deemed to further a Federal conservation policy and yield a significant public benefit for purposes of section 6 of Public Law 96-541.

VOLUNTEER RIVERS ASSISTANCE

SEC. 8. (a)(1) The Secretary, the Secretary of Agriculture, and the head of any Federal agency administering Federal lands, are each authorized to encourage volunteers and volunteer organizations to plan, develop, maintain, and manage, where appropriate, rivers throughout the Nation.

(2) Wherever appropriate in furtherance of the purposes of this Act, and section 11 of the Wild and Scenic Rivers Act, such Secretaries and agency heads are authorized and encouraged to utilize the Volunteers in the Parks Act of 1969, the Volunteers in the Forests Act of 1972, and section 6 of the Land and Water Conservation Fund Act of 1965 (relating to the development of Statewide Comprehensive Outdoor Recreation Plans).

(b) Each Secretary referred to in subsection (a) and the head of any Federal land managing agency may assist volunteers and volunteer organizations in planning, developing, maintaining, and managing rivers. Volunteer work may include—

(1) planning, developing, maintaining, or managing (A) rivers which are components of the national wild and scenic system, or (B) rivers which, if so developed and maintained, could qualify for designation as components of the national wild and scenic system; or

(2) operating programs to organize and supervise volunteer efforts with respect to the rivers referred to in paragraph (1), conducting river-related research projects, or providing education and training to volunteers on methods of river planning, construction, and maintenance.

(c) The appropriate Secretary or the head of any Federal land managing agency may utilize and make available Federal facilities, equipment, tools, and technical assistance to volunteers and volunteer organizations, subject to such limitations and restrictions as the appropriate Secretary or the head of any Federal land managing agency deems necessary or desirable.

STATE AND LOCAL RIVER CONSERVATION ACT OF 1985

SUMMARY OF PROVISIONS

Section 1. Title.

Section 2. Purpose.

Section 3. Definitions.

Section 4. State Grant Program.

Provides for the establishment of a grants program for river conservation programs.

Grants would be available to States, with a 50% pass through to local governments or qualifying private conservation organizations.

Grants could be used for establishing and administering a State river program, including the development of river management plans, land conservation strategies, regulations and demonstration projects.

Grants cannot be used for land acquisition or to purchase easements.

Fifty percent cap of Federal money per project.

$8,000,000 authorized for 5 fiscal years for the purposes of this section.

The allocation formula is based on the number of States with State programs

(60%) and how many miles of rivers are in the Nationwide Inventory of Rivers (40%).

Section 5. Approval of State and Local Programs and Assessments.

Sets our criteria for approval by the Secretary of a State program, including an identification of Federal financial assistance programs and Federal development projects for their effect on designated rivers pursuant to E.O. 12372.

Section 6. Grants for State Assessments.

Grants available to States on a one time basis who have not completed a river assessment for the State to do such an assessment. Upon completion of the assessment the State would be eligible for the State Grant Program.

Section 7. Conveyances.

Clarifies ambiguities in present tax law on donations for conservation purposes by establishing the eligibility of lands on rivers included in federal, state and local programs for tax deductions.

Section 8. Volunteers.

Encourages the use of volunteers in state river conservation programs.

● Mr. MOYNIHAN. Mr. President, today I join my distinguished colleague from Minnesota, Senator DURENBERGER, as a cosponsor of the State and Local River Conservation Act.

Some 7,000 miles of river throughout the Nation are protected under the Wild and Scenic Rivers Act. As the name indicates, this act created a Federal program to preserve the wild and scenic character of our most outstanding rivers. Selective preservation of these resources is vital in view of the strong pressures toward regulation of river flows and development along river banks.

Although the Federal program targets the most precious American rivers, it cannot protect all the suitable rivers. State and local governments must take the initiative to extend protection to additional streams found to have exceptional value as free-flowing waters. About half the States currently pursue river conservation programs, with the degree of protection varying widely. In most cases, a paucity of funding rather than a lack of interest operates as the primary constraint.

Since establishing its program in 1972, my own State of New York, has designated for protection 1,248 miles of river, more than any other State. Many of the rivers flow through the vast and beautiful Adirondack Park, as well as more densely populated areas. The agency that administers the program, the New York State Department of Environmental Conservation, is reviewing 8 additional rivers and estimates that up to 70 more are potentially eligible. For each designated river, the DEC prepares in cooperation with local communities a conservation plan including land use controls, protection of wetlands, flood plains, and cultural resource and recreational use of the river. Yet the program faces a severe staffing shortage, with no personnel working full time on river conservation.

The bill would encourage such State and local efforts. The bill would authorize $8 million per year in Federal matching grants to States and communities for planning efforts and program administration. An additional $2 million could be used for statewide river assessments. The bill would strengthen conservation efforts by requiring consultation with the State on any proposed activity along a designated river requiring a Federal permit. Finally, it would provide tax incentives for the donation of lands, easements, and rights-of-way and would encourage the use of volunteers in river conservation programs. I urge my colleagues in the Senate to support the passage of this valuable legislation.●

By Mr. HEINZ (for himself, Mr. SASSER, Mr. WEICKER, Mr. SPECTER, Mr. D'AMATO, and Mr. MURKOWSKI):

S. 318. A bill to extend the Revenue-Sharing Program for local governments through fiscal year 1991; to the Committee on Finance.

EXTENSION OF REVENUE-SHARING PROGRAM

● Mr. HEINZ. Mr. President, I am pleased to introduce, along with my colleague, Senator SASSER, a bill to extend the General Revenue-Sharing Program. The bill proposes a 5-year reauthorization of the Revenue-Sharing Program of general purpose fiscal assistance to local governments. In keeping with the fiscal spirit of our times, the bill freezes the current funding level at $4.6 billion, a funding level which has remained constant since 1976.

The General Revenue-Sharing Program provides support for an enormous range of activities, including capital expenditures for transit, economic development, community centers, and police and fire facilities. Operating programs benefiting from Federal revenue-sharing funds include downtown revitalization projects, Meals on Wheels, Community Health Care for the Elderly and the Disabled, and fire and sanitation services.

The General Revenue-Sharing Program is important to all cities, in all regions of the country. Revenue-sharing funds represent approximately 7 percent of local revenues. If we fail to reauthorize this program, it would take an average 23-percent increase in local property taxes to replace the funds currently provided. In my State of Pennsylvania, where the economy has been so distressed, a survey of local governments found that revenue-sharing accounts for 16.7 percent of the average local budget. Replacing revenue-sharing funds with property tax revenues in Pennsylvania would require an average increase of 62 percent. For nearly 94 percent of the Pennsylvania municipalities responding to the survey, revenue sharing is the only direct source of Federal funds.

Mr. President, the General Revenue-Sharing Program is the glue that holds the fiscal fabric of many cities together. I urge this Chamber not to precipitously rip that fabric, for the damage may be impossible to repair. The long-term costs of eliminating revenue sharing would far outweigh any short-term advantages the foes of the program may foresee.

Mr. President, I urge all my colleagues to join me in sponsoring this extension of the General Revenue-Sharing Program. I introduce this bill at this time because the program is so important, and because it is crucial to keep it on the legislative agenda before us. All of us here are dedicated to fiscal restraint, but total elimination of revenue sharing, as some have urged, not only removes the program from this body's scrutiny, but denies several truths that we must not forget: that fiscal restraint and revenue sharing are not incompatible and that the Federal Government should do its best to stand by the towns and cities which dot this land, even in times of budgetary restraint. Mr. President, I urge my colleagues to join me in sponsoring this measure.●

● Mr. SASSER. Mr. President, I am pleased to join in introducing legislation to reauthorize general revenue sharing [GRS] for another 5 years, and I urge my colleagues to join Senator HEINZ and me in this endeavor.

We are taking the step of pressing for a 5-year, rather than the conventional 3-year extension of GRS for several reasons.

First, efforts to reduce record Federal budget deficits may make the $4.6 billion in local GRS funds a prime target for elimination.

Second, a 5-year extension of general revenue sharing would serve to remove GRS as an object of partisan attack for the remainder of the Reagan administration's tenure in office. Already, the current administration is expected to recommend termination of this program.

Third, in the face of no growth and/or declining block grant funding in so many areas, GRS remains the sole, reliable source of assistance for essential programs for many local governments that have seen their other Federal aid programs sharply curtailed.

The latest available data as to how local governments use GRS funds confirm the value of the program. In fiscal year 1982, over half of the $4.6 billion in revenue sharing went to pay for police protection, fire protection, hospitals, and education; these are very essential local government functions.

And if local governments were to continue paying for such services—if only to keep these services at current

levels—local property taxes would have to be raised. It is estimated that county property tax rates in Tennessee would jump by 24 cents if general revenue sharing is eliminated.

Fourth, with the middle of 1985 as the target date for a report on GRS—as required by the 1983 amendments to the program's last reauthorization—early movement toward this reauthorization would signal to all concerned that such a study will not affect the question of whether there is to be a GRS program, but only whether the GRS formula is properly structured.

Finally, if the Congress is interested in maintaining those Federal-aid programs which work efficiently, we need look no further than this program. Less than two-tenths of 1 percent of the GRS funds are used to administer the program; in fact, the number of personnel working in the Office of Revenue Sharing has declined steadily—by one-third—over the past 6 years. Such efficiency should serve as role model for other programs.

Therefore, I believe that the time to reauthorize general revenue sharing is now and that the appropriate time for which it should be extended is 5 years.

Mr. President, at this point, I ask unanimous consent that data showing just how local governments use general revenue sharing be printed in the RECORD.

There being no objection, the material was ordered printed in the RECORD, as follows:

GENERAL REVENUE SHARING EXPENDITURES AND TYPE OF GOVERNMENT: 1981–82

[In thousands of dollars]

Item	Actual revenue sharing expenditures			
	Total	Counties	Municipalities	Townships
United States, total	4,681,084	1,786,224	2,517,453	377,407
By character and object:				
Current expenditure	3,537,834	1,326,695	1,906,384	304,755
Capital outlay	1,057,894	432,054	570,476	55,354
Redemption of debt	85,356	27,465	40,593	17,298
By function:				
Correction	126,478	115,831	10,253	394
Education	417,895	114,230	299,858	3,807
Finance and general administration	412,264	247,231	140,512	24,521
Fire protection	434,063	31,068	365,776	37,219
Health	169,348	102,342	58,679	8,327
Highways	677,917	271,562	306,960	99,395
Hospitals	161,681	146,995	13,895	791
Interest on general debt	30,273	14,293	11,504	4,476
Libraries	75,863	29,443	41,910	4,510
Parks and recreation	225,467	43,031	169,597	12,839
Police protection	841,108	249,866	511,614	79,628
Public welfare	117,066	94,370	12,589	10,107
Redemption of debt	85,356	27,465	40,593	17,298
Sanitation other than sewerage	252,410	48,507	183,213	20,690
Sewerage	48,806	4,194	38,749	5,863
Utility systems	60,154	6,689	51,992	1,473
All other	544,935	239,107	259,759	46,069

Source: Bureau of the Census, U.S. Department of Commerce.●

By Mr. DENTON (for himself, Mr. EAST, Mr. HELMS, and Mr. SYMMS):

S. 320. A bill to assure the first amendment rights by establishing a uniform Federal policy prohibiting taxpayer financing of private political advocacy; to the Committee on the Judiciary.

NEUTRALITY IN FEDERAL EXPENDITURES ACT

Mr. DENTON. Mr. President, I rise today to introduce the Neutrality in Federal Expenditures Act. The bill will assure the first amendment rights of all citizens by establishing a uniform Federal policy prohibiting taxpayer financing of private political advocacy. The bill will answer the demand by the American people for accountability in the use of taxpayer dollars.

During this century, it has been the policy of our country that there should be limitations on the political influence of Federal employees on other citizens and on the electoral process. In 1919, a provision in the Federal Criminal Code (18 U.S.C. 1913) imposed criminal penalties on Federal employees who engage in lobbying. In 1940, President Franklin Roosevelt successfully obtained congressional passage of legislation that, in addition to modifying the existing prohibitions against political activities by Federal Government employees, also extended the provisions of the Hatch Act to officers and employees of State and local agencies "whose principal employment is in connection with any activity which is financed in whole or in part by loans or grants by the United States * * *," and most recently in the issuance by the Office of Management and Budget of the final revisions to OMB Circular A-122 concerning the treatment of lobbying costs by most nonprofit organizations receiving Federal grants and contracts.

Despite the established policy that the employees and resources of the Government should not be used to promote private political viewpoints, there has been an increasing realization that the policy is, in fact, violated with alarming frequency. The principal vehicle by which Government funds find their way into the political process is via "recipient organizations," entities that receive Government moneys or in-kind contributions through contracts, cooperative agreements, grants or other means. Government funds are awarded to recipient organizations for implementation of specific programs authorized by Congress. It appears, however, that many of the recipient organizations acquire Government funds but divert a significant portion of them away from their intended purpose to political advocacy.

For example, Prof. Marshall J. Breger in his lecture entitled "Halting Taxpayer Subsidy of Partisan Advocacy," gives the following examples: Community Services Administration [CSA], grantees have prepared sample letters for constituents to oppose the administration's budget proposals, have urged readers of a grantee magazine to write their Representatives to oppose curtailment of the Food Stamp Program, and have circulated memos urging Representatives to support continuation of the Health Planning Program. Over $42,000 of family planning grant money under title X of the Public Service Act has been used to pay dues to organizations that lobby on a regular basis.

The Organization of Chinese American Women, using funds provided under the Women's Educational Equity Act, brought at least 20 chapter representatives to Washington for a national conference whose printed schedule included "how to" lectures on political action and planned visits to Capitol Hill for meetings with legislators. Los Angeles CETA workers circulated political petitions for candidates and walked precincts on behalf of President Carter, all on Government paid time.

Additional examples of Government subsidies of partisan advocacy include:

VISTA which gave $792,156 to the Youth Project, a self-described "tax-exempt foundation which supports a wide range of grassroots social change efforts." The Youth Project gave cash and technical support to the Nevada uranium project, which opposed nuclear power and the basing of the MX missile in Nevada. It gave funds to the radical American Indian Movement's Freedom for Survival Group, and to the California Indian land acquisition project, which seeks to reclaim large portions of California for Indian ownership. The latter group, using taxpayer funds, has sued to place land in San Diego and Yosemite National Park under Indian control.

In 1981, the Department of Education gave PUSH, headed by the Reverend Jesse Jackson, $656,644. President Reagan's then Assistant Education Secretary, Vincent Reed, called PUSH's accounting system unstable and "not adequate to safeguard assets." Two studies by the Department have severely criticized PUSH's handling of Federal funds. "This does not add up to a program," said one study. While receiving Federal funds, Mr. Jackson has engaged in partisan political activity. He was a major participant in the Anti-Reagan Solidarity Day and is lobbying for more food stamps, more welfare, and less defense spending.

The antidefense lobby is substantially supported by taxpayer funds. The American Friends Service Committee, which urges policies that are tantamount to unilateral American disarmament, received a total of $596,092 in Federal funding during 1980. The U.S. Student Association, which has strong Marxist overtones, received $107,630 from the Department of Education.

The Legal Services Corporation is a semiautonomous entity that dispenses hundreds of millions of tax dollars every year. Its activities have included

many examples of the misuse of tax dollars. Ostensibly created to help poor people with routine legal matters, the Corporaton has allowed its attorneys to promote a variety of fashionably liberal causes, including some that are specifically proscribed by law. Abortions, forced housing, quotas, gay rights, and rent strikes are areas in which legal services lawyers have involved themselves at taxpayers, expense.

In California, they litigated to compel payment of supplemental security income benefits to alcoholics. A suit challenging high school competency testing was filed in Florida by Legal Services. Lobbying for a graduated State income tax was one of the projects undertaken by a Massachusetts Legal Services Institute. According to a spokesman for the American Farm Bureau Federation, legal services lawyers have helped to reorganize farm workers unions in California, Florida, and New Jersey.

The Governor of Pennsylvania has blamed Community Legal Services of Philadelphia for helping to cause violence at Graterford prison in October and November 1981. Thirty persons were held hostage by a three-time killer who was returned to the general prison system as a result of a 1975 Legal Services suit. Gov. Richard Thornburgh said, "Never again should Government permit 'cause' groups * * * to place the purported rights of vicious criminals above the safety of law officers." This was a typical case of Legal Services working against, not for, the public interest.

The Legal Services Corporation also gave funding to an organization called the Coalition for Sensible and Humane Solutions to conduct training programs, the purpose of which was described as educating and informing community activists about current Federal, State, and local budget-cutting activities, and sharing and developing strategies for fighting back. The Western Center for Law and Poverty used a $60,000 grant from the Federal Legal Services Corporation to hire political consultants to coordinate a campaign opposing a tax-cutting initiative in California.

There are many additional documented examples of unauthorized use of taxpayer dollars by private nonprofit groups.

I believe that the use of Government funds for political advocacy is improper for a number of reasons. First, Government subsidy of partisan advocacy raises a first amendment problem. Why should taxpayers underwrite lobbying for ideological causes or values of which they disapprove? Or as Thomas Jefferson observed, "To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical."

Second, the use of Federal money to promote private political points of view impairs the free functioning of the electorial process. Allowing private persons to use Government money to disseminate propaganda in support of a particular cause or a particular candidate gives the appearance of an official imprimatur for particular ideological viewpoints, opening the floodgates to Government manipulation of public opinion.

Third, the practice is the spoils system carried to an extreme. That is, Government bureaucrats provide funds to their friends who manage recipient organizations in exchange for political support and with the explicit or implicit understanding that, if their roles are later reversed, the largesse will continue.

Finally, when tax-exempt organizations use Government funds for private political advocacy, they are in fact double dipping. That is, they are receiving a double-tax paid benefit that assists them in promoting their private political viewpoints.

Mr. President, the Neutrality in Federal Expenditures Act is introduced to correct the situation. The bill is not aimed at particular parties, groups, or points of view. It would apply equally to all organizations that enjoy tax-exempt status under section 501(c) of the Internal Revenue Code, that is, such organizations that receive Federal funds and that voluntarily choose to engage in lobbying activities. The bill would not advance or control any political opinion or belief, nor would it interfere with any political opinion or belief, nor would it interfere with or influence the ability of any citizen to vote as he pleases. In short, it would not act to stifle or restrict political advocacy, but would prevent the appearance or fact of Government subsidization of political ideologies.

I believe the neutrality in Federal expenditures approach is the best way to eliminate taxpayer financing of private political advocacy.

I ask unanimous consent that the text of the bill appear in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 320

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Neutrality in Federal Expenditures Act of 1985".

DECLARATION OF PURPOSE

SEC. 2. The Congress finds that—

(1) Government funds are being used to finance and otherwise to subsidize private political advocacy;

(2) the expenditure of Government funds for private political advocacy exceeds the jurisdiction of the Federal Government by not providing for the general welfare of the United States;

(3) the expenditure of Government funds for private political advocacy exceeds the jurisdiction of the Federal Government by preferring those political and ideological views, and the organized expression of such views, of the recipients of Government funds over the views of others who do not receive Government funds;

(4) the expenditure of Government funds in furtherance of such private political advocacy exceeds the jurisdiction of the Federal Government by abridging the freedom of speech and freedom of the press that are exclusive rights of the people;

(5) the expenditure of Government funds for private political advocacy exceeds the jurisdiction of the Federal Government by abridging the exclusive right of the people to petition the Government for redress of grievances;

(6) the expenditure of Government funds for private political advocacy by groups having tax-exempt status is, in effect, a double public benefit for the advocacy of these groups;

(7) the expenditure of Government funds for private political advocacy is often beyond our contrary to the intent of Congress when it appropriates funds for specific programs; and

(8) the unauthorized use of Government funds for private political advocacy threatens the very fabric of the political process.

DEFINITIONS

SEC. 3. For the purposes of this Act, the term—

(1) "recipient organization" includes any entity which receives Government funds and is exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1954;

(2) "Government funds" includes all money or inkind support, direct or indirect, provided to a recipient organization whether by grant, loan contract, cooperative agreement, or any other similar means, funded by or from the Treasury of the United States;

(3) "political advocacy" includes—

(A) attempting to influence the outcome of any Federal, State, or local election, referendum, initiative, or similar procedure, through contributions, endorsements, publicity, or similar activity;

(B) establishing, administering, contributing to, or paying the expenses of a political action committee, either directly or indirectly;

(C) attempting to affect the opinions of the general public, or any segment thereof, with respect to governmental decisions;

(D) attempting to influence governmental decisions through communication with any member or employee of a legislative body, or with any Government official or employee who may participate in the decisionmaking process;

(E) participating in or contributing to the expenses of judicial or administrative litigation other than litigation in which the organization is a party, with standing to sue, to intervene as a party, or to defend on its own behalf;

(F) paying dues or contributing money, services, or any other thing of value, to an organization that engages in political advocacy;

(G) conducting or supporting training programs which encourage or provide guidance with respect to political advocacy, boycotts, picketing, strikes, or demonstrations;

(H) networking or the organization of, or assistance in, the organization of any orga-

nization, association, coalition, alliance, federation, confederation, or similar entity, a purpose of which will be to engage in political advocacy;

(I) publication of any analysis, study, research, memorandum, or statement of policy which is prepared or published with the intent or design of having an influence upon the outcome of any Federal, State, or local election, referendum, initiative, or similar procedure, or any Government decisions;

(J) presenting of any program, addressed to the public, any portion of which is intended, calculated, or designed to influence any governmental decisions; or

(K) the conduct of any of the above-enumerated actions constituting political advocacy by or through one or more affiliates;

(4) "political advocacy" does not include—

(A) providing technical advice or assistance to a governmental body or to a committee or other subdivision thereof in response to a written request by such body or subdivision;

(B) appearances before, or communication to, any legislative body with respect to a possible decision of such body which would affect the existence of the organization, its powers and duties, tax-exempt status, or the deduction of contributions to the organization;

(C) communications between the organization and its bona fide members with respect to pending or proposed legislation which would affect the existence of the organization, its powers and duties, tax-exempt status, or the tax deduction of contributions to the organization;

(D) participating in litigation on behalf of individuals, if the recipient organization has received a Federal, State, or local grant, contract, or other agreement for the express purpose of doing so;

(E) applying for or making a bid in connection with a grant, contract, unsolicited proposal, or other agreement, or providing information in connection with such application at the request of the Government agency awarding the grant, contract, or other agreement;

(F) participating in a particular activity which is specifically directed or sanctioned by law, and where the activity is a purpose of the recipient organization's grant or contract;

(G) participating in a particular activity which constitutes only collective bargaining as to wages, hours, benefits, or working conditions by an organized labor or trade union, as defined in section 2(5) of the National Labor Relations Act (29 U.S.C. 152(5)) on behalf of employees of any Federal, State, or local government which the labor or trade union represents; or

(H) making available to any person or to the public the results of nonpartisan analysis, study, or research which is not prepared or made available with the intent or design of influencing the outcome of any Federal, State or local election, referendum, or similar procedure, and which does not expressly advocate any action by the general public or any segment thereof, to promote a change in any Federal, State, or local legislation or governmental policy;

(5) "networking" includes activities intended to aggregate resources and further organizational cooperation in the context of political advocacy;

(6) "publication" means the preparation, production, and distribution of writings, films, radio, television, and telephone communications, books, pamphlets, journals, newsletters, newspapers, articles, public appearances, press interviews, and other communications related to political advocacy;

(7) "dues paying" includes direct and indirect cash and in-kind support or endorsement tendered to organizations or individuals;

(8) "litigation" includes all actions at law or equity before any Federal, State, or local court or administrative tribunal, and further includes classaction suits or amicus curiae briefs;

(9) "affiliate" means an organization which is associated with another organization in such a manner that—

(A) the governing instrument of either organization requires it to be bound by the decisions of the other organization on matters of political advocacy; or

(B) the governing board of either organization includes persons who—

(i) are specifically designated representatives of the other organization or are members of the governing board, officers or paid executive staff members of such other organization, and

(ii) by aggregating their votes, have sufficient voting power to cause or prevent action on matters of political advocacy by either organization,

and includes any organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1954; and

(10) "Government decisions" includes—

(A) the introduction, passage, amendment, defeat, signing, or veto of legislation, appropriations, resolutions, legislative confirmation of appointees, or constitutional amendments at the Federal, State, or local level;

(B) any rulemakings, guidelines, policy statements, or other administrative decisions of general applicability and future effect;

(C) any licensing, grant, ratemaking, formal or informal adjudication, other than actions or decisions related to the administration of the recipient organization's specific grant, contract, or agreement involved; or

(D) the decisionmaking process of any Federal, State, or local court.

PROHIBITIONS

SEC. 4. (a) No Government funds may be disbursed to any recipient organization which engages in political advocacy or which is an affiliate of any organization which engages in political advocacy.

(b) No Government funds received from the United States or from one of its instrumentalities or agents, may be used for political advocacy.

(c) Any recipient organization which uses Government funds to engage in political advocacy must reimburse the Treasury the total amount of Government funds received for any program, grant, contracts or other source of Government funds from which the funds used for political advocacy were obtained.

(d) No recipient of Federal dollars may launder funds or contribute them to any organization or individual which does not certify as to its own lack of political advocacy and promise to refrain from engaging in advocacy. Recipients of Federal funds from any intermediary are subject to all provisions of this Act.

SUNSHINE

SEC. 5. Within one hundred and eighty days after the date of enactment of this Act, all departments, agencies, and instrumentalities of the United States disbursing Government funds to recipient organizations shall adopt regulations which require the recipient organizations to which they disburse Government funds to disclose and make available on the business premises for public inspection upon receipt or use of Federal funds—

(1) the articles of incorporation and bylaws of the recipient organization;

(2) a list of all other government agencies (whether Federal, State, or local) from which the recipient organization is currently receiving funds, a description of the funding level, and the purpose of the funding;

(3) a list of all other government agencies (whether Federal, State, or local) before which the organization currently has applications for funding pending, including a statement of the amount of funds requested and the purpose of the funding;

(4) a list of the names and addresses together with the resumes of the board of directors and operating officers of the recipient organization;

(5) a list of the names, addresses, and types of business conducted by any other organizations or entities upon whose board of directors any of the directors or operating officers of the recipient organization also serve;

(6) a list of the names and addresses of any registered lobbyists employed by the recipient organization or by an affiliate or who are retained by or on behalf of any person or organization to represent the recipient organization with regard to any governmental decisions;

(7) a copy of all publications, newsletters, periodicals, pamphlets, journals, or members' reports issued by the recipient organization; and

(8) any other information which the disbursing agency determines to be relevant to achieve the purposes of this Act.

AUDITS

SEC. 6. (a) All departments, agencies, and instrumentalities of the United States shall assure the annual performance of an audit of any recipient organizations to which they have disbursed funds in order to assure compliance with this Act.

(b) Recipient organizations shall make available to authorized Government officials all books, records, and other documents necessary to determine compliance with this Act. Refusal by a recipient organization to make such books, records, or other documents available shall result in cessation of further Government funds to that recipient organization.

ENFORCEMENT

SEC. 7. (a) Certification, under penalty of perjury, by recipient organizations, with respect to noninvolvement in political advocacy, and disclosure, under penalty of perjury, by recipient organizations, shall be required prior to receipt, renewal, or extension of any contract, grant, or loan, or any other provision of Government funds. Any intentional misrepresentation with respect to the certification or disclosure requirements shall be punishable for a term of imprisonment not more than two years or by a fine not more than $10,000, or both.

(b) All Government officials, or their agents responsible for disbursing Government funds by grant, contract, loan, cooperative agreement, or any similar means, shall establish, prior to their consideration of any prospective recipient organization for funding, does not presently, and will not in the future, engage in political advocacy. Any agency or instrumentality responsible for

the disbursement of Government funds shall—

(1) require that every recipient organization certify, under penalty of perjury, to such agency or instrumentality, at the time of its application for Governmednt funds, that such recipient organization is not engaged in political advocacy and will not engage in political advocacy;

(2) require that every recipient organization disclose, under penalty of perjury, to such agency or instrumentality, at the time of its application for Government funds and annually thereafter, the information required by this section;

(3) require that every renewal or extension of Government funds to any recipient organization contain certifications and disclosures set forth in clauses (1) and (2);

(4) require that the officers, agents, and employees of such agency or instrumentality establish procedures necessary to guarantee that no recipient organization or its agents are engaged in or will engage in political advocacy; and

(5) require that every recipient individual or organization certify, under penalty of perjury, to such agency or instrumentality that such individual or organization has not been previously disbarred from the receipt of Federal funds under the provisions of this Act.

(c)(1) Whoever, being an officer or employee of the United States, or of any agency or other instrumentality thereof, or an officer or employee of any corporation chartered by the United States, or of any recipient organization who intentionally violates any provision of this Act, shall be imprisoned for not more than two years or fined not more than $10,000, or both.

(2) Whoever, being an officer or employee of the United States, and agency or other instrumentality thereof, or an officer or employee of any corporation chartered by the United States shall be subject to discharge and forfeiture of office.

(d) The United States or any private citizen thereof shall have a civil cause of action against any person or recipient organization for violations of any provision of this Act. A private citizen may only commence an action in the event there is not already an action pending by the United States, against a person or recipient organization for alleged violations of any provision of this Act, on the date the private citizen files his action. Any such action shall be filed in an appropriate United States District Court. A prevailing plaintiff shall be entitled to recover—

(1) the amount of Government funds expended for political advocacy, but in no event less than $10,000 for deposit in the Treasury;

(2) in the case of a judgment entered on behalf of the United States or any instrumentality thereof, three times the amount of Government funds expended for political advocacy;

(3) such equitable relief as the court shall deem appropriate;

(4) an order disbarring any recipient organization found in violation of this Act from receiving any Government funds;

(5) reasonable attorney's fees and costs of investigation and litigation actually incurred; and

(6) punitive damages.

(e) Prosecution for violation of this Act will extend to all employees of the Federal Government, federally chartered corporations, as well as officers and employees of recipient organizations.

(f) Any violation of this Act shall be the basis for total disbarment of Federal benefits from any source or agreement.

Mr. EAST. I am pleased today to join as an original cosponsor in the introduction of S. 320, the Neutrality in Federal Expenditures Act. In doing so, I commend my colleague, the distinguished Senator from Alabama, Mr. DENTON, for his diligent service as the sponsor of this vital legislation in the 98th Congress, and now in the 99th Congress as well.

In the 98th Congress Senator DENTON introduced this legislation, then known as the Federal Neutrality Act, S. 1405, on June 6, 1983. The bill was referred to the Committee on the Judiciary. On April 25 and May 23, 1984, the Subcommittee on Separation of Powers, which I Chair, held thorough hearings on the measure. And on September 12, 1984, the subcommittee approved S. 1405 after adopting an amendment in the nature of a substitute.

Unfortunately, however, the Committee on the Judiciary did not act upon S. 1405 before the 98th Congress adjourned on October 12, 1984. It is my hope and expectation that S. 320, which embodies the version of the bill that was approved by the Separation of Powers Subcommittee last year, will receive timely and favorable consideration in the Judiciary Committee, and by the full Senate, during this 1st session of the 99th Congress.

I have little doubt that a quotation from Thomas Jefferson, which expresses a principle that is at the heart of the concept behind S. 320, will be heard often in the course of the Senate's consideration of this measure: "To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors," declared our third President, "is sinful and tyrannical."

President Jefferson's principle animates a general national policy that employees and resources of the Federal Government must not be used to promote private political points of view. This policy is evinced in Federal law. The so-called Hatch Act strictly limits the political activities of Federal employees. And a Federal criminal statute, codified at 18 U.S.C. 1913, prohibits Federal employees from using Government funds to lobby the Congress.

The Supreme Court of the United States has recognized Jefferson's principle as well. In 1977, for instance, the Court held in Abood versus Detroit Board of Education that it is unconstitutional to require teachers to contribute dues to a labor union that uses those proceeds to promote a political cause to which the teacher is opposed. And as the Court noted several years ago in First National Bank of Boston versus Bellotti, where governmental action "suggests an attempt to give one side of a debatable public question an advantage in expressing its views to the people, the first amendment is plainly offended."

Stated simply, S. 320 would implement the principle stated so forcefully by President Jefferson by ensuring that Federal taxpayer funds are not used, either directly or indirectly, by tax-exempt organizations for the purpose of political advocacy. It would accomplish this purpose by defining political advocacy, allowing for thorough public scrutiny of the records of these organizations to ascertain their compliance with the law, and establishing stringent penalties for violations.

S. 320 is designed to protect the first amendment rights of the taxpayer. The freedom of speech that the amendment guarantees is at the core of our political freedom as a people. But the right to speak necessarily includes the right not to speak. A citizen has a right to speak, or not to speak, in support of political causes or ideas as he or she sees fit. Thus, when taxpayer dollars are used to support or subsidize political points of view with which the taxpayer does not agree, his right to free speech is violated.

The Separation of Powers Subcommittee's hearings on this legislation last year amply demonstrated that significant amounts of Federal money are being provided to nonprofit, tax-exempt organizations that then use these revenues to subsidize the advancement of their private political viewpoints. Thus, I am convinced that the passage of this legislation to protect our citizenry's first amendment rights ought to be an urgent priority of the new Congress.

Mr. SYMMS. Mr. President, I am pleased to cosponsor Senator DENTON's bill, The Neutrality in Federal Expenditures Act. In the last session of Congress, I testified before the Senate Judiciary Committee in support of this legislation. The bill gained much public support, and I certainly hope that the Senate will recognize the overriding public interest in this bill, and consider and pass it in this session.

The Neutrality in Federal Expenditures Act would preclude the use of Federal dollars to support partisan or political advocacy. Increasingly, Government funds have been used by organizations enjoying tax-exempt status under section 501(c) of the Internal Revenue Code to engage in promoting and lobbying on political issues. Taxpayer financing of private political advocacy gives the strong impression of Government endorsement or subsidization of political ideology. I imagine the Founding Fathers would be appalled to witness the level of Federal sector financing to influence public opinion. In Thomas Jefferson's words: "To compel a man to furnish funds for the propagation of ideas he

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disbelieves and abhors is sinful and tyrannical." Clearly, questions must be raised about first amendment encroachment once the Federal Government abandons impartiality in its dealings with the private sector.

An associate professor of law at New York Law School, Marshall Breger, wrote an excellent publication entitled "Halting Taxpayer Subsidy of Partisan Advocacy," which is available through the Heritage Foundation. Breger notes that:

> The unstated problem with all government subsidy of partisan advocacy is its effect on the marketplace of ideas. In the classical model, ideologies of various stripes compete for public allegiance, and interest groups compete in a pluralist hurly-burly for legislative support. In both contexts, the state stays outside the battle. Only after democratic processes articulate the popular will on a particular issue should the state act to implement that decision. The reality, of course, is far more complex. Often the state independently affects political choices made by citizens . . . . The autonomy of the state as a social interest group raises serious problems for those concerned with individual liberty. The implications of government's proper role in the marketplace of ideas remains to be adequately explored.

And, I will add, as was pointed out in a publication by Hannah Arendt, "The Origins of Totalitarianism," the State's role in the control of information and in manipulating public opinion is a necessary precursor of totalitarianism.

Government financing of political activity is clearly an aberration of the historically neutral role of the Federal Government in policy creation. Congress set strict standards on Federal employees when it passed the Hatch Act, limiting Federal Government workers in the executive branch to a severely restricted role in political affairs. A provision in the Federal Criminal Code imposes criminal penalties upon Federal employees who engage in lobbying for instance. As a Senator, I am required to maintain complete separateness between my office and campaign accounts. Congressional offices must maintain meticulous records, to avoid even the hint of impropriety in use of Government as opposed to campaign funds. Yet when it comes to ensuring that grant recipients do not lobby Congress or expend their funds toward the achievement of a political objective, Congress has failed to impose the same standards that it imposes on itself and on the executive branch. The Neutrality in Federal Expenditures Act would correct this omission, by carefully defining what constitutes political advocacy, by allowing for public scrutiny of the records of these organizations to determine whether abuses are occurring, and by establishing penalties for violations of the act.

The expansion of Government subsidization of selected political beliefs is an issue that is increasingly a source of public concern. Unfortunately, the subsidy is not always readily apparent, because it is frequently disguised in the form of grant awards or contracts which are often based on legitimate public functions. However, many recipient organizations will use Federal resources in lobbying or politically related activities, knowing that tracing the funding to the illegal lobbying is virtually impossible.

What is the extent of abuse? There is no question in my mind that opportunities exist for significant and costly abuses, many of which have already been documented by the Comptroller General's Office. The Urban Institute estimates Government funding of private nonprofit organizations to be in the vicinity of $40 billion per year; another estimate from the Administrative Conference of the United States places Federal domestic grant spending at over $100 billion annually. With limited Government resources to uncover and document abuses, no public access to records—the Freedom of Information Act does not apply to Federal fund grantees—the complexity of various accounting procedures used by recipient organizations, and with the potential embarrassment to the Government in reporting abuses by organizations of Federal funds, the prospects for uncovering abuses at present is bleak. Without the passage of Senator DENTON's bill, abuses will continue, and Federal agencies will, as the GAO acknowledged in the case of an investigation of improper CETA lobbying, find it impossible to conclusively determine whether an abuse occurred, even with detailed auditing and continuous monitoring.

Also of deep concern are the relationships that tend to develop between granting entities and the grantees; the system begins to look like cronyism. Government bureaucrats are susceptible to the temptation to secure funds for their friends who manage recipient organizations in exchange for political support. I find this situation to be incompatible with the principles of democratic, representative government.

I hope my colleagues can appreciate the importance of this issue and this legislation, and of the need to ensure fairness and equity in Federal funds distribution. In this year when we are all being asked to closely examine the budget to find savings, here is an area where the savings are readily apparent, and the decisions relatively easy. The public has ample means to influence the political and electoral process through private donations, membership in lobbying and interest groups, and through political action committees. The Federal Government cannot justify its involvement in light of the many private channels available to citizens for input into the political process, nor can Federal sector involvement be justified for reasons of fairness and equity, not to mention budgetary concerns. The public demands that their tax dollars not be spent on the patronage of selected political groups—may the Congress act on that demand.

By Mr. BURDICK:

S.J. Res. 31. Joint resolution to designate the week of November 24, 1985, through November 30, 1985, as "National Family Week"; to the Committee on the Judiciary.

NATIONAL FAMILY WEEK

● Mr. BURDICK. Mr. President, today I am again introducing a joint resolution to designate National Family Week for 1985. I am extremely pleased that National Family Week has been proclaimed every year for the past 9 years as well as in 1972, and I am confident that we will honor the family in 1985 with its own special week.

In the past, National Family Week has been celebrated during the week in November which includes Thanksgiving because of the customary and appropriate family reunions that take place for this special holiday. Therefore, in keeping with this tradition, I am asking the President to designate November 24 through 30, 1985, as "National Family Week."

The family is well established as the basic unit of American society. The purpose of National Family Week is equally basic. It establishes specific time to recognize the importance of the family in American life and the fundamental role it has played in forming the values upon which our Nation is based. National Family Week is simply a way to encourage people to pause for a moment and reflect on the way families have affected their lives and the course of this Nation.

It is unfortunate, but true, that one takes many important aspects of his or her life for granted. I am afraid that having a family is one of these aspects. To celebrate the family is not just to honor one's parents or grandparents. Nor is it just to be thankful for brothers and sisters. And it is not simply to remind us of our cherished children and grandchildren. Rather, it is a celebration of the unique relationship between all these family members. The special bond that unites the family, and from which the benefits of family flow, is truly distinctive. The family deserves high respect and recognition in our society.

Therefore, I ask my fellow Senators and the Members of the House of Representatives to again recognize the value of National Family Week and approve the resolution I am introducing.

I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 31

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week of November 24, 1985, through November 30, 1985, as "National Family Week," and inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such week with appropriate ceremonies and activities.●

By Mr. PRESSLER:

S.J. Res. 32. Joint resolution to authorize and request the President to designate September 15, 1985, as "Ethnic American Day"; to the Committee on the Judiciary.

ETHNIC AMERICAN DAY

● Mr. PRESSLER. Mr. President, today I am introducing a resolution to designate September 15, 1985, as Ethnic American Day. I introduced an identical resolution last year. Thirty-three of my distinguished colleagues joined me as cosponsors and the Senate passed this resolution, Senate Joint Resolution 253, unanimously. Though a similar resolution was introduced in the House of Representatives, the requisite number of cosponsors was not gained for discharge of Ethnic American Day from the Committee on the Post Office and Civil Service.

Ethnic American Day is intended to recognize the valuable contributions that ethnic Americans have made to our way of life. Their distinct heritages and cultures have all been important in the development of American society.

Our ethnic Americans have contributed valuable ideas, patriotic devotion, and diligent effort to the development of their country. Their accomplishments are readily apparent in the arts, sciences, medicine, agriculture, business, labor, and government. Without them, America as we know it could not exist.

Throughout the long and distinguished history of our country, we have been shaped by the millions of immigrants who have reached our shores. They chose the United States of America. They chose to live in this land of freedom and opportunity. The United States today has a population with more than 100 ancestry groups.

The 1980 census identifies the foreign ancestry of more than 188 million Americans. This is approximately 83 percent of our population. These statistics verify that our Nation is, indeed, a melting pot of people from all parts of the world.

Aside from our foreign-born ethnics, I would also like to mention our native American population. In my home State of South Dakota, Indians have always been an important part of our society. Their rich culture and heritage are a source of pride to me and, indeed, to all South Dakotans.

A day in tribute to our ethnic Americans, focusing on their rich ethnic heritage and love of America, can accomplish numerous goals. It would:

First, promote understanding between people of diverse ethnic backgrounds;

Second, foster an awareness and appreciation of the historical background of ethnic Americans;

Third, make Americans more aware of the significant contributions made to their country by the multitude of ethnic groups;

Fourth, promote a sense of pride among ethnic and natural-born Americans; and

Fifth, emphasize the uniqueness of America and her people—a land which people from all parts of the world love and call their home.

We have before us the opportunity to simultaneously honor ethnic Americans and the country they have helped build. The immense contributions of these brave people stand as proof of the wisdom of our democratic system—a system that strives for equality, fraternity, human dignity, freedom, and the pursuit of happiness for all. Let us join together to establish, recognize, and celebrate an Ethnic American Day on the third Sunday this September.

Mr. President, I ask unanimous consent that the text of my resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 32

Whereas, the United States of America is a haven for victims of religious and political persecution and for those who seek freedom and opportunity;

Whereas, the United States of America has welcomed oppressed and deprived persons and granted them refuge and citizenship;

Whereas, ethnic Americans love the United States of America and have shed their blood in defense of America and its freedoms;

Whereas, ethnic Americans have made outstanding contributions in the fields of agriculture, labor, arts, science, medicine, business, and government, and to the quality of life in these United States; and

Whereas, designation of an "Ethnic American Day" would contribute to a greater appreciation of the rich ethnic heritage of this Nation and to the unity of all its people: Now therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate September 15, 1985, as "Ethnic American Day" and to call upon the people of the United States to acknowledge and advance mutual understanding and friendship among all Americans regardless of their ethnicity.●

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. CRANSTON, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 8, a bill to grant a Federal charter to the Vietnam Veterans of America, Inc.

S. 11

At the request of Mr. HEINZ, the names of the Senator from North Carolina [Mr. EAST], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of S. 11, a bill to amend the Steel Import Stabilization Act.

S. 15

At the request of Mr. MOYNIHAN, the names of the Senator from North Dakota [Mr. BURDICK], and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 15, a bill to authorize the Secretary of Health and Human Services to make grants to States for the purpose of increasing the ability of States to provide drug abuse prevention, education, treatment, and rehabilitation, and for other purposes, to authorize the Attorney General to make grants to States for the purpose of increasing the level of State and local enforcement of State laws relating to production, illegal possession, and transfer of controlled substances.

S. 18

At the request of Mr. MOYNIHAN, the name of the Senator from Colorado [Mr. HART] was added as a cosponsor of S. 18, a bill to extend for 1 year the conditional ceiling on Federal matching for foster care and temporary provision authorizing Federal matching for foster care maintenance payments for certain children voluntarily placed on foster care.

S. 27

At the request of Mr. MOYNIHAN, the names of the Senator from New Mexico [Mr. BINGAMAN], and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 27, a bill to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands, and for other purposes.

S. 46

At the request of Mr. HELMS, the names of the Senator from Nevada [Mr. LAXALT], the Senator from Texas [Mr. GRAMM], and the Senator from Nebraska [Mr. ZORINSKY] were added as cosponsors of S. 46, a bill to amend the Civil Rights Act to protect the lives of unborn human beings.

S. 49

At the request of Mr. MCCLURE, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from South Dakota [Mr. ABDNOR], the Senator from Georgia [Mr. MATTINGLY], the Senator from Oklahoma [Mr. NICK-

LES], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of S. 49, a bill to protect firearm owners' constitutional rights, civil liberties, and rights to privacy.

S. 52

At the request of Mr. STAFFORD, the names of the Senator from Rhode Island [Mr. PELL], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 52, a bill entitled "The Acid Rain Control Act of 1985."

S. 58

At the request of Mr. DANFORTH, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 58, a bill to amend the Internal Revenue Code of 1954 to increase research activities, to foster university research and scientific training, and to encourage the contribution of scientific equipment to institutions of higher education.

S. 88

At the request of Mr. D'AMATO, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1954 to provide that restrictions on the allowance for depreciation and the investment credit for property leased by a tax-exempt entity not apply to certain correctional facilities leased by State and local governments.

S.104

At the request of Mr. THURMOND, the names of the Senator from New Mexico [Mr. BINGAMAN], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 104, a bill to amend chapter 44, title 18, United States Code, to regulate the manufacture and importation of armor piercing bullets.

S. 120

At the request of Mr. MOYNIHAN, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Washington [Mr. EVANS], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 120, a bill to amend the Tax Reform Act of 1984 to provide a transitional rule for the tax treatment of certain air travel benefits provided to employees of airlines.

S. 142

At the request of Mr. D'AMATO, the name of the Senator from North Dakota [Mr. ANDREWS] was added as a cosponsor of S. 142, a bill to promote the safety of children receiving day care services by establishing a national program for the licensing of child day care providers, establishing a clearinghouse for information with respect to criminal records of employees of day care centers, and establishing a hotline for reporting of abuse of children receiving day care services, and for other purposes.

S. 176

At the request of Mr. PROXMIRE, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 176, a bill to require a charge for meals furnished to certain high-level Government officers and employees in the executive branch and for meals furnished in Senate dining facilities.

S. 177

At the request of Mr. HART, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Massachusetts [Mr. KERRY], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 177, a bill to authorize a national program of improving the quality of education.

S. 194

At the request of Mr. MOYNIHAN, the names of the Senator from California [Mr. CRANSTON], and the Senator from Missouri [Mr. EAGLETON] were added as cosponsors of S. 194, a bill to identify, commemorate, and preserve the legacy of historic landscapes of Frederick Law Olmsted, and for other purposes.

S. 209

At the request of Mr. D'AMATO, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 209, a bill to amend chapter 37 of title 31, United States Code, to authorize contracts retaining private counsel to furnish collection services in the case of indebtedness owed the United States.

S. 217

At the request of Mr. MELCHER, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 217, a bill to amend the Internal Revenue Code of 1954 to make permanent the rules relating to imputed interest and assumption of loans, and for other purposes.

S. 231

At the request of Mr. DOLE, the names of the Senator from Illinois [Mr. SIMON], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of S. 231, a bill to establish a National Commission on Neurofibromatosis.

S. 236

At the request of Mr. SPECTER, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 236, a bill to amend the Unfair Competition Act of 1916 and Clayton Act to provide for further relief in the event of unfair foreign competition.

S. 260

At the request of Mr. HEINZ, the names of the Senator from Michigan [Mr. LEVIN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Nevada [Mr. HECHT], the Senator from North Dakota [Mr. BURDICK], the Senator from Wisconsin [Mr. KASTEN], the Senator from Arizona [Mr. DECONCINI], and the Senator from Nevada [Mr. LAXALT] were added as cosponsors of S. 260, a bill to amend the Internal Revenue Code of 1954 to provide that the substantiation requirements of section 274(d) of such code may be met, in the case of passenger automobiles and other transportation property, if the taxpayer provides substantial evidence other than contemporaneous records.

S. 272

At the request of Mr. DOLE, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 272, a bill to clarify the meaning of the phrase "program or activity" as applied to educational institutions that are extended Federal financial assistance, and for other purposes.

S. 277

At the request of Mr. ANDREWS, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 277, a bill to reauthorize the Indian Health Care Improvement Act, and for other purposes.

S. 281

At the request of Mr. PRYOR, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Idaho [Mr. SYMMS], and the Senator from Washington [Mr. EVANS] were added as cosponsors of S. 281, a bill to amend the Internal Revenue Code of 1954 to add a section dealing with public safety vehicles.

S. 291

At the request of Mr. PROXMIRE, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as a cosponsor of S. 291, a bill requiring a pay-as-you-go budget for the U.S. Government.

S. 295

At the request of Mr. BOREN, the names of the Senator from Montana [Mr. MELCHER] and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of S. 295, a bill to amend title 38, United States Code, to authorize a service pension of $150 per month for veterans of World War I and for certain surviving spouses of such veterans.

SENATE JOINT RESOLUTION 10

At the request of Mr. KENNEDY, the names of the Senator from North Dakota [Mr. ANDREWS] and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of Senate Joint Resolution 10, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

SENATE JOINT RESOLUTION 13

At the request of Mr. THURMOND, the names of the Senator from North Dakota [Mr. BURDICK], the Senator

from Delaware [Mr. ROTH], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 13, a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget and tax limitation.

SENATE JOINT RESOLUTION 16

At the request of Mr. PRESSLER, the names of the Senator from Mississippi [Mr. STENNIS], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 16, a joint resolution expressing support for the Rural Electrification Administration.

SENATE JOINT RESOLUTION 17

At the request of Mr. D'AMATO, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from North Carolina [Mr. HELMS], the Senator from Michigan [Mr. RIEGLE], the Senator from Oregon [Mr. HATFIELD], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Michigan [Mr. LEVIN], the Senator from Minnesota [Mr. DURENBERGER], THE SENATOR FROM LOUSIANA [MR. LONG], the Senator from Oregon [Mr. PACKWOOD], the Senator from Colorado [Mr. ARMSTRONG], the Senator from Oklahoma [Mr. NICKLES], the Senator from New York [Mr. MOYNIHAN], the Senator from Illinois [Mr. SIMON], the Senator from Maryland [Mr. SARBANES], the Senator from Delaware [Mr. BIDEN], the Senator from Indiana [Mr. QUAYLE], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Joint Resolution 17, a joint resolution to authorize and request the President to issue a proclamation designating April 21 through April 28, 1985, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 23

At the request of Mr. MOYNIHAN, the names of the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from South Dakota [Mr. ABDNOR] were added as cosponsors of Senate Joint Resolution 23, a joint resolution designating 1985 as the "Year of Social Security."

SENATE JOINT RESOLUTION 29

At the request of Mr. GLENN, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. DODD], the Senator from Massachusetts [Mr. KERRY], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of Senate Joint Resolution 29, a joint resolution to designate the week of November 11, 1985, through November 17, 1985, as "National Reyes Syndrome Week."

SENATE RESOLUTION 34

At the request of Mr. D'AMATO, the names of the Senator from North Carolina [Mr. EAST], the Senator from Nebraska [Mr. EXON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Idaho [Mr. MCCLURE], the Senator from Oklahoma [Mr. BOREN], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New Jersey [Mr. BRADLEY], the Senator from Mississippi [Mr. COCHRAN], the Senator from Missouri [Mr. DANFORTH], the Senator from Oklahoma [Mr. NICKLES], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Indiana [Mr. QUAYLE], the Senator from Idaho [Mr. SYMMS], the Senator from Virginia [Mr. TRIBLE], the Senator from North Carolina [Mr. HELMS], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Resolution 34, a resolution condemning the Government of the Union of Soviet Socialist Republics for 5 years of forced and oppressive military occupation of Afghanistan in the face of popular resistance to Soviet imperialism.

SENATE RESOLUTION 50

At the request of Mr. CRANSTON, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of Senate Resolution 50, a resolution reaffirming the Senate's commitment to the Job Corps Program.

SENATE RESOLUTION 51—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STAFFORD, from the Committee on Environment and Public Works, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 51

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1985, through February 28, 1986, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,617,500.00, of which amount (1) not to exceed $8,000.00 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000.00 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1986.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 52—AUTHORIZING TESTIMONY BY SENATOR JESSE HELMS AND REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. SIMPSON (for Mr. DOLE, for himself and Mr. BYRD) submitted the following resolution; which was considered, and agreed to:

S. RES. 52

Whereas, the case of *The Alan Guttmacher Institute* v. *M. Peter McPherson, et al.*, Civil Action No. 83-4461-CSH, is pending in the United States District Court for the Southern District of New York;

Whereas, counsel for the plaintiff has served a subpoena for the production of documents and taking of testimony at a deposition upon Senator Jesse Helms, concerning communications from 1980 to the present, in his official capacity as a United States Senator, relating to certain grant funding by the Agency for International Development;

Whereas, title VII of the Ethics in Government Act of 1978, Public Law 95-521 ("the Act"), establishes the Office of Senate Legal Counsel and provides that the Senate may direct its Counsel to represent the Senate, its committees, Members, officers, or employees;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony of a Member of the Senate is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That pursuant to section 704(a)(2) of the Act, the Senate Legal Counsel is directed to represent Senator Jesse Helms in connection with his testimony in the case of *The Alan Guttmacher Institute* v. *M. Peter McPherson, et al.*, Civil Action No. 83-4461-CSH.

Sec. 2. That Senator Jesse Helms is authorized to produce documents and testify at a deposition in the case of *The Alan Guttmacher Institute* v. *M. Peter McPherson, et al.*, Civil Action No. 83-4461-CSH, except concerning matters that he and the Senate Legal Counsel or his representative determine are privileged from disclosure.

SENATE RESOLUTION 53—CONCERNING THE INTERNAL REVENUE CODE

Mr. DODD submitted the following resolution; which was referred to the Committee on Finance.

S. RES. 53

Whereas, the Department of the Treasury and members of Congress have proposed comprehensive and far-reaching reform of the Internal Revenue Code;

Whereas, such reforms merit careful consideration and legislative deliberation;

Whereas, individual taxpayers, businesses and investors need certainty in planning their financial affairs;

Whereas, Federal income tax consequences are essential elements to be considered in structuring many business and investment decisions; and

Whereas, it is important to encourage the orderly and productive use and investment of capital resources; now, therefore, be it

Resolved by the Senate, that it is the sense of the Senate that:

1. Changes in the Internal Revenue Code shall have a general effective date no earlier than their date of enactment;

2. Transactions and investments undertaken prior to the enactment of comprehensive tax reform by the Congress of the United States shall continue to be treated under the existing Federal income tax law; and

3. Appropriate "transition" rules shall be incorporated in all tax legislation to assure that transactions planned and entered into in reliance upon existing law shall not be subjected to new and adverse provisions.

● Mr. DODD. Mr. President, it is evident that tax reform is at or near the top of every Member's domestic priority list for the first session of this Congress. Recently, Treasury Secretary-designate James A. Baker III stated at his confirmation hearing that the President considers tax reform equally as important as deficit reduction.

The resolution I am introducing today is intended to respond to problems that have surfaced in light of the current discussion about a variety of serious tax reform initiatives, many of which we will be debating in this Chamber in the near future. In addition, my proposal seeks to ensure that change in this area is approached deliberately, in a rational manner, and without adverse consequences for individuals, businesses or our overall economy.

My resolution would commit us to a principle so simple I can state it in 15 words: Tax changes would take effect only upon enactment, with appropriate recognition of potential transition hardships. Existing law would apply to activities undertaken prior to a change in the code.

I imagine to many of my colleagues this resolution appears to state the obvious and is unnecessary. On the contrary, the recent approach taken by many to tax reform legislation makes this resolution essential as we embark on the most comprehensive review of the Tax Code since ratification of the 16th amendment to the Constitution in 1913.

Recent experience contains far too many examples of revenue legislation being introduced with effective dates prior to enactment into law. The result has been an immediate chilling effect on the activities that are the subject of the legislation, even before Members of this body have had the opportunity to debate its merits and consequences. Passage of the legislation itself becomes almost immaterial. Not only do we lose important economic activity in this situation, Mr. President, the public's faith in the integrity of the legislative process is further eroded.

While we cannot and should not attempt to stop the alteration of investment decisions based on the potential for change, at the same time we are obligated to assure everyone involved that change will be implemented consistently and fairly. This resolution seeks to state the rules of the game before we get much further along with the playing of it. To do otherwise, I fear, could result in a slackening of economic activity.

To demonstrate that point, I want to bring to my colleagues' attention an article from the January 2, 1985, New York Times entitled "Tax Plan Is Already Altering Some Markets in Real Estate." The article documents the curtailment in investment in certain forms of real estate in response to certain elements of the Treasury Department's draft tax reform plan.

Let me emphasize to my colleagues that investment has been curtailed in advance of the President's endorsement or any step in the legislative process. From investors with whom I have spoken, I am convinced that this changed behavior is occurring, to some degree, as a reaction to the tendency of late to implement legislation retroactively or without adequate transition rules.

Mr. President, I am confident that every Member of this body supports the notion of tax reform and simplification. I am equally convinced that there are many differing points of view as to how to proceed with consideration of the many tax reform proposals. For my part, I would like to see the tax reform debate commence immediately, yet on a separate track insulated from the current pressures and temptations of deficit reduction discussions. To accomplish this objective, I believe we should be ready to consider the establishment of a bipartisan National Commission on Tax Reform with heavy congressional representation.

Regardless of how we get there or what proposals we ultimately adopt, I urge my colleagues to join me in supporting this proposal as an absolutely essential first step given the pending tax reform debate. I ask unanimous consent that the newspaper article to which I referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAX PLAN IS ALREADY ALTERING SOME MARKETS IN REAL ESTATE

(By Gary Klott)

Despite its uncertain fate, the Treasury's tax simplification plan is having a chilling effect on some real estate investments as economists predict that the plan, if enacted, would depress home values and make many types of new construction unprofitable.

Even though it remains unclear whether President Reagan and Congress will endorse the plan, some investors, developers and would-be buyers of vacation homes have become reluctant to enter into deals, given the far-reaching effect the plan would have in real estate.

Economists say the plan's sharp curtailment of most real estate tax benefits would dramatically alter the economics of real estate for homebuyers, developers, investors, tenants and landlords.

"Houses built on tax deals are going to get hurt, and investments based on tax benefits are going to get hurt," said George Sternlieb, director of the Center for Urban Policy Research at Rutgers University.

According to analyses of the Treasury plan by private economists, the elimination or reduction in value of homeowner tax benefits would lower the value of existing homes by about 10 percent over all.

Owners of moderate-priced homes would likely see much less of a drop. But economists foresee higher-priced residences and vacation homes—where tax benefits are more important—losing 20 percent or more in value.

"There will be a significant decline at the top end of the market," said Jesse M. Abraham, an economist at Data Resources Inc., an economic consulting and forecasting firm.

The economists' forecasts also show the plan depressing construction activity, particularly of multifamily rental units, which could put sharp upward pressure on rents.

So far, there are no signs that residential home sales or prices have been appreciably affected. But other segments of the real estate market have been affected.

Reports have circulated in the industry that some development projects have been postponed or canceled, financing deals have gone begging for investors and prospective buyers of vacation homes have backed out of deals.

Lester Day, president of American Diversified, a Costa Mesa, Calif.-based real estate investment and development company, said since the Treasury proposal was announced in late November his company has canceled more than $50 million in residential apartment and commercial building projects, plus three rehabilitation projects ranging from $5 million to $20 million each.

Stan Ross, co-managing partner of Kenneth Leventhal & Company, an accounting firm specializing in real estate, said his clients have dropped between $50 million and $100 million in projects, and cancellations among buyers of vacation homes have gone up 15 percent.

"The uncertainty is paralyzing some people," said Anthony T. Niosi, a vice president of Merrill Lynch, Hubbard Inc., an arm of the giant brokerage concern and a leading underwriter and sponsor of real estate limited partnerships. Mr. Niosi said sales of tax-oriented partnerships has slowed sharp-

ly, but sales of other types of real estate ventures where tax benefits are not significant have hardly been affected.

A LOWERING OF TAX RATES

Under the Treasury plan, most deductions, credits and exemptions would be eliminated or scaled back in order to lower individual tax rates to three brackets of 15, 25 and 35 percent. The maximum individual tax rate is now 50 percent. Similarly, the top corporate rate would be cut to 33 percent, from 46 percent, and corporations would lose many of their tax breaks.

In so doing, the plan would curtail many of the tax benefits that have helped subsidize the cost of homeownership and rental housing and helped increase the attractiveness of real estate for investors.

For homeowners, the Treasury tax plan retains the deduction for mortgage interest but its value is reduced because of the lower tax rates. The deduction is now worth as much as 50 cents on the dollar for a taxpayer in the top bracket. But with the top rate reduced to 35 percent under the Treasury plan, a $1 deduction would be worth no more than 35 cents. In addition, real estate taxes could no longer be claimed as an itemized deduction. Furthermore, the plan places a cap on the amount of mortgage interest that can be deducted on vacation homes.

PRESSURE ON PRICES

These cutbacks would make the after-tax cost of carrying a house more expensive. As a result, home prices would have to fall in order to keep the costs in line with what prospective homebuyers are willing—or able—to pay.

It is similar to the effect high mortgage rates have on home prices. When mortgage rates are high, the monthly carrying costs put homeownership out of the reach of most Americans. As a result, owners looking to sell their homes would have to sharply reduce the purchase price in order to keep the costs in line with what prospective buyers could afford.

The cutback in deductions does not mean that an individual's overall tax bill will necessarily go up. In fact, the Treasury estimates that nearly 80 percent of taxpayers will find their tax bills the same or lower under the tax plan. Furthermore, it is not clear which, if any, of the Treasury tax proposals will become law.

But Kenneth T. Rosen, director of the Center for Real Estate and Urban Economics at the University of California at Berkeley, said the tax changes could significantly influence purchase decisions because the smaller tax deductions would have the effect of increasing the relative cost of housing compared to other goods. He said his research has shown that tax deductions are an important factor in housing cost decisions.

Mr. Rosen suggests that the Treasury plan would lead many buyers to opt for a smaller house.

Consider, for example, the carrying costs of a $100,000 home, financed with an $80,000 mortgage at 13 percent interest, with property taxes assessed at $1,500 a year.

According to Mr. Rosen's calculations, the after-tax carrying cost of the house for a family now in the 35 percent tax bracket would increase 20 percent under the Treasury plan, to $775 a month, from $645. The reason is that the family would move down into the 25 percent tax bracket under the Treasury plan, thereby making the mortgage interest deduction worth only 25 cents on the dollar instead of 35 cents. At the same time, property taxes could not be deducted.

As a result of the higher carrying costs, Mr. Rosen estimates that a $200,000 home would drop about 18 to 20 percent in value; a $100,000 home would drop about 10 to 12 percent, and a $50,000 home would fall about 2 to 3 percent.

DECLINE IN MORTGAGE RATES

Mr. Abraham of Data Resources said his company's computer analysis of the Treasury proposal's impact on the general economy and the real estate sector shows mortgage rates could be expected to fall by nearly one-half of 1 percentage point—partly because residential construction is forecast to drop by about 8 percent. The drop in rates, he said, could partly offset the effect of the loss of tax benefits on home prices.

According to the analysis, he estimates a $384,000 home would lose 20 to 25 percent in value; a $205,000 home would drop 15 to 20 percent; a $128,000 home about 13 percent; an $84,000 home about 8 percent, and a $45,000 home about 4 percent. A $25,000 home would gain slightly in value, the analysis found.

But Mr. Sternlieb of Rutgers believes the average homeowner would be better off under the Treasury plan, given that the majority of homeowners do not itemize deductions and also because he believes mortgage rates would decline even further than Data Resources forecasts.

EFFECT ON VACATION HOMES

Vacation homes would likely be hit harder than residential homes because of the cap that would be placed on mortgage interest deductions for second homes. While the plan would continue to permit unlimited mortgage deductions on principal residences, it limits the deduction for all other interest expenses—including those on vacation homes, cars and credit cards. Under the formula, the deduction would be limited to $5,000 plus the amount of any investment income the taxpayer receives, such as interest from bank savings accounts.

For someone with no investment income and no other interest expenses, the new rules would provide a full deduction only for vacation home mortgages of less than $40,000 at prevailing rates, or about $417 a month. Any interest above that amount could not be deducted.

Kurt Karl, an economist at Wharton Econometrics, estimates that only about 3 percent of taxpayers would be affected by the interest cap on vacation homes. But prices in resort areas could take a beating because vacation homes are not considered necessities and are thus more vulnerable to price pressures, said Lewis Goodkin, a Fort Lauderdale, Fla., real estate consultant.

Mr. Rosen estimates that vacation homes running about $125,000 could drop 25 percent in value under the Treasury plan.

Economist, such as Lawrence Chimerine of Chase Econometrics, believe the hardest-hit real estate sector would be multifamily rentals. Builders and developers contend the income flow from rents at current levels is insufficient to make new projects profitable in the absence of tax benefits.

But part of the rationale behind the Treasury proposal is that too much money may have flowed into real estate because of tax benefits, as attested by the current glut of office space in many cities, thereby depriving other segments of the economy of investment money. The Treasury contends free-market forces should direct investment to its most productive uses rather than having tax benefits distort investment decisions.

A host of real estate investment tax benefits would be cut back under the Treasury plan. Accelerated depreciation, which has allowed buildings to be written off in 18 years, would be replaced by a system that stretches out the write-offs over a much longer period of time, thereby providing the owner with smaller deductions each year.

In addition, the tax plan would reduce the value of interest deductions on investment properties by discounting the payments for inflation. At the same time, anybody who receives interest would get to reduce the interest income by an amount set by the Treasury so that the recipient is no longer taxed on income due solely to inflation.

Furthermore, the tax rules would eliminate a prime attraction for individual investors in real estate tax shelters. The rules would prevent big real estate syndicates—those with more than 35 investors—from passing tax losses on to participants who use these losses to reduce their personal income tax bills.

"If they take away the tax incentives, nobody is going to be building an apartment building until rents go up significantly," said Neil Bluhm, president of JMB Realty Corporation, a leading real estate syndicator.

Mr. Sternlieb of Rutgers University said that the kind of rent increases that would be necessary to offset the loss of the tax benefits would be difficult to attain given that rents have already been pushed about as far as personal income levels will support.●

NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will hold a hearing to consider the President's fiscal year 1986 budget submission on Tuesday, February 5, 1985, at 10 a.m. in room 608 of the Dirksen Senate Office Building. The Honorable David Stockman, Director, Office of Management and Budget, is scheduled to discuss the President's budget.

For further information contact Susan Yurko at the Senate Budget Committee at 224-0536.

Mr. President, the Senate Committee on the Budget will hold a hearing to consider the President's fiscal year 1986 budget submission on Wednesday, February 6, 1985, at 10 a.m. in room 608 of the Dirksen Senate Office Building. Dr. Rudolph Penner, Director, Congressional Budget Office, is scheduled to discuss CBO's budget and economic projections.

For further information contact Susan Yurko at the Senate Budget Committee at 224-0536.

Mr. President, the Senate Committee on the Budget will hold a hearing to consider the President's fiscal year 1986 budget submission on Thursday, February 7, 1985, at 10 a.m. in room 608 of the Dirksen Senate Office Building. The Honorable Caspar Wein-

berger, Secretary of Defense, is scheduled to discuss the President's fiscal year 1986 defense budget.

For further information contact Susan Yurko at the Senate Budget Committee at 224-0536.

Mr. President, the Senate Committee on the Budget will hold a hearing to consider the President's fiscal year 1986 budget submission on Friday, February 8, 1985, at 9 a.m. in room 608 of the Dirksen Senate Office Building. The Honorable Paul A. Volcker, Chairman, Board of Governors of the Federal Reserve System, is scheduled to discuss fiscal policy and economics and past monetary policy.

For further information, contact Susan Yurko at the Senate Budget Committee at 224-0536.

SUBCOMMITTEE ON FOREIGN AGRICULTURAL POLICY

Mr. HELMS. Mr. President, I wish to announce that Senator RUDY BOSCHWITZ, chairman of the Subcommittee on Foreign Agricultural Policy of the Committee on Agriculture, Nutrition, and Forestry, will conduct a hearing to examine the competitive position of U.S. agriculture in the current world enviornment.

The hearing will begin at 9 a.m. in Thursday, February 7, 1985, in room 328-A, Russell Senate Office Building.

For further information please contact Dan Pearson, of Senator BOSCHWITZ' staff, at 224-5641 or the committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Judiciary Committee be authorized to meet during the session of the Senate on Tuesday, January 29, 1985, to hear testimony on Edwin Meese III, to be Attorney General.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE STOCKHOLM CONFERENCE: A REPORT ON ITS FIRST YEAR

● Mr. HATCH. Mr. President, last November, I visited the Stockholm Conference on confidence-building measures in Europe. There I held detailed consultations with the U.S. delegation and had a thorough exchange of opinions with the chief of the Soviet delegation, Ambassador Oleg Grinevsky. Although there are many differences between our country and the Soviets, I came away from my discussions in Stockholm convinced that there are real possibilities there for taking practical steps to reduce the risk of war in Europe.

It is my profound belief that we have neglected for too long the vital task of putting into place in Europe arrangements which will help prevent miscalculations and crises and by these means reducing the risks of war in Europe to the vanishing point. Such measures cannot be a substitute for substantial reductions in both conventional and nuclear forces. They can, however, complement other arms control measures in a way which would make the world truly safer for all of us.

Recently, the Stockholm Conference agreed unanimously to proceed to the next phase of the negotiations by establishing working groups to begin the process of detailed analysis and criticism which is the necessary precondition to the drafting of agreements. In my meeting with the Soviet ambassador to the Stockholm Conference, I emphasized that the U.S. Senate solidly supports President Reagan's efforts to bring about meaningful and equitable agreements to reduce the risks of war. Let us hope that Soviet agreement to enter this new phase of the negotiations in Stockholm means that the Soviets are now also prepared for such agreements.

Recently, Ambassador Goodby, the head of our delegation in Stockholm gave a year-end report on the Conference to the French Institute of International Relations. I find this report to be a good, succinct summary of the issues before the conference, and I ask that it be printed in the RECORD.

THE STOCKHOLM CONFERENCE: A REPORT ON ITS FIRST YEAR

I. THE STAKES

Last July, your distinguished and talented Associate Director, Pierre Lellouche, wrote in Newsweek magazine that "The Soviets are quietly turning the Stockholm forum into a deadly machinery to alter to its advantage the postwar political and strategic order in Europe." Their method, he wrote, was to influence Western public opinion through "empty but nice sounding declarations"; their objective was to establish a "Pan-European security order from which the United States would ultimately be expelled." And he argued that "Western weakness . . . makes for the steady success of Moscow's strategy."

It is too seldom noticed that the Stockholm Conference, in fact, is addressing matters which could lead to profound changes in the present system of European security. Because the Conference is dealing with some of the most fundamental issues of Western security, it is no exaggeration to say that the essential agenda of Stockholm is the future political and strategic order in Europe. Stockholm is a part of the struggle between contending visions of the future. Ideas which are being discussed there must necessarily be seen as potentially contributing to the success of one or the other of these visions.

The Soviet vision we know well. As practiced in the past it has required limitations on the sovereignity of neighboring states; it is based on the expectation of endless confrontation and an impulse towards hegemony, as the ultimate requirement of security. The Western vision hopes that despite deep and persisting ideological differences, the walls which now devide the community of European nations can give way to a system more tolerant of diversity; that security can be found in balance and restraint. Of course, we are speaking of long historical processes, and, of course, the Stockholm Conference is only one of the arenas in which this "long twilight struggle" is being conducted. But when one hears of the seemingly trivial debate in Stockholm over obscure or arcane points, it is well to recall, as Mr. Lellouche has done, that the ultimate stakes are very high indeed.

II. THE BALANCE SHEET

If the stakes in this "Great Game" are so fateful, we must weigh what the Soviets have done to create a new strategic order in Europe and what degree of success they have achieved. As Pierre Lellouche suggests, some Soviet proposals at Stockholm are "empty but nice-sounding declarations." Others have more content, but it is of a nature designed to disadvantage the West. Some proposals, such as those relating to chemical weapons and military budgets, would cut across useful and promising work being done elsewhere. In these categories fall the following Soviet proposals: a pledge not to be the first to use nuclear weapons; nuclear-free zones; a freeze and reduction of military budgets; and a ban on chemical weapons in Europe. And, indeed, as Mr. Lellouche suggests, these proposals have the potential of altering the global balance of power.

But the fact is there there is no ground swell of support at Stockholm for this Soviet program nor for any individual proposal in it. The neutral and non-aligned countries have introduced a series of proposals, the thrust of which is quite different from the direction taken by Moscow. The countries of the Atlantic Alliance have patiently exposed the shortcomings in each of these Soviet proposals. No one can credibly contend that the Soviets have succeeded in turning Stockholm into a propaganda platform which has deceived public opinion. The press, when it covers Stockholm, quite sensibly has found the stock items of the Soviet program to be not very interesting. Moscow has tried hard to steer Stockholm toward a polemical debate about nuclear weapons. As the party which last year chose to turn its back on nuclear negotiations, however, the Soviet case has not seemed very plausible.

Now we should ask how Western ideas are faring at Stockholm. Norway's Johan Holst wrote recently that "Confidence-building measures should be viewed as elements in a process for peaceful change of the post-war political order in Europe toward a more open, equitable, and cooperative order." These words elegantly sum up the larger aims of the proposals which the Atlantic Alliance has introduced in Stockholm. The West has held that Stockholm can be a place for serious arms control business and that this should be based on the principle of cooperation among all participants on an equal footing. An approach based on mutual, rather than unilateral, advantage in the building of confidence and the enhancement of stability implies a relationship among all the nations of Europe which is antithetical to the instinct for hegemony. Among other things, the proposals of the Atlantic Alliance emphasize the need for accurate perceptions of the intent of military operations, as a remedy for miscalculation and a deterrent against surprise attack. This objective requires positive cooperation, since

it concerns the act of reassurance. And that means greater openness, or as the Belgian Ambassador at Stockholm nicely put it, the "de-mystification" of military activities on the continent of Europe.

In contrast to the polite but rather indifferent reaction to the supposedly eye-catching wares of the Soviet Union, the down-to-earth ideas which have been advanced by the countries of the Atlantic Alliance are in the mainstream of the Conference. The neutral and non-aligned group has presented very similar proposals. The debate in the Conference has been focused primarily on the theme of how to strengthen the practical confidence-building measures first developed in the Helsinki Final Act of 1975. The press in Western Europe almost unanimously has seen the purpose of the Stockholm Conference as that of reducing the risk of war through implementing practical measures designed to prevent crises and foster practical forms of cooperation. In short, Western ideas and the specific methods of implementing those ideas seem to be accepted as the real business of Stockholm.

I turn now to a description of some of the specific Western proposals and objectives in Stockholm and to a few of the key developments of the year just passing.

III. A NEW APPROACH TO ARMS CONTROL

Stockholm is not only about political visions; it is also and most immediately about a new approach to arms control. In the last quarter of a century very few arms control efforts have been aimed at eliminating the proximate causes of war, such as crises arising from misperceptions. Arms control negotiations typically have dealt with reducing the perceived threat, whether that be the threat perceived from arsenals of nuclear warheads or from the levels of conventional forces in Central Europe. The few arms control attempts to deal directly with the "proximate" causes of war have been important but limited in scope and objectives, the Moscow-Washington "hot line" and the United States "incidents at sea" agreement being two examples. No comprehensive negotiation has yet succeeded in putting into place arrangements designed to prevent crises or to contain or resolve them should they occur. This is, however, the aim of the Western nations represented at Stockholm. Success in achieving this goal would encourage natural and normal relations among the countries comprising the whole of Europe.

Another way of considering the difference between "classical" arms control and the new ideas being discussed in Stockholm is that the former has dealt with the levels of forces whereas the latter deals with the operations of military forces. "Classical" arms control negotiations typically try to establish long-term stability, for example, by providing greater predictability about the types and levels of strategic forces that will be maintained over a future span of time. But in Stockholm, the Allies are urging agreements which will promote short-term stability, that is, during periods of intense and possibly turbulent international political developments which might require urgent attention. The aim would be to have procedures in place which would prevent misunderstandings possibly leading to dangerous escalation and which would assist nations in keeping potentially dangerous situations under control. How well the West has done in rallying support for this point of view may be seen in the following review of other proposals introduced in Stockholm.

During 1984, five sets of proposals were submitted to the Stockholm Conference. In addition to those of the Atlantic Alliance, proposals were advanced by Romania, by the neutral and nonaligned countries, by the Soviet Union, and by Malta.

Romania's proposals were important for several reasons. Its ideas included elements based on the Warsaw Pact's political proposals, but also included were interesting approaches to confidence-building designed to strengthen the measures agreed to in the Helsinki Final Act. One of the Soviet Union's proposals also provided for improvements in "Helsinki-style" confidence-building measures. The proposals submitted by the neutral and nonaligned countries deserve special attention because they have helped to define the "center of gravity" of the Stockholm Conference. Nine of the twelve proposals included in their approach were similar to those introduced by the Allies. Three of them went beyond the Alliance's approach, in that they called for specific limitations, or constraints, on the way military forces could be deployed. In so doing, the neutral countries identified a "gray zone" that lies between the stabilizing intent of the Alliance's proposals and the arms reduction aims of "classical" arms control. Their approach deserves—and is receiving—serious study.

The point which emerges from this is clear: there is a significant degree of convergence between all of these proposals and those made by the Allies.

IV. THE MECHANICS OF UNDERWRITING STABILITY

The nations of the Atlantic Alliance have used as their common point of departure the confidence-building measures of the 1975 Final Act of Helsinki. Those measures were modest experiments; they needed to be improved substantially. In their proposals, the Western countries are seeking to negotiate agreements that will, among other things, build on the rudimentary notification and observation procedures in the Helsinki Final Act. By mandate, the Stockholm Conference is already advancing significantly from the Final Act: by mutual agreement of all the countries, Stockholm is dealing with the whole of Europe, from the Atlantic to the Urals, whereas the Final Act exempted most of the European part of the Soviet Union.

The countries of the Atlantic Alliance are seeking to extend notification of maneuvers to include alerts, amphibious operations, and mobilization. They are urging that military units, specifically the division rather than levels of manpower, should be the basis for notifications. They are proposing an exchange of information as a standard against which to judge the significance of out-of-garrison military activities. On-site inspection to clear up questions arising from implementation of this agreement and to defuse potential crises should be a part of a strengthened regime for enhancing stability. Means for urgent communications among the participants in this system could also serve to deter or resolve crises. The Allies are seeking longer advance notice of military activities and a lower threshold for notification than was provided in the Helsinki Final Act. In addition, the Western countries are proposing to exchange annual forecasts of military operations within the zone. This annual forecast will have a constraining effect, in that it will be more difficult for a military exercise suddenly to be mounted for the purpose of political intimidation. Together with mandatory observation of all notified military activities, these measures would exert pressure for stability in Europe. By establishing normal patterns of military activities for military operations in Europe and arrangements for reacting jointly to situations outside these "norms", we would create conditions which could facilitate the resolution of potential crises.

Johan Holst has suggested that "We should look at confidence-building measures as management instruments designed to reduce the pressure from arms on the process of politics during peacetime and on decision-making in crisis and war." The Alliance's proposals are designed to do exactly that. If a system can be established which promotes stability, which damps down potential crises, which discourages the use of military force for political intimidation, and in which crises can be contained and quickly resolved, we will indeed have "reduced the pressures from arms on the process of politics".

V. SOME PERSPECTIVES ON 1984

The Foreign Ministers of the thirty-five participants opened the Conference in January 1984, a period that marked, in retrospect, the beginning of a transition in Soviet-American relations. President Reagan's major policy statement on Soviet-American relations was delivered on January 16; it was followed immediately by talks between Secretary Shultz and Foreign Minister Gromyko. Although icy winds from the East were lowering temperatures everywhere, the seeds of future negotiations were even then being planted.

Perhaps the most important political impetus which the Stockholm Conference received during the year was President Reagan's speech of June 4 in Dublin. In that speech the President, in effect, outlined the shape of an ultimate agreement when he mentioned the possibility of discussing a Soviet-sponsored proposal regarding nonuse of force if the Soviets would negtotiate concrete confidence-building measures such as those which the Alliance and the neutral countries had been advocating.

In the four sessions which were held during 1984, however, the Soviets showed little inclination to accept the Alliance's invitation to a negotiation. But just today, December 3, all participants, including the Soviet Union, have agreed on a working structure which should encourage serious and detailed negotiations. This could be a turning point. The opportunity now exists, more than ever before, for the "flexible give-and-take negotiating process" President Reagan called for in September. The portents are increasingly favorable, and we hope that the Soviets will use this new opportunity to work out agreements within the range of proposals which are truly negotiable at Stockholm. There has existed for some time a substantive "point of departure" for negotiations which many delegations have already discerned; now there is available to the negotiators a structure to facilitate detailed comparison of proposals and to begin the process of bridging the gaps.

It should be noted that many delegations in Stockholm have remarked that all the problems to which individual nations attach high priority cannot possibly be dealt with in Stockholm. But these matters need not go unattended, quite the contrary. For example, President Reagan in speaking before the United Nations on September 24 offered some ideas which would help to build confidence bilaterally between the United States and the Soviet Union. It is obvious that the Stockholm Conference is not the universe.

Many things can be done bilaterally or in other forums to improve confidence between states; these could reinforce measures agreed in Stockholm.

VI. SUMMING UP

Today, as we near the end of the Conference's first year, it seems that the West is not doing too badly, as measured against the basic thesis of Pierre Lellouche. The weakness to which he referred has not been in evidence. Perhaps we may even be permitted to say that the restoration of America's sense of strength, purpose, and confidence had something to do with this.

The Conference appears to have accepted a Western concept of security. Plenty of declarations have been heard from the East, but the majority of the Conference participants appear firmly committed to serious negotiations on practical measures designed to enhance stability in Europe. A consensus-building process has been at work which points to an outcome based on combining a reaffirmation of the renunciation of force with practical confidence-building measures intended to give real expression to that principle. And the idea of a more open continent is even more firmly entrenched than ever.

The Soviets, even if they use the new working structure to begin to hammer out a consensus, certainly will continue to offer the West self-serving panaceas for Europe's security problems. The temptation to seize easy results at the expense of meaningful results will always be there and it will always be exploited to the disadvantage of the West, if possible. But the first year of discussions suggests that if the West remains united, meaningful results are possible in Stockholm.

The meeting between Secretary Shultz and Foreign Minister Gromyko in January will, we hope, lead to a common understanding as to the subject and objectives of negotiations on a whole range of nuclear issues. We hope, also, that in this same spirit the nations participating in the Stockholm Conference may be able in the course of 1985 to make progress towards more stable and cooperative relations and an easing of military confrontation. Whatever the success of other negotiations in reducing the level of arms and men, formidable and potentially devastating military power will exist for a long time to come. While our nations strive to reduce the level of armaments, we must also strive in Stockholm to reduce to the vanishing point the risk of a war that no one wants.

As the Stockholm Conference convened nearly one year ago, President Reagan spoke of Soviet-American relations in a way which, I think, sums up the American attitude towards this enterprise. He said: "Strength and dialogue go hand-in-hand. We are determined to deal with our differences peacefully, through negotiations. We are prepared to dicusss the problems that divide us, and to work for practical, fair solutions on the basis of mutual compromise. We will never retreat from negotiations."●

BYU—NATIONAL CHAMPIONS

● Mr. HATCH. Mr. President, the following article appeared in a San Diego newpaper proving once and for all that BYU has rightfully earned the title of National Football Champion. I ask that this article be printed in the CONGRESSIONAL RECORD.

The article follows:

BYU—NATIONAL CHAMPIONS

We all agree that the "who beat whom" exercise is meaningless and can be carried to any ridiculous predetermined conclusion, but let's have some fun. Who should be number one?

Should it be Oklahoma? who lost to Kansas, who lost to Vanderbilt, who lost to Tulane, who lost to Pittsburgh, who lost to BYU.

How about Nebraska? who lost to Syracuse, who lost to Navy, who lost to Air Force, who lost to BYU.

Maybe Oklahoma State? who lost to both Oklahoma and Nebraska (see above).

Is it Texas? who lost to Baylor, who lost to BYU.

Or is it Southern Methodist? who not only lost to Texas but to Houston, who lost to Louisville, who lost to Tulsa, who lost to BYU.

What about Washington? who lost to USC, who lost to Notre Dame, who lost to Air Force, who lost to BYU.

Is it Florida? who lost to Miami, who lost to Boston College, who lost to Penn State, who lost to Pittsburgh, who lost to BYU.

Or Auburn? who lost to both Florida and Miami (above).

How about Ohio State? who lost to Purdue, who lost to Iowa, who lost to Penn State, who lost to Pittsburgh, who lost to BYU.

Maybe longshot Cal State Fullerton? who lost to UNLV, who lost to Hawaii, who lost to BYU.

Or South Carolina? who lost to Navy, who lost to Air Force, who lost to BYU.

Texas Christian? who lost to Texas A&M, who lost to Baylor, who lost to BYU.

Florida State lost to Auburn and South Carolina, Louisiana State lost to Notre Dame, and Maryland lost to Vanderbilt (above).

Could it be USC? who lost to UCLA, who lost to Stanford, who lost to Arizona, who lost to Fresno State, who lost to Montana State, who lost to Idaho State, who lost to UTEP (2-8), who lost to New Mexico State (2-9), who lost to West Texas State (3-8), who lost to Wichita State (2-9), who lost to SW Texas State (2-9), who lost to Nicholls State???, who lost to Lamar (2-9), who lost to Rice (1-9), who lost to Baylor (just another BoDiddly Tech who beat Texas), who lost to BYU; Fresno State also lost to Pacific, who lost to Utah State, who lost to BYU. Too bad UTEP and Utah State lost to BYU or they might be number one.

Anyone can see that this exercise is futile and totally inconclusive. However, it is a fact that everybody has lost to somebody who has lost to somebody . . . who has lost to BYU. But more importantly, it is also a fact that nobody has beaten anybody who has beaten BYU, nobody!●

I'LL NEVER SAY I TOLD YOU SO

● Mr. JOHNSTON. Mr. President, last year I offered, and the Senate considered, legislation which would have temporarily blocked mergers between America's largest oil companies so that their effects could be studied. I did so because of two parallel concerns: First, that the enormous loans required for such acquisitions would place undue pressure on credit markets, and thus raise interest rates; second, I feared that repayment of these huge loans would divert capital away from future exploration efforts.

During the testimony and debates on this issue, I was assured that my concerns were unfounded and my efforts were heresy. The Senate, in its wisdom, then rejected my proposal.

Well, Mr. President, interest rates are down sharply since the period of major acquisitions. This is clearly due to a wide variety of factors, and we will probably never know the true extent to which oil company mergers served to raise interest rates.

However, exploration rates of major oil companies are a more objective determination. In this regard, I was especially interested to note a recent Salomon Bros. Inc., report, published December 3, 1984, which states:

Major oil company U.S. exploration and production expenditures are indicated to be modestly below the total of 1984—primarily as a result of the recent large oil company mergers.

Further down in this publication, Salomon Bros. states:

For the 18 major oil companies surveyed, U.S. exploration and production expenditures in 1985 are indicated to decline by less than 1 percent from 1984, which may seem disappointing to many. This is primarily a function of the major acquisitions that took place in the industry in 1984. The combinations of Mobil and Superior, Chevron and Gulf, Phillips and Aminoil, and Texaco and Getty will all spend less than the companies individually would have spent in 1985 because of the combined companies' higher debt levels and their desire to reduce these levels. Excluding these combinations, the major companies indicated that their spending will rise moderately.

In the interest of reducing printing costs, I will not insert the entire publication in the RECORD. However, I will make copies available to any who wish to have one. Also, I would be delighted to discuss its contents. I even promise that I will try not to say "I told you so."

S. 259—PROFESSIONAL SPORTS COMMUNITY PROTECTION ACT OF 1985

● Mr. DANFORTH. Mr. President, it is time to call a halt to the game of musical chairs that is sweeping professional sports.

In city after city, public officials and community leaders find themselves powerless to prevent the loss of a professional sports franchise to another community. What are city officials to do with an empty stadium? How do they repay outstanding building obligations? What do they tell fans who have for years loyally supported a team that carries their own name?

The virtually unbridled freedom of club owners is being used to foment bidding wars among cities. The loss of a franchise is deleterious to a community, in terms of both its status and its economic base.

The instability in professional sports arises from the inability of the leagues to regulate transfers of franchises.

What we have in professional sports—save for baseball, where league authority is solidly established, as a matter of law—is increasingly destructive chaos. Examples abound. The football Eagles were ransomed by Philadelphia from a move to Phoenix. The Colts abandoned Baltimore for Indianapolis. The football Cardinals hold St. Louis in a state of uncertainty and torment. The basketball Kings announced this week that they intend to leave Kansas City for the Sacramento area.

I would emphasize that what we do in Congress will not decide whether the football Cardinals remain in St. Louis or the Kings stay in Kansas City. Congress cannot and should not attempt to award franchises to specific cities. What we must do is to set the rules which will impose reasonable standards of fairness and responsibility on the conduct of franchise owners. If our bill were to help keep the Cardinals in St. Louis and the Kings in Kansas City, there would be no Senator more jubilant that I. But this legislation cannot guarantee a happy ending for a particular community. In the final analysis, only the community and the club can create a stable and lasting relationship.

In some instances, a transfer may be justified. But in others, it clearly is not, as where an owner is making good profits and leaves town with no regard for the fans and the community who helped make the team a success.

Mr. President, today I join my colleague, the senior Senator from Missouri [Mr. EAGLETON], in sponsoring the Professional Sports Community Protection Act of 1985. The purpose of the bill is to return stability to professional sports leagues with respect to the issue of franchise relocations.

The court decisions following the Oakland Raiders' move to Los Angeles in 1980 provided the spark for teams capriciously deciding to shift locations. The National Football League [NFL] was sued by the Raiders for enforcing its rule which, at that time, required approval of three-fourths of the league's team owners before a move could take place. The NFL was found to be acting unlawfully to prevent the Raiders' move. Presently, the NFL has a $50 million treble damages judgment pending against it in connection with the lawsuits surrounding the Raiders' case.

As a result of the recent court rulings, professional sports leagues are unsure whether they have a lawful rule to enforce decisions to deny franchise relocations. The NFL was forced to stand idly by as the Colts moved from Baltimore. Similarly, the league was unable to act in the case of the Philadelphia Eagles.

Clearly, the NFL cannot guarantee franchise stability under existing Federal law. At the same time, the National Basketball Association [NBA] is engaged in litigation over last year's move of the Clippers' franchise from San Diego to Los Angeles. The National Hockey League [NHL] successfully prevented a move of the St. Louis team, but now finds itself facing a court challenge to the legality of this action.

My State of Missouri is painfully aware of the seriousness of the situation surrounding franchise moves. The St. Louis Cardinals football team engaged in discussions with officials from another city, exploring the possibility of relocation, while civic leaders fight to keep the team in St. Louis. The Cardinals have flourished in St. Louis over the past 25 years.

In the past season, the Cardinals were in playoff contention until the last week of the football season. The success of this team is attributable in part to the community's support. The fans of St. Louis have supported the Cardinals through thick and thin. It is St. Louis' team.

On the other side of the State, the Kansas City Kings basketball team is seeking league approval for a move to Sacramento. Kansas City built Kemper Arena with the Kings in mind. While Kemper is a multipurpose facility that is put to a variety of uses, the loss of the Kings would be an economic blow. It would be unconscionable to permit the club to abandon Kansas City with no questions asked, and no answers given.

Our bill would authorize professional football, hockey, basketball, and soccer leagues to enforce league rules regarding relocations, sharing of revenues, and ownership of teams. With regard to relocations, the bill would provide that a team must notify the league and the disaffected community of its intention to relocate at least 6 months before the beginning of a new season. The league would be required to make a determination whether to allow the relocation, after consideration of a series of specific factors. These factors include the adequacy of the playing facility, the team's revenues, the extent of fan support, and the existence of offers to purchase the team at its fair market value and retain it in its present location. Judicial review of the league's decision would be available to both the locality and the owner of the team.

It is my intention, as chairman of the Senate Commerce Committee, to hold hearings on professional sports relocation early in the first session of the 99th Congress, and to schedule committee consideration of legislation on an expedited basis.●

● Mr. EAGLETON. Mr. President, professional sports leagues are currently in a state of chaos.

To bring order out of chaos, my colleagues and I have introduced a bill, S. 259, the Professional Sports Community Protection Act of 1985, that seeks to restore to the leagues the authority to regulate themselves and the actions of their member clubs—authority that was apparently stripped away as a result of the court decisions following the Raiders' move from Oakland to Los Angeles.

Responsibility is the handmaiden of authority, however, and we give the leagues clear responsibilities along with their authority. Specifically, the leagues must consider, in any proposed team move, carefully drawn criteria that include the team's likely reasons for such a move, but also include the considerable interests of a hometown in keeping the team it has loyally supported.

Our bill, therefore, is premised on two beliefs: stability between sports teams and their communities is in the public interest; and, sports leagues must be permitted to operate in ways that promote their success.

Some professional sports teams display a cavalier and irresponsible attitude toward their hometowns. We have witnessed the abandonment of Baltimore, the raid on Oakland and a near fumble in Philadelphia. Though clearly no team should be forced to stay in a city where it cannot earn a profit, neither should it be able to flit hither and yon in search of an ever higher take at the gate, while ignoring its hometown. This problem is clearly national in scope, and illustrates the growing inability of leagues to police themselves.

Our legislation is a sensible response to this broader concern.

Our bill authorizes professional sports leagues—football, basketball, soccer, and hockey—to enforce league rules on relocations of teams, revenue sharing, and on the ownership of teams. If a team should wish to move, it must file notice of its intentions at least 6 months before the start of the new season. The league would be required to rule on the application to move, but only after considering a series of specific factors—the adequacy of the present playing facilities, the team's revenues, the extent of fan support, and the existence of offers to purchase the team and keep it in its present location. Our bill also gives the team, the local government, and the stadium owners the right of judicial review of league decisions.

Let me point out what this bill does not do. It does not cover baseball, for the simple reason that the Supreme Court has consistently recognized baseball as a unique entity and has allowed it to regulate itself.

We do not mandate that leagues establish franchises in specific cities, nor do we prohibit transfers. In some in-

stances transfers may be appropriate, and I can think of few ways in which the Federal Government could be more intrusive and heavy handed than to require a sports team to be located in a certain town—with no consideration for the practicality of such a proposition. Might we also mandate that these teams have winning records as well?

This bill does not make the Federal Government the referee for professional sports. Instead of projecting the Federal Government into league decisions, this bill provides a legal mechanism for sports leagues to regulate themselves.

To conclude, Mr. President, it is my view that as long as a team is well supported by its community, and is succeeding in its present location reasonably well, it should not move. But let the Congress make it crystal clear that it is the leagues who should make this call, carefully considering the manifest concerns of the community which has rooted for a team, supported it and stood by it in the cellar, and celebrated with it during its moments of triumph.

Mr. President, I ask unanimous consent that a summary of S. 259 be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

PROFESSIONAL SPORTS COMMUNITY PROTECTION ACT OF 1985—INTRODUCED BY SENATORS EAGLETON AND DANFORTH—BILL SUMMARY

The bill clarified that professional sports leagues (limited to football, basketball, hockey and soccer) can establish rules or agreements to:

Block the relocation of a team to a new city; (this limited exemption applies to decisions against but not for relocation);

Pool league revenues to promote comparable division; and

Select or terminate a team owner (by majority vote).

A league's determination regarding a proposed relocation must be made;

After a team provides notice six months before commencement of the season in the new location;

After interested parties are allowed to present oral or written testimony;

Only after it considers and makes specific findings on thirteen factors (see § 6(b) which includes offer to purchase team and retain in hometown;) pertaining to the team's likely reasons for a move, and the community interests against such move;

On the basis of whether such a move would be "reasonable and appropriate"; and

Is subject to judicial review in a neutral Federal district court, whereby the league judgment could be set aside if it were not supported by substantial evidence on the record.

The bill specifically disclaims any attempt to affect employment conditions of the team players, or any contract relating to the stadium between the team and either the owner/operator or any other person. The bill preempts any state law that is inconsistent with the above provisions. The bill becomes effective on January 23, 1985.●

PHYLLIS FRANK

● Mr. SARBANES. Mr. President, Marylanders lost a dear friend, and our State an esteemed citizen, when Phyllis Frank died earlier this month at the tragically young age of 51. Phyllis was a person of great warmth, and it was impossible not to be captivated by her good nature and sense of humor. At the same time, she was also a person of formidable energy and purpose. A devoted wife and mother, she was also active in a wide range of community affairs, in Na'Amat Pioneer Women, and she was the first woman to serve as president of the Washington Jewish Community Council.

Above all, Phyllis will be remembered as an extraordinary person of profound commitment, great intelligence, high ideals, and indomitable spirit. These qualities are reflected in an editorial which appeared in the Washington Jewish Week and in the obituary published in the Washington Post, and I submit these two articles for the RECORD.

[From the Washington Jewish Week, Jan. 10, 1985]

PHYLLIS FRANK

Only death could stop Phyllis Frank. When she fell and broke her hip in Israel at the end of the World Zionist Congress two years ago, she flew all the way to Washington before undergoing medical treatment.

Within days, she was mobile—on crutches or in a wheelchair—heading a search committee at the Jewish Community Council, attending meetings for Pioneer Women, traveling to New York for Zionist assemblies, making speeches, hosting receptions in her home, and performing the endless and often thankless tasks that made her a leader.

Phyllis Frank was indefatigable. She would hold a planning meeting at home in the morning, attend a luncheon, and an afternoon meeting, and host a reception for a visiting dignitary in the evening—day in and day out. All the while she enjoyed a rich personal life and worked closely with her husband and children.

She was passionately in love with Israel but not uncritically. A life-long Labor Zionist, she disagreed strongly and vocally with the policies of the Likud government. When she spoke of Israel, her face shone, and she talked softly.

She was a feminist and a pioneer. She was the first woman president in the 50-year history of our Jewish Community Council. Pioneer Women—a women's Zionist organization committed to helping working women—was her particular cause.

She was a fighter. She never walked away from a battle worth pursuing, but she never fought with ill will. She fought for her principles and she fought to win. She never quit.

[From the Washington Post, Jan. 2, 1985]

PHYLLIS G. FRANK

Phyllis G. Frank, 51, a national vice president of the Pioneer Women/Na'Amat, the women's labor zionist organization, who had been president of the Jewish Community Council of Greater Washington from 1978 to 1980, died of cancer Jan. 1 at her home in Silver Spring.

From 1970 to 1973, she had served as president of the greater Washington Council of Pioneer Women/Na'Amat, and was a recipient of its Golda Meir Award and was named its Pioneer of the Year in 1975. She also was a founder of the national organization's Washington legislative task force.

Mrs. Frank was a member of the World Zionist Action Committee, a delegate to the World Zionist Congress, and served on the board of the World Labor Zionist Movement.

She also had been active in political affairs, serving as coordinator of Rep. Michael Barnes' (D-Md.) 1984 campaign among senior citizens, and as a member of his finance committee. She was a member of his committee dealing with nomination to the military service academies and was a member of the 19th state legislative scholarship committee.

Mrs. Frank was a native of Jersey City, N.J., and a graduate of Simmons College. She moved here in the 1950s, and in 1960 was a labor relations analyst with the Air Transport Association.

Survivors include her husband, Morton, a son, Stuart, a daughter, Wynne Frank, a brother, William E. Gold, and her stepmother, Lillian Gold, all of Silver Spring.

DEFICITS AND JUSTICE

● Mr. CHAFEE. Mr. President, the most pressing task before our Nation today is to draw up a budgetary plan that will lower the deficit, maintain the recovery and reduce unemployment. But it should be disturbing to all of us that some of the proposals seem to focus only on the simplest and most immediate bottom line objective of expenditure reduction.

Our colleague, the senior Senator from Maryland [Mr. MATHIAS] has warned us that we must look at the long-term effects of these budget proposals and ask the most fundamental of questions: What are the proper and vital tasks of Government that must remain after all of our budgetary pruning? He has addressed this difficult question directly and concisely on the opposite-the-editorial page in the New York Times:

It is not what we cut that should be our emphasis but rather what we consider important enough to retain because we are convinced that it is right.

Every Senator, and indeed every citizen who cares about the long-term direction of our country and the fulfillment of its constitutional objectives, should test his budgetary ideas against this yardstick.

Mr. President, I ask that the full article from the New York Times of January 25 appear at this point in the RECORD.

The article follows:

A THREAT TO THE REPUBLIC: DEBTMAIL

(By Charles McC. Mathias)

WASHINGTON.—By now, there cannot be a single literate person in the United States who is not aware that the country is in a very dangerous financial situation. Since the first of the year, almost as many newspaper column inches have been lavished on

the Federal deficit and what should be done about it as were devoted to the Super Bowl.

This is an extraordinary state of affairs. But we are in extraordinary fiscal straits: the national debt has virtually doubled in four years. The entire economy is holding its breath to see whether or not the Administration and the Congress have the intestinal fortitude to deal seriously with the deficit.

But while the deficit is a clear and present danger to the Republic, we must make sure that in our efforts to eliminate or at least reduce it we do not create new threats to the Republic.

One such threat, "debtmail," is very much in the air. Alarm over the red ink is being used by those with narrow views of the role of Government to force the majority to savage, starve and abandon important programs. "Debtmail" differs from blackmail only in the nature of the fear that is used to coerce action that is against the interests of the victim. We must not succumb to "debtmail" while alternatives exist. Revenue levels are not fixed in stone. In fact, many Americans are prepared to contribute more if that will restore the health of the economy and maintain a free and just society.

In all of what will surely be a painful process, the very purpose of Government must be kept constantly in mind. The Preamble to the Constitution sets forth that purpose concisely: It is to "establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." The economic decisions we make in this time of crisis should promote, not obstruct, those fundamental objectives of our constitutional Government.

Justice must be viewed as a broader concept than merely the judicial process. Justice is the goal of our society. And in no aspect of life, for example, is justice more vital than in matters of money—there must be equity in sharing costs and in sharing benefits. To require one group to surrender benefits while another retains untaxed or undertaxed income raises questions of equity. In one case, sacrifice may mean surrender of a benefit; in another, it may mean higher taxes, but the two must be comparable.

The constitutional mandate to provide for the common defense demands that we exercise judgment and prudence. The question we must try to answer is: "How much is enough?" There is no absolute answer. But common sense suggests that there is both an upper and a lower limit of effective expenditure. We must fix our goal in the area between those extremes.

The mandate to promote the general welfare clearly forces us to consider alternatives at every step of the deficit reduction process. We must think about education and housing and health care as elements of the general welfare while we also consider that a sound economy and stable currency are necessary to the general welfare.

We will fail the nation if we only consider cutting expenditures to reduce the deficit. The process must be affirmative, not simply negative. We must also consider what we should spend to achieve the constitutional objectives. It is not what we cut that should be our emphasis but rather what we consider important enough to retain because we are convinced that it is right.

It is certainly true that many of our economic troubles derive from 40 years of errors but it is equally true that some colossal mistakes are of very recent origin, including the failure to recognize that the deficit had become a firestorm raging out of control until it was too late to apply normal methods of correction. Our job now is not to compound those errors by mindless budget cuts and senseless abdication of social responsibility. We must move forcefully but we must move only after we have projected a course for the nation as far into the future as possible and found that it is clear of rocks and shoals.●

THE EQUAL RIGHTS AMENDMENT

● Mr. MOYNIHAN. Mr. President, I rise today to join my distinguished colleague, Senator KENNEDY, in support of the passage of the equal rights amendment by the 99th Congress.

This is the 31st consecutive Congress in which an equal rights amendment has been introduced. We will continue to introduce and support the ERA in every Congress yet to come, until it is passed by the Congress and ratified by three-quarters of the States. It is our sacred duty to join in the struggle American women have pursued for equal rights and equal opportunities, for more than a century.

In 1984, we celebrated the achievements of two outstanding American women. That year marked the centennial anniversary of the birth of Eleanor Roosevelt, a most dedicated and courageous first lady and U.N. delegate, and the first nomination of a woman for the Vice Presidency on a major party ticket, Geraldine A. Ferraro. The achievements of these two distinguished women are an inspiration to reaffirm our commitment to passage of the equal rights amendment.

The American movement for women's rights, one might say, began in Waterloo, NY. In July 1848, five women met at the home of Jane and Richard Hunt in Waterloo. There, Elizabeth Cady Stanton of Seneca Falls, Mary Ann McClintock of Waterloo, Marta Coffin Wright of nearby Auburn, Lucretia Coffin Mott of Philadelphia and Mrs. Hunt planned the first women's rights convention held at Seneca Falls, and later wrote the "Declaration of Sentiments." Modeled on our Declaration of Independence, the Declaration of Sentiments proclaimed that—

> All men and women are created equal: that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness.

It was endorsed at the Seneca Falls Convention, on July 19 and 20, 1848.

The only controversial matter raised at that convention was the proposal to extend the franchise to women. It was 72 years before the Nation heeded Elizabeth Cady Stanton's call for the vote for women. It took but 10 months in 1980, however, to enact legislation I proposed to establish a Women's Rights Historic Park at Seneca Falls and Waterloo, commemorating this call.

In 1923, Alice Paul—a courageous and largely unheralded campaigner for women's rights—wrote the draft equal rights amendment. And that year, Seneca Falls hosted another women's rights convention; one for the National Women's Party. That party, endorsed Ms. Paul's draft amendment, carrying on the work begun in Seneca Falls in 1848. The vote for women, they knew, was only a step toward full equality.

That same year, Representative Daniel R. Anthony, a nephew of Susan B. Anthony and Senator Charles Curtis introduced Alice Paul's equal rights amendment in the 68th Congress. It was reintroduced in every subsequent session until Congress passed it in 1972. The ERA's supporters did not despair during a half century of waiting for Congress to pass the ERA, nor did we despair during 10 years of waiting for the States to ratify it. We do not despair now. I am here today to reaffirm dedication to the equal rights amendment, and ensure that it does become a part of the supreme law of the land.●

HIGHER EDUCATION'S UNFINISHED BUSINESS

● Mr. SIMON. Mr. President, Father Timothy J. Healy, S.J., the president of Georgetown University and the outgoing chairman of the American Council on Education, delivered a major address at the November 1984 joint annual meeting of the American Council on Education and the National Association of State Universities and Land Grant Colleges in Denver, CO. Father Healy's address "Higher Education's Unfinished Business" emphasizes the important unfinished agenda that remains for higher education in the education of minority-group Americans at all levels of post-secondary education.

Father Healy has been and is a leader of higher education for many years and in many areas. While Georgetown has recently received notoriety for its 1984 NCAA championship basketball team, the university under Tim Healy's able stewardship has carved a unique niche in foreign language instruction and international studies, in improving the overall quality of instruction in higher education and for providing educational opportunities for minorities in its undergraduate, graduate and professional schools. Father Healy has lead by example—providing both quality and equity in higher education. He continues to teach English each semester.

The picture which Father Healy paints of minority access to higher education is not a pretty one. The

lofty goal of equal opportunity in higher education, which the Congress established for the Nation in 1965, has not yet been achieved and we are making less progress toward the attainment of our goal today than we were in the 1970's.

Minority groups are all younger than the white population with an average median age of 24.9 compared to 31.3 for whites. Therefore, the college age cohort for minority groups will increase at a time of decline for whites.

Blacks experienced proportional enrollment declines at all postsecondary levels, though they have registered slight increases in absolute numbers since 1976.

Hispanics leveled off in proportional shares of bachelor's and doctoral degrees, but declined in master's degrees.

Hispanics and blacks experienced increases in the number of high school graduates from 1975 to 1980, but the percentage of high school graduates enrolling in college for both groups declined.

Minority enrollment among black Americans and Hispanic Americans, in 4-year institutions of higher education, have leveled off or declined since 1978. The American Council on Education's Office of Minority Concerns has reported in "Minorities in Higher Education" and Father Healy emphasizes that there are serious problems of minority enrollment and retention at all levels of higher education.

President Healy closed his speech with a challenge for higher education in America—I believe his words are equally appropriate for us in the Senate—

. . . For too many of our Black and Hispanic citizens this (American) dream has been too long deferred. Colleges and universities, public and private, can work no dramatic miracles—but we can help. I think we should.

I ask that Father Healy's address be printed in the RECORD.

The address follows:

AMERICAN COUNCIL ON EDUCATION/NATIONAL ASSOCIATION OF STATE UNIVERSITIES AND LAND GRANT COLLEGES

This morning I would like to use the time allotted to me to talk about one of the major unfinished pieces of business that lies before all of American higher education, both public and private. I am, by the way, delighted that I can address a problem that applies to both sectors, one for which both bear a responsibility, and which both must work together to solve. Sometimes having one unquestioned piece of common agenda is more helpful than all the rusty spears we wave at each other.

Since the passage of Brown versus the Board of Education, and above all since the passage of the Civil Rights Act in 1964, minority Americans have made great strides in higher education. Let's look at some of the facts. The number of black youngsters who finished high school has increased from 10 percent immediately before the war to 70 percent today. By 1980, roughly 54 percent of young Hispanic Americans were completing high school, as were 52 percent of Native Americans.

When we turn to college, the growth has been somewhat slower but still strong. In 1970 only 5 percent of 25-year-old and older black Americans, 5 percent of Hispanics and 4 percent of Native Americans had completed four years of college. By 1981 these numbers had improved: more than 8 percent of young blacks, 7 percent of Hispanics and 6 percent of Native Americans had finished four years of college. All three lag behind the white completion rate of 17 percent.

The increase in graduate school attendance was slower. During the 60's and 70's black graduate enrollments increased from 4 to 6 percent of the total, Hispanic enrollments rose from below 1 percent to almost 3 percent and Native American enrollment rose to 2 percent. Up until the beginning of the 1980's, in other words, we had worked no miracles, but we had made steady, significant and obvious progress. Let me emphasize that Native American and Asians are also our concern; however, my numerical citations are primarily confined to blacks and Hispanics.

We can see how important further growth in higher educational accomplishment is if we look at the national statistics which spell out the future of our two great minority populations. White America is both aging and shrinking. In 1970 the average age for white Americans reached up into the 30's. Demographers tell us that the high fertility years are between 20 and 29. The average age of black Americans is now 25 and of Hispanic Americans 22. Not only are minority numbers growing significantly, but they are also growing disproportionately. Those in the peak child-bearing years are bound to have more children than whites in the lower child-bearing years above 30.

The decline we are now beginning to notice sets up a serious agenda for us. Like all administrators I am more comfortable with feel than with facts, then let me deal thus with a perception that many of us have, and which is growing throughout the nation. The integration of our colleges and graduate schools is slowing. Nationally, college by college and university by university we are pushing equality of access (the academic term for integration) onto the back burner. All of us acknowledge the ideal of integration, but our zeal for keeping access open, and for working at the integration of faculties, has slipped; in some institutions it has disappeared.

The figures bear this out. In 1975, 35 percent of young Hispanics went to college, and recently the figure has fallen below 29 percent. In that same year 32 percent of young blacks went to college and that figure is now below 27 percent. During the same period of time white enrollments remained stable. When we turn to graduate school enrollments we face even more serious decline. Black enrollments in graduate school have declined over the past 5 years from over 6 percent to 4.2 percent and Hispanics have stayed stable at roughly 2.5 percent. For both groups more than three-fourths of the Ph.D.'s awarded are in education and the social sciences.

I give these grim figures about graduate schools because it has seemed to me all along that ultimately if we want to integrate America's colleges and universities, to make sure that black and Hispanic youngsters have access in proportion to their numbers in the population, in this as in everything else we do, the key to the arch is the faculty. Unless we can place an appropriate percentage of black and Hispanic faculty members on all our faculties and in all our departments, we will never make higher education a saleable product to minority students.

Why don't black and Hispanic students come to graduate schools, and above all why don't they come to those disciplines which open up for them access to the professorate? The first reason is the obvious one that has dogged all our efforts at integration since the very beginning, it costs too much. On the other hand there are other reasons that do not depend upon money that we ought also to consider. For any 21-year-old youngster with a good bachelor's degree, the professorate has certain obvious drawbacks.

First of all it doesn't pay, or even in places where it pays relatively well it pays considerably less than many other careers. Black and Hispanic young people can make the same market analysis that other immigrant peoples have brought into major urban universities for years. The first educational wave goes for law, accounting and, when it can, medicine. All three pay, all three are independent, and all three give a man or a woman the sense of carrying professional skills on his or her back which no one can take away.

A second reason is that professorial degrees involve an agonizing deferral of gratification. Any Ph.D. is a long and hard struggle, and at times, particularly in the hard sciences, has an aleatory cast to it that is frightening.

Finally, any black, Hispanic or Native American youngster contemplating a major graduate school is bound to feel, even by eyeballing it, that the dice are loaded against him. There simply are not enough black, Hispanic or Native American professors around to make his own success credible.

Experience tells us that all of these—the first-generation's clustering in certain "immediate payoff" professions, a lack of sufficient faculty role models, and limited access to graduate education—are major obstacles to increasing the ranks of minority professors. I am sufficiently worried at what appear now to be rising barriers that I have agreed to accept the chairmanship of ACE's Commission on Minorities in Higher Education in order to explore ways of getting them down. I might also note that several sessions at this annual meeting are devoted to serious minority issues which I urge you to attend. And the Board of Directors of ACE has just corroborated my concerns by adopting yesterday three statements on equity, quality and affirmative action.

We have serious answers to all the problems I spoke of before. Of course the professorate pays less, but there are solid reasons for undertaking it, and they are hugely valid in every human sense. Of course it involves deferral, but the profession itself is worth the wait. How does a youngster come to hear our answers, and how do we make them credible to him? The answer we know; he hears them from faculty members. He finds in the course of undergraduate schooling and through his graduate career a set of teachers and scholars, who represent for him a fineness of life, a fullness of human endeavor both understandable and attractive.

None of us in universities have to beat the bushes for white candidates, they come of their own will. They come because they see us, trust us, understand us, and (with some reservations) admire what we do and believe

that they can share the reasons we have for doing it. The conclusion is simple. Until there are sufficient numbers of black, Hispanic and Native American faculty members serving on undergraduate and graduate faculties, we will never make the academic career believable to black, Hispanic and Native American young men and women.

I recognize that there's something of a circular trap here, like the problem faced by anyone who wants to write music. You can't publish a song until you are a member of ASCAP, and you can't become a member of ASCAP until you have published a song. Obviously ASCAP acquires new members, so somewhere the logic breaks down, reality takes over, and as the philosophers remarked, "Solvitur ambulando." None of us have ever bought the marvelously absurd conclusion of Tom Stoppard's philosophy prof who analyzed Zeno's conundrum about the arrow and concluded that "St. Sebastian died of fright."

Where does that then leave us. One more demographic comment is germane. I said before that the poor are expensive so that financing is a problem. On the other hand minority populations are large, and if California is going to be a majority-minority in the year 2000 so will 53 major American cities. In more than 15 states minority populations have already developed the kind of political clout which makes them sedulously courted by politicians, both local and national. The problem I am addressing, how to strengthen the academic and intellectual leadership of minority groups, like most other American economic problems, is amenable to a political solution. For both public and private universities, the one great hopeful sign on the landscape is that minority populations are developing political power. If our willingness to serve can avail itself of that power, enter into alliance with it, and draw upon its strength, we may have a solution to our financial problem.

On the other hand, all the money in the world will not solve the psychological barriers that lie around graduate education for minority young people. Here is where I would like to propose we ourselves should go to work, seriously and generally. What do we need? We need first of all a special faculty effort to persuade talented black and Hispanic undergraduates of the need for them in the professorate, and the value and indeed joy of our work. In addition we need a national university effort to find and to help black and Hispanic undergraduates into graduate school. That doesn't mean an effort to find and help weak condidates into ersatz degrees. Our national enrollments are over 12 million, and over a million of these students are black and Spanish speaking. Surely from among a million young men and women we can find several thousands who can and should be made welcome to professorial graduate education, especially in the humanities and the hard sciences.

It's easy to say that there ought to be special faculty efforts to find and hire minority faculty members, but this can only be done when the market holds enough candidates to make such hiring possible. Our challenge now is not recruitment on to the faculty, but recruitment into the graduate schools. Recruitment to the faculty will come in its own time, and all the planners tell us that faculty hiring will pick up sharply within this decade.

I don't think any such effort can be mounted by individual universities, even the well heeled, and it would present insuperable difficulties to those who are struggling to keep graduate programs alive. Therefore we need also a special effort of all our associations, private and public, small and large, including ACE, to find federal and foundation and corporate funds to make national minority graduate recruitment possible. Here is where our associations and universities should begin involving black and Hispanic political leaders who in some states and in many cities already have the political power to support the effort.

Several fellowship programs currently exist for minorities, but together they provide perhaps 500 new awards per year. I submit that such levels are just not sufficient. In the Department of Education we have the GPOP program with an average award amount of $8,400. This award is inadequate and must be subsidized by every institution that accepts students who hold it. In the NSF we have minority graduate fellowships but, alas, only 50 per year. In the NIH we have an excellent program, the MARC program (Minority Assistance for Research Careers), but it is expensive and still too small. We should set a goal of 2,000 new minority fellowship awards, above all in the humanities and sciences, and make it an institutional and association priority among all of us to achieve such a level by 1986.

I am proposing, then, a serious new commitment of this nation's resources for graduate fellowships for minority group members. To make a difference, it would require the full cooperation of federal agencies, foundations, corporations, associations and universities in this endeavor. From my vantage point, I believe that the American Council on Education should assume an important leadership role in this effort; this would be consistent with its own programs to advance minorities, its experience with the Fellows program and the Senior Fulbright program, and its unique position of responsibility to promote the good of all higher education. If all of us are committed, the task can be accomplished.

Let us for instance take average graduate tuition as $5,000. If we allow $10,000 for living expenses and figure that each student will take four years to complete a degree, we are talking about an investment of $60,000 behind each doctorate. If we aimed at supporting about 2,000 students every year, we are talking about a national program that would cost 30 million dollars a year (102 million dollars when it's fully functioning). Put some of that money into loans rather than grants and that total can be reduced.

If the 200 major graduate institutions in the United States got together behind such a program, if they were supported by black, Hispanic and Native American leaders across the nation, I think it would be possible to persuade the federal government and some major foundations and corporations that it would be a good idea to put a large number of minority professors into the nation's colleges and universities. The simple truth is that within 20 years the job could be done.

Couple these efforts with the emerging sensitivity in our private corporate leadership to the changing demographic state of the nation and I believe we could make even more rapid progress. Assume several major foundations were to join together to get this effort started. Federal efforts could then be added to expand our initiative. The federal government could provide either direct support or tax incentives for corporate involvement or both. This would allow a cap on direct federal expenditures, while building in the elements of long term success in this country; i.e., a national sense of responsibility, the political support of our new demographics, and the combined strength of both public and private institutions.

If the problem is as real as the numbers tell us, and if the key to it really lies within the professorial graduate schools, then this solution doesn't seem either impossible or, to pick Aristotle's more powerful category, improbable. As always in our democracy, we have to want to make it work. Perhaps the recent sight of over 90 million American citizens voting for their political future reminds you as it does me of the strength and beauty of this republic. It has always been for me a kind of vast corporate dream—and eight years of study in Europe only taught me how richly I share it and how deeply proud of it I am. For too many of our black and Hispanic fellow citizens this dream has been too long deferred. Colleges and universities, private and public, can work no dramatic miracles—but we can help. I think we should.

Timothy S. Healy, S.J. is President of Georgetown University, Washington, DC, and has served as the Chairman of the Board of the American Council on Education in 1984.●

ADVANCE NOTIFICATION OF PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Committee on Foreign Relations.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification has been received.

Interested Senators may inquire as to the details of this advance notification at the office of the Committee on Foreign Relations, room SD 423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, January 25, 1985.
In reply refer to: I-16035/84ct.
Dr. M. GRAEME BANNERMAN,
Deputy Staff Director, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR DR. BANNERMAN: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of

State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country for major defense equipment tentatively estimated to cost in excess of $14 million.

Sincerely,

GLENN A. RUDD,
Acting Director.

GENERAL PARTAIN

● Mr. PRYOR. Mr. President, today Gen. Edward Allen Partain will turn over the command of the 5th U.S. Army and retire after over 35 years in the U.S. armed services.

We in Arkansas, especially those citizens and friends in his hometown of Paragould, are proud of the contributions General Partain has made during his years of service.

A graduate of the U.S. Military Academy, he has risen through the ranks until he received appointment as lieutenant general on January 19, 1983.

During his distinguished career, General Partain has received the Silver Star, Legion of Merit, Distinguished Flying Cross, Bronze Star Medal with Oak Leaf Cluster, Air Medals, Army Commendation Medal with V Device and three Oak Leaf Clusters, Purple Heart with two Oak Leaf Clusters, Combat Infantryman Badge, Master Parachutist Badge, and the Army Aviator Badge.

As an Arkansan and an American, I thought it most appropriate to pay tribute to him today and thank him for his loyal service to our Nation.●

FLOODING IN PENNSYLVANIA

● Mr. HEINZ. Mr. President, I would like to take this opportunity to join my colleague, ARLEN SPECTER, in introducing a package of flood control legislation which would authorize a flood control project in each of four disaster-prone areas of Pennsylvania. Passage of this legislation would be a big step toward taming the natural conditions which presently threaten the lives and property of hundreds of thousands of my constituents.

The Commonwealth of Pennsylvania is no stranger to the havoc and dangers of flooding. The great Johnstown floods of 1889 and 1936 are but two of the scores of natural disasters which have been visited upon our heads and homes. Pennsylvania communities have been flooded as recently as 1972, when several cities along the Susquehanna River were devastated by rains which followed in the wake of Hurricane Agnes.

The legislation Senator SPECTER and I have introduced is designed to create flood control projects in the four areas most heavily damaged by the 1972 floods—the cities and suburbs of Wilkes-Barre, Harrisburg, Lock Haven, and Milton, PA. Since their founding moments, these four communities have stood in the shadow of an unfortunate confluence of geography and natural conditions which all but courts disaster. The flood control legislation we have proposed would protect these towns from a recurrence of floods of the intensity of those suffered in 1972.

The projects for which I seek authorization are not new to this Chamber, Mr. President. Four bills identical to those before us today were introduced as long ago as the 97th Congress. In the 98th Congress, $1.2 million was appropriated for the continuation of planning and engineering for these projects. The spadework has been done. It is to get on with the task of turning these long-studied, long-needed proposals into reality.

Mr. President, the events which necessitated the introduction of these measures occurred more than a dozen years ago. The citizens of Pennsylvania who live in flood-prone areas deserve a permanent solution to their problems soon. In 1972, Hurricane Agnes took scores of lives and caused over $50 million worth of damage. The next time floods strike central Pennsylvania, the cost could be double or even triple the amount borne 13 years ago. I urge my colleagues to pass this legislation as soon as possible. Thank you.●

INVOCATION OF MONSIGNOR ROMAGOSA

● Mr. JOHNSTON. Mr. President, all of us frequently place the articles and statements of others in the CONGRESSIONAL RECORD. Sometimes we do so to make a point. Other times we do so to curry political favor. All too seldom do we pay the tribute of publication solely for reasons of eloquence.

Today, I wish to pay such a tribute. During November of last year at the American Petroleum Institute's annual convention, Monsignor Romagosa delivered a somewhat unusual invocation. At first glance, the humor which so richly dots his prayer masks its insightfulness. But, upon reflection, one cannot help but be impressed by the respectful acknowledgment of our Lord, His power, and His farsightedness.

His words speak better than mine, and I therefore ask that a copy of Monsignor Romagosa's invocation be printed in the RECORD at this point.

The invocation follows:

PROCEEDINGS

Msgr. ELMO ROMAGOSA. Almighty Lord of the eternal energies, we ask Your blessing upon the officers and members of the American Petroleum Institute and their guests here assembled.

Oh, master of the universe, You have so made matter that it follows a wonderful pattern of laws. We thank You for storing gasses and liquids and solids for us in the depths of the earth as energy sources for human living.

You have compressed within the tiny space of the atom a dynamic and terrifying force as a mirrored reflection of Your almighty power. In a drop of oil, in a jet of gas, You have preserved for centuries unnumbered the heat and light of the sun.

Oh, director of all operations, both downstream and upstream, grant to the executives here gathered the prophetic vision of Isiah, in establishing time related R&D objectives in our American free market system, and grant them, as well, the endurance of Joshua in coordinating their implementation, undaunted by those holding divergent views.

And finally, make them all as patient as Job, as they face the inevitable prospect of blowouts and dry holes to say nothing of continuing price controls on natural gas.

Oh, Divine Custodian of strategic petroleum reserves, grant to all API members the understanding that to them, SPR should also signify Serious Personal Responsibility so that when life's final well has been capped, the sweet crude of Your love may be for them a pledge of the gold of life enternal,

Amen.●

BLACK HISTORY MONTH

● Mr. RIEGLE. Mr. President, each February our Nation celebrates Black History Month. This celebration serves to increase our awareness of the contributions of blacks to our country—contributions which are a source of pride for all Americans.

In 1926, Carter G. Woodson, a black scholar and historian, established Negro History Week to dramatize often omitted black accomplishments in American history. This celebration, expanded to 1 full month, recalls the outstanding contributions of blacks to the growth and betterment of this country. This time is used to educate and reeducate all Americans on the essential role of blacks in American history.

In Michigan, we are proud of our black heroes and heroines. They include Sojourner Truth, who helped lead our country out of the dark days of slavery; Elijah McCoy, a noted inventor of steam engines; American diplomat and Nobel laureate Ralph Bunche; Rosa Parks, who sparked the civil rights movement by refusing to give up her seat on a bus; and Joe Louis, the "Brown Bomber," who proved to be one of boxing's greatest by holding the heavyweight title longer than any other man.

These individuals represent the millions of great black Americans who have so importantly contributed to our country. Each February, we are especially proud to thank all black Americans. With this thanks, we must also pledge further progressive application of the equality, justice, and opportunity which we promise to all Americans.●

ADM. JAMES D. WATKINS' SPEECH ON STRATEGIC DEFENSE

(By request of Mr. DOLE, the following statement was ordered to be printed in the RECORD:)

● Mr. GARN. Mr. President, today I am pleased to offer to my colleagues for the record a speech presented by the Chief of Naval Operations, Adm. James D. Watkins to the Los Angeles Rotary Club, earlier this month. His remarks give us one more clear vision of the need to move beyond the doctrine of mutually assured destruction. The strategic defense initiative, a research program designed to explore nonnuclear options for the defense of the United States against nuclear attack, is a moral and commonsense approach to the challenge we face today to deter aggression, reduce the threat of nuclear war and preserve the peace.

Admiral Watkins reveals a statement made by a top Government official who said, "I believe defensive systems, which prevent attack, are not the cause of the arms race, but constitute a factor preventing the death of people * * * maybe an antimissile system is more expensive than offensive system, but it is designed to preserve human lives." Another high ranking military officer explained that strategic defense systems, "Destroy the fabric of the enemies society are a cause of instability because the insensitive to strike first is always present." Neither of these statements are the words of American defense authorities or the Reagan administration, but are instead statements made over 20 years ago by Soviet Premier Aleksei Kosygin and Soviet Gen. Nicolai Tolenski.

The Soviet message has now changed. President Chernenko has labeled President Reagan's strategic defense initiative as "both futile and dangerous."

I commend Admiral Watkins for his concise and timely speech and recommend it to my colleagues, and ask that it be printed in the RECORD.

The remarks follow:

ROADS DIVERGING—DESPAIR OR HOPE: YOUR CHOICE

Today, I'm not going to give my standard address to Rotary members—which I refer to as "Navy 101." So, I'm not going to tell you that we've emerged dramatically from the gray zone of fighting uncertainty extant in the Navy just four years ago, into a spirited and winning Navy. I'm not going to tell you that we are the most ready Navy since the end of World War II, or that we have the best young recruits coming in, best retention of experienced sailors and hence the best preofessional personnel base on record. I'm not going to tell you about the Soviet threat, with its incredible Soviet military might which grows apace and at a significantly higher rate than that of either our own or Western world allies. I'm not going to talk about our Navy's direct involvement in helping to deter state-sponsored terrorism generated by irresponsible and fanatical leaders who don't seem to comprehend—or don't really care—what permanent damage they inflict on civilized world families. As Chief of Naval Operations, I've given speeches and written many articles on each of these topics, any of which can be made available at another time to those interested.

No, today I'm going to take off my hat as Chief of Naval Operations and put on my hat as a member of the Joint Chiefs of Staff and talk about something technically non-Navy, but something absolutely crucial to us all. For our nation has reached a critical cross roads in the nuclear age, with two paths emanating therefrom. One badly worn path leads to continued seeming hopelessness in offensive nuclear arms escalation. The other is fresh and offers new hope of world extrication from the increasingly unpalatable concept of the mutual assured destruction of mankind, for too long the accepted deterrent counter strategy to initiation of nuclear war.

Most Americans find this concept morally repugnant. Witness the almost frenetic groping for alternatives. The other and more enlightened path is called the strategic defense initiative. It deserves dedication of highest levels of attention and intellectual thought over the next few years.

Two years ago, on March 23, 1983, President Reagan courageously offered this nation—and our allies—a new vision of the future. He looked beyond today's peace, based upon offensive nuclear weapons pointed at one another, toward a stronger, more stable peace based on the concept of defense. He looked beyond a hopeless view of free nations having to deter attacks solely by threatening retaliation, toward a more hopeful future of deterring attacks by defending against them. He looked beyond the tiresome and continuing build-up of ballistic missiles toward a better future in which they would no longer be militarily or economically competitive. This was his vision—and the essence of what is properly entitled his strategic defense initiative.

Today, discussion of strategic defense continues to fill our papers. Some deride this concept as "Star Wars." Others call it "prudent policy and common sense." World-wide interest in this subject has been increasingly intense in recent weeks as post-election strategic doors are cracked open again.

Let me share a revealing anecdote with you: When asked about a proposed moratorium on strategic missile defenses at a press conference, a top government official once replied—"I believe defensive systems, which prevent attack, are not the cause of the arms race, but constitute a factor preventing the death of people . . ." This official continued by noting, "maybe an anti-missile system is more expensive than an offensive system, but it is designed to preserve human lives . . ."

Another top government official, this one a high-ranking military officer, also wrote about strategic defense systems. He explained how offensive nuclear weapons, not defensive systems, "destroy the fabric of the enemy's society and are a cause for instability because the incentive to strike first is always present."

No, these quotes are not from a speech or an article written either this year or last; neither are they words of American defense authorities or Reagan administration officials. Interestingly, they are statements by Soviet Premier Aleksei Kosygin and Soviet General Nicolai Talenski made over twenty years ago.

Strange, isn't it? For the Soviet message has now changed. In fact, we are told the Soviet's focus of attack in upcoming arms control discussions will be against the President's strategic defense initiative. We are told, according to Soviet President Chernenko, that his new concept of defense is "both futile and dangerous . . ." Why the turnaround? What has changed their opinion about strategic defense?

By contrast, here in the United States, we see a more-than-ten-year-history of decrying the value of strategic defense. As you may have read, a group of officials from former administrations only recently wrote in the magazine Foreign Affairs that the President's strategic defense initiative is a "dream . . . an act of folly (that) cannot be achieved." This is not remarkably different from arguments proposed before, by some of these same pundits as early as the 1960's.

On the one hand, we think we understand why the Soviet "Old Guard" does not want to re-espouse strategic defense as their national imperative. On the other, many of us cannot understand why so many of *our* "Old Guard" continue to espouse the same old strategic counter strategy which not only plays into Soviet hands, but also has been properly assessed by the American people to be an outworn concept on the verge of political and military bankruptcy.

The Soviets now decry strategic defense because they know we have the potential to channel our impressive industrial might into development of effective defenses, possibly defeating their historic communist objectives while altering the course of the nuclear age in favor of all mankind.

As for U.S. critics, skepticism on the part of some is not unknown—a usual reaction to new ideas. This is particularly true, when new ideas go against conventional wisdom.

President Reagan's challenge of strategic defense was just such a bold idea—a watershed—an attempt to break out of a mindset which insists deterrence should be based solely upon offensive nuclear retaliation.

President Reagan made no clarion call to abandon deterrence or forsake arms control efforts; nor did he attempt to spell out specifics about various defensive systems; nor did he authorize building an impregnable dome around this country. The President only challenged this nation—and the world—to see if maybe there was a better means to maintain an effective strategic weapon deterrence in the future than that of avenging our people after unclear attack. In March of 1983, the goals of U.S. national security policy—preservation of security and freedom for ourselves and our allies, as well as the promotion of world peace and stability—did not change.

So, much of the controversy results from a confusion between means and ends; a misreading of the history of defensive systems and arms control; and a refusal to look beyond our current dependency upon offensive nuclear weapons to possible alternatives. Today, let me share with you some thoughts about the President's defense initiative.

To start with, this nation has no choice but to maintain its strategic triad with necessary force modernization. Simultaneously, we must continue to pursue realistic arms control agreements. These two means—means toward our goal and means to the end which is global peace and security—are still inseparably linked.

In fact, it was out of national debate engulfing U.S. nuclear force modernization that the President's vision of a better future

blossomed. For he saw—despite growing American spirit and pride—a dark cloud looming on the free world's horizon.

He saw American people, and our allies, wanting something better—deserving something better. The President seized the moment and offered an alternative. This alternative is hope that nuclear blackmail can be relegated to the junk heap of unsavory political devices sometime in the forseeable future. Extraordinary advance in technology now make this possible.

Before describing this alternative further, let's talk a bit about deterrence. Deterrence has been described in many ways, but perhaps Mark Twain best illustrated deterrence with a short story.

"The other day two bulldogs met", Twain explained. "They circled, snarling and growling. Both were bluffing so nothing happened. And they were about to walk off when one of them opened his mouth. He had no teeth. So the other dog tore him to pieces."

Today, if we lacked the teeth of deterrence, we would surely be torn to pieces in this world of violent peace. So, the issue is not whether deterrence should be abandoned—for it cannot be abandoned—but rather what will keep the teeth in deterrence. The issue is how deterrence can best be preserved and strengthened to meet changing strategic circumstances, a growing threat to free societies, and a world of exploding technologies.

Actually, deterrence has evolved slowly since its conception. We have transitioned away from what Secretary Weinberger described last month as "the odd theory that you are safe only if you have no defense whatever," toward a more rational deterrence based on denial of Soviet war aims and threats to what Soviet leaders prize most—foundations of their military and civil power.

Nevertheless, our thinking stagnated in its evolution, concentrating solely on how offensive forces should deter. That is, American strategic policy and strategic forces have remained offense-dominated since the early 1970s until just now when the President suggested we explore ways to transition to a world in which defenses can perhaps play a central role.

Sure, a 100 percent effective defense of both our people and allies, coupled with similar defense against aircraft and cruise missiles, if attainable, would represent a nearly total shift to a defense-dominated world . . . not an unattractive long term wish, but probably unrealistic and well beyond reasonable reach.

But, because of unfounded speculation along these lines, the greatest criticism of defense has centered on the false premise that it needs to be perfect—or not at all. Such is simply not so. Whereas critics correctly recognize devastation would still be immense after a partially defended attack, an illogical conclusion is then drawn that a less-than-perfect defense has no value.

A useful strategic defense does not need to be perfect to contribute to deterrence. Why? Because even less than perfect defenses will deny the Soviets the confidence that they can achieve their goals.

Today, for example, the Soviet Union's nuclear war fighting doctrine requires a high confidence in attainment of stringent damage goals before they will attack. Strategic defense, effective though imperfect, can put these damage goals in question. Resultant uncertainty of success enhances both deterrence and stability.

Critics also fail to recognize that a nuclear threat might not come solely from the Soviet Union. Despite measures to forestall nuclear proliferation, more nations, not fewer, probably will continue to develop these weapons of mass destruction. While it may be extremely difficult to achieve a foolproof defense against the Soviets, total defense against a nation with less nuclear capability is very possible.

Much the same as Lewis Carroll's walrus who, with tears streaming down his face, consumed his friends the oysters, some critics have also charged that defensive measures would create a "Fortress America" that would isolate us from the defense of our allies . . . another red herring. For we are committed—by treaty, morality and self-interest—to aid in the defense of our allies.

We live in an increasingly interdependent world wherein an attack on one of our allies is tantamount to an attack on us all. By treaty commitment and our own national security interests, deterrence does not apply only to attacks on the United States. It is axiomatic, therefore, that strategic defense is being designed to defend allies as well.

Another criticism of strategic defense is that it will sound the death knell for arms control and arms reductions . . . wrong again.

Far from an end to arms control and reductions, a strategic defense concept can enhance both. Through defense, we hope to show the Soviets over time that ballistic missiles have limited military utility. This will induce them to negotiate seriously and eventually join us in a balanced offense/defense strategy. Further, it will provide an incentive for significant arms reductions.

Ballistic missiles, because of their short time of flight and increasing accuracy, are the most destabilizing strategic weapons from our point of view. So, if we can convince the Soviets that, in the future, ballistic missiles will no longer have great value, chances for a turn-down in arms proliferation even in this century are enhanced.

Conversely, those with an opposite point of view say a strategic defense system will merely force the Soviets to up the nuclear ante—that is, force them to increase their arsenal of warheads to ensure that more weapons leak through our defenses to targets. But I say this would only occur if such proliferation could restore effectiveness of their ballistic missile force against an effective defensive system . . . and an assured degree of restoration will not be possible. So, under these circumstances, they are now more likely to sit down and seriously negotiate, and are certainly more likely to avoid nuclear foolishness in the first place, if tempted, in the future.

After all, do you think it is a mere coincidence that they are showing a willingness to talk seriously—just when we are getting serious about strategic defense? As a historical aside, after we decided to build an antiballistic missile system in 1969 the Soviets opened ABM negotiations with us—which they had rejected flatly only two years earlier. Today, our ABM system is defunct while they continue to upgrade their ABM sites around Moscow.

Another stumbling block to realistic arms control—and successful negotiations with the Soviets—has been the problem of verification and compliance. Strategic defense can help hurdle this problem as well. If, because of defensive systems, ballistic missiles become less important, then the value of building more ballistic missiles is reduced. Also, it will not be as important to insist upon a precise count of ballistic missiles if their military utility cannot be restored by relatively small-scale violations of agreed limits.

Strategic defense offers one way to lessen the difficulties and frustrations in the very thorny issue of verification and compliance in arms control . . . particularly in the new world of mobile and relocatable nuclear systems which the Soviets have fielded and have been testing for some time. No known national technical means have yet been developed to enable either the Soviets or us to monitor this new and most difficult element of non-fixed land-based systems.

People also claim strategic defense would be destabilizing—that is, if we have it, and they don't, tensions will increase. But such a claim ignores what the Soviets are doing already. Today, they have exploited fully the ABM treaty. With their recently exposed Krasnoyarsk large phased-array radar, they almost certainly have violated the ABM treaty. Yet, we have no ABM system. Similarly, they have a massive civil defense program. Yet, we have little in the area of civil defense. They have never abandoned defense of their homeland. Yet, we have almost abandoned nuclear defense of our homeland to a country that is outspending us about 20-to-1 in the area of strategic defense. Why shouldn't Americans and their allies also enjoy the advantages of defense? In fact, it is interesting to note that in recent polls the majority of Americans thought we already had a defensive system in place.

Finally, one of the most unfortunate criticisms of strategic defense is that it is just plain impossible. But, as a military person and close witness to U.S. ingenuity, I am especially careful about saying anything is impossible. After all, most of the tools of national defense we use without second thought today—from jet aircraft to nuclear-powered submarines—were the "impossible weapons" of yesterday. Yesterday's impossibilities are today's realities. We have proven our technological know-how time and again. Why should we doubt ourselves now? Limit our horizon and vision of tomorrow?

So, what requirements must a strategic defense system possess? First, a defensive system must be highly survivable. If so, then an attacker will believe he could not destroy our strategic defense systems while his own capabilities remained intact, and hence will not be tempted to attack. Second, if it can be made more expensive for an attacker to add warheads than for a defender to increase defense capability (and we think it can . . .), incentive to proliferate will decrease and stability and deterrence will be enhanced at reduced offensive levels.

The only way to determine if these requirements can be achieved is not through articles based on old data and sensationalized press releases, but through a concerted program of research and evaluation. We are now at the threshold of such a lengthy research effort. This is not to suggest our new direction—studying the implications of strategic defense—would demand any early or radical changes in current arms control policy. In fact, the strategic defense initiative has been designed specifically, and is being managed carefully, to be consistent with existing arms control obligations as transition to defense is sought.

What we desire is mutual recognition, by ourselves and the Soviets, that, despite our differing social systems and strategic doctrines, we have a common interest in peace and stability.

This common interest may seem self-evident to all mankind. Unfortunately, it is not, as interpretations of the words vary markedly. For those of you wishing to understand the Soviets better, I commend to you the recent Foreign Affairs article entitled "Living with the Soviets" by Paul Nitze . . . a man who has been a perceptive observer of world affairs and Soviet policy since I was a teenager.

Nitze points out that we and the Soviets mean different things when we say "peace." For us, peace is the absence of war and relaxation of trensions. For the Soviets, in contrast, peace implies a movement to the condition when world-wide victory of socialism has made war obsolete. It is, thus for them a term for a process of struggle and challenge.

This difference lies at the heart of many Soviet-American misunderstandings. It explains why "peaceful coexistence"—which sounds so attractive to us—means to the Soviets simply another form of the permanent struggle between two ways of life. These very different concepts of peace and stability make dealing with the Soviets a challenging task. Ultimately, however, we hope the Soviets will recognize the value of what Paul Nitze calls a "live and let live" policy. We hope they will understand that the Western concept of peace and stability are in their interests as well as ours. We hope they will join with us in devising arrangements which will ease transition to a more stable world in which defense plays a central role.

We live in dangerous times. Solutions of the past have not brought perfect safety, nor will solutions of the future. At this time, we have made no irrevocable decisions, nor should we. We have violated no treaties, nor will we. But given the benefits of strategic defense, it is our obligation to conduct research that will allow sound future decisions. Then, and only then, can we make a final decision about the utility of defensive systems in putting teeth in deterrence.

There is a poem of Robert Frost's which I believe is particularly appropriate at this moment in our history:

"I shall be telling this with a sigh . . .
Somewhere ages and ages hence:
Two roads diverged in a wood, and I—
I took the one less traveled by,
And that has made all the difference."

Well, now is our chance to swing toward the new road of hope. Now is the time to commit ourselves to be strong enough to bring about a better world order; to be bold enough to seek a better and more hopeful tomorrow; to be willing to speak with action and deed and not just with worn-out words of good intention. The choice of which diverging road to pick is solely ours . . . and the world watches.

As Robert Frost once noted, the road "less traveled by" can make all the difference. Who knows, but were we to lead ourselves and others toward it, we might find mankind's only hope to rid itself of the ominous spectre of self-destruction. Isn't it worth a try? So, I say . . . "America, let's go for it!"●

IRS VEHICLE LOG REGULATIONS

● Mr. MURKOWSKI. Mr. President, last session, in an effort to improve compliance for those individuals who combine business and personal use of their vehicles, Congress tightened the requirements for recordkeeping. We added the word "contemporaneous" to the Tax Code to ensure that better records would be kept. However, the IRS has issued regulations that have distorted the intent of Congress and have outraged the American public.

Alaskans have flooded our offices asking that this provision be repealed. I am sure many of my colleagues have received letters and phone calls from residents of their States that echo the sentiments of the residents of Alaska. As an outraged insurance broker wrote to me:

These changes are unnecessary harassment of business and individual taxpayers. It is another step by the IRS to make crooks out of all law abiding taxpayers.

The IRS requirements apply not just to business cars, but to delivery vehicles and heavy construction machinery as well. This means that the time and attention of business persons will now be devoted to the unproductive filling out of vehicle logs, rather than in making their businesses more productive. Small and large businesses cannot afford the extra burden of keeping such logs for the IRS.

Rather than dealing with those few persons who take advantage of our tax laws, the IRS has issued regulations that punish all businesses by requiring reams of paperwork. A truck loaded with tools and machinery, and covered with dust and dirt from a construction job can hardly be called a pleasure or personal vehicle. Yet the IRS requires a detailed log of all trips taken in that vehicle, at the time those trips are made. This makes no sense at a time in our history when we are trying to encourage our business people to increase productivity and efficiency so that our economy can continue to expand.

No one benefits by what the IRS has done. Until our tax laws are changed, it will continue to be lawful for persons to take deductions for using vehicles for business purposes. The IRS regulations, however, could have the effect of repealing this lawful deduction by requiring onerous paperkeeping burdens.

I am proud to be a cosponsor of Senator ABDNOR's bill, S. 245, that will require only reasonable records to support the business vehicle deductions.●

THE 44TH ANNUAL SCIENCE TALENT SEARCH FOR THE WESTINGHOUSE SCIENCE SCHOLARSHIPS AND AWARDS 1985

● Mr. MOYNIHAN. Mr. President, on January 16, 1985, the science talent search for the Westinghouse Science Scholarship and Awards 1985 Honors Group was announced. Each year, high school seniors holding great promise in science and engineering are singled out for the praise and recognition which they so richly deserve. This is always a time of great pride for New York State because of the many outstanding New Yorkers who win. And this year was no exception—133 young New Yorkers were selected for the Honors Group. In fact, no other State can call so many honorees their own. And this reflects something that those of us in New York have long known. Our children are the smartest in the Nation.

And if more proof is needed, it may be found in the list of 40 winners of this fine talent search. Of these 40 winners of a trip to Washington and the opportunity to win a 4-year Westinghouse science scholarship, 12 are New Yorkers. They are: Louis Craig Paul of Baldwin, Kristi Ann Dell of East Patchogue, Michael Steven Graziano of Buffalo, Leonard Tze-Yung Lee of Liverpool, Boris Y. Gelfand of New York, John Shu-Shin Kuo of Whitestone, Paul Chan of New York, Michael Friedman of Brooklyn, Junjiro Horiuchi of New York, Audrey Zelico of Forest Hills, Pasi Antero Janne of New York, and Huw Michael Nash of Webster.

I should simply wish to congratulate the New Yorkers who are counted in the 1985 Honors Group, and especially the 12 Washington trip winners. They have all made us proud. Indeed, so proud that I would like to share their accomplishment with my colleagues.

Mr. President, I ask that a list of New York Honors Group members and their projects be printed in the RECORD at this point.

The material follows:

ARDSLEY

Lefkowitz, Robert Allen, 17, Ardsley H.S. Multi-Breath Studies of Lung Function.

BALDWIN

Paul, Louis Craig, 17, Baldwin Sr. H.S. Effect of Temperature on Facet Number in the Bar-Eyed Mutant of *Drosophila melanogaster.*

BAYSIDE

Chang, Nan-ning, 17, Benjamin N. Cardozo H.S. Properties of Generating Functions of Infinite Sequences.

Fields, Helene Linda, 17, Benjamin N. Cardozo H.S. Effects of Federal Interest Tax on General Interest Rate.

Park, Christina Hee Youn, 17, Benjamin N. Cardozo H.S. Transfection of NIH 3T3 Mouse Cells by Mouse and Human Macrophage Tumor DNAs, MAC and U937.

Sarfati, Caryn Renee, 17, Benjamin N. Cardozo H.S. Various Summations with the Farey Series and the Farey Series of Fibonacci Denominators.

Shim, Joseph, 18, Benjamin N. Cardozo H.S. Soybean Nodulation and Nitrogen Fixation by Plasmid Mutants of a Bacterium *Rhizobium japonicum* Strain.

Tujak, Laura, 16, Benjamin N. Cardozo H.S. Effect of Orienting Procedures on Children's Phonemic Analysis.

Wu, Clara, 17, Benjamin N. Cardozo H.S. Searching for Centered K-Gonal Numbers.

Wu, James Kuo-Ching, 18, Benjamin N. Cardozo H.S. Measurements of the Secondary Currents in Meanders.

BROOKHAVEN

Dell, Kristi Ann, 17, Bellport H.S. Indications of Indian Presence From a Surface Site in Northwest Indiana.

BROOKLYN

Cho, Baek Yun, 18, Brooklyn Technical H.S. Ultraviolet Lumninescence Study of Doped Trivalent Cerium Ion.

Lai, William, 17, Fort Hamilton H.S. Analysis of Littorina Littorea Locomotion Under Stimulated Turbilent Conditions.

Yermak, Yelena M., 16, James Madison H.S. Daydreaming: Relationship Between SDT and SIT.

Chan, See Wai, 18, Midwood H.S. Homogeneous Liquid-Liquid Solvent Extraction of Uranium From Aqueous Solution and Sea Water.

Faden, Erika Lynn, 17, Midwood H.S. Women and Mathematics: The Inferiority Syndrome.

Weiserbs, Kera F., 17, Midwood H.S. Monte Carlo Simulation of Darwinian Evolution.

Levine, Patti Joy, 17, Edward R. Murrow H.S. Using Juvenile Hormone Analogues as Insecticides.

Lotto, Christopher James, 17, Edward R. Murrow H.S. Effects of Monosodium Glutamate (MSG) on the Reproduction and Behavior of Drosophila melanogaster.

Baird, Michael Alleyne, 18, Prospect Heights H.S. Coenzyme Q is Linked to a Peptide: Purification and Characterization.

Mok, Patricia, 17, Franklin D. Roosevelt H.S. Effect of Low Oxygen Concentration and Varying Pressure on the Root Systems of the Growing Seafarer Beans.

BUFFALO

Bekerman, Marc Stephen, 16 South Shore H.S. Dimension Slicing.

Graziano, Michael Steven 17, City Honors H.S. Effects of Simultaneous Tasks on Hemispheric Control.

DIX HILLS

Barker, Sheri Michelle, 17, Half Hollow Hills H.S. East. Environment Corrosion Parameters in the Containment of Low-Level Nuclear Wastes.

Levine, Naomi Rachelle, 16, Half Hollow Hills H.S. East. Investigations of Golden Functions and Predictions of Their Possible Applications to Morphogenesis.

Moy, York Paul, 17, Half Hollow Hills H.S. East. Bronchial Lavage of Allergic Asthmatic Patients Following Allergen Broncoprovocation.

EASTCHESTER

Woo, Joyce, 17, Eastchester H.S. Human Scalp Hair Analysis for Nicotine and Cotinine.

ELMHURST

Bacares, Angela Maria, 17, Newtown H.S. Are Heat Shock Proteins the Last Proteins Synthesized Prior to Programmed Cell Death?

Coritsidis, Maria, 17, Newtown H.S. Ethnicity Retention Among Greek American Students.

Damato, Anna Margaret, 16, Newtown H.S. Comparison of Attitudes Towards Bioethical Issues in a Group of Teenagers and Adults.

Li, Bonnie Pailing, 16, Newtown H.S. Filtration Rates of the Hard Clam, *Mercenaria mercenaria.*

Martadarma, Pramita, 17, Newton H.S. Role of Women as Perceived by Children of Working Mothers vs. Non-Working Mothers.

Rai, Rabindra Singh, 16, Newtown H.S. Influence of Environment on the Moral Development of Asian Cultures.

FLUSHING

Jha, Bhuvdutt, 17, John Browne H.S. Development of a Method for Obtaining and Analyzing Membrane Acceleration.

Gilady, Elizabeth Ilona, 17, Francis Lewis H.S. Use of Conodonts to Determine the Boundary Between Two Similar Rock Units, the St. Louis and Ste. Genevieve.

Levison, Marra Ellen, 17, Francis Lewis H.S. Factors Influencing Altruistic Behavior: A Holocaust Situation Analysis.

Love, David Andrew, 16, Francis Lewis H.S. Japanese and American Corporation Decision Making: A Test of the Cultural Hypothesis.

Rosa, Christopher John, 17, Francis Lewis H.S. Attitudes on Government Spending for Accessibility Improvements for the Physically Disabled.

Sekhar, Gina, 16, Francis Lewis H.S. Effects of Coculturing Photosynthetic and Methanogenic Bacteria on Various Substrates to Increase Methane Production.

FOREST HILLS

Chen, Daniel N., 18, Forest Hills H.S. Measure of Sharpness for Geometric Inequalities.

Tsao, Kuangwen, 17, Forest Hills H.S. Roles of the K?ATPase in TPA-Induced Glucose Utilization by Fibroplasts.

FRANKLIN SQUARE

Murata, Yoshihiko, 17, H. Frank Carey H.S. Transport Defects as the Biochemical Cause of Eye Color Mutations in *Drosopics melanogaster.*

IRVINGTON

Berrafati, Joseph Fauci, 17, Irvington H.S. Development of a Biochemical Profile for Group *G. streptococcus.*

Kauffman, Jeffrey Ira, 17, Irvington H.S. Simplified Technique for the Identification of Strains of *Staphylococcus aureus* Using Peptidoglycan Analysis.

JAMAICA

Meghji, Shabnam, 17, Hillcrest H.S. Stability of Fission Tracks in Tourmaline.

Wang, Wen, 17, Jamaica H.S. Children's Concept of Conservation.

LIVERPOOL

Lee, Leonard Tze-Yung, 17, Liverpool H.S. Unique Algoritam for the Efficient Computation of the Discrete Fourier Transform.

LYNBROOK

Safir, Michael Harris, 17, Lynbrook H.S. Expression of Circadian Rhythmicity in the Anophthalmic Hamster.

MASSAPEQUA

Abramson, Jodi Lynne, 17, Massapequa H.S. Inducement of Systemic Resistance to Fungal Disease in the Cucumber Plant.

NEW HYDE PARK

Tropp, Jonathan Bruce, 17, Herricks H.S. Computer Analysis of Oncogene Sequence Homologies.

NEW YORK

Austin, Kenneth William, 17, Bronx H.S. of Science. Gender Bias Using the Cyranic Technique.

Biswas, Soma, 17, Bronx H.S. of Science. Personality Traits Related to Hemispheric Cognitive Style.

Brook, Richard Alan, 17, Bronx H.S. of Science. Jewish Identity and Ritual Practices of Soviet Jews in the U.S.

Cechini, Mark David, 17, Bronx H.S. of Science. Infant Discrimination of Gender and Race.

Crespo, Elena Cecilia, 17, Bronx H.S. of Science. Unitary and Non-Unitary Divisors.

Delinois, Peggy, 17, Bronx H.S. of Science. Search for the Relationship Between the Location of Fibronectin and of Platelets in Narrow Spaces.

Dolan, Diane Marie, 17, Bronx H.S. of Science. Locus of Control and Attitudes Towards Cyranic Functioning.

Drinkhouse, Mary Elizabeth, 17, Bronx H.S. of Science. Sibling Relationships: Cooperation and Competition.

Gandhi, Aashish, 17, Bronx H.S. of Science. Study of the Ability of Crohn's Disease Serum and IgG to Produce Immunoreactive Lymphoid Cells in the Lymph Nodes of Athymic Nude Mice.

Gelfand, Boris Y., 17, Bronx H.S. of Science. Generalizations of the Classical Inequalities.

Goyal, Naveen, 17, Bronx H.S. of Science. Investigaton for Viral Pathogens in the Hard Shell Clam, Mercenaria mercenaria.

Hunter, Douglas M., 17, Bronx H.S. of Science. Effects of Cadmium Nitrate on the Heart Rate of Daphnia.

Kuo, John Shu-Shin, 17, Bronx H.S. of Science. Mechanism of Transposition of Tn5 in E. coli.

Laskin, Hyunja Florence, 17, Bronx H.S. of Science. Association of the Actively Transcribed Genes and the Nuclear Matrix.

Lee, Allison Minhee, 17, Bronx H.S. of Science. Medical Neurological and Socioeconomic Factors: Possible Predictors of Neurobehavioral Mental and Motor Development in a High-Risk Premature Population.

Dee, Helane, 17, Bronx H.S. of Science. How are MMTY Proviruses Organized in the Genomic DNA of Feral Mice and What Aspects of the Organization of MMTV Proviruses are Responsible for the Low Incidence of Mammary Tumors in Feral Mice?

Leung, Alexander Tak Choy, 17, Bronx H.S. of Science. Quadratic Residue in Guassian Integers.

Levine, David Scott, 17, Bronx H.S. of Science. Serotypes of Streptococcus Pneumoniae Isolated From Patients at Bellevue Hospital Between 1973 and 1984.

Lin, Jean, 17, Bronx H.S. of Science. Predatory Strategies of Malapterurus electricus.

Milanes, Max Ruben, 17, Bronx H.S. of Science. Mediation.

Ng, Paul, 16, Bronx H.S. of Science. Determining N When Given the Sum of Each of the Positive Integral Divisors of N.

O'Shea, James J., 16, Bronx H.S. of Science. Extensions of Euler's Phi-Function.

Papagianopoulos, Olga Nadine, 17, Bronx H.S. of Science. Cytogenetic Study of a Recurrent Human Meningioma Carrying a Translocated Chromasome.

Pervaaz, Javeed, 16, Bronx H.S. of Science. Investigation of the Spectrum Produced by Self-Quenching Streamers in Xenon Gas.

Pratomo, Andre Surya, 17, Bronx H.S. of Science. Electrolocation in Weakly-Electric Fish.

Quraishi, Huma, 17, Bronx H.S. of Science. Relationship Between Personality Traits and the Quality of the Sibling Relationship as Reported by the Respondent.

Redner, Jordan Lev, 17, Bronx H.S. of Science. Effects of Nicotiana tabacum on the Courtship Behavior of Drosophilia melanogaster.

Rubenstein, Jennie, 17, Bronx H.S. of Science. Effect of Gas Steam Temperature on Coal-Ash Deposition.

Rudman, Larry, 17, Bronx H.S. of Science. Looking Within Fibonacci.

Silverman, Gillian Diane, 17, Bronx H.S. of Science. Effects of the Sound "Mm..." and the Heartbeat on Emotional Response and Creativity in Adolescents.

Smith-Lewis, Andrew Irving, 17, Bronx, H.S. of Science. Blood Group P_1 Antigenic Substance from *Lumbricus terrestris.*

Strahs, Rachel Serena, 17, Bronx H.S. of Science. Effect of Injected $Al(OH)_3$ on Instrumental Responses in *Lumbricus terrestis.*

Suh, Andy, 17, Bronx H.S. of Science. Heat Conservation With the Use of Infrared Reflective Coatings on Windows.

Wang, George Li-Yuan, 18, Bronx H.S. of Science. Use of Amorphous Carbon Films for the Stabilization of N-Type Silicon Photoanodes in a Photoelectrochemical Cell.

Fong, Ming Yuen, 18, Hunter College H.S. Development of a Transformation System for Alkalophilic Bacilli

Jovanovic, Adrian Burton, 16, Hunter College H.S. Data Compression in Telecommunications.

Assimakopoulos, Nicolle Erika, 16, John F. Kennedy H.S. Mapping of the Gene Locus Responsible for the Uncoupler Resistant Phenotype in a Mutant Strain of *Bacillus subtilis.*

Feldbaum, David Michael, 17, John F. Kennedy H.S. High Risk Factor Analysis of Bilateral Breast Cancer Patients with Family Histories of Mammary Carcinoma.

Negron; Jr., David, 18, John F. Kennedy H.S. Study of the Karyotypes of a Population of Pumpkinseed Sunfish *(Lepomis gibbosus)* from the Hudson River.

Agus, Raanan Abraham, 17, Ramaz School. Buffering Capacity of Bacteria.

Abramowitz, David Neil, 17, Stuyvesant H.S. Preparation of pDNA1: An Improved Broad Host Range Plasmid Vector.

Bernstein, Neil Jeffrey, 17, Stuyvesant H.S. Parabolic Dish Concentrator Solar System Analysis.

Chan, Paul, 17, Stuyvesant H.S. A Proof of the Synthesis of 1,1,3,3,5,5,-hexaphenyl-1,3,5-trisilicacyclohexane and Iodomethylpyridinium Salts Using Nuclear Magnetic Resonance Spectroscopy.

Chao, Cecilia Elizabeth, 17, Stuyvesant H.S. Regulation of Pro-opiomelanocortin Gene Expression in Rodent Tests.

Chernoff, Harry Alexander, 17, Stuyvesant H.S. Effect of Various Hypothetical Models of National Convention Delegate Apportionment on the Electability of the Presidential Nominees.

Chia, Li-Wan, 18, Stuyvesant H.S. Egg Protein Isolation and Extraction From the Antarctica Fish *Chaenocephalus aceratus.*

Choy, Wanda Wai Ying, 17, Stuyvesant, H.S. Restriction Analysis and Mapping of Endonuclease Sites in the Mouse Kidney Androgen-Regulated Protein Gene and its Flanking Sequences.

Cole, Peter David, 17, Stuyvesant H.S. The Feasibility of Creating a Universal Language Based on Sign Language.

Courtines, Michel-Alexis Romain, 17, Stuyvesant H.S. Isolation and Characterization of ATP-ase Deficient Mutants of Bacillus subtilis.

Dutta, Sanjoy Kumar, 17, Stuyvesant H.S. Determination of Structural Domains in Glycolytic Enzyme Hexokinase.

Erlichson, Andrew Joel, 17, Stuyvesant H.S. Effect of Blade Geometry and Surface Material on Wind Machine Rotation Speed, Torque, and Efficiency.

Friedman, Michael, 17, Stuyvesant H.S. Lower Bound for Odd Perfect Numbers With Eight Distinct Prime Factors.

Horiuchi, Junjiro, 17, Stuyvesant H.S. Studies of Subcellular Structures and Gene Expression in Cultured Mammalian Cells by Use of Microinjection Techniques.

Lee, Sue, 17, Stuyvesant H.S. Adolescent Memory of Early Life Experiences: Do Mood and Gender Influence Performance?

Lerman, Kristina, 17, Stuyvesant H.S. NMR as an Instrument for Investigating the Structure of Organic Compounds.

Levine, Elena, 17, Stuyvesant H.S. Model System to Study Enzymatic Recognition of a Single-Base-Pair Mismatch in DNA.

Ma, Joyce, 17, Stuyvesant H.S. Nodulation and Nitrogen Fixation by Phage Resistant Mutants of Rhizobium trifolii 0403 on Trifolium repens.

Mu, Harrison Te-Ming, 17, Stuyvesant H.S. Localization of Substance P in the Sciatic Nerve.

Ng, Kenney, 17, Stuyvesant H.S. Combined Surface-Enhanced and Resonance-Raman Scattering from Methyl Red Adsorbed on Colloidal Silver.

Park, Young Hoon, 17, Stuyvesant H.S. Development of Multiwire Proportional Chamber for Use in Bone Absorptiometry.

Prager, Alan Barry, 17, Stuyvesant H.S. Unexpected Result in the Attempted Synthesis of a Phosphene.

Suntharalingam, Vyshnavi, 17, Stuyvesant H.S. A Theoretical Study of the Thermal Decomposition of 1,1-Diazenes.

Visvalingam, Nando, 18, Stuyvesant H.S. Use of the Microcomputer in Balancing Complex Inorganic Equations for the Conservation of Both Mass and Charge.

Yee, Fung May, 17, Stuyvesant H.S. Mechanism for Stable Radical Production when N,N-diethylaniline and 1-Bromobutane are Refluxed in the Solvent Demethyl Sulfoxide.

Yuen, David Joseph, 18, Stuyvesant H.S. Derivative of the Ingham Theorem.

Zelicof, Audrey, 16, Stuyvesant H.S. Equalizing Property of Circles.

Zuckerman, Daniel Mark, 17, Stuyvesant H.S. Analysis of the Perception of Color Derived From Alternating Black and White Images.

Janne, Pasi Antero, 17, United Nations International School. Two Different mRNAs for Ornithine Decarboxylase Arise from Size Heterogeneity of Their 3'-Ends.

Paley, Jeffrey Evan, 17, Yeshiva University H.S. Role of Polyamine Biosynthetic Enzymes in Tumor Classification.

PLAINVIEW

Waldman, Benjamin, 17, Plainview-Old Bethpage H.S. In Vitro Effects of the Thymus Derived Synthetic Octapeptide Met-Arg-Asp-Glu-Phe-Asp-Gln-Glu and Human Gamma Interferon on the Immune Response of Murine Leukocytes.

QUEENS

Kohnberg, Stewart Jason, 17, Martin Van Buren H.S. How Does Synthetic Polymer Density Affect Nylon Failure?

Spector, Jeffrey Alan, 17, Martin Van Buren H.S. Comparison of the Rates of Ammonification and Nitrification in Two Forest Ecosystems in Lower Michigan.

ROCKVILLE CENTRE

Ausubel, Lara Jane, 17, South Side Sr. H.S. Effect of Verapamil Hydrochloride Upon the Ciliary Action of Protozoa.

Berger, Michael Richard, 17, South Side Sr. H.S. Retention of a Conditioned Response Following Regeneration and the Transfer of Learning Through Cannibalism.

ROSLYN

Helman, David Glenn, 18, Roslyn H.S. Correlation Between Religious Practice and Pledge Recitation Among H.S. Students.

Katz, Joshua Adam, 17, Roslyn H.S. Examination of the Effects of Two Variables on Temperature Patterns in Solar Ponds.

Solomon, Stephen Barnett, 17, Roslyn H.S. Non-Polygonal Numbers and Non-Quadratic Formula Extension.

SHOREHAM

Divadeenam, Asha, 17, Shoreham-Wading River H.S. Ozone Inactivation of Rotavirus.

Hannan, Lisa Annemarie, 17, Shoreham-Wading River H.S. Relative Rate of Transformation Using Bromodeoxy-uridine Substituted Carrier DNA and Cytogenetic Effects of Transformation.

Saulys, Tomas Arunas, 17, Shoreham-Wading River H.S. Improving the Efficiency of the Indium-tin Oxide and Tin Oxide Thin Films for Photovoltaic Devices.

Schwender, James Douglas, 18, Shoreham-Wading River H.S. Role of Chloroplast Proteins in the Structural Adaption of Plants to Varying Light Intensity.

SPRING VALLEY

Greene, David, 18, Spring Valley Sr. H.S. Role of Amyloplastic Starch in Graviperception of Avena.

WEBSTER

Nash, Huw Michael, 17, Webster H.S. Adsorption of Volatile Corrosion Inhibitors on Mild Steel.●

PRESQUE ISLE PRESERVATION PROJECT

● Mr. HEINZ. Mr. President, I am pleased to join my colleague, ARLEN SPECTER, in introducing a measure that would authorize the implementation of a project for the control of beach erosion at Presque Isle Peninsula in Erie, PA.

Presque Isle State Park, one of the most beautiful public recreation areas in the Nation, attracts over 4 million visitors a year and is a bulwark of the regional economy. As you may have guessed, Mr. President, there is a direct link between the quality of Presque Isle State Park and the well being of the citizens of Erie. A stable and attractive Presque Isle Peninsula means a more healthy and vibrant northeast Pennsylvania.

Unfortunately, Presque Isle Peninsula has deteriorated in recent years under the incessant pounding of the waves of Lake Erie. As greater and greater portions of the Presque Isle shoreline are eroded, so, too, is the economic strength of the region it serves. The legislation introduced today is designed to halt the erosion of the Presque Isle shoreline and to preserve the peninsula for the enjoyment and economic benefit of future generations.

The beach preservation project this legislation would authorize is not a new one. The Army Corps of Engineers has thoroughly studied Presque Isle's problems, and the Congress has already appropriated $1.1 million for planning and design of a solution recommended by the corps. Beach preservation experiments conducted by the Corps of Engineers have shown that the construction of a series of offshore breakwalls parallel to the peninsula shoreline is the best way to halt fur-

ther beach erosion at Presque Isle. Given the amount of time, energy, and resources already spent on this matter, it is clear that the corps' breakwall proposal is ripe for construction.

Mr. President, Senator SPECTER and I have worked hard over the past several years to arrive at a permanent solution to the problems which plague Presque Isle Peninsula. The foundations for such a solution have been carefully laid over the course of many months of in-depth research, planning, and design. Confident in the knowledge that further erosion at Presque Isle can be prevented, we have introduced this legislation in the hope that the final chapter of the Presque Isle preservation project will soon be written.●

IN TRIBUTE TO REPRESENTATIVE ALDO FREDA

● Mr. PELL. Mr. President, it is always a sad moment in our lives when we hear news of the passing of someone we knew, particularly of a friend. Last Sunday, Aldo Freda, long-time State representative from the Federal Hill district of Providence, RI, passed away peaceably in his sleep. He leaves behind a legacy of dedicated service to his constituents, and caring and concern for his neighbors that went beyond his duties as a legislator.

As senior member of the Rhode Island State House of Representatives, Aldo Freda was respected as its dean. A hardworking legislator and chairman of the powerful House Corporations Committee, Aldo displayed a firm and even hand in wielding the gavel of its chairmanship. Blessed with a skill of oratory, Aldo instinctively knew the time to use a powerful voice or a gentle quip.

His annual Christmas parties and summer picnics, given for present and past residents of his district, were renowned for their record crowds. It was understood that you had to attend Aldo's functions not because of the large number of attendees, but failure to appear would incur a no-nonsense lecture by Aldo. The purpose of this sermon was to let you know that you had missed an opportunity, not just to greet voters, but to bring a little cheer and goodwill to those less fortunate.

I well remember back in early 1960 when we both first ran for office. Aldo was one of those who accompanied me down the main avenues and the back streets of his dearly loved Federal Hill. And now when I take my constituent walks through Federal Hill, I know there will be something missing—Aldo's compassion, dedication, and love.

I would like to express my deepest condolences to Aldo Freda's brothers and sisters and to his colleagues in the Rhode Island House of Representatives.

Mr. President, I ask that an editorial entitled "Aldo Freda, a conscientious legislator," from the Providence Journal, and an article by M. Charles Bakst of the Providence Journal be printed at this point in the RECORD.

The material follows:

[From the Providence Journal, Jan. 29, 1985]

FREDA DEVOTED HIS CAREER TO SERVING CONSTITUENTS

(By M. Charles Bakst)

I used to see him all the time at Angelo's, the unadorned, hearty restaurant that was one of his hangouts on Federal Hill, the House district he had represented since 1961.

It became a routine, and I started asking him, "Are you the official greeter here?" and he had to laugh.

I liked dealing with him at the State House because when I asked him a question, he would give me an answer. You'd be surprised how rare that is in politics.

His name was Aldo Freda. He was the dean of the House. He was a power of sorts—he was, after all, chairman of the House Corporations Committee—but when the 63-year-old bachelor died in his sleep on Sunday, and when political types remembered him yesterday, power was the last thing they mentioned.

He was by far the most senior member of the General Assembly. No one else even came close; these days politicians are too impatient to stay. Ambition or despair eventually get to them.

But Lt. Gov. Richard A. Licht said yesterday of Freda's House service: "This was his life. He never had a touch of superiority. He never had any airs about him. You know how some of us get when we're up here. We have a vision of our self-importance. He never did."

John Orabona, the Federal Hill senator who called Freda his mentor, said Freda was so busy serving constituents—"He was a layman priest"—he did not worry about elections. Often, in fact, he did not have an opponent.

"He said, 'John, I never have signs, I never have bumper stickers. I campaign 24 hours a day, 365 days a year.' The work was his campaigning."

Freda was a cutter of red tape, a helper, said former Democratic state chairman Charles T. Reilly, who compared his service to such as that offered by Action Line in the Journal-Bulletin or the Governor's Citizens Information Service.

"People of his era," said Frank Caprio, a former Federal Hill councilman, "were very close family and community-oriented people. When someone was sick or someone was in need of help, the community provided for them. It was the era of five- and six-tenement houses. He carried this philosophy from his personal life into his public life, and we don't have that kind of community closeness today."

Caprio and Orabona recalled Freda's self-appointed task, which stretched for years, of giving Ann Ortoleva a ride to work, or making sure someone else would do it that day. Mrs. Ortoleva, the widow of a former House colleague, was confined to a wheelchair and worked as a receptionist in the office of the attorney general.

Orabona remembered a time he and Freda went to see a woman on DePasquale Avenue: "This woman was without a stove and Aldo Freda went to a furniture store and he purchased a stove out of his own pocket for the woman."

And the time Freda went into Adolf Gianquitti's meat market, bought a bunch of turkeys and other products, and asked Gianquitti to disburse them to people in the neighborhood. "His wealth," said Orabona, "was the people in his district."

Just the other day, House Majority Leader Joseph DeAngelis said, Freda was working with Speaker Matthew J. Smith on behalf of a constituent who was about to enter the General Hospital and needed a special kind of bed.

In House debates, Freda had a booming vocie, but he really was a quiet man who did not seek glory. Reilly, who as state chairman engaged him as an unpaid aide, said, "He never looked for a complement or even a thank-you."

Freda used to have parties—Christmas parties and summer outings—that drew thousands, Orabona said there would be an administration fee of $5 or so for the summer picnics in Bristol, but there would be no charge for the needy or elderly, and Freda would pay for the bus transportation. People would eat all day, there was fun and prizes, and the host wound up digging into his own pocket to pay all the bills.

As Freda had no airs about himself, he gave similar advice to other politicians, like Thomas R. DiLuglio, the shy guy who was running for lieutenant governor in 1976 and had to admit he didn't enjoy gladhanding. "Don't you ever be anything but yourself," Freda told him.

When DiLuglio's successor, Richard Licht, thought back about Freda yesterday, he remembered an extraordinary thoughtfulness, a man who knew about Italo-American functions everywhere and who would call and say, you've *got* to be at this event, and you've *got* to be at that event, and the events were real community events. You'd meet people who you'd never see at any other political festivities."

And, Licht said, Freda was a pro's pro: "He'd get you in and get you out, but you also had to have something to eat while you were there."

Perhaps Freda's closest House friend was Rep. Joseph Quattrucci of East Providence. Quattrucci said he and some of the other reps would kid Freda, who was an insurance company district office supervisor, about perhaps its being time to pack it in after all those years in the legislature. He said Freda would snarl, "Would you guys get off my back? What am I going to do—sit on my fanny and get fat?"

Quattrucci was one of the fellows Freda used to enjoy having a few beers with at Micheletti's Restaurant after a day's House session. Quattrucci said Freda often would be in a hurry to get out of the State House, but that last Friday it took Freda almost two hours to extricate himself after adjournment. One thing would come up and then another; Freda would seem ready to leave, then he'd remember one more phone call he'd have to make.

"There was," Quattrucci said about Friday, "always a little thing he had to finish, as if somebody upstairs said, 'Aldo, finish this day because you're not coming back.'"

[From the Providence Journal, Jan. 29, 1985]

ALDO FREDA, A CONSCIENTIOUS LEGISLATOR

If ever there was an Italian leprechaun, it was Aldo Freda. A small man in size, but

one of substantial stature in the General Assembly for a quarter-century, he possessed both the shrewdness and puckish humor of that legendary Irish figure. Proud of his own heritage, he recognized the same sentiment in those of other ancestries—and enjoyed to the full the legislature's annual celebrations of its member's varied backgrounds.

But Representative Freda, while never missing a chance to extol the good qualities inbued by his own Federal Hill upbringing and lifelong residency, was much more than an ethnic politician. True, he never did lose touch with homebase. His annual Christmas Party and summer picnic for constituents always drew record crowds. However, when presiding as chairman over the powerful House Corporations Committee or when otherwise involved in legislative affairs, he was all business.

A bachelor, Mr. Freda daily went to work at dawn as an insurance firm's district office supervisor, so that by noon the rest of his day was clear for State House duties. This same highly disciplined approach characterized his Assembly performance. He was a conscientious legislator, whose commonsense attitude impressed his colleagues. He could argue passionately, and effectively on issues he considered important. But he also had the knack for an oratorical quip to ease tense debates.

Although Rhode Island's is a part-time legislature, Mr. Freda gave fulltime attention to his role there from his first election in 1960. The end of that tenure (the current Assembly's lengthiest) because of his death Sunday truly represents more than a loss to his own constituents. Legislators come and go, but in Representative Freda's passing at age 63, all Rhode Island has lost a good public servant.●

DEFICIT REDUCTION BEGINS

Mr. DOMENICI. Mr. President, I wanted to comment on a matter that is of extreme interest to all Senators and I think extremely important to the people of this country. There can be no doubt that the last election sent a couple of very important signals to those who are elected to represent the people of this country. One, they want economic prosperity, they want a bright future, they want a continuation of real economic growth each year, low inflation, and the lowest possible taxes. Without any question, that was the issue of the last campaign and the people spoke loud and clear. For that to continue, there is no doubt that the policymakers representing the people of this country must reduce the ominous deficits that hang as a cloud over the future prosperity of the next couple of generations.

A little thing happened today about which the Senate should know. The Committee on Environment and Public Works, under the able leadership of the distinguished Senator from Vermont [Mr. STAFFORD], this morning was engaged in deliberations over what might be the first substantive bill to be reported out of the committee this year. It was nothing more than a highway bill that authorizes a level of funding which we should not have taken much time with, but which was stalemated last year because any time you have a vehicle like that everybody uses it to add something. So we did not get it done last year. Maybe it was kind of providential that we did not because this morning the Senate Environment and Public Works Committee met to report out an authorization with reference to highway funding out of the trust fund. I am here to tell the Senate that that committee not only authorized a clean bill, without all of the demonstration programs that have become so historic and tap the validity of the highway trust fund and its purposes, but in addition to that did something extremely important with great symbolism.

Not only did they say, "Let us do that," but in addition they said, "Let us go beyond a freeze in terms of the money we are going to authorize. Let us cut $500 million beyond a freeze to send a signal that we as a committee, even in a trust fund program, one wherein we are collecting taxes and putting them into a fund—although that fund is in jeopardy in years to come—can cut a program although it surely has authority to spend more. Under the unified budget, if you spend less, you have a direct impact on the deficit. The Senate should know that the Environment and Public Works Committee reduced expected highway expenditures for the year 1986 by that little act by $1.7 billion.

I think that bodes well. That action was prompted on motion and amendment by the distinguished chairman of the Republican Conference, Senator CHAFEE, the distinguished Senator from Rhode Island. But I must say that it was bipartisan, for that amendment was cosponsored by the ranking Democrat, the distinguished senior Senator from Texas [Mr. BENTSEN].

After a vote on a freeze, which lost, the measure was passed by a vote of 14 to 1. That means it had tremendous bipartisan support. I hope everyone takes note of that, because I think we will have scores of opportunities in the next couple of months; and if each committee acts as this one did and says, "We won't wait around for the other; we won't say that we will not do it unless somebody else does; we will do our share," I think we will have a real chance this year to put together a reduction of $50 billion or more in the deficits for 1986 in a meaningful way.

While to some this all sounds like numbers and to others it may sound like the same old record, to many of us it is the most significant kind of policy decision we can make.

While it might be more attractive to come to the floor week after week on substantive measures and new ideas and innovative proposals, we are clearly at a stage of economic prosperity in this country that demands nothing less than this committee did today.

I extend my commendations to the distinguished chairman, as I have indicated, and to the ranking minority member, who joined in this, and to the distinguished Senator from Rhode Island [Mr. CHAFEE], who proposed it.

I find nothing but a high sense of responsibility, and I am proud to have been there to vote on it. There should be no doubt how I voted. I voted for a half-billion dollars less than the freeze amount on that authority, and I will do my share from this day on, and I hope many will join.

Mr. SIMPSON. Mr. President, while we await word from the minority leader, let me say that I am pleased to be a member of the Committee on Environment and Public Works. Indeed, this morning's action, by a vote of 14 to 1 on a tough budget issue, on a very popular type of program, is exactly what we will find ourselves doing in the next weeks.

I very much admire the effort of Senator CHAFEE and Senator BENTSEN as they prepared that amendment, and obviously they presented it very ably. My proxy was cast in favor of it. I was participating in the Edwin Meese confirmation hearing.

What Senator DOMENICI has said is something we will all be heeding very carefully in these next weeks, because he, as chairman of the Budget Committee, is a very certain trumpet in this area; and many of us will be heeding his views as we work with him and with Senator CHILES, the ranking minority member of the Budget Committee.

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL THURSDAY, JANUARY 31, 1985, AT 10 A.M.

Mr. SIMPSON. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until the hour of 10 a.m. on Thursday, January 31.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS ON THURSDAY

Mr. SIMPSON. Mr. President, I ask unanimous consent that, following the recognition of the two leaders under the standing order on Thursday, the following Senators be recognized for not to exceed 15 minutes each for special orders: Senators COCHRAN, PROXMIRE, SPECTER, BENTSEN, BYRD, BAUCUS, BIDEN, BRADLEY, LONG, LEVIN, RIEGLE, HOLLINGS, CHILES, BINGAMAN, and BOREN.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON THURSDAY

Mr. SIMPSON. I ask unanimous consent that following the special orders just identified, there be a period for the transaction of routine

morning business not to extend beyond the hour of 2 p.m., with statements limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. At the conclusion of routine morning business, it will be the intention of the leadership to turn to any nominations which may be available, possibly the nomination of William Bennett to be Secretary of Education. Therefore, rollcall votes are a distinct possibility.

RECESS UNTIL 10 A.M. ON THURSDAY, JANUARY 31, 1985

Mr. SIMPSON. Mr. President, with deference to my colleague, the junior Senator from Massachusetts [Mr. KERRY], who has joined me on this auspicious occasion, as I close this particular session I move, in accordance with the previous order, that the Senate stand in recess until 10 a.m. on Thursday, January 31.

The motion was agreed to; and at 4:33 p.m. the Senate recessed until Thursday, January 31, 1985, at 10 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate January 28, 1985, under authority of the order of the Senate of January 3, 1985:

ENVIRONMENTAL PROTECTION AGENCY

Lee M. Thomas, of Virginia, to be Administrator of the Environmental Protection Agency, vice William D. Ruckelshaus, resigned.

CONFIRMATION

Executive nomination confirmed by the Senate January 29, 1985:

DEPARTMENT OF THE TREASURY

James A. Baker III, of Texas, to be Secretary of the Treasury.

HOUSE OF REPRESENTATIVES—*Wednesday, January 30, 1985*

The House met at 11 a.m.

Rev. Malaki Tauiliili, American Samoan Christian Congregational Church, Carson, CA, offered the following prayer:

Our Heavenly Father, Ruler of Nations. You have been our helper in ages past. Our hope for years to come, of whom all rulers and authorities in the world pray for guidance to lead our Government.

At the opening of a new session of Congress, I pray You will take into Your gracious care all Members of the Senate and of all the House of Representatives, the presiding officers, and all other officials. Endow them with a high sense of responsibilities of the office to which they have been elected. Fill them with knowledge and wisdom that the resolutions adopted and the laws enacted may meet Your standard and be for the good of our people and the people of the world.

Help us, O God, to render to Congress the honor and respect that is proper and to sustain them with our prayers and our good will. Give them faith instead of unbelief, courage instead of fear, love instead of hate, peace instead of quarrels and war.

Bless our President, bless our country, again bless our people and make our Nation a blessing to the people of the world. Bring this to pass we pray in the name of Him, who gave His life that our lives may be lived abundantly. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

REV. MALAKI TAUILIILI

(Mr. SUNIA asked and was given permission to address the House for 1 minute.)

Mr. SUNIA. Mr. Speaker, our guest chaplain today is Elder Pastor Malaki Tauiliili of the Christian Congregational Church of American Samoa. His church is in the South Bay area of the city of Los Angeles.

In recent years, more and more Samoans from our South Sea territory have come to California and elsewhere on the west coast looking for education and employment. Many now live there permanently. Today, five times as many Samoans live in California as they do back home. Fifteen percent of my voters live there.

Reverend Tauiliili was trained for the ministry at Malua Theological College. Following his graduation, he joined the U.S. Navy and served for 20 years. Upon his retirement in 1977, he returned to the ministry. His South Bay church has a membership of 800 Samoans.

I join you, Mr. Speaker, in welcoming Reverend Tauiliili to the Capital and to express joy at his being our guest chaplain today.

INCREASE IN SIZE OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE

Mr. FROST. Mr. Speaker, I offer a resolution (H. Res. 33) to amend rule XLVIII of the rules of the House to increase the size of the Permanent Select Committee on Intelligence, and I ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 33

Resolved, That clause 1(a) of Rule XLVIII of the Rules of the House of Representatives is amended by striking out "fourteen" and inserting "not more than sixteen" in lieu thereof.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, this is a simple change of rule XLVIII to allow the membership of the Permanent Select Committee on Intelligence to be increased from 14 to 16. It is my understanding that this increase has been agreed to by the majority and the minority leaderships.

The SPEAKER. Does the minority desire time?

Mr. MICHEL. No, Mr. Speaker.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF CERTAIN MAJORITY MEMBERS TO VARIOUS STANDING COMMITTEES

Mr. GEPHARDT. Mr. Speaker, as chairman of the Democratic caucus and by direction of the caucus, I call up a privileged resolution (H. Res. 34) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 34

Resolved, That the following named Members, Delegates, and Resident Commissioner be, and they are hereby, elected to the following standing committees of the House of Representatives:

COMMITTEE ON AGRICULTURE: Thomas S. Foley, Washington; Walter B. Jones, North Carolina; Ed Jones, Tennessee; George E. Brown, Jr., California; Charles Rose, North Carolina; James Weaver, Oregon; Berkley Bedell, Iowa; Glenn English, Oklahoma; Leon E. Panetta, California; Jerry Huckaby, Louisiana; Dan Glickman, Kansas; Charles Whitley, North Carolina; Tony Coelho, California; Thomas A. Daschle, South Dakota; Charles W. Stenholm, Texas; Harold L. Volkmer, Missouri; Charles Hatcher, Georgia; Robin Tallon, South Carolina; Harley O. Staggers, Jr., West Virginia; Lane Evans, Illinois; Robert Lindsay Thomas, Georgia; James R. "Jim" Olin, Virginia; Timothy J. Penny, Minnesota; Richard H. Stallings, Idaho; and Vacancy.

COMMITTEE ON APPROPRIATIONS: Edward P. Boland, Massachusetts; William H. Natcher, Kentucky; Neal Smith, Iowa; Joseph P. Addabbo, New York; Sidney R. Yates, Illinois; David R. Obey, Wisconsin; Edward R. Roybal, California; Louis Stokes, Ohio; Tom Bevill, Alabama; Bill Chappell, Jr., Florida; Bill Alexander, Arkansas; John P. Murtha, Pennsylvania; Bob Traxler, Michigan; Joseph D. Early, Massachusetts; Charles Wilson, Texas; Lindy (Mrs. Hale) Boggs, Louisiana; Norman D. Dicks, Washington; Matthew F. McHugh, New York; William Lehman, Florida; Martin Olav Sabo, Minnesota; Julian C. Dixon, California; Vic Fazio, California; W.G. (Bill) Hefner, North Carolina; Les AuCoin, Oregon; Daniel K. Akaka, Hawaii; Wes Watkins, Oklahoma; William H. Gray III, Pennsylvania; Bernard J. Dwyer, New Jersey; William Hill Boner, Tennessee; Steny H. Hoyer, Maryland; Bob Carr, Michigan; Robert J. Mrazek, New York; Richard J. Durbin, Illinois; and Ronald D. Coleman, Texas.

COMMITTEE ON ARMED SERVICES: Melvin Price, Illinois; Charles E. Bennett, Florida; Samuel S. Stratton, New York; Bill Nichols, Alabama; Dan Daniel, Virginia; G.V. (Sonny) Montgomery, Mississippi; Ronald V. Dellums, California; Patricia Schroeder, Colorado; Beverly B. Byron, Maryland; Nicholas Mavroules, Massachusetts; Earl Hutto, Florida; Ike Skelton, Missouri; Marvin Leath, Texas; Dave McCurdy, Oklahoma; Thomas M. Foglietta, Pennsylvania; Roy Dyson, Maryland; Dennis M. Hertel, Michigan; Marilyn Lloyd, Tennessee; Norman Sisisky, Virginia; Richard Ray, Georgia; John M. Spratt, Jr., South Carolina; Solomon P. Ortiz, Texas; George (Buddy) Darden, Georgia; Tommy F. Robinson, Arkansas; Albert G. Bustamante, Texas; and Vacancy.

COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS: Henry B. Gonzalez, Texas; Frank Annunzio, Illinois; Parren J. Mitchell, Maryland; Walter E. Fauntroy, District of Columbia; Stephen L. Neal, North Carolina; Carroll Hubbard, Jr., Kentucky; John J. LaFalce, New York; Stan Lundine, New

York; Mary Rose Oakar, Ohio; Bruce F. Vento, Minnesota; Doug Barnard, Jr., Georgia; Robert Garcia, New York; Charles E. Schumer, New York; Barney Frank, Massachusetts; Buddy Roemer, Louisiana; Richard H. Lehman, California; Bruce A. Morrison, Connecticut; Jim Cooper, Tennessee; Marcy Kaptur, Ohio; Ben Erdreich, Alabama; Sander M. Levin, Michigan; Thomas R. Carper, Delaware; Esteban Edward Torres, California; Gerald D. Kleczka, Wisconsin; Bill Nelson, Florida; Paul E. Kanjorski, Pennsylvania; Bart Gordon, Tennessee; Thomas J. Manton, New York; and Jaime B. Fuster, Puerto Rico.

COMMITTEE ON THE BUDGET: Jim Wright, Texas; W.G. (Bill) Hefner, North Carolina; Thomas J. Downey, New York; Mike Lowry, Washington; Butler Derrick, South Carolina; George Miller, California; Pat Williams, Montana; Howard Wolpe, Michigan; Martin Frost, Texas; Vic Fazio, California; Marty Russo, Illinois; Ed Jenkins, Georgia; Michael D. Barnes, Maryland; Marvin Leath, Texas; Charles E. Schumer, New York; Barbara Boxer, California; Buddy MacKay, Florida; Jim Slattery, Kansas; and Chester G. Atkins, Massachusetts.

COMMITTEE ON THE DISTRICT OF COLUMBIA: Walter E. Fauntroy, District of Columbia; Romano L. Mazzoli, Kentucky; Fortney H. (Pete) Stark, California; Mickey Leland, Texas; William H. Gray III, Pennsylvania; Michael D. Barnes, Maryland; and Mervyn M. Dymally, California.

COMMITTEE ON EDUCATION AND LABOR: William D. Ford, Michigan; Joseph M. Gaydos, Pennsylvania; William (Bill) Clay, Missouri; Mario Biaggi, New York; Austin J. Murphy, Pennsylvania; Dale E. Kildee, Michigan; Pat Williams, Montana; Matthew G. Martinez, California; Major R. Owens, New York; Frederick C. Boucher, Virginia; Charles A. Hayes, Illinois; Carl C. Perkins, Kentucky; Terry L. Bruce, Illinois; Vacancy; Vacancy; Vacancy; Vacancy; and Vacancy.

COMMITTEE ON ENERGY AND COMMERCE: James H. Scheuer, New York; Henry A. Waxman, California; Timothy E. Wirth, Colorado; Philip R. Sharp, Indiana; James J. Florio, New Jersey; Edward J. Markey, Massachusetts; Thomas A. Luken, Ohio; Doug Walgren, Pennsylvania; Barbara A. Mikulski, Maryland; Al Swift, Washington; Mickey Leland, Texas; Richard C. Shelby, Alabama; Cardiss Collins, Illinois; Mike Synar, Oklahoma; W.J. (Billy) Tauzin, Louisiana; Ron Wyden, Oregon; Ralph M. Hall, Texas; Dennis E. Eckart, Ohio; Wayne Dowdy, Mississippi; Bill Richardson, New Mexico; Jim Slattery, Kansas; Gerry Sikorski, Minnesota; John Bryant, Texas; and Jim Bates, California.

COMMITTEE ON FOREIGN AFFAIRS: Lee H. Hamilton, Indiana; Gus Yatron, Pennsylvania; Stephen J. Solarz, New York; Don Bonker, Washington; Gerry E. Studds, Massachusetts; Dan Mica, Florida; Michael D. Barnes, Maryland; Howard Wolpe, Michigan; Geo. W. Crockett, Jr., Michigan; Sam Gejdenson, Connecticut; Mervyn M. Dymally, California; Tom Lantos, California; Peter H. Kostmayer, Pennsylvania; Robert G. Torricelli, New Jersey; Lawrence J. Smith, Florida; Howard L. Berman, California; Harry M. Reid, Nevada; Mel Levine, California; Edward F. Feighan, Ohio; Ted Weiss, New York; Gary L. Ackerman, New York; Buddy MacKay, Florida; Morris K. Udall, Arizona; and Vacancy.

COMMITTEE ON GOVERNMENT OPERATIONS: Don Fuqua, Florida; John Conyers, Jr., Michigan; Cardiss Collins, Illinois; Glenn English, Oklahoma; Henry A. Waxman, California; Ted Weiss, New York; Mike Synar, Oklahoma; Stephen L. Neal, North Carolina; Doug Barnard, Jr., Georgia; Barney Frank, Massachusetts; Tom Lantos, California; Robert E. Wise, Jr., West Virginia; Barbara Boxer, California; Sander M. Levin, Michigan; Mel Levine, California; Major R. Owens, New York; Edolphus Towns, New York; John M. Spratt, Jr., South Carolina; Joe Kolter, Pennsylvania; Ben Erdreich, Alabama; Gerald D. Kleczka, Wisconsin; and Albert G. Bustamante, Texas.

COMMITTEE ON HOUSE ADMINISTRATION: Joseph M. Gaydos, Pennsylvania; Ed Jones, Tennessee; Charles Rose, North Carolina; Leon E. Panetta, California; Al Swift, Washington; Thomas S. Foley, Washington; Mary Rose Oakar, Ohio; Tony Coelho, California; Jim Bates, California; William (Bill) Clay, Missouri; and Sam Gejdenson, Connecticut.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS: John F. Seiberling, Ohio; James Weaver, Oregon; George Miller, California; Philip R. Sharp, Indiana; Edward J. Markey, Massachusetts; Austin J. Murphy, Pennsylvania; Nick Joe Rahall II, West Virginia; Bruce F. Vento, Minnesota; Jerry Huckaby, Louisiana; Dale E. Kildee, Michigan; Tony Coelho, California; Beverly B. Byron, Maryland; Ron de Lugo, Virgin Islands; Sam Gejdenson, Connecticut; Peter H. Kostmayer, Pennsylvania; Jim Moody, Wisconsin; Alan B. Mollohan, West Virginia; Richard H. Lehman, California; Bill Richardson, New Mexico; Fofo I.F. Sunia, American Samoa; George (Buddy) Darden, Georgia; Peter J. Visclosky, Indiana; Jaime B. Fuster, Puerto Rico; and Vacancy.

COMMITTEE ON THE JUDICIARY: Jack Brooks, Texas; Robert W. Kastenmeier, Wisconsin; Don Edwards, California; John Conyers, Jr., Michigan; John F. Seiberling, Ohio; Romano L. Mazzoli, Kentucky; William J. Hughes, New Jersey; Sam B. Hall, Jr., Texas; Mike Synar, Oklahoma; Patricia Schroeder, Colorado; Dan Glickman, Kansas; Barney Frank, Massachusetts; Geo. W. Crockett, Jr., Michigan; Charles E. Schumer, New York; Bruce A. Morrison, Connecticut; Edward F. Feighan, Ohio; Lawrence J. Smith, Florida; Howard L. Berman, California; Frederick C. Boucher, Virginia; and Harley O. Staggers, Jr., West Virginia.

COMMITTEE ON MERCHANT MARINE AND FISHERIES: Mario Biaggi, New York; Glenn M. Anderson, California; John B. Breaux, Louisiana; Gerry E. Studds, Massachusetts; Carroll Hubbard, Jr., Kentucky; Don Bonker, Washington; James L. Oberstar, Minnesota; William J. Hughes, New Jersey; Barbara A. Mikulski, Maryland; Mike Lowry, Washington; Earl Hutto, Florida; W.J. (Billy) Tauzin, Louisiana; Thomas M. Foglietta, Pennsylvania; Dennis M. Hertel, Michigan; Roy Dyson, Maryland; William O. Lipinski, Illinois; Robert A. Borski, Pennsylvania; Thomas R. Carper, Delaware; Douglas H. Bosco, California; Robin Tallon, South Carolina; Robert Lindsay Thomas, Georgia; Solomon P. Ortiz, Texas; Charles E. Bennett, Florida; and Thomas J. Manton, New York.

COMMITTEE ON POST OFFICE AND CIVIL SERVICE: William (Bill) Clay, Missouri; Patricia Schroeder, Colorado; Stephen J. Solarz, New York; Robert Garcia, New York; Mickey Leland, Texas; Gus Yatron, Pennsylvania; Mary Rose Oakar, Ohio; Gerry Sikorski, Minnesota; Gary L. Ackerman, New York; Thomas S. Foley, Washington; Mervyn M. Dymally, California; and Vacancy.

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION: Glenn M. Anderson, California; Robert A. Roe, New Jersey; John B. Breaux, Louisiana; Norman Y. Mineta, California; James L. Oberstar, Minnesota; Henry J. Nowak, New York; Bob Edgar, Pennsylvania; Robert A. Young, Missouri; Nick Joe Rahall II, West Virginia; Douglas Applegate, Ohio; Ron de Lugo, Virgin Islands; Gus Savage, Illinois; Fofo I.F. Sunia, American Samoa; Douglas H. Bosco, California; Jim Moody, Wisconsin; Robert A. Borski, Pennsylvania; Joe Kolter, Pennsylvania; Tim Valentine, North Carolina; Edolphus Towns, New York; William O. Lipinski, Illinois; Michael A. Andrews, Texas; J. Roy Rowland, Georgia; Robert E. Wise, Jr., West Virginia; Kenneth J. Gray, Illinois; Chester G. Atkins, Massachusetts; Peter J. Visclosky, Indiana; James A. Traficant, Jr., Ohio; and Vacancy.

COMMITTEE ON RULES: Joe Moakley, Massachusetts; Butler Derrick, South Carolina; Anthony C. Beilenson, California; Martin Frost, Texas; David E. Bonior, Michigan; Tony P. Hall, Ohio; Alan Wheat, Missouri; and Sala Burton, California.

COMMITTEE ON SCIENCE AND TECHNOLOGY: Robert A. Roe, New Jersey; George E. Brown, Jr., California; James H. Scheuer, New York; Marilyn Lloyd, Tennessee; Timothy E. Wirth, Colorado; Doug Walgren, Pennsylvania; Dan Glickman, Kansas; Robert A. Young, Missouri; Harold L. Volkmer, Missouri; Bill Nelson, Florida; Stan Lundine, New York; Ralph M. Hall, Texas; Dave McCurdy, Oklahoma; Norman Y. Mineta, California; Michael A. Andrews, Texas; Tim Valentine, North Carolina; Harry M. Reid, Nevada; Robert G. Torricelli, New Jersey; Frederick C. Boucher, Virginia; Terry Bruce, Illinois; Richard H. Stallings, Idaho; Bart Gordon, Tennessee; and James A. Traficant, Jr., Ohio.

COMMITTEE ON SMALL BUSINESS: Neal Smith, Iowa; Joseph P. Addabbo, New York; Henry B. Gonzalez, Texas; John J. LaFalce, New York; Berkley Bedell, Iowa; Henry J. Nowak, New York; Thomas A. Luken, Ohio; Ike Skelton, Missouri; Charles W. Stenholm, Texas; Romano L. Mazzoli, Kentucky; Nicholas Mavroules, Massachusetts; Charles Hatcher, Georgia; Ron Wyden, Oregon; Dennis E. Eckart, Ohio; Gus Savage, Illinois; Buddy Roemer, Louisiana; Norman Sisisky, Virginia; Esteban Edward Torres, California; Jim Cooper, Tennessee; James R. "Jim" Olin, Virginia; Richard Ray, Georgia; Charles A. Hayes, Illinois; Matthew G. Martinez, California; and Vacancy.

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT: Ed Jenkins, Georgia; Vic Fazio, California; William J. Coyne, Pennsylvania; Bernard J. Dwyer, New Jersey; and Alan B. Mollohan, West Virginia.

COMMITTEE ON VETERANS' AFFAIRS: Don Edwards, California; Bob Edgar, Pennsylvania; Sam B. Hall, Jr., Texas; Douglas Applegate, Ohio; Richard C. Shelby, Alabama; Dan Mica, Florida; Thomas A. Daschle, South Dakota; Wayne Dowdy, Mississippi; Lane Evans, Illinois; Marcy Kaptur, Ohio; Alan B. Mollohan, West Virginia; Timothy J. Penny, Minnesota; Harley O. Staggers, Jr., West Virginia; J. Roy Rowland, Georgia; John Bryant, Texas; James J. Florio, New Jersey; Kenneth J. Gray, Illinois; Paul E. Kanjorski, Pennsylvania; and Tommy F. Robinson, Arkansas.

COMMITTEE ON WAYS AND MEANS: Sam Gibbons, Florida; J.J. Pickle, Texas; Charles B. Rangel, New York; Fortney H. (Pete) Stark, California; James R. Jones, Oklahoma; Andrew Jacobs, Jr., Indiana; Harold E. Ford, Tennessee; Ed Jenkins, Georgia; Richard A. Gephardt, Missouri; Thomas J. Downey,

New York; Cecil (Cec) Heftel, Hawaii; Wyche Fowler, Jr., Georgia; Frank J. Guarini, New Jersey; Marty Russo, Illinois; Donald J. Pease, Ohio; Robert T. Matsui, California; Beryl Anthony, Jr., Arkansas; Ronnie G. Flippo, Alabama; Byron L. Dorgan, North Dakota; Barbara B. Kennelly, Connecticut; Brian J. Donnelly, Massachusetts; and William J. Coyne, Pennsylvania.

Mr. GEPHARDT (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF CERTAIN MINORITY MEMBERS TO VARIOUS STANDING COMMITTEES

Mr. MICHEL. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 35) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 35

Resolved, That the following named Members and Delegates, be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Agriculture: Edward R. Madigan, Illinois; James M. Jeffords, Vermont; E. Thomas Coleman, Missouri; Ron Marlenee, Montana; Larry Hopkins, Kentucky; Arlan Stangeland, Minnesota; Pat Roberts, Kansas; Bill Emerson, Missouri; Sid Morrison, Washington; Steve Gunderson, Wisconsin; Cooper Evans, Iowa; Gene Chappie, California; Webb Franklin, Mississippi; Tom Lewis, Florida; Robert Smith, Oregon; Larry Combest, Texas; and Bill Schuette, Michigan.

Committee on Appropriations: Silvio Conte, Massachusetts; Joseph M. McDade, Pennsylvania; John T. Myers, Indiana; Clarence E. Miller, Ohio; Lawrence Coughlin, Pennsylvania; C.W. Bill Young, Florida; Jack Kemp, New York; Ralph S. Regula, Ohio; George M. O'Brien, Illinois; Virginia Smith, Nebraska; Eldon D. Rudd, Arizona; Carl D. Pursell, Michigan; Mickey Edwards, Oklahoma; Bob Livingston, Louisiana; Bill Green, New York; Tom Loeffler, Texas; Jerry Lewis, California; John E. Porter, Illinois; Harold Rogers, Kentucky; Joe Skeen, New Mexico; Frank R. Wolf, Virginia; and Bill Lowery, California.

Committee on Armed Services: William L. Dickinson, Alabama; G. William Whitehurst, Virginia; Floyd Spence, South Carolina; Marjorie Holt, Maryland; Elwood Hillis, Indiana; Robert E. Badham, California; Bob Stump, Arizona; Jim Courter, New Jersey; Larry J. Hopkins, Kentucky; Robert W. Davis, Michigan; Ken Kramer, Colorado; Duncan Hunter, California; Thomas F. Hartnett, South Carolina; David O'B. Martin, New York; John R. Kasich, Ohio; William Carney, New York; Lynn Martin, Illinois; Herbert H. Bateman, Virginia; Mac Sweeney, Texas; and Ben Garrido Blaz, Guam.

Committee on Banking, Finance and Urban Affairs: Chalmers P. Wylie, Ohio; Stewart B. McKinney, Connecticut; Jim Leach, Iowa; Norman D. Shumway, California; Stan Parris, Virginia; Bill McCollum, Florida; George Wortley, New York; Marge Roukema, New Jersey; Doug Bereuter, Nebraska; David Dreier, California; John Hiler, Indiana; Thomas J. Ridge, Pennsylvania; Steve Bartlett, Texas; Toby Roth, Wisconsin; Rod Chandler, Washington; Al McCandless, California; John Grotberg, Illinois; Jim Kolbe, Arizona; and J. Alex McMillan, North Carolina.

Committee on the Budget: Delbert L. Latta, Ohio; Jack Kemp, New York; Lynn Martin, Illinois; Bobbi Fiedler, California; Tom Loeffler, Texas; Connie Mack, Florida; William F. Goodling, Pennsylvania; Denny Smith, Oregon; Vin Weber, Minnesota; Hank Brown, Colorado; Beau Boulter, Texas; Vacancy; and Vacancy.

Committee on the District of Columbia: Steward B. McKinney, Connecticut; Stan Parris, Virginia; Thomas J. Bliley, Jr., Virginia; and Vacancy.

Committee on Education and Labor: James M. Jeffords, Vermont; William F. Goodling, Pennsylvania; E. Thomas Coleman, Missouri; Thomas E. Petri, Wisconsin; Marge Roukema, New Jersey; Steve Gunderson, Wisconsin; Steve Bartlett, Texas; Howard Nielson, Utah; Rod Chandler, Washington; Tom Tauke, Iowa; Richard K. Armey, Texas; Harris W. Fawell, Illinois; and Paul B. Henry, Michigan.

Committee on Energy and Commerce: James T. Broyhill, North Carolina; Norman F. Lent, New York; Edward R. Madigan, Illinois; Carlos J. Moorhead, California; Matthew J. Rinaldo, New Jersey; William E. Dannemeyer, California; Bob Whittaker, Kansas; Thomas J. Tauke, Iowa; Don Ritter, Pennsylvania; Dan Coats, Indiana; Thomas J. Bliley, Jr., Virginia; Jack Fields, Texas; Michael G. Oxley, Ohio; Howard C. Nielson, Utah; Michael Bilirakis, Florida; Dan Schaefer, Colorado; and Fred J. Eckert, New York.

Committee on Foreign Affairs: William S. Broomfield, Michigan; Benjamin A. Gilman, New York; Robert J. Lagomarsino, California; Jim Leach, Iowa; Toby Roth, Wisconsin; Olympia J. Snowe, Maine; Henry J. Hyde, Illinois; Gerald B. H. Solomon, New York; Doug Bereuter, Nebraska; Mark D. Siljander, Michigan; Ed Zschau, California; Robert K. Dornan, California; Christopher H. Smith, New Jersey; Connie Mack, Florida; Michael DeWine, Ohio; Dan Burton, Indiana; and John McCain, Arizona.

Committee on Government Operations: Frank Horton, New York; Thomas N. Kindness, Ohio; Robert S. Walker, Pennsylvania; William F. Clinger, Jr., Pennsylvania; John R. McKernan, Jr., Maine; Al McCandless, California; Larry Craig, Idaho; Jim Saxton, New Jersey; Patrick L. Swindall, Georgia; Thomas D. (Tom) DeLay, Texas; David S. Monson, Utah; Joseph J. DioGuardi, New York; John G. Rowland, Connecticut; Richard K. Armey, Texas; Jim Ross Lightfoot, Iowa; and John R. Miller, Washington.

Committee on House Administration: Bill Frenzel, Minnesota; William L. Dickinson, Alabama; Robert E. Badham, California; Newt Gingrich, Georgia; William M. Thomas, California; Barbara F. Vucanovich, Nevada; and Pat Roberts, Kansas.

Committee on Interior and Insular Affairs: Don Young, Alaska; Manuel Lujan, Jr., New Mexico; Robert J. Lagomarsino, California; Ron Marlenee, Montana; Dick Cheney, Wyoming; Charles Pashayan, Jr., California; Larry Craig, Idaho; Denny Smith, Oregon; James V. Hansen, Utah; Bill Emerson, Missouri; John McCain, Arizona; Barbara F. Vucanovich, Nevada; William M. Hendon, North Carolina; Michael L. Strang, Colorado; Ben Blaz, Guam; and Joe Barton, Texas.

Committee on the Judiciary: Hamilton Fish, Jr., New York; Carlos J. Moorhead, California; Henry J. Hyde, Illinois; Thomas N. Kindness, Ohio; Dan Lungren, California; F. James Sensenbrenner, Jr., Wisconsin; Bill McCollum, Florida; E. Clay Shaw, Jr., Florida; George W. Gekas, Pennsylvania; Michael DeWine, Ohio; William E. Dannemeyer, California; Hank Brown, Colorado; Patrick L. Swindall, Georgia; and Howard Coble, North Carolina.

Committee on Merchant Marine and Fisheries: Norman F. Lent, New York; Gene Snyder, Kentucky; Don Young, Alaska; Robert W. Davis, Michigan; William Carney, New York; Norman D. Shumway, California; Jack Fields, Texas; Claudine Schneider, Rhode Island; Herbert H. Bateman, Virginia; John R. McKernan, Jr., Maine; Webb Franklin, Mississippi; Thomas F. Hartnett, South Carolina; Gene Chappie, California; Jim Saxton, New Jersey; Sonny Callahan, Alabama; John R. Miller, Washington; and Helen Delich Bentley, Maryland.

Committee on Post Office and Civil Service: Gene Taylor, Missouri; Benjamin A. Gilman, New York; Charles Pashayan, Jr., California; Frank Horton, New York; John T. Myers, Indiana; Don Young, Alaska; James V. Hansen, Utah; and Dan Burton, Indiana.

Committee on Public Works and Transportation: Gene Snyder, Kentucky; John Paul Hammerschmidt, Arkansas; Bud Shuster, Pennsylvania; Arlan Stangeland, Minnesota; Newt Gingrich, Georgia; William F. Clinger, Jr., Pennsylvania; Guy V. Molinari, New York; E. Clay Shaw, Jr., Florida; Bob McEwen, Ohio; Thomas E. Petri, Wisconsin; Don Sundquist, Tennessee; Nancy L. Johnson, Connecticut; Ron Packard, California; Sherwood L. Boehlert, New York; Thomas D. (Tom) DeLay, Texas; Sonny Callahan, Alabama; Dean A. Gallo, New Jersey; Helen Delich Bentley, Maryland; and Jim Ross Lightfoot, Iowa.

Committee on Rules: James H. (Jimmy) Quillen, Tennessee; Delbert L. Latta, Ohio; Trent Lott, Mississippi; and Gene Taylor, Missouri.

Committee on Science and Technology: Manuel Lujan, Jr., New Mexico; Robert S. Walker, Pennsylvania; F. James Sensenbrenner, Jr., Wisconsin; Claudine Schneider, Rhode Island; Sherwood L. Boehlert, New York; Tom Lewis, Florida; Don Ritter, Pennsylvania; Sid Morrison, Washington; Ron Packard, California; Jan Meyers, Kansas; Robert C. Smith, New Hampshire; Paul B. Henry, Michigan; Harris W. Fawell, Illinois; William W. Cobey, Jr., North Carolina; Joe Barton, Texas; D. French Slaughter, Jr., Virginia; and David S. Monson, Utah.

Committee on Small Business: Joseph M. McDade, Pennsylvania; Silvio Conte, Massachusetts; William S. Broomfield, Michigan; Andy Ireland, Florida; John Hiler, Indiana; Vin Weber, Minnesota; David Dreier, California; D. French Slaughter, Jr., Virginia; Jim Kolbe, Arizona; William W. Cobey, Jr., North Carolina; Robert C. Smith, New Hampshire; Howard Coble, North Carolina; Joseph J. DioGuardi, New York; Jan Meyers, Kansas; Dean A. Gallo, New Jersey;

J. Alex McMillan, North Carolina; and John E. Grotberg, Illinois.

Committee on Standards of Official Conduct: Floyd Spence, South Carolina; John T. Myers, Indiana; James V. Hansen, Utah; G. William Whitehurst, Virginia; Carl D. Pursell, Michigan; and George C. Wortley, New York.

Committee on Veterans' Affairs: John Paul Hammerschmidt, Arkansas; Chalmers P. Wylie, Ohio; Elwood Hillis, Indiana; Gerald B. H. Solomon, New York; Bob McEwen, Ohio; Chistopher H. Smith, New Jersey; Dan Burton, Indiana; Don Sundquist, Tennessee; Michael Bilirakis, Florida; Nancy L. Johnson, Connecticut; Guy V. Molinari, New York; Thomas J. Ridge, Pennsylvania; Hendon, North Carolina; and John G. Rowland, Connecticut.

Committee on Ways and Means: John J. Duncan, Tennessee; Bill Archer, Texas; Guy Vander Jagt, Michigan; Philip M. Crane, Illinois; Bill Frenzel, Minnesota; Richard T. Schulze, Pennsylvania; Willis D. Gradison, Jr., Ohio; W. Henson Moore, Louisiana; Carroll Campbell, South Carolina; William M. Thomas, California; Raymond J. McGrath, New York; Hal Daub, Nebraska; and Judd Gregg, New Hampshire.

Mr. MICHEL (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO EXTEND TIME FOR PUBLISHING COMMITTEE RULES IN CONGRESSIONAL RECORD

Mr. FROST. Mr. Speaker, I ask unanimous consent that each committee of the House may have until Thursday, February 28, 1985, to publish committee rules in the CONGRESSIONAL RECORD in compliance with clause 2(a) of rule XI.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

SELECTED RESERVE MANPOWER INITIATIVE

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, on Monday I announced a series of initiatives which I have developed to improve the readiness of our Guard and Reserve Forces and, at the same time, reduce the overall defense budget. Today, I wish to speak on the first of these initiatives, the selected reserve manpower initiative.

I plan three actions to ensure that the Selected Reserve manpower requirements continue to be met. First, I have requested a review by the House Armed Services Committee of the total package of recruiting and retention incentives now available to the Reserve Forces. Such a review will help ensure that our defense dollars are spent in the most cost-effective manner.

Second, I will introduce legislation which will provide the incentives necessary to attract and retain physicians and other health care professionals in the Selected Reserve. I view the shortages being experienced as critical.

Third, I will introduce a bill which, after date of its enactment, will allow those who enlist in the Selected Reserve to become eligible for the new peacetime GI bill benefits. This bill will also allow pursuit of an expanded program of education and make other technical corrections.

Mr. Speaker, I believe these three actions will produce a significant improvement in Reserve Force readiness. Greater reliance may then be placed upon these Reserve Forces which, in turn, will result in a smaller expenditure of taxpayer dollars.

DIESEL FUEL TAX REBATE

(Mr. SCHULZE asked and was given permission to address the House for 1 minute.)

Mr. SCHULZE. Mr. Speaker, today I am introducing legislation to end the unfair penalty we levied against American diesel car owners when we passed the 1984 Deficit Reduction Act. Under DEFRA the diesel fuel tax was raised 6 cents per gallon. While this new tax was supposed to be targeted at large trucks to help offset the damage they cause on highways, we managed to stick it to the average American who owns a diesel-powered car or light truck.

This is the same person who bought the vehicle hoping to conserve fuel and got caught up in the OPEC price war several years ago.

He is also the person who has seen his vehicle drastically depreciated simply because it was a diesel and his trade-in value plummet when GM decided that they will no longer produce diesel engines for passenger cars.

Congress added to their plight by asking all diesel car owners to bear the full burden of paying for a road damage problem which cannot be attributed to their usage. All we are attempting to return to the diesel owner is the amount of additional tax he is forced to pay.

Every day we hear and read about fairness. Well today we can be fair, and correct the problem we created for diesel car owners. I urge my colleagues to support my bill to rebate the diesel fuel tax wrongfully imposed last year.

□ 1110

BILLS TO OPPOSE IMF LOANS TO SOUTH AFRICA AND TO PROHIBIT IMPORTATION OF KRUGERRANDS INTO THE UNITED STATES

(Mr. MITCHELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MITCHELL. Mr. Speaker, because of the despicable conditions of inhumanity that exist in the Republic of South Africa, I am introducing legislation which will give the Members of the House an opportunity to go on record to indicate to South Africa and the world that the United States is willing to take action against the abominable system of racial discrimination. This bill directs the U.S. Director of the International Monetary Fund (IMF) to vote against providing any financial assistance to any country which practices apartheid.

Mr. Speaker, we have seen essentially no change in the status quo of apartheid in South Africa over the past two decades save the accelerated violence and oppression by Pretoria. We have heard witnesses before various committees in the House testify that loans made to the Government of South Africa from private sources and the IMF contribute directly to the perpetuation apartheid's desecration and rape of the black population's political and economic rights. The Government of South Africa borrowed an estimated $1.2 billion from the IMF in November 1982 and $3.7 billion from U.S. banks during that same year. The IMF itself cited the practice of apartheid as a threat to economic stability in South Africa and recommended an extensive restructuring of the abhorrent social system in a report issued on May 19, 1983 by an IMF economic team. Thus the practice of racial segregation is not only morally unsound, but economically fallacious as well.

For these reasons, I believe this bill deserves the support of all Members who are sincere in their opposition to the violence, human suffering and economic exploitation which results from minority rule in South Africa, and I encourage my colleagues to join me in cosponsoring and working for the enactment of this bill.

Mr. Speaker, the House of Representatives has adopted in the past, several resolutions sharply criticizing the pernicious institutionalized racist policies of the South African Government. While I have supported many of these measures which enunciate the sense of the House that the Republic of South Africa should cease its "constitutional" practice of apartheid, I believe it is long overdue that we convert our rhetoric into action. It is in this spirit that I am introducing legislation to prohib-

it the importation into the United States or its territories of the South African krugerrand or any other gold coins minted in South Africa or offered for sale by the Government of South Africa.

Because of the complexity of apartheid with all its interlocking components, all loans and investments to any part of the system benefits the system as a whole, and thus provides the South African Government with income to help maintain the suppression of black South Africans. Not only do the blacks of South Africa receive no benefit from krugerrand sales, but the gold used in the krugerrand is the product of the mining industry which exploits black labor, and exposes them to appalling and dangerous conditions.

While it impossible to determine what level of funds invested by the United States in the krugerrand are funneled directly into the maintenance of apartheid, it is certain that the only way to prevent U.S. contribution to it is by restricting U.S. purchases of gold coins offered for sale by the Government of South Africa.

I would like to encourage my colleagues to give careful consideration to all bills which make clear our opposition to South Africa's apartheid system, and to join with me in cosponsoring this legislation which is a part of that effort.

PROVISIONS OF THE BILL

The bill would bar the importation into the United States or its territories of the krugerrand or any other gold coin minted in South Africa or offered for sale by the Government of South Africa.

Violation of this section of the bill would result in a fine of up to $1 million for any entity other than an individual, and not more than five times the value of the krugerrands or gold coins involved for an individual. Any authorized person or agent who knowingly carries out or acquiesces in the practice constituting the violation shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

FRAUDULENT ROLLBACK OF ODOMETER MILEAGE FIGURES

(Mr. TAUKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUKE. Mr. Speaker, one of the major forms of consumer fraud plaguing Americans today is the rollback of odometer mileage figures on used cars and trucks sold around the Nation. It is estimated that over 3 million used vehicles sold each year have had their odometers rolled back. This deception is costing the American consumer dearly—the National Highway Traffic Safety Administration estimates that the cost of odometer tampering to consumers exceeds over $2 billion a year.

In Iowa alone a year-long crackdown has netted more than 800 cars with altered mileage figures. These cars had over 21 million miles illegally erased from their odometers, costing Iowa consumers over $5 million. Although Iowa has had considerable success in combating this fraud, State transportation officials say that they are hampered by the difficulty of tracing a vehicle's history. Some altered odometers found in Iowa were traced through the paperwork of eight States.

In an effort to stem this rising tide of consumer fraud, I join my colleague from Texas [Mr. BRYANT] in introducing legislation today to give added punch to State and Federal enforcement efforts. The legislation we are offering would:

Require odometer readings to be printed on vehicle registrations and titles;

Require auto auction companies to retain mileage and vehicle identification numbers for 4 years after a car is sold, the same length of time required of auto dealers; and

Increase the maximum prison penalty for odometer tampering from 1 year to 3 years, and raise the maximum fine from $1,000 to $2,000.

I believe that the adoption of these provisions will make odometer tampering less attractive to criminals and will better protect American consumers. The price of odometer fraud is outrageous. And I call upon my colleagues to support this necessary legislation.

TAXPAYERS' BILL OF RIGHTS

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, during the 98th Congress two of the most frequently repeated themes before this body were deficit reduction and tax reform. When we spoke of tax reform, our general focus was on ways we could make the system more equitable for the taxpayer.

Because "equity" comes in many forms, including the oversight of Internal Revenue Service abuses of taxpayers, I have today introduced the taxpayer bill of rights.

This legislation addresses such problem areas as: Questionable tax enforcement practices, disclosure of rights and obligations of taxpayers, the awarding of costs to prevailing taxpayers, procedures involving taxpayer interviews, provisions of an ombudsman, GAO oversight of the IRS, and an appeals process for adverse IRS decisions.

One of the most important provisions of my bill would prohibit performance evaluations of IRS personnel, based upon the amounts collected from taxpayers through audit and investigation.

I have sponsored this legislation because I strongly believe that by protecting taxpayers against tax collection abuses, we are taking an important step toward restoring taxpayer confidence in our Nation's tax system.

UNITED STATES IS FACING ITS GREATEST AGRICULTURAL CALAMITY

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, the United States of America is facing the greatest agricultural calamity that has ever faced this Nation. It has already begun, and if allowed to continue will rip the seams of the fabric of this Nation apart.

The sad part of this story, Mr. Speaker, is that it is within the power of the legislative and administrative branches of this Government to develop the legislative tools that could be used to solve the problems, that could be used to increase exports of agricultural products, that could be used to make our products more competitive without taking it out of the hide of the producers.

Think of it, legislation that will help this Nation vastly reduce its deficit balance of trade by increasing agricultural exports.

I urge my colleagues to look closely at legislation that would develop export incentives similar to my Export Incentive Act.

It is time that we recognize we have to deal with world markets and world competition. It is time for us to get tough as an exporting nation.

VETERANS' ADMINISTRATION PRIME TARGET OF ADMINISTRATIVE HATCHET

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, next week the President will submit his budget to Congress. One area in which deep cuts are likely is in the Federal field structure. To buy more and more expensive weapon systems, we are going to be asked to gut Government services to the people.

The Veterans' Administration is a prime target of this hatchet. Currently, there are 57 VA field offices which provide important counseling services to veterans. A plan circulating within the administration calls for cutting these 57 offices down to 3 nationwide. And, the plans calls for firing nearly 2,000 VA employees who now provide

needed services to veterans. So, the veterans go on the auction block to feed the Pentagon's insatiable appetite.

Wait, there's more. Various administration options call for the elimination of between 200 and 900 Social Security offices and the axing of 19,000 workers. The same volume of contested claims will have to be decided by substantially fewer claims examiners. So, our senior citizens and our disabled citizens will be short changed to fund the Pentagon's addiction.

And, the administration is planning a wholesale abolition of regional offices of all agencies. So what if citizens have to come to Washington to deal with housing loans, agricultural payments, Federal jobs, or Government contracts, the administration thinks. If taxpayers are angry about the amount of Government services they get for their tax dollars, they will be furious when they find out that they have to cross the Potomac to deal with Government agencies.

I urge the administration to back off this plan to decimate Government services to satisfy Weinberger's appetite. Let's cut spending to reduce the deficit. But let's do it fairly and intelligently.

SAN GABRIEL VALLEY TRIBUNE AND WHITTIER DAILY NEWS EDUCATING READERS ON WORK OF GRACE COMMISSION

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, the great Virginia patriot George Mason once said:

> The freedom of the press is one of the greatest bulwarks of liberty, and can never be restrained.

Today, Mr. Speaker, I am proud to report the unrestrained role two newspapers in my district are playing in educating their readers about the work of the Grace Commission. Responding to front-page appeals in the San Gabriel Valley Tribune and Whittier Daily News, nearly 3,000 readers sent in petitions in support of the Grace Commission during the first 10 days of 1985 alone. Thanks to the Tribune/Daily News, the Commission's recommendations have been discussed in community groups, high school classrooms, and above all, by private citizens. Many have written to me, asking why Congress hasn't acted on the Grace proposals.

Last year, Members of this body tried to shelve the Commission's recommendations for reducing Federal spending in the hope that they would soon be forgotten; but if newspapers from around the country follow the example of the Tribune/Daily News and tell the American people about the Grace Commission recommendations and its blue print for reducing Federal spending, this body may someday have a full and free debate on the Grace report.

President Reagan said it best in his inaugural address when he defined the task ahead of us this year by saying: "If not us—who; and if not now—when?" The time to reduce the deficit is now. The place to begin is the report of the Grace Commission.

□ 1120

THE TAXPAYER RELIEF ACT

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, on behalf of the many Congressmen and Congresswomen who have helped with H.R. 600 in the past several weeks, I want to thank the more than 100 Members of Congress who have cosponsored our bill.

H.R. 600 repeals the controversial provision in the Tax Code which calls for a contemporaneous accounting for legitimate business deductions on the part of farmers, contractors, salesmen, and small businessmen and businesswomen.

All of us should pay our legitimate taxes but the IRS has gone too far in their bureaucratic approach to contemporaneous accounting. Frankly, the cure is worse than the disease.

The revisions proposed last week by the IRS improved their position but are still far to burdensome and unfair.

I assure the Congress that we plan to continue to push for complete repeal of this provision. Join with us; cosponsor H.R. 600, the Taxpayer Relief Act. We need you now.

BALANCED BUDGET AMENDMENT

(Mr. STRANG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRANG. Mr. Speaker, 198 years ago today, Thomas Jefferson wrote in a letter to James Madison, "A little rebellion now and then is a good thing." Such a rebellion is now upon us; spearheaded by a grassroots evolution of concerns from individual citizens, working through their State legislatures. That rebellion's cry is a plea to the Federal legislature to get its economic house in order by adopting a balanced budget amendment to the U.S. Constitution. The rebels are saying to us, "If you don't, we will," and their means will be a constitutional convention.

These citizens, and I count myself among them, have as the foundation of their rallying cry, a document nurtured and perfected by another group of revolutionaries during the first Constitutional Convention in 1787—article V of our Constitution. James Madison, perceived by many as the Father of the Constitution, wrote in the Federalist Papers regarding article V, the method prescribed for the several States to call a constitutional convention:

> The mode preferred by the Convention [in 1787] seems to be stamped with every mark of propriety. It guards equally against that extreme facility which would render the Constitution too mutable; and that extreme difficulty which perpetuate its discovered faults. It moreover equally enables the general and state governments to originate the amendments of errors as they may be pointed out by the experience on one side or on the other.

Thus, it is only proper that if the Congress fails to act, given an overwhelming outcry by the public at large, then the several States will act to do our work for us. I don't want that to happen. I believe that responsibility rests with those of us in this Chamber and with our colleagues in the other body. If there are those in Congress who face the prospect and outcome of an article V constitutional convention with some trepidation, then they should heed the warning calls from people across this Nation who want and expect the Federal Government to maintain a balance of receipts and expenditures, without raising taxes.

Thomas Jefferson warned that "the public debt is the greatest of dangers to be feared by a Republican Government," and he proposed the concept of a balanced budget amendment as early as 1789. "I wish it were possible to obtain a single amendment to our Constitution," Jefferson wrote:

> I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of its Constitution; I mean an additional Article, taking from the federal government the power of borrowing.

Alexander Hamilton strongly urged the repayment of the national debt. Presidents John Adams, James Madison, James Monroe, John Quincy Adams, and Andrew Jackson all urged avoiding public debt. A balanced budget was synonymous with sound political economy among our Founding Fathers. Over these many years we have lost sight of their vision.

The balanced budget amendment to the Constitution I am introducing today is, if you will, Jeffersonian in its simplicity. Some will say too simple because it does not deal with all the complexities of the issue. Perhaps there is some merit in that, and I am willing and eager to lead and participate in a full discussion of the particulars.

This proposed amendment is straightforward; that is how I believe Jefferson would have wanted it. This

amendment does not make provisions for tax increases. That is of major importance to me, and I hope to many of my colleagues as well. This amendment provides a waiver only in time of war or national emergency, as declared by Congress, and then only when adopted by a two-thirds vote of the Congress. The language provides a period of at least 2 years after ratification to prepare for its implementation.

Our distinguished late colleague GILLIS LONG of Louisiana once urged his party members to show "their compassion to care, but also the toughness to govern." We need this constitutional restraint, partly because our Federal legislature has shown much compassion, but too little toughness. The fact now is, congressional spending is hemorrhaging in a pool of red ink. There is a clear and present danger of economic suicide.

We need this constitutional restraint, because we have proven a simple law will not suffice. It is a fact that no single Congress can bind a succeeding Congress by statute. A balanced budget statute, or law limiting taxes can be and has been waived by adoption of a new law or a new budget which takes precedence over previous statutes. The Byrd-Grassley amendment to the IMF loan program was the law of the land and required that in fiscal year 1981, total budget outlays of the Federal Government "shall not" exceed its receipts (Public Law 95-435). In 1979, a provision in a law to increase the national debt limit stated that "Congress shall balance the Federal budget" (Public Law 96-5), which required the congressional budget committees to propose balanced budgets for fiscal year 1981 and subsequent years. The fact is these statutory efforts had no effect, for in fiscal year 1981 there was a $50 billion deficit.

We need this constitutional restraint to bring reality to the political process and to our bias to spend. The collective need to control spending has thus far proved no match for the pressures each individual Member faces to increase spending. The fact is, the movement over the past 50 years has been toward bigger Government and economic instability. This movement results from decisions of reasonable men and women in Congress, who, as individuals, find it more and more difficult to resist the pressures, especially in an election year, to increase spending.

We need this constitutional restraint, because our plastic voting card has, in fact, become a plastic credit card. Unlike our commercial credit cards, this one has no limit. We are not financing this debt out of our own pockets, rather we are mortgaging the financial futures of our children and grandchildren. And no one, at least not yet, has sent us a letter to tell us our credit limit is frozen until we start repaying this debt. No, ours is an unlimited credit line. To finance it, we will just borrow more; print more money, or raise taxes. It's a plan for financial disaster.

Thirty-two State legislatures have acted under article V of the Constitution. Action by only two more States is required to total the two-thirds necessary to force a constitutional convention. While I appreciate the provisions of article V, it is my firm belief that the responsibility for balancing the Federal budget lies and must lie within this institution. We should not have to be forced into resolving this issue. We have only to muster the courage to act, because it is simply the right and responsible action to take.

Mr. Speaker, I urge my colleagues on both sides of the aisle, and especially the members of the Judiciary Committee, to listen and hear the groundswell of public pleadings, and to act in a forthright and responsible manner to begin the process of hearings and action on these proposals to add to our Constitution, article 27—to require a balanced Federal budget.

INTRODUCTION OF BILL TO MAKE THE SOCIAL SECURITY ADMINISTRATION AN INDEPENDENT AGENCY

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, I am introducing jointly with Representative BILL ARCHER, who serves with me as the ranking Republican on the Social Security Subcommittee, legislation which will establish the Social Security Administration as an independent agency, removing it from the Department of Health and Human Services. I believe this administrative reorganization is necessary if we are to have a stable and secure system of Social Security.

All of us must admit that our Social Security program will never meet its objectives unless the public is confident that promised benefits will be paid. The public does not have that trust today—at least it is doubtful, particularly by our younger workers.

In the past, people feared they would not get their benefits because the trust funds were inadequate. However, passage of the Social Security Amendments of 1983 resolved most of these financial concerns. For the past 2 years, the trustees' reports show the system is in financial balance.

Nevertheless, the public still has doubts that the system will work for them because deep down they doubt that the "politicians" have the will to let the system work.

The public is continually bombarded with claims by public and private leaders that Social Security must be changed for one reason or another. At the same time, the public sees clearly the decline in the quality of service resulting from hiring freezes which are imposed by the OPM, regardless of SSA's needs. People know all too well the frustration and inconvenience caused by equipment and building location decisions made to satisfy the GSA but not the public. They become doubters when they see financial projections are being made by the Office of Management and Budget to satisfy whatever economic policy is currently in fashion, and not to protect those who have paid into the system for a lifetime. And they are dismayed by the confusion and turmoil caused by the constant change in SSA Commissioners due to capricious administrative meddling and manipulation.

Americans are willing to make sacrifices to ensure a measure of financial security when they can no longer work. But in return they must have some certainty that the commitment of a lifetime will not be swept away in some passing political crisis of the moment.

We can and should respond to this valid public concern by giving the Social Security Administration the long-term administrative stability which its unique mission requires.

I believe establishing the Social Security Administration as an independent agency will accomplish this purpose. I urge my colleagues to join with me in supporting this needed reform.

I am pleased to say that Representative DAN ROSTENKOWSKI, chairman of the Ways and Means Committee, and Representative EDWARD ROYBAL, chairman of the Select Committee on Aging, are also sponsoring this legislation.

SUMMARY OF PROVISIONS

A Bill to establish the Social Security Administration as an independent agency of the executive branch

1. Programs to be administered by the independent agency.

The independent agency would be charged with administration of the old-age, survivors, and disability insurance (OASDI) program and the supplemental security income (SSI) program.

2. Agency management.

The independent agency would be governed by a Social Security Board which would appoint a Commissioner of Social Security to act as chief operating officer of the agency responsible for administering the programs.

The Social Security Board would be composed of 3 members appointed by the President with the advice and consent of the Senate. Not more than 2 members could be of the same political party. Board members would serve staggered 6-year terms. The chairperson of the Board would be designated by the President. The Board would be responsible for prescribing such rules and regulations as it determines necessary to carry out the functions of the agency.

The Board would appoint a Commissioner to serve a term of 5 years. The Commission-

er would be responsible for administering, in accordance with applicable statutes and regulations the OASDI and SSI programs and perform such functions as the Board may prescribe. The Board would also appoint a Deputy Commissioner to serve a 5-year term.

3. New agency offices.

New agency offices established under the bill include those of the General Counsel, Inspector General, and Beneficiary Ombudsman.

The General Counsel would be appointed by and serve at the pleasure of the Board. The Inspector General would be appointed in accordance with the Inspector General Act of 1978.

The Board would establish by regulation an Office of the Beneficiary Ombudsman, to be headed by a Beneficiary Ombudsman appointed by the Board for a 5-year term. The Beneficiary Ombudsman would be responsible for representing the interests of OASDI and SSI beneficiaries in the agency's decision-making process and assisting beneficiaries in resolving problems with the agency.

4. Personnel provisions.

The Board would have all the authority that may under current law be delegated by the Office of Personnel Management (OPM), including the authority to develop the agency's own recruitment and examination program for entry level employees, and job classifications and pay ranges for job categories identified by the Board as unique or critical to agency operations. In addition, the OPM would be required to authorize additional Senior Executive Service positions. The agency would also be authorized additional positions at levels IV and V of the Executive Schedule.

5. Other administrative authorities.

The Board would have all the authority that may under current law be delegated by the General Services Administration and that is necessary for acquiring, operating, and maintaining facilities needed for administering programs, and for leasing or purchasing automated data processing (ADP) equipment. The Board would also have authority to contract for ADP equipment or services.

6. Budget and appropriation provisions.

Budget requests would be submitted by the agency to the President. Appropriation requests for staffing would be based on comprehensive workforce plans based on dollar limitations rather than personnel ceiling controls. The agency would have contract authority for ADP procurement covering the total cost of such acquisitions. Amounts necessary for the liquidation of contract authority would be available from the trust funds so long as the Board, with the concurrence of the Secretary of the Treasury, determined that such amounts were not necessary to meet current obligations for benefit payments.

GENERAL LEAVE

Mr. PICKLE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on this legislation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

● Mr. ROYBAL. Mr. Speaker, I congratulate the leaders of the Ways and Means Committee for bringing forward a good piece of legislation to create an independent, board-governed Social Security Agency. I am happy to join them in this effort and I am proud to have worked with them and their capable staff in drafting this legislation.

I am disappointed that I could not take the floor today because I had to attend a meeting at the White House on the budget. However I want my colleagues to know I support this legislation strongly.

I would also like to recognize the good work of my colleagues on the Aging Committee who joined with me last summer in introducing H.R. 5904 of the 98th Congress. Our bill along with Mr. PICKLE's previous legislation, H.R. 6178, were the forebearers of this new effort.

The original cosponsors of H.R. 5904, Ms. OAKAR, Mr. SYNAR, Mr. VENTO, Mr. FRANK, Mr. WISE, Mr. DYSON, and Mr. SEIBERLING, were very supportive in our early efforts to give Social Security employees better tools to do the job they want to do. I do not believe we would have come so far without their active support.

In addition, Senator DAVID PRYOR, primary sponsor of our legislation in the other body, has already reintroduced our legislation as S. 122. His support and that of other Senate leaders is a good indication that there is strong support on the other side of the Capitol.

Last summer, Mr. PICKLE held a hearing on whether the SSA should be made into an independent agency. If you read through the testimony I think you will be as impressed as I was by the level of agreement among Social Security experts and administrators for more independence for Social Security. Their unanimity should motivate the 99th Congress to move quickly to enact legislation to create an independent agency governed by a bipartisan board.

Mr. Speaker, I again congratulate Mr. PICKLE and wish him great speed.

Robert Flemminger, then president of the National Council of Social Security Managers Association, represented almost 4,000 managers in over 1,300 Social Security field offices. At the Ways and Means Subcommittee hearing, Mr. Flemminger chose this hearing on the independent agency to present his association's first ever testimony to a congressional committee. In his own words he said he came:

Because most of our current problems are a result of unstable cabinet level leadership and our being only one part of HHS. As a result, the National Council of Social Security Managers Association fully endorses an independent SSA along the lines proposed by H.R. 5904. A board of directors, a longer term-appointed Commissioner, and independent status could again make us a great agency.

Kenneth Blaylock, national president of the American Federation of Government Employees which represents 72,000 Social Security employees, agreed with the SSA Managers Association that:

The real difficulties in Social Security are management problems—poor administration of the disability programs, for example, or bad office conditions or outdated computers. Our own experience with management has taught us that here is an organizaton not in control of its programs, its own resources, or budget, or its own policy.

Robert Myers, the Reagan administration's former Deputy Commissioner of Social Security and the Executive Director of the 1983 National Commission on Social Security Reform, testified that the layered organizational structure which includes HHS and OMB has the result that:

Necessary and desirable action is often delayed so long as to be useless. An outstanding example of this is the infamous notch situation in the OASDI program which could have been directly alleviated by a feasible legislative change in 1981—or even earlier, but never surfaced from the layers of review.

Mr. Myers reasserted his long standing recommendation that SSA should be an independent agency governed by a full-time board appointed on a bipartisan basis.

Wilbur Cohen, Secretary of HEW during the Johnson administration, testified on behalf of the Save Our Security Coalition and stressed the necessity of creating a board-governed organizational structure. His testimony was endorsed by Arthur Flemming, Secretary of HEW during the Eisenhower administration; Robert Ball, Commissioner of SSA in the Kennedy, Johnson, and Nixon administrations; Nelson Cruikshank, Special Assistant to the President on Aging in the Carter administration; and William Bechill, Commissioner on Aging in the Johnson administration. They favor an independent board-governed agency, in part, because it would help to restore public and congressional confidence in the program.

Furthermore, the Save Our Security Coalition stated:

If there had been a board administering the disability provision of the Social Security program in 1981, we would not have had the unfortunate recent experience with the administration of the disability program. With a bipartisan board, there very likely would have been a whistle blower on the Board who would have revealed or moderated the precipitate and uncompassionate implementation of the 1980 amendments.

The legislation introduced by myself, the gentleman from Illinois and the two gentlemen from Texas will insulate the administration of Social Security from the arbitrary pressures too often seen over the last decade.

The board-governed organizational structure proposed by this legislation is endorsed by the SSA Managers' Association, SSA Employees' Union, former Secretaries of HEW and Com-

missioners of SSA and the beneficiaries represented by the Save Our Security Coalition. As an original cosponsor, I ask my colleagues to join with me in supporting speedy movement of this bill through the legislative process.

I ask that a short outline of the major provisions of the bill be inserted in the RECORD at this point.

PROPOSED INDEPENDENT SOCIAL SECURITY ADMINISTRATION

(1) GENERAL STRUCTURE AND RESPONSIBILITY

Remove the Old Age, Survivors and Disability Insurance programs plus Supplemental Security Income from HHS and place them under a free standing Social Security Administration. (Leave Medicare/Medicaid, Refugee Resettlement, AFDC, Energy Assistance and Child Support Enforcement in HHS).

The agency is governed by a three member Board of Directors with staggered six year terms. The Board appoints a single Commissioner to a five year term. A public Ombudsman represents citizen concerns within the agency. An Inspector General assesses agency performance.

The management of the agency is strengthened by giving it greater flexibility and independence from GSA and OPM.

(2) THE BOARD OF DIRECTORS

Three members nominated by the President and confirmed by the Senate for six year terms staggered so that one term expires at the end of each even numbered year. The Chairman is appointed by the President. Removal during term requires a finding of neglect of duty or malfeasance by the President which must be transmitted in writing to Congress in five days.

Responsibilities

(A) To govern the Administration through regulation.

(B) To appoint a Commissioner to be the Chief Operating Officer.

(C) To act as Trustees for the Social Security Trust Funds. Other Trustees are the Secretaries of the Treasury and HHS and two public members required by the 1983 Amendments.

(D) To make annual budgetary recommendations and defend such recommendations before the Congress.

(E) To provide analysis, information and recommendations to the Congress and the President on proposed changes in Social Security programs.

(F) To conduct policy analysis and research.

(3) THE COMMISSIONER

The Commissioner is appointed by the Board to a five year term. Removal during the term requires a majority vote of the Board.

Responsibilities

(A) To be the chief operating officer responsible for administering Social Security programs in a manner consistent with law and regulations.

(B) To establish and maintain an efficient and effective operational structure.

(C) To devise and implement long-run plans to improve the effectiveness and administration of these programs.

(D) To make the annual budgetary recommendations for ongoing administrative expenses and to defend such recommendations before the Board and the Congress.

(E) To advise the Board and the Congress of the administrative impact of legislative changes in Social Security programs.

(F) To act as Secretary to the Board of Trustees.

(G) To make an annual report to the Board for the Congress on the administrative endeavors and accomplishments of the Agency.

(4) THE DEPUTY COMMISSIONER

The Deputy Commissioner performs duties as delegated by the Commissioner and acts as Commissioner when the Commissioner is absent or incapacitated. The Deputy Commissioner's 5 year term coincides with the Commissioner's term.

(5) THE INSPECTOR GENERAL

An Inspector General, nominated by the President and confirmed by the Senate, is established pursuant to the Inspector General's Act of 1978 as amended.

(6) OTHER

The legislation includes a statement of a beneficiary's and contributor's "bill of rights."

The legislation incorporates provisions which strengthen the independent management of the Administration. These recommendations: (1) base SSA's personnel budget on a workforce plan rather than a personnel ceiling; (2) allow SSA greater authority for computer acquisition and property management; and (3) allow SSA greater flexibility in recruiting new employees and compensating senior executives.●

ALCOHOL ABUSE STUDY

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NIELSON of Utah. Mr. Speaker, alcohol abuse has become a serious problem in this country today. It is at a crisis level and every year thousands of adults and young people become victims of tragic alcohol-related accidents. Not only does it cause death on the highways but it also destroys families. Battered wives and abused children are often the result.

There is a growing feeling in the country today that there is a direct relationship between alcohol abuse and beer and wine ads on television and radio. Celebrities and sports figures are often used to promote these products and these famous individuals may have a direct influence on the drinking habits of young people. However, as yet, no direct link has been scientifically established between these ads and excessive or illegal use of alcohol.

Today, I am introducing legislation that calls for a comprehensive study of the problem. The study would be conducted by the Bureau of Alcohol, Tobacco, and Firearms with findings and determinations to be submitted by the Surgeon General as well as those made by other Federal agencies. An opportunity for public comment is provided. At the end of 1 year, a report would be made to Congress and recommendations for legislation or administrative action would be included.

A national movement is presently underway to completely ban ads or call for mandatory equal time for anti-alcohol ads. Before taking either of these drastic steps, let us take a close look at the problem. I advocate a scientific study to determine if action is necessary, and if so, which approach would be most productive. I ask for the support of my colleagues for this reasonable piece of legislation.

ODOMETER TAMPERING

(Mr. BRYANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRYANT. Mr. Speaker, today, my colleague, Mr. TAUKE, and I are introducing legislation to help eliminate an extensive fraudulent practice which is costing American consumers billions of dollars: odometer tampering. Today's consumer in the market for a used car or truck is likely to pay between $750 and $1,000 more for the vehicle if it has been the target of an odometer rollback. A conservative estimate is that over 3 million cars are subject to this fraud and the average odometer rollback is 30,000 miles.

In the State of Texas alone, the Attorney General has filed 29 odometer tampering lawsuits in the last 2 years. This represents 15 percent of the consumer protection suits filed by that office since January 1983. Clearly, this is a serious problem which requires our prompt attention.

The legislation we are introducing will enable law enforcement officials and the general public to more readily detect and identify vehicles which have been subject to odometer tampering. Basically, the measure establishes a record of odometer readings, since each time a car is registered, the owner will have to include the current odometer reading with his registration application. Each time a vehicle is sold, the odometer reading will be required on the title.

I urge my colleagues to join us by cosponsoring and supporting this measure, thereby putting a stop to a rapidly growing and extremely lucrative fraud. We will be protecting consumers and saving them literally billions of dollars each year once this measure is signed into law.

APPOINTMENT AS MEMBERS OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER. Pursuant to clause 6(f), rule X, and clause 1, rule XLVIII, the Chair appoints as members of the Permanent Select Committee on Intelligence, the following Members of the House from the Democratic side:

Mr. HAMILTON of Indiana, chairman;

Mr. STOKES of Ohio;

Mr. McCURDY of Oklahoma;
Mr. BEILENSON of California;
Mr. KASTENMEIER of Wisconsin;
Mr. DANIEL of Virginia;
Mr. ROE of New Jersey;
Mr. BROWN of California;
Mr. MCHUGH of New York; and
Mr. DWYER of New Jersey.

FLAT RATE COLA BENEFITS FOR SOCIAL SECURITY

(Mr. STANGELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STANGELAND. Mr. Speaker, today I am introducing a bill for a flat rate COLA benefit for the Social Security system. This flat rate formula will ensure an economically sound Social Security system, assuring our senior citizens and future generations a level of security and dignity for the rest of their lives.

This is the answer to those who would freeze the cost-of-living allowance for our senior citizens, many of whom depend solely on their monthly Social Security check for survival as well as those who want to grant a full COLA under the present formula. Yet, at the same time, the U.S. Treasury saves billions of dollars. Preliminary figures, computed by the Actuary of the Social Security Administration, calculate to a net savings of $45.5 billion over the next 5 years.

COLA is a cost-of-living adjustment and one should presume that everyone's basic cost of living increases the same amount.

Under my plan, the COLA for 1986 would be $11.70 per month per recipient with no stipulations. The figure is computed by using the following formula: Multiplying the CPI for 1986—estimated at 4.1 percent—to the recipient at the 20-percentile income now receiving $286 a month from Social Security, the rate of increase per month is $11.70. This bill would give every Social Security recipient this $11.70 per month, regardless of the amount of money they receive presently per month.

This legislation is fair to all our seniors, and continues to help those at the lowest end of the system who are particularly in need. Those recipients at the lowest 20-percent monthly allotment level will receive a larger COLA under this proposal. The recipients at the highest 80-percent level will receive a lower monthly increase; however, all of the 36.5 million current Social Security recipients will be rewarded with an additional monthly reimbursement.

Here is a mechanism for saving billions of budget dollars, safeguarding the Social Security system for future generations, and still giving security to America's seniors.

HOUSE DEMOCRATIC OBSERVERS TO THE START TALKS

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. I want to make the following statement:

Pursuant to an agreement with the Republican leadership in the House on this side of the Capitol and with the joint leadership on the other side of the Capitol in the Senate, there will be observers from the House, eight from the Democratic side and I believe eight from the Republican side, to the START talks.

I desire to name at this particular time the observers to the START talks from the Democratic side:

Mr. WRIGHT of Texas, Mr. FASCELL of Florida, Mr. ADDABBO of New York, Mr. ASPIN of Wisconsin, Mr. DOWNEY of New York, Mr. DICKS of Washington, Mr. MOODY of Wisconsin, and Mr. TORRES of California.

□ 1130

FAMINE RELIEF DURING FISCAL YEAR 1985

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the United States will supply over $1 billion in famine relief during fiscal year 1985. Of this, over $150 million will go to Ethiopia. Of the 21 African countries getting aid—many friends of the United States—the vast majority of aid goes to a Communist government in Ethiopia.

We've all seen the pitiful pictures of the despairing people of Ethiopia. Yet despite our best efforts, and food relief from all over the world, people are still dying.

One major reason is that the Communist government of Ethiopia is using starvation as a political tool to suppress dissent. They are diverting much of our aid away from parts of the country they don't control, letting those people starve to death.

Few of our citizens are aware of this policy. This inhuman tactic is an outrage. The Communists are starving innocent children in their own land to further the cause of communism. Once again, Communists show how little they value life.

Communism is still as ugly as it has been—and always will be. If you don't believe that, look at Ethiopia.

WE CARE CHARITY DRIVE OF KOKOMO, IN

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIS. Mr. Speaker, I would like to take this opportunity to publicly congratulate the thousands of men, women, and children who made the 1984 We Care charity drive in my hometown of Kokomo, IN, the most successful ever. For 11 years, We Care charities have collected more than three-quarters of a million dollars in cash and nearly that amount in clothing for the less fortunate of north-central Indiana. More than 67,000 people have had a Merry Christmas, thanks to the kindness and compassion of the volunteers of We Care. Last Christmas, a record $152,000 in cash plus $80,000 in food, clothing, and toys brought smiles to hundreds of families that otherwise would have had nothing under the tree or on the table. Nowhere was the spirit of Christmas more alive than in the happy faces of Kokomo's children as they went door to door collecting coins for the needy in their community. From Delco Electronics' donation of $12,000 to the nickels and dimes brought in by grade schoolers, every volunteer deserves our thanks and a pat on the back for a job well done.

□ 1150

INTRODUCTION OF LEGISLATION TO EXTEND THE GENERAL REVENUE SHARING PROGRAM FOR 3 ADDITIONAL YEARS

(Mr. HORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORTON. Mr. Speaker, today I am introducing legislation to extend the Local Government Fiscal Assistance Act, commonly known as the General Revenue Sharing Program. I am joined in sponsorship of this bill by the gentleman from Pennsylvania [Mr. WALKER].

The 98th Congress very wisely acted to reauthorize general revenue sharing until September 30, 1986, and I am hopeful that this new 99th Congress will extend the program for another 3 years through fiscal year 1989.

In 1972, the State and Local Fiscal Assistance Act was signed into law. It marked an important step toward decentralization of governmental authority by allowing State and local officials to participate in allocating Federal tax dollars. The act has been reauthorized with amendments on three occasions since that time—in 1976, 1980, and 1983. As we have approached each of these deadlines for program renewal, extensive hearings have been conducted by the Committee on Government Operations, on which I have the privilege of serving as the ranking minority member. It is very clear from the testimony received that general revenue sharing has widespread support across the country from all levels of government as well as the public.

The General Revenue Sharing Program is a model of efficiency. The regulatory burden and administrative costs imposed by the program are minimal, and the benefits to recipient units of government are enormous. Since its inception, the General Revenue Sharing Program has disbursed over $75 billion nationwide to eligible State and local governments. Units of government in my home State of New York have received approximately $8.2 billion over the life of the program.

In my opinion, the major key to the success of general revenue sharing is the transfer of decisionmaking authority from Federal bureaucrats in Washington to local officials who are best positioned to determine local priorities. Communities throughout the country have used revenue sharing funds for a variety of projects, including police and fire protection equipment, library construction, mass transportation, park and recreation facilities, and social service programs. The General Revenue Sharing Program allows the elected officials closest to the problem to evaluate their communities' situations and respond to citizen demands.

Another important aspect of the program is its predictability. The shared revenues are distributed at regular quarterly intervals in discernable amounts, permitting local officials to plan and budget without fear of sudden termination. The funds support essential day-to-day services in approximately 39,000 local communities. In many cases, these services would be eliminated or financed entirely with higher taxes should the Revenue Sharing Program be allowed to expire.

The measure I am introducing today is a 3-year reauthorization of the program—pure and simple. The local government share would remain as an entitlement funded at $4.6 billion annually, as it is presently.

The General Revenue Sharing Program has proven to be a highly successful program by meeting its intended objectives—providing unencumbered funds with which localities can better perform their jobs, strengthening local political processes, and revitalizing the federal system. I urge my colleagues to join me in expressing confidence in our local governments by supporting the extension of this program.

REPEAL MOTOR VEHICLE RECORD-KEEPING PROVISIONS

The SPEAKER pro tempore (Mr. BROWN of California). Under a previous order of the House, the gentleman from Texas [Mr. LOEFFLER] is recognized for 5 minutes.

● Mr. LOEFFLER. Mr. Speaker, today I am introducing, for myself and for Messrs, ARMEY, BARTLETT, BARTON, BOULTER, COLEMAN of Texas, COMBEST DELAY, FIELDS, FROST, LEATH, STENHOLM, SWEENEY, and WILSON, legislation to repeal section 179(b) of the Tax Reform Act of 1984, which imposed significant new recordkeeping requirements on taxpayers utilizing passenger vehicles and other personal property in their business pursuits. Under this new requirement, taxpayers must maintain adequate "contemporaneous" records in order to claim tax deduction for business use of motor vehicles and other personal property such as computers.

These new substantiation requirements were included in the 1984 Tax Reform Act in an attempt to strengthen and improve compliance with tax provisions limiting deductions to actual business use of certain property. However, the effect of the "contemporaneous" record-keeping requirement contained in the statute, together with the subsequent Internal Revenue Service regulations implementing this provision, is to impose a massive and intrusive paperwork burden on individuals and businesses across the country.

While full compliance with the Tax Code should be encouraged, the practical application of the new requirements will severely impair the ability of millions of taxpayers, including farmers, ranchers and small businessmen, to conduct business efficiently.

Just last week, the IRS announced that in response to the tremendous amount of negative comment received with respect to temporary regulations issued last fall, the IRS would be announcing shortly a number of revisions to the temporary regulations. This is a welcome development and I wholeheartedly support the efforts of the IRS to introduce a little rationality in its implementation of the law. Unfortunately however, the basic problem lies with the statute itself, and requires a legislative rather than a regulatory solution.

While the impact of the new requirement—specifically for "contemporaneous" recordkeeping—may be mitigated by IRS exemptions for various categories of taxpayers and other changes, this approach could well result in a potentially inequitable application of the law. It makes far better sense to correct the problem at its source, the statute itself, by repealing the new "contemporaneous" recordkeeping requirement and returning the substantiation standard to that of previous law.

Under prior law, taxpayers were required to substantiate their claims for business deductions by adequate records or other evidence corroborating the taxpayers' statements. These records were not required to be contemporaneous with the claimed expenses; rather, taxpayers were allowed to claim deductions if they could "reasonably reconstruct" their expenses. These records were required to show the amount, time, place, and business purpose of the expense.

This is the standard to which I propose we return. Compliance with and respect for our tax system are not well-served by imposing unreasonable and counterproductive paperwork burdens on our citizens. These new recordkeeping requirements are an egregious example of legislative intent gone awry. Quite frankly, they are unworkable and are forcing honest, hard-working taxpayers to the fringe of dishonesty.●

MR. WILL: A CENTURY OF UNIQUENESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. JONES] is recognized for 5 minutes.

● Mr. JONES of Tennessee. Mr. Speaker, I rise today to extend to my good friend, Mr. Will Parks, a happy birthday. Today is a special birthday for him. It was 100 years ago today that Mr. Will, as he is known, was born. In his 100 years, Mr. Will has lived a very intriguing and unique life.

He went to college to be an architect, and was apparently very successful at it. He worked for the famous architect Roger Bacon and helped design the columns for the Lincoln Memorial. Regardless of the success he met in his career, Mr. Will yearned to return to his hometown of Trimble, TN, which he did. Since that day many, many years ago, he has served as the town's mayor, a member of the Dyer County Court, and has been a highly successful businessman and farmer.

Will Parks continues to be a vigorous and active man in his community. He walks to his office each day. That may be one of the reasons he is celebrating his 100th birthday. I want to extend to him my sincerest wish for a happy birthday today and many more in the future. I also want to include in the RECORD a recent newspaper story on Mr. Will which appeared in the Union City Daily Messenger.

[From the Union City Daily Messenger, Dec. 26, 1984]

MR. WILL: A CENTURY OF UNIQUENESS

(By Farris Vaden)

On Jan. 28th, William Hamilton Parks, retired banker, civic and church leader, farmowner, philanthropist, and lifelong resident of Trimble, will celebrate his 100th birthday. That in itself is a remarkable event. But on my visit to see him a few days ago, I found that he has enjoyed a lifetime of remarkable events.

"Mr. Will" is a distinguished-looking man of slender build who carries himself as if he were many years younger. He goes to his office daily, usually walking the two or three blocks from his home. Since his wife, Carolyn Smythe, formerly of Memphis, died several years ago, he lives alone in a hand-

some two-story colonial home. His son, Hamilton, and his wife, live next door in the family compound, Parks Acres, and check on him frequently.

Will Parks' ancestors were among the first settlers in this area and his grandfather, Jesse Pierce, founded Trimble in 1872. "My great-grandfather, John Pierce, came to West Tennessee in 1823 and homesteaded 200 acres. My present home is on part of his original land. He left Nashville by boat, traveling down the Cumberland, Ohio, and Mississippi rivers to Dyersburg. Then he traveled overland by oxen to this spot. He drove off the Indians, killed the bears, cleared some land and raised himself a big family. My great-grandfather, my grandfather, and my father have all farmed this land. I have farmed it, and I think I am fortunate that my son, Hamilton, chose to obtain a BS degree in business agriculture and now manages the Parks' farming and agri-business operations," Mr. Parks said. His farmland, now handed down to his two children and five grandchildren, encompasses several thousand acres bordering the Obion, Dyer, Gibson County lines midway between Dyersburg and Union City.

Mr. Will was the only boy in the class of 1903 of the Dyersburg High School. All the others had dropped out to go to work or to get married. The 12 girls in the class made life quite interesting for a teenage boy. They played pranks on him, wrote love letters to him, and at recess, played games with him. "Can you imagine playing leapfrog with girls wearing long dresses and pantaloons? They rolled up their dresses under their arms. It was quite a sight!" he exclaimed. In memory of the class, he has set up a scholarship fund which sends graduates to Tennessee area universities of their choice each year. Some 20 students have taken advantage of the fund.

There was never any question about his attending college. He chose Vanderbilt University in Nashville. It was a relative newcomer on the scene, but it had already established a solid reputation for its academic work.

Vanderbilt and Will parted company during his sophomore year, however. Chancellor Kirkland sent for him to come to his office. "When I arrived, the chancellor was busy at his desk writing. He never looked up so I just stood there. After quite a while I turned to leave. 'Did you want to see me, Will?' the chancellor asked. No sir, I replied. 'Well, I want to see you!' Then he gave me the bad news. 'I have talked to your professors about your work and it's clear you are just not ready for college work. You should drop out and go to some good prep school for awhile and then come back and finish your college work,' Kirkland explained."

That's just what young Will did—well, sort of. He enrolled in a school "up east" by the name of Harvard. "I made the honor roll the first year I was there," he stated. "I sent a copy of my grades to Chancellor Kirkland." He graduated from Harvard in 1912 with a degree in architecture.

Will ran into some interesting people while at Harvard. Robert Benchley and Kermit Roosevelt (Teddy's son), were classmates. "I lived for awhile in the room that Teddy used to live in. One night there was a knock on the door and a gentleman told me that he (Teddy) wanted to see his old room, so I got to meet him." Will described Roosevelt as being short, broad and fast talking.

For awhile during his student years, Will played baseball on one of the varsity teams. It was during this time that he met another interesting character. "I was playing first base on the second team and Joe Kennedy was playing first base on the first team. That was before the Kennedys became aristocratic. Joe was just a typical Irish kid from Boston."

While at Harvard, Will, along with several of his classmates, decided to make a trip to England. To pay their expenses for transportation, they got a job on a cattle boat, a rather common thing for college boys of the time. He was surprised to find his father's brand on some of the cattle on the boat.

The trip proved to be more exciting than he had expected, in fact he almost landed in jail. One of the first places the group visited was Westminster Abbey. And there they came upon the royal throne—a national monument dear to the hearts of all Englishmen. All their monarchs have been crowned on this throne for several hundred years. You can well imagine what ran through the mind of an American college boy. Looking about and finding no guards in the area, he climbed the fence surrounding the throne and with a royal gesture, took a seat. But lo, his luck ran out. No sooner ensconced on the throne, he heard a gruff voice say, "Young man, you are under arrest." "They called me an impudent American who had insulted the dignity of the English people," he remembered. "I was told to leave the city before sundown or face imprisonment. A little man from Scotland Yard, and wearing a black derby, followed me to the hotel and from there to the dock to catch a boat to France. As the boat pulled away, I waved my hand and he shook his fist at me," Mr. Parks said.

Will feels he has atoned for his mischief by returning for Queen Elizabeth's Jubilee Celebration in the summer of 1937.

Will's first job was with the New York firm of Roger Bacon. It had just been commissioned to design the Lincoln Memorial to be located in Washington. The young architect was assigned the task of designing the columns for the monument. Construction was interrupted, however, by World War I and it was not completed until 1922. "It cost $11 million at the time," he explains. "It would cost many times that amount today." Will can proudly boast that more people see a bit of his design work every day than any other living architect. Not only do visitors to the memorial see his work, but it is pictured on the $5 bill and the penny.

When World War I broke out Will joined the Army Air Corps. The war ended however, before he saw any action. Shortly thereafter, he did get to see Europe—his parents gave him a trip around the world—the first of three such trips he has made. Along with a cousin, the late Ed Parks of Union City, the two spent eleven months on the trip. It involved travel by boat, train, donkey, camel, and rickshaw. "I was engaged to be married at the time and because I felt guilty, I took my wife around the world in 1967. The second trip, partly by air, took only six weeks.

"I guess the most beautiful sight I have ever seen was the pink snow in Siberia in 1919. The phenomenon occurred when the red dust from the Gobi Desert blew into a snowstorm and caused the snow to turn pink," Mr. Parks said.

City life didn't appeal to Will, however; at least not New York. Memories of the "good life" on the farm with plenty of time for hunting and fishing proved to be too strong. So it was no surprise to anyone that he soon gave up the hustle and bustle of the city and came back to the farm. The folks at Trimble welcomed him back and soon made him mayor, a position he held for many years. Later he became a member of the Dyer County Court where he also served for a number of years.

Mr. Parks is quite proud of his mini-museum located in a one-room log cabin nearby. "It was part of my great-grandfather's log house that he built over the hill there in 1823. When the house was torn down in 1937, I brought this one room here," he explains.

The museum is filled with all kinds of interesting things from the early years of this area. Many are from family members and relate to his ancestors: his grandmother's coffee mill, a rusty broadax, a hairball from the stomach of a cow, a spinning wheel, to name a few.

In a little glass case is a bear grease lamp that once belonged to Davy Crockett. Will is sure about the ownership. He explains: "In the safe of the old bank in Trimble we found an envelope dated June 6, 1891. There was a note saying, 'Please don't open for 100 years, June 6, 1991.'

Well, I couldn't wait, so I opened it. Inside was a copy of the Trimble Meteor, Vol. 1, No. 1, the first newspaper printed in Trimble. In the newspaper was this item: 'Mr. Jesse Pierce, a prosperous farmer and esteemed citizen of our town, has brought to our office an old relic of the early days of this country. It was once the property of that old hero and hunter, Davy Crockett, who chased bison and elk over this now fertile land. It fell into the hands of Mr. Pierce's father, and has been preserved by the family for years.' That's when I knew what I had," Will said.

Another prized item in the museum is a copy of his grandfather's (Jesse Pierce) request dated July 4, 1864 for $740 from the federal government. "The federal army camped on his land and stole a lot of food for the men and horses. Granddaddy said he didn't get mad and was going to let them have the supplies, but when they tore up a mile of his rail fence to cook the meat, he lost his temper and billed them. He never got paid. I wish I had the interest—they could keep the $740," Mr. Parks said as he reviewed the bill for two mules, 100 bushels of corn, 1,000 pounds of hay, a barrel of sugar, 3,000 pounds of pork, and 1,000 feet of rail fence.

The sight of an old pine coffin in the back of the museum caught my attention. Mr. Will slid back a panel. "He's just a skeleton," he said, "with a bullet hole in his head." "Who?" I asked. "Why, it's Jesse James, the famed outlaw," he replied with a twinkle in his eyes. "Hello, Jesse." Jesse's lower jaw wagged up and down as if answering "Howdy." Mr. Parks has run a small cord to Jesse's jaw and, when he pulls it, the jaw wags. "When I was mayor of Trimble several years ago, a street carnival came to town. In one exhibit was this skeleton which the man claimed to be Jesse James, the famous western outlaw. I sorta doubted it, but people were sure paying ten cents to see him. Well early Sunday morning this man knocked on my door."

"Mr. Parks," he said, "I'm in trouble. I got into a crap game with the boys last night and they cleaned me. I want to borrow twenty bucks to get to Dyersburg."

Parks replied, "I couldn't loan you $20 without some security."

"Well, I guess I could let you keep Jesse—and I'll come back Monday and bring the money and get him."

"He didn't say what Monday," Will said, "and so I've had old Jesse on my hands since 1935."

"Jesse's been exhibited in quite a number of places. He made national television and was written about all the way to New York. I insured him for $1,000 when I loaned him out—I was afraid he might be kidnapped. But he wasn't, and the folks brought him back in a hearse." A man wanted to buy him for a thousand dollars, but I wouldn't sell him. I'm not really sure it's old Jesse, but it makes a good story. And over the years I've sort of gotten attached to him."

Will was only 7 years old when his father took him to the Chicago World's Fair in 1892. He enjoyed himself so much that he has been to all twelve fairs that have been held in the U.S. since then.

Just two days before it closed in November, Will made a visit to the Louisiana World Exposition in New Orleans. The folks there sent him a special invitation and they rolled out the red carpet for him and gave him VIP treatment. While the fair was a disaster financially, and some even gave it the same rating aesthetically, Will rated it as one of the best that he has seen. He should know, for he has seen them all.

And what about the next century? "I've slowed down quite a bit," he replied. "I don't have any plans right now," he said. Well, Mr. Will may be a little "slower" during the next 100, but one thing I'm sure of—it will be packed with a lot of exciting events. He is still alert and full of energy. We wish him many more years of excitement as well as accomplishment!●

H.R. 752

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

● Mr. MONTGOMERY. Mr. Speaker, on Monday I introduced H.R. 752, a bill to amend title 38, United States Code, to ensure an orderly transition to the new Educational Assistance Program established by title VII of the DOD Authorization Act of 1985, Public Law 98-525, signed by the President October 19, 1984.

The Department of Defense has alerted me that the military services are experiencing difficulty in recruiting as the result of a provision which establishes July 1, 1985, as the beginning date of the new GI bill. As passed by the House, the new GI bill would have had an effective date of October 1, 1984, thus avoiding the recruitment difficulties now being experienced. In conference, however, the Senate insisted on an effective date of July 1, 1985. Consequently, those high quality young people the services are so anxious to recruit are delaying their enlistment until they can qualify for the new GI bill—that is, July 1, 1985, or later.

Clearly, a massive number of recruits all enlisting on the same day will not allow for timely recruitment and training scheduling. The bill I have introduced will amend the July 1 date to the date of enactment of the new legislation, thereby avoiding a tidal wave of recruits which would severely disrupt recruitment and training in our Armed Forces.

In view of the serious problems already experienced in the field, it is my intention, with the support of the Department of Defense, to mark up and report this bill as soon as possible so that it can be considered in the House.

BILL TO REPEAL IRS REPORTING REQUIREMENTS ON USE OF VEHICLES FOR BUSINESS PURPOSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BROOKS] is recognized for 5 minutes.

● Mr. BROOKS. Mr. Speaker, I am today introducing legislation to repeal new Internal Revenue Service reporting requirements for individuals who use their vehicles for business purposes. Under a provision of last year's Deficit Reduction Act, such taxpayers are required to keep "adequate contemporaneous records" in order to receive business deductions for use of their vehicles. The regulations issued by the IRS to enforce this provision would force taxpayers to keep excessively detailed logs of their vehicle use in order to receive deductions that formerly were routine.

Clearly all of us are interested in making sure that the tax laws are enforced vigorously and are complied with by all of our taxpayers. But the contemporaneous records provision and the IRS regulations to implement it go too far. The regulations impose an unfair paperwork burden on millions of small businessmen, farmers, and others who use their vehicles for business purposes.

Mr. Speaker, the IRS should go back to the drawing boards. If a serious problem of unjustly claiming business use for vehicles and similar property exists, IRS should devise a new way of ensuring compliance with the provision of the tax law that doesn't force our Nation's taxpayers to spend hours of their business day making notes. For that reason, the bill I am introducing today requires the Secretary of the Treasury to undertake a study to determine how much of a problem there is in this area and to report back to Congress on alternative methods of enforcement that are consistent with the goal of reducing paperwork requirements on individual taxpayers.

Mr. Speaker, as the author of the Paperwork Reduction Act of 1980, which was aimed at reducing the paperwork burden imposed on citizens by Federal agencies, I am particularly concerned about this new IRS provision and its effect on our citizens. It runs against the philosophy of the Paperwork Reduction Act for the IRS to impose this requirement on millions of taxpayers.

I hope that the Ways and Means Committee will take swift action on this problem and will consider my legislation as one promising approach.●

TRIBUTE TO THE LATE HONORABLE GILLIS W. LONG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. BREAUX] is recognized for 60 minutes.

Mr. BREAUX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we will be hearing from our colleagues who knew, and who served with, our recently departed colleague, Congressman GILLIS LONG.

I remember quite well when GILLIS LONG first came to this body for his second term as a Member of the House of Representatives, back in 1973. I remember at that time sitting here in this Chamber with GILLIS. he had just come off of a very difficult and very trying 2-year race for Governor in the State of Louisiana. That race was like only Louisiana can have a Governor's race, it was excruciatingly difficult and very long.

GILLIS had run third and had just barely missed the runoff back in 1972. It was GILLIS' second attempt at that time to seek the governorship of the State of Louisiana.

In talking to GILLIS LONG on the f' or of this Chamber back in 1973 I remember very distinctly the words that GILLIS told me. He said that he was disappointed in not having been elected, as you can imagine, to the governorship after having tried for the second time. He told me that he was coming to Washington and looked forward to serving, but that he was going to serve in a quiet way and would hope that he would be able to do so without a lot fanfare and that he was going to do so without anyone noticing that he was here in the Congress.

I think he said that at that time because he was tired from an exhausting race. He indicated that he wanted to do his duty and to serve the Eighth Congressional District. he did not want to make waves.

Well, for all of you who know GILLIS and know the record that he has left in this Congress, we can honestly say that GILLIS was quiet and GILLIS wasn't noticed for approximately, maybe, 1 day.

He soon, I think, shook off that Governor's race and was appointed to the very powerful Rules Committee and threw himself into the service on that committee and into the service of this House and into the service of the people of the Eighth Congressional District with great enthusiasm as only GILLIS could bring to this job, to this position and this vocation which all of us serve.

Looking back on his service on the Rules Committee, many political observers made the comment to GILLIS at that time that he was making a very serious mistake in agreeing to serve on the Rules Committee because they looked back and remembered that his votes for the Rules Committee, back in 1963-64 contributed to his defeat to the Congress in 1965.

Many people at that time, in 1973, simply said, "Boy, is GILLIS LONG making a big mistake."

Little did we know what turn of events would happen. GILLIS went on to serve with great distinction on the Rules Committee and handled many times the most complicated rules that the Rules Committee ever reported out, with great skill.

We in Louisiana are going to remember GILLIS LONG not only for the complicated rules that he was able to get the Rules Committee to report to the Congress, but probably more often for the complicated rules that GILLIS was able to prevent from ever coming to the House floor because they were premature.

GILLIS LONG suffered severe heart problems which ultimately required a triple bypass. Many people would probably retire to a rocking chair but GILLIS LONG instead decided to run for the chairmanship of our House Democratic caucus, a position that no one from Louisiana had ever held before. Again, old political observers back in Louisiana and elsewhere said, "Boy, is GILLIS LONG making a serious mistake."

□ 1140

Little did we know how wrong they were going to be again. His service as chairman of our caucus has made our party and our Government better. We all make many mistakes as we go through life, but I can assure you that it can never and will never be said of GILLIS LONG, that he ever made the mistake of not giving it everything that he had.

Politics was his chosen profession, and he carried it out with enthusiasm and distinction that can serve as a standard for all of us.

To his wife Cathy and their children Janis and George, we all offer them our greatest support in these very difficult times. Cathy especially formed a very unique partnership with GILLIS, both personally with great love and affection and also politically, as part of a very special team dedicated to serving this institution and the people of the Eighth Congressional District of Louisiana.

It is with great pleasure that we now hear that Cathy will now seek the office of our departed colleague, GILLIS LONG, and try to continue in that same distinctive service.

GILLIS LONG will be remembered by all of us here today, but his real achievement in life is that he will always be remembered by the people that he served so well.

I yield to my colleague from Louisiana, BUDDY ROEMER.

Mr. ROEMER. Mr. Speaker, I would like to thank my colleague and good friend, JOHN BREAUX, for setting aside this time today for several of us to give our thoughts about our departed colleague, GILLIS LONG.

Mr. Speaker, 6 days ago Members of this House traveled to Alexandria, LA, to pay final respects to one of our most distinguished colleagues, GILLIS LONG.

Many of those making the sad journey to our State knew GILLIS LONG as an effective and respected legislator. Many knew him as the visionary chairman of the House Democratic caucus, and influential member of the powerful Rules Committee and the next chairman of the Joint Economic Committee.

Many of his colleagues in the House also knew GILLIS LONG as a courageous man willing to put the principles of equality and justice ahead of a political career.

His colleagues knew GILLIS LONG as all that and more.

I'm lucky enough to say I also knew GILLIS LONG as a friend. A friend who was ever ready to advise a green young colleague. A friend always prepared to help in times of need. A friend willing to share the wealth of his experience and knowledge.

Now, I know there were times when GILLIS LONG and I disagreed on particular issues. We didn't always vote the same way here.

But that never bothered him. For he was wise enough to realize that true friendship cannot depend upon voting records or political opinion. He recognized that friendship is much stronger than the shifting sands of political concerns.

I was lucky to know GILLIS LONG as a friend. And we were all lucky that he devoted his life to the service of his district, his State, and his Nation.

A very smart man once said, "Knowing is not enough; we must apply. Willing is not enough; we must do."

That was GILLIS LONG. A public servant both knowing and willing, one who applied himself, one who accomplished so very much.

A newspaper said it well: "As this new Congress gathers, the Democrats will miss this Louisianian on their side of the House. His State and Nation will miss him more."

We'll all miss him. And we'll never forget him.

Mr. BREAUX. I thank our colleague. I now yield to a distinguished Member from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, it is hard to really do justice to GILLIS LONG's service in the Congress of the United States. I had the privilege of serving with GILLIS on the Rules Committee, of working with him in the Democratic caucus on a variety of projects.

GILLIS was a rare individual, an expert in procedure who also cared very deeply about substance. GILLIS' service on the Rules Committee simply cannot be replaced. GILLIS was an outstanding tactician for our committee and shaped much of what we did in that body, and all of us who continued to serve on that committee in our own way will try and fill the gap that GILLIS has left, but they are very large shoes to fill.

I was privileged to work with GILLIS in the Democratic caucus. GILLIS, in one of his first acts when he became chairman of the caucus, established the Committee on Party Effectiveness, made up of a number of Members of the House from various political persuasions and from various regions. It was this committee, meeting on a regular basis during the last 4 years, that helped in a small way to influence the shape of the Democratic Party and the shape of the party within this House, not just for this year but perhaps for many, many years to come.

GILLIS' influence will be continued to be felt through the actions of those Members that he inspired to take part in the caucus, to think about substance, to think about where this party is going and to act on that.

I miss GILLIS very much, and I know that all of my colleagues, whether they agreed with GILLIS on individual pieces of legislation, or individual stands or not, feel the same way.

I think back to the last fight that GILLIS was involved in in the Rules Committee on behalf of his State and on behalf of his region, a fight that he won just this last fall that involved natural gas legislation that was harmful to Louisiana and to our part of the country.

GILLIS demonstrated his mastery of both procedure and substance in that last fight, and it is as the captain of that last fight that I will remember GILLIS LONG.

Mr. BREAUX. I thank the gentleman from Texas.

I will now yield to the distinguished gentlewoman from California [Mrs. BURTON].

Mrs. BURTON of California. I rise to honor my colleague and friend, GILLIS LONG. He was a truly outstanding Member of the House of Representatives and will forever have a significant place in the history of this body.

GILLIS served in the 88th Congress with my husband, and I have known GILLIS and his wife, Cathy, for 21 years. Cathy and I have been involved with other congressional wives in numerous political activities, and I am very pleased that she will be running

in the special election to replace her husband.

GILLIS remained a national Democrat in his stands on issues, even though it cost him his seat at one time in Congress early in his career.

As caucus chairman, he led efforts to use the talents and knowledge of Members of the House in developing Democratic Party stands on issues. He will deeply missed by his colleagues and by his party. I extend my deepest sympathies to Cathy and his two wonderful children.

Mr. BREAUX. I thank the gentlewoman from California.

I yield to the gentleman from New York [Mr. HORTON].

Mr. HORTON. I thank the gentleman for yielding to me.

Mr. Speaker, it is with sadness that I join my colleagues today in paying tribute to a fellow Representative, a close personal friend, an outstanding Member of Congress, and a proud member of the distinguished Long family of Louisiana—GILLIS LONG.

GILLIS and I came to Congress in 1963. In addition to both of us beginning our congressional careers in the 88th Congress, we were both raised in Louisiana and proudly claim Louisiana State University as our alma mater. He was a good friend.

GILLIS was also a good friend to this institution. He served it and his Louisiana constituents with a strong sense of responsibility and commitment. His work on the Rules Committee is a testament to his dedication. He could be a formidable opponent on legislative issues, as well as a strong and valuable ally. His work and contribution to the betterment of this institution, and hence, our country, will not be forgotten.

To Cathy Long, Nancy joins me in offering our prayers during this difficult period. We can only say that his loss is one shared by many; his determined spirit touched the lives of many of us in this Congress and across the State of Louisiana and these United States. I am proud to have known him and to have counted him as both a trusted colleague and friend.

Mr. BREAUX. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. I thank the gentleman for yielding.

Mr. Speaker, I simply wanted to join those who were paying their respects to GILLIS LONG today. I remember the first time I ever met GILLIS. Dick Bolling used to have a group of Members with whom he would get together regularly in Otis Pike's office. Shortly after GILLIS was reelected to the Congress after he had been gone for some time, he came into the meeting with Dick and I had never heard of a GILLIS LONG. I had heard of Speedy Long, I had heard of RUSSELL LONG, Earl Long, but I had never heard of GILLIS. It took about an hour in that meeting for me to realize that GILLIS LONG was one tough cookie. He had a quality which is in very strong need in a political system which is called guts. I think throughout his career he exhibited that. It was very difficult for him to make some of the choices he made on issues, especially in regard to civil rights. But he made them because he understood they were right and they were in the best interests of the country and he stuck by them.

The other thing that I think made him such an outstanding Member of this House is that he was truly an institutional man. He did recognize that before you could succeed as an individual Member of this House, this place itself had to work and it had to work well. He recognized that because the interests of the House had to come before many other things he recognized that on occasion, even though you had a political advantage, it was wise not to press it for the greater good of everyone concerned and for the greater good of the country. He stuck by that rule.

He was also one of those who tried to merge the pressures for economic growth in this country with the pressures for equity and to try to fuse both into a rational set of policies for his party and for the country.

I think he will be remembered as a person who was a problem solver rather than a rhetorician.

I very greatly regret his passing. I just want to extend my sincere sympathy to his wife, Cathy.

Mr. BREAUX. I thank the gentleman.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. O'NEILL].

Mr. O'NEILL. I want to thank Congressman BREAUX. I think it is a beautiful idea to have this remembrance of an old and dear friend.

I probably knew GILLY LONG as well as—and longer than—most Members of the House. In 1958 I was a member of the Committee on Contested Elections. That committee is out of existence now, but in those particular days the chief counsel was GILLY LONG, a young, able, and talented fellow, who served the committee very well. I got to know him and to respect him.

Then in 1962 he ran for the Congress and was elected. The opening day of that session is one in the history of this Congress that historians write about. It was to break the coalition between the southern Democrats and the Republicans who had allied themselves under the leadership of "Judge" Smith of Virginia. The question came of enlarging the Rules Committee. GILLY LONG was a man of courage and foresight. He appreciated that in our democracy the power of the Rules Committee must be such that the leadership can bring legislation to the floor, which was not the case at that time.

So he voted with the majority on that day to enable us—for the future of this legislative body—to be able to get the legislation on the floor. This hurt him badly back home where he represented a very conservative district.

GILLY was defeated for reelection. At a later date he ran for Governor, always doing well, but a "bridesmaid and never the bride."

He came back to this Congress in 1973 and again showed extreme courage as legislation came along, especially civil rights legislation. GILLY had the respect and admiration of every Member of this Congress on both sides of the aisle.

I have seen caucus chairmen come and go. I always say that every whip, every majority leader, every chairman of the caucus always does a better job than the one before them. They take the inequities and mistakes of the past and correct them. GILLY was truly the most forceful that I ever saw.

He and Cathy, Millie, and I have traveled together. There was a bond of friendship that had grown between the O'Neill family and the Long family and I know that Millie joins me and has already expressed to Catherine our sincerest, deepest sympathy for the loss of GILLY. He truly was a great American.

Mr. Speaker, I have in my hands the remarks that I made at the services in Alexandria, LA, last week. Cathy called and asked me if I would join in the eulogy. She paid me a great honor. I would like to include my remarks at this time:

Reverend Clergy, Cathy, George and Janis, my colleagues, friends and admirers of Gillis Long.

Gillis Long was my friend. We served together on the House Committee on Elections 26 years ago. He was a young man of achievement with a great future ahead of him.

Soon after we met he was elected to Congress in the heady days of the New Frontier. In his first term he quickly stood up for what was right for the House and what was right for the country. As a result, he waited awhile for his second term.

As it turned out, the reputation he gained for courage and conviction made up for the years he lost in seniority. Upon his return to the House, beginning with his service on the House Rules Committee, he quickly rose in the leadership of the House.

Gillis was popular, knowledgeable and influential. His colleagues looked to him for guidance and he always listened to them for advice.

He was a conciliator. He was a consensus-builder. He was a unifier.

We welcomed change. But he never wanted to leave anyone behind. He sought to persuade rather than to punish. He fought to reconcile rather than to divide.

Recently, he advocated that his party needed to recapture the "vital center" of the American electorate. Well, Gillis Long

himself was the "vital center" of the House leadership, the House Rules Committee, and the Democratic caucus.

And of course, he was the "vital center" of his family, his community and his district.

Gillis was a doer, he made things happen and he made things better. He was impatient for results, but he was always patient with people.

He cared deeply about his constituents, his colleagues and his countrymen. As a result, they cared about him.

John Kennedy reminded us that "we should not forget those acts of courage with which men lived". Well we will never forget the courage with which Gillis lived every day in face of illness during the last several years. We will never forget the courage he displayed in his first term in Congress. We will never forget how bravely he served his country in World War II.

His courage, his commitment and his compassion will remain in the center of our lives and our experiences for years to come.

Gillis was a strong voice in the House. His was a voice of conviction and of moderation. His voice will no longer be heard in the House. His vote will no longer be recorded in the Chamber. But I promise you his influence remains because his memory lives on in our minds, in our hearts and in our enduring respect and admiration for him and for what he stood for.

Mr. BREAUX. I thank the gentleman from Massachusetts [Mr. O'NEILL] for his eloquent remarks.

Mr. Speaker, what I would like to do for everyone's information is yield to the elected leadership on both sides of the aisle and then to the Louisiana delegation members and then to others in rank of seniority.

Mr. Speaker, I yield at this time to the gentleman from Mississippi [Mr. LOTT].

Mr. LOTT. I thank the gentleman from Louisiana for yielding.

I join with my colleagues here today in expressing our sadness at the loss of one of the best legislators I have seen operate here in the House in the 16 years that I have been in this city. He was my neighbor over there in Louisiana. That led us on many occasions to work together on legislation where he had a common interest.

He was an outstanding member of the Rules Committee. I served on the Rules Committee with him for 10 years. He in many ways changed the direction of the Rules Committee as a consummate politician, technician, and tactician. I always appreciated, the fact that he had a real sense of this institution and consequently improved the operation of the House. He was interested in congressional oversight and trying to make sure that this body did take a look at what it had done. We worked closely together on the Legislative Process Subcommittee on sunset legislation and related oversight proposals. I was privileged to serve as the ranking Republican under his chairmanship, and he was always gracious to me.

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Obviously, he did an outstanding job as the chairman of his party's caucus. I think he was revolutionary in the many ways that he tried to make it more active. We on this side of the aisle observed the leadership that he provided in that caucus.

I did work with him on many bipartisan issues and felt that when we worked together we were able to accomplish some positive things on legislation.

What meant more than anything else to me with GILLIS was that he was fair in the way that he dealt with me as a Member of the Rules Committee. As a Member of the House, he left a legacy here that we will all remember and appreciate. I think that the House is a better place because of the service of our friend and colleague, GILLIS LONG. I extend my feelings to his family on this great loss.

I thank the gentleman for yielding.

Mr. BREAUX. I thank the gentleman from Mississippi for his remarks.

Mr. Speaker, I yield to the gentlman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. I thank the gentleman from Louisiana for yielding.

Mr. Speaker, I, too, join with my colleagues in honoring the memory of our dear departed friend and former colleague, GILLIS LONG, of Louisiana.

When I was first elected to Congress in 1968, I came to this institution and was sworn in, took the oath of office in 1969, with the firm conviction that I would not be shackled by the history of prejudice and bias that had been associated by some people with Representatives from my native State during the last several decades.

I came here committed to ideals which I felt very alone in bringing to Congress from my region, to learn that there were other soul mates who were here with me and who had preceded me from the South with whom I associated and with whom I was comfortable ideologically and philosophically. Though GILLIS had a break in his service and he was not here in 1969 when I was sworn in, I soon learned of him. And when he returned a couple of years later, I respected him as a master craftsman of the art of politics, as a master Congressman who was committed not only to the people of his district in Louisiana that he represented in the U.S. Congress, but who was equally committed to a set of ideals which he brought with him as a standard by which he measured his performance in representing his constituents.

And I think most of all I admired the courage of this man in fulfilling the commitments that he had. He had the courage of his commitments. We were frequently visitors about the plight of our region and its part that it should play in national politics. We frequently conferred about matters of debate on the floor of the House. And after all of the work was done, he would lay politics aside and be the friend to me and other Members of Congress that we all knew him to be.

It is with great sadness that I stand here today, and it is with warmth and heartfelt condolence that I extend my feelings to his family and to especially Cathy, who shared GILLIS' work with him step by step each day that he served in Congress.

Mr. BREAUX. I thank the gentleman from Arkansas.

Mr. Speaker, I yield to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. I thank my colleague from Louisiana for yielding to me. I want to thank him also for taking out this special order.

Mr. Speaker, I grew up in Louisiana, and I think it is safe to say that throughout my formative years I grew up in Louisiana hearing the name of GILLIS LONG repeated time and time again. The people of Louisiana knew him for his record as an outstanding statesman, they knew him for his record as a war veteran, during which service he received recognition for outstanding valor. He received the Bronze Star and the Purple Heart. But, most importantly, he was a master politician.

GILLIS LONG was the embodiment of the Democratic Party in Louisiana. He was politically and philosophically, I suppose, on the opposite side of the fence, the opposite side of the spectrum, from me. But I believe, in knowing GILLIS over these last 8 years that I have served in Congress, that we had a great deal in common. I know that we were friends, despite our political and philosophical differences. There is no doubt in my mind that Louisiana has suffered a great loss in his passing.

GILLIS had the politically famous name of LONG, but he came from relatively obscure and simple surroundings. He rose to prominence because he was a whirlwind of energy, an irrepressible campaigner, a formidable opponent, an inveterate liberal and a yellow-dog Democrat. But he was also a good guy, and you could trust him, you could count on his word. He did not hesitate to make alliances with people who did not necessarily share his views if it was for mutual political benefit. I recall one time when he shared the cost of a poll with Dave Treen who was thinking of running for Governor. GILLIS was also thinking of running for Governor. They got the same pollster, they put their money in together, shared the cost, and on the basis of that poll, Dave Treen decided ultimately to run for Governor and GILLIS LONG decided not to.

I remember one time, more close to my own political future, I suppose, he worked with me on reapportionment,

to help secure his base, and mine, as it turned out, as far as our positions were concerned among our State legislators.

I have to say that GILLIS was remarkable in another context, for let any political adversary rue the day that he went up against GILLIS LONG, either on the campaign trail or on the legislative battlefield. GILLIS was merciless in his combative nature, and he could beat the toughest of odds when the time and circumstances were right.

The time never was right for GILLIS to have become Governor of Louisiana, and that was a goal he had set for himself at various times throughout his career. But that was not significant, for GILLIS was the consummate political maneuverer of Louisiana. His tentacles, his machinations, his ingenuity, and his integrity were always one step away from the Governor's mansion, regardless of who might have occupied it over the last 25 years.

GILLIS had friends in every corner of Louisiana and friends in cities and towns throughout this Nation of ours. And for those who did not count themselves among his friends, well, he could always be sure that at the very least he had their respect.

GILLIS LONG left his mark on Louisiana and on the Nation. He was throughout his entire life every ounce the "happy warrior" that the late Hubert Humphrey was, for he reveled in challenge, in politics, and in life.

As I mentioned earlier, I sometimes have often disagreed with GILLIS' positions on the issues, but you did not have to agree with GILLIS to know that he was one hell of a man.

I learned at his funeral that 2 weeks before he died GILLIS asked the delegate from the District of Columbia, WALTER FAUNTROY, to sing "The Impossible Dream" at his funeral ceremony. I think that song capsulizes GILLIS LONG's life, and you cannot help but admire a man who can face up to his unfortunate fate with such courage.

His lovely wife, Cathy, and his children, George and Janice, who now mourn his departure from this Earth, can later rejoice in the knowledge that GILLIS LONG lived his life and wasted nothing.

I thank the gentleman for yielding.

Mr. BREAUX. I thank the gentleman from Louisiana for his remarks.

Mr. Speaker, I now yield to the distinguished majority leader, the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Mr. Speaker, the passing of GILLIS LONG leaves a void which will not be easily filled. GILLIS LONG determined early in his life that he would be a public man. His was no ordinary dream of mere personal ambition, of prestige, power, and popularity, though there would be nothing wrong with a young man dreaming of those things. His was a dream of a career in public service, the beneficiaries of which would be his people, his region, the small towns, and families with whom he grew up.

GILLIS began ardently and with the dedication, which he devoted to every task that he ever undertook, to prepare himself for this career. His education interrupted by the cruel cataclysm of World War II, he entered the Army as a private and rose to the rank of captain, slogging across Europe and earning the Bronze Star and the Purple Heart in service to our country.

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Resuming his education, he graduated from Louisiana State University where he was elected president of the student body, and received his law degree. Then GILLIS began in his earnest, dedicated way to master the craft of lawmaking.

GILLIS LONG became a legislator's legislator, and a consummate politician; that word so much misunderstood and so frequently abused. But GILLIS knew that politics, which Webster defines as the science and art of government, is as necessary to the functioning of a free society as water is to the flow of a river. It does not have to be filthy and corrupted, and neither does the river, for man has the wisdom, if he has the will, to keep them both clean.

GILLIS soon was recognized as a man of conviction. When expediency might have justified a temporary sacrifice of principle in the face of implacable prejudice, GILLIS stood firm by his convictions. Because of this, he knew the personal anguish of political defeat, but never did defeat become defeatism, nor sour into personal selfpity.

GILLIS overcame those defeats demonstrating both the ability to be gracious in victory, which requires the skills of a gentleman, and to be gracious in defeat, which requires the fiber of a man. In Congress, we called upon him repeatedly when difficult tasks were required; when delicate negotiations were needed. He always came through.

GILLIS served as a sort of bridge across which Members of different geographic origins, of different generations and of different ideologies could communicate. He was creative, he was constructive, and in every way a model Member.

We mourn his passing, and as we do, we recall with honor and pride the distinction that he cast upon this Chamber. He reflected credit upon the legislative branch of Government, and credit upon the United States.

Mr. BREAUX. I thank the distinguished majority leader for his remarks.

Mr. Speaker, I would like to recognize now the first lady of our delegation, Congresswoman LINDY BOGGS.

Mrs. BOGGS. I thank the gentleman for yielding and for taking this special order.

Mr. Speaker, GILLIS had left word to his beautiful Cathy that at the funeral exercises honoring him, he would like a simple, military funeral, and that he would like for the gentleman from Florida [Mr. PEPPER] and me to deliver the eulogies, and he would like for WALTER FAUNTROY to sing "The Impossible Dream," which was his favorite song.

Mr. Speaker, I would like to have permission to include the remarks that I made in the eulogy at the service within the context of these special remembrances.

The SPEAKER pro tempore. Without objection.

Mrs. BOGGS. In the eulogy, Mr. Speaker, I said that Louisiana had lost a stalwart son; that the Nation had lost a determined patriot, and that each of us, individually, had lost a precious friend. GILLIS' service to our State was absolutely immeasurable. He was a defender and a promoter of all of its resources, its human resources and its beautiful natural resources. He was also a promoter of its industry; of its trade; of its commerce, nationally and internationally. Most of all, he was a supporter of its people and of their problems and of their needs.

You have just heard the majority leader talk about GILLIS' patriotism on the battlefield of war, and all of us in this House know about his patriotism on the battlefield of politics. We know, as the great song from the Man From LaMancha says, that he gave his last ounce of courage to bring all of us beyond the unreachable star.

He was indeed a great promoter of this House, of the institution of this House. We have heard the Speaker reminisce today about the young counsel to the committee that handled the Speaker's own situation when he first came to the House. My husband, Hale, was the chairman of that committee, and selected GILLIS LONG as the chief counsel.

Their friendship grew and blossomed and all of Hale's love of this House was somehow transferred to and implemented in GILLIS' feelings. He, in turn, attracted men and women of tremendous abilities to the service of this House and to politics and to the Democratic Party and to the State of Louisiana in political service. True friend we all know he was. There was never a time when, individually or collectively, he was not ready to befriend the Members of this House. Whether it was in a small, personal gesture or tremendous help in a difficult campaign, at home or in legislation, GILLIS was there always to be helpful to us. During the whole time he was aided and abetted by his wife, Cathy. She is

a true professional in her own right, and it is with great pride and expectation that I hope that she will be running for election in the special election to bring some of the love of Louisiana, some of the strength and courage, some of the friendship and devotion to this House that we have lost in GILLIS. I hope that Cathy will consider bringing some of all of this back to us.

I want to extend to her and to Janice and George, to Floyd and to all the other family members our deepest sympathy, our dearest love, and our great thanks for sharing GILLIS with us for so many years.

Mr. Speaker, with your gracious permission, the expressions of eulogy that I delivered at GILLIS' funeral services now follow:

Each of us here today, and thousands of others such as we, has lost an affectionate friend; Louisiana has lost a stalwart son of an illustrious Louisiana political family and the Nation has lost a loyal and determined patriot.

Our personal grief has been assuaged by the national and international expressions of praise for his solid accomplishments and his unique contributions to the stability of our national economy, to the institution of the House of Representatives, to the betterment of our State, to the future of the Republic. We have been especially consoled during these services by the eloquent remembrances of the leaders he most admired and loved.

Tucked away among the obituary praises, are two items that best describe Gillis' own sentiments. They are his request for a simple military funeral and the notice of his establishment of the Gillis Long Scholarship at Louisiana State University. Distinguished leader, complicated intellectual that he surely was, nonetheless Gillis remained a simple man, loyal to his roots, grateful for his opportunities. He repeatedly gave credit for his education to the free text books made available to Louisiana children by then Governor Huey P. Long and to the GI Bill of Rights that assured his pursuance of the law at L.S.U. He understood as did his friend, my husband Hale, that to be truly great, our State had to open these windows of opportunity to all of its people and often in the early days of the Civil Rights movement he stood valiantly much as Walt Whitman's "Louisiana Live Oak" had "all alone, without any companion, it grew there uttering joyous leaves of dark green."

He was a true son of Louisiana and served her extraordinarily well.

His determination to accomplish what he set out to do was sidetracked only twice when he failed in his election bids for the Governorship. The campaigns, however, only whetted his insatiable appetite for knowledge about the problems and the potential for growth in the State and the betterment of the condition of her people. He transferred his protection and promotion of the interests of Louisiana to the wider national arena of the House of Representatives, knowing as the "Almanac of Politics" observed that "his current district seemed entirely pleased to reelect him indefinitely." Through his position on the Rules Committee, his leadership in the Joint Economic Committee, and especially through the esteem in which he was held by his colleagues, Gillis promoted and protected the energy, the water, the agricultural and forest resources, and expanded the trade and commerce and the research, industrial and technological opportunities for our State. He will be sorely missed.

Wracked by pain and discomfort, as a true Louisianian, Gillis loved life to its fullest expression. Surely now we can publicly admit that he was the captain of the krewe of Louisianians for the Washington, D.C. Mardi Gras Ball. Inveterate traveller, collector of art, eclectic in his taste as an enjoyer of literature, of music, of drama and most especially of the musical "Man from La Mancha," whose theme song has been elevated today into an exquisite requiem by our chivalrous colleague, Walter Fauntroy.

His all time favorite pastime was fishing. Fatigued at times beyond ordinary measure, he was constantly rejuvenated by a fishing trip. As was the Lord Jesus to whose principles he consistently adhered, Gillis was also a "fisher of men" and women. He attracted energetic, talented persons of great worth to the art of politics, then organized, trained, led and inspired them into rendering beneficial service to our Nation, to the Democratic Party and to the institution of the House of Representatives, often as staff members in his own offices. He also possessed the uncanny knack for transforming them into loving personal friends.

Above all else, Gillis was a patriot. He consecrated his considerate talents, his energies, his vast intelligence to the service of our Nation and State, and to the people who had given him the honor of representing them in the Congress.

On the battlefield of war, as the majority leader has reminded us, he won the Bronze Star and was awarded the Purple Heart. And on the battlefield of politics, he gave his "last ounce of courage," to transport all of us beyond "the unreachable stars."

Throughout his quest, he was joined by his family members, his parents, his gallant brother Floyd, by the memory of his dear sister, his precious children, George and Janis (what a joy they provided him and what a rich legacy he has left them!), by literally thousands of avid, loyal supporters, but most especially by his beautiful Cathy, a woman of valor and keen intelligence, greatly loved by all of the rest, and a true professional in her own right.

And now it is time for our weary patriot to be "laid to his rest"; that we release him to the company of the angels as we drum roll our combined tributes into a final salute, and say goodbye to our beloved friend.

Mr. BREAUX. I thank the gentlewoman for her speech.

Mr. Speaker, I yield to Congresswoman OAKAR.

GILLIS LONG: A PRACTICAL VISIONARY

Ms. OAKAR. I thank the gentleman for yielding, and I want to thank him for taking this special order.

Mr. Speaker, it is with a great sense of loss that I rise to speak about our late colleague, GILLIS LONG of Louisiana.

GILLIS' untimely death has taken from the Nation and Congress a man of unusual vision and understanding. He was a rare leader who knew not only the direction the Nation needed to take but also the steps that needed to be taken to give that direction. He was an activist, goal-oriented visionary.

GILLIS' great strength was that he understood the role of Congress and the Democratic Party in accomplishing the goals he set out for the Nation. He had a unique understanding and appreciation of Congress and the Democratic Party as institutions. His goal was to strengthen those institutions to make them vehicles for bringing about change and providing creative, fresh solutions to America's needs.

In the House, his greatest achievement was in turning the Democratic caucus into an instrument for involving Members and finding new approaches to solving our Nation's problems. GILLIS recognized the party's need to develop and present new ideas.

Moreover, GILLIS understood how crucial it was for a political party to reflect not only its grass roots but also its elected officials. In this sense, he was a very practical visionary. For he wanted the Democratic Party to be able to govern and instill confidence in the American electorate that it had the ability to govern.

If I may inject a personal note, I want to say how greatly I will miss his counsel. I know that my colleagues will also miss it greatly.

On this occasion, it is important that we remember GILLIS by recalling his legacy and committing ourselves to building on the foundation he laid. This would be the most appropriate monument to a great party and congressional leader.

Throughout his career in Congress, GILLIS had his wife, Cathy, working side by side with him. She shared his vision, his compassion and his understanding of how to get things done. Moreover, she knows the people of Louisiana's Eighth Congressional District and their needs. Cathy is uniquely qualified to carry on his work.

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Mr. BREAUX. Mr. Speaker, I would yield now to the gentleman from Texas [Mr. PICKLE], who has been patiently waiting, if he would like to be heard at this time.

Mr. PICKLE. I thank the gentleman for yielding.

Mr. Speaker, those of us who serve in the House learn quickly the Members who have integrity, who have dedication, who have intelligence, who have character, and we learned many years ago that GILLIS LONG met all of those measurements because he is one of the finest Members we ever had.

GILLIS and I came together in the 88th Congress. I like to recall a little story about GILLIS.

One evening, we were all sitting around and GILLIS LONG started talking about his district. Just like most of us, GILLIS said he had been asked the question: What would you do if you were up for reelection and were de-

feated? GILLIS responded that he knew exactly what he would do. He said, "I would run again".

Then he added that in spite of all the difficulties of this job, none is more exciting, more challenging. There is recognition and prestige. You meet interesting people from all over the world and there is definitely a sense of making a difference in the lives of your fellow countrymen. He went on to say that he felt he was a natural as a Member of Congress and each day brought new challenges.

The fact of the matter is that GILLIS was not defeated for Congress and he probably never would have been defeated. The Eighth District of Louisiana loved him and his colleagues loved him. The problem is that there are not enough GILLIS LONGS in this country. He was definitely a man of total dedication to the job of representing his constituents.

NOW, GILLIS LONG was a third and fourth cousin in the legendary Long family and in the early days, they did not recognize him as family. According to GILLIS his side of the family was somewhat removed from the famous side.

But his status changed during his days as a public servant at LSU. GILLIS tells the story this way. His roommate was running for LSU student body president and then decided not to run. GILLIS tried his best to convince him to reconsider but the roommate said absolutely not. So, GILLIS at the last moment, decided to run, and much to his surprise he won. The newspapers played up his win with the headline "Another Long Is Elected."

In those days, GILLIS lived in a barracks type dormitory which had one phone in the middle of the long empty hall. Early the next morning after the election he received a phone call at about 6 a.m. GILLIS was summoned to the phone, and as he sleepily picked up the receiver he heard this voice over the other end say "Cousin GILLIS, this is Cousin RUSSELL!" GILLIS knew he was at long last in the family when Senator RUSSELL LONG called.

When GILLIS and Cathy first came to Congress they entered in 1963 with the 88th Congress, which has through the years proved to be the strongest and most active of all the congressional families. Cathy and GILLIS and Beryl and I have spent many happy hours together making plans for the Annual 88th Club St. Patrick's Day Party, and then each year in March seeing these plans turn into one of the most pleasant evenings of the session thanks to our good friend George Koch. Because of the Longs, we can take great pride in knowing that more Members—both former and present—come back to celebrate with us than any in the Congress. The 88th Club has been a close knit, caring group, and GILLIS was one of our most caring and beloved members.

As chairman of the Democratic caucus and as a senior member of the Rules Committee, GILLIS was always there—making a difference.

Mr. BREAUX. I thank the gentleman for his remarks.

Mr. Speaker, I yield to our colleague, the gentleman from Louisiana [Mr. HUCKABY].

Mr. HUCKABY. I thank the gentleman for yielding.

Mr. Speaker, I and every other member of the Louisiana delegation have truly lost a dear friend and a great colleague in GILLIS LONG. The State of Louisiana lost one of her most able statesmen and certainly the House of Representatives lost one of its strongest leaders.

As the gentleman from Texas just so eloquently explained, GILLIS LONG broke upon the Louisiana political scene when he became elected as president of the student body at LSU many years ago. We in Louisiana pride ourselves on the fact that we love politics so much. It seems as if we have a statewide election almost every year, and those years in which we do not, we certainly look at who wins the student body presidency of LSU.

I got to know GILLIS first some 20 years ago. GILLIS was running for Governor of Louisiana. My father-in-law was coordinating several of the rural parishes in northern Louisiana for GILLIS, and I can remember riding up and down those country roads putting up tree signs and bumper stickers for GILLIS LONG back then.

GILLIS, even back then, as he was to the very end, and I think he would not object to being referred to as such, was a populist, a man of the people. He prided himself on representing the little people not only of Louisiana but of this Nation.

Although I disagreed with GILLIS philosophically on some issues, I truly admired and respected him. When I came to the House of Representatives some 8 years ago, GILLIS LONG was one of those who took me by the hand, as most Members must have someone do, to show them the ropes, so to speak. GILLIS never failed me when I called upon him.

GILLIS was one of the hardest workers I have ever known. In his total dedication to the people of Louisiana, to his Eighth Congressional District, and to this House of Representatives, GILLIS literally lived and breathed for his job in the House of Representatives.

□ 1230

Mr. Speaker, Louisiana has lost one of its finest sons, and the House has lost one of its most able Members.

Mr. MITCHELL. Mr. Speaker, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Maryland.

Mr. MITCHELL. Mr. Speaker, I would merely echo the remarks of the gentleman from Louisiana [Mr. HUCKABY].

Mr. Speaker, I am proud to join my colleagues today in paying tribute to the late Congressman GILLIS LONG. He has served this House and his constituents well.

I am fortunate to have had the pleasure of serving with Mr. LONG on the Joint Economic Committee. He viewed the committee as one for long-range thinking and planning and thus brought with him a unique and valuable perspective.

Representative LONG was also a member of the House Rules Committee. That is an understatement. He was perhaps the key member of the committee on most major issues. He viewed his role on the committee seriously and worked diligently as chairman of the subcommittee on the legislative process.

Mr. LONG also served as chairman of the Democratic caucus. When he took over the chairmanship he immediately set about strengthening the caucus. He is in fact quoted as saying, "I pledged to try to unify the Democratic Members of the House." He was determined to set up discussions in the caucus about the role of the Democratic Party in future national politics. His attitude was admirable and we will try to carry on the dream GILLIS LONG had about the important part the caucus can play in our political system.

GILLIS LONG represented his district with integrity and wisdom. He embraced the needs of teachers, farmers, environmentalists, organized labor and consumers alike and worked diligently to ensure their voices would be heard and their needs addressed. I am sure that they, as well as we his colleagues will miss him. However, I am sure that we have all benefited from his knowledge and his dedication and he will not be forgotten.

Mr. BREAUX. Mr. Speaker, I yield to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I want to thank my colleague, the gentleman from Louisiana [Mr. BREAUX], for taking this special order in honor of our dear colleague, GILLIS LONG.

Those who attended the beautiful services in Alexandria—and there were a hundred Members of this body and staff who came in such a fitting tribute to GILLIS—were blessed to hear some of the most eloquent eulogies I think I have ever heard in my young life—to hear Speaker O'NEILL, to hear the soaring eloquence of House Majority Leader JIM WRIGHT, the tremendous, compassionate eloquence of CLAUDE PEPPER, the soaring rendition

of "The Impossible Dream" by our colleague, WALTER FAUNTROY, that will haunt us forever as we remember GILLIS, and the magnificence of our first lady in Louisiana, LINDY BOGGS, when she brought us back from all that soaring rhetoric and focused our attention on that simple coffin that contained the remains of GILLIS and reminded us that for all the tremendous work that GILLIS did and for all his complex intellectualism, he was, most importantly, a simple man, a man who remembered his roots and a man for whom the most important persons in his life were those with whom he worked and those he served.

GILLIS, in all those eulogies and in my mind and in the minds of most of us who serve in this body, will be most remembered as a decent man of great and fixed convictions. It is not secret that GILLIS' political career was grossly interrupted because he in Louisiana took a stand for civil rights when it was then unpopular to do so, because he in this body, as a member of the Rules Committee, made it possible for this Nation to advance the cause of civil rights when it was then unpopular at home. GILLIS paid a dear political price for taking that stand and for standing by his convictions.

When I think of those days, I am reminded of the words of Rudyard Kipling in "Gunga Din" when he said, "By the livin' Gawd that made you, You're a better man than I am, Gunga Din."

That is GILLIS LONG. Because of GILLIS, Louisiana is a much more tolerant place, a place where civil rights are again respected, and this Nation is a much more tolerant Nation because this one man of conviction indeed stood tall.

There is a phrase used in legislative circles to describe a very kind legislator. It is called "a man of the House." Many of us come to this body and work in other legislatures with the intent of serving the folks back home exclusively. We make that our prime and almost unique and sole occupation. Others, while fulfilling that function, also seek to establish themselves within this House as a leader, as one who understands the rules and makes it work and makes things happen and helps build this institution. There are quite a number of those here in this room today who, like GILLIS LONG, work to build the institution of this House and continue to improve it. GILLIS was one of those; he was one of the foremost of those who presently serve.

In fact, the life of GILLIS LONG in many respects parallels that of our great departed colleague, Hale Boggs. Hale was also a "man of the House," one who dedicated himself to improve this institution and, like GILLIS, left an indelible mark upon it. And like Hale Boggs, GILLIS was blessed to have with him a soulmate, a friend, a sponsor, and a supporter in the likes of Cathy Long, just as Hale was blessed to have our dean LINDY BOGGS to help him through it all. Like LINDY, I hope and pray that Cathy may join us here and continue the work of GILLIS in this House, because for many years she has worked for us and beside us as an able right hand to GILLIS LONG.

GILLIS was a consummate politician. He loved politics and was proud to be a politician. You may recall that in the great Kennedy volume, "Profiles in Courage," John Kennedy spoke to that and how important it was that we in America began to understand that the word, "politician," is indeed a good and honest and decent word. As House leader JIM WRIGHT pointed out, it can be a clean and honorable profession if only we make it so. GILLIS loved the profession and was a consummate politician.

My colleague, JOHN BREAUX, often joked that, when visiting GILLIS' office one day, he leaned on one of GILLIS' phones and raised enough money to run his campaign that year.

GILLIS was always campaigning and delving in State politics. In fact, it is no secret that when GILLIS lost his chance to serve Louisiana as its Governor and Louisiana lost the service of GILLIS as its Governor by a thin margin, GILLIS nevertheless made the difference in determining who would be the next Governor and who would be the next Senator, both of whom now serve our State in those capacities. GILLIS loved politics, and he loved this House.

We remember GILLIS also in a personal way. GILLIS was a deeply devoted friend to every one of us. I recall that GILLIS very carefully took new Members under his wing, and I was one of them. I recall visiting GILLIS in the middle of the night in New Orleans in his hotel room to seek his advice on entering the race for this Congress in 1980. I recall GILLIS waking to greet me in his pajamas and spending about an hour and a half with me in the middle of the night to discuss with me that opportunity that I had. GILLIS ultimately told me I did not have much of a chance, but he also committed himself to do everything in his power to help me. It is that kind of personal remembrance of GILLIS that sticks with so many of us in Louisiana, because GILLIS was that loyal and that much of a friend.

But GILLIS' primary loyalty, I believe, was most of all to human decency itself. His legacy is a Nation that is much more just than the way he found it. GILLIS LONG was a great American leader. He believed in government of, by, and for the people, and he put the emphasis on government for the people.

In his beautiful ceremony in Alexandria, the Reverend Lynn P. Clayton tried to comfort us in his leaving. Reverend Clayton told the story about a young boy who was facing death at an early age, a death that his father and mother were well aware was coming, and his father dreaded the day, of course, when his son would ask him that terrible question about what death was all about. But that day came, and the son approached his father and asked him what it was like to die, and the father had prepared, as Reverend Clayton said, a very tender response. I would like to leave you with that father's response, as given to us by Reverend Clayton.

The father said to his son:

Son, when you come home tired and exhausted and your body is ready for sleep and you fall upon the couch and you go to sleep and you wake up in the morning and you are in your bedroom in your comfortable bed, do you know how you got from the couch to your bed?

And the little boy said:

Well, sure, daddy, you carried me to bed.

And the father said:

Well, son, that is what dying is all about. We fall asleep, and someone, the Almighty, carries us from that place where we fall asleep to a much better home, a more comfortable home, a home that we have earned by loving one another here on Earth.

Mr. Speaker, GILLIS earned his home. We regret his leaving, but we also rejoice in that he has earned his reward.

The SPEAKER pro tempore [Mr. LEVIN of Michigan]. The time of the gentleman from Louisiana [Mr. BREAUX] has expired.

ORDER OF BUSINESS

Mr. HUCKABY. Mr. Speaker, I ask unanimous consent that I may be recognized at this time for 1 hour to proceed with my special order on our late colleague, GILLIS LONG.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

A TRIBUTE TO THE LATE HONORABLE GILLIS W. LONG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. HUCKABY] is recognized for 60 minutes.

Mr. HUCKABY. Mr. Speaker, I yield to the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Speaker, I thank my colleague for yielding, and I thank him and the other members of the Louisiana delegation for taking this time. I wish to join with them in commemorating our beloved late former colleague, GILLIS LONG.

1240

Mr. HUCKABY. Mr. Speaker, I yield to the gentleman from California [Mr. COELHO].

Mr. COELHO. Mr. Speaker, I thank the gentleman from Louisiana.

Mr. Speaker, I appreciate the fact that the Louisiana delegation has taken this time to honor a gentleman that meant a lot to my wife, Phyllis, and I.

GILLIS LONG is the type of individual that we talk about a lot, the type of individual that can bridge all differences, an individual who can bring people from different points of view together to discuss, and hopefully to resolve a particular issue.

GILLIS believed in communication and believed in people talking and trying to resolve problems.

GILLIS was a politician's politician. He loved politics. He loved this House. He loved the institution and he loved legislation, but he was the complete legislator that we so often do not have, someone who liked every aspect of this job, someone who took new people who came into this institution and encouraged them to use everything at their disposal to get involved and to make a difference.

The greatest compliment that any of us can have said about us is that regardless of how much time we spend in this particular institution, that we have made a difference. GILLIS LONG made a difference. He made a difference for this institution. He obviously made a difference for Louisiana, but he made a difference for a lot of us individually and personally.

For that we thank him. He now has his just reward.

Mr. HUCKABY. Mr. Speaker, I yield to the distinguished dean of the House, the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, I was privileged to serve with GILLIS LONG throughout his service here. Our relationship was very, very close and I concur in all the nice things that have been said here today.

Mr. Speaker, I join with my colleagues in expressing my deep regret over the untimely passing of our good friend, GILLIS LONG of Louisiana.

GILLIS was not only a friend and excellent Congressman, but also a fine man whose integrity was never questioned. His record in Congress is one that all Members could emulate—steady, steadfast, a partisan in the finest sense of the word but fair to the opposition.

We shall all miss him. To his wife and family, we extend our sincere sympathy.

Mr. HUCKABY. Mr. Speaker, I yield to the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. Mr. Speaker, I thank my friend and colleague from Louisiana for yielding.

Mr. Speaker, the House of Representatives and the Nation lost a great leader and dedicated American with the sudden passing of our good friend, GILLIS LONG.

GILLIS was a man of thought and action who gave his utmost to serve the people he represented. He completely understood the role of a U.S. Representative and he provided his constituents with the highest caliber of service. In addition, GILLIS was a rich source of leadership for his party and his colleagues in Congress, but always with the chief goal of improving our Nation.

GILLIS was instrumental in helping to develop a new agenda for our Nation. Through his inspiring leadership, the statement of the Democratic caucus, "rebuilding the road to opportunity," helped to point a new way for America. GILLIS provided the spark and the fuel for this tremendous undertaking.

GILLIS LONG understood the workings of Congress and helped to make the system produce legislation which is, today, making important contributions to bettering the lives of millions of Americans. In addition to his years as a Member of the House, his knowledge of Congress came, in part, from his service on the staffs of several committees in the House and Senate. GILLIS used his vast experience and his breadth of understanding the role of Government to develop programs and legislation which solved problems. Of all the men and women who have served in Congress, GILLIS is among the very few who have been masters of the legislative process.

Our thoughts are with his family. GILLIS and his lovely wife, Cathy, have been close friends of ours. Together with Cathy and the children, we share their grief and deep loss. But we also realize that GILLIS' life was rich and contributed greatly to making this a better land for all Americans. His absence from the House will make it less joyful. But his many contributions of the past have made our Nation far richer. We will miss him deeply.

I hope that Cathy will decide to seek this office and continue the very outstanding work for our Nation that GILLIS did.

Mr. HUCKABY. Mr. Speaker, I yield to the gentleman from Illinois [Mr. O'BRIEN].

Mr. O'BRIEN. Mr. Speaker, when one considers quality as being a measure of this distinguished body, one would have to recognize that GILLIS LONG helped the average and we are reduced by virtue of his loss.

Mr. Speaker, the sudden and untimely death of our friend and colleague, GILLIS LONG, means the Members of this House have lost a valuable companion and a powerful legislator.

GILLIS LONG exhibited political savvy as chairman of the Democratic caucus and as a senior member of the Rules Committee. His influence went much further than the Halls of this body, however, as witnessed by his deep interest in seeing improvement in our economic relations with our trading partners in the Far East.

It is indeed sad and ironic that GILLIS LONG was unable to assume the duties of the chairmanship of the Joint Economic Committee, to which he was only recently elected, and carry that interest further.

My wife Mary Lou joins me in expressing to his widow, Cathy, our deepest sympathy.

The widely diverse Eighth Congressional District of Louisiana, which extends from piney woods in the north to the Cajun country in the south, has lost an exceptional Representative: astute, conscientious, even tempered, and caring.

Mr. HUCKABY. Mr. Speaker, I yield to the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I have been privileged to sit here and listen to these wonderful tributes to GILLIS LONG and some of them have been the best tributes I have ever heard. It is because of the fact that GILLIS LONG was one of the best Members that ever served in this Congress.

I was privileged to come to Congress in 1963 with GILLIS LONG and with Cathy and Martha and I got to know them shortly after arriving here. We were just an ordinary run of the mill new freshman class here, but GILLIS LONG and Cathy and JAKE PICKLE and some of the others were able to weld us together in being a very effective political group, but certainly a very homogeneous group of friends.

It is with that thought that I want to make some comments today. GILLIS, as so many have said, was the ultimate of good politicians. He was highly motivated. He was very dedicated and very skillful at it.

After serving his first year here, he decided to run for Governor and unfortunately did not make it and was prevented from coming back to Congress for a while; but he returned during the Johnson administration to work with Sargent Shriver on the Economic Opportunity Act. It is probably not a widely known fact, but GILLIS probably had as much influence on that as any other person who was ever connected with that program, with the possible exception of Sargent Shriver.

GILLIS dedicated his skills and his goals to providing better economic opportunities for all Americans in this country and with his legislative skill was able to push that program through Congress and to nurture it for a number of years. He then returned

to Congress and shortly took over again as a leader and as a fine friend.

GILLIS moved rapidly in the power structure of this body, not so much from his personal ambition, but from his high skill and his great integrity. Under all of that, he was always a great personal friend to each of us.

I know when I would have legislative problems and would seek expert advice, the first person I always went to and the best advice I always got was from GILLIS Long. He could tell you how to solve the problem or whether there was a chance of solving that problem or not.

He was a leader because he loved people. He was a leader because he loved to serve in this body and he was so able and adequately supported by his very fine wife, Cathy.

Martha and I have never lost a closer friend in this Congress than GILLIS LONG. We pray that he is on the other side in a peaceful condition, because he has fought the good fight and done the best with the God-given gifts that any of us have.

I hope that his family, and particularly Cathy, have received their appropriate condolences in all of this, because I know how much Cathy particularly dedicated her life to working with GILLIS and his service to the people of Louisiana and his service to all of the people in this country.

□ 1250

Mr. HUCKABY. Mr. Speaker, I yield to the gentleman from Maryland [Mr. HOYER] such time as he may consume.

Mr. HOYER. I thank the gentleman from Louisiana for yielding this time and I thank the Louisiana delegation for taking this time to allow all of us to pay tribute to one of the great individuals who has ever served in this body, the people's House.

On Inauguration Day, which in so many ways is a new beginning with new possibilities, it was with great sorrow that I and others in this body learned of the death of our friend and colleague, GILLIS LONG. For many of us in the House, GILLIS LONG was a mentor.

I follow SAM GIBBONS who came to Congress in 1962 or 1963 with GILLIS LONG. There are many of us who came some 20 years later to serve with GILLIS LONG, we who he reached out to, who he instructed, and who he made feel at home in this body.

Although he was definitely a part of the leadership, he repeatedly sought to involve those of us, the newer Members, in the legislative process.

In the past 4 years as chairman of the Democratic caucus he had been leading our party carefully toward a new identity. If the House is seen today as a center of new ideas and new leadership, and I think increasingly that is the case, then one of those we have to thank is GILLIS LONG. He revitalized the Democratic caucus to make it a forum in which most Members now participate.

The two documents issued by the caucus, "Rebuilding the Road to Opportunity," and "Renewing America's Promise," would not have been written if it were not for the leadership and dedication of our friend, GILLIS LONG.

As a member of the committee, I know that GILLIS LONG contributed much to my perception of the direction in which our party should go.

GILLIS LONG, a son of the best known political family in the State of Louisiana, had a long and distinguished record of public service. A decorated veteran of World War II, he went on to complete his undergraduate work and to get his law degree. For several years he worked in Washington as counsel to the Senate Committee on Small Business and the special House Committee on Campaign Expenditures.

In 1962, as has been related, he was elected to the Congress. In a tough battle for reelection, GILLIS LONG stood on principle. GILLIS LONG was an example to everyone who seeks public office, to everyone who is confronted with the opportunity to stand on principle or retreat from commitments because of political opportunism. GILLIS LONG showed the courage that made this democracy great, and that made him great. We can all learn from the courage that GILLIS LONG showed in the face of defeat.

We were, of course, all fortunate that, some 8 years later, in 1972 the voters of Louisiana's Eighth Congressional District, finally voted to return GILLIS LONG to the House. In his six terms he became a leader in so many ways. His influence extended across the spectrum of our party to Members of every region. That is why you see Members of every region, every ideological persuasion, every age group, coming here to speak of our beloved colleague GILLIS LONG.

In economic matters and in matters of procedure in the House he was a leader, an expert.

Although I speak here today in memory of GILLIS LONG, I shall always be thankful that I took the opportunity on January 3, to dictate a letter to him. That letter was typed on January 3, and I had the foresight to have it hand-delivered on the morning of January 4. I would like to read just a brief portion of that letter:

DEAR GILLIS: As we begin a new year and you conclude your service as Chairman of the House Democratic Caucus, I want to take this opportunity to express to you my sincerest thanks.

Gillis, you, more than any other single Member of the Congress, have provided me with opportunities to participate in a meaningful way in the workings of the House. I will never forget your taking the time to discuss with me personally my interests and ambitions.

As I know that was true for STENY HOYER, I know that it was true for literally 100 young Members who came to this House in the last three sessions.

I went on to say in that letter:

Gillis, I cannot stress how keenly I feel about your leadership in involving the younger Members of the House in the formulation of party policy and the improving of Caucus rules. In addition, your leadership in the Democratic Party and your role in enhancing the participation not only of Members of the House but of all elected officials is an inestimable contribution to the redirecting and strengthening of our party. The moderation and stability that such inclusion has brought and will bring in the future is in my opinion one of the most significant reforms that could have been effected to make us once again a national party. There is literally no other Member of the House who has played as sensitive and effective role as you have over the last four years.

In closing, I want to reiterate how appreciative I am of the Opportunities that you extended to me. Without your advice, friendship, and inclusive action, I know that I would not have been able to become involved in a meaningful way in the business of the Caucus as quickly as I did. For that I thank you very, very much.

Then I closed and delivered this letter to him on the 4th of January:

Looking forward to serving many years with you in the House and with warmest regards to you and Cathy, I am sincerely yours.

That letter was delivered to GILLIS on the morning of the 4th, and on the afternoon of the 4th, GILLIS came over to me, had read the letter, and thanked me.

As BILLY TAUZIN has mentioned earlier, almost 100 of us went to Alexandria, LA, to pay a tribute, not the last tribute we will pay, but a tribute at the funeral of GILLIS LONG. Cathy Long had read this letter and thanked me for it. I am so pleased that I have this opportunity to express for the record, for Cathy, for the family, for the people of Louisiana, and for the people of this Nation a tribute to a great American, a great human being, a caring and loving individual. I will be ever thankful that I took the opportunity to thank GILLIS LONG a few days before God took him.

GILLIS LONG was a great friend to us all.

I thank the gentleman for yielding.

Mr. HUCKABY. At this time I yield to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I guess one never knows how deeply an individual affects one until death. I was driving to the LaGuardia Airport from my home in Brooklyn on the morning of January 4 and, as I usually do, I turned on the radio and I listened to the CBS 8 o'clock news broadcast which is a 15-minute broadcast. I was listening to the news, anticipating Inauguration Day down here with a happy heart.

At 8:15, the radio announcer said, in one sentence: "Last story, and last night Representative GILLIS LONG of Louisiana died."

Instantaneously, I knew that I had suffered a loss. The day before, I might not have realized the loss that I had suffered. But I could not continue driving any longer and pulled over to the side of the road just to catch my thoughts and my breath, and thought about all of the things that GILLIS had done, as STENY HOYER had said, not only for me, but for so many of the younger Members of the House.

□ 1300

I could tell you 10 stories about how GILLIS helped me personally with my growth, with my learning about this process, with my learning respect for an individual from a completely different part of the country and different background than mine.

I will tell just one because I think it is representative: In August 1983, I had a brainy idea to have a debate among the Presidential candidates—the eight Democratic Presidential candidates—and one of the first people I went to, just to bounce the idea around with, as I customarily did, was GILLIS.

GILLIS said it was a great idea. He thought the party ought to be open to everybody; he thought the availability of the candidates as we had seen them in our Democratic caucus ought to be there for every Democrat across the country.

He said, "Why don't you circulate a letter and try to get people to sign?"

I did, and 100 of our colleagues signed. The debate was scheduled and GILLIS had done it under the auspices of the caucus.

Well, in about November, a number of the Presidential candidates got cold feet. They did not want to debate. They thought it would give the people way back in the pack a chance for the same national exposure that they had, and they began to say, "Let's not have a debate."

They first went and talked to me, and I said, "Well, the debate is planned. How can we call it off?"

Then they went and talked to GILLIS.

After each call that GILLIS received from every powerful figure in the entire Democratic Party, GILLIS came over to me and he said, "Look, whether this debate goes on or not is not going to be of great national consequence to our party. But I told you back in August when it seemed like a good idea that I would back you up. I will continue to back you up. I will tell every one of those figures who might be President of the country one day that if CHUCK SCHUMER wants to have the debate, we are going to have the debate."

And furthermore, he told them that he wanted the debate and that even if they should manage to get me to change it, he was going to make sure that the debate was carried off.

Throughout that process, GILLIS was there being a shield, not getting any of the glory or any of the credit, but just being a shield. That was the kind of a person GILLIS was; he cared about integrity, he cared about commitment, he cared about friendship, he cared about the underdog, and he would look figures straight in the eye.

That was GILLIS LONG. Let him be a beacon. Every time each of us is swerved by the political vicissitudes which naturally affect our great profession, let us think of GILLIS LONG, let us think of his integrity, let us think of how the losses he suffered made him a greater person to his family, to his party, to his State, and to America.

GILLIS, I will miss you.

Mr. HUCKABY. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the mark, the ultimate tribute, I think, to any person, and I know to a lot of senior citizens in this country and a lot of traditional families, has been to have all those grandchildren sitting at a grandparent's knee and to see the family and to be able to reflect upon the accomplishments of the family.

Well, I do not know if GILLIS ever had the opportunity of having grandchildren but as you look out across this Chamber, and if you look at the people who have proceeded to the well this afternoon, I think you will find that there are a lot of us who consider GILLIS almost as a father or grandfather because he reached out to the young members of the Democratic Party, to the young Members of Congress, and he provided a strength that very few Members of Congress have been able to provide or to give to other Members.

Former President Truman once said that the mark of a real leader is the development of new leaders. I think GILLIS LONG was a true leader.

He was able to work with younger Members of Congress, to help develop the potential for greater things in the future. He knew the strains the party and especially this institution were under during the last few years, and was able to act as a magnet and bring together people from various backgrounds and ideologies, to focus the debate and the views in one central point.

As a member of the Committee for Party Effectiveness that GILLIS founded and chaired for so long, I join my colleagues, especially the younger Members, in paying what we consider to be a very important tribute. GILLIS was a true leader.

STENY HOYER probably said it as well as I have ever heard it said, and he did have the foresight, and I think a number of us are always jealous of the person who can look ahead and write a letter to GILLIS and exchange those compliments and the feelings that he had; and I, too, had the opportunity of, just before the inauguration, visiting with GILLIS. I had gone through a very intense struggle in this institution in this very caucus. GILLIS LONG helped me very much.

I think the comment that we had and the conversation that we had during that entire episode provided some extra strength and courage to me.

So, as a young Member of Congress who hopes to be around this institution for a while, I think that I can join, honestly, with a great number of my colleagues in saying that we are going to miss GILLIS very much.

Mr. HUCKABY. Mr. Speaker, I would yield to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Speaker, there is truly something special occurring here. A good number of us are rising to say something that we feel with true depth.

Like others in the freshman class of 2 years ago, I only knew GILLIS for a couple of years; too short, far too short a time. But it was long enough to come to admire GILLIS and really to love him.

I had the privilege of sitting on this Party Effectiveness Committee that GILLIS chaired, the weekly lunches. He used that as an arena for involvement. GILLIS talked about participatory democracy as if he had invented the term. No, he had not invented it. He, at the least, reinvented it and made it come to a reality within the House and certainly on the Democratic side.

He had a way of reaching out, bringing in. I am not sure where it came from; perhaps it came from his experience of losing several contests; but one thing was so true of GILLIS LONG that maybe he lost several battles but he was never, never defeated.

GILLIS LONG never gave up and I think for those of us who knew him, we realized that the only thing that could still GILLIS was death—but not fully, because I really think that when we stand up here and say that his memory lives on, that we are dedicated to making that happen.

□ 1310

And so with many others, I send to Cathy and the rest of the family, to the children and others, our condolences, but we also give our condolences to the Nation. GILLIS was not a "household name" throughout the Nation, but what he stood for was im-

portant for every household in America.

He did pass away too young, much too young. For all of us who have stood in the well here today, we pledge that we will carry on his work, participatory democracy will become, through his memory, through his works, and through our remembering his memory indeed a household term throughout the United States of America.

The SPEAKER pro tempore [Mr. BREAUX]. The gentleman from Louisiana.

Mr. HUCKABY. Mr. Speaker, I yield to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS. Mr. Speaker, like all those who have stood in this well, paying tribute to GILLIS, I certainly did not want the day to go by without giving my personal expressison of the great loss that I feel for GILLIS LONG.

Just a couple of weeks ago, I was on a study mission with the Rules Committee and during that time there was a lot of discussion about GILLIS LONG, how everybody felt about him, and what a great guy he was. I was so proud that everybody that I was working with on that particular mission felt the same way about GILLIS that I did.

You can imagine how surprised I was less than a week later to find myself along with other Members, going to GILLIS' funeral.

When I first came to Congress, in 1973, I did not know a soul except some of my husband's friends who were here. I remember sitting one day in this Chamber, sort of alone and by myself, when a man came over to me. I did not know what his name was at that time because it is hard to know who 434 other people are all at once; but this man came over to me and said "How are you doing?" I said "I'm doing fine." He said, "My name is GILLIS LONG. If there is ever anything I can do to help you, just let me know." He said, "This is sometimes a hard place to get used to, but I think you'll make it."

It was that encouraging remark that made me feel that I was becoming a part of this great body. Well, as all those years went past, I got to know GILLIS much better and I found that he was a person I could go to when I had a problem, when I had a question, when there was anything I didn't really understand.

He always had a willing smile and he always gave great thought to the questions I asked of him; it was not a passing thing with him; he took the question seriously. He would call back and say, "Cardiss, I have thought about your question and perhaps you might want to be guided in this direction or that" and so forth.

I find that is something I am really going to miss a very great deal. I can remember just a little over a year ago, I was faced with a very serious primary election in my district. I went to GILLIS and told him, "GILLIS, I need some new ideas on the way that I can help myself get back to Congress, which is a body that I love and want to continue to serve in." And he was right there.

Election night, when everybody else was asleep and everybody was talking about all the other elections that were going on in the country, I got a phone call. The phone call was from GILLIS LONG. He said, "How is the election coming?" I said, GILLIS, I do not know; it is just too soon to tell."

The next morning my office tells me that I got another call, and it was a call from GILLIS LONG, and they told him that I had won. And my secretary told me that she could hear the joy and happiness in this man's voice.

That is a true friend, one who was concerned about the Members of the House of Representatives. I am sure that every Member here can tell you how GILLIS touched their lives. I will surely miss GILLIS, he was a friend.

As Chairman of the Democratic caucus, GILLIS served his party well. He placed a premium on unity and new ideas. Only a statesman with the fine political skills of GILLIS LONG could have held together as diverse a coalition as the Democratic Party. His advocacy of new ideas led to the development of a blueprint for the party's future entitled "Rebuilding the Road to Opportunity." This document stands as a valuable guide in these difficult times.

As a member of the Congressional Black Caucus, I am particularly aware and appreciative of GILLIS' fine civil rights record. Back in his first term in the early 1960's, he voted to unblock stalled civil rights legislation by enlarging the Rules Committee. Many believe that this courageous vote was responsible for his defeat in 1964 when his opponent used it as the major issue in the election. He refused to renounce his convictions when confronted with bigotry and racism.

That is the way GILLIS was. He stood up for what he believed to be right. I'm a better Member of this House because of him. Let me say in closing that so many times we have acquaintances and buddies and pals, but friendship is something that all too few of us recognize for the rewards that are associated. I am proud that GILLIS was my friend and I had a chance to cross his path.

To his dear wife Cathy I want to say that just over 12 years ago I stood in her shoes. I want her to know that my heart goes out to her and that my family sends our condolences.

The SPEAKER pro tempore. The gentleman from Louisiana.

Mr. HUCKABY. Mr. Speaker, I yield to the gentleman from Iowa [Mr. BEDELL].

Mr. BEDELL. Mr. Speaker, it is quite a surprise to me and probably everyone else that I am in this Chamber. I had not been involved in politics, and certainly no one ever expected me to be here speaking to you today; but I have had several shocks as I have come to this Chamber.

One of those great shocks is the tremendous quality of the people that serve herein. I go back to my district and people talk about how terrible the Congress is and so on. I am here to tell everyone that in all my life, I have never served or been involved with such a great group of people as we have here. GILLIS is one of those people, as are others; I served with him on the group working on party effectiveness.

One of the things that we do as we go through life is we learn of the mistakes that we have made. I made a mistake for which I feel very sorry; I never told GILLIS how much I thought of him, and now I cannot; it is too late.

I hope that I will not make that mistake with others in this Chamber whom I feel are so great; some of whom are sitting right here in this room.

I had another disappointment, and that is that GILLIS was a great fisherman, and we talked about it time and time again, about how we were going to go fishing, but we never did, and now it is too late.

But it is not too late to stand here and let Cathy know what a wonderful person that I think GILLIS was, and how much he meant to me as he meant to others.

I say time and time again that the most important thing that we can do in all of our lives is to live our lives in such a manner that we set an example for others which they will want to follow, and that that is more important than all the honors that we may receive. For me, GILLIS was such a person.

I thank God that I had the opportunity to serve with him and know him, and I am sure I speak not just for myself but for others as well when I say that we are deeply appreciative for that tremendous opportunity, and wish his wife Cathy and family the best of everything and hope they realize how much GILLIS meant to the rest of us.

The SPEAKER pro tempore. The gentleman from Louisiana.

Mr. HUCKABY. Mr. Speaker, I yield to the gentleman from Missouri [Mr. WHEAT].

Mr. WHEAT. Mr. Speaker, I was deeply saddened at the passing of our friend and colleague, GILLIS LONG. His death marks not only a personal loss for me and other Members of this

body, but it represents a loss for the country, as well.

Last week, I attended the funeral service for GILLIS. While there, I listened as people paid tribute to a man with whom I had had the honor to work closely. Numerous Members of this body attended the service. The distinguished chairman of the Rules Committee spoke, my colleague from the District of Columbia sang, the Speaker of the House of Representatives paid tribute and elected officials from all over the State of Louisiana, including the Governor, came to pay their last respects to this great man. I must say I was very impressed that so many elected officials would come out to pay their final respects.

But what moved me most was not the turnout of the more celebrated citizens of Louisiana, but of those who are less well known. People from all walks of life, rich and poor, black and white, the famous and the not so famous, all came to pay their respects to a man who had served them all and served them equally.

As I sat and I watched the mourners come to comfort the family, the book of John, chapter 15, verse 13: "Greater love hath no man than this, that a man lay down his life for his friends" kept running through my mind.

I thought about GILLIS and I thought about what I most admired about him and this verse kept coming back to mind. Truly, GILLIS was a Member who had laid down his life for his friends and constituents. He had dedicated his life to serving them.

In the late fifties and early sixties, this country was in the midst of a great transition. I was a child but even so, I recognized the significance of what was occurring in our Nation. I knew that people were fighting for rights which were granted by the Constitution but denied them by fellow countrymen.

In the Halls of this building and on the floor of this Chamber, Members were debating about passage of legislation which would rectify this injustice. As we know, sometimes in this body, battles are not only fought and won on the floor, but also in committees.

The committee on which I currently serve, and on which GILLIS so ably served, was the scene of one of the battles. For some time, the President wanted to pass a civil rights bill to give all Americans equal rights but his efforts were being resisted by several Members of the Rules Committee, including its chairman, Howard Smith. It was decided that the only way to get the legislation considered would be to expand the membership of the Rules Committee. In 1961, a vote to enlarge the Rules Committee for the 87th Congress was passed. In 1963, another vote regarding the enlargement of the committee was taken. The 1963 vote would make enlargement of the Rules Committee permanent.

Needless to say, the decision to permanently enlarge the Rules Committee was not well received by Members from districts which bitterly opposed enactment of civil rights legislation. They were disturbed because they knew that committee enlargement meant that sooner or later, the House would have to consider civil rights legislation.

I can only imagine the dilemma with which GILLIS, a freshman, found himself confronted. Many of his constituents opposed civil rights legislation. Should he do the politically safe thing and vote against enlarging the committee or should he take a course of action which he personally felt was best—a course of action which would significantly improve this country but an action that could possibly damage his career?

I am honored to say that GILLIS followed his convictions and voted to expand the size of the Rules Committee. The results of his vote, along with the votes of other courageous Members, made consideration and passage of civil rights legislation possible.

GILLIS LONG, however, paid a price for following his convictions. He lost his 1964 bid for reelection to the House of Representatives. He lost because he took a politically, unpopular stance but the right stand. GILLIS opened doors for many who had been previously denied their constitutional rights but seemingly, he had closed the door on a promising career.

I don't know if GILLIS will ever realize what his sacrifice meant to people from his district who couldn't vote at the time, people who had no political voice. But I know. I saw it last week at a Baptist Church in Alexandria, LA, in the eyes of men and women who remembered all that he had done for them and who came to pay their last respects.

It was an honor to work with such a great man, so early in my political career. I only hope that we all follow the example that he set.

□ 1320

Mr. HUCKABY. Mr. Speaker, I yield to the gentleman from Florida [Mr. MACKAY].

Mr. MACKAY. I thank the gentleman for yielding.

Mr. Speaker, we all mourn the loss of GILLIS LONG. Most Members of the House had the privilege of knowing GILLIS for a longer period of time than I, but few could admire, respect, or appreciate him more.

As one of the freshman Members of the House in the 98th Congress, struggling to become participants rather than observers in the process, GILLIS LONG was the first to reach out to us. From the first day, he took us seriously. He was the first to give us a forum and he consistently served as a bridge between our freshman group and the leadership of the House and of our party.

GILLIS had many strengths, but many of us think his greatest strength may have been his ability to reach out to all groups, both within the House and in our society at large. That ability, coupled with a keen ability to recognize what is right and pursue it without consideration of the consequences, serves as a role model for those of us who share a commitment to the House of Representatives as an institution.

As a fellow southerner, I can appreciate how difficult his views on social issues and civil rights were at the time he first championed them. His pioneering such causes helped to mold the "new South" and help clear the way today for more socially conscious elected officials from the South.

It is common to say to a colleague who has helped us: "Thanks, I owe you one." Like many others, I have had occasion to say that to GILLIS.

The truth is, all of us "owe one" to GILLIS LONG. We owe him a commitment to be guided by the same principles which led him. If we can fulfill that commitment, the Congress will be a better place for it—and this country will be a better place for it.

Mr. HUCKABY. I thank the gentleman for his remarks.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WALGREN].

Mr. WALGREN. Mr. Speaker, I would like to say as simply as I can how much we in the Congress, will miss GILLIS LONG, how much we respected him as a Member of the Congress of the United States, and how much we liked him as a person.

It is hard to know what to say about a life. In many ways the specific things that make up history pass as life moves on and are not recalled. In many ways here in the Congress it is someone's personal characteristics that are most appreciated from day to day. And of course that is lost as time passes.

Looking back in GILLIS' time here, as others have mentioned, there are a number of things that stand out that should be noted and should be remembered. Two things especially strike me.

The first, was his courage on civil rights issues long before the civil rights issue captured our Nation's attention and became the pivotal social crisis of our time. GILLIS' position was courageous. But, as we look back, it also could best be described as "wise."

GILLIS reflected real wisdom in understanding the change in race relations that all our values and goals as a Nation required. Although he lost an election over it, to me, his position reflected real wisdom about human

nature. In the process, he set an example that will make better Members of Congress out of us who follow him.

The second major political event I recall in the time I knew GILLIS has to do with the governorship of Louisiana. GILLIS spent his life involved in Louisiana politics on a level that gave him every reason to run for governor several years ago. That had been his goal for many years. It was within his reach. But he decided to stay in the U.S. Congress. To me that reflects again a sense of wisdom, a recognition of the validity and critical role the Congress plays for our democracy. GILLIS recognized that, even though we are often frustrated by the reality that Congress acts as a "committee" in which the individual is often last, the Congress is the heartbeat of our democracy and the base of the strength of our country.

GILLIS recognized that the time and energy be spent on the Congress was well spent by any human being.

To me that reveals an underlying appreciation of the value of the U.S. Congress, of the importance of its contribution to our whole fabric of life. Others will look to his example and will serve better because of it. And the Congress will be better because of GILLIS' commitment to it.

GILLIS has left an inestimable footprint on the life of the country. My boy will be better for his service. And, from his own vantage point, I think GILLIS would think that his service here was very worthwhile indeed.

□ 1330

I think we should also note that no political effort can be larger than its base, and the base in this case was an equal product of his wife, Cathy, who worked along with him in the development and the maintenance of the political support that kept GILLIS here and able to be here, and in that sense she has every right to be as proud of his contribution as GILLIS himself would be.

So thank you, Mr. Speaker. I appreciate the opportunity to join in these remarks.

Mr. HUCKABY. Mr. Speaker, I yield to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, last week, this body lost one of its most able, understanding, and "democratic" Members. GILLIS LONG, a man of character and leadership, belonged in this House of Representatives. He believed in this institution's potential and he tried to make it a more responsive and effective body. Many of my colleagues knew GILLIS much longer than I did. But his presence left its impact especially on the relative newcomers like myself.

For the then freshman Members like myself who came here first in 1983, GILLIS LONG helped smooth out a rough road. He helped build and educate newcomers. He gave guidance, good advice, and respect. Though he came from a vastly different part of the country than I do, he understood me and my constituents—because he understood this institution and the American people.

By appointing a broad spectrum of Members to the Committee on Party Effectiveness, GILLIS gave many of us a special opportunity to shape the future of our party and its legislative agenda. As a freshman, this experience was invaluable. For that, and for so many other things he did, I will be forever grateful to GILLIS LONG, my colleague and my friend.

As we move forward with the business of the 99th Congress, let us all remember, Democrat and Republican, the gentleman from Louisiana who displayed such fairness, dedication of purpose, and the belief in the collective judgment of this institution and the American people it represents.

Mr. HUCKABY. Mr. Speaker, I yield to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. I thank the gentleman for yielding.

Mr. Speaker, as a Member of the 98th class, I have been privileged to serve in this House for the past 2 years. During that time I found GILLIS LONG to be perhaps as sensitive, thoughtful and sympathetic a friend as I could have sought from any part of this country and in any part of this body.

GILLIS LONG, not only belonged to this body, but he made each of us believe that we belonged here as well.

It was GILLIS LONG who brought together a broad cross-section of Members every week, frequently twice a week, in an organization which was run in fact by participating Members, rather than dominated in any significant extent by the legislative staff. And nobody gave more to that organization and nobody gave more to this body than did GILLIS LONG. He not only made time for issues, for creative thought and for broad-based legislative solutions that would appeal to all regions of the country, but he also made time for every other person here.

For those who have not had the privilege of serving in this Congress, and particularly for those who perhaps have served in smaller legislative bodies, such as the State legislature from which I came, one does not understand how difficult it is for humanity to inject itself in an arena such as this. This body is made up of 435 people, and it is rare for one individual to take the time to make it more human. By doing so, he makes the product broader, firmer, much more likely to succeed; he ensures that the results that he is seeking are much more likely to be effective; and he ensures that each individual Member feels a stake in the process by participating directly.

I feel a sense of incredible loss with GILLIS' passing. I felt that GILLIS' funeral last week was one of the few funerals that I ever attended which really provided a sense of the depth and thoughtfulness of humanity of the human being who had passed. I believe that all of those thoughts and memories not only from last week but from my experience the past 2 years are among the most important that I will share and maintain for however long I am privileged to serve in this body. I am proud to be able to have called GILLIS LONG a friend. He will remain in my memory for a lifetime.

● Mr. LAFALCE. Mr. Speaker, I rise to join my colleagues in tribute to one of our body's most distinguished and farsighted Members, Representative GILLIS LONG, whose passing last week was a shock to us all.

GILLIS was a man who carved his own distinctive road in our institution. As a youthful Member of Congress from Louisiana in the early 1960's, he had the courage to support the expansion of the membership of the House Rules Committee, which made possible the passage of the landmark civil rights legislation bottled up in the committee for years. The unpopularity of that decision in his district contributed to his defeat for reelection in 1964.

In 1972, however, the voters saw the wisdom of returning GILLIS to the House. In the intervening 12 years GILLIS made his mark on this institution. As a moderate Democrat from Louisiana, he served as a bridge between his more conservative colleagues from his region and his more liberal colleagues from other parts of the country. In addition, he served as a bridge between the more senior Members of the House with whom he was first elected in the 1960's and his more junior colleagues with whom he entered Congress during his second House tenure in the 1970's. In both cases, he served as a unifying force for the party and the institution, seeking to reconcile differences and bring Members together to achieve tangible legislative accomplishments.

He also sought to provide a sense of vision and long-term purpose to our party during a period of redefinition and change. As chairman of the House Democratic caucus for the past 4 years, he sought to bring all Members together to define new directions for our party around which we could all rally. I was particularly privileged to work with GILLIS in formulating the forward-looking economic proposals contained in the "Democratic Blueprint for Our Nation's Future" produced by the Democratic caucus. GILLIS shared with me a keen appre-

ciation of the critical importance of international competitiveness to our economy, and the need to develop an industrial strategy for our country to meet the challenge of foreign competition. He made international competitiveness a centerpiece of the proposals put forward by the caucus.

Mr. Speaker, GILLIS LONG was that rare legislator who rose above the parochial concerns of region and generation and brought a truly national and world perspective to the problems of our country. We shall miss his leadership in the difficult times ahead. ●

● Mr. HUGHES. Mr. Speaker, we have lost a good friend and colleague in GILLIS LONG, and the House will be a lesser body for his passing. I was deeply saddened by the news of GILLIS' death. I know that all of us in the House were stunned by the news of his premature death. Now that some days have passed since we heard this sad news, and we have had time to reflect, we feel even a deeper sadness.

GILLIS was an outstanding chairman of the Democratic caucus, who carefully and efficiently forged a concensus among widely varying points of view on many divisive issues. As a senior member of the Rules Committee, GILLIS again showed a degree of professionalism and expertise that served his colleagues on both sides of the aisle with examples of what our work should be, and can be through dedication and understanding.

But GILLIS did not limit his work to assignment or issues of current or passing interest. He maintained a view not only of what the Congress is, but what it ought to be. His Committee on Party Effectiveness was an innovation that has served us well. Indeed, GILLIS applied himself creatively to so many different tasks, all engineered to encourage growth and productivity both within the party caucus and in the House as a whole.

GILLIS served his colleagues as well as his district and the Nation at large. He was an excellent legislator, and a good friend. I deeply regreat his passing.●

● Mr. GEPHARDT. Mr. Speaker, indeed, the passing of the Honorable GILLIS LONG of Louisiana is a loss to the country, the House of Representatives, and a loss to his family. GILLIS was a special friend, a creative spirit and a thoughtful legislator.

He served in the House for over a decade and in the last two sessions made an enormous contribution as the chairman of the Democratic caucus. He led the caucus to unity, but in the process did not purify the caucus. He was a leader in helping us all express our views and work toward a consensus of what we should do. His vision and dedication helped us develop a policy for the future. His leadership, his vision and his kindness will be sorely missed.

GILLIS told me that I have "a great tradition to uphold and an unlimited future to conquer." I hope to meet his challenge and to complete his vision. He was a great man and it was an honor to serve with him in the House of Representatives.●

● Mr. MOORE. Mr. Speaker, I am pleased to be able to join with my colleagues for this tribute today, although I am very saddened by the reason for which this special order has been called.

We have lost an exceptional public servant in Congressman GILLIS LONG. He served in the House of Representatives for some 14 years, during which time he worked consistently for Louisiana and her people.

He will be sorely missed, both here and at home, as GILLIS devoted a large part of his adult life to public service. As Louisiana is a relatively small State, our delegation—regardless of political affiliation—shares a close working relationship. And while GILLIS and I did not agree philosophically all of the time on the issues, we were always united to work for the betterment of our State.

GILLIS was a skilled and forceful legislator, as well as a keen politician. His important and influential positions on the House Rules Committee and within the Democratic caucus attest to his political acumen.

Finally, GILLIS' devotion to cause will be sorely missed. He loved serving the people, and enjoyed it more than any one person I have ever met. His dedication to public life and public service was well known and well respected, and he had profound impact on the Nation and its course.

The House has lost one of its leading advocates, and Louisiana has lost one of its most able Representatives.●

● Mr. MATSUI. Mr. Speaker, I wish to express my condolences and sadness on the departing of our late colleague, GILLIS LONG, to his family and loved ones. Indeed, the people of Louisiana and this House have suffered a great loss and I know I speak for my colleagues when I say we mourn his passing and will miss him dearly.

GILLIS LONG served the Eighth District of Louisiana with great distinction. A specialist in procedure and a true parliamentarian, GIL LONG was a noted negotiator on the Rules Committee. A born leader, GIL distinguished himself as chairman of the Democratic caucus, and was recognized for his even-tempered manner and fairness in dealing with friend or foe. But to merely recite GILLIS LONG's biography is not enough to do him justice.

GIL LONG was a friend to many, a mentor to others, and an example to all of us. Throughout his tenure of service in the House and to our country, GILLIS LONG demonstrated a keen intellect, outstanding leadership abilities and an unfaltering commitment to deeply held principles. Above all else, GIL LONG was an effective Congressman and a true representative of the people. GILLIS LONG will be missed and fondly remembered.●

● Mr. BIAGGI. Mr. Speaker, I am honored today but of course also saddened to participate in this special order to honor our late and beloved colleague from Louisiana, GILLIS LONG. It was just 10 days ago when we learned the shocking and tragic news of GILLIS' passing and for those of us fortunate to have been his friend—the feeling of loss remains fresh.

I believe it was both fitting and appropriate for the President of the United States, Ronald Reagan to pause and pay tribute to GILLIS as he did at the beginning of his inaugural address on January 21. It was fitting because the President was recognizing the contributions of a man who dedicated his life to serving his fellow man and who set an example of leadership which many emulated.

GILLIS LONG provided the highest quality of representation for the people of the Eighth Congressional District in the Louisiana GILLIS loved so well. He was always their advocate in Washington working to protect, defend, and promote their interests in the Congress. Despite GILLIS many time-consuming responsibilities in Congress, he always made constitutent service his top priority and he was rewarded with reelection by his constituents on six different occasions including this past fall.

Yet GILLIS will be remembered by those of us who served with him for many reasons. He served with special effectiveness as chairman of the Democratic caucus—a job which involves considerable energy and sacrifice but one that GILLIS performed superbly. GILLIS was also a leader on the prestigious House Rules Committee another difficult and challenging task which GILLIS was equal to.

I served with GILLIS these past 12 years and was truly honored to have been his friend. He was a warm, sincere, and friendly man with good humor and camaraderie. He was a man that I and so many others respected. Yet as we recall all the good that was GILLIS LONG, let us commit ourselves not to always wait until it is too late to convey our feelings to one another. Think of all of my colleagues who are participating in this special order who wish they had told GILLIS how they felt about him while he was alive.

I wish to convey my heartfelt condolences to GILLIS' widow—Cathy who for more than 25 years was GILLIS loyal partner and friend. The loss she has suffered is truly enormous as it is to this House and the Nation. Yet let us hope that solace is found for Cathy with the knowledge that her husband

led an exemplary life—where he did so much good for so many people. His is a legacy that will serve as an inspiration for those of us who serve in the House today as well as those who will serve tomorrow. May GILLIS rest in peace.●

● Mr. BROOKS. Mr. Speaker, I want to take this opportunity to join my colleagues in expressing our sense of deep sadness at the passing of our beloved friend, GILLIS W. LONG.

Congressman LONG served this body with both distinction and dedication. He was a hard worker and an outstanding leader who brought compassion and understanding to the deliberations in this Chamber.

As a senior member of the House Rules Committee and as former chairman of the Democratic caucus, Congressman LONG earned the respect of all with whom he came in contact.

The people of Louisiana's Eighth District were indeed fortunate to have Congressman LONG represent their interests here in Washington with such energy and dedication.

All of us in the 99th Congress will miss Congressman LONG's many contributions to our joint legislative efforts. His work set a high standard of excellence for others to follow who believe in progressive government. I valued his leadership and will miss both his wise counsel and warm friendship.

My deepest sympathy is with his wife, Cathy, his son, George, and his daughter, Janis.●

● Mr. BOLAND. Mr. Speaker, I want to join my colleagues in expressing sadness over the loss of GILLIS LONG and in paying tribute to the memory of a truly dedicated public servant.

I had the pleasure of serving in the House throughout GILLIS' tenure in this body. I knew him to be a man of high principle, and a man with the courage to be true to those principles regardless of the consequences. For him, those consequences were rejection at the polls but he bore his defeats with the same grace that would characterize his many electoral victories. When he returned to the House in 1973, he came on his own terms. About GILLIS LONG I think it can truly be said that the voters knew exactly what they were getting when they supported him, and the ease of his recent victories made clear that they overwhelmingly approved of the manner in which he represented them.

GILLIS was one of the best-liked Members of this House and it was easy to understand why. Although he was a loyal Democrat, he was uniformly fair in trying to work out solutions to the significant problems with which a Congress must deal. He understood the art of compromise, but he also knew that before compromise could be achieved all parties must have a firm understanding of the issue at hand. GILLIS never lost his willingness to study, whether that study involved the rules of this House or the ramifications of a global economy. He was well informed, he worked hard, and he thought before he spoke—all qualities which are not only essential in a good legislator, but are likely to engender respect among one's colleagues as well.

Mr. Speaker, we will miss GILLIS LONG in the difficult days ahead. His ability and his character are commodities this House can ill afford to do without. While we will miss him, his contributions to the people of Louisiana and to his country will never be forgotten.

I want to extend my sincere condolences to GILLIS' marvelous wife Cathy, his children, and his family.●

● Mr. HAMMERSCHMIDT. Mr. Speaker, the untimely passing of our friend and colleague GILLIS LONG has saddened us all, and he will be sorely missed in the House of Representatives.

He was a true stateman; widely respected for the way in which he exercised his leadership and constructive in his approach to solving many of this Nation's problems.

As the second in seniority on the Rules Committee, GILLIS often was the driving force in crafting rules for debate on controversial and complex legislation. His great knowledge of House procedure and tremendous negotiating ability were assets to the committee that will be hard to replace.

And, of course, GILLIS' interest in the economy through his membership on the Congressional Joint Economic Committee will be remembered by all of us. He studied many broad economic questions that greatly affect the future of our country.

GILLIS also served as chairman of the Democratic caucus for 4 years, until relinquishing that role last month. In that capacity he worked to unify his party and served as a link between senior Democrats and younger Members. Yet he was also held in high esteem by all of us on the other side of the aisle, and I know that I speak for my colleagues, past and present, when I say that we all benefited from his friendship.

My sympathies go out to his widow, Cathy, and his children George and Janis. Our condolences must also be extended to the people of the Eighth District of Louisiana, who have lost a fine representative.

I thank the gentleman from Louisiana for calling this special order, and allowing me to pay tribute to GILLIS LONG.●

● Mr. ROE. Mr. Speaker, it is with great sadness in my heart that I rise today to join in this remembrance of our colleague GILLIS LONG, who passed away last week.

I indeed feel a great personal loss as GILLIS and I had established a close and productive working relationship together. In my role as chairman of the Public Works Water Resources Subcommittee, I had the opportunity on many occasions to bring key legislation before the House Rules Committee, where I frequently sought GILLIS LONG's expert advise and guidance.

GILLIS took great joy in his role as a pivotal member of the Rules Committee. He was a perfectionist who loved the complex House rules system. And, unquestionably, he was considered by all who knew him, to be among the most expert in matters dealing with House procedure.

But most importantly, GILLIS LONG was a fair man. Whether it was a Republican or Democrat appearing before the powerful Rules panel, GILLIS made sure she or he had a fair hearing.

It was that same dedication to fairness that made GILLIS LONG the excellent leader of the Democratic caucus that he was. He was a natural candidate for party leadership, and every member of the Democratic Party, with its diverse beliefs can attest to the outstanding job he performed in that most difficult role.

Despite the national prominence that GILLIS LONG attained, he never forgot for 1 minute that his major role in Congress was to represent the interests of the people of the Eighth Congressional District of Louisiana. And represent them he certainly did.

During his eight terms in the House, GILLIS truly became a peoples representative, devoting himself untiringly to his constituents needs, worries, and causes.

GILLIS LONG loved his country and its people. He was a true patriot who wanted the best for America and would not settle for anything less. His good cheer and bright mind will be sorely missed as we here who follow him attempt to solve our Nation's weighty problems in the years ahead.●

● Mr. ANNUNZIO. Mr. Speaker, like so many of my colleagues in Congress, I was stunned last week to hear the tragic news of the untimely death of our distinguished colleague and my good friend from Louisiana, GILLIS LONG.

During the last 12 years he served as a Member of the House of Representatives, I had the opportunity to work with GILLIS on many occasions, and I became one of his great admirers.

GILLIS LONG dedicated his life to public service, and was a man of deep compassion and courage. He served our country with distinction in the European theater during World War II, and was awarded the Bronze Star and the Purple Heart. He also served in the internal security detachment at the Nuremberg war crime trials.

Receiving his law degree from Louisiana State University in 1951, GILLIS LONG distinguished himself as the

legal counsel for several congressional committees, including the Senate Small Business Committee and the House Campaign Expenditures Committee. In addition, during President Johnson's administration, he was Assistant Director for Congressional Relations in the Office of Economic Opportunity.

First elected to Congress in 1962 to serve one term, Congressman LONG returned to Congress in 1973, where he compiled an outstanding record of achievement as the second-ranking member of the House Rules Committee, as chairman of its Subcommittee on the Legislative Process, and as a member of the Joint Economic Committee, where he was chairman-elect at the time of his death.

GILLIS LONG was highly respected by all of us in Congress for his commitment to the cause of civil rights. His legislative abilities were unmatched, and he was a statesman of great principle, always striving for compromise and conciliation instead of confrontation.

As the chairman of the House Democratic caucus for 4 years from 1981 to 1984, GILLIS LONG's contribution was significant, and his service was inspirational in shaping our country's future. He authored a number of Democratic Party position, papers, and his presence will sorely be missed by all those he served as well as his colleagues in the House of Representatives.

Those of us who had the privilege of working with GILLIS LONG and knowing him as a friend deeply mourn his passing. Mrs. Annunzio joins me in extending our heartfelt sympathy to GILLIS' DEVOTED WIFE, CATHY, AND THE OTHER MEMBERS OF HIS FAMILY WHO SURVIVE HIM.[1]

● Mr. ROYBAL. Mr. Speaker, it is with great sadness that I rise today to pay tribute to GILLIS LONG, a respected colleague and good friend. Over the years, his many accomplishments as chairman of the Democratic caucus and a senior member of the Rules Committee speak of his devotion to the institution of Congress, as well as to his constituents.

GILLIS will be remembered by all of us as a dedicated, compassionate public servant. But more importantly, he was a decent, caring human being committed to making this country a fairer, more just place to live. He will be sorely missed both here and at home.●

● Mr. STENHOLM. Mr. Speaker, today I join my colleagues in expressing our deep remorse at the loss of our friend, GILLIS LONG. But tempering the remorse is a strong sense of gratitude for the life of service GILLIS offered and the impact he had on his country, his district, the Congress, and many of us individually as his friends.

GILLIS was one of those rare individuals who used his experience and historical perspective to form a clear vision for the future. He understood that if the Democratic Party was to thrive and flourish in the future, unity within the party was crucial, and he committed himself to that unity. I personally first encountered GILLIS' pursuit of unity most strongly in 1981 when he was among the few in the party insisting that we Boll Weevils should not be punished for voting according to our consciences and our districts. GILLIS appreciated the worth of honest debate and open acceptance of all Democrats in the House. Always, his efforts were to unify, and not purify, the Democratic Party in the House.

As time went on and I had the privilege of working with GILLIS on the Committee on Party Effectiveness, my respect for this leader grew deeper and deeper. Our relationship, more private than public, instilled in me a great respect and affection for GILLIS and the goals he sought to accomplish. His untimely death has prevented him from personally accomplishing some of those goals, but as Walter Lippmann once wrote: "The final test of a leader is that he leaves behind him in other men the conviction and the will to carry on." GILLIS has passed along his quest for the unity and acceptance that will continue to guide and strengthen our party and our country. We who honor his memory should willingly accept that endowment and further the cause that GILLIS held dear.

With remorse, but even more so, with a sense of gratitude and mission, we say goodbye to GILLIS LONG.●

● Mr. RUSSO. Mr. Speaker, we have lost a man who cared deeply about this institution, his country and his party. Representative GILLIS LONG, a man of courage and principle, was a skilled politician that truly served the national interest. He will be greatly missed, but he has left a legacy for those of us fortunate enough to serve with him and for those to follow.

Many things impressed you about a fine gentleman like GILLIS. I always appreciated the fact that you knew he cared about the Congress and having it work well, and you could trust him, rely on his judgment. He was a Representative that other Members appreciated because of this quality. He also went out of his way to help new Members, to offer guidance and help when needed.

A man of great compassion and understanding, I count his passing a personal loss and value the time and the friendship I was privileged to share with him. The Nation and the Congress have lost an honorable leader and I join with my colleagues in expressing our deepest sympathy to his family and in paying tribute to Representative GILLIS LONG, a good friend and a dedicated colleague.●

● Mr. EDWARDS of California. Mr. Speaker, united in our sorrow, we stand here together to pay our final respects to our respected friend and colleague, GILLIS LONG.

During his many years of public office spanning half a generation, GILLIS had prove himself ever the champion of civil rights for all Americans. His sterling reputation as a just and good man has been burnished by those accomplishments resulting from the staggering amount of work he so tirelessly undertook. As chairman of the House Democratic caucus, and on the House Rules Committee, GILLIS was wholly dedicated to those ideals he held dear. We will all miss GILLIS LONG sorely. I would like to join my colleagues in expressing my sympathy to his wife, Cathy, and to his children, George and Janis, at this time of inconsolable loss and bereavement.

The legacy bequeathed to us by GILLIS LONG is rich indeed. Unswervingly true to his convictions, he nevertheless strove to bring about a consensus of beliefs, a melding process which reflected his deeply founded respect for democracy and fairness. Our sense of sharp loss is eased only by our brimming reservoir of fond memories and deep esteem for our departed colleague.

I know I speak for all of us who are assembled here when I express my feeling of personal sorrow and privation at the passing of our dear friend and associate, GILLIS LONG.●

● Mr. FORD of Michigan. Mr. Speaker, GILLIS LONG's death comes as a terrible blow to me. He was a great human being and an outstanding Member of Congress who possessed qualities we all hope to have and to pass along to our children and grandchildren. I worked closely with GILLIS during my first few terms in the House when we passed war on poverty legislation. He became an Assistant Director of the Office of Economic Opportunity—an act that took courage for one who retained political ambitions and plans.

It was a controversial program toward which many were hostile. Many Members of Congress were skeptical to say the least, while others felt threatened. It was simply not politically popular, but GILLIS LONG took on the congressional liaison job.

To this day, my friend Sargent Shriver says, "Without GILLIS we might not have gotten the legislation through. He was crucial."

GILLIS' concern for the human consequences of legislation was recognized even then. He proved particularly effective dealing with his southern colleagues in both the House and the Senate. He managed at critical times to get enough Republican votes, too.

The essential decency of the man made it difficult for anyone to say "no" to him. Having joined the war on poverty, he never resigned and never strayed. His concern for the poor, the destitute and the underprivileged continued throughout his career.●

● Mr. MINETA. Mr. Speaker, along with so many of my colleagues I join in mourning the passing of our good friend GILLIS LONG.

This is a special institution. Not everyone understands it. Not everyone knows how to make it work. GILLIS LONG was one of those few who walked through these halls and was completely at home. GILLIS was a man who understood the House, and in the process made the House and each of us who shared it with him a noble place.

How many of us, when faced with a difficult problem, turned to GILLIS for help, for a solution. I imagine we all did at one time or another. And when that advice came, only a fool did not follow it.

I know that as I look forward across the legislative field that will be the 99th Congress, I see a difficult and challenging 2 years. How much easier those years would be if we had GILLIS to help lead us.

I was honored to second GILLIS' nomination to be head of the Democratic caucus when he assumed that important job in 1981. Our colleague from Missouri now has to fill the role that GILLIS created in the years since 1981.

We will all miss GILLIS. We will miss him as a friend, as our caucus chair, and as a colleague. The Nation will also miss GILLIS, because he was a man who made a difference. He was a man who knew what his principles were and fought for them.●

● Mr. PANETTA. Mr. Speaker, I would like to join my colleagues in paying tribute to GILLIS LONG, who has been taken from us and from his family so abruptly by illness.

GILLIS was truly an indispensible Member of the House of Representatives, and he will be greatly missed, not only by his family and by the Congress but also by his constituents and the entire Nation. As chairman of the Democratic caucus and of the Rules Committee's Subcommittee on Legislative Process, GILLIS was dedicated to improving the way this country is governed. He was a leader in seeking broad reform to improve not only the House but also the Democratic Party. It was under his leadership that the Democratic caucus produced a comprehensive, forward-looking document establishing a Democratic outlook on the Nation's economic future. More importantly, he single handedly made the caucus a cohesive unit for the first time in many years. And his subcommittee was constantly looking for ways of improving the legislative process.

GILLIS was a natural legislative leader. He felt so strongly about making the process work that he was able to bring together many geographic and political factions to enact key legislation. His mastering of the art of compromise and persuasion made him a great legislator. The services he performed for his party and for his country are unsurpassed, and they will survive long after his untimely death.

Mr. Speaker, I am proud to have served with GILLIS over the past 8 years. He is already greatly missed. I know all of my colleagues join me in expressing sympathy to GILLIS' family.●

● Mr. SYNAR. Mr. Speaker, the memory of Members of Congress is preserved so often in no more than the name of a post office or dam in some distant corner of what was their district. The name of GILLIS LONG will be enshrined forever in the Democratic Party, resurrected phoenix-like from the flames of the last national elections. GILLIS created, as Democratic caucus chairman, the Committee on Party Effectiveness, and those who trained in it—DICK GEPHARDT, MARTIN SABO, BUTLER DERRICK, LES ASPIN—are the new shining hope of the party.

What GILLIS taught me as a young legislator when I first came to Congress in 1978 are precisely those virtues the Democratic Party needs to regain that elusive majority. GILLIS was seen as a liberal member of the south central delegation; yet he was personally responsible for the passage of the major business bills in the 98th Congress. The Democratic Party will learn that the advancement of prosperity and a concern for the poor and downtrodden can go hand in hand.

GILLIS was elected in 1962 and lost his seat the following election when his appointment to the House Rules Committee enabled the first civil rights legislation to reach the House floor. GILLIS knew that there are immutable principles which are not worth renouncing for any election. Yet he also knew how to get things done. Always be chivalric; you cannot prepare thoroughly enough; think through your strategy—what you want to get done is irrelevant if you cannot get it done; lead by inclusion, not exclusion; politics is, after all, the art of reaching a consensus. These maxims have been a pretty good working guide for my legislation. I would suggest they offer a serviceable roadmap to return the Democratic Party to the majority. Great men are the guideposts and landmarks in the State.●

● Mr. CHAPPELL. Mr. Speaker, I commend the gentleman from Louisiana for calling this special order to honor our dear late colleague, GILLIS LONG.

GILLIS first came to this body in 1962, for a single term. He returned to the House of Representatives in 1972 and remained here until his recent untimely death.

During his seven terms, GILLIS proved to be a capable legislator, both on the floor and in committee. As the ranking majority member of the House Rules Committee, he contributed greatly to facilitating floor debate on controversial measures through his concise explanations of the rules governing those measures. His work on the Joint Economic Committee was to his credit, as shown by the fact that he was to have been the new chairman.

GILLIS will probably be best remembered for his able chairing of the House Democratic caucus. It was here that he made his major contributions by authoring a series of papers articulating new policies in such fields as long-term economic and foreign policy, as well as other issues which this body shall debate over the coming years. Here, too, GILLIS made his contribution as a peacemaker, able to bring Members from diverse backgrounds together, united in a common purpose. I know steering this caucus was not an easy task, but it was one that he was more than willing and able to undertake.

GILLIS was a fine servant of the people of Louisiana, and a good colleague who shall be missed by all. I wish also to extend my prayers and condolences to his wife Catherine, and his children, George and Janis, as well as the other members of his family.

I thank the gentleman for permitting me this opportunity to pay tribute to GILLIS LONG, and I appreciate his calling this special order.●

● Mr. MONTGOMERY. Mr. Speaker, I join with my colleagues here today in paying tribute to our friend Representative GILLIS LONG. He was certainly a man dedicated to serving his Louisiana constituents as well as this Nation in the House of Representatives.

His leadership capabilities were easily seen in his capacity as a ranking member of the Rules Committee, and especially as an effective chairman of the Democratic caucus.

His office was next door to mine in the Rayburn Building and both myself and my staff felt an extra sense of sadness upon hearing of his death. GILLIS LONG left much to be remembered from his service in this Chamber. His experience and leadership will be missed.●

● Mrs. LLOYD. Mr. Speaker, I would like to add a few words in praise of my friend, colleague, and fellow southerner, the late GILLIS W. LONG. We worked together in the Democratic caucus and I greatly admired GILLIS' dedication to the unity and future progress of the Democratic Party. As caucus chairman, he worked hard to

intregrate all wings of the party and to enlarge the Democratic electorate.

In his work on the Joint Economic Committee, GILLIS displayed his keen interest in developing long-range plans for the further development and increased productivity of the U.S. economy, as well as for more study of the international economy. In his vital position on the House Rules Committee, GILLIS demonstrated his love for and mastery of the nuts and bolts of the legislative process. He was committed to improving the institution he faithfully served—the U.S. House of Representatives.

His was an exemplary political and legislative career—the expression of an individual deeply committed to the great American ideal of public service. GILLIS will be missed sorely by his friends and colleagues and I'm sure that they all join me in expressing our condolences to his wife Cathy and to their children.●

● Mr. RODINO. Mr. Speaker, it is with great sadness that we take this time today in order to pay tribute to our departed colleague, Representative GILLIS LONG of Louisiana.

GILLIS exemplified the very best in a public servant. He served his constituents with the utmost distinction and dedication. In addition, he continually gave this body the benefit of his wisdom, his leadership, and his impeccable judgment. His knowledge and keen understanding of rules and procedures in this House will be remembered by us all, and he earned the widespread respect and admiration of everyone who knew him.

But moreover, GILLIS LONG will be remembered as a man of courage. He had the strength to stand up for what he believed was right and fair, even at the risk of his own political career. For this, he has earned a special place in our hearts and in our history books, and he will not be forgotten.

The House of Representatives will be a different place without Gillis Long. I will miss his vision, his guidance, and his good sensible advice—but most of all, I will miss his friendship.

My deepest sympathies go out to his wife Cathy, to his children, and to all of his family.●

● Mr. RANGEL. Mr. Speaker, it is with deep sadness that I rise to pay respect to our distinguished colleague, GILLIS LONG of Louisiana, who passed away recently after loyal service to this Congress.

GILLIS LONG was a man who served his constituents and the House of Representatives with dedication and conviction. His congressional district was comprised mostly of black Americans and Cajuns, a district with a truly unique character. He exhibited a compassionate concern for these people, never forgetting that he represented interests which required absolute commitment. In this, he succeeded.

Perhaps the most noteworthy contribution of GILLIS LONG was his influence in forging a smoothly efficient rules procedure from within the House Rules Committee. As the second-ranking Democrat within that committee, he aided in the bringing of progressive legislation to the floor of the House. He deserves our respect and gratitude for this accomplishment.

We have lost a fine colleague, Mr. Speaker. Let us remember his example and his legacy.●

● Mr. MOAKLEY. Mr. Speaker, I commend the gentleman from Louisiana [Mr. BREAUX] for providing this opportunity for Members to join in paying tribute to our late friend and colleague, GILLIS LONG.

Mr. Speaker, this House has lost one of its most able Members and I have lost a dear friend, I join all the Members on the House floor today in extending profound sympathy to his wife, Cathy, and his children, George and Janis. Our hearts all go out to the family in this tragic hour.

The passing of a great man affords an opportunity both to mourn his death and to celebrate his life. Each of us will carry our own favorite memories of GILLIS, in facing that sorrow and that joy.

Mine, quite naturally, will be from our service together during a decade on the Rules Committee. The role of the modern Rules Committee is to try to make the legislative process work, and it has been an appropriate showcase for the particular talents of a gentleman reknowned as a professional legislator. GILLIS has never flinched from the hard work needed to put together accommodations that fairly balanced a variety of issues.

For his colleagues from Louisiana, there will be memories of his genuine love for his State and the real joy he derived from representing its people and its interest. Even as his responsibilities and stature in Washington grew, the energy he devoted to representing the Eighth District of Louisiana never slacked. He returned very regularly to his district, something that the Nation's air transportation system does not make easy to do, even during the years when the decline in his health must have made the effort very difficult. And, in Washington, he was an able and passionate advocate of his constituents' concerns. Indeed, after 10 years sitting next to GILLIS at the Rules Committee, I think I may know more than anyone in New England about the economics of sugar and natural gas production.

But, for many of us in the House, the most vivid memory will be the courage and, even, good cheer with which GILLIS faced the physical adversities of his last years. The moving stories of many friends makes it clear that GILLIS knew clearly in recent days that his life was drawing to a close. But, actually, he has known for a few years that his life would not pass all the natural seasons.

And, faced with that knowledge, he actually redoubled his efforts. At a time when other men might have begun to let go of the details and labors, GILLIS actively sought new challenges. His stewardship of the Democratic caucus was a historic one. It was a period of massive work, significant accomplishment, and important reform in the caucus, and the party at large.

In recent days, following the conclusion of his work at the caucus, GILLIS was preparing to take up the chairmanship of the Joint Economic Committee. The Joint Committee was a vital concern to GILLIS throughout his service in Congress, and I have no doubt that his chairmanship of the panel at this time would have made a significant contribution to the coming debates on the economy and the budget.

As chairman of the Democratic caucus, much of his most lasting contribution to Congress has been on one side of the aisle. But that contribution has never been made at the expense of fairness, and the special order today demonstrates that the affection and regard in which GILLIS will always be held spans the entire political spectrum.

And in that spirit, Mr. Speaker, all of us gather here today to say goodbye to GILLIS, to extend sincere sympathy to his family, and to pledge to keep alive the contributions he has made to this institution.●

● Mr. WATKINS. Mr. Speaker, I rise today with my colleagues to pay tribute to the most esteemed gentleman from Louisiana, the Honorable GILLIS W. LONG who, as commentator-journalist Mark Shields remarked the other day, "died too young".

During his 7 plus terms in the House, my friend GILLIS LONG brought to this body a stablity based on sweet reasonableness, sharing with the rest of us insight based on an outstanding intellect and a thorough comprehension of human nature and the body politick.

I had the distinct honor and pleasure of being closely associated with my good friend and neighbor in a number of official and unofficial capacities. He and I served together on the Congressional Rural Caucus—of which he was a founder—for the 8 years I have been in the Congress. We served in the party organization together and we shared many common interests and many common goals. He recognized that there are unfortunate people in this country who still require and are worthy of help from the Federal Government.

His constituents, the Congress, the State of Louisiana, and this Nation

will miss GILLIS LONG and his great capabilities.

Mr. Speaker, in summing up, I cannot help but recall the parable of the talents as told in St. Matthew. Many are given talents, but there are few of us who possess the insight and the ability to capitalize on that gift, multiplying and sharing that gift.

GILLIS LONG utilized the talents entrusted to him for the betterment of mankind and his service accrued good to this Nation. We can, in truth, say in his memory, "Well done, thou good and faithful servant * * *"●

● Mr. LUNDINE. Mr. Speaker, GILLIS LONG will be deeply missed. He was a man who gave his best in service to his country and through his actions made a difference in the lives of many Americans and certainly in the evolution of the House of Representatives.

I will remember GILLIS most for the tremendous, and indeed historic, contribution he made to revitalizing the policy arm of the Democratic caucus. GILLIS reached out and took many Members like myself under his wing and opened up an avenue—the Committee on Party Effectiveness—through which to channel ideas and to develop policy recommendations to address the many serious problems we face.

One of the deepest honors I have had in my professional career was to serve under GILLIS as co-chair of a task force on international trade for the caucus during the last Congress. As a member of the Committee on Party Effectiveness and as co-chair of the trade task force, I developed a deep respect for GILLIS' capabilities. He understood the importance of developing a vision of the future for our children and he cared deeply about the integrity and commitment to basic human values and economic progress of the Democratic Party and House of Representatives.

The House will not soon forget GILLIS LONG. He will live on and on through the important legacy he left as chairman of the Democratic caucus. He will also be remembered for his courage and leadership as a legislator and for the many contributions to his country and fellow human beings he made over the years.

GILLIS gave us his best. He had dreams and ideals, he sobered them with just enough of reality over the years to be practical and effective in his pursuit of them. Through his actions he energized and improved the lives of many, many people. Above all, GILLIS shared a commitment with us to public service and a deep belief in the greatness of the American culture and government. It is now up to us to carry on the fine work GILLIS did, committed as he was, to economic and human progress on Earth. Our continued dedication to this task could pay him no finer compliment as he watches over us in the years to come.●

● Mr. RAY. Mr. Speaker, I rise to pay tribute to the memory of our colleague, GILLIS LONG. Although I have only just completed my first term in the House and only knew him for a short period, I found Congressman LONG to be a dedicated individual and a very loyal, faithful Democrat.

His absence will leave a void in our leadership that will be difficult to fill. His service on the Rules Committee and as leader of the Democratic caucus was distinguished. He was skilled in the internal workings of this House, and he was constantly working to strengthen and unify his party, seeking to give greater voice to new Members and to build consensus among all factions.

GILLIS LONG, while a fervent partisan, was an outstanding statesman as well. He was bipartisan in his concern for America and its citizens—truly compassionate and caring.

His leadership will be missed by all of us.●

● Mr. GLICKMAN. Mr. Speaker, when this country lost the service of our colleague, GILLIS LONG, it lost a man of conscience, a man of principle, a man who was dedicated to the well-being not only of his own constituents, but of every American. When this House lost GILLIS LONG, it lost a man who believed with all his heart that this is truly the "people's House" and who worked to assure that it was an institution which could fulfill its historic responsibilities. When those of us who have had the good fortune to serve with GILLIS lost him, we lost a friend who would always lend a helping hand, a friend who always had the time to listen and to counsel, a friend who would share from his vast experience to the betterment of all of us.

We will never be able to replace GILLIS LONG, but I encourage my colleagues to pay tribute to him by learning from his spirit and his dedication to doing what is right. None of us in political life can fail to understand the commitment which led GILLIS to take a courageous stand for civil rights at a time when that was not a popular position to take. He clearly put his own personal interests aside to the benefit of the people of this Nation to which he was so dedicated. His decision to do what he knew was right instead of what would have been expedient created short-term political consequences most of us do not want to bear. But that same decision was just as important to the long tenure he ultimately obtained and, more importantly, to the high respect which anyone who knew him held for him.

To his wife, Cathy, and his children, Rhoda and I give our very deepest sympathy. They should know that we are with them in this time of sorrow.●

● Mr. QUILLEN. Mr. Speaker, I wish to join my colleagues in remembering and paying tribute to our friend GILLIS LONG who passed away January 20.

Congressman GILLIS W. LONG served with distinction as a Member of Congress representing the people of Louisiana's Eighth Congressional District. He was hard-working, intelligent, and possessed a friendly, outgoing personality. He was diligent in his efforts over the years for what he believed to be the welfare of his constituents and I know his passing is a great loss to them as it is to us in the House.

I had the good fortune to serve with GILLIS for over a decade on the Rules Committee and to work closely with him. Sometimes we were on opposite sides and sometimes we were together. I can tell you GILLIS was a skilled opponent when we differed. He was a staunch ally when we agreed. I have great respect for GILLIS and admiration for his gentlemanly character and for his professionalism as a Member of Congress. His passing leaves a real gap on the committee and is a genuine loss to me personally.

In this sad time I wish to extend my condolences to GILLIS' wife Cathy, his children, and members of the family.●

● Mr. BENNETT. Mr. Speaker, Congress and our country have lost a great leader in GILLIS LONG. A decorated combat infantry veteran of World War II, he brought to the House a special type of leadership—direct, frank, practical, and compassionate. He was chairman of the Democratic caucus and a prominent member of the Rules Committee. His special interests included historic preservation, harbors, agriculture, and many other phases of American life. His leadership here will be greatly missed. I think every Member of the House considered him as a true and trusted friend. I doubt that can be said of anyone else to the degree that it can be truthfully said of him. Our deepest sympathies go to his widow and children; and we all hope that the knowledge they have of his great achievements may in some measure lessen their grief, which we all share.●

● Mr. FASCELL. Mr. Speaker, I join our colleagues to pay tribute to a dedicated Member, GILLIS LONG, whose absence in this legislative body will be sorely felt. In his 14 years of service, GILLIS radiated his warmth and friendliness to all around him, and his even-tempered nature was well combined with a consistently effective style as a talented legislator.

Popular with all who knew him, GILLIS never forced his ideas on others, but continued to work for a compromise and consensus among his colleagues He mastered the legislative process and aptly used this expertise to help guide many problematic bills

smoothly through the Rules Committee.

As many have said, GILLIS was a champion of civil rights. He consistently supported the rights of all Americans even when this stand cost him his seat in the Congress in the late sixties.

GILLIS' work as chairman of the Democratic caucus will continue to guide the party for many years. Innovative and determined to revitalize the role of the caucus, he organized a task force to prepare a blueprint for future Democratic programs. This blueprint will help define the Democratic agenda for years to come.

I valued GILLIS as a friend and a colleague. I appreciated his leadership and companionship and will long remember his friendship.

I join in expressing my sympathy to his wife, Cathy, and their family.●

● Mr. HALL of Ohio. Mr. Speaker, it is with a deep sense of loss that I mourn the passing of our colleague GILLIS W. LONG, who represented the Eighth District of Louisiana since 1973.

I have had the privilege of serving with GILLIS on the Rules Committee during my last two terms. In that time, I have come to know him as an outstanding Member of Congress and as a friend.

On the Rules Committee, GILLIS, fully accepted the role of a senior member. His mastery of the rules of the House was second to none, and was frequently demonstrated by precise questioning during committee hearings. He would not hesitate to take the lead on complex issues.

As chairman of the House Democratic Caucus, GILLIS further demonstrated his leadership ability to guide the Democratic Members of the House. In this capacity he instituted reforms to make the party more effective. He was also successful in bridging the gap between the wide range of voices within the Democratic Members of the House.

GILLIS was a man of rare wisdom who combined his knowledge of politics with his understanding of the House rules to speed the workings of the legislative process. Moreover, he was always concerned with the fairness of that process, and he strove to protect the interests of all.

GILLIS was a leader among members of the Rules Committee, as he was in the Democratic Party and in the House. He was often the unsung hero of many compromises worked away from the spotlight of public attention, yet with far-reaching effects.

While we who are his friends may feel a deep personal loss, it is perhaps because of his skillfull behind-the-scenes ability that he will be missed most by the Nation. It is often said upon a leader's passing that his work will be missed. In the case of GILLIS LONG, how true that is.●

● Mr. FRANK. Mr. Speaker, participating in this special order to memorialize our late colleague GILLIS LONG is one of the saddest official acts I have had to perform in my 4 years as a Member of the House. We all knew that GILLIS had been ill, and of those of us who were privileged to be able to work with him on one or another of the many projects he kept going could tell that he was often in pain—although he went to great lengths to put others at their ease, and not to show that pain unless he thought no one was watching him. But even with these signs of his ill health, to me, as to so many others of our colleagues, the news of his death was a terrible shock. We will miss GILLIS LONG enormously.

GILLIS was the kind of man who ennobles our profession. Elected officials don't always live up to the high expectations that legitimately attach to us and democracy, and all too often it becomes fashionable to mock Members of Congress. GILLIS LONG—through his integrity, his commitment, his passion to make this institution work well, his deep and penetrating intelligence—showed the way democracy is supposed to work. My closest connection with GILLIS LONG came through my membership on the Caucus Committee on Party Effectiveness which he put together and presided over so well. There are not many other Members of the House who could have done the kind of job that GILLIS did with this Committee—in few if any other places in this city did a group of strong-minded individuals of varying political ideologies come together week after week on a regular basis, not only to discuss the most difficult substantive and political issues that confront us, but often to come to some consensus on them. And it was GILLIS who led the way in this endeavor.

The country will miss GILLIS' devotion to the public good. The House will miss the enormous skills he brought to the job of legislating. The Democratic Party will miss one of our most stimulating and thoughtful voices for intelligent change. And an awful lot of us will miss a very good friend, who was a delightful man, and an extraordinarily stimulating colleague. I appreciate the initiative that our colleague, Mr. BREAUX, has taken in giving us this chance to say some small part of what GILLIS meant to us, and how deeply we will miss him.●

● Mr. DE LA GARZA. Mr. Speaker, I rise in tribute to the life and service of our departed colleague and friend GILLIS LONG who we lost Sunday night. While we mourn the passing of a valued legislative craftsman of historic proportions we gratefully celebrate his life's work as a faithful, tireless, productive public servant and true representative of those he affectionally served from the Eighth District of Louisiana.

GILLIS LONG's was an outstanding career. In his years among us he never lost touch with the needs of his constituents yet his vision always extended far beyond his home district and State to encompass the cares and concerns of an entire Nation. His faith in that Nation and his compassionate understanding of America's fundamental principles served as the inspiration for his passionate and relentless support of the causes he chose to champion.

Our colleague was both a pilgrim and a pioneer whose efforts as a Member of the House brightened the lives of millions now living and many yet unborn. We who remain after him today dedicate ourselves to keeping alive his dreams.

GILLIS LONG was my friend and my neighbor. On many an agricultural issue we worked together and his help always proved invaluable. I will miss him and while his passing is a great loss to his legion of friends and admirers, his colleagues here in this body, and to the Nation, his spirit will live on in our hearts and in these Halls.●

● Mr. JONES of Oklahoma. Mr. Speaker, it causes me great sorrow to recognize the loss of so fine a colleague as GILLIS LONG. Over the years I have come to respect GILLIS and look to him as one of the most capable Members of the House of Representatives.

When I began my first term in this House, in 1973, GILLIS was returning after an 8-year absence. As our careers progressed, I came to respect GILLIS for his ability to bring individuals of many differing viewpoints to some sort of working compromise.

As chairman of the House Democratic caucus, GILLIS helped steer the party toward addressing the problems of the future. He helped construct a foundation that, if we continue to build onto it and strengthen it, will launch not only the party, but America, on a sure course for the remainder of the decade and beyond.

When President Reagan began his inaugural address by calling attention to GILLIS' absence, we were painfully reminded that the sense of loss we felt was not only personal, but was also one for the Nation.

As we begin this new congressional session, we should allow GILLIS' spirit to remind us of the direction in which we should attempt to steer our country. The work he began with the rest of us will not end. Ours is not a body that depends upon one man for leadership, but it relies on many for inspiration. The inspiration provided by GILLIS LONG will live on.●

● Mr. ANDERSON. Mr. Speaker, it is with deep sorrow I rise today to speak

of our departed friend and colleague from Louisiana's Eighth District, the Honorable GILLIS W. LONG.

Elected to serve in this distinguished Chamber eight times, GILLIS' contributions were many. Whether it was through his position on the Rules Committee, the Joint Economic Committee or Democratic caucus, which he chaired for 4 years, GILLIS continually worked at making America stronger.

Although we all could think of many reasons for GILLIS' great success over the years, I suppose his ability to work with all the Members, whether they be liberal Democrats or conservative Republicans, was his greatest asset. He would listen to all sides, and then, and only then, make his decision on a particular issue.

GILLIS' determination and dedication will be sorely missed. The people of Louisiana and, in fact, the Nation have been lucky that GILLIS chose a career in the public sector. He was a good friend and I shall miss him a great deal.

My wife, Lee, joins me in expressing deep sorrow to GILLIS' widow, Cathy, and their two children, George and Janis.●

● Mr. SCHEUER. Mr. Speaker, I rise today to express my great sadness and sense of loss at the passing of my colleague, GILLIS W. LONG. Through my years in Congress, I came to know GILLIS as one of the most capable and popular Members of this body. His presence will be sorely missed by one and all.

GILLIS lived the life of an exemplary public servant. From the battlefields of Europe where he was decorated with the Bronze Star and the Purple Heart, to the Halls of Congress where he was held in high esteem by his colleagues on both sides of the aisle, GILLIS demonstrated his deep commitment to serve the people of Louisiana and the Nation.

But GILLIS will be missed by more than merely the people of Louisiana who chose him to be their representative in Congress eight times. His remarkable legislative prowess and his affability earned him the respect of all who worked with him. As an influential member of the Rules Committee, he became an important figure in the Democratic leadership in the House. As chairman of the Democratic Caucus for both the 97th and 98th Congress, GILLIS played a crucial role in developing a program for the party's future by producing a series of extraordinary papers on a variety of economic issues.

In the 99th Congress, GILLIS was to serve as chairman of the prestigious Joint Economic Committee. As a member of that committee, I was looking forward to serving under his chairmanship as we examined the vital economic issues which we face today. I am sure that GILLIS would have met this challenge with characteristic dedication and exceptional ability. The Congress, indeed the Nation, would have profited greatly from the results of his endeavors.

I feel a deep personal loss at GILLIS' passing, and wish to express my sincerest condolences to his wife Cathy and and his children George and Janis. I shall miss him, too.●

● Mr. AKAKA. Mr. Speaker, the recent and sudden passing of our esteemed and capable colleague from Louisiana, GILLIS LONG, was a shock to me and I know that we shall all miss him in the Halls of Congress.

I had known GILLIS since being elected to the House from Hawaii in 1976 and knew him as an effective and well-liked Member. My heart goes out to Cathy and the other members of the family in this time of their bereavement. May it console them to some extent in the knowledge that GILLIS had so many friends on the Hill who care and I will always have a feeling of Aloha for him.

GILLIS, as the chairman of the Democratic Caucus, displayed a remarkable prescience when he appointed a task force to develop a blueprint for our party's legislative program for the rest of this decade. The resulting "Rebuilding the Road to Opportunity" with its stress on economic solutions rather than on redistribution of wealth reflects a consensus which has built up in America over the past decade or more, and is a study that we should all pay heed to.

Personally, I am forever indebted to GILLIS, who, as a member of the Rules Committee, was instrumental in the passage of the Agriculture and Food Act of 1981 which included the sugar provision which was of vital importance to our sugar industry in Hawaii. I can never thank him enough for his help.

We shall all miss GILLIS as a warm and caring individual. I hope that the passage of time will ease somewhat the grief that the family feels and make it possible for them to reminisce over the happier moments in their lives together.●

● Mr. SABO. Mr. Speaker, like many Members of the Congress, I feel the loss of GILLIS LONG in a very personal way. GILLIS befriended me when I arrived in Washington and he was a leader and counselor for me and many others throughout the 6 years I knew him.

GILLIS LONG practiced the art and science of government at the political level as well as anyone I have known in the 24 years I have worked at it. His purpose in the House was to bring people together. His manner was conciliatory. His natural style was to include, not exclude.

Just before his death, GILLIS completed 4 years as chairman of his caucus, serving during what all would agree was a difficult period. Perhaps the greatest accomplishment of his leadership was the building of bridges between Members with divergent backgrounds and points of view. GILLIS was a tolerant man and he tried to encourage tolerance among the rest of us for each other's beliefs and goals. He was also a practical man and he worked to lead his caucus to the understanding that compromise and accommodation are necessary to make progress.

GILLIS' district is 1,000 miles down the Mississippi from my own. He was a man from the deep South, far from my own home region. But he understood my legislative concerns and he cared about my people's needs. He did his work in Congress in a way that showed he was a truly national leader.

This institution will surely miss him, because he cared about the Congress and strove to make it work the way the Founding Fathers intended. We will surely miss him, too, because he was, in the best sense, a teacher, a leader, and a friend.●

● Mr. DINGELL. Mr. Speaker, I rise today to express my deep sense of loss in the passing of GILLIS LONG. He was truly a giant in the institution of the House; he was a good friend and an honored colleague—not only to me, but to all of us.

GILLIS had the best qualities of a courtly southern gentleman. He was courteous and he was as honest as the day is long. What I loved best about him was the reverence and respect he showed for this institution, for its traditions and its history, and for its reliance on fairness and honor.

The integrity shown by GILLIS LONG benefited all of us, as much by virtue of its example to the rest of us as by its own merits. He was an outstanding individual, an outstanding legislator, and an outstanding Representative for the deserving people of the Eight District of Louisiana.

It is with great sadness that this House loses GILLIS LONG. I can only hope that Members, now and in the future, will take from the marvelous example he provided us of how a Member should comport himself in this great body. From his memory we all can learn, and we all should seek to emulate the fine qualities he showed to us. The legacy he left us is large, do we but have the wisdom to partake of it.

To his wife Cathy, and to his children, I know I speak for all my colleagues in expressing our deepest sympathy at the death of one of our truly great colleagues.●

● Mr. UDALL. Mr. Speaker, GILLIS LONG was one of the very best. Only a few congressional districts have been represented by the kind of common sense, courage and compassion that this good man embodied.

GILLIS was a leader who refused to run for cover when important, controversial issues were at stake. A whole generation of southern political leaders found a moment of truth in the 1950's and 1960's when civil rights dominated the agenda in a time of difficult change. GILLIS LONG passed that test of conviction with high marks—and he paid a political price in the process. He wanted to make the House a better institution, and he played a key role to that end.

Mr. Speaker, you said it well earlier, when you said that GILLIS LONG was a "profile in courage." He was, of course. And he was willing to do the right thing, when it was not the popular thing.

GILLIS LONG did not seek out confrontation for the sake of confrontation. Instead, he sought real solutions to the Nation's real problems. He worked hard at it, and he was effective.

GILLIS and his wife, Cathy, were a very special couple. I was proud to be the recipient of their generosity and hospitality. My greatest sympathy and affection goes out to her and the family.

A giant of the Congress has gone down.

We will miss him very much.●

● Mr. FUQUA. Mr. Speaker, I appreciate this opportunity to pay my respects to the memory of GILLIS LONG. He became my colleague when we were both elected to Congress in 1962 and although he served only one term before returning to Louisiana, he remained by friend.

He returned to Congress in 1972 and we were pleased to once again have his wit and intelligence in our midst. GILLIS served with great distinction as a member of the Rules Committee, rising to the position of ranking majority member. His knowledge of the rules of procedure for this Chamber will be missed.

Besides making his mark on the Rules Committee, GILLIS did double duty by serving as chairman of the Democratic caucus. Our caucus sessions can be spirited at times but GILLIS always chaired with calm and equanimity.

GILLIS was always a southern gentleman in the finest sense of the term and he was a friend on whom I knew I could rely for sound advice and counsel.

I extend to his family my deepest sympathy. We all mourn the passing of this fine American.●

● Mr. SAM B. HALL, JR. Mr. Speaker, it is with profound sorrow and a deep sense of personal loss that I join my colleagues in paying respect to the late GILLIS LONG who has been taken from us in the very prime of life.

GILLIS LONG was a hard working and dedicated to the House as anyone. He knew the art of compromise, and he understood the legislative process. He fought for Congress as a truly coequal branch of Government, and he was recognized for this great constitutional service to our Nation.

GILLIS LONG was related to one of America's great political families. Like the Adams and Kennedy families in Massachusetts, the Tafts in Ohio, and the Byrds in Virginia, the Long family in Louisiana has a proud political tradition. GILLIS LONG was part of that tradition, and he enjoyed tremendous support in the Eighth Congressional District, and, indeed, throughout the State of Louisiana.

While I often differed with GILLIS LONG on certain issues, he always agreed to disagree in a manner befitting a gentleman. He was an effective and admired chairman of the Democratic caucus, because he understood that a Member of Congress must vote his conscience and his congressional district. He understood very well that in order for a political party to survive it must be willing to embrace varying points of view and philosophies. He understood the admonition of Winston Churchhill that when the political party system becomes polarized with extremes whether right or left, a democracy will not exist for very long.

In addition to his distinguished record as a public servant, GILLIS LONG was also a patriot of the first order. He fought in the infantry in World War II and was awarded the Purple Heart and the Bronze Star. He loved his country and he loved his native State of Louisiana. In fact, the geographical configuration of the Eighth District is really a microcosm of Louisiana with its wonderful people and unique culture.

I count it a high privilege to have known and to have served with GILLIS LONG. We have lost a wonderful friend and the Nation has lost a great leader. To his wife, Mary Catherine, and his children, I extend my deepest sympathy on this sorrowful occasion.●

● Mr. MANTON. Mr. Speaker, as a new Member of the House, I did not have the privilege to know our late departed colleague, GILLIS LONG of Louisiana. Yet, although our paths did not cross, I have been able to realize the high regard GILLIS was held by his colleagues and peers.

During the past several weeks, I have sought the counsel of several senior Members of this body. In almost every instance, one of the people I was told I should talk with and get to know was GILLIS LONG. Everyone agreed that GILLIS was a pillar of this institution, a man respected by Members on both sides of the aisle and of every political philosophy.

Mr. Speaker, the Democratic Party currently is searching to find its identity and chart its course for the years ahead. GILLIS LONG was the epitome of common sense and moderation. In that regard, his death is a serious blow to our party. We have lost a leader, just as the House of Representatives has lost one of its giants.

I join with my colleagues in sending my condolences to GILLIS' wife, Cathy. We share in her loss as we remember today a great statesman and political craftsman.●

● Mr. ASPIN. Mr. Speaker, I join today in mourning the recent death of our colleague, GILLIS LONG of Louisiana.

During his 13 years in the House, GILLIS served admirably and ably. His counsel, diligence, and dedication are well known to all of us. His influence has been far-reaching, and his absence will be felt each day.

He worked long and hard as chairman of the Democratic caucus, making it more of what a caucus should be—a place to talk out ideas and come to some common agreements about our party's direction. His work with the caucus helped stimulate a good deal of rethinking in Congress about the kinds of economic solutions we need and the kinds of policies we as Democrats should pursue. As a leader on both the Joint Economic Committee and the Rules Committee, GILLIS worked for the values he believed in, never worrying about catching the limelight. He cared about the outcome.

GILLIS was a leader. His legacy to all of us should be to work harder, continue to strive, and try to work together to accomplish the many important goals GILLIS LONG had for the country.●

● Mr. STOKES. Mr. Speaker, I would like to thank the gentleman from Louisiana [Mr. BREAUX] for reserving this time for Members to pay tribute to the late Congressman GILLIS LONG. MY GOOD FRIEND AND COLLEAGUE, GILLIS LONG, died suddenly on Sunday, January 20.

Those of us in the House who worked with GILLIS LONG through the years will miss him. I not only will miss his friendship but also his leadership. I know that his constituents from the Eighth Congressional District of Louisiana will miss the exceptional level of service and representation GILLIS provided.

Mr. Speaker, Congressman LONG first served in the House from 1963 until 1965. He was reelected to the Congress in 1972.

Fascinated with the procedures of the House of Representatives, Congressman LONG was an active and vocal member of the House Rules Committee. He served as the Chairman of the House Rules Subcommittee on the Legislative Process.

In addition to his service on the committee and chairmanship of the subcommittee, GILLIS served as the chairman of the House Democratic caucus

for many years. In his role as chairman of the Democratic caucus, GILLIS again displayed his concern not only for the American people but also the legislative process designed to meet the needs of the people.

Finally, Mr. Speaker, at the time of his passing, GILLIS was about to be elected chairman of the Joint Economic Committee. Keeping in mind his ability and interest in congressional procedures and expertise in economics, I know that GILLIS would have done an exceptional job as the chairman.

GILLIS LONG made an indelible mark on the House of Representatives. By helping to improve the manner in which the Congress operates, GILLIS enhanced our ability to serve the people of this great Nation.

Mr. Speaker, I send my heartfelt condolences on the passing of my good friend and colleague GILLIS LONG to his family, to the people of the Eighth Congressional District of Louisiana and the members of the Louisiana congressional delegation. Again, I thank the gentleman from Louisiana [Mr. BREAUX] for reserving this time to remember a very special man—GILLIS LONG.●

● Mr. COYNE. Mr. Speaker, the passing of GILLIS LONG should make each of us stop to think what it is to be a Member of the House of Representatives.

For GILLIS LONG was truly a man of the House. He embodied the best qualities of a public figure, including dedication to principles, respect for colleagues, and a faith in the democratic process. His belief in standing for what was right caused him political misfortune at times in his career, but that steadfastness contributed to the good fortune of the country.

Those of us who are Members of this House would do well to reflect on what GILLIS LONG taught us. We can stick to our principles while treating our colleagues with respect, making the democratic process work as it is designed to work. In so doing, we can offer no higher tribute to the memory of GILLIS LONG.●

● Mr. RAHALL. Mr. Speaker, I would like to join my colleagues in paying tribute to the memory of the Honorable GILLIS LONG. We have all lost an able colleague and a good friend. We share this loss with the rest of the country. GILLIS LONG displayed the same type of leadership in the Democratic Party as he provided the people of Louisiana throughout his brilliant career of public service. He was the driving force behind the revitalization of the party caucus, but his loss crosses partisan lines.

The loss of GILLIS LONG will be felt by the whole Nation, by all who live in freedom. GILLIS LONG always stood by his beliefs even at great personal and political risk. He would not back away from his convictions due to popular opinion. He kept his integrity and he kept his dignity. This Congress and this country will miss GILLIS LONG. On behalf of the people of southern West Virginia, I offer my condolences to his family. The thoughts and prayers of all of us are with you.●

● Mr. YATRON. Mr. Speaker, I rise today to pay tribute to an outstanding American, a truly remarkable legislator and an honored colleague. It is indeed with a deep sense of loss that we mourn the passing of our friend, GILLIS LONG. His absence from the Halls of Congress will be sorely felt and his presence and service deeply missed.

Congressman GILLIS W. LONG served the people of Louisiana's Eighth Congressional District with great distinction and care. His work as the chairman of the Democratic caucus will continue to influence its direction and his outstanding contributions will continue to be felt in the years to come.

GILLIS LONG was a man of principle, a man whose word was his bond, a man who was there to help. Through his dedication, he helped to make this Nation and the lives of a great many of his fellow men better. He served as an example for all of us to follow.

The magnitude of his contributions can never be measured. Perhaps it is enough to say that we are all in his debt, just as those who come after will be in his debt for what he has left behind.

I wish to join with my colleagues in expressing my sincere condolences to his wife Cathy and his children. May we never forget what he has given all of us.●

● Mr. FEIGHAN. Mr. Speaker, I want to add my voice to those who have spoken over the last few days to express the collected grief of the House of Representatives at the loss of GILLIS LONG, our colleague from Louisiana. An able and articulate legislator, a compassionate and humble man, GILLIS LONG's contribution to the Nation, the House and the Democratic Party will be sorely missed. His leadership in the Rules Committee and his direction of our party caucus will be admired and remembered well into the future.

Congressman LONG's was dedicated to finding new ways to increase the productivity of our economy and build for a prosperous future. His leadership of the Democratic caucus was largely responsible for the drafting of a long-term economic policy report, "Rebuilding the Road to Opportunity," in 1982. That report, which found the support of many House Members, sought to provide a blueprint for our future, a commonsense approach to our problems in industrial development and world trade.

GILLIS LONG's death is a tragedy. With his passing, Congress and the country have lost not only an outstanding and effective legislator but a legislator who had the courage and ability to look beyond his own political self-interest to do what he believed was right. His outlook was toward the future. I join my fellow Members in expressing my condolences to the Long family during this difficult time.●

● Mr. JONES of Tennessee. Mr. Speaker, it is with sadness that I join my colleagues in paying tribute to our departed colleague, GILLIS LONG of Louisiana. His death leaves us all with a great sense of loss. He was a man of integrity and courage who led by example. In times of great controversy and hot rhetoric, we could always count on GILLIS LONG to bring his unique sense of justice and his sense of order to the issue before us.

My closest association with him was serving with him on the Executive Committee of the Congressional Rural Caucus. We all know of his commitment to his principles, and no where was that commitment anymore evident than in the Rural Caucus. His sense of economic justice and his compassion for the difficult struggles of rural people guided his involvement in the rural caucus. I appreciated him so much for that and I must add that the rural people are among those segments of our society who lost a great deal with the death of GILLIS LONG.

In closing, I want to extend to GILLIS' family my deepest regrets. We will all remember him for his dedication to his ideals and his devotion to insuring justice for all members of our society.●

● Mr. YATES. Mr. Speaker, GILLIS LONG was a good friend of mine and a very fine human being. His death last Monday shocked and saddened me and I know that the sense of loss that I feel is shared by all of us.

GILLIS was a masterful legislator who loved the House, and I do not have to tell you that he made many real and lasting contributions to this body. I admired greatly his intelligence and consummate skill, but I want to say that GILLIS LONG combined those gifts with a sense of national purpose and vision that set him apart from many of the skilled and able Members that I have known during my nearly 35 years in the House.

Like many Members from his part of the country, GILLIS represented a district where involvement in national issues was not a particular political asset. The fact that GILLIS LONG did not choose the easy or convenient route to a successful political career is a monument to the kind of man he was. We will miss him in this House and I extend my most sincere condolences to Mrs. Long and all his family.●

● Mr. DERRICK. Mr. Speaker, 2 days ago, the House Rules Committee met to organize itself for the 99th Congress. When we met, it was obvious that a large part of the heart, soul and intellect of our committee was missing; our good friend and colleague, GILLIS LONG was no longer among us.

It was my sad privilege to travel to Alexandria, LA, 2 weeks ago to pay my final respects to my dear friend. The delegation traveling to Louisiana was large and diverse, as was GILLIS' influence and respect among his colleagues and acquaintances.

There is no dispute that GILLIS was a master of house parliamentary procedure—it is a shame that he never enjoyed the position of chairman of the committee to which he devoted so much of his time and energies. The absence of his intellect and skill will leave a considerable void on our committee.

There is no dispute that GILLIS was a master of the political process in the House of Representatives—at the conclusion of his tenure as chairman of the Democratic caucus, he gave us a newly rejuvenated policy and decision making organization which will be of tremendous importance for years to come to me and my colleagues on my side of the aisle. GILLIS sought frank and open discussion leading to meaningful consensus among the divergent members of his party—it is a lesson and a legacy we must adhere to.

There is no dispute that GILLIS was a model of the "new south" Democrat of which I count myself. GILLIS not only took the right position on expansion of the Rules Committee membership to break the hold it had over civil rights legislation in the early 1960's, but paid the price in losing his seat.

But as is the mark of any truly great individual, GILLIS demonstrated the capacity to rebound from defeat, not only from the loss of his House seat, but from his unsuccessful races for Governor. Mr. Speaker, these are events which make individuals strong, and anyone who knew GILLIS knew him to be a man of unquestioned integrity and will. His word was far more reliable than many individuals' signatures to a binding agreement.

Mr. Speaker, there is no dispute that this House will suffer from the loss of this great legislator; my party will suffer from the loss of this politician and statesman; and my committee will suffer from the loss of a central participant and contributor to the important and complex work of the Rules Committee.

On a personal level, Mr. Speaker, I have lost a very dear friend. I enjoyed many pleasant hours in social settings with GILLIS, and learned greatly from my day-to-day interactions with him here in the House of Representatives. I hope to in some measure carry on GILLIS' work as chairman of the Subcommittee on the Legislative Process, and hope to follow his model as a Member of this legislative body.

My condolences and sympathies go to Cathy and their children. It will indeed be a privilege and honor when Cathy is seated as a Member of this Chamber in several months time.●

● Mr. BROYHILL. Mr. Speaker, GILLIS LONG was my friend. Though we were of different political persuasions, our personal relationship was excellent. He was always most accommodating in my appearances before the Rules Committee. GILLIS was a fighter. He fought hard for those issues and programs which he espoused. He had great tenacity, and he worked hard and diligently for his State and district.

Louise and I visited with GILLIS' lovely wife, Cathy, the day of his passing and she knows of our personal feelings and sorrows as she mourns her loss. We once again say, "our prayers are with you during this time of sorrow."●

● Mr. RINALDO. Mr. Speaker, I rise to express my sorrow at the January 20 passing of our colleague, GILLIS W. LONG of Louisiana. His death was completely unexpected, and I know that all of my colleagues were shocked to learn of this tragedy as we were prepared for the public ceremony inaugurating President Reagan on January 21. I am sure that we were all appreciative of President Reagan's calling for a moment of silence in Congressman LONG's memory during the Inauguration ceremony in the Capitol Rotunda.

GILLIS LONG was elected in 1972 after an absence from the House of 6 years. He came from a distinguished Louisiana family and was a power in the House as a member of the Democratic leadership. He was the chairman of the House Democratic Caucus during 1980 to 1984 and was the ranking Democrat on the powerful House Rules Committee. His knowledge of House rules and procedure was well known. Additionally, he was a senior member of the prestigious Joint Economic Committee and was scheduled to be its chairman during the current 99th Congress.

Mr. Speaker, GILLIS LONG was a giant in the House and one of our most respected Members. The people of the Eighth District of Louisiana were extremely well served by our late colleague. I offer my deep sympathy to his wonderful family.●

● Mr. WIRTH. Mr. Speaker, our colleague, GILLIS LONG, brought to the House many, many talents which have been remarked upon and written about extensively since we lost him last month.

As my colleagues know, GILLIS and I worked together closely during his terms as caucus chairman. In my own mind, GILLIS' greatest talent—and his most lasting monument—was his ability to bring the diverse elements of our party together. His warmth, his energy, his commitment to Government and to the House were all elements in that talent. But from my point of view, there were two other elements which I would like to suggest as an example for us all.

First, GILLIS understood that, all too often, Democrats have an amazing ability to get in each other's way. We are a party of widely divergent and strongly—often obstinately—held views. We often battle each other harder than we battle the opposition. GILLIS understood that, and he knew how to overcome it. In his wonderful, unthreatening way, he appealed to the best in all of us, and to our loyalty to the basic beliefs we share. GILLIS loved "participatory democracy," and we all trusted him enough to participate.

Second, GILLIS understood that the House works best when its work is dominated by ideas, not by politics. GILLIS believed that form should follow agreement on what we stand for and what we want to achieve. GILLIS reflected this belief throughout his career in the House, from his famous vote to expand the Rules Committee to his chairmanship of the caucus.

So much has already been said about this warm and able legislator. But I want to share with my colleagues a profile that to me truly captures the essence of GILLIS LONG. Written by Alan Schlein for the Shreveport Journal, it offers a view of GILLIS of value to all of us.

While we miss GILLIS, let's learn from his example.

Mr. Speaker, I insert the article in the RECORD at this point:

The article follows:

[From the Shreveport Journal, Jan. 30, 1985]

GILLIS LONG—THE MAN IN THE CENTER

(By Alan M. Schlein)

WASHINGTON.—The cross-section of politicians present at Gillis Long's funeral last week in Alexandria demonstrated the profound impact the veteran Congressman had on his Congressional colleagues.

They were all there—old-generation New Dealer Rep. Claude Pepper, D-Fla., Majority Leader Jim Wright, D-Tex., conservative Rep. Buddy Roemer, D-La., conservative Republican Rep. Henson Moore, R-La., and moderate junior members like Reps. Mike Synar, D-Okla., and Tony Coehlo, D-Cal. They were among three busloads full of Congressmen who flew to Louisiana to pay their last respects to Long.

While some legislators hope to be remembered in future generations by a building or a post office named after them, Long has left a legacy that could dominate Congress well into the next century.

All sides—the conservatives, moderates, liberals, the young and the old—praised Long for being, as Rep. Lindy Boggs put it: "The lightning rod that brought us all together to the center of the party."

Long was the bridge between the young and the restless post-Vietnam era Congressmen, who came to Washington to change the status quo and the older veterans who defended it.

Because he did his work behind the scenes, Long's contribution went largely unnoticed by his Louisiana constituents. But it was his remarkable ability that got the mavericks and the veteran members to rationally converse about issues which for years had caused ideological rifts. Largely due to Long, the next generation of Democratic leaders are ready and excited about taking over the reins of power, instead of being afraid of it.

"Gillis believed in the institution of Congress and that the young people could play a major role in the institution now," said Coehlo, a Long protege, who now heads the Democratic Congressional Campaign Committee. "He was the bridge between the leadership and the middle management and the youngsters. He had a feeling that it could all be brought together.

"The Godfather has left us," Coehlo said as he prepared to go to the funeral last week. "But he's left us in a good position. He has said 'Now go out on your own.'"

Rep. Martin Frost, D-Tex, who worked with Long when he headed the Democratic Caucus from 1980-84 and served with him on the powerful House Rules Committee, said, "There is somewhat of a void now that Gillis is gone, but it's not as big a void as there would have been four years ago, thanks to Gillis."

Long gained the respect of all of his colleagues—Republicans and Democrats alike—because he never shied away from a fight. "Gillis was not afraid to look you in the eye and beat you," said Roemer. "I never heard him say he was going to pass on an issue."

From his first year in Congress, Long, who died Jan. 20 at age 61 of heart failure, was a progressive legislator. "There are two types of politicians," explained Majority Whip Bill Alexander, D-Ark. "Those that sense a change and follow direction and those who see the need for change and provide leadership. Gillis was always quick to sense change. He was not the kind to run out and join a parade, however, he was always ahead."

Long was sent to Congress representing the "old South" a place where Alexander said Congress was seen as "a baronnial estate run by powerful chairmen." This was a place where it was standard operating procedure for freshmen not to utter a word throughout their entire two-year term in deference to their elders.

But Long had foresight that immediately got him into trouble. In his first legislative year, Long startled other Southern legislators by voting to expand the membership of the House Rules Committee—a move which allowed major civil rights legislation to reach the House floor.

That legislation earned him the respect of then-civil rights activists Martin Luther King Jr., Andrew Young and a generation of future black leaders. Maryland Rep. Parren Mitchell, Small Business Committee chairman, labeled Long's vote an "enormously courageous stand," on civil rights which "set a pattern for Louisianians to follow."

But that same vote was responsible for Long's 1964 defeat in a race-baiting campaign against his cousin Speedy Long. His opponent went so far as to use the slogan "Vote against the man who voted against the South."

And the people of the 8th District did just that. Long went to work in Washington in 1964 for the Office of Economic Opportunity under President Lyndon Johnson, said Sargent Shriver where Long played an indispensible role in pursuading Congress to implement much of Johnson's Great Society agenda.

"Gillis was exceptionally gifted at understanding the political needs of individual congressmen and senators. He understood and know how to explain legislative objectives and had an extraordinary ability to win the trust of everyone," Shriver said.

He also credited Long with being "crucial" in explaining Johnson's "allout war on poverty . . . He was responsible for gaining the initiative to begin the Head Start program, the Job Corps" and dozens of others.

Long ran unsuccessfully for governor in 1963, finishing third and again ran in 1971, after successfully establishing himself as an investment banking lawyer. He made valuable contacts with during that period, which helped him to build a financial warchest for future Congressional races that scared off many potenital opponents. Later in his Congessional leadership position, he was able to help get business leaders to financially support the new generation of Democratic rising stars.

Rep. John Breaux, D-Crowley, told a story about Long's "Midas" touch. Breaux said he once walked into Long's office to wait for him and accidently pushed some buttons on Long's automatic telephone dialing machine. Before he could shut the machine off, Breaux would say, he had raised $100,000.

Baton Rouge's Moore also said he learned the warchest lesson from Long, and presently leads his 435 House colleagues with more than $700,000 in his bank account for his next race.

When Long returned to Washington and Congress in 1972, he found it in a process of change from the chairman-dominated institution to one where all members could speak and be heard. Between 1972 and 1982, a remarkable 70 percent of the House had turned over, leaving Long one of its respected senior members.

Long, who was in line to become chairman of the powerful House Rules Committee, saw it as his responsibility to guide the newcomers along and let them take an active role in party politics. While the new members didn't control the power through committee chairmanship, they did constitute a majority.

Long, who in 1980 became Chairman of the Democratic Caucus, also realized the younger members represented what he termed "an emerging new force within our Democratic party—made up of new members of Congress, young in mindset, if not in age, who will become the next generation of leaders in our country and in our party."

Long also served as the lone peacemaker between the conservatives and the liberals in 1981 when several of his Louisiana colleagues joined the Boll Weevil conservative Democrats in voting for President Reagan's first budget.

Long listened as his liberal friends sought to punish the renegades, but as caucus chairman he forced both sides into a room and waited as both sides aired their frustrations—privately. Almost singlehandedly, colleagues remember, Long forced the liberals to overlook the conservative's transgressions for the sake of party unity. That unity resulted in major Democratic gains in Congress during the 1982 mid year elections.

Long also took a group of bright junior members, including present Caucus Chairman Richard Gephardt, D-Mo., and Telecommunications Subcommittee Chairman Timothy Wirth, D-Colo., and developed two long-term policy papers designed to rebuild the future of the Democratic Party. The papers were a compilation of post New Deal economic solutions that emphasized productivity rather than redistribution of wealth.

Aside from time spent with his wife, Cathy, and an occassional fishing trip, Long's life was Congress. He was a tireless workaholic, who continued to work 15 hour days despite suffering a mild heart attack in 1979 and a triple-bypass operation in 1980. But 15 hours was short, compared to the 18- and 20-hour days he worked before the heart problems began.

Long commanded the respect of even his enemies for his sixth sense at political dealmaking and coalition building. Despite a reputation for being a social liberal, Long balanced his economic votes with a steady conservative record on Louisiana issues such as oil and gas policy and water projects.

This carefully-crafted political balancing act did not endear him to any one constituency; through his career he got mediocre ratings from liberal and conservative groups alike, but he was able to raise money from both.

The most fitting tribute to the Louisiana native comes from one of his proteges. Said Rep. Tim Wirth of Colorado: "He had exactly what this institution needs—a sense of the future, the ability to bring along new people and new ideas, a good organizational ability and a good sense of humor as well as the love of a good fight."

Those skills enabled Long to leave a legacy that will surpass practically all of the colleagues of his generation.

"It's truly a shame that the good guys die," said Wirth, "because he really was one of the good guys."●

Mr. HUCKABY. Mr. Speaker, I yield back the balance of my time.

FAIRNESS IN SUBCOMMITTEE RATIOS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FISH] is recognized for 10 minutes.

● Mr. FISH. Mr. Speaker, yesterday, I was advised that, on five out of the seven subcommittees on the House Judiciary Committee, the subcommittee ratio will not reflect the ratio at the full committee. This unilateral decision serves to prevent Republicans on our committee from the ability to fully represent their constituents and fully participate in the deliberations of our committee.

This is a continuing irony and reflection of unfairness of the majority party in this House. The party that talks about fairness on so many national issues, does not, in fact, practice what it preaches when it comes to organizing this House. But this is new to the Judiciary Committee. In the three prior Congresses, all Judiciary Subcommittees fairly reflected the ratio at full committee. Now, with Republican candidates obtaining nearly 50 percent of the vote nationally, we are being denied one assignment on each

of five subcommittees. A total of five less assignments than fairness demands.

As everyone knows, the subcommittee level is pivotal to the legislative process. It is at this threshold level, that most legislation is really formulated. To deny us full representation at this level is to deny our constituents the full force of their votes.

Mr. Speaker, only this week, the House Republican Conference adopted the following resolution:

Be it Resolved, That the ratio of Republicans to Democrats on all of the Subcommittees of the Standing Committees of the House be no less than the ratio of Republicans to Democrats on the particular Committee;

Of course, the majority faces a burden in filling subcommittee slots that equal their full committee makeup. All but one member of the majority served on our committee in the last Congress and knows we had 18 percent of the legislation in the House referred to us. Important issues are before us; issues that require careful consideration and commitment.

Mr. Speaker, as the ranking minority member on Judiciary I cannot agree to underrepresentation of Republican members on our standing committees. I strongly urge the Democratic leadership to reconsider this ill-advised decision. Fundamental fairness demands no less.●

H.R. 593

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

● Mr. GONZALEZ. Mr. Speaker, last week I reintroduced a bill (H.R. 593) that addresses the real heart of the immigration issue—the lack of opportunities for work in Mexico. Unless there are jobs available in Mexico, it will not matter what kind of immigration control bill the Congress passes in this Congress or in the future.

My bill calls for a mutual, cooperative, coequal venture with the Government of Mexico; this program recognizes the unique and special relationship between our two countries, recognizes our mutual interest, and treats realistically a situation that concerns both countries in a fundamental way.

My bill does not speak to Mexico's problems alone—it also addresses the vast human and economic needs that are going unmet on the United States side of the border. For in truth, huge stretches of the border zone are very much in need of the same kind of assistance required in Mexico. The need does not stop at the border.

My belief is that the United States and Mexico can and must work closely and cooperatively together to meet human and economic needs on both sides of the border. This is the only way to alleviate the greatest single cause of illegal entry into this country, help meet some of the most urgent needs within Mexico, and at the same time provide to realistic program to revive the economically shattered border zone of our own country.

My bill calls for the creation of a joint United States-Mexico development bank. This bank would operate on the same tried, tested, and proven principles of the Inter-American Development Bank, the World Bank, and similar multilateral lending agencies. It would be owned in equal shares by the United States and Mexico, and in every way be a completely mutual institution, dominated by neither side. Its management would be professional, its direction nonpolitical, and its aim strictly to get the maximum economic benefit out of every dollar invested.

The United States-Mexico development bank would have capitalization of 4 billion U.S. dollars, contributed equally by both Governments. The actual paid-in capital would be in the form of callable capital, as in the case of other multilateral development banks. The bank could float securities against the callable capital. Thus, for every $1 actually paid into the bank, the bank could generate 9 dollars' more worth of loanable funds. This is the same financing mechanism that has been used successfully for many years by the multilateral development banks. The result is that for a minimal outlay of Government funds, we can generate a vast amount of private money for bank projects. For a total cash outlay of $400 million—half of which would be contributed by Mexico—there would be $4 billion in loan resources. What is more, additional resources could be created in the same way, yeilding 9 dollars' worth of additional loan money for every dollar actually paid into the bank by the Treasury or by Mexico.

The bank could endeavor to finance economic development in those areas of Mexico that are known to be the main sources of this country's illegal immigrants. However, such targeting is not nearly so important as the fact that jobs must be generated in Mexico—since each job generated in one job less that would need to be sought in this country. Moreover, Mexico is changing rapidly from a rural to an urbanized society, so that the sources of illegal immigation can no longer be presumed to be simply the poor villages; help is needed everywhere in that country.

In the United States, the bank could help finance industry and basic infrastructure requirements along the border region—for example, rebuilding the citrus industry, which was devastated by last winter's freeze, or by financing entry into farming or business by people in that area who are today without jobs, power, or any real hope for a better future.

The need is urgent, because mass unemployment cannot be tolerated on either side of the border. Realistic action is needed, and needed now.

About half of all illegal entrants into this country come from Mexico. During each of the last 5 years of this century, Mexico will need to produce about 1.1 million new jobs, just to take care of labor force growth, but even in its best years, the Mexican economy has never been able to produce more than about half that number. Indeed, even today, the number of new jobs created each year in Mexico falls about 400,000 short of the annual labor force increase. It should startle no one that this shortfall corresponds to the number of illegal Mexican entrants who remain in this country each year. They, in fact, have no other choice.

As long as the Mexican economy fails to produce enough jobs to absorb labor force growth, the already appalling rate of unemployment in that country will continue to grow, and wage rates there will remain desperately low. This mass unemployment leads to social and political chaos, so the outlook clearly is that unless strong action is taken, millions of people in Mexico will have no chance, no hope at all for a decent life, unless they come to the United States. The bilateral bank bill addresses this vast and urgent need for opportunities within Mexico.

Likewise, we must understand the border zone of the United States desperately needs help. The unemployment rate in the border zone is scandalous; there is an immense need to finance development in the border zone. The bilateral development bank, with its ability to operate on both sides of the border in a coordinated way, can help meet the need for decent opportunity. The bank could finance joint water or sewer treatment works; it could finance industrial ventures; or it could finance farm development. With the flexibility it has, the bank could cofinance ventures of any kind with commercial banks or local development authorities—producing very attractive loan rates.

The bilateral development bank would make the maximum use of private capital; like the multilateral banks, it would need very little in the way of actual Government outlays, since only 10 percent of the capital is paid in. The callable capital stays in each Government's Treasury and would only be used to cover outstanding bonds in the event of a total failure by the bank, an event that is extremely unlikely. The bank could make loans at attractive rates, because its bonds would be the highest grade

being guaranteed by the callable capital of the bank.

The bilateral development bank addresses the real cause underlying the problem of illegal immigration—which is the desperate need for human opportunity.

The truth is that the recently proposed immigration reform bills solve no problem at all. They do not address the causes of illegal immigration, and therefore cannot even effectively deal with the symptoms.

For example, last year's so-called Simpson-Mazzoli bill would have limited legal immigration from Mexico to about 40,000 immigrants per year. The waiting list for visas in Mexico today is backlogged by 300,000, and the list grows longer with each passing day. Under Simpson-Mazzoli, the backlog of visa applications would have inexorably grown. Since legal immigration is already all but impossible for Mexicans, and would continue to be so, the typical Mexican would continue to have no choice but to enter without legal permission. After all, 14 out of every 15 Mexican visa applicants in line today must expect to wait forever; the only real choice in that kind of situation is to swim the river.

Since the immigration reform bills neither address the cause of illegal immigration nor make it practical for the typical immigrant to enter legally, they are mere exercise in futility. The only realistic thing to do is to work on the basic cause of the problem, rather than to throw up a new paper fence—a paper curtain that would be no more effective in stopping illegal immigration than the so-called tortilla curtain has been.

My bilateral bank proposal is realistic; it is positive; it addresses the real problem; it relies on mechanisms that have been proven over decades, and that have worked throughout the world. It is a program that offers maximum flexibility, that requires very little Government outlays and removes development efforts from the realm of politics—local or international. This is a program that is pragmatic, that will produce results, and that can be put in place quickly, since both the United States and Mexican Governments already have vast experience in and confidence with the techniques and organization involved in the concept. The bilateral development bank recognizes a mutual need, operates on the basis of mutual cooperation, and represents the kind of system in which both Governments can place great confidence, because both Governments already have used the concept for decades with great success.

Today, illegal immigration is seen as a U.S. program with a Mexican solution. But for the Government of Mexico, stopping illegal migration would only exacerbate the already great and rapidly growing problems of poverty and unemployment within the country. On our side of the border, there can be no hope that the immigrant wave can be stopped or even much affected by immigration reform bills that in no way address the root causes of illegal entry, let alone make it possible for legal migration to take place. My bill provides the real solution—a cooperative program that helps both countries solve a problem that vexes and embarrasses both, in a way that is clearly acceptable to both.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BILIRAKIS) to revise and extend their remarks and include extraneous material:)

Mr. LOEFFLER, for 5 minutes, today.

Mr. MCCOLLUM, for 60 minutes, today.

Mr. MCCOLLUM, for 60 minutes, January 31.

Mr. FISH, for 10 minutes, today.

(The following Members (at the request of Mr. BREAUX) to revise and extend their remarks and include extraneous material:)

Mr. JONES of Tennessee, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. NEAL, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mrs. BOGGS, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. EDWARDS of California, for 60 minutes, January 31.

Mr. KASTENMEIER, for 60 minutes, February 4.

Mr. HOYER, for 60 minutes, February 21.

(The following Members (at the request of Mr. HUCKABY) to revise and extend their remarks and include extraneous material:)

Mr. MICA, for 5 minutes, today.

Mr. MACKAY, for 5 minutes, today.

Mr. SYNAR, for 5 minutes, today.

Mr. LAFALCE, for 10 minutes, today.

Mr. COELHO, for 60 minutes, January 31.

Mr. WHEAT, for 30 minutes, February 7.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BILIRAKIS) and to include extraneous matter:)

Mr. RIDGE.

Mr. FIELDS.

Mr. CONTE.

Mr. VANDER JAGT.

Mr. YOUNG of Alaska.

Mr. COUGHLIN in two instances.

Mr. SHUMWAY.

Mr. CRANE in five instances.

Mr. HARTNETT.

Mr. MCKINNEY.

Mr. MCDADE.

Mr. KEMP.

Mr. SCHUETTE in two instances.

Mr. MOORHEAD.

Mr. MOLINARI.

Mr. MCKERNAN.

(The following Members (at the request of Mr. BREAUX) and to include extraneous matter:)

Mr. DORGAN of North Dakota.

Mr. BEDELL.

Mr. MINETA.

Mr. LIPINSKI in two instances.

Mr. MARTINEZ.

Mr. MAVROULES.

Mr. MAZZOLI.

Mr. MARKEY.

Mr. ENGLISH.

Mr. SKELTON in two instances.

Mr. COELHO.

Mr. SCHUMER in three instances.

Mr. HAMILTON.

Mr. ROE.

Mr. BENNETT.

Mr. COYNE.

Mr. EDGAR.

Mr. RANGEL.

Mr. EDWARDS of California.

Mr. KASTENMEIER.

Mr. MITCHELL.

ADJOURNMENT

Mr. HUCKABY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Thursday, January 31, 1985, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

439. A letter from the Deputy Assistant Secretary (Logistics and Communications), Department of the Air Force, transmitting notice of the decision to convert various activities to commercial contract, pursuant to 10 U.S.C. 2304 nt (Public Law 96-342, section 502(b) (96 Stat. 747)); to the Committee on Armed Services.

440. A letter from the Deputy Assistant Secretary (Logistics and Communications), Department of the Air Force, transmitting notice of the decision to study conversion to contractor performance the south range operations function at Nellis Air Force Base, NV, pursuant to 10 U.S.C. 2304 nt (Public Law 96-342, section 502(a) (96 Stat. 747)); to the Committee on Armed Services.

441. A letter from the Deputy Assistant Secretary (Military Personnel and Force Management), Department of Defense, transmitting the submarine duty incentive pay annual report, pursuant to 37 U.S.C.

301c(e) (94 Stat. 3360); to the Committee on Armed Services.

442. A letter from the Deputy Assistant Secretary of Defense, transmitting notification of the exclusion of the clause concerning examination of records by the Comptroller General, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

443. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a proposed transaction of $100,000,000 or more with Japan, pursuant to the act of July 31, 1945, chapter 341, section 2(b)(3)(i) (88 Stat. 2335; 91 Stat. 1210; 92 Stat. 3724); to the Committee on Banking, Finance and Urban Affairs.

444. A letter from the Chairperson, National Advisory Council on Adult Education, transmitting the annual report of the Council, pursuant to 20 U.S.C. 1209(d); to the Committee on Education and Labor.

445. A letter from the Chairman, Board for International Broadcasting, transmitting the annual report on activities of the Board and evaluation of the operation of RFE/RL, Inc., pursuant to Public Law 93-129, section 4(a)(8) (90 Stat. 833; 91 Stat. 851); to the Committee on Foreign Affairs.

446. A letter from the Acting Administrator, General Administration, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(93); to the Committee on Government Operations.

447. A letter from the Acting Commissioner of Social Security, transmitting notice of a new computer matching program, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

448. A letter from the Executive Director, Board for International Broadcasting, transmitting an evaluation of compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

449. A letter from the Administrator, St. Lawrence Seaway Development Corporation, transmitting the 1984 annual report, pursuant to the act of May 13, 1954, chapter 201, section 10(a) (71 Stat. 308); to the Committee on Public Works and Transportation.

450. A letter from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting a quarterly report on the status of the Alaska Natural Gas Transportation System, pursuant to Public Law 94-586, section 7(a)(5)(E); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 769. A bill to provide for the development and implementation of programs for youth camp safety; to the Committee on Education and Labor.

H.R. 770. A bill to amend the Food Stamp Act of 1977 to allow benefits received by homeless individuals under the food stamp program to be used to obtain prepared meals, and to amend part A of title IV of the Social Security Act to liberalize and extend the emergency assistance program; jointly, to the Committees on Agriculture and Ways and Means.

H.R. 771. A bill to establish an Interagency Committee on Arson Control to coordinate Federal antiarson programs, to amend various provisions of the law relating to programs for arson investigation, prevention, detection, and prosecution, and for other purposes; jointly, to the Committees on the Judiciary and Science and Technology.

H.R. 772. A bill to provide for the establishment and operation of a national lottery to assist in financing the old-age, survivors, and disability insurance program and the hospital insurance program; jointly, to the Committees on Ways and Means, the Judiciary, and Post Office and Civil Service.

By Mr. ANTHONY (for himself, Mr. MATSUI, Mr. FLIPPO, Mr. NICHOLS, Mr. DEWINE, Mr. SMITH of Florida, Mr. BONER of Tennessee, Mr. WOLF, Mr. ROE, Mr. MYERS of Indiana, Mr. SPENCE, Mr. KINDNESS, Mr. DARDEN, and Mr. ROWLAND of Georgia):

H.R. 773. A bill to amend the Internal Revenue Code of 1954 to provide that the use of certain law enforcement, fire protection, and emergency medical vehicles in certain cases shall be treated as a nontaxable fringe benefit; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 774. A bill to require the Secretary of Agriculture to conduct a pilot project involving the redemption of food stamp coupons through uninsured financial institutions; to the Committee on Agriculture.

H.R. 775. A bill to require the Attorney General to include in the uniform crime reports information regarding the incidence of offenses involving racial, ethnic, or religious prejudice and to amend chapter 13 of title 18, United States Code, to prohibit damage to property used for religious purposes, and for other purposes; to the Committee on the Judiciary.

By Mr. BIAGGI (for himself, Ms. SNOWE, Mr. LELAND, Mr. MITCHELL, Mr. TOWNS, Mr. STOKES, Mr. GARCIA, Mr. WOLF, Mr. OWENS, Mr. HOWARD, Mr. YOUNG of Alaska, Mr. HORTON, Mr. KINDNESS, Mr. MRAZEK, Mr. SKELTON, Mr. STENHOLM, Mr. WEISS, Ms. KAPTUR, Mr. DOWNEY of New York, Mr. SCHEUER, Mr. DANIEL, Mr. SOLARZ, Mrs. HOLT, Mr. MANTON, Mr. ROYBAL, Mr. HAWKINS, Mr. DWYER of New Jersey, Mrs. BENTLEY, Mr. DARDEN, Mr. WORTLEY, Mrs. BOXER, Mr. DORNAN of California, Mr. SMITH of Florida, Mr. PURSELL, Mr. FISH, and Mr. KANJORSKI):

H.R. 776. A bill to require the Secretary of Health and Human Services to study duplicative collection of information by the Department of Health and Human Services and to recommend methods for reducing such duplicative collection; to the Committee on Government Operations.

By Mr. KEMP (for himself and Mr. MCEWEN):

H.R. 777. A bill to reduce tax rates in a manner that is fair to all taxpayers and to simplify the tax laws by eliminating most credits, deductions, and exclusions; to the Committee on Ways and Means.

By Mrs. BOXER:

H.R. 778. A bill entitled: "The Anti-Profit Padding Act of 1985"; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BROOKS:

H.R. 779. A bill to repeal the new substantiation requirements for deductions attributable to business use of passenger automobiles and certain other types of personal property, and for other purposes; to the Committee on Ways and Means.

By Mr. BRYANT (for himself, Mr. TAUKE, and Mr. DINGELL):

H.R. 780. A bill to amend section 408 of the Motor Vehicle Information and Cost Savings Act to strengthen, for the protection of consumers, the provisions respecting disclosure of motor vehicle mileage when motor vehicles are transferred; to the Committee on Energy and Commerce.

By Mrs. COLLINS:

H.R. 781. A bill to strengthen the authority of the Equal Employment Opportunity Commission to enforce nondiscrimination policies in Federal employment; jointly, to the Committees on Education and Labor and Post Office and Civil Service.

By Mr. CONTE:

H.R. 782. A bill to amend the National Labor Relations Act to authorize the Secretary of Labor to prohibit the awarding of Federal contracts to persons who have violated certain judicial orders or orders issued by the National Labor Relations Board; to the Committee on Education and Labor.

By Mr. DARDEN:

H.R. 783. A bill to repeal the contemporaneous record requirement and certain other recently enacted provisions of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. DELLUMS:

H.R. 784. A bill to amend the Civil Rights Act of 1964 to eliminate employment discrimination on the basis of military discharge status; to the Committee on Education and Labor.

H.R. 785. A bill to protect the public interest in maintaining the stability of professional sports, and for other purposes; to the Committee on the Judiciary.

H.R. 786. A bill to amend title 38, United States Code, to provide for the entitlement to veterans' benefits of Americans who fought in the Abraham Lincoln Brigade during the Spanish Civil War, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. EDGAR:

H.R. 787. A bill to provide for the sale of the common stock of the Consolidated Rail Corporation by public offering, and for other purposes; to the Committee on Energy and Commerce.

By Mr. EDGAR (by request):

H.R. 788. A bill to amend title 38, United States Code, to enhance recruitment and retention of graduate and student nurse technicians by the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. EDGAR (for himself, Mr. MICA, and Mr. LEHMAN of Florida):

H.R. 789. A bill to amend title 38, United States Code, to extend certain expiring veterans health care programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FIELDS:

H.R. 790. A bill to amend the Federal Water Pollution Control Act to provide for the control of pollutants entering Lake Houston, TX; to the Committee on Public Works and Transportation.

By Mr. FOLEY:

H.R. 791. A bill to amend the Saccharin Study and Labeling Act to extend for 3 years the period during which the Secretary of Health and Human Services may not prohibit or restrict the sale or distribution of saccharin or products containing saccharin; to the Committee on Energy and Commerce.

By Mr. FRANK:

H.R. 792. A bill to require the Department of the Air Force to request the Federal

Bureau of Investigation to investigate the death of William Joseph Cavanaugh, Jr.; to the Committee on Armed Services.

H.R. 793. A bill to amend title XVI of the Social Security Act to provide that eligibility for SSI benefits (and the amount of such benefits), in the case of disabled individuals working in sheltered workshops and in other cases where disabled individuals' incomes are necessarily irregular or spasmodic because of the nature of the disabilities involved, shall be determined on the basis of annual rather than montly income; to the Committee on Ways and Means.

H.R. 794. A bill to amend the Internal Revenue Code of 1954 to provide that an unmarried individual who maintains a household shall be considered a head of household, without regard to whether the individual has a dependent who is a member of the household; to the Committee on Ways and Means.

By Mr. HARTNETT:

H.R. 795. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to proceed with the planning, designing, engineering, and construction of the Charleston Harbor deepening project; to the Committee on Public Works and Transportation.

By Mr. HORTON (for himself and Mr. WALKER):

H.R. 796. A bill to extend the authorization of appropriations for general revenue sharing for 3 years; to the Committee on Government Operations.

By Ms. KAPTUR:

H.R. 797. A bill to amend the Internal Revenue Code of 1954 to allow individuals to compute the deduction for retirement savings on the basis of the compensation of the spouse; to the Committee on Ways and Means.

By Mrs. KENNELLY:

H.R. 798. A bill to amend title XX of the Social Security Act to increase the amount available for social services block grants in order to promote economic self-support and self-sufficiency among individuals and families, to ensure families greater access to affordable quality child care, to prevent child abuse and neglect through the provision of additional protective services, to provide community-based or home-based services to the elderly and disabled as an alternative to institutionalization, and to make other changes designed to improve the administration and effectiveness of the social services program; to the Committee on Ways and Means.

By Mr. LENT:

H.R. 799. A bill to authorize the Secretary of Housing and Urban Development to make grants to local agencies for converting closed school buildings to efficient, alternate uses, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GEPHARDT (for himself, Mr. ANTHONY, Mr. BARNES, Mr. BEILENSON, Mr. BERMAN, Mr. BROWN of California, Mr. CARPER, Mr. DERRICK, Mr. DORGAN of North Dakota, Mr. DOWDY of Mississippi, Mr. DURBIN, Mr. EDGAR, Mr. EVANS of Illinois, Mr. FAZIO, Mr. FLIPPO, Mr. FRANK, Mr. FROST, Mr. HUGHES, Mr. LUNDINE, Mr. MARKEY, Mr. MOODY, Mr. MORRISON of Connecticut, Mr. OWENS, Mr. PANETTA, Mr. PEASE, Mr. SABO, Mr. TALLON, Mr. TORRES, Mr. WIRTH, and Mr. WISE):

H.R. 800. A bill to broaden the base of the individual and corporate income taxes, to significantly reduce tax rates, to flatten out the rate schedules of the individual income tax, and to simplify the tax laws by eliminating most credits, deductions, and exclusions; to the Committee on Ways and Means.

By Mr. LENT:

H.R. 801. A bill to amend the Internal Revenue Code of 1954 to allow certain low- and middle-income individuals a refundable tax credit for a certain portion of the property taxes paid by them on their principal residences or of the rent they pay for their principal residences; to the Committee on Ways and Means.

H.R. 802. A bill to amend title II of the Social Security Act to improve the treatment of women through the establishment and payment of working spouse's benefits; to the Committee on Ways and Means.

H.R. 803. A bill to amend the Internal Revenue Code of 1954 to provide that the medical expenses of handicapped individuals and individuals who have attained age 65 shall be deductible without regard to the requirement that only medical expenses in excess of certain percentages of adjusted gross income are deductible; to the Committee on Ways and Means.

H.R. 804. A bill to amend the Internal Revenue Code of 1954 to provide a basic $10,000 exemption from income tax, in the case of an individual or a married couple, for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

H.R. 805. A bill to amend the Internal Revenue Code of 1954 to provide individuals a limited exclusion from gross income for interest on deposits in certain savings institutions; to the Committee on Ways and Means.

H.R. 806. A bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt interest shall not be taken into account in determining the amount of social security benefits to be taxed; to the Committee on Ways and Means.

H.R. 807. A bill to amend the Internal Revenue Code 1954 to allow individuals a deduction for commuting expenses incurred on public mass transit; to the Committee on Ways and Means.

By Mrs. LLOYD:

H.R. 808. A bill to amend the Fair Labor Standards Act of 1938 to provide that blind persons may not be employed at less than the applicable minimum wage under that act; to the Committee on Education and Labor.

H.R. 809. A bill to amend title II of the Social Security Act to provide that the waiting period for disability benefits shall not be applicable in the case of a disabled individual suffering from a terminal illness; to the Committee on Ways and Means.

H.R. 810. A bill to amend the Internal Revenue Code of 1954 to provide that one-half of the amounts paid by a self-employed taxpayer for his or her health insurance premiums will be allowed as a business deduction; to the Committee on Ways and Means.

H.R. 811. A bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizers; to the Committee on Ways and Means.

H.R. 812. A bill to repeal the contemporaneous record requirement for substantiating certain trade or business expenses adopted by the Tax Reform Act of 1984 and to reinstate the substantiation requirement in effect before the enactment of such act; to the Committee on Ways and Means.

By Mr. LOEFFLER (for himself, Mr. ARMEY, Mr. BARTLETT, Mr. BARTON of Texas, Mr. BOULTER, Mr. COLEMAN of Texas, Mr. COMBEST, Mr. DELAY, Mr. FIELDS, Mr. FROST, Mr. LEATH of Texas, Mr. STENHOLM, Mr. SWEENEY, and Mr. WILSON):

H.R. 813. A bill to repeal the new substantiation requirements for deductions attributable to business use of passenger automobiles and certain other types of personal property; to the Committee on Ways and Means.

By Mr. LOWERY of California:

H.R. 814. A bill to amend section 1201 of title 18 of the United States Code to provide a mandatory life sentence in the case of certain kidnapings of persons who have not attained the age of 18 years, and for other purposes; to the Committee on the Judiciary.

By Mr. LOWRY of Washington:

H.R. 815. A bill to amend the Internal Revenue Code of 1954 to treat mutual banks having capital stock represented by shares in the same manner as other mutual banks for purposes of the bad debt reserve deduction; to the Committee on Ways and Means.

By Mr. LUNGREN (for himself and Mr. BADHAM):

H.R. 816. A bill to regulate the transfer of funds for humanitarian purposes to nationals of the Socialist Republic of Vietnam; to the Committee on Foreign Affairs.

By Mr. McCURDY:

H.R. 817. A bill to amend the Internal Revenue Code of 1954 to allow a credit to certain employers for compensation paid to employees with precollege mathematics or science teaching certificates who are employed for the summer months by such employers or who are employees who teach a limited number of hours; to the Committee on Ways and Means.

By Mr. MICA:

H.R. 818. A bill to require that the President transmit to the Congress, and that the congressional Budget Committees report, a balanced budget for each fiscal year; jointly, to the Committee on Government Operations and Rules.

H.R. 819. A bill to amend the Congressional Budget Act of 1974 and the Budget and Accounting Act, 1921, to provide that (after a 3-year phase-in period) Federal expenditures shall not exceed Federal revenues, except in time of war or economic necessity declared by the Congress; jointly, to the Committee on Government Operations and Rules.

By Mr. MITCHELL:

H.R. 820. A bill to amend the Bretton Woods Agreement Act to direct the U.S. Executive Director of the International Monetary Fund to vote against providing any financial assistance to any country which practices apartheid; to the Committee on Banking, Finance and Urban Affairs.

H.R. 821. A bill to prohibit the importation of South African krugerrands or other gold coins minted in South Africa or offered for sale by the Government of South Africa; to the Committee on Ways and Means.

By Mr. MOAKLEY (for himself, Mr. REGULA, Mr. CHANDLER, Mr. CONTE, Mr. FRANK, Mr. FROST, Mr. GEJDENSON, Mr. GILMAN, Mr. JEFFORDS, Mr. LOWRY of Washington, Mr. McKINNEY, Mr. MORRISON of Washington, Mr. PICKLE, Mr. RICHARDSON, Mr. TOWNS, and Mr. WEISS):

H.R. 822. A bill to provide for a General Accounting Office investigation and report

on conditions of displaced Salvadorans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans; jointly, to the Committees on the Judiciary and Rules.

By Mr. MYERS of Indiana:

H.R. 823. A bill to designate the week in November which includes Thanksgiving Day as "National Family Week"; to the Committee on Post Office and Civil Service.

By Mr. NIELSON of Utah:

H.R. 824. A bill to provide for a study regarding the advertising and promotion of alcholic beverages; to the Committee on Energy and Commerce.

By Mr. PICKLE (for himself, Mr. ROSTENKOWSKI, Mr. ARCHER, and Mr. ROYBAL):

H.R. 825. A bill to establish the Social Security Administration as an independent agency, which shall be headed by a Social Security Board, and which shall be responsible for the administration of the old-age, survivors, and disability insurance program under title II of the Social Security Act and the supplemental security income program under title XVI of such act; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 826. A bill to repeal the contemporaneous recordkeeping requirement and certain other recently enacted provisions of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. REID:

H.R. 827. A bill to require the Secretary of the Treasury to prepare, and send to taxpayers with tax return forms, a brief but comprehensive statement on the rights and obligations of a taxpayer during an audit, and for other purposes; to the Committee on Ways and Means.

H.R. 828. A bill to amend the Internal Revenue Code of 1954 to provide that interviews with a taxpayer may be conducted at his residence or place of business and may be tape recorded for the benefit of the taxpayer at the taxpayer's expense; to the Committee on Ways and Means.

H.R. 829. A bill to amend the Internal Revenue Code of 1954 to repeal the termination date with respect to the authority to award court costs and certain fees in tax cases; to the Committee on Ways and Means.

H.R. 830. A bill to establish within the Department of the Treasury an Office of the Ombudsman; to the Committee on Ways and Means.

H.R. 831. A bill to provide for the safeguarding of taxpayer rights, and for other purposes; to the Committee on Ways and Means.

H.R. 832. A bill to provide that the General Accounting Office shall have oversight over the administration of the internal revenue laws; jointly, to the Committees on Government Operations and Ways and Means.

H.R. 833. A bill to amend the Internal Revenue Code of 1954 to provide for a civil action against Internal Revenue Service employees for deprivation of rights, privileges, and immunities secured by the Constitution; jointly, to the Committees on Ways and Means and the Judiciary.

H.R. 834. A bill to provide that the amount collected as a result of an audit of taxpayer returns shall not be used in evaluating the performance of Internal Revenue Service personnel participating in the audit; jointly, to the Committees on Ways and Means and Post Office and Civil Service.

By Mr. ROSE:

H.R. 835. A bill to direct the Secretary of the Army, acting through the Chief of Engineers, to transfer to New Hanover County, NC, ownership of a surplus dredging vessel, known as the "Hyde hopper dredge"; to the Committee on Public Works and Transportation.

H.R. 836. A bill to amend the Internal Revenue Code of 1954 to provide an exemption for vehicles primarily used for farming purposes from the requirements of section 280F of such code (relating to limitation on certain property used for personal purposes); to the Committee on Ways and Means.

By Mr. SCHULZE:

H.R. 837. A bill to amend the Internal Revenue Code of 1954 to provide for the repayment of the increased tax imposed on fuel used in diesel-powered automobiles or light trucks; to the Committee on Ways and Means.

H.R. 838. A bill to amend the Tariff Schedules of the United States in order to establish equitable duty rates for waterbed mattresses, liners, and parts thereof; to the Committee on Ways and Means.

H.R. 839. A bill relating to the marking of containers of imported mushrooms; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 840. A bill to clarify the law by explicitly providing that nonprofit community crime prevention organizations and crime victim assistance organizations are organizations operated for charitable purposes within the meaning of the Internal Revenue Code of 1954, and for other purposes; to the Committee on Ways and Means.

H.R. 841. A bill to amend the Internal Revenue Code of 1954 to permit medical expenses incurred by crime victims to be deductible without regard to the 5-percent floor on the deduction for medical expenses and to allow medical expenses so incurred to be deducted by nonitemizers; to the Committee on Ways and Means.

By Mr. SEIBERLING (by request):

H.R. 842. A bill to reduce the rate of duty on certain polarizing material; to the Committee on Ways and Means.

By Mr. SEIBERLING:

H.R. 843. A bill to amend the Internal Revenue Code of 1954 to clarify the definition of geothermal energy, and for other purposes; to the Committee on Ways and Means.

By Mr. SHUMWAY:

H.R. 844. A bill to continue indefinitely the taxes imposed on cigarettes at the rate established in the Tax Equity and Fiscal Responsibility Act of 1982 and to appropriate to the Federal hospital insurance trust fund amounts equivalent to sums received from the taxes imposed on cigars, cigarettes, and cigarette papers and tubes to the extent such amounts are necessary to meet any deficit in such trust fund; to the Committee on Ways and Means.

By Mr. STANGELAND (for himself, Mr. CARNEY, Mr. DASCHLE, Mr. DICKINSON, Mr. DYMALLY, Mr. ERDREICH, Mr. FISH, Mr. LUNDINE, Mr. MCDADE, Mr. MARTINEZ, Mr. QUILLEN, Mr. ROBERTS, Mr. ROE, Mr. ROGERS, Mr. SENSENBRENNER, Mr. SHELBY, Mr. SILJANDER, Mr. SKEEN, and Mr. WEBER):

H.R. 845. A bill to amend the Internal Revenue Code of 1954 to repeal the limitation on the aggregate amount of private activity bonds issued during any calendar year; to the Committee on Ways and Means.

By Mr. STANGELAND (for himself and Mr. YOUNG of Alaska):

H.R. 846. A bill to amend title II of the Social Security Act to provide for cost-of-living increases based solely on the percentage increase in the Consumer Price Index and for the establishment of a single annual cost-of-living increase in primary insurance amounts at a uniform flat rate; to the Committee on Ways and Means.

By Mr. TRAXLER:

H.R. 847. A bill to amend the Internal Revenue Code of 1954 with respect to the treatment of fringe benefits provided to the parents of employees; to the Committee on Ways and Means.

By Mrs. VUCANOVICH:

H.R. 848. A bill to award a special congressional gold medal to the daughter of Gutzon Borglum; to the Committee on Banking, Finance and Urban Affairs.

H.R. 849. A bill to authorize the President of the United States to award a congressional gold medal to Jan C. Scruggs in recognition of his work on behalf of Vietnam veterans, and to authorize the Secretary of the Treasury to sell bronze duplicates of such medal; to the Committee on Banking, Finance and Urban Affairs.

H.R. 850. A bill to modify the boundary of the Humboldt National Forest in the State of Nevada, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. YATRON:

H.R. 851. A bill to amend the Federal Mine Safety and Health Act of 1977 to provide that such act shall not apply to persons engaged in the processing or disposal of waste materials recovered from certain dredging operations; to the Committee on Education and Labor.

By Mr. YOUNG of Alaska:

H.R. 852. A bill to repeal backup withholding of tax from interest and dividends; to the Committee on Ways and Means.

By Mr. ADDABBO:

H.J. Res. 104. Joint resolution to authorize and request the President to issue a proclamation designating April 21 through April 28, 1985, as "Jewish Heritage Week"; to the Committee on Post Office and Civil Service.

By Mr. APPLEGATE (for himself, Mr. MCEWEN, Mr. CHAPPELL, Mr. ACKERMAN, Mr. ATKINS, Mr. BLILEY, Mr. BOLAND, Mr. BONIOR of Michigan, Mr. BORSKI, Mr. BRYANT, Mr. CARNEY, Mr. CARPER, Mr. COELHO, Mr. DANIEL, Mr. DAUB, Mr. DE LUGO, Mr. DEWINE, Mr. DIOGUARDI, Mr. DORGAN of North Dakota, Mr. DOWNEY of New York, Mr. DWYER of New Jersey, Mr. ENGLISH, Mr. FAUNTROY, Mr. FLIPPO, Mr. FRENZEL, Mr. FROST, Mr. GARCIA, Mr. HALL of Ohio, Mr. HAWKINS, Mr. HAYES, Mr. HENRY, Mr. HUTTO, Mr. JACOBS, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. KILDEE, Mr. KINDNESS, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEWIS of Florida, Mr. LOWERY of California, Mr. MCCURDY, Mr. MCGRATH, Mrs. MARTIN of Illinois, Mr. MILLER of Ohio, Mr. MINETA, Mr. MOLLOHAN, Mr. MORRISON of Connecticut, Mr. MURPHY, Mr. NEAL, Mr. NOWAK, Mr. O'BRIEN, Mr. OXLEY, Mr. PACKARD, Mr. PEPPER, Mr. PORTER, Mr. RAHALL, Mr. REGULA, Mr. REID, Mr. RICHARDSON, Mr. RITTER, Mr. ROBERTS, Mr. ROE, Mr. SAXTON, Mr. SCHEUER, Mrs. SCHNEIDER, Mr. SHELBY, Mr. SILJANDER, Mr. SMITH of Florida, Mr. SMITH

of New Hampshire, Mrs. SMITH of Nebraska, Mr. STOKES, Mr. STUDDS, Mr. SUNIA, Mr. VOLKMER, Mr. WEISS, Mr. WILSON, Mr. WORTLEY, Mr. JEFFORDS, Mr. DYMALLY, Mr. BARNES, Mr. KOSTMAYER, Mr. SMITH of New Jersey, Mr. PARRIS, Mr. DYSON, Mr. HORTON, Mr. AKAKA, Mr. FEIGHAN, Mrs. SCHROEDER, and Mr. MADIGAN):

H.J. Res. 105. Joint resolution directing the President to secure a full accounting of Americans missing in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. BORSKI (for himself, Mr. LIPINSKI, Mr. ADDABBO, Mr. ANNUNZIO, Mr. APPLEGATE, Mr. BATEMAN, Mr. BERMAN, Mr. BIAGGI, Mr. BILIRAKIS, Mr. BOLAND, Mr. BONIOR of Michigan, Mr. BROOMFIELD, Mr. CARNEY, Mr. CARPER, Mrs. COLLINS, Mr. CONTE, Mr. CONYERS, Mr. COUGHLIN, Mr. COYNE, Mr. DAUB, Mr. DE LA GARZA, Mr. DINGELL, Mr. DIXON, Mr. DORNAN of California, Mr. DWYER of New Jersey, Mr. EDGAR, Mr. EMERSON, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FLORIO, Mr. FOGLIETTA, Mr. FRANK, Mr. FRENZEL, Mr. GRADISON, Mr. GRAY of Pennsylvania, Mr. GUARINI, Mr. GUNDERSON, Mr. HAWKINS, Mr. HAYES, Mr. HENRY, Mr. HERTEL of Michigan, Mrs. HOLT, Mr. HORTON, Mr. HOWARD, Mr. HUGHES, Mr. JACOBS, Mr. KANJORSKI, Ms. KAPTUR, Mr. KASICH, Mr. KEMP, Mr. KLECZKA, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LEVIN of Michigan, Mr. MCDADE, Mr. MCGRATH, Mr. MANTON, Mr. MARTINEZ, Mr. MATSUI, Mr. MAVROULES, Ms. MIKULSKI, Mr. MOAKLEY, Mr. MOODY, Mr. MORRISON of Connecticut, Mr. MURPHY, Mr. MURTHA, Mr. NEAL, Mr. NOWAK, Ms. OAKAR, Mr. O'BRIEN, Mr. PRICE, Mr. PURSELL, Mr. RAHALL, Mr. REID, Mr. RINALDO, Mr. RODINO, Mr. ROE, Mr. ROSTENKOWSKI, Mr. SABO, Mr. SIKORSKI, Mr. SMITH of Florida, Mr. SYNAR, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAXLER, Mr. VANDER JAGT, Mr. VENTO, Mr. VOLKMER, Mr. WALGREN, Mr. WORTLEY, and Mr. LUKEN):

H.J. Res. 106. Joint resolution designating August 1985 as "Polish American Heritage Month"; to the Committee on Post Office and Civil Service.

By Mr. DARDEN:

H.J. Res. 107. Joint resolution proposing an amendment to the Constitution relating to Federal budget procedures; to the Committee on the Judiciary.

By Mr. DERRICK:

H.J. Res. 108. Joint resolution designating March 1985 as "National Mental Retardation Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. HARTNETT:

H.J. Res. 109. Joint resolution designating August 7, 1985, as "National Camps for Children with Cancer Day"; to the Committee on Post Office and Civil Service.

By Mr. KASTENMEIER:

H.J. Res. 110. Joint resolution designating February 11, 1985, "National Inventors' Day"; to the Committee on Post Office and Civil Service.

By Mr. LENT:

H.J. Res. 111. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; and to provide for the systematic paying back of the national debt; to the Committee on the Judiciary.

By Mr. LOWERY of California:

H.J. Res. 112. Joint resolution designating the month of November 1985 as "National Alzheimer's Disease Month"; to the Committee on Post Office and Civil Service.

By Mr. MICA:

H.J. Res. 113. Joint resolution proposing an amendment to the Constitution relating to Federal budget procedures and requiring a balanced Federal budget; to the Committee on the Judiciary.

By Mr. PEPPER:

H.J. Res. 114. Joint resolution expressing the determination of the United States with respect to the situation in Cuba; to the Committee on Foreign Affairs.

H.J. Res. 115. Joint resolution commending the Cuban "Declaration of Freedom"; to the Committee on Foreign Affairs.

H.J. Res. 116. Joint resolution to authorize and request the President to proclaim January 28, 1985 and 1986, as "Day of Marti, Apostle of Liberty"; to the Committee on Post Office and Civil Service.

By Mr. STRANG (for himself, Mr. SCHAEFER, Mr. KRAMER, and Mr. BROWN of Colorado):

H.J. Res. 117. Joint resolution proposing an amendment to the Constitution of the United States to provide that expenditures made by the United States shall not exceed its receipts; to the Committee on the Judiciary.

By Mr. WEBER:

H.J. Res. 118. Joint resolution to designate the week of February 25, 1985, as "National Farm Crisis Week"; to the Committee on Post Office and Civil Service.

By Mr. LENT:

H. Con. Res. 41. Concurrent resolution directing the Commissioner of Social Security and the Secretary of Health and Human Services to immediately conduct a study and report to Congress on steps which can be taken to correct the benefit disparity known as the notch problem, in order to ensure equitable and fair treatment for those who have based their retirement plans on benefit levels which have existed for the past decade; to the Committee on Ways and Means.

By Mrs. LLOYD:

H. Con. Res. 42. Concurrent resolution directing the Commissioner of Social Security and the Secretary of Health and Human Services to immediately conduct a study and report to Congress on steps which can be taken to correct the benefit disparity known as the notch problem, in order to ensure equitable and fair treatment for those who have based their retirement plans on the social security benefits levels which existed or were projected, during most of their working lifetimes, under the pre-1977 law; to the Committee on Ways and Means.

By Mr. LOWERY of California:

H. Con. Res. 43. Concurrent resolution expressing the sense of Congress concerning the failure of the Ethiopian Government to effectively anticipate and ameliorate famine conditions in its countryside; to the Committee on Foreign Affairs.

By Mr. WHITEHURST:

H. Con. Res. 44. Concurrent resolution calling for a regional conservation treaty to protect Northern Hemisphere pinnipeds; to the Committee on Foreign Affairs.

By Mr. FROST:

H. Res. 33. Resolution to amend rule XLVIII of the rules of the House to increase the size of the Permanent Select Committee on Intelligence; considered and agreed to.

By Mr. GEPHARDT:

H. Res. 34. Resolution designating membership on certain standing committees of the House; considered and agreed to.

By Mr. MICHEL:

H. Res. 35. Resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. ADDABBO:

H. Res. 36. Resolution to require the Committee on Foreign Affairs of the House of Representatives to investigate the murders of U.S. citizens in El Salvador; to the Committee on Rules.

By Mr. BIAGGI:

H. Res. 37. Resolution expressing the opposition of the House of Representatives to efforts to reduce the availability of housing provided by the section 202 assistance program for the elderly and handicapped; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DARDEN:

H. Res. 38. Resolution expressing the sense of the House of Representatives that the several States should authorize judges to require delinquent juveniles to complete a secondary education; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 853. A bill for the relief of Anne Brusselmans; to the Committee on the Judiciary.

H.R. 854. A bill for the relief of the Yonkers Racing Corporation; to the Committee on the Judiciary.

By Mr. BOSCO:

H.R. 855. A bill for the relief of James F. and Shirley M. Silva and Walter F. and Mary L. Stuart; to the Committee on the Judiciary.

By Mr. DELLUMS:

H.R. 856. A bill for the relief of Cathleen S. O'Regan; to the Committee on the Judiciary.

By Mr. KOSTMAYER:

H.R. 857. A bill for the relief of Marcelo Enrile Inton and Encernacion C. Inton; to the Committee on the Judiciary.

By Mr. McGRATH:

H.R. 858. A bill for the relief of Richard DeVito; to the Committee on the Judiciary.

H.R. 859. A bill for the relief of Julian and Filomenia Barias, husband and wife; to the Committee on the Judiciary.

H.R. 860. A bill for the relief of Gertrude McAleese, Patrick McAleese, Angela McAleese, Paula McAleese, Gerard McAleese, and Patrick McAleese, Jr.; to the Committee on the Judiciary.

By Mrs. VUCANOVICH:

H.R. 861. A bill for the relief of George C. Lindauer; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. MORRISON of Connecticut, Mr. MAZZOLI, Mr. STRATTON, Mr. JACOBS, Mr. VENTO, Mr. MRAZEK, Mr. CROCKETT, Mr. CARPER, Mr. EDGAR, Mr. FAZIO, and Mrs. ROUKEMA.

H.R. 12: Mr. BOLAND, Mr. LEWIS of California, Mr. HAWKINS, Mr. AKAKA, Mr. DICKS, Mr. ROSE, Mr. LENT, Mr. DOWNEY of New York, Mr. UDALL, Mr. NIELSON of Utah, Mr. FORD of Michigan, Mr. WHITEHURST, Mr. LAGOMARSINO, Mr. FASCELL, Mr. HAYES, Mr. DANIEL, Ms. KAPTUR, Mr. STENHOLM, and Mr. ST GERMAIN.

H.R. 13: Mr. ANDREWS, Mr. ANNUNZIO, Mr. BATEMAN, Mr. BOUCHER, Mr. BRYANT, Mr. CARR, Mr. CHAPPELL, Mr. COLEMAN of Texas, Mr. DAUB, Mr. DERRICK, Mr. EMERSON, Mr. ENGLISH, Mr. FAUNTROY, Mr. FIELDS, Mr. GLICKMAN, Mr. HAMILTON, Mr. HAWKINS, Mr. HENRY, Mrs. HOLT, Mr. HORTON, Mr. HUTTO, Mrs. JOHNSON, Mr. JONES of Oklahoma, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. KINDNESS, Mr. LAGOMARSINO, Mr. LEWIS of Florida, Mr. MCCAIN, Mr. MCCANDLESS, Mr. MITCHELL, Mr. OLIN, Mr. PEPPER, Mr. QUILLEN, Mr. RANGEL, Mr. REGULA, Mr. SABO, Mr. SEIBERLING, Mr. SENSENBRENNER, Mr. SIKORSKI, Mr. DENNY SMITH, Mr. SMITH of Iowa, Mr. SOLARZ, Mr. SPRATT, Mr. STANGELAND, Mr. TAYLOR, Mr. THOMAS of California, Mr. TRAXLER, Mr. WOLF, and Mr. YOUNG of Alaska.

H.R. 21: Mr. MITCHELL, Mrs. BENTLEY, Mr. FAUNTROY, Mr. EDWARDS of California, Mr. STOKES, Mr. DIXON, Mr. MRAZEK, Mr. OWENS, Ms. KAPTUR, and Mr. TOWNS.

H.R. 22: Mr. COATS, Mr. FISH, Mr. GROTBERG, Mr. GUNDERSON, Mr. MCGRATH, Mr. SCHEUER, Mr. DANIEL, and Mr. SHELBY.

H.R. 43: Mr. TOWNS.

H.R. 52: Mr. ROWLAND of Georgia, Mr. MAVROULES, Mr. BENNETT, and Mr. COUGHLIN.

H.R. 111: Mr. JONES of North Carolina, Mr. ENGLISH, Mr. ROBERTS, and Mr. MORRISON of Washington.

H.R. 217: Mr. REID, Mr. NIELSON of Utah, Mr. UDALL, Mr. HANSEN, Mrs. BENTLEY, and Mr. SKEEN.

H.R. 236: Mr. ECKART, Mr. SWIFT, Mr. LUNGREN, Mr. DIXON, Mr. SCHEUER, and Mr. DURBIN.

H.R. 309: Mr. CLAY.

H.R. 363: Mr. TALLON.

H.R. 436: Mr. COBEY and Mr. SMITH of New Hampshire.

H.R. 437: Mr. STUMP.

H.R. 479: Mr. ANTHONY, Mr. BILIRAKIS, Mr. GINGRICH, Mr. GROTBERG, Mr. GUNDERSON, Mr. IRELAND, Mr. LIGHTFOOT, Mr. MARTINEZ, Mr. MICHEL, Mr. MYERS of Indiana, Mr. OBERSTAR, Mr. RAY, Mr. SKELTON, and Mr. SWIFT.

H.R. 480: Mr. BILIRAKIS, Mr. DANIEL, Mr. FRENZEL, Ms. KAPTUR, Mr. LAGOMARSINO, Mr. OBERSTAR, Mr. SCHEUER, Mr. STANGELAND, Mr. STARK, Mr. SUNDQUIST, and Mr. WOLF.

H.R. 509: Mr. HAWKINS, Mr. STENHOLM, Mr. LAGOMARSINO, Mr. SABO, Ms. KAPTUR, Mr. DANIEL, Mr. DARDEN, Mr. KINDNESS, Mr. TOWNS, and Mr. MORRISON of Connecticut.

H.R. 531: Mr. BRYANT, Mr. HORTON, Mr. DREIER of California, Mr. KOSTMAYER, Mr. BENNETT, Mr. BARTON of Texas, Mr. FAWELL, Mrs. HOLT, Mr. MARLENEE, Mr. NEAL, Mr. CRANE, and Mr. ROE.

H.R. 535: Mr. COLEMAN of Missouri and Mr. SENSENBRENNER.

H.R. 566: Mr. WIRTH and Mrs. SCHROEDER.

H.R. 585: Mr. JEFFORDS, Mr. ST GERMAIN, Mr. HAYES, and Mr. KRAMER.

H.R. 600: Mr. BARNARD, Mr. DARDEN, Mr. WEAVER, Mr. HUTTO, Mr. REID, Mr. KOLTER, Mr. WHITTEN, Mr. BROOKS, Mr. ENGLISH, Mr. VOLKMER, Mr. MAVROULES, Mr. NEAL, Mr. HUCKABY, Mr. BROWN of Colorado, Mr. EDWARDS of Oklahoma, Mr. GEKAS, Mr. STRANG, Mr. GROTBERG, Mr. WOLF, Mr. HANSEN, Mr. WATKINS, Mr. RICHARDSON, Mr. BEVILL, Mr. TAUZIN, Mr. SISISKY, Mr. ECKERT, Mr. THOMAS of Georgia, Mr. MICA, Mr. MRAZEK, Mr. GLICKMAN, Mr. DOWDY of Mississippi, Mr. LUKEN, Mr. WHITEHURST, Mr. ROBERT F. SMITH, Mr. DAVIS, Mr. BOEHLERT, Mr. BADHAM, Mr. RIDGE, Mr. COATS, Mr. DREIER of California, Mr. SHUSTER, Mr. BILIRAKIS, Mr. WALKER, Mr. MORRISON of Washington, Mr. GINGRICH, Mr. SHAW, Mr. OXLEY, Mr. IRELAND, Mr. COLEMAN of Missouri, Mr. HYDE, Mr. SCHAEFER, Mr. CHAPPIE, and Mr. QUILLEN.

H.R. 644: Mr. RAHALL, Mr. WOLF, Mr. RIDGE, Mr. ROE, Mr. HOWARD, and Mr. MAVROULES.

H.R. 646: Mr. HAYES.

H.R. 691: Mr. JACOBS, Mr. DELLUMS, Mr. WEAVER, and Mr. BARNES.

H.R. 704: Mr. NIELSON of Utah, Mr. WHITEHURST, Mr. SENSENBRENNER, Jr., Mr. BEVILL, Ms. MIKULSKI, and Mr. HARTNETT.

H.R. 708: Mr. GARCIA, Mr. LAGOMARSINO, Mr. KINDNESS, and Mr. GINGRICH.

H.R. 709: Mr. SENSENBRENNER, Mr. LAGOMARSINO, and Mr. KINDNESS.

H.R. 722: Mr. LAGOMARSINO.

H.J. Res. 10: Mr. ATKINS.

H.J. Res. 24: Mr. BOULTER.

H.J. Res. 33: Mr. BATEMAN, Mr. ENGLISH, Mr. MURPHY, Mr. WOLF, Mr. CONTE, Mr. HORTON, Ms. OAKAR, Mr. DE LA GARZA, Mrs. LLOYD, Mr. SLAUGHTER, Mr. DREIER of California, Mr. BRYANT, Mr. FRENZEL, Ms. MIKULSKI, Mr. TAYLOR, Mr. FEIGHAN, Mr. STOKES, Mr. JACOBS, Mr. MATSUI, Mr. IRELAND, Mr. MARTINEZ, Mr. MCGRATH, Mr. LAFALCE, Mr. SCHEUER, Mr. SKELTON, Mr. DANIEL, Mr. ADDABBO, and Mr. FUQUA.

H.J. Res. 41: Mr. WILSON, Mr. JONES of North Carolina, Mr. LUNGREN, Mr. REID, Mr. TALLON, Mr. KASICH, Ms. MIKULSKI, Mr. MCGRATH, Mr. ENGLISH, Mr. DOWDY of Mississippi, Mr. FAZIO, Mr. CHAPPIE, Mr. MONTGOMERY, Mr. DANIEL, Mr. MADIGAN, and Mr. YATRON.

H.J. Res. 79: Mr. WILSON, Mr. MINETA, Mr. CONTE, Mr. REID, Mr. JACOBS, Mr. DORNAN of California, Mr. BARTON of Texas, Mr. BIAGGI, Mr. MARTINEZ, Mr. MCGRATH, Mr. LAFALCE, Mr. SCHEUER, Mr. ADDABBO, Mr. DANIEL, Mr. ALEXANDER, Mr. YOUNG of Missouri, Mr. NEAL, Mr. TOWNS, Mr. GUARINI, Mr. ANTHONY, Mr. RAY, and Mr. ANDREWS.

H.J. Res. 94: Mr. TAUKE, Mr. MAZZOLI, Mr. LUNGREN, and Mr. BOULTER.

H. Con. Res. 6: Mr. DOWNEY of New York, and Mr. TORRICELLI.

H. Con. Res. 7: Mr. MCGRATH, Mr. SCHEUER, Mr. LENT, and Mr. ADDABBO.

H. Con. Res. 32: Mr. GREGG, Mr. PORTER, and Mr. GINGRICH.

H. Con Res. 34: Mr. BADHAM, Mr. BURTON of Indiana, Mr. ECKART of Ohio, Mr. ERDREICH, Mr. FAUNTROY, Mr. GRADISON, Ms. KAPTUR, Mr. KINDNESS, Mr. LEHMAN of California, Mr. MCEWEN, Mr. MAVROULES, Mr. MITCHELL, Mr. ROEMER, Mr. SMITH of Florida, Mr. WILSON, Mr. WORTLEY, Mr. APPLEGATE, Mr. CARPER, Mr. CHANDLER, Mr. CHAPPELL, Mr. DIXON, Mr. FIELDS, Mr. FORD of Michigan, Mr. GUARINI, Mr. RALPH M. HALL, Mr. HERTEL of Michigan, Mr. HOWARD, Mr. HUCKABY, Mr. HUGHES, Mr. HUTTO, Mr. KASICH, Mr. KILDEE, Mr. KOLBE, Mr. MCCOLLUM, Mr. MILLER of Ohio, Ms. OAKAR, and Mr. STOKES.

H. Con. Res. 35: Mrs. HOLT, Mr. MCEWEN, Mr. WHITEHURST, Mr. LOEFFLER, Mr. ZSCHAU, Mr. FUSTER, Mr. CHAPPIE, Mr. BLILEY, Mr. DELAY, and Mrs. BENTLEY.

H. Con. Res. 40: Mr. CARNEY, Mr. LOWERY of California, Mr. DENNY SMITH, Mr. HORTON, Mr. PENNY, Mr. SYNAR, Mr. LEWIS of California, Mr. DYMALLY, Mr. WOLF, Mr. NIELSON of Utah, Mr. SCHEUER, Mr. LENT, Mr. BILIRAKIS, Mr. CAMPBELL, Mr. WEBER, Mr. LOEFFLER, Mr. DANIEL, Mr. FORD of Tennessee, Mr. SUNDQUIST, Mr. PARRIS, Mr. HARTNETT, Mr. GUNDERSON, Mr. SHELBY, and Mr. ROE.

H. Res. 20: Mr. ACKERMAN, Mr. ADDABBO, Mr. AKAKA, Mr. ANDREWS, Mr. ANTHONY, Mr. APPLEGATE, Mr. ASPIN, Mr. BOLAND, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mr. BREAUX, Mr. BROOMFIELD, Mr. BROWN of California, Mr. BRYANT, Mr. CARR, Mr. CLAY, Mr. CHANDLER, Mr. CONTE, Mr. CONYERS, Mr. COOPER, Mr. DARDEN, Mr. DELLUMS, Mr. DEWINE, Mr. DIXON, Mr. DONNELLY, Mr. DORGAN of North Dakota, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EDGAR, Mr. FAUNTROY, Mr. FORD of Tennessee, Mr. FRANK, Mr. GARCIA, Mr. GRAY of Pennsylvania, Mr. RALPH M. HALL, Mr. HAYES, Mr. HEFNER, Mr. HERTEL of Michigan, Mr. HILLIS, Mr. HORTON, Mr. JACOBS, Mr. JEFFORDS, Mr. KANJORSKI, Ms. KAPTUR, Mr. KOLTER, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mrs. LLOYD, Mr. LOWERY of California, Mr. LOWRY of Washington, Mr. LUNDINE, Mr. MCKINNEY, Mr. MADIGAN, Mr. MANTON, Mr. MARKEY, Mr. MATSUI, Mr. MAVROULES, Ms. MIKULSKI, Mr. MILLER of California, Mr. MITCHELL, Mr. MOLINARI, Mr. MOODY, Mr. MORRISON of Connecticut, Mr. MYERS of Indiana, Mr. NATCHER, Mr. O'BRIEN, Ms. OAKAR, Mr. OWENS, Mr. PENNY, Mr. PORTER, Mr. PRICE, Mr. RAHALL, Mr. RICHARDSON, Mr. RODINO, Mr. ROE, Mr. ROWLAND of Georgia, Mr. ROYBAL, Mr. SABO, Mr. ST GERMAIN, Mr. SAVAGE, Mr. SCHEUER, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. SHARP, Mr. SMITH of Florida, Mr. SOLARZ, Mr. SPRATT, Mr. STOKES, Mr. TALLON, Mr. TORRICELLI, Mr. TOWNS, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. WILLIAMS, Mr. WISE, Mr. WORTLEY, Mr. WYLIE, Mr. YATES, and Mr. YATRON.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions, and papers were laid on the Clerk's desk and referred as follows:

21. By the SPEAKER: Petition of the Commission on Aging, Des Moines, IA, relative to agricultural land; to the Committee on Agriculture.

22. Also, petition of the Commission on Aging, Des Moines, IA, relative to Indians; to the Committee on Education and Labor.

23. Also, petition of the 1984 Convention of the Diocese of Olympia, Seattle, WA, relative to Nicaragua; to the Committee on Foreign Affairs.

24. Also, petition of the National Black Heritage Observance Council, Inc., Washington, DC, relative to National Afro-American History Month; to the Committee on Post Office and Civil Service.

25. Also, petition of the Commission on Aging, Des Moines, IA, relative to older Americans; to the Committee on Rules.

26. Also, petition of the Commission on Aging, Des Moines, IA, relative to the Social Security trust funds; to the Committee on Ways and Means.

27. Also, petition of the Commission on Aging, Des Moines, IA, relative to the swing bed program; jointly, to the Committees on Ways and Means and Energy and Commerce.

28. Also, petition of the Commission on Aging, Des Moines, IA, relative to medical care costs; jointly, to the Committees on Ways and Means and Energy and Commerce.

EXTENSIONS OF REMARKS

LIMITING SUPREME COURT JURISDICTION ON BUSING

HON. PHILIP M. CRANE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. CRANE. Mr. Speaker, recently I introduced legislation, H.R. 81, to limit the jurisdiction of the Supreme Court and district courts regarding the question of forced busing.

The U.S. Supreme Court handed down a significant decision in Brown against Board of Education in 1954 which declared public school racial segregation unconstitutional. It was almost another decade before the Supreme Court began insisting on serious implementation. This decision was an outstanding example of judicial activism, the Court going beyond legislation to impose its view of what good social policy should be.

My legislation, if passed, will make an exception to the U.S. Constitution. In brief, article III, section 2, clause 2 declares that the Supreme Court shall have appellate jurisdiction in law and fact but with such exceptions and regulations which Congress might make. The actual citing states:

> In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the Supreme Court shall have original Jurisdiction. In all other Cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

Using this exception, my bill will amend chapter 81 of title 28 of the United States Code. A legislative remedy is necessary because the Federal courts have departed from their traditional role as impersonal interpreters of the law and have become active participants in both legislation and administration. In doing so, they have become part of the bureaucracy rather than an independent part of the Government mediating between other branches.

I believe that our Founding Fathers inserted this exception clause in the Constitution to insure that the will of the majority shall prevail under our system of government. The issue in this particular case is one of freedom, the right to be free from arbitrary, Government-mandated busing of one's children whether he is black or whether he is white. Mandated, forced busing for racial purposes denies citizens the opportunity to go to the school in their local school districts.

Furthermore, the actions of the courts show a strong commitment to forced busing despite overwhelming public opposition, and its record of failure to promote better integrated schools, improved racial relations, or better education. Discrimination should be combated, but court-ordered busing should be curbed. Busing has brought a flight of students from urban schools, and problems for a public school system already under criticism for not meeting the education needs of American students.

"White flight" continues to be an issue in the public school system as whites continue to abandon this system and enroll in private schools. The reason why this trend continues should not be attributed to racism, but rather to the fact that the quality of our educational system has declined. To help rectify the declining quality of education, busing expenditures resulting from transportation costs should be redistributed in the form of teacher salaries and basic programs to improve the education that our children receive.

In summary, busing creates a negative precedent. It reorders the constitutional powers of two of the three branches of Government. It is Congress' inaction that allows this situation to exist. To further familiarize my colleagues with the current busing problem I would like to share the following article by Mr. Ralph McMullan which appeared in the Wall Street Journal on January 21, 1985. After reading this article and examining my legislation, I urge your support of H.R. 81:

THAT BUSING SUCCESS STORY

(By Ralph McMullan)

Charlotte, N.C., was one of the first cities in the country to undergo forced busing. Today, it is often held up as a shining example of how busing can succeed in accomplishing desegregation without lowering the quality of education.

But now, the school-busing issue that so divided my native city and others in the early 1970s is back in the news as the Fourth Circuit Court of Appeals prepares to rule soon on the case of Riddick vs. School Board of Norfolk, Va. In an attempt to establish a voluntary system of integration favored by both blacks and whites, Norfolk is working to avoid many of the pitfalls inherent in a mandatory system such as Charlotte's.

This issue involved is almost certain to reach the Supreme Court: Can a school system under a court-ordered busing plan decide on its own to cut back on busing now that it has satisfied the courts that it has desegregated? A group of Norfolk residents has filed suit to prevent the partial dismantling of the forced school-busing plan in effect there. Instead, the school board proposes that elementary schools only adopt a modified "neighborhood" school system to try to end the flight of white children from Norfolk's schools.

SOME SIGNIFICANT LESSONS

Charlotte's history in this issue offers some significant lessons.

When President Reagan visited Charlotte during his reelection campaign, he called court-ordered busing a "social experiment that nobody wants" and one which had "failed."

The response by the local establishment was swift. The Charlotte Observer, the area's largest paper, fired an editorial salvo, later reprinted in the Washington Post, entitled "You Were Wrong, Mr. President." It stated that Charlotte's "proudest achievement is its fuly integrated public school system . . . born out of a bitter controversy" and declared that Charlotte's school system "has blossomed into one of the nation's finest. Supporters of forced busing to achieve racial balance have for years proudly cited Charlotte as an example of where busing worked. But how necessary was busing in Charlotte and what is the bottom line when its costs and benefits are balanced against each other?

I believe that the relative success of the busing experiment in Charlotte stems from the positive racial attitudes held by citizens of Charlotte rather than from the practice of forced busing itself. Many residents here have always been uncomfortable with segregation. In the early 1960s, most civic leaders pushed for voluntary, gradual integration when confronted with the problem of how to end the system of segregated schools. Before the decision requiring forced busing, Charlotte was slowly but surely integrating.

Around 1965 the community eradicated the practice of assigning black students to all-black schools, called "union schools." It was replaced by a system making pupil assignment dependent on geographical location supplemented by a freedom-of-choice option. Under this scheme all students could transfer to any school they wanted if they could furnish their own transportation and space in the school was available.

By 1969, there were only eight schools out of 106 in the system that were not integrated in some manner. Out of a total of more than 20,000 black students, the number attending integrated schools had increased from a few dozen in 1964 to nearly 10,000 in 1969. This system satisfied the then federal district court judge for Charlotte, Braxton Craven, when legal action was first filed against the school board. Because of the steps already taken, no federal remedies were prescribed.

However, this didn't satisfy Julius Chambers, a local civil-rights attorney, who had pressed for further judicial relief in 1968. The rest is history. James McMillan, the new federal court judge, required forced busing to achieve racial balance in Charlotte-Mecklenburg schools in the fall of 1970. The Supreme Court unanimously upheld his decision.

Opposition mounted to the order. Most community leaders did not support forced busing. Many whites fought it because they felt educational standards would decline

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

with the chaos forced busing would cause. Many blacks also opposed it because they realized a greater percentage of blacks than whites had to be bused to meet the required racial quotas. Violence and riots erupted, causing academic test scores to sag. Even the Charlotte Observer reported, "The anti-busing furor create(d) a highly charged atmosphere. . . . Racial tension within the schools became a fact of life in Charlotte." This grim condition continued until at least 1975.

After the initial struggle to overthrow court-ordered busing, a sense of futility set in. Once people knew that busing was here to stay, they accepted the verdict reluctantly and resigned to adapting to a difficult situation. In 1973, a coalition of black parents and white parents formed the Citizens Advisory Group to insure that the desegregation plans mandated by the federal courts would be applied equitably. The school board initiated various educational programs to improve the quality of education for all students.

Jane Scott, a former member of the Charlotte-Mecklenburg School Board and an opponent of forced busing, says: "Once the Supreme Court ruled that we had to implement 'busing,' I and many others did all we could to assure that the school assignments would be as equitable as possible. . . . The children had come first." Because of leaders like these, Charlotte managed to cope with the situation.

Despite the efforts of residents to make their school system work, evidence exists that many whites abandoned the public schools and that white flight is continuing. Since substantial integration had occurred prior to court-ordered busing, it is fair to assume that this white flight cannot be attributed to latent racism, but to a decline in educational quality. From 1972 to 1982, 12% of the white students left the public-school system. Enrollments are still declining despite continued population growth. If present trends continue, by 1995 the white school population will have declined almost 25%.

Thirty-four private schools now serve Charlotte and surrounding Mecklenburg county. Almost every one was established after 1968. Neighboring county school systems and nearby South Carolina school districts have grown rapidly in the past 10 years because of their proximity to Charlotte. One public-school official believes that many of Charlotte's "best and brightest students" have been lost to the private schools and that increases in private-school enrollment are directly related to forced busing.

Racial quotas are still required in some areas of school life, such as in the election of cheerleaders and school officers. Apparently, despite a decade of busing, protection by quota is still thought necessary to ensure that some blacks will be elected to leadership posts by the white majority.

An analysis of test-score statistics published in 1981 indicates that 10 years of busing have not succeeded in narrowing the educational gap between blacks and whites. Jane Scott, commenting on these scores in testimony before the Senate Subcommittee of Separation of Powers, contended that, "In virtually every category, the differential in the black and white scores is greater now" than when busing was ordered by the federal courts.

Since court-ordered busing was initiated in 1970, constant pupil reassignment has been necessary to maintain racial balance in the schools. The school board has had to adjust the assignment plan 11 times. This need to rework the plan has occurred because parents are reluctant to send their children to schools they consider inferior. Jay Robinson, the present school superintendent, believes that although racism may be a factor, concern for a child's education is the major reason. He says, "The one thing about pupil-assignment plans that has never worked in sending children from more affluent neighborhoods into lower income or deprived communities in the lower grades." This constant reshuffling has weakened many parents' commitment to the public-school system and caused them to opt for private schools.

TEST SCORES IMPROVE

Despite these problems, bright spots have appeared. Test scores rating student academic achievement have begun to rise after a significant plunge during the earlier years of busing. Although some critics have charged that a change in the type of test used caused the higher scores, school administrators believe better teaching methods and programs are the cause.

Scholastic Aptitude Tests (SAT) scores for Charlotte show encouraging results when measured against the same scores throughout the state. In 1983-84, Charlotte-Mecklenburg students averaged a combined score of 855—42 points below the national average but 28 points above North Carolina's average.

However, many Charlotteans still do not believe that a forced bus ride fosters learning, though the school board here has not chosen the voluntary approach being attempted in Norfolk. To be sure, Charlotte's experience has not been as traumatic as those of Boston and other cities. But even Julius Chambers and other supporters of forced busing concede that educational quality has suffered because of it.●

THE 20TH ANNIVERSARY OF THE GREATEST HIGH SCHOOL BASKETBALL GAME

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. FAUNTROY. Mr. Speaker, since the early 1960's, DeMatha Catholic High School of Hyattsville, MD, has enrolled talented basketball players that were born and raised in the District of Columbia. I need not go through a long list of Washingtonians who have become All-Metropolitan and All-American through the DeMatha program. Nonetheless, there are, and always will be, Washingtonians.

Today, Mr. Speaker, is the 20th anniversary of the "greatest high school basketball game ever played." This historic game was played between DeMatha and Power Memorial Academy of New York, Kareem Abdul-Jabbar's alma mater. Under the leadership of Coach Morgan Wooten, DeMatha defeated Power Memorial 46 to 43 and ended Powers' 71 game winning streak which was the second longest in high school history. Due to that victory, the entire DeMatha team was enshrined in the Basketball Hall of Fame in Springfield, MA.

Four of the starting five on the DeMatha team were from the District of Columbia and one was from Maryland. All four from the District of Columbia went on to become All-American in college and are successful professionals today. They are: Bob Whitmore, Notre Dame University, lawyer; Bernard Williams, LaSalle University, sales executive; Ernie Austin, Syracuse University, fast food restaurant operator; and Sid Catlee, Notre Dame University, government relations specialist.

Mr. Speaker, I congratulate DeMatha, Coach Wooten, and that historic team not only for winning that great game 20 years ago, but also for their continued success.●

ATTACK PAPERWORK BURDEN FORCED UPON THE ELDERLY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. BIAGGI. Mr. Speaker, today I am introducing legislation which represents the first step in reducing the tremendous paperwork burden which our elderly citizens face in order to receive Government benefits and services.

This paperwork burden is a serious problem. A recent survey by my staff revealed that there are at least 12 different Social Security forms which are required for benefits. Some of these include:

Application for mother's or father's insurance benefits; application for retirement insurance benefits; application for wife's or husband's insurance benefits; application for parent's insurance benefits; application for lump sum death benefit; application for widows or widowers insurance benefits; application for supplemental security income; application for medical insurance; application for hospital insurance; application for health insurance under Medicare for individual with chronic renal disease; and patient's request for Medicare payment.

While an elderly beneficiary does not necessarily have to fill out each of these forms for benefits, it seems reasonable to expect that some consolidation and simplification of the information collected by these forms could occur.

The Veterans' Administration requires separate application forms for burial benefits, burial flags, headstone and burial markers, and death pensions. One would expect that each of these benefits would be needed by a survivor at about the same time. Why then, should he or she be asked to

complete four different forms which request similar information? This is a tremendous waste of energy on the part of both the VA employee and the beneficiary, not to mention a waste of taxpayer dollars.

The legislation that I am introducing today orders the Department of Health and Human Services to study duplicative information collection and recommend ways in which to reduce it. The Department is already under court order to simplify Medicare information and forms for seniors and this project could be an expansion of that effort to other programs utilized by seniors.

This simplification effort has worked in the past. The Internal Revenue Service developed the "EZ 1040 short form" after recognizing and researching the needs of middle- and low-income taxpayers. This revised form contains only 11 lines.

In order to develop the form, the IRS interviewed taxpayers in the under $50,000 income group. Numerous graphic and design changes were recommended to simplify existing forms. In early 1982, the Commissioner of IRS pressed the staff to develop a new, short form that the majority of middle- and low-income taxpayers could use. During the 1982 tax season, over 15 milion people used the EZ form 1040 and it was the top choice for single taxpayers with incomes under $50,000 whose income was only from salaries, wages and tips.

If we in Congress can provide this kind of leadership in other areas of the Federal Government which collect information, we can institute the same kind of rational and much-needed change that will provide direct and tangible relief to our senior citizens.

The study requires no additional funds and directs the Department of Health and Human Services to use up to $100,000 of its existing revenues to conduct the survey. The study shall be conducted within a year of enactment of this bill and a report to Congress, with recommendations, must be provided within 90 days after completion of the study.

As an original member of the Select Committee on Aging, I have long been concerned about the confusing, duplicative forms which the elderly must complete. I believe that this study will be the first and important step in a major, Government-wide campaign to free the elderly from tremendous and unnecessary paperwork requirements.

In the 98th Congress, this bill enjoyed the bipartisan support of 51 of my colleagues. I hope that many more will join me this session in support of this initiative.

The text of the legislation follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Health and Human Services shall conduct a study on the collection by the Department of Health and Human Services of information from individuals, such as information collected through written report forms and application forms, to determine what information is being collected from the same class of individuals more than once. The Secretary shall study in particular the information required in forms that elderly persons must complete in order to receive Federal benefits under the jurisdiction of such Department.

SEC. 2. The Secretary shall complete the study not later than the end of the first fiscal year beginning after the date of the enactment of this Act and shall report to Congress not later than 90 days after completion of the study. The report shall include detailed recommendations for collecting information more efficiently and reducing information collection that is duplicative. The Secretary may use not more than $100,000 of funds appropriated after the date of the enactment of this Act to conduct the study.●

IMPORTED GOODS AND THE ECONOMY

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. APPLEGATE. Mr. Speaker, I would like to take this opportunity to bring before my colleagues in the House a matter of great concern to me and of growing concern to this Congress and Nation. Imported goods, particularly steel, have played economic havoc with many of our basic industries over the past several years. It has taken the Federal Government a long time to recognize this but some progress has been made over the years to restrain imports to varying degrees.

Two years ago, we passed the most far reaching buy American legislation in the past 50 years. In the last two Congresses, the House passed domestic auto content legislation which, unfortunately, did not clear the Senate. Legislation mandating country of origin labels on certain textile products was also passed. And with steel, too, legislation has passed that, if properly enforced, will lend itself to restricting unfair imports.

Last year, the International Trade Commission found that imports were, in fact, coming into this country to the degree that they hurt the domestic industry and were deemed to be unfair. Recommendations were made to the President in order to reverse that trend, but they were rejected in favor of voluntary trade restraints that were to be negotiated with the individual steel exporting nations.

I am pleased that, with the exception of the countries of Japan and South Korea, these trade pacts have been negotiated and are in place and working. I and my colleagues who represent steel-producing areas trust that this administration will vigorously enforce these agreements in an effort to give the American steel industry the breathing room it needs to once again establish itself as a leader. Further, I call on the administration to persist in their efforts to establish trade agreements with Japan and South Korea, two nations that have illegally dumped steel on our shores. I do not doubt that this will be a tough pill for these nations to swallow and, as such, may reject any proposal. If so, it will be incumbent on the Reagan administration to force the issue and use whatever means available in order to reach an accord.

While this has always been a primary concern of mine, steel imports is one that has taken on increased significance with me of late as a major employer in my district, Wheeling-Pittsburgh Steel, one of if not the most modern steel producing facilities in the country, finds itself on the verge of eonomic collapse. It is important to note that this company's financial plight is not the result of a lack of modernization, high employee wages, as the workers have already taken several wage and benefit concessions, or ineffective management. The bottom line to their problem is the marketplace which has been taken over by imported products. It is vital to point out, too, that Wheeling-Pittsburgh is not alone in this quagmire. It clearly points out the absolute necessity for strong and decisive action in controlling imports.●

TAX DEDUCTIONS FOR ANTI-CRIME GROUPS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. SCHUMER. Mr. Speaker, I am introducing legislation today to allow taxpayers to deduct contributions to community anti-crime groups, even if the taxpayers do not itemize.

The rate of serious crime has increased by 200 percent in the past two decades. In 1983, almost 37 million Americans were victims of crime. 23,000 citizens die each year as the result of crime, and many times that number are injured. The 98th Congress enacted major legislation designed to crack down on crime, including stiffer sentencing requirements and closer parole monitoring. State and local governments have also been devoting increased attention to the growing crime problem.

However, each day's news brings stories about ordinary citizens who feel so unsafe on our cities' streets and subways that they arm themselves in self-defense. Recently, a New York City grand jury failed to press assault charges against Bernhard Goetz, who

allegedly shot four youths who harassed him on the subway. City residents applauded Goetz's actions.

Other citizens have taken more responsible self-help measures. More and more frequently, members of our urban communities are joining together to fund community crime patrols and crime-prevention groups. Individual contributions to support these groups can range anywhere from $5 to $10 to several hundred dollars a year. For many low- and middle-income families, these contributions consitute a major expense.

By allowing nonitemizers to deduct their contributions to crime-prevention organizations, my legislation alleviates the financial burden that the less affluent face in their efforts to protect their homes and their persons. In addition, it encourages a spirit of self-help and community cooperation, which will make our neighborhoods both more secure and more pleasant. I urge all of my colleagues to join with me in support of this legislation to enable citizens to help themselves in a responsible and communitarian manner.

The text of the bill follows:

H.R. 840

A bill to clarify the law by explicitly providing that nonprofit community crime prevention organizations and crime victim assistance organizations are organizations operated for charitable purposes within the meaning of the Internal Revenue Code of 1954, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NONPROFIT COMMUNITY CRIME PREVENTION AND CRIME VICTIM ASSISTANCE ORGANIZATIONS ARE ORGANIZATIONS OPERATED FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Section 501 of the Internal Revenue Code of 1954 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) CHARITABLE PURPOSES INCLUDE COMMUNITY CRIME PREVENTION AND CRIME VICTIM ASSISTANCE.—For purposes of this title—

"(1) the purpose of providing patrols or surveillance to detect criminal acts within any community (or any part of such community) and reporting such acts to law enforcement officers,

"(2) the purpose of providing assistance or counseling to individuals who are the victims of criminal acts or victims of particular types of criminal acts,

"(3) the purpose of providing counseling or instruction relating to the prevention or detection of criminal activity, including instruction in methods of self-defense, and

"(4) any other purpose directly related to the prevention or detection of criminal acts, the reduction of criminal activity, or the mitigation of the effects of criminal acts on victims of such acts,

shall be treated as charitable purposes."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 2. DIRECT DEDUCTION FOR CHARITABLE CONTRIBUTIONS TO NONPROFIT COMMUNITY CRIME PREVENTION AND CRIME VICTIM ASSISTANCE ORGANIZATIONS ALLOWED.

(a) IN GENERAL.—Section 170 of such Code (relating to charitable, etc., contribution and gifts) is amended by redesignating subsections (k) and (l) as subsections (l) and (m) and by inserting after subsection (j) the following new subsection:

"(k) SPECIAL RULE FOR CRIME PREVENTION AND CRIME VICTIM ASSISTANCE CONTRIBUTIONS BY NONITEMIZERS.—

"(1) IN GENERAL.—In the case of an individual who does not itemize his deductions for the taxable year, the amount of any crime prevention and crime victim assistance contribution allowable as a deduction under subsection (a) for the taxable year shall be taken into account as a direct crime prevention and crime victim assistance contribution deduction under section 63.

"(2) CRIME PREVENTION AND CRIME VICTIM ASSISTANCE CONTRIBUTIONS DEFINED.—For purposes of this subsection, the term 'crime prevention and crime victim assistance contributions' means any charitable contribution to a charitable organization which is organized and operated exclusively for one or more of the purposes described in paragraph (1), (2), (3), or (4) of section 501(m).

"(3) LIMITATION.—The amount of any crime prevention and crime victim assistance contributions which may be taken into account under this subsection for any taxable year shall not exceed—

"(A) the amount allowable as a deduction under subsection (a) for such taxable year, minus

"(B) any amount which is taken as a direct charitable deduction for such taxable year under subsection (i)."

() DEFINITION OF TAXABLE INCOME.—

(1) IN GENERAL.—Paragraph (1) of section 63(b) of such Code (defining taxable income of individuals) is amended—

(A) by inserting after subparagraph (C) the following new subparagraph:

"(D) the direct crime prevention and crime victim assistance contribution deduction, and", and

(B) by striking out "and" at the end of subparagraph (B).

(2) Direct crime prevention and crime victim assistance contribution deduction defined.—Section 63 (defining taxable income) is amended by adding at the end thereof the following new subsection:

"(j) DIRECT CRIME PREVENTION AND CRIME VICTIM ASSISTANCE CONTRIBUTION DEDUCTION.—For purposes of this section, the term 'direct crime prevention and crime victim assistance contribution deduction' means that portion of the amount allowable as a deduction under section 170(a) which is taken as a direct crime prevention and crime victim assistance contribution deduction under section 170(k)."

(1) Subsection (f) of section 63 of such Code (defining itemized deductions) is amended—

(A) by adding at the end thereof the following new paragraph:

"(4) the direct crime prevention and crime victim assistance contribution deduction.",

(B) by striking out "and" at the end of paragraph (2), and

(C) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", and".

(2) Subparagraph (A) of section 3(a)(4) of such Code (defining tax table income) is amended—

(A) by inserting after clause (ii) the following new clause:

"(iii) the direct crime prevention and crime victim assistance contribution deduction, and", and

(B) by striking out "and" at the end of clause (i).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 1985, in taxable years ending after such date.

SEC. 3. SECRETARY OF THE TREASURY REQUIRED TO ESTABLISH SIMPLE PROCEDURES FOR QUALIFYING NONPROFIT COMMUNITY CRIME PREVENTION AND CRIME VICTIM ASSISTANCE ORGANIZATIONS AS CHARITABLE ORGANIZATIONS.

The Secretary of the Treasury (or the delegate of such Secretary) shall establish procedures under which any nonprofit organization organized and operated exclusively for one or more of the purposes described in paragraph (1), (2), (3), or (4) of section 501(k) of the Internal Revenue Code of 1954 (defining charitable purposes as including community crime prevention and crime victim assistance) can qualify as an organization described in section 501(c)(3) of such Code (defining certain tax exempt organizations) with a minimum of paperwork and lapse of time.●

51-059 O-86-43 (Pt. 1)

AN HONORED VETERAN

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. McDADE. Mr. Speaker, I rise to bring to the attention of the House, the death of an honored veteran of the Korean conflict who spent over 3 years as a prisoner of the Chinese, the longest period of captivity suffered by any soldier from my State during the conflict.

I speak of Thaddeus Novobilski of Simpson, PA, who died last November 16 in the Veterans' Administration hospital at Wilkes-Barre, PA. Injuries suffered during his captivity were a factor in his death.

Mr. Novobilski was a member of the Army's famed 24th Infantry Division in occupied Japan when, on June 27, 1950, he was ordered to Korea.

He was wounded and captured by enemy forces at Chochiwan, Korea, on July 11, 1950, and spent the following 1,140 days in captivity.

Mr. Novobilski was a member of the Disabled American Veterans, the American Legion and American Ex-Prisoners of War. He was employed as a welder by the Doyle & Roth Co., of Simpson, PA, and was a member of St. Michael's Church of Simpson.

My condolences go out to his brothers, Stanley, Donald, and Edward Bognatz, and to his sisters, Mrs. Joseph Szymaszek and Mrs. Rosemary Sefchik.●

CONFIDENTIALITY OF MEDICAL AND DENTAL RECORDS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. CRANE. Mr. Speaker, recently I introduced legislation, H.R. 74, to provide for the confidentiality of medical and dental records of patients not receiving assistance from the Federal Government. This bill would prohibit Federal agencies and their employees from acquiring and/or inspecting medical and dental records without the express written authorization of the patients.

H.R. 74 is a necessary legislative remedy due to several documented cases where Government research has used the private medical files of individuals. The individual's names and ailments were disclosed publically, without obtaining prior consent.

As provided by the Bill of Rights, the protection against the invasion of privacy is inherent in our Constitution. The first amendment allows the right to speak freely to one's doctor. The fourth amendment recognizes the right to be secure against searches and seizures of personal records and the fifth amendment acknowledges that we need not testify against ourself openly or vis-a-vis medical records. It is unconstitutional to allow an individual's rights to be superseded by the needs of the Government or public.

Moreover, when this issue was considered in the past, doctors testified that they felt a reluctance to complete medical files due to a fear of violating their Hippocratic oath. This unrecorded information, known only to the personal doctor, could then be lost to a subsequent treating physician. Patients have also testified to withholding information from their doctor fearing that their ailments may later be open to the scrutiny of Federal agents.

Furthermore, due to the recent computerization of medical and dental files on the part of hospitals and doctors, accessibility of personal information has greatly increased. Not only is the Government and it's Federal agencies interested in these files, but there are documented cases where insurance agencies and employers have utilized them to discriminate against potential customers and employees. This fear of disclosure is a practice that must be halted. It is for this reason that I introduced H.R. 74. I ask and welcome my colleagues to join me in this endeavor by cosponsoring this legislation.●

GENTLE BEN SHANBERG

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. LaFALCE. Mr. Speaker, on Friday, January 18, 1985, a very good personal friend of mine, a retired painter and union organizer, and a very great friend and member of the Democratic Party, Benjamin Shanberg, died at the age of 77 in Veterans Hospital in Buffalo, NY, after a brief illness.

I first met Ben in 1970 when I made my initial bid for public office. In all the years since, I have never met a more dedicated friend or supporter.

Ben was a native of Cleveland, who moved to Massachusetts where he graduated from Springfield High School. He then served in the U.S. Army in Europe during World War II, and was wounded twice in the Battle of the Bulge. For that he was awarded the Purple Heart and the Oak Leaf Cluster.

In 1946 Ben came to Buffalo where he started his own painting business, the Spic & Span Co. He soon became involved in Democratic politics, becoming a committeeman for the Erie County Democratic Committee for 25 years. He was especially active over those 25 years in the town of Tonawanda Democratic Committee, where he served not only as a committeeman, but as an executive board member and assistant sergeant-at-arms. Above and beyond that, he was an officer and cofounder of the Over 50 Club of Kenmore-Town of Tonawanda, life member of the Roll of Honor of the Disabled American Veterans Chapter 120 of Kenmore and a member of the Painter's Union of Buffalo Local No. 43.

Ben is survived by his lovely wife, the former Louise M. Gugino, who truly was his partner, in every sense of the word, in all his personal, political, and professional endeavors. He also has two surviving and lovely daughters, Mary Ann Bolles of Buffalo and Barbara H. Shanberg of California. He is also survived by his brother, Maurice, of Washington, DC, and two grandchildren.

On Thursday, January 24, 1985, the Tonawanda News published an editorial that summed up the feelings of the entire community toward Ben. In particular, they said: "His death last weekend marked the end of a distinguished career of community service. His voice in town affairs and his frequent letters to the editor will be missed."

Mr. Speaker, I wish to insert the entire editorial from the Tonawanda News, entitled "Gentle Ben":

GENTLE BEN

For more than a quarter century, Benjamin Shanberg was a community activist and strident Democrat in Town of Tonawanda and Erie County circles.

In an overwhelmingly Republican town, a minority voice sometimes can get discouraged. That was never the case with Ben and his wife, Louise, who toiled so long for the Democratic Party and he carried his message of minority representation long, yet firmly and respectfully.

Mr. Shanberg was a member of the town committee executive board and was its assistant sergeant-at-arms. He was a co-founder of the Over 50 Club of Kenmore-Town of Tonawanda.

His pinnacle of community service was reached when he was a national organizer for the 1981 Solidarity Day which brought 750,000 persons to rallies in Washington.

The self-employed painter distinguished himself in World War II where he was wounded twice and received the Purple Heart and Oak Leaf Cluster.

His death last weekend marked the end of a distinguished career of community service. His voice in town affairs and his frequent letters to the editor will be missed.●

MRS. BRUNA ODELLO—WOMAN OF THE YEAR

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. PANETTA. Mr. Speaker, it is a pleasure to be able to inform my colleagues that Mrs. Bruna Odello has been named "Woman of the Year" by the Quota Club of Monterey and Pacific Grove, CA.

Mr. Odello has received this designation because of her selfless civic involvement and her dedication to helping those around her. Her active involvement in countless civic organizations has made her the indispensable woman in our area. Just a brief list of the organizations and other civic efforts in which she participates should give you an idea of why she has received this honor.

Coastal Planning Commission;
Environmental Health Commission;
Voting Election Board;
Carmel Foundation;
Civic Club;
Monarch Pines Senior Citizens Mobile Home Park;
Carmel Convalescent Hospital Volunteer Feeding Program;
Bing Crosby Golf Tournament and the U.S. Open;
Girl Scouts; and
Monterey History and Art Association.

In addition to these many activities, Mrs. Odello has worked extensively in projects involving the Carmel Mission. Among other things, she is a past president of the Mothers' Club and an active member of the Altar Society, and has been head of the Cursillo committee, chairman of the Annual

Fiesta Committee, director of European Pilgrimage Tours, assistant in the Junipero Serra School programs, a teacher of religious education classes, a counselor and advisor in the Christian Youth Club, and a participant in the organized widows and widowers support group at MacMahon Center.

Mrs. Odello was born in Italy and moved to the United States when she was 3 years old. She moved to the Monterey Peninsula in 1947. She and her late husband Emilio had two daughters, Pamela and Carla, both of whom live on the Monterey Peninsula. The Odellos have been artichoke farmers for several decades, and Mrs. Odello's dedication to the land has led to her involvement with the Carmel Coastal Commission's land use activities and her donation of property to Carmel as a wildlife refuge.

Mr. Speaker, rarely does a person dedicate herself so completely to the well-being of her fellow citizens. Mrs. Odello's contributions to a better life for the people of Monterey Peninsula, and to the very special environment of this beautiful area, have earned her the title of "Woman of the Year." It is a title that is richly deserved. I know my colleagues join me in congratulating Mrs. Odello.●

CRIME VICTIMS TO DEDUCT MEDICAL EXPENSES WITHOUT 5 PERCENT FLOOR

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. SCHUMER. Mr. Speaker, I am introducing legislation today to allow crime victims to deduct medical expenses incurred as a result of crime without regard to the usual 5 percent floor on this deduction. My bill would also allow crime-related medical expenses to be deducted by nonitemizers.

Serious crime—murder, rape, arson, assault, robbery, and burglary—affects 1 out of every 10 households in this country each year. The rate of serious crime has increased by 200 percent in the past two decades to the point where almost 37 million Americans were crime victims in 1983—23,000 citizens die as the result of crime each year and many times that number are injured. The expenses associated with crime-inflicted injury can be as crippling as the injury itself. This legislation would substantially ease this financial burden.

The 98th Congress enacted major legislation designed to crack down on crime, including stiffer sentencing requirements and closer parole monitoring. However, since only 5 percent of all crimes committed fall under the jurisdiction of the Federal Government, the impact that Congress can have through that kind of legislation is limited. In addition, that legislation focuses only on deterring the criminal. Increasingly, we are becoming aware that we must also concentrate our efforts on helping the victims of crime.

Allowing victims to deduct crime-related medical expenses from their taxes is an important step toward a crime policy which not only punishes the criminal but also helps the victim. By allowing nonitemizers to deduct their crime-related medical expenses, my legislation assists all victims of crime, regardless of their income level. Moreover, this tax deduction provides a means for Congress to alleviate the hardship suffered by crime victims no matter whether these crimes fall under Federal or State jurisdiction. I urge all of my colleagues to join with me in support of this legislation which takes a real step toward alleviating the suffering of our citizens who are victims of crime.

I ask unanimous consent that the text of the bill be printed in the RECORD.

H.R. 841

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of section 213 of the Internal Revenue Code of 1954 (relating to medical, dental, etc., expenses) is amended to read as follows:

"(a) ALLOWANCE OF DEDUCTION.—That shall be allowed as a deduction the following amounts, not compensated for by insurance or otherwise—

"(1) the amount by which the expenses paid during the taxable year (reduced by any amount deductible under paragraph (2)) for medical care of the taxpayer, his spouse, and dependents (as defined in section 152) exceeds 5 percent of adjusted gross income, and

"(2) the crime-related medical expenses paid during the taxable year."

(b)(1) Subsection (d) of section 213 of such Code is amended by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) CRIME-RELATED MEDICAL EXPENSES.—The term 'crime-related medical expenses' means amounts paid for medical care of the taxpayer, his spouse, or a dependent if such care is for an injury (or other condition) resulting from the act of another person which is punishable as a crime under Federal, State, or local law."

(2) Paragraph (6) of section 213(d) of such Code (as redesignated by paragraph (1)) is amended by striking out "paragraph (2)" and inserting in lieu thereof "paragraph (5)".

(c) Section 62 of such Code (defining adjusted gross income) is amended by inserting after paragraph (16) the following new paragraph:

"(17) CRIME-RELATED MEDICAL EXPENSES.—The deduction allowed by section 213 for crime-related medical expenses paid during the taxable year."

(d) The amendments made by this section shall apply to taxable years beginning after December 31, 1984.●

STARVATION: YET ANOTHER SOVIET MODUS OPERANDI

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. CRANE. Mr. Speaker, recent events in Marxist Ethiopia have brought to light but another of the diabolical methods which the Soviet Union and its Third World proxies routinely employ to maintain absolute subjugation over their own citizens. A 6,000-ton food shipment from Australia that had been intended for the starving famine victims in rebel-held areas was impounded by Ethiopian officials. The ostensible justification for the seizure was that Australia was trying to infringe on Ethiopian sovereignty. What this amounts to, however, is nothing more than a despicable attempt to starve those unfortunate enough to live in Eritrea and Tigre into submission. To use this horrible famine for political purposes shocks the conscience of civilized people throughout the world.

But this type of behavior is nothing new, and comes as no surprise to those who have bothered to observe Soviet policies over the years. The Ukrainian Famine of 1933 in which an estimated 7.9 million Ukrainians died after the Soviets confiscated their grain and destroyed their stores of food is perhaps the most stunning example of the use of starvation as a political tool. But it is far from unique. In Afghanistan the Soviets have systematically destroyed the agricultural base of the country. Not only have the Soviets resorted to carpet bombing of villages, but after such a bombing troops will enter the village and burn any crops that have survived. Grain stocks are carried away and livestock are exterminated, leaving the villagers to face a winter without food and little expectation of getting any.

And yet here, little is said about the use of starvation as political tool. Many seem to even ignore it. It is our duty, though, to denounce what has happened in the strongest possible terms, and to expose to close scrutiny the true nature of those who formulate Soviet policy. The more costly this type of deplorable activity becomes for the Soviets and their cronies in terms of prestige and influence among developing countries, the less likely its is that it will be used.

A recent editorial from the Wall Street Journal provides some salient insights into this problem, and I recommend that my colleagues take a few moments to read what it has to say.

The article follows:

FAMINE-BUSTING

Forget the Malthusian claptrap about overpopulation and exhausted soil. The

worst famines in the world today are political. They have become a weapon in the Soviet Union's attempt to control its Third World proxy empire.

Partly out of urgent humanitarian considerations and partly to contain a new and particularly devilish twist to Soviet imperialism, the U.S. is in need of better techniques to get food to starving people. Finding ways to counter the political use of starvation by the Soviets and their Third World puppet governments would not only save lives but might help improve Third World estimates of America's political effectiveness.

Evidence of the Soviet strategy is by now compelling. The most appalling example is Ethiopia, where the Russians and their stooges in the Ethiopian government are actually thwarting shipments of food to starving people not under government military control—even though rebel movements have asked for a "food truce." The government's "relief effort" consists of a "resettlement program" designed mainly for population control that consumes thousands of truck and helicopter hours urgently needed to transport grain.

Free-lance journalist Gail Smith reported late last week on interviews with refugees who recently escaped from the Asosa resettlement center in Ethiopia to Sudan's Blue Nile province. They said that 4,000 people had died at the Asosa camp in one month and that Ethiopian soldiers killed 330 trying to escape.

Less ghastly but more indicative of Soviet strategy are reports from Afghan refugees that the Soviet invaders are now systematically destroying the country's agriculture. Interviews conducted by the Peshawar-based Afghan Information Center show a common pattern: After heavy bombardment, Soviet troops will enter a village, carry away its grain stocks, exterminate cattle and poultry, and blow up the karez, the central underground irrigation canal. The Russians were cheated of an Afghanistan famine this year by good crop weather. But pockets of hunger have developed in areas of heavy fighting such as Herat, next to Iran.

Traditional relief efforts are not doing the job. A government trying to starve its own people isn't about to help the U.N. or Western charities ship them food. We've already heard too many stories of massive grain shipments rotting on the docks in Ethiopia while anguished relief officials, reluctant to jeopardize their access to the country, join the diplomatic dissembling about the host government's real motives. More help comes from backdoor shipments such as the aid apparently now reaching rebel-held Ethiopia through the Sudan.

Some relief workers in Afghanistan are studying ways to dispense with traditional bureaucratic distribution systems. A famine, they argue, almost never starts with an absence of food; it comes from a market distortion. A crop failure runs up the price of grain and depresses the price of livestock. Peasants sell herds they can't afford to feed, glutting the market and further reducing their income. At the same time, grain merchants hold their goods from the rising grain market, waiting for the prices to run up even further. Starving comes when peasants run out of money for food.

The quickest way to break this cycle is not to import a massive aid bureaucracy but to break the market expectations. Flood the open market with enough grain to stabilize the price and hoarding will no longer pay. Local reserves will be released. Even with its horrors of starvation, say relief workers, Tigre province in Ethiopia still holds reserves of 15,000 to 20,000 tons of grain, enough to feed it for a year.

Traditional relief abhors this strategy, of course. It involves releasing grain with a minimum of restrictions, in effect co-opting the black market. But the grain already being diverted through the black market from the official aid to Ethiopia is all that is saving some people in rebel-held areas.

Will the imports reach the poorest and most vulnerable people? That is a welfare question to be dealt with after the initial emergency effort to break the hoarding cycle. But local charities have been working with that problem for years, through nationalist relief societies or mosques.

U.S. "P.L. 480" food relief efforts often fail to take sufficient account of local market forces. If U.S. surpluses are dumped on a local economy in too large a quantity and at the wrong time, the resulting price drop can drive local farmers out of business. Grain dumping to break a famine market needs to be strictly short-term and carefully calibrated not to drive the price below the profit margin necessary to get local farmers back on their feet.

The West may soon have a good testing ground for improved strategies in the Sudan, where waves of Ethiopian refugees, now crossing at the rate of 3,500 a day, may soon give us two famines for the price of one. The price of sorghum, the Sudanese staple, tripled last year and hoarding against further increases has already been reported.

The first necessity for the U.S. is to loudly condemn starvation politics. The second is to gain some understanding of how to put the market to use in relief efforts. These efforts should be backed with some real political muscle. It's time to drop the Malthusian claptrap and get down to cases.●

POLISH AMERICAN HERITAGE MONTH

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. BORSKI. Mr. Speaker, I am very proud today to introduce with 90 cosponsors, a joint resolution designating August 1985 as "Polish American Heritage Month." I urge our colleagues to join with us in support of this resolution.

I insert the text of the resolution in the RECORD:

JOINT RESOLUTION DESIGNATING AUGUST 1985 AS "POLISH AMERICAN HERITAGE MONTH"

Whereas since the first immigration of Polish settlers to Jamestown in the 17th Century, Poles and Americans of Polish descent have distinguished themselves by contributing to the development of the United States of America in the arts, sciences, government, military service, athletics, and education;

Whereas Kazimierz Pulaski, Tadeusz Kosciuszko, and other sons of Poland came to our shores to fight in the American War of Independence and to give their lives and fortunes for the creation of the United States;

Whereas the Polish Constitution of May 3, 1791 was directly modeled after the Constitution of the United States, is recognized as the second written constitution in history, and is revered by Poles and Americans of Polish descent;

Whereas Americans of Polish descent and Americans sympathetic to the struggle of the Polish nation to regain its freedom remain committed to a free and independent Polish nation;

Whereas Poles and Americans of Polish descent take great pride in and honor Poland's greatest son, His Holiness Pope John Paul II;

Whereas Poles and Americans of Polish descent take great pride in and honor Nobel Peace laureate Lech Walesa, the founder of the Solidarity Labor Federation;

Whereas the Solidarity Labor Federation was founded in August of 1980 and is continuing its struggle against oppression by the Polish Government; and

Whereas the Polish American Congress is observing its forty-first anniversary this year and is celebrating August 1985 as Polish American Heritage Month. Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that August 1985 is designated as "Polish American Heritage Month." The President is requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.●

A TRIBUTE TO W. CARY EDWARDS

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. COURTER. Mr. Speaker, I rise to proudly pay tribute to a fellow New Jerseyite, an outstanding public servant and a good friend, W. Cary Edwards.

On February 2, Cary Edwards will be honored for his achievements and service to the Garden State and its citizens. A career with as many accomplishments as his is indeed worthy of recognition, and is truly special given Cary's relatively short time in State government.

How many public officials can claim in one decade to have served their community on the borough council, been elected three times to the New Jersey General Assembly, and in that brief time as a lawmaker, been chosen by his colleagues to serve as assistant minority leader, been selected as one of the 10 outstanding legislators, and, most recently, been asked to serve in the Governor's cabinet as chief counsel. The answer, we know, is that very, very few individuals can match the outstanding career that Cary Edwards has already established.

It is too easy to highlight Cary's work by simply listing his many awards and accomplishments: Student with a full academic scholarship; law school graduate; university instructor

and an assistant dean; expert in municipal law; and citizen of the year awards.

That is the abbreviated list and it tells only a small part of the story.

Cary is indeed a rare person. He has demonstrated versatility, and above all, an outstanding ability to deal with people of all persuasions and problems at all levels.

To make an analogy, Cary Edwards is the Joe DiMaggio of New Jersey—he can hit, he can run, and he can throw. We, in the Garden State, are especially fortunate to have Cary Edwards on our team. And I'm sure I speak for all when I say we expect many more championship seasons for New Jersey with Cary in the batting order. Mr. Speaker, I ask the House of Representatives to join in honoring my colleague, W. Cary Edwards, a truly special New Jerseyite.●

RELIEF FOR MADAM ANNE BRUSSELMANS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednsday, January 30, 1985

● Mr. BIAGGI. Mr. Speaker, today I am introducing a private bill for the relief of Madam Anne Brusselmans. By means of background, Madam Brusselmans, a native of Belgium is an 80-year-old heroine of World War II who was instrumental in saving the lives of hundreds of American allied airmen who parachuted into Nazi-occupied Belgium territory.

To her credit she has been awarded the Medal of Freedom with silver palm, Medal of Freedom from the U.S. War Department, Polish Medal of Resistance, an Order of the British Empire and numerous citations.

The need for this legislation stems from the fact that Madam Brusselmans' previous application to obtain U.S. permanent resident status has been denied because of her failure to fit into any of the six preference classes established by the Department of State. These are: First preference, unmarried sons and daughters of U.S. citizens; second preference, spouses and unmarried sons and daughters of aliens lawfully admitted for permanent residence; third preference, members of the professions or persons of exceptional ability in the sciences and arts; fourth preference, married sons and daughters of U.S. citizens; fifth preference, brothers and sisters of U.S. citizens; sixth preference, skilled and unskilled workers in short supply; and nonpreference, other immigrants.

I have been contacted by airmen groups—that is. Association of Air Force Prisoners of War—on behalf of Madam Brusselmans who have offered their strong support with regard to her obtaining U.S. permanent resident status.

Another reason I have taken this unusual step is because of the fact that Madam Brusselmans has suffered a number of major setbacks in her health. For several years she has been afflicted with a chronic case of phlebitis where she has lately been confined to a wheelchair. Presently she is undergoing physical therapy but still must use a wheelchair.

Her family is desirous of having her remain in the United States because of her health, and the fact that her daughter and grandson are the only family she has in the United States with the exception of her son, who is a doctor residing in Brussels, Belgium.

Madam Brusselmans has demonstrated a love for this Nation and her people through her heroic work during World War II. The achievement of permanent resident status would represent the fulfillment of a lifelong dream for her, and I would like to help her in this worthy cause. I hope this legislation can gain early and favorable consideration.●

RETURN TO THE GOLD STANDARD

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. CRANE. Mr. Speaker, if we are to revitalize our Nation's economy, we must remove from Government the temptation and the ability to produce chronic budget deficits. Restoration of a dependable monetary standard based on a commodity with fixed value would, by making monetization impossible, accomplish this. For this reason, I have introduced H.R. 69, a bill to provide that all Federal Reserve notes and other currencies of the United States shall be redeemable in gold.

In the constitutional debates in Philadelphia the monetary standard of the United States was a matter of central consideration. Article I, sections 8, 9, and 10 provides unequivocably for a monetary standard of gold and silver. Not until 1862, in the midst of the Civil War, did America suspend convertability and begin printing greenbacks. During the Civil War, as a result of the suspension of convertability, price levels tripled. When Congress decided to return to a gold convertible greenback in 1875 to prevent further increases, prices stabilized and inflation ceased to exist.

In the half century that has passed since President Roosevelt ordered that U.S. citizens would not be able to trade dollars for gold, the purchasing power of the dollar has declined significantly while the value of gold in real terms has remained almost constant. In 1928, one could purchase a two door Chevrolet coupe with a rumble seat for $720 or 36 ounces of gold. Thirty six ounces of gold today—at a little over $300 per oz.—will buy two fine Ford Escorts. In 1932 one could buy a fine suit of clothes for $20 or 1 ounce of gold. One ounce of gold will buy you a fine suit today. One ounce of gold in the early depression years would buy you 200 gallons of gasoline at the pump—10 gallons for a dollar. One ounce of gold today—with gasoline at $1.20 per gallon—will buy you 250 gallons of gasoline. While the gold standard is not perfect, its reinstitution in some form would be an improvement over the fiat paper money in circulation since 1933.

The question is not whether it is possible to reestablish the gold standard or whether it is too difficult to do so. But, the practical question: Is it harder to return to a gold standard which worked for over 150 years in America, or is it harder to live with the conditions that have resulted from a reliance on fiat currency—the highest interest rates, the worst inflation, alternating inflation and potential deflation, recessions, and so forth? Not only would a gold backed dollar bring about monetary stabilization and lower interest rates, but it would also help to balance the budget by preventing politicians from overspending and then simply monetizing the debt. It is high time for our currency to once again be as sound as a dollar and the dollar to be as good as gold.●

A PLEDGE OF SUPPORT FOR SOVIET JEWRY

HON. H. JAMES SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. SAXTON. Mr. Speaker, I would like to take this opportunity to pledge my support for the millions of Jews living under oppression in the Soviet Union.

As we all know, the number of Jews allowed to emigrate from the Soviet Union has been reduced to barely a trickle. The recent statement from Moscow that "all the Jews who wanted to leave have already done so" would seem merely absurd if it weren't so cruel. According to the National Conference on Soviet Jewry, at least 350,000 Jews have begun the emigration process. Many have waited years without hearing a word regarding their application, and thousands are hoping to be reunited with family members in the West. These refuseniks" are considered outcasts in the Soviet society and are subject to numerous forms of intimidation by the omnipotent KGB.

Equally as frightening as the withholding of emigration rights and the intimidation of refuseniks is the assault on Jewish culture within the Soviet Union. Recently there has been an increase in the harassment of Hebrew teachers and cultural activists. The upsurge in the number of arrests on false charges of these teachers and activists is evidence of the Soviets' determination to suppress Jewish culture in the Soviet Union.

I call on the Soviet Union to join the family of nations in honoring the Helsinki accords, which guarantee an individual's rights to freedom of religion, cultural practices and emigration—a situation which clearly does not exist in the Soviet Union today.

Furthermore, Mr. Speaker, I would like to introduce this body to the family that I, as the Member from the 13th District of New Jersey, have adopted through the Soviet Jewry Adoption Program. Gennady Feldman and his family first applied to emigrate from the Soviet Union in 1976. As they wait to be allowed to be reunited with Gennady's parents and sister in Israel, the Feldman's will know that we in the West have not forgotten their plight and will not rest until all refuseniks are allowed to emigrate freely.●

SMOKING AND LUNG CANCER

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. BLILEY. Mr. Speaker, the following article, which appeared recently in the Raleigh, NC, News and Observer, illustrates quite clearly that the evidence linking cigarette smoking and lung cancer is far from scientific and conclusive. I commend this article to my colleagues' attention, and ask that it be kept in mind when Congress considers tobacco issues.

CIGARETTE, CANCER LINK FAILS TO APPEAR IN MICE

Inhalation of cigarette smoke by mice did not produce a type of lung cancer cell associated with smoking in humans, according to a nine-year, $12 million study released last week by the Council for Tobacco Research.

The study was the final report of scientists at Microbiological Associates Inc., an independent research company in Bethesda, Md., and was titled "Chronic Exposure of Mice to Cigarette Smoke." The Council for Tobacco Research is an organization of tobacco manufacturers, growers and warehouse operators that sponsors research into health and smoking.

More than 10,000 mice inhaled the smoke from more than 800,000 cigarettes during the study.

The study, released Friday, also found that mice who suffered from chemical-induced lung cancer did not show significantly increased lung cancer when later exposed to long-term cigarette smoke inhalation.

All types of lung tumors identified in the mice occurred at the same frequency in the smoke-exposed mice, in mice treated identically but without smoke exposure, and with control animals, the study said.

The project, at its peak, required about 11,000 animal-related manipulations daily. Scientists performed autopsies on the animals, microscopic examinations of tissues, data evaluation and re-evaluation, and final analyses on each phase of the study.

The animals used were mostly females of inbred mouse strains that were developed to be genetically susceptible to the induction of lung tumors by various cancer-causing chemicals.

The study showed that mice got squamous, or scale-like, cell cancers, a type found in human lung cancer, and other types of lung tumors when pretreated with methylcholanthrene, a potent carcinogen. Daily exposure to smoke did not change the types of methylcholanthrene-induced tumors compared to animals treated identically but without smoke exposure.

The animals who were not exposed to smoke had a higher incidence for all malignant lung tumors than animals given methylcholanthrene and then exposed to smoke.

A comparison of the occurrence of all types of cancers showed a 27 percent incidence for the smoke-exposed groups and a 29 percent incidence for mice treated identically but without smoke exposure.●

FILIPINO JUSTICE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. FASCELL. Mr. Speaker, the recent indictments issued in the Philippines offer hope that those responsible for the murder of opposition leader Benigno Aquino will be brought to justice.

An editorial in last Friday's Miami Herald provides an excellent analysis of the meaning of these indictments of the future of the Philippines and of United States-Philippine relations. The political and economic trends in the Philippines over the past 15 years have been particularly disheartening. Many of us hope the leadership in that country, as the Miami Herald suggests, has realized the need to reverse these trends.

Many Americans can still recall the close association of United States and Philippines armed forces during World War II when we were united in common purpose. We recall the high international prestige of the Philippines in the post war world, as its distinguished citizens such as Magsaysay and Romulo influenced the course of history in positive ways. Many of us can remember how the Philippines has played a key role in world economic development.

Sadly, recent events in the Philippines have eroded the nation's fine reputation. Hopefully fulfillment of the requirements of justice will mean that the Philippines have turned a corner. I insert the full editorial of the Miami Herald in the RECORD at this point.

The editorial follows:

FILIPINO JUSTICE

The indictment of Gen. Fabian Ver as an accessory in the August 1983 murder of Philippine political-opposition leader Benigno Aquino is supremely welcome. It sustains hope that public faith in the Philippine government may not yet be doomed, and that such faith still may be warranted.

If Filipinos' faith in their government can be sustained, the United States may well avoid a terrible choice between perhaps losing the Philippines as a strategic ally or possibly sending in troops to protect U.S. interests there.

The assassination of Mr. Aquino, in the words of an October 1984 staff report to the U.S. Senate Foreign Relations Committee, was "a potent blow to the Marcos regime's credibility. It has changed the political scene fundamentally. It has galvanized the political center of Philippine society into active opposition . . . and has provided a rallying point for the Left. The government's version of the assassination is not generally believed."

Why should Americans care? Because the Philippines were an American colony in which democracy took successful root until Ferdinand Marcos became a tyrant ruling by force. Because the Philippines occupy a strategic chokehold over vital trade routes to Asia. Because Americans fought World War II in the Pacific to maintain access to that half of the world. Because Clark Air Base and Subic Bay Naval Base there represent irreplaceable U.S. strategic military assets. And because all of that is threatened by political instability, which steadily strengthens a growing Communist insurgency that well might take power if the situation degenerates much more.

In such circumstances, the indictment of 26 people for Mr. Aquino's murder may help immensely. As chief of the armed forces and the right-hand man to President Marcos, General Ver symbolizes the most hated weaknesses of corrupt, authoritarian rule. By indicting one so powerful—along with two colonels, the chief of the elite aviation-security guard, and 14 other soldiers—the government signals loudly its intent to prosecute Mr. Aquino's killers.

Are the Filipino people still listening? Will indictments be followed by convictions and punishments? Will this spawn much-needed political reforms across the board? Can the Philippines' slide toward civil war and anarchy be reversed?

No one yet can answer. All that can be said today is that these indictments are a welcome sign that the Marcos regime recognizes the stakes. May Washington labor tirelessly to assure that this hopeful step is followed by many more.●

EDUCATION REFORM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. CRANE. Mr. Speaker, as a historian and former educator, I recognize the need for a strong system of education. However, our current

system has failed adequately to educate the youth in our country and has proven to be far inferior to the traditions and standards of the system we had 20 to 30 years ago. Fortunately reform has begun in this area. It must continue to be a top priority for legislators, educators, parents, and simply every American if we are to strengthen our school systems.

Recently, an article by Howard Hurwitz in an October 1984 edition of the New York Tribune, was brought to my attention. It is noteworthy because it summarizes a book entitled "A Blueprint for Education Reform" by the Free Congress Research and Education Foundation. This book was published in an effort to add a new perspective to the national debate on education. It contains 12 chapters by various authors on topics such as parents' rights, plurism, discipline, teachers training, and citizenship. These authors all share a strong interest in the national debate over education reform. Furthermore, they are from diverse professions. The list of authors include lawyers, scholars, parents, businessmen, and teachers. In addition to their remarks, an overview by the President of the United States is included.

While I support some of the suggestions more than others, I strongly recommend that this article and book be read by everyone who wishes to improve our current system of education. I would like to share with and commend to my colleagues' attention the article by Mr. Hurwitz, which follows:

[From the New York Tribune, October 1984]

A CORNUCOPIA OF IDEAS ON WHAT'S WRONG WITH AMERICAN EDUCATION

(By Howard Hurwitz)

Education reform is a hot issue in American politics. The 12 contributors—lawyers, government staff and educators—to A Blueprint for Education Reform put the feet of public school "monopolists" to the fire. They toast, too, private school proponents when they do not toe the conservative line.

The most fiery of the smoldering papers contained in this blueprint is held by Lawrence Uzzell, who had the guts to resign from a cushy job at the Education Department (ED) when he concluded that T.H. Bell was tolling for the conservative nucleus that President Reagan sought to implant in the Carter-built ED.

Uzzell expands on one of the themes played by Reagan, who ignites the book with an Overview of Education Reform Issues. The president's light shines on tuition tax credits, vouchers, prayer in schools, merit pay and business-school partnerships.

Uzzell heads a new foundation that has put a number of stimulating reform proposals into the school hopper. In this essay, he sells tuition tax credits short as too little to rescue low-income nontax payers, especially blacks and Hispanics, who must put up with inferior public schooling.

The genius of the voucher plan Uzzell espouses is that no new money need be drawn from the ravished federal till. He would use the $3 billion now set aside for the disadvantaged in Chapter 1 funds. He does not satisfy me that the rush of millions of voucher holders on school with the best reputations—public and private—would induce anything but chaos.

In a calmer mood, Uzzell indicates a willingness to consider small-scale experiments. He correctly notes that powerhouses like the National Education Association are opposed to vouchers—no matter how small.

The NEA, a union of 1.7 million teachers, is headed by left-wingers who thrust into classrooms their literature on nuclear freeze, gun control, ERA, affirmative action and other anti-administration positions. The NEA is deftly knocked on the head by Marcella Hadeed, a graduate law student, in The Politicization of the Classroom.

William Ball, renowned constitutional lawyer, reviews Parental Rights in Schooling. He is a staunch defender of private schools who offers a word of caution to those who see money as the answer to private-parochial school prayers. "Funding," he advises, "may indeed weaken such schools not only because of the inevitable bureaucratic controls which it will impose, but because of what it may do to initiative, the spirit of sacrifice, and the dedication of religious adherents."

A law school professor, Stephen Arons, echoes Ball's plea for private schools, without the Ball reservation. "Although the importance of freedom of choice has been trumpeted, the reality is that it does not exist," Arons declares. "Since 1925, economics has made the right of school choice the property of the rich . . ." For the moment, he overlooks some 5 million not-so-rich who sacrifice to pay the relatively slight parochial school tuition costs.

Arons spins off from the Oregon Parochial School Case (1925), in which the Supreme Court guaranteed the right of parents to select a school other than a public school for their children. Both Arons and Ball cite major school cases on prayer in schools, discipline, parental rights of choice and a range of decisions that have been handed down by federal courts, especially since the 1962 ban on prayer.

Discipline in the Classroom occupied yet another lawyer-contributor, Roger Clegg. He serves the usual indigestible diet of school crime as evidence of a concern that remains No. 1 on the public's list of school problems. He is right in noting that minority children, especially, suffer from violence in schools.

Strong principals are hailed in the anthology for turning schools around. Thomas Ascik, employed by ED as a researcher, dips into his archives for studies identifying as the key to effective schools a strong principal, agreement on a common goal, belief in importance of academics and a family-like school atmosphere. What else is new? If there is one sure sewer into which federal bucks are shoveled to a point of no return, it is educational research—the art of documenting the obvious, or reaching predetermined conclusions.

A more practical pitch for educational reform is made by James LoGerfo, a history teacher, in *The Training of Teachers: A Dubious Record.* He explores his home state, New Jersey, now seeking a way out of the maze of education-course requirements that have insulted the intelligence of teachers for too many decades. LoGerfo is for on-the-job training of college graduates honed in subject matter.

Linda Chavez, staff director of the U.S. Commission on Civil Rights, makes a strange but inspirational appearance in this collection. In *Citizenship Education: Recovering a Lost Dimension,* she cries out for schools that teach loyalty. Rallied to her side are biblical Ruth, Socrates and Penelope's fidelity to Odysseus during his 20 years away from home.

Chavez quotes Rabbi Hillel: "If I am not for myself who is for me? But if I am only for myself, what am I?" Good question for draft dodgers and some teachers who demean their country while supporting a left-leaning axis.

Pitching from a different mound than the hard-throwing conservatives in these pages are two educators, Benjamin Alexander and Preston Royster, who identify themselves as blacks. In *Issues in the Educational Progress of Black People,* they adhere to affirmative action as a necessary corrective for past discrimination. They put down black English, but use this as an entree for a defense of bilingual education in which foreign-speaking children are immersed in their native language so they should not fall behind in school subjects. What rot! They are oblivious to the political ripoff by the Hispanic congressional caucus determined to assure themselves of Spanish-speaking constituencies.

Also contained in this cornucopia of conservative ideas on schooling is an essay by Raymond Moore, *The Cradle and the Gap.* Moore is a great believer in home schooling, at least until the age of 8–10. He consigns nursery schools to perdition and sagely predicts: ". . . the earlier you institutionalize your children, the earlier they will institutionalize you."

A parent activist in Arizona, Marcia Sielaff, inveighs against moral values imposed on children by the education establishment. She flays the professionals for "intransigence," and envisages formation of "a volunteer army" of parents who will reclaim traditional values for the public schools.

Finally, *One Teacher's Opinion,* by Thomas J. Donovan, is the cream on a sweet reform cake. Donovan looks back on a half-century in front of and behind the teacher's desk. Today's semiliterate new teachers might well cringe if they were to read Donovan's modest account of his education in a Washington state Catholic school. Donovan went on to survive the hail of "New Math," "New Social Studies" and hardware following Sputnik; the wave of Mickey Mouse and mini-courses imposed by the students' rights movement in the Vietnam War years. He recapitulates with charm and verve the experiences of thousands of teachers who have departed the schools.

Each essay is documented with footnotes at the end. There is even a bibliography at the end of Arons' contribution, and capsule bios of the writers.

And now for the fly in an otherwise tasty soup. I had hoped to use the book as a reference work for picking up fugitive facts and current conservative positions. That possibility is largely lost. The book has no index. How could you, Mrs. Marshner?●

EMERGENCY ACTION FOR SOVIET JEWS

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. EDGAR. Mr. Speaker, today the National Conference on Soviet Jewry is sponsoring the Emergency Action for Soviet Jewry in order to call congressional and national attention to the alarming resistance faced by Jews in the Soviet Union seeking to repatriate to Israel and to freely practice their religion. Members of the national conference are on the Hill today to participate in the symbolic "Prisoner Lunch" sponsored jointly by the Congressional Coalition for Soviet Jews and the Congressional Wives for Soviet Jews. Special action teams will also visit the offices of individual Members and Senators throughout the afternoon.

But today I would also like to call special attention to the current plight of Yakov Mesh, a refusenik who I have worked on behalf for the past year. During his recent arrest, Yakov was brutally beaten, including blows to the head. Two weeks later he became very ill with an infection and high grade fever. While in prison, he reportedly went for another 2 weeks without medical treatment. Presently, he has been released pending trial, but he is weak and listless, having lost over 30 pounds from his illness.

In letters that I am sending today, and here on the House floor, I strongly urge Soviet authorities, especially given the severity of his condition, to drop the charges against Yakov Mesh and allow him and his family to emigrate to Israel as they were given permission to do back in 1978.●

PUBLIC HOUSING RENTAL STABILIZATION ACT

HON. GUY V. MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. MOLINARI. Mr. Speaker, on January 3, 1985, I reintroduced the Public Housing Rental Stabilization Act, legislation which would allow housing authorities to reestablish a rent cap for their public housing. This is of great importance for the preservation and enhancement of this country's public housing stock. H.R. 153 was introduced with 16 cosponsors and has been endorsed by the National Association of Housing and Redevelopment officials, the Council of Large Public Housing Authorities, the New York City Housing Authority, and other housing organizations.

H.R. 153, the Public Housing Rental Stabilization Act, would have the effect of alleviating the severe economic impact upon lower income and working poor tenants brought about by the open-ended, rent-to-income policy established by the Omnibus Reconciliation Act of 1981. Without a limitation on this open-ended rent structure, many existing stable and working class tenants will be forced to move out, thereby undermining the viability of many projects and surrounding neighborhoods, as well as substantially increasing the public housing operating subsidy requirements. The bill would accomplish this goal by allowing public housing authorities to establish a maximum rent for apartments based on the economic rent of the unit; that is, the total of debt service and operating expenses, or comparable market rents.

The need for the remedial legislation which I am proposing is not only supported by the evidence, but has also been confirmed time and time again by the Congress. It was the 1974 Housing and Community Development Act that heralded the importance of economic mixing of tenants in developments and neighborhoods in which public housing is situated. The economic mix concept basically consisted of working families of low and moderate income, as well as the very poor and elderly. The mandate was that housing authorities attain tenant bodies composed of families with a broad range of income and rent paying ability to avoid dense concentrations of only the very lowest income families. A blending of these very low income tenants with working class and even middle class residents of the surrounding neighborhoods was correctly believed in Washington to be a much more appropriate prescription for success in our Nation's public housing.

The positive and successfully implemented intentions of the 1974 act, in promoting a broad economic mix of tenants, were significantly moderated by the Omnibus Budget and Reconciliation Act of 1981. This act overrode all prior public housing rent schedules by requiring that all tenants pay 30 percent of their income for rent regardless of size, location, or actual cost or age of rental units. HUD-approved rent caps, and other local control in the determination of rents, were casualties of this act. The result, of course, is that the more stable working families of incomes between 50 and 80 percent of median income who are eligible to live in public housing are being forced to move out by higher rents, often into inadequate housing.

The 1981 act made the assumption that the current economic mix policy had the ill effect of giving moderate income families priority for housing subsidies while truly poor families remained on waiting lists. No one can argue with the notion of underscoring the importance of assisting the neediest of our society. But how can we best serve the interests of this group? I do not believe that we accomplish this by facilitating the decline of the very public housing stock upon which the needy depend. We certainly have enough experience in this area to produce evidence that illustrates social change and economic mobility are enhanced by encouraging housing in which families of different incomes and in different age groups can live together. We also have the experience with public housing that contains only the very poorest of our society.

No one is talking about providing housing subsidies to families that are middle income or free to find adequate housing in the private sector. A broad income mix means a cross section of lower, low, and lowest income families that also includes people who are largely self-supporting but need some help in obtaining decent housing. This group will include people with upward mobility who will provide leadership in developing good and stable communities.

Evidence in New York City public housing points to the fact that new tenants who are required to pay immediately 30 percent of their income for rent are experiencing a decline, for the first time, in their average gross income. Statistics are also showing a 20-percent refusal rate for working family applicants, who maintain that the rents are too high. Lower income working families, in an environment with a 30-percent rent-to-income ratio, are required to pay as much as $500 per month in some cases. This is clearly a burdensome situation for those trying to meet their basic needs. A rent of $500 per month in a case such as this is over and above the economic rent necessary to operate the particular unit. In New York City, for example, the economic rent, or the sum of operating costs and debt service, would be $395 per month for a four-room apartment and $435 for a five-room unit. The most glaring evidence has come from areas where comparably priced housing has been available in the private sector. In these areas the higher turnover seems to be closely correlated with the pressure of rising rents. The vast majority of the moveouts have been the working poor. Some projects in New York City have experienced turnover rates double those of the city housing authority's average.

What are some of the other consequences of the absence of a rent cap? One of the arguments we often hear in opposition to a rent cap is heard in the context of cost consciousness. The criticism is that in times of austerity the Federal Government should not be in the business of channeling scarce resources to those who do not really need the help. If part of the concern is

indeed budget constraints, a rent cap will in fact help avert additional subsidy, not contribute to it. In New York City, for example, 15 percent of the tenants in the housing authority's federally aided Public Housing Program have annual gross incomes of $16,000 or more. These lower income working families pay about $80 million a year in rent, which is approximately 29 percent of the total rental income of the authority. If the lower income working tenants are driven out of public housing due to the inability to pay the 30-percent rent-to-income ratio, there will be a drastic loss in rental income to the authority because the incoming tenants will have significantly reduced incomes and rent levels. As an example, if rent were capped at an average of $400 per month, the 22,500 lower income tenants in New York City would provide the authority with rental income of $108 million per year. If those tenants found this rent prohibitive and moved out, the incoming tenants—with average incomes of $9,000 per year—would be paying an average rent of $225 per month. Their aggregate rental income would amount to $61 million per year. This would reflect a loss to the authority of $47 million in rental income. Under the performance funding system [PFS] for allocating operating subsidy, this loss of income would have to be picked up, dollar for dollar, through operating subsidy at the expense of the Federal Government and the taxpayers. This scenario seems to run in direct contradiction to the assertion that the need to control Federal outlays means the economic mixing must be deemphasized.

We have the opportunity, with the introduction of this bill, to show the kind of foresight that is so essential to the success of public housing in our Nation's cities. We have the experience of the implementation of the 1974 act to illustrate the merits of bringing together a broad economic mix of tenants in projects that hitherto had only the experience of dense concentrations of the very poorest tenants. The move outs are already occurring in projects around the country, but if Congress acts now and shows an understanding that public housing and its tenants are best served by a policy that brings together tenants of many different incomes, I believe we can cut short an exodus that can only end in unstable projects and isolated communities.●

WEATHER VANE CAPITAL WHITEHALL AND MONTAGUE, MI

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. VANDER JAGT. Mr. Speaker, western Michigan, and particularly our Ninth Congressional District of Michigan, is extremely proud of its twin cities of Whitehall and Montague. These fine communities are rightfully staking claim to being the weather vane center of the world. They have what they are certain is the largest weather vane ever built.

On September 15, 1984, the 48-foot-tall 3,500 pound vane was dedicated as the trademark of the company that created it, Whitehall Metal Studios Inc. The vane was erected August 24 at the edge of White Lake, which is almost directly between the neighboring cities. The new vane is topped with a model resembling a schooner that once traversed the Great Lakes with Michigan lumber. The 26-foot directional arrow is a replica of the Ella Ellenwood, which was owned and operated by Capt. Thomas Flagstad of Montague.

Richard Read, vice-president and general manager of Whitehall Metal Studios, said the firm produces about 60,000 vanes annually. President Ronald Reagan is among its satisfied customers.

The company was founded in 1938 by Thomas M. Pletcher, the grandfather of the present owner, Thomas S. Pletcher. The company was first opened in Chicago, but later moved to Whitehall. Neighboring Montague is now the home of the firm which employs about 32 people year round.

Richard Read said that nearly 200 different weather vanes are sold by the company. He stated that there is not a mass market for any one design, but there is a good market for all of them together.

Mr. Speaker, I salute the people of the neighboring cities of Whitehall and Montague and Whitehall Metal Studios for their accomplishment of being a weather vane capital.

In conclusion, I insert at this time a very fine feature story on Montague and Whitehall which appeared in the Detroit News last September.

The story follows:

VILLAGES MAKE A POINT

(By Ron Koehler)

MONTAGUE.—Western Michigan's twin villages of Whitehall and Montague rapidly are staking claim to being the weather vane center of the world.

After all, they have what they think is the largest weather vane ever built anywhere—and who is to dispute them?

The 48-foot-tall, 3,500-pound vane is to be dedicated Saturday as the trademark of the company that created it, Whitehall Metal Studios Inc. Whitehall Metal is a small company that calls itself the world's largest manufacturer of weather vanes.

The new vane is topped with a model resembling the schooners that once traversed the Great Lakes with Michigan lumber.

Officials hope it will draw a number of visitors to the area, located just north of Muskegon. The vane was erected Aug. 24 at the edge of White Lake, almost directly between the neighboring villages, which have a combined population of about 6,000.

At least 16 local individuals and companies contributed materials and services for the vane.

There aren't many companies willing to dispute Whitehall Metal's claims about its vanes. Richard Read, vice-president and general manager, says the firm produces about 60,000 vanes annually. It lists President Reagan among its satisfied customers.

The president has a Standard 500 model adorned with a stallion that boasts a 23-karat gold-leaf coating. That vane, which proudly stands atop the gazebo at the Reagan ranch in the mountains outside Santa Barbara, Calif., sells for about $280.

The president's gazebo also displays another production from Whitehall Metal Studios, an aluminum cast sign that says, "The Reagans, 1600 Penna. Ave."

That sign, also adorned with a golden horse, was given to Mr. Reagan by one of the company's distributors in Washington, D.C., shortly after he was elected president, Read says.

The company is not so sure about the background, but, as the story goes, Mr. Reagan saw the piece in a Santa Barbara hardware store and bought it because he thought "it was one of the best-looking horse figures he had ever seen."

As for Whitehall's new vane, the schooner resting atop the 26-foot directional arrow is a replica of the Ella Ellenwood, which was owned and operated by Capt. Thomas Flagstad of Montague.

The 157-ton Ella Ellenwood ferried lumber across the Great Lakes from 1869 until 1901, when she ran aground eight miles north of the Milwaukee Harbor on Fox Point.

As legend has it, waves and strong northerly winds crushed the schooner while it was helplessly moored aground.

A portion of the cargo was saved, but the rest of the ship was lost to its home port of Whitehall until the next spring, when a piece of its nameplate emblazoned "Ellenwood" was found in White Lake Channel.

It seems a bit incredible to believe the nameplate floated around Lake Michigan and miraculously returned to its home, but that's the story.

The history of Whitehall Metal Studios is more believable. The company was founded in 1938 by Thomas M. Pletcher, the grandfather of present owner Thomas S. Pletcher. The company first opened in Chicago and later moved to Whitehall, which in the early 1900s was a popular resort area frequented by Chicagoans.

Whitehall Metal Studios now is located in neighboring Montague in a large building that houses its factory, offices and a showroom-retail shop. The firm employs about 32 people year round.

Read says the company owes its success to the wide array of weather vanes it sells.

"We sell nearly 200 different individual types of weather vanes," he says. "That's one of the reasons we're still in business. We sell so many items, a few of each, that they can't be cheaply made by others.

"There's not a mass market for any one design but there's a good market for all of them together."●

MAHARISHI VEDIC UNIVERSITY

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. FAUNTROY. Mr. Speaker, I would like to take this opportunity to inform my colleagues of the founding of the Maharishi Vedic University here in the District of Columbia.

On January 12, 1985, Maharishi Mahesh Yogi, founder of Maharishi International University in Fairfield, IA, and Maharishi International University College of Natural Law in Washington, DC, opened Maharishi Vedic University establishing it as a center to conduct scholarly research in Vedic literature, and to bring together the foremost Vedic scholars of India and leading scientists of the world.

Mr. Speaker, on behalf of the citizens of the District of Columbia, I extend a warm welcome to the officers, instructors, staff, and students of Maharishi Vedic University and encourage them in their pursuit of learning through unified field based education. I think we can expect the establishment of Maharishi Vedic University to strengthen the relationship between India and the United States, and between leading exponents of the ancient Vedic tradition of the East and the modern scientific tradition of the West.●

LAKE HOUSTON WATER QUALITY IMPROVEMENT ACT

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. FIELDS. Mr. Speaker, as someone who strongly supports a clean and safe environment, I am pleased to introduce legislation today to improve water quality in the Lake Houston watershed.

Lake Houston is a 12,000-acre manmade lake located northeast of the city of Houston within Harris County, TX. Owned by the city, Lake Houston was created in 1954 by damming the San Jacinto River to provide city residents with an alternative source of drinking water to offset the area's rapidly depleting groundwater supply.

Based on current estimates, it is expected that the lake will continue to provide drinking water to some 40 to 50 percent of the city's population.

As the Member of Congress who proudly represents the Lake Houston area, I have long recognized the importance of this vital watershed in providing both safe drinking water to the city and recreational opportunities for thousands of my constituents in the Eighth Congressional District.

At the same time, I have viewed with alarm the recent increases in the level of fecal coliform bacteria in the lake. In fact, during a period last year, the Houston Water Department found that 12 out of its 14 sampling locations around the lake exceeded the pollution standards for water used for contact recreation.

While the water quality in the lake has fluctuated in recent months, the problem of fecal coliform bacteria remains a serious and unresolved matter.

In response to this problem, a number of my constituents asked me to become personally involved in an effort to clean up Lake Houston.

Although there has been a great deal of discussion, unfortunately, both the city and the State have been unable, because of a lack of resources, to effectively deal with the pollution problem that exists.

Despite the fact that Lake Houston is owned by the city, the U.S. Congress has a responsibility and jurisdiction, under the Federal Water Pollution Control Act and the Clean Water Act, to protect our Nation's water quality.

We must ensure that in the years ahead our rivers, lakes, and streams are safe and pure for all Americans.

With that goal clearly in mind, I approached our colleagues on the Public Works and Transportation Committee and acquainted them with the problems facing Lake Houston. As a result of my discussions, language was drafted and a Lake Houston amendment was incorporated within H.R. 3282, the Water Quality Renewal Act of 1984.

While this important legislation was overwhelmingly approved by the House of Representatives on June 26, 1984, the other body regrettably failed to consider this proposal.

The legislation I am introducing today is identical to the language contained within H.R. 3282. The purpose of my legislation is to amend the Federal Water Pollution Control Act. It is designed to accomplish three objectives.

First, it authorizes the Federal Environmental Protection Agency, in cooperation with the State of Texas, to study the water quality problems in the lake and to report their findings to the Congress within 1 year.

Second, it directs EPA to set up a comprehensive monitoring system of the more than 200 waste water treatment plants that are located in and around Lake Houston. With the tremendous population growth in this area, the number of waste water treatment plants has increased dramatically. It is these plants, or at least some of them, which have been identified as the source of the pollution problem.

Instead of simply gathering water samples from a few locations, my amendment would allow EPA to comprehensively monitor the discharges of most, if not all, of the waste water treatment plants.

Finally, the amendment provides EPA with the authority to undertake any interim or emergency cleanup measures that may become necessary. In this way, we can ensure that EPA has the flexibility to respond to any emergency in a timely and expeditious manner.

In order to carry out these functions, my bill authorizes $10 million for the EPA to both study and resolve this very serious problem.

In so doing, I anticipate that the majority of the funds will be used by EPA to monitor the various treatment plants. In addition, this money will be available for those cleanup efforts necessary to ensure that Lake Houston remains a source of clean drinking water and safe recreational opportunities in the years ahead.

My ultimate goals are to guarantee the water quality of Lake Houston, to prevent a hysteria from developing that Lake Houston is a dirty, polluted lake, and to determine the best way for us to keep the lake clean in the future. The EPA's study will accomplish those objectives. In addition, it will likely determine whether or not construction of a large regional waste water treatment plant, for instance, could improve water quality in the lake.

Mr. Speaker, Congress made a commitment to the American people, through the passage of the Federal Water Pollution Control Act and the Clean Water Act, that the Federal Government would improve and then maintain the highest quality and cleanliness of our precious water resources.

I believe passage of the Lake Houston Water Quality Improvement Act will continue that vital commitment to both our Nation and to the people of the Eighth Congressional District. I urge its expeditious enactment by my colleagues in the House of Representatives.

Thank you, Mr. Speaker.●

IT'S A MESSAGE WE DARE NOT IGNORE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. SCHUMER. Mr. Speaker, today the National Conference on Soviet Jewry is sponsoring an emergency action for Soviet Jews. The emergency action is designed to highlight the plight of the thousands of Soviet Jews who have been refused the right to emigrate—fewer than 1,000 were allowed to emigrate in 1984—and are

harassed while they remain in the Soviet Union. I would like to take this opportunity to call my colleagues' attention to the moving words of those Jews who still remain in the Soviet Union and still suffer.

IT'S A MESSAGE WE DARE NOT IGNORE

We appeal to you in this extremely difficult hour. Many of our friends have been arrested lately and we do not know who the next victim is going to be.

Today we call on you: Do not remain indifferent to our fate! After all, the fate of many of you could have been the same as ours if your grandmothers and grandfathers had not left Russia several decades ago.

Yes, these decades of living in different conditions have left an imprint both on us and on you. And today, we differ from each other, but does this have to divide us? Can several decades cross out the experience of two thousand years and overshadow that which is most important—our common, tragic and glorious past and our historic responsibility for our common future?

Remember! We have a common future!

When you send your children off to a Jewish school, remember that we do not have Jewish schools. When you pick up a Jewish book, remember that we do not have Jewish books. When you lovingly touch a mezuzah, remember that here mezuzot are being torn off during the searches. When you study our beautiful ancient and modern language, remember that here Hebrew teachers are being sent to prison on the basis of trumped-up charges of hooliganism and possession of arms or drugs.

Jewish mothers, remember! Dora Zunshain, the mother of the Prisoner of Conscience, Zakhar Zunshain, could not bear the hardship of seeing her son arrested, convicted and sent to prison. She died suddenly after hearing about his suffering and the terrible details of his prison conditions.

Remember! Anatoly Scharansky, Iosif Begun, Yuli Tarnopolsky, and Moshe Abramov might be starting this day in an isolation cell or a punishment ward. Your fate could have been similar to theirs if you were a Soviet Jew wishing to repatriate to Israel.

Remember! A day might come when you might sorely miss the hundreds of thousands of us who are doomed to extinction.

Remember! Once, forty years ago you kept silent. Now, speak out about us and speak out for us. Speak out in spite of the gags they put in our mouths and shout about the danger we are in. Remember—we are deprived even of this opportunity.—Signed by 66 Soviet Jews from Moscow, Leningrad, Odessa, Riga and Tbilisi.●

LIBERTY'S TORCH ON TOUR

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. MOORHEAD. Mr. Speaker, I am pleased to report to my colleagues in the House of Representatives on a unique and historic tour of a venerated national icon and to acknowledge and give credit to those persons and organizations which were instrumental in bringing to fruition this extraordinary event.

I am referring to the western tour of the torch of the Statue of Liberty, from New York to California, from Ellis Island to Pasadena. As many of you no doubt recall, the torch was the centerpiece of the first float in the 1985 Tournament of Roses Parade. The theme of the parade, which has become a national New Year's Day tradition, was "The Spirit of America." What could be a more fitting symbol of "The Spirit of America" than the torch of the Statue of Liberty. And who could be a more fitting grand marshal of the floral extravaganza than Lee A. Iacocca, chairman of the effort to renew and restore Ellis Island and the Statue of Liberty, one of our country's most beloved memorials.

The principal benefactor of the torch's tour was Barron Hilton, chairman and president of Hilton Hotels Corp. He said the company was "honored to display the torch from our Nation's most cherished symbol of freedom and liberty." He said the company was privileged to build a float for the torch and to lead the parade with so unique an object.

The presence of Liberty's lamp in southern California generated great excitement. It began with the torch's arrival at Los Angeles International Airport. Under the care of Flying Tiger and Allied Van Lines, the torch did a great deal to increase awareness of the restoration project. Thousands of persons visited the torch during the preparade decorating period and more than 125 million watched the parade on television. More than a million spectators lined the streets of Pasadena on New Year's Day to see the torch lead the pageant and upwards to a million more persons visited the post-parade viewing area.

Perhaps the most moving feature of the torch's presence in the 22d Congressional District occurred on December 28 when a naturalization ceremony was held at Fiesta Floats in Temple City. Forty-three persons were sworn in as new American citizens beside the torch, illuminated from within just as it has been atop Miss Liberty's arm in New York Harbor.

The idea for the swearing-in ceremony came from Timothy Connaghan, a Jaycee from Sierra Madre, CA, who with the support of the California Jaycees coordinated the planning and organization of the event.

Speaking on behalf of the 750,000 members of the United States Jaycees, national president Tommy Todd illuminated with the drama of the occasion when he spoke of the opportunities which exist in America. "Only in America would a young man such as myself be afforded an opportunity in a 9-year span to move from pumping gas in Byron, GA, to be able to take part in an event such as this representing a major national organization like the Jaycees." He challenged the new citizens "to meet the responsibilities with as much fervor as they do in accepting the opportunities."

Greg Stavish, president of the California Jaycees, summed up the Jaycees' interest and pride in sponsoring the ceremony. Many of the native born Americans attending the ceremony applauded when he commented,

How lucky I am, being born in America. I have never heard the oath of citizenship. I felt the words were so strong and so meaningful to me, that after being a citizen for 33 years in the United States of America I have been reborn as a citizen of this great country.

Among the speakers at the ceremony was James R. Galbraith, the senior vice president of Hilton who conceived the idea for the torch's involvement in the Tournament of Roses Parade and who joined with Mr. Hilton over several months in working out the arrangements with the appropriate private and government entities. In welcoming the new citizens, Mr. Galbraith asked them to join other Americans "in stoking the fire of patriotism which is ablaze across the country and in celebration of the belief that the endearing quality of Miss Liberty is her enduring quality of liberty and justice for all."

The closing of the naturalization ceremony featured the reading of a special telegram sent by President Reagan, in which he stated,

In choosing America as your new home, you are now a part of what many believe to be the greatest country in the world * * *. So I ask you to give America your heart and all your energy. Together, in common purpose and faith, we shall keep America as the last, great hope on God's Earth.

I have attended many naturalization events but none had the power and the glory of this marvelous outdoor ceremony.

Throughout the torch's stay in southern California it was protected by National Park Service rangers. The rangers not only provided security but performed a fine public relations service as hundreds of thousands of people who have never been to New York City were given an opportunity to see first-hand the actual torch of the Statue of Liberty. In helping to make all of this possible, I note the cooperation of William P. Clark, Secretary of the Department of the Interior, Assistant Secretary G. Ray Arnett, and National Park Service Director Russell E. Dickenson. A special thanks is given to Mr. Arnett, who early on had the vision to see the far-reaching implications of this project. By coincidence, all three men are retiring from their positions and we wish them well. They—along with executives at Hilton Hotels Corp., the Statue of Liberty-Ellis Island Foundation, the Jaycees and the Tournament of Roses Association—made all of this possible.

Mr. Speaker, I am firmly convinced that a wave of patriotism is sweeping our country, fueled by the Olympic torch run last summer and now by the

torch of the Statue of Liberty. I encourage all Americans to nurture these patriotic stirrings and to join together in making certain the flames of hope and liberty burn brightly for countless years to come.●

ABDUCTION OF WILLIAM F. BUCKLEY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. MARKEY. Mr. Speaker, international terrorism is one of the cruelest and most dangerous scourages afflicting the modern world.

Among the most disturbing trends of our times is the increase in terrorism directed against diplomats—those whose business is peace and reconciliation. Diplomats are tempting targets for those whose personal or political temperaments run higher than their personal courage. By the nature of their job, diplomats are visible and vulnerable representatives of their nation. They do not carry arms. They do not seclude themselves in safe locations—they go about openly in the nations to which they are assigned, and deal with the public there. The vital business of diplomacy, which makes envoys from the United States and other nations targets of violence, also makes this sort of violence particularly pernicious and damaging, by making more difficult the practice of foreign relations which can lead to the peaceful settlement of international grievances.

Mr. Speaker, William F. Buckley, a distinguished American envoy and a native of Stoneham, MA, was kidnaped around March 16, 1984, in Beirut, Lebanon. All who know of Mr. Buckley's situation pray and wait anxiously for his safe release, and the release of the other Americans who have apparently been abducted in Lebanon.

The Town of Stoneham has passed a resolution on behalf of Mr. Buckley. I would like to request that this resolution be printed in the CONGRESSIONAL RECORD.

RESOLUTION

Whereas: William F. Buckley, Jr. is a native of the Town of Stoneham, Massachusetts, and a 1947 graduate of Stoneham High School, and

Whereas: said William F. Buckley, Jr. is a highly respected and outstanding citizen of our community, and

Whereas: evidence has been received of the abduction of U.S. Envoy William F. Buckley, Jr. on or about March 16, 1984 in Beirut, Lebanon, and

Whereas: the deep concern of all the townspeople of Stoneham as to the welfare of William F. Buckley, Jr. is quite evident, and that prayers for his well being are said daily now, therefore, it is

Resolved, that the Board of Selectmen of the Town of Stoneham, Masssachusetts, at their meeting on January 8, 1985, officially recognized the concerted efforts of the United States and Lebanese Governments in striving to effect the release of said William F. Buckley, Jr. and hereby offer our fullest cooperation in any way which might accomplish his safe return to the United States.

Given at the Executive Chamber of the Board of Selectmen, the Town of Stoneham, this eighth day of January in the year of our Lord, one thousand nine hundred and eighty-five.

GEORGE D. LAMANTEA,
Chairman.
RICHARD D. MANGERIAN.
MICHAEL J. ROLLI.
KATHLEEN SULLIVAN.
BRUCE A. WILLIS.[1]

THE CONRAIL PRIVATIZATION ACT OF 1985

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. EDGAR. Mr. Speaker, today I am introducing legislation to return the federally owned Consolidated Rail Corporation [Conrail] to the private sector. This bill is the culmination of an effort I and 17 of my colleagues in the House undertook last summer to spur public debate on the future of the railroad.

Conrail is a vital part of the regional economy of the Northeast and Midwest. In my own State of Pennsylvania, Conrail purchased $133 million of goods and services in 1983, and the State received $2.6 million from real estate and corporate taxes. Conrail employs over 15,000 Pennsylvanians, including 6,400 in the Philadelphia area, 3,000 in Pittsburgh, and 3,000 in its Harrisburg region. The railroad provides support to the industry of Pennsylvania and the rest of the region.

My bill, the Conrail Privatization Act of 1985, provides for a public offering of the Government's common stock interest in the railroad. While this is in contrast to Transportation Secretary Dole's announced plan to sell Conrail to one of three private bidders, I believe that a public offering is in the best interests of Pennsylvania, the Northeast-Midwest region which Conrail serves, and the Nation as a whole. Let me explain why.

The regional economy of the 15 States currently served by Conrail's 14,200 track-miles is vitally dependent on adequate rail transportation service. Many parts of the Northeast and Midwest have not yet recovered from the levels of unemployment brought about by two back-to-back recessions in the early part of the decade. Yet a change of Conrail ownership, which, under the Secretary of Transportation's plan, would provide for the sale of the railroad to one bidder, could require major economic adjustments and risk serious curtailment of rail service in the region.

Selling all Government-owned Conrail stock to one bidder increases the likelihood that the railroad will cut service and reduce its commitment to the region. It has become abundantly clear that no matter how many covenants the Government enters into with one bidder as a precondition for sale, no real assurances can be given concerning the fate of service contracts in force today on Conrail lines, rate increases, service patterns, protection of trackage rights of other carriers, and the enhancement of rail competition in the area. Current Conrail management has done a remarkable job in turning the railroad around and making it profitable. Along with Conrail labor, they have earned the trust of the region. A public offering would retain this team and avert an unnecessary economic jolt to Pennsylvania and the rest of the Northeast and Midwest.

Furthermore, with almost 1,300 miles of main line in Pennsylvania, and thousands of additional miles in other States, Conrail is part of a larger infrastructure supporting the Northeast-Midwest region; the railroad has a responsibility to help maintain that important structural web. No private bidder can guarantee the fate of so-called orphan bridges and other deferred and neglected infrastructure maintenance along the Conrail system, yet in recent years Conrail has been reinvesting profits in similar rebuilding projects. I believe that we need to maintain and continue the massive Federal infrastructure investment in this area—and a public offering is the best way to achieve such a result. We cannot take the risk that track, right of way, bridges, and rail yards will be neglected as they have been by previous owners of the railroads serving the area.

A public offering, with provision for an expansion of shares in the employee stock ownership plan [ESOP], will also assure continued participation by Conrail's employees in guiding the railroad in the future. These employees made significant concessions along the path to Conrail profitability; they deserve to be accommodated not only on wage but also equity issues.

Finally, a public offering may very likely have a more favorable impact overall on future Government tax revenues. By privatizing Conrail in the way I have proposed, the railroad's future tax benefits could not be used to shelter non-Conrail income. In contrast, a private bidder may be able to shelter a portion of its non-Conrail income. Another consideration is that the taxpayers have sunk over $7 billion into the railroad. Thus, the broadest group of taxpayers should be given the opportunity to participate in the

future of the company they rescued. A public offering provides the chance both now and in the future for broad public participation in Conrail rather than selling it to a special few.

The legislation I am introducing today has several major provisions. Broadly, Conrail will issue 25 million shares of common stock, raising net proceeds of $500 million and reserving approximately $4.4 million for the ESOP. A sale of preferred stock will raise $600 million; adding $300 million from Conrail's cash on hand will make a total package of $1.4 billion, $200 million more than the approximate level of the private bids. A hostile takeover would be thwarted by a provision limiting any one holder or its affiliates to 10 percent of voting securities. In order to insure continuity and a smooth transition, the bill also includes a clause requiring Conrail to keep its headquarters in Philadelphia.

In addition, the bill provides for the Federal Government to retain a golden share—a special clause that would be tantamount to giving the Government veto power over certain future transactions inimical to the railroad or the region. The taxpayers have paid the price; they have earned the right to retain that share. While our government has never before used this specific mechanism, there is ample precedent for the Government's involvement in certain similarly-structured transactions. For example, the Communications Satellite Act of 1962, which created the Communications Satellite Corporation, imposed prohibitions on ownership of shares. Also, the privatization experience in Great Britain over the past several years may be enlightening here. The Conrail situation is a special one which calls for special safeguards—the golden share is one way to protect the public interest.

In summary, the key issue is whether the public interest and public investment in preserving rail service and economic progress in the Northeast-Midwest region will be enhanced or negated by the sale of Conrail to one private bidder. We must determine whether future economic progress in the region is the goal of the sale or merely subordinate to the amount of money being offered for the railroad or some other consideration. A public offering returns a greater part of the taxpayer investment in Conrail while keeping the railroad accountable to the public which rescued it, It both allows the Government to get out of the business of running a railroad and gives us an opportunity to protect the public interest. Mr. Speaker. I urge my colleagues to support the Conrail Privatization Act of 1985.●

51-059 O-86-44 (Pt. 1)

A TRIBUTE TO ANTHONY S. MARUSZAK

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. LIPINSKI. Mr. Speaker, it is with great pride that I call attention to a respected citizen from Illinois' Fifth Congressional District, which I am privileged to represent, and he is Anthony S. Maruszak. Tony has shown a strong dedication to the community through his active movement in the Rhine VFW Post No. 2729.

Tony is a longtime resident of Chicago who has shown considerable concern for his fellow community residents. His work with the VFW can be highlighted with his service as district commander and is currently the senior vice president at the post. He was selected as State parade marshal and recently national parade chairman when the VFW held their convention in Chicago.

His efforts and unlimited involvement in causes and campaigns have most certainly improved the community. Tony's unselfishness and concern for people has long been his trademark.

I join with the residents of the Fifth Congressional District in paying tribute to Anthony J. Maruszak for his work in our behalf, and I would like to introduce into today's CONGRESSIONAL RECORD a newspaper article honoring Tony Maruszak upon his receipt of the Ray McDonald Community Achievement Award.

MCDONALD AWARD TO MARUSZAK

The staff of the Midway Sentinel proudly salutes Anthony S. Maruszak as our December recipient of the Ray McDonald Community Achievement Award.

Tony was born in Chicago over 55 years ago and resided in the Pilsen area where he attended St. Ann Grammar School. Upon completing his high school education in Michigan he returned and went to work for the Springfield Fire and Marine Insurance Company as a senior underwriter.

When the Korean War broke out, Tony was drafted into the U.S. Army, and was sent to Korea where he was stationed for 17½ months in the Corp. of Engineers.

In 1962, Tony picked up his family and moved to the Garfield Ridge area. He is currently an employee of Sears Roebuck and Company.

Tony's dedication to community affairs stems from his active movement in the Rhine VFW Post #2729. He has served as a District Commander and is currently the Sr. Vice President at the Post. He was selected as State Parade Marshall and recently National Parade Chairman when the VFW held their convention in Chicago this year.

As a member and officer of the Rhine Post, Tony has actively participated in a number of VFW community orientated programs including the Poppy Queen and Essay Contest, Voice of Democracy, drug abuse programs, bowling tournaments for teenagers, CPR classes, picnics, children Christmas parties, bingo for patients at Hines and West Side Hospital and regular hospital visitations to the sick and disabled veterans. Tony has also been instrumental in organizing bingo's for the Rhine Post and St. Camillus Church.

Tony and his wife Helen Louise have been married for over 30 years and have two children, Barbara Ann and Michael John.

We express our thanks to Tony Maruszak for his efforts and unlimited involvement in causes and campaigns which have improved the community. His unselfishness and concern for people have long been trademarks of Tony and it is with that sense of dedication that we honor him this month.●

CONGRESSIONAL SALUTE TO HON. CHARLES SCIALLA

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. ROE. Mr. Speaker, on Friday, February 8, the residents of my congressional district and State of New Jersey will join together in testimony to the outstanding public service rendered to our community, State, and Nation by a distinguished citizen and good friend, the Honorable Charles Scialla, of Paterson, NJ, whose standards of excellence as Regional Director of Employee and Labor Relations for the U.S. Postal Service are applauded by all of us who have had the good fortune to know him.

As Director Scialla retires from his esteemed office of public trust with the U.S. Postal Service, I know that you and our colleagues here in the Congress will want to join with me in extending deepest appreciation of all of his good works and share great pride in the success of his achievements with his good wife Marie and daughter Cheryl.

Mr. Speaker, Charles Scialla has indeed earned the highest respect and esteem of all of us for the quality of his leadership in his career pursuits. This is particularly manifested in the strong support and depth of friendship that he enjoys among his colleagues who organized the Charles Scialla retirement dinner to pay tribute to the many contributions he has made to the people of our Nation particularly in providing safe working conditions and improving the environment in postal facilities.

We are proud to boast that Charles Scialla was born in Paterson, NJ. He began his postal career as a letter carrier in 1956 and was president of Branch 120 of the National Association of Letter Carriers and a member of the State Executive Board of the National Association of Letter Carriers.

In 1966 he was appointed Regional Employee Relations Officer in the Philadelphia regional area with per-

sonnel management responsibilities for approximately 55,000 employees. From 1968 to 1971 he served as Labor Relations Officer of the Post Office Department in Philadelphia with major assignments as management representative in union grievances.

In 1971 Charles Scialla was appointed Manager-Director of Labor Relations in the New York Regional Office where he was responsible for labor relations and for grievance-arbitration negotiations for management with unions representing 60,000 employees.

In 1976 he was appointed to his present office as regional director of employee and labor relations for the northeast region of the U.S. Postal Service. During his tenure as regional director he was responsible for the development, implementation, and control of employee relations, labor relations, compensation policies, standards, and procedures for the northeast region, encompassing 3,000 post offices and 122,000 employees. He had overall responsibility for equal employment opportunity and served as equal employment officer. He also attained extensive experience in arbitration and negotiation and served as a member of national negotiation team in 1971, 1973, 1975, and 1978 negotiating contracts for 700,000 employees.

Prior to his postal career, in 1949 to 1951 he was department delegate, Textile Workers Union, Dyers Local 1773 AFL-CIO. From 1953 to 1954, he was plant vice chairman of Textile Workers Union Local 1733, AFL-CIO.

Throughout his lifetime Charles Scialla has forged ahead with dedication, devotion, and sincerity of purpose in his quest for improved employee and labor relations. We applaud his knowledge, training, hard work, and personal commitment that has enabled him to achieve the fullest confidence and strongest support of the people of our community. He has always applied the most sophisticated and advanced techniques of his profession.

In his educational pursuits he completed the following courses of study in his chosen field of endeavor:

Rutgers the State university—industrial relations, 1963.

Oklahoma University—labor relations (sponsored by U.S. Postal Service) 1967.

Penn State—personnel management (sponsored by U.S. Postal Service) 1968.

Oklahoma University—labor relations, 1971.

Harvard University—Advanced Management, 1980.

University of Virginia—senior management, 1983.

Among the many citations he received for his meritorious work and contributions to the public good, he is especially proud of the following awards that he received:

U.S. Postal Service awards.

U.S. Treasury Department awards.

Columbia Association awards.

Hispanic Association awards.

GEICO Public Service Merit Certificate.

Charles Scialla served our country with distinction in the U.S. Army from 1951 to 1953 and has been a staunch supporter and active participant in many civic and community improvement programs. He is a member of the Totowa Borough Police Athletic League and the Italian Circle of Paterson.

Mr. Speaker, it is indeed appropriate that we reflect on the deeds and achievements of our people who have contributed to the quality of life and way of life here in America. Professionals like Charles Scialla serve as the bulwark of strength in the day-by-day challenges of Government in meeting the needs of our people. For a job well done, there is no doubt that he has truly enriched our communities, State, and Nation. We do indeed salute a distinguished citizen, outstanding community leader, and great American—the Honorable Charles Scialla of Paterson, NJ.●

TAKE CARE IN CUTTING DEFENSE

HON. THOMAS F. HARTNETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. HARTNETT. Mr. Speaker, the upcoming budget debate promises to be a difficult one. Obviously, we must look at all Federal spending if we are to get the deficit under control. I would ask my colleagues to be particularly cautious, however, with respect to our defense dollars. For your consideration in this matter, I am entering into the RECORD the following editorial from the December 5, 1984, Charleston News and Courier which I feel to be instructive.

TAKE CARE IN CUTTING DEFENSE

As the 1986 budget takes shape within the Reagan administration, more and more attention is being focused on cutting defense spending as one means of curbing the soaring national deficit. Still, the president, while agreeing to an overall freeze on government spending, would allow Social Security and defense to grow while other budget areas would be trimmed back or scrapped altogether. Those who would cut defense for 1986 should first evaluate what Reagan defense budgets have accomplished over the past four years.

Four years ago, the U.S. ability to defend itself was marginal and slipping rapidly. Since World War II, presidents have had to choose between modernizing and enlarging the armed forces or building up stockpiles of ammunition, spare parts and fuel for weapons already in the inventory. There was never enough money to do both. The Johnson and Nixon administrations deferred modernization to fight the Vietnam war. President Carter did next to nothing for defense while he was in office.

By 1981, military morale and preparedness were in a deep slough. Grave doubts existed about the efficacy of the all-volunteer military, re-enlistment percentages were down and by every measurable statistic, the Soviet Union was gaining the military superiority necessary to dictate conditions to the Free World. There was no need for the Soviet leaders to continue the farce of negotiating arms limitations or reductions because it was no longer in their national best interest to do so.

President Reagan moved forcibly to address what was, in fact, a quality gap. (There is no way we could compete with the Russians in the quantity of military hardware.) His first priorities were a return to a strengthened, 600-ship Navy, production of the M-1 tank and, in the strategic arena, the MX missile and the B-1 bomber. Today, American forces are substantially more ready and sustainable, retention rates and recruit quality are at all-time highs and morale is soaring.

And now, not coincidentally, the Russians are saying they want to resume talks about arms limitations and force reductions. Why the about face? Only the very naive would attribute it to some Soviet hope for world harmony. No, the old men in the Kremlin realize their quest for military superiority is failing and negotiating is now in their national interest.

At the same time, Defense Secretary Caspar Weinberger is over in Brussels criticizing our NATO partners for not carrying their fair share of the defense load. Again, because of increases in U.S. defense spending, our allies are expected to commit more of their resources to defense—an idea that was scoffed at during the Carter years.

There is no denying the need to reduce the national deficit. Also there should be no sacred cows when it comes to cutting budgets. But when it comes to defense, the choice is not just between guns and butter. It also affects our ability to get the Soviets to agree to arms reductions and limitation treaties and to lead our own allies into sharing the costs of defending the Free World. We are where we're at because we were willing to spend the money to strengthen our military posture. Let's not lose that through some spate of random budget cutting with a meat cleaver.●

SELF HELP FOUNDATION: A WORLD SERVICE

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. BEDELL. Mr. Speaker, a number of Rotary Clubs and churches across America, including several in my district in northern and northwestern Iowa, are actively involved in supporting the Self Help Foundation as it strives to fight hunger in the developing portions of our world.

The new Governor of Rotary District 597, Michael V. Karnis from my hometown of Spirit Lake, IA, recently provided me with information about the extremely worthwhile goals of this foundation.

The story of the Self-Help Foundation and what it is accomplishing is rewarding and encouraging, and I commend Mr. Karnis' description of its work to the attention of my colleagues:

The best way to serve people in the hungry nations is to help those people help themselves. To give them things does not truly serve them; it makes them dependent. To truly serve is to teach others how to help themselves so they can grow by expanding their skills. This approach takes a large commitment of time and energy. Yet it is the only way of serving which breaks the chain of dependency.

This is precisely the philosophy of the Self Help Foundation. Established in Waverly, Iowa in 1959 by Vern Schield, Self Help is a non-profit organization dedicated to assisting hungry people around the world become self-reliant by transferring appropriate agricultural manufacturing capability and farm mechanization services to developing countries. It does this through its simple 12-horsepower diesel tractor and twenty farming implements specifically designed for that technological and economical environment. Introducing agricultural manufacturing and mechanization has been a long, slow process for Self Help because it has had to change thought patterns besides introducing entirely new sets of skills. But Self Help has succeeded in 25 years in bringing its services and equipment to fifty-four countries.

Why is the Self Help Foundation receiving the response it is from people familiar with the needs of developing countries and from people within developing countries? Because it sets people free by sharing new ideas and skills rather than making them dependent on someone else to give them food which will only feed them for a day.

Self Help is built on the idea that farm implements for lesser developed agriculture must be simple to operate and easy to maintain. Its tractor has no hydraulic or electrical system and has an uncomplicated but powerful drive-train.

It attacks the root of hunger with a 3-phase program: During phase one the tractors and equipment are provided to the country for testing, training and use by farmers, and a market study is completed. The testing takes place in the rural areas where the tractor is proposed to be used. The testing continues in every type of soil available in the area. All tests are conducted under the guidance and supervision of Self Help transfer technicians and local authorities.

Phase two provides training in the maintenance and manufacturing. At the beginning of the training program, administrative personnel from the developing country are given all of the data needed to enable them to purchase production machines and inventory required to manufacture the tractor and implements in their country. The final details of the transfer of appropriate technology are worked out prior to their return. Head instructors from developing countries are trained in the skills needed to manufacture the jigs, fixtures, patterns, tractor and implements.

In phase three, centers are established to manufacture the equipment locally and provide training and employment. Since 75 to 95 percent of the population is rural and this is the greatest area of unemployment, the program goes to where the people are. The newly trained instructor and Self Help transfer agent travel back to the developing country where they train the local people to be the teachers and lead personnel in the manufacturing. Formerly unskilled people are building tractors and earning a better income than they ever hoped to earn. People are now getting training that would be unavailable to them anywhere else. Moreover, the tractors they build make the people's lives complete: they know how to use the tractor and the implements, they can repair them and can manufacture their own spare parts, and they have the ability at last to multiply crop yields and provide far more food for their society than they could ever do with hand or animal power.

The story of Self Help demonstrates that appropriate manufacturing technology can be successfully transferred to developing countries. Illiterate and semi-literate people can be trained to manufacture, operate and maintain appropriate equipment. Small tractors can improve farm productivity and raise the net income of farmers in developing countries. Leaders of countless small nations, men in our own foreign assistance programs, in the U.N. and the World Bank, in the A.I.D. programs overseas and elsewhere have praised the work of Vern Schield and the Self Help Foundation. It behooves all of us to study its approaches to the world hunger problem and not only praise it but emulate it.●

VETERANS HEALTH PROGRAMS EXTENSION ACT OF 1985

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. EDGAR. Mr. Speaker, today I am introducing a bill to extend two health care programs for veterans which are due to expire in the next 2 years. Last year, the administration requested that legislation similar to this bill be introduced. Because the Subcommittee on Hospitals and Health Care had completed its legislative program prior to the receipt of the administration's request, we deferred action on several of the items contained in that request. I expect that we will hold hearings on this measure in the early part of the 99th Congress.

Section 2 of the bill would extend the VA's authority to contract for care in halfway houses and other community-based treatment facilities for veterans suffering from alcohol or drug dependence or abuse disabilities. Last year, 83 VA medical centers had 297 contracts with halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities for such veterans. Over $6 million was expended last year by the Veterans' Administration for this type of care, which benefited nearly 6,000 veterans. This program was initiated by the VA in April, 1980, following the passage of Public Law 96-22.

A recent evaluative report of this program, which is designated as a pilot program, found that the community-based programs serve as a great facilitator for reentry into the community for certain alienated veterans with substance abuse problems. Put in other words, this is a useful program which serves as an adjunct to the very successful in-house program administered by the VA; it provides transitional services to veterans who are in the final stages of treatment for substance abuse problems. The VA noted that despite higher initial treatment costs, the program appeared to be effective in reducing expenditures for subsequent treatment.

Section 3 would extend the authorization for appropriations to a program which is one of the truly effective and respected Federal-State sharing programs. I have spoken to many of my colleagues about the veterans' program which grants States up to 65 percent of the cost of constructing or remodeling facilities which provide nursing home and domiciliary care to older veterans. While I believe that there may be a more efficient way of authorizing these funds to insure that we are making grants where the need is greatest, I want to insure that this program continues to operate without any interruption. Thus, I am introducing this measure to extend the life of this program for an additional 3 years.

I urge my colleagues to support this measure.●

COOPERATIVE EAST-WEST VENTURES

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. ANTHONY. Mr. Speaker, before we find ourselves deeply involved in the immediate and pressing problems of budgets, taxes, spending cuts, and other current issues, I want to briefly highlight one piece of legislation from the 98th Congress which has the potential effect of improving relations between the United States and the U.S.S.R. I refer to Public Law 98-562 which encourages cooperative East-West ventures in space, including a possible joint space mission to Mars.

In the December issue of Omni magazine, Senator SPARK M. MATSUNAGA of Hawaii discussed this issue in the most compelling terms. Unless we find greater areas of cooperation which can transcend the rivalries and divisiveness between East and West, the human species may be doomed to eventual self-extinction. It is courage and vision which are needed now to seize this opportunity and push ahead in the area where cooperation is possible now.

Senator MATSUNAGA has exercised great leadership in this issue already, and his article in Omni points the di-

rection we need to go. I urge my colleagues to read it and reflect upon its message.

The article follows:

FIRST WORD

"The custodians of the real world will dismiss an international Mars mission proposal as naive, but I hope they will pause first and recall the universal story of the newborn child." The holiday season, with its eternal theme of peace on Earth and goodwill among all people, is profoundly relevant to our dawning Space Age.

I first learned about such values from my father, a Shinto priest, and had them reinforced when I later embraced the Christian faith. The follower of any other tradition—Jew, Moslem, Hindu, Buddhist—would recognize these beliefs as well. For they are embodied in the universal story of the divine birth—the joyously received entry into the world of a child destined to bring salvation to a suffering humanity.

The divinely conceived child personifies a uniquely human capacity for spiritual transcendence. Other species accept and live out their Darwinian fates. But humanity constantly transcends its condition by inspired feats of the imagination that the reasoning mind translates into working reality. Thus, although we lack wings, we fly in space; although we lack gills, we swim to the bottom of the sea; when our hearts fail, we revive them or even replace them.

But if science is an active participant in the human quest for transcendence, it is the spiritual impulse that defines the goal, the purpose of human striving, and the ultimate promise of salvation.

The one goal that inspires humanity's greatest achievements is, to my mind, unity. From Einstein's search for a unified-field theory, to Mozart's sublime harmonies, to the exquisitely balanced architecture of the Parthenon, humanity's most inspired achievements have always evoked transcendent unity. By contrast, our Darwinian "real world" continually succumbs to primitive impulses for dominance, divisiveness, and war, which we helplessly rationalize and romanticize.

So two antithetical impulses struggle for ascendancy within each individual, each culture. One, determininistic and bestial, drives us to disunity; the other transcendent and spiritual, inspires us to unity.

And now, I believe, the age-old struggle between these two forces enters what may be its final chapter. The setting is the cosmos itself. Here on our tiny microbe of a planet, humanity stands poised to launch a new age of limitless discovery. But we cannot hope to populate the cosmos as long as we carry within us the seed of dominance, divisiveness, and self-destruction. Unless we first transcend our worser selves, we are doomed.

That is the context in which currently fashionable visions of the future need to be examined. Any suggestion that our greatest scientific minds should be mobilized in a national effort dedicated to finding newer and jazzier outlets for base, primitive fantasies, rationalized in a thousand ways, denies the noblest aspirations of American intelligence and imagination. Such thinking strikes at the very essence of our religious ideals. We cannot attain transcendent unity with a video-game vision of the future.

Already, the greatest visionaries of the Space Age have rejected man's baser instincts. Arthur C. Clarke, for example, has written that we must replace the "technological obscenities" of a star-wars defense with the "technological decency" of an international space effort. In the same vein, Isaac Asimov calls for globalism rather than tribalism in the Space Age. These literary prophets know that even as fantasy, the star-wars program is a second-rate production, a perversion of the uniquely human capacity to create transcendent forms that unify.

It is the task of political leaders to translate such visions into policies that will set this nation on a new and more promising course. It should be a course that future generations, endless future generations, can pursue with wonder and zeal.

In that spirit, I introduced legislation proposing a joint U.S.-Soviet program consisting of space missions of gradually increasing complexity, linked to a moratorium on space-weapons testing. These ventures would build toward an international manned mission to Mars in the twenty-first century. The program would unfold in the same time frame as star wars but at far less cost and with far more promise. In contrast to star wars, which polarizes scientific inquiry on the frontier of space, an international Mars mission—a 16-month voyage into space—would enlist the world's best scientists and engineers in a united enterprise, the most stirring undertaking in human history. Indeed, while pursuing this new path of exploration and discovery, Americans and Soviets might even rediscover their common humanity.

No doubt the administrators and custodians of our self-absorbed "real world" will be tempted to dismiss an international Mars mission proposal as naive; but I hope they will pause first, set their legal pads and briefing papers aside, and recall the universal story of the newborn child.

What was it that brought the three wise men to Bethlehem on Christmas Day? Was it to hear yet another lecture on the self-perpetuation complexities of the "real world"? Of course not. They came to behold the promise of something new and divinely inspired, a new wisdom that offered rebirth for a multitude of people.

Similarly, we need to ask. Does this new idea fit the need? Is it what our nascent Space Age requires? If the answer is yes, then we should have the courage to take the necessary initiatives in the policy sphere.

An international Mars mission would herald the birth of a new, transcendent age. Mankind's highest aspirations in art, science, and religion would be finally realized. The beast of divisiveness would be securely caged as humanity began a journey into the cosmos, unified at last.●

A TRIBUTE TO FELIX R. NEVAREZ

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. MARTINEZ. Mr. Speaker, it is truely an honor to bring to your attention the valuable contributions made by Mr. Felix R. Nevarez to his community and especially to the young people of Los Angeles.

Mr. Nevarez owns his own business which is known as "Felix's Pantry" and located in Montebello, CA. Felix was the third of 11 children born to Francisco and Natividad Navarez. He attended Mariana Elementary School, Belvedere Junior High School, Roosevelt High School, Los Angeles City College, and University of California at Los Angeles. Felix and his wife have been married for 44 years. They have three daughters and eight grandchildren.

The family and friends of Felix R. Nevarez have arranged an honorary dinner on his behalf and I would like to take this opportunity to share with you some of the hard work and unselfish giving that has distinguished Felix and has prompted this special recognition.

Felix first became involved with the organization of the East Los Angeles Youth Band in the hopes of providing activites for, and developing the talents of, our cities young people. The fundraisers for band uniforms and instruments required many hours of organization and hard work but the results were an award-winning band that gave pride and a feeling of self-worth to many children in the east Los Angeles area. Later, Felix expanded this program to include a topnotch drill team.

The work that Felix has done for St. Michaels, a monastery in Bell Gardens, CA, has been considerable. The monastery would hold fundraiser dinners twice a year at which Felix would cook and serve the food to all the guests.

Aside from these contributions Felix has been active in the Boy Scouts of America organization. And it is this service that is mainly responsible for the honorary dinner held for him. No other action can better illustrate Mr. Nevarez's commitment to the youth of Los Angeles. This organization seems to embody all that is admirable in community service for the youth. Felix's latest efforts have been directed toward the procurement of equipment for summer camps, food for numerous meals which have been enjoyed by many Scouts at their various functions. In general, Felix has been a dedicated and forceful personality behind the Boy Scout organization in the Los Angeles area.

Mr. Speaker, Felix Nevarez may not have contributed hundreds of thousands of dollars to assist the youth of Los Angeles, but he has given something of even more value and often harder to share. Felix has given himself, his time, his energy and his commitment to the building strong foundations for our children's development.●

SSI CHANGES TO PROTECT SHELTERED WORKSHOP PARTICIPANTS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. FRANK. Mr. Speaker, today I am reintroducing legislation I originally filed in the last Congress which would make necessary changes to the SSI law so as not to penalize recipients whose incomes, because of the nature of their disabilities, may be spasmodic or uneven throughout the year.

Under current SSI regulations, all beneficiaries must have their income redetermined on a monthly basis to establish whether their income was over the amount allowed under the program. If such a determination is made, the receipient's benefits are then reduced by one-half the amount of the coverage.

While I have no quarrel with their being income limitations set, the monthly redetermination works an unfair hardship on those disabled persons whose incomes vary greatly from month to month. This is particularly true in the case of those participating in sheltered workshop programs. By their very nature, the amount of work to be done in these workshops varies greatly from month to month and since the participants of these programs are paid generally on a piecework basis, their incomes necessarily fluctuate with the amount of work to be done by the workshop. It is not uncommon, for instance, for a workshop to be very busy in the months preceding the Christmas season, but to be very slow in the months thereafter.

The problem that affects the disabled people—and in particular, the mentally retarded—who work in these programs is that while their annual incomes may well not exceed the annual income allowed without penalty under the SSI program, their income during several busy months may exceed the limits when that annual income limitation is divided by 12. The result is that the monthly SSI check is reduced and that reduction is not recouped in a low-earning month. Thus, even though the individual's annual earnings may not exceed the income limits, he or she is penalized because of the monthly accounting process.

The legislation I am introducing would rectify this situation by providing that in determining the amount of the SSI benefit for disabled individuals engaged in sheltered workshop employment or for those whose income is irregular or spasmodic, monthly income shall be assumed to be equal to the average monthly income over a year. This process will still allow an income limitation to be maintained but will result in fairer treatment for those whose income is uneven throughout the year.

Mr. Speaker, I want to commend Barbara Turner, the past president of the Association for Clients of People, Inc., in Fall River, MA, for bringing this very unfair situation to my attention. Ms. Turner is a very dedicated individual who has taken the time to learn the very complicated laws and regulations that affect the disabled people she so ably assists. I am very greatful for her help in introducing this legislation.●

VETERANS DAY 1984

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. McKINNEY. Mr. Speaker, after the last Congress adjourned, our Nation celebrated its annual observance of Veterans Day on the 12th day of November. At that time the people and the veterans of this country gathered to remember and to honor those who had fought in the various wars in which the United States had participated. In groupings large and small around the country, they recalled the valor, the pain, the glory, and, oftentimes, the death of family members and companions.

Here in Washington, the observance of Veterans Day took on a new dimension in 1984. The Vietnam Memorial was completed, dedicated and turned over to the United States and its people. Various Veterans Day activities held on The Mall, while emphasizing the veterans of our most recent war in Vietnam, included also representation of veterans of past wars. The camaraderie exhibited on The Mall demonstrated the common interest of the veterans of every generation. That interest is to maintain forever the United States of America as "the land of the free."

Most of my colleagues were unable to participate in the Veterans Day ceremonies on The Mall, but I would like to share with them a part of the observance which I believe to be a positive sign in the healing process from the Vietnam war. The National Poet Laureate of the Vietnam Veterans of America, Steve Mason, read to the vast crowd that day an excerpt from his work "Johnny's Song." Having served his country in Vietnam, Steve Mason knew a lot of Johnnys. Having known a lot of Johnnys, Steve Mason continues to serve his country.

THE WALL WITHIN, AN EXCERPT FROM JOHNNY'S SONG

(By Steve Mason)

Most real men
hanging tough
in their early forties
would like the rest of us to think
they could really handle one more war
and two more women.
But I know better.
You have no more lies to tell.
I have no more dreams to believe.

I have seen it in your face
I am sure you have noticed it
in mine;
that thousand yard stare
that does not look out—
it looks in—
at the unutterable.
unalterable truth of our war.

The eye sees
what the mind believes.
And all that I know of war,
all that I have heard of peace,
has me looking over my shoulder
for that one bullet
which still has my name on it—
circling
round and round the globe
waiting and circling
circling and waiting
until I break from cover
and it takes its best, last shot.
In the absence of Time,
the accuracy of guilt is assured.
It is a cosmic marksman.

Since Vietnam,
I have run a zig zag course
across the open fields of America
taking refuge in the inner cities.
From MacArthur Park
to Washington Square
from Centennial Park
to DuPont Circle,
on the grassy, urban knolls of America
I have seen an army of combat veterans
hidden among the trees.
Veterans of all our recent wars.
Each a part of the best of his generation.
Waiting in his teeth for peace.

They do not lurk there
on the backs of park benches
drooling into their socks
above the remote, turtled backs
of chessplayers playing soldiers.
They do not perch upon the gutter's lip
of midnight fountains
and noontime wishing wells
like surrealistic gargoyles
guarding the coins and simple wishes
of young lovers.
No.
I have seen them in the quiet dignity
of their aloneness.
Singly, in the confidence
of their own perspective.
And always at the edges of the clearing.
Patrolling like perimeter guards,
or observing as primitive gods,
each in his own way looks out to the park
that he might "see" in to the truth.

Some, like me
enjoy the comfortable base
of a friendly tree
that we might cock one eye
to the center of the park
toward the rearing bronze horsemen
of other wars
who would lead us backwards to glory.
Daily, they are fragged
by a platoon of disgruntled pigeons
saying it best for all of us.

And with the other eye,
we read the poetry of America the Beautiful
as she combs her noontime hair
and eats precise shrimp sandwiches
and salad Nicoise catered by Tupperware-
and never leaves a single crumb.
No wonder America is the only country
in the world which doesn't smell like food.

. . . and I remember you and me
picnicing at the side
of the Ho Chi Minh Trail in the rain
eating the Limas and Ham from the can
sitting easy in our youth and our strength
driving hard bargains with each other
for the C-ration goodies
we unwrapped like Christmas presents.
Somwhow it really seemed to matter
what he got versus what you got.
It wasn't easy trading cheese and crackers
for chocolate covered peanut butter cookies!
And the pound cake—Forget about it!
I knew a guy would cut a hole in it
and pretend it was a doughnut.
For six months I watched that
and refused to ask him about it.
I did finally. And you guessed it.
He hated pound cake.
And remember the water biscuit
that came in its own tin?-
I think they had the moxie to call it a cookie—
it came with the marmalade
and was made by that outfit in Chicago
we promised to burn to the ground someday.
Damn, how did your buddy, the animal,
ever eat that crap?
Then, we'd happily wash down the whole mess
with freckly-faced strawberry kool-aid
straight from the canteen
some days there'd be goofy grape
(anything to keep from choking
on the taste of purified water).
Bleck.
But somehow I sensed all the while
that I'd never be able to forgive myself
for enjoying your company so much
or being so good at the game we played.

We were the best—You & I.

In our parks,
there are whole other armies of veterans
mostly young and mostly old
but always ageless
who are not alone.
They share with their families
and their friends
these open-aired
above-ground time capsules
of our national culture.
They read aloud to themselves
and their children
from the plaques and statues
monuments and markers
those one-line truths
of our common experience
as if there could be a real significance
in words like Love and Hate tattooed
on the clenched, granite fists of America.

Sometimes, when I am angry
it seems as if I could start my own country
with the same twenty Spill and Spell words
we shake out at the feet of our heroes
like some crone spreading her hands
over the runes prior to a mystic reading.
Words like:
peace and sacrifice, war and young
supreme and duty, service and honor
country, nation, men and men and men again,
sometimes God and don't forget women!
Army, Air Force, Navy, Marines and freedom.

Then, just as quickly, the anger passes
and reverence takes its place.
Those are good words, noble words, solemn & sincere.
It is the language of Death
which frightens me;
it is unearthly to speak life concepts
over the dead.
Death is inarticulately final
refusing forever to negotiate.

That, and the awesome responsibility
we place eternally on our fallen
teenage sons,
seems unbearably heavy
against the lengthening, prancing
shadows of Sunday's frisbeers.

Apparently, there is no period
which can be placed after sacrifice.
All life is struggle.
An act of natural balance
and indomitable courage.
As it is with man
so it is with mankind.

If we permit Memorial Day
to come to us every day,
we ignore the concept of sacrifice
and dilute its purpose.
When we do that
we incur the responsibility
to effect change.
If we are successful,
the sacrifice has renewed meaning.
It seems there is no alternative to life.
But there may be to war. . .

The values of our society seem to be distributed in our parks
and reflected in the eyes of veterans
who look there for validation
and find only confusion and sadness.
Strange, I have observed no monuments
to survivors.
No obelisk to mark the conflict
of those who risked
and lived perhaps to fight again
or perhaps to speak of peace.
Nowhere, yet, a wall for the living.
There is no wonder
guilt is the sole survivor of war.
We do not celebrate life after combat
because our concept of glory
lives neither in victory nor in peace
but in Death.

There are plagues at the doorsteps
of skyscrapers;
in New York on 10th and the Avenue
of the Americas it reads:

IN MEMORY OF THOSE FROM GREENWICH VILLAGE WHO MADE THE SUPREME SACRIFICE IN THE KOREAN CONFLICT, 1950-1953

In Nashville's Centennial Park
in a shaded wood
to one side of the Parthenon
built to scale and to the glory
which was Greece,
a small statue stands;
it is inscribed:

I GAVE MY BEST TO MAKE A BETTER WORLD, 1917-1918

I stood there one fall
ankle deep in leaves
and looked up at the night sky
through a hole in a ceiling of trees
wondering how much better the world
might look from up there.

From the moon
only one mandate object
can be viewed by the naked eye;
The Great Wall of China
(a tribute to man's functional paranoia)
It's a peculiar perspective
because we're a lot closer
and the only manmade object We can see
is THE Wall in Washington, D.C.
(a veterans solemn pledge to remember)
There is one other wall, of course.
One we never speak of.
One we never see,
One which separates memory from madness.
In a place no one offers flowers.
THE WALL WITHIN.
We permit no visitors.

Mine looks like any of a million
nameless, brick walls—
it stands in the tear-down ghetto of my soul;
that part of me which reason avoids
for fear of dirtying its clothes
and from atop which my sorrow and my rage
hurl bottles and invectives
at the rolled-up windows
of my passing youth.

Do you know the wall I mean?

I learned of mine that night in the rain
when I spoke at the Memorial in Washington.
We all noticed how the wall ran like tears
and every man's name we found
on the polished, black granite face
seemed to have our eyes staring back at us;
crying.
It was haunting.
Later I would realize
I had caught my first glimpse
of the Wall Within.
And those tears were real.

You and I do not walk about the Wall Within
like Hamlet on the battlements.
No one with our savvy
would expose himself like that
especially to a frightened, angry man.
Suicide loiters in our subconscious
and bears a grudge; an assassin
on hashish. We must be wary.
No. We sit there legless in our immobility
rolling precariously in our self-pity
like ugly Humpty Dumpties
with disdain even for the King's horses
as we lean over the ledge to write
upside down with chalk, bleached white
with our truth
the names of all the other casualties
of the Vietnam War
(our loved ones)
the ones the Pentagon didn't put in uniform
but died anyway.
Some because they stopped being who
they always were
just as truly as if they'd found
another way to breathe.
Others, because they did die
honest-to-God casualties of the
Vietnam War
because they lost the will
to breathe at all.

My mother gave her first recital
at Carnegie Hall at age eleven.
Sometimes, when I was a boy
I'd watch her play the piano
and wonder if God, after all, was not a woman.
One evening when I was in the bush
she turned on the 6:00 news
and died of a heart attack.

My mother's name is on the Wall Within.

You starting to get the idea?
Our lists may be different
but shoulder to shoulder
if we could find the right flat cloud
on a perfect, black night
we could project our images
upon a god-sized drive-in theatre
wide enough to race Ben Hur across
for a thousand years . . .

Because the Wall Within
adds up the true cost of war . . .

We can recite 58,012 in our sleep
even the day after they update it,
but how many of those KIA had kids?
How many of them got nice step-dads?

Whose wall do they go on?
And what about you vets
who came home to your wife and kids
only to divorce her because
there wasn't anybody else to be angry at?
How many dimes
have you long-distance fathers
dropped into the slot
to hear how another man
was raising your children?
Yeah, Yeah, I can hear you hollerin',
"Put it on the wall! Put it on the wall!"
Damn right, it's on the wall . . .
And you remember how that came down?
You told the three year old
his daddy loved him
and his mommy loved him
and nothing would ever change that.
But it did anyway.
But not because you didn't love him enough,
but because you loved him too much
to be a part-time daddy.
And you couldn't explain that to him
because you couldn't explain it to you.
What the hell? I mean who were you,
Spinoza? You came home a twenty-two year old
machine gunner for chrissake,
you did the best you could.
PUT IT ON THE WALL!!
And somewhere, in an art gallery, maybe,
is a portrait of American Grieving Parenthood.
Handholding, Rockwellian caricatures
of wisdom and forbearance
and oh yes, pride
sitting on the front porch
of the township
waving their lemonades
at the Greyhound bus driver.
Baloney. The names go UP!
Because every time you can't find Mom,
you damned well better call Doc Smith
'cause she's up on the second floor again
sitting on the floor in Johnny's closet
smelling his Varsity sweater
with the sleeves around her shoulders
sobbing something maybe only Johnny ever understood.
But don't worry about dad,
who never fished again,
or watched a ballgame on TV again
and won't talk to anyone this year
between the ages of thirty and forty.
He's doing fine.
He just doesn't exercise
as much as he should,
but Doc Smith assures us there's no medical
reason why the folks should have
separate bedrooms;
Dad just likes to read a lot these days.
If you and I were men of common conscience
we might agree on a collective dedication
to our Walls Within.
As for me
they could all read:
This wall is dedicated
to mothers, fathers, sisters, brothers,
wives, husbands,
sons, daughters,
lovers, friends
and most of all dreams
of the men and women
who risked it all in Vietnam
while you continued to lose them
during and after the war
with less a chance than they for a parade
and no chance at all for an explanation.
You lost them to bullets, internment,
drugs, suicide, alcohol, jail, PTS,
Divorce, but never never did any of you
ever lose them to the truth
which is now being shared
across this great nation
in such an act of spontaneous
moral courage, its like may never
have been seen on any battlefield
in the history of mankind . . .
Amen to that, brother.●

YOUNG AND STELLA LOUIS—OUR LONGEST MARRIED COUPLE

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. PANETTA. Mr. Speaker, I am pleased to inform my colleagues that a search by Worldwide Marriage Encounter in honor of World Marriage Day has turned up Young and Stella Louis of San Luis Obispo as the longest married couple in California's San Luis Obispo, Monterey, and Santa Cruz Counties. Young and Stella celebrated their 72d wedding anniversary on December 31, and they seem headed for many more years of wedded happiness.

Young Louis is the oldest of eight children of Ah Louis, who first came to California in 1860, and Gon Ying of San Francisco. They settled in San Luis Obispo, where Young was born in 1893. Stella Louis was born in 1897 in Berkeley, CA, at a time when there were very few Chinese women permitted in the United States. Young and Stella met at a church bazaar in San Francisco early in 1912, when they were both in their teens. They were married at the end of the year in First Christian Church in San Luis Obispo.

Over the years, Young worked in a number of theaters in San Luis Obispo. He attended California Polytechnic State University, where he majored in electrical engineering, and graduated in 1923. For several years, Young served as secretary of the Cal Poly's Alumni Association, and in 1960, he was named "alumnus of the year." He received a special Mustang Award from Cal Poly students in 1968.

Young and Stella have been very active in community affairs and have taken a special interest in historical preservation efforts in San Luis Obispo. More than 30 years ago, they founded the San Luis Obispo County Historical Society, and they have worked to make it a success.

Mr. Speaker, Young and Stella Louis have had a long life together. We can all share in their pride and love and aspire to such strong commitment in our own lives. Young and Stella are still very active in the community, and there is every reason to believe that their marriage has many more years to go. I know my colleagues join me in congratulating them and wishing them the best of everything in the future.●

JOE RAUH: 50 YEARS, AND COUNTING, OF DOING GOOD

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. EDWARDS of California. Mr. Speaker, I want to call to the attention of my colleagues an article which appeared in the New York Times on January 8, 1985. Entitled "Joe Rauh: 50 Years, and Counting, of Doing Good," the article looks at Joe Rauh's extraordinary lifetime commitment to the fight for civil rights and civil liberties.

His is a commitment which has never faltered, and one which has brought this country closer to the ideals of equality and justice embodied in our Constitution.

I've always felt honored to count Joe as one of my friends. This article captures some of the reasons why Joe's friendship is a special treasure. I was particularly taken by Joe's comments to a group of young college students:

To the extent that there is a valley in the efforts toward equality today, it results from a national fatigue based on the unprecedented efforts of recent decades. But one can hope—no, expect—that this too will pass, that batteries will be recharged and that increased racial tolerance will spark new gains of which future generations will be as proud as we are of ours.

I hope my colleagues will read the article that follows and be inspired, as I have been, by Joe's remarkable example.

[From the New York Times, Jan. 8, 1985]

JOE RAUH: 50 YEARS, AND COUNTING, OF DOING GOOD

(By David E. Rosenbaum)

WASHINGTON, January 7.—Fifty years ago, Joseph L. Rauh, Jr. came to Washington to, in his words, "work for the New Deal." He has been doing it ever since.

"There was a spirit in 1935 that has never come again," Mr. Rauh said the other day, reflecting on his years here. "You had to be in it to believe it. The idealism was so great. We had night secretaries. We would work all night. We thought we were saving the country, and, you know, I think we really were."

Many of his peers from those days have turned against liberalism and the Government's social welfare programs, becoming "neoliberals" or even outright conservatives. Mr. Rauh has not done that.

Many used their Government connections to become wealthy. Mr. Rauh never did that either.

And most, perhaps nearly all, are now dead or retired. In contrast, at age 74, Joe Rauh is practicing law full time, suing the Central Intelligence Agency, lobbying in Congress for compensation for Japanese Americans who were interned in World War II, defending the civil liberties of a Congressman caught up in Abscam, speaking out for busing and affirmative action and devoting himself to the causes—some popular, most not—that have been his life.

LIKE AN ANTHOLOGY OF LIBERALISM

A list of those causes reads like an anthology of American liberalism.

In the 1930's he was law clerk to Justices Benjamin N. Cardozo and Felix Frankfurter on the Supreme Court and counsel to several of the alphabet agencies of the New Deal.

In the 1940's, after serving on Gen. Douglas MacArthur's staff in the Pacific, he was an organizer of Americans for Democratic Action and a principal author of the historic civil rights plank in the 1948 Democratic platform.

By the 1950's he had become the nation's best known civil liberties lawyer, a sworn enemy of McCarthyism, and his clients included the playwrights Lillian Hellman and Arthur Miller and Walter Reuther's United Auto Workers.

In the 1960's Mr. Rauh represented the Mississippi Freedom Democratic Party and the Leadership Conference on Civil Rights. He pounded the halls of Congress, incessantly, without pay, and it was said that the Civil Rights Act of 1964, the Voting Rights Act of 1965 and the Fair Housing Act of 1968 would never been enacted without his lobbying. Two photographs commemorating those days hang side-by-side in his office.

His most prominent client in the 1970's was Joseph A. Yablonski, who challenged W.A. Boyle's leadership of the United Mine Workers. After Mr. Yablonski, his wife and their daughter were found slain, Mr. Rauh forced a Federal investigation that concluded that the deaths had been instigated by the union leadership.

"Other people may have made more money," Mr. Rauh said, looking back at his career. "But no one has had more fun."

And it is the fun, not the battles, that Joe Rauh likes to talk about.

Like the time in 1957 when Arthur Miller, who was then married to Marilyn Monroe, was on trail for contempt for Congress for refusing to identify for the House Un-American Activites Committee writers he knew to be Communists.

BREAKFAST WITH MARILYN MONROE

"He called me up the day before the trial was going to begin," Mr. Rauh recalled, "and said, 'What am I going to do with my wife? She can't stay in a hotel. They would tear her apart.'

"I said, 'Why don't you stay with us?' I remember going home that night and saying to Carl [one of his sons, now a criminal trial lawyer here], who was then 16, 'You've got to go to the station tomorrow and pick up Marilyn Monroe.' You can't imagine his expression.

"That first morning at breakfast, Carl and I knocked ourselves over going to the kitchen to get her a glass of water. She stayed with us for two weeks, and the day before the trial ended, word got out somehow she was at our house. When Carl got home from school, there were people all over the lawn, and he went out and held a news conference.

"At the end, some reporter, from The Star, I think, said, 'Well, in sum, Carl, what's it like to have Marilyn Monroe around the house?'

"And Carl said, 'It ain't quite like living with your brother.' "

HELLMAN AND SHREWDNESS

Five years earlier, Mr. Rauh had represented Lillian Hellman when she was subpoenaed by the Un-American Activities Committee. In "Scoundrel Time," her book about that era, Miss Hellman wrote: "I liked Rauh. Shrewdness seldom goes with an open nature, but in his case it does and the nice, unbeautiful, rugged, crinkly face gives one confidence about the mind above it."

What Mr. Rauh remembers most about that case is that he composed Miss Hellman's now-famous letter to the committee. That is, he composed all but one sentence: "I cannot and will not cut my conscience to fit this year's fashions." Miss Hellman wrote that sentence. It is what made the letter famous, and it is all most people remember about it now.

Of all the civil rights leaders he dealt with, Mr. Rauh (his name rhymes with "wow") has perhaps the fondest memories of A. Philip Randolph, the long-time head of the Brotherhood of Sleeping Car Porters. "Mr. Randolph—I never called him anything but Mr. Randolph—was the most dignified man who ever lived," Mr. Rauh said.

He recalled the day in the 1950's when he and Mr. Randolph won an important civil rights victory: "Afterward, we were on the corner of 14th and K, and I said, 'Mr. Randolph, we ought to have a drink to celebrate.'

"He said, 'Yes, Mr. Raw'—he never could get my name straight—'but where should we go?'

"I had to think. Finally, I said, 'There are two places we can go, to the railroad station, or you can come to my house.'

"He just shrugged and said, 'Mr. Raw. You and I have just had a symbolic drink.' "

Mr. Rauh says he tells that story not so much to make the point that there was almost nowhere in Washington back then where a black man and a white man could sit down together, but to illustrate Mr. Randolph's dignity.

'THIS TOO WILL PASS'

It concerns him, Mr. Rauh said, that young people today seem antipathetic to the causes that have driven him all his life. "It makes you sick," he said, to hear that law students today are more interested in doing well than in doing good.

But, ever the optimist, he says he believes it is only a matter of time before the social and political winds shift again. Last fall he delivered a lecture at Clinch Valley College of the University of Virginia on "The Future of Civil Rights and Civil Liberties in America." He left the students with this thought:

"To the extent that there is a valley in the efforts toward equality today, it results from a national fatigue based on the unprecedented efforts of recent decades. But one can hope—no, expect—that this too will pass, that batteries will be recharged and that increased racial tolerance will spark new gains of which future generations will be as proud as we are of ours."●

ECONOMIC STATISTICS: CARTER AND REAGAN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. HAMILTON. Mr. Speaker, the final economic statistics for 1984 are now being published. They allow us to compare the performance of the economy in President Reagan's first term with that in President Carter's term. The results, summarized in the following table, may be of interest:

	Carter [1]	Reagan [2]
Real GNP growth rate (percent)	3.2	2.7
Civilian unemployment rate (percent)	6.5	8.6
Inflation [CPI] rate (percent)	9.7	6.0
Total Federal employment (millions) [3]	4.89	4.94
3-month Treasury bill rate (percent)	8.5	10.7
Mortgage rate (percent)	10.5	13.7
Federal deficit:		
Billions of dollars	45.3	134.8
Percentage of GNP	2.1	4.1

[1] Averages for 1977–80.
[2] Averages for 1981–84.
[3] Includes military, stationed in the United States and abroad.●

A TRIBUTE TO CHARLES E. "COMMANDO" KELLY

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. COYNE. Mr. Speaker, the city of Pittsburgh lost a favorite son recently with the passing of Charles E. "Commando" Kelly.

Kelly, a resident of my city's north side, received a Congressional Medal of Honor for his heroic, single-handed World War II encounter with a German infantry platoon during the Battle of Salerno. The description that accompanied his Medal of Honor uses just a few words to describe an action which saved many lives. It says that:

Corporal. Kelly took a position at an open window of the storehouse. One machine gunner had been killed at this position and several other soldiers wounded. Cpl. Kelly delivered continuous aimed and effective fire upon the enemy with his automatic rifle until the weapon locked from overheating. Finding another automatic rifle, he again directed effective fire upon the enemy until this weapon also locked.

The description went on to say:

At this critical point, with the enemy threatening to overrun the position, Cpl. Kelly picked up the 60 mm mortar shells, pulled the safety pins, and used the shells as grenades. When it become imperative that the house be evacuated, Cpl. Kelly volunteered to hold the position until the remainder of his detachment could withdraw. As the detachment moved out, Corporal Kelly was observed deliberately loading and firing a rocket launcher from the window. He was successful in covering the withdrawal of the unit.

Each of us, I am sure, hopes, that something in our lives, something that we have done, or perhaps chose not to do, will cause those who follow us to recognize that we met the tests our particular era put before us. Cpl. Kelly met his test. He is remembered and honored, in Pittsburgh and elsewhere, for the example he set. At this point, I include in the RECORD material on the life of Corporal Kelly.

The material follows:

[From the Pittsburgh Press]

CHARLES "COMMANDO" KELLY

He didn't even have the medals any more.

He gave all 11 of them—including the Medal of Honor—away over the years to hero worshippers.

Charles "Commando" Kelly didn't have much left at all, save his memories of war and the feeling that he didn't fit in much with peace.

He was a drifter, a survivor who took the knocks as they came. He absorbed, fell, bounced and absorbed again for more than 40 years, never quite able to cope with life, maybe because he had seen too much of death.

"Commando" Kelly earned the medals, his fame was forced on him.

His name became a household word in the mid-1940s. Children who played war all wanted to be "Commando" Kelly. Their parents lined the streets when he was paraded through his native North Side, a hero coming home to face a civilian life that was a constant downhill slide.

The slide ended Friday at the Oakland Veterans Administration Hospital, a bowel obstruction taking the life that an entire platoon of German soldiers at Altavilla, Italy, or the rain of bullets and shrapnel at the Salerno beachhead and the Rapido River could not.

But the memories of those battles—just two years ago he recited the names of some of his buddies who were killed trying to cross the Rapido—were still vivid, undimmed by the passage of years.

The hero survived the war, but not the memories.

But then, does anybody ever survive memories of pure hell?

[From the New York Times]

CHARLES E. KELLY DIES AT 64; A WINNER OF MEDAL OF HONOR

(By Marvine Howe)

Charles E. Kelly, the World War II hero known as Commando Kelly, died Friday at the Veterans Administration Hospital in Pittsburgh after a bowel operation. He was 64 years old.

Mr. Kelly, who was living as an obscure self-employed house painter in Pittsburgh, his hometown, was the first enlisted man to receive the Medal of Honor in the war. He was awarded the medal for single-handedly fighting off a German platoon, enabling his own detachment to withdraw safely from Altavilla, Italy, on Sept 1, 1943

Technical Sergeant Kelly's act, in which he killed 40 enemy troops, became one of the most talked about events of the war.

INTREPIDITY IN BATTLE

Lieut. Gen. Mark W. Clark, who commanded the Fifth Army in the campaign, honored Sergeant Kelly with this country's highest award. The citation praised him for "fighting determination and intrepidity in battle."

On his return to the United States, he was welcomed with a parade on Pittsburgh's North Side and given the keys to the city. He had won 10 other medals for valor.

Mr. Kelly earned $40,000 for a book on his exploits, "One Man's War," which was made into a film. Excerpts from the book were published in a The Saturday Evening Post.

"It was tough trying to see all my old friends, what with parades and being given a gold-plated key to the city and having to show up here and there, but I got around to seeing them anyhow," he wrote in The Post article, referring to his return,

"And when I went to bed or when things were a little quieter than at other times, I thought about some of the G.I.'s I'd left back on the other side. They knew we couldn't lose. Every soldier over there knows we are going to win. The only thing they don't know is how long it is going to take."

Very soon, however, misfortune befell Mr. Kelly. His first wife, May Boish of Pittsburgh, died of cancer, and he married again and was later divorced.

Mr. Kelly ran a gasoline station and then became a house painter. He and his family moved to Louisville, Ky., in 1955, where he lived in a public housing project. Finally, a group of friends collected funds to bring him home to Pittsburgh's North Side in the early 1970's, where he lived for the rest of his life.

Mr. Kelly is survived by three sons, Charles E. Kelly Jr. of North Carolina, William Bennette of California and Michael W. Gaskins of Indiana; three daughters, Virginia Shepherd of Kentucky and Jerrie Lynn Stangehellini and Lee Maxwell Kelly of California, and five brothers, James, George, John, Edward and Howard of Pittsburgh.

A funeral service will be held at 10 A.M., tomorrow at the Sperling Funeral Home in Pittsburgh. He will be buried in the Highwood Cemetery.●

THE 67TH ANNIVERSARY OF THE PROCLAMATION OF INDEPENDENCE IN UKRAINE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. LIPINSKI. Mr. Speaker, last Tuesday, January 22, the free world celebrated the 67th anniversary of the Proclamation of Independence of Ukraine. It was on that date in 1918, that this proclamation was made in Kiev, the capital of Ukraine.

Following this declaration, the sovereign of Ukraine struggled for 3 years against the Russian Bolsheviks. They succumbed to the aggressor who established in Ukraine a Communist government know as the Ukrainian Soviet Socialist Republic.

Under the Communist rule, millions of Ukrainians of the free world drew attention to the 50th anniversary of the manmade famine which caused the death of 7 million Ukrainians. The churches in Ukraine have also been destroyed; the clergy and faithful persecuted. The Ukrainians are now totally controlled and directed by Moscow.

Arrests, trials, convictions of thousands of Ukrainians charged with anti-Soviet propoganda and agitation have been made. Unfair trials and harsh sentences have been given to members of the Ukrainian Helsinki accord monitoring groups. Extended prison terms are now being given to dissident writers.

Ukrainians refuse to accept the cruel foreign domination which plagues them, the alteration of their language, the elimination of their culture, destruction of their churches, and the ruination of their country.

Each year throughout the United States, January 22 is proclaimed as Ukrainian Independence Day. It is in the spirit of liberty, faith, and justice that America gives support to the Ukrainian people. So, today I join with my colleagues in the Congress in tribute to the people of Ukraine in their continued struggle for human rights.●

LOW-TEMPERATURE GEOTHERMAL TAX CREDITS

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. SEIBERLING. Mr. Speaker, today I am introducing legislation which would provide tax credits for the purchase and installation of equipment to tap low-temperature geothermal energy. The bill would also excuse any tax or interest due from those taxpayers who during the last several years mistakenly took the geothermal tax credit for low-temperature geothermal equipment based on erroneous advice from the IRS.

In 1978, Congress enacted the Energy Tax Act, which included a tax credit for the purchase of geothermal energy equipment as well as other conservation and renewable energy tax credits. In layman's terms, geothermal equipment taps the heat found below the surface of the Earth to be used to heat and cool buildings and for various other purposes. The temperature of the geothermal deposits varies greatly, but the most common form of equipment which taps low-temperature geothermal deposits is the heatpump.

When Congress enacted the 1978 geothermal tax credit, no distinction was made between equipment used to draw on high-temperature or low-temperature geothermal deposits, as measured at the wellhead. However, in 1980 the IRS issued regulations prohibiting the use of the credit for equipment drawing on geothermal deposits below 50 °C (122 °F). Geothermal deposits of this temperature are only found in a very few areas of the far West. While Congress enacted the tax credit to encourage the nationwide use of renewable energy sources, the IRS regulations limit the use of the credit to a very small area of the country.

The IRS regulations are clearly contrary to the intent of Congress when we enacted the Energy Tax Act of 1978. Congress intended that taxpayers around the country should be able to take advantage of the geothermal and other renewable energy tax credits. My bill would remove this arbitrary and unwarranted temperature threshold established by the IRS. Thus, ground water heat pumps, which extract energy from shallow un-

derground streams to heat buildings, would be eligible for the credit.

I am of course aware that the geothermal tax credit as well as the other energy tax credits are scheduled to expire this year. However, unless this Congress enacts some form of tax simplification plan which eliminates almost all tax deductions and credits, the energy tax credits should be extended. The geothermal and other energy tax credits provide a valuable incentive to encourage energy conservation and the development of renewable energy sources.

Ground water heat pump systems are considered to be three to five times as efficient as fossil-fuel heating systems in terms of heat output per unit of energy put in. By one estimate, ground water has the capacity to replace fossil fuel heating and electrical cooling in 85 percent of the domestic dwellings in the Northeast-Midwest region alone. Surely, this is the very kind of energy-conserving system that Congress should be encouraging.

In addition, even if a tax simplification plan were enacted, my bill is necessary because it would excuse any tax or interest due from those taxpayers who incorrectly took the tax credit for low-temperature geothermal equipment based on incorrect advice from IRS personnel. After IRS issued its regulations setting the extremely high wellhead temperature requirement for use of the tax credit, IRS field agents seemed unaware of their own regulations and advised taxpayers for several years that low-temperature geothermal equipment qualified for the credit.

Now IRS is demanding that these taxpayers repay the credit plus interest. Some taxpayers in my area called IRS in February of last year, over 4 years after IRS issued their regulations, and were even then informed incorrectly that low-temperature geothermal energy equipment qualified for the credit. Some of my constituents are now being forced to pay as much as $4,000 in tax deficiencies plus interest because they relied on incorrect advice from IRS agents. It is outrageous that taxpayers are now being dunned for the IRS' own mistakes. Taxpayers who can prove that they relied on erroneous advice from the IRS should be excused from paying these huge penalties. I urge my colleagues to carefully consider this important piece of legislation.●

MASON-DIXON GAMES SILVER ANNIVERSARY CELEBRATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. MAZZOLI. Mr. Speaker, I would like to take this time to congratulate the Mason-Dixon Athletic Club of Louisville, KY—my hometown—on the 25th presentation of the Mason-Dixon games.

February 1985, marks the silver anniversary of the Mason-Dixon games which, over the years, have produced 53 indoor track and field records and have witnessed many great performances from athletes such as Wilma Rudolph and Billy Olson.

I also wish to extend my congratulations to the many men and women who have dedicated their time and talents over the years to make the Mason-Dixon games successful.

The Mason-Dixon Club will celebrate its silver anniversary on February 9 and, at that time, special recognition will be given to seven individuals who have served as officials in games past: Charles B. Fischer, Letty Walker, Willie Lewis, William G. Long, Jr., Charlie Theobold, Jack Thompson, and Charlie Ruter.

I would add the name of George Gibson to this list. George, a valued friend, died this year, but he was a central force over the years for the Mason-Dixon games.

At this time, I would like to insert the following statement, prepared by the Mason-Dixon Athletic Club, into the RECORD:

SILVER ANNIVERSARY CELEBRATION OF THE MASON-DIXON GAMES

1985 marks the 25th presentation of the Mason-Dixon Games conducted in Louisville, Kentucky's beautiful Freedom Hall. Since its inception (1961) these Games and the huge 220 yard oval have been the site of the establishment of 53 world records for indoor track and field.

On the evening of February 18, 1961 when the great Wilma Rudolph graced this track with her world-record performance of 7.8 for the 70 yard dash to the delight of the 9,295 track fans who had gathered to see this first-ever meet in the new facility on the grounds of the Kentucky Fair & Exposition Center, to the Games latest world record established by that fabulous athlete from Abliene Christian University in Texas, pole vaulter Billy Olson, who on a very cold winter night soared over the bar at 18'9¼' to earn his glory, these Games have been a very integral part of the winter sports scene in the Louisville community.

In the beginning, the Games were sponsored by the old Kentuckiana Cinder Club, Inc. but as time wore on and "cinders" became obsolete in their use for running tracks, the organization name was "modernized" to fit all situations, thus the group and club became "Mason-Dixon Athletic Club", to more closely associate itself with the name of the meet.

During its rein the Games have presented to the public over 72 athletes who went on to earn positions on America's Olympic teams. Of that total number 21 of them helped to establish those 53 world indoor track & field records. In last year's meet (1984) ten athlete's made the Olympic Games, three of them earned medals . . . LT. Alonzo Babers (Air Force Academy) won the gold at 400 meters; Sam Graddy of Tennessee won a silver medal in the 100 meters, the pole vaulter Earl Bell earned a bronze medal, while Jim Heiring participating in the Olympic Games 20K walk failed to earn a medal he was an important factor in Ray Sharp establishing a new American record of 11:16.3 at the Mason-Dixon because he pushed up the record with his own 11:15.5 . . . finishing a strong second behind Sharp.

Throughout the 24 years of the Games career, over 24,000 high school youngsters have participated, of which, some 3400 went on to become collegiate stars in their own right. Probably the brightest of these high school stars was Stepanie Hightower. While a prep star and state champion during her career at Jesse Stuart High School in Jefferson County, she went on to become one of the Big Ten's all-time hurdle and long jump champions. In 1980 she earned a spot on the Olympic teams, but the team did not participate in the Moscow Games. She has won every American honor during her hurdle years, and plans to continue in competition again in 1985.

On Saturday evening, February 9, 1985, the Mason-Dixon Athletic Club of Louisville, Kentucky plans to remember those 24 glorious meets when they honor seven officials who have served so long and faithful. They include: Charles B. Fischer, current president of the club; Letty Walter of New Albany, Indiana; Veteran Finish Line Head Judge, Willie Lewis; Two distinguished timers, William G. Long, Jr. (now Head Timer), and Charles J. Theobold; Jack Thompson, Games records clerk and longtime swimming director of Lakeside Club, and Charlie Ruter, who in the 1984 Olympic Games served as Jumping Referee.

This is one event that comes to this community annually and brings forth the true spirit and dignity of true amateur athletics.●

DECENT ACTS OCCUR DAILY

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. BENNETT. Mr. Speaker, a recent article by Jack Anderson entitled "Decent Acts, Little Noted, Occur Daily" is worth repeating, not only for its specific context but also for the thrust toward acknowledging good acts, stating good things about America and its leaders. There needs to be more of such articles, and I congratulate Jack Anderson on this one and on other positive things that he has brought to the attention of the American people throughout his long journalist career.

DECENT ACTS, LITTLE NOTED, OCCUR DAILY

(By Jack Anderson)

Our world is being vandalized and poisoned by tidy specialists who scrupulously obey the codes of their narrow professions but claim no responsibility to larger realms.

They include chemists whose wonders foul the air and seas; economists whose rules speed the materialistic changes that are obliterating social mores with catastrophic effect; agri-scientists who would destroy the land tomorrow so that it might yield a bigger crop today; lawyers who complicate their procedures while justice languishes; and politicians who, in the name of getting

more for their districts, bankrupt the commonwealth.

Journalists suffer from the same myopic vision, focusing too often on the narrow story at the expense of the broader truth, revealing only the thorns instead of the full rosebush.

As my small Christmas offering, let me remind readers that the people who govern us are no better or worse than the rest of us. Most politicians and bureaucrats are honest, honorable and hard-working. Nor is it always easy to separate the political wheat from the chaff. The sellout one day may be the holdout the next.

Acts of decency are daily routine in Washington—and seldom the subject of press releases. Here are just a few of them:

Sen. Richard G. Lugar (R-Ind.) used his considerable clout to make Amie Garrison's wish come true. Amie, 5, is in a Louisville children's hospital waiting for a liver donor. She wanted to hang her favorite ornament, a silver Santa Claus, on the White House Christmas tree. Her request was forwarded to Lugar's office, and the senator called the letter to President Reagan's attention. Amie was brought to Washington to hang her cherished Santa on the tree in the East Room.

The Federal Deposit Insurance Corp. is familiar to most people only when it moves in to pick up the pieces after a bank failure. In Midland, Tex., which has been ravaged by bank failures, 20 FDIC liquidators in town on their grim business joined a local volunteer program called "Christmas in April." The FDIC people renovated 71-year-old Willie Ecole's home, installing new floors in the kitchen and bathroom and painting the interior.

Rep. Mike Synar (D-Okla.) quietly leaned on 22 Oklahoma corporate donors to wangle $200,000 in cash and pledges for the Special Olympics for handicapped children. Synar's personal appeal, made without any fanfare, went to such outfits as Southwestern Bell, Oklahoma Gas & Electric and the Oklahoma Bankers Association.

Sen. John Heinz (R-Pa.), heir to the family pickle and ketchup business, was busy electioneering for the leadership of the Republican Senatorial Campaign Committee recently when a message came from Pittsburgh that made him drop everything and head home. The occasion was the 100th birthday of Anna Kettler. For nearly 50 years, she was the Heinz plant's sole custodian of the secret blend of spices that go into its ketchup.

Rep. George W. Crockett Jr. (D-Mich.) alerted the State Department to the plight of a U.S. businessman who had a stroke while traveling in Taiwan. Thanks to Crockett's influence, the man was transferred to a better hospital and embassy people escorted the man's wife to his bedside.●

TRIBUTE TO DWIGHT BYRD

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. CLAY. Mr. Speaker, shortly after the 98th Congress recessed, the Washington Post reported the untimely death of a very talented, successful, young businessman, Mr. Dwight Byrd. Mr. Byrd was a highly acclaimed member of the fashion industry whose fashion shows were hailed as the greatest in the country. Dwight Byrd was well known to many Members of this body, for his work with the Congressional Black Caucus Foundation as the producer of the CBCF annual fashion show. Mr. Byrd was a warm and dedicated young man who achieved great things in a few years; he will be remembered and he will be missed for many years to come.

DWIGHT BYRD, FASHION SHOW PRODUCER, DIES

(By Nina Hyde)

Dwight Byrd, whose extravagant fashion show productions for the Congressional Black Caucus in Washington made tickets for those shows the most coveted for any fashion event here, died in Dallas Nov. 9 of acute kidney failure. He was 33.

"A fashion show should be entertainment . . . it should help you keep your mind off other things, like the economy. And it should make people enthusiastic about the clothes and want to buy them," Mr. Byrd said before the caucus show a year ago. His ability to gracefully incorporate all those elements distinguished his productions.

"He was an artist and a genius, and made each show innovative and exciting," said Roscoe Dellums, an attorney and the wife of Rep. Ron Dellums (D-Calif.), who helped launch the first Black Caucus show when it was proposed five years ago by Washington model Helen Moody. "He put our fashion shows on the map."

Mr. Byrd, who was born in Wilmington, Del., created fashion shows in his house as a small boy, twisting the gooseneck lamp to shine on his mother, a former model. He gave up an athletic scholarship at La Salle College to attend the Fashion Institute of Technology and got an advanced degree from the Pratt Institute.

He staged industry shows and designer fashion shows for Bob Mackie, Jeffrey Banks and others across the country. The show he produced in Dallas to celebrate the 20th anniversary of Mary Kay Cosmetics, attended by 8,000 at each of three viewings, may well have been the largest audience for any fashion show in history.

And what shows they were. For the Black Caucus show last year Mr. Byrd brought in a cougar to walk with the models in fur coats. (The cougar, frightened by the lights and the crowd, balked and refused to go down the runway.) To show off red, glittering evening dresses he created a five-alarm fire with red lights and dressed other models in D.C. Fire Department garb. By remote control, he directed an air-filled dirigible around the hotel ballroom during one show, and released 10 dozen mechanical birds from the stage as the grand finale for another.

Mr. Byrd, who recently moved to Dallas from New York, had a strong tie to Washington, mixing in Washington designers and models with those brought from New York, and lecturing at Howard University on each visit here.●

NATIONAL USURY ACT

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. GONZALEZ. Mr. Speaker, last week I reintroduced legislation (H.R. 591) to limit the allowable interest rate which may be charged annually on loans exceeding $300 to 10 percent. I feel compelled to address the subject of usurious interest rates because I consider it to be the most critical and crucial issues facing the American people and for which they have suffered and will continue to suffer, endangering the entire economic structure and well being of the traditional American standard of living.

As chairman of the Subcommittee on Housing, I have repeatedly called the attention of my colleagues to the fact that there is such an intimate relationship between the soft underbelly of our economy and such things as home construction and business ventures. The highest rate of business closing and bankruptcies has been recorded in just the last year, outpeaking the highest number of bankruptcies declared during the Great Depression. Usurious interest rates threaten not only the so-called interest-sensitive sections of the economy, but all of it, and all of us.

The fact that is inescapable is that usurious interest rates cannot continue without irreparable, irreversible damage to the economy and to the standard of living of America. At no time in the history of mankind has any society been able to survive in a viable way economically, socially, or otherwise with usurious and unconsionable rates of interest.

In the type of society and economy that we have structured, particularly since World War II, based on mass production, mass credit, and mass consumption, high interest rates are not only corrosive, they are destructive. Mass credit developed on this economy of mass production based on mass consumption, but this credit was predicated on very low and reasonable interest rates—not very high unconscionable interest rates, what we have today.

Interest rates are a mechanism by which the wealth of a society is transferred. There is no other way of describing it, even though to hear the apologists for high interest rates you would think otherwise. But the truth is that interest rates are the mechanism by which the wealth in a society is transferred from some individual and collectivities to other collectivities and individuals. At no time in known established human history, no matter what form of governemt, no matter what form of society and going all the way back to extant human history, the

days of the kingdom of Hammurabi to the days even of Jesus Christ, there have been wise and strong laws against usury, absolute vitally strong laws, sometimes punishable by death.

I have had citizen after citizen say to me—citizens ranging all the way from those I met in the adjoining State of Virginia, in my hometown in the State of Texas, and in the 17 States in which I have taken the subcommittee in the last 3 years—"Hey, Congressman, we always thought there was a law against usury."

How can we take for granted now over 14½ percent on long term, fixed 30-year mortgage interest rates? There is no way the average American family can afford to purchase a home this way. We have had hearings on adjustable rate mortgages [ARM's], and the graduated payment mortgages concocted right before the adjustable rates. We are in the midst of an extremely high rate of mortgage foreclosures, exceeding the highest point of the depression, and I introduced last year and have reintroduced this year the Home Mortgage Assistance Act to help alleviate the financial ruin faced by so many families who are facing the threat of home foreclosure.

These high interest rates have reached such a flagrant state of injustice that even the European industrialized nations have protested in vain to our leaders to do something about them. In the meanwhile, the idea here in the United States is rampant that interest rates will come down on their own and, besides, there is nothing you can do about high interest rates—that they are like an act of God.

There is no one in business that I know who can afford to go out at more than 18 percent and borrow even $3,000 to improve the inventory of a small business. I do not know of anyone who can do that for long, much less over a period of years. And yet this is exactly what is flagellating our country. And do you mean to tell me that nothing can be done about it? Prior Congresses have. Prior Presidents have. But one thing that they did not do was to let these forces take over the economic, fiscal, and monetary destiny of a country. This has been the issue since the beginning of our Nation when we had the First Continental Congress, the First and the Second. That was the issue, the creation of the North American Bank and the chartering of it, and what interest would be allowable for the bankers to charge.

Thomas Jefferson fulminated in language that was a lot stronger than any that is being used today in the modern world against those interests. He knew that those interests through time immemorial and up to today have only a single loyalty, and that is certainly not to the greatest interest of the greatest number of the country. Yet, that is what is in control today. For the first time we have allowed those interests to take over the economic, fiscal, and monetary destinies of this country, without being accountable to the America people, because the Federal Reserve Board in turn is not accountable the way it is operating now and the way the Congresses have let it operate.

The Federal Reserve was created by Congress to be an independent Federal agency, yet it has become so independent that it is now wholly unaccountable to the Congress, to the President, and certainly unaccountable to the American people. Consequently, the Federal Reserve has been so injudicious as to be controlled by the seven largest banks in the country who have gone out and loaned more than their total assets, their capitalization structure, to countries that cannot even pay the interest on their loans. And the American people, through their tax dollars paid into the International Monetary Fund, are having to bail out these banks at interest rates that in the meanwhile are strangling enterprise.

So now we have usurious interest rates, that by any prior definition would be considered illegal and, therefore, culpable under the statutes of our Nation. I have spoken out on this at a time when there was absolutely nobody predicting such interest rates would exceed even 10 percent. It was unthought of just 15 years ago—in fact, just 12 years ago. Some of us were speaking out because it was obvious—you do not have to be an expert; you do not have to be a banker; you do not have to be a big financial expert or economist of high regard to know that if the mechanism of interest rates, by which the wealth of a nation is transferred, is not controlled in the public interest by the people, then business cannot flourish and individuals cannot prosper.●

CONGRATULATIONS TO THE VANDEPOL FAMILY

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. SCHUETTE. Mr. Speaker, I would like to offer my congratulations to the VandePol family for being named the "Missaukee Soil Conservation District's Farmers of the Year." Herman and Shirley VandePol, along with their son Dale and his wife Holly, run a dairy farm of nearly 100 milking cows and cultivate 310 acres. They are in the third year of a 5-year agreement with the Agricultural Stabilization and Conservation Service.

The VandePols use a variety of soil conservation techniques on their award-winning farm, such as leaving stover on their acreage during the winter and light tilling in the spring to keep approximately half of their crop residues on the surface. My colleagues from farming areas will appreciate that these procedures protect the soil from water and wind erosion, and the VandePols are so successful that their calculated soil losses are only 0.5 ton per acre per year.

The hard work of the VandePols and other farming families who participate in their local conservation district projects should not be taken for granted. I commend the VandePols and the fine staff of the Missaukee conservative district for their hard work in protecting what may be our most vital resource, good farm land.●

COLBY'S COTTER OFFERS PROPOSALS ON SOUTH AFRICA

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. McKERNAN. Mr. Speaker, recently, at the request of the Boston Globe, William R. Cotter, the distinguished president of Colby College, wrote an insightful and concise article on the situation in South Africa.

In this article, President Cotter presents some thoughtful alternatives to the present policy of the United States in dealing with the South African Government. His conclusions are ones Congress would do well to remember when it debates this important issue. I therefore submit the article for reprinting and commend it to my colleagues.

The article follows:

[From the Boston Globe, Jan. 21, 1985]

PUSHING SOUTH AFRICA ONTO THE PATH TO DEMOCRACY

(William R. Cotter)

WATERVILLE, MAINE.—No one should underestimate the importance of the increased militancy against South Africa's apartheid policies during the past two months in that country, as well as in the United States.

Because of these events, and because the Reagan Administration seems prepared to take initiatives in foreign policy, the time is ripe to use America's vast influence with this ally to help it reach a permanent accommodation with the three-quarters of its citizens who are now denied the right to vote. I believe there is a realistic prospect, within the next four years, for the beginning of true power sharing between blacks and whites which could lead, in a further few years, to majority rule with substantial and enforceable protection for minority rights.

If the Reagan Administration is willing to seize this chance, it can help achieve evolutionary, peaceful change to a truly democratic South Africa still aligned with the West. If it, however, persists in its unsuccessful policy of "constructive engagement," we are likely to witness increased polarization, escalating racial hatred, higher levels

of domestic violence and greater intervention by the Soviet Union and its allies.

TWO IMPORTANT MONTHS

When the history of change in South Africa is written, the months of November and December 1984 may well rank as among the most important turning points in the troubled history of that country. Consider the following:

Nov. 5 and 6—A two-day general strike by 500,000 black workers in the Johannesburg-Pretoria region virtually paralyzed the industrial heartland.

Nov. 9—Chris Diamini, black president of the 150,000-member Federation of South African Trade Unions, was detained, along with other labor union leaders.

Nov. 13—Desmond Tutu, who had won the Nobel Peace Prize in October, was named the first black Anglican Bishop of Johannesburg.

Nov. 19—The three white business federations in South Africa, representing both English speakers and Afrikaners, in an unprecedented show of solidarity with black trade unions, condemned the preventive detention of Chris Diamini and other union leaders and civil rights activists. (He was later released.)

That same day, the white opposition party in the Parliament confirmed its decision to defy the government's ban on multiracial political parties and agreed to open its membership to all races.

CHANGES IN US

The United States witnessed equally dramatic changes at the end of 1984.

Nov. 8—Rev. Leon Sullivan announced that the "Sullivan Principles," which have been voluntarily adopted by 125 US companies operating in South Africa to govern their treatment of black employees, have been expanded; they now ask all US companies "to support the freedom of mobility of black workers to seek employment opportunities wherever they exist."

If US companies were to implement this latest principle, it would directly undercut the key apartheid policy of influx control. The South African government tries to restrict the number of blacks in urban South Africa while relocating the great bulk of the black population to desolate "homelands" in rural areas.

Dec. 5—Thirty-five conservative congressmen denounced South African racism and asked for stronger US policies.

Dec. 5—Peaceful picketing and sit-in demonstrations against South Africa's embassy and consulates grew to the point where six congressmen, the secretary-treasurer of the AFL-CIO, and other political and civil rights leaders were arrested.

Dec. 10—President Reagan, who during his first term was reluctant to criticize South Africa, called on it "to reach out to its black majority by ending the forced removal of blacks from their communities and the detention without trial and lengthy imprisonment of black leaders."

Dec. 18—The presidents of 16 leading American colleges and universities wrote to the American Chamber of Commerce in South Africa asking the chamber and its members to use their influence to end the influx-control system.

The remarkable thing about these events is that there is a growing consensus among blacks and whites in South Africa, and among conservatives and liberals, businessmen and university presidents in the US, that the South African government must make two fundamental changes in its policies:

Repeal the influx-control laws and allow blacks to seek work anywhere they want in South Africa.

End the odious detention without trial procedure under which, in 1984 alone, more than 1000 South Africans—nearly all black—were arrested without any charge and were kept incommunicado from families and lawyers under a law that allows them to be kept in solitary confinement indefinitely.

President Reagan has already endorsed these two fundamental changes. The question is whether the Administration is prepared to pursue those policy goals or will rest content with their simple enunciation. The "quiet diplomacy" of the first term has not produced fundamental changes in South Africa.

It is time for the United States to support moderate South African forces and to make it clear that we expect action by the government if it expects to continue to enjoy our support in the world arena. The US business community has already done a great deal of good within South Africa under the Sullivan Principles, but its influence is limited and indirect. It is time for the Administration to take the lead if it is truly interested in peaceful change.

STEPS THE US SHOULD TAKE

What can the US government do?

First, the President should choose an appropriate forum for a major speech devoted solely to South Africa. He should reiterate his call for the end of forced removals of blacks and to detention without trial, and he should make clear that under no circumstances is the United States prepared to recognize, as independent countries, the so-called homelands. Without dictating an American blueprint for a new constitution, he should call for a national convention of black and white leaders to be held by the end of 1987.

This convention would begin dialogue about ways to move to some new system of power-sharing, which would undoubtedly need to include a "Bill of Rights" to protect the personal liberty and property of minority groups.

President Reagan should promise that if the South African government ends influx control, stops preventive detention, and begins genuine dialogue with black leaders, the United States will increase its economic, diplomatic and other ties with South Africa and that we will take the leadership in the United Nations to end the military boycott.

At the same time, the President should make clear that in the absence of such progress, the United States is prepared to act. The President should indicate to the South African government that if it fails to move toward peaceful change, the United States would take one or more of the following four steps:

Prohibit any further American investment in South Africa or US bank loans to the South African government.

End all nuclear, intelligence and military cooperation with the South African government (each of which has increased during the past four years).

Work with other countries (an idea already under consideration by the Scandinavian governments) to end air service to and from South Africa.

Work with others to expel South Africa from the international telephone, telegraph and postal systems.

None of these steps would go so far as to withdraw current American investment or to end all trade with South Africa. However, even the threat to embark on this path would likely encourage those whites and blacks in South Africa who are working toward the goals of political participation for all races and the end of influx control and detention without trial, and would bring about some long-run hope for peace, equity and stability in that tormented country.

It would also make it clear to the South African government that continuation of its policies runs the great risk of increased isolation from the Western world, whose support and respect it so highly values.●

1985 CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. COUGHLIN. Mr. Speaker, I am pleased to participate in the 1985 Congressional Call to Conscience Vigil for Soviet Jews.

Unfortunately, those of us who have been involved over the years in efforts to ease the plight of Soviet Jews seeking freedom of religion or the right to emigrate know all too well that the situation for these people has become seriously worse in recent years. According to the Union of Councils for Soviet Jews, there are under 60 synagogues in the Soviet Union for that nation's 2½ million Jews. The teaching of Hebrew, Judaica, or any religious text is strictly prohibited and the printing of Hebrew Bibles or prayer books is unauthorized. The number of Jews emigrating from the Soviet Union continues its steady decline, from 51,000 in 1979 to a pitiful 896 in 1984. In addition, harassment of those who have requested permission to emigrate or who have attempted to study their religious heritage—either by teaching Hebrew or by holding prayer meetings or religious seminars—continues unabated. The recent arrest of Yuli Edelshtein, a prominent Moscow Hebrew teacher is but one example.

On September 4, Yuli Edelshtein's home—along with that of two other Moscow Hebrew teachers—was searched by KGB officials. Religious items, such as Bibles and Hebrew books, were confiscated. At the same time, however, KGB agents alledged that narcotics were found. Yuli was sentenced on December 19 to 3 years in prison camp for illegal drug trafficking, the maximum sentence under article 224 of the Soviet criminal code.

Prior to the sentencing, I placed a phone call to the Soviet judge handling the case to make a plea on Yuli's behalf. Any discussion of the matter was flatly refused. Yet, despite the official sentence, it is clear enough that Yuli Edelshtein's real crimes were applying for permission to emigrate and teaching Hebrew. In the face of an in-

tensified and vigorous anti-Semitic propaganda campaign by the Soviet Government, and under the ever-present threat of KGB searches and seizures, arrest or exile, many Soviet Jews, like Yuli, have refused to renounce their religious and cultural heritage.

Like many others, I remain convinced that world opinion—that constant vigilance and pressure on the Soviet Government—can make a difference. In this vein, I am pleased to report—as the outgoing vigil chairman—that public and Congressional concern and commitment on the issue is as strong as ever. Last year, nearly 150 Members of this House participated in the Congressional Call to Conscience Vigil, and on behalf of more than 100 individuals or families in the Soviet Union.

It is in this spirit that I would like to extend my very best wishes to our colleague, Congressman SANDER LEVIN, who is chairman of the 1985 vigil. I sincerely urge each Member of this body to join SANDY in this important effort.●

CALIFORNIA FARMERS FACE DEEPENING CRISIS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. COELHO. Mr. Speaker, lately the deep financial crisis facing farmers in the Midwest has gained national attention. But California, the most productive agricultural State in the Nation, has also been hit extremely hard by the depressed farm economy and huge farm debt. The president of the Federal Land Bank Association of Fresno, CA, quoted in the Wall Street Journal, summed it up this way:

> Not since the Great Depression has there been such a crisis in California agriculture. Right now, the banks are carrying the farmers. Next year, though, is going to be a nightmare.

California's grape and raisin industry is among the hardest hit. Warehouses in Fresno County are overflowing with a year's supply of raisins, about 150,000 tons. This surplus is expected to double soon, and about 30 percent of central California's 9,000 grape growers are expected to go out of business by the summer. Recently, an article written by Roxane Arnold appeared in the Los Angeles Times which examined the crisis facing the central California farming industry. I have reprinted Ms. Arnold's article here in recognition of the national importance of this problem:

[From the Los Angeles Times, Dec. 23, 1984]

A BATTLE TO KEEP THEIR LAND: STATE FARMERS HARVEST BITTER FINANCIAL WOES

(By Roxane Arnold)

MADERA, CA.—Her eyes blurring with tears, a blue-jeaned Sherrie Clark ambled around her sprawling ranch house, pausing now and then to point out a family treasure—the rough-hewn wooden birdhouse built by her 12-year-old son, a gallery of personal photographs, the bushes she had planted out front last spring.

Built four years ago on the crest of the 40-acre vineyard owned by Clark and her husband, Jerry, the house was designed "just the way we wanted," she said haltingly. "We figured we'd be staying here. We used to argue about which of the kids we'd leave it to when the time was ready. I guess we would have divided it among all four."

But the Clarks, like scores of others farming the bountiful fields of the San Joaquin Valley, will have little to say about who inherits their farm. Virtually penniless and unable to pay their mounting debts after three bad farming years, the couple was notified last week that time had run out for them. The bank is taking their home.

Until now, seemingly immune to the dizzying economic ups and downs experienced in other farming states, California is entering its worst agricultural crisis since the dispossessions of the Depression. Farmers such as the Clarks are contributing to a national farm debt that at $200 billion is more than the national debts of Brazil and Mexico combined.

The values of the rich farmlands in counties like Madera and Fresno have plummeted by as much as 70%, and prices for many of California's more than 200 crops have hit rock bottom. A growing number of farmers unable to convince banks and credit associations to loan them money enough to see them through another year, are walking off their land or being foreclosed on. Not surprisingly, the clusters of "for sale" signs along rural highways have drawn few takers.

"This is the worst I've ever seen it and I've been in this valley over 60 years," said George Schneider, co-owner of Pearson Realty in Fresno, the state's largest agricultural real estate firm. "We have the largest number of ranches for sale that I can remember . . . more than 100. We have properties that the Bank of America and others have taken over. That hasn't happened since the Depression."

In Fresno County, where 7,000 farmers produce a $2-billion bounty of crops each year—a seventh of California's total—the problems are expected to worsen with the new year. At least a third of the farmers are said to be in serious trouble and one in 10 stands to lose his land.

"NO USE LYING"

"It's no use lying," said Ken Billings, president of the Federal Land Bank Assn. in Fresno, a national farmer-owned lending agency that holds $4 billion in farm real estate loans in California. "We're not used to farmers in any number going out of business, not since the '30's. These are farmers of all sizes, big as well as small."

Hardly a crop has been without problems. Huge surpluses have driven prices down on everything from cotton and rice to wine and fruit. A strong U.S. dollar had driven up prices for overseas buyers at the same time foreign competition has eroded markets in this country.

Among the crops hardest hit have been Thompson seedless grapes, one of Fresno County's major commodities and a staple of the table grape, wine and raisin industries. With production from vineyards reaching all-time highs and an ailing California wine industry slashing its orders, more and more of the green grapes are being dried for raisins. Thousands of tons of unsold raisins are filling Fresno warehouses and packing plants.

LITTLE OR NO EQUITY

Raisin farmers, facing their annual after-harvest payments to banks and credit agencies either this month or next, are hurting. In two years, raisin prices have plunged from $1,200 a ton to about $500. While raisins cost as much as $1,300 an acre to produce, the cut-rate price translates to about $1,000 per acre. Land and interest payments further boost some farm debts by tens of thousands of dollars each year.

Meanwhile, vineyard land that sold for as much as $20,000 an acre in the late 1970s now goes begging for $4,000 to $6,000. Prospective buyers are sitting on the sidelines, waiting for prices to bottom out.

The plummeting land prices have left farmers with little or no equity to borrow against. Banks have taken to lending less and are calling in past-due debts.

Of the farmers scheduled to make their annual payments to the Federal Land Bank on Dec. 1, 16% did not pay. Land Bank president Billings expects the default rate to hit 20% on Jan. 1, when the bulk of real estate payments are due. At the federal government's Farm Home Administration office in Fresno, the traditional lender for the most debt-burdened farmers, the delinquency rate is 40%. Nationwide, 30% of the office's accounts are past due.

OFFICE-ESTABLISHED

Anticipating problems of its own, the Bank of America, California's largest private agricultural lender, last April set up a special office in Northern California to handle farms it was repossessing. By the end of October, the bank already had foreclosed on 27,000 acres of California farmland worth an estimated $21 million.

"We're expecting a rather substantial increase in the first part of 1985," said H.G. Weichart, vice president and manager of the new office. "Our numbers could more than double by July or August."

The most severely hurt farmers are those who rushed fastest to borrow when the price of farmland was highest three or four years ago. Now they are stuck with huge payments on land that has tumbled in value.

When the Clarks, both 42, decided to replace their two-bedroom "junker" with a new ranch house in 1981, they added to their Land Bank loan, bringing it to $205,000. The couple agreed to pay the bank a once-a-year payment of $32,000 in principal and interest. They would borrow the additional thousands of dollars needed to operate the vineyards from a credit association.

But less than a month after construction on the house began, their troubles started.

INCOME SUPPLEMENTED

Jerry Clark, a veteran California Highway Patrol officer whose "back was messed up when I got run over by a drunk one night," was pressed into early retirement. The CHP paycheck that supplemented his farm income was cut in half.

The next year, when heavy rains wiped out Clark's 75-ton crop of raisins, insurance covered only a part of his costs. By 1983,

prices slid to $500 a ton and this year, Clark's crop, a meager 42 tons, earned him $371 a ton.

To augment his income, Clark has worked at a Clovis car dealership, and in recent months he's been on the lot from 8 a.m. until 10 p.m. most days. Despite the long hours, the commissions are "not enough to make a payment on 40 acres."

On Jan. 1 he will miss his land payment for a second year. He also owes $13,000 in past-due production debts. Attempts to sell the vineyard have been unsuccessful. Appraised two years ago at $600,000, the farm now is said to be worth $270,000.

"DON'T HAVE A NICKEL"

"I don't have anything left in savings and a minimal amount in checking," said the ruddy-faced Clark. For a long moment, he gazed out a bay window at his winter-brown vines. "I guess if I hadn't built the house I wouldn't owe as much," he said, linking his arms behind his head. "But when you don't have a nickel. . . ."

The couple's four children, who range from 5 to 12 years old, are having a difficult time accepting what has happened. Nor has it been easy on Clark's ailing mother, who lives with the family.

"The kids all say they're going to move in with somebody else," said Sherrie Clark in an emotion-choked voice. "They want to stay here. Every time somebody comes to see the house, the kids keep dirtying their rooms, hoping that will make a difference."

To try to make ends meet in the years since they built the house, the Clarks have done without curtains in their windows and have used donated furniture. Their one vacation in the last 11 years was a week at an Avila Beach motel. Even then, the vacationing family spent only $200, cooking all their meals in the room.

"I'd have been happy to keep one acre and the house," Clark said. "The future doesn't look too bright."

In neighboring Fresno County, raisin farmer George Masrobian finds himself "starting all over again" after 39 years of farming. Masrobian, 74, had planned on selling his 40 acres of prime farmland near Sanger to build a retirement home on the Fresno bluffs for himself and Ardy, his wife of 38 years.

Two years ago, the diminutive, balding Masrobian figured, "I'm not going to live another 10 years. Why should I kill myself? I decided to sell it. It didn't turn out very well."

After selling his vineyards to two brothers from Los Angeles for $20,000 an acre, Masrobian plunked the $217,000 down payment he received into construction of the new house. It would have ceramic floors, marble bathrooms, huge stained-glass windows.

To pay off the remaining debt, his buyers promised to pay Masrobian $2,000 a month beginning in July, 1982.

"They made no payments at all," he said. "It all went sour."

Although Masrobian said he "felt sorry" for the novice farmers, he launched foreclosure proceedings against them after eight months without a payment. He put his Fresno dream house on the market and reluctantly came out of retirement, borrowing more than $100,000 to get his vineyards back in operation.

"I'm old right now," said Masrobian. "I had set myself up not to do this anymore and here I am, starting all over again. What else could I do?"

Few in the industry have solutions that will help the likes of Clark and Masrobian. But while answers are scarce, the supposed culprits are plenty.

Some blame Federal Reserve Board anti-inflation policies, which they claim indirectly destroyed the only real asset of cash-poor farmers—their land equity. Others complain that the federal government's trade policies have failed to protect farmers from cheap foreign imports. Still others criticize banks and bank economists for their optimistic predictions that the good times would continue. Those same banks now are blamed for lending too much with too few restrictions.

"Inflation was very high at that time and the farmers, the growers were certainly not hesitant to demand credit or they'd walk down the street (to another lender)," countered Larry Layne, chairman of the Agricultural Lending Committee of the California Banker's Assn. "It's possible we could have been more restrictive, but we don't deserve all the blame."

VICTIMS OF OWN SUCCESS

To some extent, California farmers have been victims of their own success. In the rush to capitalize on the successes of the 1970s, they increased their almond orchards, expanded their cotton fields, extended their vineyards, creating the glut that plagues agricultural markets today.

Not accustomed to failure, the problems they face as a result seem even more devastating.

Even when their counterparts in other regions—from the wheat and soybean growers of the Midwest to the citrus growers of the South—suffered, California farmers were notorious for their Hawaiian vacations, expensive cars and expansive homes. Thanks to a climate suitable for a multitude of crops, the state's farmers could switch from one speciality to another, taking advantage of whatever crop was most profitable.

But with the cataclysmic changes of the past few years, that is no longer possible.

"Up until 1983, all we had to do was produce a crop and we'd have a profit. It was fun while it lasted," said Bob Hansen, who owns 500 acres of vineyards scattered over 30 miles of Fresno County. "That's $5 million worth of land I'm farming and now I'm losing about $50,000 a year minimum, maybe closer to $100,000. It's eating up what I have, and I have to live and the kids have to eat."

The gangling, 35-year-old Hansen said he is willing "to diversify to get out of this hole, but I don't know what to plant. The bank doesn't know."

Gerald Rebensdorf and his wife Cheryl have taken to working in the offices of the Fresno Raisin Co-Op to stave off disaster. A 10-acre chunk of his 180 acres of vineyards near Biola is up for sale but "I haven't had an offer yet," he admits.

"We're just like everybody else," said the 42-year-old farmer. "You'll go out and borrow the money, you build your house and you make your payments."

The payments on the family's brick-and-stucco ranch house with its beamed ceilings, swimming pool and solar-heating panels, plus the yearly debt on the vineyards, amounts to $130,000. This year, Rebensdorf figures he will run about $60,000 short.

"I could put it all up for sale," he said, "but anybody who would buy it is a fool."

In many ways more fortunate than others, Rebensdorf has a commitment from a lender for money to operate his vineyards this year. But his normal request for more than $300,000 was cut by a third.

"If this goes on another year, I'll be one of those who loses their places," he said.

Desperate to salvage what they can, raisin industry leaders launched an unprecedented national advertising campaign earlier this year to proclaim the lowest prices ever. The results were mixed.

Others, among them the president of a cooperative that includes Sun Maid raisin growers, are pushing for bolder moves.

"We're trying to sell raisins to Eastern Bloc countries," said Frank Light, president of Sun Diamond Growers. Light, speaking by telephone from airports in Houston and New York, was en route to Algeria.

"It's hard to find a ray of hope in this industry right now," he said. "But we're going to try. We're going to try and sell prunes, walnuts and raisins to Algeria and we are working with the Russians very closely right now. You can't just pile the raisins up and look at them."

Meanwhile, Sherrie Clark has begun scouting her neighborhood for a place to move the family. "We don't know what we're going to do," she said. "I've driven around, looked around. We just don't know about money."

Four months ago, Jerry Clark underwent surgery after suffering a heart attack.

"He doesn't talk about all this much," said his wife. "He hasn't really talked to the kids. And I know that's why he had his trouble, keeping it all inside.

"Me?" she continued. "I have sleepless nights, but I don't tell him. It feels like hell."

The problems facing central California's agricultural industry are typical of those facing farmers across the United States. This is not a local problem, but a national one that could deeply affect every person in the country. According to the Comptroller of the Currency's Office, a fifth of the Nation's farmers do not seem able to work out of the heavy debt they have had to incur to remain in production. This debt, combined with high interest rates, a strong dollar abroad, foreign competition, and record crops, has led to a dangerous situation that could spell doom for the traditional family farm.

As the 99th Congress begins to work on the 1985 farm bill, we must keep these important issues in mind. I am reminded of a quote from Daniel Webster, who, reflecting on the importance of agriculture to our country, stated:

Let us never forget that the cultivation of the earth is the most important labor of man. Unstable is the future of that country which has lost its taste for agriculture. If there is one lesson in history which is unmistakable, it is that national strength lies very near the soil.

There are no simple answers for the complex issues involved. But the Federal Government must strive to help alleviate this crisis before it ruins the vital agricultural base that this Nation is built upon.●

TRIBUTE TO HARRY ARROYO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. TRAFICANT. Mr. Speaker, at this time I would like to pay tribute to a professional athlete from my home district who, this past month, again made his mark in the boxing world. I am speaking of International Boxing Federation lightweight champion Harry Arroyo of Boardman, OH.

Mr. Arroyo recently defended his title against a tough and determined opponent in what many boxing experts are calling the most exciting fights ever in the lightweight division. Harry was knocked down in the second round and was on the ropes for much of the early part of the fight. But Harry never gave up and he refused to cave in to the volley of punches being thrown at him. Later in the fight Harry connected with a devastating right and went on to score an impressive knockout.

I am extremely proud of the fact that Harry hails from my home district and that he has pledged his support for the massive community effort currently going on in the Mahoning Valley to attract General Motors' Saturn project. Harry Arroyo displays the type of "never say die" attitude and fighting spirit that is so emblematic of the people in my home district. Like Harry, the people of the Mahoning Valley have had to face great adversity and hard times. Yet, like Harry, they refuse to give up and they have fought back. The effort going on in the valley to attract the Saturn project and revitalize the area's economy is an indication that the people in my district are working together to change and better their future.

I am honored and so appreciative that Mr. Arroyo has agreed to serve on my task force to attract the Saturn project and develop ways to revitalize the Mahoning Valley's economy. I couldn't think of a better person to represent this effort than Harry Arroyo. I am confident that Mr. Arroyo will be an inspiration to the people involved in this effort and that the people in my district will follow his example and fight back to establish a sound future for the valley.

At this time I would also like to congratulate Mr. Arroyo for his recent victory and for his successful career. I wish him continued success in all his endeavors.●

TRIBUTE TO THE NEW FRONTIER DEMOCRATIC CLUB

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. DIXON. Mr. Speaker, on February 9, 1985, the New Frontier Democratic Club of Los Angeles, CA, will celebrate 25 years of distinguished service to the black community and the Democratic Party. Since its inception in 1960, the New Frontier Democratic Club has provided a fertile training ground and spirited forum for many dedicated public officials.

The idea and concept for the club was conceived by retired Superior Court Judge Sherman Smith, Sr., as he and his wife, Dr. Helen Smith, listened to John F. Kennedy accept the Democratic nomination for President of the United States in 1960. As Kennedy repeatedly referred to new frontiers and how "there will always be new frontiers to conquer," Judge Smith decided that "New Frontier" would be an excellent name for a Democratic club.

After discussing his idea with actor, teacher, and community activist, Milton Wood and his wife, Jacqueline, all agreed that there was a need for a Democratic club in the black community whose purpose would be to help elect qualified deserving Democrats to public office; have a voice in civic and political affairs; and have fun doing it.

Thus formed, the New Frontier Democratic Club quickly grew to a founding membership of 18 and gave essential support to the victorious 1960 campaigns of John Kennedy, President; AUGUSTUS HAWKINS, Member of Congress; and MERVYN DYMALLY, California State Assembly. In addition to the Smiths and Woods, founding members included Faith and Timothy Armstrong, Mary Batiste, Connie and Paul Bullock, Nell Zest Carriere, Rev. Edgar Edwards, Evelyn Evans, Arthur and Gwen Green, Comdr. Dennis Nelson, George Parks, Myrtle Porter, and Verlon Proutt.

Judge Smith served as New Frontier's first president from 1960 to 1963, and under his dedicated leadership the club became an active and reliable manpower resource for the political campaigns of the candidates it supported. Judge Smith was succeeded by Milton Wood, who served as president from 1963 until his death in 1966. Under Milton's creative leadership, fundraising became an integral part of New Frontier activities. He realized that the club's political influence could be greatly expanded by providing financial as well as manpower resources to the candidates it endorsed. The most successful of the fundraising events he initiated, Las Vegas Nite, became the fundraising role model for many community organizations.

At the time of Milton's death, New Frontier had just participated in the annual meeting of the Democratic State Central Committee, and was deeply involved in the political campaigns of Ivonne Braithwaite-Burke and Charles Warren for the California Assembly, MERVYN DYMALLY for State senator, ED ROYBAL for Congress, and Gov. Pat Brown.

Following Milton's death, each of the succeeding presidents of New Frontier sought to continue the exemplary service both he and Judge Smith had given to an organization borne of thoughtful vision. Those presidents, all of whom were stalwart leaders, include Representative JULIAN C. DIXON, the late Virgil Morrow, Dr. Herbert Carter, Stanley Talbert, George Beaubian, Rita Carr, John Floyd, Judge Sherman Smith, Jr., Joy Atkinson, John Harris, Louis White, and, current president, John Frierson.

The New Frontier Democratic Club has grown from the 18 founding members in 1960 to an average annual membership of 150 today. While its numerical growth is impressive, New Frontier has never swerved from its basic objective to elect good candidates to office. Elected officials who can point to New Frontier as an essential body of support in their campaigns are too numerous to list, but the citizens of Los Angeles, State of California, and the United States of America have all benefited greatly from their service.

The date, the New Frontier Democratic Club is one of the most active Democratic clubs in southern California. Its members are represented at Democratic Party meetings serve on various candidate fundraising committees, consult with candidates on political strategy, serve on the staffs of elected officials, are members of State and local boards, and network with other community and political clubs and groups.

New Frontier has made tremendous strides in raising the level of awareness about political issues confronting the community through widespread participation in community organizations and Democratic politics. Since 1965, it has given recognition to outstanding citizens and organizations in the black community; it has given more than $15,000 in scholarships to black high school graduates interested in pursing careers in political science through the Milton Wood Scholarship Fund; and, among its past and present members, the organization boasts 24 of the Los Angeles area's most influential community leaders in the fields of politics, education, criminal justice, social service, and the judiciary.

When the New Frontier Democratic Club celebrates its 25th anniversary

on February 9, it can be proud of its outstanding and rewarding record of service to the black community. I look forward to the next 25 years of tireless work and inspired goals; for, despite the years, our philosophy has remained the same: There will always be new frontiers to conquer.●

TRIBUTE TO LOU BROCK

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. CLAY. Mr. Speaker, the residents of St. Louis, and fans of the baseball Cardinals all over the Nation, are celebrating Lou Brock's election to the Baseball Hall of Fame. The former Cardinal outfielder has been a legend for many years. I salute Lou Brock for his latest outstanding achievement, and I am happy to share with my colleagues the following reports from the St. Louis Post Dispatch.

LOU! LOU! LOU!

He stole bases, oh, how he stole bases. And he stole the hearts of Cardinal fans everywhere. But there was no thievery involved in Lou Brock's latest achievement. He earned his selection in his first year of eligibility to the Baseball Hall of Fame.

Lou Brock was more than the preeminent base stealer in baseball. He is a member of the exclusive 3,000-hit club, an honor shared by only 14 others. He was the team catalyst who sparked the Cardinals to three National League championships during his tenure with the team. He was a leader, who helped not only the younger players on the team, but who also gave of his time and energy to the youth of St. Louis.

His comments at a press conference after the announcement indicate the depth of the man. "I realize," he said, "that every honor always brings with it challenges and responsibilities and that's how I view my selection to baseball's Hall of Fame." Mr. Brock has met the responsibilities of being in the public image with integrity and dignity. At times, it may have seemed that he was not accorded the recognition he deserved: when Steve Garvey was selected as most valuable player the year Lou Brock stole 118 bases or when Carl Yastrzemski seemed to get more attention for reaching the 3,000-hit mark. For the ultimate baseball honor, however, there was no question. Lou Brock had been a Hall of Famer for a long time. Now, it's official.

LOU BROCK JOINS HALL OF FAME

(By Rick Hummel)

In his first year of eligibility, former Cardinals outfielder Lou Brock was elected to baseball's Hall of Fame on Monday night, along with longtime relief pitcher Hoyt Wilhelm, who pitched for the Cardinals briefly in 1957.

Brock holds the record for base-stealing in a career—938. He also is one of only 15 players to have more than 3,000 hits, finishing with 3,023. He was the 15th player to be elected to the Hall of Fame on the first ballot.

He will be inducted into the Hall in August in Cooperstown, N.Y.

A player must get at least 75 percent of the ballots to get into the Hall of Fame. Brock got 79.7 percent of the tally, 315 votes from 10-year members of the Baseball Writers' Association of America. Wilhelm gained 83.7 percent of the votes, or 331.

Nellie Fox, a star second baseman with the Chicago White Sox, fell 2 votes short in his last year of eligibility from the regular baseball writers' membership. Although his percentage of the vote was 74.6 percent, Hall of Fame President Ed Stack said the percentage must be an even 75 or more. So Fox was denied and now must wait until the veterans committee can consider his case in three years.

The late Ken Boyer, a former Cardinals star, got 68 votes after being restored to the ballot and will be eligible for 15 more years. Boyer was dropped from consideration for one year because he had failed to gain 5 percent of the vote.

Players must wait five years after their last active season to be considered for the Hall.

Brock, a St. Louis resident, is president of Broc-World, a merchandising and marketing firm that handles sports equipment and paraphernalia.

Brock was a .251-hitting outfielder, but one with promise, when Cardinals General Manager Bing Devine acquired him from the Chicago Cubs in June 1964. The deal was highly unpopular, because the Cardinals sent to the Cubs right-hander Ernie Broglio, who won 21 games in 1960 and who was 18-8 in 1963. Tales of Brock's outfielding play with the Cubs were spiced with phrases such as "Brock as in rock."

But Brock hit .348 in the second half of the 1964 season, sparking the Cardinals to their first National League pennant since 1946. Then in the World Series, he batted .300 as the Cardinals beat the New York Yankees in seven games.

Many years later, Brock, talking about the controversial trade, smiled and said, "I didn't care what people thought. I was a major leaguer."

Brock would hit better than .300 seven times with the Cardinals before he retired after the 1979 season. His best years were 1967—when he hit 21 homers, scored 113 runs and batted .299 for another world championship edition of the Cardinals—and 1974, when he stole a then-record 118 bases and batted .306.

His final season brought two milestones: his 3,000th hit—off Chicago's Dennis Lamp—and his 938th stolen base, which eclipsed the mark of 937 of old-timer "Sliding Billy" Hamilton. Two years earlier, Brock broke the accepted stolen-base record of 892 set by Ty Cobb.

Brock's final season seemed to be emblematic of the fire that burned within him, a seemingly placid person. The year before, riding the bench periodically under Manager Vern Rapp, Brock slumped to a career-low .221, and there were whispers that he might be finished.

But Brock, vowing to "orchestrate my own exodus," hit better than .300 for almost all of his last season with the Cardinals. "I refused to let anybody deny me my final moment of glory," said Brock at that time. "There came a time when everything I had done could have been tarnished. I refused to be denied."

Wilhelm pitched 21 years and a record 1,070 games in the major leagues while playing with the New York Giants, Cleveland, Baltimore, Chicago White Sox, California, Atlanta, Chicago Cubs and Los Angeles Dodgers.

The knuckleballing Wilhelm failed to get into the Hall of Fame last year by just 13 votes. He had a lifetime 143–122 won-lost record and a 2.52 earned-run average in his career. He pitched 14 seasons in which his ERA was lower than 3.00 and six seasons in which it was lower than 2.00.

In the rest of the voting, former Chicago Cubs outfielder Billy Williams was fourth with 252 votes, and pitcher Jim Bunning had 214. Catfish Hunter had 212, and Roger Maris had 128 votes. Maris played on two pennant winners with the Cardinals, besides hitting a single-season record 61 homers with the New York Yankees.●

STUDENT AWARENESS WEEK

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. RIDGE. Mr. Speaker, for the benefit of my colleagues, I would like to point out that the Commonwealth of Pennsylvania has declared the week of February 3, 1985, as "Student Awareness Week." On this occasion, there are a number of educators and concerned parents in my hometown of Erie, PA, whom I believe deserve recognition for the efforts to challenge the gifted students in our city. Thomas C. O'Rourke, superintendent of schools, Brenda A. Pundt, president of the school board, Chester P. Chrzanowski, supervisor of special education, and Robert Sullivan, one of the many parents actively involved in the gifted program in Erie, all deserve commendation.

For 8 years now, the Harding Gifted Center has provided opportunity for young minds to grow. This program for the gifted is a fine example of teachers, the school administration, and concerned parents working with Federal Government assistance. It is a fine example of parochial and public schools working together. And of course, we must recognize the talented students who attend the Harding Gifted Center. These are students who love to learn and inspire that love in other students as well. They contract with their regular classroom teachers to complete all their assignments while taking on an extra day of work each week at the center. There, they work on individual, advanced projects under the supervision of five teachers. The curriculum provides acceleration and enrichment, and a tremendous sense of accomplishment. The success of the program speaks for itself. Most of the students choose to remain in the program for years.

Some years ago, a study was done in Vermont that showed that one-third of those who dropped out of high school were gifted young people. If the statistics in Vermont are any indication of what is happening in the rest of the country, then certainly we are

not developing the potential of our young people to the fullest extent. Aside from all the controversies over national and local education policies, I do not think anyone would dispute that our young people are the Nation's most precious commodity and indeed the Nation's future.

One of the important tenets upon which our Nation was founded was the idea of opportunity for all. When you apply this concept to the classroom, it means that all students should have the opportunity to be challenged in their schoolwork. We all know that children learn at different rates. Perhaps teachers are the only people who can fully appreciate the practical difficulties this presents as they try to challenge every child in their classrooms. It is my hope that the Harding Gifted Center will continue with its programs to help ensure that all students are given the opportunities they deserve.

Following a period of national questioning and soul searching about the quality and the effectiveness of our schools, it seems that many educators and parents have advocated a return to the basics of education. Perhaps the Harding Gifted Center's success may be attributed to that commitment to basics—excellent, dedicated teachers, concerned parents, an effective school administration, and something that we never really lacked—bright and motivated students.

As the Government continues to evaluate its role in education, I believe that it retains its current commitment, particularly in the areas of gifted education, handicapped education, and vocational education. As we continue our work to fulfill the needs of all of our citizens, we will need to increase our efforts in adult continuing education and industrial retraining. There are many decisions before us in the years ahead and it is our young people, like those attending the Harding Gifted Center right now, who will be able to help us to see our way into the future.●

THE INDICTMENT OF CHURCH SANCTUARY WORKERS

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. ATKINS. Mr. Speaker, I like many of my colleagues are distressed at the recent indictment of church sanctuary workers in Arizona. I draw to the attention of my colleagues a well-considered statement of Bishops James R. Crumley, Lutheran Church in America; David W. Preus, American Lutheran Church; and William L. Herzfeld, Association of Evangelical Lutheran Church.

The statement follows:

STATEMENT ON THE INDICTMENT OF CHURCH SANCTUARY WORKERS

We are deeply disturbed at the news of a 71-count indictment, issued on January 14 against 16 people involved in the church sanctuary movement. It is particularly alarming that the indictment came as a result of a 10-month long investigation which included the infiltration of several churches, among them Southside Presbyterian in Tucson and Alzona Lutheran in Phoenix, by federal informers and undercover agents.

The reasons which cause some congregations to go through the painful and searching process of declaring themselves sanctuaries for refugees from Central America are many and compelling, but all are motivated by a deep faith and a fundamental humanitarian concern for the safety of these refugees in our midst.

We share the concern of these congregations for the protection of Central American refugees and we firmly believe that conditions in Central America today do not permit the safe return of those who have fled civil strife at home. We were recently reminded of the pervasive violence and terror in war-ravaged El Salvador when the Reverend David Fernandez, a Lutheran pastor in San Miguel, was found brutally murdered near his home, one of some 50,000 unarmed civilians who have been killed in El Salvador since 1980.

Because of our belief that refugees from the turmoil in Central America must be granted safe haven, we have strongly supported, and continue to support, the enactment of legislation to temporarily suspend the deportation of Salvadorans from the United States while the conditions which caused them to flee persist. Passage of this bill, sponsored by Rep. Moakley (D-MA) and Sen. DeConcini (D-AZ) must be a top priority of the 99th Congress. We will continue to encourage members of our churches to support such legislation.

We see in the Phoenix indictment the possible beginning of a confrontation between sanctuary churches, firm in their faith that theirs is a Biblical mandate, and the government in its questionable interpretation of the law. We encourage instead a renewed dialogue and ask that the government cease the prosecution of lay and ordained church workers and the monitoring of church activities as a means of response to this difficult moral and theological issue.●

HELEN MARION HAMMOND APPRECIATION DAY, FEBRUARY 3, 1985

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. DELLUMS. Mr. Speaker, on Sunday, February 3, 1985, the city of Berkeley, CA, will honor Helen Marion Hammond by declaring it as Helen Marion Hammond Appreciation Day. Helen Marion Hammond has been a distinguished citizen and community leader in Berkeley for over 40 years. She is both reasonable and fair in her selfless and tireless efforts on behalf of the community.

Ms. Hammond's activities in the political process have spanned decades. She was actively involved in Franklin D. Roosevelt's first Presidential campaign, Women's International League for Peace and Freedom, Jack Kent's city council campaign, the fight against the West Berkeley Industrial Park, my campaign for City Council of Berkeley, the April Coalition campaign, the anti-Vietnam War movement, the Berkeley Architectural Heritage Association, Berkeley Citizens Action [BCA], the campaigns of councilmembers Denton and Fukson, obtaining landmark status for Finnish Hall, neighborhood associations such as the Oceanview Committee, Fifth and Camellia Neighborhood Association, and Council of Neighborhood Organizations, Neighbors for Clean Air, and member of board of directors of the West Berkeley Senior Center.

Marion Hammond in her personal life successfully challenged bank policies of not granting home loans to single women. She was employed at Kaiser Shipyards during the early period of World War II and at that time was the only woman delegate to the Metal Trades Council. Marion Hammond was later married and raised two sons in Berkeley while continuing to be active in community affairs, the PTA, and helped found the Arts and Crafts Co-op.

In the early 1960's she re-entered the work force as a Licensed Vocational Nurse and helped organize and obtain contract for Local 250 S.E.I.U., and served that local in the capacity of shop steward and negotiator, while continuing to be active in community affairs.●

A TRIBUTE TO HEMLOCK HIGH SCHOOL BAND

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. SCHUETTE. Mr. Speaker, I wish today to pay tribute to the accomplishments of the Hemlock High School Band of Hemlock, MI. Traveling all the way from Michigan by bus for the inaugural festivities, the Hemlock Huskie Band is taking home first place in the "All American Festivals' Band Contest." Their success, and the pride they have brought the State of Michigan, can be attributed to their own discipline, the support of their parents, many of whom traveled with them, and the fine leadership of their friend and teacher, Mr. Carl A. Gippert.

Mr. Speaker, from my own experience I know that you are continually addressed by Members from all over this Nation, each of whom is praising the merits of his or her constituents,

but the Huskie Band is without doubt one of the finest groups of young men and women I have ever met. They are taking home a first place prize to prove it, and I salute them.●

MASS TRANSIT UNDERFUNDED, MERITS MORE MONEY AND BETTER TREATMENT

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. COUGHLIN. Mr. Speaker, a compelling case for more and dedicated funding, and better treatment for our Nation's mass transportation systems has been made in an editorial published by the Philadelphia Inquirer.

I am pleased to bring this pertinent comment to the attention of my colleagues and note with pride that the editorial was prompted by the appearance in the Philadelphia area of the senior Senator from Pennsylvania, the Honorable JOHN HEINZ. At the car repair shops of the Southeastern Pennsylvania Transportation Authority [SEPTA], Senator HEINZ pledged to seek equitable funding for and to oppose efforts to target unfairly mass transit for excessive reductions to ease the Federal deficit.

As a ranking member of the Transportation Appropriations Subcommittee, I recognize the key role mass transit plays in the lives of our urban and suburban communities. Individual livelihoods and jobs as well as the overall economic health of urban areas depend—to a great degree—on the availability of adequate, reasonably priced and reliable mass transportation systems.

We may not be able to make up for decades of benign neglect that have eliminated or crippled many mass transit facilities, but we must accept the important place public transportation fills in millions of lives. Unfortunately, recent history shows that moves continue to shortchange mass transit or relegate it to a low priority. This is a shortsighted approach.

Less than 2 years ago, for example, the Congress raised the gasoline tax from 4 to 9 cents. As the Inquirer points out, 1 penny of the hike was dedicated to mass transit systems for capital expenditures. Yet, the Congress set transportation's share of the increase at $1.1 billion annually—some $400 million less than 1-cent dedication generated. I recall vividly that I—along with other Members—voted for the gasoline tax hike only when we were assured unequivocally that mass transit would be guaranteed revenues from the 1 penny dedication.

In addition, I have worked hard and with some success to assure that funds from the gasoline tax should go for capital expenditures and maintenance. It makes no sense—logically and economically—to allow the Federal Government the authority to fund capital equipment purchases such as rail cars and buses, and yet not permit it to expend moneys to maintain this multimillion dollar equipment. To obtain every penny's worth of value of gasoline tax moneys for the public, funds must be permitted for repairs and maintenance so that rolling stock bought by capital funds can attain full life expectancy.

I hope that the Congress will direct that dedicated funding be used for mass transit system maintenance. If not, it may take new legislation. I would hope, in that event, that a bruising battle could be avoided. Mass transit is essential, but it is underfunded. It merits better treatment because it is vital to national and individual economic well-being.

Submitted is the January 23, 1985 editorial in the Philadelphia Inquirer for inclusion in the CONGRESSIONAL RECORD:

CONGRESS AND MASS TRANSIT

Sen. John Heinz (R., Pa.), at a news conference at SEPTA car repair shops in Upper Darby last week, made a welcome commitment to seek equitable federal funding for mass transit in the Congress this year. The senator promised to oppose moves that would single out transit unfairly as a handy target for excessive cuts as part of the deficit reduction process.

Seeking funds for transit in face of urgent needs to reduce federal spending and cut the deficit might seem unreasonable, but precisely the opposite is true. Transit has been short-changed through fiscal sleight-of-hand—injustices that need to be corrected.

When the Congress boosted the federal gasoline tax from 4 to 9 cents a gallon effective in 1983, 1 cent of the increase was dedicated to mass transit systems for capital expenditures. However, when it came to providing the money, the Congress was too conservative. It set transit's share of the tax hike at $1.1 billion a year—about $400 million less than the 1-cent portion of the gasoline tax is generating annually. Thus, Congress has a duty to provide transit systems with full funding from the 1-cent part of the tax. Sen. Heinz plans to take the lead in the Senate in seeking the additional authorization and he should have bipartisan support.

Beyond that, transit should have received more than just a 1-cent allocation of the 5-cent increase—with the highway lobby gobbling up the other 4 cents. A more equitable distribution would have been 2 or 3 cents for transit. Congress well might change the allocation formula this year.

Another approach, maybe a better one, would be to increase the federal gasoline tax by several cents a gallon, with perhaps half of it going to transit. With gasoline prices going down, an increase in the gasoline tax would be almost unnoticeable at service station pumps—as close to painless as any tax increase can be. President Reagan, while apparently disinclined to ask for a tax increase, philosophically favors user fees and might approve a boost in the fee imposed on highway users, which is what the gasoline tax amounts to.

SEPTA and other transit authorities have made the valid point that federal funds from the gasoline tax should be usable for maintenance as well as capital expenditures. It makes no economic or business sense to the federal government to buy buses, rail cars and other rolling stock for transit systems and deny funding for repairs and overhauls needed to keep the equipment in good condition for full service life expectancy. Changing the law to allow a portion of gasoline funds to be used for maintenance purposes is another action that the Congress should take this year.

TRIBUTE TO EDWARD DEBARTOLO, JR.

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. TRAFICANT. Mr. Speaker, at this time I would like to pay tribute to someone from my home district who has made me and my constituents very proud. I am speaking of Mr. Edward DeBartolo, Jr., of Youngstown, OH, and owner of the 1985 Super Bowl Champion San Francisco Forty-Niners.

Edward DeBartolo, Jr., became owner of the Forty-Niners several years ago at a time when the team was in disarray and had the image of a loser. Edward had taken over a team that showed little promise. But despite these adverse conditions, Edward was determined to build a winner—he had a bold vision of a bright future. Through a lot of hard work, dedication, innovation, and persistence Edward realized his lofty goals. His Forty-Niners have won the Super Bowl 2 out of the last 4 seasons, and this year's decisive thrashing of the Miami Dolphins places the 1985 Super Bowl Champion Forty-Niners among the greatest teams in professional football history. That Edward succeeded in building a winning team and class organization is a testament to the man's fine character and strong will.

I am proud that Mr. DeBartolo is a Youngstown native and that he has pledged his support to the massive community effort in the Mahoning Valley to attract General Motors' new Saturn plant. Edward's bold determination and strong desire is deeply reflective of the people in my district. Those people have been faced with great adversity and hard times. Yet they have not given up and they are fighting back with a rare type of community spirit. Like Edward, they have a vision of a better tomorrow and they are all joining together to work to make that vision a reality.

I am deeply honored and so appreciative that Mr. DeBartolo has agreed to

serve on my task force designed to attract the Saturn project and develop ways to revitalize the Mahoning Valley's economy. I am confident that with the leadership and guidance of people like Edward DeBartolo, Jr., the people in my district will be able to continue working together to solve their problems and realize their high aspirations. At this time I would also like to congratulate Mr. Debartolo for winning the Super Bowl for a second time and for his dedication and commitment to the Mahoning Valley community. I wish him continued success with the Forty-Niners and in all of his endeavors.●

U.S. ARMED FORCES SUPPLEMENTAL BENEFITS ACT OF 1985

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. GONZALEZ. Mr. Speaker, last week I reintroduced a bill—H.R. 590—to provide compensation for the victims of the disaster in Lebanon and the undeclared war in Grenada. This bill would also provide special compensation for those who might be killed in future hostilities in Central America or elsewhere. We owe something to the families of the service members who have died and may still die as a result of serving in the many dangerous frontiers into which they have been committed.

Specifically, my bill provides for the payment, tax free, of $50,000 to the survivors of any service member who died in Lebanon last year or, for that matter, in the line of duty in any other foreign country. The death need not have been the result of hostile action. For example, military definitions of the cause of death could not exclude benefits for the survivors of the two marines killed in Beirut in 1983 while trying to disarms a cluster bomb. That incident might not be deemed hostile action, but no fair standard could deny some kind of benefit to the survivors of those soldiers who would not have died but for hostile action. Likewise, the "line of duty" definition would provide compensation to the men killed by the suicide bombings in Lebanon, even though it was never determined that these were military assaults in the generally accepted meaning of the term. That is, while it may not be clear that the attacker belonged to anybody's army, it is sufficient that the men killed did die in the line of duty and would not have died but for the fact that they happened to be assigned to the peacekeeping force in Beirut. Similarly, the bill provide compensation to victims of friendly fire if such a tragedy should ever come to pass, or if a service member were killed by some other accident in the line of duty.

Furthermore, this bill provides special benefits for the families of those wounded in the course of service overseas. Families would be allowed the use of Government visitor facilities close to the hospitals where their loved ones were being treated. The families would also receive a reasonable per diem to help cover their expenses. A service member wounded in Lebanon or Central America, for example, is not likely to be hospitalized close to home. There is no reason why their families should suffer endless economic loss in order to be near their wounded sons. For example, no matter where a burn victim might reside, that individual is going to be treated at Brooke Army Medical Center in San Antonio. Likewise, all the casualties from Lebanon were sent to hospitals here on the east coast. It is a sensible and humane thing to facilitate the efforts of their families to be nearby.

I know that there are those who will say that there is no price that can be put on patriotism, and there are those who will say that death or injury is expected in military service, and so no special compensation or assistance is warranted for those killed and wounded in Lebanon or Grenada, or wherever Americans are being, or will be, exposed to hostile action. But let me remind you, the Federal Government today pays a special compensation of $50,000 to law enforcement officers who are killed in the line of duty. If we can do that for law enforcement officers, there is no excusing the lack of a similar benefit for the families of those who have died while protecting the interests of this country. Dying or being gravely injured in an undeclared war or while serving with some multinational peacekeeping force is not in any soldier's agreement to serve, and warrants special benefits.

The least that we can do for the victims of undeclared war, and the victims of foreign commitments, is to extend to them the same kind of gratitude and consideration that we today provide for domestic law enforcement officers or even Congressmen who die while in office. These young people have given this country service above and beyond any reasonable call of duty, and they deserve more than our commendations; they, and their families, deserve a fitting mark of our gratitude and respect, which this bill provides.●

THE DEFICIT REDUCTION ACT OF 1984

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. ANTHONY. Mr. Speaker, today, a number of my colleagues and I are introducing legislation regarding what I consider to be a serious oversight on Congress' part when we adopted the fringe benefit provisions in the Deficit Reduction Act of 1984.

Under new section 132, many existing fringe benefits were codified. Several exclusions were put into the statute, including a working condition exclusion. Unfortunately, as interpreted by the IRS, public safety employee vehicles are not included in this exclusion. This will result in State troopers, sheriff's deputies and emergency medical personnel being taxed on a portion of the use of their vehicle. I consider a police officer to always be on duty, and I know in Arkansas that many law enforcement agencies encourage police officers to drive their official vehicles when off duty to heighten the presence of law enforcement in the community.

I am convinced it was not the intent of Congress to tax these men and women on the use of their patrol car or emergency vehicle. Therefore, I am introducing a bill that would provide that the use of certain law enforcement, fire protection, and emergency medical vehicles in certain cases would not be taxable as a fringe benefit.

Mr. Speaker, these people are always on duty—to serve the public. I hope my colleagues will review this measure carefully, and I would welcome their support.

To Amend the Internal Revenue Code of 1954 to provide that the use of certain law enforcement, fire protection, and emergency medical vehicles in certain cases shall be treated as a nontaxable fringe benefit

SECTION 1. Use of Certain Public Vehicles Treated as Working Condition Fringe Benefit.

(a) IN GENERAL.—Subsection (h) of section 132 of the Internal Revenue Code of 1954 (relating to certain fringe benefits) is amended by adding at the end thereof the following new paragraph:

"(6) Certain required uses of public law enforcement and emergency vehicles.—

"(A) IN GENERAL.—For purposes of subsection (a)(3), any qualified use of a qualified public vehicle by an eligible employee shall be treated as a working condition fringe.

"(b) DEFINITIONS.—For purposes of this section—

"(i) QUALIFIED PUBLIC VEHICLE.—The term 'qualified public vehicle' means any specifically equipped vehicle which—

"(I) is operated by or for a governmental unit, and

"(II) is used by such governmental unit to provide law enforcement, fire protection, or emergency medical service or to provide

such other service relating to the public safety as the Secretary may prescribe by regulations.

"(ii) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means, with respect to any vehicle, any employee of a governmental unit—

"(I) Whose principal duties include the provision of the type of service described in clause (i)(II) for which such vehicle is used by the government unit, and

"(II) who regularly uses such vehicle in the course of his employment.

"(III) QUALIFIED USE.—The term 'qualified use' means, with respect to any vehicle, any use of such vehicle which is required by the governmental unit.

"(IV) GOVERNMENTAL UNIT.—The term 'governmental unit' means the United States, any State, any political subdivision of any State, and the District of Columbia.

EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendment made by section 531(a) of the Tax Reform Act of 1984.●

TRIBUTE TO MR. HOWARD GAFFKE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. SKELTON. Mr. Speaker, I take this time to honor Mr. Howard Gaffke of Cole County, MO, for his 39 years of continuous service in county government. Mr. Gaffke's dedication to his job represents the high quality of public service which the people of Cole County have had over the years. After 5 years of distinguished military service, Mr. Gaffke spent the first 10 years in local government as the Cole County treasurer. He was then appointed county assessor, a position he has held for the past 29 years. I wish Mr. Gaffke all the best for the future, and ask my colleagues in the House of Representatives to join me in congratulating him on his many fine years of community service.●

COMMENDATION OF ASIAN HERITAGE CELEBRATION

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. MINETA. Mr. Speaker, on behalf of Mr. EDWARDS and Mr. ZSCHAU, I would like to take this opportunity to recognize and commend the Asian heritage celebration to be held March 16-24 in Santa Clara County. The celebration will commemorate the contributions that bay area residents of Asian descent have made in the past and will educate the public about those contributions. We are pleased to bring this festival to the attention of the Congress and we express our pride in the accomplishments of Americans of Asian descent in Santa Clara County.

The week of celebration was first suggested by members of the Chinese Folk Dance Association as part of their 25th anniversary. It was conceived specifically to allow community groups to work together to disseminate knowledge about the culture and achievements of Americans of Asian descent. Such education and commemoration is important because Americans of Asian descent have provided a diversity of cultures, lifestyles and points of view that give color and variety to our entire community. They have supported the business and scientific communities since the early railroad-building and farming days, and today they provide great resources to Silicon Valley's high-technology industries.

The organizers of the celebration hope to dispel lingering myths and misunderstandings by educating the public about the cultures of Americans of Asian descent through cultural events. They hope to communicate and show the diversity of the Asian heritage. The celebration will begin with an Asian New Year Festival, with a parade and banquet taking place in San Jose. Also taking place during the week will be an Asian Filmmakers Festival, a series of cultural exhibits, an Asian Dance Festival, and Asian Designers '85, an Asian fashion show. Through events such as these, the festival will achieve its goal of providing opportunities for the expression of the culture of Americans of Asian descent.

We take pride in our community's cultural diversity and we recognize and commend this celebration. We feel that this event will reinforce traditional values and respect for the Asian heritage in Americans, while aiding the assimilation of diverse cultures into the greater American culture. We are proud to bring it to your attention.●

LABOR LAW VIOLATION DEBARMENT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. CONTE. Mr. Speaker, I have introduced legislation today to deny Federal contracts to companies or labor groups when the Secretary of Labor certified that they have engaged in a pattern of willful violations of Federal labor law. This legislation—balanced and fair to all parties—is very important to American workers and will insure that the Federal Government does not reward chronic lawbreakers.

Mr. Speaker, 18 years ago, similar legislation was introduced. The report on that bill by the House Special Committee on Labor suggested that Federal contracts be denied to repeated violators of the National Labor Relations Act. Similar legislation was again introduced in the 94th Congress. In July of 1977, President Carter sent to Congress a package of reform measures which included this debarment provision. And, during the 95th Congress, the House passed the labor law reform bill which strengthened NLRB remedies against repeated violators of the Labor Relations Act. An amendment offered on the House floor to strike the debarment provisions failed, 301 to 111.

The rights, duties, and prohibitions set out in the National Labor Relations Act are not self-enforcing. If a company or a union fails to comply with a Board order, the Board can seek enforcement through the Federal courts. But legal rights have limited value if many years are required to enforce them. It is time for more effective remedies.

Debarment for repeated and willful violators will preserve the integrity of the Federal contracting process by withholding Federal contracts from companies or unions that willfully and systematically violate Federal court or NLRB orders. The United States should not be subsidizing those who repeatedly violate the law.

Debarment remedies are established as appropriate in the case of willful violation of other Federal statutes. Such provisions exist in the Davis-Bacon Act, Executive Order 11246 which deals with equal employment opportunities, and the Walsh-Healy Act, among others.

Under the bill, the Secretary of Labor may remove or reduce the contract restrictions imposed against a company or union, if there is no other source for the materials or services or if the national interest so requires. The debarment period is for a maximum of 3 years and can only occur after a pattern of willful violations and only affects the awarding of contracts after identification by the Secretary of Labor. In no instance may an existing contract be cancelled. All a company or union needs to do to avoid debarment is to obey the law.

There should be no financial incentive for those who break the law. The present procedures penalize law-abiding businesses and employees by not protecting them from the unfair competition of corporations not complying with the law.

The question is: Do we want our tax dollars spent on contracts with companies that break the law? The Office of Federal Contract compliance estimates that 40 percent of our labor force is employed by firms that do business with the Federal Government, either directly or indirectly. This bill only as-

sures that Federal money will not be used to help break the Federal law.

Mr. Speaker, in past years, legislation similar to this has gained bipartisan support because it is fair, and it is balanced. The bill only asks that corporations doing business with the Federal Government obey the law. I urge quick action on this bill by the Committee on Education and Labor.●

A TRIBUTE TO MR. PHIL ERSHLER

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. CHANDLER. Today, on the floor of the House, I want to commend to the Nation Mr. Phil Ershler, a mountaineer in my district in Washington, who, on October 20, 1984, became the first American to successfully scale Mount Everest's 29,028-foot summit using the Great Couloir route. Phil was one of the 12-member China Everest 1984 Expedition that began on August 6. The team was led by another Northwest climber, Lou Whittaker, brother of Jim Whittaker, the first American to scale Everest 21 years ago.

The expedition members endured incredible hardships to make Ershler the first American to scale Everest via this route. Avalanches, winds up to 100 miles per hour, frozen eyes, bloodied throats, and dehydration forced the other climbers to turn back and cheer Phil on his last 1,000 feet alone.

Phil has been trying for the summit for the last 3 years. He climbs because he likes to climb mountains and not just because he wants to reach the summit. He feels the effort and experience are definitely worth it.

I admire the hardships the team endured to accomplish this outstanding feat and wish to acknowledge to the Nation Phil Ershler and the China Everest 1984 Expedition for their incredible endurance and skill and the national pride their feat instills in all of us.●

H.R. 734

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. YOUNG of Alaska. Mr. Speaker, I have reintroduced legislation, H.R. 734, to amend the Internal Revenue Code to exempt certain emergency transportation of individuals from the excise tax on transportation by air. Also, this bill calls for the exemption from excise tax on air transportation for helicopters not using or benefitting by federally assisted facilities

Presently, injured or ill persons that require air transportation to medical facilities are charged with an 8-percent excise tax on the cost of their flight. These flights are often not covered by insurance and must be paid for out of the individual's or family's personal income. This is a burden to people already facing a costly and emotionally difficult situation. The average air medical transport costs between $2,000 and $3,000. Eight percent of this cost can be substantial to individuals paying the tax. However, the amount of revenue gained by the Treasury is likely to be minimal due to the relatively few number of air medical transports.

To insure that this exemption is not abused by individuals using commercial airlines for travel to medical facilities, this bill states that the exemption applies only for transportation of an injured or ill person by an aircraft which—first, contains special equipment for purposes of transporting injured or ill persons, or; second, contains seats that may be modified to accommodate a stretcher, and; third, is used predominantly in the transportation of injured or ill persons. This narrow language will limit the exemption to air ambulance travel and prevent the involvement of ordinary passenger commercial airlines.

The remainder of this bill deals with some of the excise taxes on helicopter transportation as imposed by the Airport and Airway Improvement Act of 1982. When Congress passed the act, it believed there was a pressing need to improve our airport and airway systems. It chose to raise the revenue necessary to accomplish this by imposing user fees on fuel, persons and property. The helicopter service industry sought an exemption from these user fees so long as the vehicle did not take off from, or land at, a facility eligible for assistance under the Airport and Airway Development Act of 1970, and did not otherwise use services provided pursuant to the Airport and Airway System Improvement Act during such transportation. The exemption was only granted to the mining and timber industry.

Since the rationale for this exemption lies in the fact that the helicopters are not using or benefiting by facilities assisted by the 1970 and 1982 acts, it seems illogical that other helicopter operations fitting the same user criteria do not qualify for the exemption. This bill seeks to make this exemption logically consistent by exempting all helicopter operations from fuel, persons and property excise taxes so long as they do not use or benefit by facilities assisted by the 1970 and 1982 acts. User fees should be paid by users and nonusers should be exempt. This simple logic is what this bill hopes to accomplish.●

IN MEMORY OF CHARLES P. BUCHANAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. RANGEL. Mr. Speaker, I rise to commemorate the life of a distinguished member of the Harlem community, Charles P. Buchanan. He passed away recently at the age of 86.

During his lifetime, Charles Buchanan witnessed the growth of Harlem into a thriving mecca for artists, writers, and entrepreneurs. He was not only a participant in the Harlem renaissance, but actually helped to make it as great as it was. His contribution was a significant one.

He managed the famous Savoy Ballroom for 32 years, hosting the truly great jazz artists of his time. The ballroom, along with the Cotton Club and Apollo Theater, were the hubs of the Harlem renaissance, their memories enduring forever. Charles Buchanan and his peers enriched the lives of many, and contributed much to the development of 20th-century American culture. We are endebted to Mr. Buchanan for his priceless gift.

It is therefore appropriate, Mr. Speaker, that we pay tribute to this dedicated man. His memory will remain forever in our hearts.●

NATIONAL INVENTORS' DAY

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. KASTENMEIER. Mr. Speaker, I am today introducing legislation designed to celebrate innovation and heighten public awareness to the vital contributions inventors make to our country's progress. This bill designates February 11, 1985, as "National Inventors' Day"—a date significant as the birthday of Thomas Edison, one of America's most prominent creators.

As chairman of the Subcommittee on Courts, Civil Liberties and the Administration of Justice, which seeks to refine the patent process in the public interest and render more adequate protection to inventors, I feel this resolution is an important tool for recognizing creative individuals and will educate us all on the impact their discoveries have on our daily lives. To illustrate this impact, consider the six inventors who will be inducted into the Inventors Hall of Fame on February 10, 1985, and their contributions to society: Marvin Camras for magnetic recording; Willem Kolff for kidney dialysis machines; Roy Plunkett for Teflon; Louis M. Moyroud and Rene

A. Higonnet for photographic-type composition; and Willis Carrier for air-conditioners. Obviously, our lives would be dramatically different without these innovations.

A basic premise of a democratic society is the protection it affords to individual creation. Prior to the protections established by the patent system, inventors had no intrinsic right to profit from the ownership and marketing of their works. Patents were granted by special acts of legislation and left solely to the discretion of the various Colonies and States. By laws, no right existed. George Washington urged Representatives of the First Congress to give "effectual encouragement * * * to the exertion of skill and genius at home." Indeed, the Constitution gives Congress the power to "promote the progress of science and useful arts" by granting limited monopolies in the form of patents on inventions. Consequently, the financial returns and appreciation afforded to holders of patents have been the inventor's incentive for improving upon existing products and creating new ones.

I urge my colleagues to support "National Inventors' Day" and celebrate the genius from which all benefit—the mind of the inventor.●

THE DEFICIT REDUCTION ACT

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. SHUMWAY. Mr. Speaker, my office has been deluged with protests from concerned senior citizens regarding the Medicare premium increase which was mandated by the Deficit Reduction Act in the 98th Congress. Ironically, that same act also calls for another action which, if repealed, could make the premium increase unnecessary. Today, I am introducing legislation to correct this situation.

The Deficit Reduction Act calls for the Federal excise tax on cigarettes to drop from 16 cents to 8 cents per pack as of October 1. That action will result in some $1.7 billion in lost revenue—revenue which could be earmarked for the Medicare hospital insurance trust fund. The bill I am introducing would continue the cigarette tax at its present 16 cent level, and would provide the Secretary of the Treasury with authority to transfer that revenue to meet the demands of Medicare hospital insurance benefit payments each month.

To my way of thinking, it is a sad paradox that last year's congressional action will impose an undue burden on older Americans while at the same time easing the disincentive for a hazardous habit. In 1980, $16 billion in health costs was directly attributable to cigarette smoking, while another $26 billion in indirect costs accrued as a result of loss of earnings from sickness or death. All Americans pay this high price through higher insurance premiums, higher prices for goods and services, and the cost of public assistance programs for smoking-induced illness.

I believe my bill is sound. It will assist Medicare without imposing new taxes, and may actually eliminate the need for unwanted premium increases.●

BALANCED BUDGET

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. MICA. Mr. Speaker, today I am introducing a package of bills to require a balanced budget. There is no doubt among most Americans today that we must balance the U.S. budget and rid ourselves of the staggering deficit that threatens our economy.

While I do this, I want to make it clear that I do not support any budget cuts in Social Security. I believe that the passage of the Social Security Amendments of 1983 has improved the financial solvency of the Social Security trust funds and helped to secure the financial future for millions who are entitled to the fulfillment of our promise to them. Social Security recipients should not bear the burden for our national deficit.

My first choice for an appropriate method to require a balanced budget would be the passage of the first bill that I filed upon arriving in Congress in 1979 and which I am reintroducing today. This legislation would amend the Congressional Budget Act of 1974 to establish a realistic timetable for balancing the budget that would be enforced by the rules of the House and the Senate.

Mr. Speaker, I really believe that if this bill had been enacted when I first introduced it 6 years ago, we would not be in the predicament that we are currently in.

If the Congress cannot balance the budget under its own rules, I would support amending the Constitution to require a balanced budget except in times of war or national emergency. Amending the Constitution presents a fundamental change in U.S. policy, and should not be done lightly. However, the evidence of the past 6 years indicates that to continue to tolerate such enormous deficits as we have seen would threaten the very foundation of the U.S. economy.

The third bill that I am introducing would require the President to submit and the Congressional Budget Committees to report a balanced budget for each fiscal year. The budget deficit is such a serious national problem that all of us must work together—the President, the Congress and the Congressional Budget Committees.

Without decisive action, the budget deficit will continue to grow and threaten the current economic recovery. The last time the Federal Government balanced the budget was in 1969 and the deficit is estimated to grow to $260 billion a year by 1989. Failure to reduce the deficit will keep interest rates high, prolong U.S. dependence on foreign capital, and harm American business.

Although the deficit does pose a serious problem, I do see some promising signs. I was pleased with the passage of the Federal Capital Investment Program Information Act of 1984 that requires the Office of Management and Budget to prepare a Federal capital budget plan. I intend to look into the possibility of further legislation to enact capital budgeting requirements such as Florida and other States use to express their budgets.

In addition, I believe that Congress can learn from Florida's example. Florida has never had a budget deficit because it is strictly forbidden in the State's constitution. Because of this fiscal responsibility, Florida has one of the country's most dynamic and growing economies. The people of Florida support congressional initiatives to balance the budget. In fact, 81 percent of the people responding to my questionnaire supported a constitutional amendment to require a balanced budget. Let us work together, following Florida's example, to require a balanced budget for the Federal Government.●

AN EXAMPLE OF A DEFENSE CONTRACT THAT WENT RIGHT

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. DORGAN of North Dakota. Mr. Speaker, over the past several years we in the U.S. Congress have heard dozens of stories about waste in the Pentagon and contract overcharges for military contracts. Yes, there is far too much of that kind of waste of the taxpayers' money in Pentagon contracting.

However, it is important to point out that not every defense contract has a price overrun or a delivery delay. There are some good workers and some good companies that are doing an excellent job for our Department of Defense, and occasionally we ought to stop and make note of that.

Recently I was visiting the Western Gear Corp., flight structures division,

in Jamestown, ND. I came across an example there that I'll bet is representative of a lot of the efforts of conscientious companies and faithful employees delivering good products on time and within budget to our Department of Defense.

Here's a small example of that. In mid 1984 the U.S. Navy requested proposals for the building of an ejector unit on a bomb rack. On August 24, 1984, the invitation for bids went to four qualified bidders. The contract was awarded to Western Gear's flight structures division on October 11, calling for the production and delivery of six ejector units for the bomb racks in 55 days with follow-up deliveries this year.

Workers at that plant in Jamestown, ND, worked many extra hours producing those products and meeting a very short delivery date of 55 days. On December 5, those units were delivered to the U.S. Navy. They were there on time and at the price that was originally negotiated.

Mr. Speaker, I just felt that with all of the depressing stories about defense contracting that we have been hearing, it would be refreshing to cite one positive example that I have come across of a lot of people working hard to produce the right product for the right price and deliver it on time. That happened in North Dakota in December.

A tip of the hat to some good folks in North Dakota who set a good example of the kind of defense contracting that we need more of in this country.●

TRIBUTE TO JUDGE SAM C. BLAIR

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. SKELTON. Mr. Speaker, Judge Sam C. Blair, a well-known public servant and prosecutor in Missouri, died at the age of 80 last week in Jefferson City, MO. As assistant U.S. attorney in Kansas City, Judge Blair was credited with a key role in fighting political corruption.

In his illustrious legal career, Judge Blair served as city counselor to Kansas City, judge of the Missouri Court of Appeals, special counsel to the State Division of Employment Security, and general counsel for the Department of Revenue and State Tax Commission. His 7 terms as judge to the 14th judicial circuit in Cole County were interrupted by his military service as a theater judge advocate on the special staff of Gen. Dwight Eisenhower in World War II.

During Judge Blair's long tenure on the bench, he handed down a number of far-reaching decisions including orders to allow blacks to enroll in the University of Missouri and to allow osteopaths to practice at public hospitals.

He was truly an outstanding man who upheld the highest ideals of the legal profession. He will be greatly missed.●

TRIBUTE TO THE TOLEDO CITY SCHOOL BOARD

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Ms. KAPTUR. Mr. Speaker, it is with considerable pride that I inform my colleagues of the recent selection of the Toledo City School Board to receive the U.S. Department of Education's Distinguished School Board Award.

This award is an outgrowth to the National Commission on Excellence in Education. It goes only to those school boards across the Nation who have provided special leadership in developing methods for improving our Nation's public school systems. Only 17 school boards have been designated to receive this award nationwide. The Distinguished School Board Award is, indeed, a significant achievement for the Toledo public school system and it brings with it recognition to our entire community.

The human mind is our fundamental resource. For a wise and just society to flourish, for its citizens to function in an increasingly complicated world, its children must be able to learn to think, to reason, and to grow in knowledge and understanding. Moreover, a strong and expanding regional economy cannot occur without a strong educational system. In a forum on education that I hosted last year, local educators and other community leaders presented their views on the educational preparedness of our young people and their ability to compete academically and technically in the job market. It was clear to me at that time that Toledo's school officials had long been aware of the new challenges confronting our students and were already taking steps to ensure that a firm educational background would prepare them for the marketplace. This award confirms the success of our school board's innovation approaches to the improvement of education in our community.

The late President Kennedy said, "Our progress as a nation can be no swifter than our progress in education. Our requirements for world leadership, our hopes for economic growth and the demands of citizenship itself * * * all require the maximum development of every young American's capacity." The kind of excellence which is demanded is the very excellence we salute today.

Therefore, I hope you will join me today in congratulating the Toledo School Board for this significant achievement. I know they will continue to pursue the standards of excellence which we applaud today.●

TRIBUTE TO JOSEPH J. SMITH

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. MRAZEK. Mr. Speaker, I would like to call to the attention of the House the outstanding service which Mr. Joseph J. Smith has given to the Albertson Hook and Ladder Engine and Hose Company No. 1. This year, Mr. Smith is celebrating his 50th anniversary with the fire department. Through these many years, Mr. Smith has been highly respected in the firehouse and in the Albertson community at large.

Mr. Smith has certainly contributed a great deal to the successful efforts of this fire department and he has the most competent colleagues whose work must also be recognized. Among the officers of the Albertson Fire Department are:

LIST OF OFFICERS

Officers of the Albertson Fire Department: Chief: Herman Fuelling; 1st Assistant Chief: Thomas Tilley; 2nd Assistant Chief: Anthony Bellisari; Captain: Jay Janowitz; 1st Lieutenant: Richard Ockovic; 2nd Lieutenant: William J. Clark, Jr.; Captain of First Aid: Daniel E. Giordano; Captain of Fire Police: Alex Dobkowski; President: Peter Cosgrove; Vice-President: Christopher Carroll; Corresponding Secretary: John Wasielewski; Recording Secretary: Timothy Carroll; Financial Secretary: John Weber; Treasurer: Harry Sherman.

BOARD OF TRUSTEES

Douglas A. Diem, Chairman; Clarence Fuelling, Vice-Chairman; Peter J. Tennis; John Olivari; James DiNapoli; Joseph Radigan; William Clark, Sr.; Jose DaRocha, Secretary; George Lee III, Treasurer.

The excellent community service provided by this firehouse and by other volunteer fire departments throughout our Nation is greatly appreciated by all citizens. We owe an enormous debt of gratitude to these courageous men and women who risk their lives daily to protect the lives and property of others.

I would like to take this opportunity to congratulate Mr. Joseph J. Smith and his colleagues at the Albertson Hook and Ladder Engine and Hose Company No. 1 for their many years of fine service and to thank them for a job well done.●

TARIFF REDUCTION FOR POLARIZING MATERIAL

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. SEIBERING. Mr. Speaker, I am today introducing legislation to reduce the tariff on imported polarizing material from the current rate of 15.6 to 5.6 percent.

Under current tariff schedules, the tariff on polarizing material, a key component in the production of liquid crystal displays, is 15.6 percent, while the tariff on finished liquid crystal displays is 5.6 percent. The vast majority of polarizing material used by U.S. manufacturers of liquid crystal displays is imported from the Far East. In fact, I have been able to identify only one domestic manufacturer of polarizing material.

As a consequence, it is difficult for U.S. liquid crystal display manufacturers to compete with foreign manufacturers, who benefit not only from the low tariff on their finished product, but also from the much higher tariff on polarizing material. My bill would reduce the tariff on polarizing material to the same level as the tariff on finished liquid crystal displays, thus making American products more competitive. My bill would also eliminate the tariff on polarizing material from least developed countries, in keeping with the current lower rate on polarizing material from those countries.●

NATIONAL MEAT WEEK

HON. GLENN ENGLISH

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1985

● Mr. ENGLISH. Mr. Speaker, the week of January 27 through February 2, 1985 has been proclaimed "National Meat Week," and I would like to take this opportunity to recognize this vital part of the American diet. Americans have come to take for granted what was to the founding settlers a rare table delight—good meat. Improved American agriculture and marketing technology have enabled Americans to buy virtually any cut of meat at any time of the year. Americans have grown to expect it. I feel it is a fitting commendation to meat producers throughout the production and marketing chain that we recognize their efforts and successes during National Meat Week.

I also feel that it is an important time to renew our commitment not only to the meat industry, but also to the entire agricultural sector which helps to support the meat industry. For example, without a strong feed grains sector, American consumers would face a totally different meat counter. During the next 2 months, farmers will face an extremely critical time during which they must make planting decisions and, even more important, they must acquire adequate credit to afford to plant. I feel it is important that Congress, the administration, urban and rural communities and banks make a strong commitment to help see these farmers through. Without a healthy farming community, the Nation's urban consumer will pay a hefty bill. I feel it is time for all Americans to recognize that the goose that has been laying the golden eggs is very sick. Without immediate help, the goose could die.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, January 31, 1985, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 1

9:00 a.m.
Energy and Natural Resources
To hold hearings on the nomination of Donald P. Hodel, of Virginia, to be Secretary of the Interior.
SD-366

9:30 a.m.
Joint Economic
To hold hearings on the employment/unemployment situation for January.
2203 Rayburn Building

10:00 a.m.
Foreign Relations
To continue hearings to discuss American foreign policy.
SD-419

FEBRUARY 4

9:00 a.m.
Armed Services
To hold hearings on proposed authorizations for fiscal year 1986 for the Department of Defense, focusing on U.S. military posture.
SD-106

Commerce, Science, and Transportation
To hold hearings on S. 259 and S. 287, bills to protect local community interests regarding the relocation of certain professional sports teams.
SR-253

10:00 a.m.
Foreign Relations
To resume hearings to discuss American foreign policy.
SD—419

FEBRUARY 5

9:00 a.m.
Armed Services
To continue hearings on proposed authorizations for fiscal year 1986 for the Department of Defense, focusing on Army programs.
SR-253

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on the activities of the Export-Import Bank of the United States.
SD-538

10:00 a.m.
Budget
To hold hearings in preparation for reporting the first concurrent resolution on the fiscal year 1986 budget.
SD-608

Energy and Natural Resources
Business meeting, to consider the nominations of John S. Herrington, of California, to be Secretary of Energy, and Donald P. Hodel, of Virginia, to be Secretary of the Interior, and other pending calendar business.
SD-366

Foreign Relations
To continue hearings to discuss American foreign policy.
SD-419

Joint Economic
To resume hearings in preparation of its forthcoming annual report.
SD-342

10:30 a.m.
Select on Intelligence
Closed briefing on intelligence matters.
SH-219

2:00 p.m.
Armed Services
Closed briefing on worldwide intelligence matters.
S-407, Capitol

FEBRUARY 6

9:00 a.m.
Armed Services
To continue hearings on proposed authorizations for fiscal year 1986 for the Department of Defense, focusing on Navy and Marine Corps programs.
SR-253

10:00 a.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1986 budget.
SD-608

Environment and Public Works
To hold hearings on the proposed nomination of Lee M. Thomas, of South Carolina, to be Administrator, Environmental Protection Agency.
SD-406

Foreign Relations
To continue hearings to discuss American foreign policy.
SD-419

Joint Economic
To continue hearings in preparation of its forthcoming annual report.
SD-G50

FEBRUARY 7

9:00 a.m.
Agriculture, Nutrition, and Forestry
Foreign Agricultural Policy Subcommittee
To hold hearings to examine the competitive position of U.S. agriculture in the current world environment.
SR-328A

Armed Services
To continue hearings on proposed authorizations for fiscal year 1986 for the Department of Defense, focusing on Air Force programs.
SR-253

10:00 a.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1986 budget.
SD-608

Foreign Relations
To continue hearings to discuss American foreign policy.
SD-419

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to review advertisements promoting the use of alcohol.
SD-430

Joint Economic
To continue hearings in preparation of its forthcoming annual report.
SD-342

FEBRUARY 8

9:00 a.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1986 budget.
SD-608

FEBRUARY 19

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Pennsylvania Avenue Development Corporation, National Capital Planning Commission, and the Advisory Council on Historic Preservation.
SD-138

FEBRUARY 20

9:00 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 259 and S. 287, bills to protect local community interests regarding the relocation of certain professional sports teams.
SR-253

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider the committee budget for 1985, and other pending calendar business.
SD-366

1:00 p.m.
Veterans' Affairs
To hold hearings on proposed budget estimates for fiscal year 1986 for the Veterans' Administration.
SR-418

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on Army civil works programs.
SD-192

FEBRUARY 21

9:00 a.m.
Veterans' Affairs
Business meeting, to consider committee budget for 1985, and committee rules of procedure for the 99th Congress.
SR-418

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Woodrow Wilson International Center for Scholars, Holocaust Memorial Council, and the Federal inspector for the Alaska gas pipeline.
SD-138

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Transportation.
SD-124

FEBRUARY 26

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of the Interior and related agencies.
SD-124

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Disabled American Veterans.
345 Cannon Building

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Research and Special Programs Administration and the Office of the Inspector General, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on the Department of the Interior.
SD-192

Armed Services
To hold closed hearings on the maritime threat to U.S. national interests.
SR-222

FEBRUARY 27

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Paralyzed Veterans of America, Blinded Veterans of America, Purple Heart, and Vietnam Veterans of America.
334 Cannon Building

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1986, focusing on the Department of the Interior.
SD-366

FEBRUARY 28

9:30 a.m.
Energy and Natural Resources
To continue oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1986, focusing on the Department of Energy.
SD-366

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Highway Traffic Safety Administration, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Commission of Fine Arts, and the National Gallery of Art.
SD-138

MARCH 1

9:00 a.m.
Energy and Natural Resources
To continue oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1986, focusing on the Forest Service (Department of Agriculture), U.S. Synthetic Fuels Corporation, and the Federal Energy Regulatory Commission (Department of Energy).
SD-366

MARCH 5

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Highway Administration, Department of Transportation, and the Panama Canal Commission.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the U.S. Fish and Wildlife Service, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on the Tennessee Valley Authority.
SD-192

MARCH 6

9:00 a.m.
Veterans' Affairs
Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1986 for the Veterans' Administration.
SD-418

MARCH 7

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on the Department of Energy.
SD-192

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Strategic Petroleum Reserve, and the Office of Emergency Preparedness.
SD-138

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Transportation Safety Board, and the St. Lawrence Seaway Development Corporation, Department of Transportation.
SD-192

MARCH 12

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of the Veterans of Foreign Wars.
345 Cannon Building

10:30 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Interstate Commerce Commission.
SD-138

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on solar and renewables and energy research.
SD-192

MARCH 14

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Aeronautics and Space Administration.
SD-192

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Smithsonian Institution.
SD-138

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on nuclear fission, commercial waste management, and uranium enrichment.
SD-192

MARCH 19

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the land and water conservation fund.
SD-138

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for the Nuclear Regulatory Commission, and the Federal Energy Regulatory Commission.
SD-192

MARCH 20

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, World War I Veterans, Jewish War Veterans of the U.S.A., and Atomic Veterans.
334 Cannon Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the American Battle Monuments Commission, Army cemeterial expenses, Office of Consumer Affairs (Department of Commerce), and the Consumer Information Center.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (AMTRAK).
SD-138

MARCH 21

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Neighborhood Reinvestment Corporation, National Credit Union Administration, Office of Revenue Sharing and the New York City loan program (Department of the Treasury), Federal Home Loan Bank Board, and the National Institute of Building Sciences.
SD-192

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on atomic energy defense activities.
SD-116

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Washington Metropolitan Area Transit Authority, and the Architectural and Transportation Barriers Compliance Board.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for energy conservation programs.
SD-138

MARCH 26

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Geological Survey, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs, focusing on the Power Marketing Administration.
SD-192

MARCH 27

10:00 a.m.
Appropriations
HUD—Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Selective Service System, Consumer Product Safety Commission, Office of Science and Technology Policy, and the Council on Environmental Quality.
SD-124

MARCH 28

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Veterans' Administration, and the Environmental Protection Agency.
S—126, Capitol

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for

energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Navajo and Hopi Indian Relocation Commission, and the Office of Surface Mining Reclamation and Enforcement, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

APRIL 1

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

APRIL 2

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Park Service, Department of the Interior.
SD-138

Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

APRIL 3

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Aviation Administration, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1986 for energy and water development programs.
SD-192

APRIL 4

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for Conrail, U.S. Railway Association, and the Office of the Secretary of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Bureau of Indian Affairs, Department of the Interior.
SD-138

APRIL 16

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Urban Mass Transportation Administration, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Bureau of Mines, Department of the Interior.
SD-138

APRIL 18

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the U.S. Coast Guard, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the National Endowment for the Humanities, and the National Endowment for the Arts.
SD-138

APRIL 23

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Forest Service, Department of Agriculture.
SD-138

APRIL 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Federal Emergency Management Agency, and the National Science Foundation.
SD-124

APRIL 25

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of Indian Education, and the Institute of Museum Services.
SD-138

APRIL 30

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Office of the Secretary and the Office of the Solicitor, Department of the Interior.
SD-138

MAY 1

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

MAY 2

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Department of Housing and Urban Development and certain independent agencies.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for territo-

rial affairs, Department of the Interior.
SD-138

MAY 7

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Indian Health Service, Department of Health and Human Services.
SD-138

MAY 9

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Bureau of Land Management, Department of the Interior.
SD-138

MAY 14

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Energy Information Administration, and the Economic Regulatory Administration, Department of Energy.
SD-138

MAY 21

10:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for the Minerals Management Service, Department of the Interior.
SD-138

MAY 23

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1986 for Naval Petroleum Reserves, and fossil energy.
SD-138

CANCELLATIONS

JANUARY 31

10:00 a.m.
Joint Economic
To hold hearings in preparation of its forthcoming annual report.
SR-325